

## Closed Caption Log, Council Meeting, 3/27/08

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GOOD MORNING, I'M AUSTIN MAYOR WILL WYNN. IT'S MY PRIVILEGE TO WELCOME DR. JACQUELYN DONALD-MIMS, PASTOR, IMANI COMMUNITY CHURCH, AME , TO LEAD US IN OUR INVOCATION, PLEASE RISE.

LORD, IT IS WITH HONOR AND PRAISE THAT WE GATHER IN YOUR NAME TODAY. LORD, WE PRAY YOUR GRACE MAY PRECEDE AND FOLLOW IN THEIR DELIBERATIONS TODAY. WE PRAY A SPECIAL ANNOINTING ON THE LEADERSHIP, THE DECISION MAKERS AND EVERY PARTICIPANT TO EMBRACE YOUR GOOD WORKS. SO THAT THAT WHICH IS GOOD, PURE, HONEST, JUST AND OF GOOD REPORT MIGHT BE DONE. IT IS IN THE NAME OF OUR LORD AND SAVIOR THAT WE PRAY, ALL WHO GRACE IT. AMEN.

Mayor Wynn: THANK YOU, DOCTOR. SO THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS APPROXIMATELY 10:18 A.M. WE ARE HERE IN THE -- ON THURSDAY, MARCH 27th , 2008, WE ARE HERE IN THE CITY COUNCIL CHAMBERS AT CITY HALL BUILDING, 301 WEST SECOND STREET. WE HAVE A -- WE HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. I'LL GO THROUGH THOSE NOW. WE SHOULD NOTE THAT -- THAT ITEM NO. 6 WILL BE POSTPONED TO APRIL 10th, 2008. ITEM NO. 7, WE SHOULD NOTE THAT -- ADD THE PHRASE AND THE SUMMARY THAT THIS PROJECT WILL BE AWARDED IN COMPLIANCE WITH CHAPTER 2-9 B OF THE CITY CODE, OUR MINORITY OWN AND WOMEN OWNED BUSINESS ENTERPRISE PROCUREMENT PROGRAM, WITH 14.1% M.B.E. AND 8.7% W.B.E. SUBCONSULTANT PARTICIPATION TO DATE. WE SHOULD CORRECT THE NAME OF OUR PARTNERS AND ITEM NO. 18, STRIKING -- JUST A MINUTE. EXCUSE ME. STRIKING THE NAME JACOB CARTER BURGESS, INC., AND INSTEAD INSERTING CARTER AND BURGESS, INCORPORATED. WE -- WE WILL NOTE THAT ITEM NO. 20 WILL BE POSTPONED TO APRIL 10th, 2008. AND ITEM NO. 23, WE SHOULD ALSO NOTE THAT -- ADD TO OUR SUMMARY THAT THIS CONTRACT WILL BE AWARDED IN COMPLIANCE WITH CHAPTER 2-9 B OF THE CITY CODE, THAT'S OUR M.B.E. PROCUREMENT PROGRAM WITH 3.9% M.B.E. AND 3.14% W.B.E. SUBCONTRACTOR PARTICIPATION TO DATE. ON ITEM NO. 39, WE SHOULD CORRECT THE FACT THAT THIS IS AN ORDINANCE, NOT A RESOLUTION. ITEM NO. 45 HAS BEEN WITHDRAWN. AND ON ITEM NO. 56, WE SHOULD NOTE THAT THE HISTORIC LANDMARK COMMISSION RECOMMENDATION IS IN

FACT GRANT NEIGHBORHOOD OFFICE HISTORIC NEIGHBORHOOD CONSERVATION COMBINING DISTRICT OR NOHNCCD COMBINING DISTRICT ZONING, ITEM NO. 56. OUR SCHEDULE TODAY, WE ACTUALLY DON'T HAVE A MORNING OR AFTERNOON BRIEFING, SO AT NOON, AFTER WE HOPEFULLY GET THROUGH OUR CONSENT AGENDA HERE IN A FEW MINUTES, IF THERE -- TAKE UP ANY DISCUSSION ITEMS THIS MORNING, THEN AT NOON WE WILL BREAK FOR OUR GENERAL CITIZENS COMMUNICATIONS. AND AT 4:00 WE HAVE OUR ZONING HEARINGS, AT 5:30 AS USUAL WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, TODAY THE MCCALLUM ORCHESTRA IS OUR MUSIC SO STAY TUNED FOR THOSE TALENTED YOUNG PEOPLE. AND AT 6:00 WE HAVE OUR PUBLIC HEARING. SO FAR ONLY ITEM 23 HAS BEEN PULLED FROM THE CONSENT AGENDA. FOR A BRIEF CONVERSATION. ANY ADDITIONAL ITEMS TO BE PULLED? OKAY. ITEM NO. 44, HAS BEEN PULLED. BY COUNCILMEMBER KIM. ADDITIONAL ITEMS TO BE PULLED OFF THE CONSENT AGENDA FOR OUR PROPOSED AGENDA? HEARING NONE, THEN OUR PROPOSED CONSENT AGENDA NUMERICALLY THIS MORNING WILL BE TO APPROVE ITEM 1, OUR MINUTES FROM OUR LAST MEETING, FROM AUSTIN ENERGY APPROVING ITEMS 2, 3, 4, AND 5, FROM OUR AUSTIN WATER UTILITY, WE WILL BE NOTING THAT WE WILL POSTPONE ITEM 6 TO APRIL 10th, 2008, BUT WE WILL APPROVE ITEM 7 PER CHANGES AND CORRECTION AND ITEM 8. FROM OUR AVIATION DEPARTMENT WE WILL APPROVE ITEM 9. FROM OUR COMMUNITY COURT DEPARTMENT APPROVING ITEM 10, FROM THE NEW CONTRACT AND LAND MANAGEMENT DEPARTMENT, WE WILL BE APPROVING ITEMS 11, 12, 13, 14, 15, 16, 17, 18, PER CHANGES AND CORRECTION. AND 19. AND WE WILL BE POSTPONING ITEM 20 TO APRIL 10th, 2008. FROM OUR NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT WE WILL BE APPROVING ITEM 21. FROM OUR NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT, APPROVING ITEMS 22, FROM OUR PUBLIC WORKS DEPARTMENT APPROVING ITEM 24, 25, 26, 27, AND 28, FROM OUR PURCHASING OFFICE APPROVING ITEM 29, 30, 31, 32, 33, 34, 35, 36, AND 37. ITEM NO. 38 IS OUR BORED AND COMMISSION APPOINTMENTS -- BOARD AND COMMISSION APPOINTMENTS THAT I WILL READ INTO THE RECORD. WE HAVE ONLY ONE TODAY TO THE ELECTRIC UTILITY COMMISSION, MICHAEL WEBBER, COUNCILMEMBER MCCRACKEN'S APPOINTMENT. AND ITEM NO. 38 ON OUR CONSENT AGENDA. WE WILL ALSO APPROVE ITEMS 39 PER CHANGES AND CORRECTION, AND ITEM -- AND ITEM 42 AND 43. COUNCIL THAT'S OUR PROPOSED CONSENT AGENDA. I'LL ENTERTAIN A MOTION. MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY THE MAYOR PRO TEM TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? WE DO HAVE A COUPLE OF CITIZENS WHO WOULD LIKE TO GIVE US SOME COMMENTS ON -- ON SOME ITEMS. I WILL GET THOSE CALLED UP. GUS PENA IS WITH US. PENA HAS SEVERAL COMMENTS ON SEVERAL ITEMS I BELIEVE 10, 15 AND 21. I BELIEVE THAT YOU ARE SUPPORTIVE OF ALL OF THOSE, GUS.

YES, SIR, THAT IS CORRECT. MIERS SO --

THANK YOU, WELCOME, MAYOR, GOOD MORNING TO YOU AND YOUR FAMILY, ALL OF Y'ALL. GUS PENA. A FEW BRIEF COMMENTS ON ITEM NO. 15, I WOULD REQUEST THAT -- THAT YOU ALL TAKE INTO SERIOUS CONSIDERATION WHEN THEY ARE THINKING ABOUT THE SPACE

AVAILABLE TO -- TO BE COGNIZANT OF THE FACT THAT AT SEVERAL LIBRARIES, SOMETIMES THE -- THE WIRED FOR 80'S NOT STAFFED. YOU KNOW THAT A LOT OF OUR YOUTH OUT THERE USE THE COMPUTERS, WHETHER IT BE GAMES, WHETHER IT BE EDUCATIONAL ISSUES, THAT WE -- THAT WE AS A COMMUNITY REMAIN COGNIZANT OF THE FACT THAT A LOT MORE KIDS WILL BE USING THE LIBRARY, USING THE COMPUTERS. KEEP THEM OCCUPIED, KEEP THEM ENGAGED IN SOMETHING CUSTOMER FRIENDLY AND SAFE. KEEP THEM OFF THE STREETS. IF YOU CAN PLEASE REMEMBER THAT AND HAVE THEM FULLY STAFFED A LOT OF TIMES LIBRARY STAFF AT THE YOUTH CENTER. AND NUMBER 21, SELF SUFFICIENCY, I APPRECIATE YOU ALL DOING VERY MUCH. WE HAVE BEEN ADVOCATING FOR SOCIAL -- GETTING PEOPLE OUT OF THE HOMELESS SITUATION, ALSO A LOT OF POOR OUT THERE NEED HELP. LAST ITEM, THEN I HAVE TO LEAD. I DIDN'T EVEN PLAN TO SPEAK ON -- ON CITY COUNCIL TODAY. LAST ITEM I DID SEE THE -- THE AUDIT YESTERDAY IN THE NEWS, WE PUSHED FOR THE HELICOPTER. WE PUSHED FOR -- FOR -- IN 1995 WHEN MAYOR BRUCE TODD WAS THE MAYOR, FOLKS WE CANNOT LOSE THE HELICOPTER. ONE OF THE MOST IMPORTANT INTEGRAL PARTS OF PUBLIC SAFETY. I DO BELIEVE IT HAS JUSTIFIED HIS EXPENDITURES. ONE MORE LAST ITEM THEN I'M GONE. POLICE SOLICIT FUND -- PLEASE SOLICIT FUNDING. I USED TO BE AN I.R.S. INVESTIGATOR, WE DO HAVE FUNDING FOR OVERTIME OFFICERS, NOT 911 OPERATORS. BUT OFFICERS. CRIME IS GOING UP. A.P.D. AND SHERIFF'S DEPARTMENT, I WAS WORKED ALSO AND SPOKEN TO SOME OF THE TEXAS RANGERS AND D.P.S. TROOPSER, YOU ALL ARE DOING A GOOD JOB. HAVE A GOOD DAY. COUNCILMEMBER MARTINEZ I APOLOGIZED TO YOU ALREADY. I SHOULD HAVE MENTIONED YOUR NAME IN WORKING WITH THE VETERANS, YOU HAVE DONE A GOOD JOB AS WELL AS COUNCILMEMBER LEFFINGWELL, COUNCILMEMBER KIM, SPECIFICALLY YOU ALL THREE. HAVE A GOOD DAY.

MARTHA SIGNED UP, WELCOME.

MY NAME IS MARTHA COBRA, I LIVE AT 12211 ANDERSON MILL ROAD. ALSO KNOWN AS F.M. 2769 OR VOLENTE ROAD. I HAVE LIVED IN AUSTIN SINCE 1954. I RAISED FOUR CHILDREN HERE. MY HUSBAND AND I OWNED 34.765 ACRES OF THE APPROXIMATELY 40.807-ACRES DESCRIBED IN ITEM NO. 13 ON TODAY A'S COUNCIL AGENDA. ON MARCH 18th, 10 DAYS AGO, OUR 34 PLUS ACRES WERE SOLD TO SCOTT M. MORELEDGE AND BRUCE A. WENZEL FOR \$1.875 MILLION. ABOUT 45 DAYS BEFORE WE CLOSED ON THE PROPERTY THE CITY OF AUSTIN APPROVED AND AUTHORIZED ITEM NO. [INDISCERNIBLE] ON THE COUNCIL'S JANUARY 31 AGENDA TO CONTINUE NEGOTIATIONS FOR THE PURCHASE OF APPROXIMATELY 35 ACRES LOCATED ALONG F.M. 2769 FROM KENNY DRYDEN. THE FINAL AMOUNT AUTHORIZED IS \$195,000 FOR NON-REFUNDABLE EARNEST MONEY. THIS WAS MY PROPERTY. THIS ACTION WAS TAKEN WHILE WE STILL OWNED THE PROPERTY. I'M NOT A LAWYER. I DO NOT UNDERSTAND THESE THINGS BUT I GUESS THIS ACTION IS LEGAL. THE REMAINDER OF THE APPROXIMATELY 40.807-ACRES MENTIONED IN TODAY'S AGENDA ITEM NO. 13, THE 6.063-ACRES HAS A CONTRACT PENDING WITH KENNY DRYDEN FOR \$600,000. ITEM NO. 13 ON TODAY A'S AGENDA RECOMMENDS THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE THESE TWO TRACTS AT A TOTAL

ACQUISITION COST OF \$5.78 MILLION. MY CONCERN AND THE REASON THAT I'M HERE TODAY IS TO QUESTION THE AMOUNT THE CITY IS PREPARED TO PAY FOR THESE APPROXIMATELY 40.807-ACRES. MY ARITHMETIC TELLS ME THAT THE TOTAL BEING PAID TO THE PROPERTY OWNERS IS \$2.475 MILLION. THIS AMOUNT REPRESENTS A PROV FIT OF \$3.305 MILLION. THIS AMOUNT ALSO REPRESENTS AN ADDITIONAL COST OF \$3.305 MILLION TO AUSTIN TAXPAYERS. TWO OTHER PROPERTIES TOTALING 31 ACRES BETWEEN THE TWO PROPERTIES UNDER CONSIDERATION TODAY ARE UNDER CONTRACT FOR AN UNDISCLOSED AMOUNT. ONE PROPERTY OWNER SAID THERE IS A CONFIDENTIALITY CLAUSE ON THE CONTRACT, SO HE COULD NOT DISCUSS IT. BOTH PROPERTY OWNERS WERE CAUTIOUS IN THEIR STATEMENTS THAT THEY BELIEVED MR. DRYDEN WAS ONE OF THE PURCHASERS. MR. DRYDEN ALSO HAS A CONTRACT PENDING ON A ONE ACRE FLAG LOT CONTIGUOUS TO THE 6.063-ACRES UNDER CONSIDERATION TODAY FOR \$350,000. I RESPECTFULLY REQUEST THE COUNCIL REEXAMINE THE RESOLUTION PUT FORTH IN ITEM NO. 13. I HAVE COPIES FOR THE COUNCILMEMBERS OF THE TRAVIS COUNTY PLAT MAP OF THE AREA UNDER DISCUSSION. I ALSO HAVE COPIES OF THE SALES FLIERS FOR THE TWO PROPERTIES UNDER DISCUSSION. THESE PAPERS MIGHT BE HELPFUL TO THE COUNCIL. IF I MAY HAVE PERMISSION TO ASK THEM TO BE DISTRIBUTED. THANK YOU FOR YOUR TIME AND ATTENTION.

Mayor Wynn: THANK YOU. YOU CERTAINLY ARE WELCOME PERHAPS HAND ANYTHING THAT YOU HAVE TO COUNCILMEMBER COLE WHO WOULD PASS IT DOWN FOR US. DO WE HAVE REAL ESTATE FOLKS HERE? I SEE -- I SEE ASSISTANT CITY MANAGER GARZA, RUDY, CAN YOU HELP US UNDERSTAND SOME OF THESE CONCERNS.

GOOD MORNING, I'M RUDY GARZA, ASSISTANT CITY MANAGER. OUR CITY ATTORNEY CAN ADDRESS THE LEGAL TRANSACTIONS THAT ARE HAPPENING. BUT I CAN TELL YOU ABOUT THE TRACTS THAT ARE ON THE AGENDA TODAY. TWO THINGS. WE CONTINUE TO NEGOTIATE WITH THE OWNERS OF THE PROPERTY. WE WILL NOT PAY MORE THAN AN APPRAISED VALUE. SO WE ARE IN THE PROCESS OF COMPLETING THE APPRAISALS OF THOSE PROPERTIES AFTER A FULL LAND PLAN HAS BEEN COMPLETED AND ALL OF THE TYPICAL PROCEDURES THAT HAPPEN IN A FULL APPRAISAL. SO THAT IS PART OF THE REASON WE CONTINUE OUR NEGOTIATIONS FOR THAT PRICE. AS FAR AS THE NEGOTIATIONS BETWEEN THE CITY, WE DID HIRE MR. DRYDEN TO ACT ON OUR BEHALF, BUT I WOULD PREFER MS. MULLEN TO DISCUSS EXACTLY THAT THE LEGAL -- THE LEGAL PROCESS ON HOW THAT HAPPENS, HOW WE CAN IMOASHTNEGOTIATE WITH THE NEW OWNERS OF THE PROPERTY WHILE THEY WERE STILL IN THE PROCESS OF ACQUIRING THE OTHERS. I'M RATH WRITTENKATHRYN MULLEN, ASSISTANTS CITY ATTORNEY, LAW DEPARTMENT CITY OF AUSTIN. WE WERE AWARE THAT ASH CREEK, THE INDIVIDUALS WHO BOUGHT THIS PROPERTY FROM MS. COBRA DID HAVE THE PROPERTY UNDER CONTRACT AT THE TIME WE CONTRACTED WITH HIM. THEY HAD PLANNED TO USE THIS SITE FOR -- FOR HOMES, BUILDING HOMES, THEY ARE A BIG HOME BUILDER HERE IN AUSTIN AND ELSEWHERE. THE PROPERTY IS A SITE THAT -- THAT COUNCIL DIRECTED US TO -- TO PURCHASE A BACKUP SITE FOR WATER TREATMENT NUMBER 4. THIS PARTICULAR SITE IS IN

COMPLIANCE WITH YOUR DIRECTIVE. AS MR. GARZA MENTIONED, WE INTEND TO -- TO PURCHASE THE PROPERTY FOR NO MORE THAN THE APPRAISED VALUE. WE DO NOT HAVE AN APPRAISAL BACK ON THIS PROPERTY. SEVERAL APPRAISERS HAVE LOOKED AT IT AND THE HOME BUILDERS, ASH CREEK, ARE IN THE PROCESS OF HAVING THE PROPERTY APPRAISED. THE ITEM BEFORE YOU TODAY IS TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE AND COMPLY WITH THE TERMS OF THE PURCHASE AND SALE AGREEMENTS. HOWEVER, THESE AGREEMENTS STILL ARE IN THE NEGOTIATION PHASE AND THEY ARE SUBJECT TO APPRAISAL. MS. COBRA HAS ALSO RAISED THE ISSUE THAT SHE HAD THE PROPERTY UNDER CONTRACT AND SO SHE DOESN'T UNDERSTAND HOW WE COULD HAVE THE PROPERTY UNDER CONTRACT WITH MR. DRYDEN. WE DID USE MR. DRYDEN AS A TRUSTEE ON BEHALF OF THE CITY ON THIS PARTICULAR PURCHASE BECAUSE LAND VALUES IN THIS AREA IN PARTICULAR IN AUSTIN ARE RISING VERY QUICKLY IN TODAY'S MARKET. IN ORDER FOR THE CITY TO COMPETE COMPETITIVELY WITH DEVELOPERS, SOMETIMES WE DO ASK TRUSTEES TO TAKE A CONTRACT IN THEIR OWN NAMES AND THEN THE CITY WILL CONTRACT, IN THIS CASE, WITH MR. DRYDEN FOR A PURCHASE OF A PIECE OF PROPERTY. WE DO THAT TO PROTECT OUR NEGOTIATING POSITION. I AM UNABLE TODAY OR IN -- OR IN OPENING SESSION TO TALK MORE ABOUT THE PARTICULARS OF THIS CONTRACT BECAUSE OF THE REAL ESTATE EXCEPTION AND THE NEED TO PROJECT OUR NEGOTIATING -- PROTECT OUR NEGOTIATING POSITION WITH THE SELLERS, I WOULD BE HAPPY TO GO INTO EXECUTIVE SESSION WITH COUNCIL TO TALK MORE ABOUT THE CONTRACT ITSELF. BUT IT IS PERFECTLY LEGAL FOR US TO CONTRACT WITH SOMEONE WHO HAS A CONTRACT ON A PIECE OF LAND. IT SEEMS A LITTLE CONVOLUTED BUT IT IS DONE COMMONLY IN TRANSACTIONS FOR REAL ESTATE, ESPECIALLY EXPENSIVE TRANSACTIONS AND TRANSACTIONS OF THIS TYPE. SO THERE'S NOTHING TRULY OUT OF THE ORDER ON A COMMERCIAL CONTRACTUAL BASIS. MAYOR QUESTIONS OF STAFF, COUNCIL? I WILL SAY THAT IT'S -- MR. GARZA POINTED OUT, COUNCIL WAS VERY SPECIFIC SEVERAL DECISIONS OVER THE LAST NUMBER OF MONTHS THAT I DO AGREE THAT IT'S A VERY BEFORE YOU DIDN'T YOU FOR US TO -- PRUDENT FOR US TO PURCHASE A POTENTIAL SECOND OR AN ALTERNATIVE SITE FOR THE -- FOR THE WATER TREATMENT PLANT NUMBER 4. WE WANT TO MAKE SURE THAT WE HAVE THE APPROPRIATE, FROM AN ENVIRONMENTAL STANDPOINT, THE APPROPRIATE SITE. WE THINK THAT WE ARE THERE WITH -- WITH A SITE OF -- BUT WE REALLY NEED TO PROTECT THE LONG-TERM INTERESTS OF THE BUILDER TO BUILD THAT PLANT. AND AS -- AND AS POINTED OUT EARLIER, IF WE ARE SUCCESSFUL AND ARE ABLE TO ABLE TO DESIGN, ULTIMATELY CONSTRUCT THE PLAN ON OUR -- ON OUR CURRENT SITE, WE ALWAYS HAVE THE ABILITY -- THIS SITE IS VERY DEVELOPABLE, WE COULD ULTIMATELY SELL THIS SITE SHOULD WE NOT NEED IT. I THINK IT'S VERY PRUDENT FOR US TO MAKE SURE THAT WE ULTIMATELY HAVE A SITE THAT IS ENVIRONMENTALLY SOUND FOR US TO BUILD THAT PLANT. FURTHER QUESTIONS OR COMMENTS OF -- OF COUNCILMEMBER LEFFINGWELL?

Leffingwell: YOU MENTIONED THERE'S SOME INFORMATION THAT YOU COULDN'T DISCUSS IN OPEN SESSION, BUT YOU COULD DISCUSS IN EXECUTIVE SESSION --

YES, WITH REGARD TO THE CONTRACT THIS BEING A REAL ESTATE --

Leffingwell: WELL, I AGREE WITH THE MAYOR, THAT THIS IS THE COURSE OF ACTION THAT WE PREVIOUSLY SET. I BELIEVE IT'S PRUDENT, BUT IN AN OVER ABUNDANCE OF CAUTION, I WOULD SUGGEST THAT WE GET A QUICK BRIEFING FROM YOU IN EXECUTIVE SESSION AND WE TABLE THIS AND COME BACK AFTER WE'VE HEARD FROM YOU IN CLOSED SESSION. IF THAT WOULD BE AN ACCEPTABLE FRIENDLY MOTION.

Mayor Wynn: SO COUNCILMEMBER MCCRACKEN WE HAVE A REQUEST TO -- TO ESSENTIALLY TO REMOVE ITEM 13 FROM THE CONSENT AGENDA. FOR -- FOR A CLOSED SESSION BRIEFING. MAYOR PRO TEM? MS. COBRA, COMMENT?

I WANTED TO POINT OUT THERE'S TWO PIECES OF LAND BETWEEN THE PROPOSED 40 ACRES. SO IN ORDER TO PUT A WATER TREATMENT PLANT IN THERE, IT WOULD SEEM THAT YOU HAVE TO HAVE THAT LAND, ALSO. SO IT VERY PUZZLING TO ME THAT -- THAT THESE TWO PIECES OF LAND ARE UNDER CONTRACT BY -- BY PRIVATE PARTY, NOT YET PURCHASED, AND WITH NO -- WITH NO KNOWN AMOUNT OF MONEY. I FEEL LIKE PERHAPS IF YOU WOULD LOOK AT MY MAPS --

Mayor Wynn: WE WILL GLADLY DO THAT. THAT'S WHY THE STATE LAW SPECIFICALLY ALLOWS PUBLIC ENTITIES, IN THIS CASE US, TO GO INTO CLOSED SESSION TO NOT HAVE TO REVEAL CERTAIN THINGS IN PUBLIC.

OKAY.

Mayor Wynn: BUT THANK YOU. SO WE HAVE -- SO, COUNCIL, WITHOUT OBJECTION THEN, ITEM 13 HAS BEEN REMOVED FROM THE CONSENT AGENDA TO BE TAKEN UP LATER. LIKELY AFTER A CLOSED SESSION BRIEFING. LET'S SEE. ALSO, THANK YOU, MS. COBRA. LET'S SEE. ALSO, ITEM -- COMBINED ITEMS 8 AND 9, WE HAVE A COUPLE OF SPEAKERS, BILL BUNCH HAS SIGNED UP WISHING TO GIVE US COMMENT. WELCOME, MR. BUSH. AS HAS ROGER BAKER.

THANK YOU, MAYOR. COUNCILMEMBERS. I'LL BILL BUNCH WITH THE SAVE OUR SPRINGS ALLIANCE TO URGE YOU TO VOTE NO ON SPENDING ANOTHER \$27 MILLION ON WATER TREATMENT PLANT 4 DESIGN AND PRECONSTRUCTION EFFORTS. AND INSTEAD INVEST OUR MONEY IN CONSERVATION. AND SPECIFICALLY TARGETING REDUCING OUR PEAK DAY DEMANDS. WHICH WE CAN READILY REDUCE BY 30% IF WE'RE SERIOUS. AND IN DOING SO, AVOID THE NEED TO BUILD ANY ADDITIONAL WATER TREATMENT CAPACITY FOR 20 YEARS OR MORE. AS YOU KNOW, WE STARTED ON THIS COURSE OF BUILDING WATER TREATMENT PLANT 4 BACK IN THE BOOM OF THE 80s. IT TOOK THE ENVIRONMENTAL COMMUNITY 20 YEARS TO CONVINCE THIS COUNCIL AND EARLIER COUNCILS BUT ULTIMATELY THIS COUNCIL THAT THE SPECIFIC LOCATION IN BULL CREEK WAS THE WRONG LOCATION. WE VERY MUCH APPRECIATE THAT YOU CAME FINALLY TO THAT CONCLUSION AND MOVED --

DECIDED TO MOVE THE PLANT OUT OF THE BULL CREEK PRESERVE. BUT NOW YOU NEED TO TAKE THE NEXT STEP AND REALIZE THAT IF WE'RE GOING TO BE RESPONSIBLE STEWARDS OF OUR WATER RESOURCES, IF WE'RE GOING TO BE RESPONSIBLE TO THE RATEPAYERS, IF WE'RE GOING TO SET A GREEN STANDARD THAT WE WANT TO ALL SET AS BEING THE LEADER, WE WILL BE SERIOUS ABOUT WATER CONSERVATION. AND WE'LL SAVE OUR RATEPAYERS \$400 MILLION ON A PLAN THAT WE -- THAT -- THAT AT WORST OR AT BEST, HOWEVER YOU WANT TO LOOK AT IT, NEED A HANDFUL OF DAYS, IN AUGUST AND SEPTEMBER, WHEN WAY TOO MANY PEOPLE ARE WASTING WAY TOO MUCH WATER FOR LAWNS AND GOLF COURSES AND COMMERCIAL IRRIGATION TO WHICH THEY'RE NOT PAYING ATTENTION TO. OUR CURRENT PEAK DAY DEMANDS ARE 300-GALLONS PER PERSON PER DAY. THAT IS EXTREMELY WASTEFUL AND IRRESPONSIBLE AND IT SHOULD BE THE FURTHEST THING FROM A STATISTIC ATTACHED TO THIS COMMUNITY. WE CAN DO 200-GALLONS PER DAY PEAK. AND WE CAN GET OUR AVERAGE FROM 180, WHICH IS WHERE IT IS NOW, WHICH IS MORE THAN 25% ABOVE THE GOAL FOR CITIES OF 140-GALLONS PER CAPITA PER DAY. SET BY THE STATE WATER BOARD, SET BY OUR OWN REGIONAL PLANNING. THIS COUNCIL HAS BEEN IRRESPONSIBLE IN REFUSING TO EVEN ADOPT THOSE VERY MODEST STATE GOALS. AND YOU ARE HERE MOVING FORWARD ANOTHER \$27 MILLION. ON THE BIGGEST BOONDOGGLE IN THE RECENT HISTORY OF OUR COMMUNITY. YOU CANNOT BE SERIOUS ABOUT CLIMATE PROTECTION, YOU CANNOT BE SERIOUS ABOUT ENERGY CONSERVATION. AND EQUALLY SERIOUS ABOUT WATER CONSERVATION. AND TODAY IS THE DAY TO STOP BLEEDING ON THE MONEY AND TURN AND INVEST IN FAR MORE AFFORDABLE CONSERVATION STRATEGIES. THANK YOU.

THANK YOU, MR. BUNCH. THE NEXT SPEAKER IS ROGER BAKER. WELCOME, YOU TOO WILL HAVE THREE MINUTES.

HELLO. MY NAME IS ROGER BAKER. I WOULD LIKE TO SORT OF ECHO SOME OF THE COMMENTS THAT BILL BUNCH JUST MADE. THIS IS APPROXIMATELY HALF A BILLION DOLLARS WORTH OF INFRASTRUCTURE FOR LONG-TERM GROWTH NEEDS. BUT I THINK WE NEED TO STEP BACK AND LOOK AT THE CHANGING SORT OF ENERGY CONSTRAINTS THAT WE'RE FACING AND I KNOW SEVERAL MEMBERS OF THE COUNCIL TALK ABOUT GLOBAL WARMING A LOT. I THINK THAT WE'RE FACING THE PROBLEM OF PEAK OIL IN THE NEAR FUTURE. AND THIS IS GOING TO REQUIRE AN ENERGY -- WELL, A WATER INFRASTRUCTURE THAT MATCHES OUR OTHER PROBLEMS, LIKE ENERGY PROBLEMS. I UNDERSTAND THAT THE MOST -- THE MOST ENERGY THAT THE CITY USES IS TO PUMP WATER AROUND. I THINK WE NEED TO LOOK AT CONSERVATION AND -- AND NOT MOVING AHEAD ON INFRASTRUCTURE WITH -- PARTICULARLY WHICH SERVES ANTICIPATED SPRAWL. THE -- I THINK THE URBAN LAND INSTITUTE JUST CAME OUT WITH A BOOK ON HOW LESS AUTO DEPENDENT DEVELOPMENT IS THE KEY TO MITIGATING CLIMATE CHANGE. I THINK THE -- I CAN'T FIND THE TITLE HERE. BUT ANYWAY, IT SAYS MEETING THE GROWING DEMAND FOR CONVENIENTLY LOCATED HOMES AND WALKABLE NEIGHBORHOODS COULD SIGNIFICANTLY REDUCE THE GROWTH AND THE NUMBER OF MILES THAT AMERICANS DRIVE. SHRINKING THE NATION'S ENERGY -- CARBON FOOTPRINT WHILE GIVING PEOPLE MORE HOUSING

CHOICES ACCORDING TO A TEAM OF LEADING PLANNING RESEARCHERS. BUT I THINK THAT WE NEED TO RETHINK OUR INFRASTRUCTURE, NOT RUSH IN TO THROWING GOOD MONEY AFTER BAD, AND LOOK AT THE ENERGY IMPLICATIONS OF THIS PARTICULAR INFRASTRUCTURE OF WATER, WHICH IS CLOSELY TIED TO ENERGY. THANK YOU.

Mayor Wynn: THANK YOU, MR. BAKER. COUPLE, THAT'S ALL OF OUR SPEAKER -- COUNCIL, THAT'S ALL OF OUR SPEAKERS ON THESE COMBINED 8 AND 9 --

Dunkerly: MAYOR, I WOULD LIKE TO POINT OUT THAT THESE BACKUP TRACTS IF THEY ARE NOT USED THE WATER UTILITY WILL BE ABLE TO REMARKET THEM IN THE FUTURE. AND RECOUP THEIR COSTS.

AGREED.

I BELIEVE THAT'S ALL OF OUR CITIZENS WHO HAVE SIGNED UP TO GIVE US TESTIMONY ON ANY OF OUR ITEMS ON OUR CONSENT AGENDA. FURTHER COMMENTS? ON THE CONSENT AGENDA? COUNCILMEMBER LEFFINGWELL?

Leffingwell: I WOULD LIKE TO JUST POINT OUT THAT ITEMS 2, 3, 4, 5 ARE INDUSTRIAL TYPE SOLAR REBATES AND AN IMPORTANT PART OF OUR ENERGY CONSERVATION PROGRAM. I JUST WANTED TO HIGHLIGHT LIKE. IN PARTICULAR, ITEM NO. 2, IS A SOLAR SUNFLOWER DISPLAY WHICH WILL HAVE AESTHETIC VALUE AS WELL AS CONSERVATION VALUE. I ATTENDED THE RIBBON CUTTING TO PUT THOSE SUNFLOWERS IN ABOUT THREE WEEKS AGO. THEY ARE GOING TO BE LIT UP AT NIGHT RIGHT ALONG I-35, BETWEEN I-35 AND THE MUELLER REDEVELOPMENT SO YOU WON'T HAVE TO LOOK AT THE BACK OF THE WAREHOUSES NOW. YOU WILL SEE A LIGHTED DISPLAY AND IT WILL ALSO PRODUCE ELECTRICITY DURING THE DAYTIME.

Mayor Wynn: FURTHER COMMENTS? COUNCILMEMBER MARTINEZ?

