

Closed Caption Log, Council Meeting, 03/03/05

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GOOD MORNING, I'M AUSTIN MAYOR WILL WYNN, IT'S MY PRIVILEGE TO WELCOME DR. SAED AKHTAR WHO WILL LEAD US IN AN INVOCATION. PLEASE RISE.

GOOD MORNING. [CHANTING]

I SEEK REFUGE IN GOD. FROM SATAN, THE ENEMY. IN THE NAME OF GOD, THE MERCIFUL, PRAISE BE TO GOD THE TREASURE AND SUSTAINER OF THE UNIVERSE, THE MERCIFUL, MASTER OF THE DAY OF THE JUDGMENT. THE ALONE WE WORSHIP AND ASK FOR HELP, SHOW THE STRAIGHT WAY, THE WAY OF THOSE WHOM THOUSAND HAS FAVORED. THE -- WHOM THOU FAVORED. THE WAY OF THOSE WHO DID NOT EARN THY WRATH WE PRAY TO YOU OH, LORD THE ONE AND THE ONLY, ONLY OMNIPOTENT AND PRESENT. GOD OF ABRAHAM, MOSES, JESUS AND MUHAMMAD. WE ASK YOU FOR PEACE AND JUSTICE TO PREVAIL IN THE WORLD. PLEASE GRANT PROSPERITY AND SECURITY TO THE INHABITANTS OF THIS CITY OF OURS. GUIDE US TO SHARE OUR BLESSING, WITH THE NEEDY AND THE POOR AND THOSE WHO ARE LESS PRIVILEGED. I PRAY TO YOU, OH, GOD, TO HELP THE HONORABLE MEMBERS OF THIS COUNCIL FROM THEIR SERVICES IN A MANNER MOST PLEASING TO YOU. THEIR SERVICES MOST BENEFICIAL AND MAKE THEIR TASK EASY FOR THEM. BY YOUR MERCY, OH, MOST MERCIFUL OF THOSE WHO SHOW MERCY. GOD BLESS MUHAMMAD. AMEN.

AMEN.

Mayor Wynn: THANK YOU, DR. AKHTAR. DR. AKHTAR IS -- IS REPLACING IMAM RAZI WHO WAS SCHEDULED TO GIVE OUR INVOCATION TODAY. IMAM RAZI IS A LEADER IN THE LOCAL MUSLIM COMMUNITY. HE IS ACTUALLY TRAVELLING TODAY AS THERE IS A NATIONAL EFFORT TO WITH -- WITH AMERICAN MUSLIM LEADERS TO HELP CURTAIL THE -- THE INSURGENCY ATTACKS IN IRAQ AND OUR THOUGHTS AND PRAYERS GO WITH IMAM RAZI ON HIS TRIP. THANK YOU, DR. AKHTAR. THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, MARCH 3rd, 2005.

APPROXIMATELY 10:23 A.M. WE ARE IN THE CITY COUNCIL CHAMBERS OF THE NEW CITY HALL. 301 WEST SECOND STREET. WE APOLOGIZE FOR THE SLIGHT DELAY IN OUR START THIS MORNING. BUT SEVERAL OF US ATTENDED THE RIBBON CUTTING, ACTUALLY THE BREAD BREAKING OF THE NEW WHOLE FOODS MARKET AND CORPORATE WORLD HEADQUARTERS AT 6th AND LAMAR. IT'S A REMARKABLE FACILITY AND I ENCOURAGE EVERYBODY TO GO BY THERE AND SAY HI AND SAY THANK YOU TO A REMARKABLE HOME GROWN AUSTIN FORTUNE 500 COMPANY, HEADQUARTERED IN DOWNTOWN NOW WITH AN INTERNATIONALLY RENOWNED STATE-OF-THE-ART FLAG SHIP STORE. IT'S A FUN PLACE TO GO VISIT.

AT THIS TIME I'LL READ THE CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. ON ITEM NO. 36, WHICH -- WHICH RELATES TO AN INTERLOCAL AGREEMENT WITH CAPITAL METRO, WE SHOULD STRIKE 24 MONTHS, THIS ACTUALLY IS AN EXECUTION OF A 12-MONTH INTERLOCAL AGREEMENT, AND THEN WE WILL STRIKE TWO 12-MONTH EXTENSIONS, THERE WILL BE THE OPPORTUNITY FOR THREE 12-MONTH EXTENSIONS. ITEM NO. 36. ITEM NO. 41 REGARDING A VEHICLE PURCHASED, THAT'S POSTPONED TO MARCH 10th, 2005. ITEM 43 REGARDING POTENTIAL BILLBOARD AMENDMENTS, POSTPONED TO APRIL 7th, 2005. ITEM NO. 47, WE WOULD LIKE TO INCLUDE THE MAYOR PRO TEM AS A CO-SPONSOR. ITEM NO. 48, WOULD INCLUDE COUNCILMEMBER SLUSHER AS AN ADDITIONAL SPONSOR. ITEM NO. 49, IT WAS NOTED ON THE -- ON THE SUMMARY AGENDA THAT THIS WAS RECOMMENDED BY THE PARKS

BOARD, BUT IN FACT THEY SHOULD HAVE STATED TO BE REVIEWED BY THE PARKS BOARD ON MARCH 22nd, 2005. ITEM NO. 49. OUR TIME CERTAINS THIS MORNING, AT NOON WE BREAK FOR THE GENERAL CITIZEN COMMUNICATIONS. AT 2:00 WE WILL HAVE A BRIEFING WHICH SHOWS AS ITEM NO. 66 ON TODAY'S AGENDA REGARDING OLD LANDFILLS AND TANK FARMS. AT 3:00 WE ACTUALLY WILL RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL AND CALL TO ORDER THE BOARD OF DIRECTORS MEETING OF THE AUSTIN HOUSING AND FINANCE CORPORATION. WE WILL TAKE UP THOSE THREE ITEMS POSTED AS AHFC 1, 2, 3. AT 4:00 AT THE CITY COUNCIL RECONVENES, WE WILL HAVE OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. THOSE SHOW AS ITEMS 67 THROUGH 70. ZONING CASES Z-1 THROUGH Z-19. WE WILL ANNOUNCE NOW THAT THE STAFF WILL BE REQUESTED A POSTPONEMENT OF ITEMS Z-17 AND Z-17, BOTH RELATED TO THE AVERY RANCH PROPERTY. THOSE POSTPONEMENT REQUESTS WILL BE MADE FOR A POSTPONEMENT TO MAY 5th, 2005. AT 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS. AT 6:00 WE HAVE A BRIEFING, WHICH IS ITEM NO. 71. WE ALSO HAVE PUBLIC HEARINGS AND POSSIBLE ACTIONS AFTER 6:00 P.M., THOSE SHOW AS ITEMS 72 THROUGH 76. AND WE ARE GOING TO HAVE THE PRESENTATION, POSSIBLE ACTION, ITEMS NUMBER 12 AND 13 TRANSIT ORIENTED DEVELOPMENT ORDINANCE OR T.D. ORDINANCE. THOSE ARE TIME CERTAINS FOR THIS MORNING AND THIS AFTERNOON. THE ITEMS THAT ARE CURRENTLY PULLED OFF THE CONSENT AGENDA, THAT IS WON'T BE PASSED HERE IN A FEW -- IN A FEW MINUTES, ITEMS NUMBER 3, 4 AND 5 RELATED TO A POTENTIAL SMOKING ORDINANCE. I HAVE PULLED THOSE BECAUSE WE NEED TO HAVE A QUICK DISCUSSION ABOUT THE TECHNICALITIES OF HOW WE ACCEPT THIS PETITION AND THEN ULTIMATELY PLACE IT ON A BALLOT. 12 AND 13 WERE PULLED BY COUNCILMEMBER SLUSHER, AS NOTED WE ARE GOING TO TAKE THOSE UP AFTER THE 6:00 PRESENTATION, PUBLIC HEARING. ITEM NO. 48, WHICH WAS AN ITEM FROM COUNCIL SPONSORED BY COUNCILMEMBER SLUSHER, THE MAYOR PRO TEM AND MYSELF, REGARDING PLUG-IN HYBRIDS, AN OPPORTUNITY WITH AUSTIN ENERGY WILL BE OFF THE CONSENT AGENDA SO WE CAN HAVE A BRIEF PRESENTATION BY STAFF IN A

FEW MINUTES. THEN ITEM NO. 77 ON THE AGENDA, ADDENDUM AGENDA IS PULLED BY MYSELF AND COUNCILMEMBER DUNKERLY. SO, MS. BROWN, NOTE THAT ITEM NO. 2 WHICH I HAD PULLED, WE WILL GO AHEAD AND PLACE BACK ON THE CONSENT AGENDA. THIS IS REGARDING THE E.P.A.'S GRANT PROGRAM OF DRIVE CLEAN PARK FREE. I'LL SPEAK TO THAT BRIEFLY ONCE WE GET AN AMENDMENT. SO ITEM NO. 2 WILL BE BACK ON THE CONSENT AGENDA. COUNCIL, OTHER ITEMS TO BE PULLED OR PLACED BACK ON THE CONSENT AGENDA? HEARING NONE, WITH THAT I WILL NOW READ THE CONSENT AGENDA. JUST ASKING IF THERE ARE ANY MORE ITEMS TO BE PULLED OR PLACED BACK ON THE CONSENT AGENDA. SO, COUNCIL, THE CONSENT AGENDA THIS MORNING WILL BE NUMERICALLY, ITEMS 1, 2, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, FOR FIRST READING ONLY, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, PER CHANGES AND CORRECTIONS, 37, 38, 39, 40, 41, TO BE POSTPONED TO MARCH 10th, 2005. 42, 43, TO BE POSTPONED TO APRIL 7th, 2005, ITEM 44 OUR BOARD AND COMMISSION APPOINTMENTS THAT I WILL NOW READ INTO THE RECORD. TO OUR ARTS COMMISSION, ADRIANNA McWILLIAMS IS A CONSENSUS APPOINTMENT. SO THE ASIAN AMERICAN RESOURCE CENTER ADVISORY BOARD, TOMMY HODINE IS A CONSENSUS APPOINTMENT. TO OUR BOARD OF ADJUSTMENT, BETTY EDGEMOND AND LEANN HELDENFELDS ARE CONSENSUS REAPPOINTMENTS. TO OUR COMMUNITY DEVELOPMENT COMMISSION, RICARDO ZAVALA IS COUNCILMEMBER SLUSHER'S REAPPOINTMENT. TO OUR ELECTRICAL BOARD, RUBEN ALEMAN IS COUNCILMEMBER DUNKERLY'S APPOINTMENT. TO THE MUSIC COMMISSION, THERESA FERGUSON AND THERESA JENKINS ARE BOTH CONSENSUS REAPPOINTMENTS. TO THE SIGN REVIEW BOARD, BETTY EDGEMOND AND LEANN HELDENFELDS ARE BOTH CONSENSUS REAPPOINTMENTS. TO OUR SOLID WASTE ADVISORY COMMISSION, MARYANNE CHILDRESS USHER IS COUNCILMEMBER THOMAS'S REAPPOINTMENT. TO THE URBAN FORESTRY BOARD MARK BROOKS IS COUNCILMEMBER DUNKERLY'S APPOINTMENT AND TO OUR WATER AND WASTEWATER COMMISSION, RENALDO GONZALEZ, JUNIOR IS COUNCILMEMBER ALVAREZ'S APPOINTMENTS -- APPOINTMENT. THAT IS ITEM NO. 44. CONTINUING ON WITH THE CONSENT AGENDA, ITEM 45, 46,

47, PER CHANGES AND CORRECTION, 49, 50, AND 51. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER ALVAREZ TO APPROVE THE CONSENT AGENDA AS READ, SECONDED BY COUNCILMEMBER THOMAS. FURTHER COMMENTS? COUNCILMEMBER SLUSHER?

NOTE THAT ITEM NO. 24, VERY IMPORTANT ITEM IS GOING THROUGH ON CONSENT, THERE'S ABSOLUTELY NO CONTROVERSY ABOUT IT, BUT IT'S A SUBDIVISION IN MONTOPOLIS AREA THAT'S BEING SPONSORED OR BUILT BY AUSTIN ENERGY IN OUR HOUSING DEPARTMENT THAT'S GOING TO BE SOLAR POWERED, ZERO ENERGY HOMES, GREATLY REDUCE ENERGY CON UPTION. SO THIS IS VERY IMPORTANT, I THINK IT'S PROBABLY THE FIRST ONE OF ITS KIND IN THE COUNTRY. I'M NOT ABSOLUTELY SURE ABOUT THAT. CERTAINLY THE FIRST ONE YEAR I WANTED TO CONGRATULATE OUR DEPARTMENTS ON THAT PROJECT.

THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: THANK YOU, MAYOR, I JUST WANTED TO JUST HIGHLIGHT A COUPLE OF ITEMS, ALSO. FOR ITEM 37 IS -- WE ARE INVESTING A CONTRACTING FOR SOME -- SOME HOME REPAIRS IN THE HOLLY NEIGHBORHOOD. AND WE -- THAT'S BEEN A SUCCESSFUL PROGRAM, THE COUNCIL HAS FUNDED FOR THE LAST THREE YEARS, I BELIEVE. REHAB PROGRAM FOR THAT AREA. NEAR THE HOLLY POWER PLANT. THAT THERE ARE CURRENTLY -- I BELIEVE THIS PARTICULAR ACTION I GUESS SERVES FOUR -- THREE OR FOUR HOMES THAT NEED PRETTY EXTENSIVE WORK. THAT'S WHY THEY HAD TO BE APPROVED INDIVIDUALLY. BUT THERE ARE CURRENTLY 88 HOMES OR FAMILIES THAT HAVE BEEN SERVED THROUGH THAT PROGRAM AND WE ANTICIPATE THERE WOULD BE OVER 120, 130 OR SO FAMILIES TO BE SERVED UNDER THE PROGRAM, SO AGAIN I WANTED TO THANK AUSTIN ENERGY FOR INVESTING IN THAT NEIGHBORHOOD. VERY SUCCESSFUL PROGRAM. ALSO UNDER TIM 45 IS -- ITEM 45 IS A RESOLUTION THAT RECOGNIZES THE I-35 MAKEOVER COALITION AS THE STAKEHOLDER GROUP FOR -- FOR OUR WORK IN TRYING TO -- TO BEAUTIFY THE -- THE -- THE AREA UNDER I-35 BETWEEN SIXTH STREET AND 8th STREET. AND -- AND AS A -- AS THE

COUNCIL KNOWS, WE HAVE WORKED TO TRY TO REDUCE AS MANY BARRIERS AS WE CAN BETWEEN EAST AUSTIN AND WEST AUSTIN AND THIS IS A -- AN AREA THAT HAS SERVED AS A BARRIER AND SO THIS WOULD BE A WAY TO -- TO REMOVE SUCH A BARRIER, A VISUAL BLIGHT AND -- IN AN AREA THAT CAN BE DANGEROUS AT TIMES. SO WHAT WE HOPE TO DO IS OBVIOUSLY TO PROVIDE, A SAFE PARKING SERVICE, THERE FOR THE PUBLIC, BUT ALSO TRIED TO -- TO MAKE SOME IMPROVEMENTS AT -- THAT MAKE IT A GOOD EXPERIENCE FOR RESIDENTS AND BUSINESS OWNERS IN THE AREA AND ALSO VISITORS TO OUR COMMUNITY AND THAT WE WILL BE WORKING WITH THIS COALITION TO -- TO FIGURE OUT HOW WE CAN MAXIMIZE THE LIMITED FUNDS THAT WE HAVE FOR THIS PURPOSE. THEY HAVE ACTUALLY COMMITTED TO HIRE A DESIGN TEAM TO -- TO DEVELOP A PLAN THAT THE CITY WILL HAVE TO SIGN-OFF ON AND THE STATE WILL HAVE TO SIGN-OFF ON, BUT THEY ARE DOING THAT THROUGH THEIR OWN EFFORTS, PRIVATE FUNDRAISING. SO AGAIN -- THIS WILL ALLOW US TO -- TO USE THE LIMITED FUNDS THAT WE HAVE AND CAN GENERATE THE PARKING REVENUES. FOR A SPECIFIC IMPROVEMENTS SO I WANT TO THANK THEM FOR THEIR INITIATIVE AND FOR THEIR EFFORTS IN THIS REGARD AND ALSO FOR THE STAFF WHO WAS -- WHO HAS WORKED REALLY HARD TO FIGURE OUT HOW WE -- HOW WE COULD MAKE THIS WORK IN A VERY CONSTRUCTIVE AND PRODUCTIVE FASHION.

THANK YOU, COUNCILMEMBER. FURTHER COMMENTS ON THE CONSENT AGENDA? I WOULD SAY ITEM NO. 2, I SEE JUAN GARZA AND ROGER DUNCAN IN THE AUDIENCE. ITEM NO. 2 IS THE CITY OF AUSTIN ENTERING INTO AN INTERLOCAL AGREEMENT WITH THE TCEQ FOR US TO USE FEDERAL E.P.A. ENVIRONMENTAL PROTECTION AGENCY FUNDS FOR GRANT FUNDING FOR THIS DRIVE CLEAN PARK FREE PROGRAM THAT MR. GARZA COULD BRIEFLY DESCRIBE THAT TO US, SO CITIZENS UNDERSTAND WHAT IT IS THAT WE ARE TRYING TO ACCOMPLISH WITH THAT GRANT.

THANK YOU. MAYOR, THIS ITEM IS VERY MUCH IN KEEPING WITH OUR DESIRE TO COPY OUR AIR CLEAN HERE IN CENTRAL TEXAS. THE PURPOSELY BE TO EDUCATE THE PUBLIC ABOUT THE -- ABOUT THE IMPORTANCE OF USING CLEAN VEHICLES. IT WILL ENCOURAGE CUSTOMERS

ACTUALLY TO BUY CLEANER VEHICLES. WE THINK BY FOCUSING ON DOWNTOWN THAT WE WILL BE IN EFFECT RESTRICTING THE IMPACT WHAT AFFECTS THE CITY OF AUSTIN THE MOST. IT'S A \$60,300 GRANT FROM E.P.A. MOST OF THAT MONEY WILL BE USED FOR ADVERTISING, THE CITY WILL HAVE SOME MATCHING FUNDS THROUGH STAFF AND THEN OF COURSE SOME FORGONE REVENUES IN OUR PARKING SYSTEMS. THE -- THE E.P.A. RIGHT NOW RETAINS A LIST OF VEHICLES THAT ARE CONSIDERED THE GREENEST. WE WILL TAKE THE TOP THREE, THE CARS THAT ARE RANKED AT THE 8, 9, 10 CATEGORY. THOSE CARS IF PURCHASED FROM THOSE SEVEN DEALERS WILL BE ELIGIBLE FOR -- FOR THE PURCHASES OF THOSE WILL BE ELIGIBLE FOR THE ASSISTANCE, PARKING ASSISTANCE. IT WILL BE \$100, FREE PARKING. IT WILL BE IN THE [INDISCERNIBLE] CARS THAT CAN BE USED IN THE DOWNTOWN AREA. IN EFFECT WE DON'T CARE WHO BUYS THEM, AS LONG AS WHEN THEY PARK DOWNTOWN OR THEY BRING THEM DOWNTOWN THEY CAN UTILIZE THAT CAR. AS I SAID IT WILL BE A LOT OF ADVERTISING, PROMOTING, IT FITS RIGHT IN WITH OUR -- THE MORE COMPREHENSIVE PROGRAM WHICH I THINK ROGER WILL ADDRESS A LITTLE BIT LATER MORE FULLY. WE VERY MUCH ARE EXCITED TO BE PARTICIPATING IN THIS PROGRAM.

Mayor Wynn: MANY FOLKS KNOW IN 2005 IS WHEN WE WILL BEGIN IN TRAVIS COUNTY AND WILLIAMSON COUNTY TO START HAVING VEHICLE EMISSIONS TESTING FOR THE FIRST TIME AS PART OF A LARGER COMPREHENSIVE EARLY ACTION COMPACT. THE AUSTIN METROPOLITAN AREA HAS BEEN ON THE ABSOLUTE BRINK OF NON-ATTAIN KNOWLEDGE FOR THE FEDERAL CLEAN AIR ACT. FOR YEARS NOW, REGIONAL LEADERS, CHAIR OF THE CLEAN AIR COALITION, MADE UP OF THE FIVE COUNTY JUDGES AND THE MAYORS OF THE TEN CITIES IN THOSE FIVE COUNTIES, WE HAVE -- WE HAVE AGREED TO THIS EARLY ACTION COMPACT THAT INCLUDES A NUMBER OF THINGS, BUT -- BUT VEHICLE TESTING AND ESSENTIALLY TRYING TO IDENTIFY CLEANER CARS AND FRANKLY TRYING TO IDENTIFY THE -- THE MOST POLLUTING CARS TO HELP US GET THOSE OFF THE ROAD AND/OR GET THEM REPAIRED IS A FUNDAMENTAL PART OF CLEANING UP OUR AIR HERE IN CENTRAL TEXAS. THIS IS

ANOTHER SMALL PIECE OF THAT LARGE PUZZLE THAT WE ARE ALL STRIVING TOWARDS. THANK YOU, MR. GARZA.

COWBOY, WE HAVE A SECOND, A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCIL, WITHOUT OBJECTION, I WOULD LIKE TO TAKE UP ITEM NO. 48 NOW, BECAUSE IT'S -- IT WHAT RELATES TO WHAT WE JUST HEARD FROM MR. GARZA. THIS IS AN ITEM FROM COUNCIL THAT'S SPONSORED BY MYSELF AND THE MAYOR PRO TEM AND COUNCILMEMBER SLUSHER. THIS IS A FOLLOW-UP TO AN ITEM THAT WE HAD SEVERAL MONTHS AGO TO -- TO ASK OUR CITY MANAGER TO HAVE OUR MUNICIPALLY OWNED UTILITY, AUSTIN ENERGY THINK THROUGH WHAT PROGRAMS THEY CAN HAVE, INCUR AND INITIATE TO HELP US PERHAPS MAKE THAT LINK THAT MANY PEOPLE HAVE STARTED TO IDENTIFY THE LINK BETWEEN OUR ENERGY SECTOR AND OUR TRANSPORTATION SECTOR. SO WITH THAT I WOULD LIKE FOR MR. ROGER DUNCAN TO GIVE US A PRESENTATION ON ITEM NO. 48.

THANK YOU, MAYOR. AS YOU SAY, THIS IS A RESPONSE TO -- TO THE CITY COUNCIL RESOLUTION IN JULY THAT THE CITY MANAGER IS DIRECTED TO INVESTIGATE THE FEESIBILITY OF A FUTURE INTEGRATION OF THE ELECTRIC AND TRANSPORTATION SECTOR AND ITS IMPACT ON OUR UTILITY, AUSTIN ENERGY. BY THAT INTEGRATION, WE ARE TALKING ABOUT A FUTURE TIME AND -- IN WHICH STATIONARY BUILDINGS, SUCH AS THIS COUNCIL CHAMBER, ARE UNITED OR INTEGRATED WITH MOBILE ENERGY LOADS SUCH AS THE VEHICLES THAT ARE PASSING BY ON THE STREET. THERE IS ONE UNIFIED ENERGY SECTOR THAT MOVES ENERGY BACK AND FORTH BETWEEN A STATIONARY AND MOBILE LOADS. THE FIRST STEP TOWARD THAT IS, WHAT WE SEE AS THE ELECTRIFICATION OF THE TRANSPORTATION SECTOR. THAT IS ESTABLISHING ELECTRICITY AS A FUEL FOR THE -- FOR THE TRANSPORTATION SECTOR. WE THINK THERE ARE

SEVERAL REASONS THAT THIS IS GOING TO HAPPEN. WE SEE WHAT WE CALL A PERFECT STORM OF CONDITIONS THAT ARE LEADING THIS COUNTRY AND IN FACT THE REST OF THE WORLD TO -- TO GET OFF OF GASOLINE OR PETROLEUM AS A PRIMARY TRANSPORTATION FUEL. FIRST, THERE'S SIMPLY THE ECONOMICS. THERE'S MUCH DEBATE OVER THE CONCEPT OF -- OF PEAK OIL. WE WON'T GET INTO THE DETAILS OF THAT DEBATE WAS TO WHETHER OR NOT OIL IS ACTUALLY RUNNING OUT. BUT THERE'S GENERALLY A CONSENSUS THAT CHEAP OIL IS RUNNING OUT, THAT THE EASILY ACCESSIBLE RESERVES THAT HAVE -- THAT HAVE PROVIDED US WITH VERY REASONABLY PRICED PETROLEUM PROCESSES IN THE FUTURE IS GOING TO BE MUCH MORE DIFFICULT IN THE FUTURE. GASOLINE IS SIMPLY NOT GOING TO STAY AS CHEAP AS IT IS TODAY. MANY PEOPLE WOULD NOT CONSIDER IT CHEAP ALREADY. SECONDLY THERE ARE ENVIRONMENTAL PRESSURES AS THE MAYOR MENTIONED. AUSTIN IS ALREADY MOVING INTO INSPECTION AND MAINTENANCE PROTOCOLS FOR ITS VEHICLES AS MANY LARGE CITIES ARE WHETHER NON-ATTAINMENT OR EARLY ACTION COMPACTS. THEY CONTINUES TO BE FEDERAL AND STATE PRESSURES TO FIND WAYS TO CURB THE POLLUTANTS FROM TRANSPORTATION, THE OZONE POLLUTANTS AND NOW THE CARBON POLLUTANTS COMING FROM TRANSPORTATION. AND THEN FINALLY, THERE IS A MORE RECENT PRESSURE TO -- TO IN TERMS OF NATIONAL SECURITY TO CURB OR DEPENDENCE ON OIL, SOMETIMES PHRASED AS DEPENDENCE ON FOREIGN OIL. SINCE THE UNITED STATES HAS ONLY 2% OF THE OIL -- RESERVES OF OIL IT'S REALLY ALL PETROLEUM PRODUCTS THAT HAVE TO BE REDUCED IN CONSUMPTION FOR NATIONAL SECURITY REASONS SINCE MOST OF THE PETROLEUM IS CONCENTRATED IN THE MIDDLE EAST AND NOT IN THE UNITED STATES. SO WHAT ARE THE ALTERNATIVES TO PETROLEUM? FIRST, THERE'S ENERGY EFFICIENCY. ENERGY EFFICIENCY IS A GOOD ALTERNATIVE AND WE SHOULD DO EVERYTHING THAT WE CAN TO -- TO INCREASE THE ENERGY EFFICIENCY OF THE TRANSPORTATION SECTOR. BUT THAT'S STILL JUST A REDUCTION IN THE CONSUMPTION OF THE PETROLEUM AND NOT A TRUE ALTERNATIVE. THERE ARE AT ACTIVE FUELS, PROPANE -- ALTERNATIVE FUELS, PROPANE, NATURAL GAS, ETHANOL, METHANE, MANY ALTERNATIVES

ARE OUT THERE AND THEY CAN BE ASSUMED TO TAKE A LARGE PORTION OF THE TRANSPORTATION SECTOR FUELING IN THE FUTURE. THEY ARE TRUE ANSWERS. ISSUES IN SUPPLY, HOW MUCH OF THE ENORMOUS TRANSPORTATION SECTOR CAN BE ASSUMED BY AGRICULTURAL PRODUCTS SUCH AS ETHANOL. AND THEN THOSE INFRASTRUCTURE ISSUES AS WELL. A LOT OF FUELING INFRASTRUCTURE AT THE GASOLINE STATIONS ARE SIMPLY NOT WIDE-SPREAD AND SET UP ENOUGH YET TO -- TO PROVIDE BIO DIESEL OR ETHANOL OR THE OTHER PRODUCTS. HYDROGEN HAS BEEN MENTIONED A LOT AS THE ULTIMATE ANSWER. WE DON'T THINK THERE IS A SINGLE SILVER BULLET THAT WILL -- AS AN ALTERNATIVE PETROLEUM. HYDROGEN IS A GOOD ALTERNATIVE. HYDROGEN IS ESSENTIALLY TAKING HYDROGEN AS A FUEL AND RUNNING IT THROUGH A HYDROGEN FUEL CELL AND THE EMISSIONS COMING OUT OF THAT IS WATER VAPOR, WHICH IS A GOOD ALTERNATIVE. HOWEVER, HYDROGEN HAS TO BE PRODUCED FROM ANOTHER FUEL. IT'S NOT A FREE FLOATING ELEMENT. AND -- ON EARTH. SO YOU HAVE THE PRODUCTION ISSUES, THERE ARE TREMENDOUS PRODUCTION AND DISTRIBUTION ISSUES WITH HYDROGEN. AND I BELIEVE THERE'S A GROWING CONSENSUS AROUND THE COUNTRY THAT -- THAT THE HYDROGEN ECONOMY IS NOT GOING TO ARRIVE AS QUICKLY OR AS CHEAPLY OR AS EASILY AS WE FIRST THOUGHT IT WAS A FEW YEARS AGO. AND THAT LEAVES OUR ELECTRICITY, ELECTRICITY IT TURNS OUT IS A VERY ATTRACTIVE ALTERNATIVE TO PETROLEUM. FIRST, IN TERMS OF COST, ELECTRICITY IS ALREADY COST COMPETITIVE TO -- TO PETROLEUM. WE RAN STATISTICS AT AUSTIN ENERGY AND DETERMINED THAT IF A PERSON IN AUSTIN HAD AN ELECTRIC VEHICLE OR A PLUG-IN HYBRID AND THEY PLUGGED IT IN OVERNIGHT TO CHARGE THEIR VEHICLE AT OUR CURRENT RATES, THEY WOULD GET THE EQUIVALENT OF 56 CENTS A GALLON GASOLINE. THAT'S NOT INCLUDING THE ADDITIONAL COSTS OF THE BATTERIES AND CAPACITY OF THE -- OF THE VEHICLE, BUT EVEN IF YOU ADD THAT IN, IT'S STILL BELOW CURRENT GASOLINE PRICES. AND AS WE MENTIONED, IF PETROLEUM PRICES CONTINUE TO GO UP, THE GAP WILL GROW EVEN LARGER BETWEEN THE COST OF THE ELECTRICITY FROM THE GRID AND GASOLINE. SO WE EXPECT THE GASOLINE, THE ELECTRIC GRID WILL HAVE

SIGNIFICANT COMPETITIVE ADVANTAGES AND COSTS OVER PETROLEUM PRODUCTS. SECONDLY, THE INFRASTRUCTURE IS ALREADY IN PLACE. UNLIKE THE ALTERNATIVE FUELS AND UNLIKE HYDROGEN, WE DON'T NEED TO BUILD A NEW PRODUCTION AND DISTRIBUTION INFRASTRUCTURE IN THIS NATION TO TAKE -- TO REPLACE PETROLEUM. ELECTRICITY ALREADY HAS THAT INFRASTRUCTURE IN THE ELECTRIC WALL SOCKETS THAT ARE IN THIS ROOM AND EVERYBODY'S HOMES AND BUSINESSES. FINALLY, A THIRD MULTIPLE FUELS CAN BE USED IN THE ELECTRIC GRID. THIS ALLOWS THE ABILITY FOR EVERYTHING FROM RENEWABLES LIKE WIND AND SOLAR AND -- TO OTHER FUELS LIKE NUCLEAR OR COAL OR NATURAL GAS TO BE USED AS A FUEL FOR THE TRANSPORTATION SECTOR. AND THAT IS A SIGNIFICANT ADVANTAGE AS YOU START TO LOOK AT THE SCARCITY OF RESOURCES AND THE MULTIPLE OPTIONS IN REPLACING PETROLEUM. THERE'S ALSO THE ISSUE OF EMISSIONS. CERTAINLY IF YOU WERE TO USE A RENEWABLE RESOURCE LIKE WIND OR SOLAR OR EVEN A RESOURCE LIKE NUCLEAR, THE AIR EMISSIONS WOULD BE A SIGNIFICANT REDUCTION FROM THE PETROLEUM PRODUCTS THAT'S USED IN OUR TRANSPORTATION SECTOR. THERE ARE PRELIMINARY CALCULATIONS THAT SHOW THAT EVEN COAL MAY HAVE A NET REDUCTION OF EMISSIONS OVER PETROLEUM IN THE TRANSPORTATION SECTOR. CERTAINLY EMISSIONS ARE REMOVED FROM OUR AIR SHED. IN AUSTIN, THE MORE ELECTRIC VEHICLES THAT ARE ON THE ROAD, EVEN IF THE EMISSIONS ARE REMOVED TO A REMOTE SITE AT A POWER PLANT, THEY ARE EASIER TO CLEAN UP AT THE POWER PLANTS AND THEY ALSO ARE BEING REMOVED IN OUR AIR SHED WHERE WE ARE EXPERIENCING THE OZONE PROBLEMS IN THE DOWNTOWN AUSTIN AREA. THEN FINALLY, RENEWABLE ENERGY, ELECTRICITY ALLOWS RENEWABLES SUCH AS WIND AND SOLAR, THE CAPABILITY TO -- TO FUEL THE TRANSPORTATION SECTOR. IN AUSTIN, WE ARE PARTICULARLY EXCITED ABOUT THE PROSPECT OF WIND. I BELIEVE THAT WE HAVE A LITTLE ANIMATION TO SHOW HOW THAT WOULD WORK. AT A WEST TEXAS WIND FARM, WHERE WE ARE GETTING OUR CURRENT WIND, AS THE SUN FALLS AT NIGHT, THE NIGHT COMES, THE WIND ACTUALLY INCREASES AT NIGHT AND IS TRANSMITTED THROUGH THE GRID TO AUSTIN. AND IF YOU ARE A GREEN CHOICE

SUBSCRIBER IN AUSTIN, AND HOW THEY PLUG IN HYBRID -- AND HAVE A PLUG IN HYBRID VEHICLE THAT YOU CAN PLUG IN OVERNIGHT, THE VEHICLE THEN DRIVES ON THE WIND. THAT IS SORT OF THE PERFECT SCENARIO THAT WE WOULD LIKE TO SEE IN AUSTIN. SO THE QUESTION BECOMES HOW DO WE PROCEED TO ELECTRIFY THE TRANSPORTATION SYSTEM? IT'S ACTUALLY ALREADY STARTED BY THE HYBRID VEHICLES. THE HYBRIDS THAT ARE ON THE ROAD TODAY, THE TOYOTA PRE I COULDN'T SAY, HON -- PRIUS, HONDA CIVIC, HALF A DOZEN OTHER VEHICLES ON THE ROAD, TECHNICALLY ARE GASOLINE ELECTRIC VEHICLES. THEY ARE GASOLINE ELECTRIC BECAUSE THEY ARE USING THE BATTERY CAPACITY TO RUN THE VEHICLE ON A STOP 'N GO SITUATIONS AT LOW SPEEDS BEFORE THE GASOLINE ENGINE KICKS IN. THAT'S HOW THEY GET THEIR HIGH GAS MILEAGE. BUT THAT BATTERY IS BEING CHARGED BY THE GASOLINE ENGINE. AND BY THE BREAKING THAT OCCURS WHEN -- BRAKING THAT OCCURS WHEN YOU STEP ON THE BRAKES. WHAT WE ARE PROPOSING, WHAT IS IN PROTOTYPE ALREADY IS THE PLUG-IN HYBRID. THE PLUG-IN HYBRIDS ARE ESSENTIALLY A HYBRID VEHICLE, BUT YOU EXPAND THE BATTERY CAPACITY AND YOU REWIRE IT TO CHARGE THAT BATTERY THROUGH AN ORDINARY ELECTRIC CALL SOCKET. PLUG IN HYBRIDS ARE ELECTRIC DRIVE HYBRID VEHICLES WITH AN ALL ELECTRIC OPERATING RANGE. THEY CAN RUN ON ELECTRICITY ONLY UNTIL THEY REACH VERY HIGH SPEEDS OR THE BATTERY STARTS TO RUN DOWN AND THEN THE GASOLINE ENGINE KICKS IN. THEY COMBINE BATTERIES AND INTERNAL COMBUSTION ENGINES IN A VERY EFFICIENT MANNER. THEY CAN BE FUELED THROUGH EITHER AN ELECTRIC WALL OUTLET, GAS STATION, MUCH MORE GAS EFFICIENT THAN HYBRIDS. AUSTIN WILL BE GETTING ONE OF THE FIRST PROTOTYPES OF THIS TYPE OF VEHICLE, THE PLUG-IN HYBRID SPRINTER VAN FROM DAIMLER CHRYSLER, THERE ARE SOME OF THE CHARACTERISTICS UP THERE. 20-MILE ALL ELECTRIC RANGE. 40% REDUCTION IN FUEL CONSUMPTION AND SO FORTH. WE WILL BE PART OF THE 30 VEHICLE TEST PROGRAM THAT IS CURRENTLY BEING PRODUCED BY DAIMLER CHRYSLER. FINALLY, OUR RECOMMENDATION: THE RECOMMENDATION IS THAT WE CREATE A MARKET FOR A TRUE FLEXIBLE FUEL PLUG-IN HYBRID. WE ARE DEFINING THAT AS A VEHICLE

THAT HAS AN INTERNAL COMBUSTION VEHICLE, CAN RUIN ON OTHER FUELS SUCH AS ETHANOL OTHER OR BIO FUELS. YOU DO THAT THROUGH THE ELECTRIC GRID. YOU TRULY HAVE A GAS OPTIONAL VEHICLE. YOU DON'T HAVE TO PUT GAS IN IT AT THAT POINT. YOU CAN IF YOU WANT TO, BUT YOU DON'T HAVE TO. THE WAY THAT WE ARE RECOMMENDING TO CREATE THE MARKET FOR THAT IS HUH A COMBINATION OF AUSTIN REBATES, REBATES FROM THE UTILITY, AUSTIN ENERGY, AND ADVANCE ORDERS FOR THESE VEHICLES FROM THE CITY AND THE COUNTY AND OTHER LOCAL GOVERNMENT FLEETS AS WELL AS THE BUSINESS COMMUNITY AND THE ENVIRONMENTAL COMMUNITY IN AUSTIN. TO SUPPORT POLICIES TO PROMOTE GAS OPTIONAL VEHICLES AND TO PROMOTE THE ELECTRIC FUELING OF TRANSPORTATION SO THAT WE PUT TOGETHER, WOULD BE THE FIRST IN THE NATION TO PUT TOGETHER THIS INCENTIVE PACKAGE TO THE AUTO MAKERS TO BE PRODUCING IN VOLUME THESE PLUG-IN HYBRID VEHICLES, THEN LEAD THE NATION IN GOING TO THE LARGEST 50 CITIES IN THE UNITED STATES AND ASKING THEM TO REPLICATE THAT PACKAGE AND THUS CREATE THE MARKETPLACE FOR THE AUTO MAKERS TO BRING THESE VEHICLES ON TO THE MARKET. THANK YOU VERY MUCH, MA'AM.

Mayor Wynn: THANK YOU, MR. DUNCAN. COMMENTS, QUESTIONS, COUNCIL? COUNCILMEMBER SLUSHER?

Slusher: THANK YOU, MAYOR. APPRECIATE YOU, MAYOR PRO TEM, FOR BRINGING THIS FORWARD. I GUESS IT'S A SMALL STEP, BUT IT'S A VERY NEEDED ONE. I WOULD -- I WOULD PERSONALLY LIKE TO HAVE SEEN ABOUT 25 OR 30 YEARS AGO A MASSIVE NATIONAL INVESTMENT IN TRYING TO FIND ALTERNATIVES TO PETROLEUM FUEL FOR CARS. THAT HASN'T HAPPENED. I'M VERY HAPPY THAT THE CITY OF AUSTIN IS GOING TO BE A LEADER AND A PARTICIPANT IN THIS. I THINK HERE IN AUSTIN AROUND THE NATION, WE ARE PURSUING ADDITIONAL OPTIONS FOR TRANSPORTATION IN ADDITION TO THE AUTOMOBILE. THE RAIL INITIATIVE THAT JUST PASSED, FOR INSTANCE, WE ARE LOOKING AT TRYING TO GET THE UNION PACIFIC TRACK FROM HERE TO SAN ANTONIO SO WE COULD HAVE A COMMUTER TRAIN AND THE TRAIN BETWEEN THE TWO CITIES, THE PASSENGER TRAIN,

SO THOSE ARE ALL THINGS THAT BE PURSUED. BUT I DON'T THINK THAT AMERICANS ARE GOING TO EVER WANT TO JUST GIVE UP THEIR CARS. AND RELY ENTIRELY ON MASS TRANSPORTATION. I THINK THAT NEEDS TO BE A PART OF IT. BUT PEOPLE ARE GOING TO ALWAYS HAVE THEIR CARS, SO THE THING THAT SAYS TO ME IS THAT WE NEED TO FIND SOME OTHER WAY TO RUN CARS, FUEL CARS TODAY. OTHER THAN GASOLINE BECAUSE OBVIOUSLY AS MR. DUNCAN POINTED OUT, THE EASY -- THE EASY OIL IS GONE, EVEN WHAT'S LEFT IS GOING TO CONTINUE TO GET MORE EXPENSIVE. AND YOU ALSO HAVE A LOT OF INSTABILITY IN THE WORLD. CENTERING AROUND OIL. SO THIS IS JUST A SMALL STEP, BUT IT HAS THE POTENTIAL IF -- IF THE ALTERNATIVE THAT REALLY WORKS ON A MASS PRODUCTION BASIS, THAT CAN BE FOUND, IT ALLOWS PEOPLE TO CONTINUE THEIR CURRENT LIFESTYLES, HAVING INDIVIDUAL VEHICLES. IT CUTS DOWN ON AIR POLLUTION, WHICH IS A VERY SERIOUS PROBLEM AND HERE WE CONCENTRATE A LOT ON WATER QUALITY BECAUSE THAT'S SOMETHING THAT KOOSH HANDLED ON THE LOCAL LEVEL OR COULD BE AFFECTED ON THE LOCAL LEVEL. THAT'S NOT MUCH -- THAT'S MUCH HARDER TO DO WITH A LOT OF IT IS THE AUTOMOBILE POLLUTION, ESPECIALLY WHAT POLLUTION THERE IS IN AUSTIN. THERE'S NOT A HEAVY SMOKE STACK TOWN, A HUGE PORTION IT IS POLLUTION FROM AUTOMOBILES. DRAMATICALLY, IF THERE IS -- IF THIS IS SUCCESSFUL, NATION IS SUCCESSFUL MOVING TO HYBRID OR ELECTRIC, SOMETHING OTHER THAN GASOLINE, DRAMATICALLY REDUCES THE DEPEND DEPOSITION ON FOREIGN OIL AND HELPS REDUCE DEPENDENCY IN THE WORLD. IT'S PERHAPS A SMALL ITEM HERE TODAY, BUT HAS A LOT OF POTENTIAL FOR MAJOR IMPACT IF THIS SORT OF THING IS SUCCESSFUL.

THANK YOU, COUNCILMEMBER. MAYOR PRO TEM?

I WANTED TO THANK ROGER FOR THE POETIC PAGE IN THERE ABOUT DRIVING ON THE WIND AND DID YOU REFER TO, IF YOU DID I MISSED IT, SORT OF A VARIATION ON THE PLUG, WHICH IS A FUEL CELL AND I'M WONDERING WHERE FUEL CELL TECHNOLOGY DEVELOPMENT IS RELATIVE TO -- TO MOVING PEOPLE.

THE FUEL CELL TECHNOLOGY IS -- IS MOVING FORWARD. BUT -- BUT AT A SLOW PACE. IN FACT I WAS JUST READING, IN THIS MONTH'S SCIENTIFIC AMERICAN IS AN ANALYSIS OF FUEL CELL TECHNOLOGY PROGRESS. THERE IS STILL SIGNIFICANT ISSUES IN -- IN PUTTING ENOUGH HYDROGEN ON BOARD A VEHICLE TO GIVE IT A 300-MILE RANGE. THEY HADN'T REALLY SOLVED THAT YET. THERE ARE STILL ISSUES WITH -- WITH THE COST AND THE -- AND THE DRIVE TRAIN NEEDS TO BE REDUCED BY -- BY A FACTOR OF ALMOST 100 TO BE COMPETITIVE. IN PRICE. THE PROTOTYPE VEHICLES ARE STILL COSTING ABOUT \$800,000 EACH. 10 THERE'S THE WHOLE PRODUCTION AND DISTRIBUTION PROBLEM WITH THE HYDROGEN VEHICLES FUELING THEMSELVES. THAT IS A LONG WAY FROM BEING SOLVED. I'M STILL OPTIMISTIC IN THE FAR FUTURE THE HYDROGEN FUEL CELL WILL BE A VERY ATTRACTIVE OPTION, BUT THERE ARE ESTIMATES NOW FROM 10 TO 50 YEARS BEFORE WE HAVE TRULY MASS PRODUCTION AND FUELING INFRASTRUCTURE FOR THE HYDROGEN ECONOMY.

THANK YOU, MAYOR PRO TEM. MR. DUNK CAN, ALSO, HOW CAN WE USE -- USE WHAT I THINK IS A PRETTY REMARKABLE REPUTATION NATIONALLY OF AUSTIN ENERGY ON CLEAN ENERGY AND OTHER ISSUES, HOW CAN WE USE THIS EFFORT AND THIS PROGRAM TO IN THEORY TALK TO WORK WITH OTHER ELECTRIC UTILITY PROVIDERS AROUND THE COUNTRY, PARTICULARLY THE MUNICIPALLY OPENED UTILITIES TO -- TO SORT OF DRAMATICALLY EXPAND THE PROGRAM. THIS THE CREATE A LARGE ENOUGH DEMAND IN THEORY FOR THESE VEHICLES TO LIKELY DRIVE DOWN THE PRODUCTION COST OR HAVE MORE SNEPT FOR SOME OF THE MANUFACTURERS TO HAVE MORE OF AN INVESTMENT IN THESE TYPE OF VEHICLES.

I THINK THAT'S ABSOLUTELY CORRECT, MAYOR. THAT -- THAT THAT'S WHAT WE NEED TO DO IS CREATE THE MARKETPLACE. AND FORTUNATELY, WE ARE IN A POSITION TO BE LEADERS IN THAT. AUSTIN HAS DEVELOPED A REPUTATION OVER THE YEARS AS LEADERS IN -- IN SUCH THINGS AS ENERGY EFFICIENCY AND RENEWABLE ENERGY AND HAS A -- AS WE TALK ABOUT THE CONVERGENCE OF THE ELECTRIC TRANSPORTATION SECTOR, THE GREATEST OPPORTUNITIES PROBABLY LIE IN THOSE SITUATIONS

WHERE A MUNICIPAL GOVERNMENT OWNS ITS OPEN UTILITY. AS IN THE CASE OF AUSTIN. BECAUSE WE HAVE CONTROLS OF BOTH SIDES OF THE EQUATION, IF YOU WILL. AUSTIN HAS THE OPPORTUNITY TO TAKE A NATIONAL LEADERSHIP ROLE HERE. SEARCH PEOPLE HAVE RECOGNIZED THAT. THERE ARE ORGANIZATIONS AT THE NATIONAL LEVEL THAT HAVE ALREADY BEEN TALKING TO AUSTIN AND -- ABOUT FOLLOWING OUR LEAD ON SPREADING THIS TO OTHER CITIES AND -- AND FLEETS THROUGHOUT THE UNITED STATES. THE LARGE PUBLIC POWER COUNCIL, WHICH ARE -- WHICH ARE THE PUBLIC POWER UTILITIES, HAS NOW FORMED A WORKING GROUP TO LOOK AT THIS -- CO-CHAIRLED BY JUAN GARZA OF OUR UTILITY AND GENE ZELDMAN OF THE NEW YORK POWER AUTHORITY. WE HAVE ALSO TALKED WITH PUBLIC TECHNOLOGY INSTITUTE OF WHICH AUSTIN IS A MEMBER. THEY ARE VERY INTERESTED IN WORKING WITH US TO SPREAD THIS TO THE 50 LARGEST CITIES IN THE UNITED STATES. WHICH ALMOST ARE ALL MEMBERS OF PUBLIC TECHNOLOGY INSTITUTE. I COULD GO DOWN A LONG LIST. PROBABLY PROBABLY A DOZEN OR 20 NATIONAL ORGANIZATIONS NOW THAT HAVE BEEN IN CONTACT WITH US AND RECOGNIZE OUR POTENTIAL TO BE A NATIONAL LEADER IN THIS EFFORT. AND ARE WILLING TO WORK WITH US. WE HAVE A TREMENDOUS OPPORTUNITY HERE.

SO THEN OUR DIRECTION TO THE CITY MANAGER ON THIS ITEM, TECHNICALLY TO DEVELOP THE PROGRAM AND CREATE THE INCENTIVES. IS IT PRACTICAL TO ASSUME AS THAT OCCURS, IT OCCURS ON SEVERAL FRONTS. AS THE OTHER MUNICIPALLY OWNED UTILITIES OR EVEN INVESTOR OWNED UTILITIES, SORT OF A BUY-IN TO THAT PROGRAM AT THE SAME TIME. SO WHEN THERE IS THIS SORT OF ANNOUNCEMENT OR PROGRAM ROLLED OUT, IT'S ROLLED OUT ON A MUCH LARGER SCALE THAN JUST THE CITY OF AUSTIN.

I THINK AS A PRACTICAL MATTER. PROBABLY A TWO-STAGE EFFORT HERE. FIRST WE NEED TO PUT TOGETHER THE PACKAGE IN AUSTIN, AMONG OUR BUSINESS LEADERS AND ENVIRONMENTAL LEADERS AND THE CITY OF AUSTIN FLEETS AND THE UTILITY AND SO FORTH AND FIGURE OUT EXACTLY HOW WE GET COMMITMENTS FOR FUTURE FLEET ORDERS,

WHAT LEVEL REBATES THERE SHOULD BE, THAT SORT OF A THING. AND PUT TOGETHER THAT PACKAGE AND ONCE WE HAVE DONE THAT, WE THEN HAVE A PACKAGE THAT CAN BE REPLICATED NATIONALLY AND THERE ARE SEVERAL PEOPLE STANDING BY SO TO SPEAK TO ASSIST US TO REPLICATE THAT PACKAGE NATIONALLY.

THANK YOU, FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER MCCRACKEN?

McCracken: THIS MAKES CLEAR ONCE AGAIN THIS IS NOT YOUR GRANDFATHER'S UTILITY. CONGRATULATIONS, THIS IS GREAT STUFF. NOT JUST GOOD FOR OUR CITY, BUT GOOD FOR OUR COUNTRY.

THANK YOU. FURTHER QUESTIONS, COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM NO. 48. ACTUALLY THE MAYOR PRO TEM MOVES APPROVAL. SECONDED BY COUNCILMEMBER SLUSHER. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. THANK YOU, MR. DUNCAN. COUNCIL, I THINK WE COULD TAKE UP IN RELATIVELY SHORT ORDER, I SHOW US AS PULLING ITEMS 3, 4, 5, RELATED TO THE -- TO THE PETITION THAT WE HAVE RECEIVED REGARDING THE POTENTIAL SMOKING ORDINANCE. SO PERHAPS WE CAN GET A -- SORT OF A BRIEF PRESENTATION OR ANALYSIS BY THE CITY ATTORNEY OR THE CITY CLERK AS TO -- TO, YOU KNOW, SORT OF WHERE WE'VE BEEN, THE PETITION THAT WAS DELIVERED TO US, HOW WE APPROACH THE VALIDATION OF IT AND NOW WHAT -- WHAT ARE OUR STEPS AHEAD.

Clerk Brown: I CAN ADDRESS THE FIRST PART, MAYOR, AS TO WHAT OCCURRED WHEN THE PETITION ARRIVED. AS I THINK YOU KNOW, WE HAVE A CONSULTANT THAT WE ARE USING TO PROVIDE US WITH THE STATISTICAL ANALYSIS OF THE RESULTS. SO PRIOR TO THE PETITION COMING, WE HAD CONTACTED HIM LETTING HIM KNOW THAT IT WAS COMING AND HE PROVIDED US WITH THE RANDOM SAMPLE NUMBERS. WHEN THE ORIGINAL PETITION CAME IN, WE

LOOKED AT 25% OF THE SIGNATURES AS REQUIRED BY LAW. AND SENT HIM THE RESULTS OF THAT. HE THEN INFORMED US THAT THERE WERE INSUFFICIENT SIGNATURES TO MEET THE STATE -- THE CRITERIA. AND SO WE NOTIFIED THE PETITIONERS THEY HAD AN ADDITIONAL TIME FRAME IN WHICH THEY COULD GATHER ADDITIONAL SIGNATURES. THEY SUBMITTED THE SUPPLEMENT. WE WENT THROUGH THE PROCESS AGAIN OF ENTERING 25% OF THE SIGNATURES INTO THE SYSTEM. SENT THE INFORMATION TO THE CONSULTANT AND THEN RECEIVED HIS REPORT STATING THAT IT WAS A VALID PETITION. I'LL LET THE CITY ATTORNEY'S OFFICE ADVISE YOU AS TO SORT OF THE WHAT NEXT.

Mayor Wynn: THANK YOU, MS. BROWN. MR. SMITH, SO WE HAVE DETERMINED THAT THE -- THAT THE PETITION WAS VALID, WHICH WAS GOOD TO KNOW. SO NOW WHAT ARE OUR OPTIONS AND ACTIONS?

MAYOR AND COUNCIL, UNDER THE CHARTER YOU HAVE TWO OPTIONS. THEY ARE SORT OF AN EITHER/OR PROPOSITION. ONE IS YOU CAN CHOOSE TO PASS ON YOUR OWN THE ORDINANCE AS PRESENTED WITHOUT AMENDMENT. OR YOU CAN SUBMIT THE ISSUE TO THE VOTERS AT THE NEXT ELECTION. AND LET THE VOTERS DECIDE ON IT. ITEM 4 IS BEFORE YOU FOR THAT FIRST OPTION. THAT IS -- JUST TO GO AHEAD AND PASS IT AS PRESENTED TO YOU. ITEM 5 FOR THAT SECOND OPTION, TO PREVENT ORDERING ELECTION TO THAT THE VOTERS COULD SUR. IF YOU CHOOSE 4 REJECT 5, IF YOU CHOOSE 5 REJECT 4. IT'S AN EITHER/OR PROPOSITION. I PRESENTED TO YOU IN THE DRAFT ORDINANCE SOME PROPOSED BALLOT LANGUAGE. FOR THE PROPOSITION? THE COUNCIL HAS CONSIDERABLE DISCRETION INFORM -- IN FORMING VALID LANGUAGE FOR A PROPOSITION. IT REALLY JUST NEEDS TO IDENTIFY THE PROPOSITION. MAKE THE VOTER AWARE OF WHAT THEY ARE VOTING ON. IT'S NOT NECESSARY TO RECITE THE WHOLE ORDINANCE, NOT NECESSARY TO WRITE OUT ALL OF ITS CHIEF FEATURES. WHAT I HAVE TRIED IN -- IN THE DRAFT IS TO HIT THE CHIEF FEATURES. AND SO THAT THE VOTERS WILL HAVE A FAIR IDEA WHAT WAS THEY ARE VOTING ON.

BRAD TO MAKE SURE, THE DISCRETION THAT THE COUNCIL

HAS ON THE BALLOT LANGUAGE DOESN'T RELATED TO THE PROPOSED ORDINANCE. IN OTHER WORDS, COUNCIL CANNOT CHANGE THE LANGUAGE OF THE ORDINANCE THAT THE CITIZENS OF AUSTIN BY SIGNING THE PETITION HAVE SAID THEY WOULD LIKE PRESENTED FOR A VOTE. THE BALLOT LANGUAGE THAT YOU ARE TALKING ABOUT COUNCIL HAVING DISCRETION ON IS REALLY KIND OF A -- KIND OF A DESCRIPTION OF WHAT THE ISSUE IS AND SO ON, SO ON. THERE'S -- THE ORDINANCE THAT THE PETITION SIGNERS HAVE PRESENTED WILL BE EXACTLY AS THEY PRESENTED IT. IS THAT CORRECT?

CORRECT. IN EITHER EVENT, IN PASSING THE ORDINANCE YOURSELF, IT MUST BE DONE WITHOUT AN AMENDMENT OR IN PRESENTS BEING IT TO THE VOTERS. IT MUST BE DONE WITHOUT AMENDMENT SNIEWPD THE CHARTER THE CITY COUNCIL HAS TWO OPTIONS. ONE IS TO PASS THE ORDINANCE OR TO SUBMIT IT TO THE VOTERS FOR APPROVAL.

CORRECT.

OKAY.

THANK YOU, MR. SMITH. SO THE ORDINANCE THAT I THINK WE ALL HAVE HERE IN FRONT OF US, YOU ARE SUGGESTING THAT THE BALLOT LANGUAGE IS ACTUALLY THIS INDENTED PARAGRAPH HERE ON THE FIRST PAGE. IT'S --

YES, MAYOR.

OKAY. SO, COUNCIL, I THINK HOPEFULLY WE ALL HAVE A COPY OF THIS. THIS IS THE ORDINANCE 050303 ON 05. -- 05030305.

WHICH INCLUDES IN THE MIDDLE OF THE FIRST PAGE WHAT IS THE STAFF PROPOSED ACTUAL BALLOT LANGUAGE. I WILL SAY SEEING THIS FOR THE FIRST TIME, IT STRIKES ME AS BEING LENGTHY. I DON'T KNOW IF IT'S -- HOW COMMON THAT'S ON THE BALLOT OR NOT.

IT IS PERHAPS LENGTHY, MAYOR. BALLOT LANGUAGE CAN BE MUCH SHORTER THAN THIS AND STILL GIVE A FAIR

DESCRIPTION TO THE VOTERS. MS. BROWN, PERHAPS YOU COULD HELP US, ALSO, WITH THE NEW ELECTRONIC MACHINE THAT'S WE HAVE IN OUR BALLOT BOOTHS NOW, IT SEEMS TO BE JUST REMEMBERING SORT OF A VISUAL WHAT WAS THEY LOOK LIKE, IN THE AREAS THAT WE HAVE THE DESCRIPTIVE LANGUAGE, IT SEEMS TO BE SOMEWHAT CONSTRAIN UNDERSTAND THAT I'M NOT -- CONSTRAINED IN THAT I'M NOT SO SURE THAT ALL OF THIS WOULD FIT ON AT LEAST YOUR FIRST VIEWING OF THAT WINDOW ON THE MACHINE. OBVIOUSLY THEY HAVE THE ABILITY TO SCROLL DOWN, I PRESUME. ALL OF THIS COULD IN FACT BE ON THAT MACHINE. BUT SEEMS TO ME THAT THE WINDOW ITSELF WAS SOMEWHAT CONSTRAINED.

I WOULD AGREE WITH THAT. THAT YOU WOULD PROBABLY HAVE TO SCROLL DOWN IN ORDER TO GET THROUGH ALL OF THAT LANGUAGE. THE OTHER THING THAT THE COUNTY CLERK COULD DO IS REDUCE THE SIZE OF THE PRINT, BUT I WOULDN'T RECOMMEND THAT YOU GO VERY SMALL ON THAT.

HUH-UH.

Mayor Wynn: I WONDER, COUNCIL, JUST THINKING OUT LOUD HERE. I WONDER IF PERHAPS WE COULD FIND OUT WHAT THOSE CONSTRAINTS MIGHT BE. WHAT REASONABLE SIZED FONT, HOW MANY WORDS WE COULD FIT ON THE -- JUST THE ORIGINAL WINDOW THAT PEOPLE SEE WHEN THEY FIRST GET ON THE MACHINE.

Clerk Brown: I WOULD BE GLAD TO MAKE THE CALL TO THE COUNTY CLERK AND GET THAT INFORMATION FOR YOU.

Mayor Wynn: I WOULD BE INTERESTED IN THAT.
COUNCILMEMBER SLUSHER?

Slusher: I UNDERSTAND THE -- THE LEGAL ADVICE ABOUT YOU HAVE TO -- TO EITHER PUT IT ON OR PASS IT. I THINK THERE'S ALSO -- I'M NOT SUGGESTING THIS, BUT THE COUNCIL COULD ALSO PROPOSE AN ALTERNATIVE WHILE PUTTING IT ON, IS THAT CORRECT?

COUNCIL, CERTAINLY CAN --

THERE'S NO OPTION FOR COUNCIL TO PROPOSE AN ALTERNATIVE. UNDER THE CHARTER AS IT WAS READ BACK BEFORE 1994 THAT WAS AN OPTION, BUT THAT WAS TAKEN AWAY IN THE 1994 CHARTER AMENDMENT ELECTION.

Slusher: OKAY. I DIDN'T REALIZE THAT. MY QUESTION, THOUGH, IS ABOUT THIS -- SO THE BALLOT LANGUAGE IS WRITTEN BY OUR STAFF OR BY THE PEOPLE DOING THE PETITION?

THIS BALLOT LANGUAGE HERE, I'M SORRY, WAS WRITTEN BY ME.

OKAY.

AND --

BUT AGAIN THAT'S JUST THE BALLOT LANGUAGE. THE -- THE LANGUAGE OF THE ORDINANCE IS LANGUAGE PROPOSED BY THE PEOPLE WHO SIGNED THE PETITION. AND BROUGHT IT TO COUNCIL.

RIGHT. SO WOULD THE -- SO IT'S NOT -- THEY ARE NOT REQUIRED TO -- TO PUT FORWARD A BALLOT LANGUAGE, THAT'S THE WAY IT WORKS? IF SOMEBODY BRINGS FORWARD A PETITION AND THEN THE CITY LAWYERS WRITE UP THE LANGUAGE FOR THE BALLOT?

YES. THE BODY ORDERING THE ELECTION HAS DISCRETION TO WRITE THE BALLOT LANGUAGE.

OKAY.

BUT AGAIN DISTINGUISH BETWEEN THE VALID LANGUAGE AND THE ORDINANCE LANGUAGE. THE PROPOSED ORDINANCE LANGUAGE IS WHAT IS BROUGHT TO THE --

CORRECT.

IT IS NOT SOMETHING THAT IS DRAFTED BY THE CITY.

NO.

OR THAT THE CITY LAW DEPARTMENT HAS APPROVED.

NO.

OKAY.

I THINK THAT WE UNDERSTAND THAT. THE ORDINANCE IS THE ORDINANCE AND THE CITIZENS HAVE BROUGHT FORTH THIS ORDINANCE, I WILL SAY I'M -- I WON'T BE SUPPORTIVE OF ITEM NO. 4, WHICH IS FOR US JUST TO ADOPT THE ORDINANCE AS BROUGHT TO US. I THINK THIS IS SUCH A CONTENTIOUS ISSUE, IT SHOULD BE ON THE BALLOT, I'M GLAD IT WILL BE. I'LL BE SUPPORTIVE OF ITEM 5 TO PUT IT ON THE BALLOT FOR MAY 7th. I JUST WANT TO MAKE SURE THAT WE'RE CAREFUL AND THINK THROUGH THE BALLOT LANGUAGE JUST IN THE CONTEXT OF HOW DO WE MAKE IT AS SIMPLE, AS PRACTICAL FOR PEOPLE TO UNDERSTAND WHAT IT IS.

COULD WE MAYBE PUT THIS OFF FOR A FEW HOURS SO I CAN SIT DOWN AND LOOK THIS OVER? I'M SORRY, I WAS ON A TRIP AND DIDN'T HAVE TIME TO DO THAT.

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: I --

Mayor Wynn: I'M SORRY.

Dunkerly: ONE CLARIFICATION. I RECEIVED A COUPLE OF E-MAILS JUST NOW SAYING THAT THIS INDIVIDUAL THOUGHT WE HAD THE OPPORTUNITY TO PUT TWO THINGS ON THE BALLOT. I THINK THAT YOU HAVE ALREADY RESPONDED. ONE THE PROPOSED ORDINANCE IN THE PETITION LANGUAGE. AND OUR CURRENT ORDINANCE. SO THAT THE CITIZENS COULD SELECT WHICH ONE WE WANT. NUMBER ONE I'VE NEVER HEARD THAT WE COULD PUT A CHOICE ON THERE. FROM WHAT YOU SAID, WE WERE -- WE ARE NOW RESTRICTED TO PUTTING ON THERE WHAT CAME FORWARD.

THAT IS CORRECT. IN A SENSE THE BALLOT ITSELF IS A

CHOICE FOR THE CITIZENS.

I'M SORRY --

THE OTHER OPTION IS TO REPEAL THE CURRENT ONE AND REPLACE IT WITH THE PROPOSED ORDINANCE. IF THEY WANT TO KEEP THE CURRENT ONE HAD HE VOTE AGAINST THIS ORDINANCE. IF THEY WANT TO REPLACE IT THEY VOTE FOR THIS ORDINANCE.

Dunkerly: BUT WE CAN'T PUT OUR CURRENT AND THIS FEW ONE ON A BALLOT FOR THEM TO SELECT?

YES.

Dunkerly: THAT'S MY UNDERSTANDING, TOO.

Goodman: I THINK THAT'S A LITTLE MISLEADING. AS RECENTLY AS THE ELECTION WHERE WE HAD CAMPAIGN FINANCE REFORM AND THE OPTION TO APPEAL IT, AS ITEMS THAT COUNCIL CAN ADD TO THE BALLOT, YOU SOUND LIKE WE ARE SAYING WE HAVEN'T HAD THAT OPTION SINCE 1994 OBVIOUSLY WE HAVE. SO YOU ARE EXPLAINING IT IN A LITTLE DIFFERENT WAY I THINK THAN WE CAN -- REASONABLY AND LEGITIMATELY TAKE US TO ITEMS WE CAN ADD TO THE BALLOT.

WELL, COUNCIL MAY INITIATE CHARTER AMENDMENTS ON ITS OWN INITIATIVE. THIS IS AN ORDINANCE. AND SO THE RULES ARE DIFFERENT UNDER THE CHARTER. IF WE ARE PRESENTED WITH AN INITIATED ORDINANCE, NOW THE COUNCIL'S OPTION IS TO PASS IT OR PLACE IT ON THE BALLOT. BEFORE 1994, THERE WAS AN OPTION TO -- FOR THE COUNCIL TO PLACE AN ALTERNATIVE IF THERE WAS AN INITIATED ORDINANCE. BUT THAT NO LONGER EXISTS.

Goodman: THROUGH WHAT ITEM THAT WE VOTED ON WAS THAT CHARTER AMENDMENT MADE?

I BELIEVE IN 2002 THERE WERE SEVERAL CHARTER AMENDMENTS INITIATED BY COUNCIL.

Goodman: I MEAN THE ONE WHERE IN '94 WHERE YOU SAID

THAT OPTION WAS TAKEN AWAY FOR REGULAR BALLOT ITEMS TO BE ADDED ON BY THE COUNCIL.

THERE WAS A CHARTER AMENDMENT ELECTION IN '94 WHICH AMENDED ARTICLE 4, SECTION 5 OF THE CHARTER. TO REMOVE THAT OPTION OF COUNCIL PLACING AN ALTERNATIVE OF ITS OWN CHOICE WHEN AN INITIATIVE HAD BEEN PRESENTED.

Goodman: WAS THAT A SEPARATE AND STAND ALONE ITEM? OR WAS IT PART OF SOMETHING ELSE?

IN 1994?

UH-HUH.

I'M SORRY, I DON'T KNOW. HOW THAT WAS PRESENTED.

Goodman: WELL, WHICH MAKES IT REALLY CLEAR THAT OFTEN ENOUGH ITEMS FOR THE BALLOT ARE NOT CLEARLY EXPLAINED TO ANYBODY BECAUSE I KNOW THE COUPLE DIDN'T GET THAT EXPLANATION. SO WE'RE SUDDENLY BLIND SIDED NOW. AND I'LL LEAVE OFF THERE. I HAVE MORE QUESTIONS, BUT I DID INTERRUPT SOMEBODY.

Futrell: LET ME ASK THIS. HOW LONG WOULD IT TAKE US TO GET A LITTLE MORE INFORMATION ABOUT EXACTLY HOW THAT OCCURRED IN '94? SURELY WE CAN GO BACK AND SEE HOW IT WAS -- IT WAS PUT IN FRONT OF VOTERS, HOW IT WAS WORDED.

SURE, UH-HUH. I THINK WITHIN --

Futrell: IF POSSIBLE, I WOULD LIKE THAT BROUGHT BACK TO SHOW COUNCIL EXACTLY HOW THAT DID OCCUR.

BRAD, HOW MUCH TIME DO YOU NEED? HOW MUCH TIME WOULD IT TAKE YOU TO BRING THAT BACK TO COUNCIL?

I WILL TRY WITHIN THE HOUR.

OKAY.

Goodman: WELL, THERE'S NO REAL RUSH SINCE IT HAPPENED EIGHT YEARS AGO AND WE ARE JUST FINDING OUT ABOUT IT. OBVIOUSLY IT'S NOT GOING TO -- GOING TO HAVE AN IMMEDIATE EFFECT.

BUT, BRAD, I THINK WHAT WE'RE TELLING THE COUNCIL TODAY IS THAT -- THAT AS WE UNDERSTAND, OUR CHARTER IS THE COUNCIL HAS TWO CHOICES. AND ONLY TWO CHOICES.

YES. ONE IS TO EITHER GO AHEAD AND PASS THE INITIATED ORDINANCE, THE ORDINANCE THAT'S PROPOSED, OR TO REFER THAT ORDINANCE TO THE VOTERS BY SETTING AN ELECTION.

TRUE.

IN THE FUTURE, THOUGH, COUNCIL OBVIOUSLY COULD BRING FORWARD ANYTHING THEY WANTED TO IN TERMS OF [INDISCERNIBLE] ORDINANCE, BUT IN TERMS -- IN TERMS OF A SMOKING ORDINANCE. BUT IN TERMS OF THIS PETITION, THEY HAVE TWO CHOICES, IS THAT RIGHT?

YES, THAT'S RIGHT. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

THIS IS THE LAST REGULAR MEETING BEFORE THAT TIME.

SO COUNCIL, THEN WITHOUT OBJECTION, I RECOMMEND THAT WE TAKE ITEM 4 OFF THE AGENDA, WE WON'T TAKE UP ITEM NUMBER 4, THAT IS TO PASS THE ORDINANCE AS PRESENTED. WE WILL TABLE ITEM NUMBER 5, WHICH IS THE CONSIDERATION OF THIS BALLOT ITEM, AND WHILE IT'S BEING -- WHILE IT'S TABLED, THE CITY ATTORNEY'S OFFICE WILL HELP US UNDERSTAND THE ACTION THAT OCCURRED IN '94 AND THEREFORE WHAT OPTIONS AND THEORY THERE MIGHT BE ON THAT BALLOT. AND HOPEFULLY MS. BROWN CAN GET WITH THE COUNTY CLERK'S OFFICE TO PERHAPS GIVE US A VISUAL OF PERHAPS A PRINTOUT, A PRINT SCREEN OR SOMETHING OF WHAT THE VOTERS WILL BE LOOKING AT SO IT MAY ALLOW US SOME FLEXIBILITY ON HOW WE PERHAPS SHORTEN THE BALLOT LANGUAGE.

MAYOR, WHAT IS YOUR PREFERENCE ON NUMBER 3?

ITEM NUMBER 3, RECEIVE THE CITY CLERK CERTIFICATION, SO MR. ATTORNEY, WE NEED TO ACCEPT THE -- WHAT'S OUR ACTION ITEM NUMBER 3?

THE ACTION WOULD BE TO ACCEPT THE CITY CLERK'S CERTIFICATION.

Mayor Wynn: SO I'LL ENTERTAIN A MOTION ON NUMB NUMBER 3. MAYOR PRO TEM?

Goodman: THERE ARE QUESTIONS THAT I ASKED QUITE AWHILE AGO AND HAVE NOT YET RECEIVED ANSWERS ON, SO I WANT TO BE SURE THAT EVERYBODY KNOWS WHAT THOSE ARE, AND THAT WHEN WE COME BACK SOMEBODY IS READY TO ANSWER THEM. AND ALSO, THE REFERENCE TO 1994 ACTUALLY MAY HAVE BEEN RELATIVE TO THE S.O.S. ORDINANCE, BUT I THINK MOST PEOPLE'S PERCEPTION WAS THAT IT WAS ONLY S.O.S. SO OBVIOUSLY THAT WAS A MISTAKE AND THAT CLARITY SHOULD BE IN EVERYBODY'S MEMORY, SO IT SHOULD BE SOMETHING THAT WE CAN PULL UP RIGHT AWAY. BUT THE QUESTIONS I ASKED THAT WE HAVEN'T -- AT LEAST THEY'RE NOT TO MY OFFICE OR IN E-MAILS OR ANYTHING, WE WANT A CLEAR PRESENTATION, I THINK, BECAUSE IT IS SO EASY FOR PEOPLE TO MISUNDERSTAND A PETITION, AND WILL BULK OF THE ISSUES BEHIND THE SINGLE LINE OR PRAP THAT THEY SIGN BASED ON IT. SO I WANT A CLEAR UNDERSTANDING ABOUT WHAT THIS -- A CLEAR PRESENTATION FOR EVERYBODY TO BE ABLE TO UNDERSTAND WHAT THIS ORDINANCE DOES AND DOES NOT DO THAT THE PREVIOUS ORDINANCE DID AND DID NOT DO. FOR INSTANCE, ALL WORKPLACES, WHEN IT'S PRESENTED THAT WAY, SOME PEOPLE THOUGHT WE DIDN'T HAVE ANYTHING FOR OFFICES AND SO FORTH, AND WE'RE AGHAST THAT WE HAD NOT DONE ANYTHING ABOUT THAT. BUT THIS IN FACT IS NOT ABOUT OFFICE WORKPLACES, IT'S ABOUT ADDING IN BARS, AND THAT NEEDS TO BE VERY CLEAR, ALL BARS. OR IF THERE ARE EXTENSIONS, THEN WE NEED TO KNOW WHAT THOSE ARE. AND PRIVATE CLUBS. SOME IN PRIVATE CLUBS THINK THEY ARE NOT REGULATED BY THIS ORDINANCE EITHER. I THINK THEY ARE, BUT WE NEED A LEGAL EXPLANATION OF THAT.

AND AT THE SAME TIME PRIVATE CLUBS HAVE IN THE PAST BEEN USED TO CIRCUMVENT CONDITIONS SUCH AS DRY COUNTY, AND FOLKS HAVE BECOME TEMPORARY MEMBERS OF A PRIVATE CLUB -- THAT WAS ACTUALLY A MUSIC VENUE. AND I ASKED IF THAT IN CONJUNCTION WITH PRIVATE CLUBS BE EXEMPTED OR NOT IF THAT CONDITION OF LEGALITY IS STILL POSSIBLE, ESPECIALLY IN THIS COUNTY. I DON'T KNOW IF IT VARIES FROM fromOUNTY TO COUNTY, BUT I KNOW, FOR INSTANCE, EL PASO DID USE THAT BEFORE THEY WENT WET. UP A THE LAKE BUCHANAN IT IS CURRENTLY THAT WAY. SO IT BECOMES VERY IMPORTANT ABOUT PRIVATE CLUBS AND WHETHER THEY'RE COVERED BY THIS ORDINANCE OR NOT. AND THOSE WERE A FEW OF THE LARGER, MEANING LEGAL, TO ADDRESS QUESTIONS. AND I'VE SEEN ABSOLUTELY NOTHING, AND I DID ASK THIS SOME TIME AGO, CITY MANAGER.

Mayor Wynn: IT ZOOMS TO ME -- IT SEEMS TO ME, AND I UNDERSTAND YOUR CONCERN, BUT IT SEEMS TO ME THAT THERE'S A SEPARATE ISSUE. THAT'S ALMOST AN ISSUE THAT AFTER -- AFTER I WOULD VOTE TO PUT IT ON THE BALLOT, WE SOMEHOW ENCOURAGE SOME GOOD FORMS, SOME O.O. GOOD FORUMS, GOOD ARENAS FOR THE ORDINANCE.

Goodman: WE CANNOT CAMPAIGN ONE WAY OR THE OTHER, SO IT HAS TO BE INFORMATIONAL. AND TO ME THIS IS THE TIME TO BE INFORMATIONAL. YOU'RE PUTTING IT ON THE BALLOT AND THIS IS THE TIME TO LAY IT ALL OUT. WHAT EXACTLY YOU ARE PUTTING ON THE BALLOT IN CASE FOLKS DID NOT CLEARLY UNDERSTAND OR ALL PEOPLE DIDN'T CLEARLY UNDERSTAND WHAT ALL THEY WERE COVERING WITH THAT SIGNATURE.

MAYOR PRO TEM, YOU HAVE ASKED THAT QUESTION IN THE PAST, AND WE HAVE BEEN SLOW IN RESPONDING, BUT YOU WILL GET THAT ANSWER TODAY BEFORE YOU HAVE TO MAKE A DECISION. I CAN'T SPEAK TO YOUR CONCERNS DIRECTLY RIGHT NOW, BUT WE WILL BE ABLE TO SPEAK TO YOU TODAY ABOUT THOSE CONCERNS.

Mayor Wynn: MR. ATTORNEY, IT SEEMS TO ME IN REGARDS TO ITEM NUMBER 3, HOWEVER, WE HAVE A FIRM STATEMENT FROM OUR CITY CLERK AS TO THE VALIDITY OF THE

SIGNATURES THAT WERE FILED AND MEETING THE QUALIFICATIONS AND THE PARAMETERS THAT HAVE BEEN SET FORTH BY OUR CHARTER, AND SO I'M NOT PREPARED TO TAKE A MOTION ON ITEM NUMBER 3. WE WILL STILL TABLE NUMBER 5, WHICH IS A DISCUSSION OF THE BALLOT LANGUAGE OF US PLACING THIS ON THE BALLOT. I'D ENTERTAIN A MOTION ON ITEM NUMBER 3, WHICH IS TO RECEIVE THE CERTIFICATION FROM THE CLERK.

MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE, ACCEPT, THAT IS, ITEM NUMBER 3. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. AND COUNCIL, IF YOU WILL ALLOW ME, WE HAVE A COUPLE OF CITIZENS WHO HAVE SIGNED UP WISHING TO SPEAK ON THESE COLLECTIVE ITEMS. IF WILSON LEERY -- IS WILSON LEERY STILL HERE? YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY GAVINO FERNANDEZ.

HOWDY FOLKS. CONGRATULATIONS ON YOUR ELECTION TO OFFICE. IT'S A TOUGH THING TO DO. I TAKE MY HAT OFF VERY RARELY, KIND AFTER STUBBORN OLD TEXAN, BUT I WANTED TO COME TO YOU TODAY TO TELL YOU I OPPOSE THIS SMOKING BAN. AND I REPRESENT A LOT OF FOLKS, NOT OFFICIALLY, BUT THE FOLKS THAT I MEET WHEN I TRAVEL THROUGH AUSTIN AND TALK TO HOMELESS PEOPLE, OFTEN TRADE THEM LIFE ADVICE FOR A CIGARETTE. WHETHER I TALK TO BUSINESS FOLKS IN SUITS. WHAT I WANT TO TELL YOU IS THERE ARE TWO REASONS THAT I THINK YOU'RE IN OFFICE. ONE, YOU'VE GOT PUBLIC SUPPORT. SOMEHOW YOU MANAGED IT. AND NUMBER TWO, YOU ARE LEADERS. ABOUT LEADERSHIP, THERE'S TWO THINGS I THINK THAT YOU NEED TO THINK ABOUT FOR THE CITIZENS HERE. WHEN IT COMES TO THIS SMOKING BAN. THE FIRST IS FREEDOM. MAN, WE BOUNCE THAT WORD AROUND AMERICA ALL THE TIME. EVERYONE USES IT, REPUBLICANS, DEMOCRATS,

INDEPENDENCE ALIKE. BUT IT COMES DOWN TO RIGHT OF LIBERTY, THE RIGHT TO CHOOSE. IT COMES DOWN TO FREEDOM. I WANT THE FREEDOM TO BE ABLE TO SMOKE. NOW, EXEMPTIONS FOR PUBLIC PLACES, I CAN ACCEPT THAT. I'M CHEWING NICORETTE GUM AS WE SPEAK. THAT'S THE WAY IT GOES. I MAKE AN EXCEPTION TO BE HERE. BUT WHEN IT COMES TO A BAR OR A PRIVATE BUSINESS OR A PRIVATE HOME OR PRIVATE PROPERTY, THERE SHOULD BE FREEDOM IN AMERICA, FREEDOM, FREE-DOM. SOMEHOW THAT WORD HAS LOST ITS MEANING AS WE GRIND AWAY. SECONDLY, MORE IMPORTANTLY, PARDON MY FRENCH, BUT SCREW FREEDOM. LET'S TALK ABOUT AMERICA AND CAPITALISM. CAPITALISM IS WHAT THIS COUNTRY IS BASED ON, AND IT IS THE FOUNDING FUEL THAT DRIVES THE DEVELOPMENT OF THIS FINE CITY, CAPITALISM. AND IF FREEDOM AND LIBERTY DO NOT MEAN ANYTHING IN YOUR HEARTS, I APPEAL TO YOUR POCKETBOOK. CAPITALISM, MAYOR. CITY COUNCILMEMBERS, CAPITALISM, MONEY. FREE MARKET. THE FREE MARKET DEMANDS THAT WE ALLOW PRIVATE VENTURE AND CAPITALISTS TO CHOOSE THEIR PATH IN THIS MARKET SYSTEM. YOU KNOW, ANTONIO'S RIGHT DOWN THE STREET HAS NO SMOKING NIGHTS. DO YOU KNOW WHAT? I DON'T GO THERE ON NO SMOKING NIGHT. THAT'S MY CHOICE. AND DO YOU KNOW WHAT? THE OWNERS OF THAT BUSINESS CHOSE TO HAVE A NO SMOKING NIGHT. CAN WE NOT ALLOW BOTH CAPITALISM TO EXIST AND FREEDOM TO EXIST? NOW, THE PEOPLE WHO CAME UP WITH THIS PETITION TO BAN SMOKING IN ALL THESE PLACES, THEY ARE WELL INTENTIONED. SMOKING WILL KILL US. BUT DO YOU KNOW WHAT? NO ONE LIVES FOREVER. I CHOOSE TO LIVE MY LIFE BY MY VALUES AND MY GOALS, AND IF THAT BUSINESS OWNER DOWN THE STREET CHOOSES TO ALLOW ME TO SMOKE, THEN SO BE IT. [BUZZER SOUNDS] IS THAT MY TIME? I WOULD CLOSE WITH ONE LAST THING, I WOULD ASK THAT THE COUNCIL ENDORSE A RIGHT TO SMOKE ON PRIVATE AND COMMERCIAL PROPERTY. YOU DO HAVE A THIRD CHOICE R. CHOICE, YOU DON'T HAVE TO PASS TO SUBMIT THAT VOTE FOR APPROVAL, BUT TO ALLOW PEOPLE THE RIGHT TO SMOKE. THANK YOU VERY MUCH FOR YOUR TIME.

Mayor Wynn: THANK YOU. AGAIN, THE ITEM BEFORE US IS TO

ACCEPT THIS CITIZEN INITIATIVE ON THE BALLOT ITEM.
WELCOME MR. FERNANDEZ. YOU WILL HAVE THREE
MINUTES.

THANK YOU, COUNCIL. MY NAME IS GAVINO FERNANDEZ AND I'M HERE TO SPEAK TO YOU ON BEHALF OF EL CONCILIO, A COALITION OF NEIGHBORHOOD ASSOCIATIONS AND AS REGISTERED MEMBERS OF LULAC 4814. AND WE HAVE DISCUSSED AND ALSO SIGNED THE PETITION AND WE'RE HERE IN SUPPORT OF YOU ACCEPTING AND IN SUPPORT OF THE SMOKING BAN ORDINANCE. WE ALL KNOW AUSTIN IS TOUTED AS A HEALTHY CITY, AND I THINK THAT THIS EFFORT WILL GO A STEP FURTHER IN REALIZING THAT EFFORT. WE ALSO IN OUR COMMUNITY UNFORTUNATELY HAVE SEEN MANY OF OUR FAMILIES DIE AND SUFFER BECAUSE OF CANCER DUE TO SMOKING. AND WE ALSO UNFORTUNATELY HAVE HAD THE UNFORTUNATE EXPERIENCE OF OTHER SMOKE, IE, THE HOLLY POWER PLANT THAT OUR RESIDENTS CONSUME THE TOXIC EMISSIONS FROM THAT PLANT. SO I'M JUST HERE BASICALLY TO CONVEY TO YOU THAT WE ARE SUPPORTIVE OF THE SMOKING BAN AND LOOK FORWARD FOR THE OPPORTUNITY HOPEFULLY -- OBVIOUSLY WE FEEL THAT IT WOULD BE PRUDENT AND ECONOMIC -- GOVERNING EFFICIENTLY IF YOU WERE TO PASS IT AS OPPOSED TO HAVE HAVING IT TO GO BEFORE THE VOTERS, BUT I ALSO FEEL THAT FUNDAMENTALLY IN A DEMOCRATIC SOCIETY WE SHOULD FORWARD THE OPPORTUNITY FOR OTHER MEMBERS OF THIS COMMUNITY IN GENERAL TO HAVE A VOICE ON THIS ISSUE. THANK YOU, MAYOR.

Mayor Wynn: THANK YOU, MR. FERNANDEZ. COUNCIL, THAT'S ALL THE FOLKS WHO HAVE SIGNED UP ON THESE ITEMS. AGAIN, IN SUMMARY, WE HAVE PASSED ITEM NUMBER 3. WE HAVE WITHDRAWN ITEM NUMBER 4. AND ITEM NUMBER 5 IS CURRENTLY TABLED AND LIKELY WILL BE TAKEN UP LATER IN THE MEETING.

Slusher: MAYOR, I WOULD JUST SAY THAT YOU AND I PROBABLY DON'T AGREE ON THE ORDINANCE ITSELF. THAT'S NOT WHAT WE'RE HERE FOR TODAY TO DISCUSS THE MERITS OF IT, WE'RE HERE TO EITHER PUT IT ON THE BALLOT OR PASS IT. AND I AGREE WITH YOU, WHAT YOU SAID EARLIER, THAT WE NEED TO PUT IT ON THE BALLOT,

NOT JUST TRY TO HAVE A VOTE HERE ON WHETHER OR NOT TO PASS THE PETITION. I THINK IT'S SOMETHING THAT NEEDS TO GO BEFORE THE WHOLE ELECTORATE. WE SAW WHEN WE HAD THE ORDINANCE BEFORE US A COUPLE OF TIMES A FEW YEARS AGO THAT PEOPLE ARE DIVIDED ON IT. AT THAT TIME I WOULD HAVE LIKED TO HAVE PUT IT UP FOR AN ELECTION, BUT WE WEREN'T ABLE TO DO THAT UNDER STATE LAW, SO I THINK IT'S VERY APPROPRIATE THAT THE VOTERS GET TO DECIDE THIS ISSUE.

Mayor Wynn: AGREED. THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? THANK YOU ALL VERY MUCH. COUNCIL, WE HAVE STILL A FEW MORE MINUTES. WITHOUT OBJECTION WE CAN TAKE UP ITEM NUMBER 77, WHICH IS OUR ADDENDUM ITEM RELATED TO -- ITEM FROM COUNCIL RELATED TO INDEPENDENT REVIEW AND ANALYSIS OF THE TOLL PLAN. I GUESS I'LL RECOGNIZE -- COUNCILMEMBER THOMAS.

Thomas: I ASKED MY COLLEAGUE COULD WE DO IS AFTER CITIZEN COMMUNICATION IF YOU DON'T MIND. I DO HAVE TO LEAVE AND BE BACK.

Mayor Wynn: SO BE IT. WE'LL TAKE UP ITEM NUMBER 77 AFTER CITIZEN COMMUNICATION. SO COUNCIL -- COMK.

THERE'S -- COUNCILMEMBER MCCRACKEN.

THERE'S ONE THING THAT'S COME UP. THE PUBLIC HEARING WILL NOT HAPPEN UNTIL MARCH 24TH ON THE DESIGN STANDARDS. THERE'S A PRESENTATION THIS EVENING, BUT THE ACTUAL PUBLIC HEARING IS NOT UNTIL MARCH 24TH.

Mayor Wynn: SO A PUBLIC PREVIOUSING AFTER 6:00 P.M., NO PUBLIC HEARING. THANK YOU. SO COUNCIL, ALSO OUR TOD ORDINANCE, ITEMS 12 AND 13, ARE TO BE TAKEN UP AFTER 6:00 P.M. WE'VE DONE ITEM NUMBER 48. 77 WILL BE TAKEN UP AFTER CITIZEN COMMUNICATION. SO IT LOOKS LIKE WE HAVE NO ACTION ITEMS BEFORE US, SO THEN -- THERE BEING NO MORE DISCUSSION ITEMS BEFORE US, WITHOUT OBJECTION WE'LL NOW GO INTO CLOSED SECTION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO TAKE UP POTENTIALLY AGENDA ITEMS 12, 13, 53, 54,

55, 56, 57, 58, 59, AND THEN PURSUANT TO SECTION 551.072 OF THE OPEN MEETINGS ACT, POTENTIALLY TAKE UP REAL ESTATE MATTERS RELATED TO ITEMS 60, 61 AND 62 HOWEVER, WE'RE ONLY GOING TO BE IN CLOSED SESSION FOR APPROXIMATELY 30 MINUTES. WE'LL COME BACK AT NOON FOR GENERAL CITIZEN DMUNGS AND THEN TAKE UP ITEM NUMBER 77. WE'RE IN CLOSED SESSION. THANK YOU.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION, IN EXECUTIVE SESSION WE TOOK UP PURSUANT TO SECTION 551.072 OF THE OPEN MEETINGS ACT ITEM NUMBER 61. NO DECISIONS WERE MADE. WE'RE BACK IN OPEN SESSION FOR OUR GENERAL CITIZEN COMMUNICATION. AND ONCE I FIND MY LIST, OUR FIRST SPEAKER ON CITIZEN COMMUNICATION IS MR. SCOTT DURGIN. WELCOME, SIR. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY SARAH STRANDTMAN.

MY NAME IS SCOTT DURGIN. I'M THE PRESIDENT OF THE GLEN DOW NEIGHBORHOOD ASSOCIATION. WE OPPOSE THE EXPANSION OF THE SOUTH AUSTIN TENNIS CENTER WHICH WAS LOCATED AT CUMBERLAND ROAD AND EAST FIFTH STREET. WE ARE ON THE VERGE OF LOSING AN INNER CITY GREEN SPACE TO THE EXPANSION OF THE SOUTH AUSTIN TENNIS CENTER THAT ADDS MORE THAN 8,000 SQUARE FEET OF IMPERVIOUS COVER AND DESTROYS WOODED PARKLAND, INCLUDING HUNDREDS OF TREES. IT IS DOCUMENTED THAT THE EXISTING TENNIS COURTS ARE USED AT LESS THAN 50% CAPACITY AT PEAK USE ACKNOWLEDGE PERIODS. WE VOTED OVERWHELMINGLY TO OPPOSE THE EXPANSION. AND ALSO MANY OTHERS HAVE ALL VOTED UNANIMOUSLY TO OPPOSE THE EXPANSION. THE SOUTH AUSTIN PARK IS NOT A SUITABLE LOCATION FOR AN EXPANDED TENNIS CENTER BECAUSE THE SITE LACKS THE NECESSARY ROADWAY INFRASTRUCTURE TO SUPPORT THE PARKING AND INCREASED TRAFFIC. ADDING EIGHT COURTS AND THE DRAINAGE STRUCTURES WILL MATERIALLY INJURY THE PROPERTY WELL BEYOND THE FOOTPRINT OF THE ADDED COURTS AND DESTROY WELL USED MULTIPURPOSE PARKLAND AND OPEN SPACE. REDUCING GREEN SPACE WILL HAVE A NEGATIVE IMPACT ON THE ENVIRONMENT THROUGHOUT THE AREA. IN ADDITION IT WILL DIMINISH PROPERTY VALUES IN THE AREA. THE EXPANSION WILL TAKE

AWAY A LARGE PORTION OF THE EXISTING MULTI-USE SPORTS FIELD NEXT TO THE SOUTH AUSTIN RECREATION CENTER FOR A DRAINAGE DITCH. THE PARKS BOARD THEMSELVES HAVE EXPRESSED SERIOUS CONCERN WITH THIS LOCATION BEING THE WRONG PLACE FOR THIS PROJECT. THIS EXPANSION GOES AGAINST PARD'S OWN DEVELOPMENT PRINCIPLES, THESE PRINCIPLES AND CODES DEMAND THE PRESERVATION OF AUSTIN PARKS, NOT THEIR DESTRUCTION. THEY PRIORITIZE EXPANDING AND CREATING PUBLIC ACCESS TO OPEN GREEN SPACE AND THEY DO NOT CALL FOR MORE SINGLE USE, PRIVATELY RUN FACILITIES. THIS PROJECT HAS NEITHER THE APPROPRIATE FEATURES NOR THE FUNDING MECHANISMS NECESSARY FOR A TOURNAMENT FACILITY AS IT WAS ORIGINALLY PRINTED BY PARD. THE TENNIS COMMUNITY ITSELF HAS DEMONSTRATED THAT A SUCCESSFUL TOURNAMENT FACILITY REQUIRES A DESTINATION PARK ENVIRONMENT WITH A LARGE ACREAGE FOR MANY COURTS, SUFFICIENT PARKING, AMPLE SPECTATOR SEATING AND FUTURE GROWTH POSSIBILITIES. ALSO, EASY ACCESSIBILITY FROM MAJOR TRAFFIC ARTERIES, WHICH WE DON'T HAVE, A SIGNIFICANT USE OF ALTERNATIVE NON-PUBLIC FUNDING SOURCES, ALL OF WHICH THE SITE DOES NOT HAVE. THE SOUTH AUSTIN TENNIS CENTER EXPANSION IS A LOSE LOSE PROPOSITION, EVEN WITH THE ADDITIONAL COURTS IT WILL NOT BE THE PREMIERE TOURNAMENT FACILITY THAT THE AREA TENNIS ASSOCIATIONS AT LEAST SAY MUST BE BUILT IN AUSTIN. MEANWHILE, THE AUSTIN COMMUNITY WILL HAVE LOST AN IRRELEVANT REPLACEABLE GREEN SPACE, THE ONLY PARK WHICH THROWS OFF THE BALANCE NEEDED TO MAINTAIN THE QUALITY OF LIFE WE HAVE IN AUSTIN. ALL THE WHILE AUSTIN IS BECOMING MUCH MORE DENSITY DEVELOPED AND OPEN PARK SPACE IS HARDER TO FIND. THE NEIGHBORHOOD ASSOCIATION AND THE SUPPORTING PARTNERS DEMAND THAT THE CITY COUNCIL INTERVENE AND USE REASON AND FACTUAL INFORMATION THAT WE PROVIDED TO YOU AND STOP THIS UNNECESSARY DESTRUCTION OF THE SOUTH AUSTIN PARK. THANK YOU.

Mayor Wynn: THANK YOU. SARAH STRANDMAN. HELLO. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY JESSICA GORDON.

THANK YOU. COUNCIL, MY NAME IS SARAH STRANDMAN. I'M HERE AS A REPRESENTATIVE OF THE GLEN DOW NEIGHBORHOOD ASSOCIATION. THERE'S THREE MORE OF US HERE THAT WILL BE TALKING ABOUT THIS ISSUE TODAY, WHICH AGAIN IS TO BRING SOME INFORMATION ABOUT THE PROJECT SLATED FOR OUR PARK WHICH WE HOPE TO HAVE EITHER RELOCATED OR THE FUNDING DIVERTED TO OTHER PURPOSES. WE ARE REALLY HOPING TO SAVE THIS GREEN SPACE THAT IS THE ONLY PARK IN OUR NEIGHBORHOOD AND IN A LARGER AREA OF SOUTH AUSTIN. THE PIECE I'M TALKING ABOUT IS TO CONTRAST TENNIS CENTERS IN OTHER CITIES, TENNIS CENTERS MENTIONED BY THE TENNIS LEAGUES AS EXAMPLES OF WHAT AUSTIN NEEDS. TO CONTRAST THAT WITH WHAT THE POSSIBILITIES ARE AT THE SOUTH AUSTIN TENNIS CENTER. SPECIFICALLY THE WACO TENNIS CENTER. THIS IS AN 18 COURT FACILITY. IT'S LOCATED IN 156-ACRE PARK. IT'S A DESTINATION PARK WITH MANY OTHER SPORTS AND CULTURAL FACILITIES ALONG THE BRAZOS RIVER IN WACO. A SECOND EXAMPLE IS THE H.E.B. MUNICIPAL TENNIS CENTER IN CORPUS CHRISTI. THIS IS NOTABLE BECAUSE IT'S REALLY THE PREMIERE TOURNAMENT FACILITY IN THIS AREA OF TEXAS. IT'S GOT 24 COURTS, BUT I ESPECIALLY WANT TO HIGHLIGHT THE FUNDING MECHANISM, WHICH IS AN ANNUAL LIVING LEGENDS TOURNAMENT THAT HAS BROUGHT IN PEOPLE LIKE JIMMY CONNERS, LIEN DI DAVENPORT, JOHN McENROW. THIS IS ONE MECHANISM THAT THEY USE TO RAISE FUNDS AND EXPAND AND MAINTAIN THE CENTER. LASTLY, VERY CLOSE TO HOME, THE ROUND ROCK TENNIS CENTER HAS 18 COURTS. IT'S LOCATED IN THE 400-PLUS ACRE PARK FACILITY WITH NUMEROUS OTHER SPORTS FACILITIES, BASEBALL, SOCCER FIELDS. THIS EXAMPLE IS ALSO NOTEWORTHY BECAUSE THEY RECEIVED MONETARY SUPPORT FROM THE ROUND ROCK TENNIS ASSOCIATION. THE TENNIS ASSOCIATION THERE HAS CONTRIBUTED SOME \$10,000 TOWARDS FACILITY USE AND NOTABLY ALSO PAYS A SINGLE FEE THAT ALLOWS THEM TO HAVE MORE OR LESS EXCLUDES ACTIVE ACCESS TO THE COURTS FOR THEIR LEAGUE DOUBLES PLAY. WHEN WE LOOK AT WHAT SOUTH AUSTIN PARK HAS AND THE SOUTH AUSTIN TENNIS CENTER, IT DOESN'T HAVE ANY OF THESE FEATURES. THIS IS NOT A DESTINATION PARK ENVIRONMENT, THIS IS AN 11-ACRE

PARK. IF YOU THROW IN THE 12-PLUS ACRES NEXT DOOR AT THE SOUTH AUSTIN REC CENTER, YOU'RE UP TO 24 ACRES. YOU'RE TALKING ABOUT ADDING EIGHT MORE COURTS TO MAKE IT AN 18 COURT CENTER. THERE ARE NO MAJOR ROADWAY ACCESSES. THIS IS OFF OF CUMBERLAND ROAD AND SOUTH FIFTH STREET. THOSE ARE BOTH TWO-LANE NEIGHBORHOOD STREETS. THERE ARE NO ADDITIONAL ALTERNATIVE PUBLIC FUNDING STREAMS, ALTERNATIVE TO PUBLIC FUNDING. IN THE EXAMPLES I CITED THERE ARE SIGNIFICANT CONTRIBUTIONS FROM ALTERNATIVE PUBLIC FUNDING TO RELIEF THE TAXPAYER BURDEN FOR FUNDING THESE VENUES. [BUZZER SOUNDS] THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. JESSICA GORDON. AND ACTUALLY, LET'S GO AHEAD AND FOLLOW LOW JESSICA WITH CATHERINE KAWAZOE WHO ALSO WANTED TO SPEAK ABOUT THE PARK.

