

Closed Caption Log, Council Meeting, 3/20/08

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GOOD MORNING, I'M AUSTIN MAYOR WILL WYNN. I APOLOGIZE FOR MY VOICE, I THINK I'M GOING TO LOSE IT, MAYOR PRO TEM WILL PROBABLY COVER FOR ME THIS EVENING. IT'S MY PRIVILEGE TO WELCOME THE PASTOR THAT MEETS AT AKIN HIGH SCHOOL IN SOUTH AUSTIN IN OUR INVOCATION. PLEASE RISE.

THANK YOU, HEAVENLY FATHER I CAME TO YOU IN THE NAME OF JESUS. I THANK FOR YOU THIS GREAT CITY. A PLACE THAT SURELY PROMOTES HEALTH AND PROSPERITY AND I THANK YOU FOR THAT. I THANK YOU FOR THESE GREAT MEN AND WOMEN OF THIS COUNCIL WHO LEAD US. I ASK RIGHT NOW, FATHER, FOR YOU TO SUPPLY STRENGTH AND HEALTH TO THEIR BODIES. AND WISDOM. TO LET THE DECISIONS THAT -- SO THAT THE DECISIONS THAT THEY MAKE WILL LEAD THIS CITY INTO CONTINUED TIMES OF HEALTH AND PROSPERITY. AND ASK FOR YOUR PEACE TO RULE AND TO REIGN IN THIS MEETING TODAY. I ASK ALL OF THESE THINGS IN JESUS NAME, AMEN.

Mayor Wynn: THANK YOU, PASTOR, THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, MARCH 20th, 2008. APPROXIMATELY 10:14 A.M. WE ARE IN THE COUNCIL CHAMBERS OF THE CITY HALL BUILDING, 301 WEST SECOND STREET. WE HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. THEY ARE TO NOTE THAT BOTH ITEMS NUMBER 6 AND 7 ARE RELATED TO ITEMS NUMBER 42. WE SHOULD NOTE THAT ITEM 22 WILL BE POSTPONED ONE WEEK, TO MARCH 27th, 2008. WE NEED TO NOTE THAT THE FUNDING SOURCE FOR ITEM NO. 30 AS OPPOSED TO THE OPERATING BUDGET IS IN FACT A SPECIAL REVENUE FUND OF THE NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT. BOTH ITEMS 36 AND 37 HAVE BEEN WITHDRAWN, TWO ITEMS FROM COUNCIL. WE SHOULD NOTE THAT ON ITEM NO. 39, WE SHOULD INCLUDE THE PHRASE AMENDMENTS TO THE 2006 INTERNATIONAL RESIDENTIAL CODE WERE IN FACT RECOMMENDED BY OUR BUILDING AND FIRE CODE BOARD OF APPEALS. LET'S SEE. ALSO ON ITEM NO. 46, WE SHOULD -- WE SHOULD INCLUDE AS PART OF THIS POSTING, THIS IS THE NORTH LOOP NEIGHBORHOOD PLANNING AREA, VILLA NEWSMUSE BUILDING WITH THE LETTER V, ZONING OPT IN, OPT OUT PROCESS. OUR SCHEDULE TODAY HERE AS SOON AS WE FINISH THE CONSENT AGENDA, THERE MIGHT BE ONE DISCUSSION ITEM PERHAPS. WE WILL TAKE UP A

MORNING BRIEFING REGARDING THE NEW CENTRAL LIBRARY PROJECT AND I ANTICIPATE ACTION NEXT WEEK ON THE PROCESS BY WHICH WE WOULD CHOOSE THE ARCHITECTURE TEAM. AT NOON WE BREAK FOR OUR GENERAL CITIZENS COMMUNICATION, 10 CITIZENS AT 3 MINUTES APIECE. AT 2:00 OR SOMETIME THEREAFTER OUR AFTERNOON BRIEFING WILL BE THE CURRENT SERVICES AND FUTURE PLANS OF OUR SOLID WASTE SERVICES DEPARTMENT. THERE'S A BIG PURCHASE ITEM ON THIS MORNING'S CONSENT AGENDA REGARDING THE NEW SINGLE STRAND RECYCLING PROGRAM. SOMETIME AFTER 3:00 WE'RE GOING TO HAVE OUR FIRST WALLER CREEK T.I.F. BOARD MEETING, PART OF THE CONSENT AGENDA THIS MORNING IS TO BEGIN TO ESTABLISH THAT BOARD AND THEN WE WILL TAKE ACTION AS A BOARD THIS AFTERNOON. AT 4:00 WE TAKE UP OUR ZONING HEARINGS, APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. AT 5:30, AS ALWAYS, WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS. OUR MUSICIAN TODAY IS D TIME, STAY TUNED. AFTER 6:00 P.M. WE HAVE OUR PUBLIC HEARINGS, I THINK WE JUST HAVE ONE OF THOSE POSTED THIS EVENING. CURRENTLY, COUNCIL, JUST A COUPLE OF ITEMS HAVE BEEN PULLED FROM THE CONSENT AGENDA. TECHNICALLY, SINCE ITEM 6 AND 7 ARE RELATED TO OUR ITEM NO. 42, AND THE -- THE NEED FOR THE WALLER CREEK T.I.F. BOARD MEETING, THOSE TWO ITEMS WILL BE OFF THE CONSENT AGENDA. ITEM NO. 11, I HAVE PULLED FOR OUR BRIEF STAFF PRESENTATION, WE DO HAVE A COUPLE OF CITIZENS, I BELIEVE, WHO ARE HERE TO SPEAK IN OPPOSITION. THEN ON ITEM NO. 77, THIS IS PULLED OFF THE CONSENT AGENDA AS IT WILL BE TAKEN UP AFTER WE TAKE UP THE APPROPRIATE ACTION IN CLOSED SESSION, ITEM NO. 78. SO, COUNCIL, ADDITIONAL ITEMS TO BE PULLED? OR ADDED BACK TO THE CONSENT AGENDA?

EXCUSE ME, MAYOR. MAYOR?

YES.

CLERK.

Mayor Wynn: SORRY.

THE ITEM 18 IS WITHDRAWN.

Mayor Wynn: AS PART OF THE CONSENT AGENDA, I WILL NOTE THAT ITEM -- I'LL SHOW THAT IN -- I DON'T SHOW THAT IN MY NOTES. UNLESS STAFF HAS AN OBJECTION, ITEM NO. 18 WILL BE WITHDRAWN AS PART OF OUR CONSENT AGENDA. SO THEN, COUNCIL, IF YOU WILL -- IF YOU WILL EXCUSE THE VOICE, I WILL NOW TRY TO PROPOSE A CONSENT AGENDA NUMERICALLY. IT WILL BE TO APPROVE ITEM NO. 1, OUR MINUTES FROM OUR LAST MEETING, THAT BEING FEBRUARY 28th, 2008, FROM OUR ECONOMIC GROWTH AND REDEVELOPMENT SERVICES DEPARTMENT, APPROVING ITEMS 2 AND 3, FROM OUR EMERGENCY MEDICAL SERVICES, APPROVING ITEM NO. 4, FROM OUR FINANCIAL AND ADMINISTRATIVE SERVICES DEPARTMENT, APPROVING ITEMS 5 AND 8, BOTH RELATED TO THE WALLER CREEK TUNNEL T.I.F., FROM OUR HEALTH AND HUMAN SERVICES

DEPARTMENT, APPROVING ITEMS 9 AND 10, FROM OUR NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT APPROVING ITEM 12 12. FROM OUR PUBLIC WORKS DEPARTMENT, APPROVING ITEMS 13, 14, 15, 16, 17, 19, 20, AND 21. WE WILL NOTE THAT ITEM 22 HAS BEEN POSTPONED TO MARCH 27th, 2008, PER CHANGES AND CORRECTION. FROM OUR PURCHASING OFFICE, WE WILL BE APPROVING ITEMS 23, 24, 25, 26, 27, 28, 29, 30, 31, 32. FROM OUR WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT, WE WILL BE APPROVING ITEMS 33 AND 34. ITEM NO. 35, OUR BOARD AND COMMISSION APPOINTMENTS THAT I WILL READ INTO THE RECORD NOW, THEY ARE -- THEY ARE TO OUR ASIAN AMERICAN RESOURCE CENTER ADVISORY BOARD, DELULL DILICTAR, COUNCILMEMBER MARTINEZ'S NOMINATION. TO OUR BUILDING AND STANDARDS COMMISSION, DECKER AYERSS, COUNCILMEMBER COLE'S NOMINATION. TO OUR COMMISSION FOR IMMIGRANT AFFAIRS, BOB MULE ISLAM IS COUNCILMEMBER MARTINEZ'S NOMINATION. THEN WE SHOULD NOTE THAT -- THAT WE WILL BE RESCINDING THE APPOINTMENT MADE TO OUR HOUSING AUTHORITY OF THE CITY OF AUSTIN, MADE ON FEBRUARY 14th, 2008. THAT'S ITEM NO. 38, OUR BOARD AND COMMISSION APPOINTMENTS. WE WILL NOTE THAT ITEMS 36 AND 37 HAVE BEEN WITHDRAWN. WE WILL BE SETTING THE PUBLIC HEARINGS BY APPROVING ITEM 38 AND 39. AND, COUNCIL, THAT IS OUR PROPOSED CONSENT AGENDA. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER COLE TO APPROVE THE CONSENT AGENDA AS READ, FURTHER COMMENTS? I DON'T BELIEVE WE HAVE ANY CITIZENS SIGNED UP ON ANY OF THESE ITEMS. I TAKE THAT BACK. WE DO HAVE A FEW FOLKS WHO SIGNED UP HERE AVAILABLE TO ANSWER QUESTIONS, ALL IN FAVOR OF ITEM NO. 19, WHICH IS ON THE CONSENT AGENDA. UNLESS COUNCIL HAS QUESTIONS OF THEM. AND -- AGAIN, FURTHER COMMENTS ON THE CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. SO, COUNCIL, I DID -- I DID PULL ITEM NO. 11, THIS IS REGARDING OUR SERVICE PLAN FOR THE AUSTIN -- FOR ANDERSON MILL MUNICIPAL UTILITY DISTRICT OR ANDERSON MILL M.U.D. WE DO HAVE A COUPLE OF FOLKS SIGNED UP WISHING TO SPEAK, ONE IN FAVOR, ONE AGAINST, I THOUGHT WE SHOULD HAVE A BRIEF STAFF PRESENTATION.

GOOD MORNING, MY NAME IS VIRGINIA COLLIER FROM THE NEIGHBORHOOD ZONING AND PLANNING DEPARTMENT. AS YOU RECALL IN 1983 THE ANDERSON MILL M.U.D. WAS ORIGINALLY CREATED WITH THE CITY'S CONSENT IN AUSTIN'S E.T.J. IN LIEU OF ANNEX THE CITY AND THE DISTRICT VOLUNTARILY ENTERED INTO A STRATEGIC PARTNERSHIP AGREEMENT. IT ALLOWED FOR FULL PURPOSE ANNEXATION OF THE M.U.D. IN 2004. HOWEVER AT REQUEST OF THE DISTRICT, THE CITY AGREED TO AMEND THE SPA AND FURTHER POSTPONE THE ANNEX TO A DATE ON OR AFTER DECEMBER 31st, 2008. ALL OF THE PROCEDURAL REQUIREMENTS HAVE BEEN MET AT THIS TIME. AND IN ACCORDANCE WITH THE SPA AS AMENDED AND THE COUNCIL RESOLUTION FROM JANUARY, 2008,

DESIGNATING THE DECEMBER 31st, 2008 AS THE FULL PURPOSE ANNEXATION DATE. THE CITY HAS PREPARED A SERVICE PLAN AND HAS CONFIRMED WITH THE DISTRICT RESIDENTS AND THE DISTRICT BOARD REGARDING THE CONTENTS OF THE SERVICE PLAN. THIS SERVICE PLAN PROVIDES FOR FULL MUNICIPAL SERVICES AS REQUIRED AND DEFINED BY STATE LAW AND SHALL BE IN EFFECT FOR A 10 YEAR PERIOD COMMENCING ON THE DATE OF SCENE OF THE ACCIDENT. I WOULD LIKE TO POINT OUT A COUPLE OF THE THINGS THAT WE AMENDED AS A RESULT OF OUR DISCUSSIONS IN OUR MEETINGS WITH THE RESIDENTS AND THE M.U.D. BOARD. FIRST OF ALL THE PARK SYSTEM IN ANDERSON M.U.D. IS VERY EXTENSIVE. WE ADDED A SECTION TO THE SERVICE MAP SHOULD THE M.U.D. BE DISSOLVED AND THE LIMITED DISTRICT BE DISSOLVED AND THE CITY BECOME RESPONSIBLE FOR THE PARKS MAINTENANCE AND OPERATION, THE CITY HAS AGREED TO MAINTAIN THOSE PARKS AT THEIR CURRENT LEVELS. SAME FOR THE WATER AND WASTEWATER UTILITIES FOR OPERATION AND MAINTENANCE OF THOSE FACILITIES. WE ADDED A REFERENCE TO THE SERVICE PLAN STATING THAT THE CITY WOULD CONTINUE TO MAINTAIN THOSE FACILITIES AT THEIR CURRENT LEVELS. FINALLY, IN THE -- IN THE E.M.S. AND FIRE SECTIONS WE ADDED SOME -- SOME LANGUAGE THAT CLARIFIES THE RESPONSES FOR WHEN A CALL COMES IN, A 911 CALL AND THE FIRE DEPARTMENT IS THE FIRST RESPONDER AND E.M.S. APPEARS ON THE SCENE SECOND FOR CLARIFICATION FOR HOW THAT OPERATION WORKS. I THINK THAT ADDRESS ADDRESSED THE ISSUES AND CONCERNS RAISED AT OUR PUBLIC MEETINGS AND QUESTIONS THAT WERE ASKED IN THE CONTEXT OF CONFERRING ON THIS SERVICE PLAN. IF YOU HAVE ANY QUESTIONS THAT I MIGHT BE ABLE TO ANSWER, I WOULD BE HAPPY TO DO SO.

Mayor Wynn: THANK YOU. LET US NOTE, COUNCIL, THAT STAFF DID HAND OUT ON THE DAIS THE -- THE CURRENT ORDINANCE FOR ITEM NO. 11. THE QUESTIONS FOR -- FOR STAFF, COUNCIL? WE DO HAVE A COUPLE OF FOLKS WHO WANTED TO GIVE US TESTIMONY. LET'S SEE OUR FIRST SPEAKER, SORRY IF I'M MISPRONOUNCING THAT, JOHN KERACOFE. WELCOME, JOHN, YOU WILL HAVE THREE MINUTES, FOLLOWED BY ELIZABETH ELLIS SON.

GOOD MORNING, MAYOR. CITY MANAGER OTT AND COUNCIL MEMBERS, I'M JOHN, THE PRESIDENT OF ANDERSON MILL M.U.D. AS VIRGINIA JUST BRIEFED YOU, WE ARE AT THE END OF OUR STRATEGIC PARTNERSHIP WITH THE CITY AND KNEW THAT THIS YEAR WE WOULD BE PLANNING FOR THE TRANSITION TO BE FULL PURPOSE ANNEXED AT THE END OF THE YEAR. I DO WANT TO THANK VIRGINIA AND HER STAFF, THEY HAVE BEEN VERY GOOD TO WORK WITH AND IRON OUT SOME ISSUES THAT WE DID HAVE WITH THE SERVICE PLAN DRAFT THAT WE DID HAVE. BUT WE DO HAVE -- I FEEL ONE AREA THAT WE STILL NEED TO ADDRESS AND I'M GOING TO REFER TO THE -- TO THE ORDINANCE THAT WAS PASSED IN JANUARY, ON JANUARY THE 10th, ITEM NO. 2 SAYS THE CITY MANAGER IS DIRECTED TO CONFER WITH THE DISTRICT AND RESIDENTS ON THE DRAFT ANNEXATION PLAN. WE HAVE YET HAD AN OPPORTUNITY TO CONFER WITH THE NEW CITY MANAGER AND WOULD LIKE TO DO SO. I THINK THE BIGGEST ISSUE THAT WE HAVE RIGHT NOW, ONE THAT DID KIND OF CATCH US BY SURPRISE WAS WHEN THE CITY NOTIFIED THE RESIDENTS THAT EFFECTIVE JUNE THE 1st, THEY WERE GOING TO START BUILDING FOR THE WATER. WE WERE

PLANNING FOR THIS LATER ON IN THE YEAR. THIS AFFECTS OUR BUDGET, OUR REVENUE FOR THE REMAINDER OF THE YEAR. WE OPERATE ON A FISCAL YEAR, THE SAME AS THE CITY OF AUSTIN. AND OUR FISCAL YEAR ENDS SEPTEMBER THE 30th. THIS WOULD WORK BETTER FOR US IN PREPARATION TO CONVEY THE INFORMATION THAT THE -- THAT THE CITY IS REQUESTING. THE WATER UTILITY IS REQUESTING. THIS IS KIND OF THE TIME FRAME THAT WE ARE WORKING ON. ONE, IF WE CAN MOVE IT TO THAT DATE, IT WOULD -- IT WOULD FIT INTO OUR FISCAL YEAR BETTER. AND GIVE US ANOTHER -- ANOTHER QUARTER OF THE -- OR THE LAST QUARTER OF THE YEAR, IF YOU WILL, FOR OUR -- FOR OUR OPERATING BUDGET. SO -- SO I WOULD RESPECTFULLY REQUEST THAT THE SERVICE PLAN AND WE ARE IN AGREEMENT WITH THE CHANGES THAT HAVE BEEN MADE. I JUST GOT THE LATEST ONE THIS MORNING. I REALLY HAVEN'T HAD AN OPPORTUNITY TO REVIEW IT. BUT THE REQUEST IS THAT WE TABLE IT TO A DATE THAT WOULD COINCIDE WITH -- WITH AN OCTOBER 1 CONVEYANCE DATE. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU,. I GUESS THAT BEGS THE QUESTION, MS. COLLIER OR MR. SMITH OR MR. OTT, YOU KNOW, TECHNICALLY BEFORE US IS THE ACTUAL ORDINANCE APPROVING THE SERVICE PLAN. BUT MY UNDERSTANDING IS THAT WE DO HAVE CALENDAR DEADLINES FOR US AS A COUNCIL TO ACT TO MAKE SURE THIS, YOU KNOW -- THIS WORKS APPROPRIATELY PER STATE LAW. DOES THE CITY MANAGER INHERENT IN THIS ORDINANCE HAVE SOME FLEXIBILITY SHOULD IT MAKE SENSE OPERATIONALLY FOR EITHER US OR THE M.U.D. TO, YOU KNOW, CONTINUE TO PERHAPS ADJUST EVEN THINGS LIKE THE TIMING OF THE WATER BILLING?

WELL, MAYBE I CAN PROVIDE YOU WITH A COUPLE OTHER DATES THAT ARE LISTED IN THE SPA, THIS IS SOMETHING THAT WE AGREED TO BACK IN 2004 THAT THIS WOULD BE THE TIME LINE, THE CITY IS REQUIRED TO DELIVER A SERVICE PLAN TO THE M.U.D. NINE MONTHS IN ADVANCE OF THE EFFECTIVE DATE OF ANNEXATION, THAT WOULD BE BY THE END OF THIS MONTH, WE NEED TO DELIVER A SERVICE PLAN, WHICH IS WHY WE PUT THIS ON YOUR AGENDA TODAY TO GO AHEAD AND THAT HAVE APPROVED SO THAT WE CAN SEND THAT ALONG. WITHIN 60 DAYS OF THE DELIVERY OF THE SERVICE PLAN THE CONVEYANCE OF THE UTILITIES WOULD BE TRANSFERRED OVER TO THE CITY AND THERE'S A TIME FRAME SET UP WHEN THOSE ARE CONVEYED FOR THE TRANSITION OF ALL OF THE CUSTOMERS OVER TO THE CITY. SO THAT EVERYTHING HAPPENS IN ABOUT, YOU KNOW, AT LEAST WITHIN A 90 DAY PERIOD AFTER WE DELIVER THE SERVICE PLAN. SO TO -- TO CHANGE THAT SCHEDULE AT THIS POINT IN TIME, WE WOULD HAVE TO AMEND THE SPA I BELIEVE, WHICH WOULD REQUIRE APPROVAL OF THE COUNCIL AND THE BOARD TO ADJUST THAT SCHEDULE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] THE OTHER IMPACT ON THE CITY, DELAY THAT, \$167,000 IN INCREMENTAL REVENUE PER MONTH THAT -- THAT THE CITY WOULD NOT RECEIVE IN ACCORDANCE WITH THE TERMS OF THE STRATEGIC PARTNERSHIP AGREEMENT. AS VIRGINIA HAS ALSO INDICATED THAT WE WORKED FOR THE M.U.D. FOR PROBABLY THE LAST YEAR, LETTING THEM KNOW THAT WE WERE MOVING TOWARDS ANNEXATION AND -- AND FOLLOWING THE DATES FOR THE STRATEGIC PARTNERSHIP AGREEMENT. FROM THE UTILITY'S PERSPECTIVE, WE BELIEVE THAT WE CAN

WORK WITH THE MUD AND GET THE INFORMATION THAT WE NEED TO BE ABLE TO DO THE TRANSITION IN AN ORDERLY FASHION AND WITHIN THE TERMS THAT OWE OVER THE AGREEMENT. OTHER QUESTIONS OF STAFF, COUNCIL? WE DO HAVE ONE MORE SPEAKER? OUR NEXT SPEAKER IS ELIZABETH BIT ELLISSON. WELCOME, YOU WILL HAVE THREE MINUTES.

I HAVE PASSED OUT A COPY OF THE SERVICE PLAN AND NOTES WHICH FOLLOW -- WHICH FOLLOW MY TALK. GOOD MORNING, THANK YOU FOR ALLOWING HAD HE TO SPEAK, MY NAME IS ELIZABETH ELISSON I AM A 19 YEAR RESIDENTS OF ANDERSON MILL. I WANT TO SPEAK ON THE SERVICE PLAN, THE CITY, AND THE 10 MILLION-DOLLAR SURPLUS FUND ACCOUNT THAT IS TODAY BEING HELD BY THE ANDERSON MILL M.U.D. AND POSSIBLY COULD BECOME THE CITY'S IN THE FUTURE. LET ME EXPLAIN. AS PART OF THE ANNEXATION PROCESS, AFTER THE CITY ANNEXES ANDERSON MILL M.U.D. RESIDENTS WILL GET TO VOTE ON WHETHER TO ESTABLISH PERMANENTLY ON WHAT WILL BE CALLED A LIMITED DISTRICT. MAINTAINING PARKS OF ANDERSON MILL RATHER THAN THE CITY DOING SO. TO PAY FOR THESE EXPENSES THIS ACCOUNT WAS SET UP YEARS AGO. THIS WAS MADE UP OF EXCESS TAX WATER AND WATER UTILITY REVENUE COLLECTED BY THE M.U.D. OVER THE LAST 10 YEARS. THE M.U.D. AND THE CITY AGREED TO THIS ACCOUNT IN THE STRATEGIC PARTNERSHIP AGREEMENT. THAT AGREEMENT ALSO PROVIDES IN THE EVENT THAT THE LIMITED DISTRICT IS NOT APPROVED OR DISSOLVED THE CITY WILL TAKE OVER ALL OF THE M.U.D.'S ASSETS, INCLUDING THE SURPLUS FUNDS. THE BALANCE OF THE FUND TO DATE IS APPROXIMATELY \$10 MILLION. I AM PROPOSING THAT THE -- SHOULD THE CITY TAKE OVER THE SPECIAL ACCOUNT, THAT THE CITY HOLD THE FUNDS FOR FUTURE PROJECTS FOR ANDERSON MILL IN A RESERVE OR ESCROW ACCOUNT. THESE PROJECTS COULD BE A BRANCH LIBRARY, A COMMUNITY RECREATION CENTER, A PUBLIC HEALTH CLINIC OR EVEN A POLICE SUBSTATION. PUBLIC FACILITIES FOR THESE PROJECTS ALREADY EXIST IN ANDERSON MILL. THERE IS A COMMUNITY BUILDING. A SHERIFF SUBSTATION AND A FIRE STATION WHICH WILL BE TRANSFERRED TO THE M.U.D. UPON ANNEXATION. SO ALL THAT REMAINS IS TO CONVERT THESE FACILITIES AND TO PROVIDE THE SERVICES FOR THESE PROJECTS THAT I'VE JUST DESCRIBED. AND THESE FUNDS COULD BE USED FOR THAT PURPOSE. IT MAKES SENSE TO HOLD THE MONEY FOR USE IN ANDERSON MILL. FIRST, THE MONEY IS TAX MONEY THAT WAS PAID DIRECTLY INTO THAT FUND BY ANDERSON MILL PROPERTY OWNERS SUCH AS MYSELF. SECOND, ANDERSON MILL WAS NOT INCLUDED IN THE LAST CITY BOND, OF COURSE, SO IT WILL NOT BE RECEIVING ANY BOND MONEY FOR CAPITAL PROJECTS AS A RESULT. YET, ANDERSON MILL HAS NEEDS JUST LIKE OTHER AREAS OF THE CITY. AND THIS SURPLUS FUND WILL HELP TO FILL THOSE NEEDS. THIRD RATHER THAN USING IT FOR SHORT-TERM EXPENSES IT COULD BE USED TO BUILD A LIFETIME OF GOODWILL BETWEEN THE CITY AND THE AROUND SOLD MILL RESIDENTS BY CONSTRUCTING THESE PROJECTS. I RESPECTFULLY REQUEST THAT THIS COUNCIL CONSIDER INSERTING LANGUAGE IN THE ANNEXATION SERVICE PLAN THAT STATES THAT SHOULD THE CITY ACQUIRE THE SURPLUS FUND ACCOUNT THAT THE FUNDS BE HELD IN RESERVE FOR FUTURE PROJECTS IN ANDERSON MILL. AND IF THAT LANGUAGE CANNOT BE

ADOPTED TODAY, I AGAIN RESPECTFULLY REQUEST THAT THE SERVICE PLAN BE AMENDED TO INCLUDE THIS LANGUAGE AND THE -- AND THE DRAFT OF THAT LANGUAGE IS INCLUDED IN THE HANDOUT JUST GIVEN TO CITY COUNCIL. THANK YOU.

THANK YOU, MS. ELLISSON. MS. COLLIER, COULD YOU HELP US ADDRESS THIS ISSUE?

APPROVING SERVICE PLAN TODAY AND GOING AHEAD KEEPING THE SCHEDULE FOR THE ANNEXATION IS IMPORTANT. THE COUNCIL CAN AMEND THE SERVICE PLANS IN THE FUTURE. SO IF THIS IS SOMETHING THAT, YOU KNOW, WE WOULD LIKE TO CONSIDER FURTHER AND MAYBE LOOK AT PRESS DEPARTMENT FROM ANNEXING OTHER MUDS AND WHAT'S HAPPENED IN THOSE CASES WITH ANY SURPLUS FUNDS WE CAN CERTAINLY DO THAT AND COME BACK TO YOU AND BRING YOU SOME MORE INFORMATION ABOUT THAT. IN ADDITION, WE'RE NOT SURE EXACTLY WHEN THE LIMITED DISTRICT WOULD BE DISSOLVED OR HOW MUCH MONEY WOULD BE LEFT, SO IT MAY BE APPROPRIATE TO -- TO ASK A COUNCIL AT THAT POINT IN TIME FOR DIRECTION ON HOW TO SPEND THOSE FUNDS WHEN THEY COME TO THE CITY.

Mayor Wynn: I WILL JUST SAY, COUNCIL, IT SEEMS LIKE A VERY LEGITIMATE REQUEST TO ME THAT THESE FUNDS WERE OBVIOUSLY ORIGINATED FOR THE PURPOSE OF BEING SPENT INSIDE THESE BOUNDARIES. SO I GUESS THAT I WOULD JUST LIKE TO -- PERHAPS SOME DIRECTION, MAYOR PRO TEM, AS TO WHAT PRODUCT WE MIGHT USE, WHETHER WE TECHNICALLY HAVE TO AMEND THE SERVICE AGREEMENT OR SIMPLY, YOU KNOW, STATE SOME POLICY AS A COUNCIL OR SOME -- GIVE SOME DIRECTION TO THE CITY MANAGER AS TO THE USE OF THOSE FUNDS. MAYOR PRO TEM?

WELL, I THINK THAT -- THAT PROBABLY THE -- THE BEST THING IS FOR US -- FOR THE USE OF THE MONEY IS IF THE LIMITED PURPOSE DISTRICT IS ESTABLISHED, THEN THEY CERTAINLY WILL RETAIN THOSE FUNDS AND USE IT WITHIN THE PARTICULAR AREA FOR ENHANCED MAINTENANCE OR CAPITAL PROJECTS OR WHATEVER THAT -- WHATEVER THAT GROUP CHOOSES TO DO. AND SINCE THE MONEY WAS COLLECTED FROM THAT AREA, I THINK THAT'S VERY APPROPRIATE. THE -- THE KEY THING, THOUGH, IS IF THE DISTRICT DOESN'T PASS, WHAT I WOULD LIKE TO DO IS DIRECT THE STAFF TO COME BACK TO COUNCIL AND HAVE US SET ASIDE THOSE FUNDS TO BE USED. EVEN FOR ENHANCED MAINTENANCE -- EITHER FOR ENHANCED MAINTENANCE OR CAPITAL PROJECTS WITHIN THAT AREA FROM WHICH THE FUND WERE COLLECTED. SO THAT WAY WE DON'T REALLY HAVE TO AMEND THE AGREEMENT AT THIS POINT IN TIME. BUT WAIT UNTIL AFTER THE ELECTION AND THEN IF -- IF IT -- IF IT IN FACT DOES NOT PASS THEN THE STAFF COULD BRING THAT BACK FOR OUR DIRECTION. I THINK THAT WOULD BE THE -- MAYBE THE SIMPLEST WAY OF DOING IT.

OKAY.

Mayor Wynn: FURTHER COMMENTS? COUNCIL, I WILL ANNOUNCE THAT I TEND TO AGREE WITH THE MAYOR PRO TEM'S ASSESSMENT AND CERTAINLY WOULD BE VERY SUPPORTIVE

OF THESE FUNDS ULTIMATELY STAYING WITHIN THE BOUNDARIES. SO THOSE ARE OUR TWO SPEAKERS ON THIS ITEM. COUNCIL, FURTHER QUESTIONS OF STAFF? COMMENTS? MR. OTT, DO YOU THINK THAT YOU HAVE ENOUGH DIRECTION VIS-A-VIS THIS LAST ISSUE AT LEAST?

I DO INDEED, MAYOR.

Mayor Wynn: I WILL ENTERTAIN A MOTION ON ITEM NO. 11.

Dunkerly: I MOVE APPROVAL OF THE ITEM NO. 11 AND WITH GENERAL DIRECTIONS TO THE MANAGER TO BRING BACK FOR ADDITIONAL DIRECTION THE -- AFTER THE RESULTS OF THE ELECTION.

Mayor Wynn: MOTION BY THE MAYOR PRO TEM. SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE THIS ORDINANCE, ITEM NO. 11, WITH ADDITIONAL DIRECTION FOR THE CITY MANAGER REGARDING USE OF FUNDS WITHIN THE BOUNDARY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. SO, COUNCIL, THAT TAKE US TO OUR MORNING BRIEFING. TODAY IS GOING TO BE AGAIN REGARDING OUR NEW CENTRAL LIBRARY PROJECT. WE HAVE A LITTLE BIT OF THIS DISCUSSION A COUPLE OF WEEKS AGO, I BELIEVE, AS WE TALKED ABOUT THE PROPER SCIEWRMENT PROCESS FOR THE -- PROCUREMENT PROCESS FOR THE CONSTRUCTION MANAGER AT RISK. NOW WE WOULD LIKE TO HEAR FROM THE ASSISTANT MANAGER RUDY GARZA. GOOD MORNING MAYOR AND COUNCIL, THE PRESENTATION TODAY WILL BE MYSELF GOING THROUGH THE SOLICITATION AND CONTRACTING PROCESS. THE ASSISTANT CITY MANAGER WILL FOLLOW ME TO TALK MORE SPECIFICALLY ABOUT THE CENTRAL LIBRARY AND SOME OF THE RESEARCH THAT WAS DONE ON OTHER CITIES THROUGHOUT THE COUNTRY. THE -- THE SOLICITATION PROCESS WILL HAVE THREE MAIN PARTS TO IT. WE WILL BEGIN WITH OUR STANDARD ISSUING OF THESE STATEMENT OF QUALIFICATIONS. WE WILL IMPANEL SEVERAL STAFF MEMBERS, WE WILL ALSO INCLUDE PRESENTATIONS TO THE CITY COUNCIL. GOING THROUGH EACH OF THOSE PARTS IN MORE DETAILS AS WE MOVE FORWARD. PHASE 1 AS I SAID WE WILL ISSUE OUR STANDARD RFQ, IT WILL BE OUT ON THE STREET FOR FOUR WEEKS. AGAIN AS PART OF OUR NORMAL PROCESS. THE PANEL WILL CONSIST OF -- OF A LIBRARY STAFF, ALSO EXIST OF -- FROM EXPERTS IN THE PUBLIC WORKS DEPARTMENT, SPECIFICALLY IN THE ARCHITECTURAL AREA. AND ULTIMATELY WILL BE THE -- THE PANEL WILL BE APPROVED, CONCURRED BY THE SPONSORING DEPARTMENT, OUR LIBRARY DIRECTOR, BRENDA BRANCH. WE WILL BE SCORING THE -- THE STATEMENT OF QUALIFICATIONS AGAINST A REVISED CRITERIA MATRIX AND I'M GOING TO GO INTO THE DETAILS OF THE REVISIONS IN THE NEXT COUPLE OF SLIDES. ONCE WE GO THROUGH THIS PROCESS, WE WILL IDENTIFY FIVE TEAMS THAT WILL -- THAT WILL MOVE FORWARD TO THE NEXT PHASE OF THIS, WHICH WILL BE INTERVIEWS BY THE PANEL THAT HAS BEEN

SELECTED TO EVALUATE THE QUALIFICATIONS. VERY QUICKLY, THE CHANGES THAT WE'VE MADE ON THE CRITERIA FOR EVALUATION ARE TWO MAIN POINTS. AS WE LEARNED WITH THE CITY HALL AND WITH THE MAC, WE KNOW THERE ARE EXPERTS IN THE FIELD DESIGNING LIBRARIES. WE HAVE ADDED A CATEGORY OF LIBRARY CONSULTANT, WHICH IS TOTAL OF 24 POINTS THAT IS ADDED TO THE PROJECT MANAGER, THE PROJECT PRINCIPAL, THE PROJECT ARCHITECT, TYPICALLY THOSE ARE THE THREE MAIN CATEGORIES THAT WE HAVE ADDED A FOURTH CATEGORY OF -- OF LIBRARY CONSULTANT AND WE'VE -- WE'VE ASSESSED THE POINTS, SIX POINTS FOR THE CONSULTANT TAKING TWO POINTS FROM EACH OF THE OTHER CATEGORIES. BASICALLY WHAT THIS ALLOW US, IT ALLOWS A TEAM TO BE COMCOMPRISED THE GENERAL ARCHITECTS, POTENTIALLY IN THE LOCAL AREA, THAT HAVE EXPERTISE IN THE BUSINESS, BUT CAN ALSO TEAM UP WITH A LIBRARY EXPERT IN THE DESIGN PROCESS. WE ALSO HAVE -- HAVE CHANGED BECAUSE IT'S BEEN VERY CLEAR THROUGHOUT -- IN FACT GOING BACK TO THE BOND DEVELOPMENT PROCESS, THAT -- THAT THE AUSTIN CENTRAL LIBRARY WILL BE SOMETHING THAT WILL BE KEY SIGNATURE OF WHO WE ARE AS A CITY. SO ONE OF THE THINGS THAT WE HAVE DONE IN THE EVALUATION MATRIX IS WE REALLOCATED POINTS FROM WHAT WE TYPICALLY A CATEGORY CALLED EXPERIENCE, THE CITY OF AUSTIN EXPERIENCE WITH A PRIME FIRM WHICH WOULD HANDLE CONTRACTING ISSUES, WE HAVE REALLOCATED FOUR POINTS FROM THERE TO THE CATEGORY SPECIFICALLY ON THE TEAMS EXPERIENCE AND KNOWLEDGE OF AUSTIN ISSUES. THE SECONDS PHASE OF THE PROCESS IS THE INTERVIEW PHASE WITH THE STAFF EVALUATION TEAM. THE KEY POINTS THAT WILL BE EVALUATED AS PARTS OF THOSE INTERVIEWS WILL CERTAINLY INCLUDE THE OVERALL EXPERIENCE OF THE TEAM'S MAKEUP, HOW THEY -- THEIR PLAN FOR OUTREACH AND WITH STAKEHOLDER, WITH THE COUNCIL, WITH THE STAFF, ALSO THEIR EXPERIENCE WITH THE CITY OF AUSTIN, THEIR KNOWLEDGE OF WHO WE ARE AS A COMMUNITY. KNOWING THE MILESTONES AND KEY -- KEY PARTS OF OUR HISTORY IT'S GOING TO BE IMPORTANT AS WE MOVE FORWARD TO MAKE SURE THAT WE HAVE A TEAM THAT HAS THOSE STRENGTHS. AFTER THAT PROCESS, OUR TEAM WOULD THEN NARROW IT DOWN TO THREE DESIGN TEAMS, WHICH WILL -- WHICH WE'LL BRING FORWARD TO THE CITY COUNCIL FOR PRESENTATIONS OF THE CITY COUNCIL. THESE TEAMS WILL COME FORWARD, THEY WILL PRESENT TO THE COUNCIL, THEIR EXPERIENCE, WHAT -- WHAT -- WE EXPECT THEY WILL ALSO PRESENT TO YOU PRIOR PROJECTS THAT WE'VE COMPLETED, SOME OF THE EXPERTISE, SOME OF THE KEY FEATURES THAT THEY FOCUS ON. THIS INFORMATION WILL BE AVAILABLE TO THE PUBLIC AFTER THEIR PRESENTATIONS WE WOULD EXPECT TO COME BACK TO COUNCIL TWO WEEKS AFTER THAT FOR COUNCIL TO MAKE A FINAL SELECTION. I WILL GO THROUGH A TIME LINE OF HOW THIS WORKS OUT OVER THE NEXT COUPLE OF YEARS, BUT THE NEXT PART OF THE PRESENTATION WILL BE THE ASSISTANT CITY MANAGER TO TALK SPECIFICALLY ABOUT OUR CENTRAL LIBRARY AND AGAIN THE PEER CITY'S REVIEWS.

MAYOR AND CITY COUNCIL, GOOD MORNING. ASSISTANT CITY MANAGER. WHAT I'M GOING TO BE COVERING THIS MORNING IS TO ESSENTIALLY TALK ABOUT SOME OF THE FEATURES AND AMENITIES IN THE NEW CENTRAL LIBRARY, AND ALSO SHOWCASE WHAT WE CONSIDER

SOME OF THE PREMIER LIBRARIES ACROSS THE COUNTRY AND GIVE YOU SOME INFORMATION ABOUT THEIR CONSTRUCTION BUDGET AND WHAT THEY'VE ACTUALLY SET ASIDE FOR THEIR CONSTRUCTION OF THEIR FACILITIES. THE FACILITY THAT WE ARE GOING TO BE BUILDING WITH THE \$90 MILLION IS A 250,000 SQUARE FOOT FACILITY, WE WILL BE REPLACING THE 110,000 SQUARE FOOT FAULK CENTRAL LIBRARY, THE FUNDING WILL ALLOW US TO COMPLETE 170,000 SQUARE FOOT OF COMPLETED LIBRARY SPACE. IN ADDITION TO THAT, IT WILL ALLOW US TO HAVE AVAILABLE 80,000 SQUARE FOOT OF WHAT WE TERM AS UNFINISHED LIBRARY SPACE FOR FUTURE LIBRARY EXPANSION AND FUTURE DOLLARS BECOME AVAILABLE. THE MAXIMUM SIZE OF THE FULL AT THIS LOCATION JUST TO REMINDS COUNCIL IS 360 SQUARE FOOT. THE REASON THAT IS BECAUSE THERE IS -- THAT IS THE LARGEST BUILDING POSSIBLE THAT CAN BE BUILT ON THAT SITE, MAINLY BECAUSE OF THE MANDATE ON THE CAPITAL VIEW CORRIDOR ORDINANCE AS WELL AS THE CONDITIONS THAT ARE I AM PROCESSED BY THE -- IMPOSED BY THE WATERFRONT OVERLAY. SOME OF THE AMENITIES THAT THE CENTRAL LIBRARY WILL INCLUDE, GIVE US ADDITIONAL VOLUMES, 80,000 TO BE FOR RECIRCULATION, ADDITIONAL SEATING CAPACITY FOR OUR MEETINGS, OUR STUDY ROOM SPACE. A CAFE, 350 SEAT AUDITORIUM. IMPROVE INFORMATION TECHNOLOGY BY ADDING APPROXIMATELY 60 MORE COMPUTERS, BUSINESS AND CAREER CENTER, INCREASED PARKING WHICH WE THINK IS GOING TO BE A VERY NICE FUTURE. CURRENTLY WE HAVE ABOUT 40 SPACES, GOING TO INCREASE TO ABOUT 250250 SPACES AND PROVIDE GREAT ACCESSIBILITY. IN ADDITION, A DEDICATED PROGRAM SPACE FOR OUR YOUTH AND OUR TEENS, WHICH WE THINK IS A VERY VITAL. ALSO AN EXHIBIT SPACE FOR COMMUNITY AND CULTURAL EVENTS. LET ME GET INTO THE PIECE OF KIND OF TALKING ABOUT SOME OF THE DIFFERENT MUNICIPAL LIBRARIES THAT HAVE ACTUALLY BEEN BUILT IN THE LAST 12 YEARS. I DO WANT TO MENTION THAT THE COST THAT WE SHOW HERE IS THE COST THAT'S PRESENTED IN -- IN TOTAL PROJECT COSTS OF THE FACILITY, WHICH IS THE COMPLETE BUILDOUT COSTS. SO THAT'S THE TOTAL PROJECT AND THEN UNDER THERE WE SHOW THE -- THE COST PER SQUARE FOOT. BASED ON THAT. THE FIRST ONE IS THE JACKSONVILLE LIBRARY. THIS ONE OPENED IN 2006. IT IS A 300,000 SQUARE FOOT FACILITY, THE COST ABOUT 150 MILLION TO COMPLETE. AS YOU KNOWNOTE THERE, 500 A SQUARE FOOT. THEY WENT THROUGH A PROCESS WHERE THEY DID ATTRACT VERY LARGE ARCHITECTURAL FIRMS, ABOUT 28 FIRMS RESPONDED. ACTUALLY THEY WERE PRESELECTED TO RECEIVE PROPOSALS. ULTIMATELY THEY CHOSE FOUR FIRMS TO COMPETE IN A DESIGN COMPETITION AND THEY WERE -- THEY WERE PAID TO -- TO PUT TOGETHER A DESIGN, APPROXIMATELY \$250,000 FOR THEIR PARTICIPATION. THE MINNEAPOLIS IS A 357,000 SQUARE FOOT FACILITY, COSTS ABOUT \$140 OPENED\$140 MILLION, OPENED IN 2005. THEY HAD ABOUT 50 ARCHITECTURAL FIRMS PRESELECTED TO REQUEST THEIR, RECEIVE THEIR REQUEST FOR ARCHITECTURAL PROPOSALS. 37 RESPONSES RECEIVED, THEY WERE NARROWED DOWN AND REDUCED TO ABOUT THREE AND THEY WENT THROUGH VERY STRINGENT CRITERIA IN DETERMINING THOSE THREE. THE THREE MADE THE PUBLIC PRESENTATIONS OF THEIR DESIGN PHILOSOPHY AND OBJECTIVES OF THE PROJECT. SAN DIEGO, EXPECTED COMPLETION NEXT YEAR IN 20092009. [READING GRAPHIC] THEY ACTUALLY HAVE HAD 300 REQUESTS FOR

ARCHITECTURAL PROPOSALS THAT WERE SENT OUT. THEY IDENTIFIED AWARD WINNING ARCHITECTS AND LIBRARY DESIGNERS. THEY WENT THROUGH A STATEMENT OF QUALIFICATIONS WHERE THEY HAD 27 FIRMS THAT RESPONDED. AND THEN FINALISTS PRESENTED THEIR QUALIFICATION AND THEIR DESIGN APPROACHES TO COUNCIL AND PUBLIC FORUM AND ULTIMATELY THE COUNCIL MADE THE DECISION ON THE SELECTION. THE NEXT ONE IS SAN FRANCISCO. [READING GRAPHIC] THIS IS THE OLDEST ONE OF THE GROUP, OPENED IN 1996. I DID WANT TO MAKE A NOTE IN 2006 THEY DID ADD 6.1 MILLION AS AN ADDITION TO THIS PROJECT. THEY WENT THROUGH A REQUEST FOR PROPOSALS ISSUED TO SOLICIT QUALIFIED ARCHITECTURAL AND ENGINEERING FIRMS. TO DESIGN AND CONSTRUCT THE FACILITY. SEATTLE IS 362,986 SQUARE FOOT, TOTAL COST OF 165 MILLION, OPENED IN 2004. THEY DID GO THROUGH THE STATEMENT OF QUALIFICATIONS WHERE THEY WERE SOLICITED FROM ARCHITECTURAL FIRMS. ONE CAVEAT TO THAT WAS THAT THE FIRMS FROM OUTSIDE OF SEATTLE WERE REQUIRED TO OPEN UP A LOCAL OFFICE OR TO AFFILIATE WITH A LOCAL OFFICE. BECAUSE OF THE MAGNITUDE OF THE PROJECT. SO THEY DID HAVE 24 -- 29 FIRMS THAT RESPONDED TO THE PROPOSAL. NOW, THIS NEXT SEGMENT RIGHT HERE IS A BREAKDOWN OF THE CONSTRUCTION BUDGETS FOR EACH OF THESE FACILITIES AND -- AND WHAT YOU WILL SEE HERE IS THAT -- EACH LIBRARY BUDGETED FOR THEIR PROJECT. HOW MUCH OF THAT WAS SPECIFICALLY FOR CONSTRUCTION AND THE CONSTRUCTION COSTS PER SQUARE FOOT. AS YOU WILL NOTE, JACKSONVILLE, \$260 PER SQUARE FOOT, MINNEAPOLIS, 255, SAN DIEGO WE WEREN'T ABLE TO -- SAN DIEGO WE WEREN'T ABLE TO CONFIRM THAT COST, THEIR TOTAL PROJECT WAS 185. SAN FRANCISCO WAS \$277 A FOOT. AND SEATTLE 248. IT'S IMPORTANT TO NOTE THAT -- THAT IN OUR TOTAL PROJECT BUDGET AGAIN, 90 MILLION, OUR CONSTRUCTION BUDGET IS ABOUT 65 OF THAT 90 MILLION. AND OUR CONSTRUCTION COSTS PER SQUARE FOOT WE CALCULATE AT \$260 PER SQUARE FOOT.

Mayor Wynn: BACK ON THE JACKSONVILLE EXAMPLE, YOU TALKED ABOUT FOUR FIRMS WERE CHOSEN TO GO THROUGH A DESIGN COMPETITION. THAT THE -- THAT THE FEE OR EXPENSES OF \$250,000 WERE PAID. IS THAT PER FIRM OR THAT WAS THE TOTAL COST OF THE CITY TO CONDUCT ALL FOUR DESIGN --

THAT WAS EACH, MAYOR, AS I UNDERSTAND IT. I WILL CONFIRM THAT WITH STAFF. YES. THAT WAS EACH.

Mayor Wynn: OKAY. ALSO -- MIGHT NOT BE EASY TO GATHER, BUT DO WE KNOW OF THESE PROJECTS, HOW MUCH OF -- OF ANY PRIVATE PHILANTHROPIC DOLLARS WERE INCLUDED, DID OTHER ENTITIES STEP UP AND PERHAPS SUPPLEMENT TO SOME DEGREE THESE BUDGETS?

IT'S MY UNDERSTANDING, I'LL CLARIFY THAT WITH STAFF, MY UNDERSTANDING IS THIS IS WHAT THE CITY HAD SPECIFICALLY EARMARKED FOR THE PROJECT AND DOES NOT INCLUDE THE PHILANTHROPIC PIECE OF IT. THOSE DOLLARS MAY HAVE COME IN AFTERWARDS OR -- BUT CERTAINLY ARE NOT REPRESENTED IN THESE NUMBERS THAT I'M

SHOWING YOU TODAY.

SO IF THEY DID, MORE THAN LIKELY IT WOULD HAVE BEEN SOME NON-SHELL EXPENSE, IT -- THERE MIGHT BE A BIG INTERIOR BUILDOUT OR, YOU KNOW, SOME TECHNOLOGY OR SOMETHING LIKE THAT.

SURE.

WE DON'T NECESSARILY HAVE AN EXAMPLE OF WHERE, SAY,, YOU KNOW, A CITY ALLOCATED \$100 MILLION FOR A PROJECT AT THIS STAGE OF THE -- OF THE PROJECT AND THEN HAD SOMEBODY STEP UP PHILANTHROPICALLY AND INCREASE THAT BUDGET TO SUCH A DEGREE THAT THE BUILDING ITSELF BECAME LARGER OR THE SCOPE OF THE PROJECT BECAME GRANDER.

WHAT I WOULD BE HAPPY TO DO, MAYOR, I DON'T KNOW THAT I HAVE THAT ANSWER FOR YOU. BUT I KNOW THAT STAFF AND MY DISCUSSIONS WITH THEM EARLIER DID SAY THAT -- THAT WE DID HAVE A NUMBER OF LIKE LIBRARY STAKEHOLDERS IN DIFFERENT COMMUNITIES THAT ACTUALLY DID STEP UP. I'M NOT SURE AT WHAT POINT DID THEY STEP UP, WHETHER IT WAS AT THE POINT WHEN THE CITY WAS STILL CONSIDERING THE ACTUAL FACILITY AND WHETHER IT GOT -- WHETHER IT GOT -- WHETHER THAT HAPPENED AT WHAT JUNCTION IF YOU ARE, I'M NOT REALLY SURE ABOUT THAT. WHAT I CAN DO IS I CAN PUT TOGETHER SOME INFORMATION ABOUT THE DATA THAT WE COLLECTED FROM OTHER CITIES ABOUT WHAT ORGANIZATIONS HAVE STEPPED UP, WHAT INTERVALS IF THAT WILL BE HELPFUL. I JUST DON'T HAVE THAT HERE READY FOR YOU TODAY.

