

## Closed Caption Log, Council Meeting, 3/6/08

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GOOD MORNING, I'M AUSTIN MAYOR WILL WYNN, IT'S MY PRIVILEGE TO WELCOME DR. DAVID WITH THE FIRST UNITARIAN UNIVERSALIST CHURCH DO TO LEAD US IN OUR INVOCATION, PLEASE RISE.

I WOULD LIKE TO BRING YOU AND WISH FOR YOU GENTLE SPIRITS THIS MORNING. FIRST, IS A SPIRIT OF GRATITUDE. FOR ME AND FROM THE CITIZENS OF AUSTIN FOR THE WORK THAT YOU DO. IT'S HARD WORK. IT CAN'T ALWAYS BE FUN. AND WE'RE GRATEFUL. WITH THAT, I WISH FOR YOU THE ABILITY TO BE COMMANDED AND COMFORTED BY SERVING ONLY THE HIGHEST IDEALS THAT YOU CAN FIND. THERE MAY BE NOTHING IN LIFE MORE LIFE-GIVING THAN THAT. AND I WISH IT FOR YOU HERE. ALONG WITH THE SPIRIT OF DISCERNMENT TO LET YOU SEE THE HARDER BY NOBLER PATH THAT'S AMONG ALL OF THEM OFFERED TO YOU. IF SERVING ON THE CITY COUNCIL IS ANYTHING LIKE REAL LIFE, IT YOU WILL BE AS SAILED BY INDIVIDUALS WHO BELIEVE THAT THEIR OWN PERSONAL OR RELIGIOUS BUSINESS SHOULD BE THE INTERESTS AND PRIORITIES OF THE ENTIRE CITY. IT'S A FOG WE CREATE AROUND OURSELVES AND THE FOG CAN TAKE YOU IN, TOO. I WISH FOR YOU THE DISCERNMENT TO CUT THROUGH IT. AND WITH THAT, A SPIRIT OF PRINCIPLED COURAGE, THAT CAN LET YOU MOVE IN THE BETTER DIRECTIONS. AND HERE WE ARE ALL WITH YOU. WE ALL STRUGGLE WITH THIS IN OUR JOBS AND IN OUR LIVES. ALL PARENTS HOPE TO STEER THEIR CHILDREN ALONG PATHS THAT CAN LET THEM LOOK BACK WITH PRIDE AND MAKE THEM A BLESSING TO THEMSELVES AND TO OTHERS. YOU CAN USE OUR COURAGE TO BACK YOUR OWN IN THESE STRUGGLES. WE JOIN AND SUPPORT YOU. AND FINALLY, I WOULD OFFER YOU AND WISH FOR YOU A SPIRIT OF FORGIVENESS. IF YOU DIDN'T SERVE HIGH IDEALS HERE, OTHER SPIRITS WOULD VISIT THEMSELVES ON YOU, I'M SURE OF IT. BUT I SUSPECT THAT YOU ARE HERE TO BE JUST AS SERIOUS AND JUST AS COMMITTED AS WE ALL ARE IN OUR OWN LIVES AND OUR OWN JOBS. AND TO REACH HIGH IS SOMETIMES TO FAIL. WE FORGIVE YOU FOR YOUR FAILURES ON OUR BEHALF AND HOPE THAT YOU WILL FORGIVE YOURSELVES FOR THEM, TOO. THOSE ARE THE SPIRITS THAT I WOULD WISH UPON YOU THIS MORNING. BLESSINGS ON YOU AND ON THE GOOD WORK THAT YOU DO FOR US US.

Mayor Wynn: THANK YOU, DR. LOEHR. THERE BEING A QUORUM PRESENT AT THIS TIME I

WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, IT IS THURSDAY, MARCH 6th, 2008. WE ARE IN THE CITY COUNCIL CHAMBERS OF THE CITY HALL BUILDING, 301 WEST SECOND STREET, APPROXIMATELY 10:25 A.M. BEFORE WE GET STARTED, FOLKS, EARLIER THIS MORNING UPSTAIRS I CONDUCTED A VERY WELL ATTENDED PRESS CONFERENCE WHERE I TALKED ABOUT MY CLASS C MISDEMEANOR CHARGE. AND MY NO CONTEST PLEA. IT WAS VERY EMBARRASSING. I WANTED TO ISSUE A NUMBER OF APOLOGIES, SPECIFICALLY TO OUR COMMUNITY AND AN APOLOGY TO MY CITY COLLEAGUES, CITY COUNCIL MEMBERS, CITY STAFF AND ACTUALLY ENGAGED CITIZENS THAT ARE HERE IN THE ROOM. I REALLY, REALLY REGRET IF -- IF MY ACTIONS ARE DISTRACTING IN ANY WAY FROM WHAT I THINK IS REALLY GOOD, IMPORTANT WORK THAT GOES ON IN THESE CHAMBERS. SO I APOLOGIZE TO EACH AND EVERY ONE OF YOU. OKAY. SO WE HAVE -- WE HAVE A NUMBER OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AG. THEY ARE -- TO NOTE, THAT -- THAT ITEM NO. 10 IS TO BE POSTPONED TO MARCH 20th, 2008. ON ITEM NO. 5, GOING BACK A LITTLE BIT, WE SHOULD INSERT THE WORDS "THE NEGOTIATION AND" AND INSERT THE PHRASE "IN AN AMOUNT NOT TO EXCEED \$65,000 ANNUALLY." THIS IS THE INTERLOCAL BETWEEN THE CITY AND TXDOT. ITEM NO. 8 HAS BEEN WITHDRAWN FROM THE AGENDA. ON ITEM NO. 46, WE SHOULD NOTE THAT COUNCILMEMBER LEFFINGWELL IS AN ADDITIONAL CO-SPONSOR. THANK YOU, COUNCILMEMBER. ON ITEM NO. 51, WE SHOULD NOTE THAT IT'S RELATED TO ITEM NO. 75. ON ITEM NO. 60, WE SHOULD STRIKE THE PHRASE ZONING AND PLATTING COMMISSION RECOMMENDATION BECAUSE IN FACT IT WENT TO THE PLANNING COMMISSION AND THEIR RECOMMENDATION, WHICH IS PROPERLY POSTED IS TO GRANT PLANNED UNIT DEVELOPMENT OR P.U.D. DISTRICT ZONING TO CHANGE A CONDITION OF ZONING ZONING. WE SHOULD NOTE ALSO IN ITEM NO. 75, AGAIN RELATED TO ITEM NO. 51. OUR SCHEDULE THIS MORNING AT -- AS SOON AS WE GET THROUGH OUR CONSENT AGENDAS, PERHAPS A COUPLE OF DISCUSSION ITEMS, OUR MORNING BRIEFING WILL BE THE PRESENTATION AND UPDATE ON THE PROCESS AND PROCEDURES REGARDING THE CITY-WIDE SOLICITATION SURVEY, AS YOU REMEMBER WE HAD A -- WE HAD A -- A VERY DETAILED DISCUSSION HERE IN THIS ROOM SEVERAL TIMES A FEW MONTHS AGO ABOUT -- ABOUT SOLICITATION AND THIS IS GOING TO BE THE REPORT BACK AS WE REALIZED WE DIDN'T HAVE A LOT OF GOOD INFORMATION AS TO -- TO THAT TOPIC. SO STAY TUNED. AT NOON WE BREAK AS WE ALWAYS DO FOR GENERAL CITIZEN COMMUNICATION. ALLOWING 10 FOLKS TO COMMENT FOR HALF AN HOUR. 2:00 WE PLAN TO CONDUCT SOME BOND SALES. AND WE ALSO HAVE SCHEDULED AN AFTERNOON BRIEFING, REGARDING -- FROM THE -- THE CITY STAFF AND THE VILLA MUSE REPRESENTATIVES REGARDING THE FEASIBILITY OF THE POSSIBLE AGREEMENT THAT IS POSTED ON THIS AGENDA. THAT IS ESSENTIALLY THE RELEASE OF ABOUT 1900 ACRES FROM THE CI E.T.J. IN ORDER TO -- TO HELP THAT POTENTIAL DEVELOPMENT. MY UNDERSTANDING IS THAT PROBABLY WE'RE GOING TO END UP PULLING THE TWO ACTION ITEMS OFF THE CONSENT AGENDA THIS MORNING, WE PROBABLY WILL TAKE IT UP IN CLOSED SESSION VERY APPROPRIATELY PER STATE LAW AND THEN HAVE THE AFTERNOON BRIEFING, LIKELY THAT MIGHT BRING UP MORE DETAIL OR MORE QUESTIONS BEFORE WE THEN PERHAPS TAKE ACTION OR PERHAPS POSTPONE ACTION ON VILLA MUSE. AT 4:00 WE BREAK FOR ZONING HEARINGS

AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. AND 5:30, AS ALWAYS, WE BREAK FOR LIVE MUSIC AND PROCLAMATION, OUR MUSICIAN TODAY IS KISSINGER, SO STAY TUNED FOR THAT. AT 6:00 WE START CONDUCTING CONDUCTING OUR PUBLIC HEARINGS. SO FAR, COUNCIL, WE ONLY HAVE A FEW ITEMS PULLED OFF THE CONSENT AGENDA. I BELIEVE COUNCILMEMBER COLE DOES WANT TO HAVE ITEM 6 AND 76, THE TWO POTENTIAL ACTION ITEMS FOR VILLA MUSE OFF THE CONSENT AGENDA, WE WILL TAKE SOME ACTION OFF THE BRIEFING, MORE THAN LIKELY. I WILL PULLED THE BRIEFING FOR OUR CENTRAL LIBRARY, TO HAVE A NICE PUBLIC PRESENTATION FOR FOLKS TO UNDERSTAND THE NEXT SERIES OF STEPS FOR THAT WORK IN PROJECT. OTHER ITEMS TO BE PULLED OFF THE CONSENT AGENDA? THEN HEARING NONE, I WOULD LIKE TO PROPOSE THE FOLLOWING CONSENT AGENDA NUMERICALLY. THAT IS WE WILL APPROVE ITEM NO. 1, OUR MINUTES FROM THE LAST MEETING, FROM AUSTIN ENERGY WE WILL BE APPROVING ITEM NO. 2, FROM OUR ECONOMIC GROWTH AND REDEVELOPMENT SERVICES DEPARTMENT, APPROVING ITEM NO. 3, FROM OUR HEALTH AND HUMAN SERVICES DEPARTMENT APPROVING ITEM NO. 4, FROM OUR MUNICIPAL COURT PER CHANGES AND CORRECTION, WE'LL BE APPROVING ITEM NO. 5, FROM OUR NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT, EXCUSE ME, WE WON'T BE TAKING UP ITEM NO. 6, ITEM NO. 6 AGAIN IS PULLED FROM THE CONSENT AGENDA BY COUNCILMEMBER COLE. FROM OUR PUBLIC WORKS DEPARTMENT, WE WILL BE APPROVING ITEM NO. 7. WE WILL NOTE THAT ITEM NO. 8 HAS BEEN WITHDRAWN. WE WILL BE APPROVING ITEM NO. 9, WE WILL BE POSTPONING ITEM NO. 10 TO MARCH 20th, 2008. WE WILL BE APPROVING ITEMS 11, 12, 13, AND 14, ALSO APPROVING ITEMS ITEMS 16, 17, AND 18 FROM OUR PURCHASING OFFICE -- FROM OUR PURCHASING OFFICE WE WILL BE APPROVING ITEMS 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, AND 33. FROM THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT WE WILL BE APPROVING ITEMS 34, 35, AND 36. OUR SOLE APPOINTEE FOR ITEM NO. 37 OUR BOARD AND COMMISSIONS IS -- IS TO OUR AUSTIN TRAVIS COUNTY MHMR BOARD OF TRUSTEES, MARTHA MARTINEZ IS MY NOMINEE. APPROVING ITEM 38, 39, 40, 41, 42, 43, 44, 45, 46 PER CHANGES AND CORRECTIONS, AND 47, WE WILL BE SETTING A PUBLIC - - PUBLIC HEARINGS BY APPROVING ITEM NO. 48 FOR CHANGES AND CORRECTION AND ITEM 49. I WILL ENTERTAIN THAT AS OUR CONSENT AGENDA.

SO MOVED.

Mayor Wynn: MOTION BY COUNCILMEMBER COLE, SECONDED BY COUNCILMEMBER ALVAREZ TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? COUNCILMEMBER LEFFINGWELL? COUNCILMEMBER MARTINEZ.

I JUST WANT TO COMMENTS BRIEFLY ON ITEM NO. 4, WHICH IS A GRANT TO THE SALVATION ARMY. AS MANY OF YOU KNOW, THERE'S A REALIGNMENT OF FUNDING BY THE UNITED WAY EARLY THIS YEAR. IN FACT IN JANUARY. THE SALVATION ARMY WAS CAUGHT SHORT OF FUNDING FOR BASIC MEALS, SO FORTH. THIS ITEM AN \$108,000 GRANT MAKES UP THAT DEFICIT ON THE PART OF THE CITY. AND IT HAS BEEN RECOMMENDED BY THE PUBLIC HEALTH AND HUMAN SERVICES SUBCOMMITTEE, WHICH I AM A MEMBER OF. WE ALSO ARE

GOING FORWARD, TRYING TO IDENTIFY OTHER OPPORTUNITIES TO RESTORE SOME OF THESE CUTS. AND WE WILL LOOK FOR OPPORTUNITIES IN NEXT YEAR'S BUDGET TO DO A REALIGNMENT TO MAKE UP DEFICITS IN MANY OF THESE SOCIAL SERVICE ORGANIZATIONS. SECONDLY, ON ITEM NO. 42, WHICH IS THE RONALD McDONALD HOUSE, ABOUT TWO YEARS AGO, THE MONEY WAS ALLOCATED IN THE BUDGET, ONE MILLION FOR A HALFWAY HOUSE, SO TO SPEAK FOR MENTAL HEALTH. THE MENTAL HEALTH CARE TASK FORCE, ADVISORY TO THE HEALTH CARE DISTRICT ON WHICH MAYOR PRO TEM AND I SIT WAS DEVELOPING A PLAN FOR A CONTINUE CUSTOM PLAN FOR MENTAL HEALTH CARE. PART OF IT IS EMERGENCY PSYCHIATRIC CARE. TWO YEARS AGO WE DIDN'T HAVE ANY OF THAT. NOW WE HAVE AT LEAST SOME, THIS IS THE NEXT STEP WHEN A PERSON IS RELEASED FROM EMERGENCY CARE THEY GO TO THIS HALFWAY HOUSE. AN IMPORTANT STEP IN THAT ENTIRE PLAN AND I'M VERY PROUD OF IT AND VERY GLAD TO SEE THAT THE RONALD McDONALD HOUSE BECAME AVAILABLE, IDEALLY LOCATED NEXT TO BRACKENRIDGE HOSPITAL.

THANK YOU, COUNCILMEMBER. FURTHER COMMENTS ON THE CONSENT AGENDA? I WILL JUST SAY ON -- ON A COUPLE OF ITEMS, FIRST ITEM NO. 29, PLEASED TO SEE THAT THESE LARGE SORT OF SERVICE TRUCK BODIES WE'RE BUYING, THINGS LIKE GARBAGE TRUCKS, THESE ARE ALL BIO DIESEL EQUIPPED AS PART OF OUR AUSTIN CLIMATE PROTECTION PLAN. WE HAVE SLOWLY BEGUN TO ADDRESS THE BIG CHALLENGE OF OUR FLEETS WHEN IT COMES TO GREENHOUSE GAS EMISSIONS. AND APPRECIATE THE HARD WORK OF STAFF TO -- TO -- EVEN WHEN IT COMES TO -- TO LARGE PIECES OF EQUIPMENT LIKE THIS, WE ARE TRYING TO FIGURE OUT HOW WE CAN DO THE BEST THING. ITEM NO. -- WELL, ACTUALLY TWO ITEMS FROM COUNCIL. ITEMS NUMBER 38 REGARDS A FILM ORDINANCE, AN ORDINANCE WHEREBY WE THINK WE CAN HELP FILM PRODUCTION IN THIS CITY, BOTH MOVIES, TELEVISION SHOWS, T.V. COMMERCIALS, EVEN MUSIC VIDEOS BY DOING A COUPLE OF THINGS. ONE IS EVERY TIME SOMEBODY WANTS TO USE A CITY FACILITY WE WILL WAIVE THE RENTAL FEE, THERE'S STILL -- IF THERE'S ANY UTILITY CALLS OR SECURITY CALLS, THAT WILL STILL BE PAID THAT WILL WAIVE ALL RENTAL FEES FOR ANY CITY FACILITIES PURSUANT TO SCHEDULING, OF COURSE. AND TO THE EXTENT THAT ANY OF THE -- OF THE EVENTS, T.V. COMMERCIAL, T.V. SERIES, A MOVIE SPENDS MORE THAN A MILLION, THEN WE WILL PROVIDE UP TO TWO POLICE OFFICERS FOR UP TO 15 DAYS TO COORDINATE ALL OF THAT WORK. OFTENTIMES AS FOLKS FILM IN THE CITY, BECAUSE THERE -- THEY ARE AT SO MANY DIFFERENT LOCATIONS MOVING AROUND, IT REALLY DOES SIGNIFICANTLY AID THEM BY HAVING UNIFORMED OFFICERS HELPING THEM. SO WE'RE GOING TO DO THAT ON FILM AND ITEM NO. 47 IS A BIG SOUTH-BY-SOUTHWEST CO-SPONSORSHIP, A COUPLE OF WEEKS AGO WE HAD A PRESS CONFERENCE WHEREBY WE RELEASED THE ECONOMIC IMPACT OF -- OF SOUTH-BY-SOUTHWEST AND IT'S -- IT'S REMARKABLE. IT IS NINE FIGURES ANNUALLY. AND JUST AS IMPORTANTLY AS THAT ECONOMIC PROWESS COURSE, IT REALLY IS SORT OF THE ULTIMATE ANNUAL EVENT THAT WE CAN POINT TO AS WE CONTINUE TO PROMOTE LIVE MUSIC IN THIS TOWN, FOR DESTINATION PURPOSES, BUT ALSO FOR HOME GROWN TALENT. AND THEN TIE VERY MUCH INTO, YOU KNOW, THE CREATIVE INDUSTRIES THAT WE THINK

DISPROPORTIONATELY WILL BE GROWING AUSTIN JOBS OVER THE NEXT -- OVER THE FORESEEABLE FUTURE. TWO REAL IMPORTANT SORT OF CREATIVE INDUSTRY SPONSORSHIPS THAT I'M PROUD TO SEE SO MANY COUNCILMEMBERS STEPPING UP AND WANTING TO SPONSOR AND ULTIMATELY HELP WITH. FURTHER COMMENTS ON THE CONSENT AGENDA? A MOTION AND A SECOND ON THE TABLE. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF -- I'M SORRY, BEFORE I -- BEFORE I CALL FOR THAT VOTE. I DID SEE A COUPLE OF FOLKS HAD SIGNED UP WISHING TO ADDRESS US. I APOLOGIZE. JUST A HANDFUL. LET'S SEE. ON ITEM NO. 4, ALTHOUGH WE'RE PASSING IT, GUS PENA SIGNED UP WISHING TO GIVE US FAVORABLE TESTIMONY. WELCOME, MR. PENA.

GOOD MORNING, MAYOR, COUNCILMEMBERS, GUS PENA, I WANT TO THANK YOU ALL FOR PASSING ITEM NO. 4. IT WAS CLEAR THAT THERE WERE DEVASTATING AND CATASTROPHIC CUTS BY THE UNITED WAY. I'M NOT GOING TO CRITICIZE ANYBODY. I KNOW THAT GOES BEYOND MY WAY OF DOING THINGS. AREBUT AS COUNCILMEMBER LEFFINGWELL DID MENTION APPROPRIATELY. IF YOU COULD LOOK INTO THE OTHER AGENCIES THAT WERE CRITICALLY CUT IN THEIR FUNDING PLEASE HELP THEM, ALSO. LATER ON THIS AFTERNOON AT 1:30 THE COUNTY COMMISSIONER IS GOING TO DO SIMILAR WORK SESSION REGARDING THE IMPACT OF THE RECENT FUNDING CUTS AND SO AGAIN I THANK AND APPLAUD YOU FOR THAT. THE SALVATION ARMY DESERVES MORE, THEIR SOCIAL SERVICE PROVIDERS DESERVE MORE, ALSO. BACK IN DECEMBER COUNCILMEMBER LEFFINGWELL THAT THE ANNOUNCEMENT CAME OUT BY THE UNITED WAY. I THANK YOU FOR YOUR INPUT. I THANK YOU ALL VERY MUCH FOR THAT DECISION. PLEASE CONTINUE TO HELP OUT THE OTHER AGENCIES. THEY ARE IN NEED, ALSO, THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. ON ITEM NO. 5 DEBBIE RUSSELL SIGNED UP WISHING TO GIVE US TESTIMONY. ACTUALLY IN OPPOSITION TO ITEM NO. 5, DEBBIE RUSSELL, WE WILL NOTE HER OPPOSITION FOR THE RECORD. I BELIEVE ITEM NO. 39, IS ELLIOTT JOHNSON, WELCOME, MR. JOHNSON. APOLOGIZE FOR -- FOR ALMOST SKIPPING YOU. I'M ELLIOTT JOHNSON THE CHAIRPERSON OF THE AIA'S RESIDENTIAL COMMITTEE. I'M SPEAKING ON BEHALF OF THE COMMITTEE COMPRISED OF ARCHITECTS, DESIGNERS AND BUILDERS. THE QUESTION WAS FORMED TO ADDRESS ISSUES AND CONCERNS OVER THE ENFORCEMENT OF THE SUBCHAPTER F ORDINANCE. SOME RECE INTERPRETATIONS AND PROPOSED CHANGES OF THE ORDINANCE AND SOME PROPOSED ADDITIONS ABOUT THE DUPLEX LANGUAGE. I WANTED TO LET THE MAYOR AND COUNCILMEMBERS KNOW THAT THE AIA COMMITTEE HAS BEEN WORKING WITH CITY STAFF IN REVIEWING THE ORDINANCE, THE PROPOSED CHANGES TO THE ORDINANCE TO -- TO FACILITATE FUTURE PERMITS AND HOPEFULLY THERE BE REDUCING THE WORKLOAD OF CITY STAFF, REDUCE THE TIME REQUIRED TO GET PERMITS, HOPEFULLY REDUCE THE COST TO HOMEOWNERS AND BUILDERS TO PROVIDE PLANS THAT COMPLY WITH THE ORDINANCE. AS A REPRESENTATIVE I WANTED TO

COMMEND THE STAFF, ESPECIALLY JESSICA KING AND HER STAFF. THEY TOOK TIME OUT OF THEIR BUSY SCHEDULE UP AND BEYOND THE CALL OF DUTY TO HELP EXPLAIN THE PROPOSED CHANGES TO THE COMMITTEE AND THEIR OPENNESS WAS QUITE SPECIALLY WANTS TO OFFER SUPPORT TO STAFF'S RECOMMENDATION FOR HORIZONTAL ARTICULATION. THE -- THE COMMITTEE BELIEVES THAT THAT WILL REDUCE SUBSTANTIALLY SOME OF THE DIFFICULTIES FOR PLAN APPROVAL IN AUSTIN. HOWEVER THE COMMITTEE IS ASKING THAT WE HAVE SOME ADDITIONAL TIME TO REVIEW THOSE CHANGES. FURTHER, THE DUPLEX LANGUAGE IS REALLY WIDE REACHING. AFFECTING DUPLEXES IN THE CITY, NOT JUST IN THE ORDINANCE AREA AND THE COMMITTEE BELIEVES THAT IT'S HUGEY CRITICAL IN DEALING WITH BOTH DENSITY, AFFORDABILITY, LONG-TERM SUSTAINABILITY. IT'S AN IMPORTANT ISSUE THAT DESERVES ADEQUATE TIME AND DISCUSSION. THEREFORE THE AIA IS ASKING RESPECTFULLY THAT AT LEAST IN REFERENCE TO THE DUPLEX LANGUAGE THAT WE BE GIVEN A LITTLE ADDITIONAL TIME TO REVIEW THOSE PROPOSED CHANGES AND WORK WITH STAFF TO COME UP WITH -- WITH REASONAB LANGUAGE. I FEEL CONFIDENT IF WE ARE GIVEN THE EXTRA TIME THAT WE WILL COME UP WITH SOME GOOD LANGUAGE. THANK YOU.

Mayor Wynn: THANK YOU, MR. JOHNSON, FOR YOUR WORK. AND, COUNCIL, ON ITEM NO. 40, MARY ARNOLD IS HERE TO ANSWER QUESTIONS IF WE HAVE IN FAVOR OF THIS ACTION. ITEM NO. 40 IS REGARDING THE UNIVERSITY OF TEXAS BRACKENRIDGE TRACT, A BIG, VERY IMPORTANT STRATEGICALLY LOCATED PIECE OF LAND IN NEAR WEST AUSTIN, ESSENTIALLY THE INTERSECTIONS OF EXPOSITION AND LAKE AUSTIN BOULEVARD. YOU PR KNOW THAT U.T. HAS ISSUED A REQUEST FOR PROPOSALS TO CONSIDER REDEVELOPING ALL OF THAT PROPERTY. A SIGNIFICANT COMPONENT, IF YOU READ THROUGH THEIR R.F.P., IS IDENTIF THAT THE PROPOSERS, THE WRITTEN PROPOSAL, WILL HAVE TO WORK IT MATILY WITH THE CITY OF AUSTIN -- INTIMATELY WITH THE CITY OF AUSTIN, EVERYTHING FROM ENVIRONMENTAL STANDARDS TO PLANNING AND OTHER IMPACTS. SO WHAT THIS ITEM DOES IS -- IS ENCOURAGING THE CITY MANAGER TO GO AHEAD AND START TO PULL TOGETHER A VERY HIGH LEVEL TEAM OF CITY STAFFERS TO BE AVAILABLE FOR U.T. AND/OR THEIR PROPOSERS AS THEY COME FORWARD AS A VERY IMPORTANT PIECE OF PROPERTY IN MANY, MANY WAYS. SO WE WANT TO MAKE SURE THAT -- THAT, YOU KNOW, ALL THE CITY RESOURCES AND PRACTICAL MATTERS WILL BE AVAILABLE FOR THAT TEAM. SO APPRECIATE THE COUNCILMEMBERS WHO BROUGHT THAT FORWARD. COUNCILMEMBER LEFFINGWELL?

Leffingwell: I WOULD ALSO ADD THAT -- THAT THERE'S ALSO DIRECTION TO KEEP THE NEIGHBORHOOD REPRESENTATIVES INVOLVED TO THE EXTENT THAT'S POSSIBLE. THE LIAISON OPERATION WILL KEEP THE CITY COUNCIL INFORMED AND WILL ALSO KEEP THE NEIGHBORHOOD GROUPS THAT LIVE IN THAT AREA INFORMED AS TO THE PLANS TO THE EXTENT THAT THEY CAN BE DISCLOSED.

Mayor Wynn: AGAIN, FURTHER COMMENTS ON THE CONSENT AGENDA? WE HAVE A MOTION

AND SECOND ON THE TABLE. ALL IN FAVOR PLEASE SAY AYE.

OPPOSED. MOTION PASSES ON THE VOTE OF 7-0. THANK YOU ALL VERY MUCH. WE'LL LET THE -- THE CROWD CLEAR MODESTLY. COUNCIL, ITEM NO. 15, AGAIN THE REPOSTING OF AN ITEM FROM LAST WEEK, WE WENT SO LATE INTO THE NIGHT THAT WE TRIED TO SEND FOLKS HOME. ITEM NO. 15 IS REGARDING THE METHODOLOGY SELECTION FOR HOW WE PLAN TO ULTIMATELY CONSTRUCT THE NEW CENTRAL LIBRARY PROJECT. WHAT I THOUGHT I WOULD LIKE TO TRY TO ACCOMPLISH WITH THIS DISCUSSION, JOE, IS, ONE, JUST REMIND PEOPLE OF THE CHOICES THAT WE HAVE AS A CITY. CHOICES THAT ARE VERY DIFFERENT THAN WE EVEN HAD WHEN WE FIRST STARTED CONSTRUCTING CITY HALL. AND OBVIOUSLY STAFF IS MAKING RECOMMENDATIONS AS TO WHAT WOULD BE THAT METHODOLOGY. THEN I THOUGHT THAT WE COULD ALSO USE THIS OPPORTUNITY TO REALLY SORT OF FRAME THE SCALE OF THE PROJECT, WE KNOW THAT THE VOTE APPROVED \$90 MILLION FOR THE PROJECT BUT UNFORTUNATELY THE WAY THE WORLD WORKS. \$90 MILLION. EVEN ADMINISTRATION COSTS. SO I WOULD LIKE TO ALSO EVEN TRY TO FRAME FRANKLY WHAT WE MIGHT HAVE LEFT OVER. UNDERSTANDING THAT PROBABLY THE RISK IS OUR BEST OPPORTUNITY TO -- TO PERHAPS REDUCE THE SOFT COSTS. I REALLY WANT FOLKS IN THIS COMMUNITY TO REMEMBER OR RECOGNIZE THAT MY STRONG SUSPICION IS THAT THE CENTRAL LIBRARY THAT MANY OF US HAVE IN MIND PROBABLY COULDN'T BE BUILT FOR THE NUMBER THAT WE MIGHT HAVE AVAILABLE. I WANT TO ALSO TEE UP AND TALK ABOUT EITHER THE OPPORTUNITIES THAT -- THAT MIGHT EXIST WITH REDEVELOPMENT OF THE GREEN WATER TREATMENT PLANT WHOSE RFP WENT OUT YESTERDAY AND FRANKLY THE CONCEPT OF COMMUNITY AND/OR PARTNERS SEEING AN OPPORTUNITY TO PERHAPS EXPAND WHAT SHOULD BE, I KIND OF -- ALONG CESAR CHAVEZ. I'M JOE RAMOS, ACTING DIRECTOR FOR THE PUBLIC WORKS DEPARTMENT. METHOD OF CONTRACTING FOR THE FACILITY OF -- FOR THE NEW CENTRAL LIBRARY. SUBCHAPTER H OF CHAPTER 271 OF THE TEXAS LOCAL GOVERNMENT CODE ALLOWS MUNICIPALITIES -- TO -- TO CONSIDER DIFFERENT OPTIONS FOR PROJECT DELIVERY. THE OPTIONS THAT WE CONSIDERED HERE FOR CITY PROJECTS ARE COMPETITIVE BIDDING, WHICH IS WHAT WE NORMALLY USE, ALSO REFERRED TO AS -- AS DESIGN BID BUILD. COMPETITIVE SEALED PROPOSAL. THIS -- THE DESIGN BUILD, JOB ORDER CONTRACTING AND CONSTRUCTION MANAGER AT RISK. OTHER THAN COMPETITIVE BIDDING REQUIRES AUTHORIZATION BY THIS GOVERNING BODY. THE FIRST ITEM THAT -- THAT ALL COVERS THE COMPETITIVE BIDDING, THIS IS A STANDARD METHOD OF CONSTRUCTION CONTRACTING WITH THE AWARD TO THE LOWEST RESPONSIBLE BIDDER. THIS IS THE -- THE METHOD THAT WE MOST USE IN OUR PROJECTS. THE THREE PRIME PLAYERS ARE THE CITY, THE ARCHITECT YOU ARCHITECTURE, ENGINEER FIRM, GENERAL CONTRACTOR, THIS IS A LINEAR PHASE WHICH IS DESIGN AND BUILD THE CONSTRUCTION CONTRACT IS AWARDED TO THE LOWEST RESPONSIBLE BIDDER. BEBEST SUITED FOR PROJECTS NOT SUBJECT TO CHANGE AFTER BIDDING. LEAST SUITED FOR COMPLEX PROJECTS THAT ARE SEQUENCE OR SCHEDULE SENSITIVE. AND PROJECTS SUBJECT TO POTENTIAL CHANGE AFTER CONTRACTING. THE ADVANTAGES OF THIS METHODOLOGY IS THAT IT IS AN ESTABLISHING AND FAMILIAR DELIVERY METHOD.

[INDISCERNIBLE] OPEN AND AGGRESSIVE BIDDING. WE HAVE A SINGLE POINT OF RESPONSIBILITY FOR CONSTRUCTION. THERE'S A BALANCE BETWEEN ARCHITECTURE FIRM AND CONTRACTOR, CLEARLY ESTABLISHED M.B.E. W.B.E. PROGRAM REQUIREMENTS PRIOR TO SOLICITATION. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

ALSO SMALL BUSINESS OPPORTUNITIES, CURRENT BIDDING IS A KNOWN PROCESS AND IT'S UNDERSTOOD CLEARLY OUTLINED IN OUR SOLICITATIONS. THE NEXT DELIVERY METHOD --

Mayor Wynn: I MIGHT INTERSECT A LITTLE BIT HERE. VERY LINEAL SEQUENTIAL PROCESS. THE DOWN SIDE, IS THAT -- IS THAT YOU KNOW YOU COULD -- ON A \$90 MILLION CENTRAL LIBRARY PROJECT, YOU COULD SPEND -- YOU KNOW SPEND UPWARDS OF 8 TO \$10 MILLION, ACTUALLY DESIGNING THE -- THE BUILDINGS. THE MILLIONS OF DOLLARS IN CONSTRUCTION DOCUMENTS, THEY ARE DONE, SEALED, STAMPED, YOU HAVE TO FORMALLY BID THEM. THEN IF A CONTRACT WERE TO COME IN, SAY I COULD HAVE SAVED YOU, YOU KNOW, \$6 MILLION BY HAVING -- THIS TYPE OF -- OF MATERIAL STRUCTURE FOR INSTANCE, WELL THEN YOU GET TO GO BACK AND SPEND A LOT OF MONEY TO CHANGE THE CONSTRUCTION DOCUMENTS THAT ARE ALREADY FINALIZED. IT'S A VERY WASTEFUL PROCESS IF YOU WANT TO GO BACK AND MAKE ANY CHANGES WHATSOEVER.

CORRECT. IT'S VERY CUMBERSOME PROCESS. IF WE HAVE TO GO BACK AND REDESIGN OR MAKE ANY MODIFI IT DOES TAKE LONGER TO GO, TO USE THAT PROCESS.

OKAY. THANK YOU.

THE NEXT -- THE NEXT DELIVERY METHOD IS A COMPETITIVE SEALED PROPOSAL. THE SELECTION CAN TAKE FACTORS INTO ACCOUNT IN ADDITION TO PRICE. QUALITY OF SERVICES, THE VENDORS PAST RELATIONSHIP WITH THE CITY OF AUSTIN. THREE PRIME PLAYERS IN THIS DELIVERY METHOD. THE CITY, THE A AND E FIRM AND THE GENERAL CONTRACTOR. AGAIN THIS IS A THREE LINEAR PHASE DESIGN PROPOSED BUILD. CONSTRUCTION CONTRACT IS AWARDED TO THE PROPOSERS OFFERING THE BEST VALUE TO THE ... BEST SUITED PROJECTS THAT ARE NOT SCHEDULED SENSITIVE OR SUBJECT TO CHANGE AFTER BIDDING. LEAD SUITED, COMPLEX PROJECTS THAT ARE SEQUENCE OR SCHEDULE SENSITIVE AND PROJECTS THAT ARE SUBJECT TO POTENTIAL CHANGE. THE DECISION TO UTILIZE THIS DELIVERY METHOD CAN BE MADE AT ANY POI PRIOR TO SOLICITATION. THE EASIEST DELIVERY METHOD FOR THE CITY TO IMPLEMENT. IT ALLOWS CONSTRUCTION CONTRACT AWARD BASED ON BEST VALUE RATHER THAN PRICE ALONE. PROJECT SCOPE IS WELL DEFINED WHEN CONSTRUCTION COST IS ESTABLISHED. IT ALLOWS FOR SCOPE TO BE REDEFINED TO FIT THE BUDGET WITHOUT HAVING THE PREOPEN CONDITIONS ON IT, THE LIMITATIONS ON IT. SINGLE POINT OF CONTACT -- OF RESPONSIBILITY FOR CONSTRUCTION CHECK AND BALANCE BETWEEN THE A AND E AND THE CONTRACTOR, AND PROVIDES BETTER OPPORTUNITIES FOR SMALL BUSINESS PARTICIPATION. SOME OF THE DISADVANTAGES ARE THAT IT'S NOT CONDUCTIVE TO REMODEL OR SMALL RENOVATION PROJECTS. IT IS LINEAR PHASE, WHICH MEANS A



LONGER DELIVERY SCHEDULE. NO DESIGN PHASE ASSISTANCE IS AVAILABLE FROM A CONTRACTOR. PRICES IS NOT ESTABLISHED UNTIL THE DESIGN IS COMPLETE. POTENTIAL ADVERSARIAL RELATIONSHIP WITH THE CITY AGAIN HAVING TO GET INVOLVED BETWEEN THE CONTRACTOR AND THE DESIGN FIRM. RESOURCE COMMITMENTS TO DEVELOP ANY SOLICITATION AND CONTRACT DOCUMENTS, IN OTHER WORDS, WE HAVE TO TRAIN OUR STAFF ON THIS DELIVERY. SMALL BUSINESS OPPORTUNITIES, THE GENERAL CONTRACTOR SELECTION MATRIX CAN INCLUDE EVALUATION CRITERIA. ON THE BASIS OF M AND W.B.E. PARTICIPATION. THE NEXT DELIVERY METHOD THAT I WILL COVER IS DESIGN BUILD. DESIGN AND CONSTRUCTION SERVICES ARE CONTRACTED THROUGH ONE ENTITY, TYPICALLY A PARTNERSHIP BETWEEN A DESIGN FIRM AND A CONTRACTOR. THE TWO PRIME PLAYERS ARE THE CITY AND THE DESIGN BUILD ENTITY. [READING GRAPHIC]

SING GEL POINTS OF LIABILITY FOR DESIGN AND CONSTRUCTION SERVICES. EARLY CONSTRUCTION COST COMMITMENT, REDUCES THE LIKELIHOOD OF DESIGN RELATED CHANGE ORDERS AND CONSTRUCTION DELAYS. SOME OF THE DISADVANTAGES ARE THAT THE RESOURCE COMMITMENTS TO DEVELOP ANY SOLICITATION AND CONTRACT DOCUMENTS. AGAIN WE WOULD HAVE TO TRAIN OUR STAFF SOMETIMES. DELIVERY METHOD MUST BE DECIDED UPON EARLY IN PROJECT DEVELOPMENT. IT IS A COMPLEX METHODOLOGY, MORE CHALLENGING TO MANAGE. POTENTIAL FOR LACK OF DIRECTION BETWEEN THE CITY AND THE A.E. THERE'S A LOSS OF CHECK AND BALANCES BETWEEN THE A.E. AND THE CONTRACTOR SINCE IT IS A -- SINCE IT IS A JOINT VENTURE TYPICALLY. POTENTIAL FOR COST SAVING STRATEGIES, CAN ERODE THE DESIGN AND CONSTRUCTION QUALITY. IN OTHER WORDS WE MAY WANT TO -- WE MAY WANT TO LOWER OUR COSTS BY SACRIFICING SOME OF THE MATERIALS US OR SOME OF THE DESIGN STANDARDS USED. IT REQUIRES A PARTNERING ATTITUDE. M AND W.B.E. REPORTING FOR PROFESSIONAL SERVICES AND CONSTRUCTION IS COMPLEX AND REQUIRES CREATING A NEW PROCESS. SMALL BUSINESS OPPORTUNITIES, THE GENERAL CONTRACTOR SELECTION MATRIX CAN INCLUDE EVALUATION CRITERIA ON THE BASIS OF M AND W.B.E. PARTICIPATION. NOW, WE'VE USED THIS METHODOLOGY ON THE JOINT TRAINING FACILITY OR WE WILL BE USING IT ON THE JOINT TRAINING FACILITY. MUNICIPAL COURT IS ANOTHER ONE THAT'S BEEN APPROVED. IT IS IN THE PROGRAMMING STAGE. WE ALSO HAVE THE -- THE SAM HILL FACILITY FOR AUSTIN ENERGY. USING THIS METHODOLOGY. THE NEXT DELIVERY METHOD IS JOB ORDER CONTRACTING. THIS CONTRACTING METHOD IS FOR -- FOR REPAIR OR RENOVATION OF THE FACILITIES WHERE SPECIFICS OF TASKS ARE UNDEFINED AT SOLICITATION AND PRICING IS DETERMINED USING PREDESCRIB PRICING LISTS. THE THREE MAIN PLAYERS IN THIS METHODOLOGY ARE THE CITY, THE A.E. FIRM AND THE JOB ORDER CONTRACTOR. THE JOB ORDER CONTRACTOR IS RETAINED FOR RECURRING MINOR REPAIR AND RENOVATION WORK ON FACILITIES WITH INDEFINITE DELIVERY TIMES AND QUANTITIES. CONSTRUCTION CONTRACT IS AWARDED TO THE PROPOSER PROVIDING BEST VALUE. THIS IS BEST SUITED FOR SCHEDULE SENSITIVE, MULTI-TRADE, MIN REPAIR, ALTERATION OR RENOVATION PROJECTS SUCH AS THE PARKS PROJECTS. WE ARE ANTICIPATING USING THE -- THIS IS NORMALLY REFERRED TO AS JOCK, LEAST SEATED FOR SINGLE TRADE SIMPLE

PROJECTS. SOME OF THE DISADVANTAGES OF THIS METHODOLOGY ARE THAT THE JOB ORDER CONTRACTOR SERVES -- PARDON ME -- THE CONTRACTOR SERVES AS THE GENERAL CONTRACTOR RESULTING IN A VARIETY OF SUBCONTRACTING OPPORTUNITIES. IT'S A FAST CONSTRUCTION RESPONSE. REDUCED UP FRONT TIME AND COSTS ON INDIVIDUAL PROJECTS. IT IS -- WE ALSO HAVE CHECKS AND BALANCE BETWEEN THE ARCHITECTURE, ENGINEER AND THE CONTRACTOR. SOME OF THE DISADVANTAGES ARE THAT THE -- THAT THE RESOURCE COMMITMENTS TO DEVELOP ANY SOLICITATION AND ALSO REQUIRES ADDITIONAL STAFF TRAINING. EACH JOB ORDER REQUIRES AN M.B.E. W.B.E. COMPLIANCE PLAN THAT NEEDS TO BE APPROVED BY DSMVR. SMALL BUSINESS OPPORTUNITIES, EACH CONSTRUCTION REQUIRES A SOLICITATION OF SMALL MINORITY AND WOMEN OWNED BUSINESSES WITH COMPLIANCE WITH THE M.B.E. W.B.E. ORDINANCE. AS WE GIVE THEM A JOB ASSIGNMENT, THEY -- THEY HAVE THE OPPORTUNITY AT THAT POINT TO SOLICIT M.B.E. W.B.E. AND SMALL BUSINESSES. THANK YOU. THEN WE COME TO THE CONSTRUCTION MANAGER AT RISK, ALSO KNOWN OR REFERRED TO CMR OR CM AT RISK. THE CONSTRUCTION MANAGER IS BROUGHT ON EARLY IN THE DESIGN PROCESS TO ALLOW FOR INTERFACE WITH DESIGN CONSULTANTS. THREE -- THREE PRIME PLAYERS ARE THE CITY, A.E. FIRM AND CONSTRUCTION MANAGER AT RISK. RODE READ[READING GRAPHIC] SOME OF THE ADVANTAGES ARE THAT IT PROVIDES FOR A FASTER DELIVERY SCHEDULE AS WE STATED. YOU CAN START CONSTRUCTION ON THE PROJECT WHILE IT'S STILL UNDER DESIGN. IT HELPS BUILD AN INTEGRATED PROJECT AND DIFFUSE ADVERSARIAL TENDENCIES DURING THE DESIGN PHASE. YOU GET THE BUILDER ASSISTANCE AND EXPERTISE, IN OTHER WORDS THE BUILDER CAN PROVIDE US AS WE'RE GOING THROUGH DESIGN EFFORTS, THE BUILDER CAN PROVIDE US WITH -- WITH HIS EXPERTISE AND GUIDANCE SO THAT -- SO THAT IT ALLOWS FOR A QUICKER DESIGN AND TAKING INTO ACCOUNT THE PARAMETERS THAT THE CITY CONVEYS AND MAKES SURE THAT THOSE ARE -- THOSE ARE TAKEN INTO ACCOUNT IN A REALISTIC WAY SO THAT THE CONTRACTOR CAN ACTUALLY GO FORWARD AND BUILD A -- THE FACILITY AS WE LIKE. YOU GET COMPETITIVE BIDDING ... SINGLE RESPONSIBILITY FOR CONSTRUCTION AND CHECK AND BALANCE BETWEEN THE A.E. AND CONTRACTOR. SOME OF THE DISADVANTAGES ARE AGAIN THE RESOURCE COMMITMENTS TO DEVELOP A NEW SOLICITATION AND CONTRACT DOCUMENTS. CITY NEEDS, EXPERIENCE, EVALUATING THE GUARANTEED MAXIMUM PRICE. THAT'S ONE THING THAT I DIDN'T COVER BEFORE IS THAT WE WILL GET A -- AN EARLY COMMITMENT AS TO THE GUARANTEED MAXIMUM PRICE. WE WILL HAVE AN AMOUNT THAT THE PROJECT WILL -- WILL BE CONTAINED TO. SO -- SO LET'S SAY FOR EXAMPLE IN THIS PROJECT, \$90 MILLION FOR ALL COSTS FOR CONSTRUCTION AND SOFT COSTS. AND THE SCOPE IS NOT CLEARLY DEFINED IF SELECTION OCCURS DURING THE DESIGN PROCESS. AS FAR AS SMALL BUSINESS OPPORTUNITIES, THE GENERAL CONTRACTOR SELECTION MATRIX CAN INCLUDE EVALUATION CRITERIA ON THE BASIS OF M AND W.B.E. PARTICIPATION. AND THE OPENERS AT THE TABLE -- OWNERS AT THE TABLE NEGOTIATING CONSTRUCTION CONTRACT PROJECTS WITHIN THE GUARANTEED MAXIMUM PRICE. PROJECTS THAT HAVE USED THIS DELIVERY METHOD ARE THE -- THE CITY HALL, CITY HALL WAS ACTUALLY BUILT AT RISK AND IT'S BEEN APPROVED ON THE MATERIAL RECYCLING FACILITY AND AUSTIN

ENERGY CONTROL CENTER. AT THIS TIME, WE ARE RECOMMENDING AFTER CONSULTATION WITH THE LIBRARY STAFF, WE ARE RECOMMENDING CONSTRUCTION MANAGER AT RISK AS A DELIVERY METHOD FOR THE CENTRAL LIBRARY. I CAN TRY TO ASK -- ANSWER ANY QUESTIONS AT THIS POINT.

Mayor Wynn: THANK YOU, JOE. IS -- IS THERE A WAY THAT YOU COULD PERHAPS SUMMARIZE -- YOU MAY HAVE TOUCHED ON PIECES OF THIS. IT SEEMS TO ME WITH -- WITH WHAT I'M JUST -- YOU KNOW, PESSIMISTIC -- ACTUALLY I THINK THIS IS A BIG OPPORTUNITY ABOUT THE TOTAL COST. I THINK -- WHAT WE'RE GOING TO WANT IS AS BIG AND NICE OF A CENTRAL LIBRARY AS POSSIBLE. CAN YOU CHARACTERIZE ONE OF THE METHODOLOGIES OR RANK THEM SORT OF BASED ON WHAT -- WHAT MY INSTINCT IS IF WE CAN HAVE A METHODOLOGY THAT REDUCES WHAT I CALL THE SOFT COSTS, SORT OF THAT COORDINATED EFFORT BETWEEN ARCHITECTS, ENGINEERS AND EVEN THE CONTRACTOR INITIALLY IN SUCH A WAY THAT ESSENTIALLY WHAT MONEY IS LEFT OVER FOR THE -- MORE MONEY IS LEFT OVER FOR THE ACTUAL STICKS AND BRICKS, HOW WOULD YOU HELP US RANK THESE --

I THINK MAYBE WHAT YOU'RE ASKING IS WOULD WE WANT A METHODOLOGY THAT GIVES US OR ALLOWS THE MOST FUNDS TO BE AVAILABLE FOR THE HARD CONSTRUCTION AND THE LOWEST PERCENTAGE OF SOFT COSTS. IN OUR DISCUSSIONS, BETWEEN OUR STAFF AND THE LIBRARY STAFF, WE FEEL THAT [INDISCERNIBLE] RISK WOULD MAXIMIZE THE AMOUNT OF FUNDS AVAILABLE FOR THE ACTUAL HARD CONSTRUCTION. WE WON'T KNOW HOW THAT PLAYS OUT EXACTLY UNTIL WE GO THROUGH THE PROCESS AND WE GO THROUGH ALL OF THE PROGRAMMING THAT'S NECESSARY TO DETERMINE, YOU KNOW, EXACTLY WHAT IT IS THAT WE CAN AFFORD AND WHAT WE WANT IN THE BUILDING. THAT -- AS THAT EFFORT GOES ON, THAT DEVELOPS. AT THIS TIME I THINK WHAT WE HAVE -- OUR EARLY ESTIMATES ARE SHOWING THAT WE ARE LOOKING AT APPROXIMATELY 64, 65 MILLION IN ACTUAL HARD DOLLARS FOR CONSTRUCTION. I BELIEVE THAT'S PERHAPS THE NUMBER THAT YOU WERE TRYING TO GET AT. OF COURSE THAT NUMBER CAN BE A LITTLE HIGHER, A LITTLE LOWER, DEPENDING ON HOW THE PROJECT DEVELOPS. BUT AT THIS TIME PRELIMINARY ANYWAY WE ARE LOOKING AT THAT BALLPARK.

SO -- SO DO WE, BASED ON THAT DO WE HAVE SORT OF A RAW TESTMENT AS TO THE TOTAL SQUARE FOOTAGE THAT THAT PROVIDES US?

WELL, WE'RE LOOKING AT APPROXIMATELY 250,000 SQUARE FEET. APPROXIMATELY 120,000 OF THAT IS FOR LIBRARY SPACE. 50,000 FOR LIBRARY ADMINISTRATION. AND 80,000 FOR ADDITIONAL GROWTH POTENTIAL.

Mayor Wynn: IN ADDITION TO THE 250 THIS SORT OF EXPANSION POTENTIAL OR WITHIN THE SHELL OF 250.

WITHIN THE BUILDING ITSELF. OF THAT, THOUGH, THE 80,000 SQUARE FEET WOULD BE

UNFINISHED. FOR A -- TO ALLOW FOR FUTURE GROWTH. THAT WOULD NOT BE FINISHED OUT.

Mayor Wynn: I DON'T KNOW IF ANYBODY ELSE HAS MORE QUESTIONS OF JOE. I ACTUALLY HAVE A HANDFUL OF QUESTION NOW FOR SORT OF OUR FINANCING SCHEDULE AND DELIVERY SCHEDULE. IT SEEMS TO ME THE FACT THAT WE -- YOU KNOW, WE WALK THROUGH THIS EXERCISE IN FORCED TRADEOFFS, TALKING ABOUT OUR BOND PACKAGE, FINDING THAT BALANCE OF ALL OF THE DIFFERENT NEEDS IN THE COMMUNITY, THERE WAS WHAT I PERCEIVED TO BE THE -- THE CONVENTIONAL ACCEPTANCE THAT THE CENTRAL LIBRARY WOULD BE RELATIVELY LATER IN THE -- IN THE --

THAT'S CORRECT, WITHIN THE LIFE OF THE BOND WE ARE PROJECTING IT TO BE TOWARDS THE -- THE LATER YEARS OF THE BOND LIFE I THINK. I THINK FOURTH, FIFTH YEAR CONSTRUCTION.

BASED ON THAT, THOUGH, WE START SPENDING, YOU KNOW, REAL DOLLARS, YOU KNOW, A COUPLE OF THREE YEARS IN ADVANCE OF THAT. SOME OF THE WORK REALLY STARTS HAPPENING. IS THERE A SCHEDULE OR PROPOSED ESTIMATE AS TO WHICH YEARS WE START DRAWING DOWN, HOW MUCH OF THAT MONEY MONEY?

I DO KNOW THAT WE WORK CLOSELY WITH THE BUDGET OFFICE. THEY PRETTY MUCH GIVE US AN IDEA OF HOW MUCH WE CAN -- HOW MUCH BOND -- BOND FUNDS CAN BE RELEASED. WE WORK WITH THEM. THEY GIVE US AN IDEA OF COURSE WHICH IS THE SCHEDULE THAT YOU HAVE, YOU HAVE TO MAINTAIN THIS. WE ONLY HAVE THIS MUCH MONEY, WE HAVE TO WEIGH THAT AGAINST ALL OF THE OTHER BOND PROJECTS THAT WE HAVE. SOME OF THOSE MAY FALL BEHIND, WE MAY BE ABLE TO ACCELERATE OTHERS. WE ARE CONSTANTLY GOING BACK AND CONSIDERING THE ENTIRE BOND FROM THE BUDGET OFFICE, THAT EFFORT IS AN ONGOING EFFORT. WE MEET PRETTY MUCH QUARTERLY TO ASSESS WHERE ALL OF T BONDS ARE. WHICH ONE CANS -- WHICH ONES CAN BE ACCELERATED WHICH ONES DELAY. SOME DELAYED FOR OTHER REASONS BEYOND OUR CONTROL. THAT ALLOWS US TO LOOK AT SOME OF THE OTHER PROJECTS THAT WE ANTICIPATED CONSTRUCTING LATER ON IN THE LIFE OF THE BOND AND MOVE THEM TO ALLOW FOR SOME OF THE THINGS THAT -- TO CLEAR UP.

THANK YOU, ALSO, THE REPORTS AND INTERNAL LOGISTICS NOW. SAY TODAY WE CHOOSE THE METHODOLOGY. -- SEE AT RISK. THEN -- THEN WHAT HAPPENS NEXT? WHAT'S THE NEXT -- WHAT'S THE NEXT -- WHAT'S THE NEXT STEP? DO WE THEN -- AT SOME POINT FIGURE OUT THE -- THE FORMAT FOR US TO CHOOSE THE -- THE -- THE A AROUND E TEAM.

YES, SIR.

ONE OF THE ITEMS WAS EXACTLY THE METHODOLOGY TO CHOOSING THE DESIGN TEAM.

THE MARCH 20th AGENDA, THAT'S THE NEXT STEP.

Mayor Wynn: IN THEORY YOU SORT OF CHOOSE YOUR A AND E TEAM ABOUT THE SAME TIME. SEEING AT RISK IS -- ENDS UP BEING -- AN RFQ TYPE -- TYPE OF THING? CHANGES CHANGE [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

AND WHICH COUNCIL HAS THE ABILITY TO INTERACT WITH THE FIRMS THAT ARE PROPOSING.

Mayor Wynn: SO IS THE PHILOSOPHY THAT WE CHOOSE THE CM FIRST AND THEN THE A AND E TEAM OR VICE VERSA.

IDEALLY WE WOULD LIKE THEM TO GO TOGETHER SINCE THEY'LL NUMBER THE EFFORT TOGETHER AS THE DESIGN -- WHAT WE WOULD LIKE IS A DESIGN FIRM TO BE GETTING INPUT FROM THE CM AT RISK AS THEY'RE GOING THROUGH THEIR DESIGN. WE WOULDN'T WANT THE DESIGN TO GET SO FAR OUT, THEN THE CM AT RISK COME IN AND SAY, WELL, THIS WOULD REALLY WORK BETTER THIS OTHER WAY. WE WANT THAT INTERACTION TO HAPPEN CONCURRENTLY AND THEM TO GIVE US THAT FEEDBACK AS WE'RE GOING. SO OUR PREFERENCE WOULD BE THAT THEY RUN TOGETHER ACTUALLY.

Mayor Wynn: SO AT LEAST FROM A TEAM STRUCTURE STANDPOINT, THE DIFFERENCE BETWEEN DESIGN-BUILD, WHICH IS USED FREQUENTLY BY US AND OTHER PEOPLE AND CM AT RISK, IS WE ESSENTIALLY ARE MARRYING THE CONSTRUCTION MANAGER WITH THE A AND E TEAM THAT WE WANT TO CHOOSE VERSUS LETTING THE UNIVERSE OF THOSE TWO TYPES --

COME TOGETHER.

Mayor Wynn: -- COME TOGETHER.

AND THEN COME TO US.

Mayor Wynn: CORRECT. SO IN MANY WAYS THIS GIVE US IN SOME WAYS PERHAPS MORE DISCUSSION, MORE DIRECTION ARCHITECTURALLY. WE CHOOSE THE ARCHITECT --

RIGHT. AND WE'RE ACTUALLY AT THE TABLE AS THE DESIGN TEAM AND THE CM AT RISK ARE DISCUSSING THE ELEMENTS OF THE PROJECT. THE CITY IS THERE AT THE TABLE AS WELL HAVING ACTIVE INPUT. SO IT IS VERY MUCH A COLLABORATIVE APPROACH TO TAKE.

Mayor Wynn: YET AT THE SAME TIME IT STILL RESERVES WHAT I WOULD CALL THAT GOOD SORT OF --

FLEXIBILITY?

Mayor Wynn: THERE'S THE BALANCE OF POWERS OR THE ABILITY TO --

WE HAVE TO HAVE ALL OUR DESIRES UP FRONT. WE HAVE TO GO THROUGH PROGRAMMING, PRETTY MUCH MAKE UP -- COME UP WITH THE PARAMETERS THAT WE WANT AND IT'S VERY DIFFICULT -- AND THEN GIVE THOSE TO THE DESIGN-BUILD FIRM SO THEY CAN GO FORWARD AND DESIGN AND CONSTRUCT THE PROJECT. IT'S VERY DIFFICULT TO COME UP WITH CHANGES AFTER THEY'VE ALREADY ORDERED MATERIAL AND HAVING IT DELIVERED, HAVE THE SCHEDULE FOR DELIVERY IN THE CM AT RISK, THAT DYNAMIC IS THAT THE CONTRACTOR OF THE CITY AND THE DESIGN FIRM ARE THERE TOGETHER COLLABORATIVELY THRIEG TO COME UP WITH -- IF THERE ARE CHANGES WANTED OR REQUIRED, WE CAN DO THAT TOGETHER AT THE TABLE.

Mayor Wynn: I'M SORRY TO BELABOR THIS, BUT WE HAVE THE ARCHITECTURAL PIECE AND SAY THE CM AT RISK AS OUR METHODOLOGY. REALISTICALLY WHEN WOULD THOSE FINAL CHOICES COME TO COUNCIL. WHEN WOULD WE CHOOSE BOTH THE A AND E TEAM AND THE CM AT RISK?

TYPICALLY IT'S WITHIN SEVERAL MONTHS. WE RUN IT THROUGH OUR OWN PROCESS AND IT NEEDS TO GO THROUGH ALL THE McNATIONS. FIVE, SIX MONTHS?

Mayor Wynn: MAYOR PERHAPS WE DECLARE IN THE SPRING AND THEN THE FALL --

I WOULD SAY THAT'S THE APPROXIMATE TIME LINE, YES, UNLESS WE GET SOME GLITCHES HERE AND THERE.

Mayor Wynn: AND ONCE THAT HAS OCCURRED -- WHAT I'M TRYING TO GET TO IS I RG THINK THAT THIS COMMUNITY -- WE'RE GOING TO REMEMBER AND RECOGNIZE IT WAS AN EXERCISE AND WE ULTIMATELY CAME UP WITH THAT COMPROMISE 90-MILLION-DOLLAR NUMBER, BUT WHEN YOU LOOK AT THE BACKBACKUP THAT SHOWED SOME OF OUR PEER CITIES. AND WE KNEW THAT AT THE TIME. THE CENTRAL LIBRARY ADVOCATES WANTED FRANKLY MORE MONEY BECAUSE IF YOU LOOK AT THE CENTRAL LIBRARIES BUILT IN SAN DIEGO, SAN FRANCISCO AND SEATTLE RECENTLY, THEY'RE ALL WELL IN EXCESS OF 300,000 SQUARE FEET AND ALL COST 150 TO \$190 MILLION. SO WHAT I'M ALSO TRYING TO GET TO IS TO MAKE SURE THAT WE GET TO SOME WINDOW OF TIME WHERE WE GET A HADA REKNOWNED TEAM TOGETHER BOTH FROM A PROJECTION MANAGEMENT STANDPOINT, BUT REALLY FOR A LOT OF PEOPLE, THE ARCHITECTURAL TEAM, THE AESTHETIC TEAM, AND BEFORE THEY REALLY START SPENDING OUR MONEY PUTTING LINES ON PAPER AND MAKING COMPROMISE DECISIONS ABOUT MATERIALS AND OTHER PIECES OF THE PUZZLE IS THAT THERE'S THIS OPPORTUNITY PERHAPS FOR SOME TYPE OF SYNERGY EITHER WITH THE PROPOSING TEAM AT GREEN OR MAYBE FRANKLY MORE THAN LIKELY, MORE TRADITIONALLY, THE PHILANTHROPIC COMMUNITY TO EXPAND THE SCOPE MEASURABLY

OF THAT BUILDING. SO I WOULD HATE TO SEE US IN A SENSE SPEND SEVERAL MILLIONS OF OUR SOFT DOLLARS, IF YOU WILL, MAYBE \$10 MILLION OF IT, COMING TOGETHER WITH A PRETTY SIGNIFICANTLY DEVELOPED DESIGN AND PLAN, AND BY THEN THAT'S GOING TO BE FOUR YEARS FROM NOW, THREE YEARS FROM NOW RINGS SOMETHING LIKE THAT.

IF THE COUNCIL DESIRES, YOU CAN GIVE US DIRECTION TO HAVE SOME INTERIM STEPS IN THERE TO ALLOW FOR THAT INPUT OR BACK AND FORTH. I THINK WE CAN ACCOMMODATE THAT. WE CAN WRITE THAT INTO THE PROPOSAL SOMEHOW.

Mayor Wynn: I GUESS I'M VOLUNTEERING AT SOME POINT THERE'S GOING TO NEED TO BE A LITTLE MORE PUBLIC VETTING AS AN OPPORTUNITY, AS ALMOST A VENUE OR ARENA FOR US SO SOLICIT, IF YOU WILL, INTERESTED PARTNERS WHO VERY WELL MAY LOVE NOTHING MORE THAN TO SEE AUSTIN PUBLIC CENTRAL LIBRARY BE WHAT IT COULD AND SHOULD BE. SO I'D HATE TO HAVE US SPEND A BUNCH OF MONEY AND THEN HAVE SOMEBODY COME FORWARD AND SAY, WELL, HERE'S THIS VERY LARGE PHILANTHROPIC GIFT TO EXPAND THE SCOPE OF YOUR PROJECT HERE, AND MEANWHILE WE'VE SPENT SIX, EIGHT, \$10 MILLION VIRTUALLY HAVING THE THING DESIGNED AND THEN HAVE TO SCRAP SOME OF THAT TO TAKE ADVANTAGE OF SOMEBODY'S PHILANTHROPY. SO I WANT TO THINK THROUGH WHAT MIGHT BE THE SEQUENCE, WHEN ARE SOME OF THE DROP DEAD DATES BEFORE WE REALLY HAVE A BUNCH OF PUBLIC DOLLARS SPENT AND HAVE DESIGNED AND SIGHTED AND PLANNED THAT STRUCTURE.

MAYOR AND COUNCIL, RUDY GARZA, ASSISTANT CITY MANAGER. WE'VE ALWAYS ENVISIONED AS PART OF THE FACT THEY WANT. SO EVEN IF WE COME BACK AND FOUR OR FIVE MONTHS FROM NOW WITH RECOMMENDATION FOR DESIGN TEAM, AFTER THAT POINT PART OF THE DIRECTION AND INSTRUCTION THAT WE'LL PROVIDE TO THE DESIGN TEAM IS WE NEED A FORMAT FOR WHAT ARE WE LOOKING AT, WHAT DO YOU WANT? I WOULD SUSPECT WE HAVE A COUPLE OF MONTHS AFTER THE DATE THAT WE AWARD A CONTRACT. AND COUNCIL COULD ALSO DIRECT US ON WHAT KIND OF -- WHAT THE FORMAT WOULD LOOK LIKE.

Mayor Wynn: PERHAPS THEN IF WE'RE STILL SCHEDULED TO HAVE -- TALK ABOUT THE SEQUENCE WHEREBY WE CHOOSE THE ARCHITECTURE TEAM ON THE 20TH OR WHENEVER THAT MIGHT BE, IF WE ALSO MAY PREPARE AN ESTIMATED TIME LINE AS TO WHEN SOME OF THESE EVENTS OCCUR. THE ACTUAL CONTRACTING WITH THE ARCHITECT AND THE CM AT RISK. REALISTICALLY HERE'S THE YEAR OR MORE. PERHAPS IF THEY'RE SCHEMATICALLY AND THEN DEVELOPING THEIR DESIGN. SO HERE ARE SOME TARGET DATES THAT WE CAN GET PREPARED FOR AS A COMMUNITY TO NOT MISS AN OPPORTUNITY TO EXPLORE THE SCOPE OF THAT STRUCTURE.

THAT'S SOMETHING WE CAN WORK ON. WE'VE ALWAYS ENVISIONED THE DESIGN PROCESS WOULD BE APPROXIMATELY A TWO-YEAR PROCESS. ANYWAY, SO WE CAN JUST BREAK

THAT DOWN INTO SPECIFIC TIME LINES.

Mayor Wynn: FURTHER QUESTIONS OR COMMENCE, COUNCIL?

I WANT TO MAKE SURE THAT I UNDERSTAND. I HEAR THE RESPONSE THAT YOU'RE GETTING. I GUESS I'M A LITTLE CONCERNED THAT WE ACTUALLY GET TO THE DESIGN PHASE BEFORE THERE'S BEEN THE OPPORTUNITY FOR THE KIND OF CONVERSATION THAT I HEAR YOU SUGGESTING. SO I THINK THE IDEA OF PUTTING TOGETHER SOME SORT OF A SCHEDULE THAT IDENTIFIES THE MAJOR MILESTONES IN THIS PROJECT IS REALLY IMPORTANT. AND ONCE YOU'VE SEEN THAT, I SUSPECT THAT WILL POSITION YOU BETTER TO KNOW WHERE HOPEFULLY THAT CONVERSATION WILL OCCUR. AND I THINK IDEALLY SOMETIME BEFORE THE ACTUAL DESIGN PROCESS STARTS BECAUSE ONCE YOU'RE IN IT, YOU'RE IN IT. AND I GUESS I'D LIKE TO SEE THE CONVERSATION OCCUR BEFORE THAT.

Mayor Wynn: AGREED.

I THINK WHEN WE BRING THE DESIGN ITEM BEFORE COUNCIL WE CAN PROVIDE THAT INFORMATION. WE'LL DEVELOP A SCHEDULE OF SOME TYPE WITH THOSE THRESHOLDS INCLUDED IN THERE.

Mayor Wynn: GOOD. FURTHER QUESTIONS FOR STAFF? COMMENTS? WANT TO GIVE THEM A CHANCE TO HAVE AN OPPORTUNITY, ASK QUESTIONS AND TO MAKE SURE THAT THE PROPOSERS ARE LISTENING TO THEIR INTERESTS AS WELL AS TO THE DESIGN AND WHAT THE USES WOULD BE IN THE LIBRARY.

WE'LL INCLUDE THAT AS WELL.

Kim: THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? SO TECHNICALLY WE'RE POSTED -- THE STAFF RECOMMENDATION IS CHOOSING CONSTRUCTION MANAGER AT RISK AS THE METS DOLG FOR THE CENTRAL LIBRARY. YES, SIR? I WILL ENTERTAIN THAT MOTION. MOTION BY MAYOR PRO TEM THAT I'LL SEC. SECOND. DIRECTING STAFF TO BEGIN THE FAR MOTT FOR CM AT RISK FOR THE CENTRAL LIBRARY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU, JOE. COUNCIL, I THINK -- LET'S SEE. SO I'M SORRY, IT TAKE US TO OUR MORNING BRIEFING. THIS IS OUR REPORT BACK PRESENTATION AND UPDATE ON THE PROCEDURES REGARDING THE CITYWIDE SOLICITATION SURVEY. IT LOOKS LIKE I'LL WELCOME MR. DAVID LAURIE.

THANK YOU, MAYOR. GOOD MORNING, COUNCILMEMBERS. DAVID LEISURERY, DIRECTOR OF HEALTH AND HUMAN SERVICES. WHAT WE'D LIKE TO DO THIS MORNING IS UPDATE YOU IN TERMS OF THE PLANNING WE'VE BEEN DOING RELATIVELY TO A SURVEY THAT'S



ASSOCIATED WITH ROADSIDE SOLICITATION. AND MOST IMPORTANTLY PROVIDE A VENUE TO HEAR FROM YOU TO MAKE SURE THAT WE'RE COLLECTING THE TYPE OF INFORMATION THAT WILL OFFER YOU THE OPPORTUNITY TO HAVE AN INFORMED DIALOGUE ABOUT THIS PARTICULAR ISSUE. YOU'LL RECALL WHEN WE DISCUSS IT HAD BACK IN DECEMBER THERE WERE A LOT OF COMMENTS ABOUT PERCEPTIONS AND ASSUMPTIONS RELATED TO INDIVIDUALS WHO ARE SOLICITING ON THE ROADSIDE. AND YOU ASKED THAT WE DEVELOP A PLAN AND COME BACK TO YOU WITHIN 90 DAYS WITH THAT PLAN IN TERMS OF HOW WE CAN GATHER MORE SPECIFIC INFORMATION TO EITHER CONFIRM THOSE ASSUMPTIONS OR PERHAPS FIND THAT THERE ARE IN FACT OTHER FACTS ASSOCIATED WITH THIS ISSUE. WE'VE BEEN WORKING CLOSELY WITH THE AUSTIN POLICE DEPARTMENT. I WANT TO ACKNOWLEDGE OUR ASSISTANT DIRECTOR FOR HUMAN SERVICES AND HIS STAFF WHO HAVE BEEN WORKING ON THAT PROJECT AND HELPED FORELATE THIS PRESENTATION. AND ALSO FROM THE AUSTIN POLICE DEPARTMENT, ASSISTANT CHIEF PATTY ROBINSON, COMMANDER SHAUN MANNIX AND SERGEANT FEFELICIA WILLIAM. WHAT WE'RE GOING TO DO TODAY IS SHARE WITH YOU THE SURVEY, THE RESPONSIBILITIES, THE TIME LINE WE WILL USE AS WE GO FORWARD, SOME PRELIMINARY INFORMATION REGARDING THE SURVEY INFORMATION ITSELF, AND A COST ESTIMATE FOR THIS PROJECT. AND THE TWO SIMPLE AREAS OF FOCUS ARE BASICALLY WHO IS SOLICITING AND WHY, WHAT ARE THE REASONS FOR THAT ACTIVITY. IN TERM OF THE PARTNERSHIP AND ROLES AND RESPONSIBILITIES, THE AUSTIN POLICE DEPARTMENT WILL BE ASSISTING US IN TERM OF IDENTIFYING LOCATIONS WHERE ROADSIDE SOLICITATION IS OCCURRING, TIME OF DAY PERHAPS WHERE THAT IS MOST FREQUENT SO WE CAN TARGET OUR RESOURCES, ASSISTING WITH THE OVERALL LOW JUST TICKS AND PLANNING AND WE'LL BE WORKING WITH THE DISTRICT REPRESENTATIVES TO SUPPORT THIS PROCESS. OUR DEPARTMENT, HEALTH AND HUMAN SERVICES, IS GOING TO BE WORKING WITH STAKEHOLDER GROUPS AND PLANNING GROUPS. WE'RE GOING TO BE -- WE'RE ALREADY IN THE PROCESS OF SECURING TECHNICAL ASSISTANCE THROUGH A PROPOSED INTERLOCAL THAT WE WILL BRING BACK TO YOU FOR CONSIDERATION WITH UNIVERSITY OF TEXAS SCHOOL OF PUBLIC HEALTH AND L.B.J. SCHOOL. AND WE WILL ALSO BE HELPING WITH THE ANALYSIS. THAT TECHNICAL SUPPORT FROM THE UNIVERSITY OF TEXAS WILL FOCUS ON DESIGNING THE SURVEY METHODOLOGY, THE ACTUAL INSTRUMENT OR QUESTIONNAIRE THAT WE WOULD BE USING, PROVIDING TRAINING FOR INTERVIEWERS. WE WOULD PROBABLY BE USING STUDENTS FOR THIS PROCESS, ASSISTING US WITH THE PROCESS ITSELF, ANALYZING THE DATA AND PREPARING A REPORT FOR YOUR REVIEW. THE TIME LINE WE'RE PROPOSING, THIS MONTH WE ARE, AS I SAID, DEVELOPING THE AGREEMENT WITH THE UNIVERSITY OF TEXAS WHICH WE HOPE TO HAVE BACK TO YOU IN THE FORM OF AN INTERLOCAL PROBABLY IN EARLY APRIL. WE ARE ALREADY INITIATING MEETINGS WITH STAKEHOLDER GROUPS, HOMELESS ADVOCATES, OTHER BASIC NEEDS ASSOCIATED STAKEHOLDERS AND INTEREST GROUP. WE'LL BE FINALIZING THE SURVEY INSTRUMENT AND LOOKING AT POTENTIAL LOCATION IN APRIL. THEN FROM APRIL TO MAY, RECRUITING THE INTERVIEWERS, DESIGNING OUR DATABASE AND REACHING OUT TO THE COMMUNITY WITH THIS EFFORT. AND THEN IN THE MONTH OF JUNE WOULD ACTUALLY BE THE SURVEY

PERIOD AND WE'RE GOING TO DO THIS DISTRICT BY DISTRICT. JULY TO AUGUST THEN ANALYZING THE INFORMATION AND PROVIDE YOU WITH A REPORT IN AUGUST FOR YOUR REVIEW. IN TERMS OF THE SURVEY CONTENT -- AND WE'VE ALSO INCLUDED -- YOU SHOULD HAVE IN YOUR BACKUP MATERIAL TODAY A TWO-SIDED ONE PAGE DOCUMENT TITLED SOLICITATION SURVEY, EXAMPLES OF INFORMATION TO GATHER. SO YOU CAN KIND OF SEE AT LEAST INITIALLY THE DIALOGUE WE'VE BEEN HAVING WITH THE VARIOUS STAKEHOLDERS ABOUT SOME OF THE ELEMENTS THAT MIGHT BE INCLUDED IN THIS SURVEY. AND JUST TO BRIEFLY SUMMARIZE, THAT INCLUDES ELEMENTS SUCH AS DEMOGRAPHIC INFORMATION, FAMILY INFORMATION, THE LIVING SITUATION, REASONS FOR SOLICITATION, THE DURATION OR FREQUENCY OF PANHANDLING, EDUCATION, OCCUPATION, OTHER INFORMATION ASSOCIATED WITH ACCESS TO HEALTH AND MENTAL HEALTH SERVICES, AND INFORMATION RELATED TO BARRIERS TO ACCESSING JOBS, HOUSING, BASIC NEEDS SUPPORT. SO THAT'S JUST SORT OF PRELIMINARY OVERVIEW. WE WOULD LOOK FORWARD TO RECEIVING YOUR INPUT AND FEEDBACK. OUR OTHER INTENTION IS THAT WHEN WE HAVE A DRAFT OF THE ACTUAL SURVEY TOOL ITSELF, WE WANT TO SEND THAT TO YOU SO YOU CAN PROVIDE US ANY FEEDBACK OR ADDITIONAL INFORMATION YOU'D LIKE TO SUGGEST IN TERMS OF THE SURVEY. AGAIN, WE WANT TO BE SURE THAT WE'RE COLLECTING THE KIND OF INFORMATION THAT YOU FEEL IS MOST IMPORTANT AS YOU'RE DELIBERATING REGARDING THE CHALLENGES ASSOCIATED WITH ROADSIDE SOLICITATION. AND I SHOULD EMPHASIZE, BECAUSE THE IMPETUS FOR THIS WAS REALLY A PUBLIC SAFETY ISSUE REGARDING THE ROADSIDE, AT LEAST AT THIS POINT OUR INTENTION IS TO FOCUS THIS SURVEY SPECIFIC TO ROADSIDE SOLICITATION OR PANHANDLING. THE COST ESTIMATE, AS YOU CAN SEE HERE, TOTALS ABOUT \$48,000, AND THIS WOULD BE A SHARED COST BETWEEN THE HEALTH DEPARTMENT AND THE POLICE DEPARTMENT AND AGAIN INCLUDES THE CONTRACT WITH THE UNIVERSITY OF TEXAS TO HELP US WITH THE TECHNICAL ASSISTANCE AND ALSO SOME INCENTIVES THAT WOULD BE PROVIDED TO PEOPLE WHO CHOOSE TO PARTICIPATE IN THE SURVEY. IN TERMS OF NEXT STEPS, FOCUSING ON YOUR FEEDBACK. AS I SAID EARLIER. AND WE SHOULD BE BACK TO YOU IN EARLY APRIL WITH THE INTERLOCAL WITH THE UNIVERSITY OF TEXAS FOR YOUR CONSIDERATION. MAYOR, THAT CONCLUDES MY PRESENTATION. THANK YOU.

Mayor Wynn: THANK YOU. QUESTIONS FOR DAVID? COUNCILMEMBER COUNCILMEMBER LEFFINGWELL.

Kim: THIS IS MORE OF A QUESTION FOR --

Mayor Wynn: I'M.

Leffingwell: I BELIEVE I HAD THE FLOOR.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL, THEN COUNCILMEMBER KIM.

Leffingwell: WHO WILL BE CONDUCTING THE INTERVIEWS?

THESE WILL BE COORDINATED BUT THE UNIVERSITY OF TEXAS SCHOOL OF SOCIAL WORK. AND WE ANTICIPATE, COUNCILMEMBER, THAT THEY WILL BE USING STUDENTS TO CONDUCT THE INTERVIEWS.

Leffingwell: AND THE INFORMATION THEY WILL BE ASKING FOR, ARE THEY GOING TO BE ADVISED THAT THEIR PARTICIPATION IN THIS IS VOLUNTARY?

ABSOLUTELY, YES, SIR.

Leffingwell: AND THERE WILL BE NO PROCESS WHEN SOMEONE IS STOPPED AND TO GIVE THEIR NAME AND SO FORTH TO CHECK FOR PREVIOUS OFFENSES, OUTSTANDING WARRANTS, ETCETERA?

AGAIN, WE WILL BE CONDUCTING THE SURVEY WITH STUDENTS. A.P.D. WOULD BE PROVIDING SUPPORT IN TERMS OF ASSISTING US AS TO WHERE TO CONDUCT THE SURVEYS. AND THEY WILL HAVE RADIO COMMUNICATION WITH A.P.D. IN TERM OF SECURITY SUPPORT, BUT TO MY KNOWLEDGE THERE ARE NO QUESTIONS OR AT LEAST AGAIN YOU WILL SEE THE DRAFT OF THE SURVEY DOCUMENT ITSELF BEFORE IT'S FINALIZED, BUT AT THIS STAGE I'M NOT AWARE THAT THERE ARE ANY QUESTIONS SPECIFIC TO PAST CRIMINAL ACTIVITY. THERE MAY BE SOME GENERAL INFORMATION ABOUT ARE YOU ON PROBATION OR SOMETHING THAT MIGHT BE OF ASSISTANCE TO DETERMINE IF THERE ARE BARRIERS ASSOCIATED WITH THESE INDIVIDUALS GETTING ACCESS TO HOUSING OR JOBS OR WHATEVER, BUT IN TERMS OF SPECIFIC CRIMINAL ACTIVITY, I'M NOT AWARE. MAYBE ASSISTANT CHIEF ROBERTSON WOULD LIKE TO COMMENT ON THAT.

Leffingwell: I THINK WE HAVE SOME INPUT HERE.

GOOD MORNING. IN ANSWER TO YOUR QUESTION, WHAT THE AUSTIN POLICE DEPARTMENT WILL BE DOING OTHER THAN PROVIDING SITE LOCATIONS IN ADDITION TO RESOURCES FOR TRAINING IS THAT THE DISTRICT REPRESENTATIVE OFFICERS WILL BE PROVIDING SUPPORT TO THE STAFF THAT'S GOING OUT AND ASKING THE SOLICITATION QUESTIONS. IF THE OFFICERS SEE A VIOLATION OF STATE LAW OR CITY ORDINANCE, THEN THE OFFICERS WILL ADDRESS THAT WITH THE SUSPECT OR THE OFFENDER. UNLESS WE GET A HEAD'S UP FROM ONE OF THE GUYS TAKING THE SURVEYS, ONE OF THE FOLKS, U.T. STUDENTS DOING IT, SAYING HEY, WE NEED YOU TO COME OVER HERE OR WE SEE AN OFFENSE OUR SELF, THERE WILL NOT BE ANY OTHER COMMUNICATION BETWEEN THE OFFICERS AND THE PEOPLE BEING SURVEYED.

