

## Closed Caption Log, Council Meeting, 6/18/08

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GOOD MORNING. I'M AUSTIN MAYOR WILL WYNN, IT'S MY PRIVILEGE TO WELCOME BACK REV. JOSEPH C. PARKER, JR., DAVID CHAPEL MISSIONARY BAPTIST CHURCH WHO WILL LEAD US IN OUR INVOCATION, PLEASE RISE.

THANK YOU, MAYORS, MEMBER OF THIS COMMUNITY. PLEASE BOW. OUR JOURNEY, GOD, YOU SEE SO MUCH IN THIS WORLD, WAY BEYOND WHAT WE CAN FATHOM. AS GOVERNMENT'S RISE AND FALL YOU CAN SEE THE POLITICS AND THE DREAMS. AS ELECTIONS COME AND GO, YOU SEE WHAT LIES IN ALL OF OUR HEARTS. MANY KNOW GOVERNMENT AS AN ENTITY OF CYNICISM OR FEAR, YET SOME SEE GOVERNMENT AS LED BY PEOPLE WHO HAVE COMPASSION AND CONCERN ABOUT THE CITIZENS THEY HAVE BEEN ELECTED TO REPRESENT. SO WHO NEED RIGHTLY SEEK IT AS A POSITION OF SERVICE AND STEWARDSHIP OF THIS WORLD AND CITY WE CALL HOME. BECAUSE WE RECOGNIZE YOU HAVE PLACED IT IN OUR TEMPORARY CUSTODY. SO WE CONFESS THAT WE SOMETIMES FAIL TO RECKON WITH THE FACT THAT ALL WE HAVE IS ON LOAN FROM YOU INTENDED FOR THE BENEFIT OF MANY. AS WE REFLECT THESE QUALITIES WE SO DESPERATELY NEED FROM ELECTED AND APPOINTED PUBLIC OFFICIALS, OUR MINDS ARE DRAWN TO OUR COUNCILMEMBERS AND ON THIS LAST DAY, WHERE BETTY DUNKERLY AND JENNIFER KIM WILL SERVE, WE WANT TO SAY THANK YOU FOR GIVING THEM TO US. WE THANK YOU FOR -- FOR THE TIME THAT -- THAT BETTY SERVED AS AN EXEMPLARY ADMINISTRATIVE STAFF MEMBER AND NOW POLICY LEADER. WE THANK YOU FOR JENNIFER'S SERVICE AS A COUNCILMEMBER. AND WE ARE GRATEFUL THAT THEY HAD THE SENSE TO USE THEIR TALENTS AND ABILITIES AND THE WAYS THAT THEY DID, ADMINISTERING AND LEADING FROM THEIR HEADS AND THEIR HEARTS, FOR THE GOOD OF THE PEOPLE OF THIS COMMUNITY. THIS IS WHY WE NEED TO PRAY TO YOU. WE ARE GRATEFUL FOR THE PUBLIC SERVANTS YOU HAVE GIVEN TO US WHO RECOGNIZE THEIR STEWARDSHIP IS NOT A POWER OVER, BUT POWER WITH OTHERS. THIS IS WHY WE NEED TO PRAY TO YOU, WE NEED PUBLIC SERVANTS WHO ADMINISTER AND LEAD FROM THEIR HEADS AND HEARTS FOR THE GOOD OF THE PEOPLE. AND MAY THIS CITY OF AUSTIN GOVERNMENT AND ITS LEADERS LEARN TO BLESS YOU, WITH HEARTS OF GRACE AND CARE, FOR ALL PEOPLE AMONG US. IN A PUBLIC SETTING SUCH AS THIS, I AM READY AND AWARE THAT THERE MAY BE THOSE WHO DO NOT PRAY, OR THOSE WHO DO PRAY THE NAME OF ALLAH OR YAHWEH, JEHOVA,

BUDDAH OR EVEN SOME OTHER NAME. BUT I PRAY IN THE NAME OF JESUS CHRIST WHO NEVER HESITATED TO CALL HIS OWN GOVERNMENT AND THE WORLD INTO QUESTION. AMEN.

AMEN. THANK YOU, PASTOR. THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT'S APPROXIMATELY 10:28 A.M. WE ARE HERE IN THE CITY COUNCIL CHAMBERS OF THE CITY HALL BUILDING, 301 WEST SECOND STREET. AND IN HONOR OF MAYOR PRO TEM DUNKERLY AND COUNCILMEMBER KIM'S FINAL MEETING, WE HAVE A VERY FULL AND EXCITING AGENDA. BEFORE I -- BEFORE I READ INTO THE RECORD OUR CHANGES AND CORRECTIONS, WE WILL WALK THROUGH OUR PROPOSED SCHEDULE FOR THE DAY. WE TRY TO TAKE A MINUTE OR SO EACH MEETING TO ASK IF THERE ARE ANTICIPATED UPCOMING ITEMS FROM COUNCIL. AT THIS TIME, I WOULD LIKE TO SEE IF THERE ARE. ITEM FROM COUNCIL? IF NOT, THEN I WILL READ INTO THE RECORD OUR CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. THEY ARE, NOTING THAT ITEM NOS. 2 AND 3 COME RECOMMENDED TO US BY THE ELECTRIC UTILITY COMMISSION. WE NEED TO -- TO NOTE THAT ITEMS 6, 12 AND 19 ARE ALL RELATED TO EACH OTHER. ITEM NO. 17 HAS BEEN WITHDRAWN. WE SHOULD NOTE THAT ITEM NO. 20 ALSO COMES RECOMMENDED BY THE ELECTRIC UTILITY COMMISSION. ON ITEM NO. 24, WE NEED TOTO -- TO -- WE MISPELLED THE WORD PLANT, SO WE NEED TO -- TO ADD THE LETTER T TO THE END OF THE WORD PLAN. SO IT WILL BE THE GREEN WATER TREATMENT PLANT AND WE WILL MAKE SURE THAT T IS CROSSED. ITEM NO. 32 WE SHOULD NOTE THAT IT COMES RECOMMENDED BY THE ZONING AND PLATTING COMMISSION. ITEM NO. 48, SHOULD READ AS RECOMMENDED BY THE AUDIT AND FINANCE COMMISSION. ON ITEM NO. 63, COUNCILMEMBER LEFFINGWELL IS ADDED AS AN ADDITIONAL CO-SPONSOR. ITEM NO. 64, WILL BE POSTPONED TO OUR NEXT COUNCIL MEETING, WHICH ISN'T UNTIL THURSDAY, JULY 24th, 2008. ITEM NO. 78, ZONING CASE, CALL IT THE OVER TON 5, WE SHOULD NOTE THAT A VALID PETITION HAS BEEN FILED IN OPPOSITION TO THIS REQUEST. OVERTON. ON ITEM NO. 83, THE RANCHO ALTO COMMERCIAL ZONING CASE, WE SHOULD NOTE THAT ZONING AND PLATTING COMMISSION'S RECOMMENDATION IS TO AMEND THE RESTRICTIVE COVENANT AND CLARIFY THAT THE APPLICATION IS LIMITED TO JUST THAT SUBJECT PROPERTY. I BELIEVE THOSE ARE ALL OF THE CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. OUR SCHEDULE TODAY, AFTER WE GET THROUGH OUR CONSENT AGENDA, AND TAKE UP ANY POTENTIAL DISCUSSION ITEMS THAT MIGHT BE PULLED OFF OF THAT, WE LIKELY WILL BE IN -- IN CLOSED SESSION IN THE LATE MORNING, THAT AT NOON WE COME BACK FOR OUR GENERAL CITIZEN COMMUNICATIONS, AT 4:00 WE TAKE UP ALL OF OUR ZONING MATTERS, AT 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, STAY TUNED FOR ACADIA, OUR MUSICIAN FOR THE WEEK AND MOST OF OUR PROCLAMATIONS, OF COURSE, WILL BE RELATED TO OUTGOING MAYOR PRO TEM DUNKERLY AND COMMITMENT. AT 6:00 WE BEGIN A NUMBER OF POTENTIAL PUBLIC HEARINGS. SO, COUNCIL, SO FAR, AT THIS TIME, ONLY ITEM NO. 24 HAS BEEN PULLED OFF THE CONSENT AGENDA. BUT I DO KNOW THAT THERE ARE A NUMBER OF CITIZENS WHO WOULD LIKE TO ADDRESS US, SO WHAT I MIGHT DO IS HAVE -- HAVE SPEAKERS COME AND GIVE US TESTIMONY BEFORE I

THEN PROPOSE A POTENTIAL CONSENT AGENDA. SO WITHOUT OBJECTION, GO TO OUR CITIZEN TESTIMONY. OUR FIRST SPEAKER IS GUS PENA WOULD LIKE TO ADDRESS US. GUS I SIGNED UP TO TALK ABOUT THE I THINK THE COLLECTIVE ITEMS THAT RELATE TO THE APPLE ANNIE'S LOAN PROPOSAL. ITEMS 22, 23 AND 31. WELCOME, MR. PENA.

THANK YOU, MAYOR, COUNCILMEMBER, GUS PENA, MR. CITY MANAGER. THE ONLY BIG CONCERN THAT I HAD WHEN YOU HAD AN ITEM ON THE AGENDA, NUMBER 27, ON APRIL 24th AGENDA WAS THAT IT HAD A MENTION ABOUT A DEFAULT IN THE LOAN. THAT'S WHY I RAISED CONCERN FROM PEOPLE THAT OWNED SMALL RESTAURANTS IN EAST AUSTIN AND SOUTHEAST AUSTIN. COMPARED TO APPLE ANNIE'S, THEY HAVE MORE I THINK OF A SAFETY NET. MORE ACCOUNTABILITY PROCESS. I DON'T KNOW HOW THE APPROVING THE LOAN PASSED WITHOUT QUESTIONS ABOUT THAT DEFAULT. AND THAT ISSUE. BUT ANYWAY THE APPLE ANNIE IS A LITTLE BIT MORE ACCOUNTABLE. THERE IS A TERRIBLE DISCONNECT IN OUR CITY, COUNTY AND OUR COUNTRY. PEOPLE DON'T TRUST OUR LEADERS. THEY BELIEVE THEIR LEADERS MANIPULATE THEIR EMOTIONS AND STRETCH THE TRUTH ABOUT THEIR PROBLEMS. IF WE ARE TO HAVE HEALING WE MUST EMBRACE CERTAIN TRUTHS WHICH SEPARATE A COMPASSIONATE SOCIETY FROM ONE THAT IS SELFISH AND COMPLACENT, NOT INCLUSIVE, AT TIMES DISRESPECTFUL. TOO MANY CHILDREN ARE DENIED PROPER MEDICAL CARE, ON THE AGENDA, ALSO, A PRO MED INDICATION AND SAFE, FRIENDLY EDUCATIONAL ENVIRONMENT. TOO MANY PARENTS ARE TRAPPED IN DEAD END JOBS. TOO MANY LIVES ARE WARPED BY VIOLENCE INSIDE AND OUTSIDE OUR FAMILIES, TOO MUCH OF OUR PROSPERITY IS -- THE PROBLEM IS LOW WAGES AND SHATTERED DREAMS. BUILT ON LOW WAGES AND SHATTERED DREAMS. TO THE PEOPLE THAT HAVE MADE THEIR POSITION A LITMUS TEST OF DECEMBER DECENCY, WOULD CUT PROGRAMS FOR CHILDREN, SENIOR CITIZENS, THE TWO MOST PRECIOUS GIFTED SEGMENTS OF OUR POPULATION, THAT IS NOT ACCEPTABLE. I QUOTE, THOSE WHO WOULD DEFEND THE RIGHT TO LIFE ARE THE WEAKEST AMONG US MUST BE EQUALLY VISIBLE IN DEFENDING THE QUALITY OF LIFE FOR THE POWERLESS AMONG US. THE OLD, THE YOUNG, THE HUNGRY, THE HOMELESS AND THE HAVENOTS AND UNEMPLOYED WORKERS. I ASK RESPECTFULLY AND CHALLENGE EVERYBODY HERE TO JOIN US IN THE EFFORT TO IMPROVE THE QUALITY OF LIFE FOR THE POOR, THE NEEDY, THE HAVENOTS, HOPELESS AND HOMELESS AND LESS FORTUNATE. MAKE THIS CITY AN AFFORDABLE CITY AND WHEN YOU ALLOCATE AND APPROVE LOANS TO BUSINESSES, REMEMBER THE PEOPLE CANNOT AFFORD THE HOMES AND WERE DENIED LOANS ON THE NEIGHBORHOOD PROGRAM. AFFORDABILITY TO SPURT OUR MILITARY VETERANS WHO FOUGHT THE ENEMY TO KEEP US SAFE AND I HAD ANOTHER ISSUE AMONG THE AGENDIZED ITEM, BUT I DIDN'T BRING IT WITH YOU. BUT ANYWAY THE LOANS, MAKE SURE THERE IS AN ACCOUNTABILITY PROCESS ON THE LOANS, SCRUTINIZE THEM, I KNOW POSSIBLY THE CITY ATTORNEY DOES THAT. BUT SOME OF THEM ARE QUESTIONABLE BY THE COMMUNITY. THANK YOU ALL VERY MUCH.

THANK YOU, MR. PENA. ON ITEM NO. 30, COUNCIL, RELATE RELATED TO OUR BOARD AND COMMISSION REWORK, WE HAVE A COUPLE OF FOLKS WHO WOULD LIKE TO GIVE US TESTIMONY. OUR FIRST SPEAKER IS MICHAEL KLINEMAN. WELCOME, MR. KLINEMAN, YOU

WILL HAVE THREE MINUTES TO BE FOLLOWED BY JENNY BENNETT.

THANK YOU, MAYOR PRO TEM, CITY MANAGER AND COUNCILMEMBERS. MY NAME IS MICHAEL KLINEMAN. I HAVE LIVED IN AUSTIN OVER 35 YEARS. WHEN MY SON WAS GOING TO MAPLE WOODS SCHOOL, ELEMENTARY SCHOOL, I WAS IN THE PTA THERE, I HAVE SERVED ON THE 23rd STREET RENAISSANCE MARKET FOR 24 YEARS. BEFORE THAT I WAS ON THE RENEWABLE ENERGY RESOURCES COMMISSION FOR THE SERVICE, I HAVE SERVED 25 PLUS YEARS ON BOARDS AND COMMISSIONS WITH THE CITY. I'M COMING TO YOU ON ITEM 30 BECAUSE YOU ARE BEING ASKED TO ABOLISH THE 23rd STREET RENAISSANCE MARKET COMMISSION ON TWO DAYS NOTICE. THAT WE WERE GIVEN. HALF OF OUR COMMISSION IS OUT OF THE COUNTRY AND STAFF KNEW THIS. WE VOLUNTEER, I UNDERSTAND ALL BOARDS AND COMMISSIONS VOLUNTEER AND ARE APPOINTED BY COUNCIL TO ADVISE COUNCIL ON DECISION CONCERNING OUR SPECIFIED AREA. I HAVE NOT VOLUNTEERED TO BE BULLIED THROUGH HOOPS FOR THE CITY STAFF. IN FACT, STAFF IS SUPPOSED TO HELP US WITH SUPPORT. NOT STAB US IN THE BACK. WITH LAST MINUTE PROPOSES FOR ABOLISHMENT. THE LEAST THEY COULD HAVE DONE IS TELL US THAT THEY WERE RECOMMENDING ABOLISHMENT. THEY DIDN'T HAVE THE GUTS OR THE PROFESSIONALISM TO DO SO. WE UNDERSTAND THAT YOU ARE THE DECIDERS. AND THAT WE SERVE AT YOUR PLEASURE AND YOUR DIRECTION. STILL, I ASK YOU TO RESPECT 35 YEARS OF EXISTENCE AS A COMMISSION. THE GOOD WORK THAT WE HAVE DONE AND THE GOOD WORK THAT WE CAN CONTINUE TO DO WITH YOUR SUPPORT. OUR COMMISSION HAS ALWAYS ENJOYED AND GOTTEN A POSITIVE 7-0 VOTE FROM COUNCIL. FROM THE FREED MAN TO McLELLAN TO THE MULLEN COUNCIL, ET CETERA, TO THE COOKSEY COUNCIL, I CAN'T REMEMBER ALL OF THE COUNCILS THAT I HAVE SERVED UNDER. VOLUNTEERED WITH. WE HAVE ALWAYS GOTTEN A 7-0 VOTE POSITIVELY FOR OUR COMMISSION. NOW WE ASK THAT THE 7-0 VOTE BEGIN, REJECTING THIS BAD IDEA OF ABOLISHMENT OF THE COMMISSION AND ALLOW US TO FOLLOW THE PROCESS OF GETTING GOOD AND LEGAL BYLAWS THAT WILL ALLOW OUR COMMISSION TO FUNCTION PROPERLY AND EFFECTIVELY. IN THAT REGARD, I MUST ADD THAT WE WILL BE REQUESTING IF WE ARE ALLOWED TO MEET NEXT WEEK, WE WILL BE REQUESTING A NEW CITY DEPARTMENT TO WORK WITH OTHER THAN PARKS AND RECREATION. AFTER THE SNEAK ATTACK ON OUR COMMISSION, AND THEIR OTHER FAILURES TO HELP THE MARKET, I DO NOT TRUST THEM, STUART STRONG, LAURA ESPERAZA, CORA WRIGHT TO BE TRUTHFUL OR FAIR WITH OUR COMMISSION. BEEPING BEEPING.

PLEASE CONCLUDE.

I'M SORRY. OF COURSE, YOU KNOW, WE WILL WORK WITH WHOEVER YOU WOULD LIKE US TO WORK WITH. WE WOULD PREFER TO BE WORKED WITH THE ECONOMIC DEVELOPMENT DEPARTMENT UNDER ASSISTANT CITY MANAGER SUE EDWARD. THE MARKET IS AFTER ALL DEVELOPMENT. IT'S THE MOST SUCCESSFUL JOB TRAINING PROGRAM THAT YOU'VE HAD OVER THE YEARS, THE MARKET MAKES MONEY FOR THE CITY, UNLIKE LAGUNA GLORIA, WE ARE THE ONLY ARTS INSTITUTION THAT DOES MAKE MONEY FOR THE CITY. I WANT TO

EMPHASIZE THE FACT THAT WE HAD NO NOTICE OF THIS, A CRYPTIC E-MAIL SAYING THE COUNCIL WILL BE DISCUSSING THE COMMISSION.

SORRY.

> I WILL BE HAPPY TO ANSWER QUESTIONS IF YOU WANT. I HAVE A 10 MINUTE [INDISCERNIBLE] FOR 1972, DONE BY DANIEL PEARL WHO GRADUATED FROM U.T., CAME TO BE THE TEXAS CHAIN SAW MASSACRE, PHOTOGRAPHER, VERY FAMOUS, WELL KNOWN HOLLYWOOD. TAKES 10 MINUTES IF YOU WOULD LIKE TO SEE IT. THE CITIZENS OF AUSTIN COULD SEE IT IF YOU WILL INDULGE.

LET US HEAR FROM OTHER CITIZENS FIRST. AT THE WILL OF THE COUNCIL WE CAN DO THAT.

IF YOU HAVE ANY QUESTIONS I WILL BE HAPPY TO ANSWER THEM.

THANK YOU, QUESTIONS FOR MR. KLINEMAN?

THANK YOU FOR ALLOWING ME TO SPEAK TODAY, AS MR. KLINEMAN SAID, I WAS ONLY NOTIFIED LAST NIGHT AT 7:00 P.M. ABOUT TODAY'S AGENDA MEETING. MY NAME IS JANE BENNETT. I'M AN ARTIST AT THE 23rd STREET RENAISSANCE MARKET HERE IN AUSTIN. I HAVE BEEN AN ARTIST THERE FOR ABOUT 12 YEARS. IT'S BEEN ONE OF THE MOST IMPORTANT UNIQUE EXPERIENCES THAT I'VE EVER HAD. AUSTIN -- AUSTIN IS SPECIAL, I THINK, BECAUSE OF HAVING THIS MARKET. IT'S ONE OF THE -- ONE OF THE PREMIER TOURIST ATTRACTIONS. PEOPLE LOOK FOR IT. IT'S ONE OF THE LAST NOSTALGIC THINGS LEFT ON THE DRAG. THE POINTS THAT I WANTED TO MAKE ABOUT THE COMMISSION, IT IS AN ESSENTIAL PART OF THE OPERATIONS OF THE MARKET. IT'S -- THEY HAVE DONE A GREAT JOB FOR US. AND IN PROTECTING AND BEAUTIFYING THE MARKET AND THEY ALWAYS HELP US RESOLVE ANY ISSUES THAT WE HAVE. IT'S ALWAYS BEEN A GREAT EXPERIENCE FOR ME WORKING WITH THE COMMISSION. THEY GIVE -- I FEEL THAT THEY GIVE US THE TIME, THE ATTENTION AND FOCUS THAT THE CITY STAFF PROBABLY WOULDN'T HAVE THE TIME FOR. SO -- SO I PLEASE WOULD LIKE TO REQUEST ALL OF YOUR APPROVAL AND CONTINUED SUPPORT OF OUR COMMISSION AND HELP US KEEP THE MARKET A VIBRANT AND GREAT OPPORTUNITY FOR NEW ARTISTS TO GET STARTED AND TO MAKE A -- TO MAKE A REAL GO OF THE ART COMMUNITY HERE IN AUSTIN.

THANK YOU.

Mayor Wynn: THANK YOU, MS. BENNETT. NEXT SPEAKER IS RANDY HE COULD COLS. YOU, TOO, WILL HAVE THREE MINUTES, ECHOLS.

GOOD MORNING, MY NAME IS RANDY ECHOLS, I'M A SILVER SMITH IN THE 23rd STREET RENAISSANCE MARKET, ITCH WORKED OUT THERE FOR -- I'VE WORKED OUT THERE FOR 33

YEARS. I ALSO KNOW LONGER LIVE IN THE WEST CAMPUS NEIGHBORHOOD BUT I'M AN ACTIVIST IN THAT COMMUNITY. I HAVE WORKED WITH THE UNIVERSITY AREA PARTNERS AND A MEMBER OF [INDISCERNIBLE] I'M HERE TODAY TO ASK YOU TO PLEASE HELP US KEEP OUR COMMISSIONERS. WE NEED THESE PEOPLE VERY DESPERATELY. THEY HAVE A LOT OF HEART. THEY UNDERSTAND OUR PROBLEMS. WE'VE HAD A LONG EXPERIENCE WITH THE MARKET AND THEY ARE MUCH MORE QUALIFIED THAN CITY STAFF, MUCH MORE WILLING THAN CITY STAFF IS TO HELP US IN OUR VARIOUS PROBLEMS. IMPROVING THE MARKET, SCREENING APPLICANTS. IT TAKES A WHILE FOR US TO FIND COMMISSIONERS. THIS IS VOLUNTEER WORK. THEY ARE NOT PAID. IT TAKES YOU ALL ABOUT SIX MONTHS TO SCREEN SOMEBODY WHEN WE COME UP WITH APPLICANTS. WE WILL BE COMING UP WITH MORE APPLICANTS, I GUARANTEE YOU THAT. BUT PLEASE WE NEED THESE PEOPLE VERY DESPERATELY. THEY HELP US. THEY KNOW WHAT THE ARTS AND CRAFT INDUSTRY IS LIKE. A LOT OF US TRAVEL ALL OVER THE COUNTRY BUT WE ARE BASED IN AUSTIN. AND IT'S A GREAT PLACE FOR NEW PEOPLE TO COME IN TO GET THEIR FIRST START. TO FIGURE OUT HOW TO DEAL WITH THE PUBLIC. I PERSONALLY ENJOY DEALING WITH THE PUBLIC A GREAT DEAL. AND MR. KLINEMAN HAS BEEN WITH US SINCE THE BEGINNING, SINCE 1972. ONE OF OUR COMMISSIONERS SON OF THE FOUNDER OF THE MARKET, ANOTHER ONE THAT'S ACTUALLY WORKED IN THE MARKET AS A TOY MAKER AND A WOODWORKER, LAURA WISDOM PERSONAL FRIEND OF MINE HAS WORKED WITH CHILD WELFARE DEPARTMENT. THESE -- SHE USED TO LIVE A COUPLE OF BLOCKS FROM THE MARKET. SO WORKS IN THE SHOP NEARBY. SO THESE ARE PEOPLE THAT UNDERSTAND THE MARKET AND KNOW HOW TO MAKE IT WORK AND WHAT IS NECESSARY. THE DIFFERENT PROBLEMS THAT WE HAVE. BEAUTIFICATION WE HAVE DONE OUT OF OUR OWN PACKET A GREAT DEAL AND THE PROBLEM WITH TRANSIENTS WORKING WITH THE POLICE AND THE FIRE DEPARTMENT, WHATEVER WE HAVE TO DO, IN THE LOCAL CHURCHES CHURCHES. AND PLEASE WE NEED THESE PEOPLE VERY DESPERATELY. THANK YOU.

THANK YOU, MR. ECHOLS. COUNCIL, THAT CONCLUDES THE -- THE CITIZENS SPEAKER SIGNUP ON ITEM NO. 30. BEFORE WE MOVE ON TO OUR NEXT SERIES OF SPEAKERS, I HAVE A COUPLE OF QUESTIONS FOR STAFF, I'M NOT SURE WHO MIGHT BE THE APPROPRIATE PERSON. ITEM NO. 30, YOU ARE LOOKING AT WHAT THIS -- FIRST AND FOR MOIST, THIS IS NOT A PROPOSAL -- FOREMOST THIS IS NOT A PROPOSAL TO CLOSE IN ANY WAY THE EXISTING RENAISSANCE MARKET. THIS IS RELATED TO THE COMMISSION, THE PRIVATE CITIZEN COMMISSION THAT SORT OF MANAGES, OVERSEES IT, HAS FOR DECADES. THE LAST COUPLE OF YEARS, WE HAVE SPENT A LOT OF TIME AND EFFORT TRYING TO -- TO FINALLY BRING ALL OF THE 50 SOME ODD BOARD AND COMMISSIONS INTO UNIFORMITY. THERE'S A BUNCH -- THERE HAVE BEEN A BUNCH OF LEGAL CONCERNS ABOUT HOW DIFFERENT BOARDS AND COMMISSIONS WERE STRUCTURED, HOW DIFFERENT COMMISSIONERS WERE CHOSEN, WHETHER IT WAS BY CONSENSUS, WHETHER IT WAS INDIVIDUAL APPOINTEES, WHETHER THEY WERE NOMINEES OR APPOINTED. LOTS OF LEGAL CONCERNS. SO WE SPENT A LOT OF TIME, EFFORT, SOME MONEY, WITH THE LAW DEPARTMENT, CITY CLERK'S DEPARTMENT, UPPER CITY MANAGEMENT TO CLEAN UP OUR

BOARDS AND COMMISSIONS FORMAT AND PROCESS. A NUMBER OF BOARD AND COMMISSIONS HAVEN'T MET IN OVER A DECADE. IT MADE SENSE WE DIDN'T NEED IT. MANY HAVEN'T HAD A QUORUM IN YEARS AND YEARS. LOT OF RESIDENCY ISSUES ABOUT DIFFERENT BOARD MEMBERS. SO WE SPENT TIME WITH LEGAL'S HELP TO -- TO REFORM ALL OF THAT. AND SO NOW OVER THE LAST FEW MONTHS WE HAVE SLOWLY BEEN BRINGING ALL OF THE BOARDS AND COMMISSIONS INTO THE UNIFORM STRUCTURE. WITH -- WITH SIGNIFICANT LEGAL ADVICE, HAVING THE SAME BYLAWS FOR INSTANCE FOR ALL BOARDS AND COMMISSIONS SO THERE'S NO POTENTIAL LIABILITY TO THE CITY OF AUSTIN. A HANDFUL OF BOARDS AND COMMISSIONS HAVE REFUSED TO ACCEPT OUR UNIFORM BYLAWS, BOARD AND COMMISSION VOTES NOT TO ACCEPT OUR BYLAWS, WE'RE GOING TO DO AWAY WITH THEM. WE'RE GOING TO MAKE SURE THAT THE CITIZENS AND THE CITY IS NOT LIABLE BECAUSE OF THE WAY BOARDS AND COMMISSIONS RUN. THERE'S LOTS OF STAFF TIME, LOTS OF TAX DOLLARS ARE SPENT TRYING TO STAFF THESE BOARDS AND COMMISSIONS. SO LOTS OF GOOD REASONS FOR US TO BE DOING THIS. WE HAVE BEEN TAKING SEVERAL ACTIONS OVER THE LAST FEW MONTHS AS WE SORT OF WORK OUR WAY THROUGH THE 50 SOME ODD BOARDS AND COMMISSIONS. WHEN I LOOK AT ITEM NO. 30, TECHNICALLY WHAT WE ARE DOING AMONG OTHER THINGS, WE ARE AMENDING AND CHANGING BYLAWS, BRINGING IN UNIFORMITY, EVERYTHING FROM THE PEOPLE'S RENAISSANCE MARKET IN THIS CASE, AUSTIN AREA COMPREHENSIVE H.I.V. PLANNING COUNCIL, THE AUSTIN TRAVIS COUNTY E.M.S. ADVISORY BOARD, SIGN CONTROL BOARD, IMPACT FEE ADVISORY COMMITTEE, AGAIN, THIS IS JUST ANOTHER OF THE STEP IN MY OPINION OF US DOING THE RIGHT THING OF HAVING A UNIFORM BOARD AND COMMISSION RULES AND BYLAWS AND PROCEDURES, SO THAT FRANKLY IT CAN BE -- IT CAN BE, YOU KNOW, MANAGED IN A VERY APPROPRIATE LEGAL JUDICIOUS WAY. WITH THAT I GUESS THAT I DO HAVE A COUPLE OF QUESTIONS. LOOKS LIKE MR. LORY MIGHT BE THE PERSON TO HELP US WITH THIS. WE HAVE ALREADY TAKEN A NUMBER OF ACTIONS OVER THE LAST FEW MONTHS, WE PROBABLY HAVE THE VAST MAJORITY OF OUR BOARDS AND COMMISSIONS NOW RESTRUCTURED, SAME NUMBER OF MEMBERS, SAME NOMINATION PROCESS, SAME BYLAWS. SO NOTING THAT IT'S MORE THAN JUST THE PEOPLE'S RENAISSANCE MARKET COMMISSION ON THIS AGENDA ITEM, WE ARE PROBABLY TAKING DIFFERENT ACTIONS FOR DIFFERENT BOARDS AND COMMISSIONS HERE TO KEEP ALL OF THIS IN UNIFORMITY, CORRECT?

RIGHT, THAT'S RIGHT, MAYOR. DAVID LOWRY ACTING ASSISTANT CITY MANAGER. AS YOU DESCRIBED IT THIS HAS BEEN AN ONGOING PROCESS, ACTUALLY LED PRIMARILY BY OUR CITY CLERK SHIRLEY GENTRY FOCUSING ON WAYS TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF THE BOARDS AND COMMISSIONS AND STANDARDIZE THE OPERATIONS OF BOARDS AND COMMISSIONS ACROSS THE CITY. THIS PARTICULAR ACTION IN FRONT OF YOU TODAY IS AN ADDITIONAL ITEM TO MOVE TOWARD THAT OBJECTIVE. CLARIFYING SOME DEFINITIONS WITHIN THE ORDINANCE, MAKING SOME CHANGES ON -- ON SOME BOARDS AND COMMISSIONS THAT ARE ACTUALLY RULED BY OTHER REQUIREMENTS, STATE AND FEDERAL AND DON'T REALLY FIT WITHIN THIS PARTICULAR STRUCTURE. AND THEN FINALLY

IN THIS INSTANCE, RECOMMENDING THE DISSOLUTION OF THIS PARTICULAR COMMISSION. THERE HAVE BEEN ONGOING ISSUES, THE PRIMARY ROLE OF THE COMMISSION IS TO APPROVE LICENSES FOR VENDORS FOR THE RENAISSANCE OF MARKET AND IN FACT THE -- THE CITY APPROVES MANY, MANY VENDORS FOR VARIOUS EVENTS THROUGHOUT THE CITY AND WE BELIEVE THE PARKS DEPARTMENT CAN DO THAT EFFECTIVELY. IN THIS CASE THE COUNCIL HAS BEEN CHALLENGED TO IDENTIFY THE -- THE PARTICIPANTS TO HAVE ALL OF THE SEATS FILLED. AS A RESULT THERE'S BEEN A DIFFICULT GETTING A QUORUM, OF COURSE THAT SLOWS DOWN THE PROCESS IN TERMS OF THEIR PURPOSE TO REVIEW AND APPROVE THESE LICENSES, WE THINK THIS WOULD BE A MORE EFFECTIVE AND EFFICIENT WAY TO CONDUCT BUSINESS AND TO ACHIEVE THE OBJECTIVE HERE WHICH IS THE SUCCESS OF THE MARKET. AND TO EXPEDITE AND FACILITATE BOTH THE LICENSING PROCESS AND ADDRESSING ANY COMPLAINTS OR CONCERNS THAT MIGHT EMERGE.

THANK YOU, MR. LOWRY, QUESTIONS FOR MR. LOWRY, COUNCIL? MS. GENTRY DID YOU HAVE SOME COMMENTS? I KNOW THAT YOU AND YOUR STAFF HAVE FUNDAMENTALLY YOU ALL SORT OF COORDINATE AND/OR COORDINATE THE STAFFING OF OUR BOARDS AND COMMISSIONS. ANY --

YES, WE DO SERVE AS THE LIAISON BETWEEN THE COUNCIL OFFICES AND THE BOARD AND COMMISSION MEMBERS SO WE CAN MANAGE THE 500 APPOINTMENTS THAT ARE MADE. SO WE SERVE IN THAT ROLE AND WE HAVE -- WE HAVE ATTENDED APPROXIMATELY 25 BOARD AND COMMISSION MEETINGS SINCE JANUARY TO GO THROUGH THE CHANGES IN THE ORDINANCE. KIND OF A BEFORE AND AFTER IMPACT OF THE ORDINANCE, WE MET WITH THE RENAISSANCE COMMISSION ABOUT A WEEK AGO. SOME OF THE ISSUES THAT THEY HAD SURFACED, PARTICULARLY THE QUORUM ISSUE. PARTICULARLY THEIR DESIRE TO REPORT TO A DIFFERENT DEPARTMENT. THEY HAD THE BYLAWS ON THEIR AGENDA TO BE ADOPTED. AND COULD NOT GET THE NECESSARY VOTES TO DO THAT BECAUSE THE FIRST MOTION WAS TO TRY TO INCORPORATE WHAT WOULD IN EFFECT BE A CHANGE TO THE ORDINANCE IN THE BYLAWS THEY WERE ADVISED THAT THEY COULD NOT DO THAT. THAT IN ORDER TO CHANGE THE ORDINANCE THEY WOULD HAVE TO FIND TWO COUNCILMEMBERS WILLING TO SPONSOR THAT CHANGE. THEY WANTED TO DELETE THAT THEY WOULD HAVE ANY RELATIONSHIP WITH THE PARKS AND RECREATION DEPARTMENT. THE SECOND ISSUE THEY HAVE IS THEY WOULD LIKE A QUORUM OF THOSE MEMBERS WHO WERE APPOINTED AND YOU MAY RECALL MAYOR THAT ONE OF THE GOALS HAS BEEN TO STOP HAVING BOARD AND COMMISSION MEETINGS WITH TWO AND THREE PEOPLE PRESENT THAT COUNCIL WANTED THE BOARDS TO BEHAVE IN EXACTLY THE WAY THE COUPLE DOES. THAT IS THAT YOU HAVE FOUR AFFIRMATIVE VOTES ON EVERYTHING AND THAT YOUR QUORUM IS FOUR. AS WE MOVE TOWARD SEVEN MEMBER COMMISSIONS THAT WAS A HIGH PRIORITY FOR COUNCIL. AGAIN THEY WERE ADVISED THAT THAT WOULD REQUIRE AN AMENDMENT TO THE ORDINANCE FOR THEIR BOARD TO DO THAT. SO THEY WERE UNABLE TO PASS -- NOT UNWILLING. BUT UNABLE TO GET ENOUGH VOTES TO PASS STANDARD BYLAWS.

THANK YOU, QUESTIONS FOR MS. GENTRY, COUNCIL? I WILL SAY HERE IN A FEW MINUTES I



WILL ENTERTAIN A MOTION ON THE OVERALL AGENDA. MY INSTINCT THERE IS MIGHT BE A MOTION OR TWO ON OTHER ITEMS, I KNOW HOW HARD STAFF, INCLUDING ANY STAFF HAS WORK ODD THIS -- INCLUDING MY STAFF HAS WORKED ON THIS ITEM, THIS ITEM BEING ONE OF MANY ITEMS OVER THE LAST SIX MONTHS WHERE WE HAVE BEEN BRINGING ALL OF THESE BOARDS AND COMMISSIONS INTO COMPLIANCE, THE FACT IN THIS CASE THIS IS ABOLISHING ONE OF OUR BOARDS AND COMMISSIONS THERE'S CLEARLY SOME HEART BURN ABOUT THAT. I WOULD BE SUPPORTIVE OF AT LEAST TABLING OR POSTPONING ACTION ON THE PEOPLE'S RENAISSANCE MARKET TO THE NEXT MEETING TO MAKE SURE THERE'S NOTICE OF FOLKS UNDERSTANDING AT LEAST WHY WE HAVE BEEN PROPOSING THIS ACTION. SO -- SO HOPEFULLY AS WE HAVE A -- HAVE A MOTION ON THE CONSENT AGENDA HERE IN A FEW MINUTES, I MIGHT -- I CERTAINLY WOULD ENTERTAIN THAT MOTION JUST TO MAKE PEOPLE UNDERSTAND -- GIVE PEOPLE MORE TIME TO PRECISELY WHY WE ARE PROPOSING ABOLISHING THIS COMMISSION. MEANWHILE I THINK THAT WE HAVE ABOLISHED PROBABLY I KNOW A HANDFUL OF OTHER BOARD AND COMMISSION HAVE BEEN ABOLISHED OVER THE LAST FEW WEEKS AS PART OF THIS REFORMATION. COUNCILMEMBER MARTINEZ I WILL BE MAKING AN AMENDMENT TO A DIFFERENT PART OF THE ORDINANCE PROPOSAL AND WOULD BE OPEN TO INCLUDING THAT IN THE AMENDMENT.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS OR COMMENTS ON ITEM 30? WE WILL PROBABLY ENTERTAIN A MOTION LATER ON HERE ON THE CONSENT AGENDA. HEARING NONE, OUR NEXT SET OF SPEAKERS -- LET'S SEE. ITEM NO. 40, MICHAEL KLINEMAN ALSO SIGNED UP TO GIVE US ON THAT ITEM -- GIVE US TESTIMONY, GREAT STREETS PROJECT, WELCOME, YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR, I DON'T KNOW IF WE WANT TO SPEAK TO ANY OF THE CONCERNS THAT YOU JUST RAISED OR NOT, BUT I WILL SPEAK TO THIS ITEM FIRST. ITEM 40 IS AGAIN LOOKS LIKE A C.I.P. EXPENDITURE FOR \$165,000 FOR 23rd STREET. THE DEVELOPER AND CITY STAFF CAME TO OUR COMMISSION MEETING NOT EVEN KNOWING THE BOUNDARIES OF THE MARKET THEY WERE INTENDED TO COME IN, DESTROY A CYPRESS -- MEMORIAL CYPRESS TREE WE PLANTED THERE AS WELL AS CHANGE THE WHOLE STRUCTURE OF THE MARKET. THE MARKET EXTENDS INTO THREE HALF BLOCKS. SO I WOULD ASK THAT YOU TABLE THIS MOTION AS WELL UNTIL WE GET SOME -- SOME DIRECTION FROM Y'ALL AS TO WHETHER THE COMMISSION IS GOING TO CONTINUE TO EXIST AND HOPEFULLY IT WILL CONTINUE TO EXIST AND WE'LL BE ABLE TO WORK WITH STAFF AND THIS DEVELOPER TO WORK OUT A PLAN THAT COINCIDE AND WORKS CONCLUSIVELY WITH THE MARKET. IN ITS CURRENT STATUS. I UNDERSTAND YOUR NEED TO SUNSET COMMISSIONS, ET CETERA, BUT AGAIN THIS IDEA OF -- I APPRECIATE YOU ARE WILLING TO TABLE IT LET US WORK THROUGH WITH YOU. I WOULD FRANKLY VERSUS GETTING INTO ALL OF THE DETAILS HERE WOULD LIKE TO MEET WITH YOU, MAYOR AND I KNOW THAT WE HAVE MET WITH AIDS, I WOULD LIKE TO MEET WITH THE OTHER COUNCILMEMBERS TO EXPLAIN THE NECESSITY OF KEEPING THE COMMISSION. THE FULL NAME IS THE PEOPLE ZEST RENCANCE MARKET. IF YOU WILL

INDULGE, THERE'S A 10 MINUTES FILM FROM THE SIN --

Mayor Wynn: YOU HAVE ABOUT A MINUTES AND 37 SECONDS LEFT MR. KLINEMAN.

OBVIOUSLY YOU WON'T INDULGE THE MOVIE. I WOULD LIKE TO AT SOME POINT SHOW YOU THAT AND SHOW THE CITIZENS THAT. AGAIN I LOOK FORWARD TO WORKING WITH COUNCIL AND RESOLVING THESE DIFFERENCES. WE HAVE REAL ISSUES ABOUT A QUORUM. IS A QUORUM THE MAJORITY OF PEOPLE WHO ARE THERE.

Mayor Wynn: FOUR.

OR THE PEOPLE WHO ARE SUPPOSED TO BE THERE.

Mayor Wynn: FOUR.

THANK YOU.

THANK YOU.

I WOULD LIKE YOU TO ADDRESS YOUR REFUSAL TO DISCUSS THE BYLAWS.

WE HAVE WANTED TO GO TO THE AUDIT AND FINANCE COMMITTEE. WE WERE TOLD THE PROCESS BY WHICH WE COULD IMPACT AND TALK TO COUNCIL ABOUT THE NEED TO SOME CHANGES IN BOTH THE -- IN BOTH THE QUORUM ISSUE AS WELL AS THE DEPARTMENTAL ISSUE. AS WELL AS ANOTHER ISSUE IN TERMS OF LENGTH OF SERVICE THAT WE HAD WITH THE -- WITH THE NEW BYLAWS THAT ARE PROPOSED. I WAS TOLD THERE WAS A MEETING ON THE 24th, NOW THAT WAS CHANGED TO YESTERDAY, SO NOW WE HAVE MISSED ANOTHER ONE, WE HAVE BEEN ATTEMPTING TO GO THROUGH THE PROCESS THAT WE WERE TOLD WAS NECESSARY IN ORDER TO RESOLVE THESE ISSUES. WE WERE GOING TO GO TO AUDIT AND FINANCE, RAISE OUR CONCERNS AND SEE WHAT AUDIT AND FINANCE SAID AND WHAT AUDIT AND FINANCE WOULD RECOMMEND --

YOU UNDERSTAND THERE IS AN ORDINANCE GOVERNING IN PROCESS. I WOULD LIKE TO KNOW IS IT YOUR INTENT TO GO AHEAD AND DON'T THE BYLAWS AND THEN TRY TO CHANGE THEM OR --

WE THOUGHT, I THOUGHT IT WAS MUCH EASIER TO TRY TO ADOPT GOOD BYLAWS --

Leffingwell: SO YOUR INTENTS IS NOT TO ADOPT THE BYLAWS UNTIL YOU WORK YOUR WAY THROUGH AND GET THE ENTIRE ORDINANCE CHANGED.

OUR INTENT IS WE WILL DO WHATEVER YOU ASK US TO DO. WE UNDERSTAND WE SERVE AT YOUR PLEASURE AND YOUR DIRECTION. WE THOUGHT IT WAS A MUCH MORE CLEAN

PROCESS FOR US TO GO TO AUDIT AND FINANCE AND RAISE OUR CONCERNS AND THEN GO FROM THERE. IF YOU WANT US TO ADOPT BYLAWS THAT WE BELIEVE ARE FLAWED WE WILL BE HAPPY TO DO THAT.

Leffingwell: THANK YOU.

Mayor Wynn: THANK YOU, MR. KLINEMAN. FURTHER QUESTIONS FOR MR. KLINEMAN. COMMENTS? AGAIN I ANTICIPATE, I WILL BE SUPPORTIVE OF ESSENTIALLY POSTPONING ACTION ON THIS ONE COMMISSION UNTIL OUR NEXT MEETING AND HOPE THAT GIVES US TIME TO -- TO UNDERSTAND ALL OF THE ISSUES. BUT I ALSO AM VERY, VERY SUPPORTIVE AND WILL BE ADAMANT THAT THE -- IF THE BOARD AND COMMISSION DOES NOT ADOPT OUR LAW, ORDINANCE, AS PASSED APPROPRIATELY BY THIS BODY, I'M CERTAINLY GOING TO VOTE FOR CONTINUED ABOLISHING THOSE BOARD AND COMMISSION THAT REFUSE TO PLAY BY THE RULES. THANK YOU MR. KLINEMAN. AND BY THE WAY, ON A GREAT STREETS PROJECT, THAT PROJECT IS DESPERATELY NEEDED. WE HAVE BEEN TRYING TO FIGURE OUT HOW TO FUND THE IMPROVEMENTS ON WEST 23rd STREET. I WON'T BE SUPPORTIVE OF POSTPONING ACTION. I DO BELIEVE I'VE HAD A CONVERSATION WITH ASSISTANTS CITY MANAGER GOOD THAT THERE WILL BE CONTINUED DIALOGUE TO MAKE SURE THAT THERE'S -- THERE'S AN APPROPRIATE AMOUNT OF -- OF FEEDBACK AS TO THE DESIGN OF THAT PROJECT, THE TIMING, ULTIMATELY WEST 23rd STREET DRAMATICALLY NEEDS TO BE IMPROVED MOST IMPORTANTLY FOR THE SAFETY OF THE KIDS WHO FREQUENT THAT SIDEWALK.

THAT IS WHY THE 23rd STREET WAS CLOSED TO BEGIN WITH WAS PEDESTRIAN AMENITY. I NOTICED THAT COUNCILMEMBERS HAVE CALLED FOR A COMPREHENSIVE DOWNTOWN OPEN SPACES PLAN. I WANT TO POINT OUT THAT THE 23rd STREET RENAISSANCE MARKET PEOPLE'S RENAISSANCE MARKET IS THE FIRST OPEN SPACE THAT AUSTIN CREATED 25, 30 YEARS AGO.

Mayor Wynn: THANK YOU, COUNCIL ON ITEM NO. 36, RICHARD SUTTLE SIGNED UP TO GIVE HIS -- GIVE US TESTIMONY, RELATES TO HOURS OF OPERATIONS FOR AMONG OTHER THINGS CONSTRUCTION CONCRETE POURERS. WELCOME.

THANK YOU MAYOR, MEMBERS OF THE COUNCIL, I'M RICHARD SUTTLE HERE ON BEHALF OF MY CLIENT THE GUYS THAT ARE BUILDING THE HIGH RISE HERE BETWEEN CESAR CHAVEZ AND SECOND AND COLORADO. WE ARE IN SUPPORT OF THIS ORDINANCE TONIGHT OR TODAY AND -- AND WE NEED THIS PROCESS IN PLACE MONTHS AGO. I CAN TELL YOU JUST BRIEFLY WHAT HAPPENED IS MY CLIENT IN AN EFFORT NOT TO BALL UP TRAFFIC DURING THE DAY WHEN OUR -- THERE'S HEAVY TRAFFIC ON CESAR CHAVEZ AND SECOND AND COLORADO THEY WERE POURING A FLOOR A WEEK AND TRYING TO DO IT AT NIGHT TO AVOID THE TRAFFIC BACKUPS THAT -- THAT CONCRETE TRUCKS OFTEN CAUSE AND THEY HAVE BEEN CITED FOR A VIOLATION OF THE NOISE ORDINANCE WHICH IS ESSENTIALLY A DISORDERLY CONDUCT CHARGE. PENDING IN THE MUNICIPAL COURT. TODAY WE ARE HERE

IN SUPPORT OF THIS POSSESS WHAT MY CLIENT FOUND IS WHEN HE TRIED TO GET A PERMIT THERE WAS NO PROCESS TO DO IT. THIS CREATES THE PROCESS. WE ARE HERE IN SUPPORT OF THIS TONIGHT. WE ASK THAT THIS PROCESS BE IMPLEMENTED IMMEDIATELY. IF YOU READ THROUGH THE ORDINANCE, IT SETS UP THE PROCESS BUT THEN ALSO SETS UP SAYING IN THE FUTURE WE CAN DETERMINE FEES AND IN THE FUTURE THE DIRECTOR CAN IMPLEMENT RULES. WHAT THAT LOOKS LIKE IT MAY BE A LONG TIME BEFORE SOMEBODY COULD ACTUALLY APPLY FOR A PERMIT TO AVOID THE TRAFFIC TIEUPS, WHAT I'M ASKING FOR TODAY IS EITHER AN AMENDMENT TO THE ORDINANCE OR AN EXPRESSION OF THE INTENT FROM THE COUNCIL THAT AFTER -- IF THIS ITEM PASSES, THAT THE PROCESS IS IMMEDIATELY AVAILABLE SO SOMEBODY CAN GO DOWN AND APPLY FOR A PERMIT TO AVOID SOME OF THE TRAFFIC TIEUPS THAT WE HAVE BEEN TRYING TO AVOID. WE ARE HERE TODAY IN SUPPORT OF THIS. AND HOPEFULLY THERE WILL BE AN EXPRESS AND INTENT THAT IT'S IMMEDIATELY AVAILABLE HOPEFULLY THAT WILL HELP IN THE DISPOSITION OF THE CASE OVER MUNICIPAL COURT.

THANK YOU.

THANK YOU, MR. SUTTLE. QUESTIONS FOR MR. SUTTLE. COMMENTS? MAYOR PRO TEM?

WELL, NO, I WAS JUST GOING TO AGREE WITH THE SPEAKER. A LOT OF THE CONCRETE POURINGS ARE RATHER SHORT LIVED IN THE PROJECT, YOU KNOW. SOME -- SOME WEEKS OR MONTHS. IT IS IMPORTANT THAT WE BE ABLE TO GIVE OUT THOSE PERMITS AS QUICKLY AS POSSIBLE. THE WHOLE PURPOSE HERE IS TO TRY TO -- TO TRY TO KEEP OUR STREETS AS CLEAR OF -- OF TRAFFIC TIEUPS. DURING THE CONSTRUCTION PROCESS AND -- AND ALLOWING ON A VERY SHORT TERM BASIS IN THE DOWNTOWN AREA THESE EARLY OR LATE CONCRETE POURINGS WILL REALLY HELP US. THANK YOU.

Mayor Wynn: I COULD JUST ADD, I TRUST AS PART OF -- I AGREE WITH COUNCILMEMBERS -- MAYOR PRO TEM'S COMMENTS AS PART OF THIS ORDINANCE, THERE'S THE FORMAT OR ARENA WHEREBY, YOU KNOW, NEIGHBORS ARE NOTIFIED OF THAT PROCESS. THERE MIGHT BE, YOU KNOW, THE FEW LOCATIONS THAT ARE SO POPULATED THAT IT MIGHT NOT MAKE SENSE TO ALLOW ESSENTIALLY NIGHTTIME CONCRETE POURERS BUT AS A GENERAL RULE I AM CERTAINLY SUPPORTIVE OF TRYING TO FIGURE OUT HOW WE CAN HAVE THAT CONSTRUCTION OR DELIVERY ACTIVITY OCCUR NOT DURING RUSH HOUR TRAFFIC. HOPEFULLY THERE'S AN ARENA WHEREBY THE NEIGHBORS OR NEIGHBORHOOD ASSOCIATION GETS TO VOICE THEIR POTENTIAL CONCERNS ABOUT A PENDING PERMIT. LET'S SEE, WE HAVE A NUMBER OF FOLKS SIGNED UP ON ITEM NO. 59, THIS IS AN ITEM FROM COUNCIL, I BELIEVE SPONSORED BY COUNCILMEMBER MARTINEZ REGARDING -- FEASIBILITY OF A CULTURAL ARTS DIVISION. WITHIN THE CITY OF AUSTIN. OUR FIRST SPEAKER CELINE GERARD, SORRY IF I'M -- WELCOME.

YOU CAN HAVE THREE MINUTES. DID I PRONOUNCE YOUR NAME RIGHT?

NO [LAUGHTER]

DIDN'T THINK THAT I DID.

THANK YOU VERY MUCH. MY NAME IS SEAL LET ME [INDISCERNIBLE] GERALD, I WOULD LIKE TO THANK YOU CITY COUNCIL MEMBERS FOR SUPPORTING CREATE AUSTIN. CREATE AUSTIN IS IN AN ARTISTIC WAY FOR AUSTIN TO EXPRESS IT'S TALENT AND LOOK AT ART IN DIFFERENT WAYS TO REACH THEIR GOALS OF BEING ONE OF THE TOP 10 CITIES WITH THE ARTISTIC EXPRESSION IN THE U.S. CREATE AUSTIN HELPS THE DEVELOPMENT FOR AUSTIN AT THE GOVERNOR'S MANSION WHICH MIGHT BE FULLY RESTORED BY 2020. ART WILL HELP BRING TOURISM. AUSTIN'S ARTERY SHOULD BE KNOWN AND SEEN NATIONWIDE. FOR EXAMPLE, KIDS LIKE ME ENJOYED A HI HOW ARE YOU ON 21st STREET AND GUADALUPE. SOME PEOPLE THINK THAT IT'S A GRAFFITI, BUT I THINK THAT IT'S ART. FOR EXAMPLE, ONE DAY WHEN I WAS ON A TRIP TO L.A., I WAS LOOKING AROUND THE AIRPORT. AND I SAW A HI HOW ARE YOU FROG AND IT MADE ME THINK OF AUSTIN. ANOTHER EXAMPLE OF SEEING AUSTIN'S FROG IS WHEN I WAS AT NEW YORK CITY. I JUST CAME OFF A TRAIN AND STARTED TO STOP AND I SAW THE FROG AGAIN. ART MADE IN AUSTIN IS SEEN NATIONWIDE. THAT'S WHY YOU SHOULD SUPPORT CREATE AUSTIN. THANK YOU.

THANK YOU, CELINE. WELL SPOKEN. [ APPLAUSE ] NEXT SPEAKER IS COOKIE RUIZ. WELCOME, THREE MINUTES TO BE FOLLOWED BY BRUCE [INDISCERNIBLE]

GOOD MORNING. THANK YOU SO MUCH. I'M SPEAKING ON BEHALF OF CREATE AUSTIN AND HAPPY TO FOLLOW THIS WONDERFUL YOUNG GENTLEMAN WHO ACTUALLY ATTENDED ALMOST ALL OF OUR MEETINGS, HE WAS A PART OF OUR PROCESS. I HAVE JUST RETURNED FROM THE NATIONAL PERFORMING ARTS CONVENTION IN DENVER WHERE THE NATIONAL CHAIRMAN OF THE NEA REPORTED FINDINGS ON THE RECENT REPORT ENTITLED ARTISTS IN THE WORKFORCE, 1990 TO 2005. THE HIGHLIGHTS OF WHICH WERE REPORTED IN THE JUNE 13th13th -- AUSTIN AMERICANS STATESMAN. THIS REPORT FOUND THAT THE NUMBER OF WORKING ARTISTS IN AMERICA, ABOUT TWO MILLION, IS ESSENTIALLY EQUIVALENT TO THE COMBINED ARMED FORCES, INCLUDING ALL ACTIVE DUTY MILITARY AND ALL RESERVISTS. NOT ONLY THAT BUT ARTISTS MAKE UP 1.4% OF THE TOTAL U.S. LABOR FORCE AND EARN ABOUT \$7 BILLION ANNUALLY, WHICH ARE ALL FACTS THAT I FOUND INTERESTED, BUT I FOUND EVEN MORE ENTERING THE FACTS THAT BROUGHT US BACK TO TEXAS, SPECIFICALLY BACK TO AUSTIN. OF THE TOP 50 METROPOLITAN CITIES IN THE UNITED STATES, AUSTIN IS THE ONLY CITY IN THE STATE OF TEXAS ON THAT LIST AND COMES IN AT NUMBER 20. IN AUSTIN, ALMOST 2% OF OUR LABOR FORCE IS MADE UP OF WORKING ARTISTS. AND SO FOR THAT REASON, WHAT JEAN VAN RISEN REFERRED TO WITHOUT QUESTION NOW, THE CREATIVE CAPITAL OF TEXAS, I THINK THIS INFORMATION GIVES US THAT TITLE. I'M HERE TODAY TO THANK COUNCILMEMBER MARTINEZ FOR HIS LEADERSHIP ON THIS ISSUE. WE TRULY APPRECIATE THIS. MAYOR PRO TEM DUNKERLY AND COUNCILMEMBER MCCracken. WE ARE VERY INTERESTED, ALSO, IN AS WE MOVE FORWARD THINKING ABOUT -- WE HAVE SOME WONDERFUL WORKING ARTISTS AND

INDIVIDUALS CREATIVE INDIVIDUALS THAT HAVE COME TOGETHER AS PART OF CREATE AUSTIN AND SHOULD YOU ALL CONSIDER ALSO THE ADDITION OF A TASK FORCE TO GUIDE YOU IN THAT PROCESS, IT WOULD PUT SOME VERY KNOWLEDGEABLY PEOPLE RIGHT AT YOUR FINGERTIPS AS YOU WORK THROUGH THE ISSUES OF THAT LINE OF DELINEATION OF WHAT BEST SUITS THE CREATION OF POTENTIALLY NEW DEPARTMENT. AGAIN, WE THANK YOU VERY MUCH FOR YOUR SUPPORT, WE LOOK FORWARD TO -- TO MOVING FORWARD WITH US. THANK YOU.

THANK YOU, MS. RUIZ. BRUCE, WELCOME, FOLLOWED BY SYLVIA.

THANK YOU MAYOR, COUNCIL, MAYOR PRO TEM. I'M BRUCE WALINSEK, ALTHOUGH I SERVE ON THE AUSTIN ARTS COMMISSION, SERVED ON THE AUSTIN LEADERSHIP COUNCIL FOR THE CREATE AUSTIN TASK FORCE, I'M SPEAKING AS THE OWNER -- AS A BUSINESSMAN AS THE OWNER OF THE ARMADILLO CHRISTMAS BAZAAR, NOT AS A PUBLIC OFFICIAL. I WANT TO THANK THE COUNCIL, COUNCILMEMBER MARTINEZ, FOR GETTING SUCH QUICK ACTION ON THIS. I THINK IT'S A FABULOUS THING THAT WE ARE STARTING A FEASIBILITY STUDY. I HAVE ONE CONCERN. I BELIEVE IN CONNECTIVITY. THAT THE MORE WE CONNECT OUR CULTURAL ENDEAVOR IN THIS TOWN, NON-PROFIT AND NO PROFIT, THE BETTER OFF WE ARE. AND FOR PROFIT. I ORIGINALLY WANTED THIS PROCESS TO BE CALLED CONNECT AUSTIN RATHER THAN CREATE AUSTIN FOR THE STRENGTH THAT WE GET IN THE SYNERGY OF BRINGING ALL OF OUR CULTURAL EFFORTS TO BEAR. THERE IS A THING IN THE BACKUP THAT SAYS THAT IT'S TAKEN THAT THE LIVE MUSIC FOR PROFIT AND FILM WOULD NOT BE CONSIDERED IN THIS FEASIBLE -- FEASIBILITY STUDY AND I WOULD LIKE TO ENCOURAGE Y'ALL TO LOOK AT THE BIGGER PICTURE. THE PURPOSE OF THE FEASIBILITY STUDY IS TO SEE WHAT'S FEASIBLE AND I WOULD BE SO THRILLED IF WE WOULD INCLUDE LIVE MUSIC AND FILM AND EVERYTHING ELSE IN CULTURAL ENDEAVOR IN THE FEASIBILITY STUDY AND THEN AT THE END OF IT WE'LL KNOW WHAT'S FEASIBLE, WHAT'S NOT. BUT TO TAKE THINGS OUT OF IT BEFORE WE START MAY NOT BE AS PRODUCTIVE TO GIVE US A GOOD RESULT FOR AUSTIN AS WE WOULD ALL LIKE TO SEE. I THINK THAT IT'S FABULOUS WHAT WE HAVE DONE FOR AUSTIN. HAVING A PROCESS LIKE THIS THAT BROUGHT IN BUSINESS, ARTS PEOPLE, CITY LEADERS, VERY, VERY SOUND, VERY, VERY GOOD AND THIS FEESBILITY STUDY I HOPE THAT WE WILL HAVE GOOD CITIZEN INPUT, SOMETHING CITIZEN INVOLVEMENT, BE ABLE TO LOOK AT THE BIG PICTURE. IF SO, I THINK THAT WE HAVE A FUTURE FOR AUSTIN, CULTURALLY, THAT WILL BE A CREDIT TO THIS TOWN FOR GENERATIONS TO COME. THANK YOU. [ APPLAUSE ]

THANK YOU, MR. WALISNEK. SYLVIA AROSCO SIGNED UP, ALSO IN FAVOR. I DON'T SEE SYLVIA IN THE CHAMBERS. ANNE CHICALA. YOU WILL HAVE THREE MINUTES.

I'M ANNE CHICALALA, ARTISTIC DIRECTOR FOR AUSTIN SHAKESPEARE. THIS IS SUCH AN ILLUSTRIOUS DAY. JENNIFER KIM HELPED US LEAD A BOND ISSUE THAT PROVIDED \$32.5 MILLION FOR THE ARTS. BETTY DUNKERLY HAD LED US TO MAKE IT FEEL REALLY GOOD, THANKS FOR MAYOR AND COUNCIL FOR LOTS OF GOOD STUFF ON THAT FRONT. CREATE

AUSTIN SEEMS REALLY SUCCESSFUL. I HAVE TO SAY THAT PROCESS IS BECAUSE OF A LOT OF PARTICIPATION ON THE PART OF ARTISTS AND CITIZENRY IN GENERAL. SO I WANTED TO SAY A FEW WORDS ABOUT THIS IDEA OF -- OF CREATING A NEW DEPARTMENT. I HAVE TO TELL YOU I'M NOT TOTALLY IN FAVOR OF IT. I THINK THAT'S OKAY. I THINK THAT'S WHAT THE FEASIBILITY STUDY IS ALL ABOUT. WHAT'S GOOD ABOUT THAT, NOT GOOD ABOUT THAT. SOMEHOW THE IDEA OF PULLING OUT FILM AND MUSIC, I WANT TO UNDERSCORE BRUCE'S POINT. I UNDERSTAND THEY ARE PROBABLY SOME INTERNAL ISSUES THERE. FROM THE PUBLIC'S POINT OF VIEW, THE WORDS FOOLISH AND DANGEROUS COME TO MIND. SO WHY WOULD YOU DO THAT? WHY WOULD YOU DO A FEESBILITY STUDY THAT DIDN'T INCLUDE FILM WHEN THAT'S A RISING ISSUE. WHY WOULD WE DO ONE THAT DIDN'T INCLUDE MUSIC WHICH SEEMS TO INTEGRATED. SO I WANT TO UNDERSCORE BRUCE'S POINT ON THAT. WE AUSTIN SHAKESPEARE SAW OVER 10,000 PERSONS THIS SUMMER IN THE PARK. WHAT WE GOT WAS A LOT OF INTEREST, BOTH IN THE MUSIC AND FILM COMMUNITY IN COLLABORATION. SO IT SEEMS LIKE AS WE ARE MOVING TOGETHER AS A COMMUNITY THAT THAT SEEMS TO BE A REALLY CRITICAL ISSUE. SO AGAIN JUST TO CONCLUDE, I THINK THAT IT'S GREAT WE'RE DOING A STUDY ON DEVELOPING THE STUDENT DEPARTMENT. I THINK WE SHOULD LOOK AT IT CRITICALLY, BUT NOT IN AN ISOLATED WAY. THANKS MAYOR AND COUNCIL FOR YOUR GOOD WORK.

Mayor Wynn: THANK YOU, ANNE, COUNCIL, I BELIEVE THAT'S ALL OF OUR CITIZEN TESTIMONY REGARDING OUR PROPOSED AGENDA TODAY. SO -- SO WITHOUT OBJECTION THEN -- MAYOR PRO TEM.

Dunkerly: ON THE CREATE AUSTIN, THE CULTURAL PLAN THAT'S COME FORWARD. I KNOW CITY MANAGER THERE ARE SOME THINGS IN THERE THAT ARE GOING TO COST MONEY. BUT THERE ARE SOME THINGS IN THERE THAT WON'T COST MONEY TO DO, MAYBE THIS YEAR WE COULD FOCUS EARLY ON TRYING TO GET SOME OF THOSE THINGS DONE AND MOVE FORWARD. SO I WAS REALLY PLEASED TO SEE EVERYBODY COME TOGETHER TO WORK HARD ON THE PLAN AND I -- I'M GLAD TO SEE IT COME FORWARD BEFORE I LEAVE. THANK YOU VERY MUCH. [ APPLAUSE ]

Mayor Wynn: COUNCIL WITHOUT OBJECTION, BEFORE I ASK FOR COUNCIL COMMENTS ON THE POTENTIAL AGENDA TODAY, I WOULD LIKE TO GO AHEAD AND PROPOSE A CONSENT AGENDA NUMERICALLY. IT WILL BE TO APPROVE ITEM 1, OUR MINUTES FROM OUR PREVIOUS MEETING, AUSTIN ENERGY, 2 AND 3 BOTH PER CHANGES AND CORRECTIONS, AUSTIN WATER UTILITY APPROVING ITEMS 4, 5, AND 6, PER CHANGES AND CORRECTION, COMMUNITY CARE SERVICES DEPARTMENT APPROVING ITEM NO. 7, FROM OUR CONTRACT AND LAND MANAGEMENT DEPARTMENT, APPROVING ITEMS 8, 9, 10, 11, 12 PER CHANGES AND CORRECTION. APPROVING 13, 14, 15, AND 16, NOTING THAT ITEM NO. 17 HAS BEEN WITHDRAWN BY STAFF. WEAPPROVING ITEM NO. 18, 19, PER CHANGES AND CORRECTION, 20 PER CHANGES AND CORRECTION, AND 21. FROM OUR ECONOMIC GROWTH AND REDEVELOPMENT SERVICES DEPARTMENT, APPROVING ITEMS 22, AND 23. FROM OUR FIRE DEPARTMENT, APPROVING ITEM 25. FROM OUR HEALTH AND HUMAN SERVICES

DEPARTMENT, APPROVING ITEM 26. FROM OUR HUMAN RESOURCES DEPARTMENT, APPROVING ITEM 27. FROM OUR LIBRARY DEPARTMENT, APPROVING ITEMS 28, AND 29. FROM OUR MANAGEMENT SERVICES DEPARTMENT, APPROVING ITEM 30. FROM OUR NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT, APPROVING ITEM 31. FROM OUR NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT, APPROVING ITEM 32 PER CHANGES AND CORRECTION AND 33. FROM OUR PARKS DEPARTMENT APPROVING ITEMS 34 AND 35. FROM OUR POLICE DEPARTMENT, APPROVING ITEM 36 NOTING ADDITIONAL DIRECTION FROM COUNCIL. FROM OUR PUBLIC WORKS DEPARTMENT APPROVING ITEM 37, 38, 39, AND 40. FROM OUR PURCHASING OFFICE, APPROVING ITEMS 41, 42, 43, 44, 45, 46, 47, 48 PER CHANGES AND CORRECTION, 49, 50, 51, 52, 53, 54, 55, AND 56. FROM OUR TREASURY OFFICE APPROVING ITEM 57. ITEM NO. 58 ARE T NOMINATIONS TO OR BOARD AND COMMISSIONS. I WILL READ THOSE INTO THE RECORD. AND OUR TASK FORCES. TO OUR AUSTIN AIRPORT ADVISORY COMMISSION, CAROLYN LOWE IS NOMINATED BY COUNCILMEMBER MCCRACKEN. TO OUR BUILDING AND FIRE CODE BOARD OF APPEALS, STEVE KING IS NOMINATED BY COUNCILMEMBER LEFFINGWELL. AND TO OUR DOWNTOWN STREET EVENT CLOSURE TASK FORCE, PAUL CARROZA HE IS MY NOMINEE, JACK HIGHTOWER IS NOMINEE THAT WILL SERVE AS CO-CHAIRS, ADDITIONAL MEMBERS ARE -- ARE CHIP BREEZE NOMINATED BY COUNCILMEMBER COLE, GARY MANLY NOMINATED BY MAYOR PRO TEM DUNKERLY, DAVID MERHAR NOMINATED BY COUNCILMEMBER KIM, TOM SEGESTA, NOMINATED BY COUNCILMEMBER MARTINEZ, AND COUNCILMEMBER LEFFINGWELL FOR THE STRUCTURE OF OUR TASK FORCE NOMINATED CAROL ARNOLD, NAD [INDISCERNIBLE], JAMIE LEGARDE, [INDISCERNIBLE] SORRY IF I'M MISPRONOUNCING THAT, PAUL NUDSLE, MATTHEW PAYNE, JENNIFER STEWART, AND KATHY TOVO, COUNCILMEMBER MCCRACKEN NOMINATED JOHN CONNALLY. AGAIN THE NOMINEES TO OUR NEW DOWNTOWN STREET EVENT CLOSURE TASK FORCE. A.B.C. M.B.E. SMALL BUSINESS PROPER CONSUMER PROGRAM AND ADVISORY COMMITTEE, COUNCILMEMBER COLE NOMINATED AARON BROOKS AND TO OUR WATER AND WASTEWATER COMMISSION I HAVE NOMINATED SHERYL SCOTT RYAN. ALSO BECAUSE OF PENDING BUSINESS VERY IMPORTANT BUSINESS RELATED TO THE CITY OF AUSTIN, TO BE TAKEN UP BY -- BY CAMPO, WITH A CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION, THE TRANSPORTATION POLICY BOARD, COUNCIL WILL BE NOMINATING COUNCILMEMBER COLE AND COUNCILMEMBER LEFFINGWELL TO THE BOARD POSITIONS PREVIOUSLY CURRENTLY HELD BY MAYOR PRO TEM DUNKERLY COMMISSIONER KIM. THOSE ARE OUR BOARD AND COMMISSION NOMINEES ITEM NO. 58 ON OUR CONSENT AGENDA. WE WILL ALSO BE APPROVING ITEM 59, 60, 61, 62, 63 PER CHANGES AND CORRECTION, AND WE WILL BE POSTPONING ITEM 64 TO JULY 24th, 2008. PER CHANGES AND CORRECTION. WE'LL BE APPROVING THE PUBLIC HEARINGS, SETTING OF THE PUBLIC HEARINGS BY APPROVING ITEMS 65, 66, AND 67. I'LL ENTERTAIN A MOTION ON THAT PROPOSED CONSENT AGENDA. MOTION MADE BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COUNCIL COMMENTS? OR PROPOSED AMENDMENT? [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] BOTTOM AND SO I'M NOT SURE WHY IT MADE IT INTO THE ORDINANCE PROPOSAL, BUT I THINK IT SETS A THRESHOLD THAT IS



GOING TO BE PRETTY IMPOSSIBLE TO MEET AND I WOULD HOPE THAT WE COULD AMEND THAT SO IT IS A SIMPLE McSCORETY OR A NOTION CONDUCT BUSINESS. SO I WOULD LIKE TO PROPOSE AN AMENDMENT WE REMOVE THAT SENTENCE. MR. SMITH, ANY COMMENTS.

I WOULD LIKE SOME, SOMEONE TO COMMENT ON WHAT AFFECT REMOVING THAT WOULD HAVE, GIVEN HOW A QUORUM IS DEFINED IS PATTERNED AFTER COUNCIL. IT SAYS THAT FOUR MEMBERS OF A SEVEN-MEMBER COUNCIL ARE QUORUM. THIS WAS AN ATTEMPT TO CLEANUP SOME LANGUAGE THAT WAS ADOPTED IN THE STANDING BY LAWS THAT SAYS ALL STANDING COMMITTEES MUST CONSIST OF THREE BOARD MEMBER, THE CHAIR WHO IS A NONVOTING MEMBER, AND A STAFF MEMBER. AND THERE WAS NO LANGUAGE ABOUT WHETHER THAT COULD BE A QUORUM AND THE INTERPRETATION WAS BECAUSE THERE WAS NO LANGUAGE ABOUT QUORUM, THAT MEANT THAT EVERYONE NEEDED TO BE THERE SO THE THREE MEMBERS, THE CHAIR AND THE STAFF PERSON WOULD HAVE TO BE PRESENT IN ORDER FOR THERE TO BE A SUB COMMITTEE MEETING. WHAT THIS ATTEMPTED TO DO WAS FORMALIZE THAT AND SAY THAT, GIVEN WHAT IS IN THE TEMPLATE FOR THE BY LAWS, THAT WAS COUNCIL'S INTENT AND THIS WOULD JUST CLARIFY THAT. IF COUNCIL WOULD LIKE A DIFFERENT, SO IF YOU WOULD LIKE A MAJORITY, THE CLARIFICATION WE NEED IS THAT A MAJORITY OF THE THREE BOARD MEMBERS, IS IT A MAJORITY OF THE THREE BOARD MEMBERS PLUS THE CHAIR, EVEN THOUGH THE CHAIR IS NONVOTING, WHAT WOULD YOU LIKE TO HAVE. BUT THIS IS ADDRESSED ONLY TO THE COMMITTEES, A SUBGROUP OF THE BOARD ITSELF, SO WE'RE JUST TRYING TO ACHIEVE CLARIFICATION SO WE CAN CONSISTENTLY TELL THE BOARDS WHAT THEY NEED TO DO.

I THINK IF WE'RE GOING TO MODEL IT AFTER COUNCIL, I THINK THAT IS A GOOD MODEL, BUT OUR COUNCIL SUB COMMITTEE REQUIRES TWO OF THE THREE MEMBERS TO BE PRESENT TO TAKE A FORMAL ACTION. I THINK THE SUB COMMITTEES OF OUR BOARDS SHOULD FOLLOW THE SAME.

WE DON'T HAVE ANY OBJECTIONS, WE JUST NEEDED TO KNOW.

SO COUNCIL MEMBER LEFFINGWELL, DO YOU CONSIDER AS A SECOND, THAT IS FRIENDLY.

YES.

OUR AMENDED CONSENT AGENDA WILL INCLUDE DEFINING A QUORUM OF A BOARD AND COMMISSION SUB COMMITTEE TO BE A MAJORITY OR TWO OF THE THREE VOTING MEMBERS. THANK YOU.

AND MAYOR, IF I MAY, JUST TO MAKE SURE, ASK MISS GRACE, DOE WITH HAVE ENOUGH DIRECTION TO DRAFT APPROPRIATELY.

GOOD MORNING, CAREY GRACE, THE MOTION COULD TO BE STRIKE THAT LAST SENTENCE WHICH TAKES US AUTOMATICALLY TO OPEN MEETINGS AND ROBERT'S RULES WHICH

WOULD BE TWO OF THREE, IT GOES BASS -- GOES BACK TO STATUS QUO.

WHILE WE'RE TALKING ABOUT ITEM 30, I WOULD LIKE TO PROPOSE AN AMENDMENT WHERE BY WE SIMPLY POSTPONE ACTION ONLY ON THE CITY CODE RELATED TO THE PEOPLE'S RENAISSANCE MARKET, POSTPONE THAT ACTION UNTIL THURSDAY, JULY 24, 2008. SO COUNCIL MEMBER MARTINEZ AND LEFFINGWELL, DO YOU CONSIDER THAT A FRIENDLY AMENDMENT?

YES.

MAYOR, I'LL CONSIDER IT A FRIENDLY AMENDMENT, BUT AGAIN, WITH THE PROVISION WE DO HAVE CRITERIA SET FORTH IN THE ORDINANCE UNDER WHICH BOARDS AND COMMISSIONS WILL BE DISCONTINUED, AND WE, I BELIEVE WE HAVE TO RESPECT THOSE CRITERIA OR CHANGE THEM, ONE OF THE TWO, AND IN ADDITION I WOULD LIKE TO SEE SOME POSITIVE ACTION BETWEEN NOW AND THEN ON THE PART OF THE ECONOMIES EXHIBITION TO COMPLY WITH THE NEW -- WITH THE COMMISSION TO COMPLY WITH THE NEW BY LAWS AND ACCEPT THEM.

AGREED. COUNCIL MEMBER COLE.

I WANT TO CONFER WITH PROFESSIONAL STAFF THAT WE'RE SAYING THAT WE'RE GOING TO CREATE, MUCH LIKE COUNCIL, LIKE YOU ARE INTENDED TO DO WITH THE ENTIRE ORDINANCE, WHERE THAT A MAJORITY OF THE SUB COMMITTEE CONSTITUTES A QUORUM AND WE CAN REWRITE THE ORDINANCE WITH OUR DIRECTION TO DO THAT AND NOT HAVE ANY OPEN MEETINGS PROBLEM. AM I UNDERSTANDING ALL THAT CORRECTLY?

YES, COUNCIL MEMBER, YOU ARE. ONCE THAT SENTENCE IS STRUCK, WHICH ESSENTIALLY RAISES A HIGHER BAR THAN ROBERTS RULES AND OPEN MEETINGS ACT REQUIRE, YOU GO BACK TO STATUS QUO FOR THE COMMITTEE MEETINGS WHICH WOULD BE THE SIMPLE QUORUM RULE.

NO FURTHER COMMENTS ON OUR AMENDED CONSENT AGENDA? COUNCIL MEMBER MARTINEZ.

ITEM THIS IS MOVING FORWARD WITH OUR ENHANCEMENT FUND THAT WE ESTABLISHED QUITE SOME TIME AGO AND IT IS SOMETHING THAT WAS VERY CONTROVERSIAL AT THE TIME DUE TO THE WHOLE SITUATION, THEY ENDED UP DECLINING THE OFFER OF A LOAN BUT WE'VE BROUGHT FORWARD THIS ITEM AND I WANT TO THANK STAFF FOR STICKING WITH THE PROGRAM BECAUSE I THINK THE INTENTION OF IT WAS TO ENCOURAGE RETAIL. RETAIL AND COMMERCIAL BUSINESSES OTHER THAN ENTERTAINMENT, CLUBS AND BARS TO COME DOWNTOWN AND LOCATE TO CONGRESS AVENUE, AND APPLE ANNIE'S HAVE APPLIED AND THEY APPLIED FOR A LOAN, NOT A FORGIVABLE LOAN BY ANY STRETCH OF THE IMAGINATION, 6%, BUT I WANT TO ACKNOWLEDGE THE PROGRAM WE CREATED, THE

STAFF CREATED IS A GOOD PROGRAM AND WE WILL SEE THE BENEFITS GOING FORWARD.

IF COY JUST ADD ON -- IF I COULD JUST ADD ON THAT, COUNCIL MEMBER, I AM TOO SUPPORTIVE OF THE FUNDAMENTAL STRUCTURE OF THIS PROGRAM. WHAT WE ARE DOING, WE'RE TAKING UNBUDGETED ONE-TIME TAX DOLLARS, DOLLARS THAT COME TO US BECAUSE OF DEVELOPMENT THAT SEW -- THAT IS OCCURRING ON CONGRESS AVENUE, UNBUDGETED, ONE-TIME NON-TAX REVENUE, PUTTING IT INTO A FUND FOR CONGRESS AVENUE, SPECIFICALLY FOR THE STREET SCAPE ON CONGRESS AVENUE WITH A NUMBER OF PARAMETERS, A MAXIMUM LOAN OF \$250,000. THE DOLLARS HAVE TO GO INTO REAL HARD CONSTRUCTION IMPROVEMENTS TO THE BUILDING OR THE SPACE. A HISTORIC FACADE RESTORATION, ADA COMPLIANCE, OTHER CODE COMPLIANCE, FIRE EXITING, REALLY IMPORTANT STUFF, THEN ALLOW THE PROJECT TO HAPPEN. AGAIN, TO REVITALIZE THE PEDESTRIAN RETAIL COMMERCIAL ENVIRONMENT UP AND DOWN CONGRESS AVENUE, TAKING FUNDS BECAUSE OF DEVELOPMENT ALONG CONGRESS, BUT CHANNELING THEM DOWN INTO THE STREET SCAPE PEDESTRIAN LEVEL IN THIS CASE, I THINK IT IS BEAUTIFUL THAT WE HAVE FOUND THIS LONG-STANDING, 20, 25 YEAR LOCALLY OWNED, SMALL BUSINESS THAT WAS BEING DISPLACED DOWNTOWN, HAD LOST THEIR LEASE, AND NOW ARE MOVING FROM A FEW BLOCKS WEST OF CONGRESS AVENUE ON TO THE AVENUE ITSELF SOME OF I'M VERY SUPPORTIVE OF THE STRUCTURE OF THE PLAN, IT IS UNFORTUNATE IT SORT OF WENT INTO THE DITCH LAST YEAR BUT IT IS A SO I UNDERSTAND PROGRAM AND I'M VERY -- IT IS A SOUND PROGRAM AND I'M VERY PLEASED TO SEE THE DOLLARS GOING INTO THIS SPACE. THE PRINCIPLE AND INTEREST GOES BACK EACH MONTH AND BECOMES AVAILABLE FOR PEDESTRIAN ORIENT THE COMMERCIAL AND RETAIL BUSINESSES ON CONGRESS AVENUE AND EAST 6th STREET. THANK YOU, COUNCIL MEMBER. MR. SMITH.

ONE MORE POINT OF CLARIFICATION ON ITEM NUMBER 30, IF WE MAY.

MAYOR WYNN: PLEASE.

IN ORDER TO AFFECT THE POSTPONEMENT THAT YOU ARE REQUESTING, WE'RE ASSUMING THE MOTION IS TO STRIKE THE SECTIONS THAT CHANGE THE STATUS OF THE RENAISSANCE MARKET WHICH ARE PARTS 16, 17, 18, 19, 22, 23, 29, 30 AND 34 AND BRING THOSE BACK IN ANOTHER ORDINANCE ON THE 27th. IS THAT ACCURATE?

IF THAT IS HOW LEGAL STAFF SUGGESTS WE ACCOMPLISH THE POSTPONEMENT, CORRECT.

PERFECT. THANK YOU.

MAYOR WYNN: THANK YOU. COUNCIL MEMBER COLE.

COUNCIL MEMBER COLE: YES, MAYOR, I WANTED TO COMMENT ON ITEM NUMBER 63 WE ARE ACTUALLY ASKING FOR PLAN AMENDMENTS TO HELP THE OWNERS ON EAST 11th

STREET TO COMPLY WITH THE URBAN RENEWABLE PLAN. AND THAT WORK HAS NOT BEEN DONE BY STAFF WITH RESPECT TO EAST TRUSS STREET AND I WANT TO INSTRUCT STAFF TO BEGIN THAT PROCESS OF NEGOTIATING WITH THE 12th STREET OWNERS.

MAYOR WYNN: SO THEN, COUNCIL, WITHOUT OBJECTION, WE WILL CONSIDER ADDITIONAL DIRECTION ON ITEM NUMBER 63 AS PART OF OUR CONSENT AGENDA. FURTHER COMMENTS? POTENTIAL AMENDMENTS TO OUR PROPOSED CONSENT AGENDA. I WILL SAY ON ITEM NUMBER 29 WE ARE FINALLY AND FORMALLY ESSENTIALLY ESTABLISHING WHAT I CHARACTERIZE AS THE ENDOWMENT FOR THE OPERATIONS, THE ADDITIONAL OPERATIONAL COST FOR THE CENTRAL LIBRARY. THIS IS AN ITEM THE MAYOR PRO TEM AND I TALKED ABOUT THREE YEARS AGO WHEN WE FIRST TALKED ABOUT THE IDEA AND ULTIMATELY TOLD BLOCK 21 AND NOW THEY'RE BUILDING A LARGE DEVELOPMENT ON THAT SITE. THE CONCEPT HERE WAS THAT WE TOOK THE VAST MAJORITY OF THOSE ONE-TIME UNBUDGETED CONTEXT DOLLAR CAPITAL GAINS, THAT IS THE LAND SALE PROCEEDS, AND WE'RE SETTING THAT INTO A SPECIAL FUND, AN ENDOWMENT THAT WILL THEN GENERATE, OF COURSE, ANNUAL REVENUE OFF OF THE INTEREST OF THIS \$9.9 MILLION FUND. WE WILL PARTNER WITH THE CENTRAL LIBRARY FOUNDATION TO THEN MATCH THOSE ADDITIONAL, THOSE FUNDS, BECAUSE WHAT WE WANTED TO DO IS AS WE BUILD A NEW CENTRAL LIBRARY DOWNTOWN, WE RECOGNIZE, OF COURSE THAT THERE WOULD BE MORE OPERATIONAL COST ANNUALLY ON A NEW LARGER CENTRAL LIBRARY THAN WHAT WE CURRENTLY EXPENT WITH THE CURRENT CENTRAL LIBRARY. WHAT WE DIDN'T WANT TO DO IS CANNIBALIZE THE EXISTING O&M BUDGET OF OUR EXISTING LIBRARY DEPARTMENT, SPECIFIC CLEAR OUR NEIGHBORHOOD BRANCHES, SO WE CALCULATED WHAT WE BELIEVE TO BE THE LIKELY DELTA, THE LIKELY ADDITIONAL COSTS ASSOCIATED WITH OPERATING A NEWER, LARGER CENTRAL LIBRARY AND THIS ENDOWMENT WILL GENERATE THOSE ADDITIONAL FUNDS. SO WITH THIS FINANCIAL STRUCTURE, WE WILL BE ABLE TO HAVE THE ADDITIONAL ANNUAL O&M FUNDS TO OPERATE THE NEW CENTRAL LIBRARY WITHOUT CANNIBALIZING OUR EXISTING LIBRARY DEPARTMENT BUDGET AND NOT TAKE ANY DOLLARS OUT OF OTHER BRANCHES ACROSS THE CITY SO IT IS A VERY SOUND PROPOSAL, I APPLAUD MAYOR PRO TEM FOR COMING UP WITH THE CONCEPT AND THE IDEA. WE WILL BE PARTNERING WITH THE PRIVATE SECTOR AS WE SEE THE NEED, I SUSPECT, TO HAVE MAYBE MORE BELLS AND WHISTLES AND MORE IMPROVEMENTS TO THAT CENTRAL LIBRARY AS THE PLAN STARTS TO COME FORWARD. SO VERY EXCITED TO SEE STAFF BRINGING ITEM NUMBER 29 TO FRUITION AND LOOK FORWARD TO THE DAY WHEN WE OPEN UP THE NEW CENTRAL LIBRARY AND RECOGNIZE THAT IT'S ADDITIONAL OPERATING COSTS IN NO WAY WILL IMPACT THE CURRENT LIBRARY SYSTEM. FURTHER COMMENTS ON OUR PROPOSED CONSENT AGENDA, AMENDED CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. SO COUNCIL, ACTUALLY TECHNICALLY NOW THERE ARE NO DISCUSSION ITEM ITEMS. FOR THE REST OF

THE MORNING. SO WITHOUT OBJECTION, WE WILL NOW GO INTO CLOSED SESSION PURSUANT TO SECTION 551.071, TO TAKE UP A FEW POTENTIAL ITEMS BEFORE WE COME BACK OUT INTO OPEN SESSION FOR OUR NOON CITIZEN COMMUNICATION. IN CLOSED SESSION MAY TAKE UP LEGAL MATTERS ITEM NUMBER 68, REGARDING THE APPLICATION OF THE HAYS COUNTY WATER CONTROL IMPROVEMENT DISTRICT NUMBER ONE. WE MAY TAKE UP LEGAL ISSUES REGARDING THE DEVELOPMENT OF THE BETWEEN WATER TREATMENT PLANT AND THE AUSTIN ENERGY CONTROL CENTER SITES. WE MAY ALSO TAKE UP LEGAL ISSUES REGARDS ITEM NUMBER 71, REGARDING PLOY HERITAGE EVENTS OFF LEGAL ISSUES REGARDING OUR LABOR NEGOTIATIONS WITH EMS DEPARTMENTS. WHEN WE TAKE UP THE LEGAL ISSUES REGARDING THE GREEN WATER TREATMENT PLANT AND THE AE CONTROL CENTER SITE, WE MAY ALSO TAKE UP REAL ESTATE MATTERS RELATED TO THOSE SAME MATTER, WE POSTED THAT AS ITEM 70. I ANTICIPATE US ONLY BEING ABLE TO TAKE UP A SMALL PORTION OF THIS EXECUTIVE SESSION AGENDA BEFORE RETURNING AT NOON, FOR GENERAL CITIZEN COMMUNICATION. WE'RE NOW IN CLOSED SESSION. THANK YOU.