Mayor Wynn: SEEMS TO ME IF THAT WERE TO BE A DYNAMIC HERE OR ANYWHERE ELSE, THAT WOULD -- IF IT WAS GOING TO REALLY EXPAND THE SCALE OF THE STRUCTURE, SAY, THEN THAT WOULD HAVE TO OCCUR, YOU KNOW, WELL IN ADVANCE OF WHEN YOU WOULD TURN YOUR ARCHITECT LOOSE AND/OR IN THEORY EVEN SHOULD THE DECISION BE MADE TO HAVE A DESIGN COMPETITION, IN THEORY YOU WOULD WANT TO ALREADY KNOW THE SKILL AND SCOPE AND -- SCALE AND SCOPE AND FUNDING SOURCES OF THAT BEFORE YOU WOULD HAVE, YOU KNOW, SOMEBODY SPEND THE MONTHS AND TIME AND EFFORT TO COMPETE FOR A DESIGN STANDPOINT.

TRUE. WHAT MR. GARZA WILL DO HERE IN A FEW MINUTES, AS HE WALKS THROUGH THE TIME LINE, HE WILL GIVE YOU THE SPECIFIC MILESTONES AND THE -- AND THE THE DATES THAT, YOU KNOW, AT ANY GIVEN POINT IN TIME UP TO A CERTAIN DATE THAT -- THAT ANYBODY, WHETHER IT'S A PHILANTHROPIC ORGANIZATION OR ANYBODY THAT WANTED TO CONTRIBUTE TO THE PROJECT WILL HAVE AN OPPORTUNITY TO DO THAT. WE SPECIFICALLY ARE GOING TO MAKE NOTE OF THAT IN THAT TIME LINE.

ON THE CONSTRUCTION BUDGETS, JUST TO ESSENTIALLY MAKE A COUPLE OF POINTS HERE. ONE IS THAT KEEP IN MIND THAT THE -- OUR COSTS THAT WE HAVE INDICATED HERE

ARE WHAT WE WOULD TERM AS THE PRESENT DAY DOLLARS. AND THIS IS COMPARING TO FACILITIES THAT GO BACK AS FAR AS 12 YEARS AND IF YOU WILL NOTE, OUR -- OUR \$260 A SQUARE FOOT ON THE FACILITY IS VERY MUCH IN LINE WITH THESE PROJECTS AS COMPARED TO THESE FACILITIES. SO -- SO I JUST WANTED TO MAKE THOSE TWO POINTS. AT THIS TIME, MAYOR, IF I WILL -- ALLOW ME JUST TO TURN IT BACK OVER TO MR. GARZA, LET HIM GO AHEAD AND GO OVER THE TIME LINE, I BELIEVE HE CAN ADDRESS YOUR QUESTION THAT YOU BROUGHT UP. SO ...

MAYOR AND COUNCIL, RUDY GARZA, ASSISTANT CITY MANAGER. AGAIN, VERY QUICKLY, GOING THROUGH THE TIME LINE OF THE PROCESS THAT I DESCRIBED AT THE BEGINNING, GOING FROM THE ISSUANCE OF THE RFQ TO THE INTERVIEWS, PRESENTATIONS TO COUNCIL, STAKEHOLDER PROCESS, SO WE'VE TRIED TO -- TO PUT THIS IN A TIME LINE FOR YOU. SO -- SO THE EXPECTATION, AS YOU KNOW, IS THAT NEXT WEEK WE WILL RETURN TO COUNCIL FOR APPROVAL OF THE PROCESS THAT WE HAVE PUT BEFORE YOU. SO THAT IS BASED ASSUMING THAT WE DO GET, BEFORE ON THE 27th, NEXT THURSDAY, THE RFQ WOULD THEN BE ISSUED IN APRIL. THE END OF -- THE END OF APRIL WILL BE OUT ON THE STREET FOR FOUR WEEKS. WILL RECEIVE THOSE AT THE END OF MAY. THEN THE -- BASED ON WHAT BURT WAS TALKING ABOUT, WE EXPECT THAT WE WILL HAVE SIGNIFICANT RESPONSES WITH -- ALLOW APPROXIMATELY THREE MONTHS OF TIME FOR EVALUATIONS OF ALL OF THE STATEMENT OF QUALIFICATION THAT'S WE RECEIVE. INTERVIEWS AND NOTING THAT THERE WILL BE TRAVEL INVOLVED FOR SOME OF THE TEAMS. SO THAT -- THAT PROCESS IS APPROXIMATELY THREE MONTHS. AND -- UP UNTIL AUGUST. RECOGNIZING THAT SEPTEMBER IS A DIFFICULT MONTH TO PUT A SIGNIFICANT ITEM LIKE THIS ON THE AGENDA, ESPECIALLY GOING WITH THE BUDGET. WE EXPECT TO COME BACK IN OCTOBER FOR THE PRESENTATIONS OF THE THREE -- THREE FIRMS TO THE CITY COUNCIL. THAT WOULD HAPPEN EARLY OCTOBER. WE WOULD -- WE WOULD PLAN FOR -- PLAN FOR THE EARLY PART OF NOVEMBER TO RETURN TO THE COUNCIL FOR A FINAL DECISION AND AWARD OF A DESIGN CONTRACT TO THE SELECTED FIRM WHICH THEN YOU WOULD DIRECT US TO BEGIN NEGOTIATIONS. OUR EXPECTATION JUST BASED ON HISTORICAL WORK WITH OTHER CONTRACTS OF THIS NATURE, WE ARE PLANNING TO -- OBVIOUSLY TO GET THIS THING DONE AS QUICKLY AS POSSIBLE, BUT OUR SCHEDULE ALLOWS FOR THREE MONTHS OF NEGOTIATIONS WITH THE FIRM AND YOU WILL SEE THERE IN A COUPLE OF POINTS, BULLET POINTS LATER, THAT WE EXPECT TO -- TO HAVE A CONSULTING CONTRACT EXECUTED IN MARCH. IN BETWEEN THAT TIME FRAME, THIS IS JUST A REFERENCE BACK TO A PRESENTATION YOU HAD FROM OUR DIRECTOR OF PUBLIC WORKS, JOE RAMOS WITH THE CM AT RISK PROCESS THAT WE ARE USING, IT'S IMPORTANT THAT WE BRING ON A CONTRACTOR IN PLACE TO WORK CONCURRENTLY WITH THE DESIGN TEAM. WE WILL ISSUE THE RFP IN DECEMBER OF 2008 WITH THE CM AT RISK. THAT WILL BE CONCURRENT WITH THIS SCHEDULE. AS NOTED MARCH 2009 WILL BE WHEN WE AWARD THE DESIGN CONTRACT. IMMEDIATELY THEREAFTER WE WILL BEGIN THE STAKEHOLDER PROCESS. THE PUBLIC PROCESS TO HEAR FROM OUR CITIZENS, OUR COMMUNITY, HEAR FROM THE VARIOUS STAKEHOLDERS AND INTERESTED PARTIES ON WHAT THEY WANT

THEIR LIBRARY TO LOOK LIKE. AND THE AMENITIES THAT THEY WOULD LIKE TO SEE IN THEIR LIBRARY. THAT PROCESS AT THIS POINT IN OUR SCHEDULE IS EXPECTED TO BE APPROXIMATELY SIX WEEKS. IT WILL HAPPEN -- BETWEEN MARCH AND APRIL, SO HERE'S A KEY DATE. WE WOULD THEN DIRECT OUR DESIGN TEAM TO BEGIN DESIGN IN MAY OF 2009. SO FROM -- FROM TODAY GOING FORWARD, A LITTLE OVER 12 MONTHS, MAY OF 2009, AS YOU WOULD EXPECT, OUR DESIGN TEAM WOULD HAVE TO BE GIVEN THE DIRECTION OF -- OF WHAT'S THEIR BUDGET AND WHAT'S THE SCOPE OF THE PROJECT. AND THAT AGAIN WOULD HAPPEN IN MAY OF 2009 WITH THE DESIGN TEAM, THEY WOULD BEGIN THEIR PROCESS. THAT ALSO WOULD COINCIDE WITH THE AWARD OF THE CONTRACT TO THE CONSTRUCTION MANAGER AT RISK. TO WORK CLOSELY WITH THE DESIGN TEAM AS THEY MOVE FORWARD. WE WOULD THEN RETURN IN -- IN THE FALL OF '09, APPROXIMATELY SIX MONTHS LATER, THE DESIGN TEAM WOULD THEN COME BACK WITH THE SCHEMATIC DESIGN PRESENTED TO THE LIBRARY COMMISSION AS WELL AS TO THE CITY COUNCIL AND I APOLOGIZE COUNCIL, LET ME MAKE NOTE. ON THE STAKEHOLDER PROCESS I THINK THAT IT'S IMPORTANT TO RECOGNIZE A COUPLE OF SLIDES AGO IS THAT THE EXPECTATION IS THAT OUR LIBRARY COMMISSION WILL BE INTIMATELY INVOLVED IN THIS PROCESS. IN FACT THE EXPECTATION HE IS THAT THEY WILL HOST SEVERAL OF THESE STAKEHOLDER INPUT PROCESSES. THE DESIGN TEAM WILL IN FACT FACILITATE THEM AND BE THERE TO GET THE INFORMATION AND INTERACT WITH THE STAKEHOLDERS, BUT THE LIBRARY COMMISSION IS EXPECTED TO BE A KEY PLAYER IN THIS PROCESS. SO -- SO COMING BACK SIX MONTHS LATER, AFTER WE INITIATED DESIGN, WE WOULD BRING TO THE CITY COUNCIL PRELIMINARY RENDERINGS, FLOOR PLANS, A 3 D VERSIONS FOR YOUR REVIEW. AGAIN, PRESENTATION TO THE COMMISSION, PRESENTATION TO COUNCIL FOR APPROVAL. THE KEY POINT THERE IS WE NEED TO ENSURE THAT WE HAVE CAPTURED THE POINTS OF WHAT OUR CITIZENS AND WHAT OUR COUNCIL HAS DIRECTED OUR DESIGN TEAM AND STAFF TO MOVE FORWARD WITH. SO WE WOULD EXPECT AT THAT POINT TO -- TO RECEIVE COUNCIL APPROVAL IN THE FALL OF 2009, THAT -- THAT IS APPROXIMATELY 30% OF THE DESIGN PHASE WOULD HAVE BEEN COMPLETED AT THAT POINT. WE WILL COME BACK ABOUT -- ABOUT SIX TO EIGHT MONTHS LATER AFTER THAT TO PRESENT 60% COMPLETION TO THE -- AGAIN TO THE LIBRARY COMMISSION, MAKING SURE THAT AGAIN WE ARE STILL IN THE RIGHT TRACK AND FOR THE MOST PART IT'S A REFINEMENT OF WHAT WE PRESENTED TO YOU EARLIER. AND AGAIN THE KEY POINTS THERE IS ARE WE BUILDING THE FACILITY AND INCLUDING THE AMENITIES THAT OUR CITIZENS AND THEIR COUNCIL HAS DIRECTED US. SO THAT WILL BE -- THAT WILL BE AN UPDATE AND APPROVAL OF COUNCIL IN THE SPRING OF 2010. YOU WILL NOTICE THAT THE SLIDE SHOWS THAT A COMPLETION WILL BE COMPLETED, THE DESIGN PHASE WILL BE COMPLETED SPRING OF 2011. WE EXPECT THAT TO BE IN THE MARCH/APRIL TIME FRAME. HOWEVER THERE IS A PLAN THAT IN EARLY 2011, PROBABLY JANUARY OR FEBRUARY TIME FRAME, WE WILL BRING BACK THE 90% COMPLETION OF DESIGN. AT THAT POINT IT'S JUST ALMOST A FINAL PRODUCT THAT WE HAVE -- THAT WE WILL BE SHORTLY THEREAFTER BE BEGINNING CONSTRUCTION DOCUMENTS, SPRING 2011 WE WILL COME BACK TO THE COUNCIL WITH THE DESIGN PHASE TO GIVE YOU A -- TO GIVE YOU A FINAL REPORT ON OUR -- ON OUR FINAL DESIGN, CONSTRUCTION DOCUMENTS WILL

BE COMPLETED. AND THEN WE WILL EXPECT TO BEGIN CONSTRUCTION AFTER AWARD OF THE CONTRACT IN -- IN LATE 2011. AND EXPECT FOR THE FACILITY TO OPEN FALL -- LATE -- OF 2013. THAT'S A VERY QUICK RECAP OF OUR TIME FRAME. AND I JUST WANTED TO REPEAT THE KEY DATE, BASED ON THE DISCUSSION THAT WE WERE HAVING JUST A SECOND AGO, IS MAY OF 2009, TO MOVE FORWARD WITH -- WITH WHAT THE SCOPE OF THE PROJECT IS GOING TO BE, WHAT OUR BUDGET IS GOING TO BE, SO THAT WE CAN IN FACT GIVE OUR DESIGN TEAM THE DIRECTION THEY NEED TO GET THEIR PROJECT INITIATED.

Mayor Wynn: THANK YOU, MR. GARZA, QUESTIONS OF STAFF, COUNCIL? COUNCILMEMBER LEFFINGWELL?

SO FIRST OF ALL, I BELIEVE IT WAS ALWAYS ANTICIPATED THAT THERE WOULD BE A PRIVATE COMPONENT TO THE CONSTRUCTION OF THE NEW LIBRARY. THE NUMBERS THAT I KEPT HEARING WERE AROUND 30 MILLION, BRINGING THAT FROM 90 TO 120 MILLION. FOR THE COST OF THE LIBRARY. SO -- SO IF YOU TAKE THOSE NUMBERS OUT, THE 65 MILLION THAT'S AVAILABLE FOR CONSTRUCTION OUT OF THE 90 MILLION, THAT -- THAT LOOKS LIKE IT WOULD YIELD ABOUT 260,000 SQUARE FEET, SOMETHING LIKE THAT. AND AN ADDITIONAL 30 MILLION, YOU KNOW, TOTAL OF 120 MILLION WOULD GET YOU UP SOMEWHERE AROUND 365. 365,000 SQUARE FEET. IN ADDITION TO THAT, IT WAS ALWAYS ANTICIPATED THAT THE DESIGN WOULD INCLUDE AN ALLOWANCE FOR FUTURE EXPANSIONS, THAT WOULD BEING INCORPORATED IN THE INITIAL DESIGN. I GUESS MY QUESTION IS DO WE HAVE A FEEL FOR WHAT OUR -- WHAT THE MINIMUM REQUIRED SIZE FOR OUR INITIAL PHASE OF THE LIBRARY WOULD BE. IS IT SOMEWHERE IN THAT 260 TO 360 RANGE?

LET ME MAKE SURE THAT I ANSWER THE RIGHT QUESTION. THE -- THE MINIMUM REQUIREMENT OR THE PLAN, OBVIOUSLY THE PLAN AT THIS POINT IS THAT WE WILL FINISH OUT 170 SQUARE FEET IS WHAT OUR CURRENT FUNDING ALLOWS. THE -- I BELIEVE YOU ASKED ABOUT PRIVATE FUNDING. THE PRIVATE FUNDING AND RANDY CAN TALK MORE SPECIFICALLY ABOUT THAT. BUT IF YOU RECALL COUNCIL ALLOCATED FUNDING FROM THE SALE OF BLOCK 21, THE LIBRARY COMMISSION OR THE FRIENDS OF THE LIBRARY HAD COMMITTED TO MATCH THE INTEREST EARNED OF THAT MONEY FOR O AND M OF THE NEW LIBRARY, BUT BRENDA CAN GIVE YOU MORE SPECIFICS ABOUT THAT.

COUNCILMEMBER, I'VE HAD DISCUSSIONS WITH THE FOUNDATION RECENTLY AND THEIR INTENTION, THEY HAVEN'T SET A GOAL YET, BUT THEIR INTENTION IS NOT TO ADD TO SQUARE FOOTAGE. BUT INSTEAD TO ADD TO AMENITIES IN THE BUILDING AND OUTSIDE OF THE BUILDING.

Leffingwell: SO DO YOU KNOW THE ANSWER TO THAT QUESTION, WHAT DO YOU THINK WOULD BE THE MINIMUM SQUARE FOOTAGE OF THE LIBRARY?

170,000 IS WHAT WE ARE PLANNING ON, YES.

Leffingwell: ALL RIGHT. ON THE BACK OF A NAPKIN, SOUNDS LIKE THAT 65 MILLION IS ADEQUATE FOR THAT. AM I INCORRECT? DID I MAKE A MISTAKE?

65 MILLION IS THE CONSTRUCTION COST, YES.

Leffingwell: OKAY.

FOR 170,000 SQUARE FEET.

Leffingwell: YEAH. SO YOU ARE -- 65 MILLION IS ADEQUATE FOR YOUR INITIAL PHASE?

YES, IT IS.

Leffingwell: OKAY.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?

I GUESS WANT TO ADD A QUALIFIER TO THE RESPONSE THAT YOU GOT. AT THIS POINT BASED ON THE INFORMATION THAT WE HAVE, WE BELIEVE THAT 65 MILLION IN REGARD TO CONSTRUCTION COST IS ADEQUATE. BUT UNDERSTAND THAT WE ARE TALKING ABOUT PRETTY SOFT ESTIMATES AT THIS POINT BECAUSE THE PROGRAMMING ASSOCIATED WITH THE -- WITH THE DESIGN PHASE OBVIOUSLY IS A SIGNIFICANT DETERMINING FACTOR IN WHAT ACTUAL CONSTRUCTION COSTS WILL BE. SO I JUST WANT TO QUALIFY THAT RESPONSE IN THAT CONTEXT.

Mayor Wynn: COUNCILMEMBER COLE?

Cole: I'M SORRY, BUT I DON'T REMEMBER AND I WASN'T HERE WHEN THE -- WHEN WE WENT OUT FOR THE BONDS FOR THE LIBRARY. I DON'T REMEMBER THE BREAKDOWN WITH THE 65 MILLION. IS 65 MILLION FROM THE BLOCK 21 SELL PLUS WHAT THE FRIENDS --

THE 65 MILLION IS -- GENERAL OBLIGATION BOND SALE, \$90 MILLION FOR THE CENTRAL LIBRARY. SO THE 65 IS PART OF THOSE \$90 MILLION. THE BLOCK 21 MONEY SET ASIDE MY UNDERSTANDING IS FOR FUTURE O AND M OF THE NEW LIBRARY. COLE THEN THE FRIENDS ARE SUPPOSED TO RAISE, HAVE THEY COMET COMMITTED TO A CERTAIN AMOUNT, FRIENDS OF THE LIBRARY?

500,000?

FOR CONSTRUCTION, NO. THE CURRENT COMMITMENT IS A MATCHING OF INTEREST EARNINGS.

THE FOUNDATION, THE LIBRARY FOUNDATION HAS MADE A COMMITMENT TO MATCH THE

INTEREST ON THE MONEY THAT'S PLACED IN A SPECIAL FUND FOR THE ADDITIONAL OPERATING MONEY FOR THE NEW CENTRAL LIBRARY.

Cole: OKAY.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: YOU KNOW, IT APPEARS THAT THE -- THAT THE CONSTRUCTION BUDGET, YOU KNOW, ON A COST PER SQUARE FOOTAGE IS IN LINE WITH OUR PEER CITIES, BUT THAT I GUESS THE SOFT COSTS ARE QUITE A BIT LESS. CAN YOU GIVE US SOME GUIDANCE OF -- OF HOW THAT'S GOING TO WORK? HOW YOU ALL EXPECT THAT TO WORK?

I'M GOING TO ASK JOHN FROM THE LIBRARY TO RESPOND TO THAT, COUNCILMEMBER.

MAYOR AND COUNCIL, I'M JOHN GILLAM, THE FACILITIES PLANNING MANAGER FOR THE LIBRARY DEPARTMENT. THE LIBRARY FOUNDATION HOPES TO MOUNT A -- A VERY AGGRESSIVE CAMPAIGN FOR PRIVATE DONATIONS. AND I THINK THEY ARE WAITING FOR US TO PRODUCE DRAWINGS TO -- TO HELP INSPIRE PEOPLE IN THAT REGARD. I HAVE ASSURED THEM THAT WE WILL DELIVER THEM AS SOON AS WE HAVE THEM. THE IDEA WITH THE FOUNDATION IS THAT THE MONEY THAT THEY RAISE THROUGH THEIR CAPITAL DRIVE WILL BE USED FOR THE -- WHAT WE LIKE TO CALL THE FURNITURE OR FIXTURES AND EQUIPMENT PART OF THE BUDGET. WHICH IS THE SOFT PART OF THE BUDGET THAT YOU'RE TALKING ABOUT. THEIR DONATIONS WILL MAKE -- WILL MAKE A GOOD BUILDING AN EXQUISITE BUILDING IF THEY ARE SUCCESSFUL IN THEIR DRIVE. THE LIBRARY DEPARTMENT WILL DO EVERYTHING THAT WE CAN TO HELP THEM IN THAT REGARD. WE WILL BE ABLE TO PURCHASE BETTER FURNITURE, ART, AMENITIES SUCH AS PERHAPS A FOUNTAIN IN THE PLAZA. IT SHOULD -- IT SHOULD TAKE WHAT'S GOING TO BE A SUBSTANTIAL, GOOD BUILDING AND TURN IT INTO SOMETHING WHICH WILL COMPARE TO ANY OTHER CENTRAL LIBRARY IN THE COUNTRY FAVORABLY.

McCracken: JOHN THEN -- THEN THAT'S VERY HELPFUL INFORMATION. IS THAT GAP -- LET'S TAKE JACKSONVILLE'S CASE, 150 MILLION TOTAL PROJECT BUDGET, 78 MILLION OF THAT WAS THE CONSTRUCTION BUDGET, WHICH PUTS THEM SPOT ON FOR HAVING THE SAME CONSTRUCTION COSTS PER SQUARE FOOT, BUT THEY HAD \$72 MILLION IN NON-CONSTRUCTION COSTS. IT IS THE BULK OF THAT FIXTURES OR WHAT ACCOUNTED FOR THAT?

WELL, AS YOU CAN SEE, THEY WENT A DIFFERENT ROUTE THAN WE DID WITH THE SELECTION OF THEIR ARCHITECTS AS WELL. THEY WENT THROUGH A DESIGN -- A REAL DESIGN COMPETITION AND COMPENSATED MAJOR ARCHITECTURAL FIRMS TO PARTICIPATE AND SO A LOT OF THEIR COSTS WERE ROLLED INTO CONSULTANT COSTS AS WELL AS TO A VERY NICE FINISHOUT. I DON'T WANT TO -- I DON'T WANT TO DOWN PLAY WHAT THEY DID. THEY HAVE A VERY NICE LIBRARY AND IT SHOWS THROUGHOUT THAT THEY SPENT THE

MONEY FOR IT.

McCracken: WELL SO I GUESS -- CONSIDERING ALL OF THESE HAVE A -- YOU KNOW, OTHER THAN SAN FRANCISCO A -- A PRETTY BIG DIFFERENCE IN THE NON-CONSTRUCTION PORTION, IS THAT PRIMARILY RESULTING FROM -- FROM FINISHES AND DESIGN COMPETITIONS OR I MEAN --

THEY DID NOT HAVE A DESIGN COMPETITION IN SAN FRANCISCO. BUT I THINK THAT YOU ARE RIGHT. THERE'S -- THERE'S DIFFERENT LEVELS OF FINISHOUT. YOU CAN -- YOU CAN MAKE A VERY NICE FACILITY OR YOU CAN MAKE AN ADEQUATE FACILITY AND MOST PEOPLE WHEN THEY BUILD A CENTRAL LIBRARY, IF THEY CAN, WILL -- WILL MAKE IT, YOU KNOW, A -- YOU KNOW, THE BEST THAT THEY CAN BUILD FOR THEIR COMMUNITY. SOMETHING THAT THEY CAN BE PROUD OF. IT BECOMES A -- IN THE CASE OF SEATTLE, SOME OF THESE OTHER CENTRAL LIBRARIES, THEY -- IT BECOMES THE TOWN HALL FOR PEOPLE, YOU KNOW, IT'S A PLACE WHERE PEOPLE LIKE TO MEET AND GATHER AND -- AND IF PEOPLE -- IF THE COMMUNITY CAN BEAR THE COSTS, THEY WILL MAKE IT JUST AS NICE AS THEY CAN, THEY WILL FILL IT WITH ALL OF THE COMPUTERS, INTERACTIVE COMMITMENT, CHILDREN'S AREAS, TEEN AREAS, SO THAT IT SERVES THEIR COMMUNITY, IT'S A SOURCE OF PRIDE AND IT ENDURES FOR A VERY LONG TIME TIME.

McCracken: I GUESS WHAT I'M TRYING TO GET AT IS I'M PRETTY COMFORTABLE IF THAT DIFFERENCE FROM OTHER CITIES NON-CONSTRUCTION BUDGETS IS THE RESULT OF THE FINISHOUTS. THAT'S OBVIOUSLY SOMETHING THAT'S PRETTY STRAIGHTFORWARD AS THE CONSTRUCTION GOES, YOU CAN RAISE THE MONEY FOR IT. I'M -- I THINK THAT WE WOULD ALL BE A LOT MORE CONCERNED IF WE LEARNED THAT QUITE A BIT OF THAT DIFFERENCE WAS ACCOUNTED FOR FROM PRECONSTRUCTION COSTS AND THAT WE ARE UNDERBUDGETING ON THE PRECONSTRUCTION SIDE OF THINGS.

I -- I THINK THAT I UNDERSTAND WHAT YOU ARE ASKING. ONE THING THAT I HAVE LEARNED FROM MY RESEARCH IS THAT NO TWO CITIES THAT -- DOES ONE OF THESE PROJECTS THE SAME. THERE'S ALWAYS VARIATIONS. IN SEATTLE'S CASE, THEY -- THEY BUILT ON THE SITE OF THEIR PREVIOUS CENTRAL LIBRARY. SO THEIR PROJECT COSTS INCLUDED DEMOLITION AND ALSO COSTS TO HAVE A TEMPORARY CENTRAL LIBRARY WHILE THEIR NEW CENTRAL LIBRARY WAS BEING BUILT. THERE ARE VARIATIONS IN EVERY CENTRAL LIBRARY THAT I HAVE LOOKED AT. SO IT'S REALLY HARD TO COMPARE APPLES TO APPLES WHEN IT COMES DOWN TO PROJECT BUDGET. YOU REALLY HAVE TO DIG INTO IT AND FIND OUT WHAT ALL THEY HAD TO ACCOMPLISH BECAUSE OF THEIR PARTICULAR SITUATION.

McCracken: YEAH, BECAUSE I CAN SEE IF WE WERE GOING TO DO SOMETHING LOOK THAT KIND OF COST COMPARISON, WE WOULD PROBABLY ATTRIBUTE PART OF THE DECOMMISSIONING OF THE SUBSTATION PROJECT AND THAT WOULD OBVIOUSLY RAISE THE PRECONSTRUCTION COSTS, BUT WE ARE NOT DOING THAT. WE ARE HAVING THE GREEN WATER TREATMENT PLANT DEVELOP AND -- DEVELOPMENT COVER THE

DECOMMISSIONS COSTS ALONG WITH AUSTIN ENERGY BECAUSE -- I GUESS THAT'S JUST FOR THE CONTROL CENTER. SO THAT MAKES SENSE. I THINK ONE THING ELSE FOR US TO BE MINDFUL OF, IS -- IS MY UNDERSTANDING THAT THE DIRECTION THAT WE HAVE GIVEN YOU ALL IS THAT THE PARKING ENTERPRISE THAT THE COUNCIL HAS ALREADY APPROVED WILL BE RESPONSIBLE FOR PAYING FOR THE COST OF THE PARKING, THE LIMITED AMOUNT OF PARKING BOTH UNDERNEATH THE LIBRARY SHOULD THERE BE THAT, IN ADDITION TO THE PUBLIC PARKING AVAILABLE IN THE GREEN SITE.

I THINK THAT'S GOING TO GO A LONG WAYS TO MAKING THIS CENTRAL LIBRARY A SUCCESS. I STARTED AT THE LIBRARY DEPARTMENT AS OUR EXISTING CENTRAL LIBRARY WAS BEING COMPLETED AND FROM DAY ONE THE PROBLEM HAS ALWAYS BEEN, I THINK IT'S WHAT KEPT THAT BUILDING FROM BEING MORE SUCCESSFUL, WAS THE -- WAS THE VERY INADEQUATE PARKING. I THINK THE OPPORTUNITY FOR PEOPLE TO -- TO REALLY ACCESS THEIR CENTRAL LIBRARY IS -- IS GOING TO MAKE IT WORTHWHILE WHAT THE CITY IS GOING TO SPEND TO BUILD IT. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

McCracken: WE ARE ENVISIONING BACKING THE COST OF THE PARKING OUT TO THE PROJECT DOES NOT CARRY IT, IS THAT CORRECT?

I'M NOT SURE THAT IS CORRECT. WE HAVE A CERTAIN AMOUNT OF PARKING THAT IS GOING TO BE BUILT ON-SITE, UNDERNEATH THE BUILDING. AUSTIN ENERGY IN THEIR REMOVAL OF THE TRANSFORMER SITE THAT'S THERE NOW HAS TO DO A CERTAIN AMOUNT OF CLEANING OF THE SITE, AND ONE OF THE ADVANTAGES OF HAVING A CONSTRUCTION MANAGER AT RISK ON BOARD IS YOU CAN DO SOME OF YOUR SITE PREPARATION EARLY. YOU ALREADY HAVE A CONTRACTOR AS THEY DIG OUT AND CLEAN THE SITE, WE CAN SHORE IT UP AND SAVE IT FOR YOUR PARKING GARAGE. I SUSPECT THAT WE'LL NEED MORE PARKING THAN WE'RE ABLE TO BUILD, THOUGH. SO THE FACT THAT THERE WILL BE PARKING AT GREEN RIGHT ACROSS WHAT'S GOING TO BE THE SECOND STREET BRIDGE IS GOING TO BE A GODSEND.

McCracken: I THINK THAT Y'ALL MAY HAVE A DIFFERENT UNDERSTANDING THAN WHAT THE COUNCIL DIRECTION HAS BEEN TO DATE. WE'VE BEEN SAYING THAT THE PARKING ENTERPRISE SHOULD BE RESPONSIBLE FOR PAYING FOR THE PARKING THERE. SO WHAT I'M PICKING UP FROM WHAT YOU'RE SAYING IS Y'ALL ARE ENVISIONING THAT THE CENTRAL LIBRARY WOULD CARRY THE COST OF THAT PARKING, BUT OUR VIEW HAS BEEN THAT THE LIBRARY WOULD NOT CARRY THE COST OF THE PARKING. THAT THE PARKING ENTERPRISE IS RESPONSIBLE FOR PAYING THE FINANCING COSTS OF THE PARKING BENEATH THE LIBRARY, SO THEY WOULD OPERATE MUCH AS CITY HALL.

I MAY NOT HAVE UNDERSTOOD THAT CORRECTLY. PERHAPS MY ASSOCIATE IN PUBLIC WORKS DO. I APOLOGIZE IF I DIDN'T UNDERSTAND IT. THAT WOULD OF COURSE MAKE OUR CONSTRUCTION DOLLARS GO SO MUCH FURTHER TO BUILDING WHAT'S THE LIBRARY

PROPER.

McCracken: GREAT. BECAUSE WE'RE TRYING TO FIND OUT WAYS TO MAKE YOUR DOLLAR GO FURTHER, WHICH I KNOW WE'RE ON BOARD WITH. SO RUDY, MAYBE YOU COULD ADDRESS THAT.

I THINK THIS IS ON. IT'S ON? CERTAINLY TO YOUR POINT, TO EXTRACT THE COST OF PROVIDING PARKING FACILITIES FOR THE LIBRARY, TO EXTRACT THAT AND HAVE IT ACCOMPLISHED THROUGH THE PARKING ENTERPRISE, OBVIOUSLY WOULD TAKE A SIGNIFICANT AMOUNT OF STRESS OFF THE PROJECT BUDGET FOR THE LIBRARY. IT'S MY UNDERSTANDING, HOWEVER, THAT THE PARKING ENTERPRISE HAS IT EXISTS TODAY IS A FAIRLY NEW BUSINESS FOR THE CITY. SO ONE OF THE ISSUES THAT I WOULD WANT TO INVESTIGATE IS THE FINANCIAL FEASIBILITY OF A NEW PARKING ENTERPRISE FUND. ITS ABILITY TO SUSTAIN SUCH A CAPITAL INVESTMENT. AND AT THIS POINT I DON'T KNOW TO WHAT EXTENT THE ENTERPRISE COULD ACCOMPLISH THAT. PERHAPS IT CAN. AND AGAIN, IF WE ARE ABLE TO DO IT THAT WAY, THEN IT CERTAINLY WOULD TAKE SOME OF THE FINANCIAL STRESS OFF OF THIS PARTICULAR PROJECT THAT WE'RE TALKING ABOUT.

JUST TO BE CLEAR, OF THE CONSTRUCTION COSTS OF \$65 MILLION, IT DOES INCLUDE APPROXIMATELY FIVE MILLION DOLLARS THAT HAS BEEN SET ASIDE ESTIMATED FOR PARKING, ALBEIT VERY LIMITED PARKING. SO TO THE EXTENT THAT WE WOULD NEED ADDITIONAL PARKING TO FULLY SERVE THE LIBRARY, THAT'S NOT INCLUDED IN THE CONSTRUCTION COST. WE CERTAINLY DON'T HAVE THE FUNDING TO DO THAT. BUT AGAIN JUST TO CONFIRM THE 65 MILLION INCLUDES FIVE MILLION DOLLARS THAT HAVE BEEN SET ASIDE FOR PARKING, WITH THE UNDERSTANDING THAT WHEN AUSTIN ENERGY DOES THEIR REMEDIATION, THEY WILL IN FACT LEAVE THE AREA OPEN TO REDUCE THE COST TO THE LIBRARY PROJECT FOR CONSTRUCTION PARKING.

McCracken: I'M GLAD WE'RE HAVING THIS CONVERSATION BECAUSE THAT'S MY RECOLLECTION OF THE DIRECTION WE'VE GIVEN Y'ALL IS THAT WE DIDN'T WANT THE LIBRARY TO BE SALGDED WITH THAT -- SADDLED WITH THAT COST. THAT'S ONE OF THE REASONS I HAVE REALLY BEEN PUSHING THAT WE HAVE TO GET THIS PARKING ENTERPRISE BUSINESS OPERATION. OUR DEADLINE FROM COUNCIL DIRECTION WAS MAY. BECAUSE WE'VE GOT THIS AND GREEN BOTH COMING FORWARD. SO HOW THIS COULD WORK FUNCTIONALLY IS THE SAME WAY CITY HALL'S GARAGE WORKS. IS THAT CITY HALL IS FREE PARKING FOR OFFICE VISITERS OF CITY HALL AND FOR EMPLOYEES DURING THE DAY. AT 5:30 AT NIGHT IT GET OPEN TO THE PUBLIC AT FIVE BUCKS A POP. SO THAT IS POTENTIALLY THE WAY THIS COULD WORK AT THE LIBRARY, EVEN FOR THE LIMITED AMOUNT THERE POTENTIALLY. BUT I AGREE WITH YOU MARK THAT THIS IS ALL SOMETHING WE HAVE TO DO DUE DILIGENCE ON. I JUST WANT TO MAKE SURE WE WERE THINKING THE SAME WAY. IT SOUTH SANS LIKE WE WERE NOT THINKING THE SAME WAY, SO I'M GLAD WE'VE HAD THIS CONVERSATION.

I WANT TO ADD ONE PIECE TO THIS INFORMATION. AND THAT IS THE WAY WE ISSUED THE GREEN R.F.P. IS THAT PROPOSERS ARE GOING TO PROPOSE TO AWS PARKING GARAGE THAT IS OWNED BY IS CITY AS WELL AS A PRIVATELY OWNED PARKING GARAGE. AND THE THINKING BEHIND THAT WAS THAT THAT WOULD ADD TO OUR DUE DILIGENCE ABOUT THE RELATIVE MERITS OF HAVING A PUBLICLY OWNED PARKING GARAGE UNDER GREEN. SO WE'RE GOING TO BEGIN TO GET THE INFORMATION THAT WILL ALLOW US TO DETERMINE WHETHER OR NOT IN THE SEAHOLM DISTRICT PUBLICLY OWNED PARKING IS THE ROUTE TO GO. AND THESE PROPOSALS, WHICH WILL BE COMPETING AGAINST EACH OTHER, WILL PROVIDE SOME OF THAT BASELINE INFORMATION. AND THE SECOND PART OF THAT THINKING WAS THAT WE WOULD BUILD AS MUCH PARKING AS POSSIBLE UNDERNEATH GREEN SO THAT IT COULD PROVIDE ADDITIONAL PARKING FOR THE LIBRARY AND OTHER USES IN THE DISTRICT. SO I THINK WE'LL START TO GET SOME OF THE INFORMATION THAT WILL ALLOW US TO MAKE A GOOD DECISION ON THE LIBRARY LATE SPRING, EARLY SUMMER.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I THINK I'M AGREEING WITH WHAT BREWSTER IS SAYING ON THIS. MY UNDERSTANDING IS IT WAS ALWAYS THE PLAN THAT THE LIBRARY PARKING WOULD BE ON THE GREEN SITE WITH JUST A FEW LIMITED FOR HANDICAPPED PARKING OR SOMETHING LIKE THAT ON THE LIBRARY SITE ITSELF. IS THAT NOT CORRECT?

MY UNDERSTANDING IS THAT WE WILL BUILD UNDERGROUND PARKING AT THE LIBRARY SITE, BUT THAT WE WOULD PROBABLY NEED ADDITIONAL PARKING OVER AT GREEN BECAUSE OF THE COMPLEXITY OF BUILDING IT. AND ALSO BECAUSE WE'RE -- THE APPROACH THAT WE'RE USING AT GREEN IS TO BUILD PARKING ALL THE WAY UNDER THAT SITE VERSUS JUST PARKING UNDER THE BUILDINGS, WHICH IS THE MORE TRADITIONAL ROUTE. BUT IT WAS ALSO MY UNDERSTANDING THAT WE WOULD AT LEAST TAKE A GOOD HARD LOOK AT THE POSSIBILITY OF THE PARKING ENTERPRISE PICKING UP THE COST OF BUILDING THAT LIBRARY PARKING IF IT MADE SENSE FROM A FINANCIAL PERSPECTIVE FOR THE CITY. AND PARTLY OUT OF THE UNDERSTANDING THAT IT'S A LIMITED BUDGET AND ONE WAY TO STRETCH THOSE DOLLARS IS TO USE AN ALTERNATIVE SOURCE OF FUNDING FOR THE PARKING.

COUNCILMEMBER COLE?

Cole: I HAVE A COUPLE OF FOLLOW-UP QUESTIONS TO MAKE SURE WE BRING IN THE PROJECT ON TIME AND ON BUDGET. I NOTICE THAT WE ARE PROJECTING TO HAVE 2009 TO 2013, AND I'M WORNING DO WE HAVE ANY ESTIMATES OF THE TIME LINES THAT OUR PEER CITIES USE. DID THEY RUN INTO PROBLEMS? I KNOW EACH ONE OF THEM WOULD HAVE BEEN DIFFERENT. WE JUST DON'T KNOW?

COUNCILMEMBER, AT THIS POINT WE DO NOT KNOW. WE CAN CERTAINLY LOOK INTO THAT

AND FIND OUT IF THEY RAN INTO ANY ISSUES, BUT WE DO NOT HAVE A CONSTRUCTION TIME LINE FOR THE FACILITY.

Cole: WE MIGHT WANT TO KNOW THAT INFORMATION SO THAT WE CAN BETTER PLAN AS WE DELVE DEEPLY INTO THE PARKING GARAGES AND WHAT THAT MIGHT DO FOR COST OVERRUNS SINCE WE'RE LOOKING AT A FEW MILLIONS OF DOLLARS, ANOTHER YEAR COULD MEAN MULTIMILLIONS OF DOLLARS. SO IF THERE'S ANYTHING WE NEED TO KNOW ABOUT FROM THOSE PEER CITIES AND THE TIME IT TOOK THEM FROM ONSET.

WE USED CITY HALL AS A BENCHMARK AND IT TOOK US 30 YEARS.

Cole: OKAY. [LAUGHTER] ESPECIALLY.

THAT'S FAIR.

TWO THINGS VERY QUICKLY. AS A REMINOR, WE WILL RETURN TO COUNCIL NEXT WEEK. THERE WILL BE AN AGENCY ITEM ON NEXT WEEK'S AGENDA SEEKING YOUR APPROVAL WITH THE DESIGN PROCESS THAT WE'VE OUTLINED. AND ALSO I WANT TO TOUCH ON A COUPLE OF POINTS THAT OUR CITY MANAGER STATED, AN ALSO IN REFERENCE TO COUNCILMEMBER LEFFINGWELL'S QUESTIONS REGARDING IS \$65 MILLION ADEQUATE FOR 170,000 SQUARE FEET, IS \$90 MILLION ADEQUATE TO BUILD THIS FACILITY? CLEARLY THOSE ARE THE PLANS. THAT'S WHAT OUR VOTERS APPROVED, BUT I THINK OUR MANAGER WAS VERY ON POINT WHEN HE STATED THAT WE HAVE NOT BEGUN DESIGN. AND WHEN WE GET INTO THE PROCESS, WE MAY OR MAY NOT, AS COUNCILMEMBER COLE WAS ALLUDING TO, RUN INTO ISSUES THAT WE HAD NOT ANTICIPATED. AT THIS POINT OUR PLANS ARE THAT WE WILL BE ABLE TO BUILD A 250,000 SQUARE FEET FACILITY, 170,000 FINISHOUT WITH A 90-MILLION-DOLLAR BUDGET. AS WE GET INTO THE PROJECT, WE'LL THEN LEARN MORE IF IN FACT WE HAVE ANY ISSUES TO DEAL WITH ON VALUE ENGINEERING OR OTHER OBSTACLES THAT WE MIGHT NEED TO DEAL WITH.

Mayor Wynn: THANK YOU, MR. GARZA. QUESTIONS OF STAFF? COMMENTS? THANK YOU ALL VERY MUCH. COUNCIL, THAT REALLY LEAVES US JUST AN EXECUTIVE SESSION ITEM WE CAN TAKE UP BEFORE OUR CITIZEN COMMUNICATION. SO WITHOUT OBJECTION, WE'LL NOW GO INTO CLOSED SESSION PURSUANT TO SECTION 551.074 OF THE OPEN MEETINGS ACT TO DISCUSS PERSONNEL MATTERS. THAT BEING THE EVALUATION OF THE PERFORMANCE AND POTENTIAL COMPENSATION AND BENEFITS OF OUR MUNICIPAL COURT CLERK. THIS RELATES TO ACTION ITEM NUMBER 77. WE ARE NOW IN CLOSED SESSION. I ANTICIPATE US COMING BACK RIGHT AT NOON FOR OUR GENERAL CITIZEN COMMUNICATION. THANK YOU. PAIR MAYOR WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP ITEM NUMBER 78, OUR PERFORMANCE EVALUATION OF OUR MUNICIPAL COURT CLERK. WE WILL TAKE ACTION ON THOSE DECISIONS HERE AFTER CITIZEN COMMUNICATION. THIS NOW TAKES US TO OUR NOON GENERAL CITIZEN COMMUNICATION. OUR FIRST SPEAKER IS

CARMEN LLANES. WELCOME. YOU WILL BE FOLLOWING BY SUSANA ALMANZA.

GOOD AFTERNOON, CITY COUNCIL. I WOULD LIKE TO EXTEND A WARM INVITATION TO THE CITY OF AUSTIN IN HONORING ONE OF OUR HER ROSE ON MARCH 29TH. WE WILL GATHER AT CITY HALL AND MARCH EAST ON CESAR CHAVEZ TO THE MAN AMERICAN RECREATION CENTER ON THIRD STREET AND ROBERT MARTINEZ STREET. THERE WE WILL HAVE FESTIVITIES UNTIL 1:00 P.M. SESQUICENTENNIAL IS ONE OF THE MOST IMPORTANT CIVIL RIGHTS LEASERS OF OUR -- LEADERS OF OUR TIME. HE LEFT US ALL WITH A TRUE MODEL FOR PROGRESSIVE CHANGE. 40 YEARS AFTER HIS FAMOUS FAST OF 1968 AND 15 YEARS AFTER HIS PASSING IN 1993, WE CONTINUE TO HONOR HIS LEGACY AND APPRECIATE THE UNITY HE BROUGHT TO FARM WORKERS AND PEOPLE OF ALL BACKGROUNDS IN TREATING WORKERS WITH FAIRNESS. WE START THE EVENT BY GATHERING IN FRONT OF CITY HALL. THE CROWD IS PARKED WITH YOUNG AND OLD ALIKE, CARS AND CROWDS AND PLENTY OF FLAGS AND SIGNS. WE THEN MARCH ALONG CESAR CHAVEZ STREET. HERE YOU CAN SEE THE LEADERS OF THE MARCH CARRYING A LARGE BANNER ACROSS LAVACA AS THEY MAKE THEIR WAY DOWNTOWN. HERE WE SEE SOME MEDIA COVERAGE OF THE EVENT AND MEMBERS OF PODER AND OTHER GROUPS PARTICIPATING WITH MESSAGES OF PEACE AND JUSTICE. BELOW WE SEE THE CROWD MAKING ITS WAY TO EAST AUSTIN FROM DOWNTOWN. THE MARCH WILL TURN LEFT AT ROBERT MARTINEZ STREET AND LEFT AGAIN AT THIRD STREET. THE CROWD GATHERS AROUND SPEAKERS, MUSIC AND LIVE ENTERTAINMENT. IN PREVIOUS YEARS CONGRESSMAN LLOYD DOGGETT HAS PARTICIPATED AND SPOKE TO THE CROWD ABOUT SE SAYS'S WORK AND THE -- ABOUT CESAR CHAVEZ'S WORK AND THE CONTINUING NEED FOR JUSTICE. THE EVENT BRINGS LOCAL CITY OFFICIALS SUCH AS COUNCILMEMBER MARTINEZ. BELOW YOU CAN SEE ST. EDWARD'S BAND WHICH WILL BE PERFORMING AT THIS YEAR'S EVENT AS WELL. ON THE BOTTOM RIGHT THERE WAS RAUL ALVA RE, WHO ALSO SPOKE AND PARTICIPATED IN PREVIOUS MARCHES. AND ALSO SPEAKING AT PREVIOUS EVENTS HERE WE HAVE COUNTY COMMISSIONER MARGARET GOMEZ, WHO WILL ALSO BE A SPEAKER THIS YEAR, AND THE TRAVIS COUNTY CLERK. HERE'S A LIST OF SOME OF THE VARIOUS SPEAKERS AND ENTERTAINMENT THAT WE WILL HAVE FEATURED IN THE EVENT AFTER THE MARCH AS WELL. WE APPRECIATE THE OPPORTUNITY TO ANNOUNCE THIS GREAT EVENT AND WE INVITE ALL OF YOU AND THE PEOPLE OF AUSTIN TO COME OUT AND HELP US CELEBRATE THE LIFE AND LEGACY OF CESAR CHAVEZ THIS SATURDAY. THANK YOU.

Mayor Wynn: THANK YOU. SUSANA ALMANZA, WELCOME. YOU WILL BE FOLLOWED BY PAT JOHNSON. GOOD AFTERNOON, I'M SUSANA ALMANZA WITH PODER, PEOPLE ORGANIZED IN DEFENSE OF EARTH AND HER RESOURCES. AND I WANT TO AS WE GO INTO THE CELEBRATION OF CESAR CHAVEZ, WE ALSO WANT TO REMIND EVERYBODY THAT THE NATIONAL FARM WORKERS AWARENESS WEEK IS MARCH THE 30TH TO APRIL THE 5TH, 2008. NATIONWIDE MOVEMENTS CALL FOR IMPROVED LIVING STANDARDS, STRONGER VOICE IN INDUSTRY AND INCREASED WORKPLACE PROTECTION FOR FARM WORKERS. ORGANIZATIONS ACROSS THE COUNTRY ARE HOSTING A WEEK OF ACTION TO BRING ATTENTION TO THE PLIGHT OF THE FARM WORKERS IN THE UNITED STATES. LABOR

ACTIVISTS, CONSUMERS AND ENVIRONMENTAL HEALTH ORGANIZATIONS WILL UNITE DURING THE WEEK TO RECOGNIZE THE CONTRIBUTIONS OF AGRICULTURAL WORKERS. WE SUPPORT FARM WORKERS AWARENESS WEEK BECAUSE WE NOT ONLY RECOGNIZE THE CONTRIBUTIONS OF FARM WORKERS, BUT WE ALSO KNOW THE CRITICAL NEED TO CHANGE THE CONDITIONS UNDERWHICH THE WORKERS WORK AND LIVE. WE MUST BRING JUSTICE TO THE FIELDS. 17 SPONSORING ORGANIZATIONS ARE PLANNING RALLIES, MARCHES, PETITION DRIVES, FILM SCREENINGS AND OTHER EVENTS THROUGHOUT THE WEEK. MANY OF THE ACTIONS ARE SCHEDULED TO COINCIDE WITH THE MARCH 31st BIRTHDAY OF THE LATE CESAR CHAVEZ, CO-FOUNDER OF THE UNITED FARM WORKERS OF AMERICA AND HISTORIC FIGURE IN THE FARM WORKER MOVEMENT. PEOPLE IN 28 STATES ARE CALLING FOR THE FEDERAL GOVERNMENT TO CREATE A NATIONAL HOLIDAY IN HONOR OF CESAR CHAVEZ AND FARM WORKERS. AND I HAVE PASSED OUT TO YOU A PETITION WHICH IS CALLING FOR THE NATIONAL HOLIDAY FOR CESAR CHAVEZ. THIS IS A MOVEMENT THAT'S BEING LED BY THE CALIFORNIA GROUP, AND SO WHEN YOU GET THOSE PETITIONS, IF YOU GET THEM FILLED OUT, FEEL FREE TO CALL PODER AND YOU CAN PUT THEM IN THE MAIL TO US AT P. O. BOX 6237 AUSTIN, TEXAS, 78762. OR YOU CAN CONTACT US AT 472-9921. AND AGAIN, WE WILL BE HAVING OUR ANNUAL AWARDS DINNER ON CESAR CHAVEZ'S DAIRTDZ BY, MARCH THE 31st AT CONNALLY GUERRERO SENIOR ACTIVITY CENTER AT 6:00. AND THE MARCH FOR THE CESAR CHAVEZ WILL BE SATURDAY, MARCH THE 59TH, STARTING HERE AT CITY HALL AND MARCHING DOWN TO EAST AUSTIN. SO WE INVITE ALL OF THE PUBLIC TO COME OUT AND CELEBRATE AND HONOR CESAR CHAVEZ. THANK YOU.

Mayor Wynn: THANK YOU. PAT JOHNSON, WELCOME BACK, PAT. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY PAUL ROBBINS.