Leffingwell: SO YOU WON'T ATTEMPT TO DO A RECORDS SEARCH UNLESS THERE'S SOME LAW VIOLATION?

THAT'S CORRECT.

Leffingwell: THAT'S GOOD. THANKS.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: I GUESS MY FIRST QUESTION HAD TO DO WITH THE BUDGET AND HOW WE WOULD PAY FOR THIS. IF YOU WERE GOING TO EXECUTE A INTERLOCAL AGREEMENT WITH U.T. IN EARLY APRIL, WOULD THAT REQUIRE A BUDGET AMENDMENT OR IS THERE -- ARE THERE FUNDS ALREADY ALLOCATED FOR THIS? ARE THEY UNENCUMBERED? ARE WE TAKING THE MONEY AWAY FROM SOME OTHER PROJECT? WHERE ARE THE MONIES COMING FROM?

RIGHT, COUNCILMEMBER. AGAIN, WE WOULD BE SPLITTING THIS COST BETWEEN THE HEALTH DEPARTMENT AND THE POLICE DEPARTMENT AND IT WOULD BE OUR INTENTION TO USE AVAILABLE UNALLOCATED DOLLARS WITHIN OUR BUDGET.

Kim: SO WHAT FUND ARE THEY COMING FROM?

WE LOOK AT OUR OVERALL BUDGET IN TERMS OF ESSENTIAL SERVICES PRIMARILY AND GENERALLY EACH YEAR WE HAVE A CERTAIN AMOUNT OF MONEY THAT IS EITHER UNALLOCATED OR NOT FULLY EXPENDED. SO WE WOULD BE DRAWING THAT FROM EXISTING BUDGETARY FUNDS, NOT AT THE EXPENSE OF ANY EXISTING SERVICES.

Kim: OKAY. AND THEN I WANTED TO CLARIFY THE ISSUE ABOUT I GUESS PEOPLE DOING THE SURVEY AND IN TALKING TO PEOPLE WHO ARE IN NEED -- I GUESS DOING SOLICITATION IN THE ROADWAY. I JUST WANT TO MAKE SURE THAT A.P.D. IS NOT GOING TO TRY AND GET THAT INFORMATION TO THEN ARREST THEM. IT'S KIND OF THE SAME ISSUE THAT WE HAD WITH THE CENSUS. WE HAD AN AGREEMENT THAT THOSE THAT WERE DOCUMENTED -- UB DOCUMENTED, WE STILL WANTED THEM TO PARTICIPATE IN THE CENSUS, STILL WANTED THEM TO BE COULDN'TED AND THE ONLY WAY WE COULD DO THAT IS TO ASSURE THAT THE CENSUS WORKERS WERE NOT SHARING INFORMATION WITH THE POLICE DEPARTMENT. SO THE ONLY WAY THIS IS GOING TO REALLY WORK IS TO MAKE THAT LINE VERY CLEAR.

ABSOLUTELY, COUNCILMEMBER. FOR THIS TO BE USEFUL TO US, WE WANT AS MANY PEOPLE AS POSSIBLE TO PARTICIPATE SO WE'RE WORKING CLOSELY WITH A.P.D. AND MAKE SURE THAT WE DON'T HAVE ANY DISINCENTIVES OR BARRIERS. I DON'T KNOW IF THE ASSISTANT CHIEF WANTS TO ELABORATE, BUT I THINK THE POINT IS IF THERE WAS AN OBSERVED ACTIVITY THAT WAS CRIMINAL BEHAVIOR, OF COURSE THEY WOULD INTERVENE, BUT BEYOND THAT, MY SENSE IS THAT WE'RE NOT PUTTING UP ANY BARRIERS IN THAT RESPECT. YOU.

Kim: THANK YOU.

Leffingwell: I ASSUME THAT WHEN YOU DO THE ANALYSIS IT WILL INCLUDE SOME INDICATION OF HOW RELIABLE THE RESULTS ARE, ESPECIALLY CONSIDERING THE FACT THAT NS VOLUNTARY PARTICIPATION AND I HAVE A FEELING THAT A LOT OF FOLKS AREN'T GOING TO WANT TO VOLUNTARILY ANSWER THE QUESTIONS ABOUT THEIR FAMILY DEMOGRAPHICS, WHERE THEY'RE LIVING, REASONS THEY SOLICIT AND HOW LONG THEY'VE BEEN SOLICITING, THOSE KIND OF QUESTIONS. I DO HAVE A CONCERN AND I WOULD LIKE SOME KIND OF -- IF IT'S POSSIBLE TO INCLUDE JUST SOME KIND OF ANALYSIS OF HOW RELIABLE ARE THE RESULTS THAT WE'VE GOTTEN BASED ON THE PARTICIPATION PERCENTAGE.

YES, COUNCILMEMBER. AND AGAIN THAT'S WHERE WE WOULD LOOK TO THE RESEARCHERS AND THE TECHNICAL ASSISTANCE FROM THE UNIVERSITY OF TEXAS TO MAKE SURE THAT WE HAVE A VALID SAMPLE AND THAT THE INFORMATION WE ARE COLLECTING IS AS VALID AS IT CAN BE. OF COURSE, WE KNOW THERE WILL BE A NUMBER OF INSTANCES WHERE THAT MAY NOT BE THE CASE, AND THE OTHER THING I DIDN'T MENTION, BUT AS WE'RE GOING THROUGH THIS PROCESS, AND IT MIGHT BE HELPFUL, IS TO PROVIDE SOME UPDATES TO THE PUBLIC HEALTH AND HUMAN SERVICES SUBCOMMITTEE. AND IF YOU'D LIKE, WE COULD CONSIDER BRINGING IN ONE OF THE RESEARCHERS INTO THAT MEETING AND ELABORATE MORE ON WHAT THEY'RE DOING TO TRY TO MAKE SURE THAT WE HAVE VALID INFORMATION AS A RESULT OF THIS EFFORT.

Leffingwell: I WOULD CERTAINLY WELCOME THAT. THANKS.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: DAVID, AS PART OF THIS PROCESS, IF SOMEONE NEEDS HELP ON THE SPOT, IS THERE SOME STRATEGY FOR SAYING, OKAY, WE CAN GET YOU THIS HELP RIGHT NOW?

YES, DEFINITELY, COUNCILMEMBER MCCRACKEN. AS PART OF THE TRAINING FOR THESE STUDENTS, OF COURSE, U.T. WILL BE TRAINING THEM IN TERMS OF SURVEY TECHNIQUES. THE POLICE DEPARTMENT WILL BE TRAINING THEM AROUND SECURITY RELATED ISSUES. AND WE WILL BE TRAINING THEM IN TERM OF AVAILABLE HUMAN SERVICES TO MAKE SURE THAT IF THEY DO IDENTIFY SOMEBODY ON THE SPOT THAT'S IN NEED OF SERVICES, WE CAN LINK THEM UP WITH THE APPROPRIATE PROGRAM AND SUPPORT THAT WITH OTHER OUTREACH RESOURCES.

McCracken: I THINK IT WOULD BE HELPFUL. IT SOUNDS LIKE IT'S BUILT IN, BUT IF SOMEONE -- IT WOULD BE HELPFUL TO KNOW IF PEOPLE ARE REPEATEDLY SAYING THAT THEY NEED HELP OF A CERTAIN TYPE AND ARE NOT AWARE OF CERTAIN SERVICES, THAT WOULD BE INFORMATION THAT WOULD BE PART OF THE RESULTS?

THAT WOULD BE PART OF THAT, YES, SIR. McAND ARE YOU ALL GOING TO --

McCracken: AND ARE YOU GOING TO HAVE SOME QUESTIONING ABOUT WHETHER OR NOT SOMEONE IS A VETERAN? BECAUSE WE JUST HEARD ANECDOTALLY THAT SOME UNKNOWN PERCENTAGE OF FOLKS WHO ARE HOMELESS FOR INSTANCE ARE VETERANS. AND THIS MIGHT BE HELPFUL TO GET SOME INFORMATION ABOUT THAT.

YES. THE SUBPOPULATION GROUPS THAT WE'VE REFERENCED INCLUDES HOMELESS, THOSE WITH PHYSICAL DISABILITIES, MENTAL ILLNESS OR SUBSTANCE ABUSE, UNACCOMPANIEDOUT AND ALSO VETERANS IS INCLUDED AS ONE OF THE ITEMS IN TERMS OF POPULATION OF GROUPS THAT WE'D BE INCLUDING.

McCracken: AND I SHARE COUNCILMEMBER LEFFINGWELL'S CONCERN ABOUT HOW YOU KNOW WHETHER SOMEONE IS TELLING THE TRUTH. IT COULD BE BOTH INTENTIONAL OR IF SOMEONE HAS SOME SORT OF MENTAL ILLNESS THEY MAY HAVE SOME PERCEPTION ISSUES. FOR STARTERS, IF QUESTIONING FOLKS, WILL YOU HAVE SOME ABLE TO ASSESS IF THEY NEED MENTAL HEALTH TREATMENTS?

AGAIN, THAT WOULD BE PART OF THE TRAINING WE'D BE PROVIDING TO THESE STUDENTS. THERE ARE OF COURSE LIMITATIONS IN TERMS OF HOW MUCH WE CAN EXPECT THEM TO DO, BUT I THINK WE CAN GIVE THEM SOME SORT OF KEY PERHAPS ISSUES FOR THEM TO BE ON THE LOOKOUT FOR OR OBSERVING THAT WOULD TRIGGER SOME FOLLOW-UP. AGAIN, IN TERM OF THE VALIDITY OF ALL THIS, I THINK WE'RE GOING TO BE LOOKING TO OUR RESEARCHERS TO GIVE US PLENTY OF GUIDANCE.

McCracken: AND THEN DO YOU ALL GET A SENSE OF GENERALLY WHAT ROADWAY TYPES YOU WILL BE LOOKING AT. IF APPEARS THAT THERE'S A -- JUST FROM BEING AROUND TOWN THAT YOU ALL HAVE FOLKS CONGREGATED AT LIKE SEVERAL INTERSECTIONS OF HIGHWAYS AND THAT THAT IS ONE SUBSET OF THE POPULATION COMPARED TO HANDLING FOLKS WHO ARE, SAY, DOWNTOWN ON THE STREETS, WHICH IS A DIFFERENT SUBSET. DO YOU ALL HAVE A SENSE RIGHT NOW ABOUT LIKE WHAT ROADWAY TYPES WE'RE LOOKING AT?

MAYBE A.P.D. WOULD WANT TO COMMENT ON THE SPECIFICS, BUT THEY'RE GOING TO BE GIVING US GUIDANCE IN TERMS OF THOSE ROADWAYS, INTERSECTIONS WHERE WE HAVE SOME FAIRLY LARGE VOLUME ACTIVITY. THEY'RE GOING TO BE GIVING US GUIDANCE IN TERM OF TIME OF DAY, RUSH HOUR AND SO FORT. I THINK WE'LL GET A GOOD MIX GEOGRAPHICALLY THROUGHOUT THE CITY.

McCracken: I THINK I WOULD LIKE TO HEAR FROM PATTY ROBINSON.

Mayor Wynn: WELCOME, CHIEF.

OH, IT ECHOS WHEN YOU'RE DOWN HERE. I DON'T KNOW WHO'S TALKING. BUT IN ANSWER TO -- I HEARD THAT. I HEARD THAT ONE OVER HERE. [ LAUGHTER ] IN ANSWER TO YOUR

QUESTION, WE HAVE REQUESTED FROM EACH AREA COMMAND A LIST OF THEIR PARTICULAR AREAS THAT THEY SEE THE MAJORITY OF THE SOLICITORS CONGREGATING. WHEN I SAY AREAS A, IT'S NOT ALWAYS NECESSARILY RIGHT THERE IN THE ROADWAYS. SO WE'VE ASKED FOR NOT JUST WHERE THE ROADS INTERSECT AND WHERE YOU ACTUALLY HAVE WHAT WE CALL THE PANHANDLERS, THE SOLICITORS, BUT ALSO OTHER AREAS BECAUSE WE'RE TRYING TO ADDRESS WHERE ALL OF OUR SOLICITORS MIGHT BE HOUSED. SOMETIMES IT'S IN OUR TRANSIENT CAMPS, SO WE'RE ASKING FOR THOSE AS WELL SO THAT WE CAN GET A NICE POPULATION, A GOOD FEEL FOR WHAT THE TRUE NEEDS OF OUR HOMELESS POPULATION ARE. AND VERSUS WHAT THE SOLICITORS ARE ACTUALLY DOING OUT THERE, WHAT THEY'RE ASKING FOR AND WHAT THEIR SOCIOECONOMIC STATUS IS AS WELL.

McCracken: I THINK IT WOULD BE HELPFUL ALSO AS WE GET INTO THIS, ONE OF THE WAYS THIS HAS COME TO OUR ATTENTION WAS A BUSINESS HAD ACTUALLY HIRED SECURITY BECAUSE THEY HAD GROUPS ARRIVING BY CAR TO THEIR BUSINESS ESTABLISHMENT PARKING LOT, HAVING A DRIVER AND A LOOKOUT AND PEOPLE WITH SIGNS, WHICH SUGGESTED THAT THERE WAS SOME LEVEL OF COORDINATION BY SOMEONE WHO HAD A CAR, FOR INSTANCE. WHICH MEANS THAT AT LEAST ONE OF THESE PEOPLE LIKELY WAS NOT HOMELESS, IF NOT MORE. DO WE HAVE SOME ABILITY TO MONITOR THAT SUBSET OF FOLKS ENGAGED IN PANHANDLING?

AND YOU'RE TALKING ABOUT THE TRANSITORY --

McCracken: I THINK IT APPEARS THAT AT LEAST THAT PARTICULAR GROUP OPERATING OUT OF THAT BUSINESS' PARKING LOT MAY NOT BE IN FACT HOMELESS OR TRANSIENTS, BUT MAY HAVE -- WHICH WOULD -- THAT'S ONE OF THE ISSUES WE'RE TRYING TO FIGURE OUT IS ON HIGHWAYS ARE WE TALKING ABOUT FOLKS WHO AREN'T HOMELESS? INSTEAD THEY MAY BE SOME SORT OF ENTREPRENEURIAL EFFORT. WE DON'T KNOW, BUT IT WOULD BE HELPFUL TO KNOW THAT.

THAT'S CORRECT. AND THAT'S ONE REASON WHY WE WANT TO ASK OUR AREA COMMAND OFFICERS WHERE YOU SEE MOST OF THE FOLKS CONGREGATING, BUT ALSO WHERE WE GET A LOT OF OUR COMPLAINTS. AND I KNOW SOME OF THE THINGS THAT YOU'RE TALKING ABOUT, THE FOLKS WHO HAVE THE PUPPIES IN THE BACK OF THEIR TRUCKS AND THEY'RE JUST PARKED IN THE WENDY'S PARKING LOT AND THE WENDY'S FOLKS ARE CALLING INABLE SAYING FIRST OF ALL IT'S ILLEGAL AND SECOND OF ALL THEY'RE TRESPASSING, CAN YOU COME HELP US? WE'LL BE ADDRESSING THOAP AS WELL. AND WE WANT TO MAKE SURE THAT THIS SURVEY APPLIES TO WHOEVER WE'RE GOING TO BE INTERVIEWING BECAUSE SOME OF THESE FOLKS AS YOU SAID ARE NOT HOMELESS, BUT THIS IS JUST AN ENTREPRENEURIAL ATTEMPT FOR THEM. WE WANT TO MAKE SURE WE HAVE THAT DOWN FOR OUR HEALTH AND HUMAN SERVICES AS WELL AS THE COUNCIL.

McCracken: I THINK DAVID WAS GOING TO ADD SOMETHING.

COUNCILMEMBER, I WANTED TO CLARIFY THAT WORKING THROUGH U.T. AND THE TRAINING AND SO FORTS, THE DESIGN OF THE QUESTIONS, WHAT THE SURVEYORS OBSERVE, I THINK THERE ARE TOOLS THERE TO ASSIST THEM TO TRY TO MAXIMIZE THE VALIDITY OF THE INFORMATION, BUT AT THE SAME TIME I THINK WE NEED TO RECOGNIZE THERE ARE LIMITATIONS TO THIS AND WE ARE, OF COURSE, VERY DEPENDENT ON THE INDIVIDUALS BEING OPEN AND HONEST WITH US IN TERM OF THE INFORMATION THEY'RE PROVIDING.

McCracken: BUT I THINK AS PART OF THIS -- I THINK THAT'S A GOOD POINT, DAVID. FOR CHIEF ROBINSON -- I'M GATHERING THAT THERE WILL BE AN ELEMENT OF THIS EFFORT THAT GOES BEYOND THE QUESTIONING AND INTERVIEWS OF FOLKS WHO ARE ACTUALLY ENGAGED IN PANHANDLING ALONG ROADWAYS, BUT ALSO TALKING TO BUSINESS ESTABLISHMENTS WHO HAVE OBSERVED THINGS LIKE BUSINESS FISTS BEING OPERATED OUT OF THEIR PARKING LOTS OR TEAMS OF SOLICITORS, WHICH WE'VE HEARD FROM AT LEAST ONE BUSINESS A TEAM OF ROADSIDE SOLICITORS WERE ARRIVING BY CAR OPERATING OUT OF THEIR PARKING LOT. SOING IT WOULD BE HELPFUL AS PART OF THIS EFFORT TO INTERVIEW ESTABLISHMENTS IN THESE AREAS AND FIND OUT WHAT THEY'RE OBSERVING IN TERMS OF RELATED ACTIVITIES.

THIS IS THE KIND OF INPUT WE'RE SEEKING AND WE CAN CERTAINLY LOOK AT A WAY TO POTENTIALLY INCORPORATE THAT.

McCracken: YEAH. I THINK THAT WOULD BE HELPFUL TO GET A SENSE. OBVIOUSLY IF SOMEONE IS HOMELESS AND IN NEED OF HUMAN SERVICES, THAT OBVIOUSLY IS INFORMATION WE NEED SO THAT WE CAN PROVIDE SERVICES THAT FOLKS NEED. IF PEOPLE ARE ARRIVING BY CARS AND THEY HAVE RESIDENCES AND THEY ARE -- WHETHER THEY'RE SOLICITING OR SELLING GOODS OUT OF A CAR IN A PARKING LOT, THAT OBVIOUSLY SUGGESTS A DIFFERENT APPROACH AND ONE OF THE WAYS WE CAN FIEB THIS OUT IS BECAUSE WE LEARNED ABOUT THIS FROM SOME PROPERTY OWNERS ALONG HIGHWAYS. ABOUT A DIFFERENT TYPE OF ACTIVITY THAT WAS OCCURRING, WHICH WAS PEOPLE ARRIVING BY CARS. AND AS PART OF THIS ARE WE GOING TO BE ABLE TO FIND OUT WHERE FOLKS ARE LIVING? WHETHER IN FACT THEY ARE -- IF THEY ARE HOMELESS, WHERE, THEY RESIDING? ARE THERE TRANSIENT CAMPS AND IS THERE SOME WAY TO PROVIDE SERVICES TO FOLKS IN THOSE CAMPS, BUT ALSO IF THEY HAVE RESIDENCES AND WHAT'S HAPPENING THERE.

YES. I THINK PART OF TRYING TO SOLICIT THE INFORMATION ABOUT THEIR HOUSING STATUS WOULD BE TO CONFIRM IF THEY ARE HOMELESS OR NOT AND THEN WHAT THEY HAVE IN TERM OF ACCESS TO HOUSING AND SERVICES. I WOULD ANTICIPATE THAT WOULD BE PART OF THE INFORMATION WE'D BE GATHERING.

AND THEN I HAD A FINAL QUESTION FOR CHIEF ROBINSON. WE'VE HAD SEVERAL



NEIGHBORHOOD ASSOCIATIONS COME TO US ON THIS ISSUE, AND WHAT THEY'VE BEEN TELLING US ON THAT THERE IS A CORRELATION -- IN THEIR VIEW A CORRELATION BETWEEN A RISE IN BURGLARIES AND CRIMINAL ACTIVITY IN THEIR NEIGHBORHOOD, AND THEN THE ARRIVAL OF PEOPLE ENGAGED IN ROADSIDE PANHANDLING ON THE ROADWAYS ADJACENT TO THEIR NEIGHBORHOOD. I HAVE NO IDEA WHETHER THIS IS TRUE OR NOT. BUT IN TERM OF A FULL, OPEN, HONEST SURVEY. I THINK IT WOULD BE HELPFUL TO VISIT WITH THE NEIGHBORHOODS WHO HAVE BROUGHT TO COUNCIL THESE CONCERNS. AND THEN ANALYZE WHETHER THERE IS MAY SOME CORRELATION.

THAT'S SOMETHING TALKED ABOUT AT OUR COMMANDER'S FORUMS. WE DID PROVIDE STATISTICS EARLY ON IN THE SOLICITATION PROGRAM WHEN WE FIRST STARTED TALKING ABOUT IT LAST YEAR; HOWEVER, PART OF THE PROBLEM IS THAT IN ORDER FOR US TO KNOW THAT THESH TRUE SOLICITORS AND TO DO THAT ANALYSIS WE HAVE TO HAVE THEIR NAMES OR HAVE THEM IN OUR DATABASE AS BEING CITED FOR SOLICITATION -- VIOLATION OF THE SOLICITATION ORDINANCE OR PEDESTRIAN IN THE ROADWAY. BUT THAT INFORMATION IS SHARED ON A REGULAR BASIS WITH EACH ONE OF OUR NEIGHBORHOODS WHO ATTEND THE COMMANDER'S FORUMS.

McCracken: I THINK IN THAT REGARD A FAIR CRITICISM WE HEARD FROM SOME FOLKS IN THE COMMUNITY WHEN WE HAD INITIALLY TAKEN THIS UP LAST YEAR WAS TO GET A COMPLETE PICTURE OF THE CRIMINAL HISTORIES OF PEOPLE WHO HAD BEEN CITED WITH SOLICITATION AND TO CROSS CHECK THAT AGAINST THEIR CRIMINAL HISTORIES. SINCE WE HAVE A LOT OF TIME, A CONCERN PREVIOUSLY RAISED WAS THAT WE HAVE A STATISTIC REASONABLE SAMPLE. AND IF WE HAVE EVERYBODY WHO HAS BEEN ARRESTED OVER A 12-MONTH PERIOD FOR SOLICITATION TO CROSS CHECK AGAINST -- TO RUN THE CRIMINAL HISTORIES OF THAT POPULATION. AND THAT IS -- OBVIOUSLY WE ARE NOT USING THIS EFFORT AS A LAW ENFORCEMENT EFFORT. BUT YOU ALL -- BUT THE A.P.D. HAS THEIR OWN ONGOING POSSIBILITIES TO ENFORCE THE LAWS. AND I THINK Y'ALL HAD GIVEN THIS INFORMATION LAST YEAR THAT YOU ALL ARE CARRYING OUT THE LAW AND THAT YOU'RE ABLE TO HAVE A DATA SET OF FOLKS WHO HAVE BEEN CITED FOR VIOLATIONS OF THE CURRENT ROADSIDE LAWS THAT PROHIBITS STEPPING ACTUALLY INTO THE ROAD TO SOLICIT, RIGHT? CAN YOU ALL ACTUALLY RUN A FULL CRIMINAL --

NO. NO, WE CANNOT. THE FULL CRIMINAL HISTORY, OFFICIAL ONE; REGULATED BY TCIC, NCIC AND IT'S STRICTLY USED FOR EITHER EMPLOYMENT OR IT'S USED FOR PROSECUTION OF CRIMINAL CASES OR TO ENHANCE PARTICULAR CRIMINAL OFFENSE THAT YOU ACTUALLY -- YOU BEING AN OFFICER, ARE INVESTIGATING. WHAT WE DID EARLIER OR I GUESS LAST YEAR FOR THE COUNCIL IS THAT WE TOOK OUR DATABASE AND WE USED THE PEOPLE WHO HAD BEEN CITED FOR EITHER PED IN THE ROADWAY SOLICITATION OR PANHANDLING. REMEMBER IT STARTED IN 2005 AND THEY HAD DIFFERENT TITLES FOR THE OFFENSES. AND THEN WE TOOK A RANDOM 30-PERSON SAMPLE AND WE CHECKED WHAT THEY HAD BEEN ARRESTD FOR IN THE CITY OF AUSTIN AND THOSE WERE SOME OF THE THINGS THAT WE TALKED ABOUT LAST YEAR. AND THAT'S WHAT WE DO ON A REGULAR

BASIS BECAUSE WHEN OUR DETECTIVES GO OUT THERE AND THEY FIND OUT THAT SOMEONE THAT HAS BEEN ARRESTED FOR BURGLARY OR THEFT, WHEN THEY START WRITING THEIR AFFIDAVIT FOR ARREST AND DETENTION, THEY USUALLY APPLY OR THEY ASK FOR A CRIMINAL HISTORY CHECK AND THEY ADD IT ON TO THE AFFIDAVIT SO THAT THE JUDGE UNDERSTANDS WE'RE NOT DEALING WITH A FIRST-TIME OFFENDER, WE'RE ACTUALLY DEALING WITH SOMEONE WHO HAS BEEN THROUGH THE SYSTEM BEFORE AND IT'S IN MANY CASES A REPEAT OFFENDER. SO WE HAVE A VERY NARROW AREA THAT WE CAN USE, MEANING OUR OWN ERROR, WHEN WE LOOK AT PEOPLE WHO HAVE BEEN CITED FOR PEDESTRIAN IN THE ROADWAY AND SOLICITATION AND PANHANDLING.

McCracken: LET'S TAKE THAT THEN FOR THAT -- WE TOOK A STATISTICALLY VALID SAMPLE OF THAT POPULATION, WHICH WE'RE ALLOWED TO DO. INSTEAD OF TAKING A STATISTICALLY VALID SAMPLE, CAN WE JUST RUN ALL OF THOSE --

THERE WAS ONLY I THINK SOMEWHERE BETWEEN 3,000 AND A THOUSAND OF THOSE PEOPLE. IT MIGHT TAKE A LITTLE BIT LONGER THAN WHAT YOU THINK TO DO THAT. ARE YOU ASKING THAT.

McCracken: I'D LIKE SOME SORT OF REASONABLE -- MORE THAN 30 PEOPLE. WE'VE GOT MONTHS TO DO THIS, BUT THERE'S A BALANCE. YOU DON'T WANT TO RUN 5,000 TA NAMES. THERE'S A VERY ONEROUS TASK. I THINK IT WOULD BE PERHAPS HELPFUL IN WORKING SAY WITH THE UNIVERSITY OF TEXAS TO COME UP WITH A MORE SIGNIFICANT SAMPLE SIZE TO DO THIS ANALYSIS ON. AND UIVELT IT WOULD BE HELPFUL TO KNOW FOR INSTANCE, ARE WE FINDING THAT SOLICITATION IN ONE AREA IS ALMOST EXCLUSIVELY BY FOLKS WHO ARE HOMELESS WHO HAVE -- WHOSE ONLY CRIMINAL RECORD IS FOR BEING CITED FOR OFFENSES THAT ARE PANHANDLING RELATED. WHILE THERE MIGHT BE A DIFFERENT AREA WHERE YOU HAVE A HOT SPOT OF FOLKS WHO HAVE BEEN ARRESTED FOR THINGS LIKE BURGLARIES IN THAT AREA, I THINK THAT WOULD BE HELPFUL TO KNOW. BUT THAT'S NOT INFORMATION THAT WE'VE SEEN BROKEN DOWN SO FAR. YOU.

WE CAN CERTAINLY TAKE A LOOK AT THAT FOR YOU AND COME BACK AND REVIEW IT WITH THE STAFF OVER HERE. THERE WAS ANOTHER QUESTION THAT YOU HAD IN WHICH YOU JUST SAID -- AND WAS IT SOMETHING ABOUT -- OH. I THINK YOU WERE TALKING ABOUT THE HOMELESS. I THOUGHT WE HAD EXPLAINED SOME OF THE WAYS IN WHICH OUR SYSTEM AND POLICE REPORTING, OUR DATA SYSTEM WAY THAT WE RECORD OUR REPORTS, ESPECIALLY THE WAY IN WHICH WE REPORT PEOPLE'S RESIDENCES, WE USE THE TERM TRANSIENT WHEN THEY SAY I DON'T HAVE SOMEPLACE TO LIVE. BUT THE REASON WE USE THAT TERM IS BECAUSE FOR SOME OF THESE FOLKS THAT IS THE TRUE MEANING OF THE WORD. THE DAY THAT WE ARREST THEM, THEY DIDN'T HAVE A HOME. AND THE MOMENT THEY WERE RELEASED FROM OUR CUSTODY THEY HAD A HOME. SO I THINK YOUR TERM OF HOMELESS DOES NOT QUITE COINCIDE WITH OUR TERM OF TRANSIENT AS APPLIED IN OUR REPORTS. SO THAT MIGHT BE SOMETHING WE NEED TO LOOK AT.

McCracken: OKAY.

ANYTHING ELSE?

McCracken: THAT COVERS IT.

THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: SO MR. LURRIE. WE KNOW A LOT ABOUT THE HOMELESS POPULATION ALREADY IN AUSTIN. WE KNOW THERE'S 4500 OR SO CITYWIDE. WE KNOW THAT THERE'S ABOUT 600 THAT ARE CONSIDERED CHRONICALLY HOMELESS BY STANDARDS SET BY THE U.S. GOVERNMENT. WE KNOW THAT THERE'S ABOUT 1500 HOMELESS VETERANS. THE POINT IS WE KNOW A LOT. SOMEBODY IS GATHERING DATA. PEOPLE HERE IN AUSTIN KNOW A LOT ABOUT THE SITUATION. SO IT SEEMS TO ME THAT WE COULD ACHIEVE A LOT OF EFFICIENCIES BY COOPERATING AND ALL THESE DIFFERENT GROUPS, SHARING DATA AS PART OF YOUR REPORT AND SEE IF THERE ARE ANY CONFLICTS OR ANY OUT TAKES FOR THAT. YOU KNOW WHO THOSE GROUPS ARE. YOU WORK WITH THEM ALL THE TIME. IF YOU COULD INTEGRATE THAT INTO YOUR PROGRAM.

YES, COUNCILMEMBER. THE GROUPS THAT GATHER THAT INFORMATION, AS YOU KNOW, WE DID AN ANNUAL COUNT OF THE HOMELESS AND GATHER A LOT OF THE SPECIFICS THAT YOU'RE CITING. ALL OF THE GROUPS THAT PARTICIPATE IN THAT ARE REPRESENTED IN TERM OF THE STAKEHOLDER GROUP THAT WE'RE WORKING WITH ON THIS PROJECT. AND I THINK THE OTHER PART OF OF THIS IS THIS IS A VERY SPECIFIC SUBSET IF YOU WILL OF THE POPULATION THAT WE'RE LOOKING AT THAT IN A NUMBER OF INSTANCES PROBABLY WOULD BE HOMELESS AN WOULD BE VERY CONSISTENT WITH THAT INFORMATION, BUT I THINK PART OF THE QUESTION WE'RE TRYING TO ANSWER IS ARE THERE OTHER POPULATION GROUPS ENGAGED IN THIS SPECIFIC ACTIVITY.

Leffingwell: I WAS THINKING WE COULD SAVE SOME OF THAT \$48,000 BY GETTING SOME OF THE INFO THAT WE ALREADY KNOW.

I THINK WHAT I WOULD SAY, COUNCILMEMBER, IS GIVEN THE COMMENTS I'VE HEARD TODAY, I THINK IT'S GOING TO BE AMBITIOUS FOR US TO ACCOMPLISH EVERYTHING WE'VE DISCUSSED WITHIN THE \$48,000. BUT THANK YOU.

Leffingwell: SO YOU'RE COMING BACK FOR A BUDGET AMENDMENT?

IT'S NOT YOUR PLAN AT THIS MOMENT, MR. CITY MANAGER. WE'LL GIVE YOU MORE SPECIFICS AS WE REFINE THIS.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? THANK YOU, MR. LAURIE. CHIEF, EVERYBODY. SO COUNCIL, WE'RE JUST A COUPLE OF MINUTES AHEAD OF OUR NOON GENERAL CITIZEN COMMUNICATION, SO WITHOUT OBJECTION, WE'LL RECESS LITERALLY FOR FOUR MINUTES WHILE WE THEN CALL TO ORDER OUR CITIZEN COMMUNICATION. WE'RE NOW IN RECESS. MAYOR PAIR THERE BEING A QUORUM PRESENT, AT THIS TIME I CALL BACK TO ORDER THIS MEETING OF THE AUSTIN COUNCIL. WE NOW CALL UP THE CITIZENS COMMUNICATION. WE HAVE A FULL ROSTER OF FOLK. OUR FIRST SPEAKER IS JONI GILLTON. TO BE FOLLOWED BY LIZ BET GREENWOOD. YOU WILL HAVE THREE MINUTES.

GOOD AFTERNOON, MAYOR, CITY COUNCIL MEMBERS. FIRST I WANT TO THANK YOU FOR HAVING THE COURAGE TO NOT INVEST IN BUILDING MORE NUCLEAR PLANTS LIKE THE SOUTH TEXAS PROJECT. I AGREE THAT IT IS EXTREMELY IMPORTANT TO PROTECT AUSTIN'S ECONOMIC HEALTH. WE SHOULD NOT BE INVESTING OUR MONEY INTO ENERGY-PRODUCING TECHNOLOGIES WITH A KNOWN COST AND PREDICTED RISKS THAT FAR OUTWEIGH THE BENEFITS, WHICH IS THE CASE WITH BOTH NUCLEAR AND COAL. SO IF WE NEED TO FIND VIABLE ENERGY ALTERNATIVES, WHERE DO WE LOOK? WE KNOW THAT TEXAS HAS AN ABUNDANCE OF WIND AND SUN. WE ALSO KNOW THAT NEITHER WIND NOR SOLAR POWER PRODUCES CARBON THAT CONTRIBUTES TO GLOBAL WARMING NOR RADIOACTIVE WASTE THAT CAN LAST MORE THAN 10,000 YEARS. THERE ARE NOW MANY EXCITING AND SENSIBLE OPPORTUNITIES ARISING IN WHICH THE CITY COULD INVEST AS WELL AS BENEFIT WITH REGARD TO ENERGY PRODUCTION, ENERGY REDUCTION AND ENERGY CONSERVATION. ONE SUCH IDEA IS THE V2G SYSTEM WHICH STANDS FOR VEHICLE TO GRID. PLUG IN HYBRID CARS ARE CONVERTED BY ADDING BATTERIES AND ELECTRONICS. PARKED CARS CAN EXCHANGE POWER WITH THE GRID, SERVING AS STORAGE DEVICES FOR TIMES WHEN EXCESS ELECTRIC CAPACITY IS AVAILABLE AND SUPPLY DEVICES FOR WHEN THE GRID NEEDS TO PULL MORE ENERGY THAN IT CAN NORMALLY PROVIDE. GOOGLE AND SPECIFIC GAS AND ELECTRIC ARE PILOTING JUST SUCH A SYSTEM RIGHT NOW. ANOTHER IDEA THAT MAKES A GREAT DEAL OF SENSE IN OUR SUN DRENCHED CITY IS PARKING LOT SOLAR TECHNOLOGY THAT CONVERTS LIGHT INTO ENERGY, PARKING LOTS CAN BE OUTFITTED WITH SOLAR PANELS THAT NOT ONLY SOAK UP THE SUN'S LIGHT WITH EXCESS ENERGY, BUT SHADE THE OCCURS PARKED BE NEETS, REDUCING THE NEED FOR RUNNING AIR CONDITIONING AT FULL BLAST TO TRY TO COOL DOWN A CAR THAT WOULD HAVE SAT IN THE BRIGHT SUN FOR HOURS. THE BEAUTY OF THESE TWO IDEAS IS THAT THEY CAN WORK IN CONCERT WITH ONE ANOTHER TO NOT ONLY PRODUCE ENERGY, BUT TO STORE ENERGY. REDUCE ENERGY CONSUMPTION AND PREVENT SYSTEM OVERLOAD THAT CAN CAUSE SUCH THINGS AS ROLLING BLACKOUTS DURING PEAK ENERGY USE. THESE ARE JUST A FEW OF THE IDEAS THAT CAN COOP AUSTIN ON THE LEADING EDGE OF A RAPIDLY EVOLVING INDUSTRY. OF COURSE, IMPLEMENTATION OF IDEAS SUCH AS THESE WILL TAKE COURAGE. I HOPE THAT AUSTIN WILL CONTINUE TO LEAD THE NATION IN CLEAN ENERGY AND RENEWABLE WIND AND SOLAR AND IN THE NEXT GENERATION OF ENERGY EFFICIENCY. THIS IS THE CLEAN, AFFORDABLE, SUSTAINABLE PATH TO THE FUTURE. WITH YOUR COURAGE AS WELL AS THE EXCELLENT LEADERSHIP OF AUSTIN ENERGY'S NEW

GENERAL MANAGER ROGER DUNCAN, WE CAN GET THERE. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. EELIZABETH GREENWOOD, TO BE FOLLOWED BY JENNIFER GALE.

THANK YOU. GOOD AFTERNOON, COUNCILMEMBERS, MAYOR WYNN. MY NAME IS ELIZABETH GREENWOOD. I HAVE LIVED IN AUSTIN FOR THE BETTER PART OF 25 YEAR. WE'RE ALL AWARE OF HOW FAST AUSTIN AND THE CENTRAL TEXAS AREA ARE GROWING. OF COURSE THIS GROWTH IS GOING TO REQUIRE A LOT OF ELECTRICITY TO SUPPORT IT. I WANT TO TAKE A LOT OF YOUR TIME TODAY TO ENCOURAGE YOU TO CONSIDER CLEAN ENERGY SOURCES TO SUPPORT THIS GROWTH. I'D ALSO LIKE TO START BY THANKING Y'ALL FOR ACCEPTING AUSTIN ENERGY'S RECENT DECISION NOT TO INVEST IN THE EXPANSION OF ENERGY'S SOUTH TEXAS PLANT. EVEN IF THE TIME, EXPENSE AND SECURITY ISSUES LIKE SLEEPING ON THE JOB ARE ADDRESSED, NUCLEAR CANNOT BE CONSIDERED A VIABLE ENERGY ALTERNATIVE UNTIL SOLUTIONS ARE FOUND FOR THE WASTE IT PRODUCES AND DECOMMISSIONING THE POWER PLANTS AT THE END OF THEIR LIFE CYCLES. NEITHER ARE MORE COAL BURNING PLANTS AN OPTION AT THAT TIME. ASTHMA, BRONCHITIS AND OTHER LUNG DISEASES, MERCURY CONTAMINATION, THESE ARE PUBLIC HEALTH CONCERNS. THE MERCURY RELEASED BY BURNING COAL ENDS UP IN OUR WATERWAYS AND CON TEXAS A&M NAITS THE FISH WE EAT. I'M SURE YOU'VE HEARD THIS BEFORE. WE HAVE ALTERNATIVES AVAILABLE TO US. RENEWABLE SOURCES CAN AND NEED TO BE DEVELOPED AND INCREASING OUR ENERGY EFFICIENCY. SO MUCH ENERGY IS WASTED AND DOESN'T DO ANYTHING PRODUCT TEMPERATURE. ESTIMATES ARE THAT MORE THAN 50% OF THE ENERGY GENERATED IS LOST BEFORE IT CAN BE USED. ENORMOUS GAINS CAN BE MADE BY JUST FOCUSING ON EFFICIENCY, APPLIANCES IN OUR HOME AND WORKPLACES, LIGHTING, HEATING AND COOLING OUR BUILDINGS, OUR MANUFACTURING PROCESSES, ALL OF THESE AREAS ARE WHERE WE CAN REDUCE SAFETY AND INCREASE EFFICIENCY. AND EFFICIENCY OFTEN HAS POSITIVE MULTIPLE EFFECTS. FOR EXAMPLE AN EFFICIENT CLOTHES WASHING MACHINE OR CLOTHES WASHER USES LESS WATER. EFFICIENT LIGHTING OFFERS MORE LIGHT WHERE IT IS NEEDED. GENERATING ENERGY CLOSER TO WHERE IT WILL BE USED IS ANOTHER FORM OF ENERGY EFFICIENCY. DESIGNING AND BUILDING OUR OFFICE BUILDINGS TO KEEP THE SUN FROM HEATING THE OFFICE LIKE AN OVEN, THIS CAN REDUCE THE NEED FOR AC. THERE'S A LOT OF OTHER COMPONENTS TO ENERGY EFFICIENCY IN OUR OFFICE BUILDINGS. THE BEST EFFECT IS THAT SAVING ENERGY AND SAVING MONEY OFTEN AMOUNT TO THE SAME THING. ENERGY EFFICIENCY IS HIGHLY PROFITABLE. WHAT YOU CAN DO AS OUR ELECTED OFFICIALS IS SET STANDARDS OF MINIMAL EFFICIENCY FOR HOUSES, OFFICES, CARS, ELECTRICAL APPLIANCES AND OTHER BUILDINGS. WE THE PEOPLE WILL GLADLY NORNT THOSE STANDARDS INTO OUR LIFESTYLES. AND YOU CAN USE THESE STANDARDS FOR EFFICIENCY AND REQUIRE THEM WHEN YOU ARE OFFERING INCENTIVES FOR NEW DEVELOPMENTS IN THE AREA. ACCORDING TO THE AMERICAN COUNCIL FOR ENERGY EFFICIENCY ECONOMY, TOTAL PRIMARY ENERGY USE PER CAPITA IN THE UNITED STATES IN 2000 WAS ALMOST IDENTICAL TO THAT IN 1973. [ BUZZER SOUNDS ] I GUESS MY TIME IS UP. I'D LIKE TO CLOSE BY ENCOURAGING YOU TO CONSIDER RENEWABLES AND ENERGY

EFFICIENCY BEFORE RELYING ON COAL OR NUK CLOOR COLLAR FOR OUR FUTURE ENERGY NEEDS. THANK YOU FOR LISTENING.

Mayor Wynn: THANK YOU. JENNIFER GALE SIGNED UP WISHING TO ADDRESS US. JENNIFER GALE? ALSO GUS PENA? WELCOME BACK, GUS. YOU WILL HAVE THREE MINUTES TO BE FOLLOWED BY PASTOR JUNE WILL KINS.

GOOD AFTERNOON, AGAIN, MAYOR. ONE OF THE THINGS THAT I'D LIKE FOR YOU TO TAKE INTO CONSIDERATION AS TO WHAT'S DISCUSSED ABOUT HOMELESSNESS, DEFINE CLEARLY WHAT HOMELESSNESS IS ALL ABOUT. YOU HAVE PEOPLE THAT LOST THEIR HOME IN MOTEL. YOU HAVE PEOPLE LIVING IN CARS THAT ARE NOT JUST TRANSITORY, BUT ALSO THEY'RE HOMELESS. SO GET A CLEAR-CUT DEFINITION ABOUT WHAT HOMELESSNESS IS ALL ABOUT AND WHO IS HOMELESS REALLY BECAUSE YOU CAN BE IN A HOMELESS AND HAVE NO HOME, PERIOD. ANYWAY, I'M NOT GOING TO MENTION WHAT CANDIDATE THIS ARTICLE IN THE PAPER WAS ALL ABOUT, BUT LET ME TELL YOU A CANDIDATE HAS COME OUT WITH SOME OUTSTANDING PROPOSALS TO COMBAT HOMELESSNESS AMONG OUR NATION'S VETERANS. A LOT OF US VETERANS ARE BEING DENIED HEALTH CARE. A LOT OF US VETERANS ARE DYING EVEN AT EARLY AINGZ, 59 TO 65 YEARS OLD BECAUSE OF COMBAT ISSUES. THIS PERSON, I WAS CONTACTED BY THE CAMPAIGN FOR SENATOR CLINTON AND ALSO SENATOR BARACK OBAMA, AND ALSO SENATOR JOHN MCCAIN'S CAMP BECAUSE OF THE ISSUES I'VE BROUGHT OVER HERE. THERE ARE PEOPLE IN AUSTIN THAT DIRECTED MY COMMENTS TO ALL THOSE CANDIDATES AND THANK GOD THIS CANDIDATE HERE HAS BROUGHT UP THE ISSUE TO THE FOREFRONT AND IS PROPOSING RESOLVE. OF THE ISSUES. ANYWAY, SPRING BREAK STARDZ MONDAY. IT ACTUALLY STARDZ MONDAY NIGHT FOR THE KIDS. I WOULD REQUEST THAT ALL REC CENTERS ARE FULLY FUNDED, FULLY STAFFED. PROVIDE ALL REC CENTERS FUNDED FOR THE KIDS. I'M ASKING A.P.D. ALSO TO CLEARLY VISUALIZE ALL THE KIDS OUT THERE. MAKE SURE THEY DON'T GET IN TROUBLE. MAKE SURE THAT NO GANG MEMBER ATTEMPTS TO ENTICE THEM INTO MEMBERSHIP. BRUCETER IS NOT HERE, BUT I WOULD LIKE TO THANK HIM FOR MENTIONING THE HOMELESS VETERANS IN THE PROCESS YOU JUST HAD AWHILE AGO. MEDIATION PROCESS TO IMPROVE RELATIONS BETWEEN A.P.D. AND THE COMMUNITY, A MEDIATION PROCESS WAS PROPOSED. POSITIVE, GOOD, BUT SOME CITIZENS WILL NOT WANT A FACE TO FACE WITH AN OFFICER. IT'S TOO I AM TIM DATING FOR SOMEONE. I WANT TO GO TO THE POLICE MONITOR OR AID ROUTE. I THINK WE NEED TO SOLICIT MORE FUNNING FOR OVERTIME FOR POLICE OFFICERS. WE NEED THEIR PRESENCE OUT THERE BECAUSE THE HOME BUSY ARE COMING BACK UP AGAIN. WE HAVE A LOT OF PROBLEMS. I JUST MET WITH THE TEXAS RANGERS YESTERDAY, AND I'LL USE ANY AND ALL LAW ENFORCEMENT OFFICIALS THAT I CAN IN ORDER TO COMBAT GANGS AND KEEP OUR KIDS IN SCHOOL, OFF THE STREETS AND OUT OF TROUBLE AND WHERE THEY BELONG. KIDS ARE VULNERABLE RIGHT NOW. GANGS HAVE INFILTRATED OUR SCHOOLS. PLEASE ALSO CONTINUE FUNDING ANY SOCIAL SERVICE PROVIDERS THAT YOU CAN. SALVATION ARMY IS ONE OF THE TOP ONES. I REMEMBER THEY PROVIDED SHOES BACK IN THE 50'S AND FOOD. AND SO ANYWAY, ALSO DEFINE THE DEFINITION OF WHAT AFFORDABLE IS. THIS TOWN IS NOT AFFORDABLE.

PLEASE CONTINUE THE MARCH AND THANK YOU FOR ALL THE HELP YOU'VE DONE. REMEMBER THE VETERANS, PRAY FOR THEM PLEASE. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. PASTOR WILKINS I SAW EARLIER. EITHER PODIUM. TO BE FOLLOWED BY REVEREND BUD ROLAND.

I'M ONE OF THE PASTORS AT ST. MAARTEN'S LIEUTENANTS RAN CHURCH AND I'M HERE TO TALK ABOUT THE RACES THAT GO THROUGH OUR DOWNTOWN AREA ON SUNDAY MORNINGS. WE LOVE THESE RACES. MANY OF OUR MEMBERS ARE INVOLVED IN THEM, BUT AT LEAST EIGHT DOWNTOWN CHURCHES THAT HAVE MANY MEMBERS -- OUR CHURCH HAS AT LEAST 1200 MEMBERS AND THERE ARE MANY OTHER CHURCHES THAT HAVE MEMBERS AS HIGH AS OURS THAT AFFECTED ON SUNDAY MORNING BY THESE RACES. OUR MEMBERS FIND IT VERY DIFFICULT TO GET TO CHURCH, EVEN WITH US TELLING THEM HOW TO GET TO CHURCH, THE DIFFERENT ROUTES THAT WE'RE INFORMED ABOUT ON THE WAY TO -- ON THE WAY TO CHURCH. EVEN WHEN THEY'RE TOLD ABOUT THAT, IT IS VERY DIFFICULT FOR THEM TO GET TO THE CHURCH. THE WIFE OF OUR SENIOR PASTOR LEFT 30 MINUTES EARLY KNOWING THAT ONE OF THESE RACES WAS GOING TO HAPPEN AND SHE ARRIVED AT CHURCH 20 MINUTES LATE. THIS IS KIND OF A FREQUENT OCCURRENCE. OWSH BUSINESS MANAGER SAYS WHEN THE RACES OCCUR THAT OUR INCOME GOES DOWN 25% AT LEAST ON ONE OF THESE RACE DAYS. IT'S THE SAME EFFECT AS IF THERE WAS AN ICE DAY OR A TERRIBLE WEATHER DAY FOR OUR CHURCHES. IT WOULD BE VERY HELPFUL FOR US TO HAVE A STANDARDIZED ROUTE THAT THESE RACES COULD GO. IF THE RACE WOULD HAPPEN ON ANOTHER DAY, THAT WOULD BE HELPFUL. A HOLIDAY, MONDAY OR SOMETHING LIKE THAT. OUR BUSINESS HAPPENS ON SUNDAY. THIS IS THE MAIN FOCUS OF OUR COMMUNITY TOGETHER AND IT'S ALSO -- TO BE CRASS, IT'S OUR MAIN INCOME FOR PEOPLE TO COME ON SUNDAY MORNINGS. THESE RACES ARE WONDERFUL. IT ADDS TO THE VIBRANCY OF OUR DOWNTOWN, BUT VIBRANT DOWNTOWN CHURCHES ALSO ADD TO THIS -- TO THE WHOLE LANDSCAPE OF OUR DOWNTOWN. AND THERE ARE MANY CITIES THAT HAVE DESIMILARDECIMATED DMURCHES THE DOWNTOWN AREA. WE WILL JUST LIKE TO HAVE THIS CONSIDERED, THAT WE WOULD BE -- THAT WE WOULD BE CONSIDERED WHEN THINKING OF THESE RACES. THANK YOU.

Mayor Wynn: THANK YOU. WHEN WE HAVE A SECOND -- ACTUALLY, REVEREND BUD ROLAND IS ALSO GIVING TESTIMONY, BUT WE MAY HAVE SOME DIALOGUE AFTER WE HEAR FROM BUD. WELCOME.

MAYOR WYNN AND MEMBERS OF THE CITY COUNCIL, I'M BROTHER BUD ROLAND, DIRECTOR OF ST. MARY'S CATHEDRAL LOCATED AT 10th AND BRAZOS. I WANT TO THANK YOU FOR THE OPPORTUNITY TO ADDRESS YOU THIS AFTERNOON AND SPEAK ALSO REGARDING THE SUNDAY RACES. I DO SO NOT ONLY ON MY OWN BEHALF, BUT ON BEHALF OF A NUMBER OF PLACES OF WORSHIP LOCATED IN THE AUSTIN CENTRAL BUSINESS DISTRICT. AND THE ISSUE THAT I BRING TO YOUR ATTENTION TODAY REGARDS THE FREQUENT CLOSURE OF DOWNTOWN STREETS FOR PUBLIC RACES, SPECIFICALLY ON SUNDAYS. I'VE BEEN A

RESIDENT OF AUSTIN SINCE NEARLY 83 AND LIKE -- 1983 AND LIKE MOST OF YOU I APPRECIATE AND ENJOY AUSTIN'S LIFE-STYLE AND ITS OPPORTUNITIES FOR OUTDOOR RECREATION. AND I CERTAINLY APPRECIATE THE PHILANTHROPIC WORK ASSOCIATED WITH MANY OF THE RACES AND THEIR WORTHY CAUSES. BUT RECENT EXPERIENCE AND THE GROWING NUMBER OF LARGE RACES BEING HELD ON SUNDAYS PRESENT UNACCEPTABLE OBSTACLES TO OVER 6,000 RESIDENTS WHO REGULARLY TAKE RELIGIOUS SERVICES IN THE CENTRAL BUSINESS DISTRICT AREA. TWO RECENT RACES IT ILLUSTRATE MY CONCERN. DURING THE LAST RACE FOR THE CURE AND THE RECENT MARATHON, ATTENDANCE AT OUR DOWNTOWN CHURCHES WAS REDUCED APPROXIMATELY 40%. HUNDREDS, MOST NOTABLY THE ELDERLY, FAMILIES WITH YOUNG CHILDREN AND THE HANDICAPPED, SIMPLY GAVE UP AND THEY RETURNED HOME. THOSE WHO DID ATTEMPT TO ATTEND WERE MET BY NUMEROUS BLOCK AIDES AND LIMITED PARKING IN PLACES THAT WERE LOCATED BLOCKS AWAY FROM THE PLACE OF WORSHIP. WE HAVE NOTED A GROWING TREND REGARDING THE SUNDAY RACES, AND IT GREATLY CONCERNS US. NOT ONLY DO THE RACES AFFECT PARTICULAR SUNDAY WORSHIPPERS, BUT THEY HAVE THE CUMULATIVE EFFECT OF DISCOURAGING PEOPLE FROM MAKING THE EFFORT TO ATTEND DOWNTOWN PLACES OF WORSHIP THROUGHOUT THE YEAR. WE HAVE A FEW RECOMMENDATIONS WHICH WE WILL BE PROPOSING TO THE APPROPRIATE CITY DEPARTMENTS AND ULTIMATELY PERHAPS WITH YOU. THESE ARE, ONE, THE ELIMINATION OF SUNDAY RACES IN THE DOWNTOWN AREA AS IT WAS MENTIONED PREVIOUSLY. SUNDAY IS OUR MAJOR DAY OF BUSINESS. AND LIKE ANY OTHER BUSINESS, WE CANNOT SUSTAIN ONGOING DISRUPTIONS LIKE THE ONES THAT I IDENTIFIED EARLIER. WE SUGGEST AND WE THINK THIS MIGHT BE A WIN-WIN SITUATION, TO MOVE THE LARGER RACES TO MONDAYS, WHICH ARE PUBLIC HOLIDAYS, LIKE PRESIDENT'S DAY. THIS WOULD HAVE THE EFFECT OF NOT ONLY DISRUPTING THE FEWEST NUMBER OF PEOPLE, BUT IT WOULD ALSO ENCOURAGE THOSE PEOPLE WHO DRIVE IN FOR THE RACES OR COME IN FROM OUT OF TOWN TO STAY ONE MORE DAY IN AUSTIN AND SPEND THEIR MONEY HERE WITH US. WE RESPECTFULLY REQUEST A REVIEW OF THE EXISTING ORDINANCES REGARDING STREET CLOSURES. THE CURRENT ORDINANCES APPEAR IN OUR VIEW TO BE WEAK AND FURTHER MORE WE NOTE THAT WAIVERS ARE ROUTINELY GRANTED TO ORGANIZATIONS DESIRING ALTERNATIVE ROUTES AND ORGANIZATIONS THAT FAIL TO NOTIFY AFFECTED BUSINESSES AND PLACE OF WORSHIP. BARRICADES GO UP WAY TOO EARLY, THEY COME DOWN WAY TOO LATE. THERE NEEDS TO BE AN EAST-WEST THOROUGHFARE SO PEOPLE CAN GET INTO THE CENTRAL BUSINESS DISTRICT AREA AND THERE SHOULD BE A LIGHT OR LIGHTED SIGN WHICH WOULD DIRECT PEOPLE, INSTEAD OF COMING INTO A CUL-DE-SAC IF THEY COME OUT OF OF MOPAC OR I-35 AND THEY END UP FAR SOUTH OR FAR SOUTH. IF THERE WOULD JUST BE A WAY TO GET THEM IN. THESE ARE SOME OF THE SUGGESTIONS THAT WE HAVE. I APPRECIATE THE OPPORTUNITY TO ADDRESS YOU.

Mayor Wynn: THANK YOU, FATHER. I WILL SAY THAT I REMEMBER ABOUT 10 YEARS AGO WHEN I WAS CHAIRMAN OF THE DOWNTOWN AUSTIN ALLIANCE WE HOSTED A COUPLE OF



WORKSHOPS WHERE WE HAD -- I THINK THE DAA HOSTED IT, BUT WE HAD A NUMBER OF THE DOWNTOWN FAITH COMMUNITY N. R. IN ATTENDANCE AND SOME OF THE OBVIOUS RACE COORDINATORS, PAUL CROWS OF RUN TEXT AND A COUPLE OTHER KEY ONES. IT SEEMED TO ME THERE WAS SOME PROGRESS MADE 10 YEARS AGO ON SOME OF THESE ISSUES, BUT MY INSTINCT IS THAT IT'S TIME TO REVISIT.

I'M AWARE OF THAT. I THINK FATHER JIM BETHEL WAS VOFLTD IN THOSE EFFORTS AS WELL AS SOME OF THE OTHER PASTORS AT THAT TIME. AND I BELIEVE THERE WAS SOME PROGRESS MADE. I THINK THAT IT'S BEEN -- WHAT WE'VE NOTICED IS THAT THERE'S A PROLIFERATION OF RACES PARTICULARLY ON SUNDAYS. AND THEY'VE GOTTEN LARGER. AND OUR PLACES OF WORSHIP ARE MORE POPULAR AND SO WE HAVE COMPETING INTERESTS. THERE WAS SOME PROGRESS. I THINK THAT -- ONE POINT THAT I WOULD WANT TO MAKE IS WAIVES. THIS CONCERNS THE ORGANIZATIONS THAT HAVE SOME FLT LARGER RACES. ROUTINELY SOME WAIMP ARE WAIVERS ARE GRANTED ROORGD THE ROUTES OF THE RACES AND ALSO NOTIFICATION TO THE BUSINESSES AND CHURCHES. AND WE REALLY FEEL IF WE CAN JUST HAVE THE EXISTING ORDINANCES ENFORCED THAT THAT WOULD GO A LONG WAY. IT DOESN'T HELP US PARTICULARLY ON SUNDAYS. WE WOULD ALSO NOTE THAT IT SEEMS TO US THAT IT MIGHT BE ADVANTAGEOUS FOR PEOPLE WHO ARE IN THE RACE IN A MORE PUBLIC AREA SUCH AS THE PARK OR UP BY U.T. RATHER THAN IN THE DOWNTOWN AREA. BECAUSE FAMILIES OFTEN ARE WELCOMING THEIR FAMILY MEMBERS WHO RAN, AND IT CREATES A HUGE LOG JAM IN THE DOWNTOWN AREA. SO I THINK -- AND I THINK THAT ROUTES WOULD BE ON -- WE'RE CERTAINLY CONCERNED ABOUT SUNDAYS. IT'S SOMETHING THAT EFFECTS US ON OTHER DAYS SUCH AS WEDDINGS AND OTHER DAYS THROUGHOUT THE YEAR. SO WE'LL BE TALKING TO YOU. WE WANT TO TALK WITH THE SPECIFIC CITY DEPARTMENTS AND WE'VE BEEN MEETING WITH THE DOWNTOWN CHURCHES AND THEIR REPRESENTATIVES RECENTLY. WE WILL COME BACK TO YOU.

Mayor Wynn: THANK YOU. AND I WILL SAY THAT I THINK THE DOWNTOWN AUSTIN ALLIANCE WOULD CONTINUE TO SERVE AS A GOOD FORUM FOR YOU ALL TO SET THE STAGE FOR AN ARENA FOR THESE DISCUSSIONS.

WE HAVE BEEN TALKING TO THEM. FRANKLY, THEY REPRESENT THE DOWNTOWN BUSINESSES AND THEY WANT TO KEEP THE RACES ON SUNDAY BESIDES SATURDAYS. BUT WE WANT TO CONTINUE TO DIALOGUE WITH THEM TO SEE IF WE CAN'T MOVE SOME OF THESE LARGER RACES TO PUBLIC HOLIDAYS AND MONIES.

Mayor Wynn: AND DO KNOW THAT RELATIVELY RECENTLY, COUNCIL TOOK ACTION, IT'S BEEN A COUPLE OF MONTHS PERHAPS, WHEREBY WE HAVE SET UP I THINK ONLY FOUR STANDARDIZED RACE ROUTES. ONE BIG ISSUE WE HAD FRANKLY IS IT WAS A FROB THE RACE PROMOTERS BECAUSE THEY HAD TO REINVENT THE WHEEL EVERY RACE SEEMINGLY, SO WE STANDARDIZED THE ROUTES. ONE AROUND THE CAPITOL, ONE ALONG THE LAKE... SOME OBVIOUS PLACES. SO PERHAPS AS PART OF THAT, PART OF THE STANDARDIZATION THAT WE KNOW EXACTLY WHICH BLOCKS OF WHICH STREETS ON

WHICH DAYS MAY BE AVAILABLE, AND IT ALLOWS THE CHURCHES DOWNTOWN TO INTERACT VERY WELL.

THAT WOULD HELP A GREAT DEAL AND THAT IS ONE OF THE PROBLEMS BECAUSE SOMETIMES MANY OF THE COORDINATORS SAY, WELL, WE RAN THAT ROUTE BEFORE. THAT'S BORING TO US. WE WANT ANOTHER ROUTE. AND THEY'RE GRANTED A WAIVER.

Mayor Wynn: THANK YOU, FATHER BUD. COUNCILMEMBER MARTINEZ. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

DOWNTOWN IS CHANGING. IT'S A RESIDENTIAL AREA NOW. THAT HAS BEEN A GANTT CHAL THROANG THE NORMAL PROCESS FOR THE RACES. AND IN FACT, MAYOR YOU MENTIONED THAT THE COUNCIL HAS CLEARLY STEPPED UP TO ADDRESS THIS. THE COUNCIL WITH THE ACTION THAT YOU PREVIOUSLY TOOK ADDED 13 POSITIONS TO THE BUDGET TO DEAL WITH PLANNING, SETTING UP BARRICADES AS LATE AS POSSIBLE AND TAKING THEM DOWN AS QUICKLY AS POSSIBLE. AND YOU ALSO MENTIONED THE PRESCRIBED ROUTES WHICH WE BELIEVE IS GOING TO HAVE A SIGNIFICANT IMPACT IN HELPING PLAN RACES AND ALSO TO DEAL WITH THE SITUATION THAT WAS DISCUSSED A FEW MIN AGO. WE DO HAVE FIVE PRESCRIBED ROUTES. THREE OF THEM ARE 5 K'S, TWO OF THEM ARE 10 K'S. OF THE FIVE, ONLY TWO OF THEM ACTUALLY RISH A CONGRESS AVENUE CLOSURE. MANY OF THEM ARE THE MORE TRADITIONAL ONES THAT IF YOU RUN THEM, THE DOG LOOP RUN. AND I PUT THESE UP -- WE'LL PUT THEM UP ON THE WEB. OUR STRATEGY ONCE WE GET OUR POSITIONS FILL, AT THIS POINT WE BELIEVE THREE OF OUR 13 POSITIONS ARE FILLED, BUT THEY ARE BEING RECRUITED FOR NOW. THE PLAN IS THAT WE WILL OFFER THESE AND IDENTIFY CERTAIN NUMBERS -- FOR INSTANCE, FOUR FESTIVAL BEACH 5 K ROUTES THAT YOU -- WE'LL HAVE FOUR OF THOSE A YEAR AND FOUR OF THE OTHERS AYEAR AND WE'LL ALLOCATE THOSE OUT SO THAT WE WILL IN FACT BE SPREADING THE RACES OUT. I WOULD SUSPECT THAT WE WILL HEAR THERE THE RACE ORGANIZERS BECAUSE EVERYONE DOES WANT THE PREMIER ROUTE BUT OUR DOWNTOWN IS CHANGING SO WE'RE WORKING HARD TO BALANCE ALL OF THE NEEDS. LAST YEAR WE HAD I BELIEVE ABOUT SPHICH RACES IN THE -- 75 RACES IN THE CITY. WHICH HAS DONE A GREAT DEAL FOR OUR CITY AND RECOGNITION NATIONWIDE, BUT WE RECOGNIZE THAT THERE IS SOME SIGNIFICANT INTERESTS THAT FORTUNATELY WITH YOUR ACTIONS THAT YOU TOOK SEVERAL WEEKS AGO, WE NOW HAVE THE RESOURCES IN PLACE SO THAT WE CAN START TO ADDRESS THAT IN A MORE PROACTIVE MANNER.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: I REALLY ESPECIALLYEMPATHIZEWITH THE CHURCHES WHO HAVE TO DEAL WITH THIS. I KNOW WE'RE A CITY THAT PRIDES OURSELVES ON BEING FIT AND SPOARGT THE RACES,, BUT AT THE SAME TIME IT DOES SEEM TO BE VERY DIFFICULT FOR THE MEMBERS OF THE CONGREGATIONS TO GET TO A CHURCH. AND THE CHURCH IS REALLY COUNTING ON THOSE MEMBERS TO HELP SUPPORT THEIR OWN OPERATIONS. SO I THINK THAT ANYTHING

WE CAN DO TO KIND OF STREAMLINE THIS AND MAYBE MAYBE WORK WITH THE FOUR ROUTES, MAYBE MODIFY THEM IF WE HAVE TO. I THINK WE REALLY NEED TO BE COGNIZANT. IT'S VERY DIFFICULT, ESPECIALLY FOR THOSE WHO ARE NOT USED TO THE DIFFERENT PAN TURNS, MAYBE JUST COMMUNICATING THAT TO THEM SO THEY CAN GIVE THAT INFORMATION TO THE MEMBERS OF THE CONGREGATION AS TO WHAT THE PREFERRED ALTERNATE ROUTE IS TO GET TO THE CHURCH I APPRECIATE THE STAFF'S WORK ON THIS GOING FORWARD AND IF THERE'S ANYTHING I CAN DO TO HELP, LET ME KNOW.

MAYOR, IF I COULD ADD A COUPLE OF THING. IN ADDITION TO THE STAFF THAT THE COUNCIL ADDED, YOU ALSO PROVIDED US THE RESOURCES TO ADDRESS SPECIFICALLY WHAT COUNCILMEMBER KIM JUST MENTIONED. THAT IS ALSO ADDITIONAL BARRICADE, ADDITIONAL SIGNAGE, THE ELECTRONIC DIGITAL BOARDS. SO AGAIN THE COUNCIL PROVIDED US THOSE RESOURCES. AND FINALLY ON THE ROUTES, I THINK IT'S IMPORTANT TO MENTION, AND MAYOR YOU MENTIONED IT EARLIER, PAUL WHO IS OBVIOUSLY KNOWN IN THE COMMUNITY AS BEING A STRONG PROPONENT OF RACING ASSISTED US IN DEVELOPING THESE ROUTES, SO WE FEEL COMFORTABLE THEY MEET OUR INTERESTS AND NEEDS AND ALSO HAVE A SIGNIFICANT INTEREST OF THE RACE COMMUNITY.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL AND THEN COLE.

Leffingwell: JUST A QUICK QUESTION. HAVE YOU EVALUATED THE QUESTION OF HAVING THE RACES ON NON-SUNDAYS, HOLIDAYS?

IT'S NOT. BUT WE'LL BALANCE THE RACES VERPD THE NUMBER OF DAYS INVOLVE. BESIDES THE RACE EVENTS, ON HOLIDAYS THERE'S TYPICALLY PARADES OR OTHER TYPE OF EVENTS THAT REQUIRE CLOSURES. AND SO THINGS ARE COMPETING WITH EACH OTHER. BUT WE'LL LOOK AT IF THAT'S SOMETHING THAT WE COULD DO. IT IS CHALLENGING. SOMETIMES SATURDAYS ARE DIFFICULT BECAUSE OF THE UNIVERSITY OF TEXAS FOOTBALL GAME HAVE A BIG I AM POOCT THE CENTRAL BUSINESS DISTRICT. SO THOSE ARE SOME OF THE THINGS THAT WE TRY TO BALANCE OUT, BUT WE'LL CERTAINLY LOOK AT THAT.

Leffingwell: I THINK THE FATHER WANTED TO MAKE A COMMENT TO THAT IF THAT'S OKAY.

Mayor Wynn: FATHER BUD, PLEASE.

I WOULD HOPE THAT STAFF WOULD LOOK AT SOME OF THE PUBLIC HOLIDAYS ON MONDAYS. I THINK THAT THAT DOES PRESENT A VERY GOOD OPPORTUNITY. AND I WOULD NOTE THAT THE VERY SIMILAR CONCERNS THAT WE HAVE WERE BROUGHT UP IN BOSTON REGARDING THE BOSTON MARATHON AND THAT'S WHY THE BOSTON MARATHON IS NOW ON A PUBLIC HOLIDAY, ON MONDAYS.

Mayor Wynn: THANK YOU. COUNCILMEMBER COLE HAD A COMMENT, I BELIEVE.

Cole: I CAN CERTAINLY APPRECIATE THE DIFFICULTY OF THE ROUTES AND THE CONCERN THAT THE CHURCHES, ESPECIALLY DOWNTOWN AND THE CENTRAL BUSINESS DISTRICT, HAVE BROUGHT FORTH. I REALLY APPRECIATE ALL THE WORK THAT YOU'VE DONE TO TRY TO STREAMLINE THE PARTICULAR ROUTES. AND IT SEEM LIKE WITH THAT WE SHOULD BE ABLE TO DO SOME OUTREACH EFFORTS TO THE CON GET GRAITIONS, -- CONGREGATIONS, PERHAPS A TOWN LAKE MEETING SO WE MAKE CLEAR THAT THE ROUTES ARE AND THE TIMING OF THE RACES AND ALSO REACH OUT TO THE MARATHON HOLDERS TO TRY TO ENCOURAGE THEM AS FATHER HAS MENTIONED TO HOLD THE RACE ON AN ALTERNATE DAY, A HOLIDAY OR SATURDAY AND WORK WITH THE UNIVERSITY OF TEXAS ON THAT ALSO.

WE'RE COMMITTED TO MAKING THAT HAPPEN.

Mayor Wynn: FURTHER COMMENTS? THANK YOU VERY MUCH. JENNIFER GALE I CALLED EARLIER. WELCOME, JENNIFER.

HI, AUSTIN. CITY MANAGER MARK OTT. HAPPY ST. PATRICK'S DAY. MAYOR WYNN, I'M ASKING THE PEOPLE OF AUSTIN TO SAY A PRAYER TO HOPE YOU MAKE IT THROUGH YOUR CHALLENGES THAT YOU HAVE A FAST RECOVERY. COUNCILMEMBERS, IT'S THE STAR OF TEXAS RODEO UNTIL THE 15TH. THE IEDZ OF MARCH. THIS IS GREAT FOR FAMILIES AND BENEFITS CHILDREN. COUNCILMEMBERS LEFFINGWELL, KIM, IT WAS GREAT TO SEE YOU LAST NIGHT FOR THE CANDIDATES' MEETING. COUNCILMEMBERS MARTINEZ, DUNKERLEY, MCCracken AND COLE, GOOD MORNING, GOOD AFTERNOON. WE NEED COUNCIL DISTRICTS. COUNCILMEMBER DISTRICTS THAT ARE -- THE ACTUAL COUNCILMEMBERS SIT ON THE BORES AND COMMISSIONS. AND SO WE ARE ELECTING THE VERY PEOPLE DOING THE BUSINESS OF THE CITY. I WANT TO TALK ABOUT THE DOMAIN. BEFORE I TALK ABOUT THE DOMAIN, I'D LIKE TO CONGRATULATE BARACK OBAMA FOR RUNNING A FANTASTIC CAMPAIGN IN THE CITY OF AUSTIN. WINNING THE CITY OF AUSTIN AND TRAVIS COUNTY, ALONG WITH JOHN MCCAIN. THE OVERHEAD FOR BUSINESSES MUST BE EXCRUCIATING CONSIDERING THE PRICE OF FOOD AT THE DOMAIN. I GOT THIS FROM THE IMPACT NEWSPAPER. NEIMAN MARCUS, NORDSTROM, TIFFANY'S, THIS IS A PROJECT BASED CONTRACT WHERE WE HAVE TO BUILD SKY HIGH GARAGES AND INFRASTRUCTURE FOR OUR UTILITIES. BUSINESS IS ACTUALLY CIG US. THEY BRING ALL THIS PEOPLE INTO THIS EAR. WE LOST 59 PEOPLE HERE. 59 PEOPLE DIED ON OUR ROADS. WE NEED TO PUT UP A BARRIER ON HIGHWAY 71. LET'S PUT IT UP OUR SELFS. BUSINESS -- WITH THE PROJECT BASE INCENTIVE, WE ARE -- WE'RE NOT ALLOWING THE BENEFITS TO COME BACK TO THE PEOPLE OF AN. OUR TAXES ARE SKY HIGH, \$6,000 FOR MANY HOMES. RANDY SHADE COULDN'T MAKE IT TO THE OHAN MEETING LAST NIGHT BECAUSE SHE GOT STUCK HINTD ONE OF THE GARAGE GATES. WE ARE MOVING FROM A BEDROOM COMMUNITY TO A BUSINESS BEDROOM COMMUNITY THAT INVITES STRESS, TRAFFIC, CONGESTION RIGHT HERE IN OUR NEIGHBORHOODS. WE'RE NOT ABLE TO GET AWAY FROM IT ALL BECAUSE WE'RE BRINGING THE BUSINESSES TO OUR COMMUNITIES AND THAT'S NOT FAIR FOR

AUSTINITES. WHERE'S THE MONEY THAT WE'RE GETTING FOR ALL THESE TAXES? IS IT FOR THE 105 THOI DOLLAR SHORTFALL THAT WE HAVE FOR THE PEOPLE'S COMMUNITY CLINIC THAT WE SHOULD BE GIVING AWAY OR IS IT THE FIVE MILLION DOLLARS THAT WE SWITCH FROM THE CHILDREN'S MUSEUM TO THE STREET SCAPES IN AUSTIN. I HOPE YOU ENJOY THE MUSIC THE NEXT COMING WEEK THAT WE PUT SOME OF THAT MONEY TOWARD MUSICIAN'S INSURANCE. JUST HAVE A GOOD TIME. THANK YOU. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] WE HAVE A PASSION FOR WORKING FOR THE PUBLIC, AND FOR THE PUBLIC SAFETY. THE MEDIA, FOR THE LAST COUPLE OF WEEKS, HAVE TOLD AND EVEN THE MAYOR, YOU SAID MADE COMMENTS ABOUT THIS, THAT THE SOUTH-BY-SOUTHWEST EVENT IS GOING TO KICK IN ABOUT \$95 MILLION IN OUR ECONOMY. THERE IS NO DOUBT IN OUR MINDS THAT PEOPLE WHO WORK IN THE WRECKER ENFORCEMENT UNIT, INCLUDING COMMANDER KNIGHT, AC ROBINSON, THAT TOWING WRECKER DRIVERS ARE GOING TO CHARGE UNAUTHORIZED FEES. CERTAINLY COMPANIES HAVE ALREADY BEEN CITED FOR IT. WHEN I SAY UNAUTHORIZED FEES, IS WHEN THEY BACK UP TO A CAR IN THE PARKING LOT, RACE OFF, EVERYBODY COMES OUT THERE, THEY SAY OH, DON'T TOW MY CAR, I'LL PAY, I'LL PAY. THAT PERSON MIGHT PAY \$100 WHEN THEY SHOULDN'T PAY ANYTHING. Y'ALL PASSED THAT ORDINANCE TO PROTECT THE PUBLIC. WE'RE STILL SEEING MISGIVINGS IN THAT, BECAUSE WE DON'T HAVE REALLY -- WE NEED ANOTHER DETECTIVE. THEY ARE JUST OVERLOADED WITH THE NUMBER OF COMPLAINTS THEY GET FROM CITIZENS. BASED ON WHAT LANGUAGE YOU SPEAK, YOU DON'T UNDERSTAND DEPENDS ON WHAT YOU ARE GOING TO PAY ON THAT FEE. WE HAVE THE GOOD TOWING COMPANIES OUT THERE. BUT WE HAVE GOT SOME REALLY BAD COMPANIES OUT THERE. EVEN THOUGH SOMEONE TAKES SOMEONE TO A J.P. COURT UNDER A PROBABLE CAUSE HEARING, THERE'S NO -- THERE'S NO MECHANISM IN PLACE FOR -- FOR A VICTIM TO GET THEIR MONEY BACK. THEY ARE STEALING CARS, STILL STEALING CARS. THEY WERE CITED FOR CHARGING UNAUTHORIZED FEES, BIG A. THIS WAS IN THE PARKING LOT AT BABY A'S. JUST LIKE J AND J TOWING, THE SUBCONTRACTOR ON THE CENTRAL PARKING CONTRACT. THEY ARE BEING VETTED RIGHT NOW FOR AUTO THEFT. THESE COMPANIES ARE DOING BUSINESS FOR THE CITY. YOU KNOW, I'VE ASKED TIME AND TIME AGAIN OVER THE COUPLE OF YEARS, WHY WE DON'T HAVE A POWER POINT ON CHANNEL 6, THE CITY CHANNEL THAT AIRS IN ALL OF THE MOTEL ROOMS IN OUR CITY THAT STATES WHAT THE FEES ARE AND WHAT THEY SHOULD DO IF THEY ARE BEING VICTIMIZED BY A TOWING COMPANY. KEITH REEVES CHANNEL 6, I TOLD HIM, I DON'T WANT TO STEP ON NOBODY'S TOES. ASKED BY THE POLICE DEPARTMENT. JUST BACK AND FORTH, THE WHOLE GOAL IS IF THE PUBLIC KNEW THEY DIDN'T HAVE TO PAY, ALL THEY HAD TO DO WAS CALL THE POLICE TO COME OUT THERE AND SETTLE THAT MATTER, IT WOULD REALLY DO -- IT WOULD REALLY BE A GOOD STEP FORWARD BECAUSE GOING SOMEWHERE FOR A SPORTING EVENT, COMING IN OUR CITY FOR A VACATION AND GETTING RIPPED OFF BY A TOWING COMPANY FOR 200, 150, \$300, THAT LEAVES A BAD TASTE IN OUR MOUTH. YOU LOOK AT WHAT THAT'S GOING TO GIVE OTHER PEOPLE WHEN THEY SAY HOW WAS YOUR EXPERIENCE IN AUSTIN? THAT ORDINANCE WAS PUT INTO EFFECT TO PROTECT THE CITIZENS. AND PROTECT OUR VISITORS. I ASKED THAT THE COUNCIL DIRECT THE CITY MANAGER'S OFFICE, TO CREATE A

POWER POINT TO PUT ON CHANNEL 6. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. JOHNSTON. MARY CRENNICK, WELCOME, YOU WILL HAVE THREE MINUTES, FOLLOWED BY PAUL ROBBINS.

GOOD AFTERNOON, CITIZENS AND HE FRIENDS, I'M A HOMEOWNER A POLITICAL ACTIVIST, A NATIVE AUSTINITE AND ARTIST. I'M ALSO A -- A PEDESTRIAN AND BICYCLE RIDER. I HAVE SOME FOALT TO SEES TO-- SOME PHOTOS HERE THAT SHOW THE DE-- DECREPIT STANDARD OF SIDEWALKS ON LAMAR BETWEEN BARTON SPRINGS ROAD AND TREADWELL. I'M ACTUALLY HERE TODAY TO ASK YOU ALL TO CONDEMN THE SIDEWALK TODAY. IT'S A DANGEROUS SIDEWALK. NO ONE CAN TRAVERSE IT ESPECIALLY IF THEY ARE GOING TO ACL, BLUES ON THE GREEN, THEY'VE HAD ONE OR TWO BEERS IN THEM. I'M ALSO DARING YOU GUYS TODAY AFTER WORK TO GO AT 5:00, PARK YOUR CAR OVER THERE, WALK THAT SIDEWALK TODAY. IT'S ABOUT A FOUR OR FIVE BLOCK STRETCH AND TELL ME THAT YOUR HEART RATE IS NOT INSANE THAT YOU WEREN'T SCARED FOR YOUR LIFE MORE THAN ONCE OR TWICE. ONE OF MY FRIEND'S KIDS GOT HIT THERE ON THE BICYCLE IN AUGUST. THESE PHOTOS WERE FROM ABOUT AUGUST WHEN WE HAD A LOT OF RAIN. THERE WAS STANDING ALGAE ON PART OF THE SIDEWALK. PART OF THE SIDEWALK IS A PATH. THERE IS NO LITERAL CONCRETECONCRETE. SO GETS TO PROBABLY MEAN LANE CLOSURES, THERE A 10-FOOT WALL, WHEN THE GROUND WATER IS HIGH IT LEAKS FOR ABOUT THREE MONTHS, STANDING ALGAE IN AUGUST WHEN I WENT TO TAKE THESE PHOTOS, I HAD TO WALK ON ASPHALT TO AVOID THE ALGAE. SO -- SO I'VE BEEN TALKING WITH [INDISCERNIBLE] BE KIND TO CYCLISTS, MY LAWYER HAS SOME OF THESE PHOTOS. PLEASE CONDEMN THESE SIDEWALKS TODAY AND THANK YOU VERY MUCH FOR YOUR TIME. IT'S AN HONOR TO BE HERE AND IT'S ALSO A LOT OF WORK TO BE HERE. PROBABLY THE NEXT YEAR I'M GOING TO PROPOSE THE CITIZENS COMMUNICATION DAY AND I ALSO CHALLENGE YOU GUYS TO TRY TO GET ON YOUR OWN CITIZENS COMMUNICATION -- CITIZEN COMMUNICATION MINUTES OR THREE MINUTES AND JUST SEE HOW EASY IT IS TO GET ON THE PODIUM TO ADDRESS OUR FELLOW CITIZENS. BUT THANKS FOR YOUR TIME.

