

Closed Caption Log, Council Meeting, 2/28/08

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GOOD MORNING. THANK YOU ALL VERY MUCH FOR BEING HERE. I'M AUSTIN MAYOR WILL WYNN, IT'S MY PREVIOUS TO WELCOME THE REVEREND DR. DAVID M. EVANS, DIRECTOR OF SEMINARY RELATIONS, AUSTIN PRESBYTERIAN THEOLOGICAL SEMINARY, TO LEAD US IN OUR INVOCATION, PLEASE RISE. MR. MAYOR, COUNCILMEMBERS, WELCOME TO AUSTIN MR. OTT. A FEW YEARS AGO, WE HAD A -- A PASTOR FROM GHANA ON OUR CAMPUS FOR A YEAR, HE TAUGHT ME A VERY SIMPLE PRAYER WHILE HE WAS THERE, I OFFER IT TO YOU AS MY GIFT THIS MORNING TO ENCOURAGE YOU IN YOUR WORK. LET US PRAY. LORD BE WITH YOU. LORD, GOOD MORNING. WE LOVE YOU. YOU HAVE GREAT THINGS PLANNED FOR TODAY. LET US BE A PART OF THEM. THANK YOU AND AMEN.

Mayor Wynn: THANK YOU, DOCTOR EVANS. THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, IT IS THURSDAY, FEBRUARY 28th, 2008. APPROXIMATELY 10:17 A.M. WE ARE IN THE CITY COUNCIL CHAMBERS OF OUR CITY HALL BUILDING, 301 WEST SECOND STREET. AS THEY POINT -- AS A POINT OF PRIVILEGE, COUNCIL, IF YOU DON'T MIND, OBVIOUSLY THIS IS MARK OTT'S FIRST CITY COUNCIL MEETING UP HERE ON THE DAIS, SO I WOULD LIKE TO WELCOME TO OUR PODIUM A MAYORAL COLLEAGUE, A FRIEND OF MINE, MR. BOBBY HOPEWELL, THE MAYOR OF KALAMAZOO, MICHIGAN. WELCOME. [APPLAUSE] YOU HAVE THREE MINUTES [LAUGHTER]

OKAY. YOU KNOW IN KALAMAZOO WE HAVE FOUR. I THOUGHT THEY DID EVERYTHING BIGGER HERE IF TEXAS [LAUGHTER] BUT GOOD MORNING HONORABLE MAYOR WYNN AND MAYOR PRO TEM DUNKERLY AND COUNCILMEMBERS. IT'S MY PRIVILEGE TO STAND BEFORE YOU AND BRING YOU GREETINGS FROM THE CITY OF KALAMAZOO, MICHIGAN. IF YOU DIDN'T KNOW, WE LOOK LIKE A GLOVE, WE ARE LOCATED ABOUT RIGHT THERE. BETWEEN DETROIT AND CHICAGO. AND I WAS SORT OF WANDERING AROUND YOUR CITY JUST HAPPENED TO BE HERE AND A NUMBER OF YOUR OFFICERS AND FIREFIGHTERS TOOK ME TO DINNER LAST NIGHT. THEY FOUND ME, TOOK ME TO DINNER AND TOOK ME TO BREAKFAST THIS MORNING AND TOLD ME ABOUT A FRIEND OF MINE WHO HAS BEEN APPOINTED AS YOUR CITY MANAGER. AND I THOUGHT, WELL, I SHOULD JUST STOP IN AND SAY HELLO TO HIM SINCE HE DIDN'T KNOW I WAS GOING TO BE HERE. TRULY TELL YOU, ONE, THAT YOU HAVE AN OUTSTANDING CITYCITY. JUST IN THIS ONE EVENING I DETERMINED THAT I MAY BE MOVING

[LAUGHTER] BUT PLEASE DON'T LET THAT GET BACK TO MY COMMUNITY OR I WILL NEVER GET ELECTED TO ANYTHING AGAIN. JUST WONDERFUL. I HOPE TO SPEND MORE TIME THIS WEEKEND EXPLORING AND LEARNING ABOUT YOUR COMMUNITY. TRULY I'M HERE TO RECOGNIZE MY FRIEND, OUR FORMER CITY MANAGER, MARK OTT AND JUST TO SAY HOW PROUD WE ARE TO HAVE HAD YOU AS A MEMBER OF OUR COMMUNITY AND HOW FORTUNATE AND YOU WILL FIND WONDERFUL THAT IT WILL BE TO HAVE HIM AS YOUR CITY MANAGER. HE IS A BRILLIANT PERSON. -- HE WAS COMMITTED TO OUR COMMUNITY AND DEMONSTRATED THAT COMMITMENT EVERY SINGLE DAY. WE ARE A BETTER CITY BECAUSE OF THAT. YOU WILL BE A BETTER CITY WITH HIM AS YOUR CITY MANAGER. SO I'M JUST PROUD AS HECK TO BE HERE AND -- AND IN HONOR OF OUR CITY COUNCIL MEMBERS, I BROUGHT YOU A PIN, I DON'T ANTICIPATE THAT YOU WILL WEAR IT, BUT I BROUGHT YOU A PINTO PIN IN YOUR OFFICE. BUT I ALSO BROUGHT TODAY THE KEY TO OUR CITY TO GIVE TO MY FRIEND SO THAT YOU WILL KNOW THAT YOU ARE ALWAYS WELCOME BACK TO KALAMAZOO, THAT WE MISS YOU AND HONOR YOU TODAY AND ANY TIME YOU WANT TO STOP BY, THIS WILL UNLOCK ALL OF THE DOORS. THANK YOU. CHAP[APPLAUSE]

Mayor Wynn: NOW YOU HAVE THREE MINUTES, MARK.

DID I MAKE THE THREE MINUTES?

WELL, WHAT CAN I SAY? I AM ABSOLUTELY OVERWHELMED. THANK YOU, MAYOR HOPEWELL. YOU PROBABLY DON'T KNOW THIS, WHILE HIS LAST NAME IS HOPEWELL, IN KALAMAZOO HE'S REFERRED TO AS MAYOR HOPEFUL. AND HE IS ALWAYS THAT, VERY HOPEFUL AND VERY OPTIMISTIC AND AN OUTSTANDING LEADER. I MET MAYOR HOPEWELL, I CALL HIM BOBBY -- BY THE WAY, NOT ONLY IS THE MAYOR, NOT ONLY MY FRIEND, BUT THE BEST MAN AT MY WEDDING ACTUALLY. WHEN I MET BOBBY, NOT LONG AFTER I ARRIVED TO KALAMAZOO KALAMAZOO, HE AND I MET TOGETHER, WE CONNECTED RIGHT AWAY. THAT WAS THE CASE BETWEEN BOBBY AND I, WE HAVE BEEN FRIENDS EVER SINCE, PAM AND I AND THE KIDS WE CERTAINLY CONSIDER BOBBY AS A MEMBER OF OUR FAMILY QUITE FRANKLY. HE IS AND ALWAYS WILL BE. SO I AM DEEPLY HONORED AND HUMBLLED WITH YOU BEING HERE TODAY, THANK YOU VERY MUCH, GIVE MY BEST TO ALL OF THE FOLKS BACK IN KALAMAZOO. THANK YOU. CAL.CAL MAKE[APPLAUSE]

Mayor Wynn: THANK YOU, MAYOR. YOU ARE WELCOME TO COME SEE GOOD GOVERNMENT IN ACTION, NOW MAYOR HOPEWELL WAS DRIEPIG THIS MORNING THAT HE HAD TO SIT THROUGH A CITY COUNCIL MEETING RECENTLY THAT LASTED AN HOUR AND 45 MINUTES. [LAUGHTER] WE'RE GOING TO HAVE SEVERAL OF THOSE TODAY. BUT WELCOME, MAYOR HOPEWELL. COUNCIL, WE HAVE A HANDFUL OF CORRECTIONS AND CHANGES TO OUR POSTED AGENDA. THEY ARE ON ITEM NO. 16, WE SHOULD NOTE THAT THE ORIGINAL CONTRACT WAS AWARDED IN COMPLIANCE WITH CHAPTER 2-9 B OF THE CITY CODE REGARDING OUR M.W.B.E. PROGRAM WITH -- WITH 19.4% M.B.E., 15.2% W.B.E. SUBCONSULTANT PARTICIPATION TODAY. WE SHOULD NOTE THAT A HANDFUL OF ITEMS HAVE BEEN WITHDRAWN FROM THE AGENDA, THOSE WOULD BE ITEMS 17, 18, 20, AND 22

HAVE BEEN WITHDRAWN. ITEM 26 AS PART OF THE CONSENT AGENDA WILL BE POSTPONED TO MARCH 20th, 2008. ON ITEM NO. 50, WE SHOULD STRIKE THE PHRASE OPERATING BUDGET OF THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT. ITEMS NUMBER 51 AND 52 HAVE BEEN WITHDRAWN. ON ITEM NO. 61, WE SHOULD NOTE THAT -- THAT I AM AN ADDITIONAL CO-SPONSOR. ITEM 68, 69 AND 73 HAVE BEEN WITHDRAWN. ITEM NO. 73, MS. BROWN, WAS AN EXECUTIVE SESSION ITEM. SINCE THAT'S BEING WITHDRAWN, ITEM 77, WHICH IS THE ACTION ITEM RELATED TO THAT WILL BE ADDED TO THE CONSENT AGENDA. SO ITEM 77 WILL BE ON OUR CONSENT AGENDA THIS MORNING. AND AS A TECH -- TECHNICALLY AS A CHANGE TO ITS POSTING LANGUAGE, WE SHOULD MAKE THE WORD AGREEMENTS BE PLURAL, BECAUSE THERE COULD BE MORE THAN ONE AGREEMENT, AS WELL AS NOTING THAT IT IS REGARDING POTENTIAL SITES ABOUT -- NOT A SINGULAR SITE. ITEM NO. 79 AND 80 WILL BE POSTPONED TO MARCH 6th, 2008. I WILL ALSO NOTE THAT ITEM NO. 60, AN ITEM FROM COUNCIL ESSENTIALLY REGARDING THE PROCESS OF SINGLE MEMBER DISTRICTS, WE WILL TAKE UP THAT ITEM AFTER WE CONDUCT OUR BRIEFING AND PUBLIC HEARING THIS EVENING. ITEM NO. 55 AS PART OF OUR CONSENT AGENDA, I AM TOLD THERE WILL BE A MOTION TO POSTPONE ITEM 55 REGARDING AUSTIN ENERGY'S TRACT OF LAND NEAR WEBBERVILLE. THE MOTION I'M TOLD WILL BE TO POSTPONE THAT ITEM TO MARCH 20th, 2008. SO OUR SCHEDULE THIS MORNING, AS SOON AS WE GET THROUGH OUR CONSENT AGENDA, OUR MORNING BRIEFING WILL BE RECOMMENDATIONS FROM THE RESIDENTIAL DEVELOPMENT REGULATION TASK FORCE, REGARDING OUR McMANSION ORDINANCE. AT NOON WE OF COURSE HAVE OUR GENERAL CITIZENS COMMUNICATIONS. SOMETIME AFTER 2:00 P.M. WE WILL CONDUCT OUR BOND SALES. AND OUR AFTERNOON BRIEFING THIS AFTERNOON WILL BE THE PRESENTATION FROM OUR CHARTER REVISION COMMITTEE. AT 4:00 WE TAKE UP OUR ZONING MATTERS, WE SHOULD NOTE NOW THAT -- THAT ITEM NO. 87 WILL BE CONSIDERED AFTER 6:00 P.M., SO IT WILL BE TAKEN IN CONJUNCTION WITH THE PUBLIC HEARING ITEM 114. THESE RELATE TO THE EAST 12th SPREAD NCCD. 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS. CAROLYN IS OUR MUSICIAN TODAY. AT 6:00 WE WILL START CONDUCTING OUR EVENING PUBLIC HEARINGS. SO FAR, COUNCIL, A HANDFUL OF ITEMS HAVE BEEN PULLED OFF THE CONSENT AGENDA. THOSE ARE -- LET'S SEE ITEM 24 -- 27, 28 AND 32 HAVE BEEN PULLED BY ME. WE HAD A NUMBER OF FOLKS SIGN UP FOR ITEM NO. 55, THAT WOULD HAVE BEEN TAKEN OFF THE CONSENT AGENDA ANYWAY, BUT AGAIN I ANTICIPATE IT BEING POSTPONED TO MARCH 20th. THEN ITEM 60 AND 61 HAVE BEEN PULLED BY COUNCILMEMBER COLE. SO, COUNCIL, ADDITIONAL ITEMS TO BE PULLED OFF OUR CONSENT AGENDA? OR ADDED BACK? HEARING NONE, I WILL -- I WILL PROPOSE THE FOLLOWING CONSENT AGENDA NUMERICALLY. IT WILL BE TO APPROVE ITEM 1 OUR MINUTES FROM OUR LAST MEETING, FROM AUSTIN ENERGY APPROVING ITEMS 2, 3, 4, 5, 6, 7, 8, AND 9. FROM OUR CITY CLERK'S OFFICE, APPROVING ITEM NO. 10. FROM OUR COMMUNICATION AND TECHNOLOGY MANAGEMENT DEPARTMENT APPROVING ITEMS 11, 12 AND 13, FROM OUR HEALTH AND HUMAN SERVICES DEPARTMENT, APPROVING ITEM 14. FROM OUR LAW DEPARTMENT APPROVING ITEMS 15. FROM OUR NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT, APPROVING ITEM 16 PER CHANGES AND CORRECTION. NOTING THAT ITEMS 17 AND 18 HAVE

BEEN WITHDRAWN. FROM OUR POLICE DEPARTMENT APPROVING ITEM 19. FROM OUR PUBLIC WORKS DEPARTMENT, APPROVING -- NOTING, FIRST, THAT ITEM NO. 20 HAS BEEN WITHDRAWN, WE THEN WILL BE APPROVING ITEM 21. YOU WILL NOTE THAT 22 HAS ALSO BEEN WITHDRAWN, WE WILL APPROVE 23, 25, WE WILL POSTPONE ITEM 26 TO MARCH 20th, 2008 PER CHANGES AND CORRECTIONS, WE WILL BE APPROVING ITEM 29, 30, 31, 33, 34, 35, 36, 37, 38, AND 39,. FROM OUR PURCHASING OFFICE WE WILL APPROVE ITEMS 40, 41, 42, 43, 44, 45, 46, 47, 48 AND 49. FROM OUR WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT, WE WILL BE APPROVING ITEM 50 PER CHANGES AND CORRECTION, WE WILL NOTE THAT ITEMS 51 AND 52 HAVE BEEN WITHDRAWN. OUR ITEMS FROM COUNCIL WE'LL START WITH ITEM NO. 53, WHICH ARE OUR BOARD AND ECONOMICS APPOINTMENTS THAT I WILL READ -- BOARDS AND COMMISSIONS APPOINTMENTS THAT I WILL READ INTO THE RECORD. TO OUR ASIAN AMERICAN RESOURCE CENTER ADVISORY BOARD, WALTER CLARK IS COUNCILMEMBER COLE'S NOMINATION. WE WILL BE NOMINATING THE MEMBERS OF OUR LIVE MUSIC TASK FORCE, THOSE WILL BE BRANDON AGMALIAN SORRY IF I'M MISPRONOUNCING THAT, CHARLES NATAL, BOBBY GARZA, JILL GEORGE, ALEX GONZALEZ, SONDRRA KIRK, HAROLD McMILAN, JAMES MOODY, PAUL [INDISCERNIBLE], DON PITTS, ADRIAN CASADA, ROSE REYES, DAVID SELVIN, SCOTT TRAINER AND STEVE WORTHHEIMER, AGAIN THOSE ARE NOMINATIONS TO THE LIVE MUSIC TASK FORCE. TO OUR PARKS AND RECREATION BOARD, JEFF FRANCEL IS MY NOMINATION. TO OUR PLANNING COMMISSION, CLINT SMALL IS MY NOMINATION. THOSE ARE BOARD AND COMMISSIONER APPOINTMENTS ITEM NO. 53 ON THE AGENDA. WE WILL ALSO BE APPROVING ITEM NO. 54. WE WILL BE POSTPONING ITEM 55 TO MARCH 20th, 2008. WE WILL BE APPROVING ITEM 56, 57, 58, 59, 62, 63, WE WILL BE SETTING THE PUBLIC HEARING BY APPROVING ITEMS 64, 65, AND 66. AND AS STATED EARLIER, WE WILL BE APPROVING ITEM 77. I WILL ENTERTAIN A MOTION FOR THAT PROPOSED CONSENT AGENDA. MOTION BY COUNCILMEMBER MCCRACKEN TO APPROVE THE CONSENT AGENDA AS READ. SECONDED BY THE MAYOR PRO TEM. COMMENTS ON THE CONSENT AGENDA? COUNCILMEMBER LEFFINGWELL?

I'M GOING TO LEAVE IT ON CONSENT, BUT I JUST HAVE A COUPLE OF QUESTIONS ABOUT NUMBER 31, IF WE HAVE SOMEONE HERE FROM THE AIRPORT. JIM, THIS IS A PROPOSAL FOR A PARAMETER ROAD, AN ACCESS ROAD.

YES, THIS IS A SERVICE ROAD FOR AIRPORT VEHICLES TO GET ACCESS TO THE SOUTHEAST CORNER OF THE AIRPORT. WHEN THE AIRPORT WAS BUILT, THE PERIMETER WAS BUILT AROUND ALMOST ALL OF THE AIRPORT WITH THE EXCEPTION OF A SECTION IN THE SOUTHEAST CORNER, BURLESON ROAD BACKING UP TO 973. IN THAT GENERAL AREA. ALSO SOUTH OF THE LANDFILLS, IF YOU ARE FAMILIAR WITH THOSE. THAT'S AN AREA THAT IS FAIRLY REMOTE, DENSE WITH WOODED AREAS AND FLOODPLAIN ISSUES. THAT'S WHY IT WASN'T BUILT INITIALLY. SO THAT'S GENERALLY THE GAP THAT WE'RE TRYING TO FILL IN. SO AIRPORT VEHICLES HAVE ACCESS TO THAT AREA.

Leffingwell: SO THIS IS SORT OF A COMBINATION OF ACCESS AND SECURITY PERIMETER

ROAD, TOO, I WOULD ASSUME.

YES.

WELL, YOU KNOW, THERE ARE SOME -- SOME KIND OF NASCIEN UNITS, FBO ON THE EASTSIDE OF THE AIRPORT, I JUST WANT TO ASK IF THERE'S ANY OPPORTUNITY TO REALIZE ECONOMIES OF SCALE BY MAKING THAT ROAD SOMETHING THAT COULD ACCESS THAT PARTICULAR AREA WITHOUT ANY ADVERSE AFFECT ON YOUR STATED PURPOSE FOR THAT ROAD.

NOT REALLY, WE HAVE BEEN TALKING TO SOME FOLKS THAT WANT TO PUT A THIRD FBO ON THE EASTSIDE OF THE AIRPORT, THAT'S ON THE NORTHEAST SIDE OF THE AIRPORT WITH ACCESS FROM 71. THE ROAD WE'RE TALKING ABOUT IS MUCH FURTHER SOUTH SO IT IS -- IT IS NOT IN THE IMMEDIATE PROXIMITY OF WHERE WE'RE TALKING ABOUT THE FBO. THE ROPE THAT THE FBO IS HAVING A DIFFICULTY MOVING FORWARD IT REQUIRES A \$10 MILLION TAXI WAY IN CONNECTION TO THAT LOCATION WHERE THEY WANT TO PUT THE FBO. AND THE REASON THAT WE DON'T HAVE -- PART OF THE REASON WE DON'T HAVE THE \$10 MILLION AVAILABLE IS ALL RUNWAYS TAXI WAYS AND THINGS LIKE THAT ON THE AIRFIELD ARE ELIGIBLE FOR F.A.A. GRANT PARTICIPATION. SO WE DON'T BUILD ANYTHING ON THE AIRFIELD UNLESS WE HAVE A GRANT WHERE THE FEDS WILL PICK UP 80% OF THE COST OF THAT. SO SOMEWHERE DOWN THE ROAD WE WILL BE ABLE TO GET A GRANT FOR THAT TAXI WAY AND THE FEDS WILL PAY 80% FOR THE COST OF THAT. RIGHT NOW, THE FEDS ARE NOT WILLING TO MOVE AHEAD WITH THE GRANT ON THAT PARTICULAR AREA. SO IF WE WANTED TO PROCEED RIGHT NOW WE WOULD HAVE TO COME UP WITH \$10 MILLION OF OUR OWN MONEY TO MOVE FORWARD. AND WE DON'T HAVE THAT AND THE PRIMARY REASON FOR THAT IS WE'LL BE COMING TO YOU WITHIN THE NEXT THREE TO FOUR MONTHS WITH AN EXPANSION RAM FOR THE WHOLE AREA -- PROGRAM FOR THE WHOLE AIRPORT THAT'S GOING TO BE ROUGHLY IN THE \$550 MILLION RANGE. WE'RE GOING TO HAVE TO VALUE ENGINEER THAT PROJECT BECAUSE WE DON'T HAVE ENOUGH MONEY TO MOVE THAT WHOLE PROJECT FORWARD. SO YOU PUT THIS IN -- IN PRIORITY LIST AND THAT -- THAT TAXI WAY ON THE EAST SIDE OF 10 MILLION-DOLLAR DOESN'T MAKE THE TOP PRIORITIES THAT WE WILL BE BRINGING YOU OVERALL FOR WHAT WE'RE GOING TO HAVE TO FIND MONEY TO FUND.

Leffingwell: OKAY. I UNDERSTAND COMPLETELY. I CERTAINLY BUY INTO THE CONCEPT THAT THE FUNDS GENERATED AT THE AIRPORT AND THE GRANT RECEIVED HAVE TO BE SPENT FOR -- TO MAKE THE AIRPORT MORE USABLE AS A COMMERCIAL AIR CARRIER FACILITY. THAT HAS TO BE PRIORITY NUMBER ONE. THANKS FOR THE ANSWER, THANKS.

THANK YOU.

Mayor Wynn: COUNCILMEMBER MARTINEZ.

SORRY, JIM. THAT JUST SPARKED ANOTHER QUESTION BASED ON THE RESPONSE TO LEE'S QUESTIONS. I WANTED TO ASK IF WE'RE GOING TO BUILD THE PERIMETER ROAD, IF WE TOOK THOSE FUNDS FROM THAT ROAD AND BUILT AND EXPANDED THE TAXI WAY, COULD WE NOT USE THE TAXI WAY AS THE ACCESS THAT WOULD BE PROVIDED BY THE PERIMETER ROAD?

NO.

AND SO ARE WE NOT ALLOWED TO USE VEHICLES ON TAXI WAYS, IS THAT --

YOU CAN -- WE CAN PUT VEHICLES ON TAXI WAYS, BUT THIS TAXI WAY WILL NOT BE GOING AS FAR SOUTH AS WHERE THIS PERIMETER ROAD IS GOINGGOING. THIS AREA IS GOING TO BE THROUGH BLOOFLOODPLAIN AREAS, AS COUNCILMEMBER LEFFINGWELL SAID PRIMARILY FOR ACCESS VEHICLES AND SECURITY PURPOSES TO GET BACK INTO AREAS THAT ARE HEAVILY WOODED. A TAXI WAY WOULDN'T GO ANYWHERE'S NEAR THIS PARTICULAR AREA.

Martinez: IF WE HAVE PRIVATE INVESTORS WANTING TO DO PRIVATE DEVELOPMENT, ON THE EASTSIDE OF THE AIRPORT, WHAT WOULD BE THE WAY TO EXPEDITE FINDING THE NECESSARY FUND TO EXPAND THE EAST TAXI WAY.

CONTINUE TO PUT PUSH ON THE FEDERAL GOVERNMENT TO RECOGNIZE THAT TO EXPAND GENERALLY AVIATION FACILITIES IN AUSTIN WE NEED GRANT FUNDS TO SUPPORT GETTING A TAXI WAY TO DO THAT. THE FEDERAL GOVERNMENT LOOKS AT THESE PROJECTS THE SAME WAY THAT WE DO. THE HIGHEST PRIORITY IS TO GET COMMERCIAL AVIATION SUPPORT, THEN IT'S CARGO AND THEN IT'S GENERAL AVIATION. IN THE SCHEME OF THINGS RIGHT NOW, IN THE F.A.A. FUNDING SCHEME, RIGHT NOW WE ARE WORKING WITH F.A.A. TO GET A DISCRETIONARY GRANT FOR ROUGHLY ABOUT \$22 MILLION TO FUND ADDITIONAL RAMP SPACE, WHAT THEY CALL REMAIN OVERNIGHT SPACES WHERE THE AIRLINES PARK THEIR PLANE. SO FROM THE F.A.A.'S PERSPECTIVE THEY LOOK AT US AND SAY WE'RE WORKING WITH YOU TO GIVE YOU \$23 MILLION FOR THIS PRIORITY, DON'T COME TO US AND ASK FOR \$10 MILLION FOR THIS PRIORITY. YOU ARE NOT IN LINE FOR THAT RIGHT NOW. THAT DOESN'T MEAN WE WON'T BE IN LINE FOR IT A COUPLE OF YEARS FROM NOW. BUT RIGHT NOW THEY ARE SAYING WE ARE GETTING MORE THAN OUR FAIR SHARE OF GRANTS THAT ARE IN THE PIPELINE TO HELP THE AIRPORT AIRPORT.

Leffingwell: SO FOLLOW UP ON THAT, THERE MIGHT BE A POSSIBILITY FOR SOME INTERIM BRIDGE FINANCING PLAN PRIVATELY FINANCED WITH REIMBURSEMENT LATER SHOULD A LATER GRANT COME FOR THAT EAST TAXI WAY?

YES. WE'VE TALKED TO THEPROSPECTIVE DEVELOPER ABOUT THOSE TYPE OF OPTIONS. IF THEY SHOW ANY INTEREST WE WILL TAKE THAT TO THE F.A.A. SEE IF THEY ARE WILLING TO

SUPPORT THAT TYPE OF A FINANCING ARRANGEMENT.

Leffingwell: GOOD, LET'S CONTINUE TO TALK ABOUT THAT OPTION. THAT SEEMS TO BE THE MOST VIABLE ONE AT THIS POINT.

Mayor Wynn: AS JIM WALKS AWAY, COUNCILMEMBER MCCRACKEN AND MAYOR PRO TEM I HAD PULLED ITEM 32, WHICH ESSENTIALLY IS ADDITIONAL CONSULTING DOLLARS REGARDING REPAIRING THE PARKING GARAGE AT THE AIRPORT. I WOULD LIKE TO PROPOSE WE PUT THAT BACK ON THE CONSENT AGENDA. I WOULD LIKE TO HAVE A CLOSED SESSION DISCUSSION ABOUT THAT TOPIC, BUT MR. SMITH TELLS US WE CAN GO AHEAD AND PASS IT ON CONSENT AGENDA AND THEN ASK QUESTIONS ABOUT THE NEED FOR THESE DOLLARS. SO IF YOU WILL ACCEPT THAT AS A FRIENDLY AMENDMENT. THANK YOU, SO ITEM 32 WILL BE BACK ON THE CONSENT AGENDA. THANK YOU, JIM. FURTHER COMMENTS? COUNCILMEMBER KIM?

Kim: YES, MAYOR. THERE'S AN ITEM ON TODAY'S AGENDA THAT YOU ARE A CO-SPONSOR AND COUNCILMEMBER MCCRACKEN IS, IT'S FOR TRYING ON CESAR CHAVEZ TO, AS A PILOT, TO CHANGE THE CROSS WALK SIGNALS THERE TO HAVE TIMERS. MANY OF YOU HAVE PROBABLY SEEN IN OTHER CITIES, IT'S A WAY TO INCREASE BREAD STRENGTH SAFETY, AS - - PEDESTRIAN SAFETY, DOING PROJECTS DOWNTOWN AND INCLUDING CESAR CHAVEZ TWO WAY CONVERSION PROJECT, IT'S AN OPPORTUNITY FOR US TO DEMONSTRATE THIS AND SEE IF IT CAN BE APPLIED IN OTHER AREAS OF OUR CITY. SOME INTEREST HAS BEEN EXPRESSED FOR DOING IT IN THE MUELLER REDEVELOPMENT AREA AND ALSO OTHER INTERSECTIONS IN DOWNTOWN. IT SHOWS THAT IT SAVES ENERGY OVER TIME BECAUSE THEY ARE LED, SO THEY PAY FOR THEMSELVES IN ABOUT EIGHT YEARS. THIS IS SOMETHING THAT WILL HELP US IN PRODUCING JUST THE -- THE COMPATIBILITY WE NEED AND MAKING SURE THAT PEOPLE ARE SAFE AS THEY ARE WALKING, ALSO ALLOW THE DRIVERS TO KNOW HOW MUCH TIME THEY HAVE BEFORE ENTERING AN INTERSECTION. THERE'S ANOTHER ITEM HAVING TO DO WITH PET SALES AND I THINK THERE'S SOME PEOPLE WHO ARE SIGNED UP FOR THAT. THIS ITEM HAS TO DO WITH A STORE THAT IS OPENING UP IN SOUTH AUSTIN THAT WILL BE SELLING PUPPIES AND KITTENS THAT WILL BE UNAMOUNT TERRED. THIS -- AN ALTERED THIS INCLUDED A FEE OF \$50 FOR UNALTERED ANIMALS THAT WILL TOWARDS OUR ANIMAL SHELTER OPERATIONS AND ALSO THE THINGS THAT WE NEED TO MAKE SURE THAT WE ARE DOING OUR FREE SPAY NEUTER PROGRAM THROUGHOUT THE CITY. OTHER THINGS THAT ARE ALREADY IN PLACE. SO THERE IS STRONG SUPPORT FOR THIS TO MAKE SURE THAT WE ARE GOING TO BE RESPONSIBLE IN OUR COMMUNITY TO REDUCE THE -- THE EUTHANIZING OF ANIMALS WHO ARE UNWANTED AND CANNOT FIND A HOME AND I BELIEVE THERE ARE SOME PEOPLE THAT WANT TO SPEAK TO THAT.

Mayor Wynn: A NUMBER OF FOLKS SIGNED UP NOT WISHING TO SPEAK BUT IN FAVOR. BUT WE DO HAVE TWO CITIZENS IN OPPOSITION THAT WANT TO SPEAK. WITHOUT OBJECTION, COUNCIL, WE CAN KEEP THIS ON THE CONSENT AGENDA, BUT WOULD LIKE TO WELCOME

OR ASK IF KAREN WILLIS IS HERE? AND/OR JUDITH MALLER. YOU ARE WELCOME TO COME FORWARD AND GIVE US TESTIMONY IF YOU WOULD LIKE, LADIES. WELCOME, YOU WILL HAVE THREE MINUTE.

I'M KAREN WILLIS. I'M OPPOSED TO THIS ITEM. IT WAS RUSHED THROUGH. THE ANIMAL ADVISORY COMMISSION, IT APPEARS TO BE RUSHED THROUGH THE CITY COUNCIL. IT APPARENTLY TARGETS RESPONSIBLE CAT AND DOG BREEDERS WHO BREED PUPPIES AND KITTENS IN THEIR HOME ON A SMALL SCALE FOR THE PUBLIC AND THE DEFINITION OF RETAIL COVERS ANYTHING THAT'S NOT WHOLESALE REALLY. THESE ANIMALS ARE SOLD TO WILLING PET BUYERS AND I THINK IT'S UNFAIR THAT PEOPLE'S PRIVATE LIVES ARE IMPACTED BY LEGISLATION THAT IS APPARENTLY GEARED FOR COMMERCIAL ORGANIZATIONS. AND THIS IS -- THIS IS TOTALLY UNFAIR. IT INVADES OUR PRIVACY AND IT SHOULD NOT BE PASSED. I'M REALLY OPPOSED TO THIS.

Mayor Wynn: THANK YOU, MS. WILLIS. MS. MALLER, YOU, TOO, ARE WELCOME TO GIVE US TESTIMONY TESTIMONY. WELCOME, YOU WILL HAVE THREE MINUTES.

I, TOO, AM OPPOSED. I AM OPPOSED BECAUSE THE LAW AS WRITTEN COVERS SMALL HOBBY BREEDERS AS WELL. THESE ARE PEOPLE WHO BREED SAY KITTENS, MY BREEDER BREEDS ONE OR TWO LITTERS A YEAR, SHE TRADES WITH OTHER BREEDERS AND SHE WILL OCCASIONALLY SELL A PET KITTEN. I MEAN -- I DON'T WANT A LAW TO MAKE HER STOP DOING THAT. AND AS IT'S WRITTEN, I THINK THIS COVERS HER, TOO. I DO APPROVE OF COVERING THE STORES SELLING UNALTERED ANIMALS, I DON'T LIKE THAT. THANK YOU.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: COULD I ASK YOU, YOU ARE A PRIVATE BREEDER?

I BEG YOUR PARDON?

YOU ARE A BREEDER, YOURSELF?

YES.

Leffingwell: WHAT ARE THE PROVISIONS OF THIS THAT YOU FIND ONEROUS?

OKAY. IT COVERS ALL TRADING AND SELLING OF LIVE ANIMALS. BY ANYBODY. NOT JUST STORES. THERE'S NO QUANTITY. IF THERE'S A LITTER, A NUMBER ON THE LITTERS THAT WE COULD HAVE, THAT WOULD BE DIFFERENT. OR IF THEY SHOW DIFFERENTIATED HOBBY BREEDERS FROM COMMERCIAL BREEDERS.

Leffingwell: WELL WHAT RESTRICTIONS DO YOU FIND, DO YOU OBJECT TO?

IT'S AN OVERALL -- AN OVERALL THING THAT THE LAW AS WRITTEN IT COVERS EVERYBODY. THIS IS AWFUL, IT COSTS US MONEY, WE ARE NOT MAKING ANY MONEY OUT OF IT. IT'S ONLY A FEW LITTERS A YEAR, THAT'S IT.

Mayor Wynn: THANK YOU, MS. MALLER. COUNCILMEMBER KIM, WE DO HAVE A COUPLE MORE SPEAKERS.

Kim: I JUST WANT TO CLARIFY THAT WE RAISED THE NUMBER OF PEOPLE, THE LITTER SIZE IN A YEAR TO 15. SO IT EXEMPTS PEOPLE FROM THIS IF THEY BREED MORE THAN -- BREED LESS THAN 15 ANIMALS A YEAR.

Mayor Wynn: LET'S SEE. ALSO, DEL WIN GOSS SIGNED UP WISHING TO SPEAK I THINK IN FAVOR OF THIS ITEM. MR. GOO, YOU'RE WELCOME. IS MARISA KILGORE HERE? SHE WANTED TO DONATE TIME TO YOU. SO YOU COULD USE SIX MINUTES IF YOU NEED IT. BUT WELCOME.

GOOD MORNING, MR. MAYOR, CITY COUNCIL. OUR NEW CITY MANAGER, WELCOME ABOARD. WELCOME TO AUSTIN. HOPE YOU ARE READY FOR THIS. [LAUGHTER] LAST YEAR WE SPENT \$4.2 MILLION DOWN AT TOWN LAKE ANIMAL CENTER TO MANAGE UNWANTED AND HOMELESS PETS. WE SPENT ANOTHER \$370,000 TO REMOVE OVER 190-TONS OF CAT AND DOG CARCASSES FROM TOWN LAKE ANIMAL CENTER AND CARRY THEM OUT TO OUR LANDFILL. THESE ARE -- 60% OF THESE ANIMALS WERE PERFECTLY HEALTHY, THEY DIDN'T BITE, THEY DIDN'T SCRATCH, DIDN'T CHASE THE POSTMAN OR PEE ON THE FURNITURE, THEY JUST HAD NO HOME. THERE IS A MAJOR PET OVERPOPULATION PROBLEM HERE IN AUSTIN AND I BELIEVE TOWN LAKE'S BUDGET FOR THIS YEAR HAS BEEN RAISED TO \$5.1 MILLION, ALMOST A 25% INCREASE IN ONE YEAR JUST TO MANAGE UNWANTED ANIMALS. I'M GOING TO MAKE SOME ENEMIES WITH THE BREEDERS OUT THERE. I REALLY DON'T UNDERSTAND WHY ANYBODY WOULD WANT TO BRING MORE ANIMALS INTO THIS WORLD. 60% OF THE ANIMALS THAT WERE EUTHANIZED WERE HEALTHY, ADOPTABLE ANIMALS. THIS WHOLE THING IS A RAT RACE. THEY MAKE BABIES EIGHT TIMES FASTER THAN WE DO. THERE'S NO WAY WE CAN BREED ENOUGH HUMANS TO ADOPT EVERY CAT AND DOG BORN IN THIS CITY. UNLESS YOU LADIES WANT TO REALLY STEP UP THE PROGRAM WE ARE STUCK ON THAT [LAUGHTER] I PERSONALLY HAVE TRAPPED AND CARRIED NO FOR SPAY AND NEUTER 300 CATS IN EAST AUSTIN. I HAVEN'T MADE A DEPARTMENT IN THE POPULATION OVER THERE. THEIR LITTLE SYSTEMS HAVE BEEN EVOLVING OVER THE YEARS TO PRODUCE MORE CATS AND DOGS, THEY DO IT VERY PROFICIENTLY. I'M HOPING THAT THIS ORDINANCE WILL GO A LONG -- IT'S JUST A TINY STEP IN WHAT WE REALLY NEED. I MEAN RIGHT NOW AUSTIN IS LAGGING THE REST OF THE COUNTRY IN PASSING A COMPREHENSIVE SPAY NEUTER ORDINANCE FOR JUST ABOUT EVERY CAT AND DOG IN AUSTIN. EVEN SAN ANTONIO PASSED ONE LAST MONTH. LOS ANGELES JUST PASSED ONE. KING COUNTY WASHINGTON PASSED ONE IN 1991. THAT'S WHERE SEATTLE IS. THEY HAVE DEMOGRAPHICS THAT ARE VERY SIMILAR TO OUR OWN. AND IN 1991 THEY TOOK IN 22,000 ANIMALS. IN 1994 THEY ADOPTED A HEALTHY ADOPTABLE CRITERIA FOR THEIR ANIMALS. IN 1994 THEY KILLED 3,400 DOGS. BY 2001 THEY KILLED 0. WHY? BECAUSE THEY PASSED A

COMPREHENSIVE SPAY NEUTER ORDINANCE AND TOOK ACTIVE ENFORCEMENT WITH IT. WE WATCH THE NUMBER OF ANIMALS COMING INTO OUR POUND GOING UP FIVE OR 10%, THEY SAW THEIRS DROP BY 50% IN 10 YEARS. EVEN THEIR -- THE ANIMALS THEY SCRAPE UP DEAD OFF THE STREETS DROPPED 80% IN 10 YEARS BECAUSE MOST OF THOSE ANIMALS ARE STRAYS THAT ARE HIT BY CARS. THERE'S NO STATISTICS TO BACK THIS UP, JUDGING BY MY OWN NEPHEWS AND NIECES, 80% LESS STRAY DOGS AND CATS OUT THERE, 80% LESS TEENAGERS HITTING TELEPHONE POLES TRYING TO DODGE THEM. THIS ORDINANCE WOULD ACTUALLY SAVE HUMAN LIVES. HOPE THAT YOU WILL PASS THE ORDINANCE, I HOPE THAT YOU WILL CONSIDER COMPREHENSIVE SPAY NEUTER ORDINANCE. I LIKE TO THINK OF AUSTIN AS BEING THE INTELLECTUAL CAPITAL OF TEXAS. I'M A LITTLE EMBARRASSED THAT SAN ANTONIO HAS LED US IN THEIR FORWARD THINKING ON THIS. HARRIS COUNTY IS CONSIDERING A SPAY NEUTER ORDINANCE. ARLINGTON, EL PASO HAS A PARTIAL ONE. THERE AGAIN THIS IS NOT -- THIS IS JUST A SMALL PATCH ON IT. BUT I'M HOPING THAT IT WILL MAKE A DIFFERENCE. I VICE-PRESIDENT DONE THE MATH, BUT I THINK IT COSTS EVERY CITIZEN IN TRAVIS COUNTY ABOUT 50 BUCKS A YEAR TO MANAGE STRAY CATS AND DOGS, THAT'S MONEY THAT COULD GO INTO FILLING POTHOLES, AFFORDABLE HOUSING, EDUCATION, HEALTH CARE. WHAT WE ARE DOING NOW IS NOT WORKING. I WANT TO THANK COUNCIL WOMAN KIM AND COUNCILMAN MARTINEZ FOR STEPPING UP TO SPONSOR THIS. I THINK IT'S A GREAT THING, I HOPE THAT YOU WILL PASS IT, THANK YOU FOR ETCH.

Mayor Wynn: FOR THE RECORD THIS IS ON THE CONSENT AGENDA TO BE PASSED. IN ADDITION TO THE -- TO THE 3 FOLKS WE HAVE HEARD FROM, THE FOLLOWING FOLKS HAVE SIGNED UP NOT WISHING TO SPEAK BUT IN FAVOR OF THIS ITEM, AMY MILLS, ASHA ATHUNE, CARRIE VOSS, KIMBERLY MARTIN, COURTNEY FISH AND ERIC LATCHEY HAVE SIGNED UP IN FAVOR. WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? I WOULD LIKE TO POINT OUT ITEMS 2, 3, 54 ARE ALL ON OUR CONSENT AGENDA. THOSE REPRESENT TO OUR CONTINUED, ONGOING EFFORT TO -- TO KEEP AUSTIN IN THE REGION OUT OF NON-ATTAINMENT WHEN IT COMES TO THE TECHNICALITIES OF THE FEDERAL CLEAN AIR ACT. I WOULD LIKE TO ASK KATHY STEVENS IF SHE WOULD JUST TO COME UP WITH AND -- AND GIVE A VERY BRIEF SORT OF OVERVIEW ABOUT WHAT THESE THREE ITEMS WILL ACCOMPLISH FOR US. KATHY, WELCOME.

THANK YOU, I'M KATHY STEVENS WITH CAMPO, ALSO CO-CHAIR OF THE REGIONAL STAFF GROUP THAT SUPPORTS THE CLEAN AIR COALITION. AND BASICALLY THESE THREE ITEMS, ITEM 54 IS THE 8 HOUR O3 FLEX PROGRAM THAT IS THE THIRD -- THE REGION'S THIRD VOLUNTARY AIR QUALITY IMPROVEMENT PLAN. IT'S DESIGNED TO MAINTAIN COMPLIANCE WITH CURRENT OZONE STANDARDS THROUGH 2013. WE WILL GO CAN THE POWERPOINT HERE. WITH. IT'S IMPLEMENTED THROUGH A MEMORANDUM OF AGREEMENT BETWEEN LOCAL GOVERNMENTS, TCEQ AND E.P.A. THERE ARE SEVERAL BENEFITS ALLOWS EMISSION REDUCTION MEASURES TO BE TAILORED TO LOCAL CIRCUMSTANCES SO THAT CALDWELL COUNTY DOES NOT HAVE TO DO THE SAME REMISSION STANDARDS THAT SAY THE CITY OF AUSTIN WOULD. ALSO SEVERAL CO-BENEFITS THAT INCLUDE REDUCTIONS IN

GREENHOUSE GASES, TRAFFIC CONGESTION, FOSSIL FUEL USE, WILL ALSO REDUCE THESE. THE BIGGEST THING ABOUT IT IT PROVIDES A FLEXIBILITY AIR QUALITY MANAGEMENT PROCESS. IDENTIFIES SPECIFIC ACTION TRIGGERS, AND OH, BOY I AM REALLY MESSING UP. I'M SORRY. LET ME GET BACK TO WHERE WE WERE. ANYWAY, IT PUTS TOGETHER A PROGRAM OF TRIGGERS AND RESPONSE, THERE'S SPECIFIC TRIGGERS OUTLINED IN THE PROGRAM AND WHEN THOSE TRIGGERS ARE MET THEN THE -- THEN THE SIGNATORIES TO THE MEMORANDUM OF AGREEMENT DETERMINE WHAT MEASURES SHOULD BE IMPLEMENTED. ANOTHER BIG THING ABOUT THIS PROGRAM IS THAT IT CAN BE REVISED AS NEEDED. SO THAT WE CAN RESPOND QUICKLY TO CHANGES IN AIR QUALITY CONDITIONS OR REGULATIONS, THAT MAY BE KEY BECAUSE E.P.A. WILL BE ANNOUNCING A NEW PROPOSED OZONE STANDARD NEXT MONTH. THIS CHART, I'M VERY SORRY, I'M NOT VERY GOOD WITH THIS REMOTE. THIS CHART SHOWS YOU OUR PROGRESS OVER TIME. YOU CAN SEE THE PINK LINE IS THE CURRENT AIR QUALITY OZONE STANDARD. AND OVER TIME SINCE WE HAVE IMPLEMENTED THESE VOLUNTARY PLANS, OUR OZONE LEVELS HAVE FALLEN SIGNIFICANTLY, THE RED DOTTED LINES SHOW THE PROPOSED STANDARD THAT E.P.A. IS CONSIDERING. OUR TECHNICAL EVALUATION SHOWS THAT OVER TIME WE WILL STAY, WE ARE EXPECTED TO STAY PRETTY CLOSE TO THE CURRENT STANDARD AND THAT TRANSPORT EMISSIONS FROM OUTSIDE THE REGION COULD RAISE OUR BACKGROUND OZONE LEVELS SIGNIFICANTLY. THIS IS A SLIDE OF OAK GROVE POWER PLANT EXPECTED TO COME ONLINE IN 2010 AND WOULD RAISE OZONE LEVELS UP TO TWO PARTS PER BILLION IN OUR REGION. THE TRIGGERS THAT WE HAVE TALKED ABOUT, FIRST TRIGGER IS WHEN THE MOA IS SIGNED. THE SECOND WITHIN ONE YEAR OF SIGNING, THE THIRD IS 2010 IN LARGE RESPONSE TO EMISSIONS GROWTH WE EXPECT. THE OTHERS ARE CONTINGENCY TRIGGERS IF A DESIGN VALUE REACHES 84 OR 85 PPDZ PER 85 PARTS PER BILL. THE SIGNATORY WILL IMPLEMENT ADDITIONAL MEASURES. THE RESPONSES ARE THAT WE ESSENTIALLY CONTINUE OUR CURRENT REDUCTION MEASURES AND RETURN ADDITIONAL MEASURES IF NEEDED. THE CONNECTION BETWEEN THE '03 FLEX PROGRAM AND ITEMS 2 AND 3, ITEM 3 IS THE ITEM LIMITS MOA, THIS IS AN MOA BETWEEN AUSTIN AND TCEQ TO ENFORCE THE STATE IDLING RULE. THE IDLING RULE ONLY APPLIES IN AREAS THAT HAVE SIGNED THIS MOA. THE CURRENT MOA EXPIRED AT THE END OF 2007 AND THIS WOULD RENEW THE MOA FOR FIVE YEARS THROUGH 2013. ONE NOTE IS THAT YOU DO NEED TO SUBMIT A DETAILED IMPLEMENTATION PLAN ON HOW YOU WANT TO ENFORCE IT WITHIN 45 DAYS OF THE EFFECTIVE DATE. THERE HAVE BEEN SOME CHANGES TO THE STATE IDLING LIMIT RULE. THAT'S THE REASON FOR THE CHANGES TO YOUR ORDINANCE. IN GENERAL THE IDLING LIMITS APPLY TO VEHICLES THAT WEIGH MORE THAN 14,000 POUNDS. THE -- THE RULE IS EFFECTIVE APRIL THROUGH OCTOBER DURING OZONE SEASON, IDLING IS LIMITED TO FIVE MINUTES WITH SEVERAL EXCEPTIONS, MOST OF THOSE ARE LISTED THERE. CHANGES TO THE RULE PRIMARILY APPLY TO THE SLEEPING BERTH AND IDLING IS ALLOWED FOR DRIVERS USING A SLEEPING BERTH. THE CHANGES TO THE STATE RULE EXTENDED THAT THROUGH 2009, BUT ADDED ADDITIONAL PROHIBITIONS TO WHERE YOU CANNOT IDLE USING YOUR SLEEPING BERTH. IT ADDED IN A RESIDENTIAL AREA, IN A SCHOOL ZONE, WITHIN A THOUSAND FEET OF A HOSPITAL, AT A LOCATION WITHIN TWO

MILES OF A TRUCK FACILITY. I WOULD BE HAPPY TO ANSWER ANYTHING ELSE.

THANK YOU, KATHY. QUESTIONS FOR MS. STEVENS, COUNCIL? WE HAVE A COUPLE OF FOLKS THAT WANTED TO GIVE US TESTIMONY ON THESE COMBINED ITEMS. SCOTT JOHNSON WHO I SAW EARLIER, WELCOME, MR. JOHNSON. YOU WILL HAVE THREE MINUTES TO BE FOLLOWED BY JENNIFER GALE.

GOOD MORNING, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, MR. OTT, WELCOME, CITY STAFF. REGARDING THIS ITEM, IT'S GENERALLY MUCH EASIER TO PROPOSE AN AIR QUALITY IMPROVEMENT STRATEGY THAN IT IS TO IMPLEMENT IT IF IT REQUIRES LAW ENFORCEMENT OR ANOTHER ENTITY TO IMPLEMENT IT SUCH AS THE TCEQ. I DO SUPPORT THIS MEASURE WHOLEHEARTEDLY, WE ARE THE ONLY JURISDICTION THAT PUT THIS MEASURE IN PLACE ORIGINALLY. HOWEVER WE ALL KNOW THAT SOME OF THE ITEMS THAT GO BEFORE LAW ENFORCEMENT, IF IT'S NOT AN URGENT LIFE OR DEATH MATTER, THOSE ITEMS DON'T GET PRIORITIZED. THAT'S THE CASE HERE. THIS PARTICULAR MEASURE HELPS PROTECT THE PUBLIC HEALTH BY REDUCING SMOG FORMING EMISSIONS AS WELL AS PARTICULARATE MATTER EMISSIONS ... WHAT ABOUT THE ENFORCEMENT? DURING -- SINCE APRIL OF 2006, WITHIN TRAVIS COUNTY, THERE'S BEEN ONLY ONE CITATION WRITTEN AND THAT WAS A WARNING. THERE HAVE BEEN SOME WRITTEN OUTSIDE OF TRAVIS COUNTY AND -- IN WILLIAMSON COUNTY, SPECIFICALLY ROUND ROCK. SO WITH THE PLAN FOR ENFORCEMENT THIS IS A PROVISION TO PROVIDE THAT BUT WE NEED TO NOT ONLY REDOUBLE OUR EFFORTS, WE NEED ACTUALLY A PLAN THAT IS ENFORCEABLE THAT'S IMPLEMENTABLE FOR THIS PARTICULAR MEASURE. THE WRITTEN NOTIFICATION THAT'S BEEN SENT TOUT TO TRUCKING COMPANIES -- SENT OUT TO TRUCKING COMPANIES IS IMPORTANT, THAT'S DONE BY THE LOCAL JURISDICTIONS AND THAT'S HELPFUL, BUT THERE ARE CERTAIN AREAS WITHIN THE CITY WHERE IF WE RATCHET UP ENFORCEMENT IN THOSE AREAS WITH COMPANIES THAT DELIVER AND RECEIVE TRUCKS, THAT FALL INTO THIS CLASSIFICATION, WE COULD CERTAINLY GAIN SOME GROUND IN THAT AREA. THE AUSTIN POLICE DEPARTMENT IS NOT ENFORCING THIS. THEY NEED TO DO A BETTER JOB. YOU NEED TO COMPEL THEM TO DO A BETTER JOB OR FIND ANOTHER SOURCE IN WHICH TO ENFORCE THAT PARTICULAR MEASURE OR SUPPLEMENT THE ENFORCEMENT WITH FOLKS WHO CAN GO OUT AND SPOT THESE VEHICLES AND REPORT THEM TO LAW ENFORCEMENT. TRAVIS COUNTY PLAYS A ROLE IN THIS ALSO, THE TRAVIS COUNTY SHERIFF'S OFFICE, I HAVE CONTACTED A.P.D. AND SPOKEN WITH SENIOR LEVEL STAFF ON THIS MATTER. TRYING TO ENCOURAGE THEM TO PROMOTE THIS MEASURE AS WELL AS THE -- AS WELL AS THE EXCESSIVE SMOKE FROM THE EXHAUST STATUTE WHICH HAS BEEN ON THE BOOKS FOR MORE THAN 15 YEARS. THEY INDICATED THAT'S IN THE CADET AND IN SERVICE TRAINING CURRICULUM. IT MAY NOT BE EMPHASIZED ENOUGH. THESE MEASURES ARE VERY IMPORTANT FOR PROTECTING PUBLIC HEALTH. I WILL BE HAPPY TO ANSWER ANY QUESTIONS.

THANK YOU, MR. JOHNSON. QUESTIONS, COUNCIL?

JENNIFER GALE.

IT'S GOOD TO SEE OUR BRAND NEW CITY MANAGER HERE. MAY THE FORCE BE WITH YOU. I WISH YOU GREAT LUCK. IF YOU EVER NEED MY HELP, I'M THERE FOR YOU. HI AUSTIN, AUSTIN CITY COUNCIL. MAYOR WYNN, ITEM 15, ON ITEM 15 WE HAVE A QUARTER MILLION FOR FIRE DEPARTMENT AND E.M.S. WE ARE SPENDING ANOTHER QUARTER OF A MILLION WHEN THEY ARE GOING TO TAKE AN ARM AND A LEG, THEY HAVE THE FINEST PAID PUBLIC SAFETY FORCE. THIS ISN'T INCLUDING OUR 911 CREW. SO WE NEED TO MAKE SURE THAT THEY ARE WELL PAID AS WELL. BUT I THINK A QUARTER OF A MILLION DOLLAR FOR THESE LAWYERS IS FAR TOO MUCH MONEY. WE DO NEED TO SPAY AND NEUTER OUR PETS. JUST NOT [INDISCERNIBLE] WE NEED TO TAKE CARE OF OUR PETS AND TREAT THEM WITH RESPECT. WE -- WE DON'T KNOW WHO WE ARE PUTTING ON OUR BOARDS AND COMMISSIONS. I DON'T SEE THE BACKUP MATERIAL ON YOUR BOARDS AND COMMISSIONS ON NUMBER 53. YET THESE ARE THE VERY PEOPLE THAT SERVE ON OUR -- SERVE YOU, SERVE US ON OUR CITY COUNCIL. AND -- AND SINGLE MEMBER DISTRICTS, EVERY TIME THE CITY COUNCIL BRINGS THIS ITEM UP, ITEM 60, BEFORE THE VOTERS, IT IS DONE IN A RIDICULOUS MANNER. IF YOU LOOK ON THE RESOLUTION HERE TODAY, IT SAYS NO PROPOSED MAP HAS BEEN SUBMITTED TO THE JUSTICE DEPARTMENT. WELL, YOU'VE GOT TO HAVE THAT BYLAW. WE SHOULD HAVE DONE THIS MONTHS AGO. MORE IMPORTANTLY, OUR AMERICAN AND AFRICAN-AMERICAN POPULATION IS DECREASING, WHY SHOULD IT BE DECREASING IN THE CITY OF AUSTIN IF WE ARE THIS DIVERSE CITY. IF THEY HAD THE REPRESENTATION, WE WOULD PERHAPS BRING MORE AMERICANS OF AFRICAN HERITAGE INTO THE CITY WHERE THEY COULD EARN A GOOD LIVING. IT'S SETTING -- THEN YOUR NEXT WHEREAS IS SETTING IT UP FOR FAILURE. YOU ARE CREATING AN ORDINANCE, YOU WANT TO BRING A CHARTER AMENDMENT FOR THE PEOPLE OF AUSTIN WHERE YOU ARE SAYING IT'S NO GOOD. I WOULD -- I AM SUGGESTING THAT THIS APPROACH, WHICH HAS BEEN DONE EVERY SINGLE TIME, IT'S BEEN WHAT AT LEAST FIVE TIMES BEFORE THE PEOPLE OF AUSTIN OR THE LAST FEW DECADES, THIS IS A WASTE OF TIME. I WANT PEOPLE ON OUR AUSTIN CITY COUNCIL THAT ARE ON OUR BOARDS AND COMMISSIONS SO THAT THE CITY COUNCIL KNOWS WHAT'S GOING ON. SO THAT THOSE MEMBERS OF THE BOARDS AND COMMISSIONS THAT SIT ON OUR CITY COUNCIL COME BEFORE THIS BODY AND ADDRESS ISSUES AS IF THEY KNOW WHAT'S GOING ON. YOU HAVE NO IDEA WHAT'S GOING ON IN THOSE BOARDS AND COMMISSIONS. I AM MAKING A RECOMMENDATION THAT WE HAVE AT LEAST 30 MEMBERS ON OUR -- ON OUR AUSTIN CITY COUNCIL. THANK YOU.

THANK YOU, JENNIFER. LET'S SEE, ALSO COUNCIL I BELIEVE WE HAD A CITIZEN SIGNED UP ON ITEM NO. 30, WHICH IS REGARDING OUR BICYCLE COMMUTING PROJECT. IS GREG OLSON STILL HERE? GREG, WOULD YOU LIKE TO GIVE US SOME TESTIMONY? WELCOME.

GOOD MORNING, I APPRECIATE YOUR TIME. ON THIS -- ON NUMBER 30, CAN YOU TELL ME EXACTLY WHAT THAT 300 [INDISCERNIBLE] DOLLARS IS GOING TO BE GOING TOWARDS. THE REASON I'M ASKING IS, I'M AN AVID BIKE RIDER HERE IN TOWN. I LIVE PRETTY CLOSE TO EVERYTHING, TRAVIS HEIGHTS, ABLE TO BIKE TO ACL AND EVERYTHING LIKE THAT. I

NOTICED WHEN I WAS GOING TO WORK, THAT ON RED RIVER, THERE WAS NO LONGER A BIKE LANE. EXCUSE ME, I KIND OF FIND THAT IRONIC CONSIDERING ALL OF THE ROAD WORK, A HOSPITAL, NOW A BIKE LANE. NOW EXCUSE ME THEN ON SOUTH CONGRESS AS WELL, THERE'S A BIKE LANE THAT EXTENDS ALL THE WAY TO ABOUT ELIZABETH STREET, WHICH IS JUST BY THE AUSTIN SCHOOL FOR THE DEAF. BUT THEN 0 ALL THE WAY UP, YOU KNOW, TO LIVE OAK OR TO [INDISCERNIBLE] EXIT OFF OF. ANNIE. I WAS JUST CURIOUS, WHERE THAT MONEY IS GOING TO GO TOWARDS, ALL OF THAT, APPRECIATE IT.

Mayor Wynn: THANK YOU, MR. OLSON. PERHAPS IF THERE'S SOMEBODY FROM PUBLIC WORKS WHO MIGHT COULD SPEAK BRIEFLY. MY UNDERSTANDING THIS IS PART OF OUR T 21 FEDERAL FUND OPPORTUNITY.

GOOD MORNING, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. CITY MANAGER. I'M JOEL RAMOS, ACTING DIRECTOR FOR THE PUBLIC WORKS DEPARTMENT. THIS ITEM IS TO MODIFY AN INTERLOCAL AGREEMENT FOR OUR MONEYS THAT WE RECEIVE FOR SHOWERS IN PUBLIC AND PRIVATE FACILITIES. WE ARE AMENDING THE AGREEMENT TO INCLUDE ONLY PUBLIC FACILITIES OR CITY OWNED BUILDINGS. IT WAS INFEASIBLE FOR US TO TRY TO INCLUDE THESE FACILITIES IN PRIVATE BUILDINGS, THAT'S ALL THIS COVERS IS JUST AN AMENDMENT TO THAT INTERLOCAL.

SO IS IT -- DOES IT INCREASE OR INCREASE THE LIKELIHOOD OF THE FUNDING ITSELF?

THE FUNDING IS IN PLACE. WE ARE NOT ABLE TO -- \$371,000, WE ARE NOT ABLE TO STRETCH THOSE FUNDS WITH PRIVATE BUILDING OWNERS. IT JUST BECAME UNFEASIBLE, SO WE ARE SCALING IT BACK TO INCLUDE ONLY PUBLIC BUILDINGS.

Mayor Wynn: AND DO WE HAVE A -- YOU KNOW, A LIST OF -- OF PRIORITIZED PUBLIC BUILDINGS THAT WE ARE ATTEMPTING TO SPEND THE DOLLARS IN.

WE DON'T HAVE A LIST, PER SE. WE HAVE AN IDEA OF WHICH BUILDINGS WOULD LEND THEMSELVES EASILY FOR THESE TYPE OF FACILITIES TO BE RETROFITTED INTO THEM. SO THE -- THAT'S AS FAR AS WE HAVE GOTTEN, WE DON'T HAVE A LIST PER SE THAT SAYS THESE ARE THE FACILITIES THAT WE INTEND TO USE THEM ALL. WE HAVE TO ASSESS EVERY BUILDING TO GET A BETTER IDEA OF HOW MUCH THEY WILL COST, HOW FAR WE WILL STRETCH THE FUNDS.

THIS ITEM TECHNICALLY ISN'T DIRECTING US THE SPECIFIC USE OF THESE FUNDS. THAT IS WE ARE NOT CHOOSING WHICH BUILDING. WE ARE NOT -- WE ARE NOT EVEN --

THAT IS CORRECT. THAT IS CORRECT. IT'S JUST A MODIFICATION -- [MULTIPLE VOICES]

AMENDING THE LANGUAGE OF THE INTERLOCAL.

YES.

OKAY. THANK YOU.

Mayor Wynn: COUNCILMEMBER ALVAREZ, I THINK THAT YOU -- COUNCILMEMBER MARTINEZ, I THINK THAT YOU HAD A QUESTION OR TWO. EARLIER THIS WEEK -- NOT FOR YOU MR. RAMOS. I ASKED A QUESTION REGARDING ITEM NO. 15. WE ARE APPROVING AN AGREEMENT WITH A LAW FIRM THAT IS GOING TO HANDLE OUR NEGOTIATIONS THIS -- GOING TO HANDLE OUR NEGOTIATIONS THIS YEAR. IT'S A LARGE SUM, I'M SURE IT'S WORTHY OF THE WORK THAT'S GOING TO TAKE PLACE. BUT I WAS CURIOUS, NOTHING IN THE BACKUP, I WAS CURIOUS AS TO HOW WE CAME TO THAT NUMBER AND WHAT ARE THE TERMS OF THIS AGREEMENT? DO THEY NEGOTIATE FOR US? THROUGH -- THROUGH IMPASSE? DO THEY GET THE SAME AMOUNT IF WE ARE AND THE NEGOTIATE WITH THEM AND COMPLETE THESE CONTRACTS IN A SHORT AMOUNT OF TIME? THERE'S JUST NOTHING IN THE BACKUP TO DESCRIBE HOW THIS -- HOW WE REACH THIS NUMBER AND WHAT THE TERMS ARE OF THIS AGREEMENT.

I'M ANITA STEPHENSON, THE ASSISTANT CITY ATTORNEY IN THE LAW DEPARTMENT. THE ESTIMATE THAT'S IN THE CONTRACT AMOUNT TODAY IS BASED ON THE BUDGET THAT WAS SUBMITTED BY THE LAW FIRM INDICATING THAT HOURLY RATES THAT THEY WOULD CHARGE US FOR EACH OF THE THREE ATTORNEYS WHO WOULD BE WORKING ON DIFFERENT ASPECTS OF THIS. IN THIS CASE MR. DENTON WILL NOT BE DOING ALL OF THE WORK HIMSELF, WE ARE USING OTHER ATTORNEYS WHOSE HOURLY RATES ARE LOWER. WE WILL ONLY BE PAYING THE HOURLY RATES FOR THE TIME ACTUALLY WORKED. IT NOT A FLAT FEE. IT'S BASED ON HOURLY WORK. THIS ESTIMATE CARRIES US WE HOPE THROUGH THE END OF JULY. WE ARE HOPING THAT WE WILL BE IF NOT COMPLETE AT LEAST HAVE MADE SUBSTANTIAL PROGRESS ON CLOSING OUT ALL FOUR SETS OF NEGOTIATIONS BY THEN.

BUT SO IS THERE A CONTRACT THAT WE ARE SIGNING WITH MR. DENTON'S LAW FIRM.

THAT'S WHAT WE ARE ASKING YOU TO AUTHORIZE TODAY. WE DISRUNT IT YET.

-- WE HAVEN'T DONE IT YET.

WHY CAN'T WE SEE THE TERMS OF THE CONTRACT.

IT'S THE STANDARD ENGAGEMENT LETTER THAT THE LAW DEPARTMENT USUALLY DOES. SETS OUT THE DUTIES THAT WE ARE ASKING HIM TO PROVIDE. WE WILL BE GLAD TO PROVIDE YOU A COPY OF THAT.

THANKS.

MAYOR, I WOULD LIKE TO REQUEST THAT WE JUST PULL THIS ITEM UNTIL I CAN GET A COPY OF IT, LOOK AT IT, TAKE ACTION ON IT LATER.

Mayor Wynn: SKID MARK AND MAYOR PROMEMBERCOUNCILMEMBER MCCRACKEN AND MAYOR PRO TEM WILL YOU ACCEPT TAKING 15 OFF THE CONSENT AGENDA.

YES.

PERHAPS JUST FOR A PORTION OF THE DAY.

Martinez: FIVE, 10 MINUTES, WHATEVER IT TAKES.

Mayor Wynn: MS. GENTRY, ITEM 15 WILL BE REMOVED FROM THE CONSENT AGENDA. THANK YOU. AGAIN, WE HAVE A MOTION AND A SECOND ON THE TABLE APPROVING AMENDED CONSENT AGENDA, FURTHER COMMENTS?

MAYOR?

YES, COUNCILMEMBER COLE?

Cole: I WOULD LIKE TO POINT TO ITEM NO. 59 EARLIER, WE HAD SAM ARCHER WHO WAS HERE WHO IS VICE CHAIR OF THE WALLER CREEK ADVISORY COMMITTEE AND THEY HAVE MADE THEIR FIRST COMPLETE RECOMMENDATION TO US ABOUT THE DESIGN OF THE TUNNEL AND WE ARE PASSING THAT TODAY.

Mayor Wynn: THANK YOU. MOTION AND A SECOND ON THE TABLE, FURTHER COMMENTS? COUNCILMEMBER MCCRACKEN?

McCracken: ON ITEM NO. 16, TO EXPAND THE GEOGRAPHIC BOUNDARIES OF TRANSIT PLANNING WITH ROMA. THIS IS THROUGH THE DOWNTOWN PLAN BUT THE CAMPO TRANSIT COMMITTEE HAS ASKED THE CITY OF AUSTIN TO PROVIDE ITS LOCALLY RECOMMENDED TRANSIT PLAN. THIS -- THIS -- WHAT WE HAVE BEEN THINKING OF FROM MEMBERS OF THE COMMITTEE, FROM PUBLIC TESTIMONY IS A STRONG INTEREST IN A DEDICATED LANE SYSTEM WHICH WOULD BE A DIFFERENCE FROM CAPITAL METRO'S PREVIOUS RECOMMENDATION OF AN IN TRAFFIC SYSTEM, AT A SPEED A LITTLE BIT SLOWER THAN A BUS ACCORDING TO CAPITAL METRO. ALSO THE -- WHILE THE SCOPE PROPERLY SPEAKS OF EXPANDING THE BOUNDARIES LOOKING AT DIFFERENT ALTERNATIVES, THIS IS VIEWED AS A ONE LINE PROPOSAL. WE'RE NOT -- AT LEAST MY EXPECTATION IS THAT THE TRANSIT PLANNING, WE ARE LOOKING AT WILL ENVISION A SINGLE LINE RUNNING FROM THE DESTINATION TO MUELLER PAST THE -- THE CAPITAL COMPLEX THROUGH THE UNIVERSITY OF TEXAS, THROUGH DOWNTOWN, THE STATE CAPITAL AREA, OUT TO THE AIRPORT, MOST LIKELY THROUGH EAST RIVERSIDE, POSSIBLY CONNECTING TO ZILKER AND THEN LOOKING TO ACTUALLY PUSH THE COMMUTER RAIL TERMINUS TO 7th AND PLEASANT VALLEY TO THE

CONVENTION CENTER. IT'S WHERE THE ELGIN LINE INTERSECTS WITH THE CAPITAL METRO RED LINE. THERE IS STRONG SUPPORT WITHIN THE SALT I DON'T CAG AS WELL AS THE DOWNTOWN ALLIANCE, FOR EXAMINING THIS AS AN ALTERNATIVE TERMINUS COMPARED TO THE CURRENT TERMINUS AT THE CONVENTION CENTER, THIS IS BY THE WAY NO WAY INTENDED TO DELAY THE OPENING OF THE CAPITAL METRO RED LINE, INCLUDING WITH A STOP AT THE CONVENTION CENTER. FINALLY, WHAT CAPITAL METRO HAS INFORMED US IS IF WE DO LOOK -- AS WE LOOK AT THE ALIGNMENT FOR LIGHT RAIL, ULTRALITE RAIL, STREET CAR TYPE OF LINE THAT MIGHT CONNECT MUELLER AND INTO DOWNTOWN ON TO THE AIRPORT, THE QUESTION IS HOW WOULD IT INTERSECT WITH THE REGIONAL TRANSPORTATION SYSTEM. SPECIFICALLY AN INTERSECTION OF A LIGHT RAIL LINE COMING FROM THE CAMPUS TO CONNECT WITH THE RED LINE. CAPITAL METRO'S PLAN DID NOT HAVE THE STREET CAR INTERSECTING WITH THE CAPITAL METRO RED LINE. AS WE HAVE SCBLOTTED ALTERNATIVES OF THE CAPITAL METRO RED LINE AND A LIGHT RAIL SYSTEM WOULD INTERSECT. THERE ARE TWO OPTIONS, ONE IS FOR THE LIGHT RAIL, ULTRALITE RAIL OR BUS OR WHATEVER IT IS, TO CONNECT DOWN MLK. THE SECOND IS TO GO THROUGH CAMPUS AND DOWN MANOR. CAPITAL METRO INFORMS US THAT WHILE THEY'RE NOT WILD ABOUT THIS, IT IS POSSIBLE TO HAVE THE RED LINE STOP AT BOTH MANOR AND MLK. SO THAT IF IT -- FROM A TECHNICAL FEASIBILITY STANDPOINT IN ROMA WORKING OUTREACH TO THE COMMUNITY TECHNICAL MODELING, IT IS POSSIBLE FOR -- FOR A LIGHT RAIL TYPE OF SYSTEM TO GO THROUGH CAMPUS, GO DOWN MANOR ROAD AND CAPITAL METRO COULD ALTER ITS STOPS TO HAVE ONE STOP AT MANOR AND A SECOND STOP AT MLK. THE SECOND OPTION IS INSTEAD OF GOING THROUGH CAMPUS, IS TO INSTEAD ONCE IT LEAVES DOWNTOWN NOT TO GO THROUGH CAMPUS, BUT INSTEAD TO GO DOWN MLK. THE -- THEY ARE BOTH ABOUT THE SAME AMOUNT OF GEOGRAPHIC DISTANCE. THE GOING DOWN MLK WOULD SYNC IT UP WITH AN EXISTING CAPITAL METRO RED LINE AND THUS ENSURE INTEGRATION INTO THEIR REGIONAL TRANSPORTATION NETWORK. HOWEVER, IT WOULD REQUIRE SOME SIGNIFICANT MODIFICATIONS TO THE BRIDGE OVER INTERSTATE 35 AND IT'S EXPENSIVE. THE SECOND OPTION OF GOING THROUGH EXAM PUS AND DOWN DEAN KEETON AND MANOR ROAD WOULD NOT REQUIRE GOING OVER A BRIDGE BECAUSE AT THAT POINT DEAN KEETON AND MANOR GOES UNDER INTERSTATE 35. SO THERE'S A LOT LESS COST IN HANDLING THAT FROM A TECHNICAL STANDPOINT. BUT THESE ARE ITEMS THAT HAVE COME UP THAT -- THAT THEY COME FROM A VARIETY OF SOURCES. I JUST WANT TO MAKE SURE SINCE OUR TEAM IS HERE TODAY, JANA, GEORGE ADDRESS DAM SON, JIM ROBINSON WITH THE CITY'S NEIGHBORHOOD HOUSING PLANNING DEPARTMENT THAT WE HAD ALL OF THIS INFORMATION AVAILABLE TO YOU TODAY AS WE EXPAND THE SCOPE.

Mayor Wynn: THANK YOU. COUNCILMEMBER LEFFINGWELL?

Leffingwell: YEAH, I WOULD JUST LIKE TO POINT OUT THAT IT'S MIDDING THAT THE FUND -- MY UNDERSTANDING THAT THE FUNDING FROM THIS IS BEING TAKEN FROM CURRENTLY ALLOCATED PHASE 2 STUDY PLANS AND THAT THOSE FUNDS WOULD HAVE TO BE MADE UP IN A FUTURE BUDGET CYCLE. SO THIS IS NOT NEW MONEY. IT'S MONEY THAT'S ALREADY BEEN ALLOCATED. AND I WOULD ALSO LIKE TO POINT OUT, TALKING ABOUT POSSIBLE

ROUTINGS FOR LIGHT RAIL AND I SAID WE ALREADY HAVE A RAILROAD IN ZILKER PARK.
[LAUGHTER]

Mayor Wynn: IT QUALIFIES AS LIGHT, CERTAINLY. [LAUGHTER]

VERY LIGHT RAIL. MOTION AND A SECOND ON THE TABLE REGARDING OUR CONSENT AGENDA. LASTLY, I WILL CLOSE PERHAPS THEN BY ALSO JUST COMMENDING OUR TEAM AT AUSTIN ENERGY. WE CONTINUE TO -- ON MANY FRONTS TO LEAD THE NATION WHEN IT COMES TO THE WHOLE CONCEPT AND HOW WE GO ABOUT IMPROVING ENERGY EFFICIENCY HERE IN OUR METRO ECONOMY. THE CLEANEST -- WE TALK ABOUT CLEAN ENERGY, BUT OF COURSE THE CLEANEST ENERGY ONE PRODUCES IS THE ENERGY THAT ONE DOESN'T HAVE TO PRODUCE TO BEGIN WITH. ITEMS 4, 6 -- 4, 5, 6, 7 ARE CONTINUATION OF OUR SOLAR PANEL REBATE PROGRAM. WHETHER 330 SOME ODD THOUSAND DOLLARS I BELIEVE IN FOUR INSTALLMENTS WHERE WE ARE PARTIALLY SUBSIDIZING THE COST OF THIS -- OF THESE PRIVATE INSTALLATION SOLAR PANELS. THEN ITEM NO. 42 IS TO CONTINUE TO WORK WITH OUR PARTNER VELOCITY CREDIT UNION UPWARDS OF THREE QUARTERS OF A MILLION AVAILABLE FOR LOW TO NO INTEREST LOANS FOR FOLKS WHO THEN WILL -- ON THE RESIDENTIAL SIDE WILL GO THROUGH OUR ENERGY AUDIT. IF THEY AGREE TO MAKE ALL OF THE -- ADJUSTMENTS THAT WE PROPOSE THEY CAN QUALIFY FOR LOW AND NO INTEREST LOANS DRAMATICALLY LOWERING FOLKS MONTHLY ELECTRIC BILL AND THEN PUTTING LESS PRESSURE ON OUR UTILITY TO CONTINUE TO GENERATE MORE AND MORE POWER AS WE CONTINUE TO GROW AS A POPULATION AND ECONOMY. SO CUED KUDOS AGAIN TO A GREAT TEAM AT AUSTIN ENERGY. COUNCIL, AGAIN A MOTION AND A SECOND ON THE TABLE TO APPROVE THE AMENDED CONSENT AGENDA. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: EARLIER I HAD PULLED ITEM 24, WHICH IS TECHNICALLY A LEASE EXTENSION FOR PARKING FOR EMPLOYEES AT OUR CENTRAL LIBRARY AND THE AUSTIN HISTORY CENTER. I'M NOT SURE IF WE HAVE A LIBRARY DEPARTMENT OFFICIAL HANDY OR NOT. LOOKING AT THE BACKUP, IT SEEMS THAT THIS IS AN AT OR MAYBE EVEN BELOW MARKET RATE, SO I APPLAUD PURCHASING OR WHOMEVER WHO HAS BROUGHT THIS ITEM TO US. THE QUESTION AND THE CONCEPT THAT I WOULD LIKE TO JUST ADDRESS BRIEFLY IS THE EFFICACY OF SORT OF THE POLICIES WE MIGHT HAVE IN PLACE OR THE LACK OF POLICIES PERHAPS WHEN IT COMES TO HAVING MORE OF US, MORE OF US AS CITY EMPLOYEES, DOING SOMETHING OTHER THAN DRIVING ALONE IN THEIR CAR INTO DOWNTOWN, PARKING ALL DAY AND DRIVING ALONE OUT AS THE TRANSIT WORKING GROUP THAT COUNCILMEMBER MCCRACKEN ALLUDED TO EARLIER, WE'RE TALKING ABOUT TRYING TO HAVE EFFICIENT AND EFFECTIVE PASSENGER RAIL AND MASS TRANSIT IN DOWNTOWN. AN

OBVIOUS COMPLIMENT TO THAT IS HOW WE GET MORE PEOPLE TO DO SOMETHING OTHER THAN DRIVE ALONE IN THEIR CARS. AND SO WE'RE ALL PART OF THE PROBLEM. IT SEEMS TO ME, THOUGH, IF -- AND THE STATE IS GOING THROUGH THE SAME DISCUSSION AND DYNAMICS AS WELL. IF WE HAVE FREE PARKING AVAILABLE TO ALL OF US, THERE'S ESSENTIALLY NO INCENTIVE FOR ANY OF TO US DO SOMETHING OTHER THAN DRIVE ALONE IN OUR CAR AND UTILIZE THAT VALUE THAT WE OFFER, THAT IS, A FREE PARKING SPACE. SO I'M NOT IN OPEN STOITION THIS ITEM, BUT -- OPPOSITION TO THIS ITEM, BUT I DO WANT TO ASK THE QUESTION, AND IF YOU COULD HELP REMIND US WHAT POLICIES WE HAVE IN PLACE TO TRY TO HAVE INCENTIVES FOR FOLKS TO DO SOMETHING OTHER THAN DRIVE ALONE IN THEIR CAR INTO DOWNTOWN AND HOW WE CAN START THINKING ABOUT THAT AS WE CONTINUE TO HAVE THESE CONTINUED PARKING LEASES EXPIRE AND BE RENEWED.

I HAVE A FEW DETAILS ON THIS REQUEST. IT IS FOR 125 SPACES FOR THE LIBRARY DEPARTMENT. I HAVE RECEIVED INFORMATION AT APPROXIMATELY 88% OF THEIR EMPLOYEES USE THE PARKING SPACES WITH THE REMAINDER USING SOME OTHER FORM OF TRANSPORTATION. I THINK THIS IS MORE OF A GLOBAL ISSUE, I KNOW OUR FOLKS IN PUBLIC WORKS, WE ENCOURAGE THEM AND WE HAVE QUITE A FEW FOLKS THAT RIDE BICYCLES OR TAKE CAP METRO, AND I THINK IT'S SORT OF A SYSTEMIC ISSUE THAT WE NEED TO WORK ON AT LEAST WITH OUR WORKFORCE THAT WE ENCOURAGE THEM TO USE MASS TRANSIT OR WALKING OR SOME OTHER FORM OF TRANSPORTATION.

JUST TO ADD QUICKLY TO THE SPECIFIC QUESTION, CITYWIDE WE DO HAVE DUBS WHERE IT'S FEASIBLE FOR EMPLOYEES TO TELEWORK, TO PUT BASICALLY NOT REQUIRE THEM TO COME INTO THE OFFICE, SO THAT CONTRIBUTES TO LESS TRAFFIC. WE ALSO AGAIN HAVE A FLEX SCHEDULE SO THERE ARE POSSIBILITIES WHERE EMPLOYEES SHOULD WORK A SHIFT THAT WOULD ALSO MAYBE MINIMIZE THE TIMES THAT THEY HAVE TO COME IN AND OUT OF THE DOWNTOWN AREA AND TO THE PLACE OF BUSINESS, AND FINALLY, AND I BELIEVE THIS IS STILL IN PLACE, THE CITY, CITY COUNCIL HAS APPROVED PAYMENT FOR BUS PASSES FOR EMPLOYEES THAT ARE INTERESTED IN RIDING CAP METRO. THOSE ARE THREE KEY INITIATIVES THAT WE HAVE TO HELP TO PROVIDE FURTHER INCENTIVES.

Mayor Wynn: I'M GLAD WE HAVE THOSE. IT SEEMS TO ME AN OPPORTUNITY HERE AND I GUESS I'M SPEAKING TO REALLY MYSELF AND MY COUNCIL COLLEAGUES FROM A POLICY STANDPOINT, BUT THERE MAY BE SOME PURCHASING OR HR DYNAMICS I'M NOT AWARE OF, BUT IF WE ESSENTIAL WHRI THIS ITEM, WE ARE PAYING I THINK WURN 15115 OR \$120 PER SPACE PER PERSON, WHAT IF WE OFFERED -- INSTEAD OF OFFERING A FREE PARKING SPACE, WHAT IF WE OFFERED THAT SAME MONEY, \$112 A MONTH,, TO EVERYBODY, AND LET THEM CHOOSE? THE WORST CASE IS WE'LL HAVE THIS EXACT SAME EXPENSE AND THE SAME NUMBER OF CARS WILL BE PARKING IN AND AROUND OUR CENTRAL LIBRARY, BUT PERHAPS SOME OF THE EMPLOYEES WOULD HAVE THAT INCENTIVE -- LITERALLY THE INCENTIVE OF BOTH THE \$112 A MONTH OR WHATEVER IT'S COSTING US TO SUPPLY THEM WITH PARKING IF THEY RODE THE BUS, THEY GET TO POCKET AN EXTRA 100 BUCKS A MONTH. OR IF THEY AND A CO-WORKER SHARED A RIDE, THEN THE TWO OF THEM SPLIT

THE \$100 A MONTH. SO IT JUST SEEMS TO ME THAT WE DON'T HAVE JUST THE -- THAT CONNECT WITH THE COST OF THE PARKING AND THEN THE INCENTIVE, DIRECT PERSONAL FINANCIAL INCENTIVE TO THE EMPLOYEES THEMSELVES. HAVE WE LOOKED INTO THAT? I KNOW IN A SENSE THAT MIGHT NOT BE EQUITABLE ACROSS ALL DEPARTMENTS. I GUESS THE VAST MAJORITY OF OUR DEPARTMENTS WE JUST HAPPEN TO OWN A BUNCH OF LAND AROUND FACILITIES, SO WE HAVE SURFACE PARKING AND WE MAKE IT AVAILABLE TO OUR EMPLOYEES, AS DO MANY, MANY PRIVATE EMPLOYERS. BUT IN CASES LIKE THIS WHERE WE'RE HAVING TO SPEND TAX DOLLARS TO GO LEASE PARKING SPACES, WHY NOT OFFER THAT SAME MONEY TO THE EMPLOYEES AND SO THEY HAVE THAT REAL OBVIOUS DIRECT INCENTIVE.

I DON'T BELIEVE WE'VE ACTUALLY EXPLORED THAT, BUT IT'S A GREAT IDEA AND WE CERTAINLY CAN TAKE THAT BACK AND DO KIND OF AN ANALYSIS OF HOW WE COULD IMPACT THAT. BUT THAT'S ACTUALLY A VERY GOOD IDEA THAT WE'LL CERTAINLY PURSUE AND REPORT BACK TO COUNCIL ON WHERE IT WOULD WORK.

Mayor Wynn: SO I GUESS, COUNCIL, MY INSTINCT IS I'M SURE OUR EMPLOYEES NEED THIS PARKING. THE LEASE TERM IS EXPIRING OR THEY'RE HAVING TO AMEND THE LEASE, BUT I WOULD LIKE TO ASK STAFF TO HELP US WITH THAT ANALYSIS TO FIGURE OUT WHERE THROUGHOUT THE CITY PERHAPS WE PAY FOR PARKING. AND FIGURE OUT FROM A LEGAL STANDPOINT, FROM AN HR STANDPOINT, PURCHASING STANDPOINT, WHERE IT COULD BE APPROPRIATE FOR TO US HAVE SOME POLICIES WHEREBY THE ACTUAL CITY EMPLOYEES WOULD HAVE THE FINANCIAL BENEFIT OF HELPING US DO WHAT I THINK MOST PEOPLE WOULD LIKE TO SEE MORE OF, AND THAT'S FEWER SINGLE OCCUPANT VEHICLES, PARTICULARLY IN AND OUT OF OUR DOWNTOWN.

JUST ON THE SURFACE I WOULD BELIEVE THAT THE -- AS YOU KNOW, THE MAJORITY OF OUR EMPLOYEES PARK IN FREE PARKING SPOTS THROUGHOUT OUR CITY FACILITIES. PAID PARKING IS NOT SOMETHING THAT'S VERY COMMON WITH OUR EMPLOYEES, BUT WE CAN LOOK AT IT AND WE CAN ALSO LOOK AT SOME TYPE OF PROGRAM EVEN WITH THOSE FACILITIES THAT HAVE FREE PARKING JUST TO PROVIDE SOME TYPE OF INCENTIVE PROGRAM. SO NOT NARROW IT DOWN JUST TO PAID PARKING SPACES IN ORDER TO OPTIMIZE WHERE YOU'RE TRITE TO GO WITH THIS.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF? COMMENTS? I AM NOT SUPPORTIVE OF THIS ITEM, BUT I WANT TO TEE UP FRANKLY REALLY FOR US THE POTENTIAL POLICY INITIATIVE WHEREBY WE CAN TIE THOSE TWO LOOSENS TOGETHER. I'LL ENTERTAIN A MOTION ON ITEM NUMBER 24. MOTION BY COUNCILMEMBER MCCracken, SECONDED BY THE MAYOR PRO TEM TO APPROVE ITEM NUMBER 24 AS POSTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. ITEM 27 AND 28 -- LET'S TAKE ITEM 28 REAL QUICKLY. AGAIN, I PULLED THIS IN PART I JUST WANTED TO MAKE SURE I UNDERSTOOD AND I THINK MOST OF THESE QUESTIONS HAVE NOW BEEN ANSWERED, BUT UNDERSTOOD WHETHER WE MIGHT

BE LOSING ANY SYNERGY OR COUNCILMEMBER ALVAREZ OF SCALE OR OTHER OPPORTUNITIES. THIS WOULD BE AUTHORIZING JUST THE CM AT RISK. I GUESS NOT AUTHORIZING THE CONSTRUCTION CONTRACT YET FOR A MU FACILITY, CORRECT, JOE?

RIGHT. THIS IS JUST AUTHORIZING THE DELIVERY NOATH THE METHOD FOR THE RECYCLING FACILITY.

Mayor Wynn: AND EARLIER WE POSTPONED ITEM NUMBER 55 WHERE WE HAD CONTINUED ANALYZING POTENTIAL CO-LOCATED CITY INFRASTRUCTURE FACILITIES, EVERYTHING FROM LANDFILLS TO AND THROUGH RECYCLING AND RECOVERY CENTERS, MATERIAL RECOVERY CENTERS TO POWER GENERATION TO WASTEWATER TREATMENT PLANTS. SO I JUST WANTED TO FEEL BETTER THAT WE'VE ALREADY IDENTIFIED THE LAND AND SORT OF THE SCOPE OF THIS PROJECT. IF BY DOING THIS LATER -- THIS IS JUST ANNOUNCING THE METHODOLOGY. BUT IF BY CONSTRUCTING THIS FACILITY THAT THIS RELATES TO, ARE WE LOSING A CHANCE FOR SOME FUTURE CO-LOCATED SYNERGY?

THIS WILL BE LOCATED AT THE FM 812 LANDFILL, THE CURRENT LANDFILL THAT WE HAVE OUT THERE IS WHERE THIS FACILITY WOULD BE LOCATED. SO WE ARE SORT OF CO-LOCATING IN AN EXISTING FACILITY THAT WE CAN'T USE PRETTY MUCH FOR ANY OTHER USE. THAT'S NOT TO SAY THAT THERE MAY BE OPPORTUNITIES IN THE FUTURE, AND WHETHER OR NOT WE WANT TO DELAY THIS TO EXPLORE OTHER OPPORTUNITIES IS A CONSIDERATION. MY UNDERSTANDING IS THAT THERE IS A DESIRE TO CONSTRUCT THIS FACILITY RATHER QUICKLY BECAUSE OF THE DEMANDS THAT WE CURRENTLY HAVE. AND THAT'S WHAT IT IS DRIVING THE SCHEDULE ON THIS.

Mayor Wynn: MR. RHODES, PERHAPS IF YOU COULD FILL ME IN ON THE SCHEDULE PERHAPS?

YES, MAYOR. LAST YEAR WE BROUGHT AN ITEM FOR YOU AUTHORIZING THE DESIGN WORK FOR THE NEW MATERIAL RECOVERY FACILITY. THIS WORK NEEDS TO IPHONE THE FM 812 LANDFILL. THE OTHER POTENTIAL PROJECT, IF WE GET A PROJECT AT THE WEBBERVILLE SITE, WE'RE RECOMMENDING HAVING SOME OF THE SAME AMENITIES OUT THERE. BUT WE'RE LOOKING AT WHAT TIME DO WE BUILD THOSE AMENITIES BECAUSE THERE'S A LOT OF OTHER WORK THAT NEEDS TO BE DONE IF WE WENT FORWARD WITH THIS PROJECT. THIS ONE TIMEWISE NEEDS TO PROCEED ON ON A SEPARATE COURSE AS WE GO THROUGH THE WORK ON -- IF WE DO GET THE WEBBERVILLE PROJECT.

Mayor Wynn: AND IF EVERYTHING FALLS IN PLACE AND THINGS GO WELL, HOW SOON COULD THIS FACILITY BE UP AND OPERATIONAL? A COUPLE OF YEARS AWAY PROBABLY?

A COUPLE OF YEARS AWAY. WE HAVE SOME THINGS THAT -- IN THE INTERIM THAT WE'RE WORKING ON TO GET SINGLE STREAM TO YOU BY OCTOBER OF THIS YEAR SO THAT THERE ARE SEVERAL ITEMS THAT WE'LL BE BRINGING TO YOU, A CONTRACT FOR CARTS AND A

CONTRACT WITH A VENDOR TO TAKE OUT MATERIALS DURING THE INTERIM TIME FRAME.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: AND I WANT TO EMPHASIZE WHAT YOU TOLD ME YESTERDAY, THAT AS WE BEGIN THIS TRANSITION AWAY FROM MATERIALS GOING INTO LANDFILLS AND MORE AND MORE RECYCLING, THAT DOWN THE ROAD SOMEWHERE WE'RE GOING TO NEED MORE THAN ONE MURF.

THAT'S CORRECT.

AND THE FACT THAT THIS FIRST MURF IS GOING IN SOUTH OF THE AIRPORT IN NO WAY AFFECTS THE NEED FOR SUBSEQUENT INSTALLATIONS. AND HOPEFULLY THIS ONE IN EASTERN TRAVIS COUNTY WOULD BE ANOTHER FACILITY FOR THE SAME PURPOSE, AND IT WOULD BE NEEDED TO HANDLE THE INCREASED WORK LOAD.

THAT'S CORRECT. IF YOU TAKE A LOOK AT THE PROJECTIONS THAT HAPPENED TO THE POPULATION GROWTH IN THIS 10-COUNTY REGION, YOU WILL NEED SERVE MURFS. CURRENTLY THERE ARE THREE IN TOWN TODAY. YOU HAVE THE CITY OF AUSTIN MURF WHICH IS LOCATE ODD WHICH IS LOCATE ODD TODD LANE. YOU HAVE BFI ON METRIC BOULEVARD AND HAVE YOU A SMALLER TYPE MURF WHICH IS OPERATED BY BALCONES RECYCLING. SO YOU HAVE THREE ALREADY IN TOWN. AS THE CITY CONTINUES TO GROW AND THIS REGION CONTINUES TO GROW, I THINK IT WILLIT WILL BE A POSSIBILITY FOR HAVING A FOURTH AND POSSIBLY A FIFTH MURF SOMEWHERE IN THIS REGION.

THANK YOU. FURTHER QUESTIONS OF STAFF, COUNCIL? COMMENTS? I'M UNDERSTANDING COUNCILMEMBER LEFFINGWELL'S POSITION. I AM SUPPORTIVE AND I DO RECOGNIZE WE PROBABLY ARE GOING TO HAVE A COUPLE OF NEW RECOVERY CENTERS SOONER RATHER THAN LATER. SO I'LL ENTERTAIN A MOTION ON ITEM 28. MOTION MADE BY COUNCILMEMBER LEFFINGWELL, SECONDED BY THE MAYOR PRO TEM TO APPROVE ITEM 28 AS POSTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. SO COUNCIL, I GUESS WE PROBABLY HAVE TIME TO AT LEAST GET THROUGH OUR MORNING BRIEFING BEFORE CITIZEN COMMUNICATION. IF YOU REMEMBER, WE ARE POSTED FOR A BRIEFING AND RECOMMENDATIONS FROM OUR RESIDENTIAL DEVELOPMENT REGULATION TASKFORCE REGARDING ESSENTIALLY OUR McMANSION ORDINANCE. AND WOULD WELCOME THAT BRIEFING.

GOOD MORNING, MAYOR AND COUNCIL. THIS IS THE CITY MANAGER MCDONALD. WE ARE HERE TODAY TO BRIEF YOU ON THE SIX-MONTH REVIEW AND RECOMMENDATIONS BY THE RESIDENTIAL DESIGN STANDARDS TASKFORCE. AND I WILL BE SETTING THE STAGE BASICALLY TO EXPLAIN HOW WE GOT HERE TODAY FIRST. TO PROVIDE WITH YOU A HISTORY, THE EVOLUTION OF THE ORDINANCE, HOW THE ORDINANCE HAS BEEN APPLIED,

THE TASKFORCE PROCESS AND THEIR DISCUSSIONS, RECOMMENDATIONS BY THE RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION, WHICH ACTUALLY HEARS WAIVER REQUESTS, AND THEN I'LL HAND IT OVER TO LAURA MORRISON WHO WILL BE REPRESENTING THE RESIDENTIAL DESIGN TASKFORCE AND PROVIDE HER RECOMMENDATIONS THAT WERE VOTED ON BY THE TASKFORCE. BASICALLY AN EVOLUTION OF THE McMANSION ORDINANCE STARTED AROUND FEBRUARY OF 2006. THE FIRST INTERIM ORDINANCE CAME INTO EFFECT. AND WE ESTABLISHED A 0.4 F.A.R. OR 2500 SQUARE FEET AND EXCLUDED BALCONES, HABITABLE SPACE BELOW GRADE AND GARAGES. PRIOR TO 2006 THERE WEREN'T REALLY ANY RESTRICTIONS ON SIZE RATHER THAN BASIC ZONING STANDARDS. IN MARCH NINTH, 2006, THE SECOND INTERIM ORDINANCE TOOK EFFECT. NOT TOO MUCH CHANGED, IF ANYTHING WE ADDED ADDITIONAL SET BACK AVERAGING AT THAT TIME. THE JUNE 26, 2006 ORDINANCE IS WHERE YOU SAW SIGNIFICANT CHANGES. .04 F.A.R. FS STILL THE STANDARD. IT WAS STILL AT 2500 SQUARE FEET AND CONTINUED TO EXCLUDE UNCOVERED BALCONIES, SPACE BELOW GRADE AND HABIT TABLE ATTICS. THERE WAS THE DISCUSSION OF WAYS TO EXEMPT THE F.A.R. FROM OTHER AREAS TOO. SET BACK AVERAGING CONTINUED. THERE ARE QUAIRFIDE CONDITIONS SUCH AS NATURAL GRADE AND HEIGHT. WE LIMITED HEIGHT TO 32 IN THE AREA. DISCUSSION ABOUT (INDISCERNIBLE) BEGAN TOO. AND THE COMMISSION, THE RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION AND THE McMANSION BOUNDARIES WERE ACTUALLY ESTABLISHED. A COMMON WALL CRITERIA FOR DUPLEXES ALSO CAME INTO EFFECT AND THEN OTHER AMENDMENTS REGARDING NON-COMPLYING STRUCTURES CAME INTO EFFECT AT THAT TIME. SEPTEMBER 28, 2006 WAS THE FINAL ORDINANCE. IT BECAME EFFECTIVE OCTOBER 1ST. ADDITIONAL CLARIFICATIONS ABOUT NON-COMPLYING STRUCTURES, SOME IS TWEAKING TO TENTS. THIS IS ACTUALLY THE ORDINANCE WHERE YOU SAW 2500 SQUARE FEET DROP TO 2300 SQUARE FEET AND .4 WAS THE STANDARD. THERE WERE ALSO AMENDMENT REQUIREMENTS TO THE DEMOLITION PERMITS, AND HEIGHT REQUIREMENTS FOR SMALL AND LARGE SITES ZONED SF FIVE WERE MORE RESTRICTIVE. IN APRIL 2007, THE SIX-MONTH REVIEW BEGAN AND THE MEMBERS THAT WERE REMAINING FROM -- I BELIEVE THERE WERE 17 MEMBERS TO BEGIN WITH AND THE MEMBERS REMAINING WERE LAURA MORRISON, (INDISCERNIBLE), KAREN MCGRAW, WILLIAM BURKE HEART, (INDISCERNIBLE) AND CHRIS ALLEN. I'LL WALK THROUGH THEIR REVIEW PROCESS IN A MOMENT, BUT FIRST I'D LIKE TO EXPLAIN HOW THE ORDINANCE HAS BEEN APPLIED SINCE ITS EFFECTIVE DATE OCTOBER 2006, WHICH IS ABOUT 16 MONTHS AGO. IN APPLYING -- LET ME BACK YOU UP. IN APPLYING McMANSION, KEEPING IN MIND THAT RESIDENTIAL REVIEW REALLY ISSUES ONLY HALF OF ITS PERMITS AND RESIDENTIAL BUILDING CONSTRUCTION. IN 2005, WHICH IS PRIOR TO McMANSION TAKING AFFECT, 3,393 RESIDENTIAL CONSTRUCTION PERMITS WERE ISSUED. THAT'S FOR NEW AND REMODELS. IN 2006 WHEN INTERIM ORDINANCES BEGAN, OF THE 4,110 PERMITS ISSUED THROUGHOUT THE CITY, 69% OF THEM WERE ISSUED IN THE McMANSION BOUNDARIES. WHEN THE ORDINANCE TOOK FULL EFFECT IN FY 2007, OF THE 4,029 PERMITS THAT WERE ISSUED, 57% WERE ISSUED IN McMANSION. THEN IN 2008 UP UNTIL DECEMBER, WHICH IS THIS CURRENT FISCAL YEAR, WE HAVE RECEIVED ABOUT 805 PERMITS SO FAR UP TO DECEMBER AND 70%

NOW ARE WITHIN THE McMANSION BOUNDARY. WE BELIEVE THAT AS YOU'LL SEE THROUGH THE CHANGES WHAT HAS PROBABLY HAPPENED AND THE TREND YOU WILL SEE IS IN 2006 THERE WAS A RUSH TO GET THE PERMITS PUT INTO THE SYSTEM AND ENTERED PREMcMANSION. AND IN 2007 YOU WILL EXPERIENCE A DROP, WHICH IS PROBABLY A NATURAL EFFECT OF TRAIG TO GET USED TO THE ORDINANCE AND EFFECT. AND IN 2008 THE INCREASE CAME IN AS A RESULT OF STAFL BECOMING MORGELLANS COMFORTABLE AND THE COMMUNITY BECOMING MORE COMFORTABLE WITH THE IN ACCORDANCE PLACE. OF McMANSION BOUNDARY, THE PERMITS ISSUED WITHIN THE McMANSION BOUNDARY, IN 2006 63% WERE NEW CONSTRUCTION, 37% REMODELS AND ADDITIONS. 2007, 28% WERE NEW AND 72% REMODELS AND ADDITIONS. AND IN 2008 THE TREND STILL REMAINS THE SAME WITH NEW CONSTRUCTION TAKING UP 35 PERCENT AND 65% BEING REMODELS AND ADDITIONS. THE RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION HEARS WAIVER REQUESTS AND MODIFICATION REQUESTS FROM THE ORDINANCE. GENERALLY THEY CAN ALLOW 25% OF AN INCREASE IN TENTS, SET BACK PLANS AND THEY CAN RELIEVE A PERSON FROM SIDE WALL ARTICULATION AND A COUPLE OTHER OPTIONS. OF ALL OF THE CASES, THERE WERE 43 TOTAL CASES HEARD BY THEM BEGINNING IN APRIL OF 2007, 33 WERE APPROVED TO DATE AND THAT MEANS ABOUT 77%. WHEN YOU COMPARE THAT TO THE NUMBER OF CASES ACTUALLY HEARD AND PERMITS PULLED, FOR 2007 ABOUT 2 PERCENT OF THE PERMITS IN THE McMANSION BOUNDARIES ACTUALLY GO TO THE RDCC REQUESTING A WAIVER. THAT COULD BE A SMALL INCREASE BECAUSE THERE ARE PROBABLY MAYBE TWO OR THREE THAT HAVE ACTUALLY GONE TO THE BOA FOR ADDITIONAL REQUESTS AND HAVE ALSO RECEIVED WAIVERS FROM THE BOA. SO GETTING INTO TERMINOLOGY, SO MAKE SURE THAT WHEN MS. MORRISON COMES FORWARD WE'LL ALL HAVE A FOUNDATION AND UNDERSTANDING OF THE ORDINANCE ITSELF, SET BACK PLANES AND ENVELOPES AND TENTS. BASICALLY THERE'S A STANDARD TENT AND A MODIFIED TENT. A STANDARD TENT STARTS AT THE PROPERTY LINE, GOES UP 15 FEET HIGH AND INWARD FOR 45 FEET. THE PLANES WERE BASICALLY DESIGNED TO CREATE A TENT OR ENVELOPE OVER THE CONSTRUCTION AREA AND TO CONTAIN THAT CONSTRUCTION. THERE ARE STILL HEIGHT REQUIREMENTS IN ADDITION TO THE TENT, BUT THERE ARE PORTIONS LIKE CHIMNEYS AND OTHER GABLE EXCEPTIONS THAT ARE ALLOWED TO STICK OUTSIDE OF THE TENT OR POPE TRIED OUTSIDE THE TENT. THE DIAGRAM SHOWN, YOU ACTUALLY HAVE A SITUATION WHERE A PERSON HAS TAKEN A REMODEL AND AN ADDITION. IN THE SENSE AFTER REMODEL YOU NEED A MODIFIED TENT WHICH ALLOWS YOU TO TAKE THE LINE UP 10 FEET UP FROM THE EXISTING PROPERTY FIRST STORY AND THEN INWARDS 45%. WHAT WE'VE FOUND IS THAT IN APPLICATION THE GOAL WAS TO ALLOW REMODELS AND ADDITIONS TO NOT BE CONFINED BY THAT STANDARD TENT. WHAT WE'VE ACTUALLY SEEN IS THAT THE PODFIDE TENT HAS INHIBITED SOME REMODELS AND ADDITIONS, WHICH IS WHY YOU WILL SEE THE INCREASE AND REQUEST FROM THE RDCC FOR THOSE REMODELS AND ADDITIONS TO GET AN INCREASE IN THE TENT. THE TASKFORCE WILL SPEAK TO HOW THEY'VE RESOLVED THAT. IN APPLYING THE TENTS, WE FOUND THAT IN THIS PARTICULAR CASE THE SMALLER TENTS IS THE MODIFIED TENT AND THAT GOES SPECIFICALLY WITH THE ADDITION OVER THE EXISTING

STRUCTURE. THE SEC LINE, THE EXTERIOR LINE, THE FURTHER ONE OUT, IS THE ACTUAL STANDARD TENT AND THAT APPLIED ONLY TO THE ADDITION, THE NEW ADDITION TO THE STRUCTURE. SIDE WALL ARTICULATION, I'M SURE MANY OF YOU HAVE HEARD THIS TERMINOLOGY MANY TIMES BEFORE. IT'S BASICALLY THE SPACING OF SIDE WALL FROM A MINIMUM OF FOUR FEET IN LENGTH WITH 10 FEET IN LENGTH. IF YOU'LL LOOK AT THE DIAGRAM, THERE'S A BLUE LINE THAT ACTUALLY INDICATES THIS IS A STANDARD SIDE WALL ARTICULATION AND THE RED LINES IN THERE IS THE ACTUAL SIDE WALL ARTICULATION APPLIED. I'LL GET INTO -- IN A MOMENT I'LL HAVE A VISUAL TO HELP YOU IDENTIFY OR SEE WHAT THAT LOOKS LIKE, BUT ON A PLAN WHEN YOU LOOK AT A PLAN IN THE DIAGRAM, THE YELLOW SPACE IS ACTUALLY WHAT A SIDE WALL ARTICULATION WOULD LOOK LIKE FROM A STAFF PERSPECTIVE ON AN ELEVATION. THE HABITABLE SPACE BELOW GRADE, THIS IS A PRIME EXAMPLE OF ALLOWING A HABITABLE SPACE BELOW GRADE FROM BEING FULLY EXEMPTED FROM THE F.A.R. CALCULATION. AND THE RED LINES ON EACH SIDE ARE ACTUALLY THE BEGINNING GRADE FROM THE FRONT PROPERTY LINE. ANYTHING BELOW THAT LINE IS ACTUALLY EXEMPTED FROM F.A.R. CALCULATIONS ACCORDING TO THE CURRENT CODE. THIS IS THE PROPERTY APPLIED. AND IN THAT AGAIN IN THAT YELLOW LINE HAVE YOU THE SIDE WALL ARTICULATION IDENTIFIED AND KIND OF CLARIFIED FOR YOU. AND THE FRONT PROPERTY LINE IS WHERE YOU SEE PROBABLY TO THE RIGHT OF THAT STRUCTURE, WHERE YOU SEE THE VAST MAJORITY OF THE DIRT, WHICH IS THE FRONT PROPERTY. AND EVERYTHING BELOW FROM THAT STRAIGHT LINE ACROSS IS EXEMPTED FROM THE F.A.R. CALCULATION ACCORDING TO THE CURRENT CODE. A ZIPPER WALL, MANY PEOPLE GET A LITTLE SURPRISED BY THE TERM ZIPPER WALL. AN APPLICATION TO THE DUPLEX THERE FOR TWO DWELLING UNITS YOU MUST HAVE A COMMON WALL FOR AT LEAST 50% OF THE DEPTH OF THE BUILDING. IT CAN'T BE SEPARATED BY ANY OPEN ELEMENT. A GARAGE WILL DO. THE YELLOW AREA IDENTIFIED IS WHAT WE CALL A ZIPPER WALL. IT IS A WALL THAT ACTUALLY LOOKS EXACTLY LIKE A ZIPPER. AND THIS IS PROBABLY THE MOST EGREGIOUS EXAMPLE. THIS IS PROBABLY THE ONE THAT WE FOUND THAT JUST POPPED OUT AT US THE MOST. BUT MOST PEOPLE HAVE LARGER OPENINGS BETWEEN. THEY USE THEM FOR CLOSET SPACE. I'VE SEEN THEM USE THEM FOR SHELVING AND SET INTO THE WALLS. THIS IS THE ZIPPER WALL ACTUALLY APPLIED WHERE HAVE YOU TO HAVE 50%. IF THE WALL LEANS OR IF -- IF THE BUILDING LENGTH IS 109 FEET FROM THE FRONT TO THE REAR OF THE PROPERTY, THEN YOUR ZIPPER WALL OR YOUR DUPLEX, YOUR COMMON WALL HAS TO BE 50% OF THAT. SO THEY WOULD HAVE HAD TO HAVE A 54.5-FOOT COMMON WALL WITH A LOT WIDTH OF ABOUT 50 FEET AND A BUILDING WIDTH OF ONLY ABOUT 37. THEY SQUISHED THE WALL IN IN ORDER TO OBTAIN THAT ZIPPER WALL EFFECT AND REACH THEIR COMPLIANCE WITH THE 50% COMMON CODE. RDCC RECOMMENDATIONS. THERE IS A PORTION OF THE CODE CURRENTLY THAT THE RDCC GRAPPLED WITH IN LARGE PART BECAUSE THE CODE SPECIFICALLY STATES THAT THEY CANNOT MODIFY ANY HISTORIC OR CONTRIBUTING STRUCTURES IN THE NATIONAL HISTORIC DISTRICT OR HISTORIC LANDMARKS. SO THE RDCC WOULD RECOMMEND THAT WE AMEND SUBCHAPTER S TO ALLOW THEM TO CONSIDER AND GRANT MODIFICATIONS TO CONTRIBUTING STRUCTURES IN A NATIONAL REGISTERED HISTORIC DISTRICT, AND WHEN CERTIFICATES OF

APPROPRIATENESS ARE SOUGHT FOR HISTORIC LANDMARKS CONSIDERING GRANT MODIFICATIONS PRIOR TO REVIEW BY THE HISTORIC LANDMARK COMMISSION. THE TASKFORCE PROCESS BEGAN APRIL 2007, EXTENDED UNTIL ABOUT DECEMBER 2007. THERE HAVE BEEN E-MAIL COMMUNICATIONS ACROSS THE BOARD. MEMBERS HELD ABOUT 17 MEETINGS, WHICH ALSO INCLUDED COMMUNICATION FROM CITIZENS. MEETINGS LASTED APPROXIMATELY TWO HOURS EACH. WE ALSO HAD A VERY LONG MEETING ONE EVENING THAT LASTED WELL INTO THE NIGHT. THE TASKFORCE CREATE ADD SPREADSHEET TO IDENTIFY THE ISSUES, MADE RECOMMENDATIONS AND VOTED BY THE MEMBERS THAT WERE THERE AT THE MEETINGS. THE FINAL DRAFT IS PROVIDED TO YOU IN THAT PACKET THAT MS. MORRISON WILL SPEAK TO. IT WAS VOTED AND REVIEWED BY THE ENTIRE -- BY THE MEMBERS OF THE TASKFORCE ON THE INTENT, CONTENT AND LANGUAGE. BEFORE I INTRODUCE LAURA MORRISON, WHO IS THE CO-CHAIR OF THE RESIDENTIAL DESIGN STANDARDS TASKFORCE, I WOULD LIKE TO LET YOU KNOW THAT STAFF IS PREPARED TO PROVIDE A STAFF RESPONSE TO THE THE TASKFORCE RECOMMENDATIONS AFTER HER PRESENTATION.