Martinez: MAYOR, ITEM 18 I THINK IS PRETTY SIGNIFICANT FOR OUR TRAIL ADVOCATES AND THE FOLKS THAT ENJOY LADYBIRD LAKE AND THE HIKE AND BIKE TRAIL. I WANT TO MAKE SURE THAT YOU KNOW THIS IS NOT AN APPROVAL TO BUILD A BOARD WALK. WE HAVE RECEIVED QUITE A FEW E-MAILS FROM PEOPLE WHO LIVE ON THE SOUTHERN SHORES ON THE EASTERN HALF OF LADYBIRD LAKE. OBVIOUSLY THEY ARE CONCERNED AND THEY WANT TO MAKE COMMENTS. SO WHAT I WOULD LIKE TO EXPRESS TO THEM IS NOW THE TIME TO DO THAT. THIS IS GOING TO BE THE DESIGN PHASE. OF ANY POTENTIAL BOARD WALK THAT WE MAY AT SOME POINT BUILD IN THE FUTURE. THIS WAS POTENTIALLY A \$15 MILLION PROJECT. THE INPUT THAT WE ARE STARTING TO RECEIVE IS WELCOME AND NEEDED. AND SO THOSE CITIZENS THAT ARE RAISING THOSE CONCERNS, I WANT TO ENCOURAGE THEM AND LET THEM KNOW THAT THE DESIGN TEAM THAT WE ARE SELECTING TODAY WILL BE REACHING OUT TO THEM TO -- TO RECEIVE THEIR COMMENTS AND TO TRY TO ADDRESS THOSE CONCERNS BEFORE ANY FINAL DECISION IS MADE. BUT -- BUT I



CERTAINLY WANTED TO POINT OUT THAT I THINK THIS IS A STEP IN A WONDERFUL DIRECTION FOR US TO CLOSE THE GAP ON OUR TRAIL SYSTEM AROUND LADYBIRD LAKE. I LOOK FORWARD TO THE DESIGN PHASE AND TAKING THOSE COMMENTS AND COMING FORWARD WITH THE FINAL PROJECT.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS ON OUR CONSENT AGENDA? I HAVE A COUPLE. BUT WE WILL JUST SAY -- OBVIOUSLY WE HAD SOME COMMENTS NOW AND DISCUSSION AND WE ARE GOING TO HAVE SOME LATER, TOO, ABOUT -- ABOUT BROADLY SPEAKING OUR FOURTH WATER TREATMENT PLANT. WE HAVE HAD A LOT OF ANALYSIS, DEBATE, DIALOGUE ABOUT THE NEED FOR THAT FACILITY. FRANKLY THAT DEBATE IS OVER. AS WE LOOK AT THE POPULATION GROWTH, AS WE CONTINUE TO WORK HARD, TO TRY TO DRAW DOWN THE WATER CONSUMPTION PER CAPITA AS OUR POPULATION CONTINUES TO GROW, THE CITIES ATTRACT PEOPLE, WE SAW IN THIS MORNING'S PAPER, AUSTIN AS A CITY ACTUALLY FROM A GROWTH RATE STANDPOINT THE FASTEST GROWING BIG CITY IN THE COUNTRY. WE ARE GOING TO NEED A FOURTH PLANT. IT'S ALSO VERY, VERY PRUDENT OF US TO BUILD THAT PLANT AS THE ROMANS FIGURED OUT SEVERAL THOUSAND YEARS AGO, YOU GO AS FAR UPSTREAM AS YOU CAN TO THE HIGHEST ELEVATION THAT YOU CAN, TO THE LARGEST BODY OF WATER THAT YOU HAVE IN ORDER TO START THE SUPPLY YOUR ENTIRE GRID. THIS PLANT, PLANT NUMBER 4, WILL NOT SUPPLY SPRAWL, IT TIES INTO OUR GRID. MR. BAKER IS ABSOLUTELY CORRECT. URBAN DENSITY WILL HAVE YOUR ENERGY USE, YOUR WATER USE, YOUR VEHICLE MILES TRAVELED PER CAPITA PLUMMETING. BEGINNING AT 4:00 IN THIS VERY ROOM THERE WILL BE A LOT OF CITIZENS COMING DOWN HERE TELLING US DON'T DENSE DENSIFY THE CITY. THEY ARE GOING TO BE OPPOSING ZONING CASE AFTER ZONING CASE AFTER ZONING CASE OF PROPOSALS TO HAVE MORE PEOPLE LIVE A LOT CLOSER TO WHERE THEY WORK, PLAY, SHOP, WORSHIP, GO TO SCHOOL, MIXED USE URBAN DENSITY IS IN FACT THE ANSWER. THIS WATER TREATMENT PLANT NUMBER 4 WILL DELIVER WATER TO OUR URBAN CORE BECAUSE OUR SYSTEM IS A GRID. IT'S A NETWORK. IT'S REALLY IMPORTANT THAT FROM A SUPPLY STANDPOINT THE RAW WATER SUPPLY STANDPOINT YOU GO AS FAR UPSTREAM TO THE LARGEST BODY OF WATER AVAILABLE TO YOU AND IN THIS CASE THAT'S LAKE TRAVIS. THAT'S VERY, VERY PRUDENT FOR THE LONG TERM EFFICACY OF OUR WATER UTILITY AND ULTIMATELY GROWTH POLICY IN THIS COMMUNITY THAT THAT PLANT BE BUILT. THIS HAS BEEN FRUSTRATING FRANKLY TO SEE THAT BUT OVER THE COURSE OF THE NEXT COUPLE OF GENERATIONS, IT'S REALLY IMPORTANT THAT THAT PLANT BE BUILT AND I'LL CONTINUE TO SUPPORT THAT AND IN THIS CASE WE'RE ACTUALLY GOING THE EXTRA STEP OF TRYING TO ACQUIRE A -- AN ADDITIONAL BACKUP SITE JUST TO MAKE SURE THAT FROM THE ENVIRONMENTAL STANDPOINT, ECOLOGICAL STANDPOINT ON THOSE SITES THAT WE HAVE THE -- THE BEST ONE IN ORDER TO DELIVER THAT SUPPLY. TYING INTO THAT, I DO WANT TO COMMEND, THERE'S A NUMBER OF ITEMS COUNCILMEMBER LEFFINGWELL POINTED OUT THE NUMBER OF OUR SORT OF SOLAR REBATE PROGRAMS, ITEMS 2 THROUGH 5, AGAIN WHERE AUSTIN ENERGY IS PUTTING ITS MONEY, OUR MONEY, WHERE -- WHERE IT'S, OUR, MOUTHS ARE. WE ARE HELPING PEOPLE TO SIGNAL SOLAR PANELS. WE

ARE ESSENTIALLY PAYING PEOPLE TO BUY LESS OF OUR PRODUCTS SO WE CAN MANAGE FROM UTILITY STANDPOINT OUR GENERATION AND PEAK LOAD CONCEPT. BUT REALLY PLEASED TO SEE AND WANT TO APPLAUD OUR FLEET DEPARTMENT AND OUR TITLE PROTECTION STAFF. I HAVE SAID MANY TIMES OVER THIS YEAR THAT FLEET, IN FACT, TRANSPORTATION IS OUR BIGGEST CHALLENGE FROM A -- FROM A -- FROM AN ELECTRICITY STANDPOINT WE ARE ON THE RIGHT TRACK TO -- TO CONTINUE TO DO SOME GOOD THINGS. BUT FLEETS IS A BIG, BIG CHALLENGE FOR MOST CITIES, BUT ESPECIALLY FOR AUSTIN. AND -- AND WE REALLY HAVE STARTED MAKING SOME PROGRESS. SO THERE'S A NUMBER OF ITEMS TECHNICALLY TWO ITEMS ON THE AGENDA TODAY, BUT IT TIES INTO THE MOMENTUM NOW THAT OUR FLEET DEPARTMENT HAS GAINED. ITEM NO. 35, WE ARE CONVERTING A BUNCH OF EXISTING FUEL TANKS ON EXISTING VEHICLES TO THEN BE ABLE TO USE BIO DIESEL. AND SOME ETHANOL. ITEM 36 WE ARE BUYING BIO DIESEL FUEL VEHICLES FOR E.M.S. AND SO WITH THOSE PURCHASES, ADDED TO THE SCORES AND SCORES AND SCORES OF ALTERNATIVE FUEL VEHICLES AND HYBRIDS, WITH THIS PURCHASE I'M TOLD THAT OUR TOTAL CITY FLEETS HAS NOW GOTTEN TO 51% OF ALTERNATIVE FUEL OR HYBRID VEHICLES. SO OBVIOUSLY WE HAVE A LONG WAY TO GO, BUT AS WE ARE RETIRING ELEMENTS OF OUR FLEET, WE ARE MAKING SOME PROGRESS, REAL PROGRESS WITH -- WITH THAT PIECE. THAT BIG CHALLENGING PIECE OF -- OF OUR CONCEPT OF CLIMATE PROTECTION. SO -- SO JUST WANTED TO SPECIFICALLY APPLAUD FLEETS DEPARTMENT FOR -- FOR GETTING US AT LEAST TO WHERE WE ARE TODAY AND BUILDING ON THE MOMENTUM THAT -- THAT REPRESENTS TODAY. AGAIN, FURTHER COMMENTS ON THE CONSENT AGENDA? WE HAVE A MOTION AND A SECOND ON THE TABLE. COUNCILMEMBER COLE?

I WOULD JUST LIKE TO POINT OUT AS WE HAVE TALKED ABOUT WATER TREATMENT PLANT FOUR AND THE EFFORTS TO CONSERVE AND BALANCING THOSE INTERESTS THAT WE ARE AS A COUNCIL TRYING TO DO THAT WE HAVE OTHER CITIES THROUGHOUT THE WORLD THAT HAVE POINTED OUT TO US IF WE DON'T MAKE THESE TOUGH DECISIONS, THEN WE COULD VERY WELL FACE THE SITUATION WHERE THE ONLY WATER THAT YOU CAN GET IS BOTTLED WATER. AND A NUMBER OF PEOPLE HAVE TOLD ME THAT AS THEY TRAVELED OVERSEAS DURING THE -- DURING THE VACATIONS AND SUMMER MONTHS THAT THAT WAS THE FIRST THING THAT REALLY STRUCK THEM AND WE AS A COMMUNITY HAVE A DIVERSE INCOME LEVEL AND WE HOPE TO KEEP THAT. WE DON'T WANT PEOPLE NOT BEING ABLE TO AFFORD TO STAY IN AUSTIN BECAUSE WE CAN'T AFFORD TO GIVE THEM CLEAN WATER.

Mayor Wynn: COUNCILMEMBER KIM?

Kim: I THINK OUR WATER CONSERVATION PLAN IS A GOOD START. BUT I DO THINK THAT THERE IS MORE THAT WE CAN DO. IN THAT AREA. AND IT'S GOING TO TAKE ALL OF US INVESTING IN -- IN TECHNOLOGIES THAT WE NEED TO BE ABLE TO DO A RECLAIMED WATER SYSTEM WHICH IS BASICALLY A DIFFERENT INFRASTRUCTURE PLAN TO BE ABLE TO DELIVER THAT RECLAIMED WATER THROUGHOUT OUR COMMUNITY, THE GRAY WATER, BECAUSE IT CAN'T BE MIXED WITH OUR POTABLE WATER. I WOULD LIKE TO SEE US ON THE

COUNCIL START WORKING ON THAT, OUR RECLAIMED WATER SYSTEM AND THE GOAL OF 140-GALLONS PER PERSON, I THINK THAT'S A GOOD GOAL TO AIM FOR. I THINK WE SHOULD HAVE THAT AS PART OF OUR POLICY AS WELL.

Mayor Wynn: COUNCILMEMBERS, ANY FURTHER COMMENTS ON THE CONSENT AGENDA? COUNCILMEMBER LEFFINGWELL.

Leffingwell: I HAVE SAID THIS BEFORE. I WILL SAY IT AGAIN. WE DO HAVE A WATER CONSERVATION POLICY ON WHICH WE ARE BASING OUR FUTURE NEEDS FORECAST. BUT AT THE SAME TIME WE'RE GOING AHEAD ON ANOTHER FRONT TO ATTEMPT TO CONSERVE MORE WATER IN THE FUTURE. WE DO HAVE A CITIZENS WATER CONSERVATION TASK FORCE. THAT MEETS ON A REGULAR BASIS. THAT GROUP HAS SET TO MEET FOR FIVE YEARS NOW. THEY ARE GOING TO BE CONTINUING TO SUPPLY US WITH NEW RECOMMENDATIONS FOR WATER CONSERVATION GOING FORWARD. I DO THINK THAT WE NEED TO SET AN INDIVIDUAL CONSUMPTION GOALS THAT ARE IN LINE WITH OTHER CITIES THAT HAVE GOOD CONSERVATION PROGRAMS. AT THE SAME TIME, WE'RE PRETTY MUCH ON THE CUTTING EDGE OF WATER CONSERVATION FOR CITIES THAT DO NOT HAVE A CRITICAL WATER SUPPLY PROBLEM AND I THINK WE'RE AHEAD OF THE CURVE ON THIS ONE RIGHT NOW.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS ON THE CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF MOTION PASSES ON A VOTE OF 7-0, THANK YOU ALL VERY MUCH. COUNCIL, I THINK WE CAN HAVE A COUPLE OF DISCUSSION ITEMS HERE BEFORE -- BEFORE LUNCH BREAK. LET'S SEE, I HAD PULLED ITEM NO. 23, REALLY JUST IN ORDER TO HAVE A RELATIVELY BRIEF STAFF PRESENTATION. AND TO JUST VERIFY THAT WE ARE IN FACT READY TO MOVE FORWARD ON WHAT WE CONSIDER TO BE OUR PHASE 2 OF OUR DOWNTOWN PLAN AND WELCOME MS. LAURA HUFFMAN.

THANK YOU, MAYOR.

Mayor Wynn: FOLKS PLEASE TAKE YOUR CONVERSATION OUT TO THE FOYER.

GOOD MORNING, THIS IS ESSENTIALLY AN ACTION ITEM TO EXPAND THE SCOPE OF PHASE 1 AND SO LET ME JUST GIVE YOU A QUICK REMINDER. ON FEBRUARY 14th, ROMA PRESENTED THE PRELIMINARY FINDINGS OF THEIR PHASE 1 1 MASTER PLAN FOR DOWNTOWN. THIS REPRESENTS A LOT OF POLICY GOALS FOR THE CITY COUNCIL THAT COMPORT WITH THINGS THAT THE MAYOR JUST TALKED ABOUT IN TERMS OF ESTABLISHING DENSITY AND A VIBRANT AND RICH MIX OF USES DOWNTOWN. SO THAT WE CAN PROTECT AND PRESERVE THE ECONOMIC CENTER, BUT ALSO THE HEART OF AUSTIN. THEY PRESENTED THOSE

PRELIMINARY FINDINGS ON FEBRUARY 14th. AND THEN AT THE FOLLOWING CITY COUNCIL MEETING, YOU EXPANDED THAT SCOPE TO INCLUDE THEM MOVING FORWARD ON TRANSIT AND TRANSPORTATION PLANNING FOR THE DOWNTOWN AREA, BUT ALSO YOU WANT ADD BROADER PERSPECTIVE ON TRANSIT TO INCLUDE MUELLER, THE STATE OF TEXAS, U.T., THE AIRPORT AND 7th STREET. SO THEY HAVE BEEN MOVING FORWARD ON THAT. OUR PURPOSE TODAY IS TO GIVE YOU JUST A QUICK UPDATE ON THAT PHASE 1 AS A REMINDER BECAUSE WHAT THEY ARE TEAGUE TEEING UP ARE RECOMMEND DATING THAT WOULD CONSTITUTE PHASE TWO. WE WANT TO GIVE YOU A VERY QUICK UPDATE ON WHAT'S HAPPENING WITH YOUR EXPANDED SCOPE ON PHASE 1 WITH THE RAIL AND TRANSIT PLANNING. THE ACTION ITEM FOR YOU TODAY, MAYOR, IS AN ACTION ITEM TO EXPAND THAT PHASE 1 A SECOND TIME TO INCLUDE WORK ON THE DENSITY BONUSES AND THE AFFORDABLE HOUSING RECOMMENDATIONS FOR DOWNTOWN. AND OUR INTEREST AS A STAFF IN THAT IS A LOT IS GOING ON DOWNTOWN, WE HAVE A LOT OF PROJECTS COMING FORWARD AND WE WANT TO MAKE SURE THAT WE CAPTURE ALL OF THE AFFORDABLE HOUSING GOALS THAT YOU HAVE AS A COUNCIL, SO WE'RE RECOMMENDING THAT YOU ADVANCE THAT PORTION OF THE SCOPE AND THEN WE WILL COME BACK TO YOU IN JUST A MONTH OR SO AS PART OF THE BUDGET PROCESS, WITH THE OFFICIAL PHASE TWO SERVICES THAT WE COULD SEEK FROM ROMA AND SO THAT YOU CAN MAKE THOSE DECISIONS IN THE CONTEXT OF THE BUDGET PROCESS THIS YEAR. SO -- SO WITH THAT I WILL TURN IT OVER TO JIM ROBERTSON WHO HAS LED OUR EFFORTS IN THE DOWNTOWN MASTER PLAN, HE WILL QUICKLY WALK YOU THROUGH THOSE THREE PIECES.

Mayor Wynn: THANK YOU, WELCOME, JIM.

THANK YOU MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, JIM ROBERTSON WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. MY PRESENTATION WILL BE BRIEF, IN SOME WAYS JUST A BIT OF A -- MAGNIFICATION OF MS. HUFFMAN'S COMMENTS. WHAT I HOPE TO DO IS -- IS BRIEFLY REVISIT WHAT WE SPOKE ABOUT AT SOME LENT ON LENGTH ON FEBRUARY 14th, THE PHASE 1 REPORT. I WANT TO BRIEFLY SUMMARIZE WHAT WERE THE MAJOR AREAS OF RECOMMENDATIONS FOR MOVING FORWARD FROM THAT REPORT. THEN RECAP WHERE WE ARE IN TERMS OF THAT PROCESS MOVING FORWARD. AS YOU MAY RECALL, THE PHASE ONE REPORT WAS DIVIDED INTO FOUR BROAD ISSUE AREAS OR SECTIONS. 1 DEALING WELL PHYSICAL FORM AND PLACE OF DOWNTOWN, ONE DEALING WITH SUSTAINABILITY AND MOBILITY, ECONOMIC VIABILITY, AFFORDABILITY AND DIVERSITY. AND WHAT I HAVE DONE IN THESE NEXT FOUR SLIDES IS TRIED WITHIN EACH OF THOSE AREAS TO ENCAPSULATE WHAT WERE THE MAJOR RECOMMENDATIONS FOR ACTION MOVING FORWARD. WITH RESPECT TO THE CATEGORY OF PHYSICAL FORM AND PLACE, OF COURSE THE MAJOR RECOMMENDATION THERE, THIS IS REALLY ONE OF THE LYNCH PINS OF OUR DOWNTOWN PLAN AS AN ORGANIC PROCESS IS THE IDEA OF IDENTIFYING AND CREATING DISTRICTS WITHIN OUR DOWNTOWN AND HAVING DONE SO THEN IDENTIFY WHAT ARE THE SALIENT CHARACTERISTICS OF THESE DISTRICTS THAT WE SEEK TO ENHANCE AND PRESERVE. ARE THERE USES WITHIN THOSE DISTRICTS THAT WE WANT TO ENCOURAGE, AND ACTUALLY MOVING FORWARD OVER THE LONGER TERM DEVELOP

SPECIFIC DISTRICT PLANS FOR EACH ONE OF THOSE. IN THE SECOND BROAD SECTION OF SUSTAINABILITY AND MOBILITY, THE BIG ITEM THERE WAS TRANSPORTATION AND MOBILITY AND AS MS. HUFFMAN POINTED OUT ON FEBRUARY 28th, YOU AUTHORIZED US TO MOVE FORWARD WITH OUR CONSULTANT TEAM TO -- TO UNDERTAKE WHAT ESSENTIALLY CONSTITUTES THAT COMPONENT OF THE -- OF THE PLANNING PROJECT MOVING FORWARD. SOME OF THE OTHER PIECES THAT WERE UNDER THIS CATEGORY WERE THE DEVELOPMENT OF SOME MASTER PLANS THAT WOULD MOVE -- ALLOW OUR DOWNTOWN TO FLOURISH IN THE FUTURE WITH RESPECT TO C.I.P. PLANNING, PARKS AND SO FORTH. AND OF COURSE THE WALLER CREEK PROJECT, I WOULD BE WE MISS IF I DIDN'T SAY IN A IN TERMS OF -- BUT THAT HAS ITS OWN FUNDING AND IS MOVING FORWARD APACE. UNDER THE CATEGORY OF ECONOMIC VIABILITY THIS IS THE PORTION OF THE REPORT THAT WE IDENTIFIED BEING THE ECONOMIC ANCHORS OF DOWNTOWN. THERE ARE SEVERAL RECOMMENDATIONS THAT ARE SHOWN HERE. OF COURSE THE SIGNIFICANT ONE -- OF COURSE THESE ITEMS WOULD BE AND WILL BE DONE IN TANDEM MOVING FORWARD WITH THE DISTRICT PLAN, LOOKING AT CONCENTRATIONS OF RETAIL WHERE IT'S MOST APPROPRIATE, WORKING -- I SHOULD -- I DO WANT TO EMPHASIZE THIS. WORKING AND DOING PERHAPS THE BETTER JOB THAN WE HAVE HISTORICALLY DONE IN THE PAST, COORDINATING WITH BOTH STATE AND COUNTY GOVERNMENTS AND THE UNIVERSITY OF TEXAS. AND I DON'T WANT TO LOSE SITE OF THAT ITEM AS -- AS AN ITEM THAT WE AS A CITY CAN MOVE FORWARD WITH. THE IDEA BEING THERE POTENTIALLY THE CREATION OF SOMETHING LIKE A DOWNTOWN LEADERSHIP COUNCIL. THAT WE REALLY NEVER HAD BEFORE. FINALLY IN THE FOURTH CATEGORY OF DIVERSITY, IN AFFORDABILITY THIS PRIMARILY DEALT WITH AFFORDABLE HOUSING DOWNTOWN, BUT THAT WASN'T THE ONLY THING THAT WAS IN HERE, BUT CERTAINLY THE MAJOR COMPONENT OF THE RECOMMENDED MOVING FORWARD STEPS WAS THE DEVELOPMENT OF A DOWNTOWN AFFORDABLE HOUSING PROGRAM. THAT'S WHAT WE COME TO YOU TODAY WITH AS AN ACTION ITEM. IN CONJUNCTION WITH THE DEVELOPMENT OF A DENSITY BONUS AND INCENTIVE PROGRAM FOR A DOWNTOWN. SO WHEN WE CAME THROUGH ON FEBRUARY 14th, YOU KNOW, YOU ASKED US TO COME BACK WITH TWO THINGS. ONE A PROPOSAL FOR THE MOBILITY PLANNING WHICH WE HAVE DONE. AND A PROPOSAL FOR ADDITIONAL FOLLOW-UP WORK, THAT'S WHY WE'RE HERE TODAY. MOBILITY PLANNING, THIS WAS FUNDED WITH THE EXISTING BUDGET. IT WILL CAPTURE ALMOST ALL OF THE MOBILITY AND TRANSPORTATION PLANNING RELATED COMPONENTS OF THE RECOMMENDATIONS. OF COURSE THIS WILL ALSO SUPPORT THE CITY'S PARTICIPATION IN THE TRANSIT WORKING GROUP PROCESS. JUST A COUPLE OF THINGS WE HAVE DONE. HERE AT CITY HALL ON MARCH 6th AND 7th TWO OR THREE WEEKS AGO, WHERE WE MET WITH A TREMENDOUS NUMBER OF CITY STAFF AS WELL AS SOME OF OUR PARTNERS, CAPITAL METRO FOR EXAMPLE, STATE OF TEXAS, REALLY TOOK A CLOSE LOOK AT WHAT ARE THE TECHNICAL ISSUES THAT WE ARE LOOKING AT MOVING FORWARD. OUR TEAM, IT'S NOT JUST ROMA, OF COURSE THEY ARE SUPPORTED BY A ROBUST TEAM OF SUBCONSULTANTS WITH SUBSTANTIAL TRANSIT PLANNING EXPERTISE AND TRANSPORTATION IN GENERAL PLANNING EXPERTISE. THEY ARE HARD AT WORK. THIS WILL INCLUDE A PUBLIC OUTREACH

AND STAKEHOLDER PROCESS WHICH WE ARE REALLY IN THE -- WHICH WE WILL BE GETTING UNDERWAY IN A MORE SIGNIFICANT EFFORT IN THE COMING WEEKS. OF COURSE WHAT WE HAVE POSTED FOR COUNCIL ACTION TODAY, AUTHORIZE US TO NEGOTIATE AND EXECUTE A SCOPE OF SERVICES THAT WOULD DEED WITH AFFORDABLE HOUSING AND DENSITY BONUS, THIS, TOO, IS FUNDED USING THE EXISTING PROJECT BUDGET. I SHOULD NOTE. HAVE A SUPPLEMENTAL AMOUNT THAT -- WITH A SUPPLEMENTAL AMOUNT THAT IS I BELIEVE MADE AVAILABLE THROUGH THE NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT WHICH GOES TO THE CORE OF SOME OF THEIR AREAS AS WELL. WHAT THIS WILL ALLOW US TO DO IS TO DEVELOP I USE THE TERM MULTI-FACETED DOWNTOWN AFFORDABLE HOUSING STRATEGY. WE WOULDN'T BE LOOKING AT JUST ONE STRATEGY. FOR EXAMPLE, HOW DO WE GET AFFORDABLE HOUSING VIA DENSITY BONUSES. WE WOULD BE LOOKING AT WHAT MIGHT BE THE ROLE OF PUBLICLY OWNED LAND, WHAT MIGHT BE THE ROLE OF SINGLE USE TAX CREDIT PROJECTS, ANY -- ANY AVAILABLE TOOL OUT THERE TO SUPPORT OUR GOALS AS A COMMUNITY FOR AFFORDABLE HOUSING. THEN ALSO IN CONJUNCTION WITH THAT, WOULD BE THE DENSITY BONUS AND INCENTIVES PROGRAM. BECAUSE OF COURSE THOSE TWO CAN WORK HAND IN HAND. AFFORDABLE HOUSING IS NOT THE ONLY COMMUNITY BENEFIT THAT DENSITY BONUSES CAN BE APPLIED TO, BUT IT'S CERTAINLY ONE OF THE AREAS THAT WE WOULD WANT TO LOOK AT. FINALLY AS LAURA POINTED OUT, WE WILL COME TO SAW REALLY IN THE COMING MONTHS AS -- TO YOU REALLY IN THE COMING MONTHS AS THE CONVENTIONAL CITY BUDGET PROCESS UNFOLDS TO REALLY BRING TO YOU SOME OF THOSE OTHER PIECES THAT I QUICKLY WALKED YOU THROUGH IN TERMS OF WHAT THE PHASE 1 RECOMMENDATIONS WERE. AND SO WE CAN CONTINUE TO HAVE A CONVERSATION AS WE MOVE FORWARD AS TO THOSE PIECES THAT WE WILL UNDERTAKE MOVING FORWARD AS WELL AS ASSOCIATED FUNDING THROUGH THE BUDGET PROCESS FOR THOSE. THAT'S MY PRESENTATION. I'M HAPPY TO TAKE ANY QUESTIONS IF YOU HAVE THEM.

Mayor Wynn: THANK YOU, MR. ROBERTSON. I WILL SAY THIS HAS BEEN VERY HELPFUL FOR ME BECAUSE I WANTED TO MAKE SURE FRANKLY THIS WASN'T SORT OF THE PHASE 2, YOU KNOW, DEBATE THAT WILL BE APPROPRIATE FOR US TO HAVE. BECAUSE I THINK THERE IS SOME, EVEN AMONGST VERY STRONG WHAT I CALL DOWNTOWN ADVOCATES, THERE'S STILL, YOU KNOW, SOME FLUID DEBATE ABOUT WHAT SHOULD BE THE PRIORITIES WITHIN PHASE 2. IT'S GOOD TO HEAR THAT OVER THE NEXT MONTH AS WE BEGIN OUR ANNUAL BUDGET DELIBERATIONS, THAT WILL BE HOW MUCH, HOW, IN WHAT SEQUENCE DO WE FUND --

EXACTLY.

THAT'S WHAT WE ANTICIPATE ANTICIPATE. CONTINUING THAT CONVERSATION WITH YOU ON THAT.

OF COURSE. QUESTIONS FOR MR. ROBERTSON, FOR STAFF, COUNCIL? COMMENTS?

THANK YOU FOR THE OPPORTUNITY FOR THE BRIEF PRESENTATION.

Mayor Wynn: COUNCIL, WITH NO FURTHER COMMENTS OR QUESTIONS, I WILL ENTERTAIN A MOTION ON ITEM NO. 23. MOTION BY COUNCILMEMBER MCCracken, SECONDED BY COUNCILMEMBER MARTINEZ TO APPROVE ITEM NO. 23 AS POSTED. COUNCILMEMBER KIM?

Kim: ONE THING THAT I WOULD LIKE FOR US TO INCLUDE IN -- IN AFFORDABLE HOUSING, IF WE ARE LOOKING AT THE PUBLICLY OWNED LAND, ALSO LOOK AT PRIVATELY OWNED LAND THAT IS CAPPED WITH A CAPITAL VIEW CORRIDOR, IS A POTENTIAL LOTS THAT WE COULD EITHER PURCHASE OR PARTNER ON. USING OUR RESOURCES FOR AFFORDABLE HOUSING. SO I DON'T WANT TO LIMIT IT JUST TO PUBLICLY OWNED LAND. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. LET SEE. COUNCIL, SEEMS LIKE WE ALSO HAD PULLED ITEM 44. AND I THOUGHT THAT I SAW SOMEBODY SIGNED UP EARLIER ON MY SPEAKER SIGN IN TO GIVE US SOME TESTIMONY. I DON'T SEE THAT HERE. BUT -- BUT SO -- SO I BELIEVE COUNCILMEMBER KIM ACTUALLY PULLED ITEM NO. 44 WHICH TECHNICALLY WAS SETTING OF THE PUBLIC HEARING, I WILL RECOGNIZE COUNCILMEMBER KIM.

RIGHT. SCENIC AUSTIN ASKED FOR ME TO PULL THIS ITEM. THEY HAVE SOME COMMENTS THAT THEY WOULD LIKE TO MAKE.

Mayor Wynn: ANYBODY HERE FROM SCENIC AUSTIN ORGANIZATION? WELCOME.

MAYOR, COUNCIL, MY NAME IS [INDISCERNIBLE] I'M A MEMBER OF SCENIC AUSTIN AND THE TASK FORCE APPOINTED BY COUNCILMEMBER MARTINEZ TO REVIEW THIS PROPOSED ORDINANCE. [INDISCERNIBLE] WOULD HAVE LOVED TO HAVE BEEN HERE, BUT HE'S RECOVERING FROM SURGERY SO HE WASN'T ABLE TO ATTEND TO. THE ONLY ITEM TO AGREE ON WAS THE MOBILE BILLBOARDS, TAXICAB FEES AND BILLBOARD ISSUE MOVE FORWARD SEPARATELY TO ALLOW FOR APPROPRIATE INVESTIGATION INTO EACH OF THESE ISSUES. SCENIC AUSTIN HOLDS THE POSITION THAT ALLOWING THE RELOCATION OF BILL BOODZ TO THE SCENIC ROADS OBVIOUSLY SETS A BAD PRECEDENT AND CREATES AN UNFAIR BURDEN ON THESE ROADWAYS THAT UNDER THIS PROPOSED AMENDMENT WOULD STILL BE REQUIRED TO ADHERE THE MORE STRINGENT LANDSCAPING AND LIGHTING AND SIGNAGESIGNAGE REQUIREMENTS. EVEN IF A BILLBOARD IS LOCATED ON TO THAT PROPERTY OR ADJACENT PROPERTY. SCENIC AUSTIN CONTENDS IN A ROAD IS DEEMED NO LONGER SCENIC IT SHOULD BE REVIEWED FOR DECOMMISSIONING RATHER THAN CREATING NEW CLASSIFICATIONS OF SEMI SCENIC OR DEMI SCENIC ROADWAYS. DURING THE TASK FORCE AND OUR SUBSEQUENT REVIEW OF ALL OF THE DATA SINCE THIS ORIGINAL ORDINANCE PASSED IN 2002 IT BECAME CLEAR THAT THIS IS AN ISSUE THAT MERITS MUCH MORE ADD ADMINISTRATIVE AND PUBLIC SCRUTINY THAN THE CURRENT

SCHEDULE ALLOWS. THIS PAST MONTH WE HAVE BEEN WORKING WITH THE CITY STAFF TO REVIEW THE 16 BILLBOARDS RELOCATED UNDER THIS ORDINANCE. FOUR OF THESE 16 BILLBOARDS DO NOT SHOW UP IN THE 1999 BILLBOARD INVENTORY, WHICH WAS COMPLETED BY THE CITY AND FUNDED BY A GRANT BY THE STATE OF TEXAS. THESE ARE CURRENTLY UNDER INVESTIGATION BY STAFF TO DETERMINE WHETHER THESE BILLBOARDS WERE ILLEGALLY RELOCATED. ADDITIONALLY ONE OF THE BILLBOARDS RELOCATED IN 2006 WAS IDENTIFIED AS REMOVED DURING THE 2004 BILLBOARD REGISTRATION, WHICH IS ALSO ILLEGAL UNDER THE CURRENT ORDINANCE BUT IS TO OUR KNOWLEDGE NOT CURRENTLY REVIEWED BY CITY STAFF. THIS MEANS FIVE OF 16 BILLBOARDS RELOCATED UNDER THIS ORDINANCE ARE UNDER INVESTIGATION FOR ILLEGAL RELOCATION. THE REPORTED IMPETUS FOR THE RELOCATION WAS TO REMOVE THEM FROM DESIRED DEVELOPMENT AREAS, SPECIFICALLY EAST AUSTIN, DOWNTOWN AREAS, FROM SCENIC ROADWAYS. NONE OF THESE BILLBOARDS WERE RELOCATED FROM THESE AREAS. ADDITIONALLY SCENIC AUSTIN WAS AWARE OF ONE WOULD HAVE COME DOWN IF THE OPPORTUNITY FOR RELOCATION WASN'T AVAILABLE TO THEM. THIS HAS HALTED THE STEADY REMOVAL OF BILLBOARDS IN AUSTIN WHICH WAS REPORTED BY CITY STAFF AS APPROXIMATELY 125 BETWEEN 1999 AND 2004. WHICH IS 25 BILLBOARDS A YEAR. CURRENTLY THIS PROPOSED AMENDMENT IS ONLY SLATED FOR REVIEW BY THE PLANNING COMMISSION AND THE TRANSPORTATION COMMISSION BUT WE BELIEVE IT'S ALSO IMPORTANT THAT THE DESIGN COMMISSION HAVE AN OPPORTUNITY TO WEIGH IN ON AN ORDINANCE AMENDMENT THAT WOULD HAVE SO MUCH TO DO ABOUT OUR CITY'S VISUAL APPEAL. WE ARE CONCERNED THAT THE CITY IS MOVING FORWARD WITH THE AMENDS TO AN ORDINANCE WHOSE PERFORMANCE IS STILL UNDER REVIEW. THE FACT THAT WE HAVE ALREADY SEEN EVIDENCE THAT THE LETTER AND INTENT OF THE ORDINANCE ARE NOT BEING MET IS AN OBVIOUS INDICATION THAT MOVING FORWARD WITH THIS AMENDMENT AS WRITTEN IS CARELESS AND IRRESPONSIBLE. WE URGE THE CITY COUNCIL TO VOTE TODAY TO DELAY THE -- [BEEPING] UNTIL IT CAN BE INCORPORATED INTO ANY AMENDMENT PROCESS, THANK YOU.