THANK YOU, MS. CRENNICK. I DON'T KNOW THAT ANYBODY HERE IS FROM PUBLIC WORKS. JOE MIGHT CAN GIVE US AN UPDATE. YOU KNOW WE -- WE HAVE THIS CHALLENGE ALL OVER THE CITY. IT'S JUST RIDICULOUS REALLY HOW -- HOW DIFFERENT REASONS AUSTIN GREW WITHOUT -- WITHOUT SIDEWALKS. BUT WE HAVE A MODEST AMOUNT OF, NEVER ENOUGH, BUT A -- MODEST AMOUNT THAT WE TRY TO SET ASIDE I BELIEVE EACH YEAR FOR VERY TARGETED SPECIFIC SIDEWALK IMPROVEMENTS AT OUR EXPENSE. AND I'VE GOT TO BELIEVE AT SOME POINT, JOE, THERE MUST BE SOME PRIORITY LIST SOMEWHERE, THE PUBLIC WORKS WORKS THROUGH AND HOPEFULLY THAT'S BASED SOMEWHAT ON -- ON DEMAND AND SEEMS THAT NEARBY SOUTH LAMAR STRETCH OTHERWISE REALLY IS CONDUCIVE FOR A LOT OF PEDESTRIANS. WHAT'S OUR PLAN.

WE GOT THE PARTICULARS ON THIS COMPLAINT YESTERDAY. OUR STRING AND BRIDGE INVESTIGATOR IS OUT THERE THIS MORNING ACTUALLY ASSESSING THE SITUATION. WE'LL

TAKE WHATEVER ACTION IS NECESSARY TO CLEAN UP WHATEVER PROBLEMS WE HAVE, SLIPPERNESS, ALGAE, THEN WE WILL HAVE OUR BIKE AND PED PROGRAM LOOK AT IT FOR ANY NEW SIDEWALKS THAT ARE REQUIRED, RUN IT THROUGH THE MATRIX. AS YOU MENTIONED WE HAVE A LOT OF PRIORITIES, HIGH PRIORITIES THROUGHOUT THE CITY. IT WILL GET MEASURED UP AGAINST ALL OF THE OTHERS. THAT'S HOW WE MAKE DECISIONS AS TO WHICH ONES GET THE BULK OF THE FUNDING UP FRONT. HOWEVER THIS ONE IS AN EXISTING SIDEWALK. IF IT REQUIRES MODIFICATION WE CAN HANDLE THAT THROUGH OUR FUNDS THAT WE HAVE FOR REPAIRING SIDEWALK PROBLEMS. THAT'S A -- A LITTLE SEPARATE FUND THAT -- THAT WE HAVE THE CAPABILITY TO -- TO ADDRESS THAT. SO -- SO WE WILL BE TAKING ACTION IN THIS PARTICULAR AREA IN THE NEXT FEW DAYS.

Mayor Wynn: THANK YOU FOR THE UPDATE.

OUR FINAL SPEAKER IS PAUL ROBBINS, WELCOME BACK, MR. ROBBINS. YOU, TOO, WILL HAVE THREE MINUTES.

COUNCIL, CITIZENS, I'M PAUL ROBBINS. I'M AN ENVIRONMENTAL ACTIVIST AND CONSUMER ADVOCATE. AND I'M HERE AGAIN TO ASK YOU TO PUT A CHARTER AMENDMENT ON THE BALLOT THIS MAY, TO REAFFIRM OR COUNCIL' CANCEL THE CHARTER PROVISION THAT CITIZENS APPROVE REVENUE BONDS. CAN I HAVE THE FIRST SLIDE PLEASE. TO GIVE YOU -- YOU ALL KNOW THE HISTORY I THINK BY NOW, BUT SOME CITIZENS LISTENING MAY NOT. IN 1984, MID 1984, THERE -- THERE WAS A CONTROVERSY IN WHICH BOND FOR THE SOUTH TEXAS NUCLEAR PROJECT WEREWERE -- WERE ISSUED WITHOUT VOTER APPROVAL. CITIZENS WERE ANGRY. IT WENT TO COURT. THE CITY WAS -- THE COURT SIDED WITH THE CITY AND SAID THAT -- THAT VOTERS -- THAT THE COUNCIL COULD APPROVE REVENUE BONDS WITHOUT VOTER APPROVAL. AND -- AND THEY DID IN THAT INSTANCE, BUT THEY CONTINUED, AND THE CITIZENS CONTINUED TO VOTE ON OTHER REVENUE BONDS FOR THE NEXT 14 YEARS. AND THE -- THIS WAS SO CONTROVERSIAL THAT IN JANUARY OF 1985, THE CITIZENS WERE ACTUALLY ASKED, DO YOU WANT TO RESEND THIS? RESCIND THIS. IT RED SHALL THE CITY CHARTER BE AMENDED TO RESIDE FOR THE ISSUANCE OF REVENUE BONDS PURSUANT TO A FAVORABLE VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS. AND THOSE THAT APPROVED IT WERE 31% AND THOSE OPPOSED WERE 69% OF THE VOTE. THERE HAS NEVER BEEN AN ELECTION SINCE THEN TO -- TO RETEST THIS. I'M ASKING THAT YOU RETEST THIS. IF YOU THINK THIS CHARTER PROVISION HAS OUTLIVED ITS USEFULNESS, IS DEAD WEIGHT, ASK THE VOTERS TO TAKE IT AWAY. THIS IS GOOD WORDING. IT WORKED BACK THEN. LET'S JUST DO IT AGAIN. AND NEXT SLIDE. SINCE MID 1984 WHEN COUNCIL WAS PERMITTED TO PASS BONDS WITHOUT VOTER APPROVAL THERE HAVE BEEN SEVEN BOND ELECTIONS WITH 50 STRAIGHT REVENUE ITEMS APPROVING APPROXIMATELY \$1.9 BILLION WORTH OF BOND, THE LAST ONE BEING HELD IN NOVEMBER OF 1998. THAT'S ABOUT AS PLAINLY AND SUCCINCTLY AS I CAN PUT IT. IF YOU WANT TO CONTINUE TO INCLUDE VOTERS TO -- TO MAKE -- TO MAKE VOTERS FEEL THAT THEY ARE PART OF THE PROCESS -- THIS NEEDS TO BE CONTINUED. THIS CHARTER PROVISION NEEDS

TO BE CONTINUED. THANK YOU FOR YOUR ATTENTION.

THANK YOU, MR. ROBBINS FOR THE SUGGESTION. JUST A TECHNICAL NOTE, DO KNOW THAT -- THAT PER STATE LAW WE'RE NOT ABLE TO HAVE A CHARTER AMENDMENT ELECTION THIS MAY, BUT WE WILL HAVE THAT IN NOVEMBER. SO ... COUNCIL, THAT'S OUGHT OF OUR CITIZENS -- THAT'S ALL OF OUR CITIZENS COMMUNICATION PARTICIPANTS AT THIS TIME. SO WITHOUT OBJECTION, WE WILL GO INTO CLOSED SESSION PURSUANT TO SECTION 551.071 OF TO TAKE UP LEGAL ISSUES. ITEMS NUMBER 6 AND/OR 76, LEGAL ISSUES BOTH RELATED TO BROADLY SPEAKING THE RELEASE OF APPROXIMATELY 1900 ACRES OF LAND KNOWN AS THE VILLA MUSE AREA FROM THE EASTERN EXTRA TERRITORIAL JURISDICTION AND ALL OF THE OTHER PROVISIONS RELATED TO THAT CONCEPT. AND THEN POTENTIALLY ITEM NO. 51, DISCUSS LEGAL ISSUES REGARDING TERMS OF A SETTLEMENT AGREEMENT ON NATURAL GAS IMPLEMENTATION, GAS RATES, BETWEEN AT MOST ENERGY CORPORATION, MID TEXAS DIVISION AND THE AT MOST TEXAS MUNICIPALITIES. WE ARE NOW IN CLOSED SESSION. I ANTICIPATE US BEING IN CLOSED SESSION FOR A SOLID COUPLE OF HOURS, LIKELY COMING BACK SOMETIME AFTER 2:00, TO CONDUCT OUR AFTERNOON BRIEFING ON THE VILLA MUSE PROJECT, PERHAPS TAKE UP DISCUSSION ITEMS OF THE TWO POSTED ITEMS AS WELL AS DO SOME BOND SALES. WE ARE NOW IN CLOSED SESSION. THANK YOU.

WE ARE OUT OF CLOSED SESSION, IN EXECUTIVE SESSION WE TOOK UP LEGAL ISSUES PURSUANT TO SECTION 551.071 OF THE TEXAS OPEN MEETINGS ACT. WE TOOK UP SORE THE COMBINED DISCUSSION ABOUT THE VILLA MUSE E.T.J. RELEASE, WE HAVE THOSE POSTED AS ITEMS 6 AND 76, WE ALSO TOOK UP ITEM NO. 51, LEGAL ISSUES REGARDING ATMOST ENERGY ITEM, A NATURAL GAS RATE IMPLEMENTATION AGREEMENT. WHICH WE WILL HAVE A PUBLIC HEARING THIS EVENING AND POSSIBLE ACTION. WE HAVE ENDED OUR CLOSED SESSION AGENDA FOR THE DAY, MS. GENTRY. COUNCIL, THAT TAKE US TO OUR AFTERNOON ACTION, INCLUDING OUR DISCUSSION OF -- AND POSSIBLE ACTION ON BOND SALES, WE HAD THAT POSTED AS ITEMS 52 AND 53, WELCOME MR. BILL NEWMAN.

GOOD AFTERNOON MAYOR AND COUNCIL, MY NAME IS BILL NEWMAN. WE ARE HERE TO TALK TO YOU ABOUT ITEM NO. 52 AND 53 AND WHAT WE'LL BE TALKING TO YOU ABOUT IS SEEKING YOUR CONSENT TO A REFUNDING OF SOME OF THE CITY'S OUTSTANDING WATER AND WASTEWATER BONDS. WHETHER I SAY WE'RE GOING TO SEEK CONSENT, WE'RE NOT ASKING YOU TO APPROVE TODAY. WE ARE GOING TO ALLOW US AND THE STAFF TO MOVE FORWARD WITH A REFUNDING OF SOME OF YOUR BONDS UNDER CERTAIN CONDITIONS THAT ARE IN COMPLIANCE WITH THE CITY'S CURRENT FINANCIAL POLICIES. WITH THAT SAID I SHOULD MENTION THAT CHRIS ALLEN, MY PARTNER BACK THERE, SHEPHERDED THIS DEAL FROM THE TIME IT STARTED UNTIL NOW, I WOULD LIKE HIM TO MAKE THE PRESENTATION THIS TIME. I WILL HAND OUT THE BOOKS MARK AUSTIN THANK YOU, MR. NEWMAN.

GOOD AFTERNOON, MAYOR AND COUNCIL, AGAIN MY NAME IS CHRIS ALLEN. WHAT WE'RE HERE TODAY IS TO ASK FOR YOUR APPROVAL TO MOVE WITH THE PARAMETERS



ORDINANCE. WHAT WE ARE MOVING FORWARD WITH IS A -- IS A REFUNDING BOND TRANSACTION OF YOUR WATER AND WASTEWATER SYSTEM, VARIABLE RATE REFUNDING BOND SERIES 2008 IN AN AMOUNT NOT TO EXCEED 175 MILLION. WHAT WE'RE DOING IS TAKING OUT A PORTION OF YOUR COMBINED UTILITY SYSTEM REVENUE BONDS AND PARITY WATER AND WASTEWATER SYSTEM BOND TO ACHIEVE PRESENT VALUE DEBT SERVICE SAVINGS. ON PAGE 3 THERE'S A LIST OF THE PROFESSIONALS INVOLVED IN THIS TRANSACTION. YOU WILL SEE YOUR BOND COUNSEL, FULBRIGHT AND JAWORSKI, BOB IS IN THE AUDIENCE HERE. WE ARE ENTERING INTO THE TRANSACTION WITH THE UNDERWRITER GOLDMAN, SACKS AND COMPANY. SECURITIES COUNCIL SERVED BY McCALL [INDISCERNIBLE] AND HORTON. THIS TRANSACTION, AS BILL SAID, THESE TWO ITEMS WE ARE ISSUING 175 MILLION IN VARIABLE RATE BONDS, WE WILL ALSO BE ENTERING INTO AN INTEREST RATE MANAGEMENT AGREEMENT. THIS TRANSACTION ALLOWS YOU TO ISSUE VARIABLE RATE BONDS BUT PAY A FIXED RATE ON THOSE BONDS. AND IT ALLOWS YOU TO MAXIMIZE YOUR SAVINGS. THE FOLLOWING PAGE IS JUST A LOOK AT WHAT THE SAVINGS ARE FORWARDED TO THIS TRANSACTION. YOU WILL SEE THERE ON THE TOP THE TRANSACTION THAT WE ARE EXPECTING IS ABOUT \$173 MILLION. WITH PRESENT VALUE SAVINGS OF ROUGHLY ABOUT 7.45%. YOU WILL SEE RIGHT BELOW THERE ON TRADITIONAL FINANCING WOULD ONLY GARNER SOMETHING IN THE RANGE OF ABOUT TWO MILLION OR 1.6% PV SAVINGS. THEREFORE THIS STRUCTURE ALLOWS YOU TO MAXIMIZE YOUR PRESENT VALUE SAVINGS ON THE TRANSACTION. AGAIN, THIS TRANSACTION WHAT WE ARE ASKING YOU TO APPROVE WOULD BE WITHIN YOUR GUIDE LINES, YOUR SAVINGS THRESHOLDS. WITH THAT I WOULD OFFER TO ANSWER ANY QUESTIONS IF I COULD AND RECOMMEND APPROVAL. THANK YOU.

THANK YOU, QUESTIONS? COUNCIL? COMMENTS? SO WE TAKE THESE UP AS A COMBINED MOTION I GUESS. SO, COUNCIL, I WILL ENTERTAIN A MOTION ON THE COMBINED ITEM 52 AND 53. MOTION BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE ITEMS 52 AND 53 AS PRESENTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU.

Mayor Wynn: THANK YOU, GENTLEMEN, CONGRATULATIONS. OKAY. SO COUNCIL LET'S SEE. THAT TAKES US TO OUR AFTERNOON -- EITHER OUR AFTERNOON BRIEFING AND/OR PUBLIC DISCUSSION ABOUT OUR POSTED ITEMS 6 AND 76 REGARDING THE REQUEST FOR E.T.J. RELEASE FROM THE VILLA MUSE DEVELOPMENT. LET'S SEE. EARLIER WE HAD A HANDFUL OF FOLKS SIGNED UP. PROBABLY THE SAME FOLKS FOR 76 AS IS 6. GIVE PEOPLE TIME TO GET INTO THE ROOM IF THEY'RE NOT HERE. BUNCH A FOLKS SIGNED UP NOT WISHING TO SPEAK. NOT NEARLY ENOUGH, HOWEVER. SO IT LOOKS LIKE, TRYING TO MANAGE OUR TIME HERE, COUNCIL, WE HAVE A COUPLE OF HOURS WORTH OF TESTIMONY FROM FOLKS

WHO HAVE SIGNED UP WISHING TO SPEAK, MOST OF THEM IN FAVOR OF ITEM NO. 6. THEN THE SAME SEEMS TO BE TRUE ON ITEM 76. WE HAVE ABOUT -- LET'S SEE IN OPPOSITION HERE. OFTENTIMES PEOPLE WILL SIGN UP INADVERTENTLY IN THE WRONG -- COUNCIL, WE HAVE ABOUT -- ABOUT 30 SPEAKERS WISHING TO SPEAK FOR A LITTLE OVER TWO HOURS. IN FAVOR OF THE PROJECT. I WONDER IF -- IF WE COULD -- IN AN EFFECTIVE WAY CARVE THAT DOWN SOMEWHAT. BUT WHAT I WOULD LIKE TO TRY TO -- WHAT I THINK WE CAN GET DONE IS STAFF IS PREPARING THE STAFF PRESENTATION AS WE SPEAK OR AS WE LISTEN. AND SO PERHAPS IF WE HAD APPROXIMATELY, YOU KNOW, HALF AN HOUR OR 45 MINUTES WORTH OF TESTIMONY STAFF WOULD -- WOULD BE LIKELY FINISHED WITH THEIR POWERPOINT OR WHATEVER PRODUCT THEY ARE GOING TO USE, I DON'T KNOW IF THE -- IF THE VILLA MUSE TEAM WOULD LIKE TO START THE -- THE TESTIMONY. TAKE THE FOLKS IN FAVOR.

Leffingwell: MAYOR, WOULD IT BE APPROPRIATE TO MOVE TO POSTPONE 76 NOW AND THEN - - THEN WE WOULDN'T HAVE TO -- WE WOULDN'T HEAR PUBLIC TESTIMONY ON THAT SINCE IT'S POSTPONED.

Mayor Wynn: CERTAINLY THAT'S -- IF THAT'S THE WILL. WE HAVE A MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER COLE TO POSTPONE THE ADDENDUM ITEM 76, WHICH WAS -- FRANKLY THE MORE INTRICATE PROPOSED ORDINANCE ON THIS E.T.J. RELEASE. BUT -- BUT SO MOTION AND SECOND ON THE TABLE. THE QUESTION THAT I PRESUME WHAT THAT MEANS WE WILL TAKE UP ITEM 6 AND PERHAPS HAVE DISCUSSION JUST AND PRESENTATION ABOUT THE -- ABOUT THE MORE VAGUE CONCEPT OF E.T.J. RELEASE. COUNCILMEMBER MCCRACKEN?

McCracken: LET ME JUST -- AS I GATHER FROM THAT, THE MOTION AND THE DISCUSSIONS, THE THOUGHT IS THE DECISION FOR COUNCIL POTENTIALLY IS WHETHER WE AUTHORIZE NEGOTIATIONS TO DO A RELEASE FROM THE E.T.J., IT STRIKES ME 6 AND 76 ARE SO CLOSELY RELATED AS ITEMS THAT WE SHOULDN'T SAY IF WE ARE GOING TO POSTPONE 76 BUT CONSIDER A AN AUTHORIZATION TO NEGOTIATE RELEASING THE E.T.J. THAT WE SHOULD STILL LET FOLKS BE HEARD. BECAUSE IT'S -- I MEAN, LARGELY WHAT WE'RE TALKING ABOUT THROUGH ITEM 6 IS DOING MUCH OF THE WORK THAT'S EMBEDDED IN 76. WHICH IS 76 SAYS HERE GO NEGOTIATE OR RELEASE FROM THE E.T.J. SPECIFIC TERMS, ITEM 6 IS -- I'LL TELL YOU I'LL PROPOSE ON ITEM 6 WILL BE TO AUTHORIZE NEGOTIATIONS TO RELEASE FROM THE E.T.J. SO THEY WILL -- THEY WILL EFFECTIVELY ACCOMPLISH THE SAME THING. FOR THAT REASON I DON'T THINK WE SHOULD SAY THAT SOMEONE SIGNED UP FOR 76 THEY SHOULDN'T BE HEARD BECAUSE WE WILL BE CONSIDERING BASICALLY THE SAME USE IN ITEM 6.

Mayor Wynn: I'M SORRY IF I MISLED ANYBODY. TWO HOURS WORTH OF TESTIMONY, 70 SOME ODD PEOPLE SIGNED UP ON ITEM 6. ONLY 30 SOME ODD ON ITEM 76. IT'S A SUBSET OF THE SAME FOLKS FOR ITEM 6.

McCracken: OKAY.

Mayor Wynn: I THINK WHAT THE MOTION IS ATTEMPTING TO DO IS JUST -- JUST CLEAN UP OUR BUSINESS A LITTLE BIT BY HAVING ONE ITEM POSTED AND MY UNDERSTANDING FROM -- FROM CITY ATTORNEY IS THE WAY THAT WE'RE POSTED ON ITEM NO. 6 THERE'S STILL A LOT OF FLEXIBILITY AND LEEWAY AS TO WHAT DIRECTION, IF ANY, WE GIVE. SO -- SO AGAIN EVERYBODY WHO -- WELL, UNLESS COUNCIL WANTS TO WAIVE SOME RULES AND MAYBE TRY TO BE A LITTLE MORE COGNIZANT OF FOLKS' TIME, EVERYBODY HERE WHO WANTS TO SPEAK OR NEEDS TO SPEAK ON THE VILLA MUSE E.T.J. RELEASE WOULD BE ABLE TO ON ITEM 6.

Leffingwell: MAYOR, DID YOU ALSO SUGGEST A TIME LIMITATION?

Mayor Wynn: I HAVEN'T YET. RIGHT NOW A MOTION AND A SECOND TO POSTPONE ITEM 76. FURTHER COMMENTS?

McCracken: I WILL VOTE FOR ITEM 76 BECAUSE I'M GOING TO PROPOSE AS THE MOTION FOR ITEM 6 THAT WE AUTHORIZE STAFF TO NEGOTIATE THE RELEASE OF THE VILLA MUSE PROPERTY FROM THE E.T.J. SO THAT THE FOLKS WHO PREPARED TESTIMONY ON ITEM 76 IT WILL BE RELEVANT FOR ITEM 6 SENSE IT WILL BE ADDRESSED TO DOING THE SAME OUTCOME. WILL BE JUST A DIFFERENT VEHICLE FOR DOING IT. FOR THAT REASON BECAUSE I NEED WE NEED TO MOVE FORWARD WITH THE RELEASE FROM THE E.T.J., ITEM 6 AS I'M PROPOSING WILL ACCOMPLISH THE SAME OUTCOME, I WILL VOTE FOR 76.

Mayor Wynn: AGREED. ALL IN FAVOR OF POSTPONING ITEM NO. 76 PLEASE SAY AYE.

AYE.

MOTION TO POSTPONE PASSES ON A VOTE OF 7-0. LET'S TAKE UP ITEM NO. 6 AGAIN, SAME FOLKS ARE AVAILABLE TO PRESENTS. COUNCIL, WITHOUT OBJECTION WHAT WE MIGHT DO TO BE FAIR HERE, THERE'S ONLY THREE CITIZENS SIGNED UP WISHING TO SPEAK IN OPPOSITION. WE CAN CERTAINLY GET THAT TESTIMONY OUT OF THE WAY IN RELATIVE SHORT ORDER. THEN WE CAN GO TO THE LARGE NUMBER OF FOLKS IN FAVOR, INCLUDING WHAT I TRUST IS GOING TO BE SOMEWHAT OF A UNIFIED PRESENTATION BY THE TEAM. WITH THAT I'M GOING TO TAKE TESTIMONY. BY THE TIME WE HEAR FROM CITIZENS AND/OR THE VILLA MUSE TEAM, CITY STAFF WILL BE READY TO GIVE US THEIR PUBLIC PRESENTATION AS TO OPTIONS AS THEY SEE THEM. OUR FIRST SPEAKER, IF THEY ARE ALL STILL HERE, JOHNNY AUSTIN SIGNED UP WISHING TO SPEAK IN OPPOSITION. JOHNNY AUSTIN. AS DID WILLIAM STOUT. SIGNED UP WISHING TO SPEAK IN OPPOSITION. IS THERE ANYBODY HERE WHO WOULD LIKE TO GIVE US TESTIMONY IN OPPOSITION TO THE -- ITEM NO. 6 THAT WAS POSTPOSTED, THAT IS THE RELEASE OF THE E.T.J. MY NAME IS GARDNER SUMNER, I SIGNED UP ONLY TO ANSWER QUESTIONS IF COUNCIL HAD ANY. I DIDN'T REALIZE THERE WOULD BE RELATIVELY FEW PEOPLE HERE IN OPPOSITION. NUMBER ONE, IT'S MY

UNDERSTANDING THAT STAFF IS OPPOSED TO THIS RELEASE. THIS ARE A LOT OF INDICATORS AS TO WHAT YOU CAN AND CANNOT DO WITH AN E.T.J. I THINK IF YOU READ THOSE CAREFULLY, YOU WILL FIND OUT WHAT VILLA MUSE IS TRYING TO DO REALLY DOESN'T MEET ANY OF THOSE REQUIREMENTS. AS STAFF SAID IN A REPORT CONCERNING THEIR DECISION, THE GRANTING OF THIS E.T.J. WILL CREATE A DOUGHNUT HOLE, SO TO SPEAK, IN THE E.T.J. AND I THINK THAT IT'S VERY LIKELY THAT IF YOU GRANT ONE OF THESE, THAT YOU WILL SOON SEE A CHAIN OF THEM. I THINK THAT IT'S A BAD MISTAKE. I THINK THAT IT WOULD SET A BAD PRECEDENT. I THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU, MR. SUMNER. ANY OTHER FOLKS THAT WOULD LIKE TO GIVE US TESTIMONY IN OPPOSITION? WE ARE ABOUT TO SETTLE IN FOR A BUNCH OF FOLKS GIVING US TESTIMONY IN FAVOR I BELIEVE. MR. WAYLAND, ARE YOU GOING TO SERVE AS THE -- AS THE POINT PERSON HERE?

MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, MICHAEL WAY LAND ON BEHALF OF VILLA MUSE, I WILL BE DOING THAT, ALSO I DON'T THINK WE WILL HAVE TWO HOURS. WHAT WE HAVE IS A LOT OF PEOPLE AVAILABLE TO ANSWER ANY POSSIBLE QUESTION. WE HAVE FINANCIAL PEOPLE, TWO PEOPLE HERE FROM FIRST SOUTHWEST TO DEAL WITH QUESTIONS ON BONDS, WE HAVE LAND PLANNERS HERE, LOTS OF PEOPLE HERE TO ANSWER QUESTIONS, PRIMARILY AS A RESOURCE JUST AS WE'VE BEEN DOING THROUGHOUT THE LAST THREE WEEKS WITH THE CITY STAFF. AND THAT'S WHAT OUR FOCUS IS, PRESENTATION TIME WILL PRIMARILY BE THE PRESENTATION I TEED UP, WE WILL BE PREPARED TO ANSWER QUESTIONS. IT WON'T BE A TWO HOUR PRESENTATION, WE ARE MINDFUL OF YOUR TIME, WE WILL YIELD BACK AT LEAST AN HOUR AND 15 MINUTES IF HOPEFULLY NOT MORE.

ALL RIGHT. WELCOME. I'M GOING TO SET THE CLOCK FOR 30 MINUTES TO HAVE SOMETHING TO COUNT. [LAUGHTER]

I KNOW THAT I AM LONGWINDED YOUR HONOR.

THANK YOU, WHAT I'M GOING TO WALK THROUGH TODAY IS -- IS IN SHORT ORDER IS A PRESENTATION TO -- TO REALLY HIT SOME HIGH POINTS FOR US. FIRST AND FOREMOST, WE ARE TALKING ABOUT REDEVELOPMENT, REPURPOSING LAND. AS YOU KNOW IT'S A HAY FIELD IN THE MIDDLE OF A FLOODPLAIN. ACTUALLY CLOSER TO ELGIN THAN IT IS THE CITY OF AUSTIN. WAYS TO INVIGORATE THE CREATIVE INDUSTRIES HERE IN AUSTIN. WHAT A GREAT OPPORTUNITY TO DO SO THE DAY BEFORE SOUTH-BY-SOUTHWEST STARTS, WHAT A GREAT STATEMENT YOU HAVE ALREADY MADE TODAY IN SUPPORT OF THE FILM INDUSTRY AND YET ANOTHER OPPORTUNITY HERE IN THE NEXT FEW MINUTES TO DO SO AGAIN. THEN HOW TO DO RESPONSIBLE DEVELOPMENT THAT LIVE UP TO GREATER EXPECTATIONS, REALLY IS THE BEST FIT, FITS WELL WITH ENVISION CENTRAL TEXAS AND REALLY CENTRAL TEXAS PLANNING THAT SO MANY PEOPLE WANT TO SEE THE CITY OF AUSTIN LEAD. FINALLY, MOST IMPORTANTLY NO COST TO AUSTIN TAXPAYERS. NO COST TO AUSTIN'S

TAXPAYERS IN ANNEXATION ULTIMATELY UPON MATURITY OF ALL DEBT. THIS IS A TEMPORARY RELEASE THAT WILL THEN INCLUDE A CONSENT TO ANNEXATION. ONCE THE DEBT IS PAID OFF. OR ALTERNATIVE IF THE CITY WANT TO ANNEX IT EARLIER IT HAS THAT OPTION. THIS HAS LOTS OF FLEXIBILITY FOR THE CITY OF AUSTIN. WE WILL GO THROUGH THAT QUICKLY IN A MOMENT. FIRST AND FOREMOST, WHERE IS THIS? MOST PEOPLE WONDER SINCE IT IS A HAY FIELD IT'S HARD TO KIND OF GET A GEOGRAPHIC SENSE. IT IS 2.5 MILES EAST OF S.H. 130. IT IS, AS YOU CAN SEE, VERY FAR EAST AND IN AN AREA THAT IS FLOODPLAIN. THE AREA IN RED HERE KIND OF BLEEDING ALL OVER THE PLACE IS -- IS THE FLOODPLAIN, IT'S VERY FLAT. YOU CAN SEE THE GREEN LINE IS THE TWO MILE E.T.J. AND THEN THE LIGHT BLUE LINE IS THE FIVE MILE E.T.J., WE ARE RIGHT AT THE EDGE. WITHIN THE E.T.J., WE ARE NOT IN ANYBODY ELSE'S E.T.J. NO OVERLAPPING E.T.J. INVOLVED HERE. SO THAT'S WHERE THE TRACT IS. THE -- BEING SURROUNDED BY FLOODPLAIN IS ACTUALLY A HUGE ADVANTAGE TO WHAT THEY WANT TO DO. IT PROVIDES SECURITY. PRIVACY, SOUND ISOLATION. BEING ADJACENT TO FLOODPLAIN ALSO MEANS THAT THE AREA AROUND WILL BE VERY UNLIKELY TO BE DEVELOPED. THAT'S -- THAT HAS ADVANTAGES TO - TO THE STUDIOS AND TO THE PEOPLE THAT WILL ULTIMATELY BE WORKING THERE FOR THE PURPOSE FOR WHICH IT IS BEING DESIGNED. AND AS MOST OF YOU KNOW, THE FARMLAND THAT CURRENTLY EXISTS OUT THERE PROVIDES NO TAXES OR JOBS THE CITY OF AUSTIN. A WHOPPING \$6,500 IS PAID IN TAXES TOTAL TO DEL VALLE, TRAVIS COUNTY, ESD 12 AND ACC CURRENTISM THAT'S WHAT WE'RE TALKING ABOUT. AS YOU KNOW FROM ALL OF THE PRESENTATIONS A PICTURE REALLY A THOUSAND WORDS. THIS IS WHAT WE'RE TALKING ABOUT. WE'RE TALKING ABOUT A HAY FIELD. THE CURRENT RESIDENTS, RIGHT NOW, THIS IS NOT MY JOKE, THIS IS A JOKE FROM SIGN IF HE WOULD, ONE OF THE REQUIRES AT SEINFELD POINTED OUT INSTEAD OF VILLA MUSE, GIVEN THE CURRENT RESIDENCE, SIMPLY CALL IT VILLAGE OF MOOS. NOT MY JOKE. AGAIN SEINFELD WRITERS ARE ALL OVER THIS. SERIOUSLY WHAT WE ARE TALKING ABOUT IS SIGNIFICANT ECONOMIC DALLAS. HUNDREDS OF MILLIONS OF DOLLARS. IN 2002 THE CITY OF AUSTIN WAS LEADING LOUISIANA, NEW MEXICO. AND WHAT HAS HAPPENED AS A RESULT OF PUBLIC INVESTMENT IN TWO STUDIOS, A STUDIO IN SHEAF FORD, A STUDIO -- SHREVEPORT, A STUDIO IN ALBUQUERQUE WHERE MY INLAWS LIVE OF ALL PLACES IS NOW TAKEN OVER AND DOMINATED THE SOUTHWEST IN TERMS OF FILM REVENUE AND JOBS THAT ARE BEING GENERATED IN THIS AREA. BOB HUTCHINS IS HERE TODAY. HE WILL BE SPEAKING SHORTLY. HE SAYS IN JUST THE PAST FOUR YEARS MOTION PICTURE PRODUCTION IN LOUISIANA AND NEW MEXICO HAS DRAMATICALLY OUTPACED TEXAS. WE HAVE LOST 20% OF OUR FILM AND TELEVISION CREWS TO NEIGHBORING STATES. ALSO COMPELLING, I CIRCULATED SEVERAL LETTERS. ONE LETTER FROM DEL TORO, JUST FINISHING UP HIS FILM, HARD FOR ME TO SAY IT PUBLICLY, HELL BOY II THE GOLD ARMY AND THE STUDIO HE CHOSE IS ONE IN BUDAPEST WHERE THEY SPENT \$70 MILLION SHOOTING THE FILM AND DID THEIR POST PRODUCTION WORK IN -- IN LONDON INSTEAD OF DOING IT HERE. HE WRITES "VILLA MUSE STUDIOS CAN CHANGE THAT AND PUT AUSTIN ON A GLOBAL STAGE AS A MAJOR PRODUCTION CENTER." IT ALSO HURTS TO SEE DAVID KERSHNER WHO DID SECONDHAND LIONS IN AUSTIN IN 2002 WRITE IN A LETTER THAT I HANDED YOU THEY WANTED TO COME BACK HERE BUT "WE ARE

FRANKLY DISAPPOINTED BY THE LACK OF QUALITY STUDIO FACILITIES THAT HAS BEEN THE BIGGEST REASON THAT HAS DISSUADED US FROM SHOOTING THERE SINCE 2002." THAT'S WHAT WE'RE UP AGAINST, THAT'S THE OPPORTUNITY THAT EXISTS FOR YOU TODAY FOR THE CITY OF AUSTIN IN CENTRAL TEXAS. WHAT -- WHAT WE'RE TALKING ABOUT, I THOUGHT IT WOULD BE GOOD TO JUST SEE SOME PICTURES OF WHAT WE'RE TALKING ABOUT. WE'RE TALKING ABOUT LARGE SPACE, PHYSICAL SPACE THAT COSTS HUNDREDS OF MILLIONS OF DOLLARS TO BUILD. IT'S BUILT WITH PRIVATE CAPITAL. IT NOT BUILT WITH PUBLIC DEBT. AND IT INVOLVES SOUND STAGES, SO -- SO WE CAN HAVE FULL ORCHESTRA SOUND STAGES. WE DO NOT HAVE THIS TYPE OF FACILITY HERE IN AUSTIN. THERE'S NOT A THOUSAND MILES FROM HERE. BUT TO HAVE A SOUND STAGE AND POST PRODUCTION WILL NOT ONLY MAKE IT EASIER TO DO POLITICAL ADVERTISING, BUT OBVIOUSLY FILM AND ADVERTISING GENERALLY AND MUSICAL COMPOSITION, RADIO, ALL SORTS OF OPPORTUNITY ONCE YOU HAVE GOT FACILITIES LIKE THIS. THE EXISTING MUSIC FILM TELEVISION VIDEO GAME ADVERTISING INDUSTRY IS STRONG. WE HAVE GOT A LOT TO PAT OURSELVES ON THE BACK. SOUTH-BY-SOUTHWEST, ACL, LIVE MUSIC CAPITAL, THE NUMBER ONE CITY TO LIVE AND MAKE INDEPENDENT MOVIES, VIDEO GAMING IS GOING STRONG, WE HAVE A LOT OF NATIONAL ADVERTISING STRENGTH HERE. BUT WHAT WE HAVE, WHAT WE'RE MISSING ARE TWO THINGS. WE HAVE PEOPLE, WE DON'T HAVE THE FACILITIES TO CREATE A SPARK. AND TO CREATE A PLATFORM FOR INDUSTRY RECRUITMENT AND NEW VENTURES, TO TAKE US TO THE NEXT LEVEL, WHICH IS WHERE WE CAN BE. WE ARE POSITIONED TO CAPITALIZE ON THE DIGITAL MEDIA FUTURE TODAY. AND I THINK THAT IT'S IMPORTANT TO KEEP IN MIND THAT -- THAT ALL OF YOU ALL KNOW THAT THIS IS TRUE IN TERMS OF LIVE MUSIC AND THE CREATIVE INDUSTRIES, IT DIVERSIFIES OUR ECONOMY WHEN WE BEGIN TO LOOK AT EXPANDING THIS RATHER THAN ALLOWING IT TO SHRIVEL UP AND ULTIMATELY GO TO LOUISIANA AND NEW MEXICO. THE DEVELOPMENT ITSELF, THERE'S BEEN LOTS OF QUESTIONS. I THOUGHT WE WOULD WALK THROUGH QUICKLY ALSO WHAT WE'RE TALKING ABOUT ON THE GROUND. IT'S GOING TO BE A RESPONSIBLE DEVELOPMENT. THEY ARE VERY PROUD OF IT. THERE IS FLOODPLAIN REMEDIATION THAT HAS BEEN REVIEWED BY TRAVIS COUNTY AND APPROVED BY FEMA. IT DOES NOT IMPEDE THE FLOW OF GILLELAND CREEK, DOES NOT DISPLACE WATER ON THE NEIGHBORING PROPERTY AND ADDS A CHANNEL CAPACITY OUTSIDE GILLELAND CREEK ON THE LAND. WE HAVE LAND PLANNERS HERE TO WALK THROUGH THAT IF THERE'S A DESIRE TO DO SO. WE ARE TALKING ABOUT MOVING A LOT OF DIRT. THERE IS A LOT OF DIRT. YOU WOULDN'T MOVE AS MUCH DIRT AS WE ARE TALKING ABOUT DOING TO RECLAIM THIS LAND IF YOU WEREN'T GOING TO DO SOMETHING SIGNIFICANT. YOU WOULD DO IT FOR A SINGLE FAMILY DEVELOPMENT. WE ARE PROTECTING THE ENVIRONMENT. WE HAVE AGREED TO DEVELOP UNDER THE WATER QUALITY STANDARDS OF CHAPTER 82 OF THE TRAVIS COUNTY INTERIM RULES, THOSE RESUMES SPECIFICALLY REFERENCED THE CITY OF AUSTIN AND ENVIRONMENTAL CRITERIA MANUAL. THEY SPECIFICALLY REFERENCED AND THE CONTROLLING DOCUMENT FOR WATER QUALITY CONTROL IS THE ENVIRONMENTAL CRITERIA MANUAL. THAT'S JUST A FACT. THAT'S WHAT IT SAYS. THAT'S WHAT -- WHAT APPLIES TO THIS PROPERTY OUTSIDE OF THE E.T.J. I WANT TO NOTE ON THE

ENVIRONMENT, BECAUSE WE HAVE TALKED ABOUT THE LAND, BUT LET'S TALK ABOUT THE INDUSTRY. WE KNOW FABs TAKE A LOT OF WATER, THERE'S OTHER INDUSTRIES, BIO MEDICAL HAS RADIATION, OTHER BY PRODUCTS, WE'RE TALKING ABOUT THE CREATIVE ARTS. CREATING AN INDUSTRY THAT WILL GENERATE THOUSANDS OF JOBS, HUNDREDS OF MILLIONS OF DOLLARS FOR THE ECONOMY AND DOES NOT HAVE THE ENVIRONMENTAL IMPACT THAT PERHAPS SOME OTHER INDUSTRY MIGHT HAVE. I THINK THAT'S IMPORTANT TO MIND WHEN WE TALK ABOUT CREATIVE ART AND WHAT IT DOES. 400 ACRES OF GREEN SPACE, HIGH DENSITY MIXED USE, ANCHORED BY STUDIOS, WE WILL TALK ABOUT THAT IN A MOMENT. THE STUDIOS COME FIRST, PRIVATE CAPITAL, \$200 MILLION COMES FIRST BEFORE YOU ADD ANY DEBT ON TO THE PROPERTY, ANY PUBLIC DEBT ON TO THE PROPERTY. THAT'S IMPORTANT. WE KNOW THAT IT'S IMPORTANT. THIS ISN'T MEANT TO BE ANYTHING BUT A VERY UNIQUE PROJECT THAT WE ARE SEEKING RELEASE FROM THE E.T.J. FROMFROM. WE ARE GOING TO HAVE CONNECTIVITY BETWEEN BURLESON AND MANOR, SH 71 VIA A NEW BRIDGE, DEL VALLE SCHOOL DISTRICT IS VERY HAPPY ABOUT THIS. IT TAKES A LONG TIME TO GO AROUND THE RIVER THERE. SO I THINK THAT WILL BE VERY, VERY THEY HAVE. THEN HIKE AND BIKE TRAILS HAVING NON-LINEAR ROADS AND SMALLER BLOCKS IS GOING TO BE A SAFER PLACE. ALSO A PLACE TO WALK. EVERY RESIDENCE WILL BE WITHIN A FIVE MINUTE WALK OF A PARK OR WATER AMENITY. THIS IS THE TYPE OF DEVELOPMENT THAT Y'ALL TALK ABOUT ALL THE TIME. THIS IS WHAT WE'RE TRYING TO ACHIEVE HERE AT VILLA MUSE. NOT JUST STUDIOS BUT A DEVELOPMENT YOU ALL ARE GOING TO BE VERY PROUD OF. WHEN YOU LOOK AT THE ECT, THE ENVISION CENTRAL TEXAS PREFERRED SCENARIO AND COMPARE IT, I THINK THAT'S A FAIR COMPARISON TO MAKE. YOU SEE THAT WE HAVE MORE ACRES OF PARKS. YOU SEE OUR HOUSING DISTRIBUTION IS STRONGER AND SPREAD THROUGH -- THROUGH THE DIFFERENT TYPES OF HOUSING IN A -- IN I THINK A STRONGER WAY. OUR CONNECTIVITY IS BETTER. WE ARE NOT DEVELOPING OVER THE AQUIFER. WE ARE NOT DEVELOPING OVER THE AQUIFER. WE ARE. WE ARE ADDING NO COST TO THE CITY OF AUSTIN WITH THE INFRASTRUCTURE. THAT WILL ALL BE PRIVATELY FUNDED AND WILL BE CAPPED. IT HAS TO BE MATURED AND PAID OFF WITHIN 40 YEARS, SO THAT YOU WILL BE GIVEN THE OPPORTUNITY TO ANNEX PROPERTY THAT DOES NOT HAVE DEBT ON IT ULTIMATELY. THE TERMS, THAT I HAVE SEEN IN OUR DRAFT AGREEMENT, DRAFT ORDINANCE THAT WE PREPARED WOULD BE A TEMPORARY RELEASE FROM THE E.T.J. SUBJECT TO CONDITIONS. SO IF -- IF IN THREE YEARS WE HADN'T STARTED CONSTRUCTION, THE RELEASE WOULD NOT BE EFFECTIVE. IF WE HAD NOT GENERATED SIGNIFICANT REVENUE FROM THE STUDIOS WITHIN 7 YEARS, THE RELEASE IS NOT EFFECTIVE. SO WE HAVE PUT IN PLACE WAYS TO ENSURE THAT -- THAT THE E.T.J. IS NOT GOING TO BE RELEASED UNTIL -- UNTIL EXCUSE ME, THAT WAS A RETURN TO -- THE RELEASE OF THE E.T.J. IS NOT EFFECTIVE UNLESS WE HAVE REACHED AGREEMENT WITH YOU ON ALL TERMS AND YOU ARE COMFORTABLE WITH ALL TERMS. BUT IF WE TOO NOT BUILD AFTER THREE YEARS OR IF THE STUDIOS ARE NOT GENERATING SIGNIFICANT REVENUE, IT RETURNS TO YOUR E.T.J. SO I THINK THERE'S LOTS OF GOOD ASSURANCE WITHIN THE AGREEMENT. WE ALSO WILL INCLUDE A REQUEST FOR ANNEXATION AT THE END OF THE TERM SO YOU DON'T HAVE TO WORRY ABOUT WHETHER THERE'S A CONSENT THAT'S GOING TO NEED TO BE

NEGOTIATED AFTER 40 YEARS. YOU WILL HAVE THAT ON THE FRONT END AND THE WASTEWATER FOLKS TOLD US THAT THEY WOULD LIKE DUAL CERTIFICATION. WE ARE FINE WITH AGREEING TO THAT AS WELL. AGAIN, NO COST TO THE AUSTIN TAXPAYERS. WE DO HAVE GARY KIMBALL HERE TO TALK ABOUT FROM FIRST SOUTHWEST TO TALK ABOUT THE INFRASTRUCTURE DEBT AND HOW IT WOULD WORK. THERE IS PRIVATE INVESTMENT FOR THE INFRASTRUCTURE CONSTRUCTION. THE DEBT FOR THE ROADS AND OTHER MUNICIPAL PIECES, WHETHER IT'S THE -- THE WATER AND WASTEWATER FACILITY OR THE FIRE DEPARTMENT OR THE ELEMENTARY SCHOOLS, WILL ALL BE ISSUED AFTER SIGNIFICANT PRIVATE INVESTMENT, PRIVATE CAPITAL IS INVESTED. YOU HAVE TO BUILD THE STUDIOS FIRST SO THAT THEN THE BOND HOLDERS AND INVESTORS HAVE SOME CAPITAL, SOME SECURITY, IF YOU WILL, TO ISSUE THE DEBT. THAT'S THE FIRST STEP FOR THE PROCESS. AGAIN, WE CAN TALK MORE ABOUT THE BONDS. I THINK IF YOU WOULD LIKE WITH -- WITH GARY, WHEN I WRAP UP HERE IN A MOMENT. THEN ULTIMATELY WHEN THE PROJECT IS MATURE AND THE INFRASTRUCTURE REIMBURSEMENTS ARE MADE, AUSTIN HAS THE OPTION TO ANNEX. YOU ALSO HAVE THE OPTION TO ANNEX ANY TIME BEFORE IF YOU THINK THAT IT'S COME TO A POINT WHERE THE VALUE OF THE PROPERTY IS MUCH GREATER IN TERMS OF TAX BASE THAN THE DEBT THAT EXISTS, REMAINS ON THE PROPERTY. SO AFTER 15 YEARS, IF YOU FEEL LIKE IT'S NOW AT A REASONABLE LEVEL OF DEBT BUT THE VALUE OF THE PROPERTY IS AT \$2 BILLION, THEN THAT MIGHT BE THE TIME FOR YOU TO GO AHEAD AND ANNEX IT IF YOU HAVE GOT ENOUGH CREDITS TO REACH OUT THERE AT THAT POINT AND HAVE BEEN ABLE TO, YOU KNOW, MAKE YOUR WAY OUT TO -- TO THE FIVE MILE E.T.J. LINE. SO AGAIN I THINK WE'VE ADDRESSED THE CONCERNS IN THE AGREEMENT. A MUNICIPALITY LIKE THE CITY OF AUSTIN CAN LAWFULLY REDUCE THE SIZE OF ITS E.T.J. THE EFFECTIVE DATE, AS I SAID, THE EFFECTIVE DATE OF THE RELEASE WOULD NOT OCCUR UNTIL THERE'S AN AGREEMENT WITH THE CITY OF AUSTIN AND UNTIL AN INTERLOCAL AGREEMENT IS SIGNED WITH THE VILLAGE OF WEBBERVILLE, SO THEY ARE AGREEING NOT TO RELEASE. WE ALREADY HAVE AN ORDINANCE FROM THEM THAT'S IN YOUR BACKUP AGREEING TO THAT. AND THEN VILLA MUSE IS NOT GOING TO BECOME A CITY. WE WILL AGREE THAT WE'RE FOR THE GOING TO BECOME A CITY. WE'RE NOT SEEKING TO BE ANNEXED BY ANYBODY ELSE OR BE IN ANYBODY ELSE'S E.T.J. WEBBERVILLE IS THE ONLY ONE, THEY ARE WILLING TO AGREE NOT TO DO SO. IF IT DOESN'T GET BUILT AS I SAID, IF CONSTRUCTION DOES NOT COMMENCE WITHIN THREE YEARS, THE E.T.J. RELEASE EXPIRES. IF THE STUDIO REVENUE IS NOT SIGNIFICANT WITHIN SEVEN YEARS THE E.T.J. RELEASE EXPIRES. HAVE A PROPER MIX OF USES, WE'VE TOLD STAFF THAT WE ARE HAPPY TO DEVELOP A BENCHMARK WITH STANDARDS AND ENSURES THAT THERE'S STUDIOS THERE, OFFICES THERE, RETAIL THERE AND THEN THE NECESSARY HOUSING TO SUPPORT THE INDUSTRY. THEN ALSO, I MUST SAY THANKS TO -- TO VERY GOOD AND CONSTRUCTIVE DISCUSSION WITH MAYOR PRO TEM DUNKERLY, WE ARE NOT HERE TO DRIBBLE OUT DEBT. WE ARE HERE TO GET THIS PROJECT DONE AND TO STOP. AND THAT'S WHY HER SUGGESTION WE HAVE A TRIGGER SO THAT ALL DEBT MUST MATURE WITHIN 40 YEARS, IT'S DONE. YOU CAN'T JUST KEEP DIBBLING OUT DEBT. WE KNOW SINCE THE PRIVATE CAPITAL HAS TO START -- THE WHOLE PROCESS, WITH OVER \$200 MILLION, THAT IT'S GOING TO BE



FIVE YEARS ANYWAY BEFORE THE FIRST PUBLIC DEBT IS ISSUED OUT THERE. FINALLY, ON WATER QUALITY AS I'VE ALREADY SAID, THE CITY OF AUSTIN'S ENVIRONMENTAL CRITERIA MANUAL IS THE ONE THAT'S GOING TO CONTROL IN TERMS OF WATER QUALITY. ALSO A GOOD POINT THAT CITY STAFF MADE, IF THERE ARE OTHER BMP'S, BEST MANAGEMENT PRACTICES THAT MAKE MORE SENSE THAN THE CITY OF AUSTIN'S CRITERIA MANUAL, IT MIGHT BE THAT SANITATION IS NOT THE BEST OUT THERE, MAYBE A WATER POND, A WATER -- MIGHT BE BETTER, A WET POND. VEGETATIVE STRIPS OR OTHER BMP THAT THE CITY ENVIRONMENTAL STAFF SUGGESTS, I THINK THERE'S NO PROBLEM ON WORK ON AGREEING TO THAT. WE'RE NOT -- WE'RE NOT LIMITED TO JUST USING THE CRITERIA MANUAL OF THE CITY OF AUSTIN. BUT THAT IS WHAT DOES CONTROL OUTSIDE THE E.T.J. AND WHAT WILL COMPLY WITH. WE HAVE GIVEN YOU A LOT OF LETTERS OF SUPPORT AND A LOT OF ORDINANCES OF SUPPORT AND THIS TOOK A GREAT DEAL OF TIME AND I HOPE THAT DON'T TAKE IT LIGHTLY. I KNOW YOU DON'T. BUT DEL VALLE HAS GIVEN YOU A RESOLUTION, THE VILLAGE OF WEBBERVILLE, ESD 12 HAS GIVEN YOU A RESOLUTION, WHICH I THINK IS SIGNIFICANT AND I MENTION BECAUSE WHEN YOU READ THEIR LETTER, I WAS STRUCK BY THE FACT THAT THEY WRITE IN THEIR LETTER THAT THEY ARE STRETCHED IN TERMS OF THEIR PERSONNEL AND THEIR BUDGET AND IN PROVIDING FIRE SERVICES TO THE CITIZENS IN THE DISTRICT. AND THEY SEE GREAT ADVANTAGE, SINCE WE'RE BUILDING AN EMERGENCY CENTER FOR THEM AND FIRE DEPARTMENT FOR THEM, FIRE STATION EXCUSE ME FOR THEM AND THE SAFETY CONCERNS I THINK GET ADDRESSED WHEN WE DO THAT AND WHEN WE ARE ADDING TO THE TAX BASE IN SUCH A SIGNIFICANT WAY. YOU WILL ALSO SEE AS I MENTIONED THE DIRECTORS AND THE PRODUCERS WHO HAVE GIVEN YOU LETTERS OF SUPPORT. I ALSO PASSED OUT RECENTLY THE PRODUCER OF FRIDAY NIGHT LIGHTS WROTE AND NOTED THAT "AUSTIN HAS A GREAT CREW BASE AND IS LACKING IN PRUR FOR THE TOTAL CREATIVE BUSINESS FROM FILM TO MUSIC TO INTERNET AND DESIGN. THIS IS THE ONLY PRIME TIME T.V. SHOW THAT'S BEING SHOT IN AUSTIN CURRENTLY. THE OPPORTUNITY TO DO SO MUCH MORE IS SO GREAT WHEN YOU READ THESE LETTERS, I ALSO NOTICED THAT IN READING ONE OF THE LETTERS FROM SOMEBODY IN DENVER THEY WROTE: FROM OUR PERSPECTIVE WE ARE BETTER OFF GOING TO L.A. OR LOUISIANA, LOUISIANA? IF THE VILLA MUSE PROJECT DOES NOT GO FORWARD. I MEAN, THIS IS WHAT AUSTIN IS FACED WITH AT THIS TIME IN ITS HISTORY. A TRUE OPPORTUNITY TO -- TO CREATE AN INDUSTRY THAT IS GOING TO DIVERSIFY THIS ECONOMY IN WAYS THAT YOU HAVE NEVER SEEN BEFORE. WE DON'T HAVE THE LARGE INFRASTRUCTURE, WE'VE GOT THE PEOPLE, THE PEOPLE ARE BEGINNING TO -- TO LEAVE. BEGINNING TO LOOK ELSEWHERE IN TERMS OF THE -- FOR THE FACILITIES, BUT ONCE WE HAVE THE FACILITIES WITH THE PEOPLE WE ARE GOING TO GET THAT SPARK TO REALLY GO INTO THE NEXT CENTURY AND IN A VERY, VERY STRONG WAY. OF COURSE IF YOU HAVE ANY QUESTIONS, WE'VE GOT LOTS OF PEOPLE HERE. I DO KNOW THAT BOB HUTCHINS DOES WANT TO TALK AND KEN RECOLLECTION TORE, IF LARRY BEARD IS HERE AS WELL. BUT I THINK, MAYOR, THOSE WOULD BE THE ONLY THREE OTHERS PRIMARILY THAT WOULD NEED TO -- TO SAY ANYTHING AND THEN I WOULD LIKE IF THERE'S ANY QUESTIONS TO REALLY DRILL DOWN WE CAN DO SO WITH THE RESOURCES THAT WE HAVE HERE. SO

THANK YOU ALL VERY MUCH. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: WHY NOT MAKE THESE EXACT SAME PROPOSALS IN OUR E.T.J. WITH AN AGREEMENT NOT TO ANNEX?

RIGHT. IT COMES DOWN TO THAT AND THE BONDS THAT ARE NEEDED TO BE MARKETING AND SOLD TO THE FINANCIAL MARKETS. THE TIME REQUIRED TO GET THE CONSENTS WORK OUT GIVEN THE TIME FRAME AND THE NEED TO GET THIS GOING AS FAST AS POSSIBLE DOESN'T WORK. AND ALSO THE MARKETABILITY OF THE BONDS --

Mayor Wynn: BECAUSE THE CITY HAS TO SOMEHOW APPROVE SOME ELEMENT OF THAT OR SOMETHING?

THAT'S PART OF IT. GIVEN GARY'S EXPERIENCE, I'D ASK -- GARY, YOU MIGHT WANT TO COME UP AND ADDRESS SOME OF THIS. IT REALLY IS THE FINANCING ASPECTS AND THE LEGAL DISCLAIMERS THAT WOULD BE NECESSARY TO MAKE THE BONDS MARKETABLE, BECOME VERY, VERY DIFFICULT, KIND OF GIVEN WHERE THE CITY IS RIGHT NOW WITH SOME CHARTER AMENDMENTS THAT ARE COMING UP AND SOME OTHER CONCERNS THAT EXIST IN THE FINANCIAL MARKETS. I'M GOING TO LET GARY BECAUSE IT IS REALLY THE BONDS THAT ARE DRIVING THIS AND THE INVESTORS AND THE INABILITY TO MARKET THOSE BONDS.

THANK YOU. I'M GARY KIMBALL WITH FIRST SOUTHWEST COMPANY. WE'RE AN INVESTMENT BANK THAT SPECIALIZES IN PUBLIC INFRASTRUCTURE FINANCE. WE'VE TRADITIONALLY RANKED NUMBER ONE IN THE STATE OF TEXAS ON NUMBER OF DEALS DONE AND PAR VALUE BONDS SOLD IN THE STATE OF TEXAS. AND WE'RE ALSO A BROKER DEALER. THE SIGNIFICANCE OF THAT IS THAT WE DAILY PUT OUR CAPITAL AT RISK AS PURCHASERS AND UNDERWRITERS OF MUNICIPAL DEBT. SPECIFICALLY MUNICIPAL UTILITY DISTRICT DEBT. AND IN THIS PARTICULAR CASE THE INTENT IS TO CREATE SEVERAL MUNICIPAL UTILITY DISTRICTS AT SOME POINT TO SERVE AS REIMBURSEMENT VEHICLES FOR THE UP FRONT INVESTMENT IN THE PUBLIC INFRASTRUCTURE. NOW, MIKE WAS CORRECT, THE IDEA IS TO HAVE THE INITIAL FUNDING FOR THAT INFRASTRUCTURE COME FROM THE PRIVATE SECTOR SO THERE WILL BE NO PUBLIC FUNDS AT RISK ON THE INITIAL INVESTMENT REQUIRED TO CONSTRUCT THAT INFRASTRUCTURE. BUT THE PLAN IS ONCE THE PROJECT GOES VERTICAL, IN OTHER WORDS, ONCE TAX VALUE IS ACTUALLY CREATED, THAT WE COULD USE THOSE DISTRICTS AS FUNDING VEHICLES FOR THE ULTIMATE ISSUANCE OF MUNICIPAL UTILITY DISTRICT BONDS TO REPAY THE INITIAL INVESTORS THEIR INVESTMENT IN THAT PUBLIC INFRASTRUCTURE. AND WE'VE BEEN ASKED FOR OUR OPINION BY THE PROJECT INVESTORS AS TO THE MARKETABILITY OF MUNICIPAL UTILITY DISTRICT DEBT THAT IS SITUATED INSIDE THE CITY OF AUSTIN'S E.T.J. VERSUS MUNICIPAL UTILITY DISTRICT DEBT THAT IS SITUATED OUTSIDE OF THE CITY OF AUSTIN'S E.T.J. AND IN OUR OPINION THERE ARE MARKETING ISSUES ASSOCIATED WITH MUNICIPAL UTILITY DISTRICT BONDS THAT ARE INSIDE OF THE AUSTIN E.T.J. I PERSONALLY REPRESENT 25 -- ACTUALLY, MORE THAN 25

MUNICIPAL UTILITY DISTRICTS THAT ARE LOCATED OUTSIDE OF THE CITY OF AUSTIN E.T.J. AND I REPRESENT A FAIRLY SIZEABLE DISTRICT THAT IS LOCATED INSIDE THE CITY OF AUSTIN E.T.J. AND EVERY TIME WE COME TO MARKET WITH THE DISTRICT THAT IS LOCATED INSIDE THE CITY OF AUSTIN E.T.J., WE GET QUESTIONS. WE THINK IT IMPACTS THE PRICING OF THOSE BONDS. THE DISCLOSURE IS DIFFERENT RELATED TO THE PRIOR LITIGATION HISTORY OF THE CITY OF AUSTIN WITH SEVERAL OF ITS E.T.J. MUNICIPAL UTILITY DISTRICTS. AND ULTIMATELY THE TIMING ASSOCIATED WITH OBTAINING THE CONSENTS NECESSARY TO CREATE THE DISTRICTS, WE THINK IS PROBLEMATIC GIVEN THE PROJECT TIMETABLE. IT'S BEEN OUR SPECIFIC EXPERIENCE ON ONE SPECIFIC DISTRICT THAT WAS ATTEMPTED TO BE CREATED OUT OFF OF CITY PARK ROAD THAT THE KINDS OF TERMS THAT THE CITY OF AUSTIN WANTED TO SEE IN TERMS OF BOND TERM AND CITY OF AUSTIN CONSENT PRIOR TO THE ISSUANCE OF ANY OF THOSE M.U.D. BONDS IN THE FUTURE WOULD IMPAIR OUR ABILITY TO ATTRACT THE PRIVATE CAPITAL THAT WE NEED ON THE FRONT END OF THIS PROJECT.

Mayor Wynn: MAYOR PRO TEM.

Dunkerley: [INAUDIBLE - NO MIC]. THAT'S GOING TO BE SEVERAL YEARS DOWN THE ROAD WHEN YOU'RE GOING TO BE SETTING UP THE M.U.D.ES. AND I WOULD THINK BY THEN THE LITIGATION AND -- THE CHARTER AMENDMENT OR WHATEVER RELATED TO THE OTHER ISSUES YOU WERE SPEAKING ABOUT WILL BE RESOLVED. AND IF YOU WERE GOING TO BE CREATING THEM TOMORROW, I COULD UNDERSTAND IT, BUT FIVE OR SIX YEARS FROM NOW I REALLY CAN'T.

WELL, A COUPLE OF POINTS THERE. IT'S NOT JUST THE CHARTER AMENDMENT ISSUE, IT IS ALSO THE PRIOR LITIGATION WITH CIRCLE C, LOST CREEK AND SOME OTHER DISTRICTS LOCATED INSIDE THE CITY'S E.T.J. THAT GIVE US PROBLEMS. BUT THE INTENT IS TO GO AHEAD AND CREATE THE DISTRICTS AS SOON AS POSSIBLE BECAUSE THAT'S GOING TO GIVE ASSURANCE TO OUR PRIVATE INVESTORS THAT THE DISTRICTS ARE IN PLACE, WE'VE GOT THE FUNDING MECHANISMS. WE WOULDN'T INTEND TO ACTIVATE THOSE DISTRICTS UNTIL THE PROJECT GOES VERTICAL AND WOULD SATISFY THE TCEQ'S FEASIBILITY REQUIREMENTS FOR THE ISSUANCE OF BONDS.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: YEAH, MR. KIMBALL, I WANT TO FOLLOW UP ON MAYOR PRO TEM'S QUESTIONS IN THAT REGARD. I KNOW THAT YOU ALL WOULD NOT BE PROPOSING TO ISSUE THE M.U.D. BONDS RIGHT AWAY, BUT WHAT WOULD BE THE IMPACT OF EIGHT MONTHS MINIMUM OF UNCERTAINTY ON THIS ISSUE IN TERM OF THE DECISIONS OF THE EQUITY INVESTORS IN THIS PROJECT?

IT'S PROBABLY A QUESTION THAT COULD BETTER BE ANSWERED BY SOMEONE ELSE.

MY NAME IS HINTEN PATEL, I'M AN ADVISOR TO THE VILLA MUSE PROJECT. THE ISSUE IS THAT A DECISION NEEDS TO BE MADE TODAY IN ADVANCE OF THE REIMBURSEMENT VEHICLE. AND THE EVALUATION IS GOING TO BE WHAT ARE THE SET OF RISKS THAT WE HAVE TODAY, THIS BEING AN UNCERTAINTY ADDS TO THAT RISK PROFILE. SO THE IMPACT IS THEY'RE GOING TO LOOK AT IT IN A TOTALITY ALONG WITH THE ENTIRE PROJECT RISK. OUR VIEW IS THAT THIS IS ONE OF THE MAJOR FRANKLY REIMBURSEMENT VEHICLES FOR THE PROJECT INVESTMENT, AND TO THE EXTENT THAT THERE'S ANY RISK AS IT RELATES TO THAT REIMBURSEMENT VEHICLE, IT'S IN THE NEGATIVE CLUVMENT.

I MIGHT ADD ONE OTHER CONSIDERATION, AND THAT IS THAT WE'RE PLANNING ON GOING TO THE COUNTY AFTER THIS DECISION HAS BEEN MADE, AND WE'RE GOING TO BE ASKING TRAVIS COUNTY FOR SUBSTANTIAL SUPPORT IN TERM OF SPONSORSHIP OF THOSE MUNICIPAL UTILITY DISTRICTS AND POTENTIALLY A PUBLIC IMPROVEMENT DISTRICT, AND LIKELY A TAX INCREMENT REINVESTMENT ZONE. TO BOIL IT DOWN, OUR PROJECT TIMETABLE, WE HAVE MADE THE DECISION, IT DOES NOT ALLOW TO GO THROUGH THE CONSENT PROCESS WITH TRAVIS COUNTY ON ALL OF THOSE NECESSARY VEHICLES AND THE CITY OF AUSTIN ON THE M.U.D. CREATION CONSENTS THAT WE WOULD NEED. WE'D PREFER TO DO THIS ONCE ANIMAL CARE SERVICES OPPOSED TO TWICE -- WE'D FROAFER DO THIS ONCE AS OPPOSED TO TWICE.

McCracken: HAVE YOU LOOKED OVER THE FINANCIAL PRO FORMAS AND PROBABLIES THAT HAVE BEEN PRESENTED TO THE INVESTORS OF THE VILLA MUSE FILM STUDY GOES AND DIGITAL MEDIA COMPLEX DEVELOPMENT?

YES, PARTICULARLY AS IT RELATES TO THE PROPOSED DEVELOPMENT OF TAX BASE, THE LIKELY RETAIL AND COMMERCIAL COMPONENTS, HOTEL OCCUPANCY -- HOTEL DEVELOPMENT AND SPECIFICALLY AS ALL OF THAT ALLOWS US TO ANALYZE THE FEASIBILITY OF FUTURE MUNICIPAL UTILITY DISTRICT BOND ISSUANCE.

DO YOU

McCracken: DO YOU HAVE A PROFESSIONAL OPINION ON THE FINANCIAL VIABILITY AND ACHIEVEABILITY OF THIS DEVELOPMENT?

YES. WE THINK IT'S VERY FEASIBLE IN TERNL OFTERMS OF THE ULTIMATE REIMBURSEMENT OF APPROXIMATELY \$200 MILLION WORTH OF INFRASTRUCTURE WITHIN THE LEGAL LIMITS ALLOWED BY THE TCEQ. BUT KEEP IN MIND, IT WILL BE WHAT IT WILL BE. AND THE DEBT THAT IS ALLOWED TO BE PUT ON THE BACK OF THE PROJECT WILL ULTIMATELY BE DETERMINED BY THE TCEQ UNDER EXISTING STATE REGULATIONS. SO WHEREAS IN THE EARLY '80'S MUNICIPAL UTILITY DISTRICTS WERE ACTUALLY LOUD TO ISSUE DEBT IN ANTICIPATION OF GROWTH, THOSE LAWS HAVE ALL BEEN CHANGED. THE ENVIRONMENT NOW IS MUCH MORE CONSERVATIVE AND YOU ACTUALLY ARE NOT ALLOWED TO ISSUE DEBT UNTIL THE VALUE IS CERTIFIED BY THE LOCAL APPRAISAL DISTRICT WITHIN THE TAX

RATE LIMITS THAT EXIST. SO WE'RE VERY COMFORTABLE THAT EVEN UNDER A 10-YEAR DELAYED ABSORPTION OF THE PROJECT THAT THE INVESTMENT IN INFRASTRUCTURE WOULD BE REIMBURSED FULLY.

McCracken: DO YOU HAVE A PROFESSIONAL OPINION ON WHAT IS THE -- WHAT THE FINANCIAL IMPACT TO THE VIABILITY OF THIS PROJECT IS IF THE MUD BONDS WERE TO HAVE TO BE ISSUED INSIDE OF THE CITY'S E.T.J. AS OPPOSED TO OUTSIDE OF THE CITY'S E.T.J.?

THE CHIEF CONCERN THERE IS JUST THE UNCERTAINTY RELATED TO THE TIMING AND THE TERMS OF A POTENTIAL ANNEXATION. WE THINK IT'S A SUPERIOR BOND IN TERMS OF ITS MARKETABILITY TO HAVE THE DISTRICT SITUATED OUTSIDE THE E.T.J. WITH KNOWN REVISION CONDITIONS AS OPPOSED TO A DISTRICT THAT IS LOCATED INSIDE THE E.T.J. COVERED BY A NON-ANNEXATION AGREEMENT WHERE FRANKLY THE WHOLE CITY HAS A HISTORY OF LITIGATION WITH ITS E.T.J. M.U.D.'D.

McCracken: DO YOU HAVE AN OPINION ON THE FINANCIAL IMPACT, IF ANY, THAT WOULD RESULT FROM THE BONDS BEING ISSUED INSIDE THE E.T.J. AS OPPOSED TO OUTSIDE THE E.T.J.?

WE'VE BEEN ASKED TO LOOK AT QUANTIFYING THAT AND WE'RE JUST NOT PREPARED TO DO SO AT THIS TIME. IT'S TOO BIG OF AN UNKNOWN, ESPECIALLY NO TODAY'S MARKET -- ESPECIALLY IN TODAY'S MARKET. CREDIT SPREADS HAVE WIDENED DRAMATICALLY IN THE LAST THREE MONTHS, ESPECIALLY THE LAST MONTH. I WOULDN'T BE CONFIDENT IN ANY KIND OF PROJECTION I COULD MAKE ALONG THOSE LINES.

McCracken: GARY, THIS MIGHT NOT BE A QUESTION FOR YOU, BUT DO YOU ALL HAVE AGREEMENTS WITH OTHER EQUITY INVESTORS THAT ARE CONTINGENT UPON THESE BEING OUTSIDE OF E.T.J.-ISSUED DEBT? I'M TRYING TO FIGURE OUT --

WOULDN'T BE A QUESTION FOR ME. I'M NOT DEALING WITH THE PRIVATE FINANCING, JUST THE PUBLIC FINANCING. SO THAT WOULD PROBABLY GO BACK TO HINTON.

AS I SAID REGARDING THE RISK QUESTION -- HINTON PATEL AGAIN, SORRY. THERE IS NO TRIGGER THAT SAYS IF WE'RE IN THE E.T.J. THE PROJECT FAILS IN TERM OF AN EQUITY FINANCING. WHAT WE'RE TRYING TO DO IS MINIMIZE RISK. AS YOU CAN IMAGINE, WITH \$300 MILLION WORTH OF UP FRONT INVESTMENT IN THE INFRASTRUCTURE, THAT'S A BIG NUT TO SWALLOW. AND THE INVESTOR IS LOOKING FOR THE MOST EFFECTIVE, FASTEST WAY TO GET THAT REIMBURSEMENT. AND GARY HAS BEEN TALKING ABOUT SOME OF THE ISSUES RELATED TO WHAT IS THE TIMING AND CERTAINTY OF THAT REPAYMENT. SO WE'RE REALLY TALKING ABOUT DEGREES OF RISK. WHAT WE'RE LOOKING FOR IS THE SAFEST POSSIBLE VEHICLE FOR REIMBURSEMENT.

McCracken: IT'S MY UNDERSTANDING FROM MICHAEL'S PRESENTATION THAT THE CONCERN IS NOT COMPLYING WITH THE CITY OF AUSTIN'S WATER QUALITY OUTCOMES, THIS IS ABOUT A TIMING AND FINANCIAL RISK ISSUE. IS THAT A FAIR STATEMENT?

THAT'S CORRECT,.

Mayor Wynn: FURTHER QUESTIONS OF MR. WHELAN OR MR. KIMBALL? IF NOT, I THINK WAS IT PROBLEM HUDGENS OR MAYBE KEN RICHTER WAS GOING TO GIVE US TESTIMONY?

GOOD AFTERNOON, MAYOR. THANK YOU VERY MUCH, COUNCIL. I WOULD LIKE TO FIRST THANK YOU FOR THE ORDINANCE YOU PASSED THIS MORNING TO SUPPORT THE FILM INDUSTRY. THAT'S A WONDERFUL, GREAT STEP THE CITY OF AUSTIN HAS TAKEN TO SUPPORT OUR INDUSTRY, SO THANK YOU VERY MUCH FOR THAT VERY GOOD STEP IN THE RIGHT DIRECTION FOR US. I'M HERE TODAY TO SUPPORT THIS PROJECT BECAUSE WE IN TEXAS FACE A FORMIDABLE OPPOSITION IN HAVING OUR INDUSTRY GO FORWARD. TEXAS FOR YEAR HAD GAINED A SUPERIOR POSITION AND BEEN ABLE TO ESTABLISH A GREAT CREW BASE AND INFRASTRUCTURE, AND THROUGH DECADES OF FILM MAKING WE HAD A WONDERFUL PLACE IN THE UNITED STATES FILM MAKING PROCESS. WE'VE LOST THAT BECAUSE OF A LOT OF COMPETITIVENESS, AND WE IN THE STATE HAVE ATTEMPTED TO MOVE FORWARD WITH A NEW FILM INCENTIVE THAT IS MAKING STRIDES TOWARDS MAKING US MORE COMPETITIVE. WE KNOW WE HAVE A LONG WAY TO GO IN WORKING ON MAKING A BETTER PROGRAM TO HELP OUR INDUSTRY, NOT JUST THE FILM INDUSTRY, BUT PLEASE WHEN I USE THIS PHRASE, I'M ALSO SPEAKING ABOUT COMMERCIALS, TELEVISION SHOWS AND THE VIDEO GAME INDUSTRY, WHICH IS A VERY, VERY POTENT INDUSTRY IN THE CITY OF AUSTIN. WE ARE TRYING IN EVERY WAY WE CAN TO ENABLE OURSELVES TO BE ONE OF THE BEST PLACES IN THE COUNTRY FOR THE CREATIVE INDUSTRIES. AND THIS IS GOING TO BE A PLACE WHERE PEOPLE OF ALL SEGMENTS OF THIS INDUSTRY CAN COME TO AND BE ABLE TO WORK AND WORK TOGETHER IN A VERY UNIQUE WAY. AND I KNOW THIS MAY NOT BE SPEAKING TO THE SPECIFIC ISSUE OF GETTING OUTSIDE OF THE E.T.J., BUT THIS IS THE ONE AREA OF TEXAS THAT WE HAVE THE MOST POTENTIAL FOR GROWTH. IT IS REALLY EXTRAORDINARY HOW MANY PEOPLE, HOW MANY FILM MAKERS, HOW MANY VIDEO GAME DEVELOPERS ARE COMING TO TEXAS AND COMING TO THE CITY OF AUSTIN SPECIFICALLY. WE ARE ON THE CUSS 'OF DOING SOMETHING REALLY WONDERFUL AND BEING ABLE TO GROW AND OUR CAPACITY IS RIGHT NOW WHAT'S HOLDING US BACK. WE NEED TO BE ABLE TO GROW. WE NEED TO BE ABLE TO FINE A GOOD HOME FOR THESE PRODUCTIONS WHEN THEY COME. ONE OF THE BEST EXAMPLES RECENTLY WE'VE HAD THAT HAS KOCH THRE OACOME THROUGH OUR OFFICE WAS A MOVIE CALLED THE TRANSFORMERS. THEY DIDN'T COME TO AUSTIN FOR TWO REASONS. ONE, WE DIDN'T HAVE A VIABLE FILM INCENTIVE TO COMPETE WITH. WE'RE TRYING TO FIX THAT. WE HAVE FIXED THAT IN PORTION. THE OTHER THING THAT WE DID NOT HAVE AT THE TIME WAS A FACILITY THAT REALLY COULD HANDLE ITS SIZE OF SHOW THAT THEY WANTED TO COME, AND THEY NEEDED A VERY BIG SPACE. THIS FACILITY IS GOING TO PROVIDE THAT. OTHER THINGS THAT ARE GOING TO BE PROVIDED ARE A SCORING STAGE. LET ME SAY THAT THIS WOULD BE AN ENORMOUSLY

UNIQUE TOOL FOR THE CITY OF AUSTIN TO ATTRACT NOT JUST MUSIC, BUT FILM AND THAT WONDERFUL COMBINATION THAT WE HAPPEN TO ENJOY HERE. THERE ARE SO MANY ELEMENTS OF WHAT WE'RE ALREADY DOING THAT THIS PROJECT WOULD ENHANCE. SO I SPEAK TO YOU AS A VERY CONCERNED MEMBER OF THIS INDUSTRY, AND I HOPE YOU UNDERSTAND THAT WE ARE SO SUPPORTIVE OF THIS BECAUSE WE NEED THIS. AND UNFORTUNATELY, TIME IS AGAINST US RIGHT NOW. TIME IS OUR BIG ENEMY BECAUSE THE OTHER STATES HAVE REALLY TAKEN ON THE FULL SUPPORT OF THIS INDUSTRY AND ARE VERY AGGRESSIVELY GOING AFTER IT. WE'RE REALLY GETTING HURT. AND WE ARE GOING TO NEED TO DO ANYTHING WE CAN TO COMBAT THIS. SO THANK YOU FOR ALL OF YOUR EFFORTS AND PLEASE IF THERE'S ANY QUESTIONS, I'D BE VERY HAPPY TO ANSWER THEM.

Mayor Wynn: THANK YOU. QUESTIONS? THANK YOU, SIR.

THANK YOU.

IF I MAY MAKE ONE FINAL OTHER COMMENT, I HAVE EXCELLENT NEWS. THIS MORNING NBC ANNOUNCE THAT HAD "FRIDAY NIGHT LIGHTS" WILL BE RETURNING FOR ANOTHER SEASON.

Mayor Wynn: GOOD.

AND I'M VERY -- WE'RE ALL VERY THRILLED BY THIS. WE'VE BEEN ON EGG SHELLS FOR WEEKS NOW BECAUSE OF THE WRITERS' STRIKE AND SUBSEQUENT DEALINGS WITH NBC. BUT IT WAS WONDERFULLY ANNOUNCED THIS MORNING, AND WE'RE VERY THRILLED. THAT MEANS TO AUSTIN ABOUT \$35 MILLION DIRECT SPENDING IN THE CITY. SO THANK YOU VERY MUCH, FOLKS. [ APPLAUSE ]

I JUST WANTED TO ADD THAT THE PROIRS OF THE TRANSFORMERS ALSO JUST GOT A LATELOUS IN AND WANTED TO HAND THAT TO COUNCILMEMBER COLE TO PASS THAT ALONG. AND YOU ALREADY HAVE THE PRODUCER OF FRIDAY NIGHT LIGHTS' VIEW OF WHAT THE CITY OF AUSTIN NEEDS IN THIS REGARD SINCE I'VE HANDED THAT OUT ALREADY. ONE OTHER PERSON THAT -- I KNOW YOU'RE GOING TO HEAR FROM KEN RICHTER, BUT DR. RAY PERRYMAN WOULD BE OUR LAST SPEAKER. HE WAS ABLE TO ARRIVE HERE AS WELL.