Mayor Wynn: THANK YOU. WELCOME, MS. MORRISON.

THANK YOU, MAYOR AND GOOD MORNING. I AM THE CO-CHAIR OF THE TASKFORCE AND I WAS IN OUR ORIGINAL CREATION OF IT. AS JESSICA MENTIONED, SOME OF THE FOLKS WEREN'T ABLE OR CHOSE NOT TO PARTICIPATE IN THE SECOND PHASE OF THE TASKFORCE EFFORTS, AND SO ONE OF THOSE WAS THE CO-CHAIR, THE REPRESENTATIVE FROM THE HVA. SO MY CO-CHAIR NOW IS TERRY MITCHELL, A REPRESENTATIVE FROM RECA, AND HE WASN'T ABLE TO BE HERE TODAY. HE SAID TO SEND HIS APOLOGIES, BUT HE HAD LOTS OF WORK AND SOME FAMILY ISSUES THAT HE WANTED TO DEAL WITH. I DID WANT TO CLARIFY ONE THING. THE FOLKS THAT DID RETURN AND WERE ABLE TO PARTICIPATE IN THE SECOND SESSION, THE SECOND PHASE, DID INCLUDE REPRESENTATIVES FROM RECA AS I MENTIONED, FROM AIA, FROM -- ALSO IMPORTANTLY FROM NARA, WHICH IS THE REMODELERS ASSOCIATION. WHEN WE RECONVENED, WE WERE REALLY FOLLOWING THE DIRECTIVE FROM TWO AGENDA ITEMS THAT YOU ALL APPROVED BACK IN JUNE OF 2006, AND THOSE WERE AGENDA ITEMS 72 AND 74. SO WE MADE SURE TO STICK TO THE DIRECTIVES, WHICH INCLUDED NOT ONLY DOING A REVIEW TO COME UP WITH ANY RECOMMENDATIONS AND LOOK AT ADJUSTMENTS THAT NEEDED TO BE MADE, BUT THERE WERE ALSO SOME ITEMS THAT YOU HAD ASKED US TO LOOK AT THAT WE HADN'T HAD TIME TO LOOK AT IN OUR FIRST INCARNATION. AND WE DID BEGIN WITH A LOT OF PUBLIC INPUT IN THE 17 MEETINGS. THE EARLIER MEETINGS, LOTS OF PUBLIC INPUT. WE ALSO -- THE STAFF HAD DONE -- THE REVIEW STAFF HAD DONE A REALLY TERRIFIC JOB OF KEEPING TRACK OF THE ISSUES THAT WERE ARISING AND CLARIFICATIONS THARN NEEDED. SO THAT WAS A BIG PART OF WHAT WE DEALT WITH ALSO. IN ADDITION TO THE REVIEW STAFF, WE ALSO WORKED QUITE CLOSELY WITH INSPECTION AND ENFORCEMENT, AND SO IT WAS A TERRIFIC OPPORTUNITY FOR ALL OF US TO COME TO THE TABLE AND ALL THE FOLKS INVOLVED AND IF YOU THINK OF STAFF AS DOING THEIR JOB AS STAKEHOLDERS IN THE PROCESS TOO, IT WAS A GOOD MODEL THERE. WE ALSO OF COURSE HAD SOME OF THE

McMANSION COMMISSION FOLKS ON THE TASKFORCE SO WE WERE ABLE TO GET THEIR INPUT. AND WE DID DO SOME STUDYING OF HOW IT WAS WORKING IN TERMS OF THE NUMBERS OF PERMITS AND WHETHER OR NOT THEY HAD CHANGED, AND I APPRECIATE THE CHARTS THAT MS. KING PROVIDED. WE ALSO TOOK A LOOK AT THE NUMBERS TO SEE IF PERMIT ACTIVITY HAD CHANGED FROM A LITTLE BIT OF A DIFFERENT PERSPECTIVE EARLY ON, AND WE COMPARED THE NUMBERS BETWEEN OCTOBER '05 AND DECEMBER '05, SO THE END OF 2005 TO THE NUMBERS AT THE END OF 2006. AND WE FELT THAT WAS AN IMPORTANT COMPARISON TO MAKE BECAUSE IF YOU RECALL, ALL OF THE McMANSION DISCUSSIONS STARTED RIGHT AT THE BEGINNING OF 2006. SO WE WANTED TO CAPTURE ONE SMALL PERIOD WHEN THERE WAS NO TALK ABOUT IT GOING ON AND CONSIDERED THAT THE NORMAL PERIOD R. PERIOD. WHEN WE LOOKED AT THOSE TWO DIFFERENT PERIODS, THE DIFFERENCE BETWEEN -- MS. HARDIN BROKE IT DOWN FOR US, FOR NEW ADDITIONS AND REMODEL PERMITS, BE AND IN EVERY SINGLE ONE OF THOSE CATEGORIES, THE NUMBER OF PERMITS ACTUALLY INCREASED IN TOWNS WHEN THE McMANSION REGULATIONS WERE IN EFFECT. AND YOU PROVIDE THOUGH TO YOU OR MS. I'M SURE MS. HARDIN CAN PROVIDE THOSE TO YOU, THE SPECIFIC ONES. THAT WAS GOOD NEWS, THAT THE ORDINANCE HAD NOT PUT A STOP TO THE ACTIVITY THAT WE HAD GOING ON. WE HAD A LOT OF PUBLIC INPUT FROM RESIDENTS AND CITIZENS AROUND THE CITY THAT HAD JUST BEEN WATCHING HOW IT WAS WORKING. WE ALSO HAD A LOT OF PROFESSIONALS THAT CAME AND SPOKE TO US AS WELL AS HAVING PROFESSIONALS ON THE TASKFORCE THAT HAD EXPERIENCE WITH TRYING TO MAKE IT WORK. SO I THINK THAT WE DID A PRETTY GOOD JOB OF TRYING TO CAPTURE THE ISSUES THAT NEEDED TO BE DEALT WITH. AND I BELIEVE YOU VOLLEYBALLED IN YOUR BACKUP A SPREADSHEET AND CAN YOU SEE WE HAD ABOUT 100 ITEMS THAT WERE RAISED TO US, SO AT ONE POINT IN THE SUMMER WE WONDERED IF WE WERE GOING TO BE DONE BEFORE ANY OF US RETIRED. SO WE DID TRY TO GET THROUGH THINGS AS MUCH AS WE COULD. WHAT WE HEARD FROM THE PUBLIC WAS IT DIFFERED. SOME FOLKS THOUGHT THAT THE REGULATIONS WERE WAY TOO CONSTRAINING. OTHER FOLKS THOUGHT THEY WERE WAY TOO LOOSE. AS YOU WILL RECALL WHEN WE WENT THROUGH THE FIRST PHASE OF THE TASKFORCE, IT WAS -- WE CAME TO A CAREFULLY CRAFTED, DELICATE CONSENSUS TO GET 15 OUT OF 16 FOLKS ON BOARD TO MAKE IT WORK FOR THEM. AND WE WERE FULLY RESPECTFUL OF THAT CONSENSUS AND CONSIDERED IT SORT OF SACRED AS WE WENT THROUGH THINGS. WE DIDN'T WANT TO ADJUST THINGS TOO FAR ONE WAY OR THE OTHER IN A WAY THAT WOULD -- WE FELT WOULD HAVE MADE THE CONSENSUS NO LONGER APPLICABLE. SO WE CONSIDERED THAT SACRED. ALMOST ALL OF THE RECOMMENDATIONS THAT WE'RE MAKING TO YOU TODAY WERE CONSENSUS AMONG THE FOLKS THAT WERE THERE. AND IN FACT, IN THE SPREADSHEET YOU'LL SEE FOR EACH OF THE ITEMS THAT'S IN FRONT OF YOU, IT'S THE VOTE OF THE FOLKS THAT WERE THERE IS RECORDED SO YOU CAN SEE WHEN THERE WERE A FEW PEOPLE THAT DID NOT ACTUALLY AGREE SPECIFICALLY WITH WHAT WE WERE COMING FORWARD WITH. STAFF HELPED US PREPARE THIS REPORT THAT YOU HAVE, AND YOU CAN SEE THAT THE TOPICS THAT ARE ADDRESSED ARE BROKEN DOWN INTO YARD SET BACKS, SET BACK PLANES, F.A.R. EXEMPTIONS, DEFINITIONS, SOME OTHER ISSUES AND

THEN A COUPLE OF ISSUES THAT WERE OUTSIDE OF SUPSUBCHAPTER S. AND GENERALLY FOR EACH OF THOSE ISSUES, THE WAY I LOOKED AT IT, EITHER IT'S A RECOMMENDATION WHERE WE'RE ACTUALLY ADJUSTING AND LOOSENING WHAT THE ORDINANCE IS OR IT'S A RECOMMENDATION THAT IS TIGHTENING IT TO SOME DEGREE BECAUSE THE FACT OF THE MATTER IS WE HAVE CREATIVE FOLKS IN THIS CITY AND SOME FOLKS FOUND SOME LOOPHOLES. SEVERAL TIMES WE WERE JUST CLARIFYING LANGUAGE. AND THERE ARE A FEW ITEMS IN HERE WHERE THEY WERE UNINTENDED CONSEQUENCES OR OVERLOOKED CONSIDERATIONS THAT WE ADDRESSED. THEN THERE WERE A FEW NEW ITEMS THAT WE WERE DEALING WITH THAT YOU ALL HAD DIRECTED US TO. AND DI A TALLY BECAUSE I THOUGHT IT WAS IMPORTANT TO MAKE SURE THAT WE KEEP AN EYE ON ARE WE JUST LOOSENING THINGS, ARE WE TIGHTENING THINGS. IN TERMS OF LOOSENING AND ADJUSTING TO MAKE IT MORE WORKABLE, THERE ARE EIGHT RECOMMENDATIONS. IN TERMS OF TIGHTENING OR CLOSING LOOPHOLES, THERE ARE FIVE RECOMMENDATIONS. SEVEN OF THE RECOMMENDATIONS CLARIFY LANGUAGE. THREE OF THE RECOMMENDATION ADDRESS OVERSITES OR UNINTENDED CONSEQUENCES AND THEN THERE ARE FOUR THINGS IN HERE THAT ARE OTHER ITEMS THAT YOU ALL DIRECTED US TO LOOK AT. NOW, YOU'LL SEE THAT THE BACKUP IS AN EIGHT PAGE DOCUMENT AND I'M NOT GOING TO WALK THROUGH EACH ONE OF THOSE, BUT I THOUGHT I WOULD JUST GIVE YOU - - I KNOW YOU WILL HAVE TIME TO STUDY THEM. BUT I WANTED TO JUST GIVE YOU SORT OF A GENERAL SENSE OF THE THINGS THAT WE LOOKED AT. IN TERMS OF THE RECOMMENDATIONS THAT ACTUALLY ADJUST AND LOOSEN WHAT WE HAD TO MAKE THEM MORE WORKABLE, BECAUSE THAT'S WHAT WE HEARD, SOME THING WERE JUST NOT WORKABLE. NUMBER FOUR, EACH OF THESE ITEMS IS NUMBERED. NUMBER FOUR IS AN ITEM THAT WILL RAISE THE SETBACK PLANE AND ACTUALLY LOOSEN THE SETBACK PLANE FOR THE CASE THAT YOU ARE ADDING A SECOND STORY ON TO A FIRST STORY. SO IT MAKES IT A LITTLE MORE -- A LITTLE EASIER TO DEAL WITH. WE ALSO ADDED THE OPTION OF A REMODEL EXEMPTION FOR THE REAR SET BACK PLANE, SO THAT WOULD BE QURD THE SIDE SET BACK PLANE FOR REMODELING. A LOT OF THE DISCUSSION HAD TO DO WITH ARTICULATION, OF COURSE, BECAUSE THAT'S ONE OF THE THINGS THAT PEOPLE FOUND MOST CUMBERSOME TO WORK WITH. AND NUMBER 8, LOOSENS THE ARTICULATION REQUIREMENTS FOR NEW CONSTRUCTION. IT KICKED IN AND WAS TRIGGERED WHEN YOU WERE 15 FEET AWAY. AND WHEN YOU HAD A WALL, THAT WAS 32 FEET LONG. THAT WAS ALL DONE BECAUSE WE WERE TRYING TO AVOID THE BILLBOARD EFFECT. WE HAD RELAXED THAT ON IT ONLY IS TRIGGERED WHEN IT'S NINE FEET AWAY AND WHEN YOU HAVE A WALL THAT'S GREATER THAN 36 FEET. NUMBER NINE, THE NEXT ONE AFTER THAT, ALSO LOOSENS THE ARTICULATION WHEN IT'S TRIGGERED FOR REMODELS. AND NUMBER SIX ALLOWS AN EXEMPTION, SORT OF A SMALL HOUSE EXEMPTION FROM ARTICULATION FOR REMODELS AND ADDITIONS TO NEW. SO THOSE ARE ALWAYS THAT I THINK WOULD BE MUCH EASIER TO DEAL WITH THE ARTICULATION, AND YOU ALL HAVE ALREADY PASSED RESOLUTION, AN ORDINANCE CHANGE THAT ALLOWS THE McMANSION COMMISSION TO ACTUALLY WAIVE THE ARTICULATION REQUIREMENT AL TOTE BECAUSE THERE ARE CERTAINLY OTHER WAYS TO DAILY WITH AVOIDING THE BILLBOARD EFFECT THAN ARREST

TITIONLATION. AND I WILL SAY THAT WE ALSO HAVE WANTED TO DEAL WITH A WAY TO CODIFY HORIZONTAL ARTICULATION BECAUSE THAT'S A WAY TO AVOID THE BILLBOARD EFFECT, BUT WE WERE NOT ABLE TO FIND A WAY TO CODIFY THAT. THAT WILL HAVE TO BE HANDLED BY THE McMANSION COMMISSION. ON TO F.A.R. EXEMPTIONS, WE DID LOOSEN SOME OF THOSE. WE HAD 450 FEET EXEMPTION FROM THE F.A.R. FOR A GARAGE IF IT WAS 20 FEET AWAY. THERE WAS NO EXEMPTION FOR ANYTHING IN BETWEEN. WE LOOSEN IT HAD UP SO THERE WAS AN EXCEPTION THAT COULD BE HAD IN BETWEEN IF THE DETACHEDDETACHED GARAGE IS LESS THAN 10 FEET AWAY. AND NUMBER 12 ALSO ADDRESSES IF YOU'VE ACTUALLY GOT AN ATTACHED GARAGE YOU CAN HAVE SOMEWHAT OF AN EXEMPTION NOW TOO. JUST BRIEFLY THEN, THE LOOPHOLES THAT WE CLOSED, SOME FOLKS FOUND A TO GET EXTRA SQUARE FOOTAGE BY BUILDING REALLY LARGE STORAGE AREAS BECAUSE STORAGE AREAS ARE BY DEFINITION EXEMPT FROM F.A.R., AND STAFF TOLD US THEY WERE SEEING 400 SQUARE FOOT STORAGE AREAS WITH REALLY LOW CEILINGS, SO WE'RE RECOMMENDING THAT STORAGE AREAS NOT BE EXEMPT FROM F.A.R. WE ALSO ARE RECOMMENDING A DEFINITION FOR OPEN BECAUSE THE CODE DISBLDOES NOT DEFINE OPEN. AND THE CODE FLOWZ A CARPORT THAT'S OPEN ON TWO SIDES, AND IN FACT THE INSPECTORS WOULD ALLOW OPEN TO BE ANYTHING THAT'S NOT 100% CLOSED. SO WE HAVE A SUGGESTION FOR A DEFINITION FOR THAT. THERE ARE -- THIS WAS ONE OF THE MORE CREATIVE THINGS. THERE'S AN EXEMPTION FOR FRONT PORCHES. AND THEN THERE'S A PARTICULAR EXEMPTION, A LIMITED EXEMPTION FOR CARPORTS. AND WE FOUND THAT THERE WERE SOME FOLKS THAT WERE BUILDING FRONT PORCHES THAT HAD DRIVEWAYS RIGHT UP TO THEM THAT WERE EFFECTIVELY GOING TO BE CARPORTS. SO WE PUT IN SOME LANGUAGE TO DISALLOW THAT. AND THEN ONE MORE. THE ORDINANCE ALLOWS AN EXEMPTION FOR BELOW GRADE FOR BASEMENTS BASICALLY. AND THE ORDINANCE ONLY HAS IN IT THE LANGUAGE, WHATEVER IS BELOW GRADE, AND IT DID NOT INCLUDE -- THAT IT BE REQUIRED TO BE A BASEMENT. SO WE FOUND 3,000 SQUARE FEET THAT WAS BELOW GRADE BY DEFINITION, BUT WAS REALLY ADDING TO THE MASS AND SCALE. AND THAT I SHOULD MENTION IS ONE OF THE ONES WHERE WE HAD A LOT OF DISCUSSION. IT WASN'T 100% CONSENSUS ON THE RECOMMENDATION, BUT WE HAVE IN THIS PAPER SUGGESTED SOME OTHER WAYS TO DEAL WITH IT BESIDES WHAT WE HAVE SUGGESTED. AND THEN IN TERMS OF THE OVERSIGHTS AND UNINTENDED CONSEQUENCES, WE ARE RECOMMENDING THAT THE REMODELED TENT BE AN OPTION. THE SPECIAL TENTS, THE MODIFIED TENT THAT MS. KING SPOKE ABOUT, THAT IT BE AN OPTION AND NOT A REQUIREMENT, BECAUSE AS SHE SAID SOME OF THE WAIVERS THAT ARE REQUIRED ARE REQUIRED FOR FOLKS THAT COME FROM THAT REMODEL OPTION BEING STRICTER THAN WHAT THE STANDARD TENT WOULD BE. ANOTHER INTERESTING THING THAT WE REALLY HADN'T THOUGHT ABOUT, HADN'T BEEN CAUGHT BY ANYBODY, IS THAT WE DO ALLOW -- THE ORDINANCE DOES ALLOW FOR AN EXEMPTION FOR ATTIC AND BASEMENT SPACE. BUT ON THE OTHER HAND RLINGS FOR COMPLEX DUPLEXES THEY'RE LIMITED TO TWO STORIES AND AS SOON AS YOU HAVE HABITABLE SPACE IN YOUR ATTIC OR BASEMENT, IT'S TECHNICALLY A STORY. SO WE'RE RECOMMENDING THAT WE WAIVE THAT STORY REQUIREMENT FOR DUPLEXES IF THEY'RE TAKING ADVANTAGE OF THE ATTIC AND

BASEMENT EXEMPTION. SO THAT WILL LOOSEN IS UP QUITE A BIT AND ALLOW DUPLEXES TO BE LARGER. AND THEN JUST ONE SMALL OVERSIGHT. WHEN WE WERE LOOKING AT THE APPLICABILITY OF THIS TO SF-4-A LOTS, THE RECOMMENDATION IN THE ORDINANCE IS THAT IT'S ONLY APPLICABLE IF IT'S ADJACENT TO SF-2 OR SF-3, AND WE -- THE ORDINANCE NEGLECTED TO ADDRESS AF-1, SO WE'RE RECOMMENDING THAT HAVE YOU THAT. NOW JUDD BRIEFLY ON TO THE D.M.U. THUMBS THAT YOU HAD ASKED US TO LOOK AT THAT WE DIDN'T HAVE TIME FOR BEFORE. WE HAVE A DEFINITION IN HERE ON HOW TO DEAL WITH FLAG LOTS BECAUSE THE POLE AFTER FLAG LOT IS NOT COUNTED WHEN YOU'RE COUNTING YOUR IMPERVIOUS COVER. SO WE WANTED TO ENSURE THAT THIS WAS TREATED CONSISTENTLY WHEN YOU'RE CALCULATING AN F.A.R. SO WE'RE RECOMMENDING THAT YOU NOT INCLUDE THE POLE OF THE FLAG LOT WHEN YOU'RE CALCULATING YOUR F.A.R. AND I WANT TO MENTION THAT WE WORKED WITH SUBDIVISION STAFF WHO ARE ACTUALLY NOW IN THE PROCESS OF OR HAVE ALREADY FINISHED, I'M NOT SURE, MAKING RECOMMENDATIONS ON DEFINING IN THE CODE FLAG LOTS, SO WE MADE SURE THAT OUR LANGUAGE AND OUR RECOMMENDATION IS CONSISTENT WITH WHAT'S GOING TO BE COMING BEFORE YOU REGARDING SUBDIVISIONS. THERE WAS A HOLE IN THE ORDINANCE -- IN THE LAND DEVELOPMENT CODE ALTOGETHER. WE HAVE THE McMANSION ORDINANCE IS APPLICABLE TO SINGLE-FAMILY USES AND THEY'RE ALL DETAILED IN THE ORDINANCE. THEN WE HAVE THE COMPATIBILITY STANDARDS THAT ARE TRIGGERED FOR DEVELOPMENTS THAT ARE SF-6 OR GREATER. WELL, THAT LEFT A HOLE AND THAT WAS THAT SF-5 USES WERE NOT COVERED EITHER BY McMANSION OR BY COMPATIBILITY. WE DID A LOT OF ANALYSIS TO SEE WHAT USES WERE GOING TO BE A PROBLEM THERE. URBAN FARMS ARE NOT GOING TO BE A PROBLEM. THEY ALREADY HAVE THEIR OWN LIMITATIONS IN THE CODE. AND MY RECOMMENDATION HERE IS THAT THE CODE ALLOW THE CHOICE. IF YOU ARE ONE OF THOSE FEW SF-5 YIELDS THAT FELL THROUGH THE CRACKS THERE, THAT YOU HAVE A CHOICE OF EITHER COMPLYING WITH McMANSION OR COMPATIBILITY. AND THAT WAY WE THINK THAT THIS WILL BE REALLY THE YOU MOST RELAXED WAY TO DEAL WITH IT. IF YOU HAVE A USE THAT'S NOWHERE NEAR SINGLE-FAMILY 5 USES, THEN YOU CAN CHOOSE TO DEAL WITH COMPATIBILITY, WHICH MEANS HAVE YOU NO UNITS. I THINK I'M GOING TO FINISH UP HERE. AS YOU KNOW, THE DUPLEX DEFINITION WAS NOT A RECOMMENDATION FROM THE TASKFORCE IN THE BEGINNING, IT WAS ACTUALLY ADDED BY THE COUNCIL IN JUNE OF 2006. AND WITH REGARD TO THE ZIPPER WALL, WE WERE ASKED TO LOOK AT DO WE HAVE A WAY TO SUGGEST DEALING WITH THAT. AND ALSO WE WERE ASKED TO LOOK AT THE POSSIBILITY OF ENFORCING FRONT FACING DUPLEXES SO THAT IF YOU HAVE THAT DUPLEX, BOTH FRONT DOORS FACE THE FRONT DOOR BECAUSE THERE WAS SOME THOUGHT THAT IT WAS NORTHERN A SINGLE-FAMILY AREA TO COMPLY WITH THE SINGLE-FAMILY CHARACTERISTIC OF FRONT DOORS TO THE STREETS. AND WE DON'T HAVE A RECOMMENDATION FROM THE TASKFORCE ON THAT, ALTHOUGH WE DO HAVE A SUGGESTION. IF YOU WANT TO DO AWAY WITH ZIPPER WALLS AND YOU WANT TO FORCE THE FRONT DOORS TO THE FRONT STREET, WE DO HAVE SOME LANGUAGE THAT WE BELIEVE WOULD DO THAT, BUT THAT IS -- THERE WAS NO CONSENSUS ON THE TASKFORCE THAT WE THOUGHT THAT THAT WAS A GOOD IDEA. SO WE'RE JUST PUNTING ON THAT ONE

AND TOSSING THAT TO YOU ALL TO DEAL WITH AND WE'VE PROVIDED WHAT WE THINK IS GOOD LANGUAGE FOR YOU TO CONSIDER IF YOU DO WANT TO CONSIDER THAT. I THINK THAT'S ABOUT ALL THE DETAIL I WANT TO GO THROUGH. I WANT TO THANK YOU FOR THIS TOWNT DO THIS. IT WAS A LOT OF HARD WORK. NOT THANK YOU FOR LETTING SPEND MORE TIME AND ALL THE FOLKS SPEND MORE TIME ON THIS, BUT IT'S A REALLY GOOD MODEL. WHEN WE WERE FIRST COMING UP WITH THE RECOMMENDATIONS FOR THE ORIGINAL ORDINANCE, WE KNEW THAT THESE WERE GOING TO BE SOME BIG CHANGES. WE WEREN'T SURE HOW THEY WERE GOING TO REALLY BE FIELDLED AND HOW THEY WERE GOING TO BE OUT AND IN OPERATION, AND IT ALLOWED US TO MOVE FORWARD WITH RECOMMENDATIONS KNOWING THAT WE WOULD HAVE THE OPPORTUNITY TO SEE HOW IT WOULD WORK, GET THE SAME FOLKS BACK TO THE TABLE AN REALLY RESPECTING THE ORIGINAL CONSENSUS, BUT MAKE THE ADJUSTMENTS TO MAKE IT A MORE WORKABLE ORDINANCE. SO I HOPE YOU WILL CONSIDER KEEPING THAT MODEL IN MIND FOR OTHER BOLD KIND OF MOVES THAT YOU MAKE. IT'S A GOOD ONE. THE TASKFORCE -- THIS ISN'T AN OFFICIAL THING, BUT THE SENSE WAS THAT WE WOULD REALLY URGE YOU TO INITIATE ALL THESE RECOMMENDATIONS. WE THINK THEY'RE GOOD RECOMMENDATIONS. AND A FAIR PACKAGE TO BEING TO YOU. AND I WANT -- TO BE PRESENTING TO YOU. AND WE DO HAVE SOME OF THE TASKFORCE MEMBERS MERE. KAREN, WILLIAM AND DONETTE WHO ALWAYS SHOW UP. AND FOR ALL THEIR HARD WORK AND FOR THE HARD WORK OF THE OTHER FOLKS. I ALSO WANT TO ESPECIALLY THANK THE STAFF, JESSICA KING AND JOY HARDIN. JESSICA YOU KNOW JUMPED INTO THE MIDDLE OF THIS WILL NOT REALLY HAVING MUCH BACKGROUND AT ALL AND HEFS UP TO SPEED AND WAS TERRIFIC SUPPORT. JOY WE WERE REALLY FORTUNATE TO HAVE BECAUSE SHE'S THE ONE THAT WAS IN THE OFFICE DOING ALL OF THE McMANSION REVIEW, AND SHE WAS THE CITY EXPERT FOR OUTSIDE THAT PERSPECTIVE. AND SHE WAS THERE AT EVERY MEETING, EVEN WHEN SHE HAD MOVED ON TO A DIFFERENT DEPARTMENT. SO IT WAS DELIGHTFUL TO WORK WITH BOTH OF THEM, WHICH ALWAYS MAKES IT NICE. I APPRECIATE OUTATTENTION AND I LOOK FORWARD TO WORKING WITH YOU ALL AS YOU GO THROUGH AND STUDY THESE. I'M SURE ALL THE TASKFORCE MEMBERS WOULD BE HAPPY TO DISCUSS THEM AND IF THERE'S MORE BACK GROUND, WE CAN PROVIDE, WE WOULD BE HAPPY TO. I'D BE HAPPY TO TAKE ANY QUESTIONS AND I'D BE HAPPY TO SEND ANY OF THE QUESTIONS YOU HAVE TO THE OTHER TASKFORCE MEMBERS THAT ARE HERE.

Mayor Wynn: THANK YOU. QUESTIONS FOR LAURA? COUNCILMEMBER KIM.

Kim: FIRST I WANT TO THANK EVERYONE, STAFF AS WELL AS THE MEMBERS AND YOU, LAURA, FOR DOING THIS AND CONTINUING YOUR WORK ON THIS. IT HELPS WITH THE CONTINUITY. I AGREE WHEN WE DO SOMETHING THAT'S VERY LANDMARK OR SIGNIFICANT IN CHANGING OUR CODE WHEN IT COME TO DEVELOPMENT IT HELPS TO REVISIT THESE THINGS AND CHECK AND SEE IF THERE ARE ANY MODIFICATION OR IMPROVEMENTS OR CLAIRE FA CAIGHTSES THAT CAN BE MADE. I APPRECIATE YOUR DOING THAT TO MAKE THIS WORK FOR OUR CITY. I HAVE A QUESTION ABOUT THE DUPLEX ISSUE AN THE ZIPPER WALL BECAUSE I'VE HEARD FROM VARIOUS SIDES ON THIS AND SO I'M GOING TO KNOW THAT YOU

DON'T HAVE A RECOMMENDATION ON THIS, YOU HAVE SOME IDEAS THAT SHOULD THE COUNCIL WANT TO TAKE THIS UP. I DO THINK IT NEEDS TO BE FULLY VETTED BEFORE WE DO ANYTHING ON THAT. I DO HAVE SOME CONCERNS ABOUT IF WE ARE GOING TO REQUIRE THAT BOTH UNITS FACE THE FRONT THAT WOULD LIMIT THE AFFORDABILITY OPTIONS IN OUR CITY. THAT'S SOMETHING THAT SOMEONE FROM HOUSING WORKS CALLED ME ABOUT TO EXPRESS THEIR CONCERN. SO I'M JUST THROWING IT OUT THERE, SOMETHING TO CONSIDER AS WELL THAT WE'VE BALANCED AND REASONABLE IN OUR APPROACHES FOR DUPLEXES. I KNOW THAT THERE ARE GOODS AND BADS OF DUPLEXES, BUT THEY ALSO ARE AN OPTION FOR AFFORDABILITY IN OUR CITY, WHICH IS DIFFICULT TO ACHIEVE, BUT THERE ARE ONE OPTION FOR US TO DO THAT.

I AGREE. THAT'S PART OF WHY WE GOT SUCH A VARIED RESPONSE FROM THE TASKFORCE. AND THE OTHER THING TO LOOK AT IS THAT THE BOUNDARIES OF THE ORDINANCE COVER SIGNIFICANT AREA, AND SOME OF THOSE AREAS REALLY ARE VERY TRADITIONAL FOR FRONT DOOR FACING THE STREET. OTHERS ARE NOT SO TRADITIONAL. SOME FOLKS THOUGHT THAT IN THESE CASES IT WOULD BE PREFERABLE TO HAVE THE SECOND DWELLING UNIT IN THE BACK. SO IT'S GOING TO NEED SOME CONVERSATION.

Mayor Wynn: COUNCILMEMBER MARTINEZ.

Martinez: THANKS, MAYOR. THANK YOU, LAURA, FOR DOING ALL THIS WORK AND THANKS TO THE REST OF THE COMMITTEE MEMBERS. I WANT TO ASK ABOUT THE SPECIFIC GRAPH HERE THAT SHOWS OUR RESIDENTIAL DESIGN AND COMPATIBILITY COMMITTEE THAT GRANTS WAIVERS TO McMANSIONS. AND I WANTED TO ASK, IT APPEARS AS IT'S GONE OVER THE LAST YEAR AND FEW MONTHS, THAT IT'S ALMOST AS MANY WAIVERS AS REQUESTED ARE GRANTED. ARE THESE WAIVERS -- ARE THEY EGREGIOUS WAIVERS THAT WE'RE GRANTING OR ARE THEY SLIGHT DESIGN OR SOMETHING TO IMPROVE THE PROJECT? BECAUSE IF THEY ARE EGREGIOUS WAIVERS I WOULD WANT TO MAKE SURE THAT WE'RE ENFORCING McMANSIONS AS OPPOSED TO CREATING THE LAW AND GRANTING WAIVERS EVERY TIME THEY'RE REQUESTED.

I'M GOING TO MAKE ONE COMMENT AND THEN TURN IT OVER TO THE CHAIR OF THAT COMMISSION WHO IS HERE, WILLIAM BURKE HEART. AND THE COMMENT IS THAT THE CODE ACTUALLY LIMITS HOW MUCH THE ORDINANCE CAN BE WAIVED, LIKE YOU CAN ONLY GET UP TO A 25% INCREASE IN F.A.R. BUT I WANT TO TURN IT OVER TO WILLIAM IF THAT'S ALL RIGHT AND HE ASK MAKE A COMMENT.

Martinez: I BELIEVE STAFF ALSO HAD A COMMENT.

OH, GOOD.

MS. MORRISON IS CORRECT. THERE'S A 25% LIMITATION. MOST OF THE WAIVERS ACTUALLY IF YOU'LL LOOK BACK AT THAT GRAPH NRKS SEPTEMBER YOU WILL NOTICE A VERY LARGE

SPIKE. THE RDCC ONLY HEARS ABOUT 12 CASES EACH TIME, AND THAT SPIKE WAS THE DIRECT RESULT OF ALLOWING THE RDCC TO GRANT WAIVERS SPECIFICALLY TO SIDE WALL ARRESTARTICULATION AND NOT REQUIRE THEM IN MANY OF THOSE INSTANCES WHAT WE FOUND IS THAT ESPECIALLY IN REMODELS OR IN THE DOWNTOWN URBAN CORNERS THE AVERAGE SIZE LENGTH OF A WALL WAS ABOUT 24, 36 FEET -- 34, 36 FEET AS OPPOSED TO 32. SO TO REQUIRE A SIDE WALL ARTICULATION AT 32 WHEN YOU ALREADY HAD AN EXISTING STRUCTURE THAT WAS PROBABLY 34 AND THEN TELL THEM TO STEP IN AND LOSE, YOU WOULD STEP IN AND JUST HAVE THIS REALLY FUNKY LOOKING DOT IN YOUR HOME. SO THE VAST MAJORITY OF THOSE WAIVERS WERE A LOT OF SIDE WALL ARTICULATION WAIVERS. IN TRACKING A LOT OF THIS, AND I BELIEVE THAT BOTH CHAIRMAN MCGRAW AND CHAIRMAN BURKE HEART ARE HERE TOO, BUT BASICALLY THE VAST MAJORITY OF THE WAIVERS IF DENIED HAD TO DO -- THEY DO CAREFULLY CONSIDER F.A.R. EXEMPTIONS BECAUSE A LOT OF PEOPLE TRY TO GET F.A.R. EXEMPTIONS. BUT THE REASON THAT YOU WILL SEE THAT TILT IN THE APPROVALS IS LARGELY BECAUSE OF SIDE WALL ARTICULATION.

Martinez: THANK YOU.

McCracken: I JOIN MY COLLEAGUES IN CONGRATULATING THE TASKFORCE. I SAY THIS AGAIN THAT YOU BASICALLY AS CITIZENS HAVE BASICALLY REWRITTEN THE LAND DEVELOPMENT CODE. AND NOW YOU HAVE DONE SOME GREAT WORK AND THE PRICE IS SURE RIGHT. THANK YOU VERY MUCH FOR YOUR SERVICE TO THE COMMUNITY AND ALSO TO KAREN MCGRAW AND WILLIAM WHO ARE HERE, THE OTHER MEMBERS AS WELL. YOU DID A FANTASTIC JOB. WHAT IS THE TIME LINE AND HOW DO WE INITIATE THESE RECOMMENDATIONS TO GET THEM CODIFIED?

MY UNDERSTANDING IS IT'S UP TO YOU ALL TO INITIATE THE RECOMMENDATIONS AS CODE CHANGES. I THINK JESSICA NEEDS TO SPEAK TO THE MORE DETAIL.

GENERALLY COUNCIL HAS THE OPTION OF INITIATING THE RECOMMENDATIONS, REVIEWING THEM AND TAKING THE NEXT STEP. NORMALLY THAT WOULD OCCUR WITH THE POSTING ITEM ON THE NEXT AGENDA IF POSSIBLE. THEN THE ITEM WOULD GO TO THE PLANNING COMMISSION, CODES AND ORDINANCES FOR A REVIEW. IF COUNCIL INITIATED THE ORDINANCES, THEN THEY WOULD REVIEW THOSE ORDINANCES AND PROVIDE THEIR INPUT AND SEEK ADDITIONAL INPUT THROUGH THE PLANNING COMMISSION PROCESS AND IT WILL GO STEP BY STEP THROUGH THAT PROCESS BEFORE IT FINALLY COMES BACK TO COUNCIL FOR ACTUAL CONSIDERATION.

McCracken: SO IF WE WANTED TO INITIATE THIS AT OUR MARCH 6TH MEETING, WHICH I THINK WE SHOULD DO, COULD WE SIMPLY SAY, OKAY, LET'S POST AN ITEM TO INITIATE THE TASKFORCE'S REVISION AND RECOMMENDATIONS?

YES. STAFF HAS ADDITIONAL RECOMMENDATIONS THAT WE ARE PREPARED TO MAKE IF

YOU WOULD LIKE TO HEAR THOSE THAT HAVE TO DO WITH EITHER COUNCIL OR CODES AND ORDINANCES INITIATING THOSE. BUT YES, AT YOUR WILL YOU'RE WELCOME TO PREPARE RESOLUTION THAT BASICALLY STATES THAT YOU WOULD ASK THE CITY MANAGER'S OFFICE TO MOVE FORWARD AND INITIATE THE AMENDMENTS THAT ARE RECOMMENDED BY THE TASKFORCE.

McCracken: OKAY. AND I HAVE A SENSE THAT THERE ARE SOME THINGS OBVIOUSLY THAT WE HAVE TO REFEREE ON THE COUNCIL, ALONG WITH THE PLANNING COMMISSION. PARTICULARLY THE DUPLEX ISSUE. SO WHAT WE CAN DO IS WE CAN HUDDLE WITH EACH OTHER -- WE CAN POST SOMETHING SAY TOMORROW WITH DIRECTION FOR THESE ITEMS WILL BE FLED OUT BEFORE THE PLANNING COMMISSION AND COUNCIL WITH DIRECTION FROM THE TASKFORCE.

RIGHT. AND CAN YOU CHOOSE WHICH PORTION OF THE RECOMMENDATION. YOU CAN GO WITH ALL OF THEM, A PORTION OR NONE OF THEM, DEPENDING ON WHAT YOUR SENSE IS.

McCracken: MY SENSE IS THAT AT THE MOMENT WE WOULD PROBABLY INITIATE -- INITIATE CODE AMENDMENTS FOR THE REMENTSES IN THEIR TOTALLY, BUT TO LOOK AT ADDITIONAL ISSUES SUCH AS DEALING WITH THE ZIPPER WALL ISSUE IN DUPLEXES, FOR INSTANCE, PLUS THE STAFF RECOMMENDATIONS, THINGS LIKE THAT. WE CAN WORK TOGETHER WITH THAT. ON THE ISSUES OF RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION, CAN Y'ALL GIVE US A SENSE, AND PROBABLY KAREN AND WILLIAM, OF HOW IT'S WORKING, WHAT THE WORK LOAD'S LIKE.

COUNCILMEMBER, THE COMMISSION IS WORKING FAIRLY WELL ALL IN ALL. WHAT WE END UP SEEING GENERALLY ARE CASES THAT SPECIFICALLY ARE SIDE WALL ARTICULATION. THAT GENERALLY HAS BEEN SAID THE PREPONDERANCE OF THE CASES WE SEE. WE DO SEE FLOOR TO AREA RATIO REQUEST THAT GENERALLY RANGE FROM EIGHT TO 10% ALL THE WAY UP TO THE MAXIMUM PERMITTED. MOST OFTEN, BELIEVE IT OR NOT, THERE'S A GOOD DIALOGUE, AND IF AN APPLICANT IS REQUESTED TO COME BACK WITH SOMETHING ELSE, THEY'LL COME BACK AND GENERALLY IN THAT CASE THEY TEND TO GET AN APPROVAL. I DON'T KNOW WHETHER THAT SHOWED UP IN THE STATISTICS OR NOT. THE PROCESS HAS BEEN FAIRLY LIGHT IN FACT LATELY AND I DON'T KNOW IF THAT'S DUE TO THE ECONOMY IN GENERAL OR IF IT'S JUST THAT THERE'S A GREATER UNDERSTANDING OF THE ORDINANCE AND LESS DESIRE TO GO FORWARD WITH SOMETHING THAT NEEDS TO GO FORWARD WITH THE COMMISSION.

McCracken: ONE OF THE THINGS WE HAD DONE THE CODE AMENDMENT IS ON THE SIDE WALL ARTICULATION ISSUE, THAT WILL BE GOING TO THE BOARD OF ADJUSTMENTS, WHICH BY STATE LAW THERE'S NO OPPORTUNITY FOR DIALOGUE, THE KIND Y'ALL HAVE THERE. AND SO WHEN WE SHIFTED THAT AREA OF JURISDICTION FROM THE BOARD OF ADJUSTMENTS OVER TO THE RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION, CAN YOU GIVE US A SENSE OF HOW THE ABILITY TO ENGAGE IN DIALOGUE OR COMPARED TO

THE (INDISCERNIBLE) PROCESS.

I GUESS I WOULD SAY THAT IT SEEMS TO BE WORKING EXTREMELY WELL WITH THE CASES THAT WE'VE SEEN. WE'LL HAVE REGULAR APPLICANTS, FOR INSTANCE, DWOBBERERS OR ARCHITECTS THAT COME TO US REGULARLY REQUESTING A SPECIFIC EXCEPTION. AND THEY KNOW EXACTLY HOW WE'LL TALK TO THEM AND EXACTLY WHAT KIND OF RESPONSE THEY'LL GET WITH RESPECT TO A SPECIFIC REQUEST. IN OTHER CASES WE MAY HAVE SOMEONE THAT'S TRYING TO REMODEL THEIR HOUSE. THEY MAY OR MAY NOT BE FULLY COGNIZANT OF THE NUANCES OR THE ISSUES AVAILABLE, AND IN THIS CASE THE RDCC WORKED EXTREMELY WELL WITH RESPECT TO ITS LOWER OR -- ITS LESS FORMAL DIALOGUE THAN THE DO ASKS MIGHT HAVE.

McCracken: THANK YOU. I THINK THAT'S PROBABLY A GOOD MODEL FOR A BROADER RANGE OF ISSUES, BUT WHAT WE SHOULD DO IS FLESH THAT OUT. BUT I'VE HEARD POSITIVE REPORTS FROM FOLKS ACROSS THE BOARD THAT OPPORTUNITY TO ENGAGE IN THAT DIALOGUE LED TO CONSTRUCTIVE DISCUSSIONS. AND THAT THE BOARD OF ADJUSTMENTS PROCESS IS REAL PARTICULAR RIGID AND MAY NOT BE THE BEST WAY TO HANDLE THE ABILITY TO ENGAGE IN DIALOGUE AND THESE ISSUES ON SOME THING. WE CAN WORK ON THAT AS WE GO FOR THE INITIATED RECOMMENDATIONS. ON A BOUNDARY AMENDMENTS QUESTION, ARE YOU ALL RECOMMENDING ANY CHANGES, EXPANSION OR CONTRACTIONS TO THE BOUNDARIES? OF THE ORDINANCE?

I KNOW THAT WHEN WE -- WHEN WE DID THIS, WE HAD SAID SUBDIVISIONS, 73 OR BEFORE, WHICH ACTUALLY LED TO SOME IS A RECOGNITION WE HAD TO CHANGE THOSE. YOU HAD SOME SUBDIVISION OUT BY LAKE TRAVIS PLATTED 373 WHEREAS YOU HAD SOME RIGHT IN THE HEART OF THE CITY THAT WERE PLATTED AFTERWARDS. IT WAS A CLEANER WAY TO DO GEOGRAPHIC BOUNDARIES.

WE DIDN'T ADDRESS THAT. IT DIDN'T COME UP AS AN INITIAL THE DISCUSSIONS FROM ANYONE. AND SO NO, IT'S NOT BEEN AN ISSUE. MAYBE WE GOT IT RIGHT.

McCracken: WHAT I WILL BE INTERESTED TO KNOW IS WHETHER THERE ARE AREAS THAT FIT THE CHARACTER OF THE ORDINANCE THAT ARE CURRENTLY EXCLUDED. I THINK THAT'S A BIG CONCERN OF MINE THAT WE MAY HAVE LIKE LEFT SOME NEIGHBORHOODS OUT THAT SHOULD BE IN. I JUST DON'T KNOW WHAT THOSE ARE. SO MAYBE WE CAN GET SOME GUIDANCE FROM YOU ALL GOING FORWARD. ON THE PLUS SIDE I'VE BECOME AWARE OF AT LEAST ONE SMALL SUBDIVISION ON THE EDGE OF THE BOUNDARIES ALONG 360. IT WAS ALL BUILT THIS DECADE. THE HOMES WERE BUILT WITH F.A.R.'S LARGER THAN .4. IT MIGHT MAKE SENSE IF THAT'S THE WILL OF THE RESIDENTS ON THAT 40, BASICALLY ONE STREET, THAT IT'S THERE OFF OF WEST RIM IS MY UNDERSTANDING. THERE MIGHT BE SOME SPECIAL CASES LIKE THAT.

IT MAY BE SOMETHING THAT ALLOWS A NEIGHBORHOOD PLANNING AREA -- A

NEIGHBORHOOD PLANNING AREA TO COME IN AND ADJUST THE NUMBERS UP OR DOWN. AND WE ALSO HAD RECOMMENDED AND IT'S NOT IN THE ORDINANCE YET, THAT THAT BE A CAPABILITY THAT ANY NEIGHBORHOOD COULD DO. AND SO WE DO RECOMMEND THAT THAT BE -- WE STILL STAND BEHIND OUR RECOMMENDATION THAT THAT ADJUSTMENT CAPABILITY BE AVAILABLE TO EVERYONE WITHIN THE BOUNDARIES AND WE FORESAW THAT IT WOULD BE UP OR DOWN. I SHOULD MENTION IN THAT REGARD WE'RE ALSO -- ONE OF THE ISSUES THAT CAME UP WAS THAT THE WAY THE ORDINANCE IS WRITTEN, THOSE ADJUSTMENTS CAN ONLY BE DONE ON A NEIGHBORHOOD PLANNING AREA BASIS, AND IT BECAME CLEAR PRETTY QUICKLY THAT WITH SOME OF OUR PLANNING AREAS ARE PRETTY LARGE. AND THAT SUBDISTRICTS WITHIN THE PLANNING AREAS HAVE UNIQUE CHARACTER. SO ONE OF OUR RECOMMENDATIONS IS THAT YOU BE ABLE TO -- THE NEIGHBORHOOD PLAN AREAS BE ABLE TO ADJUST ON A SUBDISTRICT BASIS. THAT DID BRING UP SOME INTERESTING CONVERSATION BECAUSE BEING ABLE TO TRACK THE OPTIONS BY SUBDISTRICTS IS A LITTLE BIT CHALLENGING. RIGHT NOW IT'S A GOOD THING TO CONCENTRATE ON IN TERMS OF THE NEW WEBSITE DESIGN BECAUSE IT WOULD BE NICE IF ANYBODY, STAFF OR PROPERTY OWNERS OR NEIGHBORHOOD FOLKS, COULD GO IN, SEE GRAPHICALLY WHAT THE SUBDISTRICTS ARE AND BE ABLE TO KNOW EXACTLY WHAT INFILL OPTIONS OR WHAT PARTICULAR PARAMETERS FOR McMANSION APPLY FOR EACH OF THE SUBDISTRICTS. AND CERTAINLY ALL THE INFORMATION IS THERE, BUT I THINK THAT WOULD AN REAL BOON TO GETTING INFORMATION AVAILABLE TO FOLKS. MAKE R.

McCracken: HERE'S MY FINAL AREA. WHEN WE DO INITIATE AN ITEM, I DO BELIEVE THAT WE NEED TO ADDRESS SOME DUPLEX FIXES BECAUSE THIS HAS JUST BEEN AN ISSUE THAT HAS BEAT UP ON THIS COMMUNITY FOR A DECADE. THE SUPER DUPLEX ISSUE AFS AN ISSUE AND THE GRANNY FLATS. THERE'S BEEN A CONSTANT PUSHING AT THE EDGES BECAUSE THEY'RE COMMERCIAL PROPERTIES IN THE MIDDLE OF A NEIGHBORHOOD. THEY SELL THEM BY THE SQUARE FOOT, SO THOSE ARE INVESTOR DRIVEN COMMERCIAL PROPERTIES THAT FUNCTION LIKE IN MANY CASES LIKE MULTI-FAMILY UNITS THAT ARE USING SINGLE-FAMILY ZONING. SO WE'RE ALWAYS SEEING THAT TENSION THERE. AND THE POSSIBILITY THAT I'VE DISCUSSED WITH KAREN AND WILLIAM IS TO TAKE SOMETHING THAT WE HAD ACTUALLY DIRECTED AT THE TIME WE ADOPTED THE ORDINANCE IN 2006, WHICH WAS CREATE TWO TYPES OF DUPLEXES, A NEIGHBORHOOD DUPLEX AND CALL IT AN URBAN DUPLEX, AND HAVE THE NEIGHBORHOOD DUPLEX HAVE PRETTY STRICT DESIGN STANDARDS REFLECTING THAT THEY'RE SF 3 OR SF 2. I DON'T THINK YOU CAN DO DUPLEX IN SF 2. SO SF 3 ZONING. THAT'S A NEIGHBORHOOD HOME. IT WILL HAVE NEIGHBORHOOD HOUSING TYPE REGULATIONS APPLYING TO SF 3 ZONED DUPLEXES AND MAYBE EVEN HAVE A LARGER FORM PERMITTED FOR SF 5 AND 6 DUPLEXES TO ADDRESS THE DIRECTION WE HAD TO CREATE AN URBAN DUPLEX CATEGORY BACK IN 2006. IT MIGHT HAVE SOME LOOSER RESTRICTIONS, BUT IS MORE OF A HIGH DENSITY VEHICLE, A TRANSITION BETWEEN SINGLE-FAMILY AND MULTI-FAMILY. SO WE CAN WORK ON THAT DURING THESE INITIATED RECOMMENDATIONS. I WOULD LIKE TO BRING THESE UP NEXT WEEK IN PART BECAUSE MAYOR PRO TEM DUNKERLEY WAS ONE OF THE CO-SPONSORS OF THIS ITEM,

WAS VERY ACTIVE IN THIS. HAD A LOT OF EXPERTISE. I WOULD LIKE TO HAVE THESE RECOMMENDATIONS WRAPPED UP BEFORE SHE LEAVES BECAUSE OTHERWISE WE LOSE A WHOLE HUGE CHUNK OF KNOWLEDGE ABOUT BOTH THE ORDINANCE ITSELF, THE REASONS FOR IT, AND THE COMPROMISES THAT ARE REAL FUNDAMENTAL TO I THINK WHAT IS THE PHENOMENAL ACCOMPLISHMENT, WHICH WAS, LAURA, YOU -- IN YOUR ROLE AS CHAIR TO GET 15 OUT OF 16 MEMBERS TO SUPPORT THAT, IT WAS A PHENOMENAL ACCOMPLISHMENT. I THINK WE NEED TO NOT LOSE OUR SKILL SET IN BETTY DUNKERLEY, SO I WILL LIKE TO SEE THESE WRAPPED UP PRIOR TO YOU LEAVING. GREAT WORK, EVERYONE.

Mayor Wynn: FURTHER QUESTIONS OR COMMENTS? AGAIN, THANK YOU, MS. MORRISON AND EVERYBODY'S WORK. APOLOGIZE FOR BEING BEHIND, BUT WE NOW GO TO CITIZENS COMMUNICATION. OUR FIRST SCHEDULED SPEAKER IS PAUL ROBBINS. I SAW PAUL EARLIER. GUS PENA -- HERE COMES MR. ROBBINS, TO BE FOLLOWED BY GUS PENA.

COUNCIL, HI. I'M PAUL ROBBINS. I'M AN ENVIRONMENTAL ACTIVIST AND CONSUMER ADVOCATE AND I'M HERE AGAIN TO SPEAK ABOUT THE NEED TO VOTE ON REVENUE BONDS FOR WATER TREATMENT PLANT 4. AGAIN, I START BY REMINDING YOU THAT THE CITY CHARTER IN ARTICLE 7, SECTION 11 SPECIFICALLY, PROHIBITS REVENUE BONDS WITHOUT VOTER APPROVAL FOR AUSTIN'S UTILITIES. A CHARTER PROPOSAL THIS RIGHT WAS REJECTED BY A LANDSLIDE MARGIN IN A CHARTER REVISION ELECTION IN 1985 AND THERE HAS BEEN NO ELECTION SINCE THEN TO RESCIND THIS PROVISION. AT THE LAST COUNCIL MEETING I SHOWED HOW COUNCIL POLICY HAD CHANGED OVER THE LAST 10 YEARS FROM A POLICY THAT PROHIBITS USE OF BONDS WITHOUT VOTER APPROVAL FOR AUSTIN'S WATER UTILITY TO ONE THAT ALLOWED USE OF NON-VOTER APPROVED BONDS IN MOST CASES. HOWEVER, ACCORDING TO COUNCIL'S OWN WRITTEN RULES AND THE FINANCIAL POLICY SECTION OF THE CITY BUDGET, PROJECTS LOCATED IN THE DRINKING WATER PROTECTION ZONE MUST HAVE VOTER AUTHORIZED BONDS UNDER CERTAIN CONDITIONS, AND THIS SLIDE DENOTES THOSE CONDITIONS. BASICALLY THE ORIGINAL COST PER UNIT HAD TO BE ADJUSTED FOR INFLATION AND DOES NOT EXCEED 50% OF THE ORIGINAL PROJECT COST. AND WATER TREATMENT PLANT 4 IS IN THE DRINKING WATER PROTECTION ZONE. ACCORDING TO MY OWN ANALYSIS, COUNCIL IS VIOLATING ITS OWN POLICY IF YOU DO NOT HOLD AN ELECTION. NOW, THIS IS HOW THE NUMBERS WORK. ADJUSTED FIGURES THAT I RECEIVED FROM THE WATER DEPARTMENT FOR THE -- ADJUSTING FIGURES THAT I HAD RECEIVED FROM THE WATER DEPARTMENT FOR THE CONSUMER PRICE INDEX AND A 50% MULTIPLIER IN YOUR POLICY, THE FIGURE THAT WOULD TRIGGER AN ELECTION WOULD BE \$7.2 MILLION PER MILLION GALLONS PER DAY. THESE COST ESTIMATES ARE FROM -- THESE COST ESTIMATES ARE FOR WATER TREATMENT PLANT 4. THEY COME FROM THE WATER DEPARTMENT AND ARTICLES IN THE AUSTIN CHRONICLE AND THE AMERICAN-STATESMAN. THEY TOTAL \$441 MILLION, INCLUDING WHAT HAS ALREADY BEEN SPENT. THIS COMES TO \$8.8 MILLION PER MILLION GALLONS A DAY OF CAPACITY. THIS EXCEEDS COUNCIL'S BUDGET POLICY DIRECTIVE BY 50%. EVEN IF YOU SELL THE LAND FOR THE ORIGINAL SITE TO REDUCE THE COST, YOU WILL PROBABLY BE EXCEEDING YOUR BUDGET

CAP. [BUZZER SOUNDS] SO AGAIN I'M ASKING YOU TO HOLD AN ELECTION. SITCITIZENS SHOULD VOTE ON SOMETHING AS ESSENTIAL AS WATER. THANK YOU.

Mayor Wynn: THANK YOU, MR. ROB BE ROBBINS.

IF I MIGHT, I'LL RESPOND TO THE ISSUES RELATED TO THE ISSUES IN OUR CHARTER. AND I THINK THE ASSISTANT CITY MANAGER RUDY GARZA WILL TALK ABOUT THE OTHER ISSUES. I DID GET THE LANGUAGE YOU SUGGEST, MR. ROBBINS --

WHICH I ADMITTED WAS FLAWED.

THE FLAW, IF THERE IS A FLAW, HAS NOTHING TO DO WITH OUR CHARTER LANGUAGE OR WHAT PROPOSED CHARTER LANGUAGE MIGHT BE PUT IN. THE FLAW, IF IT'S A FLAW, IS THE TEXAS CONSTITUTION. AND THE TEXAS CONSTITUTION SAYS THAT OUR CHARTER MAY NOT CONTAIN ANY PROVISION INCONSISTENT WITH THE LAWS OF THE STATE. AND THERE ARE SEVERAL SECTIONS OF THE GOVERNMENT CODE THAT SET OUT THE PROCESS AND PROCEDURE FOR ISSUING VARIOUS KINDS OF BONDS AND OTHER FINANCIAL SECURITIES. FOR EXAMPLE, IN THE GOVERNMENT CODE CHAPTER 1502, CHAPTER 1371, CHAPTER 1207, CHAPTER 1202, AND THOSE ARE JUST EXAMPLES. IN CERTAIN SITUATIONS STATE LAW SAYS IT REQUIRES VOTER APPROVAL AND IN CERTAIN SITUATIONS IT SAYS THE GOVERNING BODY MAY ISSUE THOSE KIND OF SECURITIES AND BONDS WITHOUT AN ELECTION. SO UNDER THE TEXAS STATE LAWS THOSE STATE LAWS TRUMP OUR CHARTER. SO AGAIN, THERE'S NOTHING ABOUT OUR CHARTER LANGUAGE THAT IS UNCLEAR. IT'S SIMPLY THE PRINCIPLE THAT STATE LAW TRUMPS AND OVERRIDES THE CHARTER.

I'VE NEVER DISPUTED WHAT YOU'VE SAID. TO BE SUCCINCT, WE VOTED ON BONDS UNTIL 1992, AND THEN SLOWLY OVER A PERIOD OF YEARS IT'S DIMINISHED TO NOTHING. NOTHING PROHIBITS US FROM DOING IT.

AND I WOULD RESPECTFULLY DISAGREE. AGAIN, THIS HAS BEEN LITIGATED. WE WENT TO COURT. THE AUSTIN CITY CHARTER LOST.

BUT WE CONTINUED TO HOLD ELECTIONS FOR MANY YEARS AFTER. WERE WE IN VIOLATION OF THE LAW THEN?

I WOULD NEED MORE SPECIFIC BZ WHAT ELECTIONS AND WHAT KIND OF BONDS?

Mayor Wynn: PERHAPS, MR. SMITH, THIS IS A BIG INTEREST. IF YOU COULD IN MEMO FORM TO MY COLLEAGUES AND I AND THE CITY MANAGER HELP US FRAME THIS ANALYSIS AS WELL, WE'D APPRECIATE THAT.

AND IF IT'S OKAY WITH COUNCIL, MAYOR, IF I CAN CONFINE IT NOT TO JUST TALKING ABOUT A BUNCH OF HYPOTHETICAL SITUATIONS AND ALL KINDS OF SECURITIES, BUT CONFINE IT

TO THE WATER TREATMENT PLANT NUMBER 4 ISSUES, I'LL CERTAINLY BE HAPPY TO DO THAT.

THANK YOU.

Mayor Wynn: THANK YOU, MR. ROBBINS.

MS. DUNKERLEY LOOKS LIKE SHE WANTS TO SAY SMSMGHT AM I MISREADING YOU? [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] MY DAD WORKED FOR THE HEINZ COMPANY FOR MANY YEARS, FOR OVER 35 YEARS THERE, STARTING IN 1929, WELCOME AGAIN. AND REMEMBER MY PAST COMMENTS ABOUT ENGAGING AND INCLUDING THE COMMUNITY. YOU WERE ONE OF MY CHOICES, I WAS THE ONE WHO SAID GO OUTSIDE. THANK GOD FOR THAT. I THINK THAT YOU WILL MAKE AND HAVE BEEN A GOOD CITY MANAGER. ANYWAY, A GOOD ARTICLE IN THE PAPER, SHOWS THE YOUTH TALKING TO A SPECIFIC CANDIDATE. I'M NOT GOING TO GET INTO THESE POLITICS BECAUSE I HAVE MY CANDIDATE THAT I PREFER. BUT ENGAGED THE YOUTH, SENIOR CITIZENS, ENERGIZE, ENTICE THEM TO VOTE YOU ARE GOING TO WIN. ONLY ONE CANDIDATE THAT I FEEL HAS ENGAGED AND ENERGIZED THE YOUTH AND THE SENIOR CITIZENS, DON'T FORGET THE MILITARY VETERANS, THOUGH. MAYOR AND COUNCILMEMBERS, I'M HERE TO SPECIFICALLY REQUEST THAT FUNDING, OVERTIME FUNDING BE REQUESTED FROM D.O.J. I WORK WITH THE DEPARTMENT OF TREASURY, I HAVE FRIENDS AT D.O.J. IN WASHINGTON. THERE IS FUNDING TO PROVIDE MORE OFFICERS IN THE STREETS. WE HAD A DOUBLE HOMICIDE. WE HAD A DRIVE-BY SHOOTING THAT WAS NOT REPORTED AND POSSIBLY IS NOT INCLUDED IN THE STATISTICAL DATA THREE WEEKS AGO. WE NEED MORE OFFICERS ON THE STREETS. WE HAVE SOME GOOD OFFICERS OUT THERE DOING A DARNED GOOD JOB, HENRY, CHARLIE SECTOR. THOSE ARE THE ONES THAT I DEAL WITH FREQUENTLY. I COMMEND THOSE FOLK. ALL I SAY IS DON'T CROSS THAT LINE BECAUSE I WAS TOLD FROM FRIENDS AND FAMILY THAT I HAVE AT THE DEPARTMENT, AT A.P.D., I WILL BE THERE TO SUPPORT YOU BUT NOT IF YOU GO PAST THAT LINE. THERE'S FUNDING OUT THERE. WE NEED OFFICERS OUT THERE IN THE STREETS. THE VETERANS ARE GETTING THE WORST MEDICAL TREATMENT THAT WE CAN GET AT THE V.A. CLINIC. I SENT VETERANS TO GET THEIR CLINIC CARDS FROM THE HOSPITAL DISTRICT. ELIGIBILITY, I DON'T KNOW WHAT CRITERIA THEY'RE USING, IF THEY ARE LOOKING AT POLICIES AND PROCEDURES OR DEVIATING FROM THAT. THEY ARE FINDING SOME VETERANS NOT QUALIFIED. I CALLED RON DAVIS, PRECINCT COMMISSION 1 OF TRAVIS COUNTY. I SAID I'M GOING TO CALL MY FRIEND RON DAVIS. IMMEDIATELY THAT VETERAN HAD HIS CLINIC CARD BETWEEN TWO HOURS. THE OTHERS HAD THEIR THE SAME AFTERNOON. WE NEED TO WORK ON THE POLICIES AND PROCEDURES. MIKE, YOU HAD AN ARTICLE IN THE PAPER REGARDING THE HOSPITAL DISTRICT. A LOSS OF CITY BENEFITS. MY CITY AND I HAVE A LOT FRIENDS THAT -- AND FAMILY THAT WORKS IN THE -- AT THE CLINICS. CLARK HYRICK SPECIFICALLY TOLD ME IN 2005 THAT THE BOARD WAS GOING TO SUPPORT THE PUBLIC EMPLOYEE STATUS SO NOBODY IS LEFT OUT OF THE LOOP. GUESS WHAT, THAT'S WHAT MY SISTERS FIERCE ARE, MY OTHER FAMILY MEMBERS. WE NEED TO WORK ON ENSURING THAT THE FOLKS OUT

THERE, WORKERS GET THE EMPLOYEE STATUS INTACT. [BEEPING] ONE LAST ITEM. PARKING METERS, BRACKENRIDGE HOSPITAL AND YESTERDAY RATHER TUESDAY ATMOSPHERE THE COUNTY COMMISSIONERS COURT I WAS GOING TO DO A PRESENTATION. I PUT 8 QUARTERS IN THE METER, NUMBER 300. AND I GOT FIRST A FAIL SYSTEM, THEN I GOT AN OUT OF SERVICE SYSTEM. I CALLED JOE RAMOS'S DEPARTMENT. SPOKE TO INDICATE MONTGOMERY, 8 DIFFERENT OFFICIALS, I CALLED YOU, MAYOR. AFTER I CALLED YOU I GOT REMEDY. BUT THE ISSUE IS THAT YOU NEED TO LOOK THE A THE PARKING METER. I DON'T KNOW IF IT'S THE NEW QUARTERS WHATEVER A LOT OF PROBLEMS WITH THE PARKING METERS THROUGHOUT THE CITY OF AUSTIN. THANK YOU. MR. MARK OTT THANK YOU, SIR. LOOK FORWARD TO WORKING WITH YOU ON COMMUNITY ISSUES, HAVE A GOOD DAY.

Mayor Wynn: THANK YOU, NEXT SPEAKER IS STEWART MONTGOMERY, SIGNED UP WISHING TO ADDRESS US. AS HAS TERRY MOORE. WELCOME, MR. MOORE. YOU WILL HAVE THREE MINUTES TO BE FOLLOWED BY BETTY BOYD BOYD.

THANK YOU FOR THE OPPORTUNITY TO SPEAK. I'M A STRONG [INDISCERNIBLE] THE WAY THE CITY OF AUSTIN HAS SET OUT TO BECOME KNOWN AS ONE OF THE LEADING ENVIRONMENTAL CITIES IN THE UNITED STATES. I SUPPORT IT BECAUSE I THINK THAT IT'S A SMART WAY TO BE MORE PROSPEROUS IN THE WORLD AS IT'S SHAPING UP FOR THE YEARS AHEAD. THIS TRAGEDY IS A WIN, WIN, WIN FOR BUSINESS, SOCIAL GOALS AND OUR LOCAL AND GLOBAL ENVIRONMENT. TODAY I WANT TO SPEAK ABOUT THE FUTURE OF CLEAN, LOW CARBON, NON-NUCLEAR POWER. I CONGRATULATE THE CITY FOR ITS RECENT DECISION NOT TO INVEST IN A PROPOSED EXTENSION OF THE SOUTH TEXAS NUCLEAR POWER FACILITY. YOUR DECISION WAS BASED ON AN ASSESSMENT OF RISKS, RHYME MERELY FINANCIAL RISKS. NOW, IN CONSIDERING THE PURCHASE OF ELECTRICITY FROM THE NUCLEAR POWER PLANT, I IMAGINE THAT YOU FORESEE SUCH A PURCHASE COULD REDUCE RICKS OF INADEQUATE BASE LOAD POWER. WITH LOW CARBON. I SUBMIT THAT A MORE COST EFFECTIVE METHOD FOR ADDRESSING THIS RISK ARE, FIRST, EVEN MORE AGGRESSIVE PURSUIT OF ENERGY EFFICIENCY IN EXISTING BUILDINGS THAN YOUR CURRENT GREEN BUILDING PROGRAM. AND, SECONDLY, AN INVESTMENT IN THE PROOF OF CONCEPT PROJECTS FOR ENERGY STORAGE FROM SOLAR AND WIND. SUCH AS COMPRESSED AIR, ENERGY STORAGE AND STORAGE AND LIQUID SALT. THESE MEASURES WILL BE MORE EFFECTIVE IN REDUCING THE RISK OF INADEQUATE BASE LOAD AND FAR LESS RISKY WITH RESPECT TO HAZARDOUS WASTE CREATION. THERE'S A COUPLE OF PICTURES GETTING PASSED AROUND MUCH ONE IS ABOUT THE GLOBAL COST CURVE FOR GREENHOUSE GAS ABATEMENT, YOU WILL SEE IN THE LOWER RIGHT CORNER THERE'S A NET REVENUE TO BE GAINED, NET NEGATIVE COST FOR MEASURES INVOLVING BUILDING INSULATION, LIGHTING SYSTEMS, AIR CONDITIONING, WATER HEATING. THE OTHER PICTURE IS ABOUT THE PROPORTION OF TOTAL ELECTRICITY GENERATED THAT GOES TOWARDS RESIDENTIAL AND COMMERCIAL BUILDING. THREE-QUARTERS OF ALL OF THE ELECTRICITY. SO THE POTENTIAL FOR ENERGY EFFICIENCY IS REALLY SUBSTANTIAL. SO PLEASE WITHDRAW FROM THIS AND ALL FUTURE CONSIDERATION OF PARTICIPATION IN

ANY SORT OF NUCLEAR ENERGY. THANK YOU.

Mayor Wynn: THANK YOU, MR. MOORE. BETTYE BOYD, WELCOME, THREE MINUTES FOLLOWED BY PAT JOHNSON.

HELLO, THANK YOU, I WANT TO THANK YOU MAYOR WIN AND MEMBERS OF THE CITY COUNCIL FOR THIS OPPORTUNITY TO SPEAK, FOR YOUR PARTICIPATION IN THE COOL CITIES PROGRAM AND A BIG THANK YOU FOR DECLINING NRG'S REQUEST FOR OUR TAX REVENUES TO BUILD A NUCLEAR PLANT. NOW I'M ASKING YOU TO RAMP UP ENERGY CONSERVATION PROGRAMS ALREADY IN PLACE SO THAT WE CAN PUT OFF HAVING TO BUILD MORE POLLUTING PLANTS. WHAT'S A WAY TO DO THIS? VIGOROUSLY PUBLICIZE THE WONDERFUL ENERGY SAVING INCENTIVE PROGRAMS AVAILABLE THROUGH AUSTIN ENERGY. THEY ARE THE GREATEST BARGAINS FOR ELECTRICITY CUSTOMERS IN THE NATION, BUT HARDLY ANYONE KNOWS ABOUT THEM. ENCOURAGE AUSTIN ENERGY TO MAKE THESE PROGRAMS A HIGH PRIORITY. IF THEY NEED MORE EMPLOYEES TO MAXIMIZE THEM, PLEASE HELP TO GET THEM ON BOARD. I WOULD LIKE TO ILLUSTRATE MY POINT BY DESCRIBED DESCRIBING THE TREMENDOUS VALUE OF THE SOLAR THERMAL WATER HEATER PROGRAM. HERE ARE SOME POINTS TO PONDER. THE FLORIDA STATE ENERGY OFFICE ESTIMATES THE WATER HEATER CONSUMES 30% OF THE ENERGY IN AN AVERAGE ALL ELECTRIC HOME. A THERMAL WATER HEATER WITH A SMALL SOLAR ARRAY TO RUN THE WATER PUMP IS TESTED TECHNOLOGY. IT HAS A LIFE SPAN OF 30 YEARS. AND IT'S FOUR TIMES MORE EFFICIENT THAN HEATING WATER USING SOLAR PANEL ELECTRICITY. THE SUN POWERS THESE HEATERS 100%, WHEN AIR CONDITIONERS ARE PUSHING USAGE TO ITS PEAK LOAD. ONCE THE SYSTEM PAYS FOR ITSELF, USUALLY IN THREE TO FIVE YEARS, IT'S BASICALLY 80% FREE HOT WATER FOR YEARS. THE TOTAL COST FOR AN AVERAGE SYSTEM INSTALLED BY EXPERTS RANGE FROM 3500 TO 6,000. BUT THE INCENTIVES ARE SIGNIFICANT. AUSTIN ENERGY REBATES, THERE'S ALSO A 30% FEDERAL TAX CREDIT, WHICH WOULD BE FROM 750 TO A THOUSAND DOLLARS AND AUSTIN COULD REALLY BENEFIT FROM THE USE OF THAT FEDERAL MONEY. 20MONEY. 0 TO 2% LOANS ARE AVAILABLE FOR EXISTING HOMES AND HOME BUILDERS COULD BOOST THEIR SALES IF THEY TOOK ADVANTAGE OF REBATES USING THESE SYSTEMS IN NEW CONSTRUCTION. WE HAVE EXPERIENCED SALES AND INSTALLATION COMPANIES IN AUSTIN, READY AND ABLE TO NEED THE DEMAND. FINALLY, NOTE THAT HAWAII HAD LITTLE CELLULAR PHONES THEIR ENERGY SAVING ACTIVITIES UNTIL THEY HIRED EXPERTS WHO TOLD THEM NOBODY KNOWS ABOUT THESE PROGRAMS. AFTER AGGRESSIVE MARKETING, THEIR PROGRAMS REALLY TOOK OFF. SO LET'S DO THE SAME. ADVERTISE ALL OF THESE PROGRAMS AND STREAMLINE THE PROCESSES, SO AUSTIN CAN REALLY SAVE ENERGY. THANK YOU.

Mayor Wynn: THANK YOU, MS. BOYD, OUR NEXT SPEAKER IS PAT JOHNSON. WELL, YOU WERE SIGNED UP NEXT, PAT. TO BE FOLLOWED BY JENNIFER GALE. HI, JENNIFER.

GOOD AFTERNOON, COUNCIL, MR. OTT. GLAD TO HAVE YOU HERE. COUNCIL, I GUESS FOR THE NEXT THREE OR FOUR MEETINGS I'M GOING TO START TALKING ABOUT THE TOWING

ISSUE AGAIN BECAUSE WE HAVE SERIOUS, SERIOUS PROBLEMS GOING ON. WHAT WE'RE SEEING HAPPENING IS WE HAVE CIVILIAN CITY EMPLOYEES MEDDLING IN LAW ENFORCEMENT ACTIVITIES. THIS BEING WHEN A WRECKER DRIVER IS DENIED NOT ONCE BUT TWICE BY THE POLICE DEPARTMENT FOR A WRECKER LICENSE. THEY APPEAL TO THE CITY MANAGER'S OFFICE OF THE THEN WHAT WE HAVE SEEN IS THE CITY MANAGER'S OFFICE OVERTURNS THE POLICE DEPARTMENT. RIGHT NOW THERE'S ONE COMING UP THROUGH THE PIPE THAT SEXUALLY MOLESTED A SEVEN-YEAR-OLD LITTLE GIRL. I KNOW THAT MOTHER AND I KNOW THAT CHILD. HE TO THIS DAY IS WORKING FOR A TOWING COMPANY THAT'S ON A ROTATION LIST. THAT HAS GOT TO CEASE. WE PAY OUR POLICE OFFICERS TOP DOLLAR TO KEEP OUR CITIZENS SAFE. AND CIVILIAN CITY EMPLOYEES ARE NOT PRIVY TO THE SAME CRIMINAL INVESTIGATION DOCUMENTS THAT CITY EMPLOYEES ARE. SECONDLY, SOMEONE IN THE CITY ATTORNEY'S OFFICE HAS TOLD THE WRECKER ENFORCEMENT UNIT THAT IF OUR POLICE OFFICERS CAN GO OUT AND PUT A STICKER ON A CAR TO HAVE IT TOWED, THAT A PARKING FACILITY OR A TOWING COMPANY CAN DO THE SAME. STATE LAW SPECIFICALLY SAYS THAT FOR A VEHICLE TO HAVE AN EXPIRED INSPECTION STICKER OR REGISTRATION STICKER, THE PARKING FACILITY HAS TO SEND A CERTIFIED LETTER, GIVE THEM 10 DAYS, TOW THEIR CAR OFF. A CASE IN POINT THIS LAST WEEK, A GUY WAS TOWED BY THE POLICE DEPARTMENT. WELL THE CITY OWNER'S OFFICE SAID IF WE CAN DO IT, THEY CAN DO IT. IT'S LIKE COMPARING APPLES TO ORANGE. IT'S A MATTER OF INTEGRITY. THIRDLY, THERE'S 40 TOWNDS IN \$40,000 IN OVERTIME COMING OUT OF THE POLICE DEPARTMENT'S BUDGET THAT CAN BE USED FOR FIGHTING CRIME IN OUR NEIGHBORHOODS, IT'S BEING USED FOR THE OBAMA CAMPAIGN. I WANT TO KNOW WE HAVE TO TAKE MONEY OUT OF THEIR BUDGET WHEN WE HAVE CRIME PROBLEMS THAT WE HAVE TODAY. FOURTHLY, THIS NEXT, THE DISTRICT ATTORNEY'S OFFICE, I HAVE -- LISTENING TO ALL OF THE CANDIDATES AND I FEEL THE ONE THAT WOULD BEST SERVE THE COMMUNITY IS MOLLY MOCKFORD BECAUSE THE REASON BEING IS SHE'S GOING TO PUT A STOP TO THESE FELONY DEFENDANTS GOING THROUGH THE ROCKET DOCKET NOT LOOKING AT THE CRIMINAL HISTORIES, BEFORE MAKING A PLEA BARGAIN AND SETTING THEM FREE. JUST LIKE IN THE AMY DONOVAN CASE WHERE THAT POLICE OFFICER WAS KILLED. THE SUSPECT THAT THEY WERE CHASING, HE PASSED THROUGH THE ROCKET DOCKET AND GOT OFF SCOTT FREE. SO WE'RE GOING TO CHANGE THIS COMMUNITY THE WAY WE THINK IN THE CRIMINAL JUSTICE SYSTEMS, WE HAVE GOT TO HAVE SOMEBODY THAT'S GOING TO LEAD. SO TO END, MR. OTT, I WOULD REALLY ASK THAT YOU HAVE YOUR STAFF, ANYTHING THAT GETS OVERTURNED, THAT YOU PERSONALLY KNOW ABOUT IT BECAUSE I BELIEVE THAT YOU HAVE A YOUNG DAUGHTER, I THINK MARY YOU HAVE A YOUNG DAUGHTER, TOO, NOBODY WANTS TO SEE THEIR KID RAPED BY SOMEBODY THAT GETS A WRECKER LICENSE ISSUED BY THE POLICE DEPARTMENT. HOW ARE WE GOING TO EXPLAIN THAT TO A PARENT? THEY CALL A WRECKER SERVICE TO COME OUT AND PICK UP A CAR, THEIR 16-YEAR-OLD DAUGHTER, TEN-YEAR-OLD DAUGHTER IS ON THE CAR, THE WRECKER DRIVER SHOWS UP THAT'S A CONVICTED SEX OFFENDER. WE HAVE TO DO BETTER TO PROTECT OUR COMMUNITY. THANK YOU VERY MUCH, COUNCIL.

Mayor Wynn: THANK YOU, MR. JOHNSON. THE NEXT SPEAKER IS JENNIFER GALE. WELCOME.

HI, AUSTIN, BRAND NEW CITY MANAGER, MARK OTT, GOOD TO SEE YOU ON THE DAIS. MAYOR WILL WYNN, COUNCILMEMBERS, REPRESENTING 750,000 PEOPLE LIVING IN AUSTIN, LEFFINGWELL, FIREFIGHTER MARTINEZ, KIM. FORMER BUDGET DIRECTOR DUNKERLY, BREWSTER MCCracken AND COLE, IT'S TIME FOR THE STAR OF TEXAS FAIR AND RODEO TRAIL RIDE, COWBOY BREAKFAST TOMORROW MORNING ON TOWN LAKE. FREE TO ALL. JUST SHOW UP. YOU'LL HAVE FUN, BRING YOUR FRIENDS AND YOUR FAMILY. THIS FRIDAY MORNING, THE 29th. IT GOES -- IF YOU GO TO THE FAIR AND RODEO, WHICH I RECOMMEND FOR ALL OF US CITY DWELLERS, SHOULD YOU VISIT THE FAIR AND RODEO THIS GOES TO EDUCATING OUR CHILDREN. TODAY I'M GOING TO DISCUSS OUR SAILERS, OFFICERS, MARINES, ARE HEALTHY. WOULD THEY BE LIVING IN THE STREETS OF AUSTIN IN THE THOUSANDS? AS A UNITED STATES MARINE I'M INFORMING YOU IN NO UNCERTAIN TERMS THAT THE V.A. CLINIC OR ANY HOSPITAL IS NOT A HEALTH CARE FACILITY. HOW MUCH MORE EVIDENCE DO YOU NEED? OUR SICK VETERANS ARE EVERYWHERE. IT TAKES THREE MONTHS TO DO TESTS. SUCH AS AN M.R.I. OR ANY OTHER EMERGENCY CARE OR EVEN ROUTINE CARE, 90 DAYS TO ALMOST TO THE DAY. THEY DO NOT FIX TEETH. THEY DO NOT PULL THEM. THEY KNOW THAT A PERSON DIES WHEN THEY HAVE AN INFLAMMATION SUCH AS ROTTING TEETH WHICH CAUSES STROKE AND HEART ATTACK, ANY KIND OF INFLAMMATION IN YOUR BODY GIVES YOU STROKE AND HEART ATTACK. THAT'S WHY PEOPLE DIE SO YOUNG. BUT THE BREAKDOWN OF THEIR BODIES, THEIR DENTIST WON'T EVEN FILL CAVITIES. THE V.A. IS KILLING OUR VETERANS. I'M HERE TODAY TO ADDRESS AN IDEA THAT THE GREATER AUSTIN CHAMBER OF COMMERCE STOLE FROM ME. AS I HAVE USED FOR YEARS ON MY PLATFORM AND DID NOT GIVE ME CREDIT FOR REFERRED TO AS A \$2.4 BILLION BOONE TO OUR ECONOMY. THEY SAY WE ARE GOING TO GET \$2.4 BILLION. IF WE WERE TO GO TO THE GOLD STANDARD SYSTEM AS PRESIDENTIAL CANDIDATE RON PAUL SAID, OUR GOLD HAS GONE FROM \$300 TO A THOUSAND DOLLARS, THINK OF THE MONEY THEY MADE RIGHT THERE. WE CAN BUILD A STATE-OF-THE-ART HEALTH CARE FACILITY RIGHT HERE IN AUSTIN THAT WILL NOT ONLY TREAT OUR VETERANS ON AN IMMEDIATELY EMERGENCY CARE BASIS I MEAN RIGHT NOW, BUT IT WILL TREAT YOU AND I. IT WILL BE A PLACE WHERE WE CAN HAVE A SEPARATE CARE HOSPITAL FOR IN CASE OF WAR. IT WILL ALLOW US, YOU AND I, TO HAVE CREATIVE -- CREATE A PROACTIVE, HOLISTIC NUTRITIONALLY GUIDED FACILITY LOOKING FOR THE BEST PROGRESS POSSIBLE PROGNOSIS FOR YOUR FAMILY, TAKING THEM FROM BIRTH, EDUCATING MOM AND DAD. INTO OUR OLDER YEARS, MAKING US STRONGER, FASTER, MORE LUCID, FOCUSING ON OUR HAPPINESS AND LONGEVITY AS WE GET OLDER. WE CAN DO THIS WITH THE TRAVIS COUNTY HEALTH CARE DISTRICT IF EVERYONE IS PAYING IN. IT WILL LOWER OUR OVERALL HEALTH CARE COSTS. WE CAN DO THAT NOW.

Mayor Wynn: PLEASE CONCLUDE YOUR TIME EXPIRED.

YOU ARE VERY KIND, MAYOR WYNN, THANK YOU.

THANK YOU. SUSANA ALMANZA NEXT, WELCOME, TO BE FOLLOWED BY ROBERT THOMAS.

GOOD AFTERNOON, MAYOR, CITY COUNCIL MEMBERS, CITY MANAGER. I'M SUSANA ALMANZA, WITH PODER, PEOPLE ORGANIZED IN DEFENSE OF EARTH AND HER RESOURCES, I'M A NATIVE OF EAST AUSTIN, PODER HAS BEEN AROUND FOR 17 YEARS, WE HAVE SEEN A LOT OF WORK AND ACCOMPLISHMENTS THAT WE HAVE DONE HERE IN AUSTIN. I ALSO WANT TO REAL QUICKLY ON BEHALF OF THE CHICANO-LATINO COMMUNITY SEND A WELCOME TO BARACK OBAMA AS HE'S HERE IN AUSTIN, TEXAS, SAY [SPEAKING IN SPANISH] YES YOU CAN. THEN I WANT TO MOVE ON TO THE ISSUE OF THE GOVALLE JOHNSON TERRORIST PLAN. IT'S A PLAN THAT PODER AND BOARD MEMBERS AND OTHER COMMUNITIES BEGAN TO WORK SINCE APRIL OF 2000. THE PLAN WAS ADOPTED MARCH THE 27th 2003. IN THIS NEIGHBORHOOD PLAN, WE LOOKED AT WHAT -- AT WHAT IS ONE OF THE CONTROVERSIES THAT PODER, OWANA, OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION [INDISCERNIBLE], FILED A SUIT AGAINST THE CITY OF AUSTIN FOR MOVING THE ANIMAL SHELTER FROM EAST AUSTIN TO EAST AUSTIN FROM WEST AUSTIN WITHOUT GOING THROUGH THE PLANNING PROCESS. BECAUSE UNDER SECTION 6 OF ARTICLE 10 OF THE CITY CHARTER, UNDER LEGAL EFFECTS OF COMPREHENSIVE PLAN, IT DOES GIVE -- IT DOES SAY UPON THE ADOPTION OF A COMPREHENSIVE PLAN OR A PORTION THEREOF BY THE CITY COUNCIL, ALL PUBLIC IMPROVEMENTS, PUBLIC FACILITIES SHALL BE CONSISTENT WITH THE COMPREHENSIVE PLAN. AND THAT IS -- THAT'S WHAT THE ANIMAL SHELTER, IT IS PART OF A PUBLIC IMPROVEMENT, A PUBLIC BUILDING, THAT -- THAT DID NOT GO THROUGH THE PROCESS OF A NEIGHBORHOOD PLAN. AND AS WE ALL KNOW TODAY, THERE HAVE BEEN SEVERAL I THINK -- I THINK THERE'S AN AN OUTREACH IN THE CITY OF AUSTIN REGARDING NEIGHBORHOOD PLANNING PROCESS, PEOPLE THAT HAVE DEDICATED YEARS, DEDICATED THREE YEARS. BEFORE THAT WE HAVE BEEN WORKING ON THIS ZONING ISSUE FOR A DECADE. BUT HAVE DEDICATED YEARS TO NEIGHBORHOOD PLANNING ONLY TO SEE THAT THEIR NEIGHBORHOOD PLANS ARE DISRESPECTED OR THEIR NEIGHBORHOOD PLANS ARE TRUMPED. I THINK THAT IS A BIG OUTCRY FOR THIS CITY COUNCIL ELECTION AS TO WHO ARE REALLY SUPPORTING NEIGHBORHOOD PLANS AND THE NEIGHBORHOOD PLAN PROCESS. THAT WILL BE THE OUTCRY FOR THE FOLLOWING YEAR OF WHAT IS HAPPENING BECAUSE A LOT -- WE SEE A LOT OF OUR NEIGHBORHOOD PLANNING PROCESS BEING IGNORED AND THEN WHEN WE DO PASS SOMETHING THAT WE THINK IS IN PLACE, FOR INSTANCE, THE -- THE WHOLE DEVELOPMENT OF THE SALTILLO REDEVELOPMENT DISTRICT AND THE T.O.D.'S, THEN WE HAVE THE SAN, THE SITE AREA PLAN WHICH COULD COME IN AND TRUMP YEARS OF WORK THAT WE HAVE DONE IN THE NEIGHBORHOOD PLANNING PROCESS. SO IT FEELS LIKE EVERY TIME WE ARE ALMOST THERE, WE GET IT RIGHT, SOMEBODY OR SOME PEOPLE IN THE POWERS OF DEVELOPMENT AND URBANIZATION [BEEPING] TRUMP THE NEIGHBORHOOD PLAN PROCESS. I JUST THAT I THAT WE REALLY NEED TO RESPECT THE NEIGHBORHOOD PLAN PROCESS. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, SUZANNA. ROBERT THOMAS, WELCOME BACK. YOU HAVE THREE MINUTES AND TO BE FOLLOWED BY STUART MONTGOMERY IF HE'S MADE IT BACK INTO THE

CHAMBER.

THANK YOU, MR. MAYOR AND HONORABLE MEMBERS OF THE COUNCIL, MAYOR PRO TEM. EXCUSE ME. I NEED TO SPEAK WITH YOU TODAY CONCERNING THE PARKS AND RECREATION DEPARTMENT AT ROSEWOOD RECREATION CENTER. I'M FORMERLY OF THE BUILDING AND CONSTRUCTION TRADES DEPARTMENT OF THE LABOR NATIONAL UNION OF NORTH AMERICA TEXAS AND AUSTIN AFL-CIO AND [INDISCERNIBLE] LABOR COUNCIL. FOR MANY YEARS I PLAYED PROFESSIONAL FOOTBALL IN THE NATIONAL FOOTBALL LEAGUE. AMERICAN FOOTBALL LEAGUE AND AMERICAN FOOTBALL ASSOCIATION. AND AT THIS PARTICULAR TIME I WOULD LIKE TO BE ABLE TO SPEAK ABOUT MY OWN ADVISORY COUNCIL, SPEAK ABOUT BRINGING REVITALIZATION TO ROSEWOOD, UPGRADING OUTSIDE BALLPARKS, AMUSEMENT CENTERS, INDUSTRIAL BUSINESS PARKS. WITHIN A SPAN OF ABOUT 20 YEARS WE'VE CONSISTENTLY WORKED WITH ROSEWOOD TO TRY TO UPGRADE AND PROMOTE BETTER GENERAL WELFARE FOR EVERYBODY THAT PATRONIZED THAT MOVEMENT. BASICALLY MY CONCERN IS ABOUT LAB AND INDUSTRIAL RELATIONS THERE, RELATIONS WITH ATHLETES AS MUCH AS MYSELF WHICH ORIGINALLY THEY DON'T GIVE TO ME. WHEN WE BROKE INTO THE INDUSTRY, IT WAS DEVOID OF THE CULTURE THAT THEY SEE NOW. THEN AT THAT TIME THEY PROMISED TO GIVE ME A POSITION THERE AT ROSEWOOD FOR SOME PROGRAMS SUPERVISORS. BUT ALL THE OTHER AGREEMENTS HAVE BEEN BREACHED. AND THEY HAVE GOONED WE CAN'T BID LIKE WE WANT TO DO. MY ASSOCIATE, MY COLLEAGUES SPEAK NOW THAT WE HAVE THE CHANCE TO TALK TO THE DIRECTOR ABOUT BRINGING NEW [INDISCERNIBLE] RECREATION ADMINISTRATION, EXPANDING TECHNOLOGY AREAS, GALVANIZING THE PROGRAMS, INDUSTRIALIZE IT AGAIN. THEY HAVE GROWN STAGNANT THERE WITH A LOT OF CRIME. I WANTED TO TAKE THE KIDS, WANTED TO GIVE THEM BETTER TEMPERAMENTAL GOALS SO THEY COULD UNDERSTAND A BETTER QUALITY OF LIFE. IN PREVIOUS MEETINGS WITH [INDISCERNIBLE] WARREN STRUSS, THEY SPOKE TO US RELATED TO HELP. THAT'S NOT ENOUGH. I NEED A CHANCE TO WORK WITH SPORT AGAIN. I USED TO COACH IN THE PARKS IN THE OLD DAYS. I WANT SOMETHING TO HAPPEN FROM THESE NEGOTIATIONS BECAUSE IT'S BEEN MANY YEARS OF GRIEVANCES ON BEHALF OF THE PARK, ON BEHALF OF MY -- OF THE UNIONS, ON THE PART OF THE DIRECTORS. I FIND IT SO UNFAIR THAT WE GIVE SO MUCH LABOR AND WE GET NO RECREATION. ALL WORK AND NO PLAY IS NOT GOOD. SO WE NEED TO [INDISCERNIBLE] AT ROSEWOOD BECAUSE THEY HAVEN'T HAD THE TYPE OF QUALIFICATIONS THAT THEY NEEDED FOR THE PROGRAMS FOR NEEDS FOR OUR INDUSTRIAL COMMUNITY. SO I WILL GET BACK AND SCHEDULE ANOTHER MEETING WITH THE HEAD AND WE WILL SEE WHAT THE OUTCOME OF IT WILL BE.

Mayor Wynn: THANK YOU, MR. THOMAS. LET'S SEE, EARLIER I HAD CALLED STUART MONTGOMERY'S NAME. HE SIGNED UP WISHING TO ADDRESS US. COUNCIL, THAT CONCLUDES ALL OF OUR CITIZENS COMMUNICATION PARTICIPANTS TODAY. I THINK WE ARE DONE TO PERHAPS JUST -- ONE OR TWO DISCUSSION ITEMS, BUT AT THIS POINT WITHOUT OBJECTION, I WOULD LIKE TO GO INTO CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO TAKE UP POTENTIALLY AGENDA ITEM NO. 70 RELATED TO

LEGAL ISSUES REGARDING THE TRANSITION OF OUR COMMUNITY CARE SERVICES CLINIC SYSTEM. ITEM 71, LABOR NEGOTIATIONS FOR FIRE, POLICE, E.M.S. AND PSCM DEPARTMENTS, ITEM 7 DID, LEGAL ISSUES REGARDING THE MANAGEMENT OF GROWTH IN THE SH 130 CORRIDOR. AND ITEM 74, POTENTIAL LEGAL ISSUES REGARDING THE DEVELOPMENT OF THE GREEN WATER TREATMENT PLANT AND THE AUSTIN ENERGY CONTROL CENTER SITES AND MAY ALSO DISCUSS THAT AS A REAL ESTATE MATTER PURSUANT TO SECTION 551.072. WE ARE NOW IN OPEN -- SORRY NOW IN CLOSED SESSION. I BELIEVE WE WILL BE ABLE TO GET BACK INTO OPEN SESSION BY MID AFTERNOON. THANK YOU.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION, LET'S SEE, WE DID NOT TAKE UP ITEM 68 OR 69 OR 73. AND WE WON'T TAKE THOSE UP, MS. GENTRY. WE DID TAKE UP ITEM NUMBER 70, LEGAL ISSUES REGARDING THE TRANSITION WITH OUR TRAVIS COUNTY HEALTH CARE DISTRICT. WE DID TAKE UP LEGAL ISSUES REGARDING LABOR NEGOTIATIONS. WE DID TAKE UP LEGAL ISSUES REGARDING GROWTH MANAGEMENT AND SH 130 CORRIDOR. AND WE DID TAKE UP ITEM 75, THE REAL ESTATE DISCUSSION REGARDING THE GREEN WATER TREATMENT PLANT AND AUSTIN ENERGY CONTROL CENTER SITE R.F.P. WE DID NOT TAKE UP ITEM 74, LEGAL ISSUES REGARDING THAT R.F.P. SO I APPRECIATE EVERYBODY'S PATIENCE. WE HAD A LOT TO TALK ABOUT IN CLOSED SESSION. AT THIS POINT WE CAN TAKE UP THE ACTION ON OUR EARLIER ANNOUNCEMENT THAT WE HAD PLANNED ON POSTPONING ITEM 79 AND 80. IT SEEMED STAFF'S RECOMMENDATION ON THAT POSTPONEMENT DATE WAS TO BE MARCH 6, 2008. SO I'LL ENTERTAIN THAT POSTPONEMENT MOTION, ITEM 79 AND 85. -- 80. MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER COLE TO POSTPONE ITEM 79 AND 80 TO MARCH 6, 2008. ALL IN FAVOR SAY AYE. OPPOSED. MOTION PASSES ON A VOTE OF 7-0. THAT TAKES US TO ITEM 78, THE BOND SALE WE HAD POSTED. WELCOME MR. BILL NEW MAN.

GOOD AFTERNOON, MAYOR AND COUNCIL. BILL NEWMAN, WE SERVE AS FINANCIAL ADVISER TO THE CITY. I'M HEAR TO SPEAK ABOUT ITEM 78 WHICH IS A \$50 MILLION ELECTRIC UTILITY SYSTEM REVENUE REFUNDING BOND SERIES 2008. CHRIS ALLEN IS PASSING OUT SOME BOOKLETS THAT I'LL GO THROUGH VERY BRIEFLY. BASICALLY ON PAGE 2 YOU WILL SEE WHERE THE BONDS ARE BEING USED TO REFUND SOME OF OUR OUTSTANDING TAXABLE COMMERCIAL PAPER. IN THIS INDICATION YOU ARE NOT ACCUSTOMED TO SEEING THAT MANY TAXABLE TRANSACTIONS. USUALLY THEY ARE TAX EXEMPT. I WOULD EMPHASIZE THESE BONDS ARE SOLD ON A TAXABLE BASIS BECAUSE WHAT YOU SPENT THE MONEY FOR IS LARGELY FOR CHILLERS AND YOU HAVE TO SELL TAXABLE BONDS IN ORDER TO BE I.R.S. COMPLIANT WITH THE SALES OF YOUR BOND. PAGE 3 IS THE PLAYERS INVOLVED IN THIS TRANSACTION. OF COURSE THE CITY AND THE STAFF, LESLIE BROADARD AND HIS STAFF. YOUR BOND COUNSEL IS HERE SOMEWHERE, THERE HE IS. THE ISSUE WAS INSURED BY AAA BOND ASSURED, ASSURED GUARANTEE. THE BUY WAS BANK OF AMERICA SECURITIES AND UNDERWRITING GROUP. PAGE 4 WE TALK BRIEFLY ABOUT THE MARKET. TREASURIES RALLIED YESTERDAY. THIS IS REALLY YESTERDAY'S

REPORT. WE WERE FORTUNATE WE WERE IN THE MARKET, THEY RALLIED AGAIN AND WE WERE ABLE TO PULL THE YIELD DOWN. WHEN THEY WERE RALLYING, WE DO BETTER ON THE TAXABLE SIZE. UNEMPLOYMENT ROSE BY 19,000 TO 373, THE HIGHEST LEVEL SINCE JANUARY. THE ECONOMY CONTINUES TO WEAKEN. CREDIT MARKETS CONTINUE TO FALTER AND INFLATION IS KILLING THEM. THERE'S STILL PROBLEMS IN THE BOND MARKET WITH BOND INSURERS HAVING PROBLEMS WITH SUBPRIME MORTGAGES SO IT MAKES FOR A VOLATILE MARKET. YOU WILL SEE A REFLECTION OF THAT BRIEFLY OR TO SOME DEGREE IN PAGE 5. HERE WE TALK ABOUT THE REVENUE BOND INDEX AS WELL AS THE 30-YEAR TREASURY. TAXABLE BONDS NORMALLY SELL OFF THE INDICES ON PAGE 5. THERE WERE DEALS IN THE MARKET AS YOU CAN SEE ON PAGE 6. VERY FEW TAXABLE DEALS. FRISCO BEING THE ONLY ONE IN THE STATE. THAT OKLAHOMA IS A TYPO. FRISCO DID SELL EARLIER THIS WEEK. PAGE 7 IS THE SUMMATION OF THE TRANSACTION THAT WAS DONE TODAY. AS I MENTIONED NEGOTIATED TRANSACTION, WE ENTERED THE MARKET THIS MORNING. BLESS YOU. NEGOTIATED THE TRANSACTION AND AS A RESULT OF THIS IMPROVING MARKET WE TOOK THE TRUE INTEREST COST, WAS ABLE TO COME DOWN FROM 6.27 TO 6.219%. THAT'S A FANTASTIC TAXABLE RATE IN THIS ENVIRONMENT AND WE'RE PLEASED TO RECOMMEND IT. IF THERE'S ANY QUESTIONS, I'D BE HAPPY TO ANSWER THEM.

