

## Closed Caption Log, Council Meeting, 08/07/08

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Mayor Wynn:.

Good morning, I'm austin mayor will wynn, it my privilege to welcome michael jones, pastor, pressing toward the mark church of god in christ , to lead us in our invocation, pastor jones also is a proud employee of our austin police department, welcome, please rise.

Good morning, let us bow our heads, please. Gracious father from whom every good thing cometh, who pourth out all who desire it in the spirit of grace and supplication, deliver us when we draw nigh to thee. [01:20:02] With steady fast thoughts and kindleed affections we may worship thee in spirit and truth. Through jesus christ's name, amen.

Mayor Wynn: Thank you, pastor jones. There being a quorum present, at this time I will call to order this meeting of the austin city council, it is thursday, august 7th , 2008. Approximately 18 minutes 00 in the morning, we are here in the council chambers of the city hall building, 301 west second street. Before I walk through sort of our changes and corrections to this week's posted agenda, council, i want to also talk about our schedule for the day. This time I would like to ask if there are any potential upcoming items from council that you might want to alert everyone to. Councilmember martinez?

Martinez: Thank you, mayor, real briefly there was a story that ran yesterday, most folks might already have heard about it. I will be working on a resolution to ask the city manager to help us draft an ordinance that relates to using cell phones with hands free devices and banning texting while driving. Something that I believe is -- is not going to be easy. It's -- it will cause folks to change some of their habits, but I think based on the 06 to 70 fatalities a year on the roadways, 60 to 70, many of them being auto-pedestrian, I think anything that we can do to help improve traffic and citizen safety is a good thing. So I will be bringing that resolution forward in the next few weeks.

Mayor Wynn: Agreed. My understanding is there's been some good discussion in our public safety task force about that.

That's correct.

Any further potential items from council for the next few meetings? If not, I will read the changes and corrections to this week's posted agenda. [01:22:04] They are as part of our consent agenda, we will be postponing action on item 3, also austin energy's bio mass purchase power agreement or ppa, we will be -- we will postpone that TO AUGUST 21st, OUR NEXT Meeting. We also will be postponing item 23, this is a long center expenditure, we will postpone that action item to our next meeting, august 21st, 2008. 52 regarding signature waivers for the bat fest, we will note that mayor pro tem mccracken has been added as an additional co-sponsor of this item. We should note on zoning 73, the planning commission recommendation is to be REVIEWED ON AUGUST 19th, 2008. So my instinct is that we will be postponing action on that item later today. Our schedule today, after we get through our consent agenda and potentially a discussion item or two, we will have a morning briefing, that will be regarding our design commission's recommendation to revise our downtown design guidelines. We will get a nice powerpoint presentation from the commission on that. At noon we break for general citizens communication. We have 10 speakers signed up to give us testimony on any topic they would like. We will go into closed session likely right after our general communication to take up a few items that we have posted on our executive session agenda. 00 we will have our afternoon briefing. This is where we begin now a series of departmental summary presentations of the city manager's proposed budget. Today I think our briefings will be from our enterprise [01:24:02] departments. Those being aviation our wallet utility, convention center, solid waste and our partnership with the acvb, the convention and visitors bureau. We then post for -- for a public hearing whereby citizens can come give us testimony about the proposed budget. We try to organize it to where -- where the information from our enterprise funds will be fresh in our minds this afternoon with folks -- but folks are welcome, of course, to give us testimony regarding the proposed budget on any aspects of that budget, whether it's the departments that get presented this afternoon or not. Sometime in the afternoon, 00, we will technically recess the city council meeting and take up our austin housing and finance corporation board of directors meeting, walk through that brief agenda. 00, we take up all of our zoning matters. 30 we break for live music and proclamations. Our musician today is bo porter and his dixie rockits , stay tuned for that lively show. we take up our public hearings. So so far, council, we have just a handful of items pulled off the consent agenda in addition to those that we are postponing. Technically, items number 4 and 54 are taken off the consent agenda because that relates to the process by which we -- which we begin to identify the proposed ad valorem property tax rate for next year's fiscal budget. 4 we have a procedure where we have to do a roll call vote, although we have recorded on all of our actions as a council. Then item 54 will technically just be setting the public hearing for folks to give us testimony about that proposed not to exceed or maximum property tax 52, the signature waiver item from council regarding the bat fest has been pulled from the consent agenda. [01:26:01] So additional items to be pulled from our agenda before I propose the consent agenda? Hearing none, I'll propose today's consent agenda numerically. It will be to approve item 1, which are the minutes from our previous meetings, including the canvassing and the brief inauguration MEETING WE HAD JUNE 25th. From austin energy, we will 2, the -- but postponing to AUGUST 21st, 2008, ITEM No. 3. Our one item from our budget department has been pulled off the consent agenda to follow our roll call procedure. From our community care services department, we will be approving item no. 5. From our contract and land management departments, we will be approving item 6, 7, 8, 9, 10, 11, and 12. From our economic growth and development services department we will be approving items 13 and 14. From our health and human services department,

approving item 15, from our neighborhood planning and zoning departments approving items 16, 17, 18. From our public works department approving items 19, 20, 21, from our purchasing office we will be approving items 22, we will be postponing item 23 to our NEXT MEETING, AUGUST 21st, [01:28:04] 2008. We will be approving items 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45. From our watershed protection development and review departments we will be approving items 46 and 47. 48, our board and economics appointments that I will now read into the record. Nominations, rather. Those are to our asian american resource center advisory board, cameron graeber is councilmember leffingwell's nomination. To the austin mayor's committee for people with disabilities, jesus nordizalo is councilmember leffingwell's nomination. To our building and fire code board of approvals, scott stuckey, councilmember shade's nomination and councilmember martinez's nominated james sullivan. To our commission for women, molly barker councilmember morrison's nomination, darlene lanham is my nomination and sarah weep is mayor pro tem's nomination. [01:30:01] Our design commission joan hyde is the mayor pro tem's nomination and councilmember kinney is councilmember leffingwell's nomination. To our downtown community court advisory committee, charles lockland is councilmember shade's nomination, and chip mccormick is councilmember leffingwell's nomination. To our downtown commission, susan McDaniel, daniel leary is councilmember leffingwell's nomination, representing the design commission, richard weiss is my nomination and representing the arts commission bruce walisnek is councilmember leffingwell's nomination. To our electric utility commission, phillip schmidt, shaw morrison, and [indiscernible] patty hanson is councilmember shade's nomination. To our human rights commission, councilmember shade also almost nateed he would beth bren -- also no, ma'am mated elizabeth bren in a. Daniel buda is councilmember martinez's nomination. And hank kidwell is councilmember leffingwell's nomination. To our library commission, councilmember leffingwell has nominated karen havelka, and small business enterprise procurement program advisory committee, I have nominated laura stromberg. To the renaissance market commission laura wisdom no, ma'am mated by councilmember leffingwell. To robert mueller airport plan implementation advisory commission, celia israel is councilmember leffingwell's nomination. To our travis county appraisal district board of directors, bianca zamora [01:32:00] garcia is my nomination, to the urban renewal agency i have nominated daffy henry. To the urban transportation commission, sarah krause is my nomination, bryan thompson is councilmember morrison's nomination. To the waller creek advisory committee, shea or shee kline who is recommended by the hotel and lodging association is my nomination. 48 on our consent agenda. Our board and commission appointments. As part of our consent agenda we will also be approving item 49, 50, 51, we will be setting the public hearing by approving items 53, 55, 56, 56, and 58 that's our proposed consent agenda, I will entertain that motion.

Motion by councilmember martinez seconded by councilmember leffingwell to approve the consent agenda as read. Further comments? Councilmember -- mayor pro tem mccracken.

Please show me abstaining from item no. 50.

Thank you, in fact we do have a citizen who signed up on item 50 and on item no. 6. Perhaps before further council comments, first on 6, george cofer signed up wishing to give us favorable testimony,

welcome, george.

mayor, thank you mayor, mayor pro manager for this opportunity. I appreciate your support on item 6 for the ranch. It will be a great [01:34:01] conservation open space addition to your current aquifer open space portfolio and I look forward to the hill country conservancy for working with city staff and hays county, we will also secured some federal funding to leverage the city's investments. I would be glad to answer questions but I'm here to say thank you for your support.

Mayor Wynn: Thank you, councilmember leffingwell.

Leffingwell: I wanted to echo george's comments. Several of us have been out there and visited this property. It is truly a unique opportunity that we have and the price is really right. One thing that hasn't been mentioned is the 770-acres that the city of austin is participating in, the entire parcel is about 2500-acres i believe. That portion will also be available for public access, limited public access that will be controlled by the dahlstrom family who will continue to manage that property. Congratulations to the hill country conservancy and the city of austin staff. I think this unique opportunity to establish a partnership with hays county as we continue to do our best work down there to acquire water quality protection lands for the aquifer. Thank you, george.

Thank you, councilmember.

Thank you, councilmember. Let's see, also on item no. 49, Frank fuentes signed up wishing to give us favorable testimony. If juan in the chambers, he was offering to donate three additional minutes to you, frank. I don't see him this morning.

Thank you, mayor, I'm not sure that I will need it, you never know. Mayor, mayor pro tem, city council members and city manager, thank you for this opportunity. I'm always nervous when -- when one of the issues that we have is on the consent [01:36:01] agenda and we're supporting it, I'm afraid to say something that's going to unconvince you, but here i am anyways. I want to share statistics that are very important to us. In fact I am hoping that you have received our letter with our statistics and in this country we -- hispanics constitute 26% of the labor force across the country, obviously in texas. In states in the southwest we constitute a greater number, plus the 80%. But we also constitute 80% of the fatalities. Hispanics are 80% more apt to die in the construction industry than any other population in the industry. So relative to cranes, there's been an increase of 50% of hispanics that have died related to crane activity or crane incidents. Texas has led the nation in -- in crane accidents and crane fatalities. So we are very concerned obviously for those reasons and others. But more importantly we look forward to working with staff and creating an ordinance that's going to protect not only our construction workers, but also the citizens because there's been some incidents where just your everyday citizens have had -- have died. So at any rate thank you so very much for supporting this item and I look forward to working with staff. Thank you.

Thank you, mr. fuentes. Councilmember martinez?

First, thanks for coming down and providing this information for us. This ordinance just does a couple of things. It asks the city manager to look into our current practices to see where we can find some improvement in the short term and bring it BACK ON AUGUST 28th, BUT At the same time it allow you for a -- allows for a 60 daytime period to go out and study best practices throughout the country, determine what it is that we need in place to make sure that our workers are safe, our construction sites are safe and that the citizens and people that are underneath these cranes, which is the one that's going to swing over city hall for two years are also safe. I don't -- you know, I don't [01:38:00] want this to be -- to be thought of as something that's punitive, something that's going to harm our economic development, harm our economy or the construction industry. We just need to improve on the safety and try to be a little proactive about preventing an accident before it happens here in Austin. Thank you, Mayor.

Thank you, councilmember.

Mayor Wynn: Thank you, Frank and councilmember. Let's see, also on item no. 50, I believe we have one citizen that wanted to give us testimony, is Kerdie Sheth here, welcome, sorry, Seth, you, too, will have three minutes, welcome.

I'm a -- I have been offered the position for 676 which is a single payer universal health care. And this bill is adopted by PNHb, economically it was investigated by Dean Baker [indiscernible] for health policy in economics. And while we need single payer universal health care is that time and time it has been shown if there's an excess for the patient -- access for the patient of medical home and continuous chronic disease care, which is clinically cost effective, this will prove as the best medical result cost effectively. This bill, which is a universal [indiscernible] regardless of the disease that you have, which is continuous and comprehensive so there is -- nobody will reject you because you don't have insurance. Accessibility because everyone does not have to pay up front any cost like a co-payment or any deductible [01:40:03] or upper limit of normal or low limit of normal. It's accessible. Plus it's publicly financed and privately delivered. So the patient has a choice to go anywhere in the United States. And take any private provider. And all physicians and all the health care facility is private. Then we are to remember when the operator has a choice then it could be automatically determined which physician gives them the best treatment or which medical center gives them the best treatment. And they have a choice to go there. And secondly we remember if we give a medical home to the patient, then we have preventive care and continuous chronic diseases care which proves as the best result. So I ask councilmember to support HR 676 because we are 18,000 member right now in PNHb, there are 445 labor unions, 110 central labor council, 91 congressmen in the 110th congress, Presbyterian church, Unitarian church, they all support and first time in American history the Green Journal, which is known as the American Journal of Medicine, editorial supported single payer universal health care [buzzer sounding] for medical care. So I say support HR 676, thank you.

Mayor Wynn: Thank you, Doctor Seth.

Leffingwell: I don't have a question. I'm going to make a comment. I sponsored this resolution along with councilmember Martinez and councilmember Shade, we are the members of the council subcommittee

on [01:42:01] public health and human services. That subcommittee heard a presentation on this item about three months ago before councilmember shade was on the committee. At that time, the other committee member was mayor pro tem betty dunkerly. At the time we all discussed it, we were not properly posted to take action at that time so we just discussed it among ourselves later and decided that we all supported this item. And after the united states conference of mayors endorsed hr 676 last month, we decided to go ahead with this since several other cities have already done the same thing. The resolution in effect endorses the action of the conference of mayors in supporting hr 676. And I would also add that i talked just two days to mayor pro tem dunkerly and she asked that I convey the information that she remains in support, had she been still on the council she would have voted for this resolution. Thank you.

Mayor Wynn: Thank you, councilmember. Councilmember martinez?

Martinez: Just one clarifying point. On item 51, where -- we are doing the free swim day at barton springs, we are declaring august 8th as barton springs and edward's aquifer day. I just wants to clarify that this is replacing the council action we took last year designating the second saturday in july as the official barton springs edward's aquifer day. I just want to make sure that we don't have two free days because I'm sure stuart is going to have a hard time finding the money in the budget.

Mayor Wynn: Thank you. Council, that's all of our citizen testimony on our proposed asked. Further council comment? Councilmember morrison.

Just to add to that, because we passed that day over without taking the appropriate, so I just wanted to make sure that we did get in at least one free swim day for this commerce and hopefully we will get [01:44:00] back to july next year.

Mayor Wynn: Councilmember cole? Coal company yes, mayor, i would like --

Cole: Yes, mayor, i would like to point out item 16 I think it's important that we note that we are renewing our membership to the austin-san antonio rail district and that this shows our commitment to form a comprehensive plan regarding transportation. This district is designed to not only alleviate traffic in the trip from austin to san antonio, but also within austin and would start in georgetown and actually have proposed stops at mcneil, 35th street and seaholm and last council meeting we had a presentation from roma about the downtown circulator and one of the proposed stops for that circulator where it would interconnect with this rail system is at so he seaholm. We have to make this commitment not only because of the rising gas prices but also so that we deal with the problem of non-attainment and air quality. So I would just like to point out that we are making that long-term commitment to our transportation needs.

Thank you, councilmember. Further council comments on our proposed consent agenda? Hearing none, all those in favor please say aye.

Aye.

Wynn: Opposed? Motion passes on a vote of 7-0, noting the mayor pro tem's single item abstention. Thank you all very much. So -- so council, let's see. A couple of quick little items here. 4 which we have taken off the consent agenda is our formal roll call procedure for setting and proposing the maximum not to [01:46:00] exceed ad valorem property tax rate for the year. This came about from state law about two sessions ago. You probably know that the state legislature, of course, doesn't record any of their votes, never has, probably never will. The city of austin, the austin city council has always recorded every single individual vote that we have ever taken and always will. As we just took votes on the consent agenda, every single vote that we take has always been declared exactly what it was. 4-3, 7-0, Who an obtained, who voted no. The legislature doesn't do that. So as part of their tax reform, you know, I'm on my soapbox here, as part of their property tax reform two sessions ago they decided to make all cities and local governments take a roll call vote, we have to be on record for how we vote on the potential ad valorem property tax rates because they never have and won't. Even passed a law that scripted how we have to go about doing it. Clearly every single vote that we have taken we record who votes yes, who votes no, who doesn't vote, who is off the dais at the time. So the legislature has us go through this silly procedure in order for us to do what we have always done for you as citizens, that is take a very public, very recorded vote on every action that we do as a city. So here's my script. we will now take up [laughter] -- council, we will now take up items number 4 and 54 related to the maximum proposed property tax rate for council to consider. The date that the council will adopt the tax rate and setting the dates for the public hearings on the proposed tax rate. 4, mayor wynn, this is me. We have one resolution to adopt a maximum proposed property tax rate that the council will consider for fiscal year '08-'09 and secondly set the date that council will adopt the fiscal year '08-'09 property [01:48:03] tax rate. Under state law, a vote on the motion to adopt a maximum proposed tax rate that the council will consider requires a roll call vote. I will entertain a motion to adopt a proposed maximum property tax rate. Councilmember leffingwell moves -- also -- I'm sorry. I fill understand the blank here. Councilmember leffingwell moves that the maximum proposed property tax rate that the city council will consider for fiscal year 12 cents we are \$100 evaluation. Councilmember cole seconds councilmember leffingwell's motion. We now have a motion and a second to adopt a maximum tax rate of 4,012 cents for council to consider adopting during the fiscal year 2008-'09. City clerk please call the roll.

Councilmember cole?

Cole: Yes.

Councilmember leffingwell?

Yes.

Councilmember martinez?

Yes.

Councilmember morrison?

[Indiscernible]

councilmember shade.

[Indiscernible]

the motion to adopt the 12 cents per \$100 valuation for fiscal year '08-'09 passes on a vote of 7-0. This is me again. 4, we also need to set the date that city council will adopt the fiscal year '08-'09 property tax rate. The proposed times and dates ARE SEPTEMBER 8th, 9th AND 10th, '08, BEGINNING at austin city [01:50:01] council chambers, austin city hall 301 west second street, austin, texas, 78701. I will entertain a motion to set the times and dates as proposed to adopts the fiscal year '08-'09 property tax rate. Councilmember shade moves approval of the motion as proposed. Is there a second? Councilmember martinez seconds councilmember shade's motion to approve the proposed time schedule for adoption. Looks as though perhaps we don't have to do the roll call. All in favor of the motion please say aye.

Aye.

Opposed? Motion passes on a vote of 7-0. Now, council, now that we 4, pursuant to state law we can 54 briefly which is actually just setting that public hearing for -- for testimony regarding this proposed not to exceed maximum property tax rate. So this is an action to set the public hearing on the proposed tax rate for fiscal on THURSDAY, AUGUST 21st, on THURSDAY, AUGUST 28th, 2008, At the austin city council chambers at austin city hall 301 west second street, austin, texas, 78701, I will entertain a 54 to set the dates as proposed for the public hearings on the proposed tax rate for fiscal year '08-'09. Motion, councilmember morrison moves approval of the motion as proposed. Is there a second? Councilmember shade seconds councilmember morrison's motion. All in favor of the motion please say aye.

Aye.

Opposed? Motion passes on a vote of 7-0. Items number 4 and 54 have been passed unanimously, thank you all very much, pardon my sarcasm. [01:52:02] Okay. Council, we did have I guess just one sort of typical 54 has been pulled -- item no. 52 Has been pulled in part because enough citizens signed up wishing to give us testimony for it to come off the consent agenda. Technically this is an item from council waving the signature requirements for street closure, I don't know if staff can perhaps give a very brief presentation of that format, maybe just go to testimony? Very brief staff presentation as to how we go about, you know, administratively closing streets for events.

Good morning, mayor and council. Mayor pro tem. Typically, what we expect on these special events is that at least 60 days before the event that we get notified that someone wants to close off the street for whatever event that they are planning to put together. And typically, about 45 days before the event



happens we expect to have all of the paperwork, all of the insurance, all of the forms, all of the sign-offs, everything completed and as you would expect that doesn't always happen. In this particular case, this event has been held for four years. Signoffs were accomplished in 2006, I understand all signoffs were gotten at that time. In 2007 not all signoffs were required. There was one owner, gigi in your living room that made a presentation last year that was not in favor of the event being held. That situation has occurred again this year. We -- as far as I know, we have three neighborhood associations that have not signed off either. So we are expecting those to come in soon. The event I believe is on AUGUST THE 31st, AN [Indiscernible] weekend on that date. [01:54:00] That's where we are today we are still waiting on the one other detail that I will give you, if it is a fee based event, we need 90% of those owners that are within that blocked off area to sign-off. If it's not a fee based event, then it's 80%. It's does drop down. If you have two or three businesses it pretty well says that you have to get all of those people to sign-off.

Mayor Wynn: Historically, I know that i have voted numerous times probably to waive signature requirements, oftentimes those I suspect those are for perhaps the marathon or other, you know, road closing events that might pose just a logistic almost impossibility for someone say to get signatures along 26 miles of a road. So we have certainly waived signature requirements for different reasons, probably throughout the course of the year correct.

Yes, sir, it is difficult to get everybody to agree, obviously. In this case technically this is an item from council whereby in a very appropriate way kind of number 3 I guess three councilmembers are proposing this specific waiver of that I guess 90% rule on this event.

Yes, sir, that is correct.

All right, thank you. Council, we do have just five or six people that want to give us testimony. I'm not sure if perhaps one of the sponsoring councilmembers might want to introduce their thoughts or we could take the testimony first. Testimony?

Cole: Yeah, testimony.

Mayor Wynn: All right, without objection we will go to the testimony. We will just sort of take them in the sequence that they signed up. The first couple of speakers signed up in favor of this event. French smith who I saw earlier. Mr. smith, welcome. Let's see. And is mayor crawford todd here. Mary, welcome. [01:56:00] So she offered to donate you three minutes. Six minutes, welcome, followed by rachel hully.

First of all I would like to thank the mayor, city manager and all of the council for their time their staff's time that they have put into trying to find a resolution for this. I've organized lots of large street closures in austin for years, dealt with the pecan street festival, no longer anymore deal with that. I do the street closures for the republic of texas biker rally, in almost every instance we find that there are people that are inconvenienced by these events. We -- what we do is try to do our best to hold the event and accommodate the people that are inconvenienced. Some people in the case of larger events like the

biker rally are completely land locked, meaning that there's no access to their business at all. In most cases we are able to work something out for them to make them happy, continue to do the events sometime for many years. Like -- like I see lieutenant boyston came up with a plan where we created turn around. So -- so if we kind of push the festival back a little bit, we create a turn around and people can still get to their business park in front of it, get to the gar garbages things like that. About five years - - garages things like that. I witnessed an event take place on first street bridge. I thought it was genius. They had a show at the ragweed out there. It wasn't the most successful event, but I said this location solves a lot of the problems that we've had in other downtown settings. We can have an event downtown, all over the water, not a lot of businesses affected. Part of the problem is that if you do have a handful of businesses that are affected, the current way that the ordinances read that we have to have 80 [01:58:01] percent just one business can throw that out of whack. We can't hold the event. In the case of the bat fest, being on the congress avenue bridge, we have the radisson who is -- who is one end and basically they open out to cesar chavez and it doesn't cause a lot of problems, the statesman has full access. They can drive right straight in from barton springs and sherri matthews is closed to the weekend from my understanding. The only business that remains open is on the corner of barton springs and congress, which is your living room. We do leave barton springs open for access. What we have done in the instance of last year is left the first 300 feet, the 200 block of -- of congress completely empty making it turn around as we do at the biker rally for people to still get to the business and park, that's about five parking spots in front of the store your living room. We had a police officer that was sitting on his vehicle for two straight days to make sure no festival goers parked there, that only people going to your living room were able to park there. This year, you know, realizing that we probably had to go to further extremes. We offered to make your living room a sponsor of the event to help promote business for their store. If the people that come to our event aren't enough, we thought being in our advertising might help them gather more business. We offered them a space in the event. Offered to put banners up saying that their store was open. And offered \$4,000 cash which we don't really want to make a practices on these events because if we offer one business money and the situation we are closing the entire length of congress there could be expectations to give money to every business when we do these closures. In any case we felt there's one business there, we can give them some money, it's money they can just put in their pocket, they don't have to sell anything that weekend. And they take that with them. This event I guess it started off the first two years. We had approvals from your living room. We had I guess a rocky first year. The show had some issues with any new event has some problems. We had a water container left out from a vendor that was left in front of their business first thing in the morning. The person repeatedly like hey this is a 300-gallon water tank, please remove this. She was unhappy with our cleanup. I went out there myself with a trash bag and picked up the items that the nighttime crew had missed in the dark ness. Every year since have got out there personally every morning with a trash bag to make sure anything wasn't left behind. I dug around in the hedges and found things that might have been sitting there for six months. I'm certain last year I left the bridge cleaner than it had ever been on any given weekend. And I talked to my traffic control companies that i hire and told them if they have a race or some other event going on that they cannot leave their barricades laying on the side of the road for the next event and laid those rules out with them very specifically because I know that it's unsightly to have barricades left even if they're going to use them 12 hours later for a run or something like that. And I noticed today just driving down there, there were

barricades, nothing do with me, in the bushes beneath the rotating bat out there. Seems to be a problem with the traffic control companies. But I really would like to see something happen where we could continue to have bat fest every year [buzzer sounding] and still make these businesses happy. Any questions?

Mayor Wynn: Thank you, mr. smith. Questions for french? Councilmember shade?

Is it on? Do you need 80% or 90%.

We would need 90% because it's a fee paid event. Really, we have something like 26 approvals but there are more people that initially through the process unfold by the right-of-way management, basically from pressures from organizations like the downtown austin alliance that we need to, we couldn't first close this bridge without identifying the embassy souths. Some of the major -- embassy suites. Some of them you can do -- without talking to shoreline grill, they hold weddings, we have to stop the music each nights for them during their weddings. We have a lot of signoffs. Physically on that bridge there's only four addresses there. One no put us at 75%.

So I guess what I have is that you need three businesses to sign-off. And that two of the three refused to do that.

I would think the statesman, radisson and sherri matthews and your living room would be the people that literally live there. That's where their businesses operate.

You do this business every year. Have the rules changed from one year like last year to this year?

From last year to this year, what we did last year was, you know, just requested the closure of the 100 block. That was a last minute decision like we will just drop part of the festival. We lost the 200 block.

Then how many businesses did you need to sign-off.

I didn't have any businesses. It's the radisson was the only one. They dropped us down to one signoff. Basically the street closures looked at on a block by block basis. If you have 100% in -- in the 100 block, then you can hold an event in the 100 block, so we had the roundabout done where people -- traffic could turn back around in the 200 block this year for safety reasons we were told that we couldn't do that again rather at the last minute. We put our application in in november to do the same thing that we had done last year which was just close the 100 block.

I went back and looked at the discussion that occurred last year on the dais. I have to tell you as far as you -- seeing your website, I have been to many of your events, even to bat fest in the past. I know this is your business, you do events. So I'm a little frustrated when I read last year's testimony, you know, discussion that occurred here in the council chambers that, you know, the rules haven't changed since last year and that we're in the same position as we were last year where, you know, you are asking for the council to take care of a situation that you couldn't get the businesses to sign-off on. You have a

business that two years in a row supported the event and then last year had issues. Seemed like you skated by because the council gave you this waiver. Now we're in a situation this year where you are requiring the waiver or the event doesn't meet the rules that are stated that haven't changed from one year to the next. I want to understand why, you know, issues weren't addressed last year on SEPTEMBER 2nd, 3rd, 4th the very week to start working towards this event -- very week to start working towards this event.

To understand this, last year we asked for -- we didn't ask for a signature waiver. The only thing we asked for was the consent to charge admission because we did a technical thing which allowed us to just close the 100 block. It was a technicality. We changed our street closure to -- to be one where it was not required to have those signatures. That's why all year long we were under the assumption because no one told us that we can not close the road under that same technicality. Just using the 100 block that was not articulated from anyone from the city. That we weren't going to be allowed to do this again. We had felt that last year we had done -- if we were going to have a bat fest in austin, we had done all we could for your living room in that scenario. Other than not have the event. It was -- we could do a closure or we do not do an event in front of their business.

They are a furniture store, right? So the number one weekend for sales is labor day weekend, right?

It may be for furniture stores. I'm not sure if she is the same as all furniture stores. We think that we bring a lot of shoppers downtown when you go to a festival it's probably not realistic that you are going to walk home with a couch or some kind of furnishing that day. But I do think that people are exposed to her business and may come back next week or the week after or window shop, you know, standing there and looking in and saying hey this is a cool austin store. I think that it's a really i don't do these events maliciously --

I'm not suggesting that you do. Are most your attendees local people that would be actually good potential customers?

We have about -- a high number of people, maybe 25% of the people from out of town, but that still leaves a whole lot of people from austin.

Then another question which was just what -- how many -- how much money do you raise for bat conservation?

They told me they make between, you know, 10 to 20,000 off of this event each year.

Last year how much did they make?

That's -- I think they will give you better specifics he's signed up to speak. But we got hit by a rainstorm on sunday and cut us back a little bit. It was a rough year for us.

Okay.

I think that was isolated.

Further questions of mr. Smith? We do have a couple of other speakers, councilmember cole? smith, will you stay up there. Because first I want to ask legal a quick question about the process or either the gentleman from right-of-way because it's my understanding that this is a -- two step process and where we issue the waiver and then we also have to issue a permit. Can you explain that?

I guess -- yes, councilmember, this is deborah thomas with the law department. This week there's an item from council waiving the signature requirement. But in addition to that, as -- as stated before, since this is a fee paid event, council does i believe it's on the 21st agenda have to approve allowing a private entity to use our right-of-way and charge a fee. So they will be coming back for -- for approval for the fee paid event itself.

Thank you. We as a council make certain requirements regarding this event having to do with signage and parking and maintenance and cleanup.

With regard to those conditions, I'm assuming that you are saying that perhaps they will provide signage to show where the living room is and where the parking is, yes, and that -- yes, you can do that.

We can do that as a condition precedent?

Or next week when approving the fee payee vent.

That's my question. Fee pay event.

I wanted to ask the promote ter of bat fest whether he was able to make those conditions as part of our permitting process.

Absolutely. I'm also willing to meet with someone to do a site inspection after the event to make sure that it's returned to the same condition before the event, hopefully a better condition. We can have people out there to -- to direct traffic, have signage, we can monitor, sound, any kind of issue that's seem to surround all events, we can do that. In this case more specifically to the needs of -- of the people that are -- that are opposed to the events.

Okay.

Cole: I ask that you directly work with our staff and the living room opposed to this event so that we take care of some of their concerns.

Absolutely.

Okay.

Thank you.

Mayor Wynn: Further smith, council? If not, thank you. Our next speaker signed up is rachel hully, sorry if I'm mispronouncing that, good morning. You will -- you will have three minutes, welcome.

Hello, everyone, thank you for the opportunity to be here. My name is rachel hully, I'm with roadway productions. I'm here to support roadway and the upcoming fourth annual bat fest scheduled for the 30th and 31st on the bridge. Roadway productions, which is formerly road star productions has been an austin family business for 30 years now. During that time, we have produced and promoted some of austin's largest and most successful festivals and events, we work extremely hard at what we do and we really don't have a history of asking for waivers or for money. We just do good shows and we try not to rock the boat. The road star roadway resume is really very impressive. Our recent accomplishments include the fourth of july with austin symphony and the fireworks at auditorium shores, we do the louisiana swamp romp and crawfish festival, the grind extreme music and water sports. Obviously our loudest event is the republic of texas motorcycle rally and that we do at the expo center. We are also hired to produce the parade and concert on congress avenue. That event is just huge by any standards. And it involves absolutely every city service and department. We close congress, surrounding streets and we make it work for the merchants, the residents, the participants and we don't hear any complaints that are not resolved. We try to work with the public not against it. We -- roadway does a lot of good things in austin that benefit a lot of people. We have produced the t-bird river fest, willie's picnics, summer six packs, the rights of spring celebrations, countless other events most of them in the downtown area. Aside from the entertainment aspect of what we do, roadway provides a venue for local, national and international merchants, entertainers, just to do what they do best and make a living at it. Roadway employs numerous local services, businesses and workers. The events support charities and non-profit groups. As a matter of fact our next events is happening this saturday at waterloo park, it's the austin ice cream festival, hope you all can make it. It benefits the austin children's shelter. We have been doing this 30 years without rattling too many cages. We started bat fest in 2005. It became an immediate hit with the vendors, local people, tourists, the watts and their champions, bat conservation international. Artists, vendors, musicians, everyone contacts us a year in advance just to be try -- try upon part of the show. We must be doing something right. Our goal is to simply continue this tradition of producing quality family entertainment like we have done for 30 years. The fact that the bats -- the fact that the bats and bat fest generate about 10 million tourist dollars doesn't hurt anything either. If we lose bat fest it will obviously cost the city a lot in tourist revenue. [Buzzer sounding] it will create a severe economic hardship for at least 150 artists and vendors and realistically force roadway productions out of business. I am personally speaking if bat fest doesn't happen i will probably be out of a job along with a handful of my co-workers, about 200 temporary event staff that we hire for this. I've been part of this road land, road star since 1988, 20 years and counting and understand that roadway is just -- it's a small home grown company that does big things. I don't know if it can survive losing bat fest.

Mayor Wynn: Please wrap up your testimony. Your time has expired.

Thank you very much for your time. I appreciate it.

Thank you. Questions for rachel, council? If not -- councilmember shade?

So -- I was going to ask, how much revenue does this event generate for your company? I mean the 10 million-dollar is the overall tourism number for bats year round. If 25,000 -- if 25% of 40,000 people expected to attend, that's not a \$10 million event. What's this event? Revenue wise, do you know?

The bats and bat fest combined -- I'm asking bat fest. What's the revenue of bat fest, do you have a sense for that?

Well, french can probably answer that question give you the exact figures better than I can.

Since you have been around -- again, I don't dispute that you are a very good company. But I do want to ask your opinion then because I got french's on, you know, you are an event planner, why didn't last year's events precipitate some kind of different approach for this year? That's my question.

I'm not sure I think we went under the assumption as it did last year where we just wouldn't use that first block.

Okay.

Further questions for -- for rachel, council? If not thank you rachel. Our next speaker is jonathan freedman. freedman, you, too, will have three minutes. Followed by isabella -- [indiscernible]

thank you.