MORNING, COUNCIL. MAYOR, RUDY. GOOD TO SEE YOU UP HERE AGAIN. COUNCIL, YOU KNOW, LAST MEETING I TOLD YOU THAT THE TOWING COMPANIES WERE WITHOUT A DOUBT GOING TO TAKE ADVANTAGE OF THE PUBLIC DURING SOUTH BY SOUTHWEST. AND SURE ENOUGH, THEY DID. A TOWING COMPANY WAS SITTING RIGHT ACROSS THE STREET FROM AUDITORIUM SHORES BACKING UP TO PEOPLE'S CAR, PEOPLE RUN OVER THERE, THEY WOULD COLLECT 150, \$100. AND THE DRIVER DIDN'T EVEN HAVE A WRECKER LICENSE. TODAY'S TOP ILLUSTRATE IS ECONOMIC -- TOPIC IS ECONOMIC CRIME COMMITTED DAILY BY TOWING COMPANIES AND PARKING FACILITIES. NOT JUST THE TOWING COMPANY, BUT THE PARKING FACILITIES THAT GET THE KICKBACKS. TAKING ADVANTAGE OF THE PUBLIC. AND THIS CITY ORDINANCE THAT THIS COUNCIL AND THE MAYOR AND RUDY, YOU WERE PART OF, AND THE ENTIRE CITY STAFF THAT SET THIS ORDINANCE IN EFFECT CAN PUT THOSE FEES IN PLACE AND WHAT THEY COULD AND CANNOT DO AND THERE'S BEEN ABSOLUTELY ZERO PUBLICITY BY THE CITY ABOUT THOSE RATES. YET WE CAN RUN COMMERCIALS ON KVUE ABOUT THE WATERSHED PROTECTION, BUT WE CANNOT PUT ANYTHING OUT THERE FOR THE PUBLIC ON THE CHANNEL 6, WARNING PEOPLE YOU DON'T HAVE TO PAY IF YOU CATCH THE WRECKER DRIVER. NEXT, HERE'S THE ISSUES THAT WE'RE HAVING RIGHT NOW. WRECKER COMPANIES TOWING VEHICLES OUT OF PUBLIC STREETS, TOWING VEHICLES OUT OF ALLEYS, OUT OF THE RIGHT-OF-WAY, MOVING ILLEGALLY -- MOVING LEGALLY

PARKED VEHICLES INTO THE FIRE LANES, TAKING A PICTURE AND TOWING THEM. PROPERTY MANAGERS ACCEPTING FINANCIAL BENEFITS FROM TOWING COMPANIES, WRECKER DRIVERS COLLECTING UNAUTHORIZED FEES. UNLICENSED WRECKER DRIVERS WITH PRISON RECORDS HIRED FOR THE SOLE PURPOSE OF INTIMIDATION FOR CITIZENS WHO ARE CURRENTLY WORKING FOR SEVERAL TOWING COMPANIES. THIS IS THE RESULTS FROM THE POLICE DEPARTMENT SINCE YOU PUT THIS ORDINANCE IN EFFECT. THE TOTAL NUMBER OF WRECKER LICENSES GRANTED IS 148. THE TOTAL NUMBER OF WRECKER APPLICATIONS DENIED BASED ON THE ORDINANCE THAT YOU PASSED IS 158. 158. WRECKER LICENSES REVOKED, 15. WRECKER LICENSES SUSPENDED, 66. 66 SIX. WRECKER LICENSES GRANTED AFTER THE CITY MANAGER'S OFFICE OVERTURNED AN APPEAL BY THE POLICE DEPARTMENT, ONE FOR A CONVICTED CHILD MOLESTER COURTESY OF MR. MCDONALD. NOW, THE MAYOR -- MAYOR, YOU KNOW, I TOLD YOU ABOUT THIS ISSUE TWO YEAR AGO, ABOUT YOUR PARKING GARAGE AT THE AUSTIN CITY LOFTS NOT BEING IN COMPLIANCE WITH STATE LAW. YOU RECALL THAT. AT THAT TIME THE CITY MANAGER'S OFFICE DIRECTED THE POLICE DEPARTMENT TO SEND ONE OF THE DETECTIVES OVER, WHICH IS DETECTIVE DAVID GANN, TO YOUR GARAGE AND VERIFY THE COMMENT I MADE UP HERE. AND TODAY I WENT BY THERE JUST LAST NIGHT, AND THE SAME SIGN IS POSTED THAT DOES NOT COMPLY WITH STATE LAW. THIS CRIMINAL ACTIVITY HAS GOT TO CEASE, WHETHER IT'S THE MAYOR OR IT'S ANYBODY ELSE. TO CONTINUE TO VICTIMIZE OUR CITIZENS DAY IN AN DAY OUT HAD AND THE CITY DOES ABSOLUTELY NOTHING TO WARN THE PUBLIC ABOUT THIS IS A TRAVESTY. MY WEBSITE, TEXAS TOWING COMPLIANCE.COM, I RECEIVE OVER 200 CALLS A MONTH FROM PEOPLE. THEY DON'T KNOW WHAT TO DO. THEY CAN'T DEPEND ON THE TOWING COMPANY TO TELL THEM ANYTHING BECAUSE WHAT THEY DO, THEY STEAL YOUR CAR AND HOLD IT HOSTAGE UNTIL YOU PAY IT OUT. AND IF YOU DON'T THINK \$200 HURTS FAMILIES IN OUR COMMUNITY, YOU'VE GOT TO GET OUT OF THAT FANTASY LAND BECAUSE \$200 IS VERY HARD FOR A LOT OF PEOPLE THAT ARE GETTING TARGETED. AND WE KNOW -- AND THE POLICE DEPARTMENT HAS EVEN AGREED THAT WE HAVE TOWING COMPANIES OUT THERE TARGETING THE SPANISH PEOPLE FOR SPECIFIC REASONS BECAUSE THEY DON'T UNDERSTAND THE RULES.

Mayor Wynn: THANK YOU, MR. JOHNSON.

WE DON'T NEED THOSE BUSINESSES IN OUR COMMUNITY AND THIS COUNCIL HAS GOT DO SOMETHING ABOUT THAT. THANK YOU.

Mayor Wynn: PAUL ROBBINS SIGNED UP WISH TO GO SPEAK. HE'LL SAVE HIS SPOT. I SEE GUS PENA. WELCOME BACK, GUS. TIEWYOU TOO WILL HAVE THREE MINUTES. TO BE FOLLOWED BY CLIFTON LADD.

GOOD AFTERNOON, MAYOR, COUNCILMEMBERS. GUS PENA. I'M HERE TO SPEAK ABOUT SEVERAL ISSUES. FIRST AND FOREMOST I WOULD LIKE TO THANK EACH AND EVERY ONE OF Y'ALL, THE CITY MANAGER, FOR FULLY FUNDING ALL OF THE REC CENTER PROGRAMS AND EXPANDING THE PROGRAMS. IT'S KEPT A LOT OF KIDS ACTIVE DURING SPRING BREAK. AND

YOU KEEP THEM OFF THE STREETS, YOU KEEP THEM OUT OF GANGS AND PROBLEMS. I WANT TO THANK YOU VERY MUCH FOR THAT. I KNOW THE PARENTS ALSO -- I ASKED HIM TO CALL Y'ALL. TO YOU, THANK YOU, ANY OTHERS AND COUNCILMEMBER KIM FOR REALLY SUPPORTING THE EFFORTS OF THE NEEDS TO HELP THE VETERANS. I DON'T THINK ANY VETERAN COMES OUT HERE AND SAYS OKAY, GIVE ME A HANDOUT. MAYOR, YOU'VE BEEN HELPFUL TOO, AND I APPRECIATE YOUR LEADERSHIP ALSO. AND YOU HAVE A GOOD HEART. I'LL SAY THAT IN FRONT OF EVERYBODY. IF YOU WANT TO DEBATE ME, GO FOR IT. HOUSTON HAS PROPOSED A BILL IN WASHINGTON AND IT ALLUDES TO THE FACT THAT DIRECTING H.U.D. TO PROVIDE FUNDING FOR VOUCHERS FOR HOUSING HOMELESS VETERANS, I WILL TELL YOU THIS MUCH. YOU HAVE AN EFFORT ABOUT COUNTING THE VETERANS, HOMELESS VETERANS OUT THERE IN THE CAMPS. WE GOT A COUNT, WE HAVE 50 VETERANS THAT DONATED THEIR TIME AND VOLUNTEERED THEIR TIME TO DOCUMENT THE NUMBER OF VETERANS. WE COUNTED 2,450 VETERANS THAT ARE HOMELESS IN CAMPS, ORGANIZATIONS, HOTELS, CARS. SO IT'S A LOT MORE THAN WHAT -- VERY LITTLE AMOUNT THAT WE HAVE BEEN TOLD WAS THE HOMELESS VETERANS. BUT ANYWAY, WHAT THEY WILL DO IS PROVIDE VOUCHERS FOR THE HOMELESS VETERAN THAT SAYS, ACCORDING TO THE DEPARTMENT OF VETERAN AFFAIRS, NEARLY 200,000 OF THE 800,000 PEOPLE THAT EXPERIENCE HOMELESSNESS ARE VETERANS, ADULT VETERANS THAT LIVE ON THE STREETS. 56% OF ALL HOMELESS POPULATION ARE VETERANS. WE'RE GOING TO MEET WITH THE SECRETARY OF H.U.D. AND ALSO SECRETARY OF VETERANS AFFAIRS. WE HAVE A CONGRESSMAN FROM HOUSTON, CONGRESSMAN AL GREEN, SPONSORING THIS. HE GOT CONGRESSMAN LLOYD DOGGETT TO HELP US OUT ALSO. I'LL LEAVE THIS ASIDE BECAUSE I REALLY WANT TO THANK THE AUSTIN POLICE DEPARTMENT FOR THEIR EFFORTS IN FIGHTING CRIME. THEY DO NEED MORE FUNDING. I KNOW THEIR BUDGET IS HEAVY, BUT WE SEE THE EFFORTS OF FIGHTING CRIME IN THE STREETS. THE GANGSTERS KNOW, THEY SEE THE OFFICERS OUT THERE, AND SOME OFFICERS ARE GIVEN TIME TO WORK WITH KIDS. SO THAT'S A DETERRENT. WE KNOW THAT GANGS HAVE INFILTRATED HIGH SCHOOL. IF WE COULD FIND SOME MORE TIME AT THE DEPARTMENT OF JUSTICE. I HAVE FRIENDS AT THE DEPARTMENT OF JUSTICE, DEPARTMENT OF TREASURY. I MADE KNOWN THE FACT THAT WE NEED OVERTIME FOR THE OFFICERS. A LOT OF OFFICERS CAN GO OUT THERE IF THEY'RE ABLE TO AND SERVE OVERTIME AND THAT WILL SERVE TO DETER CRIME. I WANT TO THANK YOU FOR THE DISCIPLINE FATHER PROGRAM THAT A.P.D. HAS IMPLEMENTED BECAUSE THAT HELP COMMUNITIES SAY, OKAY, WE HAVE SOMETHING GOING ON HERE POSITIVE. [BUZZER SOUNDS] I'LL WRAP UP, MR. MAYOR. I WON'T TAKE YOUR TIME UP. ANYWAY, I WANT TO SAY THANK YOU VERY MUCH FOR THE EFFORT YOU DO FOR YOUR KID. THE YOUTH ARE YOUR FUTURE. THE SENIOR CITIZENS PAVED THE WAY FOR US. THINK ABOUT THE BUDGET AND HELPING THEM OUT. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. CLIFTON LADD, WELCOME. YOU WILL HAVE THREE MINUTE AND BE FOLLOWED BY JENNIFER GALE. GOOD AFTERNOON. THANK YOU FOR THIS OPPORTUNITY TO SPEAK. I WELCOME MR. OTT. LOOKING FORWARD TO HAVING YOU HERE IN AUSTIN. MY NAME IS CLIFTON LADD AND HIERM TO REPRESENT THE BALCONES CANYONLANDS

CONSERVATION COMMITTEE, WHICH I AM VICE-CHAIR. WE WISH TO RECONFIRM OUR EARLIER STATEMENTS THAT THE PRESERVE IS FOR THE PROTECTION AND MANAGEMENT OF ENDANGERED SPECIES, NOT UNRESTRICTED PUBLIC ACCESS. THE CITY'S BCCP STAFF AND BIOLOGISTS ARE DOING A SPUSH JOB. THEY'RE NOW BEING ASKED TO TAKE ON MORE THAN THEY CAN REALISTICALLY ACCOMPLISH. WHEN THE BCCP COMMITTEE ASKED STAFF TO DEVELOP A REVISED MASTER PLAN, THEY ESSENTIALLY TOLD THEM TO REDO MUCH WORK THAT HAD BEEN DONE WITH STEBS SIEVE PUBLIC INVOLVEMENT. THIS ADDITIONAL NEW WORK FOR CITY BCCP STAFF IS ON TOP OF THE HEAVY DEMANDS OF HIGHER PRIORITY WORK THAT WILL NOW SUFFER FROM LACK OF ATTENTION. THE CITY IS ALSO NOT PROVIDED THE ADDITIONAL FUNNING, PERSONNEL AND OTHER RESOURCES THAT WILL BE NEEDED FOR THE REVISED PUBLIC ACCESS PLAN. THE SCIENTIFIC ADVISORY COMMITTEE HAS USED THE KNEES OF THE SPECIES AND THE DESIRE FOR PUBLIC RECREATION FROM THE BEGINNING AND I HAVE BROUGHT WITH ME AND WILL SUBMIT TO YOU A COPY OF OUR INITIAL RECOMMENDATIONS REGARDING PUBLIC RECREATIONAL USE OF BCCP RESERVES FROM NOVEMBER SIXTH, 1998. I WOULD ALSO LIKE TO LEAVE YOU WITH COPY OF OUR RECOMMENDATIONS FOR PUBLIC ACCESS PROVISIONS AND RECOMMENDATIONS FOR RESEARCH PRIORITY, BOTH OF WHICH WERE APPROVED BY THE SAC ON MAY 19TH, 2006, BUT I'D LIKE TO READ A COUPLE OF ITEMS FROM THE RECOMMENDATIONS FOR RESEARCH PRIORITIES. WE RECOMMENDED THE PRIORITIES FOR RESEARCH ON BALCONES CANYON LANDS PRESERVE MUST FIRST ADDRESS THE BIOLOGY AND RECOLG OF LISTED SPECIES IN ORDER TO ASSURE SUCCESSFUL ADAPTED MANAGEMENT OF PRESERVES FOR THE BENEFIT OF PROTECTED SPECIES. THE PRIORITIES FOR RESEARCH ON BALCONES CANYON LANDS PRESERVE MUST BE BASED ON THE ABILITY OF THE RESEARCH TO ADDRESS GOALS AND NEEDS OF RECOVERY PLANS FOR THE SPECIES PROTECTED BY THE BALCONES CANYON LANDS CONSERVATION PLAN. AND ANY RESEARCH TO ADDRESS THE EFFECTS OF RECREATIONAL ACTIVITIES TO PROTECTED SPECIES MUST NOT TAKE PRIORITY OVER THE CONSERVATION OR MANAGEMENT PRIORITIES STATED ABOVE AND THEY MUST NOT DIVERT STAFF OR FINANCIAL RESOURCES FROM THE PRIMARY RESEARCH PRIORITIES, SPECIES MONITORING OR LAND MANAGEMENT. IN CLOSING, I WILL LIKE TO ASK YOU TO PROVIDE THE CITY OF AUSTIN BCCP STAFF WITH THE RESOURCES THAT THEY NEED TO DO THEIR WORK IF THEY ARE TO BE DIRECTED TO CONTINUE IN THE EFFORT TO FIND MORE AREAS FOR PUBLIC ACCESS WITHIN THE CITY'S BALCONES CANYON LANDS PRESERVE. THANK YOU VERY MUCH FOR YOUR TIME AND ATTENTION. THANK YOU, MR. MAYOR, FOR THE WORK THAT YOU'VE DONE.

Mayor Wynn: THANK YOU, DR. LADD FOR YOUR SERVICE ON THE COMMITTEE. JENNIFER GALE, WELCOME. YOU WILL BE FOLLOWED BY SCOTT JOHNSON.

HI. GOOD MORNING. HAPPY EASTER. THIS IS THE FIRST DAY OF SPRING. WE HAVE A LOT TO LOOK FORWARD TO. IT'S A COOL DAY, A GOOD DAY TO START OUR EXERCISE PROGRAMS, GET OUT THERE RUNNING, PLAYING SOCCER AND VOLLEYBALL. MAYOR WILL WYNN, COUNCIL CANDIDATE AND COUNCILMEMBERS LEE LEFFINGWELL AND JENNIFER KIM, COUNCILMEMBER MARTINEZ, DUNKERLEY, MCCracken AND COLE. I'M HERE TO ADDRESS

OUR NEED FOR SINGLE STREAM RECYCLING. I TALKED ABOUT THIS YEARS AGO WHEN I RAN FOR CITY COUNCIL AND I'M KIND OF SURPRISED WE HAVEN'T ALREADY STARTED IT. IN THE CITY OF MADISON, WISCONSIN THEY HAVE THE SINGLE STREAM RECYCLING. THE PROBLEM WITH IT IS THE CRUSHING OF THE GLASS. ALL STUFF IS CO-MINGLED, PLASTIC, PAPER, CARDBOARD, IT'S ALL PUT INTO ONE. AND BREAKING THE GLASS MAKES IT SO THAT THE MANUFACTURERS HAVE A HARD TIME USING THE CO-MINGLED GLASS OR THE DIFFERENT TYPES OF RESINS IN THE PAPER. SO WE NEED TO FIGURE OUT A WAY SO THAT WE'RE NOT DESTROYING THOSE. HOWEVER, IT DOES SUCH A GREATER JOB OF GETTING MORE PEOPLE TO RECYCLE. YOU GO BEHIND ANY OF OUR BUSINESSES, WE ONLY HAVE ONE DUMPSTER AND THAT CO-MINGLES THE ORGANIC TRASH WITH THE INORGANIC. IT WILL LESSEN OUR METHOD 18 IN OUR DUMPS AND PEOPLE WILL BE ABLE TO LIVE CLOSER TO THEM. I DON'T BLAME WIMBERLEY AT ALL FOR NOT BEING COMFORTABLE WITH THIS. SO LET'S WORK VERY HARD TO STOP FILLING UP OUR LANDFILLS WITH ORGANIC TRASH. AND EVERYONE, I WANT YOU TO LOOK BEHIND THE BUSINESSES. IS THERE ANOTHER DUMPSTER FOR TRASH THAT COULD HAVE BEEN RECYCLED? THINK ABOUT ALL THE YEARS WE COULD HAVE BEEN RECYCLING WHOLE DUMPSTERS WORTH OF TRASH TWO OR THREE TIMES A WEEK. I'M VERY UPSET WITH OUR CITY MANAGER GOING AFTER OUR POLICE, -- OUR FIRE CHIEF. IF HE NEEDS GUIDANCE, LET'S GIVE HIM GUIDANCE, BUT WE DON'T NEED TO DO THIS IN PUBLIC. THE CITY MANAGER THAT WAS IN CHARGE OF THAT AS HAD OFFICERS THAT HAVE SHOT PEOPLE IN THE BACK AND SHOT PEOPLE ON THE GROUND WITH BEAN BAGS WHEN THEY'RE DEFENSELESS, AND HAS SHOT NAKED WOMEN THAT AREN'T ABLE TO DEFEND THEMSELVES. WE NEED A SHOOT TO MAIM FROM OUR POLICE OFFICERS. WE SHOULDN'T HAVE TO SHOOT TO KILL. I'M ASKING THAT OUR BUS OPERATORS GET A RESOLUTION FROM THE PEOPLE OF AUSTIN DEMANDING THAT THEY HAVE A CONTRACT. THEY HAVE NOT RECEIVED A PAY RAISE FROM THE LAST YEAR. THEY ARE MECHANICS, BUS OPERATORS AND WORKERS THAT NEED A CONTRACT. I'VE BEEN ASKING SEVERAL MONTHS THE CITY COUNCIL TO DO THAT. [BUZZER SOUNDS] NOW THE CITY COUNCIL AND THE TRAVIS COUNTY, I UNDERSTAND THAT FRED GILLMAN IS INTERFERING WITH THE CONTRACT NEGOTIATIONS AND SHOULD BE TOLD TO STEP AWAY SO THAT THEY CAN BE FINISHED. WE'RE TALKING ABOUT OVER TWO YEARS OF CONTRACTUAL NEGOTIATIONS, AND NOW THEY'RE TALKING STRIKE. SO I'M ASKING THAT YOU HELP ME THERE AND HELP THE PEOPLE OF AUSTIN-BERGSTROM INTERNATIONAL. I'D LIKE TO WISH AWE A GOOD FRIDAY WHERE WE'RE FORGIVE PHONE OUR FRIENDS. NOW LET'S TRY TO FORGIVE OUR FRIENDS AND OURSELVES. THANK YOU.

Mayor Wynn: THANK YOU, JENNIFER. SCOTT JOHNSON? WELCOME. COUNCILMEMBER LEFFINGWELL, YES.

Leffingwell: JUST TO MAKE A COMMENT ON THE SOLID WASTE ISSUE. FOR YOUR INFORMATION, THE CITY HAS ALREADY HIRED AN INTERNATIONALLY KNOWN CONSULTANT TO HELP US RESEARCH OUR GOAL OF ZERO WASTE BY 2040. AND I ATTENDED A MEETING LAST NIGHT WITH A GROUP OF PEOPLE WHERE HE OUTLINED HIS PRELIMINARY PROGRAM AND WE LOOK FORWARD TO GETTING A FULL REPORT IN COUNCIL FROM HIM ON HIS

STRATEGIES TO HELP US GET THERE. ON OUR OWN, THE CITY IS ALREADY GOING FORWARD WITH SINGLE STREAM RECYCLING PROGRAM. WE'LL START IMPLEMENTING THAT PROGRAM IN OCTOBER OF THIS YEAR.

Mayor Wynn: WELCOME MR. JOHNSON.

GOOD AFTERNOON, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, MR. OTT, CITY STAFF. MY NAME IS SCOTT JOHNSON, THE PROJECT MANAGER OF THE CENTRAL TEXAS ELECTRIC LAWN MOWER PROGRAM WHICH HAPPENS SATURDAY, APRIL 5TH AT #K 30 IN THE MORNING ON HOME DEPOT. IT'S AN ANNUAL EVENT. AIR POLLUTION IS ALL AROUND US. AIR POLLUTION IS COMING FROM THE AUSTIN-BERGSTROM INTERNATIONAL JAVA VENT THAT'S VENTING OUT ON LAVACA STREET THAT COULD BE BETTER CONTROLLED. IT'S COMING FROM DIESEL CONSTRUCTION EQUIPMENT ACROSS THE STREET HERE THAT I BELIEVE IS A CITY PROJECT, BUT I'M NOT CERTAIN OF THAT, WHICH COULD BE BETTER CONTROLLED THROUGH A CONTRACTUAL AGREEMENT THROUGH THE CITY OR THE PERSON DOING THE PROJECT AND THE FOLKS THAT PROVIDE THE CONSTRUCTION EQUIPMENT AS WELL AS IT'S COMING FROM OTHER SOURCES WITHIN AUSTIN. WE'RE BOMBARDED DAILY BY AIR POLLUTION, SOME OF IT COMING DIRECTLY FROM THE SOURCE, SUCH AS WITH LAWN MOWERS, OTHERS WHO LIVE FURTHER OUTSIDE OF THE CITY WHERE THE AIR POLLUTION ORIGINATES ARE GETTING HIT WITH GROUND LEVEL OZONE, WHICH IS THE SECONDARY POLLUTANT, NOT COMING DIRECTLY FROM THE TAIL PIPE OF VEHICLES OR LAWN MOWERS. IN THIS CASE THE PROGRAM THAT I'M MANAGING IN COLLABORATION ARE HOME DEPOT AND THE CENTER FOR MAXIMUM POTENTIAL BUILDING SYSTEMS, PROVIDES CITIZENS WITHIN THE REGION, NOT SIMPLY WITHIN AUSTIN, TO UPGRADE THEIR GAS POWERED MOWER TO AN ELECTRIC MODEL. SO IN ESSENCE AS THE CITY DOES WITH THEIR ENERGY CONSERVATION PROGRAM, WE'RE PAYING PEOPLE TO SCRAP THEIR GAS POWERED MOWERS. GAS POWERED MOWERS ARE A FORM OF OZONE FORMING POLLUTION. MANY OF YOU KNOW THAT NOW. BUT IT'S EASY TO SAY THAT SOMEONE THAT USES THEIR LAWN MOWER FOR TWO OR THREE DAYS PER MONTH YEAR-ROUND POLLUTES AS MUCH AS OR MORE FROM THAT LAWN MOWER THAN THEY WOULD FROM THEIR VEHICLE, PARTICULARLY IF THEIR LAWN MOWER IS OLDER, 10 YEARS OR OLDER, AND PARTICULARLY IF THEIR CAR IS NEWER. BUT EVEN IF THE CAR IS FIVE OR 10 YEARS OLD, THEIR LAWN MOWER THAT THEY USE LESS THAN THEIR CAR COULD STILL BE POLLUTING MORE. IT'S ALSO A LARGE SOURCE OF CARBON DIOXIDE EMISSIONS. WE CAN QUANTIFY THAT AND I DO EACH YEAR THROUGH THE PROGRAM. IT'S ALSO A SOURCE OF SPILLED OIL AND GAS AS PEOPLE TRY TO FILL THOSE SMALL RECEPTACLES. AS WELL THEY'RE MULCHING MOWERS SO THEY DIVERT THE GRASS CLIPPINGS OUT OF THE WASTE STREAM AND BACK ON THE LAWN WHERE THEY'RE SUPPOSED TO BE. THERE'S A LOT OF REASONS WHY FOLKS SHOULD GET EXCITED AND INTERESTED ABOUT THIS PROGRAM. PARTLY TOO THE PRICE IS AFFORDABLE. IF YOU TRADE IN YOUR GAS POWERED LAWN MOWER AND BUY AN ELECTRIC ONE, THE CORDLESS PRICE IS ONLY \$255 PLUS TAX WITH THE TRADE-IN. AGAIN THE PROGRAM IS HAPPENING ON SATURDAY APRIL FIFTH AT THE HOME DEPOT IN SOUTH AUSTIN AT WOODWARD AND I-35. THERE IS ANOTHER OIL VENT ON THE SAME DAY THAT'S BEING PLANNED BY ANOTHER

GROUP IN TOWN THAT'S SIMILAR. MY EVENT OF COURSE THE SALES TAX REVENUE FLOWS TO THE CITY OF AUSTIN. THE OTHER EVENT IS HELD IN SUNSET VALLEY, NOT TO PUT THAT EFFORT DOWN. THAT SALES TAX REVENUE STAYS WITHIN SUNSET VALLEY AND DOESN'T COME TO THE CITY OF AUSTIN. [BUZZER SOUNDS] I'D BE HAPPY TO ANSWER ANY QUESTIONS IF YOU HAD ANY. THANK YOU FOR YOUR ATTENTION.

Mayor Wynn: THANK YOU, SCOTT, FOR ALL YOUR WORK. QUESTIONS?

ANY TAKERS?

Mayor Wynn: EARLIER I HAD CALL PAUL ROBBINS NAME. HE WANTED TO ADDRESS US TODAY. COUNCIL, THERE BEING -- THAT'S ALL OF OUR CITIZENS FOR GENERAL CITIZEN COMMUNICATION, IF YOU REMEMBER EARLIER IN CLOSED SESSION WE TOOK UP ITEM NUMBER 78, WHICH WAS THE PERFORMANCE EVALUATION OF OUR MUNICIPAL COURT CLERK. WE HAVE AN ORDINANCE HERE IN FRONT OF US AND WERE POSTED FOR ACTION, ITEM NUMBER 77, SO ANY QUESTIONS OR COMMENTS OF COUNCIL? I'D ENTERTAIN A MOTION ON ITEM NUMBER 77. MOTION BY MARTINEZ, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE ORDINANCE NUMBER 77 AS PRESENTED HERE TO US. I'LL JUST NOTE THAT THIS IS THE SAME ORDINANCE AS WE'VE HAD PREVIOUSLY FOR MS. STARK. SHE RECEIVED A VERY FAVORABLE PERFORMANCE EVALUATION IN CLOSED SESSION. AND SO THINGS REMAIN THE SAME WITH THE EXCEPTION OF A FIVE PERCENT PAY RAISE, WHICH WILL BRING HER SALARY EQUIVALENT TO \$107,411 ANNUALLY. ITEM NUMBER 77. MOTION AND A SECOND ON THE TABLE. FURTHER COMMENTS OFFICE? ALL INFAVOR HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL. SO COUNCIL, THERE BEING NO MORE DISCUSSION ITEMS PRIOR TO OUR AFTERNOON SESSIONS, WE WILL NOW RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL. BASED ON THE FACT THAT WE ONLY HAVE A MODEST BRIEFING FROM OUR SOLID WASTE DEPARTMENT AND A LIKELY VERY SHORT WALLER CREEK TIF MEETING, MY RECOMMENDATION IS THAT I WON'T RECONVENE THIS MEETING AGAIN UNTIL 3:30 P.M., ALLOWING US TO GET SOME AFTERNOON WORK DONE JUST PRIOR TO OUR 4:00 O'CLOCK ZONI

Mayor Wynn: AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. WE'VE BEEN IN RECESS FOR ABOUT THREE HOURS OR SO, HAVING NO DISCUSSION ITEMS BEFORE US. AT THIS TIME WE'LL GO TO OUR AFTERNOON BRIEFING. OUR FIRST PRESENTATION IS THAT FROM OUR SOLID WASTE SERVICES DEPARTMENT, AND WELCOME MR. WILLIE ROAZ. RHODES.

MAYOR, MAYOR PRO TEM, CITY COUNCIL, THANK YOU FOR ALLOWING ME TO SPEAK ABOUT THE SUBJECT I LOVE, TRASH. WHEN WE TALK ABOUT SOLID WASTE SERVICES, OUR FUTURE FOR TODAY AND TOMORROW, WE TITLED IT BEYOND THE CURVE. SOLID WASTE SERVICES HAS BECOME A DEPARTMENT OF DYNAMIC PROGRAMS, AND PUBLIC INTEREST IN OUR SERVICE REMAIN AT AN ALL TIME HIGH. WE'RE NO LONGER JUST COLLECTING TRASH AT

THE CURB OUR COLLECTING RECYCLING AND YARD TRIMMINGS. OUR SERVICES ARE A 24/7 PRESENCE WITHIN THE CITY OF AUSTIN. IN FACT, OUR INVOLVEMENT IS MULTIFACETED AND OUR EFFORT TO KEEP AUSTIN THE MOST LIVEABLE COMMUNITY IN THE WORLD. WE COMMUNICATE TO OUR CUSTOMER THROUGH A VARIETY OF MEANS. WE HAVE A BLOCK LEADER PROGRAM, A YOUTH EDUCATION PROGRAM. WE HAVE OUR OWN WEBSITE CALLED AUSTIN RECYCLES.COM. WE ALSO HAVE MEETINGS WITH NEIGHBORHOODS TO DISCUSS OUR SERVICES AND OUR PROGRAM. BUT BEFORE I CONTINUE, I WILL LIKE TO TAKE A MOMENT AND SAY THAT SOLID WASTE SERVICES WOULD NOT BE A LEADER IN THIS INDUSTRY IF IT WASN'T FOR THE DEDICATED STAFF OF SOLID WASTE SERVICES. TO THE CREWS ON THE TRUCK, EVERYDAY, TO THE ADMINISTRATION STAFF AND TO THE CODE ENFORCEMENT TEAM, I OWE THEM MANY THANKS FOR THEIR HARD WORK AND EFFORT OR I WOULDN'T BE HERE TODAY AND THE PROGRAM HAVE YOU FOR SOLID WASTE SERVICES WOULD NOT BE THE PROGRAMS THEY ARE AND THE LEE FOARS THE NATION. WHAT ARE OUR CORE SERVICES? OUR CORE SERVICES ARE AWARD WINNING PAY AS YOU THROW PROGRAM WHICH CONSISTS OF GARBAGE RECYCLING AND YARD TRIMMINGS ONCE A WEEK COLLECTION. OTHER CORE PROGRAMS ARE LITTER ABATEMENT PROGRAM, OR OUR STREET SWEEPING PROGRAM WHICH OCCURS SIX TIMES A YEAR IN RESIDENTIAL STREETS, BOULEVARDS AND ARTERIAL STREETS ON A MONTHLY BASIS. THE TWICE A YEAR COLLECTION OF BRUSH AND BULKY MATERIAL. AND THE OPERATION OF A HOUSEHOLD HAS SAR DUS WASTE PROGRAM, WHICH I WILL LIKE TO HIGHLIGHT SOME THINGS OF THAT PROGRAM. OUR HOUSEHOLD HAZARDOUS WASTE PROGRAM WE HAVE BEEN ABLE TO LISTEN TO THE CUSTOMERS. THEY HAVE ASKED FOR DIFFERENT HOURS OF OPERATIONS AND WE HAVE COMPLIED WITH THAT. THEY'VE ASKED FOR MORE TIME OF OPERATIONS, SO STARTING IN OCTOBER OF LAST YEAR WE HAVE A SERVICE COLLECTION DAY OF THE FIRST SATURDAY OF EVERY MONTH. THE FIRST THREE SATURDAYS THERE WAS AN INCREASE IN THE NUMBER OF CITIZENS COMING TO THE DROPOFF FACILITY. ALSO THAWF THEY'VE ASKED FOR ACTIVITIES ON THE NOW, SO ON APRIL THE FIFTH WE'LL HAVE THE FIRST EVENT ON THE NORTH SIDE OF TOWN AND WE'RE DOING ADVERTISING NOW TO ANNOUNCE THAT. CORD ENFORCEMENT. CODE ENFORCEMENT IS ANOTHER ONE OF OUR CORE PROGRAMS THAT WE HAVE IN SOLID WASTE SERVICES WHICH ADDRESSES SUBSTANDARD HOUSING, ZONING ISSUES AND HIGH WEEDS. CODE ENFORCEMENT HAS REACH OUT TO NEIGHBORHOODS AND HAS PARTNERED WITH THEM TO ADDRESS CODE ISSUES. THEY ALSO COORDINATED WITH OTHER CITY DEPARTMENTS SUCH AS AUSTIN POLICE DEPARTMENT, THE FIRE DEPARTMENT, PUBLIC WORKS, HEALTH AND HUMAN SERVICES DEPARTMENT TO CREATE THE PUBLIC ASSEMBLY CODE ENFORCEMENT TEAM OR PACET. THIS HELPS THE ISSUES DEAL WITH ISSUES IN THEIR NEIGHBORHOOD CONCERNING CODE ENFORCEMENT. EACH YEAR DURING THE CITY COUNCIL BUDGET PRESENTATION, WE PRESENT A REPORT ON OUR MEASURES AND THIS IS A TYPICAL SLIDE THAT WE SHOW TO YOU SHOWING WHERE WE ARE FOR THE GARBAGE COLLECTED BY OUR CITIZENS OF AUSTIN. AS YOU CAN TELL FROM EACH YEAR, WE ARE ONE OF THE LOWEST CITIES IN RANKINGS FOR GARBAGE. FOR 2006-2007 WE HAD .82 TONS OF WASTE BEING DISPOSED OF FOR RESIDENTIAL ACCOUNT, WHICH IS ONE OF THE LOWEST IN THE NATION. SO THEN I

DECIDED TO TAKE A LOOK AT IT AND GIVE YOU AN UPDATE. SO WE DECIDED TO PUT SOME YEAR TOGETHER TO SHOW YOU WHERE WE STILL RANK IN THAT. SO YOU HAVE FIVE YEARS -- SIX YEARS' WORTH OF DATA FOR SOLID WASTE SERVICES, AND OTHER CITIES WHO HAVE BEEN REPORTING ON A REGULAR BASIS. AS YOU CAN TELL, WE'RE STILL ONE OF THE LOWEST CITIES IN THE NATION FOR DOING THIS TIME FRAME FOR WASTE. NOW, WHAT PUTS US BEYOND THE CURVE AND WHY ARE WE GOING JOIN THE CURVE? IN OCTOBER OF THIS YEAR WE WANT TO INTRODUCE SINGLE STREAM RECYCLING TO OUR SCUMS. THIS WILL GIVE THEM ANOTHER OPPORTUNITY TO REDUCE THEIR WASTE STREAM. IT WILL TAKE AWAY THE LITTLE BLUE BINS FROM THE CITIZENS AND GIVE THEM A 90-GALLON CART STARTING IN OCTOBER. WE ALSO FOR THOSE CUSTOMERS WITH THE 90-GALLON CART, WE'LL GO TO AN EVERY OTHER WEEK COLLECTION OF RECYCLABLE MATERIAL. FOR THE CUSTOMERS, THEY'LL GET MORE INCREASED RECYCLING TO DO. THEY WILL BE ABLE TO DID HE CYCLE ADDITIONAL MATERIAL, PLASTICS, HARD PLASTICS 1 THROUGH 7. BOX BOARD, WHICH THAT CONSISTS OF SHOE BOXES AND CEREAL BOXES WILL BE ABLE TO BE RECYCLED IN OUR NEW PROGRAM. MATERIAL RECOVERY FACILITY, WE COVERED THAT. THAT WOULD BE FOR A PROJECT WE'VE BEEN WORKING ON FOR SEVERAL YEARS AND IT SEEMS LIKE EACH TIME I COME TO YOU AND TELL YOU A DATE FOR STARTING THAT PROGRAM I HAVE TO PUSH IT OFF, BUT I THINK TODAY WILL BE THE LAST TIME I MAKE THIS CHANGE. WE HOPE TO HAVE THE MATERIAL RECOVERY FACILITY UP AND RUNNING IN THE YEAR 2010 FOR SOLID WASTE SERVICES. IT WILL BE A STATE-OF-THE-ART REGIONAL FACILITY THAT WILL BE ABLE TO HANDLE ALL THE SINGLE STREAM MATERIAL THAT THE CITY OF AUSTIN PRODUCES AND OTHER MATERIAL THAT WE RECEIVE FROM OTHER PRIVATE HAULERS INTO OUR MRF. THE LATEST THING THAT WE'RE LOOKING AT DOING IS AN AUSTIN GREEN DISTRICT AND I HAVE A SHORT VIDEO I'LL SHOW YOU AFTER I GET THROUGH TALKING CONCERNING THE AUSTIN GREEN DISTRICT. WE ALSO ARE WORKING ON THE CLIMATE PROTECTION PLAN THAT THE MAYOR STARTED AND TRYING TO MAKE SURE THAT SOLID WASTE SERVICES IS NOT DETRIMENT TO THE THINGS FOR THE CITIZENS OF AUSTIN. WE ALSO HAVE THE ZERO WASTE PLAN WHICH WE HAVE A CONSULTANT ON BOARD TO GUIDE US THROUGH THE -- TO GIVE US THE ZERO WASTE PLAN. CURRENTLY WE'RE MEETING WITH THE STAKEHOLDERS IN THIS, GETTING THEIR INPUT FOR THE PLAN, AND THEN TRYING TO SEE WHAT WE CAN DO. PLEASE REMEMBER THE CITY OF AUSTIN SOLID WASTE SERVICES DEPARTMENT ONLY PROVIDES GARBAGE SERVICE TO RESIDENTIAL CUSTOMERS. SO IF YOU TAKE A LOOK AT WHAT IS IN THE CITY OF AUSTIN, WE ONLY PICK UP LESS THAN A THIRD OF THE WASTE STREAM IN THE CITY OF AUSTIN THAT'S BEING GENERATED. BECAUSE OF THAT WE HAVE TO SEE WHAT WE CAN DO TO GET ADDITIONAL PARTNERS AND STAKEHOLDERS TO HELP US WITH OUR ZERO WASTE PLAN. WE HAVE BEEN MEETING WITH CAPCOG AND WITH TRAVIS COUNTY TO ELICIT THAT SUPPORT IN AIDING US IN THE ZERO WASTE PLAN FOR THE FUTURE OF TRAVIS COUNTY. RESEARCH. WHAT ARE WE WORKING ON? ELECTRONIC WASTE. ELECTRONIC WASTE HAS ALWAYS BEEN A HOT TOPIC IN AUSTIN. PLEASE REMEMBER THAT WE WORK WITH DELL AND GOODWILL IN COMING UP WITH A CURB SIDE COLLECTION PROGRAM FOR COMPUTERS. I WANT TO THANK THE MAYOR FOR THAT BECAUSE OF ASKING US TO MOVE FORWARD WITH THAT. AND SO

WHAT'S NEXT ON THE HORIZON? TELEVISION SETS IS AN ISSUE AND WE'RE WORKING WITH SOME STAKEHOLDERS ON TELEVISION SETS AND WE'RE TRYING TO COME FORWARD WITH A PLAN FOR THAT TO NOTIFY THE CITIZENS ABOUT THE SWITCH NEXT YEAR CONCERNING TELEVISION SETS. CONSTRUCTION AND DEMOLITION DEBRIS. TRYING TO BECOME -- WHAT WE CAN DO FOR THAT, WHICH WILL ALSO AID US IN OUR ZERO WASTE PLANS. ORGANIC WASTE TO TRY TO COME UP WITH A PROGRAM FOR ORGANIC WASTE FOR THE CITIZENS OF AUSTIN. AND FUEL ALTERNATIVES FOR THE FLEET OF TRUCKS THAT OPERATE WITHIN THE CITY OF AUSTIN. ALL THESE ARE RESEARCH PROJECTS THAT WE'RE WORKING ON AND WE HOPE TO BE BRINGING BACK TO COUNCIL AT A LATER DATE, DIFFERENT ALTERNATIVES FOR SOLID WASTE SERVICES. AND SO AT THIS TIME I'D LIKE TO PLAY THE VIDEO THAT WE HAVE.

SOLID WASTE SERVICES HAS ALWAYS PLAYED AN IMPORTANT ROLE IN MAINTAINING AUSTIN'S QUALITY OF LIFE. FOR MANY YEARS THAT ROLE WAS BASICALLY LIMITED TO KEEPING THE STREETS CLEAN AND PICKING UP GARBAGE AT THE CURB. WHILE THOSE REMAIN OUR CORE FUNCTIONS, WE'VE ALSO MOVED BEYOND THE CURVE FOR THE 24/PRESENCE THAT TOUCHES EVERY PART OF THE COMMUNITY. IN ADDITION TO OUR SCHEDULED COLLECTION SERVICES, WHICH INCLUDE GARBAGE, YARD TRIMMINGS, RECYCLABLE MATERIAL AND BULKY ITEMS, OUR CREW HELP KEEP AUSTIN CLEAN AND GREEN BY RIDDING NEIGHBORS OF ILLEGAL DUMPS, CLEARING TRASH FROM PUBLIC RIGHT-OF-WAYS AND MAKING SURE OUR SIDEWALKS AN STREET ARE CLEAN. WE'RE ALSO INVOLVED IN AUSTIN'S BIGGEST EVENTS. FROM THE AUSTIN CITY LIMITS MUSIC FESTIVAL TO SOUTH BY SOUTHWEST, TIDYING UP BEFOREHAND AND CLEANING UP WHEN THE FUN'S OVER. AND WHEN MOTHER NATURE IS THE ONE MAKING THE MESS, WE'RE OUT THERE CLEANING UP AFTER HER AS WELL. THE LITTER AN WASTE AREN'T ALL WE DEAL WITH. OUR CODE ENFORCEMENT INSPECTORS ARE OUT IN THE COMMUNITY EVERYDAY ENSURING THAT OUR CITIZENS HAVE A HEALTHY AND SAFE ENVIRONMENT. WE WORK WITH THE BUSINESS COMMUNITY AS WELL, ADVISING LARGE AND SMALL INTRIESESES ON WAYS TO MINIMIZE WASTE THROUGH OUR WASTE REDUCTION PROGRAM. WE ALSO TRY TO SET A GOOD EXAMPLE WITH OUR RECYCLING PROGRAM FOR CITY DEPARTMENTS. WE'RE EVEN IN THE SCHOOLS. THROUGH EDUCATIONAL PROGRAMS LIKE CAP AND CAN, WE EXPLAIN THE BENEFITS OF RECYCLING TO NEARLY 15,000 STUDENTS ANNUALLY. IN FACT, OUR RECYCLING PROGRAM HAS BEEN OUR GREATEST SUCCESS, GHN THE 1980'S, WE BOLSTERED THE PROGRAM WITH PAY AS YOU THROW IN THE 1990'S, FURTHER ENCOURAGING OUR CITIZENS TO REDUCE THEIR WASTE. MOST RECENTLY WE CONDUCTED A TEST PROGRAM FOR SINGLE STREAM RECYCLING. AS A RESULT WE'RE YEARS AHEAD OF OTHER CITIES. WEEKLY GARBAGE TOTALS CONTINUE TO DECLINE EVEN THOUGH AUSTIN'S POPULATION IS INCREASING. NEARLY 30% OF THE MATERIAL WE COLLECT IS PROCESSED BY OUR RECYCLING OPERATIONS, KEEPING ADDITIONAL WASTE OUT OF OUR LANDFILLS, WHILE CONTRIBUTING TO THE CITY'S BOTTOM LINE. FOR EXAMPLE, 100% OF OUR GREEN WASTE IS RECYCLED TO PRODUCE DILLO DIRT, WHICH IS SOLD AT RETAIL OUTLETS. AND WHEN IT COMES TO THING THAT CAN'T BE RECYCLED OR BURIED IN A LANDFILL, WE'VE GOT

THAT COVERED TOO WITH OUR HOUSEHOLD HAZARDOUS WASTE FACILITY WHICH TAKES IN EVERYTHING FROM PESTICIDES TO USED OIL. WE'RE ALSO DOING OUR PART TO IMPROVE AUSTIN'S AIR QUALITY, INVESTING IN FUEL EFFICIENT VEHICLES FOR THE CODE ENFORCEMENT TEAM AS WELL AS PURCHASING TRUCKS THAT RUN ON CLEAN BURNING, COMPRESSED NATURAL GAS. IN THE FUTURE A CNG STATION WILL SERVE BOTH CITY VENT AND THE PUBLIC. THIS MULTIPRONGED APPROACH REFLECTS OUR DEDICATION TO AUSTIN'S VISION OF A SUSTAINABLE FUTURE. IT HA ALSO LAID A FOUNDATION FOR OUR NEXT MAJOR GOAL, ZERO WASTE.

THE ENVIRONMENT'S CHANGED IN AUSTIN IN THAT IT'S NOT JUST ABOUT COLLECTING RECYCLABLES OR GARAGE AT THE CURB, IT'S REALLY MORE ABOUT INVESTING IN THE FUTURE. WE ARE IN THE DEVELOPMENT OF ZERO WASTE PLAN, AND THAT WILL ENCOMPASS LOOKING FOR MORE MATERIALS THAT CAN BE DIVERTED FROM THE LANDFILL, MORE MATERIAL THAT CAN BE REDUCED AT THE POINT OF MANUFACTURING. IT'S ALL ENCOMPASSING.

BECAUSE COMMUNITY COMMITMENT IS SO VITAL TO THE SUCCESS OF A ZERO WASTE PROGRAM, WE NEED TO PLAY A PROACTIVE ROLE, SERVING AS BOTH A MODEL AND A CATALYST FOR PARTNERSHIPS AND CREATIVE SOLUTIONS. IT'S THAT NECESSITY THAT INSPIRED OUR VISION OF AUSTIN'S GREEN DISTRICT.

AUSTIN'S GREEN DISTRICT WILL MODEL ENVIRONMENTAL RESPONSIBILITY AND EVEN ENCOURAGE COMMUNITY AND BUSINESS PARTNERSHIP. IT'S A PARTNERSHIP FOR FUTURE GENERATIONS AND A NATIONAL MODEL THAT WE THINK WILL BE SUCCESSFUL AND HOPEFULLY OTHER COMMUNITIES WILL SEE THE BENEFITS TO PRACTICING GREEN.

THE FIRST BUILDING AND THE CORE OF THE DISTRICT WILL BE OUR SINGLE STREAM RECYCLING PLANT, SCHEDULED TO COME ON LINE IN THE NEAR FUTURE. AROUND THAT FACILITY, WE ENVISION A UNIQUE CAMPUS THAT WILL BRING TOGETHER ALL FACETS OF THE COMMUNITY IN SUPPORT OF AUSTIN'S ZERO WASTE GOAL. PART OF THE CHALLENGE OF REACHING THAT GOAL IS FINDING MORE WAYS TO USE RECYCLED MATERIALS. OUR THINK PADS WILL HELP FACILITATE THAT PROCESS. THESE FLEX ILG WORK SPACES WILL BE LEASED TO ENTREPRENEURS AND ARTISTS WHO SEE NEW APPLICATIONS FOR RECYCLED MATERIALS. OUR RESEARCH ZONE WILL PROVIDE AN OPPORTUNITY FOR UNIVERSITY STUDENTS TO STUDY GREEN PROCESSES AND TECHNOLOGIES. IN RETURN THEY'LL SHARE WITH US THE LATEST INNOVATIONS COMING OUT OF ACADEMIA, ENSURING THAT THE DISTRICT STAYS ON THE CUTTING EDGE. EQUALLY ESSENTIAL, WE ENVISION A PLACE FOR THE COMMUNITY TOGETHER AND LEARN ABOUT THE PROCESS OF CREATING A SUSTAINABLE FUTURE FOR AUSTIN.

THERE REALLY HASN'T BEEN A PLACE WHERE THE COMMUNITY COULD COME TO ONE LOCATION AND LOOK AT SUSTAINABILITY IN ACTION. YOU KNOW, THE PRINCIPLES IN

PRACTICE.

OTHER COMPONENTS OF THE GREEN DISTRICT WOULD INCLUDE A BULK RETAIL OUTLET, SELLING RECYCLED MATERIALS. A RECREATION AREA, A BUTTERFLY GARDEN AND A COMPOST DEMO SITE. PLUS AN ELECTRIC POWERED TRAM WAITING TO GIVE VISITERS A COMPLETE TOUR OF THE FACILITY.

EVERYTHING IS A MODEL OF WHAT CAN BE DONE, AND IT'S REALLY NOT JUST ABOUT PREACHING TO THE CHOIR ANYMORE, IT'S REALLY DEM STRAIGHT WHAT WE'VE TALK ABOUT IN OUR PHILOSOPHY AND OUR INVESTMENT IN RECYCLING AND WASTE REDUCTION REALLY DOES COME TRUE IN THIS DISTRICT, WHETHER IT'S THROUGH THE INFRASTRUCTURES THAT ARE ON THE PROPERTY, WHETHER IT'S THROUGH THE THINK PADS FOR NEW ENTREPRENEURS THAT SEE VALUE IN THE MATERIALS AND WANT TO USE THOSE IN THEIR PRODUCTS, OR WHETHER IT'S THE COMMUNITY COMING OUT AND ENJOYING THE FACILITIES THAT HAVE RECYCLED MATERIAL. SO IT REALLY IS WHERE WE'RE HEADED. IT'S THE RIGHT THING TO DO. WE'RE REALLY EXCITED TO BE ABLE TO LAUNCH AUSTIN'S GREEN DISTRICT.