Mayor Wynn: QUESTIONS OF MR. NEWMAN, COUNCIL? COMMENTS? IF NOT, THEN I'LL ENTERTAIN A MOTION ON THIS ITEM NUMBER 78 AS PRESENTED BY MR. NEW MAN. MOTION BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE THIS AUTHORIZATION, ITEM 78 AS PRESENTED. FURTHER COMMENTS? MR. ROBBINS, YOU ARE WELCOME TO ADDRESS US, WITHOUT OBJECTION FROM COUNCIL.

I HAD SIGNED UP.

Mayor Wynn: I APOLOGIZE FOR NOT CHECKING THAT SHEET. THANK YOU.

MAYOR AND COUNCIL, CITIZENS, I'M PAUL ROBBINS. I'M AN ENVIRONMENTAL ACTIVIST AND CONSUMER ADVOCATE. IN MY SPEECH EARLIER ABOUT THE NEED FOR VOTER APPROVAL OF WHEART TREATMENT PLANT 4, THERE WERE SEVERAL THINGS LEFT HANGING. FIRST, THE CITY ATTORNEY IS IN ERROR ON THIS POINT ABOUT IT BEING ILLEGAL FOR VOTERS TO DECIDE ON REVENUE BONDS. AFTER MID-1984 WHEN THE LEGAL DECISION WAS MADE TO PERMIT BUT NOT MANDATE SALE OF REVENUE BONDS WITHOUT VOTER APPROVAL, THERE WERE SEVEN ELECTIONS ON 50 SEPARATE MEASURES AUTHORIZING REVENUE BONDS WORTH ABOUT \$1.9 BILLION. AND SOME OF THESE MEASURES ALSO DEFEESED 184 MILLION OF THIS ORIGINAL 1.9 MILLION, THESE PROJECTS WERE NOT GOING FORWARD SO THE BONDS WERE -- DEFEESED. THE LAST ELECTION THAT TOOK PLACE WAS NOVEMBER 3, 1998. I SERIOUSLY DOUBT THAT THE CITY VIOLATED THE LAW FOR 14 YEARS. SECOND, MY ORIGINAL SPEECH WAS ABOUT HOW WATER TREATMENT PLANT 4 WAS VIOLATING NOT ONLY THE CITY CHARTER BUT COUNCIL POLICY. AND THIS WAS REFERRED TO AN ASSISTANT CITY MANAGER TO RESPOND TO MY POINT, AND THAT HASN'T HAPPENED. NOW, I FIND IT IRONIC THAT I'M SPEAKING AGAINST AN ITEM FUNDING A POWER PLANT THAT I

THINK YOU NAMED AFTER ME. AND SO --

Mayor Wynn: WE APOLOGIZE. IT'S NOT PARTICULARLY ATTRACTIVE, BUT -- [LAUGHTER]

NONETHELESS, THERE IS THIS POINT ABOUT IF THE CITIZENS SHOULD HAVE INPUT ON THE FUTURE OF THE ELECTRIC AND WATER UTILITIES. WE VOTE ON ALL MANNER OF THINGS SUCH AS ROADS, PARKS, LIBRARIES, CIVIC CENTERS, AFFORDABLE HOUSING, COURTHOUSES, WHY SHOULDN'T WE VOTE ON WATER AND ELECTRIC? WATER TREATMENT PLANT 4 IS \$440 MILLION. THIS PARTICULAR BOND ISSUE IS CLOSE TO 50 MILLION. SO ON PRINCIPLE, I AM ASKING YOU TO SOMEHOW REVISIT THIS IN A CHARTER REVISION FOR THE UPCOMING ELECTION. I THINK THERE CAN BE A COMPROMISE HERE THAT COULD DEAL WITH COUNCILMEMBER DUNKERLEY'S ISSUES OF NOT WANT TO GO SPEND BONDS FOR ROUTINE MAINTENANCE. IT'S A GOOD POINT. I THINK THERE COULD BE SOME COMPROMISE AS TO HOW CITIZENS SHOULD VOTE ON BIG, EXPENSIVE ISSUES SUCH AS WATER TREATMENT PLANTS AND ELECTRIC PLANTS. THANK YOU FOR YOUR INTEREST.

Mayor Wynn: THANK YOU, MR. ROBBINS. YES, ALL THE CITIZENS HAVE SIGNED UP ON THIS ITEM NUMBER 78. WE HAVE A MOTION AND SECOND ON THE TABLE APPROVING ITEM 78 AS PROPOSED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER McCRACKEN OFF THE DAIS. COUNCILMEMBER LEFFINGWELL WILL.

Leffingwell: I WANT TO TRY TO EXPLAIN WHAT WAS GOING ON JUST A MOMENT AGO WITH MY AIDE LARRY SCHOOLER WALKING OFF IN THE BRIDAL VEIL AND EXPLAIN HE HASN'T LOST HIS MIND. HE IS GOING TO FLORIDA TO GET MARRIED THIS WEEKEND. I JUST WANTED TO GET THAT ON THE RECORD.

Mayor Wynn: THANK YOU VERY MUCH.

MAYOR AND COUNCIL, CONGRATULATIONS.

Mayor Wynn: THANK YOU, MR. NEWMAN FOR YOUR HARD WORK AND ADVICE. COUNCIL, SO I THINK WE CAN DO THIS IN RELATIVELY SHORT ORDER BASED ON ALL OF THE GOOD WORK THAT WAS APPROPRIATELY DONE IN CLOSED SESSION RARING THE REAL ESTATE ASPECTS OF THIS ISSUE, BUT HAVING DISCUSSED THE R.F.P. FOR THE GREEN WATER TREATMENT PLANT AND THE AUSTIN ENERGY CONTROL CENTER SITES, WE HAVE A POSTED ACTION ITEM, THAT BEING ITEM NUMBER 76, AND WE'LL WELCOME MS. LAURA HUFFMAN.

THANK YOU, MAYOR AND COUNCILMEMBERS. THE ITEM FOR YOU TODAY IS THE EVALUATION MATRIX THAT WILL BE INCLUDED WITH THE REQUEST FOR PROPOSALS THAT WE'RE GOING TO ISSUE FOR THE GREEN WATER TREATMENT PLANT AND THE CONTROL CENTER FOR AUSTIN ENERGY. AND SO THE WAY THAT THIS PROCESS WILL WORK IS THE CITY IS GOING TO ISSUE AN R.F.P. IN EARLY MARCH. AS PART OF THAT R.F.P., WE ALWAYS

LIKE TO INCLUDE AN EVALUATION MATRIX. THIS IS ESSENTIALLY THE SCORE CARD THAT WILL TELL THE PROPOSERS WHAT IT IS YOU WILL BE FOCUSED ON AS YOU EVALUATE THEIR PROPOSALS. MAYOR, IF YOU WOULD LIKE ME TO QUICKLY GO THROUGH THE SCORE CARD, IT WILL GIVE EVERYONE A SENSE HOW WE'RE GOING TO BE EVALUATING THESE PROPOSALS AND WHAT IT IS THAT THE CITY COUNCIL WILL BE EMPHASIZING WILL CONSTITUTE A SUCCESSFUL PROPOSAL TO THE CITY.

Mayor Wynn: I THINK SO. THANK YOU.

THE SCORE CARD IS DIVIDED INTO THREE SECTIONS. THE FIRST IS TEAM QUALIFICATIONS AND THERE ARE FOUR ITEMS. AS A WHOLE, TEAM QUALIFICATIONS ARE WORTH 50 POINTS. SO HALF THE POINTS ARE ASSOCIATED WITH THE QUALITY OF THE TEAM. THE FOUR ITEMS UNDER THAT ARE DEVELOPMENT EXPERIENCE, AND THERE'S A MAXIMUM OF 15 POINTS. PROVE EVEN COMPLETION CAPABILITY WITH A MAXIMUM OF 10 POINTS. ACCESS TO CAPITAL WITH A POINT TOTAL OF 15. AND AWKWARD CONSIDERATION AND THERE IS A POINT TOTAL OF 15. IN15 THAT INCLUDES FINANCIAL AND NON-FINANCIAL CONSIDERATIONS PROPOSED TO THE CITY OF AUSTIN. THOSE ARE THE QUALIFICATION ITEMS AND THEY TOTAL 50 POINTS. SECTION 2 OF THE SCORE CARD IS ESSENTIALLY THE QUALITY OF THE PROPOSAL. AND THE ITEMS UNDER THERE ARE PROJECT GOALS AND DEVELOPMENT REQUIRES ARE MET. AND HERE WHAT WE'RE ASKING THE RESPONDERS TO DO IS TO PROPOSE ON INFRASTRUCTURE THAT THE CITY COUNCIL ARTICULATED IN ITS POLICY, LAND USE GOALS, COMMUNITY BENEFITS, INCLUDING AFFORDABLE HOUSING. AND THAT IS WORTH A TOTAL OF 25 POINTS. THE QUALITY OF THE DESIGN AND CREATIVITY IS WORTH UP TO 20 POINTS. AND THE TIMING OF THE DEVELOPMENT PROPOSAL AND HOW THAT FITS IN WITH THE OTHER REDEVELOPMENT PROJECTS THAT YOU ALL ARE WORKING ON IS WORTH UP TO 5 POINTS. SO THIS SECTION, WHICH IS ESSENTIALLY THE CONTEST OF IDEAS, IN ESSENCE, IS WORTH 50 POINTS ALSO. SO THAT TOTALS 100 POINTS. AND THEN WHAT WE'VE DONE IS WE'VE INCLUDED A BONUS POINTS SECTION. AND THESE ARE FOR NON-MANDATORY PROPOSAL ITEMS. PUBLIC PARKING IS WORTH UP TO 5 POINTS. AFFORDABLE HOUSING IS WORTH UP TO 10 POINTS. AND THEN THERE IS AN OTHER CATEGORY AND THAT IS WORTH UP TO 5 POINTS, AND THAT OTHER CATEGORY IS THE EXTENT TO WHICH THE PROPOSERS EXCEEDED ADDITIONAL PROJECT GOALS THAT YOU'VE EXPRESSED IN YOUR COUNCIL POLICY. THE BONUS POINT SECTION IS WORTH NOW 20 POINTS. AND SO, MAYOR AND COUNCIL, THIS WILL BECOME THE SCORE CARD FOR PROPOSALS AS THEY COME TO THE CITY. STAFF WILL DO A PRELIMINARY EVALUATION OF PROPOSALS TO MAKE SURE THAT THEY HAVE COMPLIED WITH THE OBJECTIVE CRITERIA IN THE REQUEST FOR PROPOSAL. AND THEN THEY WILL COME TO YOU AS A CITY COUNCIL, AND THIS WILL BE THE SCORE CARD THAT'S USED FOR THAT PART OF THE PROCESS. THERE WILL ALSO BE PUBLIC PRESENTATIONS BEFORE THE CITY COUNCIL THAT WILL ALLOW YOU TO REFINE THESE SCORES AND ASK QUESTIONS. AND THE PROJECT SCHEDULE IS THAT WE'LL RELEASE THE R.F.P. NEXT MONTH OR IN EARLY MARCH. WE WILL GIVE THE PROPOSERS SIX WEEKS TO PROPOSE AGAINST THE R.F.P. AND SUBMIT THEIR PROPOSALS. THAT WILL GIVE US ABOUT A MONTH FOR PUBLIC PRESENTATIONS AND COUNCIL EVALUATION WITH AT THIS POINT THE

FINAL DECISION BEING MADE IN THE SECOND MEETING OF JUNE BY THE CITY COUNCIL. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] WHAT WE SAY THERE IS TO WHAT EXTENT DID THE PROPOSAL EXCEED THE PROJECT GOALS AND IMPROVEMENTS FOR INFRASTRUCTURE, LAND USE, COMMUNITY AND OTHER CONSIDERATIONS, INCLUDING AFFORDABLE HOUSING. YOU CAN ASSIGN POINTS AND WE'VE EMPHASIZED AFFORDABLE HOUSING HERE AND IT IS ALSO IN THE BONUS SECTION.

WE HAVE A PROJECT THAT TECHNICALLY MEETS THE DEFINITION OF NOT HAVING AFFORDABLE HOUSING BUT TECHNICALLY MEETING THE REQUIREMENT FOR AFFORDABLE HOUSING BECAUSE IT IS MUTE ON THAT, OR SILENT ON THAT IN TERMS OF COMMERCIAL DEVELOPMENT. WHAT I'M TRYING TO SAY IS WE HAVE THE FLEXIBILITY THROUGH THE SCORING TO SAY WE WANT TO RATE THOSE HIGHER, THOSE THAT HAVE AFFORDABLE HOUSING, VERSUS THOSE THAT DON'T HAVE AFFORDABLE HOUSING ON THEM.

YES, DO YOU.

OKAY, THANK YOU.

AND TO BUILD ON THAT, ALSO, I APPRECIATED THE SUGGESTION THAT SOMEONE HAD, WHERE BY STAFF IN ADDITION TO THE TYPICAL MORE GENERAL PREPROPOSAL MEETING WITH ANY POTENTIAL TEAMS IS THAT WE DO OFFER A BRIEFING BY OUR HOUSING PROFESSIONALS SO THAT ANY AND ALL TEAMS THAT WANT TO PROPOSE HAVE THE SAME AMOUNT OF INFORMATION AS TO DIFFERENT PROGRAMS THAT EXIST AND DIFFERENT STRATEGIES, AND FUNDAMENTALLY SHOWING, YOU KNOW, THE PRIORITY THAT THIS COUNCIL WANTS TO GIVE TO HOUSING.

YES, MAYOR. SO WHAT WE WILL DO IS WE WILL HAVE THE TRADITIONAL PREPROPOSAL A COUPLE WEEKS AFTER THE RFP IS ISSUING. THE FIRST PART IS THE TRADITIONAL CONFERENCE AND WE WILL HAVE DEDICATED TIME FOR AFFORDABLE HOUSING SO THE TEAMS CAN ASK QUESTIONS AND WE WILL HAVE THE AFFORDABLE HOUSING FOLKS THERE TO ANSWER QUESTIONS. I SHOULD HAVE SAID AT THE BEGINNING, WE WILL POST ALL THIS ON THE DEVELOPMENT. WE PUT UP A WEB SITE FOR THE GREENERY DEVELOPMENT PROGRAM AND WE WILL PUT THE MATRIX UP AS SOON AS YOU VOTE ON IT AND WE WILL PUT THE TIME LINE ON, INCLUDING AN AFFORDABLE HOUSING WORKSHOP.

GOOD. I WILL SAY THERE MIGHT BE AN INITIAL PRELIMINARY REACTION THIS IS AN EXPEDITED RFP PROCESS BUT I THINK WITH HAVING THIS PUBLICLY PUBLISHED, SCORING MATRIX, I THINK IT REALLY DOES ALLOW US TO HAVE A MORE CONCISE, FRANKLY MORE FOCUSED RFP PROCESS AND GO QUICKER THAN WHAT HAVE BEEN THE NORM. I VERY MUCH APPRECIATE IT AND MAKE SURE THAT SCHEDULE IS POSTED SO PEOPLE CAN SEE OUR ANTICIPATED SCHEDULE AS SOON AS POSSIBLE. COUNCIL MEMBER McCracken.

I WANT TO, I THINK IT IS IMPORTANT TO FIRST EMPHASIZE THAT WE ARE BEING VERY EXPLICIT THAT WE WANT THIS TO SERVE PUBLIC GOALS, BUT ALSO I THINK SO EVERYONE TO RECOGNIZE THAT WHAT WE'VE LEARNED FROM THE MILLER DEVELOPMENT IS WE'VE LEARNED WE CAN HAVE A HIGHLY PROFITABLE COMMERCIALLY SUCCESSFUL DEVELOPMENT THAT AGGRESSIVELY INCORPORATES PUBLIC BENEFITS AND PUBLIC VALUES SO IT CAN BE A DEVELOPMENT FOR EVERYBODY. BUILT INTO THIS RFP, IT IS BUILT INTO THE MATRIX AND ALSO A SEPARATE PROPOSAL ELEMENTS CHART, WE ARE EXPLICITLY OPEN TO USING PUBLIC/PRIVATE PARTNERSHIPS, THINGS SUCH AS TAX INCREMENT FINANCING, TAX REBATES, THOSE TYPES OF FORMS TO BUY DOWN THE COST OF HOUSING AND EXPAND THE DEVELOPMENT'S OPPORTUNITY TO BE, NOT JUST THE LARGEST DEVELOPMENT IN THE HISTORY OF DOWNTOWN AUSTIN, BUT TO AGGRESSIVELY USE PRIVATE INGENUITY AND PUBLIC DOLLARS TO CREATE A PLACE FOR EVERYBODY. I THINK IF WE FOLLOW THE MODEL OF PLACES LIKE STAPLES AND REDEVELOPMENT, OF THE MILLER REDEVELOPMENT, WE'VE LEARNS IN EXTENT AND AROUND THE COUNTRY, WE CAN LEVERAGE ALL THOSE TO BEAR TO HAVE A COMMERCIALLY SUCCESSFUL DEVELOPMENT THAT REALLY INCORPORATES AND FURTHERS PUBLIC GOALS AND VALUES.

SO COUNCIL, TECHNICALLY WE ARE POSTED FOR ACTION, THAT BEING, YOU KNOW, THE FORMAL APPROVAL OF THE RESOLUTION THAT PROVIDES THIS SCORING CRITERIA AND SCHEDULE, SO I'LL HAVE FURTHER COMMENTS OR QUESTIONS. I WILL ENTERTAIN A MOTION. MOTION BY COUNCIL MEMBER McCRACKEN AND SECONDED BY THE MAYOR PRO TEM TO APPROVE ITEM NUMBER 76 AS PRESENTED BY STAFF. FURTHER COMMENTS? HEARING NONE. ALL THOSE IN FAVOR, PLEASE SAY AYE? AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL.

WE PULLED ITEM NUMBER 15 OFF THE CONSENT AGENDA THAT BEING NEGOTIATION, EXECUTION OF SOME LEGAL SERVICE CONTRACT, AND COUNCIL MEMBER -- THE QUESTION IS ANSWERED, COUNCIL MEMBER MARTINEZ MOVED WE APPROVE IT AND SECONDED BY COUNCIL MEMBER LEFFINGWELL. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCIL THAT TAKES US TO THE 4:00 ZONING CASES, ONLY 35 MINUTES BEHIND SCHEDULE. WELCOME, MR. GREG GUERNSEY.

THANK YOU, MAYOR AND COUNCIL. MY NAME IS GREG GUERNSEY WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. LET ME GO THROUGH THE 4:00 ZONING. I WILL BE OFFERING THOSE ITEMS FOR CONSENT. ITEM NUMBER 82 IS CASE NPA-07-0017.01. Austin Energy & Crestview Station. 7520 TO 7530 NORTH LAMAR BOULEVARD. THIS IS A CHANGE TO THE PLAN IN THE NEIGHBORHOOD PLANNING AREA MAJOR PLANNED DEVELOPMENT TO UTILITIES. THIS IS OFFERED FOR CONSENT APPROVAL ON SECOND AND THIRD READINGS. READINGS. ITEM NUMBER 83, C14H-2007-0015. SECOND AND THIRD READING FOR NORTH LAMAR BOULEVARD, residence-neighborhood plan SF-3-NP combining district zoning; family residence- historic-neighborhood plan SF- 3-H-NP combining district zoning; THIS IS READY TORE SECOND AND THIRD READINGS. ITEM NUMBER 1 80. THE UNDERSTOOD

REPRESENTATIVE WOULD LIKE TO SPEAK TO THIS ITEM VERY BRIEFLY. WOULD LIKE TO KEEP IT ON THE CONSENT AGENDA AND MAKE A FEW COMMENTS IF THAT IS ALL RIGHT WITH COUNCIL.

WITHOUT OBJECTION, YOU BET.

HE CAN SPEAK NOW OR DO YOU WANT HIM TO SPEAK AT THE END?

WHY DON'T WE GO THROUGH THE CONSENT AGENDAN THEN CALL JEFF UP.

VERY GOOD. ITEM NUMBER 85. C14-2007-0218 620183. 10700-10704 Lakeline Mall Drive community commercial- mixed use GR-MU combining district zoning to multi-family residence-moderate-high density MF-4 district zoning. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 86, CASE C14-2007-0084. Elm Terrace. 3215 Exposition Boulevard. WE PROBABLY NEED TO DISCUSS THIS ITEM, THERE ARE ISSUES THAT PROBABLY NEED TO BE DISCUSSED ON THIS PARTICULAR CASE. ITEM NUMBER 87 IS CASE C14-06-0209. 12th Street NCCD. 809-1951 East 12th Street. THIS ITEM IS RELATED TO TWO OTHER ITEMS ON YOUR 6:00 AGENDA AND THAT WE WOULD SUGGEST THIS ITEM BE TABLED UNTIL 6:00 WHEN WE BRING UP THOSE OTHER RELATED ITEMS. ITEM NUMBER 88 IS CASE C14-2007-0235. Judges Hill Neighborhood Association. Portion of Downtown Planning Area. Vertical Mixed Use Building Zoning Opt-inOpt-Out. STAFF IS RECOMMENDING TOAST EVER POSTPONEMENT UNTIL THE MARCH 20th AGENDA THAT CONCLUDES THE ITEMS I CAN OFFER FOR CONSENT AT THIS POINT. I THINK MR. JACK IS HERE.

YES. WELL, SENSE THE -- SO, COUNCIL, THE PROPOSED CONSENT AGENDA ON THESE CASES WHERE WE'VE ALREADY CONDUCTED THE PUBLIC HEARING WOULD BE TO APPROVE ON SECOND AND THUND READINGS ITEMS 82, 83 AND 84, TO APPROVE ON THIRD READING ITEM NUMBER 85 AND TO POSTPONE ITEM 88 TO MARCH 20th 20th, 2008. I WILL ENTERTAIN THAT MOTION.

MOTION MADE BY COUNCIL MEMBER LEFFINGWELL, SECOND BY COUNCIL MEMBER MARTINEZ. COMMENT, STARTING WITH MR. JACK. WELCOME, JEFF.

MAYOR, CITY COUNCIL, I'M JEFF JACK. IT HAS TAKEN US A WHILE TO GET TO THIS POINT BUT WE ARE GLAD WE ARE HERE. I WANT TO THANK THE PATIENCE OF THE COUNCIL ON THIS ZONING CASE AND I WANT TO THANK IN PARTICULAR THE OWNER OF AUSTIN JAVA AND UNCLE BILLY'S BREW CLUB FOR WORKING WITH US TO COME UP WITH A BETTER PROJECT THAN WE MIGHT NOT HAVE HAD OTHERWISE. RICK WAS ABLE TO WORK WITH LARRY AND PERRY, THE DEVELOPERS FOR THE CONDOS, AND WE WERE ABLE TO NEGOTIATE A TRANSFER OF DEVELOPMENT RIGHTS TO KEEP BARTON STRENGTHS ROAD AND TAKE THAT ADDITIONAL SQUARE FOOTAGE AND MOVE IT TO THE BACK OF THE SITE TO ALLOW THEM TO GO TO 75 FEET IN THE MF-6. WE ALSO GOT SIGNIFICANT COMMUNITY BENEFIT OUT OF THIS, SAVING SOME PECAN TREES, RELOCATING SOME PECAN TREES, PUBLIC ACCESS

ACROSS THE SITE, AND WE GOT A SIGNIFICANT CONTRIBUTION FROM THE DEVELOPER ON AFFORDABLE HOUSING. \$500,000 OF MINIMUM, AND IF THE CITY WORKS WITH THEM IN REGARDS TO EXPEDITING REVIEW AND PERMITTING, UP TO \$750,000. WE HAVE ALL OF THAT IN A RESTRICTED COVENANT AND I JUST WANT TO LET THE COUNCIL KNOW THE NEIGHBORHOOD ASSOCIATION IS ACTING IN GOOD FAITH TONIGHT IN GOING AHEAD WITH THIS THIRD READING BECAUSE WE DID RUN INTO A CATCH-22. THE OWNER OF THE PROPERTY WASN'T WILLING TO INITIATE THE RESTRICTED COVENANT. THE DEVELOPERS NEEDED TO HAVE THE ZONING BEFORE THEY COULD GET THEIR CLOSING ON THE PROMPT AND THEY COULDN'T SIGN THE RESTRICTED COVENANT BEFORE THE CLOSING. SO IN GOOD FAITH, WE ARE HERE TONIGHT TO SUPPORT THE THIRD READING, THEY CAN GET THE CLOSING ON IT, THEN WE CAN HAVE THE RESTRICTED COVENANT GO INTO FORCE. I THINK THEIR BANKER IS HERE WITH US TONIGHT TO MAKE SURE WE DO THAT, SO WITH THAT SAID, I WANT TO THANK ALL THE FOLKS THAT WORKS WITH US IN THE NEIGHBORHOOD. WE REALLY APPRECIATE THE EFFORT AND WE THINK WE HAVE A SUPERIOR PROJECT BECAUSE OF IT.

THANK YOU, MR. JACK. COUNCIL, A MOTION AND SECOND ON THE TABLE APPROVING 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. MR. GUERNSEY, WHY DON'T WE GO AHEAD AND DO THE CONSENT CASES FOR OUR PUBLIC HEARINGS AND SEND A FEW PEOPLE HOME BEFORE WE TAKE UP DISCUSSION ON 86.

VERY GOOD.

ITEM NUMBER 89 IS CASE C814-06-0202 PIER Partners THIS PROPERTY HAS BEEN SOLD AND THE CASE HAS BEEN FORMALLY WITHDRAWN. THAT IS ON ITEM NUMBER 89. NO SAKS REQUIRED. UNDER ITEM NUMBER 90, CASE NPA-2007-0005.02 - Frontier at Montana. AN AMENDMENT TO THE PLAN FOR THE PLANNING AREA TO CHANGE THE LAND USE DESIGNATION FROM future land use map FLUM from civic and single family to single family for certain PROPERTIES LOCATED IN THAT PLANNING AREA. THE RELATED ZONING ITEM IS THE FOLLOWING CASE NUMBER 91, CASE C14-2007-0242 Frontier at Montana. 46922 VILLITA AVENICA. EVEN NUMBERED STREETS, public-neighborhood plan P-NP combining district zoning and family residence- neighborhood plan SF-3-NP combining district zoning to family residence- neighborhood plan SF-3-NP combining district zoning. AND THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE REQUEST AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 92 IS CASE NPA-2007-0012. The Upper Boggy Creek Neighborhood Plan. To change the land use designation on the future land use map FLUM from civic and single- family to mixed use for the property located at 4701 North I.H. 35. AN AMENDMENT TO OUR COMPREHENSIVE PLAN AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 93 IS A RELATED ITEM, C14-2007-0251 4701 North IH-35 TO REZONE THAT PROPERTY FROM LIMITED OFFICE-NEIGHBORHOOD PLAN, LO-NP combining district zoning Tract 1; and family residence- neighborhood plan SF-3-NP combining district zoning Tract two to community commercial- mixed use-conditional overlay- neighborhood plan GR-MU-

CO-NP combining district zoning for Tract 1; and limited office- neighborhood plan LO-NP combining district zoning for Tract 2. THE PLANNING COMMISSION'S RECOMMENDATION WAS TO GRANT THE COMMUNITY COMMERCIAL MIXED USE, CONDITIONAL OVERLAY OR GR-MU-CO- NP combining district zoning for Tract 1; and limited office- neighborhood plan LO-NP combining district zoning for Tract 2. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 94 IS CASE C14-2007-0200 2704 South 1st STREET THIS VERY ZONING REQUEST FROM FAMILY RESIDENT OR SF-3 DISTRICT ZONING TO neighborhood commercial- mixed use- conditional overlay LR-MU-CO combining district zoning. THE PLAN'S COMMISSION'S RECOMMENDATION WAS TO GRANT THE LR-MU-CO combining district zoning. IN IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 95 IS CASE C14-2007-0217 MLK View Conduct a 4505 E. Martin Luther King Blvd. From community commercial- neighborhood plan GR-NP combining district zoning to community commercial-mixed use-conditional overlay neighborhood plan GR-MU-CO-NP combining district zoning. THE PLANNING COMMISSION'S RECOMMENDATION WAS TO GRANT THE GR-CO-NP COMBINED DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 96, CASE C14-2007-0092 21C. 300 San Jacinto Blvd. THE APPLICANT HAS REQUESTED A POSTPONEMENT OF THIS ITEM UNTIL THE MARCH 20th AGENDA. C14-2007-0268 1400 Newning Avenue. 1400 Newning Avenue East Bouldin Creek Watershed from multi-family residence-medium density-neighborhood conservation combining district- neighborhood plan MF-3-NCCD- NP combining district zoning to family residence- neighborhood conservation combining district- neighborhood plan SF-3-NCCD- NP combining district zoning. Planning Commission Recommendation: To grant family residence- neighborhood conservation combining district-neighborhood plan SF-3-NCCD-NP combining district zoning. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 98 IS CASE C14-2007-0250 Amarra Drive. 8718-8734 Southwest Parkway; 5105-5301 Barton Creek Boulevard; 5305-5325 Barton Creek Boulevard. THE APPLICANT HAS REQUESTED A POSTPONEMENT OF THIS CASE TO YOUR NEXT WEEK'S AGENDA, 3/6 AGENDA. ITEM NUMBER 99 IS CASE C14-06-0213. Pleasant Valley Self Storage. The southeast corner of East William Cannon Drive and South Pleasant Valley Road. From single- family residence-standard lot SF-2 district zoning and neighborhood commercial LR district zoning to warehouse limited office WLO district zoning. Zoning and Platting Commission Recommendation: To grant warehouse limited office-conditional overlay WLO- CO combining district zoning. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 100 IS CASE C14-2007-0114. FOR THE PROP LOCATED AT 3717 ROBINSON AVENUE. WE HAVE A STAFF POSTPONEMENT REQUESTED ON THIS ITEM TO YOUR MARCH 20th AGENDA. THAT IS ITEM NUMBER 100. ITEM NUMBER 101, THIS IS SCARCE SCARCE -- IS CASE C14-2007-0202. 501 E. Oltorf. from multi-family residence- moderate high density- conditional overlay- neighborhood plan MF-4-CO-NP combining district zoning to multi-family residence-highest density-conditional overlay- neighborhood plan MF-6-CO-NP combining district zoning. Planning Commission Recommendation: To grant multi-family residence- highest density-conditional AND THIS IS READY FOR CONSENT APPROVAL ON FIRST READING ONLY. THIS PROPERTY IS KNOWN AS THE SUNNYMEADE PROMPT. ITEM NUMBER 101 IS CASE C14-2007-0222. 3116 SoCo. I UNDERSTAND THERE THIS IS A DISCUSSION ITEM. THAT IS ITEM NUMBER 102.

CORRECT, WE HAVE OPPOSITION.

ITEM NUMBER 103, THIS IS CASE C14-2007-0237. Old West Austin Neighborhood Planning Area Vertical Mixed Use Building. THIS IS READY FOR CONSENT APPROVAL ON FIRST READING ONLY WITH THE EXCEPTION OF TRACT ONE. AND STAFF WOULD RECOMMEND THE POSTPONEMENT OF THAT PARTICULAR TRACT, TRACT ONE, OUT OF THIS CASE, TO YOUR MARCH 27th AGENDA. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE VERTICAL MIXED USE BUILDING AND TO EXCLUDE CERTAIN TRACTS FROM THE VERTICAL MIXED USE OVERLAY AND TO REVIEW TRACTS ONE THROUGH 11 ON MARCH 11, 2008. AND THAT IS, EXCUSE ME, MARCH, OR TRACT ONE ON MARCH 11, 2008. SO THAT WOULD BE TO APPROVE ON CONSENTS APPROVAL, SAVE AND EXPECT THAT TRACT ONE. ITEM NUMBER 104, CASE C14-2007-0258. East MLK Combined Neighborhood Planning Area Vertical Mixed Use Opt-in Opt-Out Process. I UNDERSTAND THERE IS COUNCIL DISCUSSION ON THIS ITEM.

COUNCIL MEMBER McCracken?

IS THERE ANYBODY SIGNED UP TO TALK ABOUT THIS? INTO NO.

I WENT TO THE NEIGHBORHOOD ABOUT THREE WEEKS AGO AND WENT THROUGH IT AND ONCE PEOPLE LEARNED ABOUT THIS, THERE WAS IN THE ROOM, A WEEKLY NEIGHBORHOOD ASSOCIATE MEETING, UNANIMOUS SUPPORT IN THE ROOM. EVERY ONE OF THE TRACTS IN THE THIS IS ALREADY ZONED MU SO THEY CAN ALREADY DO THE MU. THE ONLY ISSUE WAS TO, WHETHER THERE WOULD BE AFFORDABLE HOUSING DENSITY BONUS INCLUDES AND ONCE THAT WAS THE ONLY ISSUE THERE WAS WIDESPREAD SUPPORT SO WHAT I WILL PROPOSE IS FOR THE EAST MLK OPT-IN, OPT OUT THAT ALL THE PROPERTY BE INCLUDED INTO THE MU OVERLAY THAT ALL THE PROMPTS HAVE THE AFFORDABLE HOUSING DENSITY BONUS WITH IT SET AS 60% MSI. THAT IS WHAT THE ROOM WANTED.

MR. GUERNSEY, DOES THAT GIVE YOU ENOUGH DIRECTION TO BE ON THE CONSENT AGENDA.

IT DOES. THE PLANNING COMMISSION RECOMMENDATION WANTS TO EXCLUDE ALL THESE TRACT WITHIN THE VERTICAL MIXED USE OVERLAY, JUST FOR THE RECORD. ITEM NUMBER 105, CASE C14-2007-0259. Govalle-Johnston Terrace Combined Neighborhood Planning Area Vertical Mixed Use Building V Zoning Opt-inOpt-Out Process STAFF IS RECOMMENDING A POSTPONEMENT OF THIS ITEM UNTIL YOUR MAY 15th AGENDA. THE COMMISSION WILL TAKE THIS ITEM UP ON THEIR APRIL 22nd AGENDA, THAT IS THE PLANNING COMMISSION. ITEM NUMBER 106, CASE C14-2007-0262. Central Austin Combined Neighborhood Planning Area Vertical Mixed Use Building V Zoning Opt-in Opt-Out Process STAFF IS RECOMMENDING POSTPONEMENT OF THIS ITEM UNTIL THE MAY 15, 2008 AGENDA. THE PLANNING COMMISSION WILL CONSIDER THIS PARTICULAR ITEM AT THEIR APRIL 22nd MEETING. ITEM 107, CASE C14-2007-0263. Hyde Park Neighborhood Planning Area Vertical Mixed Use Building Zoning Opt-in Opt-Out Process I UNDERSTAND THERE MIGHT AND REQUEST FROM COUNCIL TO

DELAY ACTION ON THIS JUST ONE WEEK. -- DELAY ACTION ON THIS JUST ONE WEEK. WOULD THAT BE A POSTPONEMENT FROM COUNCIL TO THE 3/6 AGENDA.

COUNCIL MEMBER McCRACKEN.

IN DISCUSSIONS WITH KAREN McGRAW WHO IS HERE REPRESENTED HYDE PARK THEY HAVE NOT HAD THE OPPORTUNITY TO CONVENE THE NEIGHBORHOOD. THE OPT-IN, OPT-OUT EXCLUDED PROPERTIES THERE AND THEY WOULD RECONSIDER THAT, THAT IS THE HEAVIEST TRAVELED BUS ROUTE IN THE ENTIRE CITY SO I KNOW SHE IS GOING TO TRY TO GET FOLKS GATHERED HERE IN THE NEXT WEEK TO COME UP WITH SOMETHING THAT IS NOT A 100% EXCLUSION PROPOSAL IN THE NEIGHBORHOOD AND THAT IS WHAT THE WEEK IS FOR.

BRING THAT BACK NEXT WEEK. ITEM NUMBER 108, CASE C14-2008-0019. South Lamar Neighborhood Planning Area Vertical Mixed Use Building Zoning Opt-in Opt-out process. WE HAVE A NEIGHBORHOOD REQUEST TO POSTPONE IN THIS ITEM UNTIL THE MARCH 20th AGENDA. THAT IS ITEM 108. ITEM 109, CASE C14H-2007-0028. Burch-Jackson House. THIS IS A DISCUSSION ITEM. THERE IS A VALID PETITION REGARDING THIS ITEM. ITEM NUMBER 110, C14H-2007-0017. Dorothy Nichols Duplex. 1206 Lorrain Street. WE HAVE A POSTPONEMENT REQUESTED FOR THIS ITEM, I BELIEVE IT IS TO YOUR MAY 20th -- JUST ONE MOMENT. PARDON ME. JUNE 5th AGENDA. SORRY COUNCIL. THAT IS ITEM NUMBER 110. THEN ON ITEM NUMBER 111, CASE C14H-2007-0015. Harthan Street Local Historic District. 600-610 Harthan Street and 1206 West 6th Street. WE HAVE AN INDIVIDUAL PROPERTY OWNER BEING REPRESENTED THIS EVENING THAT WOULD LIKE TO DISCUSS THIS CASE AS A POSTPONEMENT ITEM, A DISCUSSION POSTPONEMENT ITEM. I UNDERSTAND THERE ARE PROPERTY OWNERS THAT WOULD LIKE TO GO FORWARD THIS EVENING BUT ONE PROPERTY OWNER WOULD LIKE TO DELAY ACTION ON THE LOCAL HISTORIC DISTRICT AND THEY ARE HERE TO SPEAK TO THAT POSTPONEMENT REQUEST.

WE WILL HAVE THAT DISCUSSION HERE PROMPTLY. MR. GUERNSEY, ITEM NUMBER 104, DIDN'T GET YOUR -- THIS IS THE MLK OPT-IN.

I UNDERSTAND THAT WAS FOR FIRST READING, OPTING IN ALL THE PROPERTIES WITH THE UNDERSTANDING THAT THERE WOULD BE A 60% AFFORDABILITY COMPONENT.

FIRST READING ONLY?

FIRST READING ONLY.

COUNCIL MEMBER LEFFINGWELL?

IN THE PLANNING COMMISSION RECOMMENDATION WAS THAT A WHOLE GROUP OF

PROPERTYING BE OPTED OUT, IS THAT CORRECT?

THAT IS CORRECT, TWO EXCLUDE ALL THE VERTICAL AND MIXED USE.

I UNDERSTOOD THE DISCUSSION ON THE DAIS THERE WAS AN AGREEMENT ON THE NEIGHBORHOOD PLANNING TEAM, THEY NOW DISAGREED WITH THE PLANNING COMMISSION'S RECOMMENDATION.

I UNDERSTAND FROM COUNCIL MEMBER McCracken THERE HAD BEEN SOME DISCUSSION WITH THE NEIGHBORS THAT THE PROPERTY WAS MOSTLY ZONED OR ALL ZONED MIXED USE. AND SO THEY COULD TECHNICALLY, WITHOUT THE VERTICAL MIXED USE DO A MIXED USE BUILDING THAT WOULD HAVE AND RESIDENTIAL USES ALREADY. BUT THEY MAY NOT MEET THE AFFORDABILITY COMPONENTS THAT THEY WANTED TO BUILD THE VERTICAL MIXED USE BUILDING WHICH THIS WOULD ALLOW.

YES?

WHAT HAPPENED IS AS WE SAW THE INITIAL ROUNDS OF NEIGHBORHOOD AT OPT IN, OPT OUT HAD SRCC, SOUTHWOODS, WHAT HAPPENED IS THIS OPT IN/OPT OUT IN HYDE PARK WENT THROUGH ON CONSENTS AND THE PLANNING COMMISSION DISCOVERED AFTERWARDS THAT THEY HAD PROPOSED TO EXCLUDE ALL THE PROPERTIES. THE PLANNING COMMISSION IS LOOKING THROUGH WITH A FINE TOOTHED COMB AND TOOK DIFFERENT APPROACH TO SOUTH LAMAR. THAT IS THE BACKGROUND ON THAT IT SLIPPED THROUGH. WHEN I VISITED THE NEIGHBORHOODS A FEW WEEKS AGO, AS WE WERE DISCUSSING THIS, IT WAS THAT ALL THE PROPERTIES ARE ALREADY ZONED MIXED USE SO YOU COULD ALREADY DO VERTICAL MIXED USE. THE ONLY THING THAT WOULDN'T HAPPEN WOULD BE THE AFFORDABLE HOUSING SO THERE ARE ABOUT 35 NEIGHBORS ON A SATURDAY AND THEY ALL SAID WE WANT AFFORDABLE HOUSING AS PART OF THIS SO THERE WAS ACTUALLY UNANIMOUS CONSENSUS IN THE ROOM TO PROCEED WITH HAVING IT ALL WITH THE AFFORDABLE HOUSING DENSITY BONUSES AND HAVE IT SET AT THE LOWEST POSSIBLE LEVEL OF 60% MFI.

I'M A LITTLE UNCOMFORTABLE AND WE ARE GOING TOTALLY AGAINST THE PLANNING COMMISSION'S RECOMMENDATION WITHOUT SOME KIND OF REPRESENTATIVE FROM THE OTHER SIDE HERE TO SAY THAT WE HAVE, WE AGREE WITH -- IS THERE A REPRESENTATIVE FROM THE NEIGHBORHOOD HERE TO SPEAK ON THIS?

NOBODY HAS SIGNED UP.

COUNCIL MEMBER, WHEN WE BRING THIS BACK FOR SECOND AND THIRD READING QUO OFFER TO CONTACT THE NEIGHBORHOOD AND MAKE SURE THEY ARE PRESENT SO HAVE YOU A STATEMENT FROM THEM.

I WOULD LIKE TO MAKE SURE THE PROCESS TAKES PLACE. I'M A LITTLE UNCOMFORT WITHIN IT BUT I WILL GO ALONG WITH IT ON FIRST READING ONLY.

THANK YOU. SO, MR. GUERNSEY, WHY DON'T WE HAVE THIS QUICK POSTPONEMENT DISCUSSION, ITEM NUMBER 111.

VERY GOOD. MISS MEADE WILL BE COMING FORWARD TO SPEAK TO HER POSTPONEMENT REQUEST.

OUR CLIENT OWNS ONE OF THE PROPERTIES PROPOSED TO BE INCLUDED IN THE DISTRICT. HER NAME IS MARKET THAT, SHE OWNED THE PROPERTY AT 605 HARTMAN. THIS IS OUR FIRST REQUEST FOR POSTPONEMENT, WE ARE ASKING IT TO BE POSTPONED NOT UNTIL THE NEXT MEETING BUT THE MEET, AFTER THAT. THEY WANT ADDITIONAL TIME TO LOOK AT THE DESIGN REGULATIONS THAT ARE GOING TO BE IMPOSED WHICH IS THE MEAT OF THIS DISTRICT AND THEY WANT AN OPPORTUNITY TO ADDRESS YOU ALL DIRECTLY AND ARE NOT ABLE TO BE HERE TONIGHT. SO WE THINK IT IS A REASONABLE REQUEST, IT IS A LITTLE SHORT OF THREE WEEKS AND I WANT TO REMIND THE COUNCIL THAT AS IT STANDS NOW, BECAUSE OF THE WAY YOUR CODE IS WRITTEN, THERE IS NOTHING THAT CAN HAPPEN BETWEEN NOW AND WHEN THIS DISTRICT IS PUT IN PLACE, FOR INSTANCE, NO ONE CAN GO AND DEMOLISH A STRUCTURE OR ANYTHING LIKE THAT YOUR CODE ESTABLISHES A STAY THAT WOULD PREVENT THAT THAT FEDERAL RESERVE HAPPENING WHILE THIS PROCESS IS PENDING SO EVERYBODY WILL BE STATUS QUO, NOBODY CAN GO DO ANYTHING IN THE MEANTIME, SO WE WOULD APPRECIATE THAT, WHAT WE THINK IS A RELATIVELY SHORT DELAY.

THANK YOU. QUESTIONS COUNCIL? OUR STANDING PRACTICE IS TO GRANT POSTPONEMENT REQUESTS, FIRST-TIME REQUESTS FROM EITHER ADVOCATES OR OPPONENTS. COUNCIL MEMBER KIM?

JUST A GENERAL OBSERVATION, THE DESIGN STANDARDS IN THE HISTORIC DIRECT ARE I HAVE SPECIFIC AND WE HAVEN'T HAD A CHANCE TO LOOK AT IT AND NEITHER HAS THE PLANNING COMMISSION AND I E-MAILED DAVE SULLIVAN TODAY, THE CHAIR, ABOUT THAT, BECAUSE I'M HEARING IT DOUBLE ALLOW FOR SOLAR PANELS OR ZERO SCAPING, I THINK IT WOULD BE GOOD FOR THEM TO TAKE A LOOK AT THAT BEFORE WE TAKE ACTION TO GIVE US FEEDBACK ON THE SPECIFIC DESIGN STANDARDS BECAUSE I DON'T KNOW WHAT IS IN THERE. THANKS.

AND WE HAVEN'T SEEN AN ORDINANCE EITHER AT THIS POINT AND I THINK THERE HAVE BEEN SEVERAL DRAFTS OF THOSE GUIDANCE. -- GUIDELINES.

THANK YOU. WELCOME.

HI, I'M TERRY MEYERS, THANK YOU, MAYOR WYNN AND COUNCIL FOR LISTENING TO MY

OPPOSITION TO THE POSTPONEMENT. WE DID SUBMIT DESIGN GUIDELINES TO THE PLANNING COMMISSION, THEY HAVE HAD A LOOK AT IT, THEY VOTED FOR THE HISTORIC DISTRICT THIS SHOULD BE INCLUDED WITH YOUR WORK, BUT I JUST WANTED TO SAY WE STARTED THIS PROCESS ALMOST THREE YEARS AGO, TURNED IN AN APPLICATION, THEN THE TASK FORCE MET, MADE SOME NEW REGULATIONS BEING WE REDID THE APPLICATION, TURNED IT IN, IT WENT TO LAND MARK'S COMMISSION LAST JUNE 25 AND THE SESSION WAS CANCELED OR POSTPONED. JULY 23rd WE CAME BACK, LANDMARK COMMISSION POSTPONED IT AUGUST 27th, LANDMARK COMMISSION POSTPONED. CEMENT 27 4th, LANDMARK COMMISSION PASSED IT UNANIMOUSLY. OCTOBER 23, PLANNING COMMISSION POSTPONED. NOVEMBER 13 PLAN COMMISSION REALIZED IT WAS SUPPOSED TO GO NO TODAY ZAP. DECEMBER 24th ZAP PASSED IT WITH ALL BUT ONE VOTING. JANUARY 28th WE WERE SCHEDULED TO COME HERE THERE WAS A NOTIFICATION ERROR. FEBRUARY 14th WE WERE TOLD THAT THE APPLICANT WAS ASKING FOR A POSTPONEMENT BUT IT DIDN'T MATTER BECAUSE THERE WAS ANOTHER NOTIFICATION ERROR. SO WE WERE TOLD TO COME FEBRUARY 28th. WE HAVE LETTERS SAYING THAT WE WOULD COME TO PLANNING COMMISSION ON OCTOBER 23rd ON CITY COUNCIL ON THE 29th OF NOVEMBER, THEN WE HAVE A LETTER FROM CITY STAFF SAYING THAT WE WERE RESCHEDULED FOR FEBRUARY 14th, AND THAT AN INTERESTED PARTY WOULD REQUEST A POSTPONEMENT AND THAT WAS THAT 14th. WE HAVE BEEN WAITING A LONG TIME. AND IT'S BAN STRUGGLE AND I FEEL A LITTLE BIT LIKE WHAT DOES MISS MEADE AND HER FAMILY HAVE BEEN PART OF THE ROUND TABLE DISCUSSIONS IN THE NEIGHBORHOOD. THEY ATENDED A FOUR-HOUR SESSION WITH THE NEIGHBORHOOD AND WITH STEVE TO GO OVER THE GUIDELINES, AND I WONDER WHAT WILL BE BENEFITED BY DELAYING THIS EVEN LONGER. THAT'S OUR POINT. I CAN'T EVEN GET PEOPLE TO COME DOWN AND SPEAK IN FAVOR, WE HAD A WHOLE BUNCH OF PEOPLE HERE ONE SESSION BECAUSE NOBODY IS REALLY SURE, IT'S KIND OF THE MYTHICAL HISTORIC DISTRICT AND WE WOULD REALLY LIKE YOU TO TAKE THAT UNDER ADVISEMENT. THANK YOU.

THANK YOU, MISS MEYERS. MY INSTINCT IS THERE IS SIGNIFICANT SUPPORT, WE'RE GOING TO TRY TO CRAFT THE CONTROLS IN A USUAL YOURS WAY BUT OUR STANDING PRACTICE IS TO GRANT IN THE CLAIM PERS THE FIRST-TIME REQUEST TO POSTPONE. COUNCIL MEMBER KIM.

I WOULD LIKE TO ASK STEVE SOME QUESTIONS, PLEASE, SINCE HE IS IS OUR HISTORIC PRESERVATION OFFICER. WHERE THE SPECIFIC DESIGN STANDARDS THIS IS GOING TO BE RESIDENT SETTING SO THIS IS NOT JUST ABOUT THIS PARTICULAR CASE AND I SUPPORT THE CREATION OF THIS DISTRICT BUT THE SPECIFIC DESIGN STANDARDS, HAS THAT BEEN VETTED THROUGH OUR PLANNING COMMISSION YET?

THE CASE ACTUALLY WENT TO THE BLOWNING AND PLANNING COMMISSION, COUNCIL MEMBER, AND YES, A VERSION OF THE DESIGN STANDARDS WAS PRESENTED TO THE ZONING AND PLANNING COMMISSION. SENSE THAT TIME, WE'VE BEEN WORKING TO TRY TO ACHIEVE CONSENSUS BETWEEN, THERE ARE THREE PROPERTY OWNERS WHO

REGISTERED OPPOSITION TO THIS DISTRICT. WE'VE BEEN TRYING TO ACHIEVE CONSENSUS BY WORKING THROUGH THOSE DESIGN STANDARDS AND SOLICITING THEIR INPUT FOR WHAT THEY WOULD AGREE TO, WHAT THEY OBJECT TO AND WHAT THEY DO AGREE-TO-SEE IF WE CAN ARRIVE AT SOME COMMON GROUND FOR THESE DESIGN STANDARDS, LIKE MISS MEYERS SAID, WE HAD SEVERAL HOURS LONG MEETING ON THESE DESIGN STANDARDS SEVERAL WEEKS AGO. WE'VE GONE THROUGH COUPLE OF REFINEMENTS SINCE THEN, NOTHING REALLY SUBSTANTIVE, MORE WORDSMITHING, BUT THESE THINGS HAVE BEEN PRESENTED TO ALL AMICABLE BODIES AND PARTIES, YES, MA'AM.

I THINK THERE WOULD BE TIME TO TAKE A LOOK AT THESE DESIGN STANDARDS. ARE THESE SPECIFIC TO THE DISTRICT OR A BOILERPLATE FOR FUTURE DISTRICTS?

PART OF THEM CAN BE A TEMPLATE FOR OTHER DISTRICTS, PART OF THEM ARE DEFINITELY SPECIFIC TO THIS DISTRICT BECAUSE THEY ARE DESIGN STANDARDS BASED ON THE HOUSING STOCK, THE TYPE OF HOUSING THAT EXISTS IN THIS PARTICULAR DISTRICT.

I SEE.

AND SO IS A FINAL VERSION OF THAT AVAILABLE? IS THAT PART OF THE BACK UP TODAY?

YES.

AND WHEN WAS THAT MADE AVAILABLE, THE FINAL VERSION?

THAT WAS THE RESULT OF A FINAL MEETING THAT WE HAD TUESDAY NIGHT.

TUESDAY NIGHT.

YES.

I WOULD LIKE TO, I WILL DEFINITELY TAKE A LOOK AT THOSE IN DETAIL. THANK YOU.

YES, MA'AM.

I'M SORRY, I MAY HAVE DISMISSED THIS, WE HEARD MISS MEADE SAY SOMETHING TO THE EFFECT OF BECAUSE I GUESS THIS PROCESS HAS BEGUN, WE TO HAVE SOME CONTROLS OR RESTRICTIONS ON WHAT COULD HAPPEN INSIDE THIS PROPOSED DISTRICT WHILE WE, YOU KNOW, TAKE A TUESDAY WEEKS AND HASH THROUGH THE OF THE DETAILS. IS THAT TRUE?

IT IS TRUE IT WOULD BE AN ONGOING ZONING SKIES NO CHANGES -- CASE SO NO CHANGES

COULD BE MADE UNTIL A DECISION WAS MADE ABOUT WHETHER THE COUNCIL WANTS TO ADOPT THIS OR NOT.

THANK YOU. FURTHER QUESTIONS, COUNCIL? THEN CARE TO APPROACH?

THANK YOU, MAYOR WIN, THANK YOU, COUNCIL MEMBERS. I WAS WONDERING POSSIBLY, THOUGH IT IS CUSTOMARY TO GRANT A POSTPONEMENT REQUEST, WE HAVE HAD SO MANY POSTPONEMENT REQUESTED BEFORE WE CAME HERE TONIGHT I WONDER IF IT WOULDN'T BE AN IDEA TO POSTPONE THIS UNTIL NEXT WEEK RATHER THAN MARCH 20 WHICH IS SPRING BREAK WEEK AND A LOT OF PEOPLE HAVE TRAVEL PLANS AT THAT TIME SO I WOULD RESPECTFULLY REQUEST IT JUST BE POSTPONED TO THE NEXT TIME. THE DESIGN SALADS HAVE BANE AVAILABLE TO ALL. AT EVERY STEP OF THE WAY, WE'VE HAD FOUR MEETING AND ALL DRAFTS OF THIS HAVE BEEN SENT TO ABSOLUTELY EVERYONE. THERE HAS BEEN SUFFICIENT TIME FOR EVERYONE TO HAVE INPUT AND SHE WAS AN ACTIVE PARTICIPANT IN A FOUR-HOUR MEETING SEVERAL WEEKS AGO AND AT END OF THAT TIME I SEEM TO RECALL SHE SAID THE GUIDELINES WERE REASONABLE SO THANK YOU FOR YOUR CONSIDERATION TOKING THERE IS HEARD NEXT WEEK RATHER THAN ON MARCH 20th. THANK YOU.

THANK YOU, LINDA. WE WILL SAY TECHNICALLY WE FOLLOW ASID'S SPRING BREAK SCHEDULE SO THE WEEK OF THURSDAY THE 13th IS WHAT WE CONSIDER FROM A SCHEDULING STANDPOINT TO BE OUR BRING BREAK, ALTHOUGH I HAVE A CHILD THAT HAS A DIFFERENT SPRING BREAK WEEK. ONE OF EACH. AND SO WE DO PLAN TO HAVE THE FULL MEETING ON THE 20th AND CONDUCT A LOT OF BUSINESS. MR. GUERNSEY.

MAYOR, THEY APPROACHED ME AND INDICATED THERE ARE SEVERAL PEOPLE HERE THAT ARE, AT LEAST THREE PEOPLE HERE THAT WOULD LIKE TO SPEAK TO ITEM 101. THEY ARE NOT NECESSARILY OPPOSED BUT THEY WANTED TO MAKE COMMENTS FOR THE RECORD. I WOULD SUGGEST THAT NOT BE THAT NOT REMAIN ON YOUR CONSENT AGENDA AND THAT BE PULLED AND ALLOW THOSE SPEAKERS TO SPEAK ON ITEM 101. THIS IS THE 501 CASE.

FAIR ENOUGH.

MAYOR PRO TEM AND THEN COUNCIL MEMBER LEFFINGWELL. 111.

OFF THE DAIS, I WANTED TO KNOW WHY THE SIX WAS SIXTH WAS NOT CONVENIENT FOR EITHER THE STAFF OR WHATEVER SUGGESTED THE 20th 20th.

TECHNICALLY, I THINK IT WAS THE REQUEST OF ONE OF THE PARTIES MISS MEADE AND/OR HER CLIENT WAS REQUESTING THE 20th 20th. WOULD YOU LIKE TO TALK ABOUT THE OPPORTUNITY TO GET THIS DONE TWO WEEKS EARLIER?

SORRY, I WASN'T --

UM, WITH ALL DUE STAFF, THE DOCUMENT IS CHANGING -- DUE RESPECT TO STAFF, THE DOCUMENT IS CHANGING AND WE GOT A DIFFERENT VERSION TUESDAY AND SOME ADDITIONAL CHANGES TO IT TODAY. AND SO OUR CLIENT REALLY WANTED ENOUGH TIME SINCE AGAIN, THAT IS REALLY THE MEAT OF WHAT WE ARE TALKING ABOUT, AND THERE COULDN'T BE ANY HARM IN THE MEANTIME, UNTIL THE DISTRICT IS PUT IN PLACE. OUR CLIENT FELT LIKE A WEEK WAS NOT GOING TO BE LONG NOW HAVE LOOK AT ORDINANCE WHICH WE'VE NOT SEEN AND REALLY HASH THROUGH THE REGULATIONS. WHICH ARE CHANGING. AND THAT MEETING THAT WE HAD FOR INSTANCE, WAS FOUR WEEKS AGO, I MEAN IT WASN'T MANY, MANY WEEKS AGO. WE REALLY HAVE JUST STARTED WORKING THROUGH THESE THINGS.

THANK YOU, MAYOR.

I WAS GOING TO SUGGEST, I UNDERSTAND THAT THEY NEED TIME TO GO OVER THE CHANGED REGULATIONS, BUT THERE HAVE BEEN NUMEROUS POSTPONEMENTS ON THIS ITEM ALL WAIT THROUGH THE PROCESS. THIS IS ACTUALLY THE SECOND POSTPONEMENT AT COUNCIL, -- POSTPONEMENT AT COUNCIL AND I THINK I WOULD RESPECTFULLY SUGGEST WE POSTPONE UNTIL MARCH 6, AND OF COURSE ON MARCH 6 IF THERE ARE EXTREME EXTENUATING CIRCUMSTANCES WE COULD ELECT FOR A FURTHER POSTPONEMENT AT THAT TIME BUT I THINK FOR NOW, I'M GOING TO SUGGEST THAT WE POSTPONE UNTIL THE 6th OF MARCH.

UNDERSTOOD. COUNCIL, OUR PROPOSED CONSENT AGENDA ON THESE CASES WHERE WE HAVE YET TO CONDUCT THE PUBLIC HEARING WILL BE TO NOTE THAT ITEM NUMBER 9 HAS BEEN WITHDRAWN -- NUMBER 89 HAS BEEN WITHDRAWN. MR. GUERNSEY.

ONE MORE CHANGE. ITEM NUMBER 95, I WANT TO MAKE SURE THE ORDINANCE YOU HAVE ON THE DAIS, THAT WAS FOR A ZONING CHANGE FOR GR-MU-CO-NP FOR THE PROPERTY AT 4505 EAST MARTIN LUTHER KING IT CAN REMAIN ON THE CONSENT AGENDA FOR THREE READINGS BY I WANTED TO MAKE SURE IT IS CLEAR THAT PROPERTY IS RECOMMENDED FOR REZONING.

UNDERSTOOD. WITHOUT OBJECTIONS, COUNCIL, THE PROPOSED CONSENT AGENDA WILL BE THE NOTE THAT 89 HAS BEEN WITHDRAWN, TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE REEDINGS CASES 90, 91, 92, 93, 94 AND 95. TO POSTPONE ITEM 96 UNTIL MARCH 20th, 2008. TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALLLY READINGS ITEM 97. TO POSTPONE 98 UNTIL MARCH 6th 2008. CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASE 99. TO POSTPONE CASE 100 TO MARCH 20, 2008 TOMORROW CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY CASE 103, EXCEPT FOR TRACT ONE AND THAT PIECE OF THE CASE TO BE POSTPONED TO MARCH 27, 2008. TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY

ITEM NUMBER 104 ABOUT COUNCIL MEMBER McCracken's proposal. To postpone Tract 105 to May 15th, 2008. As well as postponing item 106 to May 15th, 2008. Postpone item 107 to March 6, 2008. Postponing item 108 to March 27th, 2008. Postpone item 110 to June 5, 2008. And to postpone item 111 to March 6th, 2008. I will entertain that motion. Motion made by Council member McCracken. Seconded by the Mayor pro tem to approve the consent agenda as read. Further comments?

Clarification on item number 103 for consent on first reading only, and you mentioned the tract one was being pulled out of that and postponed until March 27th.

That's correct.

But, so that is -- is this consent on first reading, is that planning commission recommendation? Because they did, they're not -- they heard on tract one yet. They don't hear that case until March 11th. So is that exactly what planning commission recommended?

That is what has been offered.

Well, I guess what I'm getting at is, planning commission also recommended to exclude certain tracts in the VMU district and to review tract one on March 11th. So that's what we're --

That is what you are voting on for first reading only.

Thank you.

Thank you, again. Further comments? Motion and second on the table. Hearing none, all those in favor, please say aye. Aye. Opposed? Motion passes on a vote of 7-0. Thank you all very much. A few people go home early. Mr. Guernsey, I guess with 13 minutes to go we could take up either the Elm Terrace discussion, item number 86, or as you mentioned on our public hearing, zoning case item number 101 and a handful of folks that wanted to speak. In fact, about a half hour worth of testimony so maybe I just answer mild question. Why don't we go back to item number 6, Elm Terrace. This is for the property at 3215 Exposition Boulevard. This is a question for land that is unzoned to townhouse condominium residents, combined district zoning. First reading was approved by council back in November. The prompt is approximately 2.187-acres in size, originally the applicant was proposing an MF-1 type flowing zoning to implement the development of townhouse with the associated parking. The council approved 20 units on this property on first reading. We

DID HAVE PETITION THAT WAS SUBMITTED BUT IT WAS NOT FOUND TO BE A VALID PETITION THAT WOULD REQUIRE THE 3/4 VOTE ON THIS PROPERTY THERE. HAS BEEN AN ORDINANCE PREPARED THAT IS IN YOUR BACK UP AT THIS TIME THAT REFLECTS YOUR FIRST READING ACTION THAT WOULD LIMIT THE PROPERTY TO 20 UNITS AND ALSO SPEAK TO A RESTRICTED COVENANT I BELIEVE THAT ADDRESSES THAT SIDEWALKS WITH STREET TREES BEING IN COMPLIANCE WITH OTHER URBAN ROADWAYS AND THE COMMERCIAL DESIGN STANDARDS BY THE PROPERTY OWNER. HOWEVER, I KNOW THERE HAS BEEN A LOT OF DISCUSSION BETWEEN THE NEIGHBORHOOD REPRESENTATIVE, I THINK PROPERTY OWNERS AND COUNCIL OFFICING THAT MAY CHANGE THIS. AS IT IS COMING FORWARD.

SO CREDIT CARD, SO COUNCIL, ITEM NUMBER 86 IS REMINDED TO US BY MR. GUERNSEY, WAITING FOR A DIE GET US OFF DEAD CENTER FOR FIRST READING.

MAYOR.

MAYOR PRO TEM.

THIS HAS BEEN VERY DIFFICULT, AND I'M NOT SURE EXACTLY WHERE WE ALL ARE EVEN NOW, BUT I WOULD, I WOULD LIKE TO MAKE A PROPOSAL OR A MOTION AND THEN LET'S SEE WHERE IT GOES AND THAT WOULD BE TO GO FORWARD WITH THE MOTION THAT WAS, OR THE FIRST READING, SF-6 WITH 20 UNITS WITH A CO LIMITING THE STRUCTURES ON EXPOSITION TO TWO STORIES, ON-SITE WATER QUALITY AND DETENTION, AND I THINK THE NEIGHBORS WANTED IT REITERATED THAT 40% IMPERVIOUS COVER BUT I THINK THAT IS WHAT THE WATERSHED ALLOWS ANYWAY. SO THAT WOULD BE -- AND THEN SIDEWALKS ARE ALREADY CONTAINED IN THE MOTION SO THAT WOULD BE MY MOTION.

SO MOTION BY MAYOR PRO TEM FOR SECOND AND THIRD READING SF-6, 20 UNITS, NUMBER OF CONDITIONS, SORT OF MOST NOTABLY THE TWO-STORY LIMITATION ALONG THE EXPOSITION FRONTAGE.

THOSE ARE BUILDINGS THAT HAVE FRONTAGE ALONG EXPOSITION SO IF THERE IS A SECOND ROW BEHIND, THEY COULD BE HIGHER HEIGHTS.

I'M SORRY, WHAT NOW?

THAT THE -- WHEN YOU ARE SPEAKING TO A TWO-STORY LIMITATION IT IS ONLY FOR THOSE BUILDINGS THAT FRONT ON EXPOSITION, NOT THE ONES TO THE REAR?

THE BUILDINGS THAT FRONT EXPOSITION WOULD BE TWO STORIES. AND THE OTHERS COULD BE ADDITIONAL HEIGHTS. I MEAN, ADDITIONAL STORIES.

WHY DON'T WE SEE IF WE CAN GET A SECOND FAN NEED BE ADD TO THAT OR AMEND THAT.

SECOND BY COUNCIL MEMBER COAL. COUNCIL MEMBER KIM.

I WONDER IF WE CAN MAKE A MOTION, THE NEIGHBORS HAVE BEEN WORKING WITH US ALL DAY ON LIMITING THE PROPERTY TO 20 DWELLING UNITS AND ALDED AING IN ADDITIONAL RESTRICTED COVENANTS AND I WAS WONDERING IF IER RECOULD EXPLAIN -- IF JERRY COULD EXPLAIN THAT TO THE COUNCIL.

WELCOME.

SURE, COUNCIL MEMBER. WHAT I'VE BEEN DISCUSSING TODAY IS TWO ADDITIONS TO THE PROPOSED ORDINANCE THAT WOULD BE A PROHIBITION OF A ALONG EXPOSITION BOULEVARD. GOING BACK TO LOOK AT THE FIRST READ, WE THINK IT WAS INCLUDES AND LEAF OUT TODAY. THAT WOULD BE AN ADD WE BELIEVE THAT WAS ALREADY MADE. THE SECOND ONE WOULD BE A LIMITATION TWO OF STORIES OR 32 FEET FOR THE FIRST 75 FEET OF PROPERTY FROM THE PROPERTY LINE ALONG EXPOSITION BOULEVARD AND THAT WAY WE WOULD NOT BE ADDRESSING THE ISSUE WE TALKED ABOUT IF YOU HAVE UNITS BEHIND EXPOSITION THAT ARE STILL FACING EXPOSITION YOU ARE SAYING THAT FIRST ROW OF UNITS WOULD BE LIMITED TO TWO STORIES OR 32 FEET, AND WE WOULD LEAVE IT THERE. AS FAR AS THE RESTRICTED COVENANT GOES THERE CURRENTLY IS A CONDITION FOR COMMERCIAL DESIGN SIDEWALKS, THAT IS ALREADY IN THERE ON FIRST READING THERE WAS ALSO ANOTHER CONDITION THAT WAS LEAF OFF AND THAT WAS THE UNITS FACING EXPO SIS BOULEVARD WILL HAVE DOORS ORIENTED TOWARDS EXPOSITION BOULEVARD. THERE ARE TWO NEW CONDITIONS I'VE BEEN DISCUSSING WITH THE COUNCIL OFFICE, ONE IS A 25-FOOT VEGETATIVE BUFFER ALONG THE EXPOSITION FRONT AND, ALONG THE PROMPT LINE ON EXPOSITION, AND THE SECOND ONE IS TO REQUIRE SIDEWALK MET PARTICULARRATION FOR THE FACADE IT SHALL METICULATION AND THE FACADE. IF IT GOES BEYOND 32 FEET THIS WOULD REQUIRE THE SAME THING, INSTEAD OF APPLYING TO THE SIDE OF THE BUILDING, IT WOULD APPLY TO THE FACADE OF THE BUILDING. THOSE WERE THE CONDITIONS THAT I'VE BEEN DISCUSSING.

RUSTHOVEN, HAS THE APPLICANT AGREES TO ALL THESE SUGGESTIONS?

MAYOR PRO TEM, I'VE BEEN DISCUSSING THESE SEVERAL COUNCIL OFFICES AND HAVE NOT WILL A CHANCE TO CONSULT WITH THE APPLICANT.

CHANGE MOST OF YOUR RECOMMENDATIONS, COUNCIL MEMBER KIM, WILL BE A FRIENDLY AMENDMENT BUT COULD I PAUSE HERE AND CLARIFY WITH THE APPLICANT WHETHER OR NOT THEY AGREE WITH THESE SYSTEM THAT APPROPRIATE UNDER ANY RULES THAT WE GO BY?

YOU, AS MEMBER ON THE DAIS, YOU MAY ASK A QUESTION OF ANYBODY WHO IS PRESENT THAT COULD HELP US, INCLUDING IN THIS CASE THE APPLICANT, SO WELCOME.

I'M RICHARD WEISS, AND I'M REPRESENTING THE APPLICANT. JERRY, DO YOU MIND IF I SEE THAT LIST BECAUSE THIS IS THE FIRST THAT WE'VE HEARD ALL OF THESE CONDITIONS. SPECIFIC CONDITIONS. MY ORIGINAL UNDERSTANDING WAS THERE WAS NO HARD WALLS ALONG EXPOSITION. NO FENCE ALONG EXPOSITION. IS THERE A CERTAIN DEPARTMENT THAT IS ASSOCIATED WITH THAT? OR WOULD THAT BE CONTINUOUS? I MEAN THIS IS THE FIRST WE'VE HEARD OF A VEGETATIVE BUFFER BETWEEN THE PROPERTY LINE AND THE 25-FOOT SET BACK LINE, WHICH SEEMS TO STAND AGAINST THE IDEA OF BEING ABLE TO WALK OUT ON YOUR FRONT YARD AND ENJOY THE COMMERCIAL DESIGN STANDARD SIDEWALK, THOSE TWO NOTIONS ARE IN CONFLICT WITH ONE ANOTHER.

32 FEET OF HEIGHT FOR THE FIRST 75 FEET. WE'VE BEEN IN DISCUSSIONS WITH THE NEIGHBORHOOD ABOUT THAT. WE HAD A LIKE TO ASK IF WE ARE CONSTRAINED BY SET BACKS WHICH ARE AMICABLE TO THE SITE WHICH THOSE WERE ACCOUNTANT WITH 25-2-2063, THE COMPATIBILITY ORDINANCE WHICH WOULD DICTATE THE FIRST 25 FEET THERE COULD BE NO DEVELOPMENT, THEN IT COULD BE TWO STORIES AND 30 FEET WITHIN 50 FEET OF THE PROPERTY LINE AS OPPOSED TO 75 FEET. HAVING A 75-FOOT BUFFER THERE, WHERE IT CAN ONLY BE TWO STORIES IS NOT ONLY MORE RESTRICTIVE THAN OUR CURRENT COMPATIBILITY STANDARDS, BUT THEY ARE ALSO MORE RESTRICTIVE THAN IF IT WERE ZONED SF-3, YOU WOULD BE ALLOWED TO DO 32 FEET AND THREE STORIES. SO THAT DOESN'T SEEM CONSISTENT WITH THE LAND DEVELOPMENT CODE. I GOES REITERATE WHAT THE APPLICANT WOULD BE WILLING TO SUPPORT WOULD BE, IF ADDITIONAL COMPATIBILITY WOULD BE PLACED ON THE SITE IT WOULD BE A 25-FOOT SET BACK WITH NO DEVELOPMENT WHAT SO EVER AND THEN ANOTHER 25 FEET WHERE YOU COULD GO TWO STORIES AND 30 FEET.

THAT WOULD BE COMPARABLE TO OUR COMPATIBILITY STANDARDS.

THAT WOULD BE, COUNCIL, TO A SITE WITH A LEGITIMATE BUILDING, TRIGGERING COMPATIBILITY.

AND YOU WOULD BE THAT 32-FOOT HEIGHT RESTRICTION.

CORRECT.

REGARDING McMANSION ARTICULATION, THE IDEA OF THAT IS ACCEPTABLE TO THE APPLICANT, HOWEVER, WE HAVE RUN INTO PROBLEMS WHEN WE DID THE ZONING FOR CUMBERLAND, THE WAY THE McMANSION ORDINANCE IS DRAFTED DOESN'T, IT DOESN'T WORK ON MULE TIE FAMILY SITES BECAUSE IT IS -- MULTIFAMILY SITES BECAUSE IT IS BASED ON SET BACK LINES SO IT CAN'T REFERENCE THE McMANSION ORDINANCE WITHIN THE ORDINANCE, IT WOULD NEED TO REFERENCE SPECIFICALLY WHAT THOSE ARTICULATIONS WOULD BE. BUT I THINK THAT THAT'S, THAT THAT WOULD PROBABLY BE ACCEPTABLE ONCE WE WERE ABLE TO DEFINE THOSE ARTICULATIONS.

OKAY. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

ELIMINATE THE VEGETATIVE BUFFER AND THEN I THINK 32 FEET FOR THE FIRST ROW BACK TO 50 FEET WOULD BE MY PROPOSAL THERE. SO I DON'T KNOW HOW WE --

OKAY.

SO YOU SAID YOU WOULD FILL OUT THE VEGETATIVE BUFFER, SO THE ONLY THING WE'RE DISAGREEING ON RIGHT NOW IS THE HEIGHT.

RIGHT.

DUNKERLEY: THE SETBACK.

THE MAYOR -- MAYOR -- COUNCIL MEMBER DUNKERLEYERLY ACCEPTS EVERYTHING EXEPS -- FOR THE AMENDMENT EXCEPT FOR THE VEGETATIVE BUFFER WHICH I THINK WE'RE FINE WITH NOT INCLUDING THAT BUT THE DIFFERENCE, 75 FEET, I'D LIKE TO MAKE A MOTION FOR AN AMENDMENT FOR THE 75 FEET REQUIREMENT ALONG EXPOSITION BOULEVARD.

MAYOR WYNN: COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: CAN WE FIRST JUST AGREE TO ACCEPT THE POURINGS AS A FRIENDLY AMENDMENT THAT EVERYBODY HAS AGREED TO AND THEN TAKE UP THE HEIGHT ISSUE SEPARATELY?

MAYOR WYNN: I THINK WE'VE JUST DONE THAT. IF COUNCIL MEMBER COLE IS THE MAKER OF THE SECOND, WE HAVE EVERYTHING BUT THE MATH OF THE DISTANT SETBACK REQUIRING THE TWO-STORY HEIGHT. AND SO COUNCIL MEMBER KIM IS PROPOSING AN AMENDMENT TO OUR CURRENT -- CURRENT MOTION. DO WE HAVE -- WE HAVE A MOTION AND A SECOND PROPOSING AN AMENDMENT TO THE CURRENT MOTION, AND COUNCIL MEMBER KIM, IF YOU COULD -- OR MAYBE IF EVEN STAFF COULD HELP US UNDERSTAND, YOU KNOW, THE IMPACT ON THE GROUND OF THE DIFFERENCE BETWEEN THESE TWO SETBACK DISTANCES.

WELL, THE DIFFERENCE -- THE NUMBER WAS ACTUALLY -- A PORTION OF THE PROPERTY IS SUBJECT TO EXATABILITY AS FAR AS THE HEIGHT RESTRICTION. ANOTHER PORTION OF THE PROPERTY IS NOT BECAUSE IT IS ACROSS EXPOSITION BOULEVARD. THIS WOULD HAVE THE NET EFFECT OF REQUIRING THE SAME THING AS EXATABILITY WOULD NORMAL -- EXATABILITY WOULD COMPATIBILITY WOULD NORMALLY TRIGGER. THE DIFFERENCE WOULD BE HOW FAR OFF EXPOSITION IT WOULD GO, WHETHER IT WOULD BE 50 FEET VERSUS 75 FEET. RIGHT NOW THERE WOULD NOT BE A REQUIREMENT BECAUSE EXPOSITION BOULEVARD IS WIDE ENOUGH THAT IT WOULD NOT TRIGGER A REDUCTION IN THE HEIGHT. THAT WOULD APPLY ONLY ON THE NORTHERN PORTION OF THE TRACT

BECAUSE OF THE EXISTING SINGLE-FAMILY ZONING, WHICH IS ACTUALLY STATE PROPERTY. SO THE DISTANCE IS WHAT LITTLE. IT'S SIMPLY A 25-FOOT DISTRICT AS FAR AS WHETHER THEY COULD EXCEED TWO-STORY OR 32 FEET.

MAYOR WYNN: BUT AGAIN, IF THERE WERE A BUILDING THAT WAS TRIGGERING OUR NORMAL COMPATIBILITY STANDARDS, WHAT WOULD THAT MEASUREMENT BE?

THAT MEASUREMENT WOULD BE THE FIRST 25 FEET ADD ZERO, AND THE NEXT 25 FEET WOULD BE TWO STORIES OR 32 FEET. SO IT WOULD ESSENTIALLY BE 50 FEET WOULD BE THE NORMAL REQUIREMENT. IF THERE WERE A SINGLE-FAMILY PROPERTY IMMEDIATELY ADJACENT TO THE TRACT.

MAYOR WYNN: AND SO AGAIN OUR PROPOSED AMENDMENT IS TO INCREASE AN ADDITIONAL 25 FEET OF THAT SAME HEIGHT LIMIT.

AND I WAS WONDERING IF WE COULD ASK THE NEIGHBORHOOD TO TALK ABOUT THAT, WHY THAT'S IMPORTANT FOR THE DEVELOPMENT, FOR THE NEIGHBORHOOD.

MAYOR WYNN:

THANK YOU VERY MUCH. FIRST OF ALL, I'D LIKE TO THANK EVERYBODY IN YOUR STAFF FOR WORKING SO HARD ON SOMETHING ON SOMETHING THAT SHOULDN'T HAVE TAKEN THIS LONG AND I APPRECIATE EVERYBODY'S ATTENTION TO THIS. FROM OUR PERSPECTIVE WE WERE ASKING ABOUT TWO AND A HALF WEEKS AGO TO COME UP WITH THE ONE THING THAT WE FELT WAS MOST IMPORTANT, BECAUSE THERE'S PROBABLY ANOTHER 20 THINGS THAT WE THINK ARE IMPORTANT FOR COMPATIBILITY WITH OUR NEIGHBORHOOD, AND WHAT WE ASKED FOR WAS THAT THERE BE A BAND ALONG EXPOSITION THAT WAS TWO-STORY TOWNHOUSES, DUPLEXES, SINGLE-FAMILY BUT NOT CONDO BUILDING. SO WHICH YOU HAD A BUFFER BETWEEN OUR ENABLED, WHICH IS VERY LARGE, AND WHAT'S GOING TO BE BUILT AT THE STATE SCHOOL, AND MORE THAN THAT, THAT YOU DIDN'T HAVE PEOPLE WITH THREE-STORY WINDOWS ON A HILL LOOKING DOWN ON THE ONE-STORY HOMES ACROSS THE STREET. SO WE -- WE FEEL THAT THIS IS VERY, VERY IMPORTANT. WE'VE DISCUSSED IT ENDLESSLY, BOTH WITH THE DEVELOPER AND AMONG OURSELVES, TRYING TO COME UP WITH THINGS THAT WE THOUGHT COULD WORK, AND NOTHING ON THE LIST THAT WAS PRESENTED TO YOU, IT SHOULD BE ANY SURPRISE TO THE DEVELOPER AT ALL. WE SIMPLY DISAGREE. SO IT'S NOT A SURPRISE. IT'S JUST A DISAGREEMENT. AND I RESPECTFULLY REQUEST THAT YOU LISTEN TO THE NEIGHBORS' PRIORITY LISTS OF WHAT THEY THINK IS THE MOST IMPORTANT THING FOR THIS PIECE OF PROPERTY, WHICH WASN'T ZONED AND WHICH WOULD NEVER HAD THIS HAVE THIS DENSITY HAD IT BEEN ZONED BECAUSE THE ADJACENT LOTS ZONED AT SF-3. THE OTHER PERSON THAT WORKED WITH ME FOR THE LAST THREE MONTHS IS VIVIAN WILSON AND I THINK SHE'D LIKE TO SAY A LITTLE SOMETHING, AND I APPRECIATE THAT.

MAYOR WYNN, MISWILSON, WELCOME.

THANK YOU. I WANTED TO POINT OUT THAT DURING ALL OF OUR DISCUSSIONS THE SAME TOWNHOMES WERE SHOWN ON THE FRONT OF THE PROPERTY, AND WHAT HAPPENS IF YOU ALLOW 50 FEET OF TWO-STORY IS THAT THE BACK HALF OF THOSE HOUSES CAN BE THREE-STORY, AND ON VALENTINE'S DAY WHEN WE WERE OUT IN THE HALL DISCUSSING THIS WHAT WE TALKED ABOUT WAS RICHARD WEISS, THE DEVELOPER'S ARCHITECT, WHAT THAT WOULD MEAN IS YOU HAD A THIRD STORY ROOM THAT WENT OUT ONTO A BALCONY, OR WHAT IT MIGHT MEAN, I DON'T KNOW WHAT IT MIGHT MEAN, BUT WHAT IT MIGHT MEAN IF YOU HAVE A THIRD STORY ROOM IN THE BACK OF THE HOUSE WHERE YOU WALK OUT ON TO A BALCONY, WHICH CAPACITOR BAITS THE FISHBOWL EFFECT SINCE THOSE OF US ACROSS THE STREET DOWNGRADE FROM THIS PROPERTY ARE INDEED RESTRICTED ONE-STORY HOMES. THANK YOU.

MAYOR WYNN: THANK YOU, MS. WILSON.

I HAVE -- I HAVE ONE QUESTION FOR DEALY, MS.MS. DO NOT, ABOUT HERNDON, ABOUT THE VEGETATIVE BUFFER. IS IT ACCEPTABLE NOT TO INCLUDE THAT, BECAUSE IF WE CAN GET EVERYTHING ELSE INCLUDING THE 75 FEET?

THE REASON THAT WE WANTED A VEGETATIVE BUFFER, AND IT'S KIND OF GONE BACK AND FORTH OVER THE LAST TWO WEEKS BETWEEN THE DEVELOPER'S DEFINITION AND OURS, AND PROPERTY LINE VERSUS CURB, AND WHAT WE WOULD PREFER TO SEE IS THAT THERE'S A SIDEWALK IN 25 FEET. AND THE REASON FOR THAT IS -- REALLY GOES BACK TO ABOUT A MONTH OF DISCUSSIONS WE HAD BASED -- YOU-ALL SENT US OUT TO TALK ABOUT THIS -- IT WAS LED BY AN IDEA THAT COUNCIL MEMBER MCCRACKEN PUT ON THE TABLE ABOUT HAVING -- HAVING KIND OF A GREEN TRANSITION INTO -- ALL THE WAY ALONG EXPOSITION, AND IF WE START THIS FIRST -- WHAT WE'VE ALWAYS CALLED SPOT ZONING ALONG THAT BAND AND IT'S 25 FEET FROM THE CURB OR EVEN FROM THE PROPERTY LINE, IF YOU RUN THE 7-FOOT SIDEWALK DOWN THE MIDDLE OF IT YOU ARE RIGHT ON EXPOSITION AND HAVE VERY LITTLE OF A BUFFER, THAT WE WOULD LIKE TO PICK UP -- WE'VE REALIZED THAT MUELLER AND OTHER DEVELOPMENTS THAT YOU-ALL HAVE IMPROVED FOR LARGE TRACTS OF LAND, AND THIS WILL BE 95 ACRES, ALL HAVE SOMETHING LIKE THAT, SOME KIND OF A GREEN BUFFER. AND SO THAT'S THE REASON THAT WE'RE ASKING FOR THIS. IF THIS WERE A NUMBER OF OTHER LOCATIONS WE WOULD NOT FEEL SO STRONGLY ABOUT IT, BUT WE FEEL LIKE THAT THAT IS GOOD PLANNING, OUR PERSPECTIVE ON THAT.

MAYOR WYNN: THANK YOU. COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: I'M A LITTLE CONFUSED ABOUT THE SIDEWALK. IT ALREADY HAS A SIDEWALK, DOESN'T IT? THERE'S AN EXISTING SIDEWALK AND LOOKS LIKE A BRAND-NEW ONE TO ME.

THERE IS AN EXISTING SIDEWALK ALONG EXPOSITION, WHICH IS THE SIDEWALK IS ADJACENT TO THE CURB. WHAT WE WOULD BE DOING IS REPLACING THAT SIDEWALK WITH SIDEWALKS THAT ARE CONSISTENT WITH THE URBAN DESIGN GUIDELINES, WHICH WOULD BE A 7-FOOT STREET, TREE AND FRONTAGE ZONE FOLLOWED BY A 5-FOOT PHYSICAL SIDEWALK. THAT 5-FOOT SIDEWALK WOULD ENCROACH TWO FEET INTO OUR PROPERTY LINE, SO THE CONFUSION WAS WHETHER OR NOT WE'RE MEASURING FROM THE CURB OR FROM THE PROPERTY LINE IN TERMS OF THESE SETBACKS.

LEFFINGWELL: IS THERE GOING TO BE SOME CONNECTION BETWEEN YOUR SIDEWALK AND THE EXISTING SIDEWALK ON BOTH SIDES OF THE PROPERTY?

YEAH, I MEAN --

LEFFINGWELL: THEY WON'T MATCH UP.

THEY WON'T MATCH UP INITIALLY, BUT SOMEBODY HAS TO COME FIRST, AND THE INTENT WAS THERE IS A GROCERY STORE WITHIN -- YOU KNOW, ON THE SAME TRACT, AND TO BE ABLE TO WALK FROM THIS TRACT TO A GROCERY STORE WE WOULD IMPROVE OUR SIDEWALK AND THEN MAKE A CONNECTION TO THE EXISTING SIDEWALK SO PEOPLE COULD DO THAT UNTIL THE REST OF THE STATE SCHOOL DEVELOPED THE REST OF --

LEFFINGWELL: YOU'LL MAKE A CURB TRANSITION TO THE EXISTING --

WE WILL DO WHATEVER TRANSITION IS NECESSARY TO GET US BACK TO THE EXISTING SIDEWALK BECAUSE IT'S A STREET TREE AND FURNITURE ZONE, THAT DOESN'T MEAN THAT IT'S A LANDSCAPED TRACT. IT COULD BE TREE -- WITH BENCHES OR SOMETHING LIKE THAT, SO THERE'S NOTHING TO LIMIT THE SIDEWALK FROM GOING WITHIN THAT FIRST STRIP -- YOU KNOW, THAT DOESN'T HAVE TO BE CONTINUOUS GREEN. THERE CAN BE FURNITURE AREAS OR, YOU KNOW, WIDER SIDEWALKS AT THAT POINT, AS LONG AS THE STREET TREES ARE MAINTAINED.

LEFFINGWELL: OKAY. SOUNDS WEIRD TO ME BUT, YOU KNOW -- I WAS GOING TO SAY, THE REASON I SUPPORTED THE 75 FEET BACK FROM THE STREET IS BECAUSE AS WE'VE TALKED ABOUT, IF THIS PROPERTY WERE BEING ZONED AS PART OF A LARGER TRACT I DON'T THINK THERE'S ANY QUESTION BUT WE WOULD ZONE THAT FRONTAGE ALONG EXPOSITION AS SF-3, COMPATIBLE WITH THE REST OF THE NEIGHBORHOOD. THIS IS NOT A CORE TRANSIT CORRIDOR, AND SO 75 FEET TO ME SOUNDS LIKE A TYPICAL LOT DEPTH FOR SF-3, WHICH WE WOULD NORMALLY BE ZONING ALONG EXPOSITION IF WE WERE ZONING IT AS PARTS OF A LARGER TRACT. SO THAT'S THE REASON I SUPPORT THE 75.

YEAH, THE DEVELOPER -- THE APPLICANT FEELS THAT SINCE COMPATIBILITY CURRENTLY ISN'T APPLICABLE ON THAT FACE, THAT ADDING A 25-FOOT -- AND ANOTHER 25-FOOT OF TWO STORIES AND 30 FEET IS COMPLETELY CONSISTENT WITH THE LAND DEVELOPMENT

CODE, AND ALLOWS FLEXIBILITY WITHIN THE SITE. THE ENTIRE SITE DEPTH IS 210 FEET. SO IF YOU RESTRICT THE FIRST 75 FEET, YOU'RE ESSENTIALLY RESTRICTING, YOU KNOW, MORE THAN A THIRD OF THE PROPERTY, AND IF YOU WERE TO ZONE THE STATE SCHOOL, THE OUTER BAND AS SF-3, THEN THAT WOULD THEN TRIGGER CAPACITY INTO THE COMPATIBILITY, SO EACH ONE WOULD BE LESSENING THE DENSITY ON THE OVERALL SITE.

BUT AS THEY'RE SAYING YOU COULD ACTUALLY DO WHAT THEY WERE SUGGESTING, IS YOU COULD PUT THREE STORY UNITS ALONG THE FRONTAGE OF EXPOSITION. YOU JUST HAVE A STEP UP, CORRECT? IT WOULD BE THE SAME BUILDING, THE SAME UNIT BUT YOU'D HAVE TWO STORIES AND IT WOULD STEP UP TO THREE. IS THAT NOT CORRECT? HAVE A THREE STORY HOUSE ON EXPOSITION.

BECAUSE OF THE DEPTH OF THE SITE. IF THERE WERE GOING TO BE TWO ROWS OF BUILDINGS, THEN, YOU KNOW, THE BUILDINGS WOULD -- AND THE ROAD IN BETWEEN, THE BUILDINGS WOULD PROBABLY BE ABOUT 40 TO 50 FEET DEEP. SO IF YOU RESTRICT THE FIRST 50 -- FIRST 25 FEET OF THE SITE, THEN YES, YOU COULD HAVE A 25-FOOT TWO-STORY AND THEN HAVE THE BACK 25 BE THREE STORY, BUT I'M NOT SURE IF THAT WOULD BE THE - - I DON'T THINK THAT THAT WOULD BE THE MOST IDEAL MODEL.

MAYOR WYNN: MR. GUERNSEY, IT SEEMS TO ME THAT I THINK THERE'S MORE AGREEMENT UP HERE THAN IT APPEARS BECAUSE I THINK PEOPLE ARE STILL -- ARE TRYING TO GET TO AN ORDINANCE THAT ALLOWS FOR BUT RESTRICTS WHAT I WOULD CHARACTERIZE GENERALLY AS THEIR FRONT ROW OF STRUCTURES TO BE TWO STORIES AND THAT ALLOWING FOR MORE HEIGHT ON WHAT I'D CALL, YOU KNOW, THE SECOND ROW OF STRUCTURES. HOW DO WE GET THERE? WHAT'S -- YOU KNOW, WHICH OF THESE AMENDMENTS, YOU KNOW, GET US TO WHERE WE THINK THE END PRODUCT IS YOU HAVE TWO STORIES ALONG EXPOSITION AND TALLER STRUCTURES BEHIND THEM, A SEPARATE STRUCTURE.

YOU COULD DO WHAT HAS BEEN SUGGESTED. YOU COULD SAY, LIMIT TWO STORIES FOR THE FIRST 50 FEET OR YOU COULD SAY 75 FEET. WE COULD SPEAK TO THE FIRST ROW OF HOUSES, LIMITING THE HEIGHT ONLY TO TWO STORIES, AND THAT MAY SPECIFY A SPECIFIC DISTANCE, BUT IT SOUNDS LIKE BASED ON THE DESIGNS THAT YOU HAVE IN YOUR BACKUP MATERIALS, SOUNDS LIKE SOMEWHERE BETWEEN 50 AND 75 WOULD CAPTURE THAT FIRST ROW OF BUILDINGS. WHAT WE CAN DO IS THIS, THOUGH, MAYOR, AND COUNCIL. I CAN TRY TO SUMMARIZE WHAT I THINK YOU'VE ALL SAID, AND THEN WE COULD PUT IN 50 FEET, MOVE FORWARD, AND THEN COME BACK A SECOND AND THIRD READING, IF COUNCIL FELT THAT 75 WAS THE APPROPRIATE HEIGHT, YOU COULD MAKE THAT AS PART OF YOUR MOTION FROM THE DAIS AND STAFF COULD BE DIRECTED AND WE COULD PLACE THAT IN THE ORDINANCE. THAT WOULD BE CLEAR ENOUGH. BUT FOR DRAFTING PURPOSES WE COULD START AT 50 NOW, IF YOU LIKE, OR WE COULD START AT 75 NOW, AND THEN WORK BACKWARDS. I WOULD LIKE TO GO THROUGH THE SUMMARY AND MAKE SURE WE'RE CLEAR. THIS IS ONLY GOING TO GO FOR SECOND READING TOOFNT BECAUSE WE DO NOT

HAVE THESE DOCUMENTS PREPARED AND I CAN READ THROUGH THOSE CONDITIONS IF SO THAT STAFF UNDERSTANDS IT.

LEFFINGWELL: POINT OF ORDER?

MAYOR WYNN: YES.

LEFFINGWELL: THERE IS AN AMENDMENT WITH A SECOND ON THE TABLE RIGHT NOW.

MAYOR WYNN: RIGHT, TO AMEND THE ORIGINAL MOTION, AND SO I'LL JUST GO AHEAD AND DECLARE -- YOU KNOW, MY INTENT IS OPEN THE DOOR FOR STAFF AND FIGURE OUT WHAT THAT ORDINANCE LANGUAGE IS SO THAT WE HAVE TWO STORIES ALONG THE FRONTAGE THAT ALLOW FOR MORE HEIGHT AND DISTINCTLY SEPARATE STRUCTURES BACK BEHIND, AND PERHAPS WITH MR. WEISS'S EXPERTISE AND OTHERS WE CAN FIGURE OUT WHAT THAT LOOKS LIKE. SO JUST TO GET US OFF DEAD CENTER, I'LL BE SUPPORTIVE OF THE AMENDMENT, THE PROPOSED AMENDMENT, SO ESSENTIALLY WE'LL START AT 75 FEET AFTER THE SECOND READING AND THEN SEE WHAT STAFF COMES UP WITH AS A CRAFTED LANGUAGE TO GET US TO WHERE I THINK THE VAST MAJORITY OF US ARE. YES. SO FURTHER COMMENTS ON THE PROPOSED AMENDMENT, INCREASING THAT SETBACK ESSENTIALLY TO 75 FEET?

HEARING NONE, ALL IN FAVOR OF THE AMENDMENT PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED?

NO.

MAYOR WYNN: SO MOTION TO AMEND PASSES ON A VOTE OF 6-1 WITH MAYOR PRO TEM VOTING NO. SO NOW WE HAVE AN AMENDED MAIN MOTION ON THE TABLE. SECOND READING. KIM?

KIM: I'D LIKE TO BRING UP VEGETATIVE BUFFER AGAIN BECAUSE WE'VE MENTIONED IN DISCUSSIONS WITH COUNCIL MEMBER MCCrackEN AND MYSELF, THERE HAVE BEEN A LOT OF DISCUSSIONS AND I'D JUST LIKE TO ASK COUNCIL MEMBER MCCrackEN ABOUT THE PURPOSE OF LIFTING THE VEGETATIVE BUFFER FOR THE SITE.

MCCrackEN: MY UNDERSTANDING IS -- I GUESS I DIDN'T REALLY UNDERSTAND WHAT THE TERM "VEGETATIVE BUFFER" MEANT, BUT AS I UNDERSTAND IT, VEGETATIVE BUFFER WOULD BE SOME KIND OF HEDGE OR SOME BARRIER WHICH WOULD ACT LIKE A FENCE, SO THAT'S WHY I -- LIKE I I SHARE RICHARD'S VIEW, THAT THAT'S CONTRARY TO TRYING TO AVOID THE FENCES. BUT I HEAR FROM -- I THINK I HEARD FROM VIVIENNE ORDEALY THAT IT

WAS PERHAPS MORE LIKE CREATING A GREENBELT ALMOST. I DON'T THINK THAT WORKS WITH THE CONFIGURATION THAT WE HAVE BEFORE US, THOUGH. THE MODELS THAT WE HAD ALL DISCUSSED IN OUR NEGOTIATIONS WAS SOMETHING SIMILAR TO WHAT YOU SEE, LIKE MARKET COMMONS OUTSIDE OF D.C. OR THE STAPLETON DEVELOPMENT IN DENVER WHERE YOU SEE THAT GREEN BARRIER AND THEN THREE STORY HOMES. SO I THINK THAT WE'RE -- THE COMPROMISE IS -- MAKES A -- THE GREENBELT FUNCTIONALLY IMPOSSIBLE. SO THAT'S JUST KIND OF WHERE I --

WELL, THEN PERHAPS -- PERHAPS BEFORE A THIRD READING WE ALSO GET SORT OF CLARITY AS TO -- CLARIFICATION AS TO, YOU KNOW, VEGETATIVE BUFFERS VERSUS, YOU KNOW -- VERSUS A LAWN.

MCCRACKEN: YEAH.

MAYOR WYNN: COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: AND ALSO BEFORE THIRD READING, I'M SURE YOU PROBABLY KNOW IT OFF THE TOP OF YOUR HEAD, BUT THERE WOULD BE A SETBACK REQUIRED ANYWAY FROM THE STREET FOR THIS TYPE OF ZONING, AND DO YOU KNOW OFF THE TOP OF YOUR HEAD WHAT THAT --

MCCRACKEN: IT'S 25 FEET

LEFFINGWELL: 25 FEET FROM THE STREET.

MCCRACKEN: FROM THE PROPERTY LINE. THEY'D HAVE A SETBACK OF 25 FEET.

LEFFINGWELL: FROM THE PROPERTY LINE, WHICH WOULD BE STREET 10 FEET AND THEN YOU START MEASURING SETBACK?

IT WOULD BE BEHIND THE THE CURB, BEYOND THE SIDEWALK TYPICALLY AND THEN THERE'S USUALLY A SMALLER GRASSY AREA. THEN YOU'D HAVE THE PROPERTY LINE BEGIN AND THEN THAT SETBACK WOULD BE MEASURED FROM THAT PROPERTY LINE GOING INWARD 25 FEET.

LEFFINGWELL: SO DOESN'T THAT AUTOMATICALLY TAKE CARE OF THAT?

A VEGETATIVE BUFFER -- THAT'S PART OF WHAT THE STAFF WAS GOING TO ASK FOR CLARIFICATION. VEGETATIVE BUFFER IS USUALLY VEGETATIVE. WE WOULDN'T ALLOW DRIVEWAY CROSSING, SIDEWALK CROSSING. WE WOULD TYPICALLY ALLOW UTILITIES UNDERGROUND TO GO THROUGH THAT AREA, AND THAT'S WHY STAFF HAD A DESIRE JUST TO CLARIFY, WHEN YOU SAID CLAIRE TATE I HAVE BUFFER. THAT STILL ALLOWS FOR DRIVE ACCESS, SIDEWALKS TO COME FROM THE FRONT DOORS, THAT WAS PART OF YOUR

MOTION -- TO THE STREET. BUT IT WOULD MAKE THOSE AK DAIGS WITHIN THE VEGETATIVE BUFFER SO WE KNOW THAT THOSE ITEMS COULD CROSS THAT AREA. IF IT WAS JUST A LAWN THEY MIGHT BE ABLE TO DO THOSE THINGS AUTOMATICALLY. WHEN WE HEAR VEGETATIVE BUFFER WE USUALLY THINK OF A BUFFER THAT'S USUALLY NOT CROSSED OR VERY LIMITED CROSSINGS.

MAYOR WYNN: AGAIN, WE HAVE AMENDED MOTION AND SECOND ON THE TABLE, SECOND READING ONLY, WITH ADDITIONAL DIRECTION OF STAFF, 75-FOOT SETBACK AND CURRENTLY NO TECHNICAL REQUIREMENT FOR VEGETATIVE BUFFER. FURTHER COMMENT?

I'D LIKE TO AFTER WE TAKE THIS VOTE LOOK MORE INTO THE VEGETATIVE BUFFER, BECAUSE I'M TOTALLY CONFUSED IN MY HEAD WHAT'S ALLOWED IN A BUFFER AND WHAT'S NOT. I'LL SUPPORT THIS ON A SECOND READING.

MCCRACKEN: I WANT TO MAKE SURE, 20-INCH ON-SITE WATER DETENTION, IMPERVIOUS COVER, FRONT DOORS FACING EXPOSITION, NO FENCES PARALLEL TO EXPOSITION?

KIM: PROHIBITED ON THE PROPERTY LINE ADJACENT TO EXPOSITION BOULEVARD.

OKAY. UNDERSTOOD. AND THEN STAFF WILL SUGGEST A SIDEWALL ARTICULATION FOR THOSE SIDES THAT FACE EXPOSITION? AND IT WOULDN'T NECESSARILY BE AN ARTICULATION IN THE BACK OR THE SIDES? I UNDERSTOOD THAT THERE WAS AN ARTICULATION THAT WAS DESIRED, BUT IT WASN'T CLEAR TO US -- SO THE BUILDINGS WOULD BE EMULATING -- THEY'D RUN ALONG EXPOSITION BUT NOT NECESSARILY ALONG THE REAR OF THE BUILDING.

KIM: I THINK ONE OF THE THINGS WAS -- SORRY -- MAYOR, I THINK ONE OF THE STIPULATIONS WAS THE CONDOMINIUM RESIDENTIAL IS A PROHIBITED USE. DID YOU READ THAT INTO THE RECORD? I THOUGHT THAT WAS ACCEPTED AS PART OF THE FRIENDLY AMENDMENT.

NO, I DID NOT READ THAT INTO THE RECORD. THAT WAS SOMETHING THAT WE WERE WAITING TO HEAR FROM SOMEBODY ON THE DAIS.

KIM: OH, REALLY? OKAY.

I'D -- THAT WOULD PROHIBIT CONDOMINIUM RESIDENTIAL AS A USE ON THE PROPERTY. IT WOULD ALLOW SINGLE-FAMILY DUPLEXES AND TOWNHOMES AND IT WOULD PROHIBIT A CONDOMINIUM.

KIM: OKAY. I WAS UNDER THE IMPRESSION THAT IT HAD ALL BEEN READ IN.

SORRY ABOUT THAT.

KIM: OKAY.

MAYOR WYNN: I THINK THAT ALLOWS US ANOTHER ISSUE TO THINK ABOUT BETWEEN SECOND AND THIRD READING.

I HATE TO CLOUD THIS ISSUE, BUT WE HAVE A DEFINITION OF CONDOMINIUM IN OUR CODE, BUT THERE IS IN THE TEXAS PROPERTY CODE, CHAPTER 82, IT ALLOWS ANYONE TO FORM A CONDOMINIUM REGIME, SO IT WOULD BE DESIGNED AS A TOWNHOUSE. THEY WOULD BE ON TOWNHOUSE LOTS, BUT BY THE TEXAS PROPERTY CODE, MUNICIPAL ZONING REGULATIONS CANNOT OVERRIDE THAT. THEY COULD STILL CLAIM A CONDOMINIUM REGIME, AND THEN THE AREA THAT'S HELD IN COMMON OUTSIDE OF THOSE INDIVIDUAL LOTS STILL COULD BE MAINTAINED THROUGH A CONDOMINIUM REGIME. SO WE HAVE A CONDOMINIUM USE IN OUR CODE. WE UNDERSTAND THAT IF YOU MAKE THIS MOTION IT WOULD PROHIBIT THAT USE, BUT THEY COULD STILL HAVE A CONDOMINIUM AS FAR AS THE OWNERSHIP IS CONCERNED, AND THEY COULD HAVE THE TOWNHOUSE CONDOMINIUM.

MAYOR WYNN: THAT'S FINE. WE'VE HAD THAT ISSUE BEFORE. COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: SO WE'RE GOING TO BE PREPARED TO INCLUDE THAT IN THE THIRD READING AS WELL? I MEAN, WE HAVEN'T ACTED ON IT ON SECOND READING, BUT I THINK --

OH.

GUERNSEY: IF YOU DIRECT US TO PROHIBIT THE CONDOMINIUM USE AS DEFINED BY OUR ZONING REGULATIONS WE'LL MAKE THAT A PROHIBITED USE, WITH THE CONDITIONAL OVERLAY. I JUST WANT COUNCIL TO RECOGNIZE THAT YOU CAN STILL HAVE A CONDOMINIUM OWNERSHIP RIGHT UNDER THE TEXAS PROPERTY CODE.