I'M HERE TODAY TO ILLUSTRATE HOW THE SOUTH AUSTIN PARK IS AN INAPPROPRIATE LOCATION FOR A LARGE TENNIS FACILITY AND HOW THE SOUTH AUSTIN TENNIS CENTER EXPANSION VIOLATES IMPORTANT PLANNING PRINCIPLES AND LAND USE OBJECTIVES. THE SOUTH AUSTIN TENNIS CENTER, AS THIS AERIAL PHOTOGRAPH SHOWS, IS ONLY ACCESSIBLE THROUGH SMALL NEIGHBORHOOD STREETS THAT HAVE ALREADY BEEN IDENTIFIED AS HAVING MAJOR TRAFFIC PROBLEMS BY BOTH CITY OFFICIALS AND FOX 7 NEWS. THIS EXPANSION PLANS TO DESTROY THE MAJORITY OF OUR FUNCTIONAL PARK SPACE AND THREATENS THE SAFETY OF OUR CHILDREN BY PUSHING THEM OUT INTO THE PERIMETER OF THE PARK CLOSER TO THESE BUSY STREETS. CALCULATIONS BASED ON PARD ESTIMATES SHOW AN INCREASE OF AT LEAST 336 TRIPS PER DAY INTO OUR PARK, AND THIS ESTIMATE DOES NOT INCLUDE LEAGUE AND HIGH SCHOOL TOURNAMENTS PLANNED BY THE CENTER WHICH WILL INCLUDE PLAYERS AND NUMEROUS SPECTATORS, THEREFORE TRAFFIC IMPACT ANALYSIS IS NECESSARY. THE SOUTH AUSTIN TENNIS CENTER'S 1980 PRELIMINARY DETAILED DEVELOPMENT PLAN RECOMMENDED SENSITIVITY TO THE FUNCTIONS OF ADJACENT PARK AND SURROUNDING ADDITIONAL RESIDENTIAL AREAS. THE ARCHITECTS EMPHASIZED THE

IMPORTANCE OF PRESERVING OPEN AREA AT THE INTERSECTION OF SOUTH FIFTH AND CUMBERLAND, BUT THIS AREA WILL BE DESTROYED. THEY ALSO RECOMMENDED RETAINING ITS EXISTING JUNIPER GROVES AND BUFFERING ELEMENTS TO ADJACENT RESIDENTIAL AREAS, BUT IN THIS EXPANSION PLAN, OVER 200 TREES, INCLUDING A PROTECTED OAK, WILL BE REMOVED FOR THIS EXPANSION PROJECT. DESPITE THE FACT THAT ARCHITECTS RECOMMENDED DIRECTING STORM WATER RUNOFF TO AVOID OVERBURDENING SURROUNDING RESIDENTIAL AREAS, HOUSES SURROUNDING THE PARK RECEIVE FLOODING PROBLEMS DUE TO RUNOFF FROM EXISTING COURTS. IN FACT, RUNOFF PROBLEMS PLAYING THE ENTIRE PARK DUE TO RUNOFF FROM EXISTING COURTS, AND THE SOUTH AUSTIN TENNIS CENTER IS ONLY HELD RESPONSIBLE FOR ADDITIONAL RUNOFF DUE TO THE IMPERVIOUS COVER ADDED BY THIS PROJECT BASED ON THE ENGINEER'S REPORT FOR THE SITE PLAN. ONE OF THE THINGS THAT THEY PLAN TO DO TO ACCOMMODATE ADDITIONAL RUNOFF IS TO CREATE A 30,000-FOOT DRAINAGE RETENTION POND ALONG THE PERIMETER OF THE RECREATION CENTER'S SPORTS FIELDS. THIS PHOTOGRAPH ILLUSTRATES THAT CHILDREN PLAYING AROUND THE PERIMETER OF HIGHLY UTILIZED SPORTS FIELDS WHILE A GAME IS OCCURRING ON THE MAIN FIELDS. WE DO NOT WANT TO USE THIS MULTI-USE OPEN SPACE FOR A SINGLE USE FACILITY. THE SMART GROWTH INITIATIVE RECOGNIZES THAT ENVIRONMENTAL PROTECTION AND PRESERVATION OF OPEN SPACE ARE ESSENTIAL TO OUR QUALITY OF LIFE. THE DESTRUCTION OF PRECIOUS PARKLAND IN ADDITION OF OVER 86,000 SQUARE FEET OF IMPERVIOUS COVER IS NOT IN ALIGNMENT WITH THE CITY OF AUSTIN'S GOALS OF PROTECTING THE ENVIRONMENT. SO I ASK YOU TODAY WILL THIS GROVE OF TREES BE CUT DOWN TO MAKE WAY FOR MORE TENNIS COURTS? WE LOCATING THIS EXPANSION PROJECT WOULD PRESERVE SOUTH AUSTIN PARK, AN INVALUABLE ASSET TO THE ENTIRE AUSTIN COMMUNITY. THANK YOU.

Mayor Wynn: THANK YOU. HOW ABOUT CATHERINE -- [APPLAUSE] CATHERINE KAWAZOE.

MY NAME IS CATHERINE.

Mayor Wynn: CLOSE. YOU WILL HAVE THREE MINUTES.

I'VE BEEN COMING TO THIS BUILDING QUITE A BIT LATE LATELY, AND I'M GLAD TO SEE PEOPLE ENJOYING IT AND TAKING PRIDE IN THE SPACE WE CAN ALL CALL OUR OWN. WE LIKE IT BECAUSE IT REPRESENTS IDEALS THROUGH ITS DESIGN AND PURPOSE WITH WHICH WE CAN LIVE. IT IS A SUCCESSFUL MERGER BETWEEN FORM AND FUNCTION, AND A REFLECTION OF GOOD CITY PLANNING. THE PROPOSED SOUTH AUSTIN TENNIS CENTER EXPANSION, HOWEVER, IS THE EXACT OPPOSITE. NEITHER ITS FORM NOR ITS FUNCTION ILLUSTRATE WISE PLANNING. ON THE CONTRARY, THESE PLANS FOR EXPANSION ILLUSTRATE THE DISCONNECT BETWEEN PLANNING POLICY AND IMPLEMENTATION. THERE IS NO FAILURE OF POLICY. OUR NEIGHBORHOOD HAS GONE THROUGH PART MASTER PLAN, TENNIS FACILITY MASTER PLAN, PLAN FOR IMPLEMENTATION AND MANY OTHER DOCUMENTS. THEY ALL EMPHASIZE THE IMPORTANCE OF ACQUIRING GREEN, OPEN SPACE GREEN LAND IN THE URBAN CORE. THEY ALL EMPHASIZE THE IMPORTANCE OF GREENBELT ACQUISITION. THEY EMPHASIZE PROTECTING URBAN WATERSHEDS AND THE GREENWAYS ALONG THE WATERSHEDS. WEST BOULDIN CREEK HAS BEEN A TARGETED WATERSHED FOR DECADES AND THE BOULDIN CREEK LAND ACQUISITION WAS IN PROPOSITION 2 AND NO LAND HAS BEEN REQUIRED. NONE OF THESE DOCUMENTS EVER REQUIRES TO THIS AREA. THE GLEN DOPE DOW NEIGHBORHOOD AND SOUTH CENTRAL AUSTIN IS AN AREA IN NEED OF MORE TENNIS COURTS. A TENNIS MASTER PLAN CALLED FOR TWO COURTS TO BE BUILT IN THE SOUTH AUSTIN RECREATION CENTER AREA. AFTER THE PLAN FOR A SOUTH TENNIS CENTER WAS RECOMMENDED, PARD RECOMMENDED THAT THE PLANS BE REEVALUATED, SPECIFICALLY BECAUSE OF OTHER RECREATION INTERESTS IN THIS AREA. HOWEVER, WE ARE NOT FIGHTING THE EXPANSION BECAUSE WE DON'T WANT TENNIS COURTS. WE HAVE A NICE FACILITY WITH WELL MAINTAINED COURTS. WE WELCOME INDIVIDUALS TO COME ENJOY THE COURTS WHICH ARE SET IN OUR BEAUTIFUL NEIGHBORHOOD PARKS. WE DO ASK HOWEVER THAT THE CITY AND PARTICULARLY PARD FULFILL ITS DUTY TO PROTECT THIS RARE INNER CITY GREEN SPACE. WE ASK

THAT THE CITY IMPLEMENT THE IDEALS AND UNDERSTANDS THAT ARE THE FOUNDATION OF THE POLICIES REGARDING PROPERTIES LIKE SOUTH AUSTIN PARK. THE SOUTH CENTRAL COALITION AND ANC BRING YOUR ATTENTION TO THE FAILURES OF THE SITE PLAN AS MENTIONED BY JESSICA, LIKE THE SCALE, SET BACK, LIGHTING, IMPERVIOUS COVER, INADEQUATE TRAFFIC INFRASTRUCTURE, AS WELL AS THE FAILURE OF GOOD PLANNING IMPLEMENTATION, THE FACT THAT A METROPOLITAN TOWN TENNIS CENTER DOES NOT BELONG IN A NEIGHBORHOOD PARK. IN ORDER FOR YOU TO MAKE A COURSE CORRECTION, THERE ARE MANY OTHER ALTERNATIVES AS EXPRESSED IN THE POSITION DOCUMENT PREPARED BY GENE IN A AND AS EXPRESSED TODAY. I BELIEVE YOU GOT THIS DOCUMENT AND WE CAN DEFINITELY FORWARD ANOTHER ONE TO YOU IF YOU NEED ONE. AND WE HOPE THAT YOU GUYS WILL PUSH FOR THE EXPLORATION OF THESE ALTERNATIVES IN ORDER TO EFFICIENTLY AND EQUITABLY USE PUBLIC FUNDING INSTEAD OF PRIORITIZING AND INTEREST GROUP FACILITATING BY PARD AT THE EXPENSE OF A WELL LOVED AND WELL USED MULTI-USE NEIGHBORHOOD PARK. THANK YOU.

Mayor Wynn: THANK YOU. OUR NEXT SPEAKER IS JOHNETTE MASON. WELCOME. YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY PAT JOHNSON.

HELLO COUNCIL, HOW ARE YOU TODAY? MY NAME IS JOHNETTE MASON. I CAME HERE -- I HAVE ONE CONCERN -- TWO CONCERNS. ONE IS ABOUT THE EMERGE PROGRAM. I THINK THAT THAT IS A VERY GOOD PROGRAM, BUT I ALSO THINK THAT Y'ALL NEED TO REANALYZE THE BUDGET FOR THE CO-PAYS OF THE CITY HEALTH CLINICS BECAUSE IT IS A LITTLE EXPENSIVE, ESPECIALLY WHEN PEOPLE ARE IN BETWEEN WAITING FOR THEIR SSI OR SSDI. AND I REALLY DON'T HAVE MUCH TO SAY TODAY, BUT I JUST WANT TO LET Y'ALL KNOW THAT I THINK Y'ALL NEED TO REANALYZE THE BUDGET, BUT ALSO THAT THE EMERGE PROGRAM IS EXCELLENT, AND WOULD YOU PLEASE CONSIDER MORE SPECIALIZED CARE FOR WOMEN HEALTH SERVICES, LIKE POSTPARTUM DEPRESSION AND THINGS LIKE THAT. THANK YOU.

Mayor Wynn: THANK YOU, MS. MASON. PAT JOHNSON,

WELCOME, SIR. YOU WILL HAVE LEE MINUTES AND BE FOLLOWED BY BETTY EDGEMOND.

HELLO, COUNCIL, TODAY'S TOPIC IS DIRECTED TO OUR YOUNG PEOPLE. IT'S NO SECRET THAT WE HAVE A SERIOUS PROBLEM NATIONWIDE AND WE HAVE A SERIOUS PROBLEM RIGHT HERE IN AUSTIN WITH HIV AND AIDS. IT'S NO SECRET THAT THE SAFE SEX MESSAGE OR MYTHS ARE IGNORED BY LARGE NUMBERS OF OUR COMMUNITY, BUT MORE ON THE YOUNG PEOPLE. OUR YOUNG PEOPLE THINK THEY'RE INVINCIBLE FROM HIV BECAUSE OF THEIR AGE, BUT THEY'RE NOT. A SMALL STUDY DONE IN GEORGIA RESULTED IN VERY BIG CONCERNS IN THAT DEPARTMENT. FEW OF THE 59 HIV-POSITIVE GEORGIA TEENAGERS IN THIS STUDY WERE AWARE OF THE RISK OF UNPROTECTED SEX AND SOME WERE NOT TREATED FOR HIV FOR MONTHS AFTER THEIR DIAGNOSIS. ONLY A FIFTH OF THE TEENS AGE 13 TO 19 WERE DIAGNOSED WITHIN SIX MINUTES OF BEING INFECTED ACCORDING TO THE CENTERS FOR DISEASE CONTROL AND THIS STUDY. NOW, I CAN RELATE TO HIV AND AIDS PERSONALLY. I'VE LOST A LOT OF DEER DEAR FRIENDS OVER THE YEARS. I LOST MY BEST FRIEND AT DOUG'S HOUSE IN 2002, AND I WAS THERE WHEN HE DIED. AND HE TOLD ME BEFORE HE DIED, DON'T WORRY BECAUSE I'M GOING TO A BETTER PLACE. AND THAT NIGHT WHEN I WAS THERE IN THE ROOM WITH HIM AT DOUG'S HOUSE, HE PASSED AWAY. OF COURSE, LOSING SOMEONE THAT IS AS CLOSE TO YOU AS YOUR FAMILY IS HARD TO DEAL WITH, REALLY HARD TO DEAL WITH. I RECOMMEND IF YOU'RE A PARENT OUT THERE IN AUSTIN IN OUR COMMUNITY, HAVE YOU A TEENAGER, WHETHER IT'S A BOY OR GIRL, BETWEEN THE AGES OF 13 AND 19, YOU CONSIDER GETTING AN HIV TEST FOR YOUR KIDS LIKE YOU WOULD GETTING THE DENTIST APPOINTMENT. BECAUSE WE ALL KNOW THAT TEENAGERS, MOST OF US BEING TEENAGERS BEFORE, WE DIDN'T EVER TELL THE TRUTH TO OUR PARENTS. I CAN PERSONALLY RELATE TO THIS TERRIBLE DISEASE BECAUSE I'VE BEEN BATTLING AIDS NOW FOR THE LAST FIVE YEARS. AND JUST THIS PAST TUESDAY I WAS TOLD BY MY DOCTOR THAT SHE HAD TO STOP THE MEDICATION BECAUSE I'M RESISTANT. BASICALLY I'M DYING. THANK YOU.

Mayor Wynn: THANK YOU, MR. JOHNSON. GOOD LUCK TO YOU.

BETTY EDGEMOND. WELCOME, YOU WILL HAVE THREE MINUTES.

MY NAME IS BETTY EDGEMOND AND I'VE COME HERE TO TALK TO YOU ABOUT MY 1988 PICKUP TRUCK. IT WAS STOLEN THE DAY AFTER MY BIRTHDAY, NOVEMBER 19TH. I WENT OUTSIDE AND THERE WAS NO PICKUP TRUCK. AND SOMEONE HAD TAKEN IT, SO I CALLED A.P.D. RIGHT AWAY AND THEY CAME OUT RIGHT AWAY, TOOK A REPORT AND GOT IT PUT INTO THE NATIONAL DATABASE SUPPOSEDLY AND ASSIGNED A CASE NUMBER TO IT AND EVERYTHING. IN FEBRUARY I GOT THIS CARD, CERTIFIED MAIL, FROM SOUTH SIDE WRECKER. AND IT SAID COME AND PICK UP YOUR TRUCK. WE HAVE YOUR TRUCK. IT'S AN ABANDONED VEHICLE. I CALLED SOUTH SIDE WRECKER AND I SAID IT'S NOT AN ABANDONED VEHICLE, IT WAS STOLEN. THEY SAID THEY DIDN'T HAVE -- IT WASN'T ON THEIR REPORT THAT IT WAS STOLEN. WHEN WE CALLED THE POLICE DEPARTMENT AFTER IT WAS STOLEN, THEY SAID I WOULD KNOW WITHIN AN HOUR OR SO IF IT HAD BEEN FOUND. WELL, MY TRUCK WAS FOUND AND IT WAS FOUND UP CLOSE TO THE BAIT HOUSE ON MANCHACA ROAD, WHICH IS, WHAT, TWO MINUTES AWAY FROM MY HOUSE? SO THE POLICE OFFICER CALLED A WRECKER AND HAD IT TOWED IN AS AN ABANDONED VEHICLE. IT WAS NOT AN ABANDONED VEHICLE BY ME. SOMEONE VIOLATED MY YARD, MY-- CLOSE TO MY HOUSE AND TOOK MY TRUCK. SO I WENT OUT AND I PICKED IT UP, I PICKED UP THE TRUCK AND I HAD TO SPEND \$148 TO GET THIS BACK AND SOME CENTS TO GET MY TRUCK, MY TRUCK, OUT OF THE HORRIBLE PLACE THAT IS OVER THERE. IT'S REALLY HORRIBLE. AT THE SAME TIME AS I WAS IN THERE GETTING MY TRUCK, THERE WAS A PERSON WHO HAD SPENT THE NIGHT IN JAIL, HAD BEEN ARRESTED FOR DRUNK DRIVING AND HAD HIS VEHICLE IMPOUNDED. NOW, TO ME HE WAS A CRIMINAL, I WAS NOT A CRIMINAL, BUT ANYWAY, SHE SAID YOU HAVE A CHOICE, YOU PAY THE \$148 OR WE KEEP IT FOR AUCTION OR WE KEEP IT FOR SCRAP. SO WHAT ARE YOU GOING TO DO? I'VE HAD IT SINCE 1989, THIS TRUCK. SO ANYWAY, I GOT IT OUT, BUT I FEEL LIKE YOU ARE THE ONES THAT SHOULD PAY FOR THIS, NOT ME. THE STORAGE FEES WERE SUPPOSEDLY TAKEN OFF AND THE POLICE OFFICER THAT I TALKED TO DOWN AT THE

SUBSTATION CALLED THEM AND GOT THEM DISMISSED, BUT SOMEWHERE OR OTHER SOMEONE IS GOING TO PAY FOR THE STORAGE CHARGES, AND YOU'VE DONE THAT. I THINK YOU SHOULD PAY FOR THE \$148 TOO. I SHOULD NOT HAVE TO PAY FOR MY OWN VEHICLE. AND ANYONE THAT GETS A STOLEN VEHICLE WITH A POLICE REPORT AND EVERYTHING SHOULD NOT HAVE TO PAY TO GET THEIR VEHICLE BACK. SOME WAY OR ANOTHER MAYBE OUR POLICE DEPARTMENT IS LACKING IN THE SERVICES TO OUR AREA, MAYBE THEY NEED MORE PATROLS BECAUSE -- [BUZZER SOUNDS] -- ALL OF A SUDDEN WE'RE NOW INCREASED -- WE'VE GOT INCREASED CAR THEFTS IN OUR AREA. AND I KNOW WE'RE NOT THE ONLY AREA IN TOWN, BUT WE SHOULDN'T BE VICTIMIZED BECAUSE NOT ONLY DID I HAVE TO PAY FOR IT, SO I WAS A VICTIM ALREADY TWICE, NOW I'VE GOT TO PAY UP TO \$500 TO GET A STEERING COLUMN PUT IN BECAUSE THEY TOOK MY RADIO, WHICH WAS ABOUT \$200, AND SOME TOOLS. I WAS LUCKY IN THE FACT I GOT THE VEHICLE BACK WITH NO DAMAGE TO IT, AND MAYBE THEY DIDN'T REALIZE JUST BECAUSE IT WAS OLD AND ANCIENT THAT IT HAD A LOT OF GOOD STUFF IN IT, BUT IT DID. BUT ANYWAY, THAT'S NOT THE POINT. I THINK YOU OWE ME THE MONEY. I TALKED WITH THE CITY MANAGER LAST CITY COUNCIL MEETING ABOUT THIS, BUT I DIDN'T FOLLOW UP WITH HER, AND I KNOW HER BRAIN HAS GOT TO BE THIS SIZE WITH ALL SHE HAS TO CARRY IN IT. THAT WAS MY FAULT FOR NOT FOLLOWING UP WITH THAT. BUT I STILL THINK YOU OWE ME THE MONEY FOR GETTING MY TRUCK OUT AND FOR ANYONE ELSE THAT HAS STOLEN VEHICLES. THANK YOU.

Mayor Wynn: THANK YOU, MS. EDGEMOND.

Futrell: COUNCIL, LET ME SPEAK TO THIS BRIEFLY. RUDY, IF YOU WILL COME DOWN SO WE CAN TALK TO THIS FOR A SECOND. I HAVE TO ADMIT I'M VERY SYMPATHETIC TO THIS SITUATION BECAUSE IT HAS FELT TO ME THAT WHEN A CITIZEN'S CAR IS STOLEN, TO PAY FOR THE TOW OF A CAR THAT'S FOUND AND IMPOUNDED FEELS LIKE YOU WERE VICTIMIZED TWICE. AND SO WE HAVE DONE SOME RESEARCH INTO IT TO SEE WHAT COULD HE DO. AND RUDY, IF YOU COULD STEP UP AND SPEAK TO WHAT WE FOUND OUT THERE. THERE IS EVIDENTLY A STATE LAW THAT SPEAKS TO WHAT HAPPENS WHEN A STOLEN CAR IS FOUND

AND IMPOUNDED. HOLD ON ONE SECOND.

IF YOU WILL GIVE ME ONE MORE SECOND. I'LL JUST TELL YOU THIS: I THINK THE POLICE OFFICER READ ME THE ORDINANCE THAT YOU ARE RESPONSIBLE FOR, THE CITY COUNCIL, AND I THINK I'M REMEMBERING IT RIGHT. HE LUMPED STOLEN AND ABANDONED VEHICLES IN THE SAME PARAGRAPH. THAT'S AN ENTIRELY DIFFERENT THING AS A STOLEN VEHICLE AND AN ABANDONED VEHICLE. THERE'S NOWHERE WHEN YOU COME INTO THEIR DRIVEWAY AND TAKE THEIR PRODUCT IT'S AN APRON DONNED VEHICLE. FIRST.

COULD YOU SPEAK TO WHAT WE FOUND OUT.

RUDY GARZA, ASSISTANT CITY MANAGER. IN THIS CASE THERE WAS -- WE HAVE A SYSTEM IN PLACE AT THE POLICE DEPARTMENT TO WORK CLOSELY WITH THE TOW COMPANIES TO TOIF TO NOTIFY A.P.D. AND OUR PROCESS IS THAT WE WILL IMMEDIATELY NOTIFY THE VEHICLE OWNER. IN THIS CASE IT FELL THROUGH THE CRACKS. AND THE FACT IS THAT WE DID NOT ASSESS ANY STORAGE FEES FOR -- IT WAS A FIVE-DAY PERIOD THAT WENT BY BEFORE WE NOTIFIED THE VEHICLE OWNER. WE DID NOT ASSESS ANY STORAGE FEES; HOWEVER, THE TOW CHARGES ARE SET FORTH IN OUR CURRENT CONTRACT AND OUR CURRENT ORDINANCE AND AUTHORIZED BY THE STATE STATUTE. WHAT I'D LIKE TO DO IS ASK DAVID DOUGLAS, OUR CITY ATTORNEY WHO HAS BEEN WORKING CLOSELY WITH MYSELF AND A.P.D. TO BRIEF YOU ON SOME OF THE OTHER FACTS THAT WE'VE FOUND AS WE CONTINUE TO LOOK AT THIS AND SEE HOW WE CAN ADDRESS IT IN THE FUTURE.

Mayor Wynn: WELCOME, MR. DOUGLAS.

FUTRELL: DAVID, WHY DON'T YOU STEP UP TO THE PODIUM.

THANK YOU, I'M DAVID DOUGLAS WITH THE LAW DEPARTMENT. GOOD AFTERNOON. STATE LAW DOES AUTHORIZE THE POLICE TO IMPOUND STOLEN VEHICLES. THAT'S A GIVEN. THE SECOND PART OF THE STATE LAW IS VERY SPECIFIC TO STOLEN VEHICLES AND THEIR FEES IS THAT IF THE POLICE CAUSED THE I AM IMPOUNDMENT OF A

STOLEN VEHICLE FROM THE HIGHWAY FROM WHERE IT'S LOCATED ON THE HIGHWAY, IT WILL -- THAT THE TOWING AND STORAGE FEES ARE THE RESPONSIBILITY OF THE VEHICLE OWNER. IT'S PLAINLY STATED IN STATE LAW. NOW, WE DO HAVE A CONTRACT -- THAT IS A STATEWIDE SCENARIO. ALL CITIES IN TEXAS HAVE THE AUTHORITY TO SET NON-CONSENT TOWING FEES, WHICH IS WHAT THIS FALLS UNDER. THIS WAS -- THE TOWING FROM WHERE THE VEHICLE WAS RECOVERED TO THE PLACE OF IMPOUNDMENT, THE VEHICLE STORAGE FACILITY, IS CALLED NON-CONSENT TOW. WE HAVE THE AUTHORITY AND THIS COUNCIL HAS ADOPTED A FEE FOR ALL NON-CONSENT TOWS. THAT DOES INCLUDE STOLEN VEHICLES, ABANDONED VEHICLES, JUNK VEHICLES, VEHICLES THAT WERE OCCUPIED BY SOMEONE WHO GOT ARRESTED AND THAT HAD TO BE IMPOUNDED. WE DO HAVE A CONTRACT WITH A TOWING COMPANY AND VEHICLE STORAGE FACILITY HERE IN AUSTIN FOR ALL IMPOUNDED AND JUNKED AND ABANDONED VEHICLES THAT THE POLICE INITIATE, AND IN THIS CASE THAT CONTRACT DID APPLY. THAT CONTRACT WOULD NOT APPLY IN ANOTHER TYPE OF SCENARIO, LET'S SAY WHERE A PRIVATE PROPERTY OWNER FINDS A CAR ABANDONED ON THEIR -- SAY A SHOPPING CENTER PARKING LOT AND THERE ARE TOWING SIGNS UP AND THEY SAY ALL RIGHT, THEY CALL THEIR OWN TOWING COMPANY, HAVE THE VEHICLE TOWED AWAY. ASIDE FROM THE AMOUNT OF THE FEE THAT BY ORDINANCE THAT CAN BE CHARGED FOR THAT, THE CITY DOESN'T HAVE A CONTRACT FOR THAT. AND THEY CAN CALL ANY TOWING COMPANY THEY WANT. IN THIS CASE MS. EDMOND'S CAR WAS -- TRUCK WAS IMPOUNDED BY THE CONTRACT TOWING COMPANY THAT THE CITY HAS A CONTRACT WITH. WE DO HAVE SOME AUTHORITY OVER THE TERMS OF THAT CONTRACT. WE'RE LOOKING AT THAT TO SEE WHAT THE POTENTIAL COSTS WOULD BE TO THE CITY IF THAT WERE AMENDED IN THE FUTURE.

Futrell: SO HERE'S THE BOTTOM LINE. IF THE CITY AS A POLICY DECISION, WE COULD IN OUR OWN CONTRACT SAY THAT WHEN A STOLEN VEHICLE IS TAKEN TO OUR IMPOUND, THE CITY WOULD ABSORB THE COST OF THAT TOW. THE DILEMMA WITH THAT IS THAT MANY OF THOSE CARS ARE NOT TOWED TO OUR FACILITY, MAY NOT BE TOWED BY AN

A.P.D. OFFICER, SO MY ORIGINAL IDEA FOR HOW WE COULD WORK THROUGH TO A SOLUTION DIDN'T GET US TO A FULL SOLUTION TO THE PROBLEM OF WHEN SOMEONE'S CAR IS STOLEN, FOUND AND TOWED. I THINK OUR INITIAL CUT AT WHAT THE COST JUST TO THE CARS WE FOUND TOWED TO OUR FACILITY WHERE WE HAVE A CONTRACT WAS AROUND A QUARTER OF A MILLION DOLLARS -- ABOUT 250,000. IS THAT ABOUT RIGHT, DAVID?

A LITTLE LESS THAN THAT.

Futrell: ABOUT 200?

IT COULD BE AROUND \$200,000, YES.

Futrell: OKAY. BUT IT DIDN'T COVER ALL OF THE CARS THAT WOULD BE IN THIS SITUATION. SO WE'RE DOING SOME MORE WORK TO FIND OUT WHAT THOSE NUMBERS ARE AND WHAT POTENTIAL SOLUTIONS ARE, AND I WOULD LIKE TO EXPLORE THIS A LITTLE BIT AND TRY TO BRING BACK TO COUNCIL SOME POTENTIAL SOLUTIONS TO THE PROBLEM.

THANK YOU.

Goodman: MAYOR? COULD I ASK RELATIVE TO LOOKING AT POTENTIAL SOLUTIONS, WE AT LEAST COULD ALLEVIATE SOME OF THE INSTANCES IF WE'RE CONTRACTING WITH A PARTICULAR TOWING COMPANY WHO HAS A PARTICULAR IMPOUNDMENT, NOT THAT WE ACCEPT THE COSTS, BUT THAT OBVIOUSLY THIS IS SOMETHING WHERE A MEMBER OF THE PUBLIC HAS NOT CONSENTED OR DONE WILLINGLY, AND THAT IS A TOTALLY DIFFERENT CATEGORY. IT DOESN'T BELONG IN THE SAME CATEGORY. THERE'S GOT TO BE A SPECIAL NICHE THERE FOR STEALING AS OPPOSED TO YOUR CAR STOPPING OR YOU LEAVING IT. ANYWAY, I DON'T KNOW HOW WE WOULD DRAW OTHER TOW COMPANIES INTO THAT, BUT I WOULD THINK THAT AT LEAST THE ONE WE CONTRACT WITH MAKES QUITE A BIT OF MONEY OFF THAT CONTRACT AND THEY THEN COULD LOOK AT WHETHER OR NOT THEY WOULD WAIVE FEES FOR EITHER STOLEN VEHICLES AS A BLANKET OR AT LEAST ONES THAT A.P.D. CALLS ON SOMETIMES UNKNOWING, SOMETIMES I GUESS IT

JUST FALLS THROUGH THE CRACKS.

Futrell: BUT WE COULD EITHER RENEGOTIATE NOW, WE HAVE AN EXISTING CONTRACT. WE COULD WAIT UNTIL THE CONTRACT'S UP AND PUT THAT AS A CONDITION OF THE CONTRACT, BUT THIS IS ALL WHAT I WOULD LIKE TO TAKE A LOOK AT AND SEE WHAT WE CAN DO. AND YES, I AGREE, WE COULD RELIEVE SOME OF IT WITH OUR CONTRACT. WE'RE TRYING TO GET A FEEL FOR WHETHER THAT'S 50% OF THE PROBLEM, 75%, WHETHER WE WOULD CAPTURE MOST OF THE PROBLEM WITH OUR OWN CONTRACT. AND YES, I AGREE, I WOULD LIKE TO BE ABLE TO DO IT WITH OUR OWN CONTRACT AS A STARTING PLACE.

Goodman: BECAUSE WHAT BETTY -- HER STORY GAVE ME DAYDEJA VU OF WHEN MY SISTER'S CAR WAS STOLEN AND THE EXACT SAME THING HAPPENED. I HAD FORGOTTEN HOW INTENSELY UNFAIR THAT SEEMED.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. AND CITY MANAGER. THANK YOU, MS. EDGEMOND. JAIL, WELCOME, -- JENNIFER GALE, WELCOME, YOU WILL HAVE THREE MINUTES.

BETTY EDGEMOND, TOWING AND STORAGE WAS CRIMINAL. I FEEL YOUR PAIN. HI AUSTIN. THIS WEEKEND, SATURDAY, BETWEEN 10 AND FIVE IN THE EVENING IS EXPLORE U.T. IT'S A WONDERFUL WAY TO SEE THE UNIVERSITY OF TEXAS. COUNCILMEMBER DARYL SLUSHER, RAUL ALVAREZ, MAYOR PRO TEM JACKIE GOODMAN, ATTORNEY DAVID SMITH, MAYOR WYNN, CITY MANAGER TOBY FUTRELL, MY OPEN TENT, BETTY DUNKERLEY, BREWSTER MCCrackEN AND THE HONORABLE COUNCILMEMBER DANNY THOMAS. I'M JENNIFER GALE. CON GRAT LIETIONS TO THE NEW WHOLE FOODS MARKET PLACE FLAGSHIP AT FIFTH AND LATERAL. AT THIS RATE IT SHOULD BE AT RIVER'S EDGE BY 2023. I CAN'T WAIT UNTIL THEY PUT A MARKETPLACE IN EAST AUSTIN. AUSTIN ENERGY OFFERS A FIVE DOLLAR REBATE PER KILL CO-WATT. SMALLER UNITS ARE BETWEEN FIVE AND 10,000 KILOWATTS. SO YOU CAN SAVE BETWEEN \$10,000 OR 50 TO 80% OF INSTALLATION OF A SOLAR POWER PANEL FOR THE PHOTO VOA ATTAIC SYSTEM, WHICH I HIGHLY RECOMMEND THAT ALL PEOPLE IN AUSTIN WILL BE ABLE TO AFFORD. SO I

APPLAUD THAT PROGRAM. I'M DISAPPOINTED THAT THE AUSTIN SIERRA CLUB DIDN'T ENDORSE ME. I WOULD LIKE TO REITERATE THE PROBLEM OF THE M.A.P. CARD AS INADEQUATE. POOR PEOPLE CANNOT EVEN BEGIN TO PAY THE FIVE DOLLARS, LET ALONE THE PRESCRIPTIONS AND THE TRIP DOWN TO THE OFFICE. SO I'M SUGGESTING THAT WE PAY ON A MONTHLY BASIS -- ALLOW PEOPLE WITH LITTLE MONEY TO PAY A SMALL AMOUNT ON A MONTHLY BASIS SO THEY GET DENTAL, A FULL PHYSICAL AND EYE EXAM EVERY YEAR NO MATTER WHAT. I WANT EVERY PERSON IN AUSTIN TO BE HEALTHY, WHETHER IT'S YOUR CHILD, A PERSON THAT CAN NO LONGER AFFORD TO MAKE MONEY OR YOURSELF. THIS WEEKEND WE CELEBRATE TEXAS INDEPENDENCE DAY WITH A PARADE ON SATURDAY MORNING, SO I HOPE TO SEE EVERYBODY THERE. I UNDERSTAND THAT THE PROBLEM BETWEEN THE SMOKING FACTIONS, THE HEART AND CANCER SOCIETY AND THE BUSINESS -- MEMBERS OF THE BUSINESS COMMUNITY. WHEN WE HELD THE COMMISSION TOGETHER, THEY DIDN'T WANT TO WORK TOGETHER, SO I MIGHT SUGGEST THAT WE BRING THEM BACK TO THE TABLE TO DISCUSS THIS BECAUSE WE'RE NOT SOLVING THAT PROBLEM. TODAY IS FIRST THURSDAY DOWN ON SOUTH CONGRESS. THANK YOU VERY MUCH, MAYOR WYNN.

Mayor Wynn: THANK YOU, JENNIFER. STEVEN COURSEN. I APOLOGIZE, STEVEN, I WAS TRYING TO LUMP ALL THE SOUTH AUSTIN TENNIS PEOPLE TOGETHER. I MISSED YOUR NAME. WELCOME.

THANK YOU VERY MUCH. MY NAME IS STEVEN. I'M A RESIDENT OF THE SOUTH AUSTIN NEIGHBORHOOD OF GALINDO ELEMENTARY. I WANTED TO JOIN MY NEIGHBORS IN ASKING THE COUNCIL TO REALLY STRONGLY CONSIDER THE REDIRECTION OF THE PROPOSITION OF FUNDS IN ORDER TO PROTECT AN ASSET OF OUR NEIGHBORHOOD THAT IS VERY PRECIOUS TO US. I'D ALSO LIKE TO SAY THAT AS WE CELEBRATE THE DEBUT OF THIS SPECTACULAR NEW CITY HALL WITH ITS MANY SUSTAINABLE FUTURES, WE ARE TELLING THE WORLD THAT AUSTIN IS A CITY OF INNOVATION AND A CITY OF THE FUTURE. I HAVE A SPECIAL THANKS TO MAYOR PRO TEM GOODMAN AND COUNCILMEMBER DARYL SLUSHER FOR THE MANY YEARS OF TREMENDOUS SERVICE

THEY HAVE PROVIDED TO THE CITY ON THEIR TENURE ON THE COUNCIL. ON BEHALF OF THE CITIZENS OF MY NEIGHBORHOOD AND THE ENTIRE CITY, I ASK THAT ALL OF YOU CONSIDER THE LEGACY OF -- THAT YOU WILL BE LEAVING AND ALSO THINK OF THIS AS A GIFT TO THE FUTURE GENERATIONS OF THE CITY JUST AS THIS MAGNIFICENT BUILDING IS. WE ASK YOU THAT YOU -- I WANT TO SAY AGAIN THAT IT'S VERY IMPORTANT TO US THAT WE PROTECT THIS BELOVED CITY PARK AND AN IRRELEVANT REPLACEABLE GREEN SPACE AND REDIRECT THE FUNDS OF PROPOSITION 2 TO PROTECT THEM. THANK YOU.

Mayor Wynn: THANK YOU, MR. COURSEN. COUNCIL, THAT'S ALL THE FOLKS SIGNED UP FOR CITIZEN COMMUNICATION.

Slusher: MAYOR? CITY MANAGER, COULD YOU ADDRESS WHAT THE TALKS THAT ARE GOING ON WITH THE NEIGHBORHOODS AND WHAT POSSIBLE COMPROMISES OR SOLUTIONS TO THIS THERE MIGHT BE?

Futrell: I'M GOING TO LET WARREN STEP UP AND GIVE YOU A STATUS. AND WARREN, IF IT'S POSSIBLE, TRY TO FRAME ANSWERS IN THREE SERIES OF QUESTIONS BECAUSE THESE ARE HOW THE QUESTIONS FRAME UP IN MY MIND. FOR ME YOU HAVE THE QUESTION OF TRAFFIC, HOW IS THE TRAFFIC GOING TO BE HANDLED AND MEASURED. YOU HAVE THE QUESTION OF DRAINAGE, WHAT'S THE CURRENT FLOODING AND DRAINAGE ISSUES, WHAT WILL THE PROPOSED DRAINAGE SITUATION BE. AND YOU HAVE THE THIRD ISSUE OF DEMAND. WHAT'S THE CURRENT DEMAND AND WHAT'S THE CASE FOR MORE DEMAND FOR COURTS. THERE ARE OBVIOUSLY A LOT OF OTHER ANCILLARY QUESTIONS AND ARGUMENTS BEING MADE AROUND IT, BUT THOSE ARE WHAT I THINK ARE SORT OF THREE PRIMARY QUESTIONS BEING FRAMED.

RIGHT. FIRST OF ALL, MAYOR AND COUNCIL, WARREN STRIEWS, PARKS AND RECREATION DEPARTMENT DIRECTOR. I WOULD LIKE TO SAY THAT ONE OF THE THINGS THAT WE HAVE ALWAYS STRIVED IN THE PARKS AND RECREATION DEPARTMENT TO DO IS TO ERR ON THE SIDE OF THE COMMUNITY ALWAYS. AND IN DOING THAT WHEN THE ISSUES CAME UP FROM THE NEIGHBORHOOD, I WANTED

TO BE QUICK TO BRING THEM TO THE TABLE TO TALK ABOUT WERE THERE ANY OPPORTUNITIES FOR US TO FIND COMPROMISE BECAUSE THE LAST THING WE WANT TO DO IS TO IMPACT THE NEIGHBORHOOD IN ANY ADVERSE WAY. WE DID THAT. WE CAME TO THE TABLE, WE TALKED ABOUT IT AND I THINK THE NEIGHBORHOOD WOULD AGREE THAT WE TRIED TO LOOK AND FIND SOME SOLUTIONS TO THE CONSTRUCTION OF THE EXPANSION OF THE TENNIS CENTER. WE TALKED ABOUT MANY OF THEIR CONCERNS. WE TALKED ABOUT SOLUTION, WE TALKED ABOUT TRAFFIC, WE TALKED ABOUT YES, THERE WILL BE SOME IMPACT. WE TALKED ABOUT POSSIBLE IMPROVEMENTS AROUND THE TENNIS CENTER TO ENHANCE THE CENTER. TO MAKE IT A BETTER PLACE WHERE EVERYBODY COULD GO. THE FACT OF THE MATTER IS I THINK THE DIVIDE RIGHT NOW THAT WE HAVE IS THE FACT THAT IT DOES TAKE GREEN SPACE, IT CERTAINLY DOES. AS A PARKS DIRECTOR THAT'S THE LAST THING WE WANT TO DO IF WE CAN AVOID IT. IN THIS CASE WE WERE FOLLOWING THE 1998 POLICY DIRECTION OF THE BOND TO EXPAND THE SOUTH AUSTIN TENNIS CENTER. CITY MANAGER, THE TRAFFIC -- OBVIOUSLY THERE ARE NO ADDITIONAL STREETS OR ARTERIALS. WE DO HAVE A SOUTH AUSTIN RECREATION CENTER THAT IS LOCATED ON CUMBERLAND DRIVE RIGHT OFF OF SOUTH FIFTH. AND WE DO ANTICIPATE SOME ADDITIONAL TRIPS DURING THE DAY FOR THE TENNIS CENTER. OBVIOUSLY WHEN WE'RE ADDING EIGHT ADDITIONAL COURTS, WE WILL HAVE AT PEAK AN ADDITIONAL 32 USERS ON THE TENNIS CENTER, PLUS POSSIBLY SOME SPECTATORS, SO THERE WILL BE SOME IMPACT ON TRAFFIC AND PARKING. WE WILL BE PUTTING IN AN ADDITIONAL PARKING AREA OF 36 PARKING SPOTS TO HOPEFULLY ACCOMMODATE THE USE OR THE TRAFFIC AND THE PARKING AND KEEP IT OFF THE STREET. AS FAR AS DRAINAGE, YES, WITH THE IMPERVIOUS COVER WE WILL BE BUILDING A -- CONSTRUCTING AN ADDITIONAL DETENTION FACILITY OVER ON THE NORTH SIDE OF THE PARK, ON THE NORTH SIDE OF THE SOCCER AND THE SOFTBALL AREA. WE'RE TRYING TO CONSTRUCT THAT IN A WAY THAT WILL BE USABLE. IT GOING TO BE A SLOPED GRASS AREA THAT WHEN NOT BEING USED FOR DETENTION IT WILL BE OPEN PARKLAND THAT WILL BE USABLE. SO WE'RE TRYING TO DO THAT IN OUR DESIGN AS WELL. THE DEMAND, THE DEMAND

FOR PARKLAND AND PARK USE AND PARK DEVELOPMENT IS AN INTERESTING THING. AS YOU DRIVE THROUGH MANY OF OUR PARKS ON WEEKDAYS, YOU FIND THAT THE DEMAND IS NOT THAT HIGH. BUT WHEN YOU DRIVE THROUGH THEM ON PEAK USE DAYS, FRIDAY, SATURDAY, SUNDAYS AND HOLIDAYS, YOU WILL FIND THAT YOUR PARKS ARE AT DEMAND, AT CAPACITY. AND THAT'S WHAT YOU FIND IN OUR TENNIS CENTERS AS WELL. WE'RE NOT GOING TO BE AT 100% CAPACITY AT ALL TIMES. THERE WILL BE TIMES IN THE AFTERNOONS YOU CAN DRIVE BY ANY OF OUR TENNIS CENTERS AND THEY'RE NOT GOING TO BE HEAVILY USED, BUT THERE WILL BE TIMES IN BOTH THE MORNINGS AND THE AFTERNOON AND EVENINGS THAT THEY WILL BE VERY HEAVILY USED. AND THAT IS BASICALLY WHY WE'RE DESIGNING THE EXPANSION OF THE TENNIS CENTER IS TO MEET THAT DEMAND. WE HAVE TALKED WITH THE NEIGHBORHOOD AS WELL AS THE STAKEHOLDERS THAT ARE IN SUPPORT OF THIS AND THE STAKEHOLDERS HAVE INDICATED THE TENNIS CENTER AND THE TENNIS ASSOCIATION STAKEHOLDERS HAVE INDICATED TO US OVER AND OVER THAT THEY'RE WAITING WITH WAITING LISTS TO GET INTO OUR TENNIS CENTERS AND SOUTH AUSTIN TENNIS CENTER. SO THOSE ARE THE ISSUES WITH RESPECT TO THE TRAFFIC, DRAINAGE, DEMAND AND THE THINGS THAT WE'RE TRYING TO DO TO MITIGATE THE ISSUES THAT THE NEIGHBORHOOD HAD BROUGHT UP.

Futrell: WARREN, LET ME ASK, ARE WE DOING A TRAFFIC IMPACT ANALYSIS?

LET ME DEFER REAL QUICKLY. WE ARE.

Futrell: AND STEWART, WHY NOT?

THE TRANSPORTATION REVIEWERS TELL US WE ARE NOT REQUIRED BECAUSE THE PROTECTED NUMBER OF TRIPS.

AS A COMPROMISE TO THE NEIGHBORHOOD IS THIS SOMETHING THAT WE COULD ADD TO THE MIX TO GO ON AND DO A TIA AND THEN SEE WHAT, IF ANYTHING, WE COULD HELP WITH IN TERMS OF TRAFFIC CALMING OR TRAFFIC DEVICES THAT MIGHT HELP AID THE NEIGHBORHOOD AS

PART OF THE TENNIS PROJECT?

YES, CERTAINLY WE CAN DO THAT.

Futrell: OKAY. I UNDERSTAND ALSO THERE HAVE BEEN SOME DISCUSSION WITH THE NEIGHBORHOOD OF A POSSIBILITY OF A REDUCED NUMBER OF TENNIS COURTS.

CITY MANAGER, WE'RE OPEN TO THAT. WE'RE AT 8 RIGHT NOW. THEY LIKE THEM IN MULTIPLES OF FOUR SO THAT LEAGUE PLAY CAN COME IN AND SCHEDULE IN MULTIPLES OF FOUR COURTS. I WOULD SUGGEST THAT IF THAT IS UNDER CONSIDERATION I WOULD RECOMMEND THAT WE STOP AT 6 AND MAKE SURE THAT WE HAVE A COMPLEX OF 16 IF THAT IS A CONSIDERATION OF THE COUNCIL.

Futrell: THANK YOU, WARREN.

Mayor Wynn: THANK YOU, MR. STRUSS. FURTHER COMMENTS? THANK YOU ALL VERY MUCH. COUNCIL, LET'S TAKE UP ITEM NUMBER 77, WHICH WE WERE GOING TO EARLIER, BUT DECIDED TO WAIT. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

McCracken:: WHAT WE HAVE FOUND IN THE LAST 10 MONTHS WE HAVE FOUND THAT THERE'S A LOT OF THINGS THAT THE COMIEWNTDCOMMUNITY HAS NOT KNOWN OR LEARNED ABOUT IN THE TOLL ROAD PROGRAM, WE ARE GOING TO HIGHLIGHT SOME OF THE THINGS THAT WE HAVE LEARNED RECENTLY. PARTICULARLY THE AUSTIN TOLL PLAN TOLLS 50% OF THE HIGHWAY MILES IN THE AUSTIN REGION, THAT'S THE HIGHEST PERCENTAGE OF TOLL ROADS IN THE STATE. WE HEARD TESTIMONY AT THE LAST CAMPO MEETING, THERE IS PROPOSAL THE HIGHEST PERCENTAGE OF TOLL ROADS FOR ANY COMMUNITY IN THE NATION. WE ARE ALSO TOLD THAT THE TOLERATES WOULD BE AT THE NATIONAL AVERAGE, WE HAVE NOW LEARNED IN THE LAST THREE WEEKS THAT THE TOLERATES ARE COMING IN FOUR TO SEVEN TIMES HIGHER THAN THE NATIONAL AVERAGE OF TOLERATES. SPECIFICALLY WE LEARNED THAT THE TOLERATES ON 183 A WERE GOING TO BE 44 CENTS A MILE, WHEN WE WERE TOLD THEY WOULD BE 11 CENTS A MILE. WE WILL GET TO THIS MORE HERE IN A SECOND. THAT THE TOLL

PLAN, THE NEW -- THE GROUP ACTUALLY LEARNED THAT THIS PLAN WE'RE TOLD 50% OF OUR LOCAL HIGHWAY MILES, THE HIGHEST PERCENTAGE IN THE STATE, PROBABLY IN THE NATION, THE NATIONAL AVERAGE FOR TOLERATES IS NINE CENTS PER MILE. IN DALLAS THE TOLERATE IS 11 CENTS A MILE. IN HOUSTON THE TOLERATE IS 14.3 CENTS A MILE. THE RMO TOLD US -- RMA TOLD US IN AUSTIN IT WOULD BE 12 TO 15 CENTS A MILE. WHAT WE HAVE NOW LEARNED IS THAT THE ACTUAL TOLERATES ARE AS FOLLOWS. U.S. 183 A 44 CENTS A MILE, FIVE TIMES HIGHER THAN THE NATIONAL AVERAGE. 290 WEST IN OAK HILL, A FULLY FUNDED ROAD IS FIVE TIMES THE NATIONAL AVERAGE. SH 71 FROM I-35 TO THE AIRPORT, A FULLY FUNDED ROAD COMING IN AT 64 CENTS A MILE, PROBABLY THE MOST EXPENSIVE TOLL ROAD PER MILE IN THE NATION. U.S. 183 FROM I-35 TO 290 COMING IN AT 41 CENTS A MILE. THAT IS A FULLY FUNDED ROAD. WE LEARNED IN OUR LAST MEETING TWO WEEKS AGO, THE COST OF THESE ROADS, IT WILL COST \$123 MILLION MORE TO BUILD THE PHASE 2 TOLL ROADS. THE ROADS THAT WE WERE NOT TOLD THIS UNTIL TWO WEEKS AGO. IT WILL COST \$100 MILLION MORE JUST TO PUT THE TOLL BOOTHS UP AT THE TOLL ROADS IN AUSTIN. AND THIS IS REAL PEOPLE'S MONEY THAT WE ARE TALKING ABOUT. WE HAVE ALSO LEARNED SOME INTERESTING FACTS ABOUT THE FUNDING THAT WAS NOT PRESENTED TO THE CAMPO BOARD. THE COST -- ACCORDING TO DOCUMENTS THAT WERE NOT PRESENTED TO THE CAMPO BOARD, BUT WHICH ARE NOW PUBLIC, THE COST TO CONSTRUCT PHASE 2 ROADS IN AUSTIN IS \$586 MILLION. THERE IS \$371 MILLION OF ALLOCATED MONEY FOR THOSE ROADS IN PLACE. THERE'S A SHORTFALL TO FUND THE ENTIRE SYSTEM OF \$214 MILLION. THIS CHART SHOWS THE BREAKDOWN PER ROAD OF THE CONSTRUCTION COSTS AND THE ALREADY ALLOCATED FUNDS DEDICATED BY ROAD. WE HAVE ALSO LEARNED THAT WE HAVE CERTAIN SOURCES OF FUNDS COMING, WHICH THE TRANSPORTATION COMMISSION CONFIRMS THAT THE COMPTROLLER'S OFFICE ARE NOT TIED TO ANY PARTICULAR PROJECT. THE ADDITIONAL AVAILABLE MONEY ON TOP OF THE ALLOCATED FUNDS COMES OUT TO \$876.6 MILLION. WHAT THAT SHOWS THEN IN SUMMARY IS THAT THERE'S A SHORTFALL OF FUNDING IN THE SYSTEM OF \$214 MILLION. THAT'S AN ADDITIONAL \$867.6 MILLION AVAILABLE. IF YOU

WANTED TO DO IT, YOU COULD FUND THE ENTIRE SYSTEM AS A FREE SYSTEM AND STILL HAVE \$653 MILLION LEFT OVER. THAT'S THE INFORMATION IN THE DOCUMENTS, YOU KNOW, WHETHER THAT'S TRUE OR NOT, THAT'S THE ONLY THING THAT THE BOARD HAS HAD TO WORK WITH AND THE COUNCIL HAD TO WORK WITH. WE HAVE ALSO LEARNED THAT SOME THINGS JUST HAVEN'T TURNED OUT TO BE TRUE, PARTICULARLY THIS QUESTION ABOUT WHETHER A ROAD GETS BUILT FASTER AS A TOLL ROAD VERSUS A NON-TOLL ROAD. THE DOCUMENTS THAT WERE NOT PRESENTED TO US BUT WHICH ARE NOW PUBLIC SHOW 290 WEST A FULLY FUNDED ROAD WILL START AS NON-TOLL START DATE IS 2005 FOR THE FREEWAY. ITS TOLL START DATE IS 2006. SH 71 EAST, NON-TOLL START DATE IS 2009, TOLL START DATE IT 2010. WE ALSO LEARNED THIS INTERESTING FACT. THE QUESTION IS AUSTIN JUST -- JUST HAS AN AVERSION TO ROAD. BEFORE WE VOTED LAST JULY AT CAMPO, THIS WAS -- THESE WERE THE FACTS ABOUT THE FOUR COMMUNITIES IN THE LARGE COMMUNITY STATES OF WHAT THEY ARE EXISTING, APPROVED IN PROCESS, ON THE GROUND TOLL PROGRAMS WERE. ON JULY 1 BEFORE THE PHASE 2 SYSTEM, AUSTIN HAD THE STATE'S LARGEST TOLL ROAD PROGRAM AT 512 MILES. HAD A BIGGER TOLL ROAD PROGRAM IN PLACE BEFORE THE PHASE 2 PROGRAM IN HOUSTON, HAD A BIGGER PROGRAM IN PLACE THAN DALLAS/FORT WORTH, IN FACT SAN ANTONIO HAD ZERO MILES. WE HAVE ALSO LEARNED THAT THE -- WITH THESE TOLLS WE USE TO PAY FOR, SINCE THEY WILL BE USED TO BUILD A LOT OF THESE ROADS, WILL BE TO PAY FOR OPERATION AND MAINTENANCE COSTS. THE STATE CONFIRMS THAT THE TOLLS ARE USED TO PAY THESE SUM. WITHOUT TOLLS THE STATE IS RESPONSIBLE FOR ALL OPERATIONS AND MAINTAIN COSTS. THIS COST SHIFT AMOUNTS TO \$1.2 MILLION. \$1.2 BILLION THAT WILL BE SHIFTED ON TO LOCAL DRIVERS. THIS COST SHIFT AFFECTS ACTUALLY ONLY TWO PARTS IN THE COMMUNITY. EAST AUSTIN WILL EXPERIENCE A \$925.5 MILLION COST SHIFT IN EAST AUSTIN. SOUTHWEST AUSTIN A \$233 MILLION COST SHIFT IN SOUTHWEST AUSTIN. NOWHERE ELSE IN THREE COUNTY CAMPO REGION WILL HAVE EVEN A DOLLAR SHIFTED ON TO THEM IN TERMS OF WHERE THE ROADS ARE LOCATED. THAT'S THE END OF THIS PRESENTATION. I JUST

WANTED TO LAY OUT WHY -- YOU KNOW, SET UP THE FACTS THAT WE HAVE LEARNED AND WE HAVE THE -- THE PAMPHLETS, ALL OF THE FACTS WITH FOOTNOTES, ATTACHMENTS ON IT, WE CAN DISTRIBUTE IT AS WELL.

Mayor Wynn: AND SO, COUNCILMEMBER, YOUR -- YOUR ITEM THEN ASKS EXACTLY WHAT? OR DIRECTS THE CITY MANAGER TO DO WHAT?

McCracken: MAYOR, MYSELF, COUNCILMEMBER ALVAREZ, MAYOR PRO TEM GOODMAN, ARE THE SPONSORS OF THE -- OF THIS PROPOSAL THAT WOULD FUND AN INDEPENDENT STUDY HIRING NATIONAL AND -- DIRECT THE CITY MANAGER TO HIRE SOMEONE NATIONAL EXPERTISE IN TOLL FINANCING TO CONDUCT AN INDEPENDENT ANALYSIS TO LOOK AT THE VIABILITY OF THE CURRENT PROGRAM. I THINK YOU'RE GOING TO HEAR IN A SECOND THAT THERE'S SOME SEVERE FINANCIAL CONCERNS ABOUT PARTS OF THIS. ALSO TO PREPARE ALTERNATIVES THAT, YOU KNOW, [INDISCERNIBLE] THE STATE CONSISTENTLY BLOCKED OUR EFFORTS TO FIND OUT WHAT THE ALTERNATIVES ARE. I THINK IT RAISES THE QUESTION OF WHY IS THE STATE TRYING TO PREVENT US FROM LEARNING ABOUT THE ALTERNATIVES. THE COMMUNITY IS GOING TO GET A CHANCE TO LEARN THESE FACTS AND TAKE THIS CASE BACK TO THE BOARD.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: I JUST WANTS TO ECHO WHAT COUNCILMEMBER MCCRACKEN HAS SAID AND SOME OF THE INFORMATION I THINK THAT -- THAT HAS ARISEN OR BEEN MADE AVAILABLE SINCE THE VOTE BACK IN JULY AND SINCE THE INITIAL PRESENTATION OF THE TOLL ROAD PROPOSAL BACK IN APRIL. AND AGAIN WITH THE -- WITH -- I REMEMBER VERY CLEARLY, YOU KNOW, THE ASSERTION BACK IN JULY THAT THERE WERE ABSOLUTELY NO CHANGES THAT COULD BE MADE TO THE PLAN BECAUSE THAT WOULD -- THAT WOULD RENDER THE PLAN FINANCIALLY NOT VIABLE. SO WHAT WE CLEARLY HAVE SEEN IN THE LAST NINE MONTHS OR SO IS THERE HAS BEEN ANY CHANGES, MANY DIFFERENT KINDS OF CHANGES TO THE PLAN AND SO I DON'T KNOW THAT THERE'S BEEN A NEW ANALYSIS, FINANCIAL ANALYSIS OF THE NEW PLAN GIVEN ALL OF THE CHANGES THAT ARE

TAKING PLACE IN THE LAST NINE OR 10 MONTHS, SO THAT'S -
- THAT'S A PARTICULAR CONCERN TO ME AND WE SAW THE
STATISTIC RELATING TO EAST AUSTIN SO I DO THINK GIVEN
SOME OF THE CHANGES THAT HAVE OCCURRED SINCE JULY
TO SOME OF THE TOLL ROADS WEST OF I-35 THAT -- THAT I
THINK THERE IS A CONCERN THAT I HAVE IN PARTICULAR
ABOUT HOW EAST AUSTIN RESIDENTS IN PARTICULAR
WOULD BE AFFECTED AND SO -- SO REALLY AGAIN FOR ME
THESE ARE ALL QUESTIONS, YOU KNOW, ISSUES THAT HAVE
ARISEN IN MY MIND THAT CONSTITUENTS HAD BROUGHT TO
OUR ATTENTION SO THAT THE PURPOSE BEHIND THIS STUDY
IS TO HAVE A THIRD PARTY LOOK AT THIS AND TO GIVE US --
GIVE US THEIR INDEPENDENT VIEW ON THE SITUATION, SO
FOR ME THAT'S REALLY THE BOTTOM LINE IS TO MAKE SURE
THAT WE HAVE -- THAT WE HAVE AN OBJECTIVE ANALYSIS
OF THE DATA GIVEN ALL OF THE -- EVERYTHING THAT HAS
TRANSPIRED IN THE LAST 10 MONTHS, NINE OR 10 MONTHS,
SO I THINK THAT -- THAT AGAIN HOPEFULLY THAT'S
SOMETHING THAT CAN HELP US AS A COMMUNITY LOOK AT
THIS ISSUE AND TRY TO COME ONE A PLAN THAT ACTUALLY
MAKES SENSE AND THAT WORKS FOR OUR COMMUNITY.
THANKS, MAYOR.

THANK YOU, COUNCILMEMBER. COUNCIL, WE HAVE A
COUPLE OF FOLKS SIGNED UP, OUR SYSTEM IS DOWN, BUT I
WAS ABLE TO RECORD IT EARLIER. LORRAINE ATTAR TON,
NOT WISHING TO SPEAK IN FAVOR. SAL COMES TELL
ALTHOUGH WISHING TO SPEAK, ALSO IN FAVOR, I BELIEVE.
WELCOME, YOU WILL HAVE THREE MINUTES.

THANK YOU, COUNCILMEMBERS. OUR COMMUNITY HAS BEEN
SEEKING REPRESENTATION SINCE LAST SPRING ON THIS
ISSUE. WE SEE A PROBLEM, DOING SOMETHING THAT'S
NEVER BEEN DONE BEFORE. WHICH IS A CITY NOT OFFERING
FREE EXPRESSWAYS TO ITS CITIZENS. THAT'S WHAT WILL
HAPPEN WITH THIS PHASE TWO PLAN. WE WILL TAKE THOSE
EXPRESSWAYS THAT ARE USUALLY OFFERED FREE AND WE
WILL TOLL THEM. IMAGINE THE REASONABLE ALTERNATIVE
WHICH ARE FRONTAGE ROADS DOWN BELOW WITH ALL OF
THE STOP LIGHTS. IMAGINE YEAR AFTER YEAR THE
CONGESTION THAT WILL BUILD UP FOR THE FOLKS THAT
CAN'T AFFORD TO PAY TO -- TWO, FIVE DOLLARS A DAY TO
GO TO WORK. TWO, FIVE DOLLARS A DAY TO GO BACK

HOME. WHAT DOES THAT DO TO AFFORDABILITY? FOR OUR CITY? WE HAVE BEEN ASKING SINCE LAST SPRING FOR CONGESTION RELEASE STUDIES. THEY REFUSE. WE HAVE BEEN ASKING FOR ECONOMIC IMPACT STUDIES FOR THIS EXPERIMENT, THEY REFUSE. WE ASKED FOR INDEPENDENT PANEL, THEY REFUSE TO LISTEN. TO THE MAJORITY OF PEOPLE THAT DON'T WANT THIS PLAN, THEY CALL US THE MINORITY. AFTER THEY ASKED US OUR FEEDBACK, EXTENDED THE DEADLINE AT CAMPO, 93% OF THE PEOPLE SAID NO. IS 93% MINORITY, STICKING YOUR HEAD IN THE SAND AND IGNORING THE MAJORITY OF PEOPLE THAT ASK FOR AN INDEPENDENT PANEL IS IRRESPONSIBLE. TODAY, I HOPE THE CITY COUNCIL WILL BE THE FIRST BODY AFTER MONTHS, AFTER SEASONS HAVE PASSED, TO REPRESENT THE PEOPLE OF AUSTIN AND THIS REGION AND MOVE FORWARD WITH AN INDEPENDENT STUDY THAT WE DESERVE. THANK YOU.

THANK YOU, MR. COMES TELL ALTHOUGH. COUNCIL, THAT'S ALL OF THE CITIZENS THAT SIGNED UP WISHING TO SPEAK ON THIS ITEM. I KNOW THERE'S GOING TO BE A LOT OF COMMENTS UP HERE. WE WERE KIND ENOUGH TO HAVE -- HE WAS KIND ENOUGH TO JOIN US, MICHAEL OLLICK WHO IS THE EXECUTIVE DIRECTOR OF CAMPO, YOU WOULDN'T MIND APPROACHING -- I'M TOLD YOU WERE NICE ENOUGH TO CREATE A PRESENTATION, THAT PROBABLY BUILDS ON WHAT COUNCILMEMBER MCCRACKEN STARTED WITH. IT MIGHT HELP US ALL JUST TO SEE THAT. AND SPECIFICALLY, I DON'T KNOW IF IT'S IN HERE OR NOT, BUT IF YOU WOULD ALSO JUST INFORM US AS TO WHAT IS THE -- THE PLAN, THE SCHEDULE AND THE PLAN FOR THE CAMPO ANALYSIS AND VOTE ON THE 2030 PLAN AS SOME OF YOU ALL LIKELY KNOW, EVERY FIVE YEARS I GUESS IT IS WE APPROVE A 25-YEAR PLAN AT CAMPO. SO WE ARE AT THAT STAGE AGAIN NOW. BECAUSE PERHAPS SOME OF WHAT THE SPONSORS ARE TRYING TO ACCOMPLISH WITH THIS ITEM, I WANT TO UNDERSTAND HOW MUCH, IF ANY OF THAT, MIGHT BE INCLUDED IN WHAT YOU ARE ALREADY DOING FOR THE 2030 PLAN WHEN WE HAVE THAT ANALYSIS. WELCOME, MR. OLIVER.

MAYOR, COUNCILMEMBERS, COUNCIL BOARD MEMBER, I'M MICHAEL OLLICK HERE FROM CAMPO, I'M HERE TO HELP

YOU. USED TO BE NO ONE KNEW WHAT CAMPO WAS, I DON'T THINK THAT'S A PROBLEM ANYMORE. BACK IN 2000 WE HAD THE LIGHT RAIL, A LOT OF DEBATE, PEOPLE SAID WE REALLY NEED A COMPREHENSIVE LONG RANGE PLAN, I THOUGHT BOY OUR PR DEPARTMENT IS NOT DOING ITS JOB. THAT'S WHAT WE DO. A LONG RANGE PLAN. OUR 2030 IS OUT FOR REVIEW RIGHT NOW. PUBLIC HEARING MARCH THE 4th, ADOPTION, CONSIDERATION EITHER APRIL OR MAY. I WOULD LIKE TO PROVIDE SOME INFORMATION ON THE TOLL PACKAGE. I HAVE 15 SLIDES, I WON'T TAKE VERY MUCH TIME AND PROVIDE YOU INFORMATION AND ANSWER QUESTIONS. BASICALLY, THE PHASE 2 PACKAGE, THIS IS WHAT WAS ADOPTED OVER THE LAST NINE MONTHS, HAS THREE BENEFITS, REALLY. ONE IS NEAR TERM FREEWAY LANE CONSTRUCTION WHICH PROVIDES IMPROVED MOBILITY AND SAFETY OVER THE NEXT FIVE YEARS. SECOND THING IS LONG TERM SUSTAINABLE REVENUE STREAM FOR OTHER TRANSPORTATION PROJECTS OVER THE NEXT 25 YEARS. THE OTHER THING IT DOES IS FOLLOWS STATE FUNDING POLICY. CAMPO DID NOT INITIATE THIS ON OUR OWN. STATE HIGHWAY FUNDING POLICY HAS CHANGED. IT'S SHIFTING FROM BUILDING THREE FREEWAY -- FREEPORT-MCMORAN WAYS LANES -- FREE FREEWAY LANES TO BUILDING TOLL WAY LINES, THAT'S ALL OVER THE STATE NOT JUST IN AUSTIN. WHAT WAS ADOPTED IN JULY AND THEN AMENDED IN JANUARY WAS THIS SET OF TOLL LANES. LOOP 360 IS RED BECAUSE IT WAS NOT APPROVED FOR FUNDING AND SO IT'S BACK TO THE DRAWING BOARDS FOR STUDY. THERE'S BEEN SOME CONFUSION ABOUT WHAT WE'RE TALKING ABOUT DOING. ALL OF THE PHASE 2 TOLL LANES, THIS IS AN EXAMPLE OF THAT. EXCEPT FOR 45 SOUTHWEST, WHICH IS A NEW ROAD. WHAT WE ARE DOING IS TAKING HIGHWAY SITUATION WHERE YOU HAVE TRAFFIC LIGHTS AND DRIVEWAYS AND THEN WE ARE ADDING EXPRESS LANES IN THE CENTER. THE EXPRESS LANES WILL BE TOLLED, THE FRONTAGE ROADS WILL BE FREE, WHICH IS SIMILAR TO THE EXISTING SITUATION ON THOSE HIGHWAYS NOW. ALL HIGHWAYS UNDER PHASE 2 ARE THIS SITUATION. IN TERMS OF DOLLARS, IT'S IMPORTANT TO COMPARE APPLES TO APPLES BECAUSE THE TXDOT FUNDING CATEGORIES AND FUNDING SITUATION HAS CHANGED OVER THE LAST FEW YEARS. TXDOT USED TO HAVE 32 FUNDING CATEGORIES,

SIMPLIFIED DOWN TO 12. THERE'S BOTH A 10 YEAR FUNDING DOCUMENT ADOPTED BY TXDOT AND A THREE YEAR FUNDING DOCUMENT ADOPTED BY CAMPO, SO IT'S IMPORTANT TO HAVE AN APPLES TO APPLES COMPARISON TO AVOID DOUBLE COUNTING, BUT BASICALLY PRIOR TO THE TOLL ROAD VOTE, THERE WAS 54% OF THE MONEY AVAILABLE TO DO THE ENTIRE PACKAGE WITH THE TOLL PACKAGE, THERE'S 100% TO DO THOSE PROJECTS. FURTHERMORE, THERE'S THE MONEY IS THERE TO DO THEM FASTER. WITHOUT THE TOLL PACKAGE, THOSE PROJECTS WILL GO TO CONTRACT OVER THE NEXT 10 YEARS. WITH THE TOLL PACKAGE, THEY WILL GO TO CONTRACT OVER THE NEXT FOUR TO FIVE YEARS. EXCUSE ME. THEN I WANT TO TALK ABOUT THE -- THE TOLL TOLERATES. TOLL RATES. THE TOLL RATES HAVE NOT BEEN EXPRESSED. THERE'S BEEN AN AVERAGE EXPRESSED OF NINE CENTS A MILE. THAT INCLUDES, THAT'S A RANGE FROM LIKE TWO CENTS A MILE TO A DOLLAR A MILE ACROSS THE COUNTRY. TOLL RATES VARY A LOT DEPENDING ON WHETHER THEY ARE NEW, URBAN OR SHORT PROJECTS. THERE'S WHERE THE TOLERATE IS THE HIGHEST. IT'S THE HIGHEST ON OLD SYSTEMS LIKE NEW JERSEY AND PENNSYLVANIA AND RURAL SYSTEMS. TOLL ROADS BUILT IN THE LAST 10 YEARS THE AVERAGE IS 36 CENTS A MILE. SO THE OLD ONES ARE CHEAPER, SO AVERAGE IS JUST AN AVERAGE AND YOU HAVE TO LOOK AT THE CURRENT SITUATION. IT'S IMPORTANT TO DO THAT. THE POINT IS NO TOLERATES HAVE BEEN SET. THERE HAVE BEEN ESTIMATES OVER TIME. THIS MAP SHOWS THE THREE COUNTY AREA AND WHAT THE SITUATION WILL BE AFTER ALL OF THE ROADS ARE BUILT. RED ARE I-35, [INDISCERNIBLE], WHAT'S SHOWN IN BLUE ARE WHAT I CALL THE PHASE 1 TOLL ROADS. ADOPTED FIVE YEARS AGO, MOST OF THOSE ARE UNDER CONSTRUCTION. THAT'S THE 512 MILES REFERRED TO BY COUNCILMEMBER MCCracken. WHAT'S SHOWN IN GREEN ARE WHAT WE ARE -- WHAT WERE ADOPTED WITHIN THE LAST NINE MONTHS. IF YOU HAD THE MILES -- ADD THE MILES, EXISTING FREEWAY MILES AS OF LAST YEAR, THIS YEAR HASN'T CHANGED. IT'S 675 LANE MILES, ONE LANE, ONE MILE LONG. FROM 1990 TO 2004 WE BUILT 147 LANE MILES, THAT'S 183, BEN WHITE. PHASE 1 ADDS 512, PHASE 2 ADDS 144. I HAVE MADE THE STATEMENT, ALL THIS IS BUILT ABOUT HALF OF OUR LANES WILL BE TOLL

LANES, 49, 50%, BUT JUST WITH THE TOLL ROADS THAT WERE ADOPTED FIVE YEARS AGO, IT'S ALREADY GOING TO BE 43%, SO WE NEED TO BE CLEAR THAT THIS IS NOT A BIG JUMP FROM THE DECISION THAT WAS MADE LAST YEAR. IT'S ALSO BEEN COMPARISONS MADE OF OUR TOLL SYSTEM TO DALLAS/FORT WORTH AND HOUSTON. I WOULD ARGUE THAT THAT -- THOSE ARE NOT PEER CITIES, THAT IS NOT A VALID COMPARISON. DALLAS/FORT WORTH, HOUSTON, SAN ANTONIO, PEER CITIES WITH BIGGER FREEWAY SYSTEMS. WE ARE A MID-SIZED METROPOLITAN AREA. WE CAN ONLY START FROM WHERE WE ARE TODAY. HOUSTON AND DALLAS HAVE MORE INTERSTATES THAN WE DO. THEY HAVE BEEN BUILDING A MUCH BIGGER SYSTEM, BUT NOW THEY ARE MATCHING THE STATE POLICY OF BUILDING TOLL ROADS AS MUCH AS THEY CAN. IN TERMS OF PEER CITY, ORDINARILY MAY BE A PEER CITY, A LITTLE -- ORLANDO, A LITTLE BIT BIGGER THAN US. 75% OF THEIR FREEWAY LANES ARE TOLL RAINS. FROM 1990 TO 2004 OUR POPULATION INCREASED 65%, FREEWAY LANE MILES INCREASED 28%, WE WENT INTO THE GROWTH SPURT OF THE 90s WITH AN INADEQUATE HIGHWAY SYSTEM. WE ARE TRYING TO CATCH UP. DOING THE WAY THE COMMISSION ALLOWED US. I JUST HAVE A FEW MORE SLIDES. POPULATION GROWTH. IN 1980 THE THREE COUNTIES WAS 538,000 PEOPLE. TODAY WE ARE AT 1.3 MILLION. WE ARE FORECASTING A GROWTH RATE OF 2.75 MILLION IN THE YEAR 2030. EVEN IF WE ONLY GROW HALF THE RATE FROM 1990, WE ARE GOING TO HAVE 2.1 MILLION PEOPLE IN THIS REGION. THAT IS 800,000 MORE THAN WE HAVE TODAY. I THINK WE REALLY HAVE TO LOOK, NOT JUST FIVE YEARS AHEAD, BUT 25 YEARS AHEAD. 25 YEARS AGO, 538,000, WHO COULD IMAGINE THE SIZE WE ARE TODAY, I HAVE THE SAME PROBLEM IMAGINING WHAT WE ARE GOING TO BE IN THE FUTURE. IN TERMS OF MONEY, WE -- WE ESTIMATE WE NEED \$6 BILLION MORE THAN WHAT WE HAVE IDENTIFIED IN THE CURRENT 2030 PLAN TO REDUCE -- KEEP CONGESTION AT THE CURRENT LEVELS. RIGHT NOW THE CONGESTION LEVEL IS 1.22. THAT MEANS 22% LONGER ON AVERAGE TO DRIVE SOMEPLACE AT PEAK PERIOD THAN OFF PEAK. WITH THE 2030 PLAN, COST OF \$13 BILLION IN CONSTRUCTION, THAT GOES UP TO 1.61. ALL OF THE MONEY THAT WE CAN ACCOUNT FOR STILL GOES UP. WE DID A TRANSPORTATION MOBILITY PLAN, IF MONEY WAS NO

OBJECT, WHAT WOULD YOU DO, THAT TAKES \$6 BILLION MORE, KEEPS THE CONGESTION LEVEL AT 1.31, A LITTLE WORSE THAN IT IS TODAY. IF WE DON'T DO ANYTHING, WE ARE 2.14. WHAT I'M SAYING IS, IF WE GROW THE WAY WE ARE FORECASTED TO, WE NEED A GOOD, LONG-TERM REVENUE SOURCE EVEN WITH THE EXTENSIVE TRANSIT SYSTEM THAT WE HAVE IN PLACE. I HAVE JUST A FEW MORE SLIDES. CONGESTION TODAY. 1.22, THE THINGS IN PURPLE ARE BAD OVER CAPACITY, RED VERY BAD. IF WE DO NOTHING AND GROW TO 1.75, WE HAVE -- 2.75 WE HAVE A REALLY HORRIBLE SITUATION. WITH THE 2030 PLAN BACK TO 1.61. BUT AS I SAID, IT WOULD TAKE A \$6 BILLION MORE THAN WHAT'S IN THIS PLAN. I WILL BE GLAD TO ANSWER ANY QUESTIONS. I JUST WANT TO MAKE SURE THAT YOU KNOW THAT YOU HAVE THE INFORMATION AND THAT THE TXDOT FUNDING SITUATION IS COMPLICATED. IT'S IMPORTANT TO BE CAREFUL AS YOU ARE DOING APPLES TO APPLES COMPARISON AND LOOKING NOT ONLY AT THE NEXT FIVE YEARS, BUT OVER THE NEXT 25 YEARS. I'LL BE GLAD TO ANSWER ANY QUESTIONS.

Mayor Wynn: A COUPLE OF QUESTIONS JUMP OUT AT ME. ONE IS COUNCILMEMBER MCCracken TALKED ABOUT THAT IF THESE IMPROVEMENTS THAT ARE IN THE PHASE 2 TOLL PLAN, IF THESE IMPROVEMENTS ARE BUILT NON-TOLLED, THAT THEY ACTUALLY WOULD BUILD THEM FASTER THAN WE WOULD BUILD THEM AS TOLL, WHICH IS IN THE PLAN.

I DON'T THINK THAT'S TRUE. THE MONEY IN THE 10-YEAR PROGRAM, THE STATE'S METROPOLITAN MOBILITY PLAN GOES OVER 10 YEARS THROUGH THE YEAR 2014. THAT'S A DRAFT DOCUMENT. THOSE ARE DRAFT FIGURES ADOPTED BY THEM. I WELCOME DISCUSSIONS ON THIS. BUT I DON'T THINK OUR ANALYSIS HAS SHOWN, BASED ON THE NUMBERS ADOPTED BY THE CAMPO BOARD LAST YEAR, THAT THEY WILL NOT BE BUILT FASTER AND ALSO THEY WON'T BE AS EXTENSIVE. YOU WON'T HAVE THE SAME QUALITY OF INTERCHANGE AT THE Y IN OAK HILL, YOU WON'T HAVE THE SAME QUALITY OF INTERCHANGE BY THE AIRPORT AT 71 AND 183.

IF I CAN JUMP AHEAD, A FUNDAMENTAL ISSUE FOR ME IN ANALYZING THIS ITEM, WHAT IS IT THAT THE CAMPO STAFF

AND YOUR CONSULTANTS AND YOUR TEAM, WHAT IS IT THAT YOU ALL WILL BE DOING FOR US AS A COMMUNITY AS WE PREPARE FOR A VOTE ON THE 2030 PLAN SOMETIME IN THE EARLY SUMMER? FOR INSTANCE, DO YOU ALREADY HAVE CONSULTANTS? DO YOU ALREADY HAVE, YOU KNOW, FINANCIAL MODELING CAPABILITIES TO ANSWER, YOU KNOW, SOME QUESTIONS?

RIGHT. WE DON'T PLAN TO DO ANY FURTHER ANALYSIS ON PHASE 2. YOU KNOW PHASE 2 IS FUNDING ROADWAYS THAT WERE ADOPTED FIVE YEARS AGO. EXCUSE ME, IN 2000. THEY WERE ALREADY -- THERE ARE ALREADY FREEWAYS IN THE PLAN. THIS IS JUST A WAY TO FUND THEM FASTER. THE 2030 PLAN HAS DONE ANALYSIS AND MODELING, ASSUMING THOSE ROADS ARE BUILT, AND THEN WE ARE MOVING ON FROM THERE TO SEE WHAT IS NEEDED IN THE YEAR 2030. BUT THE OTHER THING THAT I SHOULD POINT OUT, WE'RE NOT RECOMMENDING ANY ADDITIONAL TOLL ROADS IN THIS PLAN BEYOND WHAT IS IN PHASE 2. I'M NOT SURE IF THAT ANSWERS YOUR QUESTION, BUT WE HAVE DONE ANALYSES OF THIS OVER THE LAST NINE MONTHS WORKING WITH TXDOT, THE -- THE POINT I WANT TO MAKE IS THE STATE FUNDING SITUATION FOR HIGHWAYS HAS BEEN GROWING WORSE AND WORSE OVER THE LAST 10 YEARS. I'VE HAD THIS JOB 12 YEARS. EVERY YEAR THEY ARE LOOKING FOR MORE MONEY, MORE MONEY FROM THE FEDERAL GOVERNMENT, MORE MONEY FROM THE STATE. IT HASN'T BEEN FORT FORTHCOMING MUCH THAT'S WHY THE TEXAS TRANSPORTATION COMMISSION, WHO IS OUR MAJORITY PARTNER, IN HIGHWAY FUNDING, HAS ASKED, DIRECTED ALL OF TXDOT STAFF AND ALL NPO'S TO CONSIDER BUILDING TOLL LANES WHEREVER FEASIBLE IN ORDER TO EXPAND THE HIGHWAY SYSTEM.

PROBABLY MY LAST QUESTION FOR YOU, MR. OLLICK, I RECOGNIZE THE -- YOU KNOW THE FUNDAMENTAL DISCONNECT THAT PERHAPS SOME PEOPLE DON'T SEE, SO MANY FOLKS AREN'T EVEN AWARE OF CAMPO OR AWARE OF THE 2030, WHAT THE CAMPO BOARD HAS BEEN VOTING ON FOR A GENERATION IS JUST WHETHER OR NOT WE WANT TO SEE IMPROVEMENTS. THAT IS DO WE WANT TO SEE THE RED LIGHT AT THE OAK HILL Y ELIMINATED, THE RED LIGHT AT BEN WHITE AND RIVERSIDE DRIVE ELIMINATED. DO WE WANT

TO SEE A CHANGE TO THAT CRUMMY DYNAMIC OVER WHERE ED BLUESTEIN CROSSES THE COLORADO RIVER WHERE YOU HAVE 8 LANES MERGING INTO TWO LANES TO TRY TO GET ACROSS THE RIVER. WE GENERALLY VOTE YES. MY 'EM AMBULANCE IS MOST OF THOSE -- REMEMBRANCE IS MOST OF THOSE VOTES IS UNANIMOUS. YES WE WANT TO SEE THAT IMPROVEMENT MADE, THAT RED LIGHT AT RIVERSIDE AND BEN WHITE OR 71 ELIMINATED. THAT'S WHAT WE VOTE ON. WHETHER WE THINK THERE SHOULD BE AN UNDERPASS OR OVERPASS THERE OR NOT. WE GENERALLY ALWAYS RESPOND TO CITIZENS DEMANDS THAT WE IMPROVE THESE ROADS, WE VOTE THAT THOSE IMPROVEMENTS BE MADE. THAT'S SEPARATE. SADLY THERE'S A BIG DICOT TOMORROW OF HOW IT WOULD BE FUNDED. WITHIN THE TEXAS TRANSPORTATION COMMISSION, ESSENTIALLY THEY ALLOCATE THE FUNDS AS TO HOW THESE AND OTHER IMPROVEMENTS ALL ACROSS THE STATE WOULD BE FUNDED. FOR YEARS WE ALL -- ME AND MY PREDECESSORS HAVE BEEN VOTING TO SEE THESE IMPROVEMENTS MADE BUT NOT HAVING TO VOTE ON WHAT THE FUNDING SOURCE IS. THAT VOTE IS AN INDEPENDENT SORT OF SEPARATE PHILOSOPHY SET UP BY THE STATE TRANSPORTATION LEADERS. SO NOW WE FIND OURSELVES IN A SITUATION WHERE THE STATE TRANSPORTATION COMMISSION HAS MADE A -- MAKE IT VERY CLEAR TO -- YOU KNOW TO THE STATE AND HAS MADE IT CLEAR TO ME AND PUT -- IN MEETINGS AND PRIVATE CONVERSATIONS THAT HERE IS THE ONLY WAY THAT THEY ARE GOING TO FUND ANY IMPROVEMENTS SORT OF ANYWHERE. SO -- SO WE ARE STUCK WITH THE DECISION OF WE SAY WE WANT THESE IMPROVEMENT, WE SAY WE WANT TO ELIMINATE A RED LIGHT HERE AND THERE AND IMPROVE THE INTERCHANGE THERE AND HERE, YET STAY THE SAME. IF YOU WANT TO DO THAT, HERE'S HOW IT HAS TO BE FINANCED. NOW, THE -- THIS SEEMS TO ME, CONTINUES TO SEEM TO ME THAT, YOU KNOW, THE -- THE CARROT, IF YOU WILL, THAT THEY HAVE, IN ADDITION TO HAVING THE FUNDING ANYWAY IS THEY OFFER -- IN THIS CASE, THIS YEAR, OFFER THIS ONE-TIME SET OF FUNDS. TEXAS MOBILITY FUND AND IN OUR CASE IN THEORY SOME UNDERRUNS OF THE COST OF THE CONSTRUCTION FOR SH 130. AND SO WE HAVE TO CHOOSE WHETHER OR NOT WE WANT THOSE ONE TIME FUND IN A

DEBT EQUITY FINANCING SCHEME IF WE WANT TO MAKE THESE IMPROVEMENT. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: AND SO IS THERE AN ANALYSIS THAT CAN BE DONE THAT DOES THAT? INTUITIVELY I BELIEVE THAT THERE'S GOING TO BE LESS REVENUE GENERATED. THAT IF YOU TAKE THOSE LESS RAINS THAT WERE GOING TO BE TOLLED AND NOW SOME OF THEM MAY BE TOLL AND SOME OF THEM MAY BE TOLLED DIFFERENT TIMES TODAY, THERE MAY BE DIFFERENT PRICING, BUT MY THOUGHT IS THERE MIGHT BE LESS REVENUE THAT WOULD GUESS US TO WHERE WE WANT TO GET. BUT WHATEVER THAT LOSS IN TOLL REVENUE WOULD BE, CAN WE STILL GO MAKE THAT ARGUMENT TO THE STATE? CAN WE STILL GO ASK FOR THAT ONE-TIME SET OF EQUITY FOR OUR DEBT EQUITY FINANCING SCHEME FOR OUR NEEDED IMPROVEMENTS. THAT BEGS THE QUESTION, DO YOU AND YOUR STAFF HAVE THE ABILITY -- AND I ACTUALLY VOTED LAST MONTH I WOULD LIKE TO SEE CAMPO DOES SOMETHING LIKE THAT ALTHOUGH WE HAVEN'T REALLY FLESHED OUT THE ITEM, BUT DO YOU HAVE THE ABILITY OR DO YOU HAVE SOME FUNDS IN YOUR PLANNED PUBLIC PROCESS TO GET US TO 2030 THAT COULD DO THAT, COULD HAVE THIS FINANCIAL ANALYSIS OF HERE'S LIKELY THE INCREMENTAL LOSS IN TOLL REVENUE, YET THERE'S STILL THIS AMOUNT OF TOLL REVENUE, HERE'S HOW WE CAN APPLY IT TO THOSE ONE-TIME FUNDS AND STILL BUILD THE VAST MAJORITY IF NOT ALL OF THESE IMPROVEMENTS?

I THINK WE CAN DO THAT. WE WORK WITH TXDOT AND THE CTRMA. WE'RE A PLANNING ORGANIZATION. WE DON'T DO HARD CONSTRUCTION ESTIMATES OR THAT, BUT WE DO THE MOALGHTDZ MODELING. WE HAVE A CONSULTANT THAT'S DONE THE MODELING ON THIS. WE CAN WORK WITH TXDOT AND THE CTRMA TO DO THAT. AND IF YOU APPOINT AN INDEPENDENT CONSULTANT, WE'D BE GLAD TO WORK WITH THEM AS WELL. I THINK YOU'RE RIGHT, DEPENDING ON HOW YOU CONFIGURE THE LANES, IT DOES AFFECT THE AMOUNT OF REVENUE YOU GET, WHICH AFFECTS HOW MUCH BOND REVENUE YOU HAVE TO BUILD THE ROADS. I DO THINK THAT THE MAIN POINT IS THE FUNDING DYNAMICS HAVE CHANGED AT THE STATE. THE COMMISSION CONTROLS THE FUNDING.

AND WE HAVE TAKEN AN ACTION ALONG THE LINES THAT WERE DIRECTED AND AS A RESULT THEY HAVE GIVEN THIS AREA A LOT OF MONEY AT THEIR DISCRETION. AS A MATTER OF FACT, OVER THE NEXT FOUR YEARS IN THE FUNDS WE'RE GETTING 13% OF STATE FUNDS, WHEREAS OUR POPULATION IS ABOUT SIX AND A HALF PERCENT. SO IN RESPONSE TO THEIR DIRECTION, THEY HAVE REWARDED THIS AREA WITH FUNDS INCLUDING THE 200-MILLION-DOLLAR COST UNDERRUN ON SH 130. BUT WE'LL BE GLAD TO WORK WITH ANY CONSULTANT YOU SELECT. I MEAN, I DON'T HAVE A PROBLEM WITH FRESH EYES LOOKING AT THIS. I JUST DON'T KNOW ANY WAY TO BUILD THE FREEWAY LANES, THE EXPRESS LANES OTHER THAN TOLLING THEM. I DON'T SEE ANYTHING AS I LOOK OUT TO THE FUTURE, ANY OTHER WAY TO DO THAT. AND WE WERE WAY BEHIND IN ROAD CONSTRUCTION ON THE GROWTH STARTING IN 1990, BUT IF SOMEONE HAS A BETTER WAY, I'LL BE GLAD TO SUPPORT IT.

Mayor Wynn: I GUESS MY PREFERENCE WOULD BE THAT THE CITY OF AUSTIN FRANKLY DOESN'T HAVE TO PAY FOR A FINANCIAL ANALYSIS OR THIS CONSULTANT TO COME IN AND HELP US FIGURE OUT THAT INCREMENTAL MATH. SO MY QUESTION IS, YOU ADD A 200,000-DOLLAR CONSULTANT STUDY ON TO THE MOBILITY PORTION OF IT AND HOW MANY MORE CARS CAN MOVE QUICKER THROUGH THESE CONGESTED HOT SPOTS AROUND THE REGION? IS THERE ANY MONEY LEFT, IS THERE A WAY TO EXPAND THE SCOPE OF THAT? CAN YOU HAVE THE FINANCIAL ANALYSIS DONE AS THOSE CARS MOVE BY IN THEORY IN THE MODEL TO HELP US FIGURE OUT A POTENTIALLY DIFFERENT FINANCING MECHANISM? I'M STILL -- I THINK EVERY ONE OF THESE IMPROVEMENTS ARE DESPERATELY NEEDED AND I'M GOING TO CONTINUE TO VOTE FOR THOSE IN THE PLAN. WE'RE JUST TRYING TO FIGURE OUT HOW TO A DIFFERENT NUMBER.

Slusher: I FEEL THE NEED TO HELP MR. OLLICK A LITTLE BIT. WHAT YOU'RE ASKING HIM IS IF CAMPO CAN HELP PAY FOR THIS STUDY THAT WE'RE PROPOSING, BUT THE CAMPO BOARD HAS ALREADY SAID NO, SO IT'S REALLY PUTTING HIM IN A TOUGH SPOT TO SAY WELL, CAN YOU FIND MONEY TO HELP US PAY FOR THIS. I THINK THE INDIVIDUAL ENTITIES SHOULD HELP US PAY, AND I SUGGEST THAT THE REGIONAL

MOBILITY AUTHORITY CONTRIBUTE SOME MONEY, AND I WAS GOING TO OFFER THAT AS A FRIENDLY AMENDMENT TO COUNCILMEMBER MCCracken'S PROPOSAL BECAUSE I THINK THE -- ONE, WE NEED INDEPENDENT FINANCIAL ADVICE AT THIS POINT. I DON'T REALLY THINK THIS ITEM SHOULD BE HERE, FRANKLY, BUT THE REASON IT IS IS BECAUSE IN MY VIEW WE NEVER GOT A REALLY SOLID FINANCIAL ANALYSIS OF THIS PLAN THAT WAS AVAILABLE TO US. WE REFERRED TO THE WEBSITE, SOME OF THE INFORMATION THAT HAD TXDOT CONFIDENTIAL ON IT AND WAS ACTUALLY PRESENTED TO US OR WE WERE REFERRED TO IT AS PART OF OUR FINANCIAL QUESTION. SO THAT WAS THE CASE THAT WE WERE SHOWN THOSE, BUT THAT WAS A LIST OF NUMBERS AND I NEVER REALLY SAW CERTAINLY NOT INDEPENDENT FINANCIAL ANALYSIS. THAT WAS LEFT TO INDIVIDUAL MEMBERS TO GET ANY WAY WE COULD I GUESS FROM OUR JURISDICTION. SO I THINK AT THIS POINT AN INDEPENDENT ANALYSIS WOULD BE HELPFUL TO EVERYONE. AND I WOULD HOPE THAT EVEN THE RMA WOULD HELP PAY FOR IT BECAUSE WE'VE GOT TO DO SOMETHING TO BRING THIS COMMUNITY TOGETHER BEHIND THE TRANSPORTATION PLAN, AND THAT'S NOT HAPPENING RIGHT NOW. SO I WOULD HOPE THAT -- I UNDERSTAND THERE'S GOING TO BE SOME PROPOSED AMENDMENTS TO THIS AND I WOULD HOPE THAT WE COULD SHAPE SOMETHING THAT WE COULD THEN TAKE TO THOSE OTHER ENTITIES AND SEE IF THEY WOULD HELP PAY FOR THIS. AND THEN WE HEAD INTO THE 2030 PLAN WITH AN INDEPENDENT ANALYSIS. I HOPE THAT WAS HELPFUL TO YOU, MR. OLLICK.

I APPRECIATE THAT. WE DON'T HAVE A BUDGET FOR THIS, BUT WE'LL BE GLAD TO WORK WITH WHOEVER IS DOING IT AND DO OUR PART.

Mayor Wynn: AGAIN, JUST ONE PART OF CLARIFICATION, COUNCILMEMBER SLUSHER. I RECOGNIZE WHAT THE CAMPO BOARD VOTED AGAINST. I'M SUGGESTING THAT EITHER WITH SOME AMENDMENTS OR -- MY PERCEPTION OF COUNCIL, CAMPO BOARD VOTED AGAINST A SORT OF INDEPENDENT REVIEW, SORT OF THIS INDEPENDENT INVESTIGATION OF THIS PLAN. I'M SUGGESTING THAT WITH AMENDMENTS WE GET DOWN TO WHAT I THINK WOULD HELP US IS JUST A FINANCIAL ANALYSIS. I'M NOT SUGGESTING THAT ANY OF

THESE IMPROVEMENTS BE TAKEN OUT OF OUR 2030 PLAN. I THINK THEY'RE ALL DESPERATELY NEEDED. SO THERE'S NOT A DIFFERENT PLAN, THERE'S JUST PERHAPS A DIFFERENT FINANCING MIX, ALTHOUGH IT'S GOING TO BE VERY, VERY MARGINAL. ALL THESE THINGS HAVE TO BE BUILT WITH TOLL REVENUE, BUT IS THERE A MARGINAL FINANCING MIX THAT CHANGES SLIGHTLY THAT WE COULD STILL THEN GO SELL TO THE STATE TRANSPORTATION COMMISSION, WHICH HAS MADE IT VERY CLEAR WHY IT IS THEY GAVE US THE FUNDS THAT THEY DID.

Slusher: ARE YOU SAYING TO SHAPE SOMETHING AND TAKE BACK TO CAMPO AS A DIFFERENT PROPOSAL AND SEE IF THE BOARD WOULD BE AMENABLE FUNDING THAT?

Mayor Wynn: WELL, I'VE LISTENED TO THE DEBATE UP HERE, BUT THERE COULD BE A DIFFERENT IDEA COME OFF THIS DAIS THAN WHAT WAS PRESENTED TO CAMPO LAST MONTH. WE'LL SEE.

Slusher: I WOULD HAVE TO DISAGREE ON ONE THING. I PERSONALLY DON'T THINK ALL THOSE PROJECTS ARE DESPERATELY NEEDED, LIKE THE EIGHT LANES ON 360 AND THE 45 SOUTH PART OVER THE AQUIFER THAT -- I KNOW YOU DIDN'T VOTE FOR THAT EITHER, BUT THE RESTRICTIONS THAT WERE NEGOTIATED ON THAT BETWEEN THE CITY AND COUNTY AND FISH AND WILDLIFE WERE EFFECTIVELY REMOVED AS ONE OF THOSE AMENDMENTS ALLOWING EVEN MORE PAVEMENT. THAT'S ANOTHER PROBLEM I HAVE WITH THE PLAN IS IT TAKES THESE TOLL FUND AND PUTS THEM INTO POTENTIALLY POLLUTING AREAS THAT HAVE BEEN THE CITY AND WIDER COMMUNITY HAVE BEEN TRYING TO PROTECT FOR 40 YEARS OR MORE.

Mayor Wynn: FURTHER COMMENTS? COUNCILMEMBER ALVAREZ.

Alvarez: THANK YOU, MAYOR. QUESTION FOR MR. OLLICK. I KNOW WHEN YOU DO YOUR 2030 PLAN YOU HAVE TO BE FINANCIALLY CON STRAINED, AND SO WHAT PART OF THE FINANCIAL ANALYSIS THAT CAMPO IS GOING TO BE DOING? HOW MUCH OF THAT INVOLVES PROTECTIONS ON THE TOLL FACILITIES AND THE REVENUES NEEDED TO SUPPORT THAT

PART OF THE PLAN, OR ARE WE JUST GOING TO ASSUME IN THE CAMPO 2030 PLAN JUST WHATEVER NUMBER THE CTRMA GIVES US?

WELL, IN TERMS OF COST AND REVENUE, WE'VE ASSUMED THE TOLL ROADS ADOPTED FIVE YEARS AGO AS WELL AS PHASE 2 ADOPTED WITHIN THE LAST YEAR. WE USE PLANNING NUMBERS FOR CONSTRUCTION, GENERIC NUMBERS FIVE YEARS OUT IN THE FUTURE. NUMBERS CHANGE WHEN YOU GO TO CONSTRUCTION. CONSTRUCTION FIGURES ARE MUCH MORE PRECISE BECAUSE THERE'S MORE DETAIL ABOUT THAT. BUT IN OUR FINANCIAL ANALYSIS IN THIS PLAN, WE'VE ASSUMED THE TOLL ROADS HAVE BEEN ADOPTED IN 2000 AND 2004, PHASE ONE AND PHASE TWO. AND THE REVENUE THAT WOULD COME FROM THOSE.

Alvarez: WHAT IS THAT BASED ON, THE REVENUE AND THE COST?

IT'S BASED ON THE FIGURES THAT -- THE ESTIMATES MADE BY THE CTRMA AND BY TXDOT ABOUT HOW MUCH MONEY THEY WOULD PROVIDE.

Alvarez: OKAY. AND THEN I THINK THERE WAS A DISCUSSION OR YOU PRESENTED SOME INFORMATION ABOUT THE STATE FUNDING THAT WAS BEING PUT ON THE TABLE TO HELP IMPLEMENT THE PHASE 2 PART OF THE TOLL PLAN. AND SO WHAT'S GOING TO HAPPEN TO THE FEDERAL FUNDS? IS SOME OF THIS ALSO GOING TO BE DEDICATED TO THE PHASE 2 TOLL PLAN OR IS THAT DEGREE ISNATED FOR LOCAL PROJECTS AND THE STATED FEDERAL ROADWAYS?

THE FEDERAL FUNDING COMES FROM THE TEXAS TRANSPORTATION COMMISSION. IT DOESN'T COME FROM CAMPO, IT COMES FROM THEM. AND THEY DECIDE WHERE TO SPEND THAT MONEY. SO IT'S BOTH -- THEY'RE MIXING BOTH FEDERAL FUNDS, GAS TAXES, AS WELL AS STATE GAS TAXES AND DRIGHTING THAT ACROSS THE STATE.

Alvarez: SO THE NUMBERS WE SHOW ARE COMING FROM STATE AND FEDERAL DOLLARS?

THAT'S CORRECT. BASICALLY HAVE A MATCH REQUIREMENT

80% FEDERAL AND 20% STATE. THAT'S THE USUAL FORMULA.

Alvarez: WHEN YOU HAVE FREEWAYS THAT ARE NON-TOLLED ROADWAYS AND WHEN YOU HAVE TOLL WAYS, BECAUSE I THINK THAT THERE'S GOING TO BE A LOT OF FOLKS WHO DON'T WANT TO PAY THE TOLLS OR CAN'T AFFORD TO PAY THE TOLLS AND THEY'LL BE STUCK ON THE ACCESS ROAD WITH THE TRAFFIC. AND IT MAY BE NICE AND FREE FLOWING ON THE MAIN LANES FOR THOSE FOLKS WHO CAN PAY OR ARE WILLING TO PAY, SO HOW DOES THAT GET FACTORED INTO THE ANALYSIS WITH THE CONGESTION?

IN THE MODELING THERE IS A COEFFICIENT, A DRAG COEFFICIENT. WHEN YOU TOLL A LANE YOU DO EXPECT TO HAVE LESS TRAFFIC ON IT THAN IF IT'S A FREE LANE. I THINK THE OTHER POINT I'D LIKE TO MAKE IN TERMS OF ALL THESE ROADS IS WE HAVE A REGIONAL TRANSPORTATION SYSTEM. PEOPLE ARE COMING FROM COUNTIES ALL AROUND AND TRAVELLING THESE ROADS, SO IT'S REALLY NOT EAST AUSTIN AND WEST AUSTIN, IT'S PEOPLE IN HAYS COUNTY, PEOPLE IN WILLIAMSON COUNTY -- WILLIAMSON COUNTY GOING TO THE AIRPORT. SO IT'S REALLY HARD TO BREAK THIS DOWN TO JUST THE CITY OF AUSTIN OR JUST TRAVIS COUNTY. I THINK WHY THIS IS COMPLICATED IS THAT THERE'S A CHANGE IN FUNDING POLICY. ALSO WE'RE TALKING ABOUT A GROWING POPULATION. IF WE GROW THE WAY THE CAMPO PLAN IS FORECAST OR EVEN LESS THAN THAT, WE'RE TALKING ABOUT A MUCH DIFFERENT CONGESTION SITUATION THAN WE HAVE TODAY. I THINK A LOT ABOUT WHAT IS TWO AND THREE-QUARTER MILLION PEOPLE LOOK LIKE. IT'S HARD TO CONCEIVE WHAT THAT IS. BUT THE MAIN THING IS WE'RE TALKING ABOUT CONGESTION LEVELS THAT ARE MUCH GREATER THAN WE'RE SEEING TODAY IF THIS GROWTH OCCURS. IF I'VE ANSWERED YOUR QUESTION CORRECTLY, WE ASSUME THAT A FREE LANE WILL CARRY MORE CARS THAN A TOLL LANE BECAUSE SOME PEOPLE WILL NOT CHOOSE TO PAY THE TOLL. I THINK THE ALTERNATIVE IS WITHOUT THE TOLLS, YOU'RE GOING TO TAKE A LOT LONGER TO BUILD THOSE LANES, THEREFORE YOU'RE GOING TO HAVE MORE CONGESTION IN THE MEANTIME UNTIL YOU BUILD THE REGULAR LANES IN 10 OR 15 YEARS. SO THAT'S THE TRADE-OFF. THE OTHER THING I THINK IS WE HAVE NO TOLL ROADS HERE, JUST LIKE WE

HAVE NO COMMUTER RAIL HERE YET. AND I THINK IN THIS COMMUNITY AND EVERY COMMUNITY WHEN YOU HAVE A NEW TRANSPORTATION SYSTEM, THERE IS A TIME OF DOUBT AND QUESTIONS ABOUT IT BEFORE IT HAPPENS. AND THEN AFTER IT GETS DONE, IF IT'S OPERATED WELL, PEOPLE START TO ACCEPT IT AS THE NEW REALITY, WHEREAS NOW IT'S UNKNOWN AND STRANGE, IF YOU KNOW WHAT I'M SAYING. PEOPLE IN DALLAS AND HOUSTON, PEOPLE I KNOW THAT WHEN THERE'S NO TRAFFIC ON THE FREE ROAD, THEY TAKE THE FREE ROAD. WHEN THERE'S TRAFFIC ON THE FREE ROAD THEY PAY THE TOLL. THEY SHIFT BACK AND FORTH AND TAKE ADVANTAGE OF IT.