Thank you very much. My name is jonathan freed man, I'm development director for both conservation international. For purposes of this meeting, you can call me batman. I will take off my shirt, my jacket and show you that -- is that popular month for you.

I am indeed bruce wayne. My other persona. I'm speaking on behalf of -- of half of the mamilian of your constituents in austin, that's the one million bats at the anne richards congress avenue bridge. Our mission is educate the public to provide research and to provide programming to save a habitat for bats. This festival allows us to reach tens of thousands of children aside from the adults. Tens of thousands of children who for the first time learn about bats. It's the first time many of them ever see the bats. It's the first time many people in austin have ever seen the bats. I lived here for two years before I ever saw the bats at congress avenue bridge. We don't make much money on from this event. We are not looking to make a lot of money. We generate somewhere between 10 and \$20,000 depending on how many members we sign up. How much merchandise we sell and what the profits of the events are. But we do reach thousands and thousands of people and that's our primary objective. If you haven't been at the event, you may not have been able to see the expression on the children's faces when they see the bats or when they see a bat that one of our biologists brings to show people what they actually look like.

They fit pretty much in the palm of your hand. You don't see the expressions of the children and the adults as the bats fly out and you hear the oohs and ahs and finger pointing because it's really an amazing experience for people to see the bats at congress avenue bridge. These bats provides economic value as was stated before for businesses in austin, including tourism. There are many businesses that directly benefit from the bats, all around the bridge. And this is a chance for bat conservation international on behalf of those million to million and a half bats to take advantage of this situation as, educate the public about the importance of bats. We are strongly in favor of continuing the festival, hope that you will agree, thank you. [One moment please for change in captioners]

it forces event promoters to take into consideration an plan and organize taking seriously their interests. It protects small business owners from the adverse effects that are sometimes associated with these festivals, economic harm, property damage, pollution, congestion. These citizens have been given a right under the signature requirement to object to these terms. These citizens have objected because they have suffered property damage as well as extensive economic harm. Every year that this festival has taken place, cordero has lost 10 to \$20,000. It's labor day weekend. It's a huge weekend for retail, especially furniture stores. She can't tolerate those losses anymore. And last year you explicitly recognized the fact that she was indeed suffering from economic harm. We all know we're on the verge of recession. She can't tolerate that now. There's been this impression that they've been sort of caught by prize by the fact that they would need this signature approval, but the fact of the matter is from last year's meeting it was clear that this was an issue and it was also clear that they wouldn't be able to continue as they did last year. In fact, mayor wynn along with other councilmembers, specifically recommended that they consider changes to the location, site or structure of the event. Furthermore, the changes that they made last year had very little impact on changing the circumstances. No one -- still no one could or are dero's store. You could only access it by coming southbound and the bridge was still blocked be off. Further more, if you look at the pictures that I sent you in the materials yesterday, you can see that it's really blocked. What you have there is an overflow from the event. Furthermore in addition to last year we mailed them a letter on june 5th explicitly constituting that our approval would be required and citing the ordinance at issue. They made no toafort contact us until about two weeks ago. They should have known. They've been doing business in this town for 30 years. They should have known it would be an issue. They've had more than enough notice to prepare. I feel bad for the artisans that will be adversely affected by this, but they ir responsibly planned this location, knowing they would need the approval of the citizens. I thank you for your time and consideration.

Mayor Wynn: Thank you. Goes the attorney, council? -- Questions for the attorney, council? Thank you, ma'am. So our next and final speaker is gigi cordero. Welcome back. You will have three minutes.

I'm gigi cordero and I'm one of the owners of your living room and this is our third year with roadway productions. The first -- this is our fourth year. The first two years we together on it, and we started having problems with garbage left over on the street, customers, our customers were complaining that they could not get to our store. Last year was a disaster with them closing off at the 100 block where realistically congress avenue bridge was shut off at barton springs with an opening towards our parking, which ended up with several taxi cab drivers parking vertical, going the wrong direction. Our business was horribly affected. We project and buy a lot of advertising for labor day weekend because it is a big



retail weekend. And we went from doing 20 to 30,000 to a thousand dollars on saturday, and zero on sunday. It was very hard for us. And it would be very difficult again this year to have a road closure. I can't have 30 or 40 people in my entranceway, if it rains on sunday like it did last year. It poured rain and there's photographs of 20 or 30 people hovering in my awning because there was no cover for rain. So please, don't approve it. I'm not against any festival, I'm against road closures. I'm against closing ann richards bridge for two full days. I'm for the local businesses and I'm for all the businesses, including the -- which we haven't discuss is the fire stone across the street from me, the little nail salon across the street from me, and none of their pay ontrons can -- patrons can get to them either. Thank you very much for your time.

Mayor Wynn: Thank you very much. Questions for gigi, council? Thank you, ma'am. So that's all of our speakers who have signed up on this item, council. Additional thoughts? Comments? I'll just say that it was -- I remember -- believe i remember the discussion pretty well year. This is sort of deja vu. And someone was kind enough to actually call up the transcript from that meeting last year, and I was heavy involved in that discussion. And my very specific -- like everybody, we empathized dramatically with the dilemma that was posed to us last year that we had to face last year, but at least my request at the time was that immediately following last year's festival, then let's work this out. Let's figure out what is the format that doesn't force council to choose between who -- which local entity is going to be harmed financially the most. And as I am very disappointed that that obviously didn't occur prior to again just a few weeks before the event. I'll just also add, it was several weeks after the event last year that I got a phone call from the u.t. Athletic department pointing -- very much complaining about our decision to allow that bridge to be shut down for 's homing game, when apparently they got flooded by complaints of folk who were out of town guests who were staying in the two hotels south of the bridge, and being from out of town didn't know different alternative routes, I guess, but had a very, very difficult time getting to 's home opener. And of course this year once 's home opener is saturday night the 30th when the bridge will be shut down. So again, I really don't like this dilemma to be facing us again, but last year I was -- thought I was as clear as I from my personal standpoint. Of course obviously not speaking for the council or for the city administration for that matter, but that i specifically requested that right after the event last year, some accommodation be made, including the literal opportunity of perhaps moving the event to a different location or a different day or different hours or something to that effect. And so I respectfully won't be supporting the signature waiver in part because of that specific dialogue we had last year. And lastly -- I'm sure there will be other comment. You probably know that we have a street closure taskforce underway now. It's been spearheaded mostly by councilmember leffingwell. I greatly appreciate that. My perception -- and we've gotten a lot of e-mails from folks, mostly in the running community. And we all are -- I am a very big supporter of our running community and the events that occur in town and the money that's raised for local nonprofits, mostly health and nutrition related, is there's a perception that somehow we're targeting the running community with this taskforce. And my perception of the taskforce, and speaking for myself, is that frankly it's events like the bat fest, it's events the art -- again, the successful events when you look at the actual event, but the art festival that occurred here on cesar chavez this past year where cesar chavez was shut down for two and a half days. So just the process by which administratively folks just filling out some paperwork can shut down major arterials in our downtown literally just by filling out some paperwork, I think frankly we have

outgrown that luxury as a community. I think the time has come when we have to figure out -- that's my hope with this taskforce is to figure out what are the parameters. What's the maximum number of hours or days or are there some arterials that frankly are sacred and can't be closed down administratively for an event. And should we look at things like -- I'm a proud aggie. Should we look at some 's football schedule and we know five years in advance when there's going to be 100,000 people in that stadium on a saturday, and when there won't be anybody in that stadium on a saturday. And so my hope and request of the taskforce is as they continue their good work they help us come up with i think what are the realistic parameters for a growing 21st century urban american city when it comes to this concept of closing down major arterials for multiple days on big weekends. Councilmember leffingwell.

Leffingwell: Thanks, mayor. I think you said it well. I strongly associate myself with all of your remarks and I was here last year for this discussion and I think the clear understanding among some of us up here on the dais at least is that we were going to do this last year, approve this event so as to minimize the hardship to them, but that we had to look for a different way to do it. And I'm a big supporter of bat conservation international and I'm very proud of the fact that here in austin we've got the largest urban bat colony in the world. At the same time to shut down the ans bridge, the main street into the city of austin, texas, for two full days on a holiday weekend is just something that I find very hard in my mind to justify for almost any event. And in view of the fact that we discussed this last year and I think in my mind gave fair warning, fair notice that we had to find a better way to do this, and echoing the mayor's remarks we do have the street closure taskforce sitting right now to try to fine ways to accommodate community events and respect the rights of the people for the city of austin who own those streets to be aige to those -- to be able to use those streets, to be able to co-exist, that taskforce came into place because of many instances like this where people complained about being inconvenienced by events. So I'm not going to be able to support the waiver either, and regrettably because as I said, I do support the cause which it ultimately purports to serve be.

Mayor Wynn: Further comments? Councilmember morrison?

Morrison: I apologize about not being here last year and not hearing the conversation, but obviously this is a very challenging situation, trying to balance the different interests. As councilmember cole pointed out, this is a two-step process. And if this waiver is approved today, there's still a second step that has to be approved two weeks from now. So my interest, especially in terms of the work that -- the bat conservation international does during this bat fest -- during the bat fest and how important it is to them, it's not just money, it's about bat awareness. And bats are certainly one of the things that make austin unique. My preference is to use these next two weeks to continue the conversation to see if there's any way to mitigate the impacts to the businesses by bat fest. Hopefully there will be some creative thinking, but all the while knowing that we have another opportunity to weigh in on whether that's been successful or not. So I will be supporting this waiver.

Mayor Wynn: Thank you. Again, further comments? Councilmember martinez?

I wanted to ask staff, what is that process and does it come back to council? And if we make -- do we

have to make another decision at this second step?

Yes,. On the 21st there will be an item to council to approve a fee paid event. If -- all events that require -- that will charge a fee for the event and when they're using the public right-of-way, they come to council and council has to approve the actual event itself.

Martinez: So on the 21st, IF COUNCIL DOESN'T Approve the fee paid event, then the festival will not take place?

There can't be fee paid.

Martinez: There can't be fee paid, but it could still take place.

It could still take place, but it couldn't be fee paid.

Mayor Wynn: Councilmember shade.

Shade: I'm sorry, i don't understand that. It will take place --

the only reason it would be on council agenda on the 21st is because it is a fee-paid event. People have to pay to come to the event. If it was just an event that anybody could go to without having to pay to be a part of it, then that approval would not to council.

Shade: So in other words, it would become a non--- they could -- it would an free event for everybody to go to, which would significantly impact the event from the roadway perspective. They don't want to have a non-fee revenue-generating event, I would assume. All the money that goes to bat conservation international is based on admissions, right? So it totally changes the event if it's not a fee-paid event.

Yes, I would assume that would be the case.

Shade: I want to make a comment and just say that this -- I was not here last year either, but I did take the time to read the transcript. And I really feel like instead of talking about the children who benefit from the event and the overall tourism about bats and how bat conservation international benefits, what we really have to stay focus odd is we're look at one that's in the business to do events, and another business that's in the to sell furniture primarily on -- it's their biggest weekend. And I feel like if no changes were made from last year to this year, it again doesn't have -- this is not about supporting bats. I mean, the bat industry, the bat tourism preexisted since the bridge has had the bats before this event. This is a great event, it's a lot of fun, but it's one -- it's one business and the vendors there who are negatively impact fire department this event doesn't happen pitted against businesses who are doing business on our most important downtown corridor on a holiday weekend. So I just -- I really want to make sure that we stay clear on at least from my perspective the decision of one group of businesses versus another group of businesses, and following the rules that are currently in place, not about voting against bat conservation or not being in favor of children getting an education about bats. I mean, if we

stick clear it's about business doing business and following the rules. And I want to echo the comments of mayor wynn, which is that I'm really glad that next year this taskforce will come up with its recommendation so that none of us will be in the position to be sitting here next year with this same dilemma. I think it's really hard to pit businesses against businesses. We're supporting all -- all the local business be. We represent you all.

Mayor Wynn: Councilmember martinez.

Martinez: You know, I'm clearly frustrated as well based on what we talked about last year, and how we asked to try to find alternatives to resolve this issue and nothing, not one thing was done. If bci remains committed to their work here in austin and wants to continue the festival, and if the organizers of the event also remain committed as was stated earlier, work with the folks that are having issues. Figure it out. It's not that hard. Nobody up here is saying we don't support the festival or bci. And I absolutely know that those bats wouldn't even be there if it weren't for bci. Txdot was going to close those holes up to get rid of them. You guys do wonderful work. But in this particular case you've slipped a little bit, and we need you to sit down with these folks and work this out. I'm going to move that we postpone this item, that we bring it back on the 21st with the fee paid event. And then you have two weeks to work it out.

Mayor Wynn: Motion by councilmember martinez to postpone item 52 until our next meeting, which is THURSDAY, AUGUST THE 21st, 2008. Mr. smith? Concerns?

I'll second.

Mayor Wynn: Okay. Just to claire. This is the motion on this item. So motion by councilmember martinez, seconded by councilmember cole to postpone action on item number 52 for two weeks to AUGUST 21st, 2008, AT Which time we also request that -- it sounds like staff is going to be prepared to bring back this additional approval for matt as well. So we'll consider those jointly. Councilmember cole.

Cole: Mayor, I have a couple of comments. First I would like to ask staff and the bat fest promoters, along with the living room, to make sure that the university of texas -- at least two our alma maters, are informed of the potential that we will be holding this event again on opening game day. And that the hotels, the radisson, and other -- i guess the hyatt, are aware of that event and will have alternate maps for anyone attending that game. And that we will get a report on that issue when we BRING IT BACK ON THE 21st. And I also want to add that -- I look at this issue more from an entire city perspective. I know all of my colleagues understand the importance of this event, but in the year of budget constraints and where the only bright spot on the horizon be was our tourism industry and what they contribute to the economy, I don't think that we can afford to deny any festival event because we can't work out a few issues with one particular landowner. And also, I think that it's important that we support our local merchants that benefit from this event. So my office -- and I know councilmember morrison's office, who has also been working very hard on this issue, will bring back hopefully to council something that shows that we have made a good faith effort to accommodate the landowners that are concerned about the bat

festival.

Mayor Wynn: Thank you, councilmember. Again a motion and a second on the table to postpone item 52 as posted. Further comments? Hearing none, all those in favor please say aye.

Aye.

Mayor Wynn: Opposed? Motion to postpone passes on a vote of seven to zero. Thank you all very much. So council, that will take us then to our morning briefing, and I apologize for the delay, but we certainly wanted to give that item as much attention as it deserves. The item -- posted for our morning briefing, item number 59, is a presentation of the design commission's recommendation for revisions to our downtown design guidelines. And we have a hard copy I think of a nice presentation here in front of us. And I think we can now see it on the screen. Welcome.

Thank you. Good morning, mayor and councilmembers. I am erika leak from the neighborhood planning and zoning department and also liaison to the design commission. This morning I will be providing you with a little bit of background information on the downtown design guidelines and then richard weiss of the design commission will summarize the commission's proposed change to those guidelines. As you may know, in 1999 council requested that the design commission develop design guidelines which would provide the recommendations to developers seeking desired entitlements to ensure that the city was developed in such a way to make the urban environment be a great space for its citizens as it became more dense. In May of 2000 council adopted those design guidelines as recommendations for all downtown development and project. In the intervening time the design guidelines have been used by developers to guide development that will provide benefits for urban residents and also just increase the urban environment for all of us. However, times have changed since 2000 and in September of 2006 council directed the design commission to revise and update those guidelines and to make recommendations for density bonus options. Today richard weiss, interim chair of the design commission, will provide a summary of the design commission's recommendations for those revisions the design commission has also recommended that the name of the guidelines be named to the urban design guidelines. And richard will give more information on that proposed change.

Welcome, richard. Also newly appointed downtown commissioner.

Thank you, good morning, council, mayor and city manager. Thank you for the opportunity to present the urban design guidelines to you. The downtown -- has proved to be very helpful in shaping design downtown. These guidelines can be used to inform that density and ensure that the common values that we share for positive development are fostered. Before talking about the content of the guidelines, I would like to thank the design commission for all of their effort in this document and specifically thank Gerard Kinney who served on the commission for 10 years, Perry Lorenz who served for 18 years, and Phil Reed who spearheaded this document and served for 10 years as well. Their combined service to the design commission lasted longer than I've been alive. And I really appreciate their time on the commission and their contribution is evident in the improvement of our downtown and in these updated guidelines. There are several revisions made in adapting the downtown design guidelines what urban

design guidelines. Primary they're no longer focused solely on downtown and can be used to track density wherever it occurs without specifying where it should occur. The section on downtown districts and the boundaries diagrams have been removed. Additional values regarding sustainability and open space have been added and the structure of the guidelines including our shared vision, our shared values, our goals, and vision and the guideline categories remain in packet. The shared values are the broad concepts that we want to foster with the urban design guidelines. The goals of the guidelines, they're the fundamental basis for the urban design guidelines and they emphasize our community as a community of people first. The shared values are aspirations, they're for why they want a humane sustainable city and what makes austin unique and desirable. And why it's hard to codify things like a sense of time or authenticity, this document ties these ideas back to specific guidelines, which really the intent of the design guidelines. Whiem the shared values present the concepts, the shared concepts have shared vision for our urban places derived from and informed by these values. They focus on how our you are bawn environment is laid out, how it's connect be 'ed and how it's experienced by the pedestrian. They include promoting an intuitive understand of our city grid similar to grids of the great cities of the world that were built prior to auto 17 trick cities like austin, that are easier to retrofit and navigate. They encourage a mix of uses, activities and a scale for development. Creating a safe and comfortable urban environment where the transportation hierarchy begins with the pedestrian and promoting the kind of activities and uses that help define austin as unique and vibrant. It really is about the community. It's funny, last night i went to see a band on sixth street and as I was surveying the crowd and 00 in the morning, I saw dave sullivan there, the chair of the --

Mayor Wynn: And then you didn't feel so old, right? [ Laughter ]

but he was doing the same thing, looking around. But I think it's pretty amazing and telling that austin allows for that kind of interaction on a wednesday night. And is important that we continue to support that. Our vision includes satisfying goals with quality sustainability -- quality sustainable buildings, fofting economically and environmentally balanced urban spaces with residential uses and connected open space. The guidelines derive from this vision are collected into four categories, area wide, which refer to all the areas which density is desired and implemented, public street scapes, which concentrates on the space in between buildings, plaza and open space guidelines, and building guidelines, which concentrate on how the building interacts with the individual and how it fits within the urban context. The area wide guidelines refer to an area where density is desired. They focus on creating dense and mixed use developments while respecting and buffering neighborhood eblgz. Many of the guidelines drafted for downtown lay the foundation for the design standards. And this document ties the standards back to the goals and values that they support and address more he is so tear rick issues that are easy to talk about, but hard to codify, like avoiding the creation of theme environments and avoiing historical misrepresentations. The public streetscape guidelines concentrate on the pedestrian experience and the humane character of spaces between buildings. The comfort of the pedestrian is crucial to the development of an economically viable project and an economically viable corridor, and an economically viable city. These guidelines focus on protection of the pedestrian and the enhancement of pedestrian experience, including street trees, lighting, screening of equipment, windows, and pedestrian friendly materials at street level. The plaza guidelines have been enhanced to focus on very specific goals. Specifically in downtown to treat the four squares with special consideration and

hopefully eventually reclaim our four squares. And there are also larger goals for density nodes, like incorporating open space into residential developments and making sure that individual projects contribute to open space network as a whole. There are also more specific guidelines detailing the use of public plazas and ways to enliven them and make them more functional. Signage and wayfinding and maintenance and the incorporation of civic art, food service and more intimate and complex environments are also highlighted. Finally, the building guidelines, many of which have been codified in the commercial design standards, are aimed at enhancing the pedestrian experience through the use and orientation of entrances and by bringing buildings closer to the street. Including local character and design, which includes designing for our climate and for the elements in Austin, creating quality construction and sustainable construction and building buildings with a human scale and with a level of detail at the lower floors. A new guideline that we've added addresses controlling off site parking, which encourages locating parking below buildings or if they are going to be located above, making -- putting them behind inhabited sections of the building. The design commission recognizes that the cost of these building design features are extensive, but we want to stress the value, which this is a value document, of removing cars from the environment. And we hope that a guideline like this can be used as an incentive for more humane development. Now, next steps for this document, we would -- we view them as guiding principles for successful urban development, free from the prescriptions of code. They're what we intend to create in our community, and this document of intent and vision isn't as mired in technical data and requirements. And we feel like these principles can serve multiple purposes within our current city and climate. Most importantly, we hope that the urban design guidelines will be integrated into the comprehensive planning effort and the downtown planning effort and serve as a vision and goals for our future urban development. Additionally they can serve as documents of intent for the commercial design standards, station areas and anywhere where we want to have positive density and urban design. The principles can also be used as requirements for density bonuses, similar to the way the downtown design guidelines were used as part of the smart growth matrix. So perhaps some of these principles can be used to allow for density bonuses. In conclusion, the design commission hopes that the next steps are adoption of the urban design guidelines, some staff support to finish formatting them, and adding images so that they can be adopted as a policy document. And then incorporating them into the comprehensive plan and using them to inform wherever it may occur. Thank you.

Mayor Wynn: Thank you. Questions for Richard, Council. Is it object what our next items would be?

This is a briefing, but what I would hope the next Texas Action item would be would be to allow some staff time -- and maybe staff can speak better as to how much time, to incorporate the images into the document. Right now the draft that we have is just a text, and so the images haven't been incorporated in. So formatting this in the form of a city document so that it can be approved as a policy document.

Mayor Wynn: Okay. So thoughts from staff perhaps on those series of steps?

Thank you, Mayor and Councilmembers. George Adams with neighborhood planning and zoning department. We'd be glad to work with the design commission on incorporating images into the document and formatting in a way to create kind of a final draft. Given all the other items that we're

working on currently, I think we would probably like to take somewhere in the neighborhood four to six weeks to get something back to council if that would be acceptable.

It certainly is by me. I don't want to create a burden, but at the same time I want to take advantage of the momentum that the commission has created. Further thoughts, comments?

Mayor Wynn: Thank you all very much. George, in the interim, is this on our website advance? I think I saw it on channel 6 right now and I think it will be replayed a time or two, but I wonder if there would be the draft recommendations available for the public.

We can get this up on the website. Thank you all.

Mayor Wynn: Thank you. So council, I believe that concludes our discussion items for the morning. It's a few minutes before noon. We technically can't take up our general citizen communication until noon. Frankly it's not words us going into closed session for just a few minutes, so without oxidation, I'll now recess this -- so without oxidation, I will recess this until our noon citizen communication. We are now in recess.

Mayor Wynn: There being a quorum present, at this time I'll call back to order this meeting of the Austin city council. We've been in recess for the last five or eight minutes, allowing us to get to our noon requirement for time certain citizen communication. We have a full lineup of 10 citizens who would like to give us testimony. Our first speaker is patty sprinkle. Welcome, patty. You will have three minutes and be followed by fat valls-trelles.

Hi, everyone. I'd like to welcome laura and randi to the council and I'm hopeful that with some new blood to the council that perhaps some of the neighborhood issues can be resolved a little bit. I'm here today because i really would love to see the values of austin shift in a different direction. I have been involved now for about five years in community work, and I keep seeing the same trend over and over, which is that a community we seem to be treating our citizens as a commodity. Our land as a commodity to be basically bid off to the highest developer. I just really like -- I'd just really like to emphasize that every transaction, human or otherwise, does not have to be about money. In my own neighborhood we're faced with a lot of development issues. Our neighborhood plan is on hold, yet it hasn't stopped many developers coming in and looking at draft neighborhood plans. And basically wish to go put density right in the center of our urban -- into our neighborhood. I feel like at this time the commissions that we have available for citizens to come in and give their opinion, such as the planning commission, are not really serving us very well. As a neighborhood association president, it's obvious that we're not informed in time of many decisions that affect our neighborhood until the very last minute where we're forced to come in on short notice and defend sometimes an egregj yows use of our citizens land. I would to ethe ombudsman position get funded. We really have a need to have a little more impact in this process. In my neighborhood a few weeks ago we had a citizen call me who tried to have a case postponed here before the planning commission, was denied that, although the applicant was allowed to send out notices before they had even filed the formal application. Over and over we see instances of the developer is just given everything they need and the citizens again are just left waiting



at the last minute to try and get hurt. We were denied a hearing and it was the last place that the subdivision would have a public hearing. So we didn't get a voice arrest a say. I would just also like to ask that if you could please ask your appointees that you appoint to these boards to let them know that they work here for the citizens of austin. They're not just working for the developer. They need to treat us all with courtesy and respect. And that we all deserved to be heard. And if they really feel that they can't do that anymore, then perhaps it's time to step down and let somebody else take on that role. And that's really all I have to say. Thank you. [ Buzzer sounds ]

Mayor Wynn: Thank you, patty. And pat I saw earlier. Welcome back, pat. Tiew will have three minute and be followed by anthony walker.

Thank you, mayor and mayor pro tem and councilmembers. Today's chronicle has an article comparing reno's success in reducing the killing of animals at their animal shelter to austin's not so successful effort in that area, one that I'm about to propose today. The proposed budget just released by the city manager zeros out the pet registration fees, which we have had in place for quite some time. Recently the fees were changed to be \$5 for a lifetime registration for an altered animal and \$20 a year for unaltered animals, thereby giving a financial incentive to people to spay and neuter their animals. By abolishing the pet registration program, one you remove what I think is a good financial incentive for spay/neuter. And two, you diminish capacity for returning animals to their owners. I would like this a correction in the budget before you take it up, but if you need to vote in september, I would hope you would vote against abolishing these fees. I think we need a public discussion at our september and october animal advisory commission meetings. The reason I'm requesting september and october is because in august the animal advisory commission will meet at noon when it's hard to have a public discussion. But in september at the evening meeting there can be a public hearing and a discussion. And in october hopefully the animal advisory commission can vote. my request to you is to not approve the zeroing out of the pet registration fees. As I said before, the chronicle article today talks about reno. Let me talk a little bit about reno's success in returning animals to owners. In 2007 reno returned 38% of their animals to their owners that were picked up by animal control. That's pretty high in terms of any shelter in the country. Our success for doing the same thing was we returned three percent of cats and 21 percent of dogs. So we're much lower than reno, yet we have not had a single public discussion and we're not anywhere near that. These statistics are on org and I hope you look at what the statistics are there. We need to reduce intake, increase adoptions, increase rescue and increase return to owners. The pet registration program only relates to return to owners, but I hope you will vote for an open process. Thank you for the opportunity to speak.

Mayor Wynn: Thank you, pat. The next speaker is anthony walker. I saw mr. walker. Welcome back be. You will have three minutes, to be followed by paul robbins.

Before I start I'll open up by saying greetings and peace be unto you. To the mayor, councilmember, everyone who made this a point of making it out here this evening, I want to wish them and their family the best of health and the greatest of spirit. As a community and a civil rights activist, my heart feels the pain and suffrage of some people in certain communities in this city. If there's one council scown that truly believe in their mind and opinion that they will stand for every race and every community in this city, that

city council is worse than a three-dollar bill, which you clearly stem straight as a whole. You don't want for every race in this city. Some of you consider yourself good Christians, go to church every Sunday. You need to read the scripture. God say how can you say you want to me when you never seen my face? And you see your brothers and sisters everyday in flesh and blood and you treat them like you just don't care about them. You are our leaders and elected officials, which make you the government of the people, for the people and by the people, which means you have the duty and responsibility to respond to whatever critical need that is affecting the people. It doesn't matter what race, it doesn't matter what community they're in. What y'all have chose in this city is you have divided this city. There are a lot of issues that need to be address understand this city, but the city council have demonstrated that they just don't have the test or fortitude or the will to stand for every race in this city. I've been a lot of places in my lifetime out of all the places I've been when it comes to city public transportation, Austin, Texas is one of the most racist, segregated of them all. Let me give you an example. Pflugerville, for example. Capital metro serves there. What do they do, still drive all the way to the city limit, provide service cratering to the same group of people. People who have to walk a mile and a half to the bus stop. You take the man in the wheelchair struggling in the rain and heat trying to get to the bus stop. A 70-year-old lady walking and have to take three and four and five breaks because she can't get to the bus stop. You have people confined to their apartment because they can't walk a mile and a half to the bus stop. But you as our leader supposed to be a voice for those people, but simply one of the biggest issues that I have came up with a conclusion, the reason why a lot of those issues hasn't been addressed out there is because there are poor people's and they are black people. This is real. I didn't come up here to make friends with nobody. At the same time I didn't come to make enemies either. But if we're going to go down this road and make a covenant for change, you can't do it for one race. Have you are to do it for black, white, hispanic, asians, every race in this city. Ly me close on this neat noat. If there's a city council who has an intention of running for mayor in this city and you have not made an impact in every community and race in this city, then how in the hell will you make an impact be as a mayor? To all our politicians, if you do not stand for the truth, you will continue to be in denial. Those kind of politicians like that is on their way to hell. [Bell ringing] and if I've got any power, I will help push them into hell as fast as I can. Peace!

Mayor Wynn: Thank you, Mr. Walker. Paul Robbins next speaker for three minutes. To be followed by David Colbert.

Mayor, council, citizens of Austin. I'm Paul -- could you please wait for the slide? I'm Robbins. I'm Paul Robbins and I'm an environmental activist and consumer advocate. I've been a supporter of renewable energy in Austin since 1977. So the recent proposal for a wood burning plant in East Texas to supply 100 megawatts of power to Austin is of great interest to me. I have mixed feelings. On the one hand, the source is largely renewable and the pollution mitigation has to meet current standards. There may be carbon emissions due to the collection and transport of the wood, but the emissions are probably greatly reduced compared to a fossil plant. But the cost per kilowatt hour for this plant are quite high in comparison to the average price of power today. To be fair, the cost of construction materials due to exaggerated worldwide demand is almost unbelievable. And construction of any new power plant will be more expensive than it was just a few years ago. However, the situation has not been explained to the public, with the result that many rate payers will be upset or outraged when they start to pay for the plant.

three years from now. Oddly enough, many rate pairs will be blaming people like me for the increase because they did not understand the context. And I promise council that they will receive their proportionate share of the blame that is not relegated to environmentalists. So my strong advice is that a better job needs to be done of explaining this because right now the public does not know what's going on. Another point I want to raise is that not every renewable energy option has been fairly reviewed. I know a way that renewable energy can be stored economically with the same dispatch capabilities as the wood burning plant. It is called compressed air energy storage. Could I have the slide? It uses geologic formations such as salt domes, saline aquifers and oil wells to store high pressure air, which you can see the plant pumps it down. Then it releases this air with the assistance of a heat booster when the energy is needed. This levels out the gaps in fluctuating renewable energy sources such as wind power, which are less costly than bio mass. It does require a supplemental fuel, it natural gas or bio mass -- [ buzzer sounds ] , but overall this is only a supplement and about 86% of the overall power is from renewable energy. Our utility has looked at this, but only in a very limited economic context. Meanwhile, a consortium of municipal utilities in iowa is moving enthusiastically and aggressively to build such a plant to store wind and off peak conventional power. Has austin, the newable energy capital of the world, been out classed by iowa? Thank you.

Mayor Wynn: Thank you, mr. robbins. Our next speaker is david colbert. Welcome. You too will have three minutes to be followed janet jones.

Ladies and gentlemen of the city council, god bless you. I don't always agree with you, but it's hard running a city where there's a lot of whiners. Now, I've been in this town for about 12 years, and for eight years I've heard people yammer, I've heard people on the city council say what they want to do about affordable housing in this town. And every time that somebody gets elected, the rent goes up. And basically the affordable housing that we got is being bulldozed. Things that are affordable are being thrown away, and you're making this place affordable so that people can escape the astronomical rent in california to come here and pay a little bit less than what they're paying in california. And that is not affordable housing. One of my ideas was for the city to take the initiative to buy and build apartments -- not projects. Apartments. And privatize them and give them names, you know, like really nice, you know, names and make people feel like they're human beings and charge them \$400 rent. I really think that -- as a country we need to get out of the project mentality and start making people feel like human beings. I believe that people should try to work for a living or try to do something, don't sit around and expect a handout from anybody. But I really think that if this city really value the people that have built this city, you know, the poor people have gone and built this very city council that you sit in, this building that you are in, day laborers, people have helped to build everything that everybody lives in here. And I just ask that you would have mercy and try to do something with the people here who have helped to build this place and have helped to make this place a crazy city and a place that you know is one of the best places to live in america. I think I've said enough toad about that part, but i did want to talk about the ordinances that you have on the homeless. Every two or three or four years you guys come up with an ordinance to make homeless people feel uncomfortable. And I understand there's a lot of homeless people and i understand there's a lot of them that are undesirable be and unliked. And really they're not quite wanted here, do you know what I mean? Their behavior is not wanted. But what I am

recommending -- can I finish up? [ Buzzer sounds ]

Mayor Wynn: Yes, you may if you can conclude briefly.

I'm recommending here is that we take all of these ordinances, the sitting down, the panhandling, all of that, and lump it tog as disorderly behavior. Take be all this stuff away and basically say if you are doing certain things that really classify you being a nuisance and a danger to society or what have you, to just basically lump it down to one thing. We're overcrowding the jails with penny ante stuff that really is a waste of money if you're talking about the budget. To take some 70-year-old man to jail for sitting down on the sidewalk, you know, or to do something to somebody who is weak and is sitting on the sidewalk and getting \$500 from social security and isn't able to pay the thousand dollar rents here that are starting to be average around here, I just ask for your mercy. And one other thing --

Mayor Wynn: Please conclude be, mr. better. Your time has expired.

I just want to tell you and I mean this in a good way. You are the craziest mayor that austin has ever had. I don't think I've ever heard of a mayor jumping off a bridge. [ Laughter ] I hope you can accept this award here. This is a cd, this is my cd. It's blue zydeco jazz mixed together.

Mayor Wynn: I'm sure i will enjoy it. Thank you. Our next speaker is janet jones. Councilmember martinez.

Martinez: I'm going to have to step out, but I want the remaining folks that are speaking to know that my staff is watching and will make note of your comments. We have a young boy who is in town with a make a wish foundation --

to be a firefighter.