LEFFINGWELL: RIGHT. IF THERE'S NO OBJECTION I'D LIKE TO ADD THAT DIRECTION.

KIM: AND I'LL SECOND THAT.

MAYOR WYNN: IN THE SECOND READING, INTO WHAT WE HAVE NOW? OBJECTION?

LEFFINGWELL: I THINK WHAT MR. GUERNSEY SAYS IS WE COULD ADD THAT AS DIRECTION TO COME BACK FOR THIRD READING. IS THAT NOT WHAT YOU SAID?

KIM: FOR THE C.O.

YOU COULD REMOVE THAT THIRD READING -- BY THIS ACTION IT WOULD MAKE IT VERY

DIFFICULT FOR THE OWNER TO DESIGN THE BACK UNITS BECAUSE A TOWNHOUSE LOTS TYPICALLY FRONTS ON A STREET, AND YOU WOULD HAVE TO I GUESS JERRY MANNEDDER LOTS THAT WOULD GO TO THE REAR TO GET THOSE. IF IT WAS ONLY PROHIBITING THE CONDOMINIUM USE ACROSS THE FRONT, THEY COULD STILL DO THE CONDOMINIUM IN THE REAR AND THEN THEY WOULDN'T ACTUALLY HAVE TO HAVE LOTS THAT RUN ALONG THE BACK OR THE REAR OF THE PROPERTY. AND I THINK THAT --

LEFFINGWELL: THAT WOULD BE MY SUGGESTION ON THE EXPOSITION FRONTAGE.

GUERNSEY: THERE WOULD BE TOWNHOUSES --

WITHOUT -- ADDITIONAL DIRECTION FROM STAFF FOR THIRD READING. MOTION AND SECOND ON THE TABLE. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: OPPOSED? AMENDED MOTION PASSES ON SECOND READING ONLY ON A VOTE OF 7-0. THANK EVERYBODY FOR THEIR PATIENCE. AND TRAGICALLY, 22 MINUTES BEHIND SCHEDULE WE'RE NOW GOING TO TAKE OUR BREAK FOR LIVE MUSIC AND PROCLAMATIONS. STAY TUNED FOR CAROLYN WONDERLAND LAURIE GUTHREY SO COME SOW CO- SOCO BOULDIN

MAYOR WYNN: OKAY, FOLKS, IF I COULD HAVE YOUR ATTENTION PLEASE. WELCOME BACK TO OUR WEEKLY LIVE MUSIC GIG HERE AT THE AUSTIN CITY COUNCIL. JOINING US TODAY IS CAROLYN WONDERLAND. CAROLYN IS A TRIPLE THREAT WITH HER DIVERSE SONG WRITING, SOULFUL VOCALS AND HER STATUS AS A GUITAR GODDESS. [CHEERING]

HER MUSIC INCORPORATES ELEMENTS OF BLUES, COUNTRIES, SWING, GOSPEL AND SOUL. CAROLYN HAS BEEN FEATURED ON OVER 20 CDS, INCLUDING SIX OF HER OWN. SHE HAS COLLABORATED WITH ACTS SUCH AS BUDDY GUY, JOHN WINTER, AND LOSS LOBE OWES. 7TH CD ENTITLED MISUNDERSTOOD WAS RELEASED THIS MOBT MONTH. GUEST MUSICIANS INCLUDE RAY BENSON AND MANY OTHER AUSTIN GRATES. THE AUSTIN MUSIC OFFICE, ROSE IS OVER HERE, EACH LAST SEVEN YEARS WE PRESENT A CD OF AUSTIN MUSIC AND OF COURSE NUMBER ONE ON THE HIT PARADE IS CAROLYN WONDERLAND SINGING WALK ON WITH A BUNCH OF OTHER AUSTIN GRATES AS WE TRY TO PROMOTE THE LIVE MUSIC CAPITAL OF THE WORLD. SO PLEASE JOIN ME IN WELCOMING CAROLYN WONDERLAND.

THANK YOU VERY MUCH. THANK YOU ALL FOR HAVING ME. [MUSIC PLAYING] [(music) SINGING (music)] STOD ERD STODDARD [(music) SINGING (music)] [APPLAUSE] [CHEERING]

MAYOR WYNN: MAKES YOU WANT TO START COMING TO CITY COUNCIL MEETINGS, DOESN'T

IT? [LAUGHTER]

MAYOR WYNN: OKAY. BEFORE WE GET TO -- TELL US, MISUNDERSTOOD WAS RELEASED RECENTLY. YOU CAN BUY IT AT WATER LOOK WATERLOO WORDS.

GO TO CAROLYN WONDERLAND.COM. THERE YOU GO.

WHERE DO WE GO TO YOUR UPCOMING GIG. YOU'RE GIGGING ALL OVER TOWN.

WE'RE LUCKY TO GET TO DO THAT, BECAUSE FOLKS LIKE YOU COME AND TAKE A CHANCE ON MUSIC. GOD BLESS YOU. OTHERWISE MY CATS WOULD BE VERY TIRED OF ALL THESE SONGS.

MAYOR WYNN: WHERE CAN WE HEAR YOU NEXT?

TONIGHT IS THE LAST OF OUR REGULAR THURSDAYS AT THE SAXON PUBLIC. WE'LL BEEN LUCKY ENOUGH TO PLAY THERE, AND WE'LL ON THE ROAD WITH A NEW ONE SO THIS WILL BE THE LAST ONE AT 8:00. GEORGE DEVOR IS AFTER US. IF YOU'RE HERE AT SOUTH BY SOUTHWEST ON THE 15TH, THE MILLION MUSICIAN MARCH WILL BE PLAYING RIGHT THERE, ABOUT A BLOCK AWAY FROM WHERE I WAS ARRESTED. [LAUGHTER]

MAYOR WYNN: WE WON'T GO THERE. AND ROSE, REMIND -- WE DO THIS PROMOTION PROMOTIONAL -- HOW DO FOLKS GET A COPY OF THIS? [INAUDIBLE]

WATERLOO RECORDS OR ON -- WWW AUSTIN TEXAS.ORG.

IT'S AN AUSTIN SITE. WE'LL BE PLAYING AT THE VISITORS CENTER AT SOUTH BY SOUTHWEST. MAN, YOU'LL HAVE MUSIC ALL OVER THE PLACE. YOU KNOW HOW TO LIVE.

MAYOR WYNN: CAROLYN PLAYED AT THE TEXAS A&M BASKETBALL GAME WHERE I WATCHED THE AGGIES GET BEAT BY 37 POINTS. SO AT LEAST I FELT BETTER ABOUT THE ENTERTAINMENT, WATCHING AGGIES SHOOT 19% FROM THE FIELD. BEFORE CAROLYN GET AWAY, OFFICIAL PROCLAMATION READS, THE CITY OF AUSTIN TEXAS IS BLESSED WITH MANY CREATIVE MUSICIANS WHOSE TALENT EXTENDS TO EVERY MUSICAL GENRE, AND OUR MUSIC SCENE THRIVES BOW AWT'S AUSTIN AUDIENCES PRODUCE GOOD LEGENDS SUPPORTED BY NEW NEWCOMERS AND EVERYONE. 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, FEBRUARY 28, 2008 AS CAROLYN WONDERLAND DAY IN AUSTIN, TEXAS AND CALL ON ALL CITIZENS TO JOIN ME IN CONGRATULATING A FINE TALENT.

THANK YOU SO MUCH. THANK YOU. GENRE

MAYOR WYNN: WELL, SO WHILE CAROLYN BREAKS DOWN AND LEAVES CITY HALL OVER THERE, WE'LL USE THIS PODIUM TO CONDUCT OUR WEEKLY PROCLAMATIONS. THIS IS WHERE WE TAKE A FEW MINUTES EACH WEEK TO SAY CONGRATULATIONS, THANK YOU, SOMETIMES GOOD-BYE, TRY TO RAISE AWARENESS OF GOOD CAUSES THAT ARE OCCURRING AROUND TOWN AND TRY TO BE SORT OF A TOWN HALL SETTING. OUR FIRST PROCLAMATION TECHNICALLY IS A DISTINGUISHED SERVICE AWARD FOR ELAINE CARROLL JOINED BY CITY MANAGER MARC OTT AND ASSISTANT CITY MANAGE MANAGER BERT. I THINK BERT WILL SAY A FEW WORDS AFTER I READ THE DISTINGUISHED SERVICE AWARD FOR ELAINE, WHICH READS, THE CITY OF AUSTIN DISTINGUISHED SERVICE AWARD FOR 18 YEARS OF EXTRAORDINARY PUBLIC SERVICE TO THE PEOPLE OF AUSTIN IS AS A DEDICATED CITY EMPLOYEE FOR BRINGING WISDOM, GRACE AND POISE TO THE INDIGENT HEALTH CARE PROGRAMS, FOR BEING RESOURCEFUL AND CALM WHILE DEALING WITH MULTIPLE AND DIVERSE PROJECTS AND CUSTOMERS. ELAINE CARROLL IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. THERE IS NO GREATER CALLING THAN PUBLIC SERVICE. THANK YOU FOR YOUR CONTRIBUTIONS TO OUR CITIZENS AND TO OUR GREAT CITY OF AUSTIN. YOU WILL TRULY BE MISSED. PRESENTED THIS 28TH DAY OF FEBRUARY, 2008 SIGNED BY ME, THE MAYOR, BUT ACKNOWLEDGED BY THE ENTIRE AUSTIN CITY COUNCIL. THIS DISTINGUISHED SERVICE AWARD FOR MS. ELAINE CARROLL. [APPLAUSE]

THANK YOU, MAYOR. I'M PLEASED TO PRESENT THIS DISTINGUISHED SERVICE AWARD TO ELAINE CARROLL FOR OVER 30 YEARS OF OUTSTANDING AND DEDICATED LEADERSHIP IN THE HEALTH CARE FIELD. THIS AWARD IS A RECOGNITION FOR ALL OF HER EXTRAORDINARY ACHIEVEMENTS IN IMPROVING THE HEALTH OF THE DISADVANTAGED AND UNINSURED AND FOR HER TIRELESS COMMITMENT TO INCREASING ACCESS FOR THOSE WHO EXPERIENCE BARRIERS TO OBTAINING HEALTH CARE EVERY DAY. SO SINCE 2003 ELAINE HAS SERVED THE COMMUNITY CA CITY SERVICES DEPARTMENT, PATIENT SERVICES AS A PATIENT SERVICES ADMINISTRATOR IN WHICH SHE HAS PROVIDED DIRECTION FOR THE MEDICAL ASSISTANCE PROGRAM, A SERVICE, IN CASE YOU'RE WONDERING, THAT ENABLES THOUSANDS OF UNINSURED TRAVIS COUNTY RESIDENTS TO OBTAIN HEALTH CARE EACH YEAR. IN THIS CAPACITY SHE HAS SERVED AS CLINICAL MANAGER OF THE PHARMACY, ELIGIBILITY SERVICES, COMPLIANCE, TRIAGE AND RISK MANAGEMENT. BEFORE BECOMING PATIENT SERVICES ADMINISTRATOR, ELAINE WAS THE HOSPITAL ADMINISTRATOR FOR CCSD'S AUSTIN WOMEN'S HOSPITAL. HERE SHE WAS RESPONSIBLE FOR OPERATING AND MANAGING A BRAND-NEW 12-BED IN PATIENT FACILITY AT BRACKENRIDGE HOSPITAL. SHE HAS ALSO PLAYED A KEY ROLE IN TRANSFERRING OPERATION OF THIS FACILITY TO THE UT MEDICAL BRANCH. SHE HAS ALSO SERVED AS ASSISTANT DIRECTOR FOR THE AUSTIN-TRAVIS COUNTY HEALTH AND HUMAN SERVICES, AUSTIN, TEXAS, IN WHICH SHE MANAGED THE DELIVERY OF SERVICES SUCH AS THE CHIP, PHASE ONE GRANT, HIV COMMUNITY PROGRAMS, EARLY CHILDHOOD EDUCATION, WOMEN'S HEALTH, PUBLIC SAFETY, VIOLENCE AND VICTIMIZATION, WORK FORCE DEVELOPMENT, THE MEDICAL ASSISTANCE PROGRAM AND RURAL DENTAL ASSISTANCE PROGRAM. AS YOU CAN SEE, A WEALTH OF KNOWLEDGE AND A WEALTH OF EXPERIENCE. SO ELAINE, THANK YOU

FOR YOUR CONTRIBUTIONS TO THE COMMUNITY AND CONGRATULATIONS. [APPLAUSE]

THANK YOU SO VERY MUCH. I'VE THOROUGHLY ENJOYED MY TIME WITH THE CITY. I WILL TELL YOU THAT ONE OF THE THINGS I DO ENJOY IS DOING DIFFERENT THINGS. AS YOU CAN SEE, I HAVE DONE MANY DIFFERENT THINGS, AND ONE OF THE REASONS FOR MY SUCCESS IS TRULY THE LEADERS THAT I'VE HAD WITH COUNCIL, WITH OUR DIRECTORS OF THE DEPARTMENT AND WITH THE WONDERFUL STAFF THAT I'VE HAD OVER THESE YEARS. LEADERS ARE AS GOOD AS THE PEOPLE THAT THEY HAVE THAT ARE DOING THE WORK ON THEIR BEHALF, AND I'VE HAD WONDERFUL PEOPLE. SO -- AND ALSO THE CITIZENS OF AUSTIN AND THE PEOPLE THAT WE SERVE, ALL OF THEM HAVE REALLY BEEN THE REASON THAT I'VE BEEN SUCCESSFUL OVER THESE YEARS AND I GIVE THANKS TO EACH AND EVERY ONE OF YOU. THANK YOU. [APPLAUSE] VALENTINEO

MAYOR WYNN: EVERYBODY AROUND.

DO YOU WANT US ALL THE WAY THAT WAY?

MAYOR WYNN: SURE. OKAY. SO FOR THE NEXT PROCLAMATION, TECHNICALLY THESE ARE CERTIFICATES OF APPRECIATION. I'M GOING TO READ ONE FOR LORETTA GUTHREY, COUNCIL MEMBER COLE IS GOING TO READ PAUL CARMONA'S. THEY'RE DIFFERENT, BUT ULTIMATELY IT'S ABOUT -- IT'S ABOUT TWENTY-SIX TWO, THE THE MARATHON CLUB, AND SORT OF A REMARKABLE SUCCESS STORY OF HOW THEY HAVE GOTTEN A BUNCH OF WOMEN OUT RUNNING THEIR FIRST MARATHON. SO I'LL READ LORETTA'S -- LORETTA'S CERTIFICATE OF PRESSURES AND THEN WE'LL HEAR ABOUT PAUL'S. SO THIS CITY OF AUSTIN CERTIFICATE OF APPRECIATION AS PRESIDENT OF THE TWENTY-SIX TWO MARATHON CLUB AND ITS SUPPORT FOR WOMEN MARATHONERS, LORETTA GUTHREY IS DESERVING OF RECOGNITION, PUBLIC ACCLAIM. FOR THE PAST FOUR YEARS TWENTY-SIX TWO HAS RECRUITED AND TRAINED 37 AUSTIN WOMEN WHO WANTED TO RUN THEIR FIRST MARATHON. THE CLUB PROVIDES FREE TRAINING AND THIS YEAR PAID THE REGISTRATION FEE FOR EACH OF THE NEW PARTICIPANTS. EIGHT WOMEN CLUB MEMBERS EXPERIENCED A LIFE CHANGING EVENT WHEN THEY FINISHED THE RECENT 2008 AT&T AUSTIN MARATHON. THE MISSION IS TO SUPPORT MARATHONERS OF ALL EXPERIENCE LEVELS AND TO SUPPORT THE SPORT IN AND AROUND AUSTIN. THE CERTIFICATE IS PRESENTED IN RECOGNITION OF TWENTY-SIX TWO'S SUCCESS IN EMPOWERING WOMEN AND HELPING THEM ESTABLISH A LIFETIME OF FITNESS. THIS 28TH DAY OF FEBRUARY, 2008 SIGNED BY ME BUT ACKNOWLEDGED BY THE ENTIRE AUSTIN CITY COUNCIL, THE CERTIFICATE OF APPRECIATION FOR LORETTA GUTHREY. [APPLAUSE]

THANK YOU, MAYOR. I WANT TO ALSO SAY SPECIAL APPRECIATION TO STEPHANIE MCDONALD IN MY OFFICE WHO HELPED ME BE ABLE TO GIVE THIS AND WHO RUNS WITH THESE WOMEN. IS THAT RIGHT? AND I'M GOING TO RECOGNIZE PAUL CARMONA, WHO I'VE KNOWN, WHO GAVE ME MY FIRST REAL JOB, MY FIRST REAL PAYING JOB. THE CERTIFICATE OF APPRECIATION SAYS, AS A VOLUNTEER COACH FOR THE TWENTY-SIX TWO MARATHON

CLUB, PAUL CARMONA IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. PAUL HAS SUCCESSFULLY TRAINED 37 WOMEN TO CROSS THE MARATHON FINISH LINES, COACH CARMONA HOLDS 100% RECORD FOR WOMEN WHO START AND COMPLETE THE MARATHON WITH EIGHT OF HIS PROTEGES FINISHING THE RECENT AT&T AUSTIN MARATHON. IN ADDITION TO THE HUNDRED MEN AND WOMEN WHO BELONG TO THE TWENTY-SIX TWO MARATHON CLUB, PAUL COACHES A NUMBER OF RUNNERS FOR RUN TECHS. WHEN HE'S NOT RUNNING HIMSELF, HE'S A ATTORNEY AND FATHER. THIS CERTIFICATE IS PRESENTED IN RECOGNITION OF PAUL'S ADMIRABLE RECORD OF SUCCESS AND HIS CONTRIBUTIONS TO MAKING AUSTIN THE FITTEST CITY IN THE NATION, THIS 28TH DAY OF FEBRUARY IN THE YEAR 2008. SIGNED MAYOR WILL WYNN AND THE COUNCIL. [APPLAUSE]

THANK YOU, MAYOR, AND THANK YOU, SHERYL. I CAN CALL HER SHERYL BECAUSE I DO REMEMBER WHEN WE INTERVIEWED HER AND SHE WAS A LAW STUDENT AND SHE IMPRESSED US SO MUCH, IT WAS COMPLETELY OUTSIDE THE REALM TO OFFER A JOB RIGHT THERE IN THE INTERVIEW, BUT THE PARTNER THAT I WAS WITH SAID, WE LIKE YOU SO MUCH, YOU HAVE A JOB. AND HIRED HER ON THE SPOT. BUT ANYWAY, BACK TO THIS EVENT. RIGHT THERE OUT ON THE TRAIL, ON THE TOWN LAKE TRAIL AROUND LADY BIRD LAKE, THESE WOMEN, THESE CLUB MEMBERS AND MANY OTHER RUNNERS IN THIS COMMUNITY HAVE TRAINED MILES AND MILES AND HOURS AND HOURS PREPARING FOR AN EVENT OF A LIFETIME FOR LOTS OF PEOPLE. BUT NOTHING IS POSSIBLE WITH AN IDEA LIKE THIS, WITH A VISION LIKE THIS, WITHOUT THE COMMITMENT OF ALL THESE PEOPLE, ALL THESE CLUB MEMBERS. YOU CAN HAVE AN IDEA AND IT DOESN'T GO ANYWHERE WITHOUT THEIR COMMITMENT AND EFFORT. THIS COMMITMENT IS FOR ALL THE PEOPLE WHO ARE STANDING BEHIND US AND WHO HAVE MADE THAT DREAM AND THAT IDEA OF WHAT WE CAN DO WITH WOMEN RUNNERS AND FIRST TIME RUNNERS AND MARATHONERS, BE THEY MEN OR WOMEN, THAT MADE THAT IDEA BECOME REALITY. SO THANK YOU. [APPLAUSE]

THANK YOU.

MAYOR WYNN: THANK YOU ALL SO MUCH.

CONGRATULATIONS. CONGRATULATIONS CONGRATULATIONS CONGRATULATIONS.

MAYOR WYNN: FOR OUR NEXT PROCLAMATION I'LL TURN THE PODIUM OVER TO COUNCIL MEMBER SHERYL COLE.

COLE: I'D LIKE TO RECOGNIZE ST. JAMES CHURCH. THEY HAVE BEEN IN AUSTIN FOR OVER 80 YEARS AND THEY ARE DOING A WONDERFUL -- [APPLAUSE]

COLE: ALL RIGHT. AND I'M PROUD TO ANNOUNCE THAT THEY ARE DOING A WONDERFUL INITIATIVE TO ENCOURAGE HEALTHY LIFE-STYLES. THEY'RE HAVING A MARATHON PROGRAM, WHICH I THINK THEY'RE STILL GOING TO GIVE ME FREE ADMISSION TO? WELL, I MIGHT HAVE TO PAY. I'LL DO THAT TOO, BUT I'M PROUD OF THE INITIATIVE THAT THEY'RE

TAKING, ESPECIALLY IN THE EAST AUSTIN COMMUNITY IN DIRECTING THOSE EFFORTS TOWARDS AFRICAN-AMERICANS WHO HAVE TYPICALLY HAD TROUBLE WITH HEART ATTACKS, DIABETES AND VARIOUS ILLNESSES. SO WE'RE VERY PROUD OF THE INITIATIVE THAT THEY'RE TAKING AND I'M GOING TO READ THE PROCLAMATION. BE IT KNOWN THAT WHEREAS HEALTH IS ONE OF THE SUBJECT AREAS ADDRESSED BY THE AFRICAN-AMERICAN QUALITY OF LIFE INITIATIVES PUT FORTH BY OUR COUNCIL AND WHEREAS AFRICAN-AMERICANS SEEM TO SUFFER THE EFFECTS OF ILL HEALTH DISPROPORTIONATELY BUT EXERCISE HAS BEEN SHOWN TO LESSEN THE INCIDENCE OF HEART DISEASE, STROKE, DIABETES AND OTHER SERIOUS HEALTH CONDITIONS AND WHEREAS ST. JAMES MISSIONARY BAPTIST CHURCH MISSIONS MINISTRY IS HOSTING A 5K RUN/WALK EVENT TO ENCOURAGE AUSTINITES TO STEP UP THEIR PHYSICAL ACTIVITIES AND WHEREAS PROCEEDS FROM THE 5 K WILL SUPPORT THE OUTREACH PHYSICAL, MENTAL AND SPIRITUAL NEEDS OF THE MISSIONS MINISTRY, THEREFORE, I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN AND THE AUSTIN CITY COUNCIL, DO HEREBY PROCLAIM FEBRUARY 28 AS ST. JAMES MISSIONS HEALTH AND FITNESS DAY. [APPLAUSE]

FIRST OF ALL WE GIVE THANKS FOR MAYOR WYNN AND THE CITY COUNCIL FOR THIS PROCLAMATION, AND THANK GOD FOR MY PASTOR GIVING ME THE GREEN LIGHT TO PREPARE FOR THIS MISSIONS 5K RUN/WALK ON SATURDAY. WITH THAT DONE, YOU WANT MY PASTOR TO SPEAK WORDS OF KINDNESS. AMEN.

ON BEHALF OF THE ST. JAMES CHURCH AND ALL OF OUR FRIENDS WE WANT TO THANK YOU FOR THIS PROCLAMATION TO MAYOR WYNN, TO COUNCILWOMAN COAL AND TO ALL OF YOU. WIEWR CONCERNED ABOUT HOLISTIC MINISTRY AND SO WE -- AS A GOSPEL PREACHER -- I KNOW I ONLY HAVE THREE MINUTES, AS A PREACHER I PREACH ABOUT THREE HOURS SO I'LL BE THROUGH ABOUT 10:00 AND I'LL TURN THE LIGHTS OUT. BUT NO, THANK YOU SO MUCH. THANK YOU COUNCILWOMAN COLE AND WE APPRECIATE THIS RECOGNITION. COME JOIN US SATURDAY MORNING OVER AT 3417 EAST MARTIN LUTHER KING AND WE WILL WALK AND RUN TOGETHER. THANK YOU.

COLE: I WILL BE THERE. AND I WILL PAY. [APPLAUSE]

IF I CAN GET MR. LUNA UP HERE AND THE LUNA FAMILY, AND ACTUALLY I WAS TOLD THAT THERE ARE SOME OTHER FORMER BOXERS FROM THE PAN AM AND GOLDEN GLOVES DAYS AND I WOULD LIKE THE BOXERS TO COME UP HERE AS WELL. WE'RE GOING TO HONOR SOMEONE THIS EVENING MEMORIAM

AND OF COURSE THE MAYOR OF SOUTH AUSTIN, MOSES SALDANO, GOT ALL THIS GOING. HE'LL COME DOWN AND JOIN US. I WANT TO MAKE SURE, IF YOU HAVE A PHONE THAT SOUNDS LIKE A BELL, PLEASE CUT IT OFF BECAUSE THESE ARE BOXERS. IF THE BELL GOES OFF, SOMEBODY MIGHT START GETTING HIT, ANY SECOND NOW. MY OLD INSTINCTS KICK IN RIGHT AWAY. SO ONE OF THE PRIVILEGES THAT SUPPORT OF COUNCIL MEMBERS IS WE GET TO RECOGNIZE AND HONOR GREAT FOLKS THAT GAVE SO MUCH TO OUR COMMUNITY,

AND SO THAT'S WHAT WE'RE GOING TO DO TONIGHT. WE'RE GOING TO HONOR MR. VALENTINO LUNA AND ALTHOUGH HE'S NO LONGER WITH US IT'S MY PLEASURE TO RECOGNIZE A SPECIAL CITIZEN THAT GAVE SO MUCH TO OUR COMMUNITY. MR. LUNA WAS A BOXER. HE WAS A VETERAN. HE WAS A HUSBAND, HE WAS A FATHER AND A GRANDFATHER. AND AS A BOXER IN 1949 HE WAS THE FIRST MEXICAN AMERICAN FROM TRAVIS COUNTY TO WIN THE GOLDEN GLOVES AND WENT ON TO HAVE A SUCCESSFUL PROFESSIONAL CAREER. HE WAS ALSO A LEADER IN BRINGING THE AMATEUR BOXING TO THE AREA YOUTH DURING THE GOLDEN ERA OF BOXING IN AUSTIN. HE SERVED HIS COUNTRY DURING THE KOREAN WAR. HE HAD THREE SONS, A DAUGHTER, 13 GRANDCHILDREN AND 11 GREAT GRANDCHILDREN. SO I WOULD LIKE TO PRESENT A DISTINGUISHED SERVICE AWARD FOR MR. LUNA'S SERVICE AS A CITIZEN OF AUSTIN AND FOR GIVING SO MUCH TO THE COMMUNITY, AND THE RECOGNITION READS, WHEREAS -- I'M SORRY -- WHEREAS MR. VALENTINO LUNA WAS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION, MR. LUNA HE PIP MICED THE GOLDEN AGE OF BOXING IN AUSTIN IN THE LATE 1940S. HE EARNED GOLDEN GLOVES TITLES IN OUR CITY, BECAME TEXAS GOLDEN GLOVES CHAMPION IN 1949 AND LOT ONLY 2 BOUTS AS A PROFESSIONAL. HE WAS CALLED A WIRLG DERVISH BY NEWSPAPERS OF THAT TIME AND WAS VOTED BEST BOXER TO COME OUT OF AUSTIN BY HIS PEERS IN 1983. HIS DETERMINATION AND TALENT ENCOURAGED OTHERS IN HIS SPORT AND INSPIRED OTHER BOXERS HE TRAINED AFTER RETIRING FROM HIS BOXING CAREER. THE CERTIFICATE IS PRESENTED IN RECOGNITION OF MR. LUNA'S IMPACT ON THE SPORT OF BOXING, THIS 28TH DAY OF FEBRUARY IN THE YEAR 2008, AND IT'S SIGNED BY MAYOR WYNN AND THE REST OF CITY COUNCIL, AND WE HAVE MR. LUNA'S SON, VALENTINO LUNA JR. HERE AND I'D LIKE TO ASK HIM IFIED LIKE TO SAY A FEW WORDS. -- ASK HIM IFIED LIKE TO SAY A FEW WORDS.

IF MY DAD WAS HERE, HE'D SAY WITH YOU. ON BEHALF OF THE LUNA FAMILY WE WOULD LIKE TO THANK MAYOR WYNN AND PRO TEM AND COUNCIL MEMBERS FOR THIS DISTINGUISHED SERVICE AND AWARD IN HONOR OF OUR DAD, VAN EN TIN ON VALENTINO LUNA SENIOR. I WOULD LIKE TO THANK OUR FAMILY AND FRIENDS FOR THE SUPPORT, AND SPECIAL THANKS TO THE COUNCIL MEMBER MIKE MARTINEZ, ESPECIALLY MOSES SALDANO, AND ALSO HIS BOXING BUDDIES FROM THE '30S AND '40S, JOE VELA AND PETE GILLGILL. I REALLY APPRECIATE THE COUNCIL DOING THIS FOR US, FOR THE FAMILY, AND APPRECIATE OUR FAMILY -- OUR FRIENDS HERE FOR COMING OUT TODAY AND HONORING HIM -- COMING OUT AND TAKING TIME OUT OF THE DAY FOR DOING THIS. THANK YOU. [APPLAUSE] IF

THANKS. MR. MARTINEZ, IF YOU COULD PLEASE COME DOWN. YES, IF YOU HAVE FAMILY HERE, PLEASE BRING THEM DOWNDOWN. WE'D LOVE TO HAVE THEM DOWN HERE. COME ON DOWN. COME ON DOWN, PLEASE. PLEASE. OKAY. LAST ONE FOR THE EVENING, BUT A VERY IMPORTANT ONE. TONIGHT WE ARE GIVING A CERTIFICATE OF CONGRATULATIONS BUT WE'RE ALSO GOING TO RECOGNIZE HIM FOR HIS 28-YEAR CAREER AS AN ENGINEER HERE IN AUSTIN WITH HIS FIRM, NWN DESIGN. MR. ROBERT MARTINEZ IS A DEAR FRIEND. I CONSIDER HIM A DEAR FRIEND, AS WELL AS A MENTOR. HE ALWAYS HAS VERY SAGE ADVICE FOR ME AND HE'S ALWAYS WILLING TO HELP WHENEVER WE NEED IT IN THIS

COMMUNITY. BUT I WANT TO READ A LITTLE BIT ABOUT MR. MARTINEZ BEFORE WE GIVE HIM HIS RECOGNITION. IN 1980 MR. MARTINEZ STARTED WITH HIS PARTNER, MICHAEL B WRIGHT AND THEY CO-FOUNDED MWM DESIGN GROUP. FOR THE LAST 28 YEARS HE'S BEEN LEADING THAT GROUP. THIS SATURDAY IS GOING TO BE A WONDERFUL DAY BECAUSE MR. MARTINEZ IS RETIRING THIS YEAR, BUT THIS SATURDAY HE'S BEING HONORED AS THE ENGINEER OF THE YEAR, AND SO WE'RE GOING TO CELEBRATE WITH HIM SATURDAY NIGHT WITH A NICE DINNER AT AN AWARDS CEREMONY. BUT MR. MARTINEZ IS NOT JUST AN ENGINEER WITH A 28 YEAR CAREER HERE IN AUSTIN. HE'S ALSO A LEADER IN THIS COMMUNITY. HE FOUNDED THE HISPANIC ADVOCATES AND BUSINESS LEADERS OF AUSTIN, A GROUP CALLED HABLA, THAT WERE STRONG ADVOCATES FOR PUBLIC SAFETY FOR CIVIL RIGHTS ISSUES IN THE HISPANIC COMMUNITY. HE CO-FOUNDED AND STILL ACTIVELY INVOLVED IN THE AUSTIN MINORITY AND WOMEN ALLIANCE. MR. MARTINEZ HAS BEEN INVOLVED IN THE AUSTIN CHAMBER OF COMMERCE, HISPANIC CHAMBERS OF COMMERCE, BOY SCOUT COMMITTEE, AUSTIN LIONS CLUB AND AUSTIN INTERFAITH. HE HAS SERVED ON TRAVIS COUNTY GRAND JURY AND SEVERAL CITY OF AUSTIN SPECIAL COMMITTEES INCLUDING THE POLICE OVERSIGHT GROUP AND THE ROBERT MILLER REDEVELOPMENT TASK FORCE. MR. MARTINEZ AND HIS FAMILY ARE ACTIVE AND DEDICATED MEMBERS OF SACRED HEART CATHOLIC CHURCH AND ARE INVOLVED IN NUMEROUS SOCIAL ASSISTANCE PROGRAMS. MR. MARTINEZ WAS ORDAINED AS A DEACON FOR THE AUSTIN DIOCESE IN 1998. THE MEMBERS OF HIS IMMEDIATE FAMILY INCLUDE HIS WIFE OF 44 YEARS, ALICIA MARTINEZ, CHILDREN ROBERT MARTINEZ, NORMA, YVONNE AS WELL AS 9 9 GRANDCHILDREN. TO TO MR. MARTINEZ, YOU ARE DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. THIS AWARD IS RESTRICTED TO ENGINEERS WHO STAINED UNUSUAL CONTRIBUTIONS HAVE IMPROVED THE PUBLIC WELFARE AND THE ADVANCE HIMMENT OF THE PRESSURE. YOUR COMPANY, MWM DESIGN GROUP PROVIDES CIVIL ENGINEERING SURVEYING, ARCHITECTURAL AND GOVERNMENT RELATIONS SERVICES TO CLIENTS THROUGHOUT CENTRAL TEXAS. IN ADDITION, MR. MARTINEZ HAS MADE SIGNIFICANT CONTRIBUTIONS TO OUR COMMUNITY THROUGH HIS INVOLVEMENT IN CIVIC AND NONPROFIT ORGANIZATIONS AND THROUGH HIS CHURCH. PERHAPS HIS GREATEST COMMITMENT IS TO AID DISADVANTAGED STUDENTS TO OBTAIN EDUCATAL OPPORTUNITIES IN KEEPING WITH HIS FATHER'S ADVICE, TO GIVE OTHERS THE OPPORTUNITIES THAT YOU HAVE RECEIVED. THE CERTIFICATE IS PRESENTED TO YOU WITH CONGRATULATIONS ON THIS WELL DESERVED AWARD, THE 28TH DAY OF FEBRUARY, 2008. AND THE AWARD HE IS RECEIVING AS OUTSTANDING ENGINEER OF THE YEAR BY THE TEXAS SOCIETY OF PROFESSIONAL ENGINEERS. CONGRATULATIONS. [APPLAUSE]

AND I WISH I COULD SAY I WAS RELATED TO HIM BUT WE'RE NOT RELATED. WE'RE JUST GREAT FRIENDS. MR. MARTINEZ, PLEASE SAY A FEW WORDS.

THANK YOU. I'D BE GLAD IF WE WERE RELATED BUT WE ARE GREAT FRIENDS AND I APPRECIATE IT. FIRST OF ALL, I WANT TO THANK MY FAMILY, MY WIFE, MY SON AND MY GRANDDAUGHTER, AND ALSO MY COWORKERS, MY FRIENDS. THEY'RE PARTNERS WITH ME, AND ALSO I WANT TO THANK GUS GARCIA. THE SECOND MAN I MET HERE IN AUSTIN AND HE

HAS HELPED ME AND TAKEN CARE OF ME, BUT IT'S BEEN GOOD WORKING WITH GUS AND KNOWING GUS, SO I WANT TO THANK HIM.

I WANT TO TALK TOMORROW.

OH, TOMORROW HE'S GOING TO TALK. OKAY. ALSO I WANT TO THANK TRAVIS FOR RECOGNIZING ME AS ENGINEER OF THE YEAR. ENGINEERING IS A PROFESSION -- GREAT PROFESSION. IT AFFECTS ALL OF US, ALL ASPECTS OF OUR LIFE. DESIGN OF TRANSPORTATION SYSTEMS, AIRPORTS, HIGHWAYS, BRIDGES, BUILDINGS, WATER AND ELECTRICAL SYSTEMS, ALL OF THOSE DONE BY PROFESSIONAL ENGINEERS. SO YOU CAN SEE THE ENGINEERS CONTRIBUTE TO ALL ASPECTS OF OUR LIFE, AND SO THEY HAVE CREATED A SAFE, HEALTHY ENVIRONMENT FOR US, AND SO I'M VERY PROUD TO BE PART OF THAT PROFESSION. FINALLY, TO REACH OUT IN THE VIRTUE OF OLD AGE, AND THAT IS WISDOM, AND THE MOST PRUDENT. THANK YOU. [APPLAUSE]

CONGRATULATIONS, MR. MARTINEZ. EDUCATIONAL EDUCATIONAL EDUCATIONAL ORDEALS.

MAYOR WYNN: AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. WE'VE BEEN RECESSED NOW FOR ABOUT 45 MINUTES. I BELIEVE WE STILL HAD A COUPLE OF DISCUSSION ZONING CASES. CORRECT, MR. GUERNSEY? PERHAPS 101 AND OR 102 WERE OW STARTING --

WE HAD ONE ADDITIONAL HISTORIC ZONING ITEM THAT'S A LITTLE LATER. 109 IS ALSO AN ITEM WE HAVE NOT DISCUSSED YET.

MAYOR WYNN: LET'S TAKE THESE SEQUENTIALLY THEN. 10 --

GUERNSEY: MAYOR, I CAN BE VERY BRIEF ON 101. I THINK WE HAD SOME NEIGHBORHOOD HE WANTS EXTEND THAT WANTED TO SPEAK TO 101 BUT THEY WEREN'T NECESSARILY OPPOSED, JUST WANT THAIR COMMENTS HEARD.

MAYOR WYNN: NO ONE HAS SIGNED UP TECHNICALLY.

LET ME GIVE A BRIEF OVERVIEW OF ITEM 101. IT'S CASE C14 20070202 FOR THE PROPERTY AT 051 EAST OLTORF STREAT. THE SUNNY MEADE PROPERTY. ZONING REQUEST FOR MODERATE HIGH DENSITY, CONDITIONAL OVERLAY, NEIGHBORHOOD PLAN, MF-4-CO-NP COMBINING DISTRICT ZONING TO MULTIFAMILY RESIDENCE HIGHEST DENSITY, CONDITIONAL OVER OTHER SF-6-CO NP. THE RECOMMENDATION WAS TO -- WITH SOME CONDITIONAL CONDITIONS ATTACHED IN OVERLAY. ONE THAT THE AREA FOR THE HEIGHT, THE -- WILL NOT EXCEED 40 FEET FOR NORMAL, 35% OF THE SITE, THE MAXIMUM HEIGHT IN THE PROPERTY WOULD BE LIMITED TO 60 FEET IN HEIGHT. THERE WOULD BE A CONSTRUCTION OF A DETENTION POND TO REDUCE FLOWS TO THAT OF THE PREDEVELOPED CONDITION AND PREDEVELOPED CONDITION ASSUMED THAT THE SITE HAS

ZERO IMPERVIOUS COVER. THE MAXIMUM IMPERVIOUS COVER TO THE PROPERTY WOULD BE LIMITED TO 65% AND THERE'S A 2,000 VEHICLE TRIP PER DAY LIMITATION ON THE PROPERTY. IN ADDITION, THIS IS IN THE GREATER SOUTH RIVER CITY NEIGHBORHOOD PLANNING AREA. RIGHT NOW THERE IS AN EXISTING 131 UNIT APARTMENT COMPLEX THAT IS ON THE PROPERTY. I'LL NOTE THAT THE MF-6 IS CONSISTENT WITH THE GREATER SOUTH RIVER CITY FUTURE LAND USE MAP, WHICH DESIGNATES THIS TRACT AS MULTIFAMILY. THE SURROUNDING PROPERTIES TO THE NORTH ARE OFFICE AND LIGHT RETAIL USES, TO THE SOUTH SINGLE-FAMILY RESIDENCES, TO EAST IS A CHURCH, SINGLE-FAMILY RESIDENCE, CONDOMINIUM COMPLEX AND TO THE WEST IS GENERAL RETAIL SALES AND RESTAURANTS. AT THIS TIME I'LL PAUSE. IF YOU HAVE ANY QUESTIONS, AND ALLOW THE -- I THINK THERE ARE THREE CITIZENS THAT WANT TO SPEAK TO THIS PARTICULAR CASE. I BELIEVE THE APPLICANTS' REPRESENTATIVE IS HERE. IF YOU HAVE ANY QUESTIONS OF THEM, AND I'LL PAUSE AT THIS TIME.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. QUESTIONS FOR STAFF, COUNCIL, COMMENTS? IF NOT, ALTHOUGH I DON'T HAVE -- I DON'T SHOW ANYTHING SIGNED UP FOR 101 BUT OBVIOUSLY ANYBODY WHO WANTS TO GIVE US TESTIMONY CAN STEP FORWARD AND STATE YOUR NAME FOR THE RECORD AND DO SO AT THIS TIME.

THANK YOU, MAYOR, COUNCIL MEMBERS. MY NAME IS STEVE METCALF AND I THINK I'M SIGNED UP AND I THINK I HAD TWO OTHER PEOPLE SIGNED UP AS WELL TO DONATE TIME TO ME.

MAYOR WYNN: CASE 101? I BELIEVE MY SYSTEM MUST BE DOWN SO JUST STEP FORWARD. AND SO MR. METCALF, I'M SORRY, YOU HAD A COUPLE FOLKS WANTING TO DONATE TIME TO YOU.

YES.

MAYOR WYNN: ARE THEY PRESENT HERE? SO TWO FOLKS? SO YOU'D HAVE UP TO 9 MINUTES IF YOU NEED IT. WELCOME.

THANK YOU. THE POWERPOINT IS COMING UP. LET ME BRIEFLY DESCRIBE SORT OF THE PROCESS WE'VE BEEN THROUGH. FOR THE LAST YEAR OR SO WE'VE BEEN WORKING WITH THE SOUTH RIVER CITY CITIZENS AS WELL AS THE RESIDENTS OF THE EXISTING SUNNYMEADE APARTMENTS TO TRY TO COME UP WITH A PROGRAM THAT I THINK OUGHT TO WORK REALLY WELL. ALL RIGHT. I THINK I GOT IT. AND WHAT WE -- WE'VE SET UP A SYSTEM WHERE WE ARE TRYING TO REPLACE AFFORDABLE UNITS AND WE'RE PROVIDING SOME RELOCATION FOR THE EXISTING TENANTS AND SOME SECURITY DEPOSIT REFUNDS AND THINGS LIKE THAT AND I'LL SHOW YOU A LITTLE BIT MORE DETAIL ABOUT THAT, BUT I THINK THROUGH THIS PROCESS WE'VE ENDED UP WITH A PROJECT THAT OUGHT TO MAKE SENSE FOR EVERYBODY, AND LET ME RUN THROUGH A LITTLE MORE IN DETAIL. THIS IS THE EXISTING COMPLEX ON THE GROUND. IT'S AN OLD SUBURBAN STYLE APARTMENT COMPLEX

BUILT IN I BELIEVE 1967, OBVIOUSLY ALL SURFACE PARKING, NO DETENTION POND, NO WATER QUALITY POND. HERE ARE SOME PICTURES OF IT IT. HERE IS A RENDERING OF THE NEW SUNNYMEADE APARTMENTS WE'RE INTENDING TO BUILD. PART OF THE IDEA HERE IS TO -- IS, YOU KNOW, IT'S GOING TO BE A SMERTIONLY DESIGNED STANDARD COMPLIANT PROJECT WITH A PEDESTRIAN ORIENTED STREET FRONT OUT ON OLTORF. WE THINK ABOUT -- WE DID INVESTIGATE DOING A VMU AND THE REASON WE DECIDED NOT TO DO THAT IS THE RESIDENTS FELT THERE WAS ENOUGH IN THE -- AND THE NEIGHBORS FELT THERE WAS ENOUGH RETAIL IN THE AREA, SO THIS IS JUST A STRAIGHTFORWARD MULTIFAMILY PROJECT, BUT COMMERCIALLY DESIGNED STANDARD COMPLIANT WITH PEDESTRIAN ORIENTED STREET FRONT AND THAT TYPE OF THING YOU WOULD SEE IN YOUR TYPICAL VMU. AS WE GO INTO A LITTLE MORE DETAIL ALSO ON AFFORDABILITY, LIKE VMU WE'VE AGREED TO VMU LEVEL AFFORDABILITY ON THIS PROJECT. ANOTHER DESIGN ASPECT THAT WE LOOKED AT IS WE DO HAVE SOME SINGLE-FAMILY HOUSES ON THE OPPOSITE SIDE OF OLTORF SO WE STEPPED THE PROJECT AWAY FROM THOSE HOUSES. SO IT'S TWO STORIES TO THREE STORIES TO FOUR STORIES, TO SOME PEAK TO FIVE OUT TOWARDS OLTORF, SO WE TRIED TO STEP AWAY FROM THE NEIGHBORS ON THE COMPATIBILITY ISSUE. HERE'S A RIGHT HAND RING THAT SHOWS HOW THE PROJECT STEPS AWAY FROM THOSE RESIDENTS THAT ARE IN THE BACK. ALSO IN LOOKING AT THIS WE COMPARED -- WHAT YOU'RE SEEING ON THIS CHART IS WHAT WE'RE PROPOSING VERSUS WHAT WOULD HAPPEN IF WE DIDN'T DO A ZONING CHANGE AND WE JUST CAME IN AND REDID AN APARTMENT COMPLEX UNDER THE EXISTING 4 ZONING OR REHAB THE UNIT. SO THIS CHART WILL GIVE YOU A BRUNO THE DIFFERENT ASPECTS OF THE PROJECT. AND THE UNIT COUNT, THAT FLOATS AROUND A LITTLE BIT BECAUSE DEPENDING HOW BIG SOME OF OUR UNITS ARE, THAT 215 MAY GO UP OR DOWN A LITTLE BIT, AS WOULD THE 131 IF WE WERE DOING A COMPLIANCE DEVELOPMENT. ALSO WE'RE GOING TO BE ASKING FOR A COMPATIBILITY VARIANCE AND THAT WILL AFFECT OUR UNIT COUNT AS WELL. THE MAIN DIFFERENCE FROM THE WAY THE THING WORKS AND A DENSITY THING IS THAT THERE IS A 40-FOOT HEIGHT LIMIT ON THE SITE NOW SORKS A COMPLIANCE DEVELOPMENT WOULD BE LIMIT LIMITED TO 40 FEET IN HEIGHT. WE'RE GOING OVER 40 FEET IN HEIGHT ON A PORTION OF THE PROJECT BUT NOT THE WHOLE THING, SO WE'VE LIMITED THAT TO 35% OF THE SITE. AND HERE IS A 3D RENDERING THAT SHOWS THE PORTION OF THE SITE THAT'S OVER 40 FEET. YOU'LL SEE MOST OF THAT BHIT AREA, WHICH IS THE PORTION OVER 40 FEET, IS REALLY ONLY LIKE 4 1/2 FEET OVER 40 FEET. THE ONLY PART THAT SIGNIFICANTLY GETS OVER 40 FEET IS THE STUFF OUT NEAR OLTORF. AGAIN WE'RE TRYING TO STEP AWAY FROM WHERE THE RESIDENTS ARE AND LIMIT THE AMOUNT OF HEIGHT THAT REALLY IS OVER THE 40-FOOT EXISTING LIMIT. A COUPLE OF -- A COUPLE OF POSITIVE DIFFERENCES BETWEEN WHAT WE'RE PROPOSING AND WHAT YOU WOULD GET ON A COMPLIANCE DEVELOPMENT IS WE'RE BRINGING DOWN THE IMPERVIOUS COVER SIGNIFICANTLY. ALSO, OBVIOUSLY IN ALL THE WORK WE'VE DONE WITH THE NEIGHBORS AND THE RESIDENTS OF SUNNYMEADE, WE'RE COMING UP WITH A PROJECT THAT HAS A LOT OF INPUT INTO IT AS FAR AS OUR RELOCATION PROGRAM, OUR AFFORDABILITY PROGRAM AND THINGS LIKE THAT. SO ONE ADVANTAGE OF DOING A -- SOMETHING LIKE THIS WHERE WE'RE GETTING -- YOU KNOW,

INVOLVES A ZONING CHANGE BUT IT ALSO INVOLVES A LOT OF NEGOTIATION WITH THE NEIGHBORHOOD AND RESIDENTS. I THINK ONE OF THE KEY ASPECTS IN THE SOUTH RIVER CITY CITIZENS VOTED IN SUPPORT OF THIS PROJECT, AND I THINK ONE OF THE KEY REASONS ASIDE FROM OUR AGREEMENT ON AFFORDABILITY AND RELOCATION IS THAT WE'RE SOLVING A BIG DRAINAGE PROBLEM IN THE AREA. IF YOU LOOK AT THESE ENGINEERING DIAGRAMS, BASICALLY WHEN WE HAVE THESE EXISTING CONDITIONS, SOME OF THAT WATER IS FLOWING BACK AND FLOODING THOSE HOUSES BEHIND US, AND WHAT WE'RE DOING ON OUR PROPOSED PROJECT IS WE'LL STOP THE WATER FROM GOING THAT WAY, BRING IT FORWARD TO THE FRONT BUT RUN IT THROUGH A POND, CL IF WE WERE JUST DOING A REHAPPEN OR A COMPLIANCE DEVELOPMENT WE WOULDN'T HAVE TO PUT THE PONDING IN. WHEN WE DO THAT THAT WILL BRING THE FLOWS -- NO FLOWS TO THE BACK SO THE FLOODING PROBLEM WILL STOP IN THE BACK. AND THE FLOWS GOING FORWARD, WHICH EVENTUALLY END UP IN BLUNN CREEK, WILL BE REDUCED TO PREDEVELOPMENT CONDITIONS. SO BACK TO -- IF THIS SITE WAS SITTING WITH ZERO IMPERVIOUS COVER AFTER OUR PONDING THE THROWS R FLOWS OFF THIS SITE WILL BE EQUIVALENT OR BETTER THAN THAT. AND THAT'S BEEN AN IMPORTANT PART FOR SRCC BECAUSE THEY'VE BEEN HAVING PROBLEMS WITH BLUNN CREEK SO THAT'S BEEN AN IMPORTANT THING FOR THEM. AND THEN CLEARLY THE AFFORDABLE HOUSING ASPECT WAS IMPORTANT. IF YOU DO A COMPLIANCE DEVELOPMENT, IN OTHER WORDS, NOT THE ZONING CHANGE WE'RE ASKING FOR HERE, THERE WOULD BE NO AFFORDABLE UNITS IN THE PROJECT. IF YOU REHAB THIS PROJECT OR YOU JUST REBUILD IT UNDER MF-4 ZONING, THE NEW MARKET RATES WILL BE OVER THE AFFORDABILITY LEVELS. WITH THE DEVELOPER ON THIS -- WHAT HE'S AGREED TO DO IS 10% OF THE UNITS AT A 60% MFI. AT THE VMU STYLE OF AFFORDABILITY, WHICH MEANS 40 YEARS OF AFFORDABILITY. WE'VE AGREED TO A CONDITIONAL OVERLAY AS WELL THAT'S IN THE ZONING ORDINANCE, THE HEIGHT ONLY -- 35% OF THE SITE WILL GO OVER 40 FEET. WE'RE ALSO DOING A DETENTION POND TO BRING IT BACK TO ZERO PERCENT IMPERVIOUS COVER. CAPPING IT AT 65%. EXISTING IS OVER 80% AND WE'RE LIMITING IT TO 2,000 TRIPS A DAY. WE'VE ALSO ENTERED INTO OR HAVE GOAMPTED RESTRICTIVE COVENANT WITH THE SRCC WHERE WE'RE AGREEING TO DO A GREEN ROOF, AND I MEAN GREEN IN COLOR, NOT IN THE ENVIRONMENTAL SENSE. WE'RE ALSO ENTERED INTO A VERY DETAILED RELOCATION PROGRAM WITH THE NEIGHBORS -- OR THE RESIDENTS IN DEALING WITH REFUNDS OF SECURITY DEPOSITS, ET CETERA. WE'VE AGREED THAT WE WOULD NEGOTIATE WITH THE CITY AND DISCUSS WITH THE CITY BUYDOWN OF ADDITIONAL AFFORDABILITY AND WE'RE AGREEING TO TAKE SECTION 8 VOUCHERS. THESE THINGS ARE IN YOUR PACKET TOO, I BELIEVE, BUT WE HAVE A PRETTY DETAILED LETTER, TWO OR THREE-PAGE LETTER WE'VE ENTERED INTO WITH THE RESIDENTS, OR WILL ENTER INTO IN CONNECTION WITH THE ZONING THAT DOES THESE THINGS AND PROBABLY MORE. THE KEY ASPECT IS WE HAVE A PRETTY DETAILED SET OF REQUIREMENTS FOR HOW WE'RE GOING TO RELOCATE PEOPLE AND WHAT STEPS WE'LL GO THROUGH. WE'LL GIVE EVERYBODY AT LEAST 6 MONTHS NOTICE. WE'LL REFUND EVERYBODY'S DEPOSITS. FOR PEOPLE WHO WANT TO COME BACK TO THE NEW SUNNYMEADE, THEY GET A PRIORITY FOR ANY UNITS, SO BASED ON YOUR

TENURE IN SUNNYMEADE YOU GET A PRIORITY ON UNITS WHEN YOU COME BACK. WE'LL WAVE SECURITY DEPOSITS FOR ANYBODY COMING BACK, PLUS IF YOU COME BACK YOU'LL GET YOUR OPTION. YOU CAN EITHER HAVE A LEASE TERMINABLE ON 30 DAYS' NOTICE OR FREE THREE MONTHS RENT. I'VE SEEN SOME OF THESE OTHERS AND I THINK THIS IS PROBABLY AS AGGRESSIVE A RELOCATION PROGRAM AS I'VE SEEN SO I THINK THE DEVELOPERS HAVE REALLY DONE A GOOD JOB OF TRYING TO HELP THE RESIDENTS AS MUCH AS POSSIBLE. AND I'D BE HAPPY TO ANSWER ANY QUESTIONS YOU GUYS HAVE.

MAYOR WYNN: THANK YOU, MR. METCALF. QUESTIONS, COUNCIL? COMMENTS? LET ME REFRESH MY SPEAKER COUNT. AND SO IN ADDITION TO MR. METCALF, WE HAVE A COUPLE OF FOLKS HERE, ONE SPEAKING IN FAVOR AND SEVERAL TO SPEAK, I BELIEVE, NEUTRAL. AGAIN, ANY QUESTIONS FOR THE APPLICANT'S AGENT? IF NOT WE WILL HEAR FIRST FROM FOLKS IN SUPPORT. OUR FIRST SPEAKER IS DANIELLE GAMETI. WHO I THOUGHT I SAW EARLIER, SIGNED UP WISHING TO SPEAK IN FAVOR. AND SOME FOLKS HAD SIGNED UP TO GIVE US THEIR NEUTRAL POSITION, START WITH PAUL SALDANO. HAVEN'T SEEN PAUL THIS EVENING. PAUL SALDANO SIGNED UP WISHING TO SPEAK. MR. SALDANO. WELCOME. YOU'LL HAVE THREE MINUTES. YOU'LL BE FOLLOWED BY EMILY ROGERS.

GOOD EVENING, MAYOR, COUNCIL MEMBERS. MY NAME IS PAUL SALDANO. I'VE BEEN A RESIDENT OF SUNNYMEADE FOR EIGHT YEARS NOW. I FIND SUNNYMEADE TO BE VERY CONVENIENT FOR MY ABILITY BECAUSE I'M DISABLED, I'M LEGALLY BLIND, I'M ALSO A RENAL PATIENT. I HAVE RENAL FAILURE -- A FACILITY DOWN THE STREET, I-35, SO EVERYTHING IS CONVENIENT RIGHT THERE WHERE I'M AT. MY RESIDENCE ACTUALLY BEING THERE, MY NEIGHBORS HAVE ALSO BECOME MORE TO ME AS FAMILY MEMBERS, NOT NEIGHBORS, BECAUSE THEY LOOK AT ME, BECAUSE ALL OUR BUILDINGS FACE EACH OTHER. THEREFORE I FEEL SECURE THERE. EVERYBODY LOOKS AFTER ONE ANOTHER, AND I CAN HAVE MY DOOR, LET'S SAY, OPEN AND PEOPLE PASS BY, CHECK IN, HEY, ARE YOU OKAY? YES, I'M FINE. YOU KNOW, THEY'RE JUST LOOKING IN. AND THAT'S WHY I LIKE ABOUT BEING THERE. NOW I FEEL I'M GOING TO BE DISPLACED BECAUSE OF THE SALE OF THE RESIDENCE, AND HONESTLY, I DON'T KNOW WHERE I'M GOING TO GO, BUT, YOU KNOW, I PUT EIGHT YEARS THERE WHERE I'M AT, AND I FEEL LIKE I'VE GOTTEN ALONG WITH SUNNYMEADE. I LOVE IT THERE. AND I JUST HOPE, YOU KNOW, IF YOU-ALL LOOK INTO BRINGING THE NEW UNITS BACK, AFFORDABLE HOUSING, AS FAR AS THERE IS A MULTIPLE OF FAMILY MEMBERS LIVING THERE AT SUNNYMEADE, LOOK INTO THAT AS WELL AS WELL AS JUST OFFERING THE ONE BEDROOMS, OFFER TWO BEDROOMS IN THE AFFORDABLE HOUSING AREA. AND THAT'S -- I THANK YOU FOR YOUR TIME.

MAYOR WYNN: THANK YOU, MR. SALDANO. WELCOME, EMILY ROGERS. YOU TOO WILL HAVE THREE MINUTES TO BE FOLLOWED BY SHIRLEY JOHNSON.

I'M -- I'VE BEEN WORKING WITH THE SUNNYMEADE RESIDENTS TO DEVELOP THE RELOCATION PLAN, AND I'M A FORMER SUNNYMEADE RESIDENT, I JUST MOVED OUT OF THE COMPLEX BUT I THINK IT'S REALLY IMPORTANT TO KEEP AFFORDABLE HOUSING IN THIS

NEIGHBORHOOD AND WE ENCOURAGE AS THIS PROJECT MOVES FORWARD TO MAKE SURE THAT THE 10% AT 60% MFI THE DEVELOPERS HAVE PROPOSED CAN BE AUGMENTED WITH A BUY-DOWN FROM THE CITY. WE HOPE THAT WE CAN GET IT UP TO AT LEAST 15% AT 50% MFI. THE SUNNYMEADE RESIDENTS FEEL THAT THE 50% MFI IS GOING TO BE COMPARABLE TO THE RENTS THEY'RE CURRENTLY PAYING. IT WILL STILL BE DIFFICULT BECAUSE THE SUNNYMEADE COMPLEX IS AN ALL BUILT PAID UNIT WHICH THERE AREN'T ANY MORE IN AUSTIN, SO WE'RE NOT PAYING UTILITIES, SO IT MAKES IT EVEN MORE AFFORDABLE THAN IT APPEARS ON THE SURFACE. SO SUNNYMEADE REALLY DOES FILL AN IMPORTANT ROLE IN PROVIDING AFFORDABLE HOUSING IN THE COMMUNITY. RIGHT NOW THERE ARE OVER 100 UNITS, AND EVEN WITH THE AFFORDABLE UNITS IN THE NEW DEVELOPMENT, THAT'S GOING TO BE A SIGNIFICANT LOSS TO THE COMMUNITY. IT'S ALSO IMPORTANT TO INCLUDE IN THE - - IN THE NEW DEVELOPMENT AMONG THE AFFORDABLE UNITS TWO BEDROOM APARTMENTS SO THAT FAMILIES CAN RETURN. WE'RE AFRAID THAT IF ONLY ONE BEDROOM APARTMENTS ARE MADE AVAILABLE, THAT THAT WOULD LIMIT ONLY THE ELDERLY OR SOME OF THE SINGLE PEOPLE -- IT WOULD ONLY ALLOW THEM TO RETURN TO THE COMPLEX, AND THERE ARE DEFINITELY FAMILIES WHO WANT TO RETURN. BUT IT'S JUST -- IT'S REALLY IMPORTANT TO PRESERVE AFFORDABLE HOUSING IN THIS NEIGHBORHOOD. IT'S -- SUNNYMEADE IS ACCESSIBLE TO BUS ROUTES. A LOT OF PEOPLE RIDE THE BUS AND WALK. IF THEY GET PUSHED OUT FURTHER INTO THE FAR REACHES OF THE COMMUNITY, IT'S GOING TO DEFINITELY IMPACT THEIR ABILITY TO BE FUNCTIONING CITIZENS OF THIS COMMUNITY BECAUSE WE HAVE A LOT OF ELDERLY AND A LOT OF DISABLED PEOPLE. THANK YOU.

MAYOR WYNN: THANK YOU, MS. ROGERS, FOR YOUR WORK. AND SHIRLEY JOHNSON SIGNED UP WISHING TO SPEAK. WELCOME, SHIRLEY.

I'M SURELY JOHNSON AND AT 501 EAST OLTORF. IT'S JUST A STREET. IT'S OUR HOMES THAT'S GOING TO BE TORN DOWN AND WHERE DO WE GO FROM THERE? I'VE BEEN THERE SINCE 1983. I'VE GOT NO -- AND WITH RENT IN THE LAST TWO YEARS GONE UP \$100. AND WITH ALL BILLS PAID THERE'S NOT GOING TO BE THAT ANYMORE. AND YOU'RE GOING TO HAVE TO GET AUSTIN ENERGY, WHICH IS A \$200, TO HAVE IT TURNED ON WHEN YOU GO TO ANOTHER APARTMENT. AND A SAFE PLACE. OUR PLACE IS SAFE BUT THERE'S A LOT OF PLACES AROUND THERE THAT'S NOT, THAT ARE AFFORDABLE BUT THEY'RE NOT SAFE. I'M A SENIOR CITIZEN, AND I NEED TO BE WHERE I CAN WALK. I RIDE THE BUS, AND MY CHURCH IS RIGHT THERE WHERE I'M AT. AND I KNOW I'LL HAVE TO GIVE UP SOMETHING. BUT IN THIS PROJECT WE KNOW THAT THEY'RE GOING TO BE TORN DOWN. WE AGREE WITH THE XRCC BUT WOULD LIKE 1550. BUT ALWAYS UP FOR COSTS WHEN WE HAVE TO MOVE. A LOT OF PEOPLE WON'T HAVE -- IT DOES TAKE ABOUT -- WELL, BY THE TIME YOU GET YOUR DEPOSIT, YOUR HOOK-UP ON EVERYTHING IT'S GOING TO COST YOU SEVERAL HUNDRED DOLLARS, AND WHERE ARE THESE PEOPLE GOING TO GET IT? WE GOT VETERANS, DISABLED VETERANS THERE. WE GOT POOR PEOPLE WITH FAMILIES THERE. WHERE DO WE GO? AND THIS IS THE ONLY THING, WHEN YOU AGREE -- WHEN THE DEVELOPERS AGREE -- IS GOING TO TEAR THEM DOWN, THE CITY GIVES THEM ALL THE PERMITS AND THE GO-AHEAD, THEY

NEED TO THINK OF ALL THE PEOPLE THAT'S GOING TO BE DISPLACED AND WHERE WE'RE GOING TO GO AND WHERE IT'S GOING TO BE SAFE AND AFFORDABLE. THANK YOU.

THANK YOU, MS. JOHNSON.

MAYOR WYNN: SO COUNCIL, I SAW THE THAT'S ALL THE FOLKS SIGNED UP WISHING TO SPEAK TO US ON THIS ITEM 101. I'M NOT SURE IF MR. METCALF NEEDS -- TECHNICALLY THERE WASN'T ANY OPPOSITION, BUT WHETHER YOU NEED A FEW MINUTES TO GIVE US ADDITIONAL THOUGHTS? YOU'RE WELCOME.

SURE. LET ME -- LET ME FIRST ADDRESS ONE OF THE SITUATIONS THAT SHIRLEY JUST BROUGHT UP, AND THAT IS, AGAIN, ON THE RELOCATION PLAN -- AND IF YOU'LL JUST GO AHEAD AND PUT THE RELOCATION PLAN UP. ONE OF THE THINGS THAT -- AND MAYBE I DIDN'T HIGHLIGHT IT THE FIRST TIME I WENT THROUGH IT, AND IT MIGHT NOT EVEN BE ON THIS, BUT ONE OF THE THINGS WE'RE AGREEING, AND I CAN'T REMEMBER IF IT'S ON THIS LIST OR NOT, IS THEY GET THEIR LAST MONTH'S RENT FREE. SO IN OTHER WORDS, IF THEY STAY, THEY GET THEIR LAST MONTH'S RENT FREE, AND WHAT WE TALKED TO THEM ABOUT THAT IS THAT'S 6 OR \$700 THEY'RE SAVING THAT LAST MONTH THAT HOPEFULLY THEY CAN USE TOWARDS DEPOSITS AS THEY MOVE TO SOMEPLACE ELSE. SO THAT'S ONE OF THE WAYS WE'RE TRYING TO ADDRESS THEIR NEEDS AS THEY MOVE. BESIDES WE'RE PAYING FOR THEIR MOVING EXPENSES AND ALL THAT KIND OF STUFF. WHEN YOU LOOK AT THIS PROJECT AND WHAT THE ALTERNATIVES ARE, THE ALTERNATIVES BASICALLY, YOU COULD LEAVE THIS PROJECT THE WAY IT IS, WHICH I THINK IS REALLY UNLIKELY. I MEAN, THIS IS A 40, 50-YEAR-OLD APARTMENT COMPLEX. SOMETHING IS GOING TO HAPPEN WITH IT. YOU CAN REDEVELOP IT UNDER EXISTING RULES. YOU CAN REDEVELOP IT -- YOU CAN -- YOU CAN JUST COME IN AND REHAB IT, AND I'LL GIVE YOU A GOOD EXAMPLE OF SOMETHING LIKE THAT HERE IN A SECOND, OR YOU CAN DO WHAT WE'RE PROPOSING ACTION AND I THINK IF YOU LOOK AT ALL THE ACTIONS, THE ONLY ONE THAT RESULTS IN AFFORDABLE HOUSING AND A RELOCATION PROGRAM FOR TENANTS IS THE ONE I THINK WE'RE PROPOSING. ONE THING THAT MAKES ME -- I'M ENCOURAGED IN OUR ABILITY TO FIND THE SUNNYSUNNYMEADE RESIDENTS NEW PLACES, IS WE'VE DONE A STUDY OF THE AREA FROM I-35 TO MOPAC FROM THE RIVER TO BEN WHITE, AND IF YOU GO TO THIS LAST INCOME IT SHOWS WHAT'S AVAILABLE -- OR WHAT THE PERCENTAGE OF THE UNITS ARE THAT ARE 60% AFFORDABILITY, AND YOU'LL SEE THAT A HIGH PERCENTAGE OF THE UNITS IN THIS AREA OF TOWN ARE AFFORDABLE AT 60% MFI. SO OF THE TWO -- OF THE TWO-PERSON HOUSEHOLDS, LET'S FOCUS ON THAT, YOU CAN SEE 70% OF THE EXISTING UNITS ARE AMPDABLE AT 60% MFI. AND IN TALKING TO -- IN TALKING TO OTHER LANDLORDS IN THE AREA I THINK THEY FOUND THAT WE REALLY ENCOURAGE THAT WE'RE GOING TO FIND PEOPLE PLACES, PLACES THAT MAKE SENSE, PLACES THAT ARE NEAR THE TYPE OF THINGS THEY WANT TO BE NEAR, SO I THINK THERE'S A BUNCH OF UNITS IN THE AREA THAT WE'RE GOING TO BE ABLE TO PUT PEOPLE IN, AND, YOU KNOW, A FAIR PERCENTAGE OF PEOPLE WILL BE ABLE TO COME BACK AND THEY GET THE FIRST PRIORITY OF COMING BACK TO SUNNYMEADE. LET ME GIVE YOU A PRIME EXAMPLE OF A REDEVELOPMENT THAT

HAPPENED, AND IT WAS JUST A REHAB ON THE PARK TERRACE APARTMENTS, AND THE PARK TERRACE APARTMENTS ARE RIGHT HERE WHERE YOU SEE LOCATED, AND IF YOU LOOK AT THE PICTURE OF THEM THEY LOOK A LOT LIKE THAT'S PARK TERRACE -- THEY LOOK A LOT LIKE SUNNYMEADE. WHAT HAPPENED WITH PARK TERRACE IS IN 1999 THEY TOOK IT OFF THE MARKET. AT THE TIME THEY TOOK IT OFF THE MARKET THEY WERE LEASING SPACE AT 88 CENTS A FOOT FOR 599 A UNIT. THEY TOOK IT OFF THE MARKET FOR TWO YEARS, WENT IN AND DID KITCHENS, NEW PAINT, NEW CABINETS, THAT TYPE OF THING. TWO YEARS LATER IT COMES BACK ON THE MARKET AT \$1.51 A FOOT OR ABOUT A THOUSAND DOLLARS A UNIT, AND TODAY IT'S ABOUT 1.82 A FOOT OR \$1,200 A UNIT. SO IF YOU WANT TO CREATE AFFORDABLE HOUSING IN THESE OLD APARTMENT COMPLEXES THAT'S SOMETHING IS GOING TO HAPPEN WITH, I THINK THIS IS THE WAY TO DO IT, WHERE YOU HAVE A PROGRAM WHERE SOMEONE IS GOING TO PROVIDE AFFORDABLE HOUSING IN THAT PROJECT, BECAUSE IF YOU JUST COME IN AND REHAB THESE PROJECTS, YOU END UP WITH NO AFFORDABLE UNITS. OBVIOUSLY THERE'S NOTHING AFFORDABLE IN THE PARK TERRACE APARTMENTS, AND I THINK THAT'S WHY THIS -- THIS TYPE OF PROGRAM REALLY IS THE WAY TO CREATE AFFORDABLE HOUSING LONG-TERM TO REPLACE SOME OF THE STUFF YOU LOSE AS THESE OLD APARTMENTS COME OUT. AND AGAIN, ANSWER ANY QUESTIONS YOU GUYS HAVE.

MAYOR WYNN: THANK YOU, MR. METCALF. QUESTIONS FOR MR. METCALF OR ANYBODY ELSE, FOR THAT MATTER? COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: SO, WE'VE HEARD THE 15% AT 50% MFI, AND I KNOW YOU'RE PROPOSING TO SHOULDERS AT LEAST PART OF THAT. SO WHAT IS YOUR PROPOSAL THAT --

WE'RE SHOULDERS 10% OF 60%, AND WE SAID WE WOULD WORK WITH THE CITY TO EITHER BUY DOWN -- TO HAVE THE CITY BUY DOWN ADDITIONAL UNITS OVER THE 10% OR BUY DOWN SOME OF THE AFFORDABLE UNITS FROM 60% DOWN TO 50%. ALSO, WE PRESENTED SOME OPTIONS THAT INCLUDE BUYING SOME TWO-BEDROOM UNITS. SO I THINK, YOU KNOW, WE'RE OPEN TO ALL THOSE OPTIONS, AND I THINK THAT'S GOING TO BE PRESENTED TO YOU AFTER THE ZONING CASE.

LEFFINGWELL: AND YOU'RE ALSO PROPOSING TO PAY MOVING EXPENSES?

MOVING IN AND MOVING OUT.

LEFFINGWELL: RELOCATION?

MOVING IN AND MOVING OUT. SO IF SOMEONE MOVES BACK TO SUNNYMEADE WE'LL PAY FOR THEM TO MOVE BACK AS WELL AS GIVING THEM THREE MONTHS FREE RENT.

THREE MONTHS.

IF THEY MOVE BACK.

AND THE MOVE BACK INTO THE AFFORDABLE UNITS, WHATEVER THEY ARE, THAT WOULD BE BASED ON SENIORITY FOR TIME LIVING IN SUNNYMEADE?

YEAH, THEY GET THE FIRST PRIORITY, AND IF WE HAVE MORE TENANTS WHO WANT TO COME BACK THAN WE HAVE UNITS, WE HAVE TO FIGURE OUT A FAIR SYSTEM, AND WE THINK THE MOST FAIR SYSTEM IS THE LONGER YOU WERE IN SUNNYMEADE TO BEGIN WITH, THE HIGHER PRIORITY YOU HAVE FOR UNITS AS YOU COME BACK.

LEFFINGWELL: THANKS.

MAYOR WYNN: FURTHER QUESTIONS, COMMENTS? DANIEL IS HERE. YOU'RE WELCOME TO STEP UP AND GIVE US SOME TESTIMONY.

THANK YOU, MAYOR, COUNCIL MEMBERS. MY NAME IS DANIEL. THE SOUTH RIVER CITIZENS NEIGHBORHOOD ASSOCIATION HAS ASKED ME TO REPRESENT THEM IN THIS CASE. SRCC IS SUPPORTING THE AGREEMENT THAT STEVE JUST LAID OUT. FROM THE NEIGHBORHOOD PERSPECTIVE THERE ARE TWO VERY POSITIVE THINGS ABOUT THIS AGREEMENT, FIRST, THE DETENTION POND THEY ARE WILLING TO DO THAT WILL TAKE THE PROPERTY DOWN TO PREDEVELOPMENT, ZERO PERCENT IMPERVIOUS COVER IN TERMS OF RUN OFF. IN THIS AREA THERE ARE A LOT OF RESIDENTS WHO LIVE AND THEIR HOUSES FLOOD. SO THERE'S A HORRIBLE PROBLEM OF FLOODING IN THIS AREA AND THIS WILL HELP THAT PROBLEM. BUT THERE'S ALSO THE AFFORDABILITY ISSUE. THIS IS A PROPERTY THAT IS RIGHT FOR REDEVELOPMENT. IT COULD BE REDEVELOPED UNDERCURRENT ZONING WITH NO AFFORDABILITY, NO WATER DETENTION. CAPLAN HAS COME IN AND PROPOSED A PROJECT WHERE THEY ARE WILLING TO PROVIDE AFFORDABILITY. WE NEGOTIATED WITH THEM, AND THEY'RE WILLING TO HAVE 10% AT 60% MFI. THEY ARE ALSO WILLING AFTER OUR NEGOTIATIONS TO ALLOW FOR BUY-DOWN, AND I WOULD VERY, VERY MUCH ENCOURAGE YOU AND ASK YOU TO PLEASE GO WITH THE BUY-DOWN. THIS IS A VERY GOOD OPPORTUNITY TO GET SOME VERY AFFORDABLE LIVING IN AN AREA OF OUR CITY THAT DESPERATELY NEEDS IT. SO PLEASE, I WOULD ASK YOU TO AT LEAST GO WITH THE 15%. THE BUY-DOWN TO 15% AT 50 MFI. THERE'S A LOT OF RESIDENTS THAT CURRENTLY LIVE IN THIS APARTMENT COMPLEX. I BELIEVE ALL OF THEM ARE CURRENTLY AT ABOUT 50% MFI. WE WANT TO TRY AND MAINTAIN AND KEEP AS MANY OF THESE RESIDENTS AS POSSIBLE, AND THAT BUY-DOWN WOULD ALLOW FOR THAT. THE RELOCATION PACKAGE THAT CAPLAN HAS PROVIDED IS VERY GOOD, SO THAT'S ANOTHER POSITIVE ASPECT TO THIS AGREEMENT, AND WE'RE VERY PROUD OF IT. I AM -- I WANT TO THANK CAPLAN AND I WANT TO THANK THEIR AGENT, STEVE METCALF AND MICHELE ROGERSON. THEY HAVE BEEN WONDERFUL TO WORK WITH. I WANT TO THANK THE SUNNYMEADE RESIDENTS WHO SHOWED UP AND STOOD UP FOR THEIR RIGHTS, WHICH I THINK IS A WONDERFUL THING THAT THEY GOT INVOLVED IN THAT. I THINK THE DEVELOPER HAS DONE THE RIGHT THING. I THINK THE NEIGHBORHOOD HAS DONE THE RIGHT THING, AND I ASK THAT YOU GUYS DO

THE RIGHT THING BY PUSHING THE CITY -- PUSHING FOR THE BUY-DOWN TO 15% AT 50% MFI. THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU, DANIELLE. AGAIN, FURTHER COMMENTS, QUESTIONS FOR ANYBODY? COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: FOR STAFF, HAVE YOU MAPPED OUT A PROPOSAL FOR WHAT THE CITY WOULD HAVE TO DO TO BRING THIS TO 15% AT 50?

GUERNSEY: MARGARET SHAW OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT OFFICE I'LL LET HER SPEAK TO THAT. WE ARE READY TO GO FOR FIRST READING THIS EVENING AND PROBABLY COME BACK WITH SECOND AND THIRD READINGS NEXT WEEK. IF YOU MOVE FORWARD WITH THE ZONING THIS EVENING.

LEFFINGWELL: HOW DO WE HANDLE ALL THE REST OF THESE THINGS -- THE BENEFITS, THE MOVING EXPENSES AND SO FORTH? IS THAT SOME KIND OF PRIVATE AGREEMENT OR --

GUERNSEY: THOSE ARE FROM A PRIVATE AGREEMENT THAT WAS DONE WITH SOUTH RIVER CITY.

MAYOR WYNN: WELCOME, MARGARET.

GOOD EVENING, MR. MAYOR, COUNCIL MEMBERS. MY NAME IS MARGARET SHAW, DEPUTY DIRECTOR OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT OFFICE. I WANT TO REPORT THAT THE PROJECT, WE HAVE BEEN WORKING WITH THE APPLICANT. THEY ARE A SMART HOUSING CERTIFIED DEVELOPMENT AND WE'RE CONSIDERING THE BUY-DOWN OF RENTS FROM 60% TO 50% USING GENERAL OBLIGATION HOUSING BOND FUNDS. WE'RE ALSO LOOKING AT A MIX OF BOTH ONE BEDROOMS AND TWO BEDROOMS AND THE PROPOSED USES, IT WOULD -- THE MIX OF THE UNITS WOULD BE 75% ONE BEDROOMS AND 25% TWO. SO WE'RE TRYING TO KEEP THAT MIX AS CLOSE AS WE CAN, GIVEN THE AREA AND LOCATION WE BELIEVE THAT WOULD BE VERY ATTRACTIVE TO FAMILIES NEXT TO THE H.E.B., ON BUS LINES WITH SCHOOLS IN THE AREA. ALL OF THE SERVICES WOULD BE FOR 40 YEAR TERMS, MIMICKING THE VERTICAL MIXED USE. COUNCIL MEMBER LEFFINGWELL, THE CONCERN RIGHT NOW THAT STAFF HAS WITH REGARD TO THE EXTRA ADDITIONAL 5% IS SIMPLY A TECHNICAL ONE. IT'S VERY EASY AND WE'RE VERY COMFORTABLE WITH THE NUMBERS OF BUYING DOWN FROM A 60% RENT TO A 50% RENT, BUT WHEN YOU BUY DOWN FROM A MARKET RATE RENT, THE ADDITIONAL BUY-DOWN OF 5% WOULD BE FROM A MARKET RATE. THOSE WOULD BE BASED ON PROJECTIONS OF WHAT THE MARKET WOULD BE IN ROUGHLY A YEAR TO TWO YEARS WHEN IT'S OPEN. SO STAFF IS WORKING ON SOME TECHNICAL ISSUES OF HOW WE CAN BECOME MORE COMFORTABLE WITH THE PROPER CALCULATIONS CALCULATIONS.

LEFFINGWELL: OKAY. AND YOU SAID THE MONEY TO FUND THIS FROM THE CITY WOULD

COME FROM THE BOND MONEY?

YES, SIR.

LEFFINGWELL: AND DO YOU HAVE -- YOU'RE STILL WORKING ON ESTIMATES FOR WHAT THAT NUMBER WOULD BE?

WE ARE STILL WORKING WITH THE APPLICANTS AND WE HAVE ACTUALLY BRIEFED YOUR AIDES ON THAT YESTERDAY.

LEFFINGWELL: THANK YOU.

MAYOR WYNN: THANK YOU, MARGARET. FURTHER QUESTIONS? READY FOR FIRST READING ONLY, CORRECT, MR. GUERNSEY? I'LL ENTERTAIN A MOTION. COUNCIL MEMBER MCCRACKEN.

MCCRACKEN: YEAH, I'LL MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE ON -- ARE WE READY FOR ALL THREE READINGS?

MAYOR WYNN: FIRST READING ONLY MCCRACKEN MAGAZINE APPROVE ON FIRST READING, THE PLANNING COMMISSION RECOMMENDATION.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MCCRACKEN, SECONDED BY COUNCIL MEMBER KIM APPROVING PLANNING COMMISSION RECOMMENDATION AS PRESENTED BY THIS CASE FIRST READING ONLY. FURTHER COMMENTS? COUNCIL MEMBER KIM?

KIM: JUST THAT WE CLARIFY THAT WE'RE DIRECTING STAFF, THE HOUSING STAFF TO CONTINUE TO WORK WITH THE DEVELOPERS AND ALSO WITH THE NEIGHBORHOOD TO MAKE SURE THAT WEG AS MUCH AS WE CAN, THAT WE CAN AFFORD AND THE TERMS THAT WE HAVE THE SAFEGUARDS IN PLACE. THANKS.

LEFFINGWELL: MAYOR --

COUNCIL MEMBER?

LEFFINGWELL: THE PLANNING COMMISSION RECOMMENDATION WAS 10% AT 60? IS THAT RIGHT? OR -- MCCRACKEN MAGAZINE THE PLANNING COMMISSION'S RECOMMENDATION ACTUALLY DID NOT SPEAK TO A SPECIFIC PERCENT OF AFFORDABILITY. IT SPOKE TO CONDITIONAL OVERLAYS ON THE PROPERTY THAT WOULD ADDRESS IMPERVIOUS COVER, LIMITING HEIGHTS, PROVIDING FOR THE DETENTION, FOR PRE-DEVELOPED CONDITIONS BUT DID NOT ACTUALLY ADDRESS THAT SPECIFIC PART.

LEFFINGWELL: WELL, THE DEVELOPER HAS OFFERED 10% AT 60 AS PART OF HIS PROJECT.

GUERNSEY: THAT'S CORRECT.

LEFFINGWELL: SHOULDN'T THAT BE IN THE -- IS THIS NOT THE APPROPRIATE PLACE TO INCLUDE THAT?

GUERNSEY: WELL, WE CANNOT MAKE IT A CONDITION OF ZONING AS FAR AS THAT IS CONCERNED BECAUSE OF CERTAIN STATE LAWS THAT LIMIT US, BUT THERE'S NOTHING THAT PROHIBITS THAT DEVELOPER GOING FORWARD WITH THAT PROPOSAL, WORKING WITH OUR SMART HOUSING PROGRAM AND BEING DONE ON AN INCENTIVE BASE TO MAKING THAT ACCOMMODATION.

LEFFINGWELL: BUT AS FAR AS THE CITY'S PARTICIPATION. I MEAN, THIS IS NO, SIR THE FIRST TIME WE'VE DONE THAT. IF WE WERE TO PARTICIPATE ON SOME ADDITIONAL LEVEL TO REACH THAT GOAL OF 15% AT 50 --

GUERNSEY: RIGHT, AND WE CAN --

LEFFINGWELL: ARE WE PREPARED TO COME BACK WITH SOME PROPOSAL ON SECOND AND THIRD READINGS WITH REGARD TO THAT?

GUERNSEY: WE CAN ARTICULATE WHAT THAT PROPOSAL IS. WE JUST CAN'T MAKE IT A CONDITION OF THE ZONING CASE.

LEFFINGWELL: YEAH, BUT YOU CAN SAY WHAT THE CITY IS PREPARED TO DO AND THE COUNCIL CAN APPROVE THAT, CORRECT?

GUERNSEY: I'M NOT SURE IF WE COULD APPROVE THAT AS A CONDITION OF THE ZONING, BUT WE -- WE CAN CERTAINLY ANNOUNCE THAT AND WHAT THE PARTICIPATION LEVEL IS, AND WHEN WE COME BACK NEXT WEEK I'LL WORK WITH THE NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT OFFICE SO WE CAN HAVE THAT INFORMATION AVAILABLE TO YOU SO YOU CAN SEE THOSE --

LEFFINGWELL: SO WE CAN HAVE THE INFORMATION?

GUERNSEY: YOU CAN HAVE THAT INFORMATION.

LEFFINGWELL: THANKS.

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

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON FIRST READING, VOTE OF 7-0. ITEM 102, MR. GUERNSEY.

VERY GOOD. ITEM NO. 102 IS CASE C14-C14-20072007-0222, AT 3116 SOCO PROJECT AT 3116 SOUTH CONGRESS. THIS IS A REZONING REQUEST FROM GENERAL COMMERCIAL SERVICES -- OR CS-NP COMBINING DISTRICT ZONING AND MULTIFAMILY RESIDENCE MODERATE HIGH DENSITY, MF-4-NP, COMBINING DISTRICT ZONING, COMMERCIAL LIQUOR SALES, OR CS-1 MU-CO NP COMBINING DISTRICT ZONING AND GENERAL OFFICE CO-NP COMBINING DISTRICT ZONING. THE PLAN COMMISSION'S RECOMMENDATION ON THIS CASE APPROVED CS-1 MU-CO NP FOR TRACT ONE AND LR-MU-CO NP FOR TRACT 2. THE STAFF RECOMMENDATION THAT WAS BROUGHT FORWARD ACTUALLY RECOMMENDED A CONDITIONAL OVERLAY THAT SPOKE TO THE ENTIRE PROPERTY, AND THE CONDITIONAL OVERLAY PROHIBITED CERTAIN USES SUCH AS CONVENIENCE STORAGE, LIQUOR SALES, PAWNSHOP SERVICES, SERVICE STATION, VEHICLE STORAGE, CONSTRUCTION SALES AND SERVICE, AUTO WASHING, AUTO SALES, AUTO REPAIR, AND ADULT ORIENTED BUSINESSES AND ALSO LIMITED THE NUMBER OF VEHICLE TRIPS TO A TOTAL OF 2,000. THIS PROPERTY IS AN L SHAPED TRACT OF LAND THAT DOES HAVE FRONTAGE ON CONGRESS AVENUE, BUT IT ALSO HAS FRONTAGE ON A STREET CALLED COLEMAN, WHICH RUNS ALONG THE SOUTH PROPERTY LIEP. IT'S ONLY ABOUT 3/10 OF AN ACRE. THERE'S AN EXISTING BUILDING ON THE FRONT PORTION OF THE SITE. I THINK THE LAST USE WAS A SECURITY BUSINESS. THE REAR PORTION OF THIS SITE IS CURRENTLY VACANT. IT IS LOCATED IN THE DAWSON NEIGHBORHOOD PLAN, AND THE FUTURE LAND USE MAP DOES INDICATE MIXED USE ON THIS SITE. HOWEVER, IT'S BEEN POINTED OUT AFTER DISCUSSING WITH THE NEIGHBORS THAT THE REAR PORTION OF THIS TRACT, THAT IS SHOWN ON THE ZONING MAP AT MF-4, SHOULD NOT HAVE BEEN APPLIED TO MIXED USE CLASSIFICATION ON THIS PROPERTY, AND THAT'S BECAUSE IT WAS NOT COMMERCIAL WHEN IT CAME FORWARD. HOWEVER, THE PROPERTY HAD A SINGLE ADDRESS, AND SO WHEN THE FUTURE LAND USE MAP WAS CREATED, STAFF APPLIED THE MIXED USE DESIGNATION BY MAP THAT WAS PRESENTED TO THE COMMISSION AND APPROVED BY COUNCIL OVER THE ENTIRE PROPERTY. SO I WANTED TO -- CERTAINLY TO POINT THAT OUT. ON THE ZONING IN THE AREA ADJACENT TO THIS PROPERTY, CURRENTLY THE PROPERTY TO THE NORTH IS CS-CO-NP AND THERE'S SOME UNDEVELOPED OFFICE AND COMMERCIAL TRACTS TO THE SOUTH. THERE'S A FLORIST BUSINESS ZONED CS-CO-NP. TO THE EAST IS ST. EDWARDS UNIVERSITY WHICH IS NP AND TO THE WEST THERE IS SINGLE-FAMILY HOMES ZONED SF-3-NP. THE DESIRE OF THE PROPERTY OWNER IS TO COME FORWARD AND TO UTILIZE THE PROPERTY FOR A FORM OF A COCKTAIL LOUNGE USE, A BAR USE ON THE PROPERTY, AND INITIALLY WANT TO USE THE AREA TO THE REAR AS A PARKING LOT. AND THE AGENT WILL COME FORWARD AND PROBABLY SPEAK IN A LITTLE BIT MORE DETAIL. THE NEIGHBORHOOD DID SUPPORT THE PROJECT BUT NOT NECESSARILY IN THE CONFIGURATION THAT THE OWNER REQUESTED OR THE PLANNING COMMISSION REQUESTED. AND I'LL PROBABLY LET THE NEIGHBORHOOD ARTICULATE THAT, BUT IT WAS A MUCH LESS INTENSE USE OF LESSER NEIGHBORHOOD OFFICE

CLASSIFICATION I BELIEVE ON THE REAR OF THIS PROPERTY. YOU DO HAVE ON THE DAIS THE LETTERS FROM THE DAWSON NEIGHBORHOOD. I THINK MADELINE, THE CHAIR OF THE DAWSON NEIGHBORHOOD, AND I THINK AT THIS POINT I'LL PAUSE AND IF YOU HAVE ANY QUESTIONS I'LL BE MORE THAN HAPPY TO ANSWER THEM AT THIS TIME.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. QUESTIONS FOR STAFF, COUNCIL? MAYOR PROTEM DUNKERLEY DUNK I'VE JUST FORGOTTEN, MR.--

DUNKERLEY: I'VE JUST FORGOTTEN MR. GUERNSEY BUT ON THE PROHIBITED USES IN THE STAFF RECOMMENDATION, ARE THOSE INCLUDED AS WELL IN THE PLANNING COMMISSION RECOMMENDATION?

GUERNSEY: THAT IS CORRECT. AND ALTHOUGH IT WENT CONSENT IN THE PLANNING COMMISSION, THE NEIGHBORHOOD IS OPPOSED, I DON'T KNOW ALL THE CIRCUMSTANCES WHY THEY WERE NOT THERE, BUT THE OWNER IS AWARE OF THEIR OPPOSITION, AND CERTAINLY STAFF IS AWARE OF THEIR OPPOSITION. SO I JUST WANTED TO MAKE SURE THAT WAS CLEAR.

MAYOR WYNN: FURTHER QUESTIONS OF STAFF? IF NOT, THEN WE'LL HAVE A PRESENTATION BY THE APPLICANT. SET THE CLOCK FOR 5 MINUTES SO WE'LL HEAR FROM FOLKS IN FAVOR, AND THEN IN OPPOSITION.

I BELIEVE I HAVE ONE OTHER PERSON THAT'S GIVING ME THEIR TIME AS WELL.

MAYOR WYNN: WELL -- -- NEEKO TYLER?

THAT'S ME, AND THEN THERE SHOULD BE A RONNIE ON THERE AS WELL.

MAYOR WYNN: RONNIE, RIGHT. SO YOU CAN HAVE UP TO EIGHT MINUTES IF YOU NEED IT. WELCOME.

THANK YOU. GOOD EVENING. MY NAME IS NEEKO RIE. I'M THE OWNER OF THE PROPERTY ALONG WITH MY HUSBAND AND ALSO A MEMBER OF THE DAWSON NEIGHBORHOOD ASSOCIATION. HAVE ACTUALLY OWNED PROPERTY THERE SINCE 1994 AND LIVED THERE FOR FIVE YEARS AND INVOLVED IN THE NEIGHBORHOOD ASSOCIATION AS WELL. THIS IS A PROCESS THAT STARTED IN JANUARY, BASICALLY, OF 2007 THAT WE FIRST STARTED APPROACHING THE MEMBERS OF THE NEIGHBORHOOD ASSOCIATION AND THE DAWSON NEIGHBORHOOD PLANNING TEAM TO DISCUSS THIS PROPOSAL, AND THEN WE WEREN'T ABLE TO GET ON TO THE AGENDA FOR THEIR FEBRUARY MEETING OR THEIR APRIL MEETING BECAUSE THEY HAD ANOTHER VERY BIG REZONING THAT WAS GOING ON. SO WE ACTUALLY HAD A MEETING ON JUNE 20, I BELIEVE IT WAS, WITH THE DAWSON NEIGHBORHOOD PLANNING TEAM, A SEPARATE MEETING OUTSIDE OF THE FULL NEIGHBORHOOD ASSOCIATION, WITH THE FOUR MEMBERS OF THE PLANNING TEAM AND

DISCUSSED THIS PROJECT, AND AT THAT -- AT THAT POINT WE REALIZED THAT WE NEEDED TO HAVE PARKING IN THE BACK TO FULFILL OUR PARKING NEEDS FOR THE FRONT, AND IN THAT DISCUSSION WITH CYNTHIA MEDLA AND MYRON AND A COUPLE OTHER PEOPLE ON THAT TEAM, THEY -- WE DISCUSSED AT THAT POINT TO HAVE -- TO CHANGE THE BACK OF MF-4 TO MO FOR PARKING PURPOSES, AND WE AGREED TO IT BECAUSE WE -- THAT'S IN GENERAL WHAT WE NEED BACK THERE IS PARKING AND TO DO CS-1 ON THE FRONT PROPERTY. THAT WAS ALL AGREED ON AND THAT WAS WHAT WE WERE GOING TO TAKE TO THE NEIGHBORHOOD MEETING ON AUGUST 13 TO PRESENT TO THE DAWSON NEIGHBORHOOD ASSOCIATION TO VOTE ON. WHEN WE GOT TO THE DAWSON NEIGHBORHOOD ASSOCIATION ON THE 18TH, WE ACTUALLY WERE DISCUSSING THE FRONT PROPERTY FIRST, AND IT ORIGINALLY STARTED DISCUSSING THE CS-1 PROPOSAL AND THERE WAS NOT A LOT OF OPPOSITION TO THIS ACTUALLY BESIDES BY ONE PERSON WHO WAS DEFINITELY OPPOSED TO IT. AND QUESTIONS WERE GOING BACK AND FORTH AND WE WERE JUST ABOUT TO VOTE AND SOMEBODY ACTUALLY SAID, WHAT IF WE DO THIS JUST ON THE FOOTPRINT? IT'S THE FIRST TIME THAT IT CAME UP. WE HAD ACTUALLY NEVER HEARD OF FOOTPRINT ZONING AND NEITHER HAD ANYBODY ELSE IN THE NEIGHBORHOOD BUT EVERYBODY WENT WITH THAT AND VOTED ON THE CS-1 ON THE FOOTPRINT ALONE OF THE BUILDING AND NOT ON THE ENTIRE PROPERTY AND WE WENT WITH AS WELL, MY HUSBAND AND I. THEN ON OCTOBER 8 IS WHEN WE DISCUSSED THE BACK PORTION OF THE PROPERTY, AND AGAIN WE DECIDED TO GO FROM MF-4 TO MN TO KEEP PARKING NEEDS FOR THE PROPERTY. HOWEVER WHEN WE THEN MADE OUR APPLICATION TO THE CITY, THE FIRST PERSON WHO MADE US AWARE OF THE DISCREPANCIES, THE ISSUES WE MIGHT HAVE WAS SUSAN DEREAL WHO SAID YOU CAN'T PARK ON NO AND THAT WE -- AND THAT FOOTPRINT ZONING IS NOT SOMETHING THEY DO EXCEPT FOR ON MULTI-UNIT PROPERTIES. I'M NOT SURE -- I THINK WE SENT A LETTER TO TO YOU. I'M NOT SURE IF YOU HAD A CHANCE TO LOOK AT THAT, BUT IT WAS EXPLAINED TO US THAT THE CS-1 FOOTPRINT IS USUALLY USED ON LARGE MULTI-TENANT COMMERCIAL PROPERTIES AND ARE INAPPROPRIATE FOR OUR PROPOSED ZONING REQUEST. SO WE WERE TOLD TO DO CS-1 ON THE ENTIRE FRONT AND THEN TO LOOK FOR SOMETHING THAT WOULD ALLOW FOR PARKING. SO WE LOOKED AT THE ZONING AND OUR INITIAL THING WAS JUST TO GO FROM NO TO THE NEXT ONE WE SAW SO WE'RE NOT JUMPING TOO FAR AND AT THE TIME WE WROTE DOWN GO. THEN WE STARTED WORKING WITH ROBERT HEIL. HE ALSO AGREED, NO WE CAN'T PARK ON. AND THE FOOTPRINT IS NOT SOMETHING THAT THE CITY LIKES TO DO ON THESE PROPERTIES BUT HE SAW THE GO WAS NOT PROPER BECAUSE IT WAS A TOO STRONG A ZONING AND WE LITERALLY HAD HAD JUST JUMPED TO GO BECAUSE WE FELT IT WAS THE NEXT ONE ON THERE BUT HE SAID LR WOULD BE LESS INVASIVE TO THE NEIGHBORHOOD AND ACTUALLY THE HEIGHT RESTRICTIONS AND THE DENSITY IS MORE APPROPRIATE AS TO WHAT IT CURRENTLY IS AT MF-4. AND SO THIS IS SOMETHING THAT WE -- WE HAD IN DISCUSSIONS WITH ROBERT HEIL AND THAT WAS A RECOMMENDATION, SENT OUT THE NOTIFICATION, AND THEN THE NEIGHBORHOOD OBVIOUSLY WASN'T WHAT WE HAD ORIGINALLY DISCUSSED, SO WE -- SO THESE NOTIFICATIONS WENT OUT AND THEN A LETTER WENT FROM THE NEIGHBORHOOD, AND ONE THING I WANT TO CLARIFY TOO IS THAT THERE ISN'T -

- THAT THE NEIGHBORHOOD DIDN'T VOTE TO OPPOSE THIS. THEY ACTUALLY VOTED -- THE INTENT OF ALLOWING ALCOHOL SALES ON THE FRONT PORTION AND PARK, ON THE BACK PORTION, THEIR INTENT WAS IN THAT CONCEPT WAS -- THE CONCEPT WE VOTED FOR DON'T WORK UNDERNEATH WHAT WE HAD THOUGHT WOULD WORK. AND WE KIND OF WENT WITH A WRONG RECOMMENDATION FROM THE NEIGHBORHOOD BASICALLY AND SOMETHING THAT I GUESS NONE OF US REALLY UNDERSTOOD WELL AS FAR AS THE FOOTPRINT IS CONCERNED. WE ALSO WENT TO -- OUR DECEMBER MEETING OF THE DAWSON NEIGHBORHOOD ASSOCIATION WAS A POTLUCK MEETING, KIND OF TO GET A FEEL OF WHAT PEOPLE THOUGHT AS WELL AND REALLY DIDN'T FEEL THERE WAS ANY OPPOSITION TO IT AT THAT POINT EITHER EXCEPT FROM CYNTHIA MEDLIN -- SHE WAS THE ONE PERSON THAT VOTED AGAINST IT IN THE AUGUST MEETING AS WELL. IT WAS 24-1, 24 IN FAVOR, ONE AGAINST AND THAT WAS CYNTHIA. SO WHEN WE WENT TO OUR DECEMBER MEETING SHE SAID THAT SHE -- EVENTS HAD CHANGED. WE EXPLAINED THE DIFFERENCES AND THE CHANGES AND WHY IT WORKED, YOU CAN'T DO NO TO BE TO GET THE PARKING. AND WE ALSO EMAILED TO THE LIST SERVE ON JANUARY 9. WE SENT A LETTER TO THE LIST SERVE EXPLAINING THE ACTUAL DIFFERENCES AND WHY IT HAPPENED, JUST SO EVERYBODY WOULD UNDERSTAND IT, AND ASKED PEOPLE TO PLEASE GIVE US A CALL IF YOU HAVE ANY QUESTIONS OR IF THEY WANTED TO MEET. WE GOT NO RESPONSE FROM ANYBODY IN THE NEIGHBORHOOD. ON THE -- ON THE 15TH WE ACTUALLY SENT THROUGH THE LIST SERVE A LETTER TO THE ENPT, AUSTIN PLANNING TEAM, ASKING FOR A MEETING WITH THEM AND ANY OTHER DAWSON MEMBERS THAT -- WE NEED CLARIFICATION ON THIS SO WE COULD DISCUSS THE ISSUE. WE GOT NO RESPONSE, NO MEETING, AND SO WE FELT THAT THERE WAS SUPPORT FOR THIS, THAT ACTUALLY THAT THEY UNDERSTOOD BASED ON OUR EMAIL FROM THE WEEK BEFORE, WHAT THE DIFFERENCES WERE AND WHY THEY, IN A SENSE, HAD TO HAPPEN. AND I GUESS NOT UNTIL THE PLANNING COMMISSION, WAS THE FIRST TIME THAT ROBERT HEIL SAID A LETTER HAD BEEN SENT. WE UNDERSTOOD IT WAS MORE OF A CLARIFICATION SO THEY DIDN'T VOTE FOR IT AS IT'S BEING PRESENTED. AND NOBODY CAME TO THE PLANNING COMMISSION, SO WE FELT, YOU KNOW, WE'RE STILL OKAY WITH IT, AND IN THE MEANTIME WE STILL HAVE NOT BEEN -- WE SENT OUT EMAILS AGAIN CLARIFYING THIS AND WE STILL HAVEN'T GOTTEN ANY -- A RESPONSE BACK FROM THE NEIGHBORHOOD OR FROM THE TNP DIRECTLY ON THE SITUATION ASKING OR DISCUSSING THIS ISSUE. AND THE MAIN THING IS THE INTENT OF THE ZONING CHANGES HAS NOT CHANGED. TO BE ABLE TO ALLOW ALCOHOL SALES ON THE FRONT PORTION AND PARKING ON THE BACK, THE NEIGHBORHOOD SUPPORTED BOTH THOSE INTENTS AND CHANGING FROM CS-1 VERSUS THE FOOTPRINT, AND DOING LO -- DOING LO VERSUS NO TO ALLOW PARKING IS STILL OUR INTENT AND THE SAME CONCEPT IS WHAT THE NEIGHBORHOOD SUPPORTED. AND JUST TO ALSO CLARIFY, THAT BACK LOT HAS A -- GOT TO BE AT LEAST A 200-YEAR-OLD OAK TREE THAT'S ENORMOUS AND COVERS PROBABLY THREE QUARTERS OF THE PROPERTY. SO IF THEY'RE WORRIED ABOUT FUTURE DEVELOPMENT ON THAT PROPERTY, WHICH IS THE BUFFER FROM THE CS-1 PROPERTY TO THE SINGLE-FAMILY NEIGHBORHOOD IN THE BACK, AS FAR AS I UNDERSTAND IT WOULD BE ALMOST IMPOSSIBLE TO DEVELOP THAT PROPERTY BECAUSE THE TREE IS SO HUGE. AND

MAYBE I'M WRONG THERE, BUT IT'S QUITE A HUGE PROPERTY, OAK TREE. AND ALSO CONCERNING THE FLUM, THAT IS NOT SOMETHING WE EVER REQUESTED. DON'T KNOW HOW THAT CAME INTO THIS, AND OUR DISCUSSIONS WITH ROBERT HEIL AND OTHER MEMBERS OF THE STAFF HAS TOLD US EXACTLY THE OPPOSITE OF THAT, THAT THE MF WOULD FALL UNDERNEATH THAT ZONING BECAUSE IT'S -- TECHNICALLY MF IS CONSIDERED COMMERCIAL WHEN IT COMES TO LIGHT BUILDING. ANYBODY HAVE ANY QUESTIONS?

MAYOR WYNN: QUESTIONS FOR NIKO, COUNCIL? COMMENTS? IF NOT, WE THEN NOW WILL HEAR FROM FOLKS WHO ARE IN SUPPORT -- I THINK I HAVE THIS RIGHT -- IS IT RONNIE OR RANDY? VERY GOOD. ALL RIGHT. SO THERE'S NOBODY ELSE HERE IN SUPPORT. WE HAVE ONE PERSON WHO WANTED TO SPEAK IN OPPOSITION. IS MYRON SMITH HERE? WELCOME. MYRON, YOU WILL HAVE THREE MINUTES TO BE FOLLOWED BY REBUTTAL IF NEED BE. WELCOME.