Alvarez: THAT WAS ALL I HAD. THANK YOU.

McCracken: DO WE HAVE CITIZENS SIGNED UP TO SPEAK?

Goodman: I DON'T HAVE MY SCREEN UP.

Thomas: MAYOR PRO TEM, BEFORE MR. OLLICK LEAVES, SOME OF THE THINGS THAT COUNCILMEMBER MCCRACKEN WAS TALKING ABOUT, YOU DON'T HAVE TO COME UP, BUT WHEN HE GETS THROUGH SPEAKING, BE PREPARED TO SPEAK ON THAT, ON THE COMPARISON OF THE COSTS, WHAT IT'S GOING TO COST THE EAST AUSTIN AND SOUTH, SO YOU CAN ELABORATE ON THAT FURTHER. THANK YOU.

Goodman: AND SHIRLEY, CAN I -- ARE YOU THERE?

YES, MA'AM.

Goodman: WOULD YOU MIND -- HERE'S THE MAYOR. I WAS GOING TO ASK IF YOU WOULDN'T MIND READING OUT THE NAMES OF THE SPEAKERS BECAUSE IF I TURN THAT PART ON MY COMPUTER, I'M GOING TO LOSE A BUNCH OF THINGS I NEED TO HAVE IN FRONT OF ME.

THERE'S ONE ADDITIONAL SPEAKER, AND I BELIEVE IT'S MR. BART KILLGUARD. THE OTHER TWO WE'VE ALREADY HAD.

I'M SORRY, THERE'S A LITTLE CONFUSION EXACTLY HOW I'M SUPPOSED TO SIGN UP ON THE SYSTEM.

Mayor Wynn: THAT'S ALL RIGHT. YOU HAVE THREE MINUTES.

I'M MARK KILLGUARD, CITIZEN OF AUSTIN LIVING IN THE 360 CORRIDOR. I'M A DULY APPOINTED MEMBER OF OUR HOMEOWNERS ASSOCIATION'S TOLL ROAD COMMITTEE. I'D LIKE TO PRESENT A LITTLE BIT OF MY EXAMINATION OF WHAT I'VE SEEN LOOKING AT THE TOLL PLAN. YOU CAN DIVIDE UP THE PLANS AS TOLL ROADS AND BASICALLY TOLL CONVERSIONS, ROADS THAT GET CONVERTED. I HOPE THESE SLIDES ARE SOMETHING YOU CAN LOOK AT AND GET ENTERED INTO THE RECORD. WHEN WE GO AND EVALUATE THESE TOLL ROAD CONVERSION PROPOSALS, IT'S DIFFICULT BECAUSE THERE'S NOT REALLY A TOLL-FREE CONCEPT PRESENTED FOR COMPARISON. TXDOT REALLY SHOULD PROVIDE TOLL-FREE CONCEPTS FOR COMPARISON. IN THE TOLL FEASIBILITY ANALYSIS, EACH PROPOSAL IS GIVEN A LETTER AND A NUMBER, C-1, AND THAT'S A CONCEPT THAT REALLY SHOULD BE -- THE TOLL-FREE CONCEPT AS WELL. IT STILL IS POSSIBLE USING THE INFORMATION AVAILABLE TO ESTIMATE WHAT TOLL CONVERSION CONSTRUCTION COSTS DO CAUSE PER LANE OF HIGHWAY. AND THAT'S BECAUSE THE LOOP 1 AND U.S. 183 C-1 PROPOSALS ARE ESSENTIALLY FULLY SCRUBBED PROPOSALS AND ALL THE MONEY IS BASICALLY GOING TO SET UP THE TOLL BOOTHS. IF YOU LOOK AT THOSE PROPOSALS, THEY'RE BASICALLY \$11 MILLION A PIECE FOR ABOUT TWO TO THREE MILES. YOU CAN ESTIMATE THAT THE AMOUNT OF MONEY PER MILE IS FOUR TO EIGHT MILLION DOLLARS TO TOLL CONVERT AN EXISTING ROAD SO WE CAN CONVERT TOLLS ON IT. OVER THE ENTIRE AUSTIN TOLL PLAN, THAT WOULD BE ABOUT 100 TO \$200 MILLION THAT ARE GOING TO GO TOWARDS BASICALLY CHECKING THESE TOLLS. THIS IS AN AMOUNT OF MONEY THAT'S OVER WHAT A TOLL FREE ROAD WOULD COST. IT'S IMPORTANT TO KEEP THAT IN MIND. THERE ARE OTHER COSTS ASSOCIATED WITH TOLL CONVERSIONS. ONE IS WE'RE FUNDING THESE WITH REVENUE BONDS. THERE'S A DEBT SERVICE RESERVE THAT HAS TO BE SET ASIDE FOR THAT, SO THAT MEANS 20% OF THE CARRYING CAPACITY THAT THE -- THE BOND CAPACITY FOR THESE ROADS HAS TO BE SET ASIDE TO HELP PAY FOR THESE. THERE'S ALSO A FOUR PERCENT FINANCING COST. THIS IS MONEY THAT THAT CAPACITY FOR TOLLING IS BASICALLY

NOT HELPING US. THIS IS STANDARD BOND FUNDING, BUT IT IS SOMETHING THAT WE NEED TO BE AWARE OF WHEN WE'RE ACTUALLY FUNDING. THERE'S ALSO PROBLEMS THAT THESE TOLL CONVERSIONS ARE GOING TO BE LESS FINANCIALLY VIABLE THAN SIMPLY CONSTRUCTING NEW TOLL ROADS. THAT'S WHY THE STATE PLAN REQUIRES THE TOLL CONVERSION. THERE IS A POSSIBILITY FOR THE TRAFFIC TO LEAK OVER TO THE ROADS THAT SHOULD HAVE THE EXISTING ACCESS PROVIDED. THAT'S GOING TO BECOME A PROBLEM IN THE FINANCIAL VIABILITY OF SOME OF THESE ROADS. YOU CAN ACTUALLY SEE THAT IN THE TOLL FEASIBILITY ANALYSIS. THESE ROADS ALSO REQUIRE A LARGER FOOTPRINT THAN WHAT THE NON-TOLL ALTERNATIVES ARE AND THESE ARE FOR ROADS THAT HAVE RIGHT-OF-WAYS SET ASIDE NOW FOR BASICALLY WHAT WAS GOING TO BE A TOLL FREE ROAD. THIS INCREASES THE ENVIRONMENTAL IMPACT FOR ROADS LIKE 290 WEST AND THE LOOP 360. THAT'S A BIG DEAL. IT'S ALSO GOING TO INCREASE THE RIGHT-OF-WAY ISSUES. BUT BUZ BUZZ THERE'S ALSO PROBLEMS WITH PREEXISTING CORRIDOR DEVELOPMENT. AS I GO THROUGH THESE, WHAT YOU CAN SEE IN THIS, AND I REALLY WANT TO SPEND TIME WITH THIS -

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Mayor Wynn: I NEED FOR YOU TO CONCLUDE. YOUR THREE MINUTES HAVE EXPIRED. PLEASE CONCLUDE.

WHAT I'D LIKE TO DO IS BASICALLY EXPLAIN THAT THESE ROADS DON'T MAKE A LOT OF SENSE. YOU CAN LOOK AT THE TOLL FEASIBILITY ANALYSIS STUDIES. I THINK THAT COUNCILMEMBER MCCrackEN'S PROPOSAL IS A GOOD ONE TO SPEND TIME ON LOOKING AT THESE.

Mayor Wynn: THANK YOU, SIR. YOU'RE WELCOME TO HAND OUT YOUR PRESENTATION.

McCracken: MAYOR, I HAVE QUESTIONS FOR MR. KILLGUARD. HE HAD E-MAILED ME HIS POWER POWERPOINT AND I WAS WONDERING IF IT WOULD BE POSSIBLE IF I SENT, MS. BROWN, TO YOU, IF YOU COULD DISSEMINATE IT IN THE APPROPRIATE WAY. I'LL DO IT RIGHT NOW. MR. KILLGUARD, I'M LOOKING AT SLIDE --

MAYBE IF YOU COULD READ THE TITLE I'D KNOW.

McCracken: I'M LOOKING AT SLIDE 13 OF YOUR PRESENTATION ON SH 71. AND ON SH 71, THAT'S THE ROAD THAT WE FOUND OUT IS COMING IN -- MR. OLLICK HAD STATED THAT THE TOLL RATES HAVE NOT BEEN SET ON THESE ROAD, BUT MIKE HILGENSTEIN SHAIT STATED IN THE "AUSTIN AMERICAN-STATESMAN" TWO WEEKS AGO WHAT THE TOLL COST WOULD BE BETWEEN OAK HILL AND THE AIRPORT. THAT WAS 2.50 ELECTRONIC COLLECTION AND 2.75 CASH, WHICH COMES OUT TO 64 CENTS A MILE ON SH 71. YOU'VE BROKEN THIS DOWN ON SLIDE 13. COULD YOU EXPLAIN WHAT YOU FOUND ON SLIDE 13?

ONE THING I'D LIKE TO CORRECT, MICHAEL OLLICK MADE A STATEMENT THAT THE INTERCHANGE AT 183 IS INCLUDED IN THIS, AND THAT'S NOT TRUE. YOU CAN LOOK AT THIS SLIDE AND SEE THAT THE INTERCHANGE THAT'S THERE, THE BIG CLOVER LEAF IS ACTUALLY ALL MARKED AS EXISTING. THAT'S NOT COVERED IN THE COST OF CONSTRUCTION OF THIS PARTICULAR PROJECT. THIS IS A 168-MILLION-DOLLAR PROJECT THAT BUILDS TWO AND A THIRD MILES OF ROAD. IF YOU LOOK AT WHAT IT ACTUALLY INVOLVES, THE REGION IN PURPLE BEHIND YOU, YOU CAN SEE IT ON YOUR SCREEN, IS ACTUALLY WHAT'S BEING BUILT. IT'S REALLY TWO OVERPASSES AND TOLL BOOTHS. THIS IS A VERY EXPENSIVE STRETCH OF ROAD FOR WHAT'S BEING DONE. THIS IS ACTUALLY THE HIGHEST COST PER MILE OF ALL THE TOLL ROAD PLANS. IT'S \$72.2 MILLION PER MILE FOR WHAT IT ABOUT BUILT. AND THIS IS A ROAD WHERE \$92 MILLION HAVE BEEN ALLOCATED FOR THIS ROAD ALREADY, AND NOW THE COST IS \$168 MILLION. I WANT TO QUICKLY FLIP THROUGH AERIAL PHOTOGRAPHS OF THE ROAD JUST SO YOU CAN SEE WHAT THE RIGHT-OF-WAY INVOLVES. IT'S ACTUALLY A VERY LARGE RIGHT-OF-WAY. IT'S 350 FEET WEST OF THE 183 CORRIDOR -- WEST OF THE 183 INTERCHANGE. IT'S 250 FEET EAST OF THE CORRIDOR. THIS IS SOMETHING THAT BREAKS DOWN TO COST IN EACH OF THE SCHEDULES SO THAT YOU HAVE ACTUALLY SEE WHERE THE MONEY GOES. I WANT TO EMPHASIZE THIS IS ONE THAT LOOKS DIFFERENT FROM ALL THE OTHER PROPOSALS OUT THERE. IF YOU LOOK, THAT KIND OF BAR IS ACTUALLY THE COST OF UTILITY RELOCATION. THE YELLOW BAR IS ACTUALLY COST OF

RIGHT-OF-WAY. I WANT TO MAKE IT CLEAR WHEN YOU LOOK AT ALL THE AERIAL PHOTOGRAPHS, I DON'T SEE WHAT COST -- LET ME BREAK IT DOWN THIS WAY SO YOU CAN SEE THIS BROKEN OUT. WHY \$58 MILLION IS BEING SPENT ON UTILITY RELOCATION FOR THIS ROAD. THEN THERE'S ANOTHER \$33 MILLION SPENT FOR RIGHT-OF-WAY COSTS. THIS IS A ROAD THAT HAS A RIGHT-OF-WAY THAT'S LARGER THAN 183, LARGER THAN LOOP 1, CAN DEFINITELY SUPPORT THE KIND OF ROAD THAT'S BEING PUT IN HERE. I WANT TO UNDERSTAND BETTER WHAT THIS MONEY'S GOING FOR. THESE ARE THE RIGHT-OF-WAY MEASUREMENTS AND THESE ARE MEASURED FROM THE WEBSITE. THE OTHER THING THAT'S REALLY IMPORTANT TO UNDERSTAND THAT MAKES THESE RIGHT-OF-WAY AND UTILITY LOCATION COSTS EXTREMELY HIGH IS THIS SQUARE BOX THAT'S PUT HERE THAT SAYS LAG CREATED BY OPEN TO TRAFFIC DATE PROVIDED BY TXDOT AUSTIN DISTRICT. WHAT YOU CAN SEE IS THIS ROAD HAS A TWO-YEAR DELAY, AND WHEN IT GETS SCHEDULED. ACTUALLY WHEN IT OPENS AT 2012 ACCORDING TO THIS SCHEDULE, THAT'S ACTUALLY TWO YEARS LATER THAN THE 2010 DATE THAT WAS DISCUSSED. THAT'S ACTUALLY THE LAST ROAD TO OPEN IN THIS PROJECT, DESPITE THE FACT THAT THERE ARE \$93 MILLION FOR NON-TOLL BUILT CONSTRUCTION OF THIS ROAD. THIS IS REALLY QUITE ASTOUNDING. AND I REALLY THINK THE CITY COUNCIL DOES NEED TO GO AND ALLOCATE FUNDS FOR AN INDEPENDENT EXAMINATION OF THIS.

McCracken: MR. KILLGUARD, IN YOUR REVIEW OF THE ROADS, DID YOU MAKE A DETERMINATION WHICH OF THESE HIGHWAY CAPACITY CAN BE BUILT WITH EXISTING ALLOCATING FUNDING AS NON-TOLL ROADS?

I DID ACTUALLY. THERE'S A SLIDE EARLY ON THAT GOES AND ACTUALLY SHOWS THE AMOUNT OF FUNDING THAT'S AVAILABLE TO THESE VARIOUS ROADS. THE PERCENTS IN BLACK ACTUALLY SHOWS THE AMOUNT OF FUNDING THAT'S THERE. THE ROADS WERE BUILT AS NON-TOLL ROADS, THEN THEY WOULD ACTUALLY BE LESS EXPENSIVE ROADS BECAUSE THERE WOULDN'T NEED TO BE THIS DEBT SERVICE RESERVE. YOU WOULDN'T HAVE TO PAY FOR THE TOLL BOOTHS, WHICH IS A SUBSTANTIAL EXTRA COST. YOU CAN LOOK HERE AND TWO OF THE ROADS ARE FULLY FUNDED.

THESE ROAD SHOULD SIMPLY NOT BE DESIGNATE THE AS TOLL ROADS AND IT'S REALLY INAPPROPRIATE THAT THE CAMPO BOARD HAS DONE THIS. I'M GLAD TO SEE LOOP 1 REMOVED. BUT YOU CAN SEE THAT SH 71, IT'S 55% FUNDED ALREADY. WHEN YOU LOOK AT WHAT'S GOING ON, PARTICULARLY WITH THE UTILITY RELOCATION, IT'S HARD TO UNDERSTAND. WE CAN GO BACK AND LOOK AT THE AERIAL PHOTOGRAPHS AND IT'S NOT LIKE THERE'S AN ELECTRIC SUBSTATION THERE THAT EXISTS IN THE RIGHT-OF-WAY.

McCracken: I'M SORRY TO INTERRUPT. I KNOW WE NEED TO GET A CHANCE FOR OTHER QUESTIONS TO BE ASKED. ON SLIDE 8 YOU IT ACTUALLY PRESENTED A CHART THAT INDICATES -- THIS ONE SAYS FINANCIALLY UNVIABLE TOLL PROJECTS. THAT ONE. IT INDICATES ON THIS THAT IN ADDITION TO LOOP 1/183 THAT SH 71 AND 290 WEST, THOSE ARE FULLY FUNDED AS NON-TOLL PROJECTS.

THIS ACTUALLY SHOWS WHAT THE FUNDING ON FOR THESE ROADS WOULD BE IF YOU ADDED IN THE TOLL -- THE BONDED TOLL CAPACITY. IT'S INTERESTING IN THE CASE OF SH 71, PARTICULARLY GIVEN THE WAY THERE'S A YEAR DELAY IN ALL THE COSTS FOR UTILITY RELOCATION AND RIGHT-OF-WAY, THAT IT ADDS UP TO EXACTLY 100%. IT'S REALLY ASTOUNDING COINCIDENCE THAT THAT WORKS OUT THAT WAY. SO THIS IS REALLY SHOWING YOU WHAT IF YOU TOOK AND ADDED IN THE TOLL BOND CAPACITY, THE UNFUNDED COST, HOW MUCH OF THE ROAD YOU COULD PAY FOR. THE THINGS YOU SEE FOR LOOP 360 AND FOR U.S. 290 EAST, THESE ROADS ARE REALLY -- THEY'RE NOT UNFUNDED IN THE CASE OF 360, THEY'RE UNFUNDABLE. THESE ARE NOT ROADS THAT CAN BE BUILT. AND FOR ME WHO LIVES IN THE LOOP 360 CORRIDOR, THIS IS REALLY INAPPROPRIATE TO HAVE A ROAD DESIGNATED AS A TOLL ROAD IN THE PLAN THAT SIMPLY CAN'T BE FUNDED THAT WAY. AND THE REASON IS CLEAR, THERE'S JUST NOT THE TRAFFIC ON THESE ROADS TO JUSTIFY A TOLL ROAD.

McCracken: I HAVE A FINAL QUESTION FOR YOU, AND IT'S ON YOUR NEXT TO LAST SLIDE ABOUT WHEN IS TOLLING JUSTIFIED. I THOUGHT THIS WAS PARTICULARLY INTERESTING. CAN YOU EXPLAIN YOUR KNOWLEDGE ABOUT WHEN SHOULD THE ROAD BE TOLLED VERSUS WHEN THE

ROAD SHOULD NOT BE TOLLED?

I THINK THIS IS A GOOD POINT AND A HIGH LEVEL CONCEPTUAL THING. THERE IS LIMITED SITUATIONS FORWHERE BUILDING TOLL ROADS MAKES SENSE. A LOW DENSITY CORRIDOR THAT HAS HIGH TRAVEL THROUGH IT. THIS IS YOUR CLASSIC TURNPIKE WHERE YOU WANT THIS ROAD BUILT AND THERE'S GOING TO BE CARS GOING THROUGH IT. THESE ARE EAST COAST TURNPIKES, THOSE KINDS OF ROADS. THERE'S ALSO SITUATIONS WHERE THE TRAFFIC GROWTH DEMANDS ARE SO AHEAD OF THE PLANNING CURVE THAT YOU REALLY HAVE TO BUILD THIS ROAD. THIS IS RARE CIRCUMSTANCES AND IT'S REALLY RISKY TO PREDICT. I WOULD POINT TO THE CASE OF THE LAREDO TURNPIKE THAT WAS BUILT WHERE IT WAS ALL THIS TRAFFIC THAT WAS GOING TO COME THROUGH AND IT WAS GOING TO BE A GREAT DEAL TO BUILD IT AS A TOLL ROAD AND IT DIDN'T MATERIALIZE. IT'S A DANGEROUS WAY TO BUILD ROADS. SOMETHING LIKE PAY AS YOU GO -- AS YOU GO WHERE YOU HAVE THE FUNDING DONE WITH GAS REVENUE IS A REALLY SENSIBLE WAY. ADDITIONALLY, NEW TOLL ROADS SHOULD BE BUILT IN ADVANCE OF DEVELOPMENT. YOU SHOULD TAKE UNDEVELOPED AREAS. HOUSTON HAS A GREAT EXAMPLES OF THESE, THE SAM HOUSTON TOLL WAY, 15 YEARS AGO WAS FIELDS AND RANCH LAND. AND NOW THAT'S A HIGHLY DEVELOPED AREA ALL ALONG THAT TOLL WAY. AND THE DEVELOPMENT WAS ABLE TO TAKE INTO ACCOUNT THE FACT THAT THERE WAS A TOLL ROAD THERE, HOUSES WERE BUILT A REASONABLE DISTANCE AWAY, BUSINESSES WERE BUILT APPROPRIATELY. WHEN WE CONVERT TOLL ROADS IN AUSTIN, IT'S VERY DANGEROUS TO WHAT THE DEVELOPMENT HAS BEEN THERE BECAUSE PEOPLE THAT HAVE BUILT THEIR HOUSES AND ESTABLISHED THEIR BUSINESSES THERE CANNOT SIMPLY REDO THAT BECAUSE A TOLL ROAD HAS CHANGED THE DYNAMIC OF THEIR TRANSPORTATION CORRIDOR.

McCracken: THANK YOU, MR. KILLGUARD.

I APPRECIATE YOUR TIME AND I WOULD REALLY LIKE FOR YOU TO LOOK OVER THIS INFORMATION. THANK YOU VERY MUCH. I SUPPORT THIS INFORMATION.

Mayor Wynn: COUNCIL, FURTHER QUESTIONS, COMMENTS?
COUNCILMEMBER THOMAS. [ONE MOMENT, PLEASE, FOR
CHANGE IN CAPTIONERS]

WELL, I THINK THAT -- THAT THERE NEEDS TO BE MORE
ANALYSIS OF THE OPERATIONS ANALYSIS BECAUSE TXDOT
HAS STATED THIS AREA WILL NOT LOSE ANY OPERATION
MONEY BECAUSE MAINTENANCE AND OPERATION MONEY
BECAUSE OF TOLLING. I KNOW THAT'S A DEBATABLE ISSUE. I
THINK THAT SHOULD BE CLARIFIED. THE OTHER POINT THAT
I WANT TO MAKE IS IT'S REALLY HARD TO SAY THE IMPACT
OF 183 TOLLING ON EAST AUSTIN OR 290 WEST ON
SOUTHWEST AUSTIN, YOU KNOW, CITY LIMIT LINES AND
COUNTY LINES ARE INVISIBLE TO DRIVERS. WE HAVE A LOT
OF PEOPLE DRIVING ACROSS CITY LIMIT LINES, THROUGH
NEIGHBORHOOD BOUNDARIES, WE HAVE 25% OF THE
POPULATION OF HAYS COUNTY WORKS IN TRAVIS COUNTY.
YOU SEE WHAT I'M SAYING? WE HAVE A REGIONAL
TRANSPORTATION SYSTEM THAT REALLY DOESN'T HAVE
ANY BOUNDARIES BECAUSE PEOPLE JUST DRIVE ON THE
ROADS BECAUSE IT'S THEIR RIGHT TO DRIVE ON PUBLIC
ROADS. SO I DON'T THINK THAT IT IS -- I WOULD NOT TRY TO -
- I THINK IT WOULD BE VERY DIFFICULT TO SHOW THE
IMPACT OF THE TOLL ROADS ON SPECIFIC NEIGHBORHOODS
OR PIECES OF AUSTIN. THERE'S 15,000 AUSTINITES THAT
LIVE IN WILLIAMSON COUNTY. SO IT'S REALLY HARD TO, YOU
KNOW, HAVE THESE SMALL BOUNDARY ANALYSIS ABOUT
WHO IS USING THE ROAD AND PAYING THOSE TOLLS.

Thomas: IF I REMEMBER THE FOUR YEARS THAT I SAT ON
CAMPO, WHAT -- WHAT OTHER PLAN DID WE HAVE BESIDES
TOLL ROADS TO RELEASE SOME OF THE CONGESTION THAT
WE DO HAVE?

I MEAN WE HAVE A TRANSIT SYSTEM. WE HAVE CAPITAL
METRO'S URBAN COMMUTER RAIL SYSTEM WHICH HAS NOW
BEEN PASSED AND WILL OPEN IN 2008, WE'VE HAD THE
AUSTIN SAN ANTONIO RAIL PROGRAM, WHICH IS
PROCEEDING, COULD OPEN AS EARLY AS 2009. WE HAVE
HIGH OCCUPANCY VEHICLE LANES IN THE PLANS, I-35, LOOP
1, 183. NONE OF THOSE HAVE OPENED YET. WE ARE -- THE
BEST PRACTICES IS CALLED MANAGED LANES INSTEAD OF
HIGH OCCUPANCY VEHICLE LEANS. WE HAVE A BIG TRANSIT

COMPONENT IN THE PLAN. ALMOST NONE OF IT IS ON THE GROUND YET EXCEPT THE BUS SYSTEM. CAPITAL METRO'S EXPRESS SYSTEM, RAPID BUS SYSTEM. BUT WE CAN'T GET AWAY FROM ROADWAY CONSTRUCTION BECAUSE THERE'S SUCH A DEMAND FOR ONE PERSON PER VEHICLE OR TWO PEOPLE PER VEHICLE AND THAT MAY CHANGE OVER TIME, BUT I DON'T EXPECT A RAPID CHANGE IN THAT. I THINK WHAT WILL HAPPEN IS CONGESTION BUILD IF WE CAN GET PASSENGER RAIL ONLINE, EXPRESS BUSES YOU WILL SEE SOME PEOPLE SHIFT FROM DRIVING BECAUSE DRIVING IS GOING TO BE A LOT LESS FUN THAN IT IS NOW, IF THIS GROWTH CONTINUES. PARDON MY PUN. BUT IT'S GOING TO BE MORE CONGESTED IF YOU HAVE ALTERNATIVES SUCH AS EXPRESS BUSES AND PASSENGER RAIL THAN THAT WILL HAPPEN, BUT I DON'T THINK WE CAN STOP BUILDING ROADWAYS. DOES THAT -- SO I MEAN WE HAVE -- A MULTI-MOBILE PLAN. THE FIRST TOLL ROADS WERE ADOPTED BY CAMPO IN 2000. AND THEN THIS IS THE SECOND BATCH THAT WAS ADOPTED IN THE LAST NINE MONTHS.

THANK YOU.

MR. OLLICK YOU MENTIONED AN AVERAGE TOLERATE YOU SAID OF WHAT?

I SAW THE SOURCE I THINK YOU QUOTED NINE CENTS A MILE I SAW THAT WAS FROM ILLINOIS REPORT. A REPORT DONE BY BALMER LAST YEAR FOR THE CTRMA, AT LEAST PROJECTS IN THE LAST 10 YEARS 36 CENTS A MILE AVERAGE. I THINK THE POINT ABOUT TOLL RATES IS IT DEPENDS A LOT ON HOW NEW IT IS, WHETHER IT'S A BRIDGE, WHAT THE COST OF THE PROJECT IS. LIKE MOST THINGS AVERAGES ARE NOT VERY INSTRUCTIVE IN TERMS OF SPECIFIC SITUATIONS. THAT'S THE POINT THAT I'M TRYING TO MAKE.

I'M INTERESTED TO KNOW WHAT THE SOURCE OF THE NUMBERS WERE ON THE 35 CENTS. I HAVE BEEN LOOKING AT THIS IT ALL DEPENDS ON WHAT YOU AVERAGE IN. IF YOU AVERAGE IN TRUCK TOLL RATES, THE AUSTIN TOLL PLAN THESE ARE 24 HOUR A DAY TOLL ROADS WITH A CONSTANT RATE. JUST A COUPLE OF POINTS. ONE OF THESE IS IN LOOKING URBAN TOLL ROAD RATES, ORLANDO'S RATE AT 10

CENTS A MILE, DALLAS' AT 11 CENTS A MILE, MIAMI'S AT 13 CENTS A MILE. IT HAS RICHMOND'S AT 17 CENTS A MILE. THE 183 A TOLERATE WILL BE 44 CENTS A MILE AND THEN MIKE HILDGENSTEIN TOLD THE STATESMAN THAT THEY KNEW WHAT THE COST OF TOLLS WOULD BE FROM THE OAK HILL TO THE AIRPORT, \$2.15 TAG, WHICH WOULD BE 2.77 CASH, TRANSLATES TO 44 CENTS A MILE, THE OAK HILL PORTION IS 64 CENTS A MILE. IN THE 71 PORTION, SO WHETHER THEY HAVE BEEN SET OR NOT, THE RMA IS GOING OUT AND PUBLICLY TELLING NUMBERS TO THE PAPER WHICH BY THE WAY, WILDLY CONTRADICTS WHAT WAS SUBMITTED TO COUNCILMEMBER SLUSHER WHEN HE SAID CLOSER TO 12 TO 15 CENTS A MILE. ONLY TWO DAYS LATER DID THEY HAVE ANOTHER RMA REPRESENTATIVE SAY THAT THEY BELIEVED 44 CENTS A MILE, 64 CENTS A MILE. THE -- YOU MENTIONED DALLAS/FORT WORTH AND HOUSTON ARE NOT PEER CITIES. TO AUSTIN, RIGHT? THAT'S MY OPINION.

AND THAT WAS -- I THOUGHT THAT WAS AN IMPORTANT POINT. WE SAW AS OF JULY 1st, 2004, IN TERMS OF WHO HAD ON THE GROUND OR IN PROCESS TOLL SYSTEMS, THAT EVEN THOUGH AUSTIN IS NOT A PEER CITY OF DALLAS' OR HOUSTON'S, WE ACTUALLY HAD MORE TOLL MILES IN THE WORKS THAN HOUSTON OR DALLAS DID. THE -- THE -- IS CAMPO MODELED ALTERNATIVELIES -- ALTERNATIVES ON HOW TO BUILD THE SYSTEM WITH MORE USE OF FREEWAYS AND MANAGED LANES GOING TO THE FULL OUT TOLL CONVERSION OF OUR URBAN FREEWAY SYSTEM.

IN PREPARING FOR THE 2030 PLAN, WE -- WE MODELED FIRST JUST THE PHASE 1 ROADS, THE ONES THAT WERE ADOPTED FOUR YEARS AGO. AFTER THE VOTE IN JULY, WE STARTED MODELING THE PHASE TWO AS TOLL ROADS. AS I SAID BEFORE, IT IS TRUE IN THE MODELING THERE IS A DRAG ON -- ON THE PEOPLE WHO TRAVEL ON -- MORE PEOPLE TRAVEL ON FREE ROADS THAN TOLL ROADS. ONE THING, IF I CAN, AND AS I'VE TOLD COUNCILMEMBER MCCracken, I WORK FOR HIM AND I JUST WANT TO HAVE FRIENDLY EXCHANGE OF INFORMATION HERE. I DON'T WANT TO APPEAR OPPOSED TO WHAT YOU ARE SAYING, I JUST WANT TO PROVIDE INFORMATION. JUST A COUPLE OF POINTS. HOUSTON AND DALLAS ROADS, THE NORTH DALLAS TOLL RAY WAS BUILT IN 1968, HOUSTON ROADS WERE BUILT

IN 1987 AND 1988 THAT'S THE INFORMATION THAT I HAVE. THAT'S WHY TO ME IT'S REALLY A CUSTOM SITUATION. IF YOU HAVE TO BUILD AN OVERPASS, A BRIDGE THAT INCREASES THE COST, I MEAN, AND THE TOLL RATES ARE SET BASED ON THE TRAFFIC AND REVENUE STUDIES, IT'S ESSENTIALLY AN ECONOMIC DECISION. YOU WANT TO PAY FOR THE ROAD, YOU DON'T WANT TO SET THE TOLL SO HIGH THAT YOU DISCOURAGE ENOUGH RIVERS FROM DRIVING ON IT, SO IT'S AN INDIVIDUAL ANALYSIS OF THAT SPECIFIC PROJECT, MUCH LIKE I GUESS A WATER LINE OR A SEWER LINE OR ANYTHING ELSE. ON 183 A, FOR EXAMPLE, THAT WHOLE ROAD IS 11.6 MILES. THE MAIN LANES WOULD ONLY BE BUILT FOR THE SOUTHERN HALF OF THAT, ABOUT 4.5 MILES AS EXPRESS LANES. NORTH OF THAT THEY WILL BE FRONTAGE ROADS. THEY WILL BE BUILT AS THE BONDS. THEY WILL NOT BE TOLL GATES ON THOSE FRONTAGE ROADS. SO THE 44 CENTS A MILE DEPENDS ON WHETHER YOU ARE TALKING ABOUT THE SOUTHERN FOUR AND A HALF MILES, WHETHER YOU ARE TALKING ABOUT THE FULL 11.6.

LET'S BE CLEAR. THE 11.5 MILES YOU ARE NOT HAVING TO PAY A TOLL TO DRIVE ON THEM, ARE YOU?

YOU DIDN'T HAVE TO PAY UNTIL YOU GET BELOW 1431. IT'S HOW YOU CALCULATE IT.

McCracken: ONE OF THE THINGS THAT WE ARE ASKING FOR IN THIS INDEPENDENT ANALYSIS IS THIS QUESTION, WHAT IS THE EFFECT OF DEMAND ON CHARGING THESE INCREDIBLY HIGH TOLL DALLAS RATES, WHICH ARE -- TOLL RATES WHICH ARE TURNING OUT TO BE FOUR TIMES HIGHER THAN THE RMA TOLD US THEY WILL BE. THE GENERAL COUNSEL TOLD COUNCILMEMBER SLUSHER AT A PUBLIC HEARING THAT THE RATES WOULD BE CLOSER TO 12 TO 15 CENTS A MILE. TWO DAYS LATER IT CAME OUT THAT THOSE RATES WERE ACTUALLY FOUR TIMES HIGHER THAN THAT. AND PRESUMABLY THE GENERAL COUNSEL KNEW THAT THOSE RATES WERE FOUR TIMES HIGHER WHEN YOU TOLD COUNCILMEMBER SLUSHER AT A PUBLIC HEARING THAT THEY WERE GOING TO BE CLOSER TO 12 TO 15 CENTS A MILE. THIS HIGHLIGHTS THE REASON WHY WE NEED INDEPENDENT REVIEW. WE HAVE A SITUATION WHERE ON FEBRUARY 14th, ONE RMA MEMBER SAID 12 TO 15 OR

CLOSER TO THAT, ANOTHER MEMBER TWO DAYS LATER SAID 44 TO 64 CENTS A MILE. WE HAVE BEEN GETTING WILDLY INCONSISTENT INFORMATION. WHEN THEY WANTED US TO VOTE FOR IT, THEY HAVE TOLD US ONE SET OF FIGURES. THEY GO TALK TO THE BOND HOUSES THEY TELL US A DIFFERENT SET OF FIGURES. I KNOW THAT YOU HAVE NOT BEEN PART OF THAT, MIKE. BUT WE DO WANT INDEPENDENT INFORMATION BECAUSE WE HAVE TWO SETS OF NUMBERS, THE ONLY COMMON DENOMINATOR IS GOOD NUMBERS, THEY WANT US TO VOTE FOR IT. BAD NUMBERS GOING OFF AND DOING SOMETHING AT THE BOND HOUSE.

YOU'RE RIGHT. I DON'T HAVE ANYTHING TO DO WITH TOLL RATES. AGAIN HE WANTS TO SAY I SUPPORT FRESH EYES LOOKING AT EVERYTHING. THIS IS A VERY MAJOR CHANGE IN WHAT'S HAPPENING IN THIS COMMUNITY. FRESH EYES, INDEPENDENT LOOK IS FINE. I WILL WORK WHERE IN A. ONE POINT THAT I WANT TO MAKE ABOUT TOLL LANES. 512 IS WHAT WE WOULD HAVE BASED ON WHAT WE DID FIVE YEARS AGO. BUT YOU SHOW WHAT EXISTS THIS DALLAS AND HOUSTON, DALLAS AND HOUSTON ARE BUILDING AND -- IN THEIR LONG-RANGE PLAN A LOT MORE TOLL LANES. SO WE ARE NOT ALONE IN THIS. WE START IN A UNIQUE SITUATION BECAUSE WE HAVE IN MY VIEW AN INADEQUATE FREEWAY SYSTEM, THE GAME CHANGED FROM A LOT OF MONEY OR MONEY TO BUILD FREE LANES TO NOW A TOLL REGIME.

McCracken: I KNOW, MIKE. A FEW MORE QUESTIONS THAT I WANT TO GET TO. YOU SAID THAT THESE ROADS WOULD BE BUILT FASTER AS TOLL ROADS THAN FREE ROADS. THE PROBLEM I'M HAVING IS THE ONLY DOCUMENTS THAT ARE PUBLIC RIGHT NOW FOR 290 AND FOR 71 SHOW THAT THEY ARE BUILT SLOWER AS TOLL ROADS. THESE ARE TXDOT AND RMA'S OWN DOCUMENT. THEY STATE THAT THE NON-TOLL START DATE IS 2005. AND THAT THE TOLL START DATE IS 2006 FOR 290 WEST THAT IS A SLOWER START FOR 290. MAIN LANES, NO KILL. THEIR OWN DOCUMENTS STATE THAT SH 71 STARTS AS A NON-TOLL ROAD IN 2009 AND STARTS AS A TOLL ROAD IN 2010. SHORT STRETCHES. THE DOCUMENTS INDICATE THAT IT IS NOT AN EFFECT OF THE CONSTRUCTION TIME. ARE YOU AWARE OF OTHER DOCUMENTS IN EXISTENCE THAT SHOW THESE ROADS, THAT THESE TWO ROADS, 290 WEST AND 71 START EARLIER BECAUSE WE

HAVE NEVER EVEN PRESENTED THEM TO -- NEVER PRESENTED TO THE CAMPO BOARD.

ARE YOU TALKING ABOUT 71 EAST?

71 EAST TO THE AIRPORT.

I'M NOT. ESSENTIALLY WITH THE TOLL PACKAGE HE SAYS WE COULD BUILD THESE ROADS AS FAST AS WE CAN BUY THE RIGHT-OF-WAY. AS FAST AS WE CAN BUY THE RIGHT-OF-WAY AND RELOCATE UTILITIES. WITHOUT THE TOLL ROADS THAT MONEY IS SPREAD OUT OVER 10 YEARS.

THAT'S THE STATEMENT THAT HE'S MADE TO ME.

WELL, I THINK ONE OF THE LIMITATIONS THAT -- ONE OF THE -- ANOTHER REASON WE NEED AN INDEPENDENT STUDY. ONCE AGAIN THEY HAVE COME TO CAMPO AND WANT OUR VOTE, THEY SAY HEY THESE WILL BE BUILT FASTER. THERE ARE DOCUMENTS AT THE BOND HOUSES SHOW THEY WILL BE BUILT SLOWER. THIS IS ANOTHER INFORMATION WHERE WE ARE RECEIVING SOMETHING TO GET OUR VOTE AND THEN THE BOND HOUSES GET SOMETHING THAT'S LESS FAVORABLE. ONCE AGAIN I KNOW THAT YOU ARE NOT A PART OF THAT, MIKE. MY LAST POINT OF CLARIFICATION ON THIS IS THAT TXDOT HAS GIVEN US CONFLICTING ANSWERS ON WHETHER MAINTENANCE FUNDING WOULD BE LOST. THEY HAVE BEEN CONSISTENT THAT WE WOULD HAVE TO ABSORB THE COST OF OPERATING THIS SYSTEM. THAT COST IS 800 MILLION DOLLAR ABOVE WHAT IT WOULD COST TO OPERATE A FREE SYSTEM AND THAT COST FALLS EXCLUSIVELY ON PEOPLE DRIVING IN THESE HIGHWAYS IN EAST AUSTIN AND SOUTHWEST AUSTIN, THAT HAS NEVER BEEN CONTESTED BY TXDOT. MIKE, THANKS FOR COMING. I HAD A QUESTION FOR JOHN. I THINK JOHN IS THE ONE WHO LOOKED AT THE 183 A BOND DOCUMENTS, IS THAT RIGHT? OR IS IT DICKEY?

Futrell: JOHN IS THE PERSON TO SPEAK TO THAT.

WE HAVE HEARD THAT THE BONDS FROM 183 A RECEIVED A TRIPLE A RATING THAT -- MY UNDERSTANDING IS THAT YOU HAVE LOOKED AT THAT, THERE'S ACTUALLY SOME OTHER

INFORMATION THAT HASN'T BEEN STATED PUBLICLY ABOUT WHAT THESE BONDS REALLY WERE RATED. CAN YOU TELL US ABOUT THE INSURANCE ISSUES AND WHAT THESE WERE RATED WITHOUT INSURANCE.

WELL, TYPICALLY WHEN YOU SELL REVENUE BONDS AS THESE BONDS WERE, IF THE BONDS ARE GOING TO BE INSURED AS THESE BONDS WERE, THEY MAY ACTUALLY HAVE TWO RATING. THEY HAVE ONE RATING AFTER THE INSURANCE IS PURCHASED WHICH IN THIS CASE WAS THE TRIPLE A RATING. THEY HAVE ANOTHER RATING WHICH IS THE UNDERLYING RATING. HOW THE BONDS WOULD SELL WITHOUT THE INSURANCE ON TOP OF THEM. AND THE -- THE BONDS THAT WERE JUST TOLD BY THE CTRMA WERE THE UNDERLYING RATING FOR THOSE BONDS WAS A TRIPLE B MINUS, WHICH IS STILL AN INVESTMENT GRADE BOND. IT'S NOT YOU KNOW WHAT YOU THINK OF AS A JUNK BOND. BUT IT IS THE LOWEST INVESTMENT GRADE RATING THAT A BOND COULD RECEIVE.

IN FACT MY UNDERSTANDING IS THAT THE ONLY BOND RATING LOWER THAN TRIPLE B MINUS IS JUNK BOND STATUS.

ONCE YOU GET BELOW THAT INVESTMENT GRADE, YOU ARE INTO A MUCH RISKIER INVESTMENT. THAT TYPICALLY IS SOLD ONLY TO INSTITUTIONAL INVESTORS WILLING TO TAKE THE RISK ON THAT.

McCracken: THAT'S -- ONE OF THE AREAS WHERE THIS DEVELOPS A CONCERN IS THAT WE HAVE A SITUATION NOW ON 290 WEST WHERE IT'S 290 WEST FEASIBILITY WAS BASED ON THE SUSPICION THAT THE WILLIAM CANNON OVERPASS WAS TOLLED. IT IS NO LONGER TOLLED. IT APPEARS NOW BASED ON TXDOT'S BEYOND DOCUMENTS THAT HAS -- OWN DOCUMENTS THAT HAS A NEGATIVE IMPLICATION ON THE VIABILITY OF 290 IN OAK HILL FOR INSTANCE. SO THAT -- I THINK THAT IT'S IMPORTANT THAT WE GET CLARIFIED THAT -- CLARIFIED THAT THESE THINGS ARE JUST JUST BARELY ABOVE JUNK BOND STATUS WITHOUT INSURANCE. DO YOU KNOW HOW MUCH THE TAXPAYERS ARE HAVING TO PAY IN THE TOLL PAYERS HAVE TO PAY FOR THIS INSURANCE TO

KEEP THESE THINGS ABOVE TRIPLE B MINUS?

NO, I'M SORRY. I DON'T REMEMBER. I'M NOT SURE IF I SAW THE NUMBER FOR THE INSURANCE COST ON TOP OF THE BONDS.

McCracken: DO YOU HAVE AN UNDERSTANDING TIP WALLY OF -- TYPICALLY OF HOW COSTLY INSURANCE IS TO ENSURE -- TO INSURE BONDS THAT ARE JUST ONE LEVEL ABOVE JUNK BOND STATUS?

NO, I DON'T. BECAUSE THE CITY HAS NEVER TRIED TO SELL ANY OF THOSE KIND OF BONDS BEFORE. WE'VE INSURED SOME OF OUR UTILITY BONDS BEFORE, BUT THEY ARE RATED FAIRLY HIGHLY TO BEGIN WITH. SO THE INSURANCE COST WOULD BE LOWER ON THOSE.

McCracken: WOULD THE CITY OF AUSTIN'S FINANCIAL PRACTICES ALLOW FOR TRIPLE B MINUS BONDS TO BE INSURED AND SOLD.

THERE'S NOTHING IN OUR FINANCIAL POLICY THAT WOULD PROHIBIT THAT.

McCracken: IS IT OUR PRACTICE THAT WE WOULD NOT SELL BONDS WITH THAT LOW OF A RATING?

AGAIN, WE DO NOT HAVE A FINANCIAL POLICY THAT I'M AWARE OF, YOU KNOW, THAT ACTUALLY SPEAKS TO HOW LOW THE BONDS CAN GO. WE HAVE SIMPLY NEVER, THE CITY AS AN ISSUER HAS SIMPLY NEVER SOLD ANYTHING THAT'S IN THAT RANGE.

WE HAVE NEVER TRIED TO SELL A BOND AT TRIPLE B MINUS BEFORE, TO MY KNOWLEDGE.

NO, WE HAVE NOT.

Dunkerly: PERHAPS I CAN ADDRESS THAT. YOU HAVE TO HOPE THAT YOUR CITY NEVER HAS A BOND OF THAT RATING. AND WE HAVEN'T. BEFORE COMING HERE, I WAS FINANCE DIRECTOR IN BEAUMONT. BEAUMONT LOST TWO-THIRDS OF THEIR CASH OVERNIGHT IN A BAD INVESTMENT. SO THERE

ARE CIRCUMSTANCES, I DON'T THINK WE EVER GOT DOWN TO THAT LOW, BUT WE GOT FAIRLY LOW, THERE ARE CIRCUMSTANCES WHERE, YES, DO YOU SELL BONDS AND YOU HOPE VERY MUCH THAT THEY DO NOT GO BELOW THAT INVESTABLE GRADE BECAUSE THAT'S THE GRADE THAT REALLY LIMITS THE PEOPLE THAT YOU CAN SELL THAT BOND TO. SO THERE ARE CIRCUMSTANCES, VERY DIRE CIRCUMSTANCES WHERE YOU WOULD NEED TO SELL A BOND THIS THAT KIND OF SITUATION AND YOU WOULD WANT IT INSURED. IF THAT HELPS ANYWAY. I HOPE WE ARE NEVER IN THAT SITUATION.

McCracken: THAT'S A CRITICAL DISTINCTION. IN YOUR EXPERIENCE WITH BEAUMONT, THOSE WERE DIRE CIRCUMSTANCES IN WHICH THEY HAD TO DO IT. IN FACT WE HAVE MADE A CHOICE TO TURN OVER OUR HIGHWAY SYSTEM FOR BASICALLY JUNK BOND LEVEL TYPES OF INVESTMENTS FOR ROADS THAT ARE \$123 BILLION MORE EXPENSIVE TO BUILD, 800 MILLION MORE EXPENSIVE TO OPERATE. THESE AREN'T DESIRE CIRCUMSTANCES FORCED ON US, WE MADE A CHOICE TO DO THAT. ALL OF US ON CAMPO RECEIVED INFORMATION THAT WAS JUST FLAT OUT INACCURATE.

Dunkerly: I WOULD LIKE TO SAY ONE MORE THING.

Futrell: I WANT TO BE SURE, I DON'T WANT ANY MISINFORMATION. KNEESTHESE ARE NOT RATED AS JUNK BONDS. THESE ARE INVESTMENT GRADE BONDS. THEY ARE THE LOWEST INVESTMENT GRADE BONDS, BUT THEY ARE AN INVESTMENT GRADE BOND, JOHN AM I CORRECT ON THIS, YES?

McCracken: I HOPE THE TRANSCRIPT SAYS THAT THEY ARE ONE LEVEL ABOVE JUNK BOND STATUS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? MAYOR PRO TEM?

Goodman: IF WE ARE READY FOR A MOTION, I WOULD MOVE APPROVAL OF THE RESOLUTION, KNOWING THAT AMENDMENTS WILL BE PROPOSED THAT I AGREE WITH.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM,
SECONDED BY COUNCILMEMBER MCCracken TO APPROVE
ITEM 77. ASSISTAS PRESENTED.

Goodman: IF I COULD SPEAK VERY BRIEFLY TO THAT. THE
REASON I'M SUPPORTING THIS IS BECAUSE YOU DO ALWAYS
NEED GOOD NUMBERS AND SOME -- SOME WILL BE
SUBJECTIVE NO MATTER HOW HARD YOU TRY TO GET THE
DATA. THE AMENDMENT I'M SUPPORTING, TOO, MAKE THAT A
MORE COMPREHENSIVE AND IMPROVED DEPTH AND SCOPE
OF INFORMATION THAT WE GET BACK OUT OF SPENDING
THIS MONEY. BECAUSE WE HAVE GOT TO BE READY FOR
VARIABLES. THERE ARE VARIABLES. AS MS. DUNKERLY
POINTS OUT, WHEN YOU GET NUMBERED DATA, IT'S GOOD
THE DAY YOU GET IT. THEN THE VARIABLES SET IN. WE HAVE
GOT TO HAVE SOME INSIGHT AND ABILITY TO MOVE WITH
THE PUNCHES OR PROPOSALS OR NUMBERS OR WHATEVER.
THE HISTORY OF -- OF THE DISTRUST HERE IS NOT AS FAR
AS I KNOW OF CAMPO STAFF. AT LEAST NOT FOR ME. I
TRUST MIKE OLLICK IMPLICITLY AND HAVE FOR A LONG TIME
AND THE OTHER MEMBERS OF STAFF BECAUSE HE HAS
HELPED US MOVE IN SOME VERY PROGRESSIVE WAYSND IS
A TRUSTWORTHY, HONEST PERSON, SO I WANT TO GET
THAT OUT ON THE TAIL. BUT CAMPO HAS -- HAS IN THE
RECENT PAST SAY THE LAST THREE YEARS OR SO,
CONSISTENTLY BEEN AT ODDS WITH SOME OF THE THINGS
THAT COUNCILMEMBERS HAVE -- HAVE ASKED OF THEM AND
MOST PARTICULARLY THE TOLL ROAD AUTHORITY. WHICH
WAS CRAFTED VERY SPECIFICALLY AND POINTEDLY
LEAVING THE CITY OF AUSTIN OUT OF ANY DISCUSSION OF
CREATION, ANY REPRESENTATION ON THE BOARD, ANY
INPUT ON WHO WOULD BE REPRESENTATION ON THAT
BOARD. AND CERTAINLY IN ANY MOVE TO GO TO THE STATE
FOR APPROVAL WITH THEM WITHOUT US. IN FACT AT THE
TIME WHEN MAYOR GARCIA WAS THERE AT CAMPO AND I
WAS TAKING SOMEBODY'S PLACE, I'M NOT SURE WHETHER
IT WAS WILL OR DARYL'S, SUBSTITUTING, NONE OF THE
FINITE FINANCIAL ISSUES WERE IN THAT DOCUMENT
NEITHER WERE ENVIRONMENTAL PROTECTIONS. THOSE
TWO ASIDE FROM REPRESENTATION WAS SOMETHING THAT
THE CITY WAS CONCERNED ABOUT. WE ASKED CAMPO TO
DO US THE COURTESY OF POSTPONING THEIR

RECOMMENDATION FOR STATE APPROVAL UNTIL WE COULD BE GIVEN SOME INPUT AND HAVE SOME QUESTIONS ANSWERED. AND THAT WAS SPECIFICALLY REJECTED BY CERTAIN MEMBERS OF CAMPO. AND THE CAMPO VOTE WAS ABOUT THE SAME IT HAS -- AS IT HAS BEEN IN OTHER FOLLOWING VOTES FOR -- FOR TOLL AUTHORITY ISSUES. EVEN THOUGH THE STAFF IS NOT TAINTED IN ANY WAY, AND WOULD NOT SUPPORT, THE PROCESS IS, THE INPUT FROM AUSTIN WHOSE IMPETUS AS AN URBAN CENTER IS THE REASON FOR HAVING THAT REGIONAL PLANNING BODY, HAS IN ESSENCE BEEN TAKEN OUT OF THE ABILITY TO HAVE -- TO HAVE A SOLID PRESENCE IN THAT MULTI-REGIONAL, MULTI-COUNTY BODY. SO IN ORDER TO BE ABSOLUTELY SURE THAT EVERYBODY IS COMFORTABLE WITH DATA, I THINK IT HAS TO BE TAKE PLACE TOTALLY OUT OF THAT ENVIRONMENT, TOTALLY OUT OF THAT REALM AND NOT PUT ANY MORE PRESSURE ON THE CAMPO STAFF. AND OUR ABILITY WITH MANY TALENTS ON THIS COUNCIL. AT THE MOMENT, CAN CRAFT US AN EXCELLENT R.F.P., I THINK, FOR A CONSULTANT STUDY THAT -- THAT TRAVELS THROUGH MANY NEEDS AND BRINGS US ABSOLUTELY IRREFUTABLE DATA. SO -- SO THOSE ARE MY -- THAT WAS MY MAJOR REASON FOR SUPPORTING IT, TO TAKE IT OUT OF THE FIELD OF BATTLE AND TO LEAVE IT UNBIASED AND IMPARTIAL INFORMATION OUT ON THE TABLE. THANKS, MAYOR.

MAYOR PRO TEM. FURTHER COMMENTS, COUNCILMEMBER DUNKERLY?

Dunkerly: FOLLOWING UP ON THE MAYOR PRO TEM'S COMMENTS, THAT'S EXACTLY WHAT I WANT TO DO. I THINK THAT IT'S TIME THAT WE STEP BACK AND LOOK AT THESE FINANCIAL ANALYSIS OF TRANSPORTATION ANALYSIS AND -- AS THE INDEPENDENT THIRD PARTY THAT WE WANT THE INDEPENDENT THIRD PARTY TO DO. IT IS -- IT IS IMPORTANT I THINK THAT WE -- THAT WE MAKE SURE THAT WE HAVE GOOD STARTING BASELINES. AND THAT WE -- THAT WE KNOW WHAT ASSUMPTIONS THAT ARE NEEDED THAT ARE GOING TO BE USED IN THE VARIOUS SCENARIOS, SO I WOULD LIKE TO SUGGEST A COUPLE OF THINGS. ONE THE INDEPENDENT REVIEW AS WE'VE DETERMINED, TWO THAT WE HAVE A SLIGHTLY DIFFERENT PROCESS INVOLVING SOME COUNCIL REVIEW BEFORE THE ACTUAL MODELS ARE

PREPARED. OUR COUNCIL ISSUES WORKING WITH PRETTY COMPLICATED FINANCIAL FORMULAS, WE DO IT A LOT WITH THE KINDS OF BUSINESSES THAT WE HAVE. I WOULD LIKE AS THE CONSULTANTS GO THROUGH -- THE SCOPE OF WORK THAT COUNCILMEMBER MCCRACKEN HAS PREPARED AND I'VE GOT A COUPLE OF ADDITIONS THERE, I WANT THEM TO DETERMINE THE BASELINE THAT'S THEY PLAN TO USE, TO DOCUMENT, TO VERIFY THOSE BASE LINES AND THEN TO COME IN TO US AND REVIEW THE WORK SESSION AND GO OVER THE VARIOUS SCENARIOS THAT ARE NEEDED AND WHAT KIND OF FACTORS THAT THEY ARE GOING TO USE IN THOSE AND HOW THEY ARE GOING TO DOCUMENT THOSE. THAT GIVES US THE OPPORTUNITY BEFORE THEY GO INTO THEIR EXPENSIVE MODELING, SO THAT THE COUNCIL CAN ADD OTHER SUGGESTIONS THAT THEY WOULD LIKE TO SEE AT A TIME WHEN THEY ARE GATHERING DATA. SO NOT ONLY WOULD THEY BE VERIFYING WHAT IS IN THIS RESOLUTION, I'M WANTING TO GET SOME UPDATED INFORMATION THAT CAN BE MORE HELPFUL TO US IN THE FUTURE. THESE -- ALL MUCH THESE ANALYSES THAT WERE DONE BY TXDOT IN THE PAST HAVE BEEN DONE FROM A SPECIFIC POINT IN TIME. THAT MAY HAVE BEEN SIX MONTHS AGO, IT MAY HAVE BEEN A YEAR AGO. CERTAINLY THOSE NEED TO BE REVIEWED AND -- AND LOOKED AT AGAIN WITH A FRESH SET OF EYES. BUT AT THE SAME TIME I WOULD ALSO LIKE THEM TO DO THESE SAME MODELS WITH THE MORE UPDATED -- MODELS WITH THE MORE UPDATED INFORMATION. WHATEVER THAT DATE WOULD BE, THE MOST CURRENTS DATE, OCTOBER 31st OR JANUARY 1st SO THAT WE HAVE THE BEST INFORMATION WE CAN HAVE AS FAR AS INFLATION ESCALATORS, COST OF ROAD CONSTRUCTION, WHATEVER IT MIGHT BE. I THINK THAT HAS SOME IMPLICATION TO US AS WE LOOK OUT IN THE FUTURE. SPECIFICALLY, ON THE -- ON THE EXHIBIT, I THINK THAT I HAVE PASSED THESE OUT TO THE COUNCILMEMBERS. FOR THOSE OF YOU WHO MAY NOT HAVE A COPY, THIS IS THE -- THE BACKUP THAT -- THAT COUNCILMEMBER MCCRACKEN HAD. I JUST HAD A COUPLE OF SUGGESTIONS AFTER SOME OF THESE THAT WILL HELP CLARIFY AND I THINK ROUND OUT THE -- THE ANALYSIS HE'S SUGGESTING. UNDER NUMBER ONE, WE ARE TALKING ABOUT THE CURRENT TOLL PLAN AND HOW IT COMPARES TO OTHER TEXAS CITIES. INCLUDED IN THAT I WOULD LIKE FOR

THE CONSULTANT TO PREPARE A LITTLE HISTORICAL CHART, IT'S NOT A VERY, VERY DIFFICULT THING TO DO TIME-WISE, JUST SOME RESEARCH AND PUTTING IT IN CHART FORMAT. THAT WOULD SHOW WHERE WE ARE NOW IN OUR CONGESTION INDEX, WHERE WE WERE 10 YEARS AGO, WHERE WE WERE 20 YEARS AGO, DO THAT FOR THE OTHER CITIES SO THAT WE GET SOME IDEA OF HOW WE ARE CHANGED IN COMPARISON TO OTHERS OVER THAT TIME PERIOD AND THEN PERHAPS AN EXPLANATION OF WHAT'S HAPPENED. COMING DOWN TO NUMBER TWO, TALKING ABOUT THE COST TO TRAVIS COUNTY RESIDENTS, IMPLICIT IN THAT ANALYSIS IS HAVING TO DETERMINE THE COST BENEFIT, IN THAT COST BENEFIT ANALYSIS, IS THE DETERMINATION OF THE COST ESTIMATED TO BE PAID BY NON-TRAVIS COUNTY RESIDENTS. AND I THINK WE NEED TO REMEMBER THAT PARTS OF AUSTIN ARE IN THREE COUNTIES. SO WE WOULD LIKE FOR THEM TO INCLUDE ANY COUNTY OTHER THAN TRAVIS THAT'S IN THE PHASE 2. THERE MAY NOT EVEN BE ONE, BUT MAKE SURE THAT THEY LOOK AT THAT. ON THE SECOND PAGE, EARLY ON NUMBER 5, HE'S TALKING ABOUT THE RAMIFICATION OF ANY LOSS OF STATE HIGHWAY FUNDING DUE TO THE TOLL ROAD PLAN AND SPECIFICALLY I WOULD LIKE FOR THE CONSULTANTS TO CONFIRM WHETHER THE STATE GASOLINE TAX DOLLARS FOR MAINTENANCE WILL BE REDUCED TO DO THE -- DUE TO THE USE OF TOLL ROADS IN THE AUSTIN AREA AND TO DETERMINE THE IMPACT OF A NO TOLL ROAD SCENARIO ON NEW CAPACITY DOLLARS. I'VE HEARD OF ONE CASE THAT THE KNOT GOING TO -- THAT'S NOT GOING TO AFFECT THE MAINTENANCE DOLLARS, I'VE HEARD OTHER GROUPS SAY THAT IT WILL. I WOULD LIKE TO HAVE THAT CONFIRMED TO SEE THE FORMULA THAT'S GOING TO BE USED AND HAVE THAT DOCUMENTED IN THIS REPORT. ALSO I THINK THAT IT'S IMPORTANT THAT WE GET A BETTER IDEA OF THE CONSTRUCTION COSTS AND THE RELATED MAINTENANCE COSTS. OUR MAINTENANCE COSTS GO UP WITH THE CONSTRUCTION OF NEW LANE MILES AND I'VE HEARD THOSE MAINTENANCE COSTS ARE PROBABLY AS HIGH AS HALF OF THE ORIGINAL CONSTRUCTION COSTS, SO I THINK THAT NEEDS TO SOMEHOW BE WORKED THROUGH AND THE IMPACT OF THAT CONSIDERED IN THOSE GASOLINE TAX DOLLARS. THEN WE HAVE A COUPLE OF THINGS THAT I

WOULD JUST LIKE ADDED. NUMBER 9, I WOULD ADD, FOR THE REVENUE ANALYSIS CONFIRM WITH THE SPECIFIC AGENCY THAT THE FUNDS WILL BE AVAILABLE IN BOTH THE TOLL AND NON-TOLL SCENARIO. SO IF WE ARE GOING TO INCLUDE SOMETHING IN OUR MODEL SAYS IN THIS NON-TOLL THIS MUCH REVENUE OVER HERE, WE NEED TO GO BACK TO THAT AGENCY JUST LIKE YOU DO IN AN AUDIT WHEN YOU ARE CONFIRMING, YOU KNOW, PERHAPS CERTIFICATES THAT YOU HAVE ON, IN A BANK OR SOMETHING, IF YOU HAVE AN AUDIT DONE, YOU CONFIRM WITH THAT BANK THAT THOSE SECURITIES ARE REALLY THERE. WELL, WE WANT TO CONFIRM WITH THE AGENCY THAT THE -- THAT THE DOLLARS WILL BE AVAILABLE EITHER IN ONE SCENARIO OR ANOTHER AND EVEN IF THEY CAN'T TELL US, IN THE NON-TOLL SCENARIO, EVEN THAT TELL US SOMETHING. THEN I WOULD ALSO LIKE FOR THEM TO CONFIRM WITH TXDOT THAT THEY WILL FUND THE RIGHT-OF-WAY AND UTILITY RELOCATION COSTS FOR THE TOLL PROJECTS IN LIEU OF THE CITY OF AUSTIN DOING IT. AND CONFIRM THE AMOUNT OF, THAT DOLLAR AMOUNT, THAT WILL COME BACK TO AUSTIN. IN RELATIONSHIP TO THE PROCESS USED, I WOULD LIKE FOR THEM TO DO THEIR SCOPE, DETERMINE WHAT THEY THINK NEEDS TO BE DONE, THEN COME BACK AND DISCUSS IT WITH US IN AN INFORMAL SETTING SO THAT WE COULD HAVE SOME INPUT BEFORE THEY ACTUALLY GO AND DO THE MODELING. I THINK THAT IT'S MUCH LESS -- MUCH LESS EXPENSIVE TO DO IT IN THAT WAY. THIRDLY, THERE ARE SOME THINGS THAT I WOULD LIKE TO SEE AS WORK PRODUCTS OR AT LEAST AS CONCLUSIONS FROM THIS REPORT. THEY REALLY BREAK DOWN INTO THREE THINGS. ONE, I WOULD LIKE TO SEE THIS INDEPENDENT ANALYSIS OF THE TRANSPORTATION ISSUES IN THIS COMMUNITY TO ASSIST THE DECISION MAKERS AND THE PUBLIC IN UNDERSTANDING THE OPTIONS AND MEETING THE TRANSPORTATION NEEDS OF THE AREA NOW AND IN THE FUTURE. I WOULD LIKE, PARTICULARLY LIKE AN EXECUTIVE SUMMARY OF THESE CONCLUSIONS IN AN EASILY USER FRIENDLY FORMAT. SO THAT THE GENERAL PUBLIC CAN UNDERSTAND THIS WITHOUT HAVING TO SPEND 40 HOURS A WEEK STUDYING TOLL ROADS. MANY OF US DON'T HAVE THAT TIME. SO I THINK IF WE CAN GET SOMETHING THAT IS EASILY UNDERSTANDABLE, AT LEAST A SUMMARY, THAT

WOULD BE VERY, VERY HELPFUL TO BOTH OF US AND THE GENERAL PUBLIC. NUMBER 2, I THINK THIS IS REALLY THE HEART OF WHAT COUNCILMEMBER MCCRACKEN IS ASKING FOR, IS TO DETERMINE WHETHER TOLLS ARE REQUIRED TO COMPLETE PHASE 2. INCLUDING BOTH THE NEW CAPACITY AND THE MAINTENANCE. AND THE CURRENT TIME FRAME. COULD SOME COMBINATION OF TOLLS, [INDISCERNIBLE] LANES OR OTHER STRATEGIES BE USED. THIRDLY, LOOKING INTO THE FUTURE, I WOULD LIKE THEM TO HELP US DETERMINE WHAT A REASONABLE RANGE OF CONGESTION INDEXES IS THAT WE SHOULD USE AS A GOAL FOR 2030. I'M NOT SURE MAYBE THE CAMPO BOARD HAS DISCUSSED THIS, BUT WHEN WE GET HIT, YOU KNOW, WHEN CONGESTION INDEX OF 2.6 OR WHATEVER, I'M NOT SURE THAT WE REALLY EVEN KNOW WHAT THAT MEANS. WHETHER OR NOT THAT'S GOOD OR BAD AND WHAT IT SHOULD BE. SO I WOULD HOPE THAT OUR CONSULTANTS COULD COME UP WITH A RANGE OF INDEXES THAT WOULD BE ACCEPTABLE AND WOULD BE A GOAL FOR OUR AREA. ABOUT 2030. THEN DETERMINE WHERE THE INDEX IS NOW, WHERE IT'S EXPECTED TO BE AFTER PHASE 1, WHERE IT'S EXPECTED TO BE AFTER PHASE 2, AND WHAT WILL WE HAVE TO DO TO MEET AND MAINTAIN THAT GOAL UNTIL 2030. THOSE ARE SOME THINGS THAT I WOULD LIKE TO SUGGEST. THERE'S ONE OTHER THING THAT I WOULD LIKE TO SUGGEST AS AN AMENDMENT. I WOULD LIKE THIS PRESENTED RIGHT NOW. THE SECOND ONE THAT I DON'T KNOW WHETHER EVERYBODY WOULD ACCEPT. THAT IS THAT I WOULD REALLY LIKE TO BRING THE RHETORIC DOWN SO THAT WE CAN GET AN UNDERSTANDABLE, HONEST, THOUGHTFUL, CLEAR, MATHEMATICALLY CORRECT ANALYSIS. AND I THINK IF WE SIMPLY GO IN AND DELETE ALL OF THE WHEREASES IN THIS RESOLUTION THAT WE HAVE HEARD EVEN TODAY IS IN THIS CONFLICT, GO STRAIGHT TO THE REPORT, LET'S FORGET THE RHETORIC, TRY TO GET TO A BOMB LINE THAT IS -- TO A BOMB LINE THAT IS -- A BOTTOM LINE UNDERSTANDABLE TO OUR COMMUNITY, DONE BY OUTSIDE INDEPENDENT EXPERT THAT'S WE CAN RELY ON, I THINK THAT WOULD GO A LONG WAY IN MAKING THIS REPORT ACCEPTABLE AND USABLE TO BOTH PARTIES. AND SO I WOULD OFFER THAT AS REALLY TWO SETS OF AMENDMENTS.

Mayor Wynn: WELL, SO WE HAVE A SERIES OF SUGGESTED AMENDMENTS BY COUNCILMEMBER DUNKERLY, MAYOR PRO TEM AS THE MAKER OF THE MOTION --

Goodman: THE FIRST ONES ARE FRIENDLY. WE CAN TALK ABOUT THE SECOND ONE. I UNDERSTAND THAT SOME OF THE WHEREASES ARE ACTUALLY REALLY KIND OF APPROPRIATELY WITHIN THE SCOPE OF WHAT WE ARE GOING TO GET BACK FOR DATA. BUT I DON'T KNOW ABOUT ALL OF THE WHEREAS.

I WAS TRYING TO LOOK FOR A PARTNER THAT WOULD HELP US PAY FOR IT. I THOUGHT BY DELETING ALL OF THOSE WE WOULD HAVE A BETTER CHANCE.

Slusher: CAN I SNOW THAT.

Mayor Wynn: COUNCILMEMBER SLUSHER?

Slusher: I HAVE HEARD A LOT ABOUT THE WHEREASES BEFORE I ACTUALLY GOT TO READ THEM, FRANKLY. AND WHEN I LOOK AT THEM, SEEMS TO ME LIKE MOST OF THEM ARE TRUE. MAYBE ALL OF THEM THAT I KNOW -- MAYBE NOT ALL OF THEM, BUT I KNOW A NUMBER OF THEM ARE, LIKE COUNCILMEMBER MCCrackEN BROUGHT UP ABOUT THE REPRESENTATION TO US EARLIER IN FACT IN THE SUMMER ABOUT WHAT THE TOLL RATES WERE GOING TO BE, THEN WHAT WE ARE HEARING THAT THEY ARE GOING TO BE NOW. IN THE SPIRIT OF TRYING TO TONE DOWN THE RHETORIC, I WON'T GO INTO -- I WON'T GO DOWN THE WHOLE LIST. BUT WHAT I WOULD SUGGEST IS THAT WE DO TAKE THEM OUT, NOT BECAUSE THEY ARE INACCURATE OR BECAUSE WE FEEL THEY ARE ACCURATE, BUT BECAUSE I THINK WHAT WE ARE TRYING TO DO IS GET INDEPENDENT INFORMATION AND WE -- WE LAY OUT SOME PRETTY STRONG OPINIONS IN THE WHEREASES SO IT WOULD SEEM TO ME THAT WE WOULD TAKE THEM OUT FOR THAT PURPOSE AND JUST AIM THE INDEPENDENT STUDY AT FINDING OUT INFORMATION. NOW, IF I COULD GO ON FOR JUST A MINUTE, AND IN TALKING ABOUT TONING DOWN THE RHETORIC. THAT CAN BE DONE ON BOTH SIDES. I KNOW I SPOKE UP AND RIGHT BEFORE ME AS A MATTER OF FACT COMMISSIONER DAUGHERTY AT THE LAST CAMPO MEETING BECAUSE THERE WAS SOME VERY

INAPPROPRIATE PERSONAL ATTACKS GOING ON THERE. THAT HAD NOTHING TO DO WITH PUBLIC POLICY AND NOTHING TO DO WITH TOLL ROADS OR NON-TOLL ROADS OR RAILROADS OR ANY KIND OF TRANSPORTATION. SO I'M IN FAVOR OF TONING DOWN THE RHETORIC. ONE THING THAT I WOULD SAY, THOUGH, TO THE SUPPORTERS OF THE TOLL ROADS, IS THERE'S SOME RHETORIC TO BE TONED DOWN THERE AS WELL. AND SOME ASSUMPTIONS THAT CAN SORT OF BE UNASSUMED THAT ARE INACCURATE. I GOT A LETTER, I DON'T KNOW IF THE REST OF YOU GOT IT, A FEW MONTHS AGO AFTER I PLACED AN ITEM ON THE CAMPO AGENDA FROM MR. TETCH THE CHAIRMAN OF THE RMA, REGIONAL MOBILITY AUTHORITY, IT WAS CALLED "THE TRUTH ABOUT THE CENTRAL TEXAS MOBILITY PLAN." AND ANY TIME SOMEBODY LABELS WHAT THEY ARE SAYING AS THE GOSPEL OR THE TRUTH, IT MAKES ME SUSPICIOUS. I HAVE HEARD WHAT HE WAS SAYING THERE. HIS THEME OVER AND OVER AGAIN, WHICH IS AUSTIN HAS HAD THE PHILOSOPHY OF IF YOU DON'T BUILD ROADS, PEOPLE WON'T COME. AND THEN THEY CAME ANYWAY AND SO WE ARE BEHIND ON OUR ROADS. WELL, TO ME THAT'S JUST A FALLACY. IF WE ARE GOING INTO THIS WHOLE THING WITH THAT KIND OF THINKING AND THAT KIND OF THINKING WHERE PEOPLE THINK THEY HAVE GOT THE TRUTH, THEN THAT MEANS EVERYBODY ELSE MIGHT HAVE A LITTLE DISAGREEMENT WITH THEM, IS NOT TELLING THE TRUTH, THAT WE ARE NOT GOING TO GET ANYWHERE LIKE THAT. SO I WOULD JUST LIKE TO POINT OUT A FEW THINGS, WHILE I HAVE THE OPPORTUNITY, BECAUSE I DID REFRAIN FROM -- FROM SENDING ANYTHING BACK TO MR. TETSCH, EVEN THOUGH I DID HAVE A NICE LITTLE DRAFT THAT I PUT TOGETHER.

McCracken: YOU DID BETTER THAN I DID. [LAUGHTER]

Slusher: EVERY ONCE IN A WHILE I SHOW SOME RESTRAINT THERE. BUT I DID WANT TO POINT OUT THAT SAYING THAT AUSTIN AND THE AUSTIN REGION HASN'T BUILT ROADS OVER THE LAST 30 YEARS AND THAT'S THE FIGURE, THE NUMBER THAT HE USED I THINK 30 YEARS, IS JUST INACCURATE AND NOT TRUTHFUL. LET'S LOOK AT 183. THAT USED TO BE A ROAD, STATE ROAD GOING OUT INTO THE COUNTRY NOT TOO MAYBE YEARS AGO. NOW IT'S A MAJOR HIGHWAY FREEWAY THAT GOES -- I DON'T KNOW HOW MANY MILES

OUT THERE WHERE IT'S FULL ACCESS FREEWAY, STILL BEING CONSTRUCTED. YOU HAVE GOT NOW THE INTERCHANGE BUILT AT 183 AND I-35. WE'VE GOT MOPAC WHICH WAS EXTENDED SOUTH, I THINK FRANKLY WHEN IT WAS EXTENDED SOUTH OF 360, I THINK THAT'S BEEN VERY DAMAGING TO THIS COMMUNITY AND IN PARTICULAR TO THE EDWARD'S AQUIFER. BUT THAT'S -- IT'S OUT THERE NOW. THAT WAS BUILT BY THE LEADERSHIP OF THIS COMMUNITY AT THAT TIME. YOU HAVE THE COUNSELS I SERVED ON, SEVERAL OF US SERVED ON VOTED TO PUT FUNDS INTO EXTENDING MOPAC NORTH OUT INTO WILLIAMSON COUNTY OUT TO INTERSECT WITH STATE HIGHWAY 45, WHICH CAPITAL METRO AND THE CITY THROUGH CAPITAL METRO HAVE PUT FUNDS INTO 45 NORTH. COMING WELL BEFORE THAT. WILLIAM CANNON WAS BUILT ALL THE WAY ACROSS SOUTH AUSTIN, STRETCHES FROM -- FROM WELL EAST OF I-35 OVER TO SOUTHWEST PARKWAY. THOSE ARE BUILT. PARMER LANE, STRETCHES NOW FROM FAR NORTHWEST TO - - TO NORTHEAST AUSTIN. THIS COUNCIL HAS DONE ROADS LIKE THE STASSNEY LANE EXTENSION A MUCH NEEDED ROAD IN SOUTH AUSTIN WHERE THE PEOPLE THAT LIVE IN SOUTHEAST AUSTIN AREA DON'T -- TO GO TO EAST AUSTIN NORTH OF THE RIVER DON'T HAVE TO GO OUT TO I-35 AND OVER THAT WAY WE HAVE PLEASANT VALLEY THAT'S FUNDED, THE CITY IS PUTTING HALF -- HALF A MILLION BEING PUT INTO INCIDENT MANAGEMENT PROGRAM EVERY YEAR, SO I JUST WANTED TO TAKE THIS OPPORTUNITY TO POINT OUT THAT IT IS JUST -- IT IS JUST A FALLACY AND INACCURATE AND I'LL JUST LEAVE IT AT THAT. I'LL PULL MYSELF BACK AGAIN AND -- AND THAT IS NOT A WAY TO HAVE AN OPEN, HONEST DIALOGUE BY ACCUSING YOUR OPPONENT OR SOMEONE THAT YOU MIGHT DISAGREE WITH OF SOMETHING THAT'S NOT TRUE. WE NEVER DO GET ANYWHERE LIKE THAT. SO MAYOR PRO TEM THAT WOULD -- I WOULD PROPOSE, I WOULD SUPPORT REMOVING THE WHEREASES AND IF COUNCILMEMBER MCCracken WANTS TO TAKE A LOOK AT THEM, MAKE SURE THAT EVERYTHING THAT IS IN THERE IS ADDRESSED IN THE ATTACHMENT OF WHAT WE ARE PUTTING ON AS AN ASSIGNMENT TO THE -- TO THE VENDOR. I HAVE SOME QUESTION, PROCUREMENT TECHNICAL QUESTIONS IN JUST A MINUTE, TOO.

THANKS, COUNCILMEMBER.

McCracken: I JUST HAVE A QUESTION BECAUSE I'M FINE WITH THAT. I JUST WANT TO MAKE SURE, WE HAVE BACKUP MATERIAL INCLUDING THE -- YOU KNOW, THE FACT SHEET WITH THE FOOTNOTES AND PRESENTATIONS THAT WERE MADE. IF THOSE ARE INCLUDED WITH THE MATERIALS WE PROVIDE TO THE CONSULTANT, I THINK IT WOULD BE FINE TO REMOVE THE WHEREAS'S. I JUST WANT TO MAKE SURE HAS THE CONSULTANT DID NOT RECEIVE THE INFORMATION IN A VACUUM AND THEN HAVE A SITUATION LIKE THE CAMPO BOARD DID OF RELYING ON TXDOT TO TELL US WHAT THE FACT ARE. , YOU KNOW, SO AS LONG AS WE HAVE THE BACKUP MATERIAL I AM FINE WITH REMOVING THE WHEREASAS.

Mayor Wynn: I HAVE A COUPLE OF QUESTIONS OF COUNCILMEMBER DUNKERLY. COUNCILMEMBER DUNKERLY, ON YOUR AMENDMENTS, I UNDERSTAND THE DESIRE AND I SHARE THE DESIRE. BUT FOR INSTANCE THE ISSUE OF OF THE DETERMINATION OF WHETHER THE POTENTIAL CITY EXPOSURE OF RIGHT-OF-WAY COST AND UTILITY RELOCATION COSTS PRESUMABLY TENS OF MILLIONS OF DOLLARS, I DON'T SEE HOW A THIRD PARTY CONSULTANT, SOMEBODY FROM OUT OF TOWN OR OUT OF STATE EVEN CAN COME IN AND DETERMINE WHAT ULTIMATELY IS GOING TO BE A -- YOU KNOW, SORT OF A NEGOTIATED AGREEMENT BETWEEN THE CITY AND TXDOT. SO I -- I WOULD LIKE TO GET THAT ANSWER, TOO, BUT IT'S ALMOST LIKE WE HAVE TO SIT DOWN AND BE FORCEFUL ENOUGH WITH TXDOT --

Dunkerly: NUMBER ONE, I WAS JUST ASKING, I HAD HEARD THAT THEY HAD AGREED TO DO THIS. I WAS JUST ASKING HIM TO CONFIRM WITH THEM. IF IT'S STILL IN NEGOTIATION WE CAN CERTAINLY REMOVE IT. BUT IT'S NOT ASKING HIM TO GO IN AND NEGOTIATE. IT'S JUST WHAT'S THE STATUS OF IT. WHAT IS THE STATUS OF IT, I DON'T KNOW.

Mayor Wynn: TXDOT WOULD TELL US, THEY MIGHT BE ACTUALLY RELUCTANT TO TELL, YOU KNOW, SOME THIRD PARTY. WHEN I LOOK AT YOUR AMENDMENTS, AGAIN I WANT ALL OF THE INFORMATION THAT YOU ARE ASKING FOR, BUT REGARDING THE HIRING OF A THIRD PARTY CONSULTANTS,

IT SEEMS TO ME THAT ITEM NO. 2 IS THE FUNDAMENTAL -- IS THE FUNDAMENTAL THING OF WHAT I WOULD LIKE TO SEE ANSWERED, THAT IS TAKE THE APPROVED PROFILE OF THESE ROADS IN THE PHASE 2 TOLL PLAN AND ANALYZE AND PROJECT THE POTENTIAL REVENUE STREAMS, BASED ON GIVE COMBINATION OF -- ON DIFFERENT COMBINATION OF TOLL MANAGED AND FREE LANES AND THEN YOU KNOW FINANCIALLY PROJECT THE ABILITY TO FINANCE THOSE SAME IMPROVEMENTS. SO FOR INSTANCE IF THE ANSWER IS YOU GET INCREMENTALLY, YOU KNOW, LESS MONEY, SO THEREFORE YOU CAN'T FINANCE SOME OF THIS PLAN, BUT YOU CAN FINANCE THIS PART OF THIS PLAN, NOW SEE THAT AS THE FUNDAMENTAL PUBLIC FINANCE ANALYSIS THAT GIVES US, YOU KNOW, FEEDBACK.

PART OF WHY I THINK WE NEED TO KNOW NUMBER 9 IS WHEN YOU ARE LOOKING AT REVENUE. YOU NEED TO KNOW ALL OF THE DOLLARS THAT ARE IN THE TXDOT POT. IF THAT 20 OR 30 MILLION IS ON THEIR SIDE OF THE LEDGER, IT IS REALLY CRITICAL. I THINK IT IS CRITICAL I THINK IN UNDERSTANDING WHAT'S ACTUALLY AVAILABLE IN THE REVENUE PICTURE. IF THEY CAN'T -- IT MAY BE THAT WE JUST CAN'T DETERMINE THAT AT THIS TIME AND THAT'S EASY TO KNOW THAT THEY DON'T HAVE TO PUSH ON ANYTHING. BUT THEY HAVE BEEN I THINK TXDOT HAS PUBLICLY STATED THAT -- THAT WITH THE TOLL PLAN ONLY THAT THEY WOULD BE WILLING TO DO THAT. SO THAT'S WHY IT'S IMPORTANT. IT'S NOT -- THAT WE ARE TRYING TO PICK ON ANYBODY. IT'S JUST PART OF THE REVENUE PICTURE. PART OF THE LOOK AT SOME OF THE DATA THAT'S IN -- IN THE BACKUP, THE -- THAT COUNCILMEMBER MCCracken IS HANDING OUT. THOSE NUMBERS ARE IN THERE. WE NEED TO KNOW, WHICH SIDE OF THE LEDGER THEY ARE ON. IF WE CAN'T DETERMINE AT THAT TIME, THEY WILL COME BACK AND TELL US. THAT'S ONE OF THE REASON IT'S IMPORTANT THAT WE HAVE THAT WORK SESSION WITH THEM BEFORE THEY GET TOO FAR IN, SO THEY CAN TELL US WHAT THEY ARE HAVING TROUBLE WITH, NOT HAVING TROUBLE WITH. SO IF IT'S A NEGOTIATED ITEM, THEN THAT'S -- THEY'LL BACK OFF AND TELL US THAT, TOO. SO THAT'S THE REASON THAT IT'S IMPORTANT.

Mayor Wynn: OKAY.

Slusher: THIS ISSUE IS OBVIOUSLY CONTROVERSIAL. I WANT TO MAKE SURE THAT EVERYTHING WE DO IS VERY TRANSPARENT AND BY THE BOOK. I AM WONDERING HOW THIS PROCUREMENT IS GOING TO WORK. ARE WE PLANNING ON ISSUING A -- AN R.F.P. OR PLANNING ON GOING TO AN EXISTING VENDOR AND ADDING ON TO THEIR CONTRACT AND ASKING THEM TO DO IT? COUNCILMEMBER MCCracken, DO YOU WANT TO -- IS THAT YOU OR THE STAFF? THAT'S THE CITY MANAGER --

CITY MANAGER.

Futrell: JOHN STEPHENS -- ACTUALLY, JOHN STEPHENS.

COUNCILMEMBER, WE COULD CERTAINLY PUT OUT AN R.F.P. AND ASK VENDORS TO RESPOND TO IT. I THINK PERHAPS THAT WOULD BE BEYOND THE TIME FRAME.

Slusher: THAT'S WHAT I WAS CONCERNED ABOUT. CAN WE THEN DO SOMETHING IN THE TIME FRAME.

WE DO HAVE ANOTHER ALTERNATIVE. WE CAN THROUGH THE CONTRACT THAT WE HAVE WITH OUR FINANCIAL ADVISORS WE CAN BRING SOME SUBCONSULTANTS ON BOARD THROUGH THEM. WE HAVE DONE THAT WITH THINGS LIKE FEASIBILITY REPORTS AND THINGS LIKE THAT IN THE PAST. SO WE COULD ASK THEM TO ASSIST US IN THE PROCESS OF -- OF SUGGEST BEING FIRMS WHO CAN TOO THAT. THEY HAVE ALREADY DONE THAT TO A CERTAIN EXTENT. WE CAN DO THAT MUCH MORE EXTINGUISHEXPEDITIOUSLY.

WE DID K DO THAT WITHOUT SETTING A PRECEDENT BECAUSE WE HAVE UNDERTAKEN ACTIVITIES LIKE THAT BEFORE?

YES, WE HAVE.

COUNCILMEMBERS, WITHIN THE SCOPE OF THE CONTRACT THAT WE ALREADY HAVE, WITH PFM, THAT'S WHY WE ARE ABLE TO USE IT THIS WAY WHEN WE NEED THIS KIND OF

FLEXIBILITY. THEY HAVE IDENTIFIED SEVERAL PRIVATE CONSULTANTS AND WE HAVE MADE A CONTACT WITH THE UNIVERSITY OF TEXAS, ALTHOUGH THEY HAVE NOT CONFIRMED WITH US. WE HAVE BEGUN THE DISCUSSION WITH US OF WHETHER THEY COULD DO IT THROUGH THEIR TRANSPORTATION RESEARCH CENTER. SO WE HAVE SEVERAL OPPORTUNITIES WHERE WE COULD EXPLORE TO MOVE THIS ALONG A LITTLE FASTER.

Slusher: DO WE HAVE AN ESTIMATE OF THE PRICE OR DO WE WANT TO WAIT UNTIL WE TALK TO THEM SOME MORE BEFORE WE SAY A NUMBER.

WE HAVE A VERY ROUGH ESTIMATE, JOHN TO ABOUT 100 GRAND.

WE HAVE A ROUGH ESTIMATE OF ABOUT TO A -- \$100,000. I BELIEVE IT WILL DEPEND, YOU KNOW, ULTIMATELY ON WHAT THE FINAL SCOPE OF WORK LOOKS LIKE THROUGH THE AMENDMENTS THAT COUNCILMEMBER DUNKERLY PROPOSED, SORT OF TWO-STEP PROCESS WHERE THEY WOULD COME BACK AND REQUEST OR SUGGEST MODELING SCENARIOS THAT COUNCIL MIGHT MODIFY THAT THAT COULD PERHAPS AFFECT THAT ULTIMATE COST?

Slusher: I WOULD, AS I SAID BEFORE, I THINK IT WOULD BE APPROPRIATE IF WE HAD SOME HELP, IF THE CITY OF AUSTIN HAD SOME PARTNERS, FINDING THE STUDY -- IN FUNDING THE STUDY, I WOULD THINK IT WOULD BE IN EVERYONE'S INTEREST. WE WILL SEE IF WE GET AGREEMENT WITH THAT STATEMENT ONCE WE GET IT OUT THERE. I WOULD OFFER A FRIENDLY AMENDMENT THAT THE CITY APPROACHED THE RMA, LET ME BACK UP. MAYOR, WERE YOU THINKING THAT -- THAT THEY TAKE THIS BACK TO CAMPO AND SEEK FUNDING.

ONE, AS WE DEVELOP THESE AMENDMENTS, I WANTED TO SEE HOW MUCH OF THESE IN THEORY THAT CAMPO STAFF COULD -- COULD GO ANSWER. WITHOUT US HAVING TO SPEND THE CITY OF AUSTIN TAX DOLLARS AND IN THEORY WITHOUT US -- WITHOUT THE CAMPO BOARD NECESSARILY HAVING TO DIRECT DIFFERENT EXPENDITURES, YOU KNOW SOME OF THIS MIGHT BE AVAILABLE, MIGHT BE SUCCESSFUL

TO THE CAMPO STAFF. AT LEAST WE HEARD MR. OLLICK --

MY GOAL HERE IS TO SCIB NEE THIS DOWN TO WHERE WE ARE NOT HAVING TO FRONT A BIG BILL. WE ARE FIGURING OUT HOW TO USE EXISTING RESOURCES THAT MAY ALREADY BE OUT THERE.

Slusher: OF COURSE SOME OF US HAVE SOME DISAPPOINTMENT OR FRUSTRATION, NOT NECESSARILY WITH THE CAMPO STAFF, BUT WITH THE INFORMATION WE HAVE BEEN ABLE TO GET SO FAR, THAT'S PART OF THE IMPETUS FOR AN INDEPENDENT ANALYSIS AND I THINK THAT AT LEAST SOME MEMBERS OF THE RMA WOULD BE OPEN TO HAVING AN INDEPENDENT ANALYSIS. MR. OLLICK SAID HE THINKS THAT IT'S GOOD, HE CERTAINLY DOESN'T OPPOSE HAVING FRESH EYES ON THE PROJECT. I WOULD BE MORE INCLINED TO GO AHEAD WITH THE INDEPENDENT STUDY OUTSIDE OF -- OUTSIDE OF CAMPO OR THE RMA, BUT -- BUT SEE IF THEY WOULD BE WILLING TO FUND IT. SO -- SO I GUESS I'M PUTTING YOU ON THE SPOT. YOU DON'T SEE THE -
- THE ITEM TO ASK CAMPO TO FUND THIS STUDY?

I THINK -- IF YOU WALK THROUGH THE CRAFTING OF THIS, I WOULD BE SUPPORTIVE OF GOING BACK TO THE CAMPO COLLEAGUES AND TALKING TO THEM ABOUT WHAT IT IS THAT WE ARE TRYING TO ACCOMPLISH HERE. MY GOAL IS TO HAVE AN ANALYSIS OF THIS PROFILE THAT WE ALL WANT TO SEE BUILT AND IS THERE A -- A WAY THAT WITH A -- TO LOOK AT THE DIFFERENT COMBINATIONS OF TOLL MANAGED FREE LANES, SEE WHAT THE INCREMENTAL LOSS OF REVENUE, LOSS OF FINANCING AND BONDING CAPACITY IS AND THEN WE WOULD HAVE TO OF COURSE SELL THAT TO STATE OFFICIALS IF WE ARE GOING TO CHANGE THE FINANCING PROGRAM. BUT --

I GUESS -- I COULD SEE MAYBE THERE MIGHT BE SOME -- AS WE GO THROUGH HERE, PRELIMINARY, OKAY, THAT WOULD BE ANSWERED BY CAMPO. WE MIGHT BE ABLE TO AGREE WITH THAT, I DO WANT -- THAT MAY BE DILUTING IT. I DO WANT TO HAVE AN INDEPENDENT STUDY. LET ME OFFER AN INDEPENDENT STUDY TO SEEK FUNDING FROM CAMPO. THE RMA, AND -- AND DEPENDING ON WHAT HAPPENS TO CAMPO, FROM -- FROM TRAVIS COUNTY, WILLIAMSON COUNTY, AND

OTHER ENTITIES AT CAMPO.

Mayor Wynn: WELL, IF I CAN COUNCILMEMBER, IT SEEMS TO ME COUNCILMEMBER DUNKERLY'S POINT WAS SHE WANTED SOMEBODY TO COME BACK HERE WITH A SCOPE OF WORK. HEARING THAT, IT SEEMS TO ME WE LIKELY WON'T HAVE A RANGE OF COSTS UNTIL -- UNTIL WHEN?

Dunkerly: THAT'S NOT EXACTLY WHAT I MEANT. WE'VE GOT A SCOPE OF WORK WITH THE AMENDMENTS THAT WE HAVE HERE. WHAT I'M ASKING THE -- THE -- THE CONSULTANT TO DO IS TO COME BACK AND GO OVER THAT SCOPE OF WORK AND LET US KNOW UP FRONT THE ASSUMPTIONS THAT HE'S GOING TO MAKE, AS A BASELINE AND WHAT HE THINKS THE ASSUMPTIONS ARE GOING OUT. AND PART OF IT IS TO HAVE THE -- HAVE NOT ONLY US BUT THE PUBLIC TO UNDERSTAND HOW THESE FINANCIAL ANALYSES ARE DRIVEN. THEY ARE REALLY SIMPLE. YOU HAVE A BASELINE THAT'S AUDITED THAT'S WHAT YOU START WITH, YOU MAKE CERTAIN ASSUMPTIONS, THE ANSWERS FALL OUT THE OTHER END. THEY ARE NOT SOMETHING THAT YOU PULL OUT OF THE AIR. BUT I THINK BY GOING THROUGH THAT PROCESS, YOU ARE -- WE ARE ALL ABLE TO UNDERSTAND AND WHAT -- WHAT REALLY I'M DRIVING AT IS THAT THE COUNCIL WANTS TO ADD SOMETHING ELSE OTHER THAN WHAT'S IN HERE NOW. THAT'S THE TIME TO DO IT. BEFORE THEY FINISH THEIR MODELING AND COME BACK TO US, HE SAY OH, I WOULD HAVE LIKED TO HAVE SEEN THIS SCENARIO. IT'S MORE EXPENSIVE TO GO BACK THAT SECOND TIME. IT'S NOT REALLY EXPANDING IT, JUST GIVING THE COUNCIL AS A WHOLE THE OPPORTUNITY TO KIND OF SEE WHERE IT'S GOING IN THE MIDDLE. THAT DOESN'T MEAN THERE'S NOT A WHOLE LOT ON THIS SCOPE OF WORK THAT -- THAT THEY CAN'T BE DOING AT THE SAME TIME BECAUSE IT IS NOT ALL FINANCIAL ANALYSIS. SOME OF IT IS JUST RESEARCHING AND PRESENT NG SOME DATA THAT IS THERE. THAT'S MY SUGGESTION. GIVING US A CHANCE PROBABLY THE SECOND WEEK OR SO THAT THEY ARE INTO THIS, THE SECOND OR THIRD WEEK, THEY COME BY AND REVIEW WITH US WHERE THEY ARE, WHERE THEY THINK IT'S GOING, TELL US WHAT THEY ARE GOING TO USE, SEE IF WE HAVE ANY OTHER SUGGESTIONS TO MAKE. I JUST THINK THAT IT MIGHT BE

HELPFUL.

Slusher: LET ME -- THAT'S JUST A FRIENDLY AMENDMENT TO SEEK -- TO -- THE CITY MANAGER TO CONTACT THE RMA, SEE IF THEY ARE INTERESTED IN FUNDING PART OF THIS. AND I'M A LITTLE -- I'M TORN, ACTUALLY, I HATE TO DEBATE MYSELF OUT LOUD. I REALLY WANT TO AVOID ANOTHER CAMPO MEETING LIKE WE'VE HAD THE LAST FOUR MONTHS, HAVE ALMOST THE SAME ITEM THAT WE'VE HAD LAST TIME WOULD NOT BE GOOD. I THINK THIS ONE IS DIFFERENT. AND ON THE OTHER HAND WE HAVE LIKE FOUR MEMBERS FROM HERE THAT ARE ON THERE, SO WE COULDN'T GET TOGETHER OTHER THAN RIGHT HERE AND TALK ABOUT WHAT WE, YOU KNOW, TALK ABOUT WHAT TO DO BETWEEN NOW AND THEN. SO -- SO DO WE WANT TO HAVE MAYBE -- COULD WE HAVE LIKE TWO OF US THAT WOULD TALK AFTER THIS AND DECIDE WHETHER TO PUT AN ITEM ON THERE? OR -- FOR THE NEXT CAMPO MEETING? DOES THAT SOUND REASONABLE, MAYOR?

Mayor Wynn: SEEMS TO ME THAT WE STILL HAVE -- IN MY OPINION WE HAVEN'T DONE A GOOD JOB OF DEFINING WHAT IT IS THAT WE ARE ASKING. AND THEN I DON'T THINK YET WE HAVE A RANGE OF -- I GUESS WE HAVE A RANGE OF COSTS, BUT THIS IS PRETTY LOOSELY DEFINED RIGHT NOW.

Slusher: I KNOW. BUT THE RMA DOESN'T HAVE A MEETING AGAIN UNTIL THE 30th ACCORDING TO THEIR WEBSITE. SO THERE COULD BE SOME TALKS IN BETWEEN THEM AND FIRM UP THE PRICE. WELL, WHY DON'T I JUST LEAVE IT AT WE APPROACH THE RMA AND I GUESS SOME OF US SHORTED OF FOUR CAN TALK ABOUT WHETHER WE WANT TO PUT AN ITEM ON THE CAMPO CAG DID O DISCUSS THIS. I WOULD REALLY NOT WANT TO HAVE THE SAME TIME OF HEARING THAT WE HAD LAST TIME. I DON'T THINK THAT WAS REALLY PRODUCTIVE.

FOLK, IF WE TAKE TRY TO MOVE FORWARD.

Slusher: WAS THAT A FRIENDLY AMENDMENT ABOUT SEEKING FUNDING FROM THE RMA.

Goodman: JUST AS AN ASIDE FOR A MOMENT, TO ME IT'S NOT

REALLY AN AMENDMENT. YOU KNOW, IT'S NOT RESOLUTION LANGUAGE UNLESS YOU ARE REALLY PUTTING IN THAT WE GO ASK. I'M KIND OF LEARY SINCE I DON'T SEE A BIG DIFFERENCE BETWEEN WHAT THEY TURNED DOWN LAST TIME AND THIS.

Slusher: I'M SAYING NOT CAMPO AT THIS POINT BY THE RMA.

Goodman: I DON'T KNOW. JUST AS AN ASIDE, LET ME SAY THAT THE COST OF THE TOLL ROAD PLAN I THINK HAS INCREASED EXPONENTIALLY FOR PAIN AND SUFFERING OF INDIVIDUALS HAVING TO GO THROUGH THESE MEETINGS. BUT EVEN THOUGH I JUST SAID THAT, I WOULD LIKE TO HEAR FROM COUNCILMEMBER ALVAREZ BEFORE I -- BEFORE I TRY TO FIGURE OUT WHAT A FRIENDLY AMENDMENT IS IN THIS CONTEXT.

Alvarez: WHICH ONE?

Slusher: GOING DOWN THE RMA, LET ME ADD THAT I THINK THAT IF WE HAD OTHER FUNDERS ON THIS -- OTHER THAN JUST THE CITY OF AUSTIN, IT HAS A BETTER CHANCE OF BEING -- OF BEING RESPECTED AS A STUDY BY ENTITIES OTHER THAN THE -- OTHER THAN THE CITY OF AUSTIN. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Alvarez: I DON'T KNOW THAT WE'LL NECESSARILY GET WHAT WE WANT. I THINK WE SHOULD ASK THEM AND MAYBE THEY'LL BE MORE FORTHCOMING THAN THEY HAVE BEEN. AGAIN, I THINK THIS IS AN INDEPENDENT ANALYSIS. I THINK CONVERSELY, IF ALL OF A SUDDEN TXDOT AND CAMPO AND CTRMA ARE TOGETHER WITH THIS INDEPENDENT STUDY, IT'S ALSO GOING TO AFFECT THE CREDIBILITY AS WELL, ESPECIALLY IF THEY COME IN AND START HAVING INPUT ON WHAT THE SCOPE OF THE ANALYSIS IS. SO I'M FINE ASKING THEM TO PARTICIPATE. IT WILL BE INTERESTING TO SEE WHAT THEIR RESPONSE IS. I'M STILL -- I MEAN, I'M STILL NOT COMFORTABLE WITH REMOVING ALL THE WHEREA'S MYSELF. I THINK THERE'S A REASON WHERE WE'RE DOING ALL OF THIS THAT'S VERY CLEARLY LAID OUT. I THINK IF WE PRODUCED A RESOLUTION THAT DIDN'T HAVE ANY WHEREAS'S, IT WOULD BE WHAT IS THIS RESOLUTION ABOUT, CAN YOU ARTICULATE IT OR EXPLAIN IT CLEARLY?

