

## Closed Caption Log, Council Meeting, 10/23/08

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to bless the aspects of this meeting, that it may go well. And we pray that you would be here with us, invite your presence here this morning. We pray in your name, amen.

Mayor Wynn: Thank you, matthew. I bet we have great audio video. [Laughter] okay. There being a quorum present, at this time I will call to order this meeting of the austin city council. It is thursday, october 23rd, 2008. We are -- we are we are here in the city council chambers of the city hall building, 301 west second street. Council, before -- I will walk us through a few changes and corrections to this week's posted agenda. We try to take this opportunity each week to announce if we know of some likely upcoming issues before council. I'll -- I'll entertain any upcoming ideas. Councilmember martinez?

Yes, something we have been talking about. Councilmember shade and i have spoken about this a few times during council meetings, it's related to our affordable housing bond money. We now have a complete inventory of every parcel of land that the city of austin owns, whether it's right-of-way, can be developed, already developed. What we want to do is take that inventory and hopefully find some opportunities within the properties that we own that may not be slated for development that we can direct some of our affordable housing bond money towards to create single family urban infill housing. And, you know, tonight we are adopting station area plans, talking about affordability in the mlk and saltillo t.o.d.'s. One of the things that i have stated, I still firmly believe and the cdc has also spoken to this, about -- about using our bond money to buy down private development vertical mixed use condominiums. And I really believe that while we can capture some opportunities there, I'm not saying we shouldn't do it, but I think we need to be completely mindful of the amount of investments that we make in private developments and try to do everything that we can to limit that investment, that we -- that we focus more on opportunities that we would have here at the city of austin and be able to create true single family affordability with those bond moneys because I really believe the voters gave us that authority and they entrusted us with -- with \$55 million to do that. So we're going to bring forward a resolution next week that speaks to these issues and puts limits on our investments in private developments and in vertical mixed uses, regardless of whether it's in the t.o.d. Or not. And really tries to focus in on achieving the goals of what we he believe was set out by the voters by allocating those funds for us.

Mayor Wynn: Thank you, councilmember. Again, any other additional or likely upcoming items from

council? If not, I will read our changes and corrections to this week's posted agenda. Let's see. ... item no. 9 regarding our lobbying team, per council request, will be postponed indefinitely, brought back at a future meeting. But likely upcoming the next month or so. Let's see. 11, we should note that -- we're going to add the phrase to the end of the posting language, so we will strike the neighborhood housing community development special revenue grant fund and the summary will now read and end with: Neighborhood housing and community development office, community development block grant, east 11th and 12th street redevelopment program. Funding is subject to environmental review and fund release and future bonds are based on funding availability. That's item no. 11. Let's see. 16, we should note that this will be first reading only. This is the ordinance related to the lost semus annexation area, it will be first reading only. 32 staff is requesting a postponement to NOVEMBER 6th, 2008. That will be part of our consent agenda. We will also be noting that item 34 has been withdrawn. 65, we should add the phrase first reading APPROVED ON APRIL 10th, 2008. With a vote of 7-0. Also a valid petition has been filed in opposition to 2900 manor road. This is a zoning case, item no. 65. 69, we should also note that the first reading was approved on APRIL 10th, 2008, WITH A Vote of 7-0. That's the east mlk combined neighborhood plan item 69. 76, regarding the west oak hill combined neighborhood planning area rezoning, it should read that the first reading was approved on AUGUST 28th, 2008, ALSO With a vote of 7-0. So our -- our proposed schedule for the rest of the day, at noon -- after we take up our consent agenda here in a few minutes, we likely will have a discussion item or two this morning. Then we have our general citizens communications at noon in the afternoon we will have our two briefings. One is regarding a briefing on pids, public improvement districts, the other briefings will be the presentations by the three finalist architectural teams regarding our new central library projects. Not only will we have those presentations here in this room, I'm told that we're going to have exhibits from all three finalists up in the city hall lobby here and those will remain up for a number of days or even weeks for folks to see. 00 we take up all of our zoning matters. 30 We break for live music and proclamation, stay tuned for heybale. 00 we take up, sometime we take up our public hearings. Council, so far only a couple of items have been pulled. 8 pulled by councilmember leffingwell, and with the city attorney's concurrence we will take that up in closed session. And -- which we'll announce when we do go into closed session. 52 regarding the komen race pulled by councilmember morrison while we work out a few details, likely we will take that up in the afternoon to confirm a couple of signature issues. Council, any additional items to be pulled off the consent agenda before i propose one? Hearing none, then our proposed consent agenda this morning will be -- to 1, our minutes from our last meeting, from our water utility, to approve item no. 2. Excuse me. From our contract and land management department, approve item 3, 4, 5, 6, and 7 per ch correction. Although -- although having gentry, i don't recall having read a change or a correction to item 7 earlier. I just want to confirm if we needed to change -- okay. So item 7 as originally posted. From our -- I will be noting 8 is off the consent agenda, to be taken up after -- after executive session. From our -- we will be 9 indefinitely. From our human resources department, approving item 10. From our law department, approving item 11 per changes and correction. From our library department, approving item 12. From our neighborhood planning and zoning department, approving items 13, 14, 15, 16, on first reading only per changes and correction. 17, 18, 19, 20, 21, And 22. From our parks and recreation department, approving items 23, 24, and 25. From our police department, approving items 26 and 27. From our public works department, approving item 28. From our purchasing office, approving items 29, 30, 31. We will be postponing item 32 TO NOVEMBER 6th,

2008. We will be approving items 33, we will note that item 34 that been withdrawn. We will be approving items 35, 36, 37, 38, 39, 40, 41, 42, 43, And 44. From our treasury department approving item 45. Item 46 is our board and commission appointments or nominations. And I'll read that into the record. Our one board nomination is to the robert mueller municipal plan implementation advisory commission, kevin ludlow is councilmember martinez's nomination. Item 46 on our consent agenda. We will also be approving items 47, 48, 49, 50, and 51. We will -- item 52 has been pulled. We believe that we will take that up in the middle of the afternoon. We will be approving item 53 on our consent agenda. And we will also be setting the public hearings by approving items 54 and 55. I'll entertain a motion to approve the consent agenda as proposed. Motion made by councilmember shade, seconded by councilmember cole. A couple of speakers, a couple of folks signed up wishing to give us testimony on items that are on the consent agenda. Let's see. 14, which relates to one of our annexation ordinances, specifically the anderson mill road municipal annexation plan area, dan hurleman is signed up wishing to give us testimony. Dan, welcome. While dan approaches we will note for the record that henry green and gerald McBREEDY, SORRY IF I'M Mispronouncing that, signed up also in favor, not wishing to speak.

Thank you for your time today. This opportunity to for me to talk about good news on annexation as it relates to my neighborhood, anderson mill estates. It's a unique neighborhood. The oldest homes are over 30 years old and the subdivision was originally called anderson mill country suggesting what used to be the out in the country feel we had even up to five years ago. Our 100 homes are on large one to one plus acre lots, most of us still have wells as our primary water source and we have septic systems. At the public hearing exactly two years ago, I and others mentioned we were concerned about our wells going dry. We had just had a very dry summer, just like this year. The city manager at the time, toby futrell felt it was in everybody's best interest to explore options to help us out. I and others had a very good working relationship with virginia callier from the city of austin planning department. We worked with her on the service plan and focused on the water and wastewater issues of our neighborhood. Within the service plan we worked out a high level time line with respect to bringing in water and wastewater lines to our neighborhood. Even before we were to be annexed the city of austin water and wastewater department has begun the design of the water and wastewater project and plans to complete the design within six months of annexation. Some survey flags have been seen in the neighborhood, along with silver tags on trees by the streets. And the water and wastewater department has a goal to go out for bids within six months after annexation. Instead of waiting until the annexation was final to begin the planning phase of the wastewater project, the city of austin began sooner and showed it was working in the best interests of all. And kept its word. Thank you all for working with us towards a timely solution to the challenges of our unique neighborhood. We look forward to being annexed in the next phase of the project. Thank you.

Mayor Wynn: Thank you, hurleman, very much for the kind words. Let's see. 15, which is a -- an ordinance annexation issue regarding the bunny run area, which is on our consent agenda for approval, I believe randy schmidt is here to give us testimony. Perhaps not quite so favorable. Welcome, randy, you, too, will have three minutes.

Thank you. I -- I will mention that I'm not an owner of property in the bunny run area. I know people that

own the corner of live oak and bunny run. I have known them since before 360 was even built. Did they had to access the property through saint stephen's school road off of bee caves. David dimston spoke at -- september 25th and expressed his concern regarding the fire protection primarily. These lots -- there's six lots that you are familiar with that are -- that are being annexed but -- but david dim ton's lot, kenny dryden's lot, the east side of the street, this last lot actually don't have full service on sewer at this time. Kennedy dryden you all know is a well known developer. He said that he would love to protest but he didn't feel like it would do any good. But he said that he will never get the opportunity to use the -- the sewage -- sewage line that's available because of the slope of his lot. He could use it, but it would require a pump for the sewage. David denston does not have that available because the manhole is about 200, let's say 150 feet from his lot. This property on the corner that I'm representing the folks on, they have a manhole right there at the property, but -- but I don't know if I can show you a plat. One of our concerns, I know this is more of a development issue. But this property, there 47 of an acre, each lot that was being annexed. This one was brought in as a local lot in 1965, but it was two lots made of one lot. Now I'm afraid we're going to have difficulty having it split. You may see us again maybe over a variance, but it's -- it's 170 by 240-foot lot. 9,400thS OF AN ACRE. I have been given so much conflicting information whether the north-south line, there's going to be an la and sf 2. Glen rhoades told me at one time it would be not a problem, all sf 2 consideration. And then I was told again that it was going to come in at rr. And there would be -- it could only ever be one lot. Which would be -- which would be kind of ridiculous for it to have sewer there, only have one lot. Two lots is -- I think consistent for the area. So -- so david denston, we didn't come back -- actually breezed right through the september -- I mean october 2nd agenda, so he asked me to come this morning, he was unavailable. That october 2nd meeting came a day after yom kippur [buzzer sounding] he was unadvised about some things. He asked that we postpone the -- the vote for annexation until the neighborhood association was fully contacted because tom burns and him, the neighborhood association president has not been contacted yet. He was asking that you postpone for about two weeks so that they could address concerns. You know, regarding this annexation. Like I said, four of the lots, two of the lots in particular aren't being serviced fully by the sewer and I think there's still fire protection concerns because of the distance of the fire -- fire plug. Thank you for your time.

Mayor Wynn: Thank you, mr. smith. I do know that we -- you know, we are quite practiced at this and our staff has -- is very practiced at it. There's -- you know, state law is very prescriptive of all of the steps that cities have to go through and all of the annexed areas, including equal service, specifically water and wastewater as we heard from mr. hurleman earlier. So I'm -- I'm confident that -- that the city is going to meet all requirements when it comes to the water and wastewater. Inevitably, all over this town because of slope and grade, you know, different lots or different requirements because of expense regarding how they are situated because of the line likely out in the street. So some type of grinder and/or pump lift is very, very common in time. At the same time I do certainly want to make sure that -- that neighbors were fully notified, that -- that whichever the association is out there, I know that neighborhood pretty well. We're fully noted -- notified before this annexation, I'm not sure if ms. callier is here. You can sort of remind us of the process that we have gone through. And/or in this case a note -- we did note on one of these annexation ordinances we are only taking up on first reading only. What -- what parameters or complications may occur if that's the case on item 15. 15 we could take up on first

reading only as well today, come back for second and third reading to allow for actually time on to meet with the development staff and absence any questions these folks have regarding fire service and potential resubdivision of the lots in this area.

Mayor Wynn: All right. Well then, councilmember shade and councilmember cole as the maker and seconder of the motion, I would like to request that we take item 15 on first reading only. Therefore not slowing down, complicating the notification process and hopefully give the neighbors time to visit with our staff. Is that accepted as a friendly amendment?

Yes.

Thank you all very much.

Mayor Wynn: Thank you, mr. smith.

Thank you.

Mayor Wynn: Let's see, I believe also council on item 44, we have a handful of folks that are here in favor and are available to answer questions if we have them. But I believe pat johnson has signed up to give us testimony in opposition. Is mr. johnson in the room? Pat johnson signed up wishing to speak in opposition to 44. We have a number of folks here in favor to give -- to answer questions -- if council or staff have any. Pat johnson in the room? johnson's opposition for the record. Thank you all. So, council, I believe that's all of our citizens who have signed up to give us testimony on items that are on the consent agenda. Further -- councilmember leffingwell?

Leffingwell: I have a question on item 3. I guess for -- for the director of the water quality perhaps. [One moment please for change in captioners]

yes, I don't believe that it's being demolished. It won't be used because the plant won't be there, but the intake structure and the land is still available.

Leffingwell: The intake structure will remain intact. Is that correct or not?

I will have to verify for sure on that. I believe that's correct. Yes, that is correct.

Leffingwell: Okay. Thank you.

Mayor Wynn: Thank you, greg. Councilmember cole.

Cole: I wanted to say a few words about item 49. I believe this is a great example of how a private entity, a nonprofit organization, the ywca, has stepped up to the plate to help news our planning process for our animal shelter parkland. The ywca property is directly adjacent to the parkland property that we own and we've made clear that the adoption center will stay there. But as we develop downtown,

especially that area which will include the green redevelopment, we have to be cognizant of the adjacent stakeholders including the west austin youth association. And this simply charge test city manager working with those stakeholders so we get a developed property that will enhance the entire area.

Mayor Wynn: Thank you, councilmember. Further -- councilmember morrison.

Morrison: Regarding 49, it's my understanding that it's going -- we're actually going to be doing a plan for the entire area in addition, not just the y property but also the city-owned property around it. Is that correct?

That is correct.

Morrison: And i appreciate that and i appreciate the opportunity to work with the y on that, and i just wanted to -- and that we're going to be inclusive of the stakeholders. And I wanted to just mention that there are a variety of interests and a lot of expertise on the various interests that we have in the city and so, you know, with parks and animal shelters and all that, so I would look forward to including among the stakeholders a registered neighborhood group, the parks folks interested in parks including representatives from the parks board and the parks foundation and things like that so that we can ensure that it's an inclusive group.

Mayor Wynn: Agreed. Thank you, councilmember. Further comments on our consent agenda? Councilmember morrison.

Morrison: I just have one clarification. I had received a change to number 7, and as I understand it, mary, you said there isn't a change to the posting of number 7? And I'm not sure -- I think i received it yesterday, but then the action item changes today didn't include it.

Mayor Wynn: I guess my question of staff earlier was I just -- on my script here for changes and corrections, item -- the posting language for item 7, according to this wasn't going to be changed, but my electronic script implied there may have been a change to item 7.

And I believe what councilmember morrison has said is where we got our information. We took it from an earlier version and then that has been deleted from it so I don't think there is any changes to the posting language as it is now.

Morrison: Maybe I could just ask a question on item number 7. If professional services agreement for preliminary engineering and environmental consideration, just to clarify, is that a water treatment plant number 4 item and does it relate to the forest ridge northwest a transmission line project?

Yes, it's the -- one of the finish water transmission systems that will come out of treatment plant 4. It will take the water that treatment plant 4 treats and connect it to the rest of our distribution system. So it is a

part of our water treatment plant 4 set of projects.

Morrison: I guess I would certainly be interested -- you know, there's a lot of interest in the community in this very large project and so when we're posting items that are related to water treatment plant number 4, I think it would be a service to the community and if not a requirement to actually acknowledge in the posting language that they are related to water treatment plant number 4.

Yeah, this issue came up at our commission meeting and we committed anything with the tanks mission mains we would also include the water treatment plant 4 in the future.

Morrison: Thank you. As we discussed previously, i think we're all looking forward to coming up with some kind of mechanism to be able to get a broader review of water treatment plant number 4 items because we had run into problems where there were -- we weren't able to get a quorum to vote on the items because there were a lot of folks on the commission involved in the project. So I'm looking forward to working on that with you. Thank you.

Thank you.

Mayor Wynn: Thank you, greg. And councilmember. Again, we have an amended motion and second on the table approving the consent agenda as proposed. Further comments? I'll just say while we have a little bit of a crowd here, item number 52 was regarding the race for the cure that councilmember morrison has pulled off the consent agenda, but it's simply for us to verify a couple of requirements prior to this afternoon or so approving that. I trust just know that it's a fabulous race. And so I encourage you, if you haven't already, to consider running or walking in the race for the cure. It is sunday morning, NOVEMBER 2nd. 00 right here in downtown. A simple sort of loop around the capitol and back down to auditorium shores. Last year we raised over \$1.4 million. 22,000 Walkers. The race is 11 years old and it's just remarkably effective when it comes to raising money to help us fight breast cancer. And last year the mayor ran a 22-minute 5-k. I encourage you if you haven't already considered running or walking in the race for the cure, raise a bunch of money to fight breast cancer. It's a great event. Lots of families, lots of survivors, lots of folks running or walking in honor of someone, and it's, again, a fabulous event, sunday, NOVEMBER 2nd. You can log on to [komenaustin.org](http://komenaustin.org) to sign up. While we have a crowd here, we've only pulled it because we're trying to verify a couple of issues before we approve that later this afternoon. Councilmember morrison.

Morrison: Thank you for that great description of the race. Downtown races are a real challenge and we've got the downtown task force looking at that issue and I want to thank the chief -- is the chief still here? One of the issues that came up with one of the signatories was that they weren't feeling quite secure that the traffic plan would be implemented and understood by the cops on the street. And I want to thank the chief for making a firm commitment that the traffic plan would be implemented exactly as planned. So thank you, chief. And now it's on record that you made that commitment. [Laughter]

Mayor Wynn: Councilmember leffingwell.

Leffingwell: I just wanted to add that I ran in the komen race last year too. I didn't run it in 22 minutes and I'm not going to say what I ran it in, but I plan to do it again and for those of you who don't know, it's only 5-k, 3.1 miles. It's easy.

Mayor Wynn: Thank you, councilmember. Further comments on our amended motion and second to approve the consent agenda as proposed? Hearing none, please say aye. Opposed? Motion passes on a vote of 7-0. Thank you all very much. Actually, council, we don't have any potential discussion items at this time because item number 8, which was pulled, regarding an annexation-related issue will taken up in executive session first before we take action, and item 52 regarding the race for the cure we'll take up this afternoon. There being no more action items for us this morning, we will now go into closed session pursuant to section 071 of the open meetings act to take up potentially item number 8, as mentioned earlier, regarding an interlocal agreement with travis county p.s.d. number 9. Item 56, legal issues regarding the position of deputy city clerk. Item 57, legal issues annexation of the peninsula area. Item 58, issues regarding a lawsuit involving the city of austin and the estate of kevin brown. Item 59, legal issues regarding lawsuit city of austin versus harry m. Whittington, et al. I anticipate us being in closed session this first time for one hour, coming out at noon for general citizen communication, then returning 30 to finish that agenda. So we are now in closed session. Thank you.

Mayor Wynn: Obviously we are out of closed session for the time being at least. In closed session we took up sort of combined discussion of item -- legal issues regarding item 8 and interlocal agreement with travis county number 9, and item 57, legal issues regarding the annexation of the peninsula annexation area. We will continue those legal discussions here in a few minutes after citizens communication. We now go to our list of speakers. We have a full slate this afternoon. pat johnson. Welcome, pat. You'll have three minutes to be followed by gus pena.

I got this new software, this office 2007 allows me to do wonderful things so we'll let it run.

Have a designated driver. It's real simple. If you are going to go downtown and party and you are going to drive, you make sure you have a designated driver to drive you home. Or you could end up like the people in this picture. They crossed a center stripe and the guy killed his mother and himself. [Boom] death lurks when you are driving while intoxicated. Why people think they can get by in a little old car, I'm going to drive home, I've only had seven beers, can I hold it. But what happens? They end up getting in a wreck, as in this poster here, where the guy was drunk going to a wedding rehearsal and kills his fiance. [Boom] no parent or wife wants to get the call their their loved one has been killed by a drunk driver. So if you attend a halloween party and plan to drink alcohol, be advised what could happen if you decide to drive. A trip to jail or a trip to the county morgue. We'll keep working on them power points.

Mayor Wynn: Very impressive, pat.

In the end, we're going to talk about towing for the next couple of meetings. I know for a fact that the austin towing association sent the city manager's office and this city council a letter complaining that our wrecker enforcement university detectives are doing their jobs. We have secured another felony warrant



against another towing company for committing criminal acts against our citizens. They have to obey the rules. These are criminal acts. Anybody that would break into your house, you would want that person put in jail. People have to know that when they call the police department because somebody stole their car that the police department will eagerly investigate the case and put that wrecker driver or that property manager in jail, whoever it may so ever be. smith, your attorneys david douglas, we know what the law is, we know the intent of the law, the towing industry wants to say we're deregulated. Deregulation does not pre-empt criminal prosecution and those on the grounds in a we're working on. Thank you, council.

Mayor Wynn: Thank you, mr. johnson. And I applaud a.p.d. Particularly with their very aggressive stance when it comes to apprehending drunk drivers and trying to keep drunks off the road. Thank you. Our next speaker is gus pena. Gus signed up wishes to address us. I'll save his spot for the next few minutes. greaney is our next speaker. Will you have three minutes to be followed by marcelo tafoya.

Thank you very much. It's greaney like a piece of wood. Thank you very much. What I wanted to do was i wanted to make sure I came down here and told the city council thank you for an event we did recently on SEPTEMBER 27th. I know you get invited to a lot of events and some you may get followup and you may know what happened, but this is one I really wanted to let you know how this event went. I'm the publisher of country line magazine. We've been doing this magazine in austin for 15 years. We do a lot of different events, but really our heart is with kids and the outdoors. It started with the little boy next door to my house who found out that I liked to go fishing so he would show up on my porch, and then the kid down the street. Then there was 10 kids and then there was 30 kids and so I kind of became the fishing dad on the block. And so but what we've developed over the years is just a program. It's called kids outdoor zone. And the whole program is based around getting kids involved in outdoor adventure. Sometimes we take them hunting, sometimes we take them fishing, sometimes we teach them first aid, field first aid, whatever it is, it's just outdoor adventure. And we had this idea, we've done this huge bass fishing thing for all these adult guys out on lake travis for many, many years, a big successful thing. This year we just decided that our focus has always been the kids so we wanted to do it here on town lake. I got in touch with the parks department and I met a young by, his name is troy houtman, your operation division manager. H-o-u-t-m-a-n. He's relatively new to the area. I'm an outdoor writer by trade and I had an outdoor radio show here in austin for years. The number one question i always got was where can i take my kid fishing? Absolutely number one question. And really we're not set up for it in austin anywhere. There's really no real convenient place where I could say take your little one, sit on the bank with some worms and it's a wonderful experience. We don't really have that. And I worked with troy and his maintenance staff, the maintenance staff, and they went down to festival beach and they cleared an area along the water for us. They got the bushes and the branches and the weeds out of the way, the place where the rats and snakes and everything hid, and they cleaned it up and it was an absolutely amazing saturday morning. Sitting underneath the cypress trees and pecan trees. We had almost 100 kids show up from all over east austin, all over town. [Buzzer sounding] we gave them cane poles. They all caught fish. Didn't matter if it was a 2-inch fish or 5-inch fish, has a heart-warming experience. We look forward to doing. I didn't want to pass up the opportunity to tell you troy went out of his way. That parks department did a wonderful job. We hope to work with them to kind of maintain an area where we can refer people down there and we're also beginning to work with the boardwalk folks and see if there

is not a way we can fit some wheelchair access for those kind of things. I just wanted to make sure i came by and said thank you very much and they worked really hard and we appreciate that.

Mayor Wynn: Thank you, mr. greaney. In fact, my daughters and i, we live downtown and we walk to lady bird lake, carry our fishing rods and catch perch with every single worm. Councilmember martinez.

Martinez: I love your slogan, no kid left inside. There's a gentleman standing incomes to you that can talk to you about a fishing dock promised to east austin residents many years ago and we need to revisit those conversations. As a part of the boardwalk conversation, I think we can incorporate that. But there's another opportunity in redeveloping where the holly power plant is. What I'd like to be in this conversation that connects the park land that connects where the holly plant once existed, connect a foot bridge across to that island and peninsula that runs out there and create some, you know, fishing opportunities, if you will, just little standing and sitting areas. But there are private developers on the south shores of town lake who really want to add some amenities for their residents and the folks that will be living there in the future, so I do think we have some opportunities coming forward and I would love to sit down and talk with you more about it. I appreciate the work you do with your program.

Mayor Wynn: Agreed. Thank you. Our next speaker is marcelo tafoya. Welcome. You too will have three minutes to be followed by gavino fernandez.

Thank you, mayor, mayor pro tem, thank you very much. First of all, my name is marcelo tafoya, I'm lulac director and the national civil rights commissioner. First I want to thank your ott, for attending our quartererrly meeting of district 12. The idea was to meet and greet and he was so gracious enough to open it up to hear concerns of the community. And I understand he's the first city manager to ever come to east austin and actually listen to the community who is affected by what you do here and I want to thank him personally. Now I would like to invite to you attend our elderly conference that will be held this friday and saturday at dove springs recreation center in southeast austin. Friday will be dedicated to the elderly where we'll be able to have vendors and we have individuals representing the state, county and city on facilitating different things that they have there for the elderly. Being right now that seniors are not only on a fixed income, but the way the economy is going, they need help. So lulac state and the district decided to get together and bring these individuals, facilitators and vendors that come down and explain how they can save a little money if nothing else. But also at the same time it's free and we are going to feed them while they are there friday. Saturday is primarily dedicated to the vendors and the providers so they will know what's out there besides our own product or besides what they offer. And we'll also have individuals, attorneys explaining the new changes of the law, especially in medicare and medicaid. Most of all I will like to thank councilmember martinez, councilwoman sherry cole and councilmember lee leffingwell for facilitating the event and the entire city council for voting in favor of having this event. We would like to see all of you there, but, of course, under the law not more than three can be at one time, but we can stagger yourselves. Come on down and visit our seniors that need a lot of help. And this is one facet and this is the first-of-its-kind that we're offering. Once again, we want to thank you and hopefully we'll be able to see you there. Once again, thanks to the city manager personally.

Mayor Wynn: Thank you. We'll send that message to mark. Let's see, gavino fernandez. Welcome, mr. fernandez. You will be followed by paul robbins.

Good afternoon, council. My name is gavino fernandez and I come before you as coordinator of el concilio. I want to remind you of a couple events, again like marcelo mentioned, the elderly conference. It's a great opportunity for elderly in the community to come out and learn and speak with vendors that provide resources to them. Also I'd like to extend an invitation to y'all to our oktoberfest, which is going to be held at park sayer goes is 00 to 10:00 p.m. Park saragosa it's reputation the known for many of our parents celebrate diez y seis so it's an established and recognized park and that's the reputation that it carries. I also want to encourage and invite many of our people to vote. Early vote has already started. Traditionally the presidential election we do get a great turnout of voters during this time frame as opposed to council and school board elections. So we do want to mention and encourage people to vote. That's one of the most sacred opportunities we have and that is the power that we have as people, at citizens of the united states. And it's also evaluation time for all the candidates to ballot. Short of protesting and e-mailing, this is a time that you go in that booth and you exercise that power. There was a couple of questions that I was asked about prop 2. I'm not really that familiar with it, but -- and I really have not made a decision on it, but in reading some of the articles, I learned where this government is basically stating that, well, we can go back on promised. It's not good faith. I heard that argument and the other day I was speaking to someone in the holly area and they said isn't it ironic that the state government that states that is the same government that told us, the holly neighborhood program for homes, forgivable loans and repairs, this was the promise that was made for all the damage that was done, all the racism that occurred, the environmental racism, yet this government changed and broke that promise, you know, went away from that and said no, we're concerned about people flipping homes for \$20,000. You look at the domain and the dollars and say wow, you do a compare and contrast. A common load, doesn't get involved in politics, brought this to my attention and said why are we supposed to vote for this if this government has no leg to stand on based on that argument. I also want to thank the city manager for coming out at our lulac quarrel meeting. We did have a healthy discussion. [Buzzer sounding] we did learn the staff in place, the people we should call when we need something. We strongly support him and look forward to working with him and you. Thank you, mayor, for the opportunity to speak before you.

Mayor Wynn: Thank you, mr. hernandez. Paul, welcome. You begin with three minutes and will be followed guy richard viktorin.

Mayor AUGUST 7th, I MADE A SHORT Speech about my opposition to developments at the green water treatment plant. I knew the council was busy so I kept my speech short. I figured the council would vote and quickly dispatch the issue. Instead the entire city was treated to a five-minute lecture on the merits of downtown development. Now, I disagreed with almost everything you said and at an appropriate time I'll have the opportunity to rebutt it. But whatever else anyone could say about your speech, no one could accuse you of not representing yourself to the voters. So I was chagrined a few weeks later when I asked them to explain why they were violating the city charter. The charter requires that voter approval be given for debt on revenue bonds that fund our electric and water utilities. Mayor, you had politely interrupted me and said this wasn't a good place for councilmembers to address the

public. Instead you insisted that this was a time for the public to address the council. And I'm left to puzzle why it's okay for you to make an unprompted speech defending one position, but it's not advisable for me to ask councilmembers for the same thing. So mayor, I've kept my speech short to give you the opportunity to explain to the 10,000 voters watching us why citizens of Austin are no longer competent to vote on revenue bonds that affect our utility rates, our environment and by extension our daily lives. Please explain to the electorate listening why they are disenfranchised from the right guaranteed in the city charter. How does voter exclusion encourage participation in the city. Don't we have the right as guaranteed in the charter? You've had plenty of warning so I'm sure you've prepared some response.

Mayor Wynn: Thank you, those were very fair questions. In fact, I do -- councilmembers always have the prerogative, of course, to address anybody, answer any questions and speak to their heart's content. So I regret if I characterized it in a way that would imply that. Councilmembers always have that prerogative and I'll always give it to them at the chair. Regarding the charter and voting on revenue bonds, debt for Austin Energy, I and I think my colleagues get a lot of advice from both the professionals at Austin Energy regarding just the complicated nature of running that complicated business in a very competitive ultimately both environment -- both financially and operationally and politically, and then the legal advice that we get frequently from our legal team. And work hard to make sure that I take advice from both the professionals at Austin Energy and our legal department every time we make decisions about Austin Energy. Whether it's -- certainly and particularly when it comes to generation and/or, say, purchase power. So I don't believe I have violated, you know, any of the either charter provisions and/or, you know, sort of the spirit of trying to run, help run, help advise and set policy for a public utility.

Well, mayor, respectfully -- and I appreciate your answer. There is, of course, respectful disagreement about city law versus state law. But the city charter specifically states, quote, "all revenue bonds issued by the city shall first be authorized by a majority of qualified electors voting at an election held for this " and we did this with the exception of the South Texas nuclear project through 1998.

Mayor Wynn: And I'll -- I will go back and with your Smith's and review that sequence and try to understand what occurred that somehow seemingly changed the historic perspective of some of the decisions we make at Austin Energy and I'll gladly continue to have that discussion with you.

Thank you.

Mayor Wynn: Thank you, Mr. Robbins. Our next speaker is Richard Viktorin. I thought I saw Richard earlier. He was going to address us regarding the Bright Leaf Park and Nature Preserve. We'll hold that spot for a few more minutes. Let's see. Francoise Luca. Sorry if I mispronounced that. You too will have three minutes to be followed by Linda Messier.

Good afternoon, Mayor Wynn, Mayor Pro Tem and city councilmembers. My name is Francoise Luca and I'm representing Gracey Woods Neighborhood Association. I'm here to defend the current zoning of neighborhood office for 1210 West Braker Lane. Our residents support the Travis County Health District and the concept of a North Central Clinic. This zoning case is really about a location, location, location

position. I defend the current location. It is conveniently located to serve the needs of the indigent families of east austin and it is in a medically underserved area. I defend the city's original proposal for a location for a north central clinic along 183 or research boulevard. A clinic in this area would support the medical needs of the families and children of george and manor and other public housing projects in this area. I believe we need clinics in both areas. The east and the central areas of town. This is about making a location decision for a public building using tax dollars. Just like this city hall building will be used for the next 40 years, a new clinic building will be expected to serve the indigent population of north central austin for the next 30 to 40 years. Do you honestly believe that there has been enough public scrutiny for this location decision? We do not. The braker lane site is not the best. It is not in the best interest of the austin low-income families. It's not in the best interest of the city's north side development plans or the taxpayers. Please, restart the site selection process for this clinic. Say no to the rezoning of 1210 braker lane. Let's make good decisions and using the collective wisdom of our community and social service agencies so we do not regret a location decision later. Thank you. [One moment, please, for change in captioners]

the gracy woods neighborhood north park estates, walnut creek neighborhood associations do not support change in land development code which would rezone as property to any classification other than n.o./n.o.l.r. Our current zoning is applicable and appropriate for our neighborhoods. Health care, we support the mission of the travis county health care district for low income and indigent families and individuals. To do that clinics must be placed in the right location. We will support appropriate locations that best suit and serve the indigent and low income residents like those in the northeast community area. There needs to be accessible locations for mothers and children that use these clinics and we need to be sensitive to those issues. Accountability. Travis county health care district is -- is a taxing entity. They must be held accountable. Their lack of community engagement has been very troublesome to our neighborhood. The disregard of any moral responsibility to provide public forums for the site selection process has been arrogant and represents poor public policy. That is not something that you represent to us in -- as the leaders of austin. The entire public communication process was also mishandled and the done deal attitude that on this \$18 million public building project is very suspicious. And very disheartening. Our neighbors expect from our local government our elected and appointed officials and our public servants assistance and we demand a restart of site selection process now. We ask that you deny travis county health care district's rezoning application. Make the tough decisions. Do the right thing for the voters that elected you. Do the right thing for austin. Thank you.

Mayor Wynn: Thank you, ms. messier. I believe our final speaker is tina kubicek. Sorry if I'm mispronouncing that. Welcome, you too -- tina [indiscernible] you heard our facts mayor wynn and councilmembers. As a communities servant myself I have been so disappointed at what has happened in our neighborhood. First, finding out about this project through the newspaper, imagine that. Okay? Second, receiving inaccurate information on the real intent of this project. Third, having our own commissioner, sarah eckhardt, who said during her campaign speech to us, it's a time for change, a time for a commissioner who puts the people first, yet turning her back to us when we went to her with our concerns about this proposed project. As a commissioner myself, i know to serve we have to go through that great training that was -- this year that was in -- we were required to train. And it emphasizes ethical leadership. I don't believe we are seeing that type of leadership with this project in

our community. I ask you to review the facts and when presented by both parties in this situation. And let us start this process again with all parties at the table to ensure that we -- that we get a win-win solution. Mayor Wynn, the wonderful domain, and we live there, is about two to three minutes from this location. And as you say about proposition 2, this isn't the Austin I know and love. It's just not right. Just vote no. And I agree. And I ask you to vote no to the zoning changes in our neighborhood because the domain is close to there, we're there and this is not the right location for that particular project. There are other locations very close by and they need to be looked at, but we as parties, as people from that neighborhood, we need to be at the table from the very beginning and not to be finding out about things like this through our local newspaper. Thank you for your time.

Thank you. And let's see earlier I had called Gus Pena's name. Gus signed up wishing to speak. Apparently Gus is -- can't make it. Also Richard Viktorin. Signed up wishing to address us. Well, thank you all very much. Council, that concludes our sign-up for citizens communication. Before we go back into closed session, though, I believe councilmember Morrison is prepared to have us take up item 52, which was the -- the issue for the race for the cure.

That's correct, we held off on it because we wanted to make sure that all of the signatures that were needed were acquired. I understand from the Komen folks that we have all of the signatures now. All that we are really considering -- need to consider is the fee waiver that's been proposed and -- by all of the councilmembers. We're ready to do that.

Mayor Wynn: Before I entertain a motion, then, George is here to give us testimony or to answer any questions. Welcome, George. Good looking tie. [Laughter]

Thank you. Mayor, Mayor Pro Tem, Council. My name is George Noelke, I'm the president of the Komen Austin affiliate, delighted to be here. Thank you for your cooperation this year. Mayor, thank you for the previous two years serving as an honorary chair. Delighted to have your support. Especially delighted to be here today to answer any of your questions. We have resolved it in terms of signature waivers. We have -- we would implore the city in the future to work with us in terms of making this a little more cost effective for us. It's a very expensive process for non-profits to go through. I'll add in terms of cost, a screening mammogram costs or grantees \$102. So every dollar that \$102 we spend that's one more woman in our neighborhood, in our community that doesn't have a mammogram. As you may be aware, the race is on November the 2nd. And we anticipate if things hold true to raise \$900,000 which will be granted back to our community here. So we are very supportive of -- of this community and keeping women healthy and we would like to thank councilmember Morrison and your staff working with us in the last couple of days to make this happen. I'm available for any questions, if you have any.

Mayor Wynn: Thank you, George Noelke, Council? Thank you, we look forward to the race.

NOVEMBER THE 2nd. Thank you so much.

See you then, George, thank you.

So, yeah, I would move approval of item 52.

Mayor Wynn: Motion by councilmember morrison, seconded by councilmember cole to approve item 52 as posted regarding the waiving of the fees for the race for the cure. Further comments? Hearing -- councilmember cole?

Cole: I would like to challenge lee leffingwell in the race. [Laughter]

Leffingwell: Is that going to be a fair race?

Cole: Not if i challenge you, it can't be fair.

Leffingwell: Okay. I will try to find you at the starting line.

Mayor Wynn: We look forward to seeing everybody there. Motion and second on the table to approve item 52. Further comments? Hearing none, all those in favor please say aye.

Aye.

Wynn: Opposed? Motion passes on a vote of 7-0. So, council, that's all of our potential discussion items because we still haven't concluded our executive session discussion on items 8 and 57. So we now -- without objection, we will now go back into closed session 071 of the open meetings act to continue our discussion, legal -- discussion of legal matters related to both item 8 and item 57. The annexation of the peninsula, annexation area and the interlocal agreement with the travis county esd number 9 and then I suspect later we will also then take up potential legal issues regarding item 56, the position of deputy city clerk, item 58, a lawsuit to -- involving among others the estate of kevin brown, and the city of austin, and item 59, legal issues regarding a lawsuit the city of austin versus harry m. Whittington et al. I anticipate this executive session lasting for several hours, but hopefully we should be back into open session in the middle of the afternoon. I would hope around 3:00. 00 to take up our two afternoon briefings. One of which is the presentation by the 3 architecture teams for our new central library project and then we'll roll into zoning matters later. So we are now in closed session, I anticipate that being about 2.5 hours.

For those that are watching, if you have time, 07 at the shell station on south congress and mary, that's pretty darned cheap.

Mayor Wynn: Heading there now.

Go fill up. lake lake, lake/flat to, sheply and bull finch, shep shep, have please we are out of closed session. In executive session we finished our closed session agenda for the day, took up all five of the issues as originally introduced. No decisions were made. Again, we have finished our executive session agenda for the day. Council, I don't know if you remember, one of the items we took up, actually two of them -- actually, we took up discussing legal items, 8, an interlocal agreement with travis county esd

number 9 because we were posted for action on this agenda. I don't think we need to have a staff presentation on this item because I think -- i will entertain a motion at this time. Councilmember martinez?

Martinez: Based on a fairly lengthy conversation that we had in executive session and a pending question before judge dietz, I would like to move that we postpone this item to NOVEMBER 6th. With the hopes that on NOVEMBER 4th, JUDGE DIETZ, Would make a ruling and kind of be the guiding point for our next move on this item. But I do want to thank judge dietz as well for expediting the question at hand and so hopefully on the 4th we will have more information to work with. I will make that motion.

Mayor Wynn: Motion by councilmember martinez, seconded by councilmember leffingwell to postpone item 8 to our thursday, november 6th, 2008 MEETING. Further comments? Hearing none, all those in favor of the postponement please say aye?

Wynn: Opposed? , Motion to postpone passes on a vote of 7-0. Council that take us to an hour and a half late our afternoon briefings. We have two. The first of which is presentations from the architectural teams, three finalists regarding the new central library project. I guess that I would like to ask assistant city manager burt lebraras to introduce other staff who will walk us through the timing, whatnot. My understanding is that we're going to hear from all three teams. I believe about 10 minute or so per team. Then at the end, brenda branch, our department director will talk about some additional sort of public process that will be included as ultimately council makes this decision.

Thank you. Thank you, mayor. Appreciate this opportunity. This is an exciting day for the city of austin. We have staff member mike trimble with our contract land and management office that is going to come up and give a quick overview of the process that has taken us to this particular point. He will also talk about just kind of what some of the key milestones -- key milestones are in the schedule and then as you indicated brenda branch, our library director will come in at the tail end and talk about the public piece, which is a real critical component of this as well as give you the information of where citizens can get an opportunity to view the proposals. With that I will turn it over to mike, let him introduce this.

Thank you. Good afternoon, mayor, councilmembers. I'm mike trimble with contract and land management department. We are pleased to bring forward the finalists for the design team, proposal for qualifications for the new central library. Just wanted to provide you a little bit of background, the project is for a new central library, part of the 2006 bond program. For the design, construction and furnishing of a new 250,000 square foot central library as a relaysment if the outgrown 110,000 square foot falk central library. A brief overview on the scope of services included for the design team request for qualifications. Includes architect tall engineering services for all project phases. [Reading graphic] library, library the process that we used, that was approved by council back in march 2008 consists of four phases. The first phase we went through more of our standard request for qualifications process where we received proposal and went through a scoring process. Phase ii involved a panel interviews with the evaluation panel. That was part of the rfq process. Phase 3 involved bringing the finalist's presentation to council, where we're at today. Phase iv includes bringing the item back for council



consideration and potential award and that is scheduled FOR NOVEMBER 6th, 2008. Now the process results to date as we had the rfq RELEASED ON APRIL 30th. We received 22 proposals from perspective design teams. Through the evaluation process that produced 6 prospective design teams short listed for the interview with evaluation panel. Through the presentation process that produced the three final lists which will be doing presentations today. As I mentioned the schedule is to bring it back for potential award on november 6th. The finalists presentations, I want to mention that the order is not linked in any way to evaluation scoring or ranking as part of the process. It was randomly selected. The design teams are lake/flato architects and shepley bulfinch richardson & abbott, joint venture. Barnes gromatzky kosarek architects and taniguchi with holzman moss joint venture, page southerland and page, patkau architects joint venture. Just to give you a brief overview of where we go from here, once we get past the selection phase. Once we get past council award in march '09, we are looking at design and consultant contract being executed. [Reading graphic] I do want to mention that the -- that the finalists will have 10 minutes each for their presentations. After those presentations are complete, brenda branch from the library department will come back and discuss further the opportunities for public review and input with respect to the finalists presentation materials. I'm coming forward. With that I'll turn it over to our first team presentation.

Thank you, our first team as we heard is the lake/flato jv, welcome, mr. david lake.

Thank you I'm david lake, a design principal for lake/flato architects. We have assembled team for crafting a memorable library. More than just a place for books, it needs become a soul of the city, sustainably landmark, symbol of learning and community. We enjoy our work with shepley bulfinch richardson & abbott with the hrc on the university of texas. We share a common design philosophy, one that's committed to collaborative design process. We seek the best ideas. That begins with you. Because you are all owners and users of this future leisure. We are honored also to build in austin. I grew up here, my family is here, my environmental passion has been shaped by austin's parks and waterways. Austin needs a future driven library. Shepley bulfinch richardson & abbott knows libraries, they are experts. They are responsible for over 200 libraries worldwide. Carol wedge is the president of shepley, she will provide over our library process, carol?

Ing thank you, david, your vision for the new central library is a wonderful opportunity for austin, we are thrilled to working with lake/flato who we have worked with before and we have really admired for their national design and also for their projects in austin, materiality and sustainability. Our design process really is about framing the unique opportunities in each community. And each of our libraries look different because they reflect the communities that they serve. The opportunity for the central library for austin is to really mirror the community, understand the community and mirror that back to its citizens. We really believe that a library is designed from the inside out, a place for people, for community, a place for us to understand how a library might impact a role in the future. We are inspired by the idea that the entrepreneurial spirit of austin can be reflected in those spaces created within that library. Our library visioning process draws on our many strengths as a firm. One aspect of that will be led by jeffreyman, our national central library expert. I think the best example is the work he's doing in philadelphia today. He's working with the private foundation in philadelphia exploring the link between the central library and the public health education needs of that city. And really looking for how a library

goes beyond and really starts to frame its understanding of its role in the community. We don't yet know what that role is for austin. That will come out of the public comment process. It will come out of working with the library on the program. But we can assure that that process will really identify those opportunities for austin. In the 1970's the central library was designed as a box for books. That's no longer true. In 2008 looking forward, the library needs to be a nimble, flexible facility, really needs to embrace all of the constituents and the wonderful diversity of your city. Needs to be a place for children, for teens, needs to be a place that we understand the homeless, the elderly and their needs. And really personalizes that role for each and every member of your community. The public process that we'll design I will lead and work with rabina jackson, our local austin consultant. Our real goal for that is to first listen to the commune, create a process that invites lots of public forum, but meet neighborhood groups at their branches, really leverage the great work that you have done that, really understand how the central library adds to what you have accomplished in the branch environments. We imagine design charrettes with children and teens of austin that can design and draw what they want a library to be, to become the library steward of the future. That's very engaged, one where we really hear from the citizens, play back goals and principles to you that we will use throughout the design process. That's really the first step in an integrated design process that greg will talk about a little further.

Thank you, carol. I'm greg pape, I'm our team's project architect. It's our job to ensure that we deliver to you an exquisite library. We will lead an austin central library studio. All of the firms will be based in [indiscernible] foster active and continuing team contributions. We are going to leverage creativity of our team. Its expertise and use advance modeling tools to drive a process where design, cost and sustainability are all equal partners. To do that, we have assembled an incredible team. Our green team of knowledgeable and passionate consultants. Our green team is committed to exceeding the goals of the austin climate protection plan. To deliver a building that increases energy efficiency by 75% with implementable strategies for net zero use and reduces water by the same amount. By using austin craft's people, its material, really its ingenuity for the library with your spirit. Both design and artistry to create for you the best [indiscernible] library in the country. Our team will produce both high touch renderings to inspire stakeholder passion and solicit input and employ digital tools to make it web accessible, interactive and engaging to the citizens of austin. Now sid holmes will speak to the project management.

Thank you. I'm cyd [indiscernible], shepley bulfinch richardson & abbott, as the project management responsibility, fundamentally my job is the budget. Every project that an architect does is faced with desire for more scope than we can afford, higher quality than we can afford. But we have to balance all of those factors against the budget. And it's especially important to understand that architects work with other people's money. And in the public process we work with everybody's money. And we can't come back to the citizens of austin and ask for more money. This project must be done within the budget that you established in 2006. So that's our responsibility. We share that responsibility with you. It's a challenge that we will all have to face. The imagine that's you see on the -- images that you see on the screen now are a building that we finished this spring. I'm showing you this building back yard. From when it was finished to way the it started. All of us talk about the product of the work, but it's mostly a process. This project was four years in design, three years in construction. But the interesting thing is that the photograph that you are looking at weren't produced by the architect, by the city owner or by the

construction manager. They were taken among 823 photographs that were sent to me by a woman who works across the street with a note that said thank you, this is our building and we love it. That's our responsibility. That's what we have to deliver for the citizens of austin. With that let me turn it back to david. Because as carol said the culture of austin must be captured in the library. But it's equally important that the place of austin be captured in the architecture. One of the reason that's we really like to work with lake/flato is because they understand that.

Thank you. David you have about four minutes left.