GOOD EVENING, I'M MYRON SMITH AND I'M THE CURRENT PRESIDENT OF DAWSON NEIGHBORHOOD ASSOCIATION. AND ALSO A MEMBER OF THE DAWSON NEIGHBORHOOD PLAN TEAM. AND A LOT OF THE THINGS THAT RANDY SAID ARE -- IT WAS -- OUR INTENT WAS TO ALLOW THEM TO HAVE THE LIQUOR SALES ON THE FRONT OF THAT BUILDING AND ON THE BACK PART, WHAT THEY NEEDED WAS ADDITIONAL PARKING BECAUSE WE DIDN'T WANT THEM TO HAVE TO WORRY ABOUT PARKING OFF THE STREET OR RENTING SPACE OTHER PLACES. AND SEVERAL OF OUR MEMBERS FROM THE PLAN TEAM DID MEET WITH CITY STAFF AND TO FIND OUT HOW THAT ZONING ON THE BACK PART OF THAT PROPERTY, WHICH IS ZONED MF-4, COULD BE REZONED TO ALLOW FOR THEM TO HAVE PARKING. AND THEY WERE INSTRUCTED BY -- WELL, BY CITY STAFF THAT THE ZONING THAT WOULD BE SUFFICIENT WAS NO. NOW, HOW THAT CHANGED, WE DON'T KNOW, BUT THAT DID CHANGE BECAUSE SUDDENLY WE WERE TOLD THAT NO, NO IS NOT, AS YOU HEARD, RANDY WAS SAYING NO IS NOT SOMETHING THAT WOULD ALLOW ANY PARKING. SO WE WERE MISLED, AND SO WHAT WE VOTED ON WAS TO HAVE THE NO ZONING SO THAT THEY WOULD BE ABLE TO PARK -- HAVE PARKING PRETTY MUCH ON-SITE, BECAUSE WE DO -- WE DIDN'T WANT THEM TO HAVE TO WORRY WITH THE NEED OF, LIKE I SAID, RENTING SPACE OR USING SPACE FROM OTHER BUSINESSES IN THE GENERAL VICINITY. AND SO THE THING IS ABOUT THAT, YOU KNOW, THAT WAS IMPORTANT TO US. THIS ZONING CHANGED. WE WERE ADVISED BY THE CITY. I GUESS WE WERE GIVEN WRONG INFORMATION, WHICH WE THEN VOTED ON, AND SO NOW THE OWNERS, THEY'RE FEELING LIKE WE MISLED THEM, BUT I THINK SEVERAL OF US, WE WERE -- ALL OF US WERE MISLED. NOW, THE THING ABOUT THAT, THE MAPPING ERROR, THE THING ABOUT THE FLUM, SHE SAID THEY DIDN'T VOTE FOR THE FLUM OR THEY DIDN'T ASK FOR A FLUM CHANGE. THE REASON THAT WE -- THE DAWSON NEIGHBORHOOD PLAN TEAM VOTED TO AMEND THE FLUM WAS BECAUSE OF THE MAPPING ERROR. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.] UB.

I DON'T KNOW IF THAT'S A POSSIBILITY OR NOT. BUT THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU. QUESTIONS, COUNCIL? --

DID YOU HAVE THE LETTER? BECAUSE OTHERWISE I HAVE COPY OF THIS WITH A BETTER CLARIFICATION FROM OUR STANDPOINT OF WHAT HAPPENED.

Mayor Wynn: IF YOU HAVE COPIES NOW --

DATED FEBRUARY 21st?

Mayor Wynn: I DON'T RECALL THAT.

MAY I GIVE YOU THAT?

Mayor Wynn: IF YOU HAVE A COPY NOW, GIVE IT TO COUNCILMEMBER LEFFINGWELL AND HE CAN PASS THEM OUT. MR. GUERNSEY OR SOMEBODY?

YES.

Mayor Wynn: I THINK A COUPLE OF US ARE MORE CONFUSED THAN WE WERE.

LET ME SEE IF I CAN TAKE CARE OF THE CONFUSION. THE FUTURE LAND USE MAP SHOWS THIS AS MIXED USE. THERE'S NOT A FUTURE LAND USE MAP THAT WOULD BE REQUIRED, BUT THERE WAS SOME CONFUSION WHEN IT WAS ORIGINALLY ADOPTED BECAUSE IT WAS OWNED BY FAMILY ON THE YEAR OF THIS PROPERTY, BUT BECAUSE IT WAS A SINGLE TRACT OF LAND THAT HAD TWO ZONING CATEGORIES, HALF SINGLE, HALF COMMERCIAL, IT GOT THE MIXED USE DESIGNATION ON THE FUTURE LAND USE MAP. AND SO HE IT IS WHAT IT IS TODAY, MIXED USE. THERE'S NOT A CHANGE TO THE FUTURE LAND USE MAP THAT WOULD BE REQUIRED. HOWEVER, I THINK FOR BOTH THE NEIGHBORHOOD AND THE APPLICANT'S SUPPORT SOME FORM OF COMMERCIAL ZONING ON THIS PROPERTY, BE IT AN OFFICE CATEGORY. WE THOUGHT IT WAS MORE APPROPRIATE GIVEN TO BE A MIXED USE AND GIVEN THAT CS OWNING ACTUALLY SURROUNDS IT TO THE NORTH AND WEST. THAT'S WHY THAT CATEGORY CAME FORWARD. YOU'VE HEARD FROM THE APPLICANT, YOU'VE HEARD FROM THE NEIGHBORHOOD, THEY'RE BOPS IN AGREEMENT TO ACTUALLY ASK FOR A LESSER CATEGORY IF COUNCIL WANTED TO ENTERTAIN SOMETHING LESS INTENSITY, EITHER N.O., MU OR G.O.-MU, THOSE ALL BEING OFFICE CATEGORIES, G.O. ALLOWING HEIGHTS UP TO 60 FEET, L.O. ALLOWING HEIGHTS UP TO 40 FEET, BUT WHATEVER CATEGORY IS SELECTED OR DISTRICT IS SELECTED ON THE BACK, BECAUSE THERE ARE SINGLE-FAMILY HOME DIRECTLY ADJACENT TO THIS PROPERTY, COMPATIBILITY WILL BE TRIGGERED ON THE BACK HALF OF THIS LOT. SO THERE'S NO CHANGE NECESSARY FOR THE FUTURE LAND USE MAP. WHAT SU HAVE BEFORE YOU IS A ZONING CHANGE. THERE SEEM TO BE AGREEMENT AT LEAST FOR THE COMMERCIAL LIQUOR SALES FOR THE FRONT PORTION OF THE LOT TO ALLOW THAT ACTIVITY WHICH WOULD BE THE TRACT 1. AND TRACT 2 YOU HAVE A SMORGASBORD TO CHOOSE FROM. LR IS THE BASE WITH THE MU-CO-

NP. GO IS WHAT THE APPLICANT ASKED, WHICH WOULD HAVE GO-MU-NP OR THE NEIGHBORHOOD LO OR NO-NO-NP FOR THAT ONE PIECE. THIS IS ONLY READY FOR FIRST READING THIS EVENING.

Mayor Wynn: MR. GUERNSEY, CAN THE OWNERS PARK ON THE BACK HALF OF THE TRACT?

YES. IF THE OWNERS WANTED TO HAVE THIS AS A CONFIGURE JUST SITE FOR BOTH THE YEAR PARK AND THE FRONT PARK FOR ONE SITE, YOU COULD PARK IN N.O. IF THE DESIRE WAS ONLY TO HAVE A PARKING LOT ALL BY ITSELF, FREESTANDING, IT WOULD BE CONSIDERED A COMMERCIAL PARKING LOT TO HAVE OFF SITE PARKING THIS WOULD BE A MINIMUM OF G.O. ZONING AND THAT MAY WRB SOME OF THE CONFUSION CAME UP. N.O. ONLY ALLOWS 60% IMPERVIOUS COVER. FOR LO IT ALLOWS 70 AND GO ALLOWS 80. TO SO THERE'S MORE FLEXIBILITY WITH THE INTENSITY OF THE ZONING DISTRICT TO HAVE MORE IMPERVIOUS COVER. BUT WHETHER IT'S N.O.-LO OR G.O., AS LONG AS IT'S CONFIGURE JUST, FILED AS ONE SITE, THE BACK OR THE FRONT, YOU CAN PARK THE CUSTOMER PARKING, ACCESSORY PARKING FOR THAT PRINCIPAL USE IN THE FRONT IN THAT REAR AREA. PAIR MAYOR QUESTIONS, COMMENTS? COUNCILMEMBER KIM.

Kim: SO MR. GUERNSEY, ON THE BACK LOT THEN, IF WE WANTED TO JUST KEEP IT RESIDENTIAL, THE BACK LOT, WHAT DO WE NEED TO DO? WE'D HAVE TO ZONE IT LIKE MF OR SF-6 OR SOMETHING LIKE THAT.

IF YOU ZONE IT RESIDENTIAL OR MULTI-FAMILY, YOU WOULD NOT BE ABLE TO PARK COMMERCIAL VEHICLES BACK THERE. THAT WOULD BE PROHIBITED. YOU WOULD NEED TO AT LEAST ZONE IT TO OFFICE OFFICE CATEGORY IN ORDER FOR THEM TO USE IT FOR COMMERCIAL USES.

Kim: SO KEEP THE CURRENT ZONING THEN ON THE BACK LOT.

IF YOU KEPT THE CURRENT ZONING ON THE BACK HALF OF THE LOT, PARKING WOULD NOT BE PERMITTED IN THE COMMERCIAL USE. COMMERCIAL PARKING WOULD NOT BE ALLOWED, SO THEY WOULD NOT BE ABLE TO USE THE PARKING FOR THE BUILDING IN THE FRONT PART OF THE LOT. IF YOU LEFT IT RESIDENTIAL.

AND THEN THEY WOULD HAVE TO MAKE OTHER COMOA ADDITIONS FOR THE PARKING.

AND REDUCE THE FOOT FROINT THE COMMERCIAL USES?

THAT'S CORRECT. THEY WOULD HAVE TO UTILIZE LESS SPACE UP FRONT, ALTHOUGH IT'S AN EXISTING BUILDING, THEY COULD ASK FOR A PARKING VARIANCE FROM THE TOTAL NUMBER OF SPACES IF THEY COULD NOT GET THE PARKING ON THEIR OWN PROPERTY. THEY COULD ALSO SEEK OFF SITE PARKING WITH ANOTHER ADJACENT PROPERTY ALONG CONGRESS AVENUE IF THEY HAD ADEQUATE SPACE AVAILABLE TO PROVIDE PARKING. FOR

INSTANCE, IF THERE'S A SHOPPING CENTER NEXT DOOR, THEY HAD X NUMBER OF PARKING, THEY WOULD SEEK OFF SITE PARKING AND THEY WOULD ENTER INTO A RENTAL AGREEMENT WITH THAT PROPERTY OWNER FOR THE ADDITIONAL PARKING OFF SITE.

Kim: HOW DOES THIS WORK WITH THE TEMPORARY PARKING ARRANGEMENTS? BECAUSE I KNOW IN A SITUATION THIS IS WHAT I HEAR THAT, WE DID THIS I THINK FOR DOCK MOTOR WORKS WHERE THEY HAD I GUESS A PARKING ARRANGEMENT WITH THE TEXAS SCHOOL FOR THE DEAF ACROSS THE STREET WITH VALET PARKING, BUT YET THEN THAT -- I GUESS THAT AGREEMENT WAS DISCONTINUED. AND THERE'S NO WAY FOR US TO ENFORCE THAT AFTERWARDS.

I'M NOT FAMILIAR WITH THE DOCK'S PARKING, IF THEY RECEIVED A VARIANCE AND THAT WAS PART OF THE CONDITION OF THEIR VARIANCE. THEN THEY WILL NEED TO MAINTAIN THE PARKING THAT WAS APPROVED BY THE BOARD OF ADJUSTMENT IN THAT ARRANGEMENT. AND IF THEY DIDN'T, THEN THEY COULD SEEK AN ALTERNATIVE PARKING METHOD LATER ON THAT DID COMPLY WITH THE CODE OR THEY COULD GO TBOOCT BORTD OF ADJUSTMENT AND ASK TO MODIFY THAT VARIANCE. BUT IN THIS CASE THE FORMS OF RELIEF ARE LIMITED TO PROVIDING IT ON-SITE, ASKING FOR A BOARD OF ADJUSTMENT VARIANCE OR SEEKING OFF SITE PARKING IF THEY COULD NOT USE THE REAR.

Kim: ALL RIGHT. THANK YOU.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I DIDN'T KNOW I SIGNED UP FOR COLLEGE FIZ SICKS WHEN I TOOK THIS JOB AND THIS IS HARDER. I'M GOING TO MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE THE PLANNING COMMISSION RECOMMENDATION. FIRST READING ONLY.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER MARTINEZ TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY, PLANNING COMMISSION RECOMMENDATION. FURTHER COMMENTS? COUNCILMEMBER KIM.

Kim: I'LL SUPPORT THIS ON FIRST READING ONLY, BUT I AM INTERESTED IN SEEING IF WE CAN LIMIT THE USES ON THE BACK TO RESIDENTIAL ONLY. AND I DON'T KNOW IF THAT WOULD BE MAYBE KEEPING IT TO MF-4 OR LO ZONING, BUT I JUST WANT TO TAKE ANOTHER LOOK AT IT BEFORE SECOND READING. SO I'LL GO FORWARD WITH APPROVAL ON FIRST READING.

Mayor Wynn: MOTION AND A SECOND. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. FIRST READING ONLY.

OUR NEXT ZONING ITEM, MAYOR, IS 109, THIS IS CASE C-14-H-2007-0028. I'LL TURN IT OVER

TO STEVE SADOWSKY.

GOOD EVENING, COUNCILMEMBER. THIS IS THE CASE OF THE BURCH JACKSON HOUSE AT 1706 CANTERBURY STREET AND THIS IS A HOUSE BUILT IN 1906. IT COMES TO YOU UPON A RECOMMENDATION BY THE HISTORIC LANDMARK COMMISSION AND THE PLANNING COMMISSION FOR HISTORIC ZONING. THE HOUSE IS A VERY TYPICAL HOUSE OF THE PERIOD, 1890'S TO 1900'S. IT'S CALLED A VERNACULAR VICTORIAN WING AND GABLE STYLE HOUSE. YOU CAN SEE THE PROJECTING GABLE OUT AND THEN THE WING WITH THE FRONT PORCH ON IT. THE HOUSE IS BASICALLY INTACT IT DOES HAVE VINYL SIDING AND A METAL ROOF WHICH WERE NOT ORIGINALLY. I THINK THEY WERE DONE IN THE 1990'S. AS I SAID, THE HOUSE WAS BUILT AROUND 1906. IT WAS FIRST OCCUPIED BY A MAN NAMED THOMAS C. BURCH WHO WAS A CARPENTER. AND HE AND HIS WIFE RENTED THE HOUSE. HIS SON ALSO LIVED HERE AND HE WORKED FOR THE SOUTHERN BEDDING MANUFACTURING COMPANY. THE HOUSE HAS A FAIRLY TYPICAL HISTORY FOR THIS NEIGHBORHOOD. IT WAS A RENTAL HOUSE FOR MANY YEARS. SEVERAL PEOPLE OWNED IT. THERE HASN'T BEEN A WHOLE LOT OF CONTINUOUS OCCUPATION OF THE HOUSE, BUT THE FAMILIES WHO LIVED HERE WERE CARPENTERS, MACHINISTS, AN ORNAMENTAL IRONWORKER, PEOPLE WHO BASICALLY MADE THE CITY RUN. BY 1937 THE HOUSE HAD BEEN SOLD TO COLLATERAL JACKSON AND HIS WIFE ANNA BELL AND THEY REMAINED IN THIS HOUSE FOR THE REST OF THEIR LIVES. HE WAS A MACHINIST, SHE WAS A WAITRESS. MR. JACKSON DIED IN 1982 AND HE WAS STILL LIVING IN THIS HOUSE. THE HOUSE IS IN AN AREA OF THE CITY THAT IS VERY THREATENED BY DEVELOPMENT. AND IN FACT, THIS HOUSE CAME TO THE LANDMARK COMMISSION UPON AN APPLICATION FOR RELOCATION. SOME FOLKS HAD PURCHASED THE HOUSE, THEY WANT TO MOVE IT OUT TO EULAND AND USE IT AS THEIR RESIDENCE OUT THERE. WE LOOKED AT THIS HOUSE EVEN WITH THE VINYL SIDING AND THE METS ROOF ON IT, THE FORM IS INTACT, BUT THERE JUST DOESN'T SEEM TO BE ENOUGH HISTORICAL ASSOCIATIONS TO MAINTAIN THIS HOUSE. THIS WAS A VERY COMMON HOUSING TYPE AT THE TURN OF THE CENTURY AND THERE ARE STILL A GREATER NUMBER BE OF THESE HOUSES LEFT IN AUSTIN, NOT JUST CENTRAL AUSTIN, BUT EVEN NORTH, SOUTH AND EVEN CLARKSVILLE HAS A NUMBER OF THESE HOUSES. LET ME GO THROUGH THE SLIDE PRESENTATION. THIS IS A VIEW OF THE SIDING. THIS HOUSE WAS IDENTIFIED IN OUR 1980 SURVEY OF EAST AUSTIN, AND AT THAT TIME IT HAD BOARD AND BAT ENSIDING. SO THE CONDITION OF THAT YOUR HONOR NEEDS THIS IS QUESTIONABLE AT BEST. WE JUST DON'T KNOW WHAT'S THERE. THERE'S A FEW OF THE FRONT DOOR, WHICH DOES APPEAR TO BE ORIGINAL. AND THERE'S AN ADDITION ON THE BACK THAT APPEARS TO BE OF HISTORIC AGE, BUT WE DON'T HAVE ANY BUILDING PERMITS TO VERIFY THE AGE OF THAT BALTBACK ADDITION. THERE'S A VIEW OF THE BACKYARD SO YOU CAN SEE ANOTHER ADDITION OFF THE BACK OF THE HOUSE. THE FRONT PORCH. THEN THE WINDOWS. THE WINDOW TBHZ THIS HOUSE ARE FOUR OVER FOUR, WHICH IS A VERY COMMON WINDOW TYPE. THEY HAVE SIX OVER ONE SCREENS OVER THEM, SO IT'S VERY DIFFICULT TO SEE. HERE'S A BETTER SHOT OF THE WINDOWS THERE SHOWING THE CONFIGURATION. AND THEY DO APPEAR TO BE ORIGINAL. THIS IS A HOUSE RIGHT DOWN THE STREET AT 1717

CANTERBURY, IT'S RIGHT IN THE SAME BLOCK ON THE OTHER SIDE OF THE STREET. THIS IS A HOUSE THAT REALLY MAINTAINS ITS HISTORIC APPEARANCE, ITS HISTORIC MATERIAL. WE DON'T HAVE A WHOLE LOT OF RESEARCH COMPLETE ODD THIS HOUSE YET, BUT IT'S VERY POSSIBLE THAT THIS ONE HAS SIMILAR OR BETTER HISTORICAL SIGNIFICANCE. AND WHEN WE'RE LOOKING AT HOUSES THAT ARE CANDIDATES FOR LANDMARKS, WE'RE LOOKING AT NOT ONLY THEIR ARCHITECTURAL INTEGRITY, DO THEY MAINTAIN THEIR HISTORIC APPEARANCE, DO THEY HAVE THEIR HISTORIC MATERIALS, BUT ALSO THEIR SIGNIFICANCE. AND IF WE'RE GOING TO BASE A LANDMARK DESIGNATION ON THE FACT THAT IT REFLEX THE LIFE-STYLE OR A CERTAIN ECONOMIC OR SOCIAL GROUP WITHIN THE CITY, WE REALLY NEED TO BE VERY CAREFUL ABOUT THE ONES THAT WE'RE GOING TO DESIGNATE AS LANDMARKS AS BEING TRULY REPRESENTATIVE. AND I SUBMIT THAT THIS HOUSE AT 1717 IN THE SAME BLOCK MAINTAINS MORE OF ITS ARCHITECTURAL INTEGRITY THAN THE HOUSE UP FOR CONSIDERATION TONIGHT. THIS HOUSE AT 1717, I DON'T KNOW IF Y'ALL CAN SEE IT WELL IN THIS PICTURE, ALSO STILL HAS ITS ORIGINAL FOUR OVER FOUR WINDOWS. HAVING SAID ALL THAT, THIS IS AN AREA THAT IS THREATENED BY DEVELOPMENT. IT'S VERY CLOSE TO DOWNTOWN. THERE'S A LOT OF OLDER HOUSING STOCK HERE THAT IS IN FOR THE VERY GOOD SHAPE AND WOULD BE A REAL GOOD CANDIDATE FOR REHABILITATION. THIS HOUSE WOULD MAKE AN EXCELLENT CANDIDATE FOR REHABILITATION, AND I THINK THAT THE RELOCATION APPLICANTS INTEND TO REHABILITATE IT ONCE THEY MOVE IT TO WHERE THEY PLAN TO RETIRE. THIS AREA WOULD ALSO BE AN EXCELLENT LOCAL HISTORIC DISTRICT, AND I'VE HAD SEVERAL MEETINGS WITH FOLKS FROM THE NEIGHBORHOOD, INCLUDING ONE LAST NIGHT AT THETER RAZ IS A BRANCH LIBRARY, ABOUT THE PROCESS FOR GOING THROUGH THE LOCAL HISTORIC DISTRICT PROCESS AND WHAT INFORMATION NEEDS TO BE OBTAINED AND PRESENTED TO OUR OFFICE AND THEN THE LANDMARK COMMISSION, PLANNING COMMISSION AND THEN FINALLY COUNCIL. I'M NOT SURE THAT OUR HOUSE AT 1706 WOULD BE CONTRIBUTING TO A LOCAL HISTORIC DISTRICT AT THIS POINT BECAUSE IT HAS THE VINYL SIDING AND THE METAL ROOF WHICH TAKES IT OUT OF THE ABILITY TO MAINTAIN ITS HISTORIC APPEARANCE, HOWEVER, OUR PROVISIONS FOR LOCAL HISTORIC DISTRICTS ALSO PROVIDE THAT IF THE HOUSE WOULD OTHERWISE BE CONTRIBUTING BECAUSE OF ITS AGE, THE CITY WILL PROVIDE A FINANCIAL INCENTIVE IN THE FORM OF A PROPERTY TAX FREEZE TO ENCOURAGE THAT SORT OF REHABILITATION AND BRING IT BACK TO ITS HISTORIC APPEARANCE. I THINK THAT THIS HOUSE WOULD BE A PART OF A LOCAL HISTORIC DISTRICT. I DON'T THINK IT QUALIFIES AS AN INDIVIDUAL LANDMARK. THANK YOU.

Mayor Wynn: THANK YOU, MR. GUERNSEY. SO LET'S SEE -- I'M SORRY? MR. SADOWSKY. MULTI-TASKING HERE. WE'LL CONSIDER THAT THEN TO BE THE APPLICANT PRESENTATION SINCE TECHNICALLY THIS COME TO US FROM THE HISTORIC LANDMARK COMMISSION. WE NOW HEAR FROM FOLKS IN FAVOR OF THE ZONING CASE AND THEN THOSE IN OPPOSITION. AND IF WE HAVE ANY QUESTIONS FOR STAFF OR ANYBODY ELSE, WE'LL ASK THOSE. WE'LL TAKE THESE IN ORDER OF FOLKS WHO HAVE SIGNED UP TO GIVE US TESTIMONY IN FAVOR OF THE HISTORIC CASE. OUR FIRST SPEAKER SIGNED UP IS AMY THOMPSON.

[INAUDIBLE - NO MIC].

Mayor Wynn: DO YOU WANT TO CHANGE THE ORDER UP?

MOIM MOIM. [INAUDIBLE - NO MIC].

Mayor Wynn: HOW MANY SPEAKERS ALL HAVE?

[INAUDIBLE - NO MIC].

Mayor Wynn: LET'S SET THE CLOCK FOR 21 MINUTES AND START THE PRESENTATION AND SEE HOW FAR WE GET.

[INAUDIBLE - NO MIC].

Professor: OKAY. IF THEY'RE HERE AND CAN GIVE ME A COUPLE OF NAMES SO I CAN CHECK THEM OFF OUR LIST HERE TO KEEP OUR ACCOUNTING.

[INAUDIBLE - NO MIC].

Mayor Wynn: OKAY. SO LET'S DO 30 MINUTES.

HOW MUCH TIME DO WE HAVE?

Mayor Wynn: WE HAVE 30 MINUTES, COMMISSIONER. WELCOME.

HONORABLE MAYOR AN ALL THE CITY COUNCILMEMBERS. MY NAME IS MARK (INDISCERNIBLE). I LIVE ON CANTERBURY STREET, WHICH IS ADJACENT TO THE 1704 AND 1706. THIS IS IS A REQUEST THAT YOU APPROVE THE HISTORIC ZONING FOR THE BURCH JACKSON HOUSE LOCATED ON THE TWO LOTS. IT WAS BUILT IN 1906. THIS IS ONE OF THE FIRST HOMES BUILT ON THIS BLOCK. TODAY THE BURCH JACKSON HOUSE IS AN EXAMPLE OF THE VICTORIAN ARCHITECTURE WITH THE GABLE FRONT AND WING CONSTRUCTION REPRESENTATIVE OF THE HOMES BUILT BY CARPENTERS IN THIS NEIGHBORHOOD IN THE 1800'S TO 1910. IN RECENT YEARS THERE'S BEEN A TALK ABOUT DISPLACEMENT OF LONG TIME RESIDENTS AND INCOMPATIBLE HOUSING STOCK AND IT HAS BECOME A GREAT CONCERN TO THE OLDER NEIGHBORHOODS SUCH AS OURS. I'M INTERESTED IN THIS FOR SEVERAL REASONS. ONE, BECAUSE I LIVE THERE ADJACENT TO THE PROPERTY. TWO, THE NEIGHBORS ASKED ME TO PRESENT THIS CASE TO YOU. AND THEIR, BECAUSE AS FORMER TRAVIS COUNTY COMMISSIONER OF PRECINCT 4, I CONTINUE TO SERVE THE CONSTITUENTS AS I HAVE IN THE PAST WHENEVER THERE'S A REQUEST OR WHEN I'M NEEDED. ONE OF THE THINGS THAT I HEARD STEVE MENTION -- AND EVEN THOUGH HE'S NOT RECOMMENDING HISTORIC ZONE FOG THIS TYPICAL HOUSE, WHAT HE LEFT IS A WINDOW OPEN THAT MAYBE, MAYBE SO, MAYBE NOT. I WANT TO FOCUS ON THAT MAYBE.

BECAUSE FOR US WE'RE GOING TO SPEAK TONIGHT, YOU'RE GOING TO HEAR HOW THIS HOUSE IS VERY IMPORTANT TO US AND WHY WE'RE FIGHTING, WHY WE SPENT THE LAST FEW MEETINGS UP TO 1:00 O'CLOCK IN THE MORNING ONE NIGHT AT THE (INDISCERNIBLE) COMMISSION. THIS HOME IS A PART OF OUR COMMUNITY. THIS IS NOT JUST A BURCH JACKSON HOUSE. THIS WAS THE HOME THAT NURTURED FAMILIES FOR MANY, MANY YEARS. EACH OF YOU HAVE COME FROM A NEIGHBORHOOD THAT YOU REMEMBER AS A CHILD, AND THE IMPORTANCE OF THAT HOUSE WHERE YOU STAYED AT THAT WAS A HOME FOR EACH ONE OF YOU. THE FOLKS IN THIS COMMUNITY WE LABEL OURSELVES AS COMMON FOLK, CARPENTERS, WAITRESSES, MACHINISTS, IRON WORKERS. SANITATION WORKERS, POLICE OFFICERS, FIREMEN. NOT YOUR WEALTHY FOLKS THAT LIVE ON THE OTHER SIDE OF TOWN. BUT FOR THE SAKE OF THIS HOME IS OVER 103 YEARS OLD. IT'S ONE OF THE FIRST HOMES THAT BEGAN THE CITY OF AUSTIN, THE SIGNIFICANCE THAT WE PLAYED IN BUILDING WHAT AUSTIN IS TODAY. BEFORE YOU YOU HAVE INFORMATION WHY WE MET THE CRITERIA BY THE LANDMARK COMMISSION AND THE PLANNING COMMISSION, AND EACH VOTE WAS A 7-0 VOTE UNANIMOUSLY. AND THESE ARE THE FOLKS THAT YOU APPOINT TO SERVE ON THESE BOARDS AND COMMISSIONS, THAT YOU TRUST THEIR JUDGMENT, THEY SERVE ON BEHALF OF YOU AND THE CITY OF AUSTIN AT NO COST TO THE CITY OF AUSTIN. TO ME THEY HAVE VERY VALUABLE JUDGMENT. TO ALL OF US IT IS A VALUE JUDGMENT. IT IS A WINDOW OF OPPORTUNITY FOR ALL OF US, BUT IN EAST AUSTIN WHERE THE WORST OF THE WORST GETS PUT THERE, WHERE THE BAD OF THE BADDEST HAPPENS THERE, BUT THE REASON THAT WE LIVE THERE AND THOSE OF US THAT MOVED INTO THE NEIGHBORHOOD TAKE PRIDE IN WHERE WE LIVE AT. WE SEE THE HOME EXIST RIGHT NOW, BUT WE SEE WHAT'S COMING IN. AN ELDERLY MAN SAID THEY LOOK LIKE CRACKER JACK HOUSES, THE NEW HOMES, LIKE A CRACKER JACK BOX. BUT SOME PEOPLE, THEY LIKE THAT. BUT TO MANY OF US IT JUST DOESN'T FIT OUR NEIGHBORHOOD. BUT WE HAVE A CHANCE. WE WOULDN'T BE HERE TONIGHT IF WE DIDN'T THINK SO. AT EVERY MEETING THAT WE WENT TO, WE WERE TOLD FORGET ABOUT IT. THEY'RE NOT GOING TO VOTE YOUR WAY. WE WANT TO BE HEARD WHY THIS IS A CHANCE FOR YOU TO CONTINUE TO SUPPORT WHAT MAKES AUSTIN TODAY, WHY PEOPLE COME TO AUSTIN, THE BEAUTY OF THE HOUSES. NOW, THESE FOLKS AND THE OTHER SPEAKERS SAY THE TYPE OF STYLE THIS IS IS FOR COMMON FOLKS, BUT THESE SAME PEOPLE THAT BUILT THEIR OWN HOUSES LOOKING LIKE THIS, AND THEY'RE ALL OVER THE BARRIO, ON GARDENER, ON WILLIS STREET. THEY'RE ALL OVER THERE. YOU CAN SEE THEM. THEY ALSO BUILT THE WEALTHIER HOUSES, BUT EACH ONE OF THOSE PEOPLE ARE PART OF THE CITY OF AUSTIN. EACH ONE OF THOSE FOLKS SHARES SOMETHING IN COMMON, AND THAT IS TO BUILD THE FABRIC OF THE CITY OF AUSTIN. AND I THINK THE COMMISSIONERS SAW THROUGH ALL THAT AND FELT IT'S TIME TO HONOR THOSE FOLKS. YEAH, WE DON'T HAVE A PHILANTHROPIST IN OUR NEIGHBORHOOD. WE DON'T HAVE ALL THESE FANCY -- I'M PROBABLY THE ONLY ONE IN MY NEIGHBORHOOD THAT'S A FORMER ELECTED OFFICIAL, BUT I DON'T SEE MYSELF THAT WAY. THIS COMMUNITY DESERVES TO BE RECOGNIZED AS THE HISTORIC COMMISSION DID, AS THE PLANNING COMMISSION DID. THIS IS A WINNING OPPORTUNITY THAT IT CAN BE THAT AS WE START THE HISTORICAL -- ALL RIGHT. LET ME WRAP THIS UP. TO CONCLUDE IS THE FACT

IS THAT IF YOU HAVEN'T MADE UP YOUR MIND, THEN LISTEN TO US. LISTEN TO OUR PRESENTATION. LISTEN TO WHAT WE'RE GOING TO SAY TONIGHT. AND BE LIKE THE OTHER COMMISSIONERS AND THINK HARD. THIS IS SO IMPORTANT FOR US. THIS SETS A PRECEDENCE IN OUR COMMUNITY TO PRESERVE THE DIGNITY OF OUR COMMUNITY. THANK YOU.

Mayor Wynn: THANK YOU. AGAIN, JUST READ YOUR NAME INTO THE RECORD AND CONTINUE THE TESTIMONY. THANK YOU.

GOOD EVENING, MY NAME IS SHAUN SOMERVILLE. I'M A RESIDENT OF A STREET A FEW BLOCKS AWAY FROM THE PROPERTY IN QUESTION. AND ACTUALLY TO START MY REMARKS TONIGHT I HAVE TO SPEAK TO FIRST THE RELOCATION OF THE HOUSE, WHICH WE ARE ADAMANTLY OPPOSED TO, TO EU LABD, LAND, WHICH ON SECOND OR THIRD READING OF I CAN SHOW YOU PICTURES OF. IT'S A LITTLE DUMP OF A TOWN. I DON'T THINK THE HOUSE WILL BE REHABBED. AND SECONDLY TO SET THE RECORD STRAIGHT AS FAR AS THE PREVIOUS COMMISSIONS WE'VE BEEN TO, THE OFFICIAL RECOMMENDATION OF THE HISTORIC ZONING COMMISSION IS BE -- WAS A UNANIMOUS VOTE IN FAVOR OF HISTORIC ZONING. AND THE PLANNING COMMISSION FERS A UNANIMOUS VOTE IN FAVOR OF HISTORIC ZONING ALSO. WHAT I'D LIKE TO PRESENT TO YOU ARE SOME OF THE INDIVIDUAL MERITS OF THIS PROPERTY. I'M GOING TO SPEAK ABOUT THE ORIGINAL OWNERS, IF I COULD PUT THE FIRST ONE ON. THE ORIGINAL OWNERS AND OCCUPANTS OF THE HOUSE ON CANTERBURY WERE THOMAS C. BURCH, HIS WIFE AND THEIR SON. THOMAS C. BURCH WAS TBHORN INDIANA IN 1841 AS YOU CAN SEE IN THE 1850 U.S. CENSUS THERE HE'S LISTED. THOMAS C. BURCH ALSO WAS A CIVIL WAR SOLDIER SERVING IN THE UNION IN THE 140TH INDIANA INFANTRY REGIMENT. HE'S LISTED -- YOU ACTUALLY SEE THE 1910 U.S. CENSUS HERE WITH THE ENUMERATOR NUMBER 30, IT ASKS WHETHER OR NOT THE PERSON WAS A SURVIVOR OF THE CONFEDERACY OR THE UNION ARMY OR NAVY. AND ALSO HE'S LISTED IN THE NATIONAL PARK SERVICE SOLDIERS AND SAILORS SYSTEM. HIS WIFE WAS BORN IN TEXAS, 1865. HER FATHER ALSO BORN IN TEXAS. HER MOTHER WAS BORN IN VIRGINIA. AND THEIR SON THOMAS VAN BIEWRN BURCH WAS BORN IN AUSTIN IN JANUARY OF 1890. THOMAS C. BURCH, THE FATHER, SHOWS UP FIRST IN THE AUSTIN DIRECTORY IN 1887 AND HE'S LISTED AS A CARPENTER. AND IN THE AUSTIN DIRECTORY HE IS ALWAYS LISTED AS A CARPENTER, AND WE HAVE SOME OF ADDRESSES HERE. IT'S 1887 HE'S LIVING AT 7:13 WEST AVENUE, WHICH IS NOW REPLACED BY AN OFFICE BUILDING. AND 1889 IT'S 501 WEST AVENUE REPLACED BY CONDOS NOW. 1403 EAST FIRST STREET. THIS IS WHEN HE MOVED TO THE EAST SIDE IN 1893. THAT'S REPLACED BY ANOTHER MORE MODERN HOUSE. 306 SAN MARCOS, WHICH IS NOW A PIPE YARD, THE ONE CORRECT DIRECTLY ADJACENT TO I-35. 1898 HE'S ACTUALLY LIVING ON THE BLOCK, THE NORTHSIDE OF CANTERBURY, WHICH IS THE LAND THE HOUSE SITS ON NOW. SO HE HAD SOME KIND OF ASSOCIATION WITH THAT PRIOR TO 1906. THIS IS THE LATE 1800'S. IN 1900 HE'S LIVING ON EAST FIRST STREET AGAIN. NOW WHICH IS AN OFFICE BUILDING. AND THE FINAL INSULT HERE, WHICH IS UNFORTUNATELY A LITTLE COMIC, 1905 THEIR RESIDENCE WAS 2007 GUADALUPE STREET, WHICH IS NOW A DARK TAN. 1906 THEY ARE LIVING AT 1706

CANTERBURY AND THAT'S THE ONLY HOUSE THAT'S STILL EXISTING THAT THIS MAN IN HIS HISTORY, HIS FAMILY HISTORY CAN STILL BE LINKED TO. EVERYTHING ELSE IS GONE. IT'S ALL BEEN REMOVED, REPLACED, TORN DOWN, BULLDOZED, WHAT HAVE YOU. BUT THIS HOUSE IS AN HISTORIC HOUSE AND IT'S STILL THERE. AND AS FAR AS DECIDING, BASICALLY IT IS WRAPPED IN PLASTIC RIGHT NOW. THE ORIGINAL STRUCTURE OF THE HOUSE IS BOARD AND BATEN. THE BOARD ARE THE STRUCTURAL FRAMING OF THE HOUSE. YOU CAN'T REMOVE THOSE AND STILL HAVE THE HOUSE STANDING UP. I'VE CRAWL UNDER THE HOUSE AND THEY'RE STILL THERE. IT WAS THE 1980 SURVEY IT'S LISTED AS A PRIORITY ONE HOUSE. PRIORITY ONE HISTORICAL PRESERVATION. SO I DON'T THINK THAT THE SIGHING REALLY PLAYS THAT MUCH INTO THE ACTUAL STRUCTURE OF THE HOUSE. IT'S BASICALLY COVERED IN PLASTIC LIKE YOU WOULD COVER A COUCH WITH PLASTIC. HIS SON WAS ALSO A CARCARPENTER BY TRADE AND THEY'RE BOTH ON FILE AT THE AUSTIN CARPENTER'S UNION. I WAS THERE A FEW DAYS AGO TALKING WITH A SECRETARY, HE BROUGHT OUT SOME OLD RECORDS WHERE LISTED AS THOMAS C. BURCH AND HIS SON. AND THOMAS C. WAS AN HONORARY MEMBER, AND AN HONORARY MEMBER IS SOMEONE WHO HAS CONTRIBUTED SIGNIFICANTLY TO THE UNION AND WOULD HAVE BEEN IMPORTANT PERSON IN THEIR GROUP. TODAY A UNION MEMBER CAN ONLY BECOME HONORARY IF THEY'VE BEEN IN THE UNION CONTINUOUSLY FOR 50 YEARS. SO AND ALSO ALVIN, WHO WAS HIS NEIGHBOR, WAS ONE OF THE FOUNDING MEMBERS OF THE UNION, ALTHOUGH I DON'T KNOW THE EXACT RELATIONSHIP, BUT THE TWO MEN, THEY BOTH ARRIVED FROM THE NORTH HERE, HIS NEIGHBOR IN 85 AND BURCH IN 87. THE CARPENTER'S UNION WAS FOUNDED IN 88. SO IF WE DON'T SAVE THIS HOUSE, ALL OF OUR HISTORIC HOMES ARE IN DANGER. WHAT MAKE OUR CITY UNIQUE IS OUR EFFORTS TO SAVE WHAT IS GOOD. SO THE KIND OF PEOPLE THAT AUSTIN SEEKS TO ATTRACT ARE THE KIND WHO APPRECIATE WHAT WE'VE DONE TO PRESERVE THE CULTURE OF OUR CITY. OUR NEIGHBORHOOD SNANDZ THE BALANCE OF THIS DECISION. THE EAST SIDE HAS BEEN MUCH MALIGNED AND MISREPRESENTED FOR A LONG TIME. I THINK WE ALL KNOW THIS. AND SOME PEOPLE EVEN THINK THAT THE EAST SIDE HAS ONLY BEEN AROUND SINCE THE 50'S, WHICH IS COMPLETELY UNTRUE. WE'VE BEEN AROUND FOR MUCH LONGER THAN THAT. AND THE EAST SIDE WAS AN INTEG RAL PART OF EARLY AUSTIN, SO IT'S TIME TO STAND UP FOR THE COMMUNITY AN VOTE FOR HISTORIC ZONING IS A VOTE FOR EAST AUSTIN AND HISTORIC AUSTIN AN ALL OF AUSTIN. THANK YOU.

Mayor Wynn: THANK YOU. WELCOME.

GOOD EVENING, COUNCILMEMBERS AND MAYOR WYNN. MY NAME IS STEPHANIE MOLECULAR. I'M A PREGNANTER OF ARCHITECTURAL HISTORY AT U.T. IN THE DEPARTMENT OF ART AND ART HISTORY. I'M ALSO AN ARCHEOLOGIST AND HAVE WORKED ON VARIOUS HISTORIC PRESERVATION PROJECTS AND CULTURAL RESEARCH MANagements PROJECTS THROUGHOUT MY CAREER. AND I BELIEVE I'M IN A POSITION TO EVALUATE THE HISTORIC SIGNIFICANCE OF THIS HOUSE. I AM BASICALLY HERE TO STRONGLY ADVOCATE THAT THIS HOUSE IS GIVEN HISTORIC ZONING. IN MY ESTIMATION IT DOES MEET THE MINIMUM STANDARDS THAT'S ESTABLISHED FOR HISTORIC ZONING AS ESTABLISHED BY THE CITY

MANAGER HISTORIC LANDMARK DESIGNATION CRITERIA. AND I WON'T GO INTO THOSE BECAUSE I THINK OTHER PEOPLE WILL COVER THOSE IN A MOMENT. THERE ARE TWO REASONS, WHICH STEVE IS A SADOWSKY --

Mayor Wynn: JUST SAY GUERNSEY. [LAUGHTER]

AS HE MENTIONED EARLIER, FOR WHICH I BELIEVE YOU COULD ARGUE AGAINST PROVIDING HISTORIC ZONING FOR THIS HOUSE. FIRST OF ALL, AN ARGUMENT COULD CERTAINLY BE MADE THAT THIS SHOWS AMONG THE MOST COMMON TYPES IN THE EAST CESAR CHAVEZ NEIGHBORHOOD. THIS IS CERTAINLY THE CASE, EVEN ACROSS FROM MY HOUSE ON WILLOW STREETS. I'M ALSO A RESIDENT OF THIS NEIGHBORHOOD. THERE IS A HOUSE THAT IS OF THIS FOLK VICTORIAN, WING AND GABLE TYPE, AND SO YOU COULD PERHAPS ARGUE THAT ITS REMOVAL WOULD NOT REPRESENT AN IRREPARABLE LOSS FOR THE NEIGHBORHOOD. THE SECOND ARGUMENT I THINK YOU COULD MAKE IS THAT ITS EXTERIOR AND PLAN HAS BEEN COMPROMISED SOMEWHAT BY THESE LATER ADDITIONS. AND IN RESPONSE TO THESE ARGUMENTS I WILL SAY THAT THESE ARCHITECTURAL MODIFICATIONS ARE -- EVEN AS STEVE MENTIONED -- LARGELY COSMETIC AND I THINK COULD BE AMENDED OR CORRECTED. BUT IN MY OPINION THE SIGNIFICANCE OF THIS HOUSE REALLY LIES ELSEWHERE, NAMELY IN ITS CONTRIBUTION TO THE OVERALL VERNACULAR AND HISTORIC FABRIC OF THE EAST CESAR CHAVEZ NEIGHBORHOOD, WHICH IS CONSIDERABLY AT RISK AT THIS TIME. I KNOW THIS BECAUSE I LIVE IN THIS NEIGHBORHOOD AND I HAVE WATCHED WITH GREAT ALARM AS MANY OF THE THE HOUSES IN OUR NEIGHBORHOOD HAVE BEEN RENOVATED OR DESTROYED IN RECENT YEARS. IT IS OF COURSE ONE -- IT IS IN FACT THE OLDEST SUBDIVISION IN EAST AUSTIN. THE CANTERBURY SQUARE NEIGHBOR. THIS IS ONE OF THE EARLIEST HOUSES THAT WAS BUILT IN THIS NEIGHBORHOOD. THUS THIS HOUSE FORMS REALLY A KEY ANCHOR I THINK FOR THE HISTORIC AUTHENTICITY OF THIS NEIGHBORHOOD, AND AS I SAID THE HISTORIC CHARACTER OF THIS NEIGHBORHOOD IS REALLY EREDDING AT AN ALARMING PAYMENTS THIS IS A A NEIGHBORHOOD CHARACTERIZED BY SORT OF THEIR MODEST SINGLE-FAMILY WORKING CLASS HOME, AND THIS KIND OF LOT BY LOT DISINTEGRATION OF THIS NEIGHBORHOOD IS OF PARTICULAR CONCERN FOR THE RESIDENTS THERE. IN FACT, THIS STRETCH OF CANTERBURY STREET REFLECTS THIS GROWTH OF RECENT CONSTRUCTION MAKE ING IT ONE OF THE MOST ENDANGERED STREET SCAPES I THINK IN THIS NEIGHBORHOOD. I THINK A NEIGHBORHOOD'S AESTHETIC AND HISTORIC INTEGRITY REALLY DEPENDS ON SOMETHING WE TALK ABOUT SOMETIMES AS A PRINCIPLE OF VARIATION WITHIN UNITY, A REPETITION OF SIMILAR HOUSE FORM, EACH HAVING KIND OF ITS OWN HISTORIC PARTICULARITIES, BUT CUMULATIVELY CREATING A HARMONIOUS ASPECT OF URBAN OR NEIGHBORHOOD COHESIVENESS. I WOULD SAY THAT OF COURSE THE CITY OF AUSTIN APPROVES THESE TYPES OF PROJECTS ON A CASE BY CASE BAYS AND IT MAY SEEM OF LITTLE CONSEQUENCE IF ONE OF THESE HOUSES IS LOST, IF THERE ARE MANY THAT ARE LIKE IT OF THIS SORT OF TYPICAL TYPE, IF ONE OF THESE HOUSES IS LOST, BUT I THINK IT'S DECISIONS LIKE THIS THAT ARE ONE BY ONE REALLY VERY RAPIDLY DESTROYING THE HISTORIC CHARACTER OF THIS NEIGHBORHOOD AND OF COURSE THAT'S

SOMETHING WHICH IS IF IT'S ONCE LOST IT CAN NEVER EVER BE RECONSTITUTED OR RECOVERED. CITIES THAT I COULD NAME THAT HAVE SORT-OF THE FORESIGHT TO PRESERVE THE HISTORIC CHARACTERS OF THEIR NEIGHBORHOODS HAVE REALLY BENEFITTED FROM THIS BOTH ECONOMICALLY AND SOCIALLY AND CULTURALLY. AND OF COURSE, THIS NEIGHBORHOOD IS RAPIDLY BECOMING ONE OF THE MOST DESIRABLE. IT IS IN FACT ONE OF THE LAST HISTORIC NEIGHBORS IN AUSTIN THAT HAS NOT BEEN HEAVILY REDEVELOPED. AND IT IS RIGHT NOW I THINK PROPERTY PRICES HAVE RAISED QUITE SIGNIFICANTLY RECENTLY, AND THIS ISSUE IS OF COURSE PARTICULARLY RELEVANT IN OUR NEIGHBORHOOD. SO THANK PEOPLE ARE MOVING HERE PRECISELY BECAUSE THEY VALUE THE KIND OF URBAN COHESIVENESS AND NEIGHBORHOOD SORT OF AESTHETIC THAT THIS NEIGHBORHOOD REPRESENTS, AND I WOULD ARGUE THAT THIS LOT-BY-LOT ELIMINATION OF THAT COHESIVENESS IS SOMETHING THAT COULD BE TAKEN A STAND AGAINST BY PRESERVING THE BURCH JACKSON HOUSE, AND I STRONGLY ENCOURAGE YOU TO GRANT IT HISTORIC DESIGNATION. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU.

GOOD EVENING. MY NAME IS MOLLY AND I'M A MEMBER OF THE EAST CESAR CHAVEZ NEIGHBORHOOD PLANNING TEAM. AND I LIVE ABOUT SIX BLOCKS FROM THE BURCH JACKSON HOUSE. I WANTED TO BE BRIEF, BUT JUST TO ADDRESS THE CRITERIA, THE CITY CRITERIA FOR HISTORIC LANDMARKS. AND CLEARLY THAT BURCH JACKSON HOUSE IS MORE THAN 50 YEARS OLD. THE HOUSE DOES RETAIN ITS ORIGINAL WINDOWS AND BATTING AND FORM THAT CAN BE SEEN FROM THE STREET. THAT COVERS THE FIRST TWO CRITERIA. AND THE THIRD CRITERIA, WE BELIEVE THE HOUSE NEEDS TWO OF THE FIVE POSSIBLE ELEMENTS THAT WOULD MAKE IT ELIGIBLE UNDER THE THIRD CRITERIA ALSO. THE ARCHITECTURE OF THE HOUSE IS -- COULD YOU PUT THE FIRST PICTURE UP, PLEASE? AS MR. SADOWSKY POINTED OUT, IT'S A FAIRLY CLASSIC EXAMPLE OF THE GABLE FRONT WING AND HOUSE. I WANTED TO POINT OUT THAT THIS TYPE OF HOUSE KIND OF ACCORDING TO FIELD GUIDES THAT ARE STANDARD MATERIALS IN THE FIELD FOR REFERENCE, AFTER ABOUT 1910, THESE HOUSES WERE REPLACED BY CRAFTS MEN, COGNIAL, REVIVAL AND OTHER STYLES. THEY WEREN'T BUILT FOR A LONG PERIOD OF TIME. AND THE OTHER NEIGHBORS WE'LL TALK ABOUT THE SIGNIFICANCE OF THE PEOPLE WHO LIVED IN THE HOUSE, EVEN THOUGH THEY'RE NOT -- THEY'RE MIDDLE CLASS, BLUE COLLAR WORKERS, BUT THEY DID CONTRIBUTE TO THE DEVELOPMENT OF AUSTIN, THE BUILDING OF AUSTIN, AND THAT SEEMS SIGNIFICANT. THE OTHER CRITERIA THAT WE WILL BE COVERING IS THE COMMUNITY VALUE, WHICH SHOULD BE APPARENT FROM THE OTHER PRESENTERS. I JUST WANTED TO GIVE YOU A LITTLE VISUAL CONTEXT. THE STAR IS THE LOCATION OF THE BURCH JACKSON HOUSE AND THE RED STRIPES ARE THE NEXT THREE SHEETS OF PHOTOS OF NEIGHBORING HOUSES. SO WHEN WE TALK ABOUT THE POSSIBILITY OF A LOCAL HISTORIC DISTRICT AND THE BURCH JACKSON HOUSE BEING A POTENTIAL CONTRIBUTOR TO THE LOCAL HISTORIC DISTRICT, I WANT YOU TO KIND OF SEE WHAT WE'RE LOOKING AT. SO WE COULD JUST GO THROUGH QUICKLY. THE BURCH JACKSON HOUSE IS ON THE TOP. THE 1717 CANTERBURY, WHICH MR. IS A DROW SKI

POINTED OUT IS BELOW IT. AND THESE ARE SOME OF THE SMALL SINGLE-FAMILY WOODEN HOUSES THAT CHARACTERIZE THIS NEIGHBORHOOD, AND I'M JUST SHOWING PHOTOGRAPHS FROM THOSE ADJACENT -- THOSE BLOCKS IMMEDIATELY ADJACENT TO THE BURCH JACKSON HOUSE. I HAVE TWO MORE SHEETS R. SHEETS OF THOSE TO GIVE YOU CONTEXT AND THAT'S ALL I HAVE. YOU CAN SEE AS PROFESSOR MOLDER WAS TALKING ABOUT THE VARIATION IN UNITY. THERE ARE DIFFERENT HOUSE FORMS, BUT THEY DO FORM A NICE STREET SCAPE OF HISTORIC HOUSES FROM DIFFERENT PERIODS WITH DIFFERENT STYLES, AND THE BURCH JACKSON VERY MUCH CONTRIBUTES TO THIS STREET SCAPE THAT WE'RE TRYING TO PROTECT. THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU. DANNY, WELCOME.

THANK YOU, MR. MAYOR, COUNCILMEMBERS. BEFORE I BEGIN I'D LIKE TO SAY THAT (INDISCERNIBLE), WHO WAS HONORED THIS EVENING ALONG WITH HIS FAMILY, WAS MY COUSIN AND THAT WE SHARE IN COMMON GREAT GRANDPARENTS WHO CAME TO AUSTIN IN 1874. AND WHEN YOU TALK ABOUT OLD AUSTIN, YOU WILL HAVE TO INCLUDE US IN THAT.

Mayor Wynn: EVERYBODY IS YOUR COUSIN, DANNY. [LAUGHTER]

JUST ABOUT. I'M ALSO THE HISTORIAN FOR THE EAST CESAR CHAVEZ NEIGHBORHOOD PLANNING TEAM, WHICH GIVES SUPPORT FOR THE HISTORIC LANDMARK DESIGNATION OF THE BURCH JACKSON HOUSE AT 1706 CANTERBURY STREET. I'VE ALSO LIVED AT 2010 CANTER BURY STREET AND WOULD LIKE TO GIVE YOU A BRIEF HISTORY OF THIS NEIGHBORHOOD. IN 1868, CANTER BURY SQUARE WAS PLATTED. IT WAS BOUNDED ON WATER OR FIRST STREET ON THE NORTH. LATER DEVELOPMENTS WERE TO FOLLOW. THE RIVERSIDE ADDITION BEING PLATTED IN 1905. IT WAS THEN THAT THE HOUSE AT 1706 CANTERBURY WAS BUILT. IN TIME THE BOUNDARIES EXPANDED EAST TO PLEASANT VALLEY AND SOUTH TO THE COLORADO RIVER. AN ESCARPMENT RUNS ITS LENGTH FROM WEST TO EAST, DIVIDING THE AREA IN TWO ALMOST TWO EQUAL HORIZONTAL HALVES. THIS WOULD BE OF SIGNIFICANT IMPORT IN THE NEIGHBORHOOD'S ETHNIC GROWTH. THESE EARLY HOMES ON FIRST, WILLOW AND CAN PER BURY STREETS WERE OWNED AND SOMETIMES BUILT BY ANGLO BLUE COLLAR WORKERS, CARPENTERS, BLACK SMITHS AND COMMON LABORERS. IMMEDIATELY SOUTH ALONG THE FLOODPLAIN OF THE COLORADO A SEPARATE COMMUNITY OF MEXICAN-AMERICANS WAS ESTABLISHED ON EITHER SIDE OF HOLLY STREET. FOR THE FIRST TIME AUSTIN'S SPOOKS FOUND AFFORDABLE PROPERTY AVAILABLE ON WHICH TO BUILD THEIR HOMES, AND EVEN WITH SUCCESSIVE FLOODING THEY REMAIN AND EVEN THRIVED. THE DECADE OF THE 1950'S SAW A MIGRATION OF BOTH COMMUNITIES. SOME RETURNING MEXICAN-AMERICANS SERVICEMEN ATTENDED A GI TRAINING SCHOOL AT THE BEGINNING OF COMAL STREET, NOW THE SITE OF THE SAM MARTIN MIDDLE SCHOOL. AS RESIDENTS IN A WHITEN CLIFF MOVED INTO THE SUBURBS, BROWNS MOVED UP THE HILL. THESE HISPANICS BECAME STEWARDS OF THE HOUSES LIKE THE ONE AT 1706 CANTER BURY. THEY OVERSAW AND LEFT THEIR MARK ON THE NEIGHBORHOOD FOR THE NEXT HALF CENTURY. NOW MORE THAN 100 YEARS LATER, A

NEW GENERATION ATTRACTED BY THE BARRIO'S CHARACTER AND HERITAGE HAS ARRIVED. THESE YOUNG OWNERS ARE EAGER TO BECOME PART OF THE FABRIC OF EAST AUSTIN AND ITS FUTURE. SEVERAL HAVE TAKEN UP THE CHARGE TO BE THE CARETAKERS OF THE PAST. THE MEMORIES OF THOSE EARLY ANGLO WORKING CLASS FAMILIES AND LATER THE HISPANICS THAT FOLLOWED STILL SURVIVE IN THE BURCH JACKSON HOUSE. ITS REMOVAL WOULD MEAN EVEN MORE OF OUR HISTORY GONE. PLEASE HELP US KEEP IT ALIVE AND WITH US, LET IT STILL BE ABLE TO SPERKS REMINDING US OF OUR ROOTS AND WHY WE FIRST CAME TO AUSTIN. THANK YOU.

Mayor Wynn: THANK YOU.

HELLO I'M KATHY McQUARTER. I LIVE JUST ACROSS THE ALLEY FROM THIS PROPERTY. I JUST WANT TO ADD A FEW THINGS TO DANNY'S HISTORY STORY. AND ONE IS TO JUST TALK ABOUT THE SIGNIFICANCE AND THE LOCATION, PUTTING IT IN THE SETTING THAT HE WAS DESCRIBING. THIS HOUSE WAS RIGHT -- IS RIGHT AT THE EDGE OF WHERE THOSE VERY FIRST DEVELOPMENTS WERE TO THE EAST AND STARTING THERE -- TO THE WEST. AND THEN STARTING THERE TO THE EAST WAS FARMLAND. SO THIS PARTICULAR PROPERTY RETAINED THIS RURAL CHARACTER, WHICH WAS CHARACTERISTIC OF THE AREA EAST OF ALL THESE NEW DEVELOPMENTS, FOR MANY YEARS. IT WASN'T UNTIL LATER IN THE 50'S THAT HOUSES STARTED DEVELOPING AROUND THERE. WE KNOW THERE WERE HORSES THERE, THERE WERE STABLES THERE UNTIL THE PRETTY RECENT PAST. AND WE HAVE NEIGHBORS THAT TALK ABOUT THE ANIMALS THAT THEY PASTURED IN THE AREA AND PASTURED DOWN AT THE LAKE. THE OTHER THING I REALLY WANT TO TALK ABOUT IS THE TRANSITION THAT HE WAS TALKING ABOUT, THE TRANSITIONS THAT OUR NEIGHBORHOOD HAS GONE THROUGH. AND TO JUST EMPHASIZE THE CURRENT TRANSITION THAT WE'RE ALL EXPERIENCING NOW AND WHAT A CHALLENGE THAT IS FOR US AS A WHOLE NEW GROUP OF RESIDENTS AND LANDLORDS ARE RAPIDLY BUYING PROPERTY IN OUR NEIGHBORHOOD. MANY OF OUR NEIGHBORS FEEL LIKE WE DON'T REALLY HAVE A LOT IN COMMON WITH SOME OF THE MORE AFLEW ENT RESIDENT THAT ARE MOVING IN RIGHT NEXT DOOR. AND THIS IS SOMETIME THE FEELINGS AREN'T VERY HARMONIOUS OR WELCOMING AS WE WOULD LIKE FOR THEM TO BE AS BIG CHANGES ARE MADE. SO WE REALLY FEEL LIKE WE LOOK AT OUR MORE MODEST HOUSES AND LIFESTYLES, AND WE JUST HAVE TO ASK THE QUESTION, WHAT DO WE HAVE IN COMMON? WHAT, IF ANYTHING, DO WE HAVE IN COMMON WITH OUR NEW NEIGHBORS? AND I THINK IT'S CLEAR THAT ONE THING THAT WE CAN HAVE IN COMMON IS THIS RICH HISTORY THAT DANNY SPOKE OF. THAT THAT HISTORY, THIS SENSE OF PLACE AND THIS SENSE OF HISTORY IS SOMETHING THAT WE CAN SHARE WITH EVEN WHO COME TO OUR NEIGHBORHOOD, AND THAT THAT CAN BE THE COMMON THREAD THAT WE ALL SHARE THAT UNITES US IN WAYS THAT CAN ENABLE US, A VERY DIVERSE GROUP OF PEOPLE THAT WE ARE TO WORK TOGETHER AND TOGETHER BUILD COMMUNITY. THANK YOU.

Mayor Wynn: THANK YOU. STILL JUST UNDER THREE MINUTES LEFT.

SORRY. I MISCOUNTED. THERE WERE EIGHT PRESENTERS. I JUST HAVE CLOSING STATEMENT TO MAKE. AMY THOMPSON. I'M THE CHAIR FOR THE HISTORIC DISTRICT COMMITTEE WITH THE NEIGHBORHOOD PLANNING TEAM FOR EAST CESAR CHAVEZ. JUST PRESENTING TO CONFIRM THAT WE HAD IN FACT VOTED TO SUPPORT THE HISTORIC DESIGNATION OF THIS HOME AND ALSO AS I'M SPEAKING TO YOU THERE ARE SOME PICTURES GOING BY BOTH OVERHEAD AND BEING PASSED AROUND JUST TO FURTHER ILLUSTRATE SOME OF THE POINTS THAT THE SPEAKERS TONIGHT HERE HAVE MADE ABOUT HOW WE ARE RAPIDLY LOSING OUR HISTORICAL CHARACTER IN THE NEIGHBORHOOD AND WHAT THAT ACTUALLY LOOKS LIKE, WHAT THE CHANGES ARE LOOKING LIKE. WHILE I BELIEVE IT'S IN OUR COMMUNITY'S BEST INTEREST TO EMBRACE THE PRINCIPLES OF DENSIFICATION, THERE'S NO REASON WHY WE CAN'T CHOOSE TO DO THIS WITHOUT SACRIFICING OUR HERITAGE. THIS HOME IS A BEAUTIFUL EXAMPLE OF THE TYPE OF HOME THAT MY GREAT GRANDFATHER'S GENERATION BUILT AND MY GRND PARENTS GREW UP. FOR LONG TIME RESIDENTS IN OUR NEIGHBORHOOD AND CITY IT IS A TOUCH TONE TO OUR COLLECTIVE PAST. FOR NEWLY ARRIVED RESIDENTS, THESE TYPES OF HOMES PROVIDE INSIGHT INTO THE COMMUNITY AND CULTURE THEY ARE JOINING. AND FOR VISITORS AND TOURISTS THEY HELP TO CONVEY THE DISTINCT CHARM OF OUR HOMETOWN. AS THE CHAIRPERSON FOR THE HISTORIC COMMITTEE, I HAVE BEEN WORKING WITH MR. SADOWSKY AS HE MENTIONED, LOOKING AT THE POTENTIAL OF HAVING HISTORIC DISTRICTING IN OUR NEIGHBORHOOD. WE ARE IN THE BEGINNING PHASES OF THIS PROCESS, HOWEVER, AND THE INTERIM LOSS OF EACH AND EVERY WORKING CLASS HOME IS A TBLO TO OUR EFFORTS. WE NEED 51% OF THE HOMES IN OUR COMMUNITY TO CONTRIBUTE IN ORDER TO ESTABLISH A DISTRICT. AND THEY'RE BEING TAKEN DOWN AT SUCH A QUICK PACE AND IT'S SUCH A LABOR INTENSE ACTIVE PROCESS TO MAKE A PROPOSAL, BY THE TIME WE GET ONE DEVELOPED WE MAY IN FACT HAVE A HARD TIME COMING UP WITH THAT 51% COMPLIANCE. EACH LOSS JEOPARDIZES THE CULTURAL HERITAGE OF OUR NEIGHBORHOOD AND CITY. ON MY STREET ALONE WE LOST AT LEAST HALF A DOZEN HOMES, OVER 75 YEARS OF AGE, SOME OF THEM OVER 100 IN THE LAST THREE YEARS. IF THIS TREND CONTINUES, VISITERS AND FUTURE GENERATIONS OF AUSTINITES WILL HAVE TO VISIT OTHER CENTRAL COMMUNITIES, PRAP LIKE EULAND TO LEARN ABOUT OUR HISTORY AND OUR CULTURE. JUST TO END, THANK YOU FOR YOUR TIME AND FOR BEARING WITH US AND YOUR PATIENCE. YOU.

Mayor Wynn: THERE MAY BE ANOTHER COUPLE OF PEOPLE THAT WANT TO GIVE TESTIMONY IN SUPPORT. WOULD YOU LIKE TO GIVE TESTIMONY? THEN WE'LL HEAR FROM FOLKS IN OPPOSITION. OKAY.

YES. MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, MY NAME IS LINDA TEAM. I HAVE THREE REASONS TO BE INTERESTED IN THIS CASE. FIRST I COME TO YOU REPRESENTING THE HERITAGE SOCIETY OF AUSTIN, OF WHICH I CO-CHAIR THE PRESERVATION COMMITTEE. WE HAVE A LETTER IN YOUR FILE IN SUPPORT OF THIS APPLICATION, AND IN SUPPORT OF SAVING THIS HOUSE. THE HERITAGE SOCIETY HAS BEEN CONCERNED WITH THE LOSS OF WHAT WE CONSIDER TO BE THE ESSENCE OF AUSTIN HISTORY, WHICH IS THE WORKING

CLASS FAIBD. WE LOST CLARKSVILLE, WE LOST RAINEY STREET, AND WE'VE SORT OF NARROWED DOWN TO THIS LITTLE ISLAND OF PRESERVATION POSSIBILITY. WE'VE BEEN TRYING TO WORK WITH THE NEIGHBORHOOD GROUP IN THEIR EFFORTS TO BUILD A LOCAL HISTORIC DISTRICT, BUT AS RECEIVED SEEN FROM THE HARTSZ R. HEARTH AND STREET EXPERIENCE, IT IS NOT AN ENDEAVOR FOR THE FAINT HEARTED. HARTSZ AND STREET HAD TONS OF RESOURCES AND A TINY GENTLEMENING ON RAFFY AND IT'S TAKEN THEM FLEE YEARS AND THEY'RE STILL NOT THERE. SO THESE FOLKS ARE CONCERNED ABOUT HOW THEY'RE GOING TO GET THERE AND THE HERITAGE SOCIETY IS TRYING TO WORK WITH WITH THEM IN THAT PROCESS. SO I COME HERE AS A HERITAGE SOCIETY REPRESENTATIVE ENCOURAGING YOU TO SUPPORT THIS. THE SECOND THING IS I OWN A HOUSE WITHIN THE 300 FEET CIRCLE OF THIS PROPERTY. MY SON LIVES IN IT AT 1804 WILLOW STREET. AND SO I'M A PROPERTY OWNER. I HAVE A CONFLICT OF INTEREST, I SUPPOSE, OR MAYBE JUST A DOUBLE INTEREST IN THIS AREA. THE THIRD THING IS I'M A REALTOR. AS YOU KNOW, I CALL MY OLD THE OLD AUSTIN REALTOR AND I WORK IN OLD AUSTIN AND I'M OLD. [LAUGHTER] IT'S TRUE. BUT I'M CONCERNED ABOUT THE FACT I PRINTED OUT TODAY FROM OUR REALTOR DATABASE THE RECORD ON THIS PROPERTY. IT WENT ON THE MARKET AT \$345,000 LAST SUMMER. THREE DAYS AFTER IT WENT ON THE MARKET AT \$345,000, THIS PERSON SNAPPED IT UP FOR CASH AND PAID 380,000. SO \$35,000 OVER THE ASKING PRICE, THIS PERSON BOUGHT IT. THE SAME DAY HE CLOSED ON IT, HE LISTED IT FOR SALE AT \$450,000 AS TWO LOTS, FOR REFERENCE TO THE HOUSE. THAT'S THE KIND OF THING WE'RE TRYING TO STRUGGLE AGAINST, THE HOUSE THAT WAS -- I JUST WENT BLANK ON THE NAME OF IT. THAT THE SCHOOL DISTRICT IS -- THE BIG CASE WHERE THE FORMER SLAVES HOUSE, THE SCHOOL DISTRICT -- WELL, ANYWAY -- [BUZZER SOUNDS] I'LL STOP TALKING. I'LL JUST SAY WE'RE LOSING THE BATTLE WITH THE DEVELOPERS. AND WE NEED TO SAY HERE'S A LITTLE PLACE WE'RE GOING TO SAVE. IT'S PART OF OUR HISTORY. THANK YOU.

Mayor Wynn: THANK YOU. AND HAS SORRELL STANLEY HAD A CHANCE? TO BE FOLLOWED BY ROSE BARTISH IF SHE HASN'T HAD A CHANCE TO SPEAK.

I AM SORREL STANLEY. I LIVE ACROSS THE STREET FROM THIS HOUSE. I MOVED TO THIS NEIGHBORHOOD BECAUSE IT HAS A VERY UNIQUE CHARACTER. IT HAS A HEART. AND I THINK THAT WHAT -- IT'S NOT JUST AN HISTORIC HOUSE, A LITTLE AN HISTORIC LIFE-STYLE. THESE HOUSES HAVE FRONT PORCHES WITH PEOPLE WHO SPEND TIME ON THEM AND WAVE AND SMILE. THE HOUSES ARE IN VERY CLOSE PROXIMITY TO EACH OTHER. THE STREET IS VERY NARROW. SO THE LARGE HOUSES THAT ARE FINE IN THE SUBURBS ARE EXTREMELY IMPOSING IN THIS NEIGHBORHOOD. WHAT'S NICE ABOUT THE PROXIMITY, WHAT I LOVE ABOUT THE PROXIMITY IS I KNOW MY NEIGHBORS VERY INTIMATELY. IT'S WONDERFUL. THE LARGE HOUSES THAT HAVE BEEN COMING IN, THE DEVELOPMENTS THAT HAVE BEEN COMING IN BUILD THE LARGE HOUSES AND THEN THEY BUILD THE LARGE FENCES. I GUESS THEY'RE AFRAID OF US. SO I'M ASKING YOU TO PLEASE HELP US SAVE OUR NEIGHBORHOOD. I HAVE A PETITION HERE. THE PETITIONS WERE SIGNED BY EVERY SINGLE PERSON WHO WERE HOME. MOST WERE HOMEOWNERS AND LONG TIME

RESIDENTS WHO HAVE RICH MEMORIES AND STORIES TO TELL ABOUT THE HISTORY OF THIS HOME. AND ITS PREVIOUS OWNERS. THIS NEIGHBORHOOD HAS A REALLY RICH HISTORY. IT HAS -- IT'S BEEN -- IT HAS CULTURAL DIVERSITY T HAD THE FIRST INTERCULTURAL MARRIAGE IN THE CITY. SO MUCH. THE HOUSE THAT STEVE SHOWED THAT, HE CONSIDERED TO BE A BETTER EXAMPLE; A MUCH WEALTHIER HOUSE. THAT HOUSE WAS A MATTRESS FACTORY. ONE OF THE BURCH BROTHERS FROM OUR HOUSE WORKED FOR THAT FACTORY. THE OTHER BROTHER WAS A MEMBER OF THE CARCARPENTER'S UNQUON THAT WAS FOUNDED BY THE HOUSE TWO DOORS DOWN. SO THIS IS A UNIQUELY WORKING CLASS HOUSE. ALSO, ONE OF THE OWNERS WAS A METAL CRAFTSMAN. THERE'S AN EXAMPLE OF METAL CRAFTSWORK THROUGHOUT OUR NEIGHBORHOOD AS WELL AS IN ALL OF AUSTIN. AND I JUST WANT TO SAY ALTHOUGH THIS WAS A COMMON HOUSE, SO WERE THE MOONLIGHTS. AND AUSTIN IS ONE OF THE ONLY CITIES IN THE COUNT THAT HAS THOSE. WE'VE HAD THE OPPORTUNITY TO SEE WHAT DEVELOPERS HAVE DONE IN OTHER CITIES AND THERE'S A UNIQUE OPPORTUNITY IN OUR NEIGHBORHOOD TO NOT LET IT HAPPEN.

Mayor Wynn: THANK YOU. AND ROSE BARTISH HAD SIGNED UP NOT WISHING TO SPEAK. I DON'T KNOW IF SHE DID OR GOT A CHANCE TO DONATE. WELCOME.

GOOD EVENING, MY NAME IS ROSE, AND I LIVE ACROSS THE STREET FROM THE BURCH JACKSON HOUSE. I WOULD LIKE TO READ A LETTER THAT AN ARCHITECT HAD WRITTEN IN SUPPORT OF DEEMING THIS HISTORICAL. AN I'M A LITTLE BIT ILL PREPARED, BUT EYE LIKE TO PASS DOWN SOME PHOTOGRAPHS. THESE HOUSES I MENTIONED IN THE LETTER. I'M A LICENSED ARCHITECT WITH 30 YEARS OF EXPERIENCE AND A CONCERNED CITIZEN OF EAST AUSTIN. I AM OF THE OPINION THAT THE BURCH JACKSON HOUSE IS AN HISTORICAL PIECE OF ARCHITECTURE WORTH PRESERVING. THE HOUSE IS ONE OF THE FIRST EVER CONSTRUCTED IN THE AREA. IT THEREFORE HAS THE DISTINCTION OF SERVING AS A LIVING REMINDER OF THOSE BUILDINGS WHICH ORIGINALLY SET THE BAR FOR AS THET KEL STANDARDS THROUGHOUT THE ENTIRE NEIGHBORHOOD. THOSE VERY SAME STANDARDS WHICH ATTRACTED MANY OF US TO THE AREA TODAY AND MAKE IT A DESIRABLE PLACE TO LIVE AND WORK. PARTICULARLY IMPRESSIVE IS A CONDITION OF THE HOUSE, CONSIDERING IT IS NOW OVER A CENTURY OLD. THE ORIGINAL FORM AND MASSING OF THE BUILDING IS' COMPLETELY INTACT, AS WELL AS THE ORIGINAL ARTICULATION OF DOOR AND WINDOW OPENINGS. THERE'S NO VISIBLE FOUNDATION PROBLEM, NOR WATER DAMAGE TO THE STRUCTURE. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

HELLO, I'M JOHN CORY. I'VE BEEN HERE FOR 32 YEARS AND I AM THE FOUNDER AND FIRST COACH OF THE AUSTIN ROWING CLUB. AND SO YOU CAN SEE I HAVE A LOT OF LOVE AND CONCERN FOR AUSTIN. AND I VIVID IN EAST AUSTIN BECAUSE IT WAS -- THE HUMAN SCALE WAS VERY NOTICEABLE AS SOON AS YOU WALKED AROUND THOSE STREETS. I JUST WANT TO SAY THAT REALLY IT'S NOT JUST ABOUT THIS HOUSE. WE'RE AT A POINT WHERE WE REALLY NEED YOUR HELP. LITTLEIT IS A WAR WITH PEOPLE LOOKING OUT FOR THEMSELVES, WHICH THERE IS NOTHING WRONG WITH THAT, BUT WE'RE SUPPOSED TO

LOOK TO YOU GUYS TO HELP US OUT. THIS ONE HOUSE REPRESENTS THE SHRINKING OF THE ISLAND. YOU CONTINUE TO SHRINK THE ISLAND. AND WE INCREASE THE AMOUNT OF HEAT THAT IS GENERATED BECAUSE OF THE LACK OF THAT HOUSE. I'VE BEEN IN TREE BUSINESS FOR 23 YEARS. THE NAME OF MY BUSINESSES IS TREE KEEPERS. I TRY TO KEEP TREES. WE ARE ON A SEMI DESERT DESIGNATION IN AUSTIN. IF I WALKED DOWN WILLOW STREET THREE MONTHS AGO AND THE CITY CREW HAD COME DOWN AND TAKEN OUT FOUR TREES AND THAT BLOCK WAS SO MUCH HOTTER. I WANT TO TELL YOU ACROSS THE STREET FROM ME, SOMEBODY BUILT FOUR STORIES, THREE BOX HOUSES WITH A PLASTIC FRONT ON HIM. I MOVED FROM BROOKLYN, NEW YORK TO AVOID LOOKING OUT AT BRICK WALLS. GET BACK TO THE HEAT ISSUE, THE MORE HOUSES WE LOSE, THE MORE TREES WE LOSE, THE MORE TIMES THAT TYPE OF ARCHITECTURE PUTS IN GRAVEL WITH SEED CLOTH OR WEED CLOTH WHICH IS MISTAKEN IN THEORY BECAUSE THE IDEA IS THE -- WHAT ACTUALLY HAPPENS, SEEDS LAND ON THE CLOTH, GROW THROUGH IT, THEY CAN'T PULL IT UP. BESIDES CREATING THE HEAT OF THE GRAVEL, THEY START PUTTING HERBICIDES ON IT SO YOU BEGIN TO DESTROY THE ENVIRONMENT. THE ISSUE FOR ME WHEN I SAW THIS, I JUST SAW IT FOR THE SECOND TIME IN THE BACKYARD, THERE'S A 4-FOOT DIAMETER PECAN TREE. AND WHAT USUALLY OFTEN HAPPENS, YOU HAVE TO PAY \$2,000 FINE, AS YOU KNOW, IF YOU TAKE OUT A TREE YOU WEREN'T SUPPOSED TO. THE ORIGINAL SUBMISSION OF THIS PERSON TO CITY PLANNING DID NOT SHOW THE TREE. HIS INTENTION HE'S ALREADY SHOWN HE'S NOT CONCERNED ABOUT THE TREE. PROBABLY IF YOU GUYS GO AHEAD AND GIVE HIM WHAT HE WANTS, HE WILL TAKE OUT THE TREE WHEN NO ONE IS LOOKING. IT'S HAPPENED BEFORE AND IT WILL HAPPEN AGAIN. I THINK THIS IS -- THESE ARE THE PRACTICAL THINGS YOU HAVE TO THINK ABOUT. SO KEEP IN MIND THAT ANOTHER THING IS THAT THAT TYPE OF HOUSING IS NOT ON THE HUMAN SCALE. THE HUMAN SCALE MEANS YOU SEE A HOUSE YOU MIGHT GO INTO IF YOU NEEDED SOMETHING, YOU MIGHT KNOCK ON THE DOOR. WHEN YOU SEE A BOX, YOU CAN'T REALLY GET INTO THAT BOX. FOR ALL OF THESE REASONS WE REALLY NEED YOUR HELP. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, JOHN. WELCOMES, MR. HERNANDEZ. AND THEN OUR LAST SPEAKER IN SUPPORT WILL BE CHRIS JACOB. WELCOME, PAUL.

MAYOR, MEMBERS OF THE COUNCIL, MY NAME IS PAUL HERNANDEZ. FOR MOST OF OUR ADULT LIFE, OVER 30 YEARS, WE'VE SEEN THIS COMING. AND FOR OVER 30 YEARS WE'VE TRIED TO DO SOMETHING ABOUT IT. NO ONE LISTENED. CITY COUNCILS DIDN'T LISTEN. IN FACT, CITY COUNCILS DID JUST THE OPPOSITE. CITY COUNCILS FORM THE POLICIES THAT CREATED THE DESTRUCTION. POLICIES WERE CREATED THAT ACCELERATED THE DESTRUCTION NOT ONLY OF OUR NEIGHBORHOOD, BUT ONLY OF THE BUILDINGS, BUT OF THE DISPLACEMENT OF THE PEOPLE. THERE WAS A BUILDING THAT WE WERE TRYING TO SAVE BACK IN THE '70s. IT WAS AN OLD BAPTIST CHURCH THAT LATER BECAME THE FIRST CHICANO UNIVERSITY. WATERS LINCOLN UNIVERSITY. THERE AT CESAR CHAVEZ AND THE ACCESS ROAD. IT'S NOW THE I-HOP. BEAUTIFUL MURALS WERE ON THE SIDE OF THAT BUILDING. WE TRIED TO DECLARE IT HISTORICAL. AT THAT TIME WE WERE TOLD THAT WE DIDN'T HAVE A HISTORY. THAT OUR HISTORY DIDN'T START UNTIL THE 1940s. IMAGINE THAT.

THE NATIVES OF THIS LAND DIDN'T HAVE A HISTORY. WELL, HERE WE ARE AGAIN. 2008. MOST OF THE PEOPLE ARE GONE. SOME OF THE BUILDINGS ARE LEFT. IN ABOUT 10 YEARS, IF I LEAVE AUSTIN AND COME BACK, I WON'T BE ABLE TO TELL MY GRANDCHILD THERE'S MY HISTORY. I WON'T BE ABLE TO TELL MY GRANDCHILD THAT'S EAST AUSTIN. IT WILL LOOK LIKE JUST LIKE EVERY OTHER PART OF AUSTIN, BIG SQUARE BUILDINGS. FOR THAT REASON ALONE, HISTORICAL OR NOT, YOU SHOULD NOT ALLOW THAT BUILDING TO BE DESTROYED. MY WIFE AND I, WE OWN A PIECE OF PROPERTY JUST DOWN THE STREET ON WILLOW. 1908 WILLOW. IT'S AN EMPTY LOT. GUESS WHAT? WE'RE GOING TO BUILD A FOLK VICTORIAN HOUSE THERE TO ADD ONE MORE TO THE COMMUNITY THAT YOU WON'T BE ABLE TO DESTROY BECAUSE WE'RE GOING TO OWN IT. IT'S GOING TO STAY IN OUR FAMILY AND IT'S GOING TO STAY THAT WAY FOR AS LONG AS OUR FAMILY EXISTS. AND I DO HOPE THAT YOU DO SAVE THAT HOUSE. THANK YOU.

Mayor Wynn: THANK YOU, MR. HERNANDEZ. [APPLAUSE] OUR FINAL SPEAKER IN SUPPORT, LOOKS LIKE, IS CHRIS JACOB. WELCOME.

GOOD EVENING AND THANK YOU FOR GIVING US THIS TIME. I'D LIKE TO THANK STEVE BECAUSE I KNOW STEVE HAS A HARD BATTLE WHEN THESE NEIGHBORHOODS COME FORWARD AND WE TRY TO SAVE THESE HOMES AND REGULATE SOME OF THE INFILL OCCURRING IN THE HOMES. I LIVE AT 1617 GARNER STREET AND WAS SURPRISED TO SEE MY HOUSE FEATURED EARLIER ON THE SCREEN AND I WASN'T AWARE I WAS SPEAKING THIS EVENING. I WAS HERE ON ANOTHER ISSUE. THIS HOUSE IS VERY IMPORTANT TO THE NEIGHBORHOOD BECAUSE THERE ARE FEW LARGE LOTS LEFT IN THE NEIGHBORHOOD. THIS HOUSE STRADDLES TWO LOTS BY I THINK IT'S 8 INCHES. AND IT DOESN'T HAVE THE PROPER SETBACKS. ME AND MY WIFE LOOKED AT THIS HOUSE TO PURCHASE IT. WE WERE NOT ONE OF THE SUCCESSFUL BIDDERS. WE WOULD LOVE TO HAVE A 14,000 SQUARE FOOT LOT IN DOWNTOWN AUSTIN WITH VIEWS OF THE SKY LINE. IN OUR RESEARCH OF THE AREA, THIS AREA WAS SUBDIVIDE UNDERSTAND 1898 AND A LOT OF THOSE PECAN TREES WERE PECAN TREES TO TO CANDY FEAKER TO. TEXAS PRYOR SPOKE TO THEM BACK IN THE 90s. THESE STREETS WERE ORIGINALLY PLATTED AS WATER STREET, FIRST STREET, SECOND STREET, THIRD STREET, FOURTH STREET, AND THEY WERE NUMERICAL STREETS GOING SOUTH. WHEN AUSTIN RENAMED THE DOWNTOWN STREETS FROM TREES TO NUMBERED STREETS, WE BECAME CANTERBURY, WILLOW, GARDEN, HASKELL AND RIVER VIEW. I AM A REAL ESTATE AGENT AND A SMALL DEVELOPER. I SAVE SOME OF THE HOMES. I'VE BEEN INVOLVED IN SOME HAVE BEEN TORN DOWN. AND THIS HOUSE IS JUST TOO IMPORTANT TO THAT EIGHT-BLOCK AREA. SEEING THAT IT'S PROBABLY IN THE TOP TEN IN AGE AND IT'S A WONDERFUL LITTLE STRUCTURE. SO THANK YOU AND YOU ALL HAVE A NICE EVENING.

Mayor Wynn: THANK YOU. WE'LL NOW HEAR FROM FOLKS IN OPPOSITION TO THE ZONING CASE. WE'LL START WITH JIM WITTLIFF. WELCOME. YOU WILL HAVE THREE MINUTES TO BE FOLLOWED BY BILL BRUDENELL.

THANK YOU, MAYOR AND COUNCIL. I BELIEVE ONE OF THE SPEAKERS, MRS. AELLA WANTS

TO DONATE ONE MINUTE OF HER TIME. THERESA AELLA. DAVID, HIS WIFE. THANK YOU. WE'RE HERE TO ASK YOU TO OPPOSE THE HISTORIC REZONING OF THIS PROPERTY FOR SOME SPECIFIC REASONS. I GUESS THE MAIN REASON IS BECAUSE YOU'VE HEARD THE NEIGHBORHOOD SPEAK ABOUT THREATS TO THE NEIGHBOR AND ESTABLISHING AN HISTORICAL DISTRICT IN THE NEIGHBORHOOD. THE MATTER HERE BEFORE YOU TODAY IS NOT AN HISTORIC NEIGHBORHOOD DISTRICT, IT'S SPECIFIC HISTORIC ZONING ON THIS PARTICULAR PROPERTY. AND THE CITY CODE IN SECTION 25-2-352 HAS SPECIFIC CRITERIA CALLED THE HISTORIC DESIGNATION CRITERIA. NOW, I HEARD A COUPLE OF SPEAKERS MENTION THAT THEY ARE IN A POSITION TO EVALUATE THE HISTORIC STATUS, AND I'D SAY - I REPRESENT THAT STEVE SADOWSKI ALSO IS PROBABLY NO SHRINKING VIOLET FOR REPRESENTING HISTORIC MATTERS ON BEHALF OF THE CITY WHENEVER IT'S APPROPRIATE. AND STEVE'S POSITION ON THIS, QUOTING FROM HIS RECOMMENDATION, QUOTE, IT LACKS THE HISTORIC SIGNIFICANCE NECESSARY FOR DESIGNATION AS AN INDIVIDUAL LANDMARK. NOW, I HEARD MR. SUMMERVILLE SPEAK ABOUT THE HOUSE WOULD BE MOVED TO EULAND. THAT'S TRUE. THE MR. AND MRS. WHO ARE BROAT DISABLED HAVE ARREST CONTRACTED TO PURCHASE THIS HOUSE. THEY'VE SPENT SIGNIFICANT TIME AND MONEY TO PLAN THE RELOCATION OF THE HOUSE. THEY WOULD PROBABLY DISAGREE THAT EULAND IS A DUMP OF A TOWN. EULAND WAS RECENTLY A MOVIE SET FOR A TOMMY LEE JONES FILM CALLED "CHEER UP." AND THE SPECIFIC NEIGHBORHOOD THEY ARE MOVING IT TO IN FACT IS A NEIGHBORHOOD MADE UP OF 100-YEAR-OLD HOUSES THAT HAVE BEEN RELOCATED THERE AND LOVING THINKLY REHAND BY THEIR OWNERS. THEIR PLAN ON MOVING TO THIS HOUSE AND RETIRING IN IT. THEY WANT THIS TO BE THEIR FINAL HOUSE. I HEARD MR. JOHN COREY SPEAK ABOUT KEEPING TREES. I WILL TELL YOU THAT DESPITE THE ANALYSES ABOUT PLANS TO TEAR DOWN THE BIG PECAN, THERE IS THREE PROTECTED TREES ON THIS PROPERTY. A 19 AND A HALF INCH SYCAMORE, A 20-INCH PECAN AND 42-INCH PECAN TREE. I HAVE IT ON A TREE SURVEY THAT WAS ORDERED AND I HAVE A COPY OF THE MEMORANDUMS BETWEEN MR. BRUDENELL AND THE ARBORIST WHERE HE HAS BASICALLY GIVEN MR. BRUDENELL A GREEN LIGHT THAT HIS REDEVELOPMENT PLAN FOR THIS PROPERTY WOULD NOT, IN FACT, HARMONY OF THE TREES AND THERE'S NO PLAN TO REMOVE THE TREES. COMMISSIONER DELEON SPOKE ABOUT HE MENTIONED THAT THE PROPERTY IS ON TWO LOTS. IT IS. IN FACT, I'LL SAY THIS, IT'S THE ONLY PROPERTY ON THIS STREET THAT'S ON TWO LOTS. ALL THE OTHER HOUSES ARE ON SINGLE LOTS. THIS ONE STRADDLES TWO. AND HE MENTIONED THE ISSUE OF LOSS OF HOUSING STOCK. IF YOU ALLOW THIS HOME TO BE RELOCATED, THIS HOME THAT YOUR HISTORIC PRESERVATION OFFICER HAS ALREADY STATED IT DOES NOT QUALIFY AS AN HISTORIC STRUCTURE, YOU'LL ALLOW US TO HELP RESOLVE PART OF MR. DELEON'S CONCERN ABOUT LOST HOUSING STOCK. WE WILL BUILD APPROPRIATE SIZED HOMES ON THE TWO LOTS. AND MR. BRUDENELL HAS ALREADY GONE ON RECORD -- HE OFFERED THE NEIGHBORHOOD ARCHITECTURAL CONTROL OVER THE FRONT, THE FACADE. THEY DO NOT ACCEPT THAT, BUT HE IS STILL WILLING TO COMMIT TO FRONT FACADES ON THE HOMES THAT WILL BE COMPATIBLE WITH THE NEIGHBORHOOD. THIS IS NOT A NEIGHBORHOOD HISTORIC ZONING CASE. THIS IS A CASE OF ZONING THIS PARTICULAR PROPERTY.

ANOTHER THING THAT WAS MENTIONED IN THE ORIGINAL REPORT IS -- [BUZZER SOUNDING] DO I STILL HAVE ONE MINUTE?

Mayor Wynn: THAT WAS FOUR MINUTES SO PLEASE CONCLUDE.

MAY I MAKE ONE LAST QUICK POINT. IF THE PROPERTY IS ZONED HISTORIC, DESPITE THE FACT IT DOESN'T MEET CODE CRITERIA, IT WOULD RESULT IN AN ANNUAL TAX ABATEMENT OF \$3,358. SOMEBODY IS GOING TO PAY THOSE TAXES. IF THEY ARE ABATED, THEY SHOULD ONLY BE ABATED IN CASES OF GENUINE HISTORIC SIGNIFICANCE. THANK YOU.

Mayor Wynn: THANK YOU. NEXT SPEAKER IS BILL BRUDENELL. TO BE FOLLOWED BY CHARLOTTE O'NEILL.

GOOD EVENING. MY NAME IS BILL BRUDENELL. MY DAD AND I BOUGHT THIS HOUSE LAST JULY. I OWN A COMPANY CALLED LIVE GREEN PROPERTIES. WE BUILD ENVIRONMENTALLY FRIENDLY HIGHLY EFFICIENT HOMES. TO GIVE YOU AN IDEA WHAT I'M TALKING ABOUT, THE LAST HOUSE I BUILT IS 3800 SQUARE FEET. AND THE LAST THREE -- AND THE WHOLE HOUSE IS ON ELECTRIC. THERE ARE TWO TANKLESS WATER HEATERS ON GAS AND THE PAST ELECTRIC BILLS WERE \$44, 117 AND 119 RESPECTIVELY FOR THE PAST THREE MONTHS. SO WE'RE TALKING ABOUT VERY EFFICIENT HOMES THAT WE'RE GOING TO BE BUILDING THERE. OUR PLAN IS TO BUILD AFFORDABLE GREEN-BUILT HOUSES. I HAVE ATTENDED THE GREEN BUILDING WORKSHOP THROUGH THE CITY OF AUSTIN. THAT'S IN FACT WHAT BROUGHT ME TO THE CITY. MY WIFE AND I CAME HERE THREE YEARS AGO FROM CHICAGO TO PURSUE MY COMPANY IN THE TOWN THAT STARTED THE FIRST GREEN BUILDING PROGRAM. WE -- WE DID OFFER A GREAT DEAL OF MONEY FOR THIS PROPERTY. WE DID NOT HAVE ANY INTENTIONS ON MOVING INTO THIS HOUSE OR LIVING IN THIS HOUSE. THERE WERE FOUR OFFERS ON THE HOUSE WITHIN THE FIRST DAY IT WAS PUT ON THE MARKET. AND WE HAD TO UP OUR OFFER TO 380,000 TO GET THE LAND. THE HOUSE IS 915 SQUARE FEET. I WOULD HAVE NEVER PAID \$380,000 FOR A 915 SQUARE FOOT HOUSE. FURTHERMORE, IF I WOULD HAVE KNOWN THAT THERE WAS ANY CHANCE THAT A HOUSE WITH VINYL SIDING AND A METAL ROOF WOULD BE CONSIDERED HISTORIC, WE WOULD HAVE NEVER PURCHASED IT. THE HOUSE IS BEING PRESERVED. AS I SAID, I DO AGREE WITH ALL THE CONCEPTS OF GREEN BUILDING. INSTEAD OF PURSUING A DEMOLITION PERMIT, WE'RE PURSUING A RELOCATION PERMIT. THE HOUSE HAS BEEN COMPLETELY GUTTED ON THE INSIDE AS WELL AS THE OUTSIDE. IT IS A BEAUTIFUL HOUSE INSIDE. NEW FLOORS, NEW KITCHEN, NEW BATHROOM. THE AELLAS ARE BOTH DISABLED AND THEY WILL HAVE TO DO NOTHING TO MAINTAIN THIS HOUSE. THERE WAS A LOT OF TALK ABOUT THE NEIGHBORHOOD RAPIDLY BEING DEPLETED OF HOMES, AND -- BUT IT'S KIND OF A CONVENIENT POINT THE NEIGHBORHOOD LIKES TO USE BECAUSE IN THE SAME SENTENCE THEY BASICALLY TALK ABOUT HOW THEY ARE THIS UNIFIED GROUP THAT ALL STANDS TOGETHER. WELL, IF THESE HOMES HAD BEEN RAPIDLY DEPLETED, THAT DOESN'T MAKE SENSE IN MY MIND THAT THE PROPORTIONS WOULD HOLD TRUE. IF YOU COULD SHOW THOSE PICTURES -- OH, YOU DON'T HAVE THEM. MANY PEOPLE TALK ABOUT LIVING ON

THEIR PORCHES AND SAYING HI TO NEIGHBORS. YOU COULD SEE IN THOSE PICTURES MANY OF THE PORCHES ARE UNUSABLE OR NOT BEING ABLE TO BE SEEN BY THE STREET. IN FACT, MR. DELEON'S PORCH HAS TWO TARPS HANGING FROM THEM WITH A HEAVY BUNCHING BAG HUNG FROM HIS PORCH. [BUZZER SOUNDING]

Mayor Wynn: PLEASE CONCLUDE.

THIS HOUSE WILL BE A GREEN BUILT HOUSE AND IT WILL AFFORDABLE FOR THE PEOPLE THAT MOVE IN THERE BECAUSE THEIR BILLS WILL BE SIGNIFICANTLY LOWER ON A MONTHLY BASIS SO THEY WILL BE ABLE TO AFFORD TO PURCHASE THIS HOUSE. THANK YOU.

Mayor Wynn: THANK YOU. NEXT SPEAKER IS CHARLOTTE O'NEILL, TO BE FOLLOWED BY DAVID AELLA.

HI, I'M CHARLOTTE O'NEILL, BILL'S WIFE. THE FIRST THING I WOULD LIKE TO POINT OUT IS WE HAD TWO MEETINGS WITH THE NEIGHBORHOOD. IN BOTH OF THESE MEETINGS THEY DO NOT DISCUSS THE HISTORIC VALUE OF THIS HOME. THE ONLY THING THEY WANTED TO DISCUSS WAS WHAT THE NEW HOUSES WERE GOING TO LOOK LIKE. IN THE SECOND MEETING, I HAD TO BRING BACK FOLK TO US THE FACT THAT WE WERE DISCUSSING WHETHER OR NOT THIS HOME WAS HISTORIC. I FIND IT A LITTLE TROUBLING THAT WE'RE NOW AT A MEETING WHERE THEY HAVE ALL THESE PEOPLE THAT TALK ABOUT HOW THE HOME IS HISTORIC WHEN IN THE TWO MEETINGS WE HAD WITH THEM, THAT WAS NOT THE ISSUE THEY WANTED TO DISCUSS. I WOULD ONLY LIKE TO SPEAK TO YOU ABOUT PERSONALLY WHAT HAS -- THIS HAS CAUSED FOR MY HUSBAND AND I AS WELL AS THE PARTNER THAT WE HAVE IN THIS, MY FATHER-IN-LAW. EXTREME FINANCIAL HARDSHIP. THE CURRENT COSTS FOR THIS HOUSE ARE EXTREMELY LARGE. IT'S A LOT OF MONEY. IT'S MONEY THAT WE DON'T HAVE. WE'RE HAVING TO BORROW MONEY FROM FAMILY MEMBERS. WE HAD TO BORROW AGAINST RETIREMENT ACCOUNT. WE ACTUALLY JUST PUT OUR HOUSE ON THE MARKET TO TRY AND MOVE SOMEPLACE MAYBE A LITTLE SMALLER THAT'S A LITTLE MORE AFFORDABLE SO WE CAN CONTINUE WITH THIS PROCESS. AT THIS POINT WE DON'T HAVE MUCH OF A CHOICE. MY HUSBAND AND I ARE GOOD PEOPLE. I THINK WE'VE PUT UP WITH A LOT OF ABUSE. IT'S HARD FOR AN HOUR TO HEAR ABOUT WHAT A BAD PERSON WE ARE AND HOW WE'RE GOING TO REMOVE A TREE IN THE MIDDLE OF THE NIGHT AND DO THINGS, YOU KNOW, CONTRARY TO WHAT WE'VE SAID. WE INTEND TO BUILD GREENHOUSES. WE WANT TO BUILD AFFORDABLE HOUSING FOR PEOPLE THAT WOULD BE BUYING THESE HOMES. WE HAVE ALWAYS PLANNED ON CONTINUING TO BUILD SOMETHING THAT LOOKS LIKE THE HOUSES IN THE AREA. WE WOULD NEVER WANT TO BUILD SOMETHING THAT ISN'T COMPATIBLE WITH THE HOUSES IN THE AREA. WE -- THE HOUSE IS GOING TO BE KEPT INTACT. WE DID THINK ABOUT DEMOLISHING IT, BUT THAT DIDN'T SEEM LIKE THE RIGHT THING TO DO ESPECIALLY FOR A GREEN BUILDER. WE THOUGHT WE WOULD REUSE THE PROPERTY. I JUST -- THIS HAS BEEN A SERIOUS STRAIN ON US AND I THINK THAT IT'S NICE TO MAINTAIN THE HISTORY OF THE CITY OF AUSTIN, BUT I ALSO HAVE A HISTORY AND MY HISTORY RIGHT NOW IS ONE OF EXTREME HARDSHIP. IT REALLY IS. AND

THIS IS REALLY A BIG ISSUE FOR US. AND I FEEL THAT THE NEIGHBORHOOD HASN'T REALLY GOTTEN TO KNOW US AS PEOPLE AND HAVEN'T REALLY LOOKED AT MY HUSBAND AS A BUILDER. ANYTHING HE'S DONE, WE'VE OFFERED TO HAVE THEM COME TO OUR HOUSE TO SHOW WHAT WE'VE DONE WITH OUR HOUSE. THAT'S REALLY ALL I HAVE.

Mayor Wynn: THANK YOU, MS. O'NEILL. DAVID BRUDENELL. DAVID AELLA. YOU GAVE A MINUTE UP SO YOU HAVE UP TO FIVE MINUTES IF YOU NEED IT. WELCOME.

THANK YOU, MAYOR. MY NAME IS DAVID AELLA. I'M HERE TRYING TO REPRESENT MYSELF. I DID PURCHASE THE HOUSE FROM BILL TO RELOCATE IT TO MY TOWN, AND NO, IT'S NOT A DUMP. MOVIE PRODUCTION COMPANIES LOVE OUR TOWN. JO TRAJOHN TRAVOLTA CAME IN AND DID MICHAEL. I SAID CHEER UP BECAUSE THAT'S WHAT THE STAGE MANAGER TOLD ME, WAS ACTUALLY MAN OF THE HOUSE. AND JOSHUA JACKSON, I GUESS I WAS IN BLOSSOM. THE LONE STAR STATE OF MIND. AND THERE'S OTHERS. MANY OTHERS. [INAUDIBLE] CAME IN THERE. HE DID WONDERFUL WORLD. BUT ANYWAY, GETTING BACK TO WHAT I'M HERE FOR, I'M HERE FOR TO FIND AFFORDABLE HOUSING FOR MYSELF AND FOR MY WIFE. I FOUND ONE. I PURCHASED IT. AND THERE'S NO WAY IN GOD'S EARTH HERE WHERE I COULD PURCHASE A HOUSE WHAT I PURCHASED FROM MR. BRUDENELL. AND THEN IF I HAVE TO BUILD A HOUSE WHERE I'M GOING TO DO IT, IT'S GOING TO COST ME WELL OVER 100,000. WHAT I'M HERE ASKING FOR IS ALLOW THIS RELOCATION. THE BANKER OF MINE IS WAITING ON THE HOUSE. I WAS GOING TO TAKE THE EQUITY OUT ONCE IT LANDS OUT, I HAVE IT FREE AND CLEAR, I WAS GOING TO PAY THE MORTGAGE OFF. MY 2,000 SQUARE FOOT HOUSE WHICH IS -- WAS BUILT IN 1887. ALL THE HOUSES AROUND THERE WERE BUILT IN THAT AREA. THEY ARE PLANTATION HOMES AND SO FORTH. AND THE MASTER'S HOME. IT WOULD FIT IN THE CHARACTER OF THE NEIGHBORHOOD. I AM JUST NOW AND I'M GOING TO ANNOUNCE MY RUNNING FOR MAYOR OF EULAND TOMORROW. AND WHAT HE TALKED ABOUT TRASHY OR WHATEVER IS NO LONGER BECAUSE THAT TOWN HAS CHARACTER. AND WITH THIS HOUSE HERE, IT WOULD JUST ADD TO IT. THE DOWNTOWN AREA I HAVE PLANS. I HAVE MOTIVATIONS TO, I GUESS, REPRESENT THE HISPANIC VOTE ALONG WITH THE LOW ECONOMIC INCOME VOTE. IN THE CITY OF EULAND AND I'M GOING TO MAKE A BIG CHANGE. I THINK WE HAVE 400 ON THE CITY LIMITS. HOWEVER, I JUST NOW RECENTLY FOUND OUT IT'S UP TO 8. AND IF WE DID NOT PROTECT OUR ANNEXATION FROM CITY OF KYLE, IT WOULD HAVE SWALLOWED UP FROM KYLE ALL THE WAY TO MARTINDALE. SO WE BLOCKED [INAUDIBLE] FROM DOING THAT. I'M NOT HERE -- I'M NOT HERE TO DISPLACE ANYONE. NO ONE IS BEING DISPLACED HERE. WHAT IS HERE IS THEY ARE UPSET OF DEVELOPMENT. THAT'S WHAT THEY ARE UPSET OF. I UNDERSTAND THAT BECAUSE IT HAPPENS IN MY TOWN. IT HAPPENS IN EVERY TOWN HERE IN THE UNITED STATES. I DON'T KNOW WHAT ELSE TO SAY. THE HOUSE IS NOT SIGNIFICANTLY HISTORICAL. ONLY THE STRUCTURE AND THE FRONT DOOR. THAT IS IT. IT'S BEEN REMODELED. THE INTERIOR, THE FLOOR PLAN IS NOT THE SAME. IT'S BEEN CHANGED. IT'S BEEN ADDED. IT'S BEEN CODED. TIN IS ON IT. YOU NAME IT. THAT'S THE PERFECT HOUSE FOR MY WIFE AND I WHO CANNOT AFFORD TO KEEP UP WITH A HOUSE. THE HOUSE THAT I LIVE IN IT NOW, IT'S GOING TO BE REDONE WITH THE CONTINGENCY OF THE HOUSE BEING RELOCATED. THE MORTGAGE WILL BE PAID OFF ON

THE OTHER HOUSE. I OWN THE LAND FREE AND CLEAR AS WELL. [BUZZER SOUNDING] AS WELL AS THE LAND THAT I'M PUTTING THE HOUSE ON. AND THE CIVIL WAR WAS WON BY THE UNION. I WANT YOU TO UNDERSTAND THAT. THAT'S ALL.