APOLOGIZE FOR THE DELAY. IN EXECUTIVE SESSION, WE TOOK UP AN ACTION ITEM FROM COUNCIL. WITH THAT, WE NOW GO, I APOLOGIZE FOR THE DELAY, TO OUR CITIZEN COMMUNICATION. I BELIEVE WE HAVE 10 SPEAKERS SIGNED UP TO GIVE TESTIMONY. OUR FIRST SPEAKER IS AKWASI EVANS. YOU WILL BE FOLLOWED BY CAROLANNEROSE KENNEDY.

GOOD AFTERNOON, MAYOR, AND HONORABLE COUNCIL MEMBER. MY NAME IS AKWASI EVANS AND I APPRECIATE THIS OPPORTUNITY TO SPEAK WITH YOU BRIEFLY BUT QUALITY OF LIFE AND SIMILAR LACK THERE HAVE FOR AFRICAN-AMERICAN CITIZENS AND ENTREPRENEURS IN AUSTIN. OVER THE PAST DECADE, AUSTIN HAS WITNESSED AN UNSETTLING DECLINE IN THE AFRICAN-AMERICAN POPULATION AT A TIME WHEN OTHER LABEL MIGHT MINORITY POPULATIONS ARE INCREASING. I BELIEVE THIS WAS PREDICTED BY THE 30-YEAR PLAN AND IT'S OKAY IF THE PLAN IS GOING WELL AS IS EVIDENCED BY THE JUSTIFICATION OF EAST AUSTIN AND THE ON GOING LACK OF PATRONAGE FOR AFRICAN-AMERICAN BUSINESSES. I APPLAUD THE CITY COUNCIL FOR INITIATING THE STUDY ON THE AFRICAN-AMERICAN QUALITY OF LIFE THREE YEARS AGO AND MUCH HAS BEEN ACCOMPLISHED IN THAT THREE YEARS. WE HAVE A POLICE EMERGENT PROGRAM, A HOUSING SMART PROGRAM, A ST. JOHN HEALTH CARE CLINIC AND THE AFRICAN-AMERICAN DISTRICT AND YOU DESERVE CREDIT FOR THE COURAGE IN TAKING THAT STANCE. YOU ALLOCATED OVER \$700,000 THE FIRST YEAR AND WE'RE ASKING THAT YOU ALLOCATE MORE THIS YEAR BECAUSE THERE IS MUCH, MUCH TO BE DONE BECAUSE VERY LITTLE HAS BEEN DONE OVER THE LAST THREE YEARS, THE LAST 200 YEARS TO SUPPORT AFRICAN-AMERICAN ENTREPRENEURS AND BUSINESS PEOPLE IN THIS CITY. THERE IS A GREAT IMBALANCE WITH THE MONEY SPENT IN AFRICAN-AMERICAN BUSINESSES COMPARES TO WHAT AUSTIN SPENDS IN BUSINESSES. MY BUSINESS AND THE OBSERVER NEWSPAPER WAS STARTED IN JULY 1987, WHICH MEANS NEXT MONTH I WILL HAVE BEEN IN BUSINESS 21 AREAS. AFTER 21 YEARS OF BUSINESS, I'M STILL NOT SOLVENT, I'M NOT SOLVENT BECAUSE

BUSINESSES IN AUSTIN DO NOT PROMOTE THEIR VENUES WITH BLACK MEDIA TO THE EXTENT THAT BLACK PEOPLE SPEND MONEY WITH WHITE BUSINESSES. MOSTLY AFRICAN-AMERICAN IN AUSTIN DRIVE AUTOMOBILES, ADULT AFRICAN-AMERICANS, THAT IS. YET NO AUTOMOBILE DEALERSHIPS ADVERTISE TO ANY BLACK MEDIA. ALL AFRICAN-AMERICANS EAT FOOD, YET NO SUPER MARKETS ADVERTISE IN AFRICAN-AMERICAN MEDIA. WE SPEND MILLIONS ON CLOTHES AND FURNITURE, ELECTRONICS, APPLIANCES AND ENTERTAINMENT, WHILE THE CITY SPENDS LESS THAN 100,000 WITH MOST BLACK BUSINESSES IN THIS CITY. ACCORDING TO MICHAEL WHO DID A REPORT FOR US ON THE BUYING POWER, NOT JUST OF BLACKS IN AMERICA BUT ALSO THE BLACKS OF BUYING POWIER IN AUSTIN, AFRICAN-AMERICAN SPENT OVER \$10 MILLION ON COMPUTER, OVER \$10 MILLION ON ELECTRONIC PRODUCTS, \$188 MILLION ON CAR, \$9 MILLION ON CLOTHES, AND WE HAVE NO RECIPROCITY TO SHOW FOR IT AND WHERE IS THE RECIPROCITY TO SHOW WHAT IS SPENT WITH THE CITY COMPARED TO WHAT IS SPENT WITH US. WE'RE FALLING FURTHER BEHIND AND WE NEED SUPPORT FROM THIS COUNCIL TO BEGIN TO BRIDGE THE GAP THAT THE QUALITY OF BLACKS INITIATIVE WAS CREATED TO ADDRESS. AFRICAN-AMERICAN ENTREPRENEURS ARE GOING OUT OF BUSINESS AND LEAVING AUSTIN FASTER THAN RANS JUMP A SHIP AND THOSE LEFT ARE STRUGGLING TO KEEP OUR HEADS ABOVE WATER BECAUSE WE CAN'T PAY OUR BILLS IF PEOPLE DON'T DO BUSINESS WITH US LIKE DO WE BUSINESS WITH THEM. I'M ASKING TO YOU PLEASE CONSIDER THE FACT THAT TOMORROW IS JUNETEENTH AND TAKE THAT OCCASION TO LOOK AT THE LACK OF RECIPROCITY IN THIS CITY AND LOOK AT WAYS THAT WE CAN GET BUSINESSES TO PATRONIZE, BUSINESSES AND CITIZENS TO PATRONIZE AFRICAN-AMERICAN BUSINESSES THE WAY AFRICAN-AMERICAN CITIZENS PATRONIZE OTHER BUSINESSES. I THANK YOU FOR YOUR TIME. HAPPY JUNE-TEENTH [APPLAUSE]

MAYOR PRO TEM, I WANTED TO ASK THE CITY MANAGER IF WE CAN GETTING INFORMATION ON ADVERTISEMENTS THE CITY OF AUSTIN PURCHASES PURCHASES IN RELATION TO LOCAL MEDIA, WHAT THAT DIVERSITY LOOKS LIKE, NOT IN TERMS OF ETHNIC, BUT NEWSPAPERS AND TELEVISION ADS, WHERE OUR DIFFERENT DEPARTMENTS ARE ADVERTISING SO MAYBE WE CAN CREATE EQUITY IN DISBURSING THAT OVER DIFFERENT MEDIA OUTLETS WE HAVE AVAILABLE TO US.

WE'LL CERTAINLY FOLLOW-UP ON THAT.

OUR NEXT SPEAKER, CAROLANNEROSE KENNEDY. NAILAH SANKOSA.

IT'S NAILAH SANKOSA.

OKAY.

GREETINGS MAYOR, OH, WELL, HE IS NOT HERE. STILL COUNCIL MEMBERS, THANK YOU FOR ALLOWINGNY TIME. I'M HERE BEFORE YOU AGAIN TO EMMORE THIS COUNCIL AS OUR ELECTED CITY LEADERS TO LOOK VERY CLOSELY AT THE GROSSLY APPARENT AND

CONTINUED DISPARITY OF THIS CITY'S PUBLIC FACE. AND BY FACE, I MEAN AUSTIN ESPECIALLY DOWNTOWN AUSTIN, AND SPECIFICALLY THIS RETAIL AREA SURROUNDING CITY HALL AND THE FIGHTS OF THE NEW CONDOS DOWNTOWN BASICALLY BEING THROWN UP CONTINUES TO GIVE OFF THE IMPRESSION THAT THESE AREAS ARE ELITIST AND UNCOMPROMISINGLY RACIST BY THE FACT THAT THERE ARE STILL NO PEOPLE OF AFRICAN DESCENT WORKING AT ANY OF THESE ESTABLISHMENTS ON THE SECOND STREET DISTRICT. ALL OF THE ART GALLERIES, MUSEUMS, AND LOCAL ARTS PUBLICATIONS AND MAGAZINES, STILL INSIST ON EXCLUDING AND IGNORING BLACK ARTISTS. ART SPACE IS AN ISSUE, WITH THE EXCEPTION OF OCCASIONAL TOKEN GESTURES. IF YOU LOOK AT THE DECEMBER ISSUE OF ART IN AMERICA NOT ONE BLACK ARTIST ART SPACE WAS EVER MENTIONED. THIS SHOULD MAKE EVERY ONE OF YOU, YOU KNOW, WONDER AND CRINGE WITH EMBARRASSMENT, AND SO, AND ON THIS EVE OF JUNE-TEENTH, WE SHOULD BE THINKING ABOUT AND LOOKING AT THE WHOLE CONCEPT MUCH REPARATIONS AND THE ROOT OF REPARATIONS IS REPAIR SO A LOT OF THESE ISSUES NEED TO BE REPAIRED FROM THE ARTISTIC CULTURAL PERSPECTIVE IN THE CITY, AND WHAT MESSAGE DO YOU THINK IT SENDS TO VISITORS AND IMPORTANT COMPLETE BLACK COMMUNITY THAT, YOU KNOW, THESE BUSINESSES DON'T HAVE ANY, YOU KNOW, BLACK EMPLOYEES IN THEM AT ALL, AND THEN HOW THAT IS GOING TO BLEED OVER INTO WHAT IS NOW CALLED THE EAST END BECAUSE WITH GENTRIFICATION, PEOPLE HAVE TAKEN IT AND RENAMED IT, HOW THAT IS GOING TO DEVELOP INTO THOSE DEVELOPMENT PROJECTS GOING UP. SO LET ME RUSH THROUGH THIS. I BASICALLY TRIED TO STOP STAYING IN EAST AUSTIN BECAUSE IT IS OBVIOUS THAT I, NOR A LOT OF OTHER BLACK ARTISTS CAN AFFORD TO LIVE THERE ANY MORE, SO A GROUP OF OTHER ARTISTS AND MYSELF OF AFRICAN DISSENT HAVE BEGAN TO ORGANIZE AND OPEN AN AFRICAN ARTIST LIVE WORK COLLECTIVE AND AFRICAN ARTS AND CULTURAL CENTER IN A SPACE THAT UNFORTUNATELY, IS OUTSIDE OF EAST CENTRAL AUSTIN AND WE FEED YOUR SUPPORT FOR THAT SO WE WILL PRESENT INFORMATION FOR THAT AT ANOTHER COUNCIL MEETING, AND/OR INDIVIDUALLY. THANK YOU [APPLAUSE]

MAYOR PRO TEM DUNKERLEY: SYLVIA MENDOZA.

GOOD AFTERNOON, CITY COUNCIL. FOR THE RECORD, I DIDN'T SAY I COULDN'T GET INTO A DENTAL POINT, I SAID I CAN'T GET A DENTAL APPOINTMENT. I'M HERE, I'VE BEEN TRYING TO GET A DENTAL APPOINTMENT FOR OVER A YEAR WITH THE CLINIC. IT'S NOT FAIR THAT I'M A THIRD GENERATION AMERICAN THAT HAS PAID TAXES FOR OVER 20 YEARS BUT I'M PUT IN THE SAME LINE AS ILLEGALS WHO MOSTLY GET PAID UNDER THE TABLE AND HAVE NOT BEEN PAYING TAXES. THEY JUST ARRIVED AND THEN QUALIFY TO GET BENEFITS BECAUSE THEY HAVE THEIR CHILDREN BY PREMEDITATING THEIR ENTRANCE INTO THIS COUNTRY. MY MAIN POINT IS WHY SHOULD I BE IN THE SAME LINE AS AN ILLEGAL IMMIGRANT WHO BROKE THE LAW TO GET WHAT I'M LAWFULLY ENTITLED TO. YOU KNOW WHAT THE DEFINITION OF I WILY IS, FORBIDDEN, ILLEGAL, WRONG, UNJUST AND UNCONSTITUTIONAL. EVEN THOUGH IT IS UNCONSTITUTIONAL, THEY HAVE FOUND A LOOPHOLE AND IT HAS SPREAD LIKE WILD FIRE IN THE PAST FEW YEARS. A FEW YEARS AGO, IT WASN'T THIS DIFFICULT TO GET A DENTAL APPOINTMENT OR DOCTOR APPOINTMENT BUT UNDERSTAND THAT HAD HAS

HAPPENED SO QUICK THAT THE CITY DIDN'T HAVE TIME TO REACT AND NOW I'M BEING PUSHED BACK. I'LL LEAVE IT UP TO YOUR EXPERTISE TO SOLVE THIS. THANK YOU [APPLAUSE]

MAYOR PRO TEM DUNKERLEY: SUSANA ALMANZA. [APPLAUSE]

SUSANA IS GOING TO GO AFTER DIANA PEREZ-ESTRADA AND FOR THE RECORD WE SHOULD RECOGNIZE WHO WAS HERE FIRST INTO THESE HOMELANDS. WE HAVE A SUMMER YOUTH PROGRAM, THEY ARE HERE TODAY WITH US, WE CAME BACK TO TALK ABOUT A FACILITY, WE DID HOME SERVICE THIS YEAR. PEER CASTING IS A 24-YEAR-OLD FACILITY ON 2110 EAST FOURTH STREET AND MANUFACTURED METALS THAT MAKES THINGS LIKE KEYS FOR JAILS. WE FOUND THAT BREATHING IN THESE CHEMICALS CAN CAUSE HEALTH AFFECTS SUCH AS ASTHMA, LUNG CANCER, INFERTILITY, NOSE BLEEDS, MISSRAGES AND BRONCHITIS. IT IS 30,000 SQUARE FEET OF LAND LOCATED ACROSS THE STREET FROM THE ELEMENTARY SCHOOL AND THE REC CENTER AND HUNDREDS OF HOMES. WE HEARD FROM PARENTS ATTENDING THE ELEMENTARY SCHOOL AND PARENTS THAT LIVE IN THE COMMUNITY THEY BREATHE IN THIS ODOR THAT COMES IN THE PLAY GROUND, IN THE VENTS, AND THEY CAN'T LEECH WINDOWS OPEN AT NIGHT AND THEY CAN'T BREATHE IN THE CLASSROOMS. A LARGE NUMBER OF RESIDENTS SAY THAT PEER CASTING DOES PUT OUT THAT ODOR, YET 84% OF THOSE SURVEYED DIDN'T KNOW WHAT KIND OF FACILITY IT WAS. 78% OF THOSE SURVEYED DIDN'T KNOW THAT PEER CASTING USED CHEMICALS. 65% DIDN'T KNOW THEY PRODUCED HAZARDOUS WASTE. THEY PRODUCED 220 POUNDS PER MONTH WITH OVER 30,000 SQUARE FEET OF LAND, THIS IS AN IDEAL LOCATION TO BUILD AFFORDABLE HOUSING. 97% OF THE HOMES FELT THAT PEER COSTING SHOULD NOT BE LOCATED NEAR THE ELEMENTARY. 95% FELT IT SHOULD NOT BE LOCATED NEAR HOMES. 87% FELT IF IT WAS REMOVED THEY WOULD SUPPORT THE BUILDING OF AFFORDABLE HOUSING IN ITS PLACE. THERE IS A CRITICAL HOUSING CRISIS, 8,000 PEOPLE WAITING ON A WAITING LIST FOR SECTION 8 HOUSING, THERE IS THOUSANDS OF HOMELESS CHILDREN AND THIS IS AN IDEAL LOCATION. WE'RE CALLING ON YOU AS CITY COUNCIL MEMBERS TO PUT TOGETHER A STAKEHOLDERS MEETING WITH YOURSELVES, WITH PEER CASTING TO BEGIN THE PROCESS OF THAT RELOCATION. WE FEEL THERE SAY FORDABLE HOUSING BOND MONEY THAT IS NOT UTILIZED WELL AND IT NEEDS TO BE GOING TO BUILDING REAL AFFORDABLE HOUSING AND THAT IS A GREAT OPPORTUNITY TO THUSE NOUN PURCHASE THAT LAND AND RELOCATE THE FACILITY. SO WE'RE ASKING TO YOU PLEASE LOOK INTO THIS, AND WE DON'T WANT TO CONTINUE THE 1928 MASTER PLAN, IT IS 80 YEARS NOW AND WE DON'T WANT ANY MORE OF THESE FACILITIES IN OUR COMMUNITY, WE NEED AFFORDABLE HOUSING. THANK YOU [APPLAUSE]

MAYOR PRO TEM DUNKERLEY: ERIKA GONZALEZ.

GOOD AFTERNOON, COUNCIL MEMBERS, THANK YOU FOR HAVING US TODAY. I'M WITH ERIKA -- I'M CARMEN LIANES, ALSO SPEAKING AFTER ERIKA GONZALEZ. PEER COSTING IS DIRECTLY ACROSS FROM THE PLAYGROUND OF ZAVALA ELEMENTARY AND WHEN WE'RE



TALKING ABOUT CONTAMINANTS IN THE AIR AND CHILDREN PLAYING THERE ARE IMPORTANT THINGS TO KEEP IN MIND THAT CHILDREN ARE SMALLER THAN ADULTS, THEY SPEND ABOUT THREE TIMES MORE OF THEIR DAY OUTDOORS PLAYING THAN ADULTS DO, THEY BREATHE MORE RAPIDLY AND THEY TAKE IN MORE POLLUTANTS ANATOXINS PER POUND OF THEIR BODY WEIGHT THAN ADULTS SO EVERYTHING THAT IS IN THE AIR CURRENTLY IN EAST AUSTIN IS AFFECTING CHILDREN MORE THAN IT IS AFFECTING ADULTS, BUT IT IS AFFECTING FAMILIES. SO HERE WE HAVE A FACILITY DIRECTLY ACROSS THE STREET FROM A PLAY GROUND, DIRECTLY ACROSS THE STREET IF A REC CENTER, AND I WILL GO OVER A FEW CHEMICALS AND MEANTALS BEING EMITTED. WE HAVE BOTH DUST, HOLDING DUST THAT IS COMING. THIS INDUSTRY MAKES MOLDS FOR METAL THINGS. ONE OF THE THINGS THEY MAKE IS LOCKS AND KEYS FOR JAILS, WHICH WE FOUND OUT, THIS KIND OF INDUSTRY DOESN'T HAVE ANY BUSINESS BEING IN THE MIDDLE OF A RESIDENTIAL AREA AND NEXT TO AN ELEMENTARY SCHOOL. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

DIFFICULTY BREATHING. SILVER FUMES CAN IRRITATE MUCUS MEXICAN-AMERICAN MAIMS. I DON'T THINK I NEED TO GO TOO MANY INTO MERCURY BECAUSE WE ALL KNOW IT'S A DANGEROUS ELEMENT, BUT IT'S IN THE DUST. YOU WILL SMELL IT IN THE AIR. [ BUZZER SOUNDS ] I WANT YOU TO REALLY PLEASE TO TAKE THIS INTO CONSIDERATION AND ESPECIALLY THE FACT THAT WHEN WE'VE DONE ALL THESE INTERVIEWS AND SURVEYED PEOPLE, ALMOST 80% OF THE RESIDENTS DO NOT KNOW THAT THESE ARE THE CHEMICALS IN THE AIR. AS ERIKA SAID, 84% OF THEM DON'T KNOW WHAT KIND OF FACILITY PURE CASTING IS. PEOPLE ARE JUST NOW WAKING UP TO THIS. SO IT'S TIME TO MOVE IT OUT OF THE COMMUNITY. THANK YOU. [ APPLAUSE ]

Mayor Wynn: THANK YOU. I APOLOGIZE FOR BEING CALLED OFF THE DAIS. WELCOME.

HELLO. MY NAME IS MADELINE SANTIBANEZ. I AM IN THE PODER YOUNG SCHOLARS FOR JUSTICE. I'M PART OF THE YOUTH. AS YOU KNOW THE CITY OF AUSTIN OF 1928 ADOPTED THE MASTER PLAN THAT ALLOWED UNDESIRABLE INDUSTRY TO BE LOCATED EAST OF I-35 AND ALSO DESIGNATED THE RELOCATION OF ALL PEOPLE OF COLOR EAST. IN 1996 THE CITY OF AUSTIN LAND USE STUDY FOUND THAT 73% OF ALL INDUSTRIAL ZONING WAS IN EAST AUSTIN. WHILE MANY FACILITIES HAVE BEEN CLOSED AND RELOCATED, EAST AUSTIN STILL HAS SEVERAL INDUSTRIES THAT USE HAZARDOUS CHEMICAL. WE FEEL THAT PURE CASTING IS LOCATED RIGHT ACROSS FROM ZAVALA ELEMENTARY AND SHOULD BE REMOVED OUT OF EAST AUSTIN AND THAT AFFORDABLE HOUSING SHOULD BE BUILT IN ITS PLACE. ALSO WE WANT TO RELOCATE THIS FACILITY BECAUSE OUR BARRIOS ARE BEING CONTAMINATED WITH TOXIC CHEMICALS BEING RELEASED INTO THE AIR WE BREATHE. THE POLLUTE ANTS BEING EXPOSED TO THE RESIDENTS ARE THINGS SUCH AS SODIUM PEROXIDE WHICH CAN CAUSE CANCER. CHROMIUM, NICKEL WHICH CAUSES ASTHMA AND BRONCHITIS. ANOTHER CHEMICAL IS ARSENIC, WHICH INTENSIFIES THE CHANCES OF CANCER. ALL OF THESE DANGEROUS CHEMICAL ARE BEING RELEASED INTO OUR COMMUNITY'S AIR AND IS CAUSING FEAR WITH THE PEOPLE THAT ARE LIVING DAY-TO-DAY

WITH THIS CONTAMINATION. WE WENT DOOR TO DOOR AND OUR OUTMET WITH MANY RESIDENTS THAT WERE ABLE TO SHARE THEIR STORIES AND EXPERIENCES LIVING IN EAST AUSTIN. A MAJORITY OF THE PEOPLE HAD SOME SORT OF COMPLAINT ABOUT THE ODOR AND SEVERE HEALTH CONDITIONS THAT THEY'VE BEEN GETTING. THEY HAD NO IDEA WHAT IT WAS. WE EXPLAINED TO THEM THAT THERE WAS A PURE CASTING FACILITY DOWN THE STREET FROM THEM. THEY REALIZED, YOU KNOW, LIKE EVERY SCIENCE IT WAS BUILT IN 1968 THEY HAVE BEEN GETTING ALL THESE -- LIKE ASTHMA. A LADY FROM CUBA MOVED HERE FOUR YEARS AGO. SHE SAID IN CUBA WE NEVER HAD THIS SITUATION. I MOVE OVER HERE AND I HAVE ASTHMA. SHE SHOWED US ALL HER MACHINES. SHE HAS TO WALK WITH THEM TO GET ACROSS THE STREET. MOST RESIDENT BLAME THIS FACILITY TO BE THE CAUSE OF THEIR ILLNESS. EVER SINCE ITS CONSTRUCTION, THE COMMUNITY HAS DEVELOPED CANCER, ASTHMA AND ALLERGIES. OUR COMMUNITY MUST BE PROTECTD FROM SUCH HAZARDOUS CONTAMINATION. WE DO NOT DESERVE THIS INHUMANE TREATMENT THAT WILL DRIVE US TO OUR EXTERMINATION. WE ARE TIRED OF BEING RUNOVER BECAUSE WE ARE A MINORITY. WE NEED TO CONSIDER THE GOOD QUALITY OF LIFE. WE WANT EQUAL TREATMENT, WE WANT TO HAVE THE SAME CLEAN AIR AND CLEAN NEIGHBORHOODS LIKE ON THE WEST SIDE OF AUSTIN. [ BUZZER SOUNDS ] OUR COMMUNITY WILL FIGHT TO REMOVE THIS POISONOUS FACILITY AWAY FROM THIS BARRIO FOR THE SAFETY OF OUR CHILDREN AND FAMILIES. (INDISCERNIBLE) OF I HOPE WE GET YOUR SUPPORT IN THIS ISSUE AND THANK YOU FOR YOUR TIME. [ APPLAUSE ]

GOOD AFTERNOON, COUNCILMEMBERS, MAYOR. MY NAME IS DIANA PEREZ. I WAS BORN AND RAISED IN EAST AUSTIN, 42 YEARS, NEXT TO PURE CASTING. MY NEIGHBORHOOD IS IN DANGER. MY CHILDREN -- OUR CHILDREN'S FUTURE IS IN DANGER. WITH PURE CASTING NEXT TO US, WE'VE INHALED AND TOLERATED ALL THEIR POLLUTION. YOU WOULD NOT LIKE THIS FACILITY NEXT TO YOUR HOME, NEXT TO YOUR ELEMENTARY, NEXT TO YOUR CHILDREN. AGAIN, OUR CHILDREN'S FUTURE IS IN DANGER. IT'S NOT FAIR FOR US TO BE COMING UP HERE AND FIGHTING FOR OUR RIGHTS, FOR OUR EQUAL OPPORTUNITIES, FOR OUR NEIGHBORHOOD. PLEASE MOVE PURE CASTING. WE DON'T WANT IT NEAR NOBODY'S NEIGHBORHOOD, NOBODY'S ELEMENTARY SCHOOL, NOBODY'S COMMUNITY. MOVE PURE CAST TO GO WHERE NOBODY HAS TO BE BRIEFING THE POLLUTED AIR. YOU'RE ENDANGERING OUR CHILDREN'S FUTURE. WE DON'T HAVE A POSITIVE FUTURE IF PEER CASTING STAYS THERE. IT'S BEEN THERE LONG ENOUGH. IT'S TIME TO MOVE IT. IT'S BEEN THERE LONG ENOUGH. PLEASE HELP US AND HEAR US ALL OUT FOR OUR CHILDREN'S FUTURE. WE'VE ASKED YOU PLENTY OF TIMES, WE'VE COME BEFORE YOU WITH ALL THE REASON THAT WE HAVE. THERE ARE SUFFICIENT REASONS, THEY'RE TRUE TO THE MATTER, TO THE DATE. IT'S NOT FAIR FOR ANYBODY TO BE BREATHING NEXT TO AN ELEMENTARY SCHOOL, A RECREATION CENTER. OUR SUMMER HILLSIDES ARE COMING UP THIS SUMMER AND NOW THAT THE NEIGHBORHOOD IS INFORMED OF ALL THE POLLUTION, NOBODY BE WANTS TO COME AND ENJOY OUR HILLSIDE CONCERTS THIS SUMMER. WE'RE ASKING THE CITY COUNCILMEMBERS AND EVERYBODY -- THE CITY COUNCILMEMBERS AND EVERYBODY TO SUPPORT US IN MOVING PURE CASTING. THEY MAKE PRISON KEYS, PRISON LOCKS,

PRISON DOORS. DO MOVE IT NEXT TO A PRISON. [ CHEERS AND APPLAUSE ] THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MS. PEREZ. NEXT SPEAKER IS SUSANA ALMANZA. WELCOME, SUSANA ALMANZA.

GOOD AFTERNOON, MAYOR AND CITY COUNCILMEMBERS. MY NAME IS SUSANA ALMANZA. I'M CO-DIRECTOR OF PODER. WHAT I WANT TO SHOW YOU HERE IS THIS IS THE SITE OF PURE CASTING, IN CASE YOU HAVEN'T SEEN IT, AND OTHER PEOPLE THROUGH AUSTIN. IT'S LOCATED AT 2110 EAST FOURTH STREET. ALSO, THIS SHOT WAS TAKEN FROM INSIDE PAGE D E SHAUN HOUSE. SHE LIVES ACROSS THE STREET. YOU CAN SEE THIS IS THE DAILY OCCURRENCE OF THE 18-WHEELER THAT COMES THROUGH AND THEY ALSO HAVE TO TAKE AWAY A LOT OF THEIR DIFFERENT WASTES. SO YOU CAN SEE WE HAVE THESE TREMENDOUS INDUSTRIAL TRAFFIC THAT COMES THROUGH OUR COMMUNITY DAILY. HERE YOU CAN SEE THEM DELIVERING DIFFERENT CHEMICAL. THE RED SIGN MEANS IT'S FLAMMABLE. THE GREEN SIGN MEANS IT'S HAZARDOUS TO YOUR HEALTH IF LUKE AT WHAT THE DIFFERENT INDUSTRIAL CODES ARE. SO WE DO KNOW THAT THEY'RE BRINGING CHEMICALS INTO OUR COMMUNITY THAT ARE HAZARDOUS. YOU CAN SEE HERE ONE OF THE OTHER 18-WHEELERS THAT HAS TO BACK UP INTO THAT FACILITY EVERYBODY AND BLOCKS THE TRAFFIC. HERE AGAIN LOOKING OUT OF HER KITCHEN WINDOW AND LOOKING AT THAT TRUCK HAS TO BACK UP ALMOST UP TO HER HOUSE IN ORDER TO GET INTO THE FACILITY. THIS IS A DAILY OCCURRENCE THAT HAPPENS. AGAIN, ZAVALA ELEMENTARY, YOU CAN SEE HERE HOW CLOSE IT IS. HERE A COUPLE OF THE CHILDREN PLAYING ON THE PLAYGROUND, AND PURE CASTING IS RIGHT ACROSS THE STREET. AND THESE ARE SOME -- YOU CAN TAKE IT OFF. THOSE ARE SOME OF THE INDIGNITIES THAT OUR COMMUNITY HAS TO FACE ON A DAILY BASIS. THIS IS NOT AN EIGHT TO FIVE FACILITY. IT'S A 24-HOUR FACILITY. YOU'VE HEARD THE TESTIMONY, AND I THINK IT'S IMPORTANT TO BEGIN THAT DIALOGUE. WE WOULD LIKE TO USE THE MODEL WE DID WITH BFI. WHEN THE COMMUNITY WANTED TO HAVE BFI RELOCATED, IT STARTED A STAKEHOLDERS DIALOGUE, WHICH INCLUDED BFI, THE CITY AND COMMUNITY LEADERS. AND WE WORKED OUT A COMPROMISE. WE DIDN'T SAY YOU'VE GOT TO GO RIGHT AWAY, BUT WE WERE WILLING TO WORK OUT A COMPROMISE THAT IN THE END MADE THAT LAND AVAILABLE TO THE CITY AND NOW HAS ALSO BEEN DOWN ZONED. THE TANK FARM WAS THE SAME THING. WE WORKED WITH THE TANK FARM OWNERS ALSO TO GET THEM RELOCATED AND THEN CHANGED THE ZONING ON THAT PARTICULAR AREA. WE THINK THAT THIS IS A PROCESS, THAT THERE'S A MODEL IN PLACE THAT HAS WORKED AND WE THINK WE NEED TO MOVE FORWARD TO PROTECT THE RESIDENTS OF EAST AUSTIN. THE FUTURE LAND PLANNING FOR THIS SITE IS MIXED USE, SO YOU COULD DO A VARIETY OF DIFFERENT HOUSING. IT BACKS UP INTO THE CITY'S PROPERTY, THE BROWN BUILDING. IN THE PACKET THAT I'VE JUST DISTRIBUTED, THE 2007 TAX APPRAISAL -- I BELIEVE THAT 240 OR \$280,000 FOR THAT LAND, WHICH WE KNOW IS NOT TRUE. BUT THAT IS WHAT IT WAS APPRAISED AT IN 2007. SO I THINK THIS IS THE RIGHT TIME FOR US AND WE'RE GOING TO CALL UPON YOU AND SPEAKING WITH COUNCILMEMBER

MARTINEZ TO HELP US GET TO THAT PROCESS TO RELOCATE THIS FACILITY. [ APPLAUSE ]

Mayor Wynn: THANK YOU.

Martinez: WE HAVE BEEN IN TOUCH WITH THE OWNER OF PURE CASTING AND WE HAD A VERY POSITIVE CONVERSATION. HE UNDERSTANDS THAT THE NEIGHBORHOOD HAS CHANGED SINCE THE BUSINESS MOVED IN. I THINK THERE'S AN OPPORTUNITY FOR US TO SIT DOWN. HE'S WILLING TO SIT DOWN AND MEET WITH ALL OF US. AFTERWARD TRY TO DO -- AND TRY TO DO WHATEVER HE CAN TO IMPROVE HIS BUSINESS. BUT AT THE SAME TIME UNDERSTANDING THAT HE KNOWS THAT THE NEIGHBORHOOD HAS CHANGED AND I THINK HE'S RECEPTIVE TO POSSIBLE RELOCATION. SO I WANTED TO LET YOU GUYS KNOW THAT WITHIN THE NEXT COUPLE OF WEEKS WE'LL BE CONTACTING YOU TO SET NEWSPAPER STAKEHOLDER MEETING WITH MR. EDGERTON AND BEGIN THIS DIALOGUE. [ APPLAUSE ] MAYOR MOISTURE OUR FINAL --

Mayor Wynn: OUR FINAL SPEAKER TODAY IS MR. PENA, GUS PENA.

MAYOR AND COUNCIL, GUS PENA AGAIN. A LOT OF ISSUES TO TALK ABOUT. WE TALK ABOUT THE HISPANIC QUALITY OF LIFE. MIKE, COUNCILMEMBER MARTINEZ, WE TALK ABOUT THE HISPANIC QUALITY OF LIFE. WE TALK ABOUT THE DOWNFALL OF THE ECONOMY AND THE FUNDING THAT'S GOING TO BE NOT MET BECAUSE OF THE CIRCUMSTANCES IN THE BUDGET. BUT I WOULD ASK Y'ALL TO TAKE SPECIFIC NOTICE OF THIS. WE HAVE SOME CENTERS THAT SHOULD HAVE BEEN PROVIDED A NURSE WHERE IT IS A HEAVILY HISPANIC POPULATION. WE NEED BILINGUAL NURSES IN THESE CENTERS, AND THEY'RE NOT AVAILABLE FOR THE POPULATION OUT THERE. AND GUESS WHAT? THE COMMUNITY SUFFERS. IF YOU'RE A SPANISH SPEAKER -- AND I DISAGREE WITH THAT OTHER SPEAKER. THERE ARE A LOT OF PERMANENT RESIDENTS THAT ARE SPANISH SPEAKING ONLY, AND THAT'S COOL. I HAVE A LOT OF FRIENDS FROM MEXICO AND CENTRAL AMERICA, WHATEVER. LET'S NOT CRITICIZE. WE'RE NOT INS. THE ISSUE IS THAT WE NEED BILINGUAL NURSES WHERE THERE IS A HEAVILY HISPANIC POPULATION, SPANISH SPEAKING ONLY. I'LL LEAVE IT AT THAT. SOCIAL SERVICE AGENCIES SUFFERED CATASTROPHIC AND DEVASTATING FUNDING CUTS AS OF DECEMBER OF LAST YEAR. TRAVIS COUNTY, THE MECHANISM FROM TRAVIS COUNTY AGENCIES FELT THE BRUNT OF A LOSS OF FUNDING. WHAT'S GOING TO HAPPEN NOW IS BECAUSE WE'RE GOING TO HAVE A WORSE YEAR NEXT YEAR. YOU MIGHT NOT AGREE THAT WE'RE IN A RECESSION, BUT WE ARE. PEOPLE HAVE GIVEN UP TRYING TO LOOK FOR JOBS, OBTAIN A JOB. THEY'RE JUST NOT OUT THERE FOR PEOPLE AND THERE ARE ABOUT 250 PEOPLE APPLYING FOR ONE POSITION, LOW PAYING POSITIONS. THEY CANNOT MAKE LIFE MEET FOR THEIR FAMILY. THE TRAVIS COUNTY UNITED WAY I DON'T THINK DID A GOOD JOB BE OF PRIORITIZING THE AGENCIES TO PROVIDE THE SERVICES TO PEOPLE. PLEASE IF YOU CAN LET'S FIND SOME FUNDING IN ORDER TO INCREASE THE ASSISTANCE THROUGH THE SOCIAL SERVICE AGENCIES. IT'S VERY, VERY, VERY NECESSARY. I FEEL, A LOT OF US FEEL THAT SENATOR JAMES WEBB, MARINE CORPS VIETNAM VETERAN, WILL PROBABLY BE OUR NEXT PRESIDENTIAL CANDIDATE TO SERVE

ALONGSIDE SENATOR BARACK OBAMA. VIETNAM VETERAN, SERVED IN VIETNAM, AND HE HAS A NEW BOOK CALLED WHAT IT MEANS TO BE A LEADER, A GOOD LEADER. I WOULD RECOMMEND THAT Y'ALL PURCHASE IT AND BUY IT AND LEARN FROM IT. IT HAS A LOT OF THINGS THAT I'VE LEARNED FROM IT ALSO MYSELF. WE'RE SUPPOSED TO MEET WITH THE SENATOR REGARDING VETERANS ISSUES, VETERANS BEING DENIED HEALTH CARE HERE IN AUSTIN. A MARINE CORPS VETERAN DENIED A CAT SCAN BY BRACKENRIDGE HOSPITAL. I HAVE ALSO A MARINE VETERAN THAT WAS DENIED SERVICES FROM TRAVIS COUNTY, BURIAL SERVICES FUNDING. THEY SAID WELL, WE DON'T HAVE THE FUNDING. IT'S IN THE COUNTY COMMISSIONERS COURT RIGHT NOW PENDING APPROVAL OF THE FUNDING. WELL, I HAD A NICE LETTER FROM DAVID ESCAMILLA, THE COUNTY ATTORNEY THAT SAYS THAT'S NOT TRUE. THERE IS FUNDING. IT SHOULD NOT HAVE HAPPENED. BUT GUESS WHAT, THIS INDIVIDUAL WAS NOT ABLE TO BE BURIED AT THE TRAVIS COUNTY INTERNATIONAL CEMETERY. [ BUZZER SOUNDS ] THE LAST THING IS THIS, THE HELICOPTER IS NEEDED. WE NEED MORE FUNDING FOR OFFICERS TO PATROL THE NEIGHBORHOODS. I KNOW WE'VE GOT SOME FUNDING FOR I-35, ETCETERA, THE CORRIDOR, BUT WE CAN GET FUNDING FROM THE DEPARTMENT OF JUSTICE AND THE GOVERNOR'S OFFICE OF ASSISTANCE TO GET MORE FUNDING FOR OUR OFFICERS TO PATROL THE NEIGHBORHOODS. CRIME IS ON THE INCREASE. Y'ALL HAVE A GOOD DAY. AND MAYOR PRO TEM DUNKERLEY AND COUNCILMEMBER KIM, ESPECIALLY YOU BECAUSE YOU WERE VERY, VERY INSTRUMENTAL AND HELPFUL TO THE VETERANS, KEEP UP THE GOOD WORK. I WISH YOU WOULD CONTINUE TO BE HERE, BUT CONTINUE THE MARCH, OKAY? AND CONGRATULATIONS TO THE BOSTON CELTICS. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. PENA. SO COUNCIL, I BELIEVE THAT CONCLUDES OUR GENERAL CITIZEN COMMUNICATION UNLESS CAROL ANNE ROSE KENNEDY HAS RETURNED. WE CALLED HER NAME EARLIER,. OKAY. SO COUNCIL, THAT THEN CONCLUDES OUR GENERAL CITIZEN COMMUNICATION. EARLIER IN CLOSED SESSION WE DID TAKE UP ONE DISCUSSION ITEM, THAT BEING ITEM NUMBER 68, LEGAL ISSUES REGARDING A SETTLEMENT IN THE MATTER OF THE APPLICATION OF THE HAYS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER 1. WE HAVE POSTED -- STAFF HAS POSTED A POTENTIAL ACTION ITEM ON THAT, BEING ITEM NUMBER 73, AND WE'D APPRECIATE A BRIEF STAFF PRESENTATION AT THIS TIME.

MAYOR WYNN, MAYOR PRO TEM DUNKERLEY AND COUNCILMEMBERS. MY NAME IS PATRICIA LINK AND I'M WITH THE LAW DEPARTMENT. I'M HERE TO RECOMMEND THE CITY APPROVE SETTLEMENT IN THE MATTER OF THE APPLICATION OF HAYS COUNTY, WCID NUMBER 1, FOR AMENDMENT OF THEIR WASTEWATER PERMIT BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS. THE GOAL OF THIS SETTLEMENT IS TO PROTECT THE WATER QUALITY OF BEAR CREEK, THE BARTON SPRINGS SEGMENT OF THE EDWARD'S AQUIFER, AND THE TRINITY AQUIFER. THE SETTLEMENT REQUIRES THAT HAYS COUNTY WCID NUMBER 1, ALSO KNOWN AS BELL TERRA, ABIDE BY THE NEGOTIATED TCEQ AND AGREEMENT. THIS CASE INVOLVE MULTIPLE PARTIES, MULTIPLE GOVERNMENT A.M. ENTITIES. SINCE SETTLEMENT DISCUSSIONS ARE STILL ONGOING, THE TERMS ARE

CONFIDENTIAL AND IN ORDER TO PROTECT THOSE DISCUSSIONS, I CANNOT EXPLAIN THE SPECIFICS OF THE AGREEMENT. IF YOU DO APPROVE SETTLEMENT, STAFF WILL BE PREPARED AND AFTER SETTLEMENT IS FUELINGLIZED, IF THAT HAPPENS, STAFF WILL BE PREPARED TO PROVIDE A PUBLIC BRIEFING ON THE TERMS.

Mayor Wynn: THANK YOU. QUESTIONS FOR STAFF? OBVIOUSLY IT'S SOMEWHAT OF A FRUSTRATING PUBLIC POSITION TO BE IN IN THAT APPROPRIATELY BECAUSE WE WANT TO PROTECT WHAT HAS BEEN OUR NEGOTIATING POSITIONS, SORT OF OUR GOAL WHEN IT COMES TO ENVIRONMENTAL PROTECTION RELATED TO THIS MATTER, WE DON'T WANT TO DETAIL THIS SETTLEMENT COMPONENTS BECAUSE IT'S STILL IN NEGOTIATION AND STILL PENDING AND THERE ARE OTHER ENTITIES INVOLVE. SO IT'S SOMEWHAT UNCOMFORTABLE, BUT WE GREATLY APPRECIATE THE FACT THIS COMES TO US WITH BOTH STAFF LEGAL RECOMMENDATION, BUT FOR SOME OF US MAYBE EVEN MORE IMPORTANTLY STAFF -- OUR MARINE BIOLOGY DEPARTMENT, OUR WASTEWATER PROTECTION DEPARTMENT, THEIR RECOMMENDATION AS WELL, CORRECT?

YES, SIR.

Mayor Wynn: FURTHER QUESTIONS OF STAFF? COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM 73.

Leffingwell: MAYOR? I APPRECIATE YOU SAYING WHAT YOU DID, AND ALSO APPRECIATE THE STAFF'S VERY THOUGHTFUL RECOMMENDATIONS. WE DID GO OVER THE TERMS OF THE SETTLEMENT AGREEMENT VERY THOROUGHLY IN CLOSED SESSION, AND UNFORTUNATELY AS SHE JUST SAID, WE CAN'T DIVULGE THOSE TERMS UNTIL THE AGREEMENT IS CONCLUDED BY ALL THE PARTIES. AND AFTER IT IS CONCLUDED, I THINK WE NEED TO GO OUT IN THE PUBLIC AND MAKE THESE PRESENTATIONS AND EXPLAIN THE TERMS OF THE SETTLEMENT AGREEMENT AND WHY WE DID IT. I WISH WE COULD DO IT SOONER, BUT I HOPE WE'LL DO IT ABSOLUTELY AS SOON AS WE CAN AND I'LL BE GLAD TO BE A PART OF THAT. SO WITH THAT SAID, I'M GOING TO MOVE APPROVAL OF THE SETTLEMENT AGREEMENT ON ITEM 73 WITH THE PROVISIO THAT THE APPROVAL IS CONTINGENT ON THE APPROVAL OF THE SAME SETTLEMENT AGREEMENT BY THE OTHER GOVERNMENTAL PARTIES WHO ARE PARTIES TO THE AGREEMENT.

Mayor Wynn: SO A MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER KIM REGARDING THIS SETTLEMENT AGREEMENT WITH ADDITIONAL INSTRUCTIONS TO STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH COUNCILMEMBER MARTINEZ OFF THE DAIS. THANK YOU ALL VERY MUCH FOR ALL YOUR HARD WORK. SO COUNCIL, THAT BEING ALL OF OUR POTENTIAL DISCUSSION ITEMS OTHER THAN ONE RELATED TO ITEMS POSTED FOR CLOSED SESSION, UNTIL OUR 4:00 O'CLOCK ZONING MATTERS, WITHOUT OBJECTION WE'LL NOW GO BACK INTO CLOSED SESSION PURSUANT TO SECTION 551.071 TO TAKE UP POTENTIAL LEGAL ISSUES. ITEM 71 REGARDING

EMPLOYEE HERITAGE EVENTS. ITEM 72, LABOR NEGOTIATIONS. AND THEN WE MAY ALSO TAKE UP ITEM 69, LEGAL ISSUES REGARDING THE GREEN WATER TREATMENT PLANT AND THE AUSTIN ENERGY CONTROL CENTER SITES AS A REAL ESTATE MATTER AS WELL. SO THEREFORE WE'VE ABOVE THAT ONE TWICE -- WE'VE POSTED THAT ONE TWICE. ALSO AS ITEM NUMBER 70 PURSUANT TO A 51.072 IF WE WANT TO TAKE IT UP AS A REAL ESTATE MATTER. SO WE ARE NOW IN CLOSED SESSION. I ANTICIPATE THIS CLOSED SESSION LASTING FOR MOST OF THE EARLY AFTERNOON. IF WE END OUR DISCUSSION IN CLOSED SESSION PRIOR TO OUR 4:00 O'CLOCK ZONING CASES, I LIKELY WILL COME OUT AND RECESS THE CITY COUNCIL MEETING. THE ONE ACTION ITEM WE HAVE LEFT THAT WE HAVEN'T TAKEN UP YET IS RELATED TO THE GREEN WATER TREATMENT PLANT AND THE AUSTIN ENERGY CONTROL CENTER SITE. I BELIEVE THAT'S ITEM NUMBER 24. IF WE FINISH OUR LEGAL AND/OR REAL ESTATE DISCUSSIONS ABOUT THAT MATTER, I ANTICIPATE US TAKING UP THAT ACTION ITEM JUST PRIOR TO THE 4:00 O'CLOCK ZONING. SO FOR THOSE OF YOU ALL WHO ARE WATCHING AND ANTICIPATING ACTION ON ITEM 24, I ANTICIPATE THAT HAPPENING SOMETIME JUST AFTER 3:00 BE 3:00 P.M. -- 3:30 P.M.

MAYOR, IF I MAY, AND GET SOME RESPONSE FROM THE CITY CLERK IN TERM OF THE ANNOUNCEMENT AS TO ITEM 69. I JUST WANT TO MAKE SURE THAT IT WAS CLEAR THAT COUNCIL MAY GO INTO EXECUTIVE SESSION UNDER 551.71 TO DISCUSS THE LEGAL ISSUES ON GREEN IN ADDITION TO REAL ESTATE UNDER 072.

YES. THANK YOU, MR. SMITH AND MS. GENTRY. SO COUNCIL, WE ARE NOW IN CLOSED SESSION. AGAIN, I ANTICIPATE US COMING OUT OF CLOSED SESSION APPROXIMATELY 3:30 P.M. THANK YOU.

PAIR MAYOR THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THE MEETING OF THE AUSTIN CITY COUNCIL. WE'VE BEEN IN RECESS TECHNICALLY FOR THE LAST 90 MINUTES OR SO. EARLIER IN CLOSED SESSION WE TOOK UP AGENDA ITEM 69, LEGAL ISSUES REGARDING THE GREEN WATER TREATMENT PLANT AND AUSTIN ENERGY CONTROL CENTER SITES. WE ALSO TOOK UP LEGAL ISSUES NUMBER 72 REGARDING LABOR NEGOTIATIONS. WE DID NOT AND WILL NOT TAKE UP LEGAL ISSUES, ITEM 71 REGARDING EMPLOYEE HERITAGE EVENTS, OR THE REAL ESTATE MATTERS, ITEM 70, REAL ESTATE MATTERS REGARDING THE GREEN WATER TREATMENT PLANT AND THE AUSTIN ENERGY CONTROL CENTER SITE. I APOLOGIZE FOR THE DELAY. BEFORE WE GO TO OUR ZONING CASES, I WOULD LIKE TO CALL UP ITEM NUMBER 24, WHICH RELATES ULTIMATELY TO LEGAL ISSUES WE TOOK UP IN CLOSED SESSION. ITEM 24 WAS A POSTED ITEM TO APPROVE A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN EXCLUSIVE NEGOTIATING AGREEMENT WITH ONE OF FIVE DEVELOPMENT TEAMS WHO MADE PROPOSALS TO THE CITY. AND NUMBER, TO NEGOTIATE ONLY AN AGREEMENT WITH THAT DEVELOPER OR DEVELOPMENT TEAM FOR THE SALE AND REDEVELOPMENT OF THE GREEN WATER TREATMENT PLANT AND THE AUSTIN ENERGY CONTROL CENTER SITE. ACTUALLY, BEFORE I TAKE UP A BRIEF STAFF PRESENTATION, WE DO HAVE A COUPLE OF CITIZENS WHO WOULD LIKE TO GIVE US TESTIMONY ON THIS POSTED MATTER. OUR FIRST

SPEAKER IS ANDREW CLEMENTS. ANDREW SIGNED UP NEUTRAL, BUT WISH TO GO ADDRESS US. AND MR. PAUL ROBBINS, WHO I SAW EARLIER. PAUL, WELCOME. IT LOOKS LIKE MR. JEFF JACK HAS OFFERED YOU HIS TIME, SO PAUL, YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT. WELCOME.

COUNCIL, MAYOR, CITIZENS OF AUSTIN. I AM AN ENVIRONMENTAL ACTIVIST AND CONSUMER ADVOCATE. I OPPOSE THE DEVELOPMENT OF DOWNTOWN CITY-OWNED LAND AT LEAST AS IT IS CURRENTLY PROPOSED AND WILL STATE MY REASONS WHY. FIRST, THERE SEEMS TO BE LACK OF REIMBURSEMENT AND LACK OF PUBLIC PARTICIPATION. IT IS VERY POSSIBLE ALL THE LAND WE ARE TALKING ABOUT AT THE GREEN WATER TREATMENT PLANT AT THE AUSTIN ENERGY CONTROL CENTER AND THE SEAHOLM POWER PLANT IS OWNED BY THE ELECTRIC AND WATER UTILITIES. THE CITY ATTORNEY HAS TOLD ME HE BELIEVES THE LAND AT GREEN IS OWNED BY THE GENERAL FUND, BUT A 1989 MEMO FROM CITY LEGAL STATES IT BELONGS TO THE WATER UTILITY. I HAVE MADE SEVERAL INFORMATION REQUESTS TO VARIOUS DEPARTMENTS TO DETERMINE WHO IS CORRECT. SO FAR NO ONE CAN TELL ME. IT IS NOT FOR MY LACK OF TRYING. THIS IS VERY IMPORTANT BECAUSE IF THIS LAND IS OWNED BY THE UTILITIES, THE UTILITIES MUST BE REIMBURSED FOR THEIR ASSETS. I DO NOT BELIEVE THAT REIMBURSEMENT IS BEING CONSIDERED NOW EXCEPT IN THE CASE OF THE CONTROL CENTER. AND TRANSFER OF THE CONTROL MAY ALSO BE CONTRARY TO THE CITY CHARTER, WHICH STATES THAT UTILITY FACILITIES CANNOT BE SOLD, LEASED OR CONVEYED WITHOUT A PUBLIC VOTE. THE SECOND REASON THAT I'M CONCERNED ABOUT THIS DEVELOPMENT IS THE LACK OF A NEEDS ASSESSMENT. THE CITY CURRENTLY LEASES 50,000 SQUARE FEET IN THE DOWNTOWN AREA OR NEAR IT. THIS IS EQUIVALENT TO THE AMOUNT OF OFFICE SPACE IN THIS CITY HALL BUILDING. DOING AN ASSESSMENT OF CURRENT AND FUTURE CITY NEEDS IS A PREREQUISITE TO THE GREEN SALE TO A PRIVATE DEVELOPMENT. THE PUBLIC MAY NEED SOME OF THIS LAND -- MAY NEED SOME OF THIS LAND FOR ITS FUTURE USE. THERE HAS NOT BEEN SUCH AN ASSESSMENT IN OVER THREE YEARS. THE THIRD REASON IS THAT IT SEEMS TO ME THAT WEALTH IS FAVORED OVER PUBLIC USE. THE CITY MAY HAVE NEED OF FUTURE DESTINATION SITES IN THE DOWNTOWN AREA. FOR EXAMPLE, LOOK AT THE MUNICIPAL COURTHOUSE. SOUTH AND WEST AUSTIN NEED A COURTHOUSE THAT IS ACCESSIBLE IN AN ERA OF FOUR-DOLLAR GASOLINE. INSTEAD LAND THAT THE PUBLIC NEEDS IS GOING TO CONDOS FOR THE WEALTHY. THE FURTHER REASON, AFFORDABLE HOUSING. AFFORDABLE HOUSING HAS BEEN HEESPOUSED BY SEVERAL OF THE PROJECT SUPPORTERS AS A MAJOR REASON FOR THIS PROJECT'S EXISTENCE, BUT ONLY SEVEN PERCENT OF THE TOTAL UNITS AND FIVE PERCENT OF THE TOTAL SPACE FROM THE RECOMMENDED PROPOSAL WILL GO TO FAMILIES BELOW MEDIAN INCOME. MY FIFTH REASON IS THAT IT HAS BEEN SAID THAT THE SALE OF CITY LAND WILL ALLOW THE CITY TO PAY FOR OTHER BUILDINGS. BUT I BELIEVE THAT THIS WILL RESULT IN ONLY A SMALL PERCENTAGE OF BUILDING SPACE BEING PAID FROM THE PROCEEDS. LOOK AT THIS CITY HALL AS AN EXAMPLE. SALE OF THE CITY BLOCKS TO CSC RESULTED IN REVENUES THAT COULD ONLY PAY FOR 14% OF THE BUILDING. FOUR PERCENT WHEN YOU CONSIDER THE SUBSIDIES TO



THE BUYER, WHEN YOU TAKE THAT INTO ACCOUNT. AND YOU LOOK AT THE SALE OF BLOCK 21. YOU RECENTLY SPOKE TODAY ABOUT \$10 MILLION FOR A TRUST FUND FOR THE NEW LIBRARY BE'S YEARLY OPERATION. BUT IT WILL TAKE \$90 MILLION TO BUILD THE NEW LIBRARY. AND THAT'S WITHOUT COMPLETE FINISHOUT. THE SIXTH REASON IS THAT THE PUBLIC HAS HAD LITTLE OPPORTUNITY TO GIVE REAL INPUT OTHER THAN A DOWNTOWN PLANNING MEETING THAT TOOK PLACE ON THIS ISSUE, I AM NOT SURE THE PUBLIC'S OPINIONS HAVE BEEN CONSIDERED IN ANY DEPTH. IN FACT, THE ONE PALTRY PUBLIC HEARING ON THIS BEFORE THE CITY COUNCIL WAS CANCELLED. AND I GUESS THE SEVENTH REASON, AND THIS WOULD SPEAK TO YOU, MAYOR, MORE THAN ANYONE, IS WHAT WOULD GUY CLARK THINK? MAYOR, YOU'RE A MAN OF WISDOM AND CONTRADICTIONS. [ LAUGHTER ] COULD A GUY CLARK CHARACTER LIVE IN AUSTIN'S NEW DOWNTOWN? I BEGAN TO THINK OF THE GUY CLARK SONGS, MY FAVORITE, THE DRUNKEN ELEVATOR OPERATOR, THE ELDERLY ROUGH INCOME, A COUPLE FLEEING LOS ANGELES. WHERE WOULD A-MILLION-DOLLAR CONDO GROW HOMEGROWN TOMATOES? THIS IS BY WAY OF SAYING THAT DOWNTOWN IS FAST BECOMING, IF IT HASN'T ALREADY BECOME, A CITY OF THE RICH. WHERE IS THE PUBLIC'S PLACE IN THIS. I CAN'T AFFORD TO SHOP IN THE -- IN THE FOUR-BLOCK -- [ BUZZER SOUNDS ] OKAY. MY NAME IS UP. THOSE ARE MY -- MY TIME IS UP. THOSE ARE MY RESERVATIONS. AS YOU ALL KNOW, I'M A VERY STUBBORN INDIVIDUAL. I WILL CONTINUE TO MAKE THEM AS THIS ISSUE GOES ON. THANK YOU.

Mayor Wynn: THANK YOU, MR. ROBBINS. COUNCILMEMBER LEFFINGWELL.

Leffingwell: MR. ROBBINS, I JUST WANT YOU TO KNOW THAT I HAVE ASKED FOR A LEGAL -- WRITTEN LEGAL RESPONSE TO ALL THE LEGAL QUESTIONS YOU HAVE RAISED, AND ONE WILL BE FORTH COMING. AND ALSO TELL YOU THAT IT IS MY UNDERSTANDING THAT THE ACTION THAT WE'LL TAKE TODAY WITH REGARD TO THE GREEN WATER TREATMENT PLANT PROPERTY WILL NOT AFFECT THAT IN ANY WAY. THEY'RE SEPARATE ISSUES. SO AS SOON AS WE GET THAT LEGAL OPINION, YOU WILL BE ONE OF THE FIRST TO KNOW.

THANK YOU.

Mayor Wynn: THANK YOU, MR. ROB BE BINS. SO COUNCIL, THAT CONCLUDES THE FOLKS WHO WANTED TO GIVE US TESTIMONY ON THIS ITEM, NUMBER 24, WHICH AGAIN IS POSTED AS SIMPLY A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN EXCLUSIVE NEGOTIATING AGREEMENT WITH ONE OF FIVE DEVELOPMENT TEAMS. AND WITH THAT I'D LIKE TO WELCOME MR. RODNEY GONZALEZ TO THE PODIUM TO WALK US THROUGH A BRIEF STAFF PRESENTATION. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] THERE IT IS. IN FEBRUARY OF THIS YEAR, CITY COUNCIL ADOPTED A SET OF GUIDING VISION AND POLICY PRESENCE BELLS PRINCE -- PRINCIPLES AND VISIONARY MATRIX. BOTH DOCUMENTS WERE INCLUDED IN THE AR THAT WAS RELEASED ON MARCH 4. ON APRIL 30, FIVE DEVELOPMENT TEAMS SUBMITTED PROPOSALS TO THE CITY. ON MAY 22, THE DEVELOPMENT TEAMS GAVE PRESENTATIONS OUTLINES THEIR PROPOSALS. ADDITIONALLY, THE TEAM SET UP CONCEPTUAL DESIGN DISPLAYS IN CITY HALL DEPICTING

THEIR PROPOSALS. THEY WERE AVAILABLE FOR VIEWING THROUGH MAY 30. THE DEVELOPMENT TEAMS WERE POSTED ON THE CITY'S WEB SITE AND CONTINUE TO BE POSTED ALONG WITH A VARIETY OF INFORMATION ON THE REDEVELOPMENT. PUBLIC COMMENTS WERE RECEIVED VIA THE CITY'S WEB SITE THROUGH JUNE 1. ALL COMMENTS WERE TRANSMITTED THROUGH CITY COUNCIL AND POSTED ON THE CITY'S WEB SITE. AND ON JUNE 5, STAFF PROVIDED RECOMMENDATION TO CITY COUNCIL THAT WILL BE DETAILED IN THIS PRESENTATION. AS I MENTIONED, FIVE DEVELOPMENT TEAMS SUBMITTED PROPOSALS, THOSE TEAMS INCLUDES CATELLUS DEVELOPMENT GROUP, FOREST CITY RESIDENTIAL GROUP. , SIVE URBAN, STRATUS PROPERTIES AND TC AUSTIN DEVELOPMENT, COMMONLY REFERRED TO AS TRAMMEL CROW,. AS I MENTIONED EARLIER, COUNCIL ADOPTED AN EVALUATION CRITERIA MATRIX, THE DESIGN POINTS ACROSS THREE CATEGORIES, TEAM QUALIFICATIONS, QUALITY OF PROPOSAL AND COMMUNITY BENEFIT BONUS POINT CONSIDERATIONS. THE 10 ELEMENTS ACROSS THESE THREE CATEGORIES COVER THOSE VALUES THAT COUNCIL DESIRED IN A DEVELOPMENT TEAM AND TO BE ADDRESSED IN THE PROPOSAL TO BE SUBMITTED TO THE CITY. THIS MATRIX WAS INCLUDED IN THE RRP DOCUMENT THE ISSUED ON MARCH 4. THE STAFF EVALUATION TEAM CONSISTED OF EIGHT CITY STAFF TO PROVIDE A FACTUAL ANALYSIS WITH AREAS OF ACCESS TO CAPITAL AND OFFER CONSIDERATION. FOR EACH PROPOSAL, STAFF LOOKED AT HOW THEY REFLECTED THE VALUES STATED TO HELP REDEVELOP THE SITE. IN CASES WHERE ADDITIONAL DEVELOPMENT WAS NEEDED, FURTHER CLARIFICATION WAS SOUGHT FROM THE DEVELOPMENT TEAMS. IN ALL, STAFF MET NINE TIMES AND SPENT MANY, MANY HOURS COLLECTIVELY AND INDIVIDUALLY REVIEWING THE ASSETS OF EACH PROPOSAL. IT WAS MUCH MORE THAN A NUMBERS GAME OF ASSIGNING POINTS, IT WAS AN EXTENSIVE AND THOROUGH ANALYSIS OF WHETHER THE TEAM HAS THE ABILITY AND CAPABILITY TO PERFORM THE REDEVELOPMENT, AND WHETHER THE PROPOSAL OFFERED IS A REPRESENTATION OF THE VISION AND VALUES SHARED BY THIS COUNCIL AND THIS COMMUNITY. THE STAFF RECOMMENDATION FOR THE REDEVELOPMENT OF GREEN WATER TREATMENT PLANT AND THE ENERGY CONTROL CENTER IS THE DEVELOPMENT TEAM OF TRAMMELL CROW AND USAA. THE TRAMMELL CROW TEAM HAS THE EXPERIENCE AND CAPITAL NEEDED TO COMPLETE THE PROJECT. THE TRAMMELL CROW PROPOSAL ACHIEVES AND EXCEEDS THE GOAL SET BY COUNCIL AND THE OFFER PRICE AND RESULTING TAX REVENUE PRESENT THE OPPORTUNITY FOR THE CITY TO ACHIEVE ITS GOAL OF PAYING FOR THE PUBLIC COST TO REDEVELOP THE AREA. THE NEXT FEW SLIDES CONTAIN AN OVERVIEW OF THE TRAMMELL CROW RESPONSE AND SIGNIFICANT CONSIDERATIONS FOR EACH ELEMENT IN THE VALUATION MATRIX. STAFF REVIEW CONCLUDED THAT TRAMMELL CROW POSSESSES THE DEVELOPMENT EXPERIENCE AND CAPABILITY TO COMPLETE THE REDEVELOPMENT. TRAMMELL CROW IS A NATIONAL DEVELOPER FOUNDED IN 1958. IT HAS NATIONAL AND TEXAS PUBLIC/PRIVATE EXPERIENCE AND HAS COMPLETED PROJECTS NATIONALLY, AS WELL AS FIVE LOCAL PROJECTS COMPLETED IN THE LAST THREE YEARS. A THOROUGH REVIEW OF FINANCIAL STATEMENTS FOR THE DEVELOPMENT TEAM AND DOCUMENTS SHOWING A SUPPORT OF FUNDS INDICATED THAT TRAMMELL CROW HAS ACCESS TO EXPENSIVE CAPITAL THROUGH ITS

PARENT COMPANY AND USAA. IN REVIEWING THE OFFERED CONSIDERATION OF EACH PROPOSAL, STAFF ENLISTED THE ASSISTANCE OF ECONOMIC AND PLANNING SYSTEMS TO PROVIDE A NET PRESENT VALUE ANALYSIS OF THE PURCHASE PRICE AND RESULTING REVENUES IN PROPERTY TAXES, SALES TAXES AND HOTEL OCCUPANCY TAXES TORE PROPOSALS CONTAINING HOTELS. WHERE APPLICABILITY THE PROJECT FEATURES PAID BY THE CITY. THE NET PRESENT VALUE ANALYSIS PROVIDED STAFF THE FACTUAL INFORMATION NEEDED TO VALUE THE PUBLIC COST ANTICIPATED FOR THE PROJECT. THE TRAMMELL CROW PROPOSAL BRINGS A TOTAL OF 71 MILLION IN NET PRESENT VALUE REVENUES THROUGH THE YEAR 2020 UNDER THE DEVELOP OF-OWNED PACKING GARAGE SCENARIO. THIS INCLUDES PURCHASE PRICE, PROPERTY TAXES, SALES TAXES AND HOTEL TAXES. THE PURCHASE PRICE OFFERED BY TRAMMELL CROW EXCEEDS THE APPRAISAL VALUE, AND TRAPPED IS OFFERING TO PAY FOR -- AND TRAMMELL CROW IS OFFERING TO PAY FOR ADDITIONAL PUBLIC INFRASTRUCTURE, INCLUDING THE THIRD STREET EXTENSION AND THE PEDESTRIAN BRIDGE OVER SHOAL CREEK. THE NEXT CATEGORY IS QUALITY OF PROPOSAL. IN THIS CATEGORY THE COUNCIL STATED GOALS FOR PUBLIC INFRASTRUCTURE, GREEN BUILDING A SUSTAINABILITY, MAY MINORITY OWNS AND WOMEN OWNED BUSINESSES, STREET SCAPES, MAXIMIZING DEVELOPMENT, MOBILITY AND CONNECTIVITY, PUBLIC FACILITIES AND PUBLIC BENEFITS SUCH AS PUBLIC SAFETY, CULTURAL AND NONPROFIT SPACE. STAFF CAREFULLY REVIEWED EACH PROPOSAL TO ASSESS WHETHER THE CITY COUNCIL GOALS WERE ASSESSED. TRAMMELL CROW OFFERS THE HIGHEST DENSITY AND TRAMMELL CROW'S PROPOSED USE OF SPACE INCLUDES 1.5 MILLION SQUARE FEET OF RESIDENTIAL FOR A TOTAL OF 1,177 UNITS. 587,000 SQUARE FEET OF OFFICE SPACE. 350,000 SQUARE FEET OF HOTEL SPACE. 5,000 SQUARE FEET OF SPACE FOR A PUBLIC SAFETY STORE FRONT. 5,000 SQUARE FEET FOR NONPROFIT USE, AND 170,000 SQUARE FEET FOR RETAIL USE FOR A GRAND TOTAL OF 2.6 MILLION SQUARE FEET OF DEVELOPMENT. TRAMMELL CROW'S PROPOSAL INCLUDES FIVE GATHERING SPACES THROUGHOUT THE DEVELOPMENT TO ACCOMMODATE 2700 PEOPLE. TRAMMELL CROW IS PROPOSING TO ACHIEVE GOLD STATUS ON ALL THE BUILDINGS THROUGH A COMBINATION OF ENERGY STRATEGIES, ARCHITECTURE AND MATERIALS CHOICE. STAFF ASSESSED THE TRAMMELL CROW PROPOSAL TO BE ONE OF THE MORE DESTRATEGICTIVE IN HOW THEIR DESIGN FEATURES WILL MEET SUSTAINABILITY GOALS, THIS INCLUDES VENTILATION, PASSIVE SHADING, COOLING AND SOLAR ON ROOFTOPS. TRAMMELL CROW HAS BEEN PROACTIVITY IN GOALS, THE TEAM MET WITH TWO MINORITY CHAMBERS PRIOR TO SUBMITTING A PROPOSAL AND RETAINED A CONSULTANT THAT WILL ASSIST COUNCIL IN ACHIEVING THE GOALS FOR PARTICIPATION AS OUTLINED IN THE RFB. THEY ARE PROPOSING A COMMITMENT TO SELL 20% OF THE SPACE TO MINORITY OWNED AND WOMEN-OWNED ENTERPRISES. MOVING ON TO THE OTHER ELEMENTS IN THIS CATEGORY, STAFF ASSESSED EACH PROPOSAL AS TO WHETHER IT COMPLIED WITH EXISTING OVERLAYS, THE WATER FRONT OVERLAY, SHOAL CREEK OVERRAY, AND HOW IT INCREASED GUIDANCE IN THE GREAT STREETS CONCEPT AND THE RELATIONSHIP OF THE DESIGN TO SHOAL CREEK AND LADY BIRD LAKE AND OPEN SURPRISE PROPOSED AND OTHER UNIQUE FEATURES. STAFF ALSO REVIEWED THE PUBLIC COMMENTS FROM MAY 22

THROUGH JUNE 1. THE TRAMMELL CROW PROPOSAL OFFERS A CONSIDERABLE AMOUNT OF PUBLIC SPACE, INCLUDING 10,000 AREA FEET COVERED PLAZA ON SECOND STREET AT SHOAL CREEK. THE PROPOSAL OFFERS LINEAR PLAZAS WITH WIDE SIDEWALKS AND COVERED AREAS. TRAMMELL CROW IS PROPOSING A LOWER LEVEL RIVER WALK TYPE AREA AND A PEDESTRIAN BRIDGE PAID FOR BY TRAMMELL CROW BETWEEN THE LIBRARY AND THE GREEN WATER TREATMENT PLANT. MOBILITY AND CONECTIVITY ARE ENHANCED BY ENCOURAGING WALKING AND BICYCLING AND MOVING PARKING UNDER GROUND TO MINIMIZE SIDEWALK INTERRUPTIONS. THE TRAMMELL CROW PROPOSAL COMPLIMENTS THE SECOND STREET DISTRICT BY CONTINUING THE WIDE SIDEWALKS AND STREET-LEVEL RETAIL. TRAMMELL CROW'S PROPOSAL INCLUDES CONSIDERATIONS FOR A THIRD STREET, BROAD WAY STREET BUS STOP. AND TRAMMELL CROW INTENDS TO BEGIN CONSTRUCTION THE FIRST QUARTER MUCH 2010. OF 2010. THE FINAL CATEGORY REVIEWED IS THE COMMUNITY BENEFIT BONUS CATEGORY. COUNCIL'S GUIDING DIRECTION IN THIS CATEGORY WAS TO REVIEW EACH PROPOSAL FOR HOW IT EXCEEDED GOALS FOR PUBLIC PARKING, AFFORDABLE HOUSING AND OTHER PROJECT GOALS. TRAMMELL CROW'S PROPOSAL INCLUDES 5200 PARKING SPACES, 250 OF WHICH ARE DEDICATED FOR PUBLIC USE, WHICH WOULD BE EARMARKED FOR THE NEW CENTRAL LIBRARY. TRAMMELL CROW'S AFFORDABLE HOUSING STRATEGY OFFERS THE HIGHEST NUMBER OF RENTAL HOUSING AT 320 UNITSES AT NO COST TO THE CITY. THIS IS ACHIEVED BY OFFERING 25% OF UNITS AT 80% MEDIAN FAMILY INCOME AND 75% UNITS AT 120% MEDIAN FAMILY INCOME. COUNCIL'S GOALS AS STATED IN THE RFP IS 10% OF RENTAL AT 80% MEDIAN FAMILY INCOME. TRAMMELL CROW NOT ONLY EXCEEDED THE TARGETED HE PERCENTAGE BUT ALSO PROPOSES A VOLUNTARY 2.7 MILLION CONTRIBUTION TO THE CITY'S AFFORDABLE HOUSING TRUST FUND. TRAMMELL CROW'S PROPOSAL OFFERS A 5,000 SQUARE FEET PUBLIC SAFETY STORE FRONT IN RESPONSE TO THE COUNCIL'S GOAL FOR SEEKING PUBLIC BENEFITS. OTHERS INCLUDE SENIOR ASSISTED LIVING AND SPACE FOR NONPROFIT USE. SUMMARIZING THE RECOMMENDATION TO CITY COUNCIL, THE TRAMMELL CROW PROPOSAL ACHIEVES AND EXCEEDS COUNCIL GOALS ASSET FORTH IN THE FEBRUARY GUIDING VISION RESOLUTION, THE COUNCIL'S EVALUATION MATRIX, AND THE RFP. TRAMMELL CROW IS PRESENTING A HIGH DENSITY PROJECT WITH A 98 FAR AND A MIX OF USES INCLUDING OFFICE, HOUSES, RETAIL, NONPROFIT. ALL THE BUILDING ARE PROPOSED TO ACHIEVE LEED GOLD STATUS WITH A VARIETY OF STRATEGIES IT INCLUDES FIVE GATHERING SPOTS TO ACCOMMODATE 2700 PEOPLE, INCLUDING A 10,000 SQUARE FEET COVERED PLAZA. TRAMMELL CROW'S PROPOSAL INCLUDES WALKING, BICYCLING AND MASS TRANSIT. TRAMMELL CROW'S PROPOSAL WILL BRING 71 MILLION IN NET PRESENT VALUE TO THE CITY THIS AMOUNT IS COMPUTED THROUGH 2020. THIS EXCEEDS THE TOTAL VALUE. IT WILL MORE THAN COVER THE ANTICIPATES COSTS FOR THE CITY. TRAMMELL CROW IS OFFERING A VOLUNTARY 2.7 MILLION BONUS TO THE CITY'S AFFORDABLE HOUSING TRUST FUND AND INCLUDES CONTRIBUTIONS TO THE ART AND PUBLIC PLACES AND SHOAL CREEK IMPROVEMENTS. THE NET PRESENT VALUE DOLLARS WILL BE RECEIVED THROUGH HOTEL TAXES. AND TRAMMELL CROW IS OFFERING TO PAY FOR THE CONNECTION TO THE CENTRAL LIBRARY. THIS CONCLUDES MY PRESENTATION. AT THIS TIME, STAFF IS

AVAILABLE FOR QUESTIONS.

MAYOR WYNN: THANK YOU, MR. GONZALES. QUESTIONS FOR STAFF, COUNCIL? COMMENTS? I FOR ONE, GREATLY APPRECIATE THE EFFORT THAT STAFF PUT INTO THIS ANALYSIS. FIRST AND FOREMOST, WORKING THROUGH A SCHEDULE SUCH THAT THIS COUNCIL HAS BEEN TALKING ABOUT AND ANALYZING THIS OPPORTUNITY FOR TWO SOLID YEARS WAS ABLE TO TAKE ACTION TODAY, I THINK THE EFFICACY OF THE ANALYSIS OF ALL THESE TEAMS WAS EXCEPTIONAL, AND I DO WANT TO APPLAUD AND THANK THE DEVELOPMENT TEAMS THAT STEPPED UP AND PUT FORTH A LOT OF TIME, EFFORT AND REAL MONEY, THESE DEVELOPMENT TEAMS SPENT HUNDREDS OF THOUSANDS OF DOLLARS COMING TOGETHER WITH PLANS AND ANALYSIS AND PARTNERS, IT WAS NOT AN INSIGNIFICANT INVESTMENT ON THE PRIVATE SIDE JUST TO GIVE US THE PROPOSAL IT AS ALLOW US TO DO THIS GOOD A JOB IN CHOOSING A TEAM. AGAIN, AS COUNCIL MEMBER LEFFINGWELL POINTED OUT EARLIER, TECHNICALLY WHAT WE WOULD BE DOING WITH THIS ACTION ITEM IS CHOOSING WHICH OF THOSE TEAMS, GIVING THE CITY AND HIS TEAM TO NEGOTIATE AND EXECUTE THIS EXCLUSIVE NEGOTIATING AGREEMENT, AND THEN, OF COURSE THAT LEADS STAFF INTO THE LONG HAUL WHICH IS ULTIMATELY NEGOTIATING A VERY JUDICIOUS DMA, DEVELOPMENT MANAGEMENT AGREEMENT, FOR LACK OF A BETTER TERM THAT WILL ANSWER ALL OF THE QUESTION, EVERYTHING FROM HOW THE CASH FLOW GOES BACK IN TO REIMBURSING UTILITIES, TO AND THROUGH THE TIMING, TO AND THROUGH THE, YOU KNOW, THE PARTNERSHIP THAT ULTIMATELY WILL DELIVER THE BENEFITS THAT WE'VE SEEN SO WELL IDENTIFIED HERE BY STAFF. MY INSTINCT, HAVING FLIPPED THROUGH A COUPLE THREE OF THESE, THAT IS A LOT OF WORK. WE'RE PROBABLY, IF I HAD TO BET, A YEAR OR MORE AWAY FROM THAT MOMENT, THAT IS A COMPLEX, THICK DEVELOPMENT MANAGEMENT AGREEMENT THAT ANSWERS THE DETAILS OF ALL THESE QUESTIONS, AND FUNDAMENTALLY THEN ALLOWS THE CITY IN PARTNERSHIP WITH THE PRIVATE SECTOR TO START TO DELIVER ON THE POTENTIAL FOR ALL THE BENEFITS THAT ARE OUTLINED HERE. SO AGAIN, HATS OFF TO THE TEAMS THAT PUT FORTH THE EFFORT THAT THEY DID THIS PAST SPRING AND KUDOS TO CITY STAFF FOR GIVING US THE ABILITY TO IN MY OPINION, MAKE A GOOD SOUND DECISION WHEN IT COMES TO CHOOSING THE TEAM. FURTHER COMMENTS ON THE ITEM? WE'RE POSTED FOR ACTION, THAT IS BOTH NEGOTIATING AND EXECUTING THE EXCLUSIVE NEGOTIATES AGREEMENT AND SECONDLY TO ALSO INSTRUCT THE CITY MANAGER TO NEGOTIATE AN AGREEMENT, NOT EXECUTE BUT NEGOTIATE THE AGREEMENT THAT ULTIMATELY WILL COME BACK TO THIS OR FUTURE COUNCIL WHEN IT COMES TO THE DETAILS OF THE PROJECT. COUNCIL MEMBER KIM.

COUNCIL MEMBER KIM: ONE MORE TIME, THANKS. I JUST WANT TO SAY THIS IS REALLY EXCITING AND WE'RE GOING TO SEE A LOT OF BENEFITS FROM THIS, FROM THE AFFORDABLE HOUSING WHEN PEOPLE SAID IT COULDN'T BE DONE. WE SAW THE PROPOSALS THAT HAD IT IN THERE AND THE BENEFITS FOR THE PARKS IN TERMS OF SHOAL CREEK AND MAKING THAT, MAKING THAT A PLACE WHERE PEOPLE CAN REALLY COME THERE AND ENJOY THE NATURAL WONDERS OF HAVING STRONG HEALTHY URBAN

INCREASE, I THINK IT WILL REINFORCE THE MESSAGE OF HOW WE NEED TO PROTECT OUR NATURAL RESOURCES BECAUSE WE CAN LIVE AND THRIVE IN A GREEN COMMUNITY, ESPECIALLY WITH A GREEN BUILDING. LOOKING FORWARD TO SEEING EXTRA PARKING FOR THE LIBRARY DOWNTOWN AND THIS HAS SOMETHING FOR EVERYONE. I'M REALLY GLAD, EVEN THOUGH IT IS JUST THE BEGINNING OF THE PROCESS IN WORKING WITH THE TEAM, IT IS A WONDERFUL PROJECT IN THE END FOR EVERYBODY TO ENJOY SO THANK YOU FOR THE HARD WORK FOR EVERYONE PUTTING IN CREATIVE IDEAS AND EFFORTS TO GIVES YOU A LOT TO CONSIDER AND THANKS TOO FOR THE STAFF FOR THEIR HARD WORK ON THIS, IT WAS A LOT OF WORK AND I REALLY APPRECIATE IT.

MAYOR WYNN: MAYOR PRO TEM.

WITH THAT THANK YOU WHICH WE ALL WILL ECHO STRONGLY, I WOULD LIKE TO MOVE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN EXCLUSIVE NEGOTIATING AGREEMENT WITH THE TEAM OF TRAMMELL CROW CONSTRUCTIVE VENTURES AND USAA AND NEGOTIATE AN AGREEMENT WITH THAT DEVELOP HE FOR THE SALE AND REDEVELOPMENT OF THE GREEN WATER TREATMENT PLANT AND THE AUSTIN ENERGY CONTROL CENTER. WYNN MOTION BY MAYOR PRO TEM, SECONDED BY CRAM McCRACKEN COUNCIL MEMBER McCRACKEN AND IDENTIFYING THE PEOPLE OF TRAMMELL CROW CONSTRUCTIVE VENTURES AND USAA AS THE DEVELOPMENT TEAM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0 THANK YOU ALL VERY MUCH. COUNCIL AND FOLK, APOLOGIZE, THAT JUST NOW TAKES US TO OUR ZONING CASES. WE HAVE A HANDFUL OF CASES TO TAKE UP WHERE WE'VE ALREADY CONDUCTED THE PUBLIC HEARING AND A NUMBER OF HOSTED PUBLIC MEASURINGS. WITH THAT, I WILL WELCOME GREG GUERNSEY.

THANK YOU. I WOULD LIKE TO WALK YOU THROUGH OUR 4:00 ZONING ORDINANCES AND RESTRICTIVE COVENANT ITEMS. THESE ARE ITEMS THE PUBLIC HEARINGS HAVE BEEN CLOSED. THE FIRST ITEM IS NUMBER 74, CASE C14-2008-0050. CLARK & SOUTHSIDE 13. PROPERTY. THIS IS TO APPROVE SECOND AND THIRD READS FOR THE PROPERTY LOCATED AT 8104 AND 8200 SOUTH CONGRESS SOUTH BOGGY CREEK WATERSHED FROM DEVELOPMENT RESERVE DR DISTRICT ZONING, RURAL RESIDENCE- CONDITIONAL OVERLAY RR-CO COMBINING DISTRICT ZONING, AND SINGLE-FAMILY RESIDENCE- STANDARD LOT SF-2 DISTRICT ZONING TO GENERAL COMMERCIAL SERVICES CONDITIONAL OVERLAY CS-CO COMBINING DISTRICT ZONING. THIS IS READY FOR CONSENTS APPROVAL ON SECOND AND THIRD READINGS. ITEM NUMBER 75 I WOULD LIKE TO HAVE YOU DISCUSS THIS BRIEFLY BECAUSE WE JUST RECEIVED A PETITION RECENTLY AND GO THROUGH THAT. ITEM NUMBER 76, WE HAVE A DISCUSSION POSTPONEMENT OF THAT ITEM. WE HAVE TWO CITIZENS THAT REQUESTED POSTPONEMENT OF THAT ITEM. ITEM NUMBER 77 IS CASE C14-2008-0045 ST. DOMINIC SAVIO CATHOLIC HIGH SCHOOL. 9400 NEENAH AVENUE LAKE CREEK WATERSHED FROM UNZONED TO GENERAL OFFICE-CONDITIONAL OVERLAY GO-CO COMBINING DISTRICT ZONING. PRESENTLY THE PROPERTY IS UNZONED. EARLIER TODAY YOU APPROVED THE ANNEXATION OF THIS PROPERTY AT 10:00 SO THE EFFECTIVE DATE OF

THIS ORDINANCE WOULD BE SLIGHTLY DIFFERENT THAN WHAT YOU WOULD NORMALLY HAVE, 10 DAYS, IT WOULD BE JULY 7 TO CORE RESPOND WITH THE ANNEXATION. THIS WOULD BE APPROVING ITEM NUMBER 77 FOR SECOND AND THIRD READINGS. ITEM NUMBER 78, THIS IS CASE C14-2008-0066. OVERTON-5 PROPERTY. WE HAVE A VALID PETITION THAT HAS BEEN FILED ON THAT PARTICULAR PROPERTY. ITEM NUMBER 79 -- AND I'LL LEAVE THAT AS A DISCUSSION ITEM AND CLARIFY THAT. ITEM NUMBER 79 IS CASE NUMBER C14-2008-0003. WINDSOR ROAD NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE BUILDING V ZONING OPT-INOPT-OUT TRACTS 1A, 1B, 1D AND TWO FOR THE PROPERTY LOCATED AT 1807 WEST 35TH STREET, 1811 WEST 35TH STREET, 1815 WEST 35TH STREET AND 1721 WEST 35TH STREET THIS WOULD BE EXCLUDING THESE PROPERTIES FROM THE VMU OVERLAY AND THIS IS OFFERED TO YOU AS CONSENT APPROVAL ON SECOND AND THIRD READINGS. I WOULD NOTE THERE IS VALID PETITIONS FILED BY THESE PROPERTY OWNERS THAT ARE OPPOSED TO BEING EXCLUDED FROM THE VERTICAL MIXED USE OVERLAY. ITEM NUMBER 80, THIS IS CASE NUMBER C14-2008-0019. SOUTH LAMAR NEIGHBORHOOD PLANNING AREA. VERTICAL MIXED USE ZONING OPT-INOPT-OUT PROCESS APPROVE SECOND THIRD READINGS. WE'RE PREPARED FOR SECOND AND THIRD READING TODAY ON ITEM NUMBER 80. ITEM NUMBER 81, CASE NUMBER C14-2008-0019. 001. SOUTH LAMAR NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE BUILDING. ZONING OPT-INOPT-OUT PROCESS. APPROVE SECOND/THIRD READINGS OF AN ORDINANCE. 2121 SOUTH LAMAR BOULEVARD WEST THIS IS THE ONE TRACK WE LEFT OUT WHEN WE BROUGHT FORWARD ALL THE OTHER TRACKS ON SOUTH LAMAR, AND IT WAS A SMALL OFFICE TRACT AND SO THIS WOULD BE FOR CONSENT APPROVAL ON SECOND AND THIRD READING OF THIS ITEM. ITEM NUMBER 82 IS CASE C14-2008-0043. BARTON HILLS NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE BUILDING, ZONING OPT-INOPT-OUT PROCESS. READY FOR CONSENTS APPROVAL ON SECOND AND THIRD READINGS. THAT IS ITEM NUMBER 82. AND THAT CONCLUDES THE ITEMS I CAN OFFER ON CONSENT AT THIS TIME. AS I MENTIONED, ON NUMBER 80, MAYOR AND COUNCIL, THERE IS A REQUEST BY THE NEIGHBORHOOD TO TAKE THIS ITEM ON SECOND READING ONLY. THERE IS A DESIRE BY THE NEIGHBORHOOD TO LOOK AT THIS ORDINANCE A LITTLE BIT MORE. IT'S MY UNDERSTANDING THEY'RE NOT NECESSARILY HOLDING UP THE PROCESS, THEY'RE JUST ASKING FOR ADDITIONAL TIME TO REVIEW THE ORDINANCES AND THAT IS ITEM NUMBER 80.