GOOD AFTERNOON, MAYOR WYNN AND DISTINGUISHED COUNCILMEMBERS. I APPRECIATE THE TIME TO COME HERE AND SPEAK ON THIS IMPORTANT MATTER BEFORE YOU. I UNDERSTAND THE CITY'S COMPLEX DILEMMA THAT HAVE YOU TO MAKE TODAY, BUT I WOULD LIKE TO SPEAK ON BEHALF OF AN INDUSTRY THAT HASN'T BEEN GIVEN A FULL OPPORTUNITY TO BLOOM TO ITS MAXIMUM LEVELS. THIS FACILITY WILL DEFINITELY ARE ALLOW THAT TO OCCUR. BEING THE BUSINESS MANAGER OF THE MOTION PICTURE WORKERS HERE IN THE CENTRAL TEXAS AREA, I'VE BEEN APPROACHED BY NUMEROUS AMOUNT OF INVESTORS WHO HAVE SPOKEN TO ME ABOUT THE LABOR SIZE IN ORDER TO JUSTIFY THEIR NEED TO BUILD A STUDIO HERE. THEY'VE SEEN THIS AS AN ECONOMIC POTENTIAL, BUT YET THROUGH THE PROCESS THEY HAVEN'T COME TO FRUITION ON THE

STUDIOS THAT THEY'VE IMAGINED. THIS GROUP HERE HAS THOUGHT OUT VERY WELL MANY OF THE ASPECTS THAT I SEE AS AN INCREDIBLE FOR A HIGH DEGREE OF SUCCESS. TO FILL IN A FEW OF THE BLANKS THAT I'VE HEARD HERE TODAY, ONE OF WHICH IS I'M ALSO SPEAKING ON BEHALF OF THE UP AND COMING STUDENTS WHO ARE CURRENTLY ENROLLED IN COLLEGES AND HIGH SCHOOLS WANTING TO WORK IN THE CENTRAL TEXAS AREA. THEY SEE THE MOTION PICTURE INDUSTRY IN FRONT OF THEM. ALSO THOSE WHO ARE FIVE YEARS, 10 YEARS AWAY FROM ENTERING OUR INDUSTRY, I SPEAK ON THEIR BEHALF. EQUALLY FOR THOSE WHO HAVE MOVED AWAY FROM THE STATE OF TEXAS IN FRUSTRATION DUE TO THE LACK OF SPACE TO BRING MORE PRODUCTION IN AS WELL AS THE INCENTIVE BATTLE THAT WE CURRENTLY STILL WAGE. THERE ARE ALSO A GREAT NUMBER OF PROFESSIONALS IN THE LOS ANGELES AREA THAT LOOK CONSTANTLY TO THE AUSTIN, TEXAS AREA FOR RELOCATION. THESE ALSO WOULD BRING AT THE SAME TIME SUPPORT INDUSTRIES THAT I THINK WOULD LOCATE WITHIN THE CENTRAL AUSTIN AREA IF WE HAVE THIS FACILITY BUILT. THE OTHER SIDE IS THAT THE CITY OF DALLAS WOULD HAVE THE DILEMMA THAT YOU HAVE BEFORE YOU TODAY. THAT CITY HAS GOOD POTENTIAL, BUT THEY DON'T HAVE THE STRUCTURES OR THE INVESTORS WILLING TO STEP UP TO THE PLATE TO TAKE THIS GAMBLE. AND I'VE SEEN THE CITY OF AUSTIN THROUGH THE AUSTIN STUDIOS BE VERY PROGRESSIVE IN CREATING WHAT I FEEL IS THE FIRST REAL INCENTIVE IN THE STATE OF TEXAS TO BRING MOTION PICTURE HERE. THIS FACILITY WOULD SERVE AS A GREAT COMPLEMENT AND NOT IMPEDE ON THE DEVELOPMENT OF AUSTIN STUDIOS AS I HOPE THE CITY COUNCIL PROCEEDS WITH IN THE FUTURE. I'M AVAILABLE FOR QUESTIONS SHOULD ANY COME UP AT ANY TIME.

Mayor Wynn: THANK YOU, SIR. QUESTIONS, COUNCIL? NEXT SPEAKER, PLEASE. WELCOME, MR. BEARD.

GOOD AFTERNOON. I'M LARRY BEARD. I KNOW SOME OF Y'ALL. SOME OF Y'ALL I DON'T. I'M JUST HERE TO SUPPORT THE CONCEPT OF VILLA MUSE. I'M SURE YOU HAVE ALL THE FINE DETAILS TO WORK OUT. I JUST WANTED TO SAY FROM THE STANDPOINT OF AN EAST TRAVIS COUNTY RESIDENT AND A LAND DEVELOPER ALONG THE SH 130 AND 969 CORRIDOR, I'VE WORKED SEVERAL HOURS WITH VARIOUS PEOPLE LIKE MR. JENNINGS WALKING OUT THERE AND MS. HUFFMAN ON SEVERAL OCCASIONS VISITING WITH THEM ABOUT UTILITIES. AND THEY'VE BEEN VERY POSITIVE. THE CITY HAS TRIED AND IS WORKING VERY HARD FOR UTILITIES TO COME OUT IN THE EASTERN CORRIDOR. AND LAST YEAR I THINK THERE WERE SOME EFFORTS TO TRY TO FIGURE OUT A WAY TO MAYBE SET UP LARGER DISTRICTS OR WHATEVER. BUT AGAIN, IT WAS IN THE MILLIONS AND MILLIONS OF DOLLARS TO BE SET UP REGARDLESS OF WHO PAYS THEM. AND THE TIME FRAME, I'VE GOT PROPERTY AT SH 130 AND 969 AND WE'RE LOOKING TO DO A VERY GOOD LARGE DENSITY, VERTICAL STYLE DEVELOPMENT. AND THERE'S SOME GOOD EFFORT BEING PUT FORTH WITH FUTURE DESIGNS OF THE AT THIS TIMES AND THE GROWTH OF THE CITY OF AUSTIN. I THINK RECENTLY WE JUST -- THE CITY HAD THE CCN TRANSFERRED FROM MANVILLE WATER FOR THE PROPERTIES WEST OF SH 130 TO THE CITY OF AUSTIN. OF COURSE, AUSTIN DOESN'T HAVE ANY WATER LINES OUT THERE AND THEY DON'T HAVE ANY SEWER



LINES OUT THERE YET. I THINK THAT'S PROBABLY TWO, THREE, MAYBE MORE YEARS AWAY, BUT CERTAINLY IN THE WORKS AND THE DESIGN. MY COMPLIMENTS TO THOSE WHO WANT TO GO FURTHER OUT AND VENTURE INTO THE MILLIONS OF DOLLARS IN UTILITIES AND ECONOMIC ENGINE THAT WOULD CREATE THE DESIRE FOR A STRONGER, FASTER GROWTH FOR OUR SH 130 CORRIDOR. IT'S PROBABLY A SELFISH MODE. THANK YOU, BUT I JUST WANT TO LET YOU KNOW THAT I REALLY APPRECIATE Y'ALL CONSIDERING THIS. I KNOW YOU'RE WORKING VERY HARD WITH YOUR STAFF ON FUTURE GROWTH TOWARDS THE PREFERRED CORRIDOR OF SH 130 IN EAST TRAVIS COUNTY. MY HAT'S OFF TO YOUR HARD WORKING STAFF THAT HAS CONTINUED TO LOOK FORWARD TO THE PLANS THAT ARE BEING SUBMITTED AND THE SITE DEVELOPMENT PLANS THAT ARE BEING BROUGHT TO THE TABLE. AND I THINK THIS COULD BE THE BIG ONE THAT WE'VE BEEN WAITING FOR TO HELP MOVE US IN THAT DIRECTION. I JUST WANTED TO LET YOU KNOW I REALLY SUPPORT THE PROJECT. ANY QUESTIONS?

Mayor Wynn: QUESTIONS FOR MR. BEARD, COUNCIL? THANK YOU. WELCOME BACK DR. PERRYMAN.

MAYOR, MAYOR PRO TEM AND DISTINGUISHED MEMBERS, I APPRECIATE THE OPPORTUNITY TO BE HERE. MY NAME IS RAY PERRYMAN, I'M AN ECONOMIST FROM WACO. I THINK I KNOW NO, MOST OF YOU TO SOME EXTENT. I A FEW MONTHS BACK WAS ASKED TO DO AN ECONOMIC IMPACT TO LOOK AT THIS PROJECT AND WHAT IT MIGHT MEAN FOR THE AREA. AND IN DOING THAT OBVIOUSLY THE DEVELOPMENT ITSELF IS A VERY LARGE DEVELOPMENT AND THAT IN AND OF ITSELF AND THE OPERATION OF THAT ON A DAY-TO-DAY INTAISES A VERY BIG ECONOMIC IMPACT. THEN WE BEGIN TO LOOK AT THE ECONOMIC IMPACT OF THE FILM INDUSTRY AND ALL THE RELATED INDUSTRIES, THE GAMING, THE TELEVISION, THE MUSIC, EVERYTHING THAT CAN COME WITH THAT. AND OBVIOUSLY WE DON'T KNOW EXACTLY WHAT'S GOING TO HAPPEN HERE. WE DO KNOW WHAT'S HAPPENED IN NEIGHBORING STATES. WE KNOW HOW MUCH THE INDUSTRY IS GROWING. WE KNOW THAT TECHNOLOGY AND STATE-OF-THE-ART FACILITIES ARE OPENING UP NEW OPPORTUNITIES AND WE HAVE AN OPPORTUNITY TO CAPTURE SOME OF WHAT'S BEEN LOCKED UP IN CALIFORNIA AS WELL. WE LOOKED AT THREE DIFFERENT SCENARIOS STARTING WITH ON THE LOW END ONE WHERE WE DO AS WELL AS WE DO IN THE AVERAGE INDUSTRY, THAT IS FILM BECOMES AN AVERAGE INDUSTRY IN TEXAS. RIGHT NOW WE GET ABOUT A TWO PERCENT SHARE OF ALL THESE INDUSTRIES IN THE COUNTRY. WE'RE ABOUT EIGHT PERCENT OF THE NATIONAL ECONOMY HERE IN TEXAS AND WE GET ABOUT TWO PERCENT OF THE FILM INDUSTRY, SO WE'RE WAY BEHIND F WE JUST CAUGHT UP TO THAT LEVEL. THE OTHER NUMBERS ARE IF WE DID HALF THE RELATIVE PERCENTAGE OR HALF THE ABSOLUTE LEVEL IN THE FUTURE THAT CALIFORNIA HAS BEEN ABLE TO AA CHIEF, AND THEN LET AUSTIN PICK UP THE PART OF THAT THAT THE BIG CENTRAL STUDIO FACILITY USUALLY PICKS OFF WITH THE REST OF IT STATISTIC SCATTERING AROUND THE STATE. YOU GET INTO BIG MEMBERS, BILLIONS OF DOLLARS AND TENS OF THOUSANDS OF JOBS THAT CAN BE CREATED DEPENDING ON WHICH SCENARIO YOU PICK. BUT I THINK THE MORE IMPORTANT THING THAN THE ACTUAL NUMBERS BECAUSE I THINK YOU'VE HAD ACCESS TO

THE STUDY, BUT MORE IMPORTANT THAN NUMBERS, THIS PROJECT FITS AUSTIN. IT'S A CREATIVE COMMUNITY. IT'S A COMMUNITY THAT'S DRIVEN BY TECHNOLOGY. IT'S A COMMUNITY THAT'S CONSTANTLY TRYING TO INKNOW INNOVATE AND REINVENT ITSELF AND DO THINGS THAT MAKE IT A GREAT PLACE TO LIVE AND WORK AND A GREAT PLACE FOR CREATIVE PEOPLE. THERE'S BEEN A LOT OF PROGRESS IN THIS INDUSTRY TO DATE. AND IT'S MOVING FORWARD IN A VERY PRODUCTIVE WAY AND I THINK TO REALLY GET TO THE NEXT LEVEL IT'S GOING TO TAKE A FACILITY LIKE THIS. AND I SAW AN ARTICLE THIS WEEK, MONDAY, I THINK IT WAS, IN THE "NEW YORK TIMES", AN INTERESTING ARTICLE. AND IT MADE ME THINK. I'VE BEEN THINKING WITH THE WORK ON THE MEDICAL SCHOOL AND OTHER OPTIONS THAT ARE BEING CONSIDERED IN AUSTIN RIGHT NOW, ON THE CONVERGENCE MOVEMENT IN TECHNOLOGY. THERE'S AN INTERESTING ARTICLE IN THE NEW YORK TIME MONDAY THAT AT&T AND SEVERAL VENTURE CAPITAL FIRMS AND SOME OF THE CREATIVE INDUSTRIES, ENTERTAINMENT INDUSTRIES IN CALIFORNIA ARE JOINING TOGETHER TO START INVESTING IN THE EMERGING TECHNOLOGY FIRMS THAT ARE LINKING ALL THESE MODERN TECHNOLOGIES THAT ARE BEING DRIVEN BY NEW ADVANCES THAT AUSTIN IS TRYING TO CAPTURE WITH THE CREATIVE ENTERTAINMENT INDUSTRIES. AND SO THAT'S JUST TO SAY THIS IS JUST ONE MORE ELEMENT NOT ONLY OF A CREATIVE INDUSTRY, BUT SOMETHING THAT FITS WITH WHAT AUSTIN IS TRYING TO ACHIEVE IN PROMOTING NANOTECHNOLOGY, PROMOTING NANOMEDICINES. THIS FITS RIGHT INTO IT BECAUSE IT BECOMES PART OF THAT LARGER PICTURE AND IT'S ONE MORE AREA WHERE THIS CONVERGENCE OF TECHNOLOGY IS HAPPENING. IT'S ALREADY BEEN RECOGNIZED WITH A BIG COMMUNICATIONS INFORMATION COMPANY AND SOME VENTURE CAPITALISTS AND SOME STUDIO TYPES GETTING TOGETHER IN CALIFORNIA. I THINK THAT TYPE OF THING WOULD BE LIKELY TO HAPPEN HERE BECAUSE ALL THE PIECES WOULD BE IN PLACE IF YOU HAD SOMETHING LIKE THIS AS A CATALYST. IT'S JUST A GREAT PROJECT. TRL FITS AUSTIN. AND THE WINDOW OF OPPORTUNITY TO GET THIS DONE AND DONE EFFECTIVELY IS NOT PARTICULARLY WIDE BECAUSE IT'S TECHNOLOGY THAT'S DRIVING IT AND THERE'S A LOT OF PEOPLE COMPETING AND A LOT OF PEOPLE RECOGNIZE THE POTENTIAL HERE. SO I JUST THINK IT'S A GREAT OPPORTUNITY FOR AUSTIN. I'LL BE HAPPY TO ANSWER ANY SPECIFIC QUESTIONS ABOUT THE WORK WE DID OR ANYTHING ELSE I CAN WORK WITH, BUT MAINLY WANTED TO COME FORWARD AND SAY FROM AN ECONOMIC PERSPECTIVE, THIS MAKES A GREAT DEAL OF SENSE FOR AUSTIN. IT'S A PROJECT THAT REALLY NEEDS TO GO FORWARD AS PART OF AUSTIN'S OVERALL VISION FOR THE FUTURE. THANK YOU.

Mayor Wynn: THANK YOU. QUESTIONS FOR DR. PERRYMAN? THANK YOU.

I WANTED TO JUST SUMMARIZE. IT BOILS DOWN TO JUST THREE POINTS. WHEN YOU LOOK AT WHERE WE ARE, BY ALLOWING THE TEMPORARY RELEASE FROM THE E.T.J. AND THEN THE SUBSEQUENT ANNEXATION, YOU REMOVE THE RISK. YOU REMOVE A RISK FOR THE PRIVATE INVESTORS. THE SECOND POINT IS THAT YOU'RE ALLOWING THE PRIVATE MARKET TO DO SOMETHING THAT I CANLT DO. YOU CAN'T COME UP WITH \$275 MILLION AND BUILD STUDIOS. THE PRIVATE MARKET IS READY TO DO THAT. IF WE CAN DO IT OUTSIDE THE E.T.J. AND THEN HAVE THE INFRASTRUCTURE OBVIOUSLY BUILT WITH PUBLIC FINANCING. AND

THEN MOST IMPORTANTLY, YES, YOU'RE HELPING TO REMOVE THAT RISK, BUT WE ARE TALKING ABOUT SETTING UP SOMETHING THAT PROTECTS YOU. IT PROTECTS THE CITIZENS AND IT PROTECTS THE CITY AND IT PROTECTS POLICY BECAUSE WE ARE TALKING ABOUT AN AGREEMENT ON LAND USE, ON A MIX OF USES, ON ENVIRONMENTAL ISSUES, ON BEST MANAGEMENT PRACTICES. WE'RE TALKING ABOUT NOT EVEN ALLOWING THE RELEASE OF THE E.T.J. TO BE EFFECTIVE UNTIL AFTER THAT AGREEMENT IS REACHED. SO AGAIN, I WOULD FOCUS ON THE FACT THAT YOU'RE RELIEVING THE FROISK THE PRIVATE SIDE, YOU'RE ALLOWING THE PRIVATE MARKET TO DO IT, BUT YOU'RE DOING SO WHILE PROTECTING YOURSELF WITH AN AGREEMENT, AN ENFORCEABLE AGREEMENT AND YOU'RE ALLOWING A LOT OF MONEY TO GET INVESTED AND A LOT OF TAX BASE TO BE BUILT WHERE THERE CURRENT SLI A HAY FIELD. THANK YOU VERY MUCH. IF YOU HAVE ANY OTHER QUESTIONS, WE HAVE FOLK HERE. THERE MAY BE QUESTIONS THAT COME UP AFTER THE CITY MAKES ITS PRESENTATION.

Mayor Wynn: A FEW MORE QUESTIONS. COUNCILMEMBER COLE. ARE.

Cole: I HAVE A COUPLE OF QUESTIONS FOR MR. WHELAN. ONE OF THE THINGS THAT WE'VE BEEN STRUGGLING WITH AS A COUNCIL IN GETTING -- UNDERSTANDING ALL THE DETAILS OF THIS AND WHY YOU HAVE TO BE OUTSIDE OF THE E.T.J. VERSUS INSIDE THE E.T.J.'S AND THE IMPLICATIONS OF M.U.D.'S, HAVE YOU EVER HANDLED A CASE BEFORE SIMILAR TO THIS?

HAVE I PERSONALLY? I HAVE NOT PERSONALLY HANDLED A CASE. I THINK GARY TOLD YOU HE'S HANDLE CASES OUTSIDE AND ONE LARGE ONE INSIDE, BUT I DON'T FINANCE. I PREFER IT LITIGATION TO LAND USE AS YOU WELL KNOW.

Cole: AND NOT AGAINST THE CITY, I'M SURE. THE OTHER QUESTION I HAD IS WE TALKED ABOUT THE POTENTIAL CHARTER AMENDMENT AND AUSTIN'S HISTORY OF M.U.D.'S AND LITIGATION AND THAT BEING ONE OF THE THINGS THAT WE'RE CREATING THE RIFNG OF YOU NEEDING TO BE OUTSIDE THE E.T.J. WAS THERE ANYTHING ELSE THAT WE NEEDED TO UNDERSTAND ABOUT THAT?

NO. I THINK GARY ADDRESSED IT. I THINK IT'S -- IT GOES ON THE RISK SIDE VERSUS THE SECURITY SIDE, IF YOU WILL. SO WHEN THERE IS LITIGATION, WHEN THERE'S A HISTORY OF CHARTER AMENDMENTS OR PROPOSITIONS THAT GET PASSED IN THE PUBLIC FORUM, THERE WILL BE RISKS AND IT WILL AFFECT THE INVESTORS WHEN YOU GO TO MARKET THE BONDS. IT WILL MAKE IT COST A LOT MORE. SO WHAT WE'RE TALKING ABOUT ALREADY IS ADDING 1.25 TO THE TAX BASE. IT WILL BE -- WE'RE ESTIMATING APPROXIMATELY \$3.42 IN TERM OF THE TAXES OUT THERE. SO IT'S VERY HIGH TO DO THIS, BUT I THINK IT'S DOABLE GIVEN THE PRIVATE INVESTMENT THAT'S WILLING TO COME FORWARD AND DO IT. BUT THE RISK ASSOCIATED WITH STAYING IN THE E.T.J. IS WHAT IS FRANKLY DRIVING THIS. BUT I MUST SAY WE'RE NOT SAYING AND NOR WOULD WE SUGGEST THAT THAT -- THAT WE SHOULD JUST HAVE FREE REIGN. THAT'S WHY WE'VE BEEN EXPLICIT IN WHAT WE'VE

PROPOSED THAT ANY RELEASE WOULD BE EFFECTIVE ONLY AFTER AN AGREEMENT WITH THE CITY HAS BEEN INKED AND THAT Y'ALL ARE COMFORTABLE WITH THAT AGREEMENT IN TERM OF LAND USE AND WHAT ULTIMATELY IT WILL LOOK LIKE.

Cole: OKAY, THANK YOU.

AND ALSO THE STUDIOS HAVE TO HAVE SIGNIFICANT REVENUE WITHIN SEVEN YEARS RATHER THAN IT JUST BEING A SINGLE-FAMILY DEVELOPMENT AND NOTHING ELSE. WE HAVE TO GET THE STUDIOS BUILT AND UP AND RUNNING. HUNDREDS OF MILLIONS OF DOLLARS OF MONEY IN INVESTMENT UP AND RUNNING AND CREATING SIGNIFICANT REVENUE OR WE'RE BACK INTO THE E.T.J. AGAIN THAT'S A LAND USE ISSUE. WE ARE CLEAR THAT THIS IS A UNIQUE SITUATION AND YOU WOULDN'T BE DOING IT FOR A SINGLE-FAMILY RESIDENCE, YOU'RE DOING IT FOR A STUDIO AND DWHROOS WE HAVE THOSE TRIGGERS IN THERE AND THOSE REQUIREMENTS.

THANK YOU.

Mayor Wynn: LET ME MAKE SURE I UNDERSTAND. SO THE ANTICIPATED OR THE PRO FORMA AD VALOREM PROPERTY TEXAS RATE FOR TAXABLE REAL ESTATE AT VILLA MUSE IS FOR YOUR INTERNAL FINANCING, FOR YOUR M.U.D. FINANCING IS \$1.20. PER \$100 OF VALUATION?

YES, SIR.

Mayor Wynn: SO THAT AND THE COUNTY SCHOOL -- WHAT'S THE TOTAL?

DELL, TRAVIS COUNTY, HEALTH CARE DISTRICT, ESD NUMBER 12, COMMUNITY COLLEGE DISTRICT, THEN YOU ADD ON THE INFRASTRUCTURE DISTRICT, WHICH IS \$1.20, YOUR TOTAL IS \$3.22 IS THE TOTAL YOU WILL END UP AT.

Mayor Wynn: AND I SHOULD KNOW THIS, THE TOTAL IN THE CITY OF AUSTIN?

2.40, I THINK. 2.74. SO IT WILL BE HIGHER THAN THE CITY OF AUSTIN'S FOR THAT PERIOD OF TIME THAT THE DEBT IS BEING PAID OFF.

Mayor Wynn: THEN ALSO -- SO THE CONCEPT OF THE STUDIO, THE INFRASTRUCTURE OF THE FILM AND SOUND STAGES AND THINGS, MAYBE IT'S TOO SIMPLISTIC, BUT OBVIOUSLY THOSE ARE BIG EXPENSE ITEMS, SORT OF LOST LEADNERS SOME WAY.

VERY LARGE.

Mayor Wynn: IS THE CONCEPT THAT ESSENTIALLY THE REST OF THE DEVELOPMENT CARRIES THE COST, SUBSIDIZES IF YOU WILL THIS BIG DRIVING ATTRACTIVE PIECE OF

## INFRASTRUCTURE?

TO SOME EXTENT. HITEN CAN TALK ABOUT THAT MORE. THE FIRST FLUSH IS ALL PRIVATE. SO WHEN WE TALK ABOUT REMOVING THE RISK, YOU'RE DOING THAT SO THAT THE PRIVATE MARKETS WILL GET THAT ECONOMIC ENGINE KICK STARTED, AGAIN, WHILE PROTECTING YOU WITH DWREMENTS. LET ME LET HITEN ADDRESS THAT.

THE ONE .20-DOLLAR ASSESSMENT ON TOP OF THE AD VALOREM TAX BASE FOR THE E.T.J. IS SPECIFICALLY FOR INFRASTRUCTURE. IT'S THE SCHOOLS, THE ROADS, THE WATER AND WASTEWATER, ETCETERA. I GUESS YOU COULD THINK ABOUT IT IN TERMS OF IS SUBSIDIZATION FROM AN INVESTOR PERSPECTIVE IN THAT A GOOD ANALOGY MAY AN GOLF COURSE WHERE A DEVELOPER PUTS A GOLF COURSE, THEN THEY SELL HOMES AROUND IT. AND THE GOLF COURSE IS A QUOTE, UNQUOTE, LOSS LEADER. I'M GOING TO REFER BACK TO ALSO DMEANTS BOB MADE REGARDING LOUISIANA AND NEW MEXICO. AND FRANKLY THIS IS A TREND THROUGHOUT THE WORLD. SPAIN, BIEWD. WE'VE IDENTIFIED A PROPERTY POOL IN THE FORM OF THE REAL ESTATE DEVELOPMENT THAT IN ESSENCE IS WHERE WE'RE GETTING THE FUNDS TO BUILD THE STUDIOS. SO IT NOT AS THOUGH RESIDENTS AND BUSINESSES THAT ARE OUT THERE ARE FUNDING US, BUT IT'S THE PROFIT FROM THE SALE OF HOMES AND THE BUILDING OF OFFICE BUILDINGS AND MIXED USE BUILDINGS THAT IS IN ESSENCE SUBSIDIZING THE STUDIO DEVELOPMENT.

Mayor Wynn: BUT ULTIMATELY A FUNDAMENTAL FINANCIAL ASSUMPTION HERE IS THAT FOLKS WILL MOVE FRANKLY WAY OUT AND PAY A LOT HIGHER PROPERTY TAXES FOR THEIR HOMES THAN WHAT PEOPLE PAY IN AUSTIN.

CORRECT. AT THE PLANNING COMMISSION BOB MENTIONED THIS. WHEN WE LOOK AT THIS INDUSTRY, PARTICULARLY FOR LARGE FEATURE FILMS, TELEVISION, ETCETERA, THOSE ARE PEOPLE COMING FROM CALIFORNIA, NEW YORK, AND FRANKLY A 25-MINUTE DRIVE INTO DOWNTOWN IS REALLY NOT THAT BIG A DEAL. THAT'S GOING TO THE CORNER GROCERY STORE IN LA. SO OUR PERSPECTIVE IS THAT IT'S OUTSIDE OF AUSTIN, BUT IT'S CLOSE ENOUGH TO AUSTIN THAT FRANKLY THERE'S A BENEFICIAL RELATIONSHIP THERE THAT PEOPLE WHO WORK CURRENTLY HERE, THE GSMD'S FOR EXAMPLE FOR AN ADVERTISING PRODUCTION, CAN MAKE THE 25 MINUTE COMMUTE OUT TO VILLA MUSE FOR THEIR DAY SHOOT AND COME BACK TO THEIR OFFICES AND GO HOME AT NIGHT WITHOUT REALLY THAT MUCH ADDITIONAL PAIN. AND IT'S VERY CLOSE TO THE AIRPORT. THANK YOU, MICHAEL. AGAIN, THINKING ABOUT THE INBOUND CUSTOMER THAT'S COMING IN, WE'RE MAYBE 15 MINUTES FROM AUSTIN-BERGSTROM INTERNATIONAL AIRPORT, MAYBE 20 MINUTES ON A BAD DAY IF YOU'RE GOING AGAINST TRAFFIC. SO THE POINT IS THAT YOU'RE VIEWTLY RIGHT, MAYOR WYNN, THAT SHOULD SOMEBODY WHO CHOOSES TO LIVE THERE IS GOING TO NEED TO BE SOLD ON LIVING THERE, THE AMENITIES WE PROVIDE, THE FIVE-MINUTE WALK DISTANCES, THE ABILITY TO WALK YOUR CHILD TO SCHOOL FIVE MINUTES AND THEN FIVE MINUTES TO THE STUDIO IF THAT HAPPENS TO BE WHERE YOU'RE WORKING. A DAY CARE CENTER IN THE STUDIO, ETCETERA. WE'RE TRYING TO CATER TO

THE CREATIVE CLASS WHO LIVES A 24/7 LIFE-STYLE. AND IT'S BEEN THE STRATEGY, IF YOU WILL, IN TERMS OF THE ACTUAL DEVELOPMENT, WHY WE HAVE HIGH DENSITY, URBAN DISTRICT. VERY MUCH LIKE DOWNTOWN AUSTIN WHERE YOU CAN LIVE, WORK IN A VERY SHORT AREA, RIDE YOUR BICYCLE, ENJOY THE GREENBELT, ENJOY THE PARK, ENJOY THE COMMUNITY AUDITORIUM.

Mayor Wynn: THANK YOU. AND MR. WAYLAN, WITH THE M.U.D.'S I'VE EXPERIENCED BEFORE, THEREIN ESSENTIALLY IS A LAND PLAN THAT GETS IN AGREEMENT AND THE LAND PLAN GETS ALMOST LIKE A P.U.D., GETS DELIVERED AS PART OF THE FORMATION OF THE M.U.D. WHEN YOU TALK ABOUT THE CONTROLS OR THE LACK OF RISK ON THE LAND USE, ARE YOU SUGGESTING THAT THIS M.U.D. ALSO WILL HAVE IN A SENSE A LAND PLAN AND SOME SORT OF M.U.D. ORDINANCE?

I WASN'T SUGGESTING THAT. WHAT I WAS SUGGESTING AS I DID MY PRESENTATION, THERE WOULD BE BENCHMARK. SO THAT THERE ISN'T JUST ANYTHING GOES OUT THERE. SO THAT WE'LL HAVE A CERTAIN MIX OF USES THAT YOU EXPECT WILL BE DONE, THAT THERE WILL BE BEST VMP'S APPLIED IN TERMS OF ENVIRONMENT. I THINK WE NEED A LOT OF FLEXIBILITY IN TERMS OF THE DESIGN. WE'RE NOT GOING TO BE DOING A P.U.D. WITH 20 PAGES OF RULES AND REGULATIONS, WHICH I'VE DONE HERE BEFORE AND IT TAKES TWO YEARS TO GET THROUGH THE PROCESS. WE'RE TALKING ABOUT SETTING UP SOME BENCHMARKS THAT WE'LL HAVE TO COMPLY WITH. AND WE'VE DONE A DRAFT AGREEMENT THAT HAS A BUNCH OF THOSE. FOR EXAMPLE, IT SAYS WATER QUALITY CONTROLS WILL BE DONE ACCORDING TO THE CITY'S ENVIRONMENTAL CRITERIA MANUAL WILL BE AN EXAMPLE, BUT DOESN'T SPECIFICALLY SAY WHERE THEY'RE GOING TO BE OR WHAT THEY'RE GOING TO LOOK LIKE. BUT WE WOULD HAVE, THOUGH, SOME STANDARDS LIKE THAT THAT WE WOULD HAVE TO MEET WITHIN THE SITE SO THAT WE'VE GOT SOME FLEXIBILITY IS WHAT I'M TALKING ABOUT.

BUT I GUESS WITHIN THE PRO FORMA YOU MUST HAVE MADE AN ASSUMPTION ABOUT HOW MANY ATTACHED SINGLE-FAMILY HOMES AT WHAT ASSESSED VALUE, HOW MUCH OFFICE SQUARE FOOTAGE AT SOME ASSESSED VALUE, HOW MUCH MAYBE SORT OF QUASI RETAIL FLEX INDUSTRIAL SPACE. SO WHAT'S THE MIX OF YOUR ASSUMPTIONS AS TO THE REAL ESTATE THAT FUNNELS THE TAX REVENUE?

WHAT'S THE CURRENT MIX? WE CAN HAVE THE LAND PLANNER COME UP HERE IN TERMS OF SPECIFIC HOW MANY SQUARE FEET OF STUDIO -- YOU WANT TO KNOW NOW?

Mayor Wynn: VOWBLY YOU HAVE MADE SOME ASSUMPTIONS AS WHETHER IT WILL BE 25% SINGLE-FAMILY, 12 PERCENT RETAIL.

AND I HAD THAT IN ONE SLIDE TALKING ABOUT -- I DON'T HAVE THE SLIDE HERE, BUT ONE SLIDE TALKING ABOUT TOWN HOME, MULTI-FAMILY AND SINGLE-FAMILY DETACHED SO WE WOULD HAVE A CERTAIN MIX OF THOSE AND WE COULD PUT A CERTAIN PERCENTAGE OF

OFFICE ON THE SITE AND A CERTAIN PERCENTAGE WOULD BE STUDIOS OR CREATIVE SPACE, AND YOURIUM. WE'LL HAVE THREE SCHOOLS, FOR EXAMPLE, AND A FIRE DEPARTMENT. WE'VE GOT CERTAIN THINGS THAT WE KNOW ARE GOING TO EXIST. WE'RE NOT SURE -- WE'VE GOT A GOOD, NICE LAND PLAN DESIGN THAT WE'RE OPTIMISTIC AS TO WHAT IT WILL LOOK LIKE ULTIMATELY, BUT WE HAVEN'T SPENT THE HUNDREDS AND HUNDREDS OF THOUSANDS, MILLIONS OF DOLLARS TO ENGINEER THE ENTIRE SITE. WE'RE NOT GOING TO DO THAT UNTIL WE KNOW WE'RE GOING FORWARD WITH THE E.T.J. RELEASE. BUT THAT WILL ULTIMATELY HAPPEN. WHAT I'M TALKING ABOUT IS SETTING UP STANDARDS SO THAT WHEN THAT IS DONE WE HAVE IT LAID OUT IN A WAY THAT MEETS THOSE STANDARDS THAT ARE IN AGREEMENT WITH THE CITY OF AUSTIN.

Mayor Wynn:

MAYOR, A QUICK FOLLOW-UP. SHADOW GLEN BY WAY OF REFERENCE AT MANOR IS AT 3.44, SO WE'RE NOT OUT OF THE REALM OF REASONABLENESS IN THAT PART OF THE WORLD. AND GARY KIMBALL KIND OF MENTIONED TO ME AS WELL THAT THE ISSUE REGARDING EVENTUAL ANNEXATION, WE WILL -- AS MICHAEL WHELAN SAID, WE WILL HAVE A HIGHER TAX RATE THAN THE CITY OF AUSTIN FOR THE FORESEEABLE FUTURE GIVEN THE TERM OF THE TEMPORARY E.T.J. RELEASE REQUEST. SO I THINK UNLIKE SOME OTHER DEVELOPMENTS WHERE -- OTHER MUTD'S WHERE YOU FACE RESISTANCE FROM THE RESIDENTS AGAINST EVENTUAL ANNEXATION, OUR VIEW IS THEY WILL WELCOME IT BECAUSE THERE WILL AN TAX BENEFIT TO THAT POPULATION.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS OF OUR TEAM BEFORE PERHAPS WE HEAR - - I THINK STAFF NOW HAS PREPARED A PREVIOUSING OR PRESENTATION -- A BRIEFING OR PRESENTATION FOR US FROM THEIR PERSPECTIVE.

THANK YOU, MAYOR AND COUNCILMEMBERS. WHAT WE'D LIKE TO DO TODAY IS TO WALK YOU THROUGH SEVERAL OPTIONS FOR VILLA MUSE AND THE PROPOSED DEVELOPMENT. BUT I THINK WHAT I'D LIKE TO DO BEFORE WE START THERE IS TO PULL BACK A LITTLE BIT AND TALK ABOUT THE IMPORTANCE OF THIS CORRIDOR IN GENERAL. AND YOU AS A CITY COUNCIL HAVE EXPRESSED A LOT OF INTEREST IN PRECISELY THIS KIND OF DEVELOPMENT AND SPECIFICALLY THIS DEVELOPMENT. AUSTIN HAS WORKED VERY HARD TO ESTABLISH THIS AS OUR GROWTH CORRIDOR. WE HAVE HISTORIC POLICIES DATING AT LEAST 10 YEARS THAT HAVE SET UP A SCENARIO WHERE WE WOULD GET JUST EXACTLY THIS KIND OF AGGRESSIVE DEVELOPMENT PROPOSAL. THE FIRST OF WHICH WAS ESTABLISHING THIS AS THE DESIRED DEVELOPMENT ZONE. MAYOR, YOU LED AN EFFORT IN THE EARLY 2000'S THAT WAS AN ECONOMIC DEVELOPMENT POLICY THAT REALLY INCORPORATED INTO A TRADITIONAL ECONOMIC PROGRAM. THE IDEA THAT WE WOULD LEVERAGE OUR CREATIVE CLASS AND LEVERAGE THE FACT THAT AUSTIN HAS SUCH A RICH CULTURAL ARTS COMMUNITY INCLUDING TELEVISION AND FILM. SO OUR ECONOMIC DEVELOPMENT PROGRAM IS NATIONALLY RECOGNIZED FOR HAVING A CULTURAL ARTS COMPONENT. OUR ECONOMIC DEVELOPMENT POLICY IS SET UP SO THAT YOU COULD EVEN GRANT

INCENTIVES FOR THOSE KINDS OF THING AND YOU DID THAT LAST YEAR WITH AN INCENTIVE FOR FRIDAY NIGHT LIGHTS. SO THE POLICY MAKING YOU'VE STEADFAST IN THIS AREA IS REALLY SENDING SEVERAL SIGNALS. ONE IS THIS IS AN AREA WHERE WE WOULD LIKE TO SEE GROWTH, THIS IS AN AREA WHERE WE WOULD LIKE TO SEE PRIMARY EMPLOYER. AND HAVE YOU EXPRESSED AS A CITY COUNCIL AN INTEREST AND A COMMITMENT TO MAKING THE CREATIVE CLASS PART OF AUSTIN'S FUTURE AND AUSTIN'S ECONOMY, RECOGNIZING THAT THAT'S PART OF OUR SUCCESS TODAY. WE SAY THAT TO REALLY EXPRESS ENTHUSIASM ABOUT THE PROJECT BEFORE US. DID YOU THAT A FEW WEEKS AGO WHEN WE STARTED THIS PROCESS. AND ASKED US AS A STAFF TO CREATE A SET OF OPTIONS THAT WOULD SEE HOW WE CAN MAKE THIS DEVELOPMENT HAPPEN, KNOWING THAT THIS IS EXACTLY THE KIND OF DEVELOPMENT THAT WE WANT TO SEE HAPPEN. YOU ASKED US TO SPEND AS MUCH TIME AS WAS NECESSARY TO BE BACK BEFORE YOU TODAY IN ORDER TO EXPLORE SOME OF THOSE OPTIONS. SO I'D LIKE TO START JUST BY GIVING YOU THE FRAMEWORK THAT WE USED OVER THE COURSE OF THE LAST MONTH TO DO JUST THAT. WE APPROACHED THIS WITH A TEAM THAT REALLY CROSSES A LOT OF DIFFERENT PROFESSIONAL EXPERTISES. WE'VE GOT A LEGAL TEAM THAT WAS LOOKING AT ALL OF THE LEGAL ISSUES THAT ARE INVOLVED, LED BY OUR OUTSIDE COUNSEL, FRED BOSSE, BUT ALSO INCLUDED ARE CITY ATTORNEY DAVID SMITH, NO, MA'AM KNUCKLES AND KAREN SMITH ON UTILITY ISSUES. OUR FINANCIAL TEAM LED BY THE CITY'S FINANCIAL ADVISOR, BILL NEWMAN, BUT ALSO PAIRED WITH OUR CFO, LESLIE BROADER, AND THEN OUR LAND DEVELOPMENT TEAM LED BY PAT MURPHY, WHO WE ARE DESIGNATING AS OUR POINT PERSON FOR STATE HIGHWAY 130 DEVELOPMENT. FOCUSING ON THIS AREA OF TOWN, WE WANT TO ENCOURAGE THE RIGHT KINDS OF DEVELOPMENTS, BUT WE ALSO RECOGNIZE THAT THERE ARE SOME VERY UNIQUE CHARACTERISTICS OF THIS LAND OUT THERE, DRAINAGE BEING AN OBVIOUS ONE. PAT WAS JOINED BY SEVERAL ON THE DEVELOPMENT SIDE. WE HAVE SPENT THE LAST MONTH USING THESE RESOURCES AND WORKING AS HARD AS WE CAN WITH REPRESENTATIVES FROM THE VILLA MUSE WHO HAVE FOLKS THAT MIRROR OUR TEAM SO IT'S BEEN A GOOD DISCUSSION OVER THE LAST SEVERAL WEEK. WE'RE HERE BEFORE YOU TODAY TO GET YOUR GUIDANCE ON HOW YOU WANT TO PROCEED WITH THE BEST WAY TO ASSURE THAT THE VILLA MUSE PROJECT OCCURS. AND WHAT WE WILL LIKE TO BEGIN WITH DOING IS A COUPLE OF DIFFERENT THINGS. WE'RE GOING TO FIRST GIVE YOU A BRIEF OVERVIEW OF WHERE THE PROJECT IS AND WHAT THE PROJECT IS COMPRISED OF AND JUST SOME KEY FEATURES OF THE PROJECT. WE'RE GOING TO DIVE INTO THREE OPTIONS THAT WE'VE IDENTIFIED AND YOU'VE IDENTIFIED IN PREVIOUS POLICY MAKING AND THESE OPTIONS ARE PRETTY STRAIGHTFORWARD. ONE IS TO SIMPLY DENY THE REQUEST FOR AN E.T.J. RELEASE. A SECOND OPTION THAT WE'LL TALK ABOUT IS TO CREATE A DEVELOPMENT AGREEMENT THAT WOULD BE INSIDE THE CITY'S E.T.J., BUT WOULD CREATE CONDITIONS SUCH AS A DELAY OF ANNEXATION THAT ADDRESSES SOME OF THE CONCERNS THE DEVELOPER HAS EXPRESSED. AND THE THIRD OPTION WOULD BE A RELEASE FROM THE E.T.J. AS PROPOSED BY THE DEVELOPER. AND SO WHAT WE'D WOULD LIKE TO DO IS JUST QUICKLY GO OVER THE KEY FEATURES OF THE DEVELOPMENT AND DIVE RIGHT INTO THOSE OPTIONS AND GET YOUR



DIRECTION ON WHICH OF THOSE OPTIONS YOU WOULD LIKE FOR US TO PROVIDE NEGOTIATING ON. I'M GOING TO TURN IT OVER TO PAT MURPHY FOR THE DESCRIPTION AND THEN TOM KNUCKLES WILL WALK US THROUGH EACH OF THE OPTIONS.

THANK YOU, LAURA. THE VILLA MUSE SITE LOCATION IS BASICALLY 1900-ACRE, BUT IT DOES INCLUDE TWO COMPONENTS, ONE OF THOSE IS THE VILLA MUSE SITE, WHICH IS 1100 ACRES. THERE'S ALSO AN # 800-ACRE APPROXIMATELY TRAVIS AGGREGATE SITE THAT IS PART OF THE REQUEST. THIS IS LOCATED OUT NEAR FM 969 AND BURLESON ROAD. IT'S NEAR THE GILLELAND CREEK NEAR THE MOUTH OF THE COLORADO RIVER. THIS IS WITHIN OUR FIVE-MILE EXTRATERRITORIAL JURISDICTION, AND AS LAURA SAID, IN OUR DESIRED DEVELOPMENT ZONE. THE VILLA MUSE PROJECT, AS YOU'VE HEARD, AND I WON'T GO INTO MUCH DETAIL ABOUT THIS, IS ANCHORED BY THE VILLA MUSE STUDIO. IT IS ALSO A MASTER PLANNED COMMUNITY ACCORDING TO THE INFORMATION THAT HAS BEEN PROVIDED TO US THAT WOULD PROVIDE DENSE MIXED USE DEVELOPMENT, SUPPORT COMMERCIAL AND RETAIL, RESIDENTIAL AND OPEN SPACE. THE SITE AS FAR AS WE CAN TELL FROM THE INFORMATION WE HAVE AVAILABLE AT THIS TIME, THE SITE HAS BEEN AN AGRICULTURAL LAND USE FOR SOME TIME. YOU'VE HEARD IT REFERRED TO AS A HAY FIELD. IT CERTAINLY IS THE CURRENT USE IS HAY PRODUCTION. AS I MENTIONED, IT'S IN GILLELAND CREEK. THIS IS A VERY LARGE WATERSHED. I BELIEVE IT'S OUR SECOND LARGEST WASTEWATER IN OUR JURISDICTION WITH A LARGE UPSTREAM DRAINAGE AREA. BECAUSE OF THE AGRICULTURAL USES ON THE SITE, THE WOODLAND ALONG THE CREEK IS FAIRLY NARROW. THE SITE IS RELATIVELY FLAT, WHICH GENTLE SLOPES, WHICH EXPLAINS WHY THE FLOODPLAIN IS SO WIDE AND SHALLOW IN THIS AREA. THIS MAP SHOWS YOU AND GIVES YOU AN INDICATION IN BLUE OF WHAT THE FLOODPLAIN AREAS ARE. THE LAND IS VERY FLAT. DURING FLOOD SITUATIONS BEING DOWN NEAR THE MOUTH OF GILLELAND AND THE COLORADO RIVER, THE FLOODPLAIN SPREADS OUT VERY WIDE. IT IS NOT VERY DEEP, BUT IT IS VERY EXPANSIVE. TOM IS GOING TO TALK TO YOU ABOUT THE THREE OPTIONS. THE OPTIONS ARE ONE TO DENY THE REQUEST FOR E.T.J. RELEASE. TWO IS TO DEVELOP INSIDE THE CITY E.T.J. AND THREE IS TO RELEASE FROM THE CITY E.T.J. AND I'LL TURN IT OVER TO TOM. THANK YOU.

THE STAFF RECOMMENDATION IS REALLY A COMBINATION OF OPTION 1 AND OPTION 2. OPTION 1 WOULD BE TO DENY THE REQUEST FOR THE E.T.J. RELEASE, BUT WE DON'T BELIEVE YOU SHOULD STOP THERE BECAUSE WE DO BELIEVE THERE ARE TOOLS THAT THE CITY HAS, AND THE TOOLS THE CITY HAS USED MANY TIMES BEFORE TO FACILITATE DEVELOPMENT OF THE VILLA MUSE PROJECT INSIDE THE E.T.J. ESSENTIALLY OPTION 2 DEVELOPMENT IN THE E.T.J. WOULD BE A DEVELOPMENT AGREEMENT UNDER CHAPTER 212 OF THE LOCAL GOVERNMENT CODE, WHICH WOULD INCLUDE THINGS SUCH AS DEFERRING ANNEXATION FOR UP TO 45 YEARS. THAT'S SOMETHING THAT AS I BELIEVE THE MAYOR MENTIONED EARLIER, WE INCLUDED IN THE ROBINSON RANCH DEVELOPMENT AGREEMENT, AND IT HAS BEEN INCLUDED IN DIFFERENT FORMS OR UNDER SLIGHTLY DIFFERENT TERMS IN MANY, MANY OTHER CHAPTER 212 DEVELOPMENT AGREEMENTS. IN TERMS OF FINANCING THE INFRASTRUCTURE, WE BELIEVE THAT A COMBINATION OF PUBLIC

IMPROVEMENT DISTRICTS OR ROAD DISTRICTS CAN BE USED TO DO THAT INSIDE THE E.T.J. IN PARTICULAR PUBLIC IMPROVEMENT DISTRICTS WE BELIEVE CAN FINANCE ALL OF THE INFRASTRUCTURE THAT IS BEING PROPOSED FOR THE DEVELOPMENT. ON THE LAND USE ELEMENT, WE WOULD USE PLANNED UNIT DEVELOPMENT ZONING OR AN EXTRA TERRITORIAL JURISDICTION P.U.D. TO ESTABLISH LAND USE CONTROLS, GRANT DIFFERENT VARIANCES THAT MAY BE NEEDED, ADDRESS ENVIRONMENTAL ISSUES, ADDRESS TRANSPORTATION ISSUES. ON THE UTILITY SIDE, STAFF IS COMFORTABLE IN CONCEPT WITH WAIVING THE CITY'S EX-IS CLIEWS SIEVE RIGHT TO PROVIDE WASTEWATER SERVICE TO A PART OF THIS AREA AND ENTERING INTO AN AGREEMENT WITH HORNSBY BEND UTILITY COMPANY WHEREBY THEY WOULD PROVIDE THE WASTEWATER SERVICE TO VILLA MUSE. AND LET ME JUST ADD THAT ONE REASON THE STAFF IS RECOMMENDING OPTION 2 IS BECAUSE THE STATUTORY AUTHORITY FOR DOING ALL OF THESE THINGS IS SWRSH R. VERY CLEAR AND THERE ARE PRECEDENTS NOT ONLY IN AUSTIN, BUT OTHER CITIES DOING THIS. WE FEEL COMFORTABLE LEGALLY DOING WITH THIS TYPE OF LEGAL STRUCTURE BECAUSE THE LEGISLATURE HAS PASSED STATUTES THAT SPECIFICALLY ENVISION THESE TYPES OF AGREEMENTS INSIDE THE E.T.J. OPTION NUMBER 3 WOULD BE A CITY RELEASE FROM THE E.T.J. THIS IS THE VILLA MUSE PROPOSAL. THEY'RE ESSENTIALLY PROPOSING A TWO-STEP PROCESS. THE CITY WOULD RELEASE THE LAND FROM THE E.T.J. EFFECTIVE UPON EXECUTION OF THE DEVELOPMENT AGREEMENT BETWEEN VILLA MUSE AND THE CITY AND THE COUNTY. WE'RE COMFORTABLE WITH THAT LEGALLY. THE NEXT STEP WOULD BE THAT THE CITY CAN TAKE BACK LAND INTO THE E.T.J. AND THEN ANNEX IT ONCE CERTAIN CONDITIONS HAVE OCCURRED. AND I WON'T GO INTO MUCH DETAIL. YOU'VE HEARD FROM THE PREVIOUS PRESENTERS EXACTLY WHAT THEY ARE. THIS IS WHERE THE LEGAL ISSUES ARE COMING UP, BECAUSE IN CONTRAST TO OPTION 2, THERE ARE NO STATUTES THAT ARE DESIGNED TO AUTHORIZE AN AGREEMENT BETWEEN A CITY AND A DEVELOPER OF LAND OUTSIDE THE EXTRA TERRITORIAL JURISDICTION. THAT'S NOT TO SAY THAT THE STATUTES THAT ARE ON THE BOOKS CAN'T BE CONSTRUED TO AUTHORIZE THIS TYPE OF ARRANGEMENT, HOWEVER, IT WILL RELY ON INTERPRETING THESE SNAWTS A CERTAIN WAY -- KNOWS SNAWTS A CERTAIN BAY. THIS WILL BE THE PRECEDENT SETTING CASE IN THE STATE OF TEXAS FARCE I KNOW FORAS FAR AS I KNOW. SO WE ARE ADVANCING WITH A GREAT DEAL OF CAUTION ON THAT. ONE REASON BEING IS AS YOU KNOW IN SITUATIONS WHERE THE CITY HAS ALLOWED CREATION OF MUNICIPAL UTILITY DISTRICTS AND DEFERRED ANNEXATION UNTIL A LATER DATE, BY THE TIME THAT THE CITY IS READY TO ANNEX THOSE AREAS, THE RESIDENTS HAVE BECOME ACCUSTOMED NOT TO BEING IN THE CITY LIMITS AND THEY'VE BEEN QUITE CONTENTIOUS AND QUITE LITIGIOUS. SO THE COMBINATION OF A SET OF STATUTES THAT'S NOT EXPRESSLY DESIGNED TO COVER THIS TYPE OF AGREEMENT AND OUR PAST EXPERIENCE WITH THE CONTENTIOUSNESS AND LITIGIOUSNESS OF THESE SITUATIONS I THINK CALL FOR US TO CAREFULLY VET WHETHER THE STATUTES CAN AUTHORIZE THIS TYPE OF ARRANGEMENT. SOME OF THE OTHER LEGAL ISSUES AND CONCERNS, IN EFFECT THE E.T.J. RELEASE WILL BE THE CITY'S CONSENT FOR VILLA MUSE TO CREATE A M.U.D. IN AN AREA THAT THE CITY IS GOING TO ONE DAY ANNEX. THE CITY'S LONG-STANDING PRACTICE WHEN YOU GIVE CONSENT TO CREATION IN A M.U.D.

IN AN AREA THAT YOU WILL ONE DAY ANNEX IS TO ESSENTIALLY NEGOTIATE A CONSENT AGREEMENT THAT ADDRESSES THINGS LIKE LAND USE AND RESTRICTIONS ON DEBT, REQUIRING CITIES TO GET -- REQUIRING THE DEVELOPMENT TO GET CITY BUILDING PERMITS AND THE LIKE AND TO NEGOTIATE SCHOOLS AND OTHER PUBLIC BENEFITS. ESSENTIALLY YOU WOULD BE DEPARTING FROM THAT LONG-STANDING PRACTICE. BY RELEASING THE AREA YOU WOULD FREE UP THE CREATION OF THE M.U.D. AND IN THE EVENT WHERE THE PROJECT DOESN'T PAN OUT AS PLANNED AND THE CITY CAN TAKE THE AREA BACK INTO THE E.T.J., EITHER AT THE THREE-YEAR, SEVEN-YEAR OR SOMETIME EARLIER THAN THE ANTICIPATED 40 YEARS, THE M.U.D. WOULD STILL BE THERE. IT WOULD SURVIVE THE TAKE BACK. AND AGAIN, THIS HAS BEEN SOMETHING IN THE CITY'S PAST PRACTICE YOU HAVE BEEN VERY HESITANT TO DO. BECAUSE THERE WOULD BE -- THE M.U.D. TAKES A POSITION TO TAKE ACTIONS THAT COULD MAKE IT YOU BELIEVE DESIRABLE OR DIFFICULT FOR YOU TO ANNEX THAT AREA IN THE END. ONE EXAMPLE OF THAT WOULD BE LAND USE. AS I SAID ON CONSENT AGREEMENTS, THE CITY TYPICALLY NEGOTIATES A LAND USE ELEMENT SO THAT WE KNOW WHAT LAND USES THE MUD WILL BE DESIGNED TO FACILITATE. IN THIS CASE SINCE THE M.U.D. DOESN'T EXIST YET, WE CAN'T NEGOTIATE THAT ELEMENT OF A CONSENT AGREEMENT. WHAT WE HAVE DISCUSSED WITH THE VILLA MUSE REPRESENTATIVES IS TODAY'S LANDOWNERS AGREEING TO SOME SORT OF LAND USE COMPONENT COMMITTING TO CERTAIN LAND USES, PARTICULARLY THE ONES THAT ARE BEING DESCRIBED AS THE VILLA MUSE PROJECT. BUT TO DATE WE HAVE NOT SEEN THAT AS PART OF ANY OF THE PROPOSALS THAT THE VILLA MUSE REPRESENTATIVES HAVE MADE. AND FRANKLY, IF VILLA MUSE IS BEING PRESENTED AS THE BENEFIT OF ENTERING INTO THIS BARGAIN WITH THE CITY FROM A STAFF PERSPECTIVE, WITHOUT THE LAND USE COMMITMENT, THERE IS A CHANCE THAT THE CITY WOULD NOT RECEIVE THE BENEFIT OF THAT BARGAIN. THERE IS A RISK THAT DESPITE EVERYONE'S BEST INTENTIONS, THE VILLA MUSE PROJECT DOES NOT SUCCEED. AT THAT POINT YOU HAVE LANDLORDS WITH A M.U.D. IN PLACE THAT WILL BE SEEKING TO MAKE MONEY FROM DEVELOPMENT OF ANOTHER FASHION AND THE END RESULT COULD BE A M.U.D. THAT FACILITATES TYPES OF DEVELOPMENT THE CITY DOES NOT WISH TO INCENTIVIZE IN THE SH 130 CORRIDOR. OTHER CONCERNS WOULD BE THAT RELEASING THE LAND FROM THE E.T.J. LEAVES THE COUNTY AS THE ONLY REGULATORY AUTHORITY OVER LAND DEVELOPMENT. THE COUNTY IN RECENT YEARS HAS STRENGTHENED THEIR DEVELOPMENT REGULATIONS, BUT THEY ARE STILL NOT ON A PAR WITH THE CITY'S, SO THAT WOULD ESSENTIALLY RESULT IN A LESS STRINGENT SET OF DEVELOPMENT REGULATIONS BEING APPLIED TO THE CITY. AND AT THIS POINT I THINK WE ARE PREPARED TO TAKE ANY QUESTIONS YOU MIGHT HAVE.

Mayor Wynn: SO TOM, GETTING BACK TO LAURA TOUCHED BRIEFLY OTICON SEPTEMBER OF THE SH 130 CORRIDOR. WE SPENT A LOT OF TIME AND EFFORT AND WORKED WITH SENATOR WATSON'S OFFICE TO TRY TO FIGURE OUT WHAT TOOLS REALLY ALL THE CITIES FROM GEORGETOWN DOWN TO AND THROUGH BUDA WOULD PUT IN PLACE TO ENCOURAGE FROM A REGIONAL PERSPECTIVE FROM THE ENVISION CENTRAL TEXAS PERSPECTIVE THE RIGHT DEVELOPMENT. THAT KIND OF DEVELOPMENT ESSENTIALLY ALONG THAT CORRIDOR.

THAT IS, HAVE FAR MORE DENSE MIXED USE DEVELOPMENT THAN SINGLE USE LIKELY RESIDENTIAL, LOW DENSITY DEVELOPMENT. AND OF COURSE THE BIG ISSUE WAS INFRASTRUCTURE. AND THAT'S ONE OF THE BIG CHALLENGES HERE FOR THE VILLA MUSE TEAM. THE CHALLENGE REALLY. AND SO I KNOW THE CITY OF AUSTIN WAS TALKING THROUGH THIS CON ZEST. WE WERE HAVING -- THIS CONCEPT. WE WERE HAVING TO FOREGO HAVING DECADES WITHOUT TRUE GENERAL FUND REVENUE OFF OF ANY TAX BASE BECAUSE OF THE BIG UP FRONT INVESTMENT WE WOULD HAVE TO MAKE TO GET THE RIGHT SIZED WATER LINES AND REGIONAL DRAINAGE AND OTHER PIECES OF INFRASTRUCTURE OUT THERE. SO CONCEPT ACTUALLY WE'RE ALL ON THE SAME PAGE. AS A CITY WE WERE PREPARED TO HAVE TO WAIT DECADES BEFORE GETTING TAX -- GENERAL FUND TAX BASE REVENUE BECAUSE WE REALLY HAVE THIS VISION AS TO HAVING THE MORE SUSTAINABLE SORT OF LAND USES, SERIES OF LAND USES UP AND DOWN THE CORRIDOR. BUT MY UNDERSTANDING IS -- SO WE'RE TRYING TO FIGURE THIS OUT. WE'RE TRYING TO HELP VILLA MUSE HAVE NOT ONLY THIS GREAT FILM PIECE OF INFRASTRUCTURE, BUT REALLY HAVE THAT KIND OF DENSE MIXED USE DEVELOPMENT IN A PLACE THAT HAS HAD NONE BEFORE. BUT MY UNDERSTANDING IS THERE ARE OTHER DEVELOPMENTS ARE COMING FORWARD IN OUR E.T.J. IN SOME FORM OR FASHION IT WILL BE THE SAME NET SCENARIO TO THE CITY. THAT IS, SOMEHOW WE'RE GOING TO LET THEM EITHER ESSENTIALLY PROBABLY NOT BE ANNEXED FOR DECADES PERHAPS WHILE THEY GO SELF-FINANCE INFRASTRUCTURE THAT ALLOWS FOR THE MIXED USE DENSITY. SO I GUESS HOW ARE THEY DOING IT INSIDE OUR E.T.J. WITH A VERY CREDIBLE, ESPECIALLY A FINANCIALLY ADVISED TEAM HERE TALKS ABOUT THAT DRA MATT DICK TELL TA BETWEEN BEING INSIDE THE E.T.J. AND NOT TO FINANCE THE INFRASTRUCTURE?

I WOULD SAY THE MODEL THEY'RE USING IS WHAT WE'RE TALKING ABOUT IS OPTION 2 HERE TODAY. CHAPTER 212 DEVELOPMENT AGREEMENT WITH VARIOUS OTHER ELEMENTS, LIMITED PURPOSE ANNEXATION, PUBLIC IMPROVEMENT DISTRICTS, SPONSORED BY THE CITY, SO MY RESPONSE TO THAT QUESTION IS OTHER DEVELOPMENTS ARE PROPOSING WHAT THE STAFF IS RECOMMENDING HERE AS OPTION 2.

Mayor Wynn: I KNOW THIS IS A BIG ONE OBVIOUSLY. ARE THEY EVEN REMOTELY AS LARGE AS VILLA MUSE? IS THERE A COUPLE OF LONDERS IN THAT -- LANDOWNERS IN THAT CORRIDOR THAT ARE LOOKING AT THE CONCEPT OF NINE FIGURES' WORTH OF IN EFFECT PUBLICLY FINANCED INFRASTRUCTURE?

WELL, YOU'RE GETTING INTO FINANCE, WHICH IS NOT MY AREA, BUT I WOULD SAY THE PROJECTS I'VE SEEN, THE ACREAGE IS SIMILAR TO VILLA MUSE, THE DENSITY IN TERM OF NUMBER OF RESIDENCE AND BUSINESSES AND OFFICES IS VERY SIMILAR. I HAVEN'T SEEN ANY THAT CENTER AROUND A PARTICULAR INDUSTRY LIKE FILM AND MUSIC STUDIOS, BUT THERE ARE PROJECTS THAT ARE -- I WOULD DESCRIBE AS VERY, VERY LARGE IN TERNL OF SIZE AND NUMBER OF RESIDENTS AND INTENSITY USE. I CAN'T SAY, MAYBE SOMEBODY ELSE CAN. IS A.

Mayor Wynn: MR. MURPHY. DOLLARS AREN'T THAT NECESSARY, BUT IT'S JUST THAT OTHER BIG MEESES OF PUBLICLY FINANCE INFRASTRUCTURE ARE HAPPENING INSIDE OUR E.T.J. AND ULTIMATELY HOPEFULLY DELIVERING ON THE LAND USE THAT WE WANT TO SEE. EVEN THOUGH WE WON'T BE TAXING IT FROM A NET PERSPECTIVE FOR DECADE.

WE DO HAVE A LOT OF LARGE PROJECTS GOING ON IN THIS AREA. WE HAVE ONE THAT WE'RE WORKING ON NOW CALLED WHISPER VALLEY. YOU MAY HAVE HEARD ABOUT IT THAT'S GOING TO BE HAVING QUITE A LARGE PRIVATE INVESTMENT. THAT'S A VERY LARGE TRACT OF LAND: WE ALSO HAVE WILD HORSE THAT'S AN EXAMPLE OF A PROJECT OCCURRING OUT IN THESE AREAS. I DON'T THINK WE HAVE AN EXAMPLE OF SOMETHING ANCHORED BY LIKEVILLE STUDIO THAT'S GOING ON CURRENTLY. BUT WE CURRENTLY HAVE NUMEROUS EXAMPLES OF LARGE PROJECTS THAT ARE USING PID TYPE FINANCING OR PROPOSING PID TYPE FINANCING THAT ARE COMING FORWARD AND SOME ARE UNDERWAY THAT WILL WORK THROUGH OUR E.T.J. THROUGH ANNEXATION AGREEMENTS AND DEVELOPMENT AGREEMENTS THAT WOULD DEFER ANNEXATION. WE HAVE SOME -- WE HAVE THE ROBINSON RANCH UP NORTH THAT WAS A LIMITED ANNEXATION WITH A DEFERRED ANNEXATION AGREEMENT. OR FULL TERM ANNEXATION AGREEMENT. THAT PROJECT HAS NOT REALLY GOTTEN A LOT OF DEVELOPMENT GOING ON IT YET, BUT WE EXPECT TO SEE A LOT OF DEVELOPMENT OCCURRING THERE IN THE FUTURE. THE STRUCTURE IS CERTAINLY THERE FOR THAT TO HAPPEN.

Mayor Wynn: FURTHER QUESTIONS FOR TOM OR PAT? COUNCILMEMBER KIM.

Kim: I HAD SOME QUESTIONS FOR TOM AND THEN PAT AND THEN GREG. JUST SO YOU'RE READY. I KNOW TOM WE HAD A PRETTY LENGTHY EXECUTIVE SESSION ON IT AND THERE WERE SOME ISSUES THAT WERE RAISED AND I JUST WANTED TO ASK YOU FOR YOUR THOUGHTS ON THEM. ONE OF THE ISSUES THAT WERE RAISED ABOUT ANNEXATIONING ONCE WE RELEASED THEM TO THE E.T.J. IS WHETHER OR NOT WE COULD DO THAT AND ALSO IF CITIZENS WHO ARE NOW RESIDENTS OF THAT -- OF VILLA MUSE WANTED TO PRO TOTE THAT. CAN YOU GO INTO THAT ABOUT HOW THAT WOULD WORK AND WHAT KIND OF LITIGATION WORK WE WOULD TAKE IN HAVING TO DO THAT IF IT'S OPPOSED? WHICH OFTEN HAPPENS PEOPLE DON'T WANT TO BE ANNEXED AFTER MAYBE 30 YEARS OUT. IT WOULD BE BRAND NEW PEOPLE WHO MAY NOT UNDERSTAND HOW THIS WAS FORMED, BUT WHAT WOULD WE BE DEALING WITH GIVEN STATE STATUTES RIGHT NOW AND ANNEXATION CASES THAT ARE PART OF I GUESS THE HISTORY.

AS I SAID, I THINK THE CITY'S AUTHORITY FOR RELEASING THE E.T.J. IS CERTAIN. THE LEGAL ISSUES COME UP ON THE TAKE-BACK ASPECT. AND TAKING IT BACK INTO THE E.T.J. WOULD BE A PREREQUISITE TO ANNEXATION. AND AGAIN, THE SPHAWTS THAT ARE ON THE -- THE STATUTES THAT ARE ON THE BOOKS, THEY WERE WRITTEN WITH PROJECTS IN THE E.T.J. IN MIND. THAT DOESN'T MEAN TO SAY THEY CAN'T BE INTERPRETED TO APPLY OUTSIDE THE E.T.J., BUT THERE'S NO PRECEDENT FOR THAT YET. THE RISK AS I SEE IT, THE RESIDENTS MAY SAY WE DISAGREE WITH THE CITY -- WE DISAGREE WITH THE INTERPRETATION THAT

THE CITY AND VILLA MUSE AGREED TO 20 YEARS AGO. THEN YOU HAVE TO POKE INTO WHAT THE CITY THOUGHT WAS A VALID INTERPRETATION 20 YEARS AGO. IT'S A RISK ISSUE. WE'RE BY NO MEANS SAYING THERE'S NO AUTHORITY TO DO THIS. THE ISSUE COMES UP BECAUSE OF THE FACT THAT THE STATUTES WERE DESIGNED AROUND PROJECTS INSIDE THE E.T.J.

AND WE HAVE NO CASE LAW WHERE IT'S CLEAR --

NO CASE LAW, NO PRECEDENT.

Kim: BECAUSE NO OTHER JURISDICTION HAS BEEN ABLE TO DO THAT BEFORE.

CORRECT.

Kim: I HAVE A QUESTION FOR PAT. SPECIFICALLY JUST ENVIRONMENTAL STANDARDS AND ALSO THE COLORADO. SOMETHING THAT IS OF CONCERN TO ME IS IF THEY START MOVING TONS OF DIRT OUT THERE, WHAT COULD BE THE IMPACT OF THE COLORADO RIVER. I KNOW WE TALKED ABOUT THE CREEK AND I DIDN'T KNOW THAT WAS THE SECOND LARGEST WAWRD IN OUR E.T.J. THAT'S ALSO SOMETHING THAT I THINK IS FASCINATING. ABOUT THE COLORADO RIVER, IT'S A RIVER THAT'S GOING JUST -- THAT'S UNDER A LOT OF STRESS IN OUR STATE AND WE WE KNOW THAT THE STATE HAS TAKEN ON A PROJECT IN MATAGORDA BAY TO LOOK AT THE BAYS AND THE HE IS TWEARS THERE AND THE WILDLIFE THERE IN THE WETLANDS. AND PART OF THE PROBLEM HAS BEEN FERTILIZERS THAT ARE COMING DOWN THE COLORADO RIVER. IF THIS DEVELOPMENT WERE OUTSIDE E.T.J., WE DON'T HAVE THE KIND OF CONTROLS TO LIMIT RUNOFF DURING FLOOD EVENTS. AND THERE ARE FERTILIZERS GOING INTO THE COLORADO RIVER. THESE THINGS EVENTUALLY ACCUMULATE AND THEN IMPACT DOWNSTREAM IN THE BAYS. WHAT ARE SOME OF THE THINGS THAT WE COULD DO IF WE KEPT IT WITHIN I GUESS OUR RULED AND OWSH ENVIRONMENTAL STANDARDS -- OUR RULES AND OUR ENVIRONMENTAL STANDARDS AND WATERSHED PROTECTION THAT WE WOULDN'T BE ABLE TO IF IT WERE OUTSIDE OUR E.T.J.?

ON THAT MAP I SHOWED YOU OF THE FLOODPLAIN, THERE IS A TREMENDOUS AMOUNT OF WATER MOVING THROUGH THIS AREA. SO ONE OF THE MAJOR CONCERNS THAT WE HAVE WHEN WE HAVE A PROPOSED FLOODPLAIN MODIFICATION OF THE MAGNITUDE THAT'S PROPOSED HERE IS THE POTENTIAL FOR SEDIMENT TO LEAVE THE SITE, ENTER THE COLORADO RIVER -- ACTUALLY, ENTER GILLELAND CREEK AND ULTIMATELY ENTER THE COLORADO RIVER AND TRAVEL DOWNSTREAM.

Kim: WE'RE IN THE PROCESS OF ENHANCING THOSE CONTROLS IN EROSION AND SEDIMENTATION CONTROLS RIGHT NOW.

THAT'S CORRECT. WITH YOU ACTUALLY ARE IN THE PROCESS RIGHT NOW -- THAT'S RIGHT. WE ARE ACTUALLY IN THE PROCESS OF THAT RIGHT NOW. THAT IS A VERY CRITICAL THING

RATHER THAN MOST OF THE RISK ASSOCIATED WITH SEDIMENTATION OCCURS DURING CONSTRUCTION. WE HAVE FOUND THROUGH EXPERIENCE THAT OUR REVIEW AND PERMITTING AND INSPECTION PROCESSES IN THE CITY AND OUR STANDARDS ADD A LOT OF VALUE TO PROJECTS IN TERM OF BEING ABLE TO ADDRESS THAT CONCERN. WE STILL OCCASIONALLY AS YOU KNOW HAVE PROBLEMS BECAUSE WHEN IT RAIN A LOT THESE CONTROLS DON'T ALWAYS HOLD. BUT WE HAVE A GREAT DEAL OF CONFIDENCE IN OUR ABILITY TO REGULATE WITHIN THE CITY. IF THIS WERE NOT IN THE CITY, WE WOULD NOT HAVE THAT ROLE. AND THE COUNTY WOULD BE PLACED IN THAT ROLE OR THE DEVELOPER WOULD BE RELYING ON THIRD-PARTY SERVICES. ONE OF THE MAJOR CONCERNS WE HAVE WITH THAT SITUATION IS MANY TIMES THE DEVELOPMENT TAKES PRIORITY OVER THE ENVIRONMENTAL CONCERNS. AND THE CITY OR COUNTY'S ROLE IS TO TRY TO MAKE SURE THAT THOSE STAY ON EQUAL FOOTING IN TERM OF MAINTAINING ENVIRONMENTAL INTEGRITY. AFTER CONSTRUCTION OF THE PROJECT, THE MAJOR CONCERNS THERE WOULD HAVE TO DO WITH LANDSCAPING AND MANAGEMENT STANDARDS OF THE PROJECT IN TERM OF PREVENTING SOURCES OF POLLUTANTS AND TRYING TO MAKE SURE THAT THOSE POLLUTANTS ARE RUN THROUGH CONTROLS THAT WILL REMOVE MOST OF THE DIFFERENT POLLUTANTS THAT WE KNOW CAUSE PROBLEMS IN THE THE STREAMS. WE HAVE BEEN WORKING ON SOME ADVANCED -- MORE ADVANCED BEST MANAGEMENT PRACTICES THAT INCORPORATE VEGETATIVE ELEMENTS. AND WE ARE ENCOURAGING THOSE. -- ENCOURAGING THOSE. THERE'S LOW IMPACT DEVELOPMENT STANDARDS AND DIFFERENT THINGS THAT THE CITY IS ABLE TO DO. AGAIN, SOME OF THESE REQUIRE SOME ADVANCED DESIGN TECHNIQUES, AND WE HAVE THE STAFF THAT ARE ABLE TO REVIEW AND UNDERSTAND THOSE AND WORK WITH DEVELOPERS TO MAKE SURE THOSE ARE DONE PROPERLY AS WELL AS PERMITTED AND INSPECTED TO MAKE SURE THEY ARE CONSTRUCTED PROPERLY. AND AFTER THAT TO MAKE SURE ON AN ANNUAL BASIS THAT THEY ARE MAINTAINED PROPERLY. SO THOSE ARE THINGS AND SERVICES THAT THE CITY CAN PROVIDE BOTH PRE-- DURING CONSTRUCTION AND DURING -- AFTER THE PROJECT IS COMPLETED THAT WOULD HELP.

Kim: LET'S SAY THE DEVELOPER SAYS GREAT, WE'RE GOING TO ADOPT ALL THESE STANDARDS AND PUT IN THE BMP'S AND THE EROSION AND SEDIMENTATION CONTROL, ALL THOUGH THINGS, BUT THEN WE FIND THERE ARE PROBLEMS. AND LET'S SAY THEY'RE OUTSIDE OUR E.T.J. WHAT KIND OF ENFORCEMENT POWERS WOULD THE COUNTY HAVE SINCE WE DON'T HAVE THIS ENFORCEMENT POWERS ANYMORE, WOULD THE COUNTY HAVE THE ABILITY TO ENFORCE THOSE RULES OR WOULD WE HAVE TO GO AND LITIGATE OR -- I'M JUST WONDERING WHAT -- BECAUSE I KNOW THE COUNTY HAS LIMITED ENFORCEMENT POWERS WHEN IT COMES TO EVEN STATE ENVIRONMENTAL STANDARDS, IS MY UNDERSTANDING. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] IT WOULD APPEAR TO ME WE WOULD BE RELYING ON SOME THIRD PARTY OR PRIVATE ENFORCEMENT OF THOSE STANDARDS. I DON'T KNOW IF THE COUNTY HAS THE RESOURCES OR IS EVEN WILLING TO ADOPT THOSE STANDARDS AND TAKE RESPONSIBILITY FOR THEM.

THANK YOU. AND MY NEXT SET OF QUESTIONS FOR GREG GUERNSEY WHO IS IN CHARGE

OF NEIGHBORHOOD PLANNING. IT HAS BEEN TALKED ABOUT, GREG AX LOT HERE ABOUT THE MIXED USE AND THEY HAVE A DRAFT MAP, AND I'M JUST WONDERING IF WE WERE TO ENTER AGREEMENT WITH THEM TO DO THAT KIND OF DEVELOPMENT, WHAT COULD WE SAY THAT WE NEED TO ADOPT, A FUTURE LAND USE MAP AND THE COUNCIL HAS TO AGREE TO IT AND IF THERE ARE ANY VARIANCES TO THAT THIS T WOULD COME BACK TO COUNCIL. MAYBE IT IS MORE OF A LEGAL QUESTION. I'M SORRY IF IT IS NOT REALLY LAND USE BUT COULD WE PUT THAT THROUGH OUR BOARDS OF COMMISSION PROCESS WITH THAT AGREEMENT WE HAVE TO ADOPT A MAP WITH IT AND THEN GO THROUGH THAT BUT THERE IS GOING TO BE ANY VARIANCE THAT IS THEN APPROVED BY COUNCIL, COULD WE DO THAT.

YOU COULD ACTUALLY DO THAT EITHER BY THAT OPTION TWO OR OPTION THREE, YOU COULD -- IF IT WAS THROUGH OPTION THREE IT WOULD HAVE TO BE MUTUALLY AGREEABLE WITH BOTH PARTIES, THE DEVELOPER AND THE CITY OF AUSTIN. IF YOU WENT THROUGH THE OPTION TWO WHERE IT WOULD BE PART OF A CITY E.T.J. AREA, I WOULD IMAGINE IT WOULD BE DONE THROUGH AN E.T.J. POD AND THAT WOULD HAVE A LAND USE PLAN AND PARTS TO THAT AND IF IT HAD AMENDMENT IT IS WOULD COME BACK BEFORE THIS BODY AND THE COMMISSION AND POSSIBLY THE ENVIRONMENTAL BOARD. BUT I THINK YOU COULD DO IT THROUGH BOTH BUT THE OPTION THREE WOULD JUST REQUIRE THIS MUTUAL AGREEMENT TO BE MADE BEFORE IT WOULD GO THROUGH PROCESS.

RIGHT. AND TOM, DO YOU WASN'T TO ADDRESS THE QUESTION ABOUT, WE TALKED ABOUT THE TYPE OF DEVELOPMENT AND LET'S SAY THEY DIED TO DO SOMETHING ELSE AND THE REASON WHY THIS IS A CONCERN OR I GUESS SOMETHING THAT COULD POTENTIALLY BE TROUBLING OR COULD NOT GO AS WELL AS WE HOPE IT WOULD GO IS IN IS A CLAUSE IN THERE THAT SAYS THEY MUST HAVE STARTED DEVELOPMENT IN YEAR THREE FOR THIS TO WORK AND FOR THEM TO STAY OFF THE E.T.J. IT DOESN'T SAY WHAT KIND OF DEVELOPMENT, DOESN'T SAW HOW MUCH. TECHNICALLY COULD THEY FILL UP A BUILDING OR SHACK OR A TRACT HOUSE AND THEN THEY WILL BE IN COMPLIANCE WITH THAT. I KNOW THESE ARE FINE DETAILS INTO IN A NEGOTIATED AGREEMENT BUT I'M WONDERING WHAT WERE SOME OF THE THINGS WE SHOULD BE CONCERNED ABOUT OR ADDRESSING IN AN AGREEMENT.

I THINK THAT IS ONE WE ACTUALLY NARROWED DOWN SINCE YOU SAW THE LAST DRAFT BECAUSE WE DID AGREE WITH THE VILLA MUSE REPRESENTATIVE THAT NEEDED TO BE THAT THE STUDIOS STARTED DEVELOPMENT IN A CERTAIN TIME PERIOD. TO FOLLOW IT THROUGH IF STUDIO SUNDAY CONSTRUCTION IN YEAR THREE AND EVEN IF IT IS BUILT OUT IT REMAINS OUTSIDE THE E.T.J. BUT THERE IS A SUBSEQUENT CONDITION THE STUDIO HAS TO BE PRODUCING A CERTAIN AM OF REVENUE IN YEAR SEVEN. IF YOU GET TO YEAR SEVEN AND THEY ARE NOT DOING THAT, PERHAPS THERE IS ANOTHER ONE BUILT IN ANOTHER STATE AND THAT IS WHERE ALL THE BUSINESS IS GOING, AT THIS POINT THE CITY COULD TAKE IT BACK INTO THE E.T.J., HOWEVER THE MUD WOULD STILL BE THERE. RIGHT NOW THE ONLY ENTITY WE HAVE TO NEGOTIATE IS THE LAND OWNERS AND WE ARE NOT CERTAIN WE CAN ENTER INTO AN AGREEMENT WITH THE LANDOWNERS THAT ACTUALLY



WINDS THE MUD BECAUSE THE MUD IS A SEPARATE LEAGUE LEGAL ENTITY THAT DOESN'T EVEN EXIST YET. THE AGREEMENT ON CREATION OF A MUD IS NEGOTIATED WITH THE LAND OWNERS. IF THE PROJECT IS INSIDE THE TEN WE -- THE E.T.J. WE ARE IN SOLID LEGAL GROUND BUT SINCE IT IS OUTSIDE THE E.T.J. THE CONSENT DOESN'T AEMPLOYMENT WE ARE TRYING TO FASHION AN AGREEMENT WITH THE LAND OWNERS TO WIND THE MUD NOT TO DO THINGS THE CITY WOULD NOT HAVE ENTERED INTO THIS AGREEMENT IF WE KNEW THEY WERE NOT GOING TO HAPPEN.

MAYOR PRO TEM.

ONE THING WHICH HEARD THE AGENT AND THE DEVELOPER, THE VILLA MUSE PEOPLE SAY, IS THAT THEY'RE CONCERNED IF THEY WERE IN THE E.T.J. IT WOULD TAKE TOO LONG. IN FACT, I THINK MR. WHELAN SAID SOME OF HIS PUDS HAVE TAKEN TWO YEARS. WHAT KIND OF ASSURANCE CAN OUR CITY STAFF GIVE US THAT WE WILL HAVE A DIFFERENT PROCESS FOR THESE INSIDE THE CITY E.T.J. DEVELOPMENTS THAT WILL SPEED THINGS UP. JUST IN GENERAL BECAUSE WE HAVE A LOT OF THING THINGS GETTING READY TO COME ON.