MAYOR, THAT CONCLUDES MY PRESENTATION IF YOU HAVE ANY QUESTIONS.

Mayor Wynn: QUESTIONS FOR MR. ROARDZS, COUNCIL? COUNCILMEMBER LEFFINGWELL.

Leffingwell: JUST A COUPLE OF SHORT SOFT BALLS HERE. YOU MENTIONED WE'RE EXPANDING TO 1 THROUGH 7 ON THE PLASTICS. I BELIEVE CURRENTLY WE DO, WHAT, 1 AND 2?

YES.

Leffingwell: I'M NOT QUITE FAMILIAR WITH THE DESIGNATIONS. DOES THAT INCLUDE PLASTIC BAGS?

NO, IT DOES NOT.

Leffingwell: DO WE NOT HAVE A FLOON AT LEAST START A PILOT PROGRAM FOR PLASTIC BAG CURB SIDE PICKUP?

IN MAY OF THIS YEAR WE'LL BE STARTING A PILOT PROGRAM FOR PLASTIC BAGS IN OUR FIVE AREAS THAT WE HAVE THE CURRENT PILOT FOR SINGLE STREAM GOING ON AND WE HOPE TO BRING THAT BACK TO YOU, COUNCIL. IT'S A FOUR MONTH PILOT AND AFTER THAT WE'RE SUPPOSED TO BRING THAT REPORT BACK TO COUNCIL, AND WE'LL MAKE RECOMMENDATIONS TO YOU.

Leffingwell: AS WE'VE DISCUSSED MANY TIMES, CURB SIDE PICKUP IS AN IMPORTANT PART

OF OUR PLASTIC BAG MITIGATION PLAN OVERALL. THANKS FOR GOING AHEAD WITH THE PLASTIC BAG PILOT AND THEN WE'LL GO AHEAD WITH THE FULL PROGRAM AFTER THE TEST PROGRAM. THE SECOND ONE IS ON THE 90-GALLON RECYCLE BINS THAT WILL BE FURNISHED TO BE PICKED UP EVERY TWO WEEKS, I REALIZE THERE'S A STRONG MOTIVATION TO PROVIDE A VERY LARGE CONTAINER SINCE IT WILL ONLY BE TWO WEEK AN IT WILL BE PICKUP EVERY TWO WEEKS. WE WANT TO ENCOURAGE PEOPLE TO STUFF THAT THING FULL OBVIOUSLY, BUT I HAVE HAD SOME INQUIRIES FROM PEOPLE WHO HAVE ASKED ABOUT THE POSSIBILITY OF A SMALLER CONTAINER. HAVE YOU THOUGHT ABOUT THAT AND WILL THERE BE SUCH A POSSIBILITY?

WE HAVE THOUGHT ABOUT IT, COUNCIL. AS WE'RE TRYING TO MOVE FORWARD WITH THIS, WE CAN NOT DETERMINE WHAT THE NEED WOULD BE. SO WHAT WE'RE LOOKING AT IS TO PUT THE 90-GALLON CARTS OUT TO THE CUSTOMERS, SEE WHAT TYPE OF FEEDBACK WE GET FROM THE CUSTOMERS ONCE THEY HAVE THAT, AND THEN MAKE SOME DECISIONS ABOUT HOW WE CAN -- IF WE HAVE TO BRING IN ANOTHER CART.

Leffingwell: OBVIOUSLY I DON'T WANT TO DISCOWRNG RECYCLING, BUT THERE IS SOME CONCERN ABOUT PEOPLE WHO MAY BE IMPAIRED IN SOME WAY AND A 90-GALLON CONTAINER IS VERY LARGE. MAYBE ONE THING TO THINK ABOUT IS IF A PERSON ALREADY HAS A 30-GALLON CONTAINER FOR REGULAR PICKUP, MAYBE THEY WOULD BE ENTIEGHTSED TO GET A SMALLER CONTAINER FOR RECYCLES ALSO. BUT IF THEY HAVE A 90-GALLON GARBAGE CONTAINER AND ARE REQUESTING A SMALLER CONTAINER, THAT MIGHT NOT WORK OUT TOO WELL. JUST SOME THINGS TO THINK ABOUT. I APPRECIATE WHAT WE'RE DOING AND I THINK HERE IN AUSTIN WE'RE GOING TO BE ON THE CUTTING EDGE. I KNOW WE RECENTLY HIRED AN EXPERT TO CONSULT WITH US AND GIVE US ADVICE BECAUSE THESE PLANS FOR ZERO WASTE ARE VERY MUCH SITE SPECIFIC AND HE'S GOING TO BE STUDYING RECOMMENDATIONS FOR US HERE IN AUSTIN. SO THANKS FOR YOUR WORK.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: THANK YOU, MR. RHODES. DO WE HAVE A LOCATION FOR THE MURVE, THE RECYCLING FACILITY?

IT'S GOING TO BE LOCATED AT THE CITY OF AUSTIN LANDFILL.

Kim: DOES IT HAVE ENOUGH CAPACITY OR HOW LONG IS IT FOR AT THE RECYCLING FACILITY?

THE CAPACITY IS BASED ON THE HOURS OF OPERATION. WE'VE DESIGNED IT FOR THE CITY OF AUSTIN AND OUR CURRENT CAPACITY TODAY. IF WE NEED ADDITIONAL CAPACITY THEN WE NEED TO PUT ADDITIONAL -- DO ANOTHER SHIFT. SO RIGHT NOW WE'RE WORKING FOR AN EIGHT-HOUR DAY, 40 HOUR A WEEK SHIFT. IF WE NEED TO ADD ANOTHER SHIFT ON TO

IT, THERE WILL BE ANOTHER EIGHT HOUR SHIFT, 40 HOURS A WEEK FOR A SECOND SHIFT.

Kim: OKAY.

WE COULD DOUBLE THE CAPACITY OF THE FACILITY JUST BY ADDING AN ADDITIONAL SHIFT.

THANKS. I ALSO HAVE A QUESTION ABOUT ORGANIC WASTE. YOU MENTIONED THAT AS SOMETHING THAT YOU'RE CURRENTLY RESEARCHING. AND I'M WORKING ON AN INITIATIVE FOR COMMUNITY GARDENS RIGHT NOW. AND THAT WOULD BE PART OF HELPING TO REDUCE THE AMOUNT OF ORGANIC WASTE THAT'S GOING INTO OUR STREAM OF WASTE. AND SO WHAT IS KIND OF THE EFFORT RIGHT NOW FOR LOCAL COMPOSTING OTHER THAN PEOPLE DOING IT IN THEIR OWN YARDS.

CURRENTLY WE NEED TO FIND A MECHANISM TO BE ABLE TO RECYCLE THAT ON A CONTINUAL BASIS. AND WE'RE WORKING WITH SOME PARTNERS ON THIS TO SEE WHAT WE CAN DO IN THIS EFFORT. I DON'T HAVE ANYTHING RIGHT NOW TO TELL YOU WHAT WE'RE LOOKING AT, BUT WE HAVE SEVERAL POSSIBILITIES THAT ARE OUT THERE AND WE WANT TO MAKE SURE THAT IF WE START THIS PROGRAM, WE'RE GOING TO MAKE SURE THAT IT WILL BE CONTINUED AND SUSTAINABLE FOR THE FUTURE.

ONE THING I KNOW THAT PEOPLE -- THEY WANT TO COMPOST THEIR WASTE, ORGANIC WASTE, BUT THEY FIND IT'S VERY -- SOMETIMES INCONVENIENT TO DO IT THEMSELVES AND THEY WOULD LIKE A PLACE TO BE ABLE TO DROP IT OFF. I THINK THAT ONE IDEA IS TO BE ABLE TO LET THEM DROP IT OFF AT A COMMUNITY GARDEN IF IT'S CLOSE BY TO THEM WHERE THEY COULD HAVE COME PASTING THERE AS WELL AS -- COMPOSTING THERE AS WELL AS THE GARDEN THAT WOULD TAKE THAT COMPOST FOR FERTILIZER. SO I'M WORKING WITH SOME PEOPLE RIGHT NOW AND I'D LIKE TO HAVE YOUR ASSISTANCE FROM THE SOLID WASTE DEPARTMENT TO BRING US WHATEVER INFORMATION YOU HAVE AND YOUR SUPPORT AS WELL.

I'D BE HAPPY TO DO THAT.

Kim: THANK YOU.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: WITH REGARD TO COMBUSTIBLE MATERIAL, IT'S MY UNDERSTANDING THAT ALL OF THE ZERO WASTE PLANS HAVE THAT AS A COMPONENT TO INCLUDE COMBUSTIBLE MATERIALS FOR CURB SIDE PICKUP.

THAT'S CORRECT.

Leffingwell: SO THAT WILL NUMBER OUR PLANS DOWN THE ROAD, CURB SIDE PICKUP FOR

THAT KIND OF MATERIAL. COMPOSTABLE MATERIAL.

Mayor Wynn: FURTHER COMMENTS FOR MR. ROAZ? THANK YOU, WILLIE. SO COUNCIL, THAT BRINGS UP OUR TIME FOR ME TO RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL AND CALL TO ORDER THIS MEETING OF THE BOARD OF DIRECTORS MEETING OF THE TAX INCREMENT FINANCING OR TIF REINVESTMENT ZONE NUMBER 17 KNOWN AS WALLER CREEK. I'M PLEASED TO WELCOME OUR TWO COHORT BOARD MEMBERS, THAT BEING FROM THE COUNTY, LEROY NELLIS, AND FROM AUSTIN COMMUNITY COLLEGE, BILL MALANE. SO CONSTITUENT, COUNCIL, -- SO AT THIS TIME, COUNCIL, WE WILL TAKE UP OUR TIF 17 AGENDA.

MOVING TO THE FIRST SLIDE, PLEASE. TODAY WE BRING THREE ITEMS TO THE WALLER CREEK TIF BOARD TO CONSIDER. FIRST OF ALL, WE RECOMMEND THAT YOU ELECT A VICE-CHAIR TO PRESIDE OVER THE TIF BOARD MEETINGS IN THE ABSENCE OF THE CHAIR. SECONDLY WE WILL BE SHARING WITH YOU, RECAPPING QUICKLY THE FINAL PROJECT AND FINANCING PLAN FOR THE WALLER CREEK TUNNEL PROJECT. AND THEN FINALLY RECOMMENDING -- ASKING YOU TO RECOMMEND TO THE CITY COUNCIL THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF AUSTIN AND TRAVIS COUNTY TO FUND AND PARTICIPATE IN THE TAX INCREMENT FINANCING ZONE FOR THE WALLER CREEK TUNNEL PROJECT AND THE COUNTY HAS APPROVED THAT AGREEMENT AS WELL. THEY APPROVED IT AT THE COMMISSIONERS COURT ON MARCH THE FOURTH. THEN THE FINAL STEPS FOR GETTING ALL OF THE ITEMS WRAPPED UP AND ADOPTED TODAY, ONCE THE BOARD ADJOURNS THE TIF BOARD MEETING AND HAS THE CITY COUNCIL, WE WOULD ASK THAT YOU APPROVE ITEMS 6 AND 7, WHICH IS FOR TRAVIS COUNTY TO PARTICIPATE IN THE ZONE, AND ITEM NUMBER 7, WHICH WOULD BE TO APPROVE THE PROJECT AND FINANCING PLAN, WHICH IS ACTUALLY ATTACHED TO THE AGREEMENT. THE FIRST ITEM TODAY IS FOR THE ELECTION OF A VICE-CHAIR. THE CITY COUNCIL MEMBERS HAVE BEEN APPOINTED AS MEMBERS OF THE TIF BOARD WITH THE MAYOR CURRENTLY SERVING AS THE BOARD CHAIR. A VICE-CHAIR IS RECOMMENDED TO PRESIDE WHEN THE CHAIR IS UNABLE TO ATTEND. AND I'D LIKE TO WELCOME THE TWO MEMBERS, BILL MALANE WITH AUSTIN COMMUNITY COLLEGE, AND LEROY NELLIS, WHO IS THE BUDGET DIRECTOR FOR TRAVIS COUNTY.

Mayor Wynn: SO BOARD, I'LL ENTERTAIN A MOTION FOR VICE-CHAIR.

Dunkerley: I WOULD NOMINATE COUNCILMEMBER COLE AS VICE-CHAIR OF THE TIF BOARD.

Mayor Wynn: WE HAVE A MOTION AND A SECOND NOMINATING COUNCILMEMBER COLE AS THE VICE-CHAIR OF THE THE TIF 17 BOARD. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

ITEM NUMBER 2, MOVING ON, IS CONSIDERATION OF THE PROJECT AND FINANCING PLAN FOR THE WALLER CREEK TIF ZONE. AND COUNCIL ACTUALLY APPROVED THE PRELIMINARY FINANCING AND PROJECT PLAN BACK IN JUNE OF 2007 WHEN THE TIF ZONE WAS CREATED. NEXT SLIDE, PLEASE. THIS IS A PICTORIAL FOR YOU OF THE REINVESTMENT ZONE ITSELF. THE ZONE BOUNDARIES ROUGHLY INCLUDE 12TH STREET ON THE NORTH. MOVING DOWN TO THE WEST ALONGSIDE RED RIVER AND TRINITY STREETS, BOUNDED ON THE EAST ROUGHLY BY THE I-35 ACCESS ROAD. AND THEN OF COURSE GOING SOUTHWARD TO TOWN LAKE. JUST A LITTLE BIT OF BACKGROUND THAT WE'VE SHARED WITH YOU BEFORE, BUT THERE'S A LITTLE BIT OF UPDATED INFORMATION HERE. THE AREA WITHIN THE ZONE IS APPROXIMATELY 126-ACRES OR 28 CITY BLOCKS. ULTIMATELY THE AREA IS EXPECTED TO BE REDEVELOPED WITH A MIX OF USES, INCLUDING RESIDENTIAL, RETAIL, HOTEL AND OFFICE. AND THEN OVER THE LIFETIME OF THE TIF, WHICH IS CURRENTLY ESTIMATED TO BE 20 YEARS, THE INCREMENT IN ASSESSED VALUE WOULD EVENTUALLY TOTAL ABOUT \$3.6 BILLION. 2007 IS THE TAX YEAR THAT WAS USED TO ESTABLISH THE BASELINE FOR THE TIF. AND OUR MOST RECENT ESTIMATES THERE THAT ARE REFLECTED IN THE AGREEMENT WITH TRAVIS COUNTY TO ESTABLISH THE BASELINE ARE \$236 MILLION FOR THE CITY, \$228 MILLION FOR THE COUNTY, AND THAT REFLECTS THEIR HOMESTEAD EXEMPTION. AND THEN OUR FIRST INCREMENT OF TAX COLLECTIONS WOULD ACTUALLY START IN FISCAL YEAR 2009. THIS IS JUST AGAIN A PICTURE THAT YOU'VE SEEN BEFORE IN PREVIOUS PRESENTATIONS. THE PROJECT MANAGEMENT GROUP DID QUITE A COMPREHENSIVE OVERVIEW OF THE PROJECT AND THE CURRENT STATUS BACK AT THE END OF JANUARY. BUT THIS IS JUST THE GENERAL ROUTE AND DESIGN OF THE TUNNEL. A QUICK HIGHLIGHT ON ESTIMATED PROJECT TIME LINES DESIGNED AGAIN IN 2007. WE DO ANTICIPATE AWARDDING A CONSTRUCTION CONTRACT IN JUNE OF 2010. OPERATIONS AND MAINTENANCE THEN WOULD BEGIN AFTER THE TUNNEL IS COMPLETED, AND WE'RE CURRENTLY ESTIMATING THAT WOULD BE 2016, AROUND ABOUT THAT YEAR. AND JUST A QUICK NOTE. CONSTRUCTION AND O AND M COST PROJECTIONS FOR THE TUNNEL HAVE BEEN REVIEWED BY THIRD PARTIES IN ADDITION TO THE FIRM THAT DEVELOPED THE ESTIMATES. BROWN & ROOT IS THE FIRM THAT THE -- THE JOINT VENTURE FIRM THAT WE USED TO WORK UP THE CONSTRUCTIONABLE O AND M COST PROJECTIONS, AND WE ACTUALLY ALSO RAN THOSE BY THE ENGINEERING STAFF AT THE SAN ANTONIO WATER SYSTEM.

JUST A QUICK SLIDE HERE. THIS IS A SUMMARY OF THE PROJECT COSTS. OUR BEST ESTIMATE AT THIS POINT IN TIME IS 127.5 MILLION. AND YOU CAN SEE OF COURSE THAT MOST OF THAT IS CONSTRUCTION AT 94.7. AND THEN DOWN AT THE BOTTOM OF THE SLIDE, ANNUAL OPERATIONS AND MAINTENANCE OF APPROXIMATELY \$3.2 MILLION. AND THAT'S IN THE FIRST YEAR THAT THIS TUNNEL WOULD BE OPERATIONAL. HERE IS A SUMMARY OF OUR FINANCING PLAN. HERE YOU SEE THE PROJECT COST OF 27.5 UP AT THE TOP. WE DO HAVE SOME CASH ON HAND THAT WE'RE CURRENTLY USING TO PROCEED WITH DESIGN. AND THAT IS FUNDED BY THE PROCEEDS OF THE WEEK VENUE BONDS THAT WERE ISSUED BACK IN 1999, AND THE INTEREST THAT HAS ACCRUED SINCE THAT TIME. LOOKING DOWN AT THE

BOTTOM OF THE SLIDE, FINANCED OVER A 30-YEAR PERIOD WITH CERTIFICATES OF OBLIGATION, THE ESTIMATED ANNUAL DEBT SERVICE THERE IS CLOSE TO 7 MILLION. AND OVER THE 20 YEAR ESTIMATED LIFE OF THE TIF, THE ANNUAL REVENUE IS ABOUT 10 MILLION ON THE AVERAGE, BUT FOR EXAMPLE, STARTING OUT IN 2009 IT WOULD BE CLOSER TO 600,000, SO IT DOES GROW AS THE TIF LIFE PROCEEDS. THEN THIS IS THE LAST ONE IN REGARDS TO THE FINANCING PLAN. THE CITY WOULD MANAGE THE FINANCING. TRAVIS COUNTY WOULD BE RESPONSIBLE ONLY FOR CONTRADICTING THE TAX INCREMENT FOR APPROXIMATELY 20 YEARS. THE CITY WILL CONTRIBUTE 1 PERCENT OF ITS INCREMENT WITH THE COUNTY CONTRIBUTING 50 PERCENT OF THEIRS, AN THEN WE'LL ALSO BE RESPONSIBLE ON THE CITY SIDE FOR MANAGING THE CASH FLOW RELATED TO THE PROJECT. SO WE'LL UTILIZE A SECONDARY SOURCE OF VENUE RELATED REVENUE TO SMOOTH OUT THE CASH FLOWS THERE. THAT'S PRIMARILY IN THE EARLY TO MID YEARS OF THE TIF UNTIL THE TIF REVENUE HAS HAD A CHANCE TO GROW. AND THAT SECONDARY SOURCE IS GENERATED FROM THE SAVINGS THAT WE GOT FROM THE HILTON HOTEL REFUNDING THIS PAST JANUARY. AND THAT CONCLUDES THE RECAP OF THE PROJECT AND FINANCING PLAN. WE WOULD ASK THE TIF BOARD TO CONSIDER THAT AND APPROVE THOSE PLANS.

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

Cole: HE JUST HAD ONE QUESTION. THERE WAS A SLIDE A FEW SLIDES BACK AND I DON'T KNOW IF I WAS GOING TO FIND IT. IT WAS EXPLAINING THE TOTAL AMOUNT OF THE INCREMENT ON THE PROJECT.

IT WAS 3.6 BILLION. THAT'S OVER TIME BY THE END OF THE THE 20 YEAR PERIOD.

Cole: A 20 YEAR PERIOD IN THE TIF TIME AND THAT INCLUDES THE INCREMENT THAT WOULD BENEFIT BOTH US AND THE COUNTY.

WHENEVER YOU CALCULATE YOUR REVENUE COLLECTIONS, THAT'S WHAT YOU WOULD APPLY THE TAX RATE TOO. THAT'S IN THE 20TH YEAR, BY THE 20TH YEAR. IT WOULD HAVE --

Cole: SO IF WE HAD NEW CONSTRUCTION IN THE TIF AREA, THE -- SO WITH ZERO VALUE NOW AND WE HAD WHATEVER, \$500 MILLION OF NEW CONSTRUCTION, THAT WOULD TAKE AWAY FROM THAT \$3 BILLION?

THAT WOULD BE INCLUDED IN THAT. SO THAT WOULD INCLUDE -- I BELIEVE THAT'S BOTH ESTIMATED GROWTH AND VALUES OF WE MOVE DOWN THE LINE AND NEW CONSTRUCTION AS WELL.

Cole: OKAY.

Mayor Wynn: FURTHER QUESTIONS OF STAFF? MR. NELLIS OR MALANE? AND IF NOT, I'LL

ENTERTAIN A MOTION ON THIS TIF 17 ITEM NUMBER 2.

MAV MOVE APPROVAL.

Mayor Wynn: MOTION BY THE VICE-CHAIR, SECONDED BY BOARD MEMBER MCCRACKEN. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.? OPPOSED? MOTION PASSES ON A VOTE OF 9 TO 0.

THE LAST ITEM THAT WE ASKED THE TIF BOARD TO CONSIDER TODAY IS A RECOMMENDATION TO THE CITY COUNCIL TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF AUSTIN AND TRAVIS COUNTY TO FUND AND PARTICIPATE IN THE WALLER CREEK TIF. THE PROJECT AND FINANCING PLAN THAT WE'VE JUST COVERED WITH YOU CONTAINS MANY OF THE KEY ELEMENTS OF THE BASIC TERMS AND CONDITIONS IN THE AGREEMENT, AND THESE ARE TERMS AND CONDITIONS THAT HAVE BEEN DISCUSSED EXTENSIVELY WITH THE COMMISSIONERS COURT, COUNTY STAFF, PRIOR TO THE CREATION OF THE TIF BY CITY ORDINANCE BY BOTH THE MAYOR PRO TEM AND COUNCILMEMBER COLE. AND THEN HAVE BEEN INCLUDED AS WELL IN THE FINAL PROJECT AND FINANCING PLAN.

WITH THAT I WOULD ASK IF THE TIF BOARD COULD CONSIDER APPROVAL OF THAT.

Mayor Wynn: QUESTIONS OF STAFF? MOTION BY THE VICE-CHAIR. SECONDED BY BOARD MEMBER LEFFINGWELL TO APPROVE THIS INTERLOCAL BETWEEN THE CITY AND TRAVIS COUNTY. FURTHER COMMENTS? MOTION PASSES BY A VOTE OF NINE ON ZERO.

THANK YOU. THE NEXT STEP AFTER WE'VE ADJOURNED BOB TO ADOPT ITEMS 6 AND 7 BY THE CITY COUNCIL.

Mayor Wynn: THANK YOU. THERE BEING NO MORE BUSINESS BEFORE THE TIF 17 BOARD, WE NOW STAND ADJOURNED. THANK YOU, GENTLEMEN. I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL AND COUNCIL WILL TAKE UP ITEMS NUMBER SIX AND SEVEN, THOSE RELATED TO THE ACTION THAT WAS TAKEN BY THE TIF 17 BOARD AND WE'LL ENTERTAIN A COMBINED MOTION.

MAYOR, I WOULD ENTERTAIN A MOTION OF ITEM 6 AND 7. MOTION PASSES ON A VOTE OF SEVEN TO

Mayor Wynn: MOTION BYCOUNCILMEMBER COLE, SECONDED BY COUNCILMEMBER LEFFINGWELL FOR ITEMS 6 AND BE 7. FURTHER COMMENTS?

Cole: I WOULD LIKE TO RECOGNIZE THE STAFF FOR THE TREMENDOUS AMOUNT OF WORK THEY HAVE PUT INTO THIS PROCESS AND ALSO THE COUNTY BECAUSE IT ABSOLUTELY WOULD NOT HAVE BEEN POSSIBLE WITHOUT THEM. AND LEROY NELLIS AND THE A.C.C.

REPRESENTATIVE FOR COMING AND SITTING WITH US ON THIS BOARD.

Mayor Wynn: AGAIN, MOTION AND A SECOND ON THE TABLE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK EVERYBODY. I BELIEVE THAT TAKES US TO OUR 4:00 O'CLOCK ZONING CASES. MR. GUERNSEY, WELCOME.

GOOD AFTERNOON, MAYOR AND COUNCIL, MY NAME IS GREG GUERNSEY WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. I'LL WALK YOU THROUGH YOUR 4:00 O'CLOCK ZONING ORDINANCES AND RESTRICTIVE COVENANT ITEMS. I'LL START WITH THE ITEMS WE CAN OFFER BY CONSENT AND THESE ARE WHERE THE PUBLIC HEARINGS HAVE BEEN CLOSED. ITEM NUMBER 43 IS CASE C-14-2007-0229, KNOWN AS THE SOUTH EDGE II PROPERTY, PART 2. THIS IS TO APPROVE SECOND AND THIRD READING FOR THE PROPERTY LOCATED AT 6204 CROW LANE TO REZONE THE PROPERTY FROM FAMILY RESIDENCE NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING TO MULTI-FAMILY RESIDENCE LOW DENSITY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING WITH CONDITIONS. THIS IS READY FOR CONSENT APPROVAL ON SECOND AND THIRD READINGS. ITEM NUMBER 44 IS CASE C-14-2008-0003, THE WINDSOR ROAD NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE OPT IN, OPT OUT FOR TRACTS 3 THROUGH 21. STAFF HAS RECENTLY RECEIVED SOME PETITIONS REGARDING THESE PROPERTIES AND IS REQUESTING A POSTPONEMENT OF THIS ITEM TO YOUR APRIL 24TH AGENDA. ITEM NUMBER 45 IS CASE C-14-2007-0222, THE ON PROPERTY LOCATED AT 3116 SOUTH CONGRESS AVENUE. THIS IS A REZONING REQUEST FROM GENERAL COMMERCIAL SERVICES NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING AND MULTI-FAMILY RESIDENCE MODERATE HIGH DENSITY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING TO COMMERCIAL LIQUOR SALES MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON SECOND AND THIRD READINGS. ITEM NUMBER 46 IS NPA-2008-0011.01. THIS IS THE NECK LOOP NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE AND BUILDING. THIS IS AN AMENDMENT TO THE NORTH LOOP NEIGHBORHOOD PLAN. AND THE RELATED ITEM, ITEM NUMBER 47, THIS IS CASE C-14-2008-0002, GOAN THE NORTH LOOP NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE BUILDING, ZONING OPT IN, OPT OUT. STAFF IS INDICATING THAT THESE ARE A DISCUSSION ITEM FOR BOTH 46 AND 47. ITEM 48 IS C-14-2007-0258, THIS IS THE EAST MLK COMBINED NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE BUILDING. THE OPT IN, OPT OUT PROCESS TO APPROVE SECOND AND THIRD READINGS FOR THE EAST MLK AREA. AND I BELIEVE AT FIRST READING THERE WAS A REQUEST TO CONTACT THE NEIGHBORHOOD. STAFF DID DO THAT AND INDICATED THE DESIRE OF COUNCIL TO APPROVE THE INCLUSION OF ALL TRACTS AT FIRST READING. I'M NOT SURE IF THERE'S A REPRESENTATIVE HERE TONIGHT. WE JUST MADE THEM AWARE OF WHAT ACTION WAS TAKEN AT FIRST READING. SINCE IT IS A CLOSED PUBLIC HEARING, I'M NOT SURE IF THEY WOULD ACTUALLY SHOW UP AS SIGNING IN BECAUSE I DON'T THINK OUR SYSTEM WOULD ALLOW THAT. SO WE COULD LEAVE IT AS A DISCUSSION ITEM AND SEE IF ANYONE HERE IS FROM THE EAST MLK

COMBINED NEIGHBORHOOD PLANNING AREA.

Mayor Wynn: IS THERE SOMEBODY HERE FROM THE EAST MLK COMBINED PLANNING AREA? ONE TENTATIVE HAND.

WE HAVE ONE PERSON THAT LIVES IN THE EAST MLK COMBINED NEIGHBORHOOD PLANNING AREA. MAYBE THEY CAN COME UP AND PE TO THAT IN A LITTLE BIT. ITEM NUMBER 49 IS CASE C-14-2007-0235, THIS IS THE JUDGE'S HILL NEIGHBORHOOD ASSOCIATION, A PORTION OF DOWNTOWN PLANNING AREA. THIS IS FOR THE VERTICAL MIXED USE V ZONING OPT IN, OPT OUT PROCESS. THERE WILL AN DISCUSSION ITEM. WE DO HAVE SOME VALID PETITIONS ASSOCIATED WITH THAT CASE. SO THAT CONCLUDES ITS CASE I CAN OFFER AT THIS TIME.

Mayor Wynn: THE CONSENT AGENDA FOR THE ITEMS WHERE WE HAVE ALREADY CONDUCTED THE PUBLIC HEARING WOULD BE TO APPROVE ON SECOND AND THIRD READING ITEM 43, TO POSTPONE ITEM 44 TO APRIL 24TH, 2008, AND TO APPROVE ITEM 45, ALSO ON SECOND AND THIRD READING. I'LL ENTERTAIN THAT MOTION. MOTIONLY COUNCILMEMBER MCCRACKEN, SECONDED BY THE MAYOR PRO TEM TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

MAYOR LET ME THEN CONTINUE WITH THE 4:00 O'CLOCK ZONING NEIGHBORHOOD PLAN AMENDMENTS. ITEM NUMBER 50 IS CASE C-14-TOUT-0029. THIS IS THE PLAZA SALTILLO STATION AREA. THIS IS LOCATED IN EAST AUSTIN NEAR SEVENTH STREET AND WHICHCHICON. STAFF IS REQUESTING A POSTPONEMENT OF THIS ITEM TO YOUR APRIL 10th AGENDA. AND I'LL BE READING THROUGH SEVERAL POSTPONEMENTS BECAUSE OF ACTION TAKEN BY THE PLANNING COMMISSION TO POSTPONE THEIR RECOMMENDATION OR THEIR PUBLIC HEARINGS TO APRIL EIGHTH. ITEM NUMBER 51 IS CASE NPA 2008-0002.01. THIS IS THE EAST CESAR CHAVEZ NEIGHBORHOOD PLAN AMENDMENT. AGAIN, THIS WOULD BE INCLUDING THE PLAZA SALTILLO STATION AREA. STAFF IS REQUESTING OF POSTPONEMENT OF ITEM NUMBER 51 TO APRIL 10th. ITEM 52 IS CASE NPA 2008-0009.01. THIS IS THE CENTRAL EAST AUSTIN NEIGHBORHOOD PLAN AMENDMENT AGAIN RELATED TO THE PLAZA SALTILLO EASH PLAN. STAFF IS REQUESTING POSTPONEMENT OF THIS ITEM TO YOUR APRIL 10th AGENDA. ITEM NUMBER 53 IS CASE NPA 2008-0010.01, THE HOLLY NEIGHBORHOOD PLAN AMENDMENT. AGAIN THIS IS RELATED TO THE PLAZA SALTILLO AREA PLAN. THIS IS A POSTPONEMENT REQUEST BY STAFF TO APRIL 10 THE. ITEM NUMBER 54 IS CASE C-14-2008-0031. THIS IS THE MLKJ BOULEVARD STATION AREA PLAN, AND THIS IS A REQUEST FOR POSTPONEMENT AGAIN BY STAFF. THIS IS FOR THE MLK BOULEVARD STATION AREA T.O.D. AND THAT'S AGAIN A POSTPONEMENT TO APRIL 10TH. ITEM NUMBER 55 IS CASE NPA-2008-0003.01, THE CHESTNUT NEIGHBORHOOD PLAN AMENDMENT. AGAIN THIS IS RELATED TO THE MLK JUNIOR BOULEVARD STATION AREA PLAN. STAFF IS REQUESTING A POSTPONEMENT OF ITEM 55 TO YOUR APRIL 10TH AGENDA. ITEM NUMBER 56 IS CASE NPA 2008-008.01, THE ROSEWOOD NEIGHBORHOOD PLAN AMENDMENT. THIS IS RELATED TO THE MLK JUNIOR BOULEVARD STATION AREA PLAN. STAFF IS REQUESTING POSTPONEMENT OF

ITEM NUMBER 56 TO YOUR APRIL 10TH AGENDA. ITEM NUMBER 57 IS CASE NPA 2008-0012.01, THE UPPER BOGGY CREEK NEIGHBORHOOD PLAN AMY. THIS IS RELATED TO THE MARTIN LUTHER KING STATION AREA PLAN AND STAFF IS REQUESTING A MOMENT OF THIS ITEM TO YOUR -- A POSTPONEMENT OF THIS ITEM TO YOUR APRIL 10TH AGENDA. ITEM NUMBER 58 IS NPA-2008-0015.01. THIS IS AN AMENDMENT RELATED TO THE MLK JUNIOR AREA STATION AREA MAN. STAFF IS REQUESTING A POSTPONEMENT OF THIS ITEM, ITEM NUMBER 58 TO YOUR APRIL 10th AGENDA. ITEM NUMBER 59 IS CASE C-14-2007-0207. THIS IS FOR THE VILLAGE MIXED USE DEVELOPMENT IN THE 2700 BLOCK OF WEST ANDERSON LANE. THIS CASE HAS BEEN WITHDRAWN BY THE APPLICANT. NO ACTION IS REQUIRED ON ITEM NUMBER 59. ITEM NUMBER 60 IS CASE C-14-2007-0234, THE SOUTH URBAN LOFTS PROPERTY AT 4367 SOUTH AUSTIN AVENUE. THIS IS A REZONING REQUEST FROM GENERAL COMMERCIAL SERVICES MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING AND MULTI-FAMILY RESIDEN HIGHEST DENSITY CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING TO GENERAL COMMERCIAL SERVICES MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN OR CS-MU-NP DISTRICT ZONING AND MULTI-FAMILY RESIDENCE HIGHEST DENSITY COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THIS REQUEST AND IS READY FOR ALL THREE READING. ITEM NUMBER 61 IS CASE C-14-2007-0210 AND C 14 H-2007-0011, THE KOCUREK BUILDING AT 511 WEST 41st STREET. THE APPLICANT HAS REQUESTED A POSTPONEMENT OF THIS ITEM TO YOUR NEXT MEETING OF MARCH 27TH. ITEM NUMBER 62 IS CASE C-14-2007-0239, THE CHI OMEGA. A PROPERTY AT 2711 RIO GRANDE STREET. THIS IS A REZONING FROM MULTI-FAMILY RESIDENCE MODERATE HIGH DENSITY METROPOLITAN COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE REQUEST FOR MF-4-CO-NP IMOINING DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 63 IS CASE C-14-2007-0240, 10401 ANDERSON MILL ROAD: THIS IS A REZONING REQUEST FROM RURAL RESIDENCE DISTRICT ZONING AND COMMUNITY COMMERCIAL DISTRICT ZONING TO COMMUNITY COMMERCIAL DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO GRANT COMMUNITY COMMERCIAL CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READING. ITEM NUMBER 64 IS CASE C-14-TOUT-0005 FOR THE PROPERTY LOCATED AT 3810 SOUTH FIRST STREET. THIS IS A REZONING REQUEST FROM FAMILY RESIDENCE DISTRICT ZONING TO NEIGHBORHOOD COMMERCIAL MIXED USE COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE REQUEST FOR LR-MU COMBINING DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 65 IS CASE C-14-2008-0027, THE RIVER PLACE CENTER. FOR THE PROPERTY LOCATED AT 10815 FM 2222. THIS IS A REZONING REQUEST FROM LIMITED OFFICE DISTRICT ZONING FOR TRACT 1. AND LIMITED OFFICE DISTRICT ZONING AND COMMUNITY COMMERCIAL DISTRICT ZONE FOG TRACT 2. THE -- LIMITED OFFICE LO DISTRICT ZONING AND COMMUNITY COMMERCIAL DISTRICT ZONE FOG TRACT 2. THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO GRANT THE GR ZONE FOG TRACT 1 AND LO -- AND GR ZONE FOG TRACT 2. THIS IS READY FOR CONSENT

APPROVAL ON ALL THREE READINGS. ITEM NUMBER 66 IS CASE C-14-85-288.135 RCA. THIS IS THE A.C.C. PINNACLE CAMPUS FOR THE PROPERTY LOCATED AT 7748 U.S. 290 WEST. THIS IS A REQUEST TO AMEND THE RESTRICTIVE COVENANT AMENDMENT CURRENTLY ON THE PROPERTY. THE ZONING AND PLATTING COMMISSION RECOMMENDATIONS WAS TO APPROVE THE RESTRICTIVE COVENANT AMENDMENT. AND THIS IS READY FOR CONSENT APPROVAL. ITEM NUMBER 67 IS CASE C-14-2007-0092. THIS IS THE 21-C PROJECT AT 300 SAN JACINTO BOULEVARD. WE HAVE A REQUEST FOR A POSTPONEMENT OF THIS ITEM TO APRIL 24TH. ITEM NUMBER 68, CASE C-14-2007-0250. THIS IS FOR THE AMARRA DRIVE PROPERTY LOCATED ON SOUTHWEST PARKWAY AND BARTON CREEK BOULEVARD. THIS IS A DISCUSSION ITEM. ITEM NUMBER 69 IS CASE NPA 2007-0012.01. THIS IS WITHIN THE UPPER BOGGY CREEK NEIGHBORHOOD PLAN FOR A CHANGE TO THE LAND USE DESIGNATION MAP. THIS IS A DISCUSSION ITEM AS WELL AS THE RELATED ZONING CASE, ITEM NUMBER 70 I FOR THAT SAME PRO, ITEM NUMBER 69 AND 70 ARE BOTH DISCUSSION ITEMS. ITEM NUMBER 71 IS C-14-2008-0004, THE ROSEDALE NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE BUILDING OPT IN, OPT OUT PROCESS. THIS IS A DISCUSSION ITEM. THAT'S ITEM NUMBER 71. ITEM 72, CASE C-14-2008-0019, SOUTH LAMAR NEIGHBORHOOD PLANNING VERTICAL MIXED USE BUILDING, OPT IN, OPT OUT PROCESS. STAFF IS REQUESTING A POSTPONEMENT TO YOUR APRIL 24TH AGENDA. WE ARE CURRENTLY DOING SOME RESEARCH TO ADDRESS SOME OF THE QUESTIONS THAT HAVE BEEN RAISED BY THE CITY COUNCIL. THAT'S A POSTPONEMENT ON ITEM 72 FOR APRIL 24TH. ITEM NUMBER 73 IS CASE C-14-2008-0033. THIS IS THE NORTHWEST HILLS NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE BUILDING V, ZONING OPT IN, OPT OUT PROCESS FOR THE NORTHWEST NEIGHBORHOOD HILLS PLANNING AREA. THIS IS REGARDING REGULATIONS REGARDING VERTICAL MIXED USE BUILDING DIMENSIONAL STZ ALLOWING USES IN THE VERTICAL MIXED USE BUILDING FOR OFFICE BASE DISTRICT ZONING AND RELAXED PARKING STANDARDS AND FOR COMMERCIAL USES IN A VMU BUILDING AND AFFORDABLE RIMENTS FOR VMU BUILDING DEVELOPMENTS WILL BE CONSIDERED WITH THIS. THIS IS OFFERED TO YOU, RECOMMENDED BY THE PLANNING COMMISSION AND OFFERED TO YOU FOR CONSENT APPROVAL ON ALL THREE READINGS. YOU ITEM NUMBER 74 IS THE C-14-2008-0034, THE UNIVERSITY HILLS NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE BUILDING. STAFF IS REQUESTING A POSTPONEMENT OF THIS ITEM TO YOUR JUNE 5TH AGENDA. ITEM NUMBER 75 IS CASE C-14-2008-00013, THE WINDSOR ROAD NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE BUILDING OPT IN OPT OUT PROCESS FOR TRACTS 1 AND 2. THESE ARE PROPERTIES LOCATED ALONG WEST 35TH STREET. WE HAVE RECEIVED PETITIONS REGARDING THESE NOT ONLY FROM THE OWNERS OF PROPERTY, BUT ADJACENT PROPERTY OWNERS. AND I'LL BE REVIEWING THOSE, SO STAFF ARE REQUESTING FOR A POSTPONEMENT OF THESE. I'LL ADD THIS ITEM TO YOUR APRIL 24SS AGENCY. AGENDA. THAT'S ITEM NUMBER 75.

Mayor Wynn: THANK YOU, MR. GUERNSEY. A QUICK QUESTION, THOUGH. YOU SAID THAT ITEM 69 AND 70 WOULD BE DISCUSSION ITEMS. WE HAVE NO SPEAKERS SIGNED UP FOR EITHER OF THOSE. DO YOU STILL NEED TO DISCUSS THAT WITH US?

I WOULD IMAGINE THAT THE APPLICANT'S AGENT, MR. JIM BENNETT WOULD PROBABLY SPEAK TO THESE ITEMS. THEY WERE NOT RECOMMEND BY THE PLANNING COMMISSION, THEY WERE NOT RECOMMENDED BY STAFF. AND THE OWNER WOULD LIKE HIS REPRESENTATIVE, MR. BENNETT, WOULD PROBABLY LIKE TO SPEAK IN FAVOR OF BOTH OF THESE ITEM.

Mayor Wynn: THANK YOU. SO THE PROPOSED CONSENT AGENDA ON THESE CASE WHERE'S WE'VE YET TO CONDUCT THE PUBLIC HEARING WILL BE TO POSTPONE TO OUR APRIL 10TH, 2008 MEETING ITEMS 50 THROUGH 58. WE WILL NOTE THAT ITEM 59 HAS BEEN WITHDRAWN. WE WILL CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS ITEM NUMBER 60. WE WILL POSTPONE ITEMS 61 FOR ONE WEEK TO MARCH 27TH, 2008. WE WILL CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASES 62, 63, 64 AND 65. WE WILL BE APPROVING THE RESTRICTIVE COVENANT AMENDMENT FOR ITEM NUMBER 66. WE WILL POSTPONE ITEM 67 TO APRIL 24TH, 2008. WE WILL ALSO POSTPONE ITEM 72 TO APRIL 24TH, 2008. WE WILL CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASE NUMBER 73 AND WE WILL POSTPONE ITEM 74 TO JUNE FIFTH, 2008 AND POSTPONE ITEM 75 TO APRIL 24TH, 2008. I'LL ENTERTAIN THAT MOTION. MOTION BY COUNCILMEMBER MCCracken. SECONDED BY COUNCILMEMBER COLE TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

LET ME INTRODUCE MR. GEORGE ADAMS AND HE WILL BE PRESENTING THE SECOND AND THIRD READING ITEMS THAT ARE RELATED TO VERTICAL MIXED USE, STARTING WITH ITEM NUMBER 46.

AFTERNOON MAYOR AND COUNCIL, CITY MANAGER. GEORGE ADAMS, THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. THE SCOWP CLOSED THE -- THE CITY COUNCIL CLOSED THE PUBLIC HEARING AND APPROVED THIS ITEM ON FIRST READING ON FEBRUARY 14TH, 2008. AND THIS ITEM IS READY FOR SECOND AND THIRD READINGS. MAYOR, IF I MIGHT GO RIGHT INTO ITEM 47 AS WELL, I'LL PROVIDE A LITTLE ADDITIONAL INFORMATION ON THAT. THAT IS ZONING CASE C-14--2008-0002, THE NORTH LOOP VMU OPT IN, OPT OUT ZONING APPLICATION. SIMILARLY THE COUNCIL CLOSED THE PUBLIC HEARING ON THIS ITEM AND APPROVED IT ON FIRST READING. SINCE THAT TIME WE DID RECEIVE A PETITION FROM NEIGHBORS OF TRACTS 101 THROUGH 103, 105 THROUGH 1067. THAT PETITION DID NOT REACH THE 20% THRESHOLD. IT'S MY UNDERSTANDING THAT MR. SCOTT JOHNSON IS HERE AND WOULD LIKE TO SPEAK IF THE COUNCIL SEES FIT.

Dunkerley: I'M SORRY, GEORGE, WOULD YOU REPEAT THAT?

JUST TO REITERATE, THE PUBLIC HEARINGS FOR ITEMS 46 AND 47 ARE CLOSED. WE RECEIVED THE PETITION FROM NEIGHBORS OF SOME OF THE TRACTS THAT ARE RECOMMENDED FOR OPTING IN TO THE VMU ZONING. THE PETITION DID NOT MEET THE 20% REQUIREMENT, AND I JUST WANTED TO NOTE THAT MR. SCOTT JOHNSON IS HERE AND

WOULD LIKE TO SPEAK, BUT THE COUNCIL DID CLOSE THE PUBLIC HEARING ON FEBRUARY THE 14TH, 2008. SO AT THE COUNCIL'S LEISURE.

Dunkerley: THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? THOUGHTS, MOTIONS?

COUNCIL, YOU SHOULD HAVE RECEIVED SOME MOTION SHEETS, EIGHT AND A HALF BY 11, YELLOW MOTION SHEETS FOR ITEMS 46 AND 47.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: MAYOR, I THINK AS A COURTESY IT WOULD BE FINE IF WE HEARD IT FROM MR. JOHNSON IF HE WANTED TO SPEAK FOR THREE MINUTES.

Mayor Wynn: WITHOUT OBJECTION, COUNCIL, WE WELCOME MR. JOHNSON. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

IF THIS PROPOSED SOLUTION IS REAL AND EFFECTIVE, WE MUST SEE THE PERCEIVED ZONING CHANGE WHILE INCREASED TRAFFIC AS A RESULT OF ANY NEW DEVELOPMENT WOULD MAKE A BAD SITUATION WORSE. REZONE WILLING CARRY THE ADDITIONAL BURDEN OF OVERFLOW PARKING INTO ADJACENT ADDITIONAL STREETS. IT WILL CREATE ADDITION AT RISKS FOR WALKERS, BICYCLISTS AND NEIGHBORHOOD CHILDREN. THE SUPPORTING FOLKS ON THIS LIST HERE, I LIVE ON 55 1/2 STREET BUT ON THE SOUTH SIDE I WAS NOTIFIED OF VMU FOR THIS PLOT WAS NOW INCLUDED IN THIS PARTICULAR VALID PETITION, EVEN THOUGH I SIGNED IT BECAUSE OF THE 200-FOOT REQUIREMENT. I WOULD LIKE YOU TO REFERENCE THE WIDTH AND THE STREETS ON DOWN TO 55 1/2 STREET. THREE SUPPORTING HOMEOWNERS ON THE NORTH SIDE OF 55 1/2 STREET ARE EXCLUDED BY THE VALID PETITION PROCESS, NO REASON WAS GIVEN. I DIDN'T DEAL DIRECTLY ON THIS ISSUE, SO I DON'T KNOW. THE AREAS OF REMAINING VALID PETITIONERS IS CALCULATED AT 9.02%, THE LAND MASS IN THE 200-FOOT LINE, A GREAT DEAL OF THIS IS PUBLIC ROADWAY. [BEEPING]

PLEASE CONTINUE.

SORRY.

HAVE YOU CONCLUDED?

YES, THANK YOU.

THANK YOU. QUESTIONS FOR MR. JOHNSON, COUNCIL? COMMENTS? THANK YOU, SCOTT.

THANK YOU FOR YOUR TIME. I APPRECIATE IT.

I HAVE A MOTION. CAN WE DO A, IF WE WERE TO DO, WHAT I WOULD LIKE TO DO IS DO ITEMS ONE THROUGH FIVE TO APPROVE ON SECOND AND THIRD READING, OUR COUNCIL ACTIVITY ON THIRD READING OF SOMETHING THAT IS A POTENTIAL MOTION.

YES.

AND MOTIONS ONE AND TWO RELATE TO ITEM 46, MOTIONS THREE THROUGH FIVE RELATE TO ITEM 47.

OKAY, MAYOR, THAT WOULD BE MY MOTION. AND WHAT THAT DOES IS THAT DOES INCLUDE THE PROPERTIES ON NORTH LOOP THAT SOME NEIGHBORS HAD OPPOSED BY WHICH THE NEIGHBORHOOD ASSOCIATION FORMALLY REQUESTED BE OPTED IN, WHICH NEIGHBORHOOD AT A MEETING LAST WEEK REFUSED TO REMOVE AND DID NOT HAVE A VALID PETITION SO THOSE PROPERTIES WILL STAY IN UNDER MY MOTION WITH THE AFORDABLE HOUSING DENSITY BONUSES AS WELL.

MOTION BY COUNCIL MEMBER McCRACKEN. SECONDED BY THE MAYOR PRO TEM. TECHNICALLY, MR. ADAMS IS THIS A COMBINED 46 AND 47?

YES, MAYOR, THAT IS CORRECT.

OKAY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

ITEM 48 IS CASE C 14-2007-0258, THE EAST MLK COMBINED NEIGHBORHOOD PLANNING OPT IN, OPT OUT. AT THE FEBRUARY 28 COUNCIL MEETING, THE COUNCIL APPROVED VMU ZONING AND ALL RELATED DEVELOPMENT STANDARDS FOR TRACTS ONE THROUGH 20 AND CLOSED THE PUBLIC HEARING.

AND MAYOR AND COUNCIL, THE INDIVIDUAL THAT WE THOUGHT WAS HERE ON BEHALF OF THE NEIGHBORHOOD WAS ACTUALLY HERE FOR THE MLK STATION AREA PLAN ON THIS PARTICULAR ITEM SO WE CAN ASK ONCE AGAIN BUT I DON'T BELIEVE THERE IS ANYONE HERE FOR THIS ITEM THAT IS IN THE AUDIENCE. THIS WOULD BE THE ITEM NUMBER 48, CASE C14-2007-0258, EAST MLK VERTICAL MIXED USE REZONING ITEM AND THIS IS WHERE COUNCIL HAD APPROVED INCLUSION OF ALL THESE TRACTS AT FIRST READING. WE DID CONTACT NEIGHBORHOOD REPRESENTATIVES, INFORMED THEM OF THE MEETING, AND UNLESS SOMEONE JUST WALKED IN, I'M NOT AWARE OF ANYONE BEING HERE TONIGHT TO SPEAK, WHY THEY WANTED TO EXCLUDE THEM.

QUESTIONS OF STAFF, COUNCIL? COMMENTS?

MAKE A MOTION?

COUNCIL MEMBER, McCRACKEN.