MAYOR WYNN: SO THEN, WITHOUT OBJECTION, COUNCIL WILL -- ITEM 80. HOW ABOUT A BRIEF DISCUSSION ABOUT THAT. COUNCIL MEMBER LEFFINGWELL.

I WOULD SUPPORT SECOND READING ONLY, SO I DON'T KNOW HOW TO RESOLVE THAT.

MAYOR WYNN: WE'LL DO A DISCUSSION ITEM HE WILL ON ITEM -- A DISCUSSION ITEM ON ITEM NUMBER 80. ON ITEM NUMBER 79 YOU SAID STAFF IS READY FOR SECOND AND THIRD READING, THE WINDSOR ROAD AREA PLANNING VMU BUT THERE ARE VALID PETITIONS BY PROPERTY OWNERS AGAINST BEING OPTED OUT.

THAT'S CORRECT.

OF THE MIXED USE.

FIRST READING, THESE PROPERTIES WERE EXCLUDED FROM THE ORIGINAL MIXED USE OVERLAY, THE REST OF WINDSOR ROAD WENT AHEAD AND IT WAS APPROVED AND INCLUDED MANY TRACTS AND THERE WERE OBJECTIONS IT WAS FILED BY INDIVIDUAL PROPERTY OWNERS SO WE PREPARED AN ORDINANCE SEPARATE FOR THESE PROPERTIES TO NOTE THEIR EXCLUSION BUT WE HAVE A VALID PETITION SAYING THEY WOULD STILL LIKE TO BE IN THE OVERLAY.

MAYOR WYNN: THEY WOULD LIKE TO BE INCLUDED WITH THE VMU.

THAT'S CORRECT.

SO AS YOU PREPARE FOR SECOND AND THIRD READING THOUGH, ESSENTIALLY THESE ARE JUST THOSE CASES THAT HAVE A VALID PETITION, CORRECT?

THAT'S CORRECT, THAT IS WHY I WANTED TO MAKE SURE YOU UNDERSTOOD IT WOULD REQUIRE A 3/4 VOTE OF THE COUNCIL OR SIX OUT OF 7 VOTES TO OVERRIDE THESE INDIVIDUAL PROPERTIES FROM BEING EXCLUDED.

MAYOR WYNN: COUNCIL, THE STAFF PROPOSAL IS TO APPROVE EXCLUDING THESE TRACTS.

THAT'S CORRECT.

MAYOR WYNN: ON SECOND AND THIRD READING.

I'VE GOT A COUPLE OF OTHER QUESTIONS. JUST FOR CLARIFICATION, YOU SAID 78 IS DISCUSSION?

78, WE RECENTLY RECEIVED A PETITION AND I WANTED TO BRING THAT TO YOUR ATTENTION. AND THEN, ALSO, ON 75, THERE IS --

COUNCIL MEMBER LEFFINGWELL: IT IS NOT ON THE CONSENT AGENDA.

THAT IS RIGHT, I WAS NOT OFFERING THAT BECAUSE I WANTED TO MAKE SURE YOU UNDERSTOOD THE ISSUES.

AND ON 82 IS THAT THE TRACT WE'RE TALKING ABOUT ONLY.

THE 82 IS THE OVERALL MARTIN HILLS AREA. THERE IS AN IDEA I WILL SPEAK TO ON THE



NEXT PART OF THE 4:00 AGENDA.

4-B.

THAT'S CORRECT, AND THERE IS AN AGREEMENT BY THE OWNER AND THE NEIGHBORHOOD TO POSTPONE 4-B AGAIN BUT I'LL GET TO THAT IN A FEW MOMENTS.

82 ON CONSENT IS TO APPROVE THE OPT-OUT.

THE OPT IN, OPT OUT AS YOU APPROVED ON FIRST READING, THAT'S CORRECT.

COUNCIL MEMBER LEFFINGWELL: AND IT IS ONE OF THE TRACTS OPTED OUT.

I BELIEVE SO, THAT'S CORRECT.

MAYOR WYNN: SO, THEN, COUNCIL THE PROPOSED CONSENT AGENDA ON THESE CASES WHERE WE CONDUCTED AND CLOSED THE PUBLIC HEARING WILL BE TO APPROVE ITEM NUMBER 74 ON SECOND AND THIRD READING. APPROVE ITEM 77 ON SECOND AND THIRD READING, APPROVE ITEM 79, 81 AND 28 ALL ON SECOND AND THIRD READING. I WILL ENTERTAIN THAT MOTION. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. MR. GUERNSEY, WHY DON'T WE GO THROUGH THE CONSENT AGENDA ON POTENTIAL PUBLIC HEARING CASES AND COME BACK WITH THESE FOR DISCUSSION.

VERY GOOD. I'M GOING TO THE 4:00 ZONING NAB PLANNING AMENDMENT, WHERE THE PUBLIC HEARINGS ARE OPEN AND THERE IS POSSIBLE ACTION. ITEM NUMBER 83 THIS IS CASE C14-06-0144RCA. RANCHO ALTO COMMERCIAL. ELECTED THE SOUTHEAST CORNER OF HE FRATE BARKER ROAD AND RANCHO ALTO ROAD BEAR CREEK WATERSHED. IT IS LIMITED OAK TO THE SUBJECT PROPERTIES AND THESE WOULD BE THE COMMERCIAL PROPERTIES AND THEY TOOK THAT ACTION LAST NIGHT. WE CAN OFFER THIS AS CONSENT ITEM FOR THIS RESTRICTIVE COVENANT AND THAT IS ITEM NUMBER 83. ITEM NUMBER 84, CASE C14-2007-0259. GOVALLE-JOHNSTON TERRACE COMBINED NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE BUILDING V ZONING OPT-INOPT-OUT. STAFF IS RECOMMENDING POSTPONEMENT OF THIS ITEM UNTIL AUGUST. ITEM NUMBER 85 IS CASE C14-2008-0034. UNIVERSITY HILLS NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE ZONING OPT-INOPT-OUT PROCESS , STAFF IS REQUESTING POSTPONEMENT UNTIL THE JULY 24th MEETING. ITEM NUMBER 86 IS CASE NUMBER C14-2008-0043PART. BARTON HILLS NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE ZONING OPT-INOPT-OUT PROCESS TRACT 4B, LOCATED AT 3600 SOUTH LAMAR WITHIN THE BARTON HILLS NEIGHBORHOOD PLANNING AREA YOU MAY RECALL THIS IS A TRACT THAT WAS OF DISCUSSION, COUNCIL MEMBER LEFFINGWELL THAT YOU JUST SPOKE OF. THE PROPERTY HAS ASKED FOR POSTPONEMENT OF THIS ITEM UNTIL THE AUGUST 7 MEETING AND WE UNDERSTAND THE NEIGHBORHOOD WOULD BE SUPPORTIVE OF THAT POSTPONEMENT REQUEST BY THE

PROPERTY OWNER, SO STAFF WOULD OFFER THIS AS POSTPONEMENT OF ITEM NUMBER 87 UNTIL YOUR AUGUST 7 MEETING. ITEM NUMBER 87 IS CASE NUMBER C14-2007-0262. CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE BUILDING, ZONING OPT- INOPT-OUT PROCESS. STAFF IS REQUESTING A POSTPONEMENT TO THE JULY 24 MEETING. STAFF WILL REVIEW THIS PARTICULAR ITEM OR CASE LATER THIS MONTH ON THE 24th. ITEM NUMBER 88 WILL BE A DISCUSSION ITEM. ITEM 89 IS CASE C14-2008-0032. NORTH SHOAL CREEK NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE ZONING OPT-INOPT-OUT PROCESS. WE COULD OFFER THE PLANNING COMMISSION'S RECOMMENDATION ON THIS ITEM BUT THERE WAS PART OF THE PLANNING COMMISSION RECOMMENDATION THAT ADDRESSED TRACT SIX, THAT IF THE NEIGHBORHOOD AND THE AMOUNT CAME TO AN AGREEMENT THAT THAT COULD CONTINUE ON AND THEY'VE REACHED AN AGREEMENT SO OFFERING THAT THE DIMENSIONAL, THESE ARE THINGS THAT WOULD DEAL WITH BUILDING COVERAGE, FAR, SET BACKS, THOSE ITEMS COULD BE RELAXED ON TRACT SIX, WE COULD OFFER THIS AS CONSENT ITEM AND BOTH PARTIES AGREED, AS I UNDERSTAND IT, NOT TO SPEAK TO THIS ITEM. IF THEY WANT TO CORRECT ME, THEY CAN CERTAINLY SPEAK TO THAT RIGHT NOW. THEY'RE SHAKING THEIR HEAD YES AT ME SO I WOULD PRESUME THEY ARE IN AGREEMENT. IT WOULD BE THE COMMISSION' RECOMMENDATION THAT ONE CHANGE ON TRACT SIX THAT THE DIMENSIONALS COULD BE ADDED AS PART OF THAT, AND THAT WOULD ONLY BE READY FOR FIRST READING ONLY.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. SO THEN, COUNCIL, OUR PROPOSED CONSENT AGENDA CASES WHERE WE HAVE YET TO CONDUCT THE PUBLIC HEARING WOULD TO BE CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASE NUMBER 83.

ACTUALLY THERE IS NO ORDINANCE, THAT WOULD JUST BE APPROVAL.

MAYOR WYNN: THANK YOU SOME OF CLOSE THE PUBLIC HEARING AND APPROVING ITEM NUMBER 83, TO POSTPONE ITEM 84 TO AUGUST 7, 2008. POSTPONE ITEM 85 TO JULY 24, 2008. POSTPONE ITEM 86 TO AUGUST 7, 2008. AND TO POSTPONE ITEM 87 TO JULY 24, 2008. AND CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY ON ITEM NUMBER 89 WITH A NOTATION FROM STAFF. I WILL ENTERTAIN A MOTION ON THAT PROPOSED AGENDA. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

WE'LL GO BACK TO OUR EARLIER DISCUSSION ITEMS.

YES, LET ME GUIDE YOU, FIRST TO ITEM 75. THIS IS CASE C14-2007-0067. CLAWSON ROAD PROPERTY AT@NO CARRIERRINGCONNECT 57600 I WANTED TO BRIEF LEE SPEAK TO WHAT THOSE CONDITIONS ARE. THESE ARE IN THE FORM OF RESTRICTIVE COVENANT BACK UP AND ON THE DAIS IN YELLOW. THE OWNER HAS AGREED TO COMPLY WITH THE AUSTIN ENERGY GREEN BUILDING PROGRAM, IN EFFECT AS OF TODAY TO ACHIEVE A MINIMUM OF TWO STAR RATING. THE OWNER ALSO HAS AGREED TO IMPLEMENT THE FOLLOWING WATER CONSERVATION MEASURES, ONE WOULD BE TO PROVIDE MORE EFFICIENT TOILETS TO BE

INSTALLED ON THE PROPERTY AT 1.28 GPF INSTEAD OF 1.6 AND ANY MULTI FAMILY RESIDENTIAL UNITS, INCLUDING CONVERGENCE ZONE MINUTE YUMS, WOULD BE SEPARATELY METERS OR -- INCLUDING CONDOMINIUMS, WOULD BE SEPARATELY METERS. IT HAS A CONDITIONAL OVERLAY LIMITING THE PROPERTY TO A MAXIMUM OF 300 VEHICLE TRIPS PER DAY. SO MY PURPOSE OF MAKING SURE YOU NEIGHBORHOOD THERE WERE ADDITIONAL CONDITIONS AND THAT THEY BROUGHT THOSE FORWARD. THEY ALSO AGREED THEY WOULD DO SOME AFFORDABLE HOUSING BECAUSE THAT WOULD BE CONSIDERED INCLUSION AIR ZONING AND WE COULD NOT PROVIDE THAT AS PART OF THE PUBLIC COVENANT OR ZONING ORDINANCE ITSELF. THE AMOUNT NEIGHBORHOOD IS PRESENT IF YOU WOULD LIKE TO SPEAK TO EITHER PARTY REGARDING THIS ITEM.

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

COUNCIL MEMBER LEFFINGWELL: ON THE AFFORDABLE HOUSING, YOU SAID IT CAN'T BE PARTS OF THE PUBLIC RESTRICTIVE COVENANT. WHAT IS THE PROPOSAL?

I HAVEN'T ACTUALLY BEEN IN RECEIPT OF IT, BUT I THINK THE AMOUNT THE THE APPLICANTS AGENT WAS HERE AND CAN SPEAK TO WHAT THEY ARE PROPOSING.

IS THE QUESTION WHAT LEVEL OF AFFORDABILITY, WHAT WE DID IS SINCE OUR LAST MEETINGS WITH YOU ALL WE HAVE ENTERED THE SMART HOUSING PROGRAM, WHICH MY UNDERSTANDING THERE IS TWO OPTIONS, ONE IS 10% FOR ONE YEAR AND 5% IN PERPETUITY, AND WE'VE OPTED TO ABOUT G 5% AFFORDABLE IN PER TUESDAYITY AND THAT IS THE -- PERPETUITY, WE'RE NOW IN THE SMART HOUSING PROGRAM.

SO YOUR AFFORDABILITY CONTRIBUTION AS A MEMBER OF THE SMART HOUSING PROGRAM.

YES.

COUNCIL MEMBER LEFFINGWELL: QUESTION FOR MR. GUERNSEY, IT WAS SF-6.

THAT'S CORRECT.

COUNCIL MEMBER LEFFINGWELL: YOU COULD GIVE ME A COMPARISON, THERE IS A 300 TRIP LIMIT PER DAY CO ON THIS RIGHT NOW. SO WHAT WOULD BE COMPARISON IN TRIPS BETWEEN SF-6, YOUR RECOMMENDATION AND THE MF-2 WITH THE 300 TRIP LIMIT TAISMGHTS LIMITATION.

STAFF HAD THE SAME NUMBER OF TRIP LIMITS AND I BELIEVE THE NUMBER OF UNITS YOU MIGHT BE ABLE TO GENERATE, APPROXIMATELY 24 OR MORE, MIGHT BE ABLE TO RETRIEVE

A LITTLE BIT MORE THAN THAT.

COUNCIL MEMBER LEFFINGWELL: SO 24 UNITS IN EMF OR SF-3.

WITH THAT TRIP CAP THAT WOULD BE ABOUT WHERE THE MAXIMUM WOULD COME OUT. BUT IT COMES OUT TO BE ABOUT 12.4 UNITS PER ACRE.

COUNCIL MEMBER LEFFINGWELL: FOR SF-6 AND IT WOULD BE --

IF THEY DID MF-2, NOT INCLUDING A TRIP COUNT, IT IS APPROXIMATELY ABOUT 19 UNITS, IF YOU HAD A MIX OF ONE AND TWO-BEDROOM UNITS BUT WITH THAT TRIP COUNT IT WOULD BRING IT DOWN.

COUNCIL MEMBER LEFFINGWELL: OKAY, THANK YOU.

MAYOR WYNN: FURTHER QUESTIONS FOR STAFF? COMMENTS? MAYOR PRO TEM.

MAYOR PRO TEM DUNKERLEY: I MOVE APPROVAL FOR MF-2, CO, MAXIMUM 300 TRIPS. THE GREEN BUILDING, SMART HOUSING AND WATER CONSERVATION EFFORTS AND OTHER COs THAT YOU MENTIONED EARLIER, AND THAT'S IT.

THAT WAS MF-2?

MAYOR WYNN: YES, F 2, THE ACTION WE TOOK ON SECOND READING.

MAYOR PRO TEM DUNKERLEY: WITH THE ADDITIONAL CONDITIONAL OVERLAYS.

SECOND.

MAYOR WYNN: ACTUALLY I THOUGHT I HEARD A SECOND OVER HERE. MOTION BY MAYOR PRO TEM AND SECONDED BY COUNCIL MEMBER DOME APPROVE ON THIRD READING THE MF-2-CO AS APPROVED ON SECOND READING BUT WITH THE ADDITIONAL COMMENTS READ INTO THE RECORD BY MR. GUERNSEY.

AND YOU HAVE THEM IN THE FORM OF DAIS FOR PUBLIC RESTRICTIVE COVENANT OR AN BE ORDINANCE AS I SPOKE TO YOU EARLIER.

MAYOR WYNN: COMMENTS ON THE MOTION? I WILL JUST SAY I'VE STUDIED THIS CASE AT LENGTH SINCE THE LENGTHY PUBLIC HEARING AND THE TRADE OFF IS TECHNICALLY MULTIFAMILY ZONING IN, BUT OTHERWISE I CHARACTERIZE THE INTERIOR PART OF THIS NEIGHBORHOOD, AND WITH THE CONDITION OF THE ROAD, BUT THEN VIS-A-VIS WHAT, IN PRACTICAL TERMS IS ON THE GROUND NOW WILL BE ON THE GROUND WITH THE ADJACENT ZONE BUG ALSO THESE, WHAT I CONSIDER THE SIGNIFICANT ENVIRONMENTAL BENEFITS,

INCLUDING NOW THE MODEST AFFORDABILITY AND SO WE ARE AS INITIALLY JUST PHILOSOPHICALLY I BEGAN WITH SOME CONCERNS BASED ON THE CONCEPT OF A FUTURE, HOW TO WOULD LOOK ON A FUTURE LANDUMAP, I'VE BECOME COMFORTABLE WITH THE COMPROMISE, THE TRADE OFF OF GET, ADDITIONAL ENVIRONMENTAL BENEFITS FOR THIS PROPOSED DEVELOPMENT SO I WILL BE SUPPORTING THE MOTION. A MOTION AND SECOND ON THE TABLE FOR THIRD READING, ITEM 75. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0 THIRD READING. MR. GUERNSEY.

OUR NEXT ITEM SEMITE EMNUMBER -- ITEM IS ITEM NUMBER 74, CASE NUMBER C14-2007-0144. 800 WEST AVENUE. THIS IS A ZONING CHANGE REQUEST FROM GENERAL OFFICE OR GO DISTRICT ZONING AND LIMITED OFFICE LO DISTRICT ZONING TO DOWNTOWN MIXED USE- CONDITIONAL OVERLAY DMU-CO COMBINING DISTRICT ZONING. THERE IS A VALID PETITION THAT HAS BEEN FILED IN OPPOSITION AND I UNDERSTAND THEY'LL THE VALID PETITION AS IT WAS SUBMITTED TO CDB, THE CENTRAL REDEVELOPMENT DISTRICT, THE PETITION DOESN'T REALLY SPEAK DIRECT THREE JUST A DMU-CO, WHICH IS THE CO, A CONDITIONAL OVERLAY THAT FURTHER PROVIDES RESTRICTIONS ON THE PROPERTY. THE TWO POSTPONEMENT REQUESTS THAT WE HAVE, ONE WAS BY MR. BEN PROCTOR, WHICH I KNOW IS PRESIDENT AND MAYBE HE WILL SPEAK TO HIS POSTPONEMENT, I UNDERSTAND HE WOULD LIKE ADDITIONAL TIME FOR THIS ITEM TO REVIEW AND JUST ASK THAT IT BE BROUGHT BACK. THIS IS THE FIRST REQUEST BY A NEIGHBORHOOD PERSON OR ADJACENT PROPERTY OWNER. THERE IS A MARK THAT ASKED FOR POSTPONEMENT OF THIS ITEM AND HAD A CONCERN RELATING TO AN ORDINANCE AMENDMENT THAT HAS NOT BEEN CONSIDERED BY THE PLANNING COMMISSION THAT WILL BE CONSIDERED AT THE END OF THIS MONTH, AND HE WANTS TO ASK ABOUT THOSE TWO ITEMS TO BE POSTPONED BECAUSE HE THOUGHT THEY WERE TIED TOGETHER. BUT COUNCIL, YOU MAY ACTUALLY TAKE ACTION SEPARATELY ON THE D DMU ZONING REQUEST, INDEPENDENCE OF ANY ACTION ON THE ORDINANCE AMENDMENT. I SPOKE TO MR. PROCTOR EARLIER AND I UNDERSTAND HE JUST WANTS THE POSTPONEMENT FOR ADDITIONAL TIME TO CONSIDER THIS PROJECT. AND BOTH THE THE THE APPLICANT'S AGENT AND MR. PROCTOR ARE HERE AND READY TO SPEAK ON THE MERITS OF THEIR POSTPONEMENT REQUEST.

MAYOR WYNN: REMIND ME, THE ORDINANCEMENT AMENDMENT YOU SPOKE OF, WHAT IS THE ISSUE?

IT WOULD AMEND THE DISTRICT AND MODIFY COME PAT ABILITY STANDARDS WHICH CURRENTLY YOU ARE NOT ABLE TO DO. THE APPLICANT IS AWARE OF THIS, IT IS AN OVERSIGHT IN MY SIDE BECAUSE WE DID NOT FILE IT ON TIME TO HAVE THEM BOTH CONSIDERED TONIGHT. HAVING SAID THAT, THE AGENT FOR THE APPLICANT HAS INDICATED HE STILL HAS A DESIRE TO GO FORWARD WITH SIMPLY THE DMU ZONING TODAY, NOT INCLUDING THE CURE BUT JUST WITH THE COs THAT IS REFERENCES IN YOUR BACK UP MATERIAL AND IN THE ORDINANCE.

AND THE FACT THAT COs FURTHER RESTRICT WHATEVER JOININGS MIGHT BE. COs DON'T INCREASE ZONING ABOVE WHAT THE BASE ZONING IS.

IN THIS CASE IT WOULD FURTHER LIMIT THE IMPERIOUS COVER AND RESTRICT THE HEIGHT ON THIS PROPERTY.

MAYOR WYNN: AND I THINK I HEARD YOU SATE FILED VALID PETITION WAS CDB OR DMU CURE THAT WOULD BE DMU-PLUS WHAT WE HAVE ON THE TABLE HERE IS DMU-MINUS, THAT IS WITH ADDITIONAL CONDITIONAL OVERLAY.

THAT'S CORRECT, MAYOR, THAT WOULD BE MORE RESTRICTIVE THAN NORMAL DMU.

MAYOR WYNN: SO A VALID PETITION DOES NOT APPLY TO THIS CASE AS WE'RE PREPARED TO THEIR IT.

THAT IS MY UNDERSTANDING. LOOKING AT THE PETITIONS AND BEFORE YOU CAN ALSO CONVERSE WITH LEGAL COUNCIL BUT THE PETITION THAT WAS SUBMITTED WAS AGAINST DMU OR DMU CURE. CURE COULD ACTUALLY LIFE CERTAIN RESTRICTIONS TO INCREASE HEIGHT OR FAR, BUT THE APPLICANT AGENT INDICATED THAT IS NOT WHAT THEY'RE PURSUING AT THIS TIME.

MAYOR WYNN: AND THEN, LASTLY, I ALSO THOUGHT I HEARD YOU SAY THIS, ALTHOUGH MR. PROCTOR, WELL DESERVING IS A NEARBY PROPERTY OWNER, THIS ISN'T THE NEIGHBORHOOD ORGANIZATION, I GUESS THAT WOULD BE THE OLD WEST AUSTIN NEIGHBORHOOD GROUP ASKING FOR THE POSTPONEMENT. BUT REGARDLESS THIS IS THE FIRST REQUEST FOR POSTPONEMENT.

THIS IS THE FIRST REQUEST. I KNOW MR. PROCTOR AND MR. HOOTSPA WITH SIGNATURES ON THE PETITION AND I'M NOT SURE, THEY CAN SPEAK FOR THEMSELVES WHETHER THEY ARE REPRESENTING OTHERS OR NOT BUT AS FAR AS I KNOW THIS IS THE FIRST REQUEST. WHEN YOU CONSIDERED THIS LAST YEAR THERE WAS NOT A POSTPONEMENT REQUEST FOR THIS NEIGHBORHOOD AND NOW WE HAVE INDIVIDUALS COMING FORWARD EXPRESSING A DESIRE TORE A POSTPONEMENT TODAY.

MAYOR WYNN: QUESTIONS OF STAFF, COUNCIL? I WILL SAY I KNOW, SLIGHTLY WELL, KNOW THE CASE WELL, BUT I WILL SAY OUR LONG-STANDING PRACTICE IS WHERE UNLESS THERE IS A SIGNIFICANT SET OF CIRCUMSTANCES, WE DO GRANT POSTPONEMENT REQUESTS, WE'RE CERTAINLY PREPARED TO HEAR FROM THE AGENT OR NEIGHBOR TO CONFIRM HELP WITH THAT DISCUSSION. QUESTIONS MUCH STAFF? COMMENTS?

MAYOR PRO TEM DUNKERLEY: I HAVE A QUESTION.

MAYOR WYNN: MAYOR PRO TEM.

MAYOR PRO TEM DUNKERLEY: MR. GUERNSEY IS THIS ONE OF THE ITEMS I HAD ASKED TO COME BACK BEFORE THE COUNSEL BEFORE THE 18th.

THAT'S CORRECT.

AND HOW LONG WAS HELD IN THE PLANNING COMMISSION?

THE PLANNING COMMISSION REVIEWED THIS ITEM AND THEN SENT IT BACK TO THEIR SUB COMMITTEE AND THEY CONSIDERED IT SEVERAL TIMES. WE BROUGHT IT BACK ONE MORE TIME TO THE COMMISSION AND THEY SENT IT BACK AGAIN TO THEIR SUB COMMITTEE. AND AS WE MENTIONED EARLIER, MY STAFF DID NOT GET ITEM ON YOUR AGENDA OR ON THE PLANNING COMMISSION AGENDA FOR THE LAST MEETING.

ABOUT HOW MANY WEEKS DID THIS TAKE?

IT SPENT ABOUT TWO MONTHS AT THE PLANNING COMMISSION.

MAYOR PRO TEM DUNKERLEY: THIS IS REALLY MY CONCERN, AND I KNOW, YOU KNOW, I DON'T CARE WHETHER, I'D LIKE TO HAVE THE ADVICE OF THE COMMISSION TO WHATEVER IT IS, IF THEY THINK IT NEEDS TO BE DENIED, THAT'S FINE OR IF IT THINKS IT NEEDS TO BE ACCEPTED, BUT I WOULD HOPE IN THE FUTURE, WHEN THE, SOME OF THE COUNCILS WOULD LIKE TO GET IT BACK BY A CERTAIN TIME, THEY WOULD AT LEAST MAKE THOSE DECISIONS WILLING IT IS UP AND DOWN AND SEND IT ON TO US. IF THEY HAD DONE THAT, WE COULD HAVE HAD A LOT OF POSTPONEMENTS AND I WOULD STILL HAVE BEEN ABLE TO HAVE MY TWO CENTS WORTH. BUT THIS IS MY LAST DAY BUT THAT IS MY FRUSTRATION OVER THIS, BECAUSE I ASKED THIS A LONG TIME AGO AND IT IS JUST NOW GETTING HERE.

MAYOR WYNN: COUNCIL MEMBER McCRACKEN.

COUNCIL MEMBER McCRACKEN: I HAVE THE SAME CONCERN MAYOR PRO TEM DOES, ALL THE PROCESSES WORK IF WE ARE ALL OPERATING FROM THE SAME SET OF EXPECTATIONS. IN MY RECOLLECTION WE HAD A PROJECTED RETURN TIME ON THE DN-CURE CODE CHANGE WE HAD THE PUBLIC HEARING FOR TONIGHT. DO YOU RECALL WHEN WE INITIALLY SAID WE WANTED TO CODE CHANGE TO COME BACK TO US, WHAT OR PROJECTED TIME BACK WAS.

I INDICATED TO COUNCIL WE COULD DO IT IN ABOUT 90 DAYS THAN WOULD HAVE BROUGHT IT BACK SOME TIME IN FEBRUARY. IN REALITY IT PROBABLY DID NOT GET TO THE COMMISSION AND WAS NOT ABLE TO GET TO YOU BECAUSE OF ACTIONS TAKEN BY THE COMMISSION PROBABLY IN THE END OF FEBRUARY OR ABOUT THAT TIME. AND SO IN MARCH, WE PUT ON THE COMMISSION AGENDA FOR THEIR ACTION, THEY SENT IT BACK TO

SUB COMMITTEE AND IT KIND OF STAYED IN SUB COMMITTEE FOR THE COMMISSION GOING BACK AND FORTH FOR THE NEXT TWO OR SO MONTHS.

COUNCIL MEMBER MCCracken: AND WE HAVE A LONG-STANDING TRADITION THAT WE REQUEST POSTPONEMENT REQUESTS BUT WE'VE NEVER HAD ANYTHING LIKE THIS I RECALL WHERE THE PLANNING COMMISSION REFUSED TO, THEY JUST DEEP SIXED SOMETHING THE COUNCIL EXPECTED TO HAVE BACK THREE OR FOUR MONTHS AGO AND I'M VERY BOTHERED BY THAT BECAUSE EVERYBODY IS OPERATING UNDER THE BELIEF WHEN WE SAID WE WOULD TAKE THIS UP IN FEBRUARY LAST NOVEMBER, THAT IS WHAT WAS GOING TO HAPPEN AND NOW HERE WE ARE, END OF JUNE, AND THE SPONSOR OF THE CODE CHANGE ISN'T EVEN ABLE TO VOTE ON IT BECAUSE SOME STUFF THAT'S JUST, I THINK IT'S GOING TO REQUIRE THE CITY COUNCIL GOING FORWARD TO HAVE SOME CLARIFIED EXPECTATIONS WHEN WE SAY WE WOULD LIKE TO SEE SOMETHING COME BACK TO US FROM ANY OF THE COMMISSIONS THAT WE HAVE SOME MORE CERTAINTY THAT EVERYONE CAN RELY ON, NEIGHBORHOODS, PROPERTY OWNERS, CITY STAFF. SO I'M JUST VERY UNCOMFORTABLE GIVEN THE UNIQUE CIRCUMSTANCES IN THIS SITUATION THAT WE WOULD BE POSTPONING ALL THESE THINGS FOR SOMETHING THAT WAS SUPPOSED TO HAVE BEEN COMPLETED THOUGH OR FOUR MONTH -- THREE OR FOUR MONTHS AGO.

MAYOR WYNN: UNDERSTOOD. FURTHER COMMENTS? QUESTIONS, THOUGHT ABOUT THE POSTPONEMENT? COUNCIL MEMBER LEFFINGWELL.

COUNCIL MEMBER LEFFINGWELL: WELL, I GUESS MY QUESTION IS, YOU KNOW I AGREE WITH WHAT BOTH OF YOU HAVE SAID, BUT IS THERE REALLY ANY OPTION AT THIS POINT?

WELL, THE ITEM THAT IS BEFORE YOU, THE ZONING CASE WHICH YOU COULD ACT ON TONIGHT AND APPROVE THE DMU ZONING WITH THE CONDITIONAL OVERLAY OR YOU COULD ENTERTAIN A POSTPONEMENT OF THIS ITEM.

COUNCIL MEMBER LEFFINGWELL: SO, BUT THE REQUEST IS TO POSE POINT THE ZONING ITEM BECAUSE THE CODE AMENDMENT IS NOT READY?

> MR. PROCTOR IS BEHIND ME, I THINK HE IS JUST ASKING FOR MORE TIME. MR. HOOTSBA RELATED TO THESE ITEMS WERE RELATED AND BECAUSE ONE WAS DELAYED HE IS ASKING THIS ITEM BE DELAYED AS WELL. I'M NOT SURE IF HE IS IN THE AUDIENCE THIS EVENING TO SPEAK TO THAT REQUEST BUT I KNOW MR. PROCTOR IS HERE AND HE IS NOT NECESSARILY INDICATING THIS POSTPONEMENT IS DIRECTLY RELATED TO THAT ITEM.

COUNCIL MEMBER LEFFINGWELL: COULD WE ASK HIM TO ANSWER.

YES.



COUNCIL MEMBER LEFFINGWELL: WHAT HIS REASONS ARE.

MR. PROCTOR.

MAYOR WYNN: YOU CARE TO ADDRESS US, PLEASE, SIR. YES, SIR, MR. PROCTOR. WE HAD A QUESTION FOR YOU.

MAYOR, COUNCIL MEMBERS, MR. OTT, MY NAME IS BEN PROCTOR, I HAVE A PRESENTATION, A VERY SHORT PRESENTATION TO GIVE YOU, OR DID YOU WANT ME TO RESPOND TO QUESTIONS DIRECTLY.

MAYOR WYNN: WE'RE DISCUSSING A POTENTIAL POSTPONEMENT. IF WE TOOK UP THE CASE WE WOULD GIVE YOU AMPLE TIME TO PRESENT YOUR THOUGHTS BUT RIGHT NOW WE'RE CONCERNED IN DISCUSSING THE CONTEMPT OF WHETHER OR NOT TO POSTPONE. SO I GUESS MAKE A QUESTION --

COUNCIL MEMBER LEFFINGWELL: MY REMARKS ARE EXACTLY --

MY REMARKS ARE EXACTLY DO THAT.

MAYOR WYNN: PLEASE GIVE THEM.

I'M REPRESENTING 29 PROPERTY OWNERS WHO SIGNED A VALID PETITION OPPOSING THIS PROJECT. NOW, IF THERE IS SOME CONFUSION ON WHETHER THAT IS DNU, CO, OR SOME COMBINATION OF DMU WITH COMPATIBLE AND A COME POINT, THAT IS NOT THE WAY I DRAFTED THE PETITION TO BE READ, IT IS NOT THE WAY THE SIGTORIES UNDERSTOOD IT. WE'RE OPPOSED TO A DMU STRUCTURE. THAT WAS FILED JUNE 12, ON THAT SAME DAY I FILED ON BEHALF OF THE SAME 29 29 SIGNATURES A REQUEST FOR POSTPONEMENT AND FILED THAT TO YOUR OFFICES. IT IS OUR FIRST REQUEST FOR A POSTPONEMENT AND IT IS MY UNDERSTANDING ONE POSTPONEMENT IS ROUTINELY ALMOST AUTOMATICALLY GRANTED AND MR. GUERNSEY SAID DIFFERENTLY BUT IT IS MY UNDERSTANDING MR. SUTTLE HAS RECEIVED A POSTPONEMENT. IT MAY HAVE BEEN A SHORT ONE BUT I BELIEVE THAT IS ACCURATE, IN NOVEMBER. PERHAPS I'M WRONG ON THAT, BUT THIS IS CERTAINLY OUR FIRST REQUEST. WE NEED TIME TO COMPLETE RESEARCH AND PREPARATIONS OF DOCUMENTS JUST TO SUBMIT BEFORE YOU FINALIZE THIS CASE. I UNDERSTAND FIRST READING HAS BEEN CLOSED AND WE WON'T HAVE AN OPPORTUNITY TO DISCUSS INFORMATION, BUT WE WANT TO SUBMIT. WE ARE NOT THE CAUSE OF ANY DELAY HERE. IN MY OPINION, IT WAS THE INCLUSION OF THE CURE ORDINANCE AND RAISING THE COMPATIBILITY ISSUES WHICH HAS CAUSED THE DELAY. NOW, SURELY THAT IS SERIOUS MATTER, WITH CONSEQUENCES FAR BEYOND THIS PARTICULAR PROJECT, BUT WE'RE NOT THE ONES THAT INTERJECTED IT AND WE SHUT NOT, CANNOT BE BLAMED FOR THE TIME IT IS TAKING TO CONSIDER THOSE ISSUES. WE REASONABLY NEED POSTPONEMENT BECAUSE SEVERAL OF THE PETITION SIGNERS ARE WORKING ON SPECIFIC CONCERNS ABOUT DMU

ZONING, NOT COMPATIBILITY, THEY'RE WORK IS -- THEIR WORK IS NOT QUITE FINISHED AND EVEN IF THEY WERE HERE TODAY WHICH THEY COULD NOT BE BECAUSE OF SEVERAL EMERGENCIES THAT HAVE ARISEN, WE DON'T HAVE THAT PRODUCT TO SUBMIT. AN AWFUL LOT OF CONFUSION EXISTS ON THIS SUBJECT AND HAS EXISTED OVER WHETHER WE'RE TALKING ABOUT THE 800 WEST PROJECT AND ZONING ALONE, OR TOGETHER WITH CURE IN COMPATIBILITY STANDARDS. ARE THOSE SEPARATE ISSUES, ARE THEY COMBINED PLANNING COMMISSION CERTAINLY WAS CONFUSED. AT TWO OF THE THREE SUB COMMITTEE MEETINGS THAT I ATTENDED, DISCUSSION OF 800 WEST PROJECT WAS ABSOLUTELY CENTRAL TO THOSE DELIBERATIONS. THAT GAVE THE IMPRESSION THAT IT WAS A COMBINED ISSUE, COME PASSABILITY AND THE ZONING -- COMPATIBILITY AND THE ZONING ORDINANCE AND THE CURE ORDINANCE BEING CONSIDERED AND DISCUSSED TOGETHER. NEVERTHELESS, UNTIL LAST WEEK, WE THOUGHT THE SEQUENCE WAS PLANNING COMMISSION FIRST, AND THEN COUNCIL ACTION. IN FACT, EVEN THIS MONDAY, JUST 48 HOURS AGO, TWO MEMBERS OF THE COUNCIL COMMUNICATED TO US THAT THE ZONING CASE, THIS MATTER RIGHT NOW, WAS NOT ON THE AGENDA TONIGHT. I CAN SHOW YOU THAT INFORMATION ABOUT YOU WANT TO AND I'M NOT IMPLYING THIS IS ANY BAD MOTIVE BUT CONFUSION. SEPARATE ISSUES GOT JOINED AT ONE POINT, FAMILY EMERGENCIES THAT HAVE TAKEN PEOPLE OUT OF TOWN, MORE TIME NEEDED TO GET RELEVANT FACTUAL INFORMATION TO YOU, FIRST WE'RE FIRST TIME REQUESTERS AND I ASK YOU PLEASE GRANT THIS POSTPONEMENT.

MAYOR WYNN: THANK YOU, MR. PROCTOR. QUESTIONS FOR MR. PROCTOR, COUNCIL? COUNCIL MEMBER COLE.

COUNCIL MEMBER COLE: I HAVE A QUESTION FOR MR. GUERNSEY. I'M SORRY, FOR PROFESSIONAL STAFF. I UNDERSTAND YOUR TESTIMONY AND I APPRECIATE IT. MR. GUERNSEY, YOU WERE EXPLAINING HOW THIS WASN'T A VALID PETITION AND DID NOT TAKE A MAJORITY VOTE AND I WANT TO MAKE SURE I UNDERSTAND THAT IN THE CONTEXT IF THERE IS AN AMENDMENT BETWEEN NOW AND THE POSTPONEMENT. OR IS THAT POSSIBLE?

WELL, THE REQUEST, THE PETITION, THE COPY ON THE DAIS AS WELL. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

IF BEN AND THE OTHER NEIGHBORS COULD COME BACK, IF A MONTH WAS GRANTED THEY WOULD PROBABLY GO BACK AND ASK THE OTHER PROPERTY OWNERS TO REVISE THE PETITION AND THEN WE WOULD REVIEW IT AGAIN. BUT I'M ONLY SPEAKING TO THE PETITION THAT WE HAVE AVAILABLE TO US TODAY.

Cole: OKAY. THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? I DO SHARE THE FRUSTRATION OF THE MAYOR PRO TEM AND COUNCILMEMBER MCCracken WHEN IT TAKES A YEAR OR MORE TO

GET A CASE BACK TO US, BUT I PERSONALLY WOULD BE SUPPORTIVE OF THE POSTPONEMENT REQUEST RECOGNIZING THAT THIS IS THE FIRST REQUEST BY NEIGHBORING PROPERTY OWNERS.

I'VE BEEN HANDED ANOTHER POSTPONEMENT REQUEST FOR 30 DAYS BY E-MAIL, MAYBE ABOUT EIGHT OR 10 OF THEM.

Mayor Wynn: FURTHER QUESTIONS? COMMENTS? THOUGHTS ON THE POSTPONEMENT REQUEST ON ITEM 76. I'LL ENTERTAIN A MOTION, I GUESS. WELL, IF WE COULD HEAR FROM THE APPLICANT OR AGENT. MR. SUTTLE IS HERE REPRESENTING THE APPLICANT. WE'RE DISCUSSING THE POSTPONEMENT REQUEST.

MAYOR AND MEMBERS OF COUNCIL, MY NAME IS RICHARD SUTTLE. I'M HERE ON BEHALF OF THE APPLICANT AND YOU RECALL THIS CASE WAS ON BEFORE YOU ON FIRST READING IN NOVEMBER. AND AT THAT TIME YOU WERE ADOPTING WHAT THE OLD AUSTIN NEIGHBORHOOD ASSOCIATION HAD SUPPORTED AND THE PLANNING COMMISSION HAD SOMEWHAT RECOMMENDED, BUT IT NEEDED THE DMU CURE AMENDMENT WHICH YOU HAD ASKED TO COME BACK BY FEBRUARY. WELL, THAT HASN'T HAPPENED, BUT WHAT HAS HAPPENED IS MY CLIENT HAS HELD OFF THE ZONING CASE THINKING THAT AMENDMENT WAS GOING TO COME. NOW THE AMENDMENT IS OBVIOUSLY NOT GOING TO GET TO YOU IN TIME, SO WE'VE REVERTED BACK TO -- WE'D JUST LIKE DMU-CO WITH ALL THE RESTRICTIONS. IF THE AMENDMENT PASSES IN THE FUTURE, THEN WE WOULD BE COMING BACK TO YOU WITH ANOTHER ZONING CASE SHOULD WE DECIDE TO TAKE ADVANTAGE OF THE CODE AMENDMENT, HOWEVER THAT COMES UP. SO TONIGHT WE'RE ASKING FOR THE OFFICE OF REASONABLE EXCEPTION ON THE POSTPONEMENT POLICY BECAUSE WE FEEL LIKE WE'VE BEEN KIND OF HELD HOSTAGE WAITING ON THE CODE AMENDMENT, AND WHEN THAT DIDN'T HAPPEN, WE WERE READY TO COME FORWARD WITH JUST STRAIGHT DMU AS AGREED ON AT PLANNING COMMISSION AND STAFF.

Mayor Wynn: THANK YOU. ANY FURTHER QUESTIONS FOR THE AGENT OR ANYBODY ELSE FOR THAT MATTER? I'LL ENTERTAIN A MOTION. MAYOR PRO TEM?

Dunkerley: WITH ALL DUE RESPECT TO EVERYBODY THAT'S CONCERNED, I'LL MAKE A MOTION AND WE'LL SEE HOW IT GOES. I WOULD MOVE THAT APPROVAL -- DENIAL OF THE POSTPONEMENT AND APPROVAL OF ITEM NUMBER 76 AS DESCRIBED BY MR. GUERNSEY.

Mayor Wynn: MAYOR PRO TEM?

Dunkerley: SECOND AND THIRD, ABSOLUTELY.

THAT'S YOUR SECOND?

Mayor Wynn: SO WE HAVE A MOTION BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER

MCCRACKEN TO APPROVE ON SECOND AND THIRD READING ITEM NUMBER 76 AS PRESENTED BY STAFF, INCLUDING THE ADDITIONAL COMMENTS ON THE CO.

AND STAFF BASICALLY PRESENTED WHAT YOU HAD AT FIRST READING.

Mayor Wynn: THANK YOU, MR. GUERNSEY, FOR THAT CLARIFICATION. YES, COUNCILMEMBER MCCRACKEN.

McCracken: I DO THINK IT WOULD BE HELPFUL JUST FOR A GOING FORWARD PERSPECTIVE THAT WE -- WHEN WE ASKED FOR A CODE AMENDMENT FROM COUNCIL THAT WE JUST HAVE SOME CLARITY OF EXPECTATIONS THAT THE PLANNING COMMISSION WILL GIVE US -- ANY COMMISSION WILL GIVE US THEIR VIEW ONE WAY OR THE OTHER WITHIN A REASONABLE PERIOD OF TIME. WE'VE HAD A BREAKDOWN IN THE SYSTEM THIS TIME AND I THINK EVERYBODY HAS BEEN HURT BY IT BECAUSE WE HAVE KIND OF TWO BAD CHOICES BEFORE US RIGHT NOW ABOUT NO POSTPONEMENT VERSUS FURTHERING A PROCESS THAT IS COMMON CENTRALLY NOT WORKED LIKE IT'S SUPPOSED TO. SO I THINK -- MY HOPE IS GOING FORWARD THAT WHEN WE ASK FOR CODE AMENDMENTS WE JUST GET SOME CLARITY OF EXPECTATIONS SO THAT WE ALL UNDERSTAND AND FROM NOW ON THAT WE'RE GOING TO ACT ON IT BY A CERTAIN TIME SO WE DON'T HAVE A SITUATION LIKE THIS AGAIN.

Mayor Wynn: AGAIN WE HAVE A MOTION AND A SECOND ON THE TABLE FOR SECOND AND THIRD READING. I'LL SAY I FIND MYSELF IN THE ODD POSITION OF -- I STATED MY SUPPORT FOR THE POSTPONEMENT; HOWEVER, I HAPPEN TO ALSO BE SUPPORTIVE OF THE ZONING THAT WE APPROVED ON FIRST READING. SO IF THE VOTE IS FOR THIS DMU-CO ZONING ON SECOND AND THIRD READING, I WILL BE SUPPORTIVE OF THAT VOTE. AGAIN, MOTION AND A SECOND ON THE TABLE. COUNCILMEMBER LEFFINGWELL?

Leffingwell: SO JUST TO MAKE CLEAR, IS THIS THE FIRST REQUEST BY THE NEIGHBORHOOD FOR A POSTPONEMENT?

IT'S MY UNDERSTANDING THIS IS THE FIRST REQUEST BY THE NEIGHBORHOOD OF THIS COUNCIL TO REQUEST A POSTPONEMENT.

Leffingwell: DOES IT FALL IN THE PURVIEW OF THE TRADITIONAL GRANTING OF FIRST REQUESTS? DOES THIS GROUP QUALIFY?

IN THE PAST COUNCIL, I BELIEVE, HAS ALLOWED OR ACCEPTED INDIVIDUAL REQUESTS OF NEIGHBORS NEXT DOOR OR REGISTERED NEIGHBORHOOD ASSOCIATIONS IF IT WAS A FIRST REQUEST, AND HAS GRANTED THEM PREVIOUSLY. BUT YOU HAVE THE DISCRETION TO CONSIDER EACH ONE INDIVIDUALLY ON ITS OWN MATTERS.

Leffingwell: WELL, IF IT DOES FALL UNDER THAT LONG-STANDING TRADITION, WE HAVE MANY

TIMES GRANTED POSTPONEMENTS TO GROUPS WHEN WE DIDN'T WANT TO BECAUSE WE FELT IT WAS A COURTESY DUE THOSE NEIGHBORHOODS. SO I'M KIND OF IN THE POSITION OF I ALSO FAVORED THE ZONING CASE PERSONALLY, BUT I -- I BELIEVE THAT I HAVE TO RESPECT THE REQUEST FOR THE POSTPONEMENT TO BE CONSISTENT WITH WHAT WE'VE DONE IN THE PAST. SO I DON'T KNOW, I GUESS I'LL TRY AND MAKE A SUBSTITUTE MOTION TO POSTPONE.

Mayor Wynn: SORRY.

Leffingwell: I DID A LOT OF TALKING AND THEN SAID I WOULD MAKE A SUBSTITUTE MOTION TO POSTPONE WITH THE RATIONALE OF I ALSO SUPPORT THE ZONING CASE, BUT I FEEL LIKE WE'VE AT LEAST GOT TO MAKE THE EFFORT THAT WE'VE GOT TO SUPPORT THE LONG-STANDING TRADITION OF HONORING THE FIRST REQUEST FOR A POSTPONEMENT.

Mayor Wynn: SO WE HAVE A SUBSTITUTE MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER KIM TO POSTPONE THIS CASE, ITEM NUMBER 76, UNTIL JULY 24STH, 2008. COMMENTS ON THE SUBSTITUTE MOTION? THAT IS TO POSTPONE. HEARING NONE, ALL THOSE IN FAVOR OF THE SUBSTITUTE MOTION SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: SO SUBSTITUTE MOTION PASSES ON A VOTE OF 4-3 ABOUT COUNCILMEMBERS COLE, MCCracken AND THE MAYOR PRO TEM VOTING NO. AGAIN, THE POSTPONEMENT WAS TO THURSDAY, JULY 24TH, 2008. ITEM 78, MR. GUERNSEY. I'M SORRY, THAT TAKES US JUST PAST OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS. PLEASE STAY TUNED FOR ACADIA, OUR MUSICIANS. AND ONE PROCLAMATION, BRIEF BUT IMPORTANT TO US, BEFORE WE THEN TAKE UP PROCLAMATIONS AND DISCUSSIONS REGARDING OUTGOING MAYOR PRO TEM DUNKERLEY AND COUNCILMEMBER KIM. SO PLEASE STAY TUNED FOR LIVE MUSIC.

Mayor Wynn: FOLKS, WELCOME TO THE WEDNESDAY COUNCIL MEETING. ACADIA IS A 15-YEAR-OLD AUSTINITE WHEN BEGAN SINGING WHEN SHE WAS EIGHT YEARS OLD. SHE HAS PERFORMED ON NEWS 8, THE ROOFTOP GIG, I GUESS. ON KAZI RADIO AND HAS SUNG THE NATIONAL ANTHEM FOR BOTH THE AUSTIN TOROS AND THE AUSTIN WRANGLERS. SHE MOST RECENTLY PERFORMED AT OUR 2008 URBAN MUSIC FESTIVAL. PLEASE JOIN ME IN WELCOMING ACADIA. [ APPLAUSE ]

FIRST I WANT TO THANK MAYOR WYNN FOR THE INVITATION. I AM GOING TO SING A MEDLEY

OF GOSPEL SONGS TODAY. (music)(music) (MUSIC PLAYING) THANK YOU. [ APPLAUSE ]

Mayor Wynn: WELL DONE. BEFORE I GET TO A LITTLE MORE ABOUT ACADIA, HOW ABOUT OUR KEYBOARD PLAYER.

[ INAUDIBLE ].

I'M BRAD MORGAN, I'VE BEEN PLAYING THE PIANO SINCE I WAS FOUR YEARS OLD. I AM WITH THE GREATER MOUNT ZION BAPTIST CHURCH HERE IN AUSTIN, TEXAS.

Mayor Wynn: I KNOW IT WELL. WELCOME. [ APPLAUSE ] SO ACADIA, A DEBUT ALBUM IS IN THE WORKS. WHEN MIGHT WE EXPECT TO SEE IT OR HEAR IT?

HOPEFULLY BY NOVEMBER. I WANT TO SAY NOVEMBER.

Mayor Wynn: AND IS THERE A WEBSITE? IS THERE A MYSPACE PAGE OR SOMETHING WE CAN SORT OF FOLLOW IN THE MEANTIME?

MY MYSPACE PAGE IS UP.

Mayor Wynn: ONCE THE ALBUM COMES OUT, HOPEFULLY IT WILL BE AT WATERLOO ERROR OR EVEN MAYBE ONLINE THROUGH YOUR MYSPACE PAGE.

THANK YOU.

Mayor Wynn: BEFORE YOU GET AWAY -- OH, I LEFT IT OVER HERE. BEFORE YOU GET AWAY, OUR OFFICIAL PROCLAMATION THAT READS, THE CITY OF AUSTIN, TEXAS IS BLESSED WITH MANY CREATIVE MUSICIANS WHOSE TALENT EXTENDS TO VIRTUALLY EVERY MUSICAL GENERAL RAY AND WHEREAS OUR MUSIC SCENE THRIVES BECAUSE OUR AUDIENCES SUPPORT LOCAL MUSIC. AND WHEREAS WE'RE PLEASED TO SHOWCASE AND SUPPORT OUR LOCAL ARTISTS, SO THEREFORE I, WILL WYNN, MAYOR OF THE SELF PROCLAIMED MUSIC CAPITOL OF THE WORLD, PROCLAIM TODAY AS ACADIA DAY IN AUSTIN AND CALL ON ALL CITIZENS TO CONGRATULATE WITH ME ON THIS FINE YOUNG TALENT. [ APPLAUSE ]

Mayor Wynn: SO WHILE SHE BREAKS DOWN ON THAT SIDE OF THE ROOM, I WILL TURN THE PODIUM OVER TO COUNCILMEMBER MARTINEZ FOR A QUICK, IMPORTANT PROCLAMATION. MIKE?

Martinez: GOOD EVENING. MR. AND MRS. DEN DOSE IS A -- MEN DOSE IS DOZE IS A, WOULD YOU PLEASE JOIN ME UP HERE? MR. AND MRS. MENDOZA. TONIGHT WE HAVE A SPECIAL RECOGNITION FOR ONE OF OUR LOCALLY OWNED SMALL BUSINESSES. WE WANT TO RECOGNIZE THEM BECAUSE THEY'VE JUST RECEIVED NATIONAL RECOGNITION AS THE SMALL BUSINESS ADMINISTRATION'S 2008 TEXAS SMALL BUSINESS OF THE YEAR. AND SO I

WANTED TO RECOGNIZE THEM. MANY OF YOU WILL BE FAMILIAR WITH THE RESTAURANT THAT THEY OWN, THE STORE THAT THEY OWN. IT'S MORE THAN JUST A RESTAURANT. JESUS AND MARIA MENDOZA ARE THE OWNERS OF MR. NATURAL. IT'S A RESTAURANT, BAKERY AND HEALTH FEW STORE. IT'S A FAMILY OWNED AND OPERATED BUSINESS THAT'S BEEN A GREAT SUCCESS IT STORY. AND THE REWARD THEY'VE RECEIVED IS A TESTIFY. TO THEIR HARD WORK AND DEDICATION. WE'RE FORTUNATE TO HAVE MANY LOCAL BUSINESSES LIKE MR. NATURAL THAT MAKE AUSTIN A SPECIAL PLACE AND WE'RE GLAD THEY RECEIVED THIS RECOGNITION THEY SO DESERVE. THERE ARE TWO MR. NATURAL LOCATIONS. IF YOU HAVEN'T CHECKED IT OUT, I ENCOURAGE YOU TO DO SO. THE FOOD IS INCREDIBLE. IT'S ALL VEGETARIAN. IT'S WONDERFUL FOOD. THEIR STORE IS ON EAST CESAR CHAVEZ AND THEN ONE ON SOUTH LAMAR. WE HAVE A CERTIFICATE OF CONGRATULATIONS FOR MR. AND MRS. MENDOZA THAT READS: FOR HAVING BEEN SELECTED AS THE SMALL BUSINESS ADMINISTRATION PERSON OF THE YEAR OF TEXAS, THE MENDOZAS ARE DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. THEY ESTABLISHED MR. NATURAL IN 1987. THEY'VE BEEN RECOGNIZED BY THE AUSTIN CHRONICLE AS HAVING THE HEALTHIEST MEXICAN LUNCH SPECIALS IN AUSTIN. ALL THREE OF THE MENDOZA CHILDREN ARE AMONG THE 28 EMPLOYEES WORKING IN THIS-MILLION-DOLLAR PLUS REVENUE GENERATING BUSINESS. WE ARE PLEASED TO JOIN THE SBA IN SPOTLIGHTING THE SMALL BUSINESSES WHICH DRIVE OUR ECONOMY AND CREATE JOBS AND OPPORTUNITIES FOR OUR CITIZENS. WE ARE ESPECIALLY PROUD TO CONGRATULATE THE MENDOZA FAMILY ON THIS NATIONAL HONOR AND TO WISH THEM CONTINUED SUCCESS WITH MR. NATURAL. THIS CERTIFICATE IS PRESENTED THIS 18th DAY OF JUNE IN THE YEAR 2008 SIGNED BY THE MAYOR AND THE AUSTIN CITY COUNCIL. CONGRATULATIONS. [ APPLAUSE ]

THANKS TO ALL -- WELL WELL EVERYTHING THAT HAPPENED THIS YEAR. THANKS TO THE MAYOR, CITY COUNCIL MEMBERS FOR ALSO GIVING US THIS RECOGNITION. WE ARE SO HAPPY TO BE LIVING IN THIS BEAUTIFUL CITY THAT WE FELT IS THE HEALTHIEST CITY IN THE STATE, I DON'T KNOW IN THE WHOLE COUNTRY, BUT I LOVE AUSTIN AND I LOVE WHAT HAS COME FROM ALL OUR WORK. WE ARE SO SURPRISED TO RECEIVE THIS RECOGNITION, FIRST FROM THE SBA IN WASHINGTON. WE WENT TO DIFFERENT BUILDINGS AND WE WENT TO THE WHITE HOUSE AND MANY OTHER PLACES, AND WE WERE OVERWHELMED. WE DIDN'T KNOW THAT OUR WORK, JUST TRYING TO SERVE SOMETHING GOOD, WILL TAKE US THAT FAR. WE WERE IN SAN ANTONIO ALSO IN 15TH, AND TODAY WE ARE THANKFUL TO BE HERE IN FRONT OF YOU ALL. THANKS TO ALL OF YOU. [ APPLAUSE ]

Mayor Wynn: NOW FOR A COUPLE OF SPECIAL PRESENTATIONS. OF COURSE I'M JOINED BY COUNCIL MEMBER KIM AND ALL OF OUR COLLEAGUES ARE GOING TO COME HERE IN A SECOND TO HELP ME SAY A FEW WORDS. IT'S OUR TRADITION THAT AS WE SAY GOOD-BYE TO FELLOW COUNCIL COLLEAGUES, NOT ONLY DO WE OFFER THEM A VERY APPROPRIATE AND DESERVING DISTINGUISHED SERVICE AWARD, WE GET A CHANCE TO SAY GOOD-BYE TO THEM, GOOD LUCK, THANK YOU, BE AND ALSO ALLOW THEM THE CHANCE TO SORT OF RECOGNIZE THEIR FINE STAFF, AND WE CAN ALL SAY GOOD-BYE AND CONGRATULATIONS

TOGETHER. FIRST I'LL READ THE DISTINGUISHED SERVICE AWARD FOR JENNIFER, THEN MY COUNCIL COLLEAGUES WILL BE INVITED TO SAY A FEW WORDS. I'LL JUST SAY THAT THIS HAS BEEN A PRETTY REMARKABLE LAST THREE YEARS. IF YOU LOOK AROUND NOT ONLY DOWNTOWN, BUT ALL OF AUSTIN, IF YOU THINK ABOUT THE KUDOS THAT THIS TOWN HAS RECEIVED, BUT ALSO RECOGNIZING THE CHALLENGES THAT CONTINUES THE GROWTH AND CONTINUES TO REPRESENT FOR US, IT MAKES FOR A COMPLICATED SET OF SERIES FOR OUR POLICYMAKERS, CITY STAFF TO DEAL WITH. AND JENNIFER HAS BEEN RIGHT THERE WITH US THROUGH THICK AND THIN GIVING US SOME FABULOUS FEEDBACK AND LEADERSHIP. I'LL READ THE DISTINGUISHED SERVICE AWARD AND I THINK BEFORE WE HEAR FROM JENNIFER, BE I WILL LIKE TO ASK THE COLLEAGUES TO COME SAY A FEW WORD TOO. THE DISTINGUISHED SERVICE AWARD READS: FOR THREE YEARS OF SERVICE TO THE CITIZENS OF AUSTIN IN CITY COUNCIL PLACE 3, JENNIFER KIM IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. SHE HAS BEEN STEADFASTLY COMMITTED TO PRESERVING AUSTIN'S QUALITY OF LIFE, WORK TO GO ENSURE AFFORDABLE HOUSING OPPORTUNITIES, SMALL BUSINESS SURVIVAL, ENVIRONMENTAL STEWARDSHIP AND NEIGHBORHOOD INTEGRITY. SHE REALIZED THAT CHILDREN AND FAMILIES ARE AT THE CORE OF OUR COMMUNITY AND HAS LED EFFORTS TO ADDRESS THE ISSUES OF CHILD CARE, TRANSPORTATION AND THE HOUSING. AS THE FIRST ASIAN AMERICAN ELECTED TO THE COUNCIL, JENNIFER TOOK THAT HONOR AS A SPRINGBOARD WITH FOR ADVOCATING FOR INCLUSION OF MORE DIVERSE ANY THE CITY'S DECISION-MAKING PROCESS. THIS CERTIFICATE IS PRESENT UNDERSTAND RECOGNITION OF HER PERSONAL COMMITMENT TO OUR CITY THIS 18 DAY OF JUNE IN THE YEAR 2008 SIGNED BY ME, MAYOR WYNN, BUT ACKNOWLEDGED BY ALL OF HER CITY COUNCIL COLLEAGUES, THIS DISTINGUISHED SERVICE AWARD TO JENNIFER KIM. [ APPLAUSE ]

Mayor Wynn: I'D LIKE TO ASK OUR COLLEAGUES TO SAY A FEW WORDS, STARTINGSTARTING WITH OUR MAYOR PRO TEM, BETTY DUNKERLEY.

Dunkerley: ABSOLUTELY. FOR THOSE OF YOU WHO DON'T KNOW, MY HEARING AID IS GOING OFF AND ON TODAY, SO I HEAR ABOUT HALF OF WORD BEING SAID, SO IT'S A LITTLE STRANGE. I JUST WANTED TO SAY A HEART FELT THANK YOU TO JENNIFER FOR SERVING THIS YEAR. SHE'S BEEN A GREAT COLLEAGUE AND WE'VE HAD SOME INTERESTING TIMES ON THE DAIS AND OFF THE DAIS. BUT I THINK SHE'S ALWAYS BEEN STEADFAST IN WHAT SHE BELIEVES. AND I THINK THAT IS A REMARKABLE QUALITY FOR A POLITICIAN. SO THANK YOU VERY MUCH. AND FOR BEING A GREAT PUBLIC SERVANT. [ APPLAUSE ]

Leffingwell: THANK YOU, JENNIFER, FOR YOUR THREE YEARS OF PUBLIC SERVICE. I FIRST GOT TO KNOW JENNIFER, WE RAN FOR COUNCIL TOGETHER BACK IN 2005, AND AS MOST OF YOU MAY KNOW, WHEN YOU DO SOMETHING LIKE THAT, YOU SEE A LOT OF EACH OTHER, SO YOU GET REAL CHUMMY. SO JENNIFER HAS BEEN A GOOD FRIEND FOR THREE YEARS. SHE'S DONE A GREAT JOB. SHE'S -- I'M SURE WE HAVEN'T HEARD THE LAST. WE'LL SEE HER AGAIN. NEXT MONTH SHE'S GOING OFF TO NEPAL AND JUST TOLD ME THAT SHE'S GOING TO CLIMB A MOUNTAIN UP TO 17,000 FEET. HALFWAY UP MOUNT EVEREST, SOMETHING LIKE



THAT. SO JENNIFER, I'VE ENJOYED WORKING WITH YOU AND I WISH YOU NOTHING BUT THE BEST. [ APPLAUSE ]

Martinez: I DIDN'T KNOW LEE WAS CAPABLE OF GETTING CHUMMY WITH ANYBODY. [ LAUGHTER ] JENNIFER, I -- I JUST WANTED TO TELL YOU THAT IT'S BEEN A PLEASURE WORKING WITH YOU. I WAS VERY PROUD TO BE ONE OF THE STRONGEST SUPPORTERS OF YOUR CAMPAIGN WHEN YOU RAN. I THINK YOU SERVED THE CITY WELL. NOT JUST WELL. I THINK YOU HAVE -- YOU'VE SET A PRETTY HIGH MARK, ESPECIALLY AS IT RELATES TO MINORITY BUSINESS ENTERPRISES. THERE WAS NO STRONGER ADVOCATE OVER THE LAST THREE YEARS THAN YOU. AND I KNOW THAT WE HAVE BIG SHOES TO FILL. AND I REMAIN COMMITTED TO THE GOALS AND THE VALUES THAT YOU'VE SET OUT FOR US. SO I WANT TO CONGRATULATE YOU ON YOUR NEXT ENDEAVOR. I THINK YOU'VE ALREADY CLIMBED ENOUGH MOUNTAINS AROUND HERE. BUT I WISH YOU THE BEST. THANKS. [ APPLAUSE ]

McCracken: I'VE KNOWN JENNIFER FOR ABOUT FIVE YEARS NOW. I RECALL WHEN I FIRST STARTED PRACTICING LAW, ONE OF THE HARDEST THINGS IS WHEN YOU'RE A YOUNG LAWYER IS THE JUDGE NEVER TAKES YOU SERIOUSLY, RIGHT? SO ONE OF THE THINGS I LOVED ABOUT HAVING YOU HERE, AND I WAS ALSO -- THERE WAS A MOMENT IN PASSING IS WHEN I WAS NO LONGER THE YOUNGEST MEMBER BE OF THE CITY COUNCIL WHEN YOU ARRIVED. [ LAUGHTER ] RAUL AND I WERE THE SAME AGE AND YOU HAD US BOTH BEAT BY LIKE FIVE YEARS. AND WE WERE LIKE, WE THOUGHT WE WERE YOUNG AND THEN YOU COME ALONG. BUT ONE OF THE THINGS YOU MUST NOT KNOW ABOUT JENNIFER IS SHE'S A TOTAL IDEA MACHINE. BACK EARLY PART OF THIS DECADE WHEN I FIRST GOT TO KNOW JENNIFER, SHE WAS LIKE GIVING ME PHONE CALLS. THIS WAS BEFORE EITHER OF US ON THE CITY COUNCIL OR E-MAILS, LIKE LOOK AT THIS GREAT IDEA TO CHANGE THE WORLD. SO I'VE ALWAYS ADMIRERD YOUR TOTAL FEARLESSNESS HERE IN POLITICS. IT MAY NOT BE THE THING TO DO TO CATCH THE GRENADES WITH YOUR BODY, BUT I ADMIRE THE HELL OUT OF YOU. I APPRECIATE YOUR SERVICE AND YOUR VISION. I THINK YOU HAVE HAD A VERY RELEVANT VISION THAT BRINGS IN OUR PUBLIC VALUES. I'M REAL PROUD OF YOU AND I'M PROUD TO BE YOUR FRIEND. [ APPLAUSE ]

Cole: ONE OF THE THINGS THAT I WAS VERY CONFUSED ABOUT WHEN I FIRST CAME ON COUNCIL WAS NOT JUST THE BUDGET OR ZONING, IT WAS FINDING THE BATHROOMS. [ LAUGHTER ] AND I CAN SAY -- BECAUSE THEY'RE ALL OVER THE PLACE AND STUCK IN CORNERS IN CITY HALL. AND I CAN SAY THAT JENNIFER HAS HELPED ME FIND THE BATHROOM. [ LAUGHTER ] AND SOMETIMES SHE HAS MADE SURE THAT I LOCK THE DOOR. [ LAUGHTER ] SO WE HAVE BECOME QUITE INTIMATE OVER THE YEARS. [ LAUGHTER ] BUT SERIOUSLY, THOUGH, I REALLY APPRECIATE HER SERVICE TO THE COMMUNITY AND HER VISION, AND MOST IMPORTANTLY I'VE REALLY COME TO KNOW HER FROM HER WORK ON THE MWBE SMALL BUSINESS COMMITTEE. NOT ONLY HAS JENNIFER BEEN A CHAMPION FOR MINORITIES, AND I THINK THAT VOICE WILL DEFINITELY BE MISSED, SHE HAS ALSO BEEN THE CHAMPION FOR SMALL BUSINESSES, AND I RESPECT THAT. AND AS YOU KNOW, WE CAN'T OFTEN GET OUR COLLEAGUES TO PITCH IN FOR MUCH, BUT I WILL TELL YOU THAT

THEY ALL PITCHED IN TO GET YOU A DEPARTING PRESENT. [ APPLAUSE ]

OH, IT'S CHOCOLATE. [ APPLAUSE ]

Kim: THAT'S TO FUNNY THAT SHERYL HANDED ME CHOCOLATE BECAUSE SHE'S ALWAYS TEASING ME ABOUT LOSING WEIGHT. I DON'T KNOW IF PEOPLE HAVE -- SOME PEOPLE HAVE NOTICED, AND I CERTAINLY HAVE. IN THE PAST THREE YEARS I'VE LOST 15 POUNDS. AND I DON'T KNOW IF THAT'S A REFLECTION OF THE JOB, BUT JUST THE STAMINA IT TAKE. AND I ADMIRE MY COLLEAGUES THE MOST BECAUSE THEY PUT IN SO MUCH TO MAKE THE CITY GREAT FOR EVERYONE. IT'S BEEN A GREAT PLEASURE TO SERVE WITH THEM. JUST THE BRAVERY, THE VISION, THE THOROUGHNESS TO DETAIL AND ATTENTION TO DETAIL AND REALLY LISTENING TO ALL PARTS OF THIS COMMUNITY. I KNOW THAT SOMETIMES PEOPLE FEEL THAT THEY MAY NOT, BUT I CAN GUARANTEE YOU THAT WE DO. WE DO LISTEN TO ALL SIDES. IT'S BEEN ONE GREAT PLEASURE OF BEING ON THE CITY COUNCIL IS BEING ABLE TO DISCUSS THESE ISSUES WITH MY COLLEAGUES WHO ARE SO INTELLIGENT, SO CREATIVE IN FINING WORKABLE SOLUTIONS AND REALLY BEING RESPONSIVE TO THE PEOPLE OF THIS CITY. AND ALSO STEWARDS OF THE ENVIRONMENT, WHICH DOESN'T HAVE A VOICE ITSELF, IT'S JUST THE PEOPLE THAT SERVE US WELL TO MAKE SURE THAT WE DON'T FORGET ABOUT OUR BEAUTIFUL ENVIRONMENT. I TALK ABOUT MANY OTHER CITIES, AND WHEN I THINK ABOUT AUSTIN, BECAUSE I'VE HAD THE PRIVILEGE OF LIVING ALL AROUND THE WORLD. BROTHERS MY PARENTS WORKED FOR THE DEFENSE DEPARTMENT. -- BROTHERS MY PARENTS WORKED THE DEFENSE DEPARTMENT. AND AUSTIN IS TRULY MY FAVORITE CITY AND IT'S MY HOME. AND WHEN YOU VISIT CALIFORNIA AND YOU VISIT NEW YORK, ONE THING THAT I NOTICE FROM PEOPLE WHO ARE AROUND MY AGE, IN THEIR EARLY 30'S, AND ESPECIALLY YOUNGER PEOPLE TOO, IS THEY TEND TO TALK A LOT ABOUT MONEY. AND THEY TALK A LOT ABOUT WHO -- WHAT'S YOUR NEXT JOB BE GOING TO BE, HOW ARE YOU GOING TO PAY YOUR RENT. AND ON THE EAST COAST I NOTICED ESPECIALLY THEY TALK A LOT ABOUT REAL ESTATE, ABOUT WHO LIVES IN WHAT APARTMENT OR WHAT NEIGHBORHOOD. AND WHAT I LOVE ABOUT AUSTIN IS WE CAN REALLY APPRECIATE HOW WE HAVE PEOPLE FROM ALL DIFFERENT WALKS OF LIFE, FROM ALL ECONOMIC STATUS TO BE ABLE TO LIVE HERE. AND CAN YOU GO TO A COFFEE SHOP WHERE YOU CAN HAVE AN INTERNET ENTREPRENEUR WHOSE DONE REALLY WELL, VERY SUCCESSFUL, NEXT TO A MUSICIAN. AND THEY CAN STRIKE UP A CONVERSATION AND WORK ON SOMETHING REALLY CREATIVELY TOGETHER. AND I DON'T THINK YOU CAN FIND THAT IN ANY OTHER CITY IN THE UNITED STATES. THERE'S JUST SOMETHING REALLY PRESENT SPECIAL ABOUT AUSTIN WHERE PEOPLE FEEL GROUNDED AND THEY FEEL CONNECTED. AND THERE'S NO OTHER MORE CONNECTED, MORE ACTIVE COMMUNITY THAN IN AUSTIN, TEXAS. AND WE SEE THAT HERE ON THURSDAY NIGHTS AND WE SEE THAT PEOPLE TAKE THE TIME OUT OF THEIR LIVES BECAUSE THEY REALLY CARE ABOUT THE CITY. NOT JUST ABOUT THEIR OWN INTERESTS, BUT ABOUT THE VISION THAT THEY HAVE FOR EVERYONE TO SHARE IN THE PROSPERITY. AND I'VE LEARNED SO MUCH PARTICULARLY ABOUT THE ENVIRONMENT IN THE PAST, HAVING CAMPAIGNED AND ALSO ESPECIALLY MY TIME ON THE COUNCIL. AND I JUST WANT TO SAY THAT IT'S SOMETHING THAT I HOPE WE WILL CONTINUE TO VALUE EVEN

AS WE HAVE NEW PEOPLE MOVING INTO AUSTIN WHO MAY NOT KNOW THE HISTORY OF THE CITIES AND THE BATTLES THAT WE HAD TO GO THROUGH TO BE ABLE TO PROTECT WHAT WE LOVE ABOUT AUSTIN. THAT WE WILL STILL MAINTAIN THAT AND CHERISH THAT AND BE AVID CHAMPIONS FOR THE ENVIRONMENT. AND AFFORDABLE HOUSING IS SOMETHING THAT I'VE BEEN VERY PARTICULARLY FOND OF WORKING ON, ESPECIALLY WITH MY STAFF WHO BE HAVE BEEN SO DILIGENT. IT'S A VERY COMPLICATED, COMPLEX ISSUE THAT TOUCHES PEOPLE IN A VERY PERSONAL WAY. AND YOU SEE IT IN WHETHER OR NOT PEOPLE CAN AFFORD TO CONTINUE LIVING IN THEIR NEIGHBORHOOD TO WHETHER OR NOT FAMILIES ARE LOOKING IN THE ADS IN THE PAPERS FOR THE FREE MONTH'S RENT SPECIAL FOR THE NEXT APARTMENT COMPLEX THEY WILL BE MOVING THEIR FAMILY TOO. AND I THINK THAT THERE'S A LOT THAT WE CAN BE PROUD OF IN AUSTIN, HAVING PASSED THE BOND PACKAGE. I THINK IT'S UNPRECEDENTED FOR A CITY TO HAVE DONE THAT WITH THE VOTERS' APPROVAL. BUT I THINK THAT'S JUST THE BEGINNING. WITH GREEN TODAY WE SAW THAT WE'LL HAVE AFFORDABLE HOUSING IN DOWNTOWN, I THINK THAT IT'S REALLY -- THE THE LIMITS ARE YOUR IMAGINATION. AND I'M SO GLAD THAT AFFORDABLE HOUSING NOW IS A PART OF A -- A BIG PART OF EVERYONE'S CONVERSATIONS WHEN WE TALK ABOUT ZONING, WHEN WE TALK ABOUT LAND USE, WE TALK ABOUT THE FUTURE. IT'S NOT SOMETHING THAT'S A SIDE THOUGHT OR AN AFTERTHOUGHT, IT'S REALLY SOMETHING ON THE TOP OF A LOT OF PEOPLE'S MINDS IN THIS COMMUNITY. AND I'M GLAD AND I LOOK FORWARD TO SEEING MORE IN THAT AREA. BEING THE FIRST ASIAN ON THE COUNCIL IS AN INCREDIBLE PRIVILEGE. AND I REALLY LOVE MY COMMUNITY, AND THEY'RE INCREDIBLY DEAR TO ME. THEY'VE BEEN STRONG SUPPORTERS FROM THE BEGINNING WHEN I DIDN'T EVEN THINK THAT I COULD PULL IT OFF. FROM HAVING LITTLE FUND-RAISERS IN COFFEE SHOPS TO THEIR HOMES, AND HAVING TO TEACH ONE ANOTHER ABOUT HOW TO REASON PEOPLE TO VOTE, HOW TO GO -- HOW TO REGISTER PEOPLE TO VOTE, GET PEOPLE TO GO VOTE. I'M REALLY PROUD OF THEM. THEY'VE COME SUCH A LONG WAY. IT THE FASTEST GROWING PART OF OUR COMMUNITY. SOMETIMES NOT THE MOST VOCAL PART OF THE COMMUNITY, BUT A VERY IMPORTANT PART, 29 HAS DEEP ROOTS IN AUSTIN AND -- ONE THAT HAS DEEP ROOTS IN AUSTIN AND ALSO WILL BE CONTRIBUTING A LOT MORE, I KNOW, BECAUSE THEY'RE INCREDIBLE GROUP OF PEOPLE FROM ALL AROUND THE WORLD, THE ASIAN-AMERICAN COMMUNITY. I KNOW THEY LOOK FORWARD TO BEING MORE INVOLVED IN POLITICS. IN FACT, I HOPE THEY ARE. I HOPE THAT WE WILL HAVE MORE ASIAN MAINTAIN AMERICANS RUNNING FOR -- ASIAN-AMERICANS RUN FOG CITY COUNCIL, SCHOOL BOARD, STATE LEVEL POSITIONS. I'M JUST GOING TO GO HIKE A MOUNTAIN. THAT'S ALL I'M THINKING OF FOR MY IMMEDIATE FUTURE. BUT I REALLY HOPE THAT THEY WILL CONTINUE TO STAY CONNECTED, AND OF COURSE, VISIT WITH ALL THE OTHER COUNCILMEMBERS AND THE MAYOR TO LET THEM KNOW HOW THEY WANT TO BE PART OF CRAFTING AUSTIN'S FUTURE. AND WE SEE IT TODAY AND WE'RE GOING TO SEE MORE OF IT. I THINK THAT WE HAVE A LOT TO BE PLOWED OF OF HOW CLOSELY -- PROUD TO BE OF HOW CLOSELY KNIT THIS COMMUNITY IS. AND I WANT TO THANK MY STAFF AND I THINK WE'RE GOING TO DO SOMETHING SPECIAL FOR THEM. BUT I WANT TO THANK CITY MANAGER MARC OTT FOR MAKING THE PAST FEW MONTHS REALLY FUN. WHERE IS HE? I THINK YOU'VE GOT A GREAT

CITY MANAGER. AND I THINK THAT HE'S GOT A GREAT STAFF AND HE'S DOING SOME THINGS THAT I'M REALLY EXCITED ABOUT, AND I KNOW THAT HE WILL HAVE THE SUPPORT OF THE COMMUNITY. I REMEMBER IN THE BEGINNING WHEN I WAS CALLING ABOUT SOMETHING LIKE COMPREHENSIVE PLANNING, HE SAID I PROMISE YOU COUNCILMEMBER, I WILL FOLLOW UP ON THAT, BUT RIGHT NOW I FEEL LIKE I'M DRINKING FROM A FIRE HOSE. [ LAUGHTER ] AND I CAN TOTALLY RELATE TO THAT, BUT HE'S GOT AN ENORMOUS JOB, BUT HE'S GOT AN INCREDIBLE TEAM AND I REALLY ADMIRE THAT HE'S REALLY FOCUS ON BUILDING TEAMS AND GROOMING PEOPLE AND MAKING SURE THAT WE HAVE GOOD LEADERS IN THE CITY, THROUGHOUT THE CITY SO THAT WE WILL HAVE REALLY SINCERE AND GENUINE SUCCESSION PLANNING. AND THE CITY IS MADE OF INCREDIBLE PEOPLE THAT I MEET EVERYDAY. AND I'M JUST SO IMPRESSED FROM ALL THE DIFFERENT LEVELS AND ALL THE DIFFERENT AREAS OF THIS ORGANIZATION HOW TRULY DEDICATED PEOPLE ARE WORKING IN THE CITY AND HOW MUCH THEY LOVE THEIR JOBS BECAUSE THEY REALLY CARE ABOUT PEOPLE AND THEY REALLY CARE ABOUT WHAT HAPPENS TO THEM. SO I JUST WANT TO THANK THE CITY EMPLOYEES FOR MAKING MY JOB AND MY TIME HERE JUST INCREDIBLY WONDERFUL. SO THANK YOU. [ APPLAUSE ] THE FIRST ONE IS FOR GRACE CORPUS. SHE HAS BEEN WITH ME THE LONGEST. AND SHE HAS AN INCREDIBLE JOB HAVING BEEN THE SCHEDULER, BUT SHE ALSO IS INCREDIBLY TALENTED IN GRAPHIC ARTS DESIGN AND ALSO WITH EVENT PLANNING. AND SHE HAD TO DO QUITE A BIT OF IT. I ALWAYS KNEW I COULD COUNT ON HER TO FIX LITTLE PROBLEMS HERE AND THERE AS THEY COME UP, BUT THIS IS A CERTIFICATE, A DISTINGUISHED SERVICE AWARD FOR GRACE CORPUS. FOR THREE YEARS OF EXCEPTIONAL SERVICE TO THE CITIZENS OF AUSTIN, GRACE CORPUS IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. GRACE WORE MANY HATS AS SHE MANAGED THE BUDGET, SCHEDULED MEETINGS, PLANNED EVENTS AND ASSISTED CITIZENS AND STAFF FROM OTHER COUNCIL OFFICES. HER ORGANIZATIONAL SKILLS, GRAPHIC DESIGN TALENTS, ENABLED HER TO MEET EVERY CHALLENGE. MOST IMPORTANTLY, GRACE IS POISED AND WARMTH ENSURED THAT CALLERS AND VISITORS TO THE OFFICE WERE WELCOMED AND ASSURED THAT THEIR NEEDS WERE BEING ADDRESSED. WE THANK HER FOR AMAZING WORK ETHIC AND HER EXEMPLARY SPIRIT OF PUBLIC SERVICE. THIS CERTIFICATE IS PRESENT UNDERSTAND RECOGNITION THERE OF THIS 18th DAY OF JUNE IN THE YEAR 2008 SIGNED BY THE MARY, WILL WYNN. THANK YOU. [ APPLAUSE ] THIS ONE IS FOR STEVEN WRIGHT. THIS CERTIFICATE RECOGNIZES STEVEN RYE. I WANT TO SAY HE WAS PRETTY BRAVE TAKING A JOB NOT KNOWING WHETHER OR NOT HIS BOSS WAS STILL GOING TO BE ON THE COUNCIL FOR A SECOND TERM. SO I WANT TO SAY THANK YOU FOR HAVING THAT LEAP OF FAITH AND I HOPE THAT IT WAS WORTHWHILE.

ABSOLUTELY.

Kim: FOR STEVEN FOR HIS WORK AS A ZONING AIDE IN THE OFFICE OF COUNCILMEMBER KIM. STEVEN WAS DEDICATED AND DILIGENT IN HIS WORK AND EXHIBITED A CLEAR PASSION FOR LAND USE PLANNING. HE WAS DEPENDABLE, RESPONSIVE AND PROFESSIONAL IN CARRYING OUT HIS DUTIES. THE CERTIFICATE IS PRESENTED IN RECOGNITION OF STEVEN'S EFFORTS ON BEHALF OF OUR CITY AND IT'S CITIZENS THIS 18TH

DAY OF JUNE IN THE YEAR 2008. THANK YOU VERY MUCH. [ APPLAUSE ] ROBERT LAVINSKI OR BOBBY AS WE CALL HIM. I REMEMBER THAT WHEN BOBBY CAME TO APPLY FOR A JOB AS AN UNPAID INTERN, HE WAS SO EXCITED ABOUT BEING AN UNPAID INTERN IN MY OFFICE. [ LAUGHTER ] AND I QUICKLY REALIZED HOW TALENTED AND BRIGHT THIS YOUNG MAN IS. PEOPLE GO TO HIM. THE OTHER AIDES, PEOPLE FROM ALL THROUGHOUT THE COMMUNITY WORKING ON LAND USE ISSUES OFTEN COME TO HIM AS SOMEONE WHO CAN HELP THEM SOLVE THEIR PROBLEMS, WHO CAN ANSWER THEIR QUESTIONS. AND I JUST HAVE BEEN MORE AND MORE IMPRESSED BY BOBBY IN DEALING WITH SOME VERY COMPLICATED ISSUES AND POLICY ISSUES. I THINK HE HAS A VERY BRIGHT FUTURE IN FRONT OF HIM. AND OF COURSE HE IS OVER IN THE ZONING DEPARTMENT WHERE HE'S DOING A GREAT JOB AND I'M REALLY PROUD OF HIM. WE ARE PLEASED TO RECOGNIZE ROBERT FOR HIS STELLAR PERFORMANCE AS COUNCILMEMBER KIM'S ZONING AIDE. ROBERT USED HIS STRONG ANALYTICAL SKILLS AND KNOWLEDGE OF CITY PLANNING TO FIND CREATIVE SOLUTIONS ON ANY NUMBER OF ZONING CASES DURING HIS TENURE. HE WAS INCREDIBLY RESPONSIVE TO NEIGHBORHOODS. HE ALSO CONTRIBUTED TO THE AFFORDABLE HOUSING TASKFORCE, THE 3-D TASKFORCE AND SERVED AS AN ADVISOR ON REGIONAL TRANSPORTATION PLANNING. THIS CERTIFICATE IS IN RECOGNITION OF ROBERT'S ACCOMPLISHMENTS THAT BODE WELL FOR HIS CONTINUED SUCCESS IN THE PLANNING FIELD THIS 18th DAY OF JUNE IN THE YEAR 2008. [ APPLAUSE ] OKAY. LAST BUT NOT LEAST, HEIDI. THIS WOMAN WORKED FOR ME I THINK EARLY -- WHEN DID YOU COME? OCTOBER 2005. SHE STAYED WITH ME FOR I THINK SEVERAL MONTHS AND THEN HAD THIS INCREDIBLE JOB OPPORTUNITY TO BE CLOSER TO HER FAMILY ON THE EAST COAST. FOUND OUT THAT BALTIMORE ISN'T ALL THAT IT WAS TOUTED TO BE, BE AND HER JOB AS WELL, BUT WE WON'T GO INTO THAT, AND WHEN I ASKED HER TO COME BACK, SHE SAID ABSOLUTELY YES. AND I'M SO GLAD THAT SHE DID. AND SHE'S BEEN INCREDIBLE TO WORK WITH. SHE'S INCREDIBLY SMART AND TALENTED. AND I'M SO PLEASED FOR ALL OF US THAT SHE IS GOING TO CONTINUE WORKING FOR THE CITY UNDER ASSISTANT MANAGER ROBERT GOOD. AND I KNOW SHE'S GOING TO HAVE A LOT OF FUN, PEOPLE ARE GOING TO REALLY ENJOY GETTING TO KNOW HER IF THEY HAVEN'T ALREADY. SHE'S A PLEASURE TO WORK WITH. THIS IS PRESENTED IN RECOGNITION OF THREE YEARS OF DEDICATED SERVICE AS POLICY AIDE TO COUNCILMEMBER KIM, HEIDI WORKED ON A HUGE VARIETY OF PUBLIC ISSUES, BUT MBE AND WBE, AFFORDABLE HOUSING AND CHILDREN WERE THE TOP ISSUES SHE SHEPHERDED FOR ME. THE REQUIRED COMPREHENSIVE AND SUSTAINED EFFORT WITH LOTS OF STRATEGIZING AND WORKING WITH ALL STAKEHOLDERS. HER INTELLIGENCE, FOCUS, PROBLEM SOLVING SKILLS AND ABOVE ALL HER GREAT LISTENING SKILLS AND ABILITY TO DEAL WITH DIFFERING OPINIONS WERE KEY TO HER SUCCESS. THROUGH HER HARD WORK AND COMMITMENT, HEIDI HAS HELPED TO MAKE AUSTIN A BETTER PLACE. THIS CERTIFICATE IS PRESENTED IN ACKNOWLEDGMENT AND APPRECIATION THERE OF THIS 18th DAY OF JUNE, 2008 FOR HEIDI. [ APPLAUSE ]

I WANT TO SAY REALLY QUICKLY ON BEHALF OF JENNIFER'S STAFF, THANK YOU. [ APPLAUSE ]

Mayor Wynn: BETTY, TURN YOUR HEARING AID ON. [ LAUGHTER ]

Dunkerley: IT'S ON AS FAR AS IT CAN GO.