AND SO -- AND THERE'S STACKS AND STACKS OF DOCUMENTS TO BACK UP ALMOST EVERY SINGLE ONE OF THOSE WHEREAS'S, SO I THINK THAT IT'S IMPORTANT THAT THAT INFORMATION BE INCLUDED. I UNDERSTAND WHAT MY COLLEAGUES HERE ARE TRYING TO ACCOMPLISH, BUT I THINK THAT THAT THAT STUFF IS PROBABLY GOING TO SUPPORT -- I JUST THINK THAT THIS IS GOING TO BE TRULY AN INDEPENDENT STUDY, THEN WE SHOULDN'T BE RELYING ON THE ENTITIES THAT PRODUCE THE INFORMATION THAT WE HAVE QUESTIONS ABOUT NECESSARILY. AND I THINK THERE'S AN ISSUE OF PUBLIC ACCOUNTABILITY HERE THAT'S A PROBLEM WITH REGARD TO THIS WHOLE ARENA OF TOLL ROADS AND THE TOLL ROAD PLAN AND THE FACT THAT YOU HAVE NO ALEKTED OFFICIALS MAKING DECISIONS THAT AFFECT THE CITY OF AUSTIN AND EVERYONE THAT WE REPRESENT AND WE HAVE NO POWER OVER THAT ENTITY. NOT EVEN CAMPO CAN PASS THINGS THAT THE CITY DOESN'T HAVE VETO POWER OVER. SO THEN THE LEGISLATURE CREATES ANOTHER ENTITY WHICH CAN DO WHATEVER IT WANTS REGARDING WHETHER IT'S CAMPO OR NOT, AGREES WITH IT OR NOT, CTRMA CAN STILL DO WHATEVER THEY WANT AGAINST THE WISHES OF THE ELECTED OFFICIALS THAT REPRESENT THE CONSTITUENTS THAT WILL BE MOST AFFECTED. AND SO I'M GLAD THAT WE'RE MOVING FORWARD, SOME ENTITY MOVING FORWARD TO ENSURE THAT THERE'S ACCOUNTABILITY BECAUSE WE HAVEN'T SEEN A VERY RESPONSIVE ATTITUDE FROM THE CTRMA OR FROM CAMPO ASKING THE RIGHT QUESTIONS ON BEHALF OF THE PUBLIC INTEREST. AND THAT'S WHAT THIS IS ABOUT, WHETHER THE WHEREAS'S ARE IN THERE OR NOT. I WOULD LIKE FOR THEM TO BE IN THERE SO THAT THE PUBLIC UNDERSTANDS WHY IT IS WE'RE DOING OR TAKING THIS ACTION, WHY IT'S EVEN NECESSARY. AND THERE COULD HAVE BEEN A LOT MORE WHEREAS'S WERE MAYBE MORE INFLAMMATORY INCLUDED THAT WERE NOT INCLUDED, AND MY PREFERENCE IS TO KEEP THAT IN THERE, BUT IF IT'S THE WILL OF THE COUNCIL TO REMOVE THAT, I'LL RESPECT THAT AS WELL. BUT MY MAIN THING IS WE WANT AN INDEPENDENT INFORMATION THAT HAS BEEN DIFFICULT TO GET TO THIS POINT AND WE NEED INFORMATION TO INFORM OUR POLICY RECOMMENDATIONS FOR THE 2030 PLAN, WHICH IS TWO MONTHS AWAY. AND SO

IF WE'RE GOING TO TRY TO DO A COLLABORATIVE WITH TWO OR THREE DIFFERENT ENTITIES, THEN THERE'S NO WAY WE'RE GOING TO GET ANY INDEPENDENT INFORMATION BY THE TIME THAT IT'S TIME TO PUT FORWARD OUR RECOMMENDATIONS TO CAMPO FOR THE 2030 PLAN. AND SO -- THAT'S WHY I SAY IT'S FINE THAT WE ASK FOR THESE FOLKS TO PARTICIPATE. THEY SHOULD HAVE BEEN DOING THESE ANALYSIS A LONG TIME AGO AND PAYING FOR THE STUDIES THEMSELVES, BUT I DON'T BELIEVE THAT THAT SHOULD SLOW DOWN THIS PROCESS THAT WE'VE INITIATED BECAUSE AGAIN, IT IS THE FIRST REAL ATTEMPT I THINK TO ENSURE THAT THE PUBLIC HAS REAL OBJECTIVE AND INDEPENDENT REVIEW OF ALL OF THE OPTIONS, WHICH I DON'T THINK -- I KNOW I DON'T CURRENTLY HAVE A GOOD GRASP OF THAT. AND SO I WOULD LIKE TO HAVE THAT INFORMATION TO SEE AS AN ELECTED OFFICIALS REPRESENTING MY CONSTITUENTS WHAT I MIGHT BE INTERESTED IN WORKING WITH THE COUNCIL TO FIGURE OUT WHAT THE COUNCIL'S INTERESTED IN RECOMMENDING TO CAMPO FOR THE 2030 PLAN. AND SO I GUESS -- THOSE ARE JUST MY SENTIMENTS ON THIS RESOLUTION. AND OBVIOUSLY WHY I SPONSOR IT AND WHY IT'S STRUCTURED THE WAY IT IS. BUT I'LL BE INTERESTED IN WHAT THE OTHER SPONSORS HAVE TO SAY AND OTHER COUNCILMEMBERS MAYBE WHO WE HAVEN'T HEARD FROM.

Mayor Wynn: THANK YOU, COUNCILMEMBER ALVAREZ.
COUNCILMEMBER SLUSHER?

Slusher: I ACTUALLY AGREE WITH MOST OF THE THINGS THE COUNCILMEMBER SAID. I CERTAINLY DON'T INTEND BY ASKING THE RMA TO HELP WITH FUNDING FOR THEM TO DICTATE WHAT THE STUDY IS GOING TO BE. IT'S SUPPOSED TO BE AN INDEPENDENT STUDY. I WOULD HOPE THAT THEY WOULD BE INTERESTED IN INDEPENDENT STUDY. AND WHAT I'M CONCERNED ABOUT IS IF WE JUST DO -- I THINK IT'S GREAT FOR US TO SET THE STUDY AND HAVE -- TO BE OUR PROCUREMENT PROCESS. BUT IF WE HAD A BROADER BUY-IN ON DOING THE STUDY, I THINK WE WOULD HAVE A BETTER CHANCE OF WE DON'T KNOW WHAT THE RESULTS ARE GOING TO BE. WE WOULD HAVE BETTER ACCEPTANCE OF WHAT THE RECOMMENDATIONS MIGHT BE AND A BETTER CHANCE OF HAVING SOME CHANGES, HAVING SOME

FORWARD MOVEMENT. I'VE BEEN TO NOW -- SINCE JULY ALMOST EVERY MONTH THERE'S AN ITEM ABOUT THE TOLL ROAD PLAN, AND THE VOTE IS THE SAME EVERY TIME. SO I WOULD LIKE TO TRY TO COME TO SOME SORT OF AGREEMENT OR UNDERSTANDING THAT MOVES US FORWARD RATHER THAN JUST THAT WE -- THE CITY OF AUSTIN PAYS FOR THIS WHOLE STUDY, IT COMES OUT AND WE SAY, OKAY, THAT MAKES SOME SENSE, WHATEVER THE RESULT MIGHT BE, AND THEN WE GO UP THERE AND GET VOTED DOWN, WHAT IS IT, 14 TO 8 OR 15 TO 8 AGAIN AFTER SITTING THERE FOR THREE HOURS OF PUBLIC HEARING. I THINK IT WOULD BE GOOD TO HAVE SOME MORE INFORMATION. I DEFINITELY AGREE AND I'VE SAID THIS MANY TIMES, THERE'S BEEN A LACK OF ADEQUATE INFORMATION, BEFORE THE FIRST VOTE THERE HAD BEEN NO SERIOUS NATIONAL ANALYSIS AVAILABLE TO THE MEMBERS. IT WAS REALLY DONE, FRANKLY, ON JUST FEAR REALLY, FEAR THAT THIS AGENCY WOULD NOT GET THE -- THIS AREA WOULD NOT GET THE 161 MILLION IN HIGHWAY FUNDS. I DIDN'T VOTE FOR THAT, BUT THE MAJORITY DID AND I THINK THAT WAS THE MAIN TACTIC THAT WAS USED RATHER THAN INFORMATION. BUT WE'RE -- MAYBE WE'RE IN A DIFFERENT SITUATION. MAYBE WE'RE MOVING FORWARD A LITTLE BIT. THAT'S WHY I WOULD AT LEAST LIKE TO GIVE THEM THE OPPORTUNITIES TO SAY WE WOULD LIKE TO SEE AN INDEPENDENT STUDY, WE'LL PUT SOME FUNDS INTO THAT SO THAT THE CITY OF AUSTIN -- BECAUSE WE DON'T NECESSARILY HAVE \$100,000 JUST TO USE, EVEN THOUGH THIS IS VERY IMPORTANT I THINK AND WE'LL HAVE TO FIND THE FUNDS. I WOULD LIKE TO TRY TO SPREAD IT OUT A LITTLE BIT.

Dunkerley: ONE THING WE MIGHT DO IS IS THEM TO SHARE IN OUR ESTIMATED \$100,000. AND NOT WAIT UNTIL WE HAVE A FINAL NUMBER.

Slusher: COULD YOU REPEAT THAT?

Dunkerley: WE HAVE AN ESTIMATE RIGHT NOW, A VERY PRELIMINARY NUMBER OF 100,000. SO WE COULD JUST ASK THEM TO PARTICIPATE IN SOME WAY IN THAT \$100,000. AND IF IT COMES IN LESS THAN THAT, WE CAN RETURN THEIR PORTION, AND IF IT COMES IN MORE THAN THAT, WE'LL PAY

THE DIFFERENCE OURSELVES. WE'LL GET SOME CONTRIBUTION FROM THEM. THAT MIGHT ALLOW US TO MOVE FORWARD FASTER.

Slusher: I WOULD HOPE THIS DOESN'T SLOW IT DOWN.

Dunkerley: I DON'T THINK IT WILL IF WE DO IT THIS WAY.

Mayor Wynn: AGAIN, SO TRY TO SUMMARIZE THEN, WE HAVE A MOTION ON THE TABLE WHICH IS THE ITEM AS PRESENTED. COUNCILMEMBER DUNKERLEY PROPOSED A SERIES OF AMENDMENTS AS TO THE EXHIBIT A AS WELL AS THREE ASSIGNMENTS FOR THE CONSULTANT. SO WHY DON'T WE TAKE THOSE THEN AS A -- MAYOR PRO TEM, DO YOU CONSIDER THOSE TO BE FRIENDLY AMENDMENTS?

Goodman: YES. MAYOR

Mayor Wynn: AND COUNCILMEMBER MCCRACKEN WAS THE SECOND.

McCracken: JUST A CLARIFICATION THAT ITEM NUMBER 2, DETERMINE WHETHER TOLLS ARE REQUIRED TO COMPLETE PHASE 2 AND INCLUDING NEW CAPACITY AND MAINTENANCE IN THE CURRENT TIME FRAME OR SOME COMBINATION, THAT IS VERY SIMILAR TO NUMBER 5 IN EXHIBIT A. I THINK THE TOTALITY OF THE TWO OF THEM IS GREAT. SO THIS EFFORT IS NOT ABOUT MAKING A STATEMENT, IT'S ABOUT SOLVING A PROBLEM AND GETTING ADEQUATE INFORMATION TO THE PUBLIC. THE PUBLIC CAN MAKE THIS DECISION. THAT SAID, I THINK THAT COUNCILMEMBER DUNKERLEY'S SUGGESTIONS ARE CONSTRUCTIVE AND I'M GLAD SHE'S OFFERED THEM.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: AND I WANTED TO MAYBE ADD A STATEMENT THAT I'M GOING TO E-MAIL TO EVERYBODY RIGHT NOW. THE ITEM IN THE SHEET THAT COUNCILMEMBER DUNKERLEY DISTRIBUTED DISTRIBUTED THAT'S LABELED AS NUMBER 10 TALKING ABOUT USING THE MOST RECENT DATA. BUT I WANTED TO ADD A STATEMENT THAT SAYS -- NOW THAT I SENT IT I DON'T HAVE IT IN FRONT OF ME. BUT BASICALLY THAT SAYS THAT IN ADDITION TO TAKING INFLATION

FACTORS INTO ACCOUNT THAT THEY WOULD ALSO TAKE INTO ACCOUNT ALL OF THE CHANGES THAT HAVE BEEN MADE TO THE ORIGINAL TOLL ROAD PROPOSAL SINCE THE FINANCIAL ANALYSIS THAT WERE CONDUCTED. THAT THOSE SHOULD BE INCLUDED INTO THE ANALYSIS. BUT BASICALLY BECAUSE THE FINANCIAL ANALYSES THAT WE HAVE CURRENTLY FOR THE TOLL ROAD PROPOSAL WAS FOR THE INITIAL PROPOSAL, AND THERE'S BEEN SIGNIFICANT CHANGES SINCE THAT PROPOSAL WAS PUT TOGETHER, SO JUST TO MAKE SURE THAT WE ARE INCLUDING THOSE CHANGES IN THE UPDATED ANALYSIS, AND THEN FINALLY -- AND MAYBE AGAIN THAT'S SOMETHING THAT WE'RE GOING TO HAVE TO FIGURE OUT MAYBE WHEN IT COMES BACK TO US IS WHAT ARE WE ASSUMING -- WHAT WAS ASSUMED IN THE ORIGINAL ANALYSIS AND WHAT ARE WE ASSUMING IS HAPPENING WITH THESE PARTICULAR ROADS IN GOING FORWARD.

Dunkerley: I THINK YOU'VE HIT ON SOMETHING. ONE OF THE THINGS WE WANTED TO DO WAS CONFIRM THAT ORIGINAL ANALYSIS. THEN I WANTED TO DROP THE NEW NUMBERS IN TO SEE WHERE WE ARE NOW SO WE HAVE SOMETHING GOING FORWARD. SO I THINK YOU'RE EXACTLY RIGHT TO POINT THAT OUT.

Mayor Wynn: SO MAYOR PRO TEM AND COUNCILMEMBER MCCracken CONSIDER THAT TO BE A FRIENDLY AMENDMENT?

YES.

Mayor Wynn: OKAY. SO COUNCIL, WE HAVE AMENDED ITEM. NOW, THE SECOND PROPOSAL WAS TO REMOVE THE WHEREAS LANGUAGE. MAYOR PRO TEM?

Goodman: OKAY. THAT ONE I HAVE A LITTLE PROBLEM WITH. I CAN SEE MOVING WHEREAS NUMBER 3, 4, 5, 6, 7 INTO THE BODY OF THE DIRECTION FOR THE STUDY, FOR THE ANALYSIS, BUT I DON'T THINK -- MAYBE WE CAN PHRASE THE NEXT TO NEXT TO LAST ONE A LITTLE BIT DIFFERENT. AND MAYBE TAKE OUT THE LAST ONE. BUT I DON'T SEE IF WE SHOULD LEAVE IN 1, 2, 8, 9, 10 AND 12. COUNCILMEMBER

McCracken: ALSO NUMBER 11 I KNOW THERE'S AN A CORE ISSUE FOR COUNCILMEMBER THOMAS ABOUT -- IT'S BEEN A LOT OF QUESTIONS HE'S HAD.

Thomas: MAYOR, IF YOU DON'T MIND, WE DEFINITELY NEED NUMBER 11. I DPREA WE SHOULD TAKE OUT THE ONES SHE WANTED TO TAKE OUT AND MAKE SURE THEY PUT INTO THE STUDY, BUT NUMBER 11 DEFINITELY. THAT ANSWERS THAT QUESTION THAT'S NEVER BEEN ANSWERED FOR ME.

Goodman: THAT'S OKAY.

Dunkerley: WHICH WAS NUMBER 11?

Goodman: 11 IS -- IF I'M CORRECT, IT'S DALLAS, INCLUDING LOSING OUR FUNDING TO DALLAS AND HOUSTON.

Mayor Wynn: COUNCIL, IF I CAN MAKE A SUGGESTION, I THINK THIS IS GOING TO GET A LITTLE MORE COMPLICATED AND TIME CONSUMING. I WOULD RECOMMEND THAT WE CAN TABLE THIS AND HAVE AN AIDE OR STAFF MEMBER TAKE THESE WHEREAS AND EITHER NUMBER THEM OR TRY TO MARK THIS UP AND WE CAN CONTINUE WITH A COUPLE OF AT LEAST A BRIEFING THAT WE HAVE SCHEDULED THIS AFTERNOON AND CAN GET A CLEAN COPY BEFORE US BEFORE WE TAKE UP THIS ITEM.

Goodman: WELL, THERE ARE 13 WHEREAS'S, SO I'M NOT ADVERSE TO GETTING ONE OF THEM. BUT I'LL GO YOUR WAY AND WE CAN BRING IT BACK.

Mayor Wynn: SO PERHAPS IF A COUNCILMEMBER CAN ASSIGN AN AIDE OR TWO AND CLEAN THIS UP. WE'VE AMENDED THIS SO MUCH ALREADY THAT IT'S A LITTLE CONFUSING AND IT MIGHT HELP US GET THROUGH THE PROCESS WHEN WE TAKE IT BACK UP.

McCracken: WE HAVE SOME FOLKS HERE WAITING FOR THIS. I GUESS THE QUESTION IS ARE WE BRINGING IT BACK IN HALF AN HOUR OR WHAT ARE WE TALKING ABOUT?

Mayor Wynn: I WOULD THINK -- WELL, AS SOON AS THAT CAN

BE DONE, PERHAPS BEFORE THE ZONING CASES.

McCracken: IF WE'RE ONLY DELAYING IT UNTIL BEFORE THE ZONING CASES, THAT'S FINE. I DON'T WANT TO WAIT UNTIL 11:00 O'CLOCK TONIGHT. BECAUSE WE'RE ALMOST DONE WITH IT AND WE CAN PROBABLY HAVE THIS FINISHED IN FIVE MINUTES AS IS.

Thomas: I HOPE NOT 11. I DON'T WANT TO BE HERE. [LAUGHTER]

Goodman: IT REALLY SHOULD TAKE A VERY FEW MINUTES.

WE'RE HAVING THEM NUMBERED RIGHT NOW AND COPIED. THEY'LL BE OUT IN JUST A FEW MINUTES. I KNOW STAFF IS HERE AND CAN KNOCK OUT THE BRIEFING QUICKLY AND WE CAN GET MR. HILGERS OUT OF HERE AND WHEN THE MARKUPED COPY COMES BACK WE CAN VOTE ON IT.

Futrell: WE HAVE WILLIE ROADS HERE. WITH A VERY SWIFT PRESENTATION.

YES, CITY MANAGER. MAYOR AND COUNCILMEMBERS, I'M HERE TO REPORT ABOUT THE SURVEY OF CLOSED LANDFILLS AND TANK FARMS IN THE AUSTIN AREA. AS COUNCIL WILL REMEMBER, YOU ASKED US TO CONDUCT AN ENVIRONMENTAL SURVEY OF CLOSED LANDFILL AND TANK FARM ANALYSIS AND REPORT BACK TO COUNCIL WITH THE STATUS OF EACH. I'M HAPPY TO SAY WE HAVE DONE THAT WORK AND WE'RE HERE TO TALK ABOUT IT. CONCERNING THE TANK FARMS, THE EAST AUSTIN TANK FARMS THAT ARE THE ONLY KNOWN CLOSED TANK FARMS IN AUSTIN. CLEANUP AND CONTAMINATION BY THE FORMER OPERATORS IS CONTINUING. THE STATE APPROVAL FOR THE FINAL REMEDIATION PLAN IS EXPECTED IN THE NEXT 60 TO 90 DAYS AND ACTIVE CLEANUP SHOULD BE COMPLETED IN THE NEAR FUTURE. CONCERNING THE CLOSED LANDFILLS. WE HIRED GEO METRIC CONSULTANTS TO EVALUATE THE CLOSED LANDFILLS IN AUSTIN AND UPDATE THE ORIGINAL 1984 URN REPORT WHICH WAS TITLED LANDFILLS IN THE VICINITY OF AUSTIN, TEXAS. 29 SITES WERE SURVEYED AND THE RESULTS WERE SUBMITTED IN A REPORT TITLED 2004 SUPPLEMENTAL ASSESSMENT, LANDFILLS IN THE VICINITY

OF AUSTIN, TEXAS. THE FOLLOWING IS A MAP THAT SHOWS ALL OF THE CLOSED LANDFILLS IN AUSTIN, TEXAS. THIS MAP SHOWS GREATER THAN 29, BUT I CAN TALK ABOUT SOME OF THE THINGS THAT HAVE HAPPENED SINCE WE ORIGINALLY HAD THIS MAP. THE OBJECTIVES OF THE LANDFILL SURVEY WAS TO UPDATE CURRENTLY AVAILABLE ENVIRONMENTAL INFORMATION, MAKE RECOMMENDATIONS FOR ANY NEEDED ACTIONS AND PROVIDE INFORMATION FOR FUTURE LAND USE PLANNING. I'M PLEASED TO REPORT FOR THE SUMMARIES AND FINDINGS FROM THE EXECUTIVE SUMMARY OF THE REPORT THAT NONE OF THE FINDINGS INDICATE AN OBVIOUS AND INTIMATE THREAT TO PUBLIC SAFETY. I'D LIKE TO REPEAT THAT, THAT NONE OF THE FINDINGS INDICATE AN OBVIOUS AND IMMINENT THREAT TO PUBLIC SAFETY. WE STILL HAVE SOME WORK TO DO. THERE WERE 12 LANDFILLS WITH NO ISSUES. THERE WERE FIVE LANDFILLS WITH ISSUES, BUT CORRECTIVE ACTION UNDERWAY. THREE OF THESE ARE CITY OWNED AND TWO ARE PRIVATELY OWNED. THE CITY OWNED WAS THE ROBERT MUELLER MUNICIPAL AIRPORT. THE OLD BUTLER LANDFILL, WHICH IS AT ZILKER PARK. AND MABEL DAVIS PARK, WHICH IS UNDER REMEDIATION AS WE SPEAK. THERE ARE SEVEN LANDFILLS IN THE OFFICIAL INVESTIGATION WHICH ARE ALL PRIVATELY OWNED. THERE ARE TWO LANDFILLS NEEDING CORRECTIVE ACTION. ONE IS CITY OWNED. THAT IS THE LOOP 360 BEHIND THE TOYS 'R' US STORE. AND ONE IS PRIVATELY OWNED. THERE ARE FOUR SITES THAT ARE NOT LANDFILLS, BUT ARE LEGAL DUMP SITES. ONE SITE IS CITY OWNED AND UP TO THREE ARE PRIVATELY OWNED. THE CITY OWNED SITE IS UNDER THE MONTOPOLIS BRIDGE. WHAT ARE THE NEXT STEPS FROM THIS REPORT? AFTER PREPARING THIS REPORT TO COUNCIL, WE'RE PLANNING ON FORWARDING A COPY OF THE REPORT TO TCEQ. WE'RE GOING TO NOTIFY THE PROPERTY OWNERS OF THE FINDINGS FOR THEIR PROPERTY. WE'RE GOING TO FURTHER EVALUATE CITY OWNED SITES FOR POSSIBLE CORRECTIVE ACTION CONCERNING THE LOOP 360 SITE WITH THE BROWN FILL PROGRAM TO REQUEST A GRANT APPLICATION FOR THAT SITE TO SEE IF WE CAN HAVE GRANT FUNDING TO DO SOME ADDITIONAL SITE ASSESSMENTS ON THAT SITE AND THEN MAKE RECOMMENDATIONS FOR WHAT REMEDIATION, IF ANY, NEEDS TO BE DONE THERE. WE'VE TURNED THAT OVER TO A

GROUP OF CITIZENS TO TRY TO ATTEMPT A CLEANUP AT THAT SITE, BUT DUE TO THE WEATHER IT WAS UNABLE TO BE CONDUCTED AND BEEN POSTPONED TO A LATER DATE AND THE CITY OF AUSTIN PARTICIPATING IN THE CLEANUP. THE CODE ENFORCEMENT DIVISION HAS NOTIFIED SITES WHERE ILLEGAL DUMPING AND WORKING WITH PROPERTY OWNERS CONCERNING THAT ISSUE. WE'RE CONTINUING PERIODIC INSPECTION AND MONITORING WHERE NEEDED AND THIS REPORT WILL BE PLACED ON THE CITY OF AUSTIN WEBSITE FOR ANYONE TO REVIEW AND TAKE A LOOK AT. AT THIS TIME I'LL TAKE ANY QUESTIONS THAT YOU MAY HAVE CONCERNING THIS REPORT.

Mayor Wynn: THANK YOU, MR. RHODES. COUNCILMEMBER ALVAREZ.

Alvarez: THANK YOU, MAYOR. JUST ON THE EAST AUSTIN TANK FARM SITE. I BELIEVE WE WERE IN NEGOTIATIONS WITH THE PROPERTY OWNERS IN THE KNOT TOO DISTANT PAST. IS THAT STILL ONGOING OR IS THAT STALLED OR WHAT?

NANCY Mc CLINTOCK WILL COME UP AND ANSWER THAT QUESTION.

WE ARE STILL WORKING WITH THE OWNERS OF THE OIL COMPANIES AND SOME OF THE PRIVATE INDIVIDUALS TO LOOK AT POSSIBLE REDEVELOPMENT IDEAS ON THE TANK FARM SITE, BUT THAT'S IN VERY PRELIMINARY STAGES.

Thomas: MAYOR, IF YOU DON'T MIND.

Mayor Wynn: COUNCILMEMBER THOMAS.

Thomas: I THINK THE QUESTION WAS -- I NEED YOU TO COME BACK UP. ON THOSE TANK SITES, HAS EVERYTHING BEEN MET THAT TCEQ ASKED?

YES, SIR. AS I UNDERSTAND IT, EVERYTHING IS GOING ALONG FINE. THE VERY FINAL APPROVAL FROM TCEQ HAS NOT YET ARRIVED, BUT WE UNDERSTAND THERE IS NO SUBSTANTIVE HURDLES AT THIS TIME.

Thomas: OKAY. DO YOU HAVE ANY IDEA WHEN YOU WILL HEAR FROM TCEQ?

I THINK WITHIN A MONTH OR SO.

Thomas: OKAY. HAVE WE MET WITH THE COMMUNITY TO LET THEM KNOW WHAT'S GOING ON? ARE WE STILL MEETING WITH THE COMMUNITY?

WE HAVEN'T MET WITH THEM IN SOME TIME. THE LAST COMMUNITY MEETING THAT WE HAD WITH THEM WAS-- CHUCK, DO YOU REMEMBER? ABOUT 18 MONTHS AGO WAS THE LAST TIME THAT WE HAD SUBSTANTIAL INFORMATION FOR THEM AND MET WITH THEM. AND AS SOON AS WE HEAR FROM TCEQ WE'LL GET BACK WITH THEM AGAIN.

Thomas: OKAY. MR. RHODES, ON THE 12 LANDFILLS WITH NO ISSUES, WE HAVE THREE CITY OWNED AND NINE PRIVATE OWNED? CAN YOU TELL ME WHAT LOCATION THOSE ARE IN?

THE CITY OWNED --

Thomas: I SEE YOUR MAP.

CITY OWNED LANDFILL SITES WITH NO ISSUES ARE THE BERGSTROM AIR FORCE BASE, THE WILD BASIN, AND ANOTHER ONE AT THE BERGSTROM AIR FORCE BASE, OLD BERGSTROM AIR FORCE BASE.

Thomas: WHEN YOU SAY PRIVATELY OWNED, FURTHER DOWN YOU HAVE SEVERAL LANDFILLS NEEDING ADDITIONAL INVESTIGATION, AND THEY'RE ALL PRIVATELY OWN. CAN YOU TELL ME WHERE THOSE ARE LOCATED?

THEY ARE THE BRINKLY ANDERSON LANDFILL. THERE'S A SITE ADJACENT TO THE MABEL DAVIS PROPERTY THAT NEEDS TO HAVE SOME ADDITIONAL INFORMATION. THE OLD MCGUIRE LANDFILL. A SITE CALLED THE M.E. RUBY SITE. THE WHY IS WHISENHUNT SITE, WINFIELD AND WIN COOK. THOSE ARE THE SEVEN SITES THAT NEED ADDITIONAL INFORMATION.

Thomas: CAN YOU SHOW ON YOUR MAP WHERE THEY'RE

LOCATED?

MOST OF THESE ARE ALL -- THE MAJORITY OF THESE ARE ALL EAST AUSTIN. AND LET ME GET BACK TO THE MAP. BRINKLY ANDERSON IS JUST NORTHEAST OF -- NORTH OF 183 BETWEEN 35 AND 290. MABEL DAVIS IS SOUTHEAST RIGHT BEHIND THE I.R.S. SITE. MCGUIRE IS NORTHWEST -- I DON'T HAVE THE STREETS TO TAKE A LOOK AT THAT. EXCUSE ME. THE M.E. RUBY IS NORTHWEST. IT'S NORTH NORTH 183 AND WEST OF MOPAC. WHISENHUNT IS SOUTHEAST -- IS SOUTH OF THE COLORADO RIVER AND EAST OF 183. WINNFIELD -- I DON'T SEE WINNFIELD ON MY MAP. IT'S AT 71 AND 183. EAST AUSTIN. AND WYNN COOK IS RIGHT WEST OF 183 IN EAST AUSTIN.

Thomas: OKAY. I THANK STAFF FOR THE INFORMATION. I JUST NEED TO GET WITH YOU SOME MORE ABOUT THOSE LOCATIONS THAT YOU NAMED OFF. I JUST NEED TO KNOW IF THERE'S RESIDENTIAL HOUSES THERE OR ANY COMMERCIAL BUILDINGS.

CURRENTLY AT THE BRINKLY ANDERSON SITE THERE ARE SOME RESIDENTIAL APARTMENT COMPLEXES AROUND THEM. AT MABEL DAVIS THERE'S APARTMENT COMPLEXES AROUND THEM AND THINGS OF THAT NATURE. SO THERE IS SOME DEVELOPMENT AROUND THOSE TWO SITES. AS IS THE WYNN COOK SITE. HOWEVER, I THINK M.E. RUBY HAS SOME DEVELOPMENT AROUND IT, BUT I'M NOT SURE ABOUT WHISENHUNT AND WINNFIELD.

Thomas: I APPRECIATE IT. THE REASON FOR THE REQUEST WAS BECAUSE THERE WERE SEVERAL CALLS -- I DON'T KNOW IF OTHER COUNCILMEMBERS HAVE BEEN RECEIVING ANY CALLS, BUT IN GENERAL AREAS OF THE CITY, NOT JUST EAST AUSTIN, BUT SOUTH AND WEST, BUT CONCERNS ABOUT THE LILZ THATTHAT WERE IN EXISTENCE, ALTHOUGH THEY WERE NOT OPERATING. AND I WANTED TO LET PEOPLE KNOW THAT WE ARE STILL CONTINUING TO STAY ON TOP OF THOSE ISSUES BECAUSE VIERPT AL ISSUES, -- ENVIRONMENTAL ISSUES, WE WANT IT TO BE SAFE ALL OVER THE CITY, NOT JUST CERTAIN AREAS OF THE CITY.

CORRECT. AND AS YOU KNOW, A QUICK HISTORY, WE

STARTED THIS WHEN THE WATERSHED APARTMENT COMPLEX CAME TO OUR ATTENTION. THE CITY MANAGER WANTED US TO COME UP WITH A REMEDIATION FUND. THREE FIRMS HAVE BEEN PAYING INTO THAT EACH YEAR FOR THAT. AT THE SAME TIME WE PRIORITIZED THE 1984 REPORT FOR THE CITY OWNED SITES ON WHAT WE NEEDED TO DO. WE TOOK THAT PRIORITY LIST AND STARTED TAKING ACTION CONCERNING THOSE SITES, SO THAT'S THE REASON WHY WE'RE DOWN TO A PRECIOUS VIEW THAT WE NEED TO CONTINUE ON WITH.

Thomas: THANK YOU FOR YOUR HARD WORK.

THANK YOU. ANY OTHER QUESTIONS?

Mayor Wynn: QUESTIONS, COMMENTS? THANK YOU, MR. RHODES. FOLKS, A QUICK EYE SIDE HERE. WE HAVE A DISTINGUISHED GROUP OF VISITORS FROM OUR SISTER CITY IN JAPAN. AND COUNCILMEMBER SLUSHER FOR YEARS HAS SERVED AS OUR POINT PERSON FOR THAT SISTER CITY RELATIONSHIP. I'D LIKE TO RECOGNIZE COUNCILMEMBER SLUSHER.

Slusher: THANK YOU, MAYOR. WE'RE VERY HONORED TO HAVE WITH US TODAY TWO GENTLEMEN FROM OUR SISTER CITY OF CITY. WE HAVE THE DIRECTOR OF CULTURAL AND INTERNATIONAL AFFAIRS WITH THE CITY, AND THEY'RE COMING DOWN RIGHT NOW. AND A MEMBER OF HIS SENIOR STAFF THAT I MET WHEN I WAS THERE THREE YEARS AGO, THEY'RE BOTH HERE TODAY. AND I THINK THEY HAVE A LETTER. (SPEAKING JAPANESE).

THANK YOU FOR TAKING TIME FOR US. WE COME FROM OUR SISTER CITY OF AUSTIN, AND MY NAME IS (INDISCERNIBLE). FIRST OF ALL, WE'RE REALLY SORRY FOR INTERRUPTING THE COUNCIL MEETING, BUT WE'RE HAPPY TO MEET ALL OF YOU. THANK YOU VERY MUCH.

WE WOULD LIKE TO CELEBRATE THE 15TH ANNIVERSARY OF THIS RELATIONSHIP. SO NOW WE'RE COMING HERE AND HAVE A MEETING ABOUT THIS EXCELLENT AREA, SO WE'RE TAKING TIME HERE. WE WOULD OUR MAYOR WOULD LIKE TO COME TO AUSTIN NEXT JANUARY, SO WE'RE LOOKING

FORWARD TO -- HE WILL BE LOOKING FORWARD TO MEETING ALL OF YOU. THANK YOU VERY MUCH. [APPLAUSE]

Mayor Wynn: AGAIN, LET'S THANK YOUR FRIEND FROM JAPAN. [APPLAUSE]

Mayor Wynn: AGAIN, THANK YOU, GENTLEMEN, THANK YOU, MR. RHODES. WHILE WE'RE STILL WAITING FOR A LITTLE BIT OF EDITING, WE CAN RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL AND CALL TO ORDER THIS MEETING OF THE BOARD OF DIRECTORS OF THE AUSTIN HOUSING FINANCE CORPORATION AND WELCOME MR. PAUL HILGERS.

THANK YOU, MR. PRESIDENT. I'M PAUL HILGERS REPRESENTING THE AUSTIN HOUSING FINANCE CORPORATION. AND TODAY WE HAVE THREE QUICK ITEMS. ONE, AHFC NUMBER 1 IS TO APPROVE THE MINUTES OF THE DECEMBER 16TH, 2004 BOARD MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn: MOTION MADE BY BOARD MEMBER MCCrackEN, SECONDED BY BOARD MEMBER DUNKERLEY TO APPROVE THE BOARD MINUTES AS POSTED. ALL IN FAVOR? OPPOSED? MOTION PASSES WITH A VOTE OF SIX TO ZERO WITH THE VICE-PRESIDENT OFF THE DAIS.

AHFC ITEM NUMBER 2 IS TO AUTHORIZE THE NEGOTIATION AND EXECUTION OF A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION FORGIVABLE LOAN IN THE AMOUNT NOT TO EXCEED \$190,000 TO OUR LONG TIME PARTNER, AUSTIN HABITAT FOR HUMANITY FOR THE ACQUISITION OF NOT FEWER THAN SEVEN VACANT LOTS FOR THE CONSTRUCTION OF SINGLE-FAMILY HOMES FOR LOW AND MODERATE, FIRST TIME HOME BUYERS. THESE AFFORDABLE HOMES WILL BE SOLD TO FAMILIES SUCCESSFULLY COMPLETING THE HABITAT FOR HUMANITY'S PROGRAM, THE BUYER'S TOTAL HOUSEHOLD INCOME IN THESE CASES WILL NOT EXCEED 50% OF THE AREA MEDIAN FAMILY INCOME. AUSTIN HABITAT HAS A VERY AGGRESSIVE PROGRAM TO IDENTIFY FAMILIES AND PROVIDE THEM WITH THE SUPPORT AND RESOURCES THAT ALLOW THIS TO BE SUCH A SUCCESSFUL PROGRAM. AUSTIN HABITAT FOR HUMANITY HAS BEEN BUILDING 8 FORDABLE HOMES IN AUSTIN SINCE 1985. IT IS A NONPROFIT

FIVE O 501(C)3 THAT PROVIDES HOME OWNERSHIP OPPORTUNITIES FOR FAMILIES THAT SUCCESSFULLY COMPLETE ITS PROGRAM THAT PREPARES THEM FOR HOME OWNERSHIP. IT UTILIZES VOLUNTEER LABOR, PAID CONTRACTORS AND SIGNIFICANT COMMITMENT OF THE COMMUNITY AND COMMITMENT BY THE PROSPECTIVE HOME BUYERS. IT PROVIDES A ZERO% INTEREST RATE FOR THE HOME BUYERS FOR A TERM OF 30 YEARS. WE PROUDLY PRESENT THIS ITEM TO YOU FOR YOUR APPROVAL TODAY. AND OF COURSE, MR. MICHAEL WILLARD, THE EXECUTIVE DIRECTOR IS HERE, IF THERE ARE ANY QUESTIONS.

Mayor Wynn: QUESTIONS OF STAFF? OF THE BOARD? COMMENTS? HEARING NONE, I'LL ENTERTAIN A MOTION -- MOTION MADE BY BOARD MEMBER ALVAREZ, SECONDED BY THOMAS TO APPROVE AHFC ITEM NUMBER 2. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH THE VICE-PRESIDENT OFF THE DAIS.

THANK YOU, MR. PRESIDENT. AHFC NUMBER 3 IS TO AUTHORIZE THE NEGOTIATION AND EXECUTION OF A RENTAL HOUSING DEVELOPMENT ASSISTANCE PROGRAM DEFERRED PAYMENT FORGIVABLE LOAN IN AN AMOUNT NOT TO EXCEED \$181,717 TO THE UNITED CEREBRAL PALSY OF TEXAS OR ITS AFFILIATE FOR THE ACQUISITION OF SIX UNITS OF AFFORDABLE RENTAL HOUSING AT 1201 GROVE BOULEVARD FOR PERSONS WITH DISABILITIES. THE UNITED CEREBRAL PALSY OF TEXAS IS A FIVE 501(C)3 PRIVATE ORGANIZATION AND A NETWORK OF 106 AFFILIATES THAT PROVIDE DIRECT SERVICES AND ADVOCACY ON BEHALF OF INDIVIDUALS WITH DISABILITIES. UCP TEXAS WAS ESTABLISHED IN 1954 AND HAS BEEN ON THE FOREFRONT IN DEVELOPING AND PROVIDING QUALITY INNOVATIVE PROGRAMS AND SERVICES TO HELP ADVANCE THE INDEPENDENCE FOR PEOPLE WITH DISABILITIES. ON A YEARLY BASIS UCP TEXAS PROVIDES MORE THAN ONE THOUSAND PEOPLE WITH TRAINING AND TECHNICAL ASSISTANCE, SYSTEM ADVOCACY AND NEW APPROACHES

TO PROGRAMS AND SERVICES. ALL SIX UNITS THAT ARE REPRESENTED IN THIS CONTRACT IN THIS ACTION TODAY ARE FULLY ACCESSIBLE FOR PERSONS WITH MOBILITY HEARING AND DISABILITIES. ALL HAVE BEEN DEVELOPED IN ACCORDANCE WITH SMART HOUSING STANDARDS, AND IN ADDITION IT'S COMPATIBLE WITH MONTOPOLIS NEIGHBORHOOD PLAN ADOPTED BY THE AUSTIN CITY COUNCIL IN 2001. THIS PROJECT IS GOING TO BE ON THE GROVE BOULEVARD SITE AND THAT IS A VERY EXCITING PIECE OF PROPERTY FOR US. THAT ROAD REPRESENTS -- AND THOSE OF YOU WHO HAVE SEEN IT REPRESENT THE ENTIRE HOUSING CONTINUUM, THE SPECTRUM OF OPPORTUNITIES THAT IT HAS SAFE PLACE LOCATED ON THAT ROAD. YOU ALSO HAVE GROVE BOULEVARD NOW THAT HAS TRANSITIONAL HOUSING, RENT HOUSING AND THERE'S ANOTHER FOR PROFIT DEVELOPMENT THAT'S THERE. SO WE'RE VERY EXCITED ABOUT THIS PROSPECT, ABOUT THIS OPPORTUNITY. WE ALSO HAVE A, AND I'D LIKE TO ASK JEAN IF THEY WOULD COME UP AFTER YOUR VOTE. SHE HAS AN ANNOUNCEMENT SHE WOULD LIKE TO MAKE. WE AGAIN PRESENT THIS TO YOU FOR YOUR APPROVAL.

Mayor Wynn: THANK YOU, MR. HILGERS. QUESTIONS OF STAFF, COUNCIL? OR BOARD? COMMENT? I'LL ENTERTAIN A MOTION ON AHFC 3.

MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY BOARD MEMBER ALVAREZ, SECONDED BY DUNKERLEY TO APPROVE AHFC 3 AS PRESENTED. ANY OTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

MR. PRESIDENT, I'D INTRODUCE JEAN LANGENDORF TO MAKE AN ANNOUNCEMENT TO THE BOARD.

THANK YOU SO MUCH. WE'RE REALLY EXCITED ABOUT THIS DEVELOPMENT AND ALSO OUR 50TH ANNIVERSARY OF

BEING A NONPROFIT AGENCY SERVING TEXAS AND PARTICULARLY THE AUSTIN AREA. I DO -- YOU HOPEFULLY HAVE RECEIVED INVITATIONS TO OUR EVENT. WE ARE HAVING A CELEBRATION AT THE SITE OF THIS DEVELOPMENT ON SATURDAY, AND WE HOPE YOU WILL JOIN US TO COME AND SEE UNDER CONSTRUCTION THESE UNITS THAT YOU'VE JUST APPROVED SUPPORT FOR. WE APPRECIATE THE ASSISTANCE OF THE CITY, PARTICULARLY OF THE CITY STAFF, MR. HILGERS, AND HIS STAFF HAVE BEEN GREAT IN HELPING US. THIS IS OUR FIRST RENT AT DEVELOPMENT. HOPEFULLY IT WILL BE ONE OF MANY IN THE FUTURE. AND THANK YOU ALL VERY MUCH AND I'LL LEAVE SOME ADDITIONAL INVITATIONS HERE FOR ANY OF YOU THAT MIGHT JOIN US ON SATURDAY.

Mayor Wynn: THANK YOU. SO WITH THAT I'LL ADJOURN THIS MEETING OF THE AHFC BOARD, CALL BACK TO ORDER THE AUSTIN CITY COUNCIL. COUNCIL, IT LOOKS LIKE WE HAVE IN FRONT OF US NOW THE AMENDED IN LEGISLATIVE FORMAT ITEM 77. AUTO THE MAYOR PRO TEM IS OFF THE O. -- ALTHOUGH THE MAYOR PRO TEM IS OFF THE DAIS RIGHT NOW, WE HAD BEGUN THE DISCUSSION THAT THE REQUESTED AMENDMENT TO REMOVE THE WHEREAS LANGUAGE, AND WE WERE THERE WHEN WE TABLED IT.

MAYOR, THIS SHOULD INCORPORATE ALL THE AMENDMENTS. WE PUT IT IN LEGISLATIVE FORMAT. I'D LIKE EVERYONE TO LOOK AT IT AND BE SURE IT'S CORRECT. THE ONLY THING IT DOESN'T INCORPORATE, BUT YOU HAVE READ IT INTO THE RECORD ALREADY IS THE SORT OF THREE OBJECTIVE STATEMENTS THAT COUNCILMEMBER DUNKERLEY READ EARLIER INTO THE RECORD.

Alvarez: MAYOR, IT ALSO INCLUDES THE ONE SENTENCE I WANTED TO ADD TO ITEM NO. 10.

Futrell: WE MIGHT WANT TO REPEAT ALL OF THAT WHEN WE GET READY TO DO THE FINAL.

Mayor Wynn: LOOK AT THE LAST PAGE, COUNCILMEMBER ALVAREZ, PAGE 7, IS THAT NOT --

Alvarez: IT WAS ADDED TO 10. IT ADDED ONE SENTENCE TO

THAT.

Mayor Wynn: COMMENTS, QUESTIONS? I'M SURE THE MAYOR PRO TEM -- I'M IN THE SURE THE MAYOR PRO TEM IS AVAILABLE OR NOT. NOT SURE. COUNCILMEMBER MCCRACKEN.

McCracken: I'VE BEEN TALKING WITH COUNCILMEMBER SLUSHER AND I WANTED TO CONFIRM MY UNDERSTANDING. HE HAD SUGGESTED THAT WE MOVE FORWARD WITH THIS STUDY, BUT THAT AS WE MOVE FORWARD WITH THE STUDY THAT WE MAKE A REQUEST TO THE RMA AND TO OTHER GOVERNMENTAL BODIES TO HELP PAY THE COST OF THIS STUDY, BUT THAT THAT REQUEST IN NO WAY WOULD INCLUDE OUR WORK ON THIS STUDY. I THINK THAT'S -- I THINK THAT'S A GOOD IDEA. AND I DON'T KNOW IF WE NEED TO -- IF IT NEEDS TO BE INCLUDED IN THE RESOLUTION OR IF IT'S JUST A DIRECTIVE, BUT EITHER WAY I THINK WE NEED TO DO THAT. I GUESS I'D ASK THE CITY MANAGER IF SHE NEEDS THE DIRECTION.

SAY IT ONE MORE TIME.

McCracken: WOULD YOU NEED THE DIRECTION ABOUT ASKING OTHER GOVERNMENTAL ENTITIES TO CONTRIBUTE FUNDS TO BE IN THE RESOLUTION OR JUST A DIRECTION FROM THE DAIS? WHAT'S THE BEST WAY TO DO THAT?

Futrell: IT'S STRONGER IF YOU PUT IT IN THE RESOLUTION, BUT I CAN TAKE THAT RESOLUTION ANY WAY YOU CHOOSE TO IF I HAVE IT TO ME.

Slusher: I THINK IF THERE'S DISAGREEMENT ON WHETHER TO DO THAT, WE OUGHT TO GO AHEAD AND VOTE TO PUT IT IN -- DO WE NEED TO VOTE ON THAT OR HAVE IT ACCEPTED. I APPRECIATE YOUR COMMENT. ARE WE WAITING ON THE MAYOR PRO TEM?

Mayor Wynn: YEAH. NOT THAT THERE'S ANY HEART BURN ABOUT ASKING SOMEBODY ELSE TO HELP US PAY.

Slusher: THAT WASN'T ACCEPTED THE FIRST TIME THROUGH.

Mayor Wynn: WHILE WE'RE STILL DISCUSSING THIS, ON ON THE BE IT RESOLVED, WHERE DO WE SHOW THE FINANCIAL IMPACT IN OUR -- SO THIS IS TO NEGOTIATE AN AGREEMENT WITH THE CONSULTANT. SO IN THEORY THIS COMES BACK TO COUNCIL.

[INAUDIBLE - NO MIC]

> MAYOR WYNN: IF I COULD, I COULD BE SUPPORTIVE -- ALTHOUGH I DON'T LIKE THE BROAD NATURE OF THIS, IN PART BECAUSE I THINK SO MANY OF THESE QUESTIONS CAN BE ANSWERED BY OUR CAMPO STAFF, SO FOR INSTANCE IF IT'S NEGOTIATE ONLY, THEN WHILE THAT NEGOTIATION IS GOING ON, MY HOPE IS THAT CAMPO STAFF OR OTHERS COME IN AND ANSWER SOME OF THESE QUESTIONS AND FRANKLY REDUCE THE SCOPE OF THIS ASSIGNMENT AS WELL AS BY THAT TIME PERHAPS SOME OTHER DISCUSSIONS WITH OTHER GOVERNMENTAL ENTITIES IN THE AREA COULD HAVE OCCURRED. SO I'M SUPPORTIVE OF NEGOTIATING IN THAT BY THAT TIME WE CAN HAVE, I SUSPECT, SOME OF THESE -- SOME OF THEM ARE JUST TRYING TO CONFIRM ITEMS THAT SEEM TO BE CONFLICTING. AND IF THERE'S A STRAIGHT ANSWER TO THAT, LET'S GET THAT ANSWERED WHILE THIS IS BEING NEGOTIATED.

McCracken: HOW LONG WOULD IT TAKE TO COME BACK? IF WE DO IT FOR POTENTIALLY NEXT WEEK, FOR INSTANCE -- THE REASON WHY THE PURPOSE OF THIS IS TO GET THE INFORMATION BACK IN TIME THAT IT CAN AFFECT THE 2030 PLAN, SO SPEED IS OF THE ESSENCE.

AS AN EXAMPLE, COUNCILMEMBER, WE DON'T HAVE A MARCH 17TH COUNCIL MEETING, SO UNLESS WE WERE ABLE TO NEGOTIATE THAT AGREEMENT BY A WEEK FROM TODAY, IT WOULD HAVE TO COME BACK ON THE 24TH.

McCracken: WE'D HAVE TO BASICALLY POST IT TOMORROW IF WE WERE GOING TO DO THAT. THE THING IS THAT WE MISS AN ENORMOUS OPPORTUNITY TO HAVE AN IMPACT ON THE 2030 PLAN TO MAKE A POSITIVE DIFNS IF WE STALL THIS OUT UNTIL MARCH 24TH. I THINK IT SHOULD SAY NEGOTIATE AND EXECUTE.

Futrell: IF WE CAN GO ON THE RECORD WITH SAYING WELCOME AROUND TO EACH OF YOU. WE'VE DONE IT BEFORE WHEN WE'VE HAD A VERY TIGHT TIME FRAME AND THAT WE SHOW YOU WHAT WE'RE DOING BEFORE WE FINALLY EXECUTE. NOW, WHAT THAT DOES MEAN IS THAT THERE'S A DISPUTE -- IF THERE'S A DISPUTE, IF THERE ARE CONCERNS, WE WOULD HAVE TO POST AND BRING IT BACK.

McCracken: I THINK IN THE INTEREST OF MAINTAINING THE MAXIMUM FLEXIBILITY SO THAT WE CAN HAVE A PROCESS THAT CAN BE DONE IN TIME TO AFFECT THE 2030 PLAN, THE SPONSOR OBVIOUSLY NEEDS TO MOVE -- NEEDS TO AGREE TO IT. I THINK I WOULD PREFER TO HAVE IT SAY NEGOTIATE AND EXECUTE, WITH THE UNDERSTANDING THAT THE MANAGER WILL COME AND GIVE US BRIEFINGS AND COME BACK PUBLICLY.

Mayor Wynn: AGAIN, WE PROBABLY SHOULD WAIT FOR THE MAKER OF THE MOTION TO GET BACK. MY RELUCTANCE ABOUT THAT IS I THINK THE VAST MAJORITY OF THE BULK OF THESE ITEMS CAN BE ANSWERED BY EXISTING CAMPO STAFF OR OTHERS WITHOUT CITY TAXPAYERS HAVING TO PAY FOR IT.

Slusher: MAYOR, I'M SORRY IF I MISSED SOMETHING. WHAT WAS THE ANSWER ON HOW LONG IT WOULD TAKE? WHAT ABOUT IF WE -- EXCUSE ME. IF IT DID IT TO NEGOTIATE, BUT NOT TO EXECUTE AND WE GO AHEAD AND POST AN ITEM FOR NEXT WEEK AND HOPE THAT WE CAN HAVE IT EXECUTED -- ABLE TO EXECUTE BY THEN SO IT COMES BACK TO THE COUNCIL THEN?

Futrell: WE COULD GIVE THIS OUR BEST SHOT IF YOU WOULD LIKE. WHAT WOULD HAPPEN IF YOU POST IT FOR A WEEK, WE WOULD BE POSTING IT BASICALLY WITHOUT BACKUP BECAUSE OBVIOUSLY WE WOULD BE POSTING IT WITHOUT IT BEING EXECUTED. IT'S POSTED FOR ACTION KNOWING THAT WE WOULD BE WORKING ALL NEXT WEEK TO DO THE BEST WE COULD TO TRY TO GET SOMETHING EXECUTED, BUT REMEMBER, WE DON'T EVEN HAVE A FIRM SELECTED YET, A CONSULTANT SELECTED YET. AND I HAVE TO TELL YOU I THINK THE LIKELIHOOD WE CAN GET A PERSON LOCKED DOWN AND A CONTRACT NEGOTIATED IN ONE WEEK IS SLIM.

I THINK WE COULD DO IT IN TWO WEEKS. THE DILEMMA IS WE DON'T HAVE A COUNCIL MEETING.

Slusher: BUT IF WE POST IT FOR NEXT WEEK, AND IS IT SOUNDS LIKE IT WOULD BE A LONG SHOT TO APPROVE NEXT WEEK, BUT MAYBE WE COULD -- WE WOULD BE FURTHER ALONG WHERE THE COUNCIL WOULD BE COMFORTABLE WITH APPROVING TO EXECUTE AT THAT POINT AND WE COULD TRY TO SEE WHAT CAMPO -- MR. OLLICK HAS ALREADY EXPRESSED A WILLINGNESS TO WORK WITH US ON THIS, SEE WHAT CAMPO CAN ANSWER IN THE MEANTIME TO MEET THE MAYOR'S CONCERNS. I THINK THAT'S VALID IF WE CAN GET SOME OF THE QUESTIONS ANSWERED WITHOUT THE CITY TAXPAYERS HAVING TO PAY FOR THEM, WHY WOULD WE OBJECT TO THAT?

WE'RE ABSOLUTELY WILLING TO DO ALL THE WORK WE CAN IN A WEEK AND COME BACK AND REPORT AND WE COULD BE A LOT FURTHER ALONG BOTH IN WHO WE COULD SELECT AND WITH CONTACT WITH THE OTHER ENTITIES.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: IF THE SUGGESTION IS WE SAY NEGOTIATE TODAY, WE POST TOMORROW AND SAY NEGOTIATE AND EXECUTE AND APPROVE FOR NEXT WEEK, THEN WE COULD ALWAYS GIVE YOU THE FLEXIBILITY NEXT WEEK TO NEGOTIATE AND EXECUTE. I THINK THE CRITICAL THING, THOUGH, IS THE PURPOSE OF THIS STUDY, WHICH I THINK AS THE MEMBERS HAVE RIGHTLY IDENTIFIED, IS WE DO NEED AN INDEPENDENT LOOK AT THIS BECAUSE WE'VE HAD REPEATED INSTANCES WHERE WE RECEIVED THE INFORMATION WHEN THEY WANTED US TO VOTE FOR IT, AND A DIFFERENT SET OF INFORMATION WHEN THEY GO TO THE BOND HOUSES. SO I'M VERY, VERY UNCOMFORTABLE ABOUT RELYING ON THE SAME SOURCES OF INFORMATION NOW THAT LED US SO ASTRAY ON CAMPO BOARD. SO I REALLY THINK IT'S IMPORTANT THAT THAT PROCESS REMAIN INDEPENDENT.

Slusher: THE MAYOR PRO TEM IS BACK NOW. IF THERE'S NOTHING ELSE TO GO BEFORE IT, I WOULD LIKE TO TRY AGAIN MY AMENDMENT ON THAT WE INSTRUCT THE CITY

MANAGER TO CONTACT THE REGIONAL MOBILITY AUTHORITY ABOUT HELPING TO FUND THE INDEPENDENT STUDY THAT'S PROPOSED HERE IN THIS MOTION.

McCracken: MAYOR, I NEED A CLARIFICATION. WHAT I HAD GOTTEN WAS MY UNDERSTANDING OF THE PROPOSAL IS THAT THIS WOULD IN NO WAY DELAY THE STUDY, JUST GO HELP US PAY FOR THIS, BUT STILL REMAIN INDEPENDENT?

SLUSHER: RIGHT. ON THE SUMS AND HOPE THAT THAT -- ASSUMPTION AND HOPE THAT THAT AGENCY WOULD ALSO BE INTERESTED IN AN INDEPENDENT LOOK AT THIS ISSUE.

McCracken: I THOUGHT THAT THAT WAS A GOOD IDEA BECAUSE IT WOULD HELP US PAY FOR IT AND THEN THEY WOULD ALSO HAVE SAY IN THE FINAL RESULT. IF THEY DON'T HELP US PAY FOR IT, IT DOESN'T STOP THE PROCESS.

Mayor Wynn: MAYOR PRO TEM, AS MAKER OF THE MOTION, ARE YOU COMFORTABLE WITH THAT?

Goodman: GOODMAN: I THINK COUNCILMEMBER MCCRACKEN JUST SPOKE FOR ME.

Mayor Wynn: SO CONSIDER THAT FRIENDLY. AND OUR LAST CONVERSATION, MAYOR PRO TEM, WAS THAT NOTING ON THE FURTHER BE IT RESOLVED IT'S SIMPLY TO NEGOTIATE AN AGREEMENT. THE CITY MANAGER WILL POST IT FOR POTENTIAL EXECUTION -- IT WILL BE POSTED FOR NEGOTIATION AND EXECUTION NEXT WEEK AS WELL AND PERHAPS THAT WITHIN THE COURSE OF THAT WEEK THAT THE SCOPE OF THIS CAN BE SCALED BACK BECAUSE WE CAN SEE WHO CAN ANSWER A NUMBER OF THESE QUESTIONS WITHOUT US HAVING TO PAY TAX DOLLARS DOING THAT.

Slusher: MAYOR, WHERE DID WE STAND ON THE WHEREAS'S? DID WE DEAL WITH THAT ISSUE? I HAVE A SUGGESTION ON THAT AS WELL.

Mayor Wynn: COM COUNCILMEMBER SLUSHER.

Slusher: AS I SAID BEFORE, I AGREE OR I THINK THESE ARE

ACCURATE AND I THINK COUNCILMEMBER MCCRACKEN HAS DONE A GOOD JOB OF BACKING THEM UP IN THEIR FOOTNOTES. BUT IN THE INTEREST OF TRYING TO GET BROADER AGREEMENT AND IN THE INTEREST OF HAVING THIS BEING AN INDEPENDENT STUDY TO FIND OUT INFORMATION WITHOUT ANY CONCLUSIONS IN ADVANCE OR AT LEAST IN THE BODY OF THE RESOLUTION, I WOULD PROPOSE, AS COUNCILMEMBER DUNKERLEY DID EARLIER, TO ELIMINATE THE WHEREAS'S, BUT I HEAR WHAT COUNCILMEMBER ALVAREZ IS SAYING THAT WE HAVE TO EXPLAIN FOR SOME REASON WHY WE'RE DOING THIS. SO I HAD THREE WHEREAS'S I WAS GOING TO SUGGEST THAT WE REPLACE THESE 13 WITH, AND I WOULD GO AHEAD AND READ THEM RIGHT NOW HOW THAT FLIES. WHEREAS THE PHASE 2 TOLL ROAD PLAN ADOPTED BY THE CAMPO BOARD JULY 24TH HAS GENERATED CONTROVERSY AND DIVISION IN OUR COMMUNITY, WHEREAS THERE'S WIDESPREAD DESIRE FOR MORE THOROUGH INFORMATION ON THE ISSUE AND WHERE'S THERE'S WIDESPREAD DESIRE FOR INDEPENDENT REVIEW OF THE INFORMATION RELATING TO THAT PLAN, AND THEN THEREFORE BE IT RESOLVED.

Goodman: COULD YOU REPEAT THE LAST ONE?

Slusher: YES. WHERE FOR THERE'S WIDESPREAD DESIRE FOR INDEPENDENT REVIEW OF THE INFORMATION RELATING TO THAT PLAN.

Mayor Wynn: A FRIENDLY SUGGESTION IS FRANKLY THIS COULD OOMS BE AMENDED, -- COULD ALSO BE AMENDED, MAYOR PRO TEM -- I LIKE COUNCILMEMBER SLUSHER'S SUGGESTION, BUT IF NEXT WEEK WHEN THERE'S POTENTIAL EXECUTION OF AN ACTUAL ASSIGNMENT WITH SOMEBODY, IT COULD ALWAYS BE AMENDED OR ADDED TO OR DELETED FROM THAT.

Goodman: I WOULD BE OKAY WITH THAT IF MY CO-SPONSORS ARE ALL RIGHT WITH THAT.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I'D LIKE TO HEAR COUNCILMEMBER ALVAREZ'S

THOUGHTS.

Alvarez: I THINK WHAT CLSH READ GETS -- COUNCILMEMBER SLUSHER READ GETS TO THE POINT.

McCracken: I'M FINE WITH IT TOO.

Mayor Wynn: OKAY. SO WE HAVE AN AMENDED RESOLUTION, ITEM 77 IN FRONT OF US, WITH THREE NEW WHEREAS'S AS READ INTO THE RECORD BY COUNCILMEMBER SLUSHER. I HAVE A MOTION AND A SECOND ON THE TABLE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER MCCRACKEN. COUNCILMEMBER ALVAREZ?

Alvarez: MAYOR, JUST TO ADD THAT SENTENCE TO EXHIBIT A, ITEM 10, JUST ADD THE SENTENCE TO THE END OF THE CURRENT TEXT THAT READS, ALL CHANGES THAT HAVE BEEN MADE TO THE TOLL ROAD PROPOSAL SINCE THE ORIGINAL FINANCIAL ANALYSES WERE CONDUCTED SHOULD BE INCLUDED IN THE UPDATED ANALYSIS. I'LL OFFER THAT AS A FRIENDLY AMENDMENT.

Slusher: MAYOR, I'D LIKE TO SAY ONE MORE THING --

Mayor Wynn: EXCUSE ME. MAYOR PRO TEM AND COUNCILMEMBER MCCRACKEN ARE COMFORTABLE WITH THAT AMENDMENT. THANK YOU.

Slusher: JUST IN THE KEEP HOPE ALIVE CATEGORY, I WAS IN WASHINGTON, D.C. THIS WEEK WITH A DELEGATION OF LOCAL ELECTED OFFICIALS FROM THE WHOLE REGION AND BUSINESS LEADERS, AND WE WERE UP THERE LOBBYING MEMBERS OF CONGRESS AND THE SENATE AND THEIR STAFFS ABOUT TRANSPORTATION FUNDING FOR THIS AREA. AND THE TOP PRIORITIES WERE CAPITAL METRO'S COMMUTER RAIL PROJECT THAT THE VOTERS APPROVED IN NOVEMBER AND THE PLAN TO GET UNION PACIFIC TO MOVE OFF THE TRACKS THAT ARE JUST WEST OF DOWNTOWN AND GO THROUGH SOUTH AUSTIN NEAR LAMAR BOULEVARD, GET UP OFF OF THAT AND TURN THAT INTO PASSENGER BETWEEN HERE AND SAN ANTONIO. AND THEN THE THIRD ONE WAS TO GET SOME RIGHT-OF-WAY FUNDING FOR THE EXTENSION OF 130 GOING DOWN FROM WHERE IT'S GOING

TO END NOW AND CURRENT CONSTRUCTION, BUT GO ON TO SEGUIN AND THROUGH LOCKHART. SO TWO OF THESE WERE RAIL PROJECTS WHICH EXPANDS OUR VIEW FROM A FEW YEARS AGO WHAT TRANSPORTATION OPTIONS ARE IN THIS COMMUNITY. AND I THINK IF FIVE YEARS AGO OR EVEN THREE OR FOUR YEARS AGO THAT IT WOULD HAVE BEEN HARD TO BELIEVE THAT IF SOMEONE PREDICTED THAT WE'RE GOING TO HAVE MEMBERS OF THE AUSTIN CITY COUNCIL, THE CHAMBER OF COMMERCE, THE REAL ESTATE INDUSTRY AND MAYORS OF SMALL TOWNS ALL AROUND THIS REGION UP IN WASHINGTON LOBBYING FOR RAIL FUNDING FOR THIS AREA, THAT WOULD HAVE BEEN VERY DIFFICULT FOR PEOPLE TO BELIEVE, BUT THAT'S WHAT HAPPENED THIS WEEK. SO MAYBE THERE'S HOPE YET THAT WE CAN WORK THIS ISSUE OUT TOO.

Mayor Wynn: THANK YOU, COUNCILMEMBER. AGREED. SO COUNCIL, WE HAVE A MOTION -- AMENDED MOTION AND A SECOND ON THE TABLE. WHAT WE ARE DOING HERE ESSENTIALLY IS DIRECTING THE CITY MANAGER TO NEGOTIATE A POTENTIAL CONTRACT, POST THIS FOR NEGOTIATION AND EXECUTION FOR NEXT WEEK. MY HOPE FRANKLY IS THAT DURING THAT PROCESS THAT THE SCALE AND SCOPE OF THIS -- ONE, THE SCALE AND SCOPE CAN BE LESSENERED BECAUSE WE'LL GET REAL ANSWERS IN THE MEANTIME. AND TWO, WE MIGHT FIND SOME NEIGHBORING JURISDICTIONS THAT HAVE THE SAME CONCERNS. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER MCCRACKEN.

McCracken: I'M THINKING OF IT'S A FAIR QUESTION OF WHY WE'RE DOING THIS. IT'S SOMETHING THAT WE AS A BODY DON'T DO LIGHTLY WITH THE TAX DOLLARS, BUT WHAT WE'VE LEARNED IS THAT THE INFORMATION THE CAMPO BOARD RECEIVED LAST JULY, THAT THE TRUTH TURNED OUT TO BE RADICALLY DIFFERENT FROM WHAT THE CAMPO BOARD WAS TOLD AND THIS HAS RAISED QUESTIONS THAT FOR SOME REASON THE STATE KEEPS BLOCKING OUR EFFORTS TO FIND OUT WHAT OUR OPTIONS ARE. THE TRUTH NOW THAT WE HAVE LEARNED IS THAT THE STATE IS CONDUCTING A RADICAL EXPERIMENT AND THEY'RE DOING THIS EXPERIMENT WITH AUSTIN AND OUR COMMUNITY'S FUTURE. THE RADICAL EXPERIMENT WITH TOLL 50% OF OUR HIGHWAY MILES AND THEY WILL CHARGE TOLLS FOUR TO

SEVEN TIMES HIGHER THAN NATIONAL AVERAGE, FOUR TIMES AVERAGE THAN WHAT THE AVERAGE TOLLS WOULD BE. THEY'RE PUTTING THESE HIGH TOLL RATES ON SHORT STRETCHES OF TWO AND A HALF TO FOUR MILES LONG WITH A FREE FRONTAGE ROAD NEXT TO IT. AND WE'VE ALSO LEARNED THAT THE ASSUMPTIONS ON 290 WEST IN OAK HILL FOR INSTANCE ARE NO LONGER VALID AND THE VALIDITY OF THAT PROJECT WAS PREMISED ON THE WILLIAM CANNON OVERPASS ALSO BEING TOLLED. WE'VE ALSO LEARNED THAT THE COST OF THIS PROGRAM ARE BEING SHIFTED TO EAST AUSTIN AND SOUTHWEST AUSTIN. WE'VE LEARNED DESPITE THE RMA'S PUBLIC STATEMENT THAT THE BOND HOUSES HAVE RATED THEIR BONDS AT ONLY ONE LEVEL ABOVE JUNK STATUS, AND SOMETHING THAT THE CITY OF AUSTIN, FOR INSTANCE, HAS MADE A PRACTICE OF NEVER DOING BEFORE, ISSUING BONDS LIKE THAT. WE'VE HAD EXPERTS COME UP AND TELL US PRIVATELY, TRANSPORTATION EXPERTS, PRO ROAD TRANSPORTATION EXPERTS, THIS PLAN HAS ENORMOUS PROBLEMS. AND IN FACT, HOUSTON AND DALLAS HAVE GONE IN A VERY DIFFERENT ROUTE IN THEIR PLAN. THE QUESTION IS WHY DOES THE STATE KEEP BLOCKING US FROM TRYING TO FIND THE ALTERNATIVE? THE CITY IS STEPPING FORWARD TO PROVIDE THE INFORMATION KNOWING THAT SUNSHINE ON A PROBLEM CAN SOMETIMES HAVE A VERY POWERFUL EFFECT IN IDENTIFYING PROBLEMS ON SPELLING THIS. AND WE'RE GOING TO GO OUT AND HIRE A NATIONAL PRIVATE SECTOR, PUBLIC SECTOR AUTHORITY WITH UNIMPEACHABLE CREDENTIALS TO LET THE PUBLIC FIND OUT THEIR OPTION AND GIVE THE PUBLIC AN OPPORTUNITY TO WEIGH IN ON THIS. AND I WOULD RATHER -- LIKE MY COLLEAGUES ON THE COUNCIL, FOR INSTANCE, COUNCILMEMBER ALVAREZ, IF WE WANTED TO DO SOMETHING FOR A MONTH ON THIS, HAS BEEN VERY INSISTENT THAT IT NOT BE A STATEMENT, BUT SOMETHING THAT PRODUCES TANGIBLE RULES. RAUL'S BEEN VERY DETERMINED THAT WHAT WE DO MAKE A DIFFERENCE, AND I REALLY AGREE WITH THAT. AND COUNCILMEMBER SLUSHER, I'VE LEARNED A LOT FROM HIM FROM HIS WILLINGNESS TO QUESTION THINGS AND BE SKEPTICAL, AND I REALLY ADMIRE THE LEADERSHIP THAT MAYOR PRO TEM GOODMAN HAS HAD THAT SHE HASN'T GONE OUT AND BEATEN UP ON PEOPLE, BUT BEEN VERY

STEADY THAT THIS IS NOT THE RIGHT WAY TO DO THIS PROCESS. AND HAS BEEN A GUIDE POST FOR ME. MY COLLEAGUE, COUNCILMEMBER THOMAS AND MAYOR WYNN HAVE BOTH BEEN REALLY GOOD AT RAISING QUESTIONS AND REPRESENTING THE CITY. AND I'M REALLY GLAD THAT BETTY IS HERE BECAUSE SHE'S ABLE TO LOOK AT THE FINANCIAL DOCUMENTS AND IN FIVE SECONDS UNDERSTAND THEM BETTER THAN I COULD IN TWO MONTH. SO ROADS ARE TOO EXPENSIVE TO BUILD AND THESE ARE REAL PEOPLE'S MONEY. THIS CAN PAY FOR 61,500 STAR FLIGHTS. IT COULD PAY FOR 615 FULLY EQUIPPED AMBULANCES. YOU COULD BUILD 22 LIBRARIES WITH \$122 MILLION. I RAN INTO A FRIEND RECENTLY AND SHE'S A SINGLE MOM WITH TWO KIDS, LIVES IN NORTHWEST AUSTIN, WORKS DOWN OFF OF 71. AND EVERYDAY IT'S A FIGHT FOR HER. SHE'S HAVING TO RAISE HER KIDS, MAKE A BIG COMMUTE EVERYDAY, AND SO HER CHOICE NOW OF THIS PROGRAM IS TO PAY A BIG TOLL EVERYDAY OR SPEND LESS TIME WITH HER CHILDREN. THESE ARE NOT THEIR THEORETICAL ISSUES HERE. THESE ARE REAL PEOPLE'S LIVES. WE NEED TO MAKE SURE WE DO THE RIGHT THING AND COUNCIL TAKES THE RIGHT STEP IN FINDING OUT WHAT THE TRUTH IS.

Mayor Wynn: FURTHER COMMENTS?

Thomas: SHORT AND BRIEF, MAYOR. [LAUGHTER] I'M SUPPORTING THIS FOR, NUMBER ONE, THERE ARE SOME QUESTIONS THAT I NEEDED TO GET ANSWERED. ALSO THAT AFTER THIS INDEPENDENT STUDY IS DONE, THEN I WILL HAVE SOME MORE COMMENTS ON IT AS FAR AS WHY WE WERE BLOCKED FROM CERTAIN INFORMATION. I ALWAYS WANT TO MAKE SURE THAT THE INVESTIGATION IS DONE BEFORE I MAKE ANY OTHER STATEMENTS. BUT I COMMEND MY COLLEAGUES FOR DOING THIS. THERE ARE SOME QUESTIONS THAT THE COMMUNITY WANTS TO HAVE ANSWERED AND I THINK WE CAN GET SOME OF THOSE ANSWERED THROUGH THIS INDEPENDENT STUDY.

Mayor Wynn: I LOOK FORWARD TO NEXT WEEK. MOTION AND A SECOND ON THE TABLE. ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. SO COUNCIL, CONTINUING WITH OUR

THEME OF CONTROVERSY AND DIVISION IN OUR COMMUNITY... EARLIER WE HAD TABLED THE SMOKING ORDINANCE ISSUE. NOW WE WILL HAVE A BRIEF DESCRIPTION AT LEAST FROM LEGAL. IF YOU REMEMBER ON OUR DRAFT ORDINANCE, WE HAD THE PROPOSED BALLOT LANGUAGE. AGAIN, NOT A DIFFERENT ORDINANCE LANGUAGE, A PROPOSED BALLOT LANGUAGE FOR THIS ITEM TO BE PLACED ON THE MAY 7TH BALLOT THAT'S IN FRONT OF US ON OUR DRAFT ORDINANCE. IN THE MEANWHILE, THE CITY CLERK WAS KIND ENOUGH TO GET IN TOUCH WITH THE COUNTY CLERK AND THEY HAVE SENT US OVER A FAXED COPY OF -- EVERYBODY HAS ONE, OF THE ACTUAL VOTING MACHINE AND CAN TELL US THAT TECHNICALLY ALL OF THE WORDS THAT ARE PROPOSED BY THE LAW DEPARTMENT WOULD FIT ON THAT ONE SCREEN, ALTHOUGH OBVIOUSLY IT WOULD TAKE UP THE ENTIRE RIGHT HAND SCREEN OF THE VOTING MACHINE. SO AGAIN, WE HAVE WITHDRAWN ITEM NUMBER 4 BECAUSE WE'RE NOT GOING TO APPROVE THE ORDINANCE AS PRESENTED TO US. WE HAVE APPROVED ITEM NUMBER 3, WHICH WAS ACCEPTING THE CITY CLERK'S CERTIFICATION OF THE PETITION AND THIS PROCESS. SO NOW WE ARE ON ITEM NUMBER 5, WHICH IS TO VOTE TO PLACE THIS ON THE MAY 7TH BALLOT. I'LL JUST OPEN UP THE COMMENTS BY SAYING THAT JUST LOOKING AT THE DRAFT BALLOT LANGUAGE AND NOT HAVING ANY -- NOT TRYING TO MAKE ANY STATEMENT ONE WAY OR THE OTHER FROM A PHILOSOPHICAL STANDPOINT OTHER THAN IT SEEMS QUITE LENGTHY, AND I CAN'T REMEMBER A BALLOT LANGUAGE THAT -- FOR INSTANCE, LIKE A CHARTER AMENDMENT LANGUAGE THAT WE'VE PLACED ON THE BALLOT THAT'S NEARLY THIS LONG. I WELCOME ANY COMMENTS. MAYOR PRO TEM.

Goodman: MAYOR, WHAT I WANTED WAS SOME LANGUAGE THAT CLEARLY DEFINES THE DIFFERENCE BETWEEN WHAT WE CURRENTLY HAVE ON THE BOOKS AND WHAT THE PETITION GATHERERS ARE PROPOSING. AND WHAT WE HAVE FROM LEGAL IS -- I THINK THIS CAN EVEN BE MORE CLEAR. LET ME ASK FIRST, IS THERE ANYONE HERE FROM THE PETITIONERS?

Mayor Wynn: I BELIEVE THERE, YES. I SEE MR. A HEART IS HERE. I SAW ONE OF THEIR CONSULTANTS AS WELL. IF

GOOD I'D LIKE INPUT AFTER I READ THIS.

Mayor Wynn: FRANKLY, THERE'S ALSO FOLKS HERE THAT I THINK WOULD BE, FOR LACK OF A BETTER TERM, REPRESENTING THE OPPOSITION TO THIS PROPOSED BALLOT ITEM.

Goodman: AN ORDINANCE REPEALING AUSTIN'S CURRENT ORDINANCE RELATING TO SMOKING IN PUBLIC PLACES AND REPLACING IT WITH A NEW ORDINANCE THAT MAINTAINS THE CURRENT PROHIBITION AGAINST SMOKING IN MOST PUBLIC PLACES, INCLUDING WORKPLACES, AND EXPANDS THE PROHIBITION AGAINST SMOKING TO APPLY TO ALL BARS, RESTAURANTS AND BOWLING ALLEYS. NOW, WHAT I WOULD PROPOSE I THINK IS A LITTLE EASIER TO UNDERSTAND THAN THAT. AN ORDINANCE REPEALING AUSTIN'S CURRENT ORDINANCE RELATING TO SMOKING IN PUBLIC PLACES AND REPLACING IT WITH A NEW ORDINANCE THAT MAINTAINS THE CURRENT PROHIBITION -- I WANT TO ASK LEGAL ABOUT THAT. THAT'S KIND OF CONFUSING. PROHIBITION OF SMOKING IN MOST PUBLIC PLACES, INCLUDING ALL WORKPLACES AND PRIVATE CLUBS, EXPANDING THE PROHIBITION AGAINST SMOKING TO APPLY TO ALL BARS, RESTAURANTS AND BOWLING ALLEYS. WHAT DO YOU THINK? DOES THAT SAY CLEARLY WHAT YOU'RE --

I THINK WHAT YOU'RE READING I DON'T HAVE HERE.

SHE WAS ADDING TEXT TO THE DOCUMENT THAT WAS HANDED OUT.

OH, OKAY.

Goodman: I WAS ADDING TO INCLUDING ALL WORKPLACES. IT SAYS INCLUDING WORKPLACES. I DON'T THINK IT'S CLEAR ENOUGH. INCLUDING ALL WORKPLACES AND PRIVATE CLUBS, EXPANDING THE PROHIBITION AGAINST SMOKING TO APPLY TO ALL BARS, RESTAURANTS AND BOWLING ALLEYS. THE CHANGE TO EXPANDING IS JUST BETTER GRAMMAR. DOES YOUR ORDINANCE NOT DO ANY OF THE THINGS I JUST READ?

I DO. I HAVE CONCERN ABOUT THE LANGUAGE THAT SAYS

THAT MAINTAINS THE CURRENT PROHIBITION AGAINST SMOKING IN MOST PUBLIC PLACES.

Goodman: I DO TOO.

THAT'S KIND OF VAGUE.

Goodman: I DO TOO. SO WE CAN ASK LEGAL ABOUT THAT. I THINK IT'S KIND OF CONFUSING.

Alvarez: MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: I THINK IF WE'RE GOING TO SAY PROHIBITS SMOKING IN ALL RESTAURANTS, I BELIEVE THAT THERE'S ACTUALLY A PROVISION IN THE ORDINANCE THAT DOES ALLOW SMOKING IN RESTAURANTS, BUT IS THAT ALL RIGHT? SO I THINK WE WOULD HAVE TO BE CAREFUL WITH THAT LANGUAGE ALSO. IT HAS THE FOUR WALLS AND THE SEPARATE VENTILATION SYSTEM EXEMPTION IN THERE ALSO, SO WE WANT TO BE CAREFUL OUT WE WORD THAT BECAUSE IT'S NOT IN ALL RESTAURANTS.

FUTRELL: COUNCILMEMBER ALVAREZ, IF I UNDERSTAND YOUR COMMENT, THEN THE DESCRIPTION OF WHAT THE NEW ORDINANCE DOES, YOU WOULD CHANGE IT TO SAY, AND PROHIBITING SMOKING TO APPLY OR EXPANDING THE PROHIBITION TO APPLY TO ALL BARS, NON-PERMITTED RESTAURANTS? SINCE THE RESTAURANTS ARE GRANDFATHERED AND THE ONES THAT HAVE PERMITS AS OF LAST NOVEMBER.

Alvarez: I HAVEN'T SUGGESTED ANYTHING, I'M JUST SAYING WITH THE NEW LANGUAGE YOU HAVE TO BE CAREFUL AS TO NOT REPRESENT THAT YOU'RE DOING SOMETHING THAT YOU'RE NOT. I MEAN, IT WAS VERY CLEARLY PUT FORWARD AS A PROPOSAL.

Slusher: IT CAUSES ME TO HAVE A QUESTION.

Mayor Wynn: COUNCILMEMBER SLUSHER, I PROBABLY SHOULD HAVE PREFACED THIS -- WHY DON'T I JUST READ

WHAT THE CITY LEGAL DRAFTED. BECAUSE FOLKS ARE HEARING FOR THE FIRST TIME THIS POTENTIAL SHORTER AMENDMENT.

Slusher: SHE READ IT.

Mayor Wynn: THE LONGER ONE?

Slusher: I'M NOT SAYING IT HURTS TO READ IT AGAIN.

Mayor Wynn: I WON'T THEN. OKAY. COUNCILMEMBER SLUSHER.

Slusher: NO, I WASN'T OBJECTING TO YOU READING IT, BUT I WAS POINTING OUT THAT SHE HAD READ IT.

Mayor Wynn: I DIDN'T REALIZE THAT. GO AHEAD.

Slusher: SO THE ONLY RESTAURANTS WHERE IT WOULD BE ALLOWED WOULD BE THE ONES THAT ARE EXEMPTED UNDER WHAT YOU HAD IN THIS OTHER LANGUAGE, IS THAT RIGHT? UNDER THE -- I'M TRYING TO FIND THIS. RESTRICTED PERMITS FOR DESIGNATED SMOKES AREAS ON OR BEFORE 2004. OTHER THAN THAT ALL RESTAURANTS UNDER THIS IF THIS PASSES WOULD NOT BE ALLOWED TO HAVE SMOKING, IS THAT CORRECT?

THAT'S CORRECT.

Slusher: SO I WOULD THINK THAT COUNCILMEMBER SLUSHER IS RIGHT THAT WE WOULD HAVE TO PUT THAT LANGUAGE IN EVEN THOUGH IT WOULD LENGTHEN IT SOMEWHAT, BUT -- WE NEED A LEGAL OPINION ON THAT, BUT IF WE HAVE A VALID LANGUAGE THAT SAYS ALL BARS, RESTAURANTS AND BOWLING ALLEYS, BUT THERE ARE EXEMPTIONS THAT ARE BUILT INTO THE PETITION LANGUAGE AND THEN WE SHOULD NOTE IT. I MEAN, DO YOU WANT TO GIVE AN IMMEDIATE LEGAL OPINION ON THAT?

I CAN DO THAT. THE ORDINANCE LANGUAGE THAT WAS PROPOSED IN DRAFT ORDINANCE THAT WAS PASSED OUT THAT WAS LENGTHIER THAN THIS VERY SHORT ONE DOES SPECIFY THE EXCEPTION THAT'S CREATED IN THE INITIATIVE

ORDINANCE FOR PERMITTED BARS. AND THAT LANGUAGE WASN'T DUPLICATED IN THE VERY, VERY ABBREVIATED DRAFT THAT WAS HANDED OUT, BUT IT CERTAINLY COULD BE ADDED TO THAT.

Slusher: WELL...

I AGREE TO THE EXTENT THIS IS SO ABBREVIATED THAT IT LEAVES IT OUT, IT COULD BE MISLEADING.

Slusher: THERE'S ALREADY A LAWSUIT ABOUT THIS, SO I DON'T WANT TO ASK TOO MANY QUESTIONS OUTSIDE OF EXECUTIVE SESSION, BUT I WOULD WANT TO KNOW IF THAT COULD LEAD TO LEGAL DIFFICULTY AND COST.

THERE'S A DISTINCTION THAT NEEDS TO BE MADE BETWEEN THE TEXT OF THE ORDINANCE AS IT WAS ATTACHED TO THE PETITION AND THE TEXT OF WHAT GETS PUT ON THE BALLOT. YOU AS THE BODY PUTTING IT ON THE BALLOT HAVE A LOT OF DISCRETION ABOUT WHAT THE TEXT OF THE BALLOT LANGUAGE IS. SO TO THE EXTENT THIS VERY BRIEF SENTENCE THAT WAS HANDED OUT IS LEGALLY SUFFICIENT AS A BALLOT MEASURE. IF IT FAILS TO PROVIDE THE AMOUNT OF INFORMATION THAT YOU AS A BODY WANT IN THERE, THEN IT NEEDS TO BE AMENDED. BUT IT IS LEGALLY SUFFICIENT AS WRITTEN.

Slusher: OKAY. BECAUSE THE EXCEPTIONS OR PREVIOUSLY ISSUED PERMITS ARE MENTIONED IN THE ACCOMPANYING PETITION LANGUAGE?

THAT WOULD BE IN THE PETITION. AND THE VOTERS ARE PRESUMED TO KNOW WHAT THE PETITION SAYS. AND THIS ORDINANCE THAT CONTAINS THE LANGUAGE OF THE BALLOT INITIATIVE -- OF THE BALLOT LANGUAGE ALSO CONTAINS THE FULL TEXT AND IT WILL BE PUBLISHED.

Slusher: THAT'S ALL I HAVE.

Mayor Wynn: MAYOR PRO TEM.

Goodman: EVEN THAT IS KIND OF CONFUSING BECAUSE THEY'RE PERMITTED BUT IT'S FOR A CERTAIN LENGTH OF

TIME, THE ONES THAT ARE CURRENTLY PERMITTED. SO THAT'S LIKE -- I THOUGHT IT WAS 10, BUT IT'S SEVEN YEARS. SO I SUPPOSE WE WOULD HAVE TO PUT THAT IN TOO TO BE PERFECTLY CLEAR.

Slusher: THAT'S LEADING ME TO THINK IT'S BETTER LIKE IT IS IN THE SHORT VERSION.

Goodman: NO, I CAN SEE WHERE PEOPLE WOULD NOT UNDERSTAND IF THEY DID WANDER UNSUSPECTINGLY INTO A PERMITTED RESTAURANT AND SEE SMOKE AND PANIC. THEY WOULDN'T UNDERSTAND HOW WE HAD PASSED A TOTAL NONSMOKING BAN AND SOME STILL EXIST. AND THEY PROBABLY WOULD NOT ASK THE OWNER HOW MANY YEARS THEY WERE EXEMPTED FOR. SO I'M THINKING -- THERE IS NO EASY WAY TO WRITE THIS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

Slusher: ... BECAUSE IF WE JUST SAY MOST, THEN WHICH ONES? THAT WILL LEAVE THE QUESTION. AND THE VOTERS -- IN THE VOTERS' MINDS, WHICH ONES, HOW DO YOU GET TO BE ONE OF THOSE, THAT KIND OF THING. THAT'S WHAT WOULD CONCERN ME ABOUT THAT.

Mayor Wynn: MAYOR PRO TEM?

Goodman: MAYBE WE CAN SAY SOMETHING LIKE AND RESTAURANTS THAT ARE CURRENTLY PERMITTED TO -- WHEN DOES THE SEVEN YEARS START? ARE THEY ALL THE SAME?

THE WAY THE INITIATIVE ORDINANCE IS WRITTEN IT'S THAT ANY BEFORE OR RESTAURANT THAT WAS ISSUED A RESTRICTED PERMIT ON OR BEFORE NOVEMBER 2nd, 2004, CAN CONTINUE TO ALLOW SMOKING UNTIL SEPTEMBER 1st, 2018. AND THAT -- THAT'S THE -- THAT SPECIFIC LANGUAGE CAN BE SET OUT IN THE BALLOT. DID I READ IT WRONG? 2012, EXCUSE ME.

Slusher: I HAVE GOT SOME SUGGESTED LANGUAGE.

Mayor Wynn: THE QUESTION FOR LEGAL. THERE ARE -- THERE ARE SEVERAL ORGANIZATIONS THAT -- THAT, YOU KNOW,

SORT OF HELPED WITH THE PETITION DRIVE. WOULD -- WOULD LEGAL ADVISE US AGAINST HAVING A SIMPLE SENTENCE THAT, YOU KNOW, THE -- THE APPROVAL OF THE - - APPROVAL OF THE NAME THE SMOKING BEEN -- EXCUSE ME, WHAT'S THE NAME OF YOUR ORGANIZATION? ONWARD AUSTIN.

ONWARD AUSTIN. WOULD IT BE -- WOULD YOU SUGGEST WE DON'T DO SOMETHING AS SIMPLE AS APPROVAL OF THE ONWARD AUSTIN SMOKING BAN ORDINANCE?

YES, BECAUSE THAT DOESN'T GIVE THE PUBLIC THE INFORMATION THAT WAS HAPPENING AS THE REGULATION OF THE USE OF TOBACCO IS CHANGING.

HENCE YOU ALL'S PRETTY SPECIFIC, VERY SPECIFIC BALLOT LANGUAGE THAT YOU THINK ADDRESSES THE VAST MAJORITY OF THE MAJOR COMPONENTS OF THE ORDINANCE.

YES. THIS ORIGINAL ORDINANCE ON THE YELLOW BACK THAT WAS HANDED OUT THIS MORNING IS AS SPECIFIC AS IT IS BECAUSE BASED ON INFORMATION THAT WE HAD RECEIVED, WE FELT THAT -- THAT COUNCIL WANTED THE HIGHLIGHTS OF THE ORDINANCE SPELLED OUT FOR THE PUBLIC. I DON'T KNOW WHETHER MS. BROWN HAS HAD AN OPPORTUNITY TO TELL YOU, BUT IN CHECKING THE -- THE SCREEN ON THE ELECTRONIC VOTING, HOLDS UP TO 3,000 WORDS, AND THIS CAME IN AT ABOUT ONE THOUSAND, SO THAT WOULD FILL ABOUT A THIRD OF THE SCREEN AS WRITTEN, AS ORIGINALLY PROPOSED BY STAFF.

Mayor Wynn: WE WANT IT TO BE AS CONCISE AS POSSIBLE, BUT WE CLEARLY WANT IT TO BE ACCURATE AND DON'T WANT TO SHOW FAVORITISM TO EITHER SIDE. WE WANT IT TO BE WHAT IT IS. COUNCILMEMBER SLUSHER?

WHAT I WAS THINKING, MAYOR, IS THAT -- THAT WE HAVE IT AS IT READS IN THIS ONE AND THEN AFTER -- AFTER BOWLING -- AFTER RESTAURANTS I WOULD SAY EXCEPT FOR RESTAURANTS ALREADY ISSUED PERMITS LASTING THROUGH WHAT IS THE DATE?

THEY WERE ISSUED.

THE END IS SEPTUPLETS 1st -- THE DATE THEY END IS SEPTEMBER 1st, 2012.

AT THE END, YOU SAY EXPANDS THE PROGRESS AGAINST SMOKING TO APPLY TO ALL BARS, RESTAURANTS AND BOWLING ALLEYS. THEN, COMMA, EXCEPT FOR RESTAURANTS, ALREADY ISSUED PERMITS LASTING THROUGH SEPTEMBER FIRST, 2012.

Mayor Wynn: COMMENTS, COUNCILMEMBER ALVAREZ?

Alvarez: THE QUESTION IS THAT IS THIS ONLY A SPECIFIC TYPE OF PERMIT OR IS IT ALL PERMITS.

THERE WAS ONLY ONE KIND OF PERMIT ISSUED. WELL, THERE WERE TWO TYPES OF PERMITS ISSUED, RESTRICTED AND UNRESTRICTED. WHAT THIS ORDINANCE HAS PROPOSED TO AUTHORIZE IS THE RESTRICTED PERMITS WHICH ARE THOSE -- MOSTLY FOR RESTAURANTS.

Alvarez: UNRESTRICTED WERE THE BARS, IS THAT --

YES. COUNCILMEMBER SLUSHER, I BELIEVE THAT THE PERMITS ARE ANNUAL, SO LASTING MAY NOT BE THE VERB THAT WE WANT TO USE EXCEPT FOR RESTRICTED PERMITS.

Slusher: I DON'T HAVE A PROBLEM WITH CHANGING THAT. TELL ME, THOUGH, WHAT -- THEY ARE ANNUAL, THEY KEEP GETTING RENEWED EVERY YEAR?

I THINK SO. DAVID, IS THAT RIGHT?

Slusher: EXCUSE ME? I MISSED THE JOKE.

Mayor Wynn: I THINK THEY ARE -- [MULTIPLE VOICES]

Mayor Wynn: YOU ARE BEING CREDITED -- [LAUGHTER] YOU ARE BEING CREDITED WITH THE ANNUAL REQUIREMENTS, COUNCILMEMBER.

Slusher: IT'S COMING BACK TO ME NOW.

Mayor Wynn: MAYOR PRO TEM?

Goodman: IF I COULD ASK A QUESTION OF -- WE'LL CALL THEM THE OTHER SIDE FOR LACK OF A BETTER NOMENCLATURE. DO WE KNOW HOW MANY RESTAURANTS HAVE BEEN PERMITTED?

I'M MARK LEVY WITH KEEP AUSTIN FREE. AND APPARENTLY THERE'S ONLY 12 RESTAURANTS THAT HAVE THAT PERM, RESTRICTED PERMIT BECAUSE YOU HAVE TO HAVE THE SEPARATE HVAC SYSTEM SO IT'S VERY EXPENSIVE. SO FOR THAT REASON IT MIGHT BE MORE ACCURATE SINCE YOU HAVE TO HIT THE HIGHLIGHTS, LEAVE RESTAURANTS OUT AND SAY BARS, BOWLING ALLEYS, LIVE MUSIC VENUES. BUT BECAUSE MOST RESTAURANTS ARE ALREADY ESSENTIALLY YOU CAN'T HAVE SMOKING. THERE'S ONLY 12 RESTAURANTS THAT EVEN HAVE SEPARATE SMOKING SECTIONS WITH SEPARATE HVAC SYSTEMS WHICH IS WHAT YOU HAVE TO HAVE UNDER THE EXISTING ORDINANCE.

Slusher: DOES THE PETITION SAY ANYTHING, DOES IT SPECIFY LIVE MUSIC VENUES OR DOES IT JUST SAY BARS OR NIGHTCLUBS? HOW IS THAT WORDED IN THERE? BECAUSE THOSE WOULD FALL UNDER THE CATEGORY OF A BAR. YOU CAN'T SMOKE IN A BAR UNDER THIS ORDINANCE.

LIVE MUSIC WOULD FALL UNDER A PUBLIC PLACE. SO IT WOULD BE A SMOKE-FREE.

Slusher: BECAUSE I WOULD THINK IF YOU PUT THAT IN, THEN YOU WOULD HAVE TO LIST OFF A BUNCH OF OTHER PUBLIC PLACES AS WELL.

Goodman: WELL, ANYWAY, MY THOUGHT WAS THAT -- THAT YOU COULD SAY EXCEPT FOR THE 12 CURRENTLY PERMITTED ASTRONAUTS OR 12 CURRENTLY PERMITTED UNTIL SEPTEMBER 1, 2012 RESTAURANTS.

Slusher: I THINK THAT DOES IT.

EXCUSE ME, YOUR CONCERN WOULD BE THE EXPANSION

PART, WE LIKE WHAT YOU HAVE SUBSTITUTED MUCH BETTER THAN THE ORIGINAL PROPOSAL, BECAUSE IT DOES MAKE CLEAR WHAT'S NEW AND WHAT ISN'T. BUT THE EXPANSION TO BARS IS A TOTAL EXPANSION. IN OTHER WORDS NO BARS CAN HAVE -- BARS THAT HAVE THE PERMITS, THERE'S A LOT OF THEM, 200 ANYWAY, SMOKING NOW, BUT NONE WILL BE ABLE TO HAVE IT AFTER THIS. BUT TALKING ABOUT 12 RESTAURANTS NOW THAT HAVE SMOKING, WE DON'T WANT PEOPLE TO THINK WHEN LOOKING AT THIS THAT YOU CAN SMOKE IN A RESTAURANT NOW BUT YOU WOULDN'T BE ABLE TO AFTERWARDS WHEN IN FACT THERE'S ONLY 12 RESTAURANTS NOW THAT HAVE SMOKING SECTIONS WITH THE RESTRICTED PERMIT.

Slusher: I THINK THAT'S WHAT SHE JUST SAID. EXCEPT FOR THE 12 THAT CURRENTLY HAVE PERMITS.

IT SAYS THAT YOU ARE EXPANDING THE BAN TO ALL OF THEM, EXCEPT THE 12, WHEN IN FACT IT'S ALREADY BANNED.
[MULTIPLE VOICES]

MR. LURIE, DID YOU WANT TO COMMENT?

THANK YOU, DAVID LURIE HEALTH AND HUMAN SERVICES DEPARTMENT. I JUST WANTED TO CLARIFY IF YOU ARE GOING TO SPECIFY NUMBERS, IS THAT ONLY 10 OF THOSE 12 WERE ACTUALLY PERMITTED BEFORE THE DEADLINE DATE THAT'S DESIGNATED HERE, WHICH IS NOVEMBER 2, 2004.

SHOULD BE 10.

YES, SIR.

Mayor Wynn: THANK YOU, MR. LURIE.

Goodman: FOR LEGAL THEN AGAIN. SO EXPANDING THE PROHIBITION AGAINST SMOKING TO APPLY TO ALL BARS, THERE WAS A QUESTION ABOUT -- WHETHER THAT'S AN ACCURATE WORD EXPANDING, DO YOU AGREE?

I BELIEVE IT IS ACCURATE BECAUSE UNDER THE CURRENT ORDINANCE, ANY BAR COULD GET AN UNRESTRICTED OR A RESTRICTED SMOKING PERMIT IF THEY APPLIED FOR ONE.

OR IF THEY HAD APPLIED FOR ONE. OR THEY COULD STILL APPLY FOR ONE NOW UNTIL -- IF AND WHEN THIS INITIATIVE IS -- IS APPROVED BY THE VOTERS.

Goodman: OKAY, THAT'S ONLY A FEW MONTHS. I DID FORGET TO LOOK, I'M SORRY, FOR WHEN THIS TAKES EFFECT. IS IT THE DAY THAT THE VOTE IS COUNTED AND CANVASSED?

NO. ACCORDING TO TERMS OF THE INITIATIVE ITSELF, IT GOES INTO EFFECT SEPTEMBER 1st.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: I WAS GOING TO ASK IF COUNCILMEMBER SLUSHER COULD REPEAT THE -- THE ADDING VERBIAGE JUST TO POINT OUT THE FACT THAT THERE'S SOME RESTAURANTS THAT -- THAT ARE --

Slusher: CHANGE THIS BASED ON YOUR -- TELL ME IF I MEET YOUR CONCERN. IF I COULD ADD THE NUMBER OF COUNTS, AT THE END OF THIS THEN, COMMA, EXCEPT FOR RESTAURANTS ALREADY ISSUED RESTRICTIVE PERMITS LASTING THROUGH SEPTEMBER 1st, 2012.

I MIGHT ALTER THAT TO SAY EXCEPT FOR RESTAURANTS ALREADY ISSUED RESTRICTED PERMITS THAT MAY BE RENEWED THROUGH SEPTEMBER 1st, 2012.

Slusher: IS THE RENEWAL WHERE THEY HAVE TO COME DOWN AND PAY TO RENEW IT.

EVERY YEAR AN ANNUAL PERMIT.

Slusher: RIGHT, BUT IT'S NOT SOMETHING THAT COMES BEFORE THE COUNCIL. JUST A MATTER OF COMING DOWN TO RENEW THE PERMIT. OKAY. TELL ME WHAT YOU HAD AGAIN. EXCEPT FOR RESTAURANTS ALREADY ISSUED RESTRICTIONED PERMITS THAT MAY BE RENEWED. THROUGH SEPTEMBER 1st, 2012. BECAUSE PRESUMABLY THE RESTAURANT OWNER COULD ELECT PHOTO RENEW.

OKAY. I SEE. THAT MAKES SENSE TO ME. IF I CAN, SEEMS TO ME ALSO IF WE KNOW THAT THERE ARE 10, WHY NOT HAVE

THAT INFORMATION OUT THERE? THE 10 RESTAURANTS
THAT --

Slusher: EXCEPT FOR THE 10 RESTAURANTS THAT HAVE
ALREADY BEEN ISSUED RESTRICTIVE PERMITS [MULTIPLE
VOICES]

Mayor Wynn: PUTS IT IN THE CONTEXT OF THE SCOPE OR THE
SCALE OF THE -- OF WHAT WE ARE TALKING ABOUT.

Goodman: CAN I SUGGEST THAT YOU CUT DOWN ON THE
VERBIAGE A LITTLE BIT AND SAY WITH RESTRICTED
PERMITS, WHICH MAY BE RENEWED UNTIL SEPTEMBER 1,
2012.

Slusher: THAT'S FINE WITH ME.

THE WHEN YOU GET INTO ALL OF THE THE'S, THAT'S,
PEOPLE'S EYES GLAZE OVER.

MR. LURIE, YOU SEEM ANXIOUS.

NOT THE -- NOT TO COMPLICATE THE MATTER, BUT THERE'S
SOME UNEASINESS ABOUT SAYS FLYING A NUMBER. I GUESS
THAT I WOULD DEFER TO LEGAL ON THIS OPINION. BUT WE
DO HAVE AT LEAST ONE AND PERHAPS SOME OTHERS THAT
ARE CURRENTLY BEING CHALLENGED LEGALLY. AND WE
DON'T KNOW IF -- YOU KNOW, IF THOSE PARTIES PREVAIL IF
THERE WOULD BE SOME SORT OF RETROACTIVE APPROVAL,
SO TO SPEAK, OF THE PERMIT. SO IT'S JUST I GUESS LIKE I
SAY NOT TO COMPLICATE IT, BUT I GUESS JUST AN ISSUE IN
TERMS OF PUTTING A SPECIFIC NUMBER IN THERE. I DON'T
KNOW JANINE IF YOU HAVE ANY THOUGHTS ON THAT.

Goodman: MAYOR?

Mayor Wynn: MAYOR PRO TEM?

Goodman: WE CAN SAY APPROXIMATELY 10 IF YOU ARE NOT
SURE. [LAUGHTER]

Slusher: I'M SORRY, WE ARE DOWN TO ONE WORD NOW. BUT
HAVING THE WORD APPROXIMATELY ON A BALLOT ITEM

BOTHERS ME. BECAUSE BALLOT ITEMS ARE SUPPOSED TO BE PRECISE.

Goodman: WELL, THEY ARE TO REFLECT REALITY.

LIST THE NAMES. [LAUGHTER]

Goodman: IF THEY ARE BEING CHALLENGED --

Slusher: YOU CAN'T BLAME THEM FOR WANTING TO GET A LITTLE ADVERTISING IN.

Mayor Wynn: LEGAL ADVICE ON THE WORD APPROXIMATE.

IF THERE'S A QUESTION ABOUT HOW MANY WOULD QUALIFY UNDER THE INITIATIVE PETITION, TO BE GRANDFATHERED THROUGH 2012, HAVING A SPECIFIC NUMBER THAT'S INACCURATE IS PROBABLY MORE MISLEADING THAN NOT. APPROXIMATE IS NOT A WORD THAT WE WOULD GENERALLY RECOMMEND IN A BALLOT MEASURE BECAUSE IT DOESN'T REALLY PROVIDE MUCH INFORMATION EITHER.