MAYOR, I WILL MOVE TO APPROVE ON SECOND AND THIRD READINGS WHAT THE COUNCIL APPROVED ON FIRST READING WHICH IS TO HAVE THE PROPERTIES IN THE OVERLAY WITH THE AFFORDABLE HOUSING DENSITY BONUSES AND THE AFORD. LEVEL SET AT 60 I'M SORRY -- AFOUNDABLE LEVEL SET AT 60%.

FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

THAT TAKES US TO ITEM 49 WHICH IS ZONING CASE C14-2007-0235, JUDGE'S HILL VMU, OPT IN, OPT OUT ZONING APPLICATION. AT THE COUNCIL'S JANUARY 31 HEARING, THE COUNCIL APPROVED THE AM INDICATION OF VMU ZONING AND ALL RELATED STANDARDS TO TRACTS ONE THROUGH FOUR. THE NEIGHBORHOOD HAD RECOMMENDED EXCLUDING THOSE TRACTS FROM THE VMU OVERLAY DISTRICT AND WE HAVE VALID PETITIONS FROM THE PROPERTY OWNERS OF TRACTS ONE THROUGH THREE IN OPPOSITION TO THAT NEIGHBORHOOD RECOMMENDATION. THIS CASE IS READY FOR SECOND AND THIRD READINGS.

THANK YOU, MR. ADAMS. QUESTIONS OF STAFF? COUNCIL? COUNCIL MEMBER LEFFINGWELL.

THIS IS NOT FOR STAFF BUT I KNOW THE PUBLIC HEARING IS CLOSED BUT I KNOW WE HAVE A REPRESENTATIVE FROM THE NEIGHBORHOOD HERE AND I WOULD LIKE TO ASK HIM A QUESTION ABOUT HOW THIS VMU WOULD AFFECT THEIR HISTORIC DISTRICT PLAN, IF I MIGHT.

MAYOR, AND COUNCIL MEMBER, I'M BOB SWAFFER, PRESIDENT OF THE JUDGE'S HILL NEIGHBORHOOD ASSOCIATION. I HAVE A LITTLE PRESENTATION OF THE AFFECTS OF THIS VMU DECISION ON OUR RESPECTIVE PROSPECTS FOR OUR DISTRICT. WE HAVE SUGGESTED THE CASE WE'RE TALKING ABOUT IS THE PEARL STREET INN, AND THIS WAS A HOUSE THAT WAS BUILT BY ONE OF THE JUDGES THAT WAS RESPONSIBLE FOR OUR NEIGHBORHOOD, OUR NEIGHBORHOOD NAME. AND JUST, IF I MIGHT REITERATE THE THREE POINTS WE HAD MADE IN THIS CASE, WHEN THE TASK FORCE THAT APPROVED THE TRANSIT CORRIDORS CAME UP WITH A DECISION ABOUT WHAT THE TRANSIT CORRIDORS WERE AND THE TASK FORCE HAD DECIDED WHICH WERE VMU-ELIGIBLE PROPERTIES, MADE A DECISION AND THOSE DECISIONS DIDN'T MATCH UP VERY WELL. SO THAT THIS PROPERTY PROBABLY WOULDN'T HAVE BEEN INCLUDED IN A VMU IF THE TWO TASK FORCES HAD COMMUNICATED WELL. THE SECOND POINT WAS THAT THIS BUILDING IS A GATEWAY TO OUR HISTORIC DISTRICT. WE'RE NOT PROPOSING THAT IT IS AN HISTORIC HOUSE BUT IT IS CERTAINLY A CONTRIBUTING PROPERTY. AS MISS BICFORD'S OWN WEB SITE SAYS, SHE

METICULOUSLY RESTORED AND BROUGHT UP-TO-DATE WHILE MAINTAINING THE HISTORIC INTEGRITY OF THIS BUILDING. AND THE THIRD POINT THAT WE HAD MADE WAS THAT THE SINGLE FAMILY HOUSING NEXT DOOR WAS GLOSSED OVER IN THE FIRST HEARING, AND MISS BICFORD'S REPRESENTATIVE INDICATED THAT IT WAS ALL MULTIFAMILY IN THE NEIGHBORHOOD, RIGHT NEXT TO IT. BUT THERE IS A SINGLE FAMILY HOUSE RIGHT NEXT TO IT. BUT IN CONSIDERING A HISTORIC DISTRICT IN THIS AREA, HERE IS A MAP OF THE AREA. MOSTLY, WE WERE TALKING ABOUT A DISTRICT THAT GOES FROM THE MANSION AT JUDGE'S HILL DOWN TO THE HIGH SCHOOL, THE AUSTIN HIGH SCHOOL. AND THE MANAGEMENT AND OWNERSHIP OF THE MANSION AT JUDGE'S HILL ARE VERY INTERESTED IN BEING INCLUDED IN OUR DISTRICT. SO THE -- THE NEXT SLIDE, PLEASE. FROM THIS GENERAL AREA, WE MIGHT START WITH A DISTRICT THAT LOOKS SOMETHING LIKE THIS CONCENTRATING ALONG WEST AVENUE AND RIO GRANDE AND THEN MOVING OVER INTO THE JUDGE'S HILL NEIGHBORHOOD ALONG 16th, 17th AND 18th STREET AND MARTIN LUTHER KING. NEXT SLIDE, PLEASE. AFTER THAT GENERAL PLAN, WHICH WOULD INCLUDE SOME PROPERTIES THAT AREN'T GOING TO BE CONTRIBUTING, WE KNOW THAT THERE ARE ABOUT 14 OR 15 HISTORIC BUILDINGS ALREADY AND THESE ARE ALREADY AUSTIN LANDMARK BUILDINGS IN THIS AREA, AND THERE ARE MANY ADDITIONAL CONTRIBUTING BUILDINGS. NOW, ALONG THE EDGES OF THAT GENERAL OUTLINE, THERE ARE SOME NONCONTRIBUTING PROPERTIES THAT WOULD PROBABLY NEED TO BE CARVED AWAY AND SOME ADDITIONAL ADJACENT BUILDINGS THAT MIGHT BE INCLUDED. NEXT SLIDE, PLEASE. NOW, HERE IS THE PROPERTY WE'RE TALKING ABOUT AT PEARL STREET. NOW, IF WE TAKE THAT -- NEXT SLIDE, PLEASE. IF WE TAKE THAT PIECE OUT, THEN WE'RE CARVING AWAY A LITTLE BIT AT THE NORTHEAST CORNER THERE, NORTHWEST WORTNER, PARDON ME, BUT THAT EXPOSES TO THE PERIPHERY SOME NONCONTRIBUTING PROPERTIES WHICH WE WOULD PROBABLY WANT TO CARVE OUT TOO, SO WE'RE LOSING A LOT OF OUR DISTRICT ALREADY. THEN IF WE CONSIDER THE OTHER TWO PROPERTIES THAT ARE IN THE VMU DESIGNATION, WE CARVE THOSE OUT, THEN NOW THE MANSION AT JUDGE'S HILL IS NO LONGER CONTIGUOUS TO OUR HISTORIC DISTRICT. SO THIS IS WHAT WE END UP WITH, WE HAVE TO LEAVE THAT IMPORTANT BUILDING OUT OF THE DISTRICT. SO IF WE START FROM HERE, THE VMU CONSEQUENCES THAT WE END UP WITH THE SLIDE ON THE LEFT SIDE. NOW, FINALLY, I HAVE THIS IMAGE OF THIS OLD WEST AUSTIN DOWNTOWN HILL. THE BUILDING THAT WE SEE PROMINENTLY THERE IS THE WESTHILL BUILDING, IT IS AN ABNER COOK BUILDING, WE ALL KNOW ABNER COOK IS THE MOST IMPORTANT DESIGNER AND BUILDING IN AUSTIN HISTORY. HIS WESTHILL BUILDING ON 17th AND WEST AVENUE, AND TO THE RIGHT OF THAT WE HAVE THE MANSION SO THESE WERE A PART OF THE FOUNDATIONS OF THAT NEIGHBORHOOD. AND IF VMU IS APPROVED FOR THESE FOUR PROPERTIES, WE ARE GOING TO HAVE TO CUT THE MANSION OUT OF THE PICTURE. SO I ASK THAT YOU GIVE US A CHANCE TO MAKE AN HISTORIC DISTRICT THAT INCLUDES THE MANSION AT JUDGE'S HILL AS AN IMPORTANT FEATURE, AND AGREE WITH THE NEIGHBORHOOD AND SOME 300 PEOPLE THAT SIGNED OUR PETITIONS, THAT WE NEED TO KEEP THE PEARL STREET INN AS PART OF THIS IMPORTANT HISTORIC DISTRICT. THANK

YOU.

THANK YOU, BOB. QUESTIONS FOR BOB, COUNCIL? COUNCIL MEMBER LEFFINGWELL.

SO YOU MENTIONED SPECIFICALLY THE PEARL STREET INN PROPERTY, AND WHICH I UNDERSTAND HAS POTENTIALLY HISTORIC VALUE ANYWAY, AND ALSO A POSSIBLE LINK TO THE NORTH SIDE OF MLK TO PICK UP JUDGE'S HILL, WHICH OBVIOUSLY HAS HISTORIC VALUE.

EXACTLY.

ARE THE OTHER PROPERTIES INVOLVED IN THIS LINK ALSO?

WELL, IF WE ELIMINATE ALL FOUR PROPERTIES THEN THERE IS NO WAY TO GET THERE. WE DO NEED TO KEEP SOME OF THOSE PROPERTIES. AND IN ORDER TO ESTABLISH THE CONTINUITY OF THE DISTRICT --

SO IF YOU KEPT THE PEARL STREET INN PROPERTY, AND I DON'T KNOW WHAT THE LOT NUMBERS ARE THERE.

THOSE ARE ONE AND TWO.

ONE AND TWO. AND THREE AND FOUR WERE CONVERTED TO VMU, OPT IN FOR VMU, THAT WOULD STILL BASICALLY LEAVE YOUR HISTORIC DISTRICT IN TACT.

I THINK SO.

POTENTIAL FOR IT.

I THINK SO.

THANK YOU.

FURTHER QUESTIONS, COMMENTS? COUNCIL MEMBER McCracken.

I JUST WANTED TO MAKE SURE I UNDERSTOOD WHAT THE REQUEST FROM JUDGE'S HILL IS, AND IT IS TO KEEP ONE AND TWO OUT OF THE OVERLAY AND IT IS OKAY TO HAVE THREE AND FOUR IN?

WELL, OUR ORIGINAL CHOICE WAS TO KEEP ALL FOUR OF THEM OUT, BUT I FEEL LIKE THE TWO PROPERTIES AT PEARL STREET ARE SORT OF THE LINCHPIN, IF THEY GO, THEN PROBABLY THE MANSION HAS TO GO TOO.

OKAY. SO THOSE TWO PROPERTIES ARE ONE AND TWO.

THOSE ARE ONE AND TWO.

OKAY, GREAT. THANKS.

THANK YOU, BOB. COMMENTS, QUESTIONS? COUNCIL MEMBER KIM. I SHOULD HAVE A COUPLE MORE QUESTIONS OF STAFF. I DON'T SEE MR. SOBOWSKI HERE, WE WERE FINALLY ABLE TO GET OUR FIRST HISTORIC DISTRICT APPROVED JUST LAST MEETING. DO WE KNOW FOR A FACT THAT YOU COULD NOT HAVE A NONCONTIGUOUS TRACT IN A HISTORIC DISTRICT?

MAYOR, I DO NOT KNOW. I DON'T HAVE THE ANSWER TO THAT. I DON'T KNOW IF -- LOOKS LIKE MR. RUSTHOVEN MIGHT BE ABLE TO SPEAK TO YOUR QUESTION.

IT LOOKS LIKE IT IS POSITIVABLE TO HAVE A NONCONTIGUOUS TRACT IN A HISTORIC DISTRICT.

QUESTIONS OF STAFF, COUNCIL? COUNCIL MEMBER KIM.

I WOULD LIKE TO MAKE A MOTION FOR APPROVING THE VMU BUT TO OPT IN THE PARKING LOTS AND DENY THE BED AND BREAKFAST.

THAT WOULD BE MAINTAINING, EXCLUDING TRACTS ONE AND TWO FROM THE VMU OVERLAY DISTRICT BUT APPLYING THE VMU STANDARDS TO TRACTS THREE AND FOUR.

MOTION BY COUNCIL MEMBER KIM, SECONDED BY COUNCIL MEMBER LEFFINGWELL, TO EXCLUDE TRACTS ONE AND TWO IN THE VMU OVERLAY. THIS IS FOR SECOND AND THIRD READING, COUNCIL MEMBER?

YES.

MAYOR, I JUST WANTED TO POINT OUT THERE IS A VALID PETITION ON TRACTS ONE THROUGH THREE.

RIGHT. AND SO ON TRACTS ONE, TWO AND THREE IT WOULD TAKE SIX AFFIRMATIVE VOTES.

MORE SPECIFICALLY ON TRACTS ONE AND TWO.

CORRECT, SINCE THAT WAS THE MOTION, RIGHT. OKAY.

I'VE GOT A QUESTION.

COUNCIL MEMBER McCRACKEN.

MY UNDERSTANDING FROM THE FIRST READING WAS THAT WE WOULD BE INCLUDING THE AFFORDABLE HOUSING DENSITY BONUS WITH AN 80% MFI. IS THAT PART OF THE MOTION FOR TRACTS THREE AND FOUR.

FOR AFFORDABILITY, YES.

AND MOTION TO SECOND ON THE TABLE, FOR SECOND AND THIRD READING, EXCLUDING TRACTS ONE AND TWO. FURTHER COMMENTS. COUNCIL MEMBER McCRACKEN.

MAYOR, I'M GOING TO SUPPORT THE MOTION AND SPEAK TO THE REASON WHY. WHEN WE WERE WORKING ON IMPLEMENTING BUSINESS IN CENTRAL TEXAS, WE TOOK TWO MAJOR ACTIONS, ONE OF WHICH WAS THE SO-CALLED McMANSION ORDINANCE REALLY TO PROTECT THE PLACES WE LOVE. AND GIVE OUR COMMUNITY ITS CHARACTER AND A PART OF OUR CULTURAL HERITAGE. AND THE SECOND PART WAS THE VERTICAL MIXED USE OVERLAY IN THE DOWNTOWN AREA TO PROMOTE THE REDEVELOPMENT OF PLACES THAT WERE SEEKING TO PROMOTE REDEVELOPMENT IN LARGE PART SO WE CAN PLAN FOR THE FUTURE SO WE CAN ACCOMMODATE ALL THE NEW RESIDENTS MOVING INTO THIS AREA WITHOUT MINIMIZING URBAN SPRAWL AND PROVIDING AFFORDABLE HOUSING IS A BONUS FOR THAT. I DON'T THINK TRACKS ONE AND TWO ARE FITTING INTO THE CATEGORY WE ARE TRYING TO PROMOTE DEVELOPMENT OF. SO AS THE McMANSION ORDINANCE, WE ACTUALLY TOOK MEASURES THAT WERE NOT A USE OF HISTORIC ZONING BUT WERE DESIGNS TO REMOVE INCENTIVES IN OUR CODE TOWARD THE TEARING DOWN OF PLACES WE LOVED, EVEN THOUGH THEY WEREN'T HISTORIC. I THINK THAT SAME PHILOSOPHY APPLIES HERE, JUDGE'S HILL, WHERE TRACT THREE ARE FOUR ARE PARKING LOTS, WE ARE NOT TRYING TO SAVE THOSE, THEY ARE PERFECT FOR INFILL, BUT TRACTS WE LOVE THAT ARE GIVING THE COMMUNITY CHARACTER AND PLACES WE ARE TRYING TO PROTECT. THAT IS WHY I BELIEVE THIS IS A GOOD EFFECTIVE USE OF THIS TOOL BY THE JUDGE'S HILL NEIGHBORHOOD ASSOCIATION TO IDENTIFY PLACES THAT, WHILE ON A CORE TRANSIT CORRIDOR, OUR ACTUAL TRACTS WE ARE NOT TRYING TO PROMOTE THE REDEVELOPMENT OF.

FURTHER COMMENTS? COUNCIL MEMBER LEFFINGWELL.

I WILL SAY I AGREE WITH COUNCIL MEMBER McCRACKEN'S ASSESSMENT OF THAT, AND ALSO, THERE HAS BEEN SOME INDICATION THAT THE PEARL STREET INN MAY POSSIBLY BE AN HISTORIC STRUCTURE, NOT JUST A PLACE WE LOVE BUT HISTORIC AND WHILE TECHNICALLY IT MAY BE POSITIVABLE TO HAVE A NONCONTIGUOUS HISTORIC DISTRICT, IT DOESN'T SEEM TO BE A VERY VIABLE PROPOSITION TO ME SO I WILL, OBVIOUSLY SINCE I SECONDED IT, SUPPORT THE MOTION.

MAYOR PRO TEM.

I TOOK A LONG HARD LOOK AT THIS PARTICULAR STRUCTURE FROM THE PERSPECTIVE OF IS THIS A HISTORIC LAND MARK, AND FROM THE RESEARCH THAT DID, IT LOOKS LIKE PROBABLY EVERY PART OF THAT STRUCTURE HAS BEEN CHANGED AND IT HAS BEEN CHANGED TO THE EXTENT THAT I DON'T FEEL THAT IT COULD POSSIBLY REACH THE LEVEL OF A HISTORIC LAND MARK IN THAT AREA. I DO THINK THERE IS A GREAT DEAL OF THAT AREA THAT IS, WOULD MAKE A VERY IMPORTANT HISTORIC DISTRICT, AND I WOULD ENCOURAGE THAT NEIGHBORHOOD TO REALLY NOT DELAY BUT GET STARTED ON IT RIGHT AWAY, EVEN IF YOU DON'T TAKE THE WHOLE THING AT ONE TIME BUT JUST TAKE IT EVEN BLOCK BY LOOK BLOCK SO YOU GET THOSE IN PLAY BEFORE OTHER CHANGES COME ALONG. ON THIS PARTICULAR ONE, I AM NOT GOING TO SUPPORT THE OPTING OUT OF THAT STRUCTURE ON MLK. I DO THINK THAT IT'S -- THE STREET DOESN'T NARROW UNTIL HALFWAY THROUGH THE PROPERTY AND I THINK THAT YOU COULD HAVE A VERY GOOD HISTORIC DISTRICT WITHOUT THAT PROPERTY INCLUDED AND I DO NOT THINK IT COULD POSSIBLY REACH THE LEVEL OF AN HISTORIC LANDMARK.

COUNCIL MEMBER MARTINEZ.

YEAH, I ALSO WILL NOT BE SUPPORTING THE MOTION. I THINK WE'VE GONE THROUGH LONG PROCESS AS COUNCIL MEMBER McCRACKEN STATED IN TRYING TO IDENTIFY THE BEST PLACES WHERE WE CAN ACCEPT SOME DENSITY IN OUR COMMUNITY. THE CITY GROWS BY 8% A YEAR FOR THE LAST 12 YEARS RUNNING AND THESE FOLKS ARE MOVING SOMEWHERE. WE WENT THROUGH A LONG PROCESS AND I KNOW IT IS STILL DIFFICULT FOR NEIGHBORHOODS TO ACCEPT AND UNDERSTAND WHAT WE, AS A COUNCIL, DID WITH VMU, BUT JUST LIKE ON EAST 6th STREET, AND NOW EAST MLK, WE'RE ASKING THOSE COMMUNITIES TO HELP US ACCEPT THE DENSITY AND THE DEVELOPMENT THAT WE BELIEVE IS ACCEPTABLE. IT IS ADJACENT TO NEIGHBORHOODS. AND THERE ARE MANY FOLKS IN THOSE COMMUNITIES WHO AREN'T NECESSARILY HAPPY ABOUT IT, BUT WE HAVE TO, I THINK WE HAVE TO TAKE POSITIONS THAT SPEAK TO THE POLICIES THAT WE'VE ADOPTED AND SO I'M GOING TO BE VOTING AGAINST THE MOTION.

THANK YOU. FURTHER COMMENTS? QUESTIONS? COUNCIL MEMBER McCRACKEN. COLE.

I THINK THIS IS A DIFFICULT CASE BECAUSE I ACTUALLY RECOGNIZE THE HARD WORK THE NEIGHBORHOOD HAS BEEN GOING THROUGH TRYING TO DECLARE IT A HISTORIC DISTRICT, AND WHILE I SYMPATHIZE WITH THE LAND OWNER, I THINK THAT WE HAVE TO GO AND GIVE RESPECT TO THE NEIGHBORHOODS AND THE WORK THAT THEY DO IN TRYING TO DESIGNATE CERTAIN PORTIONS OF THE AREA, HISTORIC AND WHAT SHOULD AND SHOULD NOT BE DEVELOPED SO I WILL BE SUPPORTING THE MOTION.

COUNCIL MEMBER McCRACKEN, DID YOU HAVE A COMMENT?

WELL, MAYOR, JUST READING THE TEA LEAVES FOR STARTERS IT MIGHT BE HELPFUL TO GET GUIDANCE WHERE YOU ARE BECAUSE THAT MIGHT AFFECT IF WE HAVE A LIMBO-LAND FOR DEFEAT OF A A MOTION VERSES A MOTION THAT IS APPROVED WITHOUT HITTING THE VALID PETITION THRESHOLD.

WELL, AS I READ THE COMMENTS EARLIER, WE HAVE TWO FOLKS NOT SUPPORTING THE MOTION, SO WITH A VALID PETITION, THAT WOULD DEFEAT THE MOTION. I WILL SAY, I TOO WILL ALSO NOT BE SUPPORTING THE MOTION. I KNOW THIS IS A REAL GRAY AREA, I KNOW THAT BLOCK WELL, AND MY FUNDAMENTAL DRIVING POLICY IS THAT WE HAVE TO, AS A COMMUNITY, ULTIMATELY RECOGNIZE THAT THERE NEEDS TO BE APPROXIMATELY 250,000 ADDITIONAL HOUSING UNITS BUILT IN THIS CITY OVER THE NEXT 25 TO 40 YEARS, AND SO WE -- 40 YEARS, SO WE'VE IDENTIFIED OUR CORE TRANSIT CORRIDORS AND THIS TRACT IS RIGHT WHERE THAT CORE TRANSIT CORRIDOR ENDS, AND I HAVE TO DEFAULT TO THAT, YOU KNOW, TO THAT LARGER POLICY. I ALSO RECOGNIZE SOME ECONOMIC HARDSHIP PERHAPS FOR THAT PROPERTY OWNER, BUT WITH, I ASKED THE QUESTION PUBLICLY BECAUSE I'VE BEEN TOLD THIS PRIVATELY AS WELL THAT THE OLD HOUSE COULD BE INCLUDED IN HISTORIC DISTRICT EVEN THOUGH IT IS NOT CONTIGUOUS AND MY INSTINCT IS WITH THE CORNER, TWO BLOCK LOTS THREE AND FOUR, LIKELY BEING REDEVELOPED OFF SOME PERIOD OF TIME TO A PROXIMATE MAXIMUM USE, VISUALLY THAT SETS THE TONE FOR THE REST OF THAT PROPERTY ON MLK. SO ULTIMATELY, I ALSO WON'T BE SUPPORTING THIS MOTION. I GUESS MY QUESTION TOO MR. KNUCKLES THEN, PERHAPS, SO IF -- I WILL CALL FOR THE VOTE HERE IN A MINUTE, BUT IF THERE AREN'T SIX AFFIRMATIVE VOTES FOR THIS MOTION, WILL WE NEED TO REVOTE IN ANYWAY OR WOULD THAT SIMPLY NOT INCLUDE TRACTS ONE, TWO, THREE AND FOUR -- I'M SORRY, OR WOULD INCLUDE TRACTS ONE, TWO, THREE AND FOUR IN THE VMU OVERLAY?

MY SUGGESTION WOULD BE IF THE MOTION FAILS, HOPEFULLY THERE WOULD BE A SECOND MOTION DEALING WITH TRACTS THREE AND FOUR. IT SEEMS LIKE THERE ARE NO HURDLES TO TAKING THE ACTION ON THREE AND FOUR. THERE IS ONLY A HURDLE ON EXCLUDING ONE AND TWO.

MR. KNUCKLES.

MAYOR.

COUNCIL MEMBER?

THE QUESTION I HAVE, THE QUESTION ON THE TABLE IS, I MEAN, WE'VE ADOPTED VMU. THIS IS AN OPT-IN OR OPT-OUT QUESTION IN MY MIND. SO THE WAY I ENVISION THIS IS THE QUESTION TO OPT OUT OF TRACTS ONE AND TWO OUT OF ONE, TWO, THREE AND FOUR AND IF THE MOTION FAILS THE OVERLAY IS IN EXISTENCE.

COUNCIL MEMBER KIM.

MY UNDERSTANDING IS THE VMU EXTRAS, THE DENSITY BONUS, THEY CANNOT VALID PET SO THAT ONLY RE -- PETITION THAT SO THAT ONLY REQUIRED FOUR VOTES S. THAT CORRECT? THE DENSITY BONUS, NOT THE OVERLAY.

THAT'S CORRECT.

SO IF THIS FAILS QUO WE COULD TAKE A SEPARATE MOTION TO INCLUDE THEM IN THE OVERLAY BUT NOT DO THE DENSITY BONE NUT.

THAT WOULD BE -- BONUS.

THAT WOULD BE MY INTERPRETATION.

LET'S TAKE THIS ONE STEP AT A TIME. WE HAVE A MOTION AND A SECOND ON THE TABLE TO EXCLUDE TRACTS ONE AND TWO FROM THE VMU OVERLAY. ALL IN FAVOR OF THAT MOTION, PLEASE SAY AYE.

AYE.

ALL OPPOSED? NO SO THE MOTION FAILS BECAUSE OF THE VALID PETITION, ALTHOUGH MOTION FOUR IN FAVOR, THREE OPPOSED, THOSE OPPOSITION BEING THE MAYOR PRO TEM, THE MAYOR AND COUNCIL MEMBER MARTINEZ, SO BY THAT VOTE, TRACTS ONE, TWO AND ACTUALLY THREE AND FOUR ARE -- CONTINUE TO BE INCLUDED IN THE VMU OVERLAY. I'LL ENTERTAIN ANOTHER MOTION IF COUNCIL WANTS TO TRY TO CONFIRM ANY ADDITIONAL CONDITIONS. IF YOU CAN HELP US, SO WHAT ARE THE VMU CONDITIONS NOW ON TRACTS ONE, TWO, THREE AND FOUR?

THE OPTIONS ARE THE DIMENSIONAL STANDARDS, WHICH INCLUDE FOUR SITE DEVELOPMENT STANDARDS, FLOOR TO AREA RATIO, FRONT AND SIDE SET BACKS, MINIMUM SITE AREA, AND -- I'M DRAWING A BLANK ON THE FOURTH ONE.

AFFORDABILITY?

THAT IS ASSOCIATED WITH THOSE DIMENSIONAL STANDARDS. THE SECOND PACKAGE IS THE PARKING REDUCTION AND THE THIRD PACKAGE IS THE ADDITIONAL USES IN OFFICE ZONING DISTRICTS WHICH COULD APPLY IN THIS CASE BECAUSE THE PROPERTIES ARE, I BELIEVE, LO OR GO. SO PERHAPS A MORE SHORTHAND WAY OF REFERENCES AND THE WAY WE'VE BEEN TRYING TO DO IT IN THE MOTION SHEETS IS IS REFERRING TO THEM AS ALL VMU-RELATED STANDARDS.

SO NOW THAT THAT LAST VOTE FAILED TO HAVE AN IMPACT, ALL OF THOSE VMU

STANDARDS APPLY TO THOSE FOUR TRACTS THAT ARE ON MLK?

MY SENSE IS THAT IT WOULD BE CLEARER IF THE COUNCIL TOOK ACTION TO SPEAK TO THAT ISSUE.

SO COUNCIL, WE HAVE TRACTS HERE THAT CURRENTLY ARE IN THE VMU OVERLAY. I WILL -- COMMENTS OR MOTIONS REGARDING THOSE PARAMETERS? COUNCIL MEMBER McCracken.

I WILL STEP IN HERE. I WILL MOVE TO INCLUDE THE AFFORDABLE HOUSING DENSITY BONUSES ON ALL FOUR TRACTS. MY REASONING IS THIS: WHILE I DID NOT SUPPORT HAVING TRACTS ONE AND TWO IN THE OVERLAY, IF THEY ARE TO BE REDEVELOPED I DO WANT TO MAXIMIZE THE AMOUNT OF AFFORDABLE HOUSING AVAILABLE IN THIS COMMUNITY AND THIS IS TO DATE ONE OF OUR TWO, AMONG THE AFFORDABLE HOUSING INCENTIVE TASK FORCE, ONE OF OUR TOOLS FOR REDEVELOPMENT.

A MOTION BY COUNCIL MEMBER McCracken, SECONDED BY COUNCIL MEMBER COLE, TO INCLUDE THE AFFORDABLE HOUSING PARAMETERS AS PART OF THIS VMU OVERLAY ON TRACTS ONE THROUGH FOUR. COUNCIL MEMBER KIM.

I HAVE A QUESTION ABOUT THE AFFORDABLE HOUSING PART. SO TO TAKE ADVANTAGE OF THE AFFORDABLE HOUSING THEN, THEY HAVE TO INCREASE THEIR HEIGHT, BUT IF THEY DON'T EXERCISE AFFORDABLE HOUSING DENSITY BONUS, THEN WHAT ARE THEY CAST AT?

UNDER ANY SCENARIO THE BUILDING HEIGHT REMAINS THE SAME, IT IS DETERMINED BY THE BASE BUILDING UNIT. ADDITIONAL FLOOR TO AREA RATIO, THE SET BACKS ARE RELAXED, BUILDING COVERAGE IS ELIMINATED, IMPERVIOUS COVER COMPATIBILITY AND BUILDING HEIGHTS STILL APPLY.

SO THEN, IF THEY -- IF THIS PASSES WHERE, LET'S SAY THERE IS AFFORDABLE HOUSING BONUS, YOU SAY THE FAR WOULD INCREASE AND THE HEIGHT WOULD INCREASE?

NOT NECESSARILY, THE HEIGHT WOULD STILL BE DETERMINED BY THE BASE ZONING DISTRICT.

IS THAT 60 FEET NOW?

I BELIEVE IN THESE -- I NEED TO CHECK THE ZONING ON THESE PROPERTIES. I APOLOGIZE. I BELIEVE THEY ARE ZONED LO AND GO, SO IT WOULD BE 40 FEET.

40 FEET. SO IF THEY WANT TO GO TO 60 FEET, THEN THEY WOULD PUT IN AFFORD HOUSING AT 10%?

NO, THEY COULDN'T DO THAT UNDER THE VMU BONUSES. THE VMU, I GUESS, PACKAGE OF DENSITY BONUSES DOES NOT INCLUDE ADDITIONAL HEIGHT. IT HAS TO BE DONE IN THE BASE DISTRICT ZONING HEIGHT SOME OF IF THEY ARE LIMITED TO 40 FEET PRE-VMU, THEY WOULD BE LIMITED TO 40 FEET POST-VMU. THEY COULD, PERHAPS THE ENVELOPE WHICH THEY CAN PUT RESIDENTIAL UNITS MIGHT BE LARGER BECAUSE WE ARE INCREASING THAT FLOOR TO AREA RATIO, BUT IT WOULDN'T BE TALLER.

IT WOULDN'T BE TALLER.

RIGHT.

THEY WOULD STAY AT 40 FEET THEN.

THAT IS CORRECT.

MY UNDERSTANDING IS THEY WOULD INCREASE TO 60 FEET WITH THE VMU.

NO.

OKAY.

COUNCIL MEMBER LEFFINGWELL.

IT WAS MENTIONED THAT THIS TRACT, ONE AND TWO, IS ADJACENT TO A SINGLE FAMILY THREE AREA NEIGHBORHOOD, SO HOW WOULD THAT AFFECT THE BUILDING HEIGHT?

IT WOULD STILL BE -- COMPATIBILITY STANDARDS WOULD STILL APPLY AND SIMILARLY TO THE BASE DISTRICT ZONING HEIGHT, THE IMPACT OF COMPATIBILITY PREVMU IS THE SAME POST-VM SO COMPATIBILITY WOULD IMPOSE THE SAME RESTRICTION WITH OR WITHOUT THE ZONING RESTRICTION.

THAT IS CREDIT CARD.

-- THAT IS CORRECT.

WE HAVE A MOTION AND SECOND ON THE TABLE, CLARIFYING THE AFFORDABILITY PARAMETERS OF THE VMU OVERLAY FOR TRACTS ONE THROUGH FOUR. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

MAYOR, I THINK, I'LL YIELD TO MR. GUERNSEY HERE.

COUNCIL, YOU ARE ON A VMU ROLL. IF YOU LIKE WE CAN JUMP ROSEDALE AND COME BACK

TO THE OTHER TWO ITEMS SO IF YOU WANT TO CONTINUE WITH THAT I CAN LET GEORGE PRESENT THIS LAST ONE AND WE CAN GO BACK TO THOSE OTHER TWO ITEMS.

WITHOUT OBJECTION, COUNCIL? ITEM 71 IT IS.

THANK YOU.

ITEM 71 IS CASE C14-2008-0004, THE ROSEDALE NEIGHBORHOOD OPT-IN, OPT-OUT APPLICATION. IF WE CAN PUT THE MAP UP, I THINK WE CHANGED THE ORIENTATION THERE. THANK YOU. THE ROSEDALE PLANNING AREA IS BOUND BY WEST LOOP BOULEVARD ON THE NORTH MOPAC EXPRESS WAY ON WEST 38th STREET ON THE SOUTH AND NORTH LAMAR ON THE EAST. THE ROSEDALE PLANNING AREA HAS THREE TRANSIT CORRIDORS, NORTH LAMAR BOULEVARD, NORTH BURNET ROAD AND 45th STREET. THE PLANNING AREA IS APPROXIMATELY 32.8-ACRES ON 28 TRACTS. THE APPLICATION FOR THIS AREA WAS SUBMITTED BY THE ROSEDALE RIDGE AND OAKMONT HEIGHTS NEIGHBORHOOD ASSOCIATIONS AND IS GENERALLY VERY SUPPORTIVE OF VMU. THEY DO HAVE SOME CONDITIONS THEY ARE RECOMMENDING ON SOME OF THE TRACTS AND I WILL COVER THOSE SPECIFICALLY. FIRST RECOMMENDATION IS TO EXCLUDE TRACTS ONE THROUGH FOUR, EIGHT THROUGH 10, AND 23 THROUGH 25 FROM THE VMU OVERLAY DISTRICT AND THIS INCLUDES A TOTAL OF ABOUT 4.29-ACRES. THE SECOND RECOMMENDATION IS TO APPROVE VMU ZONING AND APPLY ALL VMU-RELATED STANDARDS, WHICH INCLUDE THE DIMENSIONAL STANDARDS, THE PARKING REDUCTION AND THE ADDITIONAL USES AND OFFICE DISTRICTS TO TRACKS 5 THROUGH 7 AND 11 THROUGH 1 AND THIS TOTALS APPROXIMATELY 4.6-ACRES. FURTHER RECOMMENDATION IS TO APPROVE THE VMU ZONING AND APPLY THE USES IN OFFICE DISTRICTS AND A REQUIREMENT FOR AN EIGHT-FOOT-HIGH SOLID WALL ALONG ADJACENT RESIDENTIALLY ZONED PROPERTY LINES THAN WOULD APPLY TO TRACTS 18 AND THROUGH 27. THE VMU WILL APPLY THE STANDARDS AND USES IN OFFICE DISTRICTS, THE REQUIREMENT FOR THE EIGHT-FOOT-HIGH SOLID WALL ALONG THE ADJACENT REN RESIDENTIALLY ZONED PROPERTY LINES FOR TRACTS 13 AND 14. THE TOTAL AREA THAT WOULD RECEIVE MOST OR ALL OF THE VMU DENSITY BONUSES COMES UP TO ABOUT 28.5-ACRES OUT OF THE 32.8 THAT IS WITHIN THE VMU OVERLAY DISTRICT. THE NEIGHBORHOOD ALSO RECOMMENDED AN AFFORDABILITY LEVEL OF 60% OF MEDIAN FAMILY INCOME FOR AFFORDABLE FAMILY RENTAL UNITS IN VMU BUILDINGS AND THE PLANNING COMMISSION RECOMMENDED THE ADOPTION OF THE NEIGHBORHOOD RECOMMEND RECOMMENDATIONS ON FEBRUARY 26, 2008. ONE ADDITIONAL NOTE, THERE IS A REQUEST TO POSTPONE TRACK 28 WHICH IS WITHIN THE ALLENDALE NEIGHBORHOOD ASSOCIATION, HAS REQUESTED THAT POSTPONEMENT, SO IT CAN BE HEARD WITH THEIR VMU APPLICATION. WITH THAT THIS CASE IS READY FOR FIRST READING. I WOULD BE GLAD TO ANSWER ANY QUESTIONS AND I BELIEVE WE HAVE A NUMBER OF SPEAKERS.

CREDIT CARD. SO QUESTIONS OF STAFF, COUNCIL? DO HAVE FOUR OR FIVE SPEAKERS THAT WOULD LIKE TO ADDRESS US, SO WITHOUT OBJECTION WE WILL GO TO THOSE. IT LOOKS LIKE THEY'VE SIGNED UP AS FOLKS IN OPPOSITION FIRST AND THEN FOLKS IN

SUPPORT. SO LEWIS, WELCOME. WHILE LEWIS IS MAKING HIS WAY TOWARDS THE PODIUM THAT LOOKS LIKE KATHY AND RICK HAVE SIGNED UP ALSO IN OPPOSITION BUT NOT WISHING TO SPEAK BUT HERE TO ANSWER QUESTIONS IF WE HAVE THEM. WELCOME, LEWIS. YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY PHYLIS.

MY NAME IS LEWIS TROLIANO AND I'M A PROPERTY OWNER ON TRACK NUMBER 28 AND OUR SPECIFIC SMALL BUILDINGS IS LOCATED ON BURNET ROAD. I'M SPEAKING AGAINST THE ALLEN DALE NEIGHBORHOOD'S ASSOCIATION REQUEST TO POSTPONE THE VMU CONSIDERATION ON TRACK NUMBER 28. TRACK 28 HAS ALREADY BEEN THROUGH THE PLANNING COMMISSION PROCESS, WE RECEIVED A UNANIMOUS 7-0 VOTE RECOMMENDING THE TRACK FOR FULL VMU, INCLUDING ALL BONUS INCENTIVES. WHERE IN THIS OVERLAY YOU ARE CONSIDERING TONIGHT. WE PROCEEDED THROUGH THE PLANNING COMMISSION THROUGH THIS STAGE AND WE WISH TO SEE A CONCLUSION OF TRACT 28 BE CONSIDERED IN THIS OVERLAY DISTRICT. TONIGHT. I THINK THE STATEMENTS THAT I HAVE ON THE FIRST PAGE OF MY HAND OUT AND THE SATELLITE PHOTO SHOW TRACT NUMBER 28 IS NOT OFFENSIVE TO ANY NEIGHBORHOOD, NOT ONLY THE TRACT BUT ALSO THE ENTIRE BLOCK ITSELF IS TOTALLY COMMERCIAL, THERE IS NO RESIDENTIAL INVOLVED. IF YOU CROSS THE STREET FROM THE BLOCK IN ANY DIRECTION, ALL THREE STREETS, HANCOCK, BURNET AND NORTH LOOP, YOU WILL RUN IMMEDIATELY INTO COMMERCIAL ZONING. SO WE'RE NOT OFFENDING ANY RESIDENTIAL NEIGHBORHOODS. I BELIEVE THE MOTION BY ALLAN DALE TO FURTHER POSTPONE THIS ISSUE IS TOTALLY UNNECESSARY. THANK YOU.

THANK YOU. QUESTIONS FOR LEWIS, COUNCIL? THANK YOU, SIR. LET'S SEE, LOOKS LIKE PHYLIS IS OUR NEXT SPEAKER. YOU ARE WELCOME TO GIVE US TESTIMONY. YOU SOONED UP IF YOU HAVE QUESTIONS BUT YOU AND/OR RICK ARE WELCOME TO GIVE TESTIMONY.

JUST WANT TO REITERATE WHAT LEWIS SAID, I AM A PROPERTY OWNER OF THE SAME PROPERTY, WE SUPPORT THE INCLUSION OF TRACT 28 IN TONIGHT'S HEARING. WE OPPOSE SEEING IT GROUPED OR MOVED TO THE ALLEN DALE HEARING, WE FEEL LIKE FOR ALL THE REASONS THAT HAVE ALREADY BEEN STATED THIS PROPERTY DESERVES SPECIAL CONSIDERATION AND WE THINK IT IS A PRIMARY OF FOUR VMU DEVELOPMENT WITH NO RESTRICTIONS TO PARKING. THANK YOU.

THANK YOU, KATHY. AND RICK, WELCOME.

GOOD EVENING. MY NAME IS RICK WORTH. I ENCOURAGE YOU, AS A OWNER IN TRACT 28 TO PLEASE CONFIRM OR ACT POSITIVELY ON THE RECOMMENDATION OF THE UNANIMOUS PLANNING COMMISSION VOTE TO GRANT VMU ZONING AND ALL BONUS INCENTIVES TO TRACT 28. THERE IS NO NEED TO POSTPONE THAT. THANK YOU VERY MUCH, APPRECIATE IT.

THANK YOU. OUR NEXT PEEKER IS PH -- SPEAKER IS PHYLIS TYCAL. SORRY IF I MISPRONOUNCED THAT. SO YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT. AND YOU

WILL BE FOLLOWED BY, LOOKS LIKE, ARUNE, SORRY IF I'M MISPRONOUNCING THAT.

THANK YOU, MY NAME IS TOM TAKEL. MY PARENTS BOUGHT THE HOUSE AT 4607 ROSEDALE WHEN IT WAS NEW IN 1941 AND I'VE LIVED IN IT MOST OF MY LIFE. IN 1996 AFTER MY PARENTS PASSED AWAY, MY WIFE AND I RETURNED AND REMODELED IT AND LIVE IN IT NOW. CHANGES OCCUR, BUT THE ONLY THING WE HAVE AGAINST VMU, WHICH THE PLANNING COMMISSION AGREED TO EXCLUDE THE TWO BLOCKS THAT I'M FIXING TO ASK TO YOU EXCLUDE AGAIN FROM THE BURNET ROAD PLAN, THE ONLY OBJECTION WE HAVE IS FOR THE 4500 BLOCK AND THE 4600 BLOCK OF BURNET ROAD, WHERE THE VERY SMALL LOTS ARE BACKED UP TO, WHAT WILL BE THE BUSINESSES, AND WE ALREADY HAVE A TREMENDOUS PARKING PROBLEM IN THE 4700 BLOCK RECENTLY, THEY BUILT A BEAUTIFUL STRIP CENTER THAT EVERYBODY LIKES AND THE ONLY THING WRONG WITH IT IS IT SPILLS OVER QUITE A BIT INTO OUR NEIGHBORHOOD. ESPECIALLY ON A FRIDAY OR SATURDAY NOW, 47th STREET IS COMPLETELY FULL OF CARS THE FIRST BLOCK BETWEEN BURNET ROAD AND ROSE DALE. 46th STREET IS COMPLETELY FULL OF CARS AND OUR WHOLE BLOCK OF ROSEDALE IS FULL OF CARS. IT IS BUMPER TO BUMPER. SOMETIMES THERE IS ONE OR TWO PARKING PLACES AND SOMETIMES THERE IS NOT SO THE STREET IS COMPLETELY FILLED. WE HAD AN UNUSUAL THING ON THIS WEEK, ON MONDAY WE HAD TO CALL POLICE AND TWENTY THEM TO TOW A CAR THAT WAS PARKED ENTIRE FLEE -- ENTIRELY IN FRONT OF OUR DRIVEWAY SO WE COULD GO TO WORK. THIS HAPPENS EVERY FRIDAY AND EVERY SATURDAY. I BELIEVE IT IS CAUSED BECAUSE THERE IS NO PLACE ELSE FOR THEM TO GO. IN THE 45 AND 4600 BLOCK OF BURNET ROAD, IF YOU TRY TO GUY CROSS THE STREET TO PARK IT IS THE BLIND SCHOOL, IT IS ENTIRELY TAKEN UP AND YOU ARE NOT ABLE TO PARK THERE. YOU CANNOT PARK ON OUR THREE BLOCKS BECAUSE THE SPOTS ARE TAKEN BY THE VILLAGE EMPLOYEES AND CUSTOMERS. AND IF WE WERE TO BUILD THAT UP IN THE VMU FASHION, THERE IS JUST NO WAY THERE COULD BE ANY PARKING POSSIBLE. THE LOTS UNDER CONSIDERATION FOR VMU ARE ONLY 125 FEET DEEP. THEY WOULD HAVE TO HAVE CARS PARKING SOMEWHERE ELSE AND THEY COULD NOT PARK WITHIN THOSE TWO BLOCK BECAUSE THERE IS NO PLACE TO PARK OUTSIDE WHAT MIGHT BE CREATED AS PART OF THE VMU STRUCTURES THEMSELVES. AND THE NUMBERS THAT HAVE BEEN LOOKED AT AND YOU WILL HEAR A LITTLE BIT ABOUT IN JUST A MOMENT, DON'T LEAD US TO BELIEVE IT IS EVEN POSSIBLE, BUT ONLY FOR THOSE TWO BLOCKS. I BELIEVE SHE WILL COME UP IN A MOMENT AND SHOW YOU AN AERIAL PHOTOGRAPH AND SHOW YOU THESE BE ARE THE ONLY TWO BLOCKS IN THAT CONDITION BECAUSE THE REST OF BURNET ROAD, IF YOU LOOK DOWN IT AT A DISTANCE IS ALL COMMERCIAL. IT COULD BE REVAMPED AND IT COULD BE TURNED INTO A NICE DEVELOPMENT BUT THERE IS SIMPLY NOT ROOM TO DO IT IN OUR TWO BLOCKS. SO I WOULD ASK TO YOU TAKE THE PRESENT RECOMMENDATION OF THE NEIGHBORHOOD ASSOCIATION WHICH NOW INCLUDES A RECOMMENDATION TO OPT-OUT FOR JUST THOSE TWO BLOCKS OF BURNET ROAD, THE 4500 AND 4600 BLOCK AND SECOND THEIR MOTION, OR CONFIRM THEIR RECOMMENDATION TO LET THOSE TWO BLOCKS REMAIN OUTSIDE THE VMU. AND THAT IS WHAT I WOULD LIKE TO ASK TO YOU DO. THE PLANNING COMMISSION, WE DISCUSSED IT, AND THEY

UNDERSTOOD WHEN THEY LOOKED AT THE PHOTOGRAPHS AND YOU WILL HAVE TO CHANCE TO DO THAT IN JUST A MOMENT. THANK YOU VERY MUCH.

TOM, EXCUSE ME, THE PLANNING COMMISSION DID AGREE WITH THAT POSITION AND VOTED TO EXCLUDE THE 46 AND 4500 BLOCKS?

THAT IS CORRECT. AND I DON'T KNOW IF OUR NEIGHBORHOOD ASSOCIATION PERSON IS HERE TONIGHT, BUT, YES, YES, THERE IS SOMEONE HERE. THAT IS WRITTEN INTO THE RECOMMENDATION NOW. THANK YOU VERY MUCH INTO THANK YOU, TOM. ARUNE, WELCOME. DID GET THAT RIGHT?

HELLO, MAYOR, COUNCIL MEMBERS. WE ARE AGAIN, I'M SPEAKING ABOUT JUST THE TWO BLOCKS, THE 45th AND 46th BLOCK OF BURNET WHICH THE PLANNING COMMISSION UNANIMOUSLY VOTED TO OPT OUT OF THE VMU. I WOULD LIKE TO SAY A LITTLE BIT ABOUT THOSE BLOCKS. THE PICTURE THAT YOU SEE IN FRONT OF YOU IS, YOU DID SEE IN FRONT OF YOU, WAS AN AERIAL PICTURE AND IT -- WE CAN PROBABLY -- OKAY. IT ESSENTIALLY SHOWS THE SCALE OF THE NEIGHBORHOOD. AS YOU TRAVEL UP BURNET, AS TOM MENTIONED, THE BLOCKS GET BIGGER AND WIDER. THIS PARTICULAR AREA, ACCORDING TO THE CITY RECORDS, THE COMMERCIAL BLOCKS ARE 125 FEET WIDE. AT 125 FEET WIDE, THEY ACTUALLY DO NOT EVEN SHOW UP IN THE CITY'S VMU MAP UNDER THE YELLOW COLOR THAT THE BLOCKS HAVE BEEN COLORED. WE CAN GET THE AV RUN, I CAN GET A CHANCE TO SHOW YOU THAT. THE MARGIN, THE LITTLE GRAY LINE THAT GOES AROUND THE ROSEDALE NEIGHBORHOOD COVERS UP THOSE BLOCKS AND THOSE WERE THE ONLY TWO BLOCKS WHERE THE VMU -- YOU COULD JUMP TO THE LEFT, THAT ONE THERE. IF YOU LOOK, THE BLOCKS I'M TALKING ABOUT ARE WITHIN THE BLUE DOTTED CIRCLE IN THE MIDDLE OF THE SCREEN. THERE ARE NO YELLOW VMU LOTS IN THERE THAT YOU CAN SEE AND THE HAVE BECAUSE THAT GRAY LINE COVERS THEM UP. THERE ARE REALLY NO OTHER BLOCKS LIKE THIS IN THE ROSEDALE NEIGHBORHOOD. IF YOU GO AROUND AND LOOK AT THE OTHER BLOCKS YOU WILL SEE THEM STICKING OUT. THESE ARE THE NARROWEST BLOCKS THERE. WITH FULL COMPATIBILITY STANDARDS AT 125 FEET WIDE, THE BLOCKS ARE ABOUT 500 FEET LONG. IF WE TAKE 50-FOOT SAID BACK AND THAT IS 25 FEET MORE THAN REQUIRED. A THREE-STORY STRUCTURE IN EACH OF THOSE BLOCKS, 120,000 SQUARE FEET, COMPARED TO ALL THE RESIDENTIAL HOUSES ON THAT SIDE OF THE BLOCK PUT TOGETHER. SO IT REALLY DOES BEG TO LOOK AT THE SCALE ON THESE TWO SKINNY BLOCKS AND GO WITH THE PLANNING COMMISSION, WHAT THE NEIGHBORHOOD HAS RECOMMENDED. ONE MORE THING, I WOULD JUST LIKE TO DRAW YOUR ATTENTION TO. ONE OF THE TENANTS IN ONE OF THOSE BLOCKS, UPPER CREST BAKERY, IT IS AN ICON IN THE NEIGHBORHOOD. ONE OF THE REASONS I BOUGHT MY HOUSE IN ROSEDALE WAS TO WALK THERE FOR BREAKFAST. BY SEVERAL TIME AS WEEK AND MEET MY NEIGHBORS, THESE ARE TUNES TO REALLY DO WHAT THE CITY IS LOOKING AT, MAKE PEOPLE GET OUT AND WALK AND TAKE PUBLIC TRANSIT INSTEAD OF DRIVING ACROSS TOWN. IF THIS WAS TO BECOME A VMU THE RENT WOULD BE SO HIGH THEY WOULD NOT BE ABLE TO AFFORD IT. THEY WOULD MOVE AWAY FROM SOME PLACE AND CLOSE DOWN AND THERE WOULD BE A

FANCY RESTAURANT AND I WOULD HAVE TO DRIVE SOME PLACE TOLLS GET MY BREAKFAST.