Martinez: His final wish was to be an austin firefighter. So I'm going to go back and do the little presentation with him. But my staff is paying attention.

Mayor Wynn: Thank you, and for playing that role, councilmember. Janet, welcome. You will have three minutes, to be followed by danette chimenti.

Thank you very much. My name is janet jones and a concerned citizen, especially whenever I heard of the policy that our new police chief was going to try to force by the end of this year to forcibly take blood from individuals who refuse a breathalyzer test. I have several things that -- I have a problem with this because first i would like to ask you several questions. What is the intent of this law? Is the intent of this law to prevent harm from somebody or from an accident, save lives? Because if that is the intent of this law, it is absolutely going to fail. We have extremely stringent laws for individuals who are caught under the influence of alcohol while they are driving. And I would ask you have you ever spent a night in jail? Has any one of you ever spent a night in jail? I once in my life, not for intoxication, tbow a speeding violation that i didn't know about. But you know, it was hell. 13 Hours in jail. And the current laws that we

have set up, if you are caught and there's even a reasonable suspicion that you are intoxicated, you will go to jail, especially if you refuse a breathalyzer test, you will spend the evening in jail and your license will be revoked. Now, this is sufficient to preventing any accident, to preventing anybody from being harmed from the imminent fear of somebody causing an accident while they are intoxicated. Our founding fathers did not intend for laws to be preemptive in that. We have the right to be in our persons, to be secure against unreasonable search and seizure. And if no one has been harmed, if there has been no crime committed, then there is no reason for that unreasonable search and seizure. That is your blood. The second question that I would like to ask is what is going to happen with that blood? Once it is taken? Is it going to go into a database? Is the person going to be branded as this or are we going to be taking DNA from people? And that is a major question that I have. And I would like for you to ask the police chief about that. We also have the other amazing thing that we have with our country is that we have the Fifth Amendment, the right not to self-incriminate, not to incriminate ourselves. We have the right to refuse. And with every passing day, we feel from the federal government an encroachment upon those rights and those liberties. Again, you know, whenever there has been no crime committed, whenever nobody has been harmed, then absolutely you have the right to refuse. , You cannot take my blood. The next question I have is once this thing is in place -- [ buzzer sounds ] I'm a city employee and I know once you are trained in something, you will be expected to follow through with that in many different capacities. Will the police officers who will be performing these, will they be giving vaccinations later? Forced vaccinations for people? This is a very dangerous road that we're working upon, and we really need to seriously consider it. I would ask you to vote this bill down immediately before it can even get implemented. And if that is not possible, I ask each and every one of you, I would love to meet with you individually and we would like to set up a public hearing for this event to make sure that -- so that all the public input can be set forth. Thank you.

Mayor Wynn: Thank you, Ms. Jones. I'll just say briefly, I haven't seen a specific proposal from our police chief, but a number of Texas cities, perhaps as many as a dozen, just in the DW area, have been doing this. My understanding of what occurs in Texas, no police officers draw blood. So you're pulled over for suspicion of drunken driving. The police officer then ultimately has to go to a judge and through the formal process a judge can say 'yes or no' for a subpoena to have that blood drawn. And then some medical personnel does that. Why cities at least in nor Texas are implementing it is because then with the blood results you have 100% conviction rate. And because you have 100% conviction rate, what happens is you don't have trials. Everybody pleads. And so when everybody pleads, then all the thousands and thousands of hours of police officer's time aren't sitting in a courtroom. They're back out on the street. People are driving drunk and they're not getting convicted for different reasons, because we do have a -- some strenuous bars to then -- parameters to be met. And so my -- Austin has not implemented that. I haven't seen a specific proposal, but I know that -- my understanding is the reason why many, many cities have gone to that, often times they'll do it just on labor weekends or Memorial Day weekend when they know that a lot of people going to be driving and tragically a lot of people will be making the mistake of driving drunk. And then the resulting positive affect on the rest of the overall policing and public safety dynamics of a community, and that is having officers back on the street and not having to spend countless hours ultimately millions of dollars of overtime pay to sit in a courtroom waiting for procedures instead of being back out on the street. So that's my understanding of

the conceptual idea why cities are doing it. And if austin were to have that specific -- very specific proposal, my strong suspicion is we will have a very healthy dialogue and debate before implementation. Thank you, ms. jones. Danette, you will also have three minutes to be followed by karen mcgraw.

Thank you, mayor, mayor pro tem, councilmember. My name is danette and I'm president of the austin neighborhoods council. Karen mcgraw and I have a coordinated presentation and will speak to six specific requests that are in the document that you have before you. But first I want to recognize leaders from across the city who respectfully ask for your attention to this matter. Would you all please stand to acknowledge your support for this effort? We all have come here today to urge you to establish and support a fully operational preservation program for austin by asking the city manager to implement the adopted 81 historic preservation plans. While the current historic preservation program was established in 1974, the goals of the 81 plan have not been implemented. Preservation was also mandated in the 1979 austin tomorrow comprehensive plan, and should be given priority treatment in the comprehensive plan update. Austin's historic preservation system in general needs attention. Perhaps austin should undergo peer review by other cities that have dealt with preservation while experiencing growth at the same time. Consider that historic preservation is essential to and consistent with austin's sustainability and green building goals. Without preservation, a green building program ignores its greatest resource, existing buildings and cultural resources. The greenest building is actually the one that doesn't go in the landfill. So if austin is to have the best green building program, it must have an excellent preservation program. A fully operational preservation program can also provide clear policies and alleviate some of the controversial cases that currently must be resolved at city council. The highest priority for establishing a fully operational preservation program is an updated, comprehensive inventory. The 1984 survey of cultural resources. This database is the foundation for appropriate cultural resource management and is grossly outdated. It is based on city limits in 1935. So only buildings at least 74 years old recognized. And minority area are totally excluded from the survey. Private survey efforts should be included in the database and the database should be integrated into the city's gis system for use by citizens as well as all city departments. Funds could be dedicated annually for years to accomplish this in phases. The current budget has only 2 treive \$37,000 -- \$237,000 allocated for historic preservation and zoning out 8 million for planning and zoning in general. To ensure a successful preservation program, we ask that you augment our currently understaffed program and create a department with trained, experienced preservation professionals who can carry out all aspects of the program. This includes both historic and archaeological staff in add adequate numbers and present all cases, including demolition requests, and to initiate an accomplished program tifs and provide annual reporting. Thank you.

Mayor Wynn: Thank you.

Mayor pro tem and councilmembers, I'm karen mcgraw and I'm going to continue with the presentation. Integrate this program with other departments, austin redevelopment authority, the green building program, neighborhood planning, all permitting procedures, and public works. No department should be at odds with preservation, but should rather work cohesively towards common geelz. The new amanda system should include historic preservation case information. Currently it does not. Implement

procedures in the adopted historic landmark report regarding demolition policies and procedures. This include the adequate review of any designated or potentially historic building over 50 years old prior to releasing the demolition permit. Based on our experience, the current process limits reviews to buildings that are at least 74 years old and have readily steabl accessible historic documentation. Subsequently almost all buildings are released for demolition. Demolition should be delayed to reduce the potential loss of contributing buildings. Finally, remodeling permits are regularly used to demolish existing historic buildings. The city is not pursuing these illegal actions because of errors they've made in rosing and are -- in processing and are understaffing. Staffing need to be increased. Make procedural policies clear and workable so that buildings are not lost due to procedure alone. Staff should have support from the law department to prevent such errors. Adequate research should be achieved before a recommendation relative to a demolition request may occur. Preservation staff should be advocates for historic preservation. [ Applause ] staff should present the historic landmark commission recommendations to the land use commission and to the city council. Staff historic landmark preservation should have training. It should be regularly updated. We appreciate your attention and we request that you ask city management to review these concerns and report back to you with actions that need to be taken to ensure a fully functional preservation program for austin. We request with that you identify adequate funding for a functional historic preservation program in this budget cycle. Please note we have at least 77 names which were obtained in the last 24 hours that are signed to this letter. Many more were coming in as we left to come down here today. I will draw your attention to the appendix in the document we have.

Mayor Wynn: Thank you, ms. mcgraw. Councilmember morrison.

Morrison: Thank you. First I want to thank all of you for coming out today and bringing this focus on to historic preservation. I think there's -- I think everyone knows we could do a whole lot better in this city and be more proactive in historic preservation. So I thank you all for putting the focus on this. It looks like the preservation plan that you're preferencing, the plan from 1979, has pieces about historic preservation. We had a long drawn out taskforce a couple of years ago that had recommendations. And unfortunate thank all of those end up shutting on the shelves at times. So I would like to ask the city manager if we could get some nomples some staff -- some information to some staff specifically on what actions we could take from all three of those, the taskforce recommendations, as well as the two plans that we're talking about. And then secondly we all know that the budget is extremely constrained. We're looking at cuts here in some pretty important places so I think that now more than ever it's important to look at the alternate funding sources, which karen has provided to us as a start to look at. We know that the hotel bed tax for one specifically is called out as being able to be used for historic preservation, but there are several others that I don't think that we're taking advantage of. So I would appreciate it if we could get that information. I think there's a lot of interest in being able to get some initiatives to move forward.

Mayor Wynn: Mayor pro tem.

McCracken: And I know, karen, you had a map and i wanted you to explain what was on the map for us.

This is a piece of the 1984 survey of cultural resources, the 24-year-old comprehensive survey that we work off of. About 24 years ago, noticing that they trigger a review prior to demolition, we went down and looked at the. There were notebooks in a closet in the planning department. We made copies, drew on our own streets and creeks so we could see what the status was of these buildings. This is unique because no other neighborhood has this information at hand. So this is -- this is where our information is in some notebooks someplace, but the citizens do not have access to this information except for this one map that you can't have. I'm sorry, it's ours. [ Laughter ]

McCracken: You sound like the city of Austin there. [ Laughter ] I'm going to echo my colleague's comments and the speakers' I don't think there's a day that goes by that we all aren't glad about the public investment and the Schneider building next door as an example. So holding on to our heritage, protecting what's special about our community is a worthwhile public investment and part of growing with values like I think Patty Sprinkle spoke earlier about. One of the ideas perhaps that I heard was the idea of a peer review. We could learn from San Antonio and other great cities like Savannah, Charleston, Fort Worth all have great programs, and I think we have probably a good connection to what happens in Fort Worth here inside of city hall and city managers. We have good policies. Thank you for your efforts.

Mayor Wynn: Thank you. Mr. Guernsey?

Greg Guernsey, director of neighborhood planning and zoning. They were nice enough to give me the presentation notes that she gave you, and we can provide a briefing. Hopefully in the next month or two that can tell you where we are and the taskforce recommendations of what has happened to them since time.

Mayor Wynn: Thank you. Councilmember Leffingwell.

Leffingwell: I would like to also join Councilmember Morrison and her why for some kind of analysis from the city manager and perhaps we need a resolution. If we do, let us know to get this process started. We've talked about this for a long time. We've made some baby steps along the way. We've been working on a demolition by neglect ordinance for over a year and a half now. I understand that we've asked the -- we've asked the Heritage Society for their help and they're about ready to come forward with a draft on this and I anticipate we'll be reintroducing that very shortly. The remodeling issue is one that we've had to deal with too and actually we did pass a resolution several months ago directing a redefinition of what is remodeling and what is not. And frankly I need to find out what the status of that is. I think you're correct. What we need is a comprehensive approach looking at all aspects of this problem. I don't think there's any question that the -- no question in my mind that the city of Austin is well behind our peer cities in historic preservation efforts. We need to correct that. And I would like to finally just say a word about the comment that the greenest building is one that doesn't go into the landfill. I support that. And actually, I have a pin that says that on it, which I was given that pin by some members of this group out here. Maybe you would like to pass more of those out. Thank you. [ Applause ]



Mayor Wynn: Councilmember cole.

Cole: I'd also like to say that I agree with all my colleagues' efforts, but I especially wanted to applaud the historical society along with many of you I have been informed and are following very closely your preservation efforts in east austin. It is badly needed and I am aware that you are aware of that fact and I appreciate your efforts.

Mayor Wynn: Thank you, councilmember. [ Applause ] so our next speaker then is judith grimes. Judy itdz signed up wish to go address us specifically regarding the east oak hill neighborhood plan. Judith grimes. And we'll hold her spot for a few minutes. To be followed by gavino fernandez that I saw earlier. Welcome, mr. fernandez. Tiew will have three minute. You too will have three minutes.

Good afternoon, council. My name is gavino fernandez and I am with el concilio, the coalition of mexican-american snriefntledz issue that we have been dealing with since may of this year. Because of the increase of construction in the inner city, we have been experiencing 18-wheelers travelling up and down cesar chavez street, and we'd like to see basically be educated on what the meaning of no through truck signs means. I have been given one interpretation. And I am very well aware if a truck of that magnitude or that size is going to deliver within that parameter that they're allowed. So I understand that. What I cannot understand is why 18-wheelers that are carrying dirt are being allowed to travel that street. And before I come here the majority of the times I've gone through the whole process, attended a commanders meeting, I attended -- I received numerous phone call from that organization. But one of the things that we had requested was two motorcycle police officers any given morning to monitor these trucks that are coming down east cesar chavez. As of to date we have not been able to accomplish that. It seems to me like that task of bringing and taking dirt has already expired because within the last week we do not -- I have not seen that many trucks travelling up and down cesar chavez street. But I would like for someone to educate us as to type of enforcement that this sign calls for, if any. If not, it's very misleading. If they're not going to be enforced, take them down because they are misleading. We have a lot of children that travel, that walk from the north of cesar chavez to terrazas library, to the metz swimming pool. We have two housing projects on the nors of cesar chavez. So you always have children coming back be and forth. And a lot of them are children ages six to 15 or 14 years old where where they go to these places and are coming back be and forth. The other issue that I also want to bring the attention to is the contact team. How difficult can that be of a challenge. 2006 To 2008 and we can't get a contact team? Good luck to this group if greg is going to get back with them in two months. I'm here two years and we still haven't been able to address the issue of a contact team. Recently we have a bar that is going to open on cesar chavez and chapa street, and I was under the impression when we passed the neighborhood plan that all those properties -- the c-1 was deleted. And it was all nothing but cs. [ Buzzer sounds ] so because of us not having a contact team, now we have a new tavern that's gone through the process and it's between two single-family homes on cesar chavez. So I'll just leave it at that and hopefully someone will come across and guide us from city staff. Because if you're not going to recognize our contact team, we need to get information anyway, some way, some how. Thank you very much.

Mayor Wynn: Thank you, fernandez. I trust somebody with staff has heard those comments and we can

figure out how to get that information to you. Let's see, earlier I called judith grimes? Did she come back in the room? So if not, council, that concludes our general citizen communication for this afternoon. We don't have any potential action items before us until well into the afternoon. The mid part of the afternoon we have simply posted for an afternoon budget briefing and sometime 00 an ahfc board of directors meeting. So without objection, we will now go into closed 071 of the open meetings act to discuss potentially two legal items, item 61, legal issues related to our neighbor labor negotiations with our public safety departments, and item 62, legal issues regarding the proposed minority and women owned business enterprise ordinance changes. We may also take up pursuant 086 of the open meetings act, an austin energy issue, posted item number 60 concerning austin energy's fuel and generation resource plans. I've been told earlier that that posting is also broad enough to us to talk about the very specific items related to item number 3 on our agenda, that being the bio mass purchase power agreement that we have postponed action on until the 21st of august, that we may take up those detailed suggestions in closed session pursuant to this posting. So we are now in closed session. I anticipate us being in closed session until sometime approaching , whereby we'll take up budget presentations, the ahfc meeting, which should take us right into our zoning cases. But before we do recess, i see chief holt who might want to say a few woshedz. Words.

Be [inaudible - no mic].

Mayor Wynn: Thank you, chief. Without objection, we are in closed session. Thank you very much.

Mayor Wynn: We are out of closed session. In executive session we took up three items, two legal issues, item 61 and 62. One related to our labor negotiations with our public safety departments. The other our mwbo procurement ordinance. No decisions were made. We also took up vis-a-vis competitive matters, austin energy's fuel and resources plan, item number 60. Again, no decisions made. That ends our executive session agenda for the day. That takes us to our afternoon business a little bit behind schedule, but i think we can catch up quickly. The first afternoon set of business is a briefing. These are the presentations of our manager's proposed fiscal year '08-'09 budget, and we have lumped together our -- some of the funds. And with that I'd welcome leslie broader, our chief financial officer, to start us off.

Thank you, mayor. Mayor and council, this is the first in a series of presentations during august on our proposed budget looking at the various departments that we will be talking to you about. Today our focus is on the enterprise funds. We have robert good, our assistant city manager here torks review the budgets, the proposed budgets for solid waste services and aviation, followed by rudy garza, who will be presenting the proposed budgets for the austin water utility, the austin convention center and then followed by the austin convention and visitors bureau. The presentations will continue in august. We have presentations planned on the 21st and the 28th as well, and then public hearings of course to follow those presentations in the evening. And then as always, just wanted to note we invite the public to visit our website, [www.ci.austin.tx.us](http://www.ci.austin.tx.us). Go to the budget web page, and you will be able to view the documents, the presentations, various questions that council has asked and the public may also submit questions there as well. So with that I will turn it over to robert goode.

Mayor Wynn: Thank you, leslie. Welcome mr. goode.

Thank you. I'm doing two departments today. I'm going to do solid waste services department and also do the aviation department. And knowing that y'all like my presentations so much, i have an encore presentation set already for the 21st with the public works department. And with that we'll talk about some of the street maintenance alternatives that we have prepared to you. To begin I'd like to talk about the solid waste services department, and some overarching things that are facing this department in the future and really operational chal floangz this year as well. Solid waste as you know collects refuse, recyclables of our community, the yard waste as well as brush and bulky. They also do street cleaning and as well we also have the code enforcement element within solid waste services department. This department's goals have changed dramatically in the last few years. They really have changed the paradigm that they're operating under and really what we're focused on throughout the entire department and every program is this vision, the zero waste vision. And all the -- this is a critical unifying mission of every program within solid waste services. Many of the programs are making good progress on that vision, but some still need some work to identify their role and their clear part of that vision. I'll talk about that a little bit rairt in the presentation -- a little bit rairt in the presentation. First lied like to move on to some of the operational challenges that the solid waste department has been facing the last few years. This slide reflects the growth they've seen since 1997. That's when the pay as you throw program, the refuse clerks was implemented, and that's the last time there was a fee increase was in 1997. As you can see, the population, the customer base that we're searching as increased dramatically. We have 167,074 customers. This year we expect to have about 174,000 residential customers in '09. That's about a% increase in the customer base since 1997 when the program was implemented. The red line in this graph , the employee count during that same period. It's a little bit misleading because it also has the code enforcement personnel in there as well. If you take be the code enforcement personnel out, there's been about a 10% increase in that same time period since 1997 and the count for that same -- again during that same period. So the customer growth has grown dramatically more than the f.t.e. routes -- f.t.e. Count. In this year's budget, with a customer growth and as well as a single stream recycling, we'll estimate we have to add 61 routes to our this year to handle our customers. On the code enforcement side, we're seeing a dramatic increase in this area of the department. 33% Increase in one year in property abatement investigations. 82% Increase in the zoning investigations. So a tramatic increase in the demand of our community on ensuring that the code violations are mitigated and rectified as soon as we can. This part of the department is also seeing a challenge to move toward more of a preventive education based compliance model versus the enforcement model. And we'll be planning in the next few years to try to make sure that we're making that shift. It's much more cost effective to prevent the code violation than to enforce it in the end. We'll be working on that in the next few year. We also are working on a need on the complaint resolution process. It's simply take too long to rectify violations through the court process and through the internal processes of the department. And we'll be looking at doing that this year. As well as we're looking to do development of benchmarks to make sure that we have the best practices and we are implementing those in the code enforcement side. Fuel costs and personnel costs are really the drivers that drive the budgets of both these areas of the department. Solid waste services has been dramatically affected by fuel costs. This chart will reflect that. Current estimate for this year is in the year spend 9 million on fuel

costs. We're proposing -- we're projecting to spend almost 9 million next year on fuel costs and solid waste services, a two-million-dollar increase. That's actually two and a half million dollars over what we have budgeted under this year's budget for our fuel costs. Moving on to the other major expenditure in this department, I mentioned fuel. Included with the fuel, the vehicle maintenance cost as we continue to maintain a growing fleet. You add that to the fuel and 3 increase in fuel and maintenance combined. 6-million-dollar increase for debt service for vehicle replacements, equipment and then as you recall we purchased a single stream carts. We have 600,000-dollar increase as we continue to move our street towards a green fleet. And that alternative fuel. We have a 450,000-dollar increase in service contracts. Those are the contracts for when we mow the vacant lots and wharfs we take down unsafe structures, demolition of dangerous structures. We have about \$250,000 in increased land disposal costs this year. As I mentioned earlier, it's a labor intensive department. We project to add 17 new positions to handle this customer growth. Historically the solid waste department has been able to not have the rate increases since 1997, as I mentioned earlier, because they have relied on their cash reserves. And since 1997 when that rate increase was implemented, the pay as you throw program, you can see by this graph that in 1997, '98, '99 the cash reserves began to continue to increase. The red line shown on this graph is the policy -- the reserve requirement that we keep 30 days of -- we should end the year on an ending balance with 30 days' worth of operation expenses and debt service. 3 percent of our budget should be held as cash reserve at the end of the year. To try to minimize the rate impact, we're actually proposing that we still remain at 5-point # 8% for this upcoming year. That's a one-year only proposal and we'll suggest some different things on a go forward basis, but again that was to minimize the rate impact. This really outlines some of the high level budget facts of the department. As I mentioned earlier, the -- we started this year with with nine million dollars as a beginning balance. And as you can see, we're ending this year with a \$3.3 million ending balance. And that again means we're spending our cash to balance this's expenditures. We started this year with a 51-million-dollar revenue projection, and we estimate we believe we'll end up with that estimate. For fy '09 we propose a 66-million-dollar revenue, 66 million dollars' worth of expenditures. And again we'll end the year 4-million-dollar ending balance. We should be at about a four and a half-million-dollar, 9-million-dollar balance to reserve the requirement. But we are proposing that adjustment in the policy for this year. We will end the year with - - we propose to have 463 's in the department with a 17 additional f.t.e.'s. There are no new appropriations for the proposed capital budget for this year, and I'll talk about that a little bit later as we are recommending that we do a master plan through this fiscal year to determine what those capital programs should really look like. This is an expenditure, just a breakout of where the money is going in this \$66 million. The pay as you throw program is 37% of the budget. The code enforcement is 10%. Litter abatement accounts for almost 15% of the budget. Transfers and other requirements is about 19.8%. That includes the worker's compensation, that includes our debt service payments and so that's where those funds are accounted for in there. Also the insurance and the city's administrative support fee is included in that part of the pie. On the revenue side you see that we earn about -- almost 30% on the anti-litter fee, but the majority of the revenue comes from the pay as you throw program. 62% Of this department's revenue comes from that pay as you throw program. I mentioned earlier about the proposed rate increase. Here are the numbers. The base charge this year is at \$7. We are proposing it go up \$1.75 a to 8.75. You have a choice in the pay as you throw program on the different carts that you can get in your household. 30, 60 Or 90. We propose to again try to focus our community, our

customers on rene willing to raise -- recycling to raise the 30-gallon cart, the smallest rate increase, so that would be proposed at only 25 cents a month to go the 60-gallon cart would go to two dollars more a month to the 90-gallon cart would have the increase. That would be the one that would go to \$2.75 a month. The litter fee which pays for everything other than the refuse collection, the recyclables and the yard waste collection, that is 40 a month to the five dollar a month range. This is also the first year that we're proposing a rate increase on the extra garbage. That's the one where you can set the bag out at your curb and get it collected outside of your cart. We are trying to focus the community and the customers on right sizing their cart and on reducing again the waste that goes to landfills, so we are recommending an increase, doubling those rates with the sticker to -- doubling the rate to four dollars per bag and without a sticker to eight dollars per bag. Even with the increases, I asked the department to do some benchmarking and find some cities around the same size as we are throughout the country and have similar programs to what Austin has. And this shows you that even though -- these include the rate increase and we're still about in the median, about in the middle compared to our sister cities across the country. You can see that we also -- some of them don't have the options of the 32, 60, 90 options. Some just provide the larger cart. We are again trying to help our community recycle by providing the different carts. In conclusion I'd really like to take us back to the vision that I started off on solid waste as we really are focused, the entire department on zero waste and how do we get there. There's obviously many components of that. Waste reduction is the primary focus. We need to lead by example there. We've already done that with the plastic bottles, with some of the plastic bag programs that we're working on. Producer responsibility programs where we're trying to shift the responsibility of waste reduction to the manufacturers. Some of the waste reduction legislation is an important element for us to continue to support, like house bill 2714, which was passed last session, which requires computer equipment manufacturers to actually select collect old computers for recycling. We'll continue to support those kind of efforts. On the waste diversion side, recycling, composting, the requirement for construction and demolition debris is an important incentive for us to work it toward. And then public-private partnerships as well is something that we need to continue to work on. The recycling efforts were launched already with the single stream program. There are some major questions that we need to have direction from this body on because we do expect that we would get more recyclables with this program. What do we do with those recyclables? Do we have our own materials recovery facility or do we continue to contract that out as we are now. Green districts, should we encourage private and public partnerships. Should we have city property to develop more business incubator -- we project that the capacity in the region will be exhausted by the year 2018 in just 10 short years. And that's an area that we're going to have to focus on and we don't have the answer, but we need to focus on some sort of proposal, some sort of way to solve that in our community. Bottom line is that solid waste really is an evolving business. It's no longer just removing trash. It's focused on zero waste and has many elements within this program that we need help from the community and direction from on. So we're proposing that we develop a master plan this year to try to pull all those programs together and in sync with each other to have that common vision, that common goal. And then look at all those elements, materials recovery facility, the green districts. Get your direction on how you want those to be implemented in this community and we can tell you how much that will cost us as a community. And then we can look forward on a rate plan such that we get out of this cycle, we get some cash reserves and then we spend them down and then we have a substantial fee increase and then we get the cash reserves then again

and spend them. We ought to have some sort of rate where we get out of that cycle where this department is funded adequately and we don't have to have these huge rate increases every four or five years. So that's what we'll be focusing on for the master plan is to pull all those together and to give you that information so you can give us an informed decision on all those elements. With that mayor I can stop or move right into the aviation department.

Mayor Wynn: Let's see if council has any questions regarding -- councilmember martinez.

Martinez: Robert, thanks for the presentation. I'm just going to -- i really am not seeking a detailed answer right now. I just kind of want to throw this out there so we can start thinking about it. As we look at fuel costs and we're projecting five million dollars for next year, it looks like about 100% increase from 2007, i want us to make sure that we're doing everything possible in terms of getting creative with how we go up and down our streets, whether that's scheduling, mapping it out, whether that's looking at new technology where there's an arm on each side of the truck so we only have to drive down the street one time. Right now we're driving down one side of the street and going back the other because we only have one arm to grab so I think we need to dig down into because I think the cost of fuel is going to continue to go up. And if we can reduce doubling back on routes as much as possible, I think we could find some savings. The zero waste coming online is a great thing. I'm glad to see it. But I really hope that we would consider reducing the 30-gallon cart cost when single stream comes on as opposed to increasing it. We want to incentivize folks to recycle. So if you've got a 90-gallon cart, charge them 15 bucks, but if have you a 30-gallon cart and you're recycling as much as possible, maybe should look at keeping that rate flat, if not providing an incentive by reducing that rate. I think that make more sense in term of our values and our goals. And lastly, since we're doubling the rates of bags without a sticker, I was wondering what -- who enforces that and what kind of revenue are we actually talking about. I think it's good we do you believe that cost when folks have bags without stickers, but I was just wondering is it the actual garbage folks that enforce that or somebody goes to the house separately, and are we collecting those fees? What's our collection rate.

We can get that information to you.

Mayor Wynn: Councilmember leffingwell.

Leffingwell: A couple of ago we moved the inspectors to solid waste services. I was wondering what is the budget impact on solid waste and moving that formerly general fund service into solid waste.

The code enforcement side -- let me go back to this. The expenditures in the code 1% of that 66-million-dollar budget. That's where our code enforcement paid for out of that. So code enforcement is really paid for by increasing fees.

We still have a general fund transfer in. It was reduce this had year by half a million dollars, but we still have a general fund transfer in to account for some of those costs in the code enforcement.

Leffingwell: But it's approximately 10% of the cost of solid waste is code enforcement. Second question

is we're talking about fuel costs, and I know that a few months ago we commissioned six garbage trucks to run on compressed natural gas and also commission the refueling station out there at the facility in south austin. I was out there for that commissioning, privileged to be, but a conversation there was state officials there also at the ceremony. A state official mention me that there was substantial money available from the state in the form of grants for trucks like this. Have we made any effort to apply for these grants for state money to have more c an g trucks?

We'll look into that. That's a good alternative for us to find some funning on the fueling station side too. We are finding an operational challenge with only that one station. So when we have the northern routes it's very difficult for us to use those cng trucks on the northern rates. They almost have to go back and fuel up before they complete their route.

Leffingwell: Actually, we have two stations, but the other one is even more inconvenient. It's out at the airport.

Thoort. So that's a -- that's right. So that's a problem and a challenge we're looking at in the future. As we continue to green the fleet and look at these alternative fuels, we need to make it effective on the operation or it won't be cost effective in the long run either.

Leffingwell: I understand that you will need at least one more, possibly more refueling stations. That's something I think needs to be followed up on as pursuing grant money for these vehicle.

Mayor Wynn: Councilmember morrison.

Morrison: One of the things you mentioned in terms of zero waste is that it really is a regional issue. And as you go forward thinking about your plan, i wanted to encourage you to think about how we could work with our comrades in capcog. And I'd be glad to work with you in carrying that forward as a representative to capcog. I know that the county has given some thought to that also, some of the county commissioners. So it might be a good place to start with a broader conversation about solving the problem be overall.

Especially with the landfill capacity issue. It's not just a city issue, it's a regional issue. We need to help the entire community in solving that problem.

Morrison: Great.

Mayor Wynn: Further questions regarding solid waste for mr. goode?

Moving on to the aviation department. The aviation department's role is really quite clear, but it a complex implementation of that role. The airport's job is really to build and operate infrastructure to serve the airline industry. We have to do that in a way that is effective such that the airlines will really want to conduct business in austin. How we plan on doing that, jim smith has done a great job building a great team already in the airport. We con focus on that. We have to have superior I'll talk about some of

the financial industry woes later on in the presentation. Improve the way we do gliefntlez to look at making improvements. And simply put, we need to provide better service, exceptional cost effective service than any other airport in the country, and that's our focus. 2008 Was a record year. 5 million passengers. Six percent growth over '07. May had the largest increase in nonstop service since it opened. We had 53 nonstops at the time. You know that has changed recently. The airlines even in this mact continue to show confidence in austin. We have continued high level of customer satisfaction. We participate in a survey that's done on an annual basis for 110 airports worldwide and we're eighth out of 110 worldwide on the customer satisfaction level. And that's of the things that we continue to hold high as our goal and we continue to work forward in that. So it has been a great year. As you know things are about to change. I'd like to talk a little bit about the operational challenges this year and then I'll talk about some of the industry issues at the end of the presentation. This year here the major expenditure increases in the airport budget, aircraft rescue, fire fighting facility, is going up about \$338,000 in mostly salaries on that line item. The piece and consolidation continues to be an expenditure increase of about 490,000. Utility increases and our focus on energy conservation methods and programs is going to about \$362,000 more this year. Fuel costs are not as dramatic as they are in the solid waste services department obviously, but still a cost. \$300,000 More this year than we project this year than we had in the current year. Parking credit card fees are going up. Asset management, as we continue the irpt is aging. As we continue to focus on trying to maintain the equipment and the infrastructure, the asset management is becoming more and more important and so we have an inventory software program that we'll be implementing that is going to cost about \$450,000. New employees. This has changed. As I said earlier, we're making some changes to react to the industry. We had proposed originally a 26 new employees. We're now actually proposing only four. Talk about that a little bit later as we move forward. And this is just in reaction to things are obviously slowing down in the industry and we want to react to that and be prepared for that. So we'll have a budget amendment to reflect this change in your -- later in the process. Summary budget facts on the revenue side you see that we project to be up in revenue from \$86 million to about million dollars in the proposed budget. The operating requirements, we project that we'll need about \$56 million in this year's budget. \$22 Million in debt service and other requirements are accounted for in this year's budget. And then at this point we expect to transfer 5 million of those revenue into the airport to capital fund. That's how many of our capital improvements are funded through that capital fund. A quick break down of the revenue side. The airline revenue itself brings in about 39%. You can see the non-airline revenue brings in all the remaining of that 93 million. Parking is obviously a huge part of our operation at the airport, 34% of the revenue comes from the parking program at the airport. Expenditure side, 93 million. 26 Percent is focused on just operating the airport. Facilities management, operations, security. About 24 percent is on debt service as we have a capital expansion program that we continue to fund. Support services, 11 percent. And then again the transfer to the capital fund of about 14 and a half million or 16%. The capital budget as i mentioned earlier, we expect to spend about \$44 million this upcoming year. About 20 until of that will come from the f.a.a. grants. Here's a breakdown of those capital projects. We continue to focus on the remain overnight, apron expansion program that was launched this year. Airfield lighting system upgrade. Some rehabilitation projects on the taxiway and the airfield itself. We continue our noise mitigation program. And drainage improvements. And I mentioned earlier again on the arf expenses, we have a vehicle replacement acquisition program to maintain those vehicles. Looking forward, as you're well aware, the



airline industry is in turmoil. Fuel prices, no airline can really make any profit if the fuel prices remain at \$100 a barrel or more. Most airlines put together their business plan for this year based on an 87 million dollar barrel estimate projection. They expect if it stays over \$100 million that the airline industry could lose up to \$10 billion this year. That rivals the 2002 record loss for that industry of \$11 billion. So it's a dramatic effect to the airport and you will see in airlines trying to raise revenue by fare and fee increases, they're trying to reduce their expenses with capacity cuts. You're seeing mergers, bankruptcies. It's an interesting time to say the least in the airline industry. We think we'll fare better than most airports. Oakland is projecting to be down 30. Kansas city 20%. Orlando and Las Vegas down dramatically mainly it due to their reliance on low fare leisure traffic. We expect to be down this year 10 to 12 percent reduction in flights. We with think we're prepared for that. Just as we did in 2002, we'll manage through that with flexibility. No layoffs. As I mentioned earlier, we are not proposing to hire as many new employees as we originally thought in this year's budget. We'll postpone the capacity enhancing capital projects. We did have in the master plan and the terminal expansion program parking garages. We propose to just delay those until we have an idea about the industry is going to react to this economic condition, proceed very cautiously with a maintenance capital. We don't want to fall too far behind on the maintenance side, so we do think we need to maintain the airport infrastructure. So we'll proceed cautiously with projects. And the airlines will objectly continue to scrutinize all our expenditures in order to hold down their rates. We are prepared, but as this slide says, we are really not in control of this. We're reacting to the airline industry. It's going through unprecedented change. Really almost reminiscent of the 2002 downturn. And as they contract, we think we need to be as flexible as we can to react to that situation and we'll be updating you throughout this fiscal year on ideas on how to stay competitive in this very difficult market. And with that, mayor, I'd be happy to answer any questions on the aviation department budget.