Mayor Wynn: THANK YOU. I BELIEVE THAT'S ALL OF OUR CITIZENS HERE TO GIVE US TESTIMONY ON ITEM NO. 44. COUNCILMEMBER KIM?

Kim: I HAVE A QUESTION FOR THE CITY MANAGER ON THIS THIS. WE KNOW IT IS GOING TO THE BOARDS AND COMMISSIONS, WE KNOW THERE'S ANOTHER ECONOMICS THAT WOULD LIKE TO GIVE INPUT. CAN THEY PUT THIS ON THEIR AGENDA, CONSIDER THAT, GIVE US A RECOMMENDATION AS WELL. THE DESIGN COMMISSION?

I COULDN'T HEAR ALL OF THAT.

TWO COMMISSIONS REVIEWING BILLBOARDS, MOBILE BILLBOARDS AND TAXICAB SIGNAGE. THE PERSON WHO SPOKE TODAY IS ASKING THAT THE DESIGN COMMISSION ALSO HAVE AN OPPORTUNITY TO REVIEW THAT ORDINANCE. CAN THEY GO AHEAD AND ADD THAT TO



THEIR AGENDA AND GIVE US A RECOMMENDATION THROUGH THEIR REGULAR WORK.

I DON'T SEE A PROBLEM WITH THAT. I GUESS I'M SEEING STAFF AGREE WITH ME THEY DON DON'T SEE A PROBLEM WITH THAT. I GUESS THAT WOULD BE FINE.

Mayor Wynn: WITHOUT OBJECTION, COUNCILMEMBER MARTINEZ?

Martinez: MAYOR, YES, I WAS THE ONE THAT INITIATED THIS ORDINANCE AMENDMENT. I DON'T HAVE ANY PROBLEM WITH CITIZEN INPUT AND WITH COMMISSIONER MEMBERS WANTING TO WEIGH IN ON THIS. I THINK, THOUGH, THAT IT'S -- THAT IT'S CLEAR THAT THE COMMISSION THAT'S REQUESTING THIS IS REQUESTING THIS, YOU KNOW, FOR A RECOMMENDATION TO NOT APPROVE AND TO TAKE AN INORDINATE AMOUNT OF TIME TO BRING THEIR RECOMMENDATION BACK. MY ONLY OBJECTION WOULD BE THAT -- THAT -- THAT IF IT WERE TO GO TO ANOTHER COMMISSION THAT IT STILL MAINTAIN ON ITS SAME SCHEDULE TO COME TO COUNCIL SO THAT THIS BODY CAN ULTIMATELY MAKE THAT DECISION.

WE WILL CERTAINLY BE MINDFUL OF THAT ALONG THE WAY WITH THEIR DELIBERATIONS, CERTAINLY.

Mayor Wynn: FURTHER COMMENTS ON ITEM 44. TECHNICALLY THE SETTING OF THE PUBLIC HEARING AND THE SUGGESTED DATE AND TIME AS POSTED WOULD BE APRIL 10th AT 6:00 P.M. OUR NEXT COUNCIL MEETING. FURTHER COMMENTS? IF NOT I'LL ENTERTAIN A MOTION ON ITEM 44. MOTION BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER MCCracken TO APPROVE ITEM NO. 44, AGAIN THE SETTING OF THE PUBLIC HEARING WITH ADDITIONAL DIRECTION TO THE CITY MANAGEMENT. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. COUNCIL, I BELIEVE THAT CONCLUDES OUR POTENTIAL DISCUSSION ITEMS THIS MORNING. SO WITHOUT OBJECTION WE WILL GO INTO CLOSED SESSION PURSUANT TO THE OPEN MEETINGS ACT TO TAKE UP POTENTIAL LEGAL ISSUES RELATED TO ITEM NO. 46, OUR LABOR NEGOTIATIONS FOR FIRE, POLICE, E.M.S. AND PSEM DEPARTMENTS, ITEM 49, LEGAL ISSUES REGARDING THE STOP DOMAIN SUBSIDY PROPOSED CHARTER AMENDMENT, AND ITEM 50, LEGAL ISSUES REGARDING THE STATE OFFICE OF ADMINISTRATIVE HEARINGS ON MUNICIPAL SOLID WASTE PERMIT AMENDMENTS FOR BOTH B.F.I., WASTE MANAGEMENT OF TEXAS AND B.F.I. WASTE MANAGEMENT NORTH AMERICA AND WE ALSO MAKE TAKE UP POTENTIALLY PERSONNEL MATTERS PURSUANT TO SECTION 551.074 THAT BEING THE PERFORMANCE EVALUATION OF BOTH OUR CITY AUDITOR AND CITY CLERK. WE ARE NOW IN CLOSED SESSION, I ANTICIPATE US COMING BACK OUT RIGHT AT NOON FOR OUR NOON GENERAL

CITIZENS COMMUNICATION. MR. SMITH?

MAYOR, DID YOU WANT TO ADDITIVE ITEM NO. 13 TO THE ANNOUNCEMENT ON EXECUTIVE SESSION?

Mayor Wynn: THANK YOU VERY MUCH. YES, ITEM NO. 13 THAT WE TOOK OFF THE CONSENT AGENDA EARLIER, REAL ESTATE MATTERS, THAT WOULD BE PURSUANT TO SECTION 551.072 OF THE OPEN MEETINGS ACT, WE POTENTIALLY WILL TAKE UP ITEM NO. 13 OUR POSTED ITEM REGARDING POTENTIAL LAND ACQUISITION. WE ARE NOW IN CLOSED SESSION. THANK YOU TEST TEST LAWFUL NICE LAWFUL THIGHS CROALO COROLLA CAROLLO CAME ROLL ON CAROLLO CAROLLO CAROLLO MACMORA MACMORA MACMORA Mc I'VE GOT DREAMS MEMORIZED MEMORIZES HLG BETTY DUNKERLEY OFF PREMISE 132 INTERCHANGES INTERCHEANG INTERCHANGE AS OPERATION ASPIRATION AS PIR ASPIRE ASPIRES AS OPERATION ASPIRATION ASPIRE ASPIRES ASPIRED ASPIRING ASPIERG ASPIRED ASPIRED APIERD ASPIERD ASPIRED ASPIRED ASPIRING A HAD TO TAKE REHABILITATION LEANEDDER LEANDER LEANEDDER ZONING & PLANNING

MAYOR WYNN: WE ARE OUT OF CLOSED SESSION -- APOLOGIZE FOR THE DELAY GETTING BACK OUT TO OPEN SESSION. WE TOOK UP ITEM NO. 13, REAL ESTATE MATTERS. WE ALSO BEGAN OUR DISCUSSION OF LEGAL ISSUES, ITEM 46, LABOR NEGOTIATIONS, AND THAT WILL BE CONTINUED HERE LATER THIS AFTERNOON. SO NOW IN OPEN SESSION, FOR CITIZEN COMMUNICATION, FIRST SPEAKER IS JENNIFER GALE. WELCOME, JENNIFER. YOU'LL HAVE THREE MINUTES, TO BE FOLLOWED BY PAT JOHNSON.

HI, AUSTIN, MAYOR WILL WYNN, CITY MANAGER McDONALD, COUNCILMAN DUNKERLEY, COUNCILWOMAN COLE, COUNCIL MEMBER MARTINEZ AND COUNCIL MEMBER LEFFINGWELL. IT'S SWEET 16 TIME FOR THE UNIVERSITY OF TEXAS. FRIDAY AT 6:00 THEY PLAY A VERY, VERY TOUGH TEAM, THE CARDINAL, FROM STANFORD. WE'RE HAVING VOTING NOW -- EARLY VOTING STARTS MARCH 30, SO I'M ASKING EVERYONE EXCEPT THOSE LIVING IN THE 21ST CONGRESSIONAL DISTRICT TO GET OUT AND VOTE. ANYONE LIVING IN THE 21ST CONGRESSIONAL DISTRICT, YOU CANNOT VOTE, OTHERWISE I CAN'T GET YOUR SIGNATURE. WE HAVE A KEEP AUSTIN BEAUTIFUL ON APRIL 5. I WANT TO TALK ABOUT DENSITYDENSITY. OUR COUNCILMAN BREWSTER MCCrackEN WAS VERY SURPRISED TO FIND THAT ON JUST FOUR STORIES YOU CAN HAVE AS MUCH DENSITY AS THE HIGHRISES. I'D LIKE IT THREE STORIES SO YOU CAN SEE THE TREES, AND THE BIRDS AND SEE THE BEAUTY OF OUR SKIES. SO LET'S LOOK AT THREE STORIES. THERE'S GOING TO BE A FORUM FOR CITY COUNCIL CANDIDATES 7 TO 9 AT SCHULTZ BEER GARDEN ON APRIL 2. I WANT TO TALK ABOUT THE KILLING FIELDS WE HAVE RIGHT HERE IN AUSTIN. OVER THERE AT 1156 THE TOWN LAKE CENTER, THEY KILL OUR PETS. 53% OF OUR PETS ARE EUTHANIZED, AND WE DON'T NEED TO KILL OUR PETS. WE CAN FIND FOSTER HOMES FOR THEM. IF SOMEONE LOSES A PET WE CAN HAVE SOMEONE ON THAT BLOCK, ON THAT STREET, IN THAT NEIGHBORHOOD THAT WE CAN TAKE THAT PET TO. THEY CAN HOPE THEY CAN FEED AND TAKE GOOD CARE OF THAT PET UNTIL THEY'RE PUT UP ON-LINE. TAKE THEIR PICTURE, PUT

THEM UP ON-LINE SO PEOPLE CAN FIND THEIR PET. THAT WAY WE'RE NOT TAKING THE TOWN LAKE SHELTER. IT'S NOT A SHELTER. THEY PUT PETS TO DEATH THERE. I THINK WE CAN END THE KILLING OF OUR PETS BY NOT SENDING THEM THERE, BY KEEPING THEM IN OUR NEIGHBORHOODS. SO I'M ASKING EVERY NEIGHBORHOOD TO SET UP ON EACH STREET SOMEONE THAT CAN HOLD THE PET, FEED THEM, TAKE CARE OF THEM AND PUT THEM UP ON-LINE.

IN DALLAS THERE WERE 17,000 PETS PUT TO DEATH. IN AUSTIN IT WAS 13,000 LAST YEAR. FOSTER CARE, WE CAN TAKE -- IF THEY'RE NOT PICKED UP, WE CAN GIVE THEM TO FAMILIES THAT CAN LOOK AFTER THEM. WE NEED TO TEACH HOW TO TAKE CARE OF OUR PETS. THAT'S SOMETHING WE CAN DO THROUGH OUR LEADERSHIP RIGHT HERE ON THE CITY COUNCIL. I'M ALSO ASKING FOR SINGLE MEMBER DISTRICTS. LET'S GO AHEAD AND PUT UP 30 SINGLE MEMBER DISTRICTS. NO AT LARGE DISTRICTS THAT CANCEL OUT THE POWER OF THOSE 30. THOSE 30 COUNCIL MEMBERS WILL SIT ON THE BOARDS AND COMMISSIONS AND TASK FORCE. THEY'LL DO THE WORK OF THE BOARDS AND TASK FORCES SO THAT WE'RE ACTUALLY ELECTING THE VERY PEOPLE THAT ARE GOING TO DO THE BUSINESS OF OUR CITY. WOULDN'T THAT BE GREAT? TO ELECT THE VERY PEOPLE? BECAUSE I BET NONE OF THE PEOPLE OUT THERE KNOW WHO'S ON OUR BOARDS AND COMMISSIONS. THEY DON'T KNOW WITH WHOM TO SPEAK. WE HAVE A ZILKER PARK FESTIVAL COMING UP MARCH 29 AND 30, 2008 BETWEEN 10:00 AND 5:00 P.M. I HOPE TO SEE YOU-ALL THERE. HAVE A VERY GOOD SPRINGTIME. THANK YOU.

THANK

MAYOR WYNN: THANK YOU JENNIFER. NEXT SPEAKER IS PAT JOHNSON. WELCOME BACK, PAT. YOU'LL HAVE THREE MINUTES TO BE FOLLOWED BY KEN VASSEAU. SORRY IF I MISPRONOUNCED THAT, KEN.

WELCOME, COUNCIL, MAYOR, MR. SMITH AND MR. McDONALD. THE LAST FOUR WEEKS I'VE TALKED -- FOUR MEETINGS I'VE TALKED ABOUT TOE TOWING. TODAY I'M GOING TO SHOW YOU HOW THESE TOW DRIVERS ARE RIPPING THE CITIZENS OFF. ALL RIGHT, CITIZENS, WHEN YOU'RE OUT THERE, UNDER NO CIRCUMSTANCES SHOULD YOU PAY ANYBODY THAT BACKED UP YOUR CAR, UNLESS THEY DISPLAY THIS LICENSE, AND THIS LICENSE ONLY. IF THEY DEMAND MONEY, ANY MONEY AND THEY DON'T DISPLAY THIS WRECKER LICENSE, GET IN YOUR VEHICLE AND CALL 911. A VEHICLE JUST BACKED -- WHEN A TOW TRUCK -- RUN OUT THERE AT AN APARTMENT COMPLEX OR SHOPPING CENTER PARKING LOT OR ANY PARKING LOT IN TOWN AND A WRECKER DRIVER JUST BACKS UP TO YOUR VEHICLE, HE IS NOT ALLOWED TO CHARGE YOU ANYTHING BY THE CITY ORDINANCE. YOU RUN OUT THERE AND YOU CATCH THE WRECKER DRIVER AND YOU STOP THE WHEEL THAT'S UNDERNEATH THE CAR, TOUCHING THE WHEELS. BY ORDINANCE THEY CANNOT CHARGE YOU ANYTHING. BACKED UP, AND YOU SEE THE WRECKER DRIVER, YOU RUN OUT THERE FROM THE PARKING LOT AND HE RAISES YOUR CAR UP AND HE SAYS, WELL, IT WILL BE A HUNDRED DOLLARS. CALL 911 BECAUSE HE'S TRYING TO RIP YOU OFF. UNDER THE CITY ORDINANCE

HE CANNOT CHARGE YOU ANYTHING BECAUSE THE VEHICLE IS NOT READY TO TRANSPORT. FRONT-WHEEL DRIVE VEHICLES. MOST OF THE VEHICLES IN OUR COMMUNITY ARE FRONT-WHEEL DRIVE VEHICLES. WHEN YOU'RE PULLED INTO A PARKING SPOT AND A WRECKER DRIVER BACKS UP TO YOUR CAR AND LEFT SIDE LIFTS THE BACK OF THE VEHICLE OFF THE GROUND, THEY ARE NOT ALLOWED TO CHARGE YOU ANYTHING BECAUSE THE VEHICLE IS NOT READY TO TRANSPORT, BECAUSE THE FRONT-WHEEL DRIVE VEHICLE HAS TO BE DOLLIED WHEN YOU TRANSPORT IT DOWN THE ROADWAY. YOU RUN OUT THERE AND CATCH A WRECKER DRIVER IN THIS CASE, HE'S GOT THE CAR UP ON DOLLIES, HE'S GOT THE CAR PICKED UP. THIS IS NOT READY TO TRANSPORT BECAUSE THE VEHICLE DOES NOT HAVE THE TOW LICENSE, THE SAFETY CHAIN ATTACHED TO THE VEHICLE, WHICH IS REQUIRED TO TOW THE VEHICLE DOWN THE ROADWAY. YOU CATCH THE WRECKER DRIVER, IF YOU LIVE IN AN APARTMENT COMPLEX, AT THE GATE, YOU RUN OUT THERE AND YOU CATCH HIM, SAY THAT'S MY VEHICLE. IF THE VEHICLE IS READY TO TRANSPORT, AS IN THIS SCENE, GOT THE TOW LICENSE SAFETY CHAINS ON, YOU HAVE TO PAY HIM \$50 AND HE HAS TO GIVE YOU 30 MINUTES TO GET THE MONEY, BY CITY ORDINANCE. THIS IS A FRONT-WHEEL DRIVE VEHICLE, READY TO TRANSPORT. DOLLY IS UNDERNEATH THE FRONT, TOW LIGHTS ON THE VEHICLE, SAFETY CHAINS BEHIND THE VEHICLE. THAT IS READY TO TRANSPORT. THAT FEE CAN BE NO MORE THAN \$50. WHEN YOU CATCH THE WRECKER DRIVER TRYING TO TOW YOUR VEHICLE AND IT'S READY TO TRANSPORT, THEY ARE REQUIRED BY CITY ORDINANCE TO GIVE YOU 30 MINUTES TO GET THE MONEY. IF YOU HAVE A FRIEND WITH YOU, PUT THEM IN THE CAR BECAUSE WRECKER DRIVERS ARE KNOWN TO DRIVE OFF AS SOON AS YOU WALK AWAY. IF YOU FEEL THAT YOU'VE BEEN OVERCHARGED, YOU CAN CALL 311 AND FILE AN OFFENSE REPORT FOR A WRECKER ORDINANCE VIOLATION. ALWAYS MAKE THE WRECKER DRIVER GIVE YOU A RECEIPT. ANY QUESTIONS, YOU WANT TO CALL 974-8645, OR 974-8122. REMEMBER, IT'S VERY, VERY IMPORTANT. IF ANYBODY IS IN A PARKING LOT WITHIN THE CITY LIMITS OF AUSTIN HOOKING UP YOUR CAR OR TRYING TO COLLECT MONEY FROM YOU AND THEY DO NOT HAVE THIS WRECKER LICENSE ON THEIR POSSESSION, CALL 911 BECAUSE THEY'RE TRYING TO RIP YOU OFF. NOW, COUNCIL, I HAVE LIEUTENANT UP HERE FROM THE WRECKER ENFORCEMENT UNIT AND I WOULD LIKE FOR HIM TO COME DOWN HERE AND VERIFY THE INFORMATION I JUST GAVE YOU AND THE PUBLIC IS CORRECT. WOULD YOU ASK HIM TO COME DOWN, PLEASE?

MAYOR WYNN: YES, THANK YOU, MR. JOHNSON. YOUR TIME HAS EXPIRED BUT WE WOULD APPRECIATE JUST A BRIEF CONFIRMATION OF WHAT APPEARS TO BE A VERY INFORMATIVE PRESENTATION.

MAYOR AND COUNCIL, I'M KEN KENNEDY. I'M A LIEUTENANT IN HIGHWAY ENFORCEMENT AND I AM OVER THE WRECKER ENFORCEMENT UNIT AND BASICALLY THE INFORMATION THAT WAS PRESENTED TO YOU IS CORRECT. VEHICLES HAVE TO BE FULLY READY FOR TRANSPORT BEFORE A FEE CAN BE CHARGED, AND IT IS A CONCERN TO US AND WE HAVE SOME CASES THAT WE LOOK INTO BASED ON THE INFORMATION THAT HAS BEEN PRESENTED.

MAYOR WYNN: ALL RIGHT. THANK YOU, LIEUTENANT. THANK YOU, MR. JOHNSON. VERY INFORMATIVE. KEN VASSEAU, WELCOME. YOU TOO WILL HAVE THREE MINUTES, TO BE FOLLOWED BY PAUL ROBINS.

MAYOR WYNN, I THINK I'VE NEVER MET YOU BEFORE BUT I'VE MET THE COUNCIL. AUSTIN CITY COUNCIL FOR THIS ELECTION THAT'S COMING UP IN MAY, AND THERE'S BEEN A LOT OF ISSUES, REALLY OVERWHELMING. I HAVEN'T BEEN A CANDIDATE FOR ANY OFFICE BEFORE AND IT'S REALLY AMAZING ALL THE ISSUES THAT THIS CITY HAS, AND I'M REALLY KIND OF OVERWHELMED BY THE -- BY HOW MUCH INFORMATION AND HOW MUCH, YOU KNOW, THINGS THAT WE HAVE TO TAKE CARE OF IN THIS CITY. ONE OF THE ISSUES THAT I'D LIKE TO TALK ABOUT RIGHT NOW WOULD BE THE TRASH LANDFILLS AND THAT, YOU KNOW -- LIKE THE CITY HAS CONTRACTS WITH THESE DISPOSAL COMPANIES, LIKE TDI AND WASTE MANAGEMENT, BUT WHEN THE CONTRACT ENDS THE -- THE -- THE WASTE IS LEFT TO THE CITY. AND I THINK THAT -- THAT -- ONE OF THE ISSUES THAT WE'RE GOING TO HAVE TO TAKE CARE OF IS, WELL, WHAT HAPPENS TO THAT LANDFILL AFTER THE CONTRACT RUNS OUT? IT IS LEFT IN THE CITY'S HANDS, AND ONE OF THE AREAS THAT WE'RE GOING TO HAVE TO ADDRESS IS ALL OF THE GARBAGE AND ALL OF THE THINGS THAT AREN'T BROKEN DOWN IN THE LANDFILL. THOSE THINGS ARE GOING TO HAVE TO BE MINED OUT, AND THAT'S AN OPPORTUNITY TO CREATE THE GREEN JOBS OF TOMORROW. THEY'RE GOING TO BE A DIRTY JOB BUT WE'RE STILL GOING TO HAVE TO GO AHEAD AND TAKE CARE OF THOSE LANDFILLS. AND THEY HAVEN'T BEEN DISPOSED OF PROPERLY, WHICH THEY PROBABLY HAVEN'T BEEN. THAT'S AN OPPORTUNITY FOR THIS CITY TO GO AHEAD AND CLEAN UP ITS, YOU KNOW, LANDFILL SITES. THE CITY IS GROWING. YOU KNOW, THERE'S GOING TO HAVE TO BE -- WE CAN'T JUST KEEP ON CREATING NEW DUMP SITES, AND, YOU KNOW, AT SOME POINT THEY'LL HAVE TO BE MINED OUT BECAUSE ALL OF THIS, LIKE FLUORESCENCE BULBS, THE MERCURY THAT'S IN THEM, THERE'S NO TELLING WHAT'S IN THESE LANDFILLS. AND WITH ALL THE PLASTIC THAT GOES INTO THE LANDFILLS, BOY, THAT'S NOT GOING TO BE ABLE TO BE DECOMPOSED. SO THAT HAS TO BE MINED OUT ALSO. THERE ARE A LOT OF PLACES THAT PEOPLE THROW THEIR TRASH, LIKE IN GOODWILL AND THE -- LIKE -- WELL, THAT'S JUST A FOR INSTANCE. THERE'S A LOT OF THINGS THAT GO INTO THAT, YOU KNOW, THROUGH THAT PROCESS. AND IT JUST GETS THROWN INTO THE LANDFILL ALSO. IT MAY BE JUST A LITTLE OLD TOY THAT HAS A PLUG THAT'S MISSING, BUT ANYWAY, IT -- YOU KNOW, IT'S GOING TO WIND UP IN THE LANDFILLS, WHEN ALL YOU HAVE TO DO IS JUST PLACE A PLUG AND IT WOULD SAVE SPACE IN THE LANDFILL. MY TIME IS UP AND I DO APPRECIATE YOU LISTENING TO ME, AND AGAIN, I'M A CANDIDATE FOR PLACE 4 IN AUSTIN CITY COUNCIL. THANK YOU. BYE-BYE.

THANK YOU, MR. VASSEAU. PAUL ROBINS IS OUR FINAL SPEAKER. WELCOME BACK, PAUL.

MAYOR, COUNCIL, CITIZENS OF AUSTIN, I'M PAUL ROBINS. I'M AN ENVIRONMENTAL ACTIVIST AND CONSUMER ADVOCATE. I'M HERE TO ASK YOU TO OPEN UP THE TRANSIT WORKING GROUP THAT THE CITY COUNCIL HAS BEEN A PART OF TO CITIZEN PARTICIPATION. THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION'S COMMITTEE ON MASS TRANSIT

HAS BEEN MEETING REGULARLY IN CITY HALL CHAMBERS TO DISCUSS THE POSSIBILITY OF A COMPREHENSIVE RAIL SYSTEM THAT CONNECTS THE REGION. WHEN WILL THE PUBLIC BE ALLOWED TO PARTICIPATE IN THE SYSTEM THAT THEY'RE ASKED TO RIDE AND PAY FOR? NOW, I DON'T WANT TO OVERSIMPLIFY THINGS. PLANNING AN EXPENSIVE TRANSIT SYSTEM IN AN EXISTING METROPOLITAN INFRASTRUCTURE, FROM SCRATCH, INVOLVES A LOT OF INTEREST GROUPS, GOVERNMENTS, MAJOR EMPLOYERS AND FUNDING SOURCES. AND THERE HAS BEEN AN HISTORIC HOSTILITY TO THE IDEA OF RAIL IN AUSTIN'S PAST, PUTTING TOGETHER A DETAILED PLAN UNDER THE CIRCUMSTANCES IS NOT EASY. BUT PUTTING TOGETHER A PLAN WITHOUT PUBLIC INPUT COULD EASILY PAINT THE WORKING GROUP AS CLOSED AND INSENSITIVE TO THE PUBLIC IT SERVES. FROM A PERSONAL POINT OF VIEW AS A RAIL ADVOCATE, I'VE WANTED TO RECOMMEND A POSSIBLE FUNDING SOURCE AND RECOMMEND IDEAS FOR ROUTES, AND I DOUBT IF I'M THE ONLY CITIZEN THAT HAS SOMETHING TO CONTRIBUTE. I REALIZE AT SOME POINT THERE WILL BE PUBLIC HEARINGS ON ANY PROPOSED PLAN, BUT BY THAT TIME MANY OR ALL OF THE MAJOR DECISIONS MAY HAVE ALREADY BEEN MADE, AND AT THAT POINT A PUBLIC HEARING WILL RENDER PUBLIC INPUT RELATIVELY MEANINGLESSMEANINGLESS. AT THAT POINT PUBLIC HEARINGS ARE MORE SYMBOLIC THAN ANYTHING ELSE. SO I'M ASKING THE THREE COUNCIL MEMBERS OF THE -- EXCUSE ME, I'M ASKING THE THREE MEMBERS OF THE CITY COUNCIL ON THIS TASK FORCE TO OPEN UP THIS FORUM TO THE PUBLIC NOW. IT COULD BE DONE AT A SPECIALLY CALLED MEETING OR A SERIES OF MEETINGS, OR IT COULD BE DONE AS A CITIZENS' COMMUNICATION SEGMENT AT EACH MEETING. GLOBAL WARMING AND NATIONAL SECURITY ARE ALL ACTING TOGETHER TO FORM A MANDATE FOR TRANSPORTATION ALTERNATIVES. REGIONAL RAIL IS TOO ESSENTIAL TO BE LEFT EXPOSED TO THE ALLEGATION THAT IT IGNORED PUBLIC INPUT. A FINAL NOTE, BREWSTER MCCrackEN TOLD ME ONLY A FEW MINUTES AGO THAT HE'S FORMING A TYPE OF PUBLIC INPUT PROCESS. I THINK IT'S GREAT. I HOPE THAT IT INTERSECTS AND IS PART OF -- DIRECTLY PART OF THE TRANSIT WORKING GROUP. THANK YOU.

MAYOR WYNN: THANK YOU, MR. ROBINS. AND JUST A SLIGHT CLARIFICATION. THE TRANSIT WORKING GROUP TECHNICALLY IS A SUBCOMMITTEE OF THE CAPITAL METROPOLITAN PLANNING ORGANIZATION, OUR CAMPO, AS APPOINTED BY OUR CHAIR, SENATOR WATSON, IN ADDITION TO APPOINTING MEMBER -- SOME MEMBERS OF CAMPO TO THE SUBCOMMITTEE HE DID, IN FACT, REACH OUT AND BRING IN NON-CAMPO BOARD MEMBERS TO THE WORKING GROUP AND IN THE PRESENTATION HE HAS ASKED ME -- ASKED ME TO CHAIR THAT. AND IN THOSE MEETINGS THAT -- MOST HAVE BEEN OCCURRING MONDAY MORNINGS AT 9:00 IN THIS ROOM WE INITIALLY STARTED WITH A NUMBER OF PRESENTATIONS FROM ORGANIZATIONS OR FOLKS THAT HAD SOME PRETTY SPECIFIC PROPOSALS THEY WANTED TO GET IN FRONT OF THE TRANSIT WORKING GROUP. WE NOW - - AND WE'VE LISTENED TO THOSE FOR A MONTH OR SO. WE NOW, IN FACT, HAVE SORT OF A STANDING AGENDA ITEM FOR -- AT THE FIRST PART OF THE MEETING FOR FOLKS TO COME AND MAKE SERIOUS RECOMMENDATIONS, PROPOSALS, SUGGESTIONS TO THE TRANSIT WORKING GROUP. SO I'D INVITE YOU TO COME ANY OF THE NEXT COUPLE OF MONDAYS

AROUND 9:00 A.M., AND GIVE US SOME TESTIMONY.

I WILL. JUST TO CLARIFY, I CALLED UP CAMPO, AND MY READING FROM WHAT THEY SAID IS THAT THE MEETINGS WERE OPEN TO THE PUBLIC BUT COMMENTS WERE NOT OPEN FROM THE PUBLIC. WAS I MISINFORMED?

MAYOR WYNN: WELL, THEY PROBABLY ARE SLIGHTLY MISINFORMED. YOU KNOW, TECHNICALLY COUNCIL MEMBER MCCRACKEN SERVES AS MY VICE CHAIR AND FRANKLY IT'S USUALLY HIS STAFF AND MY STAFF THAT WORK TOGETHER TO COME UP WITH THE AGENDA EACH MONDAY, WITHOUT OBJECTION FROM THE REST OF THE TRANSIT WORKING GROUP, AND WE HAVE BEEN ASKING, SOLICITING SUGGEST -- VERY SPECIFIC PROPOSALS/SUGGESTIONS FROM THE PUBLIC AND YOU'RE WELCOME TO GIVE US THOSE AT YOUR CONVENIENCE.

THANK YOU.

MAYOR WYNN: COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: AND ALSO, JUST TO BUILD ON WHAT YOU WERE SAYING, THE ROMA CONTRACT WE HAVE FOR THE CITY'S RECOMMENDED ALIGNMENT, WE'RE WORKING WITH ROMA TO SCHEDULE THREE PUBLIC INVOLVEMENT MEETINGS WHERE THE CITY'S ALIGNMENT RECOMMENDATION WILL BE FORMED. I THINK WE'VE BEEN -- AS A COMMUNITY HAVE ALREADY IDENTIFIED SOME DESTINATIONS, BUT IT'S VERY MUCH AN OPEN QUESTION OF WHAT IS THE COMMUNITY'S PREFERRED ALIGNMENT AND ALSO WHETHER THE COMMUNITY WOULD LIKE TO GET A CERTAIN DESTINATION AND FINALLY HOW THE COMMUNITY WOULD SUPPORT PAYING THIS. THIS IS WIDE OPEN, AND THIS IS WHAT THESE THREE PUBLIC INVOLVEMENT MEETINGS FROM ROMA ARE -- THAT ALL OF OUR STAFFS ARE WORKING TO COORDINATE -- THIS WILL BE WHERE THE PUBLIC IS OPENLY INVITED TO GIVE INPUT, TO HELP FORM THE BASIS FOR ROMA'S RECOMMENDATION. SO I'VE GOT THE CONTACT INFO BUT ANYONE ELSE IN THE COMMUNITY THAT WANTS TO BE PART OF THESE ROMA INPUT MEETINGS, THE RECOMMENDED REALIGNMENT, WE'LL MAKE SURE THEY GET ADDED TO THE LIST. THEY CAN CONTACT THE MAYOR'S STAFF AND MY STAFF. SO PAUL, YOU'RE ON THE LIST, BUT ALSO IF ANYONE ELSE YOU THINK WOULD BE -- IT WOULD BE HELPFUL TO GET THEM OUT TO THE PUBLIC MEETING, PLEASE LET US KNOW AND WE'LL GET THEM INCLUDED TOO.

THANKS.

MAYOR WYNN: THANK YOU, MR. ROBINS. COUNCIL, THAT CONCLUDES OUR GENERAL CITIZENS COMMUNICATION SEGMENT AT TODAY'S MEETING. IF YOU REMEMBER EARLIER IN CLOSED SESSION WE DID TAKE UP ITEM NO. 13, REAL ESTATE MATTERS. DISCUSSED IN CLOSED SESSION. THIS WAS A POSTED AGENDA ITEM REGARDING THE POTENTIAL LAND PURCHASE, AND WE HAD THE APPROPRIATE -- MY OPINION, THE APPROPRIATE

PRESENTATION FROM STAFF IN CLOSED SESSION, AND I DON'T KNOW THAT ONE IS NEEDED NOW IN OPEN SESSION, BUT I GUESS MS. PLUMBER -- IF CITY STAFF COULD JUST COME UP FOR A COUPLE OF QUICK QUESTIONS FROM SOME OF US, AND I THINK WE'LL BE PREPARED TO TAKE ACTION. DISBLOOB GOOD AFTERNOON, JEANY PLUMBER, REAL ESTATE SERVICES. ITEM 13 STANDS AS POSTED IN THE AGENDA. WE'RE LOOKING TO MOVE FORWARD IN THIS TRANSACTION AND CONTINUE OUR NEGOTIATIONS.

MAYOR WYNN: AND JUST SOME OF THE COMMENTS THAT WERE MADE HERE, I WANT TO CLARIFY, THESE ARE TRACTS OF LAND THAT WE, AS A CITY, HAVE IN CONTRACT?

THAT IS CORRECT.