Mayor Wynn: THANK YOU. COUNCIL, THAT'S ALL OF OUR FOLKS WHO SIGNED UP TO GIVE US TESTIMONY ON THIS PUBLIC HEARING. ITEM 109. I DON'T THINK MR. SADOWSKY NEEDS TO REBUTT ANYTHING BUT HE IS AVAILABLE FOR QUESTIONS AND COMMENTS.

I AM AVAILABLE FOR QUESTIONS AND COMMENT AND I WANT TO REMIND COUNCIL THERE IS A VALID PETITION ON THIS CASE.

Mayor Wynn: THEREFORE IT WOULD TAKE AN AFFIRMATIVE VOTE OF 6 TO ZONE THIS HISTORIC OVER THE VALID PETITION. QUESTIONS? COMMENTS? NO, MA'AM, OUR RULES ARE -- WE HAVE A STRICT ORDINANCE ABOUT THE PROCESS WE FOLLOW TO BE FAIR AND SOMEWHAT PREDICTABLE. COMMENTS? THESE ARE OBVIOUSLY VERY PAINFUL, PAINFUL CASES. COUNCILMEMBER KIM. THEN MARTINEZ.

Kim: I REALLY APPRECIATE EVERYONE TAKING AN INTEREST IN THIS CASE AND I UNDERSTAND THAT, YOU KNOW, THIS IS A DIFFICULT ONE, BUT I AM GOING TO SUPPORT THE PLANNING COMMISSION'S RECOMMENDATION, THE HISTORIC ZONING, HISTORIC LANDMARK COMMISSION'S RECOMMENDATION OF SF-3, HISTORIC ZONING MP.

Mayor Wynn: COUNCILMEMBER MARTINEZ.

Martinez: IS SHE MAKING A MOTION?

Kim: YES.

Martinez: I'LL SECOND. I THINK IT WAS JUST THE HISTORIC LANDMARK COMMISSION. IT WAS BOTH OF THEM? OKAY.

Mayor Wynn: MOTION BY COUNCILMEMBER KIM, SECONDED BY COUNCILMEMBER MARTINEZ TO APPROVE PLANNING COMMISSION RECOMMENDATION HISTORIC ZONING. COUNCILMEMBER COLE.

Cole: I WAS MOVED BY THE TESTIMONY ABOUT THE OTHER LOCATION IN AUSTIN SUCH AS CLARKSVILLE WHERE WE HAVE LOST BECAUSE WE DID NOT MAKE THE EFFORT IN FACE OF SOME ECONOMIC HARDSHIPS TO PRESERVE HOUSES IN THOSE AREAS, AND I THINK THIS AREA OF EAST AUSTIN IS ESPECIALLY VULNERABLE TO THAT AND SO I TOO WILL BE SUPPORTING THE MOTION.

Mayor Wynn: FURTHER COMMENTS? COUNCILMEMBER McCRACKEN.

McCracken: THIS AREA IS COVERED BY THE McMANSION ORDINANCE, ISN'T IT?

YES, IT IS.

McCracken: SO IF THIS HOUSE IS NOT ZONED HISTORIC AND THEN THERE'S SUBSEQUENTLY A NEW HOUSE PLACED THERE, IT WOULD HAVE TO COME PLIEN WITH THE COMPATIBILITY REQUIREMENTS OF THE McMANSION ORDINANCE.

YEAH, I'M NOT --

McCracken: THIS IS AN EXAMPLE OF WHY WE NEEDED TO DO THE McMANSION ORDINANCE AND IT WAS BECAUSE WE HAD ABUSES, AND THOSE PHOTOS SHOWED ABUSES, BUT THOSE ABUSES ARE ILLEGAL NOW. THE PICTURE, THE THINGS WE SAW IN THE PHOTOS ARE ILLEGAL. IT COULDN'T BE BUILT AND THAT'S A GOOD THING. SO THAT WE ARE TRYING TO RESOLVE THE FACT THAT SOME HOUSES JUST, THEY ARE NOT HISTORIC. BUT WE DON'T HAVE A TOOL PROTECTING INTEGRITY OF NEIGHBORHOODS. SO THE APPROACH THAT I THINK THAT THIS COMMUNITY AND THIS COUNCIL WISELY ARRIVED ON WAS THAT TO RECOGNIZE THAT HISTORIC ZONING WAS NOT GOING TO BE THE RIGHT TOOL IN A LOT OF OCCASIONS TO PROTECT THE CHARACTER OF A NEIGHBORHOOD SO THAT YOU WOULD HAVE SITUATIONS WHERE YOU WOULD HAVE HOUSING STOCK THAT WOULD HAVE DEAR TEAR RATED SO FAR THAT IT COULDN'T BE REHAND AND THEN IT HAD TO BE TORN DOWN. BUT ALSO TO REMOVE THE MARKET INCENTIVE TO BE PUTTING BASICALLY COMMERCIAL STRUCTURES IN THE MIDDLE OF NEIGHBORHOODS LIKE SOME OF THE PHOTOS WE SAW. SO I THINK THIS IS ONE OF THOSE EXAMPLES OF WHY WE HAVE THE ORDINANCE BECAUSE THIS HOME IS NOT HISTORIC. OUR OWN HISTORIC OFFICER WHO TAKES A VERY PROGRESSIVE VOOMENT ON THIS HAS TOLD US IT IS NOT HISTORIC IN HIS PROFESSIONAL JUDGMENT. THIS HOME HAS, YOU KNOW, SIDING AND ALUMINUM WINDOWS. SO I DON'T THINK IT FITS THE CRITERIA OF BEING HISTORIC. ALSO WHAT WILL REPLACE IT CANNOT BE AN OUT OF SCALE STRUCTURE LIKE THE PHOTOS WE SAW. SO I THINK THAT THE NEIGHBORHOOD HAS PROTECTION THAT DID NOT USED TO EXIST AT THE TIME THE PHOTOS WERE TAKEN THAT DO EXIST NOW SO YOU WILL NOT HAVE THESE EGREGIOUS ABUSES ANYMORE. BUT AT THE END OF THE DAY, WE ARE BEING ASKED WHETHER THIS HOME IS HISTORIC FOR ZONING PURPOSES. OUR PROFESSIONAL HISTORIC ZONING OFFICER TELLS US IT'S NOT. I AGREE WITH HIM AND CANNOT VOTE FOR HISTORIC ZONING.

Mayor Wynn: MAYOR PRO TEM.

Dunkerley: I TOO AGREE WITH OUR STAFF. I DON'T THINK THIS STRUCTURE REACH TOES THE LEVEL OF HISTORIC LANDMARK BECAUSE IT'S BEEN CHANGED TOO MUCH. NOW, FROM THE PICTURES THAT I SAW THAT STAFF PRESENTED AND SOME OF THE CITIZENS PRESENTED, I SEE OTHER HOMES IN THAT AREA THAT HAVE MORE AUTHENTICITY REMAINING THAN THIS ONE DOES. AND I WOULD HOPE THAT HOWEVER THIS PARTICULAR ACTION GOES TONIGHT, THAT THE NEIGHBORHOOD THAT IS CONCERNED THERE START THE RESEARCH ON THOSE

HOMES TO SEE IF THEY, IN FACT, DO NOT REACH HISTORIC LANDMARK LEVEL. AND I AGREE WITH MRS. -- WITH LYNN TEAM WHO SPOKE EARLIER ABOUT HOW SLOW THE LOCAL HISTORIC DISTRICTS HAVE BEEN. WE HOPE, I HOPE THAT IN MARCH, JUST ANOTHER WEEK OR SO, WE WILL HAVE OUR FIRST HISTORIC DISTRICT. IT'S TAKEN A LONG, LONG TIME. AND I'M HOPING THAT THE NEXT ONES WILL NOT TAKE THAT LONG. AND SO IF THERE ARE ENOUGH HOMES IN THE AREA THAT ARE CONTRIBUTING STRUCTURES, AND IF WE CAN GET ENOUGH LANDOWNERS, PROPERTY OWNERS TO AGREE TO FORM A DISTRICT, THE -- THIS WILL BE ANOTHER TOOL THAT WE COULD USE TO HELP KEEP THE FLAVOR OF THAT NEIGHBORHOOD THERE. SO I WOULD HOPE THAT THE STAFF AND THE NEIGHBORHOOD COULD BEGIN TO LOOK AT THINGS THAT ARE POTENTIALLY HISTORIC BEFORE THERE IS A DEMOLITION PERMIT REQUESTED FOR BEFORE THERE IS A RELOCATION PERMIT REQUESTED BECAUSE WHEN YOU WAIT THAT LONG, THEN YOU REALLY -- THERE ARE REALLY A LOT OF PEOPLE HURT IN THE NEIGHBORHOOD, NOT JUST THE NEIGHBORHOOD ITSELF, BUT THE OWNERS OR THE FOLKS THAT UNKNOWINGLY BOUGHT SOMETHING THAT DIDN'T APPEAR TO BE HISTORIC AT ALL WHICH I DON'T THINK REALLY REACH THAT'S STANDARD. SO I JUST WANT TO ENCOURAGE EVERYONE TO CONTINUE TO FIND THOSE STRUCTURES THAT ARE STILL AUTHENTIC AND THAT WE CAN MAKE HISTORIC AND PRESERVE.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I THINK THERE'S DISAGREEMENT ABOUT WHETHER OR NOT IT'S HISTORIC AND I HAVE THE GREATEST RESPECT FOR MR. SADOWSKY'S JUDGMENT, BUT WE ALSO HAVE TWO COMMISSIONS WHO HAVE UNANIMOUSLY SAID THEY THOUGHT IT WAS HISTORIC. JUDGING FROM THE PICTURES, THE HOUSE IS STRUCTURALLY VERY SOUND, I WOULD SAY. THE MODIFICATIONS TO IT APPEAR TO BE, AS SOMEONE ELSE HAS SAID HERE TONIGHT, COSMETICS AND COULD BE EASILY CORRECT. THE FACT THAT THE STRUCTURE IS SOUND AND I THINK IS VERIFIED BY THE FACT THAT SOMEONE WANTS TO LIVE IN IT, SOMEONE WANTS TO MOVE THE HOUSE INTACT TO ANOTHER AREA. I AGREE ALSO THAT WHAT'S REALLY NEEDED HERE IS AN HISTORIC DISTRICT BECAUSE IT'S NOT THE ONE HOUSE, IT'S CERTAINLY HOUSES, AND A LOT OF THE HOUSE LOOK BASICALLY THE SAME. BUT IF YOU BEGAN TO TAKE THESE HOUSES DOWN AND REPLACE THEM WITH MODERN STRUCTURES, PRETTY SOON YOU ARE NOT GOING TO EVEN BE ABLE TO HAVE AN HISTORIC DISTRICT BECAUSE IT WILL ALL BE TAKEN AWAY PIECE BY PIECE. I UNDERSTAND THE HARDSHIP INVOLVED HERE, BUT I THINK SOMEHOW WE'VE GOT TO GET THE IDEA ACROSS AND PERHAPS FORRALIZE IT SOME WAY THAT ANY HOUSE YOU BUY THAT'S OVER 50 YEARS OLD IS GOING TO BE POTENTIALLY HISTORIC AND YOU NEED TO CHECK THAT OUT BEFORE PROCEEDING WITH IT. SO I'M GOING TO SUPPORT -- I'M GOING TO VOTE FOR HISTORIC DESIGNATION ALSO.

Mayor Wynn: THANK YOU, COUNCILMEMBER. I'LL CONCLUDE BY -- VERY RESPECTFUL OF NOT ONLY THE PERSPECTIVES ON THE DAIS, I THINK THERE HAVE BEEN A NUMBER OF TONIGHT, BUT THE OVERAFTERNOONING ISSUE IS DEVELOPMENT PRESSURE. AND YES, THE

HISTORIC FABRIC IS VERY IMPORTANT, HISTORIC DESIGNATION IS IMPORTANT, LANDMARKS ARE IMPORTANT FOR COMMUNITIES, BUT, IN MY OPINION, THE OVERBEARING ISSUE IS DEVELOPMENT. DEVELOPMENT PRESSURE BECAUSE OF GROWING POPULATION. DEVELOPMENT PRESSURE BECAUSE OF WHAT I THINK ON THE LARGER PICTURE IS VERY APPROPRIATE CHANGES IN LAND USE PATTERNS THAT HAVE MORE PEOPLE LIVING CLOSER TO WHERE THEY WORK AND SHOP AND GO TO SCHOOL. HAVE TO REALLY TRY TO DEAL WITH THE SUSTAINABILITY CHALLENGE AS A COMMUNITY. AS COUNCILMEMBER McCRACKEN POINTED OUT, WE HAVE MEASURABLY INCREASED THE SORT OF REGULATORY ABILITY FOR NEW DEVELOPMENT TO HAVE FAR LESS OF AN IMPACT ON EXISTING NEIGHBORHOODS. AND SO I'M NOT GOING TO BE SUPPORTIVE OF THE HISTORIC ZONING ON THIS CASE. WE HAVE A MOTION AND A SECOND ON THE TABLE. THIS IS HISTORIC ZONING, BUT PER STATE WITH VALID PETITION PROCESSES REQUIRES A SUPER MAJORITY OR SIX AFFIRMATIVE VOTES IN ORDER FOR THAT TO BECOME LAW AND PASS. ALL IN FAVOR OF THE MOTION FOR HISTORIC ZONING PLEASE SAY AYE. OPPOSED? SO THE MOTION FAILS BECAUSE OF AN AFFIRMATIVE VOTE OF 4-3. COUNCIL, LET'S SEE. WE HAVE TWO SORT OF BLOCKS OF BUSINESS STILL TO DO. ONE IS SORT OF THE COMBINED ITEMS THAT RELATE TO OUR EAST 12th STREET NCCD AND RELATED ISSUES. ANOTHER IS OUR ITEM AND PUBLIC HEARING AND PRESENTATION ON SINGLE-MEMBER DISTRICTS. I'M FRANKLY TRYING TO LOOK AT THE CITIZEN SIGN-UP TO FIGURE OUT, YOU KNOW, WHERE WE HAVE MORE INTEREST. AND ALSO JUST BEING RESPECTFUL OF THE HOUR AND FOLKS HERE WANTING TO GO GIVE US TESTIMONY. I DON'T SEE SORT OF A OBVIOUS ANSWER AS TO WHICH ONES WE TAKE UP FIRST. SO WITHOUT OBJECTION, LET'S DO TAKE UP SORT OF THE COMBINED ITEMS RELATED TO OUR DISCUSSION REGARDING SINGLE-MEMBER DISTRICTS. I THINK THAT INCLUDES BOTH A -- SOME TYPE OF STAFF OR COUNCIL PRESENTATION. WE THEN HAVE A POSTED PUBLIC HEARING. AND THEN WE ALSO HAVE A POSTED ITEM FROM COUNCIL REGARDING A RESOLUTION WITH FURTHER DIRECTION. SO WITH -- I'M NOT SURE WHAT THE NUMBERS ARE. SO WITH THAT, I GUESS SEQUENTIALLY LET'S CALL THESE NEWSPAPER A WAY THAT WE HAVE OUR PRESENTATION EITHER PERHAPS FROM OUR CHARTER REVISION COMMISSION AND/OR ITS STAFF. I GUESS I WOULD WELCOME FORMER MAYOR GUS GARCIA. IF MEMORY SERVED ME, SERVED AS OUR CHAIR. WELCOME, MAYOR.

THANK YOU, MAYOR, COUNCILMEMBERS. JUST A BRIEF REPORT. FROM THE COMMISSION. WE SENT YOU ALL A LETTER ON DECEMBER 21st. IN ESSENCE, THE COMMISSION WAS FORMED IN APRIL OF '07, APRIL 5th, '07, AND WE HAD -- THE CHARGE OF THE COMMITTEE WAS TO ADVISE THE CITY COUNCIL ON PROPOSED AMENDMENTS TO THE CITY CHARTER RELATED TO GEOGRAPHICAL REPRESENTATION FOR ELECTION OF COUNCILMEMBERS. IN PARTICULAR THE COMMITTEE SHALL REVIEW AND REPORT ON THE ADVISE BUILT OF A CHARTER AMENDMENT PROPOSING SINGLE-MEMBER DISTRICTS OR A REPRESENTATION SCHEME THAT INCLUDED BOTH SINGLE-MEMBER DISTRICTS AND AT-LARGE COUNCIL SEATS FOR COUNCILMEMBER ELECTIONS. WE DID THAT. WE HAD SEVERAL HEARINGS. WE WENT TO [INAUDIBLE] ON THE EAST, TO BROWN ON THE NORTH, SOUTH AUSTIN SENIOR ACTIVITY CENTER IN THE SOUTH, AND THE LCRA BUILDING IN THE WEST. WE ALSO HAD FIVE OTHER

MEETINGS HERE IN THE BOARD AND COMMISSIONS ROOM. AFTER DELIBERATIONS AND MUCH IN THE WAY OF ACTIVITY, THE COMMITTEE DECIDED TO DO AN INTERNET SURVEY MAINLY BECAUSE WE WERE NOT GETTING MUCH IN THE WAY OF ORAL PRESENTATIONS. AND THERE WERE THREE QUESTIONS IN THE INTERNET SURVEY THAT I WANTED TO GO OVER WITH YOU. BECAUSE THEY ACTED AS A GUIDE TO THE COMMITTEE ON WHAT RECOMMENDATION WE WERE TO MAKE. THE FIRST ONE SAYS DO YOU FEEL WELL REPRESENTED WITH THE CITY OF AUSTIN'S CURRENT AT-LARGE SYSTEM. THE ANSWER NO HAD 974 RESPONDERS. THE ANSWER YES WAS 750. THE SECOND QUESTION THAT PERTAINED TO THIS ISSUE WAS DO YOU THINK SINGLE-MEMBER DISTRICTS WOULD PROVIDE BETTER REPRESENTATION FOR YOU AND YOUR COMMUNITY. THE ANSWER NO WAS 700. THE ANSWER YES WAS 1025. SO IN BOTH OF THOSE QUESTIONS IT'S CLEAR THAT THE PEOPLE RESPONDING WERE SAYING THAT SINGLE-MEMBER DISTRICTS WERE PREFERABLE TO WHAT WE HAVE TODAY. THE LAST QUESTION WAS THE ONE THAT ADDRESSED DIRECTLY THE ISSUE OF AN ELECTION. IF A CHARTER AMENDMENT WAS OFFERED TO CHANGE THE AUSTIN CITY COUNCIL'S DISTRICTING SCHEME FROM A CURRENT AT-LARGE ELECTION SYSTEM TO A SINGLE-MEMBER DISTRICT OR A COMBINATION OF SINGLE-MEMBER DISTRICT AND AT-LARGE DISTRICT, WOULD YOU SUPPORT THE AMENDMENT. THE ANSWER NO, 535. YES, 857. MAYBE, 333. SO IN EACH ONE OF THOSE QUESTIONS THE RESPONDERS -- AND WE HAD OVER 1700 RESPONDERS, WHICH WE FELT WAS A REPRESENTATIVE GROUP FOR THE CITY. IN EACH ONE OF THOSE CASES, THE PEOPLE THAT RESPONDED SAID YES, WE THINK SINGLE-MEMBER DISTRICTS OR A COMBINATION OF A SCHEME WOULD BE THE BEST THING FOR AUSTIN. IT WAS ON THAT BASIS THAT WE DECIDED TO VOTE, AND WE VOTED AT THE LAST MEETING, AND WE VOTED FOR THE COMMITTEE MEMBERS SUPPORTED SENDING YOU A RECOMMENDATION ADVISING YOU TO CONSIDER PUTTING AN ITEM ON THE BALLOT TO GO TO SINGLE-MEMBER DISTRICTS. TWO VOTED NO, ONE WAS ABSENT, AND LATER INDICATED THAT SHE WAS AGAINST IT. TO GO BACK TO THE CHARGE THAT YOU ALL GAVE US, YOU SAID IN PARTICULAR THE COMMITTEE SHALL REVIEW AND REPORT ON THE ADVISABILITY OF A CHARTER AMENDMENT PROPOSING SINGLE-MEMBER DISTRICTS OR REPRESENTATION SCHEME THAT INCLUDES BOTH SINGLE-MEMBER DISTRICTS, SINGLE-MEMBER DISTRICTS AND AT-LARGE COUNCIL SEAT FOR COUNCILMEMBER ELECTIONS. WE DID NOT MAKE THAT PARTICULAR DETERMINATION IN ESSENCE BECAUSE WE HAD A CONSULTANT WHO IS HERE TONIGHT WHO WILL BE ABLE TO ANSWER YOUR QUESTIONS THAT PRESENTED TO US SEVERAL SCHEMES. UNDERSTANDING, COUNCIL, THAT WHATEVER WE SELECTED WAS GOING TO BE -- YOU KNOW, YOU WERE GOING TO BE THE ONE MAKING THE FINAL DECISION AS TO WHAT WAS GOING TO GET ON THE BALLOT. SO THE COMMITTEE FELT THAT WHAT YOU TOLD US TO DO IN THE APRIL 5th RESOLUTION, WE DID THAT. I THINK IN THE NEW RESOLUTION THAT'S PROPOSED BY COUNCILMEMBER COLE, SHE TALKS ABOUT SOME THINGS LIKE SENDING A PLAN TO THE JUSTICE DEPARTMENT TO SEE IF WE CAN GET PRE-CLEARED. THEY DON'T PRE-CLEAR YOU ON THAT BASIS. YOU HAVE TO PUT AN ITEM ON THE BALLOT. THE CITY HAS TO APPROVE IT. AND THEN THEY WILL GIVE YOU A PRE-CLEARANCE. IT SOUNDS A LITTLE BIT BACKWARDS BECAUSE IF THEY ARE GOING TO PRE-CLEAR IT,

SEEMS TO ME THEY OUGHT TO BEFORE WE PUT IT TO VOTERS BUT THAT'S NOT THE WAY IT WORKS. PRE-CLEARANCE MEANS THEY WILL GIVE YOU PRE-CLEARANCE TO GIVE YOU SOMETHING THAT THE VOTERS PASSED. SOME OF THE THINGS IN THE RESOLUTION THAT'S PROPOSED TODAY DO NOT COMPLY WITH THE WAY THAT THINGS ARE DONE IN THIS PARTICULAR AREA. ANYWAY, THE -- I DON'T THINK WE WANT TO GO BACK TO RESTART THE PROCESS OF THE COMMITTEE. AS A MATTER OF FACT, ONE OF OUR MEMBERS NO LONGER LIVES IN THE CITY OF AUSTIN. AND SOME OF US FEEL THAT WE HAVE DONE THE WORK THAT YOU ASKED US TO DO, AND IF YOU ARE GOING TO DO THIS PARTICULAR NEXT RESOLUTION, YOU OUGHT TO APPOINT ANOTHER COMMITTEE BECAUSE I THINK WE HAVE DONE THE WORK THAT YOU'VE ASKED US TO DO. AND TO RESTART THE PROCESS FOR US, I DON'T THINK -- WELL, THERE MAY BE SOME OF THE COMMITTEE MEMBERS -- I DON'T WANT TO SPEAK FOR ALL OF THEM, BUT I THINK THE THING TO DO IS ASK IF YOU ALL HAVE ANY QUESTIONS FOR ME, AND ALSO TO INTRODUCE JERRY, WHO IS OUR CONSULTANT ON ALL OF THIS -- ON ALL OF THESE ISSUES. LET ME SAY IN CLOSING THAT WE DID A VERY EXTENSIVE -- WE DID A VERY EXTENSIVE STUDY AT OUR HEARINGS AND LOOKING AT THE PRESENTATIONS MADE BY CITIZENS AND MR. JERRY HEBER AND WE THINK WHAT WE RECOMMENDED IN THE LETTER IS CONSISTENT WITH WHAT YOU ASKED US TO DO. I'LL BE GLAD TO ANSWER ANY QUESTIONS.

Mayor Wynn: THANK YOU, MAYOR. QUESTIONS FOR MAYOR GARCIA? BEFORE WE HEAR FROM -- COUNCILMEMBER COLE. COLE COLE HI, MAYOR. WE ALL APPRECIATE THE WORK THAT YOU'VE PUT IN, BUT I RECOGNIZE THE GRAVITY OF WHAT WE'RE ASKING THE COMMUNITY TO VOTE ON AND WE DON'T WANT TO ASK THEM TO DO THAT LIGHTLY OR WITHOUT CLEAR INFORMATION AND THAT'S WHY WE SENT IT TO THE COMMITTEE IN THE FIRST PLACE AND WE KNOW YOU HAVE DONE A LOT OF HARD WORK. I WANT TO ASK A COUPLE QUESTIONS ABOUT YOUR COMMENTS. FIRST THE SURVEY. HOW WAS THAT CONDUCTED? WAS IT STATISTICALLY VALID? I THINK YOU USED THAT TERM, BUT IT WAS MY UNDERSTANDING THAT ANYONE COULD LOG IN AT MULTIPLE TIMES TO CAST A VOTE. IS THAT TRUE?

THAT WE DID NOT TEST, COUNCILMEMBER. WE JUST PUT IT UP THERE AND PEOPLE, YOU KNOW, RESPONDED TO IT. AND WHAT I'M SAYING IS IN A CITY THE SIZE OF AUSTIN, IF YOU HAD 1800 RESPONSES TO AN INTERNET SURVEY, WE FELT, THE COMMITTEE FELT -- AND THIS IS A SUBJECTIVE EVALUATION ON OUR PART, WE FELT THAT THAT WAS SUFFICIENT FOR US TO MAKE A DETERMINATION AS TO WHETHER WE WERE GOING TO RECOMMEND SOMETHING TO YOU. IT'S ALL RECOMMENDATIONS. YOU ARE THE GUYS WHO ARE GOING TO MAKE THE DECISIONS.

Cole: I UNDERSTAND WE'RE THE ONES THAT ARE GOING TO MAKE THE DECISIONS AND BECAUSE WE'RE THE ONES GOING TO MAKE THE DECISION, I PUT FORTH THAT RESOLUTION TO TRY TO GET CLARITY ABOUT HOW WE'RE GOING TO MAKE THAT DECISION. I WANT TO GO BACK AGAIN TO THE SURVEY. YOU ARE FAMILIAR WITH THE INITIATIVE AND REFERENDUM PROCEDURES WE HAVE FOR PUTTING ITEMS ON THE BALLOT WHEN CITIZENS WANT TO PUT

SOMETHING BEFORE THE VOTERS LIKE WE HAD WITH THE STOP DOMAIN SUBSIDIES. DO YOU REMEMBER THAT?

NO, MA'AM.

Cole: I JUST MEAN WE HAVE CERTAIN CRITERIA THAT HAVE TO BE MET, A CERTAIN NUMBER OF SIGNATURES, AND IT'S WAY IN EXCESS OF 1700 BEFORE AN ITEM CAN GO ON THE BALLOT. I'M WONDERING IF YOUR COMMITTEE HAD ANY DISCUSSION ABOUT THAT BEFORE YOU JUST DETERMINED THAT A RESPONSE OF 1700 WAS --

WE DIDN'T THINK THAT WAS IN THE CHARGE THAT YOU GAVE US, OKAY? THE CHARGE THAT YOU GAVE US WAS RATHER STRAIGHTFORWARD AND SIMPLE. YOU SAY ADVISEOUS THE ADVISABILITY. SO WE WENT OUT AND COLLECTED DATA, YOU KNOW, AT ALL THE HEARINGS. I HAVE TO TELL YOU, WE DIDN'T HAVE A LOT OF PEOPLE TESTIFYING. SOME PEOPLE SAID THAT PERHAPS THEY DIDN'T COME BECAUSE OUR MEETINGS WERE AT 5:00. I ASKED SOME OF THE COMMITTEE MEMBERS AND SOME SAID I DON'T WANT TO FINISH WORK, GO HOME AND COME BACK AT 7:30. SO WE CONTINUED WITH OUR 5:00 MEETINGS. LET ME TELL YOU THE THING THAT IMPRESSED THE COMMITTEE MEMBERS MORE THAN ANYTHING ELSE. THE PEOPLE FROM OAK HILL CAME. THE PEOPLE FROM ONION CREEK, WHICH IS A NEWLY ANNEXED AREA. THE PEOPLE FROM ANDERSON MILL. AND AUSTIN NOW GOES INTO WILLIAMSON COUNTY. THE PEOPLE FROM THE NORTH AUSTIN CIVIC ASSOCIATION, WHO SAID WE HAVE NEVER HAD REPRESENTATION. WHAT WE SAID TO OURSELVES WAS THIS PLAN OF AT LARGE WAS PROBABLY PUT IN PLACE WHEN AUSTIN PROBABLY HAD AROUND 150,000 PEOPLE. WE NOW HAVE IN THE CITY WELL OVER 700,000 PEOPLE. AND PEOPLE FROM CERTAIN AREAS OF TOWN, PARTICULARLY THE ONES NEWLY ANNEXED, ARE SAYING WE DON'T HAVE REPRESENTATION. SOUTHWEST PARTICULARLY. OAK HILL. THE PEOPLE FROM ONION CREEK SAID THE SAME THING. SO WE FELT THAT -- THE COMMITTEE FELT THAT THEIR REQUEST WAS A VALID ONE AND THAT WE OUGHT TO TELL YOU THAT WE THINK THAT YOU OUGHT TO PUT THAT ON THE BALLOT. KNOWING FULL WELL THAT THIS HAS BEEN ON THE BALLOT SIX TIMES AND IT HAS FAILED. WE WERE, YOU KNOW, COGNIZANT OF ALL THOSE ISSUES, BUT WE STILL BELIEVED THAT AT THIS TIME IN THE HISTORY OF AUSTIN, IT WAS A GOOD IDEA. AND THE ELECTRONIC -- THE INTERNET SURVEY WAS ONE OF THE ISSUES. THE OTHER ONE WAS THAT PEOPLE THAT CAME, AND THEY WERE HISPANICS AND AFRICAN-AMERICANS, TOLD US SOMETHING WE HAD NEVER HEARD BEFORE, BECAUSE IN PRIOR DISCUSSIONS ABOUT SINGLE-MEMBER DISTRICTS, THE ISSUE WAS RACE AND ETHNICITY. NOT ON THIS ONE. THE ISSUE WAS NOT RACE OR ETHNICITY. IT WAS ACCOUNTABILITY. PEOPLE FROM NORTH, CENTRAL -- CENTRAL AND NORTH AUSTIN SAID WE'VE NEVER HAD A REPRESENTATIVE ON THE COUNCIL. AND WE THINK THAT WE OUGHT TO ELECT OUR OWN PERSON, OUR OWN REPRESENTATIVE. AND SO WE FELT THAT THEIR TESTIMONY WAS VERY MUCH IN EARNEST. AND THAT WE OUGHT TO CONSIDER IT. THAT WAS THE BASIS THAT WE USED FOR MAKING OUR RECOMMENDATION.

Cole: WELL, I UNDERSTAND THAT THERE WERE CERTAIN NEIGHBORHOODS THROUGHOUT

AUSTIN THAT SHOWED UP AND ENCOURAGED GEOGRAPHIC REPRESENTATION. BUT I'M WONDERING, DID YOU OR THE COMMITTEE GET INFORMATION FROM MR. HERBERT OR THE JUSTICE DEPARTMENT ABOUT THE IMPLICATIONS OF THAT.

NO, MR. HERBERT CAN ADDRESS THAT BETTER THAN I CAN BECAUSE HE'S AN EXPERT. THAT'S THE GUY WE BROUGHT IN. JUSTICE WILL NOT TELL YOU ANYTHING UNTIL YOU HAVE A HE LICKS AND YOU HAVE A PROVISION IN THE CHARTER THAT SAYS YOU ARE GOING TO ELECT MEMBERS FROM SINGLE-MEMBER DISTRICTS. BEFORE YOU IMPLEMENT THE PLAN, THEY HAVE TO GIVE YOU PERMISSION.

Cole: DID YOU TRY TO CONTACT JUSTICE?

NO -- WELL, MR. HERBERT WAS THE ONE WE CALLED BECAUSE HE'S THE ONE THAT HAS THE CONTACT WITH JUSTICE. YOU ALL THE CITY HIRED HIM TO CONSULT WITH US AND HE'S HERE SO HE CAN ADDRESS THAT PARTICULAR ISSUE.

Cole: THANK YOU.

Mayor Wynn: COUNCILMEMBER McCracken.

McCracken: MAYOR, I TOO WANT TO THANK YOU FOR YOUR SERVICE. I KNOW THE PRICE IS SURE RIGHT FOR GETTING YOU AND EVERYBODY ELSE ON THE CHARTER REVISI COMMITTEE. CAN YOU TELL US HOW LONG THE COMMITTEE HELD HEARINGS AND TESTIMONY?

SAY THAT AGAIN.

McCracken: HOW LONG DID YOU ALL TAKE TESTIMONY AND HOLD HEARINGS ON THE CHARTER REVISION COMMITTEE?

WE HAD HEARINGS STARTING IN JULY AND WENT THROUGH DECEMBER.

McCracken: THAT'S ABOUT FIVE MONTHS.

AND WE HAD NEWS RELEASES. WE HAD WEB SITES DEVELOPED.

McCracken: I'M JUST TRYING TO -- SO JUST FROM READING NEWS ACCOUNTS, IT APPEARS THAT YOU ALL CONSIDERED A LOT OF TESTIMONY AND PRESENTATIONS ON DIFFERENT REDISTRICTING -- NOT REDISTRICTING, BUT DISTRICT SCHEMES, RIGHT?

YES. WE DIDN'T HAVE A LOT OF TESTIMONY FROM CITIZENS.

McCracken: I GUESS WHAT I'M GETTING AT IS YOU ALSO IN FIVE MONTHS AND YOU HEARD A

LOT OF TESTIMONY AND PRESENTATIONS ABOUT VARIOUS DIFFERENT DISTRICT LAYOUTS. THE PUBLIC HEARING WE HAD THIS EVENING HAS ZERO BACKUP FOR US. WE DON'T EVEN HAVE A MAP IN FRONT OF US TONIGHT. SO WE'VE NEVER SEEN ANYTHING. YOU ALL SPENT FIVE MONTHS LOOKING AT MAPS. SO YOU ALL OBVIOUSLY HAVE A HUGE HEAD START ON KNOWLEDGE FROM WHAT WE HAVE. SO ONE OF THE REASONS WHY WE WANTED YOU ALL TO LOOK AT IT WAS BECAUSE WE DON'T KNOW A THING ABOUT THE MAPS. I UNDERSTAND TWO OF MY COLLEAGUES HAVE A MAP THEY PREFER, THEY'VE NEVER SHARED TO IT MY KNOWLEDGE AND THERE'S NO BACKUP AT TONIGHT'S HEARING. DID YOU HAVE A PREFERRED MAP YOURSELF AFTER TAKING FIVE MONTHS OF PRESENTATIONS AND TESTIMONY ON VARIOUS MAPS?

YES. I'M GOING TO LET MR. HEBERT GIVE YOU MORE EXPLANATIONS, BUT THE PLAN WE FELT WAS MOST APPROPRIATE --

McCracken: WHO IS WE?

THE COMMITTEE.

McCracken: THE COMMITTEE DIDN'T VOTE ON A MAP.

THE COMMITTEE DON'T VOTE OUT, BUT THE DISCUSSIONS WE HAD POINTED TO HAVING A 6 TO 1. SIX DISTRICTS, TWO AT LARGE FROM SUPER DISTRICTS, WHICH IS SOMETHING WE'VE NEVER HAD IN AUSTIN. THIS HAD A SUPER DISTRICT IN THE WEST AND SUPER DISTRICT IN THE EAST. SOME PEOPLE THOUGHT THE LINE THAT DIVIDED THOSE DISTRICTS WAS YIEF. I-35. NO. IT HAD TO DO WITH PEOPLE LIVING ON ONE SIDE OF THE CITY OR THE OTHER.

McCracken: WHEN YOU -- SO IT SOUNDS LIKE THEN SINCE YOU ALL -- I'M GATHERING FROM YOUR PRESENTATION, YOUR STATEMENT, IT -- THAT YOU ALL HAD ARRIVED ON A CONSENSUS. IT WOULDN'T AB BIG BURDEN TO JUST AFFIRM THAT CONSENSUS THAT YOU ARE TELLING US YOU ALREADY HAD ON RECOMMENDING A SPECIFIC MAP TO CITY COUNCIL.

WELL, YOU DIDN'T CHARGE US WITH THAT.

McCracken: NO, I KNOW THAT. IT SOUNDS LIKE YOU ALL WERE READY TO SEND ONE TO US. YOU JUST DIDN'T -- WHAT I'M GATHERING FROM YOU, YOU WERE READY TO SEND US A MAP, WE DIDN'T ASK YOU FOR ONE. FAN WE WENT BACK AND ASKED -- IS THAT YOUR SENSE?

MR. HEBERT, HELP. I'M GOING TO LET MR. HEBERT ANSWER SOME OF THOSE QUESTIONS BECAUSE I'LL BE QUITE FRANK, I'M NOT SURE THAT I HAVE ALL THE INFORMATION.

McCracken: MAYOR, ALL I'M ASKING IS FOR THE MAJORITY, THE ONE PERSON MAJORITY ON THE COMMITTEE THAT BELIEVED WE SHOULD SEND SOME KIND OF DISTRICT SYSTEM -- BY THE WAY, WHICH WE STILL DON'T KNOW WHAT IT IS ON THIS COUNCIL. WHAT I HEARD YOU

SAY IS YOU ALL HAD A MAP YOU PREFERRED. AND SO --

NO.

McCracken: YOU DIDN'T.

NO, I DON'T THINK THERE WAS -- THERE WAS NO VOTE ON THAT. OKAY? MAKE THAT CLEAR. WE DID NOT VOTE ON A MAP.

McCracken: DID YOU ALL HAVE -- DID YOU OR DID YOU NOT HAVE A MAP THAT YOU ALL --

WE HAD SEVERAL MAPS. WE HAD A FOUR DISTRICT MAP, A SIX DISTRICT MAP, EIGHT DISTRICT MAP. WE LOOKED AT MR. ROBINSON HELPED US FROM THE OFFICE OF THE DEMOGRAPHER. MR. HEBERT. AND SO WE LOOKED AT THOSE, BUT THAT WAS NOT THE CHARGE THAT WAS GIVEN TO US BY YOU. IF YOU READ THE RESOLUTION THAT YOU GAVE US, IT TALKS ABOUT THE ADVISABILITY OF HAVING AN ELECTION BY SINGLE-MEMBER DISTRICTS. THAT'S ALL WE DID.

McCracken: IF YOU WERE -- WHY DID YOU ALL TAKE SO MUCH TESTIMONY AND PRESENTATIONS ON MAPS THEN?

I'M SORRY?

McCracken: WHY DID YOU HAVE SO MUCH PRESENTATIONS AND TESTIMONY ON MAPS THEN?

I'M NOT SURE I KNOW HOW TO ANSWER THAT QUESTION.

McCracken: I THINK IT'S A REAL IMPORTANT POINT ABOUT THE RESOLUTION FROM THE -- FROM COUNCILMEMBER COLE THAT MAYOR PRO TEM DUNKERLEY AND I ARE SPONSORING, WE'RE IN THE ASKING FOR [INAUDIBLE], WE'RE ASKING FOR THE JUSTICE DEPARTMENT TO LOOK AT WHATEVER MAP WE MIGHT BE WANT TO GO SEND TO THE VOTERS TO MAKE SURE THEY CAN PUT THE BRAKES ON THIS THING. FOR INSTANCE, THIS WILL POTENTIALLY ELIMINATE AFRICAN-AMERICAN REPRESENTATION ON CITY COUNCIL. YOU DON'T HAVE A PROBLEM WITH TAKING A MAP THE JUSTICE DEPARTMENT FOR COMMENT IN ADVANCE, DO YOU?

YOU ALL CAN DO WHATEVER YOU WANT, COUNCILMEMBER. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

THANK YOU VERY MUCH.

MAYOR AND MEMBERS OF THE COUNCIL, THANK YOU FOR INVITING ME TO SPEAK TO YOU

TONIGHT. I'M GOING TO TAKE A FEW MINUTES TO TRY TO EXPLAIN A LITTLE BIT FIRST ABOUT MY BACKGROUND SO THAT YOU'LL KNOW WHY I GAVE SOME OF THE RECOMMENDATIONS I DID, I THINK. FIRST I SPENT 21 YEARS IN THE JUSTICE DEPARTMENT, CIVIL RIGHTS DIVISION. I WAS AT ONE POINT THE CHIEF OF THE VOTING RIGHTS SECTION IN THE JUSTICE DEPARTMENT, WHICH HANDLES ALL THE PRE-CLEARANCES. I BUILT MY CAREER AS A CIVIL RIGHTS LAWYER AND A VOTING RIGHTS LAWYER AND I THINK I'M STILL THE ONLY SOLO PRACTICE PRACTITIONER IN THE UNITED STATES THAT PRACTICES VOTING RIGHTS AS A PRACTICE. AND I SPECIALIZE IN REDISTRICTING. I ALSO HAVE DONE A LOT OF WORK IN TEXAS. I REPRESENTED THE TEXAS DEMOCRATS IN THE REDISTRICTING CYCLE IN 2001 AND THE REDISTRICTING IN 2003, WHICH I'M SURE YOU'LL ALL REMEMBER. BUT WE'RE NOT HERE TO TALK ABOUT MY BACKGROUND, WE'RE HERE TO TALK ABOUT DISTRICT PLANS TO I WANT TO REALLY GET RIGHT INTO IT. AND I'VE ASKED STAFF TO PUT UP A MAP HERE FOR ME AND IT'S NOW SHOWING UP ON THE SCREEN, AND I WANT TO TELL YOU A LITTLE BIT ABOUT HOW WE DRAW MAPS. WHEN I WAS FIRST CONTACTED BY THE CHARTER REVIEW COMMISSION I REALLY WENT THROUGH IN MY FIRST MEETING WITH THEM, KIND OF THE PROS AND CONS OF WHY PEOPLE GO FROM AT LARGE TO DISTRICT-TYPE ELECTIONS, WHAT OTHER CITIES HAVE DISTRICT ELECTIONS, CITIES OF SIZE, HOW MANY CITY COUNCIL MEMBERS PEOPLE HAVE, THAT KIND OF THING, AND ONE THING THAT WAS RATHER INTERESTING TO THE CHARTER REVISION COMMITTEE WAS THAT THE CITY OF AUSTIN IS THE LARGEST CITY IN THE UNITED STATES THAT STILL ELECTS ITS COUNCIL CITYWIDE, AND ACTUALLY IT ALSO HAS THE SMALLEST CITY COUNCIL FOR A CITY AS LARGE AS YOU DO. I REPRESENT NEW YORK CITY, FOR EXAMPLE, AND I KNOW THAT NEW YORK CITY IS A LOT BIGGER THAN AUSTIN, BUT THE CITY OF NEW YORK HAS 51 MEMBERS ON THEIR CITY COUNCIL, AND, YOU KNOW, I'M NOT SUGGESTING THAT THE COUNCIL GROW TO THAT SIZE OR ANYTHING CLOSE, BUT IT JUST, I THINK, ILLUSTRATES FOR YOU -- AND THEY'RE ELECTED FROM DISTRICTS, BUT IT DOES ILLUSTRATE FOR YOU HOW IN LARGE CITIES THERE'S A LOT OF GEOGRAPHIC REPRESENTATION WHERE PEOPLE ARE REPRESENTING A SMALLER AREA. AFTER I GAVE MY PRESENTATION THAT FIRST MEETING ABOUT KIND OF GOING OVER THE AT-LARGE ELECTIONS VERSUS DISTRICT ELECTIONS AND THE LEGALITY OF BOTH, IT BECAME PRETTY CLEAR THAT, AS MAYOR GARCIA SAID, THE ONLY WAY THEY WERE REALLY GOING TO GET TO TALK ABOUT THE ADVISABILITY OF SINGLE MEMBER DISTRICTS AND MAKE A RECOMMENDATION TO THE CITY COUNCIL, IF THEY COULD ACTUALLY SEE DEMONSTRATION PLANS. WHAT WOULD THEY REALLY LOOK LIKE, HOW WOULD THEY AFFECT OUR NEIGHBORHOODS? SO BECAUSE YOU HAVE SIX MEMBERS OF THE COUNCIL AND A MAYOR AT LARGE, IT MADE SENSE TO START WITH DRAWING 6 DISTRICTS IN THE CITY, AND SO LET'S TAKE A MOMENT JUST TO REVIEW THIS MAP, AND EVEN THOUGH I ALSO BROUGHT WITH YOU AND WILL SHOW YOU THE 8 DISTRICT MAP AND THE 10 DISTRICT MAP, THE SIX IS REALLY -- I'M GOING TO GO THROUGH THAT IN MORE DETAIL BECAUSE ONCE YOU GET A FEEL FOR THAT YOU'LL -- YOU'LL SEE HOW I THINK THE OTHER PLANS WERE DRAWN AS WELL. THE FIRST CRITERIA THAT WE USED IN DRAWING PLANS WAS THAT AFTER TALKING WITH RYAN ROBINSON AND OTHERS IN THE CITY, WE DECIDED THAT WE WOULD DRAW WHAT WE CALL THE MINORITY AREAS OF THE CITY FIRST, AND YOU PRETTY MUCH HAVE TO

DO THAT IN ANY JURISDICTION THAT HAS A SIZABLE MINORITY POPULATION, AND BY MINORITIES I'M TALKING ABOUT AFRICAN-AMERICANS, LATINO POPULATIONS AND ASIAN AMERICANS, AND THE REASON YOU WANT TO DO THAT IS BECAUSE IF YOU DRAW THE OTHER DISTRICTS FIRST AND THEN YOU END UP WITH FILLING UP POPULATION IN ALL THOSE OTHER DISTRICTS AND THEN YOU GO TO DRAW THE MINORITY DISTRICTS LATER, IT PUTS TOO MUCH OF A LIMIT ON YOUR ABILITY TO CREATE DISTRICTS THAT MIGHT OTHERWISE COMPLY WITH THE VOTING RIGHTS ACT. SO WHEN WE DID THIS, WE WENT AHEAD AND THE FIRST THING WE DID WAS WE DREW WHAT I WOULD CALL THE AFRICAN-AMERICAN OPPORTUNITY DISTRICT, WHICH IS DISTRICT 2. IT'S THE ONE -- KIND OF A TAN DISTRICT IN THE NORTHEAST PART OF THE CITY. AND WE TRIED TO KEEP COMMUNITIES OF INTEREST TOGETHER AND NEIGHBORHOODS TOGETHER, AND I WOULD SAY WHAT WE TRIED TO DO IN ALL OF THE THREE MAPS THAT I MENTIONED TO YOU, THE SIX, EIGHT AND TEN, WAS TO KEEP THE TRADITIONAL CORE AFRICAN-AMERICAN NEIGHBORHOODS AND EAST AUSTIN TOGETHER INTO ONE AREA. SO THIS DISTRICT, DISTRICT 2, AND I'M GOING TO TELL YOU WHY I CALL IT AN AFRICAN-AMERICAN OPPORTUNITY DISTRICT, AND THEN I'M GOING TO GIVE A LOT OF QUALIFIERS ABOUT THAT, BUT THIS DISTRICT IS LOCATED IN EAST AND NORTHEAST AUSTIN, AS YOU CAN SEE, AND IT INCLUDES ALL THE NEIGHBORHOODS EAST OF I-35, NORTH OF 7TH STREET, KIND OF THE 7TH STREET WEBBERVILLE ROAD, OAK SPRINGS AND BOGGY CREEK, AND IT ALSO INCLUDES WINDSOR PARK AND UNIVERSITY HILLS AREA AND REACHES OUT TO AREAS FARTHER EAST AND NORTHEAST WHERE THERE IS AFRICAN-AMERICAN POPULATION GROWTH AND THE FLAIPION GROWTH OF THE AFRICAN-AMERICAN POPULATION GROWTH OF THE AFRICAN-AMERICAN COMMUNITY IS DISPERSING SOMEWHAT BUT MOVING IN THE NORTHEAST DIRECTION. IT IS CROSSING OVER A LITTLE I-35. IT'S HARD TO SEE IT ON THIS MAP BUT IT DOES IN ONE PARTICULAR PLACE, PRETTY MUCH WHERE THE INTERSTATE SIGN IT, TO THE WEST, BUT THAT'S JUST TO PICK UP A SMALL AREA OF POPULATION THAT FRANKLY IS SIGNIFICANT MINORITY POPULATION. NOW, I'M GOING TO STOP WITH THAT FOR A MINUTE DISTRICT 2, AND I'M GOING TO TALK A LITTLE ABOUT MINORITY OPPORTUNITY DISTRICTS. NOW, I SAY THAT THIS DISTRICT IS AN AFRICAN-AMERICAN OPPORTUNITY DISTRICT. NOW, WHEN I SAY THAT, WHAT THAT MEANS IS THAT THERE IS A REALISTIC OPPORTUNITY AS THIS DISTRICT HAS BEEN DRAWN ON THIS MAP FOR AFRICAN-AMERICAN VOTERS TO ELECT THEIR PREFERRED CANDIDATE IF THEY WERE POLITICALLY COHESIVE AND VOTE TOGETHER FOR THAT CANDIDATE. I KNOW THAT'S QUITE A MOUTHFUL BUT THE REASON WE PUT IT IN THOSE TERMS IS THAT BECAUSE THE VOTING ACT DOES NOT GIVE YOU THE OPPORTUNITY TO ELECT A CANDIDATE OF YOUR RACE. IT GIVES YOU THE RICE AS A GROUP TO ELECT A CANDIDATE OF YOUR CHOICE. SO IT'S NOT THE RIGHT OF THE CANDIDATE SO MUCH AS IT IS THE VOTING PREFERENCES OF THE MINORITY VOTERS WITHIN THE AREA THAT WE'RE TALKING ABOUT. NOW, YOU MAY LOOK AT THIS -- I'M GOING TO TALK ABOUT THE NUMBERS FOR DISTRICT 2. DISTRICT 2 IS WHAT I CALL AFRICAN-AMERICAN OPPORTUNITY DISTRICT, IS IN ITS VOTING AGE POPULATION -- AND AGAIN, I USE THE 2000 CENSUS DATA TO DRAW ALL OF THESE MAPS. THERE IS NO MORE NEWER RELIABLE, ACCURATE DATA THAN THE 2000 CENSUS, AND, IN FACT, THE SUPREME COURT OF THE UNITED STATES HAS SAID THAT EVEN

THOUGH THE CENSUS IS OBSOLETE THE DAY AFTER IT'S TAKEN, THERE'S A LEGAL FICTION THAT EXISTS THAT SAYS THE CENSUS IS VALID THROUGHOUT THE DECADE, BECAUSE IF IT WASN'T PEOPLE WOULD HAVE TO REDISTRICT EVERY OTHER YEAR AND THEY'D HAVE TO DO IT PURSUANT TO PROJECTIONS RATHER THAN ACCURATE CENSUS NUMBERS, NOW, THIS DISTRICT, I'M GOING -- I'M GOING TO SPEND MORE TIME ON THIS AND BREEZE THROUGH THE OTHER TWO PLANS UNLESS YOU HAVE MORE QUESTIONS ABOUT THOSE, BUT THIS DISTRICT, IN ITS VOTING AGE POPULATION, 18 AND ABOVE, IS 31.7% BLACK. 31.7% BLACK IN ITS VOTING AGE POPULATION. OF ALL THE PEOPLE WHO LIVE IN DISTRICT 2, NEARLY 30% OF THE PEOPLE OVER 18, AS OF 2000 -- NOW, WE KNOW THAT FIGURE IS PROBABLY LOW BECAUSE THERE'S BEEN SOME POPULATION MOVEMENT OUT IN THE NORTHEAST PART OF THE CITY, BUT, YOU KNOW, HOW MUCH, A COUPLE OF PERCENTAGE POINTS MAYBE, BUT IT'S 31.7. ANGLOS ARE 29.4% IN THAT DISTRICT, SO THERE THEY'RE A COUPLE OF PERCENTAGE POINTS LOWER. LATINOS ARE 35.6% SO THEY ARE THE LARGEST GROUP WITHIN THAT DISTRICT, AND THE BLACK AND LATINO COMBINED IS 66.7 IN VOTING AGE POPULATION PERCENT. IT'S A MAJORITY MINORITY DISTRICT BUT IT'S ONLY THAT WHEN YOU ADD IN THE BLACK AND LATINO POPULATION. IT'S ALSO 4 PERCENT OTHER, OR IN THIS CASE ASIAN AMERICAN POPULATION WOULD BE INCLUDED IN THE OTHER CATEGORY. THE REASON THAT I THINK IT'S IMPORTANT FOR THE COUNCIL TO UNDERSTAND THAT WHEN YOU DRAW DISTRICTS THERE IS NO MAGIC PERCENTAGE THAT YOU CAN SAY, THAT'S A DISTRICT THAT COMPLIES WITH THE VOTING RIGHTS ACT BECAUSE THAT'S A DISTRICT IN WHICH BLACK VOTERS CAN ELECT THEIR CANDIDATE OF CHOICE. IT HAS TO BE X PERCENT. WHEN I WAS IN THE JUSTICE DEPARTMENT WE HAD MANY CITIES COME TO US AND SAY IF WE DRAW THEM OVER 65% BLACK WON'T THAT BE GOOD ENOUGH? AND WE'D SAY THERE IS NO BLACK PERCENTAGE THAT'S A MAGIC NUMBER. YOU MAY SAY, HOW CAN THIS BE AN OPPORTUNITY DISTRICT WHEN AFRICAN-AMERICAN VOTERS COMPRISE ONLY A THIRD OF THE VOTING AGE POPULATION. WELL, THE PRIMARY REASON IS BECAUSE, FIRST OF ALL, IN THIS DISTRICT, EVEN THOUGH IT'S 35.6% LATINO IN VOTING AGE POPULATION, THE PERCENTAGE OF THE REGISTRANTS WHO ARE HISPANIC IN THE DISTRICT, ONLY 17.3%. THE REASON FOR THAT IS LARGELY BECAUSE YOU HAVE A LOT OF LATINO POPULATION IN THAT DISTRICT THAT IS NOT REGISTERED TO VOTE AND OR IS NOT CITIZEN POPULATION. SO CONSEQUENTLY, EVEN THOUGH THEY'RE 35% OF THE VOTING AGE POPULATION, THEY COMPRISE ONLY 17% OF THE PEOPLE REGISTERED. AFRICAN-AMERICANS DON'T HAVE THE SAME CITIZENSHIP ISSUE AS LATINOS AND ASIAN AMERICAN POPULATIONS DO SO WE CAN ASSUME THAT MOST OF THE AFRICAN-AMERICAN POPULATION IS CITIZENS, WHICH I KNOW IT IS IN AUSTIN, AND SO THEREFORE THE AFRICAN-AMERICAN POPULATION IN THIS DISTRICT IS THE PLURALITY DISTRICT. NOW, WHEN I USE THE TERM "AFRICAN-AMERICAN OPPORTUNITY DISTRICT" AM I SAYING THAT MEANS AN AFRICAN-AMERICAN WILL AUTOMATICALLY GET ELECTED FROM THAT DISTRICT? NO, THAT IS NOT WHAT I'M SAYING. AM I SAYING THAT THERE'S A GUARANTEE THAT AN AFRICAN-AMERICAN WOULD BE ELECTED FROM THAT DISTRICT? NO, BECAUSE AS WE ALL KNOW AND YOU'VE ALL RUN FOR ELECTED OFFICE, YOU KNOW THINGS CAN HAPPEN IN AN ELECTION. SOMETIMES PEOPLE DON'T WIN AND -- FOR A LOT OF REASONS. BUT IN

TERMS OF LOOKING AT THE OPPORTUNITY FOR MINORITY VOTERS TO ELECT THE CANDIDATE OF THEIR CHOICE IN THIS DISTRICT, THIS IS THE BEST DISTRICT YOU CAN DRAW IN A SIX-DISTRICT PLAN THAT PROVIDES, I THINK, A FAIRLY EQUAL OPPORTUNITY, EFFECTIVE OPPORTUNITY, FOR AFRICAN-AMERICAN VOTERS TO ELECT ONE CANDIDATE TO THE COUNCIL. NOW, IS IT A SAFE DISTRICT? NO, IT IS NOT. IT PROVIDES AN OPPORTUNITY. AND AS YOU'LL SEE WHEN WE GET TO THE EIGHT-DISTRICT PLAN IT'S LESS THAN AN OPPORTUNITY IN THIS MAP THAN THE AFRICAN-AMERICAN OPPORTUNITY DISTRICT IN THE EIGHT-DISTRICT MAP, AND THE REASON FOR THAT IS BECAUSE WHEN YOU DRAW EIGHT DISTRICTS, THE DISTRICTS ARE SMALLER. EACH OF THESE DISTRICTS CONTAINS ABOUT 110,000 PEOPLE UP HERE IN THE SIX-MEMBERED PLAN. WHEN WE GO TO EIGHT WE CAN PUT LESS PEOPLE IN. WE HAVE TO EQUALIZE THE POPULATION, AND SO IT'S POSSIBLE TO GET BLACK VOTERS OR AFRICAN-AMERICAN VOTERS AS A LITTLE HIGHER PERCENTAGE OF THE PEOPLE WITHIN THE DISTRICT, THE MORE DISTRICTS THAT YOU PUT INTO THE MAP. NOW, I KNOW I'M TALKING A LOT ABOUT RACE AND ETHNICITY AND I WANT TO STOP FOR A MINUTE BECAUSE THE ASSUMPTION THAT WE HAVE IN TALKING ABOUT DISTRICT 2 IS THAT AFRICAN-AMERICAN VOTERS WILL ALL UNITE BEHIND A CERTAIN CANDIDATE, AN AFRICAN-AMERICAN CANDIDATE PRESUMABLY IN DISTRICT 2 IN ORDER TO ELECT THEIR CANDIDATE OF CHOICE. WHAT MAKES AUSTIN DIFFERENT THAN MOST OTHER CITIES THAT I'VE EVER WORKED IN AND WORKED FOR IS THAT YOU DON'T -- YOU HAVE ONE THING GOING IN AUSTIN THAT A LOT OF COMMUNITIES CAN'T CLAIM. PEOPLE HERE DON'T VOTE STRICTLY ALONG RACIAL LINES. IT ISN'T A SITUATION WHERE WHEN A BLACK CANDIDATE RUN ONLY BLACK VOTERS VOTE FOR THE BLACK CANDIDATE AND WHEN ANGLO CANDIDATE PUTS UP FOR OFFICE ONLY ANGLOS WILL SUPPORT THAT CANDIDATE AND NOT MINORITY VOTERS. HERE, AS IS EVIDENT FROM THE DEMOGRAPHICS OF THE CITY COUNCIL THAT YOU HAVE ALREADY, VOTERS CROSS OVER AND VOTE, NOT WITH REGARD TO RACE, IN AUSTIN. NOW, YOU MAY THINK THAT THAT'S THE WAY IT IS EVERYWHERE. WELL, IT ISN'T THE WAY IT IS EVERYWHERE. IN FACT, RACIALLY POLARIZED VOTING PATTERNS ARE KIND OF THE LINCHPIN FOR MOST JURISDICTION BEING FOUND IN VIOLATION OF THE VOTING RIGHTS ACT WHEN THEY HAVE AT LARGE ELECTIONS. THE ONLY REASON IT HURTS AT LARGE ELECTIONS IS WHEN YOU HAVE PEOPLE VOTING ALONG RACIAL LINES AND MINORITIES ARE IN THE MINORITIES AND SO EVERY TIME THEY VOTE FOR THEIR CANDIDATE THEIR VOTE GETS WATERED DOWN OR DILUTED BY THE OVERWHELMING WHITE VIDEOS THAT WON'T VOTE FOR THEIR CANDIDATES. SO YOU HAVE TO DIVIDE THE CITY TO DO THAT. YOU DON'T HAVE TO DO THAT HERE. I HAVE NOT SEEN ANY EVIDENCE THAT YOUR CURRENT AT-LARGE ELECTION SYSTEM THAT YOU HAVE NOW VIOLATES THE VOTING RIGHTS ACT. THE CURRENT SYSTEM THAT YOU HAVE NOW, BECAUSE AND THE LINCHPIN AGAIN IS BECAUSE PEOPLE DON'T VOTE ALONG RACIAL LINES HERE. ANGLOS DON'T VOTE AS A BLOCK TO DEFEAT MINORITY-PREFERRED CANDIDATES, AND MINORITY VOTERS DON'T VOTE AS A BLOCK AND AREN'T POLITICALLY COHESIVE JUST FOR THEIR CANDIDATES AND WITHHOLD THEIR VOTES FROM EVERYBODY ELSE. IT JUST DOESN'T HAPPEN HERE. THAT'S A VERY IMPORTANT POINT BECAUSE ULTIMATELY WHAT IT MEANS, MR. MAYOR AND MEMBERS OF THE COUNCIL, IS THAT IF YOU DECIDE ULTIMATELY IN THE CITY OF AUSTIN TO PUT SINGLE

MEMBER DISTRICTS ON THE BALLOT, YOU WILL NOT BE DOING SO FOR NECESSARILY LEGAL REASONS. YOU WOULD BE DOING SO FOR POLICY REASONS THAT YOU THINK THAT IT PROVIDES BETTER REPRESENTATION OR SOME OTHER POLICY CONSIDERATION LIKE THAT AND NOT BECAUSE YOU FEEL THAT THE CURRENT ELECTION SYSTEM POSES ANY PARTICULAR PROBLEMS UNDER EITHER FEDERAL OR STATE LAW. NOW, I WANT TO QUICKLY CONTINUE BACK ON THE MAP FOR A MINUTE, HAVING PAUSED FOR THAT, BECAUSE THAT'S, I THINK, IMPORTANT VOTING RIGHTS ACT CONSIDERATIONS. DISTRICT 3 -- SORRY, DISTRICT 4, IF WE GO ONE DOWN, IS WHAT I WOULD CALL A LATINO OPPORTUNITY DISTRICT. IT'S THE SOUTHEAST AUSTIN DISTRICT. IT RUNS PRIMARILY EAST OF 35. IT'S CORE SOUTH AUSTIN AND INCLUDES MOST OF THE AREA THAT IS SOUTH OF THE RIVER, WEST OF I-35 -- NOT WEST OF I-35. IT'S SOUTH OF DISTRICT 2, EAST OF I-35 AND PICKS UP AN AREA -- IT'S BOUNDED BY BEN WHITE, SOUTH 1ST STREET AND WILLIAM CANON AND PICKS UP PRETTY MUCH ALL THE CORE AND MEXICAN NEIGHBORHOODS IN SOUTH AND SOUTHEAST AUSTIN. NOW, THIS DISTRICT HERE WHEN YOU DRAW IT THIS WAY, IT'S 60.6% LATINO, 60.6% LATINO AND 55.1% LATINO IN VOTER REGISTRATION APPROPRIATION, AND THE REGISTERED IS 45.5% LATINO. IF YOU LOOK AT THIS DISTRICT, THE ANGLO POPULATION IS LESS THAN 30% SO THEREFORE LATINO CLEARLY DOMINATE THE GROUP IN THIS DISTRICT AND WOULD LIKELY ELECT THE CANDIDATE OF THEIR CHOICE. DISTRICT 3 IS THE ONLY OTHER -- DISTRICT 3, IF YOU CONTINUE GOING SOUTH NOW, THIS IS CORE SOUTH AUSTIN, INCLUDES MOST OF THE AREA SOUTH OF THE RIVER, WEST OF I-35, EAST OF MOPAC, AND WITH THE EXCEPTION AREAS NEEDED TO PROVIDE SOME POPULATION FOR DISTRICT 4 TO THE EAST AND DISTRICT 5 TO THE WEST. SO THE DISTRICT -- THE NEIGHBORHOODS THAT WE PUT IN DISTRICT 3 ARE ZILKER, TRAVIS HEIGHTS, AND I'M GOING TO PROBABLY MISPRONOUNCE IT. IS IT BOULDIN? BOULDIN? ALL RIGHT. THOSE ARE ALL THERE AND EXTENDS ALL THE WAY DOWN TO THE CITY LIMITS. AND THAT IS A HUGE LATINO POPULATION GROWTH AREA, AND WE THINK WE PICKED UP ALL OF THOSE AREAS. NOW, THE DISTRICT WAS 34% LATINO IN 2000 CENSUS. IT'S CONSIDERABLY HIGHER THAN THAT NOW. WE DON'T REALLY HAVE MUCH OF A GOOD FEEL FOR THAT BUT IT'S PROBABLY A GOOD 5 TO 10% MORE LATINO TODAY BASED ON NUMBERS WE'VE LOOKED AT, POPULATION PROJECTION. CONTINUING AROUND I'M JUST GOING TO GO THROUGH AND TELL YOU THE NEIGHBORHOODS. DISTRICT 5, WHICH WE CONTINUE, IT'S THE BIG PURPLE DISTRICT, THAT TAKES UP MOST OF THE WEST SIDE. ALL THE TERRITORY WEST OF MOPAC, SOUTH OF GREAT HILLS ARBORETUM, AS I LOOK AT THE MAP HERE. I GUESS MOST OF THE HILL COUNTRY GROWTH AREAS ARE OUT THAT WAY, SO THAT'S WHAT I WOULD SAY. GROWTH IS OBVIOUSLY A SENSITIVE ISSUE FOR PEOPLE IN THAT DISTRICT. IT'S OVER 80% ANGLO. AS WE CONTINUE UP THE VERY NORTHERN DISTRICT, DISTRICT 6, FAR NORTH, NORTHWEST NEIGHBORHOODS. AGAIN, WE TRIED TO KEEP NEIGHBORHOOD BOUNDARIES TOGETHER, INTACT. YOU'VE GOT GREAT HILLS UP THERE, YOU'VE GOT BALCONYBALCONES. BALCONES -- I'VE ONLY SEEN THESE THINGS IN WRITING, AND ACTUALLY I'VE DRIVEN THROUGH THIS AREA SO I DO KNOW IT A LITTLE BIT, BUT OBVIOUSLY I'LL TAKE ANY PRONUNCIATION CUES I CAN GET. MILWOOD IS UP THERE AND GRACIE WOODS, AND IT EXTENDS ALL THE WAY TO AREAS OF THE CITY THAT ARE UP NORTH EVEN WITHIN WILLIAMSON COUNTY. DISTRICT -- AND FINALLY -- AND LET ME COME

BACK. WE'VE GOT -- THAT'S DISTRICT 6. IF WE COME BACK DOWN NOW IN THE MIDDLE, DISTRICT 1, THIS IS THE CORE NORTH AUSTIN NEIGHBORHOODS FROM DOWNTOWN AND THE UT CAMPUS NORTH UP THERE TO RUNDBERG LANE AND 183, U.S. 183. BOUNDED ON THE EAST BY 35 AND ON THE WEST BY MOPAC/LOOP 1. AND AGAIN, THESE ARE ALL DISTRICTS THAT ARE LARGELY 80% ANGLO OR MORE. SO REALLY, IF YOU'RE LOOKING HERE, AND MAYOR GARCIA TALKED ABOUT DISTRICTS -- SUPER DISTRICTS IS I THINK WHAT THE CHARTER REVISION COMMISSION KIND OF LATCHED ON TO AT ONE POINT AS AN ITEM OF INTEREST. WHAT A SUPER DISTRICT WOULD BE WOULD BE YOU WOULD SAY, OKAY, THIS IS A SIX SINGLE MEMBER DISTRICT PLAN. EACH DISTRICT ELECTS ONE, AND THEN WE'RE GOING TO TAKE DISTRICT 2, 4 AND 3 AND WE'RE GOING TO DRAW A CIRCLE AROUND THOSE THREE DISTRICTS ON THE EAST SIDE, SOUTH AND EAST SIDE, AND WE WILL SAY THAT WILL BE A SUPER DISTRICT. IT WILL ELECT ONE, AND THEN THE OTHER THREE WILL ELECT ONE. SO THAT'S HOW YOU GET YOUR SUPER DISTRICT. WE ACTUALLY -- I THINK IT WAS COUNCIL MEMBER MCCracken ASKED MAYOR GARCIA, YOU KNOW -- OR MAYBE IT WAS COUNCILWOMAN COLE ABOUT DID YOU HOLD A LOT OF HEARINGS ABOUT MAPS. I DIDN'T ATTEND ALL THE CHARTER REVISION COMMITTEE HEARINGS BUT I DID ATTEND A LOT OF THEM, AND REALLY THE ONLY TIME I THINK WE REALLY TALKED ABOUT MAPS IS WHEN I WAS THERE AND PUT THEM UP, AND THERE REALLY WASN'T A LOT OF DISCUSSION. IT WAS A LOT OF BASICALLY ME EXPLAINING THE NEIGHBORHOODS THAT WERE ON THE MAPS. AND THEN THE CHARTER REVISION COMMITTEE MEMBERS TALKING ABOUT IT AMONG THEMSELVES. IT WASN'T A LOT OF, IN OTHER WORDS, TESTIMONY FROM MEMBERS OF THE PUBLIC, NECESSARILY, ABOUT THE MAPS. SO THAT'S THE SIX-DISTRICT PLAN. IF WE COULD JUST SHOW THE EIGHT REAL QUICK AND I WON'T BELABOR THIS. WHAT I WILL DO, THOUGH, IS SHOW YOU THAT IF YOU GO INTO THE EIGHT-DISTRICT PLAN, THE EIGHT-DISTRICT PLAN PROVIDES WHAT I WOULD CALL AN EVEN GREATER LATINO OPPORTUNITY DISTRICT AND A GREATER OPPORTUNITY AFRICAN-AMERICAN DISTRICT THAN THE SIX-DISTRICT PLAN DOES, AND IT ALSO PROVIDES WHAT I WOULD CALL TWO COALITIONAL DISTRICTS THAT ARE LESS THAN 50% ANGLO IN VOTING AGE POPULATION, AND WHAT THIS ULTIMATELY MEANS IS THAT FOUR OF THE EIGHT DISTRICTS UNDER THE EIGHT-DISTRICT MAP ARE MAJORITY NON-ANGLO IN VOTING AGE POPULATION. I MEAN, THAT SPEAKS A LOT BECAUSE IT SHOWS, REALLY, THE GROWTH OF THE MINORITY POPULATION IN THE CITY. NOW, I'LL QUICKLY GO THROUGH THESE. DISTRICT 1 UNDER THIS MAP IS THAT LIGHT YELLOW ONE. AGAIN IT'S THE ALL EAST AND NORTH AUSTIN NEIGHBORHOODS, WEBBERVILLE, BOBBY CREEK, AND AGAIN THE GROWTH AREAS IN NORTHEAST. IN 2000 THE DISTRICT WAS 35.7% AFRICAN-AMERICAN IN TOTAL POPULATION, 35% IN VOTING AGE. THE SPANISH SURNAME HERE REGISTRATION IS ONLY 16.7, AND WHAT THAT TELLS ME AS A VOTING RIGHTS LAWYER IS THAT THE LOW LATINO REGISTRATION IN THIS DISTRICT, COUPLED WITH THE FACT THAT THE ANGLO VOTING AGE POPULATION IS ONLY 25.7, SO THEREFORE IF THE ANGLO POPULATION IS ONLY 25.7 AND THE LATINO POPULATION IS ONLY 16.7, AND BLACK VOTERS MAKE UP THE REST, THAT'S A CONSIDERABLE MARGIN OF DIFFERENCE, AND SO AFRICAN-AMERICANS WOULD CLEARLY BE THE DOMINANT GROUP AND WOULD LIKELY ELECT THE CANDIDATE OF THEIR CHOICE IF THEY ALL BAND TOGETHER AND VOTE FOR THAT CANDIDATE. AND AGAIN, THAT'S

A BIG ASSUMPTION IN AUSTIN THAT THEY'RE GOING TO DO THAT BECAUSE FRANKLY, THAT HASN'T BEEN THE PRACTICE UP TILL NOW, BUT IN SINGLE MEMBER DISTRICTS IT USUALLY DOES HAPPEN THAT VOTER WILL BREAK DOWN THAT WAY. JUST TO GO THROUGH QUICKLY DISTRICT 4, THIS DISTRICT, AS I SAID A FEW MOMENTS AGO, 59% -- 59.9% LATINO. 54% LATINO IN VOTING AGE POPULATION AND 46% IN SPANISH SURNAME VOTER REGISTRANTS, SO IT'S A VERY SOLID LATINO OPPORTUNITY DISTRICT. AS YOU CAN SEE, WE HAD -- THESE ARE VARIOUS CHOICES. WHERE THIS PLAN REALLY BECOMES VERY DIFFERENT, I THINK, THAN THE SIX MEMBER, YOU'VE STILL GOT DISTRICT 7 RIGHT IN THE MIDDLE, THAT CORE NORTH AUSTIN DISTRICT, YOU'VE STILL GOT A COUPLE DISTRICTS UP IN THE TOP THAT ARE NORTH MOST DISTRICTS, BUT DISTRICT 3 IN THIS PARTICULAR MAP IS VERY DIFFERENT. IT DOES INCLUDE THE TRAVIS HEIGHTS, ZILKER NEIGHBORHOODS THAT I MENTIONED EARLIER, BOULDIN, SOUTH, AND -- BUT IT'S NOT AS LARGE AS THE DISTRICT WE DREW BEFORE, AGAIN, BECAUSE UNDER THIS PARTICULAR MAP, THE EIGHT DISTRICT MAP, INSTEAD OF HAVING 110,000 PEOPLE IN EACH DISTRICT, HERE YOU HAD ROUGHLY 80,000 PEOPLE IN EACH DISTRICT, SO WHEN YOU HAVE SMALLER DISTRICTS, OBVIOUSLY. AND AGAIN, I COULD GO THROUGH EACH AND EVERY NEIGHBORHOOD. I'VE GOT MY DESCRIPTIONS HERE AND I WROTE THEM ALL DOWN WHEN WE DID THESE MAPS OF WHAT NEIGHBORHOODS WERE IN WHAT DISTRICTS SO IF YOU NEED TO KNOW THAT I CAN TELL YOU. IF WE COULD SHOW THE TEN MEMBER MAP. AND THE ONE I THINK I WOULD SAY ABOUT THE MAPS, IS THESE HAVE ALL BEEN ON THE CITY'S WEB SITE SINCE OCTOBER, PROBABLY, THE CHARTER REVISION COMMITTEE'S WEB SITE. WE PUT THEM UP THERE IN OCTOBER, I THINK IS WHEN WE FIRST -- OCTOBER 5, ACTUALLY -- 18TH, SOMEWHERE IN THERE. SO THEY'VE BEEN UP THERE, THE STATISTICS AS WELL. AGAIN, IF YOU LOOK HERE, WE SEE THAT INSTEAD OF HAVING ONE CORE CENTRAL NORTH AUSTIN DISTRICT, HERE WE'VE GOT FIVE AND SEVEN, THE TWO -- THE AQUAMARINE ONE IN THE MIDDLE. YOU'VE GOT KIND OF THREE DISTRICTS NOW SOUTH OF THE RIVER IN THEIR ENTIRETY. WE'VE GOT DISTRICT 4 AND DISTRICT 1, AND THEN OF COURSE THE SMALLER DISTRICT 2. SO AGAIN, THE -- AND JUST TO GIVE YOU -- AS YOU DRAW THESE DISTRICTS, JUST BECAUSE OF THE SOMEWHAT CONCENTRATION -- I KNOW THERE'S DISPERSAL OF THE MINORITY POPULATION BUT THE FACT OF THE MATTER IS THERE'S ALSO A GREAT DEAL OF CONCENTRATION OF MINORITIES. IN THE TEN-DISTRICT MAP THE -- DISTRICT 1 HERE IS THE ACTUAL AFRICAN-AMERICAN OPPORTUNITY DISTRICT UNDER THIS MAP, AND IT'S A LITTLE HARD TO SEE UNLESS YOU HAVE A SCREEN IN FRONT OF YOU AND YOU LOOK, BUT DISTRICT 1 IS THAT AREA -- IT'S PRETTY MUCH EAST, THE CORE AFRICAN-AMERICAN NEIGHBORHOOD AREA, MARTIN LUTHER KING BOULEVARD, AND THAT'S A 47% AFRICAN-AMERICAN DISTRICT, AND CLEARLY THE DOMINANT GROUP IN THAT DISTRICT. SO I FEEL PRETTY CERTAIN IN SAYING THAT ASSUMING PEOPLE WERE TO UNITE BEHIND A CANDIDATE, AFRICAN-AMERICANS VOTERS WOULD ELECT THEIR PREFERRED CANDIDATE THERE. AND THE FINAL POINT I WOULD MAKE IS ABOUT THE JUSTICE DEPARTMENT. ONE OF THE THINGS THAT USED TO FRUSTRATE ME AS THE DEPUTY CHIEF AND THE ACTING CHIEF OF THE JUSTICE DEPARTMENT'S VOTING SECTION IS I WOULD HAVE CITIES COME TO ME ALL THE TIME AND SAY, WELL, HERE'S THE MAP THAT WE WANT TO DO, AND WHAT DO YOU THINK OF THIS?

YOU KNOW, WE'RE THINKING OF PUTTING THIS TO THE VOTERS, AND WE WOULD SAY, WE HAVE NOTHING TO SAY ABOUT IT. DRAW IT AT YOUR PERIL, BECAUSE IF WE WERE TO SAY, WELL, WE THINK YOU NEED TO CHANGE THIS DISTRICT IN ORDER TO MAKE IT COMPLY WITH THE VOTING RIGHTS ACT, OR WE THINK YOU NEED TO DO THIS OR WE THINK YOU NEED TO DO THAT, THEN WHAT ENDS UP HAPPENING IS PEOPLE START SAYING, WELL, THE FEDERAL GOVERNMENT IS DICTATING HOW PEOPLE SHOULD RUN THEIR OWN DISTRICT ELECTIONS AND THE FEDERAL GOVERNMENT SHOULDN'T BE TELLING CITIES AND TOWNS AND LOCAL COUNTIES, EVEN IF THEY ASK FOR THE ADVICE. AND THEN OF COURSE WE ALWAYS RAN THE RISK OF SOMEBODY TAKING WHAT ACCEPTED, TURNING IT, MISCONSTRUING IT, THINKING WE SAID ONE THING AND DOING ANOTHER. SO THE JUSTICE DEPARTMENT DOES NOT RENDER ADVISORY OPINIONS. THE ONLY THING THAT THEY WOULD DO IS IF YOU WERE TO ADOPT A MAP, YOU'D SUBMIT IT TO THEM AND THEY WOULD GIVE YOU A THUMBS UP OR A THUMBS DOWN. I KNOW THAT'S A LOT OF INFORMATION TO THROW OUT THERE. I APOLOGIZE FOR TAKING SO MUCH OF YOUR TIME BECAUSE I KNOW IT'S BEEN A LONG DAY, BUT I'LL BE HAPPY TO TAKE ANY QUESTIONS YOU. THANK YOU. MAYOR PRO TEM?

DUNKERLEY: COULD I ASK YOU ONE QUESTION ABOUT THE MAP? I NOTICED THAT IT WAS NOT [INAUDIBLE] DISTRICT 10 DISTRICT -- I'M SORRY, THAT YOU ACTUALLY SEPARATED THAT SOUTHWEST AREA FROM THE NORTHWEST AREA IN BOTH THE 8 DISTRICT AND THE 6 DISTRICT MAPS, THEY WERE COMBINED, IN THOSE THEY WERE. AND IF WE'RE LOOKING FOR GEOGRAPHIC REPRESENTATION, THOSE AREAS ARE VERY FAR APART. IT MAY BE JUST THAT'S THE ONLY WAY PERHAPS -- YOU SEE WHAT I'M SAYING?

IF WE COULD PULL THE 8 UP FOR A MINUTE I'LL SHOW YOU ONE DIFFERENCE. IN THE EIGHT DISTRICT MAP WE DO HAVE A DISTRICT THAT IS WEST OF I-35 IN THE SOUTH AND THEN WE HAVE ANOTHER DISTRICT, DISTRICT 5 ABOVE IT, THAT'S THAT NORTHWEST GROWTH CORRIDOR, SO WE DO HAVE TWO THERE. IF YOU GO BACK TO THE SIX, YOU ONLY HAVE ONE IN THAT WHOLE AREA OUT THERE. WELL, THE REASON FOR THAT IS BECAUSE ONCE YOU'VE DRAWN THE OTHER DISTRICTS, YOU HAVE TO TAKE THE REMAINING POPULATION THAT'S LEFT AND OBVIOUSLY PUT THEM IN ONE DISTRICT. I THINK, FRANKLY, THE PEOPLE WHO ALL LIVE IN THAT PART OF THE CITY HAVE MORE IN COMMON THAN MIXING THEM AND MAYBE -- WITH OTHER PARTS OF THE CITY.

DUNKERLEY: WELL, I DON'T KNOW. I LISTENED TO ALL OF THEM BUT I'M NOT SURE THAT IS THE CASE, AS FAR AS -- I DON'T MEAN RACIALLY OR --

RIGHT.

DUNKERLEY: -- OR ECONOMICALLY. IT'S JUST THAT THERE ARE A LOT OF DIFFERENT ISSUES.

THE ONE THING THEY DO SHARE IS THEY ALL LIVE ON THE WEST SIDE AND THEY -- YOU KNOW, THAT'S A BIG POPULATION GROWTH AREA. GROWTH IS AN ISSUE OUT THERE. SO

AGAIN, ONCE YOU'VE DRAWN THE OTHER DISTRICTS, PRETTY MUCH ONCE YOU'VE DRAWN FIVE DISTRICTS AND YOU'RE IN A SIX DISTRICT PLAN, EVERYTHING --

DUNKERLEY: YOU REALLY DO GO FROM DRAWING THE DISTRICTS WHERE THERE'S OPPORTUNITY FOR MINORITY POPULATION --

YOU DO THOSE FIRST.

DUNKERLEY: -- AND THEN JUST CIRCLE AROUND.

YES, FEDERAL COURTS DO THAT TOO. THEY ALWAYS DRAW THE MINORITY DISTRICTS FIRST.

MAYOR WYNN: COUNCIL, WE HAVE A HANDFUL OF FOLKS WHO HAVE SIGNED UP. I'LL CALL THESE UP AS COMBINED ITEMS. 115 IS OUR PUBLIC HEARING ON THIS PRESENTATION. ITEM 60. PRETTY MUCH THE SAME HANDFUL OF FOLKS THAT SIGNED UP TO GIVE US TESTIMONY ON THE ITEM REGARDING RESOLUTION. FURTHER QUESTIONS FOR MR. HEBERT.

COLE: I HAVE A COUPLE QUESTIONS. WHAT WILL JUSTICE DO BEFORE YOU GIVE THEM A FINAL MAP?

YOU CAN GO AND MEET WITH THEM INFORMALLY AND YOU CAN TALK WITH THEM ABOUT WHAT YOUR PLANS ARE OF PUTTING SOMETHING ON THE BALLOT. YOU CAN HAVE A MEETING WITH THEM. YOU CAN GIVE THEM A MAP AND THEY PROBABLY WILL TAKE IT BUT THEY WILL TELL YOU THAT THEY WON'T GIVE YOU ANY REAL FEEDBACK OR OPINION ABOUT IT, OR CERTAINLY ITS LEGALITY AND THE REASON FOR THAT PRIMARILY IS BECAUSE THEY WANT TO HEAR FROM CITIZENS AND THEY WANT TO GO THROUGH THE ENTIRE PRE-CLEARANCE PROCESS WHICH IS A 60 DAY PROCESS AT A MINIMUM AND THEY WANT TO CONTACT PEOPLE IN THE COMMUNITY AND KIND OF DO THEIR OWN INVESTIGATION --

COLE: SO THEY WILL MEET WITH YOU AND GIVE YOU COMMENTS ABOUT BEST PRACTICES AND I'M ASSUMING YOU MEET WITH THEM BEFORE YOUR FINAL PRE-CLEARANCE MAPS ARE DETERMINED?

THEY WON'T GIVE YOU A BEST PRACTICES. YOU CAN MEET WITH THEM BUT THEY'LL TELL YOU HOW TO MAKE A SUBMISSION IF YOU WANT TO KNOW THAT AND THEY'LL TELL YOU WHAT ORDER YOU SHOULD MAKE IT IN.

COLE: THEY WOULD GIVE INFORMATION TO OUR COMMITTEE IF WE ASKED?

THEY WILL.

COLE: OKAY. IF WE WERE TO ACTUALLY PUT ON THE BALLOT A SPECIFIC MAP IN NOVEMBER

2008 BASED ON YOUR 2000 CENSUS AND JUSTICE ULTIMATELY APPROVED THAT MAP, AND I GUESS THAT WOULD BE IN SHORT ORDER FOR THEM TO DO THAT IN 2009, BUT ASSUMING THAT THEY DID THAT, AND THE 2010 CENSUS CAME OUT, WHAT WOULD BE THE IMPACT OF THAT?

YOU'D HAVE TO RE-DISTRICT. YOU'D HAVE TO REDRAW THE DISTRICTS, WHICH WOULD COME OUT IN MARCH OF 2011.

IF WE DID THE ELECTION NOW WE'D HAVE TO REDRAW THE MAPS SHORTLY AFTER THAT BECAUSE OF THE CENSUS.

THE CENSUS POPULATION, GIVEN YOUR POPULATION GROWTH, THE ONE PERSON ONE VOTE WOULD REQUIRE YOU TO ADJUST THE BOUNDARIES OF ALL THE DISTRICTS.

COLE: WE'RE SEEING RECORD AMOUNTS OF POTENTIAL TURNOUT IN CONNECTION WITH OUR EARLY VOTING AND WE -- BY OUR PREDICTIONS PREDICTIONS THAT WILL BE THE SAME IN NOVEMBER 2008, DID YOU CONSIDER ANY TURNOUT ISSUES WHEN YOU WERE DOING YOUR WORK WITH THIS COMMITTEE?

SEE IF I DID. WE DID LOOK AT TURNOUT NUMBERS IN TERMS OF HOW MANY VOTERS ACTUALLY TURNED OUT IN ELECTIONS IN EACH DISTRICT. SO WE DID LOOK AT TURNOUT NUMBERS, YES, AND THE CHARTS THAT I PROVIDED TO THE CHARTER REVISION COMMITTEE DID ACTUALLY HAVE THE TOTAL NUMBER OF VOTERS WHO TURNED OUT IN EACH OF THESE SINGLE-MEMBER DISTRICTS IN PRIOR ELECTIONS.

COLE: BUT I'M ASSUMING YOU WOULD AGREE WITH ME SINCE WE'RE SEEING RECORD NUMBERS OF TROUPTS NOW AND YOU DIDN'T HAVE THOSE NUMBERS TO WORK WITH AT THIS TIME, THAT THERE WOULD BE A SIGNIFICANT CHANGE IN YOUR ANALYSIS?

THERE WOULDN'T BE A CHANGE IN MY ANALYSIS WITH REGARD TO THE VOTER RIGHTS OPPORTUNITY ISSUES, UNLESS I WERE IN A SITUATION WHERE I THOUGHT WE DREW A MARGINAL DISTRICT, IN WHICH CASE TURNOUT WOULD MAKE A BIG DIFFERENCE. IN THESE CASES, ALL THREE CASE, SIX, EIGHT AND TEN, THE LATINO OR AFRICAN-AMERICAN DISTRICTS WERE DISTRICTS THAT PROVIDED, I THOUGHT, AN EFFECTIVE OPPORTUNITY. THE ONLY ONE THAT PROBABLY FALLS INTO A QUESTION MARK -- QUESTIONABLE CATEGORY IS THE AFRICAN-AMERICAN DISTRICT IN THE SIX DISTRICT PLAN. THAT ONE IS MORE, I THINK CERTAINLY NOT SAFE, AS I SAID EARLIER. I THINK IT WOULD BE -- BLACK VOTERS WOULD HAVE AN EQUAL OPPORTUNITY TO ELECT THEIR CANDIDATE, BUT IT WOULDN'T AS SAFE AS IT WOULD BE UNDER THE EIGHT OR THE TEN.

COLE: LET'S FOCUS ON THAT FOR A SECOND. WE TALKED ABOUT DISTRICT 2 NOT BEING SAFE. WE HAVE A MAJOR DEVELOPMENT NEAR DISTRICT 2 NEAR THE MUELLER AIRPORT. DID YOU LOOK AT ANY DATA ABOUT THE DEMOGRAPHICS OF THAT AND THE CHANGING DATA

ON THAT LOCATION AND HOW IT WOULD IMPACT?

NO -- WELL, I KNEW ABOUT THAT, BUT I DIDN'T DRAW THE DISTRICTS BASED ON THE POPULATION PROJECTIONS WITHIN THAT PARTICULAR DISTRICT OR WHAT WOULD HAPPEN WITH THAT DEVELOPMENT BECAUSE THE NUMBERS THAT I WAS USING TO DRAW THE DISTRICTS WERE 2000 CENSUS.

COLE: I'M CONFUSED ABOUT WHETHER OR NOT YOU CONSIDERED OR DID ANY ANALYSIS ABOUT AT-LARGE SEATS VERSUS SUPER DISTRICTS.

I DID NOT LOOK AT AT-LARGE SEATS WITHIN THESE MAPS. I DID TALK TO THE CHARTER REVISION COMMITTEE ABOUT HOW, IF YOU WERE UNCOMFORTABLE WITH JUST HAVING DISTRICT REPRESENTATION, YOU COULD ADD AT-LARGE SEATS TO ANY OF THESE MAPS. BUT IF YOU DID THAT, I THINK IT WOULD RAISE SOME CONCERNS WITH THE JUSTICE DEPARTMENT IN TERMS OF VOTING RIGHTS ACT COMPLIANCE IF YOU ADDED AT-LARGE SEATS.

CAN YOU EXPLAIN THAT A LITTLE MORE? BECAUSE IN MY MIND WE HAVE A COUNCIL NOW OF 7 MEMBERS AND THREE MINORITY REPRESENTATIVES OF THE RACES AT JUT DEPARTMENT. THE VOTING RIGHTS ACT IS DESIGNED TO PROTECT, AND THEN IN THE PROPOSED STEPS THAT WE CONSIDERED WE TALKED ABOUT THESE SUPER DISTRICTS, WHEN I'VE HEARD SOME DISCUSSION ABOUT TWO AT LARGE DISTRICTS, BUT ALL OF A SUDDEN WE WOULD DECREASE THE NUMBER OF AT-LARGE SEATS AND THE OPPORTUNITIES FOR MINORITIES TO BE ELECTED IN THOSE SEATS.

WELL, UNDER THE CURRENT SYSTEM THAT YOU HAVE, YOU HAVE AT-LARGE ELECTIONS, OBVIOUSLY, AND NUMBERED POSITION. THERE'S AN UNWRITTEN GENTLEMEN'S AGREEMENT THAT I'VE BEEN TOLD EXISTS IN AUSTIN, AND I KNOW THIS FROM HAVING REPRESENTED THE CITY A A NUMBER OF TIMES, THIS IS MY SECOND TIME REPRESENTING THE CITY OF AUSTIN, IT'S NOT A BINDING OR ENFORCEABLE AGREEMENT AS FAR AS I CAN TELL, BUT IT'S A CUSTOM AND A PRACTICE, AND IT ENABLES MINORITY VOTERS TO HAVE A CHOICE OF SOMEBODY OF A PARTICULAR RACE OR ETHNIC GROUP WITHIN A POST, AND HAVE NO NO-NO OTHER PERSON OF A DIFFERENT RACE OR ETHNICITY IN THAT POST.

BUT DIDN'T YOU SAY YOU DIDN'T HAVE A GUARANTEE OF A PARTICULAR RACE IN A POST EITHER.

YOU DON'T HAVE A GUARANTEE REALLY IN ANY ELECTION BUT IF YOU ASSUME THAT VOTING PATTERNS CONTINUE TO FOLLOW THE PATTERN THAT HAS EXISTED PREVIOUSLY, YOU CAN MAKE PROJECTIONS OF THE LIKELIHOOD OF SUCCESS OF AN AFRICAN-AMERICAN CANDIDATE.

BUT THAT MUST BE ESPECIALLY DIFFICULT TO DO IN AUSTIN WHERE WE ARE NOT RACIALLY

POLARIZED, WHERE ANGLOS DON'T NECESSARILY VOTE FOR ANGLOS AND AFRICAN-AMERICANS DON'T VOTE FOR AFRICAN-AMERICANS, SO WE'D BE TAKING A RISK OF CHANGING THE SYSTEM AND NOT KNOWING WHAT THE OUTCOME WOULD BE.

WELL, THERE IS ALWAYS A RISK OF LOSING AFRICAN-AMERICAN REPRESENTATION ON THE COUNCIL IF YOU WERE TO GO TO SINGLE-MEMBER DISTRICTS. I SUPPOSE THAT BECAUSE THE GENTLEMEN'S AGREEMENT IS NOT LEGALLY BINDING THAT THERE IS A RISK THAT THE PEOPLE WILL NOT FOLLOW THE GENTLEMEN'S AGREEMENT AND YOU COULD LOSE AFRICAN-AMERICAN REPRESENTATION AS WELL. I THINK IT WORKS BOTH WAYS. WHAT WE HAVE DONE, THOUGH, IS IN DRAWING THE SINGLE-MEMBER DISTRICT WHERE THE AFRICAN-AMERICAN POPULATION IS LARGELY CONCENTRATED, I THINK WHAT WE'VE DONE IS WE'VE ASSUMED, AND IT IS AN ASSUMPTION THAT KIND OF RUNS CONTRARY TO FACT, THAT BLACK VOTERS WOULD UNITE BEHIND A BLACK CANDIDATE OR A COUNTEREDCANDIDATE OF THEIR CHOICE AND ELECT THAT CANDIDATE IF THEY CHOSE TO DO SO. NERZ, THE BLACK POPULATION HAS THE COMMANDING ABILITY WITHIN A SINGLE MEMBER DISTRICT IF THEY SO WANT TO EXERCISE IT, TO CONTROL WHO GETS ON THE COUNCIL FROM THAT DISTRICT.

COLE: LAST QUESTION: DID YOU DISCUSS WITH THE COMMITTEE OR HAVE YOU DONE ANY WORK TO BE ABLE TO SHED SOME LIGHT TO THIS COUNCIL ON THE POTENTIAL COST OF GOING FROM AN AT-LARGE SYSTEM TO A SINGLE MEMBER, THE TEN DISTRICT PLAN OR THE EIGHT DISTRICT PLAN AND WHAT THAT WOULD INVOLVE?

I DID NOT ASSESS COST AT ALL. I DO KNOW THAT THERE WOULD BE SOME COSTS INVOLVED, OBVIOUSLY, AND THERE WOULD BE INCREASED COSTS IF Y ENLARGE THE SIZE OF THE COUNCIL. COUNCILWOMAN COLE YOU ASKED ME A QUESTION EARLIER WHICH I HAVEN'T ANSWERED YET. YOU HAVE SIX SEATS NOW AND YOU RUN THEM AT LARGE AND YOU STAGGER YOUR TERMS. WHEN YOU RUN A CITY COUNCIL MEETING IN AUSTIN, THERE ARE THREE AT LARGE SEATS UP AT ONE TIME, EXCLUDING THE MAYOR, CORRECT? THREE? AND THEN THE NEXT TIME YOU HAVE THREE AND THE MAYOR AND THEN YOU HAVE THREE AND THEN YOU HAVE THREE AND THE MAYOR. SO THERE'S ALWAYS AT LEAST THREE SEATS OPEN. IF YOU WENTS TO A SIX SINGLE MEMBER DISTRICT AND TWO AT LARGE SEATS AND THEN THE MAYOR, AND YOU KEPT STAGGERED TERMS, YOU'D PROBABLY RUN THREE SINGLE MEMBER DISTRICTS, ONE AT LARGE SEAT, THEN THREE SINGLE MEMBER DISTRICTS, ONE AT LARGE SEAT AND THE MAYOR. SO THE POSTS THAT WOULD BE UP AT LARGE WOULD BE REDUCED FROM THREE TO ONE, UNDER MY HYPOTHETICAL, IF YOU WENT TO A 6, 2, 1 PLAN. AND SO THEREFORE THAT'S WHY I SAID THAT THE JUSTICE DEPARTMENT MIGHT HAVE SOME CONCERNS ABOUT GOING -- PUTTING AT-LARGE ELECTION SEATS ON TOP OF THE DISTRICT PLAN, BECAUSE I THINK THAT IF YOU DID THAT, YOU WOULD REDUCE THE NUMBER OF AT-LARGE ELECTION SEATS THAT WOULD BE UP FOR ELECTION IN A PARTICULAR ELECTION YEAR, MAKING IT MORE DIFFICULT -- CERTAINLY YOU WOULDN'T BE ABLE TO HAVE A GENTLEMEN'S AGREEMENT WITH ONLY ONE AT LARGE SEAT UP, I SUPPOSE. YOU COULD, BUT I DON'T KNOW IF IT WOULD REALLY -- I DON'T KNOW IT

WOULD CONTINUE. SO I THINK THAT'S WHY I MADE THAT POINT. DO YOU SEE WHAT I'M SAYING? OKAY.

MAYOR WYNN: COUNCIL MEMBER MCCRACKEN?

MCCRACKEN:, YOU KNOW, AS YOU HEARD EARLIER, TWO OF OUR COLLEAGUES WHO ARE SPONSORING THIS, IT IS OUR UNDERSTANDING FROM PRESS REPORTS, ARE SPONSORING THIS DISTRICT PLUS TWO AT LARGE PLUS 7 -- OR I GUESS THE 6, 2, 1 PLAN, ALTHOUGH THAT IS NOT IN OUR BACKUP, BUT I -- AND I GUESS THEY'LL GUIDE US WHAT THEY INTENDED TONIGHT TO HAVE GO TO THE VOTERS IN NOVEMBER, OR -- LET'S GO TO THE DISTRICT THAT I UNDERSTAND WERE FROM PRESS REPORTS THAT MY COLLEAGUES, COUNCIL MEMBERS MARTINEZ AND LEFFINGWELL WERE PROPOSING A FEW WEEKS WE SEND TO THE VOTERS NEXT WEEK. WHAT ARE THE BOUNDARIES OF THE SIX DISTRICTS?

LEFFINGWELL: JUST A CORRECTION. I DON'T THINK I PROPOSED ANYTHING.

MCCRACKEN: MAYBE IT WAS COUNCIL MEMBER MARTINEZ. THE AUSTIN CHRONICLE SAID SIX DISTRICTS MARGELY ENLARGE THE COUNCIL.

MAYOR WYNN: I'M SORRY, LET'S TRY TO GET -- COUNCIL MEMBER MARTINEZ?

MARTINEZ: IT'S FACTUALLY INCORRECT. THE ONLY REASON COUNCIL MEMBER MCCRACKEN DOESN'T HAVE A MAP IS BECAUSE HE DIDN'T GO ON-LINE TO DOWNLOAD A MAP I DON'T HAVE A PROPOSAL. I HAVEN'T MADE A PROPOSAL. I SIMPLY SAID THAT ONE OF THE MAPS THAT WAS PRESENTED WAS THE ONE THAT I PREFERRED. IT'S BEEN ON-LINE SINCE OCTOBER. IT'S STILL THERE IF YOU WANT TO TAKE A LOOK AT IT.

MCCRACKEN: IN OUR BACKUP TONIGHT THERE'S NO MAP, SO I GUESS WHAT THIS MAKES CLEAR, THEN, IS WE ARE BEING ASKED TO POTENTIALLY PUT SOMETHING ON THE BALLOT WITH NO MAP AT ALL, WHICH I GUESS IS PROBABLY A DIFFERENT SET OF QUESTIONS ARISE ABOUT IF WE HAVE NO IDEA FROM THE VOTERS' PERSPECTIVE WHAT WE'RE BRINGING BEFORE THEM. SO I GUESS I'LL TAKE MY TWO COLLEAGUES AT THEIR WORD THAT THEY DID NOT HAVE A MAP TO SEND THE VOTERS AT ALL, AND SO LET'S JUST GO WITH THE SIX-DISTRICT MAP THAT COUNCIL MEMBER MARTINEZ IS INTERVIEWED ABOUT IN THE CHRONICLE, THAT YOU'VE SPOKEN ABOUT, MR. HEEB EARTH. WHERE ARE THE BOWNT RIS OF THAT IN BOUNDARIES OF THAT?

THE SIX DISTRICT MAP?

EXCUSE ME JUST A MINUTE. IF WE'RE GOING TO AMEND THE CHARTER, WE'RE NOT GOING TO PUT THE MAP ON THE CHARTER, OKAY? I THINK WE'RE TALKING ABOUT PUTTING A MAP ON THE VOTER, AND THAT'S NOT WHAT WE'RE GOING TO DO. WE'RE GOING TO CHANGE THE

METHOD, BUT THE MAPS DO NOT GO SO THE ON THE CHARTER.

MCCRACKEN: I THINK THERE IS A FAIR QUESTIONS, WE SHOULD ASK, HOW MANY DISTRICTS ARE WE TALKING ABOUT CREATING, FOR STARTERS? AND SO IF WE'RE TELLING THE VOTERS NOT ONLY DO WE NOT HAVE ANY MAPS BUT WE'RE ALSO GOING TO KEEP IT A SECRET FROM YOU VOTERS HOW MANY DISTRICTS THIS COUNCIL WILL BE, ALL WE CAN TELL YOU IS IT WILL BE BIGGER, I THINK THAT THAT IS GOING -- IF WE TALKED ABOUT PREVIOUS PLAN SETTING -- A PLAN THAT DISGUISES FROM THE VOTERS THE MAP THE COUNCIL SEATS IS REALLY SETTING UP FOR FAILURE. THAT SAID, THE ONLY THING I CAN SAY IS WE DON'T HAVE ANY -- NOW WE'RE EVEN MORE IN THE DARK, I THINK, ABOUT WHAT MAPS AND HOW MANY DISTRICTS WERE GOING TO BE ENVISIONED BY THE SPONSORS AS BEING PUT BEFORE THE VOTERS. LET'S TALK DISTRICT 6 PLAN. WHAT ARE THE ROAD BOUNDARIES OF THESE DISTRICTS.

WELL --

THE DIVIDING LINES.

OKAY. WE HAVE THE SIX-DISTRICT MAP UP NOW, AND IF YOU LOOK AT --

JERRY, LET ME EXPLAIN ONE THING.

MAYOR WYNN: IF YOU DON'T MIND, THE COUNCIL MEMBER HAS ASKED A QUESTION OF OUR TESTIMONY --

OKAY.

MAYOR WYNN: WITH ALL DUE RESPECT, YOU ARE OUT OF LINE. A MEMBER OF THIS BODY, A VOTING MEMBER ON THIS DAIS HAS ASKED A QUESTION OF SOMEBODY. THAT VOTING MEMBER IS GOING TO HAVE HIS QUESTION ANSWERED. EXCUSE ME.

YOU WERE ASKING ME FOR THE BOUNDARIES OF EACH OF THESE DISTRICTS.

IT'S HARD TO TELL ON THE MAP. OBVIOUSLY INTERSTATE 35 APPEARS TO BE A DIVIDING LINE BETWEEN 1 AND 2.

WE DRAW MAPS, WE TRY TO PUT THE MAJOR STREETS ON THERE SO PEOPLE WHO ARE LOOKING AT IT WILL KIND OF GET A FEEL FOR WHETHER THEIR NEIGHBORHOOD IS IN OR OUT OF A PARTICULAR DISTRICT. AS I SAID EARLIER, DISTRICT 2, WHICH IS THE NORTHEAST DISTRICT THAT'S AN AREA OF THE BORDER ON THE SOUTH, IF YOU START GOING EAST, IT'S EAST OF I-35 AND NORTH OF 7TH STREET. WEBBERVILLE ROAD OR WEBBER WEBBERVILLE ROAD, OAK SPRINGS --

NO OFFENSE TAKEN, MANCHACA, KOENIG, GUADALUPE.

AND BOGGY CREEK, IF THAT'S THE LINE THAT ACTUALLY COMPRISES THE SOUTHERN BOUNDARY OF THAT DISTRICT, YOU ARE CORRECT THAT I-35 IS THE WESTERN BOUNDARY OF THAT DISTRICT WITH ONE EXCEPTION, IT INCLUDES AN AREA ALONG RUNDBERG LANE ALONG LAMAR BOULEVARD, IF YOU LOOK AT THAT AREA JUST ABOVE THE EMBLEM THAT SAYS 35.