IT PROVIDES MORE INFORMATION THAN NOT PUTTING THE NUMBER IN. SO WHAT WOULD YOU SUGGEST?

I DON'T THINK USE OF THE WORD APPROXIMATE WILL CREATE A FATAL LEGAL PROBLEM WITH THE -- WITH THE BALLOT LANGUAGE. IT WOULD NOT BE OUR RECOMMENDATION, BUT --

Goodman: WELL, IF YOU HAVE A BETTER SUGGESTION OR IF ANYBODY --

Slusher: I WOULD GO BACK TO -- WE DON'T WANT A NUMBER, EXCEPT FOR RESTAURANTS ALREADY ISSUED RESTRICTIVE PERMITS THAT CAN BE RENEWED THROUGH 9-1-2012.

Goodman: I DON'T KNOW. I DON'T THINK THAT REALLY LAYS IT ON THE TABLE. DOESN'T REALLY LAY IT ON THE TABLE.

Slusher: LAY WHAT ON THE TABLE?

Goodman: THE PRECISE NATURE OF THIS ORDINANCE. IT

DOES GRANDFATHER, THAT'S AN IMPORTANT THING AND IT'S A VERY FINITE -- WELL, UNTIL TODAY WE THOUGHT IT WAS FINITE.

Slusher: BUT IF YOU PUT APPROXIMATE THAT'S NOT PRECISE, EITHER.

Goodman: THAT'S BECAUSE I DIDN'T KNOW UNTIL TODAY THAT SOME OF THEM WERE IFFY.

Slusher: WELL, SEEMS LIKE IF YOU HAVE A -- IF THERE'S A LAWSUIT THAT -- IF THERE'S A LAWSUIT WHERE THE CITY HAS IS ORDERED TO DO ONE THING OR ANOTHER, THEN THAT WOULD TRUMP THIS, THE CITY WOULD HAVE TO DO THAT, WE WOULDN'T BE ABLE TO GO BACK AND SAY WELL WE SAID HERE THERE'S JUST 10.

Goodman: WELL, OKAY, WHAT IF WE SAID SEVERAL IS THAT MORE FINITE.

Slusher: THAT'S LIKE APPROXIMATE.

Mayor Wynn: COUNCILMEMBER DUNKERLY, QUESTION?

Dunkerly: [INAUDIBLE - NO MIC] NOW MAYBE THIS IS TO STAFF. EXACTLY WHAT'S BEING PROHIBITED NOW THAT -- THAT'S NEW? FROM WHAT WE HAD BEFORE? AND THAT WOULD BE I THINK FROM READING HERE THE BILLIARDS WHICH ARE NOT SPECIFICALLY MENTIONED, THE BOWLING ALLEYS.

BIPGING HALLS.

Dunkerly: WHAT ELSE?

I BELIEVE DAVID LURIE HAS PREPARED A COMPARISON FOR US.

MR. LURIE, PERHAPS YOUR COMPARISON CAN -- CAN HELP US GET OFF --

SORRY, MAYOR.

Mayor Wynn: PERHAPS YOUR COMPARISON, SOUNDS LIKE WE

NEED AN ANALYSIS OF THE COMPARISON OF THE TWO ORDINANCES THAT MIGHT SOMEHOW SHED SOME LIGHT ON THE BALLOT WORD.

SURE. WHAT THE CLERK IS PASSING OUT IS A COMPARISON IN SORT OF LAYPERSON'S TERMS, IF YOU WILL, OF THE CHANGES. AND I'LL TAKE JUST A MOMENT TO -- TO WALK THROUGH THESE, IN THIS OUTLINE --

Slusher: LET ME INTERRUPT YOU, I'M SORRY. LET ME ASK A QUESTION THAT MIGHT ANSWER COUNCILMEMBER DUNKERLY'S IF IT'S IN THE AFFIRMATIVE. BUT IS THE DIFFERENCE AS FAR AS RESTAURANTS WOULD BE THAT SOME RESTAURANTS, 10, MAYBE, ONE OR TWO MORE, COURT CASES THAT -- THAT THEY HAVE THESE PERMITS THAT HAVE ALREADY BEEN ISSUED. BUT UNDER THE CURRENT ORDINANCE, OTHER RESTAURANTS COULD COME IN AND APPLY FOR THESE PERMITS AND DO THE TYPE OF CONSTRUCTION, RENOVATIONS TO MAKE THEM ELIGIBLE TO GET THAT PERMIT. WHERE AT THIS -- IF THIS PASSES THE RESTAURANTS COULD NO LONGER COME IN AND DO THAT. IS THAT THE DIFFERENCE?

THAT HE SHOULD, THIS CHANGE ELIMINATES THE PERMITTING PROCESS THAT WE HAVE BEEN USING SO THAT THE UNRESTRICTED AND RESTRICTED SMOKING PERMITS THAT WE HAVE BEEN ISSUING WE WOULD KNOW LONGER BE ABLE TO ISSUE. THAT WHOLE PROCESS WOULD BE ELIMINATED.

OKAY. I THINK THIS IS PRETTY CLEAR, SMOKING PERMITS FOR BARS, RESTAURANTS, BOWLING ALLEYS, CLOSED MEETING ROOMS, PRIVATE FUNCTIONS, THOSE ARE ALL ELIMINATED. WHAT ABOUT THE LIVE MUSIC VENUES, ELIMINATION OF THE REQUIREMENT OF NON-SMOKING.

WELL, BECAUSE IN THE CURRENT ORDINANCE THERE'S A REQUIREMENT THAT LIVE MUSIC VENUES PROVIDE A CERTAIN NUMBER OF SMOKE-FREE EVENTS, THAT BECOMES MOOT. THAT BECOMES MOOT BECAUSE THESE ARE ENCLOSED PUBLIC PLACES, THEY WOULD ALL BE REQUIRED TO BE SMOKE FREE.

OKAY. THAT HELPS.

Goodman: WELL -- I'M JUST GOING TO GO BACK AND -- AND SUGGEST THAT WE USE THE -- THE MODIFIED SHORT VERSION THAT LEGAL GAVE US, NOT LEAVING IN THE NUMBER, IF THAT'S TOO NEBULOUS BECAUSE WE DON'T REALLY KNOW HOW MANY ARE -- ARE OFFICIALLY PERMITTED OR WILL STAY PERMITTED. MAYBE SAY AN ORDINANCE REPEALING AUSTIN'S CURRENT ORDINANCE RELATED TO SMOKING IN PUBLIC PLACES AND REPLACING IT WITH A NEW ORDINANCE THAT MAINTAINS THE CURRENT PROHIBITION AGAINST SMOKING -- OH, WAIT. NOW WE HAVE TROUBLE WITH THAT. IN MOST PUBLIC PLACES, INCLUDING ALL WORKPLACES, PRIVATE CLUBS, EXPANDING THE PROHIBITION AGAINST SMOKING TO APPLY TO ALL BARS, [INDISCERNIBLE] PERMITTED RESTAURANTS AND BOWLING ALLEYS. IF WE CAN TALK FOR A MINUTE ABOUT SMOKING IN PUBLIC PLACES.

THERE WAS ONE OTHER ISSUE TO ADD BILLIARD OR POOL HALLS.

TO BAN OR EXEMPT IT.

TO ADD WHERE YOU HAVE THE LIST TO ALL BARS, RESTAURANTS, BOWLING ALLEYS AND BILLIARD HALLS.

Goodman: OKAY. THAT'S IN YOUR PETITION?

CORRECT.

Goodman: OKAY.

Slusher: MAYOR, I WOULD LIKE TO GO AHEAD AND MAKE A MOTION. I THINK WE NEED TO GET BEYOND THE EDITING PROCESS HERE IF WE CAN. SO I WOULD MOVE THE LANGUAGE THAT HAS BEEN BROUGHT FORWARD BY MS. GILCHRIST AND THEN ADD MY AMENDMENT. SO LET ME READ IT OUT LOUD. AN ORDINANCE REPEALING AUSTIN'S CURRENT ORDINANCE RELATING TO SMOKING IN PUBLIC PLACES AND REPLACING IT WITH A NEW ORDINANCE THAT MAINTAINS THE CURRENT PROHIBITION AGAINST SMOKING IN MOST PUBLIC PLACES, INCLUDING WORKPLACES AND

EXPANDS THE PROHIBITION AGAINST SMOKING TO APPLY TO ALL BARS, RESTAURANTS, AND BOWLING ALLEYS, EXCEPT FOR RESTAURANTS ALREADY ISSUED RESTRICTIVE PERMITS THAT ARE RENEWABLE LASTING THROUGH SEPTEMBER 1st, 2012. I DIDN'T HAVE WHAT YOU ADDED WRITTEN DOWN. THAT WOULD BE MY MOTION FOR THE BALLOT LANGUAGE.

SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER ALVAREZ REGARDING THE BALLOT LANGUAGE WHICH IS PART OF OUR REQUIREMENTS IN APPROVING ITEM ENGINE 5. -- ITEM NO. 5.

Goodman: CAN I OFFER A FRIENDLY AMENDMENT?

Mayor Wynn: YES, YOU MAY.

Goodman: COUNCILMEMBER SLUSHER FORGOT TO INCLUDE PRIVATE CLUBS AS HE WAS READING THOSE OFF. I THINK THAT'S AN IMPORTANT INCLUSION. DID YOU SAY BILLIARD HALLS?

Slusher: NO.

Goodman: THAT'S AN IMPORTANT INCLUSION. SO I WOULD OFFER THE ADDITION OF PRIVATE CLUBS AND BILLIARD HALLS AND OFFER TOO A GRAMMATIC CHANGE WITH A COMMA AFTER CURRENT PROHIBITION AND A COMMA AFTER IN MOST PUBLIC PLACES.

Slusher: I'M SORRY, WHAT WAS THE FIRST COMMA THERE?

AFTER PROHIBITION. THAT MAINTAINS THE CURRENT PROHIBITION, COMMA, AGAINST SMOKING IN MOST PUBLIC PLACES. COMMA.

Slusher: I DON'T SEE WHY A COMMA COULD GO THERE. AT LEAST WE'RE OFF THE WORDS NOW AND ON TO PUNC PUNCTUATION.

Goodman: BECAUSE IT ROLLS INTO EACH OTHER AND IT'S NOT CLEAR ABOUT WHERE THE IN MOST PUBLIC PLACES,

IT'S NOT CLEAR WHAT THAT CONTEXT IS REFERRING TO. SO MAYBE THE FIRST COMMA IS NOT NECESSARY, BUT I THINK THE SECOND ONE IS.

Slusher: WHERE WAS THE SECOND ONE?

Goodman: AFTER PUBLIC PLACES.

Slusher: MY COPY HAS A COMMA THERE. I WILL READ IT AGAIN. AN ORDINANCE REPEALING AUSTIN'S CURRENT ORDINANCE RELATING TO SMOKING IN PUBLIC PLACES AND REPLACING IT WITH A NEW ORDINANCE THAT MAINTAINS THE CURRENT PROHIBITION AGAINST SMOKING IN MOST PUBLIC PLACES, COMMA, INCLUDING WORKPLACES, COMMA, AND EXPANDS THE PROHIBITION AGAINST SMOKING TO APPLY TO ALL BARS, RESTAURANTS AND BOWLING ALLEYS. THEN YOU WANTED TO ADD BILLIARD PARLORS AND --

Goodman: PRIVATE CLUBS.

Slusher: OKAY, THAT -- THOSE ARE SPECIFY UNDERSTAND THE ORDINANCE, MR. AHART, IN THE PETITION?

YES, THEY ARE. I'M NOT EXACTLY SURE ABOUT THE PRIVATE CLUB ISSUE.

SMOKE IN THIS PRIVATE CLUBS IS CURRENTLY PROHIBITED UNDER THE ORDINANCE AS IT STANDS NOW, THAT PROHIBITION WOULD JUST BE CONTINUED UNDER THE INITIATIVE.

Slusher: I WOULDN'T WANT TO PUT ANYTHING IN HERE THAT'S ALREADY PART OF THE ORDINANCE. BUT I WOULD ACCEPT SOMETHING THAT'S NEW.

Goodman: WELL, I THINK THE REASON THAT I OFFERED THAT IS BECAUSE PRIVATE CLUBS WERE NOT AWARE IN MANY CASES THAT THEY WERE NOW UNDER THE ORDINANCE.

Slusher: STILL, I WOULDN'T WANT TO -- I THINK THAT MIGHT BE SOMEWHAT MISLEADING TO THE VOTERS TO -- THAT THIS WOULD -- TO THINK THAT THIS WOULD PROHIBIT SOMETHING THAT THEY ALREADY CAN'T DO. I WOULDN'T ACCEPT THAT. I

WOULD ACCEPT THE BILLIARD PARLORS.

Goodman: WHAT IF YOU SAY CURRENT PROHIBITION AGAINST SMOKING IN MOST PUBLIC PLACES, INCLUDING WORKPLACES AND PRIVATE CLUBS, AND EXPANDS THE PROHIBITION AGAINST SMOKING TO APPLY TO BLAH BLAH BLAH.

CAN I GET A COPY OF THIS?

Slusher: YOU SAY YOU DON'T HAVE A COACH IT?

Mayor Wynn: WE NEED A FEW MORE COPIES. WE GAVE SOME OF OURS OUT TO OWE I GIVE YOURS AWAY, COUNCILMEMBER, SORRY.

Slusher: I'LL ACCEPT THAT ABOUT INCLUDING WORKPLACE -- WELL -- IT'S JUST -- MUCH SMALLER CATEGORY THAN WORK PLACES, PRIVATE CLUBS. WHAT DO YOU THINK? WELL, I -- I DON'T KNOW -- I DON'T WANT TO ACCEPT THAT. I DON'T THINK IT'S NECESSARY.

Mayor Wynn: SO WE HAVE BILLIARD HALLS ACCEPTED AS A FRIENDLY AMENDMENT. TO COUNCILMEMBER SLUSHER'S AMENDMENT, PROPOSED BALLOT LANGUAGE. BILLIARD HALL. I'LL GO FOR THAT. HALLS OR PAROLES? -- PARLORS? BILLIARD HALL, IS THAT THE RIGHT TERM? OKAY.

Mayor Wynn: WHAT'S THE PHRASE WE USE IN CURRENT ORDINANCE?

Slusher: YOU ALL MIGHT SAY IT'S A WHOLE ROOM RATHER THAN A HALL.

Mayor Wynn: DO YOU REMEMBER DID WE CALL THEM BILLIARD PARLORS OR HALLS?

IT'S ACTUALLY DEFINED BY USE, THREE PARAGRAPHS, USES MORE THAN 50% OF ITS FLOOR SPACE, 15 OPERATIONAL POOL TABLES. SO WE DIDN'T SAY HALL OR PARLOR. THAT WOULD BE AT YOUR DISCRETION. A MOTION AND A SECOND ON THE TABLE THAT IDENTIFIES A SPECIFIC BALLOT LANGUAGE THAT WILL BE PART OF OUR CONSIDERATION

AND APPROVAL OF THIS ORDINANCE ORDERING THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON MAY 7th, EXCUSE ME. FURTHER COMMENTS? MR. LEVIN, YES, SIR?

COULD I JUST SUGGEST THAT IN THE PART THAT SAYS MOST -- MAINTAINING THE CURRENT ORDINANCE BANNING SMOKING IN MOST WORKPLACES THAT IT MIGHT BE ADDED THERE AS WELL AS NON-PERMITTED BARS AND RESTAURANTS, PERHAPS NON-PERMITTED BARS AND RESTAURANTS WITHOUT SEPARATE SMOKING SECTIONS. BECAUSE THE CURRENT WAY THAT YOU HAVE IT SUGGESTS THAT IT'S CURRENTLY ALLOWED IN ALL RESTAURANTS. AND BUT REALLY THERE IS VERY LITTLE CHANGE WHEN IT COMES TO RESTAURANTS. WITH THIS BALLOT MEASURE. SO THE SUGGESTION IS WHERE IT SAYS IT MAINTAINS THE CURRENT ORDINANCE, MAINTAINS THE CURRENT BAN ON SMOKING IN ALL WORKPLACES AND NON-PERMITTED BARS AND RESTAURANTS. PERHAPS NON-PERMITTED BARS AND RESTAURANTS WITHOUT SMOKING SECTIONS BUT THAT WOULD BE THE -- BECAUSE --

Slusher: WHAT'S YOUR -- WELL, I THINK THAT I UNDERSTAND YOUR POINT BECAUSE YOU ARE SAYING THAT IT -- IT DOESN'T DO THAT MUCH TO RESTAURANTS. BUT I'M NOT SURE THAT I -- I WAS THINKING ABOUT THAT A MINUTE AGO. I'M NOT SURE HOW WE CAN EXPLAIN THAT WITHOUT MAKING IT A LOT LONGER, WHICH IS WHAT YOU ARE SUGGESTING WITH US, TOO, WHAT WE THINK AND WHAT WE ARE TRYING TO DO IS GET IT BRIEFER. I GUESS THAT WILL HAVE TO BE A POINT OF DISCUSSION OUTSIDE THE BALLOT LANGUAGE. TELL ME AGAIN WHAT YOUR LANGUAGE IS.

THE PART WHERE IT SAYS MAINTAIN THE EXISTING BAN ON SMOKING IN WORKPLACES, AND NON-PERMITTED BARS AND RESTAURANTS. THAT WOULD TELL PEOPLE THAT SMOKING IS ALREADY BANNED IN NON-PERMITTED BARS AND RESTAURANTS. AND THEN THEY CAN GO LOOK UP AND SEE HOW MANY THERE ARE AND THAT KIND OF THING. THAT WOULD JUST ADD A COUPLE OF WORDS TO LET PEOPLE KNOW THAT IT'S ALREADY BANNED IN NON-PERMITTED BARS AND RESTAURANTS.

Slusher: I THINK THAT TECHNICALLY THAT'S ACCURATE. BUT

I'M WORRIED THAT THAT MAKES IT -- SINCE WE DO MENTION THE PERMITTED RESTAURANTS DOWN HERE AT THE END, SO THAT WAY YOU WOULD BE MENTIONING IT TWICE. NEITHER ONE IS PERFECT, I DON'T THINK. BUT I'M JUST GOING TO LEAVE IT LIKE I HAVE IT.

WE WOULD ALSO LIKE TO SEE LIVE MUSIC VENUES ADDED --

WE HAVE ALREADY BEEN THROUGH THAT.

WE WOULD JUST SAY THAT THE WAY YOU HAVE IT NOW MAKES IT LOOKS LIKE NO SMOKING IS BANNED NOW, YOU CAN SMOKE IN EVERY RESTAURANT EXCEPT FOR 10 RESTAURANTS WHEN THAT'S ALREADY THE LAW. THERE'S ONLY 10 RESTAURANTS WHERE YOU CAN SMOKE. SO I THINK THAT IT'S IMPORTANT TO LET PEOPLE KNOW THAT THE CURRENT BAN COVERS ALL WORKPLACES INCLUDING NON-PERMITTED BARS AND RESTAURANTS.

COUNCILMEMBER MCCRACKEN?

McCracken: I THINK THAT'S A VALID OBSERVATION. THAT JUMPED OUT AT ME RIGHT AWAY. IT MAKES IT SOUND LIKE THAT SMOKING IS PERMITTED IN RESTAURANTS, SO IT WOULD ONLY ADD FIVE WORDS. TO SAY AND NON-PERMITTED BARS AND RESTAURANTS. I GUESS I WILL OFFER IT AS A FRIENDLY AMENDMENT.

Slusher: I'M FOR KEEPING IT LIKE THIS. FRIENDLY ENOUGH, BUT I DON'T ACCEPT IT. [LAUGHTER]

Alvarez: BUT BARS ARE PERMITTED AREN'T THEY IN WE HAVE A WHOLE BUNCH OF ISSUES PERMITTED FOR BARS. THERE'S 400 BARS, ONLY 200 OF THE 600 IN THE CITY ACTUALLY ALLOW SMOKING. THE MAJORITY THERE'S NO SMOKING NOW. MORE IMPORTANTLY RESTAURANTS THERE'S ONLY 10 RESTAURANTS WHERE YOU CAN SMOKE NOW. WE DON'T WANT PEOPLE TO THINK THAT ALL RESTAURANTS YOU CAN SMOKE NOW UNDER THE CURRENT ORDINANCE BECAUSE THAT'S FAR FROM THE TRUTH. WE JUST SAY NON-PERMITTED TO MAINTAIN THE CURRENT BALANCE, SMOKING AND NON-PERMITTED BARS AND RESTAURANTS THEN IT WILL BE CLEAR THAT -- THAT THIS IS JUST AFFECTING THOSE

THAT ALREADY HAVE PERMITS.

LET'S ASK [INDISCERNIBLE] IF HE WANTS TO COMMENT ON THIS ISSUE SO IT WILL BE BALANCED.

I CAN SPEAK -- WELL, RODNEY AHART NEVER ACKNOWLEDGED MYSELF, I'M WITH THE AMERICAN CANCER SOCIETY. IN REGARDS TO THE LANGUAGE THAT YOU JUST LAID OUT, I THINK THAT OUR ORGANIZATION WOULD BE SUPPORTIVE OF THAT.

Slusher: THANK YOU.

Goodman: MAYOR? LET ME TRY ONE LAST THING. FOR BETTER UNDERSTANDING OF EXACTLY WHAT THIS IS. POLLYANNA BEING MY NAME. WHAT WOULD YOU SAY TO APPLY TO ALL BARS/MUSIC VENUES OR COMMA INCLUDING MUSIC VENUES.

Slusher: I WOULD RATHER JUST KEEP IT.

Goodman: I KNEW YOU WERE GOING TO SAY THAT. BUT IT WOULD BE MORE CLEAR.

Slusher: I THINK THAT WILL BE CLEAR ENOUGH DURING THE PUBLIC DISCUSSION.

Mayor Wynn: FURTHER COMMENTS? COUNCILMEMBER MCCracken?

McCracken: I WANT TO MAKE SURE THAT I UNDERSTAND. SO EVERYBODY, DO WE HAVE INCLUDING NON-PERMITTED -- AND NON-PERMITTED BARS AND RESTAURANTS.

Slusher: I DIDN'T ACCEPT THAT. CKEN: I THOUGHT MR. AHART SAID THAT WAS OKAY.

NO. I SAID THAT THE LANGUAGE THAT COUNCILMEMBER SLUSHER READ WAS LANGUAGE THAT WE WERE AGREEABLE TO.

McCracken: I'LL OFFER AS AN AMENDMENT THEN TO INCLUDE AFTER WORKPLACES AND NON-PERMITTED BARS AND

RESTAURANTS.

Mayor Wynn: SO WE HAVE A -- AN AMENDMENT MOTION TO AMEND ON THE TABLE. I'LL SECOND THAT.

Goodman: CAN WE HEAR IT ONE MORE TIME, MAYOR.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: AFTER WORKPLACES, IT WOULD SAY INCLUDING WORKPLACES AND NON-PERMITTED BARS AND RESTAURANTS. FURTHER COMMENTS? MOTION TO AMEND WITH SECOND ON THE TAIL. COUNCILMEMBER ALVAREZ?

Alvarez: I THINK IT'S -- A LITTLE REDUNDANT AND I DON'T THINK THAT IT NECESSARILY HELPS ANYBODY UNDERSTAND BECAUSE THEY -- THEY DON'T KNOW WHAT A PERMITTED BAR AND RESTAURANT IS OR A NON-PERMITTED ONE FOR THAT MATTER I SUPPOSE OR I MEAN WHAT SIGNIFICANCE THAT HAS. AGAIN WE HAVE ALREADY REFERENCED THAT WITH THE REFERENCE TO RESTRICTED PERMITS AT THE END OF THE LANGUAGE. PLUS WE ALREADY ARE SAYING AND EXPANDS THE PROHIBITION AGAINST SMOKING TO APPLY TO ALL BARS, RESTAURANTS, BOWLING ALLEYS, IT'S LIKE WE ARE REFERENCING THE SAME THING THREE TIMES ALMOST. I'M NOT FOR ADDING THAT.

McCracken: I'M NOT -- I'M WANTING TO MAKE SURE THAT I UNDERSTAND WHERE ELSE IS IT REFERRED TO PERMITTED BOB KARSTENS AND RESTAURANTS.

Slusher: THE AMENDMENT WE ADDED IN, EXCEPT FOR RESTAURANTS ALREADY ISSUED RESTRICTED PERMITS THAT ARE RENEWABLE LASTING THROUGH SEPTEMBER 1st, 2012. MARES FURTHER COMMENTS?

Goodman:.

Mayor Wynn: FURTHER COMMENTS?

Goodman: MAYOR, CAN WE GET THE CITY CLERK TO READ WHAT SHE BELIEVES THE MOTION IS.

Clerk Brown: AN ORDINANCE REPEALING -- THIS IS WHAT I BELIEVE IF YOU ARE ASKING -- WELL, I'LL ASK YOU FIRST, DO YOU WANT COUNCILMEMBER MCCracken'S OR YOU WANT COUNCILMEMBER SLUSHER'S?

> GOODMAN: COUNCILMEMBER SLUSHER'S.

AN ORDINANCE REPEALING AUSTIN'S CURRENT ORDINANCE RELATING TO SMOKING IN PUBLIC PLACES AND REPLACING IT WITH A NEW ORDINANCE THAT MAINTAINS THE CURRENT PROHIBITION AGAINST SMOKING IN MOST PUBLIC PLACES, COMMA, INCLUDING WORKPLACES, COMMA AND EXPANDS THE PROHIBITION AGAINST SMOKING TO APPLY TO ALL BARS, RESTAURANTS, BOWLING ALLEYS AND BILLIARD PARLORS, EXCEPT FOR RESTAURANTS WITH RESTRICTIVE PERMITS THAT ARE RENEWABLE THROUGH SEPTEMBER 1st, 2012.

Mayor Wynn: THANK YOU, MS. BROWN, WE HAVE A MOTION TO AMEND AND A SECOND ON THE TABLE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

OPPOSED?

NO.

Mayor Wynn: SO MOTION TO AMEND PASSES ON A VOTE OF 4-3 WITH COUNCILMEMBER SLUSHER, ALVAREZ, THOMAS VOTING NO. MS. BROWN, DO YOU HAVE THAT AMENDMENT?

Thomas: YOU LEFT BETTY OUT.

Dunkerly: [INDISCERNIBLE] [INAUDIBLE - NO MIC] ONE THING --

Mayor Wynn: EXCUSE ME.

Dunkerly: WHAT SHE READ WAS THAT -- YOU KNOW, IT MIGHT BE NICE TO GET SOMEBODY TO WRITE IT DOWN. I'M CONFUSED. DID WE VOTE ON YOUR MOTION OR --

Slusher: WHAT WE WERE JUST VOTING ON THERE WAS THE AMENDMENT TO ADD IN THE NON-PERMITTED BARS AND RESTAURANTS, THAT WE WEREN'T -- WE WEREN'T VOTING ON THE MAIN MOTION.

Mayor Wynn: I'M SORRY IF I WASN'T CLEAR COUNCILMEMBER. WE WERE VOTING ON ADDING THE FIVE-WORD PROPOSED AMENDMENT BY COUNCILMEMBER MCCRACKEN AFTER THE WORD WORKPLACES TO SAY AND NON-PERMITTED BARS AND RESTAURANTS. ADD THANK TO COUNCILMEMBER SLUSHER'S CURRENT MOTION.

Dunkerly: I JUST HEARD NON-PERMITTED RESTAURANTS BUT IT SHOULD BE ASTRONAUTS AND BARS? -- NON-PERMITTED RESTAURANTS BUT IT SHOULD BE RESTAURANTS AND BARS?

THE PROPOSED AMENDMENT WAS AND NON-PERMITTED BARS AND RESTAURANTS.

Dunkerly: OKAY. WHERE DID YOU COUNT ME?

Mayor Wynn: I COUNTED YOU AS AN AYE ON THE PROPOSED AMENDMENT ON A 4-3 VOTE. IS THAT YOUR WISH? SORRY TO PUT YOU ON THE SPOT.

Dunkerly: WELL, CAN I -- BEFORE I DECLARE WHETHER IT WAS AN "OR A NO -- AN AYE OR A NO CAN I HEAR THE OTHER AMENDMENT NOW. I GOT REALLY CONFUSED --

Mayor Wynn: WELL --

Dunkerly: WHAT WAS THE OTHER PROPOSAL?

Mayor Wynn: THERE'S NOT A DIFFERENT PROPOSAL. WE ARE ALL IN AGREEMENT WITH COUNCILMEMBER SLUSHER'S AND -
- MOTION THAT THE BALLOT LANGUAGE THAT MS. BROWN READ AND COUNCILMEMBER MCCRACKEN SUGGESTED A FIVE-WORD ADDITION TO THAT MOTION. WHICH I SECONDED AND IS SUPPORTED BY THE MAYOR PRO TEM.

Dunkerly: ALL THIS IS DOING IS CLARIFYING THAT NON-PERMITTED BARS AND RESTAURANTS CURRENTLY ARE NON-

SMOKING; IS THAT CORRECT?

Mayor Wynn: CORRECT.

Slusher: THERE'S DISAGREEMENT OVER WHETHER THAT ACTUALLY CLARIFIES IT, AS COUNCILMEMBER ALVAREZ LAID OUT FOR US. DID YOU THINK AN EXPANSIVE PROHIBITION AGAINST -- DO YOU PUT NON-PERMITTED BARS THEN OR ALL BARS AND RESTAURANTS? IN THAT LAST --

Slusher: MAYBE WE SHOULD WRITE IT DOWN.

Dunkerly: YOU SHOULD WRITE IT DOWN.

Slusher: WRITE THE WHOLE THING DOWN AND THEN WRITE DOWN COUNCILMEMBER MCCrackEN'S PROPOSED AMENDMENT.

Mayor Wynn: WITHOUT OBJECTION, ONCE AGAIN WE HAVE TABLE ITEM NO. 5 AND ASK THE LAW DEPARTMENT OR MS. BROWN TO HELP US DRAFT UP WHERE WE ARE CURRENTLY AND THE PROPOSED AMENDMENT AND WE WILL TAKE IT UP AS SOON AS POSSIBLE.

Dunkerly: I THINK THIS IS REALLY IMPORTANT. IT IS CONFUSING --

Mayor Wynn: IT'S TEDIOUS AND FRUSTRATING FOR SOME PEOPLE, WE ARE TAKING IT VERY SERIOUSLY, WE APPRECIATE THE INPUT FROM REALLY BOTH SIDES. WE ARE TRYING TO BALANCE THE NEED TO HAVE FRANKLY A SHORTER, CONCISE BALLOT LANGUAGE THAT DOESN'T SHOW, YOU KNOW, A FAVORITISM AND ALLOWS FOLKS TO HAVE AS MUCH INPUT AND INFORMATION AS POSSIBLE.

MAYOR, DO YOU WANT TO DRAFT IT BOTH WAYS OR JUST THE WAY COUNCILMEMBER SLUSHER PROPOSED?

Mayor Wynn: I THINK IT WOULD HELP TO DRAFT COUNCILMEMBER SLUSHER'S PROPOSAL AND THEN, YOU KNOW, DOWN BELOW SEVERAL -- SEVERAL SPACES.

OKAY. WHAT'S IN FRONTS OF US HAS -- HAS

COUNCILMEMBER SLUSHER'S ORIGINAL MOTION AND --
[INDISCERNIBLE]

SORRY, THIS DID INCLUDE BOTH. WE WILL BRING BACK ONE
WITHOUT THE MCCrackEN AMENDMENT.

WHY DON'T WE DRAFT IT BOTH WAYS.

Slusher: [INAUDIBLE - NO MIC] THAT'S NOT THE MOTION
THAT'S ON THE TABLE. IT'S THE -- IT'S THE AMENDED ONE.

Dunkerly: I HAVE ONE QUESTION THIS IS FOR STAFF. SAYS
APPLIES TO -- TO RESTAURANTS BOWLING ALLEYS, BILLIARD
PARLORS EXCEPT FOR RESTAURANTS WITH RESTRICTED
PERMITS RENEWABLE AFTER SEPTEMBER 1st, ET CETERA.
WHAT ABOUT BARS, I HEARD SOMEBODY SAID THAT BARS
HAD SOME RESTRICTED PERMITS. DIDN'T YOU SAY --

BARS ARE -- SOME BARS NOW ARE PERMITTED TO SMOKE.

Dunkerly: BUT THIS WILL MAKE THEM ALL GO AWAY.

WHAT THEY ARE SAYING HERE, THERE ARE EXCEPTIONS
WHERE WE THINK 10 RESTAURANTS --

RIGHT.

CURRENTLY HAVE RESTRICTED PERMITS. ALTHOUGH THERE
WAS A RELUCTANCE TO INCLUDE NUMBER 10.

OKAY.

Thomas: MAYOR, DID -- DID COUNCILMEMBER DUNKERLY
HEAR WHAT YOU SAID ABOUT -- ABOUT ONE SIDE SAID THAT
THEY AGREED WITH THE COUNCILMEMBER SLUSHER'S AND
THE OTHER ONE DIDN'T? MR. AHART SAID HE AGREED WITH
THE WORDING OF COUNCILMEMBER SLUSHER'S WORDING
AND THEN HE DIDN'T AGREE WITH THE -- DID YOU GET THAT?

I DID GET THAT. BUT THE -- MY CONCERN IS THAT THAT DOES
THIS -- MOST PUBLIC PLACES, INCLUDING WORKPLACES AND
NON-PERMITTED BARS AND RESTAURANTS.

Mayor Wynn: COUNCILMEMBER DUNKERLY, WITH -- I WOULD CONSIDER IT A FRIENDLY REQUEST, IF YOU WOULD LIKE TO TABLE THIS FOR A FEW MINUTES, WE COULD TAKE UP SOME ZONING CASES --

Dunkerly: I THINK IT'S CLEAR. MY -- I JUST DON'T KNOW IF IT'S NECESSARY.

I WOULD LIKE TO MAKE A POINT THAT WE WANT TO MAKE SURE THAT THE CITIZENS WHO WILL BE VOTING ON THIS WILL UNDERSTAND WHAT THEY ARE VOTING UPON. AND IT SEEMS THAT WE ARE GETTING TO THE POINT NOW TO WHERE WE ARE MAKING IT A LITTLE CONFUSING. I THINK WE ALL KNOW WHAT THIS ORDINANCE WILL DO. SO I THINK THAT THE LANGUAGE THAT THE COUNCILMEMBER SLUSHER HAS OUTLINED ACTUALLY CAPTURES MR. MCCracken'S AMENDMENT. SO IN ESSENCE OF TRYING TO CREATE AN -- ACTUALLY GETTING LANGUAGE IN THE BALLOT THAT IS CONCISE, THAT IS SUCCINCT, I THINK WE SHOULD MOVE WITH -- WITH COUNCILMEMBER SLUSHER'S AMENDMENT.

THE REASON IT'S DIFFICULT IS THAT RIGHT NOW THERE'S -- THERE'S NOT ANY SMOKING IN SOME OF THESE THINGS AND THERE'S NOT GOING TO BE ANY SMOKING IN THEM AFTERWARDS, EITHER. SO IT'S -- THAT'S WHAT MAKES IT CONFUSING. IT'S TRYING TO CAPTURE THE DIFFERENCE BETWEEN THE TWO.

Slusher: MAYOR? COUNCILMEMBER, I THINK THAT WE ARE ENTRUSTED WITH DOING THE -- WITH DOING THE BALLOT LANGUAGE BY THE CITIZENS WHO ELECTED US. BUT WHEN THERE'S A -- A CLOSE CALL, I THINK, ON SOMETHING WHERE -- WHERE THROUGH THE CHARTER THAT CITIZENS ARE ALLOWED TO GO OUT AND COLLECT THE NUMBER OF SIGNATURES THAT THESE FOLKS HAVE, THAT -- THAT IF IT'S A REAL CLOSE CALL, THAT I WOULD THINK THAT WE WOULD - - UNLESS THEY WERE BEING UNREASONABLE, THAT WE WOULD TILT THAT WAY TO -- TOWARDS THE PEOPLE THAT DID THE PETITION, INTERPRETING THEIR LANGUAGE, RATHER THAN -- RATHER THAN OPPOSITION COMING UP. BECAUSE -- TRYING TO REWRITE THE -- THE LANGUAGE ON THE SPOT AFTER THE PETITION DRIVE. BECAUSE I THINK WHAT'S GOING TO HAPPEN THERE'S GOING TO BE A

TREMENDOUS AMOUNT OF DISCUSSION IN THE COMMUNITY TO CLARIFY, TO MAKE CLEAR WHAT THIS IS ALL ABOUT. AND I WOULD -- I WOULD THINK -- I THINK THAT THIS MIGHT SERVE TO CONFUSE IT MORE THAN CLEAR IT UP.

I THINK THAT'S MY POINT.

I'M SAYING THE AMENDMENT WILL SERVE TO CONFUSE IT BECAUSE WE HAVE GOT -- WE HAVE ALREADY MENTIONED THE PERMITS OUT HERE, THEN YOU HAVE THEM UP HERE. TO ME AND PLUS WE ARE TRYING TO GET IT SHORTER LENGTH FROM AN EDITOR'S STANDPOINT, THAT WOULD BE THE FIRST THING TO GO WOULD BE SOMETHING THAT REPEATS WHAT YOU ARE SAYING DOWN BELOW.

I SAID THAT I THINK THAT I'M AGREEING WITH YOU.

Slusher: IT DIDN'T LOOK LIKE THAT UP UNTIL NOW.

Dunkerly: WHAT I WAS SAYING IS THAT I THINK THAT IT DOES WHAT YOU SAY INCLUDING WORKPLACES AND NON-PERMITTED BARS AND RESTAURANTS, TO ME THAT'S WHAT CONFUSED ME WHEN WE READ IT. SO THAT'S -- IF YOU READ IT LIKE THAT, THAT IT MAINTAINS THE CURRENT PROHIBITION AGAINST SMOKING IN MOST PUBLIC PLACES INCLUDING WORKPLACES AND EXPANDS THE PROHIBITION TO APPLY -- WELL, BAD THAT WAY TOO. SO I DON'T KNOW. BECAUSE IF WE ALREADY HAVE SOME THAT ARE NON-SMOKING.

Slusher: BUT WE MENTION THAT -- ARE YOU TALKING ABOUT BARS OR RESTAURANTS?

Dunkerly: WELL, JUST LOOK AT IT. IT'S -- THE FIRST TIME THAT YOU ARE ON YOUR -- THE LAST PART WHEN IT SAYS IT EXPANDS IT TO APPLY TO ALL BARS, RESTAURANTS AND BOWLING ALLEYS AND BILLIARD PARLORS, SOME OF THOSE ARE ALREADY NON-SMOKING.

Slusher: SO THEREFORE THE WORD ALL BECAUSE SOME ARE SMOKING NOW, SOME AREN'T. AFTER THIS THEY WILL ALL BE NON-SMOKING IF THIS WERE TO PASS EXCEPT FOR THOSE WITH PERMITS.

Dunkerly: SEE, I DIDN'T WANT TO GET INTO A DISCUSSION OF THIS ANYWAY. ASK A QUESTION OF CLARIFICATION. PEOPLE ARE VOTING ON THE ORDINANCE THAT WE COLLECTED SIGNATURES FOR. THEY ARE NOT VOTING ON THE CURRENT ORDINANCE. SO I THINK THAT'S THE PIECE THAT STARTS TO GET CONFUSING. WHEN YOU START TALKING ABOUT THIS CURRENT ORDINANCE. PEOPLE AREN'T VOTING ON THIS. THEY ARE VOTING ON THE ORDINANCE THAT WE COLLECTED SIGNATURES AND GATHERED THE SIGNATURES FOR. SO I THINK THAT IT SEEMS LIKE IT WOULD PROVIDE A LOT MORE CLARITY TO WRITE BALLOT LANGUAGE THAT ADDRESSES THE ORDINANCE THAT PEOPLE ARE VOTING UPON AND IF PEOPLE DO NOT WANT TO VOTE FOR THAT ORDINANCE, THEN THEY CAN VOTE NO. BUT I THINK WHAT WE ARE RUNNING INTO IS WE ARE ACTUALLY PUTTING LANGUAGE IN THIS BALLOT THAT IS ADDRESSING AN ORDINANCE THAT'S ALREADY IN EXISTENCE RIGHT NOW.

THANK YOU, MR. AHART. MAYOR PRO TEM?

Goodman: I THINK THAT'S PART OF THE PROCESS OF INFORMING PEOPLE OF WHAT THEY ARE IN FACT VOTING FOR. YOU HAVE TO SAY YOU ARE REPEALING SO THAT THEY KNOW THAT WILL NOT EXIST ANYMORE AND THAT YOU ARE REPLACING IT. YOU ARE VOTING --

WHICH WE CLEARLY STATE IN THE VERY FIRST LINE.

Goodman: RIGHT. I THOUGHT THAT'S WHERE YOU SAID IT GOT CONFUSING.

NO, I'M SAYING WE CLEARLY STATE THIS ORDINANCE REPEALS THE CURRENT ORDINANCE AND THIS IS WHAT YOU ARE VOTING ON.

Goodman: RIGHT. AND REPLACING IT WITH A NEW ORDINANCE.

EXACTLY.

Goodman: THAT'S HOW IT GOES. BUT OH, -- MAYOR?

Dunkerly: I THINK THAT REALLY MAKES IT CLEAR. WE ARE NOT

VOTING ON ADDITIONAL THING, WE ARE VOTING ON A NEW ORDINANCE.

Goodman: HERE IS A POSSIBLE WAY TO MAKE THIS CLEARER, BUT MOVING THINGS -- WHAT WE NEED TO DO TECHNICALLY, A MOTION TO AMEND PASSED ON A 4-3 VOTE, WHAT WE NEED TO DO NOW IS JUST CLARIFY, SORRY TO DO THIS TO YOU COUNCILMEMBER, BUT TO CLARIFY COUNCILMEMBER'S VOTE ON THAT --

Dunkerly: I WOULD LIKE TO RESCIND THAT VOTE AND LOOK AT BOTH OF THESE AGAIN TO MAKE SURE THAT WE HAVE CLARIFIED OR ACTUALLY PUTTING IN THIS LACK WHERE WE ARE REPEALING THE OLD, WE ARE ACTUALLY ADDING THE LANGUAGE OF THE NEW.

MOTION BY COUNCILMEMBER DUNKERLY TO RECONSIDER THE PREVIOUS VOTE TO AMEND.

SECOND.

Mayor Wynn: YOU CAN'T. I'LL SECOND THAT.

Slusher: OH, YOU CAN'T SECOND IT?

Mayor Wynn: BECAUSE YOU VOTES UNDERSTAND THE AFFIRM -- VOTED IN THE AFFIRMATIVE. ALL THOSE IN FAVOR RECONSIDERING THE VOTE TO AMEND AYE? RECONSIDERATION PASSES ON A VOTE OF 7-0. NOW BACK TO COUNCILMEMBER SLUSHER'S MAIN MOTION, STILL AN OPTION TO AMEND. ACTUALLY, I GUESS WE SHOULD GO AHEAD AND VOTE ON THE PROPOSED MOTION TO AMEND. SO THERE'S A MOTION TO AMEND ON THE TABLE BY COUNCILMEMBER MCCRACKEN THAT I SECOND. FURTHER COMMENTS?

McCracken: MAYOR, I WOULD LIKE TO HEAR WHAT THE MAYOR PRO TEM IS SUGGESTING BEFORE WE VOTE AGAIN?

Goodman: FOR ONE THING I THOUGHT WE ALREADY AGREED TO ALL WORK PLACES, THAT'S NOT IN ANY VERSION UP HERE. PEOPLE HAD DIFFICULTY WITH SAYING ALL

WORKPLACES.

I DON'T RECALL DISCUSSING THAT. THAT'S ON THE CURRENT ORDINANCE, RIGHT? MAINTAINS THE CURRENT --

AS A MATTER OF CLARIFICATION, THE CURRENT ORDINANCE DOESN'T PROHIBIT SMOKING IN ALL WORKPLACES THAT -- THAT THE PLACES WHERE THERE ARE EXCEPTIONS INCLUDING PERMITTED BARS AND RESTAURANTS. BOWLING ALLEYS, THOSE ARE WORKPLACES WHERE SMOKING IS PERMITTED. SO PEOPLE WILL NOT KNOW THAT WE ARE GOING TO EXPAND THE PROHIBITION TO ALL WORKPLACES.

BUT I THINK THOSE SHEETS THAT ARE INCLUDED IN WHAT'S LISTED DOWN HERE -- BECAUSE THAT WAS ONE OF THE BIG ISSUES DURING THE -- DURING THE DISCUSSIONS A YEAR OR TWO AGO ABOUT PEOPLE THAT WORKED IN BARS.

WELL, I KNOW THAT'S WHAT THOSE IN THE KNOW UNDERSTAND. BUT WE'RE TALKING ABOUT THE WHOLE POPULUS WHICH WERE NOT TOTALLY INVOLVED IN THIS PETITION PROCESS AND IN THE ESOTERIC --

Slusher: WOULD YOU SAY AGAIN WHAT THOSE PLACES ARE THAT IT'S NOT CURRENTLY PROHIBITED, WHAT WORK PLACES WHERE IT'S NOT CURRENTLY PROHIBITED.

WORKPLACES WHERE SMOKING IS CURRENTLY PERMITTED ARE PERMITTED BARS AND RESTAURANTS, BOWLING ALLEYS, BILLIARD HALLS, LIVE MUSIC VENUES, SOME NURSING HOMES, SOME AREAS IN NURSING HOMES, FOR -- SOME HOTEL ROOMS AND SOME FRATERNAL ORGANIZATION BUILDINGS.

I WOULD STILL SAY IT WORKS BETTER LIKE IT IS. NOW WE ARE GETTING BACK INTO SOME LENGTH THERE IF WE LIST OFF WHERE YOU CAN CURRENTLY, WHAT WORKPLACE WHERE SMOKING IS CURRENTLY ALLOWED, WHICH ONE IT DOESN'T PROHIBIT.

MY REASON FOR SAYING IS THAT PEOPLE WHO SIGNED THE PETITION DID SO MAINLY ON THE BASIS OF WORKPLACES, THAT THAT IS WHERE PEOPLE WORK AND THAT WAS WHEN

CONCERN FOR THEIR HEALTH WOULD HAPPEN. THEY DID NOT NECESSARILY CONNECT ALL WORKPLACES WITH BARS, SO ON, SO FORTH. SO --

I --

WHAT THIS DOES, THE PETITION, IS EXTEND TO ALL WORK PLACES WITH SOME EXCEPTIONS.

I THINK THE PEOPLE SIGNING THE PETITION --

THANK YOU. SOMEBODY MIGHT ASK YOU A QUESTION, SO IF YOU CAN HOLD YOUR COMMENTS.

THANK YOU.

Slusher: I THINK HE WAS JUST GOING TO SAY -- WHY DON'T I ASK HIM REAL BRIEFLY.

WELL, I BEG TO DIFFER THAT PEOPLE SIGNED THE PETITION ONLY FOR WORKPLACES. THEY SIGNED IT FOR MULTIPLE PUBLIC PLACES. I THINK THERE IS A DIFFERENCE IN UNDERSTANDING BETWEEN A WORKPLACE THAT IS AN OFFICE OR A RETAIL ESTABLISHMENT AS OPPOSED TO A HOSPITALITY WORKPLACE. BUT OF COURSE OUR STANDPOINT IS THAT EVERY EMPLOYEE DESERVES PROTECTION FROM SECONDHAND SMOKE.

Slusher: OF COURSE THAT'S MORE OF A CAMPAIGN ISSUE THAT WILL BE DEBATED OUT THERE ON THE TRAIL. BUT I WOULD WANT TO STICK WITH MY CURRENT --

Goodman: I UNDERSTAND. I KNOW SOME PEOPLE SIGNED THE PETITION WHO WEREN'T THINKING OF IT THAT WAY. THEY THOUGHT WE DID NOT HAVE ANYTHING FOR OFFICES AND RETAIL AND SO FORTH AND THEY WERE ASTOUNDED BECAUSE THEY THOUGHT WE DID. BUT SINCE WE DIDN'T THEY SIGNED. THEY DIDN'T CONNECT THAT WITH BARS AND MUSIC VENUES, SOME DID. THOSE FOLKS WOULD LIKE IT TO BE NON-SMOKING EVEN IN THE PLACE WHERE THEY ARE NOT GOING TO GO WATCHING OUT FOR OTHER PEOPLE'S HEALTH. BUT SOME PEOPLE WOULD LIKE TO KEEP A LITTLE BIT OF OLD TEXAS AND I THINK THEY HAVE GOT TO KNOW

WHAT IT IS THAT THEY ARE VOTING FOR OR AGAINST BECAUSE THIS IS AN END OF AN ERA. SO THAT IS MY GOAL IN TRYING TO BE REPRECISE IN LAYING IT OUT. VERY CAREFULLY AND IF IT'S CONFUSING IT'S BECAUSE VOTING ON AN ORDINANCE IS CONFUSING. IT'S VERY DIFFICULT IN AN INITIATIVE TO LAY OUT ALL OF THE HIGH POINTS THAT PEOPLE REALLY WOULD WANT TO KNOW IF THEY HAD TIME TO READ IT. ANYWAY, SO MY OTHER -- SINCE YOU DIDN'T LIKE THAT ONE, DARYL. HOW ABOUT WHERE WE'RE TALKING ABOUT RESTAURANTS, JUST SAY MOST RESTAURANTS. ALL BARS, MOST RESTAURANTS.

SLUSHER: I THINK WE ARE BACK TO APPROXIMATELY.

Goodman: WELL, THERE'S NO WAY OF GETTING OUT OF APPROXIMATE UNLESS YOU USE A WORD THAT MEANS APPROXIMATE.

Slusher: I THINK THAT'S HANDLED IN THE -- EXCEPT FOR THE RESTAURANTS WITH RESTRICTED PERMITS THAT ARE RENEWABLE THROUGH SEPTEMBER 1st, 2012, WE WENT THROUGH THAT DISCUSSION ABOUT SPECIFYING THE NUMBER. WE DON'T --

Goodman: BUT AGAIN I THINK THAT IT'S -- IT'S INDICATIVE OF THE CONTENT OF WHAT WE ARE PUTTING OUT FOR THEM TO VOTE ON.

Slusher: I THINK SOME OF IT IS GOING TO HAVE TO BE FIGURED OUT DURING THE WIDE-SPREAD PUBLIC DISCUSSION. THAT THERE WILL BE.

Goodman: WELL, IF BOTH CAMPAIGNS HAVE ENOUGH MONEY TO GET THE INFORMATION OUT, I GUESS WE'LL SEE A DISCUSSION OUT THERE.

Slusher: THE MEDIA HOPEFULLY WILL BE COVERING IT, TOO.

Goodman: MAYBE SO. ALTHOUGH THEY MAY NOT BE STICKING WITH US IN THIS DISCUSSION MUCH FURTHER. SORRY.

Mayor Wynn: FOR THE RECORD, MS. BROWN, THE MOTION TO

AMEND BY COUNCILMEMBER MCCRACKEN FAILED ON A VOTE OF 3-4. MOTION TO AMEND ON THE TABLE BY COUNCILMEMBER MCCRACKEN, SECONDED BY ME. FURTHER COMMENTS ON THE FIVE-WORD MOTION TO AMEND? ALL IN FAVOR?

AYE.

Wynn: OPPOSED? MOTION FAILS ON A VOTE OF 4-3 WITH THE MAYOR, COUNCILMEMBER AND MAYOR PRO TEM AND COUNCILMEMBER MCCRACKEN VOTING AYE. THAT TAKE US BACK TO THE MAIN MOTION, BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER ALVAREZ. FURTHER COMMENTS? IS OUR LEGAL DEPARTMENT COMFORTABLE WITH THE BALLOT LANGUAGE THAT'S ON THE TABLE?

YES, SIR.

MR. LEVIN, LAST COMMENT?

WELL, WE WOULD STILL LIKE TO SEE LIVE MUSIC MENTIONED, BECAUSE THAT WAS IN THE ORIGINAL ORDINANCE. ALSO WE -- SINCE WE DIDN'T GET THAT EARLIER AMENDMENT, IF WE PUT LESS THAN A DOZEN RESTAURANTS WHERE IT'S CURRENTLY PERMITTED, AT THE END, WE KNOW THAT IT'S LESS THAN A DOZEN, EVEN IF THERE'S ONE OR TWO THAT ARE BEING DISPUTED, THAT WOULD AT LEAST CLARIFY THAT THE MAJORITY OF ASTRONAUTS YOU CAN'T SMOKE NOW, 99% YOU COMPLAINT SMOKE NOW. IF WE PUT LESS THAN A DOZEN THAT WOULD CLARIFY THAT.

Mayor Wynn: THANK YOU, MR. LEVIN. COMMENTS, QUESTIONS?

Goodman: I'LL OFFER THAT AS AN AMENDMENT IF ANYBODY WANTS TO SECOND. LIVE MUSIC AND LESS A DOZEN RESTAURANTS.

Mayor Wynn: LIVE MUSIC WOULD BE INCLUDED ON -- ON --

Goodman: BARS, LIVE MUSIC.

SCPABDZ THE PROHIBITION AGAINST SMOKING TO APPLY TO ALL BARS, LIVE MUSIC VENUES, RESTAURANTS, BOWLING ALLEYS AND BILLIARD PARLORS?

Goodman: UH-HUH. EXCEPT FOR RESTAURANTS, EXCEPT FOR LESS THAN A DOZEN RESTAURANTS WITH RESTRICTED PERMITS THAT ARE RENEWABLE. OR LESS THAN 12.

Mayor Wynn: I WILL SECOND THE MOTION ON LIVE MUSIC VENUES, IF YOU DON'T MIND SEVER -- THERE'S A MOTION TO AMEND BY MAYOR PRO TEM, SECONDED BY ME, TO INSERT THE WORD LIVE MUSIC VENUES AFTER BARS, FURTHER COMMENTS? ALL IN FAVOR.

AYE.

Wynn: OPPOSED?

NO.

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: AYE.

Mayor Wynn: MOTION TO AMEND PASSES ON A VOTE OF 4-3 WITH COUNCILMEMBER SLUSHER, THOMAS AND ALVAREZ VOTING NO. AND THE MAYOR PRO TEM IS -- THERE'S A SECOND MOTION TO AMEND ON THE TABLE NOW BY MAYOR PRO TEM TO INSERT THE WORDS LESS THAN ONE DOZEN.

Goodman: LESS THAN 12.

Mayor Wynn: LESS THAN 12.

Goodman: JUST IN CASE SOMEBODY DOESN'T KNOW WHAT A DOZEN IS. [LAUGHTER]

SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER MCCrackEN. AGAIN THIS IS INSERTING EXCEPT FOR, THEN INSERTING THE WORDS LESS THAN 12 RESTAURANTS WITH RESTRICTIVE COVENANTS THAT ARE RENEWABLE THROUGH

SEPTEMBER 1st, 2012. MOTION TO AMEND. RESTRICTED PERMS THAT ARE RENEWABLE THROUGH SEPTEMBER 1st, 2012. MOTION TO AMEND, SECOND IS ON THE TABLE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED?

NO.

Mayor Wynn: NO. MOTION TO AMEND FAILS ON A VOTE OF 2-5. MAYOR PRO TEM AND COUNCILMEMBER MCCracken VOTING AYE. FURTHER COMMENTS? MS. BROWN, ONE MORE TIME WOULD YOU MIND READING THE AMENDED BALLOT LANGUAGE?

AN ORDINANCE REPEALING AUSTIN'S CURRENT ORDINANCE RELATING TO SMOKING IN PUBLIC PLACES AND REPLACING IT WITH A NEW ORDINANCE THAT MAINTAINS THE CURRENT PROHIBITION AGAINST SMOKING IN MOST PUBLIC PLACES, INCLUDING WORKPLACES, AND EXPANDS THE PROHIBITION AGAINST SMOKING TO ALL BARS, LIVE MUSIC VENUES, RESTAURANTS, BOWLING ALLEYS AND BILLIARD PARLORS, EXCEPT FOR RESTAURANTS WITH RESTRICTED PERMITS THAT ARE RENEWABLE THROUGH SEPTEMBER 1, 2012.

Mayor Wynn: THANK YOU. FURTHER COMMENTS? SO THAT'S OUR MAIN MOTION AND A SECOND ON THE TABLE TO APPROVE THAT BALLOT LANGUAGE AS READ INTO THE RECORD BY THE CITY CLERK. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THIS WAS THE ACTUAL BALLOT LANGUAGE. WE NOW NEED TO TAKE UP APPROVAL OF THE LARGER ORDINANCE THAT IS POSTED AS ITEM NO. 5.

THAT'S CORRECT.

Mayor Wynn: I'LL ENTERTAIN A MOTION. THIS MOTION WILL BE TO ESSENTIALLY PUT THAT BALLOT LANGUAGE ON THE MAY 7th BALLOT.

SO MOVED, MAYOR.

I'LL SECOND.

MOTION MADE BY THE MAYOR PRO TEM. SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THE OVERALL ORDINANCE, POSTED ITEM NO. 5 WITH THE BALLOT LANGUAGE APPROVED EARLIER. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL. COUNCIL, WE ONLY HAVE 10 MINUTES BEFORE OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS. WITHOUT OBJECTION I WOULD RECOMMEND THAT WE RECESS -- NOT RECESS THE MEETING BECAUSE WHILE SOME OF YOU ALL ARE BACK IN CLOSED SESSION, COUNCIL MAY GO INTO PRIVATE SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY AGENDA ITEMS 12, 13, 53, 54, 55, 56, 57, 58, 59, ALSO WE MAKE TAKE UP REAL ESTATE MATTERS UNDER SECTION 551.072 OF THE OPEN MEETINGS ACT TO TAKE UP POTENTIALLY AGENDA ITEM NO. 60, 61, AND 62. COUNCIL IS NOW IN CLOSED SESSION. AT 5:30 WE WILL COME BACK FOR LIVE MUSIC AND PROCLAMATIONS, I APOLOGIZE, BUT BY THE TIME WE STARTED THE ZONING CASES IT WILL BE BETTER OFF WAITING UNTIL 6:00 TIME. THANK YOU.

Mayor Wynn: OKAY, FOLKS. TO MAKE IT UP TO YOU FOR PUSHING THE ZONING CASES PAST THE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, WE HAVE A SPECIAL TREAT TODAY. MR. RAY BENSON IS HERE WITH SOME FRIENDS TO HELP US CELEBRATE THE 100TH BIRTHDAY OF TEXAS LEGEND BOB WILLS, WHO WOULD HAVE TURNED 100 ON MARCH 6TH. AND SO IN HONOR OF BOB WILLS' 100TH BIRTHDAY, RAY AND SOME FRIENDS ARE GOING TO ENTERTAIN US WITH SOME ORIGINAL TEXAS WESTERN SWING, AND THEN OUR PROCLAMATION ACTUALLY IS GOING

TO BE ABOUT BOB WILLS' 100TH BIRTHDAY CELEBRATION
HERE IN AUSTIN. BECAUSE OPENING TONIGHT AT THE STATE
THEATER THROUGH SUNDAY IS A REMARKABLE TRIBUTE TO
THE LIFE AND LEGACY OF BOB WILLS COURTESY OF RAY
AND FRIENDS. PLEASE HELP ME WELCOME RAY BENSON
AND FRIENDS TO HELP CELEBRATE BOB WILLS 100TH
BIRTHDAY. [(music) MUSIC PLAYING (music)(music)] [(music)
MUSIC PLAYING (music)(music)]

THANK YOU. JODI NIX ALL THE WAY FROM BIG SPRINGS
TEXAS ON THE FIDDLE THERE. JASON ROBERTS RIGHT HERE
FROM AUSTIN, TEXAS, BY LAMPASAS. DAVID MILLER FROM
NORTH AUSTIN, TEXAS. AND I'M RAY BENSON.

Mayor Wynn: SO GO ON WITH THE SHOW. THIS IS A MUSICAL
TRIBUTE YOU WROTE.

I WROTE THIS PLAY ABOUT THE LIFE AND MUSIC OF BOB
WILLS ON THE 6TH -- ON SUNDAY IS HIS ANNIVERSARY OF
HIS 100TH BIRTHDAY, AND WE WROTE THE PLAY CALLED A
RISING BOB FROM AUSTIN TO TULSA. AND THE PLAY IS THE
CONVERSATION THAT I NEVER GOT TO HAVE WITH BOB
WILLS BECAUSE WHEN I WENT TO MEET HIM IN 1973, HE WAS
VERY SICK AND LATER THAT NIGHT HE HAD A STROKE AND
WENT INTO A COMA AND DIED LATER. SO I NEVER GOT TO
TALK TO HIM. SO WE -- IT TELLS THE STORY OF BOB,
EVERYTHING FROM THE DOUGH CRUST BOYS TO ONE OF
OUR UP RIGHT GOVERNORS AND HOW HE RAN HIM OUT OF
TEXAS AND THE TEXAS PLAYBOYS HAD TO GO TO OKAY
OKLAHOMA TO MAKE IT. AND HIS TRIPS TO HOLLYWOOD AND
HIS INCREDIBLE RISE TO FAME AND THE MAN WHO REALLY
PUT TEXAS MUSIC ON THE MAP FOR THE FIRST TIME.

Mayor Wynn: AGREED. BEFORE YOU GET AWAY, FOLKS, WE
HAVE AN FACIAL PROCLAMATION THAT READS, BE IT KNOWN
WHEREAS BOB WILLS WAS BORN NEAR TURKEY, TEXAS ON
MARCH 6TH, 1905, MADE HIS PROFESSIONAL MUSIC DEBUT
AT THE AGE OF 10 AND FOR 60 YEARS INFLUENCED
COUNTRY MUSIC. WHEREAS BOB WILLS IS CONSIDERED THE
KING OF WESTERN STRING AND HIS BAND THE TEXAS
PLAYBOYS KNOWN FOR SUCH SONGS SAZ SAN ANTONIO
ROSE, FADED LOVE AND SPANISH TWO STEP AND WHEREAS
AUSTIN MUSICIAN RAY BENSON HAS WRITTEN A TRIBUTE TO

BOB WILLS THAT IS PLAYING AT THE STATE THEATER AND IS SHARING A TASTE OF THAT SHOW WITH US TODAY. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM THIS WEEKEND, MAMP THIRD THROUGH SIXTH, 2005, AS BOB WILLS 100TH BIRTHDAY CELEBRATION AT STATE THEATER AND ALL ON ALL CITIZENS TO GET DOWN THERE AND CERTAINLY JOIN ME IN CONGRATULATING AND THINNING MR. RAY BENSON AND FRIENDS FOR THIS GREAT TRIBUTE. [APPLAUSE]

AND I CAN'T SAY THE SHOW IS TOTALLY SOLD OUT. I INVITE YOU TO COME. WE REALLY WANT TO THANK THE MAYOR AND BETTY DUNKERLEY FOR HELPING US MAKE THE ARRANGEMENTS THAT NEEDED TO BE MADE AND LIKE THE TOUR BUS IN THE ALLEY AND ALL THE THINGS THAT WERE POSSIBLE FOR US TO BE IN THE STATE THEATER. THANK YOU, AUSTIN, FOR MAKING AUSTIN A WONDERFUL PLACE TO PLAY MUSIC AND IT'S REALLY -- THE SUPPORT OF THE COMMUNITY AND THE CITY COUNCIL AND THE GOVERNMENT IS GREAT. IT'S A LOT HARDER TO GET THINGS DONE, AND WE APPLAUD YOU FOR HELPING US GET THESE THINGS DONE. [APPLAUSE] [OVERLAPPING SPEAKERS]

Mayor Wynn: I REMEMBER THE DAY 1975 WHEN BOB WILLS DIED, I WAS WATCHING WALTER CON KITE AND I ENDED HIS CBS EVENING NEWS THAT DAY BY ANNOUNCING AT THE END OF THE SHOW THAT BOB WILLS HAD PASSED AWAY AND HE ENDED HIS SHOW BY SAYING AH-HA. I'LL NEVER FORGET THAT. I WAS 14 YEARS OLD AT THAT TIME.

DON'T TELL THEM ABOUT THE TIME YOU MET ME.

Mayor Wynn: THANK Y'ALL. [APPLAUSE]

Mayor Wynn: AND RAY AND FRIENDS EXIT THE OTHER STAGE LEFT, WE'LL START WITH OUR PROCLAMATIONS. OUR FIRST ONE TODAY IS FOR THE AUSTIN IS STORM READY COMMUNITY DAY. AND WE'RE GOING TO -- STEVE COLLIER AND -- WE'LL TALK ABOUT THE -- THIS EVENT. THE PROCLAMATION READS: BE IT KNOWN WHEREAS THE NATIONAL WEATHER SERVICE HAS RECOGNIZED AUSTIN AS A STORM READY COMMUNITY, ONE OF ONLY TWO IN CENTRAL TEXAS. AND WHEREAS AUSTIN IS CONSIDERED A

STORM READY BASED ON EFFECTIVE COMMUNICATIONS, HAS MILES OF GATHERING AND MONITORING WEATHER DATA, TIMELY WARNINGS, PREPAREDNESS AMONG CITIZENS AND PLANNING AND ADMINISTRATION FOR HAZARDOUS WEATHER EVENTS. AND WHEREAS WE'RE PLEASED TO RECOGNIZE OUR STAFF OF THE OFFICE OF EMERGENCY MANAGEMENT AND TO ACHIEVE THE LEVEL OF READINESS. WE'VE SEEN EXAMPLES OF THAT IN THE LAST COUPLE OF YEARS HERE. THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM MARCH 3, 2005, AS AUSTIN STORM READY COMMUNITY DAY AND CALL ON STEVE COLLIER, THE HEAD OF OUR OFFICE OF EMERGENCY MANAGEMENT TO TELL US ABOUT THE DESIGNATION. PLEASE JOIN ME IN CONGRATULATING A FINE STAFF OF OFFICE OF EMERGENCY MANAGEMENT.

THANK YOU VERY MUCH, MAYOR. FIRST OF ALL, I'D JUST LIKE TO INTRODUCE JOE ARRERANO WHO IS IN CHARGE OF THE AUSTIN OFFICE OF THE NATIONAL WEATHER SERVICE AND HE WILL MAKE THE PRESENTATION.

THANK YOU, STEVE. ON BEHALF OF THE NATIONAL WEATHER SERVICE AND THE STORM READY COMMITTEE HERE IN SOUTH CENTRAL TEXAS, WE WOULD LIKE TO OFFER OUR SINCERE CONGRATULATIONS TO THE CITY OF AUSTIN AND TO THE OFFICE OF EMERGENCY MANAGEMENT HERE IN AUSTIN FOR BECOMING ONLY THE SECOND COMMUNITY IN SOUTH CENTRAL TEXAS TO BE DESIGNATED STORM READY. IT SHOWS A COMMITMENT OF THE LEADERS OF THIS COMMUNITY TO MAKE SURE THE CITIZENS OF THIS CITY ARE PREPARED FOR SEVERE WEATHER. THANK YOU VERY MUCH.
[APPLAUSE]

THANK YOU. JOE FORGOT TO SHOW THE TWO SIGNS HERE THAT WE CAN PUT UP AT THE NORTH AND SOUTH END OF AUSTIN RIGHT BETWEEN THE ROTARY CLUB AND THE CAN KIWANIS CLUB SIGNS. THANKS. I'D LIKE TO QUICKLY MENTION THAT ONE OF THE MOST IMPORTANT ASPECTS OF BEING A STORM READY COMMUNITY IS FOR THE PUBLIC TO BE ABLE TO RECEIVE WARNINGS. THAT'S THE WAY LIVES ARE SAVED. AND IT REALLY DOES NOT DO MUCH GOOD FOR THE NATIONAL WEATHER SERVICE PEOPLE TO ISSUE THOSE WARNINGS IF THE PUBLIC IS NOT CAPABLE OF RECEIVING

THE WARNINGS. AND WHILE OUR LOCAL MEDIA DO AN EXCELLENT JOB OF REPORTING WATCHES AND WARNINGS, PEOPLE ARE NOT ALWAYS LISTENING OR WATCHING OUR LOCAL STATION, SO ONE OF THE THINGS WE ALWAYS EMPHASIZE IS THE IMPORTANCE OF PEOPLE ACQUIRING A NOAA WEATHER RADIO. THEY'RE INEXPENSIVE. THEY CAN RECEIVE WATCHES AND WARNING INFORMATION 24 24/7. IF YOU DON'T HAVE ONE, YOU NEED TO GET ONE. [APPLAUSE]

Mayor Wynn: OUR NEXT PROCLAMATION IS REGARDING OUR SMALL BUSINESS DEVELOPMENT PROGRAM, AND A RETAIL BUSINESS START-UP CONFERENCE DAY THAT WE'RE HAVING ON MARCH EIGHTH. I'LL SAY BEFORE I READ THE PROCLAMATION, I TAKE A LOT OF PERSONAL PRIDE ACTUALLY IN THE NEWFOUND -- SEEMINGLY NEWFOUND RECOGNITION OF SMALL BUSINESS IN THIS COMMUNITY. I HAVE TO POINT OUT THAT IT WAS BACK IN 2000 THAT THE CITY OF AUSTIN CREATED A SMALL BUSINESS DEVELOPMENT PROGRAM. THEN AS WE CAME UP WITH THE MAYOR'S TASKFORCE ON THE ECONOMY AND WE RECOGNIZED QUITE INTUITIVELY A LOT OF US KNEW THAT SMALL BUSINESS DISPROPORTIONATELY REPRESENTS THE JOBS IN TOWN, BUT ALSO JOB CREATION AS AN ECONOMY IS COMING OUT OF A TOWN DOWNTURN. THAT'S CLEARLY A CASE IN AUSTIN. IN AUSTIN THERE ARE APPROXIMATELY 25,000 BUSINESSES THAT HAVE FEWER THAN 50 EMPLOYEES. THAT'S ABOUT 94% OF THE BUSINESSES IN AUSTIN. A TYPICAL NATIONAL AVERAGE WOULD BE SOMEWHERE IN THE 86% RANGE. SO AUSTIN IS ALREADY A DISPROPORTIONATELY SORT OF POPULATED WITH SMALL BUSINESSES. AND WE HAVE SOME ICONIC AUSTIN SMALL BUSINESSES AS YOU ALL KNOW AND HOPEFULLY FREQUENT. BUT AS WE FORMED THE MAYOR'S TASKFORCE ON THE ECONOMY AND CAME FORWARD WITH SOME RECOMMENDATIONS, IT ULTIMATELY CREATED THIS CITY'S ECONOMIC GROWTH DEPARTMENT IN 2003, WE CONSOLIDATED A NUMBER OF DIFFERENT EFFORTS THAT EXISTED THROUGHOUT THE CITY. AND OF COURSE THE SMALL BUSINESS DEVELOPMENT PROGRAM AND ROSIE AND HER STAFF WERE PART OF THAT. SO NOW WE HAVE THIS HAPPENING ECONOMIC GROWTH AND REDEVELOPMENT SERVICES DEPARTMENT JUST UPSTAIRS THAT TRULY ARE

MAKING A DIFFERENCE AND AIDING SMALL BUSINESSES THROUGHOUT THIS COMMUNITY. AND A GREAT EXAMPLE WILL BE THIS CONFERENCE ON MARCH EIGHTH. THE PROCLAMATION READS: ENTREPRENEURS INTERESTED IN OPENING A RETAIL BUSINESS HAVE AN OPPORTUNITY TO RECEIVE START-UP AND OPERATIONAL INSTRUCTION AT A SEMINAR HOSTED BY THE CITY'S SMALL BUSINESS DEVELOPMENT PROGRAM. AND WHEREAS THE CONFERENCE FEATURES SPEAKERS FROM U.T.'S GRADUATE SCHOOL OF BUSINESS AS WELL AS ATTORNEYS, THE STATE COMPTROLLER'S OFFICE AND LOCAL BUSINESS PEOPLE WHO HAVE STARTED SUCCESSFUL RETAIL OUTLETS. AND WHEREAS WE ENCOURAGE ALL ASPIRING RETAILERS TO TAKE ADVANTAGE OF SDBP'S OPEN FOR BUSINESS CONFERENCE TO START THEIR SMALL BUSINESS OFF ON THE RIGHT FOOT AND TO INCREASE THEIR SURVIVABILITY RATE. THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM MARCH EIGHTH, 2005, AS SDBP'S RETAIL START-UP CONFERENCE DAY IN AUSTIN. I'LL FIRST CALL ON MS. SUE EDWARDS WHO IS THE DIRECTOR OF THAT DEPARTMENT TO TALK TO YOU ABOUT BROADLY OUR EFFORTS WITH SMALL BUSINESS AND THEN SPECIFICALLY HER AND ROSIE CAN TALK ABOUT THE CONFERENCE. SUE?

THANK YOU, MAYOR. I WANT TO THANK YOU FOR THE RECOGNITION AND THE PROCLAMATION. AND I DON'T THINK THAT I COULD SAY IT ANY BETTER THAN YOU DID. WE DO HAVE A PROLIFERATION OF SMALL BUSINESSES IN THE AUSTIN AREA, AND OUR FOCUS THIS YEAR HAS BEEN ON PROVIDING SERVICES TO THOSE SMALL BUSINESSES. AND WE WILL CONTINUE TO DO THAT HOPEFULLY GETTING MORE EFFECTIVE EACH YEAR THAT WE TRY. I'M GOING TO TURN THIS OVER TO ROSERY SO TALK ABOUT THE CONFERENCE WE'LL BE HAVING ON MARCH THE EIGHTH.

THANK YOU VERY MUCH, MAYOR WYNN AND SUE AND COUNCILMEMBERS. I'D LIKE TO INVITE ANYONE OUT IN OUR WONDERFUL VIEWING AUDIENCE, IF YOU'VE EVER WANTED TO OWN YOUR OWN BUSINESS TO COME AND JOIN US ON MARCH 8TH. IF YOU WANT MORE INFORMATION, PLEASE CALL 974-7806 AND IF YOU'VE EVER WANTED TO OPEN UP YOUR OWN STORE ALL THE WAY FROM GUITARS TO BOOKS

THAT'S THE PLACE TO BE ON TUESDAY. THANK YOU.

Mayor Wynn: SO FOLKS, PLEASE JOIN ME IN
CONGRATULATING OUR FINE STAFF OF THE ECONOMIC
DEVELOPMENT OFFICE. [APPLAUSE]

Mayor Wynn: THIS LAST BUT VERY IMPORTANT
PROCLAMATION REGARDS BLACK CHURCH WEEK OF
PRAYER FOR HEALING OF AIDS. AND THE PROCLAMATION
PROBABLY WILL POINT IT OUT, BUT WE HAVE A
DISPROPORTIONATE CHALLENGE IN THE AUSTIN AFRICAN-
AMERICAN COMMUNITY WHEN IT COMES TO HIV AND AIDS.
AND THERE IS LUCKILY -- WE HAVE RECOGNITION OF THAT
AND TWO, THERE IS SIGNIFICANT OUTREACH THROUGHOUT
THE COMMUNITY ON TRYING TO ADDRESS THE PROBLEM.
AND THERE'S NO FINER FOLKS THAT DO IT WITH THAN MANY
OF OUR BLACK CHURCHES. THIS PROCLAMATION READS: BE
IT KNOWN THAT WHEREAS BLACK AMERICANS MAKE UP
LESS THAN 10% OF AUSTIN'S TOTAL POPULATION, BUT
ACCOUNT FOR NEARLY 50% OF ALL REPORTED HIV AIDS
CASES IN OUR AREA. AND WHERE THROUGH THE BLACK
CHURCH OUTREACH PROJECT, THE AUSTIN TRAVIS COUNTY
HEALTH AND HUMAN SERVICES DEPARTMENT HAS BEEN
WORKING WITH CHURCHES TO INFORM, EDUCATE AND
EMPOWER THE COMMUNITY WITH RESPECT TO HIV/AIDS
HEALTH ISSUES. AND WHEREAS THANKS TO THE
INVOLVEMENT OF 40 LOCAL CHURCHES, EDUCATIONAL
PRESENTATIONS AND WORKSHOPS, PREVENTION
COUNSELING AND PARTNERLESS STATION, HIV TESTING AND
REFERRALS AND HEALTH FAIRS WILL BE -- FAIRS WILL BE
MADE AVAILABLE TO CITIZENS TO SOLVE THIS MAJOR
HEALTH CHALLENGE. THEREFORE I, WILL WYNN DO HERE BY
PROCLAIM MARCH SIXTH THROUGH 12TH AS AUSTIN BLACK
CHURCH OF PRAYER FOR HEALING OF AIDS WEEK IN AUSTIN,
AND I'D ASK FOR MS. RATONIA RUNNELS TO TALK TO US
ABOUT THE PROGRAM AND PERHAPS EVEN HIGHLIGHT
SOME OF THE GREAT CHURCHES THAT ARE HELPING US
WITH THIS EFFORT. PLEASE JOIN ME IN THANKING HER AND
ALL OF THE VOLUNTEERS AND ALL THE ORGANIZATIONS AND
CHURCHES THAT ARE HELPING US WITH THIS IMPORTANT
ISSUE. [APPLAUSE]

THANK YOU, MAYOR WYNN. ON BEHALF OF THE BLACK

CHURCH OUTREACH PROJECT, WE FIRST WOULD LIKE TO EXTEND A THANK YOU TO THE CITY OF AUSTIN AND TO THE MAYOR AND THE CITY COUNCIL FOR RECOGNIZING THE HARD WORK THAT WE DO IN REACHING OUR CHURCHES IN THIS EPIDEMIC. WE ARE ALSO VERY THANKFUL TO THE CITY OF AUSTIN, TRAVIS COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT FOR THEIR CONTINUED SUPPORT, MR. SHANNON JONES, ASSISTANT DIRECTOR OF THE HEALTH DEPARTMENT IS HERE AND IS PART OF US THIS EVENING AND WE THANK HIM AS WELL. BEFORE I GO ANY FURTHER I'D LIKE TO RECOGNIZE ALL OF THE DIFFERENT ORGANIZATIONS WHO ARE A PART OF THE BLACK CHURCH OUTREACH PROJECT. IT IS NOT JUST ONE ENTITY. IT DOES INCLUDE ALL OF US COMMUNITY ORGANIZATIONS WORKING TOGETHER. THEY'RE LINED UP HERE BEHIND ME, KIND OF SCATTERED, NOT ALL STANDING IN GROUPS WITH THEIR ORGANIZATIONS, SO I'LL JUST NAME THEM OFF. FIRST AND FOREMOST, OUR HEALTH AND HUMAN SERVICES DEPARTMENT NEIGHBORHOOD CENTERS, THE HEALTHY CONNECTIONS MOBILE VAN, OUR TB CLINICS, IMMUNIZATION CLINICS AND STD CLINICS AND OTHER HEALTH CENTERS. ALSO VERY INSTRUMENTAL IN OUR WORK IS AIDS SERVICES OF AUSTIN, INTERFAITH CARE ALLIANCE, AUSTIN OUTREACH AND COMMUNITY SERVICES CENTER, CREATIVE INITIATIVES INCORPORATED, LIFE WORKS, MHMR'S CARE PROGRAM, THE WRIGHT HOUSE WE WILLNESS CENTER, PERSONAL CONNECTIONS HEALTH WEAR SERVICES AS WELL AS PROJECT TRANSITION. ALL OF THESE ORGANIZATIONS ARE AIDS SERVICE PROVIDERS WITHIN THE COMMUNITY. WE ALL WORK TOGETHER IN THE BLACK CHURCH OUTREACH PROJECT TO PROVIDE INFORMATION AND RESOURCES TO AFRICAN-AMERICANS THROUGH THE CHURCH. IT'S REALLY BEEN AN EXCELLENT, EXCELLENT ADVENTURE JUST IN GETTING THIS PROJECT ESTABLISHED AND BEING SUCCESSFUL. AS MAYOR WYNN SAID, WE'VE CONTACTED OVER 40 CHURCHES. WE HAVE A LIST OF ABOUT 20 CHURCHES THAT ARE STILL WILLING TO ALLOW US TO COME IN THAT WE HAVEN'T HAD AN OPPORTUNITY TO GET TO YET, BUT WE WILL AS SOON AS WE GET PAST THE WEEK OF PRAYER, WHICH IS COMING UP NEXT WEEK. THE BLACK CHURCH WEEK OF PRAYER FOR THE HEALING OF AIDS IS THE LARGEST TARGETED EFFORT FOR AFRICAN-AMERICANS

IN THE COUNTRY RIGHT NOW WITH ANOTHER AGENCY THAT WORKS TO CONTACT THE CHURCHES AND WORK THROUGH THE CHURCHES FOR HIV PREVENTION AND OUTREACH. THE CITY OF AUSTIN WILL HAVE AN OBSERVANCE OF THE WEEK OF PRAYER NEXT THURSDAY, MARCH 10th, AT 6:30 P.M. AT ONE OF OUR LOCAL CHURCHES, NEW HOPE BAPTIST CHURCH. WE WILL BE OBSERVING THE WEEK. THERE WILL BE MANY CHURCHES IN ATTENDANCE. I'D LIKE TO TAKE THIS TIME TO ACTUALLY NAME A FEW OF THE CHURCHES THAT ARE WORKING WITH US RIGHT NOW TO SET UP HIV/AIDS RESOURCE CENTERS IN THEIR CHURCHES, WHICH IS THE FIRST TIME THIS HAS BEEN DONE HERE IN THE AUSTIN AREA, AND WE DON'T KNOW HOW MUCH MORE OF THIS HAS BEEN DONE JUST AROUND TEXAS IN GENERAL. WE ARE KIND OF BLAZING A TRAIL HERE. THOSE CHURCHES INCLUDE NEW HOPE BAPTIST CHURCH, MISSIONARY BAPTIST CHURCH, DAVID CHAPEL, SAINT JAMES'S BAPTIST CHURCH, GRANT AME WORSHIP CENTER, GREATER LOVE BAPTIST CHURCH AS WELL AS ST. PETER UNITED METHODIST CHURCH IS ONE OF OUR NEWEST COLLABORATORS. WE ALSO HAVE OTHER CHURCHES THAT ARE MORE THAN WILLING TO WELCOME US IN AND TO WORK WITH US. AND I'D JUST LIKE TO GIVE A HAND TO ALL THESE PEOPLE STANDING HERE BEHIND ME WHO HAVE BEEN EXTREMELY HELPFUL, WHO WORK DILIGENTLY. THESE ARE THE FOLKS WHO WORK WITH IT EVERYDAY. IT'S A PART OF WHAT THEY DO. IT'S A PART OF WHO THEY ARE. WE SEE IT NOT SO MUCH -- IT'S NOT REALLY A JOB, MORE OF A MINISTRY TO US AND TO THE PEOPLE THAT WE TOUCH IN THE COMMUNITY AND WE'RE VERY THANKFUL AND GRATEFUL AND APPRECIATIVE TO THE CITY, TO MAYOR WYNN, THE CITY COUNCIL AND THE AUSTIN CITY HEALTH DEPARTMENT. THANK YOU. [APPLAUSE] [APPLAUSE]

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION PURSUANT TO SECTION 551.072, WE TOOK UP ITEM 60. NO DECISIONS WERE MADE. I APOLOGIZE FOR THE LENGTHY DELAY IN STARTING OUR ZONING CASES. AT THIS TIME I'LL RECOGNIZE MR. GREG GURNSEY.

THANK YOU, MAYOR AND COUNCIL. OUR FIRST ZONING ITEM, AND I'LL GO THROUGH THE CONSENT AGENDA ITEMS FIRST, IS ITEM NUMBER 67, ZONING CASE C-14-04-0183, ESCALON AT

CANYON CREEK APARTMENTS LOCATED AT 7715 TO 9901 RM 620620 NORTH. THIS IS A ZONING CASE FOR SECOND AND THIRD READING FOR MF-2-CO ZONING. YOUR BACKUP INDICATES THAT THERE IS A RECOMMENDATION BY THE ZAP AND ALSO ON THE COUNCIL AT FIRST ORDINANCE READING. AND THERE'S A FURTHER DISTILLATION OF THAT ALLOCATION OF NUMBER OF UNITS ON THE PROPERTY TO BASICALLY ADDRESS THE EXISTING CONDITION. THESE APARTMENTS ARE ALREADY BUILT, SO WITHIN THAT 568 THERE ARE TWO NUMBERS THAT ARE 272 UNITS ON LOT 1 AND 296 UNITS ON LOT 2. THIS ITEM IS OFFERED ON CONSENT FOR SECOND AND THIRD READING. ITEM NUMBER 68 IS CASE C-14-04-0189. THIS IS THE SUPERIOR SERVICE COMPANY. LOCATED AT 2020 WEST HOWARD LANE. THIS IS A REZONING REQUEST TO LI-CO. IT'S READY FOR SECOND AND THIRD READING. ITEM NUMBER 69, CI 4 H 04-27 IS A DISCUSSION ITEM. AND NUMBER 70 IS A POSTPONEMENT REQUEST ON THIS. THOSE ARE THE TWO CONSENT ON THE NINE PUBLIC HEARING ITEMS I'D LIKE TO OFFER AT THIS TIME.

Mayor Wynn: THANK YOU, MR. GURNSEY. ON ITEM NUMBER 70 IF THERE'S A POSTPONEMENT REQUEST PERHAPS WE COULD TAKE THAT UP QUICKLY AND ADD THAT TO THE CONSENT AGENDA IF THERE'S CONSENSUS.

OKAY. THE POSTPONEMENT ITEM WE RECEIVED ACTUALLY A POSTPONEMENT REQUEST TODAY. THIS IS IN REGARDS TO CASE C-14-04-071 LOCATED AT 8423 STATE HIGHWAY 71 WEST. THE CASE IS A CITY INITIATED CASE. THE PROPERTY OWNER HAS A DESIRE FOR LR-CO ZONING. THE LAST TIME THIS CAME BEFORE COUNCIL, THE APPLICANT REQUESTED A POSTPONEMENT TO TALK FURTHER WITH A COUPLE OF COUNCIL OFFICES AND TALK TO ADJACENT PROPERTY OWNER, IN PARTICULAR THE VALLEY VIEW CONDOMINIUM ASSOCIATION. THE APPLICANT HAS DONE THAT, HAS LEARNED THAT WE ARE GOING TO POSSIBLY BEGIN THE NEIGHBORHOOD PLANNING PROCESS WITH THE OAK HILL AREA. THIS FALLS ON AN OPPORTUNITY TO SPEAK TO OAK HILL ASSOCIATED NEIGHBORHOODS A ALSO THE OAK HILL BUSINESS ASSOCIATION. SO HE IS REQUESTING THE AGENT FOR THE PROPERTY OWNER IS REQUESTING A POSTPONEMENT UNTIL THE 14TH. THE VALLEY VIEW

CONDOMINIUM ASSOCIATION HAS SUBMITTED A PETITION TODAY IN OPPOSITION TO THIS REZONING REQUEST THAT STANDS AT 20.29 PERCENT AND IS OPPOSED TO THE POSTPONEMENT REQUEST THAT HAS BEEN REQUESTED TODAY. THE LAST TIME THIS WAS REQUESTED FOR A POSTPONEMENT THEY AGREED TO THE APPLICANT -- THE PROPERTY OWNER'S REQUEST FOR A POSTPONEMENT, AND THEY FELT THAT THE PROPERTY OWNER HAS BEEN GRANTED A POSTPONEMENT AND THEY WOULD LIKE TO PROCEED AS USUAL. THERE IS AN E-MAIL BOTH FROM MR. CONNALLY ON BEHALF OF THE PROPERTY OWNER THAT'S ON THE DAIS AND MICHAEL MEADE, A REQUEST RESPONSE TO THAT POSTPONEMENT IS ALSO ON YOUR DAIS.

Mayor Wynn: THANK YOU. COUNCIL? SUGGESTION? IS THE APPLICANT HERE BY CHANCE?

THE CITY STAFF IS THE APPLICANT ON THIS PARTICULAR REQUEST. DUE TO AN ERROR THAT WAS DONE BY STAFF BACK IN THE 1980'S, THE CITY STAFF ASKED THE ZONING AND PLATTING COMMISSION TO INITIATE THIS CASE AND THIS IS WHAT'S BEING BROUGHT BEFORE YOU TODAY. BUT THE PROPERTY OWNER WOULD LIKE LR-CO ZONING WITH THE CO PROHIBITING SERVICE STATION. AND THE PETITION WOULD SUPPORT LO ZONING, BUT NOT ANY LR ZONING ON THIS PROPERTY.

Mayor Wynn: AND ON FIRST AND SECOND READING WE PASSED THIS UNANIMOUSLY. CORRECT?

THAT'S CORRECT, FOR LR -- LO, BUT NOT LR ZONING.

Mayor Wynn: SO COUNCIL, WE HAVE A POSTPONEMENT REQUEST THAT'S BEING OPPOSED. ITEM NUMBER 70.

AND BOTH PARTIES ARE PRESENT IF YOU WOULD LIKE TO SPEAK WITH THEM.

PERHAPS IF THE OWNER COULD COME FORWARD, AND IF THERE'S A REPRESENTATIVE FROM THE CONDOMINIUM ASSOCIATION? WELCOME, SIR.

MAYOR, MEMBERS OF THE COUNCIL, MY NAME IS CARL

ONLYLY AND I'M REPRESENTING THE OWNER OF THIS SUBJECT TRACT. AT THE COUNCIL'S SUGGESTION AT THE SECOND READING, WE DID GET WITH THE NEIGHBORHOOD ASSOCIATION TO TRY TO WORK OUT AN LR-CO ALTERNATIVE. WE MET WITH HIM LAST THURSDAY. AND ON MONDAY WE WERE SENT AN E-MAIL THAT BASICALLY SAID THEY WERE NOT IN A POSITION TO COMPROMISE. THEY HAD NO ALTERNATIVE RECOMMENDATIONS, THEY JUST -- THEY GAVE US NO REAL GOOD EXCUSE. WE UNDERSTAND THEY HAD A NEGATIVE SITUATION WITH ANOTHER COMMERCIAL USER OUT THERE THAT MAY HAVE TAINTED THEIR OPINION ON THE LR FOR THIS PARTICULAR TRACT. WE WERE MADE AWARE THAT OHAN IS MEETING WITH CITY STAFF. I THINK THEY STARTED THEIR DISCUSSIONS IN JANUARY. AND WE WERE MADE AWARE OF THIS JUST TUESDAY. AND AGAIN WE WOULD LIKE TO HAVE THE OPPORTUNITY TO MEET WITH OHAN, DISCUSS THIS PIECE OF PROPERTY AND SEE HOW IT FITS INTO THE DISCUSSIONS THAT THE CITY AND OHAN ARE HAVING WITH REGARDS TO THE IMPACT OF THE 71-290 RELOCATION, DISLOCATION OF A LOT OF THE BUSINESSES OUT IN THAT AREA. THIS PROPERTY OWNER, LIKE GREG SAYS, HAS BEEN WAITING 20 YEARS TO GET THIS ZONING CORRECT, GET IT RIGHT, AND WE'RE HOPING THAT A LITTLE BIT MORE TIME WILL ALLOW US TO DO THAT. SO AGAIN, WE'LL BE GLAD TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.

Mayor Wynn: COUNCIL, WITHOUT OBJECTION, IT SOUND LIKE THIS IS GOING TO BE A DISCUSSION ITEM, SO WHY DON'T WE CONTINUE ON WITH OUR CONSENT CASES THEN. ITEM NUMBER 67 TO APPROVE ON SECOND AND THIRD READING. ITEM 68 APPROVAL ON SECOND AND THIRD READING. I'LL ENTERTAIN A MOTION. MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THE CONSENT AGENDA AS READ. ALL IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU, MR. GURNSEY.

I'LL CONTINUE ON WITH THE CONSENT ITEMS WE'RE OFFERING AT THE PUBLIC HEARINGS. THE FIRST ITEM I'LL

START WITH, ITEM Z-1, AND THIS IS THE FIRST OF SEVERAL THAT ARE LOCATED IN THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION PLAN AREA. THAT WAS A NEIGHBORHOOD PLAN THAT WAS ADOPTED IN THE YEAR 2000. PART OF THE PLAN WAS ALLOWED FOR A ROLL BACK OF THE ZONING BY A REQUEST OF INDIVIDUAL PROPERTY OWNERS FROM MULTI-FAMILY TO SF-3 OR SINGLE-FAMILY APPLICATION. AND WE'LL BE OFFERING ALL OF THESE ON CONSENT AT THIS TIME. THIS IS CASE C-14-04-01 01 PRIEN .07 AT 1215 WEST NINTH STREET. THIS IS A REZONING REQUEST TO SF-3-NP FROM MF-4 NP, AND THIS IS RECOMMENDED TO YOU BY THE PLANNING COMMISSION AND OFFERED FOR CONSENT FOR THREE READINGS. ITEM Z-2, CASE C-14-04-0149.10, THIS IS A TRACT AT 1707 WEST NINTH STREET FROM MF-4-NP TO SF-3-NP, AND THE PLANNING COMMISSION ALSO RECOMMENDS THIS FOR APPROVAL ON ALL THREE READINGS. CASE C-14-04-04-0149.12. 1700 PALMA PLAZA. THIS IS A REQUEST FROM MF- 3, WHICH IS A MULTI-FAMILY MEDIUM DENSITY COMBINING DISTRICT ZONING TO SF-3, FAMILY RESIDENCE DISTRICT ZONING. THIS IS ALSO RECOMMENDED BY THE PLANNING COMMISSION TO SF-3-NP ON ALL THREE READINGS. THE NEXT CASE IS ITEM Z-4, CASE C-14-04-0149.13 LOCATED AT 1613 PALMA PLAZA. FS IT IS RECOMMENDED TO YOU BY THE PLANNING COMMISSION AND THIS IS ALSO READY FOR ALL THREE READINGS. THE NEXT CASE IS Z-5, CASE NUMBER C-14-04-0149.14 AT 1505 PALMA PLAZA. THIS IS A REZONING FROM MF-3 NP TO SF-3 NP AND IT RECOMMENDED BY THE PLANNING COMMISSION ON ALL THREE RES. THE NEXT ITEM NUMBER IS Z 6, CASE C-14-04-149-POINT 15. THIS IS A REZONING REQUEST AT 1707 PALMA PLAZA FROM MF-3 NP TO SF-P-NP. THIS IS ALSO RECOMMENDED BY THE PLANNING COMMISSION AND READY FOR ALL THREE READINGS. CASE Z 7 IS LOCATED AT 1509 PALMA PLAZA. THIS IS A REQUEST FROM FM 3 TO SF 3. THE PLANNING COMMISSION RECOMMENDED THE REQUEST AND THIS IS READY FOR ALL THREE READINGS. THE NEXT ITEM IS CASE C-14-04-0149.17. IT'S ITEM Z-8 LOCATED AT 702 HIGHLAND AVENUE. THIS IS A REQUEST FROM A MF 4 DISTRICT ZONING TO SF-3-NP AND THIS IS RECOMMENDED BY THE PLANNING COMMISSION AND READY FOR ALL THREE READINGS. ITEM NUMBER Z-9 IS CASE C-14-04-0149.20. THIS IS LOCATED AT 612 HIGHLAND AVENUE. THIS IS A REZONING

REQUEST FROM MF-4-NP TO SF-3-NP AND THE PLANNING COMMISSION RECOMMENDED IT AND THIS IS OFFERED TO YOU ON CONSENT FOR ALL THREE READINGS. ITEM Z-10 IS CASE C-14-04-0149.26. THIS IS LOCATED AT 706 AND 708 HIGHLAND AVENUE. THIS IS A REQUEST FROM MF-4 TO SF-3. AND THIS IS ALSO RECOMMENDED BY THE PLANNING COMMISSION TO SF-3-NP AND A READY FOR ALL THREE READINGS. THE NEXT ITEM IS ITEM NUMBER Z-11, CASE C-14-04-0149.28. THIS IS A REZONING REQUEST AT 800 WEST LYNN. THIS IS A REZONING REQUEST FROM MF-4 NP TO SF 3 NP AND THIS IS AGAIN THE PLANNING COMMISSION RECOMMENDED SF 3 NP AND THIS IS READY FOR CONSENT FOR ALL THREE READINGS. ITEM NUMBER Z-12 IS CASE C-14-04 OPINION 149.43 LOCATED AT 615 WEST LYNN STREET. THIS IS A REZONING REQUEST FROM MF 4 NP TO SF 3 NP AND THE PLANNING COMMISSION RECOMMENDED SF 3 NP ZONING AND THIS IS ALSO READY ON TALL ALL THREE READINGS. NEXT ITEM IS ITEM NUMBER Z-13, CASE C-14-04-0149.44, LOCATED AT 900 WEST LYNN STREET AND 1602 WEST NINTH STREET. THIS IS A REZONING REQUEST FROM MF 3 NP TO SF 3NO CARRIERRINGCONNECT?Ny□RY□Zck[kk--kc[NRz

ITEMS NUMBER 17 AND ITEM NUMBER 16, THESE ARE CONSENT POSTPONEMENT REQUESTS THAT STAFF OFFERING. ITEM NUMBER Z-16 IS C 814-99.1.03 AVERY RANCH AMENDMENT 3. THIS IS A A REZONING REQUEST FROM PUD TO PUD. STAFF IS RECOMMENDING A POSTPONEMENT TO MAY FEF TWFTH TO 12 FINALIZE LEGAL ISSUES ON THAT ITEM. ITEM NUMBER Z-17 IS A RELATED ITEM, CASE 814-99-1, A RESTRICTIVE COVENANT AMENDMENT. STAFF IS ALSO RECOMMENDING A POSTPONEMENT OF THAT ITEM. STAFF INITIALLY THOUGHT WE WOULD POSTPONE THESE TO MA FIFTH, BUT YOU DO NOT HAVE A MEETING ON MAY 5TH. ITEMS Z-18 AND 19 ARE DISCUSSION ITEMS. THAT INCLUDES THE CONSENT POSTPONEMENT ITEMS OF THE Z-CASES.

Mayor Wynn: ALL THE WEST AUSTIN CASES, WE HAD ONE CITIZEN SIGNED UP. IS SHE STILL HERE?

GIEFNG, MAYOR AND MAYOR PRO TEM AND COUNCILMEMBERS. WE'RE HERE JUST TO SUPPORT THE FACT THAT THIS IS PART OF THE ZONING ROLL BACK WE

HAVE INITIATED WITH THE NEIGHBORHOOD PLAN TEAM TO SUPPORT OUR RESIDENTIAL AREA AND TO BASICALLY HAVE THIS TRIGGER COMPATIBILITY STANDARDS IN OUR NEIGHBORHOOD. WE APPRECIATE YOUR SUPPORT.

Mayor Wynn: THE CONSENT AGENDA WILL BE TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS THESE OWANA ZONING CASES, Z-1 THROUGH 14, ALSO CLOSE THE PUBLIC HEARING AND APPROVE ON THREE READINGS CASE Z-15. AND TO POSTPONE CASE Z-16 AND Z-17 TO MAY 12TH, 2005. I'LL ENTERTAIN A MOTION.

MOVE APPROVAL.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCracken, SECONDED BY COUNCILMEMBER ALVAREZ TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE., ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] I'D LIKE TO INVITE MR. STEVE COBURN TO GIVE YOU THE PRESENTATION SINCE HE'S BEEN DIRECTLY INVOLVED.

Mayor Wynn: I SUSPECT OUT OF THE -- THE OWNER'S AGENT ALSO PLEASE APPROACH. WELCOME.