WE HAVE EXPEDITED VIEWS AND REVIEW TEAMS AND THESE ARE THINGS THE CITY HAS BEEN WILLING TO PROVIDE AND THE COUNCIL HAS PROMOTED IN SITUATIONS WHERE YOU WANTED US TO WORK WITH DEVELOPERS IN A MORE INTENSIVE WAY THAT WE ARE NORMALLY ABLE TO DO. WE CERTAINLY HAVE SUGGESTED AND AGREED THAT IF THIS WERE SOMETHING THAT THE COUNCIL WANTED TO DO, WE WOULD BE WILLING TO DEDICATE A REVIEW TEAM TO THIS THAT WE WOULD WORK VERY EFFICIENTLY AND PARTNER WITH THE DEVELOPERS MEETING REGULAR THREE TRY TO GET THIS PROCESS DONE VERY QUICKLY. I DON'T THINK THIS IS AN EXTREMELY COMPLICATED AGREEMENT, AT LEAST BECAUSE IT IS E.T.J., MANY OF THE COMPONENTS THAT WE WOULD NORMALLY BE DEALING WITH FROM A LAND USE PERSPECTIVE AREN'T THERE, SUCH AS THE WHOLE ZONING ISSUE. I DO THINK THAT IT IS SOMETHING WE COULD ACCOMPLISH EFFICIENTLY. I DO THINK THAT WE COULD LOOK AT THE IDEA OF ADDRESSING THE FLOOD PLAIN MODIFICATION WORK, WHICH IS GOING TO TAKE APPROXIMATELY A YEAR TO DO, AND HAVING THAT BE A SEPARATE THING FROM WORKING ON THE DETAILS OF THE AGREEMENTS REGARDING THE ULTIMATE DEVELOPMENT THAT WILL OCCUR ON THE SITE. SO I THINK THERE ARE METHODS AND I THINK THERE ARE RESOURCES THAT WE CAN DEDICATE TO THIS TO, THAT WOULD MAKE IT WORK MUCH MORE QUICKLY THAN PERHAPS HAS BEEN SUGGESTED TO YOU TODAY.

COUNCIL MEMBER McCracken.

FROM HEARING FROM BOTH SIDES, FROM BOTH PRESENTATIONS BEING THE VILLA MUSE PRESENTATION AND THE CITY STAFF PRESENTATION, IT APPEARS THAT THE PRIMARY DIFFERENCE RIGHT NOW IS BETWEEN THE CITY STAFF PROPOSAL ON OPTION TWO TO USE IN-CITY OR IN E.T.J. PID FINANCING COMPARED TO THE VILLA MUSE PROPOSAL TO USE OUTSIDE OF E.T.J. MUD FINANCING IT SOUNDS LIKE ALL THE OTHER ISSUES ARE THINGS

THAT THE PARTIES ARE IN PHILOSOPHICAL AGREEMENT CAN BE, AGREEMENTS REACHED ON, THAT THERE IS COMMITMENT FROM THE VILLA MUSE FOLKS THAT THEY WILL BE COMMITTED TO CITY OF AUSTIN ENVIRONMENTAL CRITERIA THAT WE CAN WORK THOSE THINGS OUT, I AM ACONFIDENT ABOUT THAT, FLOOD PLAIN ISSUES WE HEAR FROM OUR OWN STAFF, I WILL HAVE I WILL HAVE, THESE ARISH -- OUR OWN STAFF, I WILL HAVE I WILL HAVE, THESE ISSUES CAN BE WORKED OUT. WHAT ARE THE FUNCTIONAL DIFFERENCES WHICH IS IN E.T.J. PID AND OUT OF E.T.J. MUD. IF I CAN HEAR THE VILLA MUSE FOLKS OBSERVE OBSERVATIONS AND CITY STAFF OBSERVATIONS ABOUT WHAT ARE THE DIFFERENCES IN THAT ONE BIG CRITICAL DIFFERENCE THERE SEEMS TO BE A DIFFERENCE.

THANK YOU VERY MUCH, GARY KIMBALL. I WOULD VERY MUCH WELCOME A LITTLE BETTER DISCUSSION OR MORE INVOLVED DISCUSSION ON PUBLIC IMPROVEMENTS, ESPECIALLY IN THE E.T.J. I HAD A DEAL LAST MARCH FOR THE CITY OF ROUND ROCK THAT HAD CREATED A PUBLIC IMPROVEMENT DISTRICT IN ITS E.T.J. BACK IN 1999. THE INTENT WAS TO ALLOW THAT DEVELOPMENT TO GO VERTICAL AND THEN UNDER A REIMBURSEMENT AGREEMENT, ISSUE BONDS AT THE TIME THERE WERE SUFFICIENT HOUSEHOLDS TO TIE THE ASSESSMENTS AND DO RESPONSIBLE FINANCING WITH BOND COVERAGE AND THE LIKE. THE ATTORNEY GENERAL'S OFFICE TURNED THAT DEAL DOWN LAST YEAR BECAUSE THEY ARE NOW INTERPRETING THE PID STATUTE WHICH IS 372 OF THE LOCAL GOVERNMENT CODE TO SAY A PUBLIC IMPROVEMENT DISTRICT FINANCE CANNING ONLY BE DONE AT THE POINT OF CREATION AT THE DISTRICT, MEANING THAT YOU ARE NOT ALLOWED TO PERMIT THE DEVELOPMENT TO GO VERTICAL AND ACTUALLY CREATE TAX BASE, IN OTHER WORDS THEY ARE FORCING A BARE DIRT FINANCING WHICH IN TODAY'S FINANCING IS A TOTALLY UNMARBLE BOND. WE ARE ACTIVELY WORKING TO GET THE CHAPTER 372 AMENDED, WE ARE TARGETING NEXT SESSION TO DO THAT BUT TODAY THE AG'S OFFICE WILL NOT ALLOW THE PID FINANCING IN THE MANNER WE ENVISION IT WHICH WILL BE A RESPONSIBLE MANNER.

GARY, LOOKING AT, AND NOW I WANT TO HEAR FROM OUR CITY STAFF AFTER THIS, BUT GARY IN YOUR OPINION, LOOKING AT THE OPTION TO PROPOSAL WHICH WOULD NOT PERMIT MUD FINANCING IN THE E.T.J. BUT IT WOULD INSTEAD CALL FOR PID FINANCING IN THE E.T.J., ARE YOU SAYING THERE IS A FLAT OUT LEAGUE BARRIER FRONT FROM THE AG'S OFFICE IN LEVEL TWO TO BEING ABLE TO USE THE DEVELOPMENT.

THE ATTORNEY GENERAL'S CURRENT POSITION AND I WOULD NOT DISAGREE WITH MR. KNUCKLE'S READ OF CHAPTER 372, WE ALSO AGREE THAT THE STATUTE PERMITS PUBLIC IMPROVEMENT DISTRICT TO DO ALL THE THINGS WE ARE PROPOSING TO DO IN TERMS OF PUBLIC INFRASTRUCTURE. OUR PROBLEM IS THE TEXAS ATTORNEY GENERAL DOESN'T AGREE WITH US, AND THEY TURNED THAT DEAL DOWN AND IN SO DOING STIPULATED THAT DEBT HAS TO BE IMMEDIATELY CREATED SO THAT THE DEBT SERVICE CAN BE MATCHED TO THE ASSESSMENT TO PERMIT EXACT ONE TO ONE RELATIONSHIP. THEY SECONDARILY SAID, YOU CANNOT INCLUDE COVERAGE AS A FINANCING TOOL FOR A PID ASSESSMENT REVENUE BOND. IN OTHER WORDS WHEN WE SET THAT UP DISTRICT IN 1998 EXACTLY AS

WE HAD SET ONE UP PREVIOUSLY AND GOTTEN THE BOND ACE PROVED IN 1987, THEY SINCE CHANGED THE RULES ON US OR CHANGED THEIR INTERPRETATION OF THE STATUTE AND SAID THAT WE DON'T WANT THE ASSESSMENT TO GENERATE 125% OF THE PROJECTED DEBT SERVICE OR 150% OF THE PROJECTED DEBT SERVICE, BECAUSE WE THINK THAT IMPOSES AN EXCESSIVE ASSESSMENT ON THE PROMPT OWNER. -- ON THE PROPERTY OWNER. IN SO DOING, THEY'VE EFFECTIVELY CUT US OFF FROM THE FINANCIAL MARKETS BECAUSE WE CAN'T MARKET, IN FACT, BANK OF AMERICA JUST LAST WEEK BACKED OUT OF A DEAL FOR HORSESHOE BAY FOR A PUBLIC IMPROVEMENT DISTRICT THAT DOES NOT HAVE MORE THAN ONE TO ONE COVERAGE SO WE'VE GOT HARD EXAMPLES OF HOW THE PID ACT IN OUR OPINION IS BEING MISINTERPRETED, BUT THERE IS NO COURT OF APPEAL FROM THE TEXAS ATTORNEY GENERAL WHEN THEY DECIDE TO TURN A BOND ISSUE DOWN AND SO OUR ONLY REMEDY IS LEGISLATIVE ACTION WHICH, YOU KNOW, IS EARLIEST A YEAR AWAY.

CAN YOU ALL HANG TIGHT, I WOULD LIKE TO HEAR FROM THE CITY -- I GUESS TOM, YOU WILL PRESENT ON THIS.

ON THE FINANCIAL ASPECTS OF PIDS VERSUS MUD, I WILL TURN IT OVER TO BILL BUT THERE IS ONE ASPECT OF PID VERSES NAUD RELATES TO THE -- VERSES MUD THAT RELATED TO THE ISSUE OF CAN THIS CITY MAKE THE DEAL STICK AND WE ARE STRUGGLING TO FIND DEALS THAT WE CAN TIE THE MUD WHICH HASN'T BEEN CREATED YET AND WILL HAVE AN INDEPENDENT BOARD TO WHATEVER AGREEMENT THE CITY AND AND VILLA MUSE ENTERED INTO. ON THE PID VERSES MUD ISSUE, THE PID REALLY ELIMINATED THAT ISSUE BECAUSE IF THE FINANCING IS DONE THROUGH PIDs, YOU ARE THE PID BOARD SO THERE IS NO ISSUE OF CREATING AN INDEPENDENT POLITICAL SUBDIVISION WHOSE INTERESTS MIGHT BE DIFFERENT THAN THE CITY COUNCILS, AND WHO MIGHT NOT BE ON THE SAME PAGE WITH THE CITY COUNCIL.

NOW WE DISCOVER THE REAL REASON THE VILLA MUSE DOESN'T WANT TO BE INSIDE THE CITY'S E.T.J., RIGHT.

I DON'T WANT TO PUT WORDS IN THEIR MOUTH. I WILL TURN IT OVER TO BILL TO TALK ABOUT THE FINANCIAL SIDE OF MUDS VERSUS PIDs.

GOOD AFTERNOON AGAIN, COUNCIL. I DON'T DISAGREE WITH ANYTHING GARY IS SAYING WITH ANYTHING RELATED TO THE ATTORNEY GENERAL'S OFFICE, THERE HAVE BEEN VERY FEW PIDs DONE IN THE STATE TODAY. I WOULDN'T PRECLUDE THE OPPORTUNITY TO GO TO THE ATTORNEY GENERAL AND SAY WHAT CAN WE DO NEXT, HOW DO WE BETTER NEGOTIATE THIS POSITION AND SEE WHERE IT MAY COME OUT. FROM A FINANCING STANDPOINT, CERTAINLY YOU COULD -- IT IS FEASIBLE TO PROP UP THAT PID, IF YOU WOULD, WITHOUT THE NEED FOR AS MUCH AS A POINT AND A HALF OR TIME AND A HALF COVERAGE ON A FINANCING LIKE THIS. IT IS NOT TO SAY THAT A MUD CERTAINLY DOES NOT REQUIRE BUT ONE-TIME FINANCING FOR A FINANCING LIKE THIS. SO IT IS A CALL TO SOME

DEGREE ON CONTROL TO SAY IT IS STRICTLY ON FINANCING WOULD TAKE A LOT MORE RESEARCH THAN WHAT WE'VE DONE HERE TO DATE. I MIGHT ADD, WE WOULD BE MORE THAN HAPPY TO CONSIDER A CERTIFICATE FROM THE CITY OF AUSTIN THAT IS ACTUALLY PAID FOR OUT OF PID ASSESSMENTS THAT WOULD PUT US ON A ONE-ON-ONE FOOTING. THAT IS SOMETHING WE WOULD ENTERTAIN.

APARTMENT, COUNCIL MEMBER.

THIS -- PARDON ME. COUNCIL MEMBER.

APT THIS TIME IT STRIKES ME AT ABILITY TO NEGOTIATE THE AGREEMENT IF WE WILL GIVE THE GO AHEAD ON AND AGREEMENT THAT WILL ACHIEVE THE CITY'S INTEREST, THAT IS THE PUBLIC GOOD INTEREST, AS WELL AS THE INTEREST THE VERY LEGITIMATE INTEREST OF THE INVESTORS AND OWNERS OF THE VILLA MUSE PROJECT AND THAT LAND IT STRIKES ME WE CAN WORK THESE THINGS OUT. I'M CONCERN TO DO CONCERNED TO HEAR THERE IS AN ATTORNEY GENERAL OPINION THAT PUTS UP A SIGNIFICANT BARRIER TO USING IN E.T.J. PID FINANCING THAT STRIKES ME THAT OPTION TWO IS PRETTY MUCH OFF THE TABLE PENDING SOME CHANGE IN EITHER THE ATTORNEY GENERAL'S VIEWPOINT OR CHANGE IN STATE LAW, BOTH OF WHICH I THINK I RESPECT THAT THE VILLA MUSE FOLKS WILL NOT VIEW THAT AS A VERY PALATABLE ALTERNATIVE TO SAY IF WE CAN JUST GET THE ATTORNEY GENERAL TO CHANGE HIS MIND OR GET THE LEGISLATURE TO ACT THE WAY WE ALL WANT THEM TOO.

THE NEED FOR THE MUD FINANCING WOULDN'T COME ABOUT FOR SEVERAL YEARS?

THAT IS MY UNDERSTANDING AND YOU ALL CREDIT CARD -- YOU ALL CORRECT ME, WHATEVER IS NEEDED TO BE FINANCED, THE VERSERS L MAKE A DECISION, TO PROVIDE THE EQUITY INVESTMENT LIKE TODAY, SO THAT IT STRIKES ME, CORRECT ME IF I'M WRONG, HERE, BUT IT IS NOT AS SIMPLE AS SAYING THAT WHILE THERE MAY AND PROBLEM WITH THE CURRENT LAW, WE CAN GO FIX THAT IN A YEAR, IF THE BULK OF THE EQUITY FINANCE WILLING PULL OUT TOMORROW BASED ON THE FACT THAT THEY DON'T WANT TO TIE UP ALL THEIR MONEY FOR YEARS.

MAY I GIVE YOU A COUPLE OF PERSPECTIVES, TO TRY TO TIE TOGETHER WHAT WE'VE BEEN DISCUSSING. YOU HAVE TO REMEMBER THAT THE PRIVATE CAPITAL LOOKS FOR THE BOND FINANCING AS THE MECHANISM TAKE THEM OUT TO REPAY THEM. THEY WILL NOT MAKE THE INVESTMENT IF THERE IS CONCERN RISK ABOUT THE ABILITY TO ISSUE THE INDEBTEDNESS, THE BONDS BY THE DISTRICTS. SO CONSEQUENTLY, AN IDEA AS YOU POINT OUT TO TRY AND RELY UPON A CHANGE IN LAW IS REALLY NOT, THAT IS NOT AN ALTERNATIVE. I'D ALSO LIKE TO RESPOND, IF I MAY, TO A LITTLE BIT OF THE POSITION ABOUT THE UNCERTAINTY OVER WHAT THESE DISTRICTS WOULD BE ALLOWED TO DO AND CAN DO, ET CETERA. THE FIRST THING IS, THIS CITY HAS THE POWER OF CONTRACT THAT TRANSSENDS THAT OF MOST ENTITIES. AND THAT POWER TO CONTRACT INCLUDES BEING

ABLE TO ENTER INTO AN AGREEMENT WITH VILLA MUSE PEOPLE THAT WHEN THEY CREATE THESE DISTRICTS, THEY WILL HAVE CERTAIN ATTRIBUTES THAT HAVE BEEN PREAGREED AND THAT WILL HAVE TO BE PUT IN PLACE OR VILLA MUSE WILL BE IN VIOLATION OF THE AGREEMENT THEY WILL HAVE MADE. I WOULD EXPECT THAT IN NEGOTIATION OF THIS AGREEMENT, THAT WOULD VISIT SOME PRETTY UNTOLD CONSEQUENCES. SO I AM FIRMLY CONVINCED THAT WE CAN CREATE AN AGREEMENT THAT WILL ACCOMPLISH AND COVER THE KINDS OF RISK THAT CAN WE HAVE BEEN HEARING ABOUT. THE DIFFICULTY IS, IT WILL BE VERY, VERY HARD TO SELL INVESTORS OFTEN ON A PROCESS THAT CAUSES THEIR INVESTMENT TO BE AT RISK INORDINATELY FOR AN INORDINATE PERIOD OF TIME WHILE ADDITIONAL DETAILS GET WORKED OUT THROUGH THE NORMAL CITY PROCESSES. SO WE'RE TRYING TO ACHIEVE FOR YOU THE RESULTS THAT YOU ATTEMPT, NOT ATTEMPT, THAT YOU GET THROUGH THE ENFORCEMENT OF YOUR EGGATIONS. WE'RE PROTO -- YOUR REGULATIONS. WE'RE PROPOSING A DIFFERENT WAY TO GET TO THOSE RESULTS IN A WAY THAT IS SPEEDY BECAUSE OF THE NATURE OF THE DEVELOPMENT, THE NATURE OF THE INVESTMENT, AND THE DENY FIT AS BENEFITS THAT IT BRINGS TO OUR COMMUNITY. THANK YOU [APPLAUSE]

MAYOR PRO TEM.

I HATE TO SAY ANYTHING AFTER THAT SPEECH, BUT I HAD ANOTHER QUESTION THAT CAME TO MIND WHEN WE WERE TALKING ABOUT WHAT AGREEMENTS AND WHAT CONTRACTS QUO MAKE AND YOU SHOULDN'T ASK QUESTIONS IF YOU DON'T KNOW THE ANSWER AND I DON'T KNOW THE ANSWER TO THIS QUESTION SO I'M GOING TO RISK IT ANYWAY BECAUSE I HAVE SOME ATTORNEYS HERE AND CERTAINLY TWO FINANCIAL ADVISERS. IS IT POSSIBLE TO ENTER INTO AN AGREEMENT, FOR US TO CONTRACT WITH THE ISSUANCE OF THE BONDS AS STATED IN YOUR PRO FORMA OR WHAT HAVE YOU, BUT BY CREATING A MUD INSIDE THE E.T.J. WITH THE CITY COUNCIL AT THE BOARD. WHAT IS THE LEGAL RESTRICTIONS TO THAT, OR WHAT DO YOU HAVE TO DO TO DO SOMETHING LIKE THAT? I DON'T KNOW. OR IF IT IS POSSIBLE, LEGALLY.

WELL, I'M NOT A MUD LAW EXPERT, I'VE BEEN PRACTICING FLAW RELATED FIELDS BUT -- PRACTICING LAW IN RELATED FIELDS AND I'VE GONE THROUGH THE MUD STATUTES SO MANY TIMES I CAN'T RECALL EVER HAVING SEEN A MUD STATUTE THAT ALLOWED FOR A MUD WITH A CITY COUNCIL AS THE BOARD OTHER THAN THE PUBLIC IMPROVEMENT DISTRICT. THAT IS NOT TO SAY IT IS NOT OUT THERE BUT I WOULD HAVE TO RESEARCH THAT THOROUGHLY BEFORE I GAVE YOU AN ABSOLUTE NO.

IT MAY RESOLVE SOME PROBLEMS IF WE ENTER INTO A CONTRACT THEN IT WOULD ALSO GIVE CITY COUNCIL THE PROTECTION OF NOT HAVING ANOTHER GOVERNMENTAL AGENCY INVOLVED. I DON'T KNOW.

IT IS A GOOD QUESTION, I'M NOT AN ELECTION LAW EXPERT LIKE TOM KNUCKLES IS, BUT SINCE MUD OFFICERS, THE MUD BOARD IS ELECTED, YOU WOULD BE HOLDING TWO

ELECTED OFFICES SO I'M NOT SURE WHETHER OR NOT THAT WOULD BE LEGAL. I THINK THAT MIGHT BE THE BIG STUMBLING BLOCK.

I JUST WANTED TO THROW THAT OUT INTO TOM WOULD KNOW BETTER IF YOU CAN HOLD TWO ELECTED OFFICES.

I LEARNED YESTERDAY THAT COUNCIL MEMBER MARTINEZ AND I ARE BEING IDENTIFIED IN THE SAN MARCUS PHONE BOOK SO ANYTHING IS POSSIBLE [LAUGHTER]

ACTUALLY, COUNCIL MEMBER, IF YOU DON'T MIND, A POINT OF PRIVILEGE, I THOUGHT YOU SAY WEBERVILLE'S MAYOR IN THE ROOM EARLIER. MAYOR GONZALES, ARE YOU HERE TO COME SAY HELLO OR ADDRESS US?

GOOD, MAYOR, COUNCIL. I WILL BE BRIEF FOR THE CONSIDERATION OF THE COUNCIL AND THE PUBLIC AND MY EMPLOYER WHO EXPECTS ME BACK. I WANT TO SAY I'M EXTREMELY SUPPORTIVE OF VILLA MUSE AND HOPE THAT YOU ALL DO MOVE TO RELEASE THEM FROM THEIR E.T.J. IT WOULD BE A GREAT ECONOMIC BENEFIT NOT TO JUST WEBERVILLE, OBVIOUSLY, BUT TO CENTRAL TEXAS AND CITY OF AUSTIN. PROBABLY PRIMARILY THE CITY OF AUSTIN, YOU ALL ALL THE HOTELS, MOTEL, RESTAURANTS, DRY CLEANERS, ET CETERA. AND THEN ALSO THE FACT THAT THERE IS THE POTENTIAL OF INCREASED SAFETY SERVICES, FIRE PROTECTION, EMS, ET CETERA, AS WELL AS SCHOOLS. WE'RE IN DISCUSSIONS ABOUT ANOTHER MATTER OF LAND RELATED TO BOTH THE CITY OF AUSTIN AND WEBERVILLE, NEAR THERE, WHICH WE WILL DISCUSS AT ANOTHER TIME, BUT OTHERWISE, OH, AS MR. WHELAN HAD MENTIONED, WE DID ADOPT A RESOLUTION, WE BEING THE VILLAGE COUNCIL, SUPPORTING VILLA MUSE. WE ALSO ADOPTED AN ORDINANCE AGREEING TO NONANNEX THEM, A NONANNEXATION AGREEMENT, AND WILLING TO ENTER INTO AN AGREEMENT WITH THE CITY OF AUSTIN AND/OR THE COUNTY IF NECESSARY TO MAKE THIS MOVE FORWARD.

THANK YOU, MAYOR [APPLAUSE] QUESTIONS FOR MAYOR GONZALES? THANK YOU, MAYOR.

THANK YOU.

COUNCIL MEMBER LEFFINGWELL.

FIRST, I WANT TO DISAGREE WITH COUNCIL MEMBER McCRACKEN THAT ALL THE OTHER DETAILS CAN BE WORKED OUT INSIDE THE FINANCING. I DON'T THINK THE ENVIRONMENTAL CONCERNS CAN BE WORKED OUT WITH THE RELEASE FROM THE E.T.J. TO THE DEGREE THAT WE CAN ENFORCE AND ENHANCE THOSE ENVIRONMENTAL RULES WITH THE PROPERTY REMAINING IN OUR E.T.J. AND I WOULD LIKE FOR MR. MURPHY TO COME IN AND COME UP AND COMMENT ON THAT.

WELL, I'M PROBABLY SOMEWHAT BIASED BECAUSE I DO BELIEVE THAT THE CITY OF

AUSTIN'S DEVELOPMENT PROCESS DOES ADD VALUE, BOTH FOR THE CITY AND THE DEVELOPER IN TERMS OF AUTHORIZING AND CERTIFYING PLANS, PERMITTING THEM AND IN THING THEM, WE ENSURE THAT THEY'RE DESIGNED, APPROVED AND CONSTRUCTED IN A MANNER WE KNOW WILL MEET OUR REGULATIONS. TAKING IT OUTSIDE OF OUR AUTHORITY INTRODUCES UNCERTAINTY AND WE DON'T REALLY HAVE ANYWAY OF UNDERSTANDING WHAT MIGHT BE THE PERFORMANCE OF AN ALTERNATIVE SYSTEM THAT MIGHT INCLUDE SOME COUNTY INVOLVEMENT, MIGHT INCLUDE THIRD PARTY INVOLVEMENT. WE ARE DEFINITELY CONCERNED, BASED ON SOME PRIOR EXPERIENCES, OF WHEN WE DEPEND UPON DEVELOPMENT THAT IS MOTIVATED TO GET CONSTRUCTION BUILT MANY TIMES THERE IS, UNFORTUNATELY, A LACK OF INTEREST ON MAINTAINING THE ENVIRONMENTAL INTEGRITY AT ARE THE PROJECT, AND SO I FEEL DO WE ADD VALUE, I THINK THAT IT HELPS BOTH THE DEVELOPER, THE PROPERTY OWNERS, AND THE FUTURE RESIDENTS 67 OF THOSE AREAS JUST BEING SURE THOSE STANDARDS ARE UPHELD AND I THINK OUR PROCESS WORKS WELL FOR THAT.

YOU MENTIONED PERHAPS ONE OF THE GREATEST PROBLEMS IS CONSTRUCTION PHASE EROSION SO IF IT IS OUTSIDE OUR E.T.J., HOW WOULD WE HANDLE THAT?

UNLESS WE HAD A LEGAL RIGHT TO DO SOMETHING, WE WOULD NOT BE ABLE TO GET INVOLVED. WE MIGHT BE RELEGATED TO TRYING TO CONVINCE THE COUNTY TO DO SOMETHING OR PERHAPS EVEN TCEQ.

THERE IS NO QUESTION IF IT WERE WITHIN OUR E.T.J. YOU COULD EFFECTIVELY SUPERVISE THAT OPERATION?

NO QUESTION.

WHAT ABOUT ON GOING MAINTENANCE OF WATER QUALITY CONTROL SUCH AS PONDS, FILTERS, FILTER STRIPS, OR WHATEVER MAY BE USED IN THAT. WHAT CAPABILITY WOULD WE HAVE TO ENFORCE THAT, AND THAT BY THE WAY IS PART OF OUR CHANGING PROCESS TO BRING OUR CONSTRUCTION PHASE EROSION CONTROL, THAT IS INCLUDED ALSO AS ON GOING MAINTENANCE, WHAT ABILITY WOULD WE HAVE TO MAKE SURE THOSE WATER QUALITY CONTROLS ARE FUNCTIONING PROPERLY OVER TIME IF IT IS OUTSIDE OUR E.T.J.?

NONE.

SO OVER ALL, THE BEST WAY TO ENSURE THE HIGHEST DEGREE OF ENVIRONMENTAL PROTECTION IS FOR THIS PROPERTY TO RETAIN, STAY WITHIN OUR E.T.J., AND I WOULD SAY IN MY OPINION, I DON'T KNOW IF YOU AGREE WITH ME OR NOT, BUT IT SEEMS LIKE A HIGHLY SENSITIVE, FROM AN ENVIRONMENTAL PERSPECTIVE PIECE OF LAND, WE ARE TALKING ABOUT A MAJOR FLOOD PLAIN RECLAMATION PROJECT WHICH IN NIGH OPINION NEEDS TO BE SUPERVISED AND HAVE GOOD OVERSIGHT AS IT GOES FORWARD.

I AGREE THAT THE ONLY WAY I CAN PROVIDE ANY LEVEL OF CERTAINTY TO THIS COUNCIL WOULD BE FOR IT TO STAY WITHIN OUR JURISDICTION.

THANK YOU. AND I'VE GOT ANOTHER QUESTION FOR MR. KNUCKLES. I THINK THE OTHER AREA THAT WE'LL PROBABLY BE VERY DIFFICULT, IF NOT IMPOSSIBLE TO RESOLVE, AND I THINK YOU ALLUDED TO IT IS THE REANNEXATION POTENTIAL. SO THERE ARE A COUPLE SCENARIOS HERE, YOU MENTIONED ONE, LET'S SAY THE PEOPLE THAT LIVE THERE DECIDE THEY WILL PROTEST AGAINST IT, ANOTHER ONE WOULD BE POTENTIALLY ANNEXATION BY ANOTHER CITY, AND A THIRD WOULD BE SELF INCORPORATION, THEY COULD FORM THEIR OWN CITY. YOU COULD ELABORATE ON THOSE SCENARIOS?

WELL, WITH THE PARTICULAR GEOGRAPHY, WE THINK THIS AREA EITHER HAS HAD A BE CITY OF AUSTIN E.T.J. OR WEBERVILLE E.T.J. MY UNDERSTANDING IS THAT WEBERVILLE IS WILLING TO ENTER INTO AN AGREEMENT WITH YOU SAYING THEY WILL NEVER TAKE IT IN. I THINK THAT IS LEGALLY SOLID, A COMMON VEHICLE USED TO ADJUST E.T.J. BETWEEN THEM SO I DON'T THINK THE THREAT OF ANOTHER CITY TAKING IT INTO THEIR E.T.J. IS GREAT, IF WE GET THAT INTERLOCAL EXECUTED. THE POSSIBILITY OF INCORPORATING A NEW CITY THERE BECAUSE IT HAS BEEN RELEASED FROM THE E.T.J. IS SOMETHING YOU HAVE TO ADDRESS. AND I THINK THAT GETS BACK TO THE ISSUE OF, YOU KNOW, IS THE UNDERLYING AGREEMENT BETWEEN THE CITY AND VILLANOVA -- AND VILLA MUSE SOMETHING IN THE STATUTES, THE AGREEMENTS INSIDE THE E.T.J. AND NOT OUTSIDE THE E.T.J., AND AGAIN, I WANT TO REEMPHASIZE THIS POINT, WE'RE NOT SAYING THAT IS SOMETHING THAT IS NOT LEGALLY DOING BUT WE WANT TO VET THE STATUTE CAREFULLY AND WE WANT TO DO AS MUCH AS POSSIBLE TO MITIGATE THAT RISK IF YOU CHOSE TO GO DOWN THAT PATH. FOR EXAMPLE, YOU CAN IN THE AGREEMENT -- TYPICALLY THE INCORPORATION OF A NEW CITY BEGINS WITH THE LAND OWNERS PETITIONING THE COUNTY JUDGE TO CALL AN ELECTION OF THE RESIDENTS IN THE AREA TO INCORPORATE. YOU CAN CERTAINLY ATTEMPT TO WIND THE LANDOWNERS NOT IT EVER FILE THAT PETITION WITH THE COUNTY JUDGE BUT THAT IS AN AGREEMENT WITH THE LAND OWNERS. THE JUDGE MAY LOOK AT IT DIFFERENTLY AND IF A PETITION ARRIVES ON HIS DESK HE MAY CALL THE ELECTION SO YOU MAY WANT TO FIND A WAY TO WIND THE COUNTY JUDGE NOT THIS TODAY -- TO BIND THE COUNTY JUDGE NOT TO CALL THE ELECTION THAT MIGHT AND DIFFERENT JUDGE IN 30 YEARS.

THERE ARE STATUTORY CRITERIA FOR HIM TO DECIDE. I DON'T KNOW IF -- IF TODAY'S COUNTY JUDGE SIGNED AN AGREEMENT I DON'T KNOW IF YOU COULD SAY IT APPLIED TO ALL COUNTY JUDGES FROM HERE ON OUT. THAT WOULD BE THE ISSUE.

SO THE SCENARIO IS IF WE RELEASED IT WE WOULD FIRST HAVE TO BRING IT INTO OUR E.T.J., THAT IS PROBLEMATIC, WE DON'T KNOW IF WE CAN DO THAT OR NOT BEFORE WE CAN ANNEX IT, THERE ARE SEVERAL IMPEDIMENTS TO THAT, THE UNCLEAR, IS THAT CORRECT?



THE TAKE BACK OF THE E.T.J. IS WHERE ONE THE STATUTES DON'T SPEAK TO IT SO THERE IS A RISK THERE CAN.

SO IF WE RELEASED IT FROM THE E.T.J. THERE IS NO GUARANTEE WE COULD EVER GET IT BACK?

I CAN'T SAY THERE IS 100% LEGAL CERTAINLY WE COULD DO THAT.

THERE IS A CERTAIN RISK AND CERTAIN THINGS THAT COULD PRECLUDE THAT.

WE CAN PUT AS MANY THINGS IN THE AGREEMENT WITH THE LANDOWNERS TO MITIGATE THAT RISK BUT THERE ARE OTHER PARTIES OUT THERE, COUNTY JUDGE, MUD, OTHER CITIES THAT WILL BE OUTSIDE THE SCOPE OF THAT AGREEMENT.

YEAH. AND FINALLY THE STATEMENT, WHEN HE DISCUSSION ABOUT THE MUD WHO CONTROLS THE MUD AND SO FORTH, BUT THE FACT IS WE'VE ALSO TALKED ABOUT CERTAIN PUDs IN THAT GENERAL AREA, APPROXIMATELY THE SAME SIZE AND SCOPE THAT ARE ABLE TO DO THEIR PROJECT WITH SOME METHOD OF FINANCING AND STAY WITHIN OUR E.T.J. SO OBVIOUSLY, THERE IS A WAY TO DO IT BECAUSE OTHER PEOPLE ARE DOING IT.

COUNCIL MEMBER McCracken.

AND I WANT TO GET, ASK QUESTIONS ABOUT THAT BECAUSE I'M NOT AWARE OF ANY NEARLY \$1 BILLION-PLUS MAJOR EMPLOYER DEVELOPMENT, THE AREA BEING BUILT IN A FLOOD PLAIN EXCLUSIVELY TO PRIVATE FINANCING SO I WOULD LIKE TO HEAR FROM OUR CITY STAFF AND FROM VILLA MUSE PROPOSERS, MY THAT WOULDING THERE IS NOTHING LIKE THAT THIS BEING BUILT -- MY UNDERSTANDING THERE IS NOTHING LIKE THIS BEING BUILT BUT I WOULD LIKE TO HEAR SOME ANALYSIS FROM THAT. MAYBE THE CITY STAFF CAN HELP ME OUT HERE.

MURPHY, WELCOME BACK.

I'VE HEARD ABOUT TWO EXAMPLES TO DATE AND ONE IS OBVIOUSLY THE ROBINSON RANCH ANNEXATION IN WHICH ONE OF THE REASONS WE HAVE A 45-YEAR ANNEXATION SCHEDULE, THE ON INSON'S HAVE BEEN CLEAR, THEY -- THE ROBINSON'S HAVE BEEN CLEAR, THEY DON'T PLAN ON DOING ANYTHING IN THIS PLAN FOR 45 YEARS, VERSES SOMEBODY WHO PLANS TO HAVE SOMETHING BUILT IN FOUR YEARS.

I WAS BRINGING THAT UP TO SHOW AN EXAMPLE TO SHOW A VERY LARGE TRACT, A PUD AS NEGOTIATION STANDARDS.

I THINK THAT IS A GOOD POINT BECAUSE I KNOW IN THE ORDINANCE NEGOTIATIONS,

DISCUSSIONS, I WILL , I WILL DISCUSSIONS, VILLA MUSE IS CREATING A CODE. THAT SOUNDS LIKE IT IS ON THE TABLE WHERE EVERYONE IS IN PHILOSOPHICAL AGREEMENT THERE WILL AND REGULATING DEVELOPMENT CODE WE WILL SEE ALL IN ADVANCE. TELL ME ABOUT THE WHISPER VALLEY DEVELOPMENT.

WELL, I WILL TRY TO BE BRIEF. IT IS A PROPOSED DEVELOPMENT WE'VE BEEN WORKING WITH IN VERY CLOSE PROXIMITY TO THIS AREA THAT IS PROPOSING A PUD, PROPOSING LIMITED PURPOSE ANNEXATION, IT IS PROPOSING PID AS THE FUNDING MECHANISM THAT THEY WOULD BE WANTING TO USE. IT IS A MIXED USE DEVELOPMENT. IT IS NOT -- IT IS DISSIMILAR TO VILLA MUSE IN THERE IS NOT A HUGE STUDIO ANCHORING THE DEVELOPMENT. IT IS A MIXED USE PLAN COMMUNITY.

ABOUT HOW BIG IS IT? I THINK THEY ARE ROUGH, THEY LOOK CLOSE IN SIZE TO THAT BUT I DON'T KNOW.

I THINK IT IS ABOUT, IT IS OVER 1,000-ACRES. IT IS FAIRLY SIMILAR IN SIZE. I CAN GET THE EXACT NUMBER FOR YOU IF YOU WOULD' LIKE.

WE HAVE A ROUGH COMPARISON OF SQUARE FEET, MY ROUGH UNDERSTANDING IS THE VILLA MUSE DEVELOPMENT IS A FAR MORE EXPENSIVE DEVELOPMENT THAN WHISPER VALLEY, BUT DO YOU HAVE A SENSE OF THE RELATIVE SCALE?

I DON'T REALLY HAVE ANYWAY OF KNOWING THAT. THERE MAY BE MORE UP-FRONT COSTS ASSOCIATED. I THINK IT IS MORE OF A TIMING ISSUE PERHAPS THAN IT IS OVER ALL COSTS. WHISPERING VALLEY IS 2,000-ACRES.

YEAH, BECAUSE ONE OF THE THINGS I THINK IS A REAL CHALLENGE, MAKES THIS DEVELOPMENT FROM MY UNDERSTANDING DIFFERENT FROM OTHER DEVELOPMENTS, THEY ARE CREATING AN ENTIRE FILM STUDIO AND SET, AND THEN LETTING PEOPLE LIVE THERE BASICALLY, PAY TO LIVE THERE. SO UNLIKE, SAY, A TRADITIONAL DEVELOPMENT LIKE MILLER WE ARE IT IS A TEN-YEAR PHASED DEVELOPMENT WHERE THE MARKET COMES ALONG AND YOU ARE ABLE TO BUILD INFRASTRUCTURE TO SERVE THE DEVELOPMENT IT AS COMES ALONG. WHEN YOU ARE CREATING AN ENTIRE FILM SET YOU'VE GOT TO DO IT FROM DAY ONE SO THAT CREATE AS TOTALLY DIFFERENT ISSUE BECAUSE FOR INSTANCE YOU'VE GOT TO CREATE ALMOST \$300 MILLION OF INFRASTRUCTURE YOU ARE PAYING DEBT ON, YOU BETTER HAVE REVENUE COMING IN RIGHT AWAY WITH YOU IS REAL DIFFERENT FROM A TRADITIONAL DEAL. TYPICALLY THE LARGE DEVELOPMENTS PHASE OUT OVER A DECK ATE OR MORE. -- DECADE OR MORE S. THAT YOUR EXPERIENCE.

THAT IS TRUE, A SIMILAR TOOL TO A PUD WHICH IS A PLANNED DEVELOPMENT AGREEMENT. THERE IS SAMSUNG THAT WAS UNDER A PDA, OBVIOUSLY THAT IS, THEY BUILT VERY LARGE COMMERCIAL DEVELOPMENT UNDER THAT PROJECT. AND USED THAT PDA AS A WAY TO SET UP DEVELOPMENT STANDARDS THAT WOULD ALLOW THEM TO BUILD QUICKLY AND

EFFICIENTLY. INNER PORT IS ANOTHER EXAMPLE OF A PROJECT THAT I DON'T BELIEVE HAS ACTUAL BUILDINGS ON IT YET BUT IT SHOULD BE HAPPENING QUICKLY NOW THAT IT HAS BEEN COMPLETED THROUGH THAT SITE. ANOTHER VERY SIMILAR TOOL TO THE POD IS THE PDA. IF HAVE YOU QUESTION ABOUT THE DIFFERENTIATION BETWEEN THE TWO, I THINK GREG OR JERRY COULD HELP ME ANSWER THAT.

I WOULD LIKE TO HEAR MAYBE MICHAEL OR GARY OR SOMEONE, THE VILLA MUSE TEAM, FOR AN ASSESSMENT OF WHY, IN ADDITION TO THE ISSUES WE'VE HEARD, THAT IT WOULD SIMPLY BE, APPEARS IN OUR CURRENT LEGAL INTERPRETATIONS, LEGAL FOR OPTION TWO TO BE USED FOR THE PROJECT ENVISIONS BY VILLA MUSE SO IT IS REALLY NOT ON THE TABLE. WE'VE HEARD THAT IS AN OPTION. CAN YOU GIVE US SOME SENSE WHY YOU COULDN'T USE PUBLIC IMPROVEMENT DISTRICT FINANCING TO FULLY FINANCE THIS PROJECT.

I'M SORRY, I WAS LISTENING TO THE SAMSUNG ANSWER ALSO WHICH WAS A TOTAL, I MEAN YOU SUBSIDIZED THAT, THAT WAS A TOTALLY DIFFERENT AGREEMENT WHERE YOU BASICALLY PROVIDED GREAT SUBSIDIES FOR THEM TO BE HERE. WE ARE NOT ASKING FOR A DIME FROM THE CITY OF AUSTIN TAXPAYERS. TO YOUR QUESTION, I'M NOT AWARE OF ANOTHER ONE THAT IS SIMILAR TO WHAT WE ARE TALKING ABOUT AND I DON'T KNOW ENOUGH DETAIL ABOUT WHISPER, WHAT IS IT WHISPER VALLEY, GREG, WE WERE TALKING ABOUT TO COMMENT ON TO OR WHAT THEY'VE DO SO I CAN'T COMMENT ON THOSE TWO. I'M NOT AWARE OF ANY OTHERS THAT ARE SIMILAR. THAT IS WHAT WE WERE TRYING TO FIGURE OUT.

NOW THE SECOND PART OF THIS THIS MIGHT BE FOR GARY OR YOU OR JERRY, BUT IT'S WHY CAN'T WE USE PID FINANCE, PID AS A FINANCING TOOL? I KNOW THAT YOU ARE TALKING ABOUT DEBT COVERAGE RATIOS AND RATIOS THAT CURRENT LAW SAYS YOUR STRATEGY WOULD BE ILLEGAL FOR USING PIDs BUT THAT IS, WHY IS PID INSUFFICIENT BY ITSELF.

WE ARE CONFRONTED WITH A SITUATION FROM THE ATTORNEY GENERAL'S OFFICE THAT WOULD PRECLUDE THAT AS A USEFUL VEHICLE TODAY SO TO GET OUR PRIVATE FINANCING, WE CAN'T REQUEST W ANY CONFIDENCE SAY THAT IS A USEFUL VEHICLE.

IS THAT BECAUSE OF THE DEBT COVERAGE RATIOS REQUIRED FOR YOUR PROJECT?

THAT AND THE FACT WE MADE A COMMITMENT WE WOULDN'T ISSUE BONDS UNTIL THE PRODUCT GOES VERTICAL AND THAT IS WITH THE CURRENT AG OPINION.

THAT IS A BIG ISSUE, OBVIOUSLY.

JUST A QUESTION, THE ATTORNEY GENERAL HASN'T SAID THEY WON'T APPROVE PID

BONDS HOWEVER?

NO, SIR. THEY HAVE APPROVED A DEAL CALLED TROPHY CLUB UP IN THE NORTH TEXAS AREA, BUT THEY DID IT SPECIFICALLY IN CONSULTATION WITH THE BOND ATTORNEY ON THAT PARTICULAR TRANSACTION WHO ACTUALLY BILL TO SUIT THE CURRENT AG POSITION, AND SO WHAT THEY DID WAS ISSUE BARE DIRT BONDS WITH THREE YEARS OF CAPITALIZED INTEREST, NO COVERAGE ON THE ASSESSMENTS AND BANK OF AMERICA UNDER WROTE THAT TRANSACTION AND THEY'VE GONE ON THE RECORD TODAY SO SAY THEY WOULD NOT DO THAT DEAL IN TODAY'S CREDIT ENVIRONMENT THAT DEAL WAS DONE GO B -- WAS DONE ABOUT FOUR MONTHS AGO.

WE ARE WORKING ON A GLORY PARK PID THAT LOOKS LIKE IT WILL GO FORWARD AS WELL.

IT IS ALSO A BARE DIRT DEAL.

IS THIS LAND IN ANY CURRENT CITY ANNEXATION SCHEDULE FAN SO, WHAT IS THE PROJECTING ANNEXATION SCHEDULE FOR THIS LAND?

NO, WE DON'T HAVE CURRENT PLANS TO ANNEX THIS AREA, HOWEVER EVERYTHING IN THE E.T.J. WOULD BE OUR LONG-TERM ANNEXATION AREA.

WE'RE SAYING LONG-TERM, WHAT ARE WE TALKING ABOUT IN TERMS OF YEARS AND OTHER THINGS THAT WOULD HAVE TO HAPPEN BEFORE THIS WOULD BE LAND THAT WE'RE LOOKING TO ANNEX IN?

I THINK IT WOULD REQUIRE, FOR FULL PURPOSE, YOU WOULD HAVE TO HAVE A CONTIGUOUS CONNECTION TO THE AREA SO IT WOULD REQUIRE THE DEVELOPMENT OF PROPERTIES BETWEEN HERE AND THERE FOR FULL PURPOSE. LIMIT NOT REQUIRED TO BE CON FIGURE WHITE HOUSE IS THAT WOULD BE AN OPTION.

DO YOU -- IT WOULD NOT BE REQUIRED TO BE CONTIGUOUS SO THAT IS AN OPTION.

THE ABILITY TO SERVE WITH INFRASTRUCTURE AND FLOOD PLAIN ISSUES?

THE PROPERTY IS BEING OUTSIDE OF AUSTIN'S WATER AND WASTE WATER CCNs IS NOT SOMETHING THAT WE WOULD BE SERVING SO THAT WOULDN'T BE AN OBSTACLE FOR ANNEXATION. WE WOULD BE ABLE TO PROVIDE THE OTHER FULL SERVICES WE PROVIDE AND TYPICALLY WE TRACK DEVELOPMENT AND ANNEX WHENEVER THEY ARE DEVELOPING SO I WOULD IMAGINE THE SERVICES WILL FOLLOW ALONG AS WELL.

SO WHAT I'M GATHERING IS THERE IS REALLY NO SENSE AT ALL CURRENTLY ABOUT WHEN THIS THING WOULD BE ANNEXED, ALL WE KNOW IS IT IS NOT IN THE CURRENT ANNEXATION

PLANS.

RIGHT AND I CAN'T PREDICT.

FURTHER QUESTIONS? COUNCIL MEMBER LEFFINGWELL.

TO FOLLOW-UP QUICKLY. THIS HAS TO DO WITH ANNEXATION ALSO. YOU MENTIONED IT WOULD HAVE TO BE CONTIGUOUS TO ANNEX AND OBVIOUSLY THAT IS TRUE BUT THAT DOESN'T PRECLUDE RUNNING AN ANNEXATION STRIP OUT AND ANNEXING. YOU COULD ANNEX IT NEXT WEEK AND START THE PROCESS TO DO THAT.

AS LONG AS HAVE YOU A STRIP THAT IS 1,000 FEET WIDE, UNLESS YOU HAVE THE PROPERTY OWNER'S CON SENT FOR A NARROWER STRIP.

AND THE LEASE SAYS THE CONSIDERATION SHOULD HAVE NO POTENTIAL FOR AND ANNEXATION. DOES THIS PROPERTY HAVE THE POTENTIAL FOR ANNEXATION.

I WOULD SAY YES, SIR.

THE STAFF WILL NEED DIRECTION, THERE ARE LOTS OF UNANSWERED QUESTIONS SO MY INSTINCT IS THERE IS GOING TO BE A RESOLUTION HERE HOPEFULLY SOONER RATHER THAN LATER, DIRECTING STAFF, I TRUST, TO TRY TO MAKE THIS PROJECT HAPPEN. I DON'T THINK THERE IS ANY DISAGREEMENT ABOUT THE VALUE OF WHAT IS BEING PROPOSED ON THIS, THE VALUE, THE LONG-TERM VALUE TO EVERYBODY IN AUSTIN AND CENTRAL TEXAS, THE LONG-TERM VALUE ON THAT TRACT. THE REAL QUESTION HOW CAN WE GET THERE WITH SOME OF THESE NUANCES OF BOTH PUBLIC FINANCE STATUTES AND YOU KNOW, STATE LAW VIS-A-VIS, YOU KNOW, RELEASES, FUTURE ANNEXATION, ET CETERA, VERY COMPLICATED STUFF AND OBVIOUSLY NOBODY, INCLUDING THE LAND OWNERS AND PROJECT DEVELOPERS, WANT TO MAKE A MISTAKE NOW THAT SETS THE STAGE FOR SOMETHING NOT TO WORK OUT VERY WELL IN THE FUTURE. SO TECHNICALLY, WE ARE POSTED ON ITEM NUMBER 6. AND I'M RELATIVELY, LOOSE WAY TO TAKE POSSIBLE ACTION ON THE PRESERVATION OR RELEASE OF THE E.T.J., VIS-A-VIS THE 1900-ACRES WE KNOW AS THE VILLA MUSE AREA.

MAYOR, I HAVE A MOTION.

COUNCIL MEMBER McCracken.

MAYOR, I'M GOING TO MOVE, WE HAVE AN OUT OF E.T.J. OPTION FOR THREE AND I WILL MAKE THIS MOTION THAT WE KNOW THERE ARE ISSUES TO WORK THROUGH THAT WE HAVE, I BELIEVE, A PHILOSOPHICAL ALIGNMENT THAT AN AGREEMENT WILL COMPLY WITH OUR CITY OF AUSTIN ENVIRONMENTAL STANDARDS AND THAT WE'VE ALSO HEARD THAT THE ONLY ALTERNATIVE FROM THE CITY STAFF IS, WHICH I BELIEVE IS BROUGHT IN GOOD

FAITH AND I APPRECIATE THE EXCELLENT WORK DONE BY CITY STAFF, I BELIEVE YOU PLAYED IT TRAIT AND I APPRECIATED SOLIDDED EVEN-HANDED A ANALYSIS BY I WANT TO SAY I REALLY DO APPRECIATE THE HARD WORK YOU ALL HAVE PUT INTO THIS AND IT WAS BIG HELP TO US. THE, YOU KNOW, WE HAVE A PROJECT THAT DOESN'T FIT THE TYPICAL MOLD BECAUSE WE'RE TALKING ABOUT DAY ONE AS A FULLY DEVELOPED 1,000-ACRE FILM STUDIO, IT MAKES IT TOTALLY DIFFERENT FROM ANY OTHER PROJECT WE'VE SEEN, IT HAS TO BE BUILT AS A FILM SET SO WE DON'T HAVE ALL THE STANDARDS WE TYPICALLY SEE IN A PHASED DEVELOPMENT THAT HAS MIXES OF USE AND THINGS LIKE THAT. IT HAS A TIGHT TIME LINE, WE'VE HEARD OPTION TWO IS NOT AN OPTION LEGAL UNDER CURRENT LAW BASED ON THE ATTORNEY GENERAL'S OPINION THAT WE HAVE ISSUES TO WORK THROUGH. BUT I WOULD LIKE TO GIVE IT A SHOT, GIVE IT A MONTH OR SO, SEE IF WE CAN WORK THIS OUT WHERE WE CAN ACHIEVE OUR PUBLIC INTERESTS THROUGH OPTION THREE, WHICH IS THE REMOVAL FROM THE E.T.J. WITH AN ANNEXATION DATE IN THE FUTURE. THIS APPROACH INCLUDES THE BACK POINT OF OUR LOCAL FILM AND MEDIA SECTOR, RODRIGUEZ, THE PRODUCER OF FRIDAY NIGHT LIGHTS, AND CREDITS WITH PAN LABYRINTH, THE EXECUTIVE DIRECTOR OF THE UNIVERSITY OF TEXAS FILM INSTITUTE AND THE DIRECTOR OF THE TEXAS FILM COMMISSION. WE HAVE AN INDUSTRY THAT IS VERY IMPORTANT TO THE FUTURE OF OUR REGION AND IT IS HEMORRHAGE BE MARKET SHARE. WE ARE ON A TRACK TO BECOME WHAT DALLAS WAS IN THE FILM INDUSTRY IN THE '80s WHICH WAS THE UP AND COMER THAT IS DEAD NOW. AND THAT, IN OUR CURRENT APPROACH IS NOT WORKING. SO AN APPROACH THAT SAYS MORE OF THE SAME IS AN APPROACH THAT SAYS BE LIKE DALLAS FROM THE '80s AND THIS COUNCIL HAS IDENTIFIES IS ONE OF OUR CORE ECONOMIC SECTORS SOME OF IF WE ARE SERIOUS ABOUT IT WE KNOW THE OLD APPROACHES WON'T WORK. THEY ARE FAILING US AND WE ARE LOSING OUT TO LOUISIANA AND NEW MEXICO AND AUSTIN IS A CREATIVE MECCA. THIS COUNCIL ONLY HAS TO BE AS CREATIVE AS THE PEOPLE IN THAT SECTOR AND LET'S WORK TOGETHER TO THINK OUTSIDE THE BOX. MY MOTION IS I'M GOING TO DIRECT THE CITY MORE TO NEGOTIATE WITH VILLA MUSE TO INCLUDE THE RELEASE OF THE DEVELOPMENT AREA FROM THE CITY'S EXTRATERRITORIAL JURISDICTION ON CERTAIN CONDITIONS AND THE RETURN OF THAT AREA INTO THE CITY'S EXTRATERRITORIAL JURISDICTION ON CERTAIN CONDITIONS AND TO PRESENT THAT AGREEMENT FOR APPROVAL BY THE CITY COUNCIL.

I WILL SECOND THAT, MAYOR.

WE HAVE A MOTION BY COUNCIL MEMBER McCRACKEN, SECONDED BY COUNCIL MEMBER COUNCIL MEMBER MARTINEZ TO APPROVE A RESOLUTION REGARDING ITEM NUMBER 6, ESSENTIALLY IF MR. SMITH WILL ALLOW ME THE OUT OF E.T.J. RESOLUTION. COMMENTS?

MAYOR.

COUNCIL MEMBER, MARTINEZ.

I JUST WANTED TO COMMENT BRIEFLY ON SECONDING THE MOTION. I THINK, YOU KNOW, I THINK IT IS REALLY PERFORM THAT WE UNDERSTAND THIS IS NOT NECESSARILY AUTHORIZING THE RELEASE OF AN E.T.J. THIS IS TO CONTINUE THIS CONVERSATION SO THAT HOPEFULLY WE CAN GET TO THAT POINT WHERE WE CAN ADDRESS ALL THE CONCERNS THAT ARE LAID OUT, ENVIRONMENTAL, DESIGN, FLOOD MITIGATION, WHATEVER CONCERNS THAT WE MIGHT HAVE AS A COUNCIL AND AS COMMUNITY THIS IS JUST GOING TO CONTINUE MOVING THAT FORWARD IN THAT DIRECTION WITH THE HOPES THAT IF WE CAN COME TO AN AGREEMENT THIS WONDERFUL PROJECT CAN MOVE FORWARD. FOR ME, I DON'T KNOW SEE HOW THIS COUNCIL CAN, HOW I PERSONALLY, I'M NOT GOING TO SPEAK FOR THIS COUNCIL, I DON'T SEE HOW YOU CAN, UP HERE TALKING ABOUT A LARGE FILL, WATER TREATMENT PLAN, SPENDING THOUSANDS OF DOLLARS ON A STUDY AND NOT VOTE TO MOVE THIS PARTICULAR PROJECT FORWARD WITH THE HOPES OF PROVIDING SOMETHING WITHOUT THOSE SITES [APPLAUSE] I THINK THAT WE OWE IT TO OUR COMMUNITY, CHANGE WE OWE IT TO THE SURROUNDING COMMUNITIES THAT EXIST IN THE RESIDENTS THAT WE TRY TO DO EVERYTHING WE CAN TO VET THIS THROUGH AND SEE IF IT WILL WORK. IF IT DOES NOT WORK, IF IT IS NOT IN THE BEST INTEREST OF THIS COMMUNITY AND THIS COUNCIL THEN WE MOVE FORWARD AND WE HAVE A LOST NOTHING. BUT IF WE CAN MAKE IT WORK, WHY NOT MOVE FORWARD FOR A FEW MORE DAYS AND TRY TO COME TO AN AGREEMENT AND TRY TO BRING SOMETHING THAT COULD BE WORLD CLASS FOR THE STIFF AUSTIN. I WILL BE SUPPORT -- THE CITY OF AUSTIN. I WILL BE SUPPORTING THE RESOLUTION, OBVIOUSLY [APPLAUSE]

COUNCIL MEMBER LEFFINGWELL.

AGAIN, I DISAGREE THAT WE CAN RE1068 THE ENVIRONMENTAL ISSUES. -- THAT WE CAN RESOLVE THE ENVIRONMENTAL ISSUES. THEY AGREE THE PROPOSITION WOULD BE ILLEGAL. I WILL MAKE A SUBBEN SUBSEQUENT MOTION TO OPTION NUMBER TWO FOR VILLA MUSE FOR DEVELOPMENT OF THE PROJECT WITHIN THE CITY'S E.T.J. AND PRESENT THAT AGREEMENT FOR APPROVAL BY THE COUNCIL.

SO WE HAVE A SUBSTITUTION MOTION BY COUNCIL MEMBER COUNCIL MEMBER LEFFINGWELL. SECONDED BY COUNCIL MEMBER KIM TO INSTEAD APPROVE WHAT I WILL CALL THE IN E.T.J. RESOLUTION HERE ON THE DAIS. COMMENTS? COUNCIL MEMBER KIM.

I THINK THE VISION IS A BROAD ONE AND IT IS A GREAT VISION, IT IS A GRAND VISION, I WOULD LOVE TO SEE IT HAPPEN, BUT AT THE SAME TIME BEING A COUNCIL MEMBER I THINK THAT WE ALL HAVE A RESPONSIBLE TO MAKE SURE THAT WE DO IT RIGHT AND ESPECIALLY WHEN IT IS GOING TO BE FUTURE COUNCILS THAT ARE GOING HAVE TO INHERIT THIS AND DEAL WITH THE ISSUES WE JUST LAID OUT TO HERE ABOUT ENVIRONMENT ISSUE, THE COLORADO RIVER, THE ABILITY TO EVEN ANNEX IT SHOULD THERE BE PROTEST AND OPPOSITION FROM WEBERVILLE OR ANY OTHER RESIDENTS THAT LIVE INSIDE THE DEVELOPMENT. I KNOW THERE ARE PEOPLE EXPECTING AND WANTING THE JOBS AND I'M ON EMERGING TECHNOLOGY AND THE TELECOMMUNICATIONS SUB COMMITTEE WITH

COUNCIL MEMBER McCRACKEN AND ALSO COUNCIL MEMBER LEFFINGWELL AND SO I WOULD LIKE VERY MUCH TO DO THIS PROJECT BUT I WOULD LIKE TO DO IT WITHIN THE E.T.J. WE TALKED A LOT ABOUT, AND I'M SUPPORTIVE OF TRYING TO SEE WE HAVE MORE POST PRODUCTION JOB, THE HIGHER-PAYING JOBS THAT WE ARE NOT ABLE TO REALLY KEEP AND HAVE IN EXTENT, I WOULD LIKE TO REALLY DO THAT AND TENTION WOULD BE A GREAT BEEN -- AND I THINK IT WOULD BE A GET A GREAT BENEFIT TO OUR COMMUNITY AND WE WILL FINANCIALLY MAKE SURE EVERYONE IS PROTECTED IN THIS DEAL. SO THE DEVELOPER CAME TO US AND TALKED ABOUT MITIGATING THE RISK FOR THEMSELVES AND I UNDERSTAND THAT BUT WE HAVE TO DO THAT THE SAME FOR THE CITIZENS OF AUSTIN, THAT IS WHY I'M SUPPORTING THE SUBSTITUTE MOTION.

COUNCIL MEMBER COLE THEN McCRACKEN.

I TOO WANT TO THANK THE STAFF FOR THEIR WONDERFUL WORK IN BRINGING US TO THIS POINT IN TERMS OF MAKING A DECISION TO GIVE YOU DIRECTION AND I FULLY RECOGNIZE EVEN AT THIS POINT WE ARE NOT CRYSTAL CLEAR IN ALL THE WAYS THAT YOU COULD POSSIBLY GO AND YOU WILL HAVE TO DO A LOT TO NEGOTIATE THAT. I REALLY WANTED TO POINT OUT THAT OUR ECONOMY IS CHANGING AND OUR REGION IS CHANGING SUCH THAT WE CAN NO LONGER AFFORD TO LOOK AT OURSELVES AS A SINGLE JURISDICTION. AND WHEN IT COMES TO DEVELOPMENTS EVEN OUTSIDE OUR JUST DICTION THAT MAY NOT EVEN BE IN -- JURISDICTION THAT MAY NOT EVEN BE IN OUR E.T.J. WE SHOULD CONSIDER THE IMPACT ON OUR NAPE NEIGHBORS AND I WAS IMPRESSED WITH THE TESTIMONY IN SUPPORT OF THIS DEVELOPMENT IN THE SCHOOL DISTRICT. WE HAVE TO CARE ABOUT THOSE THINGS AND WE HAVE TO RECOGNIZE THIS WHOLE AREA IN THE 130 CORRIDOR IS GOING TO HAVE TO BE DEVELOPED OUTSIDE THE BOX, IF YOU WILL, AND THAT IS WHAT OUR LEGISLATION THIS PAST SESSION WAS ALL ABOUT THAT WE WERE NOT ABLE TO SUCCESSFULLY PASS, BUT THE FINANCING TOOLS WE ARE TALKING ABOUT, WHETHER IT IS PIDS OR MUDS OR UPSIDE DOWN AGREEMENTS OR REANNEXATIONS, WE ARE MAKING NEW LAW AND THAT IS NOT NEW FOR AUSTIN, WE ARE OFTEN ON THE CUTTING EDGE AND ARE ALSO IMPRESSED BY THIS POTENTIAL DEVELOPMENT WITH THE JOBS IT WILL CREATE FOR OUR CITIZENS AND THE CREATIVE CLASS THAT IS GOING TO BE COMING. SO WITH THAT, I WILL SAY THAT I WILL BE SUPPORTING THE MOTION OF COUNCIL MEMBER McCRACKEN WITH THE OPTION OF LETTING THE STAFF NEGOTIATE WITH VILLA MUSE FOR OUTSIDE 6 THE E.T.J. [APPLAUSE]

I HAVE A QUESTION ON EITHER OF THESE RESOLUTIONS WE'RE DIRECTING YOU, ASKING YOU TO GO AND FIGURE OUT THE ANSWER. EITHER HOW DOES ONE WORK WITH THE PROPOSAL TO SEE THE DEVELOPMENT HAPPEN INSIDE THE E.T.J. OR THE FINANCING WHERE IT'S SIX OF ONE AND HALF DOZEN OF ANOTHER IN THE FINANCING MODEL FOR THE DEVELOPMENT TEAM, AND CONVINCE THEM OF THAT I GUESS, AND/OR HAVE THE PROJECT GET, BE DEVELOPABLE OUTSIDE OUR E.T.J., YET WITH ALL THE ASSURANCES THE CITY WOULD NEED, NOT ONLY THE ENVIRONMENTAL FRONT BUT REALLY THE FUNDAMENTAL CRUX OF THE ISSUE IS, YOU KNOW, GUARANTEED FUTURE ANNEXATION OPPORTUNITY.



THERE IS SPOTS OF OUR, YOU KNOW, OF DEVELOPED CENTRAL TEXAS THAT AT TIMES WE MAY NOT WANT TO ANNE . HOW LONG WOULD THAT TAKE. WE MEET AGAIN IN TWO, THREE AND FIVE WEEKS FROM NOW, YOU KNOW, TIME IT SEEMS HAS ALWAYS BEEN OF THE ESSENCE TO THE PROJECT TEAM SO MY QUESTION IS HOW SOON COULD YOU COME BACK WITH SOME TYPE OF -- I KNOW IT IS TOUGH, AS SOMEONE POINTED OUT EARLIER, IT IS A RISK ASSESSMENT, NOT PITTING ONE AGAINST THE OTHER BUT A RISK ASSESSMENT SOMEHOW WE HAVE YOU A SURERANCES IN THE MATTER OF A MONTH OR -- ASSURANCES IN A MATTER OF A MONTH OR SO THAT WILL SET THE STAGE FOR THE NEXT 50 YEARS OUT THERE.

THAT IS A DIFFICULT DO WE RESPOND TO, OBVIOUSLY, I MEAN IF COUNCIL WERE TO SET SOME TIME PARAMETER FOR US, WE WOULD JUST ENDEAVOR TO DO OUR BEST TO WORK WITHIN THAT TIME FRAME. BEYOND THAT, I'M SIMPLY NOT CERTAIN, PERHAPS MEMBERS OF MY STAFF WHO HAVE BEEN WORKING MORE DIRECTLY WITH THE DEVELOPERS THAN I CAN GIVE A BETTER ANSWER BASED UPON WHERE WE ARE TODAY AND THEIR UNDERSTANDING OF THE REMAINING OPEN ISSUES WITH RESPECT TO EITHER SCENARIO, SO LET ME ASK MISS HUFFMAN TO COME FORWARD AND SEE IF SHE CAN GIVE COUNCIL BETTER GUESSTIMATE.

THE CONTEXT, WE -- YOU MORE THAN ANYBODY, BUT A LOT OF US WORKED REALLY REALLY HARD ALL LAST YEAR ON THE LEGISLATIVE EFFORTS, IF YOU WILL, FOR HOW WE COULD GET THE RIGHT KIND OF DEVELOPMENT, PIDS, MIXED USE, COMMERCIAL-BASED DEVELOPMENT UP AND DOWN THE SH-130 CORRIDOR, A SPOT IN EASTERN TRAVIS COUNTY THAT HAS VERY LITTLE DEVELOPMENT NOW AND VIRTUALLY NO UTILITIES TO SPEAK OF. WE ANNOUNCED WE ARE PREPARED TO NOT GET ANY GENERAL FUND REVENUE OFF THIS LAND FOR DECADES BECAUSE WE ARE MORE INTRIGUED WITH AND CONCERN WITH THE LONG-TERM SUSTAINABILITY OF CENTRAL TEXAS SO THIS KIND OF LAND USE NEEDS TO BE HAD. I SUGGEST DURING THAT ENTIRE PROCESS MY PERSPECTIVE WAS THE CITY OF AUSTIN AND NEIGHBORING CITIES WE HAD ALL OF OUR CARDS ON THE TABLE. WE SAID THIS IS THE LAND USE WE WANT. WE HAVE CERTAIN REGULATIONS AND CONTROLS WE LIKE TO SEE, WE WANT TO HELP YOU WITH THE REGIONAL DRAINAGE, WE WANT TO HELP WITH FIRE FLOW, WE WANT TO HELP YOU BUILD SOMETHING YOU NEVER DREAMED YOU WOULD BE BUILDING IN EASTERN TRAVIS COUNTY AND MAKE YOU VERY PROFITABLE BY DOING SO, AND JUST FOR THAT ASSURANCE, WE ARE GOING TO WAIT DECADES BEFORE WE HAVE GENERAL FUND REVENUE OFF OF THIS DEVELOPMENT. I THOUGHT IT WAS A VERY LEGITIMATE BOLD MOVE ON OUR PARDON AND I WOULD SUGGEST THIS IS WHAT THIS EXERCISE IS AS WELL. I THINK THERE IS A DEVELOPMENT ON THIS TRACT OF PLAN THAT ALL OF US WOULD LIKE TO SEE HAPPEN FOR A NUMBER OF REGIONS. JOBS IF THAT PART OF THE COUNTY AND WEBERVILLE. YOU KNOW, FUNDAMENTALLY SAIDING THE STAGE, NO PUN INTEND -- SEPTEMBERING THE STAGE, NO PUN INTENDED, FOR BETTER LAND USE PRACTICES IN THAT REGION BUT ALSO WITH THE CIVIC INVESTMENT OF THE MOVIE INFRASTRUCTURE THIS REMARKABLE SYNERGY WITH US ECONOMICALLY. SO IT SEEMS TO ME THAT AGAIN THE OPPORTUNITY IS, AND I TRUST THE DEVELOPMENT TEAM WITH

RECOGNIZE THAT OPPORTUNITY, IS I'M SUGGESTING WE PUT EVERYTHING ON THE TABLE AND SEE HOW EITHER OF THE TWO, YOU KNOW THE CLASSIC DILEMMA, TRYING TO CHOOSE BETWEEN TWO EQUALLY, YOU KNOW, SCARY CHOICES, SQUAREY BECAUSE OF THE UNCERTAINTY FINANCIALLY OR UNCERTAINTY, YOU KNOW, WITH LONG-TERM ANNEXATION RIGHTS. SO WITH THAT CONTEXT, HOW CAN YOU HANDICAP, HOW LONG THIS MIGHT TAKE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

IF YOU ASK US TO GO NECESSARILY NEGOTIATE TWO DEVELOPMENT AGREEMENTS, ONE FOR OPTION 2 AND ONE FOR OPTION 3, I THINK THAT'S GOING TO MAKE FIVE WEEKS UNDOABLE. BECAUSE THAT REALLY -- EVEN THOUGH THERE ARE MANY THINGS THAT WILL BE IN COMMON, WE WILL SPEND A LOT OF TIME DISCUSSING -- I PREDICT RIGHT NOW WE'LL SPEND A LOT OF TIME DISCUSSING THE RELATIVE MERITS OF THE FINANCING TOOLS AND THE CERTAINTY OF THE LEGAL FRAMEWORK FOR AN IN E.T.J. SOLUTION VERSUS AN OUT OF E.T.J. SOLUTION AND I THINK WE'LL SPEND TIME HAVING THOSE DISCUSSIONS. BUT IF THAT'S THE COUNCIL'S DESIRE. I JUST WOULD LIKE TO ASK FOR A LITTLE BIT MORE TIME IF WE GO THAT ROUTE.

MAYOR WYNN: UNDERSTOOD. WE HAVE A MOTION AND A SECOND ON THE TABLE FOR A SUBSTITUTE MOTION MADE BY COUNCIL MEMBER LEFFINGWELL, SECONDED BY COUNCIL MEMBER KIM. FURTHER COMMENTS? COUNCIL MEMBER MCCrackEN?

MCCrackEN: I THINK IT WOULD JUST BE HELPFUL TO GET THIS SORTED OUT, BECAUSE I HEARD THE STATEMENT BY A COLLEAGUE THAT DESPITE WHAT I HEARD, I BELIEVE THE AGREEMENT BETWEEN MR. KIM BELL AND MR. NEWMAN ABOUT THE ATTORNEY GENERAL'S OPINION -- MY COLLEAGUE HEARD THIS DIFFERENTLY, I THINK IF OPTION 2 CAN'T BE DONE LEGALLY, THEN IT WOULD BE KIND OF A DEATH SENTENCE. BUT IF THAT'S -- I THINK I NEED TO HEAR MORE FROM GARY KIMBELL AND BILL NEUMANN.

THE AG OPINION YOU'RE TALKING ABOUT IS THE ONE THAT SAYS YOU CAN'T INCREASE THE PIT ASSESSMENT AFTER THE PROPERTY HAS BECOME HOMESTEAD? ANYBODY HERE FROM VILLA MUSE CAN ANSWER THAT QUESTION?

THAT'S THE ONLY A.G. OPINION I KNOW ABOUT THAT DEALT WITH PIT FINANCING IN THE E.T.J., AND THAT DOESN'T -- I THINK IT MAKES IT HARDER TO DO OR MORE UNDESIRABLE TO DO FROM THE DEVELOPER/INVESTOR PERSPECTIVE BUT IT CERTAINLY DOESN'T MAKE IT ILLEGAL OR RULE IT OUT.

IT WOULD MAKE IT ILLEGAL IF YOU TRIED TO INCREASE THE ASSESSMENT AFTERWARDS --

IF YOU STRETCH YOUR FINANCING AROUND ONE INITIAL ASSESSMENT UP FRONT YOU COULD DO IT. NOW, THAT MAY MAKE IT HARDER TO DO. OBVIOUSLY WITH MUD, THE MUD CAN RAISE TAXES ANYTIME SO I THINK THAT'S THE DIFFERENCE BETWEEN -- THE EFFECT

OF THE A.G. OPINION.

I KNOW BILL IS HERE AND --

I WAS GOING TO TRY -- WE'LL --

GARY WALKING IN AND MAYBE BILL. THEY SEEM TO HAVE THE SAME OPINION ON IT. I THINK THAT'S A PRETTY FUNDAMENTAL POINT.

MAYOR WYNN: WELCOME BACK, MR. WOMENBALL. WE HAVE A COUPLE MINUTES BEFORE WE BREAK.

I MISSED THE QUESTION BECAUSE I WAS OUT ON THE PHONE WITH BANK AMERICA CONFIRMING THAT THEY DO NOT HAVE FINAL CREDIT APPROVAL ON THE HORSESHOE BAY DEAL ON PUBLIC IMPROVEMENTS REFERENCED EARLIER.

MCCRACKEN: WHAT WE'RE TRYING TO GET SORTED OUT IS WHAT I HAD HEARD, THAT ONE OF MY COLLEAGUES HEARD, REACHED DIFFERENT COLLUSION FROM THE STATEMENTS THAT MR. NEWMAN WAS -- ON THIS STATEMENT ABOUT WHAT THE A.G. IS PROHIBITING IN REGARD TO THE USE OF PUBLIC IMPROVEMENT DISTRICTS FOR FINANCING THE TYPE ENVISIONED BY VILLA MUSE.

ESSENTIALLY THEIR POSITION TODAY FORCES A BEAR DIRT FINANCING. IT'S A TERM OF ART MEANING THAT YOU ISSUE THE DEBT INTO THE PUBLIC MARKET BEFORE THE PROJECT HAS ACTUALLY BUILT ANY VERTICAL IMPROVEMENTS. WE THINK THAT'S IRRESPONSIBLE. FRANKLY, WE THINK THE MAJORITY OF THE MARKET AGREES WITH US AND PROBABLY WOULD NOT GIVE YOU A BID ON AN OFFERING OF THAT TYPE OF BOND.

MAYBE BILL NEUMANN COULD HELP US OUT TOO BECAUSE I WANT TO MAKE SURE WE'RE ALL ON THE SAME PAGE HERE.

I'M NOT SURE -- IT MAY BE IRRESPONSIBLE. I'M NOT SURE THAT THE ATTORNEY GENERAL IS SAYING IT CAN'T BE DONE. AS I SAID EARLIER, THERE'S BEEN VERY FEW PIDZ APPROVED BY THE ATTORNEY GENERAL'S OFFICE TO DATE AND I WOULDN'T TAKE A STAND TODAY AND I DON'T THINK ANYONE ELSE WOULD TODAY, TO SAY THAT THIS PID COULD NOT GET APPROVED UNDER CERTAIN CIRCUMSTANCES. WE'LL BE FIVE YEARS DOWN THE ROAD IN ADDITION TO THAT. SO IT'S NOT AN IMMEDIATE THING. SO YOU WOULD HAVE STRUCTURE IN THE GROUND AT THAT POINT IN TIME. I WOULD SUGGEST THAT WE TAKE SOME TIME AND VIEW OUR OPTIONS WITH THE ATTORNEY GENERAL'S OFFICE.

MCCRACKEN: TO DO THAT TODAY -- DO YOU HAVE THE SAME OPINION UNDER -- WHAT THE ATTORNEY GENERAL IS CITING, IN VIEW OF THE LAW TODAY? I MEAN, COULD YOU -- IN TERMS OF WHAT IT IS TODAY, COULD THEY DO FINANCING OF VERTICAL, I GUESS IT IS,

AFTER -- HELP ME OUT. YOU-ALL --

LET ME ASK MAYBE AN IMPORTANT QUESTION OF BILL. THE PRICING ON THE TROPHY CLUB DEAL WAS 7.75%. IT CLOSED JUST A FEW MONTHS AGO IN ACTUALLY A BETTER MARKET THAN WE HAVE TODAY. THAT'S 200 TO 250 BASIS POINTS OR 2 1/2% OVER A COMPARABLE MUD INTEREST RATE. SO IF -- EVEN IF WE AGREED ON THE LEGAL POSITION AT THE A.G.'S OFFICE, WHICH I'M NOT SURE WE DO, THE COST OF THE FINANCING, IF YOU JUST TAKE A STRAIGHT-UP PUBLIC IMPROVEMENT DISTRICT VERSUS A STRAIGHT-UP MUNICIPAL UTILITY DISTRICT, LET'S CALL IT 200 BASIS POINTS OR 2% DIFFERENCE. THAT HAS AN INCREDIBLY NEGATIVE IMPACT ON THE ECONOMICS TO OUR PROJECT.

MCCRACKEN: DO YOU AGREE WITH THAT, BILL?

PARDON ME?

MCCRACKEN: DO YOU HAVE A DIFFERENT UNDERSTANDING OF WHAT GARY JUST SAID?

I UNDERSTAND WHERE THOSE BONDS SOLD. TO SAY THAT THERE WAS 200 BASIS POINTS DIFFERENCE BETWEEN A MUD AND A PID TODAY, I COULDN'T QUANTIFY, AND WOULDN'T CARE TO. BUT --

BUT THE PHONE CALL I WAS JUST ON WITH BANK OF AMERICA, THEY CONFIRMED THAT THE TRANSACTION THAT THEY DID A FEW MONTHS AGO, IF THEY WERE TO PRICE IT TODAY, WOULD STILL BE OVER 7% IN TODAY'S MARKET, AND THAT IS JUST AN INCREDIBLE DISADVANTAGE TO US --

THANK YOU ALL VERY MUCH, MAYOR PRO TEM?

DUNKERLEY: I WANT TO ASK YOU SOMETHING. I THOUGHT YOU SAID YOU WERE GOING TO USE THREE DIFFERENT TYPES OF FINANCING STRUCTURES WHEN YOU SPOKE EARLIER, AND I THOUGHT I HEARD PID AS ONE OF THEM, OR MAYBE I DIDN'T.

YOU HEARD PID AS A VEHICLE TO GET REIMBURSED BUT NOT AS A FINANCING VEHICLE. SO IN OTHER WORDS, A PID DOESN'T NECESSARILY HAVE TO ISSUE DEBT. IT CAN IMPOSE AN ASSESSMENT. IT CAN COLLECT ASSESSMENT REVENUE, AND THAT ASSESSMENT REVENUE CAN BE PAID IN SATISFACTION OF A REIMBURSEMENT OBLIGATION UNDER A DEVELOPMENT AGREEMENT. BUT YOU DON'T HAVE TO ISSUE BONDS IN THAT CASE. THAT IS SOMETHING RIGHT NOW THAT CAN BE DONE LEGALLY.

DUNKERLEY: SO THE PID WILL BE USED TO REIMBURSE THE INVESTORS FOR THEIR PRE-PAYMENT OF SOME OF THE INFRASTRUCTURE?

POTENTIALLY, YES. THAT IS ACTUALLY NO. 3 ON OUR LIST OF THREE POTENTIAL

REIMBURSEMENT --

DUNKERLEY: WHAT WERE THE TOP TWO?

THE TOP ONE WOULD BE THE MUNICIPAL UTILITY DISTRICT. THAT'S WHERE WE WOULD INTEND TO GET THE MAJORITY OF OUR REIMBURSEMENTS. THE SECOND WOULD BE THE TAX INCREMENT REINVESTMENT ZONE THAT WE WOULD PARTNER WITH TRAVIS COUNTY ON, AND THEN THIRD WOULD BE THE POSSIBILITY OF A PUBLIC IMPROVEMENT DISTRICT, BUT NOT AS A FINANCING VEHICLE UNDER THE CURRENT LAW.

DUNKERLEY: SO THERE'S A REIMBURSEMENT VEHICLE?

YES, MA'AM.

DUNKERLEY: OKAY. AND THAT WOULD NOT BE REIMBURSING FOR THE STUDIO OR ANYTHING LIKE THAT, WOULD IT BE?

AT THIS POINT I DON'T KNOW. IT'S WHATEVER WE'RE GOING TO BE LEGALLY ABLE TO DO.

I THOUGHT THE STUDIO WAS GOING TO BE A FOR-PROFIT ENTITY.