Thank you. Our work is very much rooted in the place responsive to climate, culture and craft. We use our buildings seek to heal the land and landscapes are as critical as the buildings themselves. We use local materials and craft to create light filled unique buildings. We also believe that buildings should be rooted to their place through sustainability. The shangri-la is the first leed project. Austinites love being outdoors as long as they are water and shade. Barton springs, zilker park, you have made being outdoors an art form. And this fan hanging from this big tree inspired us to make this hotel lobby outdoors under a fabric canopy with fans immersing the guests in the garden. We enjoyed building with pride and stone. Stone with pride. Permanence, sense of warmth, rooting the library to shoal creek's limestone ledges. So what if your library was a great stone vessel shaped by water and filled with light? Water has a story to tell. The library should harvest rainwater and gray water to sustain the landscape, drought citizens out of the library and down to shoal creek. The library also needs to be a calm restreet. Quiet solace, a place for reflection, exploration. What if the library is an oasis? It needs also to be a treasure shows for kids and families. Where art can help tell the story about the history of the place. At the same time it needs to be a gathering place. Offering -- the library needs to offer services to everyone, every neighborhood, every age group and excel as both a serious repository for knowledge and a town square. As greg said this building needs to artfully harvest daylight. Light filled interiors will eliminate a -- illuminate a variety of spaces, a sanctuary for one, a gathering place for many. I especially like harold's eugene central library. It invites the outdoors in just as your library should. We can also imagine a great court overlooking cesar chavez and shoal creek. Imagine how comfortable it would be to hang out on that porch and look out to ladybird lake. It also should be a beacon welcoming, at night and at day. Imagine being in this great room overlooking downtown and shoal creek. It is a remarkably complex site. It's the confluence of the colorado river and shoal creek. But also the building needs to make the city better. It needs to be an anchor downtown, strengthen the urban fabric and be responsive to seaholm and green water developments. We don't know what this building is going to look like, but this massing shows that the building itself is going to be a very low and horizontal in profile. These views from -- from riverside show a building floating like a pavilion in the park. Well, whereas from cesar chavez it's a totally different character. Both need to be respected in terms of up close and from away. Far away. From shoal creek the library really needs to step back and create a forest of trees about it. So what if the central library was integrally linked to the outdoors, you jog, part of your daily routine happens at this library, starts here, becomes part of your everyday life. At the same time, it needs to be a celebration for the community and for the culture. A proud civic landmark should tell a story about the character of the library. Finally, it's really critical, in 1976 I worked to extend the linear parks up shoal, barton, blunn and waller creeks. To me this is legacy project. It allows me to give back to the city I was born in, but more importantly an opportunity for us to craft a beautiful iconic landmark. More importantly

a library crafted all together, truly loved, essential and memorable.

Mayor Wynn: Thank you.

Thank you, mr. lake. I guess as council's request would be that certainly you all hang around not only to see the other presentations, there might be questions of any or all of the teams after we have heard all three presentations. Of course I think that we are going to hear from brenda, the opportunity to display some of you all's wares in our lobby, know that there will be a nice crowd of citizens here all throughout the evening and night, you are welcome to continue to hang around and get good feedback and comments. Our next team, I believe same sequence is the barnes gromatzky kosarek architects joint venture. If that's right. I thought I saw jay barns around here. Welcome back, jay. We will give the team a couple of minutes to set up. Welcome jay, we are trying to limit to about 10 minutes per team. I think the council is prepared to hold any questions that we may have until all three teams are done.

Mayor Wynn: Whenever you think your team is ready, jay, begin.

Thank you, mayor, mayor ott it is a pleasure to be here. Thank you so much for this opportunity. I cannot tell you how excited we are. I'm jay barnes, I'm a principal with barnes gromatzky kosarek architects, our firm is here in austin. I am the project principal for our team. Our entire team is here today. Along with my partners, evan taniguchi, malcolm holzman moss. We also have the participants in the first interview here, they are available for any questions should there be any afterwards. Briefly about our team, we came together as a team over a year ago in anticipation of this project. We are a selection of 23 specialty firms, artisans and engineers. Our new library is for all of austin, about austin. So by design we have formed our team as a predominantly a local austin team. Over 70% of our firms are austin firms. We live here, we work with and we use the library. Our team also represents the diversity of our great city. We exceed in every category your goals for participation and diversity. We also have a long history of facilitating community participation in the design process. , it's how we do work. You might be familiar with some of the projects that my firm and evans firm has completed in austin. Each of these projects are public projects. They are collaborative intensive, that's how we approach projects. And engage the stakeholders and the community into the process. I want to also mention something very important for these projects, they were completed on time and on budget. We can talk more about that if there are any questions on that. You know, facilitating community participation and engaging the community in a thoughtful, meaningful process is at the heart of everything we do. As a team and as a firm. I think that's really our opportunity here. We have to seize that. To make sure every corner of our community is engaged. That will be our mission, we will settle for nothing less. It only enriches our design. Evan taniguchi's firm and my firm a number of years ago came together and designed palm he events center. Palmer was one of the most collaborative community driven projects ever completed in austin, using workshops and design sure charettes, we engaged thousands of austinites in the process. We went to the community soliciting their input. We listened, made it fun and interactive and meaningful. This approach will pay great dividends for the library, it will grow a lifetime of library supporters. That's what happens with this collaborative process. Coteil haynes in our team is responsible for the community outreach, will be assisting the team. They have just a few

words about that.

Thank you, jay. Glad to be here, council. You know, community involvement is approached in various ways with varying degrees of success as you know. But the recipe for effective community participation for this project is really simple. Engage a cross-section of stakeholders from the beginning who reflect austin's rich cultural diversity and then listen to what they say. The importance of this project demands that we use new and creative ways to involve the entire community. We must go to where the people are to solicit input. For example, outreach to churches will be of particular importance for our east austin neighborhoods. We plan to take our show on the road. One idea that we would like to explore is a design mobile. Taking our planning documents, our interactive processes and models to the austin neighborhoods. It's an idea that's worked well for libraries. With book mobiles. And we feel that it's one that can make our design process inclusive and successful. Ultimately, the goal of our outreach will be to engage the entire community in a meaningful way so that there is a shared sense of ownership in the look and feel of what will be a premier community place.

Thank you. The slide that you see here, this is doug moss, one of our partners who incidentally grew up in taylor. Doug will be developing the context for the library program and will work closely with all of us in the workshop process. We are also partnering with one of the country's leading design firms in library planners, holzman moss architect. Malcolm is our lead designer. His firm has designed over 45 major library projects, several of which are recent projects completed in texas. Malcolm has strong ties to austin. He was invited and spent time teaching at the university of texas school of architecture and I would like to now introduce malcolm holzman.

> Exciting, exciting, exciting! I had to say it three times. I'm not sure that you heard jay start that way. This is an exciting project. I'm going to take a few moments to give you our understanding about why it's exciting. It's only possibly every 25 or 30 years that a community can actually build a central library. It happens infrequently. This new library will be considerably different than the faulk central library built in 1979. Austin has changed dramatically. Certainly in the last 30 years. It retains much of its early uniqueness and charm. But the downtown is a lot different. It's built up. It's a much more active place than it was then. Libraries have changed dramatically in the last 30 years. The new library we know will not be important because of its size. If one looks at the development that's planned for the surrounding area, all of those buildings will be bulkier and bigger. Even so, it could be a symbol of the community and it will be a symbol of the community because through its usage and role it will add to civic life and that will make it an important structure. And the way that it's designed will allow it to do this. The library will be different than faulk because it will be user centered. Faulk was material centered. And as a -- as the materials grew, the users were pushed out to the edge and eventually took over more and more space. But to be a user centered library will be to be a self service facility. People will come in and be self oriented, they will know where to go. On the other hand it will have clear service points. So you can find what you need. It will have to be flexible. Children, families, seniors, mobility challenged individuals, young professionals, people living downtown, all of them will be equally accommodated in the new facility. A lot of this will happen because the library will be flexible. Technology will accommodate a lot of things, but we know technology is changing. Currently, everyone is concerned with broadband. How can we get greater volume, how can we improve networking and group work? We know things are coming

that we're not totally sure about. Video displays, the growth of the e book. Our spaces need to be adaptable and they need to evolve with the building over 20 years. The building -- jay pick up a few of those pieces. In our previous presentation we had a model to try to discuss these. But there are many functional topics. It will be a high rise building, a short high rise, how do you get up and down, where the front door is, how the parking is connected, all of this is important. They will be functional concerns. But equally important will be urban design. The urban design will also have an influence on the library. How it will be linked to nearby streets, shoal creek, the lake, the green water treatment plant site. In the development of the district with the library, this will become a very, very special place. Let me talk about just one example, one tiny example of how an urban design issue will affect flexibility, the future and sustainability. Parking. Currently the building is designed for three levels of parking. The question is 20 or 30 years from now, will austin still be as automobile oriented as we're thinking? Should we plan in the future for the parking areas to become library space? The weight of a car is almost the same as compact shelving for books. The only added cost would be making taller columns. These will be topics we will want to build consensus about and think about in the future. Sustainability. Operations and maintenance for 30 or 50 years will be an ultimate concern. A leed rating will not be a goal but a consequence of good design. We are committed to more than sustainably practice. We want to make the highest performance building and a healthy structure. Because of that [indiscernible] is on our team, nationally renowned for making structures of this type, starting with the skin of the structure and all of the systems within it. Ation architecture is very -- austin architecture is very particular. Having worked with my partner douglas in texas for 30 years, we've had the opportunity to use many texas materials. We know that the -- to be accepted in this community it has to be rooted here. [Buzzer sounding] using tile, line stone and other materials even materials from marble falls and granite will allow the building to be rooted here, to be built on budget and on time. Art will add another layer of richness to the project. And make for successful library. Evan.

This is our team. And as malcolm clearly indicated we are very excited about this project as I know everyone else here is. But even more than that, knowing this team can design an excellent building and that we have the perfect players who can reach out to the community and make our new library reflect everyone's vision and the wonderful character of our city as well. Our bottom line will always be keep austin reading. We are totally committed to make so much happen. Thank you and our team would like to thank you, also, for waving -- by waving their folders.

Mayor Wynn: Thank you, mr. taniguchi and folks. Thank you, gentlemen and ladies. So -- so give a minute or so for the -- for the -- jay and his team to -- to break down their visuals. Again, ultimately be prepared to have them in the lobby. And we'll give a minute or two for -- for mac -- page southerland and page team time to set up as well. It's z.

Mayor, councilmembers, we're extremely pleased to be here today. I'm matt kreisel, manager principal of page southerland and page and I'm going to highlight some of our work plans and I'm going to turn it over to larry and patkau to talk more about participation in our projects. Page southerland page provides you local ownership of this project through one of the nation's oldest, largest and most dependable design organizations. Our base of operation will be next door in our offices, which is two blocks from the project site, six blocks from the city offices and the library offices. As a large total design organization,

architectural firm, we provide a large management umbrella for buildings like this and integrating a large number of firms while ensuring the quality control that's required on a project of this nature. We have organized our team to address what we know to be the very unique challenges of austin projects and we placed leaders in those roles who are uniquely addressed to accomplish those tasks. We also will exceed, meet and exceed goals for meaningful roles. With regard to our background, we have successfully managed and produced this city's largest and most complex projects. We're good stewards of your money. We're good stewards of this community's best interests. Larry and I have led many of the most largest and far-reaching community participation projects that this city has done going back to the town lake comprehensive plan, the airport, the convention center, heritage austin, east avenue, development at concordia site and many others. We also bring unparalleled knowledge in terms of both community priorities, concerns, politics, development requirements and pitfalls, local construction marketplace, site specifics. We've done real projects on town lake, we've done real projects on shoal creek and we just came off the design submittal for the green treatment plan. We bring national expertise and sustainable. Which was one of the first leed model codes. And there is no individual that has been as involved and championed the development of an austin character as my partner, larry speck.

We choose to live and work and practice architecture in austin because we love this city. And because we feel like we share values with this city. For us, this is a labor of love because it will be a very, very important project. We've been -- I did a design studio at university of texas using the library as a case study. Seven years ago we produced a little booklet that's been used and some of the support in the community. We've been involved in this project, we've been committed to this project for a long time. We would love to design it. Two years ago john patkau called me and said I hear there's a new library project that might be happening in austin. I've known john and patricia i can't for many years and i knew they had done the two most beautiful and most humane and warm and beautifully used libraries in north america. One in montreal and one in winnipeg. John and I began talking to years ago and this is a match made in heaven. They love doing libraries. They are incredible doing libraries and they know what the contemporary urban library is like. We love this city, we know how to work in this community, we love this community, we're a part of it. So this combination makes great sense to us. So I want to let john patkau talk about these two amazing libraries and maybe give you enough insight to see what generous and community valued places they are. And then I'll come back in a little while and talk about our own community design process.

Thank you very much, larry. Yes, I'd like to talk about two libraries that we've designed, but I think the really important issue is how these designs give lessons as to what might apply to the austin library. This is a 400,000 square foot library in montreal. What's really a first challenge with libraries is they really have a challenge in terms of urban relationships. Having a single point of control often makes them not particularly good neighbors in their surrounding context. In order to respond to that, some devices that we have used such as in this library we developed a lobby system which connects to all four surrounding streets as well as to the subway. Further, we brought all of the components of the building program which can exist outside of the control, the exhibition space, the auditorium space, the cafe, all of those things to this point put them on the street, put them on the lobby so that they can reach out to the community and establish a broader connection to enrich the role of the library this larger

community. But also to bring these functions out of the library so that they can have an autonomous time frame. Oftentimes the auditorium is used when the library is closed. Bringing those out allows much greater flexibility in terms of the way the library can be used. In this library there was a very interesting condition where there were two major collections. A general collection, but there is also a national archives. And it gave us an opportunity to demonstrate two different ways of approaching the relationship between people and books. In the general collection, we organized a very efficient centralized book storage with reading rooms all around it so that people were connected to view and to light. Within the more traditional, more honorific quebec, we created a more centralized reading room and organized the books around that. Within this single library there are two very different kinds of spaces and qualities which inform different ways in which libraries can be organized. Further, we developed a circulation system which in addition to the efficient movement within the library, each of the libraries themselves, created kerr couple navigation which created the ability serendipity and move through the library in more creative ways to create a much richer experience. Everybody has talked about the materials this characterize austin and our intention is to use those materials because they build on the sense of community. In the montreal library we used copper and wood. Those are the materials that resonate most deeply with the community so they became signature elements in the building in a way that stone, for example, becomes a signature element in a building in austin. This is the lobby that runs through the building and connects to the four streets. You wood enclosure of the stack collections. Have you the opportunity to go up and down in a very efficient system or use a ramp that goes around the perimeter of the library to connect to the quebec collection as well as to the various reading rooms. This central system is very efficient. It moves people through the heart of the library and makes books as accessible as possible. At the same time, it allows all of the reading spaces to move to the exterior so that you have the ability to bring natural light into the library and to create opportunities for view and connection to the larger urban context. And yet in the quebec collection you have a situation of a much more traditional character, a character that really speaks of the significance of place, the significance of this collection for the community. Alternately, we did a very different kind of library that offers different kinds of lessons, and I think lessons that are very appropriate to the austin situation. This is an addition of 50,000 square feet and a 90,000 to a 90,000 square foot library we renovated in winnipeg. The existing library, which was a three-story triangular con monolithe that shared a park. What we chose to do was to add the.

Thousand square feet of space that we needed to the roof of the existing library, but to create a very thin linear space that connected all of the existing layers of the library to the new level as well as opening all of these levels out to the park. And so what you see is the ability to move from the trees, through the glass, through the reading areas, through the service areas, through the stacks and through the rooms so that the library -- the natural context, similar to the context of our site, brings you deeply into the library so your experiences fully connected to the -- [buzzer sounding] sorry.

Mayor Wynn: That was the 10-minute timer. I just ask the team to take a minute or two and conclude.

Very quickly, this is the new addition that connects all of the levels to the exterior, spaces connected to that green and a grand reading room that symbolizes the significance of this public space as a



significant public institution in our community. Larry, please.

We will be doing a very active community participation process. We'll show you a few of the visuals that we use, models of drawings of three-dimensional animations. We would want to do the stake hold meters but have a web base that would be interactive and hopefully have the community committee that we had on the airport where there were people deeply involved at that level as well. The way that we design is to come out of that kind of input from the site, from the community. We couldn't even begin to tell you what the library would look like now. But I think you could see from john's presentation the degree of which we design really from the inside out, from the community, from the people, from the place. And out of that make a building that is unique to this spectacular site and to a new library for austin. With that we'll close. Thank you very much.

Mayor Wynn: Thank you mr. speck. So that concludes the -- sort of the formal instructed 10-minute presentations from our three times. brenda branch, our department director, is going to talk to us. I would like to hear your comments before I open it up for dialogue with the council.

Good afternoon, mayor wynn, mayor pro tem mccracken and councilmembers. As you can imagine, this is an incredibly exciting day for the austin public library, for our support groups and for the citizens of the austin community. In audience today are some members of our library commission and our library foundation. Carol martin, president of the library commission, gloria meraz and carolyn goldstein, commissioners, and sometime staley, executive director of the library foundation, and eric barrons and theresa, the president of the library foundation. Would you stand so you can be recognized. [Applause]

there is a lot of interest in the community about the new central library. In fact, we've received hundreds of e-mails and input on our website. We have set up a website where people can let us know what they would like to see in their new central library. And we're looking forward to maximizing the input from the citizens as we move through this process. John, our facilities planning manager, will tell you a little about the specifics about the input process. John?

Thank you, brenda. The citizens' ability to comment on the design teams that have presented to you 00 this evening in the lobby of city hall. As the mayor has said, this meet and greet session for the community is hosted by the austin public library commission and the austin public library foundation. The presentation materials that we've seen today will be put on display this evening and the design teams will be there to talk to the citizens and explain their design approaches. The materials will be left on display at city hall until OCTOBER 31st, AND THEN THEY Will be moved to the fox central library from november 1st to NOVEMBER 6th. The presentation materials, the electronic portions, will also be available on the library department's website from today until NOVEMBER 6th. The public will be able to make written and electronic comments for their elected officials. We will roll those comments up and compile them and bring them back to council prior to the november 6th council agenda.

Mayor Wynn: Thank you, john and brenda. So council, questions of staff and sort of the process and format and timing, and/or questions of any of our presenters. I'll just say I'm reserving my questions and comments, feedback as I also like to entertain a lot of citizenry input over the next couple, three weeks,

but I know my colleagues are very excited about the project, very flattered that we see these three, in my opinion, spectacular teams wanting to do this work and I would really look forward to ultimately if process -- it's a tough decision, but ultimately the process whereby we choose our design team for what I think will be as important a building that will be built in this generation in Austin. Again, further questions, comments from council? Well, thank you all very much. We do look forward to having the presentations out in our lobby for people to not only stop in and vote at the early voting booths here in the lobby, but also to -- to have a chance to introduce yourself, meet the teams and ultimately give council feedback and comment over these next few weeks. So thank you all very much. So council, we have one additional afternoon briefing so we'll sort of let -- I think most of the crowd was here for the presentations on the central library. But as soon as the crowd clears out, and I would ask you to please take your conversations out into the foyer, that would help us because our next briefing is a briefing on public improvement districts or PID, and a proposed city policy.

Mayor Wynn: Again, if folks could please take your conversation out into the foyer, we would appreciate it. We have a lot more business to conduct. So please go vote early in the I and take your conversations with you.

Mayor Wynn: Mr. Murphy. Whenever you are ready I you can start.

Pat Murphy, environmental officer with the watershed and development review department. We're here in afternoon to present to you a public improvement district policy proposal. This has been the culmination of a lot of work by various departments including word protection, finance, neighborhood planning and zoning, Austin water utilities, law department, community development, fire and E.M.S. Our presentation will have three parts. The first part will be a discussion of the legal ASPECTS OF P.I.D.s. THAT Will be Tom Nichols. Then we'll be talking about the financial aspects and then I'll follow up with the proposed policy. Thank you.

Let me start off with a basic explanation of what public improvement districts are. P.I.D.s ARE A TOOL THAT THE City can use to raise revenue to pay for municipal improvements or services that benefit a defined area of land. In this case, the form of the revenue is a special assessment that is paid by the landowners who benefit from these improvements or services. And under the law, the special assessment is akin to a property tax. Statute, the city can use all the tools that are available to local governments to collect property taxes, to collect the P.I.D. assessment. So it's a very reliable source of revenue. can only be created with the consent of the landowners who will be paying the assessments. has to be created by the city council. So you can look at this as basically an agreement between the city council and the landowners for the landowners to pay the city this special assessment that the city can then use to provide services or improvements to the land. There are two types of P.I.D.s. The first kind is an operation and maintenance P.I.D. And as some of you know, the CITY HAS TWO P.I.D.s. The downtown and the east sixth street P.I.D. These are used to pay for services that benefit the downtown and east sixth street areas. But the other type of P.I.D. is what you could call a , where the assessments are used to finance infrastructure that benefits the land in the P.I.D. is relatively new in Texas. We have -- we now know three of them have been created. The city of trophy club, which is a suburb in the Dallas-Fort Worth area, the city of Lubbock and we found out today the city of El Paso have each created public

improvement P.I.D.s TO PAY FOR Development of raw land. Basically roads, water, wastewater and infrastructure of that type. The way this is done is the city issues municipal bonds and uses that money to pay for the infrastructure, and then as I said, the landowners basically pay their special assessment each year and that's what's used to service the debt on the municipal bonds. And then in that way, you can LOOK AT P.I.D.s AS Performing the function that M.U.D.s HAVE TRADITIONALLY Formed in texas. is a relatively new tool. M.U.D.s HAVE BEEN USED FOR A Long time to do the same thing so we thought a brief COMPARISON BETWEEN M.U.D.s AND P.I.D.s WOULD BE USEFUL. Some of the big differences, M.U.D.s ARE CREATED BY THE Texas commission on environmental quality or the legislature. , as I said, is created by the council itself. M.U.D.s ARE INDEPENDENT Political subdivisions with their own governing board. is just a tool that the city council uses. It's definitely not an independent political subdivision, and again, the governance is the city council itself. M.U.D.s COLLECT TRUE Ad valorem taxes where the value of the land is assessed and what the landowner pays can vary from year to year based on the value of the land. assessments generally are flat. It's a fixed amount. So the landowner can be sure that his assessment is not going to go up in a way that's unexpected. And finally, one big DIFFERENCE IS M.U.D.s CANNOT Issue bonds to finance infrastructure until the infrastructure has been on the ground for two years. The purpose behind that is to MAKE SURE SINCE M.U.D.s Collect property taxes that the property is valued or it reaches a certain value so will be generating enough taxes to pay the debt. WITH P.I.D.s, THE BONDS CAN Be issued as soon as the development occurs. There's not a two-year delay. So I think one reason INFRASTRUCTURE P.I.D.s ARE Starting to be created in texas is that benefits the developer because the developer can tap into municipal bonds to finance its infrastructure instead of having to basically carry it for two years with private financing before the m.u.d. Can assume that debt. At this point I'm going to turn it over to leslie to talk about the financial aspects.

Thank you. These next couple of slides cover financing of p.i.d. Capital projects. P.I.D.s CAN PROVIDE FUNDING For capital improvements on a may as you go basis or by issuing special assessment revenue bonds. These bonds are secured only by a pledge of the special assessment revenue that tom just talked about. They are not secured by the full faith and credit of the city and this is basically the city's ability under state law to levy ad valorem property taxes. So they are separate and apart from that. When you would go about issuing debt related to a capital project upon , the city would, of course, complete due diligence related to the proposed p.i.d. Project. And basically what we would be attempting to assure is that the project plan, the project assessment projections are reasonable. And in order to do that, we would supplement our staff expertise if needed with an independent consultant to help us assess the developer's project and financing plan. And the developer would shoulder those costs as well. Just to close before I turn it back over to pat to actually policy, the city is not liable in the assessments are not sufficient to cover project costs. Again, that debt is completely secured by the assessments and it's very separate from any other source of city funds. There is no exposure there. Thanks.

The city's desired development zone is basically located on the eastern portion of austin. It's the area in green there and light green and actually that kind of yellow color that is the central business area of the city. This is the city's preferred growth corridor. It is -- there's extensive located within the desired development zone that have no land use controls. There's limited public infrastructure in these areas to

support development. There are also, of course, funding, as always, to be able to pay for the projects that are needed for development in these areas. Also, this area is characterized by extensive flood plain areas associated with the watersheds that cross through the desired development zone. There are current initiatives that are underway in the desired development zone that relate to this policy. There has been ongoing infrastructure planning for roadways, utilities and drainage by the various departments of the city and the county. There is a comprehensive plan which you are aware of that is going to also address land uses and what are appropriate land use patterns within this area. The watershed protection department is also currently evaluating our watershed regulations for alternatives that would simplify those regulations and better address the specific resources in the desired development zone. Trails planning is also underway in these areas. Travis county has a green print plan which they are out trying to acquire land generally associated with waterways for trails and, as you know, our parks department as well as looking at trails trying to provide connectivity. And, of course, the p.i.d. Policy that we're presenting to you today. We have a simple objective WITH P.I.D.s. must support superior development in the city's desired development zone through alternative infrastructure financing. Basically that goal speaks for itself. We want to basically use the as a tool to support this superior development pattern that we wouldn't otherwise achieve. The proposed city p.i.d. Requirements basically are a reflection of the city's values. We're looking for an extraordinary public benefit. These would include public infrastructure extension or enhancement, affordable housing, environmental protection, public transportation, open space, and sustainable last uses. The proposed city p.i.d. Requirements would only apply in the desired development zone, which is our growth corridor. There would be a development agreement required between the developer and the city that would address limited-purpose annexation for e.t.j. P.I.D.s, FOR EXAMPLE. It would define process, it would obligate developers to certain conditions that must be met. Development must meet or exceed the city's development regulations. It must be financially self-sustaining, as leslie addressed earlier. And the petitioners must include 100% of owners for a , new development on previously undeveloped land. Or a majority of landowners for a developed p.i.d. The evaluation of p.i.d. Proposals would basically be a valuation of public benefits and they must outweigh services for that area and provide city comparable to city services, limited-purpose zoning areas, and annexation deferral tried to retirement of bonds. In other words, the annexation would not occur until the bonds had been paid off by the assessments. with the land use and control and where we currently have no authority for land use controls would be superior development to what would otherwise occur without a p.i.d. Amenities that would not otherwise be provided by typical development would be provided by the p.i.d. funds that were not utilized for infrastructure could be made available for other capital infrastructure projects. Some considerations in looking AT P.I.D.s AS A TOOL IS IF Potential for stimulation of additional development in the that would benefit from p.i.d. improvements. Other is limited transit options that exist in the that may impact overall affordability. The affordability of the assessments is another issue relative to the people that will ultimately live and work in these areas. And future annexation, as you know, is always an issue for full purposes whenever that occurs. The annexation deferral is typically going to be part of a p.i.d. application. And what that will mean is that growth -- the growth will rely on county and local e.s. Ds FOR SERVICES. IN SUMMARY, P.I.D.s ARE A Tool that could be used by the city in the desired development zone to facilitate needed public infrastructure and services, establish effective land use controls, create sustainable, high-quality development, create future tax base, and preserve natural

character of the eastern watersheds. The next steps that we have is that on your november 6th agenda there will be a resolution requesting that you adopt the p.i.d. policy. Staff is in the process of developing administrative guidelines that would be used to evaluate p.i.d. Applications and to identify requirements for submittal of p.i.d.'s. And, of course, evaluation of applications that the city receives using that -- those criteria. With that, I will close. If there are any questions, we have staff from various departments here that are able to answer your questions.

Mayor Wynn: Thank you, mr. murphy. Questions of staff, council? Comments? Mayor pro tem.

McCracken: Yeah, pat or leslie, I'm not sure which of y'all would answer this, but i know downtown's public improvement district is a dime -- I think it's a dime of property tax assessed on top of the property appraisal. Is that how the downtown p.i.d. is structured?

Yes, it is an assessment on top of the property tax. And that is typically what occurs when you have a p.i.d. Within your city limits.

McCracken: I was trying to figure out the meaning of this distinction where it says BETWEEN M.U.D.s AND CAPITAL 's where it distinction is it collects true ad valorem tax based on value of property; whereby whereas the p.i.d. Collects the assessments based to benefit to property. [One moment, please, for change in captioners]

you can base the assessment on the value of the land just like ad valorem tax, but iewls have the option -- you also have the option of making it a flat amount. The landowner can pay it in a lump sum or at a pay it out in equal installments over 30 years.

McCracken: I think perhaps what the p.i.d. Distinction would be is that it could be based on the true ad valorem tax base or it could be an assessment. You have plor flexibility.

That's one of the benefits, you have flexibility in how you set up the assessment.

McCracken: Wand how

McCracken: And how much does the downtown p.i.d. Raise every year, approximately? Don't need exact figures.

We'll have to get back to you on that one.

McCracken: For instance, if you have a 300-million-dollar building downtown, and we have several of them now, that's --

Mayor Wynn: What was your question?

McCracken: How much does the downtown p.i.d. Bring in every year?

The annual amount.

Mayor Wynn: It's seven figures. It a couple million bucks on top of the other taxes. It was over a million bucks 10 years ago when I was chair.

McCracken: I was saying we have several 300-million-dollar assessed buildings downtown, and at a 10-cent rate, that would bring in three million bucks a building. Are we getting that?

Councilmembers, sue edwards, assistant city manager. brings in about 2.5 million a year.

So help me out there. I'm curious. I may mess up my masses. If it's a 300-million-dollar building and a 10-cent tax rate, would that be 300,000?

Mayor Wynn: No, it's 10 cents per \$100 of valuation. So 100-million-dollar building, the total tax bill 5 million, total tax bill, all entities, so that would be 10 cents above that, so that would be 250.

McCracken: Yeah. And then I know that the proposed policy here is for the desired -- for it to be limited to the desired development zone. Do you know if the lakeline transit oriented development is in the desired development zone?

Yes, it is. It does include those watershed areas that are at the 620/183 intersection.

McCracken: Okay. So that --

we can go back to that map.

McCracken: I think one of the things that might be a way to approach this is the approach that you came up on the underground parking issue, which will be also to permit this in areas of the drinking water protection zone that are inside the urban roadway boundary. So that you -- for instance, all those dying office parks along mopac that are along the union pacific line are technically in the drinking water protection zone, but through the policy that y'all came up with that we adopted for when we calculated impervious cover for underground parking garages, we said that that policy was going to be for heirs of the drinking water protection zone outside of the urban area boundary.

Yes, it did not apply to those areas that were inside the drinking water protection zone within the urban roadway boundary. Our proposal to you is that it would be inside the drinking water protection zone, but it's not so limiting that it would not allow council to consider other alternatives.

McCracken: So there's flexibility for a proposal that might be, for instance, like along the up line at some point.

That's correct. If the council decided that there was something that they were in doing outside of the desired development zone, that would be your purview to determine if that was something that you felt warranted and was justified. As I said, the proposal that we'll be bringing to you does not tie your hands. In looking at other options.

McCracken: I just think right off the bat, many of the potential rail stops on a future union pacific/mopac commuter rail line are technically in the drinking water protection zone and therefore might not -- therefore might not be eligible for this hard line. It's good that we have some flexibility in that.

Yes.

McCracken: And then there -- I think that perhaps one opportunity to leverage the creation of es might be to tie those to tif's. The background of this obviously, we're to take up -- I wouldn't say do it as an evaluation tool to evaluate whether that would make sense and the background on that is when we got the presentation on how we finance infrastructure and the 's, we were told two things. We were told three things primarily, one of which was we have two basic tools to fund infrastructure of any meaningfulness. Those are general obligation bonds and tax increment financing. The second thing we were told was that our nexted bond election was going to be -- a bond election in 2012 for a six-year program. And that none of the -- the third thing we learned is that none of the proposed infrastructure needed for 's was included in the projected bond election, so we were looking at as much as 10 years out, and it's not even proposed to be in there yet. So that meant that the general obligation bonds, while an inherently better approach to financing infrastructure, might not even be available as a tool to us. That would mean we would need to evaluate tif's as an infrastructure financing bonds might not be an option the way things are currently set up. But I could see a scenario as we are evaluating tif proposals where we can say, well, our general policy, if a tif is to be considered, it would be viewed more favorably if there was a be included so that there was supplemental property tax income coming from this voluntary assessment by the property owners. I think that relates to this because it could be saying that if you want to look at a tif, we're going to have an expectation at least that there would be a p.i.d. Application that comes with that. As part of the evaluation in the future of whether you do a tif.

In terms of looking at 's, we had indicated we would look at as a financing tool as well as looking at the g.o. bonds. And just in term of the current bond program that's out there today that was authorized in 2006, there was not any funding for infrastructure in the t.o.d.'s.

McCracken: Right. So my point was simply as we look at and evaluate through 's whether there is -- whether there is economically prudent to do a tif in the transitiented development stop that i think one of the things we should be expecting if we are intending to go down the road of tax increment financing is I think we should be expecting to see the property owners agreeing to a p.i.d.

We would look at all the tools.

McCracken: Great.

Mayor Wynn: Councilmember Leffingwell.

Leffingwell: So given has to be 100% of the property owners have to voluntarily agree to do it, right?

Correct. For the raw land new development.

Leffingwell: Out east it could be an entire development owned by one property owner.

Tom was pointing out that's not what the p.i.d. Law is. That's what our proposal is. Is that 100% of the landowners?

The legal requirement is that 50% of the owners of either the area within the or value have to approve it. So basically have the landowners have to approve it.

Leffingwell: But you're not proposing that. You're proposing 100%?

Correct, for raw land. Typically that will be the developer initially who is requesting it or whoever owns the land initially before it's developed is typically who will be requesting the p.i.d.

Leffingwell: Do you know offhand what the participation is in the ?

I don't.

Mayor Wynn: I do. [ Laughter ] up in the early '90's, it was sort of a new concept, so we ended up, the requirement by the city was that, was the legal requirement of 50% of both valuation and number of property owners. Real complicate mats downtown with all the property owners downtown. And the district was drawn very specifically. I wouldn't use the term gerrymandered, but for instance, there were a couple of foangz across the river that desperately wanted to be part of the , so hence the of the river. But also there were so many property owners downtown who had very small properties with low assessed values, we ended up exempting all properties under half a million dollars, which is virtually say every individual lot up and down sixth street, for instance was from time to time. From time to time -- was exempted. So if you were a property owner, which might be the slight majority of all property owners downtown, or if you were just so opposed to it we frankly just -- we drew the boundary around you so you wouldn't have to even contest it. Interestingly enough, and whether it was a city requirement or not, every five years the downtown goes through a reelection and each of the last two reups of the p.i.d. Continues to go up in both the percentage of the property owners and percentage of the assessed value all continue to want to -- continue to tax themselves above and beyond. And interestingly enough it was the -- that exemption, 500,000-dollar exemption which originally got all the east sixth street property owners out of it, those were same folks that then came to us just two years ago and requested that we let them form -- just go back and and capture that \$500,000 in value. So there's now that second p.i.d. on sixth street. Really all that did was capture -- I'm sorry, we exempted the first \$500,000 of value for everybody. So everybody's first half a million dollars in assessed value doesn't pay into the , but that got all the little guys out. But they all came to us just two years ago and



requested specifically to do that, remove that 500,000-dollar exemption so they could in themselves on east sixth street.

Leffingwell: What is their incentive to do that?

Mayor Wynn: Frankly, they wanted to be able to pool the resources and do things for different reasons that we weren't doing.

Leffingwell: But there's still I guess they're deriving services , they just services to be more effective, sue they wanted to be in it, is that correct?

Mayor Wynn: I would characterize that they are still deriving services from , parks --

Leffingwell: Like downtown rangers, for example.

Mayor Wynn: They had that, but since they weren't , they probably weren't getting a whole lot of attention, understandably, from the larger p.i.d. They purposely weren't part of it, but now they wanted to be.

Leffingwell: Okay. Just another couple of quick ones. On your, is there a plan to offer -- to propose a policy limitation on the amount of ?

Not currently.

Leffingwell: So many cents per \$100 valuation.

Not specifically. There's been a lot of discussion about wanting to itself, for type , to have that basically be very similar to what city taxes or taxes would be for someone in the city.

Leffingwell: Replacing the city taxes?

In order to make sure that perhaps that eases future annexation, but also that they could provide the level of services that would be similar to what provided in the city.

Leffingwell: And how about a time limitation?

We are in the process of working with whisper valley development, which I think you all recall, and that's part of our discussion regarding how much time before we would ultimately full purpose annex. Essentially it is based on how long it will take to pay off the assessment is when we are looking at triggering full purpose. That could be the life of a mortgage, could be 30 years out the assessment would be paid off to a point that annexation would make sense. But we are proposing that we get annexed sooner than that, we don't have the specific numbers worked out or in the policy at this time.

Leffingwell: Oka. Thanks.

Mayor Wynn: Councilmember morrison.

Morrison: I have a few questions to understand. Back on this very issue of annexation deferral, can you help me understand like what's the driver behind that? Are we required to defer annexation if we do it in or are we thinking that's just a good piece of the policy? , we basically under state law there are limitations on how we can annex. We have an annexation expert in the audience that I may get to come up and help me with this. By basically entering into an agreement with a , we can basically have an agreement for limited purpose annexation of that property deferral on ultimate full purpose annexation. And state law provides for that option. And what the city would get out of that would be the ability to regulate land uses so that we could get desired land development patterns in those areas development which we have little to no ability to regulate land use.

Morrison: That could be a positive thing. And generally if we do limited purpose, there's a time line for full purpose. So there's a benefit to the city to actually put it off.

Pardon me for interrupting you. The statute provides for 15 years as, I believe, the annexation deferral period. Virginia -- I think virginia could come up and probably clarify that for us.

Under a development agreement that's right, the statute allows for a 15-year time period to defer full purpose annexation.

Morrison: Is a development agreement part ? Have we talked about the development agreements and their relationship to a ?

I just wanted to clarify a couple of things. Ordinarily under a limited purpose annexation, the city is supposed to convert it to full purpose annexation within three years unless the property owner agrees to waive that conversion, and we do that all the time with limited purpose annexation and that's what we would do with one of these development agreements. Development agreements -- the statute provides for 15 year periods of insulation from annexation, if you will, but it allows up to three renewals -- two so you can have a total of up to 45 years of insulation. The reason that the developer, I guess, wouldn't want to be nan annexed is because through the p.i.d. Assessments you can't sell the property to people if you tell them that they'll be paying a city tax rate assessment that may be roughly similar. The sphoans the per spect -- the expense to the perspective buyer is just too high. That's really the request, i guess, the reason we're getting a request from whisper valley, for example. assessments that would construct the infrastructure. And postpone annexation.

Morrison: I think so. There's also a question about are you required to have a development agreement , a capital ?

I was coming up to answer that. Yes, our proposal would be that a development agreement would be

required as the creation of a p.i.d.

Morrison: Okay. And just a comment. Over the past year the council and the community worked a lot on defining the word superior when it comes to pud. And I know that you have that in here that it would also be a superior development, so I wonder if there's going to -- you're going to try to pick from the pud ordinance or are you going to try to flesh that out some in the policy?

That's a great question. We had that discussion in our negotiations we've been having with the whits per valley -- whisper valley development. And our proposal there is yes, a pud in the e.t.j. Would have to be formed as part of creation of the , and a development agreement regarding the annexation for that tract. So yes, that is what we're looking to for our definition of what superior means.

Morrison: I see. Because actually you're tying it to a pud. So technically it would have to satisfy that superior definition.

Yes. And I might add that we are also in our proposal suggesting other things that are superior that might not be captured by a planned unit development zoning, such as affordable housing, which is now currently only triggered under certain conditions. That's something that we are wanting as a condition of a p.i.d. just out right.

Morrison: Okay. And one other question. The slide that you have titled p.i.d. Considerations, I take it these were meant to be sort of descriptions of things that could be negative consequences of a p.i.d. Is that correct? Because we're trying to look --

challenges or issues, yes.

Morrison: All right.

Things that would need to be considered in terms of what the impacts might be of , especially one in the e.t.j. Or, for instance, one that has a high single-family residential component in the city where you're adding assessments on top of property taxes for single-family residents. Those are the kind of things that have to be weighed in terms of creation of a p.i.d.

Morrison: Okay. Is this a new statute that we have that allows this? Or or we're just thinking about using it for the first time? statute has actually been on the books since 1989, but the idea of es's to finance is relatively new, to texas at least. It's been done in a lot of other states, but I think in texas -- I'm not sure the reason why. Obviously the preferred vehicle was miewd's and 's and other special purpose district, but now cities are looking es as an alternative.

Morrison: And the policy, just one more thing to confirm, is it accurate to say that you're only addressing the capital 's with with this?

That's the focus of it, yes.

Morrison: Okay. Thank you.

It's not limited to capital improvement 's, but a lot of our focus has been on that aspect of it. So this policy applies to regardless of whether it's an o and m or capital improvement p.i.d. More I just want to comment that when you're looking at the next level of detail, the whole description of superior that I'm familiar with in pud's is not necessarily applicable to something like the downtown p.i.d. So there might need to be some flexibility there.

Thank you.

Mayor Wynn: Councilmember cole.

Cole: I had a couple of questions. I had a question about whisper valley and also lakeline, the station area plan. I'm trying to get clear in my mind when we're talking about lakeline, we're talking about an and not a service p.i.d. That's correct? Okay. Because I'm wondering as we make these policies based on geographic locations and we're talking about using 's in the desired development zone and then we're looking at using, say, tif's in connection with our homestead preservation act, how do these -- I guess this is a leslie type of question. I'm trying to make sure that I understand the difference in impacts on our general revenue fund.

Well, in terms of 's, it's just an assessment that the property voters elect to your honor go to either accomplish improvements or supplement services so there is no impact on our general fund revenues there.

Cole: So when we think about a way to potentially 's and we think about doing a public improvement district, then we're not talking about an expenditure of our general revenues.

No. It's simply that the landowners within the 's would have to petition and elect to do that.

Cole: It's whether we reach that threshold of 50% under state law or what you're recommending under 50%. 's there's no general fund impact.

Cole: Okay. 's on top of tif's. I'm really geeing out now. I do think we're all here and we know it's going to be a late night, so I might as well add to it. [ Laughter ]

and I may need to get in lawyerly advice, but if you're a taxpayer within a tif, you're going pay the tax rate that is within your city. The tax rate that is effective in any given year. is actually an assessment, the assessment is on top of that and it's elected. So you would pay the assessment as well as the standard property tax. The property tax within a tif is not different for anyone across the city, it's the same property tax.

Cole: Okay. And I general think of tif's as not being good ideas unless you have partner like the county, like we're doing with waller creek and like we're attempting to do with the homestead preservation district because that money actually comes out of your general revenues. But the analysis is much different when we're talking because those are just funds that people aring on top of themselves to make their property improved.

It is on top of your regular tax rate, but again it's elected by the property owners within the p.i.d.

Cole: I think I got it. Thanks.

Mayor Wynn: Further questions of staff? Comments? Mayor pro tem.

McCracken: On the -- is there an actual distinction between an infrastructure versus an o and m or can you use a for either purpose or both?

There's for legal distinction. It's two different ways you can use the revenue. Obviously on an o and m you can only assess on a yearly basis. Obviously with an , because you're issuing debt, you basically levee the assessment up front and it stays in place until the bond debt is retired.

McCracken: The reason i ask that is, for instance, the capital metro red line is projected to run once every 30 minutes we're basically broke about ever doing anything new at capital metro. So one scenario that has been discussed is something where, for instance, you could have public improvement districts at rail stops on the red line and use thosely to help finance things like parking garages, but then as time goes on, use that as a supplementary o and m source so you can fund more frequent rail service in the red lines every 15 minutes, for instance, but that would require the ability and the flexibility to use them both for capital and for o and m. So it sounds like there's no legal opinion on that. What are the rules about amending the boundaries of a ?

Well, another issue with 's is at least the 's, they haven't been used a lot in texas, so there's not a track record. When the ag hasn't been on to approve a lot of p.i.d. Bonds, so the statute hasn't been interpreted very often. So there are going to be some precedents that have to be set before everybody is comfortable that it's something legal. And in fact, we understand several different groups will be proposing that the legislature amend the p.i.d. Statute this session to try to avoid the ag having to make an interpretation, otherwise, clarify the statute. So on the boundary issue, it's probably not a problem because you're changing the assessment every year, but on an infrastructure p.i.d. Where you have got bonds in place it might be a whole lot harder to change the boundary because then you're changing, you know, who pays what assessment and that's going to effect the -- i guess the reliability of the bonds. McMENG I THINK THAT RAISES A challenge too that let's take the scenario that's been discussed in relation to the red line, the ability to, say, initially fund parking garages, but then -- and related development rail stops. It may be new railcars so you can have more frequent rail service. But then you would want to transition that over into o and m supplementation to help run it more often too. You cannot amend the boundaries, then you -- if you're blending both capital and o and m into a single ,

it sounds like without some legislative changes we could run into that issue.

I think that's safe to say. I've heard both opinions, that you can't have a p.i.d. That does both an o and m assessment and a debt assessment, but everybody i talk to basically says you can have land that has two es on it, an and an infrastructure p.i.d. It's generally safe to say the statute could use clarifying.

McCracken: So my previous question then about whether you could do a that does both infrastructure and o and m, it sounds like actually that the answer I got was yes, but it sounds like it's actually kind after problematic yes.

Correct.

McCracken: Maybe with a lot of caveats including two p.i.d.'s.

Correct. A reminder that the p.i.d. Can only pay for things that benefit the land within the , and we do know from that there was an issue of how much of something could be paid for. I believe in this case it was a park. , but it was going to be a city park that anybody in the city could use. And the ag basically said if anybody in the city can use this park, then the p.i.d. Shouldn't have to pay for 100% of it because the benefit is spread out beyond the p.i.d. I believe they let the pay for part of that park, but not 100% of it. So you have issues like that you have to deal with.

McCracken: So hope this will be the source of some legislative flexibility because it sounds like, for instance, if you wanted to 's, for instance, anyone can ride the rail, so that would be an issue. Is there a time limitation on p.i.d.'s?

No.

McCracken: They can continue indefinitely, for instance?

Mayor Wynn: Further questions of staff? Comments? Thank you all very much. Okay. So council, that takes us finally to our zoning cases for the evening. It's 5:00. We'll try to get as much 30 as possible. Welcome mr. greg guernsey.

Thank you, mayor and council. Greg guernsey with neighborhood planning and zoning department. 00 consent items. These are zoning ordinances and restrictive covenants where the hearings have been closed. C14-2008-0030 - lamar /justin lane station area plan - approve -- and related items 63, 64, which involved the crestview wooten neighborhood plan amendment. Items 62, 63 and 64 are You're changing the assessment every year, but on an infrastructure p.i.d. Where you have got bonds in place it might be a whole lot harder to change the boundary because then you're changing, you know, who pays what assessment and that's going to effect the -- i guess the reliability of the bonds. McMENG I THINK THAT RAISES A challenge too that let's take the scenario that's been discussed in relation to the red line, the ability to, say, initially fund parking garages, but then -- and related development rail stops. It may be new railcars so you can have more frequent rail service. But then you would want to

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november 6. Item number 70 is case c-14-2008-0029. This is the p saltillo station area plan. Item 70 is also related, items 71, 72 and 73, which would include the east cesar chavez neighborhood plan, the central east austin neighborhood plan and the holly neighborhood plan. Those will be discussion items. Item number 74 is case c-14-2008-0116. This is a random lane property located at 608 and 610 random lane. We have an applicant request for postponement to your november 6 agenda. The neighborhood is in agreement with that postponement request. Items 75, 76 and 77, i understand a councilmember would like to speak to these items, so we can take those three up after we talk about the station area plans. So the items I can offer at consent at this time are items number 65, 66, 67, 68 and 69 for proament request to november 6 and item 74 a postponement item also to november 6.

Mayor Wynn: So our proposed consent agenda would be to postpone cases 65, 66, 67, 68 and 69 to november 6, 2008 as well as posting item 74 to november 6, 2008. I'll entertain that motion. Motion by councilmember martinez, secked by councilmember cole to approve the consent agenda as proposed. Further comments? Hearing none, all those in favor please say aye. Opposed? Motion to approve the consent agenda as proposed, the six postponements, passes on a vote of seven to zero.