MAYOR WYNN: THERE'S NO -- THERE'S NO GEOGRAPHIC HOLES IN THESE SERIES OF CONTRACTS, CORRECT?

THAT IS CORRECT.

MAYOR WYNN: AND AGAIN, PHILOSOPHICALLY, COUNCIL MEMBER, IF YOU REMEMBER, THIS IS WHAT MANY OF US CONSIDER TO BE THE ALTERNATIVE, THE SECOND, OR THE BACKUP, POTENTIAL SITE FOR WATER TREATMENT PLANT NO. 4 AS WE DISCUSSED EARLIER TODAY. BUT AFTER A PRESENTATION BY STAFF EARLIER WE SAW THAT, IN FACT, WE HAVE ALL THE TRACTS IN CONTRACT, AND I WOULD ENTERTAIN A MOTION ON ITEM NO. 13, UNLESS THERE'S OTHER QUESTIONS OR COMMENTS. MOTION BY COUNCIL MEMBER MCCrackEN, SECONDED BY THE MAYOR PRO TEM, TO APPROVE ITEM NO. 13 AS PRESENTED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU.

MAYOR WYNN: THANK YOU, MS. PLUMBER, FOR ALL YOUR HARD WORK. SO COUNCIL, THAT NOW ALLOWS US TO GO BACK -- THERE BEING NO MORE DISCUSSION ITEMS ON OUR AGENDA AT THIS TIME WE NOW CAN GO BACK INTO CLOSED SESSION PURSUANT TO 551.071 FOR THE OPEN MEETINGS ACT TO CONTINUE DISCUSSIONS ON ITEM 46, LABOR NEGOTIATIONS WITH FIRE, POLICE, EMS AND PSEM DEPARTMENTS. WE MAY ALSO TAKE UP LEGAL ISSUES REGARDING THE SEAHOLM POWER PLANT PROPERTY, ALSO LEGAL ISSUES POTENTIALLY REGARDING THE STOP DOMAIN SUBSIDIES PROPOSED CHARTER AMENDMENT. WE POSTED THAT AS ITEM NO. 49. AND ALSO POTENTIALLY ITEM NO. 50, LEGAL ISSUES REGARDING THE STATE OFFICE OF ADMINISTRATIVE HEARINGS ON LANDFILLS AND THEIR PERMITS. AND WE MAY ALSO TAKE UP AS A COMPLEMENT TO THE LEGAL ISSUES REGARDING THE SEAHOLM POWER PLANT PROPERTY, REAL ESTATE



MATTERS REGARDING THAT SAME PROPERTY PURSUANT TO SECTION 551.072 OF THE OPEN MEETINGS ACT, AND THEN WE MAY ALSO TAKE UP PERFORMANCE EVALUATIONS FOR BOTH OUR CITY AUDITOR AND CITY CLERK PURSUANT TO SECTION 551.074. WE ARE NOW IN CLOSED SESSION. I ANTICIPATE THIS CLOSED SESSION TAKING US THE REST OF THE EARLY AFTERNOON, AND -- BUT HOPEFULLY TO BE BACK IN OPEN SESSION AROUND 4:00 TO BEGIN OUR ZONING MATTERS. IF WE HAPPEN TO FINISH OUR CLOSED SESSION AGENDA PRIOR TO 4:00, I'LL COME OUT AND RECESS THE MEETING AND WELL RECONVENE AT 4:00 P.M. WE ARE NOW IN CLOSED SESSION. THANK YOU.

WE ARE OUT OF EXECUTIVE SESSION, APOLOGIZE FOR THE DELAY FOR ANYONE WHO WAS WAITING. WE HAD A LOT TO TAKE CARE OF FOR EXECUTIVE SESSION, AND WE'VE COMPLETED THAT AGENDA FOR THIS EVENING. WE TOOK UP AND COMPLETED LEGAL ITEMS RELATED TO LABOR NEGOTIATIONS, AS WELL AS LEGAL ITEMS RELATED TO ITEM -- WHICH WAS ITEM NUMBER 46. ITEMS RELATED TO THE SEAHOLM POWER PLANT, NUMBER 47. WE WILL NOT TAKE UP REAL ESTATE MATTERS RELATED TO THE SEAHOLM POWER PLANT PROPERTY. WE TOOK UP ITEMS NUMBER 49 RELATED TO THE STOP-GO MAIN SUB SAID CHARTER. WE TOOK UP ITEM 50 RELATED TO ISSUES BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS ON LAND FILLS, AND WE DID CONDUCT OUR TWO PERFORMANCE EVALUATIONS OF THOSE OF THE CITY AUDITOR AND CITY CLERK AND WE'LL TAKE ACTION ON THOSE HERE IN A FEW MINUTES. SO THAT TAKES US TO OUR 4:00 ZONING CASES, APPROVAL OF ORDINANCES AND RESTRICTED COVENANTS. BUT WHILE WE HAVE THE HR DEPARTMENT HERE WE COULD TAKE QUICK ACTION REGARDING THE RESOLUTION, PAY AND BENEFITS FOR BOTH OUR CITY AUDITOR AND/OR CITY CLERK, SO I WOULD ENTERTAIN ANY MOTIONS. MAYOR PRO TEM.

APPROVAL OF A COMPENSATION PLAN FOR OUR CITY CLERK TO BECOME EFFECTIVE AT THE BEGINNING OF THE FIRST PERIOD FOLLOWING THIS ACTION, INCREASING THE SALARY TO, BY 4,543.20 PER PAY PERIOD.

MOTION BY MAYOR PRO TEM. SECONDED BY COUNCIL MEMBER McCRACKEN AND WE WILL NOTE FOR THE RECORD ALL THE OTHER TERMS OF HER CURRENT BENEFIT, COMPENSATION, RESOLUTION WILL REMAIN THE SAME. FURTHER COMMENTS? THEN WHETHER THIS IS RECOGNIZED WITH THIS MOTION OR NOT, THIS WAS A VERY WELL-RECEIVED PERFORMANCE EVALUATION, THIS COUNCIL IS VERY PLEASED WITH OUR CLERK, MISS GENTRY AND HER STAFF DO A FABULOUS JOB FOR CITIZENS AND SUPPORT US AND CITY OPERATIONS VERY, VERY WELL. A MOTION AND SECOND ON THE TABLE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCIL MEMBER COLE OFF THE DAIS. I'LL ENTERTAIN A MOTION REGARDING OUR CITY AUDITOR.

I MOVE APPROVAL OF A RESOLUTION ESTABLISHING COMPENSATION AND BENEFITS FOR OUR CITY AUDITOR TO BECOME EFFECTIVE AT THE FIRST PAY PERIOD FOLLOWING THE ADOPTION OF THIS RESOLUTION. THIS RESOLUTION WOULD ESTABLISH, WOULD INCREASE

THE SALARY BY 4,920 EACH PAY PERIOD.

MOTION BY THE MAYOR PRO TEM. SECONDED BY COUNCIL MEMBER MARTINEZ. AGAIN, AS NOTED EARLIER WITH OUR CITY CLERK, ALL OF THE STANDARD PROVISIONS IN THESE BENEFIT AND PAY RESOLUTIONS ALSO APPLY TO OUR CITY AUDITOR. AGAIN, THIS WAS A VERY POSITIVE PERFORMANCE EVALUATION, A LOT OF WORK BY THE CITY AUDITOR AND HIS FINE STAFF UP STAIRS. MOTION AND SECOND ON THE TABLE REGARDING THE PAY AND BENEFITS AND VALUATION OF OUR CITY AUDITOR. FURTHER COMMENTS. HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES AGAIN ON A VOTE OF 6-0, WITH COUNCIL MEMBER COLE OFF THE DAIS. THANK YOU ALL VERY MUCH. SO COUNCIL, THAT NOW TAKES US TO OUR 4:00 ZONING CASES. I APOLOGIZE FOR THE DELAY BUT I THINK WE HAVE A MANAGEABLE AGENDA THIS EVENING. GREG GUERNSEY.

LET ME GO THROUGH OUR 4:00 ZONING ORDINANCES AND COVENANTS. THESE ARE THE ITEMS WHERE PUBLIC HEARINGS HAVE BEEN CLOSED. THE FIRST ITEM I WOULD LIKE TO OFFER FOR CONSENT IS ITEM NUMBER 53, CASE C814-97-0001.05. THIS IS THE LEANDER REHABILITATION PUD AMENDMENT #6. NORTH F.M. 620 ROAD. FROM PLANNED UNIT DEVELOPMENT PUD DISTRICT ZONING TO PLANNED UNIT DEVELOPMENT PUD DISTRICT ZONING TO CHANGE A CONDITION OF ZONING. THIS IS READY FOR FIRST AND SECOND READING. ITEM NUMBER 54 IS CASE NUMBER C14-2007-0084. ELM TERRACE. 3215 EXPOSITION BOULEVARD. THE APPLICANT WOULD LIKE TO DEFINITELY POSTPONE THIS ITEM AND HAVE TIME TO REVIEW THE ORDINANCES AND COVENANTS THAT HAVE BEEN PRESENTED. SO AN INDEFINITE POSTPONEMENT, ITEM 54, AND CONSENT APPROVAL ON ITEM 53

MAYOR WYNN: SO COUNCIL, WHAT IS OUR THOUGHTS OR WILL FOR ITEM NUMBER 54, THAT BEING THE POSTPONEMENT REQUEST BY THE APPLICANT? IF NO OBJECTION OR CONCERN, THEN PROPOSED CONSENT AGENDA -- COUNCIL MEMBER LEFFINGWELL.

I DON'T THINK I CAN SUPPORT AN INDEFINITE POSTPONEMENT. IF A POSTPONEMENT IS NEEDED, PERHAPS TWO WEEKS WOULD BE IN ORDER, UNTIL OUR NEXT MEETING.

MR. GUERNSEY, REMIND ME, TECHNICALLY WHAT DOES AN INDEFINITE POSTPONEMENT DO COMPARED TO EITHER A, YOU KNOW, WITHDRAWING A CASE OR HAVING A FINITE PERIOD.

POSTPONEMENT IN CASE OF SECOND AND THIRD READINGS ONLY WOULD BE THAT WE WILL BRING THIS BACK ANOTHER DAY. THERE IS NOT A NOTICE REQUIREMENT BECAUSE THE PUBLIC HEARING HAS ALREADY BEEN CLOSED ON THIS CASE. THE COVENANTS HAVE NOT BEEN EXECUTED BY THE PROPERTY OWNER AND USUALLY WHAT WOULD HAPPEN IS WE WOULD GIVE THE COVENANTS TO THE PROPERTY OWNER, THEY WOULD REVIEW THEM, EXECUTE THEM AND BRING THOSE BACK TO YOU WHEN THE DOCUMENTS ARE EXECUTED. SO WE CAN BRING THIS BACK IN TWO WEEKS, THAT WOULD ALLOW THE -- TWO WEEKS THAT WOULD ALLOW THE OWNER TIME TO REVIEW THE COVENANTS TO REVIEW THEM FOR

ACCURACY AND SIGN THE DOCUMENTS AND BRING THEM BACK. IF THERE IS AN ISSUE WITH THEM, HE CAN COME BACK IN TWO WEEKS AND SPEAK TO WHAT THAT ISSUE WOULD BE WITH THE COVENANT.

REMIND ME, I'M SURE WE'VE DONE IT BOTH WAYS, WE HAVE INDEFINITELY POSTPONED CASES BEFORE.

WE HAVE.

IN SOME CASES DO THEY NEVER COME BACK. IS THERE A LIST OF INDEFINITELY POSTPONED CASES OUT THERE SOMEWHERE.

THERE ARE SOME CASES THEY JUST DON'T COME BACK. IN SOME CASES, WE ALLOW THE APPLICANT AND NEIGHBORHOOD TO DISCUSS AND TRY TO WORK OUT A SOLUTION. IF YOU RECALL, WE HAD SOME CASES CALLED TIME INSURANCE THAT WERE LOCATED AT 35 IN RIVER SIDE AND AFTER A CONSIDERABLE AMOUNT OF TIME, THEY DID COME BACK AND THEY WERE ACTED ON. SO AN INDEFINITE POSTPONED CASE TIPLY ONLY LASTS A PERIOD OF ABOUT A AREA AND WE WILL BRING IT BACK FOR YOUR ACTION. YOU CAN DISMISS THE CASE AS WELL BUT USUALLY THERE IS SOME RESOLUTION THAT WOULD OCCUR.

RIGHT. COUNCIL, I DO SEE OUR APPLICANT HERE. PERHAPS IF WE GIVE HIM A CHANCE TO EITHER MAKE HIS CASE OR TO SEE WHAT TYPE OF TIME LINE MAKES SENSE. WELCOME.

THANK YOU, MAYOR. MY NAME IS STEVE BUERLEIN, I'M THE APPLICANT IN THIS CASE AND WE RECEIVED IT MONDAY AFTERNOON SO WE HAVEN'T HAD A LOT OF TIME TO REVIEW THE WORDING, SOME OF WHICH IS I GUESS POORLY DEFINED AND SOME OF WHICH WE WOULD LIKE TO GET CLARIFICATION FROM STAFF. AS FAR AS HOW MUCH TIME, I'D LIKE TO DEFER TO THE, MY ARCHITECT WHO WOULD HAVE A BETTER IDEA OF HOW MUCH TIME IT TAKES TO GET CLARIFICATION ON THE PROVISIONS AND THE INTERPRETATION FROM STAFF. FRANKLY, SOME OF THE THINGS THAT CAME UP FROM SECOND READING, I THINK, MAYOR WYNN ASKED FOR SOME ELEVATIONS IN ARCHITECTURAL STUDIES FROM THE ARCHITECT WE HAVEN'T BEEN ABLE TO ACCOMPLISH, WHETHER THAT WAS THE SET BACK THAT WAS CITED IN THE COVENANT OR IN THE ORDINANCE. ARE THERE ANY PARTICULAR QUESTIONS OF ME?

QUESTIONS FOR THE APPLICANT, COUNCIL?

I THINK, MAYOR, FOR ME, I THINK HE KIND OF TOUCHED ON IT BUT IT SEEMS LIKE IF YOU ARE SEEKING MORE TIME TO REVIEW DOCUMENTS THAT YOU JUST RECEIVED ON MONDAY, TO ACCOMPLISH SOME OF THE TASKS THAT WERE ASKED OF YOU, WHAT IS YOUR PURPOSE FOR AN INDEFINITE POSTPONEMENT? ARE YOU SEEKING TO FINISH THIS REQUEST THAT YOU MADE OR ARE YOU SEEKING TO INDEFINITELY POSTPONE IT? IN MY MIND,

INDEFINITELY MEANS DOESN'T COME BACK.

I UNDERSTAND, YES, SIR. I HOPE IT DOESN'T DO THAT. I HOPE IT COMES BACK, SAY, 60 DAYS, WHEN THE ATTORNEYS HAVE HAD A CHANCE TO PARSE THE LANGUAGE OF WHAT IS A FENCE AND CAN DO WE INSTEAD OF A FENCE A 42-FOOT BARRIER TO KEEP TOYS FROM ROLLING DOWN A HILL OR SOMETHING LIKE THAT, SO THERE ARE NEW PROVISIONS THAT CAME OUT IN SECOND READING THAT WE HAVEN'T TALKED ABOUT, THE VEGETATIVE BARRIER, HASN'T BEEN RAISED IN SEVEN MONTHS OF DISCUSSION SO WHAT RESULTED FROM SECOND HEARING WAS REALLY MORE SPECIFIC TYPE OF PROJECTS, CERTAIN USES WERE PREDESCRIBED, CERTAIN THING MANDATED WE HAVEN'T DRAWN UP AND I DON'T KNOW WHAT THE COSTS OF THOSE THINGS ARE AND IF THOSE COSTS RENDER THE PROJECT UNECONOMIC UNDER UNDER CURRENT CONDITIONS OR RENDER IT SOMEHOW ILLEGAL FOR ME TO DO WHAT WE HAVE ORIGINALLY DESIGNED AND PROPOSED, THEN WE ARE PRETTY MUCH GOING TO HAVE TO GO BACK AND DESIGN A SPECIFIC PROJECT AND COST IT OUT ENTIRELY BEFORE I CAN CAN -- I MEAN, I'M BEING ASKED TO SIGN OFF ON SOME THINGS THAT RENDER -- THAT I HAVE QUESTIONS ABOUT IF THEIR INTENTION AND HOW WE CAN ACTUALLY LEGALLY PULL IT OFF.

COUNCIL MEMBER KIM.

I WONDER IF THERE IS SOMEONE FROM THE NEIGHBORHOOD HERE, I SEE BLAKE, IS THERE ANYONE ELSE FROM THE AREA, I WOULD LIKE TO ASK YOU ABOUT SOME OF THE ISSUES THAT HE HAS RAISED. I KNOW THAT YOU HAVE TRIED MEDIATION AND IT SEEMS LIKE THE APPLICANT SEEMS TO WANT TO GO UP TO 27 UNITS AND I'M EVEN CONCERNED ABOUT IT BECAUSE YOU WANT THE RESTRICTIVE COVENANT, YOU WANT THE THINGS FACING THE ROAD, WHICH SIDES THE DOORS WILL BE ON AND ALSO THE SIDEWALKS, BUT I'M WONDERING WHAT IS IMPORTANT TO YOU, IF WE WERE TO PASS THIS TODAY WITHOUT THE RESTRICTIVE COVENANT, DO YOU WANT TO WAIT TWO WEEKS AND MAYBE WE WILL GET AND MAYBE WE WON'T. I'M CERTAINLY NOT FOR INDEFINITE POSTPONEMENT, WE NEED TO TAKE ACTION ON THIS AS SOON AS POSSIBLE.

WELCOME.

THANK YOU. I'LL TALK ON BEHALF OF WAYNE BUT I WANT TO SAY TO YOU THAT THERE IS NOTHING IN WHAT HAS BEEN PROPOSED TO THAW WE HAVE NOT DISCUSSED -- PROPOSED TO YOU THAT WE HAVE NOT DISCUSSED. WE HAVE DISCUSSED SET BACK, VEGETATIVE BUFFERS, IF YOU SIMPLY DEFINE THAT AS GREEN SPACE, I MEAN, WE DON'T CARE WHAT IT IS, JUST AS LONG AS IT IS GREEN. IF CAN BE GRASS. IF THE HANG UP IS WHETHER THE FENCE IS A BIG FENCE OR A 42-INCH WALL, WE COULD HAVE -- WE TALKED ABOUT THIS SO LONG IT COULD HAVE BEEN DECIDED A LONG TIME AGO AND QUITE HONESTLY I THINK WE'RE FINE WITH A 42-INCH WALL. THOSE ISSUES SHOULD NOT BE COMING UP NOW GIVEN THE ENDLESS AMOUNT OF TIME WE'VE SPENT DISCUSSING EVERY SINGLE ONE OF THE THINGS YOU ALL DISCUSSED LAST TIME. WHETHER THERE IS CLARIFICATIONS WITH LEGAL

LANGUAGE THEY WANT TO GET COMFORTABLE WITH WHETHER THEY WANT TO DECIDE FOR THEMSELVES THEY WANT TO GO FORWARD OR PULL, IT THOSE ARE ISSUES THEY NEED TO DECIDE BUT THE ISSUES 6 THIS CASE, THERE COULDN'T BE ONE DISCUSSED IN MORE DETAIL AND I WOULD LIKE TO, REAL BRIEFLY ON THE VEGETATIVE BUFFER, I KNOW THERE WAS SOME DISCUSSION LAST TIME, I THINK IT WAS A TERM NONE OF US HAVE HEARD UNTIL THAT LAST BOARD MEETING AND QUITE HONESTLY I STILL DON'T KNOW WHAT THE DEFINITION OF THAT IS, BUT ALL WE'RE ASKING FOR IS SOME GREEN SPACE OUT THERE, AND WE FIRST GOT INTO THAT WHEN WE WALKED WITH COUNCIL MEMBER McCRACKEN AND HE TALKED ABOUT HOW IT WOULD AND NICE BUFFER BETWEEN THE UNDERSTOOD. SO IF WE WANT -- BETWEEN THE NEIGHBORHOOD. SO IF WE WANT TO RENAME THAT AND CALL IT GREEN SPACE, I DON'T CARE WHAT IT IS. I WILL LET BLAKE TALK ABOUT THE DELAY ISSUE AND THANK YOU VERY MUCH FOR ASKING.

WELCOME.

BLAKE COLLETT. WE'RE ASKING THAT YOU ALL GO FORWARD WITH THIS TODAY. I'M REALLY ASTOUNDED THAT THEY'RE NOT READY TO GO FORWARD. WE'RE READY TO GO FORWARD. AS SHE SAID THIS IS ALMOST LIKE A DELAYING GAME. IT ALMOST, I MEAN, INDEFINITE POSTPONEMENT ALMOST SMACKS OF FORUM SHOPPING, PERHAPS THEY WERE LOOKING FOR A NEW COUNCIL. WE GOT THE ORDINANCE THE SAME TIME THEY DID. IT IS A COMPROMISE. WE'RE NOT HAPPY WITH EVERYTHING BUT WE'RE READY TO GO FORWARD. AND IF THERE HAS TO BE A POSTPONEMENT, WE PLEASE ASK YOU TO COME BACK IN TWO WEEKS. IF THEY WANT TO GIVE THEM A CHANCE TO DECIDE WHAT THEY WANT TO DO, IF THEY WANT TO WITHDRAW THEIR ZONING REQUEST, THEY CAN DO THAT, BUT THIS INDEFINITE POSTPONEMENT, WE REALLY ASK TO YOU LET US, YOU KNOW, TRY TO FIGURE THIS OUT SO WE CAN GO BACK TO OUR LIVES AND THERE IS OTHER THINGS COMING UP IN OUR NEIGHBORHOOD THAT REQUIRE OUR ATTENTION SO THANK YOU VERY MUCH.

THANK YOU, BLAKE.

IF I MAY --

YES.

THE ARCHITECT COULD, I THINK MORE CLEARLY ANSWER EXACTLY WHY WE WOULD NEED THE TIME THAT WE'RE ASKING FOR, I SEMIPLEA DIDN'T WANT TO WASTE ANYBODY'S TIME TRYING TO COME BACK TOO EARLY SO IF YOU HAVE QUESTIONS ON A SPECIFIC TIME FRAME THAT WOULD BE REASONABLE TO ANSWER THESE QUESTIONS, HE WOULD BE BETTER SERVED TO ANSWER THOSE.

YES, WELL THEN PERHAPS JUST A LITTLE CLARIFICATION.

MAYOR AND COUNCIL, I'M THE ARCHITECT ON THIS PROJECT. WE DID RECEIVE THE

ORDINANCE ON MONDAY NIGHT AND THERE WERE SEVERAL CLARIFICATIONS IN TERMS OF THE LANGUAGE THAT WE HAD. HOWEVER, IN SECOND READING, THERE WERE THINGS LIKE SPECIFICALLY A 75-FOOT VERSES 100-FOOT VERSE AS 50-FOOT BUFFER AND THE PERCENTAGE OF DEVELOPABLE AREA THAT THAT TAKES AWAY FROM THE PROJECT DIFFERS IN EACH CASE. WE'VE HAD TO GO BACK AND LOOK AT WHAT THAT PERCENTAGE IS OF THE DEVELOPABLE AREA, WHAT IS LOST WITH EACH CASE, AND HOW THAT IMPACTS THE PROJECT AND THE DENSITY OR THE FAR THAT WE CAN ACHIEVE. AND WHETHER OR NOT THAT FAR CAN PAY FOR THINGS, FOR EXAMPLE, LIKE IT WAS THE GOAL OF THE PROJECT TO DO ALL THE DETENTION UNDER GROUND AND WATER QUALITY SO IT WASN'T VISIBLE TO THE NEIGHBORHOOD. HOWEVER, A REDUCTION IN THE DEVELOPABLE FAR LIMITS OUR ABILITY TO PAY FOR THOSE KIND OF AMENITIES SO WE NEED TO SAY, OKAY, DO WE WANT TO GO WITH A CHEAPER POND, HOW ARE WE GOING TO WORK THOSE THINGS OUT. THE ZONING IS RESULTING IN A PRETTY SPECIFIC PROJECT SO I DON'T THINK THE APPLICANT IS COMFORTABLE UNTIL HE HAS WORKED OUT THAT SPECIFIC PROJECT AND IT IS A FEASIBLE PROJECT. SO AS FAR AS TIME LINES, RIGHT NOW THE ENGINEER IS LOOKING AT THOSE ISSUES, THEN ASSUMING HE COMES UP WITH RECOMMENDATIONS, WE NEED TO MEET WITH SITE PLANNING AND MAKE SURE THEY ARE, YOU KNOW, OKAY WITH THOSE RECOMMENDATIONS, ASSUMING THEY ARE OUTSIDE OF THE NORM, AND YOU KNOW, CREATIVE SOLUTIONS, SO THE TIMETABLE ISN'T SOLELY OUR TIMETABLE, WE HAVE TO COORDINATE WITH OUR ENGINEERS AND THEN WITH CITY STAFF.

MAYOR, MAY I COMMENT ON THAT?

IF SOMEBODY HAS A QUESTION OF YOU. COUNCIL MEMBER KIM.

I HAVE A QUESTION FOR RUSTHOVEN.

NO, MA'AM, IF SOMEONE HAS A QUESTION OF YOU, YOU MAY ANSWER A QUESTION.

I WANT TO ASK ABOUT THE VEGETATIVE BUFFER, IS THAT AS SIMPLE AS GRASS.

YES, IT WOULD BE AS SIMPLE AS GRASS.

IT IS NOT A BAR WE ARE OF ANY KIND -- BARRIER OF ANY KIND.

NO, IT IS NOT A BARRIER OF ANY KIND. AND FLAT WORK APPLIES FOR A PARKING LOT SO THE REASON WE USE A VEGETATIVE WAS TO NOT PERMIT PARKING IN THAT AREA, JUST BE GRASS OR TREES OR BUSHES OR WHATEVER.

RIGHT, THANK YOU.

DID YOU WANT TO SAY SOMETHING, MISS HERNDON. GO AHEAD.

I JUST WANTED TO SAY WHAT RICHARD JUST DESCRIBED AS A PROCESS IS THE PROCESS I ASKED HIM TO GO THROUGH WITH US AFTER THE MEETING ON FEBRUARY 14. OR ACTUALLY IT WAS THE ONE A MONTH AGO WHEN YOU ALL SENT US OUT TO TALK AGAIN, AND I THOUGHT THAT WAS THE WAY TO FIGURE OUT WHAT THE CONSTRAINTS WERE AND THEY OPTED NOT TO AND I FIND IT VERY FRUSTRATING THAT IT IS COMING UP NOW.

MAYOR PRO TEM.

I THINK THE REAL ISSUE HERE AS FAR AS I CAN REMEMBER FROM LOOKING AT ALL THOSE PLANS AND I WOULD LIKE TO HAVE YOU CONFIRM IT, WHEN WE WENT FROM THE 50-FOOT SET BACK TO THE 75-FOOT SET BACK, TO ME THAT REALLY CONSTRAIN WHAT IS YOU CAN PUT ON THAT PARTICULAR AREA BECAUSE OF THE DEVELOPABLE SITE THAT IS LEFT. SO WHAT I'M HEARING YOU SAY IS THAT YOU HAVE TO GO BACK AND DO THE NEW ENGINEERING TO SEE WHAT CAN BE DONE WITH WHAT YOU HAVE LEFT, AND THEN TO SEE IF THERE IS ENOUGH IN THE PROJECT TO COVER THE VARIOUS AMENITY THANK YOU PREVIOUSLY AGREED TO WITH THE NEIGHBORHOOD. IS THAT KIND OF WHAT THE ISSUE IS HERE?

CORRECT. I MEAN, THERE ARE A NUMBER OF ITEMS IN THE -- OR IN THE RESTRICTIVE COVENANTS OR IN THE ORDINANCE THAT ARE PUBLIC BENEFITS, SUCH AS THE PROPERTY HAS OVER 420 LINEAR FEET OF SIDEWALKS THAT HAVE TO BE BUILT TO COMMERCIAL DESIGN STANDARDS WHICH IS 12 FEET WIDE. IT WOULD END UP BEING 14 TREE WELLS OVER THE COURSE OF THE SITE AND ALL OF THOSE NEED TO BE PAID FOR WITH 20 UNITS. SO RIGHT NOW, WE'RE NOT SURE IF WE HAVE A FEASIBLE PROJECT AND THERE SO NO SENSE IN ACCEPTING ZONING THAT WON'T RESULT IN A FEASIBLE PROJECT SO WE'RE RUNNING THOSE CALCULATIONS AND SEEING ALTERNATE WAYS TO MAKE IT WORK.

THE LOT IS FAIRLY NARROW AND WITH THAT ADDITIONAL 25-FOOT SET BACK THERE IT DOES MEAN, AS FAR AS I CAN TELL, YOU ALMOST HAVE TO REENGINEER AND REDESIGN THE WHOLE PROJECT.

RIGHT.

IF IT WERE LEFT WITH JUST THE 25-FOOT SET BACK THAT YOU WANTED, THEN YOU KNOW THAT YOU CAN PAY FOR THESE THINGS, BUT I THINK THAT, TO ME, IS WHY YOU NEED A LITTLE, WHY YOU NEED SOME MORE TIME AND I DON'T KNOW HOW LONG IT WOULD BE BEFORE YOU GET YOUR ENGINEERING STUDIES BACK, CAN YOU ASSESS THAT?

YOU KNOW, THROUGHOUT THE PROCESS, I HAVEN'T -- WE HAVEN'T PUT TOGETHER A TIME LINE WITH THE ENGINEER. HONESTLY, I DIDN'T REALIZE THIS WAS UP TODAY BECAUSE WE HAD GOTTEN THE RESTRICTIVE COVENANTS ON MONDAY NIGHT AND SENT OUR COMMENTS BACK ON TUESDAY, SO I WOULD SAY 60 DAYS WOULD PROBABLY BE COMFORTABLE TO GET STUFF FROM THE ENGINEER AND COORDINATE THAT WITH THE CITY AND MAKE SURE

EVERYONE IS ON BOARD. UNLIKE TYPICAL ZONING, THIS IS, THIS ZONING IS VERY SPECIFIC SO WE WOULD WANT TO MAKE SURE THAT EVERYTHING WE INTEND TO DO WITH THE LAND IS FEASIBLE AND WILL BE ACCEPTED BY THE CITY.

SO REALLY THAT IS WHY YOU FEEL UNCOMFORTABLE HAVING YOUR OWNER SIGN OFF ON THAT RESTRICTIVE COVENANT BECAUSE YOU DON'T KNOW IF YOU'VE GOT A PROJECT YET THAT WILL PAY FOR THOSE.

CORRECT.

FURTHER QUESTIONS, COMMENTS? I WILL JUST SAY OBVIOUSLY THERE IS CONFUSION. I WAS ONE OF THE ONE, I THINK, AT THE LAST HEARING ASKING FOR SOME TYPE OF VISUAL, PRESUMABLY CREATED BY LIKELY THE ARCHITECTURE TEAM, JUST SO I COULD VERIFY THIS IS WHAT I WANT, WHICH IS TO BE SHORTER BUILDINGS THERE IN THE FRONT WITH A LITTLE BIT MORE HEIGHT IN THE BACK BUT SEPARATE STRUCTURES, NOT SOME HYBRID THING. SO, YOU KNOW, SO I GUESS I'M PART OF THE PROBLEM BY ASKING FOR SOME VISUALS FOR US TO REALLY CONFIRM WE KNOW WHAT WE THINK WE WOULD BE GETTING WITH AND FOR THE NEIGHBORHOOD. SO I CAN RECOGNIZE THE NEED, YOU KNOW, FOR A POSTPONEMENT PERHAPS BUT I DON'T LIKE THE IDEA OF THIS INDEFINITE TIME LINE AND WOULD LIKE TO TRY TO ANSWER THE QUESTION MUCH SOONER RATHER THAN LATER. I'LL CERTAINLY WAIT FOR THE WILL OF THE COUNCIL. COUNCIL MEMBER, KIM.

MAYOR, IF THAT IS -- IT WILL GIVE THE APPLICANT SOME TIME BUT I DO NOT SUPPORT INDEFINITE POSTPONEMENT. I THINK THE NEIGHBORHOOD HAS GONE THROUGH A LOT AND THEY'VE ACTUALLY DRAWN A LOT OF IDEAS FOR CONSIDERATION AND VERY SPECIFIC DRAWINGS ON WHAT THEY WOULD LIKE TO SEE AND I THINK THEY HAVE MOVED QUITE A BIT FROM WHERE THEY STARTED, SO I MAKE A MOTION FOR POSTPONEMENT FOR TWO WEEKS UNTIL OUR NEXT COUNCIL MEETING WHICH WILL BE APRIL 10.

SO WITHOUT OBJECTION, COUNCIL, LET'S CONSIDER THIS. OUR CONSENT AGENDA THEN FOR THIS AGENDA WHERE ALL THESE CASES WE'VE ALREADY CONDUCTED AND CLOSED THE PUBLIC HEARING WOULD BE TO APPROVE ITEM 53 ON SECOND AND THIRD READING AND THE POSTPONED ITEM 54 TO APRIL 10, 2008. MOTION BY COUNCIL MEMBER KIM, SECONDED BY COUNCIL MEMBER LEFFINGWELL. FURTHER COMMENTS ON THE PROPOSED CONSENT AGENDA. HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCIL MEMBER COLE OFF THE DAIS.

THANK YOU.

THANK YOU ALL. MR. GUERNSEY, OUR PUBLIC HEARINGS?

YES, MAYOR YOU A CON SILL, WE HAVE SEVERAL CON -- COUNCIL, WE HAVE SEVERAL CONSENT ITEMS. PUBLIC HEARINGS ARE OPEN AND ACTION IS POSSIBLE ON THESE ITEMS.