TRUE, BUT AS WITH CABELLA'S, TO USE A HOME TOWN EXAMPLE, THERE WAS A PORTION OF THAT PROJECT THAT WAS DEEMED A PUBLIC IMPROVEMENT THAT WE WERE ALLOWED TO FINANCE WITH TAX EXEMPT DEBT.

I THINK IN THAT DEVELOPMENT THERE'S GOING TO BE A LOT OF PUBLIC IMPROVEMENTS, YOU KNOW, ROADS AND STREETS AND FIRE STATIONS AND THINGS LIKE THAT.

RIGHT.

DUNKERLEY: BUT I DIDN'T THINK THE STUDIO ITSELF WAS GOING TO BE SOMETHING THAT WOULD BE REIMBURSED. I MAY HAVE MISUNDERSTOOD YOU-ALL EARLIER.

NO, ONCE AGAIN, THE MONEY THAT WE'RE TALKING ABOUT IS FOR INFRASTRUCTURE, NOT TO SUBSIDIZE THE STUDIO.

DUNKERLEY: NOT TO DO WHAT?

NOT TO SUBSIDIZE THE STUDIO.

DUNKERLEY: I THOUGHT THAT'S WHAT YOU TOLD ME EARLIER. OKAY. THANK YOU.

MAYOR WYNN: COUNCIL MEMBER MCCracken?

MCCRACKEN: I THINK WHAT WE HAVE HEARD IS THAT THE -- THE SUBSTITUTE MOTION IS NOT JUST ABOUT ANY E.T.J. IT'S ALSO ABOUT MANDATING THE USE OF A PUBLIC IMPROVEMENT DISTRICT AS OPPOSED TO MUD. WE'VE HEARD OUR FOLKS SAY THEY AGREE ON IS THAT THAT, AT LEAST IN RECENT FINANCING, HAS RESULTED IN 250 BASIS POINTS, HIGHER INTEREST COSTS. I THINK IN TOTALITY WHAT WE SEE IS A -- THE SUBSTITUTE MOTION IS DEFINITELY MORE EXPENSIVE, AND MAYBE HAS LEGAL PROBLEMS UNDERCURRENT INTERPRETATIONS FROM THE ATTORNEY GENERAL OF WHAT THEY'LL VILLA MUSE PROPOSES TO DO. I THINK IT'S NOT JUST WITHIN THE E.T.J., WHICH I THINK IS A PROBLEM TOO, BECAUSE IT'S STILL -- BUT IT'S ALSO THE PID VERSUS MUD AND THE SUBSEQUENT HIGHER COSTS ASSOCIATED.

MAYOR WYNN: I WILL SAY -- [APPLAUSE]

MAYOR WYNN: SO THE SUBSTITUTE MOTION AND THE SECOND ON THE TABLE TECHNICALLY IS -- CITY MANAGER IS NOW DIRECTED TO NEGOTIATE A DEVELOPMENT AGREEMENT WITH VILLA MUSE FOR DEVELOPMENT OF THE VILLA MUSE PROJECT WITHIN THE CITY'S E.T.J. AND TO PRESENT THAT AGREEMENT FOR APPROVAL BY THE CITY COUNCIL. SO MY -- MY READ OF THAT IS -- I MEAN, THERE MAY -- WE MAY MIND OUT THERE'S ONLY ONE OPTION BUT THAT ULTIMATELY WE'RE ASKING THE CITY MANAGER TO FIGURE OUT -- TO GIVE ALL RESOURCES TO COME BACK WITH AN AGREEMENT FOR THIS PROJECT WITHIN THE E.T.J. IS HOW THE RESOLUTION IS WRITTEN. AGAIN, A SUBSTITUTE MOTION AND A SECOND ON THE TABLE. FURTHER COMMENT? ALL IN FAVOR OF THE SUBSTITUTE MOTION PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED?

NO.

MAYOR WYNN: SUBSTITUTE MOTION PASSES ON A VOTE OF 4-3 WITH COUNCIL MEMBERS MARTINEZ, COAL AND MCCRACKEN VOTING NO. THANK YOU ALL VERY MUCH. COUNCIL, THAT TAKES US TO OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS. PLEASE STAY TUNED FOR KISSINGER, AND KNOW THAT WHILE WE ARE OFF THE DAIS TECHNICALLY, THE CITY COUNCIL WILL BE IN RECESS. AND I EXPECT US TO RECONVENE AROUND 6:15:00 P.M. THANK YOU VERY MUCH. 6:15:00 P.M. [MUSIC PLAYING] [TESTING EQUIPMENT]

MAYOR WYNN: OKAY. FOLKS, WELCOME BACK OUR WEEKLY LIVE MUSIC GIG HERE AT THE AUSTIN CITY COUNCIL. [APPLAUSE] JOINING US TODAY IS THE BAND KISSINGER. KISSINGER'S UNIQUE POWER POP ROCK SOUND HAS GAINED THEM SIX AUSTIN MUSIC AWARDS IN A PRESTIGIOUS GRANT FROM THE AUSTIN MUSIC FOUNDATION'S I FOUNDATION'S INCUBATOR GRANT. THEY PRODUCED THE STOP MOTION VIDEO FOR NEW ONE STID ANY PHONE WHICH HAS BEEN ACCEPTED IN THE SOUTH BY SOUTHWEST FILM FESTIVAL AND WILL SCREEN TOMORROW, FRIDAY AT 4:30 P.M. AT THE DOABY THEATER.

THEY'LL PERFORM AT THE AUSTIN AIRPORT AND THE TINIEST BAR IN TEXAS, ON THURSDAY MARCH 13. SO NEXT MONTH THE BAND WILL RELEASE THEIR FIFTH INDEPENDENT RECORD TITLED UNDERWATER. PLEASE JOIN ME IN WELCOMING KISSINGER. [APPLAUSE] DOBIE [MUSIC PLAYING] [ (music) SINGING (music) ] [APPLAUSE]

MAYOR WYNN: SO POWER POP ROCK, I LIKE THAT. ALL RIGHT. SO THE VIDEO IS GOING TO BE SHOWN, SOUTH BY -- TOMORROW --

TOMORROW, THAT'S RIGHT.

4:30 AT THE DOBIE. BOTH CITION ARE ON THURSDAY AT THE AIRPORT AND THE TINIEST BAR ON THURSDAY THE 13TH.

YES, WE'LL BE RACING FROM ONE TO THE OTHER.

AND ANYWHERE BETWEEN NOW AND THEN CAN WE SEE YOU?

NO PERFORMANCES SCHEDULED BEFORE NOW AND THEN. SO THE VIDEO SCREENING WILL BE THE FIRST THING AND THEN WE'VE GOT THAT SHOW ON THURSDAY, WHICH WE'RE EXCITED ABOUT. WE'RE GOING TO BE ON THE RADIO ON WEDNESDAY AS PART OF THE SOUTH BY SOUTHWEST PROMOTION THAT GOES ON.

MAYOR WYNN: KGSR, I TRUST?

ACTUALLY ON 1 ON 1.

MAYOR WYNN: WHOOPS, SORRY.

THAT'S OKAY.

MAYOR WYNN: BUT OBVIOUSLY A WEB SITE THAT WILL SHOW US YOUR UPCOMING GIGS?

YES, KISSINGER THE BAND.COM HAS INFORMATION ABOUT OUR UPCOMING SHOWS AS WELL AS OUR VIDEOS THAT HAVE BEEN COMING OUT AND OTHER NEWS ABOUT THE BAND.

MAYOR WYNN: HOW ABOUT THE INDEPENDENT RECORDS YOU'VE ALREADY RELEASED? ARE THEY AVAILABLE?

THEY ARE, THEY'RE AVAILABLE AT WATERLOO. IN APRIL WE'LL BE RELEASING OUR THIRD FULL-LENGTH AND IT'S OUR FIFTH OVERALL AND THEY'RE ALL INDEPENDENTLY RELEASED AND RECORDED HERE IN AUSTIN.

MAYOR WYNN: AND AVAILABLE AT WATERLOO.

THAT'S RIGHT.

MAYOR WYNN: VERY GOOD. ALL RIGHT. WELL, BEFORE YOU GET AWAY, I GOT AN OFFICIAL PROCLAMATION WHICH READS, THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS THE DEDICATED EFFORTS OF ARTISTS FURTHER OUR STATUS AS THE LIVE MUSIC CAPITAL OF THE WORLD, NOW, THEREFORE, I WILL WYNN, MAYOR OF THE CITY OF AUSTIN, DO HEREBY PROCLAIM TODAY, MARCH 6, 2008, AS KISSINGER DAY IN AUSTIN, AND CALL ON OWL CITIZENS TO JOIN ME IN CONGRATULATING A GREAT TALENT. [APPLAUSE] [CHEERING]

THANK YOU VERY MUCH.

MAYOR WYNN: YOU BET. WELL DONE.

I WOULD JUST LIKE TO THAT THIS OPPORTUNITY TO THANK YOU AND EVERYONE HERE FOR ALL THAT YOU'RE DOING TO PROMOTE MUSIC IN THE CITY OF AUSTIN. IT MEANS A LOT TO US TO KNOW THAT IT MEANS A LOT TO YOU. [APPLAUSE]

BARBARA, HOW ARE YOU? GOOD TO SEE YOU. THANK YOU. SO WHILE THE BAND BREAKS DOWN ON THAT SIDE OF THE ROOM WE'LL USE THIS PODIUM TO DO OUR WEEKLY PROCLAMATIONS. THIS IS WHERE WE TAKE A FEW MINUTES EACH WEEK TO SAY THANK YOU OR GOOD-BYE OR CONGRATULATIONS TO SOMEBODY OR TO RAISE AWARENESS ABOUT REALLY IMPORTANT ISSUES AND OUR PARTNERS WE HAVE IN TOWN. THE FIRST PROCLAMATION IS REGARDING SOCIAL WORK MONTH, AND BARBARA ANDERSON IS JOINING ME, AND AFTER I READ THE PROCLAMATION BARBARA IS GOING TO SAY A FEW WORDS ABOUT THE WEEK -- SORRY, SOCIAL WORK MONTH A. WHY WE SHOULD BE AWARE OF THE IMPORTANT SOCIAL WORK THAT CONTINUES TO GO ON HERE IN AUSTIN. SO THE PROCLAMATION READS: SOCIAL WORKERS HAVE THE RIGHT EDUCATION AND EXPERIENCE TO GUIDE INDIVIDUALS, FAMILIES AND COMMUNITIES THROUGH COMPLEX ISSUES AND CHOICES AND TO CONNECT THEM WITH AVAILABLE RESOURCES. AND WHEREAS SOCIAL WORKERS ARE COMPASSIONATE AND POSITIVE PROFESSIONALS WHO DEDICATE THEMSELVES TO IMPROVING THE SOCIETY IN WHICH WE LIVE THROUGH THE DELIVERY OF SERVICES, RESEARCH, EDUCATION, AND LEGISLATIVE ADVOCACY. AND WHEREAS WE JOIN WITH THE NATIONAL ASSOCIATION OF SOCIAL WORKERS IN CELEBRATION AND SUPPORT OF SOCIAL WORKERS AND THE SOCIAL WORK PROFESSION, ESPECIALLY THOSE BEING HONORED FOR THE WORK AT OUR LOCAL SOCIAL WORK MONTH BANQUET. SO NOW THEREFORE, I WILL WYNN, MAYOR OF AUSTIN, DO HEREBY PROCLAIM MARCH 2008 AS SOCIAL WORK MONTH IN AUSTIN AND PLEASE JOIN ME IN WELCOMING AND THANKING BARBARA ANDERSON FOR A JOB WELL DONE. [APPLAUSE]



THANK YOU.

THANK YOU. THANK YOU, MAYOR WYNN AND CITY COUNCIL. THE MEMBERS OF THE NATIONAL ASSOCIATION OF SOCIAL WORKERS THANK YOU ALL FOR YOUR SUPPORT THAT'S BEEN TRANSMITTED THROUGH THIS PROCLAMATION. AUSTIN'S NASW BRANCH IS COMPOSED OF OVER A THOUSAND SOCIAL WORKERS WHO SERVE OUR COMMUNITY AND SURROUNDING AREA IN MYRIAD WAYS. CITIZENS OF AUSTIN ENCOUNTER SOCIAL WORKERS IN EMERGENCY ROOMS, MENTAL HEALTH CLINICS, POLICY THINK TANKS, HOMELESS SHELTERS, THE STATE LEGISLATURE, DOMESTIC VIOLENCE SHELTERS, PRIVATE CORPORATIONS, HOSPITALS, PUBLIC SCHOOLS, CITY PLANNING BODIES, PRIVATE CORPORATIONS, COURTHOUSES, RESEARCH INSTITUTES, ADOPTIONS, FOSTER CARE AGENCIES, HOSPICES AND PUBLIC AGENCIES. THE FOUNDATION FOR HUME-ROWE GROWTH IN CHANGE AND INDIVIDUALS, FAMILIES AND COMMUNITIES ARE THEIR STRENGTHS. FOSTERING STRENGTH IS A CENTRAL TENET OF SOCIAL WORK EDUCATION AND PRACTICE. WHEN PEOPLE FACE LIFE CHALLENGES AND DIFFICULTIES, SOCIAL WORKERS ARE THERE EMPOWERING THEM AND FOSTERING THEIR STRENGTH, THUS PROMOTING SOCIAL JUSTICE AND SELF-DETERMINATION. DURING THIS MARCH, WHICH IS SOCIAL WORK MONTH, WE HONOR THE FOLLOWING CITIZENS: ELECTED OFFICIAL JUDGE GUY HERMAN, PUBLIC CITIZEN JEWEL HODGES, SOCIAL WORKER OF THE YEAR DR. DAVID SPRINGER, LIFETIME ACHIEVEMENT WINNER BARB I BOWL, SOCIAL WORK STUDENT LESLIE HAYS WEST TON AND MEDIA REPRESENTATIVE CORY McGLOGIN. MAYOR WYNN WAS OUR ELECTED OFFICIAL HONOREE TWO YEARS AGO AND HE WAS CHOSEN FOR HIS LEADERSHIP AFTER HURRICANE KATRINA AND WE THANK YOU YOU-ALL AND HOPE YOU-ALL WILL CONTINUE TO SUPPORT COMMUNITY AND PUBLIC SERVICE AND CIVIC WELL-BEING THAT THE SOCIAL WORKERS IN OUR COMMUNITY ARE WORKING WITH YOU TOWARD. THANK YOU. [APPLAUSE] [APPLAUSE] [CHEERING]

MAYOR WYNN: ELVIS IS IN THE BUILDING. [LAUGHTER]

MAYOR WYNN: OKAY. SO AS I MENTIONED EARLIER, WE FIND OURSELVES DOING THIS FAR TOO OFTEN, SADLY, BUT USUALLY AN EXCITING WAY, YOU KNOW, FOR OUR COLLEAGUES OF SAYING GOOD-BYE, THANK YOU, CONGRATULATIONS, GOOD LUCK AND GOD BLESS, TO SOME REMARKABLE, REMARKABLE PUBLIC SER SERVANTS WHO HAVE EITHER BEEN RETIRING OR MOVING OUT FROM OUR RANKS RECENTLY. NONE WERE MORE FUN, MORE DEDICATED TO HIS JOB AS A CITY EMPLOYER THAN PAUL HILGERS AND I HAVE LEARNED AS MUCH FROM PAUL IN THE EIGHT YEARS I'VE BEEN UPON THIS DAIS THAN ANYBODY ELSE I HAVE WORKED WITH. SO I'D LIKE TO READ A DISTINGUISHED SERVICE AWARD FOR PAUL. KRISTEN METHALO IS GOING TO SET UP AND TALK MORE ABOUT HIM. MY INSTINCT IS A HANDFUL OF OTHER FOLKS MIGHT WANT TO DO THAT AS WELL. THE OFFICIAL CITY OF AUSTIN DISTINGUISHED SERVICE AWARD READS: FOR HIS OUTSTANDING SERVICE AND DEDICATION TO THE CITIZENS OF AUSTIN DURING HIS TEN-YEAR CAREER WITH THE CITY, PAUL HILGERS IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. MR. HILGERS HAS BEEN THE CITY'S LONGEST SERVING DIRECTOR OF NEIGHBORHOOD HOUSING AND

COMMUNITY DEVELOPMENT AND IS RENOWNED FOR HIS COMMITMENT TO PROVIDING AFFORDABLE HOUSING, ECONOMIC OPPORTUNITIES AND COMMUNITY SERVICES TO AUSTIN RESIDENTS EARNING LESS THAN MEDIAN INCOME. HIS LEADERSHIP AND PASSION FOR AFFORDABLE HOUSING LED TO THE CREATION OF THE SMART HOUSING POLICY THAT HAS CREATED MORE THAN 10,000 NEW RESIDENCES, OF WHICH 65% ARE MATHEMATICALLY AFFORDABLE. THE PROGRAM BROUGHT AUSTIN NATIONAL AND INTERNATIONAL ATTENTION AS A CREATIVE FORWARD THINKING COMMUNITY. OTHER MAJOR EFFORTS TO HIS CREDIT ARE HIS CONTRIBUTIONS TO THE REVITALIZATION ALONG EAST 11TH AND 12TH STREET AND FINDING HOUSING FOR FAMILIES EVACUATED AFTER HURRICANE RITA AND KATRINA. THIS CERTIFICATE IS PRESENTED IN ACKNOWLEDGEMENT AND APPRECIATION OF MR. HILGER'S FINE, FINE CAREER, THIS 6TH DAY OF MARCH, THE YEAR 2008, SIGNED BY ME AND ACKNOWLEDGED BY THE ENTIRE AUSTIN CITY COUNCIL, A DISTINGUISHED SERVICE AWARD FOR MR. PAUL HILGERS. [APPLAUSE]

SO VERY WELL DESERVED, AND PAUL HAS LET EVERYONE KNOW THAT HE DOES WANT TO MAKE A SPEECH. I KNOW YOU'RE SURPRISED. SO WE'LL MOVE THROUGH THIS PART OF THE SECTION, BUT THERE ARE A FEW THINGS I WANT TO SAY ON BEHALF OF THE CITY MANAGER'S OFFICE AND FRANKLY ON BEHALF OF ALL THE EMPLOYEES. MANY OF US HAVE HAD THE OPPORTUNITY TO WORK WITH PAUL, AND WHAT MANY OF YOU MAY NOT KNOW IS PAUL HOLDS THE LONGEST TENURE OF ANY CITY OF AUSTIN HOUSING DIRECTOR. [APPLAUSE] AND THOSE OF YOU WHO KNOW THE ISSUES THAT HE DEALS WITH, THAT IS QUITE IMPRESSIVE. IN FACT, NOT TOO LONG AGO WE CELEBRATED HIS TEN-YEAR ANNIVERSARY WITH THE CITY. SO NOT ONLY HAS HE DONE AMAZING THINGS, HE HAS STUCK WITH IT. BECAUSE OF THE PASSION THAT HE HOLDS, THE PASSION FOR HIS WORK, THE PASSION FOR THIS CITY, THE PASSION FOR HIS COMMUNITY, BUT MOST OF ALL THE PASSION FOR THE PEOPLE THAT HE SERVES, FOR PAUL IT IS ALWAYS ABOUT THE PEOPLE. IT'S NOT ABOUT THE PROGRAMS OR THE GUIDELINES OR THE STIPULATIONS. IT IS ABOUT THE PEOPLE THAT HE IS SERVING AND BRING THEM A HIGHER QUALITY OF LIFE THAN THEY HAD BEFORE, BEFORE THEY WALKED THROUGH THE DOORS AND ASKED FOR SOME HELP. AND THERE IS NO QUESTION THAT PAUL HILGERS HAS MADE A DIFFERENCE TO THOUSANDS OF PEOPLE IN THIS COMMUNITY. AND THERE'S NO QUESTION IT WILL BE EXTRAORDINARILY HARD TO REPLACE PAUL, BUT AS WE'VE BEEN WORKING THROUGH ONCE HE'S MADE THE ANNOUNCEMENT THAT HE'S MOVING ON TO A GREAT PASSION OF HIS AS WELL AND WORKING MORE WITH A LARGER COMMUNITY, WE THOUGHT ABOUT THE REAL HARD QUESTION HERE AT THE CITY, WHICH IS WHAT WOULD WE NAME HIS STREET SIGN? I MEAN, THESE ARE THE BIG ISSUES, BECAUSE, YOU KNOW, WHEN YOU OWN A SIGN SHOP, EVERYBODY GETS A STREET SIGN. SO WE THOUGHT ABOUT SOME DIFFERENT THINGS. WE THOUGHT ABOUT HILGERS HIGHWAY, BECAUSE REALLY, IT'S BIG.

MAYOR WYNN: OUR WAY OR THE HILGERS WAY. [LAUGHTER]

THAT'S RIGHT. AND THEN THAT WORKS TOO. BUT WE ALSO THOUGHT ABOUT ALL OF THE PROJECTS THAT HE HAS UNDERTAKEN AND ALL OF THE DIFFERENCE THAT HE'S MADE,

SUCH AS LOCATING HUNDREDS OF KATRINA EVACUEES AND FINDING HOMES FOR THEM, OPENING THE AUSTIN RESOURCE CENTER FOR THE HOMELESS, OPENING THE FIRST SINGLE-ROOM OCCUPANCY FACILITY AND ESTABLISHING A FRAMEWORK FOR INVESTMENT KNOWN AS OUR HOUSING CONTINUUM. THESE ARE ALL UNDER PAUL'S LEADERSHIP AND DIRECTION. PAUL ALSO, AS THE MAYOR MENTIONED, IMPLEMENTED AND CREATED THE SMART HOUSING PROGRAM, WHICH HAS BEEN RECOGNIZED AS THE BEST PRACTICE THROUGHOUT THE COUNTRY AND, FRANKLY, THROUGHOUT THE WORLD. BUT AS WE WENT THROUGH ALL OF THESE ACCOMPLISHMENTS WE THOUGHT ABOUT, WITH PAUL, IT'S HIS PROFESSIONAL AND PERSONAL VALUE SYSTEM, AND WHAT THAT IS ABOUT IS ABOUT BUILDING TEAM AND BRINGING PEOPLE TOGETHER, BRINGING COLLABORATION TO BEAR AND CREATING A PLACE FOR PEOPLE TO TALK ABOUT CONCERNS AND TO WORK THROUGH ISSUES. AND REALLY WHAT HE'S DOING IS HE'S BUILDING CIRCLES, CIRCLES OF PEOPLE, CIRCLES OF FRIENDS, AND CIRCLES OF SUPPORTERS TO FORWARD WHAT HE KNOWS IS THE RIGHT THING TO DO. SO WITH THAT, WE THOUGHT IT WAS APPROPRIATE THAT TODAY WE CREATE PAUL HILGERS CIRCLE. [APPLAUSE] AND SO FOR THIS DEDICATED PUBLIC SERVANT, PAUL, WE ALL WISH YOU WELL AND THANK YOU SO MUCH FOR ALL YOU'VE DONE FOR US.

THANK YOU. THANK YOU VERY MUCH. [APPLAUSE] THANK YOU, KRISTEN. THANK YOU, MAYOR. I KNOW THAT MOST EVERYBODY EXPECTS ME TO MAKE A REALLY LONG SPEECH AND THOSE WHO ARE STANDING UP MIGHT WANT TO SIT DOWN. I DON'T WANT TO DISAPPOINT ANYBODY ON MY LAST -- NEXT-TO-LAST DAY WITH THE CITY. FIRST I WANT TO TELL YOU THAT I'M -- I AM VERY TOUCHED AND MOVED BY THIS CEREMONY. THIS IS A GREAT TRADITION THAT THE CITY HAS TO ALLOW PEOPLE WHO HAVE BEEN WITH THE CITY A LONG TIME TO CELEBRATE THEIR EXPERIENCE HERE AND GIVE US A LITTLE SHOT TO SAY SOMETHING ABOUT WHAT THIS MEANS, BECAUSE IT IS A BIG -- IT IS A BIG DEAL. I'M EXTREMELY HONORED TO BE GOING OUT WITH JUAN GARZA TO PEDERNALES ELECTRIC COOPERATIVE AND EXCITED ABOUT THAT OPPORTUNITY BUT I DO WANT THE CHANCE TO REFLECT A LITTLE BIT ON MY TIME HERE WITH THE CITY. PRIMARILY, REALLY, TO THANK SO MANY PEOPLE. I HAVE SO MANY PEOPLE TO THANK, AND I'M GOING TO TRY TO DO IT QUICKLY, BUT FIRST AND FOREMOST I HAVE TO THANK CITY COUNCIL. TO WORK FOR THE AUSTIN CITY COUNCIL, TO WORK WITH THE AUSTIN CITY COUNCIL FOR THE LAST TEN YEARS IS TO WORK FOR A BODY WHO EVERY TIME THAT I BROUGHT ANY HOUSING OR COMMUNITY DEVELOPMENT ISSUE BEFORE THIS CITY FOR FUNDING, IT WAS A 7-0 VOTE. THERE ARE NOT MANY CITIES IN THE COUNTRY WHO HAVE A DIRECTOR OF NEIGHBORHOOD HOUSING OR COMMUNITY DEVELOPMENT THAT CAN TELL YOU THAT THEY'VE HAD UNANIMOUS SPORES FROM THE CITY COUNCILROW -- FROM THE CITY COUNCIL ON EVERY ISSUE FOR FUNDING. THAT IS A COMMITMENT TO THE CITY COUNCIL, THAT IS A COMMITMENT TO THE CITY OF AUSTIN AND THAT IS PART OF WHAT MAKES THIS SUCH A GREAT PLACE TO LIVE AND WORK. THIS CITY -- THIS CITY COUNCIL PARTICULARLY AND ALL CITY COUNCILS BEFORE IT HAVE BEEN COMMITTED TO AFFORDABLE HOUSING AS A KEY TO THE CITY'S FUTURE AND I WANT TO THANK THEM FOR THAT. SECOND, I NEED TO THANK

CITY MANAGERS, JESUS GARZA ASKED ME TO JOIN HIS TEAM IN 1997. TOBY TOBY FUTRELL PROVIDED A GREAT DEAL OF SUPPORT THROUGHOUT HER TENURE HERE AND I PAY HER HONOR AND RESPECT FOR THE SERVICE SHE PROVIDED TO THE CITY AND OUR DEPARTMENT, AND I'M SO ENCOURAGED BY MARC OTT. I SPEND A LITTLE TIME WITH MARK THIS WEEK AND HE IS THE REAL DEAL AND HE'S GOING TO SERVE THIS CITY WELL AND WE HAVE FORTUNATE TO HAVE HIM. I WANT TO THANK THE CITY MANAGERS FOR ASSIGNING ME EXACTLY THE RIGHT ASSISTANT MANAGER AT EXACTLY THE RIGHT TIME IN MY TENURE. I MAY NOT BE THE EASIEST GUY TO MANAGE. I DON'T KNOW THAT ANYBODY EVER SAID THAT BEFORE, BUT -- [LAUGHTER] BUT THE REALITY IS I FIRST STARTED WITH JOE CAME CANALES, WHO HELPED ME WITH THE ORIGINAL TRANSITION INTO THE JOB. THEN BETTY DUNKERLEY WHO SHOWED ME WHERE ALL THE MONEY IS. THEN CHIEF MIKE McDONALD WHO PROVIDED SUPPORT TO THE DEPARTMENT AND ME PERSONALLY AT A TIME THAT WAS ABSOLUTELY CRITICAL FOR US TO KEEP MOVING FORWARD WITH AN AWFUL LOT OF PROJECTS, AND NOW I GET TO END MY TENURE WITH KRISTEN VASALO WHO IS INCREDIBLY QUICK AND INTELLIGENT AND SMART AND REALLY HAS BECOME AN EXPERT ON COMMUNITY AND HOUSING DEVELOPMENT ISSUES, AND SHE'S A GREAT TEAM MEMBER AND TEAM LEADER. SO I'VE BEEN BLESSED WITH GREAT MANAGERS AND GREAT BOSSES. THE PATIENCE AND LEADERSHIP AND COUNSEL OF ALL THESE PROFESSIONALS HAVE BEEN KEY TO ANY SUCCESS THAT I'VE ENJOYED, AND I ALSO WANT TO PAY TRIBUTE TO THE OTHER ASSISTANT MANAGERS WHO HAD TO PUT UP WITH ME AS WELL, AND THAT'S RUDY AND LAURA AND BERT AND THEY'RE ALL INCREDIBLY QUALITY PEOPLE WHO ARE VERY SMART AND THE CITY IS SERVED VERY WELL BY THEM. I ALSO WANT TO PAY TRIBUTE TO THE OTHER DEPARTMENT DIRECTORS IN THE CITY, INCREDIBLY TALENTED GROUP OF DEPARTMENT DIRECTORS. PARTICULARLY I HAVE TO MENTION TWO OF THEM THAT I'VE WORKED AS CLOSE WITH AS ANY -- ONE IS DAVID LURY WHO RUNS THE HEALTH AND HUMAN SERVICES DEPARTMENT. INCREDIBLE PROFESSIONAL, AND THE OTHER IS MY DEAR FRIEND GREG GUERNSEY WHO IS THE MOST UNBELIEVABLE CITY PROFESSIONAL THAT I'VE EVER MET. HE IS MORE DEDICATED AND KNOWLEDGEABLE ABOUT WHAT HE DOES, AND HIS ABILITY TO WORK WITH US THROUGH SOME VERY DIFFICULT ISSUES, WE'VE HAD SOME GREAT TIMES TOGETHER, AND HE IS -- HE IS A JOY TO KNOW AND TO WORK WITH. FOURTH, I WANT TO THANK MY STAFF, MANY OF WHOM HAVE HONORED ME BY BEING HERE IN THEIR PRESENCE TODAY. IT'S A GREAT GROUP OF PASSIONATE PROFESSIONALS WHO ARE COMMITTED TO SERVE LOW INCOME PEOPLE IN THIS COMMUNITY. ANYTHING THAT I'VE DONE, IT'S BECAUSE OF THE WORK OF THE PROFESSIONALS THAT WORK AT NEIGHBORHOOD HOUSING. I'M VERY, VERY PROUD TO HAVE LED THE TEAM AND TO BE A PART OF THEIR ACCOMPLISHMENTS. I HAVE INCREDIBLE CONFIDENCE IN THIS STAFF. THERE ARE PLENTY OF PEOPLE WHO WILL TAKE OVER FOR ME AND TAKE OVER FOR -- TO CONTINUE THE WORK THAT WE'RE DOING, TAKING OVER FOR ME IS INCREDIBLY COMPETENT, WONDERFUL PROFFER MARGARET SHAW, WHO I CALLED ABOUT A YEAR AND A HALF AGO TO BE MY DEPUTY DIRECTOR AND LITTLE DID SHE KNOW I WOULD BE ASKING HER TO STEP IN IN THIS TRANSITION BUT SHE'S WELL QUALIFIED TO HANDLE THAT SO THE DEPARTMENT IS IN GREAT HANDS. VERY SPECIFICALLY SOME OF THE THINGS I'M MOST

PROUD OF HAVE BEEN MENTIONED, THE CONTINUUM, THE SMART HOUSING, SHELTER, THE 11TH AND 12 STREET. AND THE OTHER ONE IS OUR VISIBILITY ORDINANCE AND WORKING ON THAT. I WILL ALSO DRIVE -- ENJOY DRIVING AROUND TOWN SHOWING OFF THE QUALITY DEVELOPMENTS THAT WE'VE BEEN A PART OF CREATING. WE HAVE GREAT PARTNERS IN THIS COMMUNITY, TOO MANY OF THEM TO NAME, BUT I WILL NAME THOSE THAT SHOWED UP HERE TONIGHT. SO MARY LEE FOUNDATION, AMERICAN YOUTHWORKS, HABITAT FOR HUMANITY, THE AUSTIN HOUSING WORKS ARE ALL PEOPLE THAT I KNOW THAT I SAW, AND WE HAVE MANY GREAT PARTNERS THAT HELP US DO OUR WORK. I WANT TO THANK YOU THE COMMUNITY DEVELOPMENT COMMISSION, THE URBAN RENEWAL BOARD LED BY MR. KEVIN COLE BACK THERE WHO IS AN OUTSTANDING INDIVIDUAL AND SOMEBODY I REALLY ENJOYED GETTING TO KNOW. THEY KEEP US ON TARGET FOR THE HOUSE THAN AND COMMUNITY DEVELOPMENTS FOR THE CITY. I'VE ALSO ENJOYED WORKING WITH THE MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITY, MENTAL HOUSE TASK FORCE MONITORING COMMITTEE, THE END COMMUNITY HOMELESS COALITION AND THE COMMUNITY ACTION NETWORK, ALL WHO ARE DOING GREAT WORK ON BEHALF OF PEOPLE CRITICAL NEEDS AND SUPPORT AND SERVICES. MOLTION HOWEVER I HAVE TO THANK MY FAMILY. I'M JOINED BY MY MOM AND DAD RIGHT THERE, AND MY SISTER SARA. [APPLAUSE] I APPRECIATE THEM BEING HERE HERE. AND I WANT TO SAY SPECIAL RECOGNITION TO MY BEST FRIEND, MY WIFE NANCY. [APPLAUSE] AND MY BEAUTIFUL DAUGHTER SIDNEY AND MY SON JOHN, WHO I HOPE IS WATCHING THIS LIVE FROM FLORIDA ON THE WEB SITE. THEY'RE THE BEST FAMILY ANYBODY COULD ASK FOR AND THEY PROVIDE MUCH LOVE AND JOY IN MY LIFE, AND THEY PUT UP WITH A LOT OF CRAP, AS YOU-ALL CAN IMAGINE. [LAUGHTER] NOW, I'M THROUGH WITH THE THANKTHANK YOUS FOR THE SPEECH. THREE MAJOR LESSONS I'VE LEARNED WHILE DOING THIS JOB FOR THE PAST DECADE. THE CITY CAN HELP TO CREATE THE TYPE OF COMMUNITY WE WANT BY DEFINING WHAT PUBLIC BENEFITS WE WANT FROM DEVELOPMENT AND STRUCTURING OUR LAND USE PROCESSES TO ACHIEVE THEM. THIS IS THE LESSON OF SMART HOUSING. AS WAS NOTED EARLIER BY THE END OF THIS YEAR WE'D HAVE 10,000 SMART HOUSING UNITS OCCUPIED. SECONDLY, THE CITY CAN SECURE THE SUPPORT OF NEIGHBORHOODS THROUGH EARLY AND HONEST COMMUNICATION ABOUT THE LEGITIMATE CONCERNS THEY HAVE REGARDING DEVELOPMENT THAT IS GOING TO IMPACT THEM. AND FINALLY, ONE THAT MAY SURPRISE YOU A LITTLE BIT, AUSTIN CAN DO A BETTER JOB OF PROVIDING OPPORTUNITIES FOR ALL OF OUR CITIZENS BY ELIMINATING UNNECESSARY BARRIERS TO HOUSING AND MAKING HOUSING BOTH AFFORDABLE AND ACCESSIBLE TO ALL. I'VE LEARNED A GREAT DEAL FROM MY FRIENDS AT ADAPT. WE CAN LEARN A GREAT DEAL BY THEM AS A COMMUNITY. THESE ARE THEIR CIVIL RIGHTS AND WE NEED TO WORK HARD ON THAT. AT HIS 50TH WEDDING AND VERSELY MY FATHER SAID THESE WORDS. TO BUILD A COMMUNITY AND A SOCIETY WHICH IS JUST AND CREATES AN VERMONT WHERE PEOPLE CAN FEEL ACCEPTED AND WHERE THEY HAVE OPPORTUNITY IS WHAT LIFE IS ALL ABOUT. WE TALK A LOT ABOUT QUALITY OF LIFE IN AUSTIN, AND I THINK WE HAVE SUCH A GREAT QUALITY OF LIFE BECAUSE WE WORK SO HARD AT CREATING A WORLD AND VISION IN THE WORDS OF MY MOTHER. IT'S A GREAT CITY AND I'VE BEEN PROUD TO WORK FOR. FINALLY, I HAVE TO BE

HONEST AND SAY THAT AT TIMES IT GETS DISCOURAGING WORKING IN AN AREA THAT'S BEEN SO DEPENDENT UPON FEDERAL FUNDING. THE CITIZENS HAVE SEEN FIT TO AUTHORIZE THE GENERAL OBLIGATION OF AFFORDABLE HOUSING BONDS AND THAT WILL HELP TREMENDOUSLY AND ALREADY IS HELPING. HOWEVER, THE FACTS OF THE WORLD TODAY ARE THAT IN THE TIME WE'VE BEEN GIVING OUT PROCLAMATIONS TODAY THE EQUIVALENT OF THE ENTIRE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR AUSTIN, TEXAS THIS YEAR HAS BEEN SPENT IN IRAQ. SOMETIMES YOU WONDER IF THERE'S ANYTHING WE CAN DO ABOUT THAT. AND TO THAT I SAY, YES, WE CAN. YES, WE CAN. THANK YOU AND GOD BLESS AUSTIN, TEXAS. [APPLAUSE]

MAYOR, I JUST WANTED -- MAYOR, I WANT TO TELL YOU A LITTLE STORY ABOUT PAUL HILGERS. THIS IS COMPLETELY UNPLANNED AND SPONTANEOUS, BUT THERE'S A NEIGHBORHOOD HERE IN TOWN THAT HAD A LOT OF GANGSTERS IN IT, AND A LOT OF -- A LOT OF CRIME. IT WAS CALLED THE HOG PEN. THAT WAS THE NAME OF THIS NEIGHBORHOOD, AND FOR 25 YEARS PEOPLE TRIED TO GET THAT NEIGHBORHOOD BETTER. AND THE MAYOR AND THE CITY COUNCIL YEARS AGO SAID WELL, WE WANT TO GET IT BETTER AND WE NEED TO PUT A PERSON IN THE CITY IN CHARGE OF BRINGING ALL THE CITY SERVICES INTO ONE PLACE SO THAT THINGS COULD CHANGE IN THAT NEIGHBORHOOD. AND THE PERSON THAT THE MAYOR PICKED ON WAS PAUL HILGERS. AND PAUL GATHERED ALL THE DEPARTMENTS TOGETHER, THE POLICE AND HIS DEPARTMENT AND SEVERAL OTHERS, AND HE GOT THEM ALL WORKING TOGETHER, AND THIS WAS A NEIGHBORHOOD THAT HAD NO PAVED STREETS, NO PAVED SIDEWALKS, NO STREETLIGHTS, CARS IN EVERYBODY'S -- ALL OVER PEOPLE'S YARDS, CRACK HOUSES ON EVERY CORNER, DRIVE-BYDRIVE-BY SHOOTING SHOOTINGS ON A DAILY BASIS. PAUL PULLED EVERYBODY TOGETHER, OF COURSE HE HAD THE MAYOR LEANING ON HIM, WE'VE GOT TO DO THIS. BUT HE GOT APD AND WORKS AND CODE AND EVERYBODY WORKING TOGETHER. THAT NEIGHBORHOOD IS NOW CALLED THE LINCOLN GARDENS NEIGHBORHOODS. IT HAS SIDEWALKS, STREETS, THE CRIME HAS BEEN CUT BY 85% AND THOSE ARE APD STATISTICS. SO WHEN PAUL SAYS YES WE CAN, I PERSONALLY, RICH I KNOW THAT THAT MEANS A WHOLE LOT. AND SO WE'RE VERY APPRECIATIVE, PAUL, FOR THE FACT THAT YOU HELPED STEER THAT WHOLE NEIGHBORHOOD INTO A COMPLETE TRANSITION, WHEN PEOPLE HAD JUST ABOUT GIVEN UP HOPE. THE PASTOR SAID TO ME, YOU KNOW, I'VE BEEN AFTER THE CHANGE HERE FOR 25 YEARS AND IT HAS -- HASN'T HAPPENED. AND I SAID, WELL, THE MAYOR HAS GOT PAUL HILGERS ON IT NOW SO WE CAN COUNT ON IT HAPPENING. SO THANK YOU, PAUL, VERY MUCH. [APPLAUSE]

MAYOR WYNN: FOR OUR NEXT PROCLAMATION I'M GOING TO TURN THE PODIUM OVER TO COUNCIL MEMBER LEE LEFFINGWELL.

LEFFINGWELL: I HAVE A PROCLAMATION TONIGHT TO HONOR A VERY SPECIAL GROUPS OF YOUNG FOLKS, MEMBERS OF OUR TECH COMMUNITY WHO GET TOGETHER AND DO ALL THOSE THINGS WE DIDN'T DO WHEN I WAS THEIR AGE LIKE BLOGGING AND SO FORTH. I'M GOING TO READ THE PROCLAMATION AND THEN I'M GOING TO BRING UP WILLIAM HURLEY

TO ACCEPT THE PROCLAMATION AND SAY A FEW WORDS IF HE WOULD LIKE TO. BE IT KNOWN THAT WHEREAS THE ECONOMIC DEVELOPMENT OF AUSTIN AND THE CITY'S EMERGENCE AS A WORLD CENTER FOR TECHNOLOGY INNOVATION IS A TRIBUTE TO THE STRENGTH AND DIVERSITY OF OUR MANY TECHNOLOGY-RELATED BUSINESSES, AND WHEREAS BarCampAustin IS AN AD HOC GATHERING BORN FROM THE DESIRE FOR PEOPLE TO SHARE AND LEARN IN AN OPEN ENVIRONMENT AND TO HELP BUILD COMMUNITY TECH WORKERS, SEVERAL START-UP COMPANIES HAVE EMERGED FROM PREVIOUS BAR CAMPS AND WHEREAS THESE NON-TRADITIONAL CONFERENCE-LIKE GATHERINGS HAVE GAINED POPULARITY AROUND THE WORLD, BUT AUSTIN IS AMONG THE BIGGEST AND MOST INNOVATIVE. WE ENCOURAGE LOCAL TECHS TO TAKE ADVANTAGE OF THIS LEARNING AND NETWORKING OPPORTUNITY. NOW, THEREFORE, I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN TEXAS, DO HEREBY PROCLAIM MARCH 8, 2008 AS BarCampAustin DAY III. SO WILLIAM, WOULD YOU LIKE TO COME UP AND -- THIS WILL BELONG TO YOU. THE MIC IS YOURS.

WELL, WE'RE GOING TO KEEP IT SHORT AND SWEET BECAUSE I THINK WE WANT TO EAT AND SO DO ALL OF YOU. FOR THOSE OF YOU WHO DON'T KNOW WHAT BAR CAMP IS, IT'S BASICALLY AN AD HOC TECH GATHERING. WE PUT UP A WIKI AND ANYONE CAN EDIT IT. IF ANYBODY HERE TONIGHT WANTS TO GO AND EDIT IT AND SAY YOU'RE GOING TO GIVE A PRESENTATION ON SATURDAY OR BRING FOOD AND DRINK OR WHATEVER, THEN YOU'RE WELCOME TO DO IT. SO IT'S VERY IMPORTANT AND THAT'S WHY I HAVE SEVERAL PEOPLE WITH ME, AARON FROM THAT OTHER PAPER, RICHARD GOODGOODWIN, JEWELS WITH DSM IDEA, WHO'S HOSTING THE EVENT THIS YEAR. WE DO IT DIFFERENT EVERY YEAR, ALWAYS NEW AND INNOVATIVE. WHAT'S IMPORTANT IS WE WANT TO THANK THE CITY FOR RECOGNIZING THIS. I THINK THIS IS A THE FIRST TIME A CITY IN ANYWHERE IN THE WORLD OUT OF HUNDREDS OF BAR CAMPS HAS ACTUALLY RECOGNIZED THE VALUE OF THIS IN THE ECONOMIC DEVELOPMENT AND IN DEVELOPING THE TECH COMMUNITY AT LARGE. SO WITH THAT WE'D LIKE TO THANK EVERYONE. WE'D LIKE TO GIVE ALL OF THE COUNCIL MEMBERS BAR CAMP BADGES OF THIS YEAR INVITE THEM TO COME AND PARTICIPATE IN THE EVENTS THEMSELVES.

THANK YOU.

LEFFINGWELL: THANK YOU VERY MUCH. ANYONE ELSE WANT TO SAY A WORD? OKAY. WELL, LET'S GO TAKE A PICTURE.

COLE: I'D LIKE TO ASK BYRON MARSHAL TO COME UP AND EDDIE WASHINGTON AND ALL HIS FANS AND SUPPORTERS TO COME ON DOWN. BYRON MARSHALL WON NOT THE LOCAL, NOT THE STATE BUT THE NATIONAL BLACK PUBLIC ADMINISTRATORS AWARD AT THE NATIONAL CONFERENCE IN PHOENIX, ARIZONA. NFBPA IS A PROFESSIONAL MEMBERSHIP ORGANIZATION DEDICATED TO THE ADVANCEMENT OF BLACK LEADERSHIP IN THE PUBLIC SECTOR. BYRON HAS BEEN A MEMBER OF NS -- NFBPA IN ITS LOCAL AND NATIONAL LEVELS SINCE ITS INCEPTION. HE HAS SERVED AS THE PRESIDENT AND CEO OF ARA AND BEEN AN INSTRUMENTAL FORCE IN THE REDEVELOPMENT OF 11TH AND 12TH STREET. SO IT'S WITH

GREAT PLEASURE THAT I READ THE CERTIFICATE OF CONGRATULATIONS FOR THE 2007 MARKS OF EXCELLENCE AWARD RECIPIENT BY THE NATIONAL FORUM FOR BLACK PUBLIC ADMINISTRATORS TO BYRON MARSHALL, DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. THIS AWARD IS BESTOWED UPON AN AFRICAN-AMERICAN PUBLIC ADMINISTRATOR WHO HAS ACHIEVED EXTRAORDINARY SUCCESS IN THE FIELD OF PUBLIC MANAGEMENT WHILE DEMONSTRATING UNSELFISH COMMITMENT TO THE COMMUNITY. MR. MARSHALL HAS HELD SENIOR MANAGEMENT POSITIONS IN FIVE MAJOR U.S. CITIES AND IS CURRENTLY PRESIDENT AND CEO OF THE AUSTIN REVITALIZATION AUTHORITY. HE HAS MADE SIGNIFICANT CONTRIBUTIONS TO THE REDEVELOPMENT OF THE CENTRAL EAST AUSTIN CORRIDOR, IN PARTICULAR EAST 11TH AND 12TH STREET. HE HAS ALSO SERVED PREVIOUSLY AS THE AUSTIN ASSISTANT CITY MANAGER. WE JOIN THE NATIONAL FORUM FOR BLACK PUBLIC ADMINISTRATORS AND THE CENTRAL TEXAS CHAPTER IN ACKNOWLEDGING HIS ACHIEVEMENTS AND HIS CONTINUED SERVICES TO OUR COMMUNITY. THIS CERTIFICATE IS PRESENTED WITH OUR CONGRATULATIONS ON THIS PRESTIGIOUS HONOR, THIS 6TH DAY OF MARCH IN THE YEAR 2008, MAYOR WILL WYNN AND THE CITY COUNCIL OF AUSTIN. [APPLAUSE] DO YOU WANT TO SAY A WORD?

THANK YOU. THANK YOU. I -- YOU KNOW, I BRING GRETION ON BEHALF OF THE TEXAS CHAPTER FOR THE NATIONAL FORUM FOR PUBLIC ADMINISTRATORS. I CERTAINLY WANT TO THANK COUNCIL FOR RECOGNIZING THE SIGNIFICANCE OF THE EXCELLENCE AWARD. BYRON IS KNOWN BY MANY TO BE A MAN OF NOT MANY WORDS, BUT EXTRAORDINARY WORK BEHIND THE SCENES. SO WE CERTAINLY LIKE TO, ONCE AGAIN, THANK COUNCIL FOR RECOGNIZING ALL THE WONDERFUL WORK THAT HE'S DONE HERE IN AUSTIN, AS WELL AS ACROSS THE COUNTRY. THANK YOU. [APPLAUSE]

I WOULD LIKE TO THANK THE COUNCIL FOR THIS RECOGNITION. I'VE BEEN WITH MABPA FOR OVER 20 YEARS AND ONE OF THE THINGS I REALLY WANTED TO DO WAS TO TRY TO EARN THIS AWARD. GETTING IT REALLY WAS KIND OF A CAPSTONE IN MY CAREER, BUT THE REALITY IS THAT HAD I NOT WORKED HERE IN AUSTIN BOTH IN THE CITY GOVERNMENT AND WORKING ALONG WITH PEOPLE LIKE PAUL HILGERS AND THE 11TH AND 12TH STREET CORRIDORS I NEVER WOULD HAVE EARNED THIS AWARD. IT'S THE VERY KIND OF JOB THAT MAKE YOU EXTRAORDINARY AT WHAT YOU DO. I HAVE EXTRAORDINARY EXPERIENCES. SO I'D LIKE TO THANK THE CITY FOR THE OPPORTUNITY TO WORK HERE, THANK MY FRIENDS FOR COMING OUT, THANK MFBPA FOR PUTTING THIS O BUT I ALSO WOULD LIKE TO ENCOURAGE THE CITY TO SUPPORT THE LOCAL CHAPTER. MFBPA STARTED ABOUT 25 YEARS AGO. THE REASON IT STARTED WAS THAT THERE WAS A DIRT OF -- DIRT OF BLACK LEADERSHIP IN PUBLIC ADMINISTRATION AROUND THE COUNTRY. NOW THERE'S ABOUT 5,000 MEMBERS, VIRTUALLY EVERY AFRICAN-AMERICAN CITY MANAGER IN THIS COUNTRY HAS COME UP THROUGH THAT ORGANIZATION. MOST OF THE ASSISTANT CITY MANAGERS TOO AND MANY DEPARTMENT HEADS. THE TECHNICAL ASSISTANCE THAT'S PROVIDED TO YOUNG MANAGERS THROUGH MENTORSHIP, INTERNSHIPS, ET CETERA AND WORKSHOPS ARE INVALUABLE. SO THEY HELPED ME. I HOPE THAT YOU'LL WORK WITH THESE YOUNG PEOPLE HERE IN THE CITY AND HELP THEM. THANK YOU VERY MUCH. [APPLAUSE] DERT



McGETRICK.

MAYOR WYNN: THROO BEING A QUORUM PRESENT I'LL CALL BACK THE MEETING OF AUSTIN CITY COUNCIL. IT'S 6:43:00 P.M. I APOLOGIZE TO FOLKS WHO ARE WAITING. WE'LL GET TO OUR 4:00 ZONING CASES BUT I PROMISE WE'LL BE FINISHED BEFORE LAST WEEK, AND WE STARTED LAST WEEK AT 4:00. MR. GUERNSEY? SO WELCOME, MR. GREG GUERNSEY.

THANK YOU. THESE PUBLIC HEARINGS ARE CLOSED. THE FIRST ITEM I'D LIKE TO OFFER FOR CONSENT IS ITEM 55, CASE C14, C14 2007-0212, THIS IS THE PROPERTY AT 907 RIO GRANDE STREET. THIS IS A REZONING REQUEST FOR HIGH DENSITY, MF-4 ZONING TO LIMITED OFFICE, MIXED USE OR LO-MU COMBINED DISTRICT ZONING. THIS IS READY FOR CONSENT AND APPROVAL ON SECOND AND THIRD READINGS. ITEM 56 IS CASE C14 2007-0237. THISTHIS IS THE OLD WEST AUSTIN NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE, ZONING OPT-IN/OPT-OUT PROCESS. THIS IS READY FOR APPROVAL ON SECOND AND THIRD READINGS. THIS DOES NOT INCLUDE TRACT ONE WHICH YOU HAD POSTPONED WITH THE FIRST READING. ITEM 57, THIS IS CASE C14-2007-0202. LOCATED AT 501 EAST OLTORF STREET. THIS IS A REZONING REQUEST FROM MULTIFAMILY RESIDENCE, MODERATE HIGH DENSITY, NEIGHBORHOOD CONSERVATION COMBINING DISTRICT NEIGHBORHOOD MF-4-CO-NP COMBINING DISTRICT ZONING TO MULTIFAMILY RESIDENCE HIGHEST DENSITY NEIGHBORHOOD CONSERVATION COMBINING DISTRICT NEIGHBORHOOD PLAN OR SF-6-CO NP COMBINING DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON SECOND AND THIRD READINGS: THAT CONCLUDES THE ITEMS I CAN OFFER FOR CONSENT APPROVAL UNDER THIS PORTION OF THE ZONING AGENDA.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. SO COUNCIL, THE PROPOSED CONSENT AGENDA FOR THESE CASES WHERE WE'VE ALREADY CONDUCTED THE PUBLIC HEARING IS TO APPROVE ALL THREE OF THEM, ITEMS 55, 56 AND 57 ON SECOND AND THIRD READING. I'LL ENTERTAIN THAT MOTION. MOTION MADE BY COUNCIL MEMBER LEFFINGWELL, SECONDED BY COUNCIL MEMBER MARTINEZ. ALL IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU MAYOR AND COUNCIL. CONTINUE WITH THE HILL COUNTRY ZONING AND NEIGHBORHOOD PLAN AMENDMENT ITEMS. THESE ARE WHERE THE PUBLIC HEARINGS ARE OPEN AND FOR ACTION. C14-2007-0270 FOR THE PROPERTY LOCATED AT 1606 NELMS DRIVE. THIS IS REZONING FROM CONDITIONAL OVERLAY OR GR-CO COMBINING DISTRICT ZONING TO THAT SAME ZONING DISTRICT WITH A CHANGE TO A CONDITIONAL ZONING. THE ZONING AND PLANNING COMMISSION'S RECOMMENDS WAS TO GRANT THE GR-CO COMBINING DISTRICT ZONING REQUEST TO CHANGE A CONDITION OF ZONING. THIS IS READY FOR CONSENT, APPROVAL ON ALL THREE READINGS. ITEMITEM NO. 59 IS CASE C14-2007-0267, FOR THE PROPERTY LOCATED AT 1904 WEST 35TH STREET. THIS IS A REZONING REQUEST

FROM FAMILY RESIDENCE OR SF-3, DISTRICT ZONING TO LIMITED OFFICE OR LO DISTRICT ZONING. THE ZONING AND PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE LIMITED OFFICE-CONDITIONAL OVERLAY OR LO-CO COMBINING DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. 6 ON IS CASE COC 814-97-814-97-001.05. LEANDER REHABILITATION PUD AMENDMENT 6 FOR THE PROPERTY LOCATED NORTH OF FM 620, IN THE LAKE CREEK WATERSHED AREA. THIS IS A ZONING CHANGE FROM PUD DISTRICT ZONING TO PLANNED PU DISTRICT ZONING. THE PLANNING COMMISSION'S RECOMMENDATION WAS TO GRANT THE PUD ZONING, WHICH MAKES CHANGES TO THE ZONING. AND I WOULD LIKE TO NOTE THAT ON YOUR DAIS YOU HAVE ADDITIONAL CONDITIONS THAT THE OWNER HAS AGREED TO COMPLY WITH THAT ADDRESS SCREEN BUILDER AND WATER CONSERVATION AND THAT THIS IS READY FOR ONLY FIRST READING AND WITH THOSE ITEMS WOULD BE ATTACHED -- OFFERED AND WITH YOUR APPROVAL ATTACHED FOR SECOND AND THIRD READINGS. THAT'S ON ITEM NO. 60. ITEM NO. 61 THAT'S CASE C14-2007-0271. THIS IS THE DEERWOOD MANUFACTURED HOME PARK PARK AT 12000400 PEARCE LANE, ZONING, I-RR DISTRICT ZONE TO MOBILE HOME, OR MH DISIKT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE MOBILE HOME CONDITIONAL OVERLAY OR MHCO COMBINING DISTRICT ZONING WITH CONDITIONS AND THIS IS READY FOR FIRST READING ONLY AT THIS TIME. ITEM 62 IS CASE C14-2008-0001, THE RENO PROJECT, AT 1,000 AND 1,002 RENO DRIVE. THIS IS A REZONING REQUEST FOR MH DISTRICT ZONING TO FAMILY RESIDENCE OR SF-3 DISTRICT ZONING. THE ZONING AND PLANNING COMMISSION RECOMMENDED THE SF-3 ZONING. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NO. 63 IS C14-2007-C14-2007-0265. THAXTON ROAD. THIS IS A ZONING REQUEST FROM INTERIM RULE READY OR IR DESCRINGT DISTRICT SEASONING TO SINGLE-FAMILY RESIDENCE, SF-4 A, THE PLANNING COMMISSION RECOMMENDED THE SF-4 A WITH A CONDITIONAL OVERLAY, AND THAT'S READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NO. 64 IS CASE C14-2007-0254. THIS IS THE FOREST HILL APARTMENTS AT 10,601 AND 10,605, THIS IS A ZONING REQUEST FROM IR TO MULTIFAMILY RESIDENCE, MF-3. EXCUSE ME, TO MF-3 DISTRICT ZONING. THE ZONING AND PLANNING COMMISSION RECOMMENDATION WAS TO GRANT IT, MEDIUM CANNOT OVER LAN, AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NO. 65 IS CASE C14-2007-0253. THIS IS THE PROJECT KNOWN AS SP MEADOWS SOUTH LIMITED AT 9900 SOUTH IH-35 SERVICE ROAD SOUTHBOUND UNIT G THIS IS FROM GENERAL COMMERCIAL SERVICES CONDITIONAL OVERLAY OR CS-CO COMBINING DISTRICT ZONING TO COMMERCIAL LIQUOR SALES OR CS-1 DISTRICT ZONING. THE ZONING AND PLANNING COMMISSION RECOMMENDATION WAS TO GRANT IT WITH A CONDITIONAL OVERLAY OR CS-1 CO COMBINING DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NO. 66 IS CASE C14-2007-0149, FOR THE PROPERTY LOCATED AT 3401 WEST SLAUGHTER LANE. THIS IS A REZONING REQUEST FROM LIMITED OVER CONDITIONAL OVERLAY OR LO-CO COMBINING DISTRICT ZONING TO NEIGHBORHOOD COMMERCIAL OR LR DISTRICT ZONING. THE ZONING AND PLANNING COMMISSION RECOMMENDATION IS TO GRANT THE NEIGHBORHOOD CONDITIONAL OVERLAY, LR-CO COMBINING DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. MAYOR, YOU MAY

HAVE SOMEONE WHO MAY HAVE SIGNED UP SPEAKING TO THIS. THE NEIGHBORHOOD REPRESENTATIVE NOTED THAT IF I MAKE A VERY SHORT STATEMENT, THEY WOULD LEAVE IT ON CONSENT AND IT WOULD MOVE ON.

MAYOR WYNN: PROMISES, PROMISES.

IF I READ THIS SHORT STATEMENT IT WOULD TAKE A QUICK SECOND AND THAT WOULD BE THAT THE PALAMINO PARK AND TANGLEWOOD NEIGHBORHOOD ASSOCIATION HAVE RESERVATIONS ABOUT THE LR ZONING BUT DO NOT OBJECT TO THE ZONING THAT'S PROPOSED. THEY HAVE CONCERNS ABOUT LR ZONING ALONG SLAUGHTER LANE BUT THEY DO NOT OBJECT TO THIS PARTICULAR REQUEST WITH THE BUFFERING CONDITIONS THAT WERE OFFERED.

MAYOR WYNN: FAIR ENOUGH.

ITEM NO. 67. THIS IS THE HARTMAN STREET LOCAL HISTORIC DISTRICT, CASE C14-2007-0015. WE HAVE SPEAKERS FOR THAT PARTICULAR ITEM. ITEM NO. 68, CASE C14-2007-0250. THIS IS AMARRA DRIVE, LOT 1 BLOCK A, FOR PROPERTIES AT SOUTHWEST PARKWAY AND BARTON CREEK BOULEVARD. WE HAVE A REQUEST FOR POSTPONEMENT BY BARTON CREEK TO MARCH 20. WE WILL WORK WITH BARTON CREEK TO GET THE INFORMATION THAT THEY HAVE PRESENTED IN A ALL RIGHT TO YOU, AND WE'LL TRY TO GET THAT ALL DONE AND HAVE THAT INFORMATION TO THEM BEFORE THIS COMES BACK ON THE 20TH. THAT'S ITEM NO. 68 FOR POSTPONEMENT TO THE 20TH. ITEM NO. 69, CASE C14-2007-0263. THIS IS THE HYDE PARK NEIGHBORHOOD PLANNING AREA, VERTICAL MIXED USE BUILDING, OPT-IN/OPT-OUT PROCESS. THIS IS A DISCUSSION ITEM, AND ITEM NO. 70 IS CASE C14-2007-0173, FOR THE PROPERTY LOCATED AT 6414 MANCHACA ROAD. THIS IS A REZONING REQUEST FROM COMMUNITY COMMERCIAL OR GR DISTRICT ZONING AND MULTIFAMILY RESIDENCE MEDIUM DENSITY MF-3 DISTRICT ZONING TO COMMUNITY COMMERCIAL-MIXED USE, VERTICAL MIXED USE OR GR-MU V, COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE GR-MU V WITH A CONDITIONAL OVERLAY OR CO, FOR TRACT 1 AND COMMUNITY COMMERCIAL MIXEDCOMMERCIAL-MIXED USE CONDITIONAL OVERLAY OR GR-MU-CO COMBINING DISTRICT ZONING FOR TRACT 2 AND THAT IS READY FOR CONSENT AND APPROVAL ON ALL THREE READINGS..

ON ITEM NO. 68, THERE WAS ALSO A REQUEST TO TAKE THIS BEFORE THE ENVIRONMENTAL BOARD URNGS R, AMONG OTHER BOARDS, BEFORE THIS COMES BACK TO YOU BUT THERE IS NOT A WAY FOR STAFF TO GET THIS INFORMATION OR TO MAKE THAT ACCOMMODATION BEFORE THE 20TH. SO I'LL JUST POINT THAT OUT. AND I DON'T KNOW IF --

DOES THE ENVIRONMENTAL BOARD MEET BEFORE THE 27TH MEETING?

GUERNSEY: I DON'T BELIEVE THERE'S A MEETING THAT WE CAN GET ON BEFORE THE 20TH,

IN TWO WEEKS.

MAYOR WYNN: RIGHT, BUT WE MEET AGAIN AS A COUNCIL ON THURSDAY THE 27TH, WOULD ONE ADDITIONAL MEETING BUY US AN ENVIRONMENTAL BOARD MEETING?

GUERNSEY: I DON'T BELIEVE SO. I KNOW THAT THE APPLICANT ARE ALSO AGREEABLE TO THE 20TH AND I'M NOT SURE IF THEY'RE AGREEABLE BEYOND THAT. WHAT WE CAN DO IS IF YOU TABLE THIS ITEM WE CAN CHECK THE ENVIRONMENTAL BOARD AGENDA, BUT I'M NOT SURE IF WE CAN GET THE INFORMATION PREPARED TO GET ON THAT BOARD IN A TIMELY MANNER.

MAYOR WYNN: MR. DRENNER, WOULD YOU LIKE -- WE HAVE A NEIGHBORHOOD REQUEST FOR A POSTPONEMENT TO THE 20TH.

ALL RIGHT. AND WE HAD AGREED THAT THE POSTPONEMENT TO THE 20TH WAS FINE. IT IS JUST A ZONING CASE. YOU DON'T TRADITIONALLY SEND ZONING CASES TO THE ENVIRONMENTAL BOARD. WE DON'T HAVE A SITE PLAN, ANYTHING FOR THE ENVIRONMENTAL BOARD. , FRANKLY, TO LOOK AT WITH REGARD TO THE DEVELOPMENT OF IT. IT'S JUST A LAND USE ISSUE WITH REGARD TO THE ZONING CASE, SO WE WOULD PREFER TO STAY ON THE 20TH.

MAYOR WYNN: GOOD POINT. AND THIS HAS GONE TO THE PLANNING COMMISSION.

ZONING AND PLANNING COMMISSION.

MAYOR AND COUNCIL, I'M AWARE THAT THERE'S A MEETING SCHEDULED ON THE 19TH. WE'RE GOING TO JUST MAKE SURE THAT THERE'S NOT ANY OTHER ISSUES ABOUT PUTTING IT ON THAT DATE, BUT IF IT WAS POSTPONED TO THE 20TH, ISSUED BE GETTING AN ANSWER IN JUST A MOMENT ABOUT GETTING IT ON. YES, WE CAN PUT THAT ON THE ENVIRONMENTAL BOARD AGENDA FOR THEIR 19TH MEETING. SO YOU WOULD HAVE THE THE BENEFIT OF WHATEVER INFORMATION THE ENVIRONMENTAL BOARD COULD PROVIDE IN THIS CASE.

MAYOR WYNN: IN PRACTICAL TERMS, IT SEEMS TO ME THAT THE FACT THAT THE ENVIRONMENTAL BOARD IS MEETING ON THE 19TH THEY WOULD PROBABLY IN SOME FORM OR FASHION INDIVIDUAL BOARD MEMBERS COULD GIVE US FEEDBACK ON THE CASE ANYWAY, SO I DON'T THINK IT NECESSARILY COMPLICATES TO -- UNLESS THERE'S AN OBJECTION BY COUNCIL. COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: YOU'RE NOT CONTEMPLATING REQUESTING ANY VARIANCES ON THIS PROJECT?

NO, SIR, THIS IS A NO VARIANCE SOS COMPLIANT PROJECT.

I'M JUST WONDERING SINCE THE ENVIRONMENTAL BOARD DOESN'T DEAL WITH ZONING BUT ONLY WITH VARIANCES TO THE LAND DEVELOPMENT CODE TO MAKE RECOMMENDATIONS, AND IT'S NOT NORMAL TO SEND ZONING CASES TO THE ENVIRONMENTAL BOARD, WHAT THE PURPOSE OF THAT WOULD BE. JUST A COURTESY BRIEFING, PERHAPS OR --

WELL, YOU'RE -- TELL US.

LEFFINGWELL: DOES ANYONE HAVE ANY IDEA?

WELL, WE COULD --

GUERNSEY: THAT COULD PROVIDE AN OVERVIEW OF THE PROJECTS AND IF THEY HAD ANY CONCERNS WE COULD PRESENT THEM TO YOU. BUT POSTPONING TO THE 20TH WOULD NOT HOLD UP GOING TO THE ENVIRONMENTAL BOARD, IF YOU WOULD LIKE US TO BRING IT TO THEM WE CAN CERTAINLY DO THAT.

MAYOR WYNN: MEMBERS OF THE ENVIRONMENTAL BOARD OF COURSE ARE ALWAYS WELCOME TO OPINE ABOUT ANYTHING WE ARE MEETING ON ON A THURSDAY, WHICH THEY NORMALLY DO. SO MR. GUERNSEY, LET'S SEE, ITEM NO. 60 YOU SUGGESTED FIRST READING ONLY BUT THEN I THOUGHT I HEARD YOU SAY SOMETHING ABOUT SECOND AND THIRD READING.

GUERNSEY: ON ITEM -- PRIOR TO SECOND AND THIRD READING WE'LL BRING BACK THIS ORDINANCE APPROVAL AND INCORPORATE THE GREEN BUILDER AND THE WATER CONSERVATION ITEMS THAT THEY HAVE OFFERED, AND THAT WILL TAKE THE FORM OF EITHER BEING PART OF THE ORDINANCE OR IN A COVENANT.

MAYOR WYNN: OKAY. THANK YOU. SO COUNCIL, OUR PROPOSED CONSENT AGENDA ON THESE CASES WHERE WE HAVE YET TO CONDUCT A PUBLIC HEARING WOULD BE TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASES 58 AND 59, TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY CASES 60 AND 61, CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS, CASES 62, 63, 64, 65 AND 66. TO POSTPONE ITEM 68 TO MARCHMARCH 20, 2008, AND TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASE NO. 70. I'LL ENTERTAIN THAT MOTION. MOTION MADE BY COUNCIL MEMBER LEFFINGWELL, SECONDED BY THE MAYOR PRO TEM, TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU, MAYOR AND COUNCIL. OUR ITEM -- OUR FIRST DISCUSSION ITEM IS ITEM NO. 67. THIS IS CASE C14-2007-0015, THE HARTHAN STREET LOCAL HISTORIC DISTRICT, AND AT THIS TIME I'LL INTRODUCE MR. STEVE SADOWSKY, OUR CITY'S HISTORIC PRESERVATION OFFICER TO PRESENT THAT ITEM.

MAYOR, MEMBERS OF COUNCIL.

MAYOR WYNN: WELCOME, MR. SADOWSKY.

THANK YOU, SIR. I AM VERY PLEASED TONIGHT TO BRING FORTH THE HARTHAN STREET LOCAL HISTORIC DISTRICT WHICH IS THE VERY FIRST IN THE CITY OF AUSTIN SINCE THE CITY ENABLED THE CREATION OF LOCAL HISTORIC DISTRICTS TWO YEARS AGO. IT'S BEEN A LONG ROAD GETTING HERE, A LOT OF DISCUSSION AND COMPROMISE AND I THINK WE'VE COME UP WITH A VERY GOOD PLAN FOR THE PRESERVATION OF THE HOUSES ON HARTHAN STREET. EXCUSE ME JUST A SECOND. EXCUSE ME. I WANT TO START OFF BY GIVING YOU-ALL A VERY BRIEF PRESENTATION ABOUT WHAT LOCAL HISTORIC DISTRICTS ARE, WHAT THEY'RE INTENDED TO ACCOMPLISH, AND THE REASON THAT WE'RE SO HAPPY TO BRING THIS ONE FORWARD. LOCAL HISTORIC DISTRICTS CAME OUT OF AN INITIATIVE BY THE HISTORIC LANDMARK COMMISSION AND CITY COUNCIL TO EXPLORE THE POSSIBILITIES FOR PRESERVATION OF HOUSES THAT WOULDN'T NECESSARILY QUALIFY TO BE CITY-DESIGNATED LANDMARKS, BUT STILL CONTRIBUTE TO THE CHARACTER OF HISTORIC NEIGHBORHOODS. WHAT DO LOCAL HISTORIC DISTRICTS DO? THEY PROTECT AREAS OF SPECIAL HISTORICAL SIGNIFICANCE. IN HARTHAN STREET WE HAVE TWO HOUSES THAT ARE ALREADY DESIGNATED CITY LANDMARKS, BUT THE ENTIRE STREET CONSISTS OF TEN HOUSES, INCLUDING ONE THAT FACES WEST 6TH STREET, AND THE STREET HAS EXTRAORDINARY SIGNIFICANCE FOR ITS ARCHITECTURE AND ITS HISTORY. WE HAVE HOUSES ON HARTHAN STREET THAT DATE BETWEEN 1875 AND 1930, ALMOST ALL OF THEM ARE VIRTUALLY INTACT WITH THE EXCEPTION OF ONE. NINE OUT OF THE TEN HOUSES WITHIN THIS PROPOSED HISTORIC DISTRICT ARE CONTRIBUTING TO THE DISTRICT. A LOCAL HISTORIC DISTRICT ACCOMPLISHES TWO THINGS. FIRST OF ALL IT RAISES THE BAR TO DEMOLITION OF CONTRIBUTING BUILDINGS. RIGHT NOW WHEN THE -- WHEN THE CITY RECEIVES AN APPLICATION FOR DEMOLITION, WE RESEARCH A HOUSES. IT GOES TO THE HISTORIC LANDMARK COMMISSION, PLANNING OR ZONING AND PLANNING COMMISSION AND THEN FINALLY COUNCIL AS YOU-ALL ARE PROBABLY VERY WELL AWARE, AND THE DETERMINING FACTOR WHETHER THIS HOUSE QUALIFIED AS A HISTORIC LANDMARK, WHICH MEANS IT HAS TO HAVE EXTRAORDINARY SIGNIFICANCE. NEIGHBORHOODS, CONCERNED CITIZENS THROUGHOUT THE CITY COME TO THESE HEARINGS TO PROTEST DEMOLITION OF A HOUSE, WHICH MAY NOT RISE TO THE LEVEL OF A LANDMARK, BUT WHICH HAS EXTRAORDINARY SIGNIFICANCE TO THEIR NEIGHBORHOOD AND THE CONTEXT OF THE DEVELOPMENT OF THE NEIGHBORHOOD. SO A LOCAL HISTORIC DISTRICT RAISES THE BAR. WE NO LONGER IN A LOCAL HISTORIC DISTRICT HAVE TO PROVE THAT A HOUSE IS

AS SIGNIFICANT -- IS SIGNIFICANT ENOUGH TO BE DESIGNATED AS A LANDMARK, ONLY THAT IT CONTRIBUTES TO THE HISTORIC CHARACTER OF OUR LOCAL HISTORIC DISTRICT. THE SECOND THING A LOCAL HISTORIC DISTRICT DOES IS TO ESTABLISH DESIGN STANDARDS FOR NEW CONSTRUCTION AND NEW ADDITIONS TO EXISTING BUILDINGS. THIS IS ALSO EXTREMELY IMPORTANT TO PROTECT THE CHARACTER OF OUR HISTORIC DISTRICTS THROUGHOUT THE CITY. SO MANY PLACES THROUGHOUT -- THROUGHOUT AUSTIN WE CAN SEE HOUSES THAT HAVE BEEN MODIFIED, AND THEY REALLY STAND OUT BECAUSE OF THE MODIFICATIONS AND ADDITIONS OR NEW CONSTRUCTION, WHICH ARE INCOMPATIBLE WITH THE CHARACTER OF THE HISTORIC DISTRICT AND THE NEIGHBORHOOD. SO THIS IS A MEANS TO ESTABLISH DESIGN STANDARDS THAT WILL GOVERN ANY NEW CONSTRUCTION AND ADDITIONS TO EXISTING BUILDINGS. THIRDLY, LOCAL HISTORIC DISTRICT IN AUSTIN WILL PROVIDE A CITY PROPERTY TAX BENEFIT TO PROMOTE REHABILITATION OF CONTRIBUTING BUILDINGS AS WELL AS NON-CONTRIBUTING BUILDINGS IF THE PROJECT WILL RESTORE THE BUILDING TO CONTRIBUTING STATUS. PROPERTY OWNERS ARE NOT OBLIGATED TO REHABILITATE THEIR PROPERTY, BUT THIS IS A VERY GOOD INCENTIVE TO ENCOURAGE PROPERTY OWNERS TO REHAB THEIR BUILDINGS -- THEIR HOUSES RATHER THAN SCRAPE THEM AND BUILD SOMETHING NEW. A LOT OF PEOPLE ARE AFRAID OF LOCAL HISTORIC DISTRICTS. THERE ARE ALL KINDS OF URBAN LEGENDS OUT THERE ABOUT IF YOU'RE IN A LOCAL HISTORIC DISTRICT THERE'S GOING TO BE ALL KINDS OF REGULATIONS, YOU WON'T BE ABLE TO DO ANYTHING TO YOUR PROPERTY, AND I'M HERE TO TELL YOU THAT THAT'S JUST PLAIN NOT TRUE. WHAT LOCAL HISTORIC DISTRICTS WON'T DO, THEY WON'T PROHIBIT THE CONSTRUCTION OF ADDITIONS, THEY WON'T PROHIBIT NEW CONSTRUCTION. WHAT THEY DO IS SET THE PARAMETERS FOR WHAT NEW ADDITIONS AND NEW CONSTRUCTION SHOULD LOOK LIKE SO THAT THE CHARACTER OF THE DISTRICT IS PRESERVED. THE BENEFITS OF LOCAL HISTORIC -- LOCAL HISTORIC DISTRICT DESIGNATION, FIRST OF ALL AND FOREMOST, IT MAINTAINS NEIGHBORHOOD CHARACTER. IT ENCOURAGES THE REHABILITATION OF EXISTING BUILDINGS, WHICH IS CONSISTENT WITH ENVIRONMENTAL CONCERNS, TO AVOID THE DESTRUCTION OF EXISTING HOUSING STOCK, AND IT BUILDS COMMUNITY PRIDE AND IT STABILIZES PROPERTY VALUES, ALL KINDS OF BENEFITS TO DESIGNATION. WE ARE, BY THE WAY, THE LAST MAJOR CITY IN TEXAS TO ADOPT LOCAL HISTORIC DISTRICTS, SO WE HAVE HAD THE BENEFIT OF LEARNING FROM THE EXPERIENCES OF OTHER CITIES IN TEXAS HOW TO APPROACH THIS AND WE TOOK THAT ALL INTO CONSIDERATION WHEN THE TASK FORCE, WHICH WAS ESTABLISHED BY COUNCIL TWO YEARS AGO --

THAT'S A POSITIVE SPIN.

THAT'S A VERY POSITIVE SPIN.