Thank you, mayor and council. 00 zoning and neighborhood plan amendments. These were the public hearings are open and there's possible action this evening. c14-2008-0150 - 808 nueces. We have a postponement request for this item. This would be to your november 6 agenda. It's a postponement on item number 78. Member c14-2008-0089 - this is the euers office/retail building at 135 west slaughter lane. The zoning and platting commission was to gr-co giened district zoning and this is ready for consent approval on first reading only. Item number 80 is case c-14-2008-0148. We have a request for a postponement to the november 6 agenda. Item number 81 is case c-14-2008-0196 known as the own oncreek plaza nursing and rehabilitation facility at 11411 old san antonio road. This is a zoning change request from general commercial services mixed use conditional overlay combining district zoning to general office district zoning. The zoning and platting commission recommendations was to grant g.o.-c.o. Combined district zoning and this is ready for consent approval on all three readings. Item number 82 and 83 are related items. Number 82 is case c-14-2008-0133, known as the tsm ventures zoning for the property located at 11710 north 130 southbound. This is to zone the property to commercial highway services conditional overlay combined district zoning. And the zoning and platting commission recommendation was to grant the commercial highway services conditional overlay combining district zoning. Item number 83 is case c-14-2008-0134, again the tsm ventures zoning for the property located at 11900 north sh 130 southbound to zone the property to commercial highway services conditional overlay combining district zoning. The zoning and platting commission recommendation was to grant ch-co combined district zoning. Both 82 and 83 are ready for consent approval on all three readings. I will note that earlier this morning you annexed this property and so this is part of a related item to those. Item number 84 is case c 14 01 known as the pioneer hill tnd amendment number 1. The staff is still working with the applicant regarding an issue related to this item, and so the applicant and staff both jointly request postponement of this item to your november 6 agenda. That's item 84. Item number 85 is case c-14-2008-077 for the property located at 6007 fair way. This is to zone from family residence neighborhood plan combining district zoning to multi-family limited density neighborhood plan combining district zoning. The planning commission recommendation was to grant the mf-1 mf-3 combined district zoning and this is ready for approval on all three readings. Item number 86 is 03 for the precinct 1 new



office building. This is located within the east mlk neighborhood planning area. The related zoning item is case c-14-2008-0147 for the same properties at 1118 springdale road and 4705 heavy lien laid. We have postponement of these items. This is until december 11th on item 86 and 87 for a postponement request. Item number 88 is also related to item 89. 02 at 1801 saline in a. This is a change the central east austin neighborhood plan, an element of the austin tomorrow comprehensive plan to change the future land use map from single-family to neighborhood mixed use for the property at 1801 saline in a. The planning commission recommendation was to approve the dw for neighborhood mixed use designation on this property. Item number 89 is case c-14-2008-0173 for 1801 saline in a street. This is a zoning request from family residence neighborhood plan combining district zoning to neighborhood office mixed use neighborhood plan. The recommendation was to grant the no-mu-np combining district zoning. This is ready for consent approval on all three readings. Item number 90, 91, 92 and a stand alone zoning case item number 93 are your grand finale for this evening, the oak hill combined neighborhood plan and related zonings in the west oak hill combined neighborhood planning area. And the east oak hill neighborhood planning area. Item number 93 is a property located at 4808 west william cannon drive. All four of these items are discussion this evening.

Mayor Wynn: The proposed consent agenda on these cases where we have yet to conduct public hearing is to postpone item 78 to our next meeting, thursday, november 6, 2008. To close the public hearing and approve on first reading only item 79. To postpone item 80 also to the november 6, 2008 meeting. To close the public hearing and approve on all three readings cases 81, 82 and 83 to be postponing item 84 to the november 6, 2008 meeting. Close the public hearing and approve on all three readings case 85. We'll be postponing cases 86 and 87 to the DECEMBER 11th, 2008 Meeting. We'll be closing the public hearing and approving on all three readings for 88 and 89. Motion by councilmember martinez and seconded by comf to approve the consent agenda as proposed. Further comments? Hearing none, all those in favor please say aye. Opposed? Consent agenda passes on a vote of seven to zero.

Thank you, mayor and. That brings us back to our 00 items related to the station area plans. In particular the lamar just station area plan. At this time I would like to introduce sonny lopez with our -- sonya lopez with our office who will walk you through the agenda items. And if you would like, we can also take item 70, 71, 72 and 73 which relate to the p saltillo station, station area plan as well.

Mayor Wynn: Thank you. We'll trust staff's judgment on how to introduce and call up as many of these cases as practical. Also noting that we will need to take a break in approximately 20 minutes, lopez, I don't know if you have a 20 minute presentation or not, but again there's going to need to be a break in about 20 minutes. Welcome.

We'll try to fit it in within the time frame, mayor. Good afternoon, mayor, mayor pro tem, councilmembers, city manager. I'm sonya lopez with the neighborhood planning and zoning department presenting on the lamar/just station area plan. Since the mlk station area plan items were postponed, you will see some reference in the presentation, since the presentation speaks to all three of the station area plans, but with acknowledging that the mlk plan has been postponed for tonight. I'll like to start by giving an overview of the council adoption process since it is some months ago that it all started.

Back in april 2008, the station area plans and regulating plans and corresponding neighborhood plan amendments. Many of the amendments focused on implementation of the station area plans and a lot of these items affected a wide ray of departments and discipline. So since political we have been working with affected staff in numerous departments to work on recommended steps to implement those amendments. And you'll recall on august 21st of this year we briefed the council on thoses. There were numerous staff present to present those. And tonight we're here to give you a pretty brief presentation which in some ways will be a summary of many of the things that we presented to you on the 23rd. I will be briefly summarizing the main points presented at that briefing with the exception of affordable housing, parks and funding tools. Representatives from those departments will be presenting on these areas since there was some discussion of these topics at the briefing. So in order to present the amendments that were made at first reading in an organized fashion, we've lumped them into categories and those main categories are infrastructure, that being water, wastewater, drainage and transportation, compatibility standards and development bonuses, affordable housing, parks and open space and funding tools. We're going to highlight in most significant items from first reading action. There are other items that are included in the council report on first reading action that was included in your backup, but of course we can talk about any of those even if they're not covered in the presentation. Starting off with infrastructure, the water utility and the watershed protection development review department have done preliminary analyses in the areas to infrastructure needs, existing needs and future needs. And they have stated that they will update their plans to include recommended improvements in 's based on these analyses that they have done. So those are kind of general recommendations for the 's and areas around the t.o.d.'s. The transportation items are pretty specific. The first three are specific to the lamar/justin area. There was an amendment that stated that staff should proceed with making improvements to the lamar airport intersection and there were short-term and long-term improvements identified at the briefing. We've actually started working on the short-term proovments or planning for them so that we can have a better pedestrian friendly intersection on opening day. Opening day being when the transit service starts, which we now have a date, march 30th, 2009. And then after that we can start working on a process for those longer term improvements. The second two items exploring anderson lane corridor study and evaluate morrow street are in response to council action to improve east-west mobility across lamar. We thought that by looking at anderson lane, which is one of the predominant arterials in the area, which , we could look at improving access to it, ways to improve capacity on the street. We could funnel more east-west flow on to anderson hopefully in an effort to get people -- to prevent people from cutting through neighborhood streets. So that's one thing that we presented to you as an option that we can engage in to try to respond to that action. Evaluating morrow street access is something else that we've put forward before you as something that we can engage in. It's been a very polarizing issue between the two neighborhoods on either side of lamar. If you'll recall, morrow is the east west street on the northern end of the lamar-justin t.o.d. Currently access is restricting from east to west, and what we have presented before council is that we can go in and evaluate allowing east-west movement. So from the east side of lamar to the west side. And we're not talking about opening up access from northbound lamar traffic turning left on morrow. We're just talking about from the east side of morrow to the west. The fourth item is in the plaza saltillo area. There was an action item that asked us to implement the lance armstrong bikeway vision and alignment that is presented in the plaza saltillo station area plan, which is basically an off street bike

facility ideally with a tree-lined action section on either side of it. And after talking with staff in the public works department bike-pedestrian program staff, the recommendation is to coordinate the even actual relocation of the lance armstrong bikeway from on street to off street along with the movement of the rail line, which would move from the center of the capital metro properties where they currently are to the southern part of their properties so make sure that we take everything into account when we do that project. We should plan them together and make sure they're coordinated. So doing one ahead of the other doesn't present problems in the future. At the time that a project is identified, we could identify bike bond funding for the lance armstrong bikeway portion. There were some amendments related to compatibility standards and development bonuses. The first item is the staff is recommending that consistent with the t.o.d. Ordinance that was approved in 2005 that compatibility standards be triggered only by properties outside the t.o.d.'s. ordinance is part of our code and that is what was approved in 2005 by the council as a way to encourage increased density within our t.o.d.'s. So the idea was to provide less impact from compatibility standards inside the t.o.d. The second item is that it was a discussion topic at our council first reading with respect to compatibility, and there was some discussion that only properties actually used for single-family should trigger compatibility and that's something that staff is supportive of. We can specify that instead of all single-family zoning districts or properties that are not being actually used as single-family, that they will not trigger compatibility. So we can write that into the new regulations that the trigger would be more refined. The third item is that compatibility standards should only be waived if affordable housing requirements are met through a development bonus. Staff is supportive of this. It is a direct response to council action. Initially the station area plans proposed some waiver of compatibility that were not tied to development bonuses, but we can restructure the development bonuses so that in addition to the other waivers such as and maximum density, we can include compatibility standards in that. The fourth item relates to the plaza saltillo t.o.d. Specifically. Staff is recommending that specific properties on east sixth street remain eligible for development bonuses. And actually, staff is recommending that all the properties in the plan that are suggested for development bonuses remain eligible. This is in response to a planning commission item that was incorporated into council first reading action that excluded specific properties from receiving development bonuses. And that would be including a waiver of compatibility standards. This list of properties was submitted by the east cesar chavez neighborhood planning team. And the list was -- a list of residential properties or properties that looked historic. The neighborhood plan team is currently doing research for future local historic district applications, and as far as I understand, they don't want to courage redevelopment on these particular properties that they would like to include in the historic district. I've had a lot of discussion with steve sadowsky, our historic preservation officer. Unfortunately he can't be here tonight. He's out of town. He did an eluation of properties on east sixth street for their historic potential and he developed kind of a rating system for historic potential for several properties. You've seen that information in a chart. There's medium, low and high designations assigned. And what he has indicated to me is that the purpose of these ratings wasn't to state that redevelopment isn't possible or that it shouldn't be allowed. His purpose was to highlight some of the properties on east sixth street that have some level of historic relevance. sadowsky has said that in line with our existing development, demolition permit process, if a development permit is brought forward to any of these properties, he will ensure that these properties, brought forward before the historic landmark commission for consideration, even if it is not his recommendation that they meet the criteria for historic

landmark status. He would like the commission to weigh in and evaluate whether or not they think there is potential for that. From the staff's perspective generally, we maintain that these properties should be eligible for development bonuses so that if there is a property owner that is able to redevelop and chooses to do so, that there is an incentive to provide affordable housing and greater density on these properties which are two in austin. The next two items relate to ordinance amendments to the ordinance that was approved in 2005. ordinance is in the code. Clearly there were some things that we couldn't anticipate, especially with respect to development bonuses. We didn't know exactly how the development bonuses would be structured. So in the current proposals for the plans with respect to development bonuses, there are two things that ordinance would not allow that in order to move the plan forward we would need to amend. One of those is with respect to the plaza saltillo t.o.d. There's a current prohibition on allowing any height increases in the plaza saltillo t.o.d. Outside of the 11-acre property owned by capital metro. The station area plan recommends that height bonuses be allowed on a few other properties outside of the 11 acres of the capital metro site centered right around the station. They currently have a 40-foot height limit. We think it would be appropriate to allow development bonuses up to 60 feet. So again the t.o.d. Ordinance currently would not allow that. The second conflict is with respect to the cp and r zone, the community preservation and revitalization zone. It's also the historic preservation district boundary. It encompasses the entirety of the plaza saltillo station area and a majority of the mlk station area. The development bonuses in the current proposal of the plans state that a height bonus for specific properties can be allowed and the developer contribution or requirement for affordable housing would be 15% affordability of the entire project. And then the city is anticipated fill the gap with the remainder of the 10% affordability in order to reach 25%. ordinance does not allow currently is a scenario under which the city is unable to fill that 10% gap. If the developer is expected to provide 15% and the city can't meet the gap, we would like for the project to still continue forward with the development bonus, with the developer providing their required percentage, but again the t.o.d. Ordinance does not allow for that to happen. ordinance specifies that within the cp and r zone if height is increased, 25% affordability is a requirement. So that's another conflict. One last thing I want to point out, it's not on the slide, it's been a conversation topic in council offices, so I wanted to bring it forward. If council does desire -- I'm referring back to the first bullet under compatibility and development bonuses. If council desires to change the way compatibility has been structured in the ordinance, ie that compatibility only be triggered by single-family properties outside the t.o.d., then the t.o.d. Ordinance will need to be changed. So if council desires for single-family properties 's to trigger compatibility on other properties in the , we'll have to go back and amend the t.o.d. Ordinance to do that. It's possible, but a step that you need to be aware of we need to do for that to happen. Okay. That is my part. And I was going to look to the mayor because we have three speakers, margaret shaw is here first to speak on affordable housing. We should go ahead? Okay. I'm going to turn it over to margaret shaw. Stewart strong is going to follow to discuss parks. Leslie broader after that to talk about funding tools.

Mayor Wynn: Actually, lopez, it seems to me and frank, council, this would be sort of a reasonable breaking point because after this we get into a little more detail of these other very important regarding our station area planning. And of course it's time for our live music and proclamations, so without objecti we will -- technically I'll recess this meeting of the austin city council since the council no longer has an executive session agenda to take up. Please stay tuned for live music. Hey bale is our musician tonight.

And then we have a handful of proclamations to take up before the rest of the staff presentation and walk through the zoning cases. We are now in recess.

Mayor Wynn: Don't worry, it's just a sound check. Okay folks. Welcome back to our weekly live music gig at the thursday city council meeting. This is a big one for me certainly. I'm not supposed to play favorites when I'm the mayor, but joining us today is hey bale. [ Applause ] this honky-tonk super group features fender master red bofert, keyboard king earl puval, along with kevin smith, tommy lewis. Red and earl's long musical resumes including touring with music legends like merle haggard and johnnie cash, performing at the grand old open bring, austin city limits appearance. They have the hottest ticket in town, attracting young and old to the retro country song. Their most recent release is on the size of the album charts. Please join me in welcoming hey bale. [ Applause ] [ music playing ] [ music playing ] [ music playing ] [ cheers and applause ]

Mayor Wynn: It's weird listening to you play snriernlgted to the dance floor. Different gig here, I guess. So new album out. Obviously I guess I'm sure you can get it over at waterloo records, but probably you can get it online perhaps? Where can we see you, hear you next?

We're called hey bale. A lot of people make the mistake and think it's hay and they can't find us. Go to hay bail you can find out all about us, where we're going to be playing and how you can buy purchase our main gig is at the continental club on sunday nights. We've been there lk nine years. July 4 there next year will be nine years for us.

Mayor Wynn: Fabulous. It's a fabulous gig for you all. A great venue. If you haven't seen it lately, catch these guys on sunday night. It is a fun show. So we ultimately have got to support these guys getting out, listening to the live music, by purchasing cd's now and then, buying some of their stuff online, including individual songs. Showing our support for great austin music like hey bale. Before they get away I have the official proclamation the city of austin, texas is blessed with many creative musicians whose talent extends to virtually every musical general ray and whereas our music scene thrives because audiences support good music with legends, newcomers alike, by getting off the couch, going out and listen to go live music a couple of times a month. Whereas we're pleased to showcase and support our local artists whereas i, will wynn, mayor of the live music capitol of the world do here by proclaim october 28, 2008 as hey bale day in austin. [ Cheers and applause ] so while tommy and red and earl and everybody wraiks down on side of the room, we'll use this podium to do our weekly proclamations. This is when we take a couple of minutes each week to either say thank you or congratulations to folks, to raise awareness or to celebrate another great achievement in austin. My first proclamation is regarding concordia university day with their new campus. I'm joined by president tom edel and some of his staff. So instinct is I will read the proclamation and then we'll hear from tom likely about the fabulous new campus that they have in northwest austin. We're going to celebrate concordia university texas day october 26. So the proclamation reads: After 80 years at its forker location at 32nd and i-35, could be cord I can't university relocated to a campus in northwest austin early this year. Whereas the new campus with 389 acres will allow concordia to continue its current growth trend and provide greater capacity for to earn degrees in higher education, and whereas at the new campus concordia has a permit for urban and environmental studies and offer students the rare opportunity to

study environmental management and stewardship on-site. Whereas we join with cord concordia on their new campus congratulate them. I, mayor will wynn, here by proclaim october 26, 2008 as concordia university day in austin. And before we hear from cedel imlierntionz join me in congratulating and thanking a great staff and great university. [ Applause ] mayor, thank you very much. And I think y'all and maybe the city staff and city council may have thought we were a little crazy two years ago, moving a college campus. One of the few times in this nation's history in the years, only one or two other colleges have completely moved their locations. We did it on a very tight time schedule on a purchase and sale agreement with no slack in it. And to be honest, with not very much money either. And y'all helped us get through that. God has blessed us by putting the right in the right place to do this, and david cliewth who ran the relocation for us. I just want to recognize him for doing that. For our board of regents who had the vision to say we could move concordia to you, mayor, to the city ott and the previous, toby futrell, members of the city council, martinez isn't here anymore, but all the things we went through to do that. The good news is we got moved and it's had an impact already. Last fall we had 1700 students at concordia. This fall 2286 students at our institution. The largest freshman in our history and well over 800 students in master's and ed programs helping us provide better teachers in our k-12 schools and also better? The future. We thank you very much for your support. [ Applause ]

Mayor Wynn: Okay. I had to get any instructions for this one. This next one is the austin parks and recreation department partners in the arts award, so here in a second I'm going to turn the mic over to russ wiseman, who will talk about the program and then ultimately stewart strong, our director, and i, will present the certificates and these very nice awards to our winners. With that I'll introduce russ wiseman. Russ?

Good afternoon. I'm russ wiseman, cultural and arts education center for the daugherty arts center. October is national arts and humanities dpleefntle active celebration of culture in america. It has become largest annual celebration of arts and humanities in the nation. The cultural affairs division of the austin parks and recreation department would like to take this opportunity to recognize several individuals and organizations for their outstanding contribution to the arts in austin and central texas. I would like to thank the honorable will wynn, mayor of the city of austin, and stewart strong, acting director of the austin parks and recreation department for our assistance with this presentation. And laura esparza, the division manager for cultural affairs and my boss. To begin, the cultural affairs division of austin parks and recreation would like to recognize charles posey and austin energy. [ Applause ] with the help of our tireless advocates for the arts, charles posey and austin energy kept the lights on for the 2007 trail of lights thanks to a 72,000-dollar donation to restore the circuitry in zilker park. Thanks to department director roger duncan and the many good folks at austin energy who continue to be full partners to the parks department in delivering austin's most glittering gift to its citizens, the trail of lights. Accepting for austin energy is superintendent charles posey. [ Applause ] the daugherty arts school would like to recognize zilker elementary school, randall thompson, principal. Zilker elementary school has been a strong supporter of the daugherty arts school creativity club, an after school arts based program that has been providing invaluable classroom space allowing the creativity club to provide 1,072 thundershowers of programming amounting to the equivalent of over \$16,000 of space. This donation of classroom space has enabled 40 children per month to have daily after school art training for the entire school year. Accepting for zilker elementary school is the principal,

randall thompson. [ Applause ] the totally cool, totally art program would like to recognize debra edwards of the rgk center for fill lan throap and community johnson school of public affairs at the university of texas. The rgk center philanthropy and community services made a 4,000-dollar contribution to the daugherty arts center, totally cool, totally art outreach program. This donation enables the tcta program to purchase two apple eye books for use in classes. Students will be able to use this portable technology to record music, edit short films and alter digital photographs. The totally cool, totally art program extends its sincere thanks for this generous donation. Accept fog the rgk center is debra edwards. [ Applause ] ub be. The elisabeth ney would like to recognize anne. This award is give tone anti-grant for her lifelong love of the arts and her lasting contribution to austin and its artists, past, present and future. graham has played defining roles in our community's major art initiatives, including art in public places, first night austin, create austin and real community is real art. Together with countless other projects, small and large across the city that have crinted to austin's cultural vitality. We are indented to you, eanl, for the commitment to the arts and the well-being of this communicate. Accepting for anne graham is anne graham. [ Applause ] the george washington carver museum and cultural center would like to honor irvin butler junior. There he is. irvin butler junior is the standard by which others have measured their services with the work he continues to do for the carver center. A retired postal worker, b carries his motto through his volunteer commitment. He is here in rain, heat, good or bad, he delivers. Carver thanks him for being our benchmark of service. irvin butler. [ Applause ] the george washington carcher museum cultural center would also like to honor mrs. polly emerson. She has volunteered for the car carver for five years doing whatever is asked of her. She took is the role as chairman of the carver's annual festival of trees. This is an all consuming job emerson worked from early morning until late at night making sure that every was lit on the trees and all the stars were shining bright. The carver is a lieutenants and her for helping make christmas a special time for everyone. polly emerson. [ Applause ] and last but not least, the george washington carver museum would like to honor mr. robert madruly. robert madruly is a man of many special talents and one willing to share them. There are many needs in a museum for -- yeah, robert. For various exhibits. Thanks to him, he designed and built quilt stands for the annual quilt exhibit which grows larger every year. When told what we need understand a few weeks in his quiet manner, the quilt stands were on the carcher's loading dock. We were assisted by his talents where he fashioned a model of the slave ship. It was perch. The carver is proud to work with him and know we call him a friend at the carver. Accepting for him is the george washington carver's ber in a debt shriver. Thank you, mayor wynn. [ Applause ]

Mayor Wynn: For my next proclamation this is actually a certificate of appreciation aed donation to the city. I'm going to read the certificate and I think earn any rodriguez, the director of austin travis county will say a few words and perhaps connie will as well. So the certificate of for their generous donation of an aed to the city of austin, the sudden cardiac arrest association is deserving of public acclaim and recognition. The members of scaa include cardiac arrest survivors and the group is dedicated to promoting solutions to prevent sudden cardiac death. These include increasing public awareness, encouraging immediate bystander action, promoting access to implantable cardiac defibrillators, hard for me to say, and providing greater public access to automated external defibrillators. The city is most grateful for the donation of this aed and will place it in a very public location where its life saving potential can be maximized. This certificate is presented this 23rd day of october, 2008 signed by me,

mayor wynn, but acknowledged by the entire austin city council. This certificate of appreciation to scaa. [ Applause ] first we'll hear from ernie. Ernie?

Thank you very much, mayor. Connie, I'd like to thank you for giving this to the community. But you've got a history of giving to our community and it started when your cardiac arrest occurred. Way back then. You know, we kind of smile about it now because there's been a huge impact from meeting connie for the first time. Back when connie had her cardiac arrest, she underwent a groundbreaking treatment call induce hypothermia. She was one of the first in our community to receive that treatment, and there's a story behind that. The research, the foundational research that went into developing that new groundbreaking treatment was conducted by her father, who was studying hibernation and the impact of hibernation on animals. I think that's incredible. we have a saying of take care of the things you do because you never know when you're saving your own life or the life of someone you love. So this time the research conducted by her father came home really close. We're really proud to tell you, connie, that on november 1st coming right is going to make this very same groundbreaking treatment available to our entire community. We've been working on it, training our medics and implementing this new treatment, and this is really groundbreaking for us and it started with you. Pretty awesome. Connie, we're going to put this in a very prominent place where it will save somebody else's life. That's what this is all about, an automated external defibrillator. Easy use. Anyone can use it. It gives you its own instructions whenever you activate it. Thank you and the scaa for giving this to us. You've got this history. We appreciate you. We appreciate your beautiful life. And appreciate the work of the sudden cardiac arrest association. Connie, do you want to say anything? [ Applause ]

I appreciate it. So much. Mayor wynn, director rodriguez, division commander martin, thank you so much. Citizens of austin, lend me your ears for just a minute. not one, but two 747 planes crash tomorrow in the united states. And then everyday after that. Do you think there would be panic? Guess what, friends? It's happening everyday right now, but it's not a 747 crashing. Your children, your mothers, your fathers, your sisters and your brothers are dying from sudden cardiac arrest at the rate of one person every two minute. Minutes. In most cases they appear as healthy as can be. This was a picture of myself the day before I had a sudden cardiac arrest with one of granddaughters. They appear as healthy as can be until they have a sudden cardiac arrest and they collapse and their hearts stop. Sudden cardiac arrest is a disturbance in the electric impulses of the heart. It's different from a heart attack because there are no symptoms before it occurs. It is totally unexpected and it needs an aed to start the heart immediately. Quick action and a shock from an aed makes it possible for a bystander like you to save a life. Let me give you a couple of examples of people who suffered sudden cardiac arrest. Some of you may have heard of westlake high school football player matt nader. He was 18 years old and he chanced while playing football on -- and he collapsed while playing football on the field. Luckily his trainer remembered to bring an aed like this one, and immediately gave him a shock to restart his heart again. Although he's not allowed to play football anymore because of an implanted coronary defibrillator, which now he carries around his own aed in his chest as I do. So if it ever happens again, we get shocked wherever we are. Matt is healthy today and he did not lose his full football scholarship at u.t. He's now assisting the coaches there. Journalist tim russert of meet the press was another example of how unexpectedly sudden cardiac arrest can take your life away. on june 13th, 2008, russert collapse ted offices of nbc. He was recording voice overs for the sunday edition of meet the press.



Here's the irony. His office had an aed. This could have saved his life if someone had used it. Unfortunately, those in office chose to wait for to arrive, which took over 10 minutes. In new york they have hi-rises. They have to get on elevators, so timing is essential. If you find someone who just collapses, you want to call 911 or have someone call for you, but in the interim you want to give them chest compressions. In fact, we say give them 100 chest compressions to the song of the bee gee's staying alive. That's the beat you want to give them. I want everybody to know how to save lives here today. Grab the nearby aed because you only have five minutes to give them the first shock to save their life. The percentages are just astounding. 77% Of women -- 97% of women nationally do not survive sudden cardiac arrest. I'm one of three percent that has survived. That's why people -- the officers in austin know me. I'm very unusual. So when you go into a building, look around, make a mental note, where are the aed's? Where are they posted in the stores where you shop? The gym, your workplace, other works? If you don't see one, ask where it is. In your dentist office, your doctor's office. Aed's are made today to be used by anyone. Any bystander passing by. As ernie said, they give you directions. You just press start and it tells you exactly what to do, so don't be afraid of it. When you -- sca kills more people than cancer, aids, car accidents and other things combined. I'm alive today because my husband found me at home and called 911. Our dog barked and then i was making agonal breathing sounds, which is your last breath and it sounds like a dog growling. And the dog was barking, i was growling snienlsd, we don't have two dogs, what's going on. And he found me, eyes rolled back, tongue out purple. I had already succumbed to sudden cardiac arrest. He started cpr immediately, learned it in the army 40 years earlier. Didn't really know how to do it, but some wonderful woman on 911 took him through it again. With the luck of -- the best luck in the entire world, there was a volunteer fireman from cbar in the neighborhood with a brand new aed in the car. And he arrived at my house within three minutes. And that's why I'm here today, by the grace of god. You can help stop sca deaths with me. Go to [www.suddencardiacarrest.org](http://www.suddencardiacarrest.org). It's free to sign up and get our newsletters. And all the donations to the austin chapter will result in more donations of aed's where we need them in the city. So all the money that's donated to our austin chapter will result in more aed's to save more lives in austin. This is the very aed that could very well save someone you love. It could save you. Where do you think you would be you or a loved one had a sudden cardiac? Row chester, minnesota, home of the mayo clinic. Why? Not because the mightio might mayo clinic is there. Not only do the firefighters have aed's, but every single police car in rochester is equipped with an aed and the officers are trained to use them. They now have a 72% survival rate in rochester. And that's where we're all trying to go. This is something where we can save lives and make this just -- saving a life an everyday occurrence so that we're not losing people every two minutes. So in austin, we're trying to raise the survival rate as well. And all these wonderful men are helping us, and we need all of you in the audience to help us as well. Thank you so much. [ Applause ]

Mayor Wynn: So my last proclamation before I turn podium over to councilmember martinez is regarding archives week, which we do each year, at least we have for the last several years. I'm joined by fiona deyoung, who will say a few words after I read the proclamation. It's a great coincidental timing today because earlier today some of you probably saw the presentation from three fabulous architecture teams and I believe their promotional materials are out in the lobby now about who we will choose to design the new austin central library, which will be just two blocks here to our west along cesar chavez.

Technically it won't be housing our arrest tiffs. We use our austin history center to do all of the local archival storage, but it's great to remember why we bother to build construct and have libraries and have other archival destinations. So I'll read the proclamation and then she will say a few words about why we celebrate the week. The society of american archivists, university of texas student chapter, in conjunction with the austin history center, celebrate archives week each year to promote archive issues and trends that are of interest to the local community. And whereas this week gives us an opportunity to recognize and support the people and programs dedicated to documenting and preserving our cultural heritage for the enrichment of all texans. And whereas we encourage all citizens to take part in this week a long series of events that raises awareness of archives and their function in society, highlights current local preservation efforts and that provides a free civic forum to discuss archival issues here in austin. So now therefore i, will wynn, mayor of austin, do here by proclaim the week of october 27th to NOVEMBER 1st, 2008 AS Archives week here in austin. And please join me in welcoming fiona and thank her for all of her work.

Hello, everyone. Thank you so much to mayor wynn for the opportunity to help our organization launch this wonderful event into the community. I would also like to recognize gill which vez of the city of austin and susan ritter right there at the austin history center for making this proclamation possible. Part of the reason we have such a wonderful archives program at the university of texas is because of the obvious community encouragement and support that is available to us here in austin. So just a little background about archives week. Week began in 2000 as a way to bring archives to the public. This year we are continuing that tradition. True to our hometown roots, our theme for this year's annual event will be archives city limits, a celebration of miewfng and audio collections. Through this event our chapter aims to raise awareness about the role of archives in society and how the public can benefit from access to archival resources which are both historical and contemporary in nature. Archives represent the heritage of our culture. The preservation, organization and accessibility to records of enduring value is critical to continuing our story, the story of our civilization there is great evidence about who we are and how we live that is portrayed through the records we create. Even those that are being created tonight. There are several world class representtories in austin for the public to take advantage of. The harry ransom humanities research center at the university of texas, which boasts the watergate papers of journalist bob woodward and carl bernstein. The texas state library and archives which hold errors from the state government dating back to the 18th century. The center for american history at the university of texas which recently acquired an stens active vid archive. The austin history center: johnson library and museum, which contains the papers of his presidential administration. Now, that's just to name a few. These examples illustrate that archivists are responsible for a broad range of records information, including paper, film, sound and electronic information among others. That said I'd like to take a moment to share with you some of the highlights of our archives week events, which are going to be displayed over here and on the screens above you as well. First of all, kevin shapiro is the archivist for the band fish and he will present a lecture discussing what it's like to be the archivist for the major rock-n-roll band. That will be at the u.t. in the building called burdine. Our next event will be at st. edward's university. Jazz history instructor edward meyer and michael (indiscernible), former chief arrestist of the national jazz collections at the university of idaho will present jazz in the stacks. Next on thursday october 30th we'll have a panel discussion called texas sings, documenting the music of a community.

So come and hear archivists and museum experts talk about music collections and audio collections in texas. And finally, the highly anticipated annual workshop at the austin history center called the arrest tiefs clinic. This workshop is designed to advise people in their personal and family possessions, so you're encouraged to bring papers, photographs and experts will be a hand to tell you how to preserve those precious items. Finally, I would like to thank our advisor, the , and as you can see, we have a website, so if you're interested in more information about this event, we encourage you to visit that. And thanks again to the city of austin and mayor wynn. [ Applause ]

Mayor Wynn: For our last proclamation turn the podium over to comeans. Note that archive weekends ON NOVEMBER 1st, SATURDAY, Just in time to go have a big party celebrating zach scott theater's 75th anniversary. I'll turn it over to mike.

Martinez: Thanks, mayor. Whoever wants to come up, come join me. Who will be speaking? The mayor said, zach scott is celebrating its 75th anniversary. We want to commemorate that. And then dave is going to receive the proclamation and I'm going to ask him to say a few words about the celebration that's going to HAPPEN ON NOVEMBER THE 1stWECH A PROCLAMATION That read, it known that whereas zach theater is the oldest resident theater in texas since its founding as the little theater in 1933 and whereas for the past 20 years zach has been austin's premier professional theater and has actively preserved the creative capital in our city biannually employing more than 300 local actors, designers, directors, core rog ralphers, musical directors, musicians, artists and technicians and whereas zach williams more than 200,000 patrons for more than 400 performances each year and provides more than 60,000 children with the opportunity to see and be a part of live theater through its performing arts school summer camps and project interact. And whereas we're pleased to congratulate zach on this milestone in its rich history as a venue for dynamic, authentic, collaborative quality theater. Now therefore i, will wynn, mary of the city of austin, texas do here by proclaim october 27th through november 1st as zach theater's 75th anniversary week. Congratulations. [ Applause ]

thank you to the city council, city councilmember martinez. Zach, the root of what we do is about a collaboration in term of the creation of theet work. And zach would not be here celebrating 75 years if it weren't for the collaboration of the citizens of our community that took this organization that was a community theater for many years here in austin and turned it into a professional theater. And here you see representing some of the artists and board members and staff members who have been a part of that injury any. But this is just a part of the story, and there are so many austinites who have made zach what it is today, that institution that evolved from the austin so this this next week we have a number of activities at the theater and we invite everyone who has been a part of that injury any of -- your any of austin civic theater to join us next thursday for a terrific party that commemorates the education programs at zach that reach over 60,000 students annually in central texas. Then on saturday we'll be doing a musical retrospective of some of the greatest show stopping hits of the past 20 years, some of the beloved zach performers from our community. Both of those will be your opportunity for us to reconnect and to gather and look at the future of what lies ahead for zach theater. On behalf of all of us who are a part of zach from our hearts, we extend our greatest appreciation for your participation in the conversation that we're having at zach. Thank you. [ Applause ] test test test test denson at this time I call back to order this meeting of the austin city council. I apologize for the delay. We've been in recess

now for about one hour. If I remember correctly, Lopez had just finished her presentation about the station area plan and or to transit oriented transit oriented developments, and I was about to turn it over to Margaret Shaw to talk about this.

Good evening, Mayor and Council. I'm Margaret Shaw, director of the neighborhood house and community development. I'll be presenting the slide on affordable housing. A quick overview is the fact that staff does recommend the 25% goal that we have within the transit oriented development districts for affordable housing. Staff is coming back from Council direction with two strategies with which to achieve that affordability, and a partnership with private developers to offer them density and height bonuses in exchange for 10 to 15% affordability and also offering a fee in lieu of option instead of providing affordability on-site, providing fees instead to help the city pay for affordability within the district. And second, to maximize the city initiatives, which is revamping my department's programs for funding in order to give priority to any affordable housing projects that are started within today's, to facilitate tax credit projects, which means affordable developments -- intensely affordable developments that we can help create within the district, and last but not least to review the city-owned properties within the districts and maximize affordability for development on those sites. I'd like to turn it over to Stuart Strong from the Parks Department.

I am Stuart Strong with the Parks Department. At the last discussion on the park area -- the approach of our objective is to secure adequate parkland in the TOD areas. We had on the floor then the two -- two comments, the Council commentary was to through private area negotiations. The staff recommendation was to acquire parkland dedication for the sites described in those -- in the SAP's. What I thought I would do was elaborate a little bit more on these options so you understood our recommendation fully. Of course if you -- the normal acquisition method, which the city follows, is we identify suitable parkland, we do a normal market value negotiation with the owner, who's willing to sell and to then bring this to Council. The advantage, of course, in the -- in this procedure, which was the Council briefing commentary, would be we would secure the parkland now that would be in a known location and size. The funding would be drawn from the capital improvements program, Enfield Park CIP account. So that would be how we would proceed with that option. What we looked at was the best practices and make sure we could ensure by either method we could get the best parkland. What we looked for, of course, is close proximity to residential areas, to greatest accessibility, to sidewalks, streets, connecting trails, and hopefully to ensure coordinated planning in that park within the context of the neighborhood. If we acquire now, there may be some that we cannot maximize that negotiating position within the context of our surrounding neighbors, and of course if we -- if we choose to use some of the Enfield Park account money now, it will -- simply you would choose to forgo some other acquisition. On the next slide, let me explain the -- the park dedication ordinance. The way this works is at the time of development approval, in a residential area, the developer gives either land or money to the city. The amount of land that is given is proportional to the residential density. The Parks Department has the authority to make the choice whether it is land or the fees. The fee currently is \$650 per unit. The advantage that we find in this is, of course, we can acquire land at no cost to the city, and it does stretch our Infield Park budget. There's a little bit more certainty in the context of that negotiation to ensure that that park element that comes out of the larger development is integrated into that residential scheme. We -- what we do is we work with the developer to ensure that we have all the property access and the visibility and orientation

to residences and with those connections to trails and the rest of the development. We become a partner in that urban development process. And we were able to react to circumstances somewhere down the road when actual development occurs in the tod's. Of course the disadvantage is today there would be no certainty about exactly where they would be, or we wouldn't know the size and we would wait until later to acquire the properties. So there's an element of uncertainty about when and where it would happen. Our recommendation, of course, just to reiterate, is that we acquire the land at the time of development, requiring on-site dedication of parkland within these identified properties, that we would have on-site dedication or in lieu of fees to be selected at the time so we can develop the trails and those -- and the parks, and in the future beyond the land that we would secure, fees could be used to develop the parkland within the tod. So this was -- this was our recommendation. If you have any questions I'll be happy to entertain them. thank you, mr. strong. Questions for Stewart, Council? Welcome, Mayor Pro Tem. Yeah, thanks, Stewart. I think one of the things that was -- that we were trying to convey was our initial -- the amendment the council adopted was to identify parkland acquisition sites, and so I think the frustration, at least I know I felt, was that the -- what we got back was not compliant with the amendment. So that's what -- I know from my own experience when we do open space acquisition we are operating -- we have already identified internally sites that we want to target for open space acquisition. We don't publicly release those, but we are operating from a strategy as funds become available. And also there are certain dynamics where waiting for a developer to bring forward a proposal don't work. It doesn't work for trails, where you have to have trails crossing multiple property boundaries. Those typically go along creeks, for instance, and things like that, but those are -- and also parks -- with multiple small lots, it's not going to work to have the -- to have to wait for the development to come forward. That approach does work well on large sites. So I think, for instance, waiting for developments to come forward with the , that is a very good approach, because that is an example of -- there's three major properties, approximately, in Lakeline t.o.d. It doesn't make any sense to try to plan out in advance what the parks are, although there might be dynamics if there are water features portray always. But in Saltillo where you have multiple small properties, that is, I think, going to be a difficult approach of waiting for properties to come forward because they're all going to be really small properties, or many of them will be. So -- and also the plan within the Saltillo t.o.d. Identifies things such as the Paseo Parks. There are things where we need to be acquiring those in advance and also lots of small lots. And then in the MLK tod and potentially in the Saul Toy tod we need to have plans. So we need a strategy identifying where we want to buy them and be working on funding mechanisms to acquire them. That was my focus on -- because of the MLK and Saltillo tod's have unique features that make them different from, say, the Lakeline or the North Burnet t.o.d.'s. I want to make sure that -- I think that the proposal about where we send the parkland dedication is they should be set within the as opposed to the proximity of -- I think that's just a minor difference, but I think you're on the right track. I just -- I live in , the triangle, and the park makes an enormous difference on the quality of life and it makes it possible for me as a dad to actually have experiences, you know, green space for my family. So I know from firsthand experience how important the parkland is within the site, and so if you have density, you've got to have green space, which I know you-all get. further questions of staff, comments? Leslie?

We have a couple more slides left related to the TIF effort, if you can pull those up. The first slide that

you'll see is a recap of the direction that we received from council at the last presentation, and that was to go forward and look at the feasibility of creating tif to fund infrastructure within the tod's and also to look -- we will bring that back as we move forward. We will be working with planning to flush out a project plan in terms of what they would actually propose to fund within the tod's with the tif. We will coordinate that with the homestead preservation district efforts since there 's located within those boundaries, and the law department is researching at this point how the boundaries can be handled, and if those can be amended at different points in time in the process. We do have funding included in that that's proposed but it's now approved in the 2009 budget to move forward with the market analysis in the 's areas, so we will get that under way. We're developing a timeline, and between the next time we come back to you with a report we'll keep you updated via memos. thank you, leslie. Questions for staff, council? Mayor pro tem? leslie, do you have a projected time when we'll have the results completed?

No, at this point we're working through the timeline. Our first step will be to get someone on board to actually start the market analysis. and obviously the point -- if we were to do a tif, which it's very premature to say we could do it, twoaf evaluate it first.

Yes. but what we do know is, from the testimony at our last hearing is other financing option, eo bonds, it could be as much as as ten years, if it makes it at all, before it's before we'd have an ability to fund infrastructure in the tot's through the geo bond approach. If we are to do a tif, obviously the valuation is set when we create the tif. And so if it drifts on too long then we miss the opportunity to capture value. All that said, to build on a previous pid presentation earlier today, I do think that we should have an expectation that if we are to use tax increment financing in the transit oriented development that we have some strong expectation that the owners have an obligation to provide supplemental funding, and that could help us obviously fund the infrastructure but also it helps to fund more frequent rail service on the road line going forward.

And we'll look at all those tools before we come back to you. when do you expect to have at least an interim update of when we're going to get --

right now we're just fleshing out the timeline, and so what I would propose is getting a memo out to council with an estimated timeline on what the steps would be and what the timing -- the estimated timing would be, if that would be okay. and when would we get that memo?

I'd say in the next couple weeks.

Mccracken: okay.

If that --

mccracken: yeah. Okay. Thanks. council council member cole? we had asked diane McCIEFER DODD SOME WORK ON To do some work to help us understand the financing. Leslie, I'm sure that's consistent with what you looked at, and one of the things that I noticed in that work that she did is that

she made an estimate of the potential buy-down in a per unit requiring a subsidy of about \$127,000, and then she compared -- would you like to come up, margaret? Do you want to talk about that too?

Yes, ma'am, we're here and actually we do have diana McCieffer herself and mandy damayo who presented that datea, but it's essentially a buy down that was estimated about \$127,000 a market down to affordable rates. what I noticed about that body of work that she did is that our money in our geo bonds can go so much further if we pair that or partner with the tax subsidy.

Yes, ma'am. The art of affordable housing is leveraging and layering your subsidies, and the dma reports simply recommended that the highest and best use of public dollars is to be able to leverage that with a variety of other tools in the affordable housing tool bank. and let's go ahead and put some numbers to this in terms of just understanding what the exact difference was. I mean, comparing without having the tax subsidy, if we try to do a buy down with geo bond dollars, we're talking about \$127,000 per unit, and it's my understanding when we talk about doing that same time of subsidy in, like, saltillo and mlk, the range is between \$36,000 and 50,000.

Correct.

Cole: is that correct?

Correct. so I'm just kind of trying to ask you or give you some direction that i think that our geo bond dollars should be paired with the tax credit funding so that we get the most affordable housing possible.

Yes, ma'am. The staff's recommendation is to do that. We just threw up a couple bullets tonight because we've been through this a few times, but we're happy to have this discussion. Yes, staff's recommendation is to encourage affordability with private sector development through some density bonuses and height bonuses, and then to concentrate our efforts on the true affordability through city-owned lands, publicly-owned lands, as well as our partnerships with our terrific partners here in town to create more affordability through leveraging it through other traditional affordable housing tools. well, I appreciate the staff's recommendation and the work that you-all did on request, and I'm glad you have made that recommendation.

Thank you. thank you, margaret. Further questions of staff? Council member morrison? actually, for margaret. I appreciated that report also because I think it really helps to give us a sense of how we're going to get from here to there because I know everybody really -- my sense is everybody really is committed to that 25% affordability goal, but it looks pretty daunting by the numbers that come out in that report, that it will cost, I think, like 13 or \$15 million for each of the tod's to be able to achieve that. And so I -- I always want to be a little practical practical and say, okay, so where is that \$45 million going to come from for the first three tod's because clearly we don't have that money right now. So I wondered if it might make sense -- when I was discussing the report with some other folks they were bringing up other ideas in terms of, well, we haven't really accounted for perhaps city owned property or leveraging city owned pratt or leveraging city funds to actually allow people to borrow funds cheaper and things like that. And so my sense is that it might -- especially so that we can see if we can get that

estimated dollar down from 13 million, if it might make sense to have a continued conversation on that report and perhaps look at some of the assumptions, add more, more avenues into the numbers so that we can get a better -- hopefully a better number.

I just wanted to clarify with my oh so competent consultant, that the numbers that you did see for that is literally just for the gap financing on the city side. If I can step back for a minute, on typical affordable housing transaction, there are anywhere between 5 to seven layers of financing that are already involved in that project. With the numbers you saw from the dma report were simply what the city subsidy, one of those layers is. Typically we take a fairly large stake. One of the ways that we make these deals happen is we are the early money, like any other private or public sector transaction. Nobody wants to be the first dollar in. One of the aggressive roles that ahfs, the austin housing finance is, is to be the early money in is the deal we want to see. So layering has already been -- I'm trying to respectfully say that is the figure that we're seeing from our estimates of what the city's contribution is likely to be. There are others ways we can look to. In fact, foundation communities I think holds the record for 13 layers of financing that I know of for one of the deals here, so there are ways to get more funds in, but we tried to present for you-all a very realistic picture of what the city's contribution would be to make those deals work.

Morrison: right. And I'm wonder fg there's any possible way to have a continued discussion to see if there's a way to get that number down, because I don't know where that number -- i don't know where we're going to get that money, and if we don't have that money we're not going to choose the 25% affordability as far as i can tell.

I'm happy to have -- I'm sorry -- I'm always willing to have further, but i wanted to make sure for the public and actually for you-all that those are fairly realistic assumptions based on the projects that we normally do and what we've seen with the estimates that they've made. But I'm always happy to have discussions on new ways to find money. and I would like to continue that discussion because if we don't continue the discussion then I think that from a practical standpoint we're giving up on our 25% affordability goal because back the fact of the matter is we don't have \$30 million to do that. So that's all I'm saying. Is I think we need to continue to work on this if we have any hope of actually making it a reality.

Thank you. so what i wanted to suggest was perhaps having a conversation with the cdc or having them host the community development commission might be a good place to sort of host that --

certainly, we'd be happy to have a more in depth forum on how those numbers works and the methodology and the transaction that is we see, and the sources. West coast also have we can also have developers there. What we put on every transaction is -- the transactions and the markets today are different from what we used in this report. In fact, it's a tremendously challenging market today for financing.

Morrison: right. And I appreciate the work and what I'm just trying to get at is I want to know how we're



going to make this happen because I don't see it happening and I'm not willing to give it up yet.

No, ma'am, and I actually think through incentives -- if I can just do a plug for my terrific team. Yesterday we actually had six hour conference in chambers and about our first developers workshop where we did develop rebrought developers in from all over the state, nonprofit and for profit. We walked them through the incentive packages, we talked through tod's to help the development community understand what this city is looking for and transactions. So I have a lot of faith in the affordable housing team to --

great. Thank you.

Cole: mayor? Margaret, I'm sorry, I had another quick question for you.

Yes, ma'am. I wanted to talk about compatibility and the fact that I think we need to amend the tod ordinance to add back compatibility so that when compatibility is waived it results in more affordable housing. Do you have any thoughts or comments about that?

I think I'm going to pass compatibility back to neighborhood planning.

Cole: okay.

Again, sonya lopez from neighborhood planning and zoning. It can certainly be doing if the desire of council has changed since the 2005 tod ordinance was approved. I believe the -- again, the original intent was to limit the effects of compatibility so that we would hopefully achieve more density, but that said, there are different ways to go about achieving that, clearly, since the discussion now includes waiving compatibility standards as part of a development bonus, putting compatibility back 's more fully. At least there is -- there is an option for removing the compatibility, with it being associated to the provision of affordable housing. So -- well, I think as we -- as council member morrison has already stated, when we're struggling with how we're actually going to get these affordability levels, then adding back compatibility and then using that as a type of height bonus would help us get more affordable housing in the t.o.d.'s.

Yes, and again, as the development bonuses are currently structured, it could help us to achieve 10% affordability through a development bonus, which would be the developer portion, and then 15% affordability being the developer requirement for a height bonus. So at those levels, yes. I think that would be a good idea, like any comments my comments would like to make about that, but I think we should do that to achieve more affordability in the t.o.d.'s. maybe pro tem? the comments my colleagues -- because the question we always ask ourselves is how do we get 25% affordability? Because we got it. But I think one of the things is -- frankly is we got it from a tool that proposition 2 would make illegal. And so if you like 25% affordable housing proposition 2 would ruin our ability to do this. And we -- because it revolves a lot of tools. Chapter 380 approaches, tax increment financing. We did a full boat of financial tools centered around chapter 380, which is a flexible tool for pouring public investment back in to create 25% affordable housing, and in the case of miller every home is no more than 300 feet from the park. So it's a challenge we lose these tools. But I do think that laura's point of let's try to -- let's

throw the toolbox open and use every tool at our disposal and hopefully we won't lose some, but i support what you-all proposed. I think you've done a very good job. I think that we have in place some process through leslie's analysis of tax increment financing that may help us identify whether the approach we used at the miller development will be an option for us on these tod's as well. further questions or comments, council? lopez, is that -- does that conclude the staff presentation? Does that conclude our staff presentation?