Mayor Wynn: Thank you, Mr. Goode. Goode regarding aviation. Obviously a number of questions have been sent through our formal electronic process. Is thank you. Mr. Rudy Garza.

Good afternoon, Mayor and. Today I'll be presenting the proposed budgets for the Austin Water Utility as well as the Austin Convention Center. I'll begin with the Austin Water Utility. Both presentations -- I'll provide you an overview of our revenue issues, rate increases, projected revenues and to say overview -- makeup of our revenues. The same thing for expenditures on an overview basis, major cost drivers and major components of our budget and then a quick recap of the capital and some major challenges and opportunity for the water utility and convention center. The Austin Water Utility as you can see by this administration here, 95% of the revenues are generated from service revenues. 47% from wastewater and about 48% from water revenues. Other revenues are interesting, transfers from capital and so forth. You can see the main revenue source for the utility is the rate revenue. Tied to the rate revenue is our customer growth. As you could expect, as you would expect for Austin, we've seen continued growth in our customer base in the last 15 years, and that window is important as I talk more about our projected rate increases and our history and also our capital. In the last 15 years our customer base has grown by 41%. The proposed rate increases for the Dawson Water Utility are the same as we presented to you earlier in the year in our forecast, and also are very similar to what we presented in last couple of years. And the next following slides, I'm going to talk to you about the rate pressure we have when we talk about our capital and the several years that we went without rate increases. But the proposed budget

includes a combined rate increase of seven percent, 25 to the average homeowner. However, I do want to point out, and this is a very important point, is in addition to the rate increase, we are also proposing an initiative for all of our low income customer and waiving the base minimum charge so in effect for our low income customers that qualify for this program, they will in fact see a net decrease in their water utility bill because of the reduction of 25 minimum charge, which is something we're very proud of. And also it's the same as the Austin Energy program. As you're aware in January -- as you're aware in January Council approved going forward with our cost of service study our current study is almost 10 years old. And it's certainly the most responsible thing to do is go back, look at our expenditure structure, be the rate structure to make sure that we are capturing costs and categorizing those into the right places. So we're in the process of doing that now. We'll come back to the City Council later this year in the fall after we've taken all of the feedback from the very public process that's happening now, and we will complete that in the winter, springtime of next year. Obviously before we finalize anything, we will spend much more time with the City Council. I spoke a little while ago about the rate pressure that we have at the water utility, and I know this graph is a little busy, but the message here to show to you and to the citizens and to our customers is the blue graph, the bar graph represents those years that we had a rate increase. And the line graph represents our capital spending. In the '90's we averaged between 40 and \$50 million [02:54:00] in year per capital spending. Obviously the demands on our system continue to grow. The system continues to expand. Then you will see there beginning in the late '90's we surpassed the 100-dollar. The peak that you see there in \$224 million includes \$100 million that the city spent for our long-term water contract with the LCRA. However, past that we have not gone below \$100 million per year. And in fact, beginning in approximately 2005, we got near the \$200 million per year mark. And as you can see going forward, the current year is \$220 million in capital spending. Next year we propose 264 million-dollar spending. So certainly there are some significant demands on the utility. It's important that we not only grow the system, but that we rehabilitate the system. When I go into the capital program, I'll go into some specifics about what we're doing in the next few years and our capital budget. The overall makeup of our budget, \$414 million, represents 15% of the entire 8 billion budget, but the major components of the Austin Water Utility, about 50% is our debt service, again to support the bonds that we for all that capital spending and also the cash transfers to our program. The other major components are treatment of our water and wastewater treatment plants, our distribution collection system at nine percent, and the conservation two percent and our planning program and our system growth is also three percent. Before I go on I failed to mention at the beginning of my presentation, I want to take a sec here to brag about our utility work that our Council has done by [02:56:02] providing the leadership. Just to repeat what our director informed you earlier this year, the City of Austin Water has been ranked as the second highest quality water in the country for large cities. Certainly something that is reflective of the investments we've made in our system. And most recently you may have the press release where we received the highest award possible for a wastewater treatment plant, the platinum award, from the National Association of Clean Water Agencies. So again, just representative of the investments that we've made and the professionalism of our staff at the water utility. Drilling down a little deeper into again the major components. Again, treatment, water treatment plants, wastewater treatment plants, 62 million. Our distribution and collection systems, 37 million. And very quickly our system growth and planning, when you see our service extension request before you, you see basically the final product. There's a lot of work that goes before that in work being with the development

community, the neighborhoods, even with is legislation that comes forward. Our conservation program, one of the best in the country. And object obviously improved because of the recent actions with the water conservation taskforce. Our operating budget for that is 10.6 million. The major cost drivers, very similar to assistant city manag goode's estimates, fuel. Fuel is a major cost driver which impacts our chemical costs. But a little different for us, because of the cost of fuel, which is the big impact on the cost of electricity, not only is the base cost going up for us, but because the increased growth and the demand in our system continues to grow, there's more treatment, more distribution and so our electrical costs continue to increase. [02:58:00] Our cost drivers, as i stated, is just the customer base, the infrastructure, rehabilitation programs. And you'll see when I talk about our course cip and in fact this past week -- timing certainly -- certainly it was not done intentional, but i communicated to you earlier a major failure in the mlk area and that kind of work to put pressure on our department. In addition to those major cost drivers, we also are seeing a need for additional employees of 21 additional employees that will help with the water resource management. Many of those for the new conservation program. The planning and growth program. And also our director is taking on a brand new initiative to look at our utility, to just confirm and make the changes we need to to be the most efficient water utility in the country. Our cip spending for the next five years is estimated at just under one and a half billion dollars. And I want to put that in perspective for you because over the last 10 years, previous 10 years we spent just over \$1.5 billion. Now because of the demands on our system, because of the aging infrastructure, we have narrowed that down within the next be five years we plan to spend about the same amount that we spent over the previous 10 years. Obviously a big part of that is our treatment plant 4. The five-year window includes \$353 million to complete treatment plant 4. \$42 Million for our reclaimed water system, which will include the completion of the 51st street reservoir and also connect the university of texas. Very important program, something that the utility and the city obviously is very proud of. And then continued growth in our desired development zone. Southeast we have a major initiative in southeast austin. Southeast i-35 that we're going forward with, south onion creek area. This cip includes million dollars for that. And if you recall during last year's discussion, especially at the legislature, there was a lot of talk about the growth and development there, and we're moving forward with a major program there. We'll complete in this proposed budget the austin clean water program, a 470-million-dollar program initiated due to an administrative order by the e.p.a. The deadline for that is june of 2009. We will clearly meet that deadline and our system and our community is much better because of those efforts. And finally I know something that's very important, especially with -- in fact, we had a discussion this morning about the changing downtown and the different demands downtown. The proposed cip includes \$60 million for upgrades and rehabilitation of our central business district system. Looking forward at some of the major challenges that the utility faces, again, not unlike what you'll hear from our other enterprise operations, rising fuel costs continue to drive many of our costs, not only in our operational costs, but also in the cip. The fuel will impact the electricity and chemicals, so that is a significant challenge as we go forward. Probably the most difficult challenge that we'll continue to manage is the demand and the expansion in our system. And doing that very strategically to meet the demands of our community, but also to be responsible and ensure that we continue with a very sustainable system. And I mentioned to you the continued investment in the business district. We have over the last few years focused on the growth and expansion of the system, but it's important that we not forget about the inner core of our city and have a very aggressive program inside the city. And

finally, the challenges and opportunities that we are very much looking forward to is implementation and continued moving forward with our climate protection plan, our water conservation program. And a big part of that conservation program is obviously expanding our reclaimed water system. With that council, that's a quick recap of the proposed budget, both capital and proposed budget for the austin water utility.

Mayor Wynn: Thank you. Questions for rudy regarding the water utility? Okay, rudy.

Now I'll very quickly go over the operating and capital budget for the convention center. Again, very similar. Actually, same format of the austin water utility. The revenue makeup for the austin convention center, \$55 million. And you can see there the k of that revenue, 61%, and it's based from hotel occupancy tax. Our other revenues are significant. Our facility revenue, contractual revenue, but again hotel tax continues to be the main source of our revenue. We mentioned to you earlier this year, and in fact during the budget process last year rgs the challenge that the austin convention center has faced, we had the luxury and we benefitted from being austin. And people wanted to come to austin. However, the convention industry as you know -- and you were here after my presentation, our acvb director talked about the competitive nature. It's a very, very competitive market. The city of austin, we were faced with a situation where in order to maintain our role and our spot in market and in fact expand that, we needed to adjust and modify our rental rates, which we did, which meant we were more reliant on our hotel occupancy tax. But in the big picture it's the right thing to do for the convention center and the right thing to do for our city, which has begun to pay some dividends, however I think it's important to note, we were behind the curve in making that change and where we find ourselves now looking forward into the window, as you know, the large conferences and conventions, they'll plan three, five, seven years out. So when that window was happening, we weren't as competitive as we needed to be. So we're challenged going forward beginning in 2010 and ahead, we're going to work hard to try and build our hotel room nights, but we have lost some opportunities, but we now have a proposed budget and a rate structure that I think will -- looking further beyond that we'll number a much better situation. The hotel tax revenue is based on a two percent increase over the current year estimate. And the current year estimate is expected to be approximately seven percent greater than last year. Now, I recognize that based on the history of austin, two percent sounds somewhat incremental. It's important to know that there are some cities that are at a point that they are projecting either flat or declining revenues. We continue to feel confident in the austin market, but we don't expect that we'll see the growth that we have historically under the last five. The expenditure makeup for the convention center as you can see, just under 40%, is base on operations. And maintaining our facility and serving our customers. And then the next largest component of our budget is debt service. The debts that -- the bonds that we sold for the convention center expansion for palmer an also the original bonds that were recently refunded. Fix \$26 million for facility operations and overall debt services. \$21 Million. Major cost drivers, again, it's going -- it's basically a capital intensive focus. Since the expansion of 2002 an in fact since the opening in 1992, we have not really had a capital program to speak of. So we have significant needs for capital investments and modifications and upgrades to our facility. That's certainly is a cost driver looking forward. And to remain competitive, it's important that we add some key and strategic positions to better serve our customers and meet the demands that our clients are asking for. So the cip spending looking forward is projected at \$11 million. And again, keeping in mind that over the last 16

years, other than a roof replacement and the expansion in 2002, we have not had a capital program to upgrade and modify our facility. Five million dollars is estimated for a grand entrance on the trinity side. Something that will attract our clients and our customer base. It will include cafe and restaurants, business center. In fact, our director based on his experience is looking at a business center that -- that our customers, our patrons could come in, check in their bags before their flights, go to their meeting and then those bags would then be transferred to the airport. Be kind of a one-stop shop for our patrons and be a full service industry. And very important to the city's initiative is some retrofitting and some upgrades of one and a half million dollars to be a lead certified facility, which in fact is also something necessary to remain competitive. Many of the conferences and conventions in the industry are demanding that our facility be a green fit facility and be very sensitive to the environmental concerns. And then just some normal replacement of carpet, air walls and because of the growing staff and needs, some office space recognition reconfiguration is four and a half million dollars. For palmer we're looking at upgrades of approximately one million dollars. So the most significant challenge for us, other than the capital budget that I talked to you about, is remaining competitive in a very, very competitive market. And that's going to take facility upgrades, that's going to take a continued focus on customer service. A very aggressive and responsible rate structure. And it's going to take our continued partnership with acvb and also the work of ourselves and management staff at the austin convention center. So the number one challenge for us is remaining competitive and gain more of that market base. And again, bob lander will be talking to you specifically about our role and our spot in the market and how we can build off of that. And related to that again is focusing on more of the national conventions for our convention center so that we can grow our market position. With that, council, that's again a quick overview of our proposed budget and operating budget and capital budget for the convention center. Mayor mayor thank you. --

Mayor Wynn: Thank you. Questions for mr. garza. Councilmember leffingwell.

Leffingwell: The increase in the hotel tax proposed, what does that bring us to percentagewise and how does that compare with other major cities around the state?

Councilmember, I don't have specifics on how it compares to other cities. I know our staff can provide you specifics on that, but I can say that we do know from benchmark being with other cities that most cities are either declining or flat. So again the two percent is based on the increase that we saw this year. But we can respond and give you some specifics on what other cities are specifically proposing with the exact dollar amount of what that means to the budget.

Mayor Wynn: So two percent increase in the tax rate or two percent increase in the revenue generated from the current tax rate?

Right.

Mayor Wynn: Further questions for mr. garza? If not, thank you, riewtd di. bob lander.

Thank you, mayor, council. Just to kind of address councilmember leffingwell's question right off the bat.

The amount of tax revenue is just a legislative increase based on the -- is just a slight increase based on the revenues of last year. We expect it to be flat with the increase coming in a few additional rooms that are being added to the market and to some increased rates. We still think we're undervalued. As we stack up against the rest of the state, in the United States we're in the top 10 highest. However, every city in Texas is in the top 10 highest based on what the state takes from the top. So San Antonio, Houston, Dallas, Austin, all in the top 10 in the United States. So we are the third or fourth highest in the state. I think San Antonio, Houston, to build stadiums are the highest. So we kind of fall right below them. They're at 17 and we're right at 15. So thank you for the opportunity today to talk about our marketing plan in and what's happening. We talked about the airport earlier. Next year will be the airport's 10th anniversary. We have entered the market on a merging destination we have made tremendous headway since that time. We have added the Palmer Events Center. We added a convention center hotel and made substantial infrastructure improvements in this market since that time. I'm sorry, I'm not advancing the slides here. Okay. Caught. Today we're the sixth largest economic sector in the city of Austin. We're maintaining and improving everyday our visibility as a national convention destination while still holding a position as the preferred state association destination, which is very important. It's about 56 percent of our business. We just FYI have about 26,000 rooms in the market. And we operate 225 hotels and operate under 16 different flags. We -- in the last three years -- in the last few years we have had some substantial bookings as it relates to what we've done in the past. We're going to show you a graph on that in a minute, but for instance, last year was kind of our benchmark best year. We look booked 432,000 room nights for all years into the future. Currently booking rooms as far in advance as 2020. So what Assistant City Manager Garza was talking about is certainly true. We're working far into the future and we'll talk about that in a second too. It is a tremendous edge against economic downturn. And the reason for that is predominantly trade associations is what we deal with in the convention center. Trade associations derive about 30 to 40% of their annual profit and revenue exhibitions. So those groups do not cancel. They come. There might be slight fluctuations in attendance; however, we know when we book them they're going to be here. In 2003 we did our first ever benchmark study on the visitor industry in 18, and then we came around in 2006 using Global Insight, one of the foremost research firms in our business, and kind of looked back to where we've gone. And we've made some substantial improvements in three years. We look at next year coming back on this again and seeing how we've done. One of the keys is that during that time period, although we didn't add a ton of rooms in this marketplace, we have increased new jobs by 20%, outstripping every other sector in the economy. In Austin, on a per annum basis, we're generating about \$290 million in state and local taxes. But as we've talked about from the aviation point of view, we have some threats on our business that are out of our control. Some are within our control. We won't go into the aviation problem, but it is by far and away the most serious threat to our industry there today. And it's always tough to look at something that you can't really get your arms around, but is in that situation now. And fuel is just one factor. When you fly planes that are full and you don't make money, there's a little something wrong with the moalings. Model. And we're dealing with national organizations to deal with that on a national point of view. There has been a softening as far as business travel goes, and that we see across the marketplace. We measure ourselves month across 16 other cities around the country. This year -- last year the same time, 70% of the cities we measured ran over 70%. This year same time only 40 spheres of the cities here to so we're old holding our own. I think the comments that Rudy made with regard to the

convention center is certainly salient. It's a very, very competitive market right now and we everyday compete against, you know, portions of the industry that are not stuck. The gay lord property which has sprung up in grapevine, florida the one existing in nashville, they have the same facilities we have under one roof. And you all know what las vegas is like to compete with. And they're getting a little soft. A lot of inventory. So they're basically giving it away. So we really do support the convention center's need to reinvest in their product. I'd like to viegth roy smith -- I'd like to invite roadway veneer up to talk a little bit about convention bookings.

Thank you, bob. The slide that you're looking at right now gives you an indication of the room night reduction in room business that we've achieved since 1999. It has downld since that time period -- it has doubled since that time period, which is an indication for austin in the meetings convention marketplace. As bob stated earlier, this is very good indicator for us and it helps build stability in our economic market here in terms of the hospitality industry because that group business, especially in association field, generally does not fluctuate due to economic conditions. It stays very strong. They have to meet. There are bylaws that they have to 68 chief. Also it's part of their revenue stream for their meetings going into the future. So it is a good indicator for us. However, we are starting to see a little bit after plateau to us. The competition out there is extremely fierce in term of the markets out there, the infrastructure that's being built. And also just the fact that everybody recognizes the importance of the meetings and convention industry and what it means in terms of economics for every city. The convention expand one, build a headquarters hotel, but that basically gets you into the market and it doesn't indicate success or guarantee success. We're fortunate that austin does have a very strong destination appeal and we can use that to leverage that and sell the city into the future. Currently we have a challenge and that challenge is inventory. We could use additional hotel space. In the last few years the only property that has opened up downtown was the marriott residence inn courtyard which added additional rooms into us, but that doesn't really affect the convention business too drastically. It gives us additional room, but it doesn't help us to secure larger business. And that's one thing that we need. Currently we have about 57 groups we're tracking that would generate about 324,000 additional room nights for us waiting on a project the size of the white lodging project on south congress, waiting for that to happen since it was announced two years ago. So just another indication of the popularity of our destination and the potential for us going into the future. It is critical to our success and also critical to our future. It is somewhat recession proof. It is hedge against the economic positions that can come down the road. Also job creation. Which is very important to any community because it helps generate taxes as well as additional jobs in the area. Meetings conventions tends to be a very green industry. It's not something that taxes our community in terms of fire, streets. It doesn't use our police protection that often. It basically comes in, people come here and they leave money an they leave with a great impression about what our destination has to offer and hopefully they'll come back in future as a tourist in addition to coming here for business purposes. One thing that the additional bed tax revenues have allowed us to do at the acvb is wre need to market the destination very strongly and positively as a culturally diverse, tightly packaged destination. That plays well in the meetings market. People are very interested in the city that they can easily walk around in and feel safe in and enjoy and have an experience unlike any other destination out there. Helps to solidify our destination as live music capitol of the world. We have been able to incorporate musics in events nationwide both with our client events and also trade

shows showing what austin is all about for a destination for conventions and meetings and how they can incorporate music into their programs. Also we've been very pleased with the revitalized relationship we have with the convention center. The new direction over there. We've been able to combine our synergies, put ideas together and be able to meet the customer needs going into the future and going back to what city manager, assistant city manager rudy garza mention that had allows us to lay down a base of business that ensures additional bed tax into the future for every one of those room tax that we put on the books. As you move into the marketing plan highlights, just so you can see that there, the convention department over the acvb represents about 35% of our total budget. For that we will continue to partner with the convention center. We'll continue to solicit business into the future. Also we can never forget about our texasness, which represents about 58% of our annual business here is texas associations. So it's a good mix be of securing that business be and making sure that we take care of it because it's being recognized as valuable and our other texas cities are coming hard after it trying to get as much as they can. We work hard to try to secure that for our city. Also we will have the opportunity this year to host the pcma leadership conference this coming summer which will highlight our destination to over 450 top end meeting planners and executives around the country. That will be an huge piece of business us and also a great opportunity as well. At this point I'd like to go ahead and ask jennifer walker to come up and talk about market being initiative. Be marketing initiatives.

Mayor Wynn: Welcome ms. walk. Ms. walker. Thank you, roy.

Let me talk about what we plan on doing in 2009. Historical the bulk be of our dollars have been allocated to traditional print advertising. And while we plan to have a presence in select publications over 2009, something that we'll be doing a little bit differently is we'll be shifting a significant portion of those dollars into the online space. Why is that important? Well, nearly 70 percent of travellers, leisure travellers, are now going online to book or plan some aspect of their travel. It is absolutely critical that we're playing in the online space and have a presence there. On a similar note, going online will also allow us to drive traffic to our state-of-the-art website, which recently launched, which really fortphize the city's reputation as a high-tech hub. During the forth coming year we'll also be developing a web microsite specifically targeting meeting planners. We'll be pursuing cooperative efforts with the convention center along with the state in order to stretch some of our media dollars and make our dollars really work harder us. And continue our proactive media relations, really to increase awareness of the austin cvb and our initiative. As I mentioned, we launched a state-of-the-art website a few months ago. And one of the great things about this site is that it seives bring austin's 24 hour attitude to life t has robust features, an interactive time line tool that allows users to plan their ideal day in the life of austin. And we have virtual guides or after tars that actually lead the user around the site and invite them to explore. As I mentioned, acvb is virtuallily use to the online space. One of the things we're running right now to help us in learning as we go into planning, we're running an be online summer promotion. This is tar getted to the dallas and houston markets. It's running for a period of eight weeks. We've flookd a veert of different channels to place the media dollars in. We've looked at portals, travel related sites, local sites, networks. And the idea is to optimize and refine this by along the way so that we can see which advertig uts and which vehicles are actually garnering the most click-through rates for us. These learnings we then hope to actually incorporate into our '09 planning and allow us to work more efficiently and again make our dollars work harder for us. So that was just a quick glimpse of what we'll have on



the marketing plan and with that I'll turn it over to mr. bob be lander again.

Thank you, jennifer. To wrap up, we obviously have the unique ability and responsibility and pride to represent austin in many so the convention business is where the rubber meets the road if we bring those in we're allowed to do some of the other things that are important to us as a city. Tourism kind of wraps around everything. That's the leisure market and we of course market austin aggressively in the state, all the touch states. And we've recently launched a campaign that I will tell you that I wish we were able to do three years ago because with the dollar being soft it's not good for us travelling overseas, but we're seeing a tremendous influx of overseas travel here. So we've started a program in connection with the city of san antonio, we're working together for long haul traffic. And playing on to the lift that's still going in the dallas and into houston and trying to move business from international destinations into both of our cities. So that is one of the things that we're working on and one of the things that i think will be effective in the years to come. Obviously we will operate a heritage tourism department that is very aggressive and recently had some great conversations with the landmark commission and heritage society to talk about some of the things we'd like to see happen and change with our ability to work with them in the next couple of years. We have operated the film office for many years, the justice that work for us in that area has been doing this for 17 years and every year we try to do something to make it better and more effective. We were the first city in the united states to install a software program that helps film producers scout locations in realtime without any downtime. We can give -- if someone wants an old -- this morning we were working on a film thing that they wanted an old school. We were able to give them 20 different choices within 10 minutes. So we were the first city to do that. The state now also has the same program and we're very proud of the way we work with the film community industry --. The music industry allude that had we use music in every program we do for this city. We take austin musicians basically with us on every trip. We've also booked between 400 to 450 acts, live music acts for conventions a year. So it's a very important part of -- obviously part of our culture and part of how we promote the city. Getting down to the budget, our budget this year based on inflation and based on two percent revenue growth will basically remain flat. I'll show you just real quickly what the other cities around texas that we talked about, how they compete. San antonio obviously a very tourism city with large attractions. They spent about \$8 million just in advertising. And budget increases we've seen dallas and houston as well. This year for us we're looking at fairly flat, 1-million-dollar budget. I think one of the things I'd like to point out is that we're not a membership bureau like a lot of cities. We don't charge the entities around town that we work with to be members, but we do have a very large participatory program. And over the last five years we've been able to increase our non-public revenue by 37%. So it's now 17 percent of our budget which actually matches all of convention bureaus that do have a membership program. So we present this budget for next year in this marketing plan and look forward to working with all of you to help drive some economy to austin and work with you all to promote our great city.

Mayor Wynn: Thank you, bob. lander, council? Early on in the budget discussion it became very clear that you guys were reading the charge to promote our city and that we were really doing well to have hotel occupancy taxes up. So I want to commend you and your staff to doing such a good job and continue to go promote our city. And had one question that i was trying to understand, and I believe it was rufng that was talking about it. He went really fast. And you were explaining how that you track a

certain number of groups that you were trying to market in trade associations. And how we really do have a deficiency, especially in downtown area in the number of rooms. And I was trying to figure out how deficient was that and did we predict based on the hotels that were coming that that would be alleviated.

Thank you very much, councilmember cole. We appreciate your kind words and we do take very seriously how we represent the city in the marketplace. As far as the deficiency goes, you know, we've had a -- running about a 70% occupancy citywide, means that you have a situation where you have a lack of inventory. And even looking into the future, the hotels think this is going to be like this forever and sometimes it's difficult for us to assemble the rooms to accommodate a convention. So we at times have had to use five, six, seven hotels where we could easily accommodate it in two hotels if we're able to get the inventory available within those hotels. So we have some -- I think some significant penitentiary up demands. Seeing as how we haven't had any new inventory added to the market, it's kept us healthy, but there's a down side to that in that we've got about 350,000 room nights or if you look at it very simply, about half a billion dollars in penitentiary-up demand should we add new room inventory into the market. And the product we have seen that's started to be developed in indianapolis is a lot like the one proposed here. It is about halfway through and it is spectacular. And marriott would bring incremental marketing lift to us that would be -- they're the big 900-pound gorilla. They would be a big lift for us as well.

Mayor pro tem.

Councilmember cole triggered a question for me, but I want to share her sentiments as well of our appreciation for everything that y'all are doing to promote our city and actually to bring a lot of visitors and business as well. We've heard a lot of discussions on hotel projects here in the central and downtown area. Do you have a sense of how many of these are going forward currently with the real estate economy?

Right. I think one of the thing that developers try to do is to announce projects and see if anybody will salute. Because the capital markets --

McCracken: I've never heard of that happening before. Me either. [One moment, please, for change in captioners]

as soon as they start that thing moving we can start, you know, moving business in that direction, and taking some pressure off the hilton and some of the other properties that you know, do so well for us.

Thank you, mayor pro tem. further questions for mr. landers? Thank you, bob.

Thank you. and your team. So, council, that's all of the departments that we have scheduled to do these summary briefings for us. Of course we're posted for public hearing this evening, where folks can come and give us testimony on what they heard today or anything in our proposed budget for that matter, and so we look forward to that feedback this evening. Also know that on our city's web site not only can

individual citizens look at all the dozens of questions that we ask electronically to our budget office and the answers we get, individual citizens can also ask those same questions in the same format as we do, that ultimately you can just click on and look at all the different questions that have been asked about the proposed budget, the answers, and then you have several opportunities between now and september 8 to give us more feedback about -- about your thoughts. So thank you all for your attention. Okay. So council, with that we're obviously running a little bit behind. I'll quickly recess this meeting of the austin city council, call to order, there being a quorum present, this meeting of the austin housing finance corporation board of directors meeting, and we can get through this agenda, I think, in relatively short order. Have somebody here from our ahfc staff? welcome, ms. shaw.

Good afternoon, I'm margaret shaw. I'm the treasurer of the austin housing finance corporation. We have three items on the president, that I offer on consent. The first one is to approve the minutes from the july 24 meeting. The second is to approve a resolution authorizing the negotiation of a regulatory agreement and -- excuse me -- execution of an assumption of a regulatory agreement and consent to transfer ownership. We're in the process of approving as an hfc board the sale of two affordable housing complexes to another owner. And thirdly, it's to award the execution of five construction services contracts, which is our rotation list for the architectural barrier removal program. And I'm happy to answer any questions if members have them.

Mayor wynn: great. Questions of staff, council? , Or board? I notice we have no citizens signed up for any of these three ahfc items. Well, hearing no questions, I'd like to -- I'll entertain a motion, combined consent agenda motion to approve all at least of these posted austin housing finance corporation items.

So moved.

Motion by coal, seconded by the vice president to approve this proposed consent agenda. All three items of our austin housing finance corporation board of directors meeting. Further comments? Hearing none, all those in favor please say aye.

Aye.

Aye. Opposed? Motion passes on a vote of 6-0 with board member leffingwell off the dais.

Thank you. there being no more business before the austin housing finance corporation, we stand adjourned. Call back the meeting of the austin city council, takes us to our zoning cases and welcome, mr. greg guernsey.

Thank you, mayor and council. I'm greg guernsey with the neighborhood planning and zoning department and I will 00 zoning and covenant items where the hearing items have been closed. Our first item is item no. 64. This is case c14-2007-0042. This is at 1801 nelms drive. This is to approve second and third readings of an ordinance amending our code regarding 1801 nelms drive. This is to rezone the property from family residence or sf-3 district zoning and family residence historic landmark sf-3 h, combined district zoning, to moderate high density, conditional overlay, mf-4, co district zoning. On your

dais you have a yellow copy of the ordinance 64, and when you considered this item originally on april 24, we did not have an ordinance prepared, and it was approved on all three readings. So what staff has done is prepared an ordinance which we believe is in keeping or in accordance with your intentionsville evening. I will note that the historic zoning would be applied to the snead building or snead ruins, and that the ordinance in yellow also speaks to an area that was mentioned to be 25 feet from that snead building, and within the area, although there would be no building, that there would be allowed impervious cover of up to 50%. We believe that's what you had intended. Also, that prior to final -- or prior to the site plan being approved for this property, there's a provision that with the site plan application, that the field notes, specifically for the snead building, would be determined at that time. So we are clear on what the setbacks are. So with those two changes we would note that this could go on for second and third reading. Again, the historic zoning that would be applied with the mf-4 designation would be just for the footprint of the ?eeld building. The remainder or balance of the property would not have historic zoning on the property. And that would allow for the development of an apartment that was proposed by the applicant on this rounding lands. thank you mr. guernsey. Questions of staff, council? If not, our proposed consent agenda on this case where we have already conducted in closed public hearing is to 64 on second and third reading with the ordinance as presented in front of us. 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. 00 zoning and neighborhood plan amendments items. The public hearings are open and there's possible action. 65, case c14-2008-0089 at euers office and retail building at 135 west slaughter lane. We have an applicant request to postpone this item to october 23, and the applicant is working on finalizing internal owner documents and would like that to be complete before this case would proceed. So postponement on the applicant on item 65 to october 23. Item no. 66. This is case c14-were 2008-0020, the sundberg tract at 8219 burleson road. We have the applicant that has requested postponement to august 21 on this property. We received a message from the owner's agent and from the engineer. They are both out of town today and cannot join us for this item. So postponement of two weeks for item no. 66. 67, this is case c14-2008-0095, the jekel rezoning at 12214 jekel circle, and this is a rezoning request from family residence, sf-3 district zoning to limited industrial service-conditional overlay or li-co combining district zoning. The zoning and planning commission recommendation was to grant the limited industrial service or conditional overlay li-co combining district zoning and this is ready for consent, approval on all three readings. 68 is case c14-2008-0098, for the property located at 12205 pecan street. This is a zoning change request from family residence or sf-3 district zoning to limited industrial service-conditional overlay or li-co combining district zoning. Zoning and platting recommendation was to grant the limited industrial service-conditional overlay or li-co combining district zoning. This is ready for consent approval on all three readings. Item 69, c14-2008-0121, the energy control center redevelopment for the property located at 301 west avenue. This is to rezone the property from p public zoning to central business district, central urban redevelopment or cbd-cure combining district zoning. The planning commission recommendation was to grant the cbd-cure zoning and this is ready for all three readings. 70 is case c14-2008-0122, the green

water treatment plant redevelopment for the property located at 600 west cesar chavez street, to rezone the property from p public zoning to central business district-central urban redevelopment or cbd-cure zoning. The planning commission recommendation was to grant the cbd-cure zoning and this is ready for consent approval on all three readings. 71 is case c14-2008-0100. This is the south congress storage rezoning for the property at 8008 south congress avenue, to rezone the property from development reserve to general commercial services or cs -- cs district zoning. The applicant has requested a postponement. Their first request, to august 21. That's item no. 71. Item no. 72. This is case c14-2008-0115. This is the property located at 4808 west william canon drive. It's to rezone the property from single-family residence standard lot or sf-2 district zoning to neighborhood commercial-mixed use or lr-mu combining district zoning. The staff is requesting a postponement of this item to august 21 agenda. The planning commission will not consider this case until next week on their august 12 agenda. 73, this is case c14-2008-0052. This is the tjg property located at 9609 swanson's ranch road. The planning commission has deferred -- excuse me, the zoning and platting commission has deferred action on this case to their august 19 meeting, so staff is requesting a postponement of this item to your august 28 meeting. And that's on item no. 73. Item no. 74. This is property at fort magruder. This will be discussion. There are some related zoning items under fort magruder which is item 75, 76, 77, 78 and 79. These are all discussion items. 80 and 81 are related. 80 is case 01, windsor park development for the property located at 5908 manor road. This is an amendment to a neighborhood plan for the university hills/windsor park neighborhood plan and 81 is case c14-2008-0057. sh. This is the windsor park development for the property located again at 5909 manor road. We have a postponement originally by the applicant, then by the neighborhood, but there's both agreement to postpone this item to their september 25 agenda. So I can offer this as a consent postponement for 80 and 81 to september 25. 82, this is case npa 2007-0012.02. For the property located in the 1600 block of east mlk. This involves properties at 1600, 1602, 1604 and 1606 east martin luther king boulevard. Neighborhood plan amendment for the upper boggy creek neighborhood planning area. The related item is 83, case c14-2008-0099, again for the same addresses at 16 hin, 1602, 1604 and 1606 east martin luther king. The applicant has requested a postponement of both of these items to august 28 meeting. This is their first request. That's item no. 82 and 83. 84, this is case c14-2007-0259, the johnston -- govalle-johnston terrace combined neighborhood planning area vertical mixed use zoning opt-in/opt-out process. Staff is asking for a postponement of this item to your august 21 agenda. We would like to bring this item back with the accompanying neighborhood plan amendment so they both can be considered the same evening. So postponement request on item no. 84. 85, case c14-2008-0043. This is part -- it's for the barton hills neighborhood planning area vertical mixed use for the property located at 3600 south lamar. This is a discussion item. Item no. 86, 87 and 88. These are items that are addressing the oak hill combined neighborhood plan and the west oak hill combined neighborhood planning rezonings and the east oak hill combined neighborhood planning area rezonings. Staff would suggest to council that we have the presentation on the oak hill plan this afternoon and actually postpone zoning on the plan, including the flum and the related zonings to another day. We suggest council open the public hearings for all three oak hill items on your agenda for gen comments only this afternoon, and not discuss the specific parcels and properties today and then continue the public hearings on the specific parcels of properties to a meeting of august 21. This will give council time to reflect on the plan, also possibly to visit beautiful oak hill, and to give staff time to

identify all the contested tracts and organize them into a presentation in order to allow a more considerate and efficient hearings for this evening and on the 21st. Council, I want you to know specifically that I am a resident and a property owner in oak hill. However, i, greg guernsey, the director of neighborhood planning and zoning, have not participated in discussions on the substance of this plan nor the plan recommendations or zoning recommendations. Nor will I be participating of the plan -- particulars on the plan of the public zoning item this evening's meeting or future meetings. I want to make sure that's clear. do you expect us to believe that? A joke. That's a joke. [Laughter] with council's indulgence we would like to present the plan tonight. I know we have a lot of people that are here. One of the things that i want to point out is our planning commission when they considered this, their hearing was seven hours long, and there were individuals that came forward and spoke to the plan and planned rezonings that had been participated in the plan or the planned rezoning, meetings that had occurred previously. I know we had over 20 public meetings that staff -- at staff. I was in attendance and i know that the whole plan had started back in september of '05, but I don't wish to put the citizens, our council or staff through items this afternoon where people might be coming for the first time and they're not very familiar with the plan or the process. But I would like the opportunity to try to gather all those contested tracts where we know there's opposition on either the flum or the rezonings to organize those and bring those back at your next meeting. So if that's acceptable, these will still be discussion items but I'd like to continue with the consent agenda. without objection. Council member morrison? could you just clarify in terms of the oak hill items, we have 86, which is the plan, and then the rezonings are covered under 87 and 88.