FIRST ITEM FOR CONSENT IS ITEM NUMBER 55, CASE C14-2008-0011. SW CORNER OF U.S. 290E FRONTAGE ROAD AND DECKER LANE. FROM UNZONED TO COMMERCIAL HIGHWAY SERVICES- CONDITIONAL OVERLAY CH-CO COMBINING DISTRICT ZONING. ZONING AND PLATTING COMMISSION RECOMMENDATION: TO GRANT COMMERCIAL HIGHWAY SERVICES- CONDITIONAL OVERLAY CH-CO COMBINING DISTRICT ZONING. THIS IS READY FOR CONSENTS APPROVAL ON ALL THREE READING, ITEM NUMBER 55. ITEM NUMBER 56 IS CASE C14-2007-0210. AND C14H-2007-0011. KOCUREK BUILDING. 511 WEST 41ST STREET. FROM FAMILY RESIDENCE- NEIGHBORHOOD CONSERVATION COMBINING DISTRICT SF-3-NCCD COMBINING DISTRICT ZONING TO NEIGHBORHOOD OFFICE-HISTORIC LANDMARK- NEIGHBORHOOD CONSERVATION COMBINING DISTRICT NO-H-NCCD COMBINING DISTRICT ZONING. PLANNING COMMISSION RECOMMENDATION: TO GRANT THE REQUEST WITH SOME CONDITIONS AND THE APPLICANT AND THE NEIGHBORHOOD ASSOCIATION HAVE REACHED AGREEMENT AND WOULD BE ACCEPTING THIS EVENING OF A CONSENT ITEM WITH ADDITIONAL CONDITIONS, IF I MAY READ THEM INTO THE RECORD. AND THESE WOULD BE MORE CONDITIONED BEYOND WHAT THE PLANNING RECOMMENDATION WOULD BE. THOSE WOULD INCLUDE REDUCING THE MINIMUM LOT AREA TO A LOT SIZE OF 5900 SQUARE FEET. THAT A TWO-FAMILY USE SHALL BE ALLOWED ON A LOT LESS THAN OR AT A MINIMUM OF 5,900 SQUARE FEET. BUILDING COVERAGE AT 55% IMPERVIOUS COVER AT 91%. THE MAXIMUM FLOOR TO AIR RATIO WOULD BE .5 TO 1. 9 MINIMUM SET BACKS WEEK AS FOLLOWS: FIVE FEET YEAR SAYS BACK, ALLY SET BACK OF ZERO. INTERIOR DWELLING WILL BE LIMITED TO 750 SQUARE FEET AND TWO BEDROOMS. THE MAXIMUM NUMBER OF PARKING SPACES WOULD BE FIVE ON THE PROPERTY. THE McMASS ARTICULATION INTENT - - McMANSION ARTICULATION INTENT, NOT BUDDING ON THE ALLEY. ALSO, A LIMIT ON THE OCCUPANCY TO A MINIMUM OR MAXIMUM OF TWO UNRELATED ADULTS IN THE EAST BUILDING AND THREE IN THE WEST BUILDING. THESE WOULD EITHER BE PLACED IN THE ORDINANCE OR A PUBLIC RESTRICTED COVENANT, AND THEN ONCE THESE ITEMS ARE CLARIFIED IN COVENANT FORM WE WOULD BRING THIS BACK FOR YOUR CONSIDERATION ON SECOND AND THIRD READING. BUT WITH THOSE CONDITIONS THE PARTIES ARE ACCEPTABLE FOR THIS ZONING MOVING FORWARD ON CONSENT THIS EVENING.

CONSENT FIRST READING.

FIRST READING ONLY, THAT'S CORRECT. LET ME CONTINUE ON. ITEM NUMBER 57, THIS IS THE HOLLY'S RETIREMENT PROPERTY AT 10,614 MACMORA ROAD. CASE 58, C14-2008-0043 - BARTON HILLS NEIGHBORHOOD PLANNING AREA SOME COUNCIL MEMBERS HAVE RECEIVED QUESTIONS FROM THE NEIGHBOR AND THEY'VE INVOLVED THE WATERSHED REGULATIONS. WE ARE WORKING TO ADDRESS THOSE QUESTIONS SO WE WOULD ASK THIS ITEM BE DEFERRED FOR TWO WEEKS SO WE CAN ADDRESS THOSE QUESTIONS AND BE ABLE TO ANSWER THEM WHEN YOU ASK US THOSE QUESTIONS. SO ITEM 58 WOULD BE A POSTPONEMENT FOR TWO WEEKS. ITEM 59, CASE NUMBER C14-2007-0237 - OLD WEST AUSTIN NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE BUILDING V ZONING OPT-INOPT-OUT PROCESS, TRACT ONE. 1209 PARKWAY WITHIN THE OLD WEST AUSTIN NEIGHBORHOOD PLANNING AREA. NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT

RECOMMENDATION, TO AMEND THE BOUNDARIES OF THE VMU OVERLAY DISTRICT TO EXCLUDE TRACT 1. WE HAVE TWO PEOPLE SIGNED UP TO SPEAK TO THIS ITEM ONLY IF DO YOU NOT PLAN TO FOLLOW THE PLANNING COMMISSION RECOMMENDATION. IF YOU ACCEPT THE PLANNING COMMISSION RECOMMENDATION WE CAN OFFER THIS ITEM AS CONSENT AND TAKEN ON ALL THREE READINGS.

NOW THAT IS INCENTIVE [LAUGHTER]

OBJECTION? SO THEN, COUNCIL THIS PROPOSED CONSENT AGENDA ON THESE CASES WHERE WE'VE GROWTH CONDUCT A PUBLIC HEARING WILL TO BE CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASE 55. CLOSE THE PUBLIC HEARING AND APPROVE OWN FIRST READING ONLY CASE 56 WITH ADDITIONAL DIRECTION OF STAFF TO CREATE THAT PUBLIC RESTRICTIVE COVENANT AND/OR MORE INCLUSIVE ORDINANCE.

RIGHT.

ACTUALLY TRUST YOUR JUDGMENT. POSTPONE ITEM 58 TO APRIL 10, 2008, AND TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS ITEM NUMBER 59. I'LL ENTERTAIN THAT MOTION. MOTION BY COUNCIL MEMBER MARTINEZ. SECONDED BY COUNCIL MEMBER McCRACKEN. APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCIL MEMBER COLE OFF THE DAIS. WELL, SO THAT LEAVES US WITH CASE NUMBER 57. ACTUALLY, I'M SORRY, I DID SEE THAT SOMEONE SIGNED UP WISHING TO SPEAK ON ITEM NUMBER 56 BUT SPEAKING IN FAVORER, CORRECT? SO WE'RE GOOD ON THAT, THANK YOU. APOLOGIZE. SO WELL, YOU ARE RIGHT, MR. GUERNSEY, WE HAVE ABOUT 12 SPEAKERS ON ITEM NUMBER 57. WE HAVE FIVE MINUTES BEFORE OUT BREAK FOR LIVE MUSIC AND PROCLAMATIONS. PERHAPS IF YOU COULD READ IT INTO THE RECORD AND OPEN UP THE CASE WE CAN GET THAT PIECE OUT OF THE WAY AND MAKE SURE WE HEAR FROM STAFF AS OF THE RECOMMENDATIONS BEFORE WE TAKE A SHORT BREAK AND COME BACK FOR PUBLIC TESTIMONY.

VERY GOOD, MAYOR AND COUNCIL. ITEM NUMBER 57, CASE C14-2007-0255. KNOWN AS THE HOLLY'S RETIREMENT. 10614 MACMORA ROAD. FROM SINGLE- FAMILY RESIDENCE-LARGE LOT- NEIGHBORHOOD PLAN SF-1-NP COMBINING DISTRICT ZONING TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-NEIGHBORHOOD PLAN SF-6-NP COMBINING DISTRICT ZONING. PLANNING COMMISSION RECOMMENDATION: TO GRANT TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY- NEIGHBORHOOD PLAN SF-6-CO-NP COMBINING DISTRICT ZONING. WITH THAT RECOMMENDATION, THEY LIMITED THE PROPERTY TO A MAXIMUM OF 15 DWELLING UNITS THAT COULD BE DEVELOPED ON THE SITE TO LIMIT THE PROPERTY TO SF-1 IMPERVIOUS COVER WHICH WOULD BE IN THIS CASE 40%, AND TO ALLOW A SINGLE DRIVEWAY ON TO THE SITE. THE PROPERTY ITSELF IS LOCATED IN NEIGHBORHOOD PLANNING AREA, NORTH AUSTIN CIVIC AREA, DESIGNATED ON ITS OFFICIAL LAND USE MAP AS SINGLE FAMILY RESIDENTIAL USES ON THIS PROPERTY. AT THE

TIME WHEN THIS NEIGHBORHOOD PLAN WENT THROUGH, OUR NOON PLANNING PROCESS DID OUR NEIGHBORHOOD PLANNING PROCESS DID NOT HAVE VARYING DES OF SINGLE FAMILIES AS WE DO TODAY. WE HAVE A HIGHER DENSITY SINGLE FAMILY AND REGULAR SINGLE FAMILY WHICH WOULD BE THE CATEGORIES OF RR, RESIDENTIAL OR SF-1, 2, 3 OR 4. THAT DISTINCTION WAS NOT MADE DURING THIS PLANNING PROCESS. THERE IS A PETITION FILED WITHIN 200 FEET WHICH STANDS AT 44.34%, SO THIS IS SIGNIFICANT PETITION AGAINST THE REZONING OF THIS PROPERTY FROM ITS CURRENT, THE SF-1 DESIGNATION, AND THE PROPERTY IS CURRENTLY DEVELOPED WITH A SINGLE FAMILY RESIDENCE AND IT IS A LARGER TRACT OF LAND THAT STANDS AT ABOUT 2.66-ACRES. THE PROPERTY, IF IT WERE TO BE DEVELOPED TODAY UNDER A DENSITY ABOUT SF-1 WOULD BE ABOUT TEN TO ELEVEN UNITS. IF IT WOULD BE DEVELOPED TO SF-2 OR SF-3 DENSITY WOULD BE APPROXIMATELY 17 OR 18 UNITS COULD BE DEVELOPED ON THE PROPERTY. AS I MENTIONED BEFORE, THE PLANNING COMMISSION RECOMMENDATION LIMITED THE PROPERTY TO A MAXIMUM OF 15 DWELLING UNITS. SURROUNDING USES TO THE NORTH ARE PROPERTIES ZONE LO-LU-CO-MP WHICH IS DEVELOPA CHURCH SO THERE IS A DAYCARE AND OFFICE IN THE AREA. TO THE SOUTH AND EAST AND WEST ARE SINGLE FAMILY RESIDENCES. A LITTLE BIT FURTHER TO THE EAST THERE ARE SOME TOWNHOUSES AND ZONING TO THE SOUTH AND WEST IS SF-1-MP AND TO THE EAST IS SF-6-MP SOME OF AGAIN, THE ZONING REQUEST IS FROM SF-1-MP TO SF-6-MP, IS RECOMMENDED BY STAFF, WAS RECOMMENDED BY THE PLANNING COMMISSION WITH ADDITIONAL CONDITIONS, AND IF YOU HAVE ANY QUESTIONS I WILL BE MORE THAN HAPPY TO ANSWER THEM EITHER NOW OR AFTER THE BREAK.

THANK YOU, MR. GUERNSEY. A FEW MINUTES OF QUESTIONS FOR STAFF, COUNCIL, BEFORE WE THEN UNFORTUNATELY, BREAK, BEFORE WE CONDUCT THE FULL PUBLIC HEARING. QUESTIONS OF STAFF? IF NOT, THEN JUST, COUNCIL MEMBER LEFFINGWELL.

NO, WE'RE GOING TO DISCUSS IT AFTER THE BREAK SO I MIGHT AS WELL JUST WAIT.

OKAY. SO I THINK COUNCIL, SEEMS TO ME, FROM A CONTINUITY STANDPOINT, WE WILL NOW TECHNICALLY RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL, BUT FIRST WE HAVE A QUESTION FROM COUNCIL MEMBER MARTINEZ.

SORRY, IT JUST CAME TO MINE. SINCE COUNCIL MEMBER COLE IS ABSENT AND COUNCIL MEMBER LEFFINGWELL WILL BE LEAVING, DOES THAT CHANGE THE DYNAMICS OF HOW MANY VOTES WILL BE REQUIRED?

NOT THIS EVENING BECAUSE WE ARE ONLY READY FOR FIRST READING SO WHATEVER AFFIRMATIVE ACTION YOU WISH TO TAKE IT WOULD ONLY REQUIRE FOUR VOTES.

OKAY.

BUT OPPOSITION ACTION, IF THERE ARE ONLY FIVE OF US LEFT ON THE DAIS --

WHETHER YOU VOTE UP TO HOLD THE VALID PETITION IT ONLY REQUIRES FOUR BECAUSE WE'RE NOT PREPARED FOR THIRD READING. TO CLARIFY FOR THE AUDIENCE, IF THERE IS A VALID PETITION AND COUNCIL IS CONSIDERING VOTING OR THIRD READING IT WOULD TAKE SIX AFFIRMATIVE VOTES TO OVERRIDE THE NEIGHBORHOOD PETITION. SINCE IT IS ONLY FIRST READING IT WOULD ONLY REQUIRE FOUR VOTES.

BECAUSE THAT IS NOT THE FINAL DECISION. JUST CLARIFY. BUT AGAIN, IF THE MAJORITY, THERE IS THIS QUORUM PRESENT TONIGHT AND THE MAJORITY OF THAT QUORUM FOR FOUR VOTES WERE TO VOTE TO DENY THE REZONEING REQUEST THEN THE CASE --

THAT'S CORRECT, IT WOULD ONLY TAKE FOUR VOTES TO DENY THE QUESTION AND THE CASE WOULD BE OVER.

BUT IT ALSO ONLY TAKES FOUR VOTES TO CONTINUE THE CASE UNTIL SUCH TIME AS IT ULTIMATELY WOULD REQUIRE SIX VOTES.

LESS THAN 10.

RIGHT.

AND MAYOR, JUST FOR YOUR INFORMATION, I DON'T HAVE TO LEAVE HERE UNTIL ABOUT 7:35 AND THE REASON I HAVE TO LEAVE IS OFFICIAL CITY BUSINESS SO I WANTED TO CLARIFY THAT.

CORRECT, THANK YOU VERY MUCH. AND THIS ALSO, FOR YOUR INFORMATION COUNCIL, COUNCIL MEMBER COLE HAS RETURNED AND THERE IS ONLY ABOUT 45 TO, YOU KNOW, 48 MINUTES WORTH OF PUBLIC TESTIMONY TONIGHT SO I THINK WE CAN AT LEAST HEAR THE PUBLIC HEARING WITHIN THE HOUR OR SO. SO WITH THAT, I APOLOGIZE TO FOLKS WHO HAVE BEEN SO PATIENT BUT IT IS TIME FOR OUR BREAK FOR LIVE MUSIC AND PROCLAMATIONS. SO AT THIS TIME SINCE WE HAVE NO CLOSED SESSION AGENDA ITEMS REMAINING I WILL RECESS THIS MEETING OF THE OFFICE OF CITY COUNCIL, STAY TUNED FOR THE MCCALLUM ORCHESTRA AND WE WILL REMEET FOR CONDUCT THE PUBLIC ZONING CASE ON ITEM NUMBER 57. WE ARE NOW TECHNICALLY IN RECESS. THANK YOU. TEST TEST McCALLUM ORCHESTRA ORCHESTRAS

FOLKS, WELCOME BACK TO OUR WEEKLY LIVE MUSIC GIG HERE AT THE AUSTIN CITY COUNCIL. JOINING US IS THE McCALLUM ORCHESTRA. THE McCALLUM HIGH SCHOOL ORCHESTRA STARTED IN 195WHEN THEY OPENED THE SCHOOL AND TODAY HAS GROWN TO OVER 100 STUDENTS PARTICIPATING IN THREE PERFORMING ORCHESTRAS, A DOUBLE BASS ENSEMBLE AND NUMEROUS OTHER QUARTER TETS AND ON SOM BELLS. UNDER RICKY PRING HE WILL'S LEADERSHIP, THEY'VE RECEIVED TOP SCORES AT UIL CONCERTS

ANXIETY READING COMPETITIONS. DURING THE PAST FIVE YEARS THEY'VE HAD OVER COLLABORATION WITH OTHER ART FORMS. IN JUNE OF '06 THE CHAMBER ORCHESTRA PERFORMED AT CANG CARNG GI HALL AND THEY ARE FUNDRAISING IN HOPES OF A SECOND TIME IN JUNE OF '09. PLEASE JOIN ME IN WELCOMING THE McCALLUM ORCHESTRA. [APPLAUSE] [MUSIC PLAYING] CARNEGIE ANXIETY [MUSIC PLAYING] SIGHT READ SIGHT READS [MUSIC PLAYING] QUARTETS CARNEGIE ANXIETY DIME TER [MUSIC PLAYING]. [APPLAUSE]

MAYOR WYNN: WELL DONE. VERY WELL DONE. I PRESUME YOU'RE RICKY PRINGLE.

I'M NOT RICKY PRINGLE.

I'M HERE WITH THE BOARD OF McCALLUM ORCHESTRA PERFORMANCE FUND.

MAYOR WYNN: SO TELL US HOW NOT ONLY CAN WE HELP WITH THE FUNDRAISING FOR THE POTENTIAL TRIP TO CARNEGIE HALL, HOW ELSE CAN WE HEAR AND SEE PERFORMANCES?

NEXT MONDAY NIGHT AT THE SCHOOL ON SUNSHINE DRIVE WE HAVE A CONCERT, A PREUIL ORCHESTRA. THE STRINGS ARE GOING BACK TO UIL FOR ANOTHER CONTEST. THIS GROUP, THE RIOSO CONFINTE TEST, YOU CAN HIRE THEM -- QUINTET, YOU CAN HIRE THEM FOR WEDDINGS AND PARTIES, AND HOW TO DONATE FOR THE CARNEGIE HALL TRIP CAN BE FOUND AT MAC ORCHESTRA FUND.ORG.

> WELL, WHY DON'T WE -- IF WE CAN, IF WE HAVE A WIRELESS MIC HANDY, I'D LIKE FOR THE FIVE MUSICIANS TO INTRODUCE THEMSELVES AND TELL US WHAT GRADE YOU'RE IN IN.

[INAUDIBLE]

I'M A SENIOR.

I'M GONE SAL ON HERNANDO AND I'M A SENIOR.

FABULOUS. BEFORE YOU GET AWAY -- DO REMEMBER IT'S MCCRACKEN CORK EXTRA FUND.ORG. NOT ONLY CAN YOU HELP WITH THE FUNDRAISING, YOU CAN PROBABLY FIND OUT WHERE YOU CAN GO LISTEN AND HEAR THESE AND SOME OF THEIR COHORTS PERFORM SOON. WE HAVE AN OFFICIAL PROCLAMATION THAT READS, THE CITY OF AUSTIN, TEXAS IS BLESSED WITH MANY CREATIVE MUSICIANS WHOSE TALENT EXTENDS TO VIRTUALLY EVERY MUSICAL GENRE AND OUR MUSIC SCENE THRIVES BECAUSE AUSTIN SUPPORTS NEWCOMERS AND LEGENDS ALIKE. WE'RE PLEASED TO SHOWCASE AND SUPPORT OUR LOCAL MU MUSICIANS AND WE ESPECIALLY CONGRATULATE THE McCALLUM ORCHESTRA FOR HAVING BEEN SELECTED TO PRESM AT CARNEGIE HALL. THEREFORE I, WILL WYNN, MAYOR OF THE LIVE MUSIC CAPITAL OF THE WORLD, DO HEREBY PROCLAIM TODAY, MARCH 27, 2008 AS McCALLUM CHAMBER ORCHESTRA DAY IN AUSTIN AND JOIN ON

ALL CITIZENS TO JOIN ME IN CONGRATULATING THIS FINE YOUNG TALENT. [APPLAUSE]

MAYOR WYNN: AND SO WHILE THE KIDS FROM McCALLUM BREAK DOWN ON THAT SIDE OF THE ROOM, WE'LL COME OVER OVER HERE AND USE THIS PODIUM FOR A HANDFUL OF PROCLAMATIONS. AGAIN, WE USE THIS TIME EACH WEEK TO TRY TO RAISE AWARENESS ABOUT AN IMPORTANT ISSUE, PERHAPS SAY CONGRATULATIONS, GOOD-BYE, GOOD LUCK TO FOLKS, ANDAND/OR OFTENTIMES TO BE THANK YOU. JOINED BY FIRE CHIEF J.J. ADAME, THE FIRST PROCLAMATION IS REGARDING WILDFIRE AWARENESS WEEK, AS WE HAVE SEEN TOO FREQUENTLY, MOSTLY ON THE NEWS, TELEVISION, BUT SOME OF US FIRSTHAND, THERE'S BEEN SEEMINGLY SO MANY WILDFIRES EVEN HERE IN THE CENTRAL TEXAS AREA LATELY THAT HAS MANY OF US CONCERNED BECAUSE OF THE FORECAST FOR A DIFFICULT SUMMER FOR US. SO I'LL READ PROCLAMATION, AND ASK CHIEF ADAME TO SAY A FEW WORDS ABOUT WHAT NOT ONLY HIS DEPARTMENT BUT PROFESSIONALS ALL ACROSS CENTRAL TEXAS ARE PREPARING FOR A CHALLENGING TIME FOR US. SO THE PROCLAMATION READS: AUSTIN'S DIVERSE ECOLOGICAL ENVIRONMENTS ALLOW RESIDENTS TO ENJOY FANTASTIC VIEWS OF THE HILLS AND LAKES FROM THEIR HOMES AND BUSINESSES BUT THE PROXIMITY TO TREES AND BRUSH ALSO PRESENT IDEAL CONDITIONS FOR SEVERE WILDFIRE RISK. WHEREAS WEATHER FORECASTERS ARE PREDICTING A LONG HOT AND VERY DRY SUMMER THIS YEAR, RESULTING IN A GREATER THREAT IN AUSTIN AND IN ALL TRAVIS COUNTY, AND WHEREAS THE AUSTIN FIRE DEPARTMENT, THE TEXAS FOREST SERVICE, CAPITAL AREA FIRE CHIEFS ASSOCIATION, TRAVIS COUNTY FIRE MARSHAL'S OFFICE AND HOME DEPOT ARE WORKING WITH RESIDENTS IN AFFECTED AREAS THIS WEEK FOR MITIGATE THE RISK TO LIVES, HOMES AND BUSINESSES. SO NOW I, THEREFORE, I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, DO HEREBY PROCLAIM MARCH 29 THROUGH APRIL 5, 2008, AS WILDFIRE AWARENESS WEEK AND ASK CHIEF ADAME TO TELL US ABOUT WHAT HE AND HIS PROFESSIONALS ARE DOING AND HOW WE CAN ALL BE AWARE OF THE RISK AND HOW WE CAN HELP. CHIEF?

THANK YOU, MAYOR. [APPLAUSE]

THANK YOU, MAYOR. IT'S MY PLEASURE TO BE HERE WITH YOU THIS AFTERNOON, REPRESENTING THE AUSTIN FIRE DEPARTMENT, THE CAPITAL AREA FIRE CHIEFS ASSOCIATION AND ALSO JOINING ME THIS AFTERNOON IS THE AUSTIN -- THE TRAVIS COUNTY FIRE MARSHAL, BRAD BEACHAM. BRAD, THANK YOU FOR BEING HERE. THE LONG-RANGE FORECAST FOR THIS YEAR IS -- IS QUITE DIFFERENT THAN LAST YEAR, WHEREAS LAST YEAR WE HAD QUITE A BIT OF RAIN, IT WAS WET, THIS YEAR THE FORECAST IS FOR A LONG, DRY SUMMER. SO IT'S ESPECIALLY IMPORTANT THAT RESIDENTS, ESPECIALLY IN CENTRAL TEXAS, TAKE EVERY PRECAUTION DURING THE REST OF THIS YEAR. THERE'S TWO WEB SITES ARE AVAILABLE. THE AUSTIN FIRE DEPARTMENT MAINTAINS A WEB SITE ON WHAT TO DO TO PREVENT GRASS FIRES. IN ADDITION THE TEXAS FOREST SERVICE ALSO HAS A WEB SITE. SO WE ENCOURAGE ALL OF OUR CITIZENS TO VISIT THOSE WEB SITES. CERTAINLY IF YOU HAVE ANY QUESTIONS, THE AUSTIN FIRE DEPARTMENT IS PREPARED AND READY TO OPERATE ANY -- OFFER ANY ASSISTANCE IN ANY OF THOSE AREAS. SO WE'D

JUST LIKE TO AGAIN REMIND THE CITIZENS OF CENTRAL TEXAS AND AUSTIN TO PLEASE BE CAREFUL DURING THIS TIME, THIS SEASON THAT WE'RE ENTERING. SO THANK YOU VERY MUCH, MAYOR.

THANK YOU, CHIEF. [APPLAUSE]

HI, I'D LIKE TO TAKE A POINT OF PERSONAL PRIDE AND HAVE ALL OF THE RECIPIENTS OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AS WELL AS MY STAFF WHO ISSUE THOSE FUNDS TO COME DOWN BEHIND.

MAYOR WYNN: SO LOTS OF PARTNERS, LOTS OF GOOD CITY EMPLOYEES. HERE, I'LL HELP YOU. AGAIN, SO THIS IS A PROCLAMATION REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT WEEK, OR CDBG AS WE COMMONLY REFER TO THEM AS. I'M GOING TO READ A BRIEF PROCLAMATION AND THEN ASK MARGARET SHAW TO SAY A FEW WORDS, AND OBVIOUSLY WE'RE TRYING TO HEAR ABOUT RECIPIENTS, I CONSIDER THEM PARTNERS, IN DELIVERING LOCAL SERVICES. PROBABLY GOING TO SAY THIS IN THE PROCLAMATION OR REPEAT MYSELF, BUT, YOU KNOW, CDBG PROGRAM WAS ACTUALLY INSTITUTED BACK IN THE LATE '60S, EARLY '70S BY THEN PRESIDENT RICHARD NIXON. INTERESTING ENOUGH, AT THE TIME IT WAS QUITE THE -- I HATE BEING SORT OF PARTISAN ABOUT THIS BUT VERY MUCH THE REPUBLICAN, AND I DARESAY CONSERVATIVE APPROACH TO FUNDING LOCAL GOVERNMENT SERVICES WAS THAT LOCAL GOVERNMENTS CAN MAKE THE BEST DECISIONS ON HOW TO SPEND FEDERAL DOLLARS. PREVIOUS TO THAT, FEDERAL GOVERNMENT GAVE MONEY, YOU KNOW, DIRECTLY FOR DIRECT PROGRAMS, ONE SIZE FITS ALL. THEY WOULD MANDATE HOW CITIES WOULD SPEND MONEY. NIXON CHANGED THAT DRAMATICALLY, I THINK FOR THE BETTER. HIS SUGGESTION WAS THAT LOCAL -- FOLKS AT THE LOCAL LEVEL KNOW BEST WHAT THEIR CHALLENGES ARE AND WHAT WILL LIKELY BE THE MOST COST EFFECTIVE SERIES OF PROGRAMS, THEREBY UTILIZING THESEED THIS DOLLARS, THESE PRECIOUS FEDERAL DOLLARS MUCH MORE EFFECTIVELY THAN THE FEDERAL GOVERNMENT COULD. SO BEGAN THE WHOLE LEGACY OF COMMUNITY DEVELOPMENT BLOCK GRANTS, JUST A BLOCK OF FUNDS THAT WE THEN GET TO GO CHOOSE HOW BEST TO ALLOCATE AND HELP THE COMMUNITY. HERE IN AUSTIN WE SPEND IT ACROSS THE BOARD, IN REMARKABLY DIVERSE WAYS, BUT I THINK FUNDAMENTALLY IT WEAVES A VERY EFFECTIVE FABRIC WHEN IT COMES TO TRY TO DELIVER SERVICES TO FOLKS WHO ARE DESPERATELY IN NEED OF THEM. THE LAST FEW YEARS SADLY THE CDBG HAS BEEN UNDER ATTACK AND THE AMOUNT OF FUNDS AVAILABLE TO LOCAL GOVERNMENTS HAVE BEEN STEADILY ERODING, OVER THE LAST SEVERAL YEARS, AND WE EACH YEAR HAVE TO DO MORE WITH LESS, AND, IN FACT, AS TIMES THEY ALSO NOW COME WITH SOME -- YOU KNOW, SOME PARAMETERS THAT KEEP US FROM BEING AS FLEXIBLE AS WE USED TO BE. SO SADLY WE'VE SEEMINGLY -- THE CURRENT ADMINISTRATION, DAIRY SAY IT, THE CURRENT CONGRESS IN PROCESS HAS SORT OF LOST SIGHT OF WHAT THE ORIGINAL CONCEPT WAS AND PROSPECT WAS WHEN IT CAME TO, IN A COST EFFECTIVE WAY SPENDING FEDERAL DOLLARS. SO ENOUGH PREACHING. ALL RIGHT. SO I'LL READ THE PROCLAMATION AND THEN HAVE MARGARET SAY A FEW WORDS ABOUT HOW WE SPEND

THESE DIMINISHING DOLLARS HERE LOCALLY. PROCLAMATION READS, FOR 33 YEARS, SO THAT WOULD BE '75. EARLIER THAN THAT, BUT FOR 33 YEARS THE COMMUNITY DEVELOPMENT BLOCK GRANT, CDBG PROGRAM, HAS PROVIDED MORE THAN \$225 MILLION IN FEDERAL GRANT DOLLARS THROUGH THE CITY OF AUSTIN FOR FORMAL HOUSE THAN AND REVITALIZATION EFFORTS IN CENTRAL EAST AUSTIN, WHEREAS IT HAS ALLOWED THE CITY OF AUSTIN TO CREATE AND RETAIN HUNDREDS OF JOB OPPORTUNITIES IN EAST AUSTIN, AS WELL AS TO FUND PROGRAMS INCLUDING CHILD CARE, SMALL BUSINESS DEVELOPMENT, FAIR HOUSING SERVICES, VICTIM SERVICES AND ON AND ON AND ON, AND WHEREAS LOW AND MODERATE INCOME FAMILIES AND INDIVIDUALS BENEFIT GREATLY FROM THE PROGRAMS AND SERVICES FUNDED BY CDBG DOLLARS AND OUR PARTNERS, SO NOW THEREFORE, I, WILL WYNN, MAYOR OF AUSTIN, DO HEREBY PROCLAIM THE WEEK OF MARCHMARCH 24 TO THE 30TH THIS YEAR, 2008, AS COMMUNITY DEVELOPMENT BLOCK GRANT, OR CDBG WEEK, HERE IN AUSTIN. ASK FOR MARGARET SHAW TO GIVE US SORT OF AN UPDATE AS TO HOW WE ARE DOING, BUT PLEASE ALSO JOIN ME IN NOT ONLY THANKING HER, APPLAUDING HER SERVICE, APPLAUDING OUR PARTNERS WHO HELP US VERY JUDICIOUSLY SPIN THESE DOLLARS FOR YOU. MARGARET? [APPLAUSE]

ACTUALLY, MR. MAYOR, YOU DID JUST FINE. THANK YOU VERY MUCH. THIS IS, AS THE MAYOR SAID, THE 33RD YEAR WE'VE BEEN RECEIVING BLOCK GRANT FUNDS FROM THE FEDERAL GOVERNMENT. AUSTIN OVER THOSE YEARS HAS RECEIVED ALMOST A QUARTER OF A BILLION DOLLARS, \$220 MILLION OVER 33 YEARS, AND THIS COUNCIL AND THIS CITY HAS PUT IT TO TREMENDOUS USE FOR OUR LOW AND MODERATE INCOME FAMILIES. EVERYTHING, AS YOU SAID, FROM CHILD CARE VOUCHERS TO TENANT RIGHTS SERVICES, PHONE SERVICE FROM STAT I STARK AND THE AUSTIN TENANTS COUNCIL, THAT IS ONE OF OUR FIRST RECIPIENTS. THEY AND THE AUSTIN AREA URBAN LEAGUE HAVE BEEN RECEIVING FUNDS FROM THIS FUND FOR 33 YEARS FOR THEIR SERVICES, SO IT'S EVERYTHING FROM CHILD CARE TO TENANTS RIGHTS, TO YOUTH PROGRAMS TO BUILDING AND CREATING AND RETAINING AFFORDABLE HOUSING THROUGHOUT THE CITY, AS WELL AS THE REVITALIZATION EFFORTS ON EAST 11TH AND 12TH STREET AND EVEN BUSINESS LOAN PROGRAMS. AS THE MAYOR ALLUDED TO, ALL OF THAT IS DONE THROUGH OUR PARTNERS, AND WE COULDN'T DO IT WITHOUT THE NON-PROFITS WHO ARE SPENDING THIS MONEY FOR US. IT'S A TERRIFIC PROGRAM, BUT AS HE ALLUDED TO, IT IS EACH YEAR BEING CUT, SO WE ARE FORCED TO DO MORE WITH LESS, AND IN SOME CASES CUT BACK ON THE SERVICES WE DO PROVIDE. IT'S A TREMENDOUS PROGRAM THAT'S DONE TREMENDOUS THINGS ACROSS THE COUNTRY, AND I DO WANT TO ADD, THIS IS PART OF A NATIONAL RECOGNITION WEEK. CITIES ACROSS THE COUNTRY WHO RECEIVE CDBG ARE HOLDING A CAMPAIGN TO HIGHLIGHT IN THEIR COMMUNITIES WHAT THIS MONEY IS USED FOR. THIS YEAR'S THEME IS ON THE ROAD, SO WE BELIEVE WE'RE ON THE ROAD IN AUSTIN TO MAKING THIS A BETTER COMMUNITY FOR ALL THE PARTNERS WHO LIVE HERE AND WORK HERE. THANK YOU. [APPLAUSE] PAN AMERICAN

MAYOR WYNN: SO THE NEXT PROCLAMATION IS REGARDING OUR PAN AMERICAN DAY, JOINED HERE BY A NUMBER OF LOVELY SUPPORTERS OF THAT EVENT. AFTER I READ THE



PROCLAMATION, NEDIA WILL SAY A FEW WORDS ABOUT WHY WE'RE CELEBRATING APRIL 7. THE PROCLAMATION READS, THE PAN AMERICAN ROUNDTABLE OF TEXAS IS A NONPROFIT ORGANIZATION MADE UP OF GROUPS IN 21 TEXAS CITIES WHOSE GOAL IT IS TO FOSTER MUTUAL UNDERSTANDING, KNOWLEDGE AND FRIENDSHIP AMONG PEOPLES OF THE WESTERN HEMISPHERE, AND WHEREAS THE AUSTIN TABLE IS THE FOURTH OLDEST OF THE TEXAS TABLES, FORMED IN 1922, BY 22 WOMEN MEETING AT THE HISTORIC DRISCOLL HOTEL, AND WHEREAS WEWE APPLAUD THE MEMBERS OF THE PAN AMERICAN ROUNDTABLE IN AUSTIN ON THEIR SPIRIT OF ONE FOR ALL AND ALL FOR ONE AND ENCOURAGE THEM IN THEIR EFFORTS TO BRING ABOUT UNDERSTANDING AND GOODWILL AMONG AMERICAN NATIONS. THEREFORE I, WILL WYNN, MAYOR OF AUSTIN, DO HEREBY PROCLAIM APRIL 7, 2008 AS PAN AMERICAN DAY IN AUSTIN AND ASK LYDIA -- MYDIA TO TELL US A FEW WORDS ABOUT HOW WE'RE GOING TO CELEBRATE IT HERE IN AUSTIN. CONGRATULATIONS, AND THANK YOU, LADIES.