I forgot I was still up. Excuse me. There is one last slide, and since there are no other questions, if you'd like i can go ahead and walk you through the motion sheet, which hopefully you-all have in front of you.

Mayor wynn: please do.

It's a combined motion sheet, but again I know it still reflects mlk station area so maybe we can just ignor 3 and 3 a. make sure we all have that. Council, does everybody have the --

it would be on a large sheet of paper, 11 by 17. And it should be about five pages, actually.

Mayor wynn: right. Yes.

The five pages not being the entire motion sheet of the first page is the motion sheet and the remaining four are supplemental pages which give you a summary of staff recommendations in response to first-reading council action. So it just provides -- the four pages just provides you additional detail about what is included in staff recommendation. So one is to adopt the lamar/justin stair area plan and -- in accordance with the staff identified recommendations of 62. Item 2 is to adopt the saltillo stationary plan, station area plan in accordance with the identified staff recommendations, 2 a and 2 b outline the two code amendments that identified in the presentation again, 2 a would be requesting council for a directive to ordinance in the land development code to allow the height bonuses proposed in the plaza saltillo station area plan, and again this goes back to the fact that the t.o.d. Ordinance does not allow for a height increase outside of the 11-acre capital metro-owned property. The code amendment proposed in 2 b is a directive to ordinance to allow the height bonus strategy developed in the mlk and plaza saltillo station area plans. Gen, this relates to the community preservation and revitalization zone language ordinance that specifies a hard-and-fast 25% affordability requirement for any height increase. And if you have any questions about those i'd be happy to respond to them. So the other items that are relevant tonight are under neighborhood plan amendments 4 and 5. 6 Refers back to mlk, and 4 and 5 outlines the plan amendments for the different areas that are within these two station areas, items 63 and 64, for brentwood/highland and crestview neighborhood plans, items 71 through 73 for central east austin, east cesar chavez and the holly neighborhood plan. So again, on all these items for second reading only it would require four votes for approval and five votes for second and third. thank you, ms. lopez. Questions, council? Council member cole? before we get started adopting the plan, i want to go ahead and make a motion to amend the t.o.d. Ordinance to put back compatibility so that we have the option of waiving compatibility to give more affordable housing based on the height bonuses. I'll make that motion. Yes, second reading only. so motion by council member cole, seconded by mayor pro tem, excuse me. Comments? Council member morrison? a question for clarification. Are you suggesting that

compatibility would be waived by right, assuming that they provide -- assuming the additional square footage is considered bonus area that has to have affordable housing?

Cole: yes.

Morrison: okay. I wanted to suggest a possible friendly amendment. I'm concerned about folks that have single-family property right up against , and if compatibility is waved by rights, you know, right there, they could have a 40 or 60-foot building, you know, 10 feet from their backyard. So -- which I think is a pretty -- can be a pretty consequential mass right in your backyard. So I was going to suggest, if you're willing to accept it, a motion that would say that actually compatibility is triggered and isn't beafed by rights for the first hundred feet but then it's waived after -- it's waived by right after the first hundred feet so they'll at least have that buffer of compatibility if there's a single-family use right there on the edge of the t.o.d.

Cole, you know, I need to ask staff for some clarification. What is our normal buffer? it usually extends 540 feet.

Cole: okay. Then I'm fine with that amendment. between second and third reading, if we could get an analysis of the effect on properties, and i guess I did want to clarify, my understanding is this is -- is this just for a motion, item 1 on the lamar/justin or is it for 1 and 2? Second --

cole: 1 and 2. what i would -- I would like to have one other -- maybe as a clarification, that currently we are not waiving 's for adjacent properties. However, in the case -- i know in the saltillo t.o.d. The french has single-family zoning but does not have single-family use. And so what I would like to do is say that the french ligation property would not trigger compatibility.

If I may, part of the staff recommendation, as i outlined in the presentation, in response to discussion that was had at first reading would be to specify what would trigger compatibility in the regulating plans, and that would be a single-family used property.

Mccracken: okay. Cool. Yeah. council member martinez? along with smeb council member morrison's motion, I think it's a fair position to take, but I also think that there might be cases where neighboring properties don't mind and would actually like to see that development so that their property values could increase. So I'd like to somehow craft some consideration for the neighbors to say, hey, we're okay with this. And so if the neighbors are okay with it, then the 100-foot setback doesn't have to be complied with. I'm fine with that as a friendly amendment. I would be fine with that, and I guess we can look at that on second reading. so we have an amended motion and a second on the table regarding the issue of compatibility. items 1 and 2, lamar justin and second reading only. There's like -- but that includes all the -- no there's a whole other page. I'm sorry, i just want to clarify. So if we approve items 1 and 2 are we automatically excluding in that approval all the follow-on pages, the supplemental pages?

Well, yes, the supplemental pages include a summary of staff recommendations on first reading action, and so 1 and 2 incorporate the plans with staff recommendation that have been outlined. And this is a

summary of all the detail that you received and backup that's in the full report that you've been shown, and actually we had a version of this available at the briefing in august, so -- as a matter of -- as a matter of the motion we're going to have to slog through these anyway so we don't have a choice, we might as well start through -- -- let's make one motion about the waiver of capability. motion regarding the compatibility issue, on the lamar justin sal station area plan. Motions? just to clarify, single-family compatibility applies to both these areas throughout, as long as it's single-family use, I i remember respective of the zoning.

Proposed for all three of the t.o.d. areas. and then the hundred foot setback, of course, let's say for example something is 75 feet away from the building that triggers the compatibility, that profile for triggering compatibility applies depending on the distance away from the adjacent property, correct?

From a single-family property line.

Leffingwell: variable.

I'm sorry? be a variable number depending how far away it was?

I'm sorry, I don't understand variable number. well, it would be a different number for 100 feet than it would be for 50 feet or so.

Well, it would be a flat hundred feet from every single-family property line. I'm not sure how it would -- how it would be variable. I don't think I'm understanding your question, I'm sorry. If you could -- maybe I'm thinking -- greg, can you correct me on this? Compatibility is variable depending on the height -- the height is vbl depending on the distance --

the farther that you get out.

Leffingwell: yes.

Within 50 feet you can achieve 30 feet in height or three. Within a hundred feet you can achieve --

it's proportional. That's what I meant.

Yes.

Leffingwell: okay. council councilmember martinez? council member leffingwell just brought up something that I want us to be cautious with because i think at least in east austin on east sixth street, just east of that, there is still some limited industrial where folks have come in and started living there, and they've turned them into these cool little artists' places, and that's wonderful but I'd hate for something that's limited industrial to be a hindrance on someone taking advantage ordinance and the station area plan and redeveloping those properties. So when council member leffingwell says regardless of the zoning, that certainly wasn't my intent. If it's -- if it's cs or limited industrial and there's

folks renting that space to live there, I would hate for that to trigger compatibility because i think those are the properties that we really want to see redeveloped, maybe achieve some affordability in them as well, but I would hate for those types of properties to preclude us from redeveloping the area. Do you understand what I'm saying? If you go --

yes. east sixth street between pedernales and the grocery start it's an industrial tract of land. It's warehouses, old warehouses, but there's folks living there, and under what councilman leffingwell said that would trigger compatibility.

Yes, and if they're talking about instances, those are sufficiently far that that wouldn't impact. I don't know if that exists near -- what's the coffee shop there? we think we may have a approach down here on this end as we huddle, unless you don't want to --

I believe there's actually a former restaurant that now has folks living in it, right next to cafe munde. I think we're going to try to amend the motion for your concern.

So the possibility could be that we look at single-family zoned properties single-family use, and I would like to make sure we follow up on council member -- mayor pro tem mccracken's suggestion that we actually look at the properties and see what the zoning is -- that the motion would be amended, compatibility to hold for single-family zoned mu.

I wanted to clarify a couple points. I'll accept that as a friendly amendment amendment. I'll accept that as a friendly amendment. council member shay, do you have a friendly amendment? Amendment. both have to be in. planning and use. on the affordability component because we're doing mixed use how do we calculate the percentage of affordability? Is it percentage of units? Is it percentage of residential floor space?

It is the amount -- there's a required percentage of habitable space of the entire development, so -- but the ground floor is retail, that's not considered habitable space. That's just retail.

Yes, that's correct. and if it's office, that's not habitable space either.

Correct. so it would be 25% --

well, 10 or 15% of habitable space is required, and that 10 or 15% is based on the entire square footage of the development. So unless someone in cd wants to correct me, my understanding is that you would take the entire square footage of the development and 10 or 15 of that, based on whether you get a density or a height bonus, would be required, and that 10 or 15% would have to equal habitable living space. Habitable affordable living space. so we've gotten away from number of units and now we're doing --

yes, that's been the proposal on the table from first reading, is square footage. well, between second and third reading i want to talk about this a little more because there are some folks who want to do mu,

but they would like to do mu where the ground floor is commercial and the up floors are office.

Uh-huh. Well I guess so my question is, does mu require a residential component? mixed use subdistrict, which is, if any of you recall, it's the darkest brown color on the land use subdistricts. It's the land use district that's centered around the station and along major streets that go to the station. The density requirement, if you want to call it, is for two stories, minimum, but it is not prescriptive on having residential uses, because we recognize that you could have a mixed use building that is retail and office. So we want to achieve a certain level of density, but are flexible on the use. and so would the fee in lieu still apply if it were mixed use commercial and office?

With no residential, yes. That is what fee in lieu is especially intended for is for situations where there is not going to be any residential provided but a development would like to take advantage of the development bonus. is there a maximum fee in lieu for a project?

There is not a maximum established.

So they could fee in lieu their whole project and not have to provide any affordability within that project?

On-site, correct, if the fee in lieu is granted. we have an amended clarified motion and second on the table, second reading only, correct? Regarding compatibility, lamar justin and the plaza saltillo station area plan.

Mayor, if we could, could we run through the specifics to make sure I've captured them properly?

Mayor wynn: you could. I made a motion to ordinance, to add back compatibility with the 100-foot waiver for single-family homes and single-family uses, a 100-foot buffer for single-family homes and single-family uses. in other words, it has to be both.

Cole: it has to both.

Single-family zoned but doesn't counseled if it has single-family use but not zoning but -- council member shade? because I was confused by it before, a suggestion, could be sf that is currently being used as sf, words like that might make it more clear, instead of saying it the way -- i mean, it's hard otherwise -- I like that wording. That's better. that amendment is taken.

Shade: yeah, it's minor.

Cole: go ahead. You want to hear it again? council member cole? I think staff understands that. That.

I'm greg guernsey. I just wanted to make sure that if a property is zoned, let's say multifamily or mixed use, both those districts would allow a single-family residence, would you want that to trigger compatibility too or only properties that are zoned sf-1 through sf-6 and contain a single-family

residence would trigger? currently as smeb shay would point out. I understand, thank you.

One question, I have so when we say single-family zoning and use, is it also the intention to go to sf 5 and below sf 5 that allows townhomes and condos? Is that also the intent of the motion? if it's currently being used as a single-family detached residence, how about that? If it has an sf category of zoning and is currently being used as a single-family detached residence or duplex. [Laughter] there are only two months in this relationship.

Mayor, I just have to point out, I would think based on what I heard in the mlk station area plan, you have the chestnut commons, which is sf-4 b, maybe, and it's single-family detached but high density, so that would trigger compatibility right there at the train station at mlk. Is that not correct?

Well, once the station area plan is approved, it will no longer have -- assuming -- I'm not sure what the zoning is. It might be sf-4 a today, but once the station area plan is approved, the base zoning will be t.o.d. and p. So the use within the -- the zoning I'm sorry, within the station areas would be the trigger. It won't --

and so I want to make sure the last component was somehow creating [indiscernible] for the neighbors to agree with the development and therefore the 100-foot buffer would not have to apply.

Getting a full waiver from compatibility. Okay. We will work something out. and lopez, you need more -- more complexity? [Laughter] please. just don't make me restate that.

I think I got it. council member leffingwell? what did we wind up with? [Laughter] duplex? What?

With that final point that we were just talking about? yeah, does it apply to single-family greg suggested sf-1 through sf-6 and then I heard, okay, has to be detached and then somebody said how about duplexes. So where are we?

If he may, from what i understand is that if any single-family zoning that would trigger compatibility, sf 5 and below, and has a single-family detached structure or a duplex use.

Leffingwell: okay.

Did I get it right?

Mayor wynn: I think. So we have an amended -- amended and clarified motion and second on the table. And staff -- of course it's second reading only. second reading only. Second reading only.

Mayor wynn: that's right. So we have a chance to delve into the details even more with staff and neighbor and design assistance here between now and third reading. Further comments on our motion?

Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: opposed? Motion passes on a vote of 7-0, second reading only. mayor, we promised the oak hill folks that we would be devoting tonight to them and I'm concerned about the number of amendments we have to go through that either we have a choice of just not taking the rest of them up tonight or waiting until the end of the oak hill thing, but i think our commitment was really strong to a lot of our constituents here, i might suggest we move into oak hill now, and I'm agnostic about whether we postpone the rest of the amendments until our next meeting or do the items either way. I think that might be popular with the crowd. So council, without objection, I do appreciate the mayor pro tem's suggestion. We have just passed this one motion regarding our station area plan.

Can I ask a question?

Mayor wynn: yes.

So was the motion on items 1 and 2 to do what was stated on the motion sheet, to adopt the stationary plans and in accordance with the recommendations of the amendment? I think this was just a single issue regarding compatibility.

Okay. so we'll start all over again in a minutes, a few hours. Without objection, then, let's table, essentially, items 62 through 64, and 70 through 73. meyer, I think at least at this ends of the dais there's popularity postponing the rest of the amendment until our next meeting because I think we'll be at it for a while. and send staff home? I'll make that motion, to postpone until november 6 the remainder of the t.o.d. amendments. motion by mayor pro tem, seconded by council member shade, to postpone essentially all of these cases regarding station area planning. guernsey can figure out which numbers those are, which will leave us with our oak hill zoning cases and then the public hearings afterwards. Postponed to.

November 6. which we've postponed a lot of things to november 6 already, but -- we can work in the interim to get some streamlined -- yeah -- so motion and second to postpone all of these station area planning items to our next meeting, which is th november 6, 2008. Mr. guernsey? I'm fine with that. I think if -- if there is a particular portion of language that a council office needs some assistance, we can provide assistance with that one. thank you very much. Motion to postpone. All in favor police say aye.

Aye.

Mayor wynn: opposed? Motion to postpone all these cases passes on a vote o 7-0.

Thank you, council. thank you, lorri. guernsey, does that take us to -- I think that takes us to oak hill, mayor.



Mayor Wynn: item no. 90.

And let me speak to -- there's item 75, 76 and 77, and these three items where you've already taken action on first reading, closed the public hearing, if you recall, and I'll read these into the record just now, but the Save Our Springs Coalition brought in a list of 23 -- 23 page list of contested items on -- with regards to these, but you still took action on first reading. But let me read these three items into the record just to be clear what they are. 75 is case np-2008-0025. This is the Oak Hill Combined Neighborhood Plan. We would only offer this for second reading this evening. It improves all the items that you approved August 28 with the second reading, excluding the tracts that are noted on the agenda. 76 is case c14-2008-0125, the West Oak Hill Combined Neighborhood Planning Area Rezoning, only on second reading, excluding those tracts as noted on the agenda. I'll also note there's an additional tract that's not noted here that we would exclude and bring back later during the public hearing. That's tract no. 3. And then finally item no. 77, Case c14-2008-0129, the East Oak Hill Combined Neighborhood Planning Area Rezoning. Again, second reading only, excluding the tracts that are listed on the agenda. I'll just note that these cases were the ones that were indicated to be not contested, and Council approved these, save and except the Save Our Springs Alliance brought in a number of cases -- a number of tracts, over 750 tracts or so, that were asked to be contested. That occurred while we were presenting the case. I'll note that of the number of cases that were brought to our attention, 134 of these parcels were already contested and will be brought to you later this evening by my staff as part of the tract by tract in the Flum and rezoning and the zoning cases. So you could take these items on consent and essentially be done with them on second reading, noting that there's 134 that SOS brought forward that will be discussed later on this evening, if it's your desire, and with that I understand there's a Council office that would like to speak to 75, 76 and 77. So Council, Guernsey laid out pretty well, this is where we've already closed the public hearing and approved on first reading only those contested tracts, 75 being the plan, broadly speaking, 75, West Oak Hill, 77 East Oak Hill. Knowing that item 90, which is the plan -- or the public hearing is for 90, 91 which is the West Zoning, and 92 which is the East Zoning, then the William Canon case 93. There are, you know, upwards of 100 folks wanting to give us six hours of 40 and 40 minutes worth of testimony on just those contested cases. My instinct is we -- even if we passed on second reading only consent, 75, 76, 77, we're going to have plenty of testimony both about the plan and opportunities for people to speak about the zonings that are in the West or the East plan as part of our public hearings coming up. So I'm certainly comfortable with the consent agendas second reading only for these -- the previous three cases, 75, 76, 77. Council member Morrison? I would like to propose a motion to make three modifications to the plan and then to go ahead and approve it on second reading only, and I'll explain those three modifications that I'd like to suggest. The first has to do with Appendix C in the plan, which is a description of standard land uses and the land uses that show up on the Flum. So for instance single-family is a land use that shows up on the Flum, and then it describes for each of those land uses the typical zoning that you see there, so for single-family, for instance, it says sf-1, sf-2, m sf-3. When we were talking -- when we were getting a briefing from staff about the potential build-out of the Flum, one of the things as it was proposed -- one of the things that they said was that it was -- their build-out was based on mf-3 densities because as a practical matter they weren't seeing anything greater than mf-3 out there and because of impervious cover and because we need to adhere to the SOS ordinance that we're not really going to see more than a mf 3 density. So the first modification

I'd like to propose is in appendix c, to remove any of the zonings that are referenced that are more intense than mf-3 density. So that would include specifically mixed residential, to remove the reference under zoning to mf-4, mf 5 and mf-6, and then in multifamily to remove the reference to mf-4 and mf 5, and then mixed use office, to change it so that it reads mf 1 to mf-3 instead of mf-1 to mf-5. And I think - and then in mixed use remove -- well, and then I'll leave it at that. So that would be the first change. And then the second change is to modify -- addresses ch, which is the highway zoning that actually allows up to 120 feet, and I know there's been some confusion back and forth as to whether that was really intended to be referenced in as a zoning used in -- in the oak hill plan. So my second modification that I'm recommending is to remove the two references to ch that you see one under mixed use and one is under commercial. And then the third, I know we had talked about hill country roadway ordinance as being a possible way to achieve some of those goals that were clearly established in the oak hill plan for more natural feel along the major roadways, and I know it could be a challenge to do that. So I wanted to add -- i wanted to continue to focus on looking into that, and under 9 b 1, I think it would be an appropriate place to add some language that says "the city council should consider the application of the hill country roadway ordinance on us-290, sh 71 and other major roadways within the oak hill neighborhood planning area," just to show an intent that we continue to investigate that and try and make that happen. So with those three changes success suggesting I'd like to make a motion to approve the plan as well as -- can I do all three items? -- To approve the plan under I 75 with those changes and then to approve 76 and 77 as is. so motion by council member morrison, we need a second.

Cole: second. second by council member cole to approve 75, 76, 77 on second reading only with three amendments, if you will, to item 75, the plan. Council member leffingwell? so with all those exclusions, are you talking about the uncontested parts of the flum? I'm talking about changing what kind of zoning districts are expected in the difference colors on the flum, whether they're contested or not.

Leffingwell: okay. So did you -- did you intend to exclude those zoning districts from the master planning area? right -- no, let me check -- well, the master planning area is not -- the master planning area would be a master -- well, it's not clear what it's going to show up as on the flum yet, but if it's a major plan development, that's pud or pda is the expected zoning, so it wouldn't be addressed there. so it wouldn't apply there. right, it wouldn't apply. motion and second on the table rafg approving items 75, 76 and 77, and second reading only. Mr. guernsey? and mayor just 76, it's also excluding action on tract 3, because that will come up later this evening.

Mayor wynn: thank you. Further comments on our motion regarding these three closed public hearing cases? Mayor pro tem? I just want to understand, does this mean that it would remove all of the zoning, all the tracts zoning that is above mf-3 or mixed -- which office uses? it's not going to chaik any tracts per se. It's just going to be what kind of zoning we expect under, for instance, if we have something that ends up being mixed use office, the density then would be expected to be densities of mf 1 to mf-3, rather than mf 1 to mf 5. That's not to say it couldn't possibly happen. Just that it would need a neighborhood plan amendment and it indicates the density we're going to be expecting out there. And I should explain that i think that trying to marry up what we really realistically will see out there with what's in the plan will be very helpful to allay the concerns that we've heard expressed about having exorbitant

densities being able to be built out in the flum. let me ask you this. How many properties would that impact? Do we know? maybe mr. guernsey could tell us.

I think what I understand council member morrison is saying is in the future if a zoning request were to come in before the city council and be considered, that the level of intensity or density on the property that would be expressed in the plan may not be as intense as ch but may be a level of cs. So it may not necessarily envision that zoning cases that would come in would anticipate building heights of 120 feet, but maybe 60 feet, or if it was in the case of a multifamily project, that the density would not necessarily be of an unlimited type almost that you might find in mf-6 but it may be closer to something less, 23 units per acre or 35 units per acre or something like that, of an mf-3 density. And so the plan wouldn't necessarily say that you couldn't do an mf-6, but it has a -- as a guide for making decisions in the future, it would be expressed -- greg, what you're saying is your understanding of the amendment then it doesn't impact any of the zoning in front of us tonight? Is that correct? that's my understanding, even a plan as requested may come in, multifamily, commercial or mixed use, that it's the desire expressed in the plan and it may not be as intense or as dense as you might find throughout the city of austin. Is that -- council member morrison? and it's my understanding that we don't have any zoning cases before us tonight that will be mf-4 or 5 or 6 or ch so it doesn't have any impact on the very detailed cases that we have tonight. it wouldn't impact anyone for us tonight. It's only going forward amendment for future zoning. and second reading only. this would be second reading only, and the plan is a guide -- guiding tool that can be used in the future. It's not a binding thing, you can't do it. It's an advisory. council member leffingwell? so we have -- it's been pointed out to me that we haven't approved -- we haven't accepted a master planning area yet, so if it is not accepted as a master planning area, at the y, then what happens to these zoning categories? Do we get a chance to revisit those then or is this second reading only? this is second reading only, technically. I think we need to address that issue before we do final reading on that. verify it, yes, sir. So motion and a second on the table, again, just these three items, 75, 76, 77, second reading only. Further comments? Council member shade? I'm just -- is it possible to carve that out now explicitly, in your proposal? council member morrison? well, we don't know exactly what it's going to end up to be, so maybe once we figure out what the land use is going to be on the flum, then we can -- on second reading we can go back and make sure that things line up appropriately. But until we know what the flum is going to show for the y, we wouldn't know what to do. but you couldn't carve out the y now so it wouldn't even be -- it wouldn't be impacted by this at all? no, because what we're doing is just adjusting a -- an appendix that looks at each of the generic land uses that can show up on the flum. It doesn't actually list out each -- what is in the flum area.

Shade: I got you. Okay. further comments on our modified motion? Second reading only. Staff is comfortable? There's a lot more work before the final reading. Then hearing no additional comments, all in favor of the motion please say aye.

Aye.

Mayor wynn: opposed? Motion passes on second reading on a vote of 7-0. thank you, mayor and council. That takes us back to our zoning neighborhood plan amendments for the public hearings are open and this would bring forward items 90, case np 20080225 oak hill plan, these are contested tracts,

item 91, case c14-2008, 0125, west oak hill combined neighborhood planning area rezonings. These are contested tracts, 92, case c14-2008-0129, east oak hill combined neighborhood planning area rezonings, and an individual zoning case 93, case c14-2008-0115 for the property located at 4808 west william canon drive. At this time I'll turn the podium over to maureen meredith, who is our oak hill planner and she can walk through these items, i think generally we'll be going through those -- the future land use map changes, the future land use map changes, with rezoning, the zoning change tracts and then in particular I think 93, maureen is going to, I guess you could say, not present that particular tract until the very end so the flum and the zoning both come up for item 93 at the same time so you can talk about those items together. And so we would suggest that you bring all four items up at once and I hope everybody is considerate of everybody else's time.

Mayor wynn: understood. Thank you, mr. guernsey. Council, as staff gets ready to present these -- their piece of these four cases, and I agree we should bring them all up at the same time, something for us to include, and citizens to be thinking about, and just to give you some broad numbers 90, regarding the number of folks signed up wishing to speak and if they all speak and if they all take a lot of time, what we're looking at tonight, because it might allow us to -- as we're listening to the case being presented by staff, oftentimes big lengthy cases like this council does take the action to waive the ordinance rules and set the -- set different rules, time parameters, or whatever it might be, for cases. So we'll be thinking about what might be our strategy to help most folks get home at a reasonable hour tomorrow morning. [Laughter] and then we'll take up probably that little discussion right before we take a lot of citizen feedback. 90, oak hill plan, 31 folks signed up wishing to speak and if they all speak and take their three minutes -- and the time that people who are here are donating time to them, it would be about 90 minutes and change, so an hour and a half there. Item 91, the west zoning cases, for lack of a better term, 68 folks wishing to speak and people giving them time, that would be well over 200 minutes, so three and a half hours. Item 92, the east zoning has 20 speakers. That's another hour, and item 93 has 17 speakers at 48 minutes, so if we were to take these sequentially and if people actually spoke to both the plans and then turned around and spoke to individual zoning cases in theory, it would be well over -- it would be seven hours' worth of concurrent -- and that's if we're very efficient and if people cannot take any seconds between the three minutes. So because of that dynamic I'm going to suggest that i would anticipate there being some dialogue here before we start the citizen testimony to figure out how to be as, you know, equitable as we can be, recognizing the important decisions to make and I prefer to make those 00 in the morning. So with that, why don't we have a staff presentation of these combined zoning cases public hearings, 90 through 93. Welcome.

My name is maureen meredith. I'm a planner working on the oak hill plan and I'm going to give a very, very brief presentation before we head into each of the individual tracts by color. Next slide, please. As you stated, these are the agenda items in p 2008, 0025, c14-2008-025225, and 129. Previous city council actions on august 7, we received general public testimony on the plan, document in the flum with public hearing held open. City council directed staff to provide information on specific topics, which we brought back on august 1221. Staff presented the information presented on august 2 and on 9 it is 28 council presented the zoning tracts and plan. Today we will present the flum contested tracts, the flum and zoning contested contested tracts, zoning contested tracts and if council wishes we can show the sos zoning tracts that are outside of those currently contested. This map shows that the light green

areas are the areas that were approved on first reading on August 28. The light blue areas are the areas to be discussed today. So the first are the contested flum tracts. This is the map that we'll be working on starting from the top left where the blue is and then we'll just work our way through the motion sheet for each of these areas. So I'll read into the record the property descriptions and staff recommendations for e, g, f and [inaudible]. Sorry. Tract e, address is 9100, 9116, 9120, 9200, 9220, 9300 west state highway 71, state highway 71 west, lot 1, block a, old bee caves road subdivision 1-d-1. And lot 8, block a, old bee caves road, subdivision 1-d-1. The current zoning in the land use is agriculture and gr. Planning commission recommendation from July 8 is for office mixed use land use. Staff's recommendation is for neighborhood mixed use land use. The subject tract is fronting highway 71 and Thomas Springs Road with gr community commercial district zoning. Staff recommendation is for neighborhood mixed use to allow for mix of neighborhood friendly retail offices that would serve the low intensity residential uses along Thomas Spring Road. This is less intense land use than what is zoning currently. Planning contact team recommendation is for office mixed use land use. Property owner and other recommendations, save our springs alliance recommends large lot rural single-family land use. Tract d is 8956 west highway 71, abs 2292 survey 36, 1-d-1, ward j. Abstract 2264, survey 63, DAR survey McCliewr habs 2292, survey 36 ward j abstract 2264, survey 64 dar surface McClureh 1-2-1. Current use is agriculture and ag. Planning recommendation is neighborhood mixed use land use. Staff recommendation is for neighborhood mixed use land use, the rationale being the subject tracts take front on this on highway 71, the existing zoning on adjacent tracts is gr commercial district and lr commercial district. To allow for neighborhoods serving retail and commercial uses. Because these tracts are also within the contributing zone of the Edwards aquifer. Planning contact team is for large lot rural land use. Property owner's recommendation is for mixed residential land use, save oak hill recommendation is for single-family land use. Tract f is 87768956 highway 71 west, old bee caves road, abstract 2292, survey 36, 1-d 1. Ward j, abstract 2264, survey 63, dar survey McCLUREH. Current zoning and land use is agriculture and ag. Planning commission recommendation is for large lot rural single-family land use. Staff's recommendation is for large lot rural single-family land use. The rationale being this tract takes access from old bee caves road and does not front state highway 71. Large lot single-family ural land use supports the desire in appropriate areas. This area is appropriate for large lot because it is one of the few undeveloped where large lot could be accommodated. It's closer to the sensitive balconies canyon land. Other recommendation, the property owner is for mixed residential land use. Tract z -- I'm sorry, tract g is 8776, 8956-9002 state highway 71 west. Old bee caves road abstract 2292, survey 36, 1-2-1, ward j, abstract 2264, survey 63, DAR survey McClureh. Current zoning and land. is agriculture and ag. 9002 Old bee ceafth road mobile homes. Planning commission recommendation is for large lot rural single-family. Staff's recommendation is for large lot rural single-family land use. The rationale being that the lorg lot rural single-family land use supports the community's desire for large lot residential in appropriate areas. Because this tract is adjacent to the environmentally sensitive balg con he's staff is remging lower intensity residential use. Planning contact team remghts is large lot rural. The property owners is for mixed residential louisiana at this point if the people in favor or opposed would like to speak, we can just take each all right separately. so make sure we're going to handle this in the most efficient way for everybody. So technically these were the --

contested flum tracts. which is item 90, the plan, correct?

Yes.

Mayor wynn: yes. Well, so --

mccracken: we'll go through the flum items and take this group, hear the testimony, and if we could put the map back up on the screen, people can look at those tracts and those are the ones we're talking about. Then we'll go to the next group, which will be a different color and we'll talk about that group, and then we'll take them in groups and go through, but we'll go through the flums first, the future land use map, and then we'll take the flums and the zoning and then we'll go through just the zoning changes. But this way we'll just talk about the de and up -- i don't know if you can zoom out just a little bit. People can see the context of where they are, qhs in which is in the upper left-hand corner, but we'll take each group -- all these tracts are right by each other and people in the audience aren't having too talk about each other, they're running back and forth. We'll bring them up in groups, it will be easier to talk about context, usually they share common elements or interests within that little group of colors. that's not the only way we can do that but it seems to me that if folks are here contesting a future land use map designation part of this 90, my instinct is a bunch of them are also the very same people are here to contest the zoning, either in the east or the west part of the plan, which are items 91 and 92. So I guess what I was hoping we were going to be able to figure out how to have folks, frankly, you know, be able to speak once about that tract, a combination of both plan, item 90, the flum, and a specific zoning tract as opposed to -- i mean, that way if folks wanted to leave they could leave but have folks give a little bit of testimony about future land use and go cool their heels a couple hours before they come back and talk about the very same tract of land, the actual zoning.

The items we're talking about are just the flums. They don't have a rezoning associated with them. We could go through all the flum items and have testimony on all the flum items. these -- i mean --

there aren't contested zoning changes with the flum items that are by themselves. That's kind of our first batch. That's what we're going through now. Then we can take the second batch where the flum and the zoning changes, and they don't overlap with the other two groups, and so we'd just take those, and then we'd just take the zoning. The only exception to that is item no. 93.

Mayor wynn: right. I think it's 48 on 8 william canon. That is a separate flum item by itself, and we would skip that and bring that back with the posted zoning item. What we could do, though, is go through just the flumes. There's no zoning changes associated with any of these, present them all at once and then you can hear testimony, or we can batch them as we're just suggesting now. Whatever you feel is most comfortable to you. well, you know, frankly I'm also thinking about just the comfort of folks here. I'd just like to be able to do at least the flum -- conte designations and if they're also a contested zoning cases, the same people, the same tract of land, I'd like to be able to give folks a chance to do that once and not have to do 00 hour and half of it in the 1:00 a.m. hour.

Right. Understood. But the ones that are presenting now there are no zoning cases attached to them. They're just flumes.

Mayor wynn: all right.

So we can go through just the flum list and then hear testimony on that. The flum and zoning ones are together, and then the ones that are just zoning, there's no flum issues with those.

Mayor wynn: okay.

We've got them broken out so they're discrete groups and there should be no overlap.

Mayor wynn: okay. All right. So I guess our question to the folks here, just to help yourself out, is to frankly try to -- after this presentation, trying to figure out if you're really here to worry about, talk about, give us testimony about the zoning of a tract of land, you might not need to talk about the flum, but you're certainly welcome to, and vice versa. It might be that, you know, what you think might be a zoning need for testimony is really about the future land use map, because a bunch of the same folks, it looks like, have signed up, even though -- on two to three of these cases. you may have numbers from the public that are part of an organization, you know, save our springs or ohan, and they may want to speak to flum and zoning and flum and zoning. So that's where you might see some overlap. But the way these are grouped, the flums are by themselves and there's no zoning change associated with them. If you're asking about a zoning change, it won't be part of this first group because there are no zoning changes. That changes with this first group and the middle part is flum and zoning and the last part is only zoning. So if you were just speaking about the flum we would have already been through that group by the time we got to the zoning part, the zonal only part. well, so then know that on this -- technically this first one of the combined four cases we've called up, item no. 90, Of these 31 folks that wanted to give us testimony, I guess what we're suggesting is that if they are here about one of these particular tracts you show in blue, efbf -- f and g, now would be a good time to give us that testimony, but if they're signed up on 90 because they also are going to be talking about a contested zoning tract -- that won't be part of this discussion because that will come later, in a separate presentation.

Mayor wynn: okay. Sorry, folks, by spending ten minutes right now on this it might save you-all a lot more time later, just trying to be as efficient as we can, but also equitable and give everybody who needs to give us testimony a chance to do that. I didn't hear your comment. But if there is a desire of council, we could read through all the items and then you can hear testimony and then vote on them at the end, but then you would have to keep track of the comments as we go along. that's right, as far as -- and so what we were thinking is that if we went through just the flum items that are contested, you could hear that testimony and vote on that part, take the next batch and vote on that part, take the next batch of flum items and vote on that part and break them down into bite size pieces. The other opportunity is to go through all the flum items that are contested where they're not contested with any zoning but just the flum, you could go through those and hear testimony. It might not be as efficient for the public if they're here just to talk about a zoning case later in the evening and they just want to talk about a flum item now, but when you get to the point where you want to vote, and I'm not saying you're not capable of this, but after several hours you might not remember the testimony that was given now --

mayor wynn: right. -- for a zoning item that might come up two or three hours from now on a different

parcel that's not associated with the ones we're talking about. So I think we're gumby like. We're very flexible in this respect. We can do all the flums or break the flums out and go through them in part. well, this is -- you never know the right answer, council. Why don't we just follow with staff's original recommendation. I mean, they have the same motive that we all do too. They want this to be as efficient and as painless as we can make it. [One moment, please, for ]

we'll bring zoning and flums together in the second group and then do the zonings final. And that way they can speak about any one of those different parts that they want.

Mayor Wynn: That makes a lot of sense to. Do we --

we can do that too.

Mayor Wynn: If there are folks that frankly were kind enough to need to or offer to postpone some piece of this for whatever reason,, I'd sure like the idea of rewarding them and letting them go home. I don't want to scare everybody into just postponing.

Let us present those that we understand are request for postponements. We do have some of the tracts are postponed, so we'll go through those. I'd like that idea, councilmember. I suggest we postpone the tracts that folks want to postpone and let them go home. And then we'll kickback to the flum and -- I also like councilmember morrison's suggestion that we do try to muscle through presenting the flum, and that way folks who want to talk about the flum have their three minutes and/or multiples of that given to them.

While she's looking through that, I'm going to ask law a question with one regard. Rather than reading the detailed legal description of each and every parcel, since we have a map on display out in the lobby, we'll have a map displayed on the screen, if we talk generally about the location if there is an address rather than reading the an tract number, the survey number, the acreage number, would that be fine?

I heartily endorse the idea of just reading the address.

And we will also speak to what the current zoning is and the planning commission recommendation, and then we'll leave it at that. Because you have on your dais the staff recommendation, the contact teams recommendation, the owner's recommendation, and that way you will go through very quickly, here the tract, what is zoned, what the commission recommended. And on dais that you have in your backup everything else. I think it will go much quicker tonight. I'll turn it back over to maureen and she can walk us through the postponement items and take those up.

Mayor Wynn: Great. Thank you.

Tract au is a portion of property fronting u.s. Highway 290. Current zoning is Ir. Planning commission recommendation was neighborhood mixed use. The property owner is requesting a postponement to november 6. Tract aq is the rearrest portion of the property, approximately 200 feet from highway 290.



Existing zoning is lo. Planning commission recommendation is office, land use. Property owner is recommending a postponement to november 6. Tract ai, this doesn't have an address, so I will read the legal. Abstract 538, survey 619, mast and p an tract 648 and var survey, jp hanson 0936 ache you were, 1-d-1. There is no current zoning because the property is in the county. Planning commission recommendation is for will large lot rural single-family land use. Property owner is recommending a to november 6. A postponement to november 6. This is in the contested zoning tracts and contested flum and zoning tracts chart. Tract 4 and aj is the rear west portion of the property approximately 700 feet from u.s. highway 290. Current zoning is dr. Planning commission recommendation is for single-family land use. The property owner is requesting a postponement to 6. Tract 3, nas is the west portion of the fronting highway 290. The current zoning is dr. Property owner is recommending a postponement to november 6. Tract 6 and at, property highway 290. Current zoning is r. Planning commission recommendation is gr-np. The property owner is requesting an indefinite postponement, which staff does not support. Staff would recommend a postponement to november 6. I believe that's all I have on motion sheet.

Mayor Wynn: So then, council, my recommendation is I'll gladly accept a motion to postpone those tracts as read into the record by staff. We'll get a second. And then I'll ask if there's anybody that would like to give us testimony about those postponement requests or particular tracts. guernsey --

I just want to note two things. On I think it's tract 6 at, there was an indefinite postponement, but the desire is to be considered I think with the park west pud property, which adjoins this next door, which is not for you this evening. And item or tract number ae and tract v, ae being along william cannon west of becker road. And tract v at the intersection of patton ranch and 290. Those property owners like a postponement, but don't have a date for the postponement because they would like to be considered with a zoning case that's been recently file. thrower is in the audience that represents I think a, e and v?

Correct.

So I don't know if you want to include ae and tract v with your motion or not.

Mayor Wynn: Those weren't tracts read earlier?

No. Those two were not.

Mayor Wynn: Well, if staff feels comfortable that you have read that well enough into the record, then is the owner or agent request for postponement, then I'm comfortable getting a motion and a second. And if folks think they need to give us testimony we can take that before actually voting.

Why don't you get the motion and we'll get the legal on tracts a and e. On tract a 6 you have already read that into the record.

Mayor Wynn: So councilmember leffingwell moves that we postpone those tracts read into the record a few minutes ago by staff. I believe all of which were being postponed to november 6, 2008. No.

Because I think they're going to confirm some legal and come back with another proposed postponement request. I'll second that for discussion. So we have a motion and a second now on the table to postpone those tracts read into the record by staff. Since we proposed a request, I think virtually all by owners. Is there any of those folks here interested in any of those cases that would like to give us testimony, frankly, about our upcoming vote to postpone, just those tracts for two weeks? Yes, sir. If you could come forward and speak into the microphone, we will make sure we catch it for the record.

With reference to ae, there perhaps is one property owner that would like to postpone, but several here do not.

Mayor Wynn: Okay. Well, --

Leffingwell: According to what you said, a is not on the motion.

Mayor Wynn: Good. So we will have that analysis in a few minute. Again, these are just the original that staff read into the record off of our motion, those being where we have an existing request to postpone.

Leffingwell: I've got them if you want me to read them right quick.

Mayor Wynn: Can staff confirm that?

That's correct.

Mayor Wynn: So again we have a motion and a second on the table to postpone those tracts as identified by councilmember leffingwell. Thank you. Any folks related to those tracts in any way that want to give us testimony essentially about why we shouldn't postpone those tracts for two weeks to november 6? Any council comments about this postponement? These very few tracts? We have a motion and a second to postpone for two weeks to november 6, 2008. Those tracts read into the record. All in favor please say aye? Opposed? Motion to postpone those tracts pass on a vote of seven to zero.

These next two tracts have had zoning cases filed on them, and the applicant has requested that we pull them from the tracts to be discussed today, so the discussion of the future land use would be tied to the zoning. So I'll read those into the record. Tract ae, beckett estates. Addresses are 6710 beckett, 5503, 5505, 5511, 5601. 5609, 5615, 5703 Reynolds road and 6807 ridge oaks road. The current zoning is rural residential. The planning commission land use recommendation was for large lot rural single-family. Tract v, the addresses are 6300 and 63026254, 6266 u.s. Highway 290 west. The current zoning is cs-co on the addresses of 6302 highway 290 and 6300 highway 290. The current zoning on tract 6266 highway 290 is gr-h. And gr-co is the current zoning on 6254 highway 290 west. Planning commission land use recommendation is for neighborhood commercial land use.

Mayor Wynn: So, I guess, council -- before I even entertain a motion, is there anybody that would like to give us testimony or feedback about those tracts and the postponement item? Yes, sir.

Mayor and councilmembers, ron thrower, representing the landowners, multiple landowners for tract ae. We did recently file a zoning case on the property this week because we don't believe that rural residential is a future land use is appropriate along a six-lane roadway. Coupled with the future land use map, we want to have appropriate discussions that will parallel with the zoning process. And we would like the opportunity to bring the flum and zoning case to you as a package when we're ready to bring that forward.

Mayor Wynn: Anybody else specifically related to the ae -- I guess the beckett estates tract, anybody else that would like to give us testimony about this potential postponement? On ae first, on the become thrower just talked about.

Evening. My name is jim hogan. I've been here for awhile as well as you. Good evening and thank you for your time. I'm not really quite sure the forum since we're kind of skirting around, but generally that property that he is speaking of that is adjacent to william cannon is about a fourth of our neighborhood. Currently it is -- you a petition in your backup that's signed by some 33 of the 45 property owners that are in that neighborhood that do not want to change the zoning of that property and degrade what we've protected so long. I have a little bit --

Mayor Wynn: If I can, sir, while we're trying to figure out is whether or not we will want to grant the postponement request. We need some perspective, i agree about that, but let's frankly don't take up the zoning case unless it might be the will of the council not to postpone it and then we will go through the actual case, but if you can help us understand why you and/or your neighbors don't want to have this tract postponed.

Specifically the area that we're talking about ae is right here along this. And you have a group of neighbors from all of this area back behind it that are opposed. And so we choose not to put this argument off through the entire zoning and planning process. It's taken place through the planning commission, and just to be done with this. We've been back here three times, and we just want to be done.

Mayor Wynn: I can understand that.

I'll spare you the rest of this.

Mayor Wynn: Questions, council? So I think I can characterize this. So thrower, I think, represents the owner of that tract of land actually along the road, and the neighbors behind, and so therefore wants their postponement because they have filed a zoning case, I guess, and want to go through the other process, but the neighbors, many of the neighbors back behind would rather us take up that tract and that case as part of this neighborhood plan and the zoning format. Councilmember leffingwell.

Leffingwell: Is this not the first request for postponement by the owner's representative or does that apply in this case?

Mayor Wynn: This is the first request? Do know that our policy, our long-standing practice is that we grant postponement requests on the first request virtually automatically for either side, that is, either an owner or an agent and/or generally neighboring opposition. We virtually always grant the first time postponement request. Councilmember shade.

Shade: I know how frustrating it is to come back time and time again and we see that every week, but I really feel like we should not change the policy if this is the first request.

Mayor Wynn: Yes, ma'am, you may. Come forward, please.

I think we're all a little confused. Does this mean that thrower has changed the status of this contested property and it will become a zoning case now and go back to the planning commission? I think he filed --

he filed a zoning case.

[Inaudible - no mic].

Okay. The zoning case will go to planning commission. This property is -- that's what I'm confused about. Would it go back and start over with planning commission again now?

Mayor Wynn: Very good question.

Or is this just a postponement?

Mayor Wynn: Very good question. So if staff, either legal or zoning staff, could help me understand that very issue, that is, essentially as part of this big, long, comprehensive --

the flum has already gone before the planning commission. It's before you for action tonight. thrower is asking you is to have this particular tract wait for the zoning case to go back to the planning commission and get a representation and come back to you for city council where it would join the flum for consideration and the zoning case at a later date. And the flum wouldn't necessarily go back through the planning commission, it would come back before you for your consideration. It would just wait for the zoning case to catch up. The zoning case hazard just has just been filed. I cannot give you a date when that zoning case would come back to you. We could give an estimate. Maybe the second -- DECEMBER 18th? We could maybe offer december 18th because we know that's a scheduled date. And then suggest that as a date to bring back the flum for this tract with the zoning change at that time. It might be a little quick because we just got the case, we're not enough enough with it, but you haven't set your schedule for 2009 yet to know of a particular date. But if it was not ready, we could suggest another postponement to december 18th to a date that we will know of a date certain at that time to 2009. But right now, no. This is only a request to postpone the flum the commission has already taken thrower is just asking to hold this in abay ens until the zoning case goes through the commission and

get back to you.

Mayor Wynn: Because there's not an associated zoning as part of either 91 or 92 related to this tract.

That's right. And I understand it has just been filed since the last meeting where this came up.

Mayor Wynn: But there isn't a zoning case associated -- zoning vote tonight potentially associated with this tract, but there's a bunch of other ones. So what is triggering all the other zoning cases in 91 and 92 that didn't trigger a zoning change here.

They came up as -- previously we've had many hearings before the commission, before council they came up and they've been identified to staff as being contested tracts and they have worked through the process. This is kind of a last moment case that has just been filed and so the property owners is asking you to delay action on the flum today because they have just filed a case I think this past week or the week before. So at your last hearing, this case didn't exist. Now it does.

Mayor Wynn: Councilmember morrison.

Morrison: With all due respect to the property owners, if we recall the guernsey was just telling us, anybody that was going to object to the zoning that was going along with the flum was asked to mark that as of the last meeting, and it became a contested case and we approved everything else. And I know this may be a little different if we don't actually have a zoning or not with it, but I'm concerned about postponing it because of the process that we have been through to get here. This was a last-minute zoning change application that just went in. And frankly from a conceptual point of view in general, we want to be looking at what do we think the future land use would be and have that drive the zoning as opposed to having the zoning -- last minute zoning request drive the flum. And I'm not sure -- I know it's our common stance to go along with the postponement requests on a zoning case first time. This might be a little bit after different situation because of the process we've been through and it's a flum. So I'm not inclined to postpone it.

Mayor Wynn: Understood. Further questions of staff? Comments? Councilmember martinez.

Martinez: I want to make a quick comment that i understand the frustration, but I think if we don't entertain this and allow the zoning kay to catch up, you will only be more frustrated because you will have gone through this whole process and the property owner is still going to come back for a zoning change probably at a later date and you will have to go through every one of those hearings all over again.

Mayor Wynn: Yes, ma'am.

From what I understand, i thrower has -- is asking that this be kind of pulled out of the whole neighborhood plan and flum and treated as a separate property. And if that's the case, then why do we go through the three-year process with citizen input and staff input and all the work that's put into this if

at the last minute a property can be just pulled out and then treated as a zoning case? It's already been planning commission, it came up and was contested at the July 8 planning commission meeting and they voted to keep it zoned residential. So in other words, it sounds like we're going back again.