THANK YOU. STEVE COBURN, CHAIR OF THE OLD WEST AUSTIN NEIGHBORHOOD ZONING COMMITTEE. AND PUT IN A LOT OF HOURS ON THIS, PROBABLY MORE THAN I NEED TO. I NEED SOME SLEEP. BUT WE HAD A LOT TO DO. AND WE'VE HAD A LOT TO DO FOR A LONG TIME. THE PLANNING COMMISSION, YOU KNOW, HAD REQUESTED, FIRST OF ALL, THAT WE GET SOME NUMBERS FOR WHAT IT WOULD TAKE TO KEEP THE PROPERTY WHOLE, AND SO AS A NEIGHBORHOOD ASSOCIATION WE SPENT SOME MONEY AND DID THAT. THEN WE CAME TO YOU, THE CITY COUNCIL, AND YOU ASKED US TO COMMUNICATE BETTER, AND YOU WERE RIGHT, WE NEEDED TO DO THAT, AND WE HAVE MADE A

GOOD FAITH EFFORT TO DO THAT. AND I'VE SPENT SOME TIME WITH MR. GOODWIN AND MS. CROCKER AND IN PERSON AND ON THE PHONE. AND MY HOPE AND WHAT I'VE BEEN TRYING TO TO MAKE HAPPEN HERE IS THAT WE COULD GET A WIN-WIN SITUATION. AND WHAT IS A WIN-WIN SITUATION? A WIN-WIN SITUATION IS ONE WHERE THE PROPERTY GETS SOLD TO SOMEONE WHO IS READY, WILLING AND ABLE TO FIX IT UP, AND OF COURSE FOR THAT PERSON, ONCE THEY BUY IT, THAT TAKES THE COST OF THE RESTORATION OUT OF THE PICTURE FOR YOU AND US AND LEAVES IT ON THEIR TABLE EXCLUSIVELY. SO THAT WAS THE FIRST THING, TO SEE IF WE COULD COME UP WITH SOME BUYERS WHO COULD MAKE LEGITIMATE OFFERS AND WOULD BE WILLING AND ABLE TO RESTORE IT. AND WE WERE ABLE TO DO THAT. WE HAD -- THE PROBLEM, THOUGH, WAS THAT WE REALLY HAVEN'T BEEN ABLE TO GET A GOOD TARGET FOR WHAT IT WOULD COST TO BUY THE HOUSE. IN MY MEETINGS WITH HUNTER GOODWIN AND SARA CROCKER, I'VE ASKED MANY TIMES, PLEASE GIVE US A NUMBER, TELL US WHAT IT WOULD TAKE. AND WE HAVEN'T GOTTEN ANYTHING, ANY NUMBER. WHICH MAKES IT A LOT MORE DIFFICULT BECAUSE IT BECOMES A GUESSING GAME. AND, YOU KNOW, WE'VE BEEN TRYING TO PLAY AS GOOD AS WE CAN AND WE'VE GOT TWO OFFICERS ON THE TABLE, REAL OFFERS SUBMITTED TO THEIR AGENT. THE FIRST ONE WAS FROM THE MARTHA FOUNDATION, FROM SIMON ATKINSON WHO IS A NOTED ARCHITECT AND U.T. PROFESSOR AND HISTORIC PRESERVATIONIST. AND HIS FOUNDATION PRESENTED A \$400,000 OFFER. AND THAT TURNED OUT NOT TO BE ADEQUATE. AND I CAN PERHAPS UNDERSTAND THAT. THE SELLING PRICE THAT WE KNEW OF PRIOR TO THE PURCHASE WAS -- THAT WE KNEW OF WAS 380,000. SO IT'S REASONABLE TO ASSUME -- AGAIN, WE HAVE TO MAKE THESE PROJECTIONS BECAUSE WE DIDN'T HAVE ANY HARD NUMBERS OF WHAT THE REALITY WAS. SO 380, MAYBE IT WAS FOR LESS, PROBABLY NOT MORE, AND THEN THE ACTUAL COSTS OF WHAT MR. GOODWYN HAS HAD TO SPEND SINCE HE STARTED ACTIVELY PURSUING THE PROPERTY. AND IF YOU REMEMBER LAST WEEK HE SAID THAT WAS ON THE ORDER OF \$50,000 TO \$60,000. AND SO IT WOULD SEEM THAT ON THAT BASIS AN OFFER OF \$450,000 WOULD BE REASONABLE TO THINK WOULD COVER HIS ACTUAL COSTS.

NOW, TODAY HE -- WHEN PRESENTED WITH THAT OFFER, HE SAID THAT IT DIDN'T. AND IT'S QUITE POSSIBLE THAT WE COULD GET MORE, BUT ONCE AGAIN SINCE WE DON'T KNOW FOR SURE, IT'S EXTREMELY DIFFICULT. WE'VE HAD OTHER -- APART FROM THE PEOPLE WHO PRESENTED ACTUAL OFFERSS, WE'VE HAD A NUMBER OF OTHER PEOPLE READY WILLING AND ABLE TO MAKE OFFERS, AND ONE IN PARTICULAR CALLED HIS AGENTS AT TRAVIS HOMES AND WAS INTERESTED IN BUYING IT TO RESTORE, REHABILITATE AND SELL. AND SO THIS IS A RESTORATION REMODELING CONTRACTOR WHO HAS DONE THIS IN OUR NEIGHBORHOOD AND WAS VERY INTERESTED AND EXCITED. HE'S BEEN WANT TO GO PURCHASE THIS PROPERTY FOR A LONG TIME. WELL, BEFORE HUNTER GOODWYN BECAME INVOLVED BACK WHEN IT WAS LINKED WITH 611. AND IN MY CONVERSATIONS WITH HIM, HE SAID THAT IT WOULD BE REALLY HELPFUL IF WE COULD SOMEHOW BRING TO THE TABLE SOME OTHER WAYS OF GENERATING FUNDS, GENERATING REVENUE. AND SO AT TUESDAY NIGHT'S GENERAL MEMBERSHIP MEETING, OWANA IN A SPIRIT OF LET'S DO WHATEVER IT TAKES TO SAVE THIS PROPERTY, VOTED TO SUPPORT SUBDIVIDING THE PROPERTY BECAUSE IT'S A LARGE LOT, 20,000 SQUARE FEET. SO IF IT WERE SUBDIVIDED IN TWO, IT COULD BE SPLIT AND SOLD, BUT YOU COULD BUILD SOMETHING REVENUE GENERATING ON THE BACK HALF THAT WOULD IN TURN CREATE ADDITIONAL FUNDS FOR THE RESTORATION. SO WE'VE BEEN DOING OUR BEST TO TRY AND COME UP WITH THAT KIND OF A WIN-WIN SITUATION, SOMETHING WHERE SHOULD HE BE SO INCLINED, EVEN MR. GOODWYN COULD PARTICIPATE IN THAT AND WE WOULD HOPE HE WOULD WANT TO DO THAT BECAUSE IT'S BEEN MENTIONED THERE MIGHT -- BY HIS REALTOR THAT THERE WERE LOST OPPORTUNITY COSTS THAT NEEDED TO BE RECOUPED, AND THIS WOULD BE A WAY THAT THEY COULD BE RECOUPED FOR HIM. SO, AGAIN, WE'RE TRYING TO MAKE IT SUCH THAT EVERYBODY WINS, THAT HE GETS -- HE CERTAINLY WOULDN'T WALK AWAY WITH ANY LESS THAN HE'S PUT OUT, AND PLAYING THE CARDS RIGHT WITH THE DEVELOPMENT, HE CERTAINLY COULD WALK AWAY WITH CONSIDERABLY MORE.

Mayor Wynn: THE NEIGHBORHOOD WILL BE SUPPORTIVE OF

SUBDIVIDING PROPERTY AND AS FAR AS YOU KNOW THERE'S A \$450,000 ON THE TABLE?

THAT'S CORRECT.

Mayor Wynn: THANK YOU. MS. CROCKER, WOULD YOU CARE TO RESPOND?

I'M SARA CROCKER AND I'M HERE TONIGHT ON BEHALF OF HUNTER GOODWYN. AS YOU KNOW AT THE LAST HEARING THERE WAS A LOT OF TALK ABOUT SOME OFFERS COMING FORWARD, AND AS I TOLD THE NEIGHBORHOOD WE WOULD BE HAPPY TO ENTERTAIN ANY OFFER PUT ON THE TABLE. THE PROPERTY IS NOT FOR SALE. BUT THAT DOESN'T MEAN THAT SOMEBODY COULDN'T STEP UP AND MAKE AN OFFER ON IT, AND IF THAT WAS ACCEPTABLE AND ACCEPTABLE TO MR. GOODWYN, THEN, OF COURSE, HE COULD EXCEPT THAT. DURING THE LAST COUPLE OF WEEKS WE'VE HAD DISCUSSION WITH MR. COBURN AND I'VE TALKED WITH SOME OF THE POTENTIAL BUYERS ON THE PHONE. AGAIN, THE MESSAGE HAS BEEN THE SAME, THAT THE PROPERTY WAS NOT FOR SALE BUT THAT WE, OF COURSE, WOULD ENTERTAIN ANY OFFER THAT WAS TEN TENDERED. MR. COBURN IS CORRECT THERE WAS A \$400,000 -- IT WASN'T REALLY OFFER, IT WAS A LETTER FAXED OVER AND I RESPONDED TO THAT AND I THINK YOU HAVE A COPY OF THAT. DIRECTLY BEFORE THE HEARING THERE WAS ANOTHER REAL ESTATE OFFER TENDERED FOR \$450,000, AND WE TOOK THAT AND TOLD THE GENTLEMAN WHO TENDERED IT THAT WE WOULD TAKE A LOOK AT IT. AGAIN, I WOULD LIKE TO STRESS THAT THE PROPERTY IS NOT CURRENTLY BEING ACTIVELY MARKETED. THIS PROPERTY HAS BEEN ON THE PROPERTY FOR TWO YEARS. IT'S BEEN FOR SALE. IT WAS FOR SALE WHEN IT CAME DOWN THE LAST TIME, AND I'M SORT OF BAFFLED AS TO WHY THE IDEA OR THE THOUGHT OF SOMEBODY PURCHASING IT HADN'T COME UP SOONER OR SOMEBODY HADN'T BOUGHT IT SOONER. WITH REGARD TO THE SUBDIVISION PROCESS, YES, WE'VE TALKED TO MR. COBURN ABOUT THAT. MR. GOODWYN'S SISTER WAS AT THE MEETING THE OTHER NIGHT AND SAT THROUGH AND LISTENED TO THAT PARTICULAR DISCUSSION. I'M NOT AWARE THAT I WOULD NEED THE NEIGHBORHOOD'S APPROVAL TO SUBDIVIDE THE PROPERTY.

IF A SUBDIVISION IS FILED AND IT MEETS ORDINANCE REQUIREMENTS, IT HAS TO BE APPROVED. SO I DON'T KNOW HOW MUCH OF A CONCESSION THAT IS ON OWANA'S PART WHEN THE SUBDIVISION PROCESS IS SET FORTH IN STATE LAW AND IF YOU WANT TO SUBDIVIDE YOUR LOT, UNLESS YOU NEED VARIANCES, YOU DON'T NEED APPROVAL FROM ANYBODY. BUT IT CERTAINLY IS NICE OF THEM TO OFFER TO PUT THAT ON THE TABLE. IT'S A VERY EXPENSIVE PROCESS TO GO THROUGH AND THIS LOT HAS A LOT OF CHALLENGES ON THE BACK END. IT HAS SLOPE, SIGNIFICANT SLOPE. IT HAS SOME VERY, VERY SIGNIFICANT TREES AND WE HAVE A LOT OF DRAINAGE ISSUES THAT HAVE TO BE ADDRESSED. THERE AGAIN IS SOMETHING THAT WOULD HAVE TO BE LOOKED AT, ANALYZED, A LOT OF MONEY SPENT, ENGINEERING KOTSDZ. THAT'S NOT SOMETHING WE WOULD BE INTERESTED IN JUMPING IN AT THIS POINT. HE'S BEEN IN THIS PROCESS SEVEN MONTHS. WE MADE THE APPLICATION. WE'VE COME THROUGH AND WE'VE FOLLOWED THROUGH ON THE PROCESS. I KNOW HE WOULD LIKE VERY MUCH TO GET IT WRAPPED UP. THIS WILL BE THE THIRD TIME THAT WE'VE BEEN IN FRONT OF COUNCIL AND WE APPRECIATE THE EFFORTS THE NEIGHBORHOOD HAS MADE BUT SO FAR THERE'S BEEN NO OFFER PUTTING ON THE TABLE -- I'M NOT SPEAKING TO THE \$450,000 OFFERED THAT WAS TENDERED TODAY BECAUSE MY CLIENT WILL LOOK AT THAT, BUT WE HOPE THAT DOESN'T POSTPONE THIS CASE ANY FURTHER.

Mayor Wynn: THANK YOU. COUNCIL, QUESTIONS OF ANYBODY? COMMENTS? COUNCILMEMBER DUNKERLEY. [NO MIC ON].

YES, MA'AM. DURING THE LAST COUNCIL HEARING THERE WAS A LOT OF DISCUSSION ABOUT MR. PINELLI AND I DID MEET MR. 3BGS PINELLI ON THE PROPERTY AND HE AND MR. GOODWYN HAVE MET SINCE THEN AND HAVE HAD ONGOING DISCUSSIONS. WHAT YOU WILL SEE HERE, WE MET WITH MR. PINELLI AND LEARNED A LOT AND LEARNED ABOUT WHAT CONSTITUTED THE ORIGINAL STRUCK AND WHAT CONSTITUTED THE ORIGINAL STRUCTURE WAS WHAT YOU SEE ON THIS EXHIBIT. IT WAS A TINY HOUSE, TWO ROOMS ON THE BOTTOM, A SLEEPING LOFT ABOVE IT AS PROBABLY ACCESSED BY AN UPSTAIRS PORCH. WHAT YOU WILL SEE ON THE SECOND PAGE, WE WENT TO THE HISTORY CENTER

AND SPENT A LOT OF HOURS DIGGING THROUGH AND RESEARCHING EVERYTHING, IS THE SECOND ADDITION MADE TO THIS HOUSE. I DON'T HAVE MY GLASSES. FROM 1910 TO 1922. THERE WAS -- THERE WAS THE FIRST MAJOR ADDITION MADE TO THIS HOUSE. THE SILVER MAN'S OWNED THE HUSBAND. WHEN MR. SILVERMAN DIED, POLICE TURNED IT INTO A BOARDING HOUSE. THERE WAS A HOUSING SHORTAGE IN AUSTIN AND THIS HOUSE BECAME A BOARDING HOUSE DURING WORLD WAR II. YOU CAN SEE AGAIN THE SIGNIFICANT ADDITION TO THE HOUSE. THE LAST PAGE SHOWS ALL OF DIFFERENT ADDITIONS TO THIS PARTICULAR HOUSE. THE HOUSE IS -- HAS BEEN SIGNIFICANTLY ALTERED OVER THE YEARS. IT KEEPS-HE WE KEEP REFERRING TO IT AS BEING HISTORIC AND THERE IS A REMNANT OR A PORTION OF IT THAT WAS PART OF THE ORIGINAL HOUSE THAT WAS BUILT BY MR. BROWN, BUT THE REST OF IT IS REALLY SORT OF A HODGEPODGE OF DIFFERENT THINGS THAT HAVE BEEN ADDED ON OVER THE YEARS. AND I JUST WANT COUNCIL TO BE AWARE THERE IS ONLY A SMALL PORTION OF THIS HOUSE OF THE ORIGINAL HOUSE THAT WAS BUILT BY MR. BROWN. THE REST OF IT IS ADDITIONS.

Mayor Wynn: THANK YOU, MS. CROCKER. COMMENTS?
COUNCILMEMBER McCRACKEN.

McCracken: I UNDERSTAND THAT THE PERSON WHO MADE THE \$450,000 OFFER WAS HERE EARLIER. IS HE STILL HERE? WOULD YOU "-IS -- WOULD YOU MIND TELLING US ABOUT THE OFFER, I GUESS TRYING TO ASSESS HOW SERIOUS --.

WHAT SPECIFICALLY DID YOU WANT TO KNOW?

McCracken: I GUESS JUST THE -- YOU KNOW, WE'RE TRYING TO GET A SENSE OF HOW SERIOUS THE OFFER IS. HOW BINDING IT IS. HOW MUCH OF A COMMITMENT --

IT'S ON THE TEXAS STANDARD BOARD OF REALTORS PURCHASE OFFER CONTRACT. THERE'S AN OPTION CHECK THAT WAS ACTUALLY PRESENTED WITH THE OFFER, \$10,000 IN ESCROW. A FIGURE OF \$450,000 IS ACCURATE. PREVIOUSLY I DROPPED OFF PACKETS OF COMMUNICATION TO ALL OF THE MEMBERS OF THE COUNCIL AND INCLUDED IN

THAT PACKET OF COMMUNICATION WAS A LETTER FROM MY BANKER, A LOAN COMMITMENT LETTER INDICATING THAT THEY WILL LOAN ME UP TO 80% OF THE APPRAISED VALUE OF THE PROPERTY. SO I MEAN I'VE GOT MY FINANCING IN PLACE ALREADY. I'M A EX-BANKER MYSELF SO I KNOW THE INS AND OUTS OF FINANCING AND MONEY. SO IF THERE IS ANYTHING ELSE YOU WANT TO KNOW.

McCracken: I WANT TO MAKE SURE I UNDERSTAND. I WAS TOLD EARLIER THAT YOU HAD OFFERED -- YOU HAD PUT \$1,000 DOWN. YOU PUT \$10,000 DOWN.

10,000 IN EARNEST MONEY AND 1,000 FOR THE 14-DAY OPTION PERIOD, WHICH IS STANDARD IN RESIDENTIAL REAL ESTATE TRANSACTIONS, YES.

McCracken: THANK YOU, SIR. AND THEN I'M LOOKING AT TRAVIS CAD AND IT SHOWS THE MARKET VALUE OF THE PROPERTY WITH THE HOUSE IS \$287,000. I GUESS, MS. CROCKER, ARE YOU AT LIBERTY TO LET US KNOW WHAT THE PROPERTY WAS PURCHASED FOR? I MEAN \$450,000 IS QUITE A BIT HIGHER THAN THE APPRAISED VALUE.

WELL, MR. GOODWYN PAID MORE THAN THE APPRAISED VALUE FOR THE PROPERTY AND I'M NOT AT LIBERTY TO SAY WHAT HIS TOTAL CASH INVESTMENT IN BUT IT IS IN EXCESS OF WHAT HAS BEEN TENDERED SO FAR.

McCracken: WHAT HAS BEEN TENDERED -- IN EXCESS OF \$450,000 OR 10,000?

I WASN'T TALKING ABOUT THE MONEY OFFERED FOR ESCROW OR FOR THE OPTION PERIOD. I WAS TALKING ABOUT THE OFFERS THAT HAVE -- THE TOTAL SUM DOLLAR FIGURE THAT HAS BEEN PUT ON THE TABLE.

McCracken: SO HE PAID MORE THAN \$450,000 FOR IT?

NO, SIR, I DIDN'T SAY THAT HE PAID MORE THAN \$450,000. I SAID HIS TOTAL COSTS WRAPPED UP INTO THE ENTIRE PROJECT WOULD EXCEED THAT. AND I DON'T THINK IT WOULD BE UNREASONABLE FOR MR. GOODWYN FOR HIM TO

MAKE A PROFIT ON. ANY BUSINESSMAN WOULD.

McCracken: I'M JUST ASKING A QUESTION.

ALL RIGHT.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? SO WE'VE CLOSED THIS PUBLIC HEARING SEVERAL WEEKS AGO, BUT WE'VE NEVER ACTUALLY EVEN TAKEN -- I DON'T BELIEVE, THE FIRST READING VOTE. ITEM 69. YES, SIR.

AS I INDICATED WHEN I MET WITH COUNCILMEMBER THOMAS, I THINK I DID, CORRECT ME IF I AM WRONG, AND WITH THE EXECUTIVE ASSISTANTS FOR A NUMBER OF THE MEMBERS OF THE COUNCIL, I DON'T HAVE A PROBLEM -- IF I COULD GET TO WHERE MR. GOODWYN WOULD BE MADE WHOLE, YOU KNOW, I MEAN I HAVE TO LOOK AT THAT, I'D NEED SOME DOCUMENTATION. I TOOK MY BEST GUESS BEING A BANKER AND HAVING CONTACTS IN THE MORTGAGE INDUSTRY, ET CETERA. BUT, YOU KNOW, I DON'T HAVE A PROBLEM WITH HIM BEING MADE COMPLETELY WHOLE IN THIS. EVEN, YOU KNOW, TRIED TO FACTOR IN FOR MYSELF WHAT HIS COST OF FUNDS FOR THE MONEY HE HAD TO PUT DOWN. BUT, AGAIN, IT'S GUESSWORK. SO I TOOK MY BEST GUESS. CERTAINLY A COPY OF THE COMMITMENT LETTER, THE CLOSING STATEMENT, SOMETHING LIKE THAT, YOU KNOW, SOMETHING ME -- I GUESS HIS INTEREST RATE, ALL THAT KIND OF THING. THAT SORT OF DROVE THE OFFER AMOUNT. AND I ALSO DON'T BEE BEGRUDGE HIM A PROFIT. I NEVER SAID THAT EITHER. I JUST WANTED TO MAKE THAT CLEAR. YOU KNOW, I TENDERED THE OFFER WITH A GREAT DEAL OF HESITATION BECAUSE I HAVE NOT ACTUALLY BEEN ON THE PROPERTY. I'VE WALKED BY IT ON THE SIDEWALK. I TRIED TO GET ON THE PROPERTY, I TRIED TO GET ACCESS TO THE PROPERTY FOR MYSELF AND THE REALTOR AND I HAVEN'T BEEN OUT. SO WITH A GREAT DEAL OF TREPIDATION I WENT AHEAD AND TENDERED THAT PURCHASE PROPOSAL. BUT AGAIN, IT WAS A GUESS. SO, YOU KNOW, THAT'S KIND OF WHERE WE'RE AT.

Mayor Wynn: I'M SORRY, AND SO YOUR OFFER, AS MOST OFFER WOULD BE, IS CONTINGENT ON SOME TIME PERIOD.

THERE'S INVESTIGATION AND --

RIGHT.

Mayor Wynn: HOW LONG IS THAT?

IT'S AN OPENING OFFER. THE OPTION PERIOD IS 14 DAYS.
THE PROPOSED OPTION PERIOD IS 14 DAYS.

Mayor Wynn: BUT THEN WHEN -- SO AFTER 14 DAYS YOUR
EARN MESS EARN NECESSARY MONEY IS -- WHEN WOULD
THE CLOSING BE?

MARCH 31st. THAT'S THE PROPOSED DATE.

Mayor Wynn: OKAY. THANK YOU.

NOT A LOT OF TIME WOULD BE REQUIRED ONCE THE OPTION
PERIOD ENDED. LIKE I SAID, I ALREADY HAVE MY FINANCING
LINED UP AND I HAVE THE MEANS TO COME UP WITH THE
REST. SO NOT A LOT OF TIME WOULD BE REQUIRED TO GET
TO THE CLOSING.

Mayor Wynn: OKAY. THANK YOU, SIR. FURTHER COMMENTS,
QUESTIONS?

Dunkerley: CAN I FOLLOW UP IN.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: YOUR CONTRACT IS CONTINGENT ON -- IS IT --
WHAT DID YOU SAY YOUR CONTRACT WAS CONTINGENT ON?
THERE'S AN OPTION PERIOD. GIVEN I HAVE NOT HAD ACCESS
TO THE PROPERTY, I HAVE NOT BEEN ABLE TO GET A
CONTRACTOR IN THERE, I HAVE NOT BEEN ABLE TO GET MY
REALTOR IN THERE, UNDER THE HOUSE, MY OPTION PERIOD
IS A TIME MY BANK IS GOING TO REQUIRE AN APPRAISAL, I
WANT TO SEE IT MYSELF.

Dunkerley: SO YOU COULD WITHDRAW YOUR OFFER AND
LOSE YOUR EARNEST MONEY AFTER THAT HAPPENS AND
BEFORE YOU CLOSE.

I'M SORRY, COULD YOU REPEAT THE QUESTION?

Dunkerley: AFTER YOU GET ON THE PROPERTY, BEFORE YOU CLOSE, AND YOU DECIDE, YOU KNOW, THIS IS TOO MUCH, I DON'T WANT TO DO IT, THEN YOU HAVE -- YOU LOSE YOUR EARNEST MONEY --

NO, I LOSE THE OPTION MONEY.

Dunkerley: I MEAN YOU LOSE THE OPTION MONEY AND YOU CAN WALK THE REST OF THE CONTRACT, YOU CAN DROP IT.

RIGHT.

Dunkerley: SO YOU LOSE THE \$10,000.

THAT'S CORRECT -- NO, I LOSE A THOUSAND. THE EARNEST MONEY ONLY GOES HARD AFTER THE OPTION PERIOD.

Dunkerley: SO YOU ONLY LOSE A THOUSAND.

RIGHT. THAT'S SUBSTANTIALLY MORE THAN --

Dunkerley: IT'S A NORMAL PRESIDENT BUSH CONTRACT. I WAS JUST TRYING TO GET IT -- IT'S A NORMAL PURCHASE CONTRACT. I WAS JUST TRYING TO GET IT --

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM 69. HISTORIC ZONING CASE WITH A VALID PETITION. COUNCILMEMBER McCracken.

McCracken: YOU KNOW, I THINK WE'RE HEARING TWO THINGS THAT ARE BOTH PRETTY PER PERSUASIVE. ONE OF WHICH IS THIS IS AN HISTORIC STRUCTURE. I DON'T THINK THERE'S ANY DOUBT ABOUT THAT. THE SECOND THING IS THAT IF THERE'S AN OFFER AND HE'S WILLING TO PURCHASE IT, YOU DON'T WANT TO STICK THE OWNER, CURRENT OWNER WITH TRYING TO RESTORE IT. AND I GUESS -- GET A SENSE FROM MY COLLEAGUES, ONE OPTION WOULD BE TO DO FIRST READING TO SEE IF THIS IS A SERIOUS OFFER BECAUSE I THINK WE HAVE AN OBLIGATION NOT TO STICK THE CURRENT OWNER WITH SOMETHING THAT CAN'T BE RESOARED. AT THE SAME TIME, THIS IS AN HISTORIC

STRUCTURE, I BELIEVE, SO IF THERE CAN BE AN OWNER FOUND, I THINK IT WOULD BE WORTH A SHOT OF PUTTING THAT IDEA OUT.

Mayor Wynn: SO THE MOTION WOULD BE?

McCracken: I'M NOT READY TO MAKE A MOTION ON THIS. I WAS PUTTING OUT A SUGGESTION TO SEE IF THERE IS -- YOU KNOW, WHAT THE SENSE ON THE DAIS IS ON THIS. I THINK THIS IS THE HARDEST HISTORIC CASE WE'VE HAD SINCE I CAME ON THE COUNCIL IN TWO YEARS.

Dunkerley: I THINK WE'VE ALREADY HAD FIRST READING, HAVEN'T WE?

Mayor Wynn: I DON'T BELIEVE WE'VE HAD THE VOTE, NO. WE'VE CLOSED THE PUBLIC HEARING. THERE'S NO RECORD OF A VOTE ON FIRST READING. FURTHER COMMENTS? QUESTIONS? COUNCILMEMBER ALVAREZ.

Alvarez: THANKS, MAYOR. I ALREADY WENT ON THE RECORD LAST TIME SAYING I SUPPORTED HISTORIC ON THIS PARTICULAR STRUCTURE AND -- BECAUSE I MEAN OBVIOUSLY WITH WHAT WE'RE GIVEN IS THE CRITERIA TO DETERMINE WHETHER IT'S AN HISTORIC STRUCK STRUCTURE OR NOT AND THAT SHOULD BE AT LEAST ONE OF THE FUNDAMENTAL BASES. THE OTHER, OF COURSE, IS HOW SALVAGEABLE IT IS, AND SO THAT'S THE PROCESS WE'VE BEEN GOING THROUGH FOR A COUPLE MONTHS, IT SEEMS LIKE. I'M SURE IT SEEMS LIKE LONGER FOR THE OWNER AND THE NEIGHBORHOOD. WELL, IT HAS BEEN, BUT - - BECAUSE THEY'VE HAD TO GO THROUGH COMMISSIONS AND WHATNOT. BUT I THINK THAT -- I MEAN IT'S CLEAR TO ME THAT IF IN THE END THIS PROPERTY IS NOT DESTROYED THAT THIS GENTLEMAN WILL BE JUST FINE FROM AN ECONOMIC POINT OF VIEW, SO IF THAT'S, YOU KNOW, AN ISSUE THAT'S CLOUDING THIS, THEN -- I MEAN THAT MAKES IT AN EASIER DECISION AT LEAST ON MY SIDE AND THE OWNER HIMSELF HAS ACTUALLY SAID HE DOESN'T KNOW WHAT HE'S GOING TO DO WITH THE PROPERTY, WHICH IS SOMEWHAT TROUBLING TO ME BECAUSE, I MEAN NOT ONLY DO WE LOSE THE HISTORIC STRUCTURE, BUT IT'S ZONED MF-4 AND IT'S A PRETTY LARGE LOT, SO WHO KNOWS IF EVEN A

SINGLE-FAMILY DEVELOPMENT WOULD GO THERE. AND SO -- AND IN THE END, I REALLY THINK THAT THIS IS THE KIND OF PROCESS YOU GO THROUGH BEFORE YOU BUY A PIECE OF PROPERTY. YOU KNOW, THIS SHOULD HAVE ALL BEEN DONE BEFORE YOU ACTUALLY BECAME THE OWNER OF THE PROPERTY, AND SO NOW IT'S -- YOU KNOW, OBVIOUSLY WE'RE IN THIS SITUATION. BUT I THINK ON BOTH COUNTS, THE HISTORIC AND THE ECONOMIC, I THINK THAT -- YOU KNOW, I THINK THAT VOTING TO SUPPORT HISTORIC ZONING SEEMS TO MAKE SENSE, FROM MY POINT OF VIEW. AND OBVIOUSLY ALL WE NEED IS TWO -- IF TWO VOTES DON'T SUPPORT THAT, THAT'S ALL WE NEED FOR THIS TO STOP SO WE DON'T HAVE TO BRING PEOPLE BACK AGAIN AND AGAIN AND AGAIN. BUT I CERTAINLY WOULD SUPPORT FIRST READING IF THAT WOULD HELP US MOVE FORWARD, EVEN IF IT IS SORT OF AN INCH AT A TIME.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS?

Dunkerley: I HAVE ONE COMMENT. THIS GOES ON FIRST READING. I WOULD ASSUME THAT -- SINCE THIS OFFER HAS NOT BEEN TURNED DOWN, AT LEAST IT WILL BE LOOKED AT CAREFULLY AND PERHAPS THERE CAN BE SOME AGREEMENT LATER, BUT UNTIL THAT AGREEMENT BEARS, I'M NOT GOING TO VOTE ON THE HISTORIC DESIGNATION UNTIL I KNOW THAT WE'VE HAD THREE -- NOW THREE DIFFERENT -- AT LEAST TWO DIFFERENT, THREE DIFFERENT OPINIONS THAT -- YOU KNOW, THAT THE PROPERTY IS NOT FEASIBLE TO RESTORE MONEY-WISE. AND SO I DON'T WANT TO GIVE IT AN HISTORIC DESIGNATION AND HAVE THE OWNER SUFFER AND NOT BE ABLE TO DO IT WHEN THE OTHER FELLOW CAN GO IN AND LOOK AT IT AGAIN AND GET THE SAME OPINION THAT JERRY GARCIA GAVE THAT IT'S NOT FEASIBLE TO RESTORE IT, THEN HE ONLY LOSING \$1,000 AND THE CURRENT OWNER IS STUCK WITH THE HISTORIC DECEMBER EUGS DESIGNATION THAT HE CAN'T DO ANYTHING WITH, SO WE'RE ALMOST IN A DILEMMA. SO I -- THAT'S MY COMMENT, I GUESS, RIGHT THERE. SO I'LL BE VOTING NO UNTIL WE CAN MAKE SURE THERE'S NOT A CHANCE TO GET THIS WORKED OUT TO EVERYBODY'S SATISFACTION.

Mayor Wynn: COUNCIL, SO TECHNICALLY IF WE FOLLOW OUR HISTORY HERE ON VALID PETITION CASES, HISTORIC ZONING COULD PASS ON FIRST -- FIRST AND SECOND READING EVEN WITH A SIMPLE MAJORITY.

THAT'S CORRECT.

Mayor Wynn: SO A FOURTH REVOTE ON FIRST READING, ZONED HISTORIC, CONTINUE THE CASE, IF YOU WILL, BUT OBVIOUSLY IT SENDS A STRONG SIGNAL THAT SOMETHING NEEDS TO OCCUR BEFORE THIRD READING BECAUSE THOSE THREE OR EVEN TWO NON-HISTORIC VOTES WOULD END THE CASE. ON THIRD READING.

ON FIRST AND SECOND READING, IT CAN PASS BY 4-3 MAJORITY. BUT ON THE THIRD READING, IT HAS TO HAVE THE SUPER MAJORITY.

Mayor Wynn: OKAY. COUNCIL, I'LL ENTERTAIN A MOTION OR MORE COMMENTS. ITEM 69. PERHAPS FIRST READING ONLY MOTION. COUNCILMEMBER ALVAREZ.

Alvarez: HISTORIC ON FIRST READING.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ TO APPROVE THE HISTORIC ZONING CASE 69, FIRST READING ONLY.

SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER McCracken. FURTHER COMMENTS?

Thomas: MAYOR?

Mayor Wynn: COUNCILMEMBER THOMAS.

Thomas: I HAD AN OPPORTUNITY TO TALK TO THE NEIGHBORS I THINK ON YESTERDAY, AND I COMMEND THEM VERY MUCH FOR THE HARD WORK THAT THEY ARE DOING, BUT I WON'T BE ABLE TO SUPPORT THE MOTION BECAUSE I DON'T THINK NO ONE REALLY HAS ASKED THE -- I MEAN THE OWNER SPECIFICALLY DID HE WANT TO SELL OR NOT SELL,

AND I DON'T THINK HE WANTS TO SELL. SO THAT'S WHERE I JUST, TO ME IT'S JUST -- WE CAN GO FOR FIRST READING, SECOND READING, BUT IF WE COME DOWN TO THIRD READING, YOU STILL DON'T HAVE THE MAJORITY OF VOTES, I THINK WE'RE SPENDING THE NEIGHBORS' TIME AND THE OWNER'S TIME. SO I WON'T BE ABLE TO SUPPORT THIS BECAUSE OF THE OWNER'S DESIRE THAT HE'S NOT WANT TO GO SELL. I DID TELL THE NEIGHBORS THAT I WAS GOING TO ASK THAT OF THE OWNER AND ADVISES ONE OF THE NEIGHBORS THAT HE DID SAY HE DIDN'T WANT TO SELL. THAT'S WHERE I'M AT, SO I WON'T BE ABLE TO SUPPORT THAT.

Mayor Wynn: COUNCILMEMBER McCRACKEN.

McCracken: I DIDN'T EXPECT THERE WAS REALLY ANY PROSPECT THAT SOMEONE WOULD ACTUALLY COME FORWARD WITH AN OFFER BECAUSE I DON'T THINK I'VE EVER SEEN IT HAPPEN BEFORE IN TWO YEARS AND SO I'M SURPRISED AND IMPRESSED. BUT IN LIGHT OF THAT, IN LIGHT THAT THERE APPEARS TO BE A SERIOUS OFFER AND THIS IS -- I THINK THE CASE HAS BEEN MADE PRETTY CLEAR THIS IS AN HISTORIC HOME, SO, YOU KNOW, IF WE TURN IT DOWN NOW, WE LOSE AN OPPORTUNITY FOR THIS NEIGHBORHOOD AND SO I WOULDN'T WANT TO CLOSE AN OPTION WHEN WE HAVE A \$450,000 OFFER ON THE TABLE WHICH MAY OR MAY NOT COME FORWARD, BUT THIS WILL BE A DECISION FOREVER OTHERWISE. SO I WOULD AT LEAST LIKE TO KNOW IF THIS IS A POSSIBILITY.

Mayor Wynn: I JUST HAVE A QUESTION FOR MR. GUERNSEY. IS HE STILL WITH US? GREG? SO IF THE HISTORIC ZONING CASE WERE TO EITHER FAIL NOW ON FIRST READING OR FAIL PRESUMABLY LATER ON A THIRD READING, BUT THEN OVER SOME PERIOD OF TIME THERE'S A NEW OWNER WHO WANTS TO RESTORE THE HOUSE, AND OF COURSE NEEDS ESSENTIALLY THE TAX BENEFITS, PROPERTY TAX BENEFITS OF HISTORIC ZONING, IS THERE -- REMIND ME IF A ZONING CASE FAILS, EVEN THOUGH TECHNICALLY -- BECAUSE THE CITY OF AUSTIN IS THE APPLICANT, IS THERE A PERIOD OF TIME IN WHICH THEY CAN'T COME BACK AND GET IT ZONED HISTORIC?

THE PROPERTY OWNER COULD COME BACK TOMORROW AND FILE A REQUEST FOR HISTORIC ZONING BECAUSE THIS IS NOT THEIR REQUEST, IT'S THE CITY'S APPLICATION. SO THERE'S NOTHING THAT PROHIBITS THE PROPERTY OWNER FROM FILING A REZONING CASE TOMORROW, IF IT WERE TO FAIL TONIGHT.

Mayor Wynn: THIS OWNER OR ANY FUTURE OWNER?

THIS OWNER OR ANY FUTURE OWNER.

Mayor Wynn: OKAY. THANK YOU. A MOTION AND A SECOND IS ON THE TABLE TO APPROVE HISTORIC REZONING ON FIRST READING. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON FIRST READING ONLY ON A VOTE OF 4-3. THANK YOU ALL VERY MUCH.

MAYOR, WOULD YOU INFORM ME WHO THE THREE NAY IS WERE.

Mayor Wynn: THE MAYOR, COUNCILMEMBER THOMAS AND COUNCILMEMBER DUNKERLEY.

THANK YOU.

MAYOR, THAT BRINGS US BACK TO ITEM NUMBER 17, CASE C 14-04-0071, A REZONING CASE AT 8423 STATE HIGHWAY 71 WEFPLTS IT'S A REZONING CASE FROM INTERIM RR. WE INITIATED THE CASE TO LR-CO. THE STAFF AND COMMISSION AND COUNCIL ON ITS FIRST AND SECOND READING HAVE ALL RECOMMENDED LR-CO. AS YOU HEARD FROM THE PROPERTY OWNER'S AGENT THAT THEY STILL HAVE A DESIRE FOR LR-CO ZONING AND WOULD LIKE A POSTPONEMENT. JUST BEFORE WE TOOK THIS CASE OFF THE CONSENT AGENDA, I THINK THE MAYOR OR COUNCIL WAS GOING TO I GUESS LISTEN TO THE NEIGHBORHOOD, REPRESENTATIVES OF THE CONDOMINIUM. AND IF YOU WOULD LIKE, I CAN DO A SUMMARY OF THE CASE, IF YOU WOULD LIKE ME TO DO THAT NOW OR YOU CAN GET HEAR FROM THEM COUNCIL, I GUESS IT BEGS A QUESTION WE HAVE A P REQUEST BUT OPPOSITION TO THAT POSTPONEMENT. IF THERE IS STRONG ENOUGH WILL FOR

THAT POEFPLT WE COULD P WE COULD GET THAT OUT OF THE WAY OR AT A TIME UP HERE. MAYOR PRO TEM.

> GOODMAN: WE COULD HEAR BRIEF COMMENTS FROM REPRESENTATIVES OF EACH AND SEE IF THAT GIVES US INSIGHT ON WHETHER OR NOT POSTPONEMENT WOULD BE A DESIRABLE THING.

MAYOR PRO TEM AND COUNCILMEMBERS, I'M NICOLE MEAD AND I'M REPRESENTING THE ASSOCIATION OF CONDOMINIUM OWNERS IN OPPOSITION TO THE POSTPONEMENT. WE DIDN'T SPEAK BEFORE BASS YOU ALL ENDED UP DECIDING TO MAKE A DISCUSSION. AS YOU ALL KNOW, I'VE COME BEFORE YOU TO REQUEST POSTPONEMENTS MANY TIME AND DON'T HAVE ANY PHILOSOPHICAL OBJECTION TO POSTPONING IT AND MY CLIENT DOESN'T. MR. CONNALLY CAME TO US ON BEHALF OF THE APPLICANT A FEW WEEKS AGO, ABOUT THREE WEEKS AGO NEEDING A POSTPONEMENT BECAUSE HIS CLIENT WAS ILL AND HAD BEEN WORKING AND HADN'T HAD TIME TO WORK ON THE CASE, AND WE -- MY CLIENT IN AN ATTEMPT TO TRY TO BE ACCOMMODATING AND TRY TO BE A GOOD NEIGHBOR AGREED TO THAT POSTPONE: WE MET. I THINK ALL THE PARTIES DID COME TO THE TABLE IN GOOD FAITH. I THINK WE REACHED IMPASSE. WE WEREN'T ABLE TO COME UP WITH A COMPROMISE AND AT THIS POINT, YOU KNOW, I THINK COUNCILMEMBER ALVAREZ HIT THE NAIL ON THE HEAD, I LOVE IT, BUT MY CLIENT WOULD PREFER NOT TO HAVE TO PAY ME TO COME DOWN OVER A AND OVER IF THERE'S NOT ANYTHING WE COULD ACCOMPLISH BY A POSTPONEMENT. IF THERE IS NOT, I DON'T THINK HE WOULD ASK THE COUNCIL TO DENY ANOTHER POSTPONEMENT. MR. CONNALLY IS SAYING THEY WANT TO GO BACK TO OHAN. WE'RE MEMBERS SO WE KNOW WHAT'S GOING ON WITH THE NEIGHBORHOOD PLANNING PROCESS. OHAN IS AN UMBRELLA ASSOCIATION AND WILL LIKELY DEFER TO OUR GROUP, OUR ASSOCIATION IF THERE IS DISCUSSION ABOUT REZONING OF THIS TRACT. AND SO THE NEIGHBORHOOD PLANNING THAT MR. CONNALLY IS TALKING ABOUT OHAN GETTING INVOLVED WITH IS TWO YEARS AWAY AT BEST BEFORE WE REACH A CONCLUSION ON THAT. IF THEY WERE ASKING FOR A POSTPONEMENT UNTIL THE NEIGHBORHOOD PLANNING PROCESS WAS DONE, I'D 100% THINK MY CLIENT

WOULD BE IN FAVOR OF THAT AND I THINK THAT MAKES SENSE. BUT THEY ARE ASKING FOR A POSTPONEMENT UNTIL MID-APRIL, AND I DON'T SEE AND MY CLIENT DOESN'T SEE WHAT WE ARE GOING TO BE ABLE TO ACCOMPLISH BY JUST DELAYING IT ANOTHER MONTH. WE WHOLEHEARTEDLY CONCUR AND THINK POSTPONEMENTS ARE LOTS OF TIMES NECESSARY, BUT IN THIS CASE WE DON'T SEE WHAT CAN BE ACCOMPLISHED WITHIN THAT TIME. OTHER THAN JUST A DELAY, AND WE ALL HAVE TO COME BACK DOWN HERE AGAIN.

Mayor Wynn: THANK YOU, MS. MEAD. SO COUNCIL -- MAYOR PRO TEM.

Goodman: ARE WE GOING TO SEE FROM MR. CONNALLY WHY THEY WANTED TO GO TO OHAN AND WHAT THEY THOUGHT WOULD BE ACCOMPLISHED?

MAYOR, MEMBERS OF COUNCIL, WE FEEL THAT, AGAIN, OHAN HAS REPRESENTED TO THE CITY AND THE CITY STAFF HAS EVEN ACKNOWLEDGED THAT THE OAK HILL AREA IS BEING SIGNIFICANTLY IMPACTED BY THIS 290-71 CONSTRUCTION AND THAT IT'S WORTHY OF LOOKING BACK AT THE OAK HILL STUDY. THE OAK HILL STUDY IS 20 YEAR OLD THINKING, DIDN'T REALLY TAKE INTO CONSIDERATION THE IMPACT OF THE ROADWAY IMPROVEMENTS OUT THERE, AND LIKE I SAY, SINCE THE BEGINNING OF JANUARY STAFF AND OHAN HAS BEEN INVOLVED IN THESE DISCUSSIONS AND WE JUST HAVEN'T BEEN MADE AWARE OF THEM. AND NOW THAT WE'VE BEEN MADE AWARE, WE WOULD LIKE TO GET IN AND SEE WHAT THEIR THINKING IS AND HOPEFULLY A POSTPONEMENT UNTIL APRIL -- AGAIN, THIS PROCESS HAS BEEN GOING ON FOR 20 YEARS TORE THIS PIECE OF PROPERTY. IT IS ONLY A TWO-ACRE SITE. WE'RE NOT TALKING ABOUT ANYTHING RULE I HUGE. WE'RE JUST TRYING TO FIND AN OPPORTUNITY TO PROVIDE A REASONABLE USE FOR THIS PROPERTY. OFFICE HAS NOT REALLY -- NOBODY HAS REALLY COME FORWARD TO USE IT. AND AGAIN, WE'RE LOOKING TO IDENTIFY SOME SMALL BUSINESSES SIMILAR TO WHAT WAS PROCLAIMED HERE EARLIER IN IS IN THE SESSION TODAY AS BEING IMPORTANT AND NEEDNEEDED FOR THIS AREA. OUR HOPES IS THAT BY MEETING WITH OHAN WITH THE STAFF, AGAIN WE CAN SEE

HOW THIS PIECE OF PROPERTY MIGHT FIT IN. AGAIN, IF IT TURNS OUT THAT, YOU KNOW, THAT WE'RE TOLD THAT THIS IS NOT A REASONABLE L.R. TRACT, WE WOULD COME BACK AT THAT TIME AND FINISH OUT THE PROCESS. BUT AGAIN, HOPEFULLY WITH JUST ANOTHER COUPLE OF WEEKS WE'LL BE ABLE TO TAKE CARE OF THIS.

Mayor Wynn: COMMENTS, COUNCIL? LET'S TAKE UP THE CASE. MR. GUERNSEY, GIVE US A OVERVIEW.

LET ME BRIEFLY DISCUSS ONE THING. STAFF ANTICIPATES WITH THE PASSAGE OF A COUNCIL RESOLUTION THAT WE WOULD BEGIN THE PROCESS THIS FALL FOR THE NEIGHBORHOOD PLAN. AND THIS REZONING WOULD COME BACK NEXT YEAR. AND OUR DISCUSSIONS THAT WE'VE HAD WITH OHAN, TO THE BEST OF MY KNOWLEDGE, HAVE BEEN ONES OF DISCUSSING ABOUT HOW THE PROCESS WOULD TAKE PLACE. STAFF HAS NOT BEEN DISCUSSING SPECIFIC LAND USE RECOMMENDATIONS ON TRACTS OF LAND IN THE OAK HILL AREA. I JUST WANT TO MAKE THAT CLEAR FROM THE ONSET. THIS REZONING CASE IS ON HIGHWAY 71 WEST. THE PROPERTY IS LOCATED WEST OF THE Y IN OAK HILL. THE Y IS FURTHER DOWN WHERE THE ALBERT SON'S AND H.E.B. ARE LOCATED. THIS TRACT IS GOING WEST ON HIGHWAY 71. IT'S LOCATED JUST DOWN THE STREET FROM OUR FIRE STATION THAT WE SEE RENT I BUILT IN THE -- RECENTLY BUILT IN THE LAST COUPLE OF YEARS. THERE IS SOME L.R. ZONING THAT'S BOTH DEVELOPED AND UNDEVELOPED. THE SUBJECT TRACT IS LOCATE RIGHT HERE AND HAS WILLIAMSON CREEK FLOWING BEHIND IT IN LARGE RAIN EVENTS. THE CONDOMINIUM ASSOCIATION WHICH IS OPPOSED TO THE REZONING IS LOCATED DIAGONALLY FROM THIS PROPERTY AND THE TWO PROPERTIES THAT ARE OPPOSED CURRENTLY AND FILED A PETITION ARE THESE TWO TRACTS. AS I MENTIONED BEFORE, THIS IS A CITY INITIATED CASE. BACK IN THE 1980s, A ZONING CASE CAME FORWARD AND WAS APPROVED FOR L.O. ZONING ON FIRST READING BY COUNCIL. AND AT THAT TIME THERE WAS A RESTRICTED COVENANT THAT WAS REQUESTED AND IT WAS PROVIDED BY THE PROPERTY OWNER. AND THEN THE CASE WAS SUPPOSED TO BE BROUGHT BACK FOR SECOND AND THIRD READINGS. THAT DID NOT HAPPEN. TIME PASSED AND THIS CASE ACTUALLY THEN EXPIRED. STAFF MADE THIS --

BROUGHT THIS TO THE ATTENTION OF THE ZONING AND PLATTING COMMISSION AND THE ZONING AND PLATTING COMMISSION INITIATED THE CASE. A CITY-INITIATED CASE ON BEHALF OF THE PROPERTY OWNER. THE PROPERTY OWNER EXPRESSED A DESIRE FOR L.R. ZONING ON THIS PROPERTY, AND TO MAKE THE ACCOMMODATION THE CITY STAFF INITIATED WITH THE ASSISTANCE OF THE ZONING AND PLATTING COMMISSION BY THEIR INITIATION L.R. ZONING ON THIS PROPERTY, WHICH IS NEIGHBORHOOD COMMERCIAL ZONING. WE DIDN'T MAKE A STAFF RECOMMENDATION. STAFF RECOMMENDED L.O. ZONING WITH A TRIPLE IMPLEMENTATION, WHICH WAS ADOPTED BY THE ZONING AND PLATTING COMMISSION. AND THAT CASE WAS THEN BROUGHT TO YOU. THROUGH THAT TIME, THERE WAS A PROPERTY OWNER THAT WAS IN SUPPORT OF THIS AND THAT IS IN YOUR BACKUP. THERE HAVE BEEN DISCUSSIONS THAT YOU'VE HEARD WITH THE CONDOMINIUM ASSOCIATION. THEY'VE VOICED OPPOSITION AND HAVE PRESENTED TO YOU TODAY A PETITION THAT'S ALSO OPPOSED TO ANYTHING GREATER THAN THE L.O. ZONING COMING FORWARD. WITH THAT, I'LL END. THE PUBLIC HEARING HAS ALREADY BEEN HELD ON THIS ITEM EARLIER AND BEEN CLOSED. YOU'VE HEARD FROM BOTH THE PROPERTY OWNER AND THE ADJACENT PROPERTY OWNER THAT'S OPPOSED. IF YOU HAVE ANY QUESTIONS, I'LL BE MORE THAN HAPPY TO ANSWER THEM.

Mayor Wynn: THERE IS A VALID PETITION AND WHAT PERCENTAGE?

THE VALID PETITION EXISTS AND IT'S IN YOUR BACKUP MATERIAL AND CURRENTLY STAND AT -- LET ME MAKE SURE HAVE I THE EXACT AMOUNT -- 28.29. THAT'S REPRESENTED BY THE TWO PROPERTY OWNERS THAT ARE DIRECTLY I GUESS TO THE SOUTH AND TO THE REAR OF THIS PROPERTY AND THEN DIAGONALLY SOUTHEAST OF THE PROPERTY WHICH IS THE CONDOMINIUM PROPERTY.

Mayor Wynn: THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF, COUNCIL? COMMENTS? CAN WE CLOSE THE PUBLIC HEARING AND HAVE HAD AND SECOND READING. AND NOW -- MR. GUERNSEY, DO WE HAVE THE VALID PETITION AT THE

FIRST AND SECOND READING?

NO, THE PETITION WAS JUST PRESENTED TODAY AND WE VALIDATED TODAY.

Mayor Wynn: THANK YOU. COMMENTS? QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION. ON ITEM NUMBER 70. LO-CO HAS BEEN APPROVED ON SECOND READING UNANIMOUSLY. THE APPLICANT REQUESTING L.R. WITH SOME LIMITATIONS.

MAYOR.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: I MAKE A MOTION FOR STAFF RECOMMENDATION, WHICH I BELIEVE IS L.O.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY TO APPROVE STAFF RECOMMENDATION, LO-CO, ITEM NUMBER 70. SECONDED BY COUNCILMEMBER ALVAREZ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH.

OUR NEXT ITEM IS ITEM NUMBER --

Mayor Wynn: ACTUALLY, MR. GUERNSEY, WE ARE ABOUT TO LOSE SOME OF OUR PRESENTATION TEAM AND I APOLOGIZE TO THE FOLKS WHO WILL HAVE TO WAIT A LITTLE BIT LONGER. BUT THIS -- WITHOUT OBJECTION, I WOULD LIKE TO TAKE UP ITEM 71, WHICH IS A BRIEFING ON THE COMMERCIAL DESIGN STANDARDS FOR DEVELOPMENT AND CONSTRUCTION OF COMMERCIAL SITES. I APOLOGIZE, BUT WE HAVE SOME CONSULTANTS WHO ARE WHO WE ARE ABOUT TO LOSE. THIS IS NOT A PUBLIC HEARING OR VOTE. A SIMPLE BRIEFING. MAYOR PRO TEM.

Goodman: SORRY. LET ME GO BACK TO 1995 FOR JUST A SECOND. THERE WAS A GROUP OF 22 CORE PEOPLE, A LARGER GROUP OF MANY MORE THAN THAT WHO WORKED VERY WELL TOGETHER. THEY WERE OF DIVERSE INTERESTS AND OF INTEREST GROUPS NORMALLY AT EACH OTHER'S THROAT AT THAT TIME. THEY CAME TOGETHER IN A

COMMITTEE SORT OF FORUM, WAS CALLED THE CITIZENS PLANNING COMMITTEE, AND THEY CAME UP WITH 12 RECOMMENDATIONS THAT THEY WERE EXPANDING ON LATER ON IN VARIOUS REPORTS, AND I HAVE COPIES OF THE THREE. THE INITIAL REPORT IS THIS ONE. YOU MAY HAVE SEEN THIS AROUND. AND IN THIS GROUP WERE SEVERAL ARCHITECTS. THEY WERE ENVIRONMENTALISTS, NEIGHBORHOOD GROUPS, ENGINEERS, CONSTRUCTION DEVELOPER REPS, NEIGHBORHOODS AND SEVERAL OTHER RELATED INTEREST GROUPS. WHAT THEY CAME TO IN THE END WAS A CONSENSUS ON THESE 12 RECOMMENDATION, ONE OF WHICH WAS THE ISSUE OF DESIGN. AND I'LL READ YOU A STATEMENT OR TWO THAT CAME OUT IN THEIR FINAL RECOMMENDATIONS. THIS PART WAS WRITTEN PRETTY MUCH BY AN ARCHITECT, ONE OF OUR HOMETOWN ARCHITECTS, MILLICENT SICKET. URBAN AND ARCHITECTURAL DESIGN ARE SIMPLISTICLY CONSIDERED TO BE PURELY AESTHETIC DISCIPLINES AND OF MARGINAL IMPORTANCE TO SOCIETY. UNLESS DESIGN THE PERCEIVED TO BE A PART OF REVENUE PRODUCING EQUATIONS, ITS RELEVANCE HAS AT BEST BEEN MARGINAL. DESIGN IS SEEN AS SUPERFICIAL MAKING OF PRETTY OBJECTS UNNECESSARY FOR THEIR PROPER FUNCTIONING, RATHER THAN AN ESSENTIAL ORDERING TOOL FOR BUILDINGS AND CITIES. THE DESIGN IS A WAY OF THINKING ROOTED IN DEEP UNDERSTANDING OF FORCES AT PLAY AS WELL AS TRADITION, CHARACTER OF THE REGION AND SPECIFIC LOCATION. ULTIMATELY TIMELESS AND LASTING DESIGN QUALITIES GO BEYOND PHYSICAL AND REFLECT AND EXPRESS A DEEPER UNDERSTANDING OF THE HUMAN CONDITION. NOWHERE IN THE ORDINANCES OR IN THE REVIEW PROCESS IS ANY IMPORTANCE GIVEN TO DESIGN. OUR CITY PRESENTLY DOES NOT CONCERN ITSELF WITH DESIGN ISSUES ON ANY LEVEL AND APPROVING BOTH PUBLIC AND PRIVATE PROJECTS. AND I'LL INTERJECT THERE THAT ALTHOUGH THIS WAS WRITTEN IN 1995, WE REALLY DIDN'T BREAK OUT OF THAT MOLD UNTIL CITY HALL,, C.S.C. AND NOW BLOCK 21 AND SEE SEAHOLM. IT TOOK A WHILE AFTER MANY INTERESTS HAD SIGNED ON TO THE GENERAL CONCEPTS OF THESE 12 RECOMMENDATIONS. ADDITIONALLY I'LL SAY ONE LITTLE THING HERE RELATIVE TO BIG BOX, ALTHOUGH IT WASN'T A BUZZ WORD AT THE

TIME AND NOBODY USED IT YET. THERE IS A LONG-STANDING AND EVIDENT FASCINATION WITH THE SINGLE OBJECT VERSUS CONSIDERATION OF THE WHOLE. AN EXPRESSION OF A DEEPLY INGRAINED ATTITUDE ABOUT THE RELATIONSHIP OF PUBLIC AND PRIVATE HEAVILY IN FAVOR OF THE PRIVATE HAS CREATED CITIES OF INDIVIDUAL ICONS COMPETING FOR ATTENTION AND SALES. HIERARCHY THAT'S CONSTITUTING ELEMENTS IS LOST AND THE CITY HAS BECOME A RANDOM CONGLOMERATION OF SHALLOW EXPRESSION OF POWER AND MONEY. THE ORDER OF THE CITY IS CONFUSED AND MOST IMPORTANT CIVIC BUILDINGS ARE DWARFED. AGAIN, WE ONLY BROKE OUT OF THE BOX HERE WITH CITY HALL. IN THE LONG RUN, IT IS ESSENTIAL THOUGHT TO INHIBIT OUR IMAGINATION BY THE PERCEIVED LIMITS OF OUR CURRENT SOCIAL AND POLITICAL INSTITUTIONS. A GREAT DEAL OF WHY CITIES TODAY LOOK THE WAY THEY DO HAS TO DO WITH THE CONCEPTS OF THE CITY AND ITS ROLE IN HUMAN LIFE THAT WE HOLD IN OUR IMAGINATION. OUR CITIES DO NOT HAVE TO BE THE WAY THEY ARE. AND OVER THE PAST FEW YEARS WE HAVE TAKEN THAT TO HEART IN TERMS OF GREAT STREETS AND TRYING TO PLAN OUT THINGS FOR DOWNTOWN AND THE SURROUNDS. BUT TO MAKE THEM REALLY DIFFERENT, WE NEED TO START THINKING ABOUT THEM IN A DIFFERENT WAY. WE NEED TO BEGIN TO DEFINE A PROCESS THROUGH WHICH OUR CITY CAN BE REINTEGRATED AGAIN IN TERMS OF THE RICHNESS AND VARIETY OF THE URBAN EXPERIENCE UNDER ITS AUSPICES. THERE WERE OTHER REFERENCES TO THE WAY WE MAKE OUR LAND USE DECISION TRADITIONALLY. THERE IS A GREAT DEAL OF MISTRUST BETWEEN DEVELOPERS AND COMMUNITY, AND ALTHOUGH THAT HAS BEEN ALLEVIATED A LITTLE, WE SEE AS TONIGHT THAT IT STILL EXISTS. EVEN THOUGH WE BEGIN TO PLAN WITH THE PROCESS OF NEIGHBORHOOD PLANNING AND REDEFINING OURSELVES IN TERMS OF VISION AND THE WAY TO REACH THAT VISION. AND IT IS AN UNNECESSARY CONFLICT BORNE OUT OF MIS UNDERSTANDING. MISUNDERSTANDING OF VISIONS AND SOMETIMES LACK OF VISIONS OR LACK OF UNDERSTANDING FOR A WAY TO IMPLEMENT THAT VISION AND ARREST TECH YOU LATE IT. DEVELOPERS ARE PERCEIVED AS THE ENEMIES AND DESTROYERS OF WHAT'S BEST IN THE CITY. NEIGHBORHOOD

GROUPS ARE PERCEIVED AS OBSTACLES WHO REFUSE TO EXCEPT ANY CHANGE. NEITHER ARE. INCONSISTENT VISION AND RESULTING CITY POLICIES HAVE CREATED AN ATMOSPHERE OF FEAR AND CONFRONTATION BETWEEN DEVELOPERS AND NEIGHBORHOODS. AND THAT HAS BEEN THE FOCUS HAD OUR LAND USE DECISION-MAKING AND HOW WE ACTUALLY DO ARCTIC YOU ARTICULATE AND PURSUE A MASTER PLANNING VISION FOR THE CITY. THE CRUX OF THE PROBLEM IS THAT DESIGN IS VERY MUCH WHAT DEFINES A CITY'S IMAGE AND FEEL. BOTH FOR THOSE WHO VISIT HERE AND THOSE WHO LIVE HERE. IT'S ALSO WHAT KEEPS PEOPLE HERE. AND UNTIL WE CROSS THE LINE FROM THAT PUBLIC-PRIVATE SEPARATION THAT HE SPOKE OF, WE ARE NOT GOING TO MAKE A BIG DIFFERENCE. IT'S NOT THE FINAL FRONTIER, BUT IT'S AN IMPORTANT FRONTIER. AND THERE NEEDS TO BE A WAY TO ADDRESS THOSE THINGS AND WE NEED TO MOVE AWAY FROM THE IMAGINED LIMITS OF NON-INTERFERENCE IN DESIGN ISSUES. IT'S GOT TO BE A PART OF CREATING AND PROTECTING AND PRESERVING THE CHARACTER THAT WE KNOW WORKS IN AUSTIN. WORKS FOR EVERYBODY, IN FACT. EVEN CONTRADICTLY WHEN THEY ARE WORKING AGAINST THE FABRIC FOR PROPOSED CHANGE. SOME OF THOSE CHANGES DO IN FACT ALSO WORK FOR PRESERVATION AND WE'VE GOT TO FIND A WAY TO BRING BOTH OF THOSE CONCEPTS TOGETHER AND WORK TOGETHER SO THAT WE CAN TRULY MOVE FORWARD AND ACTUALLY EFFECTIVELY DEFINE A CHARACTER THAT WE'RE COMFORTABLE WITH IN THE MANY DIFFERENT WAYS THAT THAT'S POSSIBLE FOR MANY DIFFERENT AREAS. AND SO IN 1995, AND THEN AGAIN IN 1996 AS WE MOVED TOWARD IMPLEMENTATION OF SOME OF THE RECOMMENDATIONS, THE CITIZENS PLANNING COMMITTEE WHO HAD ONLY PLANNED AND COMMITTED TO STAY TOGETHER FOR A YEAR STAYED TOGETHER AND ALSO THROUGH '97 WHEN THEY ANALYZED WHAT WE HAD DONE AND PUT TOGETHER A FINAL REPORT. WITHIN THAT REPORT ARE OTHER RECOMMENDATIONS THAT WE HAVE MOVED FORWARD ON. ALTHOUGH, AGAIN, TRANSIT ORIENTED DEVELOPMENT WAS ONE OF THE RECOMMENDATIONS AND HERE WE ARE DOING THAT TONIGHT. THANK GOD BEFORE MY TERM IS OVER. BUT A CRITICAL POINT THAT WE HAVEN'T BROUGHT INTO USING OR ADD SROE SROE -- ADVOCATING IS THE ISSUE OF

DESIGN, AND SO HANDING IT OVER TO COUNCILMEMBER McCRACKEN AND COUNCILMEMBER ALVAREZ WHO WILL BE HERE AFTER MY TERM IS OVER, THE ISSUE OF DESIGN FINALLY IS AT HAND AND LONG PAST TIME.

McCracken: YEAH, I -- I HAD THE GOOD FORTUNE THE TOWN I WENT TO COLLEGE IN PRINCETON, NEW JERSEY IS CITED AS A REAL MODEL OF GREAT SUBURBAN ARCHITECTURE ACTUALLY AND MY BROTHER WENT TO COLLEGE IN CHARLESTON, SOUTH CAROLINA. UNFORTUNATELY FOR HIM HE WAS AT THE CITADEL, BUT EVEN SO HE WAS ABLE TO GET OUTSIDE THE WALLS AFTER HIS FIRST YEAR AND I GOT TO VISIT HIM. THAT IS ANOTHER GREAT CITY. AND IT EXPOSED ME TO WHAT'S POSSIBLE IN AN URBAN ENVIRONMENT. SO WHEN I WAS LUCKY ENOUGH LIKE EVERYONE ELSE TO MOVE TO AUSTIN, I WAS REALLY BLOWN AWAY WITH HOW PHYSICALLY BEAUTIFUL THE CITY WAS, BUT THE BUILDING ENVIRONMENT WAS REALLY NOT THAT IMPRESSIVE. AND THEN WHEN I WAS RUNNING FOR OFFICE, I WAS HANDED A COPY SHORTLY BEFORE MY ELECTION IN THE CITIZENS PLANNING COMMITTEE REPORT AND FIRST GOT EXPOSED TO THAT AND WHAT JACKIE HAD PROPOSED THAT HAD, YOU KNOW, THAT IT HAD BEEN AHEAD OF ITS TIME. BUT WE'VE DISCOVERED SINCE THEN ALL THESE OTHER CITIES ARE DOING. ROUND ROCK HAS DONE IT. GEORGETOWN HAS DONE IT. SAN ANTONIO HAS HAD SOME GREAT SUCCESS WITH THAT SINCE 2001. AND THEN CITIES ALL OVER THE COUNTRY WITH TOP-RATE URBAN -- WITH RETAIL ENVIRONMENTS HAVE BEEN GREAT. WHAT WE DISCOVERED ALSO AUSTIN HAS THE LOWEST DESIGN STANDARDS IN THIS REGION AND THEY WERE REAL "THE BOTTOM TIER NATIONALLY, WHICH IS KIND OF BENEATH WHAT WE VIEW OUR SEFPLS. SO WE STARTED A PROCESS. JACKIE AND I AND RAUL AND WE'VE HAD CHRIS RILEY AND MATT MOORE OF THE PLANNING COMMISSION AND RICHARD AND SOLDIER REGARD KINNEY. 190 PEOPLE I THINK WE'RE UP TO KNOW AND WE'VE RUN A TOTALLY OPEN PROCESS FOR A YEAR AND A HALF. EVERY MEETING OPEN TO THE PUBLIC, SOME BROADCAST ON CHANNEL 6 TO MAKE SURE THAT WE GET THIS RIGHT. THIS INVOLVES CHANGE. AND PART OF THE EFFORT TO IMPLEMENT THE BIG BOX STUDY THAT COUNCILMEMBER SLUSHER HAD COMMISSIONED AND

FOUND AMONG OTHER THINGS THAT WE NEED TO START CO-LOCATING STORES TOGETHER. THE BIG BOX STORES KIND OF NOW LOCATING OFF BY THEMSELVES AND THAT YOU DO BETTER ECONOMICALLY WHEN YOU MIX UP USES. VISIONS FOR TEXAS WHICH ADVOCATES MIXED USE AND SMARTER LAND USE AND PROMOTING MIXING OF USES TO [INAUDIBLE] URBAN STRAUL AND A BIG PART OF THIS IS IMPLEMENTING COUNCILMEMBER ALVAREZ'S AND MAYOR PRO TEM'S URBAN HEAT ISLAND INITIATIVES. THIS IS NOT ABOUT DESCRIBING HOW BUILDINGS LOOK. IT IS ABOUT EMPHASIZING FUNCTIONALITY IN THE URBAN ENVIRONMENT, ABOUT PROVIDING REUSABILITY OF BUILDINGS. THIS MORNING WE WERE AT WHOLE FOODS. THE STORE ACROSS THE STREET IS EIGHT, NINE YEARS OLD. THEY ARE LEAVING IT, THEY'VE LEFT IT AND NOW ALREADY HAS THREE TENANTS FOR IT. AND I BELIEVE TAOS IS LOOKING TO GO THERE. YOU WILL SEE A PHOTO OF A TARGET THAT'S LOOKING AT BEING ABONN DONNED AND ALL THE SIGNS ARE OFF. IT DOESN'T TAKE A GENIUS TO SEE WHAT THAT STORE WAS AND IT'S REALLY HARD TO USE IT AND PARTICULARLY THESE BIG BOX STORES GET THIS HEAVILY THEMED ARCHITECTURE AND IT'S HARD TO REUSE IT. AND IF IT DOES, IT BECOMES A LESSER USE, LIKE A FLEE MARKETING OR SKATING RINK OR SOMETHING. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

McCracken: I WAS SPEAKING TO THE LAKELINE ROTARY CLUB THIS WEEK, AND THEY CALLED UP AND THEY WERE SAYING DO YOU WANT TO TALK ABOUT TOLL ROADS? AND THEY SAID WE WANT TO SPEAK ABOUT DESIGN STANDARDS. AND THESE ARE FOLKS IN CEDAR PARK AND NORTHWEST AUSTIN AND THEY WANT TO SPEAK ABOUT DESIGN STANDARDS AND EVERY ONE OF THEM KNEW WHERE THAT FOAT AT THE WAS TAKEN AND THEY KNEW WHERE THE ABANDONED TARGET WAS TAKEN. TONIGHT WE HAVE A GREAT GROUP OF FOLKS TO PROVIDE A BRIEFING ON THIS. AND OUR FIRST PRESENTER WILL BE FRED STEINER, THE UNIVERSITY OF TEXAS DEAN OF THE ARCHITECTURE SCHOOL AND HE'S ALSO THE CO-CHAIR OF THE ENVISION CENTRAL TEXAS LAND USE COMMITTEE.

MAYOR, CITY COUNCIL, IT'S A PLEASURE TO BE HERE THIS EVENING. LET ME BEGIN WITH PERHAPS A RATHER

UNPOPULAR OBSERVATION. MUCH OF AUSTIN IS PRETTY UGLY. THE SLIDE CERTAINLY INDICATES IT. AND ONE OF THE IRONIES HERE, AUSTIN IS A MUCH BELOVED PLACE. I'VE NEVER MET AS MANY BOOSTERS -- THE FIRST QUESTION AFTER YOU'VE LIVED HERE FOR A YEAR OR TWO YEARS OR THREE OR FOUR YEARS IS WHAT DO YOU THINK OF AUSTIN? AND THE ANSWER IS OF COURSE WONDERFUL. AND AS UGLY AS THE BUILT ENVIRONMENT IS, IT'S GOT ONE OF THE MOST BEAUTIFUL NATURAL ENVIRONMENTS OF ANYPLACE IN NORTH AMERICA, THE HILL COUNTRY, THE EDWARD'S PLATEAU, THE BLACK LAND PRAIRIE, THE RIVERS, LAKES, SPRINGS ALL REALLY CONTRIBUTE TO A REALLY REMARKABLE REGION. AND THERE'S BITS OF JEWELS OF BUILT ENVIRONMENT AROUND THE CITY, THE CORE OF THE U.T. CAMPUS IS PRETTY REMARKABLE. IT'S AN OUTSTANDING COLLECTION OF BUILDINGS AND SPACES. THE STATE CAPITOL BUILDING IS CERTAINLY STRIKING. THIS COMPLEX, THE CITY HALL WITH THE CSC BUILDINGS IS A REAL ASSET TO DOWNTOWN OBVIOUSLY. AND THERE'S SEVERAL ATTRACTIVE NEIGHBORHOODS. THE LIST ENDS PRETTY QUICKLY WHEN YOU LOOK AT THE BUILT ENVIRONMENT OF WHAT'S ATTRACTIVE. MUCH OF AUSTIN, ESPECIALLY THE PUBLIC SPHERE AND HIGHWAY CORRIDORS, THERE'S NO OTHER WORD FOR IT, THEY'RE JUST UGLY. AND I GUESS THE QUESTION IS IS THAT IMPORTANT? IS IT IMPORTANT FOR THE CITY IS ATTRACTIVE OR NOT ATTRACTIVE? I THINK SO. CITIES AND REGIONS COMPETE WITH OTHER CITIES AND REGIONS AND CITIES AND REGIONS OF THE FUTURE WILL EITHER BE KNOWLEDGE IMPORTERS OR KNOWLEDGE EXPORTERS. AND IN THE PAST 20 YEARS, AUSTIN HAS EMERGED AS ONE OF THE MOST SIGNIFICANT KNOWLEDGE EXPORTERS IN THE COUNTRY. NOW THE UNIVERSITY OF TEXAS AND ST. EDWARD'S UNIVERSITY, THE OTHER INSTITUTIONS OF HIGHER EDUCATION HAVE HAD A MAJOR CONTRIBUTING FACTOR TO THAT. AS RICHARD FLORIDA AND MANY OTHERS POINT OUT, AUSTIN AND THE UNIVERSITY OF TEXAS ARE VIEWED AS PRETTY HIP PLACES BY THE CREATIVE CLASS. BUT I THINK OUR UGLINESS PRESENTS A CHALLENGE TO SUSTAIN THIS REPUTATION. OTHER UNIVERSITY CITIES ARE INVESTING MORE AND MORE IN THEIR BUILT ENVIRONMENTS. THE EXAMPLES OF PRINCETON AND CHARLESTON ARE GOOD EXAMPLES. MAYOR RILEY

FROM CHARLESTON WILL BE HERE IN A FEW WEEKS AND HAS DONE AMAZING THINGS TO TRANSFORM CHARLESTON, SOUTH CAROLINA. AND THERE'S A LOT OF ANECDOTAL SORT OF FEEDBACK, AND CERTAINLY IN MY POSITION I GET IT FAIRLY FREQUENTLY. A COLLEAGUE OF MINE -- I'LL GIVE YOU TWO QUICK EXAMPLES. A COLLEAGUE OF MINE WENT TO TEMPE.

ARIZONA FOR THE FIESTA BOWEL BOWL. HER SON WAS IN THE BOWIE HIGH SCHOOL BAND. AND THE FIRST THING SHE SAID IS HOW COME THEY CAN MAKE HIGHWAYS SO MUCH MORE ATTRACTIVE IN ARIZONA THAN THEY DO IN TEXAS? PERHAPS PART OF IT IS THE IDEA THAT AESTHETIC ENHANCEMENT ISN'T PUTTING ANOTHER LONE STAR -- ANOTHER 20 LONE STARS OVER THE OVERPASS. SOMEBODY SHOULD MAYBE TELL THE TXDOT ENGINEERS WHEN THERE'S 20 OF THEM THERE IT'S NOT A LONE STAR ANY MORE. [LAUGHTER] BUT THE HIGHWAY DEPARTMENT IN ARIZONA HAS INVESTED A LOT IN AESTHETICS AND LANDSCAPE DESIGN AND PUBLIC ART. THE OTHER DAY I WAS WALKING ACROSS CAMPUS AND ONE OF THE VICE-PRESIDENTS ALSO RETURNED FROM TEMPE, ARIZONA. AND HE ASKED WHY IS MILL AVENUE IN TEMPE SO ATTRACTIVE AND WHY IS THE DRAG, GUADALUPE, SO UGLY. TEMPE HAS INVESTED A LOT OF MONEY AND A LOT OF EFFORT IN MAKING ITS DOWNTOWN ATTRACTIVE. SO INCREASINGLY IT BRINGS ME TO THE TOPIC AT HAND TO CONTINUE TO BE ATTRACTIVE TO THE CREATIVE CLASS, WE NEED TO CREATE ATTRACTIVE CITIES. OUR COMPETITORS ARE AWARE OF THIS, ARE TAKING ACTIONS TO IMPROVE THEIR QUALITY. IN PART AUSTIN IS USUALLY USED AS THE EXAMPLE THEY WANT TO COMPETE WITH. HOW DO WE OUT COMPETE AUSTIN? IMPROVING THE WAY AUSTIN LOOKS IS THE ONLY ONE REASON FOR ADOPTING COMMERCIAL DESIGN STANDARDS. THERE ARE OTHER FUNCTIONAL REASONS AS WELL. WE SPENT MUCH OF TODAY IN A SYMPOSIUM LOOKING AT THE RELATIONSHIP BETWEEN HEALTH AND A BUILT ENVIRONMENT. I THINK A COUPLE OF THE OTHER SPEAKERS ARE GOING TO ADDRESS THAT. THERE'S THE ENVIRONMENTAL AND RESOURCE CONSERVATION DIMENSIONS OF THIS. AGAIN, AUSTIN HAS BEEN A LEADER WITH ITS GREEN BUILDING PROGRAM, HAS INFLUENCED

THAT MOVEMENT NATIONALLY. THE URBAN HEAT ISLAND EFFECT, ENERGY CONSERVATION ALL ARE RELATED. I REALLY APPLAUD THIS CITY COUNCIL FOR TAKING THIS ON. DESIGN STANDARDS FOR COMMERCIAL DEVELOPMENT IN AUSTIN, TEXAS ARE LONG OVERDUE. THEY ARE NEEDED TO KEEP THIS REGION AND THIS CITY COMPETITIVE IN THE 21st CENTURY. THANK YOU.

McCracken: MAYOR, WE'VE HAD SOME REALLY PHENOMENAL AND DEDICATED EFFORT FROM SOME EXTREMELY TALENTED PEOPLE ON THE CITY STAFF. IN PARTICULAR KATY LARSON HAS BEEN A REAL SUPERSTAR. GEORGE ADAMS HAS RECENTLY JOINED THE EFFORTS AND DONE A GREAT JOB. AND OF COURSE JANA McCAN WHO WE RECENTLY LOST TO JIM ADAMS RMMA DESIGN GROUP DID SOME OUTSTANDING WORK ON THIS FOR OVER A YEAR AND A HALF. AND ALSO KAREN GROSS, THE POLICY DIRECTOR IN MY OFFICE AND JERRY RUSTHOVEN, THE EXECUTIVE ASSISTANT IN MAYOR PRO TEM'S OFFICE HAVE PUT IN A LOT OF WORK AND TIME IN ON THIS. WE HAVE ANOTHER GREAT CITY STAFF EXPERT RIGHT NOW IS THE CITY'S DEMOGRAPHER RYAN ROBINSON WHO IS GOING TO TALK ABOUT A COUPLE OF THINGS, ONE OF WHICH IS THE CITIZENS OF AUSTIN VOTED AND THIS REGION VOTED FOR SCENARIO D. I THINK YOU'LL SEE IF WE'RE GETTING IT OR NOT AND THE OUTCOME OF THIS PROCEEDING.

THANK YOU VERY MUCH. I AM RYAN ROBINSON, NEIGHBORHOOD PLANNING AND ZONING. I HAVE THE PLEASURE OF SERVING AS THIS CITY'S DEMOGRAPHER. I AM HUMBLLED TO BE ON SUCH A HEAVY HITTER LIST OF FOLKS OF PEOPLE WHO UNDERSTAND URBAN DESIGN, WHO UNDERSTAND THE CONNECTION BETWEEN THE URBAN ENVIRONMENT AND QUALITY OF LIFE. AND MY ROLE HERE IS TO GIVE SOME BACKGROUND INFORMATION THAT EVERYONE ON THE DAIS IS FAMILIAR WITH, BUT IT'S HELPFUL TO GO BACK OVER IT WHEN WE'RE FACED WITH WHAT I CALL THE INHE HAVE TABILITY OF OUR GROWTH. WE'VE GROWN HISTORICALLY, WE'RE GOING TO CONTINUE TO GROW, EVEN IN A SLOWED ENVIRONMENT I THINK I CAN SHOW THAT THE GROWTH IS COMING OUR WAY. WE HEAR THIS A LOT, POPULATION HAS HISTORICALLY DOUBLED EVERY 20 TO 25 YEARS. THAT IS ABSOLUTELY TRUE. A SPECIAL POINT THAT I

WANT TO MAKE IS EVEN WITH CONSERVATIVE PROJECTIONS, IT GIVES US A DOUBLING IN ROUGHLY THE 30 TO 35 YEARS. AND IF YOU WILL BEAR WITH ME, HERE'S A QUICK LITTLE MATH TRICK THAT I THINK DRIVES IT HOME. IF YOU DIVIDE 70 BY YOUR ANALYZED GROWTH RATE, THAT'S YOUR DOUBLING RATE. SO LET'S DIVIDE 70 BY 3.5%, WHICH IS WHAT AUSTIN HAS HISTORICALLY GROWN AT, THAT'S WHERE YOU GET THE 20. 70 DIVIDED BY 3.5 IS 20. LET'S REALLY GET CONSERVATIVE AND SLOW THAT GROWTH RATE DOWN TO 2% ANNUALLY, WHICH BY THE WAY IS THE GROWTH RATE THAT WE'VE EXPERIENCED DURING THE RECENT ECONOMIC SLUMP. DIVIDE SPENT BY 2, IT'S 35. SO MY POINT IS THAT EVEN IN A DRAMATICALLY SLOWED ENVIRONMENT WHERE WE GO FROM 3.5 ANNUAL TO TWO PERCENT, WE'RE STILL GOING TO DOUBLE. AND I WOULD ARGUE THAT A DIFFERENCE OF 15 YEARS IS NOT SIGNIFICANT IN THE GREATER SCHEME OF THINGS. COMMERCIAL RETAIL AND SERVICES DEVELOPMENT IS DIRECTLY DRIVEN BY POPULATION GROWTH. AUSTIN'S URBAN FORM IS BECOMING MORE AND MORE MULTINUK LEE EIGHTED AND THAT'S KIND OF A FANCY WAY OF SAYING LOTS OF LITTLE URBAN CENTERS. IT'S NO LONGER THE ONE BIG MONSTER DOWNTOWN WITH CONTINUOUS ZONES THAT ARE CONCENTRIC. SO THE NATURE OF WHAT IS URBAN AND WHAT IS SUBURBAN IS CHANGING. AND THAT I THINK IS VERY IMPORTANT TO THIS DISCUSSION OF COMMERCIAL DEVELOPMENT AND OF COMMERCIAL DESIGN. AUSTIN'S URBANIZED AREA IS RAPIDLY EXPANDING AND I'VE GOT A SIGNIFICANCE OF MAPS THAT I SORT OF PLAY AS A VIDEO THAT I THINK DRIVES THAT POINT HOME. THIS IS A MAP OF GREATER AUSTIN AS IT EXISTS TODAY. I'M TRYING TO GET MY LASER TO WORK. IT'S NOT DOING IT. YOU GUYS KNOW THAT MAP. IT'S BASICALLY TRAVIS COUNTY, YOU CAN SEE LAKE TRAVIS, HAYS COUNTY, TRAVIS COUNTY LINE. I'M GOING TO STEP THROUGH DECADES OF URBANIZATION. THAT'S THE URBANIZED AREA CIRCA 1970. YOU CAN SEE THE URBAN CORE, YOU CAN BEGIN TO SEE THE SUBURBS OF PFLUGERVILLE AND ROUND ROCK. WE'RE GOING TO STEP THROUGH -- THAT'S GROWTH THAT OCCURRED IN THE 70'S. YOU CAN SEE SOUTH AUSTIN BEGINNING TO ADD ON TO ITSELF. YOU CAN SEE GROWTH HEADING UP 183. THERE'S URBANIZATION DURING THE '80'S. THE '90'S, AND EVEN THE

LAST FIVE YEARS. AND THE POINT OF THAT SERIES IS THAT WE'VE BEEN SPRAWLING. WHAT WE'RE EXPERIENCING IS ECT SCENARIO A. I DON'T THINK THERE'S ANY DENYING THAT. LOOK AT THAT MAP WHERE HUTTO IS -- AND THIS IS AS A DEMOGRAPHER, I'M ALWAYS SURPRISED BY THINGS THAT I WOULD NOT HAVE EXPECTED. AND THE FACT THAT HUT TOY IS NOW ONE OF THE -- HUTTO IS NOW ONE OF THE REGION'S BIGGEST CONTRIBUTORS TO SINGLE-FAMILY HOUSING PRODUCTION IS ONE OF THOSE SURPRISES. THE SOUTH PART OF I-35 SOUTH OF THE CITY, KYLE, BUDA, THOSE PLACES ARE REALLY, REALLY GROWING AND CHANGING VERY, VERY RAPIDLY. BACK TO THE MULTINUCLEATED IDEA. THIS IS A MAP OF COMMERCIAL DEVELOPMENT ZONES, ZONES THAT ARE CURRENTLY IN DEVELOPMENT IN PLACES THAT ARE -- THAT WE KNOW THAT ARE GOING TO DEVELOP, PLACES LIKE THE DOMAIN. I'VE GOT ALMOST ALL OF DOWNTOWN SHADED. IT'S VERY MUCH OF A HOT SPOT. MUELLER AIRPORT, INTERPORT, SOUTH PARK MEADOWS, A FORMER CONCERT VENUE. THERE'S GOING TO BE WHAT THEY CALL A SEAR'S GRAND THERE. SO THE POINT OF THIS IS THAT WE'RE SEEING COMMERCIAL DEVELOPMENT ACROSS THE URBAN FIELD, NOT JUST IN THE URBAN CORE, NOT JUST IN THE SUBURBS, BUT ALL OVER THE REGION. AND IN THIS I THINK -- THIS I THINK IS GOING TO CONTINUE. AND I'M GOING TO CLOSE WITH A GRAPHIC, I GOT THIS FROM THE BROOKINGS INSTITUTE AND IT RANKS URBAN AREAS ACROSS THE UNITED STATES IN TERMS OF FUTURE RETAIL DEMAND. OF COURSE WHAT THEY'RE TAKING IS THE POPULATION PROJECTIONS FROM 2030 AND THEY'RE COMPARING THAT TO HOW MUCH RETAIL WILL BE NEEDED TO SUPPORT THAT. LAS VEGAS IS FIRST, AUSTIN IS SECOND. THAT'S FITTING BECAUSE LAS VEGAS WAS THE FASTEST GROWING URBAN AREA IN THE '90'S, WE WERE THE SECOND, RIGHT AHEAD OF PHOENIX AND/OR ORLANDO. AND WHAT THE GRAPHIC SHOWS IS OF ALL THE RETAIL THAT NEEDS TO BE BUILT TO PROVIDE FOR THAT POPULATION, HOW MUCH OF THAT RETAIL WILL BE NEW. IN AUSTIN'S CASE, OVER 70% OF THAT COMMERCIAL SPACE WILL BE NEW TO US. SO WE HAVE A CHANCE TO MAKE A DIFFERENCE AS THIS COMMERCIAL DEVELOPMENT HEADS OUR WAY. I'D LIKE TO HAND THIS OVER TO GARY BELLAMY.

McCracken: ONE OF THE THINGS THAT WE'VE SEEN IS MAYOR WYNN HAS BEEN VERY FORCEFUL IN SAYING THAT TO ADDRESS OUR TRAFFIC ISSUES THAT WE NEED TO ADDRESS LAND USE. AND IN LARGE PART THEY'RE IMPLEMENTING ENVISION CENTRAL TEXAS. AND MAYOR PRO TEM GOODMAN HAD COMMISSIONED THE 2222 STUDY, WHICH GARY BELLAMY HAS HELPED TO WRITE. AND HE HAS EXTENSIVE EXPERTISE IN LAND USE AND TRAFFIC.

JUST TECHNICALLY RATHER, NOT ADEPT. [LAUGHTER] LET ME GO TO MY FIRST SLIDE. THANK YOU, MAYOR AND COUNCIL. I'M GARY BELLAMY, LAND DESIGN STUDIO. I'VE BEEN ASKED TO TALK A LITTLE BIT ON CONNECTIVITY AND BLOCK SIZE. AND I WANT TO START BY SEGUEING A LITTLE BIT OUT OF WHAT RYAN WAS TALKING ABOUT. THIS IS PART OF A STUDY WE DID A FEW YEARS AGO FOR THE 2222 CORRIDOR WHERE WE LOOKED AT BASICALLY THE GROWTH PATTERN. AND WHAT WE TRY TO DO IS SIMPLY SAY THAT IF WE CONTINUE TO GROW AT THE SAME RATE OF DENSITY THAT WE'RE GROWING NOW, WE'VE GOT TO ABSORB A LOT OF THESE ORANGE DOTS. AND EACH ONE OF THOSE ORANGE DOTS REPRESENTS A DENSITY OF ABOUT A THOUSAND PEOPLE AT THE AVERAGE LAND USE INTENSITY THAT WE'RE EXPERIENCING RIGHT NOW AND HAVE BEEN FOR SOME YEARS. THE MAP ON THE RIGHT, WHICH WE CALL MORE OF A CLUSTER SCENARIO, SAID THAT IF WE MADE EACH OF THOSE DOTS A BIT MORE DENSE -- AND WE DIDN'T CRANK THIS UP VERY FAR. WE JUST SAID LET'S SAY IT'S TWICE AS DENSE IN THOSE AREAS. THAT'S HOW MANY LESS DOTS WE WOULD ABSORB. AND YOU SEE THAT THE HIGHER INTENSITY ONES ARE SHOWN IN RED. IF YOU SORT OF DRILL DOWN AND SAY HOW DOES THAT WORK AT THE DEVELOPMENT SCALE THAT WE UNDERSTAND, WE CHOSE AN AREA THAT WE WERE TOLD YEARS AGO WAS SORT OF THE CENTRAL OF GROWTH FOR THE REGION, WHICH IS ROUGHLY AT SIX 20 20620 AND 183 WE'RE GROWING INTO WILLIAMSON COUNTY. AND SAID THAT WE COULD ESSENTIALLY PUT ORANGE DOTS OVER EVERYTHING THAT'S DEVELOPABLE THERE AND NOT KEEP UP. SO IF WE TAKE THESE RED DOTS WHERE IT'S MORE COMPACT AND IMPROVE THE CONNECTIVITY AND MAKE IT A MORPHINE GRAIN SYSTEM, WE COULD ACTUALLY ACCOMMODATE A LOT

MORE GROWTH WITH USING A LOT LESS LAND. IF YOU GET DOWN TO WHY THAT MATTERS AT THE LOCAL LEVEL, THIS IS A DIAGRAM THAT THEY DID YEARS AGO THAT WE'VE USED AND EVERYONE USES NOW TO COMPARE THE NOTION OF CONNECTIVITY. ON THE UPPER PART OF THE SLIDE IT SHOWS THE LAND USE PATTERN THAT WE'RE ACCUSTOMED TO WHERE ALL USES ARE SEGREGATED AND YOU SIMPLY DRIVE FROM ONE TO THE OTHER. AND THAT'S THE REASON OUR ARTERIALS GET CLOGGED AND TRAFFIC IS AS BAD AS IT IS AND WILL ONLY GET WORSE WITH THAT GROWTH. ON THE BOTTOM HALF OF THE SLIDE IT SHOWS WHAT HAPPENS IF YOU MAKE AN INTERCONNECTED SYSTEM OF STREETS AND BLOCKS. AND THE LAND USES ARE REALLY THE SAME ON BOTH SIDES OF THE ARTERIAL THAT'S SHOWN THROUGH THE MIDDLE OF THAT SLIDE. YOU CAN SEE IN THE BOTTOM SLIDE THE ROUTE CHOICES TO GET FROM ONE PLACE TO THE OTHER ARE INFINITELY BETTER THAN THE UPPER HALF OF THE SLIDE. SO CONNECTIVITY IS ABOUT CHOICE OF MOVEMENT AT THE SORT OF COMMUNITY DEVELOPMENT SCALE. YOU GET THAT DOWN TO AN INDIVIDUAL PROJECT, YOU CAN VERY QUICKLY SEE THAT A PATTERN OF CUL-DE-SACS AND ARTERIALS SIMPLY DOESN'T ALLOW THAT KIND OF -- THAT ROUTE CHOICE. AND ONE OF THE SPEAKERS AT THE U.T. SYMPOSIUM THIS MORNING HAD A GOOD MEASURE OF THIS. THEY CALLED IT INTERSECTION DENSITY. IF YOU TOOK THIS AREA AND COUNTED THE NUMBER OF TRUE INTERSECTIONS AS PLACES WHERE ROADS CROSS AND YOU HAVE THE ABILITY TO GO DIFFERENT DIRECTIONS, YOU CAN SEE THAT THERE ARE VERY FEW OPPORTUNITIES IN THIS PARTICULAR PATTERN. IN A MORE CONNECTED SYSTEM THE INTERSECTION DENSITY GOES UP REMARKABLY. AND AT THE SAME TIME THE WALKABILITY INCREASES. IF YOU LOOK AT THE BLOCK SIZE, IF YOU WILL, ON THIS DIAGRAM, WHERE THE BLOCKS ARE REALLY ALMOST NOT UNDERSTANDABLE, THE IDEA OF WALKING IN THAT SYSTEM IS VERY DAUNTING. IF YOU LOOK AT THE BLOCK SIZE IN THIS, IT'S QUITE UNDERSTANDABLE AND YOU CAN SEE THAT YOU COULD WALK FROM MULTIPLE ROUTES TO GET TO MULTIPLE PLACES. WE LEARNED THIS MORNING IN THE U.T. SYMPOSIUM THAT THIS IS NOW DIRECTLY RELATED TO THE HEALTH OF OUR POPULATION. AND THERE WAS A WONDERFUL SPEAKER. I THINK KAREN HAS A HANDOUT IF

SHE'S HERE THAT SHE'S GOING TO GIVE YOU WHICH IS AN EXECUTIVE SUMMARY OF DR. FRANKS' COMMENTS THIS MORNING. AND THEY DID A VERY TRAWFT ACTIVE STUDY -- EXHAUSTIVE STUDY IN ATLANTA ABOUT THIS ISSUE OF CONNECTIVITY AND BLOCK SIZE AND WALKABILITY AND FOUND CONCLUSIVELY THAT PEOPLE ARE HEALTHIER WHEN THEY LIVE IN A COMMUNITY THAT OFFERS THAT CONNECTIVITY AND WALKABILITY. THE SLIDE THAT'S BEFORE YOU RIGHT NOW JUST SHOWS THE PHYSICAL MANIFESTATION OF THAT IN TWO AERIALS. AND I THINK YOU CAN SEE THAT THE DEVELOPMENT ON LEFT IS DECIDEDLY MORE WALKABLE THAN THE ONE ON THE RIGHT. THE OTHER THING THAT ENTERS INTO THAT IS SORT OF TIME AND DISTANCE. HOW FAR WILL PEOPLE WALK GIVEN THE CHOICE? AND AGAIN, IN THE SLIDE ON THE LEFT WHEN THE ROUTE IS INTERESTING AND PLEASANT ALONG ITS ENTIRE LENGTH, PEOPLE ARE MORE LIKELY TO WALK GREATER DISTANCES, EVEN IN OUR HARSH SUMMER CLIMATES. WE'RE ON -- ON THE RIGHT THERE'S REALLY NO REASON TO WALK FROM ONE OF THOSE LAND USES TO OTHER, SO WE GET IN OUR CAR AND WE DRIVE AND WE GET FATTER, BELIEVE IT OR NOT. AND THAT'S WHAT THEY CONCLUDED THIS MORNING. WHY DOES BLOCK SIZE MATTER? THIS IS AN ILLUSTRATION OF A A MALL ON THE LEFT THAT'S OVER TIME CONVERTED TO A FINE GRAIN, NOMINAL BLOCK SIZE DEVELOPMENT ON THE RIGHT. YOU CAN SEE ON THE LEFT THAT EVEN THOUGH WE SAY THERE'S CONNECTIVITY IN THAT SYSTEM BECAUSE YOU DON'T NECESSARILY HAVE TO CROSS THE STREET TO MOVE AROUND, THE NOTION OF WALKING THROUGH THAT PARKING LOT TO GET FROM ONE PLACE TO THE OTHER IS IDIOTIC. OVER TIME THIS COMES OUT OF THE ULI'S GRAY FIELDS TO GREEN FIELDS DOCUMENT AND THIS IS NOW BEING DONE AT A MAJOR MALL IN FLORIDA WHERE OVER TIME THEY'VE COME BACK AND INTRODUCED A BLOCK SIZE OF ROUGHLY 300 FEET SQUARE IN THAT MALL AND THEY'VE DEMALLED IT AND TURNED IT INTO A TOWN CENTER AND IT'S INCREDIBLY SUCCESSFUL. THE OTHER ATTRIBUTE OF THAT SMALLER BLOCK IS IT TENDS TO DISPERSE THE PARKING BECAUSE YOU CAN'T PUT BIG FIELDS OF PARKING ON A SMALL BLOCK NETWORK. AND THAT'S ONE THING THAT'S BEING ENCOURAGED IN THE DESIGN STANDARDS THAT HAS A MAJOR EFFECT ON THE

URBAN FORM THAT WE'RE GOING TO BUILD. I THINK NOW I'M TURNING IT OVER TO CHRIS RILEY. THANK YOU.

McCracken: WE HAVE THE CHAIR OF THE PLANNING COMMISSION, CHRIS RILEY, WHO IS GOING TO SPEAK ON DEVELOPMENT ORIENTATION AND ALSO I BELIEVE THE PLANNING COMMISSION HAS A PRETTY SIGNIFICANT INITIATIVE COMING UP THIS WEEK ABOUT DENSITY IN THE 130 CORRIDOR.

EVENING, COUNCIL. I'M CHRIS RILEY FROM THE PLANNING COMMISSION AND I'M GOING TO SAY JUST A WORD ABOUT DEVELOPMENT ORIENTATION. I'LL BE BRIEF BECAUSE THE IDEA BEHIND DEVELOPMENT ORIENTATION REALLY IS VERY SIMPLE. THE IDEA IS BUILDINGS NEED TO BE BROUGHT TO THE STREET. THIS REALLY IS NOT A TERRIBLY NOVEL CONCEPT AS YOU CAN SEE FROM THE SLIDE. THIS USED TO BE THE WAY WE BUILT ALL OUR COMMERCIAL BUILDINGS, WHETHER IT'S ON CONGRESS AVENUE OR CLARKSVILLE OR HYDE PARK OR EAST AUSTIN OR SOUTH CONGRESS, THIS IS THE WAY WE DID COMMERCIAL DEVELOPMENT. AND WHAT IT PRODUCED WAS ACTUALLY A VERY NICE PUBLIC REALM WHERE PEOPLE WOULD ACTUALLY RUN INTO EACH OTHER AND THEY WOULD INTERACT AS THEY WENT ABOUT THEIR DAILY BUSINESS. OVER TIME -- AND IN PARTICULAR IN THE MID 20TH CENTURY, THIS MODEL AS WE ALL KNOW, BEGAN TO BE REPLACED BY AN ALTERNATE MODEL, WHICH IS REFLECTED BY THE SLIDE YOU SEE HERE. THIS NEW MODEL DEVELOPMENT MADE USE OF THE AVAILABILITY OF ABUNDANT LAND IN THE SUBURBS AND FOCUSED ON PROVIDING AN ABUNDANCE OF PARKING AND OPEN SPACE. IT REALLY AIMED EXPRESSLY TO DIVORCE THE BUILDING FROM THE STREET. BUILDING ORIENTATION WAS NOT EVEN - - WAS ACTUALLY VIEWED AS A NEGATIVE. YOU DIDN'T WANT THE BUILDING ON THE STREET, YOU WANTED TO SEPARATE IT FROM THE STREET, GET IT OUT OF THE WAY SO YOU COULD HAVE YOUR PARKING IN FRONT AND EVERYBODY WOULD HAVE THE CONVENIENCE OF BEING ABLE TO JUST DRIVE THERE AND PARK. OVER TIME SOME PROBLEMS WITH THIS APPROACH BECAME MORE AND MORE APPARENT. FOR ONE THING, IT TENDS TO PRODUCE LOUSY PLACES. IT PRODUCES -- BY ITS NATURE IT IS JUST -- THIS IS AN IMPERSONAL PLACE. WHAT IT REPRESENTS IS THE

REJECTION OF THE STREET AS A PLACE FOR PEOPLE. PEOPLE JUST DON'T BELONG IN THIS PICTURE. THIS IS A PLACE FOR PARKING CARS. IT'S NOT A PLACE FOR PEOPLE. AND SO WHAT YOU WIND UP WITH IS SOMETHING THAT IS JUST VERY IMPERSONAL AND DOESN'T REFLECT ANYTHING DISTINCTIVE ABOUT THE CHARACTER OF THIS CITY. SO -- AND FROM THE PERSPECTIVE OF THE CITY, THERE'S ANOTHER SIGNIFICANT PROBLEM, WHICH IS THAT THE CITY IS NEVER GOING TO WIN AT THIS GAME. THE CITY IS NEVER GOING TO BE ABLE TO COMPETE WITH THE SUBURBS BY BECOMING MORE SUBURBAN BECAUSE THE SUBURBS JUST ARE ALWAYS GOING TO HAVE MORE SPACE TO PROVIDE PARKING LIKE THIS AND OPEN SPACE. AND SO WE JUST CAN'T WIN. BUT WHAT THE CITY CAN OFFER IS SOMETHING DIFFERENT. WHAT THE CITY CAN OFFER IS SPECIAL PLACES, PLACES LIKE YOU SEE IN THESE SLIDES WHERE YOU ACTUALLY FOCUS ON CREATING A PEOPLE ORIENTED PUBLIC REALM. YOU CREATE WALLS. ESSENTIALLY WHAT YOU HAVE IS A ROOM OUT BETWEEN THE BUILDINGS, YOU'VE GOT A PUBLIC SPACE THAT'S DEFINED BY THE WALLS OF THE BUILDINGS AS THEY COME UP TO THE STREET. AND WHAT IT YIELDS IS JUST A MUCH MORE PLEASING, COMFORTABLE PLACE TO BE. WE ALL KNOW THIS. WE ALL KNOW THAT ANY -- IF YOU LOOK AT ANY OF THE APPEALING URBAN PLACES AROUND THE WORLD WHERE PEOPLE WANT TO BE, THEY ALL SHARED THIS ONE BASIC FEATURE, WHETHER IT'S PARIS OR PORTLAND. THEY HAVE BUILDINGS THAT COME UP TO THE STREET AND CREATE THIS DISTINCTIVE URBAN SPACE THAT IS AN APPEALING PLACE TO BE. THIS IS JUST A CRITICALLY IMPORTANT, DEFINING FEATURE OF GREAT CITIES. IT'S MORE IMPORTANT THAN EVEN THE AESTHETICS OF HOW THE BUILDING LOOKS ON ITS FACADE BECAUSE IT'S A MATTER OF DEFINING THE SPACE WITHIN WHICH WE INTERACT. ALLEN JACOBS, WHO WROTE THE BOOK GREAT STREETS, WHICH WE'VE TALKED ABOUT A LOT IN THIS CITY, HE WROTE IN THAT BOOK THAT STREETS MORE THAN ANYTHING ELSE ARE WHAT MAKES THE PUBLIC REALM. AND BY MOVING OUR BUILDINGS UP TO THE STREET, WHAT WE'RE DOING IS WE'RE RECLAIMING THAT PUBLIC REALM AS A PLACE FOR PEOPLE. AND WE'RE ALLOWING THAT PUBLIC REALM TO REFLECT THE DISTINCTIVE NATURE AND CHARACTER OF OUR CITY. AND

SO IT'S ABSOLUTELY IMPORTANT AND I'M VERY EXCITED THAT WE'RE MOVING IN THE DIRECTION OF PROMOTING THIS. WITH THAT, RICHARD RICE IS GOING TO GO INTO SOME DETAILS ON SOME SPECIFIC ASPECTS OF THE STANDARDS WE'VE BEEN TALKING ABOUT.

McCracken: RICHARD IS THE CHAIR OF THE DESIGN COMMISSION.