Mayor Wynn: MAN, I'M FEELING OLD ALL OF A SUDDEN. I'M THE ONLY ONE, I GUESS. I REMEMBER BEING ON THE DAIS, SERVING ON THE DAIS WHEN BETTY WAS STILL AT STAFF. AND I REMEMBER HOW EXCITED I WAS WITH HER ELECTION KNOWING SHE WAS GOING TO SIT NEXT TO ME ON THE DAIS AND WHAT A REMARKABLE SIX YEARS OF SERVICE IT HAS BEEN TO THIS COMMUNITY ON THE DAIS. AND MANY OF US REMEMBER AND KNOW OF HER LONG-STANDING SERVICE TO US AS FINANCIAL DIRECTOR OF THE CITY FOR 10 YEARS OR SO BEFORE THAT. I AM GOING TO MISS HER DESPERATELY. SHE HAS BEEN AS FABULOUS AN ANCHOR ON THE DAIS. IN OUR FORM OF GOVERNMENT, THE CITY MANAGER SERVES AS THE CITY COUNCIL'S ONE BIG, VERY APPROPRIATE AND IMPORTANT CONDUIT TO CITY STAFF, AND MARC OF COURSE DOES THAT AND HIS PREDECESSOR TOBY DID THAT FOR US PRIOR TO MARC'S ARRIVAL, BUT HAVING BETTY ON THE DAIS, HAVING THIS SORT OF REMARKABLE, COMPLIMENTARY AND APPROPRIATE, NOT GOING AROUND THE CITY MANAGER, BUT CONDUIT TO AND THROUGH STAFF WAS SUCH A RESOURCE FOR US ALL, PARTICULARLY AS WE WOULD BUSTLE THROUGH BUDGETS EACH YEAR AND MAKE IMPORTANT DECISIONS. SO IT IS WITH -- WITH A HEAVY HEART, BUT I'M ALSO SO HAPPY FOR BETTY AFTER THESE YEARS NOW TO FINALLY GET TO SLOW DOWN A LITTLE BIT AND TAKE A BREATHER, THAT I ISSUE THIS DISTINGUISHED SERVICE AWARD. AND AGAIN, AS WE DID WITH JENNIFER, WE'LL HEAR FROM COLLEAGUES FIRST BEFORE WE ASK BETTY TO COME SAY A FEW WORDS. AND BETTY HAS A COUPLE OF STAFF MEMBERS SHE WOULD LIKE TO RECOGNIZE AS WELL. THE CITY OF AUSTIN DISTINGUISHED SERVICE AWARD. FOR MORE THAN 18 YEARS OF SERVICE TO THE CITIZENS OF AUSTIN, BETTY DUNKERLEY IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. BETTY HAS OFTEN BEEN CALLED THE FINANCIAL GURU OF AUSTIN'S CITY HALL WHERE SHE SEARCHED AS A STAFF MEMBER BEFORE HER TWO TERMS ON THE CITY COUNCIL. AND THE LAST AS MAYOR PRO TEM. HER WISDOM, EXPERTISE AND ABILITY TO SHEPHERD CITY FINANCES THROUGH GOOD TIME AND BAD HAS EARNED HER THE RESPECT OF HER COLLEAGUES, CO-WORKERS AND THIS COMMUNITY. BETTY'S APPROACHABLE NATURE ARE ABILITY TO LISTEN WITH OR WITHOUT HEARING AIDS -- [ LAUGHTER ] -- AND NEVER ENDING PATIENCE AS SHE EXPLAINED COMPLEX ISSUES IN FRIENDLY TERMS ENABLED OTHERS TO BETTER UNDERSTAND CITY GOVERNMENT. BETTY REALIZED THE IMPORTANCE OF A VIBRANT DOWNTOWN AND ADVOCATED FOR AFFORDABLE HOUSING AND CANCEL HEALTH CARE TO ENSURE THIS COMMUNITY'S LIVEABILITY. THIS CERTIFICATE IS PRESENT UNDERSTAND RECOGNITION OF BETTY DUNKERLEY'S CARING AND COMMITMENT TO OUR CITIZEN AND OUR CITY THIS 18 DAY OF JUNE, 2008, SIGNED BY ME BUT ACKNOWLEDGED BY ALL OF HER COUNCIL COLLEAGUES, A DISTINGUISHED SERVICE AWARD TO MS. BETTY DUNKERLEY. [ CHEERS AND APPLAUSE ].

Leffingwell: I WANT TO SAY IT'S BEEN MY GREAT HONOR AND PRIVILEGE TO KNOW AND WORK WITH BETTY OVER THE PAST THREE YEAR. WE ALSO RAN FOR OFFICE AT THE SAME TIME IN

2005. OF COURSE IT WAS BETTY'S SECOND TIME AROUND. EVERYBODY TALKS ABOUT BETTY'S EXPERTISE WITH THE NUMBERS, WHAT A GOOD PERSON SHE IS ON BUDGETARY ISSUES AND ALL KINDS OF FINANCIAL ISSUES. AND ALL OF THAT IS TRUE AND I'VE SEEN THAT, I'VE WORKED WITH HER ON THE AUDIT AND FINANCE COMMITTEE AND OF COURSE ON A WEEKLY BASE HERE AT CITY COUNCIL. BUT THERE'S ANOTHER SIDE OF BETTY AS SHE IS ONE OF THE STRONGEST ADVOCATES FOR PUBLIC HEALTH AND HUMAN SERVICES THAT WE'VE SEEN AROUND THIS CITY IN A LONG TIME. WE SERVED TOGETHER ON THE COUNCIL'S PUBLIC HEALTH AND HEALTH AND HUMAN SERVICES COMMITTEE. SO I'VE SEEN HER COMPASSION IN ACTION ON THAT COMMITTEE FOR A LONG TIME. WE ALSO SEARCHED TOGETHER -- SERVED TOGETHER ON THE HEALTH CARE DISTRICTS WHICH HAS MET FOR A COUPLE OF YEARS NOW AND THANKS IN LARGE PART TO BETTY'S EXPERTISE AND HELP AS MADE SOME MAJOR ACCOMPLISHMENTS OVER THAT TIME THAT WE CAN ALL BE PROUD OF AND A GREAT BENEFIT TO THIS COMMUNITY. SHE'S BEEN A GOOD FRIEND AND IT'S BEEN MY PRIVILEGE TO BE HER FRIEND AND HAVE MY OFFICE NEXT TO HERS FOR THE LAST THREE YEAR. I'LL MISS HER, BUT AS I TELL HER CONSTANTLY, I HAVE HER CELL PHONE NUMBER BE AND WILL BE IN TOUCH. [ LAUGHTER ]

Martinez: IN ADDITION TO BETTY'S AMAZING SKILL WITH NUMBERS BE AND HER ADVOCACY IN THE PUBLIC HEALTH AND HUMAN SERVICES FIELD, I PERSONALLY THINK HER BIGGEST STRENGTH WAS THE WAY SHE DEALS WITH PEOPLE. I'VE NEVER HEARD BETTY RAISE HER VOICE, BUT I ABSOLUTELY KNEW WHEN SHE WAS DEAD SERIOUS, EVERY TIME. HER ABILITY AND PASSION TO WANT THINGS TO WORK OUT, TO WANT THINGS TO JUST BE BALANCED AND FAIR AND RIGHT IS JUST UNMATCHED. AND SHE'S TAUGHT ME SO MUCH IN THE LAST TWO YEARS. AND SHE'S GIVEN ME SOME GREAT ADVICE AT TIMES WHEN I NEED IT. AND I REALLY APPRECIATE IT, BETTY. YOU ARE AN AMAZING WOMAN THAT KNOWS HOW TO HANDLE SO MANY DIFFERENT SITUATIONS AND SO MANY DIFFERENT PEOPLE AND YOU'VE SHOWN THAT TO US SO WELL. I ONLY HOPE THAT WE CAN HAVE A THIMBLEFUL OF WHAT YOU HAVE. YOU HAVE A QUALITY THAT I CAME UP WITH THIS WHEN MY GRANDMOTHER PASSED AWAY, BUT IT WAS A QUALITY THAT SHE HAD THAT SHE MADE EVERY ONE OF YOU FEEL LIKE YOU WERE HER FAVORITE, NO MATTER WHO YOU ARE. AND BETTY HAS THAT SPECIAL ABILITY TO MAKE YOU FEEL REALLY SPECIAL, AND IT'S NOT PRETENTIOUS, IT'S GENUINE. SHE HONESTLY CARES AND WANTS TO MAKE IT WORK AND WANTS TO HELP YOU. SO I JUST THANK HER SO MUCH FOR EVERYTHING. [ APPLAUSE ] KIM KIP I THINK MANY OF US MADE THE LONG TREK DOWN THE CALL TO BETTY'S OFFICE WHEN WE HAD A BURNING ISSUE OR WE HAD SOMETHING WE WANTED TO DO. WE KNEW WE COULD GO TO BETTY AND SHE WOULD GIVE US SOME GOOD IDEAS AND KNOW WHO WERE THE RIGHT PEOPLE TO WORK WITH TO MAKE IT HAPPEN. I THINK A LOT OF THE THINGS THAT WE'VE ACCOMPLISHED AS COUNCILMEMBERS AND AS A BODY, WE CAN ATTRIBUTE IT AND TRACE IT BACK TO BETTY BECAUSE SHE WAS THERE TO HELP US STRATEGIZE, TO HELP US FIGURE OUT HOW TO FUND IT, WHERE, WHEN TO FUND IT AND FIGURE OUT THE TIMING OF CERTAIN THINGS. THAT'S A REAL SKILL AND IT TAKES YEARS TO DEVELOP AND SHE OBVIOUSLY HAS DEDICATED MANY GOOD YEARS TO THE CITY. I THINK THAT SHE HAS MANY FANS INCLUDING

MYSELF. THANK YOU VERY MUCH FOR YOUR YEARS OF SERVICE, BETTY.

McCracken: ANYONE WHO HAS BEEN TO MY CITY COUNCIL OFFICE KNOWS, I HAVE A PLAQUE BY -- AMONG ALL MY PHOTOGRAPHS AND THING, AND IT IS TO THE BEST UNSUCCESSFUL CITY COUNCIL CANDIDATE FROM 2002. WHICH IS AN AWARD THE AUSTIN CHRONICLE GAVE ME. BECAUSE I LEARNED SOMETHING THAT MANY OF Y'ALL THAT DIDN'T KNOW THIS BEFORE SHOULD HAVE LEARNED. I LEARNED THE HARD WAY, WHICH IS TO NEVER GO AGAINST BETTY DUNKERLEY ON ANYTHING. [ LAUGHTER ] AND I WILL SAY I WAS IN THE RACE BEFORE BETTY GOT IN, AND JOHN FITZPATRICK AND I USED TO JOKE THAT HE AND I BOTH GOT INTO THE SCHOOL BOARD AND CITY COUNCIL RACE AT THE SAME TIME, AND THAT I HAD HAD THE BAD LUCK AND HE HAD HAD THE GOOD FORTUNE THAT MY OPPONENT WAS BETTY AND HE GOT NO OPPONENTS. AND I DIDN'T KNOW BETTY BEFORE THEN, BUT ONE OF THE THINGS THAT I CAME TO REALLY ADMIRE HER AS -- ANYONE WHO HAS BEEN ON THE CAMPAIGN, PARTICULARLY AGAINST PEOPLE YOU'RE IN THE SAME RACE WITH, BETTY AND I HAVE SUCH A COMMON WORLD VIEW, BUT MORE THAN ANYTHING, BETTY DUNKERLEY HAS TAUGHT ME WHAT A LEADER IS ABOUT. THERE ARE TWO PEOPLE THAT KIND OF PUT NEW COUNCILMEMBERS THROUGH BOOT CAMP WHEN THEY ARRIVE, WHEN I ARRIVED AT THE COUNCIL, AND THAT WAS DARRELL SLUSHER AND BETTY DUNKERLEY. THEY DID IT IN DIFFERENT WAYS, BUT IT WAS THE SAME THING THAT THEY WOULD BOTH DO, WHICH IS HAVE THIS INCREDIBLE, UNYIELDING EXPECTATION OF NEW COUNCILMEMBERS THAT WE LOOK OUT FOR THE BEST INTEREST OF THE COMMUNITY. AND THAT YOU SUBBOARD NATE ANY OF YOUR OWN AMBITIONS AND AGENDAS FOR THE COMMON GOOD AND FOR THE GOOD OF THIS ORGANIZATION. IT MEAN TREATING PEOPLE WITH RESPECT, IT MEAN THINKING ABOUT THE LONG-TERM, IT MEANS THAT IF YOU'VE GOT SOME PET PROJECT THAT WILL MAKE YOU LOOK GOOD AND THAT'S NOT WHAT'S THE RIGHT THING FOR THE CITY, THEN YOU NEED TO PUT ASIDE YOUR PERSONAL AGENDA AND DO WHAT'S RIGHT FOR THE CITY. AND THE BEST WAY THAT -- AND PARTICULARLY THAT BETTY WAS REALLY GOOD ABOUT THAT IS IF YOU STILL DIDN'T LISTEN TO HER, BE SHE WOULD JUST GO BEAT YOU AT IT AND YOU WOULDN'T EVEN SEE IT COMING. [ LAUGHTER ] BUT THROUGH ALL -- I FIND MYSELF TO BE A DIFFERENT PERSON BECAUSE I HAVE BEEN PRETTY DUNKERLEY'S FRIEND. SHE'S BEEN MY BEST FRIEND ON THE CITY COUNCIL THE FIVE YEARS I'VE BEEN ON HERE. I AM INCREDIBLY FORTUNATE THAT THE PEOPLE OF AUSTIN HAD THE GOOD JUDGMENT TO ELECT BETTY FIRST BEFORE I GOT A SHOT AT IT. AND SO I HAVE INCREDIBLE GRATITUDE AS AN AUSTINITE FOR THE INCREDIBLE DIFFERENCES IN THIS COMMUNITY. AND IN FACT, I'M RAMBLING HERE, BUT THIS IS THE WOMAN WHO SAVED OUR PUBLIC HOSPITAL SYSTEM. [ CHEERS AND APPLAUSE ] AND THIS IS THE WOMAN WHO ALSO SAVED THE AFFIRMATIVE ACTION IN AUSTIN, TEXAS. AND THAT'S A BIG DANG DEAL TOO. THIS IS A WOMAN WHO EVERY TIME THE HARD ISSUES OUR PUBLIC VALUES WON OUT BECAUSE OF BETTY DUNKERLEY. THIS IS A PERSON WHO HAS HAD A CAREER OF GREAT CONSEQUENCE AND SHE'S A GREAT PERSON AT THE SAME TIME. SHE'S A MODEL FOR ALL OF US. AND I AM GOING TO MISS YOU SO MUCH. [ CHEERS AND APPLAUSE ]

Cole: WELL, I'VE BEEN TO BETTY DUNKERLEY BOOT CAMP SCHOOL -- [ LAUGHTER ] -- AND I



DON'T THINK I'M READY TO GRADUATE. [ LAUGHTER ] I MEAN, YOU CAN KNOW AND MEET A LOT OF PEOPLE IN YOUR LIFETIME, BUT YOU WILL NOT KNOW MANY PEOPLE -- MY HUSBAND MIGHT BE LISTENING -- BETTER THAN BETTY DUNKERLEY. WHENEVER I HAD A TOUGH ISSUE OR I WAS STRUGGLING WITH SOMETHING HAVING TO DO WITH THE COUNCIL, NOT ONLY DOES SHE ALWAYS BRING IT AROUND TO THE FACT THAT YOU'VE GOT TO DO WHAT YOU THINK IS BEST FOR THE CITY. NOT JUST WHAT I THINK, BUT WHAT YOU THINK IS BEST FOR THE CITY. SO I HAVEN'T FORGOT THAT, AND I REALLY WILL TAKE THAT WITH ME. BUT I HAVE TO BRING UP ANOTHER ANGLE BECAUSE I'M A MOM AND I JUGGLE CAREER AND KIDS. AND BETTY DUNKERLEY STOOD BY ME WHEN IT WAS TOUGH TO SERVE IN BOTH CAPACITIES. SO NOT ONLY IS SHE A BUDGET WHIZ KID AND NOT ONLY IS SHE THE CHARACTER REPRESENTATIVE OF WHAT THE WHOLE COUNCIL SHOULD BE, SHE IS A WONDERFUL FRIEND. SO WITH THAT I WILL TELL YOU THAT ALL MY COLLEAGUES COUGHED IT UP AGAIN AND GOT HER A GIFT. [ LAUGHTER ] [ APPLAUSE ]

Dunkerley: WELL, I'M KIND OF GLAD I HAD MY HEARING AID PROBLEMS BECAUSE I HEARD AN AWFUL LOT OF NICE THINGS AND I REALLY APPRECIATE ALL OF THE WELL WISHES THAT I'VE RECEIVED TONIGHT. AND AS I LOOK BACK, THERE ARE A COUPLE OF THOUGHTS I WOULD LIKE TO LEAVE. AND ONE IS THAT OVER THIS 18 YEARS I'VE SERVED WITH A LOT OF CITY MANAGERS, I'VE SERVED WITH A LOT OF MAYORS. I'VE WORKED -- I'VE EITHER SERVED ON OR WORKED WITH A LOT OF COUNCILMEMBERS. AND I'VE BEEN INCREDIBLY LUCKY IN THOSE RELATIONSHIPS. THEY HAVE MEANT A LOT TO ME. I'VE LEARNED A LOT FROM EVERY ONE OF THEM. AND THEY HAVE BEEN VERY INSTRUMENTAL IN THE VARIOUS THINGS THAT I'VE DONE. I'M GRATEFUL FOR ALL OF THOSE RELATIONSHIPS. AND I'M CERTAINLY GRATEFUL FOR ALL OF THE CITY STAFF. WHEN I WAS ON CITY STAFF I COULD NOT HAVE DONE ANYTHING WITHOUT THEIR HELP AND SUPPORT. THEY WERE SUPERB. AND SUCH GREAT PUBLIC SERVANTS YOU WILL NEVER FIND ANYWHERE IN THIS WORLD AS OUR CITY STAFF. SO THANK YOU FOR ALL THE SUPPORT YOU'VE GIVEN ME AS A STAFF MEMBER BE AND CERTAINLY AS A COUNCIL. I'D LIKE TO THANK MY FAMILY BECAUSE THEY HAVE SEEN A LOT LESS OF ME. THEY MAY LIKE THAT, BUT THEY'VE SEEN A LOT LESS OF ME BECAUSE I HAVE WORKED FOR THE CITY FOR SO LONG. BUT IT IS. AS JENNIFER SAYS, YOU DON'T DO ANYTHING BY YOURSELF. THE ONLY POWER THAT WE HAVE IS WHEN WE WORK TOGETHER AS A GROUP. AND THAT'S ONE THOUGHT I'D LIKE TO LEAVE WITH YOU ALL IS THAT ALL OF OUR POWER COMES TO US IN WORKING AS A TEAM AND WORKING AS A GROUP. AND I'VE BEEN SO LUCKY TO HAVE WORKED MY LAST THREE YEARS WITH THIS GROUP, AND WE'VE HAD A LOT OF FUN TIMES TOGETHER. I'VE STOLEN MIKE'S CAR KEYS FOR A WEEKEND ACCIDENTALLY AND LOTS OF OTHER THINGS. BUT IT'S -- THEY HAVE BEEN JUST SO MUCH FUN TO WORK WITH. AND I DO APPRECIATE THAT. THE GREATEST THING I HAVE TO SAY IS THAT I'VE BEEN SO INCREDIBLY LUCKY AND BLESSED TO HAVE BEEN ABLE TO SERVE SERVE THIS CITY AS A PUBLIC SERVANT IN SO MANY DIFFERENT CAPACITIES. AND I LOVE THAT. I'M GRATEFUL FOR IT. AND I JUST WANT TO THANK ALL OF YOU FOR GIVING ME THAT OPPORTUNITY. [ APPLAUSE ] LET'S HAVE CURRENT STAFF, FORMER STAFF, EVERYBODY COME UP. AND THEN RIGHT BEFORE WE END AS A POINT OF PRIVILEGE, I'VE ASKED MY

COUSIN AND HIS FRIEND DYLAN TO PLAY A SONG FOR US THAT I THINK WILL SYMBOLIZE WHAT BOTH JENNIFER A AND I ARE LOOKING FORWARD TO. AND THAT IS, IT MAY BE QUITTING TIME, BUT THERE'S LOTS OF GOOD STUFF DOWN THE ROAD. SO WE'LL HEAR FROM THOSE VERY TALENTED MUSICIANS IN A FEW MINUTES. LET'S START WITH SOMEBODY THAT'S NOT HERE, AND THAT'S ALLISON AGUILARA. ALLISON HAS BEEN AN INTERN IN MY OFFICE FOR TWO YEARS. SHE COULDN'T BE HERE TODAY, BUT WE CERTAINLY HAVE A PROCLAMATION FOR HER, AND THANKING HER FOR HER SERVICE. SHE'S JUST A SUPER, SUPER EMPLOYEE, GREAT CUSTOMER SERVICE PERSON. AND SO WE'LL -- I'M GOING TO HAVE JULIAN TAKE HER PROCLAMATION TO HER ALONG WITH WITH THIS LITTLE MEMENTO. SO IF YOU WILL SEE THAT SHE GETS THAT. [ APPLAUSE ] THE NEXT RECOGNITION WILL BE FOR MY COUNCIL AIDE, JULIAN GARZA. IF HE WILL STEP FORWARD. THIS IS A DISTINGUISHED SERVICE AWARD FOR FOUR YEARS OF SERVICE TO THE CITIZENS OF AUSTIN THROUGH HIS WORK ON MAYOR PRO TEM DUNKERLEY'S STAFF. JULIAN GARZA IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. JULIAN IS A FINE ASSET TO THE OFFICE THANKS TO HIS KNOWLEDGE ON A WIDE VARIETY OF PUBLIC ISSUES AND HIS DEDICATION TO SERVING THE PUBLIC WITH A VERY GREAT, POSITIVE ATTITUDE, AND A SMILE. EVEN WHEN THE SKIES ARE FALLING, JULIAN REMAINS VERY CALM AND AFFABLE. MOST OF ALL, HE BROUGHT TO THIS JOB A SENSE OF INTEGRITY WHICH HE EXERCISED ON A DAILY BASIS. THIS CERTIFICATE IS PRESENTED IN RECOGNITION AND APPRECIATION OF HIS MANY CONTRIBUTIONS THIS 18S DAY OF JUNE IN THE YEAR 2008. AND I WOULD LIKE TO SAY A LITTLE SIDE THANKS TO JULIAN FOR SHOWING ME HOW TO USE MY COMPUTER A LOT OF THE TIME. [ LAUGHTER ] SO JULIAN -- [ APPLAUSE ] AND JULIAN HAS A PASSION FOR APPLICATION SO I HAS A GIFT YARD -- HAS A PASSION FOR POLITICS SO HE HAS A GIFT CARD HERE TO BUY THE BEST POLITICAL BOOK HE CAN FINE. [ APPLAUSE ] THE NEXT RECOGNITION IS FOR GLORY I CAN'T AGUILARA -- GLORIA AGUILARA. THIS ONE IS REALLY FOR PUTTING UP WITH ME FOR SO LONG. THAT'S NUMBER ONE. SHE DESERVES A PURPLE HEART OR SOMETHING. SO FOR 16 YEARS OF EXTRAORDINARY SERVICE TO THE CITIZENS OF AUSTIN THROUGH HER WORK WITH BETTY DUNKERLEY, GLORIA AGUILARA IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. GLORIA SERVE AS AN AIDE WHEN MS. DUNKERLEY WAS FINANCIAL DIRECTOR AND ASSISTANT CITY MANAGER AS WELL AS DOING DURING HER TWO TERM AS A CITY COUNCILMEMBER. GLORIA'S MIDDLE NAME IS CUSTOMER SERVICE, WHICH SHE TIRELESSLY EXHIBITED MORE THAN ANY PERSON I KNOW. SHE WAS -- I REALLY FRANKLY CONSIDERED HER MUCH MORE THAN A STAFF MEMBER. SHE'S LIKE A VERY BELOVED MEMBER OF MY FAMILY. THIS CERTIFICATE IS PRESENTED WITH HEART FELT PRICE APPRECIATION. AN CONGRATULATIONS FOR YOUR GOOD WORK. [ APPLAUSE ] I WOULD LIKE TO ADD THAT SHE WAS ALWAYS MY CONSCIENCE. AND WHENEVER I WAS STRAYING A LITTLE BIT OVER THE LINE SHE WOULD COME IN AND SHUT THE DOOR AND SAY DO YOU THINK THIS IS REALLY WHAT YOU NEED TO BE DOING? [ LAUGHTER ] AND MOST OF THE TIME IT WASN'T. BUT LISTEN, WHEN YOU GET GLORIA, YOU GET HER FAMILY. AND SHE HAS HER SISTER AND HER MOM IN THE AUDIENCE SITTING NEXT TO MY DAUGHTER ANNE. ANNE, RAISE YOUR HAND. [ APPLAUSE ] SO I JUST HAD A WONDERFUL RELATIONSHIP FOR A LONG TIME WITH THIS WONDERFUL PERSON AND THIS WONDERFUL FAMILY. SO GLORIA...

WOULD YOU LIKE TO SAY A FEW WORDS?

I WOULD. I WOULD JUST LIKE TO SAY THANK YOU. IT WAS AN HONOR, BETTY, TO WORK FOR YOU FOR 16 YEARS. YOU'RE MY MENTOR, MY TEACHER. YOU'VE BEEN SUPPORTIVE AND YOU'VE HELPED ME ALONG TO WHERE I AM TODAY. I WOULDN'T BE THERE WITHOUT YOU. [ APPLAUSE ] FOR.

Dunkerley: FOR A REAL TREAT I WOULD LIKE MICHAEL HILL AND DYLAN -- WHAT'S DYLAN'S LAST NAME?

[ INAUDIBLE ].

AND WHEN THEY FINISH WITH THIS TRIBUTE TO YES OR NOFER JENNIFER AND ME, THEY WILL TELL US WHERE THEY'RE GOING TO BE PLAYING NEXT. (music)(music) (music) IT'S QUITTIN' TIME. LET'S PUNCH OUT OF HERE BEFORE WE LOSE OUR MINDS. (music) WE'VE GOT TO BE SO MUCH MORE DOWN THE LINE. AND OH KNOWS WHAT WE MIGHT -- AND WHO KNOWS WHAT WE MIGHT FIND THERE. (music) IT'S QUITTIN' TIME. RIGHT NOW I'M FEELING MOST RESIGNED TO LEAVE ALL THIS MISERY FAR BEHIND. AND GO SIT IN THE SUNSHINE SOMEWHERE. (music) EITHER YOU CAN GO WITH ME OR YOU CAN STAY ON. (music) BUT THE TRUTH BE TOLD, I'D RATHER NOT BE ALONE. (music) WELL, COME ON NOW DARLING, PUT ON YOUR DANCING SHOES. (music) WE'LL GO OUT ON THE TOWN TO SHAKE OFF THESE BLUES (music). (music)(music) (music)(music) (music) WHEN ALL OF THIS TIME IT JUST PASSES US BY,. (music) WELL, ONE DAY IT'S GONE IN THE BLINK OF AN EYE. (music) WELL, COME ON NOW DARLING, PUT YOUR PARTY DRESS ON. (music) WE'LL HIT THIS TOWN RUNNIN AND IN THE MORNING HEAD HOME. (music) IT'S QUITTIN' TIME. PUNCH OUT OF HERE BEFORE WE LOSE OUR MINDS. (music) THERE'S GOT TO BE SO MUCH MORE DOWN THE LINE, AND WHO KNOWS WHAT WE MIGHT FIND THERE? (music) IT'S QUITTIN' TIME, RIGHT NOW I'M FEELING MOST RESIGNED TO LEAVE ALL THIS MISERY FAR BEHIND AND GO SIT IN THE SUNSHINE SOMEWHERE (music). (music) I'M GOING TO SIT IN THE SUNSHINE SOMEWHERE (music)(music). [ CHEERS AND APPLAUSE ]

Dunkerley: THANK YOU, GUYS, SO MUCH. I LAST HEARD YOU OVER AT OWE PAL DIVINES. SO WHERE WILL YOU BE NEXT?

WE WILL BE BE AT FLINONICS ON BARTON SPRINGS ON FRIDAY AT 9:00 O'CLOCK.

WELL, THANK YOU VERY MUCH, MICHAEL AND DYLAN. IT WAS A REAL TREAT. I THINK THAT DOES SUMMARIZE, IT'S BEEN A GREAT RIDE. IT'S QUITTIN' TIME AND THERE ARE ARE GREAT THINGS DOWN THE ROAD. SO THANK YOU VERY MUCH. [ APPLAUSE ]

Dunkerley: OH, MY OTHER FLOWERS OVER HERE. NOW, SUSIE WOULDN'T LET ME GIVE HER A PROCLAMATION BECAUSE SHE'S ONLY BEEN HERE FIVE MONTHS, BUT I CAN TELL YOU THEY WERE THE WORST FIVE MONTHS OF HER LIFE. [ LAUGHTER ] AND SO SUSIE, THANK YOU

FOR ALL YOU'VE DONE TO PICK UP ALL OF THESE LITTLE PIECES HERE AT THE END. AND WE HAVE SOME FLOWERS FOR YOU. [ APPLAUSE ]

I TOLD BETTY NOT TO DO THIS. I TOLD HER I WOULD BE HER ROTTWEILER THE LAST FIVE MONTHS SHE'S HERE AND THAT'S WHAT I'VE DONE. IT BEEN A MAJOR HONOR TO WORK WITH MY VERY DEAR FRIEND BETTY. I HOPE YOU WILL ALL JOIN US FOR HER RECEPTION NEXT THURSDAY HER AT CITY HALL IN THE ATRY UPL FROM 4:00 TO 6:00. IT WILL BE SIMPLE. THE CITY DIDN'T PAY FOR ANY OF IT. [ LAUGHTER ] MAYBE BE EVEN SOME POT LUCK FOOD. BUT THE MAIN THING IS TO COME AND HONOR BETTY AND HOPEFULLY MAYBE PEOPLE HAVE SOME FUNNY STORIES TO TELL ABOUT HER. I THINK SHE WOULD LIKE TO HEAR THAT. SHE HASN'T BEEN ROASTED. [ LAUGHTER ]

Mayor Wynn: SO WE'LL RECONVENE THE CITY COUNCIL MEETING AFTER A VERY SHORT BREAK BACKSTAGE.

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THE MEETING OF THE AUSTIN CITY COUNCIL. I APOLOGIZE FOR THE DELAY. TO HELP FOLKS SORT OF PLAN THE REST OF THEIR NIGHT AND TOMORROW MORNING, WE STILL HAVE EIGHT PUBLIC HEARINGS TO CONDUCT, FOUR OF WHICH HAVE MORE THAN AN HOUR'S WORTH OF TESTIMONY SIGNED UP EACH. WE STILL HAVE, I BELIEVE, MR. GUERNSEY, THREE ZONING CASES, ONE OF WHICH I THINK WE CAN NOW GET DONE RELATIVELY THINKING, BUT ONE HAS MORE THAN AN HOUR'S WORTH OF TESTIMONY. AND SO MY INSTINCT IS -- OF COURSE YOU NEVER KNOW BASED ON HOW LONG FOLKS WILL TALK AND HOW LONG THE DISCUSSION AND DIALOGUE MIGHT BE, IS THAT WE HAVE ABOUT ANOTHER HOUR AND CHANGE LEFT TO DO ZONING, AND THEN HOPEFULLY BY, SAY, 8:30 WE COULD TAKE UP -- WE COULD START OUR PUBLIC HEARINGS. AGAIN, WE HAVE EIGHT OF THOSE. YOU KNOW, THINGS LIKE THE FLY TOWER HAS OVER AN HOUR TESTIMONY, SO DOES McMANSION, SO DOES VISITABILITY, THE ZONING CASE WILL BE OVER AN HOUR. THEN WE HAVE A FEW PUBLIC HEARINGS THAT MIGHT ONLY LAST 12 TO 15 MINUTES EACH.

McCracken: MAYOR? I DO THINK OUT OF RESPECT TO -- WE HAVE QUITE A FEW FOLKS HERE WHO REALLY CAN'T BE HERE UNTIL MIDNIGHT JUST TO HAVE A PUBLIC HEARING START AT THAT TIME, SO WHAT I WOULD RECOMMEND IS THAT WE JUST HAVE A BLANKET POLICY FOR ALL THE REST OF THE MATTERS FOR THE EVENING THAT WE HAVE 30 MINUTES ASIDE. THAT WILL PREVENT ABOUT HALF THE FOLKS IN THIS ROOM FROM HAVING TO WAIT UNTIL MIDNIGHT TO BE HEARD. SO REGARDLESS OF THE CASE, 30 MINUTE A SIDE.

Mayor Wynn: SO THEN WITHOUT OBJECTION, COUNCIL, ON THOSE CASES WHERE WE DO HAVE, YOU KNOW, A LOT OF PEOPLE SIGNED UP WISHING TO SPEAK, WE'LL LIMIT TESTIMONY TO 30 MINUTES PER SIDE, THAT BEING FOR OR AGAINST. AND WE'LL DO OUR BEST TO UTILIZE SOME OF OUR STAFF TO COORDINATE THE SEQUENCE THAT THE COURT COULD HAPPEN. COUNCILMEMBER MARTINEZ?

Martinez: MAYOR, I WOULD BE SUPPORTIVE OF THAT, BUT I WANT THE FOLKS THAT ARE HERE WAIT TO GO KNOW WHAT THAT PROCESS IS BOEING TO BE AND EXAM EXACTLY IT'S GOING TO LOOK LIKE SO THAT IF THEY REALLY DO WANT TO SPEAK THAT THEY POSITION THEMSELVES IN A PLACE WHERE THEY CAN SPEAK TO US. ARE WE GOING TO START THE CLOCK AT 30 MINUTES AND EVERY THREE MINUTES ROTATE ANOTHER INDIVIDUAL? DO THEY GET IN LINE? WHERE DO THEY GET IN LINE, THINGS OF THAT NATURE?

Mayor Wynn: PERHAPS WHILE -- THERE'S A FEW THINGS WE NEED TO TAKE CARE OF, A COUPLE OF POSTPONEMENTS, I HOPE, AND A FEW OF THESE CASES WILL TAKE THREE TO FOUR MINUTES EACH. AS WE GET THOSE DONE AND SEND SOME PEOPLE HOME, PERHAPS STAFF CAN WORK WITH MS. GENTRY AND LOOK AT THE SIGN-UP SHEET TO SEE HOW LONG EACH CASE IS SCHEDULED TO BE BASED ON THE CURRENT SIGN-UP. AND WE'LL MAKE A PROPOSAL WELL IN ADVANCE OF EACH CASE STARTING. BUT JUST KNOW THAT THE GOAL HERE IS TO TRY TO BE AS RESPECTFUL OF EVERYBODY'S TIME AS WE CAN WHILE AT THE SAME TIME LETTING FOLKS WHO REALLY THINK THEY NEED TO GIVE US TESTIMONY TONIGHT DO THAT. SO MR. GUERNSEY, A COUPLE OF QUICK ZONING CASES BEFORE WE THEN TAKE UP ITEM 88, OUR SCHRUM ALLENDALE CASE.

THANK YOU, MAYOR AND COUNCIL. GREG GUERNSEY WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. I THINK YOUR NEXT ITEM IS NUMBER 78, CASE C-14-2008-0066, KNOWN AS THE OVERTON 5 PROPERTY LOCATED AT 7700 AND 7704 LATTA DRIVE. THIS IS A ZONING CHANGE REQUEST FROM DEVELOPMENT RESERVE OR DR DISTRICT ZONING, TO FAMILY RESIDENCE SF-3 DISTRICT ZONING WITH CONDITIONS. AND THIS IS FOR YOUR CONSIDERATION FOR SECOND AND THIRD READINGS. ONE THING THAT HAS CHANGED SINCE YOUR FIRST READING ACTION ON MAY 22nd IS THAT WE HAVE RECEIVED A PETITION IN OPPOSITION TO THIS ZONING CHANGE REQUEST. THE PETITION STANDS AT 64.44 PERCENT IN ORDER TO CONSIDER THIRD READING APPROVAL OF THIS ITEM THIS EVENING, YOU WOULD BE REQUIRED TO HAVE SIX OUT OF SEVEN VOTES OF THE CITY COUNCIL TO OVERRIDE THE PETITION. THE PETITION WAS TO CHANGE THE LAND USE DESIGNATION ON THIS PROPERTY TO ANY OTHER CLASSIFICATION OTHER THAN SF-2, SO THE NEIGHBORS ON THE ADJOINING PROPERTIES HAVE NOT OBJECTED TO AN UP ZONING OF THE PROPERTY FROM DR OR DEVELOPMENT RESERVE DISTRICT TO SF-2, BUT THE APPLICANT HAS BEEN -- HAS REQUESTED AND WHAT YOU APPROVED ON FIRST READING WAS THE SF-3 CLASSIFICATION. SF-2 WOULD ONLY ALLOW SINGLE-FAMILY DWELLINGS. SF-3 WOULD ALLOW NOT ONLY SINGLE-FAMILY DWELLINGS, BUT IT WOULD ALSO ALLOW DUPLEXES OR TWO-FAMILY RESIDENTIAL, WHICH IS A HOUSE WITH A GARAGE APARTMENT. THE AGENT IS HERE. HE WILL STILL LIKE TO PROCEED THIS EVENING WITH THE CASE. UNDERSTANDING THAT THE PUBLIC HEARING IS CLOSED. THERE MAY BE A REPRESENTATIVE FROM SOMEONE THAT SIGNED THE PETITION, BUT I KNOW APPLICANT WOULD LIKE TO GO AHEAD. SO I'M JUST BRINGING THIS TO YOUR ATTENTION BECAUSE AT FIRST READING YOU DIDN'T HAVE A PETITION. FOR SECOND AND THIRD READING YOU DO. AND THE PETITION IS NOT OBJECTING TO SF-2 ZONING, BUT WOULD OBJECT TO THE REQUESTED SF-3.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF? COUNCILMEMBER LEFFINGWELL.

Leffingwell: I THINK THERE'S SOME NEW ENVIRONMENTAL INFORMATION THAT'S COME TO LIGHT. AND I BELIEVE THERE'S FISH AND WILDLIFE ISSUE ON THIS PROPERTY. IS THERE A 10-A PERMIT ON THIS PROPERTY?

I'M NOT AWARE OF A 10-A PERMIT, ALTHOUGH MR. BENNETT MIGHT COME FORWARD AND SPEAK TO THAT. WE'RE AWARE THAT THERE IS AN ADJACENT PROPERTY, THAT IN ORDER FOR THEM TO BUILD LIKE A SINGLE-FAMILY HOME, THEY HAD TO GO SEEK A 10-A PERMIT. IN ORDER TO DEVELOP THIS PROPERTY THEY MAY GO THROUGH THAT SAME PROCESS LATER ON. IF THEY'RE SUCCESSFUL GETTING THE ZONING FROM YOU TODAY, THEY MAY BE FACING A 10-A PERMIT. I THINK I'D LIKE TO LEAVE THAT FOR MR. BENNETT TO ADDRESS.

Leffingwell: I WANT TO MAKE IT CLEAR THAT WE'RE FULLY AWARE THAT THE COUNCIL, THE CITY GOVERNMENT, CAN'T -- IS NOT IN THE BUSINESS OF ENFORCING THE FEDERAL LAWS WITH RESPECT TO THESE -- WITH RESPECT TO I THINK DANGERED SPECIES AND THOSE PROPERTIES. BUT I JUST WANTED TO FIND OUT IF THAT WAS TRUE OR NOT TO GIVE US SOME IDEA OF THE ENVIRONMENTAL SENSITIVITY OF THE PROPERTY.

IT CERTAINLY HAS BEEN TRUE FOR THE DEVELOPMENT OF PROPERTY IMMEDIATELY ADJACENT TO THIS PROPERTY. SO STAFF WOULD IMAGINE THAT THIS ISSUE WOULD COME UP AGAIN IF ADDITIONAL DWELLING UNITS -- ADDITIONAL DEVELOPMENT WOULD OCCUR IN THIS PROPERTY.

Leffingwell: THANK YOU.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS OF STAFF, COUNCIL? COMMENTS?

SO MAYOR AND COUNCIL, I GUESS YOU HAVE SEVERAL OPTIONS. YOU CAN GO AHEAD AND APPROVE WHAT YOU DID ON FIRST READING OR OFFER A DIFFERENT MOTION THAN WHAT APPROVED ON FIRST READING.

Leffingwell: MAYOR, IF I COULD, BE I WOULD LIKE TO OFFER A MOTION, AND YOU TELL ME IF WE'RE READY TO DO THIS OR NOT, BUT TO APPROVE SF-1 T. ON SECOND AND THIRD READING. AND THE REASON I'M GOING TO PROPOSE SF-2 IS OBVIOUSLY IT'S MORE COMPATIBLE I BELIEVE WITH THE SURROUNDING AREA. BUT TAKING INTO ACCOUNT THE ENVIRONMENTAL SENSITIVITY, IT IS IN THE BARTON SPRINGS ZONE, IT IS ON THE SHORE OF WILLIAMSON CREEK AND ADJACENT TO PROPERTY THAT HAS ENDANGERED SPECIES ON IT AND WILDLIFE HABITAT. SO ANY ONE OF THOSE WOULD BE SUFFICIENT FOR ME TO MAKE THAT MOTION FOR SF-2. SO THAT'S IT.

WOULD THAT ALSO INCLUDE THE RIGHT-OF-WAY? AGAIN, THE STREET DEED FOR THE 13

FEET OF ADDITIONAL RIGHT-OF-WAY ALONG LATTA?

Leffingwell: THAT WAS ON THE -- THAT WAS ON THE ORIGINAL?

ON THE ORIGINAL IT WAS SF-3 WITH THAT SAME RIGHT-OF-WAY CONDITION. AND --

Leffingwell: THE ONLY CHANGE I'M SUFFERING A CHANGE FROM AS OPINION--- I'M OFFERING IS A CHANGE FROM SF-3 TO SF-2.

Mayor Wynn: COUNCILMEMBER COLE -- LET'S SEE, WE HAVE A MOTION ON THE TABLE FOR SF-2 ON SECOND AND THIRD READING.

Martinez: MAYOR, I WANTED TO ASK STAFF WHAT THAT WOULD DO TO THE DENSITY OF THOSE -- OF THE TWO TRACTS OF LAND IN TERMS OF WHAT THEY WOULD BE ENTITLED UNDER SF-3.

THE DENSITY FOR SF-3, NOT TAKING INTO CONSIDERATION A 10-A PERMIT ISSUES, YOU COULD HAVE ONE DWELLING UNIT THAT WOULD BE EQUIVALENT TO ABOUT 3,500 SQUARE FEET OF LAND. BECAUSE A DUPLEX LOT, MINIMUM SIZE, WOULD BE ABOUT 7,000 SQUARE FEET. FOR A SINGLE-FAMILY HOME IT WOULD BE ABOUT 5750. SO THERE WOULD BE AN INCREASE THAT YOU COULD GAIN FROM DOING SF-3 ZONING. AND THE DENSITY AS YOU DEVELOP OUT MAY RESULT IN ADDITIONAL UNITS. I'M NOT SURE EXACTLY THE PRECISE NUMBER, BUT YOU MAY BE LOOKING AT ONLY ABOUT SIX OR SEVEN UNITS PER ACRE IF IT WAS A SINGLE-FAMILY. YOU MIGHT BE LOOKING CLOSER TO 10, 12 UNITS IF IT WAS THE SF-3, IF IT WAS DEVELOPED OUT TO ITS FULLEST POTENTIAL.

Martinez: I WANTED TO ASK MR. BENNETT IF THE APPLICANT AND THE LANDOWNER WOULD CARE TO COMMENT ON THE PROPOSAL TO GO FROM SF-2 TO SF-2?

COUNCILMEMBERS, WE HAVE TALKED TO THE FISH AND WILDLIFE PEOPLE AND THEY UNDERSTAND WE'RE AT A ZONING CHANGE. ANY TIME WE GET READY TO DO ANY CONSTRUCTION WE'LL CERTAINLY HAVE TO GO BEFORE THEM. WE ARE -- HAVE OFFERED TO LIMIT THE DENSITY ON THE TOTAL SIX ACRES TO TWO UNITS PER ACRE. OR IF YOU WILL, 12 UNITS TOTAL. I THINK WITH THE SF 2, BE AND MR. GUERNSEY MAY CORRECT ME, YOU ACTUALLY GET FIVE UNITS TO THE ACRE IN THE RESIDENTIAL ZONE. BUT WE HAVE NO PROBLEMS WITH THE CONDITIONAL OVERLAY LIMITING IT 12 UNITS AND ARE AWARE OF THE ENVIRONMENTAL REQUIREMENTS THAT WE'LL HAVE TO GO THROUGH THE BCCP AND THE FISH AND WILDLIFE.

Mayor Wynn: COUNCILMEMBER COLE.

Cole: YES, I HAD A QUESTION OF THE APPLICANT AND PERHAPS MR. GUERNSEY. SO HOW -- CAN YOU TELL US HOW IT WOULD AFFECT YOUR PROJECT, DEPENDING ON WHETHER WE

VOTE FOR SF-2 VERSUS SF-3? I UNDERSTAND YOU'RE SEEKING SF-3.

WE'RE DEBATING WHOSE QUESTION THAT IS. JIM, I THINK YOU OFFERED 20 UNITS TOTAL.

12.

12 TOTAL. SO I'M NOT SURE IF YOU DID SF-2 OR SF-3 AS FAR AS THE NUMBER OF UNIT WOULD REALLY SIGNIFICANTLY CHANGE. THE TYPES OF UNITS THAT COULD BE DEVELOPED WOULD BE MUCH DIFFERENT. YOU COULD UNDER SF-3 BUILD A DUPLEX OR HAVE GARAGE APARTMENTS THAT WOULD SIT ON A SINGLE LOT. IF YOU BUILT -- UNDER THE SF 2 YOU WOULD BE LIMITED TO ONLY SINGLE-FAMILY HOMES. BUT LIMITING THE PROPERTY TO 12 UNITS TOTAL ON THE PROPERTY, BE IT WOULD BE JUST A DIFFERENT BUILDING CONFIGURATION RATHER THAN NECESSARILY THE NUMBER BE OF UNITS. YOU WOULD BE -- IT'S DIFFERENT FROM SAYING YOU WOULD LIMIT THE PROPERTY TO A MAXIMUM OF 12 UNITS.

Cole: LET ME ASK A QUESTION OF THE APPLICANT. YOU SAID THAT YOU ARE PLANNING TO COMPLY WITH THE ENVIRONMENTAL REQUIREMENTS AND BCCP AND THE FISH AND WILDLIFE. HAVE YOU BEEN IN CONTACT WITH ANY OF THEM YET?

YES, MA'AM. AT FISH AND WILDLIFE WE TALKED TO ALLISON ARNOLD WHO ACTUALLY GAVE ME A CALL. AND SHE AND I DISCUSSED IT. AND PRIOR TO GETTING ANY PERMITS, WE HAVE TO GO THROUGH THE FISH AND WILDLIFE PEOPLE FOR THAT. AS WELL AS WITH THE BCCP PEOPLE BEFORE WE DO ANY PERMITS. COUNCILMEMBER, IF YOU RECALL THIS PROPERTY IS ABOUT 550 FEET IN DEPOSITTH FROM LATTA TO -- INDEPTH FROM LATTA TO MOPAC. AND IT JUST LENDS ITSELF THAT THE PEOPLE WILL WANT TO PROBABLY BUILD TOWARD THE FRONT VERSUS BUILDING BACK TOWARD THE BACK WHERE THERE IS SOME FLOODPLAIN. OUR PROPOSAL IS THAT WE'RE JUST GOING TO GO IN ON THE MAP AND MAKE THESE LOTS LIKE 60 FEET WIDE BY 500 FEET DEEP. WE ARE LIMITED TO THE S.O.S. REQUIREMENTS, MEETING THOSE REQUIREMENT AS WELL, SO OUR IMPERVIOUS COVER AND SITE DEVELOPMENT REGULATIONS.

Cole: MAYOR, I WANT TO OFFER A STUDENT MOTION.

Mayor Wynn: IF WE DON'T HAVE A SECOND, THERE'S NO NEED TO DO THAT. THERE'S A MOTION ON THE TABLE TO APPROVE ON SECOND AND THIRD READING SF-2 ZONING ON THIS CASE, ITEM NUMBER 78. MOTION DIES FOR LACK OF A SECOND. FURTHER COMMENTS? QUESTIONS? S COUNCILMEMBER COLE.

Cole: I WOULD LIKE TO MOVE APPROVAL FOR SF-3 ZONING.

Mayor Wynn: MOTION BY COUNCILMEMBER COLE, SECONDED BY THE MAYOR PRO TEM TO APPROVE ON SECOND AND THIRD READING THE SF-3 ZONING AS APPROVED ON FIRST



READING.

AND THE APPLICANT DID OFFER --

Mayor Wynn: WITH THESE ADDITIONAL RESTRICTIONS TO THE NUMBER OF UNIT.

OKAY. AND THAT ADDITIONAL RESTRICTION WAS 12 DWELLING UNITS COULD BE CONSTRUCTED ON THE PROPERTY. AND THAT WOULD BE THE MAXIMUM NUMBER THAT THEY COULD CONSTRUCT, WHETHER THAT'S TWO DWELLING UNITS IN A DUPLEX OR ONE SINGLE-FAMILY DWELLING UNIT IN A STAND ALONE HOUSE. AND I THINK THAT'S WHAT -- IT'S 12 UNITS TOTAL. SO IF YOU WILL LIKE TO CONSIDER THAT YOU CAN ALSO MAKE IT PART OF YOUR MOTION.

Cole: YES, I WOULD LIKE TO MAKE IT ALSO A PART OF MY MOTION.

Mayor Wynn: MOTION AND A SECOND ON THE TABLE, SECOND AND THIRD READING. FURTHER COMMENTS? NOTING -- REMIND ME, MR. GUERNSEY, THERE IS A VALID PETITION.

THERE IS. IF COUNCIL WOULD LIKE TO APURCHASE THIS -- APPROVE THIS MOTION, IT WOULD REQUIRE SIX VOTES FOR THE SF-3 WITH THE CONDITIONS THAT WERE OUTLINED AT FIRST READING AND THEN A NEW CONDITIONAL OVERLAY THAT WOULD LIMIT THE PROPERTY TO A TOTAL OF 12 UNITS. DWELLING UNIT.

Mayor Wynn: MOTION AND SECOND ON THE TABLE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ONE WITH COUNCILMEMBER LEFFINGWELL VOTING NO. THANK YOU, MR. GUERNSEY.

MAYOR AND COUNCIL, OUR NEXT ITEM IS ITEM NUMBER 80, CASE C-14-2008-0 ON 19. I THINK THE ONLY QUESTION -- I THINK THE ONLY QUESTION ON THIS ITEM IS WHETHER YOU MIGHT BE ENTERTAINING FOR SECOND READING OR SECOND AND THIRD READING.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: AND MAYOR, I'VE SPOKEN WITH REPRESENTATIVES OF THE SOUTH LAMAR NEIGHBORHOOD ASSOCIATION. THEY SAID THAT -- SHE CONVEYED THAT THEY WOULD SUPPORT SECOND AND THIRD READING TO PASS WHAT WE ADOPTED ON FIRST READING, BUT TO REMOVE TRACT 4 FROM THE OVERLAY, BUT HAVE ALL OTHER CONDITIONS OF THE FIRST READING REMAIN THE SAME. CAROL, DID I GET IT ACCURATELY? SO THAT WILL BE MY MOTION TO APPROVE ON SECOND AND THIRD READING OF THE SCHRUM -- SOUTH LAMAR SCHRUM -- VMU ORDINANCE THAT WE ADOPTED ON FIRST READING WITH ONE CHANGE OF EXCLUDING TRACT 4 FROM THE OVERLAY.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY WHICH WILL TO

APPROVE ON ITEM NUMBER 80 AS WE HEARD ON SECOND AND THIRD READING ONE OF THESE TWO TRACTS. WITH THE OTHER BEING APPROVED ON SECOND READING ONLY. MR. GUERNSEY, CAN YOU HELP?

AS I UNDERSTAND, THE MOTION IS WHAT YOU APPROVED ON FIRST READING, BUT JUST EXCLUDING TRACT 4. AND THERE ARE SEVERAL TRACTS, BUT THAT WOULD BE CLEAR ENOUGH THAT WE COULD MODIFY THE ORDINANCE TO EXCLUDE TRACT 4, AND THEN IF YOU WANT TO TAKE ACTION TONIGHT ON SECOND AND THIRD READING, WE CAN MAKE THAT HAPPEN.

Mayor Wynn: AND COUNCILMEMBER LEFFINGWELL, BE THAT IS YOUR INTENT AS WELL? WE HAVE A MOTION AND A SECOND ON THE TABLE AS CLARIFIED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSE STPH-  
DOPPOSE UNDERSTAND MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL. SO COUNCIL, THAT TAKES US TO ITEM NUMBER 88. I'LL JUST NOTE THAT WE HAVE 26 PEOPLE SIGNED UP TO SPEAK ALL IN OPPOSITION. IT'S ABOUT 75 MINUTES' WORTH OF TESTIMONY. AND SO WHILE MR. GUERNSEY INTRODUCES THE CASE --

AT THIS TIME I'M GOING TO INTRODUCE MR. GEORGE ADAMS, THE ASSISTANT DIRECTOR OF NEIGHBORHOOD PLANNING AND ZONING AND HE WILL BE PRESENTING THIS ITEM TONIGHT.

Mayor Wynn: SO WHILE MR. ADAMS PRESENTS THIS FOR THE RECORD, COUNCIL CAN BE CONTEMPLATING WHETHER THERE MIGHT BE A REQUEST OF ALL THESE FOLKS TO TRY TO LIMIT TESTIMONY. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

THE VMU OVERLAY DISTRICT ALONG THESE ROADWAYS CONSIST OF APPROXIMATELY 121.6 ACRES ON 15 TRACTS. IN THEIR VMU OPT-IN/OPT-OUT APPLICATION THE ALLANDALE NEIGHBORHOOD RECOMMENDED TO EXCLUDE TRACTS 2 THROUGH 11 AND 13 THROUGH 15 FROM THE VMU OVERLAY DISTRICT TO KEEP TRACT 1 IN THE VMU OVERLAY DISTRICT BUT TO OPT OUT OF THE VMU INCENTIVES AND LIMIT DENSITY TO A MAXIMUM OF 12 1/2 UNITS PER ACRE. TO KEEP TRACT 12 IN THE VMU OVERLAY DISTRICT, OPT OUT OF THE VMU INCENTIVES AND LIMIT DENSITY TO A MAXIMUM OF 12 1/2 UNITS PER ACRE AND REQUIRE 10% OF NET SIDE AREA TO BE DEDICATED TO PUBLIC COMMON GREEN SPACE, AND THAT WAS ON TRACT 12. AND THEN FINALLY THEY RECOMMENDED AN AFFORDABILITY LEVEL OF 80% OF MEDIAN FAMILY INCOME FOR AFFORDABLE RENTAL UNITS AND VMU BUILDINGS. THE PLANNING COMMISSION HAD A DIFFERENT RECOMMENDATION. THE PLANNING COMMISSION RECOMMENDED TO EXCLUDE TRACTS 2, 3 AND 7 THROUGH 10, TO KEEP TRACT 5 IN THE VMU OVERLAY DISTRICT BUT OPT OUT OF THE INCENTIVES, AND THEN TO APPLY ALL VMU BUILDING STANDARDS, WHICH INCLUDE THE DIMENSIONAL STANDARDS, THE PARKING REDUCTIONS AND THE ADDITIONAL USES AND OFFICE ZONING DISTRICTS TO TRACTS 1, 4, 6 AND 11 THROUGH 15 AND THE PLANNING COMMISSION ALSO RECOMMENDED THE 80% AFFORDABILITY LEVEL. A COUPLE OF ADDITIONAL NOTES. WE'VE RECEIVED A VALID PETITION FROM THE OWNER OF 6400 BURNET ROAD, WHICH COMPRISES THE BULK OF

TRACT 5. THEY'RE IN OPPOSITION TO THE NEIGHBORHOOD RECOMMENDATION TO EXCLUDE THIS TRACT FROM THE OVERLAY DISTRICT, AND IT IS ALSO MY UNDERSTANDING THERE IS A REQUEST TO POSTPONE ACTION ON TRACT 5 AND FROM MY UNDERSTANDING, THERE'S AGREEMENT BETWEEN THE NEIGHBORHOOD AND THE PROPERTY OWNER ON THAT POSTPONEMENT REQUEST FOR TRACT 5. I'M SURE SOME OF THE SPEAKERS MAY BE ABLE TO SPEAK TO THAT. I'D BE GLAD TO TRY TO ANSWER ANY QUESTIONS.

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

LEFFINGWELL: ISN'T THERE ALSO A QUESTION FROM THE NEIGHBORHOOD TO POSTPONE TRACTS 14 AND 15? MAYBE THEY COULD ANSWER THAT QUESTION.

I THINK THAT'S -- I HAVE HEARD WIND OF THAT, BUT I HAVEN'T RECEIVED IT MYSELF.

OKAY.

MAYOR WYNN: ALSO, AGAIN WE HAVE 72 FOLKS THAT WANT TO COME TELL US WHY WE SHOULDN'T DO THIS. NOBODY IS SUGGESTING WE DO IT, AND WE HAVE EIGHT MORE PUBLIC HEARINGS OVER ABOUT FIVE HOURS WORTH OF TESTIMONY STILL TO GO WITH A LOT OF FOLKS THAT NEED TO CATCH PUBLIC TRANSIT BEFORE 2:00 IN THE MORNING. I WOULD LIKE TO REQUEST THAT ALL THESE FOLKS WHO HAVE SIGNED UP WISHING TO SPEAK IN OPPOSITION, IF SOMEBODY BEFORE YOU HAS SAID A REASON WHY WE SHOULDN'T DO THIS, US AND YOUR NEIGHBORS WOULD GREATLY APPRECIATE YOU NOT REPEATING ONCE AGAIN THAT SAME RATIONALE FOR NOT DOING SOMETHING. SEEMS TO ME WE'RE GOING TO START --

WE HAVE 30 MINUTES, THOUGH, ON --

MAYOR WYNN: WELL, THEN, THERE WILL BE MORE THAN HALF THE FOLKS WHO HAVE SIGNED UP WISHING TO TELL US -- WISHING TO SPEAK IN OPPOSITION WILL NOT HAVE TIME SHOULD ALL THE -- SHOULD ALL THE PEOPLE SEQUENTIALLY WHO SIGNED UP AHEAD OF THEM, YOU KNOW, SPEAK FOR THEIR ALLOTTED THREE MINUTES.

I JUST THING THAT ALL CASES THIS EVENING, THAT WILL BE THE SAME CASE -- I THOUGHT THE COUNCIL SAID FOR EVERY CASE THIS EVENING THAT A LIMIT OF 30 MINUTES PER SIDE.

IT'S A SUGGESTION I LIKE AND I LIKE TO FIGURE OUT HOW TO BE RESPECTFUL WHO EVERYONE WHO HAS TO BE HERE PAST 1 OR 2:00 IN THE MORNING BUT AT THE SAME TIME RECOGNIZING THAT THESE PEOPLE SIGNED UP SEQUENTIALLY. SOME OF THEM KNOW EACH OTHER AND SORT OF SEEMS TO BE AN ORGANIZED PRESENTATION IN OPTION BUT OBVIOUSLY A LOT OF INDIVIDUAL CITIZENS HAVE SIGNED UP ALSO WISHING TO SPEAK, AND AT SOME POINT WE RUN OUT OF 30 MINUTES AND THERE ARE SOME FOLKS WHO WILL FEEL

LIKE THEY HAVEN'T HAD A CHANCE TO GIVE US TESTIMONY AND THEIR PERSPECTIVE MAY NOT HAVE BEEN REPRESENTED BY THE PREVIOUS SPEAKERS. COUNCIL MEMBER LEFFINGWELL? LEAF I WAS JUST GOING

LEFFINGWELL: LEAF IF WE COULD GET THE QUESTION RESOLVED OF WHAT THE REQUEST IS FOR POSTPONEMENTS. WE KNOW THERE'S A REQUEST TO POSTPONE TRACT 5. I'VE ALSO HEARD THERE WILL BE A NEIGHBORHOOD REQUEST TO POSTPONE 14 AND 15, IF WE COULD DEAL WITH THAT AND DISPOSE OF THOSE THREE TRACTS OR NOT, THEN IT MIGHT SHORTEN UP THE DISCUSSION ON THE REST OF IT.

MAYOR WYNN: THANK YOU. IF SOMEBODY COULD JUST SPEAK TO WHAT THEY BELIEVE TO BE RELATIVELY ORGANIZED NEIGHBORHOOD REQUEST FOR POSTPONING CERTAIN TRACTS.

PAULETTE CARNE AND I'M THE ZONING JAIL FOR THE ALLANDALE NEIGHBORHOOD ASSOCIATION, AND I DON'T THINK WE'RE GOING TO HAVE 73 SPEAKERS, ACTUALLY. AND WE'VE ALL TRIED TO STREAMLINE AND SHORTEN EVERYTHING WE'RE SAYING. I DON'T KNOW HOW MANY OF THE OTHER NEIGHBORS WISH TO SPEAK, AND THEY'RE CERTAINLY WELCOME TO. THERE ARE FOUR OF US THAT HAVE VERY SHORT THINGS TO SAY. I WILL CLARIFY THAT WE ARE REQUESTING TRACT 5, 14 AND 15 THAT WE HAD DISCUSSED WITH COUNCIL MEMBER MCCRACKEN LAST WEEK TO BE POSTPONED TO WORK ON A TOOL THAT WOULD HELP THE -- HELP ADDRESS THE NEIGHBORHOOD'S CONCERN WITH THESE TRACTS. ALSO, WE WOULD BE WILLING TO -- THE PROPOSAL THAT YOU GOT FROM PLANNING COMMISSION, MOST OF -- MUCH OF THAT WAS PROPOSED BY US TO BEGIN WITH. WE DIDN'T -- WE HAD A LOT OF REVISIONS TO OUR INITIAL APPLICATION WHEN WE WENT INTO PLANNING COMMISSION. SO WE ARE HOPING THAT YOU CAN GO AHEAD AND RATIFY THE EXCLUSION OF THE SHALLOW LOT TRACTS 2, 3 AND 7 THROUGH 10, AND THAT YOU WILL GIVE US THE POSTPONEMENT ON TRACTS 5, 14 AND 15, AND YES, I THINK THAT WOULD STREAMLINE THE PROCESS A LOT. WE ARE PREPARED TO TESTIFY ON TRACT 5, AND THOSE OTHER TRACTS, IF YOU WOULD LIKE US TO AT THIS TIME.

MAYOR WYNN: WELL, SO -- COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: MAYOR, I THINK THAT WE HAVE A GOOD WORKING RELATIONSHIP. PAULETTE AND STEVE SETHNEAR HAVE BEEN -- THE ONE YEAR DESIGN, AND I AM HIGHLY CONFIDENT WE'LL COME UP WITH A CONSENSUS APPROACH ON HOW WE WOULD DEAL WITH CONDITIONAL USE APPLICATIONS FOR VMUS AND LARGE TRACTS. AND SO I THINK IT'S A HELPFUL THING TO GO AHEAD AND POSTPONE 5, 14 AND 15 THIS EVENING AND I REALLY APPRECIATE THE DILIGENCE AND GOOD FAITH OF EVERYBODY FROM ALLANDALE THAT IS PARTICIPATING.

MAYOR WYNN: SO, THEN, WITHOUT OBJECTION, COUNCIL, WITHOUT TAKING ACTION RIGHT NOW AND ASKING FOR A MOTION, IF THERE'S NOT OBJECTION HERE IN A FEW MINUTES TO

WANTING TO POSTPONE ITEMS -- OR TRACT 5, 14 AND 15, THEN WE'LL MAKE THAT EVIDENT TO THE -- TO THE NEIGHBORS, AND SO THEN IF THEY COULD BEGIN THEIR TESTIMONY KNOWING THAT THOSE THREE WILL BE POSTPONED, IT MIGHT STREAMLINE THE TESTIMONY, WE'D GREATLY APPRECIATE THAT.

AND THAT'S MOSTLY WHAT I WAS THINKING TOO, SO I CAN BACK OUT.

MAYOR WYNN: I THANK YOU. WELL, THEN OUR FIRST PERSON THAT'S SIGNED UP TO SPEAK IS ALLEN McMURTRY. AND LET'S SEE, ALLEN, SOME FOLKS WANTING TO DONATE TIME TO YOU. NANCY EDWARDS? IS NANCY IN THE ROOM? HELLO, NANCY. HOW ABOUT RICHARD HEFERMAN? IF YOU NEED IT ALLEN YOU HAVE 9 MIENTS BUT THE GOAL IS TO STREAMLINE. TIME.

TIME MY SPEECH TO THREE MINUTES SO HOPEFULLY THAT WILL DO IT. I'M ALLEN McMURTARY. I'VE OWNED A BUSINESS ON BURNET ROAD SINCE 1988. I SERVED FOR THREE YEARS ON THE CONVERSATION COMMITTEE OF AUSTIN PLAN, AND I SERVED ON THE TECHNICAL ADVISORY COMMITTEE FOR MOPAC. I WAS NOMINATED TO BOTH POSITIONS BY THE CITY COUNCIL. I SERVED TO THREE YEARS ON THE TEXAS DEPARTMENT OF TRANSPORTATION ENVIRONMENTAL COMMITTEE AND I WAS OFFERED A NOMINATION BY FORMER GOVERNOR SMITH AND SERVED IN ONE TWO APPOINTMENTS BY LIEUTENANT GOVERN BOB BULLOCK. I SAY ALL THIS SO YOU MIGHT UNDERSTAND I HAVE A BACKGROUND IN TRANSPORTATION. I HAD A STUDY ON BURNET ROAD CORRIDOR FROM 42ND STREET TO BURNET. I CALCULATED ALL THE COMMERCIAL ZONED AREA ON THAT STRETCH, NOT INCLUDING RETAIL OR OFFICE, BUT GAVE ME A TOTAL SQUARE FOOTAGE OF THE COMMERCIAL AREA. I THEN APPLIED THIS TOTAL TO THE VOTE THAT COUNCIL MADE IN JANUARY OF THIS YEAR REGARDING THE ARDENT PROPERTY AT 5400 BURNET. THE COMMITTED VERTICAL VEHICLE TRIPS PER DAY OM PROPERTY WAS 28 VEHICLE TRIPS PER DAY -- 2800 VEHICLE TRIPS PER DAY. BY APPLYING THAT FIGURE TO THE COMMERCIAL SPACE ON BURNET ROAD I CAME UP WITH 197,000 VEHICLE TRIPS HER DAY. IF THE COUNCIL USES THE SAME STANDARD FOR ARDENT PROPERTY ON THE VMU ON BURNET ROAD YOU'RE GOING TO CREATE A CAPACITY DEFICIT ON THAT -- THE HIGHWAY OF SOMETHING ON THE ORDER OF 500%. SIMPLY PUT, YOU CAN'T PUT THAT MUCH TRAFFIC ON THAT ROAD. FURTHER, I HELPED FUND, ALONG WITH OTHER -- WITH THE NEIGHBORHOOD ASSOCIATION, A TRAFFIC STUDY FOR WAL-MART. INDEPENDENT FIRM OUT OF CALIFORNIA, AND THEY SAID YOU'RE GOING TO HAVE FOUR FAILED INTERSECTIONS AROUND WAL-MART. VMU IS GOING TO DO NOTHING BUT ADD TO THAT IMPACT. KEEP IN MIND THAT THIS TRAFFIC INCREASE, OVER DESIGN CAPACITY THAT ROAD WILL NOT INCREASE MY BUSINESS OR ANY BUSINESS ON BURNET ROAD. IT WILL LIKELY REDUCE IT. WHAT I PROJECT TO HAPPEN IS THE THROUGH TRAFFIC WILL PREDOMINATE, NOT SHOPPERS. PEOPLE WILL AVOID CROWDED ROADWAYS. FOR THAT REASON I SUPPORT THE NEIGHBORHOOD'S THINK THAT VMU SHOULD BE CONCENTRATED AT NORTH LOOP AND BURNET AND ANDERSON BURNET, SO THAT MASS TRANSIT WILL HAVE A CHANCE OF WORKING. IT IS NOT WORKING ON BURNET ROAD RIGHT NOW AT 1.8 PASSENGERS PER MILE. IN THE DISCUSSION IN THE TECHNICAL

ADVISORY COMMITTEE OF MOPAC, WE WERE TOLD BY THE PORTLAND REPRESENTATIVE, IF YOU WANT MASS TRANSIT TO WORK, PUT IT WHERE IT'S ALREADY WORKING. MORE IMPORTANTLY, I'D ALSO LIKE TO POINT OUT WHAT I CONSIDER A KEY FAILURE IN THIS, AND THAT REGARDS A VALID PROPERTY -- A VALID PETITION REGARDING PROPERTY ALONG THIS CORRIDOR. BACK IN JUNE OF LAST YEAR VALID PETITIONS WERE SUBMITTED BY PEOPLE ON WYNONNA, ON NASCO, TWIN OAKS, WHITE HORSE AND DOUGHERTY TO THE LEGAL STAFF AND EVERY CITY COUNCIL MEMBER TELLING THEM ESSENTIALLY THAT THEY HAD NEVER BEEN NOTIFIED OF A ZONING CHANGE ALONG BURNET ROAD THAT WOULD GIVE VALID PETITION RIGHTS TO THE NOW OWNERS OF VMU CONDITIONAL OVERLAY. I HAVE TALKED TO AN ATTORNEY ABOUT THIS, AND HE WAS INCREDULOUS. IF THERE'S ONE THING THAT WE ALL NEED TO LIVE BY, IT'S THE RULE OF LAW. IT'S THE REASON THAT YOU OCCUPY YOUR POSITION ON THE DAIS AND THAT I'M TESTIFYING HERE. IF THE CITY HAS FAILED TO GIVE PROPERTY NOTICE WHEN IT SHOULD HAVE BEEN GIVEN. THE SECTION OF THE CODE GIVING THE RIGHT OF PETITION STILL EXISTS. MY QUESTION TO YOU IS, HOW CAN A PERSON OWNING A PIECE OF PROPERTY ON BURNET ROAD HAVE VALID PETITION RIGHTS WHEN NO NOTICE WAS GIVEN OF THE ZONING CHANGE TO THE PEOPLE WHO BACK UP TO THAT PROPERTY THAT WOULD HAVE CREATED THAT VALID PETITION RIGHTS. NOW, I KNOW THERE'S TWO LAWYERS ON THE COUNCIL, AND I KNOW THERE'S LEGAL STAFF HERE TODAY, AND I THINK IT WOULD BE IMPERATIVE FOR YOU TO TELL THE PEOPLE IN THE AUDIENCE TONIGHT HOW COME AND WHEN THEY LOST THEIR RIGHTS TO VALID PETITION. IT IS NOT THE OWNERS OF THE PROPERTY ON BURNET ROAD THAT SHOULD HAVE THE VALID PETITION RIGHTS. IT'S THE PEOPLE WHO ARE AFFECTED BY THAT ZONING CHANGE. THE OLD COMMERCIAL HAD NO RESIDENTIAL USE IN IT. VERTICAL MIXED USE DOES. I WOULD HOPE THAT THE COUNCIL IN ITS WISDOM WOULD UNDERSTAND THAT THIS IS A DIFFICULTY THAT IS AN IMPEDIMENT TO CLEAR PLANNING AND THAT THE IMPACTS OF THIS ARE EXTREMELY FAR-REACHING. THAT'S ALL I HAVE TO SAY. IF YOU HAVE ANY QUESTIONS I'LL BE GLAD TO ANSWER THEM. THANK YOU,.

MAYOR WYNN: THANK YOU, QUESTIONS FOR HIM? THANK YOU, SIR. LET'S SEE, PAULETTE KERNE WAS THE NEXT PERSON SIGNED UP TO SPEAK WITH A NUMBER OF FOLKS DONATING TIME TO PAULETTE.

MAYOR WYNN: THEN TOM LESS THAN LENIHAN? WELCOME BACK, TOM. AND A NUMBER OF FOLKS OFFERED TO DONATE TIME SO YOU WOULD HAVE UP TO 15 MINUTES OF TESTIMONY, PRESUMING THAT THEY ARE HERE IN THE AUDIENCE, BUT DO YOU BELIEVE YOU COULD MAKE THAT MORE PRECISE?

I THINK I CAN GET IT -- IF I GO THROUGH IT FASTER THAN 15 MINUTES. I HAD A PRESENTATION, IF YOU CAN BRING THAT UP, POWERPOINT.

MAYOR WYNN: BEFORE WE START, IS RICHARD MARTIN HERE? HELLO, RICHARD, WELCOME. HOW ABOUT IS SUZANNE WHITEWORTH. SUZANNE, WELCOME. LINDA HARDY HELLO, AND

SHERYL NOVAK, SO YES, TOM, YOU WOULD HAVE UP TO 15 MINUTES IF YOU NEED IT.

THERE WE GO. MY NAME IS TOM LINNY, PRESIDENT OF ALLANDALE NEIGHBORHOOD ASSOCIATION. I'M GOING TO TRY AND SKI THROUGH THIS KNOWING THAT WE'VE ALREADY -- ONE OF THE THINGS THAT WE WANTED TO ACCOMPLISH WAS DEFERRING A DECISION ON THE TRACTS THAT WE MENTIONED BELOW. BUT ANYWAY, LET ME FIRST START OUT BY SAYING ALLANDALE SPENT A LOT OF TIME, EFFORT, RESOURCES, SOME CASES GOODWILL IN WORKING ON THIS VMU. WE'VE HAD A LOT OF PEOPLE INVOLVED. WE'VE HAD A TASK FORCE GOING THROUGH THIS FOR THE LAST YEAR AND A HALF. WE'VE HAD DISCUSSIONS WITH CITY STAFF, COUNCIL MEMBERS, PLANNING COMMISSION MEMBERS, GROUP MEETINGS, PETITIONS IN THE NEIGHBORHOOD, ET CETERA, AND THE REASON WHY I BRING ALL THAT UP, AS YOU CAN SEE FROM THE TURNOUT, EVERYBODY WEARING A YELLOW STICKER, THERE'S A LOT OF INTEREST IN VMU AND THE DECISIONS MADE ABOUT VMU IN OUR NEIGHBORHOOD, AND THAT MEANS BECAUSE WE THINK THAT'S VERY IMPORTANT, NOT ONLY TO THE SINGLE-FAMILY RESIDENCES THAT ARE INSIDE THIS TRANSPORTATION AREA - - OR TRANSIT AREA, BUT ALSO TO THE CHARACTER OF THE NEIGHBORHOOD. SO I JUST WANT TO -- AGAIN, WANT TO POINT OUT, WE'VE GIVEN IT A LOT OF THOUGHT. FUNDAMENTALLY WE BELIEVE WE CAN GET TO THE DENSITY GOALS THAT THE CITY IS AFTER WITH VMU WITHOUT ZONING ALL THE COMMERCIAL PROPERTY ALONG BURNET AND ANDERSON VMU. THAT'S KIND OF WHERE -- WHERE WE'RE STARTING FROM. IDEALLY RESIDENTIAL DENSITY ALONG BURNET AND ANDERSON WE'VE CONCENTRATED AT TWO NODES, NORTH LOOP AND ANDERSON. THE FOLLOWING PROPERTIES ARE TOP PRIORITIES. I MEAN, I THINK CITY STAFF, WHEN ORIGINALLY TALKED ABOUT THE ORIGINAL APPLICATION, BUT SINCE THAT TIME WE SAID HERE'S WHAT OUR PRIORITIES ARE, AND WE'VE ALREADY TALKED ABOUT SOME OF THESE, BUT I WANTED TO POINT OUT TRACTS 2 AND 3, TRACTS 7 THROUGH 10. THOSE ARE SHALLOW LOTS, AND THOUGH ARE ONES WHERE I ASKED THEM TO BE EXCLUDED. TRACTS 5, 14 AND 15, AGAIN, ALL THOSE WE THINK NEED MORE ATTENTION, AND WE THINK WE'VE GOT AN AGREEMENT FROM THE PROPERTY OWNER ON 6400 BURNET ROAD TO GIVE US TIME TO WORK THROUGH THAT. SO WE'VE ALREADY TALKED ABOUT THAT. LET ME GIVE YOU A LITTLE BACKGROUND. THERE WE GO. ON OUR REASONING BEHIND SOME OF THIS, OUR LOGIC BEHIND THIS. OUR SELECTION OF THE PROPERTIES FOR INCLUSION ARE DRIVEN BY THE FOLLOWING. VMU ALONG SHALLOW LOTS NEXT TO SINGLE-FAMILY RESIDENCES IS AN INEFFICIENT APPROACH TO INCREASING DENSITY. ITS GREATEST HARM, LEAST GAIN. IF YOU LOOK AT THESE LOTS WE'RE TALKING ABOUT, HAVING EXCLUDED THEY MAKE UP 17 -- A LITTLE OVER 17 ACRES OUT OF THE 120 ACRES TOTAL. SO THEY'RE GOING TO HAVE A BIG IMPACT ON THE SINGLE-FAMILY RESIDENCES BUT NOT A BIG IMPACT IN TERMS OF INCREASING DENSITY. IMPACT ON INDEPENDENT BUSINESSES. VMU ON THE SHALLOW LOTS ALONG BURNET ROAD WILL TRANSLATE INTO HIGHER RENTS AND DRIVE OUT EXISTING BUSINESSES. WE ALREADY HEARD FROM ONE OF THOSE BUSINESSES JUST BEFORE I CAME OUT. QUARTER OF VMU ALONG BURNET AND AND SOND WILL FURTHER INCREASE TRAFFIC AND DECREASE THE CITY'S ABILITY TO MEET WATER, SEWER AND ELECTRICITY DEMANDS. WE ALSO BELIEVE

THE GOAL SHOULD BE TO CONCENTRATE DENSITY AT TOWN CENTERS THAT SERVE AT TRUE LIVE-WORK PLAY CENTERS THAT ALSO MAKE FOR VIABLE TRANSPORTATION NODES. WE HAVE A -- WE ALSO HAVE SERIOUS RESERVATIONS ABOUT HIGH DENSITY, REDEVELOPMENT ON ANY PROPERTY THAT IS IMMEDIATELY BOUNDED BY SF-2 HOMES. LET ME -- A COUPLE OF SLIDES HERE JUST TO MAKE THE POINT, IMPACT ON INDEPENDENT BUSINESSES, TAKING AWAY FROM THE CHARACTER OF THE NEIGHBORHOOD, THIS SLIDE KIND OF SPEAKS TO THAT. IMPACT ON INFRASTRUCTURE AND THE ABILITY TO MEET THAT. THIS IS CURRENTLY ONE OF THE STREETS ALONG -- IN OUR NEIGHBORHOOD THAT IS IMPACTED BY FLOODING, AND THIS IS JUST A STREET, WHITE ROCK, THAT FLOODING WE BELIEVE -- WE DO NOT BELIEVE, WE KNOW IS THE RESULT OF ALMOST 100% IMPERVIOUS COVER COMING FROM THE 6400 BURNET ROAD TRACT. SO -- AND AGAIN, THIS ONE SPEAKS TO IMPACT OF VMU ON SHALLOW LOTS, AND SOME OF THE POINTS THAT I HAD ALREADY BROUGHT UP. AND FINALLY, I'M GOING TO -- WE'RE GOING TO HAVE KATIE HANSON COME AND -- WELL, ACTUALLY IT MAY NOT BE -- IT MAY BE A MOOT POINT NOW SINCE WE'RE GOING TO WAIT ON A DEFERRAL, BUT THIS IS THE TRACT PROPERTY WE'VE TALKED ABOUT ALREADY. SO AGAIN, TO CONCLUDE WHAT WE'RE ASKING FOR TONIGHT IS TRACTS -- EXCLUDING TRACTS 2 AND 3 AND TRACTS 7 THROUGH 10, AND I THINK THAT'S IT FOR MY PRESENTATION.

MAYOR WYNN: THANK YOU.

ANY QUESTIONS?

MAYOR WYNN: QUESTIONS FOR MR. LENIHAN, COUNCIL? THANK YOU, TOM. [APPLAUSE]

MAYOR WYNN: WAS YOUR TESTIMONY ABOUT TRACT 5?

IT'S ABOUT TRACT 5 AND JUST A COUPLE GENERAL --

YOU CAN GIVE US GENERAL COMMENTS BUT WE'RE POSTPONING THAT. WE HAVE LOTS OF YOUR CITIZENS, FELLOW CITIZENS AND NEIGHBORS THAT HAVE TO CATCH PUBLIC TRANSPORTATION AND THEY WANT TO GIVE US TESTIMONY ON THINGS THAT ARE VERY IMPORTANT TO THEM AS WELL. SO IF YOU ALREADY KNOW THAT WE'RE GOING TO POSTPONE ACTION OF AN ITEM, I WOULD GREATLY APPRECIATE YOU NOT GIVING US TESTIMONY TONIGHT MAKING PEOPLE WAIT LENGTHY -- EVEN THOUGH YOU KNOW IT'S ALREADY GOING TO BE POSTPONED. THANK YOU.

NO, I HAVE NO INTENTION OF THAT. WHAT I WANTED TO -- I WANTED TO. OUT ONE OF THE THINGS TOM SAID, AND THAT OUR APPLICATION IS SOMETHING THAT WE PRESENTED TO THE PLANNING COMMISSION. IT WAS VERY, VERY DIFFERENT FROM WHAT WE SENT IN. AND SO THAT WASN'T NECESSARILY SOMETHING THE PLANNING COMMISSION DID TO US. SO WE [INDISCERNIBLE] 6 ON 0% OF THE PROPERTIES AND ALLANDALE HAS MORE VMU THAN ANY OTHER NEIGHBORHOOD. SO WE DROPPED IT TO A SIGNIFICANT AMOUNT OF THE



PROPERTIES IN THE NEIGHBORHOOD AND IN EXCHANGE WE'RE KIND OF ASKING FOR THESE TRACTS THAT HAVE SOME UNIQUE CHARACTERISTICS. I APPRECIATE YOUR SUPPORT IN GIVING THIS A 30-DAY POSTPONEMENT ON TRACT 5.

MAYOR WYNN: THANK YOU. [APPLAUSE]

MAYOR WYNN: SO THERE'S STILL, YOU KNOW, INDIVIDUALS WHO HAD SIGNED UP WISHING TO GIVE US TESTIMONY. I'M NOT SURE WHETHER BETWEEN PAULETTE AND TOM AND KATIE THAT HAS BEEN ACCOMPLISHED OR NOT. SO IS THERE ANYBODY HERE WHO STILL WOULD LIKE TO GIVE US TESTIMONY ON THE ALLANDALE NEIGHBORHOOD PLANNING AREA VMU OPT-IN/OPT-OUT? WE GREATLY APPRECIATE THE FACT THAT YOU CLEARLY HAVE CARVED HALF AN HOUR OR MORE, PERHAPS, OFF OF WHAT WOULD HAVE BEEN THE TOTAL TESTIMONY. SO THANK YOU ALL. QUESTIONS, COUNCIL? COMMENTS? COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: MOTION -- QUESTION TO CONSOLIDATED MOTION ON NUMBERS 1, 2, 3 AND 6. OBVIOUSLY INCLUDING THE POSTPONEMENTS ON 5, 14 AND 15, BUT JUST PROCEDURALLY.

CERTAINLY, COUNCIL MEMBER.

AND I JUST WANT TO SAY, EVERYBODY FROM ALLANDALE, YOUR TEAM HAS BEEN DOING AN AWESOME JOB ON FRIDAY AFTERNOONS. WE'VE BEEN HAVING -- WE'RE HAVING NEIGHBORHOODS MEETINGS FOR MONDAY NIGHT THE 23RD AT CITY HALL. WE HAVE ANOTHER ONE A COUPLE WEEKS AFTER THAT TO LOOK AT NEIGHBORHOOD NEGOTIATING TOOLKIT OPPORTUNITIES. BUT I'M VERY CONFIDENT THAT WE'RE GOING TO COME OUT WITH SOME GOOD -- GOOD SOLUTIONS. ALREADY STEVE SETHNER HAS COME UP WITH IDEAS THAT WON BROAD SUPPORT AMONG STAKEHOLDERS, REAL ESTATE REPRESENTATIVES AND PLANNERS. SO YOU'RE YOUR INVOLVEMENT IS MAKING A BIG DIFFERENCE. WE APPRECIATE IT. I'LL MAKE THE FOLLOWING MOTION, MAYOR, AND THAT IS TO -- FOR ITEMS 1, 2, 3 AND 6, TO APPROVE THE PLANNING COMMISSION RECOMMENDATION WITH THE EXCEPTION OF POSTPONING UNTIL JULY 24 TRACTS -- CONSIDERATION OF TRACTS 5, 14 AND 15.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MCCRACKEN, SECONDED BY COUNCIL MEMBER COAL.

MCCRACKEN: IT WAS ON FIRST READING ONLY.

MAYOR WYNN: FIRST READING ONLY. DOES THAT MOTION MAKE SENSE TO YOU?

YES.

MAYOR WYNN: COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: SO COULD YOU GO OVER AGAIN WHAT THE PLANNING COMMISSION RECOMMENDATION IS AND WHAT THE NEIGHBORHOOD RECOMMENDATION IS ON THE OPT OUT?