But ma'am, that's just the. That's why we're here every doing zoning cases because even in areas where we have neighborhood plans and we have adopted flums, a property owner still has a right to make a request for zoning change, and that has a process and it eventually comes to us. I know it's frustrating, but we can't ever -- we don't have anything that removes the right after property owner to come to this property and request a rezoning. So yes, it may feel like you're starting all over. It may feel like that's not what the neighbors voted for, that's not what they wanted, but it never precludes the property owner from coming back to this council and the city and saying, we think a better land use would be whatever. And that strikes a whole new process.

Mayor Wynn: Further questions? Mayor pro tem.

McCracken: I'm sorry, because I'm trying to get my arms around this. If we grant a postponement, what -- my understanding is that the future land use map designation at the point we make it, that would prevent a zoning -- a zoning case that was contrary to the flum from coming forward for a year, is that right? Guernsey, help us with that.

That's correct. It would -- this application is already in, so it would not make a difference with respect to that in one sense that --

McCracken: When was it filed?

This week.

If it is council's desire to consider both the flum and the zoning at the same time, then staff would suggest December 18th because that would be the date furthest out that you have a date certain meeting. If it is your desire to postpone to hear the zoning and the flum at the same time.

McCracken: And if we vote tonight, are we voting just on first reading tonight?

If you're voting tonight it would only be for first reading on the future land use map.

McCracken: I know this is our usual practice to grant a property owner's designation, but if we postpone the Oak Hill vote now I think three times now and we promised all the neighbors we would hear their cases tonight. And while I don't like to do this, to go against normal process, this is an unusual circumstance because we have promised the neighbors. They've waited until almost 8:30 already this evening. I think that since we're only doing first reading tonight we need to do it, given all the postponements. I guess that would be a motion to deny the request for postponement.

Mayor Wynn: So technically our staff read how many tracts --

the beckett estates in tract v, which robert cleeman represents.

Mayor Wynn: B AS IN BOY?

V as in victor.

Mayor Wynn: So you read two tracts. Well, let's -- owe.

McCracken: Grant the postponement on v and deny --

Mayor Wynn: Let's make sure there's nobody here wanting to --

I'm confused about what --

Mayor Wynn: Frankly I haven't accepted the motion yet, I haven't asked for a second yet until I try to get a little more clarification here. Perhaps before we take a motion, I know that cleeman wanted to visit with us about I guess the second tract, tract v, is that right, mr. cleeman? Let's hear your quick story because there might be some neighbors here that may even want to contest that postponement as well.

My name is robert cleeman here on behalf of charlie draper. V is actually comprised three tracts, but one is the austin pizza garden. We don't represent that. The request for postponement does not apply to that tract. It is only where the wiet's nursery is, which I think is 6300 and 6302 is the address for that. This is a fairly complicated piece of property. Zoning case was filed about two months ago, not to change the use designation on it, but to remove some conditional overlays. And because of where this property in terms of its proximity to williamson creek, but being in the barton creek water, it's something that's going to take quite a bit of time to explain to the council, and I've been representing draper on the flum issue since -- in june this was a contested case. We've been pushing for the vmu all along. We just think it's so complicated you will be stretched thin tonight that this makes more sense. That when the discussion on altering the co's on this property comes up, that's when y'all can be fully briefed. And the point of this is the basis of the staff recommendation is for environmental reasons. This also brings in the redevelopment ordinance. It's a very complicated piece of property that is going to take more time than y'all probably are open to addressing tonight. I'm not aware -- you may be surprised I'm not aware of any neighborhood opposition on this. And again it's just asking for mu on a property already zoned cs at this time. So we would ask for the postponement again to link it up with the zoning case, it's been on file for two months.

Mayor Wynn: Are there any folks that are here that would like us not to postpone this tract v as described by staff and mr. cleeman? All right. Thank you all. Councilmember leffingwell.

Leffingwell: On the postponement request for tract ae, I think there are really two different questions here. We've got the tradition of granting the first request for a postponement. We don't have the tradition

of granting a postponement to a date far out in the future. So I think the other option is to grant the postponement until november 6, and that fulfills our obligation, perceived obligation to honor the first request. It doesn't necessarily give the applicant everything he wants.

Mayor Wynn: Because we have already postponed -- let me make sure I say this right. We already have postponed some of these flum cases to our november 6 meeting, correct? So we are owe.

Yes, on a previous action.

Mayor Wynn: I guess we've already just a few minutes ago, we've already taken some flum or flum decisions out of this first shot at a first reading, so we're already acknowledging that there's going to be a handful of tracts that at least we'll take up in two weeks regarding this first tract, that is, ae beckett estates tract. I start sort of in the same spot that councilmember morrison is, the concept of neighborhood planning is that we try to do a big comprehensive land use analysis of an entire swatsz of town. And it is different than the actual zoning. At the same time, though, there's a zoning case that's been filed, yet you have to recognize that process as councilmember martinez points out. I'll go ahead and entertain the mayor pro tem's motion. So I guess the motion would be then to -- I'm sorry. Ma'am, were you going to give testimony on this postponement dilemma.

Yes, ma'am. Sandra balance drij, I am the president of the oak hill (indiscernible). Beckett estates was brought up at the very end of the planning commission meeting by the landowner. It had not come up as a contested case before that, but I would offer to all of you that we have now been through three postponements with council, and the longer we continue to postpone approval of the flum as a whole, of which this is an objected case, the longer all of us are going to sit here and continue to debate it. So I think if you give to november 6, that's probably sufficient, but december 18th leaves the flum open forever and that's not what any of us desire.

Mayor Wynn: Understood. But you also correctly recognize we already have now just postponed a handful of these flum decisions at least for the first reading flum decisions until november 6. So I'll entertain a motion on these two additional postponement requests McPOSTPONED TO NOVEMBER 6. And I can't remember what v was proposed for.

Just v was -- the zoning case is much more mature. It's been in the process for two months. Do we know when it's coming up to planning? Liewflt I said, it's been in the process. It's probably pretty close. milk McRobert, what --

McCracken: Robert, what date do you want to postpone to? What date is that?

I'm seeing if staff has an answer to that, but I'm not seeing anybody responding. No. But it's been with y'all for two months.

If it's been in process two months, if we were to schedule it for the next commission meeting, it would



probably be november. And get to you in early december at the earliest.

McCracken: My motion is to postpone to the first meeting in december. And start moving things along here. Postpone v to the first meeting in december, whatever day that is. Postpone ae to november 6.

Mayor Wynn: So motion by the mayor pro tem --

IT'S DECEMBER 11th.

Mayor Wynn: Motion by mayor pro tem to postpone the ae beckett estates flum tract case to november 6, 2008. And the tract v case to december 2008, when we anticipate zoning case before us as well. Seconded by councilmember leffingwell. Thank you. Again, motion and a second on the table for a bifurcated postponement of these two tracts. Further comments? It's not encourage about the rest of the evening. All in favor please say aye. Opposed? Motion passes on a vote of six to one with councilmember morrison voting no.

So if I understood the procedure correctly, I now just read through the flum contested tracts, just give the tract number address, current zoning, planning commission land use and just read straight through? Is that what we decided?

Mayor Wynn: I think that makes sense.

That will be through all just the contested flums. There's no zoning associate with any of these. And so we'll just read through all of them. Anyone can speak to any of the contested flum tracts that haven't already been postponed.

Mayor Wynn: Thank you.

So I already read into the record e, d, f and g. I will now go to tract a. I'm not sure if y'all want to post the maps, the overall map. It's a yellow section on the top left. The address is 8818 travis hills drive. Current zoning is multi-family 1 co. Current land use is multi-family. Planning commission recommendation is for neighborhood mixed use. Tract b, the addresses are 5504, 5507, 5604, 5702 travis cook road. 5601, 5601-B sunset ridge. 8724 Travis hills drive. And the current zoning is rural residential. Planning commission recommendation is for neighborhood mixed use. Tract c, the addresses are 5500 and 5510 sunset ridge road. 5611, 5701, 5707, 5801, 5811 travis cook road. Current zoning is sf-3 on 550 and 5510 sunset ridge road. And 5611 and 5701 travis cook road. The current zoning is rural residential on 5611 and 5701, 5707, 5801 and 5811 travis cook road. Planning commission land use recommendation is for neighborhood mixed use. The next section is orange and it's still on the top left. Tract letters and address is ak. Address is 6000 mountain shadows and 6720, 6721 -- 8720 and 8721, 2723 and 8724 mountain crest drive. Current zoning is rural residential. Planning commission land use recommendation is for mixed residential land use. Tract al is 8703 mountain crest drive and 8701, 8705, 870 and 8800 sky mountain drive. Current zoning is rural residential. Planning commission recommendation is for mixed residential land use. The next tracts are in green in the top left. Tract h is the front portion of

properties fronting highway 71. The addresses are 89018955 state highway 71 west. Current zoning is rural residential. Planning commission land use recommendation is for large lot rural residential single-family land use. Tract I is a rear portion of properties. The addresses are 8901 and 8955 west state highway 71. Current zoning is rural residential. Planning commission recommendation is for single-family land use. Tract j, the addresses are 8801 and 8835 state highway 71 west. Current zoning is rural residential. Planning commission recommendation is for office mixed use lan use. Tract k, the addresses are 6600, 6704, 6720 and 6800 covered bridge drive and 8707, 8719 and 8733 west state highway 71. The current zoning is gr. The planning commission recommendation is for mixed use land use. The next tracts are in purple near the center left. Tract m, the addresses are 8305 state highway 71. The other two tracts do not have addresses. 29 acres of lot 1, block 1, valley view acres revised. 929 acres of lot 1, block a valley view acres revised. I guess they're separated tracts. Current zoning is lr on address 8305 highway 71 and rural residential on the .929 acres of lot 1, block a valley view acres revised. Planning commission recommendation is for neighborhood commercial land use. Tract ah, the addresses are 7919 west state highway 71. The zoning is rural residential single-family 2, lo and cs. Planning commission recommendation is for office mixed use 500 feet from state highway 71 and single-family on the remainder of the tract. I'm going to back up to the property descriptions because the other three tracts do not have addresses. So the second one would be abs 114 survey 91, bond aj acreage 7.83 acres. An abstract 114, survey 91, bond aj acreage is 8.17. The third one is abstract 114, survey 91, bond aj, and the acreage 23.56 acres. Tract n the address is 7700 state highway 71 west. The current zoning is gr. Planning commission land use recommendation is for neighborhood commercial. Tract an is 7715 old bee caves road and lot a sailor's subdivision 1, and an tract 114, survey 91 bond aj, acreage 10.17. The current zoning is rr and gr on portion of 7715 old caves road. The planning commission recommendation is for mixed residential land use.

McCracken: Do we have to read this in? I think it might help speed things up.

Yafs your statement?

McCracken: Can we just get started.

Mayor Wynn: Was there a legal requirement, tom, for us to -- I think it the folks about to give us testimony to make sure that -- what tracts.

McCracken: Okay.

Continue to read the addresses and the legal fz it does not have address?

Let me follow along and I'm going to suggest if it's the legal is too long, maybe I can fine a better way to describe it quicker. Which tract are you on?

We're now on yellow. P page 6.

Which one are you on?

We're going to start at ap. Ha has an address, o has an address, but ao has addresses and legal description. 885-acre tract in the an tract 28 anderson survey. And lot b redecision of lot a --

okay. I'll just start at the top. Tract ap is 7101 and 7105. 7201 Old bee caves road. Planning commission recommendation is for mixed residential land use. Tract o is 6901 old bee caves road. Current zoning is cs. Planning commission recommendation is for mixed use land use. Tract ao is 6 '69 02, 6904, 6912, 7100 and 7102 old bee caves road. Abstract 28, survey 93, 88 --

that's what I just read.

But it's three separate tracts. I think that's the point. I read all those into the record.

Okay.

Current zoning is rural residential. Planning commission recommendation is for mixed residential land use. Tract p is 6804 old bee caves road. Current zoning is interim rural residential and planning commission recommendation is for mixed use land use. We're now on the pink area tract q. 7110, 7112 State highway 71 west. 7101 State highway 71 west. 7748 U.S. highway 290. Did you want to shorten this abstract description?

Are you on q?

Q, yes. Under austin community college. 01-acre tract out of tract abstract of the williams survey. 7001, 7103 Oak meadow drive. Current zoning is gr-lr, gr-co and go-co. Planning commission recommendation is for major plan development. Tract am is -- 3-acre tract. A 59.722-acre tract. 37-acre tract all out of abstract 788 of the williams survey.

And addresses are 7230, 7338, 7800, 7924, 7936, 8016 u.s. highway 290.

The addresses is all we need on that one, right?

When there's a semi colon, there are two separate tracts, two additional tracts.

Any time a legal appears there's because there's no address. Okay. 299-acre tract in the western 41 acres of the schmidt exphition. 29 acres is also abstract 78 of the williams survey.

Current zoning is pud, single-family 6, gr-co and lr. Planning commission recommendation is for major plan. Tract s is 6858, 6864 and 6912 u.s. highway 290. Current zoning is rr-gr and interim single-family 2. Planning commission recommendation is for major plan development. We're now on the orange color tracts. Tract aa is 7813, 7825 u.s. Highway 290 west. Planning commission recommendation is for commercial land use. Treaf tract t is 8186 u.s. Highway 290 west. 78-Acre tract of abstract 4, 54 of the

johansson survey.

Current zoning is rural residential. Planning commission recommendation is neighborhood mixed use. Tract z is 8600 thunderbird road.

Part of lot 17 a, resubdivision of the lot 16 through 19 west oak section 2 subdivision.

Current zoning is cs. Planning commission recommendation is single-family land use. We're now on the green tracts. Tract au, that tract actually we have made a motion to postpone that to november 6. Aq was postponed to november 6. And ai was postponed to november 6. Tract u is the gray area. 5914, 6000, 6104, 6200 And 6210 william cannon west. Current zoning is gr-lr and lo. The planning commission recommendation is for neighborhood mixed use. Tract ae was the beckett estates. That was postponed to november 6. Tract ag is 4808 william cannon drive. Current zoning is single-family 2. Planning commission recommendation was single-family land use. This tract is also associated with agenda item number 93.

Mayor and council, on item -- that tract ag we just suggest you defer until we bring that up with 93.

Mayor Wynn: Thank you, mr. guernsey.

We're now on the tracts. Tract ad is 6102 hill forest drive. Current zoning is sf-6 and sf-3. I'm sorry, there's two addresses. 6102 Hill forest drive and 6110 hill forest drive. Current zoning is sf-6 and sf-3. Planning commission recommendation is for single-family land use. Tract as is 4600 and 4701 monterrey oaks boulevard and south 6100 mopac expressway. Current zoning is multi-family. Planning commission recommendation is for mixed use land use. Tract b was proposed to DECEMBER 11th. Tract x is 5440, 5500, 5508, highway 290 west. Current zoning is cs-co and cs. Planning commission recommendation is for neighborhood commercial land use. Tract ac is 60 # 08 morning dew drive and 06, 6016, 6028 and 6032 old bee caves road 5801 u.s. highway 90. Current zoning is gr, lr, mh, l, co and single-family 2. Planning commission recommendation is for neighborhood mixed use. We're now on the red tracts. Tract ab is 5613 patton ranch road. Current zoning is dr. Planning commission recommendation is for multi-family land use. Tract ar is 5113 and 5303, 5113 and 5307 southwest parkway. Current zoning is lo-co, lo, mu, co and go, mu, co. Planning commission is for mixed use land use. Those are all of the future land use map contested tracts.

Mayor Wynn: What we're going to try to do is take citizens -- unless there are further council questions of staff, then what I think our process here then is we will technically I've opened up the screen for the citizen testimony sign-up for item 90, public hearing number 90 regarding the future land use map. Staff just introduced all of those cases, noting that one of those relates to item number 93 and a number have been proposed. And so and I call your name and we still want to give you testimony, please step forward and help us identify the tracts that you may have issue with. Is stan caskey still here. He signed up wishing to speak. And it looks like steve caskey was prepared to donate time to stan. Please come forward. Is steve caskey in the room? Our rules are people have to be present in the chambers in order to donate their additional time to another speaker. So if he's not here, then stan you will have three

minutes. And you will be followed by -- I will also awho will be speaking next to folks can be prepared to speak to save us a little bit of time by the end of the night. Our next speaker Our next speaker Will be sandra baldridge.

My name is stan caskey. I represent my family who owns the property at 79 highway 71 west. We've owned that property for over a quarter of a century.

I'm going to interrupt for a second, stan. Staff could help us by as folks come and give us an address, if staff could help us identify on our big sheet here what color and what letter designation.

It's ah and we own the west -- very western portion of ah.

Mayor Wynn: What color is that?

The color is purple, right on 71.

Mayor Wynn: Thank you. Please continue.

Anyway, we've owned this property for over a quarter of a century. We support the staff recommendation for this tract. We have had current zoning on this property for 20 years. We have worked with the original oak hill planning board for three or four years back in the mid 80's. We accepted their recommendations in 1988 and would like our future land use to represent that. The planning commission recommends a 500-foot buffer ignoring our current zoning and already agreed to by both the landowners and the city of austin. I would ask the council to support its staff's recommendations. Thank you.

Mayor Wynn: Thank you, mr. caskey. Questions for stan, council? Thank you, sir. So sandra, welcome back. You will be our next speaker, to be followed by rick per kins.

Mayor, councilmembers, i could probably stand up here and recite this in my sleep, but I won't because we'll all be asleep. I have a plat map that they gave me for ah, which you were just looking at that i would like to put up there because there is some confusion about the zoning on that property, and it has pertinence as far as ah is concerned in the future land map.

Mayor Wynn: Thank you. If you could use a microphone there and you might need to use your finger and point to different elements of your visual there.

This piece of property when it came before the taskforce, which was made up of oba, ohan, and the neighborhood planning contact team was scheduled for -- I'm sorry, I don't have it with me. I think it was all neighborhood. And we looked at the plots around it up and down highway 71 and there is an awful lot of land use that was either neighborhood mixed use which could allow for retail or it mu. And in the hopes of breaking up some of that contiguous land use along highway 71, which is all in here, the contact group, the taskforce, wanted to make this office mixed use, neighborhood office so that we got

some commercial to break up all the retail going out and coming back in. When we got to planning commission, the neighbors around the area wanted this all left rural. As you can see from the map, there's multiple zonings on this property, and since zoning trumps land use, some of this may be a moot point. We got to a compromise of having residential property at the back of the property and commercial at the front, which is what you see and what we have been contesting with staff over since this plan started because we feel that the highway frontage needs to be a buffer to the neighborhood, not the entire project. What you see presented before you from staff is an entire configuration, but actually what was proposed was 500 feet on the front and then the back half being all rural residential. Rural residential isn't going to work under an sf-6. The highway frontage, because of the construction of the highway, is going to take out part of that 200 feet of the 500-foot buffer. So what the landowners would request is a thousand feet from the highway knowing that they're going to lose about 2 feet to the highway. Your motion on lot d, which planning commission recommended neighborhood mixed use. It currently agricultural, and we have one of the goals of the neighborhood plan is to preserve as much of the rural character as we can, and it's not at an intersection, so I would ask for a friendly amendment to actually make large lot rural single-family along with f and g.

Mayor Wynn: so let's see. All right. So council member Leffingwell, on b, again, the planning commission recommendation, as we heard was neighborhood mixed use land use, as was staff. Planning contact team recommended large lot rural single-family land use, and that's actually the motion to amend.

Morrison: right.

Mayor Wynn: okay. So I guess the motion -- the potential -- the proposed amendment to our motion is tract d going from the planning commission recommendation, our third column, over to the fifth column, which is the planning contact team recommendation of large lot rural single-family. It's on highway 71. It's highway 71. actually -- I'm sorry, council member. Without objection, with all due respect, I think the best way to deal with this as opposed to you having to decide whether everything is friendly, with all due respect, I think legislatively it might be easier for us just to -- that's a proposed amendment, see if we can get a second to that proposed amendment and we'll just vote on that.

Leffingwell: okay. Good. make it easier for everybody. We have a motion by council member Morrison to amend our main motion, change tract d from to the planning contact team recommendation, large lot rural single-family use.

Cole: second. seconded by council member Cole. Further comments on the motion to amend -- or motion to amend. I guess if staff could just help me with some real broad sort of definitions, if you will, and help me understand, you know, the real-world impact difference, the delta between neighborhood mixed use land use and what's proposed.

I'll just go ahead and make sure I don't misconstrue them and just read it directly from the -- actually, before you get that, Guernsey, or Maureen, how many readings is staff even ready for?

I'm sorry, how many readings? Just for the second, i believe.

Mayor wynn: just first? So staff --

I'm sorry, first, yeah.

Mayor wynn: all right. So all -- the main motion and therefore the motions to amend are all first reading only. Thank you.

Okay. Neighborhood mixed use is an area that is appropriate for mix of neighborhood commercial small scale retail or offices, professional services, convenience retail and shop retail that serves a market at a neighborhood scale, medium and small to medium density residential uses. And what was the -- and large lot rural single-family, obviously single-family would -- you know, how -- like how large are the lots, for instance?

Large lot rural single-family I believe is sf -- rural residential to sf-1. so, I mean, are we talking, you know, quarter-acre lots or full acre lots? What's the -- without getting too detailed --

10,000, 10,000 acres and assess -- I'm sorry. so a quarter-acre lot --

rr is one acre lot. Sf-1 is 10,000 square feet. so large lot rural single-family land use on a flum can mean sf-1, which can mean four lots to the acre, in round numbers, or it could be much less dense than that as well.

Reporter: uh-huh.

Uh-huh.

mayor wynn: okay. Any further questions or comments on the motion and a second to amendment tract d, page 1? Council member morrison. I just wanted to make one more comment about this. This land is agricultural right now and I wanted to remind everyone that one of the goals is to minimize getting strip shopping all along 71, so if we convert this -- if it goes from agriculture to residential, that will be keeping the commercial at the intersection where e is where we are putting -- where the motion does include office mixed use. So that's my rationale for d.

Actually I want to correct myself. Large lot rural residential, typical zoning would be rural residential, and single-family was where the sf-1 would come in. ...

Mayor wynn: correct. Okay. Further comments, questions on our motion regarding large lot rural single-family land use? I guess my last one that maureen, before you walk away, is anywhere else in the flum or even existing that we likely will keep with zoning would we likely have single-family use along highway 71?

When we looked at the existing zoning along highway 290 and 71, we looked at it in terms of in the future could we really see these properties remaining residential along the highway, and we -- looking at other neighborhood plans, determined that that was probably not the case, and that was why we initiated zoning on some of the smaller residentially zoned tracts along the highway and recommended neighborhood mixed use along the frontage of this tract. So throughout the planning processes staff looked at the flum. We did come to the conclusion it was probably not likely to continue to have residential along these highways. and so when you say this tract, so as part of this planning process, the configuration of e, d, f and g is based in part on all this planning and even staff recommendation. That is, d was considered the frontage, if you will, of highway 71. F is considered the, you know, back -- back off of that as well as the frontage on old bee cave, correct?

Correct, uh-huh. so as opposed to a zoning case, the boundaries that we see on these aren't reflective of individual property lines. They're reflective of, from a planning perspective, what you-all and the planning team thought of as being, you know, broad delineations when it comes to land use?

Correct.

Mayor wynn: all right. and mayor, just to make sure I heard it right, I believe you changed your statement to say that large lot was rr, not sf-1?

Correct. and that would be one-acre lots.

Correct.

Mayor wynn: right. Mayor pro tem? help me with this. Are we in the neighborhood plan moving toward of a hill country roadway standard of setbacks? Is that embedded in the neighborhood plan at the moment?

We have it as a goal in the neighborhood plan to control signage and reserve landscaping along the highways, and it was discussed during the planning process that this was a desire, but as you saw in the last presentation on october 28, a lot of the highways is already developed. well, I'm going to support council member morrison's amendment, and the reason why is we have one area of town where we've really done an outstanding job of -- as it has developed, we've still maintained the scenic beauty and a lot of the environmental standards, and that's the area around 2222 and 360. And that's an example where you even have texas hill country standards, you'll have residential may be the closest use to the highway but you're still in a scenic beautiful area. And I think what I've heard of a common aspiration that has really brought people together in this neighborhood plan, and it is a desire to actually restore the native beauty of oak hill and be responsible about getting, you know, redevelopment in the area, particularly around the y. But as we get into more rural areas, do all we can to preserve the rural scenic character of it. So I don't think that just because it's on a highway that it should be strip commercial. The example we've seen on 2222 and 360 shows us the benefit of not pursuing that course. It's been good for the city. People like it and there's still plenty of commercial activity there, but it's -- it has not come at the expense of what we love about austin. So I think -- [applause] council



member cole? mayor, I also seconded this motion and am supporting it for a couple of reasons. One is I don't believe that every area of a highway has to be exactly the same. We've seen in other parts of the country where they make decisions to beautify areas of their highway, and this is an area that we're making a jump from agricultural to single-family, and I think that that is what the neighbors want, and we should try to accommodate that if it does not go too much against our zoning principles. council member shade? I just have a question. What's the difference between the residential mixed land use -- I'm sorry, what's the difference in what the property owners' recommendation is from what your staff recommendation is?

The mixed residential is primarily single-family, townhomes, apartments, with some neighborhood serving retail. That's the mixed residential. The neighborhood mixed use would have -- it could either be an office, which is I-1, I-2 or a mix of residential. So the neighborhood mixed use could allow a mix of uses, but it could also be one or the other. And mixed residential would be mostly residential with a small amount of neighborhood serving retail. So it has a lower component of commercial and a higher component of residential in the mixed residential. but the residential can be multifamily as opposed to the single-family also?

And mixed residential has to be at least half of the development needs to be single-family. further comments on our motion to amend? Council member leffingwell? just one quick one. We have talked about adopting the hill country roadway ordinance for 71 and 290 for those tracts it would still apply to, and I believe that would in -- in most instances that is an undeserved natural setback from the highway. So it would remain a scenic highway. That's the objective under any zoning. Is that correct? if it was developed out with single-family it would not be subject to that hill country requirement, but if that was developed with office or townhouse or condominium type development, retail type development, then you would have hill country that would come in. It comes in with the triggering of the site plan, and since single-family isn't subject to site plan requirement, those requirements would not apply. so if it's -- if it's mixed -- neighborhood mixed, it could be protected by the hill country ordinance, but it would not be. it would not be. You'd have large loss single-family. Hill country also has a 40% natural area requirement in addition. what about if it was -- what the property owner is recommending, the mixed residential land use. that portion that would be single-family would not be subject to hill country, but the portion that might be developed with commercial or townhouse apartments would be subject to hill country. mayor pro tem? greg, in the area along 2222, does that same rule apply, that homes are not subject to hill country roadway ordinance?

Guernsey: that's correct. Land values are much higher along that 2222 corridor, so that's probably why you don't see as many single-family homes pushed up. All those tracts are larger tracts of land, just as this is. And so the incentive of developing all of that with something other than single-family home is probably more enticing. I'm not sure if this tract of land is platted or not, but if it was subject to the requirements and you have a 25% impervious cover, it would apply in either instance, to residential or commercial, so the amount of development still would be limited by s.o.s. and do we have the ability to -- as we try to have a scenic highway there, as we do, along 360 and 2222, would we be able to impose a buffer or hill country roadway standards or scenic highway standards regardless of the use? if it was coming up for a zoning change or they're asking specifically for some site plan approval, the hill country

roadway site plan would be reviewed by the commission and they could impose some restriction. If they requested, if there's a zoning change being requested it could come in at that time, but if there's no zoning change required they could simply come in and plat. But the lots would be fairly large lots anyway because of requirements of the code. So you wouldn't have a great deal of development that would occur because of the save or springs ordinance. further questions, comments on our motion to amend? I would say I'll be supportive of this in part because it's first reading only. I am actually, though, intrigued, and I want to investigate, at least myself, the concept of mixed residential land use, from what I'm hearing about the dynamics, but first reading only, and it's a good start. Further comments on our motion to amend tract d? Hearing none, all in favor please say aye.

Aye.

Mayor wynn: opposed? Motion passes on a vote of 7-0, first reading only. And that again, just amending the main motion. Any other motions to amend tracts e, d, f or g? Page 1. And that takes us back to the main motion. Further comments on it? This will be the -- this is the motion for those four combined tracts now, page 1. Hearing none, all in favor please say aye.

Aye.

Mayor wynn: aye. Opposed? Main motion passes, page 1 of our motion sheet, first reading only, vote of 7-0. So council, I'll entertain a motion on page 2, those being the yellow tracts, a, b and c. And if staff could call those up visually. This is sort of a formality. Doesn't really matter who makes the motion, I think. Because then we're potentially going to have -- or maybe not -- amendments. I'll entertain a motion on page 2, a combined motion, tracts a, b and c as the main motion. Council member martinez? mayor, I want to ask staff a question about their recommendation, because it's directly -- tract a is directly adjacent to tract g, and on tract g that we just adopted, staff recommended large lot rural single-family use, but yet on tract a you're recommending neighborhood mixed use.

Let me get my zoning map. is that because of the current zoning that exists on it.

Yeah, the current zoning on those tracts in that area is multifamily, limited office, and a very small tract zoned rural residential. So when we made land use recommendations we looked at the existing zoning on the tracts, what it's currently developed, if it had environmentally sensitive areas and we looked at the land use maps that had stakeholder comments on it and we took into consideration all that in addition, of course, to the goals and recommendations. is it currently developed as multifamily?

Yes.

Council -- council, if it's helpful, I think the natural gardner is right there across bell drive, and that's a cs-type use, and that would be to the right of b and south -- or excuse me, right of a and south of b, or below b. The area, it's that large red tract. council member morrison? I wanted to -- I'm sorry I didn't quite get it. Did you say some of these are zoned lo, office already? Because my sheet isn't showing

that.

Let's see. This tract right here is zoned lo. but that's not part of a, b or c, is it? yes, that's part of a.

Yes, it's part of a.

It should have been listed with lo in a tract rr. is there any commercial non-residential on tract a at this point?

Let's see. I know that there's multifamily development. I don't know what's on the lo tract, if it's developed. Hold on one second. Looking at the aerial photo it appears to be developed. with commercial property?

I can't -- it looks fairly dense, at least just looking at the aerial. I'm not sure if I can zoom in enough for you to actually read it visually. I believe it's this area in here.

Morrison: okay. I -- my concern about this area and the proposal is that it appears to be creating a new commercial node. Now, I'm not quite sure, i know we have a commercial -- we have a the gardenville, but that's why I'm curious if we have any other commercial property there.

Well, I know recently one of these tracts, I believe here was recently rezoned for lo, in a fairly recent zoning case. This is the natural gardner. They expanded here. This is a limited office warehouse use. There are some single-families here. There's a change here. can we get that on the screen? We can't see what you're pointing to.

Oh, sorry. Sorry. Let's see. There's a church here. Natural gardner is here. They expanded natural gardner here. They had a recent zoning case here for lo. This tract here has a limited warehouse use. This is multifamily, and this is limited office. Here is that small tract that's rural residential. So because it was sort of this mix of zoning with commercial office residential and rural residential, we felt that neighborhood mixed use again sort of matched what was currently developing there. I guess I'd like to make a motion to go ahead with the planning commission neighborhood mixed use on a but then on b to make it large lot rural residential so it sticks with its current zoning, and single-family land use so that it essentially sticks with its current zoning rather than promoting a larger commercial zone there. So that would be on a, neighborhood mixed use, on b, large lot rural residential, and on c single-family land use. so we have a -- what I call a main motion now on page 2 by council member morrison, as we've heard. Planning commission recommendation on a and property owner or other interest recommendation on b and c. I'll go ahead and second that so we can then accept potential amendments to amend, or motions to amend, which I'll entertain now. So we have a main motion on the table. We'll now entertain motions to amend. Motions to amend. If not I'll certainly accept that. I'll just say before second and certainly third readings, my instinct was to stay with planning commission recommendation on these, but I'll just do that analysis between now and then, if need be. Again, any motions to amend our page 2 main motion? Hearing none, all in favor of the main motion please say aye.

Aye.

Mayor wynn: aye. Opposed? Motion passes on a vote of 7-0 on the first reading only. Takes us to page 3. Light brown. Ak and al. I'll entertain a motion.

Cole: mayor? council member cole? I'll move that on tract ak that we go with the single-family land use recommendation and that on tract al we go with the planning commission recommendation of mixed residential land use, which is basically mixed residential, which is the planning commission recommendation. se a main motion from council member cole, seconded by the mayor pro tem, identifying single-family land use on tract ak, and on tract al, the planning commission recommendation of mixed residential land use. We have a main motion and a second on the table. Any motions to amend? Comments on our main motion?

Morrison: mayor? council members morrison. for discussion I'd like to offer rural residential on al as a substitute motion, because that is currently what it is, and in terms of being able to preserve some of the lower density areas that are off the highways, I thought that would be a goal, whereas mixed residential might be encouraging, it's going to allow for some higher density. And this is a matter of -- not at an intersection and does have some rural character in the area. So -- okay. So that's the answer. Okay. withdrawing your -- that was more of a comment? yeah, it was a question. so we have, again, a main motion and a second on page 3, tracts ak, al, only al being planning commission recommendation. Further comments? First reading only. All in favor, please say aye.

Aye.

Mayor wynn: aye. Opposed? Motion -- main motion passes on a vote of 7-0, first reading only. Again, that was single-family land use, ak, and planning commission recommendation or mixed residential land use al. , j. and k. If you remember, k was schultz's tract, who we heard testimon earlier. Maureen, comments or --

I'm wondering -- I'm sorry, what is your question? I thought you were approaching the dais -- or the podium --

no, gary, did you want me to stay here? Jerry just directed me to stay here.

Mayor wynn: all right. Well, fair enough. So I'll entertain a motion, sort of a main motion, if you will, for page 4, tracts h, i, j and k. Council member morrison? I'd like the motion on h to go with large lot rural single-family land use, as well as on l and j, and then on k to go with mixed land use -- mixed-use land use. I'm sorry, council member, I didn't hear that.

Morrison: okay. I'll say it over again. please, sorry. on h, l and j, to go with large lot rural single-family land use. so actually -- I think it might help -- I'm not trying to give planning commission recommendation more credence or not, but it might help if we either identify the planning commission or

identify something saying it's different -- so on h it would be the planning commission recommendation.

Mayor wynn: thank you. on l it would be staff recommendation. j would be staff recommendation, and k would be planning commission recommendation. thank you very much. So motion -- I'll second her main motion, if you will, for h, i, j and k. For h, planning commission recommendation of large lot rural single-family land use. On i, staff recommendation of large lot rural single-family land use, on j, staff recommendation, large lot single-family. And on k planning commission recommendation of mixed use land use. Comments or motions to amend the main motion? First reading only. Hearing none, all in favor of the motion please say aye.

Aye.

Mayor wynn: opposed? Motion passes first reading on a vote of 7-0. Page 5, our purple. I'll entertain a main motion. [00:32:00] Leaf mayor? council member leffingwell? a planning commission recommendation on m, and planning commission recommendation on ah except 500 feet for office mixed use -- excuse me, a thousand feet instead of 500. Planning commission recommendation on n, and an. motion by council member leffingwell that I'll second. As we heard, planning commission recommendation on all four tracts m, ah, n and an, except that on tract ah to increase the office mixed use delineation from 500 to 1,000 feet off of the existing property line, highway 71. First reading only. Comments or motions to amend? Council member morrison? one of the things when I'm looking at that 500 feet versus a thousand feet, it looks like the planning commission's 500 feet carefully lines up with when the single-family lots start on the east. I wonder if you might be able to put a map up that shows the platting on the property to the -- I'm sorry, to the west. we could probably pretty easily just double the length of that boundary.

Morrison: right. So my concern about the thousand feet is that it then takes the red dot -- the pole polka dots on red, well toed end, which is significantly deeper than the other commercial that we're seeing along 71. So so that's to express my discomfort with the thousand feet, and to make a substitute motion to make it 700 feet. so we have a motion -- a motion to amend, reducing the thousand foot delineation on ah to 700. Is there a second to that motion? Hearing none, motion dies for lack of a second. I will say, though, however, I will be supporting the main motion that I second, but based on these very same issues, noting that there is a -- looks like a handful of lots on that -- I guess we're calling that west now, not north -- western boundary that would be impacted, you know, sort of theoretically by going to a thousand feet but knowing that there are compatibility standards, if staff could help me just a little bit over the next period of weeks, however long before we come back for second and third reading, to do a simple little schematic overlay for me to give me sort of a visual idea about how the compatibility overlay would -- how the development could very easily be forced to be different behind those single-family lots as opposed to what it would -- could be closer to highway 71, on that same property line. So thank you.

Leffingwell: mayor? council members mart? I'd like to see applies to this land, I think start wasn't sure. Not right now. Just moving forward before we get to second reading, to really look at you know, what type of development could actually go in there in terms of impervious cover, and with the current proposed flum, just so we can have a better understanding, because maybe at 700 feet that would be

reasonable, maybe not. Maybe nothing would -- you know, hardly anything would be able to be developed under that zoning category. But I'd just like to take a hard look at what the potential is for that development. again, we have a motion and a second on the table, item -- page 5, all planning commission recommendations for tract m, ah, n and an, except that the delineation for the office mixed use on tract ah will be increased from 500 to 1,000 feet. Further comments or potential motions to amend? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: opposed? Motion passes on a vote of 7-0. Takes us to page 6, though being the yellow -- the dark yellow tracts, ap, o, ao and p. Sort of like a grocery store chain. I'll entertain a motion. Mayor pro tem? this is the yellow ap through p.

Mayor wynn: yes. and I'll move to approve the planning commission recommendations. motion made by mayor pro tem, seconded by leffingwell, approving the planning commission recommendation for tracts ap, o, ao and p. Page 6. Comments or motions to amend? I was going to say, I know we did have a couple of citizen comments on tract o, if I remember correctly they were concerned that the staff recommendation of mixed residential land use was a little too restrictive. They liked the mixed use land use, so this also tends to comply with at least the testimony we received this evening. Further comments or motions to amend? Hearing none, all those in favor please say aye.

Aye.

Mayor wynn: aye. Opposed? Motion passes first reading only, vote of 7-0. Takes us to page 7. Tracts 2, am and s. Why can't I find tract s on my map. There it is, yes. I'll entertain a motion.

Cole: mayor? Council member cole. mayor, I'd like to make a motion that on tract q, that we follow the staff recommendation for mixed use and then we have two am tracts and for the, I guess, western am tract, I'm recommending that we go with the planning commission recommendation for master plan development, and then for the eastern end of the tract we go with a mixed use designation, and then for item s, that we adopt a staff recommendation. And I -- I will say that i think we've had a lot of discussions about the y area, and I think these zoning categories will give us the greatest flexibility of uses. so motion by council member cole that I'll second. I'll just restate this for my own benefit. On tract q, staff recommendation, so that's -- by saying tract q, that's -- because in my map that's, you know, one -- it's four, perhaps five of these delineated tracts, on the tro tracts shown as am, on the western larger tract shown as am, planning commission recommendation of major plan development, and on that eastern am tract

cole: mixed use. staff recommendation of mixed use land use. And then a tract s, staff recommendation of mixed use land use. Comments or motions to amend? Council member leffingwell? I'll offer an amendment noting that the planning commission and the oak hill planning team recommendations are the same, that being planned development -- that would be my amendment, to make all three tracts a major plan development. let me confirm this. So the planning commission and the -- and who else? the

neighborhood planning team recommendation, in all three cases, was for plan development.

Mayor wynn: correct. So we have a motion to amendment to go essentially with straight planning commission recommendation on all three tracts. I think I stated that right, for q, am and s. Planning commission recommendation. Motion to amend by council member leffingwell. I did not go with the -- actually see if we can get a second.

Cole: oh, I'm sorry. seconded by council member martinez seconds for discussion. Council member cole, comments? [One moment, please, for ]

and so we have a motion to amend by council member leffingwell, seconded by council member martinez to go with straight planning commission recommendation, and again, this is first reading only.

I just want to ask staff, can you explain briefly what exactly does do to label this as master plan development in the flum.

I'm not sure I would be the best person to answer it.

No matter how many we've done, it is like our first time too [laughter]

as you know, the way a flum works, your zoning has to be consistent with your flum. If it plan is designated major plan on the flum, the only two plans consistent with that is pud and pda. Which involves all the limit takeses on how often you can do -- limitations on how often you can do a neighborhood plan and who can initiate it.

Okay, I will remain supportive of it through second reading.

This is first reading only. Right. As will i. And that will help to have this, you know, analysis done. So again, we have a motion and a second on the table to amend to go with straight planning recommendation to go with all tracks q, a, m and s. Further comments on the motion to amend? Hearing none, all in favor of the amendment, please say aye. Aye. Opposed?

No.

So I think I heard one no. So motion to amend passes on a vote of 6-1 with council member cole shown as voting no. Consider that substitute motion, so the city attorney, let me consider that having about a southbound institute motion with no objection, council?

No objection.

That takes us to page number eight, or orange tracks, aa, t and z. I will entertain essentially a main motion, or a first motion. Somebody want to get us started with a main motion, collective motion on

page 8? Aa, t and z. I'll second what anybody comes up with [laughter]

mayor pro tem. .. it would be easier to start with z and say single family, I guess rural .. i .. and i will go with the single family land use for t, and also with aa. These are all largely undeveloped lots currently. Z's property owner requested single family, and on t, it's currently single family residence, largely undeveloped. And on aa it is a church largely undeveloped.

May I make note about tract aa.

Please do.

At the last minute a couple days ago, the property owner ended up supporting staff's recommendation of commercial and multifamily, and was no longer requesting commercial on the whole tract.

I guess I've been trying to .. do we .. we don't have a neighborhood position on this. Is that correct, maureen.

I think dave submitted the letter, if he is still here.

I don't think he is.

I will do a staff recommendation for aa.

So we have a motion on the ... although, I want to clarify, mayor pro tem on tract z, i guess planning commission and staff recommended single family land use but I also thought i heard you insert the words rural residential.

Single family land use is fine. I was trying to read. Because there wasn't a planning recommendation I got confused. .. i will recommend planning commission recommendation on aa .. I'm sorry, staff on aa, planning commission on z, and a single family for t.

So we have a motion by the mayor pro tem, seconded by council member morrison. Tract aa staff recommendation commercial and multifamily land uses, tract t, essentially other interest recommendation of single family land use, and tract z, planning commission recommendation of single family land use. -- Land use. Motion and second, I'll entertain comments or motions to -- or a substitute motion. Or motions to amend. Further comments? First reading only. All those in favor, please say aye. Aye. Opposed? Motion passes on first reading with a vote of 7-0. Page nine, our bright green tracts. Au, aq, and al, I guess it is. Oh, thank you. And page 10. I believe we're taking up ag as part of the 93 public hearing, if I remember correctly. I'll let staff confirm that. So I will entertain a motion on tracts, these gray tracts, u and ae. Oh, au was postponed, also. So just u.

Motion by council member leffingwell, seconded by council member martinez to approve planning



commission recommendation of neighborhood mixed use land use for tract u. Page 10.

Second.

Motion and second on the table. Comments? Council member morrison.

I think ag we didn't take up ..

It will be discussed with item 93, a zoning case into public hearing 93. Motion and second on the table. Further comments or motions? Hearing none. First reading only. All those in favor, please say aye. Aye. Opposed? Motion passes on a vote of 7-0. Page 11. Bright yellow. Ab, af. Council member morrison.

On this one, I would like on ab I would like to motion the planning commission recommendation of single family ice and on af I would like to make a motion for multifamily land use, which is listed over on the right. We heard testimony about this in terms of trying to keep it residential rather than adding commercial into the smoke that would allow that. -- Into the mix, so that would allow that.

Main motion by council member morrison, page 11, tract ab, planning commission recommendation single family, tract af, other interest recommendation multifamily. I'll second. Comments?

Mr. mayor.

Yes, sir.

I signed up for 92. .. on tract number ad but since this is going to be with the flum I would appreciate having just a couple minutes.

Help me then, staff. .. my screen just went blank, so we didn't tape up some tracts on the flum because they were going to be in the zoning cases 91, 92 or 93 in theory, right? So is that not the case with this one?

Well, his tract, you're talking about micky bentley's tract in particularly? Ad?

In is not proposed to be rezoned so it was simply a flum discussion tract.

So I guess had you known that, micky, you would have signed up for 90 at our public hearing we just had so please, why don't you take three minutes and give us testimony on tract ad. mayor, mayor pro tem and members of the council. Council member martinez was here earlier and a third person was here, betty negler who assigned me her minutes and she has been in here and she just can't stay here much longer.

Our rules are, council member can easy ask questions of you to continue a dialogue about testimony but the rules are folks need to be present in the chambers to donate their three minutes to you. So we

will set the clock and maybe you will inspire questions from council into frank boomer is here and he assigned me his three minutes.

Your name again, sir. You probably signed up on item number 90, too. So you have six minute if you need it. This is not proposed to be rezoned, which is why we're not taking it up in item 92.

Mayor, first of all, staff recommended this to be zoned high density six, so if we can put the power point, I would appreciate it. That's not it. Well, while he is cueing that in, the tract at ad, there is two tracts of land, one of them is already high density six. It is already a condo project, and this is two acres of land, which is the old ranch house, which west creek is made from, was cut out from. So what he tried to do on this track of land is retain the trees. And when we kai cue this thing up, we can tell there is a lot of beautiful trees on this thing and what we're trying to do is preserve them all. Have we found it over there? I have the stick again if you need to redo it. As I said, this track is a two-acre track, it is the old ranch house and it has probably about 35,000 feet of impervious cover ton right now, but this comes under sos and so there is the architects and the land planners have put a proposal together -- here it is. And what this proposal does, is you can see, along the front of the property is hill forest, and on the backside, from the backside are single family homes and on the left side there are single family homes with a large lot in the middle, which is not built on at all. I want to go backwards, I guess. This is an elevation of how that .. how it would fit on to the track of land. Also, you could see how the large trees are all circled and have a y in the middle of them, and these condominiums were clustered basically three to a cluster. And that's to keep the impervious cover down, number one, and number two, is to keep .. keep the development away from the single family dwellings as much as possible. And some of those distances are 100 to 250 feet back from the developments, from the single family. All in front of this property are duplexes right now, on the right side is a condo project. This is where the staff recommended high density six, or high density single family. This right here is hill forest. These are the condominiums that are right next door to it, which is already ss-6 which is high density. These are the duplexes right in front of this property. This is a piece of property that's for rent, just on the backside of the next street over. There is a lot of homes for lease, there is a lot of duplexes for lease, and some of them, unfortunately, aren't taken very good care of. This is the view of the property as it sits right now. This goes up to 71. Here is some of the beautiful trees that have been tried to be preserved on the property. And the way we've done that, or the land planners and architects have done that, they've gone in and necessary nestled these trees in between them. This is a lot of the concrete that was from the barns and the out buildings from the original place. This right here is on the corner of the property where a member of the west creek people tore down their six-foot fence, put in a wire -- put a gate on to the property and put a barbecue pit and called me up a couple ... about three and a half years ago, for years ago and said he wanted to buy that land. We said it wasn't for sale but he said hell would freeze over before any zoning would be granted or anything would be built there so he just decided to take the property. Here are some of the trees. This is the old ranch house. The previous owners who had this home, it was condemned for mold, so nothing could ever be done with this home. So it's eventually going to have to be torn down, but in austin you don't tear anything down until you can do something with the property. Here are the trees that were all tagged and measured four years ago when this property was purchased. That he is trying to preserve. This is here again the house. This is -- that was it. So basically, we're asking that you go back to the original staff recommendation of sf-6. It's consistent

with the neighborhood because right next to it seconds minute yum project that is already there. You've -- right next to it is a condominium project that is already there. This definitely improves the neighborhood. The neighborhood said this would create a traffic problem. A traffic problem down west creek and hill forest is just a block-long street but the traffic is really coming from over on William Cannon and its cut through and these 21 units will not make any difference in that traffic congestion. Thank you. If you have any question, I would be more than happy to answer them.

Thank you. Questions for Micky, Council? I'm told that apparently a couple of folks, as well as Micky, signed up on item number 92, I guess because thinking there was a rezoning of this tract, and so, unlike all the other folks earlier who gave us testimony on Flum cases, this being one of those, folks signed up instead on item number 92. So if there is anybody here that would live to give is testimony on this item, we will do that now and chase you down on the sign-up sheet.