WELCOME, JONATHAN. YOU WILL HAVE THREE MINUTES.

I AM LAST RESIDENT ON THE 4500 BLOCK OF ROSEDALE AVENUE AND I WOULD LIKE TO SECOND WHAT PEOPLE HAVE BEEN SAYING ABOUT THE PARKING PROBLEM ON THAT BLOCK. THE UPPER CRUST BAKERY AND SOME OTHER BUSINESSES ARE VERY SUCCESSFUL AND IT DOES SEEM LIKE ALREADY THERE IS A PARKING PROBLEM, GIVEN THE SIZE OF THEIR LOTS AND THE NUMBER OF CUSTOMERS THEY ARE TRYING TO SERVE. IT IS BUMPER TO BUMPER ON MY BLOCK AND THE 4600 BLOCK AND AT LEAST HALFWAY THROUGH THE 4500 BLOCKS AND THE OTHER END OF THE BLOCKS, SO I WOULD LIKE TO POINT OUT THAT PROBLEM AND I HOPE THAT THE CITY COUNCIL WILL CONSIDER THE RECOMMENDATION TO EXCLUDE OUR BLOCK FROM THE VMU. THANK YOU.

THANK YOU MR. BRIMLY. I SPOKE TOO SOON BECAUSE A FEW OTHER FOLKS SIGNED UP. IS BEN WHITE HERE. YOU WILL HAVE THREE MINUTES, FOLLOWED BY DIANE FOUNTAIN.

THANK YOU. I AM A RESIDENT OF THE NEIGHBORHOOD BUT I ALSO REPRESENTED PROPERTY ON BURNET. THE PLANNING COMMISSION RECOMMENDED THAT ALL BONUSES BE REMOVED AND THAT IS FOR GOOD REASON. THEY ARE PERFECTED SUITED FOR VMU WITH THE BONUSES BY COUNCIL. THEY ARE MAJOR CHANGES TO THE CORRIDOR WITH LIGHTED INTERSECTION. IN FACT, VMU WOULD IMPROVE THE VALUE OF SURROUNDING PROPERTIES. THE ASSOCIATION HAS NO ISSUE WITH OUR PROPERTY BUT THE CONCERN IS INCREASED DENSITY IN THE GENERAL AREA. THEY ARE JUST COUNCIL HAD IN MIND TO ENCOURAGE DENSITY ALONG THE MAJOR TRANSIT CORRIDORS. WE HAVE NO PROBLEM WORKING WITH NEIGHBORHOODS IN ANY FUTURE PLANNING. ALLEN DALE WANTS TO HOLD A LEVER OVER THE PROPERTY OWNERS BY DENYING THE BONUSES NOW. GIVING THEM A LEVER WOULD BE UNFAIR TO THESE COMMERCIAL PROPERTIES, ESPECIALLY WHEN VMU DEVELOPMENT IS COMPATIBLE WITH SURROUNDING PROPERTIES AND HAS BEEN REVIEWING BY THE PLANNING COMMISSION BY A 7-0 VOTE IN FAVOR FOR FULL VMU WITH BONUSES. I MIGHT ADD THE ROSEDALE NEIGHBORHOODS INTO PROBLEM WITH FULL VMU ON PARCEL 28. THE PLANNING DEPARTMENT PUT IT IN BECAUSE OF ITS PROXIMITY. TECHNICALLY IT IS IN ALLEN DALE. ONLY OUT OF NEIGHBORHOOD COOPERATION, ROSEDALE REFERRED TO ALLEN DALE'S WISHES. THAT IS WHY WE ARE HERE TONIGHT. THANK YOU.

THANK YOU, MR. WHITE. IS DIANE HERE? WELCOME, DIANE. YOU WILL HAVE THREE MINUTES TO BE FOLLOWED BY CHRIS ALLEN.

GOOD EVENING, MAYOR, MAYOR PRO TEM AND COUNCIL MEMBERS. MY NAME IS DIANE HOLLY MOUNTAIN AND I'M CO-PRESIDENT OF THE ROSEDALE NEIGHBORHOOD ASSOCIATION. I'M HERE REPRESENTING THE ROSEDALE PLANNING AREA, VMU DISTRICT

AND THE AREA IN THE ROSEDALE NEIGHBORHOOD ASSOCIATION. THE ROSEDALE OVERLAY DISTRICT INCLUDES THE ENTIRE NEIGHBORHOODS OF ROSEDALE, OAKMONT HEIGHTS AND THE ALLEN DALE NEIGHBORHOOD. NEIGHBORHOOD. RESIDENTS CORE RESPONDED AND METS A A WHOLE AND EACH PRODUCED RECOMMENDATIONS FOR ITS OWN AREA. THE ROSEDALE NEIGHBORHOOD ASSOCIATION REVIEWED PROPERTIES ALONG 48th STREET, LAMAR FROM 38th TO 45th AND ALONG BURNET TO HANCOCK. WE SOUGHT FEEDBACK FROM EVERYONE WE COULD REACH SINCE NOVEMBER OF 2006. OUR SPEAKER THAT MONTH WAS GEORGE ADAMS AND SPEAKING ON THE TOPIC OF VMU. WE CORE RESPONDED WITH RESIDENTS WITH NEWSLETTERS AND E-MAILS. WE SENT LETTERS TO PROPERTY OWNERS AND DISCUSSED OUR VMU OPTIONS AT EVERY ROSEDALE MEETING FOR SIX MONTHS OR SO. BASED ON THIS FEEDBACK, WE DRAFTED OUR RECOMMENDATIONS AND PRESENTED TO THE COMMITTEE IN MAY OF 2007. AFTER SOME DISCUSSION IT WAS UNANIMOUSLY PASSED. THREE WEEKS AGO WE WENT BEFORE THE PLANNING COMMISSION WHERE THEY ARE MODIFIED SLIGHTLY TO INCLUDE THE ICE HOUSE TRACT TO THE VMU OVERLAY DISTRICT AND TO REMOVE 4500 AND 4600 BLOCKS OF BURNET ROAD FROM THE VMU OVERLAY. THE STEERING COMMITTEE VOTED UNANIMOUSLY FOR THE PLANNING COMMISSION CHANGES. MOST CONCERNS BEEN ABOUT PARKING AND TRAFFIC. WE HOPE THE TRAFFIC PROJECT IN ROSEDALE WILL HELP ALLEVIATE THE TRAFFIC PROBLEMS AND OPTING OUT OF THE INCENTIVE WILL AVOID AGGRAVATING OUR CURRENT PARKING PROBLEMS. THANK YOU FOR CONSIDERING OUR RECOMMENDATIONS. I'M AVAILABLE TO ANSWER ANY QUESTIONS.

THANK YOU, DIANE. QUESTIONS, COUNCIL? THANK YOU. CHRIS, WELCOME. YOU WILL BE FOLLOWED BY TOM WILLHAM.

GOOD EVENING, I'M JUST HERE TO ANSWER QUESTIONS, IN THE INTEREST OF TIME.

THANK YOU. OUR LAST SPEAKER THEN IS TOM LINHAND. WELCOME, TOM, YOU TOO WILL HAVE THREE MINUTES.

COUNCIL MEMBER, TRACT 28 IS WITHIN THE ROSEDALE PLANNING AREA BUT IT IS INCLUDED WITHIN THE BOUNDARIES OF THE ALLEN DALE NEIGHBORHOOD ASSOCIATION SO THE ALLEN DALE NEIGHBORHOOD BOUNDARIES EXTEND OVER THE PLANNING BOUNDARY AND IF WE CAN PUT THE MAP UP I MIGHT BE ABLE TO FIND THAT. SO TRACT 28 IS UP IN THE UPPER RIGHT-HAND CORNER OF THE OUTLINED AREA, AND SO THE -- THE GRAY BOUNDARIES ARE THE NEIGHBORHOOD PLANNING AREA BOUNDARIES, WHICH ARE THE BOUNDARIES THAT ARE USED FOR THE NEIGHBORHOOD PLANNING PROCESS, WHICH IS WHAT WE USE TO -- AS THE BASIS FOR THE VMU PROCESS. THE NEIGHBORHOOD ASSOCIATION BOUNDARIES CAN BE DEFINED AS AT WILL. NEIGHBORHOODS CAN EXTEND THOSE AS FAR AS -- YOU KNOW, THEY CAN -- THEY CAN DRAW THOSE AS THEY LIKE, AND SO THE NEIGHBORHOOD ASSOCIATION BOUNDARIES EXTEND INTO THE ROSEDALE NEIGHBORHOOD PLANNING AREA, IN THE CASE OF TRACT 28.

I'M A LITTLE -- THEN I GUESS WE'RE IN KIND OF AN UNUSUAL SPOT. I PERSONALLY DIDN'T BELIEVE -- THE BASIS FOR TRACT 28 UNTIL ALLENDALE COMES UP. OUR ORDINANCE WITH ROSEDALE IS THE BODY MAKES A DECISION ON IT. I GUESS WHAT'S UNCLEAR IS BECAUSE ROSEDALE IS THE BODY THAT MAKES A DECISION ON IT, WE TYPICALLY GRANT A NEIGHBORHOOD'S FIRST REQUEST FOR A POSTPONEMENT WHERE WE -- WE DON'T TYPICALLY GRANT A NEIGHBORHOOD THAT DOESN'T HAVE AUTHORITY OVER THE ZONING CASE, BUT THIS IS A STRANGE AREA SO I'M NOT REALLY SURE --

WELL, GEORGE, I GUESS THE THOUGHT HERE BEING THAT THE WHOLE CONCEPT OF VERTICAL MIXED USE IS ALONG CORE TRANSIT CORRIDORS AND SO YOU WANT TO CAPTURE BOTH SIDES OF THE CORE TRANSIT CORRIDOR AND OFTENTIMES THE NEIGHBORHOOD BOUNDARY MIGHT BE THE STREET ITSELF.

FREQUENTLY, YES.

MAYOR WYNN: AND THE WHOLE THOUGHT IN THE PLANNING IS TO TAKE BOTH SIDES OF THE CORE TRANSIT CORRIDOR INTO ACCOUNT WHEN YOU'RE PLANNING BECAUSE AS WE SEE HERE THERE ARE -- THERE WOULD BE CERTAIN BLOCKS OF CERTAIN STREETS THAT FOR DIFFERENT REASONS THERE WOULD BE PLANNING SUPPORT FOR NOT HAVING VUMVMU. SO I GUESS JUST LOOKING AT THIS FROM A PLANNING EXERCISE IT JUST SEEMS THAT, YOU KNOW, TRACT 28 IS RIPE, YOU KNOW, FOR A DECISION TONIGHT BASED ON THE REST OF THAT CORE TRANSIT CORRIDOR.

AND MAYOR, IT STRIKES ME THAT THE REQUEST IS NOT TO POSTPONE -- IT'S TO POSTPONE AND HAVE IT PULLED INTO ALLENDALE WHICH I DON'T THINK IS SOMETHING THAT OUR ORDINANCE ALLOWS US TO DO. SO I THINK WE'RE ONLY GOING TO GO ON FIRST READING THIS EVENING ANYWAY.

THAT'S CORRECT.

OKAY.

MAYOR WYNN: FURTHER QUESTIONS OF STAFF, COUNCIL? I WILL SAY, JUST TO FURTHER THAT THOUGHT, EVEN THOUGH WE'RE ONLY GOING ON FIRST READING, FRANKLY I CAN'T IMAGINE OUR PLANNING PROFESSIONALS AND PLANNING COMMISSION CONSIDERING THIS TRACT ANY DIFFERENT REGARDLESS OF WHEN IT WOULD BE CONSIDERED, WITH WHICH NEIGHBORHOOD. AS WE SEE WITH THIS AERIAL PHOTOGRAPH HERE, THIS IS AS CLASSIC OF A TRACT OF LAND, YOU KNOW, SURROUNDED COMPLETELY BY COMMERCIAL AND SURROUNDED ON THREE SIDES BY -- YOU KNOW, BY MAJOR STREETS, THAT THIS WOULD BE -- THIS IS WHY WE INVENTED VMU, FRANKLY. SO I GUESS I JUST DON'T -- I THINK WE'D BE TREATING THIS TRACT THE SAME WAY WHETHER IT WAS ROSEDALE OR ALLENDALE. IT IS WHAT IT IS AND IT'S A MAJOR COMPONENT ALONG BURNET ROAD.

I'M READY TO MAKE A MOTION.

MAYOR WYNN: COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: AND I AGREE WITH YOU. TRACT 28 I'M INCREDIBLY EXCITED TO SEE THE POTENTIAL FOR THIS TO BE DEVELOPED. THIS WAS ONE OF OUR VISIONS WAS THE ABILITY TO TAKE A TRACT LIKE THIS, TO SEE IT BE REDEVELOPED WITH AFFORDABLE HOUSING AND SO I'M GOING TO MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE THE PLANNING COMMISSION RECOMMENDATIONS FOR ITEMS 1 THROUGH 6.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MCCRACKEN, SECONDED BY THE MAYOR PRO TEM, TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY. AS OUTLINED HERE ON OUR MOTION SHEET, ITEM 71, 1 THROUGH 6, THAT WOULD BE THE PLANNING COMMISSION RECOMMENDATION. FURTHER COMMENTS? GEORGE, WHAT'S THE LIKELY TIMING THEN FOR SECOND AND THIRD READING IS THIS.

I BELIEVE IT WILL BE ABOUT A MONTH BEFORE WE'RE BACK.

MAYOR WYNN: AND SO PERHAPS EVEN ABOUT THE SAME TIME ALLENDALE IS ACTIVELY CONSIDERING THEIR --

RIGHT.

MAYOR WYNN: OPTIONS ON THEIR CORE TRANSIT CORRIDORS?

WE CAN LOOK AT TRYING TO GET THEM HERE.

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

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON FIRST READING ONLY ON A VOTE OF 6-0 AND COUNCIL MEMBER LEFFINGWELL OFF THE DAIS. COUNCIL, THAT TAKES US TO OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS. WE ACTUALLY HAVE A SOMEWHAT SHORTENED AGENDA THIS EVENING, JUST A COUPLE PROCLAMATIONS. BUT DO STAY TUNED FOR OUR MUSICIAN, D TYME. BASED ON MY FAILING VOICE I'M GOING TO TURN THE PODIUM OVER TO MAYOR PRO TEM DUNKERLEY FOR INTRODUCTIONS. VUM DUNK I'M BETTY DUNKERLEYLY, I'M THE PRO TEM AND I'M GIVING OUR MAYOR WILL WYNN'S VOICE A REST FOR A FEW MINUTES, BUT IT'S MY PLEASURE TO INTRODUCE TO YOU TODAY OUR MUSICIAN, D TYME. HE'S JOINING US TODAY. HE'S AN 8TH GRADER HERE IN AUSTIN. D TYME IS A 14-YEAR-OLD MAGNET SCHOOL STUDENT. HE SINGS, HE RAPS, HE WRITES HIP-HOP AND R AND B MUSIC. D TYME PERFORMS IN CHURCH, IN HIS SCHOOL CHOIR, AT LOCAL OPEN MIC NIGHTS

FOR TEENS AND HAS PERFORMED AT NUMEROUS COMMUNITY EVENTS, INCLUDING THE ANNUAL JUNETEENTH COMMUNITY CELEBRATION AND THE PRIEST CONCERT SHOW FOR BET'S UP CLOSE AND PERSONAL TOUR. SO PLEASE JOIN ME IN WELCOMING D TYME TO THE AUSTIN CITY COUNCIL.

GOOD EVENING, EVERYONE. AS SHE SAID, MY NAME IS D TYME, ALSO KNOWN AS [INDISCERNIBLE] WHICH IS HI FIRST AND LAST NAME. HOW CAN I DESCRIBE HOW I FEEL RIGHT NOW TO BE HERE IN THE PRESENCE OF, WELL, YOU KNOW, OF THE CITY COUNCIL AND EVERYONE HERE. EVERYBODY IN A GOOD MOOD? EVERYBODY FEELING OKAY? THAT'S GOOD. OKAY. WELL, LIKE SHE SAID, MY NAME IS D TYME AND HERE TO PERFORM FOR YOU. I'LL PLAY MY FIRST SONG. FIRST I WOULD LIKE TO SAY I WANT TO LEAVE SOME HIP-HOP -- FOR RAP MUSIC, FOR RAP ARTISTS ALL OVER AUSTIN AND OVER THE WORLD, THIS IMAGE IN EVERYONE'S MIND. WHEN YOU THINK ABOUT HIP-HOP, WHEN YOU THINK ABOUT RAP, WHEN YOU THINK ABOUT RAPPERS, YOU THINK POSITIVE THOUGHTS. SO LET'S GO. BRFT[RAPPING] ALLEN DALE

THANK YOU ALL. IT'S VERY GOOD TO BE HERE. I'M A LITTLE STAR SHOOK, YOU KNOW, JUST BY THE PRESENCE THAT, YOU KNOW -- JUST BY HOW DO I SAY THIS -- THE PEOPLE WHO HAVE BEEN IN HERE, THE PRESENT THAT WAS IN HERE WAS AND YOU STRIKING. SO EVEN IF ACTUAL PEOPLE AREN'T HERE, ANYBODY -- D TYME, EVERYONE. THANK YOU.

THANK YOU VERY MUCH. IF YOU'LL STEP OVER HERE WE HAVE A SPECIAL PROCLAMATION FOR YOU. BE IT KNOWN THAT WHEREAS THE CITY OF AUSTIN, TEXAS IS BLESSED WITH MANY CREATIVE MUSICIANS WHOSE TALENT TO EXTENDS TO EVERY MUSICAL GENRE AND OUR MUSE SCENE THRIVES BOW WE SUPPORT MUSIC BY LOCAL LEGENDS AND NEWCOMERS ALIKE AND WE ARE PLEASED TO SHOWCASE AND SUPPORT OUR LOCAL ARTISTS, I WILL WYNN, MAYOR OF THE MUSIC CAPITAL OF THE WORLD DO HEREBY DECLARE MARCH 20, 2008, AS D TYME DAY, AND IT'S SIGNED BY OUR MAYOR WILL WYNN. [APPLAUSE]

YES, EVERYONE. THANK YOU. ONCE AGAIN, IT'S A LARGE HONOR. I REALLY CAN'T BRING MYSELF TO VERBALLY EXPLAIN HOW I FEEL. FOR CONTACT INFORMATION, ANYTHING ELSE ABOUT D TYME OR WHAT'S GOING ON, I DO HAVE A LOT GOING ON. I'VE COME TIME AHEAD. VISIT MYSPACE PAGE FOR UPDATES ON EVENTS, MUSIC OR ANYTHING ELSE I MAY BE DOING. AS A PERSON -- AS A RAP ARTIST, [WWW.MYSPACE.COM/D TYME RAP](http://WWW.MYSPACE.COM/D_TYME_RAP) -- DTYMERAP. I ALSO HAVE A PERSONAL PAGE FOR ME, WHICH IS FOR ALL MY FRIENDS TO KEEP IN TOUCH WITH MY FRIENDS, WHICH IS MYSPACE.COM/DRTICK. I'D LIKE TO THANK THE CITY COUNCIL, MAYOR WILL WYNN, THE CITY OF AUSTIN FOR ALL THEIR SUPPORT AND HELP AND THANK YOU. [APPLAUSE]

DUNKERLEY: THIS WILL BE ONE OF OUR FUN PROCLAMATIONS TODAY BECAUSE I SEE A LOT OF KIDS OUT IN THE AUDIENCE THAT ARE GOING TO BE COMING FORWARD. SO WE HAVE A PROCLAMATION BE IT KNOWN THAT WHEREAS AUSTIN IS IN THE MIDDLE OF CENTRAL

TEXAS FLASH FLOOD REALLY IS WHERE FREQUENT AND SEVERE FLASH FLOODS OCCUR AND WHEREAS FLOODING CAN HAPPEN IN MINUTES WITH LITTLE OR NO WARNING AND WHEREAS MORE THAN HALF OF FLOOD-RELATED DEATHS OCCUR WHEN PEOPLE ARE TRYING TO DRIVE THROUGH VERY SWIFT WATERS, AND WHEREAS DURING THIS SPECIAL WEEK IT IS APPROPRIATE TO EMPHASIZE THE ADAGE, TURN AROUND, DON'T DROWN. MOTORISTS SHOULD TURN BACK IF WATER IS FLOWING ACROSS THE ROAD OR BARRICADES AT LOW-WATER CROSSINGS. THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM MARCH THE 16 TO 22 OF 2008 AS THE NATIONAL FLOOD SAFETY AWARENESS WEEK, AND THIS PROCLAMATION IS SIGNED BY OUR MAYOR, WILL WYNN. SO WE HAVE VICTORIA LI AND COLLEAGUES HERE TO ACCEPT THE AWARD.

THANK YOU VERY MUCH. MY NAME IS PAUL YURA WITH THE NATIONAL WEATHER SERVICE AUSTIN FOR THE AUSTIN AND SAN ANTONIO AREA. THIS WEEK IS NATIONAL FLOOD AWARENESS WEEK AND WHAT'S NICE IS WE LIVE IN A CITY LIKE AUSTIN, TEXAS THAT HAS BASICALLY GRABBED THE REINS AND TRYING TO GO AHEAD AND TAKE IT A STEP FURTHER IN MAKING THEIR OWN LOCAL AWARENESS WEEK. THROUGH THIS WHOLE WEEK SO FAR WE'VE HAD DIFFERENT EVENTS AND DIFFERENT PRESS CONFERENCES TALKING ABOUT THE DIFFERENT DANGERS ASSOCIATED WITH FLASH FLOODING, ESPECIALLY HERE IN THE CENTRALCENTRAL TEXAS AREA. JUST TO GIVE A FEW ALARMING TYPE STATS, 63 DEATHS IN TEXAS LAST YEAR DUE TO FLOODING AND OVER 40 OF THEM WERE FLASH FLOODING. A MAJORITY OF THEM WERE ALONG THE I-35 CORRIDOR FROM SAN ANTONIO UP TO DALLAS. THIS IS FLASH FLOOD ALLEY, AS YOU PROBABLY KNOW. WE'VE HAD A LOT OF DANGEROUS EVENTS AND DEADLY EVENTS HERE AS OF RECENT TIMES. 80% OF THE FLASH FLOOD DEATHS OCCUR AT NIGHTTIME, WHICH TALKS ABOUT THE DANGERS OF DRIVING THROUGH LOW-WATER CROSSINGS, AND 90% OF THOSE HAVE ACTUALLY HAPPENED WHILE WE'VE BEEN UNDER FLASH FLOOD WATCHES AND WARNINGS. VERY PREVENTABLE, ALL THESE DEATHS. 32 OF THEM -- 32 OF THE 40 DEATHS WERE ACTUALLY IN VEHICLES. THAT'S THE DANGERS OF CARS. SO ONE OF THE EVENTS THAT WE HAVE ACTUALLY HAD PART OF FLOOD AWARENESS WEEK, AUSTIN HAS DONE A POSTER CONTEST, AND SO THIS YEAR ALONG WITH SOME SPONSORS FROM THE AUSTIN AMERICAN AMERICAN-STATESMAN INSIDE LINE AND COMMUNITY DEVELOPMENT DIVISION, TEXAS FLOOD PLAIN MANAGEMENT ASSOCIATION THE CITY OF AUSTIN AND THE NATIONAL WEATHER SERVICE, WE HAD 260 ENTRIES OF POSTERS, AND THE INSTRUCTIONS WERE FOR THE SCHOOL KIDS OF THREE DIFFERENT AGE-GROUPS, 6 TO 8, 9 TO 11 AND 12 TO 13, TO TRY TO SHOW TURN AROUND, DON'T DROWN. THAT'S ONE OF OUR MOTOR OWES THAT WE'RE TRYING TO TEACH KIDS AND ALSO ADULTS, BASICALLY TURN AROUND, WHEN YOU SEE THE FLOODED ROADWAY, AND DON'T DROWN. AND SO WHAT WE HAVE TODAY IS WE HAVE A COUPLE OF THE WINNERS, FIRST PLACE PRIZE WINNERS. WHAT THEY RECEIVED WAS \$100 SAVINGS BOND. THE ARTWORK WAS PRINTED IN THIS MORNING'S PAPER AND THERE'S A PICTURE OF THE INSERT WE HAVE IN TODAY'S PAPER WITH THE WINNING POSTERS. THEY ALSO ARE GOING TO BE PRINTED IN TWO DIFFERENT CALENDARS, ONE FROM THE EMERGENCY MANAGEMENT HOME SAFE CALENDAR AND THE TEXAS FLOOD PLAIN ASSOCIATION

CALENDAR. THEY GOT A RAIN GAUGE FROM THE NATIONAL WEATHER SERVICE. HOPEFULLY WE'LL HAVE A COUPLE OF NEW RAIN SPOTTERS FOR US TO CALL IN RAINFALL TOTALS AND ACTUALLY WARN PEOPLE ABOUT THE FLOODING RAINS THAT HIT HERE IN CENTRAL TEXAS. WHAT WE'LL DO IS HAVE SOME PRESENTATIONS NOW WITH SOME OF THE CERTIFICATES.

DUNKERLEY: OKAY. I THINK I HAVE MY INSTRUCTIONS STRAIGHT. WE HAVE PROCLAMATIONS FOR THREE OF OUR WINNERS, AND ONE THAT'S NOT HERE TODAY, SO WE'LL MAKE SURE THAT WE RECOGNIZE HER AND VERY NICE PLAQUES TO GO WITH IT. THIS IS THE WAY THE CERTIFICATES READ: "THE CITY OF AUSTIN CERTIFICATE OF APPRECIATION FOR HELPING TO MAKE AUSTIN A SAFER AND STRONGER COMMUNITY AND FOR EDUCATING CHILDREN AND FAMILIES ABOUT THE DANGERS OF FLASH FLOODS, KAITLIN ALEXIS COUT IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. WE ARE PLEASED TO CONGRATULATE KAITLIN FOR HER POSTER BEING CHOSEN AS THE WINNER AMONG 6 TO 8-YEAR-OLDS IN THE FLOOD AWARENESS WEEK, TURN AROUND, DON'T DROWN. BECAUSE AUSTIN IS IN THE MIDDLE OF FLASH FLOOD ALLEY WHERE FLOODING CAN OCCUR IN MINUTES WITH LITTLE OR NO WARNING AND BECAUSE IT ONLY TAKES 6 INCHES OF FAST FLOWING WATER TO SWEEP SOMEONE OFF THEIR FEET, HER POSTER IS AN IMPORTANT REMINDER TO CITIZENS TO TURN AROUND, DON'T DROWN. THIS IS A THANK YOU FOR KAITLIN'S WORK TO MAKE THIS A SAFER PLACE TO WORK. IT'S PRESENT IN THE 20TH DAY OF MARCH IN THE YEAR 2008 AND SIGNED BY MAYOR WILL WYNN, AND KAITLIN, IF YOU'LL COME FORWARD, THIS IS YOUR CERTIFICATE OF APPRECIATION. AND THIS IS YOUR POSTER, AND THIS IS HER POSTER. TURN AROUND AND DON'T DROWN. THAT'S GREAT. SUPER. [APPLAUSE]

THANK YOU VERY MUCH. STEVEN? DO YOU WANT TO STEP FORWARD? WE HAVE A CERTIFICATE OF APPRECIATION FOR HELPING TO MAKE AUSTIN A SAFE AND STRONGER COMMUNITY FOR EDUCATING CHILDREN AND FAMILIES ABOUT THE DANGER OF FLASH FLOODS. STEVEN PETER IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. WE ARE PLEASED TO CONGRATULATE STEVEN FOR HIS POSTERS BEING CHOSEN AS THE WINNER AMONG THE 9 TO 11-YEAR-OLDS IN THE FLOOD AWARENESS WEEK, TURN AROUND, DON'T DROWN POSTER CONTEST. BECAUSE AUSTIN IS IN THE MIDDLE OF FLASH FLOOD ALLEY THIS FLOODING CAN OCCUR IN MINUTES WITH LITTLE OR NO WARNING BECAUSE IT TAKES ONLY ABOUT 6 INCHES OF FAST FLOWING WATER TO SWEEP SOMEONE OFF THEIR FEET. STEVEN'S POSTER IS AN IMPORTANT REMINDER TO CITIZENS TO TURN AROUND AND DON'T DROWN, AND THIS CERTIFICATE IS ISSUED WITH OUR THANKS FOR YOUR HELP, STEVEN, IN MAKING AUSTIN A SAFER PLACE TO LIVE AND WORK. THIS IS YOUR CERTIFICATE, AND I'M ANXIOUS TO SEE HIS POSTER. OH, MY HEAVENS. THIS IS REALLY GREAT. TURN AROUND AND DON'T DROWN, EVEN IF YOU'RE GOING TO BE LATE. [APPLAUSE]

THANK YOU VERY MUCH. AND THE LAST ONE, I'LL JUST READ THE NAME, THIS CERTIFICATE OF APPRECIATION IS FOR BECKY CAPLIN AND WE APPRECIATE HER HELP AND SHE WAS THE WINNER IN THE 12 TO 13-YEAR-OLD CONTEST. SO THANK YOU VERY MUCH.

AND I'M FROM THE AUSTIN AMERICAN-STATESMAN INSIDE LINE AND COMMUNITY

DEVELOPMENT DIVISION, AND WE HAVE A HUNDRED DOLLARS SAVINGS BOND FOR EACH OF OUR WINNERS, BUT KAITLIN, IF YOU'LL COME FORWARD. CONGRATULATIONS. YOU'RE WELCOME.

AND STEVEN, THANK YOU VERY MUCH. [APPLAUSE]

DUNKERLEY: THANK YOU ALL VERY MUCH, AND WE HAVE KAITLIN. AMARRA

THERE BEING A QUORUM PRESENT I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS ABOUT 10 MINUTES AFTER 6:00 P.M. WE'VE BEEN IN RECESS FOR 40 MINUTES. GO BACK TO OUR ZONING CASES. MR. GUERNSEY, I THINK WE HAVE THREE MORE DISCUSSION CASES GLOO MAYOR AND COUNCIL, 68 IS CASE C14-2007-0250. THIS IS THE AMARRA DRIVE PROPERTY LOCATED AT 8718 -- 8 -- 5105-0301 BARTON SPRINGS BLART -- BARTON CREEK BOULEVARD. THESE PROPERTIES ARE OPPOSITE AND AT THE INTERSECTION ALSO OF TRAVIS COOK ROAD, WHICH IS FURTHER TO THE SOUTH. THIS IS PRACTICALLY A 33-ACRE OF TRACT OF LAND THAT IS CURRENTLY ZONED DR DEVELOPMENT RESERVED. THE PROPOSED REQUEST IS FOR MULTIFAMILY RESIDENT LIMITED DENSITY OR MF 1 DISTRICT ZONING AND THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO GRANT MF 1 WITH CONDITIONAL OVERLAY LIMITING TO 2,000 TRIPS AND ALSO TO LIMIT THE MAXIMUM NUMBER OF DWELLING UNITS ON THE PROPERTY TO 215. THE PROPERTY IS LOCATED WITHIN THE BARTON CREEK WATERSHED IN THE BARTON SPRINGS ZONE. IT IS BEING DESIGNED FOR CONSTRUCTION TO COMPLY WITH THE SAVE OUR SPRINGS ORDINANCE. IT IS CURRENTLY UNDEVELOPED AT THIS TIME. THE MF 1 DISTRICT WOULD ALLOW BUILDING HEIGHTS UP TO 40 FEET. THE SURROUNDING PROPERTY IN THE AREA, TO THE NORTH IS CONSERVATION LAND, UNDEVELOPED. BARTON CREEK GOLF COURSE LOCATED IN THE COUNTY. THERE'S PROPERTY ADJOINING THAT'S P PUBLIC AND DR, DEVELOPMENT RESERVE. TO THE SOUTH IS SOME UNDEVELOPED LAND WITH SINGLE-FAMILY RESIDENTIAL ON LARGER LOTS. SOME OF THAT PROPERTY TO THE SOUTH IS ZONED GO-MU-CO DR AND MF 1. TO THE EAST OF THE PROPERTY IS SF-2 DR AND LR ZONING AND THERE'S AN EXISTING SINGLE-FAMILY HOME ON A LARGE LOT AND SOME UNDEVELOPED TRACTS. AND TO THE WEST IS ALSO ZONED DRMP AND SF-6 AND THERE'S A FEW SINGLE-FAMILY RESIDENCES, ONE MANUFACTURED HOME ON A LARGER SITE. THE EANES FIRE DEPARTMENT TRANSIT FACILITY AND CONSERVATION LAND. TO JUST GIVE YOU AN IDEA, AGAIN, WHERE THE LOCATION, THIS IS ALONG SOUTHWEST PARKWAY AS YOU'RE TRAVELING OUT AND IT WOULD BE NORTH OF 290 IN SOUTHWEST AUSTIN. I THINK AT THIS TIME I'LL PAUSE. IF YOU HAVE ANY QUESTIONS, THE PLANNING COMMISSION -- ZONING AND PLAGUED COMMISSION RELATION DID RECOMMEND THIS ON A SOAT OF 6-VOTE OF 6-0. AND I BELIEVE YOU HAVE AT LEAST 8 PARTIES THAT WOULD LIKE TO SPEAK TO THIS.

MAYOR WYNN: A FEW, YES. QUESTIONS FOR MR. GUERNSEY, COUNCIL, BEFORE WE HEAR FROM THE PUBLIC? WITH THAT, THEN, WE WILL FIRST HERE FROM OUR APPLICANT OR THE AGENT. WELCOME, MR. DRENNER. LET'S SEE. IS MICHELE ROGERSON HERE? WELCOME, MICHELLE. AMANDA WALL STREETLY. HOW ABOUT JOHN WOOD? HELLO, JOHN. SO MR.

DRENNER YOU'LL HAVE AN ADDITIONAL 9 MINUTES IF YOU NEED IT SO WE'LL SET THE CLOCK FOR 14 MINUTES AND YOU WILL BE FOLLOWED BY KEDRO DOVEL.

THANK YOU. I'M STEVE DRENNER ON BEHALF OF STRATUS PROPERTIES. THIS IS THE CASE THAT AS YOU WILL REMEMBER CAME UP A COUPLE OF WEEKS AGO AND WE TOOK A POSTPONEMENT, AND WENT TO THE ENVIRONMENTAL BOARD LAST NIEM, SO WE HAVE BEEN TO ZONING AND PLATTING COMMISSION AND TO THE ENVIRONMENTAL BOARD AT THIS POINT. LET ME ORIENT YOU ON THE MAP. THIS IS THE HARD CORNER AT SOUTHWEST PARKWAY AND BARTON CREEK BOULEVARD. BARTON CREEK BOULEVARD IS THE SPINE ROAD THAT STRETCHES FROM SOUTHWEST PARKWAY TO BEE CAVE ROAD, AND OUR TRACT IS ABOUT 33 ACRES AT THE NORTHEAST CORNER OF THAT INTERSECTION. IT'S BEEN ZONED DR, WHICH IS THE CITY'S INTERIM ZONING CATEGORY WHEN THEY ANNEX PROPERTY SINCE THE MID-80S WHEN THIS WAS ANNEXED. THERE ARE VERY FEW DR TRACTS LEFT IN THIS AREA OF STRATUS OWNS THE TWO THAT ARE ADJOINING EACH OTHER ACROSS BARTON CREEK BOULEVARD. OUR ZONING REQUEST, AS YOU HEARD FROM MR. GUERNSEY, IS TO GO FROM THIS INTERIM CATEGORY OF DR TO MF 1, BUT WE SUPPLEMENTED THAT WITH THESE OTHER ITEMS THAT YOU SEE ON YOUR SCREEN. WE ARE NOT CLAIMING GRANDFATHERING, ALTHOUGH I THINK THERE'S CLEARLY A GRANDFATHERING CLAIM THAT COULD BE MADE. THIS WILL BE AN SOS COMPLIANT DEVELOPMENT. IN ADDITION TO THAT WE HAVE LIMITED OURSELVES NOT ONLY WITH THE VEHICLE TRIPS THAT WOULD ON A MULTI-FAMILY PROJECT ALLOW ABOUT 315 UNITS. WE HAVE RESTRICTED OURSELVES TO ABOUT TWO-THIRDS OF THAT AT 215 UNITS. WE VOLUNTARILY SUGGESTED THAT WE WOULD MEET A TWO-STAR GREEN BUILDER STANDARD. YOU SEE THE CURRENT ENS CONTROLS IN QUOTES, AND THAT MEANS THAT WE, IN MEETING WITH MIKE KELLY, HAVE TALKED TO HIM ABOUT THE STANDARDS THAT HE IS GOING TO SUGGEST BE CHANGED IN THE ENVIRONMENTAL CRITERIA MANUAL, AND WE HAVE AGREED THAT WE WILL MEET THOSE NEW STANDARDS. SO IF -- IF THOSE STANDARDS HAVE BEEN CHANGED BY THE TIME THAT WE SUBMIT FOR A SITE DEVELOPMENT PERMIT, OBVIOUSLY WE WOULD MEET THE NEW STANDARDS. BUT IF WE SUBMIT A SITE DEVELOPMENT PERMIT BEFORE THOSE STANDARDS ARE CHANGED, OUR CONDITION IS THAT WE WOULD MEET WITH HIS DEPARTMENT AND THEY WOULD HAVE A DISCRETIONARY APPROVAL WITH REGARD TO THOSE NS CONTROLS. AND THE FINAL THING IS WE MET NOW LONG AGO WITH THE NEIGHBORHOOD OUT THERE, AND THEIR PRIMARY ISSUE WAS TRAFFIC. I'LL SHOW YOU IN A SECOND, THAT WE HAVE DEDICATED RIGHT-OF-WAY ALL ALONG THE EDGE OF OUR PROPERTY TO ALLOW FOR AN ADDITIONAL LANE ON BARTON CREEK BOULEVARD, WHICH CATCHES A LOT OF CUT THROUGH TRAFFIC AND WE HAVE PUT UP APPROXIMATELY \$100,000 THAT THE COUNTY NEEDED IN ORDER TO MAKE THOSE IMPROVEMENTS. SO WE SATISFIED THE NEIGHBORHOOD CONCERNS. AS YOU'LL SEE ON THIS ZONING MAP, THIS IS AN -- MF 1 IS NOT UNUSUAL AT ALL, EVEN IF WE WERE DOING WHAT MF 1 WOULD ALLOW US TO DO AT 17 17 UNITS PER ACRE, WITH THE ZONING THAT'S OUT IN THAT AREA YOU SEE A LOT OF LO-GR-LR, SF-6, WHICH CONDOMINIUMS, YOU SEE INDUSTRIAL ZONING IN THAT AREA. SO MF 1 IS CLEARLY CONSISTENT WITH THAT, BUT

WHAT I WOULD POINT OUT TO YOU IS AGAIN, MF 1 WOULD ALLOW 17 UNITS PER ACRE. WE ARE RESTRICTING OURSELVES AT 215 UNITS PER ACRE TO 6.5 UNITS PER ACRE. SO ROUGHLY A THIRD, THAT'S WHAT MF 1 WOULD ALLOW, AND IT'S THE SAME DENSITY THAT YOU WOULD SEE IF IT WAS ZONED SF-3. IF YOU LOOK AT SOUTHWEST PARKWAY MORE EXPANSIVELY, I THINK YOU SEE MUCH MORE AGGRESSIVE ZONING UP AND DOWN SOUTHWEST PARKWAY. THIS IS -- MAY BE THE KEY TO WHY I THINK THAT MF 1 IS THE APPROPRIATE CATEGORY TO ASK FOR. THIS IS THE SLOPE MAP FOR THIS SITE, AND CLEARLY INDICATES THAT WITH THE TOPOGRAPHY OUT THERE THAT THE BEST THING, THE MOST SENSITIVE THING TO DO ON THIS SITE IS TO USE A SMALL FOOTPRINT SO THAT BUILD ON THE FLAT PART OF THE SITE AND NOT HAVE TO DISTURB THE ENTIRETY OF THE SITE, AND THAT'S PRECISELY WHY WE PICKED MF 1 AS A CATEGORY WITH THESE ADDITIONAL LIMIT AIDS ONLIMIT -- LIMITATIONS ON IT. THE TRAFFIC IMPROVEMENTS THAT I MENTIONED EARLIER ARE TO ALLOW BARTON CREEK BOULEVARD AS IT ADJOINS OUR SITE TO BE A THREE-LANE ROAD VERSUS A TWO-LANE ROAD. AND THEN ALLOWS THE EXTRA TURNING MOVEMENT THAT SO MANY OF THE NEIGHBORS WANTED TO SEE, WHICH IS A PROTECTED LEFT TURN FOR PARTIES THAT WOULD BE TRAVELING FROM BARTON CREEK BOULEVARD AND TURNING LEFT BACK TOWARD TOWN ON SOUTHWEST PARKWAY. WE'VE ALSO, IN MEETING WITH COMMISSIONER DOUGHERTY AND THOSE NEIGHBORS, HAVE SUGGESTED THAT AS THE NEIGHBORHOOD REQUESTED, IF THEY NEEDED ADDITIONAL RIGHT-OF-WAY FOR AN ADDITIONAL RIGHT TURN LANE BOTH LEAVING BARTON CREEK BOULEVARD ON TO SOUTHWEST PARKWAY AND ALSO LEAVING SOUTHWEST PARKWAY AND TURNING RIGHT ON TO BARTON CREEK BOULEVARD, THAT WE WOULD DEDICATE THAT RIGHT-OF-WAY AND HELP WITH THE COST, IF THE COUNTY DETERMINES THAT IT NEEDS THEIR-- MEETSTHEIR STANDARDS WITH REGARD TO THE INTERSECTION. THERE'S SOME TOPOGRAPHY CONCERNS AND THEY WANTED TO MAKE SURE THAT THAT WOULD WORK. BUT I THINK THE KEY THING IN TERMS OF THE ISSUES THAT WE'VE BEEN DISCUSSING AND THAT I THINK YOU'LL HEAR SOME DISCUSSION AFTER I SIT DOWN, IS I REALLY DO THINK GIVEN THE EXISTING SITUATION HERE, WITH A SITE THAT WOULD BE ENTITLED TO GRANDFATHERING, THAT WHEN YOU HAVE A SITE THAT IS NOT ONLY GOING TO BE COMPLIANT WITH CURRENT RULES BUT IS LIMITING ITSELF BEYOND THOSE CURRENT RULES, ESPECIALLY WITH REGARD TO DENSITY, THAT THIS IS AN PROAMENT LAND USE IN THIS AREA. IT CERTAINLY -- APPROPRIATE LAND USE IN THIS AREA. IT MEETS ALL PLANNING PRINCIPLES AND AS INDICATED BY THE STAFF, THE STAFF CERTAINLY SUPPORTED IT AND ZAPCO SUPPORTED IT UNANIMOUSLY. YOU SEE THE DISCUSSION WE HAD AT THE ENVIRONMENTAL BOARD LAST NIGHT AND I THINK THEY SUGGEST THAT YOU DO WHAT YOU ALWAYS DO, WHICH IS TO TAKE INTO ACCOUNT ALL THE PLANNING THAT HAS BEEN DONE IN THIS AREA AND ELSEWHERE AS YOU EVALUATE YOUR DECISION, AND WE'RE CONFIDENT THAT IF YOU DO THAT, THAT YOU WOULD AGREE THAT THIS IS AN APPROPRIATE LAND USE. ONE THING THAT I WOULD MENTION IS -- I THINK IT'S INAPPROPRIATE TO USE THE TERM "UP ZONING HERE." REMEMBER THAT WE ARE GOING FROM A TRANSITIONAL ZONING CATEGORY. THIS IS DR, WHICH IS THE CATEGORY THAT THE CITY USES WHEN THEY ANNEX PROPERTY AND THEY DON'T KNOW WHAT THE PERMANENT USE IS GOING TO BE. SO ALL WE ARE ASKING TO DO IS

TO MOVE FROM THAT TRANSITIONAL CATEGORY TO A PERMANENT CATEGORY, AND FRANKLY WE SHOULDN'T BE PUNISHED FOR WAITING 20 YEARS TO MAKE THE RIGHT DECISION WITH REGARD TO LAND USE, BECAUSE I THINK, FRANKLY, WE'RE ENDING UP WITH SOMETHING THAT'S FAR LESS DENSE THAN IT WOULD HAVE BEEN IF WE HAD MADE THAT REQUEST EARLIER. BE HAPPY TO ANSWER QUESTIONS.

MAYOR WYNN: THANK YOU, MR. DRENNER. QUESTIONS FOR THE AGENT, COUNCIL? MR. GUERNSEY?

GUERNSEY: I JUST WANT TO NOTE, MAYOR, COUNCIL, YOU SHOULD HAVE ON THE DAIS THE ENVIRONMENTAL BOARD'S ACTION FROM LAST NIGHT IN YELLOW, AND JUST -- TOOK PLACE LESS THAN 24 HOURS AGO. THEIR RECOMMENDATION WAS THAT THE CITY COUNCIL REVIEW THE CONCEPTUAL INFORMATION RECOMMENDED BY BARTON CREEK ASSOCIATION, IN THE EVALUATION OF THE UP ZONING REQUEST FOR THE SUBJECT TRACT AS THE ZONING CASE HAS POTENTIAL FOR ENVIRONMENTAL IMPACTS DUE TO DENSITY AND UP ZONING ISSUES. THEIR RATIONALE WAS THAT THE ENVIRONMENTAL BOARD RECOMMENDS THAT OUTSIDE OF THIS PROJECT, THE CITY COUNCIL CONSIDER [INDISCERNIBLE] BARTON SPRINGS ZONE EVALUATES POLLUTANT LOADING, SURFACE AND GROUNDWATER AND OTHER MEDIA AND EVALUATES THE MASTER PLANNING/LAND USE SCENARIO TO SPECIFY LAND USES AT THE PROTECTION OF THOSE RESOURCES, AND THAT WAS ON A VOTE OF 7-0. BUT THIS IS ON YOUR DAIS IN YELLOW.

MAYOR WYNN: ALL RIGHT. THANK YOU, MR. GUERNSEY. SO -- COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: SO, MR. GUERNSEY, COULD YOU TELL US A LITTLE ABOUT DR ZONING? WHEN IS IT USED AND WHAT DOES IT MEAN?

GUERNSEY: THE DR ZONING IS A DEVELOPMENT RESERVE DISTRICT, AND BY CODE IT'S DESIGNATED AS A TEMPORARY USE OR THE USE THAT WILL NOT COMMIT THE LAND TO A PARTICULAR LAND USE PATTERN OR INTENSITY. THE DR DISTRICT MAY BE APPLIED TO A USE LOCATED ON LAND FOR WHICH THERE ARE ADEQUATE PUBLIC SERVICES OR FACILITIES ARE NOT AVAILABLE, THAT THE ECONOMIC, DEMOGRAPHIC OR GEOGRAPHIC DATA IS NOT AVAILABLE OR LAND USE AND URBAN DEVELOPMENT POLICIES HAVE NOT BEEN COMPLETED. AND THAT IS THE PURPOSE STATEMENT OF THE DEVELOPMENT RESERVE DISTRICT.

LEFFINGWELL: ARE ANY OF THOSE CONDITIONS MET?

RIGHT NOW THIS PROPERTY AND SEVERAL AROUND IT, UTILITIES ARE NOW AVAILABLE WHERE THEY MAY NOT HAVE BEEN IN 1986. WE DO HAVE CERTAINLY POLICIES REGARDING LAND USE IN THIS AREA BEING THE SOS ORDINANCE AND LIMITING DENSITY AND DEVELOPMENT ON THIS TRACT TO -- I BELIEVE ONLY 20% IMPERVIOUS COVER LIMITATIONS.

THE STREET SYSTEM IS IN PLACE, AND AS YOU HEARD FROM MR. DRENNER, THEY ARE GOING TO MAKE IMPROVEMENTS TO THE RIGHT-OF-WAY AND MIDWAY IMMEDIATELY ADJACENT TO THE SITE TO PROVIDE ADEQUATE ACCESS TO THE PROPERTY LEFFINGWELL.

LEFFINGWELL: THANKS.

> OTHER QUESTIONS? COMMENTS? THEN IF NOT WE WILL GO TO OUR FOLKS WHO ARE HERE TO SPEAK IN OPPOSITION. OUR FIRST SPEAKER IS KENDRA SHAVELL. YOU'LL HAVE THREE MINUTES.