COUNCIL MEMBER, I THINK -- AND I'LL GO THROUGH THIS IN MORE DETAIL IN JUST A MINUTE. WHAT I THINK I'M HEARING FROM THE NEIGHBORHOOD IS THEIR REVISED RECOMMENDATION IS CONSISTENT WITH THE PLANNING COMMISSION RECOMMENDATION, ASSUMING THAT YOU TAKE ACTION TO POSTPONE THOSE THREE TRACTS. BUT THE SPECIFICS OF THAT WAS TO AMEND THE BOUNDARIES OF THE VMU OVERLAY DISTRICT TO EXCLUDE TRACTS 2, 3 AND 7 THROUGH 10, APPLY ALL OF THE VMU STANDARDS TO TRACTS 1, 4, 6, 11, 12 AND 13, AND THEN POSTPONE ACTION ON TRACTS 5, 14 AND 15, AND THEN THE AFFORDABILITY LEVEL WOULD BE 80% OF MFI FOR THOSE UNITS THAT ARE SUBJECT TO IT.

LEFFINGWELL: I WOULD LIKE TO MAKE A SUBSTITUTE MOTION TO APPROVE ON FIRST READING, CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING THE PLANNING COMMISSION RECOMMENDATION WITH THE EXCEPTION OF POSTPONEMENT OF 5, 14 AND 15.

MAYOR WYNN: I THINK THAT'S --

MCCRACKEN: THAT'S MY MOTION, ACTUALLY.

LEFFINGWELL: I COPIED DOWN 1, 2, 3 AND 6, AND MAYBE I MISUNDERSTOOD YOU.

MCCRACKEN: ON THIS MOTION SHEET RIGHT HERE.

LEFFINGWELL: OH, SORRY.

MAYOR WYNN: MOTIONS 1, 2, 3 AND 6.

MCCRACKEN: WE NOW HAVE A THIRD.

LEFFINGWELL: OKAY. SO WE HAVE A THIRD. YEAH.

MAYOR WYNN: FURTHER COMMENTS ON THE MOTION, FIRST READING ONLY, INCLUDING THE POSTPONEMENT ON TRACTS 5, 14 AND 15? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU ALL VERY MUCH AND FOR YOUR PATIENCE. SO COUNCIL, WITHOUT OBJECTION, WE'VE NOW GONE THROUGH OUR ZONING CASES, I BELIEVE, MR. GUERNSEY -- OR MR. ADAMS. THAT LEAVES US WITH OUR EIGHT PUBLIC HEARINGS. QUICKLY I THINK WE CAN AT LEAST POSTPONE -- I BELIEVE STAFF IS PREPARED TO POSTPONE ITEM -- CASE 95 REGARDING THE VMU CURE ORDINANCE/AMENDMENT POSSIBILITY. SO UNLESS I HEAR OTHERWISE, ITEM NO. 95 CAN BE POSTPONED TO JULY 24, 2008.

CORRECT.

I'LL ENTERTAIN THAT MOTION.

MAYOR WYNN: MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCIL MEMBER COLE, TO POSTPONE ITEM 95 TO JULY 24, 2008. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. SO COUNCIL WE HAVE THREE PUBLIC HEARINGS THAT WILL HAVE LENGTHY CITIZEN TESTIMONY, AND WE HAVE THREE THAT HAVE LIMITED, JUST A HALF DOZEN OR SO. I THINK THERE ARE TWO, PERHAPS A THIRD, WHERE WE HAVE NO SPEAKERS, SO WE CAN -- WE CAN GET THOSE DONE AND GET THE HANDFUL OF PEOPLE WHO ARE HERE IN SUPPORT, NOT WILLING -- NOT NEEDING TO SPEAK AND STAFF HOME BY TAKING UP, I THINK, 96, 97 AND MAYBE 98 VERY QUICKLY, AND THEN WITHOUT OBJECTION I'D LIKE TO GO BACK AND SLIGHTLY OUT OF ORDER TAKE UP ITEM NO. 94, OUR VISITABILITY PUBLIC HEARING IN ORDER FOR SOME FOLKS TO GET BACK AND CATCH MASS TRANSIT BEFORE THEY LOSE THAT OPPORTUNITY. SO WITH THAT, STAFF, I BELIEVE ITEM NO. 96 WITH NO SPEAKERS, BRIEF STAFF PRESENTATION, AND WE CAN SEND SOME PEOPLE HOME.

GOOD EVENING, MAYOR AND COUNCIL. I'M MARK WALTERS, CITY OF AUSTIN NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT, AND AGENDA ITEM 96 IS CODE AMENDMENT, C 2007006 AND IT'S A CONTINUATION OF A PUBLIC HEARING FROM THE LAST COUNCIL MEMBER. ONE OF THE -- ON MARCH 8 -- MAY 2222 COUNCIL MEETING AND AT THAT TIME THERE WAS A DISCUSSION OF AMENDING THE UNO, UNIVERSITY NEIGHBORHOOD OVERLAY AND THERE WAS SOME CONCERN AND DISCUSSION RELATING TO A HOTEL DISTRICT THAT WOULD EXTEND ALONG PORTIONS OF MLK AND GUADALUPE STREET. AND SUBSEQUENT TO THAT MEETING IT APPEARS THAT REPRESENTATIVES FROM THE UNIVERSITY AREA PARTNERS WERE ABLE TO WORK OUT AN AGREEMENT, WHICH I THINK WAS SENT TO BOTH -- TO YOU AND YOUR AIDES FROM MR. MIKE McCONE RELATING TO THE SPECIFICS OF THAT, AND ALTHOUGH WE CAN -- CAN'T NECESSARILY TAKE THE INFORMATION AS IT'S WRITTEN HERE, WE CAN TAKE THE SPECIFICS AND INCORPORATE THAT INTO AN ORDINANCE, WE JUST CAN'T PLUG AND PLAY. THIS HAS TO GO THROUGH THE LAW DEPARTMENT BEFORE IT CAN BE INCLUDED IN THE OVERLAY. SO WE'RE PREPARED TO

-- IF IT IS YOUR PLEASURE, TO ACCEPT ON FIRST READING WHAT HAS BEEN GIVEN IN BACKUP, INSTRUCTIONS OF STAFF TO TAKE A LOOK AT THIS AND SEE HOW WE CAN INCORPORATE THAT FOR A SECOND AND THIRD READING LATER ON. AND I CAN GO BACK AND UPDATE THE COUNCIL WHAT THE SPECIFICS TO THE UNO OVERLAY, OTHER THAN THE HOTEL DISTRICT, IF THAT'S -- IF THEY WOULD LIKE TO HEAR THAT. BUT OTHER THAN THAT THAT'S THE END OF MY PRESENTATION. IF YOU HAVE ANY QUESTIONS --

MAYOR WYNN: THANK YOU, MR. WALTERS. QUESTIONS FOR STAFF, COUNCIL? AGAIN, WE HAVE NO CITIZENS SIGNED UP ACCORDINGLY. SO MAYOR PRO TEM MOVES TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY WHAT WE HAD POSTED AS BACKUP AND INSTRUCTING STAFF TO INCORPORATE APPROPRIATELY INTO THE ORDINANCE THE COMPROMISE THAT WAS STRUCK BETWEEN THE PARTIES. SECONDED BY ME. ALL IN FAVOR, PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. MAYOR PRO TEM, WOULD YOU CONSIDER A FRIENDLY AMENDMENT TO NOT CLOSE THE PUBLIC HEARING, OKAY, AS I WENT AYE. SO WE'RE NOT GOING TO PASS ANYTHING ON FIRST READING WITH THE PUBLIC HEARING STILL OPEN, ARE WE? CAN WE DO THAT?

YES.

MAYOR WYNN: SO WE HAVE A MOTION TO APPROVE ON FIRST READING WITH FURTHER DIRECTION OF STAFF. FURTHER COMMENTS. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU.

MAYOR WYNN: ITEM NO. 97 ALSO WILL NOT HAVE ANY SPEAKERS.

GREG GUERNSEY, NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. ITEM 97 IS CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE AMENDING CHAPTER 25-2 OF THE CITY CODE RELATING TO THE EAST SIXTH STREET PECAN STREET OVERLAY. PS OVERLAY. AS YOU MAY RECALL THIS CAME UP ON AN EARLIER AGENDA AND WE WERE NOW POSTED TO CONSIDER THE PLANNING COMMISSION'S RECOMMENDATION. THERE HAS BEEN SOME AGREEMENT WITH PROPERTY OWNERS AND THE HERITAGE SOCIETY OF AUSTIN REGARDING THE PLANNING COMMISSION RECOMMENDATION, AND SO I CAN OFFER THAT TO YOU FOR YOUR APPROVAL THIS EVENING. THE ORDINANCE WOULD MAKE A PROVISION

THAT EXCEPT AS OTHERWISE PROVIDED IN THIS DISTRICT, A BUILDING CAN'T EXCEED A HEIGHT OF 45 FEET FOR A STRUCTURE LOCATED BETWEEN THE EXTENSION EAST SIDE PARALLEL TO EAST SIXTH STREET AND GOING WEST TO TO THE WESTERN BOUNDARY OF THIS TRACT. AND AN EXTERIOR SIGN MUST COMPLY WITH THE STANDARDS ADOPTED BY THE LANDMARK COMMISSION FOR THE SIXTH STREET HISTORIC DISTRICT, AND THIS ORDINANCE IS IN YOUR BACKUP. AND SO IF YOU'D LIKE TO CONSIDER THAT -- THAT PLANNING COMMISSION RECOMMENDATION, JUST COVERING BRIEFLY THOSE POINTS THAT I'VE OUTLINED, WE CAN HAVE THIS ON THREE READINGS THIS EVENING.

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

LEFFINGWELL: THERE ARE NO SPEAKERS?

MAYOR WYNN: THERE ARE NO SPEAKERS. IF THERE ARE QUESTIONS WE HAVE REPRESENTATIVES FROM BOTH THE HERITAGE SOCIETY AND THE PECAN STREET ASSOCIATION, BOTH IN FAVOR.

LEFFINGWELL: I'M READY TO MAKE A MOTION TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS THE PLANNING COMMISSION RECOMMENDATION.

MAYOR WYNN: MOTION BY COUNCIL MEMBER LEFFINGWELL, SECONDED BY THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND APPROVE THIS ITEM 97 ON ALL THREE READINGS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU, MAYOR AND COUNCIL.

MAYOR WYNN: I WAS HOPING ON ITEM NO. 98 WE WEREN'T GOING TO HAVE MUCH OF A HEARING BUT NOW WE HAVE A BUNCH OF FOLKS SIGNING UP WISHING TO SPEAK, SO SORRY TO TELL YOU THIS. WE'RE GOING TO PUT YOU-ALL BEHIND -- THANK YOU, BECAUSE A LOT OF PEOPLE SIGNED UP FOR THAT ONE. WE'LL TAKE THAT ONE SEQUENTIALLY BUT AFTER HE WE TAKE UP PUBLIC HEARING NO. NO. 94 RELATED TO WHAT'S COMMONLY REFERRED TO VISITABILITY. PERHAPS A BRIEF STAFF PRESENTATION BEFORE WE THEN TAKE COMMENTS.

EVENING, MAYOR AND COUNCIL. MY NAME IS LEON BARBER. I'M THE BUILDING OFFICIAL. DEVELOPMENT REVIEW DEPARTMENT. ITEM 9 # 4 IS A PROPOSED ORDINANCE THAT WOULD IMPLEMENT VISITABILITY REQUIREMENTS CITY-WIDE. THIS WOULD INCLUDE SINGLE-FAMILY AND TWO FAMILY RESIDENCES, NEW CONSTRUCTION. I DO HAVE A SLIDE PRESENTATION FOR YOU, 94. VISITABILITY REQUIREMENTS, NEXT SLIDE, PLEASE. THE PURPOSE IS -- THIS IS

FOR PEOPLE THAT USE WHEELCHAIRS, CAIFNS OR CAULKERS THAT CAN LIVE IN OR VISIT THE FIRST FLOOR OF A HOME. PROVIDES A DISABLED PERSON A WAY TO REACH THE HOME FROM A DRIVEWAY OR A PARKING SPOT OUT IN THE PUBLIC RIGHT-OF-WAY. THE IMPACT OF THIS PARTICULAR PROPOSED ORDINANCE IS THAT IT'S CURRENTLY REQUIRED FOR SMART HOUSING ONLY TODAY. THIS WOULD IMPACT THE CITY, ALL NEW CONSTRUCTION CITYWIDE, SINGLE-FAMILY AND TWO FAMILY CONSTRUCTION. THE EFFECTIVE DATE THAT WE'VE PROPOSED IS JANUARY 1 OF 2009. JUST TO LET YOU KNOW, WHEN WE ADOPTED THE 2006 INTERNATIONAL RESIDENTIAL CODE IN JANUARY, THESE WERE SOME OF THE REQUIREMENTS THAT WE HAD BEFORE THEY WERE INCLUDED IN THAT 2006 ADOPTION CODE THAT WE STARTED USING IN JANUARY OF THIS YEAR. THAT INCLUDES THE MAXIMUM 1 1/2 INCH ON THE HEIGHT, BETWEEN THE TOP OF THE THRESHOLD AND THE DOOR, INCLUDED A MAXIMUM LANDING CROSS OF 2% AND INCLUDED THE SLOPES AND REQUIREMENTS THAT ARE REQUIRED BY THE TEXAS ACCESSIBILITY STANDARDS FOR RAMPS, AND ALSO INCLUDED A HALLWAY MINIMUM WITH 3 FEET. THOSE ALREADY EXIST TODAY IN OUR BUILDING CODES. THE PROPOSED AMENDMENTS TO THE 2000 IRC WILL INCLUDE MINIMUM DOOR WIDTH OF 32 INCHES FOR AT LEAST ONE FIRST FLOOR ENTRY, MINIMUM WIDTH FOR FIRST FLOOR DOORS, LABEL HANDLE HARDWARE, BLOCKING BEHIND THE BATH ON FIRST FLOOR BATHROOM SO THAT GRAB BARS CAN BE INSTALLED IN THE FUTURE. MAX HEIGHT OF 48 INCHES FOR SWITCHES, THERMOSTATS AND ELECTRICAL DISCONNECTS. MINIMUM HEIGHT OF 15 INCHES FOR ELECTRICAL RECEPTACLES AND PLUGS. I DID NOTICE THAT I LEFT OFF THERE IT ALSO INCLUDE A NO STEP ENTRY FROM YOUR DRIVEWAYS. THERE ARE SOME EXCEPTIONS. THERE IS -- THIS IS WHAT WE CALL THE ALLEY EXCEPTION THAT'S USED PRIMARILY IN THE [INDISCERNIBLE] AREA. AND YOU'LL NOTICE THE REQUIREMENTS THERE. HAS TO BE A CORNER LOT. COULD BE PARKING FROM THE REAR ALLEY, MAXIMUM GRADE OF 10%. AND IT'S LIMITED TO 5% OF THE LOTS. WE ALSO HAVE THE HISTORIC DISTRICT EXEMPTION, AND THIS AGAIN ALSO HAS TO MEET 10% SLOPE, PRECONSTRUCTION, POST-CONSTRUCTION, REQUIREMENTS TO BE EXEMPT FROM A NO STEP ENTRY. ALSO HAS TO HAVE A MINIMUM LOT OF 3600 SQUARE FEET. ANY QUESTIONS?

MAYOR WYNN: QUESTIONS OF STAFF, COUNCIL? COMMENTS? MAYOR PRO TEM?

DUNKERLEY: I REALLY WANT TO THANK YOU, MR. BARBER, FOR WORKING ON THIS. LET ME TAKE THIS OFF. WE'VE HAD SOME DIFFICULTY GETTING CONSENSUS ON ALL OF THESE ITEMS, AS YOU KNOW, AND WE'RE NOT GOING TO BE ABLE TO GET CONSENSUS ON ALL OF THEM TONIGHT. SO I'M -- AND I'M REALLY -- REALLY -- I MEAN, WE'RE ALL REALLY SORRY ABOUT THAT, BUT IT JUST ISN'T THERE YET. BUT I WOULD LIKE TO POINT OUT TO YOU, AND YOU KNOW THIS, AS YOU SAID, SOME OF THE VISITABILITY REQUIREMENTS ARE ALREADY IN OUR CODE, AND IT LOOKS TO ME LIKE WE'RE JUST MAYBE GOING TO HAVE TO DO THE REST OF THE CHANGES ON AN INCREMENTAL BASIS. SO I'LL BE OFFERING SOME AMENDMENTS LATER TO ADD THE TWO ELEMENTS THAT WE HAVE A CONSENSUS ON, AND THEN I WILL REQUEST YOU TO GO BACK TO THE STAKEHOLDERS AND SEE IF YOU CAN'T DEVELOP A VERY STRONG VOLUNTARY INCENTIVE PACKAGE WITH INCENTIVES THAT ARE ENOUGH OF A CARROT TO GET PEOPLE INTERESTED IN COMPLYING WITH TOTAL VISITABILITY

REQUIREMENTS, AND YOU COULD USE THINGS LIKE [INDISCERNIBLE] OR MAYBE INCREASES IN IMPERVIOUS COVER OR SOMETHING ELSE OF THAT ITEM, BUT I WOULD LIKE TO HAVE CERTAINLY THE COMMUNITY THAT'S MOST AFFECTED BY THIS ORDINANCE AT LEAST ON A PERSONAL BASIS TO BE THERE, AS WELL AS THE HOME BUILDERS. I DO THINK THAT OVERALL THERE IS A TREND IN THIS COUNTRY THAT -- WHERE IT MAKES SENSE TO HAVE HOMES COMPLETELY VISITABLE, AND I'M HOPING THAT THE BUYERS OF HOMES AS WELL AS THE BUILDERS OF HOMES WILL COME TO REALIZE THAT SOON AND HELP US GET THERE. A FEW YEARS AGO THE ENVIRONMENTAL ISSUES WERE NOT PROMINENT, AND NOW THEY'RE A PART OF OUR CULTURE. THE -- AND HOPEFULLY IN THE SHORT-TERM THE VISITABILITY REQUIREMENTS WILL FALL INTO THAT CATEGORY AS WELL. SO I DON'T GUESS I HAVE ANY QUESTIONS, BUT -- OTHER THAN TO SAY IS THIS WHAT YOU EXPECT TO HAVE THESE AMENDMENTS DONE WHEN THE MOTION COMES FORWARD, WHAT WE TALKED ABOUT?

YES, IT IS.

DUNKERLEY: OKAY.

MAYOR WYNN: THANK YOU, MAYOR PRO TEM. FURTHER QUESTIONS OF STAFF OR COMMENTS BEFORE WE TAKE OUR PUBLIC TESTIMONY? IF NOT, THEN WE'LL GO TO FOLKS WHO SIGNED UP WISHING TO GIVE US TESTIMONY IN THIS PUBLIC HEARING NO. 94 REGARDING THE CONCEPT OF VISITABILITY. OUR FIRST SPEAKER IS DAVID WITTY. I SAW DAVID EARLIER SOMEWHERE. WELCOME, DAVID. YOU'LL HAVE THREE MINUTES TO BE FOLLOWED BY BRICEON SMITH.

I'D LIKE TO RELINQUISH MY TIME TO GIVE A FAIR REPRESENTATION FROM OUR COALITION. SINCE WE'RE LIMITED TO 30 MINUTES TOTAL. -- IS MY UNDERSTANDING CORRECT?

MAYOR WYNN: WE APPRECIATE ANYBODY OFFERING TO LIMIT TIME. IF EVERYBODY SIGNED UP WISHING TO GIVE US TESTIMONY DID SO, IT WOULD BE WELL OVER A HUNDRED MINUTES, AN HOUR AND 45 MINUTES.

THEN I'LL RELINQUISH MY TIME TO GIVE FAIR REPRESENTATION FROM OUR COALITION.

THANK YOU.

MAYOR WYNN: THANK YOU. WE HAVE 36 CITIZENS WHO SIGNED UP WISHING TO SPEAK, 34 IN FAVOR, TWO IN OPPOSITION. SO FOLKS IN FAVOR, LIKE DAVID, IF YOU WANT TO GIVE UP YOUR TIME OR FOR WHATEVER REASON WE MAY NOT GET TO THEM, WE WILL NOTE ALL OF THAT FOR THE RECORD. THANKS, DAVID. LIES SEE, BRYSON SMITH ALSO SIGNED UP WISHING TO SPEAK. WELCOME, BRYSON. YOU'LL HAVE THREE MINUTES TO BE FOLLOWED BY JEFF GARRISON TATE.

I'M BRYSON SMITH. I WAS GOING TO DONATE MY TIME TO A FILM BUT I'LL GIVE YOU A

REALLY QUICK STORY. WHEN MY FAMILY MOVED HERE, MY DAD GOT A JOB IN AUSTIN, AND HE TOOK THE JOB AND MOVED UP HERE. HE WENT TO WORK EVERY DAY 8:00 TO 5:00, AND FOR SIX MONTHS HE WENT AROUND TRYING TO FIND A PLACE THAT I COULD GET INTO. I WASN'T WALKING AT THE TIME. I WAS IN A STROLLER AND THEY DIDN'T KNOW IF I'D EVER WALK. IT TOOK THEM SIX MONTHS TO FIND A PLACE. AND THAT WAS QUITE A WHILE AGO. I JUST WANTED TO LET YOU KNOW THE EXTENT TO WHAT SOME PEOPLE HAVE TO GO THROUGH TO FIND VISITABILITY. THAT'S ALL. THANKS.

MAYOR WYNN: THANK YOU, MR. SMITH. JEFF GARRISON TATE? WELCOME, MR. GARRISON TATE. YOU'LL BE FOLLOWED BY RON LUCEY.

VERY BRIEFLY, I UNDERSTAND THAT THERE ARE TIME CONSTRAINTS. MY NAME IS JEFF GARRISON TATE. I'M WITH COMMUNITY NOW. WE ARE A NONPROFIT ORGANIZATION THAT IS PASSIONATELY COMMITTED TO PROMOTING INCLUSIVE COMMUNITIES TO ALL PEOPLE WHO ARE OFTEN MARGINALIZED BY DISABILITY. I WANT TO START OFF BY TELLING EVERYONE THAT I RECENTLY RECEIVED MY AARP CARD IN THE MAIL. I DIDN'T EXPECT IT AND REALLY DIDN'T KNOW IF I WANTED IT, BUT IT SET A TIMER GOING FOR ME THAT FORCED ME TO RECOGNIZE -- FORCED ME TO RECOGNIZE THAT WE ARE ALL AGING AND DISABILITY IS THE ONLY MINORITY GROUP THAT YOU CAN FALL INTO AT ANY DAY. AND IT'S IMPORTANT THAT WE RECOGNIZE THE BABY BOOMERS ARE AGING AND THAT WE MUST PREPARE FOR IT. SO THAT'S ONE POINT. THE OTHER POINT IS THAT AUSTIN IS KNOWN FAR AND WIDE AS BEING AN INCLUSIVE COMMUNITY. I THINK THAT EACH OF YOU IN MANY WAYS TAKE PRIDE IN THAT. THIS IS ABOUT FUNDAMENTAL INCLUSION FOR ALL PEOPLE, FOR PEOPLE TO BE ABLE TO VISIT THEIR FRIENDS, AND IT'S ABOUT SETTING THE STANDARD THAT WILL CONTINUE TO SEND A STRONG MESSAGE OF INCLUSION AND ENSURING THAT ALL PEOPLE HAVE AN OPPORTUNITY TO BE A PART OF THEIR COMMUNITY. THANK YOU.

MAYOR WYNN: THANK YOU, JEFF. WELCOME, MR. LUCY. YOU'LL BE FOLLOWED BY JENNIFER MACPHAIL.

GOOD EVENING, MAYOR AND CITY COUNCIL. MY NAME IS RON LEWIS. I CHAIR THE AUSTIN MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES. WE'RE A CITY COMMISSION THAT REPRESENTS MORE THAN 60,000 CITIZENS WITH DISABILITIES LIVING HERE IN AUSTIN. I'M HERE TONIGHT TO FULLY SUPPORT THE VISITABILITY ORDINANCE, ALL OF ITS STANDARDS. AS YOU KNOW VISITABILITY IS NOT ONLY IMPORTANT TO PEOPLE WITH DISABILITIES BUT ALSO TO FAMILIES AND NEIGHBORS WHO SEEK TO INCLUDE PEOPLE WITH DISABILITIES IN THIS COMMUNITY. TONIGHT AS YOU DELIBERATE ON THE PASSAGE OF THIS ORDINANCE I ASK YOU TO THINK OF YOUR OWN PERSONAL SITUATIONS IN YOUR FAMILY AND YOUR EXTENDED FAMILY AND IN YOUR NEIGHBORHOODS. IF YOU HAVE A FAMILY MEMBER WITH A DISABILITY, A PARENT WHO IS AGING WHO COMES TO VISIT YOU IN YOUR HOME OR TRIES TO VISIT YOU IN YOUR HOME OR WISHES TO CONTINUE TO LIVE IN THEIR OWN HOME THAT THEY'VE LIVED IN ALL THEIR LIFE AND AGE IN PLACE. I ASK YOU TO THINK ABOUT MAKING AUSTIN A COMMUNITY WHERE THAT'S PEOPLE. TONIGHT THERE IS A TREMENDOUS



OPPORTUNITY COST THAT'S AT RISK WHERE EACH NEW HOME THAT WE BUILD THAT'S NOT BUILT TO THE VISITABILITY STANDARDS IS A HOME THAT IS PERSIST IN THIS COMMUNITY FOR DECADES. THE HOMES THAT WE BUILD TODAY WILL STILL BE HERE 20 TO 30 YEARS FROM NOW AND AS BABY BOOMERS AGE IN THIS COMMUNITY WE WANT THIS COMMUNITY TO REMAIN A SUSTAINABLE COMMUNITY. UP ON THE DAIS HERE THE COUNCIL SHOULD BE COMMENDED FOR MAKING AUSTIN A SUSTAINABLE COMMUNITY, AND WE VIEW VISITABILITY AS AN EXTENSION OF THAT SUSTAINABLE COMMUNITY, MAKING SURE THAT THESE HOMES ARE HOMES THAT CONTINUE TO BE LIVED IN THROUGHOUT THE LIFETIME OF THE HOME AND THROUGHOUT THE LIFETIME OF THE HOMEOWNER, OR WHEN THEY GO TO BE RESOLD, THAT WE DON'T HEAR STORIES LIKE THE STORY OF MR. SMITH WHO HAS TO LOOK AROUND FOR A HOME THAT THEY CAN LIVE IN BECAUSE THE HOMES THAT WERE BUILT TODAY IN 2008 WERE NOT VISITABLE. I ASK YOU FOR YOUR FULL SUPPORT. YOU'RE GOING TO HEAR A LOT OF STORIES TONIGHT FROM THE OPPOSITION SAYING THAT VISITABILITY IS TOO HARD. ALREADY IN THIS COMMUNITY WE'VE BUILT MORE THAN 3,300 VISITABLE HOMES THROUGH THE VISITABILITY PROGRAM, AND THE SMART HOUSING PROGRAM. IT'S POSSIBLE AND IT'S ALREADY BEEN DONE WITH SOME OF THE MOST AFFORDABLE HOUSING IN AUSTIN. IN FACT, THE COST FOR VISITABLE HOME ACCORDING TO THE TESTIMONY FROM CITY STAFF IS BETWEEN 300 AND \$500 PER HOME. THAT COST FIGURED OVER A 30-YEAR FIXED RATE MORTGAGE IS LESS THAN THE COST OF THIS CUP OF COFFEE FROM THE AUSTIN JAVA COMPANY, LESS THAN \$3 PER MONTH. WE CAN AFFORD VISITABILITY IN THIS COMMUNITY AND WE NEED VISITABILITY IN THIS COMMUNITY TO INCLUDE ALL OF OUR CITIZENS. SO I THANK YOU FOR YOUR SUPPORT AND HOPE THAT WE CAN MAKE THIS HAPPEN THIS YEAR IN THE CITY OF AUSTIN. [APPLAUSE]

MAYOR WYNN: THANK YOU, MR. LUCY. JENNIFER MACPHAIL. WELCOME. YOU'LL BE FOLLOWED BY STEPHANIE THOMAS.

I'M WITH ADAPTIVE TEXAS AND I WANTED TO TAKE AN OPPORTUNITY REAL QUICK TO MENTION TO YOU THAT WE HAVE MEMBERS OF THE PARALYZED VETERANS HERE TONIGHT. WE HAVE MEMBERS OF UNITED CEREBRAL PALSY, CTD, THE COALITION OF TEXAS WITH DISABILITY, AARP, THE STATE INDEPENDENT LIVING CENTER AND YOU JUST HEARD FROM RON AT THE MAYOR'S COMMITTEE. AND WE'RE ALL HERE IN SUPPORT OF EXPANDING VISITABILITY TO INCLUDE ALL SINGLE-FAMILY HOUSING. EACH ONE OF US HERE TONIGHT AND OF THE PEOPLE YOU SAW EARLIER WHO COULDN'T STAY UNTIL THE PUBLIC HEARING STARTED HAVE AN INDIVIDUAL STORY WHERE THIS ISSUE HAS IMPACTED OUR LIVES IN A VERY NEGATIVE WAY. I WANT TO TAKE THE OPPORTUNITY TO REMIND YOU THAT THIS WAS A CIVIL RIGHTS ISSUE, THAT I CAN'T THINK OF ANY LAW ON THE BOOKS THAT WAS MEANT TO FURTHER CIVIL RIGHTS AS A CAUSE, THAT WASN'T OPPOSED BY SOMEONE. AND I'LL ALSO SAY AS A HUMAN BEING THAT IT WAS VERY DIFFICULT TO SIT IN THE FIRE AND BUILDING CODE COMMITTEE MEETING LISTENING TO HOW DANGEROUS IT WOULD BE FOR A FRATERNITY NOT TO MEET CERTAIN RULES, UNDERSTANDING THAT I GREW UP IN A HOME WHERE I COULDN'T GET OUT THE FRONT DOOR OR THE BACK DOOR. I HAD TO WAIT FOR SOMEBODY. SO IF A FIRE BROKE OUT IN MY HOME AS A CHILD I WAS GOING TO BURN

UNLESS SOMEBODY WAS THERE AND ABLE TO TAKE ME OUT. AND IT'S OFFENSIVE TO ME THAT YOU THINK THAT A COMPROMISE AND POTENTIALLY DOING AWAY WITH CERTAIN FEATURES OF VISITABILITY -- WHAT THAT SAYS IS THAT MY LIFE ISN'T WORTH A CUP OF COFFEE. THERE ARE PEOPLE THAT HAVE REAL EVERYDAY PROBLEMS THAT EXIST BECAUSE OF THIS PREJUDICE, AND THAT'S WHAT IT IS, LADIES AND GENTLEMEN. IT'S A PREJUDICE. AND YOU'RE GOING TO HEAR SOME TESTIMONY OF TWO PEOPLE AGAINST IT, AND SO MANY PEOPLE FOR IT. AND YOU HAVE TO DO A JOB, AND YOU HAVE TO UNDERSTAND THAT YOU HAVE TO SEE PAST THE FEAR MONGERING. THERE'S A LOT OF FEAR MONGERING NOW THAT GOES IN POLITICS AND IT'S NOT RIGHT AND IT'S NOT FAIR, BUT YOU HAVE BACKBONES, AND YOU CAN STAND UP TO IT AND YOU CAN SAY NO. YOU CAN SAY THAT EACH ONE OF OUR INDIVIDUAL LIVES IS WORTH THE COST OF A CUP OF COFFEE. THE FACT THAT YOU HAVEN'T IS A SLAP IN THE FACE TO EVERYBODY HAS EVER BEEN SEGREGATED AGAINST BECAUSE OF THEIR DISABILITY. THANK YOU. [APPLAUSE]

MAYOR WYNN: THANK YOU, JENNIFER. STEPHANIE THOMAS, WELCOME. YOU'LL BE FOLLOWED BY DANNY SAENZ.

MY NAME IS STEPHANIE. I'M A MEMBER OF ADAPT AND ALSO A MEMBER OF THE COALITION FOR VISITABILITY IN AUSTIN, AND THE GROUPS THAT JENNIFER READ OFF, THERE ARE MEMBERS HERE FROM EACH OF THOSE GROUPS WHO HOPEFULLY ARE GOING TO BE TO SPEAK TO YOU TONIGHT, ALTHOUGH WITH YOUR TIME LIMIT I DON'T KNOW. WE ARE TALKING ABOUT FIVE VERY BASIC CHANGES TO AN OVER 600 PAGE BUILDING CODE. THERE ARE REQUIREMENTS ON ALL OF THOSE THINGS ALREADY, SO YOU'RE NOT EVEN TALKING ABOUT ADDING, REALLY, NEW THINGS. YOU'RE JUST TALKING ABOUT CHANGING WHAT'S ALREADY THERE. FOR THE PAST TEN YEARS THESE REQUIREMENTS HAVE BEEN IN OUR CITY AND HAVE BEEN COMPLIED WITH BY THE MOST AFFORDABLE HOUSING IN AUSTIN. SO THESE PEOPLE WHO TELL YOU THAT IT COST \$9,000 PER BUILDING ARE LYING TO YOUR FACE OR THEY HAVE SOME FANCY PANTS WAY THEY WANT TO DO IT. WELL, THAT'S THEIR CHOICE, BUT THAT IS NOT WHAT YOU'RE REQUIRING. WHAT YOU ARE REQUIRING, WE HAVE A TEN-YEAR TRACK RECORD IN THE CITY TO SHOW THAT IT COSTS BETWEEN 2 TO \$500 PER HOME, AND THAT IS ON SOME OF THE MOST DIFFICULT LOTS IN THIS COMMUNITY, BECAUSE GUESS WHAT THE AFFORDABLE HOUSING GETS TO USE IN THIS COMMUNITY? IT SEEMS THAT YOU-ALL HAVE BOUGHT THEIR LINE OF BALONEY, HOOK, LINE AND SINKER. IT SOUNDS LIKE YOU ARE NOT WILLING TO STAND UP TO THEM ONE TINY LITTLE BIT AND JUST SAY NO AND DO SPLG FOR THE RIGHTS AND THE -- SOMETHING FOR THE RIGHTS AND EQUALITY OF PEOPLE IN OUR COMMUNITY. THIS ISN'T JUST FOR PEOPLE WITH DISABILITIES. IT'S FOR THEIR FAMILIES. WHEN YOU WANT TO VISIT YOUR FAMILIES YOU CAN'T DO THAT IF THEIR HOUSE IS INACCESSIBLE. HOW WOULD YOU LIKE TO GO TO YOUR FRIEND'S HOUSE AND SAY, GEE, I'D LIKE TO GO INTO YOUR BEDROOM AND TAKE A DUMP. IS THAT OKAY? THAT'S WHAT PEOPLE HAVE TO DO NOW. NOW, IT'S NOT POLITE. IT'S NOT A NIGHT THING TO TALK ABOUT BUT THAT'S THE WAY IT IS. WE'RE TALKING ABOUT AN ORDINANCE THAT HAS A TEN-YEAR TRACK RECORD OF SUCCESS. ONLY THREE WAIVERS HAVE BEEN GIVEN IN TEN YEARS. IN TEN YEARS, IN THE MOST AFFORDABLE HOUSING. AND YET YOU'RE LISTENING TO

THESE PEOPLE'S LINE OF MALARKY. THEY WHINE ABOUT EVERYTHING, AND YOU'RE JUST GOING TO GO AHEAD AND JUST -- YOU'RE JUST GOING TO SAY TO ALL THESE PEOPLE AND PEOPLE ALL OVER THE COMMUNITY, YOU DON'T REALLY MATTER. IT DOESN'T MATTER THAT YOU'VE HAD TEN YEARS OF EXPERIENCE UNDER YOUR BELT WITH THIS. TOUGH FOR YOU. WE'VE GOT TO GET THEIR DOLLARS FOR DONATIONS, OR WHATEVER IT IS THAT'S MOTIVATING YOU. REAL RATHER LISTEN -- YOU DIDN'T QUESTION THEM. YOU DIDN'T DO ANYTHING. YOU JUST BOUGHT WHAT THEY SAID. WE'RE TALKING ABOUT A VERY BASIC THING HERE. THERE'S ONLY FIVE LITTLE THINGS THAT YOU'RE ASKING PEOPLE TO DO. LOWER SOME LIGHT SWITCHES AND RAISE SOME PLUGS, HAVE A NO-STEP ENTRANCE, WHICH MEANS AN ENTRANCE WITH NO STEP. IT'S NOTHING FANCY. APPARENTLY SOME REPORTER WENT TO REGINA'S HOUSE AND SHE STOOD IN THE NO STEP ENTRANCE AND SAID, WHAT'S A NO STEP ENTRANCE, AS SHE STOOD ON IT? WE'RE TALKING -- BUT HAVE YOU GONE OUT TO LOOK AT THESE HOUSES? PROBABLY NOT. HAVE YOU CHECKED IT OUT? NO, BUT YOU'VE DECIDED BEFORE ANY OF THAT, BEFORE THE PUBLIC HEARING, YOU'VE DECIDED THAT YOU'RE NOT GOING TO BE FOR IT. SOME OF YOU AREN'T EVEN RUNNING AGAIN AND YOU CAN'T EVEN DO IT. WHAT IS GOING ON HERE? A COUNCIL OF JELLYFISH? I MEAN, COME ON. [APPLAUSE]

MAYOR WYNN: THANK YOU, MS. THOMAS. OUR NEXT SPEAKER IS DANNY SAENZ. WELCOME BACK, DANNY. YOU'LL BE FOLLOWED BY BOB CALF CA.

MY NAME IS DANNY SAENZ, I GREW UP WITH MY DISABILITY AND I WAS DENIED EVERYTHING FROM ABLE TO GO TO FRIENDS' HOUSE WHEN I WAS LITTLE BECAUSE OF THE STEPS. EVEN NOW AS AN ADULT TO GO OVER ON A FRIEND'S HOUSE TO WATCH SUPER BOWL, GET INVOLVED WITH POLITICS, HOUSE PARTIES, I CAN'T GO TO. AND I HAVE DONE THAT -- I'VE HAD TO BE CARRIED UP TO GET INTO A FRIEND'S HOUSE TO GO TO PARTIES AND I SAY I'M GOING TO GO INTO YOUR ROOM TO PEE, AND I'LL LEAVE MY URINAL THERE BECAUSE I WON'T BE ABLE TO GET INTO THE BATHROOM. YOU'LL HAVE TO GO IN THERE AND EMPTY IT. YOU'LL HEAR OTHER STORIES. IF WE'RE REPEATING OURSELVES THAT'S WHAT IT HAS TO TAKE. YOU HAVE TO HEAR IT OVER AND OVER AND OVER AND OVER AGAIN.

MAYOR WYNN: THANK YOU, MR. SEENS. [APPLAUSE]

BOB CAPTA.

I'M BOB CAPTA. , AN ORGANIZER WITH A ADOPT DAPT, A LIFE MEMBER OF THE PARALYZED VICTIMS OF AMERICA. EVERYBODY TALKS ABOUT HOW WE SHOULD HONOR OUR VETERANS, OUR RETURNING VETERANS WHO USE WHEELCHAIR, HAVE MOBILITY DIFFICULTIES WILL NOT BE ABLE TO VISIT THEIR PARENTS WHOSE HOME PROBABLY HAS STEPS. SO HOW ARE WE HONORING THESE PEOPLE? BETTY TALKS ABOUT INCREMENTAL. WELL, INCREMENTAL, I KNOW SHE'S GOING TO PROBABLY MAKE A MOTION, LOWER THE LIGHT SWITCH AND RAISE THE PLUG. THE NO-STEP ENTRANCE, WILL BE WE GET CARRIED EVERYWHERE. THE LATEST STORM IN AUSTIN, A BRANCH FELL IN OUR DRIVEWAY. OUR NEXT DOOR NEIGHBORS HAVE

STEPS. WE COULDN'T EVEN GET TO SAY PLEASE MOVE THE DAM LIMB. WE'RE TALKING ABOUT NO STEP, NOT NECESSARILY THE FRONT DOOR. IT COULD BE THROUGH THE GARAGE LIKE THEY DO IN MANY PLACES, IN THE BACK, BUT AGAIN, I WAS AMAZED IN TERMS OF THE PROCESS, TO READ IN THE AUSTIN AMERICAN-STATESMAN BEFORE THE PUBLIC HEARING THAT ALREADY THE STATESMAN KNEW THAT THE COUNCIL HAD ALREADY COMPROMISED. WHEN BETTY SAYS A CONSENSUS COULDN'T BE REACHED, I DON'T REMEMBER US BEING INVITED TO A MEETING BEFOREHAND AFTER THE THING WAS INTRODUCED TO EVEN SEE IF THERE WAS A CONSENSUS. MAYBE HARRY SAVIO COULDN'T BE MADE A CONSENSUS INSTEAD OF BRINGING TOGETHER PEOPLE BEFORE. I HAVE DONE POLITICS IN THIS TOWN IN THE CAPITAL. I HAVE NEVER IN MY 25 YEARS EVER SEEN A DECISION ALREADY MADE BEFORE THE PUBLIC HEARING WAS EVER HELD, TO HEAR THE SIDE FROM THE COMMUNITY. ALREADY THERE'S A -- OBVIOUSLY THE STAFF KNOWS WHAT THE COMPROMISE IS. YOU KNOW, AMAZING IN TERMS OF THAT. WHAT KIND OF INPUT IS THAT? WHY ARE WE HAVING THIS PUBLIC INPUT IF YOU ALREADY KNOW WHAT YOUR COMPROMISE IS? SO AGAIN, YOU KNOW, THIS HAS A LONG TRACK HISTORY. THE AGING IN PLACE. YOU'VE HEARD IT BEFORE. WE JUST ASK YOU TO DO THE RIGHT THING. THANK YOU.

DUNKERLEY: IF I COULD JUST SAY ONE THING, THIS WAS -- WHAT WE WERE LOOKING FOR IS A CONSENSUS OF THE STAKEHOLDERS, AND I THINK THAT OUR STAFF MET WITH THE HOME BUILDERS AND MET WITH THE -- SOME OF THE DISABILITY COMMUNITY, AND WE HAVE NOT -- WE WERE NOT ABLE TO COME UP WITH --

LELD LIKE A COPY -- WE WOULD LIKE A COPY OF THE MEETING THAT WAS HELD, THAT WOULD BE HELPFUL. WHAT WAS COMPROMISED WAS BEFORE A PUBLIC HEARING WHERE YOU WERE SUPPOSED TO HEAR FROM THE STAKEHOLDERS BEFORE THE COMPROMISE --

DUNKERLEY: THAT'S MY MISTAKE.

MADE A COMMENT TO THE AUSTIN AMERICAN-STATESMAN.

DUNKERLEY: THAT WAS MY MISTAKE. WHAT I WAS TRYING TO SAY IS THAT WE HAVE NOT BEEN ABLE TO REACH A CONSENSUS WITH THE STAKEHOLDERS, SO -- AND I'M VERY SORRY. I'M SORRY IF I MISREPRESENTED IT, AND SO THAT'S MY APOLOGY.

MAYOR WYNN: OUR NEXT SPEAKER IS CLIFF WILLIS. CLIFF WILLIS SIGNED UP WISHING TO GIVE US TESTIMONY. WELCOME, MR. WILLIS. YOU'LL BE FOLLOWED BY NANCY CROWLER.

THANK YOU. I'M CLIFF WILLIS WITH AARP TEXAS AND I'M HERE TO REPRESENT 50,000 MEMBERS IN THE AUSTIN COMMUNITY IN SUPPORT OF THIS PROPOSED ORDINANCE. WE'RE DELIGHTED THAT YOU'RE CONSIDERING THIS ORDINANCE THAT WOULD EXTEND VISITABILITY TO NOT ONLY PUBLIC BUT NEWLY CONSTRUCTED HOMES AND DUPLEXES, AND WE'RE PARTICULARLY PLEASED TO SEE THAT MINIMUM DOOR WIDTHS OF 32 INCHES FOR AT LEAST ONE INTERIOR DOOR. IN A PERFECT WORLD WE'D ALSO LIKE TO SEE THE

MINIMUM DOOR WIDOW THE INTERIOR FIRST FLOOR ALSO BE 32 INCHES INSTEAD OF JUST BE 30 INCHES REFERENCED IN THE PROPOSED ORDINANCE. THE CHANGES ENVISIONED IN THIS ORDINANCE WILL HELP OLDER ADULTS AND PEOPLE WITH DISABILITIES TO CONTINUE BEING FULL PARTICIPANTS IN THE COMMUNITY, AND IT'S OUR PLEASURE TO SPEAK IN SUPPORT OF THIS ORDINANCE. THANK YOU.

MAYOR WYNN: THANK YOU, MR. WILLIS. [APPLAUSE]

MAYOR WYNN: NANCY CROWTHER, WELCOME. YOU'LL BE FOLLOWED BY JOHN WENCOWSKI.

MAYBE, COUNCIL MEMBERS, MY NAME IS NANCY CROWTHER. I WANTED TO LET YOU KNOW THAT I'VE BEEN A RESIDENT OF AUSTIN FOR 27 YEARS NOW. I TOO JUST RECEIVED MY AARP CARD. I'VE ALSO BEEN ON THE MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES AND I'M CURRENTLY AN ASSOCIATE MEMBER. I'VE HAD A LOT OF WORK IN OUR VISITABILITY ORDINANCE AND IN MAKING OUR COMMUNITY ACCESSIBLE TO PERSONS WITH DISABILITY, TO THAT SUCCESS. WE HAVE PROBABLY OVER 67,000 PEOPLE IN AUSTIN THAT HAVE DISABILITIES. WE HAVE OVER 9,000 -- LOOK AT THESE NUMBERS -- 9,000 PEOPLE RIDING PARATRANSIT. WE'VE GOT OVER 10,000 BOARDINGS ON BUSES BY PEOPLE WHO USE WHEELCHAIRS HERE IN AUSTIN. I WANTED TO LET YOU KNOW WHEN I BEGAN AS A MEMBER OF THE COMMUNITY LOOKING FOR A REAL PLACE TO LIVE, I LOOKED FOR SEVERAL MONTHS TO FIND A DUPLEX. THAT WAS VERY DIFFICULT. THEY ALL HAD STEPS UP TO THEM, NO ACCESS AT ALL. I FINALLY FOUND ONE. I LOOKED AT IT FROM THE STREET, AND I SAW THAT I COULD GET THROUGH THE FRONT DOOR. AND YOU KNOW WHAT? THAT WAS 20 YEARS AGO. I'M STILL RENTING THE SAME UNIT. NOW, IS THAT SOME LONGEVITY WITH ONE STEPLESS ENTRY? IT IS, AND IT'S AN IMPACT ON THE ECONOMY. I JUST WANTED TO LET YOU KNOW THAT I ENDORSE THIS ORDINANCE FOR VISITABILITY FOR THE BABY BOOMERS, FOR OUR THOUSANDS OF SOLDIERS WHO ARE COMING HOME WITH INJURIES AND DISABILITIES AND FOR EVERYONE IN THE FUTURE BECAUSE AGAIN, AS SOMEONE ELSE ALREADY MENTIONED, DISABILITY IS PART OF LIFESTYLE THAT EVERYBODY IS GOING TO EVENTUALLY ENTER, INCLUDING THE AGING POPULATION. SO THIS IS FOR OUR FUTURE, AND IT'S NOT REAL EASY TO FIND A HOUSE THAT YOU CAN BUY THAT HAS ANY ACCESSIBILITY IN IT RIGHT NOW. SO KEEP THAT IN MIND, PLEASE. THANK YOU.

MAYOR WYNN: THANK YOU, MS. CROWTHER. JOHN MINCOWSKI. SORRY IF I MISPRONOUNCE THAT, JOHN, AND TO BE FOLLOWED BY RENEE LOPEZ. WELCOME, MS. LOPEZ, YOU WILL BE FOLLOWED BY DORIS STANLEY STANLEY.

HI, MY NAME IS RENEE LOPEZ, AND I JUST WANT TO SAY THAT I'VE LIVED IN AUSTIN ALL MY LIFE AND HAVE SEEN THE WONDERFUL CHANGES THAT HAVE TAKEN PLACE IN THE CITY AS FAR AS ACCESSIBILITY IS CONCERNED, AND I AM CURRENTLY A HOMEOWNER AS WELL, AND JUST WANTED TO SAY THAT I HAD TO LOOK AT AT LEAST 36 HOMES BEFORE WE FOUND ONE THAT WAS -- THAT HAD AN ENTRYWAY THAT WE COULD GET INTO AND COULD BE MADE

ACCESSIBLE WITHOUT BEING VERY COSTLY TO ME. I JUST WANT TO SAY THAT THIS COULD ONLY BE A WIN-WIN SITUATION FOR EVERYONE IN OUR COMMUNITY. THANK YOU.

MAYOR WYNN: THANK YOU, MS. LOPEZ. DORIS STANLEY? SIGNED UP WISHING TO SPEAK, AS DID REGINA BLIGH. WELCOME, I HOPE I PRO MOUNTAIN CEDARED THAT RIGHT. TO BE FOLLOWED BY PHIL COLEMAN.

I DON'T KNOW IF IT WOULD BE POSSIBLE BUT I HAVE SOME PICTURES THAT I WOULD LIKE FOR YOU, FOR THE PANEL -- OR THE COUNCIL TO LOOK AT, IF THAT WOULD BE --

MARK CAN PROBABLY HELP YOU WITH OUR OVERHEAD.

OKAY. THANK YOU. IT'S JUST A SET -- TO BE ABLE TO LOOK AT MY HOUSE, A SMART HOME OR A HOME WITH VISITABILITY FEATURES. I'M REGINA BLY. I'M THE DIRECTOR OF THE INDEPENDENT LIVING COUNCIL, STATEWIDE AGENCY THAT ADVOCATES FOR PEOPLE WITH DISABILITIES ALL ACROSS THE STATE. AND I JUST WANT TO SAY I'M NOT HERE TO TALK ABOUT STATISTICS. I WANT TO GIVE YOU A PERSONAL STORY. WHEN I WAS 10 I WAS SHOT IN THE NECK WITH A RIFLE AT A SUMMER PARTY BY SOMEONE WHO WANTED TO KILL ME, AND WHAT MAKES IT WEIRD IS THAT I THOUGHT IT WAS GOING TO BE HARD TO LIVE WITH A DISABILITY. FOR WHAT I'VE LEARNED INSTEAD, IT'S HARD TO LIVE IN A COMMUNITY WHEN YOU DON'T HAVE YOUR STATE OR YOUR CITY SUPPORTING YOU. AND WHAT I FOUND IS THAT I THOUGHT BECAUSE I WAS IN A SMALL TOWN, THAT ACCESSIBILITY WAS JUST GOING TO BE THE ISSUE. SO IN 2006 I WAS OFFERED A POSITION TO MOVE HERE TO AUSTIN, THE CAPITAL, TO WHERE I THOUGHT, OH, I'LL FINALLY BE ABLE TO HAVE ACCESSIBLE HOUSING, AND I SAID FOUR MONTHS BEFORE I EVEN MOVED TO AUSTIN I HAD A REALTOR HELP ME TO TRY TO LOCATE A PLACE. SHE COULD NOT HELP ME. SO THEN I SAID, WELL, I'LL MOVE HERE AND I'LL STAY IN EXTENDED STAY AND I'LL HELP YOU LOOK FOR A PLACE. UNFORTUNATELY, THE FIRST DAY THAT I MOVED HERE I WAS REAR-ENDED BY AN 18-WHEELER, IT TOTALED MY VAN AND MY WHEELCHAIR. SO I WAS HOMELESS AND DIDN'T HAVE A WHEELCHAIR AND COULDN'T GET AROUND. I LAID IN PLACES AND SHE WAS SHOWING ME PICTURES OF PLACES I COULD STAY THAT WERE NOT ACCESSIBLE BECAUSE ALL THE RESTROOMS WERE 24 INCHES WIDE OR THERE WERE STEPS AT THE DOOR. I SAID, WELL, I'M AT THE CAPITAL. I'M AT THE CAPITAL OF MY STATE BUT I CANNOT FIND A PLACE TO STAY. AFTER SIX MONTHS I WAS FINALLY ABLE TO FIND A PLACE THAT HAD VISITABILITY FEATURES TO WHERE I COULD LIVE THERE, AND THEN EVENTUALLY I WAS ABLE TO MEET SOMEBODY WHO HAD A HOUSE AND INVITED ME OVER, AND I WAS AMAZED TO SEE THAT ALL OF THE HOUSE HAD NO ENTRY, AND IT HAD LOWERED LIGHTS AND LOWERED THERMOSTAT. AND I SAID, THIS IS A SPECIAL REQUEST? AND THEY SAID, NO, THE HOUSES ARE LIKE THIS IN THIS ENTIRE NEIGHBORHOOD. SO I SAID FINE. I WENT AND I PURCHASED THE HOME IN THAT NEIGHBORHOOD BECAUSE I WAS ABLE TO GO THROUGH EVERY DOOR, I WAS ABLE TO USE THE RESTROOM, AND THERE WAS NO ENTRY. AND AS STEPHANIE SAID EARLIER, THE REPORTER WALKED INTO MY HOUSE AND SAID, "CAN YOU SHOW ME WHERE THE ZERO ENTRY IS?" AND I SAID, WELL, YOU WALKED THROUGH THE DOOR. AND AS SHE WAS GOING

THROUGH MY HOUSE SHE MADE THE COMMENT TO SAY, ALL OF THE THINGS THAT ARE IN THIS HOUSE DO NOT SEEM SIGNIFICANT TO ME. AND I SAID, THAT IS THE POINT. WHAT MAY BE BASIC FOR A PERSON WITHOUT A DISABILITY IS SIGNIFICANT FOR SOMEBODY THAT DOES HAVE ONE BECAUSE IT MEANS BEING ABLE TO MAINTAIN THEIR INDEPENDENCE IN THE COMMUNITY VERSUS POSSIBLY GOING INTO A NURSING FACILITY. THANK YOU.

MAYOR WYNN: THANK YOU, MS. BLY. LET'S SEE, PHIL COLEMAN. WELCOME MR. COLEMAN, TO BE FOLLOWED BY RUSSELL HARRIS.

THANK YOU, MY NAME IS PHIL COLEMAN. I AM A MEMBER OF THE TEMPORARILY ABLE MAJORITY. MY WIFE MARSHA AND I HAVE OWNED A HOME IN AUSTIN FOR 21 YEARS. WE REGULARLY VOTE IN CITY COUNCIL ELECTIONS. I SUPPORT THE CONCEPT OF VISITABILITY. I URGE YOU TO MAKE IT A REALITY HERE IN AUSTIN VERY SOON. MARSHA IS PERMANENTLY DISABLED AND USES A WHEELCHAIR. RECENTLY SHE HAD TO CANCEL ATTENDING A FAMILY SOCIAL EVENT BECAUSE THE HOUSE WAS INACCESSIBLE TO HER. EVERY TIME WE ACCEPT AN INVITATION TO VISIT A FRIEND'S HOME WE MUST CONSIDER WHETHER -- WE MUST CONSIDER WHETHER IT IS ACCESSIBLE. OFTENTIMES WE HAVE TO HELP THE PEOPLE WHOSE HOMES WE ARE INVITED TO VISIT -- WE HAVE TO HELP THEM DETERMINE WHETHER THEIR OWN HOME IS ACCESSIBLE OR NOT. THEY DON'T FREQUENTLY KNOW THE DEGREE OF ACCESSIBILITY OF THEIR OWN HOME. THEY DON'T REALIZE THAT THERE'S A STEP UP TO THEIR FRONT DOOR. I UNDERSTAND THAT. PERHAPS MOST OF YOU WOULD UNDERSTAND THAT, BECAUSE WE ARE MEMBERS OF THAT TEMPORARILY ABLED MAJORITY. TIMES OCCUR WHEN WE -- MY WIFE AND I DECIDE TO DRIVE BY THE HOME TO ASSESS ITS ACCESSIBILITY BEFORE WE CAN ACCEPT THE INVITATION, AND THAT WAS THE CASE RECENTLY WHEN WE HAD TO DECLINE THE INVITATION, BECAUSE WE SAW THERE WERE STEPS. OTHER TIMES WE DO ASK, AND THERE HAVE BEEN TIMES WHERE WE'VE BEEN TOLD, YES, OUR HOME IS ACCESSIBLE, AND WE DRIVE UP TO THE PLACE AND IT'S NOT. AND WHAT ENSUES IS A VERY EMOTIONAL -- SOMETIMES SO EMOTIONAL BECAUSE IT'S SUPPRESSED AND REPRESSED BY MY WIFE AND I, AND WE JUST DRIVE OFF. SHE'S GOT A CELL PHONE AND SHE MAY CALL THEM, "SORRY, WE CAN'T MAKE IT. YOU HAVE STEPS." SO WE'RE TALKING ABOUT AWARENESS HERE. I WISH I COULD ADEQUATELY SHARE WITH YOU THE FEELINGS WE HAVE HAD WHEN A PLACE -- WHEN IT'S NOT POSSIBLE TO -- IT'S NOT POSSIBLE TO ACCEPT INVITATIONS BECAUSE THE EVENT IS AT AN INACCESSIBLE HOME. I SUGGEST THAT YOU IMAGINE YOURSELVES HAVING TO TURN DOWN SUCH AN INVITATION BECAUSE YOU'RE DISABLED AND UNABLE TO ACCESS THE PREMISES OR BECAUSE A FAMILY MEMBER IS IN SUCH A SITUATION. AS HAS BEEN STATED, AND I AGREE WITH DANNY, THINGS HAVE TO BE RESTATED. THAT'S HOW WE COMMUNICATE. SO I'LL RESTATE --

MAYOR WYNN: ACTUALLY, YOU NEED TO CONCLUDE, MR.--

THIS IS MY LAST SENTENCE. WITH THE AGING ONO CARRIERRINGCONNECT 57600 ALLOW YOU TO AGE IN PLACE, AVOIDING INSTITUTIONIZATION. AS THE MEDIAN AGE OF OUR POPULATION RISES THESE FEATURES WOULD ALSO INCREASE THE SALABILITY OF YOUR

HOUSE, AND I WOULD LIKE TO END WHAT I'M SAYING WITH MOST OF FOLKS HERE YOU'VE SPOKEN WITH ARE FRIENDS AND COLLEAGUES OF MINE. THEY ARE NOT ABLE TO GET INTO MY HOUSE BECAUSE THERE'S A TWO AND A HALF INCH STEP INTO MY DOOR. THAT'S THE FIRST OBSTACLE. SECOND OBSTACLE IS MY DOORWAY IS NOT WIDE ENOUGH FOR SOME OF THEIR WHEELCHAIRS TO GET THROUGH. MY HALLWAY LEADING TO MY BATHROOM IS NOT WIDE ENOUGH. DOORWAY INTO MY BATHROOM IS NOT WIDE ENOUGH. SO MOST OF THOSE - - MOST OF THESE PEOPLE ARE MY FRIENDS. I CANNOT INVITE THEM TO MY HOUSE BECAUSE THEY ARE NOT ABLE TO GET IN. THANK YOU.

MAYOR WYNN: THANK YOU, MR. HARRIS. FELIX, WELCOME BACK.

GOOD NIGHT OR GOOD AFTERNOON. IT ALL DEPENDS, I'M FELIX, AND I'M ALSO A MEMBER OF DEP AND PHIL SAID, WE HAVE TO KEEP GRINDING IT, GRINDING IT, THE SAME THING OVER AGAIN, THAT YOU CAN'T GET SOMEWHERE. UP TO 14 YEARS AGO I WAS ACTUALLY, LIKE YOU SAID, AN ABLE-BODIED PERSON SO I DIDN'T NOTICE THAT THERE WAS A STEP GOING INTO MY MOM'S HOUSE, BECAUSE I COULD WALK IN THERE. WELL NOW I HAVE TO USE A CHAIR. WELL I CAN'T GO TO MY MOM'S HOUSE TO VISIT HER AND IF I WANT TO EAT MY MOM'S BEANS I HAVE TO SIT AUTOMATICS AND THEY BRING A TABLE OUT ME TO EAT THEM. IF I HAD TO CRAWL IN THERE, I'D DO IT BECAUSE THEY ARE GREAT. IF YOU ACTUALLY DON'T USE A CHAIR, YOU DON'T UNDERSTAND THAT FIRST STEP. I MEAN, GREAT LIGHT SWITCHES ARE IN THERE AND STUFF BUT IF I CAN'T GET INTO MY MOM'S HOUSE IN THE FIRST PLACE, HAVING THOSE -- IT DOESN'T DO ME ANY GOOD. SO UNLESS YOU'RE IN A WHEELCHAIR YOU WON'T NOTICE THAT STEP UP. I KNOW YOU-ALL KEEP HEARING THAT WE KEEPING GRINDING IT, WE WANT THAT NO STEP ENTRANCE. UP UNTIL 14 YEARS OLD I WOULD HAVE SAID THE SAME THING YOU-ALL ARE SAYING. BECAUSE YOU COULD GO UP LIKE THAT BUT ONCE YOU BECOME DISABLED AND YOU'RE IN A CHAIR, THEN IS WHEN YOU NOTICE THE WILLING THINGS LIKE THAT. SO -- LITTLE THINGS LIKE THAT. SO I WANT TO MAKE SURE THAT, PLEASE MARKS IT TO WHERE A PERSON LIKE MYSELF OR, YOU KNOW, 14 YEARS AGO I WOULDN'T HAVE SAID IT, BUT NOW I CAN SAY, LOOK, I'VE GOT TO BE ABLE TO GET INTO MY MOM'S HOUSE, AND SO IT'S BETTER -- AND IF WE DO IT RIGHT OFFHAND WITH NEW HOUSING, THAT WILL SAVE LATER ON, YOU KNOW, FOR HAVING TO PUT IN RAMPS. SO LET'S START OFF WITH, YOU KNOW -- LET'S -- LET'S NOT -- I LOST MY -- LET'S MAKE SURE THAT WHEN I GO TO VISIT -- OR WHEN SOMEBODY LIKE MYSELF WANTS TO GO VISIT SOMEBODY, WE DON'T HAVE TO EAT OUTSIDE. WE CAN ACTUALLY EAT WITH THE GROWN-UPS INSIDE. THANK YOU ALL.

THANK YOU, MR. BRIONES. JOHN MISSCOWSKI, I CALLED EARLIER, I'M TOLD IS NOW IN THE ROOM. JOHN MICOWSKI. COME ON DOWN. YOU'LL BE FOLLOWED BY GENE RODGERS.

IS THIS ON HERE?

SHOULD BE.



HELLO, MY NAME IS JOHN MANCOWSKI. IN MY JOB I ASSIST PEOPLE WITH VARIOUS TYPES OF DISABILITIES OF ALL AGES, AND PART OF THAT REMEMBERS VISITING PEOPLE IN THEIR HOMES, EVEN THOUGH I LIVE IN AUSTIN AND MY OFFICE IS IN AUSTIN, SOME PEOPLE ARE PRETTY MUCH STUCK AT HOME, AND I RECOGNIZE, OBVIOUSLY, THAT THE LACK OF ACCESSIBILITY INTO PEOPLE'S HOMES IS A BARRIER TO ME ON MY JOB, AND IT IS A BARRIER TO PEOPLE WITH MOBILITY IMPAIRMENTS WHO ARE SEEKING JOBS IN HUMAN SERVICES OR OTHER FIELDS THAT REQUIRE VISITING PEOPLE WHERE THEY LIVE. I KNOW THIS IS VERY LITTLE TIME. I WANTED TO MENTION SOMETHING THAT REALLY STRUCK ME HARD, EVEN THOUGH I KNEW THE PROBLEM WAS THERE. A FRIEND OF MINE WHO WORKS IN TRANSPORTATION CALLED ME UP RIGHT ABOUT A YEAR AGO, TELLING ME THAT SHE HAD ALL OF THESE PEOPLE THAT WERE STUCK IN THEIR HOMES, AND THEY WERE TRYING TO PROVIDE RIDES TO THEM. AND ON A FEW OCCASIONS THEY COULD GET THE VAN UP TO A PORCH TO LET A LIFT DOWN ON TO IT. OTHER PEOPLE THEY COULDN'T PICK UP AT ALL. AND I SAID, WELL, I'M AWARE OF THIS. IT'S NOT NEWS TO ME. AND SHE SAID, "BUT THEY'RE EVERYWHERE." AND SHE STARTED TELLING ME ABOUT THESE PEOPLE. 80-YEAR-OLD WORLD WAR II VETERANS, PEOPLE WHO HAD YOU KNOW, OWNED THEIR HOMES, PUT THEIR WHOLE LIFE INTO THEIR HOMES, PUT THEIR WHOLE -- THEIR WHOLE FORTUNE WAS THEIR HOME THAT THEY OWNED, AND THEY WERE TRAPPED THERE. THE ONLY REAL WAY OUT WAS GOING TO A NURSING HOME, AND THEY DIDN'T NEED THAT. AND SHE SAID, "I CAN'T TELL THESE PEOPLE TO GO TO NURSING HOMES. " AND WE CAN'T FIND RESOURCES IN MANY PLACES TO MODIFY THOSE HOMES. THEY COULDN'T AFFORD THE LOANS THAT ARE REQUIRED IN MANY CASES. THOSE ARE THE THINGS THAT I SEE, IN ADDITION TO MY OWN SITUATION WITH THE RESTRICTIONS I HAVE ON DOING THE JOB I'M TRYING TO DO. ANYWAY, I WILL LET THE TIME GO TO SOMEONE ELSE. THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU, MR. MANCOWSKI. GENE RODGERS SIGNED UP WISHING TO GIVE TESTIMONY IN FAVOR, AS DID WILLIAM BETTS. WILLIAM BETTS. HOW ABOUT SPENCER DURAN? WELCOME, SIR.

I'M WILLIAM BETTS. FIRST OF ALL, MOSTLY PEOPLE HEE -- MOST OF THE STUFF WAS SAID THAT I WAS GOING TO TALK ABOUT, THE ELDERLY, 25%, SOON GOING TO BE 33%. I USED TO BE A CARPENTER AND THEY'RE ASKING FOR ONE STEP, NO ENTRANCE. THAT WAS THE FRONT DOOR, THE BACK DOOR, THE SIDE DOOR OR THE GARAGE. AND IF YOU GOT A CAT IN YOUR APARTMENT OR HOUSE, YOU GOT A DOOR BILL ENOUGH FOR A WHEELCHAIR. A COUCH. THAT'S THE ONLY WAY YOU'LL GET YOUR COUCH IN THERE. THERE'S ALWAYS A FRONT STEP, AND THE HOUSES BUILT HERE IN TEXAS GOT SLAB AND THEY'RE EASY TO HAVE A NO STEP RAMP GO RIGHT INTO THE HOUSE. GARAGES ARE USUALLY ONE CINDER BLOCK LOWER, THAT'S FOR A REASON, AND -- BUT GOING TO -- MOST OF THE STUFF IN HERE HAVE MOSTLY 36, 40, 48-INCH HALLWAYS. ONE GUY SAID THERE'S -- YOU CAN HAVE AS LITTLE AS 30 INCHES. THAT'S PEOPLE WHO ARE GOING TO RENT PLACES ONE AS SMALL AS THEY CAN GET, GET AS MANY PEOPLE IN AS THEY CAN. BUT MOST HOUSES ARE ALREADY BUILT WITH THE HALLWAYS, AND THE ELECTRICITY IS 4-FOOT BECAUSE THE DRYWALL IS 4-FOOT. WE ALWAYS PUT THE ELECTRICAL SWITCH BECAUSE THAT'S WHERE

THE DRYWALL WAS. I ALWAYS KNEW IT WAS. AND THE ELECTRICAL PLUGS ARE OFF THE FLOOR BECAUSE YOU DON'T WANT WATER ON THEM. THE ONLY PROBLEM WE HAVE IS THE BATHROOMS. I WORKED FOR THE MARRIOTT, PUT BATHROOMS IN FOR THE HIGH RISE HOTELS AND WE USED ALL MELT. NOT A STICK OF WOOD. IT WAS ALL MELT, MELT FRAME AND CONCRETE. BUT SO THE NEW MARRIOTT SAID -- THAT'S THE REASON I CAME TO TEXAS, BUILD MARRIOTTS. PUT WOOD FOR THE VACUUM AND THE GRAB BARS IN THE THE HANDY -- IN THE BATHROOMS. WOOD WAS PUT IN 3-FOOT UP ABOVE THE TOILET AND THE TUB. JUST TO HAVE A NO STEP ENTRANCE. THE DOOR WILL BE BIG ENOUGH. PUT THE DOOR IN, SWITCHES ARE ALREADY USUALLY AT 48 INCHES. MINE IS AT 58 WHERE I LIVE AND I LIVE IN A HANDICAP APARTMENT. I GOT THE HANDLE DOORS. I HAD PEOPLE COME OVER, BOY, I LIKE THESE DOORKNOBS. THESE ARE COOL. THAT'S HANDICAP DOORKNOBS. AND THEY GOT HANDICAP ALSO FAUCETS. THAT LADY THAT WAS UP HERE. I LOOKED AT HER SINK, SHE DIDN'T DIDN'T HAVE THE HANDICAP FAUCETS. SHE HAD THE ROUND ONES THAT TURN. THAT'S ABOUT IT. IN ELECTRICAL, TO TURN THE THERMOSTAT UP AND DOWN, IS AT 5-FOOT SO YOU CAN SEE IT. SO YOU CAN SEE EXACTLY WHERE TO DO IT. WE'RE ASKING FOR YOU TO LOWER TO ONE FOOT DOWN, TO 4-FOOT, PLEASE. THANK YOU.

MAYOR WYNN: THANK YOU, MR. BETTS. SPENCER DURAN, WELCOME, SPENCER. YOU'LL BE FOLLOWED BY DENISE SON LIGHTER.

THANK YOU. I'D LIKE TO SPEAK IN FAVOR OF THIS ORDINANCE AND I WILL YIELD MY TIME FOR OTHER PEOPLE WHO HAVE MORE TO SAY. THANK YOU.

MAYOR WYNN: THANK YOU, SIR. DENISE SONLEITNER, WELCOME BACK. FOLLOWED BY SARAH WATKINS.

GOOD EVENING, MAYOR WYNN AND COUNCIL MEMBERS. MY NAME IS DENISE SONLEITNER AND I'VE LIVED IN AUSTIN SINCE 1978. SINCE 2003 I HAVE SERVED AS A COMMISSIONER ON THE AUSTIN MAYOR'S COMMISSION FOR PEOPLE WITH DISABILITIES AS A FAMILY REPRESENTATIVE. I'M HERE TODAY ON BEHALF OF THE MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES, BUT MORE IMPORTANTLY I'M HERE ON BEHALF OF MY SON MAVERICK AND HIS FAMILY, BECAUSE I SUPPORT THE PROPOSED CHANGES TO THE VISITABILITY ORDINANCE. AND I DO WANT TO THANK YOU, MAYOR PRO TEM DUNKERLEY, FOR SPONSORING THIS ORDINANCE. THANK YOU VERY MUCH. THE FULL IMPLEMENTATION OF VISITABILITY IS A VERY IMPORTANT ISSUE FOR FAMILIES IN OUR COMMUNITY. MY SON MAVERICK TURNED 12 THIS YEAR AND JUST FINISHED UP HIS FIRST YEAR OF MIDDLE SCHOOL. HE LIVES AT HOME WITH ME, HI DAD STEVE AND BIG SISTER AIFA. HE HAS MULTIPLE DISABILITY. HE USES A WHEELCHAIR TO GET AROUND AT HOME AND IN COMMUNITY AND HE ALSO CRAWLS FROM ROOM TO ROOM IN HIS HOME. HE CAN STAND WELL IF HE HAS GRAB BARS TO HOLD ON TO, BUT OTHERWISE CAN'T STAND INDEPENDENTLY. FOR YEARS MY HUSBAND AND I HAVE GOTTEN MAVERICK IN AND OUT OF HIS WHEELCHAIR AND IN AND OUT OF OUR PEER AND BEAM HOME JUST DOING IT OURSELVES. WE WOULD HAVE TO -- WE COULDN'T WHEEL HIM OUT OF THE HOUSE

BECAUSE IT'S PIER AND BEAM AND SEVERAL STEPS BUT WE WOULD JUST -- MY HUSBAND AND I WOULD TAG TEAM TO GET HIM OUT OF THE WHEELCHAIR, HAVE ONE OF US HOLD HIM WHILE WE PICKED UP THE WHEELCHAIR, BROUGHT HIM DOWN THE STAIRS, PUT HIM IN THE CHAIR. IT WAS A LOT OF LOGISTICS TO GETTING HIM IN AND OUT OF OUR HOUSE. LIKE HE SAID HE'S 12 YEARS OLD NOW AND THAT'S REALLY BECOME IMPOSSIBLE TO GET HIM IN AND OUT OF THE HOME THAT WAY. AS YOU KNOW, THE AUSTIN MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES UNANIMOUSLY PASSED A RESOLUTION IN MAY SUPPORTING THIS ORDINANCE. IN OUR RESOLUTION WE POINTED OUT THAT VISITABLE HOMES ALLOW AGING CITIZENS TO REMAIN IN THEIR HOMES REDUCING THE RISK OF INSTITUTIONAL CARE. AS A PARENT OF A CHILD WITH A DISABILITY I'M HERE TO STRESS TO YOU-ALL THAT THE RISK OF INSTITUTIONAL PLACEMENTS IS ALSO VERY REAL FOR CHILDREN WHO HAVE DISABILITIES WHEN THEY ARE NOT ABLE TO GET THE SUPPORT THAT THEY NEED IN THEIR HOMES AND IN THEIR COMMUNITIES. INACCESSIBLE AND UNVISITABLE HOMES ARE A SIGNIFICANT BARRIER TO THOUSANDS OF CHILDREN'S AND FAMILIES WITH CHILDREN IN THE AUSTIN AREA. TWO YEARS AGO MY HUSBAND AND I REMODELED OUR HOME TO MAKE IT ACCESSIBLE FOR MAVERICK. WE FINISHED OUT OUR GARAGE, WHICH IS ON A SLAB AND REWE TIED IT TO THE REST OF THE HOUSE WITH 190 SQUARE FEET OF NEW CONSTRUCTION AND A 24-FOOT RAMP IN THE HOUSE. THE ENTRYWAY WAS BUILT INTO THE NEW CONSTRUCTION SO THE COST TO DO THIS WERE MINIMAL. IF WE HAD TO RETROFIT OR FIGURE OUT A WAY TO TIE INTO THE PIER AND BEAM PART OF THE HOUSE AND DEMO AND PUT IN DOORS AND GRAB BARS, THESE SAME ACCESSIBLE FEATURES WOULD HAVE BEEN VERY COSTLY FOR MY HUSBAND AND MYSELF. SINCE MAVERICK'S BIRTH IN '96 -- I'LL WRAP UP NOW -- SINCE MAVERICK'S BIRTH I'VE LEARNED BY NECESSITY WHAT IT MEANS TO SUPPORT A PERSON WITH A DISABILITY. I'VE LEARNED HOW DIFFICULT IT CAN BE TO ACCESS SUPPORT. IN THAT REGARD I HAVE BEEN VERY PROUD TO LIVE IN A CITY THAT PROMOTES THE PRINCIPLES OF ACCOMMODATION AND INCLUSION BEYOND THE REQUIREMENTS OF THE ADA. MAKING VISITABILITY A STANDARD REQUIREMENT FOR NEW HOMES IN AUSTIN WILL BENEFIT THOUSANDS OF FAMILIES IN THE AUSTIN AREA. THANK YOU.

MAYOR WYNN: THANK YOU, MS. SONLEITNER. SARAH WATKINS? WELCOME, SARAH. YOU'LL BE FOLLOWED BY REBECCA WATKINS.

MY NAME IS SARAH WATKINS AND I'M HERE TO SPEAK ON BEHALF OF APPROVING THE VISITABILITY ORDINANCE WITH ALL OF THE [INAUDIBLE]. I HAVE A FRIEND WHO HAPPENS TO LIVE IN A VISITABLE HOME AND I WANTED [INAUDIBLE] I WENT TO HER HOUSE FOR THE FIRST TIME AND I REALIZED I COULD GET IN THE DOOR AND NOT ONLY COULD I GET IN THE DOOR, I COULD USE THE BATHROOM. AND IT WAS -- IT WAS VERY EXCITING FOR ME, BUT THE THING IS, IS THAT I WOULD FIRST LIKE TO CONGRATULATE CITY COUNCIL FOR HAVING THE FORESIGHT TWO YEARS AGO TO PUT IN THE EXISTING EXISTING VISITABILITY, AND I REALIZE THAT THIS VISITABLE ORDINANCE FOR NEW CONSTRUCTION, IF THIS PASSES, THIS ISN'T GOING TO IMPACT THE HOUSING THAT ALREADY EXISTS, BUT THE FACT IS THAT AUSTIN IS GROWING AND IT'S GROWING AT A VERY RAPID RATE. AND WHEN THIS PASSES

TEN YEARS FROM NOW THERE'S GOING TO BE TOO MANY NEW HOUSES WITH SO MUCH MORE NEW CONSTRUCTION, AND IT'S NOT JUST GOING TO BE LIMITED TO AFFORDABLE HOUSING. THERE WILL BE ALL KINDS OF HOUSING. AND I WOULD LIKE TO SEE FOLKS WITH DISABILITIES AND FAMILIES HAVE THE SAME OPPORTUNITIES TO VISIT AS I CAN HAVE WITH MY FRIENDS CURRENTLY. THANK YOU.

MAYOR WYNN: THANK YOU, SARAH. AND REBECCA WATKINS?

WELCOME REBECCA, FOLLOWED BY TANYA WINTERS.

MY NAME IS REBECCA WATKINS. I AM HERE TO SUPPORT MAKING ALL NEW HOMES IN AUSTIN VISITABLE. MY SISTER IS IN A WHEELCHAIR. EVERY TIME WE GO OVER TO A RELATIVE'S HOUSE MY PARENTS HAVE TO CARRY HER IN. WELL, MY PARENTS ARE AGING, OF COURSE. WE ALL DO. IF ANYTHING WERE TO HAPPEN TO THEM WE WOULDN'T BE ABLE TO GO OVER TO MY RELATIVES' HOUSE FOR PARTIES OR GATHERINGS OR ANYTHING. IF THEIR HOUSES WERE VISITABLE IT WOULD MAKE IT A LOT EASIER FOR US TO VISIT. VISITABILITY IS SO IMPORTANT BECAUSE THEY IMPACT ALL KINDS OF PEOPLE, WITH AND WITHOUT DISABILITIES. VISITABILITY IN AUSTIN WILL MAKE IT EASIER FOR FAMILIES LIKE MINE TO SPEND MORE TIME TOGETHER. I REALLY HOPE THAT YOU WILL SUPPORT VISITABILITY FOR ALL HOMES. THANK YOU.

MAYOR WYNN: THANK YOU, REBECCA. TANYA OR TONYA WINTERS. SORRY IF I MISPRONOUNCE THAT, MS. WINTERS.

REAL QUICKLY.

MAYOR WYNN: YOU'LL BE FOLLOWED BY DENNIS BURRELL.

I'LL TRY TO BE BRIEF AND NOT REDUNDANT. MY NAME IS TONYA WINTERS. I'M ALSO A COMMISSIONER ON THE AUSTIN MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES, AND AS DENISE SAID, WE DID UNANIMOUSLY PASS A RESOLUTION IN SUPPORT OF THE VISITABILITY ORDINANCE. I JUST WANT TO MAKE KEY POINTS THAT ARE ALREADY IN THAT RESOLUTION THAT YOU HAVE, AND SAY THAT VISITABILITY WILL ALLOW CITIZENS TO MAINTAIN ACCESS TO THEIR HOMES IN THE EVENT OF AN INJURY OR DISABILITY. VISITABLE HOMES WILL PERMIT CITIZENS TO MORE EASILY AGE IN THEIR HOMES, REDUCING THEIR RISK OF FUTURE LONG-TERM INSTITUTIONAL CARE. VISITABLE HOMES ARE NOT NECESSARILY FULLY ACCESSIBLE HOMES. THESE HOMES MAY BE MUCH MORE EASILY CONVERTED TO MEET FUTURE ACCESSIBILITY STANDARDS. THE COST TO CONSTRUCT NEW HOMES TO VISITABILITY STANDARDS IS ESTIMATED BY CITY STAFF TO BE 300 TO \$500. MOST HOME BUYERS WILL NOT NOTICE A SIGNIFICANT INCREASE IN FINANCING. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.] COALITION FOR VISITABILITY IN AUSTIN IS VERY BROAD, VERY DEEP. YOU MIGHT EXPECT ALL THE PROMINENT DISABILITY GROUPS IN AUSTIN ARE BEHIND THIS, AND THEY ARE, BUT IT'S ALSO THE ELDERS REPRESENTED BY

AARP, THE GRAY PANTHERS, THE CHILDREN SERVED AT EASTER SEALS, VETERANS REPRESENTED BY THE PVA. CHILDREN, SENIORS, VETERANS, PEOPLE WITH DISABILITIES. THAT'S THE CONSENSUS OF THIS CITY, IT REALLY IS. AND THAT'S THE CONSENSUS I BELIEVE YOU SHOULD BE PAYING MOST ATTENTION TO. YOU KNOW, FOLKS, BEFORE I WAS A DISABILITY ADVOCATE, I WAS A CHIEF FINANCIAL OFFICER FOR AMERICAN YOUTH WORKS FOR 10 YEARS. AND I GOT TO OVERSEE THEIR AFFORDABLE HOUSING CONSTRUCTION PROGRAM. IF YOU'RE FAMILIAR WITH IT, YOU KNOW IT'S A NATIONALLY RECOGNIZED MODEL PROGRAM. NOW, DURING MY TIME THERE WE COMPLETED 50 UNITS OF SINGLE-FAMILY AFFORDABLE HOUSING. IT HAD TO MEET VISITABILITY. AND DO YOU KNOW WHAT? EVEN AFTER ALL THOSE VISITABILITY ITEMS WERE PLACED IN AND BUILT IN, THOSE WERE STILL THE MOST AFFORDABLE HOUSES IN AUSTIN. SO WHEN I SEE THESE STATEMENTS BY BUILDERS OF MARKET RATE OR ABOVE MARKET RATE HOMES THAT VISITABILITY IS SO EXPENSIVE THAT IT WILL HARM THE VALUE OR BE A DISTRACTION TO BUYERS, I KNOW FROM MY PERSONAL EXPERIENCES AS A BUILDER IN THE CITY THAT THE COURT IS FALSE REASONING AND CANNOT BE SUBSTANTIATED. VISITABILITY HAS BROAD SUPPORT. IT'S REASONABLE IN COST, AND A VALUE TO THE ENTIRE COMMUNITY. THANK YOU.

THANK YOU.

IT WOULD BE MORE COST EFFICIENT IF THESE HOMES WERE AVAILABLE WITH THESE OPTIONS ALREADY WITHOUT A VETERAN HAVING TO REMODEL A HOME. I PERSONALLY HAVE NOT VISITED FAMILY OR FRIENDS BECAUSE OF A STEP OR TWO THAT THEY HAVE IN THEIR HOME OR THEIR PORCH. THAT STEP ALONE MAY AS WELL BE A 10-FOOT WALL. SO AS A MEMBER OF TEXAS PARALYZED VETERANS, I SUPPORT AND WE DO SUPPORT AS A BOARD THIS ORDINANCE. SO THANK YOU.

Mayor Wynn: JEAN LANGUAGEENDORF. YOU WILL BE FOLLOWED BY ALBERT METZ.

MY NAME IS JEAN AND I'M EXECUTIVE DIRECTOR OF UNITED CEREBRAL PALSY OF TEXAS. WE OPERATE THE TEXAS HOME OF YOUR OWN PROGRAM AND HAVE FOR OVER 10 YEARS, ACTUALLY, 12 YEARS NOW. WE HELP PEOPLE WITH DISABILITIES IN THEIR PURSUIT OF HOME OWNERSHIP. WHAT WE'VE LEARNED OVER THOSE 12 YEARS IS THE DEMAND FOR WHAT WOULD BE VISITABLE HOMES. THE THINGS WE'VE ALSO LEARNED BECAUSE WE HELP THE INDIVIDUALS WORK WITH THE HOME BUILDER IF THEY'RE BUILDING NEW, WHICH WE ACTUALLY ENCOURAGE AS MUCH AS POSSIBLE BECAUSE IT'S A LOT MORE EXPENSIVE TO MODIFY A HOME. SO THROUGH OUR PROGRAM WE HAVE A POLICY THAT ANYBODY THAT IS - - THAT DOES RECEIVE THE DOWN PAYMENT ASSISTANCE, THAT WHETHER OR NOT -- IT DOESN'T MATTER WHAT THEIR DISABILITY IS, THAT THE HOMES THEY PURCHASE WILL COMPLY WITH THE VISITABILITY STANDARDS. WE GET PUSHED BACK, I TELL YOU YOU THAT, FROM SOME OF OUR CONSUMERS THAT DON'T HAVE A PHYSICAL DISABILITY AND WHO SAY I DON'T NEED THAT. WHY DO YOU -- ARE YOU REQUIRING ME TO PURCHASE THAT KIND OF HOME? WELL, WE DO HAVE THE CARROT OF THE DOWN PAYMENT, BUT THEN WE ALSO EDUCATE THEM ON THE IMPORTANCE OF VISITABILITY AND ALWAYS THEY GO ALONG WITH

WITH IT, NO PROBLEM. IT IS A PROBLEM, AND I CAN TELL YOU IN EDUCATING BUILDERS. AND A LOT OF IT IS, AND I HATE TO EVEN BRING THIS UP, BUT YOU KNOW WHAT WE USUALLY HEAR IS OH, SURE, WE CAN MAKE THOSE MODIFICATIONS, BUT IT'S GOING TO COST. YOU KNOW, THAT'S SOMETHING ADDITIONAL THAT YOU'RE GOING TO HAVE TO DO. AN PRIMARILY WE'RE ABLE TO WORK THE BUILDERS AND NOW WITH -- IN AUSTIN WITH THE VISITABILITY OF THE HOMES THAT DO RECEIVE ASSISTANCE, THAT'S NOT A PROBLEM AND THERE'S GREAT BUILDERS THROUGHOUT IN THE NONPROFIT, AFFORDABLE COMMUNITY, BUT THE BUILDERS THAT ARE NOT DOING SMART HOUSING OR DOING THE OTHER, THEY'RE GOING TO WANT TO PRICE IT UP. SO I KNOW WHAT THIS WOULD DO AND WHY YOU PROBABLY ARE GETTING SOME OF THAT PUSH BACK A LOT IS THEY'RE NOT GOING TO BE ABLE TO CHARGE ANYTHING EXTRA BECAUSE THEY'RE GOING TO HAVE TO MAKE SOME MODIFICATIONS BECAUSE THIS WOULD BE STANDARD. AND IT IS. WE ARE TALKING ABOUT FIVE THINGS. AND I'VE HEARD IT FROM THE BUILDERS BECAUSE I WORK IN THAT ARENA A LOT. YOU KNOW, WELL, I DON'T WANT TO BE TOLD ANYTHING MORE TO DO, AND THEN WE START TALKING ABOUT WHAT CODE ALREADY REQUIRES THEM TO DO. AND THEN YOU START TALKING ABOUT SOME OF THE BARRIERS AND SOME OF THE ATTITUDAL BARRIERS ABOUT PEOPLE WITH DISABILITIES THAT WE RUN INTO. AND THEY'RE THERE AND EVERYBODY HERE KNOWS THEY'RE THERE. BUT AUSTIN IS FORWARD THINKING. IT HAS BEEN. AND IT'S BEEN THE FIRST -- AND HAVING THE ORDINANCE TO ASSIST WITH THAT RECEIVE THE FINANCIAL ASSISTANCE FROM THE CITY. LET'S GO THAT STEP FURTHER AND ADD THESE FEW MORE THINGS TO THE BUILDING CODE. AND MAKE IT REALLY AN OPPORTUNITY NO MATTER WHERE YOU ARE AS A CHILD -- [ BUZZER SOUNDS ] AS A FAMILY WITH A CHILD WITH A DISABILITY OR A FAMILY WITHOUT A CHILD WITH A DISABILITY THAT SOME DAY AN ACCIDENT -- IT CAN HAPPEN AT ANY TIME. THAT THE COMMUNITY THAT WE ARE CREATING WILL BE AN INCLUSIVE COMMUNITY. THANK YOU.