AND I CAN TELL YOU THE NEIGHBORS THAT ARE IN THERE, BUT AGAIN I THINK IT PRETTY MUCH FOLLOWS THE BOUNDARIES OF THE STREETS I JUST MENTIONED, EXCLUSIVELY. NOW, IF YOU LOOK AT --

I THINK IT MIGHT BE EASIER TO -- THERE ARE THREE AREAS A LITTLE HARD TO TELL HERE.

OKAY.

MCCRACKEN: WHAT IS THE DIVIDING LINE BETWEEN DISTRICT 1 AND DISTRICT 5?

SEE IF I HAVE THAT INFORMATION.

MCCRACKEN: I'M SORRY -- YEAH, DISTRICT 1 AND 5. START WITH THAT.

DISTRICT -- THAT'S RUNDBERG LANE THAT DEVICE DISTRICT 1 AND DISTRICT 6.

MCCRACKEN: RUNDBERG FOR 1 AND 6.

RIGHT. AND YOU SAID DISTRICTS 6 AND 1 NOW? IS THAT THE OTHER ONE YOU WANTED?

MCCRACKEN: 5 AND 1.

IT'S ACTUALLY MOPAC.

MOPAC DEVICE 5 AND 1.

OH, 5 AND 1, BUT I WAS LOOKING AT 6 AND 1.

MCCRACKEN: THAT'S FINE. SO 1 AND 6 IS RUNDBERG. 1 AND 5 IS MOPAC.

RIGHT.

MCCRACKEN: AND THEN ONCE YOU GET SOUTH OF LAKE AUSTIN, LADY BIRD LAKE, WHAT IS THE DIVIDING BETWEEN --

ABOUT AND 5?

MCCRACKEN: YES.

LET'S SEE. 5 IS ALL THE TERRITORY WEST OF MOPAC, SOUTH OF GREAT HILLS AND ARBORETUM. , AND.

I SEE JOHN SNIDER COMING TO THE RESCUE.

AND HE WOULD SNOW.

IT'S MOSTLY LAMAR.

OKAY.

HE HAS A MAP THAT HAS THE NAMES OF THE STREETS ON IT, WHICH I CAN'T READ.

FOR THE MOST PART LAMAR. THERE ARE A FEW BLIPS WHERE IT GOES OFF TO PICK UP POPULATION, BUT FOR MOST OF THE AREA IT'S LAMAR.

MCCRACKEN: DID WE GET ANY INFORMATION, IF ANY, WHICH NEIGHBORHOODS, IF ANY ARE DIVIDED IN THE SIX DISTRICT PROPOSAL?

NO, I THINK THAT WE -- THERE MAY BE SOME -- YOU KNOW, IT'S NECESSARILY GOING TO BE THE CASE THAT NOT ALL OF THE NEIGHBORHOOD IS GOING TO BE WITHIN A DISTRICT IN SOME SITUATIONS. IN DISTRICT 3, THE ONE THAT YOU WERE JUST REFERRING TO, TRAVIS HEIGHTS, BOULDIN AND ZILKER NEIGHBORHOODS, I THINK ARE LOCATED ENTIRELY WITHIN DISTRICT 3, AT LEAST --

AND.

MCCRACKEN: I'M GOING TO ASK YOU ONE MORE QUICK QUESTION BECAUSE WE HAVE OTHER FOLKS THAT WANT TO SPEAK, BUT I JUST HAVE ONE QUESTION TO FOLLOW UP ON COUNCIL MEMBER COLE'S QUESTIONS ON THE AFRICAN-AMERICAN OPPORTUNITY DISTRICT 2 IN THE SIX-DISTRICT PLAN. I KNOW YOU STATED THAT THE ETHNIC BREAKDOWN -- OR THE RACIAL BREAKDOWN IN THAT DISTRICT IS 29.4% ANGLO, 31.7% AFRICAN-AMERICAN AND 35.6% HISPANIC.

IN VOTING AGE POPULATION.

MCCRACKEN: VOTING AGE POPULATION. SO DO YOU KNOW WHAT PERCENTAGE OF AUSTIN'S AFRICAN-AMERICAN POPULATION LIVES IN DISTRICT 2?

NO, BUT IT'S MOST. I THINK I SAW IT AS LIKE 33% OF THE CITY'S --

OF THE AFRICAN-AMERICAN POPULATION OF THE CITY LIVES --

IT'S MOST OF THE CONCENTRATED AFRICAN-AMERICAN POPULATION THAT YOU CAN PUT IN ONE DISTRICT.

BUT YOU UNDERSTAND WHAT I'M SAYING, 33% OF THE AFRICAN-AMERICAN POPULATION OF AUSTIN LIVES IN DISTRICT 2, THAT MEANS THAT 67% OF AUSTIN'S AFRICAN-AMERICAN POPULATION WOULD NOT GET A SAY-SO IN A SUBSTITUTE GENTLEMEN'S AGREEMENT SYSTEM THAT YOU'RE DESCRIBING IF IT DID BECOME THE AFRICAN-AMERICAN DISTRICT, RIGHT?

CORRECT. RIGHT, THAT'S GOING TO BE TRUE PRETTY MUCH IN ANY CITY, BUT YEAH.

MCCRACKEN: LITTLE MY UNDERSTANDING THAT TWO OF OUR CURRENT COUNCIL MEMBERS BOTH LIVE IN DISTRICT TWO, COUNCIL MEMBER MARTINEZ AND COUNCIL MEMBER COLE. ARE YOU AWARE OF THAT?

I DID HAVE THE RESIDENCE OF COUNCIL MEMBERS, AND WE TWEAKED TWO AT ONE POINT TO MAKE SURE THAT WE MOVED COUNCILWOMAN COLE INTO A DISTRICT BY HERSELF, JUST SO WE WOULD NOT HAVE THAT PROBLEM.

MCCRACKEN: IS THAT STILL THE CASE, TO YOUR KNOWLEDGE, THAT THEY ARE NOT -- THEY'RE NO LONGER BOTH IN DISTRICT 2?

UNDER THE TWEAK THAT WE DID, THAT'S CORRECT. THIS MAP MAY NOT NECESSARILY HAVE THAT TWEAK IN IT, BUT IT'S EASY TO DO. I MEAN -- WELL, SHE LIVES RIGHT ON THE BORDER, AS I RECALL. WHEN WE DREW THE MAP, SHE WAS REALLY CLOSE TO THE EDGE AND SO WE SAID, WELL, WE COULD JUST SWING AROUND AND BRING THAT BLOCK GROUP IN.

MCCRACKEN: AND ON THAT REGARD, IN LOOKING AT THE -- THE HISPANIC COMMUNITY IS A DISTRICT COMMUNITY WOULD PROVIDE THE OPPORTUNITY FOR GREATER REPRESENTATION IN THE CITY. IF DISTRICT 2 IS MAINTAINED AS AN AFRICAN-AMERICAN ELECTED OFFICIAL REPRESENTED DISTRICT, MY READ IS THIS DISTRICT, IS IT WOULD REMAIN ONE HISPANIC DISTRICT IN THE CITY OF AUSTIN, IF THE COUNCIL WOULD BECOME LARGER.

IT -- IT'S TRUE THAT DISTRICT 4 WOULD BE A SOLID LATINO OPPORTUNITY DISTRICT, AND THAT IS THE ONLY SOLID LATINO DISTRICT. HOWEVER THE POPULATION GROWTH IN DISTRICT 3 AMONG LATINOS HAS BEEN SO LARGE THAT IF THEY WERE 35% OF THE POPULATION IN 2000, AND THAT'S EIGHT YEARS OUT NOW, YOU KNOW, THAT DISTRICT,

DEPENDING ON -- YOU KNOW, AGAIN YOU'VE GOT THREE PRETTY HIGH TURNOUT AREAS DOWN THERE THAT ARE NOT LATINO, AND SO I THINK YOU'RE PROBABLY LOOKING, REALISTICALLY, ONE LATINO OPPORTUNITY OUT OF SIX.

OKAY --

BUT AGAIN, WE'RE BUILDING POSSIBLE A SECOND.

MCCRACKEN: IN SUMMATION, TWO THINGS YOU SAID ARE OUR CURRENT SYSTEM DOES NOT VIOLATE THE VOTING RIGHTS ACT AND IN YOUR WORDS, THE PROPOSED POTENTIAL SIX DISTRICT PLAN DOESN'T CREATE A SAFE AFRICAN-AMERICAN DISTRICT, RIGHT.

IT DOES NOT CREATE A SAFE -- THAT'S CORRECT. COULD I JUST MAKE ONE MORE STATEMENT, MR. MAYOR?

MAYOR WYNN: PLEASE DO.

AND PLEASE UNDERSTAND THAT I AM NOT HERE TO ADVOCATE ANY OF THESE PLANS OR THAT YOU SHOULD CHANGE TO SINGLE MEMBER DISTRICTS AND I'M NOT ADVOCATING THAT YOU SHOULD STICK WITH THE AT LARGE DISTRICT. I'M TRYING TO BE A RESOURCE AND LAY THESE OUT FOR YOU. I HAVE NO DOG IN THE FIGHT.

MAYOR WYNN: WE APPRECIATE THAT, YOUR EXPERTISE AND EXPERIENCE. COUNCIL MEMBER, WE HAVE ABOUT A DOZEN OR SO FOLKS WHO HAVE SIGNED UP, AND TRY TO PUT THIS IN THE --

I WAS WONDERING IF I COULD ASK ANOTHER QUESTION OF MR. HEBERT REAL QUICK.

MAYOR WYNN: SURE.

FIRST I WANT TO SAY I THINK IT'S CRITICAL THAT THE PUBLIC HAVE AN OPPORTUNITY TO TALK ABOUT THIS ISSUE, BUT I THINK IT'S IMPORTANT WE HAVE PUBLIC INPUT ON WHAT THE PLAN WILL BE, IF IT WILL BE ON THE BALLOT. SO THAT BEING SAID, WHAT SPECIFICALLY WOULD WE HAVE TO HAVE AS BACKUP FOR IT TO BE ON THE BALLOT? WILL WE HAVE TO HAVE THE MAPS? DO WE HAVE TO HAVE A PLAN FOR REDISTRICTING? WOULD WE HAVE TO HAVE THE INFRASTRUCTURE SET UP, THE PROCESS FOR THAT, WHO WOULD BE IN CHARGE OF THAT? WOULD THAT BE THE COUNCIL OR A COMMITTEE? WHAT ARE THE THINGS THAT ARE REQUIRED IN TERMS OF THE SPECIFICITY BEFORE THIS GOES ON THE BALLOT?

I WANT MR. STEINER TO ANSWER THAT QUESTION RATHER THAN ME BECAUSE IT'S REALLY A QUESTION OF STATE LAW AND YOUR CITY CODE, BUT TYPICALLY WHAT GOES ON THE BALLOT IS ARE YOU GOING TO GO TO SIX SINGLE MEMBER DISTRICTS, AND THE FACT THAT YOU HAVE A SIX SINGLE MEMBER DISTRICT DEMONSTRATION PLAN, THIS IS HOW IT WORKS

MOST PLACES AND JOHN CAN CORRECT ME IF I'M WRONG, BUT YOU WOULD LET VOTERS VOTE ON THE CONCEPT AND THEN AFTER THEY APPROVE IT, THEN YOU WOULD HAVE PUBLIC HEARINGS TO DECIDE WHETHER IT'S GOING TO BE THIS SINGLE MEMBER DISTRICT MAP OR SOME OTHER SIX SINGLE MEMBER DISTRICT MAP THAT VOTERS PREFER MORE AND THE COUNCIL WOULD HEAR FROM EVERYBODY AND SAY, WAIT, YOU LEFT A LITTLE PIECE OF MY NEIGHBORHOOD OUT. MR. MCCracken POINTED OUT THAT MY NEIGHBORHOOD IS DIVIDED HERE. SO YOU MIGHT WANT TO SCHMOOZE AROUND THE EDGES.

YOU'RE SAYING THE BARE MINIMUM REQUIRED BY THE LAW IS JUST THE NUMBER OF SINGLE MEMBER AND THE NUMBER OF AT LARGE DISTRICTS. IF THE COUNCIL WANTED TO GO ABOVE THAT AND ALSO HAVE SPECIFIC PLANS AS TO THE SIZE OF THE DISTRICTS, THE BOUNDARIES OF THE DISTRICTS, THE TERMS OF THE DISTRICT AS WELL AS THE PROCESS FOR REDISTRICTING AND ALL THESE THINGS, COULD WE DO THAT AS WELL AND MAKE THAT BINDING AS PART OF THE ELECTION?

I'M JOHN STEINER, THE CITY'S INTEGRITY OFFICER. I'M GOING TO ANSWER THIS QUESTION AT THE INVITATION OF DAVID SMITH, THE CITY ATTORNEY. THE PROPOSAL WOULD BE TO AMEND THE CITY CHARTER, WHICH IS THE CITY'S CONSTITUTION. SO THE CHARTER WOULD SAY -- THE AMENDMENT TO THE CHARTER WOULD SAY THAT THE CITY WILL HAVE A GOVERNING BODY OF SO MANY MEMBERS, SO MANY MEMBERS OF THAT WILL BE ELECTED FROM GEOGRAPHICAL DISTRICT. SO MANY MEMBERS WILL BE ELECTED AT LARGE. IT COULD EVEN SAY SO MANY MEMBERS WILL BE ELECTED FROM SUPER DISTRICTS. THEN IT WILL HAVE TO ALSO SAY THAT WE WILL HAVE AN ELECTION EITHER ANNUALLY OR ON SOME SCHEME BY WHICH THE TERMS OF THE COUNCIL WOULD BE STAGGERED. RIGHT NOW WE HAVE THREE-YEAR TERMS. IF WE WENT TO NINE MEMBERS, IN THEORY WE COULD DO THAT. , 3, 3, 3, 3, 3, 3, 3, AR RIGHT NOW WE DO IT 3, 4 BLANK. 3, 4, BLANK. SO WE HAVE A HICCUP IN THE SYSTEM RIGHT NOW. WE COULD ELIMINATE THAT OR WE COULD PRESERVE IT. SO IT WOULD SAY BASIC LE -- BASICALLY THE CHARTER WOULD JUST SAY HOW MANY MEMBERS, HOW THEY WOULD BE ELECTED, WHAT THEIR TERMS WOULD BE AND HOW THEY WOULD BE STAGGERED. IN THE PAST THE CONVENTIONAL WISDOM HAS BEEN POLITICALLY THAT IT WAS ADVISABLE TO PROVIDE THE VOTERS WITH AN IDEA OF WHAT THE DISTRICTS WOULD LOOK LIKE SO THAT WHEN THEY WERE VOTING ON THE PROPOSED CHANGE TO THE CHARTER, THEY WOULD HAVE SOME IDEA WHAT THE RESULTING DISTRICT SCHEME WOULD LOOK LIKE. THAT WOULD NOT BE LEGALLY REQUIRED, BUT IT HAS BEEN CONSIDERED IN THE PAST TO BE A GOOD WAY TO DO IT. SO ONE WAY TO DO -- WHAT WOULD HAPPEN IS IF YOU HAD A GEOGRAPHICAL REPRESENTATION SYSTEM, IS THAT FROM TIME TO TIME, USUALLY AFTER EVERY CENSUS, THE COUNCIL WILL NEED TO ADJUST THE BOUNDARIES TO ACCOMMODATE FOR POPULATION SHIFTS, AND THE FIRST TIME THAT YOU DRAW -- AND SO THOSE -- THOSE BOUNDARY ADJUSTMENTS WILL NOT BE CHARTER AMENDMENTS EACH TIME. YOU'LL JUST DO THAT BY ORDINANCE. AGAIN, THE FIRST TIME YOU DRAW THE DISTRICTS WILL ALSO BE BY ORDINANCE, AND ONE WAY THAT YOU COULD ACCOMPLISH IT SO THAT THE MAP WOULD BE BEFORE THE VOTERS AND THEY WOULD KNOW THAT IF THEY

-- THEY WOULD KNOW THAT IF THEY APPROVE THIS CHARTER AMENDMENT, THESE WOULD BE THE DISTRICTS THAT WILL GO INTO EFFECT IS YOU COULD ADOPT A DISTRICTING ORDINANCE THAT WAS CONTINGENT ON PASSAGE OF THE CHARTER AMENDMENT. SO IT WOULD SAY -- YOU WOULD HAVE A DISTRICTING ORDINANCE, AND THE DISTRICTING ORDINANCE WOULD SAY THIS ORDINANCE GOES INTO EFFECT ON PASSAGE BY THE VOTERS OF THE PROPOSITION ADOPTING A SINGLE-MEMBER SYSTEM. KEEPING IN MIND THAT NO DISTRICTS WILL EVER BE PERMANENT, BECAUSE WE'LL -- AS THE CITY GROWS, AND PEOPLE MOVE IN AND OUT AND MOVE AROUND IN THE CITY, THERE WILL ALWAYS BE A NEED AFTER EACH CENSUS TO READJUST THE BOUNDARIES. ALSO ANNEXATIONS OF LARGE NUMBERS OF PEOPLE COULD THROW THE DISTRICTS OUT OF WHACK SO THERE MIGHT EVEN NEED TO BE SOMETIMES A MID-CENSUS REDISTRICTING TO ACCOMMODATE FOR A LARGE ANNEXATION. DOES THAT ANSWER THE QUESTION?

YES.

THANK YOU.

THANK YOU.

MAYOR WYNN: COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: I'LL BE REAL QUICK. I WANT TO BE RESPECTFUL OF EVERYONE'S TIME, BUT I JUST WANT -- YOU WERE ASKED THE QUESTION, DOES THE SIX-MEMBER PLAN THAT YOU SHOWED US PROVIDE AN AFRICAN-AMERICAN OPPORTUNITY DISTRICT, OR MAJORITY DISTRICT, WHATEVER THE PHRASEOLOGY WAS. I JUST WANTED TO COMPARE THAT TO THE CURRENT SYSTEM. DOES THE CURRENT SYSTEM THAT WE HAVE NOW PROVIDE A GREATER OR LESS OPPORTUNITY FOR AFRICAN-AMERICAN REPRESENTATION BASED ON THE STATISTICS?

THAT'S -- THAT IS AN EXTREMELY HARD QUESTION TO ANSWER AND I'LL TELL YOU WHY.

LEFFINGWELL: WELL, I MEAN YOU'RE USING NUMBERS, PERCENTAGES, SO THE PERCENTAGE THERE WAS 31.7, SO WHAT IS THE PERCENTAGE -- AFRICAN-AMERICAN PERCENTAGE CITYWIDE.

MUCH LESS.

LEFFINGWELL: OKAY. SO BASED ON STATISTICS, THERE'S A MUCH GREATER OPPORTUNITY WITH THE DISTRICT SYSTEM?

IF YOU LOOK AT ONLY STATISTICS, YES. THE REASON THAT I HESITATED, THOUGH, COUNCIL MEMBER, IS BECAUSE OF THE GENTLEMEN'S AGREEMENT, WHICH ALMOST GUARANTEES AT LEAST ONE OF THE SEATS WILL GO TO AFRICAN-AMERICAN CANDIDATES AND THEREFORE

AFRICAN-AMERICAN VOTERS' CHOICE.

THERE'S NO REASON TO ASSUME THE GENTLEMEN'S AGREEMENT COULDN'T CARRY OVER, THOUGH?

THERE'S NO REASON TO THINK IT COULDN'T CARRY OVER INTO THE DISTRICT SYSTEM, THAT'S CORRECT. THANK YOU FOR THE INDULGENCE OF THE EXTRA TIME.

MAYOR WYNN: NO, WE NEED THAT. THERE'S OBVIOUSLY LOTS OF QUESTIONS, MANY OF THEM ARE STILL UNANSWERED. COUNCIL, A COUPLE THINGS, SORT OF HOUSEKEEPING. FIRST, SADLY, I'LL HAVE TO ASK FOR A MOTION AND A SECOND TO WAVE COUNCIL RULES TO GO PAST 10:00 P.M. MOTION BY MAYOR PRO TEM, SECONDED BY MCCracken. ALL IN FAVOR PLEASE SAY AYE.

MAYOR WYNN: AYE.

AYE. OPPOSED. MOTION PASSES ON A VOTE OF 7-0. BACK UP A LITTLE BIT. AND WE -- SO WE HAVE TWO ITEMS VERY MUCH RELATED, BOTH ABOUT THE CONCEPT OF SINGLE MEMBER DISTRICTS. ITEM 60 TECHNICALLY IS AN ITEM FOR COUNCIL. ABOUT TEN FOLKS SIGNED UP TO SPEAK WITH THAT, AND ITEM 115 IS OUR PUBLIC HEARING FOLLOWING THIS PRESENTATION, AND ESSENTIALLY THE SAME FOLKS SIGNED UP FOR THAT, SO I'D LIKE TO CALL THESE TWO UP SIMULTANEOUSLY WITHOUT OBJECTION. I WANT TO TRY TO REMIND FOLKS SORT OF HOW WE GOT HERE, AT LEAST ON THE AGENDA AGENDA. SEVERAL WEEKS AGO AS WE WERE STILL ANTICIPATING HAVING A CHARTER ELECTION ON MAY 10, I BELIEVE -- THERE WAS AN ITEM FROM COUNCIL, A RESOLUTION, THAT WE PASSED, I THINK UNANIMOUSLY, ALL IT CALLED FOR WAS WHAT WE WERE GOING TO DO TODAY, WHICH IS TO HAVE A BRIEFING BY -- AS -- ASK THE CITY MANAGER TO CONDUCT A BRIEFING, WITH CH MR. HEBERT AND MR. GARCIA HAVE GIVEN US, AND TO CONDUCT A PUBLIC HEARING, TO LET THE PUBLIC GIVE US SOME TESTIMONY. THERE WAS NEVER TALK OF TAKING ACTION ON THIS AGENDA INITIALLY. THEN BY THE TIME WE ACTUALLY GET THAT RESOLUTION PASSED AND START TO WORK ON THIS AGENDA, THEN WE DO GET TOLD ABOUT THE TECHNICALITY OF US NOT BEING ABLE TO HAVE THAT CHARTER ELECTION IN MAY. SO THEREFORE THE NEXT UNIFORM ELECTION DATE IS GOING TO BE NOVEMBER. SO, YOU KNOW, BIG DEAL. IT CHANGES THIS DYNAMIC QUITE A BIT BECAUSE WE PROBABLY WOULD HAVE ANTICIPATED, FRANKLY, THERE BEING, YOU KNOW, SOME MOVEMENT ON THIS DAIS TO PERHAPS -- TO GET A CHARTER AMENDMENT ON THE MAY 10 BALLOT, PERHAPS AS SOON AS NEXT WEEK THERE MAY HAVE BEEN AN ACTION ITEM PROPOSED. BUT TECHNICALLY WE WERE NEVER GOING TO HAVE ACTION TONIGHT, AND SO BECAUSE OF THAT TECHNICALLY THERE WASN'T A PLAN PROPOSED BY COUNCIL MEMBER OR ANYBODY ELSE, DIDN'T SPECIFICALLY SAY WE WERE GOING TO VOTE ON A PROPOSED 6, 2, 1 PLAN OR ANYTHING ELSE. THIS WAS SIMPLY TO GET THIS PRESENTATION OUT IN THE PUBLIC AND TO OFFER CITIZENS SOME CHANCE TO GIVE US SOME TESTIMONY. IN THE MEANTIME, HOWEVER, THERE HAS BEEN -- THERE'S AN ITEM FROM COUNCIL. COUNCIL, ITEM NO. 60,

THAT'S A RESOLUTION THAT HAS BEEN -- AND MY READ OF IT, IS ESSENTIALLY ASKING A LOT OF ADDITIONAL QUESTIONS. I THINK IT SEEMS PRETTY OBVIOUS THERE ARE STILL A LOT OF QUESTIONS AND NEED TO BE ANSWERED. I THINK IF WE'RE GOING TO DO JUSTICE TO THIS COMPLICATED, VERY IMPORTANT ISSUE. AND SO WHAT I'D LIKE TO PROPOSE IS WE'LL CALL THESE TWO ITEMS UP TOGETHER, TAKE TESTIMONY FROM LOOKS LIKE WHAT MIGHT BE 10 OR 12 FOLKS, AND THEN WE CAN TAKE UP POTENTIAL ACTION ON ITEM NO. 60, AND THAT WOULD BE SOME TYPE OF RESOLUTION REGARDING THIS CONTINUED DISCUSSION. SO WITHOUT OBJECTION WE'LL HAVE OUR COMBINED PUBLIC HEARING, ITEM 60 AND 115, AND IT LOOKS LIKE TECHNICALLY A COUPLE MORE FOLKS SIGNED UP FOR 60 THAN THEY DID FOR 115 SO I'LL USE THAT AS OUR BASE LIST, MS. GENTRY, AND TAKE THESE FOLKS IN ORDER. THANK YOU AGAIN, MR. HEBERT, AND STAND BY, I'M SURE WE'LL HAVE MORE QUESTIONS AS WE CONTINUE ON. OUR FIRST SPEAKER IS FRANCIS MCCRACKEN INTIRE. WE'LL JUST TAKE OH MCINTIRE. WELCOME, FRANCIS. YOU'LL HAVE THREE MINUTES TO BE FOLLOWED BY RUSSELL.

I'M COMMENTING ON THE RESOLUTION FIRST.

MAYOR WYNN: WELL --

OR BOTH OF THEM?

MAYOR WYNN: BOTH OF THEM.

BOTH OF THEM? SO I HAVE SIX MINUTES FOR BOTH OF THEM? [LAUGHTER]

MAYOR WYNN: WE'RE GOING TO TRY TO --

OKAY.

MAYOR WYNN: JUST TAKE THREE,.

I'M FRANCIS MCINTIRE, CO-PRESIDENT ALONG WITH KAREN HASHBY OF THE AUSTIN LEAGUE OF WOMEN VOTERS, AND I WANT TO ADDRESS AS FAR AS THE RESOLUTION IS CONCERNED SOME COMMENTS AND SOME QUESTIONS. SOME OF IT WAS A LITTLE CONFUSING MR. HEEBER CLEARED UP SOME OF IT FOR ME. BUT I JUST CLEANED UP THE WHEREASES AND I WANT TO COMMENT ON THEM. AND THE FIRST WHEREAS SAYS THAT THE THE CHARTER REVIEW COMMISSION WAS NOT CHARGED -- THEY WERE NOT CHARGED WITH RECOMMENDING A MAP, AND MAYOR GARCIA SPOKE TO THAT PART. AND THE SECOND WHEREAS, ABOUT THE MAP, THE CONSENSUS -- THE CENSUS IS THE -- ARE THE ONLY REAL STATISTICS THAT THE MAP MAKER HAS TO USE FOR MAPS. HE CAN'T USE PROJECTIONS FOR THOSE KINDS OF THINGS. THE WHEREAS NO. 3 AGAIN I -- YOU KNOW, IT SUGGESTS THAT YOU SUBMIT SOMETHING TO THE JUSTICE DEPARTMENT. I THINK MR. HEBERT SPOKE TO THAT, WHICH IT'S REALLY -- THAT'S WHAT WE HAD UNDERSTOOD WAS

THAT THE JUSTICE DEPARTMENT REALLY DOES NOT CONSIDER ANYTHING UNTIL AFTER YOU'VE ACTUALLY VOTED ON THE DISTRICT PLAN. NO. 4 AND 5 WHEREASES IS THAT OUR UNDERSTANDING IS THAT THE MAPS WERE BASED ON VOTING PATTERNS, AND MR. HEBERT ADDRESSED THIS TOO, AND THAT THE MAP -- THESE MAPS THAT HE HAS DRAWN WOULD MEET THE CRITERIA OF THE JUSTICE DEPARTMENT AND REPRESENT MINORITY AREA OF INTEREST COMMUNITIES. THE WHEREAS NO. 6, IT IS TRUE THAT ANY DISTRICT SYSTEM WOULD INCREASE THE SIZE AND THE COST OF GOVERNMENT BUT TO DO SO -- BUT SO DO OTHER THINGS THAT THE CITY DOES. BUSINESS INCENTIVES, RAIL SYSTEMS, FLOOD CONTROL AND OTHER THINGS WILL ALSO INCREASE THE COST OF OUR CITY GOVERNMENT. THE REST OF THEM, 7, 8 AND 9, IT IS TRUE THAT CHANGING TO A DISTRICT PLAN WOULD INVOLVE A LOT OF PLANNING, AND CHARGES RELATING TO THE SETUP OF BECOMING A DISTRICT SYSTEM. BUT IT CAN BE DONE. THE AUSTIN INDEPENDENT SCHOOL DISTRICT USED TO BE A SINGLE-MEMBER SITUATION, AND THEY WENT TO A DISTRICT PLAN AND IT WAS A VERY SMOOTH TRANSITION WHEN THEY DID THAT. THE CRITERIA FOR THE RESOLUTION IS QUITE RIGOROUS AND DELINEATES MANY ASPECTS OF SETTING UP A SINGLE-MEMBER DISTRICT PLAN. IT IS DIRECTED TO THE CHARTER COMMITTEE, WHICH DOESN'T EXIST ANYMORE. THE DOCUMENT SOUNDS LIKE IT'S A CHANGE -- SOUNDS LIKE IT'S A CHARGE FOR A CHARTER REVISION COMMISSION RATHER THAN A COMMITTEE, AND SO THE LEAGUE URGES YOU TO TABLE THIS RESOLUTION, AND TALK ABOUT IT AFTER THE PUBLIC HEARING TONIGHT OR LATER ON. I GET TO DO OTHER THING?

MAYOR WYNN: NO, WE CALL THESE UP TOGETHER. IF YOU HAVE VERY BRIEF TESTIMONY --

I DO HAVE JUST SOME SUGGESTIONS ON THE REGULAR -- FOR THE PUBLIC HEARING.

PLEASE MAKE THAT VERY, VERY BRIEF.

I'LL TRY TO.

MAYOR WYNN: WE HAVE A LOT OF WORK TO DO AFTER WE FINISH --

WELL, THE LEGAL LEAGUE VOTERS HAS STUDIED THE DISTRICT PLAN -- THE LEAGUE HAS SPOKEN TO IT FIVE OR SIX TIMES SINCE 1936 AND IT'S BEEN AROUND, SO THERE IS -- YOU KNOW, THERE IS A HISTORY OF INTEREST IN THE SINGLE-MEMBER DISTRICT PLANS, OR AT-LARGE. THE LEAGUE POSITION IS FOR A COMBINATION PLAN OF SINGLE-MEMBER DISTRICTS AND AT-LARGE DISTRICTS, BECAUSE WE FEEL THIS IS THE BEST REPRESENTATION FOR THE CITIZENS OF AUSTIN WHERE THEY HAVE, YOU KNOW, SEVERAL PEOPLE WHO ARE ACCOUNTABLE TO THEM AND FOR WHOM THEY CAN VOTE IN THE CITY ELECTIONS. WE ALSO BELIEVE THAT THE GOVERNMENTAL BODIES PROVIDING -- THAT THE BODIES PROVIDING VOTERS, THAT WE NEED SUFFICIENT INFORMATION FOR THE PUBLIC BEFORE THEY -- BEFORE THEY ARE ABLE TO VOTE ON BALLOT ISSUES. THE LEAGUE RECENTLY HELD TWO PUBLIC MEETINGS, INFORMATIONAL MEETINGS, RELATING TO THE DISTRICT VERSUS AT LARGE STRUCTURE OF OUR CITY COUNCIL, AND IT'S CLEAR THAT THERE IS AN

INTEREST IN THE SUBJECT. AND THERE HAS ALSO BEEN A LOT OF GOOD INFORMATION THAT THE PEOPLE SHOULD KNOW. THERE HAS NOT BEEN, IN OUR VIEW, ADEQUATE EFFORT BY THE COUNCIL TO EDUCATE THE PUBLIC ON THIS SUBJECT, BUT NOW THAT WE HAVE SUGGESTED MAPS FROM MR. HEBERT, WE WOULD LIKE TO SUGGEST SOME POSSIBLE MEANS OF ENGAGING A PUBLIC DEBATE. USING ONE OF THE MAPS CONDUCT EDUCATIONAL TOWN HALL-TYPE MEETINGS IN EACH OF THE DISTRICTS INVITING THOSE CITIZENS WHO LIVE IN THE PROPOSED DISTRICTS. DESIGNATED SPEAKERS WOULD EXPLAIN THE PROS AND THE CONS OF THE ISSUES AND THE PUBLIC COULD ASK QUESTIONS. THEN ADDITIONAL PUBLIC HEARINGS, LIKE THIS ONE, AT THE CITY COUNCIL, COULD BE HELD AFTER THAT PROCESS WAS COMPLETED. AND WE WOULD HOPE THAT THAT WOULD TAKE -- THAT YOU WOULD HAVE AT THOSE -- AT THOSE PUBLIC HEARINGS YOU WOULD HAVE ENGAGED AND INFORMED CITIZENS TALKING ABOUT THIS MATTER. AND IF -- IF YOU LIKE, THE LEAGUE WOULD VOLUNTEER THEIR MODERATING EXPERIENCES TO HELP WITH THOSE KINDS OF FORUMS. THANK YOU.

MAYOR WYNN: THANK YOU, FRANCIS, FOR ALL THE LEAGUE'S WORK. DEBBIE RUSSELL HAD SIGNED UP WISHING ON SPEAK. WELCOME, DEBBIE. IS WILLIAM HOLLOWAY HERE? WILLIAM, WELCOME. SO DEBBIE, YOU HAVE UP TO SIX MONTHS AND YOU'LL BE FOLLOWED BY JEFF JACK.

I HAVE A QUESTION ABOUT PROCESS HERE. WE HAVE TWO DIFFERENT ITEMS. THEY'RE VERY DIFFERENT. ONE IS SPEAKING TO A RESOLUTION THAT WAS THROWN ON US AT THE LAST MINUTE. THE OTHER ONE IS ACTUALLY MOVING FORWARD AND SPEAKING TO THE ISSUE AT LARGE. THE RESOLUTION NOW IS ACTUALLY BUILT ON FALSE INFORMATION AND FALSE PREMISES, SO OUR -- I'M WONDERING IF ISSUED WASTE MY TIME TAKING THIS APART, BECAUSE IF YOU'RE SO INTENT ON PUSHING IT FORWARD, THEN I WOULD NEED TO GO THROUGH THIS. IF NOT, AND I'M GETTING MY TIME LIMITED AND I CAN ONLY TALK, YOU KNOW, SO LONG, THEN I WILL JUST SPEAK TO THE --

WELL, THE ONLY ITEM THAT WE ARE POSTED FOR POSSIBLE ACTION IS ON ITEM NO. 60, ON THE RESOLUTION.

RIGHT, BUT THE PUBLIC HEARING PART IS WHERE WE TALKED ABOUT -- WE GET TO ACTUALLY TALK ABOUT THE ISSUE AND NOT HAVE TO TALK ABOUT A RESOLUTION THAT REALLY HAS NO MEANING AND NO BASIS.

MAYOR WYNN: WELL --

BUT I'LL GO -- OBVIOUSLY WE STILL HAVE IT ON THE TABLE. SO THE CENSUS ISSUE. YES, WE HAVE A 2000 CENSUS ON WHICH WE'RE BUILDING IT. THAT'S GOOD. THERE'S NO REASON TO THINK THAT THAT SHOULD INHERENTLY BE A PROBLEM BECAUSE THERE'S -- YES, THINGS ARE CHANGING IN OUR CITY AND WE NEED TO ADDRESS THAT. WE WILL HAVE ANOTHER CENSUS. THERE WILL BE ANOTHER POINT AT WHICH WE CAN THEN LOOK AT WHAT WE

HAVE DONE, IF WE HAVE DONE ANYTHING, AND WE CAN REVIEW OURSELVES, AND THAT'S ACTUALLY A POSITIVE BENEFIT. TO ME IT'S A NON-ISSUE, SO I'M NOT SURE WHAT THE PROBLEM IS BEHIND THAT. THE PROPOSED MAP -- I MEAN, DO WE UNDERSTAND NOW THAT WE CAN NOT PUT A MAP FORWARD TO THE DEPARTMENT OF JUSTICE WITHOUT ACTUALLY HAVING VOTED ON IT? I MEAN, IS THAT -- THE EXPERT THAT USED TO WORK THERE AND WAS THE CHIEF OF THE DIVISION ACTUALLY TOLD YOU THAT? I HEARD IT SEVERAL MONTHS AGO IN HIS PRESENTATION. I'M SURPRISED, ACTUALLY, THAT YOU-ALL DIDN'T ALREADY UNDERSTAND THAT. ALL THE MORE REASON WE MIGHT NEED SOME MORE REPRESENTATIVES TO HELP US DO ALL THE WORK THAT WE NEED TO DO TO RUN THE CITY. BUT SO JUST THAT PIECE OF ITSELF MAKES THE RESOLUTION INVALID, SO I'M NOT REALLY SURE WHY IT'S STILL ON THE TABLE BUT APPARENTLY IT IS. AFRICAN-AMERICAN POPULATION HAS DECREASED. THAT IS TRUE. ALL THE MORE REASON TO GET RID OF THIS RACIST SYSTEM THAT WE HAVE IN PLACE. THE AT-LARGE SYSTEM THAT IS BUILT ON A SO-CALLED GENTLEMEN'S AGREEMENT HAS NO LEGAL BASIS, NO BASIS TO CHALLENGE IF, IN FACT, IT IS NOT RESPECTED. SO IF -- THIS IS ALL THE MORE REASON TO MOVE FORWARD AND TRY SOMETHING NEW AND TO LOOK AT WHAT OTHER CITIES ARE DOING, BIG, SMALL, MEDIUM-SIZE CITIES ARE DOING. AND ACTUALLY THINK ABOUT WHAT THIS WAS BUILT ON. IF YOU HAVEN'T READ, I REALLY INVITE YOU TO READ BEFORE YOU VOTE ON THIS THING, DAVID VAN OS'S PIECE, HIS FIGHT FOR MANY YEARS WITH NAACP, LULAC, HAVE BEEN CHALLENGING THE GENTLEMEN'S AGREEMENT AND I REALLY INVITE -- IT'S ON THE AUSTIN CHRONICLE NEWS DISK BLOG. IF YOU HAVEN'T READ IT, IT'S VERY IMPORTANT HISTORY TO LOOK AT. IT TELLS YOU ALL ABOUT HOW OUR SYSTEM NOW IS ACTUALLY BUILT ON A RACIST SYSTEM IN ORDER TO DISEN FRANCHISE VOTERS, AND I WANT TO REMIND COUNCIL AND MAYOR WHO ALREADY KNOWS THIS, BUT FOR THOSE WHO DON'T, THE ACLU, WHICH I AM A REPRESENTATIVE OF BUT I CAN'T SAY THAT I'M HERE TODAY ENDORSING ANYTHING, BUT THEY LITIGATE A LOT OF THESE CASES. THEY HAVE A VOTING RIGHTS DIVISION, AND IN MOST OF THE CASES THEY LITIGATE IN THE PAST 25, 30 YEARS, ALMOST ALL OF THEM WERE SEGHTS SETTLED OUT OF COURT BY, IN FACT, IMPLEMENTING SINGLE MEMBER DISTRICTS IN ORDER TO GET RID OF THE DISENFRANCHISEMENT GOING ON IN THE MINORITY COMMUNITIES. WE ARE GROWING. IT'S GOING TO COST MORE TO MANAGE OUR CITY. THAT'S A NON-ISSUE AGAIN. WHAT ELSE. OH, I THINK THERE'S THIS -- YEAH, THIS PIECE WHERE YOU'RE -- LA LA LA -- EVERY DISTRICTING SCHEME. WE HAVE -- YES, WE HAVE TO DO THE -- WE HAVE TO DO THE WORK. I THINK THAT'S ALL UNDERSTOOD. I DON'T KNOW WHY THAT NEEDS TO BE LAID OUT IN THE RESOLUTION. LET'S SEE. AND THEN WE GO INTO THE PART WHERE WE TALK ABOUT THE COMMITTEE, WHICH IS EXPIRED. SO AGAIN, THIS RESOLUTION IS MOOT. IT HAS NO BASIS, BECAUSE WE DON'T HAVE THAT COMMITTEE ANYMORE. WE HAVE MANY OTHER WAYS IN WHICH WE CAN PARTICIPATE AS A COMMUNITY AND PARTICIPATE IN WORKING WITH YOU GUYS TO HELP FORMULATE WHAT THE BEST PLAN IS, WHAT THE BEST COURSE OF ACTION, WHETHER WE HAVE A MAP SETTLED ON BEFORE WE GO TO VOTE ON THIS IF WE DO THAT. I -- I HAVE SOME RESOURCES THAT I CAN TAP INTO. I'VE OFFERED THEM TO SOME OF YOU ALREADY. I'VE TRIED TO MEET WITH SOME OTHER ONES THAT, YOU KNOW, I COULD HAVE OFFERED SOME OF THAT SAME

INFORMATION ABOUT THE DEPARTMENT OF JUSTICE NOT ACCEPTING THE MAP BEFORE THE VOTE. I'VE BEEN TRYING TO LET YOU KNOW THAT THERE ARE A LOT OF RESOURCES IN THIS COMMUNITY AND YOU'LL HEAR A LOT MORE OF THEM. SO WHAT ELSE IS ON THIS -- YEAH, THE AFRICAN-AMERICAN RESOURCES, I THINK THAT'S A GREAT IDEA. I THINK THAT SHOULD BE A GIVE ME. I DON'T THINK WE NEED THAT IN THE RESOLUTION. THEY DEFINITELY NEED TO LOOK AT IT. WE NEED TO GET EVERY COMMISSION'S INPUT. EVERY NEIGHBORHOOD GROUP'S INPUT. WE NEED TO GET EVERY ORGANIZATION'S AND EVERY STAKE HOLDER INVOLVED IN THIS PROCESS AND WE NEED TO WORK TO DO THAT AND IT IS GOING TO TAKE SOME WORK, AND I PERSONALLY AM WILLING TO COMMIT MY TIME TO HELP YOU SEE THAT THAT HAPPENS. AND I JUST HOPE I -- IT'S LOST ON ME THAT WE'VE HIRED THIS CONSULTANT. I MEAN, THE ONLY PERSON IN THIS COUNTRY THAT HAS THE EXPERIENCE THAT CAN BE HIRED PRIVATELY TO BRING US THE INFORMATION THAT THE DEPARTMENT OF JUSTICE WON'T GIVE US OUT RIGHT BECAUSE THEY'RE BOUND BY THEIR OWN RULES AND BY LAW TO NOT ADVISE US BEFOREHAND, AND IT SEEMS TO ME THERE'S JUST NOT BEEN A LOT OF LISTENING TO MR. HEBERT'S INFORMATION LEADING UP TO THIS POINT OR THIS RESOLUTION NEVER WOULD HAVE BEEN DRAFTED. OKAY. THE -- THE GENTLEMEN -- LET'S JUST GO BACK TO THE GENTLEMEN'S AGREEMENT AND THE FACT THAT THIS HAS BEEN FOUGHT FOR YEARS AND THAT THIS IS -- THIS -- UNFORTUNATELY, BECAUSE OF THE POLITICS THAT PLAYED OUT DURING THE TIME THAT IT FINALLY REACHED THE FEDERAL COURT WAS DETERMINED TO BE OKAY BECAUSE OF THE TWO SEATS. I TRULY THINK THAT WE, WITH THE MAPS THAT WE'VE SEEN SO FAR, THAT WITH THE OPPORTUNITIES WE HAVE, WITH THE UNIQUENESS OF AUSTIN NOT VOTING ON COLOR LINES, WE JUST DON'T DO THAT ANYMORE. WE -- WE ARE BEYOND THAT, THANKFULLY, THAT WE ARE NOT GOING TO SEE A DMISH DIMINISHMENT OF MINORITY REPRESENTATION. WHAT WE ARE GOING TO SEE, HOWEVER, IS -- I THINK, IS WHAT WE'RE GOING TO SEE IS AN INCREASE IN RESPONSIVENESS, AN INCREASE IN ACCOUNTABILITY, AND AN INCREASE IN TRUE REPRESENTATION FOR THE ISSUES THAT AFFECT OUR COMMUNITIES GEOGRAPHICALLY AND OTHERWISE. AND ONE OF THE OTHER POINTS THAT SEEMS TO BE LOST ON A LOT OF THE OPPONENTS IS THERE'S THIS MISNOMER THAT YOU CAN'T GO AND TALK TO THE OTHER PEOPLE THAT ARE NOT YOUR GEOGRAPHIC DISTRICT PERSON. THAT IS NOT THE CASE. I TALK TO STATE LEGISLATORS ALL THE TIME THAT THAT ARE CARRYING THE ISSUE I'M CONCERNED ABOUT. I TALK TO PEOPLE ACROSS THE BOARD AND THEY DON'T TURN ME AWAY BECAUSE I DIDN'T, IN FACT, PRESS THE BUTTON TO VOTE THEM INTO OFFICE. THAT IS NOT HOW POLITICS WORKS. SO LET'S KIND OF GET PAST THAT POINT AND LET'S GET INTO REALITY AND LET'S MOVE FORWARD. I WOULD LIKE TO SEE US HAVE A TRUE, REAL DESCRUTION AND NOT HAVE ONE THAT'S BASED ON FEAR AND JUST INACCURACIES. THANK YOU.

MAYOR WYNN: THANK YOU, MS. RUSSELL. COUNCIL MEMBER LEFFINGWELL? HOO.

LEFFINGWELL: THIS HAS COME UP SEVERAL TIMES, ABOUT INCREASING THE COST AND SIZE OF REPRESENTATION. CERTAINLY HAS NO PLACE IN THE CHARTER AMENDMENT. THAT'S COVERED BY IN ACCORDANCE. IF WE WANTED TO WE COULD SAY WE HAD -- WE COULD

KEEP THE COST THE SAME AS IT IS RIGHT NOW SIMPLY BY REDUCING ALL THE COUNCIL MEMBERS' PAY. THAT'S SOMETHING THAT'S HANDLED SEPARATELY BY ORDINANCE OUTSIDE THE SCOPE OF THE CHARTER, AND I DON'T THINK IT HAS ANYPLACE IN ANY KIND OF DIRECTIONS FOR CHARTER AMENDMENT.

MAYOR WYNN: COUNCIL MEMBER -- WELCOME, MR. JACK. APPRECIATE YOUR PATIENCE. YOU'LL HAVE THREE MINUTES TO BE FOLLOWED BY TERRELL BLOGET.

MAYOR, COUNCIL MEMBERS, I'M JEFF JACK, AND WHILE I'M PRESIDENT OF THE ZILKER NEIGHBORHOOD ASSOCIATION, VICE PRESIDENT OF THE AUSTIN NEIGHBORHOODS COUNCIL, I DID HEAR OUR NEIGHBORHOOD ASSOCIATION MENTIONED SEVERAL TIMES THIS EVENING. I'M HERE TO SPEAK FOR MYSELF. THE ISSUE BEFORE YOU, IF IT GETS TO BE ON THE BALLOT, I'M NOT SURE HOW I WOULD -- NOT SURE HOW I WOULD VOTE AT THE MOMENT, BUT I DO FEEL VERY STRONGLY THAT THE PEOPLE OUGHT TO HAVE A CHANCE TO VOTE, AND WHAT I SEE IN THIS RESOLUTION IS AN ATTEMPT TO KEEP THAT FROM HAPPENING. SOME PEOPLE CALL IT DEATH BY A THOUSAND PAPER CUTS. LET'S BLEED IT A LITTLE BIT AT A TIME. AND I WANT TO TALK ABOUT ONE PARTICULAR ISSUE. THE ISSUE IN HERE ABOUT COST. THERE'S ALWAYS AN ISSUE ABOUT ADDING UP, WELL, YOU KNOW, IT'S GOING TO COST US MORE. HOW MUCH WOULD IT SAVE US? BECAUSE THE WHOLE ISSUE HAS TO DO WITH REPRESENTATION AND ACCOUNTABILITY. WE'VE HEARD THAT IT'S NOT SO MUCH AN ISSUE ABOUT RACIAL QUOTAS OR PROPORTIONS OR ANYTHING ELSE. SO IF WE CAN HAVE A MORE ACCOUNTABLE GOVERNMENT, THERE IS SOME LOGIC THAT IT WILL BE A MORE EFFICIENT GOVERNMENT, AND THEREFORE MORE COST EFFECTIVE. SO WHATEVER IT COSTS -- AND BY THE WAY, THE DAIS THAT YOU'RE SITTING ON WAS DESIGNED FOR 13 PEOPLE. THERE ARE OFFICES UPSTAIRS DESIGNED FOR A LARGER COUNCIL. WE HAVE THE OPPORTUNITY TO CHANGE SOMETHING, AND IF YOU HAVEN'T NOTICED, THERE IS A BIG WIND OF CHANGE COMING IN AMERICA ABOUT HOW WE'VE BEEN DOING THINGS FOR A WHILE. IT'S HAPPENING AT THE NATIONAL LEVEL. IT'S HAPPENING AT THE STATE LEVEL, AND IT'S GOING TO HAPPEN AT THE CITY LEVEL. AND WE OUGHT TO GET IN FRONT OF IT. IT'S NOT JUST THE CHANGE IN OUR DEMOGRAPHICS THAT WE WILL BE A MINORITY/MAJORITY CITY SHORTLY. BUT WE SHOULDN'T BE FIXING OUR FUTURE GOVERNMENTAL STRUCTURE BASED ON TRYING TO PROTECT SEATS FOR INDIVIDUAL COUNCIL MEMBERS TODAY. WE SHOULD BE BUILDING A CITY COUNCIL THAT GIVES THE CITIZENS OF AUSTIN GOOD REPRESENTATION, AND I WILL TELL YOU, THE STATISTIC THAT I THINK IS MOST TELLING FROM THE PRESENTATION THIS EVENING IS THAT NO OTHER CITY OF OUR SIZE HAS AS FEW COUNCIL MEMBERS OR AS COUNCIL AT LARGE MEMBERS AS WE DO. THE ABILITY OF EACH AND EVERY ONE OF YOU TO KEEP UP WITH THE ISSUES THAT AFFECT 700,000 FOLKS, YOU CAN'T DO IT. THE ABILITY TO GO TO A DISTRICT SYSTEM HAS THE ABILITY TO GIVE THE COMMUNITY SOME OPPORTUNITY TO MAKE SURE THAT OUR CONCERNS ARE UNDERSTOOD, AT LEAST BY SOMEBODY THAT'S FAMILIAR WITH OUR DISTRICT. SO AS I SAID, I'M NOT SURE HOW I WOULD VOTE ON WHAT YOU COME UP WITH. I THINK IT'S A PLUS AND A MINUS THAT WE FOUND OUT WE CAN'T HAVE THIS ELECTION TILL NOVEMBER BECAUSE WE'VE GOT SOME TIME NOW TO EDUCATE THE COMMUNITY AND CERTAINLY THE LEAGUE

OF WOMEN VOTERS HAS OFFERED TO HELP DO THAT AND MAKE A VERY POSITIVE EDUCATIONAL EFFORT TO THE COMMUNITY, BUT YOU HAVE A CHANCE TONIGHT NOT TO KILL THIS MOVEMENT BY A BUNCH OF AMENDMENTS OR REQUESTS OR REQUIREMENTS THAT THE CITY JUMP THROUGH THESE HOOPS THAT INEVITABLY ARE AIMED AT FAILURE. GIVE THE PUBLIC A CHANCE. VOTE THIS RESOLUTION DOWN. MOVE FORWARD WITH THE OPPORTUNITY TO PUT THIS ON THE BALLOT.

MAYOR WYNN: THANK YOU, MR. JACK. OUR NEXT SPEAKER IS --

MAYOR.

MAYOR WYNN: COUNCIL MEMBER MARTINEZ?

MARTINEZ: I WANT TO MAKE A CLARIFICATION, BECAUSE IT WAS BROUGHT UP EARLIER WHERE I LIVE AND WHAT DISTRICT AND THAT IT WAS AMENDED SOMEWHAT. THE ISSUE IS WHEN MR. HEBERT DREW THE MAP I LIVED IN HOLLY AND I MOVED NORTH OF MLK. THE TWEAK OF THE MAP ACTUALLY TOOK PLACE TO MAKE SURE COUNCIL MEMBER COLE WAS IN DISTRICT 2 BECAUSE HER 22 ZIP CODE HAS A VERY HIGH ANGLO VOTING AGE POPULATION, AND THE CAR TO GOCARTO GRAFER HAD DRAWN THAT OUT. WHEN THEY FOUND COUNCIL MEMBER COLE HAD BOUGHT A NEW HOUSE AND MOVED THAT THAT THEY PUT HER IN DISTRICT 2. SO FOR THE RECORD, IT WASN'T AMENDED TO TRY TO KEEP COUNCIL MEMBERS IN A DISTRICT OR TRY TO KEEP COUNCIL MEMBERS ELECTED. I LIVE IN DISTRICT 2 IN THE DEMONSTRATION MAP. COUNCIL MEMBER COLE LIVES IN DISTRICT 2 IN THE DEMONSTRATION MAP.

MAYOR WYNN: THANK YOU, COUNCIL MEMBER. YOU'LL HAVE THREE MINUTES TO BE FOLLOWED BY LORRAINEETTER TON.

MY NAME IS TERRELL BLOJET. I'M RETIRED FACULTY AT THE LBJ SCHOOL OF PUBLIC AFFAIRS. I'VE BEEN INVOLVED IN GOVERNMENT MATTERS FOR THE LAST 60 YEARS AND THE LAST THREE YEARS AS A DIVIDED -- TO THE DALLAS CHARTER AND A PAID CONSULTANT TO THE PASADENA TEXAS COMMISSION. I'D LIKE TO MAKE THREE BRIEF POINTS. ONE IS I WOULD ARGUE THAT THERE IS NO REAL PUBLIC SUPPORT FOR CHANGE. I WATCHED THE CHARTER COMMISSION MEETINGS ON TV QUITE A BIT. THERE WERE TWO OR THREE OR FOUR CITIZENS THERE AT MOST OF THE MEETINGS. THE COMMISSION TURNED TO THE PAPER AND THE REPORTER AND PLED, PLEASE GET US MORE PUBLICITY AND TRY TO GET US SOME MORE ATTENDANCE THERE. THEY TURNED TO THE TV STATIONS. THEY FINALLY TURNED TO THE INTERNET. THEY GOT 1700 CALLS. THAT MAY BE A LOT, COUNCIL MEMBER LEFFINGWELL, BUT THOSE 1700 WE DON'T KNOW WHAT AGE THEY WERE. THEY MAY HAVE BEEN 17 YEARS OLD. WE DON'T KNOW THAT THEY WERE REGISTERED VOTERS. WE DON'T KNOW THAT THEY WERE LIKELY TO VOTE IF THEY WERE REGISTERED. THEY COULD HAVE LIVED IN ROUND ROCK. WE DON'T KNOW WHO THEY ARE. AND THE ONES THAT DID TURN OUT, IF YOU COMBINE THE NO VOTES AND THE MAYBE VOTES, THEY OUTNUMBER THE YES

VOTES THAT CHAIRMAN GARCIA GAVE TO YOU. I WOULD ARGUE STRONGLY THAT IF THERE WERE REAL PUBLIC SUPPORT FOR THIS, THIS COUNCIL CHAMBER WOULD BE FILLED, AS IT IS ON MANY ISSUES YOU HAVE. THERE HAS BEEN AMPLE NOTICE. THIS HAS BEEN GOING ON FOR ALMOST A YEAR AND THERE'S STILL VERY LITTLE INTEREST INVOLVED. NUMBER TWO, AUSTIN IS THE ONLY CITY WITH AT LARGE MEMBERS. IT'S BEEN UPHELD BY THE JUSTICE DEPARTMENT. IT'S BEEN UPHELD BY THE CITIZENS OF AUSTIN SIX TIMES. WE PRIDE OURSELVES, THE CITIZENS OF AUSTIN AND THIS CITY COUNCIL, IN BEING LEADERS, NOT FOLLOWERS. IF WE WERE FOLLOWERS, WE WOULDN'T PAY OUR FIRE AND POLICE OFFICERS THE HIGHEST SALARY IN THE STATE. RATHER WE WOULD FALL BEHIND HOUSTON, DALLAS AND SAN ANTONIO, WHO ARE LARGER CITIES, AND MIGHT BE EXPECTED TO PAY MORE. IF WE WERE FOLLOWERS INSTEAD OF LEER, WE WOULDN'T BE THE NUMBER ONE GREEN CITY IN THE COUNTRY WE CLAIM TO BE WITH THE LEADERSHIP OF MAYOR WYNN AND SUPPORT OF THE COUNCIL, WE'RE A LEADER, NOT A FOLLOWER. IF WE WERE A FOLLOWER INSTEAD OF A LEADER WE WOULD SELL OUR ELECTRIC UTILITY. ONLY ABOUT 5% OF THE CITIES IN THE COUNTRY, MAJOR CITIES, MAJOR CITIES, OWN THEIR ELECTRIC UTILITY. AUSTIN HAS ALWAYS BEEN A LEADER, NOT A FOLLOWER. FINALLY, THE LATE BARBARA JORDAN AND I CONDUCTED A YEAR-LONG STUDY ON SINGLE MEMBER DISTRICTS AT THE LBJ SCHOOL. WE LOOKED AT HOUSTON, DALLAS, FORT WORTH, SAN ANTONIO. WE LOOKED AT THE JUSTICE DEPARTMENT INVOLVEMENT AND THE JUSTICE DEPARTMENT, MR. HEBERT MAY RECALL, TURNED DOWN PLANS THAT HAD 60% MINORITY REPRESENTATION BECAUSE THEY WERE NOT ENOUGH ENOUGH -- AFRICAN-AMERICANS, AND SO THEY SAID THAT WAS NOT A SAFE DISTRICT. I WOULD ARGUE TO YOU THAT IF YOU HAVE DISTRICTS THAT ARE SET UP A THIRD, A THIRD AND A THIRD, ANGLO, HISPANIC AND AFRICAN-AMERICAN, THAT YOU WOULD GET INTO A REAL FIGHT THAT WE DON'T FEEL COMPELLED ANYMORE UNDER THE GENTLEMEN'S AGREEMENT WE'VE HAD. THIS IS A VERY DIVERSE COUNCIL, IT'S BEEN POINTED OUT, AND I THINK THAT UNDER THE DISTRICT SYSTEM YOU COULD GET INTO A FIGHT THAT NO ONE WOULD GIVE UP AND THEY'D SAY, THIS IS FAIR GAME. MAYBE AFRICAN-AMERICAN OPPORTUNITY, BUT IF THEY'RE NOT GOING TO TURN OUT, WE'LL -- WE'LL TURN IN AND WE'LL GO HISPANIC OR ANGLO OR WHATEVER. I APPRECIATE VERY MUCH YOUR TIME.

MAYOR WYNN: THANK YOU, MR. BLOGETT FOR YOUR PATIENCE TONIGHT. LET'S SEE, LORRAINE ATHERTON WISHING TO SPEAK. I DON'T SEE HER. SHE WAS PROBABLY HERE EARLIER. AS DID MR. WYATT, T WYATT. I GUESS THAT'S TOMMY. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.] THE AGREEMENT WAS BROUGHT ABOUT. A GENTLEMAN BY THE NAME OF, I WILL THINK OF IT IN A MINUTE, BUT WHEN AN AFRICAN-AMERICAN RAN THE CITY COUNCIL, AT THAT TIME ALL COUNCIL MEMBERS WERE ELECTED AND THE LARGEST FIVE, THE FIVE-MEMBER COUNCIL, WHEN THE LARGEST FIVE MEMBERS WERE ELECTED THE PEOPLE WITH THE LARGEST NUMBER OF VOTES WERE SEATED. THE PEOPLE WITH THE LARGEST NUMBER OF VOTES WERE SEATED. IT WAS JUST EVERYBODY WANTS TO RUN, PUT YOUR NAME ON THE BALLOT AND THE PERSON, THE FIVE PEOPLE WITH THE LARGEST NUMBER OF VOTES WERE SEATED. HE WAS IN A FEW VOTES OF ONE OF THOSE FIVE

MEMBERS AND WAS NOT SEATED. EVERYONE KNEW WHO WAS RUNNING THE CITY COUNCIL AND YOU COULD DRAW AN OPPONENT. THAT WAS THE FIRST TIME. THAT IS WHERE THE PLAY SYSTEM CAME FROM. THE COUNCIL WE HAVE NOW WAS EXPANDED BECAUSE MEMBERS, THE PEOPLE DIDN'T BELIEVE FIVE MEMBERS WERE ENOUGH TO RUN THE CITY, LIKE THEY ARE TALKING ABOUT NOW SO THEY EXPANDED IT TO 7 AND WE STARTED ELECTING THE MAYOR. I DON'T REMEMBER AT LARGE. THE OLD COUNCIL, THE MAYOR WAS -- THE MAYOR AT LARGE. THE OLD COUNCIL, THE MAYOR WAS NOT ELECTED. THEY ELECTED THE MAYOR AND THE MAYOR PRO TEM. THEN THE SIT SEVENS DECIDED THEY WANT TO ELECT THEIR MAYOR SO WE PUT THE MAYOR OUT AS AN ELECTED OFFICE BY HIMSELF. THAT IS HOW WE GOT THE SYSTEM. SO WE NEED TO LOOK AT OUR HISTORY AND NOT JUST START GOING WHAT WE HEARD SOMEBODY SAY. THIS IS DOCUMENTED, IF YOU WANT TO LOOK AT THE RECORD. NOW, THIS 1/COUNCIL, THEY DID NOT LIVE IN -- ON THIS COUNCIL, THEY DID NOT LIVE IN SO CALLED DISTRICT TWO. HE LIVED IN OAK HILL. HE WAS AN AFRICAN-AMERICAN CITY COUNSEL MEMBER. HE LIVED IN OAK HILL, NOT EAST AUSTIN. SO I THINK WE OUGHT TO LOOK AT RECORDS AND THE HISTORY OF WHAT IS GOING ON AND NOT LOOK AT NEGATIVE TERMS AND INFORMATION OF WHAT IS GOING ON. ONE THING WE DO NEED TO DO IS EXPAND OUR COUNCIL BY ADDING TWO ADDITIONAL MEMBERS OR THREE ADDITIONAL MEMBERS AND THEY OUGHT TO BE UNDER THE SYSTEM WE HAVE RIGHT NOW AS THE PLAY SYSTEM. THANK YOU.

THANK YOU, MR. WYATT FOR THE HISTORY LESSON. DELCO SIGNED UP. APPRECIATE YOUR PATIENCE. YOU TOO WILL HAVE THREE MINUTES TORQUE BE FOLLOWED BY SUSAN MORRISON. A COUPLE MORE SPEAKERS TO GO.

GOOD EVENING, MR. MAYOR AND MEMBERS OF THE COUNCIL. I'M SO GLAD THAT MR. BLOGETT AND MR. WYATT PRECEDED ME, I WAS BEGINNING TO FEEL VERY LONELY. I STRONGLY SUPPORT THE RESOLUTION. I DON'T THINK THERE IS ANY SUCH THING AS HAVING TOO MUCH INFORMATION ON AN ISSUE AS MORNING IMPORTANT AS THIS. YOU ARE TALKING ABOUT THE FUTURE OF AUSTIN. YOU WERE TALKING ABOUT A SENSE OF PARTICIPATION BY ALL THE PEOPLE OF AUSTIN. I DON'T THINK 1700 PEOPLE OR 17,000 PEOPLE ARE REPRESENTATIVE OF THE FEELING OF AUSTIN. THE ELECTIONS CONSISTLY THAT REJECT SINGLE-MEMBER DISTRICTS REPRESENT THE PEOPLE OF AUSTIN. MY FEELING IS, IF IT AIN'T BROKE, DON'T FIX IT AND I DON'T THINK THERE IS ANYTHING WRONG WITH A SYSTEM WHERE EVERYBODY IN STEP HAS AN OPPORTUNITY TO VOTE ON EVERY MEMBER OF THIS COUNCIL. EVEN IF YOU HAVE TO LOOK AT 700,000 PEOPLE, HAVE YOU A RESPONSIBILITY TO BE RESPONSIBLE TO ALL OF THE PEOPLE BECAUSE WHAT YOU DO, WHETHER IT IS A STREET IN EAST AUSTIN, A HIGHWAY IN WEST AUSTIN, OR A CLEARANCE IN SOUTHWEST AUSTIN, IT IS GOING TO IMPACT EVERYBODY IN AUSTIN. AND I THINK YOU HAVE A RESPONSIBILITY WHEN YOU SIGN UP FOR THE COUNCIL TO REPRESENT THE ENTIRE CITY OF AUSTIN. PEOPLE WHO VOTE ON THE CITY COUNCIL ELECTION, VOTE CONSCIOUS OF THE FACT THAT WE LIKE THIS DIVERSITY, WE LIKE SEEING A BLACK PERSON, A PERSON OF FAR EASTERN HERITAGE, A PERSON OF HISPANIC HERITAGE, OLD PEOPLE, YOUNG PEOPLE, MEN AND WOMEN, BECAUSE THAT IS AUSTIN, TEXAS, AND I WANT

THIS COUNCIL TO ALWAYS REFLECT ALL OF AUSTIN, TEXAS. WE ARE PROUD OF THE FACT THAT WE ARE DIFFERENT FROM THE REST OF THE WORLD. PEOPLE COME TO AUSTIN FROM OTHER PLACES BECAUSE WE ARE DIFFERENT FROM THE REST OF THE WORLD. THE EMPHASIS WE PLACE ON THE EQUALITY OF LIFE IS -- THE QUALITY OF LIFE IS A REFLECTION OF THE INPUT OF ALL OF YOU. I STRONGLY SUPPORT THE CONCEPT OF STUDYING THIS ISSUE FURTHER. I COMMEND COUNCIL MEMBER COAL, McCRACKEN AND DUNKERLEY BY SAYING LET'S LOOK AT THIS, IT IS NOT TRIVIAL, IT IS NOT INSIGNIFICANT, IT IS VERY IMPORTANT YOU GET ALL YOU CAN BEFORE YOU CHANGE WHAT IS ALREADY WORKING. A GENTLEMAN'S AGREEMENT IS NOT THE ISSUE HERE. IT IS NOT RACIST, IT IS A CONCEPT THAT SAYS ALL OF US DESERVE REPRESENTATION. IT IS A CONCEPT TO SAY THAT EVERY CULTURE HAS CANNOTED TO THE GROWTH AND DEVELOP -- CONTRIBUTED TO THE GROWTH AND DEVELOPMENT OF AUSTIN. IF THERE AREN'T BUT 25 BLACK PEOPLE IN THIS CITY, THEY HAVE THE RIGHT TO SOME REPRESENTATION AND THEIR CULTURE BE REFLECTED IN THE GOVERNANCE OF THIS CITY. I SUPPORT THE CONCEPT OF MAKING SURE THAT YOU'RE SENSITIVE TO DIVERSITY AND I APPLAUD YOU FOR CONSIDERING THIS MATTER FURTHER. THANK YOU.

THANK YOU, MISS DELCO. AGAIN, I APPRECIATE EVERYBODY'S PATIENCE. SUSAN MORRISON, WELCOME. TUESDAY WILL HAVE THREE MINUTES, TO BE FOLLOWED BY ROSCO.

THANK YOU FOR STAYING SO LATE. I'VE DONE SOME VOTING RIGHTS LITIGATION AND SOME SETTLEMENT WITH ANOTHER SOLO PRACTITIONER IN THE STATE AND AN EXPERT IN VOTING RIGHTS. I'M NOT HERE TO SPEAK AGAINST THE RESOLUTION, I'M HERE TO SPEAK AGAINST SINGLE-MEMBER DISTRICTS. I DISAGREE WITH, RESPECTFULLY DISAGREE WITH THE FORMER MAYOR, I DON'T THINK IT IS A CONSENSUS WHEN HIS OWN COMMITTEE VOTES 4-3 FOR THIS TO PROCEED. THE SURVEY RESULTS ARE NOT A GROUND SWELL OF SUPPORT. I DID NOT RESPOND TO THAT WEB SITE BECAUSE I WAS TOLD THAT IT WAS FLAWED AND IT DIDN'T MATTER HOW MANY TIMES YOU WENT INTO IT, YOU COULD VOTE MULTIPLE TIMES THAT IS ONE REASON I STAYED TONIGHT TO SPEAK. THE LOW ATTENDANCE FOR 5:00 MEETING, EVEN THOUGH THEY ARE BROADCAST ON TELEVISION, IS A PROBLEM. THE JUSTICE DEPARTMENT WOULD SAY THAT BECAUSE WHEN WE DO A CUMULATIVE VOTING, FOR EXAMPLE, CHANGE FROM SINGLE MEMBER DISTRICTS THAT DON'T WORK OUT FOR SOME OF OUR CLIENTS, THEY SAY YOU DON'T HAVE A MEETING WHEN PEOPLE CAN'T COME TO IT. AND IF YOU HAVE ONE 5:00 MEETING, THEN YOU HAVE THE NEXT ONE AT 8:00 SO THE TRUCK DRIVERS CAN GET THERE AND YOU HAVE ONE ON SATURDAY MORNING SO THAT THE WORKING MOTHERS CAN GET THERE. AND SO I'M -- I AM DISAPPOINTED THAT THIS IS BEING BROUGHT UP AGAIN FOR THE VOTERS WHO HAVE VOTED IT DOWN SIX TIMES ALREADY. I'M VERY CONCERNED THAT SINGLE MEMBER DISTRICTS WILL TAKE AWAY OUR BLACK AND ASIAN REPRESENTATIVES ON THIS COUNCIL, AS WELL AS WOMEN BEING ELECTED, BECAUSE IF YOU WILL GO TO WWW.FAIRVOTE.ORG, THEIR FACT SHEETS TELL YOU THAT SOME OF THE PROBLEMS AND COMMON OBJECTIONS SINGLE MEMBER DIRECTS INCLUDE THAT BECAUSE OF POPULATION SHIFTS YOU HAVE TO KEEP DOING THIS AND SPENDING MONEY YEAR AFTER YEAR BECAUSE WE DON'T ALL STAY

IN THE SAME HOUSE. WE WANT TO INTEGRATE INTO OTHER NEIGHBORHOODS. AND THE ONLY WAY SINGLE MEMBER DISTRICTS WORKED IS WHEN WE WERE SEGREGATED. SO THEN THEY WORKED TO GET A MINORITY VOTER ELECTED FROM A MINORITY AREA. WE DON'T WANT AUSTIN TO BE SEGREGATED. WOMEN ARE LESS LIKELY TO RUN AND WIN IF THEY'RE IN MULTI-SEAT DISTRICT ELECTIONS UNDER SINGLE MEMBER DISTRICTS. AND THE FACT THAT WE HAVE SUCH DIVERSITY IS SOMETHING TO APPLAUD, NOT TO ATTACK. I GUESS THAT IS MY TIME. I WOULD LIKE TO TALK AGAIN ABOUT THIS, I THINK WE'RE BLESSED WE DON'T HAVE A POLARIZED ELECTORATE AND I'M GOING TO WORK PERSONALLY AGAINST SINGLE MEMBER DISTRICTS AND BECAUSE I'M A MEMBER OF LEAGUE OF WOMEN VOTERS I'M GOING TO SEE IF I CAN CHANGE THEIR MIND ON IT. THANK YOU.

THANK YOU, MISS MORRISON. THERE LIKELY WILL BE PLENTY MORE OPPORTUNITIES TO GIVE US TESTIMONY OVER THE COMING WEEKS AND MONTHS.

ROSCO OVERTON, WELCOME. YOU WILL BE FOLLOWED BY BETTY BAKER.

THANK YOU, MAYOR AND MEMBERS OF THE COUNCIL, I'M AGAINST THE AMENDMENT, THE AMENDMENT NUMBER 60, AND I REPRESENT THE BLACKLAND NEIGHBORHOOD AND I PARTICIPATED IN THE CHARTER REVIEW COMMITTEE SINCE ITS INCEPTION, I THINK I ONLY MISSED ONE MEETING. LET ME GO WITH A COUPLE OF THINGS. FIRST OF ALL LET ME SAY THIS: I LIVED IN A CITY FOR 38 YEARS THAT HAD THE SINGLE DISTRICT CALLED THE SUPER DISTRICT, I THINK I BROUGHT THAT INTO THE EQUATION WHEN WE WERE DISCUSSING THIS EARLY ON WITH THE CHARTER REVIEW COMMITTEE, THE SUPER DISTRICT STRUCTURE. SO THOSE OF YOU WHO HAVE NEVER LIVED IN ONE, I DON'T KNOW, BUT I'M TRYING TO SAY THAT A COMFORTABLE SHOE HAS BEEN GOOD FOR YOU FOR A LONG TIME AND YOU DON'T KNOW HOW A NEW ONE WOULD FEEL UNTIL YOU PUT IT ON. LET ME JUST SAY TO YOU, THERE ARE WAYS TO CHANGE THE SYSTEMS AND MAKE IT EQUITABLE FOR EVERYONE INVOLVED. I'M SAYING THAT THE DISTRICT, AND I WOULD RECOMMEND NATIONALLY THE 8-4 AND 1, THAT WOULD BE MY FIRST CHOICE RATHER THAN THE 6-4 AND 6-2 AND 1. THERE ARE WAYS THAT MAKES IT COMPATIBLE. I FOUND OUT, I WAS LOOKING OVER THE DATA FOR THE LAST TWO ELECTIONS, AND I'VE BEEN BACK IN AUSTIN NOW FOUR YEARS, AND I WAS GOING OVER THE DATA AND WHAT SHOWS TO ME THAT THERE IS A VERY LOW TURN OUT FOR ELECTION. PART OF THAT IS BECAUSE IF THE ISSUES THAT BEEN BEFORE THE VOTERS DOES NOT TEST THEM, THEY ARE LESS LIKE THREE PARTICIPATE IN VOTING IN THE ISSUE. SO WHAT I'M SAYING IS, WHEN HAVE YOU A SINGLE DISTRICT IT IS VERY EASY FOR THE PERSONS TO GET INVOLVED IN THE PROCESS, BECAUSE IT TOUCHES THEIR LIVED. I'M NOT GOING TO SPEND A LOT OF TIME BUT I DO THINK YOU ARE MOVING IN THE RIGHT DIRECTION BUT I THINK THE PUBLIC OF AUSTIN NEED TO HEAR SOME OPTIONS. AND THAT IS THE FIRST THOUGHT. BUT LET ME WRAP THIS UP A LITTLE BIT BECAUSE I'M THINKING OF GEOGRAPHIC REPRESENTATION, PLUS THE COST FOR RUNNING. I DON'T KNOW, I HAVEN'T RAN AND I DON'T PLAN TO RUN FOR ANY OFFICE HERE IN AUSTIN BUT I DO KNOW THE COST CAN BE EXUBERANT. I'VE LOOKED OVER A FEW THINGS AND IT COULD BE VERY COSTLY, WHICH MEANS THEN IT IS VERY UNLIKELY THAT YOU GOING TO GET WHAT IS A NEIGHBORHOOD OR

GEOGRAPHICAL REPRESENTATION, A PERSON TO RUN OF YOUR PEERS BECAUSE HE OR SHE CANNOT AFFORD IT. THAT IS A FACT. IT APPEARS SINCE I'VE BEEN HERE TO WATCH THE ELECTION THAT EVERYONE WHO RUNS PROBABLY HAVE TO GET ON TELEVISION AND THAT IS PRETTY COSTLY. LET'S TALK ABOUT THAT A LITTLE BIT. I'M SAYING THE COST WILL DETER A PERSON FOR RUNNING FOR THE OFFICE. BUT LET ME JUST KIND OF WRAP THIS UP A LITTLE BIT BUT LET ME SAY THIS TO THIS COUNCIL. WHAT I NOTICED IN 2007 THAT THIS COUNCIL APPROVED AND HAVE RECOMMENDED APPROVE A POLICE CHIEF OF A DIFFERENT ORIGIN, CUBAN. AND IN 2008, YOU HAD AN AFRICAN-AMERICAN CITY MANAGER. WELL, WHEN IT COME TIME FOR YOU TO TAKE A POSITION AND TO CHANGE YOUR WAY OF DOING THINGS, YOU GOT A PROBLEM WITH IT. I HAVE A VERY SERIOUS ISSUE, I THINK THAT YOU HAVE TO COME ON UP TO THE 21st CENTURY AND SEE THAT YOU TOO, AS A COUNCIL CAN STEP OUT, WHAT I'M SAYING IS CAN STEP OUT AND LET THE PEOPLE, AND TRUST THE PEOPLE TO VOTE THEIR REPRESENTATION. THANK YOU, MR. MAYOR.

THANK YOU, MR. OVERTON. BETTY BAKER, WHO I SAW EARLIER, HAD SIGNED UP WISHING TO SPEAK. I THINK BETTY WENT HOME. ACTUALLY FLIPPING OVER TO ITEM 115, A COUPLE FOLKS SIGNED UP FOR THAT ONE AND NOT FOR 60. SO LET'S SEE IF MIKE RODRIGUEZ -- MIKE, WELCOME. IF YOU WOULD LIKE TO GIVE US TESTIMONY. TO BE FOLLOWED BY JEFFREY RICHARD.

MAYOR, COUNCIL MEMBERS, YOU KNOW, I'VE HEARD A LOT OF PEOPLE TALK TONIGHT ABOUT THE WAY THINGS HAVE BEEN FOR A VERY LONG TIME AND NOT TALK ABOUT THE FUTURE SO MUCH SO WE GET BACK TO SINGLE MEMBER DISTRICTS, I'M FROM SOUTH AUSTIN. I'VE BEEN HERE SINCE 1994. EVERYBODY I KNOW IN MY NETWORK IS IN FAVOR OF SINGLE MEMBER DISTRICTS. I WAS FRANKLY SHOCKED TO FIND OUT WHEN I GOT TO AUSTIN THAT IT WASN'T. I DON'T KNOW OF ANY CITY IN THE COUNTRY THAT THE SIZE THAT DOESN'T HAVE REPRESENTATION AT THE LOWEST LEVELS WHICH IS SINGLE DISTRICTS. OUR COUNTRY WAS FOUNDED ON REPRESENTATION OF DEMOCRACY. IF WE HAD ONE VOTE THAT WOULD BE GREAT BUT WE CAN'T ALL FIT ON THAT DAIS TOGETHER. WE APPOINT SOMEBODY TO DO THIS FOR US. WE PICK THEM OUT OF OUR OWN NEIGHBORHOODS, WHICH IS IDEAL. SINGLE MEMBER MEANS WE HAVE THE SAME CONCEPT AS OUR CONSTITUTION. WE SET OUR HOUSE OF REPRESENTATIVES UP BY DISTRICTS, THE STATE REPRESENTATIVES, EVEN THE STATE SENATORS ARE BY DISTRICTS, EVEN THE COUNTY IS BY DISTRICTS AND FOR SOME REASON THE CITY COUNCIL DOESN'T THINK IT IS RIGHT FOR THEM. I THINK THAT THERE HAS BEEN SOME PAST SPECIAL INTEREST ABOUT KEEPING THEMSELVES IN OFFICE THAT MIGHT AT PLAY THERE. I'VE HEARD SOME VERY GOOD SPEAKERS TONIGHT ON BOTH SIDES 6 THE ISSUE BUT THE MOST COMPELLING WAS LET THE PEOPLE VOTE. WE DON'T NEED TO BE AFRAID 6 THE PEOPLE VOTING. IF IT IS STILL NOT A GOOD IDEA, THEY WON'T VOTE FOR IT BUT THERE HAS BEEN SOME CONFUSION, I THINK, ABOUT WHETHER OR NOT THE LACK OF INTEREST UP UNTIL NOW HAS BEEN A REFLECTION THAT THE PEOPLE ARE NOT INTERESTED IN THIS PLAN IS THAT NUMBER ONE, WE CALL THIS COMMISSION A CHARTER REVISION COMMISSION AND A SINGLE MEMBER DISTRICT AND THE PUBLIC DOESN'T KNOW WHAT THAT IS ABOUT IN A LOT OF CASES. AS FAR AS PUBLICITY, I

HAPPENED TO PICK IT UP AT THE LAST MINUTE AND LATE NUMBER OF PEOPLE I KNOW, THE MEETING IN SOUTH AUSTIN, DOWN IN THE MANCHECK SENIOR CENTER WITH TWO OF OF MY FRIENDS AND SPREAD IT BY E-MAIL AND THERE WERE 80 MORE ON THE WEB SITE BY PEOPLE THAT COULDN'T THEREBY SHORT NOTICE SO IT IS LACK OF PUBLICITY THAT CAUSE WHAT IS APPEARS TO BE APATHY. SO IN ESSENCE, THE ONE THING ABOUT SINGLE MEMBER DIRECTS I WILL SAY IS A LOT OF THINGS BROUGHT NUMBER THIS RESOLUTION APPEAR TO BE AN ATTEMPT TO STONE WALL OR SANDBAG AT LEAST THIS THING SO IT WILL GET PAST THE FALL ELECTION AND NOT EVEN CONSIDERED THERE. IT IS NOT ABOUT KEEPING THE INCUMBENTS IN OFFICE, IT IS ABOUT LETTING WE CITIZENS HAVE REPRESENTATION DOWN TO OUR NEIGHBOR -- REPRESENTATION DOWN TO OUR NEIGHBORHOOD LEVEL. I HIRED AN EXPERT AND I WAS SURPRISED YOU DIDN'T CALL ON HIM TONIGHT, APPEARED TO BE COMPLETELY UNAWARE OF THE WORK HE HAD DONE. THANK YOU, MAYOR. THANK YOU, COUNCIL.

THANK YOU, MR. RODRIGUEZ [BEEPING] TRYING TO TELL US SOMETHING. OUR NEW CONSERVATION PLAN [LAUGHTER] ACTUALLY, I DO WANT TO TAKE THE OPPORTUNITY THOUGH TO ADDRESS A COUPLE OF POINTS THAT MR. RODRIGUEZ BROUGHT UP. ONE IS IT IS NOT ABOUT THIS OR PREVIOUS COUNCILS NOT LIKING THE IDEA OF SINGLE MEMBER DISTRICTS. WE'VE PUT IT IN FRONT OF THE VOTERS SIX TIMES AND HAD THE VOTERS TURN IT DOWN SIX TIMES. I THINK I'M THE ONLY MEMBER ON THE DAIS THAT PUT IT TO THE VOTERS LAST TIME IN EARLY SPRING OF '01 TO CALL THAT MAY '02 ELECTION. I WENT OUT AND CAMPAIGNED FOR, IT WOULD GO TO MEETINGS IN ALL THE DISTRICT NEIGHBORHOODS AND ONE OR TWO PEOPLE WOULD SHOW UP AND A CHALLENGE, YOU CAN GO BACK ON OUR INTERNET AND LOOK AT THE ELECTION RESULTS ALL SIX TIMES IT HAS BEEN DEFEATED AND IT GETS MOST SOUNDLY DEFEATED IN SOUTH AUSTIN SOME OF SOUTH AUSTIN HAS HISTORICALLY BEEN THE HOT SPOT FOR THE ANTI--SINGLE MEMBER DISTRICT VOTE, ALL SIX TIME IT IS FAILED. SO AS A PIECE OF INFORMATION. JEFFREY RICHARD, WELCOME, APPRECIATE YOUR PATIENCE. YOU TOO, WILL HAVE THREE MINUTES AND FOLLOWED BY SANDRA BALDRIGE IF SHE IS STILL HERE.

THANK YOU, MAYOR, MEMBERS OF COUNCIL. MY NAME IS JEFFREY RICHARD AND I LIVE IN SOUTHWEST AUSTIN, RIGHT OFF OF MANCHECK AND SLAUGHTER. I HAVE A NUMBER OF HATS SO I NEED TO TELL NEW WHICH CAPACITY I'M NOT. IN I'M NOT IN AN ELECTED CAPACITY TONIGHT. I'M NOT IN THE CAPACITY AS BEING THE PRESIDENT OF A LARGE NONPROFIT, I'M IN THE CAPACITY AS A CITIZEN WHO HAPPENS TO LIVE IN AUSTIN BY CHOICE, FOR A NUMBER OF REASONS. ONE OF WHICH I WILL TALK ABOUT TONIGHT. AND IN IN NO OTHER CAPACITY. BUT I'VE STUDIED THE IDEA OF DISTRICTING AND REDISTRICTING AND SINGLE MEMBER DISTRICT FOR, I GUESS SINCE MY POLITICAL SCIENCE DEGREE IN THE 1980s, SO I WILL START BY SAYING PHILOSOPHICALLY, WHY WAS THE VOTING RIGHTS ACT CREATED AND WHY DID SINGLE MEMBER DISTRICTS EVOLVE, WHAT WERE THEY -- WHAT HARM WERE THEY TRYING TO PREVENT FROM OCCURRING. SECONDLY, WHAT FUTURE PROBLEMS DID SINGLE MEMBER DISTRICTS EVOLVE TO PREVENT. ALL RIGHT. SO I THINK IT MIGHT BEHOOVE US TO SAY IN THE IDEAL AND AT LARGE SYSTEMS, SEEMS TO BE THE

MOST DEMOCRATIC WAY TO GET THE MOST REPRESENTATIVES FOR THE MOST PEOPLE IN THE IDEAL. BUT WHEN THE IDEAL BREAKS DOWN, THEN THE SINGLE MEMBER DISTRICT IS A WAY TO CORRECT SOMETHING THAT HAS BROKEN. THAT IS THE HISTORY IN MY VIEW OF THE VOTING RIGHTS AND PARTICULARLY FOR SINGLE MEMBER DISTRICTS AND HAS TO DO WITH RACE, DOUBLE HAVE TO DO WITH GEOGRAPHY IF I'M READING THIS RIGHT. MANY DON'T CARE WHO WINS AND WHO LOSES IN THIS CASE SINGLE MEMBER DISTRICTS ARE DESIGNED WITH MORE OF A LEAN TOWARD THE OUTCOMES. TO BETTER INSURE ONE, A DIVERSE REPRESENTATION, NUMBER TWO TO RECTIFY A PAST PATTERN OF EXCLUSION. SO I ASKED THE QUESTIONS AGAIN, WHAT IS THE HARM THAT SINGLE MEMBER DISTRICT SYSTEM WOULD MITIGATE IN AUSTIN. NUMBER TWO, WHAT FUTURE PROBLEMS OR DANGERS WOULD A SINGLE MEMBER DISTRICT SYSTEM PREVENT IN AUSTIN. NOW, SINGLE MEMBER DISTRICTS IN THE DEEP SOUTH, IN THE SOUTH, WITH VERY, VERY PERFORM. IN FACT, I GREW UP IN A PLACE CALLED FT. WORTH, 150 MILES AWAY FROM HERE, VERY NECESSARY BECAUSE IN AN AT LARGE SYSTEM A PERSON IN A MINORITY COULD NOT GET ELECTED. THAT WAS TRUE IN FT. WORTH, DALLAS AND HOUSTON BUT NOT TRUE IN AUSTIN. HASN'T BEEN FOR PROBABLY 30 YEARS. IT WAS NECESSARY IN THOSE PLACES BECAUSE THE OUTCOMES WERE JUST NOT WHAT THE JUSTICE DEPARTMENT BELIEVED WERE FAIR. THEY WERE ABYSMAL OUTCOMES, I WOULD NOT SUGGEST TO YOU THAT THIS DAIS OR THE DAIS BEFORE OR THE PEOPLE SEATED BEFORE THAT TWO OR THREE OR FOUR OR FIVE OR TEN TIMES BEFORE HAVE ABYSMAL RESULTS WITH REGARD TO RACE. I WOULD NOT SUGGEST THAT IN AUSTIN. AND SO I WOULD SAY IN GENERAL, I AM A PROPONENT OF SINGLE MEMBER DISTRICTS IN CITIES WHERE THERE HAS BEEN A REPEATED PATTERN FOR PERSONS OF MINORITY OR PERSONS OF COLOR NOT TO GET ELECTED IN AN AT LARGE SYSTEM. BUT I WOULD NOT SAY THAT AUSTIN IS IN THAT PARTICULAR PLACE. AND FINALLY, I THINK THAT IF YOU THINK ABOUT A SINGLE MEMBER DISTRICT AND YOU CONCENTRATE PERSONS BECAUSE YOU ARE IN GOOD FAITH TRYING TO GET A BEST OPPORTUNITY, AS IT WERE, TO GET THOSE FOLKS ELECTEDS ARE WHAT ABOUT THE OTHER 67% THAT DON'T LIVE IN THAT 35 OR 33%. WHAT ABOUT THOSE INDIVIDUALS? I THINK THAT THE DANGER TO ME FROM A SINGLE MEMBER DISTRICT HERE, AND I'VE LIVED IN A PLACE WITH AT LARGE, I'VE LIVED IN A PLACE WITH HYBRID, I CHOSE TO MOVE FROM WASHINGTON, D.C. HERE BECAUSE OF THE PREAGREESSIVITY OF THAT PLACE, CHANGE BECOME AS CEILING, NOT A FLOOR, SO THEN THE ONLY PERSON YOU WOULD HAVE POTENTIALLY OF COLOR WOULD BE FROM THAT DISTRICT. AND I THINK THAT RIGHT NOW YOU CAN HAVE FIVE, SIX, SEVEN, TWO, THREE, FOUR AT THIS PLACE ON THE CURRENT SYSTEM. SO I WILL SAY THAT THERE IS A REASON THAT AUSTIN IS LIKE IT IS, AND IT IS BECAUSE WE VALUE DIVERSITY DELIBERATELY AND I'M HAPPY TO TALK TO YOU ABOUT WHY I THINK THAT IS HERE IN AUSTIN, BUT THIS IS SOMETHING WE SHOULD NOT BE ASHAMED OF. IF OTHERS HAD THEIR WAY AND THEY WERE DOING A BETTER JOB 30 YEARS AGO THEY COULD STILL BE AT LARGE BUT THE PROBLEM IS THE OUTCOMES COULDN'T IS BEEN MORE ASSURED AS THEY HAVE BEEN FOR THE LAST THREE DECADES.

THANK YOU, MR. RICHARDS. WELCOME, SANDRA. APPRECIATE YOUR PATIENCE. I BELIEVE

YOU ARE OUR FINAL SPEAKER.

GOOD EVENING, MAYOR, COUNCIL. I FIRST OFF WOULD LIKE TO THANK THE PREVIOUS MAYOR, GUS GARCIA FOR HIS EFFORTS WITH THE COMMITTEE. AND I WOULD LIKE TO THANK LEE LEFFINGWELL FOR HIS HELP WITH THE WEB SITE. THE CHARTER AMENDMENT WAS BURIED AT THE BOTTOM OF THE WEB PAGE FOR THE CITY OF AUSTIN AND IF YOU DIDN'T GO LOOK FOR IT, YOU WEREN'T GOING TO SEE IT. IT WAS IMPOSED UPON THE CITIZEN TO GO FIND OUT WHAT THE COUNCIL WAS DOING ABOUT THIS. BEFORE THE DECEMBER MEETING THAT MAYOR GARCIA HELD, I GOT AHOLD OF A LIST OF HOMEOWNERS ASSOCIATIONS THROUGHOUT THE CITY AND STARTED CALLING PEOPLE, AND THE PRESIDENTS OF HOMEOWNERS ASSOCIATIONS THROUGHOUT THE CITY DID NOT KNOW THAT THERE WAS A SINGLE MEMBER DISTRICT ISSUE BEING DISCUSSED. NOW, IT CAME OUT FROM THE COMMITTEE THE MONEY BEFORE THAT COMMITTEE VOTED, THERE WAS AN E-MAIL SENT TO ALL REGISTERED HOMEOWNERS ASSOCIATIONS THAT HAVE LISTED WITH THE CITY AS BEING AN ORGANIZATION. THEY HAD THREE DAYS TO ORGANIZE THEIR HOMEOWNERS ASSOCIATIONS TO GET INVOLVED AND MAKE A DETERMINATION. I'M HERE TONIGHT TO TELL YOU THAT THERE ARE PEOPLE THAT THINK WE ARE GEOGRAPHICALLY GEO LOGICALLY PREJUDICE ED AGAINST AREAS OF IT CITY. HELP THE BLACKLAND PRAIRIES STAY THE WAY THEY ARE. YOU WILL HEAR PEOPLE SAY PLEASE COME BUILD AS YOU ROAD. WE'VE BEEN PROMISED IT SINCE 1982. ARE WE GOING TO BASE OUR VOTING ON THE GEOGRAPHICAL ANDGEO LOGICAL INTERESTS THAT REPRESENT THEM OR ARE WE GOING TO TAKE A TACT THAT HAS A MEASURE OF EQUALITY. THERE IS EQUALITY FOR EVERYBODY IF WE HIT THE NAIL ON THE HEAD AND ADDRESS THE ISSUES FOR THOSE PEOPLE. I SUGGEST THAT DO YOU NOT VOTE IN FAVOR OF NUMBER 60 TONIGHT, BUT YOU TAKE THE TIME BETWEEN NOW AND NOVEMBER TO MAKE SURE THAT THE PUBLIC KNOWING THAT THEY'RE INVITED AND MAKE AN OVERT EFFORT TO INVITE THEM INTO THE PROCESS, BECAUSE MANY PEOPLE JUST DON'T FEEL THAT THEY HAVE A VOICE IN GOVERNMENT. THANK YOU VERY MUCH.

THANK YOU, MISS BALDRIGE. I BELIEVE THAT IS ALL THE FOLKS WHO HAD SIGNED UP THAT WANT TO GIVE US TESTIMONY ON THIS COMBINED ITEM, SINCE OUR DISCUSSION ANALYSIS SINGLE MEMBER DIRECTS ITEM 60 OR 115. THANK YOU ALL VERY MUCH FOR YOUR PATIENCE. YES, MAYOR.

I JUST WANT TO SAY THANK YOU FOR THE COUNCIL FOR ALLOWING US TO DO THIS WORK AND I APOLOGIZE TO YOU.

NO NEED.

AND COUNCIL MEMBER McCracken, AND TO MR. HEBERT. I WAS OUT OF ORDER.

ALWAYS APPRECIATED YOUR PASSION.

THANK YOU.

AND ALL THE WORK. THANK YOU FOR YOUR SERVICE.

THANK YOU VERY MUCH.

SO, COUNCIL, QUESTIONS, COMMENTS OR PERHAPS MAYOR OR MR. HEBERT. MAYOR PRO TEM.

I KNOW THERE HAS BEEN SOME CRITICISM OF THE RESOLUTION BUT I WOULD LIKE TO POSE THIS QUESTION TO THE AUDIENCE: HAD WE PUT FORWARD IN MAY A CHARTER AMENDMENT FOR A DISTRICT, ANY KIND OF DISTRICT, WITHOUT THE INFORMATION THAT WE'RE REALLY ASKING FOR IN THIS RESOLUTION, I THINK YOU ALL WOULD HAVE ALL BEEN DOWN HERE YELLING AT US, YOU KNOW, WHY DON'T WE HAVE THE MAPS, WHY DON'T WE KNOW MORE ABOUT HOW THE TRANSITION WILL WORK, NOW, YOU KNOW, HOW ARE THEY GOING TO RAISE MONEY FOR THEIR ELECTIONS, ALL THESE SORTS OF THINGS, HAD WE DONE IT THAT WAY. SO REALLY I THINK THE ATTEMPT OF THE RESOLUTION IS SIMPLY TO SAY BETWEEN NOW AND WHENEVER YOU GET READY TO PUT SOMETHING ON A BALLOT, THAT YOU REALLY VET THIS PUBLICLY A LITTLE MORE THAN IT HAS BEEN DISCUSSED AT THIS POINT SO PEOPLE REALLY KNOW WHAT THEY'RE VOTING FOR, HOW MANY POSITIONS AND I WOULD THINK WE WOULD ALSO WANT TO PUT FORWARD THE MAP SO THAT WHEN THE VOTERS ACTUALLY DO GO TO VOTE, THEY KNOW WHAT AND WHERE AND WHEN AND HOW THESE THINGS ARE GOING TO HAPPEN. AND I THINK YOU'LL BE VERY UNSUCCESSFUL IF THOSE THINGS AREN'T OUT THERE. SO I THINK ALL THE IDEA ABOUT THE EDUCATION AND THE WEB SITES ARE RIGHT ON TARGET. BUT I THINK WE HAVE TO HAVE SOME INFORMATION DEVELOPED OVER THESE NEXT SIX MONTHS SO THAT WE WILL BE READY WHENEVER, IF THE CITIZENS DO DECIDE TO GO FOR A CHARTER ELECTION, I PERSONALLY THINK THAT THE AT LARGE SYSTEM IS BETTER. I THINK WE DO REPRESENT THE ENTIRE COMMUNITY AND I THINK YOU ALWAYS HAVE, IF YOU CAN'T GET HELP FROM ONE COUNCIL MEMBER, YOU CAN GO TO ANOTHER. I'VE WORKED IN A LOT OF PLACES IN TEXAS AND WHAT I FIND MOST FREQUENTLY FROM SINGLE MEMBER DISTRICTS THAT ARE FRUSTRATING TO THE MEMBERS OF THAT DISTRICT IS THAT THEY MAY HAVE A PROPOSAL OR SOMETHING THAT THEY'RE TRYING TO GET THROUGH AND IF THAT REPRESENTATIVE DOESN'T SUPPORT IT, IT VERY RARELY MAKES IT ANY FURTHER AND YOU HAVE NO FARTHER LOOK AT COUNTY SYSTEM, AND YOU WILL SEE THAT, A PRECINCT ACTS JUST LIKE A DISTRICT WOULD ACT SO I THINK I'VE SEEN PEOPLE THWARTED IN THAT ARENA AS WELL SO I GUESS NO SYSTEM IS PERFECT BUT YOU NEED TO UNDERSTAND THAT JUST THAT THAT NO SYSTEM IS PERFECT.

COUNCIL MEMBER COLE.

IN LIGHT OF THE TESTIMONY WE RECEIVED FROM MR. HEBERT AND OTHER TESTIMONY, I WOULD LIKE TO PROPOSE AN AMENDMENT IN THE RESOLUTION IN THE CLAUSE, THE THIRD PARAGRAPH, THE THIRD BULLET SO WE SAY WE URGE THE CHARTER REVISION COMMITTEE

TO CONSULT WITH THE JUSTICE DEPARTMENT TO RECEIVE COMMENTS AND INCORPORATE ANY JUSTICE DEPARTMENT RECOMMENDATIONS INTO ANY PLAN ON THE BALLOT. BECAUSE I THINK IT WAS CLEAR THAT JUSTICE WILL NOT COMMENT ON A SPECIFIC PLAN BUT THEY WILL WORK WITH YOU AND GIVE THE GUIDELINES.

SO AS WE GET TO THE SPOT WHERE WE MAY HAVE A MOTION, THEN WE WILL CRAFT IT TO THAT FORMAT. FURTHER QUESTIONS, COMMENTS? I WOULD LIKE TO ALSO REMIND FOLKS, BECAUSE OF THE, YOU KNOW, THE SHIFT IN OUR POTENTIAL CALENDAR, WHEN WE'VE DISCOVERED THAT THERE WON'T AND CHARTER ELECTION ON MAY 10th OF THIS YEAR, AND NOW -- BUT THERE IS GOING TO BE A CHARTER ELECTION NOVEMBER OF THIS YEAR, BECAUSE OF CITIZEN INITIATIVE, MY STRONG SUSPICION, MY INSTINCT IS THE TIMING AND WHAT WILL HAPPEN WILL BE THAT LATE SUMMER, I BELIEVE THE STATUTORY LIMIT TIMING FOR CALLING THAT NOVEMBER ELECTION IS SOMEWHERE IN LATE AUGUST, IF I REMEMBER THAT CORRECTLY FROM A PREVIOUS CAPITAL METRO NOVEMBER ELECTION.

THE LAST REGULARLY-SCHEDULED COUNCIL MEETING BEFORE THE STATUTORY DEADLINE WILL BE THE COUNCIL MEETING OF THURSDAY, AUGUST 21st.

RIGHT, THANK YOU. SO, YOU KNOW, SOMETIMES I THINK IT IS NOT GOOD FORM TO WAIT UNTIL THE VERY LAST POSSIBLE MOMENT WHEN DO YOU SOMETHING AS IMPORTANT AS CALL ELECTIONS, BUT MY STRONG SUSPICION IS THAT IN AUGUST, YOU KNOW, THE NEXT COUNCIL WILL, I THINK, FUNDAMENTALLY MAKE THAT DECISION. BECAUSE THERE IS ALSO OPPORTUNITY, THERE COULD BE ADDITIONAL THINGS PUT FORTH ON ONCE EVERY TWO-YEAR CHARTER ELECTION. SO I BELIEVE THAT THE NEXT COUNCIL WILL ULTIMATELY MAKE THAT DECISION, HAVE THAT SERIES OF VOTES, INSTINCT IS IT WILL BE IN AUGUST OF THIS YEAR. WITH THAT IN MIND, I AGREE THAT THERE ARE A LOT OF QUESTIONS THAT NEED TO BE ASKED, IN FACT, I'VE JUST, SITTING HERE THIS EVENING AND CERTAINLY THINKING ABOUT IT THE LAST COUPLE OF DAYS, I HAVE A NUMBER OF ADDITIONAL QUESTIONS IN ADDITION TO ONES THAT WERE ITEMIZED ON WHAT I'M REFERRING TO AS COUNCIL MEMBER'S COLE'S, ITEM FROM COUNCIL, IS THAT NOT ONLY WOULD IT BE PREMATURE FOR US TO VOTE NOW ON A POTENTIAL CHARTER ELECTION IN NOVEMBER, RIGHT NOW MY INSTINCT IS, IT'S PREMATURE TO VOTE TONIGHT ON THE RESOLUTION, THAT IS MY VAGUE READ ON THE VOTES UP HERE IS THAT THERE IS PROBABLY, I THINK THERE IS OBVIOUSLY THREE SPONSORS OF THAT RESOLUTION AND I'M SURE THEY ARE PREPARED TO AMEND IT IN ANY FORM OR FASHION THAT NEED BE AND I THINK THERE ARE THREE MEMBERS TO MY LEFT THAT UP UNTIL NOW HAVEN'T BEEN SUPPORTIVE OF THAT CONCEPT, AS POTENTIAL COMPLETE THE SWING VOTE, I WILL PROPOSE THAT -- AND I DON'T WANT TO CHARACTERIZE, IT IS NOT FAIR TO CHARACTERIZE THIS ISSUE AS COUNCIL MEMBER MARTINEZ LEADING THE SINGLE MEMBER DISTRICT CHARGE AND COUNCIL MEMBER COLE PERHAPS TRYING TO LEAD THE MAINTENANCE OF THE AT LARGE SYSTEM THAT IS UNFAIR, BUT I WOULD LIKE TO OFFER THAT I WORK WITH COUNCIL MEMBERS MARTINEZ AND COLE HERE OVER THIS NEXT JUST FEW DAYS, AND REALLY ITEMIZE A LENGTHY SERIES OF QUESTIONS. I HONESTLY THINK THERE WERE, YOU KNOW, DOZENS OF QUESTIONS THAT I

THINK NEED TO BE PROPERLY ASKED AND HOPEFULLY ANSWERED IN SUCH A PUBLIC WAY THAT THOSE ANSWERS ARE MADE VERY PUBLIC AND THERE IS PLENTY OF TIME FOR THIS COMMUNITY TO BE A THOSE ANSWERS WELL BEFORE -- ABSORB THOSE ANSWERS BEFORE THE CHARTER ELECTION IS CALLED IN AUGUST OF THIS YEAR. SO, JUST RECOGNIZING THE HOUR, I THINK IT IS GOING TO BE MORE PRODUCTIVE FOR US IF I TRY TO PLAY THAT ROLE AND ESSENTIALLY WORK WITH ALL, FUNDAMENTALLY, BUT COME UP WITH A LONG LIST OF QUESTIONS. MY 'N SYNC IS A NUMBER -- MY INSTINCT IS A NUMBER OF THEM COULD BE ANSWERED AS SOON AS THEY ARE ASKED. WE HAVE A NUMBER OF THEM, CERTAINLY WITH THE ASSETS OF THE PREVIOUS COMMISSION, INTERNAL ASSETS WITH MR. STEINER AND OTHERS, THAT WE CAN COME UP WITH A LENGTHY SERIES 6 QUESTIONS, HAVE THOSE BE POSTED VERY PUBLICLY AND HAVE THOSE ANSWERS POSTED VERY PUBLICLY, AND I THINK IT REALLY WILL HELP THE COMMUNITY, ESPECIALLY IF WE HAVE ASSETS LIKE THE LEAGUE AND OTHER RESOURCES IN THIS COMMUNITY REALLY TALK THROUGH AND ANALYZE THE SITUATION. AND HAVE IT KEYED NUMBER SUCH A WAY THAT THE -- KEYED UP IN SUCH A WAY THE NEXT COUNCIL WILL BE FULLY BRED. THE COMMUNITY WILL UNDERSTAND THE DYNAMICS THAT OCCURRED TO DATE, AND WE HAVE A BETTER UNDERSTANDING OF THE DYNAMICS. COUNCIL MEMBER?