GOOD EVENING, MAYOR, COUNCIL AND STAFF. MY NAME IS KIT RON CO-VEL. I APOLOGIZE, OUR ASSOCIATION PRESIDENT IS NOT ABLE TO BE HERE TONIGHT SO I'LL DO MY BEST TO RELAY TO YOU THE BOARD'S POSITION. OUR NUMBER ONE CONCERN ABOUT THIS PROPERTY IS THE COMPLETE ABSENCE OF PLANNING IN THIS AREA. THIS TRACT IS NOT PART OF ANY NEIGHBORHOOD PLAN. THE SITE IS LOCATED NEXT TO A NATURE PRESERVE, A GOLF COURSE, MANY TRACTS OF UNDEVELOPED LAND AND NEARBY NEIGHBORHOODS ARE PRIMARILY RURAL DENSITY. WE DO NOT BELIEVE THIS ZONING IS APPROPRIATE FOR SUCH ENVIRONMENTALLY SENSITIVE LAND. THIS TRACT IS LOCATED IN THE BARTON SPRINGS CONTRIBUTING ZONE, AND THEREFORE WE BELIEVE IT IS VERY ENVIRONMENTALLY SENSITIVE. THE QUESTION IS WHY IS IT BEING DEVELOPED? JUST DOWN THE STREET THE DEVELOPER HAS RELOCATED: WE OPPOSED THIS TWO YEARS AGO THAT IT WOULD BE AN INCENTIVE FOR FURTHER DEVELOPMENT AND IT APPEARS WE WERE RIGHT. WHAT YOU HAVE BEFORE YOU IS A DISCRETIONARY UP ZONING. IT'S PIECEMEAL. PUTS 250 UNITS OF DENSE DEVELOPMENT DIRECTLY ON THE BARTON SPRINGS ZONE CONTRIBUTING ZONE. IT WILL RESULT IN ADDITIONAL DEVELOPMENT IN THIS AREA IN THE NEAR FUTURE. THE DEVELOPER WILL TELL YOU IT'S BESIDE BY THE HIGHEST LEVEL ENVIRONMENTAL POSSIBILITIES FOR THE TRACTS BUT EVEN IF YOU PROPERLY DISINFECT SUCH CUTS A THOUSAND CUTS WILL PROVE FATAL. THAT IS WHAT IS IN STORE ON THE LANDS ALONG SOUTHWEST PARKWAY, A THOUSAND CUTS. THE PRECEDENT YOU SET TONIGHT WILL GO FAR IN DETERMINING WHAT HAPPENS ALONG THIS ROADWAY. WE ASK THAT YOU DENY THIS DISCRETIONARY UP ZONING AND BEGIN A BROAD PROCESS OF LAND USE PLANNING FOR THIS AREA. WE KNOW THAT OUR SECTION OF THE AQUIFER IS REACHING ITS BREAKING POINT IN TERMS OF DEVELOPMENT. BOLD MEASURES ARE DESPERATELY NEEDED TO AVOID NULLIFYING THE HARD WORK OF GENERATIONS OF AUSTINITES BEFORE US. PLEASE HELP US KICK OFF A NEW ERA OF SUSTAINABLE GROWTH IN AUSTIN BY DENYING THIS UP ZONING AND WATCHING A COMPREHENSIVE PROCESS. ON A FINAL NOTE I WILL SAY THAT WHEN WE WERE BEFORE THE ENVIRONMENTAL BOARD LAST NIGHT THEY DID ENDORSE LAUNCHING A MORE COMPREHENSIVE PLANNING PROCESS FOR THIS ZONE AND FOR THIS AREA, OVER THE AQUIFER AND AS AN ORGANIZATION, THE SAVE BARTON CREEK ASSOCIATION WILL BE VERY MUCH INTERESTED IN BEING A PART OF THAT PROCESS. THANK YOU.

MAYOR WYNN: THANK YOU, KIDRON. OUR NEXT SPEAKER IS ANDREW HAWKINS. WELCOME,

ANDREW. YOU TOO WILL HAVE THREE MINUTES, TO BE FOLLOWED BY ROY WAILY.

THANK YOU, GOOD EVENING, MAYOR AND COUNCIL MEMBERS. MY NAME IS ANDREW HAWKINS. I'M WITH THE SAVE OUR SPRINGS ALLIANCE. SOS RESPECTFULLY REQUESTS THAT YOU VOTE AGAINST THIS ZONING, THAT WILL ALLOW THEM TO BUILD MORE THAN 32 32 APARTMENTS ON THE ACRES IN THE BARTON CREEK WATERSHED. WE ECHO SAVE BARTON CREEK'S COMMENTS, AND ALSO URGE CONSIDERATION OF A COMPREHENSIVE PLAN FOR THIS AREA, AND WE APPRECIATE COUNCIL LETTING THE ENVIRONMENTAL BOARD HAVE A LOOK AT IT AND THINK THEY MADE SEVERAL EXCELLENT RECOMMENDATIONS. I JUST HAVE A FEW ADDITIONAL POINTS. FIRST POINT IS WE UNDERSTAND THAT THIS PROJECT WOULD BE BUILT UNDER SOS, BUT THIS IS NOT AN EXCUSE TO APPROVE IT. IT'S BASIC COMPLIANCE WITH THE LAW AND WE URGE THE COUNCIL TO GO ABOVE AND BEYOND BASIC COMPLIANCE AND EXERCISE YOUR AUTHORITY AND DUTY TO MINIMIZE DEVELOPMENT AND POLLUTION IN THE BARTON SPRINGS WATERSHED. THIS IS A CRUCIAL POINT NOT ONLY FOR THIS CASE BUT FOR ALL CASES. ANOTHER POINT IS YOU HAVE TOTAL DISCRETION TODAY OVER THIS PROPOSED DEVELOPMENT THAT WOULD ADD MORE DENSITY IN AN AREA THAT ALREADY HAS TOO MUCH. DENSITY OF COURSE MEANS MORE POLLUTION, MORE TRAFFIC, MORE NEED FOR SECONDARY SERVICES. I ATTENDED THE MEETING STRATUS HAD WITH THE ESTATES OF BARTON CREEK HOMEOWNERS ASSOCIATION AND OF COURSE I CAN'T CLAIM TO SPEAK FOR THE HOMEOWNERS BUT WHAT I HEARD WITH THE MANY RESIDENTS OUT THERE CONCERNED ABOUT THE TRAFFIC ON BARTON CREEK BOULEVARD. MANY WERE SKEPTICAL THAT MINOR IMPROVEMENTS WOULD SOLVE THE PROBLEM. IN OTHER WORDS, THE INFRASTRUCTURE OUT THERE IS ALREADY OVERBURDENED AND WE'RE GOING DOWN A FAMILIAR AND DANGEROUS PATH THAT CONTINUES TO SHOW UP ON THE OUTSKIRTS OF THE CITY AND THE TRAVIS COUNTY. THE ONLY WAY TO FIX A PROBLEM LIKE THIS IS BY MAKING WISE LAND USE DECISIONS. ROAD EXPANSIONS FACILITATE MORE GROWTH AND THERE SEEMS TO BE LITTLE CITY AND COUNTY MONEY FOR SUCH EXPANSIONS ANYWAY. FINALLY, ON A MOST BASIC LEVEL, I THINK WHEN YOU LOOK AT THAT MAP THERE'S -- IT'S REALLY QUESTIONABLE THAT THIS LAND USE IS CONSISTENT WITH WHAT'S OUT THERE. I THINK AS DR. MAXWELL FROM THE ENVIRONMENTAL BOARD POINTED OUT LAST NIGHT, THIS IS VERY CLOSE TO PRESERVE LAND, AND THERE'S A REASON WHY THAT LAND IS PRESERVED LAND. IT'S AN EXTREMELY SENSITIVE AREA, AND AGAIN, WE RESPECTFULLY ASK THAT YOU VOTE AGAINST THIS PROPOSED UPZONING FOR THE BENEFIT OF THE COMMUNITY AND THE ENVIRONMENT. THANK YOU.

MAYOR WYNN: THANK YOU, ANDREW. ROY, WELCOME BACK. YOU'RE TO BE FOLLOWED BY SARAH BAKER.

HOWDY YOU-ALL. MY NAME IS ROY WAILY AND I AM THE VICE CHAIR OF THE LOCAL SIERRA CLUB CHAPTER, THE LOCAL AUSTIN GROUP. AND WHEN YOU GO FROM ZERO UP IT'S AN UPZONING, AND YOU DO HAVE THE OPPORTUNITY TO TAKE THE FIRST RIGHT STEP ON THIS. NOW, WE ARE RIGHTFULLY VERY PROUD OF WHAT WE'VE DONE WITH THE OLD MUELLER

AIRPORT, AND THE REASON WE HAVE SUCH A GOOD PROJECT GOING ON OUT THERE IS BECAUSE OF PLANNING. THAT WAS A VERY WELL PLANNED PROJECT OUT THERE, AND THE PLANNING IS SHOWING THE RESULTS. THE ENVIRONMENTAL BOARD DID OVERWHELMINGLY FEEL THAT THAT IS WHAT'S NECESSARY FOR THIS VERY SENSITIVE AREA OUT THERE, AND WE ALL KNOW THIS IS A SENSITIVE AREA. WE CAN SCREW UP MUELLER AND GO BACK AND FIX IT. WE DON'T HAVE LITTLE SCRUBBING BUBBLES THAT WE CAN SEND INTO THE AQUIFER TO CLEAN IT UP. AND IT'S 215 UNITS BUT IT'S THE IMPACT. IT'S THE IMPACT. THIS IS THE FIRST STEP. IT DOES SET A PRECEDENT. IT IS PLANTING THE FLAG OUT THERE. THERE HAVE BEEN SEVERAL OTHER PLANS THAT WE NEED TO CONSIDER. THE ENVISION CENTRAL TEXAS PLAN HAS NOT BEEN PREVIEWED ON THIS IN THIS CASE, AND TO SEE THE IMPACT OF THAT, AND LIKE DR. MAXWELL SAID LAST NIGHT, THERE IS A REASON THAT THERE IS SO MUCH PRESERVE LAND THERE. IT'S IN THE CONTRIBUTING ZONE. IT'S IN THE CONTRIBUTING ZONE. NOW, WE DID HAVE A -- I SPOKE WITH MR. DRENNER, AND I APPRECIATED HIS TIME AND THE DISCUSSION THAT WE HAD. I WAS GLAD TO SEE THAT HE WANTS TO MAKE THIS A GREEN PROJECT, A GREEN BORDERING PROJECT. IN TERMS OF GREEN BUILDING IN THAT AREA, A PRECEDENT HAS BEEN SET BY A MAJOR EMPLOYER OUT THERE THAT HAS BUILT THE GREENEST PROJECT THAT THEY COULD. I DON'T BELIEVE IT SHOULD BE THERE, BUT I APPRECIATE WHAT THEY DID, AND I WOULD LIKE TO SEE THAT HAPPEN AGAIN. I WOULD LOVE TO SEE -- US GO ABOVE TWO STARS HERE AND DO A LITTLE RAINWATER COLLECTION OUT THERE ALSO, KEEP AS MUCH WATER OUT OF THE AQUIFER THAT RUNS OFF OF ASPHALT AS WE POSSIBLY CAN, IF IT HAS TO GO THROUGH. BUT I WOULD ASK THAT WE NOT UPZONE IT THIS EVENING, THAT WE DO GO AHEAD AND START THIS PLANNING PROCESS. WE'VE SAID IT OVER AND OVER. I'VE HEARD THE CITY TALK ABOUT THIS AGAIN AND AGAIN: GOOD PLANNING MAKES GOOD PROJECTS. THIS IS THE OVERALL -- THIS IS JUST ONE SMALL PIECE OF A LARGER PICTURE, AND I HOPE THAT YOU WILL TAKE THE TIME TO STEP BACK AND NOT UPZONE THIS AT THIS TIME AND DO THE PROPER PLANNING ON IT. THANK YOU VERY MUCH FOR YOUR TIME.

MAYOR WYNN: THANK YOU, ROY. SARAH BAKER, WELCOME BACK, SARAH. YOU HAVE 3 MINUTES.

GOOD EVENING. THANKS. MY NAME IS SARAH BAKER. I'M HERE ASKING YOU TO DENY THE ZONING REQUEST. I THINK IT'S A GREAT OPPORTUNITY TONIGHT TO PROTECT OUR IMAGE IN AUSTIN AS AN ENVIRONMENTALLY CONSCIOUS CITY AND OUR ECONOMIC VIABILITY, AND YOU CAN DO THAT BY MAKING A DECISION TO PROTECT BARTON SPRINGS, TO KEEP IT CLEAN, KEEP IT FLOWING. WE KNOW THAT THE -- TWO OF THE BIGGEST THREATS TO WATER QUALITY IN BARTON SPRINGS ARE SEWAGE EFFLUENT AND POLLUTION FROM CARS ON THE ROADS. SO THE ZONING REQUEST TONIGHT FOR MF 1, 215 UNITS, IS APPROXIMATELY FOUR OR 500 PEOPLE FLUSHING TOILETS ON THE AQUIFER, MAKING 2,000 CAR TRIPS A DAY UP AND DOWN SOUTHWEST PARKWAY. THIS LEVEL OF DENSITY INCREASES POLLUTION. WE KNOW THAT THE PROJECT -- THEY HAVE PLANNED SF COMPLIANCE. WE WERE HERE LAST FALL TALKING ABOUT THE SF ORDINANCE. WE HEARD TIME AND TIME AGAIN, SF ORDINANCE DOESN'T CONSIDER DENSITY. THAT'S A ZONING

ISSUE. AND WE CAN DEAL WITH OVER DENSE WATERSHED AND POLLUTION FROM TOILETS AND CARS IN ZONING CASES. SO WE'RE HERE AT A ZONING CASE AND IT'S THE TIME TO MAKE THE DECISION THAT WE CAN'T ENCOURAGE HIGH-DENSITY DEVELOPMENT IN OUR FRAGILE WATERSHED. WE HEARD EARLIER THAT THIS PROJECT FOLLOWS PLANNING PRINCIPLES. WE HAVE AN OVERARCHING PRINCIPLE IN THE CITY THAT'S IN THE AUSTIN TOMORROW PLAN TO DIRECT DEVELOPMENT DOWNSTREAM OF THE BARTON SPRINGS WATERSHED. WE HAVE A DESIRED DEVELOPMENT ZONE. WE'RE WORKING ON DENSITY IN CENTRAL CITY. YOU GUYS HAVE BEEN TALKING ABOUT THAT ALL DAY. THAT'S WHERE HIGH DENSITY CONDO PROJECTS ARE APPROPRIATE, NOT ON OUR UNDEVELOPED EDGES OF THE CITY THAT HAVE BEEN DESIGNATED WATER QUALITY, WILDFIRE PRESERVE. I JUST THINK YOU HAVE A -- AN OPPORTUNITY HERE TO USE YOUR DISCRETION AND YOUR POWER AS OUR ELECTED CITY LEADERS TO DO SOMETHING THAT'S GOING TO PROTECT THE SPRINGS AND PROTECT THE WATER FOR ALL OF OUR COMMUNITY. WE KNOW THAT THEY'RE PROPOSING A HOTEL AND A CONDO PROJECT ACROSS THE STREET. THAT WILL PROBABLY BE A LOT OF FUN FOR THIS AREA. I THINK IT WOULD BE FUN TO HAVE THAT PROJECT AND ENJOY IT AND HAVE CONDOS WHERE THEY SHOULD BE AND AT THE SAME TIME STAND UP FOR BARTON SPRINGS AND PROTECT THAT CRUCIAL RESOURCE THAT SO MANY PEOPLE IN THIS CITY ENJOY, LOVE AND LIVE HERE BECAUSE OF. THANKS FOR YOUR TIME.

MAYOR WYNN: AND ALSO FOR THE RECORD, COUNCIL CALLING -- CLARK SIGNED UP NOT WISHING TO SPEAK BUT IN OPPOSITION. SO MR. DRENNER, YOU ARE THE ADVOCATE, YOU NOW HAVE A ONE-TIME THREE-MINUTE REBUTTAL. ANYTHING YOU MAY HAVE HEARD?

THANK YOU, MAYOR. WELL, JUST FOR CLARIFICATION, THE NEIGHBORHOODS DID NOT OPPOSE THIS PROJECT, AS YOU SEE BY THE ABSENCE OF NEIGHBORHOOD REPRESENTATIVES, SO I THINK THE NEIGHBORHOODS GOT EXACTLY WHAT THEY WERE INTERESTED IN, WHICH IS SOME TRAFFIC IMPROVEMENTS FOR THAT INTERSECTION WHERE IT CURRENTLY BACKS UP. I WOULD ALSO, FOR THE RECORD, CLARIFY THE ENVIRONMENTAL BOARD DID NOT OPPOSE THIS PROJECT. THEY TALKED ABOUT LONG-TERM PLANNING AND THE FACT THAT LONG-TERM PLANNING IS ALWAYS GOOD, BUT THEY DID NOT OPPOSE THIS PROJECT. THE -- WE TALKED ABOUT PLANNING PRINCIPLES, AND I GUESS WE CAN ALL DIFFER WITH REGARD TO WHAT THOSE ARE, BUT AGAIN, I WOULD -- I WOULD SUGGEST TO YOU THAT THE TWO GROUPS THAT ARE THE MOST SKILLED AT LOOKING AT THAT, YOUR CITY STAFF AND YOUR SOAGHT AND PLATTING -- ZONING AND PLATTING COMMISSION BOTH SUPPORT THIS PROJECT. ZONING AND PLATTING COMMISSION UNANIMOUSLY SUPPORTED THIS PROJECT. AND I GUESS IF I UNDERSTAND THE THEORY ON SUGGESTING THAT DR IS AN APPROPRIATE DESIGNATION I WOULD READ AGAIN WITH MR. GUERNSEY READ, WHICH IS NOT ONLY IS THIS A DESIGNATION FOR TEMPORARY USE OR USE THAT WILL NOT COMMIT LAND TO A PARTICULAR USE, PATTERN OR INTENSITY, AND THAT IT IS APPROPRIATE FOR LAND WHICH -- LAND USE AND URBAN DEVELOPMENT POLICIES HAVE NOT YET BEEN COMPLETED. THIS PROPERTY HAS BEEN ANNEXED FOR 20 YEARS. CERTAINLY WE'RE NOT GOING TO SUGGEST THAT WE HAVE NOT COMPLETED LAND USE POLICIES WITH REGARD

TO THIS AREA. ALL OF YOUR POLICIES, OF COURSE, ARE ALWAYS SUBJECT TO REVIEW, BUT I DON'T THINK BY ANY STRETCH OF THE IMAGINATION ONE CAN SUGGEST THAT DR IS AN APPROPRIATE LAND USE CATEGORY ON A PERMANENT BASIS. AND FINALLY, I GUESS IF I WOULD UNDERSTAND THE ARGUMENT OTHERWISE, THEN YOU'RE SUGGESTING THE FOLKS -- THE FOLKS THAT ARE SUGGESTING THAT THIS IS NOT APPROPRIATE ARE SUGGESTING THAT YOU DON'T CHANGE THE ZONING, YOU DON'T UPZONE ANYTHING IN THIS WATERSHED, AND THAT NOTHING SHOULD BE -- NOTHING SHOULD BE BUILT AT THIS POINT, AND I DON'T THINK THAT THAT'S CONSISTENT WITH WHERE WE'VE BEEN AS A COMMUNITY. CERTAINLY I WOULD NOT OPPOSE FUTURE PLANNING, BUT I DON'T THINK IN ANYBODY'S ESTIMATION, LOOKING AT A SITE THAT IS IN THIS LOCATION AT THE HARD CORNER OF BARTON CREEK BOULEVARD AND SOUTHWEST PARKWAY, THAT YOU WOULD COME UP WITH VERY MANY PLANNERS WHO WOULD FIND AN MF 1 USE THAT IS RESTRICTED IN THIS MANNER TO BE AN INAPPROPRIATE CATEGORY. SO ALL THE PLANNING IN THE WORLD, I WOULD SUGGEST, ISN'T GOING TO CHANGE THE FACT THAT THIS IS AN APPROPRIATE CATEGORY. SO WITH THAT LET ME CLOSE, AND AGAIN, HAPPY TO ANSWER QUESTIONS.

MAYOR WYNN: QUESTIONS FOR MR. DRENNER, COUNCIL? COUNCIL MEMBER KIM?

KIM: MR. DRENNER, I JUST WANT LOOKING THROUGH YOUR ADDITIONAL CONDITIONS. I GUESS THE RESTRICTIVE COVENANT ON THE EROSION AND SEDIMENTATION STANDARD, AND IT SAYS THAT THE APPLICANT WILL COMPLY WITH ANY REVISED TEMPORARY EROSION AND SEDIMENTATION STANDARDS IN THE CITY'S ENVIRONMENTAL CRITERIA MANUAL AS ENACTED BETWEEN THE EFFECTIVE DAY OF THE ZONING ORDINANCE AND THE DATE THAT THE APPLICANT FILES AN APPLICATION FOR SITE DEVELOPMENT PERMIT. DO YOU HAVE OR DO WE HAVE A COPY OF THE TEMPORARY ENS STANDARDS AVAILABLE?

WHAT'S IN THE CODE TODAY, OF COURSE, GOVERNS TEMPORARY EROSION, SEDIMENTATION CONTROLS. BUT THE STAFF HAS BEEN CHARGED WITH REVIEWING THOSE TO SEE WHETHER THERE NEEDS TO BE IMPROVEMENTS IN THOSE CONTROLS.

KIM: RIGHT.

SO THE LANGUAGE IS INTENDED TO REFLECT THE FACT THAT WE'RE GOING TO BE COMPLIANT WITH THE TO BE CHANGED RULES, NOT JUST THE RULES THAT ARE ON THE BOOKS TODAY. IN OTHER WORDS, IF THIS ZONING IS GRANTED, WE CAN'T RUSH AND FILE A SITE DEVELOPMENT PERMIT AND SOMEHOW NOT HAVE TO COMPLY WITH THOSE TO-BE CHANGED RULES.

AND THEN I GUESS IN THIS AGREEMENT, IF THERE ARE NO ENS CONTROLS THAT -- ANY REVISIONS TO ENS CONTROLS, THAT YOU WILL HAVE YOUR TEMPORARY CONTROL PLAN PROWD BY THE ENVIRONMENTAL RESOURCES STAFF?

AND THAT WAS AGAIN IN LIGHT OF THE FACT THAT I DON'T THINK IT WILL BE VERY MANY

MONTHS BEFORE YOU HAVE AN OPPORTUNITY TO APPROVE THOSE CHANGES, BUT IF WE WERE TO RUSH IN, THAT THEY HAVE THE ABILITY TO LOOK AT THOSE IN LIGHT OF THE PROPOSED CHANGES THAT THEY WOULD MAKE, AND THEY HAVE A DISCRETIONARY APPROVAL ON WHETHER OR NOT WE HAVE DONE THE ADEQUATE -- ADEQUATE --

KIM: WOULD THAT GO BEFORE THE ENVIRONMENTAL BOARD?

IT WOULD BE FINE WITH ME IF IT WENT TO THE ENVIRONMENTAL BOARD.

KIM: OKAY. THANK YOU. I HAVE SOME QUESTIONS FOR STAFF ABOUT THE ENS CONTROLS. MAYBE THERE'S SOMEONE WHO CAN ANSWER THE QUESTIONS. MR. MURPHY, WHAT IS THE TIMELINE? I REMEMBER WE WERE BETTING ON THE REDEVELOPMENT ORDINANCE, THIS WAS SOMETHING THAT WAS SPECIFICALLY REQUESTED OF THE STAFF, THAT THEY BRING THIS BACK TO COUNCIL BY FEBRUARY, AND WE HAVEN'T RECEIVED REPORTS OF ANY KIND. AND SO WE WERE ASSURED THAT WE WOULD BE ABLE TO LOOK AT THAT AND WE WOULD THEN SEND THAT TO THROUGH THE BOARDS AND COMMISSIONS PROCESS.

YES, I DON'T HAVE AN EXACT DATE FOR YOU AT THIS MOMENT, BUT I KNOW THAT STAFF HAS BEEN DILIGENTLY WORKING ON THIS. IT'S FAIRLY COMPREHENSIVE THING THAT THE STAFF IS DOING, AND MY UNDERSTANDING IN TALKING TO THE RESOURCE MANAGEMENT STAFF THAT ARE WORKING ON THIS IS THAT WE SHOULD BE STARTING TO BRING THAT THROUGH THE PROCESS VERY SOON. BUT I DON'T HAVE AN EXACT DATE FOR YOU HERE TODAY. I APOLOGIZE FOR THAT, FOR NOT KNOWING. I CAN TRY TO FIND OUT BY GETTING AHOLD OF SOMEONE IF THAT'S A MORE FIRM DATE THAN THAT.

WHAT ARE SOME OF THE THINGS THEY'RE LOOKING AT SPECIFICALLY IN CHANGING?

AS YOU PROBABLY HAVE HEARD BEFORE, OUR CRITERIA HAS REALLY NOT BEEN TOUCHED FOR A VERY LONG TIME. THESE STANDARDS HAVE BEEN IN PLACE FOR SOME 20 YEARS. SO WE ARE IN THE PROCESS OF TRYING TO BENCHMARK AND LOOK AT THINGS ALL OVER THE COUNTRY IN TERMS OF OTHER MORE INNOVATIVE AND NEWER IDEAS FOR EROSION CONTROL AND ALSO TRYING TO STANDARDIZE THINGS THAT WE HAVE BEEN DOING ON AN AD HOC TYPE BASIS AS THESE PROJECTS HAVE COME THROUGH. SO IN OTHER WORDS, STAFF HAS BEEN TRYING TO ADDRESS EROSION IN A MORE EFFECTIVE WAY AS WE GO. ONE OF THE THINGS IS USING TEMPORARY CONTROLS, WHICH ARE PERIMETER-TYPE CONTROLS. THOSE BASICALLY DEAL WITH HOW -- TRYING TO CATCH AND REMOVE SEDIMENT FROM WATER BEFORE IT LEADS THE SITE. OTHER EFFECTIVE MEASURES ARE HOW THE PROJECT IS BUILT, IN PHASES, SUCH THAT YOU DON'T OPEN UP VAST AREAS OF LAND ALL AT ONCE, THAT YOU DO IT IN A MANNER THAT WOULD ENSURE THAT THE RISK IS AT LEAST MINIMIZED SOMEWHAT FROM WHAT IT WOULD BE WITH A SITE THAT'S ALL GRATED AT ONCE. THAT'S ANOTHER THING STAFF IS LOOKING AT. ALSO LOOKING AT DIFFERENT TIMES OF CONTROLS THAT WOULD TEND TO POND AND CATCH SEDIMENT, AS WELL AS PUTTING IN AND LOOKING AT PERMANENT EROSION CONTROL MEASURES, WHICH

ARE THOSE THAT DEAL WITH DEVELOPMENT AFTER IT'S BUILT TO TRY TO SLOW DOWN AND ENSURE THAT THAT WATER LEAVING THE SITE HAS AS LITTLE SEDIMENT IN IT AS POSSIBLE AND IS AS NON-EROSIVE AS POSSIBLE DOWNSTREAM. SO WE'RE LOOKING AT ALL OF THOSE THINGS, NEW PRODUCTS, NEW IDEAS AND TRYING TO INTEGRATE THOSE INTO OUR CURRENT CRITERIA. I'M NOT SURE OF THE EXACT TIMELINE AND I'M FRANKLY NOT SURE OF THE TIMELINE OF THIS PROJECT, IN TERMS OF WHEN IT MIGHT BE SUBMITTED. BUT WE ARE WORKING DILIGENTLY ON THAT. I KNOW THAT MR. DRENNER HAS MADE A COMMITMENT AND I KNOW OUR STAFF HAS MET WITH MR. DRENNER IN ORDER TO MAKE SURE THAT HE UNDERSTANDS THE KINDS OF THINGS WE'RE LOOKING AT AND AS WELL AS AGREEING THAT HE WOULD WORK WITH US TO TRY TO EVENT GREAT ANY OF THOSE IDEAS THAT WE ARE READY TO PROMOTE INTO HIS PLAN, I BELIEVE HE AGREED, EVEN IF IT'S BEFORE WE FORMALLY HAVE THOSE ADOPTED, THAT HE WOULD AGREE TO WORK WITH US ON THOSE IDEAS.

KIM: WELL, I THINK THE LEVEL OF DETAIL IN THE ENS CONTROLS IS PRETTY IMPORTANT TO KNOW, HOW MUCH WOULD IT COST THE DEVELOPER, BUT ALSO WHAT WOULD THE CITY NEED TO INVEST IN TO MAKE THAT HAPPEN. DO WE NEED TO HAVE ADDITIONAL STAFF TO CHECK ON THOSE THINGS DURING CONSTRUCTION? THE MONITORING AND SITE VISITS, WHAT ARE -- IS THAT -- WOULD THAT BE REQUIRED WITH ENHANCING OF CONTROLS?

WELL, NOT NECESSARILY. IT CERTAINLY COULD MEAN THAT STAFF WOULD HAVE TO BE TRAINED ON HOW THESE CONTROLS ARE SUPPOSED TO BE INSTALLED AND HOW THEY'RE SUPPOSED TO WORK AS WELL AS WORKING WITH OUR -- THE DESIGNERS, THE PRIVATE DEVELOPERS IN TERMS OF MAKING SURE THEY UNDERSTAND THE CRITERIA AND HOW TO PROPERLY INSTALL THOSE, AS WELL AS CONTRACTORS OUT THERE THAT TEND TO DO THIS KIND OF WORK. THAT IS, IN TERMS OF ADDITIONAL RESOURCES, WE'RE ALREADY OUT THERE INSPECTING THE SITE CURRENTLY. I'M NOT AWARE AT THIS POINT OF ANY PROPOSALS THAT WOULD CREATE ADDITIONAL RESOURCE NEEDS IN TERMS OF INSPECTION AND ENFORCEMENT BASED ON THIS. IT'S JUST GOING TO BE DIFFERENT THINGS THAN WE CURRENTLY REQUIRE THAT ARE BEING INSPECTED ALREADY. SO I'M NOT SURE FROM AN INSPECTION AND ENFORCEMENT STANDPOINT HOW THAT EQUATES TO ADDITIONAL RESOURCES. IN TERMS OF ADDITIONAL RESOURCES, IN ORDER TO BE ABLE TO GET THESE DONE MORE QUICKLY, I -- I WOULD HAVE TO COME BACK TO YOU WITH THAT SORT OF RESPONSE. I JUST REALLY DON'T KNOW RIGHT NOW IF THAT'S AN OPTION OR IF THAT WOULD BE HELPFUL. I NO HE THAT THEY HAVE COME A LONG WAY, AND IN MY ESTIMATION WE SHOULD BE COMING FORWARD HERE IN FAIRLY SHORT ORDER TO START GOING THROUGH BOARDS AND COMMISSIONS ON OUR WAY BACK TO COUNCIL.

KIM: SO WHEN WE CHANGE THE ENVIRONMENTAL CRITERIA MANUAL, WILL THAT BE AN ACTION OF THE COUNCIL?

NO, I REALIZED WHEN I SAID THAT. NO, ACTUALLY, NO, CRITERIA NORMALLY DO NOT COME TO COUNCIL. THOSE ARE BASICALLY DONE WITH STAKEHOLDERS WHERE WE MEET WITH

STAKEHOLDERS, AND THOSE ARE ADMINISTRATIVE, AND ONCE WE HAVE GONE THROUGH THAT PROCESS THEY ARE ADOPTED BY THE CITY MANAGER. AND THE REASON FOR THAT IS CRITERIA ARE NOT CODE. THEY'RE MEANT TO SUPPORT CODE. WE ALREADY HAVE EROSION AND SEDIMENTATION CONTROL REQUIREMENTS IN OUR CODE THAT YOU MUST MEET. THESE ARE JUST DIFFERENT STANDARDS THAT WOULD BE USED TO MEET THE CODE REQUIREMENT THAT'S ALREADY THERE. THERE MAY BE SOME CODE AMENDMENTS ASSOCIATED WITH THIS, AND I UNDERSTAND THAT THEY ARE LOOKING AT SOME. IF THERE ARE, THOSE WOULD COME TO YOU FOR YOU TO APPROVE TO AMEND THE CODE TO REQUIRE A ADDITIONAL EROSION CONTROL MEASURES. SO MY UNDERSTANDING IS THERE WILL BE SOME OF EACH OF THOSE COMING FORWARD.

BUT PART CRITERIA CHANGES [INDISCERNIBLE] DONE ADMINISTRATIVELY.

THAT'S MY UNDERSTANDING.

WHAT HAPPENS WHEN SOMEONE VIOLATES THE CRITERIA VERSUS VIOLATING THE CODE? I GUESS IF THEY VIOLATE THE CODE --

IF YOU VIOLATE THE CRITERIA YOU VIOLATE THE CODE. SO IT'S -- LOOK AT THE CRITERIA AS TELLING YOU HOW TO MEET THE CODE. SO IF YOU DON'T MEET THE CRITERIA YOU'RE NOT MEETING THE CODE.

KIM: RIGHT. THANK YOU.

MAYOR WYNN: COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: I HAVE A QUESTION, MR. MURPHY. SEEMS LIKE WHAT WE'RE TALKING ABOUT HERE IS REALLY SF-3 ZONING THAT'S CLUSTERED, AND THE REASON IT'S DONE THAT WAY, AT LEAST ACCORDING TO THE APPLICANT, IS SO THAT THE DEVELOPMENT CAN BE CLUSTERED ON THE LEVEL PIECES OF LAND INSTEAD OF HAVING TO BUILD THEM ON SLOPES. THAT'S WHAT I UNDERSTAND. SO IF IT WERE ON THE SLOPES, THE EROSION PROBLEM WOULD BE MUCH MORE DIFFICULT TO CONTROL, WOULD IT NOT?

YES. BIGGER CHALLENGES THERE, BECAUSE OBVIOUSLY IF YOU GOT A SLOPE, THE WATER RUNS OFF FASTER AND IT HAS A MORE HE ROAFS I HAVE EFFECT. -- EROSION EFFECT. SO ENVIRONMENTAL SPEAKING WOULD IT BE BETTER TO CLUSTER THE DEVELOPMENT FROM THAT POINT OF VIEW ON THE LEVEL GROUND AS OPPOSED TO THE SLOPES?

YES, I THINK THAT'S A FAIRLY LOGICAL AND AN OBVIOUS THINK THING, THAT AS WE -- AS WE PUT DEVELOPMENT ON THE LIST OF FRAGILE AREAS OF SLOPED AREAS, WE DON'T GET RUNOFF HAPPENING AS QUICKLY AND THEREFORE WE TEND TO BE ABLE TO DEAL WITH THAT WATER AND SLOW IT DOWN AND MANAGE IT AND MAKE SURE THAT IT IT IT HAS LESS

SEDIMENT IT'S CARRYING OFF THE SITE AND INTO THE AQUIFER.

AND AS FAR AS AFTER IT'S BUILT, RUNOFF IS NOT A PROBLEM BECAUSE THERE IS NO RUNOFF, RIGHT? NOT FROM THE DEVELOPMENT, THEORETICALLY.

WELL, THEORETICALLY THERE -- AT LEAST -- [INDISCERNIBLE] IRRIGATED WHERE IT SOAKS BACK INTO THE GROUND. SO THE IDEA IS TO CATCH IT AND GET IT BACK INTO THE GROUND AS IT OCCURS NATURALLY. IN A LARGE FLOOD EVENT OBVIOUSLY YOU'LL HAVE WATER RUNNING OFF.

THERE ARE LIMITATIONS BUT OBVIOUSLY THE IDEA OF SOS LIMITATIONS IS NO RUNOFF.

NO POLLUTION RUN OFF, YES.

QUESTION FOR YOU AND IT MAY BE MR. GUERNSEY, MADE THE STATEMENT, IT SEEMS TO ME IT'S EQUIVALENT TO SF-3 DENSITY. IS THAT A CORRECT STATEMENT, ROUGHLY?

I WOULD YIELD TO GREG.

GUERNSEY: YES, THE DENSITY BEING PROPOSED WOULD BE SIMILAR TO SF-2, SF-3 TYPE OF DENSITY.

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

DUNKERLEY: I MOVE APPROVAL OF THE ZAP RECOMMENDATIONS, AND I WANT TO MAKE SURE I HAVE ALL OF THE CO COMPONENTS IN IT. SO THAT INCLUDED A TRIP LIMIT OF 2,000 TRIPS, MAXIMUM NUMBER OF UNITS 215, TWO-STAR GREEN BUILDING, AND I'M NOT SURE IT WAS INCLUDED THERE, BUT CERTAINLY ADD IN THE AGREEMENT TO USE THE CURRENT EROSION CONTROL STANDARD AS AMENDED GOING FORWARD.

GUERNSEY: AND ACTUALLY THAT TAKES THE FORM OF THE ORDINANCE. THAT WOULD ADDRESS THE NUMBER OF TRIPS AND THE DENSITY AND THEN THERE'S A PUBLIC RESTRICTED COVENANT THAT HAS BEEN EXECUTED BY THE PROPERTY OWNER AGREEING TO A MINIMUM OF TWO-STAR RATING UNDER THE AUSTIN ENERGY GREEN BUILDING PROGRAM AND TO UTILIZE THE UPDATED VERSION IMPLEMENTATION STANDARDS.

DUNKERLEY: THANK YOU FOR HELPING ME WITH MY MOTION.

MAYOR WYNN: SO MOTION BY MAYOR PRO TEM, CLOSE THE PUBLIC HEARING AND, MR. GUERNSEY, HOW MANY READINGS ARE YOU READY FOR?

BECAUSE WE HAVE THE EXECUTED COVENANT WE ARE READY FOR THREE READINGS, IF

THAT'S YOUR DESIRE.

MAYOR WYNN: MOTION BY MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND APPROVE THIS MOTION AS PRESENTED ON ALL THREE READINGS, CASE NO. 68. SECONDED BY COUNCIL MEMBER COLE. COMMENTS? COUNCIL MEMBER KIM?

KIM: I UNDERSTAND THIS IS S.O.S. COMPLIANT, THE CASE, AND THAT IT WOULD BE A SMALL [INDISCERNIBLE] WHICH I FAVOR. I THINK IT'S DEFINITELY IMPORTANT TO NOT HAVE SEPTIC OUT THERE, WHICH HAS ITS OWN PROBLEMS, WHICH IS WHAT WOULD HAPPEN IF IT WERE GR ZONING, BUT THE ENS CONTROLS ARE REALLY IMPORTANT IN THIS DRINKING WATER PROTECTION ZONE. IT'S SOMETHING THAT I STRESSED DURING THE TOLLER DISCUSSION WITH TXDOT ABOUT 45 AND THE WHITE OAK HILL, PROTECTING WILLIAMSON CREEK. AND I APPRECIATE THE STAFF WORKING ON THAT BUT I WOULD FEEL MORE COMFORTABLE IF I HAD AN OPPORTUNITY TO LOOK AT THAT WORK AND SEE THE PROGRESS IN THAT WORK IN THE ENVIRONMENT, AT LEAST TO THE COUNCIL, THAT WE COULD SEND IT BACK TO THE COMMISSION, WHICH I WAS HOPING TO DO BY FEBRUARY. MAYBE THEY'RE TOO BUSY WITH OTHER THINGS, BUT I JUST THINK THIS IS SO IMPORTANT THAT, YOU KNOW, WE HONOR OUR COMMITMENT TO DO THAT, AND SO SINCE WE DON'T KNOW WHAT THOSE STANDARDS ARE GOING TO BE, I CAN'T SUPPORT THE MOTION.

COUNCIL MEMBER, I WOULD BE HAPPY TO MAKE SURE THE STAFF PROVIDES COUNCIL A MEMORANDUM BRIEFING YOU ON OUR PROGRESS AND WHERE WE ARE, IF THAT WOULD BE SOMETHING YOU WOULD WANT.

KIM: SURE, BUT WE'RE -- THE WHOLE TIME I WAS HOPING BY FEBRUARY WE WERE GOING TO HAVE IT SO WE COULD THEN HAVE FEEDBACK FROM THE COMMUNITY HERE AT THE COUNCIL TO BE ABLE TO LOOK AT THAT AND GET FEEDBACK FROM THE PUBLIC AND THEN SEND IT THROUGH THE BOARDS AND COMMISSION PROCESS TO BE ABLE TO THEN FORMALIZE THAT. AND SO BECAUSE WE DON'T -- I DON'T HAVE THAT INFORMATION, AND IT'S REALLY IMPORTANT TO SME.

I UNDERSTAND.

THAT'S WHY I'M TAKING THE POSITION I AM. I APPRECIATE YOUR WORK. THANKS.

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

AYE.

MAYOR WYNN: AYE. OPPOSED?

NO.

MAYOR WYNN: MOTION PASSES ON A VOTE OF 5-1, WITH COUNCIL MEMBER KIM VOTING NO AND COUNCIL MEMBER MCCrackEN OFF THE DAIS. THANK YOU ALL. MR. GUERNSEY?

GUERNSEY: THANK YOU MAYOR AND COUNCIL. THE LAST TWO ITEMS ARE RELATED, AND WITH THE COUNCIL'S INDULGENCE I'LL I'D LIKE TO PRESENT BOTH OF THEM.

MAYOR WYNN: PLEASE DO.

ITEM 69 IS CASE NPA-2007-0012.01. THIS IS CANALES 1, FOR THE PROPERTY LOCATED AT 3717 ROBINSON AVENUE. THIS IS AN AMENDMENT TO THE UPPER BOGGY CREEK NEIGHBORHOOD PLAN AN ELEMENT OF THE AUSTIN TOMORROW COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION ON THE FUTURE LAND USE MAP FROM SINGLE-FAMILY TO OFFICE. THE PLANNING COMMISSION RECOMMENDATION, WHICH WOULD RECOMMEND DENIAL OF THIS OFFICE LAND USE DESIGNATION AREA. THE RELATED ZONING ITEM IS CASE C14-2007-0114 FOR THAT SAME PROBLEM AT 3717 ROBINSON AVENUE, TO CHANGE THE ZONING FROM FAMILY RESIDENCE NEIGHBORHOOD PLAN OR SF-3-MP COMBINING DISTRICT ZONING TO GENERAL OFFICE, NEIGHBORHOOD PLAN, OR GONP, COMBINING DISTRICT ZONING. THE PLANNING COMMISSION'S COMMISSION'S RECOMMENDATION ALSO IN THIS CASE WAS TO DENY THE ZONING CHANGE FROM -- TO GENERAL OFFICE NEIGHBORHOOD PLAN OR GONP COMBINING DISTRICT ZONING. THE PROPERTY ITSELF IS A RESIDENTIAL LOT THAT'S LOCATED APPROXIMATELY TWO BLOCKS WEST OF INTERSTATE 35, AND ON THE FUTURE LAND USE MAP DESIGNATION FOR THIS AREA, TO THE SOUTH AND TO THE EAST AND THE WEST IS ALL DESIGNATED SINGLE-FAMILY RESIDENTIAL WITH A COMMERCIAL USE LOCATED TO THE NORTH. THIS PROPERTY, AS I MENTIONED BEFORE, IS A SINGLE-FAMILY HOME. THE ZONING TO THE SOUTH, EAST AND WEST ARE ALL SINGLE-FAMILY, AND TO THE NORTH IS FIESTA SHOPPING CENTER WITH A CONSIDERABLE AMOUNT OF RETAIL. THERE'S ALSO AN LOST CREEK AE, AUSTIN ENERGY, UTILITY SUBSTATION. THAT PROPERTY ZONED CS-MU-NP. THE PROPERTY FACES ROBINSON AVENUE. ITS ACTUAL ACCESS IS FROM A REAR GARAGE THAT TAKES ACCESS TO 38TH STREET. 38TH 1/2 STREET, WHICH IS ON THE NORTHERN SIDE OF THE PROPERTY, AND THE PROPOSED USE THAT THE OWNER WOULD ENVISION AT SOME POINT IN THE FUTURE, IT'S ANTICIPATED THAT THIS MIGHT BE A TRAVEL AGENCY OR HAIR SALON, BUT ONE OF THOSE TYPES OF USES FOR THIS PROPERTY. AT THIS TIME I'LL PAUSE. IF YOU HAVE ANY QUESTIONS, THE RECOMMENDATION BY STAFF WAS ALSO TO DENY THE FUTURE LAND USE MAP AMENDMENT, AND ALSO TO DENY THE ZONING REQUEST, WHICH THE PLANNING COMMISSION ALSO ADOPTED.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF, COUNCIL? IF NOT, WE WILL HEAR FROM OUR APPLICANT, AND OUR AGENT. WE HAVE TWO SPEAKERS, MR. JIM BENNETT APPEARS TO BE THE AGENT, SO JIM, YOU'LL HAVE UP TO FIVE MINUTES AND YOU'LL BE FOLLOWED BY RAMON CANALES.

COUNCIL, I'M JIM BENNETT AND I'M HERE TONIGHT ON BEHALF OF THE ZONING CHANGE REQUEST THAT'S BEFORE YOU. IN CONSIDERING THIS ZONING CHANGE I'D LIKE FOR YOU TO CONSIDER THE ECONOMIC, THE PLANNING AND THE COMPATIBILITY ISSUES ASSOCIATED WITH THIS PROPERTY AND ITS LOCATION TO CLOSE PROXIMITIES TO COMMERCIAL ZONED PROPERTY. FIRST AS MR. GUERNSEY TOLD YOU, IT IS LOCATED ON THE CORNER OF ROBINSON AND 38TH. 38TH IS CONSIDERED AN ARTERIAL STREET, BUT IF YOU LOOK AT THE ZONING MAP, YOU HAVE COMMERCIAL ZONING ON I-35. THERE'S ONE LOT IN BETWEEN THIS AND THE SUBJECT PROPERTY. ADDITIONALLY TO THE EAST ABOUT FOUR LOTS AWAY ON THE SAME SIDE OF THE STREET THERE IS ALREADY EXISTING OFFICE ZONING, AND MULTIFAMILY ZONING. THE ISSUES THAT YOU HAVE BEFORE YOU, AND I'VE CHANGED THE AERIAL THAT STAFF HAD UP TO GIVE YOU A MORE DEFINITIVE VIEW OF THE SHOPPING CENTER THAT'S LOCATED THERE AT 38 1/2. YOU MIGHT KNOW IT AS THE FIESTA SHOPPING CENTER STORE. AS YOU CAN SEE FROM THIS AERIAL THERE'S AN EXTREMELY LARGE AMOUNT OF TRAFFIC THAT DEALS WITH THIS CENTER ACROSS THE STREET, AND TWO OF THE DRIVEWAYS EXIT OUT ONTO 38TH RIGHT AT THIS LOCATION, MORE OR LESS. WE'VE ENCOUNTERED PROBLEMS IN THE NEIGHBORHOOD. THERE'S A CONVENIENCE STORE ON THE CORNER OF 38TH AND 35TH. HOMELESS TYPE PEOPLE GO UP THERE, PURCHASE ALCOHOL. THERE IS A BUS STOP JUST ACROSS THE STREET OF ROBINSON WHERE THEY -- THOSE PEOPLE CONGREGATE AND CONSUME ALCOHOL. ADDITIONALLY, BECAUSE OF THAT LOCATION THERE ARE SHOPPING CARTS THAT ARE LEFT FROM SHOPPERS WHO ARE GOING TO THE FIESTA AND THE CENTER ACROSS THE STREET, AND THEY BRING THEIR GOODS TO THE BUS STOP, GET ON THE BUS AND LEAVE THE CART. OBVIOUSLY THEY CAN'T TAKE THE CART BACK TO THE STORE AND LEAVE THEIR GROCERIES. ADDITIONALLY, THE NEIGHBORHOOD IMMEDIATELY ACROSS THE STREET AND THE ONE SOUTH/THAT LOT ARE BOTH WELL IN SUPPORT OF THE ZONING CHANGE BECAUSE FOR THOSE PROPERTIES THAT ARE NOT ALREADY ZONED COMMERCIAL, OFFICE OR MULTIFAMILY, THE TENDENCY IS FOR THESE PROPERTIES ALONG THIS STRETCH OF 38TH FROM I-35 TO THE RAILROAD TRACKS TO THE EAST SEEMS TO BE OCCUPIED BY FOUR OR FIVE MORE RESIDENTS, PRIMARILY COLLEGE STUDENTS, AND JUST ABOUT EVERY SEMESTER YOUR NEIGHBORS CHANGE AND YOU NEVER KNOW WHO YOUR NEIGHBORS ARE. SOME OF THE COMMENTS THAT WE HEARD FROM THOSE ADJOINING NEIGHBORS AT THE TWO ASSOCIATION MEETINGS THAT WE WENT TO WAS THAT THEY CERTAINLY ENDORSED SEEING A PERMANENT OCCUPANT OF THOSE STRUCTURES VERSUS A HIGH ROLL/OVEROCCUPANT THAT THEY HAVE INCLUDING THE OFFICE ZONING. THE SITE ITSELF IS ABOUT 6200 SQUARE FEET, WHICH IS NOT GOING TO ALLOW HEAVY COMMERCIAL OFFICE DEVELOPMENT OR CHANGE THE BUILDING. WE HAVE AGREED AT THE NEIGHBORHOOD MEETINGS THAT THE STRUCTURE THAT'S CURRENTLY ON THE SITE, WHICH HAS BEEN -- HAD IMPROVEMENTS MADE TO IT RECENTLY, THAT THAT'S THE STRETCH THAT WE'RE TALKING ABOUT. SO IT WILL BE A RESIDENTIAL LOOK COMPATIBLE WITH THOSE OTHER HOUSES IN THE NEIGHBORHOOD, THAT THE ONLY CHANGE TO THAT STRUCTURE WOULD BE THOSE NECESSARY TO MEET ADA REQUIREMENTS AND THE OFF-STREET PARKING. FROM THIS PLANNING STANDPOINT, IF YOU ENVISION OWNING THAT PROPERTY OR TRYING TO LIVE THERE OR MARKET IT AS A SINGLE-FAMILY RESIDENTIAL,

THE MARKET IS JUST NOT THERE FOR IT, COUNCIL. IT WOULD PROVIDE A BUFFER BETWEEN THOSE HEAVY COMMERCIAL USES, AND AS YOU CAN SEE, IT IS QUITE EXTENSIVE. THE THE NEIGHBORHOOD ASSOCIATION, THE CHERRY CREEK ASSOCIATION, AS A PART OF THOSE MEETINGS IN CONSIDERATION, AND I THINK IT'S IN YOUR BACKUP MATERIAL AS WELL, HAD INDICATED THAT PERHAPS THIS SECTION OF 38, FROM 35 TO THE TRACKS, THE RAILROAD TRACKS, THEY DID NEED TO LOOK AT THAT AND RECONSIDER HOW IT MIGHT CHANGE IN THEIR NEIGHBORHOOD. HOWEVER, THEY WEREN'T SURE WHEN THAT MIGHT OCCUR. SO IN THE FUTURE SOMEWHERE THEY MAY ENDORSE A ZONING CHANGE ON THE SOUTH SIDE OF 38TH, PARTICULARLY BETWEEN 35 AND THE TRACKS TO THE EAST. AND THAT'S PRETTY MUCH WHAT THE ZONING CASE IS ABOUT. NOTHING IS GOING TO CHANGE ON THE LOT. THERE WILL BE A BUSINESS THERE, AN OFFICE THERE, PROBABLY 8:00 TO 5:00, AND THAT'S IT. THE FIESTA CENTER IS A SEVEN-DAY, 24-HOUR A DAY BUSINESS. I'LL BE AVAILABLE SHOULD YOU HAVE ANY QUESTIONS.

MAYOR WYNN: THANK YOU, MR. BENNETT. QUESTIONS FOR THE AGENT, COUNCIL? IF NOT, THEN WE'LL HEAR FROM MR. CANALES, OUR FINAL SPEAKER.

I THINK LISA BENNETT PRETTY MUCH COVERED EVERYTHING THAT NEEDED TO BE SAID ABOUT THIS PROPERTY. I'D JUST ASK YOU FOR -- I'M A SMALL BUSINESSMAN. I TRIED TO OPEN A BUSINESS HERE IN TOWN, HOPEFULLY RELOCATING TO YOUR WONDERFUL CITY HERE. AND I THINK IT WILL BE A GREAT CITY FOR MY KIDS TO GROW, AND I'D JUST ASK YOU FOR YOUR SUPPORT. I THINK I'LL BRING A GOOD-QUALITY BUSINESS THAT WILL ACTUALLY IMPROVE THE NEIGHBORHOOD AND I'LL BE A GOOD NEIGHBOR TO EVERYBODY. THANK YOU.