Thank you. My name is Gary Bonevic and I'm here to represent the West Creek Neighborhood Autos Association and state our position on the matter of 6110 Hill Forest. This is the issue I had deferred my spot earlier to discuss. I'm still a little confused. It appears on your sheet that both zoning and land use are recommended by staff but are different now now that is there.

Well, maybe staff could help us confirm that.

My understanding is this lot is zoned SF-3. We oppose any land use change for this property. We respectfully request it remain as single family instead of the designation asked for. We stated our objection and they voted to leave it as SF-3. We ask the council to consider whether this development represents the best we can do to minimize the adverse effects of land use and zoning changes and to optimize the quality of life within existing neighborhoods. At the very edge of West Creek, which is on the map, we have our Patten Elementary School. Across the street from it is a strip of one-story duplexes, and actually one and two-story duplexes and a thin strip of condos behind these properties, also referred to in this case, which I believe is already zoned SF-6, these properties serve the usual buffering purposes from the neighborhood for noise and activity in the school zone. The 6110 Hill Forest property is behind this buffer and sits squarely and wholly within the confines of the single family residential portion of our neighborhood. It's bounded on three sides by a dozen or so of one and two-story residents, and we have serious reservations that the multifamily designation as sought by the owner, and even the high density multistory residential use could ever and proper gentle transition needed by the existing residences surrounding the property. A high density development of 20 or more units, which is what is proposed, three stories tall is completely out of character with our neighborhood. Even the condos are only two stories. This has the potential for a lot of adverse effects, which are going to negatively impact the immediate neighborhood and the neighborhood at large. Specifically, of concern to many of our residents is the Hill .. is that the Hill Forest development is reit on the main street to Patten Elementary School, and contrary to Micky's statement earlier, it is the one primarily used in an orderly rotation through there. The added risk for students and unnecessary traffic congestion in an already bottle neck our elementary school is understandably unacceptable to the parents and those who chalth the safety of our children and quality of life in our neighborhood. We hope the council agree with us on this masser and respectfully ask the council to back up the planning commission recommendation to leave it

at the current zoning recommendation of sf-3. Thank you very much for your time.

Thank you, gary. Questions of neighborhood representative?

Thank you all. Any other citizens that wanted to give us testimony specifically about this tracts flum that if maureen could just .. so this tract, ad is zoned both sf-6 and sf-3, so there is no corresponding zoning change.

Credit correct.

In part because of planning commission recommendation is single family land use.

Correct.

Which both of those designations are, correct?

Mickies is zoned sf-3, the tract to the north is sf-6 so staff's recommendation was for high density single family on both 67 of those tracts. It is my understanding the land use recommendation is multifamily but we're not proposing to rezone his property at all.

Sf-3 today and it would remain that after this meeting, even if we were doing three readings.

Correct.

But, well, so, then the .. so I think the motion on our table was for planning commission recommendation for ad, multifamily for af. On ad with single family land use, what zoning categories are within that flum designation?

I believe it is sf one, sf-3, I believe. .. so not all family zoning is allowed in a single family land use.

Single family land ice allows sf-1, sf-2, and sf-3. Then goes to 4-a and 4-b.

Then 5 and 6?

Correct.

Okay.

And what is multifamily land use include?

Multifamily would include mf-1 through mf-6.

So, again, any other citizens that want to give us testimony specifically about this future land use map designation on tract ad? Thank you all. So I think I remember this, i think we have a motion and a

second on the table, and it is single family land use for ad, multifamily land use for af. Council member morrison made that, and I probably seconded it, I think.

I have one other question.

Yes, council member shade, then martinez.

So what happens, so the sf-6 that is there is basically being down zoned by this motion and they're not compliant? I mean, what --

the sf-6 that is currently there if we put single family land use, it would have no effect on it, unless they wanted to try to up zone to something higher than the single family land use would allow, then they would need a plan amendment.

But on the other tract, bentley's tract that is essentially vacant now, zoned sf-3, for them to do anything other than, you know, sf-3 or lower, then they would have to apply for a rezoning.

And a plan amendment.

And a plan amendment. And once a plan is -- remind me of the rules. Once a plan is put in place, it only can be amended, is it a year or is 8 months?

It is a year after the date of adoption and then for approved plans west of i-35, it would be the month of february. Unless it meets certain exceptions, one of which being if the planning contact team applied for the plan amendment on behalf of the applicant, they they could file it any time out of cycle.

Okay.

Mayor.

Council member martinez.

I'm a little bit confused as to, if we were to move forward with planning commission recommendations for single family land use, and if the current sf-6 at 6102 continue under single family land use, but if the property owner at 6110 wanted to rezone up to sf-6, it would require a plan amendment.

Correct.

I don't know understand why that is. If single family land use can allow sf-6 on one tract of land, why would it take a neighborhood plan amendment to strike a zoning case?

Because sf-6 is not a typical zoning district you would find in single family land use. .. what planning commission did was essentially put a lower land use on the property that is zones on sf-6 than what is

currently zoned as being used as. I think it was just an acknowledgement they wanted a lower intensity land use, even though it was already zoned sf-6 and used as an sf-6 property.

Okay, thank you.

Further comments on our main motion, if you will, on page 11, tracts ad and af. Comments or motions to amend. First reading only. Hearing none, all those in favor, please say aye. Aye. Opposed? Motion, first reading only, passes on a vote of 7-0. Thank you all that takes us to page 12, our bright blue tracts vx and ac.

V has been postponed until december 11.

Oh, thank you.

And how about page 13, bright red, ab and ar.

Actually, we still have x and ac.

I'm sorry.

On page 12.

Thank you. So tracts -- so back on page 12, blue tract x and ac.

Mayor, I move we adopt the staff recommendation on tracts x and ac.

Which also is the planning commission recommendation.

Yes.

A motion by council member cole, second by council member morrison. Keep the sequence the same, adopting the planning commission recommendation of neighborhood .. I'm sorry, neighborhood commercial land use for tract x, neighborhood mixed use land use for tract ac. Motion and second. Further comments? On the motion or motions to amend. First reading only. Hearing none, all those in favor, please say aye. Aye. Opposed? a vote of oh motion passes on a votes of 6-0, council member shade off the dais. First reading only. That takes us to page 13, bright red, ab, ar. Council member morrison.

This is a bit of a a challenging one. I'm going to motion on ab the single family land use adjacent property recommendation you will see on the farther right on this land, and on ar office land use, which is oak hill recommendation on the right. They're challenging facts tracts of land, I think.

We have a main motion, if you will, by council member morrison in sort of other interest

recommendations single family for ab and office for ar.

I don't think that is a flum. Excuse me, I'm sorry.

Do we have a second for that motion? Motion dies for lack of a second. I will entertain another motion.

Mayor, I will move that we adopt the planning commission recommendation on tracts ab and ar.

Motion by council member cole, seconded by council member leffingwell to adopt the planning commission recommendation on tract ab, multifamily, on tract ar, mixed use. First reading only. Other comments? I'll just say I do think these are challenging tracts, and so once again, I might lean on staff to help me just look at the, you know, the practical nature of what could be developed out there with that designation. Between now and third reading. Further comments on our motion? Hearing none, all those in favor, please say aye. Aye. Opposed? Motion passes on first reading with a vote of 6-0. Council member shade off the dais. Maureen, the good news is I ran out of motion sheet pages. I have some other ones, but is .. does that complete this, for lack of a better term, our public hearing for item number 90? That being the nonzoning future land use map designations.

That was the oak hill flum tracts, item number 91 is the west oak hill rezoning and 92 is the east oak hill rezoning, and what we have is the contests flum and zoning tracts, which are the green tracts that should be on your next set of motion sheets.

Coup sill, we have a new map to refer to that is mostly green. And it looks like five pages of motion sheets. We could do what we did with the flum case with the tract number, the address and if tom wanted to give maybe a briefiated legal description when there is no create address, I will give the current zoning planning commission recommendations. But I do want to note that these first two tracts, there is a request for postponement to november 6, but I can just read that into the record. Did they vote on that? Okay.

I'm sorry, they did what? Thank you. So its' confirmed the first two tracts on page one, tract 4 and aj, 3 and as have already been postponed by council.

You want me to start with the next. Tract 5 and y is 8060 west u.s. Highway 290, 2.27-acres. Current zoning is rr, planning commission recommendation is mixed use land use. On that last track, since is both flum and zoning, I will also read what their current .. I'm sorry, tract 5 ay, the current zoning is interim rr and the recommend days is cs-mp. Staff's recommendation is neighborhood office, .. lo-mp, neighborhood office, neighborhood plan. Limited office, neighborhood plan.

Tract 6 and at that has been postponed. Tracts 7 and r, west u.s. Highway 290. 75-acre tract, abstract 788 of william survey 62.

Current zoning is dr. Plan commission recommendation is go-mp. Staff recommendation is go-mp. Tract

220 nw. Patten ranch roads.

94.6-Acres.

Current zoning is dr. Planning commission recommendation is lr-mu-mp. Staff's recommendation is lr-mu-mp. Since it is both flum and zoning I need to read also the flum recommendation so planning commission on tract 7 and r is office land use with a proposed zoning as go-mp. Staff recommendation is office land use with the proposed zoning as go-mp. Tract 220-mw. Planning commission recommendation is mixed use land use. Staff is lr-mu-mp. Tract 12-a and l. 6800 Waters way. Current zoning is interim rr. Planning commission recommendation, the land use recommendation is high density single family land use. The zoning recommendation is sf-6, co-mp with a conditional overlay to limit to sf-1 density and a maximum of 30 dwelling units restricted to detached homes only and a 40-foot building set back from property lines adjacent to the homes to the estates of shadow ridge and loma vista, excluding the two five-acre tracts at the northeast edge 6 the prompt which are not part of the -- edge of the property which are not part of the estates. Staff's recommendation is sf-1-mp zoning. The next are just contested zoning tracts, they don't have land use recommendations. Tract 12 is 1808 tread well street, 8411 and 8411 fm 1826, 8015 dark valley cove.

A 10-acre tract.

Current zoning is interim rr. Planning commission recommendation is sf-1-mp. Staff recommendation is for sf-1-mp. Tract 208-a is 5258 west u.s. Highway 290. Current zoning is dr. Planning commission recommendation is cs-co-mp. Staff's recommendation is cs-co-mp. Tract 209-a is 5350 west u.s. Highway 290. Courage zoning is dr. Planning commission recommendation is gr-mp. Staff's recommendation is gr-mp. Tract 216 is 6154 west highway 290. Current zoning is dr. Planning commission recommendation is gr-co-mp. Staff's recommendation is gr-co-mp. We do have a note the property owner, they are in agreement with planning commission and staff's recommendation of gr-co-mp. We would just start taking public testimony at this point?

I think so. Questions of staff, council? Comments? If not, we will go to our citizen testimony. If all 68 speakers are still here, it looks like it. My machine has segregated folks by whether they checked the for box or the against box. And so just know even though you may have signed up early and are opposed to something here, I'm just going to follow the sequence of how the machine gives me the names and we'll see how it works out but everybody will get to speak who wants to speak. The first signed up speaker according to my screen is jill young. Jill young wanted to give us testimony. How about sandra baldridge is still here, I trust? Miss baldridge. Here to address us? Again, technically this is the public hearing number 91, which are the rezonings of what was referred to as the west oak hill combined neighborhood planning area. Welcome back sandy.

Thank you, mayor. Specific tracts on the zoning, the oak hill association of neighborhoods and the oak hill business and professional association wanted to specifically address the land area out at 3-as, which is now been postponed. And 7 and r has been pulled so we'll not deal with that one. I don't think there is anything else on the west hill plan that we have endorsed. I will tell you on 12-a and l that the



groups have been trying to negotiate with both parties to come down to a specific number of units, but I will leave that up to the landowner and the representative in the community to discuss, but if you will take that one up first, i think you will get rid of about half the audience. Thank you.

Thank you. So sandy, when you refer to 7 and r being pulled, what do you do mean by being pulled?

That is a tract that was --

ski because it is on our motion sheet so I think we'll take action on it, or try to take action on it.

I believe that is the one that oak hill united methodist church was going to try to get commercial use so they can get a park and ride out there.

No, that is not the tract.

What is the tract on seven?

It was aa if the flum.

But what is seven on the zoning map?

It is a vacant tract, it is, I think the gentleman behind you ready to --

be my guest. Soote miss baldridge.

-- Thank you.

Wayne hudson. I'm here to represent the client, the property owner of 7-r and it is something that is being addressed for the flum as well as the rezoning and we're in opposition of the flum and in want it to be reestablished as commercial, and the zoning to be gr. I can speak now or --

well, if you don't mind, i will follow my sequence. So sandy, just know, we're prepared to, posted for and prepared to take action on 7 and r. Thank you for clarifying that. So our next speaker, jackie waters.

Can we have that map put up there on the screen as we go through these. It really does help.

Hard for staff to follow it. Miss waters, before you start, let's see, some folks wanted to donate time to you. Is jacqueline, ashley and brian witmas still here, by chance? One, two, three, welcome, thank you all. How about kurt waters. Hello, kurt. So you've maxed out, jackie, you have up to 15 minutes if you need it once you start.

Good evening, mayor wynn and council members, my name is jackie waters, my husband ron and I are requesting sf-6 for or property. We support staff's recommendation for our property sf-6 but request you

consider another zoning district that will allow for alternative ownership and cluster housing. Today I will speak about history and why we are here today. Ron and I moved from elsewhere in Austin to Oak Hill in 1995. The 1995 aerial photo shows how the area looked when we moved here. Some time in 1995, the developer of Loma Vista and Estates at Shadow Ridge approached us. We agreed to the plat on the condition our dated easement remain in tact and to extend Twilight Mesa Drive to our property for future development. The extension of Twilight Mesa Drive was for future development since our home has existing as sector access to Waters Way. This would provide our opportunity subdivision access alternatives and allow us to either take access off of Waters Way if we decided to keep the existing home, or to take access off of Twilight Mesa, if we decided to demolish the home. It was also understood that Twilight Mesa, as approved by the planning commissioners, would support future SF-2 development of Tract 12. The next slide shows how the area looked after the two subdivisions, Estates of Shadow Ridge and Loma Vista were built out. It now has a suburbia look and feel, as you can see from these slides, the proposed West Park PUD, the expansion of the hospital, middle school next to Loma Vista and the surrounding views from Loma Vista show how this area is no longer rural, we live in suburbia. As you can see from this slide, our property faces back and sides of the surrounding neighborhoods, essentially in-fill property. These next three slides show our southern view. We have two public right of ways for future development and an existing private easement that will be used as a pedestrian bike access or for a one-way drive out of our subdivision. When our property was annexed in 2001, the city provided NR-11 zoning, surrounding property was zoned SF-2. It was always our intention to zone our property SF-2. I knew that we could realistically get 37 SF-2 units under SOS. As you notice, SOS has a dramatic effect on the density of our area. The negative effect causes fewer lots, which in turn makes them more expensive. I call this exclusionary land planning. SF-6 under SOS would allow 60 units. I consider this number too high. I further researched the benefits of SF-6 which is further benefit for our property. I could leave more trees, more flexible design, private maintenance of water quality, provide more open space, save the existing home and make sustainable use of it. The other benefit provided much-needed diversity of housing do we not have much of in our West Oak Hill area. Due to the environmental benefits, in-fill nature of the property accesses and location of residences, we proposed SF-6-CO, limiting the density in the fall of 2006. In November 2006, a Loma Vista resident sent a letter to the neighborhood planning and zoning department, explaining if the city were to zone outside property SF-2 or SF-6 to consider the desirable traffic level of Twilight Mesa Drive and overlay the area so it remain at the desirable level. His engineers put that desirable level at 1800 trips per day. As you can see from his letter, this person was not opposed to SF-2 or SF-6 but only make sure overall traffic was considered. In January, 2007, Loma Vista submitted a petition, it is my understanding this petition was never delivered to you and we were not aware until late last year. Loma Vista petitions for SF-1 zoning for our property. I periodically reviewed the web site regarding the Oak Hill planning process, the notice in March 2007 that the steering contact team were having a meeting for the recommended property. On April 9, 2007, Ron and I attended the meeting. The steering committee including representatives from the properties, we proposed limiting the number to 37 units. We explained the benefits and they voted overwhelmingly to support our zoning question. Our Estates of Shadow Ridge -- Shadow Ridge was the only voting no. Later she says she did not understand what was wrong with the SF-6 request other than the fact the neighbors did not like it. Ironically, the Loma Vista homeowners association president applied for SF-1 zoning for his 10-acres. On July 7, we met with several representatives from Loma Vista and Shadow Ridge at a

local library, we explained the options with a density density olympic of 37 units -- density limit of 37 units. They passed a resolution of the neighborhood planning team visit the area but did not recommend the reduced density requested by the neighbors. The newly formed neighborhood planning contact team rescinded their april 9 decision and heard many hours of comments from all sides. Traffic and character with the two main points presented by the neighbors. The neighborhood planning contact team did not make a decision but asked the parties to meet and come to some agreement. On november 20, the neighborhood planning contact team met again. We told them that loma vista proposed a 30-sf-1 lay out that did not work for us but there was no agreement for sf-6. The member asks us if I would come down from 37 units to 30, I said yes. The member asked if I would accept detached unit, I said yes. They asked if I would agree to a 40-foot building set back and i said yes with the except of the two five-acre tracts behind me since I border their drives for eventual streets. The neighborhood planning contact team asks the neighbors if this was okay and they said no. The neighborhood plan congress tact team voted 11-2 to accept the sf-6 on the agrees upon conditions. Two no votes were loma vista residents, on may 22 this year, I approved winkly's sf-1 zoning with no limit on density or lot side. On july 8, planning commissioners approved our request for sf-6-co after hearing over one hour of public comments. The neighbors addressed three areas of concern. One, increased traffic would hurt the character of their neighborhood and therefore ask that the planning commissioners, for the planning commissioners to limit the density to achieve 1200 trips per day. And the audio is not working. Number two, diversity of housing is okay as long as it is in the appropriate area.

Just looking at some of the statistics, especially the west oak hill neighborhood plan, given that 91% is single family, I think some sf-6 would provide for some diverse itself of housing, different, you know, income folks and I was really struck also by the gentleman's comment recallier that we want diversity, just somewhere else.

And three, for the first time, they contested all of interim rr properties, feeding into twilight mesa by requesting from the planning commissioners limit these properties to rr density also. This protest occurred after winkly received his sf-1 zoning with no limitations. The other parcels were unaware their properties were being contested. Loma vista and estates of shadow ridge in the public comment phase two of years and resolutions only focused on our property and did not include the other out parcels. Our property was singled out because of our sf-6-co are request. After the planning commissioner's vote, jeff met with the loma vista attorney and discussed various proposals. Unbeannounced to us, he med and received for -- met again and received one half acre lot size after considering right of way, water quality and demolition of our home this was a last-minute agenda item and we were unaware and we had no opportunity to present comments. And so now we are here today it has been a long process and expensive, and I hope I have demonstrated that we have followed the city's procedure and negotiated in good faith with our neighbors. I believe our neighbors have not, however. We agreed to the neighbors proposed and the staff's recommended density limitation of 30 homesites, that is why the neighborhood planning contact team and the planning commissioners approved our request. These folks understood that all ternitive ownership and cluster housing at sf-1 density, under sos limitations, not only met the sf-1 large lot low density requirement staff was seeking but also provided diversity of housing which is lacking in our west oak hill area. Diversity 6 housing combined with more open space and low

maintenance is very appealing to the changing demographics of our oak hill neighborhood. And finally, what is the purpose of having a two-year process where countless hours have been spent discussing my little 11-acres, where staff and three separate boards have recommended 30 unit density if in the end the consistent recommendation of all these organizations, after all that, are ignored as the neighborhood asks why subject the owners to this he can sense, time and process when -- expense, time and process when the neighbors can come to you and ask us to disregard it all. Our fate is in your hands and thank you very much for your time.

Thank you, miss waters. Questions for miss waters, council? We do have a couple of other folks who want to give testimony, I think specifically about this tract. Given the way the machine lists them for me, these are folks that also checked checked the in favor box. Mr. Howard.

I think there is a power point for Jeff Howard on the water tract.

I see number of folks offering to donate time to you as well. Is Matthew Heckman here? How about Math eye Gastby. Sandra. Welcome. And Witfield. Hello, sir. So Jeff, you will have up to 12 minutes if you need it and you will be followed by Ron Waters.

Thank you, Mayor. Good evening council members. My name is Jeff Howard, while they are getting the power point ready, I will get started. I represent the water's, the 11-acre property. I want to talk about the planning decisions, and in furtherance of the public policy the city has promulgated. I think everyone agrees there policy this council and city generally as adopted when it comes to development. One is environmental sensitivity two is sustainability, three diverse and affordable housing options, four, avoiding sprawl by efficient use of in-fill sites where existing infrastructure can accommodate more dense itself. Five, honoring being into planning processes, and yes, six, neighborhood compatibility. Actually important in this council and this city, to those public policies, is that we like to achieve these goals through innovation. This city, perhaps maybe next to being weird, we like to think of ourselves as being innovative, as being progressive. Indeed, nowhere more than Oak Hill is that sort of innovation required. In Oak Hill, we've got environmental considerations, infrastructure issues, existing land use patterns, all these make our land use decisions more challenging and we really need to be innovative. The water tracts proposal at SF-6 has come to you after two years and many, many hours of public debate and discussion and meets all of those objectives, every one. What the neighborhood wants is for you to do more of the same, more of the same old large lot, sprawl-inducing policies that may keep that you are cul-de-sac exclusive, but it doesn't further those goals. In fact, I think it is a repudiation of those goals. But to address the two concerns that have been stated, character and traffic. First with respect to character, the area is not rural it doesn't have the rural feel, it is a suburban and it is urbanizing further. Second, the improvements on the water track will not be visible on the Loma property because of topology and the vegetation. Plus, it is required they are single family attached units, not garden homes or condos of multifamily nature. In fact, garden homes are more visible and more impactful in the typical sense because they are at the first of -- they are at the entrance to the subdivision. Do we have the power point now? So here is an example. This is in Garrettsville Creek Prompts. You see the garden homes is at the very entrance. That is a long single outlet street, large-lot subdivision. Fifth, higher density of housing has not affected the character of other subdivisions in this area. Here is a map. The

box that you see, the black boxes represent the same 11-acres as the waters tract. As you can see, the property to the south, there is 30 units in the heights of loma vista, sf-2 lots, those are large lots and they are adjacent to higher density sf-2 subdivision. To the east, you have the states of shadow -- the estates of shadow ridge. It's not incompatible to have a little bit higher density next to larger lots, it's not. This is not an apartment complex, it is not an office, this is single family development, it is just cluster housing development. So with respect to traffic, we've heard a couple issue, once has to do with sight distances. Cluster house willing allow us to put a stop sign, that will slow the traffic down and avoid any sight dissans issues there. We've heard sight distance issues about item 1826. We pulled the traffic records from the state and the city on this intersection and found a record of only one fender bender at the intersection. Certainly, there is possible it is more unreported incidences but major accidents would have been reported and this is very low members, at least indicative of whether or not this is a problem. Of course, fm 1826 is going to be expanded when the state does that, there is going to be a road that is going to be expanded for that project and you should consider that, you should consider it here too. Fm 1826 will be improved. That leaves traffic generation. It is important to know that traffic generate the is so low that the city code does not require tia or even traffic neighborhood analysis. In fact, the difference between the neighborhood proposal and what the waters propose during the busiest hour of date only 12 trips so during during that busiest hour you will see 12 more trips. During weekends and eveningings it is so low it is hardly noticeable. In fact, the difference may be left with cluster housing because it suggests they have households with fewer kids and therefore less traffic. As you heard in miss water's presentation the neighborhood says you have to look at the overall traffic which they said is 1200 trips. Now, we believe that that overall amount should be 1600. That's because when the city initially approved the subdivision they did so on the basis that twilight mesa, at least the first half would be 26 feet wide in pavement width with ribbon curves up to 19 feet. According to the transportation criteria, that is 1600 trips. That is what was promised to the waters and others out there, that is what this developer said they will do and that is what the city approved. The developer didn't build it that way. The city allowed it to happen without that being the case so we believe 1600 trips is the goal. Now, the neighbors believe it should be 1200. But even if it is 1200, when can you look at them what can happen out here, the traffic genvation going to be well within the 1600 we say it is and almost to the 1200 the neighbors say it ought to be. And why is that in you have to take a look at what is happening out there. First, take a look at undeveloped tracts. he was zoned sf-1 without any restrictions, he told his neighbors, staff, contact team, planning commission, the waters and perhaps you all as well he is only going to do five units there. That is the five units there. The rudolph tract has a one-acre deal restriction and it is halfway in the buffer zones. It is not going to get any more than 13 units. If you assume sf-1 max number density under sos under these tracts you will get 11 and 14 units. And the waters are proposing 30 units. And we have 39 existing units in loma vista. So when you add that up, you add that up, and that should be 59 units for loma vista, the traffic generation under the recommendation that is before you, by planning commission. The, the planning commission recommendation you have will really in the 1261 trips per day. -- That will result in 1261 trip prefer day. That is within what it should be before if the commitments the city made and developer made to the others were honored, but it is almost the 1200 the neighborhood says would happen from our perspective, if character is not an issue and traffic generation is not the issue, then we need to look at cluster housing. I think if you approve in zoning case, what you are going to do is do an innovative zoning and it will allow you to preserve more

trees, allow you to provide for more open space, allows to more strictly preserve impervious cover. It will allow you to be consistent with the zoning in the area of sf-2, including the undeveloped, unrestricted 10-acres adjacent to this track. But the neighborhoods would have you to be inconsistent with all the prior decisions and ignore all the planning that occurred. Supporting this proposal will honor the two-year process and many, many hours of work that has gone on prior to council consideration and that all those well-intentioned people have poured into this. Most importantly, supporting the proposal would be good planning and would honor your public policy goals. And with that, let me conclude by putting this on the screen, this is what the neighborhood proposed to us, a 30-unit subdivision. I have 22 units going out through twilight mesa but it was a 30-lot subdivision. We couldn't do this for impervious cover and planning reason, mostly because it required a right of way that didn't exist. But just bear in mind that the neighborhood has indicated some support for 30 units in the past. Also, we talked in our discussions with them, there is some expression of some willingness for sf-6 as well. With that, I will be happy to answer any questions you might have.

Thank you the, mr. howard. Questions for jeff, council? Comments? Council member shade.

So I just want to understand if the staff recommendation is for sf-1 on the large lots, that would be how many units?

Well, we could theoretically get 30 with joint driveways and some other engineering if you just did the strict assumptions and impervious cover based on the code, it is about 28.

So the far recommendation and the property owner recommendation and the planning commission recommendation are all consistently talking about 28 to 30 units?

And the neighborhood planning contact team.

They're all the same? The difference is about the overlay, whether or not you can cluster them or not in.

Correct.

And on that, the recommendation from planning commission, from the property owner and from the planning has been all to allow the clustering and only the city staff has not addressed that?

Correct.

But all of those are 28 to 30 units?

Right.

Got it. Thank you.

Further comments? Comments? Do we have a number of other folks that want to give us testimony.

Thank you, jeff.

Thank you.

Our next speaker is ron waters. Welcome, mr. waters. Let's see is haley handson in the room? How about jenninessiam, I'm sorry if I mispronounced that. She had to leave. You have up to six minutes if you need it.

Thank you, mayor wynn, council members. Thank you for the opportunity to address you today. As mayor wynn indicated, my name is ron waters. My wife and I are the owners of the subject tract 12-a and i think it has been since college I've been up this late. We were annexed in the city about six years after we moved into our property and about the same time the neighborhood around us was developed. Regarding the development of the neighbors around us, we tried to cooperate fully with the developers by allowing public roads to cross and encroach upon what amounted to about a half a MILE OF DATED easement McWe had. We supported the variance on the way to light mesa road length and we did not contest the development plan as we believe the march 1999 plan had a was approved by the planning commission provided the correct road width for twilight mesa, thus would allow us to fully develop our property. As jeff had mentioned, instead of the reciprocal cooperation in honoring the commitments made to us, it is now discovered the city allowed the road to be built narrower than the approved plat and our neighbors were asking you to seriously limit our development rights due to traffic concerns. It would not and contention if the road had been built as' proved and the tract dentsity as promised allowed. I view that as being unfair. It is also unfair that in january 2007, the neighbors submitted a petition to the city supporting sf-1 zoning, which allows density of 30 units, and jackie, earlier I think had shown you an image of that petition, but for some reason, city staff never advised you of that petition and we're not sure why. But now our neighbors are seeking even less density than what they petitioned in january of 2007. We negotiated in a density of 37 units, which sf-2 would have allows 30 units in 2007. The neighborhood planning contact team at that time had asked us, postponed the decision and asked us to try and work out a negotiated agreement with our neighbors. We met with the neighbors and they presented an option that was 30-unit density. Jeff showed you an illustration of that. We agreed to reduced density at that time from 37 to 30. The net result was that the neighborhood planning contact team then approved our request for sf-6 with the reduced 30-unit density. We further agreed to a 40-foot building set back and we further agreed to detached homes. This request was ultimately approved,s asaid, by the planning commission as well. Now it is my understanding that neighbor the have returned to you, requesting even less density. We've been negotiating in good faith to their proposed 30-unit dense itself. It is not fair to ask the neighbors to restrict our density when wh in 2008 you approved the winkly area in the same area with no density or lot size limitations. The only difference between his approved globing and our requested zoning is a diversity of ownership model. To grant us less density than winkley would be arbitrary. It is unfair there is 1,000 feet of undeveloped contiguous property to the north and east that is sf-2 zoned with know density or size restrictions on it. The owner of one of those tracts filed a petition with to you limit our density to one-acre lots. Additionally, one of our maybes is asking you to restrict the use of a private property easement that conveyed with our prompt since 1964. The neighbor moved in less than a year ago and with all the knowledge plainny in sight it would be unfair to address this issue to the benefit of our neighbor without keeping our private property

rights whole. If you are considering taking action on this matter, it would be only fair to keep us whole by granting us public access rights to the road in the proposal jeff presented during their meeting. Additionally, this would connect the two neighbors on either side 6 us and address a comment regarding the advisability of doing that in the oak hill planned appendix. It would be unfair to single us out further by restricting our private property rights to access to easement without dealing, it is my understanding, the 50 other properties to our south that have legal rights to use that easement as well. All the prompts properties surrounding us are zoned sf-2. They used a different water quality type than allowed. The city staff is considering setting our zoning as something less than the surrounding fronts, sf-1. And the neighbors that just moved in is asking to limit our development rights system it fair to limit our rights because what neighbors did with that you are properties or the folks that like the park, unquote in their backyards. For the neighbors to restructure our development rights torque ask that you ignore their petition of january '07, that sf-1 density was unacceptable but the city staff had not presented to you, to ask that you ignore the neighbors, having continually moved the goal post we negotiated with good faith, ask that you vote for less density because the city allowed the road to be built and not meet the approved width as promised to us, to ask that you restrict the development rights, to ask that you vote for less density than city staff recommends, or that you vote to take away private propertiesment rights we have without finding a way to keep us whole is arbitrary and unfair. Thank you.

Thank you, mr. waters. Questions for ron, council? Thank you, sir. So council, there are other folks signed up for this public hearing, item 91 because there is a number of contested zoning tracting here in what we call the west oak hill area, however, since these last series of speakers have been talking specifically about what a lot of folks refer to as the waters tract, without objection, council, I would like to go to folks who want to speak, i guess, in opposition to the planning commission recommendation for this tract specifically. I'm told those are a couple of neighborhood associations that we've heard mentioned earlier, and I'm told they've somewhat organized their number of speakers that might even actually minimize a little bit of time some of without objection you would like to take up the folks from the shadow ridge subdivision and loma vista to now give us testimony while this information is so fresh in our mind. If you could identify yourself and I will try to find you here on the list. Into mayor, I'm sorry, I think there was one more speaker in favor of the water traffic, aaron foster.

Let's go ahead and do that then. Sorry folk, just three more minutes. Aaron foster, welcome.

Good evening. Thank you. I've been resident of 1826 for 17 years, I come to you tonight not only as a neighbor, but also 12 years experience as a realtor in the area. I was the founder and first mayor of the village of bear creek so I know what it's like, and also for my environmental background. You've been part of the alliance many years and served on their board. My questions concern for the environment, this is obviously sf-6, 25% impervious cover. Sf-1 is 40. To me that is a plus. The traffic is already been addressed. It's less traffic than if it was sf-1. To me, that's a plus. The diversity that this allows as a realtor, I can tell you covered bridge sold out really fast of their single family units, or garden homes, because that's what the older generation now wants. They don't want a yard to maintain. They would like to have something like this so that would allow the diversity and, frankly, the market would support it. [One moment please for change in captioners] sf-1,.



I think it would be better for the environment. Less contact on the neighbors because there would be more open space. So I ask that you consider the sf 6.

Mayor Wynn: Thank you, ms. foster. Council, apparently that concludes folks who want to give us testimony in favor of this tract or in favor of the planning commission recommendation for the tract. We will now hear from the folks in opposition. My understanding is essentially from the shade do ridge and/or loma vista subdivision. If people want to donate time, I need them to identify themselves as well, check them off, get you all going.

All right. I'm martin [indiscernible] I live at 6733 hot springs drive. Lot number ten in the shadow ridge crossing subdivision.

Martin -- lynn. Greg. Martin you have up to six minute then, welcome.

If the zoning of the tracts directly affects traffic flow in my yard. So I'm not talking about the view from my upstairs window. Or traffic on the city street near my house. I'm talking about car trips through my front yard less than 10 feet away from my bedroom. My yard contain the remnant of an easement that dates back almost 50 years. In the survey of my lot, you can see the hash mark running up the right side of my lot. That's the strip of land under 27 feet wide. It's part of my lot. I own it and maintain it and it's used by both the donley hooks tract and the waters tract to access hot springs in this visual you can see the waters track in pink, the donley hicks and mine in yellow. There's a larger picture that shows concrete driveway on the upper right-hand side that runs over the easement. The waters tract has that long portion that comes down and abuts my yard. They can make a 90-degree left turn, kicks them out on to hot springs. But the donley hooks and waters track have right-of-way to loma vista. Most come through the easement in my yard because it a shortcut into town. During negotiations waters indicated that they may try to use this easement as access to development on that were to happen, most of the trips would come through my yard. As I mentioned previously, this is a pretty significant shortcut into town. There's a significant benefit for people who try to use this. To get to william cannon and 290 from loma vista via public rights of way, you have to travel all the way back down twilight mesa to 1826, take 1826 to 290 and then negotiate all of the traffic. Taking that shortcut through my yard can save five minutes on that trip. If I cannot physically close off access to the waters tract from my yard once development of their tract has begun, I have no doubt that my yard would become the de facto route from 1826 into austin for anyone who can get to it rightfully or not. If that amount of traffic brings serious safety concerns, this is a pretty site space for traffic. I have two uncontrolled intersections where the donley hooks tract and the waters tract enter my yard. You can see that in this picture. Where the easement spills out on to hot springs. Someone coming down the flag lot portion of the waters tract, you can see that flag lot portion there, who fails to negotiate that 90-degree left turn, would end up in the middle of my back yard where my six-year-old son and my four-year-old daughter play. That amount of traffic would also create a large liability for me as the owner of this home which would negatively impact its value. We are requesting a conditional overlay that prohibits access to hot springs drive from either the donley hooks tract or the waters tract via my yard. Kathryn will present additional information on the overlay that we are requesting. I want to make sure that you see we have this overlay language in such a way this the current owners use of the easement remains in place until such a time that they choose

to be in the development of their respective tracts. We're not trying to gain unfairly at our neighbor's expense. When my wife and I purchased this home we were aware of the easement and its obligations, we have been respectful of both parties use of that part of our yard. We are seeking a fair and equitable solution. It's not fair to fight for the safety and value of my home against the multi-million dollar development against the use of an easement never intended for use by more than two households and an easement whose infrastructure is not appropriate for the volume of traffic development on these tracts would bring. This picture is taken from my front porch and it shows that travelling up the easement. We need your help to make sure that doesn't become the equivalent of a busy city street and to make sure that doesn't become the 1826 to escarpment bypass. Thank you all for your consideration. I'm available for questions.

Mayor Wynn: Thank you, martin? Questions for our speaker, council? Thank you. So since you all seem to be organized in line, step forward and read your name into the record.

Good evening, council. Mayor, my name is cath lynn [indiscernible], I represent the [indiscernible] who reside at 6733 hot springs drive. First I would like to point out the use with the flum. We object to the neighborhood contact planning team and the planning commission recommendation to designate a high density single family use on tract 12 a over the staff recommendation for single family large lot zoning. By allowing the waters tract to be zoned sf 6 you will circumvent the subdivision process with a future residential development. You have to ask yourselves why it's so important to have sf 6 zoning? Simple because the answer is they don't have to subdivide? Why is subdivision so important because it provides an in depth review of all of the infrastructure needs and specifically transportation issues. With subdivision review you would be able to assess the existing roadway structure and you would be able to ensure proper access is provided. Approximate the sf 6 zoning is granted, even with the conditions of limiting density, without the subdivision process the only development process that would be left would be an administrative site plan process in which case the staff does not have any authority to apply any kind of conditions or restrictions of access specifically to and using this easement. So therefore by supporting the staff recommendation, you would be allowing the subdivision process to be in place for any kind of future residential development, which would help address the access issue in particular with the immediate neighborhood and with the family. So specifically, it doesn't matter what kind of zoning is granted with the liker or the donley tracts. The issue is without with conditional overlay what would happen is that you would have this incredible hardship and personal safety issue that would be imposed on the likener family which are unique. I cannot even think of any other case that you have heard recently or in the past where you would actually be sending 300 plus vehicles a day driving along a secondary driveway on their property. They are also required to maintain that easement. So the issue is completely unique that can be eliminated if the council would include this conditional overlay that would prohibit access to the public right-of-way through private property. Again, the proposed conditional overlay language that you have been provided would prohibit access to hot springs and rattan drive through the property at the time of site development. For more than one residential either on either the donley hooks or the waters tracts. liner has previously described the access easement is the last remnants of an original easement created DURING THE 50s TO PROVIDE Access for the land locked tracts in the area. Since then, public right-of-way has been added via waters way, which is yet undeveloped, dark valley cove and twilight mesa drive, however the easement remains on their property

solely for the benefit of the donley hooks and the waters families. I will wrap up real quickly. The zoning planning process is the only planning mechanism that can restrict access to the hot springs rotan drive through this easementment whatever the final outcome is, without this conditional overlay the likers will have hundreds of vehicles driving within feet of their home. And on their property which was never intended to be used by more than one residtial dwelling and family on each of those two tracts. So in essence a portion of their property will be used as a street. This should and can be easily prevented with the application of the conditional overlay. We respectfully request that you add that to whatever the zoning that you determine is the best for this property. Thank you.

Mayor Wynn: Thank you, kathryn.

Hi, I'm danielle [indiscernible] waters property. I want to thank you for the time that you have spent on this issue and other zoning issues. I know it's been a long day and your tired. I'm tired. This is austin's community planning month and I'm really glad because we want to participate in the planning process. This is our chance, we were not notified or included in the oak hill planning contact team's deliberations about this property. There was no public notice posted in accordance with their own bylaws. This is our chance and thank you for staying here to give us this chance. It's very important to us. Who are we in we're not howard talked about. Most of the time he was talking about loma vista, not us. We have not been involved in these negotiations. Can hes with country feeling can the -- we did have one meeting with the waters. We are shadow ridge, platted in 1993. Here's the plat if anybody wants to see it. And the addresses were entered in 1995. The plat was made two years before the waters bought their property. We're all concerned about the environment, we know we live in a sensitive area and we want worn to be respectful of that. We are 48 homes in two honorary members, the five acre tracts. And we are all on one loop. A neighborhood street. A local street. Of those homes, 14 border of waters tract, four border the hooks donley and four the rudolph tract. You can see over a quarter of our subdivision is affected by what happens here tonight. I want to give you a census so you have an idea of what our neighborhood is like. We have 74 children that live on that one local street. 41 Dogs. Cats, we can't get a count because it changes daily. We have numerous frogs, toads, two road runners, squarely, deer, bird, foxes, racoons, rabbits and coyotes and we have seen these animals and have the tracks and they are still there. All of the homes, as I said, are clustered on one loop. It's a local street designed by city ordinance for traffic from a maximum of 50 single family homes. It is not a collector street. I want to echo the concerns with save oak hill. We want the growth to not hurt the character of oak hill [buzzer sounding] I had a bunch of people who donated time to me. That are in the audience still.

Mayor Wynn: If they are still here.

Yes, they are.

Martinez: Okay. Let's see.

Mayor Wynn: Let's see. Thomas fellger. How about albert can tara. Welcome, michael goodwin? How about angelina la francoise. Two more, six more minutes. Do you think that you need more than that?

I don't know. I can talk faster. Our -- I will keep going. 100%, That's 100% of the people on the street support sf 1 zoning. We request a vegetative setback and we support the lifetime conditional overlay for the easement. Sf-1 matches the property surrounding waters. It's what the hooks and donleys have for their properties. We rezoned sf 2 but because our properties are built to sf-1. The city staff recommended sf-1 and it's also neighborhood approved. We are just as environmentally -- sf-1 can be done just as environmentally sensitive at sf 6. What sf-1 allows is us, citizens, residents of austin to be involved with the platting process and have a say in how things develop. And we're asking for that opportunity. Of sf-1. We want compatible zoning. We feel anything other than sf-1 is sort of spot zoning, if you look at the map. Sf-1 with a vegetative setback is important. What we want to do is avoid having something like this off of convict hill road. A single family home, a large home right over the fence. This is also important because there's a lot of water runoff coming from that property. Especially for me. Since the flag lot was paved there's more water coming down, all of us are downhill from the waters tract. The vegetative setback addresses roads. It will make sure there's no roads behind us and it's consistent with the design. Sf-1, vegetative setback and a conditional overlay will also help austin comply with its own design standards. We could end up with two roads. A road in front of us and a road on the back of us if the waters tract is allowed to use the little skinny portion of the property to access the easement. As it is now, they do that and all of us bought our homes knowing that that was the situation. So we could hear and see the traffic behind our homes. Then when it comes out in front of our homes. It's one thing to have it for one family and their visitors. It's another to have it for a subdivision or pass-through. There are other families that have the traffic on three sides. When we bought our home we asked david weekly about it. We have it in writing that was to be used by one family. It's an unfair burden, whatever you call it, driveway, road, it's an unfair burden to have us be expected to shoulder the traffic on two sides of us. We prefer to have our back yard back to a back yard or a greenbelt. The lack of conditional overlay also limiting the access to two people will help by ensuring that the traffic is not burdensome. And that it will not violate the city ordinances by having all of the traffic pour on to a local street designed for only 50 families. Also there's a family that lives at the bottom of the easement. This is what they see from their front door. It's one thing to deal with two families, but I think adding 30, 40, 50, 300, will 26 pass through is a lot to ask for one family, especially at the bottom of the hill. I want to thank you and give you one more thought. Let's keep austin's word. Itch a letter from city staff dated 2001. I won't read the whole letter because I don't have enough time. You probably aren't that interested in it. But the two parts that I want you to hear are it's about the waters and the donley tracts being annexed. As these tracts go through the subdivision process staff will do the best to have the easement vacated and traffic put on to dedicated streets. The other quote that I want to read is annexation and zoning is especially the only way that you and neighbors will have any input into how adjacent land is used. That is one of the primary drivers behind the proposed annexation. I'm asking you to give us that input and thank you for being available to us tonight. We want to have the austin values, please give sf-1 and a vegetative setback so we are not burdened with homes behind us and we are willing to -- we're here, we're available for meetings. People want to collaborate with us. Thank you again. Thank you for you and your patience.

My name is alice vetter, i live at 6726 rotan which backs up against the flag lot, the little skinny purple part.

Before you get started folks earlier at least wanted to donate time to you.

No. Thank you. I'm here to voice safety concerns for our shade dough ridge neighborhood. If this flag lot becomes an egress when the waters property is developed. Egress is now over the private easement that you have heard about. And empties into the only street through our neighborhood. It is a small loop. It empties into legend oaks which then empties to the project escarpment. From escarpment you go to william cannon or slaughter. We empty into another neighborhood already. If the waters tract is developed and the flag lot is used as an egress, now we have 290, 1826, loma vista, the waters tract all emptying into our one little loop. Going into another neighborhood finally out to a larger street. This is a grave safety concern. As you've heard, danielle speak about all of the children, the dogs, everyone in our neighborhood. We have a sidewalk and only one side of the street. Many families walk dogs, we have many bikists, lots of children playing. We are basically a very outdoors type of a neighborhood. You will see people all hours of the day and evening walking, being outside. I have personally witnessed near misses as cars come around as you can see it's almost a blind corner at one point. It's a -- if a flag lot is allowed to be an egress the shortcut will be created and the number of car trips that we have already heard about howard alluded to come be amazing coming into our small -- ours is only a 50-foot wide street. It's not a 60, only 50. I do not want to witness a tragedy in front of my house. The easement it's a very hard turn, hot springs and rotan, they speed up as they start to go around that corner. I have seen it repeatedly just with the cars visiting in our neighborhood. I can only imagine which what will happen with all of the cars coming down. I urge you to support the city planning commission recommendation of sf-1 zoning. I also support the proposal for the conditional overlay.

Thank you. Good morning, my name it's deborah york. We have the fragile lot gown behind under the circumstances, the waters driveway, an easement which borders us on one side of our house that we share the border with the litgers and the road in front. [One moment please for change in captioners] it could be a hike and bike trail, that sounds very nice, I'm sure it would be nice during the day, but having a hike and bike trail trail back through your back yard, bordered on one side which is sort of wilderness and fence, our fear is teenagers, other people back there congregating hanging out, perhaps doing things not quite legal, what their parents would like them to be doing. We already have a problem with theft in the neighborhood. It would be an easy way to escape theft. Also a problem of dumping. We do own a duplex in austin and there's an alleyway behind it. It's a constant chore to try to keep the dumping and trash out from behind there. We are opposed to the driveway being turned into either a street or a hike and bike trail. Thank you very much.

Mayor Wynn: Thank you, deborah. Thank you.

Hi, I'm jamie can tara. I think that I may need one of the people who donated time.

Mayor Wynn: Okay.

Maybe not.

Mayor Wynn: There was four offering.

I think I only need one if I need that.

Ruth felger. Take ruth's three minutes and see how we do, jamie.

Thank you for your fortitude on this topic and I'm going to ask for some more of your patience about it. I'm jamie cantera, 6700 rotan drive. The back of my back yard abuts the waters property. I agree with all of the people from shadow ridge who have gone before me. What I want to address tonight is the impression this whole process has been very smooth along the way and then all of a sudden we come in at the last minute and want to change things. That actually hasn't been the case. It's been contentious and hasn't always been open. What I want to add tonight is the planning commission meeting because that was waters and jeff howard. They stated that -- they did. The planning commission voted in favor of sf 6 for the waters tract. I would like to point out that this motion was initiated by commission dealy and commissioner dealy equated her own zoning issue with her family with the waters issue. dealy specifically said her father owned property for 30 years and that there was a horrible zoning battle when outsiders came in and wanted to rezone it. Or fight against his zoning and that it -- it resulted in his murder. And that basically she would support whatever the waters wanted with this. Now, I don't really need to go detail by detail. But there is no comparison with that case. That was the first commissioner who supported it. The second -- the commissioner who seconded the motion it just turned into a really bad saturday night live sort of game show where you think you understand the terminology and then all of a sudden it's like wrong we're talking about this type of diversity. We have been talking about diversity in housing and all of a sudden one of the commissioners asked well you don't support diversity or whatever. The person who responded where it's appropriate, which I think was almost an english remark was talking about housing diversity. The commissioner unfortunately was talking about socio-economic diversity at that point. It went downhill from there. Suddenly to support sf-1 zoning became an elitist issue. It never was for us in shadow ridge. From the very beginning the irony of this is that every waters presented what they wanted to do on that land it has always been presented as a very sort of up scale neighborhood. A very nice neighborhood. It's a red herring to then suddenly throw it back on us as not wanting to allow housing diversity in whatever way that means because it had never been on the table before. We were responding to what they had presented to us. But we had two commissioners [buzzer sounding] [buzzer sounding] six or three.