MAYOR, I WOULD LIKE TO SUGGEST THAT IF, I THINK OUR DEAD SHRINE AUGUST 25th, -- OUR DEADLINE IS AUGUST 25th, THAT MEANS THE NEW CITY COUNCIL WILL HAVE TWO OR THREE MEETINGS UNDER OUR BELT AND I THINK ONE THING WE LEARN THIS WOULD EVENING WHEN THIS IS SET AS A PUBLIC HEARING THERE WAS NO PLAN NO DISTRICTS, NO TRANSITION PLANLED, NO REDISTRICT IDEA, SINCE THE COST THESE ARE BIG ISSUES AND YOU HAVE A CORRECTLY IDENTIFIED A LOT OF WORK NEEDS TO BE DONE OVER THE COMING MONTHS. THE CHALLENGE WE WILL HAVE IS WE WILL DO ALL THIS WORK AND ASK NEW COUNCIL MEMBERS WITH NO BACKGROUND ON THIS ISSUE TO DECIDE THIS ON THEIR THIRD MEETING. IF WE ARE GOING TO WORK ON THIS OVER THE NEXT FEW MONTHS, IT IS A WASTE OF TIME IF WE HAVE NEW MEMBERS.

I RECOGNIZE THAT DYNAMIC AND ALSO SEE ANOTHER DYNAMIC, WE'VE HAD THAT EXPERIENCE IN THE LAST DECADE OR SO ON PREVIOUS DAISES IS THAT THIS COUNCIL TAKES ACTION AND IT COULD VERY EASILY BE ON A 4-3 VOTE, TAKES ACTION IN LET'S SAY MAY OR JUNE OF THIS YEAR, AND THEN, YOU KNOW, ONE, SADLY ONE NEW FACE WILL BE ON THE DAIS, AND THERE ARE PEOPLE RUNNING FOR THAT RACE AND MAYBE OTHERS BUT THERE WILL AND DIFFERENT COUNCIL COME LATE JUNE AND THAT PERHAPS 4-3 VOTE COULD EASILY BE OVERTURNED ON A 3-4 VOTE TWO MEETINGS LATER. BASED ON THAT BEING A CAMPAIGN ISSUE.

I THINK BY THE WAY THAT WAS, FOR THE THREE OF US, WAS A RATIONALE WHY IT WAS FOREIGN HAVE THE CHARTER REVISION COMMITTEE TO LOOK AT THIS, YOU WOULD HAVE TO BRIDGE COUNCILS BECAUSE THERE IS A RECOGNITION BY A SOLID MAJORITY AND NOT ALL OF US THAT THIS IS WORK THAT HAS NOT BEEN DONE THAT NEEDS TO BE DONE BEFORE IT IS PUT BEFORE THE VOTERS BUT WE ARE IN THE MIDDLE OF A COUNCIL

TRANSITION IF THIS PERIOD SO I THINK A CHALLENGE FOR US WILL BE, WELL, WE'RE TALKING ABOUT SPEEDING UP THE BETWEEN WATER TREATMENT PLANT PROCESS SO THAT WE WILL HAVE THE EXPERTISE OF ONE OF OUR MEMBERS AT LEAST NOT LOSING OFF THE DAIS, I THINK THAT THE CHANGE IN OUR FORM OF GOVERNMENT IS EVEN MORE IMPORTANT THAT THE GREEN WATER TREATMENT PLANT DEVELOPMENT IN HAVING THE EXPERTISE OF THESE COUNCIL MEMBERS BROUGHT TO BEAR. -- EXPERTISE OF THESE COUNCIL MEMBERS BROUGHT TO BEAR. IF WE HAVE THE SAME SENSE OF URGENCY ON THE FORM OF OUR GOVERNMENT AS DO WE ON A DEVELOPMENT IN DOWNTOWN AUSTIN IN TERMS 67 OF THE NECESSITY OF HAVING THE EXPERTISE OF THE CURRENT COUNCIL.

COUNCIL MEMBER.

I WOULD SAY YOUR IDEA IS A GOOD ONE. THE PROPOSAL BEFORE US TONIGHT, THERE ARE A LOT 6 GOOD IDEAS IN THERE AND IT RAISES A LOT 6 QUESTIONS AND EVEN MORE TONIGHT AND IT DEFINITELY SHOULD GO IN FRONT OF THE VOTERS AND WE NEED A SPECIFIC PLAN WHAT THEY ARE VODING VOTING ON AND TO DO THAT WITH A PUBLIC PROCESS WHERE THAT IS OPENING A WE CAN GET DOWN TO THE SPECIFICS INCLUDING THE MAP AND THE NUMBER OF DISTRICTS AND WE ARE MISSING THAT. BUT I REALLY WOULD LIKE FOR US TO STAY ON SCHEDULE TO PUT THIS UP FOR THE VOTERS IN NOVEMBER.

AGAIN, SO WHAT I'M SUGGESTING IS I'M VERY SUPPORTIVE OF GETTING QUESTIONS ANSWERED THAT THE ITEM BEFORE US IS RAISING. I HAPPEN TO THINK THERE ARE MANY, MANY ADDITIONAL QUESTIONS THAT NEED TO BE ANSWERED, AND ANSWERED -- ASKED AND ANSWERED IN A VERY PUBLIC WAY, AND SO I DON'T BE SUPPORTIVE OF PASSING THE RESOLUTION TONIGHT AS DRAFTED. AND I WILL GLADLY PLAY A ROLE AS TO HELP, YOU KNOW, CONSOLIDATE ANY NUMBER OF ADDITIONAL QUESTIONS AND WORK TOWARDS A NEW ITEM FOR COUNCIL VERY SOON SO WE CAN TEE UP THESE QUESTIONS AND SEND SOME FOLKS ON THEIR WAY TO GO FIND ANSWERS FOR US AND GET MORE, RATHER THAN IS -- GET MORE QUESTIONS ANSWERS SOONER RATHER THAN LATER INTO MAYOR, JUST SO THAT I --

MAYOR, JUST SO THAT I UNDERSTAND, YOUR POSITION IS NOT THAT YOU DISAGREE WITH THE RESOLUTION, YOU JUST THINK THERE SHOULD BE ADDITIONAL ITEMS ADDED TO THE RESOLUTION BEFORE IT IS ADOPTED BY COUNCIL.

AND FRANKLY WITH THE INFORMATION WE'VE HEARD TONIGHT, WE WOULD BE AMENDING IT AS IT IS BUT I THINK THERE ARE ADDITIONAL QUESTIONS THAT COULD BE ROLL INTO A RESOLUTION.

MY QUESTION IS YOU ARE NOT SUGGESTING THAT SHOULD BE ADOPT BADE DIFFERENT COUNCIL.

NO I THINK WE NEED TO COME TOGETHER WITH A BROAD SERIES OF VERY SPECIFIC QUESTIONS, A NUMBER OF THEM, I THINK DOZENS OF THEM, EVERYTHING FROM CAMPAIGN FINANCE. IF YOU HAVE A HYBRID SYSTEM, DO YOU HAVE A FUNDRAISING EXPENDITURE FOR A DISTRICT AS HAVE YOU FOR AN AT LARGE. AND CAN YOU RAISE MONEY OUTSIDE YOUR DISTRICT? YOU COULDN'T RAISE MONEY OUTSIDE THE CITY LIMITS NOW, ESSENTIALLY, CAN YOU RAISE MONEY OUTSIDE YOUR DISTRICT BUT INSIDE THE CITY LIMITS. THERE IS JUST, I THINK THERE ARE DOZENS OF OTHER VERY SPECIFIC QUESTIONS THAT WE COULD TEOPAN USE THE RESOURCES OF THE COMMUNITY, THE LEAGUE AND OTHER, YOU KNOW, STAKEHOLDERS AND ADVOCACY POINTS AROUND TOWN AND HAVE A VERY BROAD, VERY EXPANSIVE SERIES OF QUESTIONS POSTED, YOU KNOW, ASKED BY THIS COUNCIL, YOU KNOW, MUCH SOONER RATHER THAN LATER AND HAVE THOSE ANSWERED. COUNCIL MEMBER McCRACKEN.

I THINK THIS IS ALSO A PUBLIC HEARING ON THE QUESTION OF SINGLE MEMBER DISTRICT THE VERSES A SYSTEM WHERE WE ALL SERVED ON BEHALF OF ALL THE VOTERS OF THE CITY, IT IS IMPORTANT FOR US TO SPEAK TO WHAT VISION WE FAVOR. AND I VOTED FOR THE SINGLE MEMBER DISTRICTS PROPOSAL IN 2002 AT THE TIME I WAS RUNNING AND I GOT WACKED BY BETHY DUNK EARLY IN THAT ELECTION AND -- BY BETTY DUNKERLEY IN THAT ELECTION AND SHE HAS BEEN MY FRIEND AND I LEARNED A LOT FROM HER. HERE IS THE DIFFERENCE OF RUNNING AN ELECTION IN THE CITY OF AUSTIN VERSES OTHER PARTS OF THE CITY, IT IS A VERY EXHAUSTING THING TO RUN IN THE CITY COUNCIL ELECTIONS BECAUSE YOU HAVE TO CAMPAIGN IN EVERY PART OF THE CITY. THERE ARE NIGHTS YOU ARE DRIVING TO NORTHWEST TIN, SOUTHWEST AUSTIN, CENTRAL AUSTIN AND YOU ARE JUST FLAT WORN OUT. IT IS GOOD PREPARATION FOR SERVING ON THE AUSTIN CITY COUNCIL BUT I ONCE WATCHED ALVAREZ IN EXECUTIVE SESSION FIGHT LIKE A JUNKYARD DOG ON BEHALF OF THE AUSTIN NEIGHBORHOOD, THEY WERE HIS VOTERS TOO. WE HAD TO POST DOROTHY TURNER'S FUNERAL BECAUSE ALL SEVEN OF US WENT, THE CITY COUNCIL TO THAT FUNERAL. IN AN AT LARGE SYSTEM WE REPORT ALL THE VOTERS. WE ARE RESPONSIBLE TO LOOK FOR THE BIGGER PICTURE. WE DON'T ALWAYS DO IT PERFECTLY BECAUSE WE ARE UP A HUMAN BEINGS. THE CHALLENGE I HEAR FROM OTHER FOLKS IN CITIES LIKE DALLAS AND SAN ANTONIO THEY SAID PLEASE DO NOT MAKE THE SAME MISTAKE WE DID, IT IS PAROCHIAL, VICIOUS, IN FIGHTING, PEOPLE DO NOT LOOK OUT FOR THE COMMON GOOD. THEY WANT A STRONG MAYOR SYSTEM AFTERWARDS. ONE THINGS THAT JILL ANN BURLEY TOLD US DURING THE INTERVIEW PROCESS, THEY COULDN'T REACH AN AGREEMENT WHERE TO REACH A RAIL STATION BECAUSE THEY WERE FIGHTING TO HAVE THE RAIL STATION PUT IF THEIR DISTRICT. THAT DOESN'T HAPPEN IN THE CITY OF AUSTIN. WE DON'T POLITICIZE WHERE INFRASTRUCTURE DECISIONS ARE MADE. THERE IS NOT A PORK BARREL CHECKLIST IN THE CITY OF AUSTIN AT BUDGET TIME OF EACH MEMBER GETTING 600, \$700,000S LIKE THEY DO IN DC. HERE IS ANOTHER THING, AND WE'VE SEEN SOME POTENTIAL CONTROVERSIES THAT HAVE ARISEN TONIGHT WHEN THE SOLE AFRICAN AMERICAN OPPORTUNITY DISTRICT WHICH HAS FEWER AFRICAN-AMERICAN AFRICAN-AMERICANS THAN HISPANICS AND THAT IS NOT GOOD TO GET THE

BODY TO WORK TOGETHER WHEN YOU HAVE A SITUATION. WE SAW HOW POISONOUS REDISTRICTING WAS AT THE STATE LEVEL WHEN IT WAS DECIDED BY A FEW AND IT REALLIES, YOU WOULD WALK OUTS, THE LEGISLATURE, AND NOW YOU SEE THAT THE, THE LEGISLATURE, THEY HAVE TO HAVE ARMED GUARDS PROTECT THE SPEAKER OF THE HOUSE. I PERSONALLY CANNOT BELIEVE WE WOULD BE CONTEMPLATING GOING TO A SYSTEM THAT IS PROVEN IN MY ESTIMATION OF REDISTRICTING SPECIAL INTERESTS, YOU KNOW, FACTIONAL PORK BARREL AWARD-STYLE POLITICS. WHEN, WHILE NOT PERFECT, WE HAVE A SYSTEM THAT IS REPRESENTING THE SAME NUMBER OF PEOPLE AND WE ARE RESPONSIBLE FOR EVERY VOTER IN THE CITY OF AUSTIN, THEY CAN COME TO ALL SEVEN OFLESS, WE HAVE TO CAMPAIGN IN ALL PARTS OF THE CITY AND KNOW PEOPLE AND LOOK FOR THE BROADER INTEREST SO I THINK THE CURRENT SYSTEM IS BETTER. OUR AAA BOND RATING IS FLEXION OF THIS, WHILE WE ARE THE LARGEST CITY, MY UNDERSTANDING I BELIEVE COLUMBIA OHIO, PORTLAND, OREGON AND PERHAPS SEATTLE ARE PEER CITIES, COMPARABLY-SIZED CITIES. I CAN TELL FROM THE EXPERIENCE OF SOMEBODY THAT SERVED ON THE CITY COUNCIL I HAVE COME TO A V A VIEWPOINT ABOUT DISTRICTS AT LARGE VERSES DISTRICTS BECAUSE I VOTED FOR IT BECAUSE I LEARNED FROM THE EXPERIENCE OF RUNNING AND SERVING THE ENTIRE CITY THAT OUR CURRENT SYSTEM STRUCTURALLY DEMANDS WE LOOK AT THE COMMON GOOD. IF WE GO TO THE OTHER SYSTEM, YOU WILL UNDERSTAND THE NINE MEMBER PROPOSAL THAT FIVE TO SIX OF THOSE NINE WILL NEVER APPEAR IN YOUR DISTRICT, YOU WILL NEVER SEE THEM, THEY WILL NOT RETURN YOUR PHONE CALLS, THEY WILL NOT COME TO EVENTS IN YOUR PART OF THE CITY, YOU WON'T KNOW THEM. SO I DON'T THINK THAT WILL BE PROGRESS. THERE ARE SERIOUS ISSUES WITH A PLAN THAT DOES NOT CREATE A SAFE AFRICAN-AMERICAN DISTRICT THAT DILUTES THE HISPANIC VOTING STRENGTH ON THE COUNCIL BY THE OPPORTUNITY TO HAVE ONE HISPANIC VOTING DISTRICT RATHER THAN ONE THAT COMPETING WITH AFRICAN-AMERICANS. THERE ARE A LOT OF PROBLEMS WITH THE LACK OF PREPARATION OF PUTTING SOMETHING BEFORE THE VOTERS RIGHT NOW. THE BIGGER PICTURE IS WE HAVE A FORM OF GOVERNMENT THAT REQUIRES US ALL TO COME TOGETHER AND LOOK OUT FOR THE COMMON GOOD AND SERVE EVERYBODY. I THINK THAT IS THE BEST WAY TO GO. I THINK IT IS A MISTAKE TO STEP AWAY FROM THAT AND WE WOULD BE REALLY REGRETTING IT IF WE DID. MAYOR.

COUNCIL MEMBER MARTINEZ.

I WASN'T GOING TO SAY ANYTHING, I WAS GOING TO LET IT GET VOTED ON BUT THIS HASN'T BEEN EASY. YOU KNOW, BEING ACCUSED OF TRYING TO PROPOSE SOMETHING THAT IS SECRETIVE, TRYING TO DIVIDE, I GUESS, COMMUNITIES. I'VE COMMITTED TO NOT RUNNING IF SHERYL COLE IS ON THE BALLOT AND I HAPPEN TO LIVE IN THE SAME DISTRICT, I'VE SAID THAT PUBLICLY NUMEROUS NUMBERS. THIS IS NOT ABOUT -- NUMEROUS TIMES. THIS IS NOT ABOUT INCOUPLE BANSY, THIS IS NOT ABOUT WHERE WE LIVE -- INCUMBENTSY. THIS IS NOT ABOUT WHERE WE LIVE. THE WEAPON IS DO YOU WANT TO -- THE QUESTION IS DO YOU WANT TO LET THE VOTERS DECIDE FOR THEM SELFS. I WILL NOT SIT UP HERE AND PRETEND TO SPEAK FOR 700,000 PEOPLE. THEY ARE ASKING US TO LET THEM CHOOSE. I

HAVE EVERY RIGHT TO TAKE POSITION AND VOTE BUT I GET ONE VOTE AND ALL OTHER REGISTERED VOTERS GET THE OPPORTUNITY TO CAST THEIR ONE VOICE. THE QUESTION THAT IS ASKED IS DO YOU WANT TO ALLOW THE CITIZENS TO VOTE ON THIS ISSUE. NOW, I COMPLETELY AGREE WITH MANY QUESTIONS IN THE RESOLUTION, I THINK THEY ARE GOOD QUESTIONS. I THINK THAT WE NEED TO HAVE MORE DIALOGUE, IT IS OBVIOUS. IN FACT, I THINK THIS IS THE TIP OF THE ICEBERG FOR QUESTIONS THAT WILL COME FORWARD AND WE NEED TO ANSWER THOSE QUESTIONS, BUT I WILL BE WORKING WITH THE MAYOR AND I APPRECIATE HIS LEADERSHIP AND HIS OFFER TO TRY TO COME UP AND CREATE A STRUCTURE MOVING FORWARD TO ANSWER THESE QUESTIONS. WHAT I DON'T WANT TO SEE IN THE FUTURE IS A RESOLUTION THAT WOULD STIPULATE AS CRITERIA THAT MUST BE MET BEFORE THE CITY COUNCIL CONSIDERS ANY PROPOSAL TO PLACE A CHARTER ELECTION ON THE BALLOT. IF THAT IS GOING TO REMAIN, THEN I THINK AN ADDITIONAL PIECE OF LANGUAGE SHOULD BE THAT IF THAT CRITERIA IS MET THEN AUTOMATICALLY GETS PLACED ON THE BALLOT. AND I WOULD THINK THAT IF THE AUTHORS OF THE RESOLUTION WERE GOING TO TRY TO CREATE A THRESHOLD THAT HAD TO BE MET BEFORE WE EVEN CONSIDER IT, THEN IF WE MEET THAT THRESHOLD, I WOULD HOPE THAT YOU WOULD ALSO GIVE THE CITIZENS THE OPPORTUNITY TO VOTE ON THE QUESTION AT HAND, WHETHER OR NOT THEY WANT TO GO TO A DIFFERENT FORM OF GOVERNMENT. BUT I WILL BE GLAD TO WORK WITH YOU MAYOR AND ANYONE TOLLS TRY TO ANSWER AS MANY QUESTION -- ANYONE ELSE TO TRY TO ANSWER AS MANY QUESTIONS AS POSSIBLE. GO TO ANY MEETING IN ANY PART OF TOWN AND LOOK FORWARD TO THE NEXT FEW MONTHS. I WILL MOVE THAT WE TABLE ITEM 60, OR REJECT.

I HAVE A QUESTION BEFORE WE MOVE TO TABLE.

I'M SORRY, MOTION ON THE TABLE AND A SECOND TO REJEC ITEM 60 AS POSTED. FOR LACK OF A BETTER TERM. COUNCIL MEMBER COLE.

I WANTED TO KNOW HOW LONG YOU WANTED TO POSTPONE TO WORK WITH ME AND COUNCIL MEMBER MARTINEZ BEFORE WE BRING THIS ITEM BACK UP BEFORE COUNCIL.

I DON'T HAVE A PARTICULAR DATE IN MIND. I THINK IT NEEDS TO BE SOON. I THINK, YOU KNOW, WE MEET NEXT WEEK AND THEN WE MEET AGAIN ON THE 20th, SO I WOULD HOPE TO GET TO DONE ONE OF THOSE TWO MEETINGS IN MARCH. RIGHT NOW THERE IS AT LEAST A MODEST AMOUNT OF ATTENTION PUBLICLY ABOUT IT. SO I WOULD LIKE TO ACT IN THE MONTH OF MARCH IF WE CAN'T GET IT DONE BY NEXT WEEK, WHICH IS TOUGH, BECAUSE WE WILL START TO POST A PRELIMINARY AGENDA TOMORROW, THEN BY THE 20th. AND SO I DON'T KNOW WHETHER WE NEED TO VOTE DOWN THIS RESOLUTION OR WE CERTAINLY CAN POSTPONE IT AND SEE HOW, YOU KNOW, HOW DIFFERENT THREE MIGHT BE CRAFTED. MY 'N SYNC INSTINCT IS WE ALSO FRAME WHAT WOULD BE THE PROCESS AND FORMAT WHERE BY MORE PEOPLE RATHER THAN FEWER SEE AND HEAR THE QUESTIONS AND EVEN PARTICIPATE IN HOW WE GATHER THE ANSWERS.

MAYOR, BASED ON YOUR COMMENTS AND RECOGNIZING SPRING BREAK I WOULD MOVE WE POSTPONE THE ITEM UNTIL MARCH 20th.

WELL, THAT IS A FRIENDLY AMENDMENT. A FRIENDLY AMENDMENT IS TO POSTPONE THIS ITEM TO MARCH 20th. KNOWING THAT MY VOW WOULD BE TO HAVE A MEASURABLY DIFFERENT-LOOKING PROCESS AND FORMAT CONTAINING THESE SAME QUESTIONS BUT LIKELY MANY, MANY OTHERS AND ALSO PROBABLY INCLUDING SOME DIRECTION AS TO THE FRAMEWORK OR THE PROCESS BY WHICH, YOU KNOW, MORE PEOPLE ARE AWARE OF THE QUESTIONS AND HOPEFULLY THE ANSWERS.

MAYOR, I'M NOT GOING TO BELABOR THIS BUT I CAN'T SUPPORT A MOTION THAT HAS FALSE PREMISED LANGUAGE, ESPECIALLY THE "WITH AS". IT INTIMATES THE CHARTER DIDN'T DO SOMETHING WE SUPPOSEDLY ASKED THEM TO DO SO IF WE WANT TO POSTPONE IT, THAT IS FINE, I CAN'T SUPPORT THIS RESOLUTION WITH THE LANGUAGE THAT IS IF IT IS BECAUSE IT IS FALSE, IT IS INACCURATE AND I'M GOING TO WORK TO TRY TO MAKE IT LOOK DIFFERENT INTO I WILL WORK WITH YOU ON THAT.

MAYOR.

COUNCIL MEMBER LEFFINGWELL.

I DON'T WANT TO SUPPORT THE POSTPONEMENT EITHER BUT ACE CORRECTLY POINTED OUT WHATEVER WE DO TONIGHT OR WHATEVER WE DO ON MARCH 20th IS IRRELEVANT BECAUSE THE NEXT COUNCIL IS GOING TO MAKE THE DECISION WHETHER OR NOT TO PUT IT ON THE BALLOT AND THEY ARE ALSO GOING TO MAKE THE DECISIONS WHAT THE CONDITIONS FOR PUTTING IT ON THE BALLOT WILL BE, WHAT THE SUPPORTING DATA WILL BE AND WHAT ADDITIONAL INFORMATION NEEDS TO BE PUT OUT THERE. I JUST SEE NO POINT IN EITHER ACTING TONIGHT OR ON MARCH 20th. THAT WELL, I WILL JUST, MY OPINION ABOUT ACTING SOONER THAN LATER AND HOPEFULLY ACTING ON MARCH 20th I THINK AS A BODY WE CAN COME UP WITH THE APPROPRIATE SERIES OF QUESTIONS THAT I THINK SHOULD BE ASKED. AND RECOGNIZING RECOGNIZING RECOGNIZE ING THAT THE NEXT COUNCIL COULD UNDO ANYTHING THAT THIS COUNCIL DOES.

SO WE GO AHEAD AND TRY TO ASK THESE QUESTIONS, GET THESE ANSWERS, ACT SOME TIME IN THE LATE SPRING, WHY DON'T WE JUST REDRAW THE MOTION SINCE IT DOESN'T SEEM TO BE SOMETHING WE CAN BUILD ON VERY CONSTRUCTIVELY AT THIS POINT.

MY 'N SYNC INSTINCT IS YOU WILL SEE SOMETHING VERY PIN DIFFERENT IN A REAL COOPERATIVE WAY, SOMETHING MUCH MORE EXPANSIVE AND THEREFORE A VERY DIFFERENT PROPOSED FOR THE 20th. COUNCIL MEMBER KIM.

I LOOKED AT HOW CAN WE AMEND IT TO ANSWER SOME OF THESE QUESTIONS AND TURN IT INTO ONE BECAUSE I THINK THAT BOTH SIDES ON THIS AND THERE ARE DIFFERENT SIDES

TO THIS, FOR ME IT IS SIMPLY PUTTING IT IN FRONT OF THE VOTERS AND TAME AT THE SAME TIME HAVING SPECIFICITY, SO I'M SUPPORTING ARGUMENTS ON BOTH SIDES. MY CONVERSATION WITH THE CITY ATTORNEY, WEEK PROVIDE SOMETHING ON THE 20th THAT DIFFERENT BECAUSE OUR POSTING LANGUAGE TALKS ABOUT ESTABLISHING THAT CRITERIA BEFORE WE TAKE IT TO THE VOTERS AND IT DOESN'T SAY WHAT THAT CRITERIA IS OR THE WERE AS, BUT THAT BRINGS US TO THE WE OF THE SCOPE OF THE CRITERIA SO I WOULD SUPPORT THE MOTION FOR POSTPONEMENT UNTIL MARCH 20MENT AND WE HAVE A LOT OF WORK AND WE NEED TO RESOLVE THIS AND MOVE ON TO OTHER THINGS THAT ARE IMPORTANT.

SO WE HAVE AN EXCEPTED FRIENDLY AMENDMENT TO NOW POSTPONE ACTION ON ITEM 60 UNTIL MARCH 20, 2008. FURTHER COMMENTS ON THE MOTION TO POSTPONE IN ? THEN WE WILL VOTE ON AN AMENDMENT OF OUR MAIN MOTION. THE MAIN MOTION BEING TO REJECT ITEM 60. WE NOW HAVE A MOTION AND A SECOND TO AMEND THAT SO AS TO BE A POSTPONEMENT TO MARCH 20, 2008. FURTHER COMMENTS ON THE MOTION TO AMEND? AND/OR SUBSTITUTE MOTION, EITHER. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR OF THE MOTION TO AMEND AND THERE BY POSTPONING TO MARCH 20, POLICE SAY AYE. AYE. OPPOSED? MOTION TO POSTPONE ITEM NUMBER 60 PASSES ON A VOTE OF 6-0. THANK YOU ALL VERY MUCH. I APOLOGIZE FOR THE LENGTH OF TIME THAT TOOK. THIS IS IMPORTANT. MR. SMITH.

MAYOR, JUST FOR CLARIFICATION, DID THE MOTION TO AMEND AND IN EFFECT POSTPONE ITEM 60, ALSO CLOSE THE PUBLIC HEARING ITEM NUMBER 115.

I TRUST IT DID. THANK YOU, MR. SMITH. OKAY, COUNCIL, WE STILL HAVE A LITTLE BIT MORE BUSINESS. I THINK WE'VE LOST A BUNCH OF THE FOLKS INTERESTED IN THIS, BUT I WOULD LIKE TO ATTEMPT TO, WITH HELP OF ZONING STAFF AND LEGAL AND OTHERS, THERE ARE FOUR RELATED ITEMS, ALL RELATED IN GENERAL TERMS TO WHAT I COMPANY THE EAST 12th STREET NCCBD, THOSE BEING ITEM 61, TECHNICALLY AN ITEM TREMENDOUS COUNCIL REGARDING WAVING CERTAIN FEES AS PART OF FUTURE ACTIONS THERE. ITEM 87, OUR ZONING CASE, AND PUBLIC HEARINGS 113 AND 114. ONE REGARDING TRACT NINE AND THE OTHER REGARDING, WELL, REGARDING THE NCCBD AROUND OUR URBAN RENEWAL PLAN AREA OF EAST 12th STREET. SO EITHER MR. SMITH OR MR. KNUCKLES, IF YOU THINK THAT WORKS I WOULD LIKE TO CALL UP ALL FOUR ITEMS SIMULTANEOUSLY AND TAKE BOTH STAFF PRESENTATIONS AND PUBLIC FEET BACK. WITHOUT OBJECTIONS. MR. GUERNSEY, WELCOME.

MAYOR AND COUNCIL, GOOD MORNING.

DON'T REMIND US [LAUGHTER] THE HILL LARTY IS KILLING ME.

I WOULD LIKE TO JUST KIND OF GO OVER THE ITEMS VERY QUICKLY AND OUTLINE IN ORDER, AND THEN THE DIRECTOR OF NEIGHBORHOOD HOUSING ON AND COMMUNITY

DEVELOPMENT OFFICE AND I WILL GO THROUGH AND PRESENT THESE ITEMS. I KNOW THERE ARE SOME SPEAKERS HERE THAT HAVE STAYED WITH US TO THIS EARLY HOUR IN THE MORNING. WE PROBABLY START OUGHT OUT WITH ITEM 113 AND THIS DEAL WITH THE URBAN RENEWAL PLAN, AS YOU MAY RECALL WE HAD TAKEN ACTION ON THE BODY OF THE RENEWAL PLAN WITH THE EXCEPTIONS OF TRACK NINE, AND ALSO THE PROPERTY LOCATED AT 1425. FOLLOWING THAT, WE COULD GO TO THE NEIGHBORHOOD CONSERVATION DISTRICT. THAT PUBLIC HEARING IS OPEN FOR TRACK NINE AND 1425. PUCK UP 87 THAT WOULD BE APPROVING SECOND AND THIRD READING. AND THEN THE FEE WAIVER ITEM OF COUNCIL MEMBER COLE, IF THOSE ITEMS DO PASS, THEN WE COULD ENTERTAIN A MOTION ON THE FEE ORDINANCE. THAT WOULD BE MY SUGGESTION.

THANK YOU.

AT THIS TIME, I THINK I WOULD LIKE TO INTRODUCE PAUL TO BRIEFLY SPEAK TO THE URBAN RENEWAL PLAN, AND THEN I WILL CONTINUE ON WITH THE ZONING PORTIONS OF IT.

MAYOR AND COUNCIL, DIRECTOR OF NEIGHBORHOOD HOUSING, COMMUNITY DEVELOPMENT. FIRST AND FOREMOST THE STAFF NEEDS TO CORRECT AN ERROR ON PAGE THREE WHICH THE USE OF PROHIBITED USES SHOULD INCLUDE SERVICE STATIONS. AS GREG INDICATED, THERE ARE TWO PROPERTIES IDENTIFIED TONIGHT FOR PUBLIC HEARS REQUESTING CHANGES TO THE RENEWAL PLAN. CURRENTLY THE URBAN RENEWAL PLAN CALLS FOR A MIXED USE, GARDEN HOMES AND TOWN HOMES ON 425 EAST 12th STREET. IS THAT NOT RIGHT? I WILL STOP UNTIL WE GET A QUORUM. [LAUGHTER] I'VE JUST GOT ONE MORE WEEK THANK YOU SO MUCH, THAT IS RIGHT. ACTUALLY NOW IT IS LESS THAN A WEEK, SIR. IT IS FRIDAY. THERE IS EARLY VOTING AT CITY HALL TODAY. LATER TODAY. THE EARLY VOTING AVAILABLE. [LAUGHTER]

ALL RIGHT, HEAR WE GO. OKAY. I'M NOT SURE WHERE WE LOST OUR QUORUM SO I'LL TRY TO START OVER AGAIN. I'M DIRECTOR OF NEIGHBORHOOD HOUSING COMMUNITY DEVELOPMENT AND WE'RE HERE TONIGHT TO TAKE UP FOUR ITEMS AT THE SAME TIME, 61, 87, 113, AND 114. THERE IS OPPOSITION TO THE PROHIBITED USES ON THOSE TRACTS AS THERE IS NOW AND THERE ARE SPEAKERS HERE TO DISCUSS THOSE AND THEIR POSITIONS ON THOSE DURING THE PUBLIC HEARINGS. STAFF REPORTS THE URBAN RENEW AND PLAN AMENDMENTS AS PROPOSED. THE URBAN RENEWAL PLAN, THE AMOUNTMENTS BEES PROPOSED -- AMENDMENTS BEING PROPOSED TONIGHT WENT THROUGH THE COMMUNITY CONSENSUS STAKEHOLDER PROCESS AND ALSO THESE ARE RECOMMENDED CHANGES OR RECOMMENDED HAVE BEEN THROUGH THE URBAN RENEWAL BOARD AS WELL. WITH THAT, I WILL BE GLAD TO TURN IT BACK OVER TO GREG AND BE AVAILABLE FOR QUESTIONS IF YOU HAVE ANY.

THANK YOU.

THANK YOU, PAUL. MAYOR AND COUNCIL, ON THE DAIS YOU HAVE AN ACTUAL MOTION

SHEET THAT LOOKS SOMETHING LIKE THIS. I WANT TO CALL YOUR ATTENTION TO, SO WHEN WE GET TO THAT POINT LATER ON, I WILL WALK YOU THROUGH THAT. THE NCDD IS A ZONING TOOL AND AS PAUL SAID IT WAS TO ACCOMPANY THE RENEWAL PLAN. WITH IMPLEMENTED THE PLAN IN THAT AREA. ITEM NUMBER 113 ON YOUR AGENDA IS TO CONDUCT A PUBLIC HEARING CONCERNING TRACTS NINE OF EAST 12th STREET AND 1425 EAST 12th STREET AND TO CONSIDER AMENDING THE EAST 11th STREET AND EAST 12th TREES STREET URBAN RENEWAL PLAN. ITEM 114 SPECIFICALLY, THESE SPEAK TO PROPERTIES, 1806, IS 12th STREET. JERRY HAS PLACED THE MAP UP THERE, TRACK MEAN NINE IS LOCATED ON THE SIDE OF THE DIRECT AND 1425 EAST 12th STREET IS LOCATED IN THE MIDDLE, JUST TO THE RIGHT OF, RIGHT SIDE OF TRACT 15 THAT LITTLE GREEN PIECE. TRACT NINE IS BROUGHT TO YOU THIS EVENING BECAUSE OF A NOTICE ERROR AND THAT IS WHY IT IS BEING CONSIDERED. TRACT 1425 WHERE THERE WAS A REQUEST BY THE PROPERTY OWNER OF THAT TRACT TO HAVE THIS DEFERRED UNTIL THIS EVENING. THE PROPERTY OWNER AT 1425 HAS ORIGINALLY REQUESTED A POSTPONEMENT. YOU UNDERSTAND THAT SHE MAY NOT ASK FOR THAT POSTPONEMENT AND WILL HAVE SOME COMMENTS IN REGARD TO THAT, IS OPPOSED TO THE DELETION OF SERVICE STATION AS A USE IN THE NCDD AND WOULD ALSO LIKE SERVICE STATION TO BE PERMITTED USE IN THE URP, RENEWAL PLAN. THE OTHER TRACT WE HAVE IS A PROPERTY LOCATED AT 1812 EAST 12th STREET, IT IS TRACT 9-B. MR. GENE MAYS IS REPRESENTING HIMSELF THIS EVENING WOULD LIKE TO SPEAK TO THAT AND HAS MADE TWO QUESTIONS, ONE TO AMEND THE URBAN RENEWAL PLAN TO ALLOW A COCKTAIL LOUNGE, WHICH IS CURRENTLY PROHIBITED IN THE RENEWAL PLAN BUT TO ALLOW THAT AS A PERMITTED USE, AND THEN HAS FILED A PETITION AS MISS MEADE'S CLIENT, MR. OLIVER DID ON 1425 BUT HE HAS FILED A PETITION AGAINST THE PROHIBITION OF COCKTAIL LOUNGE. HE WOULD LIKE TO ALLOW THAT, HE CURRENTLY HAS A COCKTAIL LOUNGE. BOTH THE PROPERTIES I MENTIONED WOULD BE LEGAL NONCONFORMING USES, MEANING THEY COULD CONTINUE OPERATION OF THEIR RESPECTIVE FACILITIES, THE GAS STATION OR SERVICE STATION USE OR THE COCKTAIL LOUNGE USE IN THE FUTURE. THEY COULD REMODEL THEM, THEY COULD SELL THEM TO SOMEONE ELSE THAT COOPERATE THOSE FACILITY IES. BUT IF THEY WANTED TO BASICALLY TEAR THEM DOWN OUR IF THE OPERATIONS WOULD SEES THEY COULD NOT REUSE THOSE AGAIN UNDER THE PLAN BROUGHT BEFORE THIS EVENING BY COMMISSION AND STAFF. THE LAST ITEM, NUMBER 87, IS THE SECOND AND THIRD READINGS OF THE NCDD DEALING WITH TRACTS ONE THROUGH EIGHT, 10 THROUGH 14. 15-A THROUGH 15-F, AND 16 THROUGH 18. AGAIN, THESE WERE RECOMMENDED BY THE RENEWAL BOARD AND THE PLANNING COMMISSION. IT WAS FILED BEYOND THE BOUNDARIES OF THE NCC NOT RISE TO THE 20% REQUIRED TO TRIGGER A 3/4 VOTE ON YOUR PART, COUNCIL COUNCIL. SO I THINK IT MIGHT BE BEST IF I PAUSE HERE, IF YOU HAVE QUESTIONS, WE CAN CERTAINLY ADDRESS THEM NOW OR ALONG THE WAY OR AFTER ALL THE TESTIMONY IS TAKEN AND THEN I CAN WALK THROUGH THE MOTION SHEETS. I'LL NOTE ONE CHANGE TOO, THAT MR. GOLDSTONE HAS PRESENTED ON PAGE FIVE OF THE ORDINANCE ON, YOU HAVE ON YOUR DAIS, AND IT IS THE ATTACHMENT TO THE ACTUAL ORDINANCE. LISTS UNDER ITEM NUMBER 7, ADDITIONAL SITE DEVELOPMENT REQUIREMENTS FOR PARKING GARAGES, PART A-2

THERE WAS A SUGGESTION BY MR. GOLDSTONE AND AFTER CONFERRING WITH NEIGHBORHOOD HOUSING STAFF IT WOULD MATCH THE RENEWAL PLAN MORE CLOSELY IF WE WERE JUST TO SIMPLY SAY ON PARAGRAPH TWO OF THAT FOR A PARKING STRUCTURE IN PARENTHESIS OR GARAGE, PARK, MUST BE PROVIDED IN 100% OF THE YEAR YEAR OF THE STRUCTURE AND FOR THE REAR-MOST 50% 6 THE SIZE OF THE STRUCTURE AND THEN DELETING THE LAST SENTENCE WHERE IT SAYS SHIELDING ON THE SIDE 6 THE STRUCTURE SHOULD BE PLACED ON THE REAR AS MUCH AS POSSIBLE. THAT SENTENCE WOULD BE DELETED AND THIS WOULD BE MATCHING MORE CLOSELY I BELIEVE WITH THE URBAN RENEWAL PLAN THAT HAVE YOU ON THE DAIS AND BEING PRESENTED TO YOU. WITH THAT, I WILL PAUSE AND IF YOU HAVE ANY QUESTIONS I WILL BE MORE THAN HAPPY TO ANSWER THEM. ITEM NUMBER 61, AS I MENTIONED BEFORE, WOULD BE BEST TAKEN LAST WITH THE PASSAGE OF A NEW PLAN AND THE NCCD, IF THAT ALL PASSES IT WOULD BE APPROPRIATE I BELIEVE THAT YOU COULD TAKE ACTION ON THE FEE WAIVERS ASSOCIATED WITH THAT.

THANK YOU, MR. GUERNSEY. QUESTIONS FOR STAFF, COUNCIL IN IF NOT, THEN LET'S DO TAKE SOME CITIZEN TESTIMONY. AND WE GREATLY APPRECIATE THE PATIENCE THAT FOLKS ARE SHOWING TONIGHT. MR. GUERNSEY, I NOTICE THE MOTION SEAT 87 AND 114 ARE COMBINED AS A POTENTIAL MOTION. SHOULD I OPEN THE PUBLIC HEARING? CAN DO WE 113 FIRST?

113 AND 114 I BELIEVE YOU CAN BRING TOGETHER, THEY ARE BOTH PUBLIC HEARINGS AND BOTH DEAL WITH TRACT NINE AND THE PROPERTY AT 1425 EAST 12th STREET.

GREAT, THANK YOU. WITHOUT OBJECTION WE WILL CALL UP THIS COMBINED PUBLIC HEARING, ITEMS 113, 114, MOST FOLKS HAVE SIGNED UP FOR BOTH. I WILL TAKE THESE UP IN THARD WHICH FOLKS SIGNED UP IT LOOKS LIKE GENE MAYS IS OUR FIRST SPEAKER, AT LEAST ON MY FIRST LIST. WELCOME MR. MAYS. YOU WILL HAVE THREE MINUTES AND WILL BE FOLLOWED BY STEWART.

HE HAD TO LEAVE AND GAVE ME HIS TIME.

WELCOME.

WELCOME COUNCIL. TO THE MAYOR AND COUNCIL, IF THE URP AND NCCD IS ALLOWED TO REMOVE THE LIVE ENTERTAINMENT FROM THE BUSINESS AND PROPERTY OWNERS ON EAST 12th STREET, THE NEXT GENERATION OF AFRICAN-AMERICANS WILL NOT BE ABLE TO FULLY PARTICIPATE IN AUSTIN'S RICH QUALITY OF LIFE. AUSTIN IS KNOWN AS THE MUSIC CAPITAL OF THE WORLD. EAST 12th STREET HAS HISTORICALLY BEEN A PART OF THE AFRICAN-AMERICAN ENTERTAINMENT DISTRICT. SOME EXAMPLES IS WHAT THEY GOT UP THERE, THE HARLEM THEATER, THE OAK TREE LOUNGE, ARISTOCRAT, WHITE SWAN, SAM'S SHOWCASE, THE SOAP FACTORY, AND NOW THERE ARE ONLY A FEW 6 THESE AFRICAN-AMERICAN VENUES LEFT. AND WHEN I DONE THE RESEARCH BACK THEN, THERE WAS 92 ENTERTAINMENT VENUES EAST OF I-35. TODAY, THERE IS ONLY FIVE COMBINED THAT IS

LEFT IN THE CITY. LET ME SEE. SO WHAT I'M REQUESTING FROM THE MAYOR AND COUNCIL IS TO LET ME AS A BUSINESS AND PROMPT PROPERTY OWNER PRESERVE A PLACE WHERE PEOPLE WITH ENJOY LIVE MUSIC AND I'M REQUESTING TO AMEND THE URP AND NCCD TO ALLOW COCKTAIL LOUNGES AT THE PROPERTY KNOWN AS 1808 EAST 12th THIS WILL GIVE ME A FUTURE LAND USE RIGHT, FOR EXAMPLE, IF THIS AREA IS REDEVELOPED, I WOULD BE ABLE TO KEEP OR TO BUILD A NEW VENUE FOR FUTURE GENERATIONS TO ENJOY.

I HAVE A QUESTION.

THANK YOU, MR. MAYS. QUESTIONS, COUNCIL? COUNCIL MEMBER MARTINEZ.

I HAVE A QUESTION FOR STAFF ON THIS. I MET WITH MR. MAYS THIS WEEK, GREG, AND HE HAS A PROPERTY THAT IS CURRENTLY ALLOWED TO HAVE COCKTAIL LOUNGE USE AND BY ADOPTING THE URP AND THE NCCD THAT WOULD PROHIBIT HIM FROM HAVING THAT USE MOVING FORWARD. IS THAT CORRECT?

THAT'S CORRECT. THE CS-1 ZONING WOULD ALLOW HIM TO HAVE A COCKTAIL LOUNGE, TYPICALLY TODAY IT WOULD BE A CONDITIONAL USE PERMIT BUT HE HAS A COCKTAIL LOUNGE ALREADY THAT IS PRY EXISTING SO THE NCCD WOULD PROHIBIT IN THE FUTURE A NEW COCKTAIL LOUNGE TO BE BUILT ON THE PROPERTY IF HE WERE TO TEAR THE BUILDING DOWN COMPLETELY OR CHANGE THE USE AND WANTING TO COME BACK AT LATER DATE, THAT'S CORRECT. THE NCCD WOULD PROHIBIT THAT AS WELL AS THE URBAN RENEWAL PLAN. IT AS HAS CHANGED THROUGH TIME --

HE WOULDN'T BE ABLE TO CONTINUE THE USE NOW BUT IF THE DOORS CLOSED FOR 90 DAYS OR HE WOULD DECIDE TO REDEVELOP THE SITE HE WOULD LOSE THE ABILITY TO DEVELOP THAT.

NOT JUST CLOSING FOR 90 DAYS, IT IS ABANDONING, STRIPPING EQUIPMENT AND EVEN IF HE WERE TO SELL IT, A NEW PERSON COULD MOVE IN AND OPERATE THE BAR, PROVIDED THEY COULD GET THE LIQUOR LICENSES THEY NEED.

WHAT I WANTED TO DO, THE AFRICAN-AMERICAN QUALITY OF LIFE REPORT SPEAKS TO HAVING ENTERTAINMENT VENUES, SPECIFICALLY AFRICAN-AMERICAN CULTURAL ARTS AND ENTERTAINMENT VENUES AND WE ALSO HAVE VERY LIMITED VENUES THAT EXIST IN AUSTIN AND ON THE EAST SIDE. IS THERE A WAY THAT WE CAN MAKE AN AMENDMENT THAT ALLOWS HIS CURRENT FOOTPRINT AND PERMITTED USE TO CONTINUE AFTER ADOPTION OF THE URP AND THE NCCD, EVEN IF HE DEVELOPS THE SITE. SAY HE TAKES ADVANTAGE OF THEIR PLAN AND THE NCCD AND WANTS TO REDEVELOP HIS SITE, IS THERE A WAY HE COULD STILL CONTINUE TO OPERATE A COCKTAIL LOUNGE IN THE CURRENT SPACE OR SIZE THAT HE CURRENTLY ECONOMISTS -- CURRENTLY EXISTS IN.

THERE IS TWO THINGS WOULD BE NECESSARY, ONE WOULD BE TO AMEND THE URBAN

RENEWAL PLAN TO ALLOW COCKTAIL LOUNGE ON THIS PROPERTY FOR THIS ADDRESS. THE SECOND WOULD BE TO ALLOW A COCKTAIL LOUNGE, AND THIS IS A QUESTION THAT I NEED TO PROBABLY EXPLAIN TO YOU, BUT ONE IS EITHER A PERMITTED USE OUT RIGHT, WHICH MEANS THAT A CONDITIONAL USE PERMIT WOULD NOT BE REQUIRED IN THE FUTURE, THIS WOULD BE SOMETHING THAT YOU WOULD FIND ONLY IN THE CENTRAL BUSINESS DISTRICT CAN YOU HAVE A COCKTAIL LOUNGE OPENED BY RIGHT. THEY SAY EVERYWHERE ELSE YOU PRETTY MUCH NEED A CONDITIONAL USE PERP MITT SWAY SITE PLAN -- CONDITIONAL USE PERMIT WHICH IS A SITE PLAN APPROVED BY THE COUNCIL. THERE ARE TWO WAYS THAT COULD COME BACK IN THROUGH ZONING, ONE IS A PERMITTED USE NO HEAR, HE WOULD OPEN UP AND THE SECOND A CONDITIONAL USE PERMIT WHICH IS A COUPLE BLOCKSES TO THE EAST AND YOU COULD DO THAT EITHER WAY THROUGH THE NCCD.

I GUESS I SHOULD HAVE ASKED IT A BETTER WAY. WHAT IS THE EASIEST WAY TO DO IT. I'M OKAY WITH THE CONDITIONAL USE BECAUSE I THINK NEIGHBORHOODS CHANGE AND THINGS CHANGE AND DEVELOPMENTS CHANGE SO IF SOME DAY IT REQUIRE AS CONDITIONAL USE THEY CAN COME TO COUNCIL AND PEOPLE CAN HAVE THEIR PUBLIC TESTIMONY AND WE CAN DECIDE AT THAT TIME.

AN EASY WAY WOULD BE TO, SAY FOR AN URBAN RENEWAL PLAN, TO PAUL COCKTAIL LOUNGE FOR THIS ADDRESS AND THE NCCD, ALLOWED TO WITH A CONDITIONAL USE IS TO SIMPLY NOTE THAT AND STAFF WOULD HAVE ENOUGH DIRECTION WE CAN AMEND THESE DOCUMENTS, YOU CAN STILL DO SECOND AND THIRD READING ON THE OVER ALL DOCUMENT AND ALL THREE READINGS ON THIS PARTICULAR PROMPT WHICH IS 1808 TO 18 ISEAST 12th STREET. THE REMAINING PORTIONS OF TRACK NINE, BECAUSE MR. MAY DOESN'T OWN THE REST 6 IT WOULD STILL HAVE THAT PROHIBITION.

THANKS.

EXCUSE ME.

MORE QUESTIONS OF MR. GUERNSEY? IF NOT, WE WILL CONTINUE OUR PUBLIC HEARING. LET'S SEE. JOHN. REMARKABLY PATIENT. I APPRECIATE ALL YOUR WORK. SO TRACY WITTY OFFERED HIS OR HER TIME -- THANK YOU, JOHN, APPRECIATE ALL YOUR WORK AND PATIENCE ON THIS.

MAYOR WYNN, MAYOR PRO TEM, COUNCIL MEMBERS. I'M HERE TO SPEAK ON THE URBAN RENEWAL PLAN. YOU CAN THROW OUT EVERYTHING I SENT YOU YESTERDAY. ALLOWING THE COUNCIL THE OPTION OF TERMINATING THE URBAN RENEWAL PLAN AT SOME POINT IN THE FUTURE. THE URBAN RENEWAL PLAN AND THE CONDEMNATION POWER ONLY BENEFIT THE CITY AND FROM THE LAND VALUES OUT THERE WE CAN AGREE THE AREA IS NO LONGER SLUM AND BLITHE. AS TO THE NCCD, I NEED YOU TO HAVE STAFF CLARIFY IN THE NCCD AND THE URBAN RENEWAL AMENDMENT THE MIXED USE PASSED IN APRIL 7, 2005 WAS A MANDITORY MIXED USE PROVISION. SEE PAGE ONE OF MY MATERIALS AND PLEASE

NOTE THAT THE TWO EXEMPTIONS FROM THE REQUIREMENT OF MIXED USE ARE THERE AS 2,000 SQUARE FEET OR ONE STORY AND IT ACTUALLY USES THE WORD REQUIRELED AND WE ARE, AING ABOUT DRAFTING AS TO WHETHER MIXED USE WAS MANDATORY. OTHERWISE WHAT WITHIN THE EXCEPTION OF MIXED USE LESS THAN 2,000 FEET IF IT WERE VOLUNTARY. THERE WOULD BE NO NEED FOR EXEMPTIONS TO DO THAT. WHEN WE SAT IN THE PROCESS WE ALL KNEW THAT IS WHAT IT WAS GOING TO BE. I WAS REPRESENTING A NEIGHBORHOOD AT THAT POINT AND WE TALKED TO ALL OF THE DEVELOPERS AND THEY WERE REALIZES THEY MIGHT HAVE TO PUT A SMALL RETAIL SPACE AT THE BOTTOM IF THEY WANTED TO DO THAT IN ORDER TO CONFORM WITH THE MIXED USE. THE FIRST TIME THAT THIS EVER CAME UP THAT I THOUGHT THAT IT MIGHT BE VOLUNTARY WAS THE PLANNING COMMISSION MEETING IN JULY WHEN THEY WERE ASKING A DIRECT QUESTION FROM PLANNING COMMISSION AS TO WHETHER IT WAS VOLUNTARY OR MANDATORY TO TRACT 12, THE TOWN HOME TRACT, AND SHE MENTIONED IT WAS VOLUNTARY. I KNOW IT IS THE EXACT OPPOSITE OF WHAT YOU HAVE IN YOUR BMU PROVISIONS. IT F IT IS VOLUNTARY THEY WILL NOT DO IT AS DO YOU NOT HAVE THE INCENTIVES. I'VE BEEN INFORM INFORMED IT IS VOLUNTARY AND IF IT IS IT WILL DEplete THE PROCESS OF DISCUSSIONS. THE PROPERTY ALREADY EXCLUDED THE 12, WHICH IS THE NEIGHBORHOOD HOUSING TRACT WHICH IS A TOWN HOMES TRACT FROM ANY KIND OF REQUIRED MIXED USE AS ANDERSON NEIGHBORHOOD HAS SPOKEN UP IN THE PAST. WE ARE JUST NOW ARGUING OVER SOMETHING THAT WAS ACTUALLY DECIDED IN '05. THAT DOCUMENT WAS ALREADY DECIDED, WE ARE NOT ARGUING ABOUT IT, WE JUST NEED A CLARIFICATION. MR. GUERNSEY HAS ABLING ANSWERS FIXING THE TYPOGRAPHICAL AREA ABOUT THE SHIELDING SO WE WILL AVOID THAT PROBLEM. I WOULD LIKE YOU TO REMOVE THE ARA AS MEDIATOR OR FACILITATOR IN ANY FUTURE CHANGE AS WE KNOW WE WOULD HAVE AS THEY ARE AN ADVOCATE. MY PROPOSED MOTION IS ON PAGE FOUR OF THE TERMS AND WE DON'T NEED THE FIRST PART THAT TALK ABOUT THE PARKING GARAGES, WE JUST NEED TO ADD THE WORDS THE NCCD AND URBAN RENEWAL PLAN THAT A MIXED USE SHALLING MANDATORY, EXCLUDING TRACTS 12 TO FULFILL OBLIGATIONS TO ANDERSON NEIGHBORHOODS. I WANT TO AGREE ABOUT THE ESTABLISHABLE ON 1808 12th STREET. DURING THE PROCESS, WE DIFFERENTIATED BETWEEN FREE-STANDING PARKING GARAGES AND PARKING GARAGES THAT WOULD BE PART OF A DEVELOPMENT, AND I HAVE SPOKEN BEFORE THE COUNSEL BETTER AND SPOKEN TO MANY COUNCIL MEMBERS STATING THAT EVEN THOUGH THE PLANNING COMMISSION TOOK OUT THE DISTINCTION, MAYBE BECAUSE THEY DIDN'T UNDERSTAND IT, THE POINT WAS WE CAME UP WITH PEDESTRIAN ORIENTED USES FOR FREE-STANDING PARKING GARAGES, IT IS A PRETTY GOOD LIST, YOU MAY WOULDN'T USE IT DOWN -- I MAY WANT TO USE IT DOWNTOWN, BUT IT SOMEBODY WAS USING IT AS A DEVELOPMENT THEY WOULD HAVE PERMIT THE USES SUBJECT TO THE PROHIBITED USES BEEN HEARING VERSES BEING FORCED TO USE THE PEDESTRIAN-ORIENTED USES AT THE BOTTOM OF THEIR PARKING GARAGES THAT ARE PART OF A DEVELOPMENT AND NOT OPERATED BY A STREET, THAT WAS JUST DISTINCTION, IF HE BUYS PROPERTY ACROSS THE STREET AND PUTS UP A PARKING GARAGES HEAR PEDESTRIAN-ORIENTED USES. WHATEVER DO YOU, PLEASE DON'T HOLD UP THE PROCESS.

I THINK WE CAN DO IT, I THINK I'M WILLING TO COME UP HERE AND KEEP HARPING ON IT AND PLEASE PASS THIS. THANK YOU VERY MUCH, I'M HAPPY TO ANSWER ANY QUESTIONS.

THANKS, JOHN. QUESTIONS FOR MR. GOLD IS STONE. THANK YOU. LET'S SEE. SO, CHRIS JACOB DIDN'T WANT TO SPEAK. HARRIS? WELCOME, MR. HARRIS, APPRECIATE YOUR PATIENCE. LONG DAY. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

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> ... THERE ARE A NUMBER OF US WHO OWN PROPERTY FOR THAT PURPOSE. IN THE LAST SEVERAL YEARS, SEVERAL ATTEMPTS HAVE BEEN MADE TO DISPOSE OF THE PROPERTY FOR DEVELOPMENT SALES, WHATEVER IT IS THAT WE WANTED TO DO IN ORDER FOR IT TO BE PROFITABLE FOR US AND THE PEOPLE WHO WERE INTERESTED IN ACQUIRING IT. WE HAVE GOTTEN POTENTIAL INVESTORS, DEALS THAT COME TO WITHIN A DAY OR SO OF BEING CLOSED, ONLY TO FIND THERE WERE CONFLICTING ZONINGS, ORDINANCES, WHATEVER, OTHER INHIBITORS THAT DISCOURAGED POTENTIAL INVESTORS FROM WANTING TO BUY THE PROPERTY. THIS HAS HAPPENED TO ME THREE TIMES THIS PAST YEAR. AS A RESULT, OF THESE INHIBITORS, A NUMBER OF THINGS HAVE HAPPENED. NUMBER ONE, YOU HAVE NOT BENEFITED FROM THE PROPERTY AS AN INVESTOR. THE CITY OF AUSTIN HAS NOT BENEFITED FROM IT IN THAT THE PROPERTY HAS NOT BEEN DEVELOPED TO THE EXTENT THAT IT COULD GENERATE MORE TAX REVENUE. AND THE COMMUNITY HAS NOT BENEFITED FROM IT IN THAT YOU STILL HAVE BLIGHTED AREAS. BYPASSING ON THIS READING TONIGHT, YOU COULD CORRECT ALL OF THESE SITUATIONS. THEREFORE, AGAIN, I'M SPEAKING AS AN INDIVIDUAL, BUT ALSO REPRESENTING THE SENTIMENT OF A LOT OF PEOPLE IN THAT AREA AND ASKING YOU TO PASS THIS READING, THIS ORDINANCE TONIGHT. THANK YOU.

Mayor Wynn: THANK YOU, MR. HARRIS. AND AGAIN FOR YOUR PATIENCE. LET'S SEE CHRIS JACOB SIGNED UP WISHING TO TESTIFY, WELCOME, CHRIS. AS DID MIKHAIL MEADE. WELCOME, SIR, YOU WILL HAVE THREE MINUTES.

I PROMISE TO BE QUICK. I REPRESENT MR. HARRIS AS A REAL ESTATE AGENT. THE -- CLEAR UP THERE, THERE IS DEVELOPERS READY TO MOVE IN AND START DEVELOPING THESE BLOCKS THAT EXIST. THE ARA SPOKE TO IT LAST COUNCIL MEETING, A MONTH AGO. AND I THINK IT'S JUST REALLY IMPORTANT THAT WE GET THROUGH THE SECOND AND THIRD READING SO WE CAN ALLOW MR. HARRIS TO SELL HIS PARCELS AND LOOK FORWARD TO THAT RETIREMENT HE'S SO HARD WORKED FOR AND LOOKED FORWARD TO ENJOY IT. SO THANK YOU, YOU ALL HAVE A WONDERFUL EVENING.

Mayor Wynn: THANK YOU. McDETAIL MEADE, WELCOME.

THANK YOU, MICK KHAIL MEADE, REPRESENTING THE OWNER OF TRACT 15, 15 G. WE HAD ORIGINALLY REQUESTED POSTPONEMENT OF ITEMS 113 AND 114 BECAUSE WE WERE IN

REAL NEED OF SOME CLARIFICATION AND INFORMATION FROM STAFF. SANDRA HARKIN WORKED WITH US WHILE WE WERE HERE TODAY, WE HAD TIME TO DO THAT, WE WERE ABLE TO GET FROM HER ALL OF THE INFORMATION THAT WE NEEDED. I REALLY DO APPRECIATE HER TAKING ABOUT AN HOUR TO WORK WITH SOME QUESTIONS THAT WE'VE HAD ABOUT OUR -- OUR CLIENTS HAD ABOUT THIS PROPERTY FOR SOME TIME. AT THIS POINT, AS THINGS STAND TODAY, OUR QUESTIONS CONCERNED THE -- THE PRESENT STATUS OF OUR CLIENT' PROPERTY. THEY HAVE OWNED THE PROPERTY 30 YEARS. THERE'S A SERVICE STATION ON THE PROPERTY THAT'S BEEN THERE ABOUT 50 YEARS. THERE WAS SOME CONFUSION, CONCERNING WHETHER THE NCCD WAS PUTTING THE PROPERTY IN SOME DIFFERENT STATUS IN THE URBAN RENEWAL PLAN AS IT EXISTS ALREADY. HAD THE PROPERTY AND SANDRA WAS ABLE TO CLARIFY THAT FOR US. SO REALLY TO CHANGE THAT STATUS, IT WOULD REQUIRE AN URBAN RENEWAL PLAN AMENDMENT WHICH WE, OUR CLIENT DOES NOT FEEL LIKE WOULD BE AN APPROPRIATE REQUEST TO THE COUNCIL TONIGHT. SO WE ARE GOING TO GO BACK AND WORK WITH ALL OF THE STAKEHOLDERS IN A.R.A. AND DO THINK THERE PROBABLY ARE SOME CHANGES THAT WE STILL NEED CONCERNING OUR TRACT. IN SHORT, THE ONLY USES THAT ARE COMMITTED USES ON OUR TRACT ARE GARDEN HOMES AND TOWN HOMES WHICH WOULD ALMOST NECESSARILY MEAN THIS PROPERTY OWNER WHO OWNED THE PROPERTY 30 YEARS, IF HE CHOSE TO REDEVELOP WOULD HAVE TO SELL THE PROPERTY IN SMALLER PARCELS. SO WE WILL BE WORKING ON THOSE ISSUES TO SEE IF WE CAN COME UP WITH SOMETHING THAT MAKES SENSE, BUT WE FELT LIKE GOING BACK THROUGH THE PROCESS WITH ALL OF THE STAKEHOLDERS AND WHEN ANOTHER AMENDMENT, IF ANOTHER AMENDMENT IS BROUGHT BEFORE YOU GUYS WAS GOING TO BE THE BEST WAY TO HANDLE THAT. SO OUR CLIENT IS ACTUALLY OKAY AS IT STANDS TONIGHT GOING FORWARD WITH THE STAFF RECOMMENDATION. THANK YOU MS. MEADE. THANK YOU. I BELIEVE THAT'S ALL THE FOLKS -- ANYBODY ELSE LIKE TO GIVE US TESTIMONY ON THIS COMBINED ITEM NO. HEARING, ITEMS 113, 114. POLICE COME FORWARD. I'M TRYING TO BALANCE TWO LISTS HERE. WELCOME.

HI, I'M MATTHEW DUMA, I REPRESENT TRACT 2, WHICH IS 1.15 ACRES ON EAST 12th STREET. WE HAVE A SITE PLAN FILED WITH THE CITY SINCE SEPTEMBER OF '07 AND WE ARE BEING HELD UP BECAUSE WE ARE BEING TOLD THAT WE NEED TO WAIT FOR THE NCCD, EVEN THOUGH OUR DESIGN, OUR PROJECT CONFORMS TO THE CURRENT URBAN RENEWAL PLAN AND WE WERE FOR -- WE WANT THE NCC TO PASS BECAUSE WE ARE BEING TOLD WE HAVE TO. WE ARE FOR THE AMENDMENTS TO THE URBAN RENEWAL PLAN. I'M ALSO GOING TO SPEAK -- BY THE WAY, OUR DESIGN, TOO, THAT WE'RE BEING TOLD DOESN'T CONFORM TO THE CURRENT OVERLAY WAS DONE BY MARTINEZ, WRIGHT, MENDEZ. MR. MARTINEZ WAS AWARDED TODAY BY THE CITY. THEY DO SAY IT DOES CONFORM TO THE CURRENT OVERLAY. MR. ARTANZA WANTED TO SPEAK ABOUT PARKINGPARKING GARBAGES. I'M -- PARKING GARTION, I'M TRYING TO READ HIS WRITING. HE WOULD LIKE TO SAY THE PROCESS, THE NEIGHBORHOODS AND BUSINESS OWNERS AGREED TO ON A DISTINCTION BETWEEN FREESTANDING PARKING GARTION AND GARAGES THAT ARE PART OF A

DEVELOPMENT. A FREESTANDING PARKING GARAGE WOULD BE REQUIRED TO HAVE PEDESTRIAN ORIENTED USES, BUT A GARAGE THAT IS A PART OF A DEVELOPMENT WOULD BE ALLOWED TO HAVE ALL USES UNDER BASE ZONING SUBJECT TO THE PROHIBITED USES. AND WE ALSO WANTED TO SUPPORT MR. GENE MAY FOR TRACT NINE BECAUSE YOU ALSO NEED A PLACE TO -- TO HAVE A DRINK EVERY ONCE IN A WHILE, I THINK THAT'S THE ONLY BAR ON EAST 12th STREET. SO WE WOULD HOPE THAT IN IT EVER -- IF IT EVER BURNED DOWN OR ANYTHING ELSE HAPPENED HE WOULD BE ABLE TO REBUILD. AND I HAVE SENT SEVERAL E-MAILS TO -- TO COUNCIL AND THE MAYOR WITH -- WITH KIND OF CONVERSATIONS OR INFORMATION BETWEEN THE CITY AND OURSELVES, IF WE COULD HAVE SOME INTEREST IN THIS BECAUSE A \$50,000 REVOKABLE LETTER OF CREDIT IS HELD WITH THE CITY. AND IT'S NOT BEING RETURNED OR AT THE MOMENT BECAUSE THEY ARE SAYING THAT WE -- THAT WE BEGAN OUR PROJECT WITHOUT KNOWING THAT WE COULDN'T DO THE DESIGN, BUT ONCE AGAIN THE PROJECT HAS BEEN DEVELOPED WITHIN THE CURRENT URBAN RENEWAL PLAN. WOULD YOU HAVE ANY QUESTIONS FOR ME?

Mayor Wynn: QUESTIONS, COUNCIL? COMMENTS? THANK YOU AGAIN.

OKAY, THANK YOU.

FOR RELAYING GUS' COMMENTS. I BELIEVE THAT'S ALL OF OUR SPEAKERS. THIS COMBINED PUBLIC HEARING, ITEM 113 AND 14. MR. HILGERS.

THANK YOU, SIR. MAYOR A COUPLE OF THINGS I NEED TO RESPOND TO MR. GOLDSTONE'S COMMENTS. THERE'S A LITTLE CONFUSION THAT I BELIEVE I NEED TO CLARIFY. AND ONE IS ESSENTIALLY WHAT MR. GOLDSTONE IS ASKING FOR FROM STENOGRAPH'S PERSPECTIVE IS NOT JUST CLARIFICATION OF WHAT IS REQUIRED OR NOT REQUIRED. WHAT HE IS ASKING FOR WOULD REQUIRE AN AMENDMENT TO THE URBAN RENEWAL PLAN THAT JUST SIMPLY HAS NOT BEEN VETTED THROUGH THE STAKEHOLDER PROCESS. THERE ARE SPECIFIC TEAR SHEETS WITH EACH BLOCK, SOME THAT ALLOWED MIXED USE, SOME THAT DON'T, SOME THAT ALLOW MIXED USE AND SOME THAT REQUIRE IF WE WERE TO REQUIRE MIXED USE ON EVERY BLOCK AS HE HAS REQUESTED TONIGHT IT'S NOT A CLARIFICATION, IT SIMPLY HAS NOT BEEN THROUGH THE STAKEHOLDER PROCESS. THAT WOULD BE ALLOWED, HE COULD MAKE THAT ARGUMENT AND DO WHAT MIKHAIL MEADE SUGGESTED WAS TO GO THROUGH THE PROCESS AND MAKE SURE THAT'S VETTED. SECONDLY HIS OF NOT HAVING ARA BE THE ARBITER. I WANT TO CLARIFY TO THE COUNCIL THAT WOULD BE CONTRARY TO THE TRIPARTY AGREEMENT THAT WE HAVE WITH THE URBANRY NEWLY BOARD ... I WILL BE GLAD TO ANSWER ANY QUESTIONS ABOUT THOSE TWO THINGS. THEN THIRD I WOULD LIKE TO ALWAYS EXPRESS MY APPRECIATION TO SANDRA HARSH KINS WHO HAS TAKEN ON A LOT OF RESPONSIBILITIES. SHE KNOWS THIS CORRIDOR VERY WELL AND SHE WORKED VERY HARD TO GET US TO THIS POINTS. SO I WANTED TO ACKNOWLEDGE THAT PUBLICLY AND THANK HER FOR HER HARD WORK.

Mayor Wynn: AGREED. [APPLAUSE]

Mayor Wynn: MR. GUERNSEY, OUR MOTION SHEET I GUESS.

Guernsey: I'M NOT SURE IF THIS WAS ACTUALLY STATED OR NOT, IN THE YEAR DECEMBER 2018.

Mayor Wynn: WE MIGHT STILL BE HERE AT THIS RATE.

Guernsey:: THE URBAN RENEWAL PLAN IS TO EXPIRE AT THAT TIME UNLESS THE COUNCIL SETS A DATE EARLIER THAN THAT. THE ZONING WILL STILL BE IN PLACE ON THESE PROPERTIES, BUT THE RENEWAL PLAN WOULD ACTUALLY GO AWAY IN 2018 UNLESS THE COUNCIL EXPIRES IT EARLY OR EXTENDS IT IN THE YEAR 2018. SO I JUST WANT TO -- AS PART OF ONE OF THE QUESTIONS, JUST BEING ONE DOCUMENT, IN 2019, I GUESS IT COULD BE. WHAT YOU HAVE BEFORE YOU, LET ME WALK THROUGH THE MOTION SHEETS. I WILL START PROBABLY WITH THE URBAN RENEWAL PLAN THAT YOU HAVE, THAT'S NOT ACTUALLY ON YOUR MOTION SHEET. BUT AS THERE WAS DISCUSSION YOU DO HAVE THE NCCD MOVING FORWARD, THE URBAN RENEWAL PLAN AS RECOMMENDED I GUESS BY THE PLANNING COMMISSION, YOU COULD TAKE ACTION ON IF YOU WANTED TO ADDRESS MR. GENE MACE PROPERTY AT 1808 TO 1812, I KNOW COUNCILMEMBER MARTINEZ MENTIONED THIS, YOU COULD MAKE THE MOTION TO SAY SAVE AND EXCEPT THE PROPERTY AT 1808 OR 1812 A COCKTAIL LOUNGE WOULD NOT BE PROHIBITED. THEN WE WOULD ADD THAT TO THAT LIST OF USES UNDER THEIR RENEWAL PLAN. THEN I'M NOT SURE IF THERE WAS A COMBINATION THAT WAS GOING TO BE DONE, DOESN'T SOUND LIKE IT FOR 425 EAST FIFTH, BUT THAT WOULD BE YOUR FIRST MOTION, THEN YOU WOULD ALSO BE APPROVING ON FINAL READING THE REMAINING OF THE URBAN CORRIDOR DISTRICT. YOU WILL BE APPROVING ALL THREE READING ... URBAN CORRIDOR DISTRICT FOR COCKTAIL LOUNGES PERMITTED USE FOR 1808 TO 1812, ALSO APPROVING ALL THREE READING 1425 AND OVERALL SECOND AND THIRD READING OF THE URBAN CORRIDOR DISTRICT, THAT WOULD BE YOUR FIRST MOTION IF THERE IS A MOTION TO THAT EFFECT. URBAN RENEWAL PLAN.

MOTION MOVED BY COUNCILMEMBER MARTINEZ. SECONDED BY COUNCILMEMBER KIM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. NEXT MOTION WOULD BE TO APPROVE ITEM NO. 114 AND I GUESS WE WOULD APPROVE 87 SIMULTANEOUSLY, THIS WOULD BE APPROVED ON ALL THREE READINGS OR SECOND AND THIRD READINGS FOR THE NCCD AS RECOMMENDED BY THE COMMISSION, NOTING THAT COCKTAIL LOUNGE WOULD BE A CONDITIONAL USE FOR 1808 TO 1812 EAST 12th STREET. THAT'S A PORTION OF TRACT 9. WITH THAT NOTATION I THINK IT WOULD BE CLEAR ENOUGH THAT

YOU COULD TAKE ACTION ON 87 AND 114 SIMULTANEOUSLY.

Cole: I HAVE A QUESTION ABOUT THAT. GREG, HAS ANYBODY ELSE ASKED TO BE EXEMPTED FROM THE URBAN RENEWAL PLAN AS WE'RE DOING FOR THIS COCKTAIL LOUNGE, WOULD THIS BE THE ONLY ONE.

Guernsey: THIS WOULD BE THE ONLY ONE. THE SERVICE STATION THAT YOU JUST MENTIONED BUT SOUNDS LIKE MR. OLIVER AND MIKHAIL'S CLIENT IS GOING TO WORK WITH THE COMMUNITY TO ADDRESS THE CHANGES IN THE URBAN RENEWAL PLAN AT A LATER DATE AND CHANGE TO NCCD AT A LATER DATE. THIS IS THE ONLY ONE THAT WE ARE AWARE OF AT THIS TIME.

Cole: OKAY. WELL, I'LL SUPPORT THE AMENDMENT TO GRANT MR. MAYS THE CONDITIONAL USE PERMIT. I JUST WAS TRYING TO MAKE SURE WE WERE DISCERNING WHAT IMPACT THAT HAD ON THE URBAN RENEWAL PLAN.

Gurnsey: WELL, THE URBAN RENEWAL PLAN AN ACTION ITEM WOULD NOT PROHIBIT IT. THIS WOULD ALLOW MR. MAYS IN THE FUTURE, IF HE WANTED TO TEAR DOWN HIS BUILDING AND BUILD A NEW ESTABLISHMENT TO HAVE A COCKTAIL LOUNGE AS A CONDITIONAL USE. THAT WOULD REQUIRE A SITE PLAN APPROVAL BY THE PLANNING COMMISSION, BUT IT IS -- YOU WOULD HAVE THE OPPORTUNITY TO AT LEAST GO THROUGH THAT PROCESS RATHER THAN NOT HAVING THAT ALTERNATIVE AT ALL IF THE PLAN DID NOT CHANGE AND THE ZONING DID NOT CHANGE.

Cole: OKAY. THEN I SUPPORT THAT AMENDMENT.

Mayor Wynn: MOTION BY COUNCILMEMBER COLE, SECONDED BY COUNCILMEMBER MCCracken TO APPROVE ITEMS 87 ON SECOND AND THIRD READING AND 114 ON ALL THREE READINGS AS PRESENTED BY MR. GUERNSEY.

Cole: THAT WAS 113 AND 114 ON ALL THREE READINGS AS APPROVED BY THE PLANNING COMMISSION.

Gurnsey:: 113 I THINK THAT WE HAVE JUST TAKEN ACTION ON. THE URBAN RENEWAL PLAN, 114 AND 87 WE ARE TALKING ABOUT NOW, THAT WOULD TAKE CARE OF THE ZONING PORTIONS.

Cole: OKAY.

Mayor Wynn: FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

Guernsey: I BELIEVE WE GO BACK TO THE FEE --

Mayor Wynn: ITEM 61, ITEM FROM COUNCIL. REGARDING -- YES, COUNCILMEMBER MARTINEZ?

Martinez: I'M SORRY, MAYOR, I HAD ONE QUICK QUESTION ON THE RECOMMENDATION TO TRY TO PROHIBIT LIGHT FROM SPILLING OVER INTO THE SINGLE FAMILY FROM A PARKING STRUCTURE, DOES COMPATIBILITY OR DESIGN STANDARDS SPEAK TO THAT ISSUE AT ALL.

Guernsey: WELL, THE NCCD IN THE URBAN RENEWAL PLAN RECOGNIZED THEY WILL HAVE A UNIQUE SET OF STANDARDS AND PART OF WHAT WE WERE DISCUSSING, I WAS DISCUSSING EARLIER ABOUT SCREENING, THE SCREENING OF HEADLIGHTS FROM SHINING ON THE BACK THAT'S ACTUALLY -- THEY ARE SCREENING IN THE 100% OF THE BACKS OF THESE PROPERTIES AND 50% ALONG THE REAR SIDES OF THESE PROPERTIES. THERE IS ALSO A LIGHTING PROVISION IN THE NCCD THAT IT'S NOT EXACTLY LIKE COMPATIBILITY STANDARDS BUT IT'S SIMILAR THAT WOULD REQUIRE SCREENING OF LIGHTING.

Martinez: THANK YOU. THANKS, MAYOR.

Mayor Wynn: OKAY SO ITEM NO. 61, COUNCIL, IS AN ITEM FROM COUNCIL REGARDING FEE WAIVERS FOR THE EAST 12th STREET NCCD.

Guernsey:: JUST SO YOU KNOW THIS WOULD BE VERY SIMILAR IF NOT THE SAME AS WHAT WE HAVE BEEN DOING ON EAST 11th STREET FOR MANY, MANY YEARS.

Mayor Wynn: ALL RIGHT. MOTION BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER COLE TO APPROVE ITEM NO. 61 AS POSTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

Guernsey: MAYOR, THAT CONCLUDES OUR ZONING ITEMS.

Mayor Wynn: THANK YOU, MR. GUERNSEY. CONGRATULATIONS. LET'S SEE. SO, COUNCIL, A COUPLE MORE QUICK PUBLIC HEARINGS. I SURE APOLOGIZE AND APPRECIATE YOUR PATIENCE FOR FOLKS WHO HAVE BEEN WAITING. LET'S SEE, WHAT'S --

GOOD EVENING, MAYOR, COUNCIL, MY NAME IS JERRY RUSTHOVEN FROM THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. ITEM 112 FOR THE ANNEXATION AREA. THE SECOND HEARING IS SCHEDULED FOR NEXT THURSDAY, MARCH 6th HERE AT THE 6:00 P.M. COUNCIL MEETING. THE ORDINANCE READINGS ARE TENTATIVELY SCHEDULED FOR MARCH 27th, 2008 WITH AN EFFECTIVE DATE OF APRIL 7th, 2008. THIS IS AN OWNER REQUESTED FULL PURPOSE ANNEXATION THAT INCLUDES APPROXIMATELY THREE ACRES LOCATED IN EASTERN TRAVIS COUNTY AT THE SOUTHWEST CORNER OF THE INTERSECTION OF U.S. 290 AND DECKER LANE. IT'S CURRENTLY UNDER DEVELOPMENT. NEXT TO 88 ACRES RECENTLY DEVELOPED ON FEBRUARY 14th14th, 2008. YOU CAN FIND THE STATUTORY REQUIREMENTS, THE CITY WILL [READING GRAPHIC] COPIES OF THE SERVICE PLAN ARE AVAILABLE THIS EVENING. AT THIS TIME I WILL BE HAPPY TO ANSWER ANY QUESTIONS.

Mayor Wynn: THANK YOU, MR. RUSTHOVEN. ANY CITIZENS THAT WOULD LIKE TO GIVE US TESTIMONY ON THE HEARING OF THE FULL PURPOSE ANNEXATION OF THE KITRELL TRACK. MOTION MADE BY COUNCILMEMBER MARTINEZ TO CLOSE THE PUBLIC HEARING. SECONDED BY THE MAYOR PRO TEM. ALL IN FAVOR PLEASE SAY AYE.

AYE.

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

Mayor Wynn: PUBLIC HEARING 116. THAT'S THE PUBLIC HEARING TO CONSIDER ORDINANCE AMENDING CITY CODE RELATED TO CRITICAL WATER QUALITY ZONES. APPRECIATE A STAFF PRESENTATION.

GOOD EVENING MAYOR, MEMBERS OF COUNCIL, I'M MATT HOLLAND I WORK WITH WATERSHED PROTECTION DEVELOPMENT REVIEW. I'M GOING TO TRY TO MAKE THIS BRIEF. THE ITEM BEFORE US IS A PROPOSAL TO TRY TO PROVIDE ADDITIONAL PROTECTION TO THE COLORADO RIVER DOWNSTREAM OF TOWN LAKE, THERE WE GO. THIS FIRST SLIDE SHOWS THE AREA IF QUESTION. WE HAVE ABOUT A 28-MILE AREA EXTENDING FROM TOWN LAKE ALL THE WAY OUT TO THE EDGE OF THE FIVE MILE E.T.J. IN EAST AUSTIN. THE RIVER IS ABOUT 250 TO 300 FEET WIDE, THAT'S [INDISCERNIBLE] TO NOTE LATER. THIS IS AN AREA WHERE WE HAVE A LOT OF INTERESTING DEVELOPMENT PROJECTS BEING PROPOSED RIGHT ALONG THE S.H. 130 CORRIDOR. OUR GOALS ARE VERY SIMPLE. [READING GRAPHIC] RIGHT FLOW WE HAVE A CREEK BUFFER ZONE PROVIDING PROTECTION FOR THE RIVER. WE DEFINED THE BUFFER FOR THE RIVER THE SAME WAY WE DO FOR ALL OF THE CREEKS, THE UNFORTUNATE PART IS A RIVER IS A LOT BIGGER THAN A CREEK. WHEN YOU START TO -- THE BUFFER IN THE MIDDLE OF THIS STREAM CENTER LINE, EXTEND IT OUTWARD 200 TO 400 FEET LIKE YOU WOULD FOR ANY OTHER CREEK, IT RESULTS IN MUCH OF THE BUFFER BEING -- BEING UNDERWATER AND SO THE WHOLE POINT OF THE BUFFER IS TO BE A TERRESTRIAL PROTECTIVE BUFFER ON LAND. SO WE NEED TO CHANGE THE GEOMETRY OF THE BUFFER TO FIT THE GEOMETRY OF THE RIVER. SO OUR PROPOSAL IS INSTEAD OF

STUDYING IT IN THE STREAM CENTER LINE IS TO START IT ON THE BANK'S EDGE, THE ORDINARY HIGH WATER MARK AND EXTEND IT 200 TO 400 FEET FROM THAT POINT. SO THE UPPER TURN THERE IS 200 TO 400 FEET ON LAND. HERE IS A -- HERE IS A FUN GRAPHIC SHOWING ABOUT WHERE THE NEW STARTING POINT WOULD BE INSTEAD OF IN THE RIVER ITSELF. BUFFERS ARE AN INTEGRAL PART OF OUR WATER QUALITY PROTECTION STRATEGY HERE IN AUSTIN. PROTECTS WATER QUALITY, PROVIDES EROSION AND FLOOD CONTROL PROTECTION, HELPS PROVIDE WILDLIFE HABITAT PROTECTION AND PRESERVES THIS UNIQUE -- UNIQUE AESTHETIC AND RECREATIONAL FEATURE OF EAST AUSTIN. WHAT WE GOT RIGHT NOW IS DEPICTED IN THIS -- IN THIS EXAMPLE CASE STUDY HERE. THE WHITE LINE IN THE MIDDLE OF THIS RIVER SEGMENT SHOWS THE CREEK CENTER LINE, RIVER CENTER LINE IN THIS CASE EXTENDS TO THE MINIMUM 200 FEET HERE WHICH ONLY PROVIDES 50 FEET OF LAND TERRESTRIAL PROTECTION WHICH IS TOTALLY INADEQUATE FOR A RESOURCE OF THIS SIZE. HERE ARE SLIDES SHOWING BAD THINGS.

UNFORTUNATELY ENCROACHMENT ALONG THE RIVER. LARGE MINING OPERATIONS WHICH ARE ABLE TO IN THIS CASE GET WITHIN 75 FEET OF THE RIVER, INSTEAD OF THE FULL 200 WHICH WE ARE HOPING FOR. THAT'S ALLOWING THINGS LIKE THIS TO HAPPEN, WHICH IS A MAJOR BREACH DURING THE STORM'S LOW CONDITIONS, WHICH SENDS A MIGHTY LARGE AMOUNT OF SEDIMENT INTO THE COLORADO RIVER. AND HERE ARE SOME SIDE EFFECTS OF THE ENCROACHMENT ON THE BUFFER. AND OBVIOUSLY YOU DON'T WANT TO BE TOO CLOSE BECAUSE YOUR HOUSE MIGHT FALL IN THE RIVER. AND HERE WE GO. THIS IS THE -- THIS IS THE -- THERE'S ANOTHER POTENTIAL COURSE CHANGE, WE HAVE SOME NICE AERIAL PHOTOGRAPHY, HERE WE GO, 1964, LOOKING PRETTY AGRARIAN, NOW TURNING INTO MORE OF A MINING KIND OF SCENE AND YOU WILL NOTICE HERE ON THE BOTTOM LEFT YOU HAVE GOT A MINING PIT HERE IN 1983, AND DURING THE 1991 FLOOD THE RIVER CHANGED COURSE THROUGH THIS MINING OPERATION, THE BUFFER WAS NOT ADEQUATE, NOT WIDE ENOUGH AND DID NOT PROVIDE THE TYPE OF PROTECTION THAT WE NEED AND THEREFORE THE RIVER ACTUALLY LITERALLY CHANGED COURSE AND WE ARE SEEING SOME PROPERTY READJUSTMENTS. HERE'S THE CURRENT SITUATION IN THIS KIND OF PENINSULA AREA. THERE'S YET ANOTHER BREACH UP INTO THE NORTHERN PART OF THAT PHOTOGRAPHY SHOT. HERE WE DID A VERY EXTENSIVE ANALYSIS IN OUR USING GIS MAPPING SOFTWARE TO LOOK AT ALL OF THE DIFFERENT PROPERTIES AFFECTED BY THIS PROPOSED ORDINANCE. AND ABOUT -- ONE OF THE KEY THINGS ON THIS IS OF THE PURPLE SHOWS THE MINING -- THE PROPERTIES THAT ARE BEING CURRENTLY MINED, THEY WOULD NOT BE AFFECTED BY THIS ORNL DZ. THEY ARE -- THEY ALREADY HAVE PERMITS. BUT THE GREEN PROPERTIES SHOW THE UNDEVELOPED LAND. THAT WOULD BE THE AREA PROTECTED BY THE ORDINANCE. A LITTLE OVER HALF. TODAY THE CRITICAL WATER QUALITY ZONE BUFFER WHICH IS WHAT WE ARE CHANGING IS ABOUT 13% OF THESE TRACTS WITH REGULATORY CHANGE THAT WOULD EXPAND TO ABOUT 17%. WE ARE SEEING ABOUT A 4% INCREASE IN THIS BUFFER. RIGHT NOW YOU CANNOT -- MOST OF THIS LAND IS IN THE FLOODPLAIN. YOU CAN SEE ON THE SIDE 91% OF THE LAND IN THIS BUFFER IS IN THE FLOODPLAIN AND THEREFORE RELATIVELY UNDEVELOPPABLE. IT CAN BE MINED RIGHT NOW. IF IT'S NOT IN A CRITICAL ZONE. THAT IS THE INDUSTRY THAT WOULD BE THE --

THAT WE -- THAT MIGHT SEE THE MOST IMPACT. SO RECAP, HERE'S OUR EXISTING BUFFER EXTENDING 200 FEET FROM THE CENTER LINE PROVIDING IN THIS CASE ONLY 50 FEET OF PROTECTION. AND THEN WHAT THE NEW BUFFER WOULD DO IS EXTEND 200 FEET RELIABLY EACH TIME 200 TO 400 FEET FROM THE BANK'S EDGE. SUMMARY OF BENEFITS. IT WOULD PROVIDE THE LEVEL OF WATER QUALITY PROTECTION WE'VE ALWAYS INTENDED FOR USING THIS 200 TO 400-FOOT BUFFER. PROTECTS AGAINST -- [READING GRAPHIC] I CAN GO INTO THIS MORE IF YOU WANT TO SEE MORE EXAMPLES OF THE IMPACTS ON THE PROPERTY. WE DID AN EXTENSIVE EVALUATION, WHICH I'M REALLY NOT DOING JUSTICE TO TONIGHT HERE WITH THIS QUICK PRESENTATION, BUT BASICALLY WE FEEL IT'S GOING TO HAVE A VERY MINIMUM IMPACT ON THE PROPERTY. AND THERE IS A VARIANCE PROCESS IN CASE SOMEBODY IS DISPROPORTIONATELY IMPACTED AND OF COURSE IT'S GOING TO HAVE -- IT'S GOING TO OPEN UP MORE RECREATIONAL TRAIL OPPORTUNITIES ALONG THIS KEY RESOURCE AND WILL PRESERVE -- HELP PRESERVE THE HISTORIC CHARACTER OF THE COLORADO RIVER. AND I WILL BE HAPPEN TO ANSWER ANY QUESTIONS THAT YOU HAVE AT THIS POINT.

THANK YOU, MR. HOLLAND. AND WE DO KNOW HOW EXTENSIVE AM OF WORK THERE IS AND BACKUP BEHIND THIS GREAT WORK. QUESTIONS OF STAFF? COUNCIL? COMMENTS? I HAVE TWO FOLKS SIGNED UP WISHING TO GIVE US FAVORABLE TESTIMONY, JEFF JACK WHO MAY HAVE GONE HOME AND MIKE [INDISCERNIBLE] WELCOME BACK, MIKE.

THANK YOU. GOOD TO BE BACK, ESPECIALLY FOR SOMETHING TO IMPORTANT AS THIS. IN FACT THIS LITERALLY SHORES UP THE FOUNDATION OF TO ME WHAT AUSTIN IS ALL ABOUT. ROY BEDICHECK WOULD HAVE BEEN VERY PROUD OF WHAT WE'RE DOING TODAY AND I GUESS AS ONE OF MY LAST SPEECHES TO THIS COUNCIL, I WANTED TO TALK A LITTLE BIT ABOUT WHAT ROY BEDICHEK TALKED ABOUT AS WELL AS THE COLORADO RIVER AND THAT'S THE LITTLE WATERS AND THIS IS WHAT WE CALL THE HEAD WATERS AND SO AFTER WE -- AFTER WE DO THIS WONDERFUL THING FOR THE COLORADO RIVER, I HOPE WE TAKE IT ONE STEP FURTHER AND PROTECT WHAT REALLY MAKES THE COLORADO RIVER FLOW AND WHICH IS PART OF THE COMPLETE ECOSYSTEM AND THAT WOULD BE TO PROTECT THE HEAD WATERS, WHICH REALLY -- REALLY CREATE THE HYDROLOGY FOR THE COLORADO RIVER. BUT -- BUT THANK YOU VERY MUCH FOR -- FOR ALLOWING ME TO COME UP AND TALK TO YOU ONE MORE TIME ABOUT THIS.

Mayor Wynn: MIKE, THANK YOU FOR ALL OF THE HARD WORK IN THE PAST AND INSPIRATION ON THIS PROJECT.

Mayor Wynn: COUNCIL, COMMENTS, QUESTIONS? IF NOT I'LL ENTERTAIN A MOTION ON THIS PROPOSED ORDINANCE AMENDMENT, 116. MOTION BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER MCCracken TO CLOSE THIS PUBLIC HEARING AND APPROVE THE ORDINANCE AMENDMENTS AS PROPOSED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. ALL THREE READINGS, CORRECT.

Mayor Wynn: LET'S SEE ITEM 117.

GOOD MORNING, MAYOR AND COUNCIL. THE ITEM BEFORE YOU TODAY IS A -- IS AN ALCOHOLIC BEVERAGE WAIVER REQUEST BY HOUSE PIZZARIA LOCATED AT 5111 AIRPORT BOULEVARD. IT'S BASICALLY A PIZZA RESTAURANT WANTING TO SERVE ALCOHOL WITH RIDGETOP BOUNDARIES, ALSO LOCATED WITHIN 293 FEET OF RIDGETOP ELEMENTARY. [READING GRAPHIC] QUICK DIAGRAM OF THE SITE LOCATION AS MEASURED FROM THE EDGE OF THE PROPERTY LINE TO THE PROPERTY LINE IN QUESTION. 293 FEET IN DISTANCE AND QUICK SITE PHOTOS FACING NORTHWEST FROM RIDGETOP ELEMENTARY SCHOOL TO THE RESTAURANT AND THEN FACING SOUTH FROM THE RESTAURANT TOWARDS RIDGETOP ELEMENTARY SCHOOL. [READING GRAPHIC] WE HAVE RECEIVED LETTERS FROM RESPONSE. IN SUPPORT BY RIDGETOP ELEMENTARY SCHOOL, THE PRINCIPAL. AS WELL AS RIDGETOP NEIGHBORHOOD ASSOCIATION. OPPOSITION LETTERS WE HAVE RECEIVED HAVE ACTUALLY COME DIRECTLY FROM AUSTIN INDEPENDENT SCHOOL DISTRICT. I KNOW THIS IS A LITTLE ODD. WHEN WE ASKED THE AISD REPRESENTATIVES THEY STATED THAT THEY WOULD NOT REQUIRE RIDGETOP ELEMENTARY SCHOOL THE PRINCIPAL TO REDACT THEIR LETTER. IT'S STANDARD POLICY FOR AISD TO STAND IN OPPOSITION, BUT THEY UNDERSTAND THAT THE ELEMENTARY SCHOOL HAS RELATIONSHIPS WITH LOCAL AREA AND CAN COMMENT ON WHATEVER POLICIES ARE COMING FORWARD. STAFF RECOMMENDATION IS TO DENY THE WAIVER IN SUPPORT OF AISD'S RECOMMENDATION SINCE AISD'S POLICY IS A STANDARD OPPOSITION TO ALL REQUESTS FOR WAIVERS. IF YOU HAVE ANY QUESTIONS, I'M AVAILABLE.

Mayor Wynn: QUESTIONS OF STAFF? COUNCIL? COMMENTS? WE DO HAVE ONE CITIZEN SIGNED UP WISHING TO GIVE US TESTIMONY. SCOTT TALKINGTON. SCOTT, APPRECIATE YOUR PATIENCE. YOU WON THE PRIZE FOR GETTING TO BE THE LAST ITEM.

THE LAST? THANK YOU, MAYOR, COUNCIL. EVERYBODY FOR STAYING LATE. MY NAME IS SCOTT TALKINGTON, I AND MY WIFE SARAH ARE THE OWNERS OF THE PROPERTY AT 5111 AIRPORT BOULEVARD. IT IS CURRENTLY A VACANT FAST FOOD RESTAURANT AT THAT ADDRESS WHEN WHICH WE INTEND TO RENOVATE AND REOPEN AS AN INDEPENDENT NEIGHBORHOOD DINE-IN PIZZARIA. IT'S OUR HOPE TO ALSO OFFER BEER AND WINE. OUR PROPERTY IS WITHIN 293 FEET OF RIDGETOP ELEMENTARY SCHOOL'S NEAREST PROPERTY LINE, HENCE OUR REQUEST FOR THIS. IT MAY BE WORTH NOTING THESE PROPERTIES ARE SEPARATED BY TRAIN PRACTICES AND BY AIRPORT BOULEVARD A FIVE LINE ROADWAY WITH A 40 MILES AN HOUR SPEED LIMIT. WE HAVE DISCUSSED OUR PLANS WITH MANY OF OUR NEIGHBORS IN THE RIDGETOP NEIGHBORHOOD AND THEY HAVE BEEN VERY SUPPORTIVE. WE HAVE MET WITH PRINCIPAL JOACHIM GLORIA OF RIDGETOP WHO ALSO EXPRESSED HIS SUPPORT. SARAH AND I AS WELL AS TWO MEMBERS OF OUR IMMEDIATE

FAMILY WILL BE PERMANENT EMPLOYEES OF THIS BUSINESS. WE ARE DLAB GREATING WITH A -- COLLABORATING WITH A LOCAL ARCHITECT TO MAKE THE RENOVATION MORE COMPATIBLE WITH THE NEIGHBORHOOD, BY ADDING THINGS LIKE A PORCH, MAKING IT MORE WALKABLE AND BIKE FRIENDLY AND WE ARE PURSUING A GREEN BUILDING RATING. WE WANT TO BE AN ASSET TO THE NEIGHBORHOOD. HAVING BOUGHT THE PROPERTY, WE ARE -- WE BOUGHT THE FARM OR ARE BETTING THE FARM. AND WE HOPE TO BE THERE FOR A LONG TIME. THANK YOU.

Mayor Wynn: THANK YOU, SCOTT. QUESTIONS FOR MR. TALKINGTON, COUNCIL? COMMENTS? I WOULD JUST SAY WHEN YOU LOOK AT THE GRAPHIC, NOT ONLY SEEMS TO ME WITH THIS OBVIOUSLY ARE THE SCHOOL AND THE PROPERTY HERE SEPARATED AS SCOTT MENTIONS BY THE RAILROAD TRACK AND AIRPORT BOULEVARD, YOU KNOW, WE TECHNICALLY MEASURE THE DISTANCE BETWEEN THE SCHOOL PROPERTY AND THE APPLICANT LIKE THIS AS THE CROW FLIES. AND THIS SEEMS TO ME IT'S THE SPIRIT OF THE BASE LAW HERE IS THE CONCEPT OR THEORY I GUESS THAT KIDS WALKING TO OR FROM SCHOOL, YOU KNOW, WITH 100 YARDS OF THEIR SCHOOL SHOULDN'T HAVE TO DEAL WITH IN THEORY ALCOHOLIC BEVERAGE SALES. IF YOU LOOK AT A ROUTE LET ALONE A KID WOULD HAVE TO WALK TO GET FROM THE ELEMENTARY SCHOOL TO THIS BUILDING, IT WOULD BE, YOU KNOW, WELL IN EXCESS OF 300 FEET. AND JUST THE NATURE OF THAT INTERSECTION, WHICH I KNOW PRETTY WELL, YOU KNOW, GOOD NEWS IS THOSE KIDS AREN'T TRYING TO CROSS AIRPORT BOULEVARD OR THE TRACKS RIGHT THERE. I HOPE NOT AT LEAST. SO --

[INDISCERNIBLE]

Mayor Wynn: SO PERSONALLY I WILL BE SUPPORTIVE OF THIS VARIANCE.

Leffingwell: MAYOR, I WILL MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE THE WAIVER.

Dunkerly: I SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND APPROVE THIS WAIVER, ITEM NO. 117.

Martinez: MAYOR, VERY BRIEFLY I WANT TO JUST REMIND COUNCIL A FEW WEEKS AGO, I'M GOING TO BE SUPPORTIVE OF THIS. BUT A FEW WEEKS AGO, MAYBE IT WAS A COUPLE OF MONTHS AGO, THERE WAS A MEXICAN MEAT MARKET THAT WAS JUST SOUTH OF 51st STREET, RIGHT ACROSS THE RAILROAD TRACKS AND HE BOUGHT THE PROPERTY AND DIDN'T REALIZE THAT IN THE RENOVATION PERIOD HE LOST HIS PERMITTED USE. WE DENIED HIM THE ABILITY TO HAVE ALCOHOL SALES WITHIN LIKE -- A RESTAURANT LIKE A TACARIA AND MEAT MARKET. I HAVE TALKED TO THE OWNER SINCE THEN, I'M GOING TO BE BRINGING THAT BACK, I HOPE THAT COUNCIL REMEMBERS THAT WHEN IT COMES BACK. IT'S A VERY SIMILAR CASE. ALREADY HAD ALCOHOL SALES, HE JUST DIDN'T UNDERSTAND THE

NATURE OF PURCHASED IT, RENOVATED IT, BY CLOSING ITS DOORS HE LOST HIS PERMITTED USE. I WILL BE BRINGING THAT BACK. HOPEFUL WE ARE MINDFUL OF THAT.

Mayor Wynn: FAIR ENOUGH. MOTION AND SECOND ON THE TABLE OF 117. ANY FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE. AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. COUNCIL, THE FINAL POTENTIAL ITEM I HAD PULLED ITEM 27 OFF THE AGENDA, CONSENT AGENDA REGARDING THE METHODOLOGY FOR OUR CENTRAL LIBRARY PROJECTS, STAFF WAS KIND ENOUGH TO POSTPONE A SEEMINGLY RELATED TOPIC THAT BEING THE METHODOLOGY FOR CHOOSING THE DESIGN TEAM FOR THAT PROJECT. JUST RECOGNIZING THE, YOU KNOW, THE HOUR, I DO HAVE A SERIES OF QUESTIONS THAT I WAS GOING TO ASK. I WILL SUBMIT THOSE IN WRITING FOR NEXT WEEK THAT EVERYBODY WILL SEE MONDAY, TUESDAY, GET THE ANSWERS HOPEFULLY WEDNESDAY. I GUESS THAT I WOULD ENTERTAIN A MOTION TO POSTPONE ITEM 27 FOR ONE WEEK TO MARCH 6th. MOTION MADE BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER LEFFINGWELL, FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. TO POSTPONE ITEM NO. 27 FOR ONE WEEK. MS. GENTRY?

I THINK YOU STILL HAVE 118, MAYOR.

Mayor Wynn: DO WE? OKAY.

UNFORTUNATELY. IT IS SHOWING AS APPROVED ALREADY. BUT I DON'T THINK WE HAVE ADDRESSED IT.

Mayor Wynn: OKAY. LET'S HAVE PUBLIC HEARING NUMBER 118.

Leffingwell: WILL YOU TAKE THAT APPROVE ON THE RECORD.

WELCOME MR. PAT MURPHY OR MITTSZY COTIN.

MITZY COTTON. YOU MAY RECALL TWO WEEKS AGO WE WENT THROUGH PHASE 1 OF THIS SOS LIMITED ADJUSTMENT. AT THAT TIME YOU FOUND THAT THE REQUIREMENTS FOR LIMITED ADJUSTMENT WERE MET AND SET THIS PUBLIC HEARING. THIS PUBLIC HEARING WE'RE GOING TO DETERMINE THE MINIMUM ADJUSTMENT TO S.O.S. NECESSARY TO COMPLY WITH FEDERAL AND STATE LAW AND TO PROVIDE MAXIMUM PROTECTION TO

WATER QUALITY. AND PAT IS HERE WITH A MAP. WALK YOU THROUGH WHAT THAT WILL BE.

THANK YOU, MAYOR AND COUNCIL. I'LL BE VERY BRIEF. THIS EXHIBIT IS SHOWING THE DRIVEWAY AND UTILITIES THAT ARE NEEDED TO PROVIDE THE ADJUSTMENT AS WAS AUTHORIZED BY COUNCIL PREVIOUSLY. THE ORDINANCE SPELLS OUT THE LOCATION OF THESE AREAS. ESSENTIALLY THEY ARE ALONG SOUTHWEST PARKWAY, WHICH WOULD PROVIDE FOR ACCESS TO THE SITE AND PROVIDE FOR UTILITIES. WITH THAT I'LL JUST ASK IF YOU HAVE ANY QUESTIONS. I WILL BE HAPPY TO TRY TO ANSWER THOSE. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, QUESTIONS OF STAFF, COUNCIL? COMMENTS? IF NOT I'LL ENTERTAIN A MOTION ON -- ON ITEM NO. 18. I SAY THAT, LET'S SEE, WE HAVE NOBODY SIGNED UP WISHING TO SPEAK, MARY AROUND SIGNED UP NOT WISHING TO SPEAK IN OPPOSITION. I WILL ENTERTAIN A MOTION ON ITEM 118. MOTION BY MAYOR PRO TEM THAT I WILL SECOND TO CLOSE THE PUBLIC HEARING AND ADOPT THIS ORDINANCE GRANTING THE LIMITED ADJUSTMENT. AS PRESENTED BY STAFF. FURTHER COMMENTS. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THERE BEING NO MORE BUSINESS BEFORE THE CITY COUNCIL MEETING WE STAND ADJOURNED, IT IS 1:07 A.M.

End of Council Session Closed Caption Log