THANK YOU VERY MUCH. [APPLAUSE]

THANK YOU VERY MUCH, MAYOR. WE REALLY APPRECIATE THIS. ON BEHALF OF THE PAN AMERICAN ROUNDTABLE I WANT TO ACCEPT THIS PROCLAMATION AND TO THANK YOU FOR THE HONOR GIVING US THIS DOCUMENT. WE ARE AN ORGANIZATION THAT WAS CREATED IN 1922, AS THE PROCLAMATION SAID. THIS YEAR WE ARE CELEBRATING OUR 85TH YEAR ANNIVERSARY, AND I WOULD MENTION PROMOTE KNOWLEDGE AND UNDERSTANDING AND FRIENDSHIP AMONG AMERICANS. AMERICAN PAN AMERICAN IS VERY SPECIAL FOR US, BECAUSE THIS IS THE DAY WE DRESS UP. LIKE LATIN AMERICANS, WE ALL WEAR OUR COSTUMES AND WE AWARD OUR SCHOLARSHIP, WHICH IS ONE OF OUR SPECIAL PROBLEMS. IT IS TO AWARD FUNDS TO WORTHY STUDENTS WHO ARE INTERESTED IN STUDYING IN LATIN AMERICA, OR ARE FROM LATIN AMERICA STUDYING IN THE UNITED STATES ABOUT LATIN AMERICA. ONE OF OUR SCHOLARSHIPS HAS BEEN AWARDED TO A WOMAN IN OUR COMMUNITY WHO HAS DECIDED TO GO BACK TO SCHOOL, BUT SHE DOESN'T HAVE ALL THE FUNDS TO BE ABLE TO MAKE THAT DREAM. WE ALSO SUPPORT COMMUNITY ORGANIZATIONS, AND OUR SCHOOL, THE ELEMENTARY SCHOOL, WE HELP THEM WITH THE PARENTS' READING PROGRAM, SO WE GIVE THEM BOOKS IN ENGLISH AND SPANISH, SO THEY WILL BE ABLE TO SPEND TIME WITH THE KIDS AND ENJOY THE BEAUTY OF LATIN AMERICAN LITERATURE AND THE KNOWLEDGE, AND WE BELIEVE THAT THROUGH KNOWLEDGE WE CAN BRING UNDERSTANDING AND THROUGH UNDERSTANDING WE CAN BRING FRIENDSHIP, AND REALLY WE BELIEVE THAT WE ARE ONE FOR ALL AND ALL FOR ONE. SO THANK YOU VERY MUCH.

MAYOR WYNN: YOU'RE VERY WELCOME. THANK YOU VERY MUCH. THANK YOU, LADIES. CONGRATULATIONS TOO.

MAYOR WYNN: OUR NEXT PROCLAMATION IS REGARDING OUR GETTING CONNECTED CONFERENCE DAY. WE HERE IN AUSTIN REALLY DO WORK HARD, SPEND A LITTLE BIT OF MONEY TRYING TO PROMOTE SMALL BUSINESSES THROUGHOUT OUR CITY. WE HAVE A

CITY SMALL BUSINESS DEVELOPMENT PROGRAM. I'LL READ THE PROCLAMATION AND ROSY JALIFI, OUR ASSISTANT DIRECTOR, WILL TALK ABOUT HOW WE TRY TO BE AS EFFECTIVE AS WE CAN HELPING SMALL BUSINESSES HERE IN THE CITY. THE PROCLAMATION READS: BUSINESS OWNERS WHO ARE STARTING OUT ARE LOOKING TO EXPAND THEIR BUSINESSES HAVE A GREAT OPPORTUNITY TO MEET, NETWORK AND LEARN FROM LOCAL ORGANIZATIONS THAT ASSIST BUSINESS OWNERS AT THE FREE GETTING-CONNECTED BUSINESS RESOURCE FAIR, AND WHEREAS EXHIBITORS AT THE FAIR INCLUDE NONPROFIT ORGANIZATIONS, GOVERNMENT AGENCIES, AREA CHAMBERS OF COMMERCE AND COMMUNITY DEVELOPMENT CORPORATIONS WHOSE MISSION IT IS TO HELP BUSINESS OWNERS SUCCEED, AND WHEREAS WE ENCOURAGE ALL SMALL BUSINESS OWNERS TO TAKE ADVANTAGE OF THIS OPPORTUNITY OFFERED BY THE CITY SMALL BUSINESS DEVELOPMENT PROGRAM. SO NOW THEREFORE I, WILL WYNN, MAYOR OF AUSTIN, DO HEREBY PROCLAIM APRIL 10, 2008 AS SBDP, OR OUR SMALL BUSINESS DEVELOPMENT PROGRAM, GETTING CONNECTED DAY IN AUSTIN, AND ASK MS. MS. ROSY JALIFI TO COME TELL US ABOUT THE PROGRAM. ROSIE?

THANK YOU, MAYOR. THANK YOU. I'D LIKE TO INVITE OUR VIEWING AUDIENCE TO COME. THIS IS ONE OF OUR NEW PUBLIC-WIDE INITIATIVES EVENTS. IT'S GOING TO BE ON APRIL THE 10TH AT PALMER EVENTS CENTER. WE'LL HAVE 36 EXHIBITORS. THAT'S A PROCLAMATION WHERE WE'D HAVE AREA CHAMBERS, NONPROFIT ORGANIZATIONS, SBA WILL BE THERE, STATE PROGRAMS WILL BE THERE AS WELL AS AUSTIN CITY GOVERNMENT PROGRAMS, ALL UNDER ONE ROOF, SO BUSINESS OWNERS AND POTENTIAL BUSINESS OWNERS CAN GET CONNECTED WITH THOSE ORGANIZATIONS THAT START THEIR BUSINESS OR HELP THEM EVEN EXPAND THEIR BUSINESS. IT STARTS AT 4:00, AND IT'S FREE. THERE IS A \$7 PARKING FEE AT PALMER'S GARAGE, AND WE ALSO WILL BE HAVE TWO WORKSHOPS THAT NIGHT. ONE IS GOING TO BE ON POWER NETWORKING AND THE OTHER IS HOW TO START A BUSINESS, AND THEY'LL BE OFFERED THREE TIMES. IF YOU WANT MORE INFORMATION CALL 974-7800. 974-7800, AND WE HOPE TO SEE EVERYONE THERE. THANK YOU VERY MUCH.

THANK YOU, ROSIE. [APPLAUSE] SINCLAIR

MAYOR WYNN: FOR MY LAST PROCLAMATION BEFORE I TURN THE PODIUM OVER TO COUNCIL MEMBERS COLE AND THEN MARTINEZ, AS REGARDING THE PROCLAMATION OF SINCLAIR BLACK DAY. IF YOU HAPPEN TO PICK UP A CHRONICLE TODAY, THERE WAS A GREAT AND LENGTHY PROFILE OF SINCLAIR. I HAVEN'T HAD A CHANCE TO READ IT YET. I'M SURE I'LL LEARN EVEN MORE READING IT. NEXT WEDNESDAY THE CONGRESS FOR THE NEW URBANISM WILL BE CREATING THEIR VERY PRESTIGIOUS ATHENA AWARD FOR SINCLAIR FOR LIFELONG WORK FOR WHAT WE CALL NEW ORBITTISM. MY EXPERIENCE WITH SINCLAIR GOES BACK TO THE WEEK I MOVED TO AUSTIN, BACK IN 1981. I WAS A YOUNG INTERN ARCHITECT, AND WAS WORKING AT THE CORNER OF 8TH AND CONGRESS IN DOWNTOWN, AND AS MUCH AS WE'RE DOING DOWNTOWN RIGHT NOW, AS MUCH AS WE'RE TALKING ABOUT IT, WE EXPANDED OUR DOWNTOWN PLAN JUST A FEW MINUTES AGO, THERE WAS A

LOT OF WORK, A LOT OF EFFORT, A LOT OF GOOD DEBATE ABOUT DOWNTOWN BACK IN 1981, IN LARGE PART DUE TO THIS MAN. IT WAS DURING THAT ERA, FEW YEARS, THAT WE HAD THE BIG BROAD, TOUGH DEBATE ABOUT CAPITAL VIEW CORRIDORS, FOR INSTANCE, BUT IT WAS THE COVER STORY, A SKETCH ON THE FRONT OF THE TEXAS ARCHITECT MAGAZINE, THE FIRST TEXAS ARCHITECT MAGAZINE I EVER PICKED UP THAT YEAR, WAS A SKETCH THAT SINCLAIR DID ABOUT THE FUTURE OF DOWNTOWN. STARTED CHALLENGING AND FEEDING APPROPRIATELY THAT BIG DEBATE ABOUT HOW WE SHOULD THINK ABOUT, YOU KNOW, OUR URBAN FABRIC AND HOW WE SHOULD PERHAPS TRY TO STOP WHAT HAD BEEN THIS COUPLE DECADE-LONG, YOU KNOW, PROCESS ESSENTIALLY OF SUBURBAN SPRAWL, WHEREBY THE CITY WAS SORT OF EXCRETING IN THIS NOT VERY WELL PLANNED WAY. SO LITERALLY FROM THE FIRST WEEK I MOVED TO AUSTIN WANTING TO BE AN ARCHITECT, SINCLAIR BLACK HAS HAD INFLUENCE ON ME PERSONALLY, BUT FAR MORE IMPORTANTLY, I HAVE SEEN HIS INFLUENCE ON SORT OF THE BODY POLITIC AND THE DESIGN COMMUNITY HERE IN THIS TOWN. IT'S VERY APPROPRIATE THAT CONGRESS MAN -- A VERY BIG DEAL COMING TO TOWN NEXT WEEK, WILL BE PRESENTING ITS HIGHEST AWARD TO SINCLAIR. SO I'M GOING TO READ THE PROCLAMATION AND THEN ASK SINCLAIR TO SAY A FEW WORDS FOR US. PROCLAMATION READS: SINCLAIR BLACK IS AN AUSTIN ARCHITECT, PROFESSOR AND DEVELOPER WHO HAS BEEN ACTIVE IN PRESERVING OUR NATURAL AND MAN-MADE ENVIRONMENT THROUGHOUT HIS CAREER, AND WHEREAS SINCLAIR BLACK ADVOCATED THE REVITALIZATION OF DOWNTOWN WHEN SPRAWL AND URBAN RENEWAL WERE THE RAGE, AND HELPED TO ESTABLISH THE CONSERVANCY GROUP TO ACQUIRE LAND FOR THE WILD BASIN PARK, AND WHEREAS THE CONGRESS FOR THE NEW URBANISM WILL AWARD SINCLAIR BLACK ITS A THEENA AWARD IN RECOGNITION OF HIS PIONEERING WORK THAT LAID THE GROUNDWORK FOR NEW URBANISM. BY THE WAY, I THINK ATHENA WAS THE GODDESS AND PROTECTOR OF CITIES. MY DAUGHTER WILL CORRECT ME ON THAT. NOW, THEREFORE, I WILL WYNN, MAYOR OF THE CITY OF AUSTIN TEXAS AM PLEASED TO ACKNOWLEDGE SINCLAIR BLACK'S INSPIRING LEADERSHIP AND TO PROCLAIM NEXT WEDNESDAY WHEN HE RECEIVES THE AWARD, APRIL 3, 2008 AS SINCLAIR BLACK DAY IN AUSTIN AND CALL ON ALL CITIZENS TO JOIN ME CONGRATULATING THIS FINE OUTSTANDING CITIZEN. [APPLAUSE]

THANK YOU, MAYOR. I THINK YOU WERE WORKING AT THE CORNER OF CONGRESS AND 4TH, REALLY.

MAYOR WYNN: THEY HAD JUST MOVED FROM 3RD --

OH, YEAH, UP THE HILL. THAT'S RIGHT. OKAY. WELL, THANK YOU FOR THAT. THANK YOU VERY MUCH, AND THANK YOU FOR THE DAY. I WOULD LIKE TO ENCOURAGE ALL OF YOU TO PARTICIPATE IF YOU CAN IN THIS UPCOMING CONGRESS, IT'S CALLED, AND IT WILL OPEN ON WEDNESDAY AFTERNOON AT 5:30 WITH A SESSION THAT'S OPEN TO THE PUBLIC AT THE CONVENTION CENTER, AND THERE SHOULD BE A LOT OF INTERESTING CEREMONIES THERE, INCLUDING MINE, I HOPE, AND THEN FOLLOWING THAT IS ABOUT FOUR AND A HALF OR FIVE DAYS OF VERY INTENSE DISCUSSION. THIS IS A GROUP LIKE NOBODY HAS EVER

SEEN BEFORE. I'VE BEEN A MEMBER OF A LOT OF GROUPS BUT I'VE NEVER SEEN ONE LIKE THIS. IT'S ALL ABOUT IDEAS. IT'S ONLY ABOUT IDEAS. I GUESS THEY HAVE A LITTLE FUN, BUT MAN, THERE'S A LOT OF DISCUSSION. AND IT'S WHERE RIGHT NOW ALL THE IDEAS ARE COMING FROM THIS GROUP, AND THEY'RE GOING TO BE HERE FOR FOUR, FIVE DAYS, AND IT MAY NOT END UNTIL SUNDAY AFTERNOON. SO PAY ATTENTION. IT SHOULD GET COVERAGE IN THE NEWSPAPERS, AND HOPEFULLY IT WILL GET CONTINUING COVERAGE, BUT THE IMPACT THEY HAVE ON THE CITIES THEY VISIT IS IMMEDIATE AND LONG-TERM. ANYWAY, I'M VERY PLEASED TO BE A MEMBER OF THAT GROUP AND TO BE HONORED BY THEM AND BY YOUR MAYOR AND THE CITY. THANK YOU VERY MUCH.

MAYOR WYNN: YOU'RE MORE THAN WELCOME. [APPLAUSE] HERE, TAKE YOUR DAY. THAT'S RIGHT.

MAYOR WYNN: WITH THAT I'LL TURN THE PODIUM OVER TO COUNCIL MEMBER COLE.

COLE: AT A TIME WHEN OUR NATION HAS BEEN FOCUSING ON RACE RELATIONS AND WHAT IT MEANS AT A NATIONAL LEVEL, AT A STATE LEVEL AND EVEN ON A LOCAL LEVEL, WE CANNOT DO ENOUGH TO RECOGNIZE THE ACCOMPLISHMENTS OF LOCAL INDIVIDUALS IN THEIR CONTINUED STRUGGLE FOR CIVIL RIGHTS, AND MR. CLASY EVANS IS ONE SUCH INDIVIDUAL, AND IN HIS CIVIL RIGHTS STRIG HE WILL AND THE STRUGGLE WE GO TO CELEBRATE AND COMMEMORATE DR. MARTIN LUTHER KING, HE HAS ORGANIZED ANOTHER EVENT IN MARCH, AND I DECIDED THAT WE NEEDED TO RECOGNIZE THAT WITH A PROCLAMATION, AND SO I WILL READ THE PROCLAMATION. BE IT KNOWN WHEREAS DR. MARTIN LUTHER KING JR. WAS KILLED IN MEMPHIS, TENNESSEE ON APRIL 4 WHILE LEADING A PROTEST FOR THE RIGHTS AND DIG ANY TIS OF THAT CITY'S SANITATION WORKERS, AND WHEREAS LOCAL COMMUNITY ORGANIZATIONS AND INDIVIDUALS ARE JOINING TOGETHER TO COMMEMORATE THIS HISTORIC 40TH ANNIVERSARY OF THE ASSASSINATION OF DR. KING AND WHEREAS THE CITY OF AUSTIN IS COMMITTED TO IMPROVING THE QUALITY OF LIFE FOR ALL RESIDENTS AND ENCOURAGES OTHER GOVERNMENTAL ENTITIES, BUSINESSES AND CORPORATIONS TO CONTINUE IN DR. KING'S FOOTSTEPS WHILE FIGHTING FOR INJUSTICE, WORKING TOWARD CULTURAL PARITY AND ADDRESSING ECONOMIC DESPAIR TIS. NOW THEREFORE, WILL WYNN, THE MAYOR OF THE CITY OF AUSTIN, DO PROCLAIM APRIL 1 THROUGH 7 AS MARTIN LUTHER KING JR. COMEM COMMEMORATION WEEK IN CONJUNCTION WITH THE CITY OF AUSTIN CITY COUNCIL. [APPLAUSE]

THANK YOU, COUNCIL MEMBER. THANK YOU ALL THE COUNCIL MEMBERS, AND YOU, MAYOR, FOR THIS PROCLAMATION. ON APRIL THE 4TH, 1968 AT 6:01 P.M. DR. MARTIN LUTHER KING WAS SAVAGELY ASSASSINATED. HE GAVE HIS LIFE FIGHTING FOR THE RIGHTS OF THE MOST DISENFRANCHISED AND DOWNTRODDEN AND IN AUSTIN WE HAVE DECIDED TO COMMEMORATE THAT ANNIVERSARY FOR THE SECOND TIME THIS YEAR ON APRIL THE 4TH, 2008, TO COMMEMORATE THE MEMORY OF DR. KING AND THE GREAT SACRIFICE HE MADE AND TO RECOMMIT OURSELVES TO THAT STRUGGLE THAT STILL HAS NOT BEEN WON, TO CREATE A SYSTEM WHERE ALL OF US ARE JUDGED BY THE CONTENT OF OUR CHARACTER

AND NOT THE COLOR OF OUR SKIN. WE ARE GOING TO RECOMMIT ON APRIL THE 4TH AND WE INVITE EVERYBODY TO COME OUT AND JOIN US. WE'RE GOING TO ASSEMBLE HERE AT CITY HALL AT 12:00 NOON OUT HERE ON THE PLAZA. WE'LL HAVE SPEAKERS AND A PROGRAM. THEN WE'LL MARCH TO THE STATE CAPITAL FOR ANOTHER MARCH THERE, AND WE'RE TRYING TO MAKE IT A FULL DAY OF COMMEMORATION AND COMMITMENT TO MAKING SURE THAT IN 2008, IN AUSTIN, TEXAS, ALL OF US ARE TREATED WITH JUSTICE AND RESPECT. I THANK YOU ALL. [APPLAUSE]

AND KEEPING RIGHT IN THE SPIRIT OF THAT WONDERFUL PROCLAMATION, WE ALSO HAVE ANOTHER AMERICAN LEGEND, AN AMERICAN HERO THAT EVERY YEAR WE HONOR, AND THE GROUP PODER HAS PUT THIS EVENT ON EVERY YEAR, AND SO WE ALSO WANT TO RECOGNIZE THEIR EFFORTS, BUT WE ALSO WANT TO RECOGNIZE CESAR CHAVEZ. CESAR CHAVEZ, HE WAS BORN ON MARCH 31, 1927 IN YUMA, ARIZONA, AND MOST OF US ALREADY KNOW HIS CAREER AND HIS STRUGGLES. HE FOUGHT VALIANTLY FOR THE RIGHTS OF FARM WORKERS, AND HE FOUGHT FOR EQUAL JUSTICE AND PROTECTION FOR ALL. HE CREATED THE FIRST PIECE OF LEGISLATION IN CALIFORNIA, AND, IN FACT, IT'S THE ONLY PIECE OF LEGISLATION IN CALIFORNIA THAT STILL EXISTS TODAY TO PROTECT FARM WORKERS' RIGHTS, TO KEEP THEM WORKING IN HUMANE WORKING CONDITIONS, TO KEEP THEM FREE FROM BEING EXPOSED TO PESTICIDES, TO KEEP THEM EARNING DECENT WAGES AND BENEFITS. CESAR CHAVEZ WAS AN AMERICAN HERO, AND IN LIGHT OF THE THINGS THAT WE STILL FACE TODAY AND, IN FACT, MANY OF YOU PROBABLY READ IN THE LAST WEEK OR SO OF SOME OF THE FOLKS THAT ARE LEADERS IN OUR OWN COMMUNITY WHO STILL HAVEN'T ACCEPTED THE RESPONSIBILITY OF TREATING EVERYONE WITH DIGNITY AND RESPECT. WE ARE HERE TODAY TO CONTINUE TO BEAR WITNESS TO THE WORK OF MUCH CESAR CHAVEZ AND TO CONTINUE HIS WORK MOVING FORWARD SO THAT ALL CAN LIVE IN A CITY AND IN A COUNTRY THAT'S FREE OF PREJUDICE, HATRED AND HARM, AND SO I HAVE A PROCLAMATION THAT I WANT TO READ AND PRESENT TO SUZANNA ALMANZA AND PODER AND IT READS WHEREAS CESAR CHAVEZ WAS A MEXICAN AMERICAN FARM WORKER WHO BECAME A GREAT FORCE TO SOCIAL JUSTICE -- FOR SOCIAL CHANGE AND JUSTICE THROUGH NON-VIOLENCE AS A UNION LEADER, CIVIL RIGHTS LEADER, ENVIRONMENTALIST AND HUMANITARIAN AND WHEREAS COUNTLESS AMERICANS THROUGHOUT AMERICA WILL HONOR THE LIFE WORK AND VALUES OF CESAR CHAVEZ BY SERVING THEIR COMMUNITIES, MAKING CESAR CHAVEZ DAY A DAY ON AND NOT A DAY OFF, AND WHEREAS WE RECOGNIZE PEOPLE ORGANIZED IN DEFENSE OF EARTH AND OUR RESOURCES, PODER, FOR CONTRIBUTIONS TOWARDS HONORING CESAR CHAVEZ AND HIS WORK ON HIS BIRTHDAY. THEREFORE I, WILL WYNN, MAYOR OF AUSTIN, TEXAS, DO HER BYPRODUCT CLAIM MARCH 31, 2008 AS CESAR CHAVEZ DAY IN AUSTIN, TEXAS. AND I WANT TO RECOGNIZE THOSE THAT HAVE JOINED US HERE, ERICA, IS A CODIRECTOR FOR THAT, ALONG WITH SUZANNE ALMANZA, DR. HER RARE A. WHO ARE LONG TIME MEMBERS AND CONTINUED MEMBERS IN PODER AS WELL AS COMMUNITY ACTIVISTS. THE WORK WE DO AND DECISIONS WE MAKE AS A COUNCIL COULD NOT BE DONE WITHOUT YOUR WORK IN TERMS OF HELPING US MAKE THE BEST DECISION POSSIBLE WHEN WE FACE VERY DIFFICULT SITUATIONS IN TERMS OF

EQUAL JUSTICE FOR ALL. AND I APPRECIATE YOUR WORK AND YOUR EFFORTS.

THANK YOU, MIKE MARTINEZ AND CITY COUNCIL MEMBERS AND MAYOR, AND I WANT TO STATE THAT RIGHT NOW THERE ARE PEOPLE THROUGHOUT THE UNITED STATES THAT ARE WORKING TO MAKE CESAR CHAVEZ A FEDERAL HOLIDAY, AND SO WE ARE GOING TO BE HAVING PETITIONS FOR PEOPLE TO SIGN AT THE MARCH THIS SATURDAY, AND ALSO AS WE CELEBRATE THE SECOND ANNUAL CESAR CHAVEZ DAY AT THE SENIOR ACTIVITY CENTER ON MARCH THE 31ST, AND IT IS THE DAY WE'RE HONORING A MAN WHO MADE SO MANY SACRIFICES TO BRING FAIR WAGES, LIVING CONDITIONS, ENVIRONMENTAL JUSTICE ISSUES, WORKING WITH GETTING CHILDREN THEIR EDUCATION. THE LIST GOES ON AND ON, A VERY HUMBLE AND SIMPLE MAN WHO WORKED FOR JUSTICE, AND I WANT TO LET THE CODIRECTOR, ERICA GONZALES, SAY A FEW WORDS. I RECOGNIZE OUR CHAIR OF THE BOARD, JAMIE ANGEL AND DR. HERRERA IS THE HEALTH COORDINATOR.

I'D LIKE TO THANK AND ALSO ON BEHALF OF PODER, THIS RECOGNITION FOR CESAR CHAVEZ, TO HONOR HIS LEGACY AND WHAT HE STOOD FOR, AND THANK YOU, MIKE MARTINEZ, FOR DOING THAT, AND THE REST OF THE COUNCIL MEMBERS AND THE MAYOR. WE ARE HAVING A MARCH THIS SATURDAY, MARCH THE 29TH. WE'RE GOING TO ASSEMBLE HERE AT CITY HALL, AND WE'LL BE MARCHING DOWN TO CEVALLA ELEMENTARY SCHOOL. IT'S 310 ROBERT MARTINEZ. WE WILL BE HAVING SPEAKERS, POETRY, BALLET FOLK LORICO AND MUSIC, AND WE'D LIKE THE COMMUNITY TO JOIN US. YES, IT IS POSSIBLE IN AUSTIN TO MAKE BETTER COMMUNITIES AND A BETTER WORLD. AND I'D LIKE TO ALSO SAY THAT IN SPANISH FOR THE SPANISH SPEAKERS,. [IN SPANISH] GRACIAS. [APPLAUSE] DIG KNITS PODER PO DARE OPPOSE DARE VANGUARD

THERE BEING A QUORUM PRESENT AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, APPROXIMATELY 6:27 P.M. I APOLOGIZE, WE'VE BEEN IN RECESS NOW FOR ALMOST AN HOUR, AND IF YOU REMEMBER WE HAD HAD OUR STAFF INTRODUCTION OF PUBLIC HEARING ITEM NO. 57, AND PERHAPS ADDITIONAL COMMENTS OR QUESTIONS OF STAFF BEFORE WE THEN HEAR FROM THE APPLICANT AND OR AGENT. QUESTIONS OF MR. GUERNSEY? SO GREG, ARE WE READY?

I GUESS SO. AGAIN, THIS IS ITEM NO. 57, CASE C14-2007-0255 FOR THE PROPERTY LOCATED AT 10614 MACMORA ROAD, AND HOLLY ARMSTRONG IS THE APPLICANT AND AGENT FOR THIS PROPERTY. PERHAPS SHE CAN COME FORWARD AND MAKE HER PRESENTATION AT THIS TIME.

MAYOR WYNN: YES. SO MS. ARMSTRONG, WELCOME. YOU'LL HAVE FIVE MINUTES TO GIVE YOUR PRESENTATION. THEN WE HEAR FROM FOLKS IN SUPPORT OF THE ZONING CASE. THEY GET 3 MINUTES A POP AND THEN WE HEAR FROM FOLKS IN OPPOSITION AND THEN YOU HAVE A ONE-TIME THREE-MINUTE REBUTTAL. WELCOME.

HI. MY NAME IS HOLLY ARMSTRONG. I AM A REALTOR. I BUY, SELL, REMODEL HOMES FOR A

LIVING, IS WHAT I DO. I HAVE SOME VERY DEAR FRIENDS WHO APPROACHED ME ABOUT -- VERY CONCERNED ABOUT GETTING CLOSE TO RETIREMENT, NOT BEING ABLE TO BE CLOSE TO MEDICAL FACILITIES OR BEING ON A FIXED INCOME, AND SO THAT'S HOW THIS PROJECT BEGAN. THIS IS THE BIGGEST THING I'VE EVER BEEN INVOLVED IN, AND I UNFORTUNATELY HAVE CAUSED YOU GUYS SOME GRIEF BECAUSE I DIDN'T HAVE MORE EXPERIENCE AND HAVE LEARNED A LOT OF THINGS ALONG THE WAY. SOON AFTER TRYING TO MOVE FORWARD WITH THIS I ENCOUNTERED -- MY NEIGHBOR AND I GOT A CONDEMNATION LETTER FROM THE CITY OF AUSTIN WHERE WE WERE UNDER UNDER CONSIDERATION FOR A ELEMENTARY SCHOOL. I THINK WE STILL ARE. HE TOLD ME HE THOUGHT IT HAD BEEN DECIDED BUT I HAVEN'T HEARD THAT. A COUPLE THINGS LIKE THAT HAS COMPLICATED IT, BUT I HAVE A -- WHAT I CALL AN AUNT. THAT IS REALLY WHERE THIS ALL STARTED, AND SHE WAS VERY CONCERNED, AGAIN, ABOUT REASONABLE HOUSING, AND SO WHEN I -- WE LOOKED AROUND FOR A PLACE TO SEE WHAT WE COULD DO, THIS AREA POPPED UP. WHAT I DID WAS THE AREA IN YELLOW IS SF-6 OR HIGHER. THE BLUE AREAS ARE SF-2, AND THEN THE WHITE AREAS ARE SF-1. WHAT OUR GOAL WAS, IS TO TRY TO CREATE A COMMUNITY, NOT ALIENATE, IN FACT, ACTUALLY THROUGH THIS PROCESS I'VE GOTTEN TO KNOW MY NEIGHBORS. SO THAT'S BEEN VERY POSITIVE, SOME VERY WONDERFUL PEOPLE, THAT I'VE HAD THE OPPORTUNITY TO GET TO MEET THROUGH THIS. THE GOAL WAS TO TRY TO COME UP WITH A PLAN TO CREATE, IN MIST LIE LEA'S LILA'S CASE SHE WILL NOT HAVE THE OPPORTUNITY TO PURCHASE A HOME AND WAS VERY CONCERNED ABOUT THAT, AND SO WE WERE LOOKING AT WAYS TO BE ABLE TO PROVIDE SOME HOUSING. AND THE REASON IT WAS NAMED HOLLY'S RETIREMENT WAS BECAUSE WHEN I STARTED GOING THROUGH THE PROCESS TO GET SOMEONE TO REPRESENT YOU, SEEMS VERY EXPENSIVE. SO I OPTED TO DO IT MYSELF, AND I HAD LIKE 30 SECONDS TO COME UP WITH A NAME, AND I CHOSE HOLLY'S HOLLY'S RETIREMENT BECAUSE I WOULD LIKE TO MAKE IT A PLACE WHERE I RETIRE, WHERE I COME BACK AND LIVE THERE TOO. SO THAT'S HOW IT GOT ITS NAME. MY MISTAKE IS NOT GOING TO THE NEIGHBORHOOD ASSOCIATION AND TALKING TO THEM. I DIDN'T HAVE A FORMAL PLAN FOR WHAT WE WANTED TO DO, AND WHEN WE FIRST STARTED THINKING ABOUT IT, WAS SEEING -- WE KNEW WE HAD THE SF-1 ZONING, WHICH IS 10 OR 11 UNITS, BUT WE WANTED TO TRY TO PRESERVE AS MUCH GREEN SPACE AS POSSIBLE. AND THEREFORE WHEN THE CASEWORKER APPROACHED ME WITH -- I BELIEVE IT WAS 12 TO 15 UNITS FOR THE WHOLE THING, THAT WAS PERFECT. WE HAVEN'T -- DUE TO THE THINGS THAT WERE HAPPENING WITH THE PROPERTY, I HAVEN'T SPENT A LOT MORE MONEY OTHER THAN MAINTAINING IT, WHICH MY NEIGHBORS HAVE BEEN VERY NICE ABOUT. HIS PLACE IS IMMACULATE, AND TWO AND A HALF ACRES I HAVE DISCOVERED IS DIFFICULT. BUT HE'S BEEN VERY GRACIOUS ABOUT HANGING IN THERE WITH ME WHILE I KEEP IT UP. AND WE -- OUR GOAL IS TO KEEP AS MUCH GREEN SPACE AS POSSIBLE, AND ACTUALLY WHAT THE COUNCIL RECOMMENDED WAS EXCELLENT, AND WE WANT TO TRY TO IDEALLY HAVE A PLACE FOR FOLKS TO BE CLOSE TO MEDICAL AND SHOPPING, AND REALLY, MS. LILA HAS THE ANSWERS AND IT REALLY ALL STARTED FROM HER SO IF IT'S OKAY WITH YOU GUYS I'D JUST AS SOON HAND IT OVER TO HER.

MAYOR WYNN: WITHOUT OBJECTION, YES, THANK YOU. LIE LA

MAYOR WYNN: NOW AGAIN WE'LL HEAR IN FROM FOLKS IN SUPPORT OF THE APPLICATION. PLEASE STATE YOUR NAME FOR THE RECORD.

MY NAME IS LILA CHAMBERS, AND I GUESS YOU HAVE TO BE CAREFUL WHAT YOU SAY BECAUSE IT JUST MIGHT COME BACK TO HAUNT YOU. WE HAD BEEN DISCUSSING -- SHE'S A VERY GOOD FRIEND OF MINE. I'VE KNOWN HOLLY FOR MANY YEARS, AND I WAS STATING THE FACT THAT HAVING -- CONTINUED TO WORK AS AN LVN, I'M NOT GOING TO BE ABLE TO BUY LARGE HOUSES, AND I AM CONSIDERING, BECAUSE THE NEXT THREE YEARS I WILL BE RETIRING, AND I WOULD LIKE TO BE ABLE TO STAY IN AUSTIN IN THE SENSE THAT HOUSING IS BECOMING MORE AND MORE EXPENSIVE. WHAT SHE PROPOSED WAS A COMMUNITY FOR PEOPLE MORE MY AGE, YOU KNOW, ON A FIXED INCOME, AND THE WAY SHE PRESENTED IT, AS SHE HAS SAID HERE, WOULD BE VERY WONDERFUL. I MEAN, I WOULD LOVE TO HAVE A GARDEN, YOU KNOW, WOULD LOVE TO BE ABLE TO BE AS SELF-SUFFICIENT AS I CAN BE, AS LONG AS I CAN BE. AND I WOULD JUST SIMPLY HOPE THAT MAYBE YOU WOULD ENTERTAIN THE IDEA OF SEEING THAT THIS COULD BE SOMETHING GOOD, NOT JUST FOR ME BUT FOR OTHER PEOPLE MY AGE AND FOR THE COMMUNITY. IT'S A WONDERFUL COMMUNITY. I WOULD LOVE TO BE A PART OF THAT COMMUNITY, AND I HAVE LIVED AT MACMORA FOR ABOUT SIX OR EIGHT MONTHS AND WELL KNOW THE AREA. SO I DO HOPE THAT YOU WILL VERY MUCH LOOK AT THE FACTS ABOUT THIS PROPOSAL AND MAYBE BE ABLE TO CHANGE THE ZONING. THANK YOU.