Three more, sorry.

It was to say the least a very bizarre planning commission meeting. Our neighborhood has tried to negotiate. We have met with ms. waters. We understand that property owners have a right to we offered to support sf 6 if we could discuss reducing the number of units, a 40-foot vegetative easement, not building, but vegetative easement behind our properties and a conditional overlay so that if there was a development back there they wouldn't be going through martin and lynn's yard to get out of the development. We were met with no on each one of those things. As a matter of fact tonight i hear this easement may be open to all 50 houses in our it just never stops. There's always a surprise. What we are asking you to do is give us some zoning security there. In our neighborhood. Please consider

carefully that easement. It is a real issue with us. We would support a little higher density back there to get that easement situation dealt with properly so that we aren't having traffic coming down our street in that way. And the likers aren't having people travelling through their yard. I think that you can probably tell what's happened at this point is you have people in shadow ridge who don't necessarily trust whatever development happens back there is going to be sensitive to some of the things that we want. That's what we are asking you to alleviate for us. You have the power to do this. We would support sf-1. We would support that vegetative easement. We are asking you to do that and we are asking you to support that conditional overlay over that easement. On the likers property. Thank you.

Mayor Wynn: Thank you. Yes, sir.

Good morning, mayor. My name is lance lively. I know that I have some folks that have donated some time to me, but I'm not going to need that.

Mayor Wynn: Thank you.

I'm going to be very brief. One of the things that was not mentioned in talking about the easement, the easement is gated right now. It is private. I cannot go through that easement because it is gated. That point need to be made. During the petition process it needs to be noted that 100% of the homes in our subdivision are wanting to see sf-1 zoning on this tract of land. 100%. Diversity. We have been talking about diversity in housing and all of a sudden one of the commissioners asked well you n't support diversity or whatever. The person who responded where it's appropriate, which I think was almost a english remark was talking about housing diversity. The commissioner unfortunately was talking about socio-economic diversity at that point. It went downhill from there. Suddenly to support sf-1 zoning became an elitist issue. It never was for us in shadow ridge. From the very beginning the irony of this is that every waters presented what they wanted to do on that land it has always been presented as a very sort of up scale neighborhood. A very nice neighborhood. It's a red herring to then suddenly throw it back on us as not wanting to allow housing diversity in whatever way that means because it had never been on the table before. We were responding to what they had presented to us. But we had two commissioners [buzzer sounding] [buzzer sounding] six or three.

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Mayor Wynn: Thank you, mr. lively. Questions for lance? Council? So just the fact that you are on separate sides of the room, I'm guessing perhaps loma vista folks.

Correct.

Welcome.

Thank you, my name is richard arm damage. Thank you for the opportunity. We had a large number of people who came from loma vista yesterday and most of them are still here, but we limited ourselves to I think four or five people to speak and we're just going to speak a short period of time because I know that you've heard a lot about this.

Mayor Wynn: A blatant attempt to curry favor with the council. [Laughter]

you have been asked to approve sf 6 zoning and allow construction of 30 dwelling 3-acre parcel owned by the waters family and located at the back end of the loma vista phase 1. Within this part of the estates of loma vista, there are currently 59 homes built on 110 acres. The homes are built on large lots and it is a rural residential environment. Despite what jeff had to say. The sole access for these 59 homes is twilight mesa drive, a narrow cul de sac. If you approve the requested zoning you will be allowing 3 acres, representing only 10% of the existing developed land to increase the dwellings in the neighborhood by over 50%. This would also increase the traffic on twilight mesa drive by over 50%. It



does not seem right that such a small parcel would be allowed to have such a major impact on traffic in the neighborhood. But that's only part of the problem. In addition to the waters 11 acres, there's another 37 undeveloped acres that are also serviced by twilight mesa drive. I fear that if these lots are sold to developers, which you never know that might just happen, the developers may come back here to request the same treatment you are giving to the waters. And you could be faced with having to authorize another 98 dwelling units accessing twilight mesa drive. If such a scenario plays out, twilight mesa drive could end up servicing over 180 homes and generating over 1800 daily vehicle trips, much more than the 1200 trips rating as the road is currently constructed. Please do not approve the requested sf 6. Instead authorize sf 1 zoning with a conditional overlay limiting the dwelling units for the waters parcel and the other parcels on tract 12. There is precedent for such zoning. In may 2007 you approved ordinance number 9 acres located at 7219 mulwinkle drive. The zoning for that property specified sf-1 with conditional overlay [buzzer sounding] limiting development to 20 dwellings 4 dwellings per acre. Using that same criteria i would like to request that you limit the waters zoning to 15 or 16 units. Thank you very much for your time.

Mayor Wynn: Thank you, mr. armitage. Step right up.

My name is shaun sorrells, I live on twilight mesa drive. I'm here to address tract 12, not just the waters portion of tract 12. Let me begin by clearly stating what I hope to convey in the discussion to follow. The development of tract 12 in and around the established community of loma vista would best serve both developers and residents alike with an official zoning of sf-1 or sf-2 and a conditional overlay of rural residential. Loma vista is the vast majority of existing land around tract 12. Once tract 12 is developed it will use twilight mesa drive and become part of loma vista. Speaking as a current director in the hoa of loma vista we would like to see this new tract 12 join on hoa. To join tract 12 would have to adhere a conditional overlay of rural residential. The average lot size in loma 5 acres. The smallest is as small as two-thirds of an acre, the largest is nine. This is a conditional overlay of rr. The long planning commission meeting and the meeting tonight, that has gone into the wee hours of the night, it clear that community and city officials alike are struggling to maintain the rural residential feel of oak hill. And yet blend it with what the city of austin's view of the future is. I'll state that loma vista has established the solution to this struggle. It has a co of rr for the rural character but paid to have city infrastructure. Loma vista does not tap into the aquifer, it pays for city supplied water. Loma vista does not incur the impervious cover of septic or the environmental cost of it. It pays for city sewer. Loma vista is a rural solution that austin city likes. To help establish the rural feel of loma vista, city council provided a variance for the only road into our section 1. Twilight mesa drive is three-quarters of a mile long, 24 feet wide with no sidewalks. The road can handle rural traffic so it's safe. Sidewalks are not needed as long as rural traffic levels are maintained. Higher density than rr for developing tract 12 would require sidewalks. The problem is it would be prohibitively expensive to install because we have an open culvert storm system. To demonstrate how tract 12 can and is currently being developed let's look at what chuck winkly has been doing. He lives in loma vista and purchased nine acres. His development plan before city council at present calls for only five lots, clearly within the co of rr. By granting sf 1 or sf 2 zoning on tract 12, he will provide developers with the ability to economically develop around challenging topography and offer diversity to the citizens of austin in the homes that are built. To stay consistent with the austin very variance and the twilight mesa drive building we request that the 48

acres of tract 12 be -- have an imposition of a co of rr. Thank you very much.

Thank you, sir. Welcome.

My name is troy mackey. I believe there's a couple of donated slots.

Mayor Wynn: I see one troy, marlin wade still here. Hello. That's all that I have signed up for you, troy. Do you think that you can get by with six minutes.

I'll try.

Thank you.

All right. Basically I want to go through a quick overview. Basically this is the area that we're talking about, we've already talked about having one acre lots surrounding this property. Basically everything surrounding it is one acre and then the half acre in shadow ridge. Tom other high density housing close to there is separated by a greenbelt and it has five separate exits coming out on to convict hill road. This is this area up here, they come out on convict, it even has one that comes out on escarpment. The proposal here basically has one exit coming out on to 1826. The primary concerns here basically I focused on the cul de sac first. Basically there's no access through that point right now. It's actually a closed cul de sac. It's elevated compared to the rest of the properties around it. So there's a lot of blind spots that are associated with that. There's three driveways that open immediately adjacent to where this through way would go. And there's three additional driveways that are in a blind spot as you go down the hill. The current traffic flow of the houses back here, there's basically about 8 residential cars that actually go through this area and everything that has been referred to has increased trips per day with the proposal would go through the same area. Basically it's easier to show a few things than describe it. So there's a couple of clips here. This is actually driving up to that cul de sac and what you notice this is a day when someone is having a party, but this is the area that every car would have to proceed through. As you can see, there's a basketball goal back here, you can barely see anything. That point right here there's a sign which we'll see in a couple more seconds, but this is the cul de sac, this sign right here is where this proposed driveway would be going through. Right next to that there is one driveway here, a second right there and a third right here. As you turn around you will notice you only see the car that's sitting close to the top of that cul de sac. If you proceed forward, all those cars that you pass going up this hill are completely hidden if you have two opposing cars coming towards each other, there's little reaction time there. This is another short demo basically driving up this hill, if you are on the other side, you will see this particular car just following the circumference of the circle. You can still track it there. But it's completely hidden by the time that you get to this point which also goes with the statement made earlier that it's on a slope so you can't see it, but that's actually what creates the safety issue. So that -- that vehicle completely disappears when you are in the point where the other traffic would be coming towards you. If you are coming from the other direction, if there's a vehicle on the other side, essentially you are coming up this hill and a lot of the cars travelling here are going in excess of 35 and this car you cannot see so if you have two cars coming towards each other, there's very few places to go. There's no curves, there's nothing beside you. And the last one here

which -- which basically just highlights if the car is coming up from the other side, that's about all that you're going to see. Right as it peaks at the cul de sac. This is where the proposal puts all of these trips per day are putting every one of these cars at risk of a head on collision in this area. If we look at the entry and exit, there's basically only one on to the two lane 26 and that's about 500 feet from the top of the hill where the hospital is located. Essentially when you are coming down that hill you have very little time to react. The speed limit is 55 miles an hour also a passing zone. There's really actually been several times where people have slammed on breaks and actually some have veered off the road even though they didn't report it as accidents. So the traffic is going to continue to increase essentially since the new middle school is going to be half mile up the road, the traffic is not going to get any better. This is a view from there if you look up the hill, you can see an ambulance, a bus, this is pretty typical for trying to exit here. This is what you see if you are looking straight out and this is the other side of the road. This demo gives you an idea of what an actual driving situation is when you are trying to enter this property. You are peaking this hill, again it's a 55 miles an hour zone pointed out there and right here you go into a passing zone. Basically if you stop here because of oncoming traffic there have been people locking their brakes just to avoid hitting you. So again every vehicle is going to have to be subjected to this and it's already hazardous enough right now. To give you an idea of what the neighborhood is like, to save time this is running faster than normal. This gives you an idea of how it is to traverse this neighborhood. This pass is what every vehicle is going to have to go through. So we're not talking about a clustered development toward the front of a property like most of them are set. We're talking about one 8 of a mile back, every car is going to have to go through here, which is one of the main reasons for basically asking for it to be a lower density that way you don't have them -- [buzzer sounding] all right.

Mayor Wynn: That was six minutes.

I will wrap this up. Okay. Sorry. Already talked about the sidewalks, curves. The street lighting is inadequate, no speed control devices. The statement before about adding a stop sign, the stop sign will not do any good whenever there is no cross street. That really is not a solution. So basically what we're asking for city council is to place the additional restrictions to help limit the total number of units that can -- total number of units to something greater 5 acres per lot to basically keep that density down and to keep the residents visitors basically all of our family and children safe from basically this increase in traffic. And thank you very much for your time. Mackey, very helpful seeing the visuals. Welcome. Are you June, by chance? Hello, June.

I think that I have donation of three minutes from --

is Joe here? Welcome, so June, yes, you will have six minutes followed -- well, we will see who follows you, go ahead. Mayor and councilmembers, my name is June Quan, I live on Dark Valley Cove in Loma Vista subdivision. I'm speaking as a member of a group of petitioners who live within 200 feet of the Waters properties. We oppose SF 6 zoning with the conditional overlay of 30 dwelling units proposed by the Waters. There are 20 home sites within 200 feet of the Waters property. Of the 20, 19 families are participating in our petition. That is 95% participation. If the current zoning of the Waters property is permanent zoning we will have the power of super majority. But we understand that the current zoning

is not permanent. It's interim. Of course we will not have that power. The previous speakers spoke about the lot sizes and everything and safety issues. Which were really not completely addressed but mostly addressed. So I will skip on that. As the 200 feet group, I will simply say that we all came to this neighborhood seeking a quiet and safe environment. Our neighborhood has a rural and somewhat quaint feel to it. We have no noise pollution, no light pollution, less carbon emissions. On our streets our children can play bike and ride, without us worrying. We all invested in a neighborhood with a certain quality of life and we very much wish to preserve that quality. At the planning commission, we heard similar pleas from other neighborhood in oak hill, we and you most of them, probably all of them got approved by the commission except ours. I think jamie earlier explained some part of the story. We object to the planning commission's recommendation of sf 6 with co of 30 dwelling units and we object to city staff recommendation of sf 1 without any restrictions. Those recommendations are incompatible with every single home site which borders on the waters property. Instead we ask for sf 1 with a density of not more than 8 dwelling units. We honestly believe our recommendation aligns fairly and consistently with [buzzer sounding] all surrounding neighborhoods. It is consistent with zoning and land use by the community and oak hill vision statement and goals and it provides common and basic fairness to all of the stakeholders. I have noticed in the presentations of mr. and mrs. Waters and their counsel a number of errors, maybe accidental, unintentional or intentional, but anyway i would be happy to go over those things that I observed, but to save your time I might skip over that.

Mayor Wynn: Okay.

Unless you have any questions.

Mayor Wynn: Thank you, questions for june, council? Councilmember shade?

I am curious about the errors. What errors are you talking about?

I notice that he mentioned that loma vista had a petition in which we signed for sf 1 with 30 units limit? I don't recall any such limit. We have rr overlay. Co rr that was our earlier petition. At the 1826 and the twilight mesa drive junction, intersection, rather, mr. Howard mentioned that there was only one fender bender in the record. One of our neighbors had a totaled car. And there were a lot of near misses. And he also quoted that in his calculation of the daily trips twilight mesa drive 45, 563 trips. We had a traffic count study by a professional traffic consultant and the daily trip was 698. For a community of our size -- there's more, but I'll just --

okay.

Mayor Wynn: Thank you, ms. kwan. Welcome back.

I think that I'm the caboose I'm hoping. Good morning, robert klieman, I am here on behalf of the estates of loma vista.

Earlier some folks wanted to donate time to you. Are you going to need --

I don't think I'm going to need all of that. I would like to go ahead and set the clock.

Mayor Wynn: Are you all objecting?

Yes.

We will set the clock for nine minutes if you need it, robert. You have about four more hours worth of people signed up on 11 more public hearings tonight.

I will be as brief as i can.

As council painfully knows, this is case of very strong feelings on both sides and I can certainly appreciate the waters position that they didn't file the zoning case, it kind of came to them as part of the neighborhood process. So I can understand their feelings. I also wants to acknowledge what I consider to be very creative and clever arguments that they have made tonight and in support of sf 6 with -- with 30 units. And like shadow ridge crossing, on behalf of the estates of loma vista, I did have discussions with mr. Howard regarding considering sf 6 scenario with fewer, with less lots than 30. That offer was rejected for us as well. As was for shadow ridge crossing. As we know, at least in texas, you make an offer, it's rejected the offer is pulled off the table. That's why you will hear the position of the neighbors tonight and of my clients which is sf 1 with a co of -- of half acre lot minimum lot size, a couple of other conditional overlays. The intriguing part about the arguments is that there's a lot of reliance on concepts, planning concepts, general decisions. But when you have an infill project, which is their term, you really look at what's on the ground. Around it. That's really -- can you turn on -- is the map? As you see from the aerial photograph, when you are an infill project, where you are surrounded by other development you should consider what the development is on the ground and not look at the zoning map and make your decisions. And there's been a lot of discussion about the winkly zoning case. I think that you've had distributed to you staff comments on that zoning change. If you look at the last paragraph on that page, you will see very clearly that the intent from day one was to do large lots on the nine winkly had and that's indeed what the plats that have been filed with the city are being reviewed reflect. winkly took matters into his own hand to make sure that the land next to him was comparable to what he owned and he and the neighbor bought the property, they have platted and applied large lots and added to their own lots and they are walking the walk on this. The problem that we have here is that we have what I can only call kind of a sense of entitlement or in the law we call is unilateral expectation on the part of the waters that somehow they are now entitled because they have been in the process for two years that they are entitled to 30 units, that they are entitled to use every access and that somehow that should trump the zoning process, clearly that's not the case. That's what you all do. There's been a lot of talk about the contact team. It's a bit of a misnomer under the city's ordinance. Contact teams are put together after the plans are approved. This has been somewhat of an ad hoc committee in their -- certainly a lot of history as to who was present. But I think even the waters conceded whenever there was someone there from shadow ridge or estates the leams they have always objected to the sf 6 and that was a -- those number of units. So again I ask you to look at what's on the ground, not what's on

the zoning maps and even to the extent of the road it's been conceded by the waters that the road built is not the road that's platted. So are you going to make a decision based on what's on the plat or the road that's on the ground. That's really what my clients are asking you to do. I was not hired by my clients until after the planning commission hearing. I did sit through that hearing and concur fully with the lady who spoke earlier about a word being used, no one knew what that word meant. I think it's kind of a code word. I'm sure some people thought it was affordable housing, maybe socio-economic, maybe it was a different product mix. But it certainly was not clearly defined that night and that motion in support of sf 6 was done more in emotion than on any serious planning principles. Sf 6 would create a precedent in this area that is effectively large lots all around it that are on the ground now. There are other undeveloped properties and if sf goes here, what is the basis to not grant that to the other undeveloped properties around there. There is a lot of talk about again there's concepts much we have no plans. We have more units more diversity. There's been no commitment for affordable housing or for anything else. You are to presume that if there are more units there will be some units that may be cheaper. But there's been no offer or commitment on the part of the waters to achieve that. So what we have is a lot of expectation, a lot of concepts, but we don't have much reality on the ground and that's what the neighbors have to live with because as it was pointed out by troy, this project is not like the example that -- that mr. Howard showed where the sf 6 is the front of the decision, this is the one that's almost a mile back into the subdivision and all of those units will have to drive through. Let me close. Here's what -- what the estates of loma vista would like. Sf 1 half acre minimum lot size or a co limiting it to 15 minutes. One access point into the project and that would be twilight mesa the cul de sac that you were shown in the video there, and I think that the sf 1 is an important point because it would require subdivision, it would require that road to be a public road because there's a great need for some traffic calming for those cars exiting the waters property to make sure they stop before they go into the cul de sac. If it's a public road, y'all can put a stop on it and have that traffic calming. If it's sf 6 it becomes more problematic as to how you achieve a traffic calming when you have a driveway. So we -- the neighbors really want -- want that sf 1 and last point, I apologize one last point is my neighbors, my clients neighborhood averages 1.5 acres per lot. Shadow ridge crossing about a half acre lot. They have moved off of the 8 units which would be comparable to what their neighborhood is to match the shadow ridge crossing. The proposal that my clients were presenting is exactly identical to shadow ridge crossing density and size. And that is fair. Thank you very much. I will be has tonight answer any questions. [One moment please for change in captioners] what are the rules about taking sf-6 traffic across the sf-1 easement. Can you clarify that, please.

Hot springs are rezoned sf-2, you would not be able to take the condominium sf-2 use, legally. It has been upheld by the third court of appeals on a very similar matter so I'm confident when I say that and it would be enforced by the city if there was an illegal use of that, the city could take code open enforcement action to the courts.

So it is actually granting sf-6 regardless of whine of conditional overlays, whether it is detaches or not, if it has sf-6 then it eliminates the .. it solves the easement problem basically.

Only if it is developed for an sf-6 use. If it was developed with sf-1 use, if miss waters were to subdivide the property and keep it single family, sf-1 type of use then that access would be allowed because sf-2

allows sf-1-type uses to go through it.

So now I'm confused again. If the property owner's recommendation were to be adopted, which is also the planning commission and the contact team proposal where it would be sf-6 with the conditional overlay limiting the number of units and also having ..

Then that access would not be allowed because that would not provide for a subdivision of the prompt, but my understanding the tract would be used as a single large site that would have 30 units on and that's not single family development that then takes it to a condominium-type of a form of development, where you might have detached houses, they may look like single family homes detached, but they would all be on a single site and that single tract would contain 30 units, which is not single family. One unit per lot.

If we follow the staff recommendation, which is the sf-1, then that would not solve the easement problem.

That would not solve the easement problem. You could attach, programs, a conditional overlay that might limit access to hot springs, to prothink the or limit it to, i don't know, emergency traffic or something like that, that could be an option.

Gotcha.

We could do a conditional overlay eliminating an easement?

Eliminating access.

Access into you have to provide an alternate access route to get to this property.

Right, none of that. You said sf-6 couldn't go sf-2 and sf-1 can. What about sf-3 with the number of overlays --

the use, not so of the zoning, so if miss waters would develop duplexes, for instance, on sf-3, that access would be prohibited to the sf-2 zoning.

Sf-3 with single family.

The sf-3 with single family, you could still take access to the easement.

But again, as part of the zoning, the council could have an overlay that restricts access.

To prohibit vehicular access to hot springs.

Further the question about the waters tract of council before we take up more public testimony about

additional tracts on this public hearing? Thank you all. donnelly, you're welcome to come back and give us testimony. I might go back to the sequence that the computer originally gave me and we will see who all is still here and hasn't spoken already. Welcome, sir. You will have three minutes.

My name is ray donnelly, the tract you saw on the board there. We're on page 4 of your motion sheet. 8015 Dog valley cove is our address. My wife and I bought this property back in 1996 or so. If you're music fans we bought this from jerry jeff walker and he wrote a nice song about it called the long and dusty road. We still have a long and dusty road up to our house but now we're surrounded by our neighbors who built really nice beautiful big new houses that surround our kind of old country house that is out there. We have no plans to develop this property, we aren't thought about it, I didn't know until tonight we could get 14 units on our five acres, we kind of stayed out of this whole from says and we agree with the staff recommend day we believe the staff has done its homework and we're fiend with the staff recommendation of sf-1 for our five acres out there. Our neighbors have raised two issues with our property. The first is the evil easement that you've heard so much about. What hasn't been mentioned to you is about five years ago my wife and I negotiated with the previous owner of lot 10 and we worked out that easement. We had a bigger easiment, we restricted that easement. There was conversation that went back and forth between two willing buyers and willing sellers and we worked out agreement on that easement. So what the folks are asking to you do is basically retrade that agreement. We had an agreement five years ago, consideration passed, there is a recorded document down at the court house that says what that agreement is. The folks who bought the house later had to be aware of that agreement, it was there in the records. So I don't think that the zoning process is the right place, the right method to retrade the private property transaction that my wife and I had on that property with the previous owner of lot 10. And I'm also going to say this, and I don't know why this hasn't come up, the easement that we signed that's in the records in travis county limits what we can do with that easement. That easement says, if you read it, that we can't develop the property and have 300 people go down that road. So I don't know what the big deal is. You know, there is a document in the courthouse records that says donnelly hooking, if we ever sell that property, whoever we sell it to, can only let people go up that easement, friends, neighbors, whatever. You know, we can not, as I read the document, and we helped draft it, we can't allow someone else to go up and down that easement and allow 300 cars a day or whatever to go up and down that easement. .. I don't know why we're arguing about that if someone would read the document they would know that is not a problem. I don't know why you have to put that into the zoning process if it is already in a document which is in the property records. That's all I've got. Thanks.

Thank you. Our next speaker signed up at least, cindyshefer. How about duane hudson. Welcome back mr. hudson. Appreciate your patience. And earlier, drain, let's see, it looks like norbert johnson offered to donate time to you system mr. johnson here. Hello. So duane, you will have up to six minutes if you need it.

Thank you, sir.

Why don't you start. johnson who just recently purchased this property at 7-r, I believe. We're here to oppose the flum proposal as well as the zoning progpose sag. Flum is showing to office and desired



use would be commercial.

I'm sorry, which tract again?

This is the 7 and r. 7-acre tract, recently purchased near the intersection of 290 west of convict hill, it is between the intersections of 1826 and 71. There's 570 feet of frontage on 290. TxDOT THROUGH CONDEMNATION HAS Approved access to this property and that is the only access to this tract is from 290. CAMPO AND TxDOT SHOWS U.S. 290 Will be improved, a six-lane freeway section, frontage road is proposed located between on and off ramps here and there for the improvements to 290. Water and waste water is directly available to the property. Allowable impervious cover is 1.69-acres. And my next slide I give an illustration of a concept that we've done. Let me back up a little bit. We just have recently been engaged by the property owner to do the analysis and part of the reason why we're here today, when we were coming up with the concepts as part of the feasibility we realize before the flum and rezoning, we recognized the uses we felt were appropriate and the uses has been approached by that have desired this tract didn't comply with go, therefore we're asking for the gr district and the commercial designation of the flum. This next slide is an indication of what is currently zoned go in the area around 71 and m2-90. The next slide is an illustration of what is currently zoned gr. It give the you an understanding of the focus of the districts in the area and how they are oriented to those highway uses, and we feel that this property is appropriately zoned with gr in this instance. Another instance, and this one is closer to the intersection of 290 and mopac. This is for the go currently zoned properties. And then the next slide is all the gr properties within and around that intersection at 290 and mopac. One more this is an indication of a similar area in northern austin, 183 and 45, again showing go and the limited use of go as a district around the major corridors, and this is an impressive exhibit because it shows the impact that gr is currently indicated and established along the major corridors. And when I say this is gr and less restricted so gr and up in these exhibits I've showned from the standpoint of the difference between the go uses. Backing up to the second exhibit, again, the current owner has been approached by potential tenants desiring land uses allows in gr, this includes hotel and local restaurant as well as local retail. As we've laid this out, this represents the allowable impervious cover on the property property. Compatibility wouldn't be an issue. We have II zoning to the south and east and multifamily zoning to the west and even if it was a single family residence, a use or zoned property as has been discussed before, compatibility would be -- shouldn't and problem address in our current designs, mainly because the focus of density on the property would have to be located along the frontage of 290. Several of the properties in the region opposed to be gr are less restrictive and we feel that this is a land use request, the environmental concerns as we would design this property would be handled through following the .. the land development code and teching technical criteria manuals with that, I'll conclude my presentation and if you have any question, I'm here to answer them.

Thank you. Questions for duane, council? Thank you, sir. It looks like our next speaker SIGNED UP IS william McDonald. Signed up wishing to address us. He may have been satisfied earlier. Colin clark who was here a few hours ago. Also wished to speak. Becky halpin we heard from much earlier, wanted to address us in this public hearing. I believe we all right heard from carol. William hooper. Teresa kerr.

No, thank you.

Thank you [laughter] roy waily. Roy was here earlier. David richardson.

I'll pass.

Thank you, david.

Steven bears. Natalie again. Well, are there any citizens that would like to give us testimony? Again this is technically the public hearing 91 which is the west oak hill area contested zoning tracts. Yes, sir.

My discussion was for both the overlay on both tracts, and when he pointed to the easement that he says it clearly says it is only for one, he signed it saying the one the waters signed. We're not trying to get rid of his use, we want to make sure it doesn't become something it wasn't supposed to be. Thank you.

Fair enough, a clarification. So council, I believe that is all of our citizen testimony on this public hearing, item number 91. You still awake? So, council, we have a five-page motion sheet and virtually all of our testimony was just on two, maybe a third tract. We might could try to get by with a main motion and a second to take, you know, one of the others, say planning commission recommendation on everything and then accept motions to amend on the two to three tracts that that might be the will of council. And maureen, is staff also only ready for first reading only for these tracts, as well?

Correct.

Based on our conversation.

Let me point out, I did believe I read all of the tracts and that included 91 and 92, the east oak hill tracts as well.

Did you read those?

Yes, I read them all, the green and the orange.

So this stapled five pages is actually 91 and 92.

Yes, sir.

Just in case then, I want to make sure there is nobody here, I sort of misguided folks, make sure that any of the 20 speakers that had signed up, since we had 70 speakers sign up for 91, 20 for 92, some were the same but i thought there might and few people signed up for 92, the east area. My machine is slow. It's not opening up for me. So are there any citizens that would like to give us testimony on public hearing item number 92, which we characterize and posted as the east oak hill combined neighborhood

planning area rezoning. Miss meredith read into the record as we opened up that other public hearing. So we'll consider this a .. we just conducted the combined public hearing, item 91 and 92, that being all of the zoning cases east or west. And now our motions sheet has those two public hearings combined. Council member shade.

I'll make a motion. I'll go with the planning commission recommendation.

So our main motion, if you will, for this come binded public hearing -- combined public hearing item 91 and 92 is to approve on first reading only all of the planning commission recommendations, I'll second that and then after a little bit of discussion we will be able to start taking motions to amend that blanket motion. And noting also, remember that the first two tracts on the first page, 4 and aj, 3 and as, have already been postponed as the first one on the second page, 6 and at. So comments, general or specific, and/or motions to amend our main motion. Council member martinez. .. I know we've asked this earlier but I've forgotten it again. Can you explain the difference between neighborhood mixed use and mixed land use.

Neighborhood mixed use, the typical zoning districts would be lo, lr, and residential. The mixed use would allow more .. from single family up until cs.

I'll make an amendment on 5 and y for neighborhood mixed use land use.

I'm sorry, council member can we identify the page.

I'm sorry, page one, staff recommendation on 5 and y.

The motion to amend.

Second.

Motion by council member martinez, seconded by council member morrison, to amend the main motion by inserting on tract 5 and y staff recommendation of neighborhood mixed use. For the land use designation, remind me these are zoning cases too, and then so the zoning of lo-mp. Is that you how we're doing this? Naming both the flum designation and motion first reading for zoning.

Correct.

Okay. Again, all of our motions to amend will be first rdi at well since that is the main motion. So motion and a second to amend the staff recommendation 5 and y. Comments on the motion to amend? Well, now I think we will do it this way. So hearing no comments on the motion to amend, all those in favor, please say aye. Aye. Opposed? Motion to amend passes on a vote of 7-0. We will go back to the main motion. Additional motions to amend?

Mayor.

Council member, cole.

Mayor, I would like to make a motion to amend on track 12-a and I, the waters tract. I would like to move that we adopt sf-1 with the limit of 20 unit the, and a conditional overlay easement to hot springs road, allowing only emergency access.

I thought we were going to take these in order, mayor.

Am I out of order.

I just assumed we would be taking these in order.

If you don't mind, council member cole, can you hold that thought for a second.

Yes.

We've now completed page one. Page two, the first tract has been postponed. Any potential amendments for the last two tracts on page two, 7 and r, 220 and w. Council member morrison.

I would like to propose that we amend the motion for 220 and w, the last one on page two, you will see that we have planning commission zoning is lr-mu-mp, and I would like to go ahead and stick with that but for the flum designation, use the neighborhood mixed use land use which is often the right which i believe -- which is on the right which I believe ises can tent with lr-mu-mp.

Second.

We have a motion and a second, before I walk us through it. Maureen is council member morrison's characterization correct that the zoning recommended by planning commission is also cope aesthetic with the neighborhood mixed use land use.

Correct.

Okay.

That way we sort of line them up a little bit better since neighborhood mixed use is the lr level.

So we have a motion and a second on the table to amend our main motion. This is the bottom of page two, tract two a and w, identifying the zoning that's recommended by planning commission lr-mu-mp with the flum designation that comes from some other interests, that being neighborhood mixed use. Comments on the motion to amend, first reading only as our main motion is already. Hearing none, all those in favor, please say aye. Aye. Opposed? Motion to amend passes on a vote of 7-0. Page three is

12-a and I. I'll recognize council member cole.

Now I would like to make a motion that on 12-a and I we adopt sf-1 with a limit of 20 units and a conditional overlay with respect to the easement only for emergency access at the .. only for emergency access so you would prohibit access to hot springs rotan drive until the time of the site development to no more than one residential unit.

The motion to amend on page three, tract 12-a and I, the waters tract. So technically, you identified the zoning, we need to identify the land use. That map designation as well. Otherwise, right now the main motion includes the planning commission recommendation on the flum, which is high density single family land use.

Single family.

So the single family land use designation and sf-1-mp, limiting the 20 units and the easement restriction of emergency access only once the site is developed with more than one unit. Let's see if we can get a second. Seconded by mayor pro tem. Council member shade.

I have a question, does that allow pedestrian access? Like what has been discussed. Or is that just for emergency vehicles and no pedestrian access?

Greg?

We talked about all of it so I'm confused.

I know in the past we have occasionally used the term emergency access only, what's been sort of the technicalities of that.

What does that mean?

If you use the terminology no vehicular access except for emergency vehicle it is would leave the pedestrian access open and allow for only emergency vehicles, if that is the will of the council.

Okay, so we have a motion and second on the table to amend the main motion regarding the waters tract or tract 12-a and I.

Mayor.

Council member martinez.

I'm going to offer and substitute amendment that is very similar, it's the flum would be single family land use, but I'm going to offer sf-1 with minimum of half acre lots with a co that restricts easement access, except for emergency vehicle use only. And that the main connection route in and out of the

development is twilight basin.

I accept that as a friendly amendment.

Half acre lots reduces the amount of units to about 15, once you add in the roadway and all the other stuff it reduce it is down to about 15 units.

So we're debating 15 or 20?

Let's see if there is a second for this substitute motion to amend.

Seconded by council member morrison. So again, single family land use, sf-1 zoning, limiting to half acre lots, which right now we're characterizing to be approximately 15 but that can easily get worked out in more detail before the next couple of readings. Also, the same limiting the easement for emergency access only once development has occurred and identifying twilight mesa as primary or primary access to the traffic. Thank you.

Does that motion still allow access to water's way? Does the motion that's before you as a primary access, are you allowing any access through water's way? Just one main point of entrance which would be off twilight mesa.

Council member leffingwell.

I think both of the substitute motions limited that access in that way, did they not?

If I can, I will say that we've had a lot of testimony and this has been a very long case. For me, the issue is it really is more about compatibility with existing land uses around this tract of land. I don't necessarily believe that sf-6 is bad from an environmental standpoint. But when you're talking about a neighborhood that's sitting on one acre tracts and that's going to be the main point of ingress and egress and when the adjacent neighborhood that it's going to back up to is half acre lots, i just feel like we need to stick with the consistency of the neighborhood that already exists there, and to try to minimize the impact on those existing communities and that's why i made the motion the way that did. I think it would provide for about 15 units, minimum of half acre lots which still would not be compatible with the loma vista neighborhood but it is a little bit more reasonable than, I believe, what I've heard tonight as an eight-unit request for a co of eight units.

A substitute motion and second on the table amending the main motion regarding 12 ha and I, the waters tract. Further comments on the substitute motion to amend? In first reading only. Like with so many of these tracts, and even the flum designations earlier tonight, i will certainly help get my staff to try to work with staff to really do as much calculations as practical that would identify precisely how many unitises, for instance could get developed with the roadway, the impervious cover restriction that kind of thing. Whether it is 15 exactly or a little more or a little less that might be important. Further comments on our substitute motion to amend in first reading only, as all of these are. Hearing none, all

those in favor, please say aye. Aye. Opposed?

No.

No.

It sounds like we have four affirmatives, three negative votes on the substitute motion to amend. Those negative votes being council member shade, mayor pro tem and council member cole. So again, that now amends the main motion. We'll go back to here. Takes us to page four, council. Tract 12. Any comment or motions to and tract 12? Council member morrison.

I wonder if staff might be able to tell us what the site area is, how much of that tract can actually be built on?

I don't know.

Because it looks like a rather large tract but on the flum it looks like a lot of it is very near the creek and perhaps unbuildable.

It looks at least if from the zoning map I have the southern end of the tract is in the water quality transition zone but i can't tell you how much exactly that is.

It looks like I can amend this, we have single family, the planning commission said single family land use sf-1-mp.

Correct.

I wanted to amend that to add a co as we did similar to-a than is the half-acre lots. That's a motion.

But again, there were additional restrictions than just the half-acre lots on the previous. You want to have all of those?

No, just the half-acre lots.

We have a motion to amend tract 12, adding a conditional overlay of half-acre lot restriction.

That would bees can tent with what we just -- consistent with what we just did on the property notion it.

Seconded by council member martinez. Comments on the motion to amend tract 12? Hearing none, all those in favor, please say aye. Aye. Opposed? Motion to amend passes on a vote of 7-0. Takes us to our final page, five. Three tracts 208-a, 209-a and 216. Planning commission recommendation as part of our main motion. And hearing none comments or motions, that takes us back to our main motion, combined case 91 and 92, we' postponing three cases and I think we have amended the planning

commission recommendation on about three of the cases as well. So we now have amended main motion on the table, first reading only. By the way, maureen, I thought to ask this four hours ago, so we've been passing virtually all this now on first reading, what's staff's anticipated timing on bringing this back to us for second and/or third reading?

Mayor and council, the staff is going to work with the department and try to have these back possibly by the december 11 meeting, if not, the december 18 meeting.

Thank you. Again, we have a motion and second on the table, first reading only. The zoning cases and future land use map designations, combined zoning cases 91 and 92. Further comments? Hearing none, all those in favor, please say aye. Aye. Opposed? Amended motion passes on a vote of 7-0, first reading only. Council that takes us to.

6:00 Public hearings?

No, we're still not to the 00 public hearings yet [laughter]

our last zoning case, item 93, the william cannon case. Maureen is going to --

last case on the agenda, case 93, located at 1480 west cannon drive. Requested zones is sf-220 lr-mu, a 2.5-acre tract. The staff recommendation is maintain the sf-2 zoning. Planning commission recommendation is deny the applicant's request for lr-mu zoning. The flum that would go with the staff and planning commission recommendation will be single family land use and I presume that the applicant would be requesting neighborhood mixed use with his request. I am available if you have any questions. Jeff howard is the applicant.

Thank you, jerry. Questions for the applicant, council? Then we will conduct our public hearing on this zoning case. howard is our owner's agent, or applicant's agent, excuse me. So our -- it is probably different than what we've been doing earlier in the night, technically we'll follow a code for the public hear, we will have five-minute presentations by jeff but a couple folks wanted to donate a little more time to him, we then hear from folks in favor of the zoning case, then we hear from folks in howard as a one-time three-minute rebuttal. Jeff, as mentioned earlier, a couple folks wanted to donate time to you. It is gale and/or marcus whitfield. That is six additional minutes so you will have 11 minutes if you need it. Welcome.

Good evening. This case has been a frustrating town me, and part of the frustration is we filed this zoning case many, many, many months ago but even so, the flum has always kind of been hanging over the heads of everyone involved, neighborhoods, applicant, because the flum dictated that we had to get a certain agreement by a certain time and we didn't get agreement by a certain time then the neighbors had to choose but to be opposed. ... we weren't able to get agreement with the neighbors by the time we went to planning commission and so that planning commission date couldn't move back because you guys were going to consider the flum the following week. I feel like if we had had the time to let this sort of happen naturally without the flum over our heads we may have gotten further along and



may have had a different rule as planning commission. Be that as it may there has been a lot that changed since planning commission. First, our flowing proposal is no longer Ir-mu, it is lo-mu-co and that addressed a major concern the neighbor has about retail along William Cannon and a domino effect of shopping centers. The second thing that changed is we identified that we have less available impervious cover than we thought. We thought we had about 4 or 5,000 existing impervious cover, turns out we had about 8100 square feet of impervious cover now that means we can't add any more buildings and we spent a lot of time and effort negotiating with neighborhoods about can we get another building on this site. Well, we found out we can so that means we're just talking about what is there now. The third thing that happened we've identified that this property, although we knew had been sectioned the Williamson Creek Green Belt, we didn't realize to what extent .. the significance of this trail. It is a priority one trail and it is the only one in Oak Hill, I understand, and it connected to the Hill Country Conservancy's walk for a day. Those things have changed. When they changed we went back and tried to work with the neighborhoods. We took our proposal to the neighborhood planning contact team and we've made an enormous amount of progress in terms of coming up with some specific conditions, some specific restrictions, two pages worth that I passed out, comprehensive restrictions. We haven't got all the neighborhood there yet, and we, you know, we're committed to continue working with them for first and second reading if council can keep this case going so we can do so. Let me run through the power point real quick. First, I think this is important to realize this case from a planning perspective, recognizing that neighborhoods have issues and concerns and questions about compatibility, but from a planning exercise, this proposed zoning is really compatible with the Oak Hill neighborhood plan and you see on this slide there are several reasons, encouraging zoning compatible with the existing uses and the appropriate use of land. It is not just that it has to be compatible with the neighborhood but also has to seek the optimal use of land. Encourage locally owned businesses, doctors, dentist, assure quality new construction and perhaps, most importantly, create secure natural greenbelts in the area. This is an extreme high priority. Here's the property. .. the amount of land owned on both sides -- the applicant owns land on both sides of Williamson Creek and you can see the subdivisions around it. Here, you can catch an idea of the green belt. The green belt takes you all the way from park land at 290 in William Cannon and basically takes you to the Hill Country Conservancy's walk for a day, and it is only by about three properties, one is this particular property. One of the things that we've heard consistently throughout this process is, again, preserving the rural feel of Oak Hill. Well in East Oak Hill, this shows you, this is not a rural neighborhood. This is a suburban neighborhood, at best, potentially even an urban neighborhood, you might see neighborhoods like this in Northwest Hills and Great Hills, or in other parts of town. And so it's not a rural feel. What this also shows you is some neighborhoods we've been dealing with. The West Creek neighborhood to the north of the track which is represented by the star to the south and a condo development immediately to the east. This slide shows that condo just to the east. It is a 60-unit condominium 7 units per acre, four units about in each building system that already

nine minutes?

In fact, you're supposed to get 11 some of we need six more minutes if you can.

Okay. 7 units per acre. They're grandfathered, they're entirely in the critical water buffer zone, it is relatively a high density condominium project next door our project and it is grandfathered. Our project is subject to SOS. Incidentally, all the neighborhoods are also grandfathered subdivisions, they didn't have to

comply with sos when those were developed. What is up on the screen is a survey of the property. We have a 2100-square foot building and driveway and we wanted to occupy it with an office use and that is why we're asking for the lo zoning. This is what is visible, it is a very wooded tract. We will be able to preserve the wooded look and feel with this zoning. We cannot exceed our existing impervious cover so we're not going to see this two-plus acres turn into a shopping center or a major office building, it just can't happen, there is not enough impervious cover, there is not enough entitlement for it to happen so we proposed lo-mu and because the site doesn't work for single family, we've got to our west and we'll show you some slides, some sort of business that is going on where their' storing landscape trucks and to the east we've got over 40 windows and 60 units looking over the property. Here is an example of just one slide of one 67 the units that is overlooking the property and here's the business that is going on to the west. As you can see. Now, again, the renal recent developments are that we've changed our zoning. We've designed standards based on input from the neighbors. While some are still opposed, the west creek neighborhood has indicated its willingness to not be opposed. They would like to support, you know, an agreement with some other neighborhoods. We worked extensively with the western oaks neighborhood, in fact, about a page of those restrictions are architectural standards, signage, hours of operation, lighting that we negotiated with western oaks, we were hopeful that western oaks would be supportive but I think we may still have some work to do there and we've still got an issue or two outstanding. Fortunately, we're here to have a public hearing. We're committed to work with western oaks ant west creek ranch condos, they've been opposed by they indicated their opposition, they would like to see this new proposal go back through the process and go through staff review and planning commission recommendations. Unfortunately, we don't have that luxury, the flum needs to happen and you all have dealt with it for a long time. The other thing that has happenwe've gone for the oak hill neighborhood planning .. went before them twice had a lot of discussion and they unanimously recommended the zoning we're asking for, which is again, to allow us to use an office to be use a building for office and to ... by doing so we can dedicate the trail. So on the trail, I think perkins, if he is still here, he will speak to this but he sent you an e-mail on what the oak hill trails association would like to see. In terms of the trail. We've got a letter from hill cofer also send you a letter and we william cannon has 37,000 trips per by a on it a six lane, and we're talking about 8,000 square feet of impervious cover and a 2100 square foot building. Recognizing there has brand petition, again, when things didn't work out under the time constraints of planning commission, the neighbors did go out and circulate a petition and got a petition signs. We've since been trying to work to address some of those concerns but there is still neighborhood opposition. What we would ask is, you know, is that you support this on first reading and allow us to continue to work for the neighbors and see if we can't address the remaining outstanding issues. If you deny it, then we're going to be unable to bring it back for 18 months and I think we may miss an opportunities on the trails. So with that, I will be happy to answer any questions you may have regarding this case.

Thank you, mr. howard. Council member leffingwell.

So the approximately 8100 square feet, is that sos compliant? .. well, the answer is no. Sos allows no development. If there weren't existing development. Sos says that there's no development allowed in the zone, but because we have existing impervious cover and because we're an existing tract we are allowed to have what we have and allowed to keep it, so it complies in the sense that it's existing in

grand fathered, but we're not allowed to develop any further under sos, if that answers your question.

So do you know what the impervious cover is, approximately?

It is approximately 8100 square feet.

I mean percentage?

8100 Square feet is 5% of the gross site area.

Gross site area, but not of the net site.

Correct. Because it is in the critical zone. That's right.

Further questions for mr. howard? Yes, sir.

So the trail easement which you're willing to dedicate with the lo zoning?

Yes, sir.

And if you don't get the zoning, of course I thought i heard you say that it would not be dedicated as a trail, a trail easement.

That's correct, we would need to keep that as private property for our single family pants.

Other -- family occupants.

Further question, comments? If not, mr. rusthoven.

My apologies, in my attempt to be brief, I left off a point. Into thank you. --

thank you. And so, council, we now hear from folks in favor. Often time, though, people get confused because there are some folks here in favor but they're donating time to people in opposition, and vice-versa [laughter] they are very fair.

My name is david richardson, the chair of the neighborhood planning contact team and when this indicates came before us we did discuss it at some length howard explained the differences of development under its current zoning, and the impervious cover that would be allowed under that potentially. And it was very clear at the end of that that allowing this easement to be created was clearly in the best interest of the community, even though it bass changing its use from single family to lo mixed neighborhood use plan. So to be very, very brief, i think that's really in the best interest of the neighborhood is to go in that direction, even though it changed in the plan. However, there is this petition and the folks that have spoken against this use have done so, it appears, purely on the interest

of having us go through the whole process again, which as jeff mentioned would take 18 months, which, again, does not seem to be in the interest of the community. If we did that, we would lose the trail. So to the people on the team it became very clear that it was important to get this thing moving forward under lo and that's what we support.

Thank you, david, for clarifying that. So we now hear from folks who signed up in opposition and I'll just take them in the sequence that the screen shows them. This is the order they actually signed up earlier but I think some folks may have leaf.

Is there a neutral?

David was neutral and you are too. Up must be rick.

I'm rick.

Welcome, mr. perkins.

Thank you.

I guess we'll take the neutrals, take all the folks from switzerland before we hear from those in opposition.

Hi, council. Thank you for the sleepover. Let's see, my name is rick perkins, I'm with the advice chair of oak hills trail association and our group learned of the zoning case when I was contacted by miss whitfield about the possibility of an easement donation for a section of the williamson trail. Basically, if toll williamson creek from the y, this little green line right here, all the WAY TO MoPAC WHICH I THINK Jeff had showed you earlier. The trail is part of the oak hill neighborhood plan and it is one of 12 priority trails for the city of austin, and that was come together from the austin trails network wish, which is are group that is formed to do that stuff. But the winston creek hike and bike trail is expected to follow williamson creek from around the wide oak hill to the ball fields, roughly parallel to william cannon until it crosses MoPAC. It is resposnerred by the hill country conservancy, it followed this flood plain. The majority of this land is owned by the city as either park land our watershed protection land, except for these three properties and they stand in our way here, where it blue line is crossing. This zoning case comps one of the prompts, which is the whitfields, which is this one right here, and that is not currently part of the contiguous williamson creek trail. [One moment please for change in captioners]

Mayor Wynn: Thank you, perkins, then now that i look at it, a couple of more folks signed up neutral as well. Bill schultz, welcome back, bill, gary [indiscernible]

hi. Bill schultz here again. I'm on the contact team and i was asked by some of the neighbors to help mediate this process. We met for about two and a half hours, at least one west creek neighbor, jeff howard and myself. We produced roughly out of this document jeff has roughly half of it at that meeting. The purpose of that goal in going to that meeting was to secure the trail. The trail seems to be about

99% there. I'll make this short. I'm going to allow this process to -- I'm going to say I want you to allow this process to continue. I know west creek ranch didn't really focus on the merits, they were more focused on the process. That was evident at the last contact team meeting. But I support the resolution of the contact team to allow the process to continue so that it can agree. For the trail. Thank you. schultz, gary signed up neutral. That's all of the folks in favor or neutral for this case. We will now hear from folks in opposition. Before we get a one three minute rebuttal from mr. Howard. Our first person to speak in opposition is dan palmer. Signed up wishing to speak in opposition. I will read the names. I believe a new folks have left. Mr. parmer? Welcome. You will have three minutes, followed by diana [indiscernible]

thank you, mayor and council. I will make this real brief. I represent the west creek ranch homeowners association, I'm president this year. We had over 51% of our community sign the petition in opposition for actually in support of staff and for the planning commission, which we went before. For the five to two vote in favor of staff recommendation of sf 2. howard has been to our board on the 14th of this month. Our board meeting. And made another presentation AND ON THE 15th -- WELL, ON That 14th that evening we again verified with the board that our position hadn't changed. We want to stay with sf 2 and I brought that to -- to the committee on wednesday the 15th of that same week. Our position really hasn't changed. We would like to see it remain sf 2.