MAYOR WYNN: THE LAST ONE TO DO IT BUT --

BUT, YOU KNOW, WE'VE LEARNED FROM EVERYONE ELSE WITH EXPERIENCES. SO A LOCAL HISTORIC DISTRICT WILL TREAT DEMOLITION AND RELOCATION PERMITS DIFFERENTLY

THAN THAN A NATIONAL REGISTERED DISTRICT WILL. IN A NATIONAL REGISTERED DISTRICT, WE HAVE 14 OF THOSE, THE HISTORIC LANDMARK COMMISSION CAN INITIATE A HISTORIC ZONING CASE OR RELEASE THE PERMIT. SO WHAT THAT MEANS, IF A PERSON IN THE NATIONAL REGISTER DISTRICT FILES FOR DEMOLITION OR RELOCATION OF A CONTRIBUTING BUILDING, WE HAVE TO RESEARCH THE PROPERTY AND DETERMINE WHETHER IT WOULD RISE TO THE LEVEL OF BEING A LANDMARK OR NOT. THAT'S A VERY DIFFICULT BAR TO ACHIEVE. IN A LOCAL HISTORIC DISTRICT, THE HISTORIC LANDMARK COMMISSION WOULD GRANT A CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OR RELOCATION, AND THERE'S NO REQUIREMENT THAT A BUILDING WOULD RISE TO THE LEVEL OF BEING AN INDIVIDUAL LANDMARK, ONLY THAT IT'S CONTRIBUTING TO THE HISTORIC DISTRICT. IN LOCAL HISTORIC DISTRICTS BUILDING PERMITS WILL ALSO BE REVIEWED BY THE HISTORIC LANDMARK COMMISSION. RIGHT NOW IN A NATIONAL REGISTERED DISTRICT THE LANDMARK COMMISSION PERFORMS AN ADVISORY REVIEW OF BUILDING PERMIT APPLICATIONS PROVIDING RECOMMENDATIONS TO THE APPLICANT TO MAKE THE PROJECT MORE COMPATIBLE WITH THE HISTORIC CHARACTER OF THE DISTRICT. THERE'S NO OBLIGATION OF THE APPLICANT TO FOLLOW THOSE RECOMMENDATIONS, SO THERE'S THE POSSIBILITY THAT WE COULD END UP, PERSON GO THROUGH THE ENTIRE PROCESS, GETS RECOMMENDATIONS FROM THE LANDMARK COMMISSION BUT THEN IS FREE, REALLY, TO BUILD WHATEVER THEY PLEASE, WHETHER IT'S COMPATIBLE WITH THE HISTORIC CHARACTER OF THE DISTRICT OR NOT. IN A LOCAL HISTORIC DISTRICT THE LANDMARK COMMISSION WOULD ISSUE A CERTIFICATE OF APPROPRIATENESS FOR PROJECTS THAT COMPLY WITH THE DISTRICT DESIGN STANDARDS AND THE LANDMARK COMMISSION DECISION IS BINDING. NOW, PROPERTY OWNER DOES HAVE AN OPPORTUNITY TO APPEAL THE DENIAL OF A CERTIFICATE OF APPROPRIATENESS, AND THEY WOULD MAKE THAT APPEAL TO THE APPROPRIATE LAND USE COMMISSION, AND DEPENDING ON THEIR DECISION THEY COULD ALSO APPEAL IT THEN TO CITY COUNCIL. SO AS YOU CAN SEE, A LOCAL HISTORIC DISTRICT PROVIDES MUCH GREATER PROTECTION TO THE CHARACTER OF OUR HISTORIC AREAS IN AUSTIN THAN THE NATIONAL REGISTERED DISTRICTS DO. AND IT'S A WONDERFUL MEANS OF PRESERVING NEIGHBORHOOD CHARACTER, WHICH IS REALLY THE ESSENCE BEHIND A LOCAL HISTORIC DISTRICT. HOW DO WE GET TO A LOCAL HISTORIC DISTRICT? WE START OFF WITH A SURVEY, SO WE HAVE TO KNOW WHAT WE'RE DEALING WITH FIRST. IN THIS CASE THE APPLICANT SURVEYED HARTMAN STREET, CONDUCTED RESEARCH ON SEVERAL OF THE HOUSES ALONG THE STREET, AND THE PURPOSE OF THE SURVEY IS NOT ONLY TO DETERMINE WHAT WE HAVE BUT ALSO TO INFORM THE DESIGN STANDARDS WHICH COME OUT OF THE LOCAL HISTORIC DISTRICT PRESERVATION PLAN. SO DURING THE SURVEY THE SURVEY LOOKS AT WHAT ARE THE PREVALENT BUILDING MATERIALS, WHAT ARE THE PREVALENT HEIGHTS OF HOUSES, FEN STRAITION PATTERNS, ROOF PATTERNS, SET-BACKS, ALL SORTS OF THINGS THAT REALLY ADD AND MAKE UP THE NEIGHBORHOOD CHARACTER AND THEN THOSE SURVEY RESULTS ARE INCORPORATED INTO THE PRESERVATION PLAN AND THEY INFORM THE DESIGN STANDARDS THAT COME OUT OF THAT PRESERVATION PLAN. SO LOOKING AT WHAT'S THERE GIVES INFORMATION AS TO WHAT NEW CONSTRUCTION AND ADDITIONS TO EXISTING BUILDINGS OUGHT TO LOOK



LIKE TO PRESERVE THAT PARTICULAR NEIGHBORHOOD'S CHARACTER. ONCE THAT'S DONE IT'S PRESENTED TO THE HISTORIC LANDMARK COMMISSION. THE HISTORIC LANDMARK COMMISSION UNANIMOUSLY APPROVED THIS NOMINATION FOR HARTHAN STREET AS DID THE ZONING AND PLANNING COMMISSION, AND THEN IT COMES TO COUNCIL FOR THE ZONING CHANGE, WHICH WOULD BE FOR HISTORIC AREA ZONING IT WOULD BE AN HD ON THE END. IT DOESN'T CHANGE THE BASE ZONING OF PLANNED USE OF ANY PARTICULAR BUILDING WITHIN THE DISTRICT. IT JUST ADDS THIS HISTORIC AREA DISTRICT ZONING, HD, AT THE END OF IT. HARTHAN STREET, AS I SAID, IS A VERY -- VERY SIGNIFICANT STREET IN WEST AUSTIN. IT'S ONLY A BLOCK LONG. IT'S A DEAD END. IT HAS TEN HOUSES ON IT, ONE OF WHICH FACES WEST 6TH. ALL OF THE HOUSES ARE INTACT. WE'VE GOT NINE OUT OF THE TEN CONTRIBUTING. WE ALSO HAVE AN EXTREMELY HIGH LEVEL OF SUPPORT FOR THE LOCAL HISTORIC DISTRICT AND THE DESIGN STANDARDS, AND THIS HAS COME OUT OF SEVERAL MEETINGS WITH PROPERTY OWNERS AND THE APPLICANTS TO REACH A CONSENSUS FOR THE DESIGN STANDARDS AND FOR SUPPORT OF THE DISTRICT. WE DON'T HAVE 100% SUPPORT FOR THIS DISTRICT, BUT I THINK AS YOU'LL HEAR TONIGHT FROM OPPOSITION SPEAKERS, THE DESIGN STANDARDS ARE SOMETHING THAT THEY CAN LIVE WITH. WE'VE SPENT MANY, MANY HOURS TRYING TO COME TO COMMON GROUND AND CONSENSUS ON THIS, AND WE HOPE THAT YOU'LL AGREE WITH THIS. CAN WE GO TO THE NEXT -- AS SOON AS WE GET THIS UP I'LL JUST GIVE YOU A VERY BRIEF IDEA ABOUT THE HOUSING STOCK THAT WE'VE GOT IN HARTHAN STREET. THIS IS THE HOUSE THAT FACES SIXTH STREET. IT'S ACTUALLY USED FOR AN OFFICE NOW, BUT IT'S RIGHT AT THE CORNER OF HARTHAN AND SERVES AS A GATEWAY INTO THE STREET. THIS IS AN APARTMENT HOUSE THAT IS ALSO ON THE CORNER OF 6TH, 600 A HARTHAN. IT'S ONE OF THE NEWEST BUILDINGS IN THE DISTRICT. THIS IS ANOTHER PART OF IT. WORKING UP THE STREET, THIS IS THE OLDEST HOUSE IN THE DISTRICT. THIS IS BUILT IN 1875. IT'S A DESIGNATED CITY LANDMARK. IT'S CALLED MENTANAS. THIS IS ALSO A DESIGNATED CITY LANDMARK. THIS IS RIGHT NEXT DOOR. ACROSS THE STREET IS A HOUSE -- THE HOUSES THAT YOU'LL SEE ON THE EAST SIDE, THE ODD NUMBERS OF THE STREET, ARE GENERALLY SMALLER THAN THE ONES ON THE WEST, BUT STILL THE ENTIRE CONTEXT OF THE NEIGHBORHOOD IS MADE UP OF A COMBINATION OF THESE HOUSES, AND THE DESIGN STANDARDS ADDRESS ALL DIFFERENT TYPES OF HOUSES WITHIN -- WITHIN THE DISTRICT. THIS IS GOING UP THE HILL, 606 HARTHAN. THIS IS 607. THIS IS THE ONLY ONE THAT'S NON-CONTRIBUTING AND IT'S NON-CONTRIBUTING BECAUSE OF THE REPLACEMENT OF THE FRONT WINDOWS WITH THAT PLATE GLASS PICTURE WINDOW IN THE FRONT. THIS WOULD BE A VERY GOOD CANDIDATE IF THE PROPERTY OWNER EVER DECIDED TO REHABILITATE THIS HOUSE, THIS WILL BE A GOOD CANDIDATE FOR THE PROPERTY TAX INCENTIVE FOR REHABILITATION. 608, HARTHAN, 1915, TRANSITIONAL STYLE BUNGALOW. 609 IS, IT SITS ON THE EAST SIDE OF THE STREET. IT'S ONE OF THE SMALLER HOUSES ON THE STREET. THE HOUSES ON THE EAST SIDE OF THE STREET, THE ODD NUMBER ADDRESSES ON HERE ALSO HAVE A PARTICULAR PROBLEM WITH TOPOGRAPHY. IT'S KIND OF DIFFICULT TO SEE FROM THIS SLIDE HERE, BUT THE BACK LOTS, THE BACK SIDES OF THESE LOTS SLOPE DOWN DRAMATICALLY, SO A WHILE THIS HOUSE HAS A ONE-STORY APPEARANCE FROM THE STREET, IT ACTUALLY

SLOPES DOWN IN BACK SO THAT IT'S A TWO-STORY HOUSE. 610 HARTMAN, THIS IS AT THE VERY TOP OF THE HILL, AND AS YOU CAN SEE THIS TH HOUSE HAS AN ADDITION ON THE BACK. THIS IS ONE OF THE HOUSES THAT WE'RE -- THAT WAS CONSIDERED IN COMING UP WITH THE DESIGN STANDARDS AS TO HOW TO MAKE ADDITIONS WORK AND STILL PRESERVE THE CHARACTER OF THE DISTRICT AND THE STREET SCAPES. MS. VILLAREAL HERE, SHE CAN JOIN ME AND TALK TO YOU A LITTLE BIT ABOUT THE DESIGN STANDARDS, AND AS I SAID, THIS IS SOMETHING THAT CAME -- WAS DERIVED FROM CONSENSUS, MANY MEETINGS WITH THE STAKEHOLDERS HERE AND THE PROPERTY OWNERS, TO TRY TO COME UP WITH SOMETHING THAT EVERYBODY COULD BUY INTO, AND I WILL ASK MS. VILLAREAL TO GO THROUGH SOME OF THE HIGHLIGHTS OF THE DESIGN STANDARDS FOR YOU.

MAYOR WYNN: THANK YOU, STEVE. WELCOME, MS. VILLAREAL.

THANK YOU. MY NAME IS SUSAN VILLAREAL. I'M A SENIOR PLANNER WITH NEIGHBORHOOD PLANNING AND ZONING, AND AS STEVE SAID, WE HAD A SERIES OF MEETINGS AND INVITED ALL THE PROPERTY OWNERS TO MEET WITH US TO REVIEW THESE GUIDELINES TO SEE IF THERE WERE ANY CONCERNS AND TRY AND THINK THROUGH WAYS PEOPLE MIGHT WANT TO EXPAND OR REMODEL THEIR HOMES. THEY'RE BROKEN INTO, THE DIFFERENT SECTIONS FOR ADDITION, NEW CONSTRUCTION AND ACCESSORY BUILDINGS. MOST OF THE GUIDELINES ARE GENERAL IN THE SENSE THAT THEY CALL ON THE OWNERS TO USE COMPLEMENTARY OR MATCHING MATERIALS, IF AVAILABLE, FOR CHANGES TO THE ROOF, CHANGES TO THE BUILDINGS AND ADDITIONS, AND TO ALSO RESPECT THE RHYTHMS OF DEVELOPMENT ON THE STREET, TO KEEP THE FRONT SET-BACK SIMILAR TO WHAT IS EXISTING, AND ESPECIALLY THE FACADES IN THE FRONT OF THE BUILDINGS, TO TRY TO LEAVE THOSE AS THEY ARE CURRENTLY. IT DOES ALLOW SECOND-STORY ADDITIONS WITH A 15-FOOT OR ONE-THIRD OF THE DEPTH OF THE STRUCTURE SETBACK FROM THE FACADE FOR THE SECOND-STORY ADDITION, AND THAT IS THE SAME SETBACK FOR GARAGES OR ACCESSORY BUILDINGS. SO WE TRY TO KEEP THE RULES SOMEWHAT CONSISTENT THROUGHOUT THE DOCUMENT. THE GROUP DID NOT ADDRESS HEIGHT OTHER THAN TO SAY THAT A SECOND STORY SHOULD BE PROPORTIONAL TO THE FIRST STORY AND THAT THE OUTSIDE WALLS SHOULD BE THE SAME HEIGHT, OR COULD BE NO MORE THAN THAT HEIGHT. HOWEVER, IT WAS FELT THAT SINCE THERE IS THE McMANSION ORDINANCE OR THE RESIDENTIAL DESIGN GUIDELINES, I SHOULD SAY, AND THE ZONING ITSELF HAS A HEIGHT LIMIT, SO THAT WAS -- WAS NOT ADDRESSED. I'D BE HAPPY TO ANSWER IF YOU HAVE ANY OTHER SPECIFIC QUESTIONS ABOUT THE DESIGN GUIDELINES, BUT THAT SORT OF SUMMARIZES THE MAIN POINTS.

MAYOR WYNN: THANK YOU, MS. VILLAREAL. QUESTIONS FOR STAFF, COUNCIL? THANK YOU. SO COUNCIL, WE'LL CONSIDER THAT TO BE OUR APPLICANT PRESENTATION. WE NOW TYPICALLY HEAR FROM FOLKS IN FAVOR OF THE CASE. WE HAVE JUST A COUPLE OF FOLKS WHO AGREED TO GIVE US TESTIMONY. WE'LL START WITH TERRY MYERS. WELCOME, TERRY. SOME FOLKS HAD WANTED TO DONATE TIME TO YOU BUT I'M TOLD YOU THINK YOU

CAN GET YOUR COMMENTS DONE IN ABOUT SIX MINUTES, SO WE'LL SET THE CLOCK FOR THAT AND YOU'LL BE FOLLOWED BY LINDA McNEILAGE.

THANK YOU, MAYOR WYNN AND COUNCIL. I JUST SAW YOU LAST WEEK. I HEARD THAT I HAD AN HOUR'S WORTH OF TIME GIVEN BY OTHER PEOPLE, BUT I'M GOING TO LIMIT THIS. I SEE BREWSTER'S EYES ARE ARE THIS BIG. I'M GOING TO LIMIT THIS PRESENTATION VERY MUCH, AND I JUST WANTED TO BRING OUT A FEW THINGS. WE HAVE WORKED ON -- OH, BY THE WAY, I AM THE APPLICANT ON THIS PROJECT, AND I STARTED WORKING ON THIS THREE YEARS AGO WITH PEOPLE IN THE NEIGHBORHOOD, AND IT HAS TAKEN THIS LONG TO GET TO THIS POINT. SOME POINTS THAT I WOULD LIKE TO MAKE IS HARTMAN STREET IS AN EXCELLENT EXAMPLE OF THE HISTORIC DISTRICT. IT MEETS THE CODE WELL. IT'S A DISCRETE DISTRICT WITH LOGICAL BOUNDARIES. NINE OF THE TEN BUILDINGS ARE CONSIDERED CONTRIBUTING AND THE 10TH REGAINS MUCH OF HIS HISTORIC FORM IN FEATURES AND PIPE SETBACK AND HISTORIC CHARACTER. THIS IS NOT TO SAY THAT ADDITIONS ARE NOT ALLOWED OR DISCOURAGED. WE HAVE GONE -- WE HAVE TAKEN GREAT CARE IN THE DESIGN STANDARDS TO OFFER AVENUES FOR ENLARGING AND EXPANDING THE HISTORIC PROPERTIES. WE DO HAVE 70% OF THE OWNERS WHO REPRESENT 85% OF THE PROPERTY IN THE DISTRICT. I THINK THAT THIS IS PROBABLY MORE THAN THE GREAT MAJORITY OF HISTORIC DISTRICTS IN TEXAS REQUIRE. THE CITY MADE THE DECISION TO REQUIRE THE 60% SIGN ON AND HARTMAN EXCEEDS THAT REQUIREMENT. MS. KIM HAD A QUESTION AT THE PLANNING -- ABOUT THE PLANNING COMMISSION. WE DID GO TO PLANNING COMMISSION TWICE. IT WAS POSTPONED, AND THEN IT WAS FOUND THAT THE ORDINANCE REQUIRED THAT WE GO TO ZONING AND PLANNING. SO WE PICK UP OUR MARBLES AND WENT TO ZONING AND PLANNING. BETTY BAKER, WHO CHAIRED THAT AND WHO SERVED AS CITY PRESERVATION OFFICER FOR ALMOST 20 YEARS, FOR ABOUT 20 YEARS, FULLY SUPPORTED THE CREATION OF THE DISTRICT, AND I THINK WE NEED TO -- THE WE MEET THE CRITERIA THAT THE CITY HAS SET UP. WE TRY TO DO THIS TO THE ALL LETTER OF THE ORDINANCE. MS. KIM ALSO -- I'M TALKING TO MS. KIM BUT SHE'S NOT HERE. MS. KIM ALSO ASKED ABOUT GREEN BUILDING, AND I WOULD PRESENT TO YOU THAT THE GREENEST BUILDING IS THE ONE THAT YOU DON'T TAKE TO THE LANDFILL. THE DESIGN DEADLINES ALLOW FOR SOLAR PANELS AND OTHER ENERGY SAVING DEVICES THAT SPECIFY WHERE THEY CAN BE LOCATED. WOOD WINDOWS CAN BE RETROFITTED FOR ENERGY SAVINGS. MUCH OF THE WOOD THAT WENT INTO BUILDING THESE HOUSES IS SUPERIOR IN QUALITY TO WHAT WE HAVE NOW AND MANY OF THESE HOUSES ARE GOING TO BE HERE LONG AFTER NEW HOUSES THAT ARE BUILT RIGHT NOW HAVE FALLEN BY THE WAYSIDE. SOME PEOPLE HAVE ALSO CLAIMED THAT THIS CONSTITUTES A TAKING. IF THAT WERE SO WE WOULDN'T HAVE 24 HISTORIC DISTRICTS IN SAN ANTONIO, 35 HISTORIC DISTRICTS IN DALLAS. MAYBE MR. OTT CAN TELL US HOW MANY HISTORIC DISTRICTS THERE ARE IN FORT WORTH. SAN MARCOS HAS TWO LOCAL HISTORIC DISTRICTS. THIS IS NOT -- THIS IS SOMETHING THAT HAS STOOD THE TEST OF TIME AND HAS STOOD THE LEGAL CHALLENGE. IT HAS BEEN UPHELD AT THE SUPREME COURT OF THE UNITED STATES. HISTORIC DISTRICTS OFFER RESIDENTS A REASONABLE

EXPECTATION THAT THE NEIGHBORHOOD THEY CHOSE TO INVEST IN WILL RETAIN ITS CHARACTER, CHARM AND VALUE. ACCORDING TO MANY ECONOMIC EXPERTS, INCLUDING THE SAME DONOVAN RIP CA, HISTORIC ZONING ENHANCES PROPERTY VALUES. IN MY EXPERIENCE IN RALEIGH NORTH CAROLINA, I SAW A DILAPIDATED NEIGHBORHOOD INCREASE ALMOST 30% IN VALUE THREE YEARS AFTER IT HAD BEEN DESIGNATED A HISTORIC DISTRICT. THE REASON WAS BECAUSE PEOPLE FELT THEN THAT THEY -- THAT THEIR INVESTMENT WAS PROTECTED. FINALLY, AN HISTORIC DISTRICT IS A HOME THAT'S THE SUM OF ITS PARTS. IF ONE OF THOSE PARTS, A HISTORIC CONTRIBUTING PROPERTY IS REMOVED AND REPLACED WITH A MODERN INCONGRESS GREW US DESIGN, IT NEGATIVELY AFFECTS THE WHOLE, REDUCING THE VALUE OF THE ENTIRE DISTRICT FOR THE OTHER PROPERTY OWNERS. YOU HAVE GIVEN US THE ABILITY TO CREATE HISTORIC DISTRICTS. HARTHAN STREET EXCEEDS THE CRITERIA. IF THERE WAS EVER A CASE FOR HISTORIC DISTRICT DESIGNATION THIS IS IT. I URGE YOU TO SUPPORT THIS, AND WOULD YOU PLEASE JUST SHOW THE SLIDE ON THE -- NOT THAT ONE BUT THE OTHER ONE? , THE OTHER GROUP? THIS IS A BUNK LONE IN THE HANCOCK NEIGHBORHOOD. FROM THE FRONT IT LOOKS VERY ACTION VERY MUCH AS IT DID WHEN IT WAS FIRST BUILT. NEXT. NOW YOU CAN SEE THAT IT HAS A LARGE SECOND STORY EDITION ON THE BACK. YOU DON'T SEE THIS. I HAD TO GET AT A VERY ODD ANGLE TO TAKE THIS PICTURE. I JUST WANTED TO LET YOU KNOW THAT YOU CAN BUILD ON YOUR HOUSE VERY MUCH. NEXT. THIS IS A BRAND-NEW HOUSE IN THE OLD WEST AUSTIN NATIONAL REGISTERED DISTRICT. IT TOOK OUT A CONTRIBUTING BUNGALOW IN THAT DISTRICT, AND AS YOU CAN SEE, IT DWARFS THE BUNGALOW THAT'S NEXT TO IT. I'M NOT SAYING THAT THIS IS BAD DESIGN AND I'M NOT SAYING THAT THIS KIND OF ARCHITECTURE DOES NOT HAVE A PLACE. I'M JUST SAYING THAT IT'S INCON GREW US IN THE LOCAL HISTORIC DISTRICT. NEXT. THIS SHOWS YOU A BUNGALOW ALSO IN OLD WEST AUSTIN WHERE A NEW HOUSE HAS BEEN PUT NEXT TO IT, AND YOU CAN SEE IT'S OUT OF SIZE, SCALE AND CHARACTER. AND THAT'S ALL I HAVE TO SAY. I -- I AM SO EXCITED TO BE HERE TONIGHT. YOU CANNOT EVEN IMAGINE, AND I HOPE YOU SUPPORT IT. THANK YOU. ?OO THANK YOU, TERRY. JOB WELL DONE. LINDA McNEILAGE, YOU TOO APPARENTLY HAVE REQUESTED SIX MINUTES TO BE FOLLOWED BY, I THINK, JEAN WALL.

GOOD EVENING, MAYOR, MAYOR PRO TEM DUNKERLEY AND HONORABLE COUNCIL MEMBERS. IT'S OUR GREAT PLEASURE TO BE HERE TONIGHT TO OFFER YOU THE INFORMATION ABOUT OUR LOCAL HISTORIC DISTRICT APPLICATION. I FEEL THAT IT IS IMPORTANT FOR ME TO ADDRESS A NUMBER OF MISUNDERSTANDINGS THAT HAVE COME UP REGARDING LOCAL HISTORIC DISTRICT OVERLAYS. THE FIRST IS THIS. ON THE 10:00 NEWS ON CHANNEL 42 THIS PAST MONDAY NIGHT, THE MOST VOCAL PROPERTY OWNER OPPOSING THIS LOCAL HISTORIC DISTRICT APPLICATION STATED THAT THE DISTRICT OVERLAY CONSTITUTES A TAKING OF PROPERTY RIGHTS. WELL, WHAT ARE THE VERIFIABLE FACTS? MANY CITIES IN TEXAS, AS WELL AS THROUGHOUT THE UNITED STATES, HAVE LONG HAD ORDINANCES FOR HISTORIC PRESERVATION AND HISTORIC DISTRICTS. CASE LAW BOTH ON THE FEDERAL AND STATE LEVEL HAS DETERMINED THAT HISTORIC

DESIGNATION OF A PROPERTY OR OF A DISTRICT DOES NOT CONSTITUTE A TAKING OF PROPERTY RIGHTS. AS TO FEDERAL LAW, THE LANDMARK CASE IN 1978 DETERMINED THAT STATES AND CITIES MAY ENACT LAND USE RESTRICTIONS TO ENHANCE THE QUALITY OF LIFE BY PRESERVING THE CHARACTER AND DESIRABLE AESTHETIC FEATURES OF THE CITY. MORE DIRECTLY RELEVANT, IN A RULING BY THE COURT OF APPEALS IN DALLAS IN 2005, DETERMINED THAT THE CITY'S DESIGNATION OF LANDOWNER'S PROPERTY AS AN HISTORIC OVERLAY DISTRICT IS NOT A TAKING. THESE FACTS SPEAK FOR THEMSELVES. IT IS CLEAR THAT HISTORIC DESIGNATION, LIKE ANY ZONING CODE, IS A PLANNING TOOL OF RESPONSIBLE CITY GOVERNANCE. LET ME MOVE ON TO QUESTIONS AND CONCERNS. DO THE DESIGN GUIDELINES OF THE HISTORIC DISTRICT LOCK IN ALL FUTURE LOCAL HISTORIC DISTRICT DESIGN STANDARD PROVISIONS IN OTHER NEIGHBORHOODS AND DISTRICTS? NO. THEY ARE APPLICABLE TO THIS DISTRICT ONLY. WE DREW UP OUR DESIGN STANDARDS BASED ON OTHERS IN OTHER CITIES, AND IN RESPONSE TO REQUESTS WE HAVE SUPPLIED OURS TO INTERESTED PARTIES, FOR EXAMPLE, IN TRAVIS HEIGHTS AND JUDGES HILL NEIGHBORHOOD, BUT THE ORDINANCE ALLOWS FOR EACH DISTRICT TO CREATE THEIR OWN DESIGN STANDARDS. DO SOME PROPERTY OWNERS NOT HAVE ACCESS TO INFORMATION ABOUT THE PROVISIONS OF THE DESIGN STANDARDS? NO. OVER THE PAST NINE MONTHS STEVE SADOWSKY AND HIS ASSISTANTS HELD FOUR MEETINGS, TO WHICH ALL PROPERTY OWNERS, THEIR AGENTS AND OTHER INTERESTED PARTIES WERE INVITED NOT ONLY TO ATTEND BUT TO PARTICIPATE IN CRAFTING REVISIONS TO THE DESIGN STANDARDS. DID THE FINAL DESIGN STANDARD DOCUMENT NOT HAVE INPUT FROM PEOPLE WHO ARE REALLY KNOWLEDGEABLE ABOUT CODES AND REGULATIONS? NO. OUR APPLICATION WAS HEARD BY LANDMARK COMMISSION, ZONING AND PLATTING COMMISSION. ALL COMMISSIONERS HAVE ACCESS TO THE DESIGN STANDARDS AND NO CONCERNS WERE RELAYED -- WERE RAISED. THE FINAL DRAFT HAS INCORPORATED RECOMMENDATIONS BY ALL WHO ATTENDED THE FULL MEETING THAN AND THEY INCLUDED MY COAL MEADE AS AN AGENT FOR THE OPPOSITION, CHRIS REILLY, FORMER CHAIR OF THE PLANNING COMMISSION, AL GOD FRI RESPECTED FIRM, AND TERRY MYERS, HISTORIC PRESERVATION OFFICE. SO THE INDISPUTABLE FACT IS THAT THIS HAS BEEN A PROCESS THAT HAS BEEN AN OPEN AND AN INCLUSIVE ONE, A PROCESS WHEREBY INTERESTED PARTIES WERE WELCOME TO PARTICIPATE. WELL, WHAT ABOUT ALLEGATIONS REGARDING THE CONDITION OF ANYONE'S PROPERTY NOT BEING SALVAGEABLE? THE MOST VOCAL OPPONENT HAS MAINTAINED THAT THE CONDITION OF THEIR PROPERTY, 609 HARTHAN, IS SUCH THAT DEMOLITION IS IN ORDER. COUNCIL HEARD THE REQUEST FOR A DEMO PERMIT ON MAY 5 OF 2005. ON THAT OCCASION SIMON ATKINSON, AN ARCHITECT AND PROMISE NEBT URBAN PROMINENT URBAN PLANNER WENT TO COUNCIL AND SAID, I HAVE UNDERTAKEN A DETAILED INSPECTION. WE DID SO WITH A VIEW OF RESTORING THAT BUILDING. WHILE WORK NEEDS TO BE UNDERTAKEN, THESE PROJECTS ARE ALL QUITE MANAGEABLE ENTERPRISES AND WERE POINTED OUT TO US BY THE SELLING AGENT. HE WENT ON TO SAY THAT HE WOULD THEREFORE ASK COUNCIL TO DO WHATEVER POSSIBLE TO PROTECT THAT BUILDING AND THE QUALITY OF HARTHAN STREET. HE SAID, I STRONGLY RECOMMEND THIS BUILDING BE SAVED DUE TO ITS CONTRIBUTING QUALITIES TO ONE OF

AUSTIN'S UNIQUE STREETS. AT THAT HEARING COUNCIL VOTED 7-0 ON FIRST READING TO DENY THE REQUESTED DEMOLITION PERMIT AND INSTEAD SIGNIFICANTLY IN THIS PRESENT CONTEXT TO RECOMMEND THE INITIATION OF HISTORIC DESIGNATION FOR THAT INDIVIDUAL PROPERTY. SO THE DESIGN STANDARDS ALLOW FOR WHAT ARE NOW CONSIDERED USUAL AMENITIES, SUCH AS CENTRAL AIR AND HEAT, AND THEY ALLOW FOR ENERGY-SAVING TECHNOLOGICAL ADVANCES. OUR DESIGN STANDARDS ARE DESIGNED TO PRESERVE THE CHARACTER AND SCALE OF THE STREET SCAPE. THEY ARE NOT DRACONIAN REGULATIONS. THEY ALLOW FOR PLANS TO BE REVIEWED BY THE CITY AND TO DETERMINE THAT THE CHANGES ARE APPROPRIATE. MAY I CONCLUDE ONE MORE SENTENCE?

MAYOR WYNN: PLEASE DO.

OUR APPLICATION HAS THE ENTHUSIASTIC SUPPORT OF MANY PEOPLE AND GROUPS THAT HAVE LOOKED AT THIS ISSUE, INCLUDING CITY STAFF, THE LANDMARK COMMISSION, THE ZONING AND PLATTING COMMISSION, THE TEXAS HISTORICAL COMMISSION, THE AUSTIN HERITAGE SOCIETY, THE AUSTIN NEIGHBORHOODS COUNCIL AND THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION. SO WE HOPE THAT YOU WILL FIND THAT ALL OF THESE PEOPLE AND ALL OF THESE COMMISSIONS AND ALL OF THESE ORGANIZATIONS CANNOT HAVE BEEN HORNSWAGGLED BY THIS APPLICATION AND WE HOPE THAT YOU WILL SEE FIT TO PASS THIS APPLICATION TONIGHT. THANK YOU FOR YOUR TIME.

MAYOR WYNN: THANK YOU, MS. McNEILAGE. I THINK JEAN WALL WAS GOING TO TAKE THREE MINUTES. WELCOME, JEAN. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.] I'M SURE MOST OF YOU ARE FAMILIAR IN THE PICTURE OF THE CAPITOL BUILDING THAT SHOWS SANTA ANA SURRENDER. BENEFIT McCULLOUGH IS THE MAN STANDING IN THE BACK OF SANTA ANA IN THE WHITE HAT. AND MACEDA HAS BEEN HONORED RECENTLY BY OUR PRESBYTERIAN CHURCH FOR CHURCH FOR HER MANY YEARS OF SERVICE INCLUDING 40 YEARS AS HEAD OF THE YOUTH PROGRAM. AND SHE EXPLAINS TO ME THAT THAT STREET -- THE 90 YEARS SHE HAS LIVED IN HER HOME, THAT THAT STREET HAS BEEN TYPICAL OF WHAT IT IS TODAY. ADVERSE GROUP OF PEOPLE. THERE'S BEEN ALL SORTS OF GOVERNMENT EMPLOYEES LIVING ON THE STREET, COUNTY, CITY, STATE, LAWYERS, DOCTORS, PHARMACISTS, MUSICIANS. EVEN [INAUDIBLE]. WE THINK IT SHOULD STAY LIKE IT IS, AND I REALIZE HOW GREAT A MEANING IT IS TO SAVE THINGS. WHEN I WORKED ON THE SAN ANTONIO EXPRESS AND NEWS AS A REPORTER IN THE EARLY '60s AND MID-'50s, I WAS PRIVILEGED TO INTERVIEW A NUMBER OF CONSERVATION LADIES THAT WORKED WITH WARREN MAVERICK, SR. WHEN HE WAS MAYOR TO SAVE WHAT IS NOW THE SAN ANTONIO RIVERWALK AND THE KING WILLIAM STREET AREA. IN THAT IS ONE THAT WE CONSULTED WITH IN THE APPLICATION HERE. AND I URGE YOU TO KEEP THIS GREEN AREA FOR THE FUTURE BECAUSE ALL THESE LADIES I INTERVIEWED SAID THEY HAD NO IDEA THE WORK THEY WERE DOING TO SAVE THOSE THINGS IN SAN ANTONIO WOULD MEAN TO THAT CITY'S FUTURE. AND WE HOPE YOU'LL BE RECOGNIZED FOR SEEING THE SAME SORT OF THING

HAPPEN HERE. THANK YOU SO MUCH.

Mayor Wynn: THANK YOU. PROUD TO HAVE YOU HERE. I BELIEVE THERE WAS ONE MORE SPEAKER, PERHAPS?

GOOD EVENING, MAYOR WYNN AND HONORABLE COUNCILMEMBERS. MY NAME IS MAUREEN MATOYER. I'LL MAKE THIS BRIEF. OBVIOUSLY WE'RE HERE IN SUPPORT OF THE APPLICATION FOR LOCAL HISTORIC DISTRICT, AND I JUST WANT TO SAY A NOTE OF THANKS TO ALL OF YOU AND TO THE CITY FOR, NUMBER ONE, PROVIDING THE MECHANISM FOR US TO BE ABLE TO DO THIS, AND ALSO A SPECIAL THANKS TO STEVE AND SUSAN FOR ALL THEIR WORK IN HELPING US. AS WAS MENTIONED HE WE WERE FIRST OUT OF THE GATE ON THE LOCAL HISTORIC DISTRICT. IT HAS BEEN A LEARNING PROCESS AND WE'VE DEFINITELY LEARNED A LOT OF THINGS AND HOPE WE'VE PAVED THE WAY FOR OTHER NEIGHBORHOODS. HARTHAN STREET IS VERY UNIQUE. IT REPRESENTS A NUMBER OF DIFFERENT ARCHITECTURAL INDUSTRIALS FROM THE 19th AND EARLY 20th CENTURIES. THOSE HISTORIC DISTRICT STATUS WILL ASSURE THESE PROPERTIES STAY MOSTLY INTACT FOR A TIME TO COME. WE LIVE ON THE OLDEST -- AT THE OLDEST TIME ON HARTHAN STREET WHICH WAS BUILT IN 1875 BY JUHNIGAN. WHEN HE BUILT THE STREET IT WAS CONSIDERED -- THE HOUSE HAS STOOD MOSTLY TO LOVING HANDS OF PREVIOUS OWNERS TO SOUGHT AND OBTAINED HISTORICAL STATUS FOR OUR HOUSE. WHEN WE RENOVATED IT TWO YEARS AGO WE HAD TO FOLLOW DESIGN STANDARDS AND GUIDELINES SIMILAR TO WHAT WILL BE PASSED UNDER THIS APPLICATION. AND WE FOUND THEM TO BE VERY REASONABLE. WE WERE ABLE TO DO WHAT WE NEEDED TO OUR HOUSE, UPDATE IT, ADD NEW TECHNOLOGIES, AND THE DESIGN STANDARDS IN THE HARTHAN APPLICATION WILL DO THE SAME FOR THE REST OF THE STREET. AND ALTHOUGH THE STANDARDS WILL NOT ALLOW FOR SUBSTANTIALLY ALTERING THE STREET FACADE OF THE HOUSES, THEY DO PROVIDE FLEXIBILITY IN RESTORING AND ADDING ON TO THE HOMES THUS ADDING BALANCE. JUST ONE LAST NOTE. ALL OF THE RESIDENTS ON HARTHAN STREET HAVE EQUAL CONCERNS OVER PROPERTY RIGHTS AND VALUES. THE ALTERATION OF OUR HOMES IMPACT THE PROPERTY VALUES OF EVERYONE ELSE ON THE STREET. THE LHD STATUS WILL ENSURE A FAIR MECHANIC ANYMORE WHILE RETAINING THE HISTORIC CHARACTER OF THE HOMES. A FORMULA THAT NUMEROUS STUDIES HAVE SHOWN OVER TIME WILL LEAD TO INCREASED PROPERTY VALUES AND CREATE A VIBRANT HISTORIC DISTRICT THAT WILL CONTRIBUTE TO THE ECONOMIC VITALITY OF THE CITY FOR YEARS TO COME. THAT'S MOST OF WHAT I WANTED TO SAY. EVERYBODY ELSE HAS SORT OF ALREADY COVERED THE BASES SO THANK YOU FOR YOUR TIME AND WE HOPE WILL YOU APPROVE THE APPLICATION TONIGHT. THANKS.

Mayor Wynn: THANK YOU, MAUREEN. OUR NEXT SPEAKER WAS GOING TO BE SHAWN NADALL -- SORRY IF I MISPRONOUNCED THAT. WELCOME. FAIR ENOUGH. I THOUGHT THERE WAS A DEAL BROKERED. APPARENTLY NOT. YOU HAVE THREE MINUTES.

THANK YOU. MY NAME IS SHAWN NADALL AND I'M TO HOMEOWNER OF THE BIG McMANSION

THAT EVERYONE SEEMS TO BE AGAINST. AND APPARENTLY I'M A REAL EVIL MAN THE WAY I'VE BEEN PORTRAYED HERE TONIGHT AND I DON'T REALLY CONSIDER MYSELF THAT WAY AND IT KIND OF UPSETS ME, BUT THAT'S THE WAY THIS THING SEEMS TO BE GOING. THE FACT OF THE MATTER IS I CAN STAND UP HERE AND EXPLAIN TO YOU -- FIRST OF ALL, I'M HERE REPRESENTING MARTHA, WHO IS IN THE HOSPITAL, ISN'T ABLE TO BE HERE ON HER OWN. I AM HERE REPRESENTING MARTHA AND THE REST OF THE HOMEOWNERS ON THE EAST SIDE OF HARTHAN STREET. I GUESS EVERYONE THAT LIVES ON THE EAST SIDE OF HARTHAN STREET AREN'T HISTORIANS AND WE JUST DON'T UNDERSTAND WHAT'S GOING ON AND WE'RE JUST THESE EVIL DEVELOPERS THAT ARE TRYING TO CHANGE EVERYTHING. WE REPRESENT THE FEAR THAT'S DRIVING THIS WHOLE THING. BUT THAT'S NOT THE CASE, FOLKS. THE HOUSES ON THE EAST SIDE OF THE STREET ARE ENTIRELY DIFFERENT THAN THE WEST SIDE OF THE STREET. YOU MIGHT AS WELL DRAW A LINE DOWN THE MIDDLE AND SAY OKAY, EVERYONE THAT'S RICH LIVES ON THE WEST SIDE, EVERYONE THAT'S POOR, YOU LIVE ON THE EAST SIDE. THAT'S WHAT'S GOING ON HERE. WHAT HAS IT CREATED? IT'S CREATED A WORLD OF HATE. WHAT YOU ARE DOING IS YOU ARE TAKING AWAY THE RIGHTS OF PEOPLE. THAT'S THE QUICKEST WAY TO CREATE HATRED. AND THAT'S WHAT YOU ARE DOING TO THOSE PEOPLE THAT LIVE ON THE EAST SIDE OF THIS STREET. THEY DON'T WANT IT BECAUSE THEIR HOUSES AREN'T HISTORIC. THEY DON'T WANT IT BECAUSE THEIR HOUSES HAVE SO MUCH MORE POTENTIAL THAT THIS IS NOT WHAT WE WANT. YES, THEY CAN SIT THERE AND SAY, OH, YOU CAN CHANGE AND THERE CAN BE POSSIBLE DEMOLITION, BUT THESE PEOPLE ARE NOT LIKE THAT. THEY WILL FIGHT TOOTH AND NAIL TO KEEP EVERY SINGLE ONE OF THOSE HOUSES THE SAME WAY IT IS. MARTHA IS 69 YEARS OLD. THIS IS HER LIFE INVESTMENT IS THIS HOUSE. IT HAS TWO THREE-INCH BY NINE-FOOT CRACKS IN THE FOUNDATION THAT RUN PANLD. IT'S A PIER AND BEAM SYSTEM AND FLOATING FOUNDATION. IT WAS BUILT IN THE '30s AND IT'S COMPLETELY FALLING APART. YOUR HISTORIAN RECOMMENDED A DEMOLITION PERMIT ON IT YEARS AGO. I REALLY FEEL THE ONLY REASON THAT NOTHING COULD GET DONE IS BECAUSE WE DIDN'T REALLY HAVE A PLAN TO PRESENT TO YOU TO SAY, OKAY, WELL, YEAH, WE'RE GOING IN. BACK THEN THERE WERE NO STANDARDS. NOW YOU HAVE STANDARDS IN THE NEIGHBORHOOD. BUT DO WE NEED TO BE SO AFRAID THAT THE PEOPLE ON THE EAST SIDE OF THE STREET ARE GOING TO DO SOMETHING THAT'S OUTSIDE THE GUIDELINES THAT ARE ALREADY SET BY THE CITY TO IMPOSE FURTHER RESTRICTIONS? IT BROUGHT UP AN ECONOMIST TALKING ABOUT HOW IT'S GOING TO INCREASE THE VALUE OF THE PROPERTY. WELL, ALLEN GREENSPAN, THE FORMER HEAD OF THE CHAIR, ALSO WROTE ABOUT ESTATES. AND HE PERSONALLY SAID HERE IN HIS LATEST BOOK THAT AT NO TIME IN HISTORY IS FURTHER RESTRICTIONS UPON THE ESTATE INCREASED THE VALUE OF THE ESTATE. [BUZZER SOUNDING] THAT'S WHAT YOU ARE DOING TO THE PEOPLE ON THE EAST SIDE. YOU ARE TAKING AWAY THEIR RIGHTS AND IT'S JUST FESTERING HATRED FOR ALL THE NEIGHBORS THAT ARE IMPOSING THIS AND AGAINST IT. IT'S HORRIBLE. ANY QUESTIONS?

Mayor Wynn: QUESTIONS FOR SHAWN, COUNCIL? THANK YOU FOR BEING HERE. LET'S SEE. IS MARY ALICE KEYES HERE? WELCOME.



IT'S ACTUALLY KIZE, MAYOR, BUT THAT'S OKAY. MY NAME IS MARY ALICE KIZE AND I'M REPRESENTING 609 HARTHAN. I AM AGAINST THE HARTHAN STREET HISTORIC DISTRICT. SINCE THIS DECISION HAS ALREADY BEEN DECIDED ON THIS ISSUE, I WILL JUST SAY A FEW WORDS. THIS ORDINANCE HAS BEEN GREATLY ABUSED. I STRONGLY REQUEST THE COUNCIL CONSIDERS CLEANING UP THE PROCESS. THE STREET WAS TARGETED BY A SPECIAL INTEREST BECAUSE THEY KNEW IT WOULD BE EASY TO PASS. THEY ONLY NEEDED SIX OWNERS TO DETERMINE THE FUTURE FOR SEVERAL OTHER OWNERS AGAINST THEIR WILL. PERHAPS THERE SHOULD BE A REEVALUATION OF HOW TO DETERMINE STAKEHOLDER OPINION AND LEVERAGE. AND THE PROCESS NEEDS TO BE MORE SCIENTIFIC. WE'VE ALWAYS BEEN TOLD WE COULD NOT OPT OUT OF THE DISTRICT, BUT THE SPECIAL INTEREST GROUP MID-POINT IN THE PROCESS DECIDED TO ADD A COMMERCIAL PROPERTY ON WEST SIXTH STREET JUST TO BEEF UP THEIR WINNING PERCENTAGES SO THEY COULD GET WHAT THEY WANTED IN THE END. NO MATTER WHAT THEY NEEDED TO DO, LIE, MANIPULATE AND CHANGE THE RULES MID-POINT, WITHOUT ANY MUNICIPAL INTERVENTION NOR WATCH DOGGING. THAT BEING SAID, MY COMPLIMENTS TO SUSAN VILLARREAL WHO DEMONSTRATED GOOD WILL WHILE MEETING WITH ME YESTERDAY FOR AN UNPLANNED MEETING. AND ASSISTING ME WHEN I WAS ON DEADLINE. IN CONCLUSION SOME OF THE NEIGHBORS INVOLVED IN THIS PROCESS HAVE NOT MAINTAINED THEIR INTEGRITY -- EXCUSE ME. DURING THIS PROCESS. PARDON ME. I DO NOT THINK THEY'VE BEHAVIOR SHOULD BE REWARDED, BUT IT WILL BE AND IT SETS A BAD EXAMPLE. WHAT REALLY SHOULD HAVE HAPPENED IS AS FOLLOWS. AS SOON AS THE PROCESS IS COMPROMISED, THOSE WHO DID NOT PERFORM ETHICALLY SHOULD BE PUNISHED BY STARTING THE PROCESS OVER AGAIN TO GUARANTEE INTEGRITY ON THIS COUNCIL'S WATCH. A NEIGHBORHOOD GROUP AND THE APPLICANT, TERRY MEYERS, SHOULD NOT BE ENCOURAGED TO USE THESE KINDS OF TACTICS AGAIN IN THE FUTURE. THANK YOU.

Mayor Wynn: THANK YOU. I THINK OUR FINAL SPEAKER IS MICHAEL STRUT. WELCOME, MICHAEL.

GOOD EVENING, MAYOR. THANK YOU FOR ALLOWING ME TO SPEAK LAST. MY NAME IS MICHAEL STRUT, AND I REPRESENT THE HERITAGE SOCIETY OF AUSTIN. THE HERITAGE SOCIETY RESPECTFULLY REQUESTS YOUR SUPPORT FOR THE DESIGNATION OF THE HARTHAN STREET HISTORIC DISTRICT, THE OPPORTUNITY TO UTILIZE A LOCAL HISTORIC DISTRICT MECHANISM HAS BEEN A PRIORITY FOR THE HERITAGE SOCIETY FOR MANY YEARS. THESE DISTRICTS ARE THE MOST POWERFUL TOOL TO PROTECT THE CHARACTER OF OUR HISTORIC NEIGHBORHOODS SUCH AS HARTHAN STREET FROM INITIATION OF THE CONCEPT TO THE CRAFTING OF THE ORDINANCE THROUGH TO ITS ENACTMENT OUR MEMBERS HAVE BEEN INVOLVED IN ABDICATING FOR THE ABILITY TO UTILIZE THE DISTRICTS. IN ADDITION WE HAVE OFFERED A LIMITED GRANT TO ASSIST AT-NEED NEIGHBORHOODS OR ORGANIZATIONS THAT SEEK LOCAL HISTORIC DISTRICT STATUS. FOR OVER.

YEARS THE HERITAGE SOCIETY HAS BEEN THE LEADING PROTECTOR OF AUSTIN'S DIVERSE CULTURAL HERITAGE DUE TO PRESERVATION OF HISTORIC TRERS AND PLACES. AS SUCH WE BELIEVE LEARNING FROM AND CELEBRATING OUR PAST WHILE PLANNING FOR AND CREATING THE FUTURE ENHANCES LIVABILITY AND A SENSE OF IDENTITY FOR AUSTIN. WE URGE YOUR SUPPORT FOR LOCAL HISTORIC DISTRICT APPLICATION AND THANK YOU FOR YOUR MANY HOURS OF HARD WORK TO PRESERVE WHAT IS BEST ABOUT AUSTIN FOR FUTURE GENERATIONS. AS NOTED BY BOTH MR. SADOWSKI AND TERRY MEYERS THIS IS A FIRST FOR US AND WE ARE THE LAST MAJOR CITY IN THE STATE TO HAVE LOCAL HISTORIC DESIGNATIONS AND ALTHOUGH WE ARE STARTING SMALL THIS IS A MAJOR FIRST STEP FORWARD FOR US AND TO BE ABLE TO PROTECT ON A LOCAL LEVEL HISTORIC DISTRICTS SUCH AS HARTHAN STREET. THANK YOU.

Mayor Wynn: THANK YOU, MR. STRUT AND ALL THE WORK OF THE HERITAGE SOCIETY. FOLKS SIGNING UP IN FAVOR NOT WISH TO GONOTWISH TO GO SPEAK INCLUDE JAMES POWELL, PAUL SEALS, CLAIRE DEYOUNG, CHRIS RILEY, MARY ARNOLD, ROBIN CARTER, SUSIE MAULED DEN, CODRONE CA TREMENDOUSLY, ELAINE MINAHAND. ALY MARBURGER, DOROTHY RICHTER, MARK FISHMAN, DAVID HONOR AND TIM MAHONEY ALL SIGNED UP NOT WISHING TO SPEAK IN FAVOR. COUNCIL, THAT'S OUR CITIZEN TESTIMONY ON THIS ITEM NUMBER 67, THE HARTHAN STREET LOCAL HISTORIC DISTRICT. IS THERE ANY WRAP-UP OR REBUTTAL YOU MIGHT NEED?

I DON'T NEED ANYTHING UNLESS YOU HAVE QUESTIONS.

Mayor Wynn: QUESTIONS FOR STAFF, COUNCIL? COMMENTS? I'LL ENTERTAIN A MOTION ON ITEM 67. MAYOR PRO TEM.

Dunkerley: [INAUDIBLE] AND APPROVE THIS HISTORIC DISTRICT ON ALL THREE READINGS.

Mayor Wynn: MOTION BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER KIM TO CLOSE THE PUBLIC HEARING AND APPROVE THIS ITEM 67 ON ALL THREE READINGS. FURTHER COMMENT? MAYOR PRO TEM.

Dunkerley: I WANT TO TAKE THIS OPPORTUNITY TO THANK THE STAFF AND ALL THE NEIGHBORS THAT WORKED ON THIS. THIS HAS BEEN I KNOW A VERY LONG PROCESS, BUT I HOPE WE CAN CONSIDER YOU ALL PIONEERS IN THAT YOU'VE KIND OF BLAZED THE WAY SO THAT IN THE FUTURE WHEN WE HAVE HISTORIC DISTRICT APPLICATIONS IT WILL BE A LOT EASIER FOR THOSE THAT FOLLOW BEHIND YOU. SO THANK YOU.

Mayor Wynn: MOTION AND SECOND ON THE TABLE. FURTHER COMMENT? I JUST WANT TO RESPECTFULLY TELL SHAWN AND MARY ALICE THAT I ABSOLUTELY POSITIVELY RESPECT THEIR PERSPECTIVE. I'M SORRY FOR -- IF THERE WAS HEARTBURN ABOUT THIS. I WOULDN'T BE SUPPORTING THIS IF I DIDN'T FIRMLY BELIEVE, JUST INTUITIVELY KNOW FROM PAST EXPERIENCE BUT JUST FIRMLY BELIEVE THAT FUNDAMENTALLY, FRANKLY, DRAMATIC

VALUE CAN IN FACT BE CREATED AND PRESERVED FIRST AND FOREMOST BUT ALSO CREATED WITH COMPREHENSIVE WELL, THOUGHT-OUT HISTORIC DISTRICT. THE MARKETABILITY, THE DESIRABILITY THAT IS CREATED I THINK LONG TERM WILL BE MEASURABLE. AND SO I'M SORRY TO KNOW THAT YOU FEEL AS STRONGLY AS DO YOU IN OPPOSITION, BUT I SINCERELY BELIEVE IT'S THE RIGHT THING TO DO. I WILL BE SUPPORTING THE MOTION. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON ALL THREE READINGS WITH A VOTE OF 7-0. [APPLAUSE]

Mayor Wynn: THAT BRINGS US TO ITEM 69. HYDE PARK NEIGHBORHOOD PLANNING AREA.

THANK YOU MAYOR AND COUNCIL. ITEM 69 IS CASE C 14-2007-0263, THE HYDE PARK NEIGHBORHOOD PLANNING AREA, VERTICAL MIXED USE BUILDING OPT IN, OPT OUT PROCESS. THIS IS BOUNDED BY 51st STREET TO THE NORTH, RED RIVER TO 45th STREET TO DUVALL STREET. TO THE EAST 38th STREET TO THE SOUTH AND GUADALUPE STREET TO 47th STREET ALONG WALLER CREEK TO THE SOUTH. AND THE REGULATIONS GOVERNING THE VERTICAL MIXED USE BUILDING DIMENSIONAL STANDARDS, ALLOWABLE USES, RELAXED PARKING STANDARDS AND THE VERTICAL MIXED USE BUILDING AND AFFORDABLE BUILDING REQUIREMENTS FOR VERTICAL MIXED USE BUILDING DEVELOPMENTS CONSIDERED FOR ADOPTION. THE CITY COUNCIL MAY ADOPT ALL OR SOME OF THESE REGULATIONS OR MANY VERTICAL MIXED USE. OVERLAY TO EXCLUDE PROPERTIES IN HYDE PARK NEIGHBORHOOD PLANNING AREA. THE RECOMMENDATION WAS GRANT THE VERTICAL MIXED USE BUILDING AND TO EXCLUDE MIXED TRACTS OVERLAY DISTRICT T EXCLUDED TRACTS WILL BE TRACTS 1 THROUGH 12 FROM A THE YEGER LAY AND OPTING IN TRACT 100. TRACT 100 IS FOR THE PROPERTY LOCATED AT 4000 AVENUE B. WHICH IS ABOUT ONE BLOCK EAST OF GUADALUPE. RIGHT AT THE CORNER OF 40th AND AVENUE B. IN THAT PARTICULAR TRACT, THEY WERE RECOMMENDING THE PARKING REDUCTION AND THE BUILDING DIMENSIONS. ALSO THAT THE RENTAL COMPONENT WOULD BE 10% FOR THE TERM OF 40 YEARS AT THE 60% M.F.I. LEVEL. IT WAS RECOMMENDED BY THE PLANNING COMMISSION ON CONSENT AND I THINK I'LL PAUSE AT THIS TIME IF YOU HAVE QUESTIONS. I KNOW THERE ARE SEVERAL PEOPLE FROM THE NEIGHBORHOOD HERE AND I BELIEVE KAREN MCGRAW HAS A BRIEF PRESENTATION TO MAKE WITH REGARDS TO THIS PARTICULAR APPLICATION. WITH THAT I'LL PAUSE AND WE CAN TAKE THOSE THAT ARE IN FAVOR AND THEN THOSE THAT ARE OPPOSED.

Dunkerley: I DON'T HAVE THAT LIST SO WILL THE FIRST ONE IN FAVOR STEP FORWARD?

MAYOR PRO TEM, KAREN MCGRAW HAS A NUMBER OF PEOPLE. ARE YOU GOING FIRST? AND WHAT IS YOUR NAME?

HI, I'M LISA HARRIS. I REPRESENT HYDE PARK AND AUSTIN NEIGHBORHOODS COUNCIL. AND THIS IS A LETTER THAT OUR NEIGHBORHOOD WROTE. MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS: HYDE PARK STRONGLY SUPPORTS THE GOALS OF VERTICAL MIXED

USE AND THE INCLUSION OF AFFORDABLE HOUSING THROUGHOUT THE FOUR CORRIDORS. WE EMBRACE THE SPIRIT OF VMU LONG BEFORE THE CURRENT EFFORT AND THE CITY HAS ALREADY ADOPTED A SOUND PROGRAM OF MIXED USE ZONING IN HYDE PARK. WE EXPECT THE CITY TO UPHOLD OUR ADOPTED MIXED USE ZONING. THE RESULT OF A CITY SPONSORED THREE-YEAR NEIGHBORHOOD PLANNING PROCESS REPRESENTING THOUSANDS OF VOLUNTEER HOURS AND DETAILED NEGOTIATIONS BETWEEN DOZENS OF COMMERCIAL PROPERTY OWNERS AND NEARBY RESIDENTS. WE APPLAUD THE CITY'S EFFORT TO EXTEND THE CONCEPT OF VMU ZONING. HOWEVER, THE NEW VMU OVERLAY IS REDUNDANT FOR MUCH OF OUR CORRIDOR AND RISKS UNDOING OUR NEIGHBORHOOD PLAN. WE RESPECTFULLY REQUEST THAT YOU NOT IMPOSE THE VMU OVERLAY AT THIS TIME. IF PROPERTY OWNERS WISH TO USE THE VMU PROGRAM IN THE CONTEXT OF AN ACTUAL PROJECT, WE RECOMMEND THAT THEY LOOK AT THE SITES IDENTIFIED IN OUR ATTACHED LETTER AND ENGAGED IN DISCUSSIONS WITH OUR PLANNING TEAM. THIS POSITION WAS PRESENTED IN OUR LETTER AND APPLICATION DATED MAY 30th, 2007, AND WAS RECONFIRMED THIS WEEK BY MEETINGS OF BOTH THE HYDE PARK PLANNING TEAM AND HYDE PARK NEIGHBORHOOD ASSOCIATION.

Mayor Wynn: WELL, MS. MCGRAW. BEFORE YOU START, A NUMBER OF FOLKS WANT TO DONATE TIME TO YOU. IS LISA HARRIS HERE?

SHE JUST SPOKE.

[INAUDIBLE]

Mayor Wynn: OKAY. I APOLOGIZE FOR BEING OFF THE DAIS FOR A SECOND. HOW ABOUT DENISE GERARD? WELCOME. PATRICIA GRISWOLD. WELCOME. AND MARK FRISHMAN. KAREN YOU HAVE UP TO NINE MINUTES IF YOU NEED IT. WELCOME.

I'LL TRY TO MAKE IT -- THERE ARE MORE PEOPLE WHO COULD DONATE. BUT I'M GOING TO TRY TO BE BRIEF.

Mayor Wynn: FAIR ENOUGH. TWO MORE PEOPLE COULD DONATE TIME IF YOU NEED IT.

THANK YOU, MAYOR WYNN, MAYOR PRO TEM DUNKERLEY, COUNCILMEMBERS. I HOPE THAT THE PRESENTATION WE'RE GOING TO MAKE IS GOING TO BE INFORMATIVE TO YOU ABOUT OUR NEIGHBORHOOD AND I JUST WANT TO REEMPHASIZE THAT THE VERTICAL MIXED USE PROGRAM IS A REALLY GREAT PROGRAM, BUT WE WORKED SO HARD ON THIS ZONING AS WE'VE LOOKED BACK AT IT, WE REAL FEEL LIKE WE WOULD LIKE TO CONTINUE WHAT WE DO, NEGOTIATE GREAT PROJECTS WITH DEVELOPERS. WE'VE DONE THAT A NUMBER OF TIMES. SO I'M GOING TO SHOW YOU SOME INFORMATION ON OUR NEIGHBORHOOD THAT MAY BE OF INTEREST TOTO YOU AND TRY NOT TO TAKE TOO MUCH OF YOUR TIME. THIS FIRST EXHIBIT, THIS IS A MAP I STARTED A LONG TIME AGO, 10 YEARS AGO MAYBE IN OUR PLANNING WORK, AND THAT IS THE PART OF HYDE PARK SOUTH OF 45th STREET. I STARTED

LOOKING AT SOME OF THE MULTI-FAMILY HOUSING IN OUR NEIGHBORHOOD AND IDENTIFYING HOW MANY UNITS PER ACRE WERE ON SOME OF THESE LITTLE PROJECTS. ALL OF THE AREAS THAT ARE COLORED ORANGE ARE ALREADY MULTI-FAMILY 4 DENSITY, 36 TO 54 UNITS PER ACRE. EVEN THOUGH SOME ARE TINY, THEY ARE VERY DENSE. MOST OF THEM ARE SURROUNDED BY SINGLE-FAMILY HOUSES THE PINK COLOR ARE PROPERTIES WHERE THE DENSITY EXCEEDS MULTI-FAMILY 4 DENSITY ALREADY. AND THERE ARE A NUMBER OF THOSE. AND ANOTHER THING YOU MIGHT NOTE, ONE REASON WE HAVE A LOT OF DENSITY TOO IS WE HAVE A LOT OF EFFICIENCY APARTMENTS AND BUILD DON'T BUILD THOSE MUCH ANYMORE. PEOPLE WHO LIVE IN THOSE APARTMENTS WORK IN OUR NEIGHBORHOOD, A LOT OF THEM. SO I THINK WE HAVE A LOT AFFORDABLE HOUSING AND WE'RE NOT IN ANY WAY OPPOSED TO AFFORDABLE HOUSING. WE WOULD BE HAPPY TO GET SOME MORE SO THAT IS NOT SOMETHING WE'RE AGAINST. WE'RE ACTUALLY VERY MUCH FOR IT. AND I WANTED TO SHOW WHAT YOU WE HAVE THERE NOW. THE NEXT THING IS A MAP OF OUR AREA WITH THE VMU PROPOSAL THAT -- THE MAP WE WERE GIVEN BY THE CITY AND -- LET'S TRY TO GET THE MAP ON THERE. THIS IS THE GUADALUPE CORRIDOR BETWEEN 38th AND 45th. ON THE VERY NORTH TOP END IS AN ORANGE BOX THAT IS THE WALGREENS AT 45th AND GUADALUPE. ALL OF THE AREA BETWEEN 40th AND 45th IS COLORED BLUE IS VERY MUCH RIGHT UP AGAINST SINGLE-FAMILY HOUSES. AND IN OUR PLANNING, WE ALREADY DID A LOT OF THE THINGS THAT YOU DID IN VMU. WE GAVE PEOPLE A ZERO FRONT SETBACK. AND WE ASSURED MIXED USE BY REQUIRING THE GROUND FLOOR TO BE COMMERCIAL. IN DOING THAT, WE WERE VERY SENSITIVE TO THE FACT THAT MOST OF THAT PROPERTY BACKS UP TO SINGLE-FAMILY HOUSES. ALL OF THAT PROPERTY CARRIES A FLOOR AREA RATIO OF TWO. YOU CAN'T BUILD IT OUT UNDER THE CURRENT HEIGHT LIMITS AND I HAVE AN EXHIBIT THAT WILL SHOW YOU THAT. THIS EXHIBITED EXHIBIT IS FROM OUR NEIGHBORHOOD PLAN AND YOU CAN SEE THERE IS A TINY BUNK GOOD LOOK THAT WILL REPRESENT THE HOUSES ON A AND THE DEVELOPMENT BLOCKS FOR THE GLIEWP DISTRICT. THE ONE THING THAT WE DID IS BASICALLY WE PUSHED THAT BOX 10 FEET TOWARD GUADALUPE AND GOT A 10-FOOT REAR SETBACK. THAT SHOWS THE COMPATIBILITY HEIGHT LIMIT OF 30 FEET IN THE BACK AND 40 FEET IN THE FRONT. AND THAT IS IN OUR ZONING TODAY. THAT CAN BE BUILT ALL THE WAY DOWN GUADALUPE. LIKE I SAY, THE FLOOR TO AREA RATIO IS TWO BUT YOU CAN'T GET THAT OUT OF THE DEVELOPMENT. IT HAS ALL OF THE DENSITY IT CAN CARRY AT THIS POINT WITHOUT EXCEEDING THE COMPATIBILITY HEIGHT. LET'S GO TO THE NEXT. I JUST WANTED TO SHOW YOU THIS FROM 2001. THIS IS ALL THE GUADALUPE PROPERTIES. JUST TO SHOW YOU HOW HARD WE WORKED TO GET INFORMATION. EN BACK THEN WE TALKED TO ALMOST ALL OF THE PROPERTY OWNERS AND ON THE FAR RIGHT COLUMN IS THE CURRENT F.A.R. OF BUILDINGS. THERE WAS ONE THAT IS IN ERROR AND NOTHING APPROACHES ONE. FOR MOST OF THESE PROPERTIES, IF YOU WERE TO BUILD OUT THE EXISTING ZONING AND FLOOR AREA RATIO IT WOULD BE THREE TO FOUR TIMES THE SIZE OF THE EXISTING DEVELOPMENTS. AND MOST OF THE TIME YOU ARE NOT GOING TO GET TO THAT F.A.R. OF TWO AT ALL. NEXT IS -- I'M SORRY. THIS IS KIND OF HARD TO SEE. LET'S SEE IF WE CAN THAT SORT OF FLATTENED OUT A LITTLE BIT BECAUSE IT'S HARD TO SEE. BUT THIS IS 31

GUADALUPE, WHICH IS A BUILDING THAT WAS LOOKED AT, CONSIDERED TO BE SIMILAR TO THE VMU PROPOSALS. IT'S THREE STORIES. IT IS 40 FEET AT THE VERY TOP OF THAT PARAPET AND SIMILAR TO WHAT CAN BE BUILT ALL THE WAY DOWN GUADALUPE UNDER OUR CURRENT ZONING. THE NEXT PICTURE IS GOING TO SHOW YOU THE SIDE OF THAT BUILDING. THIS IS KIND OF HARD TO SEE, BUT THE FRONT OF THE BUILDING IS ON YOUR LEFT, AND WHAT HAPPENS IS IT ONLY EXTENDS BACK -- THE THREE-STORY PORTION ONLY EXTENDS HALFWAY BACK TO LOT, BUT THEY ALSO HAD TO PARK THIS BUILDING. THE FLOOR AREA RATIO OF THIS BUILDING IS ONE TO ONE. IT DOESN'T EVEN BEGIN TO APPROACH TWO TO ONE. EVEN IF YOU REDUCED THE 80% PARKING TO 60, YOU ARE NOT GOING TO GET A LOT MORE THAN F.A.R. ONE TO ONE WITH A BUILDING OF THIS HEIGHT. THE NEXT ONE. THIS JUST HAPPENS TO BE ONE OF THE UNFORTUNATE THINGS THAT HAPPENED. ONE OF THE REASONS WE LIKE TO HAVE THE ABILITY TO NEGOTIATE IS THIS IS A HOUSE THAT ENDED UP WITH A BIG CONCRETE RAMP RIGHT NEXT TO IT BEHIND THIS BUILDING. AND SO THIS IS ONE OF THE REASONS WE REALLY LIKE TO SORT OF ASSIGN TEAM PROJECTS IN OUR -- FINE TUNE PROJECTS IN OUR NEIGHBORHOOD. MOVING ON, I WANT TO TALK ABOUT THE AREA BETWEEN 38th AND 40th ON GUADALUPE. CAN WE TURN THAT THE OTHER WAY SO WE'LL BE NORTH? SORRY. THERE WE GO. THIS IS THE LOWER PART OF GUADALUPE, AND YOU CAN SEE THE ORANGE BUILDING IS BAKERS SCHOOL SITTING ON A VERY LARGE LOT. IT'S ABOUT 45 FEET TALL. THE TWO BLOCKS BEHIND THERE HAVE 60-FOOT HEIGHT LIMITS. ALL AROUND THE SCHOOL ARE SINGLE-FAMILY HOUSES AND BUNGALOWS. OUR CONCERN IS UNDER THE VMU THOSE TWO BLOCKS COULD BE BUILT OUT 60 FEET TALL SOLID BOXES AND THEY WOULD RISE UP HIGHER THAN THAT SCHOOL AND NOT ONLY WOULD WE HAVE A WALL OF BUILDINGS, WE WOULD HAVE THE POTENTIAL TO HAVE OPEN GARAGES ON THE BACK OF THAT, SO ALL OF THE NEIGHBORS WOULD EASILY BE ABLE TO LOOK INTO THOSE PARKING GARAGES ON THE BACK. SO WHAT WE'RE ASKING FOR IS THAT YOU NOT OPT THOSE PROPERTIES IN RIGHT NOW, BUT IT SAYS IN OUR REPORT WE WOULD BE INTERESTED IN DISCUSSING THOSE PROPERTIES WITH SOMEONE BECAUSE WE WANT -- WE DON'T WANT A BALL OF 60-FOOT BUILDINGS. WE WOULD LIKE SOME NICE PROJECTS, BUT WE WANT TO BE SURE THEY ARE NICE PROJECTS. LET'S GO TO THE NEXT. I'M SORRY, THIS IS HARD TO SEE. THIS IS JUST THE FRONT OF BAKER SCHOOL. HISTORIC 1911 SCHOOL. NEXT. THIS IS THE SIDE VIEW OF BAKER SCHOOL. AND THIS SITS IN THE MIDDLE OF ITS LOT. THAT'S ABOUT 45 FEET HIGH. NEXT. I'M SORRY, THIS IS HARD TO SEE, BUT BAKER IS ON THE LEFT. AS YOU LOOK ACROSS THERE, THAT 60-FOOT BUILDING WOULD BE REALLY TALL. IF YOU CAN SEE ON THE RIGHT, THERE'S A BUILDING IN THE DISTANCE ON THE RIGHT, KIND OF AN ORANGE-LOOKING BUILDING. THAT'S ABOUT 60 FEET. BUT IT'S 300 FEET FARTHER AWAY THAN THE BUILDINGS THAT WOULD BE A GUADALUPE. NEXT. THIS IS A LITTLE CHURCH THAT SITS ACROSS FROM BAKER SCHOOL. THE NEXT THREE OR FOUR PICTURES ARE JUST SOME OF THESE SMALL BUILDINGS THAT SIT AROUND BAKER SCHOOL THAT WOULD HAVE THAT VIEW TO THE BACK OF THOSE 60-FOOT BOXES. THESE ARE TWO SMALL RESTORED HOUSES THAT ARE OFFICES ACTUALLY RIGHT NOW. THE OWNER OF THESE IS HERE TONIGHT. NEXT. ANOTHER LITTLE BUILDING ZONED MIXED USE. NEXT. THE BUILDING ON THE RIGHT IS THE ONE WE WANT TO OPT IN. IT'S ALREADY

BUILT TO ITS PROPERTY LINES. IT'S MIXED USE ALREADY. IT'S NOT CONTRIBUTING. AND THE LAST COUPLE OF BUILDINGS THERE WERE CONTRIBUTING. [BUZZER SOUNDING] THESE ARE ALL CONTRIBUTING BUNGALOWS AND SIT AROUND BAKER SCHOOL. I NEED JUST A FEW MINUTES. CAN I GET A COUPLE OF FOLKS TO CONTRIBUTE FOR ME?

Mayor Wynn: IS THERE ANYBODY HERE THAT WOULD LIKE TO DONATE THEIR THREE MINUTES? WHAT'S YOUR NAME, MA'AM?

[INAUDIBLE]

Mayor Wynn: YOU HAD ALREADY DONATED YOUR TIME TO KATHERINE MOORE SO KATHERINE WILL HAVE TO HAVE THREE MINUTES LESS.

[INAUDIBLE].

I THINK I SEE STAN TOO.

Mayor Wynn: SO SIX MORE MINUTES, KAREN.

THANK YOU. I'M GOING TO TRY TO WRAP THIS UP. I JUST WANTED TO SHOW YOU WHAT HAPPENS AROUND BAKER SCHOOL. AND THE REASON THAT WE REALLY -- IF WE GET GOOD NEW PROJECTS ON THE GUADALUPE SIDE, WE WANT TO BE CAUTIOUS ABOUT WHAT WE DO SO THAT IT IS GOOD WITH OUR HISTORIC DISTRICT AND ALSO RESPECTS THE SCHOOL AND ITS ENVIRONMENT. ALSO THE BIG PLAYING FIELD IS RIGHT ADJACENT TO WHERE THOSE BUILDINGS WOULD BE. AND THAT WOULD CREATE A GOOD DEAL OF SHADOW IN THE WINTER. NEXT. I WANTED TO SHOW YOU THIS. THIS IS THE VILLAS OF GUADALUPE AND I KNOW YOU MIGHT NOT LIKE ME FOR BRINGING THIS BACK TO YOU, BUT ANYWAY, I JUST WANTED TO SHOW YOU, THIS BUILDING HAPPENS TO BE 60 FEET TALL, AND ON THE RIGHT SIDE YOU CAN SEE THAT IS THEIR PARKING GARAGE AND IT ABUTTS AN ALLEY. THAT IS THE KIND OF THING WE COULD HAVE ON GUADALUPE, AND SINCE IT WOULD NOT ABUTT ANOTHER BUILDING, THIS IS MY ISSUE ABOUT BAKER SCHOOL IS A LOT OF PEOPLE WOULD BE ABLE TO SEE THE BACK OF THAT GARAGE. I THINK THAT'S WHY WE REALLY NEED TO WORK TO GET A GREAT PROJECT THERE. THE BUILDING ON THE RIGHT, NEXT PICTURE, IS THE VENUE, AND ACTUALLY THE NORTH UNIVERSITY NEIGHBORHOOD NEGOTIATED ON THAT BUILD TO GO TRY TO GET THAT TO HIDE THE GARAGE OF THE VILLAS. DIDN'T TOTALLY WORK, BUT THAT WAS PART OF THEIR INTENT. LET'S LOOK AT THE REST. WE'RE JUST ABOUT AT THE END. THIS IS ON 38th STREET. AND JUST TO THE LEFT OF THE JIFFY LUBE IS GUADALUPE STREET. THE LITTLE GUNKBUNGALOW ON THE RIGHT AND WE NEGOTIATED TO GET THIS ONE AND THE ONE TO THE RIGHT, HE'S BEEN RESTORING THESE AND KEEPING THEM. JUST TO THE LEFT THERE'S A 60-FOOT HEIGHT LIMIT, BUT THERE'S ONLY A F.A.R. OF TWO. YOU CANNOT BUILD A WHOLE 60-FOOT BOX UNTIL YOU LET THAT F.A.R. LOOSE WHICH IS WHAT V.M.R. WOULD DO. BEFORE WE GO AGAINST WHAT WE DID WITH HIM AND LET THAT BE A FULL 60-FOOT BOX, WE WOULD LIKE TO INVOLVE HIM IN A DISCUSSION IF SOMEBODY

WANTS TO DO MORE THAN F.A.R. OF TWO THAT'S THERE NOW. SO THAT'S ANOTHER -- WE JUST -- WE JUST WANT THE RIGHT TO BRING THESE BACK ONE AT A TIME WOULD BE THE VERY BEST THING. LET'S LOOK AT THE NEXT PICTURE IS THE OTHER BUNGALOW. AND THE NEXT ONE IS A LITTLE BUNGALOW ACROSS THE STREET. AND I THINK WE HAVE ONE MORE PHOTOGRAPH. THIS IS ON THE NORTH END. YOU MIGHT -- 45th AND GUADALUPE, THE WALGREENS PROJECT EXTENDS ALL THE WAY FROM GUADALUPE TO AVENUE A. AND THAT SIGN IS ON AVENUE A SIDE. WELL THAT IS CORRECT ZONING IS MIXED USE ALREADY. BUT IF WE PUT VMU AND BUILD IT OUT, IT CAN BE 40 FEET RIGHT WHERE THAT SIGN IS. YOU CAN SEE ACROSS THE STREET THERE ARE TWO HOUSES AND ONE UNDER CONSTRUCTION. SO WE WANT TO BE REALLY CAUTIOUS HOW THAT KIND OF A PROJECT GETS DESIGNED. AND MAYBE IT WILL REPLACE THE WALGREENS SOME DAY. BUT THAT'S PRETTY NEW PROJECT IN AND OF ITSELF RIGHT NOW. THE NEXT THING -- THE LAST THING THAT I HAVE, BECAUSE WE'RE TALKING HERE ABOUT HYDE PARK NEGOTIATING GREAT DEALS WITH PEOPLE, THIS IS A PROJECT ON WEST 41st. THE BUILDING ON THE RIGHT IS WILLIE KOCUREK'S LAW OFFICE AND THE ONE ON THE LEFT IS A TINY DUPLEX. WE NEGOTIATED WITH THE OWNERS TO KEEP THOSE. THIS IS A MIXED USE SITE. IT'S A TINY LOT. IT HAS MORE DENSITY AND LESS PARKING THAN ANYTHING THAT COULD BE BUILT. AND IT SHOULD BE COMING TO YOU SOON WITH H ZONING DESIGNATION ON IT. AND THE NEXT ONE IS JUST DO REMIND KNEW THE NORTH HYDE PARK NCCD WE HAVE AN AFFORDABLE HOUSING COMPONENT IN THAT NCCD. THIS IS JUST A FIVE-ACRE SITE WHERE WE DID A DETAILED NEGOTIATION TO GET A REALLY GREAT MIXED USE PROJECT. THIS IS NOT ON THE VMU MAP, BUT I WANTED TO SHOW YOU WHAT HARD WORK WE DO TO NEGOTIATE AND GET GREAT PROJECTS IN OUR NEIGHBORHOOD. AND THIS IS A POTENTIAL -- IT IS ALREADY A VERY DENSE MULTI-FAMILY DEVELOPMENT, BUT IT COULD BE EVEN DENSER UNDER THE ZONING ADOPTED IN 2005. I HAVE ONE LAST IMAGE FOR YOU. THIS BUILDING WAS NEGOTIATED WITH THE PROPERTY OWNER IN 2003. AND IT IS JUST NORTH OF THAT WALGREENS SITE IN NORTH HYDE PARK. IT IS MIXED USE. IT IS CONDOS, AND THE GROUND FLOOR IS RETAIL. WE MADE AN AGREEMENT WITH THE PROPERTY OWNER WHILE WE WERE WORKING ON OUR NCCD AND THEN EXTENDED THAT ZONING TO THE REST OF THAT BLOCK. AND IT ACTUALLY -- IT WAS ZONED, BUT DUE TO A TECHNICALITY, IT HASN'T BEEN BUILT YET. IT CAME THROUGH HERE ON CONSENT ON JANUARY 31st OF THIS YEAR AND YOU APPROVED IT. AND WE DON'T EVEN SHOW UP FOR THOSE CASES BECAUSE WE TRY TO WORK THINGS OUT SO WELL AND THEN BRING THEM TO YOU ALL GRAY AGREED TO AND WORKED OUT. WHAT WE'RE ASKING YOU FOR AND IT MAY SOUND NEGATIVE THAT WE WANT TO OPT OUT, BUT WE DON'T WANT TO OPT OUT IN SPIRIT. WE JUST NEED TO MAINTAIN OUR PROCESS OF NEGOTIATING WITH PEOPLE AND THAT WILL UNDER THE CURRENT PROGRAM, THAT WOULD REQUIRE TO US OPT OUT. THAT'S WHAT WE'RE ASKING YOU FOR TONIGHT. AND I'LL BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE. THANK YOU.

Mayor Wynn: THANK YOU, KAREN. QUESTIONS FOR MS. MCGRAW, COUNCIL? LET'S SEE, OUR NEXT SPEAKER IS DOROTHY RICHTER. ARE YOU KATHERINE MOORE? YOU CAN GO AHEAD WHILE DOROTHY MAKES HER WAY UP. SO IT LOOKS LIKE DAVID CONNER HERE? HELLO,



DAVID. AND JAMES GRAPE. SORRY IF I MISPRONOUNCED THAT, JAMES. JAMES GRAPE OR GRAPE. KATHERINE, YOU HAVE UP TO SIX MINUTES IF YOU NEED IT. WELCOME.

THANK YOU VERY MUCH. I AM KATHERINE MOORE. I LIVE IN HYDE PARK, SERVE ON THE DEVELOPMENT REVIEW COMMITTEE OF THE HYDE PARK NEIGHBORHOOD ASSOCIATION. AND I'M ON FORMER OFFICER, I ALSO SERVE ON THE HYDE PARK PLANNING TEAM. ONE OF THE THINGS THAT WE SAID IN OUR LETTER AND I WANT TO MAKE REALLY CLEAR IS THOUSANDS AND THOUSANDS OF VOLUNTEER HOURS THAT GO INTO THE CREATION OF OUR PLANNING PROCESS AND THE MANY, MANY AGREEMENTS THAT WE'VE INDIVIDUALLY MADE AND REPRESENTATIONS WE'VE MADE TO THE ADJACENT COMMERCIAL PROPERTY OWNERS TO WORK OUT THESE AGREEMENTS. THE STRIP ON GUADALUPE IS NOT A WIDE STRIP, IT'S A VERY THIN STRIP. THE LOTS ARE ABOUT 125 FEET DEEP. ONE THING OUR NEIGHBORHOOD IS GRAPPLE BEING WITH AS A PROBLEM BEFORE THIS PARTICULAR VMU PROPOSAL COMES IN IS PARKING, PARKINGPARKING THAT SPILLS OVER FROM BUSINESSES ON GUADALUPE INTO THE NEIGHBORHOOD. WE FEAR A SITUATION THAT WILL GROW WITH THOSE PARKING PROBLEMS AS BUSINESS DEVELOP AND WE WOULD LIKE TO HANDLE IN THAT IN A NEGOTIATED WAY THAT WORKS FOR BOTH THE NEIGHBORS AND THE BUSINESSES. WE HAVE MANY, MANY SMALL UNITS. YOU'VE SEEN THE -- KAREN'S MAP OF THE EFFICIENCIES AND THE AFFORDABLE HOUSING. WHEN YOU LIVE IN HYDE PARK AND YOU ARE THERE AT PEAK RUSH HOUR FOR THE UNIVERSITY, YOU SEE MANY, MANY PEOPLE FLOCKING TO THE TRANSIT CORRIDORS OF DUVALL, SPEEDWAY AND GUADALUPE TO CATCH THE BUS TO GO TO U.T. WE'RE ALREADY WALKING AND RIDING MASS TRANSIT IN THE AREA BECAUSE OF OUR GREAT DENSITY AND OUR AFFORDABLE HOUSING. SO WE REALLY ARE NOT OPPOSED THIS PROBABLY, WE JUST NEED TO KEEP ON WITH THE PROCESS THAT WE BEGAN ALREADY WITH IT. SO I WANTED TO EXPRESS TO YOU HOW MUCH WE WANT TO WORK WITH YOU AND YET WE FEEL THE BEST WAY TO DO THAT IS TO OPT OUT. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MS. MOORE. DOROTHY, WELCOME. YOU WILL HAVE THREE MINUTES.

DOROTHY RICHTER. I JUST WANT TO ADD A LITTLE BIT OF HISTORY THAT SOME OF YOU MAY NOT KNOW. HYDE PARK WAS ESTABLISHED BACK IN EARLY -- ABOUT 1890 BY MONROE SHY. IN THAT TIME THE CITY LIMITS OF AUSTIN WAS 19th OR MLK. AND HE WAS A MILE OUT. HE BROUGHT THE TROLLEY SYSTEM TO AUSTIN. FIRST MASS TRANSIT THAT AUSTIN HAD. AND IT WAS THE -- THE BARN WAS OUT IN HYDE PARK. HE HAD A VERY FAR-REACHING MIND ABOUT WHEN HE SET OUT HYDE PARK, AND IF YOU KNOW, IT'S BEEN USED AS AN EXAMPLE FOR NEIGHBORHOODS ACROSS THE COUNTRY. THIS OLD GUADALUPE STREET WAS THE HIGHWAY TO DALLAS. AND THESE -- THIS STRIP ALONG THERE IS -- SOME OF IT, SOME OF THE BUILDINGS ARE STILL THERE. THE OLD MOBILE HOME -- I MEAN MOTOR HOME IS STILL THERE. THIS -- THIS STREET IS UNIQUE IN THAT IT IS PART OF THE SUBDIVISION THAT WAS SET OUT THERE NEXT TO THE INSANE ASYLUM AT THAT TIME. AND SO ANY CHANGES THAT

MIGHT OCCUR THERE, WE WOULD KIND OF LIKE TO HAVE A SAY FOR IT. SO THANK YOU.