MAYOR WYNN: THANK YOU. LET'S SEE, OUR NEXT SPEAKER, IF I CAN FIND MY LIST AGAIN, WELCOME TO COME FORWARD, THANK YOU.

MR. MAYOR AND COUNCIL MEMBERS, MY NAME IS SUSAN TRAINER, AND I DO HOPE THAT YOU WILL SUPPORT THIS ZONING CHANGE. I AM INTERESTED IN INVESTING WITH HOLLY. I AM A NURSE, BEEN A NURSE FOR OVER 30 YEARS. I DO CARE ABOUT THE COMMUNITY. I CARE ABOUT WHERE I'M GOING TO RETIRE AND WHERE OTHER PEOPLE CAN RETIRE ON A FIXED INCOME. HOLLY AND I SHARE THE SAME KIND OF VALUES. WE VALUE OUR ENVIRONMENT. WE WANT TO HAVE A COMMUNITY WHERE THERE'S ORGANIC GARDENS, BUTTERFLY GARDENS AND PLACES FOR PEOPLE TO BE ABLE TO WALK AROUND AND ENJOY THEIR ENVIRONMENT, ENJOY THE OUTSIDE AND HAVE A VERY BEAUTIFUL PLACE. ALL OF HOLLY'S PLACES THAT SHE CURRENTLY OWNS ARE BEAUTIFUL, AND IF ANY OF THE NEIGHBORS HAVE GONE BY AND SEEN THEM, THEY WOULD LOVE TO HAVE THOSE KIND OF HOUSES IN THEIR COMMUNITY. AND I JUST -- YOU KNOW -- I KNOW YOU HAVE A LOT OF PEOPLE TO HEAR TODAY, BUT I DO WANT -- I REALLY DO HOPE YOU CONSIDER THIS. THIS IS SOMETHING THAT WILL BENEFIT THE COMMUNITY AND BENEFIT MANY PEOPLE. THANK YOU.

MAYOR WYNN: THANK YOU. AND LET'S SEE, I BELIEVE THAT CONCLUDES ALL THE FOLKS WHO ARE HERE TO SPEAK IN FAVOR OF THE ZONING CASE. IF NOT, THEN PLEASE COME



FORWARD AND STATE YOUR NAME FOR THE RECORD. THANK YOU.

GOOD EVENING, LADIES AND GENTLEMEN. MY NAME IS JOSHUA TALENT. I'M A RESIDENT IN NACA. THERE ARE A LOT OF --

EXCUSE ME, ARE YOU IN FAVOR OF --

NO, SIR, I'M NOT IN FAVOR.

I WAS ASKING IF THERE'S ANYBODY HERE THAT -- BECAUSE WE DO KEEP THIS SEQUENTIAL. ANYBODY ELSE HERE WOULD LIKE TO OF TESTIFY IN FAVOR OF THE ZONING CASE? IF NOT WE WILL GO TO FOLKS IN OPPOSITION. YOU WEREN'T SIGNED UP TO BE THE SPEAKER, JOSHUA BUT LOOKS LIKE FOLKS WERE GOING TO OFFER YOU TIME. GO AHEAD AND STEP BACK TO THE MIC. AND LET'S SEE, IS MARY MILEAM HERE? HELLO, MARY. I'M ASKING BECAUSE YOUR RULES ARE YOU NEED TO BE PRESENT IN THE CHAMBERS IN ORDER TO DONATE YOUR TIME. SO WELCOME. ROBERT BAKER? HELLO, ROBERT. GOOD TO SEE YOU, MR. BAKER. AND LLOYD LEGSDORVE. SO JOSHUA, YOU'LL HAVE UP TO 12 MINUTES IF YOU NEED IT AND YOU'LL BE FOLLOWED BY LINDA MOORE. WELCOME.

I'LL START AGAIN. I'M JOSHUA TALENT. I'M A RESIDENT IN NACA. SEE IF I CAN GET THIS PRESENTATION HERE TO WORK. THE IMAGE ON THE SCREEN IS A PICTURE THAT I TOOK FROM THE BACK PORCH OF MY HOUSE, THE HOUSE MY FAMILY AND I LIVED IN FOR TWO YEARS ON GOLDEN QUAIL DRIVE, JUST AROUND THE CORNER FROM THE PROPERTY IN QUESTION. THAT RICH COUNTRY VIEW AND OTHERS LIKE IT IS EXACTLY WHAT THE NORTH AUSTIN CIVIC ASSOCIATION AND ITS RESIDENTS ARE ASKING THAT YOU PROTECT THIS AFTERNOON. MRS. ARMSTRONG OWNS A BEAUTIFUL PIECE OF LAND ON MACMORA ROAD, ONE WITH A NICE RANCH STYLE HOME, A BARN, LARGE FIELDS AND BIG TREES. LOTS LIKE HERS ARE FEW AND FAR BETWEEN, ESPECIALLY IN THE GROWING NORTH AUSTIN AREA AND EVEN MORE SO IN A COMMUNITY AS CLOSE ANYTIME ANDKNIT AND STABLE AS NACA. SOME OF THE NEIGHBORHOOD PROPERTIES ARE SECOND GENERATION OWNERS OF THE LAND AND HAVE LIVED THERE BEFORE THE CITY OF AUSTIN ANNEXED THE NACA AREA IN THE '60S AND '70S. BEFORE ANNEXATION THIS ENTIRE AREA WAS A FARMING COMMUNITY MADE UP OF FAMILIES LIKE THE GRACYS, THE CRAIMERS AND THE NEEMS, WHOSE NAMES NOW ONLY GRACE STREET SIGNS. THE STRETCH OF MACMORA ROAD BETWEEN TOPPERWEIN DRIVE AND GOLDEN QUAIL DRIVE IS THE LAST REMNANT OF THESE LONG FORGOTTEN FARMS. THAT'S WHY THE NORTH AUSTIN CIVIC ASSOCIATION PLACED THE AREA'S PROTECTION AS A PLANNING PRINCIPLE IN THE NEIGHBORHOOD PLAN THAT WE PASSED IN THE YEAR 2000. THAT PRINCIPLE STATES THAT WE WILL PROTECT THE UNIQUE CHARACTER OF RESIDENCES ON MACMORA ROAD WHICH INCLUDES LARGE LOTS AND SOME LIVESTOCK. ON PAGE 2 OF THE ZONING CHANGE REVIEW SHEET REGARDING THIS CASE THE CITY STAFF'S RECOMMENDATION STATES THE NORTH AUSTIN CIVIC ASSOCIATION NEIGHBORHOOD PLAN NEIGHBORHOOD FUTURE USE MAP CALLS FOR SINGLE-FAMILY RESIDENCES AT THIS LOCATION. THE PLAN DOES NOT DESIGNATE THE

INTENSITY OF SINGLE-FAMILY USES. THIS IS OBVIOUSLY INCORRECT ABOUT THIS PROPERTY. IN ADDITION TO THE PLANNING PRINCIPLES, FEELING OUT RESIDENTS ALONG MACMORA ROAD, OUR NEIGHBORHOOD PLAN USE AND ZONING GOALS SPECIFICALLY STATE THAT IS THE -- THAT IT IS THE NEIGHBORHOOD'S OBJECTIVE TO PROTECT THE RESIDENTIAL AREAS OF THE NEIGHBORHOOD AND TO DIRECT GROWTH ALONG LAMAR BOULEVARD. WE HAVE ALREADY DONE THAT BY OPTING INTO VERTICAL MIXED USE DEVELOPMENT ALONG LAMAR BOULEVARD AND BY SUPPORTING OTHER DEVELOPMENTS ALONG THE MAIN CORRIDOR SURROUNDING OUR NEIGHBORHOOD. SO MRS. ARMSTRONG'S PLAN TO DEVELOP THE AREA, RUNS IN CONTRADICTION TO THE LIVING PRINCIPLES AND STATED GOALS OF OUR NEIGHBORHOOD PLAN. IN ADDITION TO THIS CONTRADICTION, MRS. ARMSTRONG HAS BEEN DEMONSTRATED A LACK OF WILLINGNESS TO DEVELOP A RELATIONSHIP WITH OUR COMMUNITY OR TO ENGAGE WITH THE RESIDENTS OF THE COMMUNITY REGARDING HER PLANS. NOT ONLY DID SHE NEGLECT TO ACQUAINT HERSELF WITH THE NEIGHBORHOOD PLAN OR AT LEAST AT LEAST MAKE CONTACT WITH NACA PRIOR TO FILING HER ZONING REQUEST, AT WHICH TIME SHE WAS ALSO RESIDING ON THIS PROPERTY, SHE HAS NEVER ATTENDED OUR MONTHLY MEETINGS OR BOARD MEETINGS OR SHOWN AN INTEREST IN THE CONCERNS OF THE NEIGHBORHOOD AT LARGE. MRS. ARMSTRONG IS A REAL ESTATE AGENT, AS SHE MENTIONED JUST A FEW MOMENTS AGO, AND AND AN INVESTOR, WITH AN OFFICE ON METRIC BOULEVARD. ACCORDING TO TRAVIS COUNTY TAX RECORDS SHE CURRENTLY OWNS FIVE OTHER PROPERTIES IN THE CITY OF AUSTIN, THREE OF WHICH ARE WITHIN A FEW MILES OF THE MACMORA PROPERTY. SHE IS FAMILIAR WITH THE AREA, AND HAS BUILT HER BUSINESS BY SELLING PROPERTIES IN THE AREA. ONE FEATURED LISTING ON HER WEB SITE IS A HOUSE SHE TOLD IN 2007 ON KRAMER LANE, MERE FEET TO THE NORTHEAST OF HER OWN PROPERTY BUT NOT ADJACENT TO IT. IN THE WEB SITE LISTING SHE SAYS THAT MORE ACREAGE IS AVAILABLE, UP TO 2.47 ACRES AND NOTES THAT THE PROPERTY COULD BE DEVELOPED WITH TOWNHOMES AND CONDOS. BASED ON THIS EVIDENCE IT APPEARS THAT MRS. ARMSTRONG HAS AN AGENDA OF SEEING THE LAND ON MACMORA ROAD DEVELOPED WITHOUT ANY REGARD FOR THE DESIRES OF THE COMMUNITY OR HER OWN NEIGHBORS. AN APARTMENT COMPLEX OR A GROUP OF TOWNHOMES BUILT ON MRS. ARMSTRONG'S LOT WOULD BE THE BUSINESS DEVELOPMENT AND SURROUNDINGS DWARFING THE SMALL FAMILY HOMES AND LARGE LOTS ON EITHER SIDE. IN ADDITION, THE REZONING OF HER LAND WOULD BE AN EXTENSION OF THE GROWING ENCROACHMENT OF SF-6 PROPERTIES INTO AN AREA THAT IS PREDOMINANTLY SF-1 ZONING ALONG MACMORA ROAD. IT SHOULD BE NOTED THAT ONE OF THE REASONS GIVEN BY CITY STAFF FOR THE RECOMMENDATION TO REZONE THIS PROPERTY IS THAT WE ARE CURRENTLY -- THERE ARE CURRENTLY SF-6 PROPERTIES TO THE EAST, SOUTHWEST AND SOUTHEAST OF THIS LOT. WHILE IT IS TRUE THAT THERE ARE A FEW OTHER LOTS CLOSE TO THIS PROPERTY THAT ARE ZONED SF OF, THEY ARE ALL, WITH THE COMPENSATION OF MACMORA COTTAGES THREE LOTS AWAY ON THE EAST, UNDEVELOPED TO A COMPARABLE DENSITY. AS A MATTER OF FACT, HER NEXT DOOR NEIGHBORHOOD TO THE EAST, MR. TAM WYNN, WHO IS HERE THIS EVENING, RESIDES IN A SINGLE-FAMILY HOME THAT HE BUILT IN 1996 ON THAT PROPERTY WHEN IT WAS ZONED SF-6. NOT ONLY DOES HE

OPPOSE THIS ZONING CHANGE, HE HAS STATED TO NACA THAT HE DOES NOT PLAN TO DEVELOP THE PROPERTY IN A SIMILAR MANNER AS MRS. ARMSTRONG. MRS. ARMSTRONG DOES NOT HAVE A CONCRETE PLAN FOR THE DEVELOPMENT OF HER PROPERTY ON MACMORA ROAD BEYOND THE NEBULOUS DESIRE TO BUILDING A LIVING COMMUNITY FOR RETIREES. MACMORA ROAD WHICH IS ESSENTIALLY A COUNTRY LANE IS NOT EQUIPPED TO HANDLE SUCH A COMPLEX. THE CLOSEST BUS STOP IS A HALF MILE AWAY ON PARKFIELD ROAD. THERE ARE NO SIDEWALKS ALONG THE ENTIRE LENGTH OF MACMORA ROAD. THERE ARE ALSO NO CURBS, AND THE ONLY DRAINAGE CONSISTS OF DITCHES ALONG THE SIDE OF THE ROAD. THERE ARE ALREADY PERIODIC PARKING ISSUES WITH THE NEARBY MACMORA COTTAGES AND THE CLOSEST GROCERY STORE IS TWO AND A HALF MILES AWAY ON LAMAR. IN CLOSING, MRS. ARMSTRONG'S PROPERTY IS A UNIQUE AND BEAUTIFUL PROPERTY, NESTLED IN A UNIQUE AND BEAUTIFUL AREA. PLEASE JOIN WITH THE RESIDENTS OF NACA AND MRS. ARMSTRONG'S NEIGHBORS TO REJECT THIS BID TO PERMANENTLY MAR ONE OF THE COMMUNITY'S FEW REMAINING BLOCKS AND POCKETS OF REMAINING SIMPLICITY AND BEAUTY.

MAYOR WYNN: THANK YOU, MR. TALENT. OUR NEXT SPEAKER IS LINDA MOORE. WELCOME, MA'AM. YOU WILL HAVE THREE MINUTES TO BE FOLLOWED BY VIRGINIA ALMOND.

THANK YOU, MAYOR AND COUNCIL MEMBERS. I'M LINDA MOORE WITH NACA. WE HAVE ASKED MANY TIMES OF THIS COUNCIL TO PLEASE SUPPORT AND DEFEND OUR NEIGHBORHOOD PLAN, AND WE ASK YOU TONIGHT TO DO THE SAME ON MACMORA. AS A REALTOR I KNOW THAT IT IS A SCARCE COMMODITY IN THIS CITY TO FIND ONE AND TWO-ACRE LOTS FOR SINGLE-FAMILY HOMES. THEY ARE VERY SCARCE, AND IN OUR NEIGHBORHOOD MACMORA IS THE ONLY PLACE LEFT THAT HAS THOSE KIND OF LOTS. SO I ASK YOU ONCE MORE TO PLEASE PROTECT OUR NEIGHBORHOOD PLAN AND PROTECT THE UNIQUE CHARACTER OF MACMORA. THANK YOU.

MAYOR WYNN: THANK YOU, MS. MOORE. OUR NEXT SPEAKER IS VIRGINIA ALMON. OKAY. THEN MR. WILLIAMS, YOU'RE WELCOME TO COME FORWARD. LET'S SEE. YOU NOW WILL HAVE SIX MINUTES. WELCOME.

GOOD EVENING, COUNCIL. JUST REAL QUICK, IF YOU WOULD SHOW THE FIRST -- THE FIRST VISUAL THAT I HAVE. I'M TERRIBLY SORRY ABOUT THE CLARITY OF THE PICTURE. THIS WAS TAKEN TODAY USING MY CAMERA PHONE DURING MY LUNCH BREAK, SO I REALLY APOLOGIZE FOR THE CLARITY. THIS IS MACMORA COTTAGES. THE ENTRANCE TO MACMORA COTTAGES. AND THIS IS THE CHARACTER OF DENSITY THAT WE ARE NOT -- THAT WE ARE NOT WANTING TO SEE ALONG MACMORA ROAD. WE FEEL THAT THIS PROPERTY IS ALREADY IN A BREACH OF OUR NEIGHBORHOOD PLAN AS IT IS. AND THE SECOND PICTURE, PLEASE. THIS IS THE VIEW, AND ONCE AGAIN, SORRY FOR THE PIXELATION, BUT THIS IS A VIEW FROM THE NEIGHBORING PROPERTY AND IT'S CLEARLY NOT IN COMPLIANCE WITH LARGE FAMILY LOTS WITH LARGE LIVESTOCK OR, YOU KNOW, LOTS GREATER THAN ONE ACRE. AND I'LL JUST REITERATE THAT WE JUST ASK THAT THE COUNCIL KEEP THIS IN MIND AS

THEY MAKE THEIR DECISION. THANK YOU.

MAYOR WYNN: THANK YOU, MR. WILLIAMS. LET'S SEE, OUR NEXT SPEAKER WOULD BE -- LET'S SEE, MR. BAKER HAS ALREADY DONATED TIME. SEAN WALKER SIGNED UP WISHING TO SPEAK. WELCOME, MR. WALKER. YOU TOO WILL HAVE THREE MINUTES, TO BE FOLLOWED BY TOM MATHEWS.

HOWDY. I'M SEAN WALKER, I LIVE AT 10609 MACMORA. THAT HAS BEEN MY HOME FOR 44 YEARS. I GREW UP ON MACMORA. WAS AWAY AT COLLEGE AND SERVING IN THE ARMY FOR A TIME, BUT I CAME BACK TO MACMORA AND SIX YEARS AGO PURCHASED FOR MY PARENTS THE HOME THAT I GREW UP IN. WITH THE MAPS THAT YOU SAW IN MR. TALENT'S PRESENTATION, A LOT OF GREEN SPACE ON MACMORA. I WISH YOU COULD HAVE SEEN IT WHEN THERE WAS A WHOLE LOT OF GREEN SPACE. THAT IS WHAT WE'RE TRYING TO MAINTAIN FOR THE FOLKS THAT HAVE LIVED ON MACMORA FOR 30 OR 40 YEARS. MRS. ARMSTRONG'S PROPERTY IS PRETTY MUCH IN THE MIDDLE OF THE STREET. THE CENTER OF THAT STREET HAS RETAINED ITS RURAL CHARACTER OVER THE YEARS, EVEN AFTER BEING IN THE CITY FOR MORE THAN 30 YEARS. AS A CHILD I WATCHED SF-2 AND SF-3 DEVELOPMENT AT BOTH ENDS OF MACMORA. I WATCHED THE CONDOMINIUMS COME IN AT MACMORA COTTAGES. WE ARE JUST TRYING TO MAINTAIN IN THE CENTER OF THE STREET THAT RURAL FEEL THAT WE'VE HAD OVER THE YEARS. I APPRECIATE ALL THE SUPPORT THAT WE'VE RECEIVED FROM NACA AND WOULD ASK THAT WE JUST BE ABLE TO MAINTAIN THE NEIGHBORHOOD AS IT IS. FUTURE GROWTH IN THE NEIGHBORHOOD, A LOT OF THAT GREEN SPACE IS GOING TO DISAPPEAR. ACROSS FROM THE COTTAGES, MACMORA -- ALSO OWNS A TWO ACRE SIZE LOT THAT THEY HAVE A SITE PLAN FOR 20 MORE CONDOMINIUMS. AN INDIVIDUAL THAT OWNS AN SF-1 UNDEVELOPED A LOT ACROSS FROM MISARMSTRONG HAS VOICED TO HER THAT SEES INTENDING TO REDEVELOP HIS FOR SF-6 FOR MORE GROWTH THAT SIMPLY CANNOT MAINTAIN AND RETAIN THE CHARACTER OF THE NEIGHBORHOOD. THANK YOU FOR YOUR TIME.

MAYOR WYNN: THANK YOU, MR. WALKER. TOM MATHEWS ALSO SIGNED UP. WELCOME, MR. MATHEWS. YOU'LL BE FOLLOWED BY TAM WYNN.

MY NAME IS TOM MATHEWS, AND WE LIVE NEXT DOOR TO THE PROPOSED CHANGE IN THE ZONING, AND MY WIFE AND I HAVE LIVED THERE SINCE 1967 SO WE'VE BEEN THERE FOR A LONG, LONG TIME. AND MR. WIN IS ALSO HERE. HE LIVES ON THE OTHER SIDE OF THE PROPOSED CHANGE. WE OBJECT TO THE ZONING CHANGE AT MACMORA ROAD BECAUSE OF THE FOLLOWING REASONS: ONE, THIS PROPOSED ZONING CHANGE WOULD PUT HIGHER DENSITY RENTAL PROPERTY IN THE MIDDLE OF RESIDENTIAL PROPERTY AND WOULD DESTROY THE LARGE LOT CONCEPT THAT'S BEEN IN PLACE FOR MANY, MANY YEARS, AND THE HOMES IN THE IMMEDIATE AREA ALL HAVE ABOUT -- AT LEAST 10,000 SQUARE FEET ON THEIR LOTS, AND I HAVE, I THINK, ABOUT 100,000 ON MY, AN ACRE AND A HALF. BUT ANYWAY, WE WOULD LOVE TO SEE THIS NOT ACCEPTED, THE ZONING CHANGE. THANKS A

LOT.

MAYOR WYNN: THANK YOU, MR. MATHEWS. MR. WIN ALSO SIGNED UP WISHING TO SPEAK. WELCOME. YOU TOO WILL HAVE THREE MINUTES..

MY NAME TAM WIN. I LIVE AT 1618 MACMORA ROAD. MY HOUSE IS NEXT DOOR OF MRS. ARMSTRONG PROJECT. I STRONGLY OPPOSE THE ZONING CHANGE PLAN FOR SF-1 TO SF-6 SF-6. MORE THAN EIGHT DAYS AGO I BOUGHT THIS LAND, ONE AND ONE QUARTER ACRE LAND, AND I HAVE BEEN BUILDING THIS LAND GOOD. IT IS VERY QUIET AND SPACE, BEAUTIFUL AREA, AND IT LOOK LIKE [INDISCERNIBLE] IN THE CITY. THEREFORE I DECIDE TO BUILD THE SINGLE HOUSE IN THIS LAND IN 1996. AND LASTLY, THE CITY MEMBER RECOMMEND CHANGE THE LAND TO SF-1 TO SF-6 FOR MS. ARMSTRONG'S PROJECT. AND I THINK ESPECIALLY MY FAMILY AND THE NEIGHBORHOOD NEXT DOOR TO MRS. ARMSTRONG PROJECT, THEY HAVE SUFFERED DIRECTLY MORE PROBLEMS IF THE CITY APPROVE THE CHANGED ZONE FOR THIS PROJECT. IF WE MAKE MORE -- IT WILL MAKE MORE HEAVY TRAFFIC FLOW, AND MORE PEOPLE WILL VISIT THEIR RELATIVE. AND I WOULD LIKE TO ASK FOR CITY COUNCIL TO COME SEE THE NEIGHBORHOOD. I SUPPORT MS. ARMSTRONG A LONG FAMILY HOUSE, WHATEVER CITY CODE ALLOWS FOR SF-1, AND AGAIN NOT GO TO SF-6. THANK YOU.

MAYOR WYNN: THANK YOU, MR. WIN. COUNCIL, I BELIEVE THAT CONCLUDES FOLKS WHO HAVE WANTED TO GIVE US TESTIMONY IN OPPOSITION. MAKE SURE EVERYBODY HAS HAD A CHANCE TO SPEAK WHO WANTED TO. THANK YOU ALL MUCH. NOW, OUR RULES ARE THAT THE APPLICANT AND OR AGENT, SO I GUESS MS. ARMSTRONG, WILL HAVE A ONE-TIME THREE-MINUTE REBUTTAL WITH A CHANCE TO CLOSE THE PUBLIC HEARING. WELCOME BACK.

AGAIN, I DID MAKE A VERY BIG MISTAKE IN NOT CONTACTING THE NEIGHBORHOOD ASSOCIATION. IT WAS THE BIGGEST THING I HAD EVER BEEN INVOLVED IN, AND I APOLOGIZED IN THE VERY FIRST MEETING. AND DUE TO THE THINGS ASSOCIATED WITH THE PROJECT I JUST DIDN'T KNOW IF WE COULD GET IT OFF THE GROUND, AND I JUST SORT OF WANTED TO SEE WHAT WOULD HAPPEN. AT THAT POINT I HAD ALREADY MADE THEM MAD, SO I WAS TRYING TO GO BACKWARDS AND SEE WHAT I COULD DO. BUT OUR GOAL IS TO TRY TO HAVE AS MUCH GREEN SPACE AS WE CAN, AND I DO INTEND TO GET INVOLVED. ONE OF THE QUESTIONS I DID -- AFTER THE FIRST MEETING WHEN I FOUND OUT THAT THAT WAS THE PROPER PROCEDURE, WAS I DID CONTACT ANTHONY, THE PRESIDENT OF THE NEIGHBORHOOD ASSOCIATION, AND OUTLINED FOR HIM KIND OF WHAT WE WERE TRYING TO DO, AND HE DID APPROACH ME WITH WANTING A PLAN, WHICH I DIDN'T HAVE -- DON'T HAVE, BECAUSE WE'RE STILL NOT REALLY CLEAR WHAT THE -- WHAT THE COMMITTEE PROPOSED TO ME WAS 12 TO 15 UNITS, WHICH SEEMED A LOT. THE PICTURES THAT THEY'VE SHOWN YOU OF MY PARTICULAR PROPERTY, IT'S REALLY VACANT OPEN LAND. THERE'S TWO GORGEOUS BEAUTIFUL OAK TREES ON EITHER SIDE OF THE HOUSE, AND THERE'S A COUPLE AT THE STREET, BUT MOST OF THE PROPERTY IS VACANT AND FLAT

AND LEVEL. AND I KNOW THAT'S ONE OF OUR GOALS IS TO PLANT SOME TREES AND MAKE IT LOOK REALLY MORE PARK-LIKE AND GREEN IF WE CAN. AGAIN, I WANT TO APOLOGIZE TO THE NEIGHBORHOOD ASSOCIATION AND I NEED TO GET THERE YESTERDAY, AND I WILL DO THAT. THANK YOU.

MAYOR WYNN: THANK YOU, MS. ARMSTRONG. A FEW QUESTIONS, HOLLY?

YES, SIR.

MAYOR WYNN: SO I UNDERSTAND YOU SAID THAT THE COMMITTEE REPRESENTED AS MANY AS 15 UNITS, AND YOU FELT LIKE THAT WAS A LOT OF UNITS? WHAT COMMITTEE WAS THAT?

THE CASEWORKER, IS IT SHEILA?

MAYOR WYNN: SO THEN WHEN YOU, I GUESS, APPLIED FOR REZONING, DID YOU HAVE A SPECIFIC REQUEST AS TO -- AND/OR PLANS AS TO THE NUMBER OF UNITS OR THE SETBACKS OR THE SPACING OR DID YOU JUST SIMPLY ASK FOR UP ZONING TO SF-6?

I SIMPLY ASKING FOR A ZONING, AND SHERRI I THINK ORIGINALLY SAID SOME ABSURD THING LIKE THE ZONING ALLOWED FOR 30 OR SOMETHING UNITS PER ACRE, AND WE'VE NEVER -- THAT'S NEVER EVEN BEEN A CONSIDERATION. WE'D LIKE TO MAKE THESE SMALLER. THE IDEA BEING WE DO THINK THAT THEY'RE GOING TO BE TWO-STORY BECAUSE IT MAXIMIZES THE GROUND SPACE, IF YOU ARE CAPABLE -- IF YOU CAN LIVE ON THE TOP FLOOR, THAT WOULD BE WONDERFUL. SUSAN -- A COUPLE OF FOLKS ARE TALKING ABOUT PURCHASING THEM TO HELP BUILD THESE AND GET IT GOING FOR FOLKS THAT CAN'T PURCHASE THEM, AND THEY HAVE HEALTH THINGS, AND I UNDERSTAND THAT THE GROCERY STORE MAY BE TWO MILES AWAY, BUT THE IDEA IS TO HAVE PEOPLE AROUND THAT CAN HELP YOU AND THAT IT'S NOT SO FAR AWAY THAT YOU CAN'T AFFORD GAS TO GET THERE, THAT SORT OF DEAL. AND THEY ARE RIGHT, IT IS A VERY PRETTY PLACE, AND I HAVE ENJOYED GETTING TO KNOW THE FOLKS THERE, AND SINCE WE'VE STARTED THIS PROCEDURE, I THINK IT'S KIND OF BROUGHT PEOPLE A LITTLE CLOSER. THEY CERTAINLY DIDN'T HAVE ANY IDEA, MY FAULT, AS TO WHAT WE WERE TRYING TO DO.

MAYOR WYNN: SO MS. ARMSTRONG, BUT ULTIMATELY YOU APPLIED FOR, OR YOU FILLED OUT A FORM --

YES, SIR.

MAYOR WYNN: SPECIFICALLY ASKING FOR SF-6 ZONING, CORRECT?

YES, SIR.

MAYOR WYNN: BUT YOU DIDN'T HAVE SORT OF A -- I MEAN, I GUESS THE QUESTION WOULD

BE, WHY DID YOU CHOOSE SF-6, WHICH DOES ALLOW FOR A LOT OF UNITS, VERSUS SOMETHING MUCH LESS DENSE?

NO DRIVEWAYS, CUT DOWN ON THE CEMENT, CUT DOWN ON THE COST TO HELP US BE ABLE TO BUILD THESE UNITS WAS THE REASON, AND SHERRI -- I THINK OUR FIRST PHONE CALL SHE SAYS, I THINK WE'RE LOOKING AT 12 OR 15. AND I SAID, BINGO, THAT'S IT. THAT'S EXACTLY WHAT -- BECAUSE IT'S HARD TO KIND OF VISUALIZE AND WE HAVEN'T WALKED IT OUT WITH -- THE PLACE THAT ANTHONY, THE PICTURE OF THE CONDOMINIUM DOWN THE STREET, I CAN FEEL I BELIEVE I BELIEVE THERE'S 25 UNITS IN THAT QUADRANT AND THAT'S NOT OUR VISION AT ALL. THAT'S NOT WHAT WE WANT. WE WANT TO BE ABLE -- WE'RE KIND OF PLAYING WITH TWO THINGS, MAYBE POSSIBLY PUTTING TWO OF THEM TOGETHER TO CONSERVE SPACE AND STAGGERING THEM A LITTLE BIT TO MAKE THEM FEEL INDEPENDENT, BUT THE GOAL AGAIN IS TO TRY TO KEEP AS MUCH GREEN SPACE, AND WE ARE LOOKING AT SMALLER UNITS, YOU KNOW, A THOUSAND TO MAYBE 12, 13, 1400 SQUARE FEET PER UNIT.

MAYOR WYNN: THANK YOU, MS. ARMSTRONG.

YES, SIR.

MAYOR WYNN: YES, QUESTIONS OF THE APPLICANT OR STAFF, COUNCIL? COMMENTS? COUNCIL MEMBER MCCrackEN?

MCCrackEN: NOW, I THINK THAT EVERYBODY HERE HAS BEEN REALLY NICE AND IT'S GOOD TO SEE THE FOLKS GETTING TO KNOW EACH OTHER. WE HAVE A RESPONSIBILITY TO LOOK AT THIS FROM PLANNING PRINCIPLES, AND I THINK THERE ARE SOME IMPORTANT ISSUES IN THAT REGARD, ONE OF WHICH IS THAT THIS IS A NEIGHBORHOOD PLAN THAT IS ALREADY SF-1 ZONING, AND TO MAINTAIN THE RURAL CHARACTER AND LARGE LOT CHARACTER OF THIS AREA, SO I THINK OFF THE BAT IT'S VERY IMPORTANT, FROM THE CITY COUNCIL RESPECT, THE HARD WORK THAT WENT INTO COMING UP WITH THAT RECOMMENDATION AND HONOR THAT. THE SECOND THING IS FROM A PLANNING PERSPECTIVE WE HAVE BEEN -- WE'VE BEEN VERY -- WORKING VERY DILIGENTLY AS A COMMUNITY TO IDENTIFY THE AREAS WHERE WE WANT DENSITY, AND ALSO TO IDENTIFY THE AREAS WHERE WE WANT TO PROTECT THE LESS DENSE CHARACTER, THE MORE NATURAL CHARACTER OF THE AREA. AND SO THIS IS AN AREA WHERE WE HAVE NOT TARGETED FOR DENSITY BECAUSE IT'S AN AREA WE REALLY DO WANT TO MAINTAIN AND PRESERVE THE CHARACTER OF THIS AREA AND NOT TRY TO MAKE IT DENSE. WE'RE DOING THAT WITH MIXED USE IN THE CORRIDORS IN THE DOWNTOWN AND THE SECOND DOWNTOWN. SO I REALLY RESPECT, HOLLY, THE WAY THAT YOU'VE REALLY WORKED WITH FOLKS, BUT I'D JUST ENFORCE, I CANNOT SUPPORT A ZONING CHANGE AWAY FROM SF-1. SO I JUST WANT YOU TO UNDERSTAND THAT -- SO I'M GOING TO MOVE THAT WE DENY THE REQUESTED ZONING CHANGE.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MCCrackEN TO CLOSE THE PUBLIC HEARING

AND TO DENY THE ZONING CHANGE, SECONDED BY COUNCIL MEMBER KIM. FURTHER COMMENTS? IS THAT A QUESTION FOR STAFF, MR. GUERNSEY, OR MR. RUSTHOVEN? EVENING IN YOUR ORIGINAL PRESENTATION TO US, GREG, YOU -- YOU KNOW, YOU WALKED THROUGH THE DIFFERENT ZONING CATEGORIES AND HOW MANY UNITS COULD BE REPRESENTED BY THAT. I THOUGHT I HEARD YOU SAY WITH SF-1 THERE COULD BE AS MANY AS TEN OR 11 UNITS?

GUERNSEY: YEAH, IT'S UNDER THE SF-1 CATEGORY, IF YOU'D USE ABOUT 4.3 [INAUDIBLE] YOU COULD GET SOMEWHERE, ABOUT 10 OR 11 UNITS ON THE PROPERTY UNDER ITS CURRENT ZONING. IF IT WAS DEVELOPED AT A SF-3 DENSITY, YOU MIGHT GET AS HIGH AS 17 OR 18 UNITS PER ACRE. AND THE COMMISSION'S RECOMMENDATION WAS 15 UNITS PER ACRE. LET ME REPEAT THAT.