MAYOR WYNN: MR. CANALES, COUNCIL, THAT CONCLUDES OUR SPEAKERS. QUESTIONS OF STAFF? COMMENTS? THOUGHTS? MOTIONS? COMBINED CASE NO. 69 AND 70. COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: WE'RE DEALING WITH THE COMBINED ITEMS 69 AND 70?

MAYOR WYNN: YES, SIR.

LEFFINGWELL: I WOULD MOVE TO CLOSE THE PUBLIC HEARING AND DENY BOTH 69 AND 70.

MAYOR WYNN: MOTION BY COUNCIL MEMBER LEFFINGWELL, SECONDED BY COUNCIL MEMBER KIM TO CLOSE THE PUBLIC HEARING AND CLOSE THE COMBINED CASE 69, 70, PLANNING COMMISSION RECOMMENDATION. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THAT LEAVES US WITH OUR ONE PUBLIC HEARING THIS EVENING, THAT BEING REGARDING RECEIVING COMMENTS ON THE ANNUAL ACTION PLAN FOR OUR FISCAL YEAR, REQUIRED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. WELCOME A BRIEF STAFF PRESENTATION. THANK YOU.

GOOD EVENING. HELLO, COUNCIL MEMBERS, CITY MANAGER, TI ATTORNEY. MY NAME IS MARGARET SHAW. I'M THE ACTING DIRECTOR OF NEIGHBORHOOD AND COMMUNITY HOUSING AND DEVELOPMENT. TONIGHT WE CONDUCT A PUBLIC HEARING [INDISCERNIBLE] PROCESS FOR DEVELOPING THE CITY'S ACTION PLAN. THE PLAN, AS YOU RECALL, LAYS OUT HOW THE CITY WILL ALLOCATE ALL OF ITS FUNDING, FEDERAL AND LOCAL, INCLUDING THE GENERAL OBLIGATION HOUSING BOND. TO SUPPORT AFFORDABLE HOUSING COMMUNITY DEVELOPMENT, ECONOMIC DEVELOPMENT AND PUBLIC SERVICES FOR OUR LOW AND MODERATE INCOME RESIDENTS. FEDERAL AND STATE LAW REQUIRES THAT THE PUBLIC HAVE A CHANCE TO INPUT ON THIS PROCESS. IT'S ABOUT A NINE MONTH PROCESS THAT CULMINATES IN JULY WITH A PLAN THAT HAS TO BE SUBMITTED TO HUD BY AUGUST 15. THE NEXT OPPORTUNITY AFTER TONIGHT'S COUNCIL MEETING IS A PUBLIC HEARING ON MARCH 31 WITH THE COMMUNITY DEVELOPMENT COMMISSION IN THE BOARDS AND COMMISSIONS ROOM AT 6:00. THERE'S MORE DETAILED INFORMATION ON HOW THE PUBLIC CAN GET INVOLVED IN OUR -- ON OUR WEB SITE AT THE CITY OF AUSTIN.ORG BACK SLASH HOUSING. I'M AVAILABLE TO ANSWER ANY QUESTIONS YOU MIGHT HAVE. OTHERWISE, I'D URGE TO GET STARTED AND HEAR FROM THE PUBLIC. THANK YOU.

MAYOR WYNN: THANK YOU, MS. SHAW. QUESTIONS FOR STAFF, COUNCIL? IF NOT, THEN WE WILL, IN FACT, GO TO OUR PUBLIC COMMENT, AND LET'S SEE FIRST SPEAKER, EXCUSE MY VOICE AGAIN, FIRST SPEAKER IS JOYCE McDONALD. JOYCE McDONALD SIGNED UP. WELCOME, MS. McDONALD, AND IS BERNADETTE STONE HERE? HELLO. YOU DONATED YOUR TIME TO JOYCE SO MS. McDONALD YOU HAVE TO SIX MINUTES IF YOU NEED IT, WELCOME, AND YOU'LL BE FOLLOWED BY DONALD DELE GAD ON.

GOOD EVENING, MY NAME IS JOYCE McDONALD AND I'M THE EXECUTIVE DIRECTOR OF FIREWORKS COMMUNITY DEVELOPMENT CORPSE. WE'RE A NONPROFIT COUNSELING AGENCY SERVING LOW TO MODERATE INCOME FAMILIES CONCERNING HOME OWNERSHIP AND PROPERTY ACQUISITION FOR AFFORDABLE HOUSING. WE INCORPORATED IN 2004. WE'VE BEEN PROVIDING HOME OWNERSHIP EDUCATION AND COUNSELING FROM THAT TIME TILL NOW AND WE'VE BEEN ABLE TO EDUCATE OVER 650 FAMILIES, 430 OF THOSE FAMILIES HAVE BECOME HOMEOWNERS AND 420 OF THOSE FAMILIES ARE FIRST TIME HOME BUYERS, 98% OF OUR HOMEOWNERS ARE LOW TO MODERATE INCOME FAMILIES. WE'RE HERE TO TALK ABOUT INTEREST IN ADDRESSING THE FORECLOSURE ISSUE, AND JUST TO GIVE YOU SOME STATS, 3300 FORECLOSURES OCCURRED IN 2006. 3100 IN 2007. THERE'S BEEN A BIG SPIKE IN 2008, AND WE DID GET SOME HANDOUTS, I BELIEVE, AND ON THE HANDOUTS IT DISCLOSES THE SPIKES THAT HAVE OCCURRED FROM JANUARY AND FEBRUARY OF 2008 THERE WAS AN ENORMOUS SPIKE IN CENTRAL TEXAS IN THE REGION. IT JUMPED 56%, WHICH WAS OVER -- WHICH WAS A HUMONGOUS OVER THE SAME PERIOD LAST YEAR.

TRAVIS COUNTY WAS UP OVER 38%. AGAIN, WHO GETS HURT WHEN FORECLOSURES TAKE PLACE? ISOLATED LOWER INCOME FAMILIES? LOWER EDUCATION, MINORITIES, AND THIS IS ALL DUE TO THE SUBPRIME AND ADJUSTABLE RATE MORTGAGE WHICH ARE KNOWN AS SUBPRIME LENDING. THERE ARE MANY SOLUTIONS THAT ARE AVAILABLE, BUT UNFORTUNATELY FAMILIES ARE NOT COGNIZANT AS TO WHAT THOSE SOLUTIONS ARE, AND THE SOLUTIONS THAT WE POSE DOING ARE A PROCESS OF PROVIDING FORECLOSURE INTERVENTION AND EDUCATION IS FOR OUR FORBEARANCE, THE REPAYMENT PLAN, LOAN MODIFICATION AND PREFORECLOSURE SALE AND THESE ARE THE SOLUTIONS THAT WE PROVIDE WHEN PROVIDING FORECLOSURE PREVENTION EDUCATION AND COUNSELING, FACE-TO-FACE COUNSELING, WITH OUR FAMILIES. FORECLOSURE PROBLEMS ARE COMPLEX AND THEY TAKE TIME TO RESOLVE. IT TAKES ABOUT 25 HOURS TO HELP A FAMILY TO RESOLVE A FORECLOSURE ISSUE. THE PROBLEMS ARE INCREASING AND WE'RE WORKING TO FIND ADDITIONAL RESOURCES THROUGH MANY VENUES, SUCH AS BANKS AND MORTGAGES -- MORTGAGE COMPANIES, EXCUSE ME, UNITED WAY, STATE AND FEDERAL GOVERNMENT AND TRAVIS COUNTY. WE'RE ASKING THE CITY TO MAKE FORECLOSURE PREVENTION A PRIORITY AND FUND \$50,000 OF THE AMOUNT NEEDED TO EXPAND OUR FORECLOSURE SERVICES. AND TODAY WE HAVE A FAMILY THAT WE'VE BEEN ABLE TO HELP THAT WAS SUFFERING FROM AN ADJUSTABLE RATE MORTGAGE. THEY WERE IN THE PROCESS OF LOSING THEIR HOME AND WE'D LIKE TO HAVE THEM COME UP AND TELL THEIR STORY. MR. AND MRS. BURDEN, AND BEFORE I BRING THEM UP I'D LIKE TO KNOW IF YOU HAVE ANY QUESTIONS FOR ME BEFORE I BRING THEM UP.

MAYOR WYNN: QUESTIONS FOR MS. McDONALD, COUNCIL?

WITHOUT FURTHER ADO I'LL BRING MR. AND MRS. BURDEN UP.

MAYOR WYNN: PLEASE DO.

DOUGLAS AND CHARLOTTE BURDEN AND DOUGLAS IS GOING TO SPEAK.

MAYOR WYNN: WELCOME, FOLKS.

THANK YOU.

THANK YOU.

GOOD EVENING, MAYOR AND CITY COUNCIL, THIS IS MY FIRST TIME EVER DOING THIS, BUT WE COME TO YOU TO EXPLAIN HOW WE GOT HURT ON OUR SUBPRIME MORTGAGE LOAN. ME AND MY WIFE, WE FELL IN LOVE WITH THIS HOUSE. YOU KNOW, WE JUST WANTED TO HAVE A PIECE OF THE AMERICAN DREAM, OWNING YOUR OWN HOUSE, AND WE GOT CAUGHT UP IN A PREDATORY LOAN. WE'RE DEALING WITH THE BUILDER, THE BANKERS, EVERYBODY THAT WAS -- THE MORTGAGE COMPANY, EVERYBODY WAS IN WITH THE BUILDER, AND WE GOT CAUGHT UP IN AN ADJUSTABLE RATE MORTGAGE, WHICH MADE OUR

PROPERTY UNAFFORDABLE FOR US. WE WERE STRUGGLING FROM DAY ONE. IT WAS -- IT WAS GOOD TO GET US IN THE HOUSE. YOU KNOW, WE -- WORKED HARD TO GET US IN THE HOUSE, MADE IT AFFORDABLE, BUT ONCE WE GOT IN THERE IT BECAME UNBEARABLE FOR ME AND MY WIFE, AND WE WOUND UP LOSING OUR HOUSE, AND -- WE HAVEN'T LOST IT YET BUT WE FELL SO FAR BEHIND THAT WE HAD TO CALL FRAMEWORKS, AND WITHOUT FRAMEFRAMEWORKS WE WOULD HAVE JUST MOSTLY WALKED AWAY FROM THE HOUSE BECAUSE WE DIDN'T KNOW WHAT ELSE TO DO. JOYCE AND HER PEOPLE THAT SHE WORKED WITH IN FRAME FRAMEWORKS, THEY'RE WORKING WITH US TO GET A QUICK SALE ON OUR HOUSE, SO OUR HOUSE WON'T GO INTO FORECLOSURE, AND IT WON'T GO ON OUR RECORDS. BUT IF NOT FOR THEM, WE PROBABLY WOULD HAVE JUST WALKED AWAY LIKE A LOT OF PEOPLE IN OUR NEIGHBORHOOD. WE WAS ONE OF THE FIRST ONES IN OUR NEIGHBORHOOD, AND THE HOUSING MARKET THERE WAS SO HIGH THAT WE DIDN'T -- WE DIDN'T KNOW ANYTHING ABOUT IT. OUR HOUSE WAS SELLING FOR 176,000. IT WAS APPRAISED AT THAT TIME, AND AFTER WORKING WITH JOYCE AND DONALD, WE FOUND OUT THAT OUR REAL MORTGAGE VALUE ON OUR HOUSE WAS ABOUT \$55,000 LESS THAN WHAT WE WERE PAYING FOR IT. AND -- WITHOUT THEIR HELP -- THAT MY TIME?

MAYOR WYNN: YES, SIR, BUT TAKE YOUR TIME AND CONCLUDE. YOU'RE OKAY.

OKAY. WE JUST, YOU KNOW, WANTED TO GIVE THIS -- YOU KNOW, THIS -- TO LET CITY COUNCIL KNOW THAT WE ARE -- YOU KNOW, WE'RE HURT BY THIS, AND A LOT OF PEOPLE IN AUSTIN AND AROUND THE WORLD IS BEING HURT BY THE SAME THING, AND WITHOUT THE PROGRAMS LIKE FRAMEWORKS, I MEAN, A LOT OF PEOPLE DON'T HAVE NOWHERE TO TURN TO, AND WITH THE EDUCATION AND, YOU KNOW, THE KNOWLEDGE OF WHAT THEY'RE GETTING IN, YOU KNOW, THAT -- THAT CAN HELP A WHOLE LOT, AND IT WOULD HAVE HELPED US, YOU KNOW, BUT WE DIDN'T KNOW ANYTHING ABOUT THE PROGRAM. AND -- AND WITH FUNDING FOR THEM TO HELP OTHER PEOPLE, THAT IS THE REASON WHY I'M UP HERE NOW, TO TRY TO HELP OTHER PEOPLE JUST IN MY SITUATION. AND WE WANT TO THANK YOU.

MAYOR WYNN: THANK YOU, SIR. COUNCIL MEMBER KIM?

KIM: SIR, I WAS WONDERING IF YOU COULD TELL US -- SIR? I JUST HAVE A FEW QUESTIONS. I JUST HAVE A FEW QUESTIONS, IF YOU DON'T MIND. I WAS JUST WONDERING WHAT WAS THE INTEREST RATE THEY OFFERED YOU AND THEN WHAT DID IT END UP BEING WHEN IT INCREASED? WHAT WERE THE TERMS OF THE LOAN?

THE INTEREST RATE STARTED OFF AT 7.99, AND IT'S SUPPOSED TO GO UP EVERY SIX MONTHS, TO GO NO HIGHER THAN 13.99. AND AT 7.99 WE WAS PAYING \$1,300, AND THAT'S FOR A MONTH, AND -- BY THE TIME WE GET TO 13, WE'LL PROBABLY BE PAYING \$2,500 A MONTH.

KIM: AND SO WHEN YOU CALLED FRAMEWORKS, HOW MANY MONTHS WERE YOU INTO YOUR

MORTGAGE?

WE WAS ABOUT TWO MONTHS BEHIND AT THAT TIME.

KIM: RIGHT. AND HOW LONG HAVE YOU BEEN IN YOUR HOME?

RIGHT AT ONE AND A HALF YEARS.

KIM: ONE AND A HALF YEARS?

SO IT HAD GONE UP ALMOST -- LIKE TWO -- TWO TIMES OR THREE TIMES -- I GUESS TWO TIMES?

ONE TIME.

ONE TIME INCREASE THE PERCENTAGE?

YES.

FROM 7.9 TO --

TO 9 --

9 -- OVER 9%? AND THEN YOU SAID THAT THE APPRAISED VALUE, YOU THOUGHT YOU GOT, 55,000 LESS THAN THE PRICE YOU PURCHASED THE HOME AT?

YES.

AND WHO IS THE BUILDER?

THE BUILDER IS LEXOR BUILDERS.

KIM: AND WHERE IS YOUR HOUSING DEVELOPMENT?

EAST OF WILLIAM CANON, IN THE BLUFF SPRINGS AREA.

KIM: AND YOU SAID THERE ARE OTHER FAMILIES OUT THERE THAT TOOK OUT A SIMILAR TYPE OF LOAN WITH THE BUILD BUILDER?

YES, WITH THE SAME BUILDER, AND WE ARE ABOUT THE ONLY -- WE'RE ABOUT THE ONLY FAMILY THERE NOW THAT -- THE FIRST-TIME HOME BUYERS, THEY'RE STILL IN THE AREA ACTION EVERYBODY ELSE EITHER WALKED OUT OR THEIR PLACE FORECLOSED.

THERE ARE PEOPLE WHO AREN'T FIRST TIME HOME BUYERS SO THEY HAVE CONVENTIONAL

LOANS, BUT YOU'RE SAYING THEY'RE FIRST TIME HOME BUYERS WHO HAD TO USE THE BUILDER FINANCING BASICALLY WITH A SEPARATE LOAN CORPORATION BUT THROUGH THE BUILDER TO BE ABLE TO GET THOSE HOMES AND THEY HAVE SIMILAR TYPES OF ADJUSTABLE RATE MORTGAGES, AND THEY EITHER HAVE LEFT OR -- OR ARE STRUGGLING AS WELL, THE SAME POSITION.

THEY'RE IN THE SAME POSITION AS WE ARE. WE HAVE A COUPLE -- WELL, WE HAVE A FRIEND THAT THEY HELPED US -- THEY HELPED US GO THROUGH THE BUILDER. THEY TOLD US ABOUT THE BUILDER, AND WE WENT AND TALKED TO THE BUILDER, AND THEY WOUND UP JUST WALKING AWAY FROM THEIR HOUSE ABOUT SIX MONTHS AGO.

KIM: SO THEN THEIR CREDIT IS RUINED BECAUSE OF THE FORECLOSURE?

WE WENT TO THEM -- WE WENT TO THEM TO TRY TO GET THEM TO CALL MS. McDONALD, AND THEIR COMMENTS TO US WAS, WE HAVE FOOD IN OUR HOUSE NOW. WE DON'T HAVE TO GO FROM PAYCHECK TO PAYCHECK. SO THEY WASN'T INTERESTED IN IT BECAUSE THEY DIDN'T KNOW ABOUT IT. THE ONLY THING THEY KNEW AT THAT TIME WAS THEY HAD FOOD IN THEIR REFRIGERATOR AND THEY HAD MONEY IN THEIR POCKETS, WHICH RIGHT NOW ME AND MY WIFE, YOU KNOW, I'M A TRUCK DRIVER, AND I'M ON THE ROAD ABOUT FIVE DAYS A WEEK, AND MY WHOLE CHECK PRETTY MUCH GOES TO PAYING -- PAYING MY MORTGAGE. AND I'M STILL BEHIND.

KIM: SURE. SURE. THANK YOU.

KIM: I HAVE A QUESTION FOR MS. SHAW, WITH OUR NEIGHBORHOOD HOUSING. CAN YOU COME UP? THANK YOU. MS. SHAW, THE PART ABOUT -- I KNOW THAT WE HAVE ADJUSTABLE RATE MORTGAGES AND SUBPRIME LOANS AND THOSE ARE LEGAL TOOLS, BUT I AM CONCERNED ABOUT THE SITUATION WITH THE APPRAISALS. IS THAT SOMETHING THAT WOULD FALL UNDER DECEPTIVE TRADE PRACTICES ACT, POSSIBLY?

I'D ACTUALLY HAVE TO DEFER TO LEGAL COUNSEL ON THAT, MR. KNUCKLES, IF YOU'D LIKE TO DO THAT. IT DEPENDS -- THERE ARE VERY SPECIFIC CIRCUMSTANCES AND I DON'T THINK WE HAVE ALL THE DETAILS ON THAT.

KIM: YEAH, IT DEPENDS ON IF THE STATE LAW APPLIES TO IT. WHEN I WORKED ON THE COLONIAS THAT WAS ONE OF THE THINGS, DTPA PENALTIES FOR THIS TYPE OF LOAN, RENT TO OWN. I'M JUST WONDERING WOULD IT APPLY HERE.

I CAN'T ANSWER THAT QUESTION RIGHT AWAY. I MEAN, LIKE MANY OTHER LAWS, THERE ARE A LOT OF EXCEPTIONS AND EXEMPTIONS TO THE DECEPTIVE TRADE PRACTICES ACT. AND A LOT OF TIMES FINANCIAL ISSUES THAT ARE SUBJECT TO FEDERAL REGULATION AND A LOT OF MORTGAGES ARE SUBJECT TO FEDERAL REGULATION, ARE CARVED OUT OF STATE LAWS, SUCH AS DTPA. SO IT WOULD TAKE A GOOD BIT OF RESEARCH TO ANSWER

THAT.

KIM: I DO -- TO TAKE THE OPPORTUNITY, IT IS A VERY IMPORTANT ISSUE THAT'S GOING ON NATIONALLY. I SERVE ON THE FANNY MAY ADVISORY HOUSING COUNCIL. IT IS CERTAINLY AN ISSUE THAT IS AFFECTING PEOPLE NATIONWIDE, CALIFORNIA AND FLORIDA ARE ACTUALLY ALMOST SNOWED UNDER BY THIS ISSUE AND WHOLE NEIGHBORHOODS AS YOU'RE READING ABOUT IN THE PAPER. AND I WANT TO COMMEND JOYCE AND HER TEAM FOR WHAT THEY DO HERE. I -- ALSO FOR THOSE FOLKS WHO ARE LISTENING AT HOME, I WISH I KNEW IT OFF THE TOP OF MY HEAD I BELIEVE ILLUSTRATES 888-99-9995, HOPE. IT'S A NATIONAL HOTLINE THAT THE INDUSTRY HAS SET UP TO ADDRESS EXACTLY THESE ISSUES. THE COUNTER INTUITIVE PART OF THE SUBPRIME AND ANY MORTGAGE FOSH CLOSER YOUR FORECLOSURE ISSUE IS FOR THE BORROWER TO CONTACT THE SERVICER BEFORE THEY GET BEHIND AND TO WORK OUT. THERE ARE SOLUTIONS AND AS MUCH AS PEOPLE MAY NOT WANT TO BELIEVE, A BANK HAS NO INTEREST IN OWNING A HOME EITHER. THERE'S NOT A LONG-TERM INTEREST IN THE INDUSTRY TO OWN THAT HOME. IT'S VERY IMPORTANT FOR FOLKS TO STAY IN TOUCH WITH THEIR SERVICER, CONTACT FRERMS OR THE FRAMEWORKS, OUR OFFICE AT 974-3100. WE WILL CONNECT YOU WITH SOME OF THE SERVICES THAT ARE AVAILABLE NATIONWIDE ON AN 800 NUMBER. THIS DOES, UNFORTUNATELY, DISPROPORTIONATELY AFFECT THE MINORITY COMMUNITIES, ESPECIALLY AFRICAN-AMERICAN AND HISPANICS. SO WE ARE DOING OUR BEST TO TRY TO GET THE WORD OUT TO FOLKS ON WHAT SOLUTIONS ARE AVAILABLE TO FOLKS BEFORE THEY GET TOO FAR IN. SO THANK YOU FOR THAT OPPORTUNITY.

SURE. AND IS THERE ANY WAY WE CAN FIND OUT MORE ABOUT THIS BUILDER AND THE SITUATION HERE ABOUT THE APPRAISAL BEING \$55,000? IT JUST DOESN'T SOUND LIKE THAT SHOULD HAVE HAPPENED IN TERMS OF THE VALUE.

I THINK IT'S --

IT'S A RESALE PRICE OR --

AS LEGAL COUNSEL SAYS IT'S A VERY CHALLENGING ISSUE. THERE'S A REASON WHY MILLIONS OF PEOPLE ARE FACING THIS. THAT IT IS A LEGAL MORTGAGE PRODUCT, AND I ALSO WANT TO ASSURE FOLKS THERE ARE GOOD USES OF SUBPRIME. THERE ARE SOME FOLKS WHICH IT IS AN IMPORTANT PART OF THEIR HOME OWNERSHIP, BUT IT'S ALSO -- IN MOST OF THE CASES THERE WERE NOT ILLEGAL PRACTICES THAT WERE GOING ON. IT'S WE ARE DOING OUR PART TO PROVIDE MORE HOME BUYER EDUCATION AND FINANCIAL LITERACY, AND I THINK THAT'S AN IMPORTANT STRESS, IS IT IS A MAJOR INVESTMENT FOR MOST AMERICAN HOUSEHOLDS, AND PEOPLE SHOULDN'T GO INTO THAT BLIND WITHOUT SOME COUNSELING AND SERVICES THAT ARE AVAILABLE. BUT I'M HAPPY TO WORK WITH THE COUPLE AND TRACK DOWN A LITTLE BIT MORE INFORMATION FOR YOU.

KIM: THANK YOU VERY MUCH.

YOU'RE WELCOME.

MAYOR WYNN: THANK YOU ALL. OUR NEXT SPEAKER IS DONALD DELGADO. THANK YOU. MIGHT BE A TYPO HERE. IS EDDIE PHILLIPS HERE? HELLO, EDDIE. HOW ABOUT JANELLE RODRIGUEZ. HELLO. WELCOME. SO DONALD, YOU'LL NOW HAVE NINE MINUTES.

YEAH, I'M DONALD DEGADO. DEVELOPMENT CORPORATION. THANK YOU, MAYOR AND COUNCIL MEMBERS FOR HEARING US OUT TODAY AND WORKING WITH SOME OF THE PEOPLE YOU'RE WORKING WITH, AND ONE THING I WANTED TO ADD ABOUT THE BEARDENS. WE REFERRED THEM TO TEXAS LEGAL AID AND THEY'VE BEEN REFERRED OVER TO AN ATTORNEY TO SEE WHAT WAS ACTUALLY GOING ON WITH THAT LOAN. WE SAT DOWN AND WE COUNSELED THEM AND LOOKED AT THEIR LOAN DOCUMENTS, LOOKED AT WHAT THEY SIGNED AND WHAT THEY LEARNED, THE BUILDER DID. THERE WERE A LOT OF DISCREPANCIES THAT WE WERE ABLE TO FIND, AND BECAUSE WE DON'T -- WE'RE NOT ATTORNEYS, WE JUST POINTED SOME THINGS OUT SO THE ATTORNEYS COULD THEN LOOK A LITTLE CLOSER. I WANTED TO TALK TO YOU-ALL TODAY, THE BEARDENS CAME UP. UNFORTUNATELY WE HAD ANOTHER FAMILY, A SINGLE PARENT, MS. MARTINEZ, WHO WASN'T ABLE TO MAKE IT TODAY. SHE'S TRAVELING OUT OF TOWN FOR THE EASTER HOLIDAYS. I WANTED TO TALK ABOUT HER A LITTLE BIT. SHE ASKED ME TO SHARE HER STORY. SHE UNFORTUNATELY COULDN'T BE WITH US TODAY. WE'LL TRY TO HAVE HER FOR THE CDC PRESENTATION. HER STORY IS SOMEWHAT SIMILAR. HAD MORE OF A POSITIVE OUTCOME, ACTUALLY SOMEONE FACING FORECLOSURE. SHE'S A SINGLE PARENT. SHE HAD OWNED A HOME. SHE GOT A 15-YEAR MORTGAGE AND ABOUT THE 12 1/2 YEAR OR SO RAN INTO MEDICAL PROBLEMS, FELL BEHIND. SHE WAS BEHIND ON HER MORTGAGE ABOUT \$6,000. YOU KNOW, SHE WAS WORKING WITH HER MORTGAGE LEARNED TO TRY TO WORK OUT A PAYMENT PLAN OR SOMETHING. THE PROBLEM SHE KEPT RUNNING INTO IS THAT EVERY TIME SHE CALLED BECAUSE OF THE LANGUAGE BARRIER, SHE ONLY SPOKE SPANISH, WHAT SHE WAS RUNNING INTO WAS THAT SHE WAS RUNNING UP AGAINST THE COLLECTION DEPARTMENT. THE COLLECTION DEPARTMENT, THEIR FINAL LINE, THEY JUST WANTED THE MONEY TO BE PAID. UNFORTUNATELY MOST MAJOR LENDERS -- THIS WAS ACTUALLY CITY MORTGAGE. MOST MAJOR LENDERS AND A LOT OF SERVICERS DO HAVE LITIGATION DEPARTMENTS TO WORK WITH BORROWERS WHO ARE FACING DELINQUENCY, WHO ARE IN DELINQUENCY. THE HARD PART IS GETTING THROUGH THE LOST LITIGATION DEPARTMENT TO GET SOMEONE ESPECIALLY WHEN THERE'S A LANGUAGE BARRIER INVOLVED, AND THAT WAS WHAT WAS HAPPENING WITH MS. MARTINEZ. WHAT HAPPENED, HER HOME WAS ACTUALLY UP FOR FORECLOSURE. IT WAS THE FIRST TUESDAY IN FEBRUARY, I BELIEVE, HER HOME WAS GOING TO BE GOING TO AUCTION. WE INTERVENED SOMETIME AROUND JANUARY. GOT THROUGH THE LOST LITIGATION DEPARTMENT, AND THE MONDAY BEFORE THAT TUESDAY WAS WHEN THEY ACTUALLY PULLED THE HOME OFF OF AUCTION. WHAT THEY ENDED UP DOING, IT WAS A POSITIVE FOR HER, HUD STEPPED IN WITH A PARTIAL CLAIM WHERE THEY LEFT THE FAMILY OR THE BORROWER BORROW

MONEY TO PAY THE DELINQUENCY AND PUT THEM BACK ON REGULAR PAYMENT TERMS. HOWEVER, WITHOUT HAVING AN ORGANIZATION LIKE FRAMEWORKS THERE TO INTERVENE ON HER BEHALF AND ESPECIALLY WITH THE LANGUAGE BARRIER SHE KEPT RUNNING UP AGAINST THE COLLECTION BARRIER. YOU HAVE A SINGLE PARENT. SHE OWNED A HOME FOR 12 1/2 YEARS, ONLY HAD ABOUT TWO YEARS LEFT ON THE MORTGAGE. WAS ACTUALLY FACING THE POSSIBILITY OF THAT HARD WORK OF PAYING HER MORTGAGE FAITHFULLY FOR ALL THOSE YEARS, ACTUALLY LOSING ALL THE EQUITY SHE HAD BUILT UP IN THAT PARTICULAR MORTGAGE, AND AGAIN, YOU KNOW, WHEN SHE CAME TO US SHE WAS VIRTUALLY IN TEARS OVER THE PROSPECT OF LOSING HER HOME. BUT FORTUNATELY WE WERE ABLE TO INTERVENE AND WORK OUT THE PARTIAL CLAIM WITH CITY MORTGAGE. SO THAT TURNED OUT ONE OF THE POSITIVES. WE'VE SEEN A LOT OF FAMILIES COME THROUGH WE'RE WORKING WITH. CURRENTLY WE'RE WORKING WITH ABOUT 20 PLUS FAMILIES EVEN AS WE SPEAK, HELPING FAMILIES THROUGH THESE PROBLEMS. A LOT OF TIMES THEY NEED HELP NAVIGATING THROUGH THE PROPER CHANNELS TO GET RESOLUTION, GETTING COUNSELING THEY NEED AND UNDERSTANDING WHAT THEY SIGNED. IT'S NOT JUST PREDATORY, SOMETIMES LIFE HAPPENS AND FAMILIES RUN INTO ISSUES THAT PREVENT THEM FROM BEING ABLE TO MAKE THEIR PAYMENTS AND THAT'S WHEN IT'S IMPORTANT TO UNDERSTAND WHAT THE OPTIONS ARE. JOYCE WENT OVER THOSE OPTIONS AND I DON'T WANT TO GO OVER THEM AGAIN. BUT IT'S IMPORTANT TO HAVE ORGANIZATIONS TO GO TO SO WE DON'T LOSE OUT AS CITIZENS OF AUSTIN, WE DON'T LOSE OUT AS -- FROM PROPERTY VALUES AND THE REST OF THE NEIGHBORHOODS DON'T SUFFER AS A RESULT OF FORECLOSURES. AND SO I JUST WANTED TO COME AND SHARE THAT STORY ON BEHALF OF MS. MARTINEZ TO LET YOU KNOW AGAIN ANOTHER CASE THAT WE'RE ABLE TO WORK OUT ANOTHER POSITIVE SOLUTION, AN ACTUAL RESOLUTION WHERE SHE WAS ABLE TO KEEP HER HOME. AND AGAIN, I THANK YOU FOR YOUR TIME. WE JUST AGAIN REQUEST THAT THE CITY OF AUSTIN INCLUDE FORECLOSURE PREVENTION SERVICES AS ONE OF THE PRIORITIES IN THE CONSOLIDATED PLAN, AND WOULD CONSIDER OUR REQUEST AND FUND OUR ORGANIZATION TO HELP THESE FAMILIES PREVENT FORECLOSURE. THANK YOU AGAIN, MAYOR, COUNCIL MEMBERS. I'M OPEN IF YOU HAVE ANY QUESTIONS.

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

THANK YOU. NEXT SPEAKER IS DOUGLAS BURDEN. DOUGLAS BURDEN SIGNED UP WISHING TO SPEAK, AS DID CHARLOTTE BURDEN. THAT WAS YOU-ALL EARLIER, CHARLIE? OKAY. SO THEN OUR NEXT SPEAKER I GUESS IS MARY LOU MARTINEZ. MARY LOU MARTINEZ SIGNED UP WISHING TO SPEAK. THAT'S WHO DONALD WAS REFERRING TO? EXCUSE ME. NEXT SPEAKER IS ROY O'MALLEY. WELCOME, ROY, TO BE FOLLOWED BY NANCY KATE.

GOOD EVENING MAYOR AND MEMBERS OF THE COUNCIL. I'M ALSO WITH FRAMEWORKS COMMUNITY DEVELOPMENT CORPORATION AND WE APPRECIATE THE OPPORTUNITY TO MAKE A PRESENTATION THIS EVENING ABOUT FORECLOSURE PROBLEMS IN AUSTIN. I JUST WANT TO -- I'LL BE BRIEF. I WANT TO POINT OUT ONE ADDITIONAL EXAMPLE. WE SEE THE

OVERALL NUMBERS OF THE TRENDS OF WHAT'S GOING ON WITH FORECLOSURE WHERE WITH THE SPIKE IN THE NUMBER OF FORECLOSURES IT LOOKS LIKE WE'RE HEADED TO SOMEWHERE AROUND 4100 TO 4200 FORECLOSURES. AND -- IN TRAVIS COUNTY IN 2008, WHICH IS ABOUT A 30% INCREASE. , YOU KNOW, AT THE END OF FEBRUARY, FEBRUARY 27, FRAMEWORKS DID A TELETHON IN SPANISH WHERE THEY DID -- THE NEWS PROGRAM AT 5:00, THEY WERE STARTING FROM ABOUT FORECLOSURE AND THEN ON THE HALF AN HOUR AND THE HOUR THERE WOULD BE SHORT SEGMENTS AGAIN. EVERY TIME THE NUMBERS WERE FLASHED ON THE SCREEN, SIX PHONE LINES WOULD LIGHT UP, AND OVER THE EVENING 143 SPANISH SPEAKING FAMILIES CALLED IN WITH -- SEEKING ASSISTANCE WITH FORECLOSURE PROBLEMS. AND WHAT WE'VE BEEN DOING SINCE THEN IS WORKING THROUGH THOSE FAMILIES, TRYING TO DO A TRIAGE AND WORK WITH THE FAMILIES WHO HAVE THE MOST CRITICAL AND IMMEDIATE PROBLEMS TO HELP THEM TO COMMUNICATE WITH THEIR LENDERS AND WITH THE LOAN SERVICING COMPANIES, TO ESTABLISH COMMUNICATION, TO HELP THE FAMILIES DEVELOP REALISTIC PLANS, YOU KNOW, TO ASSESS THEIR BUDGET, THEIR RESOURCES AND WHAT THEY COULD DO, AND THEN HELP THEM TO WORK TOWARD A POSITIVE SOLUTION. YOU KNOW, WE SEE THAT EVEN JUST WITH MINIMAL PUBLICITY, IT'S JUST BEING THE TIP OF THE ICEBERG IN THIS COMMUNITY. SO WE WOULD REALLY APPRECIATE, YOU KNOW, YOUR CONSIDERATION OF INCLUDING FORECLOSURE PREVENTION SERVICES AS A PRIORITY IN THE CONSOLIDATED PLAN AND AS YOU GO THROUGH AND YOU SET THE BUDGET FOR THE UTILIZATION OF HOUSING FUNDS, THAT YOU PROVIDE FUNDING FOR FORECLOSURE PREVENTION SERVICES. THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU, MR. O'MALLEY. LET'S SEE, NANCY KATE ALSO SIGNED UP WISHING TO SPEAK. WELCOME, NANCY. YOU'LL BE FOLLOWED BY JENNIFER MACPHAIL, WHO WILL BE FOLLOWED BY KATHERINE STARK. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.]

LOCATE, BUY PROPERTY AND HOPEFULLY A PURCHASE OF THAT BEING ABLE TO PROVIDE FUNDS FOR RENOVATION AND REDEVELOPMENT OF THOSE PROPERTIES. I THINK IT'S ALSO A GOOD IDEA FOR US TO BEGIN TO LOOK AT COMBINING TRANSITIONAL HOUSING WITH PERMANENT HOUSING. WE HAVE ALWAYS BEEN ONE OR THE OTHER THERE. WE HAVE NEVER PUT ANY RESTRICTIONS ON HOW LONG SOMEONE CAN STAY OR HOW SHORT IT WILL BE. IT'S UP TO THE INDIVIDUAL. AND, YOU KNOW, SOME PEOPLE NEED SIX MONTHS FOR TRANSITION, SOME PEOPLE NEED TWO YEARS AND SOME PEOPLE NEED LONGER. AND AT THE SAME TIME SOME PEOPLE FIND A PLACE TO STAY AND THEY WOULD LIKE TO BE THERE. SO I WOULD ENCOURAGE FUNDING THAT WOULD COMBINE THOSE TWO INTO ONE. AND SOME OF THE MONEY MIGHT COULD ALSO BE USED FOR SPECIFICALLY FOR SOME MATCHING FUNDS OR CHALLENGE GRANTS. THAT MIGHT BE HELPFUL IN SOME CASES. IS THERE ANY QUESTIONS ON ANYTHING?

Mayor Wynn: THANK YOU, NANCY. QUESTIONS FOR MS. CATES? THANK YOU FOR ALL YOUR GREAT WORK. WELCOME, JENNIFER. YOU WILL BE FOLLOWED BY GENERALJENNIFER

STARK.

I JUST WANTED TO HIT ON A FEW POINTS. THE FIRST AND MOST IMPORTANT IS PROVIDING MORE VERY AFFORDABLE HOUSING FOR PEOPLE WHO ARE EXTREMELY LOW INCOME. THE AVERAGE PERSON ON S.S.I. RECEIVES \$637 A MONTH WHICH TRANSLATES INTO A WHOPPING \$7,644 A YEAR. GOOD LUCK FINDING A PLACE TO LIVE THAT'S ACCESSIBLE TO YOU. AND I'LL JUST GIVE YOU SOME FOOD FOR THOUGHT. YOU GUYS HAVE HEARD ME TALK ABOUT THIS BEFORE, BUT IN TRANSITIONING PEOPLE OUT OF NURSING HOMES AND OTHER INSTITUTIONS, WE WERE SUCCESSFUL IN GETTING THE STATE LEGISLATURE TO FUND AND PASS LAWS THAT ALLOWED THE TRANSITION TO ACTUALLY OCCUR SOONER THAN WE WERE ABLE TO FIND PEOPLE AFFORDABLE HOUSING TO MOVE INTO. SO THAT'S JUST SOME FOOD FOR THOUGHT BECAUSE STATE LEGISLATURE DOESN'T DO PROGRESSIVE THINGS VERY OFTEN, BUT THEN WHEN YOU COUPLE THAT WITH THE FACT THAT WE GOT THEM TO DO SOMETHING PROGRESSIVE SOONER THAN WE COULD PROVIDE AFFORDABLE HOUSING FOR EVERYONE WHO NEEDS IT WHO IS LOW INCOME, THEN YOU GET A PRETTY GOOD IDEA OF HOW TRULY SIGNIFICANT THIS PROBLEM IS. AND I'LL MOVE ON. THE A.B.R. PROGRAM PROVIDES A VERY IMPORTANT SERVICE TO PEOPLE WITH DISABILITIES. IT ALLOWS THEM TO AGE IN PLACE IN THE HOME THAT THEY HAVE OR THE APARTMENTS THAT THEY ARE RENTING. THEY REMOVE BARRIERS, WIDEN DOORWAYS. OFTENTIMES PUT IN RAMPS. THAT'S EXTREMELY IMPORTANT TO THE COMMUNITY AND SHOULD BE EXPANDED. ALSO, SEPARATING SERVICES FROM HOUSING. THIS IS VERY IMPORTANT. IT MAY NOT SEEM LIKE A VERY BIG DEAL, BUT WHEN YOU HAVE A LANDLORD THAT'S NOT MEETING THEIR OBLIGATIONS AS A LANDLORD DOING SOME OF YOUR PERSONAL SERVICES, THAT COULD CREATE MAJOR PROBLEMS. AND YOU'LL SAY TO YOURSELF MAYBE THAT THIS IS NOT REALLY A SIGNIFICANT PROBLEM. WELL, THE TRUTH IS THAT THERE'S A LOT OF DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES WHO RENT AND WHO GO TO BUY. AND IT'S PROVEN BY THE FACT THAT THE TENANTS COUNCIL'S DISCRIMINATION BASED COMPLAINTS BASED ON DISABILITY IS UP TO 61%. SO YOU CAN CHECK THAT FACT FOR YOURSELVES. AND IT'S GONE UP OVER THE YEARS. IT HASN'T GOTTEN BETTER. SO DO YOU WANT LANDLORDS WHO ARE DISCRIMINATING AGAINST PEOPLE IN HOUSING AREAS PROVIDING SERVICES? I CERTAINLY DON'T. AND THEN ALSO, OF COURSE, EXPANDING VISITABILITY AND PROVIDING MORE VISITABLE HOMES TO MORE PEOPLE IS STILL EXTREMELY IMPORTANT. THANK YOU.

Mayor Wynn: THANK YOU, JENNIFER. KATHERINE STARK, YOU WILL HAVE THREE MINUTES TO BE FOLLOWED BY ANGELA ATWOOD.

GOOD EVENING, MAYOR, MAYOR PRO TEM, COUNCIL. I'M KATHERINE STARK, EXECUTIVE DIRECTOR OF THE AUSTIN TENANTS COUNCIL. AND JENNIFER RIGHT, IT WAS 61% LAST YEAR OF THE COMPLAINTS RECEIVED WERE FOR DISABILITY-RELATED ISSUES AND DISCRIMINATION. WE RECEIVED, I THINK, OVER 350 COMPLAINTS LAST YEAR ABOUT DISCRIMINATION IN THE CITY OF AUSTIN. I WANTED TO TALK TO YOU A LITTLE TODAY ABOUT THE TENANTS COUNCIL'S WORK ON AFFORDABLE HOUSING. AS YOU KNOW, WE DO

LANDLORD-TENANT ISSUES AND WE ALSO DO FAIR HOUSING, EDUCATION AND ENFORCEMENT. AUSTIN HAS THE HIGHEST RENTS STILL IN THE STATE OF TEXAS AND THEY ARE GOING UP. WE ALSO HAVE THE LARGEST RENTER POPULATION. SO IT'S A BIG SEGMENT OF THE CITY OF AUSTIN. AND I WANT TO SEE HOPEFULLY THAT WE CONTINUE TO HAVE SERVICES TO PROVIDE EDUCATION AND INFORMATION TO TENANTS AND ENFORCEMENT OF UNFAIR HOUSING RIGHTS. ONE OF THE TRENDS THAT WE'RE SEEING RIGHT NOW IS INCREASED RENTS, AND AS YOU KNOW THIS LAST SUMMER AND THIS LAST YEAR THERE'S A HUGE MOVE TO CONVERT THE MORE AFFORDABLE CORE APARTMENTS THAT WE HAVE IN THE CITY OF AUSTIN HAVE BEEN CONVERTED TO CONDOS WHERE THE RENTS HAVE GONE UP AFTER THE CONVERSION WHERE THE TENANTS CAN'T LIVE IN THOSE PLACES ANYMORE, AND THEY WERE VERY ACCESSIBLE TO THEM IN THE DOWNTOWN CORE AREA SO I WOULD LIKE TO SEE THAT UNDER THE CONSOLIDATED PLAN WE PUT AS MUCH MONEY AS POSSIBLE INTO AFFORDABLE RENTAL HOUSING, ESPECIALLY FOR PEOPLE THAT MAKE LESS THAN 60% OF THE MEDIAN FAMILY INCOME. I WANTED TO THANK YOU FOR YOUR PAST SUPPORT AND HOPE THAT YOU CONTINUE TO SUPPORT THE TENANTS COUNCIL. AND DO YOU HAVE ANY QUESTIONS?

Mayor Wynn: QUESTIONS, COUNCIL? FOR KATHERINE?

THANK YOU.

Mayor Wynn: THANK YOU, MS. STARK. THE FINAL SPEAKER IS ANGELA ATWOOD. WELCOME, ANGELA.

GOOD EVENING. I'M PLEASED TO BE HERE TONIGHT TO SPEAK IN FAVOR OF THE CITY'S USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO SUPPORT SERVICES THAT PREVENT AND RESOLVE HOMELESSNESS. I WORK WITH FAMILY ELDER CARE. I AM THE CHIEF OPERATING OFFICER. BUT I'VE ALSO BEEN WORKING ON HOUSING AND HOMELESS ISSUES IN AUSTIN FOR OVER 15 YEARS AND I'VE SEEN THE CITY REALLY GROW AND CONTINUE TO GROW SUPPORT AND INVEST IN THE CONTINUOUS SERVICES AND HOUSING THAT ARE SO CRITICAL FOR MAKING SURE THAT WE ARE RESOLVING AND PREVENTING HOMELESSNESS AND NOT SEEING THAT PROBLEM GROW. FAMILY ELDER CARE HAS BEEN IN THE COMMUNITY FOR 25 YEARS AND OFFERS A VERY BROAD CONTINUUM OF SERVICES FOR OLDER ADULTS AND PEOPLE WITH DISABILITIES. AND WE RECEIVE FUNDING, COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR FOUR OF OUR PROGRAMS. OUR GAR YAN SHIP, IN-HOME CARE AND OUR TRANSITIONAL HOUSING PROGRAM. IN 2007 WITH THE HELP OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING, FAMILY ELDER CARE WAS ABLE TO PROVIDE SERVICES TO OVER 223 FRAIL, OLDER ADULTS. AND THIS INCLUDED NEARLY 4300 DAYS OF TRANSITIONTRANSITIONAL HOUSING AND OVER 4100 HOURS OF AFFORDABLE IN-HOME CARE SERVICES THAT HELPED MAINTAIN THE STABILITY AND INDEPENDENCE AND DIGNITY OF THESE OLDER ADULTS AND PEOPLE WITH DISABILITIES. ONE CLIENT WAS HELPED THROUGH OUR SERVICES WAS SOMEONE NAMED BILL WHO IS 63 YEARS OLD AND HAS A DEVELOPMENTAL DISABILITY. HE HAD ALWAYS LIVED

AND BEEN CARED FOR BY HIS PARENTS, BUT FOLLOWING THEIR DEATHS HE HAD NO RELIABLE FAMILY TO HELP HIM. AT THE TIME HE WAS REFERRED TO US AND HE HAD BEEN LIVING IN A GROUP HOME THAT WAS CLOSING AND HE WAS FACING THE PROSPECT OF BECOMING HOMELESS, HE WANTED TO TRY LIVING ON HIS OWN BUT NEEDED SUPPORT. DUE TO HIS FIXED INCOME, BILL WAS NOT ABLE TO MOVE INTO AN APARTMENT PRICED AT THE NORMAL FAIR MARKET VALUE. FAMILY ELDER CARE ASSISTED BILL IN APPLYING FOR SUBSIDIZED HOUSING, BUT THE WAITING TIME WAS OVER FIVE MONTHS. THIS LEFT BILL IN A NEED OF A PLACE TO LIVE WHILE HE WAITED FOR HIS APARTMENT. AT THAT TIME HE MOVED INTO OUR TRANSITIONAL HOUSING PROGRAM. AND AFTER LIVING THERE FOR FIVE MONTHS, HE WAS ABLE TO MOVE INTO A PERMANENT, AFFORDABLE APARTMENT. WE HELPED HIM SET UP HIS APARTMENT WITH DONATED ITEMS. HE HAD NEVER LIVED ON HIS OWN BEFORE. AND WE MATCHED HIM WITH A VOLUNTEER WHO BEGAN MEETING WITH HIM TWICE A MONTH TO HELP HIM BUDGET AND PAY HIS BILLS AND MAINTAIN HIS HOUSING. NOT LONG AFTERWARD HE WAS HIT BY A CAR CROSSING THE STREET. FOLLOWING THE ACCIDENT HE WAS UNABLE TO MAINTAIN HIS APARTMENT AND WAS IN JEOPARDY OF RECEIVING LEASE VIOLATIONS FOR NOT MAINTAINING IT. HE WAS ABLE TO RECEIVE ASSISTANCE ON PERSONAL CARE, HOUSEKEEPING AND MEAL PREPARATION. [BUZZER SOUNDING] BILL HAS MAINTAINED HIS HOUSING AND IS ACHIEVING HIS LIFE-LONG GOAL OF LEARNING TO ROAD NOW THAT HE HAS THE SUPPORT AND STABILITY IN HIS LIFE TO DO THAT. HE'S ALSO WORKING 10 HOURS A WEEK PART TIME. I THANK THE CITY FOR THEIR CONTINUED SUPPORT OF THESE IMPORTANT PROGRAMS AND ENCOURAGE YOU TO CONTINUE INVESTING IN HOMELESS SERVICES IN OUR COMMUNITY. THANK YOU SO MUCH.

Mayor Wynn: THANK YOU, ANGELA. COUNCIL, THAT'S ALL OF OUR SPEAKERS TO GIVE US PUBLIC FEEDBACK ON THIS PUBLIC HEARING REGARDING OUR ACTION PLAN FOR THE FISCAL YEAR. QUESTIONS OF STAFF, COMMENTS? MARGARET, REMIND US AGAIN THE TIMING AND NOW THE PROCESS BY WHICH WE FORMALLY FINALIZE THE PLAN.

ABSOLUTELY. THE PUBLIC HAS A COUPLE MORE OPPORTUNITIES BOTH IN WRITING AND IN PERSON TO GIVE INPUT. RIGHT NOW WE'RE ON THE NEEDS ASSESSMENT AND COLLECTION. NEXT WEEK OR ON MARCH 31st THE COMMUNITY DEVELOPMENT COMMISSION WILL BE HOLDING ITS PUBLIC HEARING TO ALSO COLLECT COMMUNITY NEEDS. WE'LL ALSO RUN A 30-DAY PUBLIC COMMENT PERIOD ABOUT MAY, AND THEN WE'LL HAVE ANOTHER HEARING WITH COUNCIL IN JUNE AND WITH C.D.C. AROUND JUNE AND WE'LL BE BACK TO YOU TO FINALIZE THE PLAN AND SUBMIT IT TO H.U.D. IN JULY.

Mayor Wynn: OKAY. ANY QUESTIONS OF STAFF, COUNCIL, COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION TO CLOSE THIS PUBLIC HEARING. MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER McCRACKEN TO CLOSE THIS PUBLIC HEARING, ITEM 76. ALL IN FAVOR SAY AYE. OPPOSED? MOTION TO CLOSE THE PUBLIC HEARING IS APPROVED ON A 6-0 VOTE WITH THE MAYOR PRO TEM OFF THE DAIS. AND I BELIEVE THERE BEING NO MORE BUSINESS BEFORE THE CITY COUNCIL, WE NOW STAND

ADJOURNED. IT IS 7:43 P.M.

End of Council Session Closed Caption Log