MAYOR AND COUNCIL, THE COMMERCIAL DESIGN STANDARDS ARE GEARED TOWARDS MAKING BETTER PLACES BY ADDRESSING FUNCTIONAL ISSUES. AND THOSE FUNCTIONAL ISSUES WILL IN TURN SOLVE A LOT OF OUR AESTHETIC ISSUES. I'M GOING TO TALK ABOUT TWO TOPICS THAT THE DESIGN STANDARDS ADDRESS THAT HAVE A TREMENDOUS NEGATIVE EFFECT ON OUR CITY, WHICH ARE BRANDED ARCHITECTURE AND SIGNAGE. WHEN THE COMMERCIAL DESIGN STANDARDS INITIATIVES BEGAN LAST YEAR, ONE OF THE MAIN FOCUSES WAS THE IDEA OF TAMING THE BIG BOX OR LESSENING THE VISUAL IMPACT OF BIG BOX RETAIL AND OF BRANDED ARCHITECTURE. WE'RE DEFINING BRANDED ARCHITECTURE AS THE PROPERTY TYPES THAT NATIONAL RETAILERS USE THROUGHOUT THE COUNTRY. THEY'RE GENERIC AND OFTEN LIMITED IN TERM OF THEIR PURPOSE AND IN TERMS OF THEIR FUTURE USE AND IN TERMS OF THEIR FLEXIBILITY. THIS IS A LOCAL EXAMPLE, NO MATTER HOW YOU DRESS UP AND ABANDON SHORTSTOP YOU ALWAYS KNOW THAT IT WAS ONCE A SHORTSTOP. AND BREWSTER MENTIONED THIS BUILDING BEFORE. THERE'S NO MISTAKING THE FORMER OCCUPANT OF THIS STRUCTURE. AND BECAUSE OF ITS CONSTRUCTION METHOD AND THE MATERIALS USED, IT HAS VERY LITTLE ADAPTIVE REUSE. THERE ARE NO DOORS AND WINDOWS. IT IS ESSENTIALLY A BLANK WALL THAT CAN'T BE PENETRATED. EXTERNALLY BRANDED STRUCTURES ARE GEARED TOWARDS THE AUTOMOBILE PRIMARILY. THE ENTIRE BUILDING WHICH IS ISOLATED USUALLY BEHIND A SEA OF PARKING SERVES AS A RECOGNIZABLE SIGN AND CREATES A SENSE OF FAMILIARITY, BUT ALSO A SENSE OF PLACELESSNESS. THE MAIN PROBLEM WITH BRANDED STRUCTURES IS THAT THEY'RE DESIGNED WITHOUT CONSIDERING THEIR CONTEXT AND THEY REALLY HAVE NO FUNCTION THAT ISN'T SELF-SERVING. NOW, AUSTIN PRIDES

ITSELF ON ITS UNIQUE CHARACTER AND THESE BRANDED BUILDINGS DON'T SPEAK TO THAT CHARACTER OR TO THE EXTREME CONDITION THAT DEFINE OUR CITY. I'M ALSO GOING TO TALK ABOUT POLE SIGNS, WHICH I'M SURE YOU'RE ALL FAMILIAR WITH. POLE SIGNS CREATE A SIMILAR PROBLEM IN THAT THEY'RE VERY -- THEY COMMUNICATE AND INTERACT PRIMARILY WITH VEHICULAR TRAFFIC. OTHER THAN ON HIGHWAYS, IT WOULD BE MUCH BETTER TO HAVE A BUILDING AT THE STREET INSTEAD OF HAVING A SIGN TELLING YOU THAT THERE'S A BUILDING BEHIND PARKING. AND MANY OF AUSTIN'S CORRIDORS HAVE BECOME SO LITTERED WITH POLE SIGNS THAT THE POLE SIGNS ARE ACTUALLY THE DOMINANT DESIGN FEATURE OF THE CORRIDOR. NOW, SIGNS DO SERVE A FUNCTION AND THEY CAN BE A WONDERFUL DESIGN OPPORTUNITY. IF THEY CAN BE INTEGRATED INTO THE ENVIRONMENT WITH AN APPROPRIATE SCALE AND MASSING AND FUNCTION WITHOUT HIJACKING THE STREET SCAPE. ONE WAY TO MITIGATE THE VISUAL IMPACT OF BRANDED ARCHITECTURE AND SIGN SAGE IS TO IMPLEMENT DESIGN STANDARDS THAT ARE AIMED AT IMPROVING THE WAY BUILDINGS FUNCTION AND INTERACT WITH THE URBAN FABRIC. AND NOW GERARD KINNEY IS GOING TO SPEAK TO THAT. THANK YOU.

THANKS. GERARD KINNEY. Y'ALL HAVE HEARD ME TALK ABOUT SIGNAGE ENOUGH, AND SO MAYBE I SHOULD -- SO RICHARD SHOULD HANDLE SIGNS. WHEN WE TALK ABOUT BUILDING DESIGN STANDARDS, WE ARE ACTUALLY TALKING SPECIFICALLY ABOUT TOOLS THAT ARE AIMED AT CREATING A MORE FUNCTIONAL ENVIRONMENT. THIS IS A VERY IMPORTANT DISTINCTION AND I THINK SEVERAL SPEAKERS HAVE SPOKEN TO IT. THINGS LIKE THE -- THAT YOU HEARD ORIENTING BUILDINGS TO THE STREET, CREATING SMALLER BLOCK SIZES, BOTH REAL BLOCKS AND ALSO SMALLER VEHICULAR PATHS WITHIN LARGER PROJECTS ARE EXTREMELY IMPORTANT. BUT -- AND IT'S IMPORTANT TO UNDERSTAND THAT EVEN IN SEMI URBAN -- MORE SUBURBAN PLACES, WHEN YOU DRIVE TO A PLACE, ONCE YOU GET OUT YOU BECOME A PEDESTRIAN. SO PEDESTRIAN ENVIRONMENTS ARE IMPORTANT AT ALL SCALES. IF WE ARE -- IF YOU'RE ABLE TO PROVIDE ONES -- WHETHER IT'S DOWNTOWN OR NEAR IN OR EVEN FARTHER OUT ON A

HIGHWAY, ONCE YOU GET THERE IF THE BUILDINGS THEMSELVES ARE ARRANGED AS GARY AND CHRIS HAVE SPOKEN ABOUT, BUT THEN THE BUILDINGS THEMSELVES OFFER AMENITIES THAT SOLVE FUNCTIONAL PROBLEMS, PROVIDE SHADE, PROVIDE PROTECTION, ALLOW YOU TO SEE INTO THE BUILDINGS, ALLOW THE BUILDINGS TO SEE OUT, THEN THOSE VERY -- THE SOLVING OF THOSE FUNCTIONAL ISSUES THEMSELVES WILL CREATE A BETTER AESTHETIC ENVIRONMENT AS WELL. THOSE BECOME THE KEYS IN THE BUILDING BLOCKS TO THE AESTHETIC EFFORT. IT'S VERY IMPORTANT TO THINK APPROXIMATE ABOUT IT OWE ON -- ABOUT IT IN THAT DIRECTION RATHER THAN BEAUTY BEAUTY BEAUTIFYING THE BUILDINGS. AS ARCHITECTS WE DON'T THINK THAT YOU SHOULD -- THERE HAVE BEEN SOME IDEALS ABOUT SPECIFYING MATERIAL, SPECIFYING METHODS OF CONSTRUCTION, SPECIFYING ORNAMENTATION. WE DON'T THINK THAT'S THE APPROACH THAT SHOULD BE TAKEN. WE DON'T WANT TO BE THE STYLE POLICE. WE DO NOT WANT TO TELL PEOPLE HOW AUSTIN SHOULD LOOK LIKE AUSTIN. AUSTIN KNOWS HOW TO LOOK LIKE AUSTIN. IT DOESN'T NEED TO BE TOLD. HOWEVER, WE DO WANT TO BE ABLE TO ENSURE THAT SUSTAINABLE MATERIALS, SUSTAINABLE METHODS ARE FAVORED AND THAT FUTURE ADAPTABILITY IS BUILT INTO THE WAY WE BUILD, WHICH IS A VERY IMPORTANT ELEMENT OF SUSTAINABILITY ITSELF. ALONG THOSE LINES CREATING A TRUE MIX OF USES. AND MOST IMPORTANTLY DESIGNING AND REQUIRING THE DESIGN OF BUILDINGS THAT IF THERE CANNOT BE THE RICH MIX THAT WE WANT INITIALLY, THEY'RE ADAPTABLE SO THAT THE RICH MIX OF USES CAN COME OVER TIME. IT BECOMES A VERY IMPORTANT THING. WE WANT TO ACHIEVE THE DENSITY, PULL CARS OFF THE ROAD, ENCOURAGE MORE PEDESTRIAN ACTIVITY. WE'VE ALREADY SEEN IN AUSTIN SOME SUCCESSFUL PROJECTS SUCH AS THE PEDERNALES -- EXCUSE MY AUSTIN ACCENT. PEDERNALES ON LOFTS IN EAST AUSTIN AND THE ROSE DALE VILLAGE PROJECTS ON BURNET ROAD ARE VERY GOOD EXAMPLES OF HOW THESE PRINCIPLES CAN BE INCORPORATED. AND THEY ENCOURAGE ALTERNATE MODES OF TRANSPORTATION. BUT THESE ARE THE EXCEPTIONS TO THE RULES IN AUSTIN AS I POINTED OUT. OUR URBAN ENVIRONMENT THAT WE HAVE HAS EVOLVED THE WAY IT

HAS AS A RESPONSE TO THE WAY THE PEOPLE ACTUALLY MOVE ABOUT IN THE COMMUNITY, MOVE THROUGH SPACE. OVER THE LAST 60 YEARS THE EVOLUTION HAS BEEN THE INCREASED DEPENDENCE ON THE AUTOMOBILE AND ALL THAT THAT MEANS IN THE WAY THAT THE DEVELOPMENT HAS OCCURRED. WE KNOW NOW THAT FOR AUSTIN TO GROW WITHOUT CONTINUING THE RATE OF SPRAWL, WE'VE GOT TO BECOME MORE HEAVILY WEIGHTED TOWARD DENSITY AND ALTERNATE METHODS OF TRANSPORTATION AND CERTAINLY RESPECTING IN THE DIRECTION THAT THE ENVISION CENTRAL TEXAS EFFORT HAS SUGGESTED, AND WE THINK THAT THE DESIGN PRINCIPLES AND SHIFTING THE PRIORITIES FROM CARS BACK TO PEOPLE IN THE DESIGN OF THESE ENVIRONMENTS IS THE KEY. AND NOW I WOULD LIKE TO TURN IT OVER TO KATHY SARSKY.

Dunkerley: EXCUSE ME. MR. KINNEY, I JUST WANTED TO LET THIS COUNCIL KNOW THAT LAST WEEK YOU WERE HONOR BID YOUR PEERS, THE ARCHITECTS, AND THE PUBLIC AWARDED A SPECIAL RECOGNITION IN PUBLIC SERVICE. AND I THINK THAT PROBABLY YOUR WORK IN THIS DESIGN ARENA IS ONE OF MANY THINGS THAT MADE THEM GIVE YOU THAT RECOGNITION. SO WE WANT TO THANK YOU FROM THE DAIS AND FROM THE CITY AS A WHOLE. WE APPRECIATE ALL YOU'VE DONE FOR US.

I'M HONORED YOU'VE SAID THAT. THANK YOU VERY MUCH.

McCracken: OUR FINAL PRESENTER THIS EVENING IS KATHY SARSKY. SHE IS LEAD CERTIFIED, WHICH I DIDN'T KNOW WHAT THAT MEANT BEFORE THIS PROCESS BEGAN, BUT IT REALLY SPEAKS TO SUSTAINABILITY BOTH IN DEVELOPING COMMUNITIES AND IN DEVELOPING BUILDINGS.

HI. IT'S AN UPON TO BE HERE TONIGHT. THANK YOU FOR ALLOWING ME TO SPEAK TO YOU ABOUT SOMETHING THAT I'M VERY ENTHIEWSED TO BE INVOLVED WITH AND HAVE HAD THE -- REALLY THE PRIVILEGE OF ALLOWING MY CAREER TO EVOLVE INTO A POSITION WHERE I'M NEARLY FULL TIME ENDORSING OUR PRACTICES INTERNALLY AND EXTERNALLY. I'M THE DRERKT OF SUSTAINABLE BUILDING PRACTICES WITH THE BECK GROUP. WE ARE A DALLAS BASED ORGANIZATION WITH NATIONWIDE PRESENCE IN ADDITION

TO HAVING AN OFFICE IN MEXICO CITY AND REALLY SORT OF TOUCHING ALL OF MEXICO AT THIS POINT AS WELL. MY ROLE AS THE DIRECTOR OF SUSTAINABLE BUILDING PRACTICES IS AGAIN TO PROVIDE THE INTERNAL SUPPORT TO THAT COAST TO COAST WE UNDERSTAND WHAT IT MEANS TO NOT JUST SELL A SERVICE, BUT WALK THE TALK. AND THEN ALSO PROVIDE THE OUTREACH TO THE COMMUNITY AND THE CLIENTS THAT WE'RE WORKING WITH. AUSTIN'S COMMUNITY THAT I LIVE IN, THAT'S WHY I'M HERE TODAY, I FEEL THAT THE GREATEST IMPACT THAT I CAN MAKE IS RIGHT HERE AT HOME, AND AUSTIN IS A CITY THAT I'VE GROWN TO LOVE. I'VE BEEN HERE SINCE '91 AND I DON'T REALLY SEE MYSELF EVER LEAVING. SO THE INTENTION OF MY PRESENTATION IS TO BRING THE PANEL DISCUSSION BACK FULL CIRCLE AND REALLY ADDRESS THE BIG PICTURE, WHICH IS TO REMIND EVERYONE THAT EVERY DESIGN DECISION HAS A CONSEQUENCE AND THAT WE HAVE TO TAKE ACCOUNTABILITY FOR OUR ACTIONS. SO I'M GOING TO TALK ABOUT SOME THINGS THAT INFLUENCE DESIGN RATHER THAN THE DESIGN ITSELF. AND I APOLOGIZE IF SOME OF THESE THINGS ARE FAIRLY COMMON KNOWLEDGE BECAUSE I KNOW THAT IN AUSTIN YOU HEAR ABOUT THESE THINGS A LOT. YOU FIND INSPIRATION EVERYDAY IN THIS TOWN BECAUSE THERE ARE A LOT OF INDIVIDUALS AND ORGANIZATIONS THAT DEDICATE A LOT OF TIME AND ENERGY TO THESE IDEAS THAT I'M ABOUT TO DISCUSS. BUT I WILL THEN TIE THEM BACK TO SOME OF OUR DIRECT EXPERIENCES THAT YOU ALL SEE WHAT OUR CLIENTS HAVE TO SAY ABOUT THESE AND THE BENEFITS OF THESE DECISIONS. SO FIRST OF ALL, GREEN DESIGN IS NOT THE MOST -- IT'S NOT A TERM THAT I'M REAL FOND OF BECAUSE I THINK THE LABELING OF IT HINDERS ITS ABILITY TO BE IMPLEMENTED, BUT WHAT WE'RE TRYING TO SAY WITH GREEN DESIGN IS WE'RE LOOKING AT SITE PLANNING ISSUES, WATER, ENERGY, THE MATERIALS THAT WE'RE CHOOSING AND INDOOR AIR QUALITY. THIS NEXT SLIDE, WITHOUT READING THEM OVER FOR YOU, IS REALLY JUST A WAY TO REPRESENT THAT OUR INDUSTRY CRINTS GREATLY TO THE STATE OF THE ENVIRONMENT AROUND US IN OUR OWN PERSONAL WELL-BEING. AND THAT AS INDUSTRY EXPERTS AND INDUSTRY LEADERS, MEANING THE DESIGN AND CONSTRUCTION PROFESSION, WE ARE THE ONES THAT

REALLY I THINK NEED TO REPRESENT WHAT WE ARE MOST KNOWLEDGEABLE ABOUT AND PUT IT BACK INTO PRACTICE IN THE INDUSTRY. THIS BUILDING RIGHT HERE IS THE IBM ACTIVELY REGIONAL HEADQUARTERS, THE FIRST LEAD CERTIFIED PROJECT IN AUSTIN. AND JUST TO EXPLAIN WHAT LEAD IS, IT'S LEADERSHIP AND ENERGY AND ENVIRONMENTAL DESIGN. IT'S A RATING SYSTEM THAT THE U.S. GREEN BUILDING COUNCIL DEVELOPED AS A MEANS TO VERIFY DLA WHEN SOMEONE SAID THAT THEY WERE DOING A GREEN BUILDING THAT THEY HAD A MEANS OF MEASURING AND VERIFYING TA ALL OF THOSE THINGS WERE IMPLEMENTED. THIS IS THE FIRST EXAMPLE OF ONE SUCH BUILDING IN AUSTIN. I WANTED TO KIND OF TALK ABOUT WHO ELSE WE KNOW IS LOOKING IN OUR AREA AND WHAT THAT MEANS TO US. I THINK ONE OF THE THINGS THAT I LOOK CLOSELY AT IS WHAT OTHER COMPANIES HAVE AS A MISSION. ARE THEY STEWARDS, ARE THEY MAKING PROCLAMATIONS ABOUT WHO THEY ARE AND WHAT TYPE OF COMMITMENT THEY'RE GOING TO MAKE WITH THEIR ACTIONS. AND KAY IS ONE OF THE PEOPLE THAT WE KNOW HAS BEEN LOOKING IN OUR AREA AND IT'S SOMETHING THAT WE NEED TO LOOK AT. THE GAP IS ANOTHER STORE THAT HAS HAD A VERY STRONG MISSION STATEMENT ABOUT BEING ENVIRONMENTAL STEWARDS AND PRACTICING THE TRIPLE BOTTOM LINE. SO AGAIN I WANT TO TIE ALL THIS BACK TO HOW IT SPECIFICALLY IMPACTS AUSTIN. OPPORTUNITY AUSTIN IS SOMETHING THAT WE ARE INVESTORS IN, AND THESE ARE THE FIVE STRATEGIES. THESE ARE THE COMPANIES THAT HAVE THE TRIPLE LINEMENTALITY, WHICH IS PEOPLE, PROFIT, PLANET. I THINK IT'S A GREAT FIT FOR AUSTIN. NOT THE ONLY FIT, BUT I THINK WE HAVE A BETTER MEANS OF RECRUITING THAT AUDIENCE AND OTHERS. CAPITALIZE, AGAIN, WE CREATE PLACES OF VALUE THAT ATTRACTS, AND I THINK THAT WHAT WE'RE TALKING ABOUT TODAY CREATES LOTS OF VALUE. STIMULATING NEXT WAVE SECTORS, RENEWABLE ENERGY. I WOULD LOVE TO SEE AUSTIN BE THE CLEAN ENERGY CAPITAL. THERE ARE A LOT OF WAYS TO INTEGRATE THOSE TECHNOLOGIES INTO OUR BUILDINGS. WE NEED TO PROVIDE GREATER OUTREACH TO OUR DESIGNERS. THE DEVELOPERS AND THE OWNERS OF THESE PROJECTS, THEY UNDERSTAND THOSE PRINCIPLES THEMSELVES AND HOW

THAT CAN FIT INTO THEIR PROJECTS. MARKET, WHEN WE DEMONSTRATE THAT PEOPLE MATTER, DYNAMIC DESTINATIONS HAPPEN. IT'S JUST IT'S INHE HAVE VABL. I THINK TODAY'S SYMPOSIUM DEMONSTRATED THAT MANY OF THE -- MANY OF THESE PRESENTATIONS DEMONSTRATED THAT WHEN YOU HAVE PEOPLE IN MIND, YOU FULFILL AN UNMET NEED THAT REALLY HAS -- IT'S NOT JUST SOMETHING THAT WE'RE GUESSING IS AN UNMET NEED. PEOPLE ARE SPEAKING OUT AND ARE STATING THAT IF THEY HAVE THE OPTION TO CHOOSE BETWEEN CERTAIN CONDITIONS, THEY'RE CHOOSING THE CONDITIONS THAT WE'RE DESCRIBING TODAY, THE MAJORITY OF THE TIME. IT IS AFFORDABLE. I WANT TO DEBUNK THE MYTH THAT GREEN BUILDING COSTS MORE. IT'S REALLY HOW YOU CHOSE TO PRACTICE IT. IF YOU MAKE THE DECISION LATE IN THE GAME, IT COULD VERY WELL COST MORE. BUT IF YOU KNOW AT THE BEGINNING WHAT YOUR GOALS ARE AND YOU INTEGRATE THAT INTO YOUR PROCESS, THERE'S NO REASON WHY A SUSTAINABLE PROJECT HAS TO COST ANYTHING MORE THAN A CONVENTIONAL PROJECT. THE REDUCTION OF OPERATING COSTS IS SOMETHING THAT I WOULD IMAGINE MOST BUILDING OWNERS WOULD BE CONCERNED WITH. THE LIFE CYCLE PERFORMANCE OF THE PROJECTS, THE VALUE OF THE PROJECTS, YOUR PROPERTY WILL SELL FOR MORE BECAUSE OF WHAT IT HAS TO GIVE BACK. PART WHAT HAVE IT GIVES YOU IS YOU HAVE A DECREASE IN VACANCY. YOU IMPROVE YOUR CLIENT -- YOUR EMPLOYEE RETENTION. THEY'RE PRODUCING MORE. YOU'RE ALSO ATTRACTING TO THOSE FACILITIES. PEOPLE WANT TO BE IN THOSE BUILDINGS BECAUSE THEY'RE PLEASANT PLACES TO BE. REDUCE LIABILITY WHICH MEANS THAT YOU DON'T HAVE THE SIX BUILDING SICK SYNDROME THAT SO MANY COMPANIES HAVE BEEN CONCERNED WITH. YOUR INSURANCE COSTS ARE GREATLY MITIGATED WITH BETTER HEALTH. IT SHOWS WHEN YOU INCREASE YOUR SUNLIGHTING IN BUILDINGS YOUR SALES WILL INCREASE. THIS NEXT SLIDE IS AGAIN KIND OF TALKING ABOUT THE COST OF GREEN BECAUSE MORE THAN ANY OTHER QUESTION THAT I GET IS WHAT I DO IS THAT PEOPLE WANT TO KNOW WHAT IT COSTS. AND WHAT I REALLY WANT TO EXPRESS IS THAT APART FROM THE PROTOTYPE BUILDINGS, EVERY OTHER BUILDING IS UNIQUE. AND THERE ARE DECISIONS THAT ARE MADE THAT MAKE

THOSE BUILDINGS ONE OF A KIND AND BASED ON WHAT THAT VALUE STRUCTURE IS, IT'S VERY HARD TO COMPARE COST AND DETERMINE WHAT THE PREMIUM IS. I'M GOING TO TUCK TO A COUPLE OF -- TALK TO A COUPLE OF EXAMPLES OF THAT IN A SECOND. THIS IS A SLIDE THAT DEMONSTRATES HOW EASILY YOU CAN IMPROVE THE PERFORMANCE OF A BUILDING BY SPENDING MORE ON SIMPLE SYSTEMS LIKEN VEL ENVELOPE WITHOUT REDUCING COST. SABRA IS A COMPANY THAT WE'VE ALSO DONE A LEAD PROJECT FOR. AND THIS IS ONE WHERE WE DID DO A STUDY WHERE WE DETERMINED THAT IT COST 3.6% MORE THAN A CONVENTIONAL OFFICE CAMPUS. BUT THEN THE QUESTIONS THAT WE STARTED ASKING WERE WOULD THEY HAVE MET THE SAME ENERGY REDUCTIONS ON THEIR OWN? WAS THAT A VALUE? WOULD THEY HAVE PROVIDED THE SAME AMOUNT OF DAYLIGHT? WOULD THEY HAVE MADE THE SAME EFFORTS TO IMPROVE INDOOR AIR QUALITY. WHEN WE MAKE LABELS WE MAKE ASSUMPTIONS ABOUT WHAT THOSE PREMIUM COSTS WOULD BE. THIS IS WHAT I HAD TO SAY AS TO WHY THEY MADE THE DECISION TO BE A STEWARD. AND ONE, THEY WANTED TO BE PERCEIVED AS A HIGHLY TECHNOLOGICAL AND ONLINE SERVICES COMPANY, BUT ONE THAT IS A PREFERRED CHOICE FOR THEIR WORKERS. AND THEY KNEW THAT WHAT THEY WERE IMPLEMENTED WOULD PROVIDE ALL OF THE THINGS THAT WOULD MAKE THEM AN ATTRACTIVE COMPANY. RADIO SHACK, SAME THING. I WAS JUST AT THEIR GRAND OPENING YESTERDAY. BUT THEY'RE GOING THROUGH A BIG CULTURE SHIFT, HUGE CULTURE SHIFT. WE WERE WALKING THROUGH THE BUILDING YESTERDAY AND PEOPLE THAT HAD NO IDEA WHO WE WERE OR WHAT OUR ROLE WAS WITH THE PROJECT WERE THANKING US LEFT AND RIGHT FOR HAVING THE OPPORTUNITY TO WORK IN A FACILITY THAT PROVIDED A CAFETERIA AND A GYM AND BREATHABLE, CLEAN AIR AND TONS OF DAYLIGHT. AND WHAT WAS INTERESTING IS THAT RADIO SHACK SAID THAT IT DIDN'T REALLY MATTER THAT THEY WERE DOING THIS PROGRAM. THEY WOULD HAVE MADE A LOT OF SAME DECISIONS ANYWAY. IT IT WAS AN INHERENT VALUE THAT THEY HELD. SOMETHING ELSE THAT I THINK IS IMPORTANT TO BRING UP IS THAT WE HAVE TO BE AWARE OF THE DIFFERENCES IN HOW WE APPROACH URBAN VERSUS SUBURBAN VERSUS RURAL IN TERMS OF

DEVELOPMENT. URBAN INFILL IS SOMETHING I THINK WE NEED TO STRIVE VERY HARD TO DO WHENEVER IT'S APPROPRIATE, AND THESE ARE SOME OF THE THINGS -- THE QUESTIONS YOU WOULD ASK TO HELP MAKE THE DECISION AS TO WHAT THE MOST APPROPRIATE DECISION WOULD BE. AND THEN REGARDLESS OF WHERE IT IS, WE HAVE TO HEAL THE INJURED SITE THROUGH THE GRADING AND THE LANDSCAPES. EAT ISLAND MIT DPA -- HEAT ISLAND MITIGATION I KNOW IS SOMETHING THAT EVERYONE IS CONCERNED ABOUT IN AN URBAN CONTEXT. WHAT IT BOILS DOWN TO IS WHERE THERE WAS ONCE A VEGETATED AREA OF SOME SORT WE'VE REPLACED IT WITH TONS OF HARD SURFACES THAT AGAIN HAVE CONSEQUENCES. OUR DESIGN DECISIONS HAVE CONSEQUENCES. BUT THERE ARE WAYS TO MITIGATE THOSE DECISIONS. AND THIS IS JUST ONE OF THOSE EXAMPLES BY PLACING A GARDEN ON A ROOF. THIS IS THE CHICAGO CITY HALL, WHICH WAS ONE OF THE PILOT CITIES FOR THE HEAT ISLAND REDUCTION INITIATIVE. HOUSTON WAS ANOTHER ONE OF THOSE SIX CITIES THAT WAS PART OF THAT PROGRAM. ONE OF THE OTHER BENEFITS OF DOING THIS TYPE OF INSTALLATION IS THAT YOU HAVE SOUND ATTENUATION. YOU REMOVE POLLUTANTS FROM THE AIR. IT HOLDS WATER DURING FLOOD CONDITIONS. THESE ARE HUGE SPONGES AND THEY CAN HANG ON TO THAT WATER LONGER BEFORE IT GETS EXPELLED BACK ON TO OUR STREETS. AND SO THIS IS AN EXAMPLE OF SOME IMAGES. I'M SURE THOSE OF YOU THAT ARE FAMILIAR WITH HEAT ISLAND HAVE SEEN IT BEFORE. BUT THAT YELLOW REPRESENTS A BIG MASSIVE ROOF. AND THERE ARE THINGS THAT WE CAN DO TO MITIGATE THAT. SIMPLE THINGS LIKE SHADE, KNOWING THE DIFFERENCE BETWEEN WHEN PUTTING A DISSAIDIOUS AND EVERGREEN TREE WOULD BE APPROPRIATE. IN AN URBAN CONTEXT, A LOT OF TIMES FALLEN LEAVES ARE SEEN AS A NUISANCE AND SOMETHING YOU DON'T WANT, BUT IN WINTER MONTHS YOU MAY ACTUALLY WANT THE HEAT GAIN BY HAVING THESE LEAVES FALL. SO AGAIN IF IT'S SNOWING, WHAT THE APPROPRIATE -- IT SHOWING WHAT THE APPROPRIATE CHOICES ARE. WATER, THE MOST PRECIOUS RESOURCE, I THINK IT'S IMPORTANT THAT WE UNDERSTAND NATURAL DRAINAGE PATTERNS, ESPECIALLY WHEN WE'RE OUT IN GREENER CONTEXT AND HAVE THE ABILITY TO WORK ON

THE SITE WHERE WE ARE. JUST DEALING WITH STORM WATER WHERE IT FALLS, COLLECTING AND CONSERVING WHERE WE CAN. PAVING. THERE ARE TONS OF THINGS TO DO WITH PAVING. THIS IS SOMETHING THAT GETS BACK TO THE HEAT ISLAND EFFECT WHERE WE'RE CHOOSING SURFACES THAT HAVE A COOL SURFACE, ROOFS THAT AREN'T GREEN CAN ALSO HAVE COOL SURFACES, AND THAT'S DONE BY THE COLOR OF THE MATERIAL, BUT ALSO A MEASUREMENT OF ITS REFLECTIVE PROPERTIES. AND LASTLY, THIS IS A VERY IMPORTANT ONE, I THINK, IS TO BUY REGION ALLY BECAUSE AS WE CREATE THE DEMAND FOR THE MATERIALS AND ITEMS THAT MAKE THESE PRACTICES POSSIBLE, THEY LOCATE IN OUR AREA. WHY NOT BRING MORE OF THE BUSINESSES THAT ARE SUPPLYING THE RESOURCES FOR THIS TYPE OF EFFORT BE RIGHT HERE? LET'S SET THE EXAMPLE IN THE LEAD FOR WHAT EVERYONE ELSE SHOULD BE DOING. SO IN CLOSING, I'D LIKE TO REITERATE THAT THE BIG PICTURE APPROACH OF SUSTAINABLE DESIGN AND CONSTRUCTION IS ALL ABOUT PEOPLE AND RESPECTING THE BALANCE THAT PROMOTES OUR WELL-BEING. THE INDIVIDUALS AND ORGANIZATIONS THAT EXIST IN OUR REGION -- AND AGAIN, THE RESOURCES THAT WE HAVE RIGHT HERE IN AUSTIN ARE AWESOME. I SHOULD SAY CENTRAL TEXAS BECAUSE IT'S NOT JUST AUSTIN. BUT AGAIN, IT'S A TESTIMONY TO THE PUBLIC'S GROWING AWARENESS OF THE NEED FOR A HOLISTIC APPROACH THAT DECADE PAST WAS A COMMON SENSE APPROACH. AND THAT THIS AREA REALLY HAS THE ABILITY WITH THE RESOURCES THAT ARE HERE AND THE LEADERSHIP THAT WE HAVE IN PLACE TO SET THE MODEL FOR WHAT OTHER AREAS IN THE COUNTRY ARE GOING TO EMULATE. THANK YOU VERY MUCH.

McCracken: THAT IS OUR PRESENTERS. GEORGE IS GOING TO GIVE US THE ROAD MAP AND WE'LL BE DONE. BUT REALLY -- IF KATY, IF YOU COULD STAND UP REAL QUICK AND ALICE IS MANAGING THIS ENTIRE PROCESS, AND THEN KAREN AND JERRY. I SAW JERRY. ANYWAY, THESE ARE FOLKS THAT WORK INCREDIBLY HARD ON THIS. GEORGE, TELL US ABOUT THAT.

THANK YOU, MAYOR AND COUNCILMEMBERS. MY NAME IS GEORGE ADAMS. I'M WITH THE NEIGHBORHOOD PLANNING

AND ZONING DEPARTMENT. AND I'M GOING TO VERY BRIEFLY REVIEW THE PROCESS THAT HAS GONE ON TO DATE AND JUST GIVE YOU AN OVERVIEW OF THE STATUS OF WHERE WE'RE AT TODAY. THIS LATEST WORK ON COMMERCIAL DESIGN STANDARDS BEGAN APPROXIMATELY IN OCTOBER OF 2003 WITH SOME INITIAL STAKEHOLDER MEETINGS AS A CORE GROUP OF INTERESTED CITIZENS AND INCLUDING COUNCILMEMBER MCCracken AND OTHER STAFF MEMBERS. IN FEBRUARY OF 2004 THE CITY COUNCIL PASSED A RESOLUTION DIRECTING THE CITY MANAGER TO PREPARE RECOMMENDATIONS FOR CITYWIDE DESIGN STANDARDS FOR COMMERCIAL AND RETAIL DEVELOPMENT. IN MARCH AND APRIL OF 2004, STAFF PUT TOGETHER AND MONITORED AN ONLINE COMMERCIAL DEVELOPMENT PREFERENCE SURVEY, AND I'LL TALK MORE ABOUT THE SPECIFICS OF THAT IN JUST A MINUTE. IN MAY OF 2004 A TASKFORCE WAS ASSEMBLED CONSISTING OF BOARD AND COMMISSION MEMBERS, MANY OF WHOM HAVE SPOKEN HERE TONIGHT. COUNCIL AIDES AND CITY STAFF, THEY BEGAN MEETING IN MAY OF 2004. JUNE OF 2004, ROBERT GIBBS, WHO IS A NATIONALLY RECOGNIZED RETAIL CONSULTANT, CAME TO TOWN AND CONDUCTED A NUMBER OF WORK SESSIONS ON COMMERCIAL DESIGN STANDARDS. IN NOVEMBER OF 2004 A DRAFT TASKFORCE PROPOSAL WAS PRESENTED TO A LARGER STAKEHOLDER GROUP, WHICH INCLUDES REAL ESTATE, DEVELOPMENT, NEIGHBORHOOD DESIGN AND ENVIRONMENTAL REPRESENTATIVES. AND THEY HAVE BEEN WORKING ON THAT -- WORKING THROUGH THAT TASKFORCE DRAFT PROPOSAL SINCE THAT TIME. JANUARY OF 2005 THERE WERE FOCUS GROUP MEETINGS TO PRESENT THE TASKFORCE PROPOSAL. AND AS I MENTIONED, THERE WERE ONGOING STAKEHOLDER MEETINGS ON THE PROPOSAL TO DATE. A LITTLE MORE DETAIL ON THE COMMERCIAL DEVELOPMENT PREFERENCE SURVEY. THE SURVEY WAS WIDELY PUBLICIZED THROUGH E-MAIL, MEDIA PROMOTION. IT WAS INCLUDED IN THE -- IN THE AT YOUR DESKTOP NEIGHBORHOOD ASSOCIATION NEWSLETTER. THERE WERE APPROXIMATELY 5500 RESPONSES TO THE SURVEY, WHICH IS FAIRLY PHENOMENAL FOR THIS TYPE OF EFFORT. THE SURVEY INCLUDED A NUMBER OF -- A VARIETY OF QUESTIONS, INCLUDING DEMOGRAPHIC QUESTIONS SUCH AS WHERE DO YOU LIVE, WHAT IS YOUR GENDER, WHAT IS

YOUR AGE, DO YOU HAVE CHILDREN, HOW DO YOU TRAVEL TO RETAIL AND COMMERCIAL DESTINATIONS MOST FREQUENTLY? AND INTERESTINGLY WHETHER YOU WORK IN REAL ESTATE DEVELOPMENT OR DESIGN PROFESSIONS, WHICH APPROXIMATELY 20% OF THE RESPONDENTS INDICATED THAT THEY DID WORK IN THOSE PROFESSIONS. VERY BRIEFLY, THERE WERE QUESTIONS DEALING WITH BUILDING DESIGNS, PREFERRED PATTERNS OF REDEVELOPMENT, DEVELOPMENT ORIENTATION BOTH IN GENERAL AND BASED ON DIFFERENT ROADWAY TYPES. PEDESTRIAN AND VEHICULAR CONNECTIVITY WITHIN SITES AND BETWEEN SITES. AND THEN FINALLY SIGNAGE. AND JUST ONE QUICK COMMENT ON THIS SLIGHT, WE'VE HIGHLIGHTED THAT ACROSS THE BOARD THERE WAS STRONG INTEREST OBVIOUSLY BASED ON THE NUMBER OF RESPONSES, BUT ALSO STRONG SUPPORT FOR MANY OF THE IDEAS THAT WERE INCLUDED IN THE SURVEY. STAFF HAS ALSO CONDUCTED FAIRLY EXTENSIVE RESEARCH ON BEST PRACTICES ACROSS THE COUNTRY. AND THIS RESEARCH HAS IDENTIFIED NUMEROUS COMMUNITIES BOTH WITHIN TEXAS. MANY RIGHT HERE IN CENTRAL TEXAS AND ACROSS THE COUNTRY WHO HAVE DEVELOPED DESIGN STANDARDS. JUST A FEW EXAMPLES OF THOSE TYPE OF OTHER CITIES THAT HAVE LOOKED INTO THIS ISSUE AND ACTED ON IT. FOR EXAMPLE, ON DEVELOPMENT ORIENTATION, NUMBER OF CITIES INCLUDING SAN ANTONIO, PORTLAND, SAN DIEGO, SARASOTA, FLORIDA HAVE ENACTED REGULATIONS DEALING WITH MAXIMUM SETBACKS OR DEVELOPMENT ORIENTATION. PEDESTRIAN AND VEHICULAR CONNECTIVITY WITHIN AND BETWEEN SITES HAS BEEN MENTIONED SEVERAL TIMES. PARKING MAXIMUMS. ONCE, SAN ANTONIO, PORTLAND, FORT COLLINS, COLORADO. ALSO A NUMBER OF CITIES HAVE ACTED ON GIVING CREDIT TO COMMERCE AND RETAIL -- COMMERCIAL AND RETAIL PROJECTS FOR ON STREET PARKING, COUNTING THOSE TOWARD THE PARKING REQUIREMENTS. SCREENING IS A FAIRLY COMMON PRACTICE IN MANY OTHER CITIES, INCLUDING PORTLAND AND SAN DIEGO, MILWAUKEE, AND LIGHTING, BASICALLY REGULATING THE QUALITY OF LIGHT THAT IS EMITTED FROM COMMERCIAL AND RETAIL SITES. ONCE AGAIN, VERY BRIEFLY, I'D JUST LIKE TO TALK A LITTLE BIT ABOUT THE STRUCTURE OF THE

PROPOSAL, WHERE WE'RE AT TODAY. IN VERY GENERAL TERMS, THE PROPOSAL IDENTIFIES STANDARDS BY VARIOUS CATEGORIES, WHICH YOU'VE HEARD MENTIONED SEVERAL TIMES TONIGHT. FOR EXAMPLE, DEVELOPMENT ORIENTATION, CONNECTIVITY, LANDSCAPING, LIGHTING, SIGNAGE, BUILDING DESIGN. WITHIN THOSE CATEGORIES THERE ARE CERTAIN STANDARDS THAT ARE PROPOSED CITYWIDE. FOR EXAMPLE, LIGHTING OR CREATING WALKABLE DEVELOPMENT PATTERNS BY BREAKING UP SUPER BLOCKS INTO SMALLER, MORE WALKABLE COMPONENTS. THEN THERE ARE OTHER STANDARDS WITHIN THOSE CATEGORIES THAT ARE APPLIED ACCORDING TO ROADWAY TYPE. A COUPLE OF THE PRIME EXAMPLES -- THE PRIME EXAMPLE BEING DEVELOPMENT ORIENTATION OR MAXIMUM FRONT SETBACKS. IN TAKING THIS APPROACH OR LINKING THESE STANDARDS ACCORDING TO ROADWAY TYPE ALLOWS US TO PROVIDE A GREEL OF FLEXIBILITY IN AREAS WHERE IT'S WARRANTED. FOR EXAMPLE, ALONG MAJOR HIGHWAYS. AND ALLOWS US TO ALSO SPECIFY MORE RESTRICTIVE STANDARDS, FOR EXAMPLE, ON HIGHWAYS WITH A HIGH LEVEL OF TRANSIT SERVICE WHERE DIFFERENT DEVELOPMENT PATTERNS MAY HAVE A LOT OF THE POTENTIAL BENEFITS THAT YOU'VE HEARD ABOUT FROM EARLIER SPEAKERS. THE PROPOSAL ALSO TRIES TO FOCUS ON THE MOST IMPORTANT PRINCIPLES. FOR EXAMPLE, DEVELOPMENT ORIENTATION, LOCATION OF PARKING. AND THE GOAL THAT WE'RE TRYING TO GET TO IS TO PROVIDE FLEXIBILITY IN ACHIEVING THOSE PRINCIPLES BOTH IN TERMS OF WHERE THEY'RE APPLIED WITHIN THE CITY, BUT ALSO HOW THEY CAN BE ACHIEVED ON A PARTICULAR SITE. FINALLY, I JUST WANT TO TALK A LITTLE BIT ABOUT APPLICABILITY OF THE ORDINANCE. THE PROPOSAL WOULD GENERALLY APPLY TO RETAIL, OFFICE AND MIXED USE PROJECTS, BUT A VERY IMPORTANT POINT IS WHERE CONFLICTS EXIST BETWEEN THE PROPOSED STANDARDS AND EXISTING STANDARDS SUCH AS THE NEIGHBORHOOD PLAN COMBINING DISTRICTS OR THE NEIGHBORHOOD CONSERVATION COMBINING DISTRICTS, TRADITIONAL NEIGHBORHOOD DISTRICTS OR CONDITIONAL OVERLAYS THAT ARE APPLIED AS A ZONING CASE WHERE THERE ARE CONFLICTS BETWEEN THOSE PROPOSED SFDZ AND EXISTING STANDARDS, THE PROPOSAL STATES THAT THE

EXISTING STANDARDS WOULD TAKE PRECEDENCE. SO WITH THAT I'LL WRAP IT UP, AND THANK YOU VERY MUCH.

McCracken: THANK YOU. WE'RE EXPECTING TO COME BACK TO PUBLIC HEARING ON MARCH 24TH. SO EVERYBODY HAS BEEN WORKING HARD TO NEGOTIATE WITH EACH OTHER, BUT I THINK AS YOU'VE SEEN, A LOT OF TALENTED PEOPLE PUT A LOT OF EFFORT INTO THIS. THANK YOU VERY MUCH FOR COMING THIS EVENING.

Mayor Wynn: THANK YOU VERY MUCH. LOOK FORWARD TO THE PUBLIC HEARING AND THE PROGRESS. AND AGAIN, WE APOLOGIZE TO FOLKS WHO HAVE BEEN WAITING FOR THE ZONING CASES. WE'RE LOSING A COUPLE OF OUR CONSULTANTS AND SO AT THIS TIME WE'LL GO BACK TO OUR ZONING CASES. MR. GURNSEY, I THINK WE HAD TWO DISCUSSION ITEMS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

THE PROPERTY IS LOCATED NORTH OF PALMER LANE AND EAST OF MOPAC, WE HAVE A FIRE STATION LOCATED RIGHT IN THIS LOCATION. THERE ARE LOCATED ALONG PALMER LANE AT THIS TIME WHICH CURRENTLY ARE NOT CONFORMING USES EVEN THOUGH YOU HAVE INTERIM R ZONING SOUTH -- EAST OF THIS TRACT THAT IS USED AS A POOL SERVICE COMPANY AND IN THE RESIDENTIAL TRACT BUT THAT IS USED AS A QUICK LUBE, THE AREA USED PRETTY MUCH TO THE NORTH OF THIS TRACT ACROSS THE STREET DIRECTLY THE TO THE NORTH AND TO THE EAST IS INTERIM EXISTING RR RURAL RESIDENTIAL ZONING. THE STAFF ALSO RECOMMENDED SF 1, SINGLE FAMILY RESIDENTS LARGE LOT DISTRICT ZONING ON THIS PROPERTY, BUT IF THE COUNCIL WOULD LIKE TO CONSIDER MORE INTENSIVE COMMERCIAL ZONING ON THE SITE THEN STAFF WOULD ALSO RECOMMEND THAT 30 FEET OF RIGHT OF WAY SHOULD BE DEDICATED. THE EXISTING RIGHT OF WAY IS CURRENTLY 50 FEET AND SERVES A RESIDENTIAL NEIGHBORHOOD, THE PROPERTY OWNER WOULD LIKE TO UTILIZE THE LR ZONING FOR FUTURE BARBER SHOP OR HAIR SALON TYPE OF USE, AND THE REASON FOR THE STAFF RECOMMENDATION IS THAT THE TRACTS IN THIS AREA ARE IMMEDIATELY ADJACENT TO THE PROPERTY ARE SINGLE FAMILY RESIDENTIAL AND UNLIKE THE TRACKS THAT ARE

ALONG PALMER LANE, THIS WOULD ONLY TAKE ACCESS TO A RESIDENTIAL COLLECTOR'S STREET. THE APPLICANT IS -- AGENT IS HERE, MR. TANG YOUNG IS HERE ON BEHALF OF THE OWNER, AS I SAID BEFORE THIS IS A ZONING REQUEST TO LR ZONING AND THE ZONING PLATTING COMMISSION RECOMMENDED SF ONE DISTRICT ZONING. IF YOU HAVE ANY QUESTIONS I WILL BE MORE THAN HAPPY THEM. AS I SAID BEFORE, THE APPLICANT IS HERE. I'M NOT AWARE OF ANY OTHER CITIZENSS SIGNED UP FOR THIS ITEM BUT THE APPLICANT IS HERE.

CORRECT, MR. GURNSEY, NO CITIZEN, JUST THE APPLICANT. IF NOT, WE WOULD TYPICALLY HAVE A APPLICANT FIVE-MINUTE PRESENTATION. MR. GIYUNG.

YES, SIR.

GOOD EVENING, MEMBERS OF THE CITY COUNCIL, I REPRESENT MY BROTHER, THE APPLICANT, FOR THE REZONING. I JUST WANT TO MAKE IT KNOWN THAT THE REASON WHY HE'S ASKING FOR REZONING IS TO OPEN UP A SMALL BARBER SHOP, NOT A BIG FACILITY OR ANYTHING, TO SERVE THE NEIGHBORHOOD. AND I -- I KNOW THERE'S THE CONCERN ABOUT TRAFFIC, BUT BECAUSE WE SERVE THE NEIGHBORS, SO THERE'S GOING TO BE VERY MINIMAL TRAFFIC INCREASE, SO I JUST WANT TO HOPEFULLY YOU GUYS CAN DREAM OF OPENING UP A BARBER SHOP COME TRUE. THANK YOU.

Winn: THANK YOU, QUESTIONS TO HAVE APPLICANT, COUNCIL? COMMENTS? THANK YOU, SIR. MR. GURNSEY, I'M SORRY, I'M SURE YOU TOLD US, STAFF RECOMMENDATION?

THE STAFF RECOMMENDATION WAS FOR SF 1 ZONING AND IF MORE INTENSIVE ZONING, COMMERCIAL ZONING IS RECOMMENDED BY THE COUNCIL ON THEIR FIRST READING ACTION, THAT WE ALSO WOULD INCLUDE THAT 30 FEET OF RIGHT OF WAY BE DEDICATED FROM THE CENTER LINE. THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO APPROVE THE STAFF RECOMMENDATION BUT IN ADDITION -- BUT IN ADDITION THE COMMISSION DIRECTED STAFF TO TAKE THE AREA THAT IS CURRENTLY ZONED INTERIM RR WHICH IS THE AREA NORTH AND EAST AND

WEST OF THIS PROPERTY TO INITIATE A ZONING CASE TO REZONE THIS ENTIRE NEIGHBORHOOD TO SINGLE FAMILY SF 1 ZONING, SINGLE FAMILY LARGE LOT ZONING.

OKAY. THANK YOU, ANY COMMENT, COUNCIL, QUESTION?
COUNCILMEMBER SLUSHER?

Slusher: SO THIS IS -- EXCUSE ME, LIKE TWO LOTS OFF PALMER, ITS CLOSE TO PARMER BUT IT'S NOT IN A NEIGHBORHOOD OF EXISTING SINGLE FAMILY HOMES?

YES, IT'S ONE LOT AND IT DOES NOT INVOLVE PARMER LANE. THE PROPERTY ACROSS THE STREET TO THE WEST IS CURRENTLY UNDEVELOPED.

Slusher: THE PROPERTY IS WHAT.

CURRENTLY UNDEVELOPED, THE PROPERTIES TO THE NORTH AND TO THE EAST HAVE EXISTING SINGLE FAMILY HOMES.

Slusher: OKAY. THANKS.

Winn: FURTHER COMMENT, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON KZ-18.

Slusher: MR. GURNSEY, LET ME ASK ANOTHER QUESTION. SO IF YOU GO OVER ONE STREET TO SILVER SPUR, THE SAME SITUATION THERE, THE LOTS THAT ARE -- I GUESS ONE END JUST LIKE THIS ONE IS -- THOSE ARE EXISTING SINGLE FAMILY HOMES?

YES, THE AREA ALONG SILVER SPUR, WHICH IS IMMEDIATELY BEHIND THE SUBJECT TRACT TO THE EAST AND ACROSS THE STREET FROM THAT PROPERTY ARE EXISTING SINGLE FAMILY HOMES. AT THE ACTUAL CORNERS YOU HAVE SOME OTHER OFFICE BUT THERE ARE COMMERCIAL USES, THOSE HAVE DIRECT ACCESS TO PARMER LANE.

Slusher: I'M SORRY, GO AHEAD.

I WAS GOING TO SAY ONE STREET FURTHER OVER YOU DO HAVE ANOTHER NEIGHBORHOOD BUT AGAIN THOSE LOTS

OFF OF PARMER LANE DO NOT HAVE ANY COMMERCIAL
LEASE SLUSH LUSH THIS ONE LOT LOOKS LIKE ON
BRANDYWINE I GUESS WOULD BE HIS ADDRESS, THAT IT
BACKS UP TO PARMER, THAT LOT BACKS UP TO PARMER, IS
THAT CORRECT? SO THERE'S NOT EACH A COMMERCIAL
PROPERTY THERE?

ON --

Slusher: NO, GO DOWN, TOMANET, SILVER SPUR, LIMERICK
AVENUE, WE DON'T HAVE A AERIAL PHOTOGRAPH, WE JUST
HAVE A MAP OF IT.

YOU'RE TALKING ABOUT THIS AREA.

Slusher: RIGHT.

SINGLE FAMILY HOMES.

Slusher: RIGHT ABOUT ON THE CORNER, SINGLE FAMILY
HOME.

RIGHT HERE IT LOOKS LIKE AN EXISTING SINGLE FAMILY
HOME AND IT DOES NOT TAKE ACCESS TO PARMER. THAT'S
CORRECT, STAFF HAS RECOMMENDED AND COUNCIL AND
COMMISSION HAS RECOMMENDED STAFF
RECOMMENDATION, COUNCIL HAS GRANTED MORE
INTENSIVE ZONING RIGHT ALONG PARMER LANE WHERE YOU
HAD EXISTING SINGLE FAMILY HOMES THAT FACE PARMER
LANE, WE HAVE REQUESTS A LITTLE BIT AROUND THE
CORNER FROM THIS AND FURTHER IN AN STAFF WOULD NOT
MAKE A RECOMMENDATION TO UP-ZONE THOSE
PROPERTIES EITHER.

Slusher: YOU HAVEN'T RECOMMENDED ANYTHING THAT GOES
BACK INTO THE NEIGHBORHOOD, ONLY ONES THAT FRONT
ON PARMER.

NOT AT THIS TIME.

Slusher: DO YOU ANTICIPATE ANYTHING LIKE THAT?

NO, NOT AT THIS TIME.

Slusher: OKAY. WELL, MAYOR, I UNDERSTAND THAT GENTLEMAN WOULD LIKE TO OPEN UP A BARBER SHOP AND I WISH I COULD SUPPORT THAT, BUT IT JUST SEEMS LIKE THIS IS IN A SINGLE FAMILY NEIGHBORHOOD AND REGARDLESS OF THE INDIVIDUAL, THAT THAT IS NOT APPROPRIATE USE FOR HERE AND SO I WOULD HAVE TO MOVE FOR STAFF RECOMMENDATION AND SAY THAT THERE'S LOTS OF -- THERE ARE A LOT OF COMMERCIAL PROPERTIES WHERE A BARBER SHOP WOULD BE VERY APPROPRIATE.

Winn: MOTION MADE BY COUNCILMEMBER SLUSHER TO CLOSE THIS PUBLIC HEARING AND APPROVE STAFF RECOMMENDATION ON Z-18, I'LL SECOND THAT, WITH THE SAME COMMENT, AND I HOPE MR. GIANG UNDERSTANDS THAT OUR CHARGE HERE IS TO LOOK AT THE UNDERLYING LAND AND THE LONG-TERM IMPLICATIONS OF THE LAND USE AND TRUST THAT THERE ARE A NUMBER OF APPROPRIATE COMMERCIAL SITES VERY CLOSE TO THIS PROPERTY, EVEN, THAT COULD BE VERY SUITABLE FOR HIS BARBER SHOP. FURTHER COMMENTS? QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. AYE. OPPOSED. MOTION PASSES OP A VOTE ON 0 A VOTE OF 7-0.

NEXT CASE IS C 14-04-0140. SWAF FORD PROPERTY, LOCATED AT 2108 KINNEY AVENUE, AND THIS IS A ZONING REQUEST FROM FAMILY RESIDENCE SF-3, DISTRICT ZONING, TO NEIGHBORHOOD OFFICE, THE ZONING AND PLATTING COMMISSION RECOMMENDED TO GRANT NEIGHBORHOOD COMMERCIAL DISTRICT ZONING. PROPERTY IS LOCATED AT...

MR. GURNSEY, EXCUSE ME, I WANTED TO CLARIFY, COUNCILMEMBER SLUSHER, THERE'S NOT AN ORDINANCE READY FOR CASE Z-18, THAT WAS THE FIRST READING ONLY.

OKAY.

THAT'S CORRECT, IT WAS JUST FOR FIRST READING ONLY FOR THE SF 1.

AND ITEM NUMBER Z-19, THIS PROPERTY IS LOCATED ON KINNEY AVENUE JUST NORTH OF LAMAR BOULEVARD, THE

PROPERTY NORTH OF LAMAR IS ZONED OFFICE, EXISTING SINGLE FAMILY USES TO THE WEST AND ALSO TO THE NORTH, ACROSS THE STREET YOU HAVE SOME PROPERTY THAT ZONED COMMERCIAL, CS, AND FURTHER CS AT THE CORNER DOWN, HERE THERE IS A LAUNDRY RIGHT AT THE END OF KIN NIVMENT. OF -- KINNEY. THE PROPERTY CONSISTS OF APPROXIMATELY .15 ACRES OR 6,853 SQUARE FEET, THIS IS A REZONING TO NEIGHBORHOOD OFFICE ZONING, THE PROPERTY AT 2108 KINNEY AVENUE HAS BEEN RECOMMENDED BY THE ZONING AND PLATTING COMMISSION FOR THE NO-CO ZONING WITH SOME RESTRICTIONS AND THESE WOULD BE TO LIMIT THE NUMBER OF TRIPS PER DAY TO A MAXIMUM OF 100, TO THE SF-3, WHICH IS THE FAMILY RESIDENCE DISTRICT SITE DEVELOPMENT REGULATION. THIS WOULD SPEAK TO IMPERVIOUS COVER, HEIGHT, SETBACKS. ALSO TO MAKE A DAY CARE, BED AND BREAKFAST, SAFETY SERVICES, COUNSELING SERVICES, COMMUNICATION SERVICE FACILITY, FAMILY HOME, PRIVATE AND PUBLIC EDUCATIONAL SERVICES, COMMUNITY RECREATION, CONGREGATE LIVING, GROUP HOME, AN UTILITY SERVICES, AS PROHIBITED USES, AND THIS WAS RECOMMENDED TO THE COUNCIL ON A 6-2 VOTE. THIS PROPERTY IS LOCATED IN THE PROPOSED PLANNING AREA, STAFF ANTICIPATES THIS NEIGHBORHOOD PLANNING PROCESS WON'T START UNTIL LATER THIS YEAR, WE HAVE RECEIVED A VALID PETITION AGAINST THE REZONING OF THIS PROPERTY, AND THAT STANDS CURRENTLY AT 26.22%. WE DO HAVE AN ORDINANCE THAT IS READY THAT EXPRESSES THE RECOMMENDATION OF THE ZONING AND PLATTING COMMISSION, HOWEVER, IT WOULD TAKE A SUPER MAJORITY OR SIX OUT OF SEVEN VOTE TO OVERRIDE THAT PETITION. THERE ARE I BELIEVE TEN OR 11 SPEAKERS THAT ARE HERE TONIGHT TO SPEAK TO THIS ITEM. THE APPLICANT AND THE NEIGHBORHOOD -- ONE OF THE NEIGHBORHOOD REPRESENTATIVES HAVE BEEN DISCUSSING THE POSSIBILITY OF FURTHER TRIP LIMITATIONS, BUT I'LL LET BOTH PARTIES PROBABLY SPEAK TO THOSE ISSUES AND THERE MIGHT BE SOME POSSIBLE RESOLUTION ON THE ZONING ON THIS PROPERTY. AT THIS TIME IF YOU HAVE ANY QUESTIONS I'LL BE HAPPY TO ANSWER THEM, OTHERWISE I'LL LET THE APPLICANT'S AGENT SARAH CROCKER COME

FORWARD AND SPEAK TO THE CASE.

I'M SORRY, STAFF RECOMMENDATION ON THIS CASE WAS?

THE STAFF RECOMMENDATION WAS TO NOT RECOMMEND THE CHANGE IN ZONING AND TO KEEP THE PROPERTY FAMILY RESIDENCE DISTRICT ZONING.

OKAY. WELCOME, MRS. CROCKER.

THANK YOU.

YOU'LL HAVE FIVE MINUTES.

MY NAME IS SARAH CROCKER AND I'M HERE TONIGHT ON BEHALF OF SWAFFORD. HE'S AN ATTORNEY HERE IN TOWN, EXCUSE ME, AND HE CURRENTLY HAS HIS -- HAS HAD HIS OFFICE ON WEST 6th STREET, ONE OF THE SMALL HOUSES ON WEST 6th STREET FOR A NUMBER OF YEARS AND HE LIVES ON NASH AVENUE IN THIS NEIGHBORHOOD AND LOOKING TO PURCHASE A PARTICULAR HOME TO HAVE HIS LAW OFFICE IN. HE HAS FOCUSED HIS PRACTICE ON WORKING AS A JURY SELECTION EXPERT. HE HAS ONE SECRETARY, AND HAS HAD ONLY THAT AMOUNT OF HELP IN THIS PRACTICE BY HIMSELF FOR 20 YEARS AND DOES NOT ANTICIPATE THAT THAT PATTERN IN HIS LAW PRACTICE WOULD CHANGE, HE DOESN'T HAVE A LOT OF CLIENTS THAT COME IN AND OUT. I BELIEVE THAT MR. GURNSEY READ MOST OF THE CONDITIONS THAT WE OFFERED UP FOR THIS PARTICULAR TRACT. WE DID AGREE TO THE SF 3 SITE DEVELOPMENT REGULATION, THIS IS A VERY SMALL HOUSE, IT'S NOT QUITE 1100 SQUARE FEET. MR. SWAFFORD HAS BEEN TALKING TO ONE OF THE ADJACENT NEIGHBORS TONIGHT, WE WOULD LIKE TO PUT OUT ON THE TABLE THAT WE WOULD BE HAPPY TO LIMIT THE TRIPS TO THIS PARTICULAR SITE TO 30 TRIPS A DAY. HE SIMPLY DOES NOT NEED ANYMORE, AND MR. GURNSEY WILL NEED TO CONFIRM THAT NUMBER, BUT THAT WOULD APPEAR TO BE SUFFICIENT FOR THE SQUARE FOOTAGE FOR THE HOUSE, AND WOULD PERMIT THE USE. I HAVEN'T HAD A LOT OF DISCUSSIONS WITH THE NEIGHBORHOOD, PRIMARILY BECAUSE YOU KNOW I WILL BE LEAVING. WE WILL BE WORKING WITH THE NEIGHBORHOOD THROUGHOUT THE PROCESS TO FINISH

THE CASE UP, AND MR. SWAFFORD HAS BEEN TALKING TO SOME OF THE NEIGHBORS THIS EVENING. IF YOU LOOK AT THE PETITION, NEIGHBORHOOD OFFICE IS PROBABLY ONE OF THE HARDEST ZONING CLASSIFICATIONS TO GET, IT'S ALWAYS SORT OF PUZZLED ME BECAUSE IT IS DESIGNED TO PLACE THIS TYPE OF A USE IN OR AROUND A SINGLE FAMILY NEIGHBORHOOD. THAT'S WHAT IT'S DESIGNED TO DO. THAT'S WHAT IT'S CALLED FOR IN THE CODE AN YET IT'S ALWAYS ONE OF THE TOUGHEST CLASSIFICATIONS TO GET. THE NEIGHBORHOODS ON THE BACK OF THEIR PETITION BASICALLY SAY THEY ARE CONCERNED ABOUT PLACING A BUSINESS USE BETWEEN TWO EXISTING RESIDENTIAL USES, ON ONE SIDE WE HAVE A SINGLE FAMILY HOUSE, ON THE OTHER SIDE WE HAVE AN APARTMENT COMPLEX, THERE'S BEEN A LAUNDROMAT, AS MR. GURNSEY POINTED OUT AND ACROSS THE STREET THERE'S A CATERING COMPANY, YOU CAN LOOK ACROSS THE STREET AND SEE OFFICE DEPOT, THAT'S THE VIEW FROM YOUR FRONT YARD, THERE'S ALWAYS A CONCERN ABOUT NEIGHBORHOOD CREEP OR COMMERCIAL CREEP INTO THE NEIGHBORHOOD, WHAT WE DO, IF YOU TURN TO THE LAST PAGE OF THE HANDOUT I GAVE YOU, WE WENT AND WE SCALED OFF THE DEPTH OF COMMERCIAL DEVELOPMENT THAT CURRENTLY EXIST ON ALL THE MAJOR STREETS ON THIS SIDE OF LAMAR AND IF YOU LOOK, WE HAVE COLLIER, HEATHER, KINNEY, OXFORD, GOODRICH AND BLUEBONNET, THOSE STREET, THE COMMERCIAL DEVELOPMENT GOING DOWN THOSE PARTICULAR STREETS AVERAGES 410.83 LINEAR FEET OFF OF LAMAR, THIS PARTICULAR STREET ON KINNEY HAS 200 FEET ON ONE SIDE OF COMMERCIAL COMMERCIAL DEVELOPMENT, 220, IF THIS PROPERTY WAS ZONED NO, IT WOULD MAKE THE AVERAGE ON THIS PARTICULAR SITE 235 FEET WHICH IS WELL BELOW THE AVERAGE FOR COMMERCIAL DEVELOPMENT OFF OF LAMAR ON ALL THE MAJOR STREETS COMING OFF OF LAMAR THAT ARE ADJACENT TO THIS PARTICULAR PIECE OF PROPERTY. SO I DON'T FEEL THAT THIS IS A VERY SMALL LOT, VERY SMALL HOUSE, IT COULD NOT BE TORN DOWN AND REDEVELOPED BECAUSE OF COMPATIBILITY STANDARDS AND WE DON'T FEEL THAT IT FURTHER ENCOACHES OR PUTS MORE COMMERCIAL DEVELOPMENT DEEPER INTO THE NEIGHBORHOOD THAN IS ALREADY IN EXISTENCE ALL UP

AND DOWN LAMAR. THE NEIGHBORHOOD ALSO STATES, AND I THINK THAT WE CAN ADDRESS THE TRAFFIC USES OF -- BY LIMITING THE TRIPS TO 30 TRIPS A DAY WHICH MEANS NOBODY COULD COME IN AND BASICALLY PUT A USE OR DO ANYTHING TO THE BUILDING THAT WOULD INCREASE THAT NUMBER OVER 30 WITHOUT COMING BACK THROUGH THE ZONING PROCESS. THEY ALSO TALK ABOUT THAT -- THAT THERE'S AN ABUNDANCE OF OFFICE SPACE AVAILABLE ALONG LAMAR OR BASICALLY COMMERCIAL SPACE ALONG LAMAR THAT IS NOT BEING USED RIGHT NOW. THIS PARTICULAR PURCHASE AND THIS ZONING CASE IS ABOUT A SINGLE BUSINESS OWNER WISHING TO OWN THE PROPERTY. HE'S RENTED OFFICE SPACE FOR A NUMBER OF YEARS AND THIS IS ABOUT OWNERSHIP. HE PLANS ON BEING IN PRACTICE A GOOD ANOTHER FIFTEEN OR 20 YEAR, LOOKING TO PURCHASE THIS PROPERTY SO HE CAN LIVE AND WORK WITHIN HIS OWN NEIGHBORHOOD. I HOPE THAT YOU'LL CONSIDER THIS PARTICULAR CASE. I KNOW THAT MR. SWAFFORD IS LOOKING FORWARD TO WORKING WITH THE NEIGHBORHOOD TOWARD ATTEMPTING TO FIND SOME KIND OF RESOLUTION TO THIS PARTICULAR MATTER ON THIS ZONING CASE WITH REGARD TO THE VALID PETITION. THANK YOU.

THANK YOU, MS. CROCKER, GOOD TIMING. COUNCIL NOW HEAR FROM THOSE CITIZENS WHO SIGNED UP IN OPPOSITION TO THIS ZONING CASE, AND WE WILL START WITH BOBBY RIGNE. BOBBY RIGNE? THANK YOU, SIR, FOR YOUR PATIENCE, WHILE YOU'RE COMING UP TO THE PODIUM I'LL SAY THAT CATHERINE -- MISSED THIS EARLIER, KAWAZOWI, SIGNED UP NOT WISHING TO SPEAK AGAINST. IS MARY BARBER STILL HERE? HOW ABOUT RICHARD GRABWASE, I'M SURE I'M MISPRONOUNCING THAT. PAULETTE GRAVOSE. BOBBY, YOU'LL HAVE THREE MINUTES IF YOU NEED IT.

THANK YOU.

I'M BOBBY RIGNE WITH THE NEIGHBORHOOD ASSOCIATION, I'M SURPRISED THIS CASE IS BEFORE YOU, I REGRET THAT I'M PARTLY TO BLAME BECAUSE IT'S TAKING UP YOUR TIME, OUR NEIGHBORHOOD MISSED THE DECEMBER 7th ZONING AND PLATTING COMMISSION MEETING. WE ATTENDED THE

November 16th, AND THAT'S WHERE IT WAS POSTPONED FOR ONE MONTH FOR THE AGENT'S REQUEST. NOVEMBER 16 PLUS ONE MONTH ENDED UP BEING DECEMBER 7th AND WE JUST ALTOGETHER MISSED THE MEETING, SO WE WEREN'T REPRESENTED AT ALL, AND SO NOW I SEE THAT IN THE BACKUP MATERIAL THERE'S SOME THINGS THAT NEED TO BE CLEARED UP. IT READS THAT STAFF OPPOSES THIS BECAUSE THE PROPERTY IN QUESTION IS SITUATED BETWEEN TWO RESIDENTIAL USES. IT'S ACTUALLY AMONG 6 RESIDENCES, AND I HAVE A LITTLE MAP THAT SHOWS THE AREA, I THINK EVERYBODY KNOWS THIS AREA HERE, THE PROPERTY IN QUESTION IS HERE, AND THERE'S AN APARTMENT COMPLEX HERE, THAT IS ONE, TWO, THREE, FOUR, FIVE, AND THERE'S TWO RESIDENCES IN THIS SF-3 ACROSS THE STREET FROM IT. ALSO ACROSS THE STREET THERE IS A CS. ITS ADDRESS IS ON LAMAR AND IT TEES GAS STATION WHERE WAS CONVERTED INTO A MECHANIC SHOP, FREQUENTLY COMING FROM -- FROM, IN MY CASE, A LOT OF TIMES H.E.B., COMING DOWN OLTORF INTO THE NEIGHBORHOOD, INSTEAD OF TURNING, WE TAKE AT THAT (T) MIDDLE LANE, TURN AND IMMEDIATELY MAKE A VERY SHARP TURN BUT IT'S A SAFE RIGHT TURN AND THAT MAKES THIS A HEAVILY TRAFFICKED BECAUSE EVERYBODY IN THE NEIGHBORHOOD KNOWS THIS SAFE SHORTCUT, THERE'S ALSO A TRAFFIC MEDIUM DOWN HERE AND 100 FEET FROM IT YOU CAN NO LONGER PARK. THERE ARE UP TO 100 FEET YOU COULDN'T PARK, SO IT'S LIMITED STREET PARKING WITH A LOT OF TRAFFIC, SO YOU'LL HEAR PEOPLE TALK ABOUT TRAFFIC AND SOME OTHER THINGS. WANTED TO POINT OUT ALSO THE BACKUP SHOWS THAT THERE'S A 70-FOOT RIGHT OF WAY WHEN IN FACT THERE'S A 60-FOOT RIGHT OF WAY FOR KINNEY. I WENT AHEAD AND WENT TO THE COUNTY COURTHOUSE AND DUG UP FIVE DIFFERENT SUBDIVISION PLATS, THEY ALL CONSISTENTLY FROM A MILE DOWN WHICH IS THE LENGTH OF KINNEY, ALL THE WAY TO LAMAR, EVERY ONE OF THEM SAYS 60-FOOT. THE PAVEMENT WAS -- WE WEREN'T THERE TO DEFEND THIS -- SAID THERE WAS A 40-FOOT PAVEMENT AND THAT IS JUST NOT TRUE, IT'S 30 FEET, I MEASURE IT, ON ONE END, 30 FEET, ON THE OTHER END 30 FEET, AND IN THE MIDDLE IT'S 30.3. YOU COULD SAY IT VARIES BUT IT'S 30-FOOT AND THAT IS THE MINIMUM GUIDELINE FOR NO, THE CITY'S MINIMUM. SO I

GUESS IN CLOSING, ACTUALLY ONLY THE SELLER AND THE POTENTIAL BUYER AND THEIR HIRED HANDS REALLY, YOU KNOW, WANT THIS TO CHANGE, THE STAFF DOESN'T RECOMMEND, THE NEIGHBORHOOD DOESN'T RECOMMEND, AND THE MINIMUM CRITERIA FOR NO ZONING IS NOT EVEN PRESENT, SO WE JUST ASK THAT YOU PLEASE GO AHEAD AND DENY THIS CHANGE IN ZONING. THANK YOU.

Winn: THANK YOU, MR. RIGNE, LORRAINE ATHERTON. WELCOME, LORRAINE, IS GLENA HERE? YOU WILL HAVE UP TO THREE MINUTES, WELCOME, AND YOU WILL BE FOLLOW BID JULIA HICKS.

I'M LORRAINE ATHERTON, PRESIDENT OF THE SZUCKER NEIGHBORHOOD ASSOCIATION AND THE WHATEVER NEGOTIATIONS WENT ON TONIGHT, THEY WERE NOT WITH THE NEIGHBORHOOD ASSOCIATION. THEY WERE APPARENTLY WITH THE -- THE OWNER OF THE ADJACENT APARTMENT COMPLEX. NOT THE NEIGHBORHOOD ASSOCIATION. ZNA VOTED UNANIMOUSLY TO OPPOSE THIS ROW ZONING REZONING. OUR PRIMARY CONCERN IS THE ENCROACHMENT OF BUSINESS ZONING INTO ESTABLISHED RESIDENTIAL AREAS AT A TIME WHEN WE HAVE A HOUSING SHORTAGE AND WHILE EXISTING COMMERCIAL PROPERTIES ON SOUTH LAMAR SIT SAY CAN OR UNDERUSED. I DO NEED TO -- WANT TO POINT OUT TWO INACCURACIES PRESENTED AT THE ZONING HEARING THAT MAY HAVE INFLUENCED THE COMMISSION'S RECOMMENDATION, WE WERE UNABLE TO ADDRESS THEM AT THE TIME, AS BOBBY SAID, BECAUSE WE WERE MISINFORMED ABOUT THE DATE OF THE POSTPONEMENT FOR THAT HEARING. FIRST, THE NEIGHBORHOOD OFFICE DISTRICT IS INTENDED FOR STREETS WITH A MINIMUM OF 40 FEET OF PAVEMENT WIDTH, IT'S NOT THE RIGHT OF WAY, IT'S THE PAVEMENT WIDTH. KINNEY AVENUE'S PAVEMENT IS ONLY 30 FEET WIDE ANNIE USE THAT WOULD REQUIRE OFFICE ZONING WOULD UNDULY AFFECT TRAFFIC HERE. SECOND, THERE ARE NO RETAIL BUSINESSES OPERATING ON SF-3 ZONING ON OXFORD. ALL THOSE BUSINESSES HAVE CS ZONING, THE HIGHEST COMMERCIAL ZONING YOU CAN GET. THERE IS APPARENTLY A SINGLE FAMILY HOME ON A COMMERCIAL ZONED LOT ON OXFORD WHICH SUPPORTS THE NEIGHBORHOOD'S CONTENTION THAT WE HAVE A SURPLUS OF BUSINESS

ZONING IN THIS AREA AND A SHORTAGE OF HOUSING. A FEW YARDS AWAY FROM THE SUBJECT PROPERTY IS A SMALL STRIP CENTER WITH VACANT OFFICE SPACE. ACROSS SOUTH LAMAR IS A LARGE OFFICE COMPLEX ADVERTISING APARTMENTS AND OFFICE SPACE, ALL OF WHICH WOULD BE MORE APPROPRIATE FOR A PROFESSIONAL WHOSE PRACTICE DOES NOT FIT WITHIN THE HOME OCCUPATION ORDINANCE. MOST IMPORTANT TO OUR EFFORTS TO IMPROVE THIS PART OF SOUTH LAMAR IS THE SMALL APARTMENT COMPLEX NEXT DOOR TO THE PROPERTY. THIS OWNER HAS WORKED HARD TO CLEANUP THE APARTMENTS AND FIND GOOD TENANTS AND THERE'S STILL -- BUT THERE ARE STILL SOME DRUG USERS AND PROSTITUTES WHO FREQUENT THIS AREA AROUND THE LAUNDROMAT, WE NEED PEOPLE LIVING IN THIS HOUSE TO PROVIDE A PRESENCE AFTER DARK HERE, A ONE MAN OFFICE DOES NOT DO THAT. WE HOPE TO CONSIDER THE LARGER ISSUES OF SOUTH LAMAR USES AND DENSITY IN OUR FORMAL NEIGHBORHOOD PLANNING PROCESS LATER THIS YEAR, BUT RIGHT NOW ANOTHER 6,000 SQUARE FEET OF UNDERUSED BUSINESS SPACE JUST DOES NOT LOOK LIKE A GOOD IDEA TO US. THANK YOU.

Winn: THANK YOU, MS. ATHERTON. I LOST MY PLACE HERE, EXCUSE ME. OKAY OUR NEXT SPEAKER IS JULIA HICKS. WELCOME, JULIA, YOU'LL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY JEFF JACQUES.

MY NAME IS JULIA HICKS AND I OWN THE APARTMENT COMPLEX DIRECTLY ADJACENT TO THAT PROPERTY. I HAVE WONDERFUL HARD WORKING PEOPLE WORK -- LIVING THERE AND WE HAVE SAFE AFFORDABLE HOUSING THERE AND THAT'S WHAT I INTEND TO PROTECT. THE IMPACT OF THE COMMERCIAL BUILDING NEXT TO ME WITH THE QUICK WASH DOES BRING A LOT OF DRUG USE AND LOITERING THAT I'M CONSTANTLY BATTLING WITH, BUT MY MOST BIGGEST OBJECTIVE IS THAT I'M FEARFUL OF THE PARKING SITUATION AND THE TRAFFIC SITUATION. I THINK THE REALLY IMPORTANT THING TO LOOK AT IS -- AND I'M GOING TO USE THE MAP REAL QUICK JUST TO ILLUSTRATE THAT -- PEOPLE COMING -- REGARDLESS OF WHERE THEY'RE COMING FROM, WHEN THEY'RE TURNING ON TO -- FROM LAMAR ON TO KINNEY, THEY'RE TRAVELLING AT 45 MILES AN

HOUR BECAUSE THEY'RE TRYING TO AVOID TO BE HIT IN THE BACK WHILE THEY'RE MAKING THAT TURN, SO THEY'RE GOING REALLY FAST, THE ROAD TRULY IS ONLY 30 FEET WIDE. I'VE TAKEN THE LIBERTY OF PARKING TWO VEHICLES ON EACH SIDE AND TAKEN SOME PICTURES AND I'VE MADE MULTIPLE COPIES THAT I COULD HAND OUT TO YOU IF POSSIBLE, I MEASURED THE DISTANCE FROM TIRE TO TIRE BETWEEN THESE TWO CARS, AND IT'S FIFTEEN FEET, THAT IS NOT ENOUGH FOR TWO CARS COMING TOWARD ONE ANOTHER WHERE ONE IS TRAVELLING AT THE SPEED OF JUST DOWNGRADING FROM 45 MILES PER HOUR, THAT MEANS SOMETHING EXITING THE NEIGHBORHOOD, COMING OUT OF THE NEIGHBORHOOD, WOULD HAVE TO GO, WELL, AM I GOING TO TAKE A STAB AT SOMEBODY NOT COMING AT ME? SO FOR ME IT'S VERY IMPORTANT THAT -- THAT THERE BE A LIMITATION IN TERMS OF THE TRAFFIC GENERATED AND THAT'S ONE OF THE REASONS I'M HERE TODAY IS BECAUSE THE PLANNING COMMISSION SUGGESTS 100 TRIP DIVIDED BY AN 8 HOUR WORKDAY, THAT IS 12.8 CARS PER HOUR THERE AND THAT IS ABSOLUTELY IMPOSSIBLE BECAUSE I ALREADY HAVE THE COMMERCIAL TRAFFIC FROM THE QUICK WASH THAT IS ABSOLUTELY OVERFLOWING INTO MY PARKING LOT AS IT IS RIGHT NOW, SO I WOULD BE SQUASHED IN COMMERCIAL TRAFFIC FROM BOTH SIDES AND THAT WOULD NEGATIVELY IMPACT THE LIVES OF FIFTEEN PEOPLE THAT LIVE IN MY APARTMENTS THAT ARE HARD WORKING PEOPLE THAT DESERVE TO HAVE A SAFE ENVIRONMENT. I THINK THAT IT WOULD BE A TRAFFIC FIASCO FOR PEOPLE EXITING THE NEIGHBORHOOD AS WELL AS FOR PEOPLE ENTERING THE NEIGHBORHOOD BECAUSE THERE SIMPLY IS NOT A SAFE RIGHT OF WAY AT THAT POINT IN TIME ANYMORE. SO IT WOULD HAVE TO BE A RESTRICTION OF OH -- OF TRAFFIC TO THE PROPERTY, PROBABLY COMBINED WITH ONE-SIDED PARKING -- PARKING RESTRICTION WHERE MAYBE ONLY ONE COULD PARK ON ONLY ONE SIDE. MADE MULTIPLE COPIES OF THESE FOLDERS TO KIND OF ILLUSTRATE WHAT IT WOULD LOOK LIKE AND IF YOU LIKE I CAN HAND THEM OUT.

Winn: THANK YOU, NEXT SPEAKER IS JEFF JACK. AUSTIN DULLNIG STILL HERE? HE WENT HOME ALSO. YOU'LL HAVE UP TO THREE MINUTES.

I'M JEFF JACK. EARLIER THIS EVENING YOU APPROVED FOURTEEN ZONING CASES IN THE OLD WEST AUSTIN NEIGHBORHOOD TO BRING THEM IN CONFORMANCE OF THE NEIGHBORHOOD PLAN OF DOWN ZONING COMMERCIAL VARIETIES TO SINGLE FAMILY, AS LORRAINE SAID EARLIER, WE ARE NOT READY TO ENTER THE CITY'S NEIGHBORHOOD PLANNING PROCESS UNTIL LATER IN THE YEAR, BUT WE HAVE BEEN DOING OUR HOME WORK FIRST AND WE JUST CONDUCTED A SURVEY OF THE RESIDENTS IN THE NEIGHBORHOOD AND 85% OF OUR RESIDENTS VOTED TO RETAIN OR INCREASE THE AMOUNT OF SINGLE FAMILY ZONING IN OUR NEIGHBORHOOD. SO I THINK THAT THERE'S A PRECEDENT THERE THAT YOU SET THIS EVENING WITH THE OTHER CASES. ALSO THE PREVIOUS CASE THAT I JUST HEARD CONCERNED AN ISSUE OVER THE BARBER SHOP AND YOU LOOKED AT IT AND ONE OF THE COMMENTS FROM COUNCILMEMBER WAS THE FACT THAT THERE WERE AVAILABLE COMMERCIAL SPACES IN OTHER AREAS AND THAT THAT SHOULD BE USED BEFORE WE CONVERT SINGLE FAMILY TO COMMERCIAL AND CERTAINLY WE HAVE THAT CASE ALONG SOUTH LAMAR. ONE OF THE COMMENTS THAT YOU HEARD FROM THE APPLICANT WAS THAT THIS PERSON IS INTENDING TO USE THIS AS AN OFFICE, THEY ONLY HAVE ONE PERSON THAT WORKS FOR THEM, THIS IS GOING TO BE VERY QUIET SITUATION, BUT WE HAVE TO REMEMBER THAT ZONING GOES WITH THE LAND, IT DOESN'T GO WITH PARTICULAR USES. WE'RE VERY CONCERNED ABOUT COMMERCIAL CREEP. IF YOU LOOK AT THE MAP THAT YOU HAVE IN THE BACKUP, YOU SEE THAT THIS WHOLE AREA COULD BECOME A DOMINO EFFECT IF WE BEGIN TO PEEL OFF ONE LOT AT A TIME. APPLICANT MENTIONED THAT WE HAVE AN AVERAGE ZONING OF 400 SOME ODD FEET OF COMMERCIAL ALONG SOUTH LAMAR, THAT IS TRUE IN SOME CASES, BUT BECAUSE WE HAVE AN AVERAGE ISN'T A REASON TO CREATE THAT CONSISTENT PATTERN WHEN WE'RE GOING TO LOSE SINGLE FAMILY, THE LAST COMMENT I WANT TO MAKE IS THAT WE DO HAVE A VALID PETITION. IT WAS OPPOSED BY THE NEIGHBORHOOD ASSOCIATION, THE NEIGHBORS, AND AGAIN, AS IT WAS STATED EARLIER, I BELIEVE THAT THE REASON THAT THE ZONING AND PLATTING COMMISSION VOTED THE WAY THEY DID IS THAT WE WERE NOT UNDER THE IMPRESSION IT WAS UP FOR

DISCUSSION AT THAT TIME AND NOBODY FROM THE NEIGHBORHOOD WAS AVAILABLE TO PRESENT OUR CASE. SO I WOULD REQUEST THAT Y'ALL DENY THIS APPLICATION. THANK YOU.

Winn: THANK YOU, MR. JACK. OUR LAST SPEAKER, ACTUALLY SIGNED UP IN FAVOR, ROBERT SWAFFORD, SORRY ANY E-MAIL MISPRONOUNCING THAT, ROBERT. YOU'LL HAVE THREE MINUTES.

MY NAME IS ROBERT SWAFFORD AND I LIVE IN THE NEIGHBORHOOD, I LIVE AT 1715 NASH AVENUE, ABOUT TEN BLOCKS FROM THIS OFFICE. I PRACTICE LAW IN AUSTIN FOR ABOUT 20 YEARS, I HAVE A SIX-YEAR-OLD WHO ATTENDS THE SCHOOL AND I HAVE AN 8-YEAR-OLD THAT ATTENDS THE SCHOOL IN THE NEIGHBORHOOD. I WAS PLEASED TO LISTEN DURING THE PRESENTATION BEFORE ABOUT THE PLANS FOR -- THAT OUR CITY HAS ABOUT HAVING MIXED USE AND HAVING SITUATIONS WHERE PEOPLE CAN WALK TO THEIR WORK, PEOPLE IN THE NEIGHBORHOOD WON'T GO HAVE TO CROSS THE RIVER IN ORDER TO GO SEE A LAWYER, AND THAT IS A SERVICE I THINK I WOULD PROVIDE IN THE NEIGHBORHOOD. I DO PERSONAL INJURY WORK AND I REPRESENT PEOPLE WHO NEED JURY CONSULTANTS. SO I THINK IT'S A SITUATION WHERE OF COURSE I DON'T HAVE AN EXPERTISE IN PLANNING. I DON'T HAVE AN EXPERTISE IN ZONING. AND THAT'S WHY I'VE HIRED PEOPLE TO ADVISE ME ON THOSE MATTER, EVERYBODY I'VE TALKED TO SAID IT'S CONSISTENT WITH WHAT YOU WANT TO DO WITH PLANNING AND IN TERMS OF PROTECTING THE ENVIRONMENT BY HAVING PEOPLE LIVE CLOSE TO THE PLACES THEY WORK, LIVE CLOSEST TO THE PLACES WHERE THEY DO BUSINESS AN WHILE LAWYERS GET A BAD RAP A LOT OF TIME, LAWYERS DO PROVIDE A VALUABLE SERVICE TO PEOPLE TO PROVIDE AN OPPORTUNITY FOR THEM TO HELP SOLVE THEIR PROBLEMS, I WOULD HOPE TO DO THAT AND BE A GOOD NEIGHBOR, I CONSIDER MYSELF A GOOD NEIGHBOR NOW, AND WHAT I PRIMARILY DONE TONIGHT, BECAUSE I DON'T KNOW A LOT ABOUT THIS, IS I'VE LISTENED, AND I'VE -- I SPOKE WITH MS. ATHERTON ON THE PHONE, AS SOON AS I GOT THE PETITION, CALLED HER UP AND I LISTENED FOR AN EXTENDED PERIOD OF TIME TO FIND OUT WHAT ARE THE ACTUAL CONCERNS, WHAT ARE THE CONCERNS BEHIND IT,

NOT JUST THE OPPOSITION AND THEN TONIGHT HAD AN OPPORTUNITY TO LISTEN WITH MISS HICKS FOR AN EXTENDED PERIOD OF TIME AND LISTEN WHAT THE CONCERNS ARE AND IT SEEMS TO ME THAT THE MAJOR CONCERN IS THE TRAFFIC, AND I KNOW, LIKE I KNOW AS REALITY, NOT WHAT IS SPECULATIVELY MIGHT HAPPEN THAT I DON'T HAVE VERY MUCH TRAFFIC IN MY OFFICE AND I DON'T PLAN FOR THAT TO CHANGE, I PLAN TO PRACTICE LAW FOR ANOTHER 20 20 YEARS UNTIL MY KIDS GET OUT OF SCHOOL. SINCE I DON'T REQUIRE THAT, I DON'T REQUIRE A LOT OF TRAFFIC TRIPS, I VOLUNTEERED TO LIMIT THE TRIPS TO WHAT IT WOULD BE AS A SINGLE FAMILY HOME, SO REALLY IT DOES NOT ADD ANYTHING TO THE TRAFFIC THAT IS NOT ALREADY THERE AS A SINGLE FAMILY HOME, AND THAT SEEMS TO BE THE MAIN CONCERN AND I FEEL LIKE I'VE BEEN A GOOD LISTENER AND I WANT TO CONTINUE TO LISTEN TO SEE IF THERE'S ANYTHING ELSE THAT COULD BE ADOPTED OR CHANGED SUCH THAT THOSE ACTUAL VALID UNDERLYING CONCERNS CAN BE ADDRESSED. MISS HICKS, WHEN SHE WAS TALKING, SAID THAT SHE WOULD WANT THE TRIPS TO BE LIMBED AND I WOULD GROW TO THAT RIGHT NOW, THAT I THINK THAT IS A GREAT IDEA, TO LIMIT THE TRIPS, I DON'T NEED 30 TRIPS, AND ALSO TO ADJUST PARKING ON THE STREET, IF THERE'S SOME KIND OF LIMITATION ON THAT, I WOULD CERTAINLY BE WILLING TO LOOK INTO THAT AND DO WHATEVER IT TAKES TO BE ABLE TO PROVIDE THE SERVICE AND REALLY MOVE FORWARD IN HAVING THIS IN THE NEIGHBORHOOD, SO THANKS.

THANK YOU, MR. SWAFFORD. THAT'S ALL THE SPEAKERS WHO SIGNED UP ON THIS CASE, SO MS. CROCKER, YOU NOW HAVE A THREE-MINUTE REBUTTAL.

MY OFFICE IS RIGHT DOWN THE ROAD FROM HERE AND I CERTAINLY HAVE USED THE LAUNDROMAT OVER HERE ON KINNEY AVENUE, I'VE USED IT A LOT LATELY SINCE I SOLD MY WASHER AND DRYER, AND YOU'RE CORRECT, THAT IS A PROBLEMATIC INTERCHANGE, BUT IT'S GOING TO BE PROBLEMATIC WHETHER YOU HAVE A SINGLE FAMILY HOUSE, I THINK THE CONCERN WOULD BE LARGE FOR A SINGLE FAMILY PEOPLE COMING IN AND OUT OF THEIR HOME, TAKING THEIR CHILDREN TO WORK -- I MEAN TAKING THEIR CHILDREN TO SCHOOL OR GOING TO WORK, ANYBODY

WHO TRAFERLSTRAVELSON KINNEY AVENUE OR LIVES IN THIS PARTICULAR HOUSE IS GOING TO FACE THAT SITUATION. THIS HOUSE HAS BEEN VACANT FOR 8 HYUNDAIS. IT WAS ON THE MARKET AS A SINGLE FAMILY HOME AND IT HASN'T SOLD. IT'S BEEN SITTING THERE VACANT. WE WOULD HAVE LOVED TO PURCHASE THE PIECE OF PROPERTY AS MS. ATHERTON SAID, THERE ARE SOME SINGLE FAMILY HOMES LOCATED ON CS LOTS, UNFORTUNATELY THOSE HAVEN'T BEEN ON THE MARKET, THERE WAS ONE ON THE MARKET AND THE PRICE WAS ABSOLUTELY ENORMOUS, IT WAS BEYOND SOMETHING MR. SWAFFORD WAS WILLING TO PAY, AND THEY ONLY -- THIS HOUSE LITERALLY SAT THERE VACANT FOR A VERY, VERY LONG PERIOD OF TIME, OVER 2 OR 3 YEARS SO HE IS TRYING -- THAT'S WHY HE APPROACHED THE OWNER AND WE KNEW THAT COMING IN FOR THE ZONING WOULD, YOU KNOW, BE SOMETHING THAT WOULD BE DISCUSSED AND IT WOULD BE DIFFICULT. AGAIN, THERE'S NO INTENT ON MY PART TO TRY AND SNEAK ANYTHING THROUGH AND, YOU KNOW, I WANT TO APOLOGIZE TO THE NEIGHBORHOOD IF THEY CERTAINLY THINK THAT IS THE CASE. WE'VE OFFERED TO LIMIT THE TRIPS. I WOULD LIKE TO CORRECT WHAT MR. SWAFFORD SAID. TEN TRIPS A DAY. 30 IS WHAT IS ALLOWED FOR SINGLE FAMILY HOME. WE NEED TO TAKE THE SQUARE FOOTAGE FOR THE HOUSE AND FIND OUT WHAT THE BARE MINIMUM IS. HE DOES HAVE THE SPACE TO PARK HIS SITE ON THE SITE. THERE'S AN EXISTING GARAGE BACK HERE AND A DRIVEWAY, SO HE CAN PARK HIS PARTICULAR USE ON HIS SITE, WE WOULD NOT DO ANYTHING TO ADD TO ANY OF THE OFF STREET LOADING. AGAIN, THIS IS FIRST READING, IT WOULD BE TERRIFIC IF WE COULD GET BEYOND FIRST READING SO THAT MS. MEAT AND MR. SWAFFORD COULD GET WITH THE NEIGHBORHOOD ASSOCIATION TO DISCUSS THIS CASE IF YOU ARE TO SEE IF THERE'S ANY GROUND FOR AN AGREEMENT, THANK YOU.

THANK YOU, MS. CROCKER.

Winn: COUNCIL, THAT CONCLUDES OUR PUBLIC HEARING. COMMENTS, QUESTIONS? COUNCILMEMBER DUNKERLY.

Dunkerly: DID YOU SAY THAT YOU WOULD GROW OR THE OWNER WOULD AGREE TO SF 3 CONSTRUCTION OR BILLING

STANDARDS?

YES, MA'AM.

Dunkerly: AS WELL AS THE TRIPS -- TRIP LIMITATION IF THE STAFF WOULD ACKNOWLEDGE THAT?

YES.

Dunkerly: OKAY.

Winn: MR. GURNSEY, CAN YOU TALK TO US BRIEFLY ABOUT Y'ALL'S RECOMMENDATION.

WELL, THE STAFF RECOMMENDATION WAS TO MAINTAIN THE SF-3 ZONING, SOME OF THE REASONS THAT THE NEIGHBORHOOD ACTUALLY EXPRESSED THIS EVENING, THE EXISTING SF-3 ZONING TO THE NORTH AND ACTUALLY TO THE WEST. I DO WANT TO CLARIFY ONE THING ABOUT THE TRIPS. IT WOULD PROBABLY BE MORE THAN TEN TRIPS BASED ON THE SQUARE FOOTAGE OF THE BIDDING BUT IF COUNCIL DID GO FORWARD WITH THAT WE WOULD LOOK AT THE ACTUAL NUMBER OF TRIPS, PROBABLY BE LESS THAN 30, BUT MORE THAN 10, PROBABLY SOMEWHERE IN THERE WOULD BE THE NUMBER OF TRIPS THAT A PROFESSIONAL OFFICE, WHICH A LAW OFFICE WOULD FALL UNDER, WOULD ACTUALLY GENERATE BASED ON I THINK THE BUILDING SIZE IS 11001100 SQUARE FEET OR APPROXIMATELY THAT SIZE. THAT IS KIND OF WHERE IT BRINGS US, I GUESS TODAY, STAFF IS NOT RECOMMENDING. I'M NOT SURE THE CIRCUMSTANCES WHY FOR THE SITUATION REGARDING THE NOTICE ISSUE, WHY THE NEIGHBORHOOD WASN'T PRESENT, BUT I THINK YOU HEARD THEIR CONCERNS AGAIN THIS EVENING.

BUT TECHNICALLY AND PROFESSIONALLY THE WAY STAFF COMES ABOUT YOU ALL'S RECOMMENDATION, IT'S INDEPENDENT OF WHETHER NEIGHBORS ARE INVOLVED OR WHETHER THERE'S OPPOSITION, YOU ALL LOOK AT IT -- YOU LOOK AT IT WELL IN ADVANCE OF ANY TYPE OF PUBLIC.

WE LOOKED AT SOME UNSITUATED PROPERTIES IN THIS AREA, THERE'S A GOOD CHANCE WHEN WE GO THROUGH THE NEIGHBORHOOD PLANNING PROCESS, THE ZONING TO

THE SOUTH WOULD PROBABLY BE RECOMMENDED FOR SOMETHING ELSE BE MORE REFLECTIVE OF THE ACTUAL USE, PROBABLY BE A MULTIFAMILY ZONING, SO IT WOULD NOT BE SIMILAR TO SAY YOU HAVE LO ZONING TO THE SOUTH, THE ACTUAL USE IS MULTIFAMILY, AS WE'VE DONE, WE'VE TYPICALLY REZONED OFFICE ZONING TO THE MULTIFAMILY ZONING TO REFLECT THAT USE, SO AS YOU COME INTO THIS NEIGHBORHOOD YOU WOULD ONLY HAVE RESIDENTIAL USES ONCE YOU GET PAST THE EDGE OF THE CS ZONING AS YOU COME OFF OF KINNEY AVENUE. THE OTHER USES THAT ARE ALONG, THAT ARE ZONED CS TYPICALLY HAVE DIRECT ACCESS TO NORTH LAMAR AND THAT TH WOULD NOT. IT'S VERY CLOSE BUT IT'S NOT, AND AS SUGGESTED IN THE PREVIOUS CASE, WHERE ACCESS WAS ACCESS TO PARMER LANE, THIS WOULD ONLY HAVE ACCESS BACK INTO THAT RESIDENTIAL COLLECTOR STREET. AS FAR AS THE RIGHT OF WAY, WE CAN CHECK INTO THAT TO MAKE SURE OF THE RIGHT OF WAY WIDTHS, BUT DOES APPEAR BASED ON THE PHOTOGRAPHS I THINK THAT YOU WERE HANDED THAT IT'S NOT AS WIDE AS IT'S BEING SUGGESTED IN OUR BACKUP MATERIAL.

Winn: RIGHT. THANK YOU, MR. GURNSEY. FURTHER QUESTIONS, COMMENTS, COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION ON Z-19 WHICH WILL INCLUDE CLOSING THE PUBLIC HEARING. AND AGAIN, MR. GURNSEY, WITH YOU WERE READY FOR FIRST READ ONLY?

IF THE COUNCIL PROCEEDED WITH NO ZONING AS THE ZONING AND PLATTING COMMISSION RECOMMENDED, WE'RE READY FOR ALL THREE READINGS, BUT YOU DO HAVE A VALID PETITION THAT EXISTS CURRENTLY RIGHT NOW.

Winn: CORRECT.

IF THE DESIRE OF COUNCIL IS TO MODIFY THE ZONING AND PLATTING COMMISSION TO PUT FURTHER TRIP REDUCTIONS ON IT OR PROHIBIT ADDITIONAL USES WE WOULD ONLY BE READY FOR FIRST READING THIS EVENING AND THAT WOULD NOT REQUIRE A SUPER MAJORITY VOTE.

I'LL ENTERTAIN A MOTION. COUNCILMEMBER ALVAREZ?

Alvarez: MAYOR, I MOVE APPROVAL OF THE STAFF RECOMMENDATION.

Winn: MOTION MADE BY COUNCILMEMBER ALVAREZ TO APPROVE STAFF RECOMMENDATION WHICH IS A DENIAL, CORRECT?

THAT'S CORRECT.

Winn: TO DENY THE ZONING CASE. WELL, A DENIAL WOULD BE A DENIAL.

A DENIAL WOULD BE A DENIAL, WOULDN'T BE A READING.

OH, I'M SORRY.

THAT IS STAFF RECOMMENDATION.

WELL, I WOULD -- I WOULD REALLY LIKE TO HAVE THE NEIGHBORHOOD AND THE CLIENT TRY TO HAVE A WEEK OR TWO TO WORK THIS OUT TO SEE IF THERE'S ANY COMPROMISE THERE SO... I WOULD HAVE TO MAKE A POSITIVE SUBSTITUTE MOTION TO GET --

Winn: SEE IF THERE'S A SECOND FIRST, WE HAVE A MOTION BY COUNCILMEMBER ALVAREZ TO DENY THE ZONING CASE Z-19. I'LL SECOND THAT. FURTHER COMMENTS? COUNCILMEMBER McCRACKEN?

McCracken: I -- MY NOTES SEEM TO CONFLICT ON THIS. THE -- IN TERMS OF THE ADJACENT PROPERTIES TO THE PROPERTY ON KINNEY AVENUE, ON THE OTHER SIDE OF IT, IS IT AN APARTMENT COMPLEX OR IS IT A HOME? (ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS...)

TO THE REAR, TO THE NORTH, ACTUALLY ACROSS THE STREET THERE'S SF 3 ZONING. THERE'S A STRIP OF COMMERCIAL PROBABLY ZONED IN THE LATE 40s, EARLY 50'S THAT CAME DOWN LAMAR BOULEVARD A CERTAIN DISTANCE ON EITHER SIDE. COMMERCIAL.

MAYOR?

COUNCILMEMBER ALVAREZ.

I GUESS, YOU KNOW, THE BASIS FOR MY RECOMMENDATION FOR MAINTAINING THE SINGLE FAMILY ZONING IS -- IS THE -- THE SITE IS NOT TOO DISSIMILAR FROM THE SITE WE CONSIDERED JUST NOW ON PARMER LANE IN TERMS OF HOW IT'S SITUATED. IT JUST SEEMS TO BE JUST TO LOOK TOO DEEP BOO THE NEIGHBORHOOD AND -- INTO THE NEIGHBORHOOD AND SO IN THIS -- IN THIS PARTICULAR CASE, I MEAN I THINK THAT -- THAT I MEAN THERE IS A LOT OF -- THERE ARREST LOT OF OTHER OPPORTUNITIES ALONG THE LAMAR TO -- TO DEVELOP AN OFFICE USE. THEY ARE JUST -- JUST LOOKING AT WHERE THE LOT ITSELF IS SITUATED, IT APPEARS TO ME THAT THAT'S WHERE THE SINGLE FAMILY PART OF THE NEIGHBORHOOD BEGINS AND WE SHOULD TRY TO MAINTAIN THAT AS THE BOUNDARY FOR THE -- FOR THE RESIDENTIAL PART OF THE NEIGHBORHOOD. THANKS, MAYOR.

Dunkerly: MAYOR?