Mayor Wynn: Great, thank you, ben. Diana hajali, sorry if I'm mispronouncing that. Seened up wishing to speak in opposition, he will note that for the record. Sarah summers. Welcome, ms. summers. You will have three minutes to be followed by johnny wells.

Good morning, mayor, councilmembers. My name is sarah summers. I represent the western oaks property owners association. At this time we are requesting that you maintain the existing zoning of sf 2 on this property. Thank you.

Mayor Wynn: Thank you.

Johnny wells signed up wishing to speak.

Thank you. Janelle coon. Thank y'all. Again we will note all of these formally for the record to be in opposition. Kyle fox. Signed up wishing to speak, a couple of folks were going to donate time to coil. We will also note their opposition for the record. Let's see. Angelica reeve. Welcome. And a couple of folks were going to donate time to you. If you need it. Shirley roberts still here, hello. How about gordana easterling. That would be nine minutes if you need it. Angelica. Welcome.

I started to say good evening. Good morning, honorable mayor wynn and councilmembers, I'm angelica reeve I reside in the west creek neighborhood behind the subject property. I'm here to support the city planning commission and staff recommendation that this property remain zoned sf 2. Thank you. The planning staff and planning commission recommendation is to deny neighborhood commercial mixed use zoning. East oak hill neighborhood plan and flum support sf 2 zoning. Neighborhood associations also support an sf 2 zoning, these include west creek and western oaks neighborhood association and

the west creek ranch condominiums h association a valid petition has been submitted and results show that 90% of the landowners which represent 75% of the land area within 200 feet is opposed to the zoning change. Property owners on all sides, west creek to the north, western oaks to the south, west creek ranch condos to the east and the property owner of the five acre tract to the west have signed this petition. Applying sound land use planning principles, the city of austin focuses on increased density and nodal commercial growth at major lighted intersections rather than expansion of mid block commercial growth. One land planning principle is to avoid creating an undesirable precedent for other property. Rezoning of the property would establish a precedent for commercial growth between brush country and mccarty lane. There are three five-acre estate lots west of this property on william cannon with another two houses occupying three acres. Dan ballard in a letter to the city council expressed his opposition to rezoning stating that although the 4808 would undoubtedly have a higher value if rezoned as would his, his desire would be that both properties remain residential and that the neighborhood retain its current residential character. Deed restrictions currently restricting rezoning of these large rural lots will expire in 2016 and can be overturned by the three homeowners within six months of the automatic renewal of a deed restriction. In the meantime mid block pocket commercial zoning of this subject property and adjacent property will abut residential property. As you will see on the next slide, all property within approximately 400 feet of the subject property is zoned single family. Here's a map of the subject property and the surrounding area. The teal jury on this map represents property zoned single family. All of this property is zoned sf 2 with the exception of the west creek ranch condominiums to the east which are zoned sf 6. The yellow area represents the subject property. Increased traffic on wheelchair will adversely affect residents in western oaks, west creek ranch condos, west creek neighborhood and residents along william cannon. The cut through from highway 290 to william cannon through the west creek requires travel through an elementary school zone and will create risks to children walking in the area. Many of the streets in western oaks are cul de sacs, requiring entry and exit on to william cannon. The intersections along william cannon, brush country, one oak, hitching post circle and robert dixon will be negatively impacted by the additional commercial traffic. With a non-controlled intersection at one oak vehicles heading east will create a hazardous situation on william cannon at this crossover. It would be inadvisable to put a stoplight in for this property due to its proximity of the stoplight at brush country. The subject property is in the edward's aquifer recharge zone, the williamson creek watershed of the colorado river basin. [Reading graphic] with runoff creating additional polluting in the creek. The concern is the precedent set would have negative environmental impact. Results of the williamson county creek flood study army corps of engineers in partnership with the city of austin report that -- [reading graphic] due to paving and vehicle run off. [Reading graphic] this is one of the many examples of some of the wildlife spotted in the greenbelt. The williamson creek greenbelt offers access to open green space but is used as a wildlife habitat and a place for families to walk and in the creek. The value created by the williamson creek greenbelt supports a rural feeling. It is to maintain the feel of large, rural residential lots. This is a map showing the proposed conservation easement that the whitfields offered during our negotiations. The dark blue area on this map indicates existing city park easement. And the area shaded bright green is the conservation easement proposed by the whitfield company. As you can see, there's little overlap with existing parkland. Honorable mayor wynn and councilmembers, we have listened to proposals given by the whitfields and considered various scenarios. We continue to support an sf 2 zoning and talking directly to affected neighbors and

neighborhood associations. Adjacent for residents and adequate transition to other properties zoned single family are compelling arguments to leave the subject property zoned as single family. Rezoning this property would allow commercial development in a pocket which is ideally suited for residents and is poorly situated for a commercial development. The condominiums provide a smooth transition from commercial use at the corner of williamson county and brush country towards the land west of this property which is zoned sf 2. In conclusion, oops, a compelling majority of surrounding landowners support the planning commission and staff recommendations. The east oak hill neighborhood plan and flum. [Reading graphic] thank you very much.

Mayor Wynn: Thank you, angelica. Council, I believe that's all of the folks who have signed up wishing to give us testimony now in opposition. Let me verify that's the case. howard, you have a minute rebuttal. Welcome back.

Thank you mayor, it's been unfortunate mr. [Indiscernible] was not here, he represents the executive committee for the west creek neighborhood association and the west creek neighborhood association, he actually spoke very eloquently at the neighborhood planning contact team how our proposal was a better proposal, represented real compromise and was one that he felt like everyone ought to support. reeves has been very active, but she does not speak for west creek neighborhood association. I think the executive committee of the west creek neighborhood association speaks for that organization. They are not opposed to the zoning request. parmer represents an organization that wants one unit, 8,000 square feet on an sf 2 lot, whereas his development has 60 units on about five acres. It does not comply with s.o.s. It's over at least 50% impervious cover. It's ironic that -- organization that has benefited from grandfathering rules and a much more permissive zoning would seek to limit our zoning. In fact at the neighborhood planning contact team meeting, he said that the issue with the current opposition was the process. We have neighborhood planning contact team members here who can verify that. He said we don't have a problem, we just think that the process was followed we want to take this proposal back through the process. Western oaks half of that list that I gave you was negotiated by western oaks. What happens, what turned 15 this afternoon was when some of the individual neighbors in west creek not the organization found out that western oaks was potentially going to be supported this, they contacted western oaks and told them they were going to be opposed and western oaks should be, too. I think if that circumstance wasn't there we could negotiate with western oaks we would probably and hopefully reach agreement. The three five acre lots are both deed and plat restricted. The plat restrictions are for single family and they don't expire. The traffic we're talking about 2100 square feet of office. It's about 70 trips per day on a 37,000 trip per day road. It's not going to create a traffic issue. Environmental and drainage issues, there are none. We're talking about no more impervious cover than is already there. We can't add impervious cover. No -- no -- the same amount of impervious cover that's there will always be there. We can't add to it. We're limiting by what we have. And, you know, the fox, we've heard about the fox, I love the fox. But the fox gets to stay because we're not adding any impervious cover. Guess what? The fox is better off because we'll be dedicating a greenbelt and that greenbelt will be maintained by the -- private property. We do overlap. We do overlap. We're working with mr. Perkins to make sure that we have given enough width for the greenbelt to connect. There will be plenty of width for that to connect. perkins and his organization will make darned sure of that. So in conclusion this is one that I think makes a lot of sense. It's on a public roadway, it's a zoning that you

have routinely granted in these situations. You have granted numerous times lo zoning where there has been an old house on a major arterial, gets reused as office zoning. Rarely do you have the chance, though, to make such a significant community impact by -- low impervious cover cover, not very much development whatsoever, willing to continue working with the neighbors and with that I'll answer any questions that you might have.

Mayor Wynn: Thank you, mr. howard.

Thank you.

Mayor Wynn: Questions, council? Comments?

Leffingwell: I would like to make --

Mayor Wynn: Councilmember leffingwell?

Leffingwell: I would like to make a motion to close the public hearing and approve on first reading only the lo-mu-co with a co limiting the impervious cover to existing impervious cover and with the requirement of the dedication of the easement for the trail.

Mayor Wynn: Motion by councilmember leffingwell, seconded by the mayor pro tem, first reading only, lo-mu-co with the conditions being limiting the impervious cover to what's existing and the requirement for the trail easement.

Can I get a clarification, does that also include as a part of that motion for neighborhood commercial mixed use for the flum?

Leffingwell: Yes.

Mayor Wynn: Councilmember morrison?

Morrison: I had a question. And it's of the folks that were speaking and i apologize, I'm not going to know exactly who to ask this of. But in terms of the mediation that's going on or has been going on, did it -- has it included the nearby neighbors or is it just including the neighborhood association? flips can probably answer, too, the first meeting was with charlotte wallace, one of the more active residents on white elm and she may have come to see some of you all. That first meeting that mr. Filts attended charlotte was there, kind of the resident of white elm. She's no longer opposed to this proposal.

Morrison: Has anybody tried to work on a mediation with 74% of the property owners that are -- I'm sorry. It's a little late. Any attempt to work with those folks, too, in mediation the ones that live nearby that --

at the contact team I mean it was strongly suggested that, you know, that they continue to work



together. In fact that was part of our resolution that we would support any future agreement that they came to. I offered my services to mediate and help them get through that process even more. palmer was really stuck on the issue of process. He wasn't really looking at or his group wasn't looking at the merit of what the deal was or what the process we were already in.

Morrison: So they were invited to the table and were not interested in participating? Is that or maybe -- parmer can answer that. I made myself available. I didn't make the invitations. I was invited.

Morrison: That's great. Also if there are some folks back there that are -- that are part of the 74%, I would like to hear your perspective, also.

Well, as a matter of fact since we have a common wall with the property in question. There's five buildings that face that piece of property or have the back up to that piece of property. There's 47% in that one part of the horseshoe that is opposed overall. It's about 51%. No one was in favor of it.

Morrison: Just to get to my question, you weren't interested in sitting down and talking with them about was there anything at all that could possibly be on the table?

Well, we talked.

Morrison: To mitigate the impact?

We talked. Quite frankly when this all started before they changed from -- there's been two or three changes they have made as th progressed at one time they asked me would I be interested in sf 6 like we have. I said sure. I think our problem is as a board and as a community is that we were asking them to go back and if they are interested in that not just trying to flip a piece of property for sale if they are really interested go back through the process of going to sf 6, putting a proposal out, putting a plan out, sending it through staff and see what came of it. That's pretty much the way our people have felt all the way through.

Morrison: Okay. Just real quickly since it's so late, did you have something to add to that in terms of being a nearby neighbor, real quickly.

Yes, there was one meeting, I was not able to attend because I work full time. And some of the other people are retired they can go to things. There was not a mailout or an e-mail to all of the rest of the people. There was only a select few that even knew about that meeting. So there was no opportunity really to work on this.

Morrison: Okay.

Okay?

Morrison: I just want to comment. I understand your motion councilmember leffingwell that it's a really

terrific opportunity to get the trail and all. It sounds like more effective outreach could be done to the nearby neighbors to perhaps be able to work some mitigation for them. So while I'm going to vote against your motion, it is with the hope that some real strong outreach can be done to really roll up everybody's sleeves and try and find something that could work.

Mayor Wynn: We have a motion and a second on the table. First reading only. Lo-mu-co to existing -- with two conditions, existing impervious cover and the trail easement dedication and the flum designation as suggested by staff.

Leffingwell: I would like to say that I appreciate your comments and i, too, hope that there's an opportunity to -- for everyone concerned to get together and discuss this case. This is first reading only. It will be coming back for additional reading and hopefully you will have a chance to come to an agreement. On the item of process, this is a process. This is the way the process works. It's often the case that one zoning category will be asked for and another zoning category will eventually be granted through the process. Working through this very process even at this point. So I would have to say i don't really understand that argument. But I do hope that you have the opportunity to -- to meet again with the -- with mr. Howard and mutually address your concerns.

Mayor Wynn: Thank you, again motion and second on the table.

Thank you, mayor, that includes neighborhood mixed use as part the flum.

Mayor Wynn: Yes. Further comments? Hearing none, all those in favor please say aye.

Aye.

Wynn: Opposed? Motion passes on a vote of -- on first reading with a vote of 5-1 with councilmember morrison voting no and councilmember martinez off the dais.

That concludes your zoning case.

Mayor Wynn: Concludes our zoning, now we can go to public hearings, thank you, mr. Howard. We have a number of things, only one of which has citizens wanting to give us testimony. 95, a public hearing regarding a resolution authorizing the use of 2 acres for a permanent wastewater use and temporary square footage as well. A brief staff presentation from stewart strong.

I'm stewart strong, this is a public hearing required by chapter 26 of the parks and wildlife code for the use of dedicated parkland for other uses, a wastewater line in morris williams golf course. The findings are no feasible prudent alternative, we have included all reasonable planning to minimize harm to these lands.

Thank you, questions of staff, council? Earlier in the day, yesterday rather, we had 15 folks signed up wishing to speak, that would be over 75 minutes, I'm trusting that some of those folks maybe have gone

home and/or the folks who have stayed and really feel the need to touchdown may not need a whole bunch of time, we still have a bunch of formalities to go through.

Mayor, if we could get a show of hands how many people are expecting to speak, so we can know whether we should try to limit to 30 minutes.

Mayor Wynn: Let's see. These are the folks that want to speak. A few hands went down at least. Let's start reading through the names here. See who feels the need to speak. Benny Moskowitz. Is Billy Green still here? He needs to be present in order for him to donate time. Too you think that you are going to need more than three minutes?

I'm sorry? Green was going to donate his time to you, but he apparently isn't here. So do you need more than three minutes.

I don't believe I do.

Fair enough.

Not more than six minutes.

Pardon.

I don't think that I need more than six minutes. Benny was going to give me --

okay. We'll take his time away. You can have six minutes, welcome.

All right. To Mayor Wynn and to all of the members of the city council. My name is R.H. Hairs. We want to show you a slide show because we believe that the slide show will tell you a lot more than what I'm about to try to tell you. As soon as he gets that ready. We want you to look at the slide show while I'm talking, I'm going to be just a few minutes. In reference to Morris Williams golf course, it's my home course where I play very, very frequently. As you know we have been talking about Morris Williams for quite a while because of the things that's needed there as far as renovation is concerned. I wanted to tell you first of all that in 2006 there was a bond election that was passed and there was allocated -- there was money allocated for the repairs at Morris Williams, but somehow that money got reallocated to someplace else. We do know that the skaters got some of it. So in 2006 there was nothing available for Morris Williams. I'm sure you've been told before, we're going to tell you again, I'm sure you will hear it before it's over. More than 40 years have passed since we've had any major renovations at Morris Williams. 40 Years is a long time to not have any renovations done. Especially at this day and time. Because when you have a deteriorating building such as we have at Morris Williams, which is just one of the things that I'm speaking of, then we also have to worry about having the safety concerns that goes with that. And certainly I believe all of you along with all of us would certainly like to have something done before we can get -- before we get to a catastrophe there at Morris Williams. As we continue to look at the slides, I hope as you see these slides that you will agree with us that there is some needed

renovations down at morris williams, we just pray and hope that you will use your expertise in helping us solve this problem that is so desperately needed at morris williams golf course. Thank you.

Thank you, mr. hairs. If we can just keep visuals up while the other folks might want to give us testimony. Yes, sir. I will read names. If folks need to speak they can come forward. Gary durante.

Mayor wynn, mayor pro tem mccracken and council. To speak on behalf of the management and staff at morris williams comes very easy to me. I am a 48 year life long resident of austin. Either the donley have played morris williams at least a thousand times, it is a great staff, of professionals that you have there at the course. They need to be commended because I have never seen a staff so courteous and friendly to the regular customer base and to the neighborhood. Most of their concerns here are centered around their inability to interact with the neighborhood and still with some of the invasive plans and projects and things that are going on there, they are most concerned about the folks that are going to play the golf course and the interaction with the neighborhood. You will hear that quite a bit. So I commend the management and staff of the course. Many of us wear multiple hat. My other hat is the safe and risk manager at austin energy. When I go out to the golf course for a round of golf i can't really drop that safety and see some of the hazards and some of the issues there at the maintenance barn and the cart barn and certainly at the pro shop. That need major renovation. Some of the things that we do in the safety business, in the risk management business is to try to address issues before they do cause a problem or a concern. I think really right here some of the funding and some really targeted funding, not a week key wheel approach. These folks are very, very professional, a class organization. But what they need is some of the funding that's going to possibly other courses and some of the other development projects, some of that money needs to land at that golf course to fix some of those issues. Quite honestly we want to be proactive in solving some of these safety and health and environmental concerns instead of being reactive. If something really bad happens, obviously a lot of money and attention gets devoted to it but that's too late. Let's do something beforehand and fix and address some of those needs. Thank you guys for your time and your service.

Mayor Wynn: Thank you, gary. Marsha macha. Sorry if I'm mispronouncing that. Marsha. Earlier some folks wanted to donate time to you including mr. womack.

Okay. If I have any left over i would like to give it to mary arnold, please. I'm glad I'm getting to speak, I have a tee time in four hours. [Laughter] impassion gnat about the sort of golf, passionate about golf because it is the sport that will last a lifetime. In the past 12 months, 49,000 rounds of golf have been played at morris williams golf course. So it's obvious that austin loves to play golf at morris williams. All of austin's municipal courses have to be competitive now because there are public courses all around the austin area and all of them want the g dollars. For ploy to stay competitive it's time to make renovations. Austin water utility will be putting a wastewater line across the morris williams golf course to serve the mueller project. com says that the city of austin is creating high quality community at mueller that meets the needs of residents and employers. A development of homes for 10,000 new residents, a mixed use town center district with street level retail, restaurants and entertainment 8 million square feet of commercial office space and 650,000 square feet of retail space. While millions have been invested in the mueller project, the golf course has not seen significant improvements in 40

years. Morris Williams is an inner city golf course and it is an important recreational facility meeting the needs of inner city growth. While the Austin water utility is putting this pipe through the golf course the number of rounds played at Morris Williams will obviously drop resulting in a drop in income. Austin water utility has proposed an amount of \$268,000 to reimburse the golf course for loss of revenue while this construction machinery and crews are on the golf course disrupting play. Please consider that the Mueller project is right across the street from the golf course and that Morris Williams can become a place for the Dell hospital employees and the Austinites who will be working in that 4 million square feet of commercial and retail space to enjoy an affordable round of golf and the golf dollars will stay in Austin. Golfers at the municipal courses willingly pay an annual increase in green fees in order to keep our courses maintained. Our courses are beautifully maintained and I want to recognize the wonderful job done by the golf division and their staff. However the 200 plus thousand dollars offered by the Austin water utility as compensation will not cover all of the repairs needed at Morris Williams in order to make it a top golf destination in the state of Texas. We have need for improvement on the greens, tee boxes, playing surfaces, effluent water has improved playing conditions the grasses do not measure up to competing courses and they should have been replaced after 25 years as is done with most courses. The pro shop, cart barn and maintenance facility are falling down and many have structural issues. Much of this is due to age because only minimal repairs have been made in the past. It's time for a complete replacement of each of those buildings. Cart paths, the parking lot and the entryways need repair and relining. The bunker, the driving range and numerous areas on the course need drainage improvements. Please make these improvements in the coming year and give the neighbors and the golfers a facility that represents the city of Austin and the Mueller project. When I came in and signed up to speak, I said that I agreed with the -- with the resolution. However, it's not complete. The more we looked at it, the more we read it, we realized that the last sentence says it is recommended by parks and recreation, but at an August meeting the parks board decided that the golf course should receive funding of no less than \$500,000. And that statement is not included in here. Thank you.

Mayor Wynn: Thank you, Marsha. Let's see, Mike Merck. Welcome, Mike, followed by Dennis, followed by Lewis Clark.

My name is Mike Merck, I'm a golf professional. I don't have too much to say anymore because a lot has been said, which is very, very true. If you play golf anywhere at all, you would see what's been taking place there at Morris Williams. Great course, great people. They do a great job there. I was born and raised here in Austin and been a golf professional since 1990. What some people don't realize when this course was opened in 1964 there was a president named Lyndon B. Johnson who was the president at that time so that was some years ago that we know that a lot of things need to be fixed, renovated, improved. Like I said I won't be long here. The buildings, they have talked about that some equipment. One thing that I just saw actually yesterday was there was an air compressor that was down at the maintenance shed, there was an air compressor on. They said they just got a new one. What's that, that's the original one from 1964. So they just got a new one yesterday. So that's something that, you know, it's been happening for some years now. Fixing up the course, getting it all nice. There's a lot of people, a lot of movies being made here in Austin. I know myself I have seen several movie stars, they can play anywhere they want. Guess what? They come over to Morris Williams some of them, such as Contract Russell, Samuel Jackson and one other Austinite named John M. Jackson. One other person

that we have seen there is a guy named colt mccoey. Pretty good people. Well worth the effort to put the money back into the course. Thank you.

Thank you, mike. [Indiscernible] followed by lewis clark.

Mayor wynn, council. My name is dennis cling, I am aren't of the city of austin. Resident. I am here to address the need for the additional funding for the rebushment of the morris williams golf course and facility. Austin is rightly proud of its reputation for business, music, art and recreation seekers. Extensive use of volunteer' time and money has helped to develop the downtown waterfront area. Morris williams uses the volunteer time and they aid in the operations and maintenance of the course. But money must be allocated so that the course will be a preferred destination for downtown golfers. The mueller wastewater construction project presents a window of opportunity to accomplish what needs to be done. Parking areas, maintenance facilities, pro and food shop facilities all need repair or replacement. Cart paths and course fairways, greened and bunkers need repair, replacement and drainage improvement. Morris williams golf course has the potential to be the torre fines of the southwest, which means that all golfers who have been to austin will ask the question, have you played mo willie? Thank you for your time.

Thank you dennis. Lewis clark. How about [indiscernible] overton. Some folks were going to donate time to you. How much more do you think that you need.

It won't take long.

Mayor Wynn: Okay. Tony or jose lawrence here. How about ron macha. Sorry, ron. Ray foster. Nine minutes if you need it. Welcome.

Mayor and councilmembers, I'm here seeking your support for the consideration of the renovation and improvement at morris williams golf. I am a native austinite myself. I remember when the course was first built in '64. I used to hunts in that area. And we were saying what are they doing to our hunting area? They built a golf course. Well, I learned to play golf and I ended up going to college on a scholarship playing golf. So I have a love for game. But in 2006 there was a bond initiative for renovations and improvement at the city golf courses. Improvements were made at the clay kaiser golf complex and some of that bond initiative was allocated to the construction of skate parks. We are building new entities, which are not self sufficient, and do require additional funding and maintenance. Golfers have been paying their way in austin for some time. The golf enterprise fund is set up so that golf pays its own way. That is that golfers green fees pay for all golf expenses. Golfers have to pay for real estate expenses for golf. That is paying the city for already owned city land which is city assets. In 2001 golf paid the city \$416,000 for acreage at morris williams. Golf was paying about \$83,000 a year and they paid that debt off in 2005. Morris williams has been neglected for renovations and improvements for some time. For whatever reason, I don't understand. There are serious safety conditions at morris williams, at the maintenance barn and the cart barn. Whenever it rains the maintenance barn floods, there's water in the maintenance barn. When it rains, the cart barn is flooded. It's a dangerous situation when you are hooking up carts and the floor is full of water. That happens

every time it rains. People continue to do their work there, knowing that they have to continue to do the work but they are doing it in a very unsafe environment. The pro shop has quite a bit of rotten wood all around. A leaking roof and endangering electrical problems. As stewards of austin's assets I ask you to take this opportunity to save the city on expenses by spending now instead of spending later on this project. There's a very serious need at morris williams and the sooner we get to spending money to take care of that need the less money that we will have to spend on that. Spending now instead of later will certainly have an impact of savings the golfers an impact. We spend money to correct what's going on now will have less impact on the golfers while this drainage project is going on at the same time. With millions of dollars that have been invested in the mueller project, this is an opportunity -- opportune time for renovations at at morris williams golf that are greatly needed and quite timely as other projects have gone on with a great impact to the course. I invite each of you, each one of you or all of you together to come by morris williams and visit to get a firsthand view of what we're all talking about. I myself will gladly meet with you and show you. But I think you would be quite surprised yourselves if you paid a visit to morris williams to see exactly what we're talking about. I urge you to support renovations at morris williams. It's a precious project and it is an asset for the city of austin, parks and recreation are an asset. This golf course is an assets. We would appreciate y'all's support in helping us with this. Thank you.

Mayor Wynn: Thank you, mr. overton. [Indiscernible] means signed up. There she is. Dr. means, welcome. To be followed by mary arnold. Welcome.

Good morning. Hoppable mayor and members of the council, I'm berththa means, I'm not going to take time to tell you what has already been said but I have a few additions. Marsha I'll see you on the course soon. Really and truly I'm sure that some of you don't believe this but I was a member of the parks and recreation board from 1967 to 1974 and I was appointed to the board by emma long. I think who is right now about 102. And I want to at this time let all of the officials at morris williams as well as the lions municipal golf course know how much I have appreciated them over the years. Morris williams, we built a house on a'ser place in 1959. We moved in 59. And we could see morris williams from our house because our house was sorts of on a hill on aster place. I have watched the improvements that were made initially. But now we definitely need to -- I would suggest this is a great time for us to really close the golf course, get the money from whatever source you may get it from, and start all -- close the course while this renovation is being done for the new development. And I sincerely believe, it has already been said, i think that I said this, i think that I have gone to about two meetings of the parks and recreation board and I stated that we really need to look into the future. Those nice houses that are being built, there are going to be people who want take play golf there. We want this to be a top level golf course because it's already been said, I'm reiterating what has been said, we cannot emphasize this enough that we definitely need to start all over with morris williams. I think all of us will be proud to see morris williams, we do have country clubs all over the place and I have had golf tournaments there, sponsored golf tournaments and morris williams is my favorite golf course. [Buzzer sounding] I think my time is up. Thank you very much. Thank you very much for your support and I look forward to your approving money for the development of the course. Thank you.

Mayor Wynn: Thank you, dr. means. Mary, welcome. Appreciate your patience. Let's see yak key ward

wanted to donate time to you. I don't see jackie here. How much time do you think that you need?

A little bit more than three minutes maybe. We'll see.

Mayor Wynn: Anybody here who wasn't going to speak and hasn't already donated their time, donate time to arnold.

I don't think you actually used all of your time. Mary, take six minutes.

Mayor wynn, members of the city council. Thanks for hanging in there with us. I'm thrilled to see as many of our morris williams and other golfers stick with us for this evening. Many of them have been at self parks board meetings that we went to. This is the chapter 26 hearing. This is where we're telling you what the local clearly enunciated preferences are. I think that you are hearing that loud and clear. We are all thrilled with the development at mueller, we recognize the opportunities that -- is having for morris williams, which should be a good amenity for the new development at mueller. So -- so we've had -- we've had clearly enunciated local preferences from -- from the parks board and their recommendation that -- that -- that the use of the easements be approved but that the mitigation be no less than \$500,000. We've had support for improving morris williams from the robert mueller advisory group, jim walker wrote you all an e-mail today indicating that. You are hearing from the morris williams golfers. Donna womick is chair, marsha and I both serve on the golf advisory board. So here we are. What is not so clear is is how this resolution fits into what you all are being asked to adopt tonight. The memorandum of understanding between the water board and water utilities was not in the backup when I looked this morning. It does not reflect the parks board recommendation of \$500,000, even though it states it has been approved by the parks board. Ments I think city manager ott would be glad that i brought up that the language of the resolution needs to be changed because it currently states that the city manager or her designation -- designee, her designee. So I think you all could change that. I think that the -- that the language of the -- of the resolution needs to have something added to it. It says the city manager or designee is authorized to take measures as necessary, favorable or required to secure the lines, including and I sug you make this addition, payment to parks and recreation department for use at morris williams golf course of not less than 500,000 for the temporary and permanent easement as well as for loss of renew and general -- revenue and general disturbance for the golfers and golf course operation during the time of construction. In addition to that, i strongly encourage you to bring an item to the council at your next meeting instructing the city manager top investigate what it would take to get back our \$416,815. This was back when mueller and bergstrom were being swapped. And morris williams was part of the mueller land. But there was a little piece of it that the f a co said said had to be paid for separately. When the time came to pay for it instead of it coming out of the general fund, it was in the year 2000, there was a little budget problem then and the city manager at that time jesus garza, decided to take it out of the golf enterprise fund. So we have a little bit of a golf course that we would be glad to sell you back. With the 416,000 plus the 500,000, because of the impact of the wastewater line, we could go a long way in accomplishing the improvements that everybody thinks are really important and I do, too. So I hope that you all will stick with us on this. And approve with the changes and additions. Thank you.



Mayor Wynn: Thank you, mary. Let's see. General marshal -- signed up, welcome. Kirk johnson here? johnson offering you time general. So -- so you will have to six minutes if you need it. Welcome.

Actually, I think contract johnson is going to use his three minutes, I will need less than 3.

Great.

Mayor wynn, members of the council, my name is general marshal. I have played morris williams golf course since it opened in 1964. And rather than say some of the same things that other people have said, I want to share a few other things, differently. First of all, austin is a model city. For golf and especially for seniors and those unable to join country clubs. [One moment please for change in captioners] our home course was mars williams. I plays in the city golf tournament so I was in the championship flight, but on that course I have seen in travinai, crenshaw, and when the university of texas played in THE 1960s, MORRIS WILLIAMS WAS That whole course. Later, they moved out to the country club and now they have their own golf course, but in the old days, williams was the home course for the university of texas. We ask you, provide additional funds for morris williams. The promanager and her staff have come a tremendous job with the facilities they have. Please give them a few extra dollars, many extra dollars, have they can do the job they're capable of doing. marshal [applause]

so, let's see. johnson, did you want to give some testimony?

Good morning. I'm kurt johnson and haven't been in austin since 1963 but i got here as soon as I could. I've been here approximately 15 years, but before I moved to austin, I had several occasions to travel to austin on my job, and one of the things that i would look forward to was going up to morris williams and playing golf in the eveningings, and that was one of the reasons that brought me to austin. The friendly staff, the convenience of the course, and i would simply implore to you invest in this asset in our community. .. bail city hall, we have other beautiful park, but when they go to morris williams, which is the most convenient golf course, they don't see very much that is impressive so I would ask to you invest in our city and make morris william as destination golf kohrs.

Thank you. George robins here?

George left. My name is travis eckert, member the senior golf association and their representatives to the golf advisory board. Mayor and council, lee leffingwell bought my house a long time ago, not too long ago, I appreciate that [laughter]

did you take back a mortgage, by chance in.

No. And it's way past my bedtime and looking at you guys, it is past your bedtime too. You've heard all the people talk about the things you want to hear or we want you to hear, you don't need to hear it from me again because it is late and i would like to go to bed [laughter]

thank you, travis. Let's see, I think perhaps our final speaker is gene payne. I think that's all the folks that wanted to give us testimony on this public hearing, technically a section 26, or chapter 26 hearing. Further questions of staff, comments? So stewart or somebody, so technically, I mean, there's sort of selfishus, a broad issue frankly is funding, trying to figure out how to repair damage and even do some significant capital upgrades and new projects at morris williams, which I would love to figure out how to support, but so technically, though what we're ... need to be doing here notion talking about the need is the actual chapter 26 hearing. Credit card, stewart?

That is correct.

What that means is we have to, I guess, somehow as part of this, we reckon there is no other, you know, sort of viable alternative to what it is we .. what it is the water utility needs to do sort of physically and at some point, i guess we need some advice as to what flexibility we have to maybe go above and beyond just those findings.

That's correct. As you do normally, what you're doing is authorizing the project to proceed through park land.

And so as part of this authorization, is in the resolution that authorizes it, is there also technically the consideration involved between the two departments?

As part of chapter 26, that is not part of chapter 26 hearing. There is an agreement between the two departments, though.

And are we approving that agreement with this action or are we just saying that chapter 26 applies and the utility has to use that route?

Yes, you're not approving what is the mou between the departments, you are approving the departments to go through the property.

Okay. And so when, if at all, do we approve or have sort of policy input into that mou between the two departments.

I would suppose that would be a separate initiative. We do have the mou in plates, normally what happens, then, is that money is placed in the cip for a budget amendment, and in the parks department capital budget, and when the project comes through, you would be in a position of awarding a contract with that money.

And define the funding source then or --

currently the mou says the funding source is from the water utility. So the \$268,000 is the subject of the mou between the two departments. So that is in place. You would be in a position of amending a budget

to place it from one pocket to another, but we have not laid before you the question of the funding level.

Nor have you laid before us a wish list or a menu of how the parks department and the body of morris williams golf course would spend that money.

That's correct. That would have to be a later issue.

Mayor?

Council member, cole.

Stewart, aid couple of questions. I believe it was the latter part of 2006 some members of the friends of morris williams came and visited with me and they had a sort of long-term plan for morris williams and I believe the number they were seeking was close to or in excess of a million dollars and we knew at that time we could not comply with that under our current budget but we did allocate funds so tell me about the status of that and how that affected the original plan.

It has been installed.

How much did that cost?

I don't have that figure off the top of my head.

Okay. As far as the water utility is concerned, and your department, you've agreed on the \$268,000, is that correct?

That is correct.

But we don't have perfected before us anyway of increasing that funding, we would have to look at ways to try to come up with that.

That's correct.

Let me ask you if have you engaged in any discussions with anyone else or any private partners or with the friends of morris williams about any effort to raise additional funding for the golf course.

The parks department has not had direct conversations with catelas. The issue was raised at the park board hearings about whether catelas would somehow be responsible for part of this funding or mitigation. It was made clear to us there is a separate development agreement between the city and catelas that the city is obligated to build the sewer line extension, a much larger and more complicated agreement. But what was made clear to us was the catelas is not beholding to us because of that, that is already part of an agreement into okay.

And council member cole, if i can, I thought I heard stewart say, and earlier answer to one of my questions that what we're doing tonight was technically just a chapter 26 hearing and finding. We aren't approving the mou between parks and water waste water, we're not approving a dollar am, not approving even a wish list of projects of how parks would spend whatever money they do get from water/waste water. I suggest that maybe some of us have off-line conversations shortly to think through with the city manager's advice and what that next step is, as stewart referred to it, looks like. What we're doing tonight is the chapter 26 find, and approval. Correct, stew watt?

That's correct.

So no action tonight is acknowledging, conferring, limiting any of the potential interdepartment --  
mayor?

Council member martinez.

I want to drill down a little bit farther, stewart. You're saying that by adopting this tonight, we're not taking action on mou?

That's correct.

But does that preclude you, as the head of the parks and recs department, to sign this mou and execute it with our without our approval?

Yes. Matter of fact, it is signed.

So it is already done?

That's correct.

I would characterize the first one as already done. Sort of a joke [laughter]

there could be another one.

Bottom line is how do we change it if it is already done. What do we need to do to ask catelas or the water utility to put more money into the funds of morris williams golf course. Can I make a motion to do that right now in.

Yes. At this point we would defer to you for any further actions.

You would what?

We would defer to you to initiate any further actions so whatever you wish to do is your option.

Before we go too far, though, and I also want to be pushing here as well, let's just think, get a little advice here but by what we're posted to do and by doing whatever we're posted to do, are we tying our hands in anyway or some other policy decision about everything from funding to capital improvements. Sorry to put you on the spot but we're just trying to figure this out.

I would say if you make the findings necessary for the project to proceed under chapter 26, you're not precluding yourselves from coming back and exploring other avenues to provide additional funding for improvements to the golf course.

And/or are we technically even approving the direct consideration for, you know, the answer to this chapter 26?

As I understand it, the mou was done under administration authority, part, and the water authority had administration authority to do that so it's signed. Council member martinez, I think the answer to your question is, part of what you have to do under chapter 26 is say that this use of park land for nonpark purposes needs to happen because it's the only feasible alternative, but the second part of chapter 26 findings is the all possible mitigation has been done to make up for the damage, you know that's going to happen to the land. You know, is it made whole. And I think the decision you have to make is the current level of funding mou, does that make the golf course whole or does that amount need to increase to make the golf course whole. That's the finding you have to make under chapter 26. You think it is enough money, you can make the finding and the project can proceed, but you're not precluded from, you know, pursuing other options for other funding later.

And/or is there an option where we answer the first question in the affirmative, that is, we find this is the only feasible alternative for the utility, but we are not prepared yet to answer or we will answer that we don't think the current funding as proposed is adequate for full mitigation and at some point here soon, we come back with what we believe to be the adequate mitigation. So we can improve this item, but note for the record that we don't consider the mitigation to be fully compensated for.

Then you haven't made the findings that let the project go forward.

All right.

If you wanted to do that, you would basically have to continue the heavying, come back -- the hearing, come back at a later date and decide what dollar amount mitigates the harm and lets the project go forward.

Council member morrison. Into we have the parks board resolution, the last part of it, signed on august 26, that is furthermore the mitigation fund should be in an amount not less than \$500,000 so as far as i understand it, you know, the informationative as a decision-maker, the best information I have is that the mitigation should be at least \$500,000. And I also want to point out something that maybe confused the issue, the mou that we have, the second page of it says the parks board approved it on the 26th which I don't think jibe with the park's board resolution because the parks board said it had to be \$500,000 and

this mou says \$268,000 and under that it says city council approval is scheduled for october 23, 2008, and from what I can tell, it says city counsel said approval of this mou is expected to be approved tonight so there seems to be a disconnect what is supposed to be approved and what isn't. And from this afternoon \$168,000 doesn't appear to be appropriate medication.

And furthermore, in a sense to be equitable intern family, we have a specific recommendation with the dollar amount from the parks board, vis-a-vis the parks. It, did by chance the water water/waist water commission take an advice refrom the water department from that perspective.

Good morning, council members. The item we took to the water and waste water commission is to present this and we did present the item before we went to the city parks board and basically was approved by the water and waste water commission. The issue is that the project, you will have an opportunity to approve the project when it is bid, and that is the final phase that before we can start construction. Before that, we can work with parks department for additional funding, if council so desires, to identify those funding to pay the additional mo thank you is required.

I thought I heard him say earlier that chapter 26 requirement won't be satisfied until such time as we also say that mitigation is fully satisfied. And if we are using, frankly, compensation, dollar amounts as that definition, and if the council believes that the current number in the executed mou isn't adequate mitigation, then it sounds like we can't approve, we can't find the chapter 26 to be met.

Unless a majority of the council can agree on a dollar amount tonight to make the finding that x amount of dollars is required, at which point the water utility could go back and amend the memorandum to provide that amount.

Right.

Since they have administration authority to do that.

So the item them went through of water/waste water commission was the number that the two staffs came up with which is 268?

That was no discussion about the amount, that is strictly the parks board. .. the way do we mitigation is the parks department has a formula they use, and we use that formula and the amount came in lower than what parks board was expecting, so we increased the amount. By looking at other additional properties it had higher value so this is based on some formula that parks department uses on all the projects and that's how we came up with these numbers.

The \$200,000 figure or the \$500,000 figure.

The \$200,000 figure. .. is the mitigation required to cover the cost of making the golf course whole? In other words, restoring it to its condition prior to construction or can it be a little icing on the cake, so to

peek, extra goodies to make up for intangibles such as somebody's loss of playing time, et cetera.

The way the statute, chapter 26 of the parks and wildlife code is worded, it gives you a lot of discretion and flexibility to determine what factors to consider and what is adequate mitigation so I think the answer to that is yes.

And do we have to have some basis for arriving at a number or can we just say that sounds good.

There has to be some rationale basis but it is not a very high legal threshold to get over, frankly. As long as there's some --

you're a lot of help [laughter]

as long as there's some rationale basis, it gives you a lot of flexibility, is the bottom line, in terms of what to look at, what factors to consider.

Council member cole.

I have a quick question for, .. the funding we allocate is then prescribed how that is spent in I'm trying to get a little deeper into council member leffingwell's question. .. as we saw some of the pictures with the bathroom or --

the mitigation amount is left up to the parks department description how it is used at the facility. What we pay, we transfer that to the parks department and they figure out where and how the amount is used. But generally, they use it for facility that is impacted by the project.

Okay, but it is within the park's department discretion into that's correct.

So I guess we can give some direction or the parks department can work with the constituents on how that money is to be allocated is that how you hand tell, Stewart?

Yes, as a matter of fact I think that was part of the board's instruction so that is what we would do into mayor, I'm prepared to make a motion that we close the public hearing and adopt the recommendation by the parks board and adopt 500,000 dollars for the mitigation fund for Morris Williams.

I'll second.

Our legal advice is don't use the word approximately.

Was it exactly 500,000?

Seconded by council member .. chose the public hearing and approve item 95, accepting the parks

board recommendation of \$500,000 as appropriate mitigation. Further comments?

Mayor, I have one clarification, I was too sleepy when I spoke, that we took this to the water and waste water .. on this type of issues that we go only to the parks board. We take the contracts, the engineering contract, the construction contract, to water and waste water commission and as part of that, we explain how we got the easements from parks department.

Okay. So this hasn't been seen yet by the water/waste water commission. Thank you. Council member martinez.

I just want to express my frustration because I think i expressed about a half hour ago, how do I make this motion and i got blank stares from everyone. It is late. Who has the authority to adopt and amend a resolution by the parks board for a specific amount and bring it to this council with a specific number. They adopt a resolution that has half a million dollars and you brought something that said 200 and whatever it was.

I think worse than that, they brought an executed mou between the two departments with half the dollar amount that was approved by the parks board.

Unacceptable.

Motion and second on the table. Closing the public hearing and approving the chapter 26 finding, including the partials board recommendation for a \$500,000 compensation. Further comments. Hearing none, all those in favor, please say aye. Aye. Opposed? Motion passes on a vote of 6-0, council member leffingwell off the dais.

> Council, that takes us back to public hearing number 94. What sequence the staff/we have no citizens signed up for the next 11 public hearings, so whatever way the staff wants to take this up, we will accommodate.

94 Is a public hearing to put a drainage line through glen creek park. Also, there is no feasible and prudent alternative to dedicated park land, it has included all reasonable planning to minimize harm to such land.

Questions of staff, council? Comments? We have no citizens to give us testimony on this chapter 26 public hearing. Regarding this resolution. I will entertain a motion. I interpret council member leffingwell's absolute to general marshal to be a motion [laughter] that I will second. Close the public hearing and approve the chapter 26 resolution as presented. Further comments. Hearing none, all those in favor, please say aye. Aye. Opposed? Most passes on a vote of 5-0 with the mayor pro tem and council member cole temporarily off the dais. Welcome, miss collier.

My name is virginia collier from the neighborhood planning and zoning department. This is the second of two public hearings for items number 96 through 105. Upon active enaxe the city will provide full



services to these areas. Item number 96 is the anderson 183 annexation area. This is located approximately near williamson county north wall street of the intersection of anderson mill road and u.s. 183.

Thank you, miss collier. Questions of staff, council? Any citizens that would like to give us testimony, it public hearing item number 96, the full annexation area? Hearing none, I will entertain a motion to close the public hearing some of moved by council member shade, seconded by council member martinez. All those in favor, please say aye. Aye. Opposed? The motion passes on a vote of 5-0.

Item number 97. The bridges of bear creek, phase 1, section 2, full purpose annexation. This is 13-acres in travis county. Copies of the service plan are available this evening and i would be happy to answer any questions you have on item number 93 into thank you, virginia. Any citizens who would like to give us testimony on this item number 97 regarding the bridges of bear creek, phase 1, section 2. Hearing none, I will entertain a motion. Motion made by council member shade and seconded. All those in favor, please say aye. Opposed? Motion passes on a vote of 6-0 with the mayor pro tem off the dais.

Item number 98 is the ashbrook annexation area, approximately 39-acres in travis county, southwest of intersection of fm 1626 and south first street.

Miss collier, again, any citizens like to give public comment for this full purpose annexation public hearing, item 98 of the ashbrook annexation area? Motion made by council member martinez, seconded by council member shade to close the public hearing. All those in favor, please say aye. Aye. Opposed? Motion passes on a vote of 6-0 with mayor pro tem off the dais.

Item number 99, the burleson road air, located west of the intersection of burleson road and fm 973. I would be happy to answer any questions you have on item number 99.

Thank you, miss collier. Again, any citizens like to give us public feedback, this public hearing, item number 99 regarding the full purpose annexation of the burleson road right of way area? Hearing none, motion made and seconded to close the public hearing. All in favor, please say aye. Aye. Opposed? Motion passes on a vote of 6-0 with the mayor pro tem off the dais.

Item 100, the dalton lane commercial annexation area, located east of the intersection of dalton lane and sherman road. This area is adjacent to the current full purpose annexation limits on the west and south side. Copies are available this evening and I can answer any questions you have on item number 100.

Thank you, virginia. Again, any citizen that would like to give us comment on this item 100? Hearing none, motion by council member martinez, seconded by council member shade to closes public hearing. All those in favor, please say aye. Aye. Opposed? Motion passes on a vote of 6-0 with I the mayor pro tem off the dais.

Item number 101, the hollow at slaughter creek annexation area, located in travis county, south of

slaughter lane, approximately it 70 feet west of the intersection of bibbrook place and genoa drive.

Thank you, miss collier. Again, any public comment in this public hearing item 101 regarding the full purpose annexation regarding the hollow area hearing none, motion by council member martinez and seconded by council member shade to close the public hearing. All those in favor, please say aye. Opposed? Motion passes on a vote of 6-0.

Item number 102, the bc full purpose annexation area includes approximately one acre in travis county south of fm 1626 approximately 500 feet west of the intersection of fm 1626 and south first street. Copies of this service area are available this area and this concludes my presentation on item number 102.

Thank you, miss collier. Any citizens that would like to give us comment on this hearing number 102? Hearing none, council member martinez makes the motion, seconded by council member shade to close the public hearing, all those in favor, please say aye. Aye. Opposed? Motion passes on a vote of 6-0 with the mayor pro tem off the dais into item number 102 is the shady hollow gardens area, approximately 40-acres, so you want of frate barker road and brodie lane. I would be happy to answer any questions you have on item number 103.

Thank you, virginia. Again, any citizens to give us public comment, this public hearing 103 regarding the full purpose annexation of the shady hollow gardens area. Hearing none, motion and seconded to close the public hearing. All those in favor, please say aye. Opposed? Motion passes on a vote of 6-0 with the mayor pro tem off the dais into item number 104, this is the spring woods nonmud annexation area, approximately 359-acres, located in williamson county. The springwoods nonmud area will be bring in december 201 due to the geographic area. The two are scheduled for annexation at the same time. Copies for the service plan of this area are available this evening.

Thank you, miss collier. Again, any public comments? This public hearing item 104, the full purpose annexation of the springwoods nonmud annexation area. Hearing none, motion and seconded to close the public hearing. All those in favor, please say aye aye opposed? Motion passes again on a vote of 6-0.

Finally item 105, the abia annexation area, 3-acres south eastern travis county area, west of general aviation avenue. I would be happy to answer any questions you have on item number 105.

Thank you, miss collier. Again, finally, any citizens that would like to give is public comment on this public hearing 105 regarding the abia outparcel annexation area. Hearing none, motion made by council member martinez to close the public hearing, seconded by council member shade. All those in favor, please say aye. Aye. Opposed? Motion passes on a vote of 6-0 with the mayor pro tem off the dais. There being no more business before the city council, we stand adjourned. It is 4:06 a.m.

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