Mayor Wynn: THANK YOU, JEAN. ALBERT METZ SIGNED UP WISHING TO SPEAK. I THINK HE HAD TO LEAVE. WILLIAM BROWN? HE SIGNED UP ALSO IN SUPPORT OF THIS ORDINANCE. WE'LL NOTE ALL THESE FOR THE RECORD. OUR NEXT SPEAKER IS HARRY SAVIO. WELCOME, HARRY. WE APPRECIATE YOUR PATIENCE. HARRY WILL BE FOLLOWED BY SOCAR CHAPMAN THOMAS.

GOOD EVENING, MAYOR AND COUNCIL. MY NAME IS HARRY SAY GOOD-BYEIO, I WORK WITH THE BUILDERS OF GREAT AUSTIN. OUR BUILDERS BUILD ABOUT KNIFE% OF THE HOMES CONSTRUCT UNDERSTAND THIS MARKET. WE LIKE TO THINK WE'RE PRETTY GOOD ESTIMATES OF WHAT COSTS WILL BE BECAUSE THAT'S WHAT ENABLES THOSE GUYS TO STAY IN BUSINESS AND LORD KNOWS THESE ARE CHALLENGING TIMES. WHEN I HAD TO SIGN UP TONIGHT, IT WAS -- IT WAS DIFFICULT TO DO BECAUSE OUR POSITION IS A LITTLE MORE NUANCE THAN THE ORDINANCE THAT'S PRESENTED. IT'S SOMETHING WE HAD INITIALLY OPPOSED AND WE'VE PROVIDED WHAT WE LIKE TO THINK IS SOME EXTENSIVE AN COMPELLING INFORMATION ON -- ON WHY THOSE -- WHY THE ORDINANCE AS DRAFTED IS NOT A GOOD IDEA. BUT WE ALSO LIKE TO THINK THAT WE BROUGHT FORWARD SOME ALTERNATIVES AND WE HOPE ONE THAT WILL BE INCLUDED TONIGHT IS A POSSIBILITY OF

MOVING FORWARD WITH A VOLUNTARY PROGRAM. AND THAT IS SOMETHING THAT AGAIN WILL BE EVEN BETTER IF THAT CAN BE DONE WITH INCENTIVES, BUT IT'S SOMETHING THAT THE BUILDERS CAME TOGETHER AND AGREED TO A MANDATORY, VOLUNTARY PROGRAM WHERE A COUPLE OF THE KEY COMPONENTS WERE CONSUMER CHOICE, BUT MOST IMPORTANTLY CONSUMER EDUCATION. IT WAS SOMETHING THAT WE AGREED THAT EVERY HOME BUYER WOULD BE PROVIDED THE INFORMATION OF WHAT VISITABILITY REALLY WAS AND THAT EVERY BUILDER WOULD BE REQUIRED TO OFFER UP A VISITABLE HOME AT MARKET PRICE. NOW, THAT IS A COMPROMISE THAT AGAIN WE PUT FORWARD. WE THINK WE'RE EXCITED ABOUT IT. WE THINK IT WOULD STILL HAVE AUSTIN ON THE FOREFRONT OF TAKING THESE KINDS OF STEPS FORWARD. WITH THAT I'D LIKE TO SAY THAT WE ARE IN SUPPORT OF WHAT WE UNDERSTAND WILL LIKELY BE THE AMENDMENTS MADE TONIGHT BY THE CITY COUNCIL AGAIN, THANK YOU TO THE COUNCIL FOR TALKING WITH US. MAYOR PRO TEM DUNKERLEY, AGAIN, WE KNOW THAT THIS HAS BEEN A LONG PROTRACTED PROCESS AND AGAIN WE ESPECIALLY APPRECIATE YOU HEARING FROM US. THANK YOU.

Dunkerley: EXCUSE, MAYOR. MR. SAVIO, CAN I ASK YOU ONE QUESTION, PLEASE? WHEN THE BUILDER'S GROUPS CAME TOGETHER AND OFFERED TO OFFER A VISITABLE HOUSE AT A PRICE, AT AN ADDITIONAL PRICE, I THOUGHT THAT WAS -- APPRECIATING YOUR OFFER, BUT I THOUGHT IT HAD ALMOST A NEGATIVE CONNOTATION. SO THAT'S WHEN I SUGGESTED THAT I'D LIKE TO HAVE YOU AND THE DISABLED STAKEHOLDERS GET BACK TOGETHER AND SEE IF YOU CAN WORK SOMETHING OUT WHERE WE'RE OFFERING IN A POSITIVE WAY THAT TO DO THIS YOU'LL BE ABLE TO GET SOME INCENTIVES, LIKE FEE WAIVERS OR LIKE THINGS THAT CAN OFFSET THAT COST. SO I'M HOPING THAT IF YOU AGREE TO MEET WITH THE STAKEHOLDERS FROM THE DISABILITY COMMUNITY AND COME UP WITH SOMETHING THAT HAS THAT POSITIVE FLAVOR, BECAUSE MY POINT IS TO TRY TO GET AS MUCH VISITABILITY AS WE CAN. IF WE CAN'T GET IT ON A HAVE TO BASIS, THEN GET IT ON A VOLUNTARY BASIS. AND THEN IF IN TWO YEAR WE DO NOT BEGIN TO SEE COMPLIANCE, I WANT TO URGE THIS COMMUNITY TO COME BACK BE AND LOOK AT A MANDATORY TYPE PROGRAM. I THINK IT'S REALLY JUST A MATTER OF SEMANTICS, BUT I THINK WE'LL BE ABLE TO PROVIDE THOSE INCENTIVES THAT WILL OFFSET THAT COST SO THAT IT DOESN'T HAVE TO BE, WE'LL DO THIS FOR YOU, BUT IT'S GOING TO COST YOU X DOLLARS.

ABSOLUTELY, MAYOR PRO TEM. I THINK ONE OF THE THINGS THAT WE'VE TRIED TO SAY, AND I THINK WAS ACKNOWLEDGED BY THE TESTIMONY BEFORE ME, IS THAT IF THINGS CAN BE DONE AS EARLY ON AS PART OF THE CONSTRUCTION PROJECT -- AND REALLY WHAT I WAS TRYING TO SAY. AND OFTEN TIMES I'M NOT ELOQUENT IN DOING IT, BUT IF WE CAN HAVE PLANS THAT WE HAVE SET ASIDE THAT ARE PREPLANNED, PREDESIGNED THAT WERE -- WHERE WE AREN'T HAVING TO GO BACK AND PAY ARCHITECTURAL FEES THAT CAN BE ABLE TO ACCOMMODATE, BUT MOST IMPORTANTLY THAT WE CAN HAVE ALTERNATIVES IN TERMS OF SITE AND SOME OF THE INCENTIVES THAT CAN BE MADE AVAILABLE. FOR EXAMPLE, IF YOU WERE DOING A RAMP, THAT CAN INCREASE THE AMOUNT OF IMPERVIOUS COVER ON A LOT. SO IF JUST THAT AMOUNT OF IMPERVIOUS COVER COULD BE OFFSET, THE BUILDER PROVIDING THAT WOULD NOT BE PENALIZED. I THINK THAT'S THE INPUT THAT

I RECEIVED FROM MY MEMBERS IS THAT WE'RE IN A CATCH 22. IF WE DO SOME OF THESE THINGS TODAY, WE ARE PENALIZED. AND AGAIN, EVEN WITH A SMART HOUSING PROGRAM, WHILE IT'S THERE, ONE OF THE THINGS THAT AGAIN THE MEMBERS THAT PARTICIPATE IN THAT STRESS IS WE HAVE ALTERNATIVE --

Dunkerley: I THINK AS LONG AS WE HAVE AN OFFSET IN IMPERVIOUS COVER AND F.A.R. SO THAT THERE'S NOT A NEGATIVE IMPACT IN SPACE ON THE BUILDER OR THE HOME BUYER, AND THEN THROW IN SOME FEE FAVORS ON TOP OF THAT, I THINK YOU'RE GOING TO MORE THAN OFFSET THE COST OF THOSE NEW OWNERS.

BUILDERS IN THE BUSINESS BE OF SELLING HOUSES, YOU KNOW WE WANT TO MAKE THAT HAPPEN.

Dunkerley: ALL RIGHT. THANK YOU.

Mayor Wynn: THANK YOU, MR. SAVIO. LET'S SEE, SOCAR CHAPMAN THOMAS. SORRY IF I MISPRONOUNCE THAT. ALSO SIGNED UP WISH TO GO GIVE US TESTIMONY IN OPPOSITION, AS DID DAVID FOSTER. DAVID FOSTER SIGNED UP WISH TO GO SPEAK IN OPPOSITION AS DID ERIC BROWSER. ERIC, WOULD YOU LIKE TO ADDRESS US? THIS WOULD BE YOUR TIME.

THANK YOU. I'M AN ARCHITECT HERE IN TEXAS, AND WHILE I THINK THAT ALL OF THESE FIVE THINGS WOULD -- THERE'S NO DOUBT THAT THEY HAVE A BENEFIT TO BUILDING, ESPECIALLY AS PEOPLE AGE, FOR A WIDE RANGE OF PEOPLE, MAKING THEM MANDATORY IS -- SEEMS A BIT -- IT RESTRICTS MY ABILITY TO PROVIDE A SPECIFIC SOLUTION FOR A SPECIFIC USER INSTEAD OF -- SO THE VOLUNTARY PROGRAM SEEMS LIKE A GOOD ONE. I WILL LIKE TO BRING YOUR ATTENTION TO THE AUSTIN GREEN BUILDING. THAT WAS A VOLUNTARY PROGRAM THAT HAS BEEN WELL PUBLICIZED BY THE ENERGY DEPARTMENT AND IS VERY SUCCESSFUL, TOTALLY VOLUNTARY. BECAUSE THE NEED HAS ARISEN AND ATTENTION HAS ARIEN TO GREEN BUILDING AND I THINK AS THE ATTENTION RISES AND THE NEED RISES ON ACCESSIBILITY AND VISITABILITY THAT THE COURT MAY ALSO BE A SUCCESS STORY FOR A VOLUNTARY PROGRAM THAT IS WELL PUBLICIZED BY THE CITY AND BY THE BUILDING DEPARTMENT. THANK YOU.

Mayor Wynn: THANK YOU, MR. BROWSER. COUNCIL, THERE'S ALSO A NUMBER OF FOLKS WHO SIGNED UP NOT WISHING TO SPEAK, MOSTLY IN FAVOR. A COUPLE IN OPPOSITION. WE'LL NOTE ALL OF THAT WRITTEN TESTIMONY FOR THE RECORD. COUNCIL, THAT CONCLUDES ALL OF THE FOLKS THAT SIGNED UP WISHING TO GIVE US TESTIMONY AT THIS PUBLIC HEARING, ITEM NUMBER 94, VISITABILITY. QUESTIONS OF STAFF OR OTHERS? COMMENTS? MOTION STPH-ZS? S MOTIONS? I BELIEVE WE'RE POSTED TO CONSIDER AN ORDINANCE. I THINK THERE HAS BEEN AN ORDINANCE, AT LEAST A DRAFT ORDINANCE IN FRONT OF FISHER HOUSE SOME TIME.



Cole: MAYOR?

Mayor Wynn: COUNCILMEMBER COLE.

Cole: THIS HAS BEEN A VERY DIFFICULT ISSUE TO GRAPPLE WITH BECAUSE THERE'S NO QUESTION THAT WITHIN THE DISABLED COMMUNITY THERE IS AN IMMEDIATE NEED FOR THESE STANDARDS. AND THEN ALSO AS OUR COMMUNITY AGES THAT WE WILL NEED THOSE ALSO. SO WE'RE TRYING TO BALANCE THAT AGAINST VARIOUS HOMEOWNERS WHO DON'T HAVE THAT TYPE OF VISION, WHO SAY THAT RIGHT NOW THEY SIMPLY CANNOT AFFORD ANY INCREASING COST TO THEIR HOMES, AND THEY SHOULD HAVE A VOLUNTARY OPTION ON WHETHER TO MAKE THESE STANDARD. I'VE WORKED WITH MAYOR PRO TEM DUNKERLEY FOR TWO YEARS NOW AND I KNOW THAT THIS IS AN ISSUE THAT HAS BEEN VERY IMPORTANT TO HER. AND SHE HAS WORKED VERY HARD ON IT. SO I CONGRATULATE HER ON BRINGING IT THIS FAR, AND BECAUSE I ALSO BROUGHT IT WITH HER, I WILL BE TRACKING ITS DEVELOPMENT THROUGHOUT THE STAFF PROCESS. AND I JUST WANT TO SAY THAT I CONGRATULATE HER ON THAT NOW. [ APPLAUSE ]

Dunkerley: THANK YOU, BUT MAYOR IF I COULD ADD ONE THING MORE.

Mayor Wynn: YES.

Dunkerley: IT IS AN IMPORTANT ISSUE TO ME, AS MOST OF YOU KNOW. FOR FOUR YEARS I WAS TEMPORARILY DISABLED, AND LIKE JENNIFER, I LIVED IN A HOUSE THAT WAS NOT VISITABLE OR ACCESSIBLE OR ANYTHING ELSE, AND IT IS EMBARRASSING TO ASK FOR HELP IN YOUR OWN HOME. AND SO THAT'S REALLY WHAT GOT ME STARTED BEING INTERESTED IN THIS ISSUE. AND NOW I'M HITTING THE SECOND PHASE OF IT. I'M AGING AND I'M AGING VERY QUICKLY. AND I AM LOOKING FOR A HOUSE THAT'S A NO STEP ENTRANCE THAT HAS BIG BATHROOM DOORS THAT I CAN GET IN, AND I THINK THAT ALL OF US, EVERYBODY IN THIS ROOM AND EVERYBODY IN THIS COMMUNITY, IF WE DON'T DIE FROM SOMETHING ELSE FIRST, WE'RE GOING TO HAVE A DISABILITY RELATED TO OUR 18ING PROCESS. SO IT IS IMPORTANT. WE HAVE OVER MY 18 YEARS WITH THE CITY, I'VE SEEN SOME MAJOR CHANGES. WHEN I FIRST CAME HERE, IF YOU SAID THE WORD AN ENVIRONMENTAL ISSUE RELATED TO ANY KIND, IT WAS AN AFTERTHOUGHT. IT WAS NOT PART OF THE CULTURE OF THIS CITY. AFTER FIVE TO EIGHT YEARS, YOU KNOW, ALL OF A SUDDEN WHEN THINGS ON WOULD COME UP, WE WOULD SAY IS THIS ENVIRONMENTALLY SENSITIVE? IT BECAME PART OF THE WAY WE THOUGHT AND THE THINGS THAT WERE IMPORTANT TO US. A FEW YEARS AGO I MANAGED THE AFFORDABLE HOUSING PROGRAM AND I HAD A DIRECTOR THEN THAT WOULD SAY, I JUST WISH SOMEBODY WOULD PAY SOME ATTENTION TO AFFORDABLE HOUSING. WELL, GUESS WHAT? IT'S BECOME A PART OF OUR CULTURE. THERE IS NOT A PROJECT THAT COMES THROUGH HERE THAT ONE OR THE OTHER OF US ON THIS DAIS DOESN'T SAY, WELL, IS THERE SOME AFFORDABLE HOUSING IN IT? AND I THINK THE NEXT BIG THING WE NEED TO DO IS TO THINK ABOUT THE ACCESSIBILITY AND THE VISITABILITY OF HOMES. IT MAY TAKE US A LITTLE WHILE. IT'S

TAKEN US A LONG TIME TO GET THIS FAR. BUT IT HAS TO HAPPEN BECAUSE MORE AND MORE OF OUR POPULATION IS GOING TO NEED THIS AND EVENTUALLY THE BUILDERS ARE GOING TO SAY THIS MAKES GOOD SENSE. FINANCIALLY FOR US TO BUILD HOMES THAT CAN BE ACCESSIBLE, VISITABLE BY ALL THE PEOPLE IN OUR COMMUNITY. ONE THING THAT WE TRY TO DO AS A CITY, WE HAVE A BARRIER REMOVAL PROGRAM. IT'S NOT A COMPLETE VISITABILITY PROGRAM. WE'RE TRYING TO RETROFIT FOR THAT, BUT WE DO, AS PEOPLE AGE AND BECOME DISABLED, THE CITY WILL GO OUT AND PUT IN BARS IN THE BATHROOM OR THEY'LL PUT IN RAIL ON THE STEPS OR THEY'LL EVEN BUILD A RAMP SOMETIMES. WE HAVE -- WE'VE DONE PROBABLY ABOUT 1400 HOMES IN THE LAST THREE YEARS AT A COST OF THREE MILLION DOLLARS. AND THAT DOES NOT MAKE THOSE HOMES TOTALLY ACCESSIBLE BY ANY MEANS. NOT MUCH -- WE'RE NOT DOING MUCH WITH DOORS AND STEPS AND THINGS LIKE THAT. WE'RE HAVING TO WORK AROUND IT. SO AS THIS PROGRAM DEVELOPS AND AS WE GET MORE AND MORE HOMES THAT ADDRESS THIS ISSUE UP FRONT RATHER THAN TRYING TO ADDRESS IT ON THE BACK END, OUR WHOLE COMMUNITY BENEFITS AND OUR CITY WILL BENEFIT AS WELL. SO I DON'T KNOW THAT -- I WISH WE COULD GET EVERYBODY ALL READY TO DO THIS RIGHT NOW, BUT I THINK WE REALLY HAVE TO TAKE ONE MORE STEP, AND AIM REALLY SORRY ABOUT THAT, BUT I'D LIKE TO OFFER SOME AMENDMENTS AND THEN SOME DIRECTION ON THIS VOLUNTARY PROGRAM WITH SOME ADVICE THAT THIS BE MONITORED AND BE BROUGHT BACK IN 24 MONTHS OR SO TO SEE WHAT KIND OF COMPLIANCE WE'RE GETTING, AND IF IT ISN'T TIME THEN, TO ADD SOME MORE MANDATORY CLAUSES. SO FOR THE MANDATORY SECTION I'LL BE OFFERING AN AMENDMENT FOR REALLY TWO THINGS. REQUIRE THAT ALL NEW SINGLE-FAMILY AND DUPLEX CONSTRUCTION, WHETHER PUBLIC OR PRIVATE, INCLUDE, A, THE BLOCKING IN THE FIRST FLOOR BATHROOM SO THAT IT CAN BE EASILY CONVERTED FOR WHEELCHAIR USE. AND B, IF THERE'S A BATHROOM ON THE FIRST FLOOR, AT LEAST ONE BATHROOM DOOR HAS TO HAVE A DOOR THAT HAS A 30-INCH CLEARANCE, SO THAT'S A 32-INCH DOOR. AND RIGHT NOW BOTH OF THESE REQUIREMENT ARE ONLY APPLICABLE TO PUBLIC -- BOTH OF THOSE ARE ONLY APPLICABLE TO PUBLICLY FINANCED HOUSING, BUT AT LEAST THESE TWO THINGS WOULD GO INTO THE MANDATORY CITYWIDE PROGRAM. THEN THE SECOND THING WE WOULD HAVE TO DO IS DELETE THAT SECTION OF THE ORDINANCE THAT'S REPEALING THE CURRENT VISITABILITY REQUIREMENTS FOR PUBLICLY FUNDED HOUSES. SO WE HAVE TO PUT THAT BACK IN SINCE ALL FIVE OF THESE THINGS WE DIDN'T GET CONSENSUS ON MAKING IT CITYWIDE. SO THOSE ARE THE AMENDMENTS THAT I WOULD LIKE TO ADD. AND THEN THE OTHER DIRECTION TO COUNCIL IS TO HAVE THE STAFF WORK WITH ALL THE STAKEHOLDERS IN THE COMMUNITY ON A VOLUNTARY INCENTIVIZED PROGRAM THAT IS SUBSTANTIAL IN NATURE. NOT JUST A TOKEN, BUT SUBSTANTIAL IN NATURE, SO WE CAN SEE HOW MUCH VOLUNTARY COMPLIANCE WE CAN ENCOURAGE OVER THE NEXT 24 MONTHS OR WHATEVER. AND THEN BRING THAT BACK TO COUNCIL AT THAT TIME AND SEE IF IT'S NOT APPROPRIATE TO BEGIN TO ADD MORE MANDATORY PROVISIONS IF THESE THINGS ARE NOT GENERALLY ACCEPTED BY THE COMMUNITY. SO THAT'S MY MOTION.

Mayor Wynn: SO MOTION BY THE MAYOR PRO TEM TO CLOSE THIS PUBLIC HEARING ON ITEM NUMBER 94, APPROVE THE RESOLUTION AS POSTED WITH THE TWO OPENS, THE FIRST ONE BEING -- THE TWO AMENDMENTS, THE FIRST ONE BEING AS SHE STATED, REQUIRING ALL NEW SINGLE-FAMILY DUPLEX CONSTRUCTION, PUBLIC OR PRIVATE, TO INCLUDE A, THE BLOCKING IN THE FIRST FLOOR BATHROOM, AND B, THAT IF A BATHROOM IS ON THE FIRST FLOOR, AT LEAST A 30-INCH CLEAR OR GREATER WIDTH DOOR. AND THEN BECAUSE OF THE WAY THE ORIGINAL ORDINANCE WAS WRITTEN, DELETING THE SECTION OF THE ORDINANCE RELATED TO THE CURRENT VISITABILITY REQUIREMENTS FOR PUBLICLY FUNDED HOUSING, THAT IS, MAINTAINING THE CURRENT REQUIREMENT OF ALL FIVE ITEMS IN PUBLICLY FUNDED HOUSING.

TO ENSURE CLARITY WITH THE COUNCIL'S MOTION, THERE WAS DRAFT LEGISLATIVE LANGUAGE PROVIDED, AND I WOULD RECOMMEND THAT IN MAKING YOUR MOTION, MAYOR PRO TEM, THAT YOU ON THE RECORD INCORPORATE THAT LEGISLATIVE EXHIBIT SO THAT WE THEN HAVE APPROPRIATE AUTHORITY TO PREPARE AN ORDINANCE CONSISTENT WITH COUNCIL'S DIRECTION.

Dunkerley: I WILL INCLUDE THAT IN MY MOTION. I THINK WE HAD TWO DIFFERENT PAGES. SO THE FINAL DRAFT THAT YOU PROPOSED WILL BE INCLUDED AS AN EXHIBIT.

Mayor Wynn: SO MOTION BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER COLE. FURTHER COMMENTS? COUNCILMEMBER KIM.

Kim: I THINK THIS IS A VERY IMPORTANT DEVELOPMENT FOR OUR COMMUNITY AND I THINK IT WILL TAKE MORE TIME AS WE GAIN AWARENESS ABOUT THE AGING OF OUR POPULATION AND THE GROWING NEEDS IN THIS COMMUNITY FOR VISITABILITY IN TERMS OF THE NUMBER OF UNITS THAT WE'LL NEED. I JUST WONDER HOW MANY UNITS WILL WE NEED AS OUR POPULATION GROWS, AS THE CITY GROW. I THINK THAT MAY BE ANOTHER WAY TO GAIN MORE ACCEPTANCE AND UNDERSTANDING IN SUPPORTING THIS ISSUE IS TO LOOK AT HOW MANY UNITS OF HOUSING DO WE HAVE THAT ARE VISITABLE AND HOW MANY DO WE NEED NOW? WHAT'S THE GAP AN WHAT WILL BE THE GAP BE IN THE FUTURE, ESPECIALLY AS A BIGGER PROPORTION OF OUR POPULATION GETS OLDER. MY AUNT HAS DIFFICULTY VISITING MY MOTHER'S HOME BECAUSE THE BACK STEP IS TOO HIGH. AND I DON'T CARE R. I DON'T KNOW IF WE CAN BUILD A RAMP OR WHAT -- AND I DON'T KNOW IF WE CAN BUILD A RAMP OR WHAT THE OPTIONS ARE, BUT SHE'S GETTING OLDER. AND MY MOTHER AS WELL IS FINE, BUT AT SOME POINT SHE WILL GET OLDER AND IT WILL BE HARD FOR HER TO HANDLE THAT. I THINK ONE OTHER OPTION THEY HAVE IS THAT WE'RE DOING MORE MID RISE DEVELOPMENT FOR HOUSING. AND THEN THEY WILL NEED ELEVATORS THAT MAY BE AN OPPORTUNITY AS WELL TO HAVE MORE VISITABLE UNITS IN OUR CITY. SO I JUST ENCOURAGE EVERYONE TO KEEP WORKING ON THIS WHO SUPPORTS THIS AND I THINK THAT THERE WILL BE GROWING SUPPORT IN THE COMMUNITY. AS EVERY PERSON IS TOUCHED BY SOMEONE OR KNOWS SOMEONE OR KNOWS SOMEONE WHO IS DEALING WITH THIS IN TERM OF THEIR FAMILY OR THEIR FRIENDS WHO IS GOING TO BE FACING THIS

DIFFICULT ISSUE. AND ALSO WE WANT TO MAKE SURE THAT THE PEOPLE LIVE WITH DIGNITY, WITH DISABILITIES, BUT ALSO AS THEY AGE. I THINK IT'S VERY IMPORTANT THAT WE ASSURE THAT QUALITY LIFE FOR EVERYONE THROUGH THE DIFFERENT STAGES OF THEIR LIFE. SO I WILL BE SUPPORTING THIS, THE MOTION. AND I SUPPORT THE IDEA. THANK YOU.

Mayor Wynn: A MOTION AND A SECOND ON THE TABLE. CLOSING THE PUBLIC HEARING AND APPROVING THIS AMENDED ORDINANCE. AND I SUSPECT THAT WAS FOR ALL THREE READINGS. FROM OUR MAKERS.

Dunkerley: ALL THREE READINGS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? I'LL JUST SAY THEN AS PERHAPS ADDITIONAL REQUEST OR DIRECTION AS PART OF THE PLANNED ANALYSES OF WHAT MOVEMENT WE'VE MADE IN THE NEXT, SAY, 24 MONTHS, IS THAT IT WILL BE INTERESTING TO KNOW -- AND I DON'T KNOW IF THE HOME BUILDERS ASSOCIATION HAS SOME OF THIS DATA OR NOT. MY UNDERSTANDING IS SOMETHING IN -- SOMEWHERE IN THE NEIGHBORHOOD OF SIX TO SEVEN THOUSAND SINGLE-FAMILY HOMES WERE BUILT IN AUSTIN AND/OR IN AUSTIN'S JURISDICTION EACH YEAR. AND I'D BE CURIOUS TO KNOW HOW MANY, IF ANY -- I BELIEVE SOME -- ARE BUILT IN SUCH A WAY THAT ALREADY MEETS SOME OF THIS. SO I'D LIKE TO GET SORT OF A BASELINE NUMBER TO FIGURE OUT WHERE WE ARE TODAY WITHOUT THE REQUIREMENTS. OBVIOUSLY IT'S LOW. ALL THE HOMES I VISIT, VERY TRUE ARE TRULY ACCESSIBLE. FOR US THEN TO FIGURE OUT WHAT WOULD BE AN ACCEPTABLE RATCHETING UP OF IT DELIVERING OF VISITABLE UNIT. SO PERHAPS IF WE CAN GET A GOOD BENCH MARK AND MORE DATA AS TO WHERE WE ARE CURRENTLY. THE GOOD NEWS AS COUNCILMEMBER KIM POINTED OUT, AT LEAST WITH THE HI-RISES AND MID RISES BEING BUILT, ALMOST BY DESIGN BY NATURE BECAUSE OF THE ELEVATOR ACCESS TO THE UNITS, THAT MANY OF THE ONES THAT I HAVE VISITED -- I KNOW EVERY UNIT IN MY BUILDING IS PERFECTLY VISITABLE. FURTHER KPWHEPBTS? COMMENTS? QUESTIONS? YES, SIR.

MAYOR, I HAD A COMMENT. YOU ASKED FOR A LITTLE BIT OF DATA. WE JUST GOT THIS FROM OUR RESIDENTIAL REVIEW STAFF. FROM JANUARY 1st OF 2007 TO DECEMBER 31st OF 2007, WE HAD 3,000 ONE 14 TOTAL NEW CONSTRUCTION PERMITS. 2,000 W URPB 42 OF THOSE WERE NOT SMART HOUSING AND 972 WERE SMART HOUSING, SO THAT'S ABOUT 30% THAT WAS DONE THIS PAST YEAR.

Mayor Wynn: SO BY DEFINITION, OUR SMART HOUSING UNITS ARE ALL ACCESSIBLE.

THEY MEET THE VISITABILITY REQUIREMENTS.

THAT'S CORRECT.

Mayor Wynn: SO WE'RE AT 30%?

ON AVERAGE PER YEAR.

Mayor Wynn: THAT ARE ACTUALLY SMART HOUSING. BUT IN THEORY THERE'S ALSO SOME NON-SMART HOUSING UNITS, THAT IS, THEY'RE MARKET PRICED OR FOR WHATEVER REASON THEY'RE NOT GOING THROUGH THAT PROGRAM. I'D BE CURIOUS IF WE COULD FIGURE OUT SOME DATA AS OH HOW MANY OF THOSE ARE BUILT WITH A NO STEP ENTRANCE THROUGH THE GARAGE OR IN THE BACK OR EVEN IN THE FRONT. I'VE BEEN IN VERY EXPENSIVE HOMES LATELY THAT HAPPEN TO HAVE THESE GIGANTIC FRONT DOORS THAT HAVE TO BE 48 INCHES WIDE OR SOMETHING. SO MY INSTINCT IS SOME NON-SMART HOUSING UNITS ARE MEETING AT LEAST THE ACCESSIBILITY ASPECTS OF THE VISITABILITY. THEY MAY NOT BE MEETING THE PLUG AND SWITCH HEIGHT REQUIREMENT, BUT IT WILL BE INTERESTING TO GET A TRUE BENCHMARK AS TO WHERE WE ARE RIGHT NOW IN THE BUILDING COMMUNITY AND OF COURSE THE GOAL BEING TO DRAMATICALLY RAISE THAT NUMBER.

I MAY BE CORRECTED BY REVIEW STAFF, BUT WE DON'T KEEP INFORMATION ON THAT KIND OF THING. WE USUALLY REVIEW THE ZONING, SET BACK, THOSE KIND OF REQUIREMENTS. WE DON'T KEEP TRACK OF THAT.

Mayor Wynn: PERHAPS THE HOME BUILDERS ASSOCIATION DOES OR THEIR MEMBERS MIGHT KNOW SOME OF THAT. AGAIN, WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THIS AMENDED ORDINANCE ON ALL THREE READ WANT. READINGS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

[ INAUDIBLE ].

YOU JUST PUT IT ON THE END OF THE THING. THAT WAS A ARE BRAND NEW BATHROOM PUT IN. (INDISCERNIBLE) ON TOP OF THE TOILET AND AROUND THE TUB. WHICH IS BASICALLY -- IT'S TWO BY FOUR'S.

Mayor Wynn: THANK YOU. SO COUNCIL, WITHOUT OBJECTION OUR NEXT PUBLIC HEARING WILL BE ITEM NUMBER 92 BECAUSE I'M TOLD THAT THERE IS AN AGREEMENT STRUCK THERE. PUBLIC HEARING NUMBER 92 IS REGARDING THE CITY CODE RELATED TO FLY TOWERS MUCH THAT IS THE STAGING STRUCTURE FOR THEATERS. AND I'M TOLD THAT THE NUMBER OF STAKEHOLDERS, MOSTLY WITH THE ZACH THEATER, AND SOME NEIGHBORING ASSOCIATIONS HAVE BEEN DISCUSSING THIS. SO PERHAPS A BRIEF STAFF PRESENTATION AND/OR A DISCUSSION OR REPRESENTATION OF WHAT WE BELIEVE TO BE AN TKPWRAEPBLT. -- AGREEMENT. WELCOME.

THANK YOU, MAYOR AND COUNCIL. MY NAME IS CATHY HOB WITH WATERSHED

PROTECTION AND DEVELOPMENT REVIEW HERE ON BEHALF OF BOBBY REYES, ASSISTANT DIRECTOR. ON MAY FIFTH, 2008, CITY COUNCIL APPROVED A RESOLUTION DIRECTING THE CITY COUNCIL TO INITIATE ANNEALED TO THE LAND DEVELOPMENT CODE SECTION 25-2-531 HEIGHT LIMIT EXCEPTIONS. THE AMENDMENT AS PRESENTED TO PLANNING COMMISSION JUNE 10TH, 2008, AND RECOMMENDED BY STAFF, IS AS FOLLOWS: A FLY TOWER WITHIN A -- IN WHICH THEATERS ARE ALLOWED AS A CONDITIONAL OR AS A PERMITTED USE. STAFF RECOMMENDED THIS AMENDMENT TO THE PLANNING COMMISSION AT THE PUBLIC HEARING JUNE TENTH, 2008. FOLLOWING PUBLIC TESTIMONY, THE PLANNING COMMISSION MADE A MOTION TO RECOMMEND APPROVAL OF THE PROPOSED AMENDMENT SUBJECT TO THE FOLLOWING. FIRST TO BROADEN THE ORDINANCE TO ALLOW PUBLIC AS WELL AS PRIVATE ARTS THEATERS. SECONDLY TO LIMIT THE PROVISIONS OF THE AMENDMENT TO A SMALL NUMBER OF ZONING DISTRICTS IN WHICH THEATERS WOULD NORMALLY OPERATE, SPECIFICALLY CBD, DMU, CS AND CS-1 ZONING DISTRICT. THIRDLY, THE PLANNING COMMISSION PROPOSED THAT A PROPOSED PERFORMING ARTS THEATER WITH A FLY TOWER THAT EXCEEDS THE MAXIMUM HEIGHT OF THE BASE ZONING DISTRICT UP TO 33% OF THE ZONING HEIGHT LIMIT SHALL BE OF CONDITIONAL USE SUBJECT TO THE APPLICABLE LAND USE COMMISSION. WE WOULD ALSO LIKE TO NOTE THAT THE PLANNING COMMISSION ASKED THAT FLY TOWERS BE SUBJECT TO COMPATIBILITY STANDARDS AND STAFF HAS CONCLUDED THAT THE COURT PARTICULAR REQUEST WOULD NOT REQUIRE A CODE AMENDMENT. STAFF'S RECOMMENDATION TONIGHT IS TO RECOMMEND THE ORIGINAL COUNCIL PROPOSAL. ANDKY REREAD THAT IF YOU LIKE -- AND I CAN REREAD THAT IF YOU LIKE. I'LL BE HAPPY TO TRY TO ANSWER ANY QUESTIONS.

Mayor Wynn: QUESTIONS OF STAFF? COUNCILMEMBER LEFFINGWELL.

CAN WE JUST HEAR FROM THE PARTIES THAT HAVE REACHED SOME AGREEMENT AND TRY TO OUTLINE WHAT THEIR PROPOSAL IS?

CERTAINLY.

MAYOR AND COUNCILMEMBERS, ANY KEL MEADE REPRESENTING ZACHARY SCOTT THEATER AS A MEMBER OF THE BOARD AND SPEAKING TO YOU ALL BECAUSE WE WERE ON THE SIDE OF BEING VERY MUCH IN SUPPORT OF THIS PROPOSED ORDINANCE AMENDMENT. WE WERE ABLE WITH THE HELP OF THE MEMBERS OF THE ZILKER NEIGHBORHOOD ASSOCIATION, BOULDIN CREEK AND OTHER NEIGHBORHOOD ASSOCIATIONS TO COME UP WITH WHAT I THINK IS A REALLY GOOD COMPROMISE. I'M GOING TO LET JEFF JACKS SINCE HE TOOK THE TIME TO WRITE IT ALL OUT AND I PRETTY DETAIL, I'M GOING TO LET HIM GO THROUGH AND THEN I WILL JUST CONFIRM ON OUR BEHALF THAT WE ARE IN SUPPORT.

COUNCILMEMBERS, JEFF JACK, PRESIDENT OF THE ZILKER NEIGHBORHOOD ASSOCIATION. WE APPRECIATE THE OPPORTUNITY TO DISCUSS THIS SITUATION WITH THE ZACH SCOTT FOLKS. WE REALLY ARE LOOKING AT A SITUATION IN OUR NEIGHBORHOOD THAT WE'RE CONCERNED ABOUT PRECEDENT AND WE'RE ALSO CONCERNED ABOUT PROCESS. BUT I

THINK WHAT WE'VE DONE TONIGHT IS COME UP WITH A SOLUTION THAT MAYBE SOLVES BOTH OF THOSE PROBLEMS. THERE SEEM TO BE FOUR CONDITIONS THAT WE WOULD LIKE TO SEE AS PART OF THE RESOLUTION OF THIS ISSUE. NUMBER ONE, THE DEFINITION OF PUBLIC PERFORMING ARTS THEATER IN THE ORDINANCE IS DEFINED IN SUCH A WAY THAT IT ONLY APPLIES TO THE ZACH SCOTT THEATER SITE. IT DOESN'T APPLY TO OTHER CITY OWNED LAND, ZONE P OR ANY OTHER GOVERNMENTAL ENTITIES, PUBLIC ENTITIES SUCH AS AISD, AUSTIN COMMUNITY COLLEGE, CAP METRO. AND THE REASON IS THAT THE NEIGHBORHOODS THREW THE CITY ARE CONCERNED THAT THEY MAY HAVE A PIECE OF PROPERTY OWNED BY A PUBLIC ENTITY THAT AT SOME POINT IN THE FUTURE THIS ORDINANCE COULD POSSIBLY APPLY TO THEM. SO CRAFTING IT IN SUCH A FASHION THAT IT ADDRESSES ZACH SCOTT NEEDS IS A GOOD SOLUTION. WE'VE TALKED TO THEM ABOUT THEIR NEEDS. WE UNDERSTAND THAT THEY'RE WANTING TO BUILD A 500 SEAT THEATER, A VERY PROFESSIONAL THEATER. THEY NEED A STAGE AND THEY'RE GOING TO NEED A FLY LOST. AN WE SUPPORT THE IDEA THAT THEY HAVE A FIRST CLASS THEATER. OUR CONCERN WAS WITH REGARD TO THE PRECEDENT OF THE FLY TOWER ITSELF. ZACH HAS INDICATED TO US THAT THEY WOULD BE WILLING TO AGREE TO AN 80-FOOT LIMIT ON THE FLY TOWER OR GO THROUGH THE FLY TOWER HEIGHT BEING DISCUSSED DURING A CONDITIONAL USE PROCESS. THE THIRD ELEMENT IS AGAIN GOING BACK TO THE ISSUE OF PRECEDENT. WHAT WE WILL LIKE TO SEE IS THE CITY COUNCIL CRAFT EITHER THROUGH RESOLUTION SPIRIT OF THE COUNCIL OR IN THE ORDINANCE ITSELF SOMETHING THAT BASICALLY STATES THE UNDERSTANDING THAT THE GRANTING OF THE ADDITIONAL HEIGHT FOR THE FLY TOWER IS BECAUSE ZACHARY SCOTT IS A COMMUNITY BENEFIT. IN OTHER WORDS, IN OUR NEIGHBORHOOD WE HAVE TAKEN THE POSITION THAT ANY ADDITIONAL HEIGHT HAS TO BE TIED TO SOME COMMUNITY BENEFIT. AND OF COURSE WE LOOK AT SACK SCOTT AS A COMMUNITY ORIENTED THEATER AND A BENEFIT TO OUR COMMUNITY. AND SECONDLY, THAT THE COURT BENEFIT IS NOT TRANSFERABLE TO THE COMMERCIAL SITES IN THE SAME AREA. WE HAVE A DIAGRAM HERE, AND I CAN PASS IT AROUND, THERE ARE FOUR OR FIVE OTHER SITES ADJACENT TO ZACH SCOTT THAT WE'RE CONCERNED WITH, THAT DEVELOPERS IN THE FUTURE WILL POINT TO ZACH SCOTT'S FLY TOWER AS A REASON TO ASK FOR ADDITIONAL HEIGHT FOR THEIR SITES. SO THEY HAVE INDICATE THAT HAD THEY WOULD STAND WITH THE NEIGHBORHOOD IN THE FUTURE AND OPEN USING ZACH SCOTT'S ADDITIONAL HEIGHT AS A PRECEDENT FOR OTHER DEVELOPERS TO ASK FOR HEIGHT. AND THE LAST ELEMENT IS AN AGREEMENT WITH ZACH SCOTT TO ENGAGE THE NEIGHBORHOODS IN AN ONGOING DISCUSSION ABOUT THE DEVELOPMENT OF THEIR PROJECT AND UNDERSTANDING THAT IT'S THEIR INTENT TO ACCOMMODATE THEIR PARKING WITHIN THEIR EXISTING LEASE LINE OR IF IT'S ACCOMMODATED OFF SITE, THAT IT WOULD BE IN A ZONING CATEGORY WHERE THE BASE ZONING REQUIREMENTS ARE RESPECTED. IN OTHER WORDS, ADDITIONAL PARKING NEEDED BY ZACH SCOTT WOULDN'T BE A REASON TO UP ZONE SOME OTHER ADJACENT PROPERTY. OUR CONCERN HERE HAS ALWAYS BEEN WITH CONCERN TO PARKING THAT WE HAVE A PUBLIC PARK SITUATION AND WE DON'T WANT TO SEE ANY MORE PUBLIC GREEN SPACE, SOFTBALL FIELDS OR ANY OTHER OF THE GREEN SPACE DOWN THERE CONVERTED TO STRUCTURED PARKING OR

SURFACE PARKING. SO THAT IS BASICALLY THE ELEMENTS OF THE AGREEMENT AND I'LL TURN IT BACK OVER.

WE AGREE WITH THAT POSITION, MAYOR AND COUNCILMEMBERS, AND TWO THINGS I WOULD ADD. WE REALIZE THAT THE AGREEMENT INCLUDES SOME PROVISIONS THAT HADN'T BEEN DEALT WITH OR TALK ABOUT BEFORE TONIGHT, SO THERE IS ALSO AGREEMENT AMONG THE PARTIES THAT WE WILL ASK YOU ALL TO -- AND WE WOULD BOTH SUPPORT YOU TAKING ACTION ON THE FIRST READING AND ALLOWING THIS, IF THE COUNCIL WOULD BE OKAY WITH IT, TO COME BACK TO IT AT THE COUNCIL'S NEXT MEETING, I GUESS THAT WILL BE JULY 24TH FOR FINAL ACTION. AND WE AND THE STAFF WOULD WORK ON THE LANGUAGE ITEMS AND THE ISSUE OF NARROWING IS SCOPE OF THE ORDINANCE DURING THAT TIME. SO IF WE COULD HAVE IT COME BACK TO THE COUNCIL AT THE NEXT MEETING OF THE COUNCIL, AND WE WILL BE REALLY SAD THAT MAYOR PRO TEM DUNKERLEY WON'T BE ABLE TO JOIN US IN TAKING ACTION ON THAT BECAUSE SHE'S BEEN INSTRUMENTAL IN TRYING TO HELP ZACHARY SCOTT THEATER, AS ALL OF YOU HAVE, BUT SHE'S DEFINITELY BEEN VERY INSTRUMENTAL IN HELPING US WORK THROUGH GETTING THIS FIRST CLASS FABULOUS THEATER BUILT. SO WE WILL REGRET THAT YOU WOULDN'T BE ABLE TO TAKE A FINAL ACTION ON THAT, BUT IF WE CAN BRING IT BACK AT A TIME, ALL OF THE PARTIES THAT ARE HERE TONIGHT WOULD BE IN SUPPORT OF THAT.

Mayor Wynn: THANK YOU. QUESTIONS OF ANYBODY, COUNCIL? COMMENTS?

Leffingwell: MAYOR, I ASSUME THERE IS NO ONE ELSE THAT REALLY WANTS TO SPEAK IN THE PUBLIC HEARING AT THIS TIME? I THINK THAT WAS THE AGREEMENT. IF THAT'S THE CASE, I GUESS I WOULD LIKE TO MAKE A MOTION. TO CLOSE THE PUBLIC HEARING AN APPROVE ON FIRST READING ONLY THE STAFF RECOMMENDED ORDINANCE WITH THE ADDITIONAL DIRECTION WITH REGARD TO LIMITED SCOPE, COMMUNITY BENEFIT AND PARKING ISSUES, AND TO BRING IT BACK ON JULY 24STH. I THINK I HIGHLIGHTED THE MAJOR CONCERNS, IF I DIDN'T, JUST LET ME KNOW.

Mayor Wynn: MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER MARTINEZ TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY STAFF RECOMMENDED ORDINANCE WITH THE ADDITIONAL DIRECTION REGARDING LIMBING THE SCOPE -- LIMITING THE SCOPE AND BRINGING IT BACK FOR SECOND AND/OR THIRD READING ON JULY 24TH, 2008. PARTS FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSE STPH-DED? ED OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. COUNCIL, THAT TAKES US BACK TO ITEM NUMBER 90, A PUBLIC HEARING REGARDING AN ORDINANCE THAT AMENDS THE CITY CODE RELATING TO JUVENILE CURFEWS. I WOULD APPRECIATE A BRIEF STAFF PRESENTATION. WE HAVE A HANDFUL OF FOLKS, A COUPLE OF FOLKS WHO HAD SIGNED UP WISHING TO GIVE US TESTIMONY. THE ORDINANCE SETS CURFEW HOURS FOR JUVENILES UNDER 17 YEARS OF AGE AND THREE GEOGRAPHIC AREAS CURRENTLY. CITYWIDE, AREAS 1 AND 2, WHICH IS BASICALLY THE DOWNTOWN ENTERTAINMENT DISTRICT, AND AREA 3, SOUTHEAST PART OF



AUSTIN, WHICH IS DOVE SPRINGS. THIS SLIDE WILL SHOW WITH YOU THE AREAS ARE 1 AND 2 AND THEN AREA 3. AND THAT'S A CLOSURE, WHICH IS BASICALLY THE DOWNTOWN ENTERTAINMENT DISTRICT INCLUDING PART OF THE WAREHOUSE DISTRICT THERE. AND THERE'S THE AREA 3, WHICH IS THE DOVE SPRINGS AREA. A.P.D. RECOMMENDS CONTINUING THIS ORDINANCE AS IT ENHANCES OUR COMMITMENT TO THE AUSTIN COMMUNITY IN ACHIEVING OUR COMMISSION, WHICH IS KEEPING YOUTH, YOUR FAMILY AND OUR COMMUNITY SAFE. A.P.D. PROPOSES TO MODIFY THE ORDINANCE TO PROVIDE CONSISTENT ENFORCEMENT. SO MORE IMPORTANTLY TO REALLY SIMPLIFY IT SO KID, PARENTS AND THE COPS HAVE A CLEAR UNDERSTANDING THROUGHOUT THE CITY INSTEAD OF HAVING WHAT WE HAVE CURRENTLY. IF YOU'LL NOTICE IN THIS SLIDE, THE ARRESTS IN 1987-1989 BEFORE WE HAD THIS ORDINANCE, JUVENILES ACCOUNTED FOR ABOUT 12% OF OUR ARRESTS. IN 1990 THE COUNCIL FIRST PASSED THE ORDINANCE AND WE ACHIEVED A FIVE PERCENT REDUCTION IN JUVENILE CRIME, JUVENILE ARRESTS, WHICH WE'VE MAINTAINED. I ALSO WANT TO POINT OUT THE FACT THAT ALTHOUGH YOU'VE SEEN AN INCREASE OF CRIME IN THE ADULT POPULATION, THOSE INCREASES HAVE NOT BEEN THE SAME OR HELD TRUE FOR KIDS, WHICH IS REALLY WHAT THIS -- WHAT WE WANTED TO ACHIEVE AND WHAT WE DID ACHIEVE. CURRENT CURFEW HOURS CITYWIDE, NIGHT CURFEW IS 11 P.M. TO 6:00 A.M. SUNDAY THROUGH THURSDAY. 12:30 TO 6:00 A.M. FRIDAY AND SATURDAY. AREA'S 1:00 P.M. TO 6:00 P.M. ANY DAY AND AREA 3 IS 11:00 P.M. TO 6:00 A.M. SUNDAY THROUGH THURSDAY AND MIDNIGHT TO 6:00 A.M. FRIDAY AND SATURDAY. AND OUR DAYTIME CURFEW, WHICH IS REALLY OUR SCHOOL CURFEW WHEN SCHOOL IS IN SESSION, IS MONDAY THROUGH FRIDAY 9:00 TO 2:30. CITYWIDE THIS IS OUR PROPOSED MODIFICATIONS, WOULD BE CITYWIDE NIGHTTIME CURFEW WOULD BE 11:00 P.M. THROUGH 6:00 A.M. ON MONDAY THROUGH THURSDAY AND THEN MIDNIGHT AND 6:00 A.M. ON SATURDAY AND SUNDAY MUCH THE AMENDMENT WOULD ALSO ELIMINATE CURFEW IN AREA NUMBER 3. SOUTHEAST AUSTIN THAT, AREA WOULD BE COVERED BY THE GENERAL CITYWIDE CURFEW POSITIONS AND ALSO AREAS ONE AND TWO SHARE A COMMON BOUNDARY AS YOU KNOW WITH CURFEW HOURS FROM 10:00 P.M. TO SIX P.M. ANY DAY OF THE WEEK. A.P.D. RECOMMENDS COMBINING CURFEW AREA NUMBER ONE AND TWO AND CHANGE THE NAME OF THAT AREA AS THE DOWNTOWN ENTERTAINMENT DISTRICT CURFEW AND WE ALSO RECOMMEND THAT WE RECOMMEND TO SET THE CURFEW TIME FOR THAT AREA TO APPLY BETWEEN 11:00 P.M. AND SIX A.M. ON ANY DAY. THE REASON WE WANT TO DO THAT IS PRIMARILY BECAUSE WE HAVE A HIGH CONCENTRATION OF BARS AND ALCOHOL CON ASSUMPTION AND OBVIOUSLY WE WANT TO KEEP THESE KIDS OUT OF TROUBLE. ONE OF THE ISSUES THAT SOME FOLKS WILL TALK ABOUT IS THE FACT THAT FOR THE DAYTIME CURFEW WE DO HAVE A STATE LAW. THE ONLY CHALLENGE THAT WE HAVE WITH THAT IS THAT THE COURT STATE LAW DOES NOT HAVE THE TEETH THAT WE NEED TO REQUIRE STUDENTS THAT ARE REPEAT OFFENDERS AND PARENTS TO HAVE SOME FOLLOW-UP. IN OTHER WORDS, IF YOU HAVE A HABIT ACTUAL REPEAT OFFENDER IN TERM OF CURFEW, THIS CODE ALLOWS US TO MAKE THESE FOLKS COME INTO COURT AND EVENTUALLY BRING THE PARENTS, HOLD THEM TO TASK FOR NOT HAVING THEIR KIDS IN COURT. WE BELIEVE THAT THIS ORDINANCE IS VALUABLE. IT'S A VALUABLE TOOL. IT'S

PROVEN TO KEEP CRIME DOWN AND MORE IMPORTANTLY IT IS A METHOD FOR US TO KEEP KIDS WHERE THEY BELONG, WHICH IS IN SCHOOL AND LATE AT NIGHT. IT'S NOT IN THE ENTERTAINMENT DISTRICT AND IT CERTAINLY IS NOT RUNNING AROUND THE STREETS IN THE MIDDLE OF THE NIGHT WHERE THEY CAN GET HURT AND IT'S A VALUABLE TOOL TO KEEP THE KIDS SAFE AN THE COMMUNITY SAFE. SO WITH THAT I WILL OPEN IT TO ANY QUESTIONS. MOISTURE MAYOR THANK YOU, CHIEF. QUESTIONS OF CHIEF ACEVEDO? COMMENTS? WE DO HAVE A COUPLE OF FOLKS WHO WANTED TO GIVE US TESTIMONY. IF THEY HAVE STUCK IT OUT. OUR FIRST SPEAKER WAS GUS PENA. WE HEARD FROM HIM A COUPLE OF TIMES TODAY ALREADY. HE SIGN UP IN FAVOR OF THIS ITEM. DEBBIE RUSSELL, WE APPRECIATE YOUR PATIENCE, DEBBIE. SIGNED UP AND ALSO GIVEN US SOME WRITTEN TESTIMONY. HANG ON, BEFORE YOU START, DAVID. IS JEFF JACK STILL IN THE ROOM?

[ INAUDIBLE ].

I DON'T NEED NINE. ROY IS HERE.

REY WHALELY IS GOING TO OFFER TIME TO YOU. IS SIX MINUTES ENOUGH, DEBBIE?

ABSOLUTELY.

Mayor Wynn: WELCOME.

I'M DEBBIE RUSSELL. CENTRAL TEXAS ACLU. MY MESSAGE HAS CHANGED QUITE A BIT, BUT GENERALLY SPEAKING THE REPORT THAT THE POLICE HAVE PRODUCED DON'T ACTUALLY SHOW US THE NUMBERS WE NEED TO SEE TO JUSTIFY HAVING THIS ORDINANCE CONTINUE. THERE'S JUST NOT ENOUGH SOLID STATISTICAL BASIS TO SUPPORT THE RESTRICTIONS THAT ARE IMPOSED THROUGH THIS. I WANT TO MENTION THAT LAW ENFORCEMENT THROUGHOUT THE STATE ACTUALLY DROVE THE TWO STATE LAWS THAT PASSED THIS LAST LEGISLATIVE SESSION SO LAW ENFORCEMENT FOR THE MOST PART BEFORE OUR CHIEF GOT HERE TO TEXAS THOUGHT THAT THOSE TWO LAWS DID PROVIDE ENOUGH TEETH TO DO WHAT WE NEED TO DO. WE CAN CREATE FOLLOW-UP MECHANISMS IN OTHER WAYS, IN ADMINISTRATIVE WAYS THAT DON'T CRIMINALIZE AND SUBJECT OUR YOUTH TO FURTHER -- TO BEING PUT FURTHER INTO THE CRIMINAL JUSTICE SYSTEM THAT HAS PROVEN TO BE SO DETRIMENTAL. I DO WANT TO SAY THAT OVERALL ACROSS THE NATION WE'VE SEEN A LOT OF THESE ORDINANCES BE STRUCK DOWN. OF COURSE THE ACLU HAS BEEN BEHIND SEVERAL OF THOSE CHALLENGES. THEY'RE VAGUE AND THEY'RE OVERREACHING. THE ORDINANCES HAVE -- THEY GO TOO FAR IN MOST CASES. AND I THINK OURS DOES TOO. ACROSS THE STATE WE'VE ACTUALLY SEEN SEVERAL CITIES CONSIDER IMPLEMENTING DAYTIME CURFEWS WHERE THEY DIDN'T HAVE THEM BEFORE AND IN THE PAST NINE MONTHS OR SO SINCE THESE BILLS HAVE BEEN IN EFFECT, THEY -- HARRIS COUNTY, SAN ANGELO AND -- WHO AM I FORGETTING? WACO. I SHOULDN'T FORGET WACO. HAS STRUCK DOWN THE PROPOSITION OF IMPLEMENTING LOCAL ORDINANCES FOR FEAR OF THE LITIGATION AND THE LIABILITY IT WOULD BRING BECAUSE OF THE PATTERNS WE

SEE ACROSS THE NATION. THEY SAW -- THEY SAW THE TWO HOUSE BILLS, 776 AND 2297 IF I'M REMEMBERING RIGHT, AS QUITE ADEQUATE TO PROTECT YOUTH ON OUR STREETS AND TO PROTECT CIVIL LIBERTIES AT THE SAME TIME. SO WHAT THE ACLU CENTRAL TEXAS CHAPTER IS URGING YOU TO DO IS TO SIMPLY GET RID OF THE DAYTIME PIECE ALL TOGETHER. BE DON'T NEED IT. WE HAVE THE STATE LAWS NOW. THESE ORDINANCES WERE ACTUALLY CREATED IN RESPONSE TO NOT HAVING THE STATE LAWS. NOW WE HAVE THE STATE LAWS. IT'S JUST SIMPLY A NO BRAINER TO GET RID OF THESE THINGS. AND UNFORTUNATELY WHEN THIS CAME TO MY ATTENTION, I DIDN'T HAVE ENOUGH TIME TO TURN AROUND FOR AN OPEN RECORDS REQUEST, SO I'M STILL WORKING ON A LOT OF ANECDOTAL EVIDENCE AND WORD OF MOUTH ABOUT HOW THEY'RE ENFORCING IT. WHAT WE DON'T SEE IN THE REPORT IS WHO ARE THEY ARRESTING AND WHERE -- WHAT PARTS OF TOWN ARE THEY ARRESTING THEM IN? SO WE'RE NOT SEEING IF THERE'S PROFILING GOING ON. WE'RE NOT SEEING HOW MANY ARE OUR YOUTH OF COLOR. AREA 3 IS THAT WE'VE BEEN TARGETING YOUTH OF COLOR. SOUTHEAST AUSTIN HAS A HEAVY POPULATION AND I AM VERY GLAD THAT THE CHIEF SAW THE WISDOM OF GETTING RID OF THAT AND I'M ALSO GLAD THAT HE TRIED TO CLEAN UP -- STANDARDIZE THE TIMES. I THINK THAT WAS A GREAT FIRST STEP. BUT I DON'T THINK IT'S THE CHIEF'S JOB TO REWRITE BAD LANGUAGE, REWRITE POLICY. I THINK IT'S ACTUALLY THE COUNCIL'S JOB TO DO THAT AND I INVITE YOU TO LOOK AT THAT. WE DO HAVE SOME TIME. LAST MINUTE I FOUND OUT THERE'S SOME 10-DAY RULE THAT WE ACTUALLY CAN'T DO SOMETHING ON JULY 24, SO WE'LL HAVE TO GO FORTH WITH THIS. I'M PROBABLY WASTING MY BRING. BUT I WOULD LIKE TO REVISIT THIS AND WE CAN CHANGE SOME OF THE PARTS OF THIS ORDINANCE THAT I THINK ARE CAUSING YOU HEADACHES ALREADY. IN PARTICULAR THE TEXAS CIVIL RIGHTS PROJECT CASE THAT THEY WON AGAINST THE CITY LAST FEBRUARY AND ROUNDING UP SEVERAL YOUTH WHO WERE ACTUALLY PRACTICING THEIR FIRST AMENDMENT RIGHTS, WHICH IS AN EXCEPTION, ACCORDING TO OUR ORDINANCE, AND EITHER OUR OFFICERS ON THE STREETS DON'T UNDERSTAND THE ORDINANCE OR THEY'RE OVERREACHING. AND WE NEED TO SEE HOW MUCH THEY'RE DOING THAT AND WHAT ASPECT THEY'RE DOING THAT. SO WE REALLY NEED TO LOOK AT HOW THEY'RE ENFORCING IT. WE DON'T HAVE THE NUMBERS WE NEED TO DETERMINE IF WE REALLY HAVE A BASIS FOR THIS ORDINANCE BEING CLEAN. AND I WOULD INVITE MANAGEMENT AND LEGAL TO LOOK AT HOW MUCH WE'VE SPENT LITIGATING CASES ON THIS ISSUE AN CONSIDER THAT MAYBE THE MONEY WOULD BE BETTER SPENT IN ALTERNATIVE YOUTH PROGRAMS AND WOULD KEEP THE YOUTH ENGAGE AND IN SCHOOL SO THEY WOULDN'T BE TEMPTED TO SKIP AND PUTTING THEMSELVES AT RISK WITH THE LAW ENFORCEMENT, GETTING FURTHER AND FURTHER INTO THE SYSTEM AND NEVER BEING ABLE TO PULL OUT. AND OF COURSE WE KNOW WHOOPS ONCE THEY DO END UP IN JAIL. IT'S NEVER A GOOD THING. AND THE (INDISCERNIBLE) IS VERY INEFFECTIVE. WE'RE FINDING ACROSS THE UNITED STATES, THE USDOJ HAS FUNDED A PROJECT THAT LOOKED ACROSS THE UNITED STATES AND FOUND THAT -- YOU WILL SEE THIS IN THE REPORT, THAT JUVENILE CRIME IS NOT NECESSARILY GOING DOWN DURING THE CURFEW HOURS. IT'S BEING DISPLACED. IT'S BEING MOVED TO THE FOUR TO SILTED OAK HOUR OR OTHER. SO WE NEED TO LOOK VERY CAREFULLY AT HOW THESE NUMBERS WERE ARRIVED

AT AND WHAT THEY ACTUALLY MEAN. [ BUZZER SOUNDS ] BEFORE WE RUBBER STAMP THIS ORDINANCE THAT DOESN'T NEED TO BE ON THE BOOKS ANYMORE. THANK YOU.

Mayor Wynn: THANK YOU, MS. RUSSELL. COUNCIL, THAT CONCLUDES THE FOLKS WHO HAVE SIGNED UP TO GIVE US TESTIMONY AT THIS PUBLIC HEARING, ITEM NUMBER 90, ACCORDING TO OUR JUVENILE CURFEW ORDINANCE. FURTHER QUESTIONS, COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 90. MOTION BY COUNCILMEMBER KIM, SECONDED BY COUNCILMEMBER MARTINEZ TO CLOSE THE PUBLIC HEARING AND APPROVE THIS PROPOSED ORDINANCE AMENDING THE CURRENT CITY CODE ON ALL THREE READINGS. FURTHER COMMENTS?

Martinez: MAYOR? I JUST WANTED TO ASK THE CHIEF IF WE COULD START A CONVERSATION AS WE MOVE FORWARD ABOUT THE DAYTIME CURFEW ASPECT OF THE ORDINANCE. WE HAVE HB 776 THAT WAS PASSED LAST SESSION THAT IN ESSENCE ALLOWS US TO ENFORCE A CURFEW STYLE ORDINANCE WITHOUT US HAVING A LOCAL ORDINANCE. AND WE WANTED TO SEE IF WE COULD JUST CLEAN THAT LANGUAGE UP.

WELL, WE DO USE THAT TOOL, COUNCILMEMBER. OUR OFFICERS DO HAVE THAT DISCRETION. WITH THIS ORDINANCE WE HAVE THE TEETH THAT WE NEED TO FORCE PARENTS AND KIDS -- WE TALK ABOUT PROFILING. I TELL YOU THE NUMBER ONE GROUP OF KIDS WHO AREN'T GRADUATING FROM HIGH SCHOOL ARE AFRICAN-AMERICAN BOYS AND HISPANIC BOYS. THIS ORDINANCE GIVES THIS CITY AND THIS POLICE DEPARTMENT THE ABILITY TO AGGRESSIVELY TELL THESE KIDS AND EVENTUALLY THEY'RE PATIENCE -- THE OTHER PART OF IT COUNCILMEMBER IS IF THEY DON'T RESPOND TO THE SECTION YOU'RE SAYING, THROUGH THE PROGRAM AND THROUGH THE MUNICIPAL COURT PROGRAM TO LOCAL THE PARENTS ACCOUNTABLE, SO WE ACTUALLY BUILD YOU CAN TO THAT. WE START WITH THIS AND MOVE UP TO THIS ORDINANCE, WHICH IS OUR ONE-TWO PUNCH TO KEEP KIDS IN SCHOOL AND KEEP THEM OUT OF TROUBLE.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: I WAS SURPRISED DURING OUR BUDGET HEARINGS OVER I THINK THE MUNICIPAL COURT, LEARNING HOW MANY CITATIONS WE HAVE JUST FOR ABSENTEEISM, HOLDING THE PARENTS ACCOUNTABLE FOR THEIR CHILDREN NOT BEING IN SCHOOL. IT'S REALLY TROUBLING TO ME THAT WE HAVE TO USE A CURFEW ORDINANCE, BUT WE HAVE TO USE THE TOOLS THAT ARE AVAILABLE TO MAKE SURE THAT KIDS ARE LEARNING AND NOT BEING OUT DOING OTHER THINGS. THEY REALLY SHOULD BE FOCUSING ON THEIR EDUCATION AND WE NEED THE PARENTS' COOPERATION, AND THIS IS ONE WAY TO MAKE SURE THAT HAPPENS.

OUR COMMITMENT IS REALLY, TRULY TO USE THIS TOOL FOR THE KIDS THAT ARE NEW, WE HAVEN'T SEEN THEM AS A PROBLEM AND THEN USE OUR ORDINANCE FOR THE KIDS THAT ARE NOT GETTING IT. AND THE PARENTS THAT AREN'T GETTING IT BECAUSE WE WANT TO

SEE THESE KIDS SUCCEED AND NOT BE PART OF THE CRIMINAL JUSTICE SYSTEM AS THEY END UP GETTING IN TROUBLE. KIDS ARE VERY IMPULSIVE. THEY DON'T NEED TO BE OUT RUNNING AROUND WHEN THEY'RE SUPPOSED TO BE IN SCHOOL BECAUSE THAT'S WHEN THEY DO STUPID THINGS LIKE COMMIT BURGLARIES AND THINGS OF THAT MAYOR. AND WE BELIEVE THIS WILL BE A TOOL TO CLEAN IT UP, KEEP IT SINGLE FOR THE COPS, KEEP IT SIMPLE FOR THE COMMUNITY AND GIVE US A SECOND PUNCH IF WE NEED IT IN THOSE INSTANCES.

CHIEF, IF -- MA.

Martinez: IT CHIEF, IF WE HAVE A LOCAL ORDINANCE THAT SPEAKS TO CURFEW VIOLATIONS, HOW DOES THAT AFFECT THE TRAVIS COUNTY SHERIFF'S OFFICERS AND OUR CON TABLE OFFICERS?

OUR CONSTABLES IF THEY'RE HERE THEY USE OUR ORDINANCE. THEY HAVE THE ABILITY TO ENFORCE THOSE ORDINANCES. BUT THE SHERIFF'S DEPARTMENT NEW YORKLY DOES NOT PATROL OUR CITY STREETS. THE OTHER PART IS WHEN THE KIDS AREN'T IN SCHOOL, OUR SCHOOLS LOSE THE FUNDING FOR THAT DAY AND IT JUST HAS A REALLY -- MULTIPLIES THE EFFECT ON OUR ABILITY TO DELIVER A GREAT EDUCATION TO OUR YOUNG PEOPLE. FIRST THEY HAVE TO BE IN SCHOOL TO GET THE EDUCATION AND FOR OUR SCHOOLS TO GET THE FUNNING THEY NEED TO PROVIDE THE EDUCATION.

Martinez: SO AISD IS ALLOWED TO USE THIS?

YES, SIR. THEY ENFORCE THE DAYTIME CURFEW. THEY USE IT VERY EFFECTIVELY. WE USE IT DURING THE DAY AND ALSO AT NIGHT TO KEEP THE KIDS SAFE.

Mayor Wynn: MOTION AND A SECOND ON THE TABLE? FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSE STPH-DED? ED OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

Martinez: I WANT TO CONSOLE CHIEF A SAY DOUGH THIS WEEK ON THE DEFEAT OF THE LA LAKERS. I KNOW HOW MUCH YOU WERE ROOTING FOR THEM, BUT THE BETTER TEAM WON.

[INAUDIBLE - NO MIC]. [ LAUGHTER ]

Mayor Wynn: IN HER LAST MEETING AS MAYOR PRO TEM DUNKERLEY, BETTY DUNKERLEY MOVES THAT WE WAIVE COUNCIL RULES TO GO PAST 10:00 P.M., SECONDED BY COUNCILMEMBER KIM IN HER FINAL MEETING. [ LAUGHTER ] ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. PERHAPS BETTY AND JENNIFER KIM'S FINAL UNANIMOUS VOTE. [ LAUGHTER ] SO COUNCIL, THAT TAKES US TO ITEM NUMBER 99, CONDUCT A PUBLIC HEARING TO CONSIDER THE INTERIM UPDATE TO THE AUSTIN TOMORROW COMPREHENSIVE PLAN. APPRECIATE A BRIEF STAFF RECOMMENDATION --

PRESENTATION FROM MR. GREG GUERNSEY.

THANK YOU, MAYOR AND COUNCIL. TPUPL NUMBER 91 IS TO CONDUCT A PARTICULARLY AND CONSIDER AN IN ACCORDANCE ADOPTING THE INTERIM UPDATE TO THE AUSTIN TOMORROW COMPREHENSIVE PLAN AND THIS HAS BEEN RECOMMENDED BY THE ENVIRONMENTAL BOARD AND THE PLANNING COMMISSION. THE AUSTIN TOMORROW COMPREHENSIVE PLAN IS A VERY IMPORTANT ISSUE. AND I WANT TO DIRECT YOUR ATTENTION TO SOME OF MY STAFF THAT HAVE BEEN WORKING DILIGENTLY ON THIS PROJECT OVER THE PAST PROBABLY ABOUT SIX MONTHS OR SO. ASSISTANT DIRECTOR GARDENER AND PLANNERS MARK WALTERS AND CALEB (INDISCERNIBLE). I'M VERY PROUD OF THE EFFORTS THEY PUT INTO THIS PROJECT. LET ME SPEAK TO THE PROJECT. IT IS AN UPDATE, A LIMITED UPDATE TO THE AUSTIN TOMORROW COMPREHENSIVE PLAN AT THE DIRECTION OF TOBY FUTRELL, THE PREVIOUS CITY MANAGER, STAFF REVIEWED THE AUSTIN TOMORROW PLAN DURING THE SUMMER OF 2007 TO TEST THE FEASIBILITY OF COMPLETING AN INTERIM UPDATE. THE CONCEPT WAS TO COMPILE THE GROWTH AND DEVELOPMENT RELATED PLANNING INITIATIVES UNDER TAKEN SINCE THE PLAN'S ADOPTION AND TO USE THOSE AS SOURCES TO COMPLETE THE UPDATE OF THE PLAN. I'M HAPPY TO SAY THAT THE PLANNING COMMISSION RECOMMENDED THE UPDATE TO YOU AND THAT YOU DIRECTED US TO GO AHEAD WITH THIS UPDATE. THE PLAN ADDRESSES THE GROWTH AND DEVELOPMENT ISSUES ALL AT ONCE, EXAMINES THE INTERRELATIONSHIPS AND TRADE-OFFS OF THESE ISSUES. THE BALANCING OF HOUSING OR ENVIRONMENTAL ISSUES. IT PROVIDES A FORM TO ENGAGE OUR COMMUNITY, BOTH IN A PLANNING AND ACCOUNTING TOOL MEASURE, AND IT STAYS AT A LEVEL THAT YOU WOULD BE -- AT AN ELEVATION OF 30,000 FEET. BEER NOT MICROMANAGING, BUT YOU'RE REALLY LOOKING AT THE BIG PICTURE. SO WHAT PRESENTLY SERVE AS THE COMPREHENSIVE PLAN? WELL, THE AUSTIN TOMORROW PLAN. AND I BROUGHT MY COPY, WHICH I'VE HAD SINCE GRADUATE SCHOOL IN 1981. SO THIS IS WHAT IT PHYSICALLY LOOKS LIKE. THERE ARE NOT MANY OF THESE AROUND. IT WAS DEVELOPED BACK IN THE '70'S WHEN PRESIDENT CARTER WAS HERE AND IT'S BEEN SUBSEQUENTLY UPDATED NUMEROUS TIMES BY THIS COUNCIL WITH THE ADOPTION OF NEIGHBORHOOD PLANS, WHICH YOU SPENT MANY A NIGHT HERE LONG PAST 10:00. IT CONTAINS FOUR CHAPTERS AND SUPPORTING MAPS AND IT WAS TYPICAL OF THE TIME AS A COMPREHENSIVE PLAN. AND -- BUT WHAT DO WE MEAN BY THE INTERIM UPDATE? AS PART OF YOUR RESOLUTION YOU DIRECTED US TO REMOVE OBSOLETE POLICY AND REPLACE IT WITH ADOPTED POLICY OR REPLACE THE SUPPLEMENTAL DATED MAPS WITH CURRENT MAPS. THESE CHANGES BEGAN AT THE BEGINNING OF THIS YEAR. WE ASSEMBLED A TEAM OF VARIOUS REPRESENTATIVES TO LOOK AT MAINLY CHAPTER 2 OF THIS DOCUMENT FOR THE GOALS AND POLICIES. THESE RECOMMENDATIONS WERE FORWARDED TO YOUR PLANNING COMMISSION AND THEY CREATED A COMPREHENSIVE PLANNING COMMITTEE. AND THE INITIAL DRAFT WAS DONE ON APRIL 1st AND MAY SIXTH AND AFTER REVIEW OF THE COMMITTEE IT WAS PLACED ON THE INTERNET FOR PUBLIC COMMENT. THIS RESULTED IN SOME HEARINGS AND THE INTERIM UPDATE BEING PRESENTED AT A PUBLIC HEARING ON MAY 27TH AND BEING BROUGHT TO YOU TONIGHT.

CHAPTER 2 COVERS MANY DIFFERENT TOPICS. AND I'M GOING TO SHOW YOU THESE VERY QUICKLY. IF YOU LOOK THROUGH THE DIFFERENT THINGS THAT HAVE CHANGED SINCE THE AUSTIN TOMORROW COMPREHENSIVE PLAN WAS ADOPTED IN 79, WE'VE ADOPTED THE CRITERIA MANUALS. WE HAVE A NEW LAND DEVELOPMENT CODE. WE ACTUALLY REVISED ALL OUR ZONING ORDINANCES BACK IN THE MY MID '80'S. WE'VE PASSED ECONOMIC POLICIES, THE AUSTIN CLIMATE PROTECTION PLAN. WE'VE CREATED SMART HOUSING, VERTICAL MIXED USE. WE HAVE THE AMERICANS WITH DISABILITIES ACT, BICYCLE PLANS, PARKLAND DEDICATION ORDINANCES. GREAT STREETS. OUR HILL COUNTRY ROADWAY ORDINANCE. THE AIRPORT OVERLAY. CREATION OF OUR HEALTH AND HUMAN SERVICES DEPARTMENT. SO WHEN WE START LOOKING AT THESE THINGS, WE GET DOWN TO THOSE BASIC POLICIES AND GOALS THAT WILL MOVE FORWARD IN THE PLAN. CHAPTERS THREE AND FOUR ADDENDUMS, WE LOOKED AT THE CRITICAL ISSUES THAT FACE AUSTIN, ENVIRONMENTAL PROTECTION, DOWNTOWN NEIGHBORHOODS, COMPACT CITY AND DENSITY ISSUES. AND CHAPTER 4 PROPOSES TO ADDRESS THOSE POLICIES. IT PROVIDES AN OVERVIEW AND LOOKS AT WHAT IMPLEMENTED. AN OVERVIEW OF THOSE DIFFERENT DIFFERENT ORDINANCES AND STUDIES THAT WERE COMPLETED IN 1999 AND COMPLETED IN 2007. THEY WOULD EVENTUALLY DEVELOP INTO A NEW GROWTH CONCEPT MAP, AND I'LL GET TO THAT IN JUST A MINUTE. THIS LITTLE CHART EXPLAINS A LOT. AND IF YOU LOOK AT IT, THESE ARE ALL THE DIFFERENT THINGS THAT AFFECT THE ENVIRONMENT, DOWNTOWN NEIGHBORHOODS OR COMPACT CITY DENSITY. THESE AREN'T ALL OF THEM, BUT THIS IS KIND OF A NICE SELECTION THAT GIVE YOU AN IDEA OF WHAT HAS CHANGED SINCE WE HAVE ADOPTED THE ORIGINAL AUSTIN TOMORROW COMPREHENSIVE PLAN. AND THESE ARE YOUR ADOPTIVE POLICIES WHERE WE'RE TALKING ABOUT COMPREHENSIVE WATER ORDINANCES OR THE CREATION OF GREAT STREETS PROGRAM OR THE EAST AUSTIN OVERLAY. WE'LL BE TALKING ABOUT McMANSION A LITTLE LATER. THESE ARE ALL DIFFERENT THINGS THAT YOU HAVE APPROVED OR PRECEDING COUNCILS HAVE APPROVED. AND IN RESPECT OF THE PAST, AND YOU LOOK AT THE AREA THAT HAS CHANGED, IN 1960 WE WERE ONLY ABOUT 60 SQUARE MILES. IN 1980 WE GREW AGAIN TO BE APPROXIMATELY 128 SQUARE MILES. TODAY WE'RE ALMOST 300 SQUARE MILE. IF YOU LOOK AT THIS PICTURE, THE AREA IN GREEN IS WHAT WE WERE AND THE AREAS IN RED IS WHERE WE ARE TODAY. SO WE HAVE CHANGED A GREAT DEAL SINCE THE PLAN WAS ORIGINALLY ADOPTED. OUR POPULATION HAS GROWN TOO. AND BACK WHEN THE PLAN WAS DONE WE WERE LESS THAN 350,000 PEOPLE. TODAY NOW WE'RE OVER 735,000 PEOPLE. SO WE HAVE GROWN TREMENDOUSLY. DID YOU LOOK AT OUR POPULATION GROWTH AND THIS IS SOMETHING THE CITY DEMOGRAPHER GAVE US AS A PROJECTION OF WHAT MINE THE BASE AND THE LOW OR THE HIGH. BUT WE WILL CONTINUE TO GROW. THAT BECOMES A VERY BIG ISSUE FOR OUR CITY. SO LET TURN BACK THE CLOCK TO 1979. WE HAD GROWTH AREAS. AND IF YOU LOOK AT THAT CENTER AREA THAT'S KIND OF LIGHT, THE HEART OF OUR CITY, OUR DOWNTOWN AREA, THAT WAS A PRIORITY AREA NUMBER 1 WHERE WE WANTED THE MOST GROWTH, THE MOST DENSITY. AS YOU SPREAD, AS THE COLORS GET DARKER, THE DARKER BLUE TO THE NORTH AND SOUTH, THAT WAS PRIORITY TWO, DEVELOPING OR REDEVELOPING LANDS WITHIN THOSE AREAS. PRIORITY AREA

NUMBER 3 KIND OF EXTENDS FURTHER NORTH AND SOUTH ALONG THE CORRIDORS. THE AREAS THAT WERE IN BROWN WERE AREAS THAT WERE RECOGNIZED AS GROWTH BACK IN THE LATE '70'S, AND THAT THEY WERE ALREADY COMMITMENTS FOR WATER, WASTEWATER IMPROVEMENTS OR OTHER INFRASTRUCTURE GOING IN. BUT WHAT'S INTERESTING IS THAT THIS IS A MAP THAT DEPICTS THE AREA OF GROWTH SINCE 1960. IF YOU LOOK AT THE COLORS CHANGING FROM YELLOW TO ORANGE TO RED TO THE DARK RED OR THE MAROON, YOU WILL SEE HOW MUCH GROWTH REALLY HAS OCCURRED. WE NOTICE THAT THE TRAVIS COUNTY BOUNDARIES, BUT WHAT'S INTERESTING IS WHEN YOU ADD IN THAT GROWTH CORRIDOR, THE PRIORITY 1, PRIORITY 2, PRIORITY 3 AREA THAT EXISTED BEFORE, AND THOSE TWO AREAS THAT WERE SHOWN AS THE PRIORITY AREAS, AREAS THAT WERE ENVIRONMENTALLY SENSITIVE, WE DIDN'T NECESSARILY WANT GROWTH TO OCCUR, BUT GROWTH WAS BEING EXPERIENCED. AND IF YOU LOOK AT THIS MAP YOU CAN SEE THAT WE'VE ACTUALLY GROWN BEYOND THOSE AREAS AND NOT GROWING LIEN ARRESTLY ALONG THE GROWTH CORRIDOR AS WAS ORANGELY DESIRED BACK IN THE ORIGINAL PLAN. SO THAT BRINGS US TO DEVELOPING A NEW GROWTH CONCEPT MAP. AND REALLY THESE ARE MORE OF A BLEND OF ALL THE DIFFERENT POLICIES THAT YOU PUT FORWARD OR YOUR PREVIOUS COUNCILMEMBERS BEFORE YOU HAVE PUT FORWARD. IT DESCRIBES -- THIS MAP SHOWS OUR DRINKING WATER PROTECTION ZONE, DESIRED DEVELOPMENT ZONES THAT WERE DEVELOPED IN THE '90'S, THE BALCONES CON ONLAND PRESERVE, WATER WATER PROTECTION LAND, CITY PARKLAND, ALL THAT HAVE BE CONTRIBUTED TO THE WAY THAT WE ARE DEVELOPING FROM MAINTAINING OPEN SPACE AND WHERE WE'RE LOOKING FOR DEVELOPMENT. BUT THERE ARE OTHER POLICIES. THERE ARE POLICIES THAT DEAL WITH JUST THE DOWNTOWN AREA. THE CREATION OF THE WATERFRONT OVERLAY DISTRICT BACK IN THE 1980S. THE EAST 11th AND 12TH STREET CORRIDORS THAT YOU JUST INITIATED SOME AMENDMENTS TO TONIGHT THAT VENTURE OUT INTO EAST AUSTIN. THE CURE BOUNDARIES WHICH WE HAD A LITTLE DISCUSSION EARLIER TODAY AND WHERE THEY WILL APPLY. THE UNIVERSITY OVERLAY, WHICH IS ONE OF OUR NEWEST OVERLAYS WHICH YOU HEARD AN AMENDMENT FOR. THESE ARE DIFFERENT THINGS THAT HAVE OCCURRED. AND THEN WE HAVE THE CORE TRANSIT CORRIDORS AND THE CAPITAL METRO RAIL. WE ADPOTED THE (INDISCERNIBLE) GATEWAY PLAN. ALL THESE DIFFERENT THINGS LEAD UP TO A NEW GROWTH CONCEPT MAP. AND THIS MAP WOULD BE A MAP THAT WOULD REPLACE THE MAP THAT WE HAD BEFORE THAT GROWTH AREA MAP. AND THAT BRINGS US TO THIS MAP, WHICH SHOWS AN OVERLAY OF WHERE OUR DESIRED DEVELOPMENT ZONE; THE DRINKING WATER PROTECTION ZONES. IT INCLUDES SOME OF THE NEIGHBORHOOD INFILL TOOLS THAT HAVE BEEN APPROVED FOR COTTAGE LOT URBAN HOME, SECOND APARTMENT OR T.O.D.'S, THE CORE TRANSIT CORRIDORS. ALL OF THAT IS PRESENTED INTO THIS MAP. SO WHAT DOES ALL THIS MEAN? LET ME GIVE YOU A SUMMARY. WE'VE GROWN A LOT. AUSTIN HAS GROWN TREMENDOUSLY SINCE 1979. WE'RE STILL EXPERIENCING CHALLENGES SUCH AS MOBILITY AND CLIMATE CHANGE. WE CONTINUE TO GROW IN OUR DESIRED DEVELOPMENT ZONE, BUT WITHOUT AN UPDATED PLAN THAT ADDRESSES THE INTEGRATION TRADE-OFFS OF TRANSPORTATION AND HOUSING AND LAND USE AND ENVIRONMENT. A NEW COMPREHENSIVE PLAN WOULD



PROVIDE A POSSIBLE PLATFORM FOR A NEW LESS COMPLICATED, MORE DIRECTED LAND DEVELOPMENT CODE. THE CREATION OF A NEW PRESENT PLAN WOULD PROVIDE A FORM FOR DISCUSSION OF CITYWIDE POLICY THAT YOU, OUR COUNCIL, COULD DIRECT. A NEW COMPREHENSIVE PLAN COULD PROVIDE THAT KIND OF MISSING LINK BETWEEN DETAILED PLANS LIKE YOUR DOWNTOWN PLAN OR NEIGHBORHOOD NEIGHBORHOOD PLANS AND THOSE OTHER REGIONAL PLANS LIKE THE CAPITAL AREA PLANNING AREA MOBILITY PLAN OR ENVISION CENTRAL TEXAS. AND FINALLY OUR CHARTER REQUIRES A COMPREHENSIVE PLAN. I ALONG WITH THE PLANNING COMMISSION RECOMMEND APPROVAL OF THIS INTERIM UPDATE. AND IN PARTICULAR THE AUTHORIZATION TO PROCEED WITH A NEW COMPREHENSIVE PLAN. I'VE SPOKEN EXTENSIVELY WITH OUR CITY MANAGER, MARC OTT ABOUT THIS PROJECT, AND I'VE INCORPORATED THIS IN ALL THE NECESSARY FUNDING IN MY PROPOSED 2008 AND 2009 BUDGET. THE NEW COMPREHENSIVE PLAN IS PROPOSED TO BE COMPLETED IN A TWO-YEAR TIME PERIOD THAT WOULD INTEGRATE ALL YOUR GROWTH AND DEVELOPMENT POLICIES INTO A SINGLE DOCUMENT. NOT TO ENSURE IMPLEMENTATION, WHICH IS EXTREMELY IMPORTANT, BUT ALSO TO MAKE SURE IT'S UPDATED AND MONITORED. THE NEW COMPREHENSIVE PLAN WOULD REQUIRE THE ASSISTANCE AFTER CONSULTANT, BUT IT WOULD ALSO UTILIZE STAFF WITHIN THE CITY. WE WILL USE A MULTIPLE STATE-OF-THE-ART METHODS TO INVOLVE STAKEHOLDERS. IT WOULD PROVIDE AN EARLY, CONTINUOUS AND PROACTIVE PUBLIC INVOLVEMENT. AND THIS IS VERY IMPORTANT THAT THIS INVOLVEMENT BY THE PUBLIC. WE WOULD IDENTIFY KEY THINGS EARLY IN THE PROCESS AND WOULD BUILD ON THEM WITH THE RECENT CITY AND REGIONAL PLANNING INITIATIVES. THE NEW COMPREHENSIVE PLAN WOULD EMPHASIZE IMPLEMENTATION AND MEET THE REQUIREMENTS OF OUR CHARTER. INCLUDING THE PROVISIONS FOR PERIODIC EVALUATION AND APPRAISAL REPORTS ON THE COMPREHENSIVE PLAN EVERY FIVE YEARS, WHICH IS REQUIRED BY OUR CHARTER. AND THE CONSIDERATION OF POSSIBLE RECOMMENDATIONS TO CHANGE OR AMEND THE COMPREHENSIVE PLAN ANNUALLY AS DESIRED OR REQUIRED. SO WHAT WE'RE ASKING TO YOU DO IS, ONE, TO ADOPT THIS INTERIM UPDATE RECOMMENDED BY STAFF AND YOUR PLANNING COMMISSION. AND TO GIVE US THE DIRECTION TO GO ON TO DO A NEW COMPREHENSIVE PLAN.