IT WASN'T PER ACRE.

MAYOR WYNN: EXCUSE ME. WE'RE ALL OFF? JUST SPEAK UP. WE'VE LOST OUR MICS. MY QUESTION TO GREG IS, SO WHAT YOU'RE SAYING IS IF THE PROPERTY WERE SUBDIVIDED IN SF-1 THERE COULD BE PERHAPS TEN OR ELEVEN UNITS, AS IS WITH NO COUNCIL ACTION, NO ADMINISTRATIVE ACTION? THANK YOU -- THERE COULD BE FRANKLY A RELATIVELY SUBSTANTIAL NUMBER OF UNITS BUILT.

YOU WOULD HAVE TO GO THROUGH A SUBDIVISION, EITHER UNDER SF-1, SF-2, SF-3, TO ACHIEVE A GREATER DENSITY ON THE PROPERTY. UNDER THE CURRENT ZONING OF SF-1 YOU GET MAYBE 10 OR 11 UNITS AT THE MOST, AFTER YOU GO THROUGH A SUBDIVISION PROCESS. YOU WOULD HAVE A STREET MAYBE ASSOCIATED UNLESS YOU USE FLAG LOTS, WHICH ARE THIN LOTS AT A STREET THAT YOU WOULD GO BACK AND OPEN UP, SIMILAR THAT YOU MIGHT FIND TO THE EAST. UNDER SF-2 OR SF-3 YOU MAY GET AS HIGH AS 17 OR 18 UNITS ON THIS PROPERTY. AGAIN, IT WOULD DEPEND ON THE CONFIGURATION, WHETHER OR NOT YOU USE A STREET. IF YOU WENT WITH THE PLANNING COMMISSION RECOMMENDATION IT WOULD BE 15 UNITS ON THE PROPERTY. SF-6 HAS THE ADVANTAGE, IT WOULD NOT REQUIRE THE SUBDIVISION TO OCCUR, AND YOU COULD ACTUALLY PLACE UNITS ON THE PROPERTY WITHOUT HAVING EACH LOT FRONT ON A PUBLIC STREET. SO THERE IS THAT ADVANTAGE.

MAYOR WYNN: RIGHT. OKAY. COUNCIL MEMBER COLE, I BELIEVE YOU HAD A QUESTION EARLIER?

COLE: YES, I APPRECIATE THE TESTIMONY OF THE NEIGHBORHOOD AND RESPECT THE NEED TO SUPPORT THE NEIGHBORHOOD PLAN, AND I ALSO WANTED TO ADD THAT I WAS VERY FAMILIAR WITH THE NEIGHBORHOOD BECAUSE I HAD LIVED THERE IN THE NEIGHBORHOOD WHEN I WAS IN COLLEGE, AND I KNOW THAT THERE IS A FAIR NUMBER OF APARTMENTS, AND I THINK I AGREE WITH COUNCIL MEMBER MCCrackEN'S ASSESSMENT THAT WE HAVE TO SUPPORT THE DENSITY WHERE WE DECIDE WE NEED DENSITY, BUT WE



ALSO HAVE TO RECOGNIZE NEIGHBORHOODS THAT HAVE ALREADY HAD THEIR SHARE OF DENSITY.

MAYOR WYNN: AND WE HAVE A MOTION AND A SECOND ON THE TABLE TO DENY THE ZONING REQUEST. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION TO DENY PASSES ON A VOTE OF 7-0. THANK YOU, MS. RUSTHOVEN. WELL, COUNCIL, THAT TAKES US TO A COUPLE OF PUBLIC HEARINGS. FIND MY SCREEN AGAIN. I GUESS WE'LL JUST TAKE THESE SEQUENTIALLY. ITEM NO. 60, CONDUCTING A PUBLIC HEARING CONSIDERING PROVISIONS OF THE '06 INTERNATIONAL RESIDENTIAL CODE. BRIEF STAFF PRESENTATION.

GOOD EVENING, MAYOR AND COUNCIL. LEON BARBER, I'M THE BUILDING OFFICIAL WITH THE WATERSHED PROTECTION REVIEW PANEL. COUNCIL, WE'RE BRINGING YOU SOME AMENDMENTS TO 2006 INTERNATIONAL RESIDENCE CODE AND 2003 UNIFORM PLUMBING CODE. FOR YOUR APPROVAL. WHAT I WOULD LIKE TO POINT OUT, THERE'S ONE SIGNIFICANT CHANGE IN SOME OF THESE AMENDMENTS. THE REST ARE JUST BOOKKEEPING OR HOUSEKEEPING. THE MOST SIGNIFICANT CHANGE IN THE AMENDMENT TO ZONE, HOW THE EXTERIOR WALLS AND OVER HANGS ARE TO BE CONSTRUCTED WHEN THEY'RE CLOSER THAN 10 FEET. AFTER THE ADOPTION AND PRIOR TO THE ACTUAL IMPLEMENTATION OF THE BUILDING CODE ON JANUARY 1, WE DISCOVERED THAT WE HAD AN ISSUE WITH SECTION R 302, EXTERIOR WALLS. IT WAS GOING TO CREATE SOME SERIOUS DESIGN AND CONSTRUCTION REQUIREMENTS FOR THE ALREADY PLATTED PROJECTS THAT WE HAD ON OUR AGENDA. THIS WAS ESPECIALLY SIGNIFICANT WITH A CLEAR DISTANCE BETWEEN STRUCTURES WAS LESS THAN TEN FEET. WE MET WITH THE VARIOUS STAKE HOLEDDESSHOLEDDERS HOLDERS, WE WERE ABLE TO COME UP WITH A COMPROMISE WE THINK WE WORK FOR THEM AND FOR US AND IT'S SOMETHING WE CAN LIVE WITH. I WANT TO POINT OUT THAT THE AUSTIN FIRE DEPARTMENT HAD A LOT OF INPUT INTO OUR DECISION AND HELPED US WITH A LOT OF THEIR TECHNICAL EXPERTISE TO COME UP WITH A SOLUTION. I DO HAVE A FEW SLIDES IF YOU'D LIKE TO SEE THOSE. HOPEFULLY WON'T MAKE IT TOO TECHNICAL FOR YOU IF YOU WANT TO SEE THOSE.

MAYOR WYNN: COUNCIL, I DON'T THINK THERE'S INTEREST, LEON, WITH ALL DUE RESPECT.

I UNDERSTAND.

MAYOR WYNN: ALL BECAUSE WE HAVE SUCH CONFIDENCE IN STAFF'S GOOD WORK.

THANK YOU. I APPRECIATE THAT.

MAYOR WYNN: QUESTIONS FOR STAFF, COUNCIL? ARE THERE ANY CITIZENS WHO WOULD LIKE TO GIVE US TESTIMONY REGARDING THIS PUBLIC HEARING, ITEM NO. 60, REGARDING OUR INTERNATIONAL RESIDENTIAL CODE AS OUTLINED BY LEON? THEN HEARING NONE, I'LL ENTERTAIN A MOTION. MOTION BY COUNCIL MEMBER MARTINEZ, SECONDED BY COUNCIL MEMBER LEFFINGWELL, TO CLOSE THIS PUBLIC HEARING AND APPROVE THE ORDINANCE AS PRESENTED. FURTHER COMMENT? ALL IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU, MAYOR.

MAYOR WYNN: THANK YOU, LEON. WELL, COUNCIL, THAT TAKES US TO OUR PUBLIC HEARING ITEM NO. 61, TO CONDUCT A PUBLIC HEARING AND CONSIDER A FLOODPLAIN VARIANCE REQUESTED BY MR. MARK HILL DORSETT.

THANK YOU, MAYOR, MY NAME IS GARY POSTED. I'M WITH THE WATERSHED DEVELOPMENT REVIEW DEPARTMENT. THIS IS ITEM NO. 61, CONDUCT A PUBLIC HEARING TO CONSIDER FLOODPLAIN VARIANCES REQUESTED BY MR. MARK HILL DORSETT TO ALLOW THE ENCLOSURE AND MODIFICATION OF EXISTING SCREENED PORCH AT HIS SINGLE-FAMILY RESIDENCE AT 5906 CHERRY CREEK DRIVE IN THE 100-YEAR FLOODPLAIN OF WILLIAMSON CREEK WITH THE PROPOSED FINISHED FLOOR ELEVATION BEING BELOW THE 100-YEAR FLOODPLAIN ELEVATION, INCLUDING A REQUEST TO WAIVE THE REQUIREMENT TO DEDICATED DRAINAGE EASEMENT TO THE FULL LIMIT OF THE 100-YEAR FLOODPLAIN TO EXCLUDE THE FOOTPRINT OF THE EXISTING AND PROPOSED STRUCTURE. IT IS THE APPLICANT'S REQUEST TO ENCLOSE AND MODIFY AN EXISTING 260 SQUARE FEET SCREENED PORCH AT HIS EXISTING 1,650 SQUARE FEET SINGLE-FAMILY RESIDENCE. HE PROPOSES TO RAISE THE NEW ROOM TO THE ELEVATION OF THE EXISTING HOUSE BUT THIS IS 5 INCHES BELOW THE FIVE HUNDRED YEAR ELEVATION, AND THE OTHER PART OF HIS REQUEST IS TO EXCLUDE THE BUILDING FOOTPRINT FROM THE DRAINAGE EASEMENT DEDICATION TO THE FULL LIMIT OF THE 100-YEAR FLOODPLAIN. THIS PROPERTY IS LOCATED NEAR THE INTERSECTION OF STASSNEY AND WESTGATE BOULEVARD IN SOUTH AUSTIN. THESE MAPS SHOW THE LOCATION OF THE HOUSE IN THE FLOODPLAIN. THE DARK BLUE IS THE 25-YEAR AND THE LIGHT BLUE IS THE HUNDRED YEAR. THIS PROPERTY IS LOCATED IN THE 100-YEAR FLOODPLAIN.

HERE'S A CLOSE-UP. HERE'S THE FRONT OF THE HOUSE. HERE'S THE EXISTING SCREENED PORCH. OUR RECOMMENDATIONS ARE TO DENY THIS VARIANCE, PRIMARILY BECAUSE THERE'S NO SAFE ACCESS. AT THE CURB LEVEL -- AT THE CURB THE DEPTH OF WATER AT THE HUNDRED YEAR WILL BE 4.7 FEET. AROUND THE HOUSE AT THE HUNDRED YEAR WILL BE ABOUT 1.7 FEET, AND OF COURSE DUE TO THESE DEPTHS THE STRUCTURE WOULD NOT BE ACCESSIBLE BY THE AUSTIN FIRE DEPARTMENT OR OTHER FIRST RESPONDERS.

ANOTHER REASON WE'RE RECOMMENDING DENIAL IS THAT THE STRUCTURE WILL BE BELOW THE 100-YEAR FLOODPLAIN ELEVATION, AND FINALLY, IT WILL INCREASE THE OPPORTUNITY FOR HUME-ROWE OCCUPANCY IN THE FLOODPLAIN, MORE PEOPLE IN HARM'S WAY. THAT CONCLUDES MY PRESENTATION.

MAYOR WYNN: THANK YOU. QUESTIONS OF STAFF, COUNCIL? COMMENTS? IF NOT WE WILL GO TO OUR PUBLIC HEARING, CITIZEN FEEDBACK. LET'S SEE, WE'VE GOT TO GO IN ORDER OF OUR TWO FOLKS HERE TO GIVE US TESTIMONY IN FAVOR, TIMOTHY NAVARRO AND MARK DORSETT. IF EITHER OF YOU WOULD COME FORWARD AND GIVE US TESTIMONY.

MAYOR WYNN: WELCOME.

THANK YOU. MAYOR, COUNCIL MEMBERS, GOOD EVENING, MY NAME IS MARK HILL DORSETT AND I RESIDE WITH MARIAN, WHO. MARY IS AN ASSOCIATE DIRECTOR FOR HUME-ROWE RESOURCES AT ST. EDWARDS AND I OWN AND OPERATE A ARCHITECTURAL SIGN BUSINESS IN AUSTIN. ALSO HERE IS T.J. NAVARRO WHO REPRESENTS THE CONTRACTOR WE SELECTED TO DO THIS WORK. WHEN WE BOUGHT THIS HOME IN 1996 WE MADE SHALL YOUR THAT THE PROPERTY HAD NEVER FLOODED AND IT WAS LOCATED WELL OUTSIDE OF ANY FLOODPLAIN THAT WOULD REQUIRE ADDITIONAL INSURANCE TO SECURE A MORTGAGE. IT'S ONLY RELATIVELY RECENTLY THAT THE FLOOD MAPS WERE REDRAWN AND WE FOUND OURSELVES PLACED WITHIN THE LINES OF A HYPOTHETICAL 100-YEAR FLOODPLAIN. AS I UNDERSTAND IT, THIS WAS LARGELY THE RESULT OF COMPUTER MODELS MUCH LIKE THOSE USED TO PREDICT THE WEATHER AND AS ALL OF US WHO WATCH THE SEVEN DAY FORECAST KNOW, THESE MODELS ARE NEVER WRONG EXCEPT WHEN THEY ARE. MY POINT IS THIS: THIS HOUSE HAS STOOD FOR MORE THAN 35 YEARS AND HAS NEVER EVER COME CLOSE TO FLOODING. HAD WE PLLD APPLIED BEFORE THESE MAPS WERE REDRAWN FLUN OF THIS WOULD BE A PROBLEM. THIS HOUSE SITS ON A HILL, WHICH YOU CAN SEE FROM THIS PHOTOGRAPH TAKEN FROM THE BACKYARD. IF I CAN GET IT TO GO. NUMBER ONE.

HE'S WORKING ON IT.

IT'S PRETTY MUCH THE SAME PHOTOGRAPH THAT THE STAFF HAS. THERE IT IS. SITS UP ON A HILL. THE ONLY PROBLEMS THAT WE'VE HAD WITH WATER ARE ON THIS BACK PORCH, AND ALL WE'RE REALLY TRYING TO DO IS TO ADDRESS THOSE PROBLEMS, STRUCTURAL AND OTHERWISE, TO MAINTAIN THE PROPERTY, AND THAT'S WHY WE'RE HERE. YOU SEE THIS HOUSE WAS BUILT WITH A COVERED PORCH, AND THE PORCH HAS PROBLEMS. THE ROOF LEAKS. WATER DAMAGE TENDS TO ROT THE CEILING BELOW AND THIS PHOTOGRAPH, WHICH IS NOT VERY WELL AMPLIFIED, BUT PERHAPS YOU CAN SEE THAT THE WATER DAMAGE TENDS TO ROT THE CEILING BELOW THE ROOF, AS SEEN IN THE PICTURE. IT ALSO SHOWS HOW FAR IT IS DOWN TO THE CREEK AREA, BUT THAT'S WAY DOWN THERE, AND YOU CAN'T REALLY SEE IT. SO -- THERE'S A 75-INCH PRIVACY FENCE DOWN THERE AND IN THE BIG FLOOD OF 1998, WHICH IN STAFF'S MATERIAL THEY CLAIM WAS VERY CLOSE TO US, THAT WATER NEVER ROSE MORE THAN A FOOT UP THE BACK OF THAT -- THAT AREA, AND IT

WOULD HAVE HAD TO RISE ANOTHER FOUR OR FIVE FEET AT LEAST TO THREATEN THIS PROPERTY. ANOTHER PROBLEM IS WATER DAMAGE TO THE WOOD NEAR THE EDGE OF THE CHIMNEY. AS WE'VE ALREADY REPLACED THIS WOOD TWICE IN THE TEN YEARS WE'VE BEEN THERE, WE'VE TRIED RESURFACING THE ROOF, WE'VE TRIED COVERING THE ROOF WITH METAL. IT JUST SIMPLY DOES NOT DRAIN PROPERLY. AND WE WERE REPEATEDLY TOLD BY EVERYONE THAT WE TALKED TO THAT THIS CAN ONLY BE CORRECTED BY GETTING THE ROOF UP HIGHER SO THAT THE HOUSE DRAINS BETTER. THE LAST YEAR WE DECIDED TO GET SERIOUS ABOUT FIXING THIS PROBLEM ONCE AND FOR ALL. WE TALKED TO A LOT OF FOLKS. THE BEST SOLUTIONS SEEMED TO BE TO RAISE THE LEVEL OF THE SLAB SO THAT A MOISTURE BARRIER COULD BE CREATED FOR BETTER FOOTING THAT WOULD AFFORD A STRONGER STRUCTURE WITH A HIGHER AND MORE SLOPING ROOF. WE DECIDED TO USE REMOVABLE BLAST PANELS SO IT COULD BE OPEN OR CLOSED. OUR CONTRACTOR ATTEMPTED TO SECURE A BUILDING PERMIT LAST JULY. WE HAD TO SUBMIT A SURVEY. WE DID. WE WERE TOLD THE ONLY WAY WOULD BE TO ELEVATE THE PORCH TO A FOOT HIGHER THAN THE HOUSE ITSELF. THIS SOLUTION IF YOU CAN CALL IT THAT IS NOT PRACTICAL FOR A VARIETY OF REASONS. YOU CAN IMAGINE TRYING TO STEP UP AND THEN HAVING THE ROOF LOWER THAN THE HOUSE, IT JUST SIMPLY WILL NOT WORK. SO WHEN OUR PERMIT WAS DENIED THE ONLY COURSE OF ACTION THAT WAS AVAILABLE TO US WAS TO APPEAL TO YOU. I CAN GO OVER VARIOUS REBUTTALS OF THE STAFF'S FINDINGS BUT I SEEM TO BE RUNNING OUT OF TIME. SO IF YOU HAVE ANY QUESTIONS OR YOU HAVE -- WOULD LIKE TO SPEAK TO MR. NAVARRO, WHO'S MUCH MORE COMPETENT IN TERMS OF DESCRIBING THE STRUCTURE THAT WE WANT TO REPLACE THIS ROOF WITH, NEEDLESS TO SAY, IT'S GOING TO BE A STRONGER, HIGHER, MORE FLOODPLAIN -- MORE FLOOD RESISTANT STRUCTURE THAN WE HAVE NOW.

MAYOR WYNN: ACTUALLY, MR. DORSETT, SINCE THERE ARE A COUPLE OTHER FOLKS HERE WHO I THINK ARE ON YOUR SIDE, YOU'RE WELCOME TO TAKE THE ADDITIONAL TWO AND A HALF MINUTES OR SO THAT YOU WOULD HAVE REMAINING.

OKAY. I APPRECIATE THAT.

MAYOR WYNN: WALK THROUGH THE REBUTTALS YOU MAY HAVE.

THANK YOU. I'D APPRECIATE THAT. I'D LIKE TO GO THROUGH THE FINDINGS THAT THE CITY - DEPARTMENT OF -- DEVELOPMENT AND REVIEW DEPARTMENT CAME UP WITH. FINDING NO. 1 IS ENCROACHMENT OF THE FLOODPLAIN. AGAIN, THIS IS A THEERT CAL ASSUMPTION BASED ON MAPS THAT HAVE CHANGED REPEATEDLY OVER TIME. THERE IS ABSOLUTELY NO EVIDENCE THAT THIS STRUCTURE HAS EVER FLOODED OR EVER EVEN BECOME CLOSE TO FLOODING. THE WATER PROTECTION AND REVIEW DEPARTMENT ATTEMPTS IN FINDING NO. 7 TO ASSERT THAT THERE ARE, QUOTE, FLOODS IN THE VICINITY. I HAVE TO ASK YOU, WHO IN AUSTIN HAS NOT HAD A FLOOD SOMEWHERE IN THE VICINITY? THIS VERY PROPERTY HAS BEEN FLOODED MANY TIMES. FINDING NO. 2, NO SAFE ACCESS. THIS IS THEIR PRIMARY OBJECTION, APPARENTLY. THE PORCH IS IN THE BACK. THE FRONT OF THE HOUSE DOES

NOT MEET THE REQUIREMENT IN THE 100-YEAR FLOODPLAIN. IS IT REALLY REASONABLE TO EXPECT THE BACK OF THE HOUSE TO? IS THIS WHERE THE FIRE DEPARTMENT IS GOING TO GO? YES, IF SOUTH AUSTIN IS COMPLETELY UNDERWATER YOU WON'T BE ABLE TO USE THE SIDEWALK OR GAIN ACCESS BUT HOW DOES THIS MAKE OUR ATTEMPTS TO FIX THIS PORCH FOR A VARIANCE REQUEST UNREASONABLE? IT'S -- FRANKLY IT'S JUST BEYOND ME.

ADDITIONAL OCCUPANCY IN THE FLOODPLAIN. HERE WE SEE THE DEPARTMENT MAKING AN UNSUPPORTED ASSERTION THAT THE EXISTING STRUCTURE, WHICH IS ALREADY ENCLOSED BY THE CITY'S OWN ACCOUNT, AS LIVING SPACE. IN FACT, WE WERE TOLD IN OUR MEETING WITH THE DEVELOPMENT REVIEW DEPARTMENT THAT ANY ENCLOSED AREA COUNTS AS LIVING SPACE. WE'RE NOT TRYING TO GREATLY INCREASE THE FOOTPRINT OF THE HOUSE, AND COME ON, DO YOU REALLY THINK WE'RE GOING TO SUBLET THE BACK PORCH FOR ADDITIONAL OCCUPANCY? FINDING NO. 4. THE FINISHED FLOOR IS NOT ABOVE THE MINIMUM REQUIRED ELEVATION. ONCE AGAIN IT'S SIMPLY NOT PRACTICAL TO REQUIRE THE ELEVATION OF THIS PORCH TO BE HIGHER THAN THE HOUSE ITSELF. WE REALIZE THAT THIS IS WHAT THE CODES SAY, BUT WHAT WE'RE SAYING IS THE WHOLE POINT OF THE VARIANCE PROCESS TO ALLOW EXEMPTION IN CASES LIKE THIS WHERE SOMETHING CLEARLY NEEDS TO BE DONE TO CEASE ASSESS STRUCTURAL PROBLEM. NO. 5.

HARDSHIPS. WE'RE NOT SAYING THERE ARE HARDSHIPS HERE. IT IS SERVICEABLE AND AS FAR AS THAT GOES WE MAY THINK IT'S A HARDSHIP. WE'VE GONE TO A LOT OF EXPENSE AND TROUBLE ON THIS, BUT ONCE AGAIN WE'RE NOT ASSERTING A HARDSHIP CLAIM. WE'RE TRYING TO FIX OUR BACK PORCH. FINDING NO. 6, AND THIS IS MY FAVORITE, PREREQUISITES FOR GRANTING THE VARIANCE ARE NOT MET. IT SEEMS TO ME THAT THE WATERSHED PROTECTION DEVELOPMENT REVIEW DEPARTMENT IS ATTEMPTING TO INSTRUCT THE CITY COUNCIL ON WHAT CRITERIA IT MAY OR MAY NOT CONSIDER IN THE PROCESS OF GRANTING THIS VARIANCE. UNLIKE THE COUNCIL MEMBERS TODAY, I'M NOT AN ELECTED REPRESENTATIVE, BUT IF I WERE I MIGHT ASK THE QUESTION, WHAT WOULD BE THE POINT OF TAKING THE MATTER TO THE COUNCIL IF AN NARROW AND EXCLUSIVE SET OF CRITERIA MUST BE MET. WE UNDERSTAND WE'RE NOT MEETING THE CODE OR THE PREREQUISITES. IF WE DID THERE WOULD BE NO NEED FOR THIS HEARING AND TO INVOLVE THE COUNCIL. IN CASE EVERYONE IS GETTING THE WRONG IDEA, WE MAY DISAGREE WITH THE CITY'S FINDING. WE ARE NOT HERE TO DENY GREAT THE WORK OF OF THE CITY EMPLOYEES. WE UNDERSTAND THERE ARE SOUND REASONS FOR RESTRICTIONS IN FLOODPLAIN AREAS AND WE UNDERSTAND THE STAFF MAY HAVE BEEN OVERZEALOUS IN ATTEMPTS TO APPLY THE CODE BUT WE UNDERSTAND THE CODES ARE ENFORCED IN A SITUATION WHERE IF FEAR NOT ENFORCED SITUATIONS IN A VULNERABLE AREAS WILL GET WORSE. I THINK THIS IS LIKE A GIANT TRAWLER SCRAPING THE BOTTOM OF THE BAY. IT'S A GOOD NET AND CATCHES EVERYTHING IN ITS WAY BUT EVERY BOAT HAS A CAPTAIN AND THE CAPTAIN KNOWS NOT EVERYTHING THAT GETS DRAGGED IN THE BOAT BELONGS IN THE HOLD. WE'RE TAKING OUR CASE TO YOU, THE EXATS OF THE CITY OF AUSTIN AND WE'RE ASKING YOU TO GRANT A VARIANCE IN THIS CASE. THING ABOUT IT. IF THIS VARIANCE IS DENIED THE ELEVATION OF THIS PORCH STAYS LOWER, MORE PRONE FOR FLOOD DAMAGE. IF THE VARIANCE IS ALLOWED ON THE OTHER HAND, THE ELEVATION OF

THE PORCH GOES UP, NOT AS MUCH AS THE CODE WOULD REQUIRE BUT MUCH LESS PRONE TO FLOOD DAMAGE. IF THE VARIANCE IS DENIED THE FLIMSY ROTTING WOOD STRUCTURE STAYS IN PLACE. IF THE VARIANCE IS ALLOWED A MUCH STRONGER METAL STRUCTURE THAT CAN WITHSTAND HURRICANE FORCE WINDS AND WATER WILL REPLACE IT. WE CAN BY THE WAY MEET BOTH QUALIFICATIONS THAT THE STAFF LISTS AS NECESSARY IF THIS VARIANCE REQUEST IS ALLOWED. IN FACT, I ALREADY BELIEVE THAT WE MET ONE OF THOSE CONDITIONS, WHICH IS THE ENGINEERING -- CERTIFIED ENGINEER WITH REGARD TO THE HUNDRED YEAR CONDITIONS. APPRECIATE YOUR TIME. THANK YOU VERY MUCH AND I URGE YOU ONCE AGAIN TO VOTE FOR THIS REQUEST.

MAYOR WYNN: THANK YOU, MR. DORSETT.

THANK YOU.

MAYOR WYNN: QUESTIONS OF MR. DORSETT, COUNCIL, OR THE CONTRACTOR OR STAFF? COUNCIL MEMBER MARTINEZ?

MARTINEZ: I WANT TO ASK A COUPLE QUESTIONS ABOUT THIS. THIS IS THE PATIO SCREENED IN PORCH THAT YOU'RE TRYING TO CONVERT INTO SOME TYPE OF SUNROOM?

THE STRUCTURE ITSELF WOULD BE POSSIBLE TO ENCLOSE OR LEAVE OPEN, DEPENDING ON WHETHER THE GLASS PANELS -- IT'S DESIGNED TO THE GLASS PANELS CAN EITHER BE THERE OR NOT THERE.

MARTINEZ: LET ME ASK QUESTIONS THEN OF --

MAYBE T.J. NAVARRO WHO IS WITH THE COMPANY WOULD BE BETTER ABLE TO ADDRESS THE STRUCTURAL ISSUES.

IT'S BEEN CALLED ENCLOSURE OF SUNROOM, SCREENED IN PORVE AND NOW PORCH AND NOW IT'S SOMETHING WITH PANELS.

I'M PRODUCTION MANAGER WITH STATE WATER MODELING EAR HERE IN AUSTIN. BEEN WITH THE COMPANY TWO YEARS. IT IS CALLED A SUNROOM FOR ALL INTENTS AND PURPOSES. YOU'VE SEEN A LOT OF THESE STRUCTURES ALREADY IN AUSTIN. TYPICALLY THEY'RE MADE OF CONVENTIONAL MATERIALS, WOOD, ANYTHING ELSE ALONG THOSE LINES. THE PROPOSED PROJECT THAT MR. DORSETT THEY CONTRACTED FOR WAS TO BUILD A SUNROOM. THE MATERIALS WE USE HAVE ALL BEEN ENGINEERED ABOVE AND BEYOND ANY KIND OF BUILDING CODES, IMPLIED BY THE CITY. OUR ENGINEER HERE LOCALLY HAS DESIGNED A SLAB THAT HE FEELS IS GOING TO WITHSTAND ANY KIND OF FLOODING CAUSED BY BEING IN THE 100 YEAR FLOODPLAIN. OUR MANUFACTURERRER, TEMO INCORPORATED OUT OF DETROIT, MICHIGAN HAS SENT A LETTER STAMPED BY THEIR ENGINEER SRG THAT CERTIFYING THAT ANYTHING WE BUILD WILL WITHSTAND THE 100-

YEAR FLOOD.

I'M TRYING TO DETERMINE WHAT TYPE OF STRUCK RUR WE'RE TALKING ABOUT. WE'RE TALKING ABOUT A PORCH THAT CAN BE CONVERTED TO A SUNROOM BUT THE PANELS CAN SLIDE TO CREATE OPEN-AIR SPACE?

RIGHT. WE'RE TALKING ABOUT DOING WALLS. THE FRAMING IS BUILT OUT OF ALUMINUM. THERE IS INSULATED FOAM --

WE'RE NOT TALKING ABOUT HVAC. WE'RE NOT TALKING ABOUT --

THAT'S CORRECT. WE'VE NOT BEEN CONTRACTED AND WE DON'T DO HVAC WORK. WE HAVE NO INTENTION TO EXPAND THIS.

SO DOES THE PROJECT AMEND THE MEANS OF INGRESS AND EGRESS FROM THE BACK OF THE HOUSE TO THIS PATIO? DOES IT CHANGE IN ANY WAY? DOES IT ALTER? WILL IT STILL BE A SCREEN DOOR? A SLIDING DOOR?

NO, IT WILL BE A SOLID GLASS ENTRY DOOR TYPICALLY THAT YOU FIND ON A HOME.

MARTINEZ: OKAY. THANK YOU.

MAYOR WYNN: THANK YOU, MR. NAVARRO. FURTHER QUESTIONS OF OUR --

THANK YOU, COUNCIL.

MAYOR WYNN: OF OUR APPLICANT? MR. DORSETT?

MAYOR, I FEEL LIKE I CERTAINLY UNDERSTAND STAFF'S POSITION, AND I THINK FOR MR. DORSETT -- I KNOW YOU UNDERSTAND THIS, BUT I WANT TO EMPHASIZE THAT STAFF HAS A CERTAIN SET OF PROTOCOL THAT THEY HAVE TO GO THROUGH TO MAKE RECOMMENDATION, AND SO INEVITABLY WE'LL VERY RARELY RECOMMEND A VARIANCE TO THE FLOODPLAIN AND THAT'S WHY WE HOLD THESE HEARINGS SO THAT WE CAN GAIN MORE INFORMATION TO MAKE A DETERMINATION. BASED ON THE TESTIMONY GIVEN, MAYOR, I'M GOING TO MOVE THAT WE APPROVE THE FLOODPLAIN VARIANCE REQUEST TO ALLOW THEM TO BUILD A PATIO ON THE BACK OF THEIR HOUSE.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MARTINEZ, SECONDED BY COUNCIL MEMBER MCCracken TO CLOSE THE PUBLIC HEARING AND APPROVE THIS FLOODPLAIN VARIANCE. FURTHER COMMENT? COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: I'LL JUST SAY THAT I KNOW IT SEEMS LIKE A VERY SMALL A DIRKS BUT IT IS AN ADDITION -- ADDITION, BUT IT IS AN ADDITION, AND WE HAVE SPENT HERE ON THIS

COUNCIL AND WITH THE AID OF THE FEDERAL GOVERNMENT IN THE LAST SEVERAL YEARS I'VE BEEN HERE, TENS OF MILLIONS OF DOLLARS ON OUTLYING PROJECTS ON WILLIAMSON CREEK. SO ON THAT BASIS ON PRINCIPLE I'M GOING TO VOTE AGAINST THE VARIANCE REQUEST.

MAYOR WYNN: THANK YOU, COUNCIL MEMBER. FURTHER COMMENTS? COUNCIL MEMBER KIM?

KIM: I'LL ALSO BE VOTING AGAINST THE REQUEST. I THINK IT'S GOING TO BE UNDERWATER DURING A HUNDRED YEAR FLOOD EVENT, SO I WON'T BE SUPPORTING THAT.

MAYOR WYNN: WE HAVE A MOTION AND A SECOND ON THE TABLE APPROVING THE FLOODPLAIN VARIANCE. FURTHER COMMENT? I TOO WILL BE SUPPORTING THE MOTION -- I MEAN, THE FUNDAMENTAL ISSUE FOR ME REALLY IS -- IS WHAT STAFF SEEMINGLY REALLY DID FOCUS ON, IN FACT, IS ACCESS TO AND AWAY FROM THE HOUSE, AND THAT'S IN PART PRIMARILY BASED ON OUR FIRST RESPONDERS. AND SO WE TRY TO KEEP STANDARDS WHEREBY WE KEEP OUR MEN AND WOMEN AND EQUIPMENT SAFE AS THEY TRY TO DO THEIR JOB. IT'S VERY DIFFICULT TO TELL AN AUSTIN FIREFIGHTER, NO, DON'T DRIVE DOWN THAT STREET, DON'T TRY TO GET FOLKS THAT ARE STRANDED BECAUSE OF THIS FLOOD EVENT. BUT ALSO IT JUST SEEMS TO ME THE BALANCING ACT IS RECOGNIZING THAT THIS IS SUCH AN INSUBSTANTIAL ADJUSTMENT TO THE STRUCTURE, CLEARLY NOT INCREASING OCCUPANCY LOADS. THERE AREN'T GOING TO BE A LOT MORE PEOPLE LIVING IN THE HOME BECAUSE OF THE RECONSTRUCTION, THAT I'LL BE SUPPORTING THE VARIANCE BASED ON THE FUNDAMENTAL HARDSHIP OF SOME CITIZENS. WE HAVE A MOTION AND A SECOND ON THE TABLE APPROVING THE VARIANCE. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE? OPPOSED? MOTION PASSES ON A VOTE OF 5-2 WITH COUNCIL MEMBERS LEFFINGWELL AND KIM VOTING NO. THANK YOU ALL VERY MUCH. SO THERE BEING NO MORE BUSINESS BEFORE THIS CITY COUNCIL MEETING, WE STAND ADJOURNED. IT IS 7:25 P.M. GOOD NIGHT.

**End of Council Session Closed Caption Log**