Guernsey: that's correct. so were you suggesting postponing 87 and 88 and just addressing 86, the plan? Or are you suggesting opening -- I'm suggesting that we open all three but limit discussion this afternoon only on general items. We may have individuals that might come forward that would like to speak to zoning in the plan and the zonings to say that the zoning is too intense or not intense enough or they would like just mixed use, but not necessarily referring to a specific tract but just to make broad comments. I feel that if we were to only limit it to just to the plan, then these individuals may feel hindered to talk about the plan in general, and our planning commission, when they had a work session recently, they felt that they heard a lot of people talking about individual tracts, about why they didn't like them or what should be changed, but they didn't really hear in their course of their public hearing general comments on the plan or the rezonings about why they felt it was good or bad overall, and so I want to make sure council has the opportunity and the public has the opportunity to freely speak to the plan in general and the zonings in general, not to a specific tract or parcel this evening, but then that way they would feel that freedom and then we can continue these items to your next meeting when they can actually talk to the plan or the zonings. So I'm actually asking you not to take action on any of the three items this evening but only to hear the public through public hearing on this items and then continue the hearings to another day.

Morrison: okay. Yeah, I appreciate that. I think that that will be hopefully more productive and not take seven hours. Split it up in any case. So -- but I guess my question -- what you've suggested is that in order to speak generally about the flum and the way the rezonings might happen, that you feel we need to open and consider 87 and 88. that's my recommendation to you because there may be some that say generally that the zonings are fine or they're too intense or they're not intense enough. And just

speaking broadly on the plan and the zoning. so without objection, council member leffingwell? I'm a little bit confused about how we're going to proceed. We're going to open all three of these items for discussion.

Guernsey: that's correct. and we're going to have a limited discussion, a limited public hearing, a briefing on the plan and a limited public hearing. Then presumably it will take council action to postpone all three items to another meeting.

Guernsey: that's right. and presumably again leaving the public hearing open.

Guernsey: that's correct.

Leffingwell: okay. I just wanted to make sure. and I don't want to limit testimony -- i don't want to limit -- i don't want to limit -- i don't want to limit testimony this afternoon because I think there are some folks that would like to generally speak about the plan. I think i did that to you with one of these buttons up here. I don't know which one. [Laughter] well, you are the council. council member martinez? I just want to make sure, can you briefly explain what it means to speak about zoning but not specific contested tracts?

Guernsey: sure. There may be individuals that would speak to -- that they would like to see mixed use, they'd like to see clustering or development. These are things they would like to see either in the plan to be expanded or they're satisfied in the plan but not necessarily talk about a specific property that clustering would occur, mixed use would occur, or you may have general comments that through the planning process and through the zonings that are proposed, that illustrates intensifying the land using, the land uses are intensifying on zoning on property throughout the plan, that I felt that would be a negative in some fashion because of too much impervious cover or creates too much traffic. And I think people could actually speak to those in broad terms, whether talking about corridors along the entire 290 corridor or just in general they're very happy that the single-family neighborhoods are left single-family. if someone here is happy we'll let them speak. [Laughter] but they are not talking about a specific parcel or specific address.

And so you'll come back in two weeks with only the contested cases? there may be people that will be coming forward where those things will go away, and there may be actually more that will clarify their comments, they'll be more succinct when they come back, but the idea is if you accept this proposition when we actually get to the hearing I will probably tell those that are here this evening to make sure that we have captured all the contested items, that I will have staff out in the lobby, that people can go outside after we hear the oak hill item and make sure that their tract they have a concern on is actually on that list. Because as of today we have received many emails, many letters, and there may be some people that are only here for the first time tonight and that will give us an opportunity to locate those properties, identify generally what the concerns are so when we come back to you, people are here less -- the time they spend here at council will be less and their comments will be more succinct and you'll be able to hear those and we can progress with other items, such as the budget or whatever.

Mayor wynn: okay. Council, without objection, then we will open up all three of these cases. Certainly we have a lengthy presentation about the plan and hear some general propositions. Council member morrison? I want to offer the alternative of only opening up the first item. My perspective, it might be a little simpler for the folks that are here, and i believe that since the flum is in the plan, that technically we should be able to -- I mean, you can guide me here -- should be able to talk about general rezonings and things like that if we only open the first one. So I wanted to offer that as an alternative. That way we really will be able to focus more on just the plan as opposed to the potential of getting into rezonings. and frankly, if folks here who do have a specific, you know, piece of property that they're very concerned about the zonings, if they see us go ahead and taking action to postpone 87 and 88, the potential action items on zoning, they could, you know, at least relax and know that there won't be any action tonight and they're certainly welcome it stay here and give us testimony generally on the plan itself.

Guernsey: okay. Very good. you're comfortable just by opening up 86, if somebody does want to talk generally about zoning or a piece of -- you know, a portion of the plan, they could do so under item 86?

Correct. so then without objection, thank you all.

Guernsey: okay. Then we would offer 89 and 88, 88 being c14-2008-0129, the oak hill combined neighborhood plan. This is a resoafng item, as a postponement item to your august 21 meeting. Item no. 0 -- excuse me. Let me back up. 87, case c14-2008-0125, the west oak hill combined neighborhood planning area rezonings. , Also for postponement to august 21. And those that are in the audience that really only want to speak to the zoning items, neighborhood planning and zoning staff is available in the lobby, if you want to just make sure that your tract that is -- that you have a concern about in oak hill is on the contested list, I think right now we have 26 tracts that are known to be contested in the future land use map, and only seven that are on the zoning. But I encourage all of you to stay to talk to the plan in general. Let me continue on with the consent agenda items, item 89, case c14-2008-0044.001. This is the windsor park neighborhood planning area vertical mixed use. Staff is requesting postponement of this item to your august 21 meeting. And that would include the consent postponement items i could offer at this time. mayor pro tem? there were a handful of items that are suggested that postponement be to august 28. That's the night of senator obama's convention speech. I don't think anyone in the audit generals really wants to be interfering with a civic opportunity. What I'd suggest is that any of those postponements instead be set for -- greg, I'll rely on your judgment, either to august 21 meeting or the september 25 or whatever meeting that would be, one of those two. well, those items that are on here, we could do the 21st, and if there's still an issue, i know like one of these where they might be working out some fiscal posting, if it's done by the 21st that would be fine. That still could maybe occur on the 28th as a consent item. So we could certainly -- certainly any of those we postpone, we could postpone to the 21st and we just see what happens.

Sure. Okay. so we'll just -- the plan would be, do the 21st instead.

Mayor wynn: fair enough. So then council, our proposed consent agenda on these cases where we have yet to conduct the public hearing would be to postpone item 65 to october 23, 2008. Postpone item august 21, 2008, our next meeting, which is two weeks from tonight. To close the public hearing on



approve on all three readings cases 67, 68, 69 and 70, although we do have a citizen signed up wishing to speak in neutral to two of those and I'll let them have that opportunity before we vote on the consent agenda. To postpone items 71, 72 and 73 to august 21, 2008, to postpone items 80 and 81 to september 25, 2008. Postpone items 82, 83 and 84 to august 21, 2008, and to postpone items 87, 88 and 89 to august 21, 2008. I'll entertain that -- a motion on that proposed consent agenda. Motion by the mayor pro tem, seconded by council member cole to approve the consent agenda as proposed. Further comments? And before I do call for a vote on that, paul robins has signed up neutral but wishing to speak on items 69 and 70, that being the cbd-cure rezoning of the austin energy control center site and the green water treatment site. Welcome, mr. robins.

Do I have three minutes or six?

I'll give you six.

I'll try to quicker. Mayor, council, citizens of austin, I'm paul robins, environmental activist and consumer advocate. The whole deal for the sale of the land is centered around the profit from the sale going to the city's general fund. According to this, march 7, 1989 memo, which some of you have seen, it is not legal for the water, wastewater utility to give the land's value to a general fund department without being compensated. I have repeatedly asked how it was illegal to use the land in one manner in 1989 September 25 or whatever meeting that would be, one of those two. well, those items that are on here, we could do the 21st, and if there's still an issue, i know like one of these where they might be working out some fiscal posting, if it's done by the 21st that would be fine. That still could maybe occur on the 28th as a consent item. So we could certainly -- certainly any of those we postpone, we could postpone to the 21st and we just see what happens.

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\$500,000 a year escalating over time of course as that property appreciates in value, just from that one fracture tract of land across the street for 30 years that did nothing, zero for people in this community, will now be funding our affordable housing programs in a substantial way. The land of the green water treatment plant is predicted to have three times that tax base. The aecc could easily match the \$300 million figure for tax base. We're taking property that has sat fallow, that looks bad and has generated nothing for you as owners. And ultimately the city, the citizens, the city, own all of our departments. Now, individually a utility or a department may have operational needs for some property, but ultimately after that need expires or is decommissioned, then it reverts back, you know, to overarching city ownership, but here is an opportunity over the next, say, ten years from when we really identify this opportunity, to have billions of dollars of private sector tax base investments. Meanwhile they hire a bunch of people, they buy a bunch of material, a staggering economic impact for us financially as a regional economy, but then also the net cash flow into the city of austin's general fund perpetually by having billions of dollars of tax base on land -- the land itself wasn't even on the tax roll is a brilliant thing to do financially and perpetual funds affordable housing projects in this city. So I'm excited about the long-term opportunity of ultimately getting that financial value off these tracts of land. In the meantime we will make sure we very judiciously and appropriately figure out where on your collective balance sheet the properties are. But I'm proud to see these properties being zoned for essentially the highest and most profitable ultimate tax [00:10:02] base development so that we as citizens and taxpayers ultimately get that financial benefit. Council member leffingwell? Sorry to be so wordy.

First off say I agree with all that and intend to vote for the zoning. That being said, a legal issue has been raised, and we've raised it with the city attorney, who told me two weeks ago that he was working on a legal response, a formal all right over his signature that would put this issue to bed, and i would like to ask the city attorney if he could give us the status of that letter. assistant attorney just stepped out. he's looking for him, I think.

Mayor wynn: okay. Well, and I'll just -- i agree with council member leffingwell. I'm fully supportive of this action today which is simply the zoning of this property, and I do fully expect there to be a complete and, you know, disclosed explanation as to exactly how we handle this in the appropriate legal and judicious way. So again, we have a motion and a second on the table to approve the consent agenda as proposed. 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 all very much. guernsey, couple of discussion items? yes, items -- what I'd like to do is offer items 74 through 79 and discuss them and open them collectively on those items. 74 -- let's just recognize we have about 20 minutes before we will break for our music. I don't think we're going to have that many speakers. I think there are three issues to discuss, and i know that generally the commission, the neighborhood and staff's recommendations all concur so it's mainly [00:12:02] the applicants agents will probably be speaking. George ablack from our transportation staff and I'm not sure if there's a sanchez here this evening that might speak to a particular track. Let me see how quickly I can do this. 74, I'll read these quickly in the record. 74 is 2008-0001.02, ford magruder. This is a change to the dawson neighborhood plan to

change the land use designation from single-family to mixed use for 3900 wadford and 3907 b reyna street. The planning commission recommendation was to grant the request for both addresses. 75 Is case c14-2007-0048, fort magruder 1, property located at 3811 wadford street. This is a zoning change from sf-3 or family district presence to general services, vertical mixed use building, overlay, cs-mu vmmp. The planning recommendation was to grant commercial-mixed use, vertical mixed use, conditional overlay neighborhood plan or gr-mu vco, combined district zoning. 76 Is c14-2008, ford magruder, property at 3902 and 3904 wadford street. Change from sf 3 district zoning to community commercial-mixed use, vertical mixed use building, conditional overlay, neighborhood plan, gr-mu vco, combined descrintg zoning. The planning commission recommended was to grant vertical mixed use building, conditional overlay, neighborhood plan or gr-mu vco and p impinged district zone. 77 C14, 5584, fort magruder, 3906 wadford street. Change from sf-3 district zoning to vertical mixed use [00:14:00] building conditional overlay, neighborhood plan or cs-mu, mp combining district zoning. The planning commission recommendation was to grant vertical mixed use conditional overlay, neighborhood plan or gr-mu vco and p impinged district zoning. C14 20080074, fort magruder. This is change from sf-3 district zoning to community commercial vertical mixed use vertical mixed use, conditional overlay or planning commission recommendation was to grant the request for gr-mu vcomp impinged district zoning. 79 Is case c14-2008-0073. This is fort magruder 3d for the property located at 213 dunlap street, 3907-a and b and this is a zoning change from family residence sf-3 district zoning to community commercial-mixed use, vertical mixed use building conditional overlay neighborhood plan or gr-mu vco impinged district zoning. The planning commission recommendation was to grant the gr-mu cpo combined district zoning. This is case are in the area west of congress avenue and north of ben white boulevard. The fort magruder 1 tracts are backing up to commercial uses that exist currently on south congress and across the street to the west is fort magruder 4 which is used for single-family residences. Fort magruder 4 immediately to the west, west of wadford and north of dunlap are existing single-family homes and between ford magruder and ben white is single-family homes, known at fort magruder 3. The first item, 74 is a neighborhood plan amendment that was initiated by the city of austin with the permission of both property owners for 3900 wadford and [00:16:01] 3907 b reyna street. And these property owners, one is still in agreement with moving forward on the neighborhood plan item. sanchez for the other property is not. And I'm not sure if sanchez is here this evening. We deferred this item at your last meeting because he was in corpus during the hurricane and wasn't able to attend the meeting. There are letters in your sanchez that state that he was in support but our last conversations by the -- my staff with him that he is no longer pursuing those neighborhood -- the neighborhood plan amendment. The planning commission ended up recommending for both properties to go from single-family to mixed use, for the neighborhood plan amendment. The staff recommendation certainly supports the one for the 3907 address, but sanchez at 3900 wadford street, and that's because the applicant -- or the property owners not pursuing it, the neighborhood does not support it and staff does not recommend it for that property. The other items are all zoning changes. 75, fort magruder 1, that is a property that's alone on that block. That is an area where you've actually seen this zoning case before and recommended this be sent back to planning commission for the consideration of vertical mixed use. At the time when this came forward for the 3811 wadford street address the owner had requested cs instead of the gr as part of that request. It still will make that request today and you'll ron thrower regarding that item. [00:18:00] The other tracts that are on block 3 or the fort magruder 3, which I

367893 b, bcc and 3d all recommended by the planning commission and staff and with the exception of 3 b the owner is agreeable to the base zoning district but has a concern about the limitation that staff recommended and the commission recommended and that was to put a 500 trip limit on these tracts and would like some flexibility to say it's either 500 trips or defer the trip limit cap until such time a tia is submitted. george zaplack is here with our watershed development department to speak to that. The final tract on fort magruder -- actually I think I covered all those. So I think with that I'll stop. If you have any questions I'll be more than happy to answer them. Item 74 again is just a plan amendment. 75 through 79 are zoning changes. ron thrower is here to speak to the change that he would like to pursue with regards to item 75, which he still wants to pursue in zoning, gr, and the new ones for the tia change. That was recommended to be limi to 500 by staff and the planning commission. well, guernsey, council? Comments? Well, if not, greg, what's your suggestion of which of the cases, then, should i call up in order for there to be sort of an applicant presentation? well, thrower is not 74 because that is a city-initiated case. If you have any questions for me I'll be more than [00:20:00] happy to answer them, but items 75 through 79 are floar so he could come forward and make a quick applicant's presentation on those items, and if we run out of time we could continue this later after your proclamations, if necessary.

Mayor wynn: okay. So then council, without objection, we'll consider thrower to be the applicant for this combined public hearing, items 74 through 79.

75 Through 79. I'm sorry, 75 through 79, excuse me, and i no he there's a number of folks here that want to give testimony. Several wanted to donate additional time to mr. thrower. Let's see, is mike colonnetta here? Hello, mike. Julie alexander, welcome, julie, and gladys long. Hello. I ask because the rules are you need to be present in the chamber in order to donate your time to mr. thrower. So ron, you'll have up to 14 minutes if you need it. Welcome.

Mayor, mayor pro tem, ron thrower representing the owners of the property, for 75 through 79. I will not need the additional time too move ford. guernsey pointed out there's very few items remaining on these cases that are unresolved or warranted for these properties. For the fort magruder 1 case we are continuing to request the cs zoning for the property and willing to have gr uses only on the property with the many prohibited uses that are offered by the city staff, and the reason we're asking for the cs-1 is because that gives us the additional floor area ratio. We're looking for the development regulations associated with it. And the point here is if the property is zoned gr only then we're going to have everything on this property that we've been trying not to get, we're going to have a parking lot up front and we'll have a single story office building in the back. If we get cs zoning for the [00:22:01] property with the gr uses, then we're promoting a mixed use building for this property. We're promoting a ground floor parking, a next level of office and then a next level of residential on top, because the site can support that, certainly in this location, backing up to properties that are backing up to congress. Looking at the zoning map you can see we have cs zoning on three-fourths of that block as it is -- and to the left -- to the south is gr zoned property. We're not asking for anything different than what's already there. Cs zoning already exists on that block. Moving to the fort magruder 3 cases on the ben white block, the only issue that remains on that is that we are seeking cs zoning for one of those properties in there that fronts on the highway. There's cs zoning that's right across wadford street. The only other issue that

remains outstanding is that staff has taken an email of mine out of context in saying that I am in agreement to the 500 vehicle trips per day, and that is not true. I promoted to the city staff that I recognized that we front on streets that are residential in character right now, and that I would be willing to have the 500 vehicle trip limitation provided that we can defer a tie to the site plan stage if we had a use that exceeded 500 vehicle trips. I think it's ironic that on the fort magruder 1 zoning case staff is recommending a thousand vehicle trips limit for that piece of property and it is further down a residential street and right across from single-family development. And we are -- staff is coming forward and limiting 500 vehicle trips with absolutely no opportunity to have additional trips unless we come in for additional zoning for properties that front on the highway. To me, I think that's a little bit out of line, and ironic, and I want to bring that to your attention. So there again, cs -- cs [00:24:01] zoning for the fort magruder case promotes mixed use building. Gr does not, and the 500 vehicle trip limitation is more onerous than any other property in the entire area, and if this property were properly planned to begin with, as part of the neighborhood plan, it would not have that limitation. I'm available if you have any questions. Thank you Mr. Thrower. Thrower, Council? If not, we'll certainly note that those other -- those other folks' support for the case. Let's see. Additional speakers in favor. Let's see, Rob Robins is signed up wishing to give us testimony. Welcome, Mr. Robins. You'll have three minutes to be followed by James Lacey.

Thank you, Mayor and Council. I am here to speak on all of these cases. 74, I am speaking as a citizen, and I want to say that I made an impassioned plea at planning commission. They voted unanimously to support the change on both of these properties. It boiled down to respect for two things. One was for the property owner and also for planning principles. This one change does nothing to prevent Sanchez from using his property as he sees fit, and he has stated in writing twice that he actually does support the change. He has changed his mind multiple times and he, and he just happens to be on a no at this particular juncture. The planning principle is that we are adjacent to a 14-lane freeway and single-family on a 14 lane freeway is not a very respectful choice, in my opinion. The planning commission saw fit that the respectful thing was to not, in fact, zoning on or enact zoning on his property but to enact the change on planning [00:26:00] principles and do something other than single-family on a 14 lane freeway. I also being representing on item 75 myself as the resident across from Sonia Hunter's property, and also as the creative director for Tara Capital whose holding company owns the property adjacent on Congress Avenue. So I am speaking for two of the three most impacted properties on that. After doing an architectural fit plan analysis, it's very clear that we have a very high potential to get a much better building with cs than with gr. I'm going to have to look across the street and see this building. I would appreciate it if you would not handicap the architect by give them a zoning that will not allow them to do something really good. As for the other issues, I am in support of that, and I would also think that with Gladys Long's case, she is at the end of a dead end road and that property has actually been used under the provisions that are being called for by the applicant, and I would ask as a resident on that road that you would support that as well. For the trips, I think I thrower on that. As long as the traffic analysis is done, there is the capacity to put that traffic on to the feeder road of Ben White, and I think that that could more than accommodate the kind of trips that we're talking about there. If you have any questions I'm available. Thank you. Thank you, Mr. Robins. Questions for Rob, Council? Thank you, Sir. Also, James Lacey wanted to give us testimony. [Indiscernible] we'll certainly note your support for the record, and if

need be, if discussion carries that length, we'll offer that time back to anyone that could use it in favor.  
[00:28:00] Let's see, we have one person -- number of folks signed up not wishing to speak in favor. Sonia hunter and coal alexander. We have one speaker in opposition, myron smith signed up. Welcome back. You too will have three minutes and then we reserve time for rebuttal from the applicant.

Okay. Hello. Good afternoon. I am myron smith and I am president of the dawson neighborhood association and I am a member of the dawson neighborhood plan team and i will like to speak -- there are three of the cases that are before you that I'm -- that I signed up against and there are three others that we all voted for and approved that along with the recommendation of staff. So we are fine with that. But the three that I would like to oppose here, the 74, which is the fort magruder at the 39 -- I'm sorry, for 3900 wadford street and the 3907-b, the one with the flum change. And the thing is is with that flum, the owner, mr. sanchez, is not here. He is still in corpus. I did speak with him on sunday, so he has not made it back into town. But the thing is, is he did -- there's a letter that is enclosed in your backup indicating from -- that would have been a all right from july -- -- a letter from july, indicating he is against his flum being changed, and we voted as a neighborhood to not allow his flum to be changed. We voted 23 to support the flum not being changed, and then there was 21 that agreed that the flum should [00:30:00] be changed. And the thing is that staff has recommended that 3900 be pulled from the flum but leaving the other one. We are not against the 3907-b. There are two addresses on there. We are not opposed to 3907-b changing the flum, but for sanchez, and that property is not on the freeway. It is -- I mean, that was -- it was pointed out that it's next to 14-lane freeway and it isn't. It is just a few blocks -- it's in the same block but not on the freeway. So mainly we as a neighborhood did vote to -- sanchez having his flum -- not having his flum changed. So we'd just like your support as staff. That's what staff is also recommending. And then on the next item, that would be the property at 3811 wadford, when this was first -- first came to council, I believe council member mccracken had asked that this just be sent back -- had asked staff to just come back and have the b added to this with that jar because -- gr, it was approved for the gr but -- and when this came back to us, the agent, ron thrower, had gone back with the v. He did come with the v, but then he also came back with the cs, and that was not what was instructed by council. So we voted on the -- we did have a vote on this and we voted again as a neighborhood for the gr, and that was voted 22 to have gr zoning on that property, and there were 7 nos. So again, staff is recommending the gr as are we. That's how we voted. 76 I'm fine with, on the next item. We had a problem with the one located at 3906 wadford [00:32:04] street, and -- now, that property, again, it's mainly -- I'm let you know to hear how we voted as a neighborhood, and we did vote to approve that, going with the gr as opposed to the cs, and with that we had voted -- there were two votes. The gr -- we voted 23 to approve that, and 17 nos, and then there was also a second ballot for the commercial for the cs and on that we voted 22-17. So mainly I'm just looking at how we have voted and what we voted was to have that property continue to be gr as again is what staff is recommending. And I don't -- I'm not familiar with all of the -- we didn't discuss much about the trip charges and the trip - - you know, the trip, so I wasn't as familiar with that. I'm just reading this in the data. And basically the other -- there are -- the other three cases, we voted, just as staff -- I mean, staff's recommendation is the same as how we voted, and of course we have no objections because what the agent -- all three are the same, so we have no problem with those three, but some of the others are the ones that we have problems with, and i will certainly answer any questions if you have them.

Mayor wynn: thank you. Quest for myra? Council members leffingwell?

I have a question on, i believe it's 77 and 78. You're supporting the gr?

That is correct. and i understand that the applicant is requesting csv on both of those tracts, but has offered to do cs only to get the far and limited to gr uses only. Are you opposed to that?

On the -- well, now, that -- the thing is is with the -- to say that -- with [00:34:01] that -- we're concerned about the -- having -- making sure that we have affordability in that, and i don't know that on that particular property, I mean, we do have the v -- since we voted for the gr -- and i know he's saying vcs -- on 77.

Leffingwell: yeah.

He'll have the cs but then it will have the conditions of gr --

he wants the site plan rules on cs and there will be no cs uses but only gr uses, as I understand it. Would you object to that?

Well, I mean, i personally -- I mean, again -- in that case, for me, that was not something that -- I'm only pretty much here speaking to how we voted and I cannot speak for the neighborhood. If this came back to us, then of course that would be something that we would gladly address, but that is -- I'm just mainly speaking to how we have voted as a neighborhood.

Mayor wynn: thank you.

Okay? further questions, comments? Thank you.

Mayor?

Cole: I have a question. 74 you were explaining how the owner sanchez was out of town and his property was 3900.

That's correct. and the neighborhood voted for it not to be included as mixed use. Is that correct?

Right -- yes, exactly right, not to have the flum changed.

Now, I thought there were some issues with height and density on this property. Were there any issues with that?

On his property? No. or on the other property?

No, not around him. The only -- you're talking about from some time ago? What was originally presented



to us is nothing like what we're addressing right now, because what originally came to us was i believe they wanted cs on all of this or -- I mean, it was quite different from what we have now because these are, you know, kind of [00:36:01] individual cases that are being brought forth to us. And then there are still properties that are single-family homes that have not come forth on having any kind of zoning changed in that same block. And so to say that the cs -- just because it's near the freeway, there are still single-family homes in that same block, so to grant cs that would be having it right next to residential property, and I don't know that that's been really clearly pointed out. And I do want to say one other quick thing. The one on 75, I also live across the street from that property and to say that if it has the commercial -- the gr, I'm sure that builder or that developer can have a nice fine building with gr without having to have a parking lot in the front. I just think that's -- i don't think that has to be the case, and any good developer -- I mean, I know that it can be differently and that's to on me kind of a scare tactic. Are there any other questions? further questions, comments? Thank you, myra.

Thank you so much. I noticed that sandy mcmillan had signed up in opposition, at least on 75. So we now have a one-time three-minute rebuttal by mr. thrower, his applicant. Welcome back, ron.

Mayor, council members, i want to make it clear that I've always been consistent in my request for the fort magruder 1 zoning for the cs property. Yes, council members mccracken made a motion for us to go back to planning commission and attach the v to it but I would still say to you that it's a permission for zoning on the site. I did a study of a mile of burnet road to show mccracken that the v doesn't necessarily work on these small sites. So affordability component on small site is not [00:38:00] necessarily going to work in this case. If we're going to try to get density in the urban core, if we can get cs zoning we can get an office building and three residences. I can't guarantee they'll be affordable because it isn't going to work if you only do three residences. Cs gives a better design opportunity for anybody on this property versus just straight gr. Again, my fear is a parking lot and a single story, single use building for there if it's gr only. For the fort magruder 3 b zoning case, that property at cs is consistent with our request all along, and the neighborhood did support cs zoning for that property. Staff has not supported but the neighborhood did support gr and they also supported cs for that property. I'm asking -- and going to continue to ask for cs for that property. And again, the 500 vehicle trip limitation, there is, again, no reason why it cannot be deferred to the site plan stage if the trip generations are going to be more than 500 vehicle trips. Again, I recognize that we are fronting on residential streets. I offered up the 500 vehicle trip limitation provided we can defer a tia to the site plan if we exceeded it. That makes sense for this. If not, then I would promote to you that 2,000 vehicle trips as is associated with every zoning case, is appropriate for these properties, and again, I'm available if you have any questions. thank you, mr. thrower. Questions for the applicant, council? Comments? Council member leffingwell. I've got a question on this vehicle trips conce mr. zapilak. Well, the question is, i think the proposal was to have the 500 trip limit and [00:40:00] have that only be in effect until a new tia was submitted?

Yes, sir. so can you do that?

George zaplack with watershed protection development and review. That is certainly your option. What we normally recommend -- the code said that a traffic impact analysis is triggered if a development will

exceed 2,000 trips per day. The problem is at the time of zoning often the property owner doesn't know exactly what they want to put on the property, and so they don't have an exact idea what the traffic would be. However, we want to be able to represent to the commission and council and the public what we think is a realistic picture of how much traffic they can expect and therefore what we normally require is that a limitation be placed on the zoning if it, in fact, is not going to exceed 2,000 trips, then that becomes a condition of the zoning, and in order to change that the owner would have to come back and file a new case. There would be notification of the public, there would be another series of hearings. In this case the -- there are four different parcels that are -- that are separate, but there are -- they are somewhat related, and the four together, each of them with 500 trips, would come to 2,000 trips per day. And so this is the assumption that we used in evaluating the impact on the residential streets and we would recommend that that be retained as a limit. What the applicant is requesting we feel is not really a limit at all because it could be exceeded at a later date. I think i understand. further questions, comments? Council members morrison? I have a question for mr. guernsey. I wonder if you have a map, especially of the 3900 wadford area that has zoning marked on it.

A map in general. [00:42:01]

Morrison: yeah, a map. Could you point out the tracts that -- where 3900 wadford is?

Yes, 3900 wadford, if you see where dunlap and wadford are located, right at the southwest corner, just above 61, that's 3900 wadford.

Morrison: okay. it's just a corner piece. The longer portion of that lot is parallel to dunlap street, and the front of the lot actually fronts on wadford, and that's sanchez's property, that the commission did recommend for mixed use, staff, the neighborhood and the owner does not wish to pursue a flum change at this time.

Morrison: okay. And then I have another question. When we're talking about 75, 3811, there was a comment that this was already discussed by council and agreed for gr and then sent back to -- that's the map that's before you on the screen. That's the property that's in question. This property, unlike some of the other properties that are cs, actually fronts on wadford, does not front on congress avenue.

[00:44:00]

Morrison: okay. And then -- but the fact -- but this was considered before, and I guess I'm asking for a little bit of history in terms of the gr. Did council consider this case before and -- I'm not sure if this actually has come back before you for a previous vote. On october 17 you reviewed it and approved it for gr-mu-co. It did not have the cs on the property at the time, and as mentioned, council member mccracken made a motion to add the vertical mixed use building. and did the same occur also with case no. 77?

Guernsey: okay. 77, And let me just clarify, that's 3 b, that's the property that's at wadford and -- and would be ben white boulevard. That would be the northwest corner, and that tract would be coming to you the first time, unlike the others. It does abut the other ones that are 3 a and 3 b, and that kind of

alphabet soup within the 3s. They're all within the same block, though.

Morrison: thank you. [Inaudible] let's get you on the record, myra.

The part here on the map, I'm sure if I just touch it, yeah, okay. Here it shows that wadford comes down to ben white, and that's -- it does not -- that street does not go to ben white. That is a dead end, and i don't know why it's open here. I don't know why this map is [00:46:01] that way but it does not open to ben white, which is how it appears here. So I'm just kind of in whatever -- that is correct. If you look at the map, or the exhibit that is put up, our zoning maps show rights of way, and they may not also smo built roadways, so this aerial photo, if you look right down where it says west ben white boulevard service road, you can see where it does not connect.