MAYOR, IF I MAY. I SIMPLY WANT TO SPEAK TO YOUR HONOR SCORE THE REMARKS THAT YOU'VE HEARD FROM OUR CITY PLANNER, PARTICULARLY HIS REFERENCE TO THE NEED FOR A NEW COMPREHENSIVE PLAN. IT ISN'T REALLY THE FIRST TIME THAT YOU'VE HEARD ME SAY THAT. I THINK YOU'LL RECALL DURING OUR BUDGET WORK SESSIONS THAT WE SPENT SOME TIME TALKING ABOUT THIS PARTICULAR ISSUE, THE NEED FOR A COMPREHENSIVE PLAN. AND I STRESSED HOW IMPORTANT I BELIEVED THAT IT WAS FOR US TO DO THAT, AND WE TALK ABOUT THE RANGE OF LAND USE ORDINANCES THAT HAVE BEEN APPROVED BY THIS COUNCIL AND OTHERS OVER THE PAST SEVERAL YEARS. GREG ALLUDED TO THEM IN HIS PRESENTATION AGAIN TONIGHT. I DO THINK IT'S ABSOLUTELY ESSENTIAL TO THE LONG-TERM GROWTH OF OUR COMMUNITY THAT WE YOUR HONOR TAKE THIS EFFORT. IT IS A SIGNIFICANT EFFORT, AS I UNDERSTAND FROM TALKING WITH GREG

OR LOOKING AT THE TRANSGUIDE AT LEAST AT A COUPLE OF YEARS OF WORK TO ACCOMPLISH IT. I DO WANT TO TELL YOU THAT IT'S MY INTENT AS WE PUT TOGETHER YOUR FY '09 BUDGET TO DO EVERYTHING THAT WE CAN DO TO IDENTIFY FUNDING TO SUPPORT THIS EFFORT. MAYOR, I WANT TO NOTE THAT EARLIER THIS EVENING I SPOKE WITH TONY HOUSE AND JEAN MATSER MATSER. THEY HAD A REQUEST TO POSTPONE THIS ITEM. AFTER MY DISCUSSIONS WITH THEM THEY AGREED THIS ITEM WOULD MOVE FORWARD AND ACTUALLY THEY'VE LEFT THE CHAMBERS THIS EVENING. I WILL SUGGEST THAT THIS IS READY ONLY FOR FIRST READING AND THEY JUST WANT TO MAKE SOME CLARIFICATIONS TO REFERENCE THE SECTION NUMBERS OR REFERENCE TO WORDS THAT MAY HAVE BEEN OMITTED. I'VE EXTENDED AN INVITATION TO THEM TO SIT DOWN WITH MY STAFF AND JUST REVIEW THOSE CHANGES TO JUST MAKE SURE WE DIDN'T MISS ANYTHING. BUT I WILL LIKE TO GO FORWARD TONIGHT WITH AT LEAST FIRST READING AND THEN BRING THIS BACK FOR SECOND AND THIRD READING AT YOUR NEXT MEETING. AND ALSO, THE CHAIR OF THE PLANNING COMMISSION AND SEVERAL LISTEN PLANNING COMMISSIONERS ARE HERE THAT WOULD LIKE TO SPEAK TO THIS ITEM AND I APPRECIATE THEIR ATTENDANCE AT THIS MEETING AS WELL.

Mayor Wynn: THANK YOU, MR. GUERNSEY MUCH QUESTIONS FOR STAFF, COUNCIL? COMMENTS? IF NOT, WE WILL TAKE THAT COMMISSION AND CITIZEN TESTIMONY. OUR FIRST SPEAKER IS DAVE SELLDON. TO BE FOLLOWED BY CHRIS HEWEN.

I'M DAVE SULLIVAN. I SERVE AS THE CHAIRPERSON FOR THE PLANNING COMMISSION. I WANT TO THANK Y'ALL FOR TAKING THIS UP. I DON'T WANT TO SPEND MUCH TIME TALKING ABOUT IT. I WANT TO SAY THANK YOU TO THE CITY STAFF FOR WHAT THEY'VE DONE. THANK YOU TO THE CITY MANAGER FOR HIS ENTHUSIASTIC SUPPORT. THANK YOU TO TOBY FUTRELL FOR HAVING KICKED THIS OFF LAST YEAR. AND I'LL MAKE ONE POINT ABOUT IT AND THAT'S THAT I SEE ONE OF THE BIGGEST BENEFITS OF PURSUING A NEW COMPREHENSIVE PLAN WILL BE THE ABILITY TO HOLD THE BIG MEETINGS SUCH AS WERE HELD DURING THE ENVISION CENTRAL TEXAS EFFORT WHERE WE BROUGHT MANY PEOPLE TOGETHER FROM THE CITIZENRY TO SEE WHAT TOOLS COULD BE USED IN PLANNING, SEE DETAILED EXPLANATIONS, WHAT KIND OF PROBLEMS WE HAVE IN THE CITY WITH REGARD TO FAST URBAN GROWTH, NEED FOR AFFORDABLE HOUSING, NEED FOR ENVIRONMENTAL PROTECTION, CHALLENGES WITH TRAFFIC CONGESTION, ETCETERA. SO I SEE IT AS AN OPPORTUNITY TO EDUCATE THE PUBLIC. AND WHEN WE WENT THROUGH THAT PROCESS WITH ENVISION CENTRAL TEXAS, MANY PEOPLE WHO MIGHT NOT HAVE BEEN WILLING TO ACCEPT DUPLEXES OR CONDOMINIUMS OR SOME FORMS OF DENSIFICATION THAT WOULD BOOST PUBLIC TRANSPORTATION TURNED AROUND AND DID SUPPORT THEM AFTER HAVING GONE THROUGH THAT EDUCATION PROCESS. SO I THINK THAT A LOT OF THE DEBATES THAT WE FACE WITH THE VMU AND T.O.D.'S AND OTHER FORMS OF NEW DEVELOPMENT WILL BE ABLE TO WIN SUPPORT FOR THEM ONCE WE SHOW THEM TO PEOPLE PHOTOGRAPHICALLY, WHICH IS ONE OF THE BIG THINGS THAT WE WILL DO WITH THE CHARRETTEES THAT WE CONDUCT WHEN WE GO THROUGH AN UPDATE OF THE COMPREHENSIVE PLAN. SO THANK YOU VERY MUCH AND I'D BE HAPPY TO ANSWER ANY

QUESTIONS.

Mayor Wynn: COUNCILMEMBER COLE.

Cole: IT SEEMS LIKE YOU ARE ABSOLUTELY ENSURING THAT IF WE FIND THE FUNDING FOR THIS AND WE EMBARK ON OUR JOURNEY THAT YOUR MEETINGS AND OUR MEETINGS WILL BE SHORTER. [ LAUGHTER ]

WELL, LET ME SAY THAT ONE -- [ LAUGHTER ] ONE DOWN SIDE TO THIS COULD BE THAT BY DOING THIS PLAN, A IT BIG DIFFERENCE BETWEEN THE 1979 PLAN AND THE 2009-10 PLAN IS THAT ONCE THE 1979 PLAN WAS DONE, IT WENT ON THE LIBRARY SHELF. THE NEW PLAN THAT WE DO WILL BE ON THE INTERNET AN IT WILL BE ACCESSIBLE TO HUNDRED OF THOUSANDS OF PEOPLE. SO WHAT YOU MAY FIND IS THAT CITIZENS WILL COME IN BETTER ARMED TO CHALLENGE CHOICES THAT THE PLANNING COMMISSION MAKES OR THE CITY COUNCIL MAKES, BUT AT LEAST IT WILL BE MORE DEMOCRATIC. BECAUSE EVERYBODY WILL HAVE ACCESS TO ALL THE MATERIALS THAT WENT INTO IT AND WILL KNOW WHAT DECISIONS WERE MADE WHEN YOU FINALLY VOTE HAD THIS IN 2010. SO I THINK THAT THAT'S A POSITIVE OUTCOME FOR DEMOCRACY, EVEN IF IT MAKES THE MEETINGS LONGER, WHICH MIGHT BE AN UNINTENDED CONSEQUENCE.

Cole: I THOUGHT YOU WANTED FUNDING. [ LAUGHTER ] I'M JUST KIDDING. THANK YOU, DAVE.

Mayor Wynn: THANK YOU. CHRIS WEING HAD SIGNED UP WISHING TO SPEAK AND ALSO IN FAVOR OF THIS ITEM. WE'LL NOTE THAT FOR THE RECORD. JEFF JACK HAD SIGNED UP WISHING TO GIVE US TESTIMONY. IS CAROL GIBBS STILL IN THE ROOM? I THINK SHE WENT HOME. MR. JACK, YOU WILL HAVE THREE MINUTES.

MAYOR, COUNCILMEMBERS, I'M JEFF JACK, VICE-PRESIDENT OF THE AUSTIN NEIGHBORHOODS COUNCIL. SOME TIME AGO THE AUSTIN NEIGHBORHOODS COUNCIL PASSED A RESOLUTION ASKING THE CITY COUNCILMEMBER TO AM EMBRACE THE IDEA OF A GROWTH -- CERTAINLY THE OPPORTUNITY OF A COMPREHENSIVE PLAN REVISIT GIVES US THE OPPORTUNITY TO ADDRESS OUR FUTURE. THERE'S A COUPLE OF THING. GREG MADE IT VERY CLEAR THAT HE ANTICIPATES A GREAT DEAL OF COMMUNITY PARTICIPATION. I THINK WE HAVE TO REMEMBER, THOUGH, THAT EDUCATION WORKS BOTH WAYS FROM THE TOP DOWN AND FROM THE BOTTOM UP. AND I THINK ONE OF THE THANKS THAT THE ENVISION CENTRAL TEXAS PROCESS SHOWED IS THAT A LOT OF PEOPLE UNDERSTAND THAT WE HAVE THE POTENTIAL TO GROW, BUT MOST PEOPLE DON'T THINK THAT THE COURT GROWTH IS GOING TO CREATE A BETTER QUALITY OF LIFE. SO IT'S A VERY BIG ISSUE AND IT RESTS UPON THE ISSUE THAT ASSUMING PAST PROJECTIONS ARE OUR DENSITY. I THINK IF WE DO A COMPREHENSIVE PLAN WE HAVE TO LOOK AT THE MYTHOLOGY THAT WE'VE BEEN WORKING UNDER FOR SOME TIME AND WE HAVE TO QUESTION THOSE PROJECTIONS. BUT I DO THINK IT IS A VERY GREAT OPPORTUNITY FOR OUR COMMUNITY TO GO FORWARD AND LOOK AT OUR FUTURE, AND I THINK THE EXERCISE

THAT THE STAFF HAS BEEN THROUGH WITH REGARD TO THE INTERIM UPDATE HAS ALSO BEEN BENEFICIAL. IF YOU REALLY LOOK AT IT, YOU REALIZE HOW MANY THING THE COMMUNITY SET OUT IN 1979 THAT WE HAVEN'T BEEN PAYING ATTENTION TO. THINGS THAT WE SHOULD HAVE BEEN PAYING ATTENTION TO AND SOME OF THEM HAD WE BEEN PAYING ATTENTION TO WE WOULDN'T BE IN THE SITUATION WE ARE ON MANY DIFFERENT ISSUES. I THINK IT WAS A VERY WORTHWHILE ENDEAVOR AND CAN BE THE SPRINGBOARD TO DOING A MUCH BETTER COMPREHENSIVE PLAN IN DEALING WITH OUR FUTURE. SO WE SUPPORT THE IDEA. WE'RE GLAD THAT GREG HAS BROUGHT IT UP FOR FIRST REING. THERE ARE A LOT OF LITTLE TWEAKS THAT HAVE TO BE DONE WITH REGARD TO A FEW THING. IT'S ALMOST 200 PAGES LONG. SOME OF US HAVE BEEN VERY BUSY DOING OTHER THINGS RECENTLY, HAVEN'T QUITE GOT IT ALL READ YET. BUT WE DO APPRECIATE THE EFFORT AND THINK THERE CAN BE A GOOD BASIS TO MOVE FORWARD WITH A COMPREHENSIVE GROWTH MANAGEMENT STRATEGY. THANK YOU.

Mayor Wynn: THANK YOU, MR. JACK. AND A NUMBER OF FOLKS SIGNED UP NOT WISHING TO SPEAK IN FAVOR OF THIS ITEM. WE'LL NOTE THAT SUPPORT FOR THE RECORD. COUNCIL, THAT CONCLUDES ALL OF OUR CITIZEN TESTIMONY IN THIS PUBLIC HEARING, ITEM NUMBER 91 REGARDING THE AUSTIN TOMORROW COMPREHENSIVE PLAN. COMMENTS? QUESTIONS OF STAFF? COUNCILMEMBER MCCrackEN.

McCracken: I APPRECIATE GREG'S COMMENTS ABOUT THE IMPORTANCE OF HAVING IMPLEMENTABLE PLANS. WE HAVE BEGUN DOING THAT IN THIS CITY BECAUSE WE HAVE A LOT OF GREAT PLANS THAT HAVE SET ON THE SHELVES. THE 2222 PLAN IS PROBABLY THE CLASSIC ONE IN THE RECENT ERA. I THINK WHAT AN IMPLEMENTABLE COMP PLAN LOOKS LIKE IS DEFINITELY DIFFERENT FROM AN IMPLEMENTABLE CORRIDOR PLAN, FOR INSTANCE. BUT THE ELEMENTS OF THAT WOULD REFLECT, FOR INSTANCE, IF WE HAD NEW ROADWAY CROSS-SECTIONS THAT WE WOULD CHANGE OUR CRITERIA MANUAL AT THAT TIME THAT WE ADOPT THE COMP PLAN TO IMPLEMENT THE NEW ROADWAY CROSS-SECTION. THAT WOULD ALMOST CERTAINLY BE SOMETHING THAT HE MERGES FROM A NEW COMP PLAN. ANOTHER FAILING OF OUR CURRENT ZONING CODE IS IT DOESN'T GIVE PEOPLE ANY ABILITY TO CONTROL THE WAY BUILDINGS LOOK, SUCH AS HOUSING TYPOLOGIES OR BUILDING TYPOLOGIES. WE HAVE SOME OF THAT IN THE DESIGN STANDARDS ORDINANCE, BUT A COMP PLAN WOULD ACTUALLY HAVE A MORE COMPREHENSIVE MENU OF BUILDING TYPOLOGIES AND THOSE ARE SOME TYPE OF FORM BASED CODES. THOSE EMPOWER NEIGHBORHOODS AND CITIZENS TO ACTUALLY CONTROL NOT JUST THE USES, BUT WHAT THE BUILDINGS LOOK LIKE AND HOW THEY'RE MASKED. AND THAT REQUIRES THEM TO CHANGE OUR ZONING CODES, FOR INSTANCE. IT REQUIRES A DISCIPLINE OF THOUGHT TO MAKE SURE THAT WHAT WE'RE ACTUALLY SUGGESTING MAKES SENSE AND IS ACHIEVABLE AS OPPOSED TO BEING PIE IN THE SKY. SO WE'LL SORT THROUGH THAT, BUT THAT HAS GOT TO BE -- I'M GLAD TO HEAR IS BEING BUILT IN AS BEING A CORE CONSIDERATION.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? HEARING NONE, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 91. MOTION BY COUNCILMEMBER MCCrackEN, SECONDED BY

COUNCILMEMBER COLE TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING THE PROPOSED ORDINANCE UPDATE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSE UNDERSTAND MOTION PASSES ON FIRST READING -- MOTION PASSES ON FIRST READING ONLY 6-0 WITH COUNCILMEMBER KIM OFF THE DAIS.

THANK YOU, MAYOR AND COUNCIL.

Mayor Wynn: COUNCIL, THAT TAKES US TO PUBLIC HEARING NUMBER 93. OUR McMANSION PUBLIC HEARING. I'D APPRECIATE A BRIEF STAFF PRESENTATION. WELCOME.

GOOD EVENING, MAYOR AND COUNCIL. JESSICA KING WITH RESIDENTIAL REVIEW. I HAVE BRENT LLOYD HERE WITH THE LEGAL DEPARTMENT TO ASSIST IF THERE ARE ANY LEGAL QUESTIONS. MS. RIOS IS PASSING OUT A REVISION TO THE MOST RECENT CHANGES THAT WAS MADE TO THE PRESENTATION. AND I WILL GET INTO THAT IN JUST A MOMENT AS TO WHY THOSE REVISIONS WERE MADE JUST NOW. TONIGHT WE ARE HERE TO DISCUSS ITEM NUMBER 93, WHICH IS A PUBLIC HEARING TO DISCUSS THE PROPOSED AMENDMENTS TO THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS. WE'LL QUICKLY GO OVER PROCESS AND THEN PROCEED A SUMMARY OF THE PROPOSED AMENDMENTS, ITEMS REFERRED BACK TO THE TASKFORCE WHICH YOU WERE BRIEFED ON ON MAY 15TH, AND THEN PROVIDE STAFF RECOMMENDATION AND A QUESTION AND ANSWER. SO TASKFORCE ACTUALLY BEGAN MEETING IN APRIL. THEY RECONVENED IN APRIL OF 2007 THROUGH DECEMBER 2007, A PERIOD OF ABOUT EIGHT MONTH. AND CONDUCTED 17 MEETINGS WHICH INCLUDED PUBLIC COMMUNICATION. FEBRUARY 28STH, 2007 WE PROVIDED A COUNCIL BRIEFING ON THE PROPOSED AMENDMENTS THAT THEY CAME BACK WITH. AND ON MARCH SIXTH, COUNCIL INITIATED THE PROPOSED AMENDMENTS AND DIRECTED STAFF TO RETURN ON OR BEFORE MAY 22nd, 2008, WHICH WAS LATER AMED TO MAY 15TH, 2008. THE PLANNING COMMISSION HEARD THROUGH CO-S AN ORDINANCES ON APRIL 15THS THE PROPOSED AMENDMENTS AND FORWARDED IT TO FULL PLANNING COMMISSION ON APRIL 22nd. WE CONDUCTED A PUBLIC HEARING AND THE PLANNING COMMISSION RECOMMENDED ABOUT 90% OF THE PROPOSED AMENDMENTS, BUT DELAYED ACTION ON THE REMAINING 10%. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

THE TASK FORCE RECONVENED MAY 19 THROUGH JUNE 2 AND CONDUCTED THREE MEETINGS WHICH ALSO INCLUDED PUBLIC COMMUNICATION. THEY FOCUSED ONLY ON THE ITEMS REFERRED BACK TO THEM BY THE PLANNING COMMISSION. ON JUNE 10 THE PLANNING COMMISSION CONSIDERED AND TOOK ACTION ON THE REMAINING 10% OF THE ITEMS AND THAT'S WHAT WE'RE HERE TO DISCUSS TONIGHT. A QUICK SUMMARY OF THE PROPOSED AMENDMENTS I'LL PROVIDE FIRST AND THEN THE DETAIL OF THE REMAINING ITEMS THAT WERE CONSIDERED. THOSE AMENDMENTS THAT WERE RECOMMENDED, THERE ARE A TOTAL OF 28 RECOMMENDATIONS FORWARDED BY THE TASK FORCE, 7 RECOMMENDATIONS BY ADDITIONAL STAKEHOLDERS AND SIX AFFORDABILITY IMPACT STATEMENT RECOMMENDATIONS. THE PLANNING COMMISSION CONSIDERATION BASICALLY DEALT WITH -- OF THE 28 TASK FORCE RECOMMENDATIONS, 27 WERE ACTUALLY

RECOMMENDED, 23 SUPPORTED WITHOUT ADDITIONAL COMMENTS, 3 SUPPORTED STAFF RECOMMENDATION AND THEN ONE NO ACTION REQUIRED. THAT WAS ACTUALLY ITEM NO. 28, WHICH HAD TO DO WITH THE REMODEL. THEY GET ALL CONFUSED AFTER A WHILE. I'M SORRY. THE REMODEL DEFINITION, AND AS YOU KNOW THERE WAS A SEPARATE STAKE HOLDER GROUP THAT HAS BEEN WORKING ON THE REMODEL DEFINITION. THE ONE ITEM THAT WAS NOT RECOMMENDED BY THE PLANNING COMMISSION WAS ITEM NO. 28, AND THAT HAD TO DO WITH THE DUPLEX REGULATIONS AND WE'LL GET INTO THAT IN A FEW MOMENTS AS WELL. THE PLANNING COMMISSION ALSO CONSIDERED SPECIFICALLY -- LET ME BOUNCE BACK. I'M SORRY ABOUT THAT. HAVING PROBLEMS TECHNICALLY. OF THE SEVEN ADDITIONAL STAKE HOLDER RECOMMENDATIONS TWO WERE REMOVED BY CITY COUNCIL DIRECTION, TWO WERE RECOMMENDED WITHOUT ADDITIONAL COMMENTS, TWO RECOMMENDED TASK FORCES ALTERNATIVE RECOMMENDS AND THEN ONE WAS NOT RECOMMENDED, AND OF THE SIX AFFORDABILITY IMPACT STATEMENT RECOMMENDATIONS ONE WAS REMOVED BY CITY COUNCIL DIRECTION, TWO DID NOT REQUIRE AMENDMENTS TO THE CODE OR DIDN'T REQUIRE ANY ACTION AT ALL AND 3 WERE RECOMMENDED BY THE TASK FORCE AS ALTERNATIVE RECOMMENDATION. A BREAKDOWN OF THE ITEMS THAT WERE OF ISSUE THAT WERE REFERRED BACK TO THE TASK FORCE AND THIS IS BASICALLY AN UPDATE FOR YOU AS WELL. ITEM NO. 13 HAD TO DO WITH PARKING AREA SAR EXEMPTIONS. THE CURRENT REGULATIONS THERE IS NO LIMIT TO FAR EXEMPTIONS ATTACHED OR DETACHED GARAGES OR CARPORTS PER SITE. THE PROPOSED AMENDMENT LIMIT PER SITE, ONE EXEMPTION FOR A ATTACHED CAR BORT OR GARAGE AND ONE EXEMPTION FOR DETACHED. THE MAX IS 680 SQUARE FEET PER SITE. THEY CONSIDERED THIS ITEM AT THE PLANNING COMMISSION'S REQUEST AND RESTATED THEIR SUPPORT FOR IT AS BASICALLY A CLARIFICATION OF WHAT THEIR ORIGINAL INTENT WAS FROM THE OCTOBER -- THE OCTOBER ORDINANCE. SO THE PLANNING COMMISSION RECOMMENDED THAT ITEM AS WELL. ITEM NO. 21 PERTAINS TO GROSS FLOOR AREA DEFINITION. THE CURRENT INDICATION STATES THAT SPACE OVER 6 FEET IN HEIGHT. FUR DOWNS, POAPG WERE DROPPING THE CEILING HEIGHTS AND GETTING UNDER 6 FEET AND BASICALLY GETTING THAT SKEWED FROM THE FAR EXEMPTION WHEN IT STILL REFERRED TO THE THE MASS. THE PROPOSED AMENDMENT REMOVES THE HEIGHT PROVISION AND REMOVES ALL INTERIOR SPACE REGARDLESS OF HEIGHT TOWARDS THE CALCULATION OF FAR. WHAT ABOUT AREAS BELOW THAT HEIGHT THAT CAN BE USED FOR STORAGE. AND WHEN THE FASK FORCE RECONSIDERED THIS THEY RECOMMENDED THE CHANGE BUT WITH AN ADDITIONAL REVISION TO ADD A NEW EXEMPTION FOR SPACES THAT ARE LESS THAN 5 FEET IN HEIGHT, AND AS LONG AS THEY MET THAT CRITERIA THEN THEY WOULD RECEIVE THE EXEMPTION FOR THAT SPACE. THE TASK FORCE AND PLANNING COMMISSION BOTH SUPPORTED THE CHANGE. ITEM NO. 27 PERTAINED TO THE DUPLEX REGULATIONS. THE CURRENT REGULATION REQUIRES A COMMON WALL THAT IS 50% THE DEPTH OF THE STRUCTURE MEASURED FROM THE FRONT OF THE LOT TO THE REAR. THE PROPOSED TASK FORCE AMENDMENT ORIGINALLY STATED THAT THE COMMON WALL MUST BE PERPENDICULAR TO THE FRONT LOT LINE WHICH WOULD BASICALLY SET A SIDE-BY-SIDE

DUPLEX OR AN UP AND DOWN DUPLEX, AND THEN THE COMMON WALL MUST BE ONE CONTIGUOUS PLANE. THAT HAD TO DO WITH THE SEPER WALL AND EGREGIOUS ATTEMPTS TO AVOID THAT WALL REQUIREMENT. THE STAFF PROVIDED AN ALTERNATIVE RECOMMENDATION SUPPORTED BY THE TASK FORCE THAT THE COMMON WALL MUST BE 50% THE DEPTH OF THE STRUCTURE MEASURED FROM THE FRONT TO THE REAR. THAT REMAINED IN INTACT. THE COMMON WALL MUST MAINTAIN A STRAIGHT WELL FOR MINIMUM OF 4-FOOT INTERVALS OR SEGMENTS AND THAT ALLOWED US TO PREVENT TOO MANY WAYS TO AVOID THE COMMON WALL REQUIREMENT. WE WERE GETTING REQUESTS THAT BUILDERS MAY BE ABLE TO COVER UP THAT COMMON WALL IN THE FUTURE, BUT -- SO THIS SHOULD ADDRESS THAT. ONE UNIT MUST HAVE AN ENTRY TO A DWELLING UNIT THAT FACES THE FRONT STEET FOR CORNER LOTS AND FOR CORNER LOT FACES EACH STREET. THE ONE CHANGE TO THAT BY THE TASK FORCE ACTUALLY IS THAT IT HAVE A FRONT PORCH WITH AN ENTRY TO THE DWELLING UNIT, BECAUSE THE FRONT PORCH COULD CHANGE. SO -- AND THAT WAS ACCEPTED BY THE TASK FORCE. UNFORTUNATELY, THOUGH, THE PLANNING COMMISSION DID NOT MAKE A RECOMMENDATION OR DID NOT RECOMMEND AT ALL ANY CHANGES TO THE CURRENT REGULATIONS. THEY DID STATE, HOWEVER, THAT THEY WERE INTERESTED IN LOOKING INTO POSSIBLY REMOVING THE COMMON WALL CRITERIA ALTOGETHER, BUT THEY DID NOT MAKE THAT MOTION IN PARTICULAR.

ADDITIONAL STAKE HOLDER RECOMMENDATION, ITEM NO. 1 REGARDING EXPANDED AUTHORITY FOR THE RDCC WOULD BE TO GIVE THE AUTHORITY TO THE RDCC TO CONSIDER CASES IN HISTORIC DISTRICTS OR RECOGNIZE CONTRIBUTING STRUCTURES. THIS WAS RECOMMENDED BY THE TASK FORCE AND PLANNING COMMISSION. AS A SIDE NOTE, THERE ARE NINE CASES IN QUEUE RIGHT NOW, KIND OF IN A LIMBO STATE, THAT ARE ON HOLD BECAUSE THE RDCC DOES NOT HAVE THIS AUTHORITY AND THEY DO NOT QUALIFY FOR HARDSHIP AT THE BOA TO BE HEARD, SO THIS IS A CRITICAL ISSUE FOR MANY PEOPLE RIGHT NOW TO HAVE PASS, AND IT WOULD STILL GO TO RDCC FOR CONSIDERATION, BUT RIGHT NOW THEY CAN'T GO TO EITHER BOARD.

ITEM NO. 2, HORIZONTAL ARTICULATION. CURRENT REGULATION STATES THAT STORIES THAT ARE SET -- SETBACK FURTHER FROM THE PROPERTY LINE IN THE FIRST FLOOR DID NOT QUALIFY UNDER THE SIDEWALL ARTICULATION THEORY. PROPOSED AMENDMENT ALLOWS FOR STORIES ABOVE THE FIRST FLOOR THAT ARE SETBACK 9 FEET FROM THE PROPERTY LINE FOR 36 FEET QUALIFY AS A SIDEWALL ARTICULATION. WIEWNT BE ALLOWED TO PUT DECKS OR BALCONIES OR ANYTHING ELSE IN THE ARTICULATION. THIS WAS RECOMMENDED BY THE TASK FORCE AND THE PLANNING COMMISSION BUT WITH AN ALTERNATIVE LENGTH OF 10 FEET INSTEAD OF 36 FEET. SO YOUR SECOND STORY OR STORIES ABOVE YOUR FIRST FLOOR CAN BE SETBACK 9 FEET FROM THE PROPERTY LINE, FOR A LENGTH OF 10 FEET INSTEAD OF 36 FEET.

ITEM NO. 3 UNDER THE ADDITIONAL STAKE HOLDER RECOMMENDATIONS IS TO EXEMPT NEW SUBDIVISIONS. THE CURRENT REGULATIONS ALSO -- ALL SUBDIVISIONS, REGARDLESS OF WHAT THE PROPERTY -- WHETHER OR NOT THE PROPERTY HAS BEEN DEVELOPED OR NOT, HAS TO COMPLY UNDERCURRENT CODE. THE PROPOSED AMENDMENT WOULD POSSIBLY EXEMPT UNDEVELOPED LAND FOR SINGLE-FAMILY RESIDENTIAL USE FROM THE McMANSSION BOUNDARIES. THE TASK FORCE

ORIGINALLY CONSIDERED THIS ISSUE, DIDN'T ORIGINALLY MAKE A RECOMMENDATION. WHEN IT WAS BROUGHT BACK TO THEM THEY CONSIDERED THE ITEM, THEY LOOKED AT VARIOUS ISSUES RELATED TO UNDEVELOPED LAND IN THE McMANSION BOUNDARIES AND CHOSE NOT TO SUPPORT THIS RECOMMENDATION. THE PLANNING COMMISSION ALSO CHOSE NOT TO RECOMMEND THIS ITEM. ITEM NO. 5, CLARIFYING THE ATTIC EXEMPTION. THERE WAS SOME CONCERNS ABOUT THE PHRASE "CONTAINED WITHIN THE ROOF STRUCTURE" STATING THAT THERE WAS -- IT WAS UNCLEAR. THE PROPOSED AMENDMENT ORIGINALLY WE TRIED TO IDENTIFY THE DEFINITION FOR ROOF STRUCTURE. WE CAME UP WITH AN ALTERNATIVE RECOMMENDATION TO NOT CHANGE THE CURRENT CODE BECAUSE IT'S BROAD AND IT EXPLAINS WHAT THE INTENT IS OF THAT -- OF THAT EXEMPTION, BUT TO INSTEAD ESTABLISH A POLICY MEMO THAT CLARIFIES THE STANDARD PRACTICE AND DEFINES THE TECHNICAL APPLICABLE CRITERIA AND THE BUILDING -- IN THE BUILDING CRITERIA MANUAL WHICH IS WHERE WE THINK IT'S MORE PROPOSE. WE PROVIDED A DRAFT MEMO AS YOUR BACKUP AS WELL AND THIS WAS SUPPORTED BY TASK FORCE AND THE PLANNING COMMISSION. ITEM NO. 6 PERTAINS TO ALTERING THE HEIGHT MEASUREMENT. THE CURRENT REGULATION FOR PITCHED OR HIP ROOF IS MEASURED TO THE HIGHEST POINT OF THE GABLE. THE PROPOSED AMENDMENT WOULD STATE FOR PITCHED OR HIP ROOF, WHICH WOULD INCLUDE A DORMER OR A GABLE HE WILLED ROOF, THE HEIGHT SHALL BE AVERAGED WITH THE HIGHEST AVERAGE HEIGHT. ALLOWS DORMERS TO BE INCLUDED IN THE HEIGHT CALCULATION WHERE THEY'RE CURRENTLY EXCLUDED. THIS WAS RECOMMENDED BY BOTH THE TASK FORCE AND PLANNING COMMISSION. THE AIS RECOMMENDATIONS. THEY -- THE TASK FORCE AND PLANNING COMMISSION LOOKED AT THIS IN ITEMS NO. 8 AND 9. ITEM 8 EXEMS FROM SIDEWALL ARTICULATION 2400 SCWOOFORT HOOMS, FROM MAKE McMANSION, AT LEAST ONE ACRE IF THEY ARE SMART HOUSING CERTIFIED. THE TASK FORCE PROVIDED A ALTERNATIVE RECOMMENDATION TO EXPAND THE AUTHORITY TO ALLOW SMART HOUSING CERTIFIED SUBDIVISIONS WITH A MINIMUM OF 12 LOTS ON AT LEAST ONE ACRE ON AT LEAST 40% OF OF AFFORDABLE UNITS TO APPLY FOR A MODIFICATION FROM SIDEWALL AR TICK LAYS AND OR SETBACK PLANE REQUIREMENTS. SO INSTEAD OF EACH LOT HAVING TO IT YOU COULD ACTUALLY APPLY IT TO A WHOLE SUBDIVISION AND THAT'S ONE OF THE BIG CHANGES FOR THE RDCC. THIS WAS SUPPORTED BY BOTH THE TASK FORCE AND THE PLANNING COMMISSION. ITEM NO. 12 WAS TO EXEMPT FROM THE McMANSION COTTAGE AND URBAN SMALL LOT DEVELOPMENTS. THIS WAS NOT RECOMMENDED BIT TASK FORCE OR PLANNING COMMISSION ESPECIALLY GIVEN THE ALTERNATIVE RECOMMENDATION PROVIDED UNDER ITEMS 8 AND 9 TO GIVE THE RDCC EXPANDED AUTHORITY WITH REGARDS TO SMART HOUSING SUBDIVISIONS. THEY BELIEVE THAT THIS MIGHT ACTUALLY HELP THOSE SITUATIONS. THERE IS ONE PARTICULAR ITEM THAT THE TASK FORCE AND CERTAIN MEMBERS OF THE COMMUNITY MAY BE IN DISAGREEMENT IN, AND THAT HAS TO DO WITH THE BELOW GRADE -- HABITABLE SPACE BELOW GRADE EXEMPTION, AND I'M SURE YOU'LL HEAR ABOUT IT TONIGHT FNL THE TASK FORCE RECOMMENDED THAT BELOW GRADE PORTION MUST BE ACHIEVED BELOW THE LOWER OF NATURAL OR FINISHED GRADE. THE HABIT AL SPACE BELOW GRADE MUST HAVE AT LEAST 50% OF THE BUILDING PERIMETER SURROUNDED BY NATURAL GRADE. THERE



WAS AN ALTERNATIVE PROVIDED, ORIGINALLY SUPPORTED BY STAFF AND ORIGINALLY SUPPORTED BY PLANNING COMMISSION BUT WE WERE TOLD LITERALLY ABOUT AN OUR AGO THAT THIS ALTERNATIVE RECOMMENDATION MIGHT POTENTIALLY UNRAVEL THE TASK FORCES ORIGINAL INTENT, AND THE ALTERNATIVE RECOMMENDATION BASICALLY STATES THAT YOU WOULD ONLY HAVE THE LOW-GRADE PORTIONS BE ACHIEVED BELOW NATURAL GRADE ONLY. THEY WOULD TAKE OUT THE FINISH GRADE REQUIREMENT AND THEN THE EXEMPTED HABITABLE SPACE BELOW GRADE MUST HAVE AT LEAST 60% OF THE BUILDING WALL PERIMETER SURROUNDED BY NATURAL GRADE. AGAIN, STAFF NCIALLY UNDERSTOOD THIS TO MEAN THAT IT WOULD STILL PROTECT THE TASK FORCE'S ORIGINAL INTENT BUT WE'VE BEEN TOLD TODAY THAT IT MAY UNRAVEL THEIR INTENDED GOLD. SO THE STAFF'S RECOMMENDATION IS TO AMEND BUT ADOPT THE DRAFT ORDINANCE. THERE WAS ONE TYPO ON PAGE 10 OF YOUR DRAFT ORDINANCE, SO CORRECT TYPO ON PAGE 10 TO STATE THAT A SIDEWALL AR ARTICULATION IS REQUIRED WHEN THE STRUCTURE IS AN AVERAGE DISTANCE LESS THAN 9 FEET RATHER THAN 9 FEET OR LESS. THAT MEANS WHEN IT'S 9 FEET IT DOESN'T HAVE TO HAVE A SIDEWALL ARTICULATION BUT IF IT'S 9.5 IT WOULD. THE OTHER WOULD BE TO INCLUDED A CODIFIED REQUIRING THE CITY MANAGER TO CONFORM THE DRAWINGS CURRENTLY IN THE CODE TO THE REVISED CODE LENGTH. AND I'M AVAILABLE FOR QUESTIONS AT YOUR DISCRETION.

MAYOR WYNN: MS. KING, QUESTIONS FOR STAFF, COUNCIL? COMMENTS? WE DO HAVE A NUMBER OF FOLKS SIGNED UP TO GIVE US TESTIMONY, IF THEY'RE STILL WITH US. THE FIRST SPEAKER IS BLAKE TOLETTE. I SAW BLAKE EARLIER. WELCOME BLAKE. IS JOYCE BACIANO HERE? SHE WAS GOING TO DONATE TIME FOR YOU, BUT I TRUST YOU CAN GET IT DONE IN 3 MINUTES.

BLAKE TOLET, WEST AUSTIN NEIGHBORHOOD GROUP. MAINLY I'M GOING TO SAY WE'VE LOOKED AT THE ORDINANCE. I'VE READ IT SEVERAL TIMES TODAY EVEN. WE ARE IN FAVOR OF WHAT THE PLANNING COMMISSION HAS PASSED. WE RESPECT THE TASK FORCE'S GREAT WORK ON THIS AND WE WOULD ASK YOU TO GO AHEAD AND FOLLOW THEIR RECOMMENDATIONS ON THIS. THAT'S BASICALLY IT, EXCEPT I'D LIKE TO THANK JENNIFER KIM AND PRO TEM DUNKERLEY FOR THEIR GOOD WORK ON THE COUNCIL.

MAYOR WYNN: THANK YOU. WILLIAM BOOKHEART. WELCOME MR. BOOKHEART, AND IS JODY SIMLE HERE, ZIMELL? MR. BURKEHEART YOU TOO WILL HAVE THREE MINUTES TO BE FOLLOWED BY NICK NELSON.

GOOD EVENING, MAYOR AND COUNCIL MEMBERS. BARKLEY I JUST WANTED TO STAND UP TONIGHT AND TELL YOU THAT WE ALL, AS MEMBERS OF THE TASK FORCE, DO SUPPORT THE TASK FORCE RECOMMENDATIONS THAT YOU HAVE BEFORE YOU TONIGHT. WE -- WE DO HAVE A LITTLE BIT OF DISAGREEMENT WITH RESPECT TO THE BASEMENT EXEMPTION, AND IT'S SOMETHING I'LL BE HAPPY TO ANSWER QUESTIONS ABOUT IT NEED BE. IN GENERAL, THOUGH, I'M BASICALLY HERE TO ANSWER QUESTIONS IF YOU'VE GOT THEM. THE ONLY THING THAT I WANT TO MAKE MENTION OF WITH RESPECT WITH THE BASEMENT

EXEMPTION IS THAT THE -- THE WAY THAT THESE -- THERE'S A POTENTIAL WITH RESPECT TO THE BASEMENT EXEMPTION IN TERMS OF THE LANGUAGE THAT ALLOWS A -- BASICALLY THE DEVELOPMENT OF A FULL FREESTANDING STRUCTURE, AND I GUESS I WOULD RECOMMEND TO YOU, AND I KNOW THAT THE TASK FORCE WOULD RECOMMEND THIS AS WELL, THAT THE LANGUAGE THAT IS BEING USED IN THE CODE, IN THE ORDINANCE RIGHT NOW, WITH RESPECT TO THE UTILIZATION OF THE WORDS "NATURAL AND FINISH GRADE, EITHER HIGHER AND LOWER," BE RESTORED TO THE ORDINANCE AND CONSISTENT WITH THE ORDINANCE THAT YOU'VE GOT BEFORE YOU AND NOT CONSISTENT WITH THE PLANNING COMMISSION'S RECOMMENDATIONS. WHAT THAT BASICALLY MEANS IS THAT IF YOU TAKE AWAY THE IDEA OF TYING IT TO EITHER-OR, YOU'VE MADE ONE GRADE FLOAT FREE, AND IF A GRADE -- IF FINISH -- IF NATURAL GRADE CAN FLOAT FREE, THEN YOU CAN EITHER ADD TO OR EXCAVATE FROM AND YOU MIGHT STILL YET BE IN COMPLIANCE WITH THAT DEFINITION. SO IT ACTUALLY IS A SIGNIFICANT LOOPHOLE, AND AS I SAY, WHAT OUR RECOMMENDATION WOULD BE TO JUST GO BACK TO THE ORDINANCE LANGUAGE, WHICH SAYS THE LOWER OF NATURAL OR FINISHED GRADE. AND THEN THE AREA THAT'S DISCUSSED CAN BE -- CAN BE DEBATED BACK AND FORTH 50 OR 60% OF WALL AREA. THAT ALLOWS THE OPPORTUNITY TO STILL HAVE A GREAT BASEMENT EXEMPTION, FULL BASEMENT EXEMPTION. BASICALLY ALL WE'RE DOING IS TRYING TO MAINTAIN IT SOMEWHAT BELOW GRADE AND NOT A FULL FREESTANDING STRUCTURE. IT ALLOWS A WALK-OUT BASEMENT, DOESN'T HAVE ANY RESTRICTIONS WITH RESPECT TO THE LOGISTICS. IT'S FAIRLY EASY TO EFFECT IT, BUT IF THE LANGUAGE IS ADOPTED TO REMOVE FINISH GRADE, THEN THE POTENTIAL FOR EGREGIOUS TRANSGRESSION IS SIGNIFICANT. THANK YOU.

MAYOR WYNN: THANK YOU, MR. BURKHEARTH. NEXT SPEAKER IS MR. NICK NELSON. WELCOME, MR. NELSON, TO BE FOLLOWED BY KAREN MCGRAW. YOU-ALL HAVE THREE MINUTES. WELCOME.

HELLO, MY NAME IS NICK NELSON. I'M THE PRESIDENT OF DEVELOP SENSE. AND THE QUESTION THAT I HAD REFERS TO THE ADDITIONAL STAKE HOLDER RECOMMENDATION, NO. 3. IT SAYS EXEMPTING NEW SUBDIVISIONS WITHIN THE McMANSION BOUNDARIES, SOME NEW UNDEVELOPED SUBDIVISIONS ARE LOCATED WITHIN THE McMANSION BOUNDARIES AND ARE SUBJECT TO THE NEW DEVELOPMENT REQUIREMENTS. ADDITIONALLY THERE ARE CASES WITH SF-4 A LOTS, ET CETERA. THE PURPOSE OF THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS WAS TO PRESERVE THE CHARACTER OF THE EXISTING NEIGHBORHOODS. MY QUESTION IS WHAT ABOUT THE NEW NEIGHBORHOODS? AUSTIN IS A VERY COMPETITIVE MARKET AND IT'S DRIVEN BY THE UNIQUE IDENTITY THAT WE HAVE. THIS ORDINANCE WAS ORIGINALLY DESIGNED TO PRESERVE THAT IDENTITY OF THE INDIVIDUAL NEIGHBORHOOD AND THE COMMITTED -- AND THE COMMUNITIES, AND GIVEN ITS FREEDOM TO A NEW DEVELOPMENT TO IDENTIFY AND PURSUE ITS OWN IDENTITY WOULD ENFORCE THE TRUE NATURE OF THE RESIDENTIAL DESIGN AND COMPATIBILITY STANDARD. PEOPLE MOVE TO AUSTIN BECAUSE THEY LOVE OUR CITY AND BECAUSE IT IS UNIQUE, AND I JUST WANTED THE OPPORTUNITY TO CONTINUE BUILDING AUSTIN OUTSIDE

OF THE BOX WITH NEW CONCEPTS AND IDEAS DRIVEN BY THE COMMUNITY'S LEADS -- NEEDS, I'M SORRY. WE CAN INTEGRATE NEW COMMUNITIES INTO THE EXISTING COMMUNITIES, AND MY QUESTION REALLY IS, WHY DO WE WANT TO RESTRICT THE CREATIVITY OF THE NEW COMMUNITIES AND HOW DO THE VALUES AND PRINCIPLES OF THE McMANSION ORDINANCE APPLY TO NEW DEVELOPMENT? THAT'S MY QUESTION.

MAYOR WYNN: WELL, THAT MIGHT BE BETTER SUITED TO STAFF WHO'S PROPOSING THIS OR SOMEBODY WHO HAS SERVED ON THE TASK FORCE, MR. NELSON, BUT PERHAPS AS WE KEEP GETTING MORE TESTIMONY FROM OTHER CITIZENS, MS. KING OR OTHERS COULD TRY TO POINT OUT ELEMENTS OF THE PROPOSAL THAT DEALS WITH YOUR QUESTION.

I THINK IN THE TASK FORCE'S EFFORT TO ALLOW NEIGHBORHOODS THAT ARE UP AND COMING OR THAT ARE NEW TO THE COMMUNITY, UNDEVELOPED NEIGHBORHOODS, THERE IS A RECOMMENDATION IN THEIR PACKET THAT ALSO STATES THAT THEY WOULD RECOMMEND SUBDISTRICTS BE ALLOWED TO CUSTOMIZE, AND THIS WOULD BE ONE WAY TO ALLOW NEIGHBORHOODS THAT QUALIFY UNDER A SUBDISTRICT DEFINITION TO OPT OUT AND OPT IN TO CERTAIN PORTIONS OF McMANSION, AND THAT WAS, I BELIEVE, THE TASK FORCE'S GOAL.

MAYOR WYNN: GREAT. THANK YOU, MS. KING.

SO THEN I -- I'M SORRY, SO THAT I UNDERSTAND, IF WE HAVE A NEW PROJECT THAT WE GO TO SUBDIVIDE SINGLE-FAMILY, THERE'S A SUBDISTRICT THAT WE COULD CREATE INSIDE OF THAT SUBDIVISION THAT COULD OPT OUT OF THE McMANSION ORDINANCE?

I SEE NICK ON A REGULAR BASIS SO I'LL HAVE TO TALK TO YOU AFTER THIS, AND I CAN GO INTO DETAIL WITH YOU AFTERWARDS, BUT THERE ARE TWO PRONGS. WHEN THE TASK FORCE CREATED THIS NEW, WHETHER OR NOT TO ALLOW SUBDIVISIONS TO BE EXCLUDED WHOLEHEARTEDLY FROM HAD MANSION CRITERIA, THEY LOOKED AT A MAP OF UNDEVELOPED LAND THAT WAS ENCOMPASSED IN THE McMANSION BOUNDARIES. IN EACH PARTICULAR SCENARIO WHEN THEY LOOKED AT UNDEVELOPED LAND, THEY NOTICED THAT ESTABLISHED NEIGHBORHOODS SURROUNDED MUCH OF THAT UNDEVELOPED LAND. SO EVEN IF YOU BASICALLY EXEMPT THAT PARTICULAR UNDEVELOPED LAND, IT STILL MIGHT IMPACT THE ESTABLISHED NEIGHBORHOOD SURROUNDING THAT UNDEVELOPED LAND, AND THAT'S WHY THEY DID NOT WANT TO SUPPORT IT. THE CONCEPT FOR SUBDISTRICTING AND ALLOWING SUBDISTRICTS TO CUSTOMIZE, WHEN YOU CUSTOMIZE A SUBDISTRICT YOU CAN OPT IN OR OPT OUT OF ANY PORTION, YOU CAN MAKE McMANSION YOUR OWN, AND BASICALLY THAT WAS ONE WAY TO ALLOW -- IF A NEW SUBDIVISION WERE BUILT AND IT COULD BE CONSIDERED A SUBDISTRICT AND IT MET THE QUALIFYING CRITERIA OF A SUBDISTRICT AS DEFINED BY NEIGHBORHOOD PLANNING AND ZONING, THEN IT COULD POSSIBLY OPT IN OR OPT OUT OF ANY PARTICULAR PORTION OF THE McMANSION ORDINANCE.

THANK YOU, MS. KING.

THANK YOU.

MR. NELSON, THANK YOU. KAREN MCGRAW, WELCOME, YOU'LL HAVE THREE MINUTES TO BE FOLLOWED BY ANDETTE.

THANK YOU, MAYOR, COMOWNS. KAREN MAKE GRAW CHAIRMAN OF THE TASK FORCE. I WANT TO SAY WE DID SOME REALLY PRODUCTIVE WORK AND I HIGHLY SUPPORT OUR RECOMMENDATIONS, WHICH ARE IN YOUR BACKUP ORDINANCE, AND I THINK WE'VE WORKED THROUGH SOME ISSUES AND HAVE SOLVED THEM IN A GOOD WAY. THE ISSUE THAT WILLIAM WAS SPEAKING TO YOU ABOUT THE BASEMENT IS INCORPORATED IN THE TASK FORCE RECOMMENDATIONS, AND SO THAT IS WHAT WE SUPPORT ON THAT ISSUE. I DO WANT TO MENTION DUPLEX BRIEFLY. DUPLEX IS STILL A PROBLEM. I THINK WHERE WE KIND OF WENT OFF THE TRACK IS WHERE THE INTERPRETATION TOOK THE FRONT TO BACK WALL AND MADE IT SIDE TO SIDE, WHICH BEGOT SOMEBODY'S INVENTION OF A ZIPPER WALL AND NOW WE'RE FIXING THAT. OKAY. I RELUCTANTLY VOTED FOR THAT FIX BECAUSE STAFF THOUGHT IT WOULD HELP THEIR JOB, BUT IT DOESN'T REALLY FIX THE ISSUES THAT WE HAVE WITH DUPLEXES, AND I THINK ONE OF THE THINGS WE'VE REALIZED IN OUR CONVERSATIONS IS THAT DIFFERENT NEIGHBORHOODS HAVE DIFFERENT DEVELOPMENT PATTERNS, AND SO DIFFERENT KINDS OF DUPLEXES MIGHT BE APPROPRIATE IN DIFFERENT PLACES. THAT'S NOT REALLY AN ANSWER, BUT I THINK WHAT WE MIGHT WANT TO LOOK AT IS TO COME UP WITH A COUPLE OF MODELS OF DUPLEXES AND THEN IDENTIFY WHERE THOSE MIGHT BE APPROPRIATE. YOU KNOW, THEY MIGHT BE A PLANNING -- NEIGHBORHOOD PLANNING TOOL OR WE MIGHT HAVE A NEW ZONING DISTRICT FOR THEM, BUT I THINK AS LONG AS WE HAVE SO MUCH SF-3 ZONING WITH TRADITIONAL HOMES AND DUPLEXES SCATTERED THROUGHOUT THOSE, IT REALLY IS A COMPATIBILITY ISSUE, AND I JUST DON'T THINK WE'VE COMPLETELY SOLVED IT. THE OTHER THING I WANT TO MENTION IS WE ALL ALSO KNOW WE HAVE A TWO-FAMILY ORDINANCE THAT ALLOWS TWO DWELLING UNITS ON A LOT THAT ARE SEPARATED. SO -- AND THAT HAS VERY SPECIFIC RULES. IF WE TAKE A DUPLEX AND WE KEEP PULLING IT APART BECAUSE SOME PEOPLE DON'T WANT A COMMON WALL OR THEY DON'T WANT THE CONNECTION, WE KEEP PULLING IT APART, THEN WHEN IS IT DIFFERENT, YOU KNOW, FROM THE TWO-FAMILY USE WE HAVE? SO I THINK WE HAVE TO STILL TRY TO WORK TOWARD A DEFINITION OF WHAT REALLY CONSTITUTES A DUPLEX, IS THERE MORE THAN ONE DUPLEX AND WHERE ARE THOSE APPROPRIATE, AND NOT LET THOSE MORPH INTO A TWO-FAMILY, BECAUSE THAT IS ITS OWN VERY DISCRETE USE. SO I WOULD/HAPPY TO TRY TO ANSWER ANY QUESTIONS THAT COME UP, BUT I THINK THOSE ARE ALL MY COMMENTS RIGHT NOW.

MAYOR WYNN: THANK YOU, MS. MCGRAW. QUESTIONS FOR KAREN, COUNCIL?

YEAH, FIRST, I APPRECIATE THE YEOMAN WORK YOU'VE DONE ON TRYING TO CREATE A DUPLEX DEFINITION THAT WOULD WORK FOR AUSTIN AND THE ENTIRE TASK FORCE. THE -- I

THINK, BY THE WAY, THIS IS AN EXAMPLE OF ONE OF THE BENEFITS OF BEING ABLE TO COME UP WITH BUILDING TYPOLOGIES OF DUPLEXES, THAT MAIBS MIGHT BE ABLE TO COME IN, GRAPHICAL CODE REPRESENTATIONS. BECAUSE THIS HAS BEEN A VERY TOUGH NUT TO CRACK. WE AS STAFF HAVE A ALTERNATIVE RECOMMENDATION THAT'S SUPPORTED BY THE TASK FORCE, IS THAT -- AND -- AS IMPERFECT AS IT IS, I KNOW GIVEN THE -- ALL THE ISSUES, IS THAT SOMETHING THAT YOU-ALL THEN ARE COMFORTABLE MOVING FORWARD WITH TONIGHT?

WE SUPPORTED THAT. I HAVE TO ADMIT I RELUCTANTLY SUPPORTED IT BECAUSE THE STAFF FELT THAT IT WOULD HELP THEIR FUNCTION, YOU KNOW, IN BEING ABLE TO ADMINISTER THE CODE. I THINK IT WENT OFF THE TRACK FROM WHERE IT SHOULD HAVE BEEN ORIGINALLY, BUT WE'RE NOT GOING TO FIX THAT HERE, I DON'T THINK. BUT I THINK WE SHOULD THINK ABOUT HAVING AN EFFORT TO FURTHER FIX THE DUPLEX SITUATION, MAYBE.

MCCRACKEN: ANOTHER VOTING TRY TO DO THAT, RIGHT? [LAUGHTER] THANK YOU.

THANK YOU.

MAYOR WYNN: NEXT SPEAKER IS DAN YETTE. YOU'LL HAVE THREE MINUTES TO BE FOLLOWED BY KATHERINE LEE DOOR.

THANK YOU, COUNCIL MEMBER. I'M DANYETTE AND I SERVED ON THE TASK FORCE AND DURING THE PERIOD WE HAD THREE MEETINGS I SERVED AS THE CHAIR FOR THOSE MEETINGS. I JUST WANTED TO SAY THAT THERE WERE SEVEN MEMBERS OF THE ORIGINAL TASK FORCE THAT PARTICIPATED IN THESE MEETINGS IN ONE OR MORE OF THE THREE MEETINGS THAT WE HELD, SO THEY WERE WELL ATTENDED. WE HAD THREE ARCHITECTS WHO WERE THERE EVERY MEETING, INCLUDING THE AIA REP. WE HAD THE NARRI REP, WHO WAS THERE IN THE MEETINGS AND ALSO THE RICA REP ATTENDED AS WELL. TWO MEMBERS OF THE RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION WERE IN THESE MEETINGS, AND THE CHAIR AND THE VICE CHAIR, AND SO I JUST WANTED TO POINT OUT THAT WE HAD -- WE HAD A LOT OF FOLKS IN THESE MEETINGS AND A LOT OF PROFESSIONALS WHO REALLY KNEW WHAT THEY WERE TALKING ABOUT. I ENCOURAGE YOU TO SUPPORT THE TASK FORCE RECOMMENDATIONS AND INCLUDING THE -- WHAT MR. BURKHART SPOKE TO IN TERMS OF RECOMMENDING THE LANGUAGE TO BE THE LOWER OF THE NATURAL OR FINISHED GRADE FOR BASEMENTS, AND I'M HERE TO ANSWER QUESTIONS IF YOU HAVE ANY QUESTIONS FROM THE PERSPECTIVE OF THE TASK FORCE. THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU, MS. KOMITI. NEXT SPEAKER IS KATHERINE LEE DOOR. IF I CALL YOUR NAME, IF YOU'RE GOING TO BE NEXT, IF YOU COULD GET CLOSER TO THE MIC IT WILL SAVE A FEW MINUTES TIME AND WE'LL BE OUT IN ABOUT THREE MORE HOURS AFTER OUR NEXT TWO PUBLIC HEARINGS. SO FOLLOWING KATHERINE LEE DOOR WILL BE CORY

WALTON. WELCOME.

THANK YOU. I'M KATHERINE LEE DOOR. I'M THE DESIGN COORDINATOR AT AUSTIN HABITAT FOR HUMIDITY AND I'M SPEAKING FOR THE RECOMMENDATIONS AND SPEAKING IN SUPPORT OF THE REDUCING THE DUPLEX COMMON WALL REQUIREMENT. THE COMMON WALL REQUIREMENT DOESN'T INCREASE THE ACTUAL UP FRONT COST OF BUILDING A DUPLEX. THE REQUIREMENT CAN HOWEVER SIGNIFICANTLY INCREASE THE COST OF OPERATION OF DUPLEXES, THEREBY REDUCING THEIR AFFORDABILITY. REQUIREMENTS THAT ENCOURAGE ONE UNIT BEING PLACED OVER ANOTHER OR INCREASE THE REQUIREMENTS FOR COMMON WALLS ALSO PROMOTE THE TYPE OF HOUSING THAT NO ONE, INCLUDING LOW INCOME HOMEOWNERS REFER TO LIVE IN. EVERY TIME WRE HOLD A PERSPECTIVE HOME OWNER ORIENTATION WE ASK THE HOMEOWNERS WHAT -- OR PERSPECTIVE HOMEOWNER OWNERS WHAT THEY LIKE LEAST ABOUT THEIR CURRENT RENTAL SITUATIONS AND WHAT THEY WANT TO AVOID. FAMILIES ARE INCREASINGLY TELLING US THEY WANT TO LIVE IN DUPLEXES BUT THEY WANT TO ESCAPE THE NOISE PROBLEMS AND PRIVACY ISSUES WITH APARTMENT LIVING. THE EXISTING 50% WALL AND ROOFLINE REQUIREMENT AND SINGLE PLANE FRONT TO SIDE REQUIREMENT ENCOURAGE THE COMMUNITY PROXIMITY THAT PROMOTES THE NOISE AND PRIVACY PROBLEMS THAT HABITAT FAMILIES, LIKE OTHER RENTERS, SEEK TO ESCAPE BY BUYING THEIR OWN HOMES. THESE REQUIREMENTS WILL NEEDLESSLY FORCE LOWER INCOME RESIDENT TO AVOID THE PRIVACY THAT THEIR WEALTHY YEAR NEIGHBORS ARE PERMITTED TO AVOID BY PERMITTING A FAMILY HOME WITH A DETACHED APARTMENT. THE PROPOSED SINGLE PLANE FRONT TO SIDEWALL THE FORCE ONE OF THE UNITS IN A ONE STORY DUPLEX TO HAVE ONLY THREE OPEN SIDES, ONE SIDE PROBABLY ABOUT 5 FEET FROM A 6-FOOT PRIVACY FENCE, SO THAT ONLY THE SHORT SIDES OF THE HOME WILL RECEIVE GOOD BREEZES. SOMETIMES THIS WILL MEAN THAT ONE UNIT RECEIVES NO SOUTHERN LIGHT, THE BEST LIGHT AVAILABLE IN ALL SEASONS. THIS RULING DISCRIMINATES AGAINST LOW INCOME HOME BUYERS, THE MOSS NEGATIVELY AFFECTED BY HIGH ENERGY BILLS BYING THEM INTO HOMES THAT WILL REQUIRE MORE MECHANICAL VENTILATION AND ARTIFICIAL LIGHTING THAN MORE AFFLUENT NEIGHBORS' DETACHED ITEMS. THE PROPOSED CHANGES IN 27 OR NOW THEY'RE SAYING 28, MAKE INSTALLING SOLAR PANELS ORIENTED TO THE SOUTH MUCH MORE DIFFICULT IF NOT IMPOSSIBLE TO ACHIEVE WITH A TYPICAL GABLE ROOF, WHICH IS THE TYPE BY DEFAULT PROMOTED BY THE CURRENT DESIGN RESTRICTIONS ON MANY LOTS. THE OWNERS OF UNITS WITH A NORTH-FACING ROOF WILL NEVER HAVE THE OPTION OF A WELL-ORIENTED SOLAR ARRAY WITHOUT BEARING THE EXPENSE OF UNSIGHTLY BRACKETS. WHEN UNITS ARE ONLY REQUIRED TO HAVE A SHORT COMMON WALL OR NO COMMON WALL PERPENDICULAR TO THE STREET, HOWEVER, EACH UNIT CAN HAVE ROOF PLANE FACING IN TWO DIRECTIONS. IN A HOT HUMID CLIMATE ZONE 60% OF OUR POTENTIAL ENERGY SAVINGS COME FROM PROPER HOUSE ORIENTATION, WINDOW PLACEMENT AND SHADING. APPLICATION OF THE NEW ENERGY CODE AND INSTALLATION OF EFFICIENT SYSTEMS CAN ONLY PROVIDE 40% OF POTENTIAL SAVING. THE EXISTING AND PROPOSED COMMON WALL REQUIREMENT MAKE IDEAL CONFIGURATION

MORE DIFFICULT AND OFTEN IMPOSSIBLE TO ACHIEVE WITH ONE AND IN MANY INSTANCES BOTH DUPLEXES ON A GIVEN LOT. SINCE THE CITY OF AUSTIN IS SERIOUS, THEN THEY SHOULD REJECT THE AND AMEND THE McMANSION ORDINANCE TO UNIT STANDARDS IN ORDER TO PROMOTE MAKING AUSTIN THE MOST GREEN AND LIVABLE CITY IN AUSTIN FOR ALL OF ITS RESIDENTS. THANK YOU. [APPLAUSE]

MAYOR WYNN: THANK YOU, MS. DOOR.

CORY WALTON, WELCOME, YOU'LL HAVE THREE MINUTES TO BE FOLLOWED BY ELLIOTT JOHNSON.

THANK YOU, MAYOR AND COUNCIL MEMBERS. I'M CORY WALTON WITH THE BOULDIN CREEK NEIGHBORHOOD. AND I WANTED TO FIRST THANK OUR DEPARTING COUNCIL MEMBERS FOR YOUR PUBLIC SERVICE, AND I'M SPEAKING HERE, I THINK, MAYBE AS THE ONLY NON-TASK FORCE MEMBER. I WANTED TO MAKE SURE THAT A NON-TASK FORCE MEMBER SPOKE IN SUPPORT OF THE WORK THAT THEY'VE DONE ON THIS ORDINANCE BEFORE YOU. I -- I AGREE ALSO, YOU KNOW, THAT -- OF THEIR QUALIFICATIONS, INCLUDING THAT OF AN AIA-APPOINTED REPRESENTATIVE AMONG THE TASK FORCE. I AGREE WITH THE TASK FORCE MEMBERS THAT THE ORDINANCE BEFORE YOU TODAY IS BETTER THAN THE ORIGINAL, AND I HOPE THAT YOU'LL SUPPORT THEIR RECOMMENDATIONS WITH REGARD TO THE ISSUES OF THE BASEMENT MEASUREMENT AND NON-EXEMPTION. WE'VE GOT SOME BAD EXAMPLES OF ABUSE OF THAT BASEMENT MEASUREMENT AND USE AS A -- YOU KNOW, AN EXEMPTION IN OUR NEIGHBORHOOD. THEIR RECOMMENDATIONS WITH RESPECT TO DUPLEX PARKING EXEMPTIONS WITH DUPLEX COMMON WALLS AND FAR, I BELIEVE THAT THE TASK FORCE RECOMMENDATIONS REALLY BEST REFLECT THE ORIGINAL AND MUCH NEEDED PURPOSE OF THIS ORDINANCE AS A PROTECTIVE AND RESTRICTIVE DEVICE AS OPPOSED TO A DEVELOPMENT INCENTIVIZATION ORDINANCE. FINALLY, I WANT TO THANK COUNCIL MEMBERS DUNKERLEY, LEFFINGWELL AND MCCrackEN FOR THEIR INITIAL EFFORTS IN GETTING THIS -- THE INTERIM ORDINANCE THAT LED TO THIS ORDINANCE, AND THAT'S IT. THANK YOU.

MAYOR WYNN: THANK YOU, MR. WALTON. LET'S SEE, ELLIOTT JOHNSON, AND IS JANET HOBBS WITH US TONIGHT? BECAUSE SHE WAS GOING TO DONATE TIME TO YOU BUT OUR RULES ARE THAT THEY HAVE TO BE PRESENT IN THE CHAMBERS TO DO THAT. SO YOU HAVE THREE MINUTES.

THANK YOU, MAYOR. I'M ELLIOTT JOHNSON. I'M THE CHAIRPERSON OF THE RESIDENTIAL COMMITTEE OF THE AIA. AFTER REVIEWING ALL OF THE PROPOSED CHANGES, THE EXECUTIVE COMMITTEE OF THE AIA, WHICH REPRESENTS THE ENTIRE MEMBERSHIP OF THE AIA, CHOSE TO COME OUT WITH A STATEMENT IN SUPPORT OF A NUMBER OF MEASURES ON THE McMANSION CHANGES BUT ALSO CAME OUT WITH ALTERNATIVE LANGUAGE FOR A NUMBER OF THE ISSUES. IN DEALING WITH THE PARKING AREA, THE EXECUTIVE COMMITTEE FELT STRONGLY THAT LIMITING THE EXEMPTION TO ONE ATTACHED UNIT PER

LOT VERSUS ONE ATTACHED UNIT PER PRIMARY DWELLING UNIT HAD A NEGATIVE EFFECT ON AFFORDABILITY OF DUPLEXES. I JUST SPENT THE LAST TWO DAYS IN AN AFFORDABLE HOUSING SEMINAR WITH TELES AT MUELLER AIRPORT, AND THEIR DISCUSSIONS WERE REVOLVING AROUND HOW TO MAKE HOMES AFFORDABLE, AND IT KEPT COMING BACK TO DENSITY AND LOOKING FOR ALTERNATIVE UNIT TYPES SUCH AS TRI PLEXUS, FOURPLEXES, 24 UNITS PER ACRE, AND THAT JUST CONFIRMED MY OPINION THAT WE NEED TO KEEP DUPLEXES AS A STRONG DESIGN TOOL FOR AFFORDABILITY IN AUSTIN AND THAT AIA EXECUTIVE COMMITTEE BELIEVES THAT KEEPING THE EXEMPTIONS THE WAY THEY'RE WRITTEN, BUT WITH A LIMIT, IS A BETTER OPTION THAN ELIMINATING ONE OF THE ATTACHED UNITS. IN REGARDS TO DUPLEXES, WE SUPPORT LOOKING FOR ALTERNATIVE LANGUAGE, BUT AT THE SAME TIME WE'RE CONCERNED WERE THE COMMON WALL REQUIREMENT, AND THE EXAMPLE THAT I HAVE ON THE SCREEN FOR YOU IS ONE OF THOSE SORT OF IN LIMBO PROJECTS. THIS IS AN EXISTING PROJECT, 1300 SQUARE FOOT HOUSE THAT THE CLIENT WAS TO DO AN ADDITION TO. IT WOULD NOT COMPLY UNDER THE TWO FAMILY REQUIREMENT BECAUSE THE SECONDARY UNIT IS TO THE FRONT OF THE PROPERTY. I'VE CURRENTLY ASKED STAFF WHETHER OR NOT I CAN APPLY FOR A VARIANCE WITH THE VOA ON THIS. EVEN IF I COULD APPLY FOR A BOA VARIANCE, IT WOULDN'T OCCUR UNTIL AUGUST 11. AND THEN FINALLY IN DEALING WITH -- YOU CAN GO ON TO THE NEXT ONE, IF YOU WOULD, PLEASE. I'D LIKE TO JUST ADDRESS THE REASON THAT -- IF YOU'D GO ON TO THE NEXT ONE, PLEASE -- ADDRESS THE ISSUE OF NATURAL GRADE. I'M SORRY TO BE A CONTRARIAN SO LATE TONIGHT, BUT I FUNDAMENTALLY DISAGREE WITH THE TASK FORCE'S DEFINITION OF NATURAL GRADE. IF THE TOP OF THE PODIUM WAS NATURAL GRADE THAT TERM WOULD NEVER CHANGE. IF I TOOK AWAY OR ADDED TO IT, THAT LINE WOULD STILL BE NATURAL GRADE. SO IF THE BASEMENT EXEMPTION IS OCCURRING BELOW NATURAL GRADE, MEANING I DIG INTO THE HILL, THEN FINISH GRADE IS ESSENTIALLY IRRELEVANT. IF I ADD TO IT, I AM STILL BELOW NATURAL GRADE. IF I ELIMINATE NATURAL GRADE, THAT LINE STILL EXISTS, BUT I'M NOW BELOW THAT AT FINISH GRADE. THE WAY THE TERMINOLOGY IS WORDED, IF YOU LOOK AT THE VERY BOTTOM FIGURE NO. 3, THAT'S THE AIA'S PROPOSED ALTERNATIVE RECOMMENDATION, WHICH SAYS NATURAL GRADE BUT INCREASES THE WALL SURFACE AREA TO 60%, THEREBY SHORTENING THE HOUSE INTO THE GRADE BUT STILL ALLOWS A WALK-OUT BASEMENT. ESSENTIALLY THE TASK FORCE RECOMMENDATION CAN BE CIRCUMVENTED SIMPLY BY GOING ONE INCH BELOW NATURAL AND FINISH GRADE AND ADDING A STEP TO WITHIN -- INSIDE THE BASEMENT. THAT ONLY ESSENTIALLY CAUSES DRAINAGE PROBLEMS. SO I WOULD STRONGLY RECOMMEND THAT YOU RECONSIDER THAT OR TAKE THE TIME AND LOOK AT THAT A LITTLE STRONGER. THANK YOU VERY MUCH FOR YOUR TIME.

MAYOR WYNN: THANK YOU, MR. ELLIOTT. -- JOHNSON, SORRY. EXCUSE ME. LET'S SEE, JEFFREY OVERMAN SIGNED UP NEXT. WELCOME, MR. OVERMAN. YOU'LL BE FOLLOWED BY JEAN MATHER.

THANK YOU. MY NAME IS JEFF OVERMAN. I APPRECIATE YOU HEARING ME. I'M PRESIDENT OF A LOCAL CHAPTER OF THE TEXAS INSTITUTE OF BUILDING DESIGN, AND I'M WORKING



WITH ELLIOTT ON THE AIA RESIDENTIAL TASK FORCE. I WANTED TO TALK A LITTLE BIT ABOUT ROOF HEIGHT AND HOW ROOF HEIGHT IS MEASURED. I JUST SUBMITTED -- OR GOT REJECTED ON A PROJECT BASED ON ROOF HEIGHT, AND THE EXAMPLE IS -- A SIMPLIFIED EXAMPLE THAT UP THAT IS UP ON THE SCREEN NOW IS PICTURE OF A DUTCH HIP ROOF THAT IS MEASURED, AND -- OR PREVIOUSLY WE COULD MEASURE TO THE MIDPOINT OF THE MAIN ROOF ON THAT HOUSE, AND NOW THE STAFF IS REQUIRING THAT WE MEASURE TO THE MIDPOINT OF THE HIP PORTION OF THAT ROOF. SO THAT IF YOU LOOK AT THE DASH LINE CLOSE TO THE TOP OF THE HOUSE, THAT MIGHT REPRESENT THE MAXIMUM BUILDING HEIGHT. WELL, THE DUTCH HIP ROOF PORTION OF THAT PUSHES MY BUILDING PAST THE BUILDING HEIGHT LIMITATION, BUT IF I TAKE THAT SAME BUILDING AND DO A FULL GABLE ON THAT, WHICH IT REALLY INCREASES THE MASS TO THE BUILDING, THEN IT WILL ALLOW ME TO BE UNDER THE MAXIMUM BUILDING HEIGHT BASED ON THE 50% RULE OF THE 50% OF THE HEIGHT OF THE ROOF. AND SO I BELIEVE THAT TRYING TO -- TO MODIFY HOW WE CALCULATE ROOF HEIGHT IS DANGEROUS IN THAT IT CREATES MORE MASS AND DOES NOT GET RID OF MASS. COULD YOU GO TO THE NEXT ONE, PLEASE? THIS IS THE SAME -- SAME BUILDING THAT I GOT REJECTED ON, AND THIS -- THIS ELEVATION IS MY SIDE VIEW ELEVATION OF THE PROPERTY, AND I GOT REJECTED ON THIS FOR SIDEWALL ARTICULATION, IF YOU COULD BELIEVE THAT. THIS HOUSE HAS SO MUCH ARTICULATION THAT I WAS REALLY SURPRISED THAT I GOT REJECTED ON SIDEWALL ARTICULATION, AND THE SIDE WALL ARTICULATION RULE, WHERE WE HAVE 4-FOOT SIDE WALL ARTICULATION IS BAD FOR DESIGN BECAUSE IT FORCES US TO -- THE WAY THE SIDE WALL ARTICULATION RULE IS SET UP NOW, IT FORCES US TO HAVE A SLICE OF BUILDING TAKEN OUT ON A TWO-STORY BUILDING ALL THE WAY UP AND DOWN THE BUILDING AND THAT WILL ALLOW FOR SIDE WALL ARTICULATION. AND THE BUILDING I HAVE DESIGNED HAS A COUPLE OF TWO FOOT OFFSETS AND FOUR FOOT OFFSETS, BUT IT'S STILL, BECAUSE IT DIDN'T FOLLOW THE CRITERIA EXACTLY, I CAN TAKE THE LEFT SIDE OF THIS BUILDING AND CREATE A HUGE MASS SO THAT THAT SECOND -- SECOND STORY ON THE LEFT SIDE OF THE BUILDING COMES OUT AND CREATES A TWO-STORY BLOCK THERE, WHICH CREATES MORE MASS, AND THAT WOULD THEN ESSENTIALLY GIVE ME MY ARTICULATION. BUT IT'S AN UGLIER BUILDING. I'VE GOT MORE ARTICULATION THAN IS NEEDED, BUT IT JUST DOESN'T -- DOESN'T WORK WITH THE CURRENT REGULATIONS. AND I DON'T KNOW IF I HAVE MUCH TIME, BUT I WANTED TO TALK A LITTLE BIT ABOUT THE ZIPPER WALL. THE RECOMMENDATION FROM STAFF IS THAT WE DO A ZIPPER WALL WITH 4-FOOT INCREMENTS. THEY -- THE STAFF RECOGNIZES THAT THERE'S A REALLY BIG ISSUE WITH THE SEPARATION WALL, AND IF THEY'RE SAYING LET'S ALLOW 4-FOOT ARTICULATION FOR THE ZIPPER WALL, WHY NOT JUST ALLOW A SHORTER ZIPPER WALL AND GET RID OF THE ZIPPER ALTOGETHER ALTOGETHER. SINCE WE KNOW THERE'S A PROBLEM WITH IT, LET'S SHORTEN THE WALL DISTANCE REQUIRED FOR SEPARATION. I CAN ANSWER ANY QUESTIONS. THANK YOU.

THANK YOU, MR. OVERMAN. COUNCIL MEMBER MCCrackEN?

MCCrackEN: ON THAT LAST PICTURE YOU PUT UP, WHAT IS THAT A DEMONSTRATION OF?,

YOUR LAST SKETCH?

YES, THAT WAS -- I WAS WORKING ON A DUPLEX THAT WAS ON A VERY NARROW LOT, AND I HAD TO HAVE A 50% SEPARATION WALL, AND IN ORDER TO ACCOMPLISH THAT SEPARATION WALL I CREATED A ZIPPER WALL, AND THAT'S AN EXAMPLE OF A ZIPPER WALL RIGHT THERE. THE REGULATION IS THAT THE BUILDING HAVE A WALL THAT'S 50% OF THE LENGTH OF THE BUILDING, SO MY BUILDING IS 100 FEET LONG, SO I HAD TO HAVE A 50-FOOT SEPARATION WALL. BUT THE LOT WAS VERY NARROW AND WE DIDN'T WANT TO PUT THE GARAGES TO THE FRONT OF THE PROPERTY. SO IN ORDER TO BE ABLE TO PUT THE GARAGES IN THE MIDDLE OF THE PROPERTY, AND ACTUALLY THERE WERE TWO PROPERTIES SHARED, SO THEY SPLIT THEIR DRIVEWAYS. WE WERE ABLE TO DO THIS, IN ORDER TO DO THE DUPLEXES FRONT TO BACK, I WAS ABLE TO DO A ZIPPER WALL, 50 FEET OF ZIPPER WALL ZIGZAGGING BACK AND FORTH, WITH THE STAFF RECOMMENDATION, THE 4-FOOT INCREMENTS WOULDN'T WORK WITH THIS PROJECT AT ALL BECAUSE IT WOULD -- I WAS ONLY GET ABOUT 25 TO 30 FEET OF ZIPPER WALL WITH THE 4-FOOT INCREMENTS. WITH MY ZIPPER WALL THAT WAS CLOSER, IT WAS ABOUT 1 FOOT INCREMENTS THROUGHOUT THAT ALLOWED ME TO DO THE ZIPPER WALL.

MCCRACKEN: OKAY. ALL RIGHT. THANK YOU.

MAYOR WYNN: THANK YOU, MR. OVERMAN. JEAN MATHER SIGNED UP WISHING TO GIVE US TESTIMONY. I THINK JEAN HAS GONE HOME, AS DID LORRAINE ETHERTON. MR. JACK IS STILL WITH US. WELCOME BACK, MR. JACK. YOU TOO WILL HAVE THREE MINUTES FOLLOWED BY KATHY TOVO.

MAYOR, COUNCIL MEMBER, I'M JEFF JACK AND THIS TIME I'M WEARING JUST MY HAT AS AN ARCHITECT. YOU KNOW, THERE ARE REALLY TWO DIFFERENT KINDS OF ARCHITECTS. THERE ARE ARCHITECTS THAT LIKE TO HAVE NO LIMITATIONS ON HEIGHT CONSTRAINTS, NO BUDGET LIMITATIONS, NO SITE LIMITATIONS, THE CREATIVE ARTIST KIND OF PEOPLE AND THEN THERE ARE THE ARCHITECTS THAT LOVE TO BE GIVEN A COMPLEX PROBLEM TO FIGURE OUT HOW TO GET AROUND IT. AND WE HAVE A LOT OF THOSE CREATIVE ARCHITECTS IN AUSTIN, TEXAS, AND WHAT WE'RE SEEING WITH THE TASK FORCE REPORT IS ATTEMPTING TO GO BACK AND DEAL WITH SOME OF THOSE CREATIVE DESIGNS THAT HAVE FOUND THE LOOPHOLES AND THE WAYS AROUND THE INTENT OF THE ORDINANCE. AND WHAT I WOULD SUGGEST TO YOU TONIGHT, THE ISSUE THAT BILL BURKHART BROUGHT UP ABOUT THE GRADE ISSUE IS ONE OF THOSE LOOPHOLES THAT AN ARCHITECT WILL FIGURE OUT HOW TO MAKE IT WORK FOR THEM AND END UP WITH A THREE-STORY FREESTANDING BUILDING THAT MEETS THE CODE BUT DOESN'T MEET THE INTENT. SO WHAT I WOULD SUGGEST TO YOU IS PAY CLOSE ATTENTION TO THE KINDS OF LOOPHOLES THAT THE TASK FORCE HAVE BROUGHT UP TO YOU, BUT ALSO OVER THE PERIOD OF THE NEXT YEAR CONTINUE TO MONITOR WHAT ACTUALLY GETS BUILT. IT'S LIKE THE LOOPHOLE FOR THE ORIGINAL, YOU KNOW, UNFINISHED SPACE THAT HAD LESS THAN THE 7-FOOT CEILING THAT PEOPLE THEN USED NOT TO COUNT AS FAR. THAT'S AN EXAMPLE OF A

CERTAIN AMOUNT OF AN ARTISTIC OR ARCHITECTURAL CREATIVITY. BUT YOU'LL FIND AS YOU GO THROUGH THESE CODES, ARCHITECTS WILL FIND WAY TO USE LOOPHOLES AND GET AROUND SOME OF THE INTENT. SO I THINK THAT IT'S VERY IMPORTANT THAT YOU DEAL WITH THE GRADE ISSUES SO THAT WE DON'T END UP WITH THREE-STORY FREESTANDING BUILDINGS SIMPLY BECAUSE OF THE WAY THEY CONTOURED THE SITE, AND CERTAINLY I THINK THAT WE NEED TO CONTINUE TO MONITOR WHAT THE PROFESSION BUILDS OUT THERE, BECAUSE WE MAY NOT BE FINISHED WITH THE SUBJECT WITH THIS TURN. THANKS.

MAYOR WYNN: THANK YOU, MR. JACK. WELCOME, MS. TOVO. YOU WILL BE FOLLOWED BY ROGER JENNINGS.

THANKS VERY MUCH, AND I ALSO WANT TO EXTEND MY THANKS TO COUNCIL MEMBER KIM AND MAYOR PRO TEM DUNKERLEY FOR ALL THEIR SERVICE TO THE CITY. AND THANKS TO THE TASK FORCE FOR THEIR HARD WORK ON THIS ISSUE. I THINK JEFF JACK QUITE NICELY SET UP WHAT I'M GOING TO TALK ABOUT HERE, WHICH IS LOOPHOLES, AND YOU SEE BEFORE YOU SOME PHOTOS THAT I HOPE WILL DEMONSTRATE THE NEED FOR SOME CLARIFICATION TO THE BASEMENT ISSUE. I'M HERE TO VOICE MY SUPPORT TO THE TASK FORCE'S RECOMMENDED LANGUAGE ON NO. 18 RATHER THAN THE AIA PROPOSED CHANGED LANGUAGE. WHAT YOU SEE -- AND I'VE EMAILED ALL OF YOU ABOUT A SECOND CHAPTER TO THIS CONSTRUCTION. I'M GOING TO CONFINE MY COMMENTS RELUCTANTLY TO THE FIRST CHAPTER SINCE THAT'S WHAT'S RELEVANT HERE TONIGHT. THE LINE YOU SEE, WHICH IS AS NOTED GRAPHICALLY AUGMENTED, THIS IS THE STRING LINE THAT -- THIS IS CONSTRUCTION GOING ON NEXT TO MY HOUSE AT 1003 SOUTH 3RD STREET. IT IS -- THE STRING LINE YOU SEE IS THE BOTTOM OF THE BASEMENT ON THIS PROPOSED -- ON THIS DUPLEX NOW UNDER CONSTRUCTION, AND WILL GO QUICKLY AGAIN, SAME THING, BOTTOM LINE. YOU SEE A FRONT-END LOADER FITS UNDERNEATH THAT STRING LINE QUITE NICELY. THE NEXT SLIDE, PLEASE. WHAT YOU SEE THERE, THERE'S AN ARROW, THE LADDER SHOWS YOU THE TOP OF THE BASEMENT. THE BASEMENT, THIS SO-CALLED BASEMENT IS ON PIERS, WHICH RANGE FROM ABOUT 10 TO 13 FEET. SO I THINK -- IT'S MY CONTENTION THAT OUR EXISTING CODE AND THE INTERNATIONAL RESIDENTIAL CODE'S DEFINITION OF BASEMENT, SHOULD HAVE PREVENTED THIS FIRST STORY FROM HAVING BEEN CLASSIFIED AS A BASEMENT. HOWEVER, IT DID NOT, BUT AGAIN, I THINK IT CALLS ATTENTION TO THE NEED FOR FURTHER CLARIFICATION IN THE CODE SO THAT THIS DOESN'T HAPPEN AGAIN. I WAS PRESENT IN THE COUNCIL CHAMBERS THE NIGHT THAT SOMEBODY TALKED ABOUT A SIMILAR CASE OVER ON RIVERSIDE. THIS IS BEFORE THE McMANSION ORDINANCE WAS ADOPTED BY COUNCIL, AND I HAD GREAT HOPE THAT WE WEREN'T GOING TO SEE ADDITIONAL CASES LIKE THIS, AND I THINK THIS IS A REAL SHAME. THIS RESULTED IN THE EXCLUSION OF MORE THAN 3,000-SQUARE-FOOT AREA, RESULTING IN A 5,000-SQUARE-FOOT GROSS AREA BUILDING, TOTAL BUILDING AREA OF ABOUT 7353 ON ABOUT AN 8,000-SQUARE-FOOT LOT. SO THAT'S -- THAT'S REALLY ALL I WANT TO SAY ON THIS. I SUPPORT THE TASK FORCE'S RECOMMENDATION OF BELOW GRADE PORTIONS MUST BE ACHIEVED EITHER BELOW -- BELOW NATURAL GRADE OR FINISH GRADE, NOT THE SUBSTITUTE LANGUAGE PROPOSED BY AIA. I WOULD ALSO ADD TO YOU THAT I HAVE SOME CONCERNS

ABOUT NO. 17. I THINK UNTIL WE'RE SURE THAT THE STAFF WILL NOW -- NOW ARE ARMED WITH A VERY CLEAR DEFINITION OF BELOW GRADE, AND THAT WE WILL NOT SEE LOOPHOLES LIKE THIS EXPLOITED AGAIN, I HAVE SOME VERY SERIOUS CONCERNS ABOUT ALLOWING DUPLEXES TO COUNT TO EXCLUDE THE BASEMENT, HAVE TWO STORIES IN ADDITION TO A BASEMENT. THAT GIVES ME SOME REAL PAUSE. ANYWAY, THANKS VERY MUCH. I'M HAPPY TO ANSWER QUESTIONS IF I CAN.

THANK YOU, KATHY. QUESTIONS FOR MS. TOVO? THANK YOU. NEXT SPEAKER IS ROGER JENNINGS. WELCOME, MR. JENNINGS. IS ERIC ROUSER STILL HERE? ERIC, ROGER, ERIC IS OFFERING YOU HIS MINUTES SO IF YOU NEED IT YOU CAN HAVE UP TO SIX MINUTES.