Mayor Wynn: THANK YOU, MS. RICHTER. LET'S SEE, CHRIS EWAN. SORRY IF I MISPRONOUNCED THAT.

[INAUDIBLE]

Mayor Wynn: LOOKS LIKE YOU ARE THE LAST SPEAKER SIGNED UP REGARDLESS. ELAINE AND ALLEN MA RBURGER SIGNED UP NOT WISHING TO SPEAK BUT IN FAVOR. WELCOME.

THANK YOU MAYOR AND COWSSMENTSCOUNCILMEMBERS. HYDE PARK IS MY SECOND FAVORITE NEIGHBORHOOD, AND AS THE MAYOR SAID, I'M CHRIS EWAN AND I DO SERVE ON THE PLANNING COMMISSION. I DID NOT HEAR THIS CASE, HE WAS IN D.C. LEARNING ABOUT LAND USE AND TRANSPORTATION AND INTEGRATING THOSE TWO. AND WHAT I WANTED TO MENTION TODAY IS I THINK THAT WE HAVE AN OPPORTUNITY HERE TO RELOOK AT SOME OF THESE ISSUES THAT HAVE BEEN BROUGHT UP, AND I WOULD ENCOURAGE THE COUNCIL TO ADDRESS SOME OF THE CONCERNS RATHER THAN EXCLUDE ALL OF THESE PROPERTIES FROM THE VERTICAL MIXED USE OVERLAY. AND SO I WOULD ENCOURAGE TO YOU POTENTIALLY DELAY, ENCOURAGE THE NEIGHBORHOOD TO GO BACK TO THE TABLE, AND I WANTED TO BRING UP A COUPLE OF ISSUES OF WHY I THINK THAT MIGHT BE A GOOD IDEA. FOR ONE, SOME OF THESE HISTORICAL BUILDINGS, FOR EXAMPLE BETWEEN 41st AND 42nd STREET THAT THE NEIGHBORHOOD VERY RIGHTLY WANTS TO PRESERVE CURRENTLY HAVE VERY LITTLE PARKING. IN FACT, I DID AN ANALYSIS A LITTLE BIT FURTHER DOWN THE STREET AT EL PATIO. THEY HAVE 57% OF THE CURRENT PARKING REQUIRED. AND THAT BUILDING HAS A LOT OF PARKING THERE. I MEAN FROM WHEN YOU LOOK AT IT ON THE STREET, IT'S NOT THAT WALKABLE OF A BUILDING. GENERALLY. SO A LOT OF THESE BUILDINGS IF YOU JUST WANTED TO DO THE SIMPLE THING OF ADDING ONE MORE FLOOR OF RESIDENTIAL ON TOP, A LOT OF THESE BUILDINGS HAVE 20% OR SOME OF THEM EVEN HAVE ZERO PERCENT PARKING. SO THE PARKING REQUIREMENT IS ACTUALLY ANOTHER WAY TO LIMIT THE DENSITY BECAUSE IT OPERATES IN SUCH A WAY THAT, FOR EXAMPLE, IN A RESTAURANT SCENARIO, WHICH IS SORT OF ONE OF THE WORST GENERATORS OF SPILLOVER PARKING, BUT LET ME USE THAT AS AN EXAMPLE. FOR EVERY IS HUNDRED SQUARE FEET OF RESTAURANT, YOU ARE REQUIRED TO BUILD ONE SQUARE FOOT OF PARKING. WHICH HAPPENS TO BE ABOUT 300 SQUARE FEET. SO YOU ARE NOT GOING TO GET A F.A.R. IF YOU DO SURFACE PARKING ONLY, YOU ARE NOT GOING TO GET A F.A.R. OF MORE THAN A QUARTER TO ONE BECAUSE YOU HAVE 100 100 SCOOT OF BUILDING AND 300 SCWIEWT OF PARKING. WHAT'S HAPPENING IF YOU DON'T DO THE PARKING REDUCTION, I THINK THAT YOU ARE LOSING A LOT OF BLOCKABILITY OR YOU ARE LOSING AFFORDABILITY. WALKABILITY BECAUSE THINGS ARE FURTHER APART BECAUSE YOU HAVE A LOW F.A.R. AND THAT MEANS IF YOU DO SURFACE PARK, YOU HAVE LOW F.A.R. IF THINGS ARE FURTHER APART IT'S HARDER TO GET PLACE TO PLACE. OR YOU LOSE AFFORDABILITY BECAUSE YOU ARE REQUIRE TO GO BUILD PARKING SPACES THAT ARE NOT STRUCTURED BECAUSE YOU ARE NOT GOING THE SURFACE. THOSE ARE TAKE TO \$30,000 APIECE. AND

WE'VE JUST SEEN THIS CASE THAT CAME BEFORE US, I BELIEVE YOU HAD IT ON EAST OLTORF. [BUZZER SOUNDING] I'D BE GLAD TO ANSWER ANY QUESTIONS.

Mayor Wynn: YOU CAN TAKE A MINUTE AND CONCLUDE.

YOU KNOW, JUST THIS PROPERTY ON THE EAST OLTORF, FOR EXAMPLE, VERY BUS-RICH AREA, VERY TRANSIT-RICH AREA. WE HAVE THIS CASE BEFORE US, I THINK YOU'LL RECALL IN THE LAST SIX WEEKS, 50% OF THE RESIDENTS OF THAT PROPERTY TOOK THE BUS. AND MANY OF THEM WERE ABLE TO DO THEIR SHOPPING LOCALLY AND SO THEY DIDN'T HAVE A CAR, BUT YET YOU ARE REQUIRING EVERY SINGLE RESIDENT TO BASICALLY PAY FOR THE PARKING WITH THE DEVELOPMENT. AND I WOULD ENCOURAGE YOU TO PUT THIS CASE BACK TO THE NEIGHBORHOOD, HAVE THEM WORK OUT THROUGH THESE ISSUES, WORK OUT SOME OF THE SCREENING ISSUES WITH PARKING AND THE ORDINANCE. AND REALLY WORK THROUGH THOSE THINGS SO WE CAN HAVE SOMETHING THAT REALLY DOES WORK FOR THE NEIGHBORHOOD AND THAT DOES WORK FOR THE CITY AS WELL SO WE CAN HAVE A MORE WALKABLE SPACE IN THIS VERY TRANSIT-RICH AREA.

Mayor Wynn: THANK YOU, CHRIS. COUNCIL, I BELIEVE THAT'S ALL THE FOLKS WHO SIGNED UP WISH TO GO GIVE TESTIMONY ON THIS PUBLIC HEARING NUMBER 69 REGARDING THE HYDE PARK VMU. QUESTIONS OF STAFF? COMMENTS? COUNCILMEMBER COLE.

Cole: I HAD A QUESTION OF KAREN MCGRAW.

Mayor Wynn: SHE LOVES QUESTIONS.

Cole: I KNOW YOU'VE DONE EXTENSIVE WORK IN PLANNING FOR THIS AREA AND I'M A LITTLE FAMILIAR WITH IT. BUT I WASN'T CLEAR DURING YOUR TESTIMONY IF YOU HAD ANY PROPERTIES OR AREAS THAT YOU WOULD NOT WANT OPTED OUT, ARE YOU ASKING FOR THE ENTIRE NEIGHBORHOOD TO BE OPTED OUT?

LET ME GET THE MAP BACK UP. WE WENT THROUGH THAT KIND OF FAST. BUT WE ARE ACTUALLY ASKING FOR EVERYTHING TO BE OPTED OUT. IN OUR THREE-PAGE LETTER, AND I'M SORRY I DIDN'T GIVE YOU ANOTHER COPY TO YOU, I THINK I E-MAILED IT TO YOU. IT IDENTIFIED SOME PROPERTIES -- WELL, WE NEED THE MAP, OUR COLORED MAP. I'M SORRY. THAT MAP. THE ONES IN BLUE ARE THE ONES WHERE VMU WON'T DO ANY GOOD BECAUSE OF THE HEIGHT LIMIT AND THE EXCESSIVE F.A.R. IT WON'T DO ANY GOOD UNLESS YOU WANT TO OPT THAT IN. I THINK THAT'S WHAT THIS MAN IS TALKING ABOUT. WE'RE DYING FOR PARKING. WE'VE ASKED FOR HELP FROM THE CITY IN OUR NEIGHBORHOOD PLAN OF 2000 AND WE HAVE NEVER GOTTEN FIVE MINUTES OF HELP ON ANYTHING FOR THAT CORRIDOR FOR TRANSPORTATION, PEDESTRIAN, ANYTHING. SO THOSE BLOCKS FROM 40th TO 45th, THE ONLY THING LEFT IN VMU YOU CAN GIVE THEM IS A PARKING REDUCTION. AND I DON'T THINK THAT'S REALLY GOOD GG TO HELP AND I OWN A BUILDING IN THERE AND CAN I TELL YOU THAT WE'RE MANAGING OUR COMMERCIAL PARKING VERY CAREFULLY. IT'S A

LITTLE UNDER 80% NOW. AND WE STILL HAVE NEIGHBORS PARKING IN THERE BECAUSE THEY DON'T HAVE ANY PARKING. AND I THINK --

Cole: LET ME MAKE SURE I'M CLEAR. I WANT TO MAKE SURE I'M FOLLOWING YOU. THE AREAS IN BLUE YOU STILL WANT THOSE OPTED OUT BECAUSE OF PARKING.

BECAUSE OF THE PARK. BECAUSE THERE'S NOTHING LEFT IN VMU TO GIVE THEM. WE GAVE THE ZERO SETBACK, WE GAVE -- WE'VE SET THE HEIGHT LIMIT. WE'VE GOT MORE F.A.R. THAN WE NEED. WE CAN BUILD. THE ONLY THING LEFT TO GIVE THEM A PARKING REDUCTION.

Cole: SO YOU REALLY CAN'T POINT TO ANYTHING ON THE MAP THAT YOU DON'T WANT OPTED OUT?

THE ONLY THING IS THE TINY THING AT 40th AND BAKER SCHOOL, 40th AND B, IT HAS A STAR IN THE MIDDLE OF THE INTERSECTION. THAT'S THE TINY ONE WE SAID TO OPT IN. LET ME ALSO POINT OUT ON THIS MAP, YOU SIGH THE LETTER C, THOSE ARE CONTRIBUTING, THERE ARE TWO RIGHT THERE AND THERE ARE TWO ALONG GUADALUPE. THOSE ARE CONTRIBUTING BUILDINGS. THOSE ARE NOT EVEN ELIGIBLE. OKAY? YOU SEE THOSE FOUR. OKAY. THANK YOU, GREG. THE ONES THAT ARE IN ORANGE, THE ONES BEHIND BAKER SCHOOL AND DOWN TO 38th AND THE ONE WAY AT THE TOP THAT IS THE WALGREENS TRACT AND THEN FURTHER TO THE NORTH THERE'S A MULTI-FAMILY THAT NOW HAS MIXED USE ZONING IN OUR NCCD. WE THINK THOSE ARE POTENTIAL SITES, BUT ARE THOSE POTENTIAL SITES IN ORANGE HAVE ISSUES. EITHER THINGS WE'VE ALREADY AGREED WITH PEOPLE OR THEY ARE BY SOMEBODY'S HOUSE, THEY ARE THINGS THAT NEED CAREFUL CRAFTING. WE'RE SAYING IF SOMEBODY WANTS TO DO A VMU ON ONE OF THOSE SITES, OUR LETTER OUTLINES THOSE SITES. PLEASE COME TALK TO US, LET'S SEE IF WE CAN WORK OUT A VMU DEAL AND TAKE CARE OF THE ISSUES WE HAVE OF WHAT THEY ARE ADJACENT TO. THAT'S WHAT WE'RE ASKING FOR. BUT THE ONLY WAY WE CAN DO THAT THAT ANYBODY HAS BEEN ABLE TO FIGURE OUT IS WE HAVE TO OPT OUT. THERE'S NO A YOU'RE IN BUT, YOU KNOW, IT WOULD TAKE SOME ZONING CHANGE. WE MIGHT NEED TO CHANGE OUR NCCD. SOME OF THE THINGS MR. EWAN SAYS ABOUT SOLVE THE PROBLEM WITH SCREENED PARKING. WE COULD PROBABLY DO THAT IN NCCD. WE WOULD RATHER IDENTITY CASE BY CASE AND GO BACK AND REWRITE OUR NCCD BECAUSE THAT'S A FULL-BLOWN PLANNING PROCESS AGAIN.

Cole: THANK YOU, KAREN.

DOES THAT HELP?

Cole: THAT DOES HELP.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? COUNCILMEMBER McCRACKEN.

McCracken: MAYOR, I'M GOING TO MAKE A MOTION AND I'LL GO AHEAD AND MAKE THE MOTION AND THEN I'LL SAY WHY I'M MAKING THE MOTION. I'M GOING TO MOVE ON FIRST READING ONLY TO APPROVE ITEM 2 WHICH IS APPROVE THE VMU OVERLAY ON TRACTS 1 THROUGH 12 AND 100. AND THEN TO MAKE THEM ELIGIBLE FOR AFFORDABLE HOUSING BONUS DENSITIES.

Mayor Wynn: MOTION BY COUNCILMEMBER McCRACKEN TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY OUR MOTION NUMBER 2 WHICH SAY PROOFING VMU OVERLAY ON TRACTS 1 THROUGH 12 AND 100. I'M SORRY, INCLUDING THE AFFORDABLE HOUSING BONUS.

McCracken: I THINK GREG MIGHT HAVE A QUESTION.

Mayor Wynn: I'M SECOND THAT. MR. GUERNSEY.

THANK YOU, MAYOR. THERE WAS A FURTHER RECOMMENDATION THE NEIGHBORHOOD REQUESTED THE 60% AFFORD BUILT FOR THE RENTAL UNITS. SO THAT WAS ORIGINALLY JUST FOR THE TRACT 100 THEY WANTED TO OPT IN, BUT I THINK THAT WAS PART OF THE REQUEST THAT THEY WANTED THE 6 ON%.

McCracken: AND I'LL INCLUDE THE 60% MFI.

Mayor Wynn: I'LL ACCEPT THAT. MOTION AND SECOND ON THE TABLE. FIRST READING ONLY.

McCracken: MAYOR, I'LL JUST -- I LOVE HYDE PARK. I LIVE RIGHT ADJACENT TO IT. I'VE LIVED IN THE NEIGHBORHOOD THE FIRST THREE YEARS I LIVED IN AUSTIN. I ALSO KNOW SEVERAL OF US HEARD THE PRESENTATION ON SUSTAINABLE ORGANISM TALKING ABOUT THE MORAL IMPERATIVE WE HAVE TO ENSURE WE HAVE HOUSING ADJACENT TO TRANSIT, THAT WE ARE ENCOURAGING INFILL DEVELOPMENT AT A RESPONSIBLE SCALE THAT'S COMPATIBLE BUT ALSO MEANS PEOPLE HAVE ACCESS TO TRANCE THAT. THAT WE'RE NOT ENCOURAGING SUBURBAN SPRAWL. THIS IS REALLY A MAJOR -- THIS IS KIND OF LIKE ALMOST OUR TEXTBOOK CORRIDOR TO MAKE THIS HAPPEN. GUADALUPE HAS 15% OF THE ENTIRE CAPITAL METRO RIDERSHIP IN THE ENTIRE CITY GOES ON GUADALUPE. AND AS WONDERFUL A NEIGHBORHOOD AS HYDE PARK IS, THERE ARE A LOT OF PORTIONS LIKE THE ROOSTER ANDREWS SITE AND THE JIFFY LUBE, THESE ARE SITES WE'RE TRYING TO SAVE. THERE ARE SITES BETWEEN FIRST AND SECOND READING WE COULD GET GUIDANCE FROM HYDE PARK ABOUT WHICH OF THE SITES ARE SITES THAT HAVE SOME HISTORIC MERIT VERSUS THOSE THAT ARE FALLING DOWN. THERE'S THAT STRIP BETWEEN THE HYDE PARK OFFICE PARK AND THE OLD ROOSTER ANDREWS SITE WHERE SOME ARE NICE AND SOME ARE FALLING DOWN. AND I THINK IT WOULD BE VERY HELPFUL TO GET INPUT FROM HYDE PARK. WE HAD ASKED AT OUR LAST COUPLE TIMES HYDE PARK TO COME GIVE US

SOME, YOU KNOW, SOME INPUT ON SOME COMING IN AND SOME STAYING OUT. SO HOPEFULLY WE CAN TAKE ADVANTAGE OF THE IINTERIM BETWEEN FIRST AND SECOND READING TO ACHIEVE. THAT I WANT TO SPEAK TO THE BARGAIN THAT GOT US HERE. BECAUSE WHEN WE DID THE DESIGN STANDARD AND MIXED USE ORDINANCE, THIS WAS SUPPORTED BY THE AUSTIN NEIGHBORHOODS COUNCIL INCLUDING THE VERTICAL MIXED USE OVERLAY, THE MEMBERS ENDORSED IT UNANIMOUSLY ON THE STAKEHOLDER GROUP. AND IN FACT LAURA MORRISON CAME AND TESTIFIED WHEN WE CONSIDERED A YEAR AGO GIVING NEIGHBORHOODS THE OPTION TO ACTUALLY RECOMMEND SOME SPECIFIC PARCELS TO COME OUT, YOU KNOW, THEY TESTIFIED NEIGHBORHOODS WILL NOT ATTEMPT TO REMOVE ENTIRE AREAS FROM THE OVERLAY. THEY WILL ONLY IDENTIFY SPECIFIC PARCELS. ONE I THINK WE SAW EARLIER WAS A GREAT EXAMPLE OF A NEIGHBORHOOD I THINK WOULD BE VISIT TO THE IWANA FOLKS, THEY DID A WONDERFUL JOB AT BOLD INCREEK. ALSO AS PART OF THE McMANSION BARGAIN, WE SAID WE WERE GOING TO PROTECT THE SINGLE-FAMILY NEIGHBORHOODS. I THINK IT'S IMPORTANT WE MAINTAIN THAT COMMUNITY BARGAIN AND PUT THE DENSITY ON THE CORRIDORS AND INCLUDE PUBLIC VALUES SPECIFICALLY THAT VMU OVERLAY UNLIKE THE EXISTING ZONING WHICH HAS VERY PROGRESSIVE THINGS IN IT. THAT IT DOESN'T GET EXISTING ZONING DOES NOT MAKE IT POSSIBLE TO INCLUDE AFFORDABLE HOUSING. THE ONLY WAY WE CAN GET AFFORDABLE HOUSE ING IS INCLUDE THESE PROPERTIES IN THE VMU OVERLAY. I THINK FUNDAMENTALLY THAT IS THE OPPORTUNITY TO BE RESPONSIBLE TO OUR LAND USE PLANNING AND INCLUDE AFFORDABILITY WHICH WE DON'T HAVE AN OPTION UNLESS THEY THEY ARE IN THE OVERLAY. THAT'S THE REASON FOR MAKING MY MOTION.

Mayor Wynn: MOTION AND SECOND ON THE TABLE. FIRST READING ONLY APPROVING THE VMU OVERLAY. COUNCILMEMBER LEFFINGWELL.

Leffingwell: THIS NEIGHBORHOOD DOES HAVE -- WE'VE ALREADY HEARD TESTIMONY, THERE IS ALREADY A LOT OF AFFORDABLE HOUSING IN HERE. THEY'VE ALREADY ACCEPTED A LOT OF DENSITY IN THEIR NEIGHBORHOOD PLAN. THAT WAS A CAREFULLY NEGOTIATED PROCESS. AND HERE WE'RE LAYERING IN ADDITIONAL DENSITY AFTER THEY'VE ALREADY NEGOTIATED THAT THING. SO I AGREE THAT VMU IS A GREAT TOOL. IT'S NOT APPROPRIATE IN ALL PLACES. I THINK THIS IS ONE OF THOSE PLACES WHERE IT'S NOT APPROPRIATE. THE TESTIMONY HAS ALSO BEEN THAT THE SETBACKS ON HEIGHT ALONG GUADALUPE ARE ABOUT MAXED OUT AS THEY ARE RIGHT NOW. SO I WILL VOTE NO ON THE MOTION.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS ON THE MOTION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? LET'S SEE. SHOW A HANDS ON NO VOTES, PLEASE. MOTION PASSES ON FIRST READING ONLY ON A VOTE OF 4-2 WITH COUNCILMEMBER LEFFINGWELL AND COLE VOTING KNOW AND COUNCILMEMBER KIM OFF THE DAIS. MR. GUERNSEY, I BELIEVE THAT FINISHES OUR ZONING CASES.

THAT'S CORRECT. GO TO OUR 6:00 HEARINGS.

Mayor Wynn: COUNCIL, WE NOW GO TO OUR PUBLIC HEARINGS. WE HAVE JUST A HANDLED FULL OF THOSE. WELCOME.

GOOD EVENING, MAYOR AND COUNCIL. I'M HERE TO PRESENT ITEM 71. THE ORDINANCE READING FOR THIS ANNEXATION AREA ARE TENTATIVELY SCHEDULED FOR MARCH 27th. THIS AN OWNER REQUESTED FULL-PURPOSE ANNEXATION THAT INCLUDES APPROXIMATELY THREE ACRES LOCATED IN EASTERN TRAVIS COUNTY AT U.S. 290 AND DECKER LANE. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

ITEM 72, SUB SERVICE STRUCTURES. WELCOME MR. PAT MURPHY.

GOOD EVENING, MAYOR AND COUNCIL. THIS ORDINANCE IS -- APPLIES TO SUBSURFACE IMPERVIOUS COVER. OUR CODE TODAY HAS LANGUAGE IN IT HA REFERS TO ALLOWING ONLY COUNTING IMPERVIOUS COVER IN THE LAND USE IMPERVIOUS COVER MEASURES THAT COVERS THE SURFACE OF THE LAND. WE HAVE NOT HAD CLEAR STANDARDS ON THIS, AND THIS ORDINANCE IS INTENDED TO PROVIDE STANDARDS TO BE ABLE TO MAKE THAT DETERMINATION. THE ORDINANCE WOULD PROVIDE THAT A SUBSURFACE PORTION OF A STRUCTURE IS NOT REQUIRED TO BE INCLUDED IN THE IMPERVIOUS COVER MEASUREMENTS IF THE STRUCTURE IS LOCATED WITHIN THE URBAN ROADWAY BOUNDARY OUTSIDE A OF THE BARTON SPRINGS ZONE. TWO, IS BELOW THE GRADE OF THE LAND THAT EXISTED BEFORE THE CONSTRUCTION OF THE STRUCTURE, IN OTHER WORDS, THE PREEXISTING GRADES. THREE, IS COVERED BY SOIL WITH A MINIMUM DEPTH OF TWO FEET BUT WITH AN AVERAGE DEPTH OF NOT LESS THAN FOUR FEET. FOUR, HAS AN AREA NOT GREATER THAN 15% OF THE SITE. THE STRUCTURE IS -- MAY NOT BE ASSOCIATED WITH A RESIDENTIAL USE OTHER THAN A MULTIFAMILY RESIDENTIAL USE, AND I THINK THERE MAY BE SOME CLARIFICATION OF THAT LANGUAGE TO BE MORE SPECIFIC, THAT WE DO NOT INTEND FOR THIS TO APPLY TO SINGLE-FAMILY TYPE RESIDENTIAL DEVELOPMENT. THE ORDINANCE PROVIDES THAT THE DISCHARGE OR IMPOUNDMENT OF GROUNDWATER FROM THE STRUCTURE, IF ANY, WILL BE MANAGED TO BE AVOID ADVERSE EFFECTS ON PUBLIC HEALTH AND SAFETY, THE ENVIRONMENT AND ADJACENT PROPERTY. THIS ORDINANCE IS PROPOSED TO YOU BECAUSE OF OUR, AS I SAID PREVIOUSLY, WE DO NOT HAVE CLEAR STANDARDS IN OUR CODE FOR HOW TO ADDRESS IMPERVIOUS COVER COVERING THE NATURAL GROUND SURFACE. WE HAVE BEEN THROUGH THE ENVIRONMENTAL BOARD. THE ENVIRONMENTAL BOARD VOTED TO TABLE THIS ORDINANCE BECAUSE THEY WANTED SOME CLEAR STANDARDS ON HOW WE ARE ADDRESSING THE GROUNDWATER. AS A RESULT OF THAT COUNCIL MEMBER LEFFINGWELL, WHO IS SPONSORING THIS ORDINANCE, PROPOSED THE RESOLUTION THAT YOU ADOPTED THIS MORNING REGARDING HAVING US DO A STUDY ON GROUNDWATER AND TO COME BACK TO YOU WITH RECOMMENDATION THAT WILL SPECIFICALLY TRY TO ADDRESS THAT ISSUE. IT IS AN ISSUE THAT WE HAVE NOT HERETOFORE ADDRESSED IN THE CITY AND IT IS SOMETHING WE REALLY NEED TO GET OUR ARMS AROUND BEFORE WE CAN ADVISE YOU ON WHAT WOULD BE APPROPRIATE STANDARDS THAT YOU MIGHT WANT TO ADOPT. IN THE INTERIM THE 15% LIMIT OF SITE COVERAGE IS INTENDED TO REDUCE THE SCOPE OF THIS SUCH THAT WE FEEL THAT WE

WILL NOT BE CAUSING ADVERSE IMPACTS RELATIVE TO GROUNDWATER. I KNOW THAT GREG GUERNSEY AND TOM WERE TALKING ABOUT A CHANGE TO THE LANGUAGE IN THE CODE HERE THAT WOULD BETTER ADDRESS THE SINGLE-FAMILY. TOM, IS THAT SOMETHING YOU COULD ADDRESS?

WE DECIDED TO LEAVE IT AS IT IS IN THE ORDINANCE AND THE BACKUP.

OKAY. THANK YOU. AND WITH THAT, IN ORDER TO KEEP IT BRIEF, I'LL END, AND IF YOU HAVE QUESTIONS I'LL BE HAPPY TO TRY TO ANSWER THOSE.

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

LEFFINGWELL: CURRENTLY WE HAVE UNDERGROUND PARKING GARAGES AROUND THE CITY, CORRECT?

YES.

LEFFINGWELL: THAT ARE -- AND WHAT ARE THE STANDARDS FOR THOSE?

REALLY, FROM A PERSPECTIVE, THEY ARE -- IF THEY'RE UNDERNEATH THE SURFACE OF THE STRUCTURE THEY DO NOT COUNT AS ADDITIONAL IMPERVIOUS COVER AND THERE'S NO SET LIMIT ON HOW DEEP THOSE STRUCTURES CAN GO.

LEFFINGWELL: THERE'S NO MINIMUM DEPTH OF SOIL REQUIRED AT THIS POINT IN TIME, SO WHAT THIS DOES IS ADD THAT PROTECTION, MINIMUM OF TWO FEET, AVERAGE OF FOUR FEET?

CORRECT.

LEFFINGWELL: AND IT'S MY UNDERSTANDING THAT COULD ALSO BE THE CASE IN THE PREMATTER SETBACK OF THE TOWN LAKE OVERLAY; IS THAT CORRECT?

THE WATERFRONT OVERLAY SPECIFICALLY PROVIDES THAT THE SETBACKS DO NOT APPLY TO UNDERGROUND PARKING STRUCK STRUCTURES.

LEFFINGWELL: SO YOU COULD HAVE NOW AN UNDERGROUND PARKING STRUCTURE IN THE PRIMARY SETBACK.

YES.

LEFFINGWELL: AND IT COULD BE COVERED WITH AN INCH OF SOIL?



YES. THEORETICALLY, YES.

LEFFINGWELL: BUT AFTER -- IF THIS ORDINANCE IS ADOPTED THE STANDARDS WOULD REQUIRE, AGAIN, THE MINIMUM DEPTHS OF SOIL?

CORRECT, IT WOULD BE A MINIMUM OF TWO FEET. LET ME POINT OUT THAT THE WATERSHED REGULATIONS WOULD STILL PROHIBIT PUTTING A SUBSURFACE STRUCTURE IN THE CRITICAL WATER ZONE SETBACK IN TOWN LAKE IN THAT INSTANCE.

LEFFINGWELL: THANK YOU.

MAYOR WYNN: FURTHER QUESTIONS OF STAFF? IF NOT WE'LL CONDUCT OUR PUBLIC HEARING. GET SOME CITIZEN FEEDBACK. FIRST SPEAKER IS CAROL GIBBS GIBBS.

ARCH AND MAYOR, WHILE SHE'S COMING UP, COUNCIL MEMBER LEAF YOU HAD ONE OTHER CLARIFICATION TO WANTING THIS TO STRICTLY APPLY TO PARKING STRUCTURES?

I DO HAVE A COUPLE CLARIFICATIONS. I WAS GOING TO WAIT UNTIL THERE WAS A MOTION ON THE TABLE.

THAT'S FINE.

LEFFINGWELL: BUT I DO -- SINCE YOU ASKED THE QUESTION, I DO PLAN TO RECOMMEND THAT IT APPLIES ONLY TO PARKING STRUCTURES AND THERE WILL BE ADDITIONAL LANGUAGE ABOUT A GROUNDWATER ANALYSIS.

THANK YOU.

MAYOR WYNN: WELCOME, CAROL. IS CAROL GOLF HERE? SO -- GAIL HAD SIGNED UP ORIGINALLY TO OFFER MINUTES TO CAROL.

OH, AND SHE -- I GUESS SHE WASN'T ABLE TO STAY.

MAYOR WYNN: SO YOU HAVE THREE MINUTES. WELCOME. YOU'LL BE FOLLOWED BY JEAN MATHER.

FIRST, AND I DON'T KNOW IF THIS COUNTS AS MY THREE MINUTES, THAT'S FINE, BUT I'VE GOT A QUESTION ABOUT PROCESS BECAUSE I DON'T KNOW -- I HAD REQUESTED A POSTPONEMENT, SO IS THERE NO OPPORTUNITY TO DISCUSS THE POSTPONEMENT?

MAYOR WYNN: WELL, YOU CAN CERTAINLY REQUEST A POSTPONEMENT. THIS ISN'T A ZONING CASE. WE DON'T HAVE A STANDARD PRACTICE THAT ANYBODY CAN COME REQUEST -- A COUNCIL MEMBER CAN REQUEST POSTPONEMENT, BUT IN A ZONING CASE

WE HAVE --

RIGHT, OKAY.

MAYOR WYNN: WE HAVE SORT OF A PRACTICE OF HAVING EITHER AN OPPOSITION GROUP OR THE APPLICANT GROUP KEEPING THAT RIGHT, BUT THIS IS JUST THE PUBLIC HEARING REGARDING AN ORDINANCE AMENDMENT.

OKAY. WELL, I GUESS I'M SEEING THIS AS -- I'M IN OPPOSITION. I'M CAROL GIBBS, I LIVE IN THE SOUTH LAMAR NEIGHBORHOOD ASSOCIATION BUT I'M HERE SPEAKING ON BEHALF OF MYSELF AND THE OTHER MEMBERS OF THE SOUTH CENTRAL COALITION WHICH IS THE NEIGHBORS IN 78704. WE ARE VERY CONCERNED ABOUT ITEM NO. 72 GOING FORWARD TONIGHT, RIGHT ON THE HEELS OF ITEM 41, WHICH I CERTAINLY APPRECIATE COUNCIL MEMBER LEFFINGWELL REQUESTING THAT STUDY BE DONE, BUT WHAT WE'RE AFRAID OF, AMONG OTHER THINGS, AND I KNOW YOU-ALL -- I ASSUME EVERYONE GOT MY EMAIL, WHICH I WON'T GO INTO ALL THAT DETAIL HERE, BUT ONE OF OUR CONCERNS IS THAT A PARKING GARAGE COULD GET BUILT OR STARTED IN TEN DAYS WHEN THIS ORDINANCE IS APPROVED, SOMEBODY COULD START A PARKING GARAGE, AND THAT STUDY WOULDN'T EVEN BE OVER YET BY THE TIME THAT PARKING GARAGE WAS BUILT. AND SO IF STAFF IN THE COURSE OF THE STUDY FOUND SOMETHING OF CONCERN, IT'S TOO LATE FOR THAT ONE PARKING GARAGE AND THEN WE HAVE THE NEXT PARKING GARAGE OR SUBSURFACE PARKING STRUCTURE SAYING, WELL, HE GOT IT SO WHY CAN'T I HAVE IT? WE WOULD LIKE TO SEE THE STUDY DONE, RULES FROM IT DEVELOPED AND THEN THE ORDINANCE APPROVED. WE JUST -- WE JUST DON'T UNDERSTAND -- WELL, I DO THINK I UNDERSTAND, WHY THIS HAS TAKEN SUCH A FAST TRACK. I HAVE DONE A LOT OF RESEARCH ON THIS IN THE PAST WEEK, AND MY UNDERSTANDING IS THERE ARE CONCERNS WITHIN THE WATERSHED PROTECTION DEPARTMENT ABOUT THIS ORDINANCE THAT ARE NOT REPRESENTED HERE. I HAVE NOT HAD A CHANCE TO MEET WITH PAT. HE HAS OFFERED TO, AND WE WILL DO THAT NEXT WEEK, BUT THOSE ITEMS THAT I LISTED IN MY EMAIL, THERE ARE SEVERAL OF THOSE QUESTIONS THAT HE WAS NOT ABLE TO ANSWER IN THE EMAIL THAT, AGAIN, I REALIZE I'M THE ONLY PERSON FROM SOUTH CENTRAL -- I GUESS JEAN IS A MEMBER TOO, BUT PRACTICALLY THE ONLY PERSON HERE FROM SOUTH CENTRAL, BUT AGAIN, FOR ONE WE WERE HOPING WE WOULD GET A POSTPONEMENT, BUT SECONDLY WE JUST CAN'T ALL SPEND EVERY THURSDAY EVENING DOWN HERE, SO WE TRY TO DIVVY IT UP. LET'S SEE. WHAT ELSE. OH, I WANTED TO ADDRESS ONE POINT THAT COUNCIL MEMBER LEFFINGWELL ASKED PAT AND MR. MURPHY TO CLARIFY ABOUT THE EXISTING PARKING STRUCTURES. MY UNDERSTANDING IS THAT YES, YOU KNOW, FOR THOSE PARKING STRUCTURES THAT WE DO HAVE THAT ARE UNDERGROUND, IF THEY ARE NOT UNDERNEATH THE BUILDING, THEY COUNT AS IMPERVIOUS COVER, AND THAT'S THE WHOLE PURPOSE OF THIS ORDINANCE, IS TO ALLOW THE LAND UNDER THESE NEW PARKING GARAGES TO COUNT AS SOME PERVIOUS COVER AS LONG AS THERE'S AT LEAST TWO FEET OF DIRT OVER THEM. SO IT'S NOT THAT WE AREN'T -- SAYING THAT WE ALREADY HAVE THEM DOESN'T WASH BECAUSE WE HAVE THEM BUT THEY'RE IMPERVIOUS AND WE JUST

DON'T FEEL THE MEASUREMENTS, THE MATH, THE STANDARDS, AS PAT SAID, YOU KNOW, THIS IS TO SET STANDARDS. WELL. THE STANDARDS AREN'T GOING TO BE SET FOR AT LEAST -- NOT EVEN SIX MONTHS. THAT'S THE STUDY, AND THEN THE RULES HAVE TO BE WRITTEN AND MY UNDERSTANDING IS THAT CAN TAKE A YEAR FOR STAFF TO WRITE RULES. IN THE MEANTIME STAFF HAS NO TOOLS WITH WHICH TO INSPECT AND REVIEW THE PLANS FOR UNDERGROUND PARKING STRUCTURES THAT ARE GOING TO BE BUILT AS A RESULT OF THIS ORDINANCE. SO WE WOULD JUST APPRECIATE MORE TIME TO ALLOW STAFF TO FURTHER VET THIS AND HAVE ANOTHER OPPORTUNITY FOR PUBLIC INPUT. I'D LIKE TO SEE IT GO BACK TO ENVIRONMENTAL BOARD AND PC AND ANSWER THEIR QUESTIONS. THANK YOU, I KNOW I'M OUT OF TIME.

MAYOR WYNN: THANK YOU, MS. GIBBS. WELCOME, JEAN, YOU WILL HAVE THREE MINUTES TO BE FOLLOWED BY ROY WAILY.

I'M JEAN MATHER AND I'M SPEAKING FOR MYSELF BECAUSE THIS ORDINANCE CAME THROUGH SO FAST THAT WE DIDN'T HAVE A CHANCE TO HAVE A MEETING BETWEEN THE TIME -- THE TEN DAYS BEFORE IT WENT TO THE PLANNING COMMISSION AND THEN A WEEK AND TWO DAYS BEFORE IT CAME TO YOU. I -- I COULD SAY WITHOUT A DOUBT THAT THE SOUTH RIVER CITY CITIZENS WOULD HAVE OPPOSED THIS ORDINANCE, AND THEN TO RESPOND TO COUNCIL MEMBER LEFFINGWELL'S QUESTIONS, WE HAVE HAD TWO CASES -- THREE CASES, ACTUALLY, THAT HAVE COME BEFORE US THAT HAD TO DO WITH THE WATERFRONT OVERLAY, AND IN ALL OF THOSE THE PARKING GARAGE THAT WAS UNDER -- ACTUALLY IT WAS WITHIN THE WATERFRONT OVERLAY, IT HAD TO HAVE 4 FEET OF SOIL OVER IT AND IS COUNTED AS 50% IMPERVIOUS COVER. SO I DON'T KNOW WHY WE SAY WE DON'T HAVE THOSE RULES WHEN WE'VE BEEN USING THEM ON THREE ZONING CASES. IS THAT JUST SOME SORT OF AD HOC THING THAT CAME OUT OF -- I CAN'T HARDLY STAND IT. ANYWAY, WHAT I'M ASKING FOR IS THAT YOU POSTPONE ACTION ON THIS UNTIL THE ENVIRONMENTAL BOARD HAS HAD A CHANCE TO REVIEW IT, UNTIL WE -- OR PLEASE DON'T TAKE ALL THREE ACTIONS AT ONE POINT WHEN WE CAN'T EVEN GET MY NEIGHBORHOOD, WHICH IS SURROUNDED BY QUESTIONS ON THE WATERFRONT OVERLAY, TO AT LEAST HAVE A WORD TO OPPOSE IT. I AM REALLY VERY CONCERNED. IF YOU HAVE A SMALL LOT, 15% ISN'T MUCH, BUT IF YOU HAVE 4 ACRES, 15% OF 4 ACRES IS A LOT TO PUT IN THE WATERFRONT OVERLAY. YOU CAN'T PLANT A TREE IN FOUR FEET. YOU CERTAINLY CAN'T PLANT MUCH OF ANYTHING IN TWO FEET. AND WHAT WE NEED ARE TREES AND SANCTUARY ALONG TOWN LAKE. I JUST -- I CAN'T BELIEVE THAT THIS IS GOING SO FAST, AND I'M TERRIFIED THAT YOU'RE GOING TO GIVE ALL THREE READINGS TONIGHT BEFORE IT'S HAD A CHANCE TO EVEN AIR. SO PLEASE, IF THE WORST YOU COULD DO WOULD BE TO JUST GIVE A FIRST READING ON IT, BUT I WISH YOU WOULD WAIT UNTIL THE ENVIRONMENTAL BOARD HAD A CHANCE TO PUT IN THEIR TWO CENTS, AND OUR NEIGHBORHOOD HAS A CHANCE TO PUT IN THEIR TWO CENTS, OKAY OKAY?

MAYOR WYNN: THANK YOU, MS. MATHER. OUR NEXT SPEAKER IS ROY WAILY. WELCOME,

ROY. YOU TOO WILL HAVE THREE MINUTES.

HOWDY, YOU-ALL. MY NAME IS ROY WAILY. I'M HERE THIS EVENING SPEAKING AS AN INDIVIDUAL, BECAUSE THIS HAS BEEN WORKING AS A RUNAWAY TRAIN, AND GROUPS HAVE NOT HAD A CHANCE TO ANALYZE AND DISCUSS THIS. SO IT'S THURSDAY, SO I MUST BE PERPLEXED, AS I USUALLY AM ON THURSDAYS, BECAUSE I DON'T UNDERSTAND -- I MEAN, THERE'S NOT MUCH MORE I CAN ADD TO WHAT CAROL AND JEAN HAD TO SAY, BUT THAT ON THE AFTERNOON -- OR ON THE EVENING OF THE AFTERNOON THAT WE DIRECT STAFF TO SEE WHAT KIND OF IMPACT THESE HAVE, WE WANT TO GO AHEAD AND DO ONE, BECAUSE I - - AND ALSO I WOULD LOVE TO HAVE THIS QUESTION ANSWERED BY STAFF OR WHOEVER CAN ANSWER IT. HOW MANY SEPARATE PARKING STRUCTURES DO WE HAVE NOW THAT DON'T HAVE THE BUILDING OVER THEM? HOW MANY ARE THERE IN AUSTIN THAT WE CAN LOOK AT AS A BASELINE THERE? AND I ALSO AGREE WITH WHAT JEAN WAS SAYING ABOUT THE FACT THAT WE ALREADY HAVE HAD THESE COME BEFORE THE CITY ON ZONING CASES, AND THEY'VE BEEN TREATED WITH A 50% IMPERVIOUS COVER. SO I'M JUST PERPLEXED BY THAT. I WAS GRATIFIED, VERY HAPPY TO HEAR DURING THE VILLA MUSE DISCUSSION THAT THERE ARE PEOPLE ON THE DAIS THIS EVENING THAT FEEL LIKE UNTIL WE HAVE ENOUGH INFORMATION, WHAT'S THE RUSH? WHY SHOULD WE RUN FORWARD WITH THIS, AND I'VE HEARD STAFF SAY THAT -- OR CERTAIN MEMBERS OF STAFF SAY THAT, YOU KNOW, ON CERTAIN THINGS THERE IS NO REASON TO RUSH FORWARD. IT'S NOT LIKE SOMEONE IS HOLDING A GUN TO OUR HEAD. AND I SEE THAT AS THIS CASE. I MEAN, I HAVE SPECIFIC CONCERNS ABOUT IT ON A SPECIFIC CASE THAT I SEE IN THE FUTURE OF THE CITY, AND I'M NOT GOING TO TALK ABOUT THAT THIS EVENING, BUT I WOULD LIKE TO ASK YOU TO TAKE YOUR TIME. YOU'RE A THOUGHTFUL BUNCH OF PEOPLE. THAT'S BACK OFF FOR A SECOND. GIVE STAFF TIME TO DO THEIR WORK, AND ONCE WE HAVE ALL THE INFORMATION, THEN LET'S MAKE A DECISION ON THIS AND MOVE FORWARD. THANK YOU FOR YOUR TIME. I APPRECIATE IT.

MAYOR WYNN: THANK YOU, ROY. AND THEN COUNCIL, JUST FOR THE RECORD, A COUPLE FOLKS SIGNED UP NOT WISHING TO SPEAK, ALSO IN OPPOSITION. THAT WOULD BE LINDA LAND, LINDA McNEILAGE, MAHONEY AND BOBBY GRIGLY IN OPPOSITION. WELCOME BACK. QUESTIONS FOR STAFF, COUNCIL COUNCIL?

MAYOR, UPON FURTHER CONSULTATION WE DO HAVE ONE CHANGE STAFF WOULD LIKE TO RECOMMEND, AND IT DEALS WITH THE SCOPE OF STRUCTURES THIS APPLIES TO, AND THE CHANGE WOULD BE IN SUBSECTION B 5. INSTEAD OF SAYING THE STRUCTURE IS NOT ASSOCIATED WITH A RESIDENTIAL USE OTHER THAN A MULTIFAMILY RESIDENTIAL USE, WE WOULD RECOMMEND IT SAYING, THE STRUCTURE IS NOT ASSOCIATED WITH THE USE REGULATED BY CHAPTER 25-2, SUBCHAPTER F, SECTION 1.2.2. THAT'S McMANSION. SO WHAT WE'RE TRYING TO DO IS SAY THIS APPLIES ONLY TO STRUCTURES NOT REGULATED BY McMANSION.

MAYOR, IF I COULD ADDRESS A COUPLE OF THE CONCERNS THAT WERE RAISED BY THE

SPEAKERS. AS I SAID PREVIOUSLY, ONE OF THE THINGS THAT I THINK IS DIFFICULT FOR EVERYONE TO UNDERSTAND IS THE WAY OUR CODE IS STRUCTURED RIGHT NOW, IT SAYS THAT A STRUCTURE THAT IS -- THAT IMPERVIOUS COVER MEASUREMENT INCLUDES THINGS THAT COVER THE GROUND SURFACE. SO STRICTLY SPEAKING OUR CODE TODAY DOES NOT ADDRESS A SUBSURFACE STRUCTURE, AND ONE OF THE INTERPRETATIONS THAT HAS BEEN PROPOSED TO US THAT WE DID NOT ACCEPT WAS THAT YOU COULD PUT SOMETHING BELOW THE SURFACE WITHOUT ANY STANDARDS AND THAT WE WOULDN'T BE REQUIRED TO COMMENT. WE HAVE NOT APPROVED THOSE, AND I WANT TO MAKE THAT CLEAR, THAT THAT'S THE WAY THE CODE READS TODAY. I LOOK AT THIS AS SOMETHING THAT IS MORE LIMITING AND MORE -- PROVIDES MORE PROTECTIONS THAN WE CURRENTLY HAVE IN THE CODE. THE SECOND THING I WANTED TO POINT OUT IS I'M CONFUSED BY SOME OF THE STATEMENTS MADE ABOUT 50%. I KNOW OF NO SITUATION WHERE WE HAVE DISCOUNTED THE IMPERVIOUS COVER BY 50% FOR SUBSURFACE. WHAT I DO KNOW IS THAT THERE HAVE BEEN A COUPLE OF CASES WITH A 50% IMPERVIOUS COVER LIMIT ON THOSE SITES, AND BECAUSE OF WHAT I SAID PREVIOUSLY, WE HAVE REQUIRED THOSE SUBSURFACE PARKING AREAS TO BE INCLUDED IN THAT CALCULATION OF THE 50% COVERAGE, BUT I KNOW OF NO SITUATION WHERE WE REQUIRED HALF OF THAT TO COUNT. SO I JUST WANTED TO CLARIFY THOSE TWO THINGS FOR YOU.

MAYOR WYNN: THANK YOU, MR. MURPHY. MORE QUESTIONS OF STAFF, COUNCIL? COMMENTS? IF NOT I'LL ENTERTAIN A MOTION ON ITEM 72. COUNCIL MEMBER MARTINEZ?

MARTINEZ: I'M GOING TO MAKE A MOTION THAT WE APPROVE ON ALL THREE READINGS WITH THE ADDITION FROM STAFF. ONE OF THE THINGS THAT WE LEARNED FROM THIS WAS THAT, YOU KNOW, WE HAVE NO REGULATIONS IN PLACE AS IT RELATES TO SUBSURFACE PARKING IN CERTAIN AREAS, AND BECAUSE -- SPECIFICALLY IN THE WATERFRONT OVERLAY, BECAUSE THE OVERLAY LANGUAGE SPEAKS TO THE ALLOWANCE OF SUBSURFACE PARKING BUT DOESN'T SPEAK TO STANDARDS AND REGULATIONS, I THINK WE FACE, YOU KNOW, SOME EXPOSURE IN THAT IT COULD BE ARGUED THAT WHILE THE OVERLAY SPEAKS TO ALLOWING SUBSURFACE PARKING IN THE PRIMARY SETBACK, IT DOESN'T HAVE ANY STANDARDS. SO WHILE WE ADOPT THIS TONIGHT, AND IT GIVES US SOME PROTECTIONS MOVING FORWARD, BUT THEN AT THE SAME TIME WE ADOPTED THE STUDY EARLIER ON TODAY THAT WILL GIVE US MORE DEFINITIVE INFORMATION MOVING FORWARD, AND IF WE NEED TO AMEND THIS IN THE FUTURE, THEN, YOU KNOW, I THINK WE SHOULD. AND I ALSO THINK COUNCIL MEMBER LEFFINGWELL IS GOING TO ADD A PROVISION THAT WOULD REQUIRE A STUDY TO BE CONDUCTED IF A PRIVATE PROPERTY OWNER WAS TO TRY TO CREATE SUBSURFACE PARKING PRIOR TO THE STUDY BEING COMPLETE. SO WITH THAT I'LL MAKE A MOTION.

MAYOR WYNN: WE HAVE A MOTION BY COUNCIL MEMBER MARTINEZ, SECONDED BY THE MAYOR PRO TEM, TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM 72 ON ALL THREE READINGS. COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: I'D LIKE TO PROPOSE A FRIENDLY AMENDMENT WITH TWO CHANGES, AND THE FIRST WOULD BE TO ADD A SUBSECTION B 5, THE WORD "PARKING" BEFORE STRUCTURE, SO THAT IT WOULD APPLY ONLY TO PARKING STRUCTURES AND NOT ANY KIND OF UNDERGROUND FACILITY. AND THE SECOND WOULD BE TO REQUIRE THE DEVELOPER TO PROVIDE A GROUNDWATER ASSESSMENT OF THEIR SITE, AND THAT WOULD INSERT IN SECTION B 5 A NEW PARAGRAPH, I BELIEVE IT WOULD BE C?

YES, IT WOULD BE C.

LEFFINGWELL: THE APPLICANT SUBMITS AN ASSESSMENT OF THE PRESENCE AND DEPTH OF GROUNDWATER AT THE SITE SUFFICIENT TO DETERMINE WHETHER GROUNDWATER WILL NEED TO BE DISCHARGED OR IMPOUNDED. AND I CAN FURNISH THAT TO THE CLERK.

MAYOR WYNN: SO THE AMENDMENT IS ACCEPTED AS FRIENDLY BY BOTH THE MAKER AND THE SECOND. AND STAFF, IS THAT CLEAR ENOUGH DIRECTION?

YES, THANK YOU.

COUNCIL MEMBER KIM?

KIM: I HAVE A QUESTION FOR THE STAFF, GIVEN THE AMENDMENT, ABOUT THE STUDY. HOW WOULD YOU VERIFY THE STUDY? WHO WOULD PAY FOR THE STUDY AND HOW WOULD -- HOW WOULD YOU VALUE VALIDATE THAT STUDY AS BEING RELIABLE AND DEPENDABLE?

WELL, BASICALLY IN ORDER TO ASSESS GROUNDWATER ON A SITE, WHAT THEY'RE GOING TO HAVE TO DO IS DO CORE SAMPLES ON THE SITE, AND WHAT THEY WOULD NEED TO DO IS DEMONSTRATE TO STAFF THAT THEY HAVE DONE THOSE ON A REGULAR PATTERN ACROSS THE SITE AND HAD DEMONSTRATED WHERE THEY ENCOUNTERED GROUNDWATER. SO WE WOULD HAVE A DEPTH. AND FROM THAT WE SHOULD BE ABLE TO AT LEAST ASSESS, BASED ON THE LOWER ELEVATION OF THEIR SURFACE -- OF THEIR SUBSURFACE STRUCTURE, WHETHER THEY WOULD BE PENETRATING THAT GROUNDWATER PLANE OR NOT, AND IT WOULD AID US IN BEING ABLE TO DETERMINE, THEREFORE, WHAT THE LIKELIHOOD WOULD BE OF ENCOUNTERING THAT AND TO REQUIRE THEM TO ADDRESS THAT IN THE DESIGN OF THEIR PROJECT. ONE OF THE PROBLEMS WE'VE HAD IN A COUPLE OF INSTANCES, AND ESPECIALLY ONE IN PARTICULAR IN THE UNO DISTRICT, IS THIS STRUCTURE DID NOT GO OUTSIDE THE ENVELOPE OF THE BUILDING IN THAT CASE, BUT THEY PENETRATED GROUNDWATER AND THEY WERE PUMPING IT OUT INTO THE ALLEY, AND THAT HAS BECOME A PUBLIC NUISANCE THAT WE'VE BEEN DEALING WITH FOR SEVERAL MONTHS NOW. IN OTHER WORDS, THAT WATER JUST RUNS DOWN THE STREET CONSTANTLY, AND SO ONE OF THE THINGS THAT WE'RE ADDRESSING HERE IS TO MAKE SURE THAT IF THEY DO ENCOUNTER IT, ONE, WE KNOW HOW MUCH -- WE KNOW ABOUT IT BEFOREHAND, THAT THEY ARE GOING TO ENCOUNTER IT, AND TWO, THAT THEY WOULD HAVE TO DISCHARGE THAT IN A MANNER THAT WOULD NOT CAUSE THAT KIND OF PUBLIC

NUISANCE OR HEALTH SAFETY ISSUE. SO THAT'S WHAT COUNCIL MEMBER LEFFINGWELL'S ADDITION WOULD DO. NOW, AS TO THE RESOLUTION THIS MORNING, WHAT STAFF IS GOING TO DO WITH THAT IS TAKE SOME TIME TO BETTER UNDERSTAND OVERALL WHAT THE GROUNDWATER ISSUE IS WITH SUBSURFACE STRUCTURES AND COME BACK TO YOU WITH OUR FINDINGS AND RECOMMENDATIONS FOR HOW WE MIGHT WANT TO DEAL WITH THAT AND HOW WE MIGHT WANT TO AMEND OUR REGULATIONS TO BETTER ADDRESS GROUNDWATER. AS I SAID PREVIOUSLY, RIGHT NOW IF YOUR STRUCTURE DOES NOT EXTEND OUTSIDE OF THE FOOTPRINT OF YOUR BUILDING, THERE ARE NO STANDARDS RIGHT NOW FOR WHAT YOU DO WHEN YOU ENCOUNTER GROUNDWATER. AND SO AS A RESULT WE'RE HAVING SOME PROBLEMS AROUND THE CITY THAT WE REALLY NEED TO ADDRESS.

KIM: SO EVEN THOSE STRUCTURES WHERE THEY'RE NOT -- WHERE THEY'RE PUTTING THE GARAGE RIGHT UNDERNEATH THE BUILDING, YOU'RE HAVING PROBLEMS RIGHT NOW WITH THE WATER HAVING TO BE PUMPED ON TO THE STREET.

CORRECT.

KIM: AND STHEASTHAT'S IS SOMETHING YOU SAID IS ON ONGOING. HOW DOES THAT WORK. IS IT A ONE-TIME THING OR IS IT CONSTANTLY THEY'RE HAVING TO DISPLACE THAT WATER?

WELL, IT DEPENDS, AND THAT'S ONE OF THE NATURE OF GROUNDWATER, IS THAT IT MAY BE A CONSTANT FLOW, SUCH AS A SPRING THAT JUST SEEMS TO FLOW ALL THE TIME. IT COULD BE SEASONAL. IT COULD BE BASICALLY DURING WET SEASONS AND FOLLOWING THAT PERIOD FOR SOME AMOUNT OF TIME THERE'S GROUNDWATER MOVING ALONG AN IMPERMEABLE PLANE UNDERGROUND. BASICALLY GROUNDWATER IS JUST PERCHED WATER, TYPICALLY, THAT'S RUNNING ALONG AN IMPERVIOUS LAYER IN THE SOIL SOMEWHERE, MAYBE A LAYER OF LIMESTONE, MAYBE A LAYER OF CLAY. SO EACH SITE AND EACH AREA OF THE CITY MAY HAVE SPECIFIC THINGS ABOUT IT THAT EITHER MEAN THE WATER FLOWS AT A MORE CONSTANT RATE OR PERHAPS IT ONLY FLOWS SEASONALLY OR PERIODICALLY. I'LL ADD THIS REAL QUICKLY. I HAD AN INTERESTING CONVERSATION WITH THE UNIVERSITY OF TEXAS. UNIVERSITY OF TEXAS HAS A LOT OF SUBSURFACE STRUCTURES AND THEY PUMP A LOT OF GROUNDWATER OUT. THEY ACTUALLY HAVE A COLLECTION SYSTEM THEY HAVE INSTALLED WHERE THEY ARE USING THAT WATER, FOR THEIR CHILLER WATER AND REUSING IT THROUGHOUT THE CAMPUS. THEY UNDERSTAND HOW MUCH OF A RESOURCE IT IS AND THEY ACTUALLY HAVE CAPITALIZED ON THAT RESOURCE. SO THERE IS A TREMENDOUS AMOUNT OF GROUNDWATER BEING ENCOUNTERED OUT THERE IN DIFFERENT AREAS WHERE SUBSURFACE STRUCTURES TURS ARE BEING BUILT. RIGHT NOW THAT WATER IS NOT BEING UTILIZED IN ANY WAY OTHER THAN TRYING TO GET IT INTO A CREEK OR INTO A STORM SEWER. SO ONE OF THE THINGS THAT WE HOPE TO INVESTIGATE AS PART OF THIS STUDY THAT WAS APPROVED THIS MORNING IS TO TRY TO BETTER UNDERSTAND WHAT KIND OF RESOURCE THAT IS, ARE THERE OPPORTUNITIES THAT MAY EXIST TO REUSE THAT WATER, AND ALSO TRY TO

BALANCE THAT AGAINST TRYING TO MAINTAIN THE FLOWS IN OUR CREEKS, BECAUSE OBVIOUSLY YOU DON'T WANT TO DECREASE THE BASELINE IN OUR CREEKS: ON THE OTHER HAND A LOT OF THIS MAY BE EXTENDING THE BASE FLOW IN THE CREEKS BY BRINGING IT FROM A LOWER LEVEL UP AND PUMPING IT OUT INTO THE CREEKS. SO IT'S A VERY INTERESTING AND VERY COMPLEX KIND OF ISSUE.

KIM: AND SO THE WAY THIS RESOLUTION IS RIGHT NOW WITH THE AMENDMENT, WOULD IT INCLUDE THE WATERFRONT OVERLAY SO -- OR NOT?

YES.

KIM: IT DOES?

YES, WE HAVE NOT SINGLED OUT ANY PARTICULAR AREA OR RULED OUT ANY PARTICULAR AREA. AS FAR AS THE LAKE GOES, I'M UNDERSTANDING FROM OUR GEOLOGIST IS BECAUSE OF THE LAKEFRONT, BECAUSE OF THE MOBILE COST OF THE LAKE, IT IS SATURATING THE SHORELINE BASICALLY AND SO ESSENTIALLY THE GROUNDWATER IS THE SAME LEVEL AS THE LAKE AND MOST OF THOSE WATERFRONT -- IN MOST OF THOSE WATERFRONT AREAS. SO EVEN PUTTING A STRUCTURE IN THERE NOW WHERE YOU MIGHT DISPLACE SOME OF THAT GROUNDWATER, STAFF DOES NOT BELIEVE IT WILL SUBSTANTIALLY CHANGE THE GROUNDWATER PATTERNS AROUND TOWN LAKE BECAUSE OF THE CONSTANT LEVEL OF THE LAKE.

KIM: COULD IT AFFECT -- ONE THING I HEARD WAS THE CYPRESS TREES ALONG LADY BIRD LAKE. DO THEY RELY ON THAT GROUNDWATER AT ALL?

THEY ARE MORE -- I'M SORRY, THEY MORE RELY UPON THE NORMAL POOL ELEVATION OF THE LAKE THAT IS BASICALLY SUPPLYING GROUNDWATER TO THAT AREA ON THE LAKE. WE DON'T EXPECT THIS TO DISRUPT THOSE PATTERNS TO THOSE TREES.

KIM: AND THEN JUST ABOUT THE PROCESS, LET'S SAY YOU HAVE A PROJECT AND THEY DO THEIR CORE SAMPLES, THEY GIVE YOU WHAT THEY'VE GOT AND WHAT WOULD BE THE NEXT STEP? YOU WOULD ADVISE THEM HOW TO DESIGN THEIR PROJECT TO DISPLACE THE WATER OR WOULD IT GO TO THE ENVIRONMENTAL BOARD? IS THERE A PROCESS FOR IT TO GO THROUGH THE ENVIRONMENTAL BOARD?

NO, NOT -- NOT CURRENTLY. WHAT IT WOULD MEAN RIGHT NOW, BASED ON THIS, IS THAT WE WOULD BE GETTING INFORMATION WE DON'T CURRENTLY GET. SO AS PART OF AN APPLICATION FOR A SUBSURFACE STRUCTURE -- A PARKING STRUCTURE, WE WOULD GET INFORMATION SO WE WOULD KNOW THAT THEY DID ENCOUNTER GROUNDWATER AND THEY ENCOUNTERED IT AT THIS ELEVATION. AND BASED ON THAT IT WOULD HELP US IN BASICALLY REVIEW OF THEIR BUILDING PLANS TO MAKE SURE THAT THEY ARE ADEQUATELY ADDRESSING THE VOLUMES THAT THEY MIGHT BE ENCOUNTERING IN TERMS



OF DISCHARGING THAT WATER IF THEY PUMP IT OUT. ONE OF THE INTENTS OF THIS ORDINANCE IS TO TRY TO HELP MAKE IT LESS LIKELY THAT THEY WILL PENETRATE THAT GROUNDWATER. IN FACT, THIS MAY IN SOME CASES ALLOW US TO BUILD THE PARKING GARAGE SO THAT IT DOESN'T GO INTO THE GROUNDWATER BY ALLOWING MORE OF IT TO BE UNDER THE SURFACE OUTSIDE OF THE BUILDING. SO THE ALTERNATIVE TO DOING IT THIS WAY WOULD BE TO GO DEEPER AND STAY UNDER THE BUILDING. SO BY ALLOWING THE PARKING STRUCTURE TO GO OUTSIDE OF THE BUILDING TO A MAXIMUM OF 15% OF THE SITE, I BELIEVE WILL HELP US NOT HAVE TO EXCAVATE SO DEEPLY INTO THE GROUNDWATER. ONE OF THE THINGS I'VE LEARNED IN THIS PROCESS IS THAT IT BECOMES VERY EXPENSIVE AND COST-PROHIBITIVE WHEN -- WHEN A STRUCTURE PENETRATES THE GROUNDWATER, BECAUSE THE STRUCTURE ITSELF HAS TO BE DESIGNED TO WITHSTAND THE HYDROSTATIC PRESSURES THAT ARE EXPERTED EXPERT EXERTED BY THE GROUNDWATER, AND TWO, THE PUMPING AND THINGS THAT HAVE TO BE DONE TO ALLOW THAT TO PUMP THE GROUNDWATER OUT ARE QUITE EXPENSIVE AND COSTLY. WE ALSO KNOW THAT THAT IS NOT NECESSARILY IN THE BEST INTEREST OF THE NATURAL ENVIRONMENTAL SYSTEM ON THE SITE, SO I'M HOPING THAT THIS WILL ALLOW US TO PERHAPS BE ABLE TO DO SUBSURFACE PARKING INSTEAD OF SURFACE PARKING, WHICH I THINK SHOULD BE PARTICULARLY HELPFUL ALONG THE WATERFRONT OVERLAY, AND TWO, WOULD HELP US MAKE SURE THAT WE'RE NOT GETTING TOO FAR INTO THE GROUNDWATER, HOPEFULLY STAYING COMPLETELY OUT OF IT.

KIM: AND SO FOR THE SUBSURFACE PARKING, THEN, THEY WOULD HAVE TO SUBMIT THEIR DESIGNS TO YOU AND THEN WOULD YOU GIVE -- WOULD IT BE ADVICE OR SUGGESTIONS OR WOULD IT BE THAT THEY HAVE TO COMPLY OR YOU HAVE TO SIGN OFF BEFORE THEY GET THE PERMIT?

WELL, RIGHT NOW WE ARE GOING TO BE LOOKING AS PART OF THIS STUDY TO SEE IF THERE ARE OTHER AMENDMENTS THAT NEED TO BE DONE TO THE CODE. FOR INSTANCE, IN THE PLUMBING CODE OR IN THE DRAINAGE CODE, THAT WOULD BASICALLY BE THERE -- WE MAY BE RECOMMENDING ADDITIONAL AMENDMENTS TO BOLSTER THIS, TO GIVE US CLEAR INSTRUCTIONS ON EXACTLY WHAT KIND OF THINGS NEED TO BE DONE. FOR NOW WHAT THIS WILL DO IS MAKE SURE WE KNOW ABOUT IT. IT WILL MAKE SURE THAT AS WE -- AS THEY DESIGN THE PROJECT THEY ARE DESIGNING BASED ON THAT INFORMATION, AND IT WILL MAKE SURE THAT WHEN WE'RE PERMITTING IT, THAT WE HAVE THE BENEFIT OF THAT INFORMATION AND UNDERSTANDING WHETHER THEY'RE GOING TO ENCOUNTER GROUNDWATER AND HOW THEY ARE GOING TO BE DEALING WITH THAT GROUNDWATER IF THEY DO ENCOUNTER IT. SO IT'S CERTAINLY BETTER THAN WE ARE NOW. WE AREN'T REALLY GETTING THIS INFORMATION NOW. THIS WILL HELP US GET THAT INFORMATION, AND WITH THE RECOMMENDATIONS THAT WILL BE COMING BACK TO YOU IN THE NEAR FUTURE, WE PROBABLY WILL BE RECOMMENDING ADDITIONAL STANDARDS THAT WILL ADDRESS, PERHAPS, OUR IMPACTS ON GROUNDWATER ITSELF AS WELL AS HOW -- OTHER THINGS WE MAY NEED TO DO IN OUR DIFFERENT SECS OF THE CODE TO ADDRESS THIS.

KIM: AND I GUESS MY QUESTION IS BEFORE THAT STUDY IS DONE AND WE ACTUALLY ADOPT DIFFERENT STANDARDS, WILL YOU HAVE, BASICALLY, THE AUTHORITY, YOUR DEPARTMENT, TO SAY AFTER YOU GET THAT INFORMATION THAT YOU DON'T CURRENTLY HAVE AND THEY SUBMIT A PLAN, AND SAY NO, WE REALLY WANT TO DO THIS AND THEN YOUR PROFESSIONAL ADVICE, SCIENTIFICALLY LOOKING AT THIS IS THEY SHOULDN'T DESIGN A GARAGE A CERTAIN WAY FOR SUBSURFACE PARKING, THEY STILL CAN GO FORWARD TO IT, AS LONG AS IT'S LIMITED TO 15% IMPERVIOUS COVER IN ADDITION, CORRECT?

THAT'S CORRECT. AND THE MAIN DIFFERENCE BETWEEN, IF YOU PASS THIS AND NOW IS THAT WE WILL ACTUALLY BE ABLE TO BASE OUR DISCUSSIONS ON ACTUAL INFORMATION THEY WOULD HAVE TO PROVIDE, AND THEY WOULD HAVE TO DEMONSTRATE THAT THEY'RE GETTING THAT GROUNDWATER PUMPAGE TO A SAFE LOCATION WITHOUT CAUSING A PUBLIC NUISANCE OR HEALTH SAFETY PROBLEM, WHICH WE CURRENTLY DON'T HAVE.

KIM: I UNDERSTAND. THANKS.

MAYOR WYNN: COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: I JUST -- I BELIEVE YOU ALSO ASKED WHO WOULD PAY FOR IT AND THE ORDINANCE SAYS THAT THE APPLICANT WILL FURNISH THIS INFORMATION TO THE STAFF IN THEIR ANALYSIS.

I APOLOGIZE I DIDN'T ANSWER THAT QUESTION. YES, THAT IS CORRECT.

LEFFINGWELL: I'M KIND OF SPECULATING A LITTLE BIT HERE BUT WE'RE TALKING ABOUT A STUDY THAT'S GOING TO COVER THE WHOLE CITY, BASICALLY, THE GROUNDWATER STUDY, AND THIS IS LIMITED TO BASICALLY THE DOWNTOWN AREA PLUS A LITTLE BIT EXCLUDING THE BARTON SPRINGS ZONE.

RIGHT.

LEFFINGWELL: BUT TO REALLY MAKE THAT DECISION, I THINK, WHETHER IT NEEDS -- THE GROUNDWATER NEEDS TO BE IMPOUNDED OR DISCHARGED, YOU NEED TO HAVE A BIG PICTURE. IT'S NOT GOING TO BE BASED ON A SINGLE SITE, TO MAKE THAT DECISION AS WHETHER YOU NEED DISCHARGE FOR BASE FLOW OR WHETHER YOU NEED TO IMPOUND IT, AND YOU COULD POSSIBLY USE IT FOR ANOTHER PURE, SOME OF WHICH YOU DESCRIBED. THAT WOULD BE A BIG-PICTURE DECISION AND NOT A SINGLE-SITE DECISION.

RIGHT.

LEFFINGWELL: CORRECT?

MAYOR WYNN: FURTHER QUESTIONS OF STAFF, COUNCIL? COMMENTS? CAN WE HAVE --

KIM: I'LL JUST SAY THAT I WON'T BE SUPPORTING THE ORDINANCE. I THINK WE SHOULD WAIT FOR THE STUDY. I THINK THE INFORMATION TONIGHT HAS BEEN REALLY HELPFUL, BUT I THINK WE NEED TO HAVE THAT BEFORE WE ALLOW A DEVELOPER TO PAY FOR A STUDY WITH INFORMATION THAT WILL BE HELPFUL THAT WE DON'T ALREADY HAVE BUT HAVE SOME SERIOUS CONSEQUENCES THAT WE CAN'T EVEN THINK OF RIGHT NOW. THIS IS JUST FOR ME A BIT TOO EXPERIMENTAL AND I'D LIKE TO HAVE MORE INFORMATION BEFORE WE TAKE ACTION ON THE ORDINANCE, SO I WON'T BE SUPPORTING THE ORDINANCE.

MAYOR WYNN: COUNCIL MEMBERS, WE HAVE AN AMENDED MOTION, SECOND ON THE TABLE, APPROVING ITEM 72 ON ALL THREE READINGS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IF FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE OPPOSED? MOTION PASSES ON A VOTE OF 6-1 WITH COUNCIL MEMBER KIM VOTING NO. THANK YOU ALL VERY MUCH. THAT TAKES US TO ITEM NO. 73, PUBLIC HEARING RELATING TO OUR NEIGHBORHOOD PLAN AMENDMENTS. WELCOME, MR. GUERNSEY.

THANK YOU, MAYOR AND COUNCIL. ITEM NO. 73 GREW OUT OF DISCUSSION THAT WE HAD WITH THE DAWSON NEIGHBORHOOD LAST SUMMER ABOUT NOTICE, AND ALSO CONFLICT OF INTEREST. THE CONFLICT OF INTEREST PORTION IS NOT COMING BEFORE YOU TONIGHT, BUT THE NOTICE PORTION IS. WE ARE STILL WORKING WITH THE PLANNING COMMISSION AND NEIGHBORS REGARDING THE CONFLICT OF INTEREST PORTION. BUT WITH WHAT THIS DOES IS FOUR THINGS. WHEN WE HAVE AREA WIDE OR SUBDISTRICT AMENDMENTS NEIGHBORHOOD PLANNING AREAS, IT WOULD INCREASE THE NOTICE THAT WE WOULD PROVIDE NOTICE TO UTILITY ACCOUNT CUSTOMERS OF THE CITY OF AUSTIN. IT WOULD ALSO INCREASE NOTICE THAT WOULD BE SENT TO NEIGHBORHOOD ORGANIZATIONS WITHIN 300 FEET OF THOSE AREA-WIDE OR SUBAREA AMENDMENTS. IT WOULD ALSO LIKE SITE PLANS AND ZONING CASES, THERE IS A NOTICE UPON SUBMITTAL OF AN APPLICATION WHILE THEY WOULD ALSO RECEIVE A NOTICE OF A FILING OF AN AMENDMENT TO A NEIGHBORHOOD PLAN. SO THAT WOULD BE NEW. AND THEN ADDITIONALLY IT WOULD REQUIRE THAT THERE BE A PREAPPLICATION MEETING BETWEEN THE APPLICANT AND THE CITY BEFORE THEY FILE THAT AMENDMENT. SO WE BASICALLY CAN TELL THEM WHAT THE PROCESS IS, THAT WE'RE CLEAR ON WHAT THAT AMENDMENT WOULD BE, AND MOST IMPORTANTLY, THAT WE TELL THEM WHO THEY SHOULD GO TALK TO IN THE NEIGHBORHOOD AS FAR AS NEIGHBORHOOD ORGANIZATIONS, CONTACT TEAMS, ADJACENT PROPERTY OWNERS. BUT THE MOST EXCITING PART OF THIS AMENDMENT, IF THERE IS AN EXCITING PART, IS THAT BACK IN 2003 WHEN WE PASSED THESE AMENDMENTS, THAT THEY WERE IN A FREESTANDING ORDINANCE AND THEY WEREN'T FOUND IN OUR CODE. AND SO IT'S BEEN VERY DIFFICULT FOR STAFF, MY STAFF AND

WATERSHED STAFF, AND PARTICULARLY CITIZENS AND NEIGHBORHOOD PEOPLE, TO FIND THEM. AND WHAT THIS ORDINANCE DOES IS TAKE THOSE AMENDMENTS BACK FROM 2003 AND PUTS THEM IN OUR CODE SO YOU CAN FIND THEM. NOW -- IN A LOGICAL PLACE. SO JUST A LOT OF DIFFERENT THINGS. PROVIDES MORE NOTICE, PROVIDES MORE EARLY NOTICE BUT THE BEST THING IS IT BRINGS IT BACK AND PUTS IT IN THE CODE SO PEOPLE CAN FIND IT, IT'S NOT A FREESTANDING ORDINANCE. AND THAT'S ALL I HAVE TO PRESENT. [LAUGHTER]

MAYOR WYNN: THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF, COUNCIL? COMMENTS? WE HAVE NO CITIZENS SIGNED UP, OTHER THAN LINDA LAND SIGNED UP EARLIER NOT WISHING TO SPEAK, IN OPPOSITION. WITH ALL DUE RESPECT TO MR. GUERNSEY. COMMENTS? MOTIONS? MOTION BY THE MAYOR PRO TEM, SECONDED BY COUNCIL MEMBER MCCracken, TO CLOSE THE PUBLIC HEARING AND APPROVE THIS ORDINANCE -- AMENDMENT AS PRESENTED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

MAYOR WYNN: AYE.

MAYOR WYNN: OPPOSED, MOTION PASSES 6-1 WITH COUNCIL MEMBER LEFFINGWELL OFF THE DAIS.

THANK YOU VERY MUCH. [LAUGHTER]

MAYOR WYNN: ITEM 74, CONDUCT A PUBLIC HEARING REGARDING THE APPLICATION BY THE AMERICAN MEDICAL RESPONSE OF TEXAS INC.

GOOD EVENING, MY NAME IS HEATHER COOK. I'M A PLANNER PRINCIPLE AT THE AUSTIN-TRAVIS COUNTY EMS DEPARTMENT AND I AM HERE THIS EVENING TO PRESENT THE STAFF RECOMMENDATIONS CONCERNING THE APPLICATION SUBMITTED BY AMERICAN MEDICAL RESPONSE OF TEXAS, INC., KNOWN AS AMR, FOR THE RENEWAL OF THEIR NON-EMERGENCY MEDICAL TRANSFER FRANCHISE FOR ANOTHER FIVE YEARS. NON-EMERGENCY TRANSFERS ARE USUALLY PRESCHEDULED BY MEDICAL PERSONNEL IN -- BETWEEN NURSING FACILITIES AND HOSPITALS. CURRENTLY ONLY TWO COMPANIES HOLD SUCH A FRANCHISE IN AUSTIN, AMR AND ACADIAN AMBULANCE SERVICE. AS YOU RECALL THIS PAST FALL COUNCIL APPROVED ACADIAN'S FRANCHISE FOR A FIVE-YEAR TERM AND NOW NOW AMR'S FRANCHISE IS UP FOR ANOTHER FIVE-YEAR RENEWAL. AMR WAS INSPECTED BY OUR EMS STAFF EXTENSIVELY. WE REVIEWED THEIR FLEET OF AMBULANCES AND THEY ALL PASSED OUR STAFF INSPECTIONS, AND THEY ARE ALL LICENSED PROPERLY AND HAVE PASSED STATE HEALTH DEPARTMENT INSPECTIONS AS WELL. AMR'S MEDICAL PERSONNEL ARE ALL CERTIFIED BY THE STATE PROPERLY, AND WE VERIFIED THAT INDEPENDENTLY. IN ADDITION WE CONDUCTED TELEPHONE SURVEYS, RANDOM SURVEYS, OF 12 NURSING FACILITIES AND FIVE MAJOR HOSPITALS IN AUSTIN, AND THEY RECEIVED ACCEPTABLE TO EXCEPTIONAL SCORES ON THEIR SERVICES. OVER THE

PAST 16 MONTHS AMR HAS HANDLED APPROXIMATELY 30% OF THE TOTAL FRANCHISE CALL VOLUME, AND AMR HAS MAINTAINED THEIR EXISTING FRANCHISE IN GOOD STANDING WITH THE CITY FOR THE PAST 11 YEARS. FAILURE TO APPROVE AMR'S FRANCHISE WILL RESULT IN ONLY ONE COMPANY HOLDING A FRANCHISE IN AUSTIN. THEREFORE, EMS STAFF AND THE EMS ADVISORY BOARD ARE RECOMMENDING APPROVAL OF AMR'S FRANCHISE RENEWAL FOR ANOTHER FIVE YEARS AND AMR STAFF ARE HERE TONIGHT TO ANSWER ANY QUESTIONS IF YOU HAVE ANY. THANK YOU.

MAYOR WYNN: THANK YOU VERY MUCH. QUESTIONS FOR STAFF, COUNCIL? COMMENTS? OR QUESTIONS FOR AMR? WE HAVE NO CITIZENS SIGNED UP. ANY CITIZENS LIKE TO GIVE US TESTIMONY ON THIS PUBLIC HEARING, ITEM NO. 74, REGARDING AMR'S APPLICATION? MOTION BY COUNCIL MEMBER MARTINEZ, SECONDED BY COUNCIL MEMBER KIM, TO CLOSE THIS PUBLIC HEARING AND APPROVE LOOKS LIKE ON FIRST READING.

JUST FIRST READING THIS EVENING.

MAYOR WYNN: THIS ORDINANCE REGARDING AMR'S APPLICATION. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCIL MEMBER MCCracken OFF THE DAIS. THANK YOU. THAT LEAVES US WITH OUR LAST PUBLIC HEARING REGARDING PUBLIC HEARING REGARDING SETTLEMENT AGREEMENT BETWEEN ATMOS ENERGY CORPORATION, MID-TEX DIVISION AND THE ATMOS TEXAS MUNICIPALITIES. THIS IS AN ISSUE WE TALKED ABOUT EARLIER IN CLOSED SESSION, LEGAL ISSUES. WELCOME A BRIEF STAFF PRESENTATION.

MAYOR, MAYOR PRO TEM, I'M CORNWELL, ASSISTANT CITY ATTORNEY. THIS IS A PREREQUISITE TO CONDUCT A HEARING UNDER THE UTILITY CODE AND UNDER THE SETTLEMENT AGREEMENT BETWEEN ATMOS ENERGY CORPORATION AND THE ATMOS TEXAS MUNICIPALITIES, WHICH AUSTIN IS A MEMBER. ONCE THE HEARING HAS OPENED AND CLOSED, UNLESS THERE ARE ANY ISSUES THAT COUNCIL HAS OR ANY TESTIMONY TO BE PRESENTED, STAFF RECOMMENDATION IS TO APPROVE THE SETTLEMENT AGREEMENT THAT WAS DISCUSSED IN CLOSED SESSION EARLIER PURSUANT TO ITEM NO. 51. ANY QUESTIONS, WE DO HAVE REPRESENTS OF ATMOS AND STAFF HERE TO ANSWER.

THANK YOU, CLARK. QUESTIONS FOR STAFF, COUNCIL? COMMENTS? WE DID HAVE A THOROUGH BRIEFING IN CLOSED SESSION AS APPROPRIATE, LEGAL ISSUES. ARE THERE ANY CITIZENS HERE WHO WOULD LIKE TO GIVE US TESTIMONY REGARDING THIS PUBLIC HEARING, ITEM NO. 75? HEARING NONE, I'LL ENTERTAIN A MOTION.

MAYOR WYNN: MOTION BY COUNCIL MEMBER LEFFINGWELL, SECONDED BY THE MAYOR

PRO TEM TO CLOSE THIS PUBLIC HEARING AND APPROVE THIS AS PRESENTED BY STAFF.  
FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE? OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCIL MEMBER  
MCCRACKEN OFF THE DAIS. THERE BEING NO MORE BUSINESS BEFORE THE OUST CITY  
COUNCIL WE STAND ADJOURNED -- BEFORE THE AUSTIN CITY COUNCIL. WE STAND  
ADJOURNED. IT IS 9:12 PM.

**End of Council Session Closed Caption Log**