[Inaudible]

guernsey: right. thank you, myra. Further questions, comments? Was council member morrison's question answered?

Morrison: yes. council members martinez. I'm going to santa a stab at a motion here. I would like to move that we approve on all three readings items 74, 75, 76, 77, 78, 79, but fort magruder 8, b 3 and 3 b, 3 c, to be cs-mu v co-np with limitations on use and i believe staff recommended some other limitations on use.

Guernsey: that was 3 a.

3 B, 3 c.

Guernsey: and 3d? and then -- 75 -- I'm sorry, getting this confused. 1, Which is 75, 77 -- 75, 77 [00:48:12] and 78.

Council member, on item 75 and 77, you can consider approving cs. We have posted, and that was part of the request, on item 76, which is fort 78, which is --

not 76, I'm sorry. Take 76 out.

76 Was only posted for gr so we can't grant more --

I'm just recommending the pc recommendations.

So pc recommendation --

76 pc.

Okay.

77.

77 -- Pc's recommendation was gr on thatment.

Okay.

78. Pc recommendation on 78 and 79?

Yes. and I think 77, it was cs-mu v. that's what mr. thrower is asking. as long as it's gr limitations on use and the staff recommendations on use.

So it's gr uses but with cs on item no. 77. Basically the planning commission recommendation was modifying the base district to be cs with gr uses.

Martinez: correct. Gerns gerns and then on 75, that would be the same -- on 75 that would be the same, the cs with gr uses?

Martinez: that's correct. and then on 74, was that to include the planning commission recommendation, which includes both tracts?

Martinez: yes. motion by council members martinez to [00:50:00] close the public hearings and approve on all three readings, planning commission recommendations on items 74, 76, 78 and 79, and -- on items 75 and 77, I understand you want to be the planning commission recommendationses but not recommend the gr's recommended by them but do the cs as the base district but allow gr uses.

Mayor wynn: all gr uses.

Martinez: right. And I wanted to ask a question on 74. With 3900 wadford, this being simply a flum amendment, it still remains zoned.

As single-family.

As single-family.

That's correct.

So it doesn't take away compatibility or any of those issues? no, that is correct, council member. It would still trigger compatibility on the adjacent properties and would not change his ability to do commercial leases on the property today. It would require a zoning change, additional hearings and council approval. it would have to come back. it would have to come back. motion by council members mart, now seconded. Comments on the motion? Council member morrison? so that's all one motion so

if there's one piece of it that I disagree with I would have to vote against it? well, you could -- you could propose either a friendly amendment first and or just try to amend the motion. I guess I'd like to see if this is a friendly amendment, and that is on item 74, to change the flum only for the 3907, because I think that looking at the map and respectful of the owner.

I don't really have a problem with that at all. That's why I asked the question about if we change the flum, does it change the [00:52:00] use or zoning, and it doesn't. But if you want to leave it out that's fine. more of a sensitivity thing. So that would then be staff recommendation on 74, i believe.

Martinez: that's correct. so then we have a new amended motion and second on the table that includes the staff recommendation on item 74, the future land use map. and that would delete the address of 3900 wadford from the ordinance.

Mayor wynn: correct. Motion and second on the table. Further comments? All three readings, hearing none. All those in favor please say aye.

Mayor wynn: aye. Opposed? Motion passes on a vote of 7-0. Thank you all very much. Well, folks, that obviously 30 break for live music and proclamations. Stay tuned for bow porter and the dixie rockets and a handful of proclamations. We'll reconvene probably 30 to finish our zoning case. Thank you very much. Meanwhile, the council will be in recess while we conduct live music and proclamations.

Mayor wynn: okay. Folks, welcome to our weekly live music gig here at the thursday city council meeting. Joining us today is the band bo porter and the dixie rockits. Bo and his band combine honky tong, classic country, rocka billie and classic [00:58:00] dance hall music. They perform at the broken spoke, sax and pub, jenny's longhorn and green hall. Bo porter and the dixie rockits are currently working on new recording to be released the fall of 2008. Join me in welcoming bo porter and the dixie rockits. [Applause] [music playing] [ ?? singing ?? ] ???? ????

thank you, much.

Mayor Wynn: Okay. So working on the new studio album, but meantime we can still get some of your stuff. Website or over at waterloo. Boporter.com.

Down there at the saxon pub. [ Inaudible ].

Mayor Wynn: And are you going to stay local for awhile? Do you have any plans to tour anywhere regionally?

We have a few things cooking right now.

Mayor Wynn: On your website we can see that?

We can tell you about the sponsorships we have ahold of. Austin has been good to me. It's going to

take somebody mighty big to run me out of here.

Mayor Wynn: I first bumped into the band be and saw them perform at threadgill's. It's so good to see so many local bands step up and help one another. In our case now it's our responsibility to help these guys all stay -- keep here. The official proclamation the city of austin is blessed with many creative musicians whose talent extends to virtually every musical genre. Whereas our musical scene thrives because austin citizens get out and support good music produce bid legends, local favorites and newcomers alike. Whereas we're pleased to showcase and our local artists, so therefore i, will wynn, mayor of the live music capitol of the world, do here by proclaim today, august 7, 2008, as bo porter and the dixie rockets day in austin and call on all citizens to join me in congratulating this fine talent. [ Applause ]

thanks to my band too.

Mayor Wynn: How about a quick intro of the band?

Do you mind? Robert over here. He's new to town and we're very pleased to have him. Bill right here. Ron back here. bb, if you don't know him, you must be from out of town morris. [ Applause ] so while bo and the band breaks down over on that side of the room, we'll use our podium over here for us to do very abbreviated proclamation lineup. We just have one proclamation today. And it's a simple, but important certificate of appreciation for the fairfield inn property. I'm joined by melissa mincher from the hotel, so I'll read the proclamation and have melissa say a few wore about why they are so active when it comes to fund-raising. The certificate of from the for their commitment to raising funds to fight juvenile diabetes, fairfield inn and suites by marriott is deserving of public acclaim and recognition. After owner and partner mark van ergerner's daughter was diagnosed with diabetes in 2007, employees decided to focus their effort on on supporting the juvenile diabetes research fund. Last year they developed the buck board of hope for a cure and raised more than \$90,000. They applaud the fairfield inn and suite on their initial achievement and we wish them continued success in their goal this year of raising \$100,000. This certificate is present understand recognition this 7th day of august, 2008, signed by me, mayor wynn, but acknowledged by the entire austin city council, the city of austin certificate of appreciation for fairfield inn and suites by marriott. [ Applause ]

thank you so much. This is such an honor for us at the hotel at texas western. Hospitality leadership is our ownership group. We have about 33 hotels right now and all of our hotels a dollar at a time. It's very much a group roots effort where each hotel is responsible for raising funds. Again this year we do think we'll reach our goal of \$100,000. Here at the fairfield inn and suites in the northwestern arboretum area we have our website. Our next fund-raiser will be october 26th from 1 to 3. It will be our second annual bowl for hope, a bowl athon. So pleased if you're interested about the property, learn about our fund-raising efforts, we do have a web be site, it's the com and we would for you to come out an join us. Thank you so much.

Mayor Wynn: Job well done. Thank you. [ Applause ] so we will reconvene the city council after a very

brief break. Thank you all.

Mayor Wynn: There being a quorum present, at this time I'll call back to order this meeting of the Austin city council. Appreciate everybody's patience a couple of little housekeeping items. We do have at least one staff proposed postponement, so Mr. Greg Guernsey, welcome.

Thank you, Mayor and. Item number 92, staff is requesting a postponement of this item. We understand Mike McHone are still working out some issues dealing with the area known as Uno West of the University of Texas, so we would offer a possibility of this item to your next MEETING ON AUGUST 21st. That's item number 92.

Mayor Wynn: And we have no speakers signed up. I'll entertain that motion. Motion made by the Mayor pro tem, seconded by Councilmember Morrison to postpone item number 92 for TWO WEEKS TO AUGUST 21st, 2008. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion to postpone passes on a vote of five to zero with Councilmembers Martinez and Leffingwell off the dais. Then also we're told by Gentry that although we had the discussion on item number 64, our zoning case where we had already conducted and closed the public hearing and had ordinance in front of us that I referenced, but did not take a motion and a vote on item number 64 as presented by staff with the ordinance on our dais here for second and third reading. I'll entertain that motion. Motion made by the Mayor pro tem, seconded by Councilmember Cole to approve item number 64 on second and third reading. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of seven to zero. Thank you, Mr. Guernsey. So that will take us to item number 85: that's correct. Item number 85 is C-14-2008-0043, part, Barton Hills Neighborhood Planning Area vertical mixed use building v zoning opt in, opt out process. The tract is located at 3600 South Lamar Boulevard. Regulations governing vertical mixed use building, vertical dimension standards. It will be considered with this adoption the city council may consider adopting all or some of these regulations or amending the vertical mixed use overlay district to exclude tract 4 b from the overlay district. The planning commission's recommendation was to exclude 4 b from the vertical mixed use overlay district. The property owner, Ralph Reed, has signed a petition with regards to this property in opposition to removal for the v, opting in or opting out. This property is located along South Lamar Boulevard just north of the intersection with Panther Trail. This is nearby the -- I believe it's the Brodie Oak Shopping Center at 360 and South Lamar Boulevard. The property itself is just over two acres in size. The case has also been postponed several times by a request of either the neighborhood or the property owner. The last time it was considered I believe was on June 18th and there was a postponement to August 7 by Shaw Hamilton, the property owner's agent. This is a city initiated case, and as I mentioned before, there is a valid petition. At this time I'll pause and Shaw-Hamilton Ralph Reed, will speak to probably the owner's position. I think we have at least three or four speakers from the Barton Hills Neighborhood Association that would --

Mayor Wynn: They signed up in favor, which I presume would mean in favor of the planning commission recommendation to exclude?

That's correct. With that I'll pause and we can hear from maybe those that are here to speak to the item.

Mayor Wynn: I agree. So council, then without objection we'll hear from folks who are supportive of the planning commission recommendation. Our first speaker is melissa hawthorne. Hi, melissa. Is carol gibbs still with us. And arthur stone. How are you? So melissa, you will have up to nine minutes if you need it and you will be followed by peter hess. mayor, councilmembers. I just was here tonight, impart of the area development committee for the barton hills neighborhood association. This was part of our original vmu opt in, opt out request. We opted in all the tracts that were not in the s.o.s. Boundaries within our planning area, and I'm surprised not to see the applicant. He's postponed twice and we were agreeable to that. I'm almost wondering if -- i don't know how many more items there are. I kind of feel badly because I saw him earlier.

Mayor Wynn: We're going to be here for awhile.

I don't want to go after the oak hill, okay? [ Laughter ]

Mayor Wynn: Oak hill is next.

Okay. Then I'm going. [ Laughter ] so basically, you know, the reasons to put this in vmu would be density bonuses. This tract has a watershed boundary divide t has a very low impervious covered on the balance of the tract t drains to barton creek. It was zoned sf-2 in 2004 and it -- it was actually while I was on zoning and platting commission -- i actually think I made the motion to rezone it so gr-mu-co at that time. What was I thinking? So it has a fair entitlement. It has a site plan in place for a condominium development. I don't think that the vmu particularly gets anything that they don't already have. I think that it has handsome entitlements and I think just on occasion that more is a little too much. And I would really appreciate your support of the neighborhood's position to opt out this tract without a specific plan for a real project when there's already a plan in place for a project. Thank you.

Mayor Wynn: Thank you, ms. hawthorne. Our next speaker is peter hess, welcome, pert. Peter. You will have three minutes to be followed by nan clayton.

Mayor wynn, councilmembers, my name is peter hess. I'm chair of the committee of development on the barton hills neighborhood association. I would like to just show you a couple more pictures, which -- to support our application. All right. As you see here the tract in question is 4 b, tract 4 a and 5 were already taken out of vmu. Our application was accepted by this council early on. Here is topographic map of the tract. Tract 4 b is the one for the south. You can see here that tract 4, the entire tract 4 is adjacent to barton creek. You see how the contours drop off down to the creek very steeply. We think that tract 4 b should be opted out of vmu primarily because of critical environmental features present on the tracts such as karst and rim rock few churs. On this map you can see how the end of tract 4 drops off steeply all the way to barton creek. The next picture shows an from the city of austin environmental constraints map. Here you can see that roughly two-thirds of tract 4 b, which is 3600 south lamar, is actually in the barton creek watershed. The next picture shows the three tracts. The tract 4, 4 b, 3600 again, and you can see from this aerial photograph that a tract drops off dramatically into barton creek.



You can see that the lot goes all the way the rim where the ether drops off steeply. You can see that -- the foreground of the picture. While we support the idea of vmu, we also have to recognize that vmu is not a one size fits all solution. In fact, the whole point of vmu is to concentrate development along major corridors in order to avoid development over environmentally critical areas. Now, this happens to be both. It is along south lamar, but at the same time this is a critical environment -- environmental critical area. So there are too many complex variables in play for here to grant a blanket vmu. Set back requirements, water quality transition zone, rim rock as an environmental critical feature and so on. Also a complicated factor is redevelopment or dense entitlement. We believe that vmu is a clear choice for tract b because it would increase the number of development options in the future. We think that it would be unwise to grant additional entitlements in an environmentally sensitive area. I would like to point out that a property at 3600 south lamar, 4 b, is currently for sale. Buzz buses vmu here just -- [ buzzer sounds ] vmu here just becomes a vehicle to increase the so we therefore ask you to follow the lead of the planning commission and support our application. Thank you.

Mayor Wynn: Thank you, mr. hess. Nan, welcome. While nan approaches, a handful of folks signed up in favor also of the planning commission recommendation, but not wishing to speak. That would be kimberly earlyinger, jennifer stewart, jeff jack, (indiscernible) and roy whalely. Welcome ms. clayton.

I'm going to make this short and sweet. We have asked for the support you have given us on the prior vote and I believe we have stated our case very well and we would appreciate your support on keeping the barton hills plan, opt in, opt out plan, and we thank you for your time.

Mayor Wynn: Thank you, ms. clayton. So let's see. So who is our agent? Shaw hamilton?

Yes. shaw hamilton is not the agent, but he's the property owner -- agent who is represented and filed a valid petition. We knew he was aware of this case because we requested information earlier in the week. I believe he was actually seen today --

Mayor Wynn: Earlier, that's right.

So I'm not sure what to tell you.

He was here. He was here and heard the agenda read in.

Mayor Wynn: Well, so technically we have a valid petition filed in this case by the property owner, which because the property owner does not want to be opted out, so the dynamics of that mean that it would take a super majority or six -- it takes at least six affirmative votes to exclude the property over the objection or petition of the property owner. I think there's a solid case for this, but councilmember, yes?

Leffingwell: I'm ready to make a motion to close the public hearing and approve the planning commission request on all three readings.

Mayor Wynn: Motion by councilmember leffingwell, seconded by comar to close the public hearing by

councilmember martinez. I'm going to point out that hamilton wasn't here to make that case, but I feel strongly that there's a sound planning principles here involved. So I too will be supporting the motion. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of seven to zero. [ Applause ]

mayor and council, that leads us back to our last zoning related item, neighborhood plan related item. That's item number 86, case np-2008-0025, the oak hill combined neighborhood plan. And as I had discussed with council earlier, we have suggested that this presentation this evening of the plan would be limited to general comments about the plan, and that specific comments regarding the future land use map or individual zoning cases for specific parcels or specific properties be delayed. And as you postpone action on the two zoning case items related to oak hill, item number 87 and 88, we would also suggest that you postpone item number 86 to the august 21st meeting and continue the public hearing to that meeting. At this time, mayor, I'll introduce the project lead person for the oak hill neighborhood plan, marine meredith, and she can introduce her team. And with that I will conclude probably my comments regarding this and quietly sit back and watch.

Mayor Wynn: Thank you. Welcome ms. mayor ditdz. -- Meredith.

Hello. I'm here with my planning team, greg, mina, wendy. She's the zoning planner for the oak hill planning area. Carol heywood, she's the division manager. And I believe matt holland is here from watershed protection should we need any questions answered about the watershed in the area. This is the oak hill combined neighborhood planning area. As you know, this is npa-2008-0025, agenda item 86, c 14-2008-0129. We'll first start off with a general introduction of the planning area, some general information, then basic facts, the process and outreach of the planning process, description of the planning area, vision and goals, an overview of the plan chapters, overview of the future land use map, zoning issues, final survey results, follow-up information. And we'll be open for questions. As you can see, the oak hill combined neighborhood planning area is located in southwest austin. It started on october 20th, 2005. City council approved a resolution directing staff to begin the oak hill planning process. The area is not within the urban core. It was brought to become a planning area for three main issues, the texas department of transportation -- the texas department of transportation began plans highway 290 west and state highway 71. Capital metro had plans for a transit oriented development in the area. And there was a lot of general development and population growth in the oak hill area. The planning boundaries began at approximately 6,000 acres. At a stakeholder meeting in 2005, it was expanded to 11,123 acres and it included gra in addition da hills, which is outside the city limits, and the other areas. This map shows the striped areas, which is east and west oak hill. That was the original planning boundaries. And the unstriped areas on the map were the areas that were added. As mentioned earlier, the planning area is 11,123 acres. It's 17.4 square miles. Igths the largest planning area in size that the city has conducted a neighborhood plan for. East oak hill is 4,969 acres. West is 6,155 acres. Population is 24,233 from the 2000 census. It's the third largest population of the planning areas. It is all located in the drinking water protection zone and over the barton springs zone and t edward's aquifer. This shows the planning boundaries being thomas springs road to the west, southwest parkway, to the north. To south we have davis lane escarpment and convict hill. Process and outreach, starting in september of 2005, this was the meeting where the stakeholders encouraged city

staff to expand the planning boundaries. We had the first workshop november 19th, 2005. And since then we've had approximately 20 issue meetings. On april 12th and 26, 2007, we presented the first draft of the future land use maps and proposed zonings. JUNE 23rd, 2007, WE Presented the first draft of the plan, future land use map and zoning changes. In december 2007 the planning contact team requested and received a three-month extension. The new deadline for comments was march 15th. On march 31st we had an informational meeting and april 29th we had a future land use map meeting where we got input from stake hold on the future land use map. And on may 14th, 2008, we had the final draft, future land use map and zoning changes presented at the final open house. Throughout the outreach planning process, we've had approximately 20 stakeholder meetings, sent out an average of a thousand notices per meeting. We've had 1,259 participants within the planning process, an average of 63 take stakeholders per meeting. We've had three full notifications around 21,000 notices, one for the kickoff, mid process and the final open house. These stakeholder notices also include the people living in the e.t.j. In addition to the 20 stakeholder meetings we had, 21 steering committee and planning contact team meetings. The steering committee transitioned into the planning contact team in may 2007. And in anticipation of the plan's adoption, which we're anticipating it being adopted last year. Description of the planning area, we'll go through the current land use patterns ltd community assess, environmental issues, existing conditional overlays and restrictive covenants. Oak hill as compared to the urban core and austin with the demographics. Oak hill is approximately 34% undeveloped. 34% Residential, three percent commercial plaignhtsd of office, industrial, civic, open space and right-of-way. Community assets within oak hill, here are some of them. There are three main park. We have public and private schools within the area. Public facilities is the hampton branch library, which is actually just outside the planning area. There's a travis country post office. We have major employers, freescale, seton and a.m.d. Offices. Environmental issues are it is within the drinking water protection zone. It has water resources such as williamson, barton, slaughter creeks and as mentioned earlier, it's over the edward's aquifer. There are endangered species, which are the golden cheeked warblers and the black capped virio. Environmental issues are there are springs, caiches, other environmental features such as critical water quality zones, 100 year floodplains. East oak hill is primarily within the recharge zone that has a maximum of 15% impervious cover. West oak hill is in the contributing zone. It has a maximum of 25 percent. And 20% if it's in the barton springs zone. This map shows the general critical water quality zones. Water quality transition zones. And that horizontal line is the recharge zone. Demographics in general the east and west oak hill increase in population over 100% from the 1990 to 2000 census. Within the urban coor and austin, round rock msa it 7% respectively. Oak hill area has a higher percentage of white, lower percentage of black, hispanic, asian and other versus the urban core and the city of austin. And education, the oak hill area has a higher percent of bachelor and master degrees as compared to the urban core, however east and west oak hill is comparable in doctorate degrees to the urban core and the city of austin. Family incomes, oak hill has a higher percent of incomes with the 50,000 to 199,000 versus the urban core. There's a higher percent of people with 200,000 incomes within west oak hill. And the same within east oak hill. This is the oak hill vision statement. As a unique yet integral part of austin and travis county, the oak hill area will support measured, sustainable growth in residential and commercial development while maintaining the existence and integrity of its environmental resources and that of the community and its neighborhoods. The major themes within the land use is balancing the environmental protection with desires for -- with

the desire of the stakeholders for more commercial services. There is also desire for more mixed uses in the existing corridors. And to create locally owned businesses that is quality development. Also there was a strong desire within the planning process from the very beginning we heard people's desire to have a multi-use town center at the y. Major transportation themes were interconnectivity among destinations, creating safe pedestrian bicycling environment and to improve public transportation. Housing goals were to balance development and environmental protection by maintaining the vibrant residential and commercial community. Preserving neighborhood identity, character, affordability and diversity. Major design theme were improving the aesthetic look along the roadways, enhancing the hill country feel, balancing development and environmental protection, and preserving the neighborhood's character. Parks and open space, the major themes were preserving and restoring the natural beauty of the open spaces in oak hill, connecting the neighborhoods with the green spaces, expanding the park like recreational facilities and creating safe greenbelts, nature trails and wildlife corridors along the creek. The community life goals were to preserve the value of historic sites, ensure the safety of persons and property. All oak hill residents should have readily accessible quality community services and to promote camaraderie, community spirit and communication among the neighborhoods. The plan chapters. If you will note chapter 4 and chapter 5 are specific to oak hill. Chapter 4 is development in the barton springs zone. We added that chapter because as mentioned earlier, it is over the edward's aquifer and we had a lot of comments and questions throughout the planning process regarding the environmental nature of oak hill. So we added that chapter. Chapter 5 is called public utilities and development. There are parts in western oak hill that are within the county that do not have water, wastewater and a lot of questions came up during the planning process about that situation and how service extension requests are submitted, so we added a chapter to provide that information for the oak hill stakeholders. The rest of the chapters are the typical chapters you would find within the neighborhood plan. The future land use map, some recommendations were to balance -- the balance was to provide more commercial services, but yet provide additional environmental protection. The future land use map we feel reflects the vision, goals and recommendations and the general feedback we received from the oak hill community. And we also felt it gave consideration of these sensitive environmental features and small commercial lots along the highways that were also adjacent to residential development. This is a future land use map. I will go to the next slide where it zooms in a little bit more to the west oak hill. Moving from west to east, in general you can see a lot of the properties have light yellow, which is the large lot rural residential. We have some commercial along the highways. I'm not sure if you can see very clearly on your map, but many of the properties along the highways are within the critical water quality and water quality transition zones. They're already developed. The future land use map recommends a lower intensity, future land use on those properties. In the event they should redevelop, the future land use map would encourage a lower density land use than is currently there in many cases. Based on the planning commission's recommendation from July eighth, the lavender color at the y is the major planned development land use. And then to the south of 290 we have some commercial at 1826 to the right and then moving up from there going east some multi-family and office. This is the -- primarily the east oak hill future land use map. Starting at the major intersection of loop 1 and highway 290, that's where we have the most intense recommendation of commercial and mixed use because there's existing development and existing infrastructure, especially to the south of 290 along monterrey oaks. This area was considered a

good opportunity for a mixed use development. There's currently some commercial development there and multi-family with monterrey oaks being a good potential for pedestrian friendly streets. So we had recommended and also based on the input we received from stakeholders, their desire for more nodes within oak hill where they could have a live, work, play opportunity. And we thought that area was a potential for that. Moving west along highway 2 snrient, again to the north of 290 many of these tracts are within the credit cet water quality zone. They're small tracts that are currently developed and they have residential adjacent si. That's where this map recommends neighborhood commercial. Let's see. Some future land use map issue that we enthroughout the planning process, some of the stakeholders believe that if the future land use map recommendation does not match the current zoning on the ground that the property with the current zoning is nonconforming. That is not the case. Some stakeholders had believed that neighborhood commercial and neighborhood mixed use would limit all the uses within those two land use categories to five thousand square feet, and that is not correct. General retail sales general to 5,000 square feet and restaurant general to 4,000 square feet. On march 31st we had an informational meeting where we invited the stakeholders to it and we 2r50eud to cleesh up miss -- and we tried to clear up these misconceptions. We had a land use meeting where we wanted to gauge the input that we had gotten through the general comment period there were 16 tracts that were discussed. Only one tract land use recommendation was changed. The other 15 were -- did not change because they were not unanimous. There was pretty much a split comments that we had received. Currently there are 25 contested future land use map tracts. For zoning this is west oak hill and east oak hill. There's 174 properties that we're proposing to be rezoned. 140 Of them are the interim zoning from when the properties were annexed into the city. This is mostly development reserve and interim rr. 34 Properties are what we are calling cleanup zoning. These are properties, small residentially zoned tracts along the highways and some nonconforming uses. Currently there are eight contested rezoning tracts. We are not proposing to rezone all of east and west oak hill primarily because a lot of oak hill has existing restrictive covenants and conditional overlays, potentially grandfathered properties, and existing development agreements. From the planning commission, we presented to them 26 contested future land use map tracts. Planning commission supported 16 out of the 26 tracts. Final survey results, the question of please raight your level of support for the oak hill combined neighborhood plan based on how the goals and recommendations in the final plan represent your concerns. Of 157 responses, if we confined the full supportive -- full l.i. Supportive and generally 2% support the plan based on the goals and recommendations. 28-Point # 8% are unsupportive. With the question are you satisfied with the oak hill combined neighborhood planning process, combining very satisfied and 2% who are satisfied. 9% Who are dissatisfied and 30% who were neutral. We received 25 of the official comment forms. 12 Were objecting to the oak hill plan. Five in favor. There were seven objections to the proposed rezoning of 6800 waters way. They were specifically noted on the forms. And there was one response that did not provide a comment if they were in favor or objected. So right now I would be more than happy to take questions from the council and the mayor. We also have watershed protection staff here if y'all wanted to ask matt a question. And then we can at council's discretion open for public comment.

Mayor Wynn: Thank you. Questions of staff, council? Comments? I do want to apologize. I try to manage sort of the agenda and the speaker sign-up process as best i can, thinking through the dimes

for the rest of the evening. I have a couple of questions about the plan, but i actually want to reserve my questions for just before we hear from the citizens who have signed up. We have, oh, an hour and a half or so worth of folks who have signed up wish to go give us testimony on the plan, which is fine. We'll sit through all that. Unfortunately just after that is our public hearing on our proposed budget, item number 90. We have seven folks who are here to speak to us on that, all but one of them are with adapt, our local disabled community. And they need to catch public transportation before the last bus stops rolling. And that wouldn't be possible if we get into what I think should be an hour or two testimony and discussion of the oak hill neighborhood plan. So I apologize for everybody's inconvenience, but without objection, I'd like to take up the seven speakers who would like to give us on item number 90, our public hearing on our proposed budget, so they then will be -- have the ability to go catch public transportation before they lose that opportunity. I apologize for not thinking through that before we even started the presentation. But I'm glad that meredith had her time to give us some good information. Quickly tabling item number 86, we'll take up item number 90 regarding our proposed fiscal year '08-'09 budget. Our first speaker is ms. jennifer mcphail. Welcome. You will have three minutes to be followed by mary steel.

Thank you, I'm jennifer mcphail with adapt of texas. We're here tonight to speak to you because we're concerned about the budget that the city manager has proposed for sidewalks. Right now the proposal is to 2 million in bonds to provide sidewalks. But the policy for bond dollars is to use them in areas where streets are being resurfaced, and those areas are largely residential. And our sidewalk network has a great deal of problems in it, and accessibility violations. It violates the a.d.a. And without a significant amount of money, you're not going to be able to address that. Now, public works will come to you in september with the proposal of a transition plan that's been required in the a.d.a. since 1992. They're coming forward with the transition plan and as part of that transition plan they're asking the council to fund sidewalks at five million dollars every year for the next 20 years so that you can address the need. And that won't really even get at all of the needs, but that will get a bulk of the needs. And we think it's a very conservative and reasonable recommendation and we support that, and before you tell me, well, there's just no money in the budget, that's not true. We have a few dollars available to us, and all you have to do is redirect some of that money. And some of the things that come to mind are that you have bond -- interest from the bond dollars. You can make that available. You have a rebate from txdot. You could make that available for sidewalks. You could take some -- shave some of the money off transfers and other in multiple spots in the budget because that's kind of a miscellaneous and it pays for a lot of things. But if you shaved 500,000 off of transfers and other budget, you could get quite a bit of money an use it to keep people safe. And we really think that that is the important thing, to keep the public safe. Right now we're not safe in area like north lamar we're forced into traffic. That's not safe, it's not compliant with the law and it's not good policy. Thank you. [ Applause ]

Mayor Wynn: Thank you. Mary steel, welcome. You too will have three minutes to be followed by boril steel.

Hi, everybody. Name is mary steel. And I think if you know me, you know what's coming next. I'm going to bless you because I love to be blessed. May the great creator of the world bless new a ways that you never thought possible. May he pour his blessings on you until you are drowning in them. Thank you.

Now we want to get down to the business, the \$15 million. It is greatly needed. It's not needed just for wheelchairs, but how many people have tried to walk down -- a street that pops up to me is the pleasant valley. store is. If you go a little past riverside on pleasant valley past that, you will find that there's a sidewalk on the left side of the street. That goes down for about a block be and then there's a sidewalk on the right side of the street and you've got to figure out how to get your wheelchair through that really busy street over to the other side. But then it gets better because you go down a little bit further there's no sidewalk on either side. And to me it's not just putting my life in danger, it's putting anybody's life in danger who is going to walk that street. Which means your life, your children's lives. So I'm concerned about me, I'm also concerned about everyone else. So I just ask you really to just when they come up to ask you to give the 15 million, dig in your pockets. Pretend you're a very poor person with a limited income, like my mom used to do, and bless the money and divide it. I'm sure you can come up with that. Thank you. Any questions?

Mayor Wynn: Questions for ms. steel, council? Thank you, mary. Merrill steel will be next to be followed by nelson pete.

I'm merrill steel. I don't speak as well as my wife, but five million this year for sidewalk and curb cuts, and you know, I have been independent just about all my life. And then when I can't go on to certain streets because it doesn't have the ramp, i have to go outside the street just to get by. And it's very dangerous, especially on some of these streets. And there's so many streets I have to stop and go around because they have to have the curb cuts. And I'm kind of fortunate because I haven't had that type of problem be, but there is still -- always can be improvement. Thank you.

Mayor Wynn: Thank you, mr. steel. Nelson pete. Welcome mr. pete. You too will have three minutes and be followed by fredty gonzalez. Let's get the microphone turned on.

Hello, councilmembers, good evening. I'm here to ask you for at least five million dollars this year for sidewalks becaus wheelchair and I'm slow and I know when the bus took me on the other side of 35 and they had to take me back here to this side to wal-mart at ben white, I got to wal-mart and I'm looking, I've got a sidewalk in front of wal-mart, and look there's congress. I go to congress and there ain't no sidewalk between wal-mart and congress. I really don't want to get out on ben white and slow y'all down as drivers. I'm sure you appreciate that too. There's other areas, like north lamar and burnet road. And burnet road is pretty bad, but really we need to find five million dollars for sidewalks for this year. And I'm sure in the coming years with the way inflation is going it's probably going to take a lot more. But you know, we need to do what we can do now because if there aren't sidewalks i can't give people business. And I don't want to be a danger out on the road for y'all. Or me. My wheelchair doesn't go very fast. I hope I get a new one soon. I appreciate y'all's time and please try to find five million dollars somewhere. Thank you.

Mayor Wynn: Thank you, mr. pete. Freddie gonzalez, welcome back. You too will have three minutes, to be followed by angela baker.

Good evening, councilmembers. My name is freddie gonzalez. I'm with adapt of texas. And we're asking

for five million dollars for sidewalks and curb cuts (indiscernible). I need curb cuts because my vision, I have double vision. So the curb cuts enable me to walk up the sidewalk. I am not able to tell the level of the sidewalk, so I can't -- I need this curb cut, so please would you put the money into the curb cuts and sidewalks? Thank you.

Mayor Wynn: Thank you, Mr. Gonzalez. Welcome Angela. You will be followed by Fannie (indiscernible).

My name is Angela Baker. I am a leader with Austin Interfaith. We are here this evening to present the priorities of our organization, which represent 50,000 families from all parts of Austin. In the past year we have had conversations with three thousand people in our schools, churches and unions. Our issues are reflected in what we have heard in these conversations. We also want to thank those of you who have already made commitments on this agenda to the 800 people who attended our accountability session in this past April, and to all of you who have supported this human development initiative, both at our accountability sessions and in the city budget.

My name is Fannie (indiscernible), and I'm a member of the Ebenezer Church, also a leader in Austin Interfaith. Our priorities that we expect to see reflected in the city's budget for 2008-2009 are as follows: An increase of \$100,000 in funding for capital idea for a total funding of \$1.3 million. An increase of \$100,000 for other workforce training programs. And an increase of \$50,000 for two new English as a second language sites. One on the east side and one on the southside of our city. We've already met with some of you individually, and we will be meeting with the rest of you within the next three weeks. We will also be coming back for the public hearing on August the 28th, and we look forward to seeing each of you again at that time. Thank you very, very much.

Mayor Wynn: Thank you, Fannie and Angela. And our final speaker is John Denasi. Welcome back, John.