THANK YOU, MAYOR, THANK YOU, COUNCIL, FOR HAVING ME HERE TODAY. I'M BASICALLY INTERESTED IN TALKING ABOUT THE DUPLEX ORDINANCE AS IT PERTAINS TO THE McMANSION ORDINANCE. I AM IN FAVOR OF THE McMANSION ORDINANCE AS IT PERTAINS TO SINGLE-FAMILY DWELLINGS. WHAT I HAVE SEEN AS A BUILDER, I AM A FIVE-STAR GREEN BUILDER HERE IN AUSTIN, TEXAS. MY COMPANY BUILDS ONLY FIVE-STAR HOMES, AND WE HAVE -- ACTUALLY ONE OF OUR HOMES IS ON THE TOUR THAT I INVITE ALL OF YOU TO COME BY AND SEE. IT'S THE HOME ON -- IT'S A DUPLEX ON 14TH STREET, AND I WOULD LIKE YOU-ALL TO COME BY AND SEE THAT PROJECT BECAUSE THAT PROJECT IS IMPOSSIBLE GIVEN THE CURRENT RULES. AND WHAT WE'RE FINDING IS THAT WHEN WE TRY TO MAKE BUILT HOUSES FOR THE FUTURE OF AUSTIN, OUR HOUSES, WE TRY TO SCHEDULE THEM FOR HUNDRED YEAR LIFE SPAN, SO WE'RE THINKING ABOUT THE PERSON WHO IS GOING TO BE WORKING IN THAT HOUSE, LIVING IN THAT HOUSE A HUNDRED YEARS FROM NOW WHEN THERE MAY BE -- YOU KNOW, WE'RE GOING TO HAVE SUBSTITUTE FUELS, AND WE'RE FINDING THAT WITH THE PRESENT ORDINANCES, NOT ONLY ARE WE HAVING TO BUILD REALLY LARGE-LOOKING HOMES, HOMES THAT WHEN YOU PUT THESE HOMES TOGETHER AND YOU COMPLY BY THE RULES EXACTLY, THEY REALLY BECOME IMMENSE. AS A MATTER OF FACT, I WOULD LIKE YOU TO VISIT, IF YOU'RE GOING TO GO ON THAT TOUR, 1211 WALNUT IS A DUPLEX THAT IS BUILT UNDER THE CURRENT RULES, AND YOU'LL SEE THAT IT IS A VERY LARGE HOUSE ON A SMALL LOT, AND I THINK EXACTLY OPPOSITE OF WHAT WE'RE TRYING TO ACHIEVE WITH THE McMANSION ORDINANCE. IT LOOKS LIKE A McMANSION, AND WHEN YOU LOOK AT THE PROJECT WE DID ON 14TH STREET, IT DOESN'T AT ALL. THEY'RE TWO 1600 SQUARE FOOT HOUSES, THEY'RE SEPARATED BY A CARPORT. THEY'RE BEAUTIFUL TO LOOK AT. THEY'RE NOT INTRUSIVE AT ALL. THEY TAKE REALLY GOOD ADVANTAGE OF THE SITE WITHOUT THE OLD RULES IN PLACE WE COULD NOT HAVE SOLAR ORIENTED THOSE HOMES. WE COULD NOT HAVE HAD THOSE HOMES WORK WITH NATURAL DAYLIGHTING. ONE OF OUR CRITERIA IS THAT YOU SHOULDN'T HAVE TO TURN ON A LIGHT DURING THE DAY TO READ A BOOK IN ANY OF THE ROOMS. WE'RE ABLE TO ACHIEVE THAT. WE WOULD NOT BE ABLE TO ACHIEVE THAT GIVEN THE CURRENT AND FUTURE PROPOSALS THAT YOU HAVE. ALSO, WHAT WE COULD HAVE DONE ON THAT LOT IS TO BUILD A 5,000-SQUARE-FOOT SINGLE-FAMILY HOME. I BELIEVE THAT AUSTIN IS DEDICATED TO ZERO ENERGY POLICY, AND THAT I BELIEVE IS IMPOSSIBLE WITHOUT ENCOURAGING DENSITY. AND WHAT WE'RE DOING WITH THESE RULES THAT ARE BECOMING MORE AND MORE

COMPLEX AND MORE AND MORE RESTRICTIVE IS THAT WE ARE GOING AGAINST THAT DENSITY THAT WE NEED TO SUPPORT LIGHT RAIL, THAT WE NEED TO SUPPORT LOCAL, YOU KNOW, STORES THAT NEED A CERTAIN AMOUNT OF DENSITY IN ORDER TO BE WALKABLE. WE'RE -- YOU KNOW, THE CITY IS GOING TOWARDS A WALKABLE CITY. WE'RE GOING TOWARDS A ZERO ENERGY CITY, AND WE'RE ZONING FOR THE TYPE OF TOWN THAT IS NOT WALKABLE AND DOES NOT ALLOW SOLAR ORIENTATION AND DOES NOT ALLOW DENSITY IN A MEANINGFUL WAY. AND I WOULD STRONGLY RECOMMEND THAT AS THE COUNCIL MOVES FORWARD WITH THE McMANSION ORDINANCE THAT THEY CONSIDER HOW THAT AFFECTS DUPLEXES. WHAT WE REALLY NEED IS REREALLY NEED A RESTRICTIVE IMPERVIOUS COVER. WE NEED A RESTRICTIVE FAR. AND THEN WE NEED A POWERFUL TOOL THAT WILL ALLOW ARCHITECTS TO DESIGN SMALLER HOMES THAT ARE ABLE TO USE THESE LARGER LOTS IN A WAY THAT MAKES THEM MORE PRIVATE AND, YOU KNOW, MORE LIKE THE HOMES THAT ARE NEXT TO THEM. RIGHT NOW WE'RE ENCOURAGING THESE REALLY HUGE DUPLEXES THAT ARE VERY STRANGELY ORIENTED AND DON'T WORK VERY WELL AT ALL, AND YOU CAN SEE JUST BY THE COMMENTS TODAY THAT IT'S THE DUPLEX PART OF THIS THAT IS CAUSING CONTROVERSY, THE ZIPPER WALLS AND ALL OF THESE ISSUES, AND THEY'RE -- I THINK WHAT WE'RE DOING IS THAT WE ARE -- WE'RE BEING A LITTLE SCHIZOPHRENIC. IN ONE AREA WE'RE TRYING TO DEVELOP THIS BEAUTIFUL TOWN THAT HAS THESE SMALL HOUSES THAT HAVE GREAT DENSITY AND ENCOURAGE LIGHT RAIL AND ENCOURAGE LOCAL STORES, AND IN THE OTHER DIRECTION WITH THIS PARTICULAR ORDINANCE IS -- ESPECIALLY AS IT APPLIES TO DUPLEXES, WE'RE FORCING LARGER HOMES WITH LESS PRIVACY THAT CANNOT BE SOLAR ORIENTED AND ARE NOT DESIRED BY THE PEOPLE, WE'RE BASICALLY -- WE'RE BASICALLY BEING FORCED THROUGH THE MARKET TO GET THESE LARGER LOTS AND BUILD LARGE SINGLE-FAMILY HOMES, AND THAT'S NOT WHAT WE WANT TO DO, AND IT'S NOT, I THINK, IN THE INTEREST OF THE CITY TO HAVE THAT HAPPEN. SO BEFORE WE GO ANY FURTHER I WOULD ENCOURAGE THE COUNCIL TO VISIT THOSE TWO SITES, JUST TO SEE WHAT CAN HAPPEN, GIVEN WHAT WAS IN PLACE AND WHAT IS IN PLACE NOW, AND TO SEE WHICH ONE YOU PREFER BETTER. WE'RE ON THE TOUR. WE'RE ONE OF THE FIVE-STAR GREEN HOMES IN THE SOLAR HOME. 2414 EAST 14TH STREET. I HOPE YOU CAN COME BY AND TAKE A LOOK AT IT AND SEE WHAT WE CAN ACHIEVE IF WE'RE MEANING TO HAVE A TWO RESIDENCE LOT.

THANK YOU, MR. GEN I THINK. COUNCIL, THAT'S ALL OF OUR TESTIMONY ON THIS ITEM, ITEM 93 REGARDING OUR McMANSION ORDINANCE. COMMENTS, QUESTIONS OF STAFF? ANYBODY ELSE? COUNCIL MEMBER KIM?

KIM: I'D JUST LIKE TO SAY THAT I'M GLAD THAT KATHY TOVO BROUGHT US THAT PHOTO BECAUSE IT REALLY SAYS A LOT, JUST THAT PHOTO OF THAT BASEMENT THAT HAS WALLS THAT ARE AS TALL AS 13 FEET UP TO THE HIGHEST POINT. I THINK THAT'S PRETTY GLARING THAT THAT'S NOT WHAT IT'S INTENDED TO EXEMPT BASEMENT. I'M NOT SURE WHERE THE OTHER COUNCIL MEMBERS ARE, BUT I WOULD LIKE TO SEE SOME RESTRICTIONS. I'M NOT SURE IF IT'S A TASK FORCE RECOMMENDATION, BUT I DO APPRECIATE THE WORK THE TASK

FORCE PUT IN. I WOULD BE OPEN TO SUPPORTING THAT.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS? COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: YEAH, THIS IS A PROCEDURAL QUESTION. DO WE HAVE LIKE A MOTION SHEET TO WORK THROUGH OR SOMETHING LIKE THAT?

WE DON'T HAVE A MOTION SHEET. THE ITEM BEFORE YOU, THE DRAFT ORDINANCE THAT IS IN FRONT OF YOU RIGHT NOW INCORPORATES THE TASK FORCE'S RECOMMENDATIONS AND INCORPORATES ALL TASK FORCE'S RECOMMENDATION.

MAYOR WYNN: TO DATE.

YES, TO DATE. AGAIN, THE ONLY THING THAT IS JUST A MINOR CHANGE IS CORRECTING A TYPO ON PAGE 10 TO STATE THAT A SIDEWALL ARTICULATION IS REQUIRED WHEN THE STRUCTURE IS AN AVERAGE DISTANCE OF LESS THAN 9 FEET RATHER THAN 9 FEET OR LESS. THAT WOULD BE THE ONLY MOTION THAT WE WOULD BE. AND THEN -- AND THEN THERE ARE SOME DRAWINGS IN THE CODE THAT WE WOULD NEED TO FIX.

MCCRACKEN: I'LL BE SUPPORTING THE TASK FORCE RECOMMENDATION. I THOUGHT THAT THERE WERE SOME REALLY GOOD POINTS MADE ON SOME CONSIDERATIONS WE NEED TO MAKE GOING FORWARD, PERHAPS AS A COMP. PLAN, LOOKING AT NEW OPTIONS ON DUPLEXES. BUT I DO BELIEVE GIVEN THE ABUSES WE'VE SEEN IN DUPLEXES IN THE PAST, ONE OF THE CHALLENGES I THINK TO KEEP PERSPECTIVE, THE FOLKS WHO ARE THINKING OF GOOD DUPLEX DISIEBS IS WE ALSO HEAR A LOT OF COMPLAINTS, PEOPLE SEE TWO VERY LARGE HOMES APPEAR ON THE LOT NEXT DOOR TO THEM. THEY SAY HOW DID THEY GET TO BUILD TWO HOUSES AND THERE USED TO BE ONE HOUSE, BECAUSE THERE WAS A TRELLIS BETWEEN IT. SO THE CONCEPT OF A DUPLEX IS BEING USED TO CREATE TWO HOUSES ON LOTS OUT OF CONTEXT. SO I THINK THAT THERE IS A MIDDLE GROUND THERE, AND IT SOUNDS LIKE WE'RE MISSING OUT ON OPPORTUNITIES FOR GOOD DESIGNS NOW, AT THE SAME TIME WE FIXED THE PROBLEM. SO AS WE GET INTO THE COMP. PLAN, I THINK THIS WOULD BE A VERY HELPFUL EFFORT TO LOOK AT SOME REFINEMENT AND IMPROVEMENTS ON THIS. WE'RE NOT READY -- I DON'T THINK WE CAN CHANGE WHAT WE HAVE TONIGHT SIMPLY BECAUSE THAT REPRESENTS A LOT OF HARD WORK AND CORRECTS THE ABUSES. I THINK THE NEXT STEP ONCE WE'VE CORRECTED THE ABUSE IS WE'LL GO THE NEXT STEP AND LOOK AT OTHER THINGS THAT MIGHT BE ADDITIONAL OPTIONS AT THE SAME TIME THAT WE PROTECT AGAINST THE ABUSES. BUT I HEARD WHAT YOU SAID AND I THOUGHT IT WAS REALLY MEANINGFUL. I APPRECIATE IT. AND I WOULD LIKE YOU TO BE PART OF THE EFFORTS GOING FORWARD BECAUSE I THINK YOU HAVE A LOT TO OFFER TO THE DIALOGUE, CREATING GREAT URBAN SPACE AND APPRECIATE IT.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS? MOTIONS? COUNCIL MEMBER

MCCRACKEN?

MCCRACKEN: ARE WE READY FOR ALL THREE READINGS?

WE ARE WAITING FOR ALL THREE.

MCCRACKEN: YEAH. SO I'LL MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS THE TASK FORCE RECOMMENDATIONS WITH THE ADDITIONAL STAFF CHANGE IDENTIFIED BY MS. KING.

THE TYPO ON PAGE 10 10:30?

MCCRACKEN: YES.

REGARDING THE DISTANCE OF LESS THAN 9 FEET RATHER THAN 9 FEET AND THEN A NO ONE QUALIFIED SECTION TO ALLOW THE DRAWINGS THAT ARE NOT IN THE CODE TO CONFORM TO THE REVISED CODE LANGUAGE.

MCCRACKEN: YEAH, THAT. THANKS.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MCCRACKEN, SECONDED BY COUNCIL MEMBER KIM TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS. PLANNING COMMISSION TASK FORCE RECOMMENDATION WITH STAFF CORRECTIONS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU.

MAYOR WYNN: THANK YOU, MS. KING. COUNCIL, THAT TAKES US TO OUR FINAL PUBLIC HEARING, THAT BEING ITEM NO. 98. PUBLIC HEARING REGARDING OUR PLAN UNIT DEVELOPMENT, OR PUD DISTRICT. WELCOME, MR. JERRY WESTHOVEN.

I'M JERRY WESTHOVEN WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. IN APRIL OF LAST YEAR YOU-ALL PASSED A RESOLUTION DIRECTING THE STAFF TO PROVIDE SUPPORT TO A STAKE HOLDER PROCESS TO REVISE THE PLANNING AND DEVELOPED AND PLANNED DEVELOPMENT AREA. SECTION OF THE CODE. STAKE HOLDER GROUP WAS PUT TOGETHER BY THE COUNCIL MEMBERS UNDER THE LEADERSHIP OF COUNCIL MEMBERS MCCRACKEN, MARTINEZ AND LEFFINGWELL A SERIES OF 6 STAKE HOLDER MEETING WERE HELD, A DRASK ORDINANCE WAS PREPARED AS A RESULT OF THOSE STAKE HOLDER MEETINGS. I HAVE TAKEN THIS DRAFT ORDINANCE TO FIVE BOARDS AND COMMISSIONS

AND TWO SUBCOMMITTEES OF THE BOARDS AND COMMISSIONS AND I'M HERE TONIGHT TO PRESENT THE ORDINANCE. A PUD OR A PLANNING DEVELOPMENT, AS YOU-ALL KNOW IS A ZONING TOOL THAT ALLOWS THE DEVELOPER TO A SET OF SITE REGULATIONS AS WELL AS PERMITTED USES THAT ARE UNIQUE TO A SINGLE PIECE OF PROPERTY. ESSENTIALLY IT IS A LAND DEVELOPMENT CODE THAT APPLIES JUST TO THE SINGLE PIECE OF PROPERTY THAT'S BEING ZONED. IN EXCHANGE FOR THAT FLEXIBILITY THE CITY RECEIVES SUPERIOR DEVELOPMENT TO THAT WHICH IS ALLOWED UNDER STANDARD ZONING. I WILL WALK YOU THROUGH THE ORDINANCE AND TALK ABOUT THE MAJOR CHANGES THAT ARE BEING PROPOSED AND THEN I WILL ADDRESS THE CHANGES THAT ARE IN FRONT OF YOU. THE FIRST CHANGE IS THAT THE REQUIREMENT FOR A PUD WOULD BE DIVIDED INTO TIER 1, 2 AND DEVELOPMENT BONUS SECTIONS. THE TIER 1 REQUIREMENTS WOULD BE REQUIREMENTS THAT EVERY PUD WOULD BE REQUIRED TO COMPLY WITH. THOSE WOULD BE THINGS SUCH AS OPEN SPACE REQUIREMENTS, WHICH ARE THE SAME AS WE HAVE TODAY. COMPLIANCE WITH A NEW PLANNED UNIT DEVELOPMENT, GREEN BUILDING STANDARD, CONFORMANCE WITH NEIGHBORHOOD PLANS, PROVIDING ENVIRONMENTAL PROTECTION, PROVIDING ADDITIONAL LANDSCAPING ABOVE AND BEYOND THAT REQUIRED BY THE CODE, PREVENTING GATING COMMUNITIES, COMPLIANCE WITH THE COMMERCIAL DESIGN STANDARDS AS WELL AS COMMERCIAL WITH THE SIDEWALK REQUIREMENTS OF THE -- WITHIN THE URBAN ROADWAY BOUNDARY FOR URBAN -- URBAN ROADWAYS. THESE WOULD BE REQUIREMENT THAT EVERY PUD WOULD HAVE TO COMPLY WITH. TIER 2 REQUIREMENTS ARE A LIST OF ITEMS THAT THE CITY COUNCIL WILL USE IN MAKING A DETERMINATION OF SUPERIORITY FOR A PUD. TODAY THE CODE JUST SAYS PUD NEEDS TO BE SUPERIOR. IT IS UP TO THE COUNCIL TO DETERMINE WHAT THAT IS. IT WILL STILL BE UP TO THE COUNCIL TO DETERMINE WHAT IS SUPERIOR. HOWEVER NOW WE HAVE A LIST OF THINGS THAT THE COUNCIL WILL BE LOOKING FOR IN MAKING A DETERMINATION OF SUPERIORITY. ALL THESE ITEMS WILL NOT NEED TO BE MET FOR A PUD TO BE SUPERIOR. ON THE OTHER HAND, WE'RE DOING ONE OF THEM -- DOING ONE OF THEM WILL NOT NECESSARILY BE ENOUGH TO BE SUPERIOR: PROVIDING ADDITIONAL OPEN SPACE ABOVE AND BEYOND THAT WHICH IS REQUIRED BY THE CODE, PROVIDING GREATER ENVIRONMENTAL PROTECTION, PARTICIPATING IN THE GREEN BUILDER PROGRAM ABOVE AND BEYOND THAT REQUIRED UNDER THE TIER 1. PROVIDING PUBLIC ART, GREAT STREETS, TRANSIT FACILITIES, PARKING STRUCTURES IN LIEU OF SURFACE PARKING, AFFORDABLE HOUSING, HISTORIC PRESERVATION, ACCESSIBILITY AND VISITABLE, ET CETERA. THIS IS A LIST OF THINGS FOR DEVELOPERS, STAFF AND NEIGHBORHOODS ALL KNOW THESE ARE THE TYPES OF THINGS THAT THE CITY COUNCIL WILL BE LOOKING FOR IN MAKING A DETERMINATION OF SUPERIORITY. THE NEXT SECTION IS THE DEVELOPMENT BONUSES SECTION. WHEN A PUD WILL BE SUBMITTED AN APPLICANT WILL BE REQUIRED TO PROVIDE A BASELINE ZONING. THE BASELINE ZONING WOULD BE THAT ZONING WHICH THE PROJECT WOULD NORMALLY BE EXPECTED TO RECEIVE IF IT WERE NOT REQUESTING PUD ZONING. THE MOST IMPORTANT THING THE BASELINE ZONING WOULD DO WOULD BE ESTABLISH THE HEIGHT SO WE WOULD NORMALLY EXPECT TO SEE OUT OF THE ZONING FOR THE PROJECT. ANY PROPOSAL THAT WOULD REQUIRE GREATER HEIGHT, GREATER FLOOR TO AREA RATIO OR



GREATER BUILDING COVERAGE ABOVE THE LAYS LINE -- WOULD BE IN THE DEVELOPMENT BONUSES SECTION. UNDER THAT IF A PUD WERE HAVING RESIDENTIAL USES WITHIN IT THERE WOULD BE A RIRLT TO PROVIDE 10% OF THE RENTAL HABITABLE SPACE FOOTAGE WITHIN THE PUD WOULD BE REQUIRED TO BE AFFORDABLE. THE AFFORDABILITY PERIOD WOULD BE FOR 40 YEARS AND THERE WOULD BE A REQUIREMENT TO ACCEPT FEDERAL HOUSING VOUCHERS. I WILL GET TO WHAT AFFORDABILITY IS IN THIS ORDINANCE IN JUST A MOMENT. FOR OWNER OCCUPIED HOUSING THERE WOULD BE A REQUIREMENT THAT AT LEAST 5% OF THE SQUARE FOOTAGE BE AFFORDABLE AND ALSO A REQUIREMENT THAT THE AFFORDABLE HOUSING SHARED EQUITY PROGRAM OF THE NEIGHBORHOOD HOUSING COMMUNITY DEVELOPMENT DEPARTMENT. AS FAR AS WHAT AFFORDABLE MEANS UNDER THIS ORDINANCE, IF A PUD IS WITHIN THE URBAN ROADWAY BOUNDARY, WHICH IS MOPAC ON THE WEST AND BEN WHITE BOULEVARD ON THE SOUTH, THE AFFORDABILITY LEVEL WILL BE 80% OF THE MEDIAN FAMILY INCOME IN THE AUSTIN METROPOLITAN AREA. OUTSIDE OF THE AREA THE REQUIREMENT WOULD BE 60% OF THE AUSTIN MFI. ADDITIONALLY THERE IS A REQUIREMENT THAT IF THE COUNCIL FINDS THAT THE PREVAILING LEVEL OF AFFORDABILITY IN THE VICINITY OF A PUD IS LOWER THAN THAT WITHIN THE AUSTIN MFA, THEN THERE WILL BE A REQUIREMENT THAT THE MEDIAN FAMILY INCOME LEVEL BE ADJUSTED TO THE LOWER OF THOSE TWO NUMBERS. THE -- THERE'S AN ALTERNATIVE WITHIN THE PUD, THE APPLICANT CAN PROVIDE THE LAND AREA NECESSARY FOR THE AUSTIN HOUSING FINANCE CORPORATION TO BUILD 20% [INDISCERNIBLE] SQUARE FOOTAGE FOR AFFORDABLE HOUSING OR A PROVISION FOR A FEE IN LIEU OF THAT WOULD BE AN AMOUNT EQUAL TO 60% OF THE AMOUNT ESTABLISHED IN THE RECENTLY PASSED AUSTIN HOUSING, TASK FORCE ORDINANCE FOR DOWNTOWN OR DOWNTOWN MIXED USE ZONING. CURRENTLY THAT DOLLAR AMOUNT IS \$10. THERE'S A PROVISION IN THAT ORDINANCE THAT THAT AMOUNT WILL CHANGE OVER TIME. SO RIGHT NOW ESSENTIALLY THAT AMOUNT WOULD BE \$6. THAT SUMMARIZES THE MAJOR REQUIREMENT CHANGES THAT ARE IN THE PUD. THERE WOULD ALSO BE A PROCESS CHANGE UNDER THE ORIGINAL PROPOSAL THAT CAME OUT OF THE STAKE HOLDER GROUP. THERE WAS AN OPTION FOR A COUNCIL SUBCOMMITTEE COMPRISED OF THREE MEMBERS THAT WOULD REVIEW A PUD AFTER THE DEVELOPMENT ASSESSMENT WAS COMPLETED, AND THE COUNCIL WOULD MAKE -- THE COUNCIL SUBCOMMITTEE WOULD MAKE A DECISION ABOUT WHETHER THE PUD WAS ALLOWED IN OR NOT. THAT PROPOSAL HAS CHANGED UNDER THE ORDINANCE IN FRONT OF YOU AND WHAT WOULD HAPPEN NOW IS THE STAFF WOULD STILL RECEIVE A DEVELOPMENT ASSESSMENT FOR A PUD. WE WOULD REVIEW IT. WE WOULD PROVIDE NOTICE TO ALL THE NEIGHBORS AND THEN WE WOULD TAKE THE DEVELOPMENT ASSESSMENT TO THE FULL CITY COUNCIL FOR A BRIEFING AND PRESENT TO THE COUNCIL WHAT THE STAFF OPINION ON WHETHER THE APPLICANT IS MEETING THE TIER 1 REQUIREMENTS AND WHERE THEY ARE AT WITH REGARD TO THE ITEMS THAT ARE LISTED IN TIER 2. THAT WOULD BE -- THE IDEA HERE IS THAT RIGHT NOW THE CITY COUNCIL IS SEEING THE PUDZ AT THE VERY END OF THE PROCESS, OFTEN DOING A PUD BECAUSE IT'S NEGOTIATED ZONING WITH THE CITY STAFF, TAKES SOMETIMES UP TO A YEAR AND THE CITY COUNCIL INPUT COMES AT THE END OF THE PROCESS. THE DESIRE HERE WAS TO

CREATE A BOOK END APPROACH WHERE THE INPUT FROM THE COUNCIL WOULD COME AT THE BEGINNING AS FAR AS WHAT ARE THE COUNCIL PRIORITIES AT THE. WERE RELOOKING FOR AFFORDABLE HOUSING, GREATER URBAN DESIGN. IT WOULD BE A BRIEFING, NOT A VOTE, BUT IT WOULD BE A CHANCE FOR THE APPLICANT TO HEAR WHAT THE COUNCIL PRIORITIES ARE FOR A GIVEN PROJECT. SOME ADDITIONAL CHANGES I'D LIKE TO POINT OUT THAT ARE IN FRONT OF YOU AS OPPOSED TO THE ORDINANCE THAT CAME OUT OF THE STAKE HOLDER GROUP, ARE THE, ONE -- THE -- LET'S SEE, THE COMMERCIAL DESIGN, THE SIDEWALK REQUIREMENT WOULD ONLY APPLY ON URBAN ROADWAY BOUNDARY. THE CRITERIA FOR GREEN BUILDER WITHIN THE TIER 2 AREA HAS BEEN CHANGED TO THREE STARS OR ABOVE RATHER THAN GREATER THAN THREE STARS. AND IN ADDITION THE REQUIREMENT FOR A LOCAL BUSINESS PROVISION WITHIN THE DEVELOPMENT BONUSES SECTION HAS BEEN REMOVED, AND THAT HAS BEEN MOVED OVER INTO THE TIER 2 REQUIREMENT SO THAT THE PROVISION OF SPACE FOR LOCAL BUSINESSES WOULD BE A CONDITION THAT WOULD BE CONSIDERED FOR SUPERIORITY -- WOULD NOT BE A REQUIREMENT UNDER THE DEVELOPMENT BONUSES SECTION. WE DO HAVE ONE ADDITIONAL AMENDMENT THAT IS BEING PROPOSED THIS EVENING AND I'D LIKE TO READ THE LANGUAGE TO YOU. THIS AMENDMENT WOULD ESSENTIALLY ALLOW ANY PUD THAT HAS SUBMITTED THEIR DEVELOPMENT ASSESSMENT OR THEIR ACTUAL PUD APPLICATION BEFORE THE EFFECTIVE DAY OF THIS ORDINANCE TO CONTINUE UNDER THE EXISTING RULES AND THAT THE PROPOSED RULES IN THAT LANGUAGE WOULD BE REQUEST FOR PUD ZONING -- REQUEST FOR PUD DISTRICT ZONING INITIATED BEFORE THE ADOPTION OF THIS ORDINANCE SHALL BE PROCESSED AND REVIEWED UNDER THE STANDARDS IN EFFECT ON THE DATE OF ADOPTION OF THIS ORDINANCE AND THOSE STANDARDS ARE CONTINUED IN EFFECT FOR THAT PURPOSE ONLY. LIKE I SAID, I HAD TAKEN THIS TO FIVE COMMISSIONS AND I'LL GIVE YOU A QUICK SUMMARY OF WHAT THE BOARDS AND COMMISSIONS HAD TO SAY. THEY WERE ADDRESSING THE ORDINANCE THAT CAME OUT OF THE STAKE HOLDER PROCESS AND THE ORDINANCE IN FRONT OF YOU HAS CHANGED. BUT THE -- THE DESIGN COMMISSION HAS WRITTEN A ALL RIGHT, AND TO SUMMARIZE THEIR LETTER STATES THAT THEY BELIEVE THAT THIS -- THESE CHANGES SHOULD BASICALLY WAIT UNTIL THE COMPREHENSIVE PLAN IS DONE AND THAT A TEAM OF CITY REVIEWERS SHOULD BE ASSEMBLED TO REVIEW PUDS, A DEDICATED DEDICATED TEAM OF CITY REVIEWERS, AND EVERY PUD SHOULD BE REQUIRED TO PROVIDE GREATER URBAN DESIGN SPECIFICS SUCH AS EXISTING CONTEXT DESIGN ANALYSIS, AND A THREE D MODEL OR ENVELOPE STUDY. THE ENVIRONMENTAL BOARD -- SO THEY RECOMMEND THE APPROVAL WITH THOSE CHANGES. THE ENVIRONMENTAL BOARD ALSO RECOMMENDED APPROVAL OF THE ORDINANCE WITH THE EXCEPTION THAT THEY SUGGESTED ADDING SPECIFIC ENVIRONMENTAL COMPONENTS TO DEMONSTRATE HOW THE PROPOSED DEVELOPMENT IS SUPERIOR TO THAT WHICH WOULD BE ACCOMPLISHED UNDER CURRENT REGULATIONS BE A REQUIREMENT TO BE ADDED TO THE ORDINANCE. THE COMMUNITY DEVELOPMENT COMMISSION ALSO CONSIDERED THE ORDINANCE AND THEY RECOMMENDED APPROVAL WITH SEVERAL CHANGES. ONE, THEY RECOMMENDED THAT THE REQUIREMENT FOR RENTAL UNITS BE AT 60% MFI CITY-WIDE AND THE REQUIREMENT FOR OWNER OCCUPIED

CITY UNITS BE 80% MFI CITY-WIDE AND THEY ALSO RECOMMENDED THE ELIMINATION OF THE PAYMENT FEE IN LIEU OF OPTION. THE PLANNING COMMISSION CONSIDERED THE ORDINANCE AND THEY RECOMMENDED APPROVAL. HOWEVER, THEY ALSO SUGGESTED SEVERAL CHANGES. THEY SUGGESTED THAT THE BASELINE DETERMINATION WILL BE REVIEWED BY THE LAND USE COMMISSION, THE PLANNING COMMISSION OR THE ZONING AND PLATTING COMMISSION PRIOR TO OUR TAKING THE PUD TO COUNCIL FOR THEIR REVIEW. THEY ALSO RECOMMENDED UNDER THE COMMERCIAL BONUS PROVISION WHICH HAS SINCE CHANGED FROM A DEVELOPMENT BONUS TO A TIER 2 OPTION, BE CHANGED TO 10% OF THE TOTAL SQUARE FOOTAGE WITHIN THE PUD AND THAT NON-PROFITS AND DAY CARES BE ADDED TO THE LOCAL BUSINESSES AS AN OPTION, AND THEY ALSO RECOMMENDED REMOVING THE PROVISION FOR ADJUSTMENTS OF THE MEDIAN FAMILY INCOME DEPENDING UPON THE PREVAILING AREA WITHIN THE PUD AND REQUIRE 10% AT 80% OF CITY MFI FOR OWNER OCCUPIED HOUSING AND 10% FOR RENTAL HOUSING AND FINALLY THE ZONING AND PLATTING COMMISSION CONSIDERED THE ORDINANCE LAST NIGHT. THEY RECOMMEND THE DENIAL OF THE ORDINANCE AND THEIR REASONS WERE FOR -- FOR THAT WERE THEY DID NOT LIKE THE IDEA OF THE THREE-PERSON -- I'M SORRY, THE THREE COUNCIL PERSON SUBCOMMITTEE. AGAIN THAT IDEA HAS CHANGED TO A BRIEFING BEFORE THE WHOLE COUNCIL. THEY FELT THAT THIS ORDINANCE SHOULD NOT APPLY ALL OVER THE CITY, THAT THE ISSUES ADDRESSED WITH THIS PROPOSED CHANGE ARE REALLY THOSE THAT ARE UNIQUE TO THE URBAN CORE AND THIS ORDINANCE WOULD APPLY CITY-WIDE. THEY RECOMMEND AGAIN THAT THE LOCAL BUSINESS OPTION BE MOVED INTO A TIER 2 REQUIREMENT, WHICH IT HAS. THEY ARE OPPOSED TO THE REQUIREMENT THAT THE AFFORDABLE HOUSING BE PROVIDED ON A SQUARE FOOTAGE BASIS RATHER THAN ON A UNIT BASIS, AND THEY SUGGESTED THAT IF THE COUNCIL DID WANT TO PASS THE PUD ORDINANCE TO ADDRESS URBAN INFILLS USE THAT THEY LIMIT THE ORDINANCE TO WITHIN THE BOUNDARIES OF THE US 183 STATE HIGHWAY 360, BRAKER TO THE NORTH AND SLAUGHTER LANE TO THE SOUTH. ESSENTIALLY THEY WERE SAYING THEY THINK WE SHOULD HAVE AN URBAN PUD ORDINANCE AND LEAVE THE EXISTING PUD ORDINANCE ALONE. I HAVE ALSO BEEN ASKED TO READ A LETTER FROM MR. TOM TURKEL AND I'LL DO THAT QUICKLY. DEAR MAYOR WYNN AND MEMBERS OF THE COUNCIL, I AM TOM DRAKEL, NOT REALLY, BUT I CURRENTLY SERVE AS PRESIDENT OF THE REAL ESTATE COUNCIL OF AUSTIN.

MAYOR WYNN: THEY'RE LOOKING AT TOM DURKEL.

WE HAVE WORKED WITH COUNCIL MEMBER MARTINEZ AND HIS STAFF AND MEMBERS OF THE PUD REVISION STAKE HOLDER GROUP TO SEEK CONSENSUS AND REVISIONS TO THE EXISTING PUD ORDINANCE. I AM PLEASED TO TELL YOU THAT RICA SUPPORTS THE PROPOSED CHANGES TO THE PUD ORDINANCE. THESE CHANGES WILL SIGNIFICANTLY IMPROVE THE PROCESS BY WHICH PUDS IN THE FUTURE ARE CONSIDERED. WE URGE YOUR SUPPORT, THANK YOU, TO HIM TRAKEL. I WOULD LIKE TO APOLOGIZE TO DUNKERLEY AND KIM THE PUDS ARE THE FINAL ITEM YOU HAVE TO VOTE ON: WITH THAT I CONCLUDE

AND HIM AVAILABLE IF THERE ARE ANY QUESTIONS.

MAYOR WYNN: THIS IS NOT BILLBOARDS. [LAUGHTER]

MAYOR WYNN: QUESTIONS FOR STAFF? QUESTIONS FOR STAFF? COUNCIL? YES, WE HAVE A HANDFUL OF SPEAKERS, OR FOLKS WHO SIGNED UP. TOM TURKEL WAS ONE OF THOSE FOLKS THAT SIGNED UP, NIGEL MEADE SIGNED UP TO SPEAK, KAREN POP SIGNED UP WISHING TO SPEAK. WELCOME, KAREN, APPRECIATE YOUR PATIENCE. YOU'LL BE FOLLOWED BY KATHY HE CANEKLES, WHO WILL BE FOLLOWED BY KATHY TOVO.

GOOD EVENING, MAYOR, MAYOR PRO TEM, COUNCIL. I'M HERE TO ELABORATE ON THE COMMUNITY DEVELOPMENT COMMISSION'S RECOMMENDATIONS. MY NAME IS KAREN POP. THE COMMISSION SUPPORTS THE GENERAL IDEA OF PROVIDING INCENTIVES TO ACHIEVE AFFORDABILITY AND WE LIKE THE AFFORDABILITY PERIODS THAT ARE SET OUT IN THE DRAFT ORDINANCE. WE ARE CONCERNED WITH THREE THINGS, FEES. WE DID NOT RECOMMEND THAT, AND IF THERE ARE IN LIEU FEES THEY SHOULD BE SET AT A LEVEL THAT TRULY EQUALS THE COST OF PROVIDING THE HOUSING THAT ISN'T BEING PROVIDED BY THE DEVELOPMENT. WE ARE CONCERNED -- WE HAD ATTACHED AN EARLIER RESOLUTION THAT WE MADE ABOUT PERCENTAGE OF AFFORDABILITY AND WE ARE CONCERNED THAT AFFORDABILITY VARIES BETWEEN THE TENURE THAT OWNERS ARE AT 5% AND RENTERS ARE AT 10%. WE DON'T SEE WHY YOU'D HAVE HALF AS MANY AFFORDABLE UNITS IF IT WAS AN OWNERSHIP PROJECT SO WE RECOMMEND 10% ON EACH. THE THIRD AREA, AND IT'S THE MOST COMPLICATED, IS THE VARYING DEGREES OF AFFORDABILITY BASED ON GEOGRAPHY. AND IN OUR ANALYSIS, WE USED THE SAME -- WE LOOKED AT THE SAME NUMBERS THAT WERE USED IN VMU, THAT 60% WORKS FOR RENTAL, AND SO WE THINK THAT SHOULD -- THAT'S WHERE THE TOOL IS MOST USEFUL, IS USE THE 60% LEVEL. WE SEE PARAGRAPH C, THAT THE DIFFERENT GEOGRAPHIC AREAS ARE LAID OUT IN THREE PARAGRAPHS. IN PARAGRAPH C, WE SEE AS AN ATTEMPT TO RESPOND TO SOME OF THE COMPLAINTS THAT HAVE BEEN LEVELED ABOUT VMU, THAT IT DOESN'T ACHIEVE -- DOESN'T MATCH THE AFFORDABILITY OF THE NEIGHBORHOOD IN AREAS THAT HAVE LOWER RENTS ALREADY. BUT AS WE SEE IT, THE TOOL ONLY WORKS TO 60%, SO IT'S KIND OF AN ILLUSION THAT WE CAN GET BELOW 60%, THAT WE CAN MATCH THAT AFFORDABILITY. IT'S REALLY A TOOL THAT WORKS BETTER IN HIGHER INCOME AREAS. WHAT IT DOES IS WORK WITH THE MARKET TO ACHIEVE AFFORDABILITY IN AREAS WHERE WE HAVEN'T TRADITIONALLY SEEN AFFORDABILITY. PARAGRAPH A LET'S LET'S A VERY LARGE AREA OF THE CITY GO AT 80%, AND THOSE ON RENTS AT 80% IS MORE THAN THE HUD FAIR MARKET RENT. IF WE LOOK AT THAT ON A TWO BEDROOM IT'S 935 BUT 80% IS ALMOST \$500 A MOLEST. SO LOOKS LIKE WE'RE IN PARAGRAPH C CONTINUING TO EMPHASIZE AFFORDABLE HOUSING IN AREAS WE TRADITIONALLY HAD AFFORDABLE HOUSING PROGRAMS AND THAT WE'RE OFFERING INCENTIVES TO GO ABOVE MARKET IN A LARGE AREA OF THE CITY, AND THAT'S KIND OF A FAIR HOUSING CONCERN WITH THE COMMUNITY DEVELOPMENT COMMISSION. AND SO WE WOULD RECOMMEND 60% CITYWIDE

ON RENTAL AND 80% CITYWIDE ON OWNERSHIP. THANK YOU.

MAYOR WYNN: THANK YOU, KAREN. TO BE FOLLOWED BY KATHY ECCLES. WELCOME, KATHY, TO BE FOLLOWED BY KATHY TOVO.

KATHY TOVO ACTUALLY WANTED TO DONATE HER TIME TO ME, IF THAT'S OKAY.

MAYOR WYNN: YOU HAVE UP TO SIX MINUTES IF YOU NEED IT. WELCOME.

I'M LEARNING SEVERAL -- WEARING SEVERAL DIFFERENT HATS TONIGHT. I'M SPEAKING FROM THE PERSPECTIVE OF HOUSING ADVOCATE, NEIGHBORHOOD, AND FAMILIES AND CHILDREN TASK FORCE. I WANT TO THANK COUNCIL MEMBER MARTINEZ FOR TAKING THE LEAD ON THE REWRITE OF THE PUD AND I ALSO WANT TO THANK COUNCIL MEMBERS MCCracken AND LEFFINGWELL FOR HELPING TO INITIATE THAT EFFORT. THIS EFFORT CAME OUT OF THE PAINFUL PROCESS SURROUNDING THE CONCORDIA EAST AVENUE REDEVELOPMENT, AND I WANT TO COMMEND COUNCIL MEMBER MARTINEZ FOR TRYING TO GET SOMETHING GOOD OUT OF THAT AGONIZING SITUATION, AND, IN FACT, THERE ARE MANY GOOD THINGS IN THIS ORDINANCE, EXPECTATIONS FOR THE SUPERIORITY THAT SHOULD DEFINE A PUD ARE MADE MORE EXPLICIT AND THERE ARE OPPORTUNITIES FOR COUNCIL INPUT IN MUCH EARLIER IN THE PROCESS THAN PREVIOUSLY. I'M CURPD THAT THE CURRENT VERSION OF THE ORDINANCE DOES NOT RESOLVE SOME OF THE SERIOUS PROBLEMS THAT LED TO THE CONCORDIA SITUATION AND OTHER SIMILAR CONFLICTS AND THERE ARE OTHER PROBLEMS WITH THE ORDINANCE AS CURRENTLY WRITTEN. I ALSO HAVE CONCERNS ABOUT THE PROCESS THAT LED TO THE CURRENT VERSION OF THE ORDINANCE. I'VE OUTLINED MY CONCERNS IN AN EMAIL TO EACH OF YOU SO I'LL SUMMARIZE THEM BRIEFLY. THE FIRST ISSUE IS THE LAST OF REQUIREMENT OR ENCOURAGEMENT FOR PUD DEVELOPERS TO MAKE A GOOD-FAITH EFFORT TO WORK WITH NEIGHBORHOODS EARLY IN THE PROCESS. THIS SHOULD BE REQUIRED. A MAJOR FACT IN THE CONCORDIA CONTROVERSY WAS THAT THE DEVELOPER DID NOT ENTER INTO SERIOUS NEGOTIATIONS WITH THE NEIGHBORHOOD UNTIL LATE IN THE PROCESS UNDER TREMENDOUS TIME PRESSURE. RECOGNIZING THAT THERE ISN'T ALWAYS A NEIGHBORHOOD GROUP TO NEGOTIATE WITH, NEIGHBORHOOD NEGOTIATIONS AND/OR SUPPORT SHOULD AT LEAST BE ADDED INTO THE TIER 2 REQUIREMENTS FOR THE PUD. SECONDLY, THE LANGUAGE FOR DEFINING THE BASELINE IS VAGUE BECAUSE THAT'S THE APPLIED ARBITRARILY OR INTERPRETED AS THE TERM BASELINE CURRENTLY IS BY PLANNING STAFF TO MEAN A SET OF ZONING CATEGORIES AS CLOSE AS POSSIBLE TO THE PROPOSED PROJECT. THE BASELINE IS IMPORTANT BECAUSE IT DETERMINES WHETHER A DEVELOPMENT BONUS IS BEING AWARDED AND THEREFORE WHETHER AFFORDABLE HOUSING REQUIREMENTS KICK IN. THE BASELINE NEEDS TO BE DEFINED AS THE CURRENT ZONING. THAT'S REALLY THE ONLY CONSISTENT AND OBJECTIVE WAY TO DEFINE THE BASELINE. A THIRD ISSUE IS THAT SPECIFIC -- THE COMMUNITY BENEFITS ARE CALLED OUT ONLY FOR THE RESIDENTIAL COMPONENT OF THE PROJECT. SO A PROJECT THAT IS ENTIRELY COMMERCIAL HAS NO AFFORDABILITY REQUIREMENT EVEN IF IT GOES WAY

ABOVE THE BASELINE, AND A PROJECT WITH ONLY 10% RESIDENTIAL WOULD HAVE TO DO ONLY 10%, WHICH IS 1% OF THE ENTIRE PROJECT IS AFFORDABLE HOUSING. THE AFFORDABILITY REQUIREMENT SHOULD APPLY IN SOME FORM TO BOTH RESIDENTIAL AND COMMERCIAL SQUARE FOOTAGE. OTHERWISE WE RISK ENCOURAGING COMMERCIAL DEVELOPMENT AT THE EXPENSE OF ENCOURAGING RESIDENTIAL DEVELOPMENT. THERE ARE PRECEDENCE FOR APPLYING -- APPLYING COMMUNITY BENEFITS TO COMMERCIAL SQUARE FOOTAGE ON BOTH VMU AND THE CBD, DMU AFFORDABILITY REQUIREMENT. KAREN HAS GONE OVER THE ISSUES WITH THE AFFORDABILITY LEVELS. I DON'T WANT TO SPEND MUCH TIME ON THAT BUT I WOULD CONCUR THAT THE AFFORDABILITY LEVELS SHOULD BE 60% OF MEDIAN FAMILY INCOME FOR RENTAL CITYWIDE, AND THAT THE IN LIEU CALCULATION FOR AFFORDABLE HOUSING IS PROBLEMATIC. IT'S NOT WELL JUSTIFIED. THERE'S NO REASON WHY THE VMU SHOULD BE LOWER THAN THAN THE CBGVMU TIRK PARTICULARLY SINCE DEVELOPMENT COSTS ARE HIGHER. AND AS A MEMBER OF FAMILIES AND CHILDREN TASK FORCE I WANT TO SUGGEST FAMILY FRIENDLY ELEMENTS, SUGGEST AS ADDING PLAYGROUNDS OR RECREATION FACILITIES TO TIER 2 AS A REQUIREMENT, AND INCLUDING CHILD CARE ALONG WITH SMALL BUSINESSES IN THAT PARTICULAR CATEGORY WITHIN TIER 2. AND THEN THE BROADER ESH IS WITH THE PROCESS. THIS WAS NOT A CONSENSUS-BASED PROCESS. MANY OF US ATTENDED MULTIPLE MEETINGS TO DISCUSS THE PUD REVISIONS, OFTEN TAKING TIME OFF WORK TO DO SO BUT WE NEVER KNEW UNTIL A DRAFT ORDINANCE WHAT WOULD BE INCLUDED. IN THE END CHANGES WERE MADE WITHOUT ANY INPUT OR REVIEW BY THE NEIGHBORHOOD - WHO WERE PART OF THE TASK FORCE. I FOUND OUT THAT SPECIFIC REQUIREMENT FOR COMMUNITY BENEFITS ON SQUARE FOOTAGE HAS DISAPPEARED. I BELIEVE THAT THE ADVOCATES AND RICA CAN COME TO AGREEMENT BUT NEEDS TO HAPPEN AS A DISCUSSION, NOT BETWEEN REPRESENTATIVES OF EACH GROUP, NOT THROUGH INDEPENDENT THE SCENES LOBBYING. CONSEQUENTLY I WOULD ASK THAT YOU PASS THE PUD ORDINANCE ON FIRST READING ONLY, THEN GET REPRESENTATIVES OF THE STAKEHOLDERS TOGETHER AND REQUIRE US TO REACH AN AGREEMENT. THAT WAS SUCCESSFUL WITH THE COMMERCIAL DESIGN STANDARDS AND AS AS WELL AS WITH AFFORDABLE HOUSING INCENTIVE TASK FORCE. I ALSO THINK BECAUSE OF THE POTENTIAL PROBLEMS AND UNINTENDED CONSEQUENCES WITH THIS ORDINANCE IT NEEDS TO BE TRIED OUT AND THEN REVISITED. THE ORDINANCE SHOULD REQUIRE REVIEW AFTER SIX MONTHS OR FOUR PUDS, WHICHEVER COMES FIRST. THAT REVIEW SHOULD BRING TOGETHER THE MAJOR STAKEHOLDERS AND AGAIN REQUIRE CONSENSUS. THANKS.

MAYOR WYNN: THANK YOU, MS. ECCLES. FINAL SPEAKER IS DANETDANETTE KOMETI? IS SHE AROUND? I GUESS SHE HAS GONE HOME. SO A HANDFUL OF FOLKS SIGNED UP NOT WISHING TO SPEAK EITHER FOR OR AGAINST AND WE WILL CERTAINLY INCLUDE THAT TESTIMONY IN THE PUBLIC RECORD. QUESTIONS, COMMENTS? COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: I'M READING A SECTION 2.5.3 ON REQUIREMENTS FOR RENTAL HOUSING. IS

THIS THE ONLY PLACE WE SPEAK OF THE AFFORDABLE HOUSING REQUIREMENT?

YES, AS YOU KNOW, COUNCIL MEMBERS, STATE LAW PREVENTS THE CITY FROM REQUIRING AFFORDABLE HOUSING AS A CONDITION OF ZONING. HOWEVER, PUTTING IT IN THIS CONTEXT OF A DEVELOPMENT BONUS WE ARE ABLE TO REQUIRE IT AS AN INCENTIVE JUST LIKE UNO.

I HAVE A DIFFERENT QUESTION, BECAUSE THE WAY IT READS, IT LOOKS LIKE IT MAY HAVE A LOOPHOLE WHERE IT COULD HAVE NO STANDARDS AT ALL, AND I WANT TO SEE IF I'M READING THIS RIGHT. IT SAYS ANY RENTAL UNITS INCLUDED IN A PUD MUST BE PROVIDED ON THE SITE RECEIVING THE DEVELOPMENT BONY AUSTIN, COMMA, ACCEPT THAT RENTAL UNITS MAY BE PROVIDED AT ANOTHER SITE WITHIN THE PUD, IF, AND THEN ALL OF THE PERCENTAGES ARE -- MENTIONED ARE SUBORDINATE TO THAT LAST CLAUSE ABOUT RENTAL UNITS BE PROVIDED AT ANOTHER SITE WITHIN THE PUD. THAT SUGGESTS THAT WITHIN THE BUILDING ITSELF IF IT'S PROVIDED NONE OF THE PERCENTAGES APPLY. IS THAT INTENDED?

I BELIEVE WHAT WE'RE TRYING TO ACCOMPLISH THAT, WAS THAT PUD REQUIRES A MINIMUM 10-ACRE DEVELOPMENT. THAT CAN BE WAVED BUT THAT'S THE STANDARD, AND THAT POSSIBLY WITHIN THE PUD, AND WE WERE THINKING OF, SAY, CONCORDIA, YOU MAY HAVE A BUILDING THAT MAY PROVIDE, SAY, FOR EXAMPLE, CONDO HOUSING, AND THEY MAY NOT PROVIDE ANY AFFORDABLE HOUSING UNITS WITHIN THAT PROJECT, BUT THERE MAY BE ANOTHER PROJECT ACROSS THE STREET WITHIN THE SAME PUD THAT WOULD PROVIDE THE REQUIRED AFFORDABLE HOUSING FOR IT AS WELL AS FOR THE UNITS IN THE TOWER NEXT DOOR.

MCCRACKEN: LET ME GIVE YOU ANOTHER EXAMPLE, THAT A DEVELOPMENT -- LET'S TAKE A CONCORDIA TYPE DEVELOPMENT, ANY KIND OF URBAN PUD. IN A BUILDING, ONE AFFORDABLE UNIT, THEY HAVE THEREBY SATISFIED THIS REQUIREMENT AND DON'T HAVE TO PROVIDE MORE AFFORDABLE HOUSING ANYWHERE IN THE DEVELOPMENT. WE COULD ALWAYS REJECT IT BUT UNDER THE WAY THIS CLAUSE READS AS CURRENTLY WRITTEN, AS I READ IT, IT WOULD SAY THAT ONE AFFORDABLE UNIT AT 120% MFI, OR -- LET'S SAY 80%, ONE AFFORDABLE UNIT AT 80% MFI WOULD THEREFORE SATISFY THE REQUIREMENT, BECAUSE IF IT'S IN THE BUILDING, BUT IF THE 10% REQUIREMENT ONLY KICKS IN AFFORDABLE IN A SECOND BUILDING ON THE SITE.

I UNDERSTAND. THAT WAS NOT THE INTENT. THE INTENT WAS TO ALLOW THEM TO PROVIDE THE AFFORDABILITY WITHIN THE PUD AS A WHOLE BUT NOT NECESSARILY IN EACH SPECIFIC BUILDING.

SOUNDS LIKE WE NEED TO FIX THAT LANGUAGE. SAME PROBLEM IN 2.5.4 ON THE OWNERSHIP SIDE.

RIGHT, JUST A DIFFERENCE BETWEEN RENTAL AND OWNERSHIP.

I HAVE A SECOND QUESTION, AND THAT IS DO WE HAVE THE ABILITY AS THE COUNCIL TO CONSIDER PUD REQUESTS WHERE WE HAVE -- CAN REQUIRE, LET'S SAY, MORE AFFORDABILITY? I KNOW THIS IS LISTED AS A TIER 2 OPTION. TO SAY THAT PROVIDES FOR AFFORDABLE HOUSING PARTICIPATION IN PROGRAMS TO ACHIEVE AFFORDABLE HOUSING. IS THAT -- WOULD WE HAVE THE ABILITY, FOR INSTANCE, IN EXCHANGE FOR, SAY, ALLOWING A VERY PROFITABLE LUXURY HOTEL THAT YOU COULD REQUIRE 15%? COULD WE REQUIRE THAT AS THIS IS WRITTEN?

I BELIEVE THE ABILITY TO APPROVE A PUD IS ALWAYS UP TO THE COUNCIL'S DISCRETION, EVEN UNDER THIS ORDINANCE. THIS ORDINANCE ATTEMPTS TO LAY OUT CLEAR DEFINITIONS WHAT IS SUPERIOR TO WHAT WE HAVE TODAY, WHICH IS JUST A STATEMENT IT MUST BE SUPERIOR, BUT THE DECISION TO APPROVE A PUD IS ALWAYS AT THE DISCRETION OF THE CITY COUNCIL.

THE REASON WHY I'M CONSIDERING THE AFFORDABLE HOUSING PORTION OF IT THAT WAS THE MAIN DRIVER WHY WE DID THIS IN THE FIRST PLACE, WAS THE ISSUE THAT WE DID NOT HAVE THE ABILITY TO REQUIRE AFFORDABLE HOUSING UNDER TEXAS LAW WITHOUT SOME CHANGES TO OUR CURRENT PUD ORDINANCE. SO WE'RE MAKING THAT, AND I -- IN MY READ OF THIS WE HAVE ACHIEVED THAT, BUT IF WE -- BUT THE QUESTION IS, HAVE WE ACHIEVED THE ABILITY TO REQUIRE WHATEVER PROPORTION OF AFFORDABILITY IN OUR JUDGMENT IS THE PROPER PERCENTAGE?

I THINK A DEVELOPER COULD SAY I'M MEETING THE REQUIREMENTS OF THE BONUS SECTION, BUT I THINK IT WOULD STILL BE UP TO THE DISCRETION OF THE COUNCIL TO SAY WE STILL DO NOT FEEL THAT THIS PUD IS SUPERIOR. THEREFORE, WE WILL NOT BE APPROVING IT.

YEAH, THIS IS SUCH A LEGAL ISSUE, TOM. WHAT IS YOUR READ ON THAT?

REPEAT THE QUESTION SO I MAKE SURE I UNDERSTAND IT.

MCCRACKEN: THE ISSUE WE HAD IN THE PUD ORDINANCE WAS THAT WE DID NOT HAVE THE ABILITY TO REQUIRE ANY AFFORDABILITY AT ALL BECAUSE WE HAD NO BASELINE BY WHICH THIS WAS A BONUS. SO WE NOW HAVE A BASELINE.

RIGHT.

MCCRACKEN: BUT IT APPEARS THAT WHAT WE ARE SAYING HERE, FIRST OFF WE HAVE TO FIX THE LANGUAGE TO MAKE CLEAR THAT THE BONUS IS 10%. BUT DOES THAT MEAN IT'S NOTHING MORE THAN 10%? I MEAN, COULD WE SAY AT LEAST 10% OR AT LEAST 5%? I'M NOT THINKING TO DO THAT VERY OFTEN, BUT THERE COULD BE TIMES WHERE WE DO SOME



EXCHANGES WHERE SOMEONE MIGHT SAY I'D LIKE TO PROVIDE FOR MORE IMPERVIOUS COVER OR I WOULD LIKE TO HAVE AN OFFICE BUILDING WITH EXTRA HEIGHT OR SOMETHING ON THERE, WHERE THE ECONOMICS WOULD JUSTIFY THE COMMUNITY'S RIGHTFUL EXPECTATION OF REQUIRING MORE AFFORDABILITY THAN 10%. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.]

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS?

WE ALSO HAVE VALUE IN BEINGS BEING CONSISTENT WITH HOW THEY TREATED THE AFFORDABILITY. I BELIEVE THERE IS SOME ADVANTAGE TO THE COUNCIL WITH FLEXIBILITY TO REQUIRE 10% OF THE UNITS TO BE AFFORDABLE. WE MAY NOT HAVE UNANIMITY ON THAT POINT BUT I WOULD LIKE FOR THE COUNCIL TO HAVE THAT DISCRETION SO WE CAN GET THAT MOTION. I THINK SINCE WE HAVE THAT IN SOME AREAS OF OUR CODE ALREADY, WE SHOULD HAVE THE FLEXIBILITY TO PUT IT IN THIS CODE AS WELL.

MAYOR WYNN: COUNCIL MEMBER MARTINEZ.

COUNCIL MEMBER MARTINEZ: THANK YOU, MAYOR. I WANT TO SAY I APPRECIATE ALL THE STAKEHOLDERS THAT PARTICIPATED IN ALL THE MEETINGS, FOR ALL YOUR HARD WORK. I THINK WE HAD 39 DRAFTS.

THEY WERE PUSHING 50. YOU KNOW, I APPRECIATE THE COMMENTS AND CONCERNS ABOUT WANTING LANGUAGE TO BE MORE SPECIFIED TO THE OUTCOME OF A PUD REQUEST BUT ONE OF THE THINGS THAT IS THE NATURE OF A PUD IS IT RETAINS ALL THE FLEXIBILITY THAT IT CURRENTLY HAS AND RETAINS ALL THE COUNCIL DISCRETION TO EITHER INCREASE THE LEVELS OF AFFORDABILITY OR TO SPEAK TO THE ISSUE OF NUMBER OF UNITS AS OPPOSED TO PERCENTAGE OF SQUARE FOOTAGE. THESE ARE JUST VALUES WE'RE PUTTING DOWN IN A DOCUMENT THAT WE'RE CODIFYING, SAYING IF YOU'RE GOING TO COME REQUEST A PUD IN THE FUTURE, THESE ARE THE VALUES THAT WE AS A COMMUNITY RIGHT NOW UPHOLD. AND IT SHOULD SPEAK TO THESE. AND IF IT DOESN'T, YOU ARE GOING TO HAVE TO COME JUSTIFY IT TO THE COUNCIL AS TO WHY IT DOESN'T AND WHY YOUR PUD REQUEST IS SUPERIOR. SO I THINK IT IS A STEP FORWARD. IT'S NOT EVERYTHING THAT EVERYONE WANTS, IT'S A COMPROMISE. BUT I THINK IT IS A FAIR COMPROMISE AND I THINK IT IS FAR GREATER THAN THIS BLANK CHECK PROCESS THAT WE HAVE RIGHT NOW THAT GOES ON FOR MONTHS AND MONTHS BEFORE COUNCIL EVEN GETS TO HAVE ONE PUBLIC HEARING ON IT. AND THAT'S WHAT I THINK IS GOING TO DRASTICALLY CHANGE THESE PUD REQUESTS IN THE FUTURE. I ALSO AGREE WITH THE COMMENTS THAT WE NEED TO REVIEW THIS AT SOME POINT. I DON'T KNOW WHAT THAT POINT IS, WHETHER THAT IS 18 MONTHS OR FIVE PUD REQUESTS, OR, YOU KNOW, I WILL LEAVE THAT UP TO STAFF TO HELP US DETERMINE THAT, BUT I THINK, I ABSOLUTELY AGREE THAT WE SHOULD SIT DOWN AND REVIEW THIS IN 12, 16 MONTHS, WHATEVER IS APPROPRIATE, AND CONSIDER SOME AMENDMENTS IF NECESSARY. BUT I JUST WANTED TO SAY THANKS TO EVERYONE WHO WORKED ON THIS SO HARD THE LAST 10 MONTHS. IT

WASN'T ALWAYS EASY BUT I THINK WE CAME FORWARD WITH SOMETHING THAT IS REALLY GOING TO IMPROVE THE PROCESS. WITH THAT, MAYOR, I WILL MOVE APPROVAL, MOVE TO CLOSE THE PUBLIC HEARING, AND MOVE APPROVAL ON FIRST READING WITH THE DIRECTION TO CLEANUP SOME LANGUAGE THAT COUNCIL MEMBER McCRACKEN BROUGHT FORWARD.

SECOND.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MARTINEZ, SECONDED BY COUNCIL MEMBER LEFFINGWELL TO CLOSE THE PUBLIC HEARING AND MOVE ON FIRST READING ONLY. THIS PUD ORDINANCE IN FRONT OF US, WITH BROAD DIRECTION TO STAFF, OUR PREVIOUS ISSUES.

MAYOR.

MAYOR WYNN: COUNCIL MEMBER COLE THEN McCRACKEN.

COUNCIL MEMBER COLE: I APPRECIATE ALL THE WORK THAT HAS GONE INTO THIS, AND CONGRATULATIONS TO COUNCIL MEMBER MARTINEZ FOR BRINGING IT FORWARD, I JUST WANTED TO POINT OUT EARLIER WE HEARD FROM THE CHAIR OF THE PLANNING COMMISSION ABOUT THE COMPLEXITY OF OUR LAND USE CODES AND REGULATIONS, AND SO I AGREE WITH COUNCIL MEMBER McCRACKEN THAT WE SHOULD DO SOMETHING TO SORT OF GIVE MORE CERTAINTY TO THE DEVELOPMENT PROCESS AND THAT IN PARTICULAR AS IT RELATED TO THE AFFORDABLE HOUSING COMPONENTS BECAUSE I THINK IT IS DIFFICULT TO FOLLOW ALL THE TIME WHAT WE'RE DICTATING AS A CITY FOR DEVELOPERS TO DO AT THE SAME TIME FOR NEIGHBORHOODS TO UNDERSTAND. SO I JUST WANTED TO LET IT BE KNOWN THAT IS ALSO A CONCERN OF MINE.

MAYOR WYNN: COUNCIL MEMBER McCRACKEN.

COUNCIL MEMBER MCCRACKEN: I'M GOING TO OFFER AN AMENDMENT ON HOW YOU PROVIDE MORE FLEXIBILITY FOR THE COUNCIL ON THE AFFORDABILITY, AND THAT WOULD BE TO SAY FOR, IN 2.5.3 TO SAY THAT EITHER 10% OF THE, EITHER AT LEAST 10% OF THE UNITS OR 10% OF THE RENTAL INHABITABLE SPACE, SQUARE FOOTAGE, AND THEN 2.5.4 TO SAY, TO SAY AT LEAST 5% OF THE OWNER OCCUPIED UNITS OR 5% OF THE OWNER OCCUPIED INHABITABLE SQUARE FOOTAGE WITHIN THE PUD. AND I WILL JUST GIVE THE COUNCIL A CHOICE OF DOING 10% OF THE UNITS OR 10% OF THE SQUARE FEET AT LEAST AND THEN OWNERSHIP WILL BE 5% OF THE UNITS OR 5% OF THE INHABITABLE SQUARE FEET.

MAYOR WYNN: COUNCIL MEMBER MARTINEZ, DO YOU CONSIDER THAT A FRIENDLY AMENDMENT?

COUNCIL MEMBER MARTINEZ: NO, MAYOR, I'M SORRY, I CAN'T. IT DOESN'T MAKE ANY SENSE TO ME TO ACHIEVE AFFORDABLE BUT ALLOWING THE OPTION OF DOING A NUMBER OF UNITS OPPOSED TO PERCENTAGE OF SQUARE FOOT. IF YOU LOOK AT THE COST OF CONSTRUCTION AND THE PROFIT MARGIN WHEN YOU SELL ONE OF THESE UNITS IT IS EXPONENTIALLY CHEAPER TO BUY A 500 SQUARE FOOT UNIT AND SELL IT AT AFFORDABLE RATES OR WHATEVER PERCENTAGE WE SET. WHAT WE'RE TRYING TO ACHIEVE BY ESTABLISHING THE RULE THAT IF A PERCENTAGE OF THE OVERALL HABITABLE SQUARE FOOTAGE SPACE WAS TO HOPEFULLY GET DEVELOPERS TO BUILD A 1500, 2,000 SQUARE FOOT CONDO SO FOLKS THAT HAVE KIDS AND ARE MARRIED CAN PURCHASE A CONDO. IF WE PUT AN OPTION OUT THERE THAT SAYS PERCENTAGE OF SQUARE FOOTAGE OR NUMBER OF UNITS, THEY WILL TAKE NUMBER OF UNITS EVERY SINGLE TIME BECAUSE IT IS THE CHEAPEST WAY TO BUILD AND THE CHEAPEST WAY TO MEET THE REQUIREMENT SO I JUST CAN'T SUPPORT IT AND I CAN'T SEE HOW SOMEONE WHO IS SAYING THEY WANT TO SUPPORT AFFORDABILITY WILL PUT THIS PROVISION IN PLACE.

I THINK IF WE HAVE A INDIVIDUAL DEVELOP THEIR WANTS TO MAKE THAT REQUEST, WE RETAIN THE FLEXIBILITY AS A COUNCIL TO DECIDE.

WE DON'T HAVE THE FLEXIBILITY. UNDER THE LANGUAGE AS IT IS, THE ONLY OPTION WE HAVE TO BE A COMPLIANT PUD IS SQUARE FOOTAGE, END OF STORY, AND THAT COULD MEAN YOU COULD GET TWO, THREE-BEDROOM UNITS THAT MIGHT COMPLY, THAT IS OPPOSED TO 20 RESIDENTIAL UNITS FOR SENIORS. I CAN THINK OF SCENARIOS WHERE WE, THE COUNCIL, WHO WOULD BE BEST WITH THE DISCRETION, WOULD WISH THAT WE HAD THE DISCRETION TO CONSIDER NUMBER OF UNITS, WIT CURRENT DRAFT DOES NOT GIVE THE COUNCIL THE DISCRETION TO CONSIDER. ANOTHER EXAMPLE MIGHT BE, IF WE WERE DOING SOME ENCOURAGEMENT FOR HALFWAY HOUSES FOR PEOPLE RECENTLY RELEASED FROM JAIL, WE LIKE TO HAVE LOTS OF SMALLER UNITSES OR HOUSING FOR ARTISTS, SO THESE ARE EXAMPLES WHERE WE DON'T HAVEN'T DISCRETION NOW. IT WOULD BE NICE TO GET US THE DISCRETION, SO THAT IS THE PURPOSE OF THIS.

AND BY THE WAY, ALSO, WE ALREADY HAVE THIS IN OTHER ORDINANCES SO IT WOULD BE NICE TO HAVE CONSISTENCY IN OUR ORDINANCES SO THEY ARE TRACKING. SO THIS FLEXIBILITY THAT THE COUNCIL COULD ALWAYS REJECT EVERY APPLICATION FROM NOW FORWARD FOR UNITS AS OPPOSED TO SQUARE FOOTAGE, BUT AT LEAST WE SHOULD HAVE THE FLEXIBILITY TO MAKE THAT DETERMINATION OURSELVES. MAYOR.

MAYOR WYNN: COUNCIL MEMBER MARTINEZ.

I WANT TO ASK THE CITY ATTORNEY IF THE CURRENT PROPOSED ORDINANCE MAINTAINS THE FLEXIBILITY FOR COUNCIL TO MAKE A DECISION IF EVER A PROPERTY OWNER MAKES A REQUEST FOR A PUD AND ASKS TO DO PERCENTAGE OF THE UNITS OPPOSED TO PERCENTAGE OF SQUARE FOOT.

THE MOST BASIC PREMISE WE TRIED TO ENSHRINE IN THE ORDINANCE TO MAKE THE PUD AS FLEXIBLE AS POSSIBLE IS THE COUNCIL RETAINED ULTIMATE DISCRETION TO MODIFY ANY REQUIREMENT OF THE CODE, INCLUDING WHETHER YOU GO WITH SQUARE FOOTAGE OR UNITS, AND THAT DISCRETION IS CODIFIED IN 2.2 ON PAGE FOUR OF THE ORDINANCE THAT BASICALLY SAYS THE COUNCIL CAN MODIFY ANY REQUIREMENT. SO BASED ON THAT, EVEN THE TIER ONE REQUIREMENTS CAN BE MODIFIED, IF IN COUNCIL'S DISCRETION, THEY CHOOSE TO DO SO.

I GUESS THE QUESTION I HAVE THEN, IS, WE KNOW ONE PIECE OF DISCRETION WE DID NOT HAVE BEFORE THIS ORDINANCE WAS WE DID NOT HAVE THE DISCRETION TO REQUIRE AFFORDABLE HOUSING, SO NOW WE HAVE, FOR THE FIRST TIME UNDER THIS ORDINANCE, IT SAYS, HERE IS THE BASELINE, IF YOU WANT TO TAKE ADVANTAGE OF THAT, YOU MUST, HERE IS WHAT IT SAYS, YOU MUST BE PROVIDED WITH THE PUD AND IT PUTS OUT THE PERCENTAGES. MY READING IS, OBVIOUSLY WE HAD SOME PROBLEMS IN THE WORDING, BUT IT APPEARS THAT THE INTENT IS THAT IN THIS ONE AREA WE'RE NOT TO BE PROVIDED THE FLEXIBILITY OF CONSIDERING UNITS VERSES HABITABLE SQUARE FOOTAGE, THAT OUR HANDS ARE BEING TIED ON THIS ONE.

WELL, THE WAY I WOULD INTERPRET IT IS 2.2 IS ESSENTIALLY ALLOW YOU TO IN ESSENCE RELAX THE REQUIREMENTS FOR THE DENSITY BONUS. IT MAY ALL DEPEND ON THE FACTS OF A PARTICULAR CASE, BUT AS I UNDERSTAND IT, SQUARE FOOTAGE IS A LITTLE BIT TOO RIGID. UNITS IS A LITTLE BIT MORE FLEXIBLE AND IT WOULD TEND TO OPERATE IN FAVOR OF THE THE APPLICANT FOR PUD ZONING SO IN THIS CASE THE MODIFICATION WOULD BE RELOOKING THE REQUIREMENT THAT IS IN THE CODE FOR THE DENSITY BONUS IN EXCHANGE FOR AFFORDABLE HOUSING.

ALSO IT WOULDN'T NECESSARILY DO THAT BECAUSE IT COULD REQUIRE MUCH MORE THAN 10% OF SQUARE FOOTAGE, IT COULD BE JUST A MEASURE OF UNITS, BUT ALSO, IF WE HAVE THE AUTHORITY, I'M NOT SURE WHAT THE OBJECTION IS TO MAKING THIS AUTHORITY EXPLICIT.

THAT IS THE COUNCIL'S PROGRESSTIVE.

RIGHT, -- THE COUNCIL'S PREROGATIVE.

RIGHT, IF SPONSOR IS SAYING WE HAVE IT AUTHORITY ANYWAY, I DON'T SEE WHY THERE IS AN OPPOSITION TO MAKING THAT AUTHORITY EXPLICIT.

MAYOR WYNN: SO TOM, IF I UNDERSTAND YOUR PREMISE ABOUT THE, SORT OF THE FUNDAMENTAL CONCEPT HERE IS IN THEORY, SORT OF THE PRELIMINARY PUD APPLICATION HAD COME TO US AND MEET VERY FEW OF OUR PARAMETERS THAT WE'RE SETTING OUT NOW, FAN FOR WHATEVER REASON THE COUNCIL LIKES, WE THINK WE'RE GETTING SOMETHING ELSE OUT OF IT, WHATEVER THAT MIGHT BE, SO I GUESS THE, THIS

TEES UP THE WHOLE CONCEPT, WHY IS IT WE'RE TRYING TO PUT SO MANY PARAMETERS IN THERE, TRYING TO HAVE DEFINITIONS IF AT THE SAME TIME WE'RE TRYING TO SEND A SIGNAL, I THINK I LIKE THE IDEA OF SENDING A SIGNAL THAT, YOU KNOW, COME TO US WITH A SUGGESTION AS TO WHY WE MIGHT DO UNITS OR SQUARE FEET OR WHY WE MIGHT WAVE ONE WHOLE LEM OF A TIER ONE, -- WHOLE ELEMENT OF A TIER ONE BECAUSE WE LOVE WHAT YOU WILL DO TO SOME OF WETLANDS OR HOW YOU WILL HELP US RESTORE SOMETHING ELSE, AND SO I GUESS I'M NOT UNDERSTANDING WHY WE'RE BOTHERING TO HAVE THE, YOU KNOW, THE RIDGED PARAMETERS IF YOU'RE SAYING THE WHOLE FUN PREMISE IS WE HAVE THE DISCRETION TO DO WHATEVER WE WANT TO DO, WHENEVER WE WANT TO DO IT.

RIGHT. WELL, IN ESSENCE IT'S THE WAY THE WHOLE CODE IS SET UP. YOU HAVE CODE PROVISIONS THAT SET OUT STANDARDS BUT THEN THERE ARE PROVISIONS THAT ALLOW VARIANCE FROM THOSE STANDARDS, SORT OF THE UNDERSTANDING THAT COUNCIL HAS, BY WAY OF COUNCIL INTENT WHEN THEY ADOPT A PARTICULAR CODE PROVISION, AND THE UNDERSTANDING OR THE EXPECTATION THAT THE PUBLIC HAS OR THAT APPLICANTS FOR APPROVALS FROM THE COUNCIL HAVE IS THE STANDARD IS THE EXPECTATION THAT THEY OUGHT TO PLAN ON MEETING, EXCEPT IN EXCEPTIONAL CIRCUMSTANCES WHERE IT MIGHT BE WAVED, THE MODIFICATION SECTION IN 2.2 SORT OF SAYS THE SAME THING. YOU'VE GOT TIER ONE REQUIREMENTS THAT ARE CALLED MANDATORY SO THE EXPECTATION IS YOU OUGHT TO COME TO THE TABLE SAYING I'M GOING TO MEET ALL OF THOSE, THERE'S THE TIER TWO WHICH ARE NOT MANDATORY BUT WHICH ARE OUT THERE TO PROVIDE GUIDANCE TO EVERYONE ON WHAT IS SUPERIOR OR NOT, AND THEN THERE ARE THE DEVELOPMENT DON'T NEWS PROVISIONS FOR AFFORDABLE HOUSING AND THE IDEA IS SORT OF THIS IS THE TARGET, YOU KNOW, THE EXPECTATION IN MOST CASES IS THAT YOU WOULD MEET ALL OF THE TIER ONE, YOU WOULD MEET, YOU KNOW, AS MANY TIER TWO AS POSSIBLE, AND IF YOU WANTED THE DEVELOPMENT BONUSES, YOU WOULD MEET THE REQUIREMENTS FOR THE AFFORDABLE HOUSING. BUT THE COUNCIL DOES HAVE DISCRETION BASED ON THE CIRCUMSTANCES, BASED ON BEING PRESENTED WITH A CASE WHERE, YOU KNOW, MAYBE THE EXPECTATIONS OUGHT TO BE ADJUSTED TO CHANGE ANY OF THOSE. VERY MUCH LIKE A VARIANCE.

MAYOR.

MAYOR WYNN: COUNCIL MEMBER KIM FIRST, THEN MARTINEZ.

COUNCIL MEMBER KIM: I CAN UNDERSTAND BETTER NOW WITH FOLLOWING THIS DISCUSSION ABOUT THE, WHAT WE GET FROM ACQUIRING 10% OF SQUARE FOOTAGE BECAUSE IF WE DO SAY IT'S JUST UNITSES, WE'RE GOING TO GET SMALL UNITS, THEY ARE GOING TO PICK OUT OF THAT YOU ARE DEVELOPMENTS THE ONE BEDROOMS OR EVEN WORSE THE EFFICIENCIES. SAY THERE ARE 100 UNITS AND 10 ARE EFFICIENCIES AND THE REST MAY END UP BEING 95% AND 98% OF THE SQUARE FOOTAGE WOULD BE MARKET RATE. SO IT DOESN'T SEEM LIKE ENOUGH OF A GET FOR WHAT THE COUNCIL WOULD BE

GIVING. AND I UNDERSTAND THAT THERE CAN BE EXCEPTIONS BUT I THINK IT IS VERY IMPORTANT, HAVING THE STAFF AND WHAT COUNCIL MEMBER MARTINEZ HAS DONE WITH ALL THIS WORK, THE PURPOSE OF IT IS TO BE ABLE TO HAVE PREDICTABILITY AND BE ABLE TO SET FORTH AND CLEARLY COMMUNICATE AS MUCH AS POSSIBLE WHAT THE DESIRE OF THE COUNCIL IS FOR AFFORDABLE HOUSING IN THIS CASE.

MAYOR WYNN: COUNCIL MEMBER MARTINEZ.

COUNCIL MEMBER MARTINEZ: I WANTED TO FOLLOW-UP ON TOM'S COMMENTS. I THINK THE INTENT OF THE TIER ONE REQUIREMENTS AND TIER TWO REQUIREMENTS IS THE VALUES, THE VALUES WE ALL CAME TO THAT WE WANT FOLKS TO KNOW THIS IS WHAT WE'RE EXPECTING OF YOU WHEN YOU MAKE A PUD REQUEST. WE OBVIOUSLY RETAIN THE FLEXIBILITY IN 2.2, BUT IF AFTER EVERY VALUE WE STATED THIS IS THE VALUE BUT YOU DON'T HAVE TO DO IT, THEN IT REALLY WOULD BECOME MEANINGLESS AT THAT POINT SO THAT IS WHY I THINK IT IS IMPORTANT TO STATE THESE VALUES AS STAND-ALONE VALUES BUT YET MAINTAIN THAT FLEXIBILITY THAT THERE ARE GOING TO BE SOME UNIQUE CASES, THERE ARE GOING TO BE SOME PUDS IN AREAS THAT ARE 40% FLOOD PLAIN SO THEIR OPEN SURPRISE REQUIREMENTS THEY MEET -- OPEN SPACE REQUIREMENTS THEY MEET WILL BE HIGHER THAN ANYBODY ELSE IN THE PUD BUT THEY WILL HAVE TO COME IN AND TALK TO US AND WE AS A COUNCIL WILL RETAIN THAT FLEXIBILITY. I'M GOING TO AMEND MY MOTION AND MOVE THAT WE APPROVE THIS ON ALL THREE READINGS TONIGHT BECAUSE I THINK THIS IS THE COUNCIL THAT HAS BEEN WORKING ON IT FOR THE LAST 10 MONTHS AND I THINK THIS IS THE COUNCIL THAT SHOULD DECIDE UPON IT. AND YOU KNOW, TO COME IN WITH AN AMENDMENT AT 12:15, WHEN WE'VE BEEN WORKING ON THIS THING FOR 10 MONTHS AND THIS LANGUAGE HAS BEEN IN THERE AT LEAST SIX WEEKS, YOU KNOW, I JUST -- IT DOESN'T MAKE ANY SENSE AT THIS POINT. I THINK WE HAVE A GOOD PRODUCT AND I'M GOING TO MOVE APPROVAL ON ALL THREE READINGS.

MAYOR WYNN: WE HAVE AMENDED MOTION ON ALL THREE READING, MOTION MADE BY COUNCIL MEMBER MARTINEZ. COUNCIL MEMBER LEFFINGWELL DO YOU SUPPORT THIS NOTION DO THIS ON ALL THREE READINGS AT 12:20 A.M. MOTION IS SECONDS.

A QUICK CLARIFICATION, DOES THAT INCLUDE THE AMENDMENT I READ INTO THE RECORD THAT CLARIFIES PUDS IN PROCESS NOW WILL NOT BE SUNT TO THIS NEW ORDINANCE.

MAYOR WYNN: APPARENTLY SO, THANK YOU. COUNCIL MEMBER McCRACKEN.

COUNCIL MEMBER MCCRACKEN: WE HAVE A LIVE AMENDMENT TO VOTE ON FIRST ABOUT THE FLEXIBILITY OF THE UNITS, AS AN AMENDMENT TO THE MAIN MOTION.

MAYOR WYNN: SO WE HAVE A MAIN MOTION, THAT'S RIGHT, SO WE HAVE A PROPOSED AMENDMENT TO THAT MOTION. REGARDING THE EITHER AT LEAST 10% OF UNITS OR 10% OF SQUARE FOOTAGE, AND EITHER AT LEAST 5% OF OWNER OCCUPIED UNITS OR 5% OF

OWNER OCCUPIED SQUARE FOOTAGE.

THE QUESTION, MAYOR, THAT WAS MADE AS AN AMENDMENT.

MAYOR WYNN: ACCEPTED?

SO YOU'RE OFFERING IT AS AN AMENDMENT WITH A SECOND.

SECOND.

MAYOR WYNN: COUNCIL MEMBER COLE. SO WE HAVE A MOTION TO AMEND ON THE TABLE AND A SECOND. COMMENTS ON THE MOTION TO AMEND. HEARING NONE, ALL IN FAVOR OF THE MOTION TO AMEND, PLEASE SAY AYE. AYE.

MAYOR WYNN: OPPOSED.

NO.

MAYOR WYNN: MOTION TO AMEND PASSES ON A VOTE OF 4-3, WITH COUNCIL MEMBERS LEAF, MARTINEZ AND KIM VOTING NO. SO WE NOW HAVE AN AMENDED MAIN MOTION BACK ON THE TABLE WHICH INCLUDES ALL THREE READINGS.

AND MAYOR, OUR COLLEAGUE HAS DONE A GOOD, A REALLY GOOD JOB AND WORKED THROUGH A LONG, HARD SLOG ON THIS, AND I DO BELIEVE SINCE WE DON'T HAVE THE AFFORDABILITY LANGUAGE THAT WE ALL RECOGNIZED NEEDED TO BE CLEANED UP, I THINK THERE WOULD BE SOME BENEFIT TO GOING ON FIRST READING ONLY TONIGHT, AND SO I WOULD URGE THAT. I WILL OFFER AS A SUBSTITUTE MOTION TO APPROVE ONLY ON FIRST READING TONIGHT SO THAT WE CAN GET THAT AFFORDABILITY LANGUAGE CLEARED UP THAT OUR OWN LEGAL STAFF TELLS US NEEDS TO BE CLEARED UP.

MAYOR WYNN: SO WE HAVE AN AMENDED MAIN MOTION THAT WAS ON ALL THREE READINGS, SO NOW WE HAVE A --

COUNCIL MEMBER MCCrackEN: A SUBSTITUTE TO THE AMENDED ALL THREE READINGS MOTION, THE SUBSTITUTE WOULD BE THE SAME WITH THE AMENDMENTS IN PLACE, EXCEPT ONLY ON FIRST READING.

MAYOR WYNN: SO WE HAVE A SUBSTITUTE MOTION FOR FIRST READING ONLY.

A PARLIAMENTARY INQUIRY.

ME TOO.

COUNCIL MEMBER LEFFINGWELL: THE INQUIRE VIE, THE MAIN MOTION, IF YOU DON'T MAKE YOUR SUBSTITUTE MOTION AND YOU VOTE ON THE MAIN MOTION AND YOU GET ONLY FIVE VOTE IT IS WOULD AUTOMATICALLY ONLY PASS ON FIRST READING, IS THAT CORRECT?

MAYOR WYNN: YEAH.

COUNCIL MEMBER LEFFINGWELL: OKAY.

MAYOR WYNN: SO WE HAVE A SUBSTITUTE MOTION FOR FIRST READING ONLY. SO SUBSTITUTE MOTION FAILS FOR A LACK OF A SECOND. IT TAKES US BACK TO THE MAIN MOTION, MAIN AMENDED MOTION TO APPROVE ON ALL THREE READINGS. FURTHER COMMENTS.

MAYOR. PART OF THE REASON WHY I SWITCHED IT TO ALL THREE READINGS WAS JUST BECAUSE OF THAT. IF WE ONLY GET FOUR VOTE IT IS PASSES ON FIRST READING ONLY, IF WE GET FIVE VOTES THEN IT PASSES ON ALL THREE READINGS.

COUNCIL MEMBER MCCracken: I GUESS BEFORE YOU VOTE THEN IT WOULD BE HELPFUL TO HEAR THE LEGAL STAFF'S INTERPRET TAKE MUCH WHAT THEY THINK THE LANGUAGE WILL BE IN THE AFFORDABILITY ORDINANCE THAT WE WILL NEVER SEE AGAIN. TOM, WHAT DO YOU THINK?

THERE IS A, THE MAIN MOTION ON THE TABLE FOR ALL THREE READINGS INCLUDES --

COUNCIL MEMBER MCCracken: YES, BUT THERE IS A SECOND PROBLEM WHICH THERE IS A DRAFTING PROBLEM TOM, OUR LEGAL STAFF HAS AGREED EXISTS WHICH IS THAT THERE IS ACTUALLY IN PERCENTAGE REQUIREMENT AT ALL WITH THE AFFORDABILITY IN THE BUILDING IT ONLY KICKS IN IF IT IS OUTSIDE THE BUILDING AND THAT IS A FATAL FLAW IN BOTH 2.5.3 AND 2.3.4 WHICH CO RENDER ALL THE AFFORDABILITY EFFORTS MEANINGLESS, SO THE QUESTION IS AND TOM SAID WE NEED CHANGE THAT AND WE DON'T KNOW WHAT THE CHANGE IS GOING TO BE SO BEFORE WE VOTE ON ALL THREE READINGS AND NEVER SEE THIS AGAIN, I HAVE CURIOSITY OF WHAT THE LEGAL STAFF TENDS TO WRITE INTO THE ORDINANCE.

THIS WOULD BE MY SUGGESTION TO CLARIFY IT. ON 2.5.3, STRIKE THE LANGUAGE MUST BE PROVIDED ON THE SITE RECEIVING THE DEVELOPMENT BONUS, EXCEPT THAT RENTAL UNITS MAY BE PROVIDED ON THE PUD THAT WAY IT WOULD READ ANY RENTAL UNITS INCLUDED IN A PUD MUST CONS STIEWPT AT LEAST 10% -- CONSTITUTE AT LEAST 10% OF THE RENTAL UNITS OR HASN'TABLE SQUARE FEET IN THE PUD AND RENTAL UNITS PROVIDED AT THE SITE. THAT WAS INTENDED TO BE THE CRITERIAS FOR GETTING THE BONUS. SOMEHOW THE LANGUAGE OF IT HAS TO BE ON THE SITE TO RECEIVE THE BONE NUT OR WITHIN ANOTHER SITE OF THE PUD GOT WORKED IN THERE. I CAN'T REMEMBER HOW THAT HAPPENED BUT THAT IS WHAT IS CAUSING THE CONFUSION. 2.5 AND 2.3 JUST



NEED TO SAY, YOU KNOW, RENTAL UNITS OR, EITHER RENTAL OR HOMEOWNER UNITS MUST BE A CERTAIN PERCENTAGE AND MUST MEET THE OTHER REQUIREMENTS SO I WOULD SUGGEST JUST DELETING THE LANGUAGE ABOUT ON SITE VERSES OFF SITE.

I PERSONALLY BELIEVE THAT IS CLEAR AND I'M COMFORTABLE WITH THAT LANGUAGE.

SO MAYOR, I PROPOSE A FRIENDLY AMENDMENT TO ADOPT THE LANGUAGE JUST SUGGESTED FOR AFFORDABLE HOUSING, REVISED LANGUAGE.

MAYOR WYNN: AND COUNCIL MEMBER MARTINEZ IS THE MAKER OF THE MOTION. DO YOU ALSO ACCEPT THAT SUGGESTED AMENDMENT? SO WE HAVE AMENDED MAIN MOTION, ALL THREE READINGS. AND I THINK ENOUGH DIRECTION TO STAFF ON THE LANGUAGE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

OPPOSED MOTION PASSES ON ALL THREE READINGS ON A VOTE OF 7-0.

THANK YOU, COUNCIL.

THANK YOU, MR. RUSTHOVEN. FOLKS, IN ADDITION TO THIS BEING MAYOR PRO TEM BETTY DUNKERLEY AND COUNCIL MEMBER'S COLE MEET MEETING LAST MEETING, AND HE IS THERE THE NEXT FEW WEEKS BUT HE IS HERE, THAT IS OUR LIVE MINI CAM EARLIER, MR. CHAP PA, WE GREATLY APPRECIATE YOUR LONG SERVICE TO OUR COMMUNITY. SO WITH THAT, NO MORE ITEMS BEFORE THE CITY COUNCIL, WE STAND ADJOURNED. IT IS 12:27 A.M.

**End of Council Session Closed Caption Log**