Thank you, Mayor and Council. I'm here this evening, my name is John Denasi and I'm here in my role as president of the Heritage Society in Austin, listening to the folk who came here before me puts my request a little bit in perspective. I'm here this evening to ask for additional funds for historic preservation here in Austin. I believe the budget that you have before you or that you're proposing allocates \$237,000 to historic preservation for the year 8 million for neighborhood planning and zoning. Looking at some of your peer cities, Portland, Oregon, less population, more funding for historic preservation. Atlanta, Georgia. Less population, close to twice as much funding for historic preservation. Nashville, Tennessee, less population, close to three times as much funding. Denver, less population, quadruple the funding. Fort Worth, city manager, similar population, but triple the funding dedicated to historic preservation. Why is this important? You heard a presentation from Houkenous highlighting what is really the bright spot in Austin are hotel occupancy rates that are very high in Austin and they're generating hotel occupancy taxes. The reason people are coming to Austin is because of our beautiful natural environment and our beautiful built environment. And when we lose our historic fabric, we do this at our own peril. I'm respectfully asking you to give some consideration to giving additional funding for historic preservation in this budget and look forward to communicating with all of you on this issue.



coming up. Thank you.

Mayor Wynn: Thank you, John. So council, that concludes all of our citizen testimony on the public hearing item number 90 regarding our proposed '08-'09 budget. Know that of course we will continue with these public hearings each of the next two city council meetings, the 21st and 28th of August. And folks of course are welcome to give us comments electronically or otherwise, but for our formal vote -- before our formal budget vote on September 8 and be 9th. So I will here motion to close the. All in favor? Hearing none, all those in favor please say aye. Motion passes on a vote of seven to zero. Again, I apologize for all the folks here from Oak Hill, but we were able to get that accomplished and now we can go back and hunker down, get comfortable and spend time both with questions and comments and then ultimately with citizen testimony. So again, questions or comments of staff on our neighborhood plan presentation we saw earlier from Ms. Meredith? If not, then let's go to our citizen testimony. They've been very patient all afternoon. Let's see. Let take these in order. There's about -- actually, only about 25 folks who want to speak, so 80 minutes or so of speakers. Our first speaker is Sandra Baldridge. Welcome. I appreciate your patience. You will be followed by Theodore Miller. You will have up to three minutes. Welcome. And just remember, we are going to keep this public hearing open. Ultimately we'll end up postponing action on item number 86 until our next meeting in two weeks. And we'll also open up the public hearing for combined items 87 and 88. So know that there will be plenty of time to comment. Welcome.

Good evening, Mayor, Councilmembers. I hope I'm not up here for all three. I'll try to keep this short. The Oak Hill neighborhood planning process has been going on for a long time. If you read the text, you will find out that what we have wanted is sidewalks, hike and bike trails, recreational fields, soccer fields, open space, parks, things that require city infrastructure. Infrastructure we have been told was not allowed on the flume. You cannot put a park on the flume because it would be a taking of land. If we take land for parks, you get in trouble with the state because they don't like taking of land. So we have a dilemma here. We have a text document that specifies that we want infrastructure. We want sidewalks. We want safe routes to schools. And we have a flume that deals with property rights and a flume that deals with zoning cases where in many cases the zoning supersedes the land use. If the zoning supersedes the land use, the zoning trumps. We have a neighborhood plan that calls for a town center. As you notice, we have asked that that be a major plan development. Under the code the major plan development allows for any possible zoning across the board from -- be it a sidewalk to be it a slaughter house. We have no intentions of asking the Oak Hill residents to have anything larger than a zoning in that master plan development which would limit the height to 60 feet. Just because we've asked for master plan development, that is to encourage a cooperative, comprehensive town center with a TOD and I'm here tonight to ask you as Councilmembers to please facilitate the conversation between the landowners and Cap Metro that we can have effective, functioning, sustainable town center. We can get cars off the road, we can decrease vehicle miles. We can decrease the traffic on Mopac. And I think everybody in the City of Austin wins. Thank you very much, Mayor and Councilmembers.

Mayor Wynn: Thank you. Theodore Miller is our next speaker. Welcome Mr. Miller. [ Applause ] Is Patrick Miller here? Welcome. So you will have up to six minutes if you need it and you will be followed

by stacy (indiscernible).

Thank you, mayor and thank you council. First of all, I'd like to introduce myself. I'm ted miller. Dor miller is my official name, so I have to go by that.

Mayor Wynn: That's what you typed in.

Thank you. First I'd like to compliment the staff and all those that have participated in the development of this plan. To give you just a little bit of back ground that you may or may not be aware of, I moved in 1977. And it was out in the country. We had deer, foxes, all kinds of wildlife that visited our property on a daily basis, even though we were in a neighborhood. But during the next three to five years, we began to notice development going on all around us, north, south, west, everywhere. Npc, bill milburn were just building as fast as they could. And our first concern in our neighborhood was mobility. How were we going to get to town. How were we going to get to work? So working with another neighborhood, western oaks, we formed a group called association plan and directed development. And this preceded ohan. And with that organization we worked with the city and the county to develop a mobility plan for all of south austin from south of the river -- pardon me, west of i-35, to try and accommodate the growth as best we saw it with what we saw at that time. That plan became rety, and unfortunately that plan now is so far out of date in terms of what's on the ground that we are now facing the same congestion that you see down towards the center of the city as well as on the northside. And we have needed a land use plan so desperately. And this plan does not show a lot of the other amenities that are in the area like dick he wills park, which is -- dick nichols park, which is just south of one portion of the plan there. And it's essential that this plan move forward. And from what I've been hearing, in my experience -- and I'm sure it has been yours too. That when you see 20, 30 people in a group trying to come to consensus, you will have a pretty hard time doing this. Here we have 1600 people and other participants and stakeholders that all want to see that their concerns are addressed. So my suggestion would be that the council might consider approving the combined neighborhood plan and the flum. And then having the other issues relating to zoning, come back as amendments to the plan at a later time. That gives us a much greater time to work it out as well as giving you a context in which to review these objections to zoning or land use. So thank you very much.

Mayor Wynn: Thank you, ted. Stacy. Nglings. You will have throw minute. To be followed by david richardson.

Actually I tried to sign up a little bit later and donate my time to david richardson.

Mayor Wynn: Okay. So welcome david. Let's see, a number of folks wanted to do that for you, david. Is jackie waters here? Hello, jackie. Stacy did donate her time. Chip graves. Welcome. So david, you have up to 12 minutes if you need it. Welcome. To be followed by rick perkins.

Thank you, mayor and councilmembers. I'm trying to figure out what button to push to get the thing to work. The black button? All right. Okay. I want to say that there have been a lot of comments about transportation here this evening from people from the disabled community, and I think there's a strong

need for sidewalks and that kind of thing that's coming forward. And I want to say also that oak hill has been on the leading edge of that. We wanted a walkable community when we got started in this neighborhood planning process. So we were one of the -- that was one of the first things that we wanted. We wanted mass transit out at oak hill and we talked to cap metro and got them to put us on the all systems go plan, and so we've been involved in that. And we got on to the city council agenda for a tod in oak hill and then we asked for a town center there as well. We asked for bike trails and open space, and we're working on getting that too. But often current policies work against funding our needs. And we want road safety improvements, mobility improvements, parks and recreation facilities, trails and sidewalks. We've all heard this from other folks as well. But the oak hill neighborhood planning contact team position on this is that we want to send the barton springs -- the development of the barton springs zone, chapter 4 of the appendix, and the question is well, why do we want to do that? Well, the reasons are that it's not part of other neighborhood plans. It was never part of our neighborhood planning process. It just restates regulations that developers need anyway going through city staff. And it makes no contribution to the community vision. So what do we want? Well, what we'd like the council to consider is to our comments in apane diks j -- appendix j and place these comments in the plan document. Stacy, would you pass out -- okay. That's in front of you. These changes do not make any change to the land development code. The process still requires heightened scrutiny by city council and staff and of course super majority for approval if they exceed s.o.s. But the key concepts we want to bring to council are that we want greenfield development to serve the oak hill community. We want to encourage mitigation within the oak hill planning area. This preserves our community. Went to create a new funding mechanism for oak hill that transfers impervious cover credits on projects exceeding s.o.s. This would honor the water and allow protections for non-contiguous parcels. It would also create a new funding mechanism for the oak hill community. And as many of you know, there have been restrictions placed on oak hill since day one that prevent oak hill from getting funding like the amatp has environmental suitability matrix that penalizes oak hill and prevent us from getting funding for a lot of roadways. We had hoped to have nikkily make a presentation. I don't know if mickey is with us this evening. But the thrust of these strategies look at the disparity of value in land in oak hill versus land in hays county. And I wish mickey were here to make his presentation, but I think he might have some health-related issues. The master plan in oak hill -- what we'd like to do, and I think sandy has already mentioned this, is to master plan this area. And the pct, the neighborhood plan planning contact team, is requesting that mixed use for don's barbecue, albertson's, gatti be and the property because they are already developed. We also pass add resolution to request mixed residential for west park p.u.d. Steve scotts on the east at the intersection of 290 and 1826. So our request to you to consider in the coming weeks is to approve the oak hill taskforce flum changes that sandy baldridge has already present to you. And the impact be of this is to prevent the commercial sprawl, the 183 effect if you will along 290, 71 and other roadways in oak hill. And I want to say that this is one of the first things that ever came up way back in january of 19 -- of 2005 was that we did not want to create 12k3w4r50eu6r7b8g9s diks, except -- except the divisions and goals that came from the community. And we'd also like to request that you move the text that is in your packet there from appendix j to chapter 4. And that addresses mitigation in oak hill and create impervious cover credit, a tdr mechanism that has yet to be actually drafted, but we'd like council to consider that in the future an work with us to create that. Now I'd like to also speak on my own behalf. I was speaking as chair before of the planning contact team. But I'd also

like to look at development strategies and how they influence each other and we've got land use transportation on the environment. And these seem to impact oak hill more than any. Between the city's hammer of their codes and regulations and the anv reality, we've ghot a very torted land use in oak hill that is a result of those policies. And in order to create a vibrant town center, we'd like to the council support to provide resources for a master plan. The financial projections and analysis and implement strategies. And also work with the developers for an overlay agreement, entitlements for them and of course community participation should be part of that. [One moment, please, for change in captioners]

the need is very compelling because we have impervious cover limitations for the barton springs salamander, we're mindful of that, but what we'd really like to do is find a way to sequester more open space, not only in hays county but oak hill as well. And when we looked at the impervious cover in the area, we get conflicting stories about where we are. 3% in the presentation to the barton springs advisory group that council member leffingwell started. 6 and 11%, but I've also gotten information from aaron wood from watershed protection that impervious cover in oak hill is at 17%. And when you look at -- when barton springs zone is built out where is this going to take us? Is it going to be 9.6%, 12%? 18%? I've run some numbers and the bracket of that is higher than 10%. So I'm not really sure where we're going to get there, but continues to consume open space faster and threaten barton springs, the threat to oak hill increases as well. And we have obligations to protect the endangered species, so we need new ideas, and new ideas I don't believe are a threat. They should be a resource. And the npct ideas work for the community. They come from the community and serve the environment, and I'd like to thank you for your time and attention and hope you can work with us in the future. Thank you very much. thank you, david. [Applause] let's see, rick perkins signed up wishing to give us testimony. Welcome, mr. perkins. You'll have three minutes to be followed by katherine laoja.

Good evening, council. My name is rick perkins. I'm from the granada hills subdivision, which was a participant in the oak hill planning process. Just wanted to thank the council and neighborhood zoning group for allowing us to work on the oak hill plan, being that we are in and not specifically in the city of austin. This process has enabled hundreds of oak hillians to come together and compare thoughts and ideas about the future of oak hill. We formed alliances and volunteer networks and work groups, and we've strengthened our representative association, oak hill association of neighborhoods, who now has about 24 -- I beli 24-member subdivisions and i think we're going strong. I participated in a majority of the meetings and eventually helped to organize the oak hill trails mccracken knows. He's been on a little jaunt with us one time. Oha, which is our acronym, is now involved in establishing hike and bike trails, commuter trails and safe paths and connections to schools and oha has also adopted about a 6-mile radius from the y at oak hill. So we're encompass a large swath of land and of course we're all volunteers and so we can say anything I want, I guess. But -- [laughter] but oha is working with parks and recreation and public works and also the neighborhood organizations to construct these trails and we would appreciate your continued support to increase pedestrian connectivity. So this is a direct benefit of the neighborhood planning process, and I just want to make that clear that ota would not exist if it weren't for this process so that is a big benefit. We appreciate that. You may hear some people speak about maintaining the oak hill look and feel. We've tried to do that throughout this planning process, and we do not, absolutely do not, want our freeways, which are 71 and highway 290 west, to mimic the strip mall look of 183, and I've coined the word the 183 zamation of oak hill. We don't want

that. I personally believe large setbacks, billboard and signage controls and the control of nuisance lighting from lights, which is always a big problem. These are important for us to meet the goals of the -- and these are mentioned in the plan, so -- but finally, I must commend all of the neighborhood planning and zoning group, but especially maureen meredith for her patience with us, because it's been tumultuous. So thank you, maureen. [Applause] thank you, mr. perkins. Katherine laoz. Sorry I mispronounced that, Katherine, wanted to give us testimony, as did Judith Griems, Judith Grimes. Karen Rilling. Karen Rilling. If I call your name please just step forward. Some folks may have given up.

Thank you, sir. I come respectfully before the city council as a retired principal of an Oak Hill school as well as a homeowner and resident in Oak Hill. My property backs up to the West Park PUD. My sons have thrived growing up in Oak Hill and I thank the entire community for what they've built over the last 20, 30 years. I also applaud the work of Maureen Meredith and the neighborhood planning team of dedicated citizens. They have advocated for trees, for green space and for aquifer protection. Please do not negate and dismiss that long-range planning and very lengthy planning process by summarily rezoning Oak Hill. There are developers and those who profit by pouring concrete who demean anyone who hesitates to support development. For some environmentalists is a curse word slur. I'm here to communicate that very reasonable, responsible, well-read and normal people can advocate for great caution in rezoning where present zoning protects trees, protects the aquifer and protects our animal species. Thank you. [Applause]

Mayor Wynn: Thank you. Let's see. Did I call Carol Supedes? Sorry if I mispronounced that, Carol. Welcome. You'll have three minutes to be followed by Jeff Jack. Mayor Wynn, members of the council. I'm Carol Supedes. I'm a member of the South Windmill neighborhood which is one of the neighborhoods between the forks of the Y where 290 and 71 come together. I am here primarily to express my general concern that somehow in moving from the text of the Oak Hill neighborhood plan to the specific recommendations of the flum, the Oak Hill vision has been lost. I was very pleased that the presentation from Maureen Meredith started with the vision and the goals, because these are extremely important. They were developed in the early meetings in 2006 at meetings attended by 70 or -- actually 70, 80, maybe more members of the Oak Hill community, very enthusiastically talking to each other to develop a set of ideas for how we could build our community. The vision of Oak Hill says of course that it is an integral part of Austin. Extremely important that we remember Austin's overall plan. It supports measured sustainable growth and residential and commercial development while maintaining the existence and integrity of its environmental resources and that of the community and its neighborhoods. These were fleshed out with a set of goals from the stakeholders themselves. You have seen those on your screen. Two years later at the end of a long process we see a flum, which was drawn up largely, I am afraid, by city staff, perhaps in frustration at the difficulties of the handling of all of the input that we received. Somehow it lost track of those goals, because instead of measured sustainable growth, it enables major abrupt increases of density, to the detriment of our water resources and the quality of neighborhoods. It creates or encourages a pattern of density along highways, 290, 71, Southwest Parkway, which could give rise to the strip developments 183-ization, thank you, Rick, and work to the detriment of our standard. During this long process we have somehow pro myselfed or -- compromised or lost track of the essentially desires of the stakeholders. Therefore I say the Oak Hill neighborhood plan is not perfect but it's good for Oak Hill. The flum is not. Please delay or revise that flum and we will have

something that will work to the benefit of oak hill. thank you, carol. [Applause] jeff jack. Thought I saw jeff earlier, signed up wishing to speak, as did becky halpin. Sorry if I mispronounce that, becky. , To be followed by dwain rogers.

Hello, mayor and council members. I'm becky halpin and i served on the neighborhood planning contact team but I'm speaking tonight on my own behalf. We went to a through a nice neighborhood planning pro process and came out with a good plan but the flum suffers from the lubey's syndrome, you know where you go to the cafeteria and you get your tray and start down the line, and even item looks very delicious and you know it's going to be very nutritious and you're licking your lips and going down the line and putting things on your tray and you're so pleased and you get to the end and you look at your tray and you say, oh, I can't eat all of that. I think that's kind of what happened to us when we went through the neighborhood planning flum process, which is we looked at individual tracts and we said, oh, yeah we can ungrade this one, we can intensify here, this will be a great use, used to be residential but now it can be mixed use. But the cumulative effect i think is going to be neighborhood indigestion. Under every version of the flum the intensity -- could you put this -- do you mind putting this -- under every version of the flum the intensity of development could result in unacceptable levels of traffic congestion on our roads which are waiting to be improved, loss of neighborhood character and degradation of water quality. There are tracts on all of the proposed flums that don't need to be given these intense land-use designations now. Here are some specific recommendations I have. And part of this I think is just the brown color, and i understand you may have heard this from other neighborhood groups. That brown goes all the way up to commercial highway, which allows up to 10 story building. Right in here you have an area that is a lot of apartments. It doesn't really need to be brown now. It could be brown later if it has to be brown. Along here, along the southwest parkway, which you-all have been on, it doesn't all need to be mixed use. A lot of this is office. Why don't we just go ahead and leave it office. We have the 183 effect, which could be toned down, and along old bee cave road, we don't need to be mixed residential. We could just do some single-family in there. Old bee cave road is already very crowded, if you're to crowd it up with apartments it's going to be impassable pretty quickly. I do not think that the flum needs to be radically changed, only modified enough to keep the medicine from killing the patient. Thank you. [Applause] thank you, becky. Let's see. Dwain, welcome. You'll have three minutes to be followed by jackie goodwin.

Good evening, maybe, council members, and again city staff and especially maureen, thanks as everyone else has said for all the hard work of you and your cohorts. I appreciate the opportunity to speak tonight. I'm the president of the oak hill association of neighborhoods, and I think a lot of the previous speakers have hit some of the high points and themes, so maybe I'll just try to fill in a couple of places. As you've heard from sandy baldridge ohan, opa and the planning task force had specific recommendations. That are specific recommendations for the flum out of that task force which we'll address at the later meetings. I want to say that I think a lot of the groups and the folks down here are in agreement that what we'd like to see is what first of all had the principal includesserring of retail and commercial services at or near the y in oak hill. Elsewhere let's keep the commercial and retail around the intersections where the infrastructure can support it. In mid block areas, let's reduce the density and let's reduce the curb cuts and reduce the 183 effect. And that's particularly important when you look at 290 but in particular 71. 71 is a four lane highway, which at least so far does not have a turn lane, and it

creates a very dangerous traffic situation if you get too many curb cuts and too much in and out traffic on 71. So that's part of the reason for those recommendations. And as we -- as we talk about sort of the town center area, which is basic -- which has basically been identified as kind of property down to 1826, you know, where our group ohan is right now is to request that in some manner, that there be a master planning process that takes a look at that as a comprehensive development so that we get it right, and i think the main reason for that, if you look at some of the other planning processes, such as the campo 20, 30 plan, the sustainable cities initiative, you see that one town center or activity center, or however you define it, is planned for the southwest austin area and only one. And so if that's the case we'd really like to make sure that we do it right, and we think that a a master planning process would be the best way to accomplish that goal. That said, we -- I'm a little bit concerned that the planning contact team recommendation of differences within that town center area with regard to the different property owners -- I understand their rationale and I appreciate it, but I do -- I want to make sure that we're not sending a signal to any particular landowner that we're trying to favor or disfavor them, so I just wanted to say that. And again, I think -- i think that a lot of the folks down there, when you went to those meetings, and I commend the community for going to them and sticking with them for as long as they did, they expressed consistent themes. In commercial and retail service, particularly modern services, and green space and connectivity improvements to include trails, hike and bike and transit and that's a big part of the town center as well is the desire for transit. Thank you very much for your time. If you have any questions I'll be happy to take them.

Mayor wynn: thank you. Questions for mr. rodgers? Thanks, dwain. And jackie goodman. Welcome. [Applause] you too will have three minutes to be followed by jane norwood.

Thanks, mayor. You called me too quick. I have not got readable notes, but. I'm jackie goodman, president of the save barton creek association, and we have always supported 9 oak hill planning initiative and certainly their goals of a town center, more parks and open space, since those are very environmental issues for us in that area. 11,000 Acres is a pretty large bite to take on anywhere in the city, and so I think that you need not be rushed into approving this in a short time frame once it's gotten to you. We love the text plan. It has all the goals that we knew folks were going for. The flum, however, contradicts the text. And so perhaps as the flum shows the old-time strip configuration, which has failed us in so many ways in our urban neighborhoods, and suburban, maybe there's something in the process that could be fixed and you could introduce this into that tweaking. The flum. Ever since the inception of the flum by staff, and let me digress there. The flum could be a wonderful tool. It could be a really great instrument because it does de facto become the representation of the plan. Not many read the text plans. So the flum, though, ever since it has reared its sometimes colorful and sometimes pretty and sometimes ugly head, that's where the conflict has focused for neighborhood planning. Because of the way it's generated, it is not referred to in the code. So I think that you can do work on oak hill's plan and get it so that people have a forum for talking about the issues that are obviously still out there and decide, and at the same time amend the code so that you have a criteria for creation of the flum, criteria for content, for process, for process of amendment as well, and although it's not a pan see a, I think it would be a huge improvement and help neighborhood planning do what it was originally intended, which was to give a forum for folks to work out their conflicts before they came to you-all in something like a zoning case. The neighborhood planning process was not to cause conflicts within the ranks of people

who didn't have them before. So we love text plan. We'd love for you to pass that if you feel comfortable with that, but strict configuration we'd like to talk with you about that, and intensities outside the y. thank you, jackie. [Applause] jane norwood. Welcome, jane. You will have three minutes to be followed by colin clark. mayor and city council members. My name is jane norwood. I've lived in austin for 32 years, the last 12 years in the oak hill area. I'd just like to clarify the only property I own in the oak hill area is the home i live in, and I don't represent anybody but myself and my family. But I have a concern about the oak hill combined neighborhood plan and the future land use map, and my concern is really very simple, and that is the goals and the wishes that have been expressed by the community are very clearly expressed in the text of the plan, but the future land use map does not move in the direction of those goals. The plan calls for limited, thoughtful development that prefers environmental resources and allows for business and residential expansion, and I quote, without creating urban sprawl. The flum, however, encourages intense development of yet more houses, apartments, offices and strip malls, in other words, sprawl. When the city staff tells us that the other requirements, such as compatibility and the sos ordinance will ameliorate the citizens of the development that the flum permits, I believe that they are sincere. But here's my concern. It appears that we have a map that says one thing but really means something else. Now, the planning process is complex and technical enough as it is, and at the very least the public needs to have a map that says what it means and means what it says. So in the interest of clarity and transparency, i urge you to adopt the text of the plan but reject the future land use map and give the staff and the community additional time to create a future land use map that reflects the hard work and the thought that has gone into the plan. Thank you. [Applause] thank you, jane. Thank you. Colin, welcome, you'll have three minutes to be followed horacio.

Thank you, colin clark save our springs alliance and we have participated in the oak hill neighborhood planning process since the beginning, going to a number of meetings and encouraging our members, many of whom live in the oak hill area to attend meetings. We provided written comments to city staff in september of last year, and we're very excited to see a lot of response from the members of the oak hill community that really overlap with environmental protection. And for 30 years the city policy has been to direct intensive development away from the barton springs watershed. The entire oak hill planning area drains into the barton springs edwards aquifer. Going back to the austin tomorrow plan, up to envision central texas, the -- the sos ordinance vote 16 years ago tomorrow, I put up here some highlights from the oak hill 2 on what would you like to improve about your community, parks and green 6 is better environmental protection. Could you flip it, please? Very high up on what do you like about your community? Appears, character, parks, creeks and green spaces, country feel, open space, low density, nature. norwood said just before me, the problem here is that the text of the plan mentions stuff that the oak hill residents were saying but the flum is going in the opposite direction, and i think you'll hear testimony later about just how much development could be built under the flum, but what we would like the council to do is not pass the flum, but pass the text of the plan, and give the public some data on what a build-out under the flum would look like, what are the future scenarios that could come from this. Because we're not hearing from folks in the oak hill area that we want ten story apartment buildings, but those could be dotting, you know, highway 290 under the flum. So let's get some analysis of traffic impacts, of sewage, of pollution, that could be built up under the flum and adjust the flum to prevent those outcomes that nobody -- nobody is here advocating for. So specific request would be a build-out



analysis, an impact to the community and to the environment from the flum, and some other ideas to consider are the hill country roadway ordinance, which is an existing city ordinance that does not apply on the roadways in oak hill, but has a lot of components built into it that address the concerns you're hearing about the strip mall effect, loss of character. Another idea that was brought up on a zoning case earlier tonight is trip limits. Why not look at that for the whole area so that the area isn't overwhelmed with additional traffic. What about height limits? baldridge mentioned something where instead of having 120 stories you could have lower height. So those are some specific recommendations, but again we ask you to not approve the flum and if you do, take action to just approve the text. Thank you. thank you, mr. clark. [Applause]

may horacio gasket. Sorry if I mispronounced that. You'll have three minutes.

Mayor, city council, thank you very much for having us here. First I would like to pronounce my name for you. It's horacio gaskay. I participated in the oak hill neighborhood planning process from the beginning and sporadically on the contact team also. I want to thank the city staff, who did a fine job of directing this project and all the people who participated and volunteered. I think there's been a great deal of effort put into this plan, and I think there's a lot of value in it that we need to absorb, but I don't feel the process is complete. You've already heard that there's this disconnect between the flum and the vision and goals, and to a large extent most of the effort was on the text of the document, and the flum map was largely produced by city staff with -- with the constraints that they have for doing their job. And the issue here is that the tools, the toolbox of the neighborhood planning process cannot handle the development challenges here in oak hill. We're looking for vision from city council to give us the tools to manage the development in the oak hill area. There are a number of ideas. The contacting team has some ideas. I don't claim to support them because I didn't participate in generating them. But we do need a check and balance here in this process, because the neighborhood planning process allows you to initiate change. You can increase entitlements through the flum map, but once that change is unleashed there's no way to really control it, and that's an issue we have here, and that's why the flum map has such a big disconnect. There are some unique challenges in oak hill. It was largely subdivided before sos and some of the development that we would like redeveloped because we already are starting to see signs of blight in oak hill. So the desire to upzone is really coming from the desire to facilitate some kind of redevelopment. That process needs to be mindful to the environment, and if we allow enough development of some sort, how are we going to manage the environmental aspects, the green space preservation. Those tools do not exist. Mechanisms do not exist, and it can only come from council because the rules aren't written yet for how to do that. I personally would like to see something that provides an incentive for property owners to combine properties in sort of a reverse of parceling so that plans can be put together, come from multiple property owners, that would allow redevelopment to happen but at the same time provide land that would stay in oak hill and not be land barged or traded for land out in hays county. And potentially actually improve the environment in the oak hill area through the redevelopment process. How that's done, I don't exactly know. I'm just saying that we need some very creative solutions here and I look forward to seeing what you guys come up with. Thank you.

Mayor wynn: thank you. [Applause] thank you, mr. gaskay. Lynn fallquiz. You'll have three minutes.

Thank you, council and mayor. I am -- most of the comments you've heard tonight I won't reiterate those. My feelings and sentiments are similar. I do want to say that we -- those of us who have participated in the oak hill planning process represent a pretty large community of very thoughtful, very reasonable, passionately interested in our community. Many of these people are creative thinkers and are solution oriented, and we're trying to solve some of the dilemmas in oak hill and we've put some of these force in this plan and as you have observed we have this disconnect between the text of the plan and the flum. And we're asking that the city council members help us address these impediments to trying to resolve this issue. I think most of us believe in this document and what it can accomplish for oak hill, but we need your help in helping us get there. I do want to mention another element of the plan is the specific issue about public spaces, open space, parks, trails, public schools. One of the questions we were asked throughout the planning process is where do we want these things to be? We wer to draw circles on maps and consider places where we want those things. The flum does not allow us to see where we've expressed that interest, so that sort of thing needs to be addressed. Another element is the issue about transportation and trails and how to get around without using our cars. Many of us are very interested and motivated to make that happen in oak hill, and we really need your help to make that happen. I think that's very much in alignment with other goals of the city of austin. And I think that's all i have to say. Thank you. [Applause] thank you, lynn. Welcome, tom. You too will have three minutes to be followed by steve beers.

Good evening. First I'd like to compliment maureen and all the stakeholders that participated in the process for their input for this long planning process. I think the text of the plan is very good and generally represents the stake holder input, and I'm a member of the oak hill trails association, which has already come out of this process, and so I think that's been a very positive development. Like a lot of people, i don't really think that the flum necessarily agrees with everything in the plan. One of the things that a lot of people talked about were having development around existing commercial nodes or major intersections, and as a lot of people have said before, no strip small sprawl, the 183-fication, et cetera, and people like the semi-rural feel, open space and things like that between the existing development. I don't think that the flum completely adheres to those goals, and so I think there are changes that can be made before the flum is passed. The task force that was put together by sandy baldridge came up with some good recommendations and I would support those, and I think there's also recommendations that becky halpin just came up with that can also be considered in terms of stopping some of the sprawl along 290, 71 and southwest parkway, and keeping it to nodes like the y, you know, existing intersections along william canon, major lighted intersections, as some other people have said. I would also like to talk a little bit about the west park pud at the y. I'm the president of the south windmill neighborhood association and we're right adjacent to the west park pud, and we definitely support some kind of master plan for not just the west park pud but also all the properties going down to the y, to try to develop in a master plan so you don't get a town center just on one property. You get a town -- most of the people when they went to the process envisioned the y as the place where the town center was going to be centered at, and it would go out from there, but from what we've heard from the west park pud, they kind of want to center the town center on their parcel. And so we just kind of want to see a comprehensive planning process, something that everybody can agree on that has the amenities that we want to see spread out through all the properties at the y. And I think that's all i have to say. So

thank you very much. [Applause]

mayor wynn: thanks, tom. Steve beers, who I saw earlier. Welcome, steve. Let's see. Kindra tovel wanted to donate time. So steve, you'll have up to six minutes if you need it and you'll be followed by richard armtage.

Okay. Thank you, mayor. I'm not sure the protocol here but I have some visual things. I wanted to say first off that I think the neighborhood plan has been highly illuminating exercise insofar as the survey results that colin referenced and other people talked about where a really large -- the preponderant priorities of the neighborhood are, yes, to improve and increase commercial services, but also protect the environment at the same time and have lots of parks and open space. And consistent throughout the plan -- the planning process has been goals of an intense town center, but then around it and throughout the area, away from the town center, lots of parks and open spaces, buffers from neighborhoods, buffers from creeks, buffers from the aquifer. I'm going to refer here to the flum map, which is beside me. You'll note the area of the proposed town center is here, but instead of an intense mixed use dense zoning as -- that's there, but what we see is the same kind of intensity spread throughout the plan area, along every major corridor. So there is, in effect, no center there. It's just strip development. One -- I'd like to point out a couple other features that I think are interesting. First off, even though the plan says there's a goal of saving more open space, parks and aquifer protection, more green belts, there's not one extra acre of green space on this map in the existing zoning map. In fact, there's less. They actually took a green space here in the gains creek greenbelt and colored it red. I think that's probably just an error, but it's persisted through three drafts of this thing. Another thing it says is more civic space, which is this color, but actually existing -- an existing church, an existing school, an existing fire station having been colored brown for mixed use. There's other anomalies here. I think one important thing is that fully half of existing development in oak hill is single-family or large-lot. I don't believe that there has been a single increase in single-family or large-lot. In fact, every single discretionary tract that I can see has been upzoned from what is currently there. I don't think that's a balanced plan. I think this is taking the template of trying to have very intense land use that might be appropriate in inner city area to match smart growth goals, but contradicts 30 years of city planning that seek to have lower intensity development overall in the drinking watershed protection zone. So what we have here is a situation where the two pillars of our city's growth policy are in opposition. Neighborhood planning is colliding head on with smart growth. I think this is an unintended consequence of asking every individual landowner what would you like there? Any landowner is going to say, if they have vacant valuable property, even if they don't intend the most intense use possible, they're going to ask for the freedom and the flexibility to realize the maximum value. Well, I and others have been asking the city if everything built out -- well, I got another graphic here, not as pretty. It doesn't have colors. Can you show this? Oh, there it is. Well, down this side is all the land use categories that the colors represent, and the blocks here are all the -- the zoning categories it sits under, and you'll see some of them are as many as 15 different zoning categories under one color. That makes it very difficult to plan for the future. If the possible development is anything from zero to infinity, how do you know how many roads to put in there? How do you know how much sewer is needed? How do you know what's going to happen to the schools, to the drainage, to the flooding? To call this a plan I think is kind of strange. It's really a non-plan plan. We're going to drive into the future blindfolded, not knowing what impacts this

plan will have. So I ask for a build-out analysis, and I have yet to get it. Other people have been asking. So I did a little math myself. I'm not going to go into all the details, but essentially it's 3,000 acres of very intense development. Then I applied the maximum zoning in each category that's feasible, and we're coming up with some pretty staggering numbers. 100,000 Apartments, a possible 60 million square feet of retail, the equivalent of eight and a half downtowns worth of office space. I submit to you that this is completely unworkable and I think that what we need to do is adopt something closer to existing zoning and then allow for a different process as people come in wanting more, that there be trade-offs where the community gets open space and other concessions. And that is what I think. [Applause] thank you, mr. beers. Richard, welcome, you'll be followed by roy waily.

Thank you, mayor wynn, city council members. My name is richard armtage. I'm a resident of oak hill and a member of the oak hill planning contact team. I've been involved in the neighborhood planning process for the past two years. Overall the community working with city staff has done a great job with the plan. I do, however, as many before me, have a problem with the future land use map and the lack of information available to understand it. Specifically, according to the plan 34% of oak hill is undeveloped. That's about 3800 acres of land. I'd like to see an analysis of how that land has been flumed, how many acres under each category. It's not available. I've driven through oak hill trying to understand the reality of what's in the land and what the flum is telling me, and it's too difficult to understand. According to the plan the city goal is for 24 acres of parks and open space for every 100 residents. That would be about 570 acres of parks and open space based on our 2000 population. I'd like to see the flum in the plan indicate how many new parks should, or even might, be developed to meet our increasing population and where those parks might be. It's not there. Oak hill is one of austin's great residential communities. I'm worried that the flum will change it in a way we don't understand. Let's get the facts behind the future land use map so we can understand how our community will evolve. Please do not approve it in its current form. Thank you very much. thank you, richard. [Applause] and our final speaker is roy waily. Howdy.

Howdy, you-all. My name is roy waily. I do have the pleasure of serving as the vice chair of the austin sierra club. I'd like to start out by saying it's my first opportunity to address this version of the 2008 city council, and I'd like to say howdy and welcome to the new members and the familiar faces also and express my optimism on being able to accomplish good things between the council and the citizens this year and the years to come. Sierra club does oppose the flum as shown at this time. And we hope that as the adjustments get made it is the flum that's being adjusted to fit the plan and the text rather than the other way around. Of course we're in favor of open space and parks. Our main concern will be on the overall impact, like I'd beers for his comments. It certainly reflects a lot of how we see it also. We would like to see a build-out analysis, and also the worst-case scenario analysis of what this many additional car trips will do to the water quality downstream, because it's up to oak hill. I would not come in here and tell oak hill what to do. I -- if they want to put liquor stores in next to day cares, that's their business, as long as it doesn't impact water quality at barton springs. I'm not recommending it or suggesting it. I'm just saying if that's what you-all want to do it's up to you. So the flum as shown doesn't work, and I'm all in favor of the town center also, but looking at the flum, I really don't see a center. I see a potential for a center. More when I think about a center, I think about something that has gravity, and this seems to abrogate the laws of gravity and just spread it all across all of oak hill. So we favor that,

we favor the idea of an actual master plan rather than just a concept, so we would ask you to work on the plan and make the flum fit that, and bear in mind the overall holistic approach. I'd love to say that if we do this it will reduce sprawl. We've got to do something to keep buying open space in the hill country so that this is land that is not developed and this is the only way we're really going to negate the effect of sprawl. Thank you very much for your time. You-all have a good evening. thank you, roy. [Applause] so council, I believe that actually concludes our public testimony for this evening, at least, on item no. 86. Again, remember, that the discussion earlier was to not only leave this public hearing open, but we will open public hearings for cases 87 and 88 in two weeks. So comments? Questions? Council members morrison.

Morrison: thank you. First of all, I just want to congratulate all the folks that stuck through this evening, but also participated in the plan, and it's clear that there's a lot of passion and love for your neighborhood, and that's what it really takes to make it a great neighborhood, and also thank you to the staff for working through a rather arduous process. I do have some questions of staff. I think we've heard pretty clearly a few things about -- that are of concern. One in particular is the 183-fication, the potential for that. I like that term. I think it creates a visual for many of us here in austin, and I wonder if there would be a way for staff to work with the community or maybe the plan team to identify specific blobs along the highways that are raising concern and the specific ones that are actually creating the sense that it might turn into 183. And the reason I'm asking for that, I'm wondering if we can do that, because i think it would be really great if we could get some very specific ideas about changes that folks might be more comfortable with if th to see them on the flum.

I just want to comment that along the highway, if you look at the current zoning map, many, if not all, the properties are already zoned commercial and being used as commercial. So to a large extent the future land use map was reflecting what was already there, and in many cases even recommending a lower intensity land use than what was already there. So I guess as a staff member looking at properties along the highway, which highways generally tend to be commercial properties because of access and visibility, I guess my first concern is what would be the alternative to a land use along the highway if it wasn't commercial or office. well, i think -- I mean, if we could just work with that and get specific about the areas of concern, the areas where it's concern that they will turn into strip centers, if we can look at them in detail, we can identify whether or not we even have a choice about that if the zoning already is that, and also specifically if we're having mixed use that -- to commercial, adding that, i think that's been raising some concerns also. So just as a matter of trying to get down to brass tacks to see what would be the specifics of potential changes.

Okay. and then secondly I notice, we have on figure 211 and also on 6-1, the staff has broken down the types of housing units that we have, so already we've got a breakdown in some way of land use, current land use, and what I'm wondering is, is there a way, is there a possibility to do what's been suggested, doing, you know, a build-out analysis for the different types of land uses that we might have. And, you know, I don't know how -- how specific it can get because as has been pointed out, we have, you know, various land uses that can pop up in different areas, and I thought that if we can do that analysis, that would give us a tool to do it with and without what are considered by some to be the strip areas. So I don't know if we have the resources to do that, but I -- I'm particularly interested in doing that beers has

done one already, then i think the city really ought to take a look at whether or not that's what the city staff's point of view is, because eight downtowns sounds pretty scary, and i think it would be better if we could just have some -- you know, make sure that we all agree on the information that we're talking about. guernsey has to be here to say okay to that or if he is even here. [Laughter] I didn't think he could leave. I wouldn't leave. It may be somewhat difficult to do some of that, because beer's data, but it looked like he just used the generally zoning category. If you figure gr, 1 to 1 far and then you look at the barton springs zone and you can get 15% impervious cover, it's a lot less development than you could probably build. maybe we ought to do the analysis if there's any way. and there are many tracts that are out in oak hill that because of chapter 245 of local goverment code, that gives entitlements to the first permit in the series, where someone may be able to develop projects that we don't even know are in the pipeline because they haven't brought them to the attention of the city. So I think we'd have to work with our watershed protection development review department. I won't give you an answer right now but I think we can probably come back and tell you how long it might take and how much staff time it might take to do an analysis like that. It would certainly be easier if the areas of concern the contact team identify are those that let's say are along highway 71 or along 290, if it was more narrowed to those rather than the entire 11,000 acres of oak hill, that analysis would be much easier to do. that's a very good point, and that probably is where a lot of the concern is, along those. I think another piece that popped up for me from beers' analysis was -- of course he -- you know, you can make assumptions, and the more assumptions you make the farther off you get on the numbers, probably, and so whatever assumptions you-all could make, you know, to ease the level of effort, that would be great, but one of the things that popped out to me was the assumption he made was, you know, maximum land use that was allowed, maximum zoning that was allowed under each of the land use categories, and of course the h is allowed under mixed use. And so I think that -- which allows 120 feet. So that's a pretty intense zoning, which I think has raised some concern, and i want -- and I thought that if we looked at this analysis, that ch along the highway is going to drive a lot of the big numbers, if you use it. So again, I think it would -- I think we ought to consider maybe not allowing ch, if that's driving a lot of the density that people are concerned about. So if we got a little model set thawp we could -- [applause] -- that we could do, we could look as those numbers, with c hmplet oh h, without ch. I think it would be helpful for the conversation. And several other questions. In chapter 9 one of the goals is to explore methods to develop and redevelop 71 and 290, to control signage, limit heights, plant trees and preserve natural beauty of the environment. And one of the suggestions that's come up was would it be possible to apply the hill country roadway ordinance to 71 and 290, and would that, in fact, help us to achieve that goal that is in the plan. So I wondered if you-all might be able to look at the hill country roadway ordinance and look at whether or not that would be something that could help achieve that goal. And then in chapter 10, one of the goals that has been brought up again here is explore creative mechanisms to preserve more open space, and that's very difficult to do. So we do have the redevelopment -- barton springs zone redevelopment ordinance that may be bringing in mitigation fees, and we wanted -- it's been suggested that we look at the potential for actually dedicating some of those mitigation fees, especially if they arise from property in oak hill to open space in oak hill, and I guess -- [applause] -- that is a -- that would be a legal question, to see whether or not we could do that. So if we could maybe look into whether that is possible. I wanted to also compliment the oak hill trails association. I think that's very exciting that that came out of this community effort, and wanted to

mention that there's been a lot of talk, and I think that we've moved forward on this, to actually use neighborhood plans as a foundation for developing our bond programs and our bond packages that we put forward for elections. So my hope would be that -- [applause] -- if we can get this plan passed, then the next time we do our bond, you know, all the work to look -- with a bond committee to see what the bond package is, what the bond items could cover, the idea would be the committee would go look at this plan and see that you-all are looking for trails and open space and so that might be a mechanism to get there. [Applause] and I wanted to -- okay. One more. There has also been a lot of concern raised about all the -- all the thought and ideas that came out that are sort of like, you know, where would you like the schools, where would you like parks? And that's good information, but it's -- it could be great information for, you know, the city leaders and planners and all of the future, but it's all scattered in the plan, and I wanted to know if we could look at the possibility of sort of getting a GIS set of layers going for Oak Hill so we could layer all that information and pop it up all together if we were interested in that, and that way when decisions are being made in the future it will be at our fingertips and we'll be able to see it all together. So I wonder if you could just look into the possibility of doing that. Thank you. Council member Leffingwell? This question may be for Holland, is he out there. It seems to me that the question of trying to determine what the impervious cover is going to be under the full build-out of this or any other plan would be fairly simple, because in nearly every case the land development code is going to trump zoning. So you can simply -- you could simply do a GIS map of what's existing out there right now, take all the undeveloped space and assume either 15, 20 or 25% impervious cover, without regard to the zoning, and you would have the impervious cover. Is that right or --

yes, Matt Holland with watershed protection. [One moment, please, for ]

we had done an analysis earlier about the potential grandfathered sites in the Barton Springs zone, especially in the city of Austin's jurisdiction. And the councilmember is right on, it was four percent, approximately four percent of our jurisdiction.

Leffingwell: So it should be a fairly simple thing to map out the buildout impervious cover.

That would be correct. We could look at the zoned overflum properties and make an estimate.

Leffingwell: Thanks. Mayor further questions, comments? I think the thought is to not take action on this item, leave the public hearing open, and then tie it and time with taking up the zoning cases here two weeks. And hopefully in that interim between staff and additional stakeholder, neighbor commentary, there might be some adjustments even prior to the PRESENTATION ON THE 21st.

That's right. And what we were trying to do is tonight was the public hearing. And we have already received accounts by e-mail, letter, various correspondence, so we were going to capture those of those tracts that we're aware of as of today. If someone actually does come in next week and start talking about a tract, they may not be able to get those on the same chart that staff is about to provide you in two weeks, but we're not going to deter them from the process. We're going to ask them to come in. And perhaps if someone does straggle in late, they may at the end of going through all the list of parcels and listening to all those, they could bring their parcel forward and discuss that. But the idea was we're

trying to the meeting as efficient as possible be and consider everybody's time, so when you come back as best we can, we would go through those contested parcels and save council time, save citizens time and save staff time.

Mayor Wynn: Okay. Thank everybody for their patience this evening. And for this work really these last three years now. So thank you all. So council, that us to item number 93, public hearing regarding the new floodplain maps. I think we have a brief staff presentation.

Good evening, mayor and council. Joe pantalion with watershed protection. Item number 93 is a public hearing to consider an ordinance amending the city code to replace references to old floodplain maps dated january 19th, 2000 with new references -- I'll wait.

Mayor Wynn: Folks, if you could please take your conversation out to the foyer, we would appreciate it. We have a couple more to conduct. So please take your conversations out to the foyer in fact, there are still maps set up showing the oak hill neighborhood plan. Sorry.

All right. Good evening, mayor and council. Joe pantalion, watershed protection. Item 93 is the public hearing to consider an ordinance amending the city code to replace references to old floodplain maps dated january 19th, 2000 with new references, floodplain maps that will become effective on september 26, 2008. This action serves as the city's formal adoption of the new fema floodplain maps and would modify section 25-12-3, the local amendments to the building code, and section 25-12-243, the local amendments to the residential code. These proposed code changes were recommended for approval by the building and code board on july ninth,. And just to clarify, fema has approved these maps and they have given us an effective date. So essentially fema has put these maps in play as approved. So what we're doing here is certainly just referencing them in our code so that we are formally adopting them as we're required to do by the national flood insurance program. The adoption of the new floodplain maps will maintain the city's participation in the national flood insurance program. This ensures flood insurance will be available to our citizens and continues the city's eligibility for federal flood disaster relief. I'm now going to turn the presentation over to susan (indiscernible) from our floodplain management office to go through some of the details of the actual mapping exercises and also describe the public outreach programs. We had a very extensive public outreach process, and the reason we did that was essentially to make sure that people understood the risk of being either in or out of a floodplain, but also to make sure that they had every opportunity to purchase insurance before the effective date of september 26, which was definitely save our citizens some money by locking in some lower rates. So with that I'll turn it over to susan.

Mayor Wynn: Great. Thank you, joe. Welcome, susan.

Thank you. The austin area is among one of the first groups selected over among 20,000 communities within our nation to participate in fema's map modernization program. And the purpose of this program was actually replacing the old paper floodplain maps with new digital maps. This project started in 2003 and it's important to note that the average age of our city fema maps is approximately 22 years and some of our older city floodplain maps are as old as 30 years. This is a map that shows the 66



watersheds that were included within this mapping -- remapping project. The city worked of course quite closely with fema, the lcra and travis county. It was a multiagency project. And although not many, there are some changes between the floodplain boundaries between the old paper maps and the new digital maps. And factors that changed the map are listed in this slide. Primarily it's due to better and more accurate data. Certainly also due to improved mapping methods. And the results of the new floodplain maps is that if you look at the new floodplain maps versus our old floodplain maps, we find that the number of structures impacted remains within our original previous estimate, which is between 7,000 and # 8,000. Now, our updated estimate is now 7600. We would like to mention here also of the importance of our major capital improvement projects, such as crystal brook and creek bend, which are flood control walls that protected more than 350 structures from the floodplain. We also as a result of thisssed areas previously not mapped before. We went further up in the watershed, we mapped additional tributaries. In this particular map, i pulled this out as kind of an example of better data. And if you look at this map, if you see the blue polygon, that represents the new fema floodplain map, whereas the green line there represents the old hand digitized paper map floodplain. And in this example above, one of the reasons that this is kind of a good example is so structures moving in and structures moving out of the floodplain. And the reason for this is we have several reasons. One is we have mapping techniques available that ensure that the floodplain model is accurately represented on the city's digital topographic information. We also went further up in the watershed with more detailed studies and we also studied additional tributaries. We feel that it's tremendously important for citizens to get this information, not only from a public risk standpoint and being within a floodplain, but also have a financial standpoint. We would like to note that we have received an average of 1600 floodplain requests per year and as part of our public outreach, we created a city web-based gis viewer showing both the preliminary 2006 maps and the final 2008 maps. We also distributed hard copies of all the preliminary maps to our three city libraries. We put information in three utility fliers for all utility custome on different cairnz between 2006 and 2008 reaching a total of 380,000 customers each time. We had three public meetings 2006. We published in 10 local english and spanish papers. And we also participated in the fema public notification process. Currently back in 2006-2007, we also advertised the actual 90-day peel and protest period that is set fort by fema. We advertise the floodplains in 11 local papers and spanish papers in 2008. Just recently here in august, as a matter of fact, we had ongoing tv spots, news articles, and then we also are in the process with the completion of the adoption of these maps mailing of more than 50,000 letters to owners and renters with properties located inside the floodplain within 150 feet. During the formal protest period, which is set forth by fema, we received or fema received 14 citizen protests, one citizen appeal and five city appeals. Fema accepted only two of the protests, denying 12 others due to a lack of ien scientific or tick kel data for support. Fema accepted all the appeal. Any public information we provide we always access reference to the floodplain maps. They are available in both paper form as well as digital form. There is the address up there for our internet site that goes to our interactive map viewer. In fact, we -- our city's web viewer is -- serves as a model to be used by other communities within our nation with the fema program. And to access our map viewer, this shows an example of what it looks like if you were to type in the address below where it says please enter an address below and click locate, you would see a result looking something similar to this. If towrp look on the legend layer, it would actually display what the layers on that map mean along with the address. And in our web viewer we include not only the fema floodplains that are necessary for insurance

purposes, but also our fully developed 100 year floodplains, which are used for development purposes. So we urge everybody to try this viewer out. In the month of July we've had over 4,000 hits on this site. This concludes our presentation, and staff are all available for any questions that you might have. Thank you. Prawn.

Mayor Wynn: Questions for staff, council? Comments? If not, we do have a couple of folks who wanted to give us testimony. Let's see, Dennis Kerrwin has signed up. Appreciate your patience. And it looks like folks wanted to donate time to you. Is Alice there with you? Welcome, Alice. And how about Shirley Tyler Crawl? Shirley, hi. And Rodney Crawl? So Dennis, you will have up to 12 minutes if you need it. Welcome.

Thank you. My name is Dennis Kerrwin and I appreciate this opportunity to address the city council and Mr. Mayor. Before I even start I want to say that Joe and Susan and some of the folks who were here four or five years ago working on this, but I don't know I would be here tonight because they seem to have open ears, open minds. I've been visiting with them. They're very polite and nice. I'm impressed. Rhyme not here to protest, I'm not here to protest what I'm sure were good intentions concerning the Carson Creek water. I am here however to protest mistakes that were included in the study and the difference these mistakes make in the new floodplain map you're here to decide upon tonight. Last week I sent you each an e-mail to explain my concerns. I hope you've all received them and had an opportunity to read them. Tonight I'd like to remind you again of concerns. The following are mistakes made in the recent floodplain study prepared by an engineering firm I'm told was hired out of North Carolina and been paid in full, though there were things left out. The first and obvious was the exclusion in the study of a group of four covered pipes on Dalton Lane, which I could almost throw a rock and hit them from my house. I know they're there. And they knew they were there before the study was over and still didn't include them. They're on Dalton Lane north of the main channel of Carson Creek. These pipes nowadays, if we get a big rain they act as a safety valve or overflow if it comes across a field, it will go on out these pipes before it ever gets to a whole lot of this property. I was told by a city engineer that they figure the total discharge could pass under Dalton Lane would be increased by 40%, with the addition of these pipes figured into the total capacity, you know, including the Carson proper. So if you have another 40 percent and they're looking at Dalton Lane as if it's a dam backing up water in the flood pool, that's a lot of discharge extra that would shrink that floodplain down and take a lot of property out of the floodplain, which would include mine, as a matter of fact. And by the way, on the east side of Dalton Lane, below these four culvert pipe, the properties for probably a couple hundred yard or something like that, it's about four feet lower than the west side. And it wasn't even part of the study. It was not included in the floodplain at all. Or the study. I mean, anybody, a blind person can go out there and look and see this here is going to flood before this over here, but it was left out completely. And also in the past year a lot of land has been included that should have been -- that should have been included in the floodplain has been raised in elevation. Some of it to exceed four feet above the level of Dalton Lane. And it was approved by a city site plan. The second mistake including -- is including the Montopolis area into the Carson Creek watershed. The engineers of yesterday, they weren't fools and they knew where the watershed started and ended. And Montopolis was not part of Carson Creek. It went the other way. And this last watershed, they said, well, it was left out and it should always have been part of Carson Creek. I disagree with that. It has now become part of Carson Creek because of storm sewers that were built by the in the 1960's to drain the Montopolis neighborhood, which is great. I

can remember when I was a kid when we first had television, I grew up in austin all my life. I'm 59. And I can remember those people in montopolis over there walking in water up to their knees. And they needed drainage. Well, the city fixed the problem be, but they ran storm sewers over and run it into what is now the montopolis trib, got the highway department to build it on 183 that was never there before and dumped it on the east side of 183 and just let it go. Now through the years it has -- they didn't finish the job. They didn't run -- they didn't get the water all the way to the river is what the problem is. So through the years that water has gradually found it's way down to carson creek. And this deal gets kind of complicated. The frob problem is now it joins car creek near the jet lane, patton avenue neighborhood. And this is the same water that has drained from montopolis and now it's flooding another neighborhood. Since I sent you my first e-mail -- have y'all read my second e-mail, anybody? Since I sent you my first e-mail, however, I found out that some of the information I gave y'all was incorrect. I told y'all that the u.s. Geological stay assured me they had the very best maps in the world. Well, they were wrong because we found another map from 1955 that includes the other creek, the montopolis trib, that nobody be else, your engineering department, I don't believe they ever found it either. We gave it to them. I sent it to y'all, susan. And everybody was looking for this creek to try figure out where in the world it went because the u.s. Geological showed it started on both sides of the highway and went back to the highway. Well, we found the map, they called it the rogers branch, and it ran pretty much parallel to carson creek all the way down close to my property and actually went through those four culvert pipes that were left out of this study. And on down by sherman lane and into carson creek. But that still doesn't mean that it ever carried water from the neighborhood. It just carried water from up in that area close to it, you know. I've completely quit reading my notes. [ Laughter ] and just up here talking. Anyhow, the map from 1955 does show the montopolis trib and it flows continuously to carson creek and it was called the rogers branch. I've already covered that. As you know, I also visited txdot and looked at their maps. And I have the maps here to show y'all that were in incorrect if you will like to see them. This is what I based my first information on. And I also forwarded the new map and information to susan jank with the watershed engineering department to keep them up to date so they weren't looking at my mistake too. The montopolis trib or the rogers branch still should not be part of the equation vaws as I said before, the drainage from the montopolis neighborhood according to the old floodplain maps never did reach the montopolis tributary. And also the original channel of the rogers branch no longer exists. And this is due to illegal sand and gravel mining. There's a hole dug back there about halfway in the middle of all this mess behind jet lane and patton avenue. They dug into the creek bed and just messed up the whole flow of the whole deal, blocked it up. Then they came in and did a bunch of illegal filling too and finished blocking it up. And I was told that a few years back the city sent a crew in there and actually had -- they dug another ditch for the montopolis trib to run over and join carson creek. Right below jet lane and patton avenue to try to help the situation. In my estimation, the water coming from the montopolis trib should have never joined carson creek and it should be eliminated -- at one time I know the planning department when they were promising us all this bond election, they had another deal on make another route to the river. I suggest since it's coming in storm sewers and dumps in the trib, finish the storm sewers and run them down 183 and dutch them in the river where it belongs. That's closest place for it to go, not go all the way back over to maintenance. -- Not all the way back over to montopolis. Boy, I wish I knew where i was at now. [ Laughter ] carson creek creek needs to be cleaned and widened all the way to the river like it's been done everywhere

else along its course on the west side of 183. If you go on the side it's concrete sides, concrete bottom, everywhere all the way up burleson road, ben white boulevard as far as it goes. And when you come to 183, all maintenance has ended. It's grown up with trees, brush, grass, filled in. It's maybe five, six feet wide. Where it's probably 30 feet wide on the other side with three of the 10-foot box culverts under 183. It's completely stopped up with vegetation and it won't let the water drain. And then when you get down to dalton lane, the bridges on dalton lane, they simply have to be enlarged. The main channel I think they're five, 48-inch ones and then the little channel on rogers branch is four 36-inch 10 horns. And up at 183 you've got car -- at carson creek i think there's three of those 10-foot box culverts and on up where the new bridge was put in for rogers branch. There are three or four more of these 10-foot square box culverts and they all come down and hit dalton lane. You have seven, 10 horns. It won't work. We'd be better off to have them taken out and have a low water crossing and instead having a dam made out of them. So anyhow, the city street ought not be acting like a dam, not now. That's not any excuse to flood people. And the property on the east side of dalton lane should be included in the study. And in a new floodplain map. Without it being included, the property over there that does flood and is supposed to flood, the people that own it as they have already done, just north of sherman road, they can come in and fill it. And raise it up and virtually just dam the whole place up because it's not even on the floodplain. And that's what they've already done on part of one tract. It should have been included in the first place and this wouldn't have already been happening. And another property owner right across -- in between rogers branch and carson creek proper on the east side of dalton lane, they have a bunch of greenhouses. They were called the petal pushers 30 years ago. I've been there 31 years and they were there about the same time that we moved in. [ Buzzer sounds ] is that me? I'm almost out of town? They filled the creek completely up where rogers branch crosses and rerouted it and made a little bitty channel and put greenhouses where the creek used to be. And on ther end by car con creek property where you are buying a bunch of houses that are now getting flooded, they actually filled part of the creek, a bunch of the creek. So the water has nowhere to go because of people's illegal filling of public waterways. So that's about all I have to say. I really appreciate y'all's time. I hope y'all can do something for us out there. Thank you.

Mayor Wynn: Thank you, dennis. You're looking for a job by chance? You got a future in floodplains. [ Laughter ]

you give me a soapbox and I'll come dawk talk. [ Laughter ]

Mayor Wynn: So council, that's all of our folks who wanted to give us testimony in this public hearing, item number 93, regarding potential adopting of new maps and amending the city code. I'll just say I just thought kerrwin's testimony is powerful. He obviously knows a lot of the history and the activities that sadly do complicate and challenge this type work and ordinance writing. I guess my question, joe, based on some of this information, culverts that are existing that perhaps weren't even included in the plan and then -- it sounds like there are some projects that could be done that probably have a true effect on the water on the ground out there. Is there a way to -- remind us how much of this work do we have to get done tonight and what are -- what's the time constraints based on the usgs process, the fema process?

Sure. The fema agency will adopt or has established september 26th as the effective date of the floodplain maps. Their consultants and their staff have reviewed all of the maps, all the models, and have blessed them. They have gone through all of the protests and the appeals and essentially they are making those effective on september 26th. However, looking at the map that -- of the carson creek area, and hearing about all of kind of the historic changes to the waterways out here and certainly it's not too difficult to believe that whether it was agricultural or gravel and mining or what have you that some of the waterways that you see now probably were not in that same configuration 10, 20, 30 years ago. What I'd like to point out is that the green line you see here is what fema had as far as the current floodplain. Based on the updated modeling, the updated topographic data that was incorporated into the model, they did pick up the fact that there was the old montopolis trib that moved in this direction. Now, when the city annexed this -- and I recall one of the first requests of the city to do was to come out and clean out an existing channel that the city had built to try to alleviate some of the flooding in this area. And that channel was built somewhere in this haven't and try to take some of the water from the jet lane area to the creek as quickly as possible. So one of our first maintenance requests was to go out there and clean that of and get it mowed. And I recall we did that. Since that point in time there have been requests from the residents out there for us to maintain carson creek proper. We were able to get access to carson creek at this location, and we had property owner permission to go in and clean out the creek, any major debris, fallen trees or what have you from this point here up to about where the confluence with that county built channel was. Be that as it may, I think whra concerns us is the fact that if there were four culverts that were not included in the model, that's something that we think may need to be looked at. And we studying this entire watershed for the last couple of years, and we had put some of our plans on hold because this area is also part of the abi noise mitigation program, so we had kind of some overlapping cip projects. We are moving forward, as the speaker said, with the home buyouts in richland estates, but the good news is that we do have funds available to pursue another look. And having someone -- and we still have an engineer on contract to model this to see, okay, are those culverts that are not in the model, are they able to flow to extent to reduce a 100 year storm? It may or may not be the case. It may be that even with those culverts that during a 100 year storm, given the topography and the water coming in that location that that area will still be in the 100 year floodplain. But at least we can have that evaluated. And if for any reason the engineers determine that indeed there are floodplain reductions in this area, we will have the ability to move that forward to fema for their review and approval and they will incorporate it into the maps.

Mayor Wynn: So based on that, does staff need any direction from us from a policy standpoint and do we need to take action tonight in any way?

The only action we are requesting you take tonight is to adopt the maps and to modify those two sections of the building code that referenced the maps. Now, for all intents purposes, the maps that fema has approved are already slated to be effective on september 26th, so according to fema these are the approved maps that will be used for insurance, flierchtd development and regulatory responsibilities, what we would look at are fully developed conditions and we would look at that as best available data. But certainly if we can go in and look at this area in the future, we may be able to modify the existing floodplain maps, the fema maps, if it does demonstrate that there is some benefit. Now, what I cannot do, though, is make this area revert back to a 1960's, 1970's type of flow pass where

before we annexed this area where people were building and filling in areas that maybe wouldn't be allowed today. But we do have some historical information that shows actually the montopolis trib coming parallel to carson creek and we have other historical data showing that some point in time it came directly into carson creek. So again, this area having been disturbed quite a lot by different activities, whether they were Existing channel that the city had built to try to alleviate some of the flooding in this area. And that channel was built somewhere in this haven't and try to take some of the water from the jet lane area to the creek as quickly as possible. So one of our first maintenance requests was to go out there and clean that of and get it mowed. And I recall we did that. Since that point in time there have been requests from the residents out there for us to maintain carson creek proper. We were able to get access to carson creek at this location, and we had property owner permission to go in and clean out the creek, any major debris, fallen trees or what have you from this point here up to about where the confluence with that county built channel was. Be that as it may, I think whra concerns us is the fact that if there were four culverts that were not included in the model, that's something that we think may need to be looked at. And we studying this entire watershed for the last couple of years, and we had put some of our plans on hold because this area is also part of the abi noise mitigation program, so we had kind of some overlapping cip projects. We are moving forward, as the speaker said, with the home buyouts in richland estates, but the good news is that we do have funds available to pursue another look. And having someone -- and we still have an engineer on contract to model this to see, okay, are those culverts that are not in the model, are they able to flow to extent to reduce a 100 year storm? It may or may not be the case. It may be that even with those culverts that during a 100 year storm, given the topography and the water coming in that location that that area will still be in the 100 year floodplain. [00:02:00] But at least we can have that evaluated. And if for any reason the engineers determine that indeed there are floodplain reductions in this area, we will have the ability to move that forward to fema for their review and approval and they will incorporate it into the maps.

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'80's. Mayor thank you, joe. Councilmember alvarez? Councilmember leffingwell.

Leffingwell: I understood from your presentation that the effects of not incorporating these changes in our ordinances might be fairly significant to a lot of people. And so it seems to me that we could go ahead and make that change, protect people's flood insurance and so forth, and then at a later date if it proves to be feasible, practical, there are such things as floodplain modifications that could be incorporated and get the maps updated when and if those improvements are made, is that correct?

That's correct. And I think the third slide I showed you indicate that had we must approve and adopt these maps and put it into our regulatory framework so that we can maintain our good standing in the national flood insurance program. And by being part of that program, we are able to allow our citizens to have access to flood insurance from the federal government. And also to be eligible for federal disaster relief. So again I would encourage you and we're here today to ask you to adopt this, but at the same time at least for this situation here, we do have resours in-house. I don't know that we need any policy direction, but we have talked to the citizens and we do have the ability to refine the study in this area. And if we find that there are some modifications to be made the city will process those up to fema.

Leffingwell: So mayor, are there any other he speakers?

That was it. Dennis wore us out.

Leffingwell: If not, i would move to close the public hearing and approve the ordinance adopting the new floodplain maps and incorporate in our existing [00:06:00] ordinances, and if need be, direction to investigate opportunity to improve the flooding situation in the carson creek area.

Mayor Wynn: Motion by councilmember leffingwell, seconded by councilmember cole to close this public hearing and adopt these ordinance changes as presented by staff. Further comments? Hearing none, all those in favor please say aye. Oppose? Motion passes on a vote of seven to zero. Thank you all very much. Council, earlier we took up item number -- slightly out of sequence we took up item number 90 to help the folks who needed to catch public transportation. Before we closed off the computer system, ross submitted signed up wish to go give us some testimony. I see ross has joined us. I appreciate your patience, ross. Again this is item number 90 rargd the proposed 2008-2009 proposed budget.

Good evening mayor and council. I'm here to ask you not to defer maintenance on the city streets. There's been a good amount of talk about it lately, and I think it would be a terrible idea. Shortly before I moved back here in 1988, the city council deferred about \$30 million worth of maintenance on the streets and we are still trying to catch up from. If we do it now, we will just be digging ourselves a much bigger hole that will take years for us to get out of. There are two reasons why i think it would be a bad idea. The first one is it simply runs up the cost of living here. Rocky roads make it longer to move goods around town, for service providers to get around town. That runs up their cost and that runs up the cost of living in the city. It also runs up the general aggravation level of everyone who has to be on the roads. And I can assure you they'll know who was responsible for the aggravation. The other reason is

because the roads are very visible sign of how we think about [00:08:01] our city to everyone who comes here to visit. People who drive from other cities, people who drive in from the airport. The condition of our road says a lot about how much we are interested and care about taking care of our city, and that's really important, especially if they're interested in moving a business here. That's the kind of message we cannot afford to send when we're in tough economic times and we're hope to go bring in new business to get ourselves out of it. So I'd encourage you -- i know that things are real tight. And you're going to have to be saying no to a lot of people who you don't want to have to say no, but this is one that I hope that for the good of all of us that you will just simply take off the table or minimize as much as you can. Thank you.

Mayor Wynn: Thank you, mr. smith. Again, council, that's our final speaker for our public hearing, item number 90. I appreciate you all's patience on that. Our final agenda item, item number 91, this is a public hearing to consider an ordinance amending our affordable housing development incentives. Welcome mr. rusthoven.

Good afternoon, mayor. Item 91 is case number c 20, 2007, 00115. On february 28 of 2008, the city council approved a resolution directing the city manager to process a code amendment amendment to clarify and modify the city code to create a neighborhood planning tool to utilize affordable housing incentives for single-family development. Specifically what this code amendment will do with will correct an error that the staff made in the ordinance that was approved on january 31st this year by the council. What this code amendment will do is take thes that were made available for single-family residential, duplex residential and two-family residential and move them from section [00:10:01] 25-2-780 of the code to another section of the city code. This will allow these incentivings to be made available for a tool for a neighborhood plan rather than to have the incentives available citywide. And I'm available for any questions.

Mayor Wynn: Thank you. Questions for staff, council? Comments? We have no speakers signed up for this item. I'll entertain a motion. Councilmember morrison?

Morrison: I'd like to make a motion to close the public hearing and to approve the ordinance.

Mayor Wynn: Motion by councilmember morrison, seconded by councilmember martinez to close the public hearing and approve item number 91 as presented by staff. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of seven to zero. Thank you. There being no more business before the city council, we stand adjourned. It is 9:09 p.m. Thank you very much.

## **End of Council Session Closed Caption Log**