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: ONE CONCERN THAT I HAVE THERE, THAT IS WHEN YOU ACTUALLY DRIVE BY AND SEE THE PROPERTY, IT IS A PRETTY COMMERCIAL LOOKING AREA. BUT THE -- THE STRUCTURE, I THINK, WAS VACANT FOR A LONG TIME. IT WAS LIKE, WHAT, TWO AND A HALF YEARS BEFORE THIS INDIVIDUAL PURCHASED IT. AND THAT WAS WHEN -- WHEN I GUESS HOMES IN THAT AREA CERTAINLY WERE A PREMIUM. SO I'M NOT SURE THAT IT WILL BE -- REALLY USABLE AS A SINGLE FAMILY HOUSE. MAYBE IT WILL BE. BUT -- BUT IT'S WHEN YOU -- WHEN YOU'RE THERE, YOU ARE LOOKING RIGHT ACROSS INTO THESE COMMERCIAL AREAS AND TO ME IT LOOKED LIKE A PRETTY GOOD TRANSITION. GOING INTO THE NEIGHBORHOOD. SO THAT WAS MY COMMENT.

Alvarez: MAYOR THE ONLY THING WHAT WAS STATED, I THINK BY THE APPLICANT AND -- WAS THAT HE'S LOOKING TO PURCHASE THE PROPERTY. HE HASN'T PURCHASED THE PROPERTIES, IT'S NOT LIKE THE [INDISCERNIBLE] CASE.

Dunkerly: NO, I'M SAYING IT'S BEEN SITTING THERE TWO AND

A HALF YEARS.

Alvarez: I'M SURE THERE'S DIFFERENT REASONS FOR THAT. I MEAN I THINK THAT, YOU KNOW,, I MEAN, I'M NOT SURE WHAT THEY'RE ASKING FOR THE PROPERTY, BUT MAYBE THAT MIGHT HAVE SOMETHING TO DO WITH WHAT'S GOING ON.

MOTION AND A SECOND ON THE TABLE TO DENY. FURTHER COMMENTS? OR OTHER MOTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED?

NO.

Mayor Wynn: SORRY, I DIDN'T HEAR ALL OF THE VOICES. I HEARD THREE AYES. SO -- SO AT LEAST FOUR AYES, FIFTH AYE. COUNCILMEMBER THOMAS? SO MOTION TO DENY PASSES ON A VOTE OF 5-1 WITH COUNCILMEMBERS THOMAS AND DUNKERLY VOTING NO.

THAT CONCLUDES OUR ZONING ITEMS THIS EVENING. EXCEPT FOR THE 6:00 PUBLIC HEARING. OR NOT 6:00 PUBLIC HEARING, THE ITEM RELATED TO THE TOD.

Mayor Wynn: CORRECT. THANK YOU, MR. GUERNSEY. COUNCIL, WITHOUT OBJECTION, I THINK SOME -- SEVERAL OF US PROBABLY ALL OF US INDIVIDUALLY HAVE BEEN TOLD ABOUT A POTENTIAL CONFLICT ON OUR BALLOT LANGUAGE THAT WE PASSED EARLIER REGARDING THE SMOANG ORDINANCE -- SMOKING ORDINANCE THAT WILL BE ON THE BALLOT MAY 7th. BEFORE WE TAKE UP A POTENTIAL VOTE TO RECONSIDER, IF LEGAL STAFF COULD -- COULD ADDRESS.

COUNCIL, THE ISSUE THAT WAS RAISED IS THE LANGUAGE THAT ADDS LIVE MUSIC VENUES TO THE PLACES WHERE SMOKING WILL BE PROHIBITED IS NOT ENTIRELY ACCURATE. INDOOR LIVE MUSIC VENUES WILL BE PROHIBITED FROM ALLOWING SMOKING, BUT BOTH THE CURRENT ORDINANCE AND THE INITIATIVE PETITION ONLY LIMIT SMOKING OUTDOORS WITHIN 15 FEET OF A DOOR OR OPENABLE

WINDOW. IF THERE WERE A LIVE MUSIC VENUE, STUBS IS AN EXAMPLE, SHADY GROVE ANOTHER EXAMPLE WHERE THERE WERE LIVE MUSIC PERFORMED OUTDOORS, MORE THAN 15 FEET FROM THE DOOR SMOKING WOULD BE ALLOWED. SO THE ISSUE THAT WAS RAISED IS THAT -- THAT THIS IS NOT ENTIRELY ACCURATE.

Mayor Wynn: BUT AS AN EXAMPLE IF WE INSERTED THE WORD INDOOR LIVE MUSIC VENUES, THEN WE ARE BACK TO OUR ACT ACCURACY AGAIN?

YES.

Mayor Wynn: COUNCIL, BASED ON THAT I WILL ENTERTAIN A MOTION TO RECONSIDER OUR VOTE ON ITEM NO. 5 FROM EARLIER TODAY.

Thomas: SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS. SECONDED BY THE MAYOR PRO TEM TO RECONSIDER ITEM NO. 5. ALL THOSE IN FAVOR OF THE RECONSIDERATION PLEASE SAY AYE.

AYE.

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

Goodman: MAYOR?

Mayor Wynn: MAYOR PRO TEM?

Goodman: I WILL MOVE TO INSERT THE WORD LIVE INDOOR, LIVE MUSIC VENUES.

SECOND.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER MCCracken TO TAKE THE BALLOT LANGUAGE THAT WAS APPROVED EARLIER AND INSERT THE WORD INDOOR IN FRONT OF LIVE MUSIC

VENUES.

Slusher: MAYOR?

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: I'M GOING TO MAKE A SUBSTITUTE MOTION TO

GATHERED THESE SIGNATURES. THIS -- THIS TERM LIVE MUSIC VENUES IS NOT IN THE CITY CODE, IF I UNDERSTAND IT CORRECTLY. IT'S A CATEGORY UNDER SOMETHING ELSE --

IT'S NOT IN THE INITIATIVE, IT IS IN THE CURRENT CITY CODE BECAUSE LIVE MUSIC VENUES ARE MORE STRINGENTLY REGULATED THAN OTHER BARS AND RESTAURANTS. WE REQUIRE THEM TO HAVE SMOKE FREE PERFORMANCES.

ONE NIGHT A WEEK, IT IN THE SMOKING ORDINANCE.

IN THE CURRENT ORDINANCE. BUT THE TERM LIVE MUSIC VENUES NOT DEFINED IN THE INITIATIVE POSITION.

Slusher: I THINK WHAT I'M SAYING IS MORE CONSISTENT THAN WHAT THEY ARE DOING. LIKE I SAID I THINK THERE WILL BE NO DOUBT THAT PEOPLE UNDERSTAND THAT LIVE MUSIC VENUES ARE A BAR OR A PUBLIC PLACE THAT'S GOING TO BE INCLUDED IN THE TERMS OF THE ORDINANCE, BUT I DON'T SEE THE POINT AND I THINK WE ARE ALLOWED TO MAKE ANOTHER MISTAKE, IT'S GOING TO BE TOO LATE TO CORRECT IT. SO THAT WOULD BE MY SUBSTITUTE MOTION TO JUST STRIKE WHAT WAS INSERTED THE FIRST TIME WE TOOK UP LIVE MUSIC VENUES. SUBSTITUTE MOTION MADE BY COUNCILMEMBER SLUSHER TO -- ON THE -- ON THE BALLOT LANGUAGE THAT WAS PASSED EARLIER TODAY STRIKE THE WORDS LIVE MUSIC VENUES.

Dunkerly: I'M SORRY, YOU KNOW MY HEARING PROBLEM.

SECONDED BY COUNCILMEMBER THOMAS TO STRIKE THE WORDS LIVE MUSIC VENUES, MAYOR PRO TEM. JUST AS WITH BOWLING ALLEYS, BILLIARD PARLORS, LIVE MUSIC VENUES ARE SPECIFICALLY REFERENCED IN CURRENT ORDINANCE. AND THEY WILL BE CHANGED IN THAT

EXEMPTION BECAUSE THEY WILL NOW BE LUMPED IN WITH EVERYBODY FOR A SMOKING BAN. SO AS I RECALL, MR. AHART DIDN'T HAVE A PROBLEM WITH THAT. AS WE READ IT OUT.

Slusher: THAT'S -- THAT'S NOT WHAT HE SAID. HE SUPPORTED THE LANGUAGE AS I HAVE IT NOW. AND I STILL THINK TO -- TO RESPECT THEM, THEY WENT OUT AND GOT THE SIGNATURES RATHER THAN LET THE OPPOSITION WRITE IT.

Goodman: I DON'T THINK, IF I CAN -- SORRY, ARE YOU THROUGH?

Slusher: THAT'S ALL RIGHT. I DON'T THINK IT SHOWS DISRESPECT FOR THE CITIZENS WHO WENT OUT WITH THE PETITIONS MORE FOR THE ONES WHO SIGNED. IF WE WANT TO BE VERY CLEAR FOR PEOPLE'S EDUCATION -- EDIFICATION, WHAT EXISTS NOW IN THE ORDINANCE AND WHAT WILL CHANGE. IT'S VERY CLEAR IN THE CURRENT ORDINANCE THAT LIVE MUSIC VENUES HAVE THEIR OWN DESIGNATION WITH THEIR OWN REGULATION. THAT WAS THE NON-SMOKING FIRST MONDAY OR WHATEVER. THAT WILL CHANGE. THE CHANGE I THINK SHOULD BE POINTED OUT AS WELL AS WE ARE ABLE. IT'S A DIFFERENCE.

Dunkerly: I HAVE ONE QUESTION.

Mayor Wynn: COUNCILMEMBER DUNKERLY AND THEN.

McCracken:.

Dunkerly: I GUESS MY CONCERN, LOOKING AT THIS LEGALLY AFTER TALKING TO THE ATTORNEY, IS THAT IN THE PETITION I THINK THEY SPECIFICALLY MENTIONED THE BOWLING ALLEYS, THINGS LIKE THIS THAT ARE NO LONGER SMOKING VENUES, BUT IN OUR CURRENT ORDINANCE WE HAVE SOME OF THE OUTDOOR -- ALL OF THE OUTDOOR VENUES ARE -- ARE [INDISCERNIBLE] IN THE NEW SITUATION, THOSE VENUES WILL STILL BE SMOKING. UNLESS THEY ARE 15 FEET FROM A DOOR. BUT GENERALLY THEY WILL BE THE SAME CONDITION BEFORE AND AFTER. IS THAT --

ON ANY OUTDOOR PUBLIC SPACE, THE CONDITIONS REMAIN

THE SAME. IF IT'S BEYOND 15 FEET FROM THE DOOR, WHETHER IT'S A LIVE MUSIC VENUE OR ANOTHER KIND OF VENUE, THEN SMOKING IS PERMITTED.

Dunkerly: WHAT ABOUT THE INDOOR? IS THAT COVERED AT PUBLIC PLACES, BARS AND RESTAURANTS?

UNDER THE CURRENT ORDINANCE, SMOKING IS ONLY PERMITTED AT A VENUE WHERE THERE'S MUSIC IF IT IS A BEFORE OR A RESTAURANT THAT HAS A SMOKING PERMIT. SO WE DON'T DISTINGUISH THE KIND OF BUSINESS FOR A LIVE MUSIC VENUE, THE REASON THAT TERM WAS DEFINED IS BECAUSE LIVE MUSIC VENUES, IF SMOKING IS PERMITTED IN THAT VENUE, IF THEY HAVE A PERMIT FROM THE HEALTH DEPARTMENT TO DO THAT, THEY MUST ALSO PROVIDE A NON-SMOKING NIGHT.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: I HAD A QUESTION OF PARLOR LEN TERRI PROCEDURE. -- PARLIMENTARY PROCEDURE. WE ALREADY DECIDED WHETHER TO STRIKE LIVE MUSIC VENUES, THE MOTION AND SUBSTITUTE WAS MADE, IT'S A MOTION SUBSTITUTE EVEN THOUGH WE HAVE ALREADY VOTED ON THIS EXACT QUESTION BEFORE. WE CAN CONSIDER IT AGAIN. I DO NOT KNOW THE ANSWER TO THAT QUESTION OF PARLIAMENTARY PROCEDURE.

I THINK THE ANSWER IS WHAT'S BEING RECONSIDERED NOW IS THE ORDINANCE AS A WHOLE WHICH WAS VOTED ON. THE EARLIER VOTE ON A PART OF THAT IS SUBSUMED INTO THE LATER VOTE ON THE THEN ORDINANCE AS A WHOLE.

McCracken: WE HAD AN ACTUAL VOTE ON AN AMENDMENT ON LIVE MUSIC. IT PASSED 4-3. NOW WE ARE HAVING THAT SAME VOTE OVER AGAIN AND IT'S BEING MADE BY THOSE WHO LOST THE EARLIER VOTE. NORMALLY IN A PARLIAMENTARY PROCEDURE THE LOSING -- IF YOU LOSE A MOTION, YOU CAN'T BRING IT UP AGAIN. BUT I GUESS THE QUESTION IS IF YOU LOSE, CAN YOU TRY TO BRING IT UP AS THE MOTION TO SUBSTITUTE?

Mayor Wynn: ACTUALLY, IF I CAN, COUNCILMEMBER

MCCRACKEN, I VOTED TO INSERT LIVE MUSIC ON THE BALLOT LANGUAGE EARLIER. I'M SUPPORTIVE OF THE RECONSIDERATION BECAUSE I THINK WE NEEDED TO CLARIFY IT WITH THE WORD INDOOR. THAT IS --

McCracken: MAYOR I'M ONLY ADDRESSING THE PARTICULAR MOTION SUBSTITUTE TO MAYOR PRO TEM'S AND MINE MOTION ON INDOOR LIVE MUSIC. COUNCILMEMBER SLUSHER AND THOMAS DID OFFER A MOTION TO SUBSTITUTE THAT SAYS INSTEAD OF OFFERING INDOOR LIVE MUSIC, LET'S JUST TAKE OUT LIVE MUSIC. WE HAVE ALREADY VOTED ONCE ON THAT EXACT QUESTION. IN THE -- AND THE LOSING --

Slusher: WE ARE CONSIDERING THE FULL ORDINANCE, THOUGH.

Futrell: DAVID, CAN YOU ADVISE US ON THE PARLIAMENTARIAN PROCESS.

I BELIEVE THAT THE MOTION TO RECONSIDER WAS TO RECONSIDER THE VOTE ON ITEM NO. 5. I BELIEVE THAT OPENS UP ALL OF THE ISSUES ON ITEM NO. 5.

THANK YOU, MR. SMITH, COUNCILMEMBER ALVAREZ?

Alvarez: MAYOR, I THINK I DON'T KNOW I DIDN'T SUPPORT PUTTING LIVE MUSIC VENUE IN THERE MYSELF THE FIRST TIME AROUND AND AGAIN PART OF THE REASON IS BECAUSE IT DOES OVERLAP WITH BARS AND RESTAURANTS ALREADY. IT SEEMS LIKE, YOU KNOW, WE ARE APPROACHING THIS LANGUAGE IN A KIND OF A SLANTED FASHION, IF YOU ASK ME BECAUSE I COULD ALSO BE HERE SAYING FOCUSING ON 10 RESTAURANTS OR 12 RESTAURANTS THAT HAVE RESTRICTED PERMITS, BUT WHY DON'T WE ADD LANGUAGE THAT SAYS, YOU KNOW, AND RESTAURANTS THAT HAVE PATIOS THAT ARE MORE THAN 15 FEET AWAY FROM A WINDOW OR A DOOR ALSO CAN HAVE SMOKING AS WELL. YOU KNOW? SO -- SO YOU KNOW I THINK THAT -- I MEAN THERE WAS A LOT IN THE ORIGINAL LANGUAGE THAT I THINK WAS VERY CLEAR TO THE VOTER WHAT WAS BEING CONSIDERED AND SO WE TOTALLY CHANGED THE LANGUAGE WHICH I DO THINK MAKES IT EASIER TO

UNDERSTAND. BUT IT SEEMS TO ME LIKE WE ARE SPENDING A LITTLE TOO MUCH TIME GROUP THINKING ABOUT WAYS THAT YOU KNOW THIS LIMITS SMOKING IN VARIOUS PLACES AND WE COULD FOCUS JUST AS MUCH TIME ON ADDING TO WHATEVER LANGUAGE WE HAVE BEFORE US ON WHERE IT'S ACTUALLY STILL PERMITTED. SO I THINK THAT -- I SUPPORT THE ORDINANCE THAT WE HAVE IN PLACE. BUT OBVIOUSLY WE HAVE THIS PETITION BEFORE US, YOU KNOW, I'M NOT TRYING TO ENCOURAGE ANYBODY TO VOTE FOR THIS OR AGAINST THIS. I JUST WANT IT TO BE A FAIR REPRESENTATION OF WHAT ABOUT 40,000 PEOPLE SIGNED THEIR NAME TO. AND NOT TRY TO FOCUS SO MUCH ON HOW DO WE MAKE IT GAVABLE TO THIS ONE SIDE OR FAVORABLE TO THIS ONE OTHER SIDE. SO I THINK BY ADDING LIVE MUSIC VENUES WE ARE SLANTING IT A LITTLE MORE THAN I CERTAINLY AM COMFORTABLE WITH.

THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? AGAIN WE HAVE A SUBSTITUTE MOTION AND A SECOND TO -- IN LIEU OF INSERTING THE WORD INDOOR, NOW SIMPLY STRIKE THE WORDS LIVE MUSIC VENUES. MAYOR PRO TEM?

AGAIN, I WANT TO MAKE IT CLEAR THAT I DON'T BELIEVE CLARITY SLANTS ANYTHING. I THINK IT MAKES IT CLEAR AND THAT'S THE EFFORT FOR -- FOR PEOPLE WHO ARE GOING TO VOTE FOR OR AGAINST US. I THINK BY TALKING ABOUT THE THINGS THAT ARE IN THE CURRENT ORDINANCE THAT ARE CHANGED IN THIS PROPOSAL IS THE RESPONSIBLE THING TO DO. IF IT SEEMS SLANTED FROM SOMEONE, BY SOMEONE, THAT'S NOT THE INTENT AND I DON'T THINK THAT ANY ACCUSATIONS SHOULD BE MADE OR PERCEIVED TO BE MADE IN AN INTENT OF CLARIFICATION FOR THE VOTERS. I THINK IT'S A RESPONSIBILITY. AND IT CERTAINLY SHOULD NOT SEEM IF IT'S ANY SORT OF DISRESPECT TO THE HUNDREDS OF PEOPLE WHO WENT OUT AND GOT PETITIONS SIGNED AS ALL OF US PRACTICALLY HAVE DONE AT ONE TIME OR ANOTHER. AND IT'S HARD WORK. ALL OF THE PEOPLE WHO SIGNED THOSE PETITIONS WHICH THREE YEARS AGO I WAS VERY GRATEFUL FOR PEOPLE WHO SIGNED PETITIONS. I AM VERY EXCITED THAT WE HAVE A CITY WHOSE ACTIVISM IS AT THAT LEVEL. THERE IS NO WAY TO DISRESPECT OR TO TRY TO SLANT BUT IT IS TO TRY TO CLARIFY AND MAKE IT VERY, VERY PLAIN WHAT VENUES ARE

AFFECTED BY THE NEW ORDINANCE.

COUNCILMEMBER MCCracken? CRACK YEAH. THIS --

McCracken: YEAH, THIS LIVE MUSIC VENUES ARE CURRENTLY ADDRESSED IN THE SMOKING ORDINANCE. IF IT'S AN INCONVENIENT FACT FOR SOMEONE THAT'S NOT A GOOD REASON TO IGNORE SOMETHING IN THE CURRENT ORDINANCE. I STILL THINK THAT WHAT IS PROPOSED TO BE ON THE BALLOT IS MISLEADING BECAUSE IT INCREASE A FALSE IMPRESSION FOR INSTANCE THAT RESTAURANTS HAD NO LIMITATIONS ON SMOKING. AND SO I THINK THAT ACTUALLY THIS PROPOSED BALLOT LANGUAGE GOES TOO FAR IN CREATING A FALSE IMPRESSION OF WHAT THE CURRENT ORDINANCE IS, I DON'T LIKE THAT. BUT AT A BARE MINIMUM, IF WE ARE GOING TO START ADDRESSING INDIVIDUAL USES IN THIS THING, WE HAD BETTER BE CONSISTENT AND INCLUDE THOSE -- ALL OF THEM THAT ARE IN THE CURRENT ORDINANCE AND LIVE MUSIC VENUES IS IN THE CURRENT ORDINANCE, SHOULD BE ADDRESSED IN THIS LANGUAGE, TOO.

Mayor Wynn: AGAIN MOTION, SECOND ON THE TABLE, COUNCILMEMBER DUNKERLY?

Dunkerly: COULD I -- WHAT IS THE ACTUAL LANGUAGE IN THE PETITION? THERE IS A WAY THAT YOU CAN PUT THAT ON HERE?

THE CLOSEST THING TO WHAT THE ACTUAL LANGUAGE IN THE PETITION SAYS IS THE TEXT OF THE ORDINANCE THAT WAS DISTRIBUTED THIS MORNING. BECAUSE THERE ARE SPECIFIC PLACES -- I MEAN, IT SPECIFICALLY SETS OUT WHAT THE VIOLENCES ARE. BUT IN TERMS OF LISTING -- WHAT THE VIOLATIONS ARE. BUT IN TERMS OF LISTING EVERY TYPE OF BUSINESS IN EVERY VENUE WHERE SMOKING IS PREVENTED OR WOULD BE PROHIBITED, ADDING THAT KIND OF LAUNDRY LIST TO THE BALLOT LANGUAGE WOULD TAKE SOME WORK. WE CAN DO IT.

WELL, YOU KNOW, MY CONCERN IS ABOUT WHAT WE DO HERE THAT WE'RE -- WE'RE MAYBE NOT BEING CLEAR TO THE VOTERS. TO ME THE BALLOT, THE PETITION ITSELF, IF

WE COULD GO BACK TO IT AND SEE WHAT IT REALLY SAID, DID IT SPECIFICALLY SAY BOWLING ALLEYS AND BILLIARD PARLORS?

NO, IT DOES NOT. IT DEFINES PUBLIC SPACE AS AN ENCLOSED AREA TO WHICH THE PUBLIC IS INVITED OR IN WHICH THE PUBLIC IS PERMITTED, INCLUDING AND THEN IT HAS A LONG LIST OF -- OF -- I COULD READ THE LIST. -BACKS, BARS, EDUCATIONAL FACILITIES, HEALTH CARE FACILITIES, LAUNDRY MATS ... RESTAURANTS, RETAIL FOOD PRODUCTION, MARKETING ESTABLISHMENTS, RETAIL SERVICE ESTABLISHMENTS, RETAIL STORES, SHOPPING MALLS, SPORTS ARENAS, THEATERS AND WAITING ROOMS. BUT IT SAYS INCLUDED BUT NOT LIMITED TO THAT LAUNDRY LIST.

Dunkerly: OH, OKAY.

Mayor Wynn: WHILE CONTEMPLATING THAT, I'LL ENTERTAIN A MOTION TO WAIVE RULES AND GO PAST 10:00 P.M. MOTION MADE BY COUNCILMEMBER MCCRACKEN, I WILL SECOND. ALL IN FAVOR.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. AGAIN, COUNCIL, WE HAVE A SUBSTITUTE MOTION ON THE TABLE AND A SECOND TO IN LIEU OF ADDING THE WORD INDOOR INSTEAD STRIKE THE WORDS LIVE MUSIC VENUES.

McCracken: I ALSO THINK ANOTHER IMPORTANT REASON WE NEED TO MENTION THE INDOOR LIVE MUSIC VENUES, BECAUSE IN SEPTEMBER OF 2003 THE ISSUE OF LIVE MUSIC VENUES WAS A VERY BIG PART OF THE FINAL RESOLUTION WHEN THE COUNCIL VOTED ON THIS. CREATED THE SMOKE FREE MONDAY NIGHT LIVE MUSIC SHOWS. IT WAS BROADCAST HEAVILY IN THE MEDIA. SO SINCE THAT WAS SUCH A BIG PART OF THE PUBLIC PRESENTATION OF THIS, IT BECAME PART OF THE ORDINANCE, I THINK IT'S PRETTY -- PRETTY -- IT WOULD BE -- PRETTY SIGNIFICANT OMISSION TO LEAVE OUT INDOOR LIVE MUSIC VENUES CONSIDERING THE AMOUNT OF TENSIONATTENTION AND FOCUS OF INDOOR LIVE MUSIC VENUES WENT INTO THE SEPTEMBER 2003

ORDINANCE.

MAYOR?

COUNCILMEMBER ALVAREZ?

IS THAT A QUESTION? I REMEMBER WHEN THAT -- WHEN THAT CONVERSATION WE HAD WHEN THAT WAS ADDED ON, IT WAS OBVIOUSLY ADDED ON AS A -- AS A CONCESSION OR A WAY TO -- TO ADDRESS THEM WITH THE FOLKS WHO ARE AGAINST SMOKING IN THESE -- IN THESE ESTABLISHMENTS, BUT HOW MANY -- I THINK THE DISTINCTION OF LIVE MUSIC VENUE IS BASED ON HOW MANY NIGHTS A WEEK YOU HAVE LIVE MUSIC, IS THAT --

IT IS BASED ON -- ON HOW MANY NIGHTS A WEEK YOU HAVE LIVE MUSIC AND WHETHER OR NOT THERE'S A CHARGE FOR THAT.

WHETHER OR NOT THERE'S A CHARGE?

UH-HUH.

Alvarez: SO --

A COVER CHARGE.

Alvarez: SURE, THEN THERE'S A REASON, BUT THE ROPE WE NEEDED THAT DEFINITION IS BECAUSE WE NEEDED TO DIFFERENTIATE BARS THAT HAD LIVE MUSIC AND BARS THAT DIDN'T HAVE LIVE MUSIC.

THE REASON THAT DISTINCTION WAS ADDED IS BECAUSE THERE'S ALWAYS A SECTION IN THE CURRENT ORDINANCE THAT'S CALLED SMOKE-FREE LIVE MUSIC PERFORMANCES REQUIRED. SO --

Alvarez: THAT WAS THE CONCESSION, THAT WAS ADDED ON. NOAK FREE LIVE MUSIC -- SMOKE FREE LIVE MUSIC PERFORMANCES, THEN WE NEEDED TO COME UP WITH A DISTINCTION FOR LIVE MUSIC VENUE. BUT IN THE END WE ARE TALKING ABOUT BARS HERE. SO -- I THINK THAT WAS ONE OF THE MINOR CONCESSIONS REALLY THAT WAS MADE,

NOT REALLY A VERY SIGNIFICANT PART OF WHAT WAS APPROVED.

Dunkerly: WAS THAT MY MONDAY NIGHT?

Alvarez: THAT WAS MY OPINION.

Dunkerly: OKAY. MOTION AND SECOND ON THE TABLE. HEARING NO FURTHER COMMENTS, ALL THOSE IN FAVOR OF COUNCILMEMBER SLUSHER'S SUBSTITUTE MOTION PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: SORRY, COUNCILMEMBER THOMAS IS OFF THE DAIS. THAT'S NOT FAIR. I'M WAITING FOR COUNCILMEMBER THOMAS. WE HAVE A 3-3 -- SLOW VOTE HERE WAITING FOR COUNCILMEMBER THOMAS. SO COUNCILMEMBER THOMAS WE HAVE AS YOU REMEMBER A -- COUNCILMEMBER SLUSHER'S SUBSTITUTE MOTION ON THE TABLE TO IN LIEU OF INSERTING THE WORD INDOOR, IN FRONT OF LIVE MUSIC VENUE INSTEAD SIMPLY STRIKING THE WORDS LIVE MUSIC VENUES. IF -- IF YOU ARE IN FAVOR OF THAT SUBSTITUTE MOTION. THEN THAT SUBSTITUTE MOTION PASSES ON A VOTE OF 4-3 WITH THE -- WITH THE MAYOR, THE MAYOR PRO TEM AND COUNCILMEMBER MCCracken VOTING NO. SO I GUESS WE SHOULD NOW GO BACK AND VOTE ON THE OVERALL ORDINANCE AGAIN.

YES, SIR.

Mayor Wynn: OKAY, COUNCIL THAT TAKES US BACK TO ITEM NO. 5, THE LARGER ORDINANCE. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER SLUSHER TO APPROVE ORDINANCE ITEM NO. 5. SECONDED BY COUNCILMEMBER THOMAS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. SORRY FOR THE CONFUSION.

Guernsey: MAYOR, I WAS MISTAKEN EARLIER. WE ACTUALLY HAVE THREE PUBLIC HEARINGS DEALING WITH ANNEXATION THAT WE HAVE ABSOLUTELY NO SPEAKERS. THAT'S ITEM 72, 73 AND 74.

Mayor Wynn: UNDERSTOOD. MY GUESS IS PROBABLY MORE CITIZENS HERE CONCERNED ABOUT OUR TOD ORDINANCE, ITEMS 12 AND 13 SO I THINK I WOULD BE A LITTLE MORE RESPECTFUL OF THEM. MAYOR WYNN: COUNCIL, WE CAN TAKE UP ITEMS 12 AND 13 OUR T.O.D. ORDINANCE ITEMS. THE QUESTION FOR LEGALLY BE DOES ANY COUNCILMEMBER REQUEST AN EXECUTIVE SESSION OR CLOSED SESSION DISCUSSION ON A LEGAL ISSUE RELATED TO THOSE T.O.D., THAT POTENTIAL T.O.D. ORDINANCE?

Goodman: MAYOR, I THINK AFTER DISCUSSIONS THERE MAY BE SOME THINGS THAT I WANT TO TALK ABOUT. BUT NOT NECESSARILY BEFORE. ANYBODY TESTIFIES OR PRESENTS. THAT'S A GOOD SUGGESTION, PRESENTATION FROM STAFF MAY WELL INSPIRE A COUPLE OF LEGAL QUESTIONS THAT MAY NEED TO BE ADDRESSED IN CLOSED SESSION. WITHOUT OBJECTION, COUNCIL, LET'S TAKE UP ITEMS NUMBER 12 AND 13, TWO ITEMS RELATED TO OUR TRANSIT ORIENTED DEVELOPMENT DEVELOPMENT AND/OR DISTRICTS. STAFF? MR. I'VE VERDICTS IS APPROACHING. IVERS. THANK YOU, MAYOR AND COUNCILMEMBERS, GEORGE ADAMS WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. WHEN THIS ITEM WAS BEFORE YOU LAST ON FEBRUARY THE 3rd, THE COUNCIL DIRECTED STAFF TO -- TO GO GATHER ADDITIONAL FEEDBACK, TRY TO RAISE AWARENESS ON THIS ORDINANCE. JUST REAL BRIEFLY I WANTED TO GIVE YOU A -- A RUN DOWN OF WHAT WE DID IN THAT REGARD. WHERE HE ACTUALLY HELD OR -- WE ACTUALLY HELD OR PRESENTED FOUR TIMES OVER THE LAST MONTH, TWO OF THOSE PRESENTATIONS WERE AT THE REQUESTS OF NEIGHBORHOOD ORGANIZATIONS OR INDIVIDUALS THAT INCLUDED PRESENTATION TO EL CONCILIO AND OTHER AFFECTED NEIGHBORHOOD

ASSOCIATIONS. PLAZA SALTILLO T.O.D. YAIF ON FEBRUARY THE -- AREA ON FEBRUARY THE 23rd. ALSO TWO PUBLIC MEETINGS THAT WERE WIDELY NOTIFIED, THE FIRST WAS ON FEBRUARY -- THE EVENING OF FEBRUARY THE 23rd, THAT WAS AT THE CARVER LIBRARY. SECOND MEETING WAS ON FEBRUARY THE 24th, THAT WAS HELD AT ONE TEXAS CENTER, RIGHT ACROSS THE RIVER. WE HAD APPROXIMATELY 150 TO 200 PEOPLE WHO ATTENDED THOSE FOUR MEETINGS. RECEIVED A LOT OF GOOD FEEDBACK DURING THOSE MEETINGS. VERY BRIEFLY I WOULD LIKE TO -- TO WALK YOU THROUGH SOME CHANGES AND STAFF RECOMMENDATIONS THAT ARE SUMMARIZED IN THE PACKET. THAT WE HANDED OUT. I'M GOING TO FOR EXAMPLE DISCUSSION, THIS DOCUMENT INCLUDES ON THE LEFT-HAND SIDE A REFERENCE TO THE LOCATION IN THE ORDINANCE BY PAGE AND LINE. A -- THE NEXT COLUMN IS THE LANGUAGE IN THE ORDINANCE THAT IS CURRENTLY IN FRONT OF YOU TONIGHT. THE THIRD COLUMN IS -- IS ANY REVISIONS TO STAFF RECOMMENDATION, THE FOURTH COLUMN IS -- REFLECTS BOARD AND COMMISSION RECOMMENDATIONS WHERE THEY APPLY. I'M GOING TO FOCUS ON THE CHANGES IN THE STAFF RECOMMENDATION. TAKE HAVE BEEN GONED TO ADD SOME OF THE ISSUES THAT WE'VE HEARD OVER THE LAST MONTH AND EVEN PRIOR TO THAT. THE FIRST ONE IS -- IS IN REGARD TO SECTION 25-2754 WHICH IS A SECTION IN THE ORDINANCE DEALING WITH MINIMUM HEIGHT REQUIREMENTS IN THE TRANSIT ORIENTED DISTRICT. WE ARE RECOMMENDING THAT THIS SECTION OF THE ORDINANCE BE DELETED. THERE'S BEEN A SIGNIFICANT AMOUNT OF CONFUSION THROUGHOUT THE PROCESS AS TO WHEN THIS APPLIES AND WHEN IT COMES INTO PLAY AND WE FEEL LIKE AT THIS POINT IT MAKES A LOT OF SENSE TO DELETE THAT PARTICULAR SECTION, BUT THEN ADD IN MORE GENERAL LANGUAGE IN SECTIONS 25-2, 752 AND 25-2-753 WHICH DESCRIBE THE T.O.D. CLASSIFICATIONS WHICH OUR NEIGHBORHOOD CENTER, TOWN CENTER, REGIONAL CENTER AND THE DOWNTOWN T.O.D.ES AND THE T.O.D. ZONES WHICH WE MENTIONED LAST TIME, THE GATEWAY, MID-WAY, TRANSITION ZONE. MOVING ON TO PAGE 2. THIS IS JUST A VARIATION ON THAT SAME SECTION, 25-2-754. CURRENTLY AN EXEMPTION THIS THAT SECTION THAT WAS DEVELOPED FOR SMALL PROPERTIES, SMALL BUSINESS

OWNERS AND THAT SECTION -- THAT EXEMPTION WOULD BE DELETED AS WELL SINCE WE ARE NO LONGER INCLUDING THE MINIMUM HEIGHT REQUIREMENTS IN THE ORDINANCE AT THIS TIME. NUMBER 3, ROW 3 ON PAGE 2, REFERS TO SECTION 25-2-762 OF THE ORDINANCE, WHICH IS WHERE ALL OF THE PROHIBITED AND CONDITIONAL USES ARE LISTED. THE BASIC PROPOSAL HERE IS TO CHANGE IN THE CURRENT ORDINANCE SINGLE FAMILY RESIDENTIAL IS LISTED AS A PROHIBITED USE AND WE ARE PROPOSING OR RECOMMENDING THAT THAT BE CHANGED TO A PERMITTED USE IN THE TRANSITION ZONE. ROW 4, IS -- IS DEALING WITH THE BREAK PROHIBITION TO AUTOMOTIVE REPAIR SERVICES, WE ARE PROPOSING THAT THAT CHANGE THAT THAT USE WOULD CHANGE FROM A PROHIBITED USE TO A CONDITIONAL USE. SKIPPING DOWN TO ROW 6 ON PAGE 2, WE ARE SUGGESTING VERY BRIEFLY THAT THIS IS SECTION IN THE DRAFT ORDINANCE THAT -- THAT DESCRIBES THE PREPARATION OF THE STATION AREA PLAN, WE ARE SUGGESTING THAT THERE BE SOME ADDITIONAL LANGUAGE ADDED TO ACKNOWLEDGE THAT NEIGHBORHOOD ORGANIZATIONS WILL INDEED PARTICIPATE IN THE STATION AREA PLANNING PROCESS. PAGE 3, SECTION 75-2-766 THE SECTION ON PREPARATION OF STATION AREA PLANS. IN THE LASTING ROUND, WE HAD MADE SOME CHANGES TO -- TO EMPHASIZE THAT IN AREAS WHERE YOU HAVE AN EXISTING NEIGHBORHOOD PLAN, IF THE STATION AREA PLAN CONFLICTED WITH THOSE NEIGHBORHOOD PLANS, THEN THE NEIGHBORHOOD PLANS WOULD BE AMENDED AND WE WOULD FOLLOW THE NEIGHBORHOOD PLAN AMENDMENT PROCESS. WHAT WE ARE PROPOSING WITH THIS RECOMMENDATION IS TO ACTUALLY STRENGTHEN THAT LANGUAGE AND TO BASICALLY WHAT THIS LANGUAGE DOES IS IT COMMITS THAT ANY INCONSISTENCIES BETWEEN THE STATION AREA PLANS AND THE NEIGHBORHOOD PLANS WILL BE PROCESSED AS THE NEIGHBORHOOD PLAN AMENDMENT. SO THE NEW LANGUAGE WOULD READ A NEIGHBORHOOD PLAN AMENDMENT MUST BE REVIEWED AND APPROVED IN ACCORDANCE WITH THE NEIGHBORHOOD PLAN AMENDMENT PROCESS ESTABLISHED BY COUNCIL. THAT -- AND THE FIRST PART OF THAT SECTION IS THE STATION AREA PLAN MUST BE CONSISTENT WITH AN ADOPTED NEIGHBORHOOD PLAN, IF ANY. ROW 8, THERE WAS A LOT OF DISCUSSION AT THE

LAST COUNCIL MEETING ABOUT THE -- ABOUT THE I
ALSOATION OF THE THREE ZONES -- ILLUSTRATION OF THE
THREE ZONES IN THE PLAZA SALTILLO T.O.D. WE HAVE
DEVELOPED THREE ALTERNATIVE MAPS THAT WERE PART
OF YOUR BACKUP MATERIAL AND HAVE SUBMITTED THOSE
FOR POTENTIAL ALTERNATIVES FOR THE LOCATION OF
THOSE ZONES. ROW 9 IS IN A BOUNDARY CHANGE TO THE
NORTHWEST PARK AND RIDE T.O.D. DISTRICT. AND WHAT WE
ARE SUGGESTING IS THAT WE -- WE REMOVE PROPERTIES
ON THE WESTERN EDGE OF THIS T.O.D. AND REAL BRIEFLY IF
I COULD EXPLAIN THE RATIONALE HYPED THAT. MOST OF
THE -- BEHIND THAT. MOST OF THE AREA WITHIN THE
NORTHWEST PARK AND RIDE IS COVERED BY THE LEANDER
PLANNED UNIT DISTRICT. THIS AREA THAT WE ARE
PROPOSING TO DELETE FROM THAT AREA, FROM THAT
T.O.D. IS ACTUALLY OUTSIDE OF THE P.U.D. AND IS QUITE A
DISTANCE FROM -- FROM THE TRANSIT STATION ITSELF, FOR
THOSE TWO REASONS WE ARE PROPOSING THAT THIS STRIP
ON THE WESTERN MOST EDGE OF THE NORTHWEST PARK
AND RIDE BE DELETED. REAL QUICKLY, IF I MAY, I WILL SKIP
TO THE LAST PAGE IN THE HANDOUT -- ACTUALLY I WILL NOT
DO THAT. AT THIS POINT I'LL TURN IT OVER TO MR. PAUL
HILGERS, WHO IS GOING TO PRESENT SOME REVISED
RECOMMENDATIONS FOR THE AFFORDABLE HOUSING
ELEMENTS.

PAUL HILL FWERS, NEIGHBORHOOD HOUSING, COMMUNITY
DEVELOPMENT. IF YOU WILL TURN TO PAGE 4, YOU WILL SEE
THEM ITEM AND ROW NUMBER 12. AND IN -- IN THE ORIGINAL
ORDINANCE WE HAD TALKED ABOUT THE PAGE 8, LINE 17,
FOCUSING ON PREPARATION OF ALL OF THE AFFORDABILITY
GOALS AT THE STATION AREA PLAN LEVEL. THE
RECOMMENDATION IS TO MAINTAIN THE STATUS OF SMART
HOUSING AS A VOLUNTARY INITIATIVE AND THE PLANNING
COMMISSION RECOMMENDED THAT THAT BE THE ONE
HUNDRED PERCENT MUCH THE HOUSING REQUIRED, BE
100% IS STAFF'S RECOMMENDATION AS WE MAINTAIN THE
VOLUNTARY NATURE OF SMART HOUSING. THE ORIGINAL
ORDINANCE CALLED FOR THE STATION AREA PLANNING TO
SAY THAT THEY MAY ESTABLISH REQUIREMENTS FOR
AFFORDABLE HOUSING. STAFF'S RECOMMENDATION IS TO
CHANGE THAT TO SAY IN THE ORDINANCE THAT THE

STATION AREA PLAN SHALL INCLUDE A HOUSING AFFORDABILITY ANALYSIS AND FEASIBILITY REVIEW INCLUDING POTENTIAL STRATEGIES FOR ACHIEVING THE GOAL OF 25% OF NEW HOUSING SERVING LOW AND MODERATE INCOME FAMILIES. THIS GOAL INCLUDES HOME OWNERSHIP OPPORTUNITIES FOR FAMILIES AT OR BELOW 80% OF MEDIAN FAMILY INCOME AND RENTAL HOUSING SERVING FAMILIES AT OR BELOW 60% OF MEDIAN FAMILY INCOME. ON ITEM NO. -- NEXT PAGE, ROW 14. THIS IS A LITTLE LONG, BUT I'LL GO AHEAD AND READ THIS FOR THE RECORD. THIS GOES TO THE RESOLUTION RECOMMENDATIONS THAT WE HAD. NOT THE ORDINANCE. BUT THESE ARE -- THIS IS THE LANGUAGE THAT WAS ORIGINALLY IN THE RESOLUTION. AND IN THE -- IN THE DRAFT WE HAD IN FEBRUARY, THE CUMULATIVE GOAL OF THE TRANSIT ORIENTED DEVELOPMENT SHOULD BE THAT 25% OF THE HOUSING IS AFFORDABLE TO LOW AND MODERATE INCOME FAMILIES. THEN THE INCOME GUIDELINES WERE RESTATED IN THAT RESOLUTION. THE CHANGE THAT HAS BEEN MADE IS THAT -- BY STAFF'S RECOMMENDATION IS THAT THE GOAL OF EVERY TRANSIT ORIENTED DEVELOPMENT SHOULD BE THAT 25% OF THE NEW HOUSING IN EACH T.O.D. IS AFFORDABLE TO LOW AND MODERATE INCOME FAMILIES. THAT HOUSING PROVIDED HOME OWNERSHIP OPPORTUNITIES FOR FAMILIES AT -- AT OR BELOW 80% OF MEDIAN FAMILY INCOME AND RENTAL HOUSING SERVING FAMILIES AT OR BELOW 60% OF MEDIAN FAMILY INCOME IS AFFORDABLE. FAMILIES OCCUPYING AFFORDABLE UNITS SHOULD SPEND NO MORE THAN THE TOTAL HOUSEHOLD INCOME ON HOUSING. THOSE ARE THE SAME AS THEY WERE IN THE RESOLUTION BEFORE EACH STATION AREA PLAN SHOULD INCLUDE A FEASIBILITY ANALYSIS OF POTENTIAL STRATEGIES AND POLICIES TO ACHIEVE AFFORDABILITY PERIODS OF 10 YEARS FOR HOME OWNERSHIP UNITS AND 30 YEARS FOR RENTAL UNITS. AFFORDABLE UNITS SHOULD GENERALLY BE EVENLY DISBURSED HUHOUT EACH TRANSIT ORIENTED DEVELOPMENT DISTRICT. A LITTLE MORE LANGUAGE TO CLARIFY THE INTENT OF FOCUSING A LITTLE MORE AGGRESSIVE STANDARDS AND A LITTLE MORE AGGRESSIVE GOALS THAN WAS THE ORIGINAL DRAFT RECOMMENDATION FROM COUNCIL. FINALLY ON ROW 15, AGAIN, IN THE DRAFT

RESOLUTION, THERE WAS NO LANGUAGE THAT FOCUSED ON THIS ISSUE AND STAFF WAS RECOMMENDING THAT WE INCLUDE IN THIS RESOLUTION THAT EACH STATION AREA PLAN SHALL INCLUDE A HOUSING AFFORDABILITY ANALYSIS AND POTENTIAL STRATEGIES FOR ACHIEVING HOUSING GOALS PRIOR TO THE REVIEW OF THE PROPOSED PLAN BY ANY COMMISSION OR THE CITY COUNCIL. THE ANALYSIS WILL INCLUDE A FEASIBILITY REVIEW OF THE PURSUIT OF ADDITIONAL AFFORDABILITY GOALS AND THE -- IN THE T.O.D.ES SUCH THAT OUTSIDE HOUSEHOLDS OF ALL DIFFERENT INCOME LEVELS WILL HAVE THE OPPORTUNITY TO LIVE WITHIN AUSTIN'S T.O.D. DISTRICTS. FOR HOME OWNERSHIP UNITS THESE GOALS INCLUDE 10% OF THE UNITS AT 70 TO 80 PERCENT AT MEDIAN, 10% AT 6 TO TO 70%, ... FOR RENTAL UNITS 10% 30 TO 40 PERCENT AT MEDIAN, ... THE INTENT OF THAT STAFF RECOMMENDATION AGAIN IS TO HIGHLIGHT AND EMPHASIZE THE AGGRESSIVE NATURE OF THE AFFORDABILITY GOALS THAT WE ARE SEEKING TO ACHIEVE WITH THE EXCELLENT OPPORTUNITY THAT WE HAVE WITH THE TRANSIT ORIENTED DEVELOPMENTS THAT WILL BE PLANNING FOR IN THE NEXT SEVERAL YEARS. WITH THAT, THOSE ARE THE RECOMMENDED STAFF CHANGES IN THE ORDINANCES AND THE RESOLUTION AS IT RELATES TO AFFORDABLE HOUSE IN THIS THE T.O.D.ES. OF COURSE I'M AVAILABLE FOR QUESTIONS.

Mayor Wynn: THANK YOU, MR. HILGERS. QUESTIONS, COMMENTS? I WILL JUST COMMENT WHAT A REMARKABLE AMOUNT OF WORK THIS HAS BEEN, GOOD WORK. A NUMBER OF CITY DEPARTMENTS COMING TOGETHER TO CREATE THE ORIGINAL INTENT AND REFINING IT WITH A LOT OF GOOD COMMUNITY INPUT. COMMENTS, QUESTIONS? WE HAVE TWO ITEMS ON THE AGENDA TECHNICALLY. ITEM 12 IS THE APPROVAL OF THE ORDINANCE THAT -- THAT WE ARE REFERRED TO AS THE T.O.D. ORDINANCE. AND ITEM NO. 13 IS THE RESOLUTION REGARDING THE ESTABLISHMENT OF THE GOALS OF AFFORDABLE HOUSING WITHIN EACH DISTRICT. STATION AREA PLANS.

Alvarez: I HAD A QUESTION FOR STAFF ABOUT WHAT OUR ACTION TODAY WOULD DO OR I GUESS WHAT THE RECOMMENDATION IS FROM STAFF OR THAT'S CHANGED IN

TERMS OF -- OF THE CONDITIONS, THE CONDITIONAL USES, WHAT'S CONDITIONAL, WHAT'S -- WHAT PROHIBITED, WHAT'S PERMITTED AND I GUESS YOU NOTED SOME CHANGES HERE. WHICH I THOUGHT WERE GOOD CHANGES. BUT BEYOND THAT I GUESS IF WE WERE TO ADOPT THIS ENTIRE ORDINANCE THEN THOSE CONDITIONS WOULD BE APPLIED TO ALL OF THESE PROPERTIES WITHIN THE IDENTIFIED DISTRICT?

YES, COUNCILMEMBER. JUST VERY BRIEFLY THE CHANGES FROM FEBRUARY THE 3rd TO TONIGHT AUTO REPAIR SERVICES, WE ARE RECOMMENDING TO CHANGE FROM A PROHIBITED USE TO A CONDITIONAL PREVIOUSLY WE HAD SINGLE FAMILY RESIDENTIAL IN THE TRANSITION ZONE, PROHIBITED WE WOULD PROPOSE THAT AS PERMITTED. WITH THOSE CHANGES, IF THE COUNCIL WERE TO ADOPT THIS TONIGHT, THOSE WOULD -- THOSE CHANGES IN USES AND SITE DEVELOPMENT STANDARDS WOULD APPLY.

Alvarez: ALL RIGHT. THANK YOU, MAYOR.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT I WILL ENTERTAIN A MOTION -- COUNCILMEMBER MCCracken?

McCracken: YEAH. I THINK THAT I SEE MR. LAYMEY HERE FROM CAPITAL METRO. I WOULD BE INTERESTED TO KNOW HOW FAST THE STATION AREA PLANS ARE GOING TO COME TOGETHER BECAUSE I THINK THAT'S GOING TO BE A CRITICAL PART OF THE SUCCESS OF THIS PROGRAM. IF SOMEONE FROM CAPITAL METRO IS AVAILABLE TO --

I'M RICK [INDISCERNIBLE] WITH CAPITAL METRO. IF YOU RESTATE YOUR QUESTION PERHAPS I MIGHT BE ABLE TO ANSWER IT. LUCY GALBREDTH IS IN ON THIRD DAY. WE WILL SPOT HER ON THE SPOT.

McCracken: THE CRITICAL PART OF THE SUCCESS OF THE MUELLER REDEVELOPMENT PROJECT WAS THE GREAT WORK THAT WAS DONE IN THE PLANNING IN ADVANCE AND MY UNDERSTANDING IS THAT IS -- THAT IS THE STRATEGY FOR EACH THESE STATIONARY AREA PLANS ULTIMATELY, A LOT IS REALLY PLACE HOLDER STUFF UNTIL THE STATION

AREA PLANS ARE DONE, THE SAME WAY THAT WE DID THE MUELLER PLAN. THAT RAISED THE QUESTIONS OF HOW FAST THIS WILL HAPPEN, WHAT THE STRATEGY IS FOR CAPITAL METRO IN GETTING THERE.

WELL, I WOULD LIKE TO POINT OUT THAT THE STATION AREA PLANS WILL BE A CITY OF AUSTIN PLANS AND THE ORDINANCES THAT COME YOU SO YOUR STAFF WILL ULTIMATELY CONTROL THIS. OF COURSE WE STAND READY TO HELP IN ANY WAY.

McCracken: YOU ALL DO QUITE A BIT OF LAND -- I GUESS WE NEED TO MAKE SURE WHO HAS THE DIVISION OF RESPONSIBILITIES. MR. ADAMS IF YOU COULD ALSO COME UP, GIVE US SOME GUIDANCE WHO IS GOING TO BE DOING WHAT, HOW FAST.

OKAY.

COUNCILMEMBER, WHAT WE HAVE BEEN SAYING THROUGHOUT THIS PROCESS, WE HOPE TO BEGIN THE FIRST STATION AREA PLANS ARE PLAN OR PLANS WITHIN SIX MONTHS OF THE ADOPTION OF THAT ORDINANCE. HOPEFULLY WE CAN CRANK UP THAT PROCESS SOONER THAN THAT, BUT IT'S GOING TO TAKE US A WHILE TO FIGURE OUT THE DETAILS, GET CONSULTANTS ON BOARD, GET THAT PROCESS RUNNING. WE HAVE ALSO SAID THROUGHOUT THE PROCESS THAT WE WANT TO HAVE ALL OF THE PLANS IN PLACE BY 2008 WHEN THE TRAINS START RUNNING ON THE CAPITAL METRO COMMUTER RAIL LINE. IN TERMS OF WHO IS DOING WHAT, I THINK WE VIEW THIS AS A REAL PARTNERSHIP BETWEEN THE CITY AND CAPITAL METRO. I THINK CITY STAFF WILL HAVE SIGNIFICANT INPUT ON THE LAND USE SIDE, ZONING SIDE, HOPEFULLY THE YOU WERE BASEBALL DESIGN SIDE IN CONJUNCTION WITH THE CONSULTANTS SELECTED TO LEAD THE PROCESS. I WOULD SEE OBVIOUSLY CAPITAL METRO BRINGING FORWARD THE TRANSIT AND TRANSPORTATION COMPONENT AND A LOT OF THE SPECIFIC ENGINEERING INFORMATION ON LOCATION OF TRANSIT PLATFORMS, BUS INTERFACE WITH THE RAIL SYSTEM, THOSE SORTS OF ISSUES.

SO -- HOW ARE YOU FUNDING THE HIRING OF CONSULTANTS,

IS THAT -- WILL THAT BE DONE THROUGH A CAPITAL METRO
QUARTER CREPT OR WHAT'S THE PROJECTION THERE.

THAT HASN'T BEEN SPECIFICALLY IDENTIFIED. WE DO HAVE A
COUPLE OF SOURCE THAT'S WE ARE LOOKING AT THAT
INCLUDE CAPITAL METRO QUARTER CENT FUNDS AND ALSO
POTENTIALLY BUILD CENTRAL TEXAS FUNDING, WHICH IS --
WHICH IS ALSO I GUESS RECYCLED TO THE CITY FROM
CAPITAL METRO.

I GUESS ONE OF THE ISSUES, LUCY I WOULD BE INTERESTED
IN YOUR PERSPECTIVE, ALSO. ONE OF THE WAYS TO DO
THIS IS TO FOCUS ON PARTICULARLY ON ESTABLISHED
AREAS MORE OF AN ALTERNATIVE CODE APPROACH AS
OPPOSED TO MANDATING USING ON THE FRONT END.
YOU'VE HAD NATIONAL EXPERIENCE IN LOOKING AT THIS
STUFF. CAN YOU GIVE US IN INSIGHT ON WHAT YOU HAVE
SEEN WORKING BEST. FOR INSTANCE THE COLUMBIA PIKE
REDEVELOPMENT WAS DONE THROUGH AN ALTERNATIVE
CODE.

I THINK WHETHER IT'S FORM BASED FOR MORE TRADITIONAL
ZONING, OTHER QUESTIONS THAT I ASSUME WE'LL BE
MEETING CLOSELY WITH YOUR STAFF TO TALK ABOUT HOW
TO SCOPE THESE PROJECTS OUT, PART OF THE DIFFICULTY
OF TALKING ABOUT RESOURCES OR TIME LINES, UNTIL WE
HAVE DONE SCOPING AND KIND OF TALKED TOGETHER,
THEN IT'S REALLY HARD TO KNOW EXACTLY WHAT WE ARE
TALKING ABOUT. I WOULD HOPE THAT WE WOULD ADDRESS
ISSUES LIKE THAT AND -- IN THIS SCOPING MEETINGS AND IN
THE SCOPE THAT WOULD BE PUT OUT TO CONSULTANTS.
CLEARLY DIFFERENT [INDISCERNIBLE] DOES THAT ANSWER
YOUR QUESTIONS?

Mayor Wynn: THANK YOU. FURTHER --

McCracken: MY CONCERN NOW IS I HAVE BEEN PICKING UP A
LOT OF LOW BUZZ CONCERN OUTS IN THE COMMUNITY. NOW
THAT THE HEARING IS OVER, I DON'T KNOW THAT WE HAVE
THE ACTION TO HEAR WHAT THE -- THE ACCESS TO HEAR
THE CONCERNS. I DO KNOW THERE ARE DIFFERENT WAYS
TO HEAR THESE APPROACHES, SO I'M TRYING TO GET A
HANDLE ON, YOU KNOW, WHAT -- IF THERE'S BEEN A

CONSENSUS AROUND THIS APPROACH OR IF THIS IS SOMETHING WE DO NOT HAVE CONSENSUS ON.

AS OF MY THIRD DAY I CAN'T REALLY ANSWER THAT, BUT, YOU KNOW, I'M SURE THAT I CERTAINLY WANT TO RECOGNIZE THE ENORMOUS AMOUNT OF WORK THAT'S BEEN DONE TO GET THIS ORDINANCE TO THIS POINT. WE STAND READY TO WORK WITH YOUR STAFF TO MOVE THIS ALL FORWARD AND AS YOU SAID, I AM AWARE OF THE FORM BASED CODE APPROACH AND THE POTENTIAL ADVANTAGES IT HAS.

JUST ONE OTHER THING I WANTED TO ADD, BY WAY OF EXPLANATION, WE HAVE BEEN VERY CONSUMED WITH THE DETAILS OF WORKING THROUGH THE ORDINANCE FOR THE LAST FEW MONTHS. AND REALLY HAVEN'T HAD THE OPPORTUNITY THAT WE WOULD LIKE TO BE ABLE TO SIT DOWN WITH CAPITAL METRO AND HAVE THAT DETAILED SORT OF DISCUSSIONS THAT ARE, YOU KNOW, COMING TO LIGHT RIGHT NOW. AS LUCY WAS MENTIONING YOU KNOW THE GETTING DOWN TO THE DETAILS OF SCOPING OUT WHAT THESE PLANS ACTUALLY LOOK LIKE, SO -- SO THAT'S, YOU KNOW, A TOP PRIORITY ONCE WE GET SOME RESOLUTION ON THE ORDINANCE AND IT'S THE OBVIOUS NEXT STEP.

McCracken: I GUESS AS SOON AS -- I DON'T KNOW HOW SOON IT WOULD BE PRACTICAL TO HAVE SOMEONE REPORT BACK TO US ON WHAT THE STATIONARY PLAN I GUESS THE RFP OR RFQS WOULD GO OUT, WHAT TIME LINE WE ARE LOOKING ON THAT. I KNOW THAT HAS BEEN AN AREA OF ENORMOUS CONCERN. WE ARE TYING UP LAND USES AND IT SOUNDS LIKE THAT THE TIME FRAME IS A LITTLE BIT OPEN ENDED RIGHT NOW ABOUT WHEN WE MIGHT GET RESOLUTION ON WHAT THE STATIONARY PLANS COULD BE. WHICH DOES HAVE THE POTENTIAL OF -- OF AFFECTING LANDOWNERS PRETTY NEGATIVELY IF YOU HAVE A PROPER TRAKTDED PERIOD OF YOUR HONOR -- PROTRACTED PERIOD OF UNCERTAINTY ON THAT. ABOUT HOW SOON DO YOU THINK WE CAN HAVE A REPORT BACK ON A TIME LINE?

I THINK WE ALL AGREE WE COULD HAVE SOMETHING BACK

TO THE COUNCIL WITHIN A MONTH.

THAT WOULD BE GREAT.

Mayor Wynn: THANK YOU ALL. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER ALVAREZ?

Alvarez: YEAH. LATE YESTERDAY AFTERNOON I E-MAILED SOME PROPOSED AMENDMENTS OR CHANGES AND I THINK SOME OF THE ISSUES HAVE BEEN ADDRESSED THROUGH THE STAFF RECOMMENDED CHANGES. I WAS TRYING TO FIGURE OUT THROUGH THE PROCESS [INDISCERNIBLE] CONSIDER CHANGES, ARE WE GOING TO TRY TO DO SORT OF FIRST READING AND TRY TO GET SOME OF THESE AMENDMENTS SORT OF DISCUSSED AND POLE VOTED ON OR IF YOU WANT ME TO WALK AND TALK THROUGH THOSE BEFORE WE ACTUALLY EVEN PUT A MOTION ON THE TABLE, BUT -- BUT BECAUSE I'M NOT SURE THEY ARE STRUCTURED IN SUCH A WAY THAT IS SAYING WE ARE GOING TO AMEND THE PART OF THE ORDINANCE TO TOO, TO ACCOMPLISH THIS PARTICULAR IDEA. SO MAYBE I WITH CAULK THROUGH THAT FIRST. IF WE ARE GOING TO TRY TO -- I GUESS I DON'T UNDERSTAND WHAT OUR GOAL IS. [MULTIPLE VOICES] JUST GETTING ISSUES ON THE TABLE HERE OR --

Mayor Wynn: MY INSTINCT WAS PERHAPS THE MAJORITY OF THE COUNCIL WILL BE READY FOR FIRST READING ON THIS TONIGHT. IT MIGHT HELP US IF YOU WERE TO WALK THROUGH, I PRINTED OUT YOUR PROPOSED AMENDMENT. PERHAPS YOU CAN JUST WALK US THROUGH THEM. IT MIGHT BE AS STAFF LISTENS CLOSELY, THEY MIGHT BE ABLE TO RESPOND AND LET US KNOW HOW EITHER THESE HAVE BEEN ADDRESSED WITH THE MOST RECENT RECOMMENDATIONS AND/OR WHICH PART OF THE ORDINANCE THEY ARE MORE PERTINENT TO.

SURE. TRY TO GO THROUGH IT QUICKLY. I THINK THE FIRST ONE HAS BEEN ADDRESSED ALREADY. TALKS ABOUT SUPPORTING STAFF'S RECOMMENDATION FOR ZONING CONDITIONS, SITE DEVELOPMENT STANDARDS FOR PROPOSED T.O.D. DISTRICTS OUTSIDE AREAS THAT HAVE ADOPTED NEIGHBORHOOD PLANS. GENERALLY, I GUESS TWO -- THE TWO -- SORT OF THE TWO POLICY ISSUES THAT

KIND OF DRIVE ALL OF THESE RECOMMENDATIONS IS ONE IS THE RELATIONSHIP BETWEEN STATION AREA PLAN AND AN ADOPTED NEIGHBORHOOD PLAN AND THEN THE -- THEN AFFORDABLE HOUSING REQUIREMENTS AND HOW WE DEAL WITH THOSE IN DIFFERENT KINDS OF T.O.D.S. THE FIRST ONE WAS ALREADY ADDRESSED WHERE THE MEMBERSHIP HEIGHT REQUIREMENT WAS ELIMINATED AND ALSO I THINK THE CHANGES TO THE CONDITIONAL USES ALSO WERE POSITIVE IN TERMS OF YOU KNOW ALLOWING THE SINGLE FAMILY AND THE TRANSITIONAL, TRANSITIONAL ZONE. THE SECOND ITEM DEALT WITH -- WITH T.O.D. DISTRICTS IN AREA NEIGHBORHOOD PLANS IN AREAS THAT HAVE ADOPTED NEIGHBORHOOD PLANS, AND I SINGLE -- I SINGLED OUT THE TWO EXCEPT PLAZA SALTILLO BECAUSE PLAZA SALTILLO WAS THE ONLY ONE WHERE WE HADN'T DESIGNATED THE THREE TYPES OF ZONES. AND SO WHAT I WAS RECOMMENDING, WHAT I AM RECOMMENDING FOR BASICALLY ANY STATION AREA PLAN THAT -- THAT IS WITHIN -- IS IN A NEIGHBORHOOD AREA, HAS AN ADOPTED NEIGHBORHOOD PLAN, WHICH THE NEIGHBORHOOD PLANNING ON THE GATEWAY ZONES, BUT NOT THE TRANSITION ZONES BECAUSE THAT'S OBVIOUSLY A MUCH LARGER AREA. WE HAVE ALREADY GONE THROUGH A NEIGHBORHOOD PLANNING PROCESS THAT -- THAT USUALLY IS TWO TO THREE YEARS, APPROXIMATE SOME CASES LIKE THE EAST SESQUICENTENNIAL PLAN, WAS -- EAST SAYS HIS PLAN -- THE EAST CESAR CHAVEZ PLAN WAS CLOSER TO FOUR ON FIVE YEARS, BUT TRY TO IF HE CAN CUSS THE -- FOCUS THE PLANNING ON THOSE AREAS THAT ARE MOST -- THAT ARE MOST NEAR TO THE -- TO THE ACTUAL STATION ITSELF. SO THEN WHEN WE -- WHEN WE TALK ABOUT THE PLAZA SALTILLO T.O.D., WE HADN'T AS OF THE LAST TIME THIS WAS BEFORE THE COUNCIL WE HADN'T DEFINED ANY PARTICULAR ZONES OTHER THAN THE TRANSITION ZONES SO BASICALLY THE IDEA THERE WAS JUST TO FOCUS THE STATION AREA PLANNING ON THE CAPITAL METRO OWNED LAND, WHICH IS REALLY WHAT'S HAPPENING NOW. THERE'S A CITIZENS ADVISORY GROUP THAT'S -- THAT'S BEEN FORMED AND THAT'S BEEN GOING THROUGH A PLANNING PROCESS AND SO LET'S JUST CONTINUE THAT PROCESS BASICALLY FOR THE CAPITAL METRO PROPERTY. WE DID DEFINE THE TRANSITION ZONE, BUT I GUESS UNDER THE --

UNDER MY APPROACH, THE TRANSITION ZONE WOULD NOT BE PART OF THE STATION AREA PLAN. WE WOULD JUST RESPECT THE RECOMMENDATIONS THAT COME OUT OF THE NAKED PLANNING PROCESS AND THAT THOSE WOULD GOVERN THAT TRAPS SIX ZONE. AND IF IT'S -- IF ANYTHING IS UNCLEAR, FEEL FREE TO JUMP IN THERE. BUT SO THAT WAS NUMBER 3. ACTUALLY I THINK FOR TWO AND THREE, I TALKED A LITTLE BIT ABOUT -- ABOUT YOU KNOW TRYING TO UTILIZE THE NEIGHBORHOOD PLAN CONTACT TEAMS AS THE STAKEHOLDER GROUPS FOR THE STATION AREA PLANS INSTEAD OF TRYING TO CREATE NEW OR A CAG FOR EVERY SINGLE STATION AREA PLAN, WE HAVE GONE THROUGH THIS PROCESS AND YOU HAVE MIND PLAN CONTACT TEAMS THAT WE TRY TO WORK WITH THOSE GROUPS IN TERMS OF DEVELOPING THE SAPP STATION AREA PLAN, IN THE PLAZA SALTILLO CAG WE HAVE A CAG FOR THE CAPITAL METRO OWNED PROPERTY. WHAT THIS SAYS IS IN TERMS OF THE RELATIONSHIP BETWEEN THE CAG AND NEIGHBORHOOD CONTACT PLANNING TEAM IS THAT THE CAG OBVIOUSLY IS GOING TO CONTINUE THE MAPPING PROCESS, WORKING WITH CAPITAL METRO AND THE CITY. SO THEY WILL WORK WITH THE CONSULTANTS AND TRY TO DEVELOP A STATION AREA PLAN. BUT IF THAT RECOMMENDED PLAN WOULD -- REQUIRES ANY CHANGES TO ZONING CONDITIONS OR SITE DEVELOPMENT STANDARDS, THEN THOSE CHANGES WOULD GO THROUGH SORT OF A NEIGHBORHOOD PLAN AMENDMENT PROCESS, WHICH WOULD HAVE TO BE -- WHICH WOULD BRING IN THE NEIGHBORHOOD PLAN CONTACT TEAM TO BE INVOLVED AT THAT -- AT THAT -- YOU KNOW AT THAT POINT, SO -- SO IT RESPECTS THE PLANNING PROCESS THAT'S ONGOING WITH THE C.A.G., BUT ALSO RESPECTS JUST LIKE ANY OTHER PROPERTY OWNER WHO MIGHT COME IN FOR A ZONING CHANGE, WHEN YOU ARE CHANGING ZONING, YOU -- CONDITIONS OR SITE DEVELOPMENT RESTRICTIONS, IF THAT WERE THE CASE, WE WOULD BE ASKING THE NEIGHBORHOOD PLAN CONTACT TEAM FOR THEIR VIEWS ON THAT AND SO WHAT THIS SAYS IS WELL LET'S, YOU KNOW, IF THAT'S WHAT HAPPENS WITH THIS -- WITH THE C.A.G. RECOMMENDATIONS FOR THE STATION AREA PLAN FOR THE SALT I DON'T DISTRICT, LET'S MAKE SURE THAT IT FOLLOWS SORT OF THE PLAN AMENDMENT PROCESS IF -- IF ANY OF THOSE CONDITIONS ARE

RECOMMENDED TO BE CHANGED UNDER THAT STATION AREA PLAN. AND NUMBER 4, I THINK THAT I HAVE ALREADY EXPLAINED THAT PARTICULAR ITEM. WHICH SAYS THAT MAINLY IN AREAS THAT HAVE ADOPTED NEIGHBORHOOD PLANS, WE ONLY WOULD FOCUS STATION AREA PLANNING ON THE GATEWAY AND MID-WAY ZONES, NOT THE TRANSITION ZONES. FIVE AND SIX DEAL WITH THE AFFORDABLE HOUSING REQUIREMENTS AND I THINK THESE DO DEVIATE OR THESE ARE DIFFERENT RECOMMENDATIONS FROM WHAT STAFF SUGGESTS. BUT I WANTED TO GO BACK TO AN EARLIER MODEL THAT STAFF HAD PROPOSED AT THE END OF LAST YEAR WHERE -- WHERE WE WERE TALKING ABOUT -- ABOUT REQUIRING AFFORDABLE HOUSING AND CERTAIN OTHER THINGS I THINK STREET SCAPES IMPROVEMENTS, GREEN BUILDING STANDARDS, ET CETERA. IN THOSE STATION AREA PLANS WHERE WE ARE PROVIDING A DENSITY BONUS. WHAT I WOULD LIKE TO DO IS FOLLOW THE UNO MODEL. SAY IF YOU GET A DENSITY BONUS, THEN YOU RETURN, YOU KNOW, YOU HAVE TO MEET THIS CRITERIA, ONE OF THOSE CRITERIA IS THE AFFORDABLE HOUSING CRITERIA. SO THAT WOULD OBVIOUSLY ONLY BE REQUIRED UNDER STATION AREA PLANS WHERE YOU HAVE A DENSITY BONUS AND SO -- SUCH THAT IF THESE OTHER STATION AREA PLANS, MAINLY THE ONES IN AREAS THAT HAVE ADOPTED NEIGHBORHOOD PLANS, SINCE WE ARE NOT PROVIDING A DENSITY BONUS, THE HOUSING WOULD NOT BE A REQUIREMENT. WE WOULD HAVE THE AFFORDABLE HOUSING GOALS THAT WE WOULD LIKE TO ACHIEVE TO WORK WITH DEVELOPERS TO ACHIEVE, BUT IT WOULD NOT BE SORT OF A MANDATED REQUIREMENT LIKE IT WOULD BE IN OTHER T.O.D.S THAT MIGHT BE GETTING A DENSITY BONUS. FINALLY I KIND OF INTRODUCE A -- THE -- FOR A DIFFERENT APPROACH FOR OUR TARGETED AFFORDABILITY LEVEL, SO THAT INSTEAD OF SAYING THAT WE WANT OUR GOAL IS 25%, AND WE WANT, YOU KNOW, THE -- THE HOME OWNERSHIP UNITS TO BE AFFORDABLE I DON'T BELIEVE AT 80% OF MFI, THE RENTAL UNITS AFFORDABLE AT 60% OF MFI, WE JUST SAY THOSE UNITS WILL BE AFFORDABLE AT THE MEDIAN FAMILY INCOME FOR THE NEIGHBORHOOD AREA. IN WHICH THE T.O.D. IS LOCATED OR 10% OF MEDIAN FAMILY INCOME, WHICH IS LESS. IF YOU ARE DEVELOPING IN EAST

AUSTIN WITH A LOWER MEDIAN FAMILY INCOME, THE REQUIREMENT BE THAT YOU DEVELOP AT THAT MFI AS OPPOSED TO 80% OR 60% PROPOSED BY STAFF. THOSE ARE THE HIGHLIGHTS. OF THE RECOMMENDATIONS. AND I'M PROPOSING, CERTAINLY CAN OPEN IT UP FOR QUESTIONS. FROM STAFF? QUESTIONS FROM STAFF? [LAUGHTER]

YOU HAVE HELPED ME AT LEAST, MR. ADAMS, IF YOU COULD, YOU KNOW, PERHAPS HELP US UNDERSTAND AS COUNCILMEMBER ALVAREZ POINTED OUT, SOME OF HIS ITEMS APPARENTLY WERE ADDRESSED IN WHAT WE WERE PRESENTED WITH EARLIER.

YES, MAYOR. ITEM NO. 1 FROM COUNCILMEMBER ALVAREZ'S RECOMMENDATIONS, THAT IS THAT WOULD BE THE CASE WITH THE REVIVED STAFF RECOMMENDATIONS. THAT WOULD BE THE CASE FOR THE REVISED ORDINANCE SO THAT ONE IS IN SYNC. THOSE RECOMMENDATIONS ARE IN SYNCH. ITEM 2, IS NOT THE CASE IN THE CURRENT DRAFT ORDINANCE OR BASED ON THE REVISED STAFF RECOMMENDATIONS. THAT IS WE ARE -- THE STATION AREA PLANS WOULD APPLY ONLY IN THE GATEWAY AND MID-WAY ZONES FOR THE MLK AND THE LAMAR T.O.D.ES. THAT IS 2 A. 2 B WE MAY NEED CLARIFICATION ON THIS. THERE IS SOME LANGUAGE IN THE CURRENT ORDINANCE THAT REFERENCES THE NEIGHBORHOOD PLAN CONTACT TEAMS IN REGARD AS PARS PAILGHT PARTICIPATING IN THE STATION AREA PLAN PLANNING PROCESS. I'M NOT SURE IF THAT MEETS THE INTENT OF THIS RECOMMENDATION OR NOT. THAT'S 2 B.

Alvarez: I GUESS YEAH WHAT I AM WONDERING IS WHAT -- WHAT IF IT'S NOT GOING TO BE THE NEIGHBORHOOD PLAN CONTACT TEAM, ALL THAT WE'RE SAYING IS THAT THEY NEED TO BE INVOLVED, THEN WHAT GROUP IS GOING TO -- GOING TO CONDUCT THE STATION AREA PLAN? YOU KNOW BE INVOLVED IN THE STATION AREA PLANNING? WHAT I WAS SAYING IS LET'S USE AN EXISTING VEHICLE, WHY DO WE HAVE TO CREATE A C.A.G. FOR EACH T.O.D. THAT'S WITHIN A NEIGHBORHOOD PLANNING AREA BECAUSE WE ALREADY HAVE THE NEIGHBORHOOD PLAN CONTACT TEAM PROCESS THAT'S BEEN DEVELOPED.

I THINK IN -- IN WHAT WE HAD -- VOWED THIS AS -- VIEWED THIS AS IS MODELING IT ON THE NEIGHBORHOOD PLAN PROCESS, WHEN WE GO INTO NEW AREAS WITH THE NEIGHBORHOOD PLAN. WE BRING ALL OF THE STAKEHOLDERS TO THE TABLE, INCLUDING THE NEIGHBORHOOD PLAN CONTACT TEAM. ITEM 3 IS -- THAT'S CERTAINLY SOMETHING THAT CAN BE DONE AS FAR AS DESIGNATING THE CAPITAL METRO PROPERTY AS THE GATEWAY ZONE THAT WAS CERTAINLY ONE OF THE ALTERNATIVES THAT WE COULD LOOK AT. BUT IF THE INTENT WAS TO APPLY THE STATION AREA PLAN ONLY TO THAT 11 ACRES THAT'S NOT REFLECTED IN THE CURRENT ORDINANCE. SIMILARLY WITH 3 B, THAT THE -- THAT THE CURRENT SALTILLO COMMUNITY ADVISORY GROUP ISN'T -- I MEAN THEY ARE THE ADVISORY GROUP FOR THAT PLANNING PROCESS, FOR THAT REDEVELOPMENT MASTER PLAN, BUT NOT NECESSARILY FOR THE STATION AREA PLAN. AND -- AND ITEM 4 IS -- IS CURRENTLY REFLECTED IN THE ORDINANCE, THAT IS BASICALLY THE -- THE APPROACH THAT WE -- THAT WE ARE PROPOSING FOR THOSE AREAS THAT DO NOT HAVE NEIGHBORHOOD PLANS. THEN I'LL TURN IT OVER TO MR. HILGERS FOR THE NEXT TWO.

COUNCIL, IN RESPONSE I THINK TO THE PROPOSED RECOMMENDATIONS, STAFF'S UNDERSTANDING AT THIS POINT WOULD BE THAT IN OUR PROPOSED LANGUAGE, THAT'S REVISED IN THE RESOLUTION AND IN THE ORDINANCE, BY CREATING THE OPPORTUNITY FOR A FEASIBILITY ANALYSIS AND REVIEW OF THE AFFORDABILITY GOALS, IT IS POSSIBLE FOR US TO CONSIDER THE STRATEGIES THAT YOU HAVE OUTLINED IN YOUR AMENDMENTS AS COMPONENTS OF THAT FEASIBILITY ANALYSIS AND A REPORTED RECOMMENDED STRATEGY THAT WOULD BE THE FOUNDATION OR ONE OF THE FOUNDATIONS OF THAT ANALYSIS. ONE OF THE ISSUES THAT WE HAVE BEEN STRUGGLING WITH IS HOW WE FIGURE OUT EXACTLY WHICH PUBLIC INCENTIVES AND PUBLIC BENEFITS WE WOULD TIE TO THESE ORDINANCES TO ALLOW FOR THE INCENTIVES TO WORK TO ACHIEVE THESE AFFORDABILITY GOALS. CERTAINLY AS YOU HAVE -- AS YOU DID IN THE WEST CAMPUS AND UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT, WE CAME UP WITH A CREATIVE WAY, THAT IS A

POD DEL THAT WE ARE GOING TO BE CERTAINLY LOOKING AT TO ACHIEVE THAT. THOSE GOALS. I ALSO THINK THAT IT IS ABSOLUTELY CONSISTENT WITH THAT RECOMMENDATION FOR US TO INCLUDE AN ANALYSIS AND WE PROPOSED TO INCLUDE IN OUR ANALYSIS OF THE AREA PLANS STATION AREA PLAN THE MEDIAN INCOME OF THE AREA TO DETERMINE WHAT WOULD BE THE APPROPRIATE GOALS FOR EACH ONE OF THE STATION AREA PLANS. SO INCREASES DECKS IN HOW WE DID THE FEASIBILITY ANALYSIS AND WHAT THE STATION AREA PLANS WOULD COME BACK TO YOU WITH AS GOALS AND POTENTIAL REQUIREMENTS ONCE WE DETERMINED WHAT PUBLIC BENEFITS WE WERE GOING TO ACTUALLY ASSIGN TO EACH T.O.D., WE COULD TAKE THAT AS THAT DIRECTION AND I THINK THAT THAT WOULD BE CONSISTENT WITH WHAT THE OBJECTIVES ARE THAT YOU ARE TRYING TO ACHIEVE WOULD BE THE RESPONSE THAT I WOULD HAVE BASED UPON THE ANALYSIS THAT I HAVE DONE AT THIS POINT.

Mayor Wynn: THANK YOU, MR. HILGERS, FURTHER COMMENTS, QUESTIONS?

Alvarez: REALLY, I GUESS THE MAIN DIFFERENCE THEN OR ISSUES SORT OF THAT ARE -- THAT ARE NOT ADDRESSED OR OUTSTANDING HAVE TO DO WITH -- WITH THE STAKEHOLDER GROUP THAT WHO IS GOING TO TOO THE STATIONARY PLAN -- THE STATION AREA PLAN PLAN IN THESE AREAS THAT HAVE NEIGHBORHOOD PLAN CONTACT TEAMS AND THEN AFFORDABLE HOUSING REQUIREMENT BECAUSE I THINK THAT I WOULD LIKE FOR IT TO BE REQUIRED IN THESE AREAS WHERE WE ARE GIVEN, THE PROPERTY OWNER TO -- A PRETTY LARGE BENEFIT BY GIVING THEM A DENSITY BONUS AND SO THAT AT LEAST IN THOSE AREAS WE WOULD HAVE A REQUIREMENT -- A REQUIREMENT FOR A CERTAIN AMOUNT OF AFFORDABLE HOUSING AND THEN THESE OTHER AREAS OBVIOUSLY UNLESS THE CITY STEPS UP AND SAYS WE WILL PROVIDE A CERTAIN FINANCIAL BENEFIT, IF YOU -- IF YOU HELP US ACHIEVE OUR AFFORDABLE HOUSING GOAL, THEN THAT WOULD BE THE WAY WE COULD ACCOMPLISH IT IN THESE OTHER AREAS WHERE WE ARE NOT PROVIDING A DENSITY BONUS, BUT I PERSONALLY WOULD LIKE TO SEE THAT BE A REQUIREMENT AND NOT WAIT AND COME BACK WHO KNOWS WHEN TO -- TO

ACTUALLY YOU KNOW SAY THAT THIS IS ONE OF YOU ON STRATEGIES THAT WE WANT TO INTEGRATE INTO THE T.O.D. ORDINANCE, I WOULD RATHER JUST DO IT AT THE FRONT END. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Dunkerley: THEN YOU'RE REQUIRED TO DO X. IS THAT THE SAME CONCEPT?

Alvarez: IT'S THE SAME CONCEPT, BUT ACTUALLY A MUCH STRICTER AFFORDABILITY REQUIREMENT THAN WHAT UNO HAD.

Dunkerley: I KNOW IT'S A DIFFERENT REQUIREMENT.

Alvarez: AT LEAST THE WAY I'VE ENVISIONED IT, THERE IS AN OPT OUT PROVISION AND THAT'S ONE OF THE KEY ELEMENTS BEHIND YOUR QUESTION.

Dunkerley: I'M TALKING ABOUT THE FRONT END. IT'S VOLUNTARY PARTICIPATION IN THAT PROGRAM?

Alvarez: YES. IF THERE ARE CERTAIN REQUIREMENTS THEY WOULD HAVE TO MEET IF THEY WANT TO GO INSTEAD OF TO FIVE OR SIX STORIES, TO 10 STORIES.

Dunkerley: OKAY.

Mayor Wynn: FURTHER COMMENT, QUESTIONS? MAYOR PRO TEM?

Goodman: JUST A QUICK ONE FOR GEORGE. IT'S SORT OF THE TONE OF SOME THINGS THAT I'M WONDERING ABOUT, LIKE THE LANGUAGE OF THE DRAFT. I'M LOOKING ON PAGE 2, FOR INSTANCE. INSTANCE. WHERE THE DIRECTOR SHALL PREPARE A STATION AREA PLAN, THE DIRECTOR SHALL PERMIT CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY, THE NEIGHBORHOOD PLANNING TEAM, ETCETERA, ETCETERA, TO PARTICIPATE. WHY IS THAT KIND OF LANGUAGE?

AT ONE POINT I BELIEVE THIS LANGUAGE, IT'S CHANGED OVER TIME. AT ONE POINT THERE WERE -- I THINK THERE WERE ONLY TWO PARTIES MENTIONED IN THIS. IT WAS THE

CITY AND CAPITAL METRO. AND THE INTENT OF THE LANGUAGE AT THAT TIME WAS TO -- I BELIEVE IT SAID TO INITIATE THE STATION AREA PLANS. OVER TIME VARIOUS PARTIES HAVE BEEN CONCERNED THAT THIS INDICATED THAT THEY WERE BEING EXCLUDED FROM THE PROCESS, WHICH WAS NEVER THE INTENT OF THE LANGUAGE. IT WAS ONLY TO INDICATE THAT EITHER THE CITY OR CAPITAL METRO WOULD INITIATE THE PLANNING PROCESS. AND SO OVER TIME THIS HAS CHANGED. I THINK AT ONE POINT WE INSERTED PARTICIPATE INSTEAD OF INITIATE, AND WE'VE BEEN ADDING ADDITIONAL ACKNOWLEDGMENTS, I GUESS, AS WE'VE MOVED THROUGH THE PROCESS.

Goodman: OKAY. SO THE LANGUAGE IS NOT THAT WAY ANY MORE EACH THOUGH IT'S ON THIS SHEET?

IT IS THAT WAY. IT DOES -- THE WORD PARTICIPATE IS IN THERE. I DON'T THINK THAT IS -- IF THAT IS A WORD THAT DOESN'T FULLY COMMUNICATE -- IT SEEMS TO BE EXCLUDING CERTAIN PARTIES, IT CERTAINLY WASN'T THE INTENT, AND WE COULD LOOK AT MODIFYING THAT.

Goodman: IT'S A LITTLE GOD-LIKE, LET ME SAY. I MEAN, FOR LACK OF A BETTER ANALOGY.

WE CAN CERTAINLY LOOK AT SOME OPTIONS TO THAT LANGUAGE.

Futrell: A NICE NEUTRAL RESPONSE, GEORGE.

Mayor Wynn: COUNCIL, WHAT'S YOUR PLEASURE? WE STILL HAVE A LOT OF ITEMS TO TAKE UP TONIGHT, AND THIS HAS BEEN GOOD INPUT. WE'RE CLEARLY NOT READY TO FORMALIZE THE ORDINANCE THAT HAS BEEN PASSED ON THREE READINGS, BUT WE CAN TAKE ACTION ON FIRST READING TONIGHT, HAVE SOME STAFF COORDINATED FEEDBACK FOR US IN THE INTERIM, OR WE COULD WAIT TO TAKE THIS UP AT OUR NEXT MEETING. TRYING TO INSERT SOME OF THE COMMENTS WE'VE HEARD TONIGHT. INSERT THEM INTO OUR AMENDMENTS.

Alvarez: I HAVE A COUPLE MORE QUESTIONS, AND THEN I'LL SPEAK TO THAT QUESTION. SO ONE, I THINK MR. ADAMS HAS

MENTIONED SOMETHING ABOUT THE STATION AREA PLANS ARE ONLY GOING TO FOCUS ON THE GATEWAY AND MIDWAY ZONES. IS THAT SOMEWHERE IN HERE OR IS THAT -- IS THAT STIPULATED?

NO, THAT IS NOT IN THE CURRENT DRAFT ORDINANCE OR THE RECOMMENDED CHANGES AT THIS TIME.

Alvarez: I THOUGHT I HEARD YOU SAY THAT THAT WOULD BE WHAT THE STATION AREA PLANNING GROUPS, WHOEVER IS DEVELOPING THE STATION AREA PLANS WOULD BE LOOKING AT ALL THREE ZONES OR JUST THOSE TWO?

AS IT STANDS RIGHT NOW, THE ORDINANCE READS THAT ALL THREE ZONES WOULD BE INCLUDED IN THE STATION AREA PLAN. SO ALL THE AREA WITHIN THE BOUNDARIES OF THE T.O.D.'S.

ALVAREZ: SO THAT WOULD BE THE CHANGES THAT I PROPOSED IS IN THOSE AREAS THAT HAVE NEIGHBORHOOD PLANS THAT THE TRANSITION ZONE IS NOT PART OF THE STATION AREA PLANNING PROCESS. SO THAT WOULD HAVE TO BE A SEPARATE -- OR AN AMENDMENT OF SOME KIND. AND THEN IN THE -- I THINK THAT'S IT FOR NOW. WHAT I WOULD SUGGEST, BECAUSE I DO HAVE -- I WOULD LIKE TO SEE THESE CHANGES CONSIDERED, AND SINCE WE HAVE A REVISED ORDINANCE, MAYBE WHAT WE SHOULD DO IS TAKE MAYBE -- AGAIN, APPROVE IT ON FIRST READING AND BRING IT BACK MAYBE ON MARCH 24TH OR SOMETHING, AND THAT WAY WITH THE NEW ORDINANCE LANGUAGE I CAN LOOK AT THE ISSUES THAT YET TO BE ADDRESSED ON THE LIST THAT I HAVE AND FIGURE OUT HOW WOULD THE REMAINING ISSUES BE INTEGRATED AND HAVE THE COUNCIL CONSIDER THOSE INDIVIDUALLY LATER ON. BUT OBVIOUSLY THE AFFORDABLE HOUSING IS ONE KEY ELEMENT, BUT I DON'T KNOW THAT WE CAN INTEGRATE THAT TODAY WITHOUT HAVING SPECIFIC LANGUAGE FOR AMENDING THE ORDINANCE, AND THEN SOME OF THESE ISSUES ABOUT HOW THE STATION AREA PLANS THEMSELVES ARE BEING DEVELOPED. AND MAYBE FLESHING THAT OUT A LITTLE BIT. BUT I THINK THAT -- I MEAN, I WOULD OFFER THAT AS A MOTION UNLESS SOMEONE WANTS TO SPEAK TO THAT. BUT AT SOME POINT BECAUSE WE DO HAVE A NEW ORDINANCE

THAT HAS NEW ELEMENTS IN IT AND OBVIOUSLY CERTAIN PROPOSED CHANGES THAT VARIOUS COUNCILMEMBERS MIGHT BE CONSIDERING THAT WE MIGHT ALSO HAVE ANOTHER PUBLIC HEARING ON THE ITEM WHEN IT COMES BACK, ONCE PEOPLE HAVE HAD A CHANCE TO DIGEST THESE CHANGES THAT HAVE BEEN PROPOSED THROUGH THE REVISED STAFF RECOMMENDATION.

Goodman: COULD I ASK FOR A CLARIFICATION?

Mayor Wynn: MAYOR PRO TEM, YES.

Goodman: SO YOU ARE NOT OFFERING YOUR SIX ITEMS AS AMENDMENTS AT THIS TIME?

Alvarez: WELL, I COULD. [LAUGHTER] I MEAN, I THINK THAT -- I MEAN, THERE'S ABOUT TWO AND A HALF OF THE SIX THAT HAVE BEEN INTEGRATED, AND SO TO MAKE IT LESS CONFUSING -- I COULD GO THROUGH AND SAY, THESE ARE THE CHANGES I'D LIKE TO SEE MADE VERY SPECIFICALLY, BUT I DON'T KNOW THAT WE WOULD BE IN A POSITION TO ACTUALLY VOTE THEM UP OR DOWN OTHER THAN FROM A POLICY POINT OF VIEW. AND IF THAT'S HELPFUL, I CERTAINLY CAN DO THAT.

Mayor Wynn: COUNCILMEMBER, MY RECOMMENDATION WOULD BE, AS I LIKED YOUR TRAIN OF THOUGHT, IS THAT WE APPROVE ON FIRST READING ONLY THIS REVISED ORDINANCE --

Alvarez: REVISED STAFF CHANGES. MAYOR WITH REVISED STAFF CHANGES. AND WHEN THIS COMES BACK THE 24TH OF MARCH MAKES SENSE, THAT STAFF ALSO WOULD THEN CREATE ANOTHER GRAPH LIKE THIS THAT INCLUDES COUNCILMEMBER ALVAREZ'S ITEMS, THE ONES THAT ESSENTIALLY ARE ALREADY INCORPORATED AND WE SORT OF SEE EVEN THE STAFF RECOMMENDATION -- IN FACT, WE GOT A NUMBER OF CARDS AND SOME CITIZEN FEEDBACK THIS EVENING THAT WE CAN PUT INTO THE RECORD AND EVEN ANALYZE THOSE AS THEY RELATE TO WHAT WAS APPROVED ON FIRST READING. AND TAKE IT UP IN EARNEST AGAIN LATE THIS MONTH.

Alvarez: AND GO AHEAD AND HAVE ANOTHER PUBLIC HEARING?

Mayor Wynn: AT SOME POINT I THINK WE'RE GOING TO HAVE TO. I THINK IT MAKES SENSE FOR US TO -- ONCE WE GET MORE OF THESE DETAILS INCORPORATED INTO A DOCUMENT AND WE HAVE MORE PRODUCTS LIKE THIS, I THINK IT WOULD BEHOOVE US TO HAVE IN EFFECT A NEW PUBLIC HEARING THAT ALLOWS A NUMBER OF STAKEHOLDERS TO HAVE THE -- HAVE HAD THE REVISED ORDINANCE IN FRONT OF THEM FOR SOME PERIOD OF TIME, LIKELY HAVE HAD A CHANCE TO MEET AS A GROUP AND/OR INDIVIDUALS WITH DIFFERENT ELEMENTS OF OUR CITY STAFF AND GIVE US MORE FEEDBACK. SO I WOULD BE SUPPORTIVE OF THAT.

Alvarez: AND THE REASON I JUST BRING IT UP IS BECAUSE IF WE DO FIRST READING, AND THEN IT'S ON POTENTIALLY FOR SECOND AND THIRD READING, THAT WOULD BE OUR ONLY -- YOU KNOW WHAT I MEAN? AND WE END UP VOTING. THAT WOULD BE OUR ONLY OPPORTUNITY FOR A PUBLIC HEARING, SO THAT'S WHY I THOUGHT IT MADE SENSE TO GO AHEAD AND SCHEDULE IT. AND WE MIGHT CHOOSE TO DO A SECOND READING AND THEN A SEPARATE THIRD READING, BUT AT LEAST FOLKS WOULD KNOW THAT THAT'S GOING TO BE THEIR NEXT OPPORTUNITY TO GIVE THEIR FEEDBACK ONCE THEY'VE HAD A CHANCE TO REVIEW THE REVISED PROPOSAL.

Mayor Wynn: I WILL SAY THAT THE COUNCIL MEETING OF THURSDAY THE 24TH IS ALREADY SHAPING UP TO BE A LONG MEETING BECAUSE WE DON'T MEET THE WEEK BEFORE BECAUSE OF SPRING BREAK, AND WE DON'T MEET THE FOLLOWING WEEK, BUT I THINK WE SHOULD BE AT LEAST PREPARED TO BRING THIS BACK FOR A POTENTIAL SECOND READING, IF NOT THE PUBLIC HEARING THEN, CERTAINLY THE PUBLIC HEARING BY THE NEXT MEETING. BUT BY THE 24TH HAVE A PRODUCT BACK BEFORE US AND WE CAN TALK ABOUT WHETHER WE POST THAT FOR PUBLIC HEARING THE 24TH OR THE FOLLOWING MEETING. I THINK THAT'S A GOOD PLAN.

Alvarez: CAN CAN WE BRING IT BACK JUST FOR SECOND

READING ON THE 24TH?

Mayor Wynn: MY INSTINCT IS THAT WOULD BE ALL WE'RE READY FOR, JUST THE NATURE AND COMPLEXITY OF IT AND HOW I THINK WE'RE TAKING A PRETTY SOUND AND DELIBERATE APPROACH ABOUT IT.

Professor: ON MOTION ON THE TABLE BY COUNCILMEMBER ALVAREZ THAT I'LL SECOND TO APPROVE THIS REVISED ORDINANCE ON FIRST READING ONLY WITH INSTRUCTIONS TO CITY STAFF TO CREATE ANOTHER CHART THAT ALLOWS US TO NOT ONLY SEE THE REMAINING SUGGESTIONS BY COUNCILMEMBER ALVAREZ, BUT LIKELY PICK UP SOME COMMON THREADS AND SOME COMMENTS WE'RE GETTING FROM SOME CITIZENS AND HAVE US ANALYZE THOSE ABILITIES OR ANALYZE THE ABILITY TO INCORPORATE THOSE ON THE MARCH 24TH MEETING.

MAYOR FOR CLARIFICATION PURPOSES, WHEN THE REVISED ORDINANCE IS THE STAFF RECOMMENDED CHANGES.

Mayor Wynn:, AS IT GOOD STARTING POINT. MOTION AND A SECOND ON THE TABLE. FURTHER COMMENTS?

Thomas: MAYOR, IF YOU DON'T MIND.

Mayor Wynn: COUNCILMEMBER THOMAS.

Thomas: COULD STAFF GIVE US AN IDEA OF WHEN THEY COULD GET THAT INFORMATION TO US? BECAUSE I DO STILL HAVE SOME MEETINGS WITH SOME CITIZENS ABOUT THIS CONCERN. SOME OF THE THINGS COUNCILMEMBER ALVAREZ WANTS TO ADD TO THE CHART.

COUNCILMEMBER, YOU'RE ASKING WHEN WE COULD BRING BACK A DOCUMENT LIKE THIS REFLECTING COUNCILMEMBER ALVAREZ'S RECOMMENDATIONS?

Thomas: RIGHT.

I THINK WE COULD PROBABLY HAVE THAT WITHIN A WEEK BACK TO THE COUNCIL.

Thomas: OKAY. THANK YOU.

Alvarez: AND I'LL WORK WITH THE STAFF, MAYOR, TO MAKE SURE IT'S CLEAR WHAT IT IS THAT I'M ASKING.

YOU WOULDN'T WANT US TO FLY SO LOW ON THAT.

Mayor Wynn: AND ALSO I DELIVERED TO MS. BROWN THESE CITIZEN COMMENTS THAT WE'LL INCORPORATE INTO THE RECORD JUST TECHNICALLY FOR THIS MEETING, BUT ALSO FRANKLY PASS THEM ON TO GEORGE AND STAFF TO ANALYZE THE INPUT THAT CAN BE SHOWN AT OUR NEXT MEETING. THANK YOU. FURTHER COMMENTS, QUESTIONS? ALL THOSE IN FAVOR OF THE MOTION, PLEASE AAYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. OKAY. COUNCIL, WE HAVE A FEW ANNEXATION PUBLIC HEARINGS THAT WE CAN KNOCK OUT BEFORE WE LIKELY HAVE TO GO BACK INTO CLOSED SESSION. I WAS ABOUT TO CALL ON BEN LUKENS.

MAYOR, WAS YOUR PREVIOUS ACTION ON 13 ALSO?

Mayor Wynn: GOOD POINT.

MAYOR, IF I CAN HELP YOU WITH THAT. YOUR ACTION CAN INCLUDE ACTION ON BOTH THE RESOLUTION AND THE ORDINANCE BECAUSE THE MOTION SHEETS THAT YOU GOT INCLUDED CHANGES TO BOTH THE ORDINANCE AND THE RESOLUTION. SO YOUR MOTION COULD INCLUDE ACTION ON BOTH OF THOSE ITEMS, INCORPORATING THE SUGGESTIONS FROM THE MATRIX FOR CHANGES TO THE RESOLUTION AND CHANGES TO THE ORDINANCE.

Mayor Wynn: EXCEPT THAT AN ORDINANCE TAKES THREE -- ORDINANCES TAKE THREE READINGS. WE ANTICIPATE THIS ONE LIKELY TAKING A FULL THREE READINGS. RESOLUTION IS JUST A SINGLE VOTE.

THE RESOLUTION IS A SINGLE VOTE. AND WHAT WE CAN DO, HOWEVER, IS WE CAN BRING THE RESOLUTION BACK TO YOU AGAIN AND LIST THAT AS AN AGENDA ITEM SO THAT YOU CAN CONSIDER THAT THE NEXT TIME IF YOU WANT TO MAKE ANY FURTHER CHANGES TO THAT RESOLUTION.

GEORGE, DOES THAT SOUND RIGHT? OKAY. SO WHAT WE CAN DO IS WE CAN BRING YOU BACK A PROPOSED -- WELL, WE CAN HANDLE IT ONE OF TWO WAYS. WE CAN NOT TAKE ACTION ON THE RESOLUTION AND ACCEPT YOUR INSTRUCTIONS TONIGHT TO BRING BACK A RESOLUTION WITH THE PROPOSED CHANGES ON IT THAT ARE DEMONSTRATED ON THE STAFF MATRIX OR WE CAN GO ON AHEAD AND BRING YOU BACK A RESOLUTION THAT YOU CAN AMEND. IT'S YOUR CHOICE.

Mayor Wynn: COUNCIL, MY RECOMMENDATION WOULD BE TO HAVE STAFF BRING US BACK THE RESOLUTION WHEN THE SECOND READING IS PRESENTED TO US WITH THE RESOLUTION CHANGED AS PRESENTED BY STAFF.

THEN WE WOULD MERELY POSTPONE CONSIDERATION OF THE RESOLUTION.

Mayor Wynn: CORRECT. SO THAT -- OUR EARLIER MOTION THEN INCLUDED NO ACTION ON ITEM 13. THANK YOU. ANNEXATIONS. WELCOME.

THANK YOU. GOOD EVENING. MY NAME IS VIRGINIA COLLIER WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. THIS IS THE FIRST OF TWO PUBLIC HEARINGS. ANOTHER IS SCHEDULED FOR NEXT THURSDAY AND ACTION ON THIS PROPOSED ANNEXATION IS TENTATIVELY SCHEDULED FOR APRIL SEVENTH, 2005. NUMBER 72 ON THE AGENDA, ROSEMONT AT OLD MANOR. THIS IS A 250 MULTI-FAMILY UNIT SMART HOUSING PROJECT CURRENTLY UNDER CONSTRUCTION OUT HIGHWAY 290 EAST. UPON ANNEXATION, THE CITY WILL TAKE OVER RESPONSIBILITY FOR SERVICES CURRENTLY PROVIDED BY THE COUNTY, IN ADDITION TO PROVIDING SERVICES NOT CURRENTLY AVAILABLE. I BROUGHT COPIES OF THE SERVICE PLAN IN CASE ANYONE IS INTERESTED. AND THOSE ARE LOCATED ON THE TABLE BEHIND ME HERE. THIS CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU. COMMENTS, QUESTIONS? ARE THERE ANY CITIZENS THAT WISH TO BE HEARD ON THIS PUBLIC HEARING, ITEM NUMBER 72, REGARDING THE FULL PURPOSE ANNEXATION OF THE ROSEMONT AT OLD MANOR

AREA? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. -- HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER MCCracken TO CLOSE THE PUBLIC HEARING. A ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

OKAY. NUMBER 73, THIS IS ALSO THE FIRST OF TWO PUBLIC HEARINGS. THE NEXT ONE IS SCHEDULED FOR NEXT WEEK WITH THE PROPOSED ACTION ON APRIL 7TH. THE PIONEER HILL CITY OF AUSTIN TRACT INCLUDES THE BALANCE OF THE PIONEER HILLS SUBDIVISION AND THE BALANCE OF THAT ANNEXATION AREA INCLUDES CITY OF AUSTIN PARKLAND. UPON ANNEXATION THE CITY WILL TAKE OVER SERVICES CURRENTLY PROVIDED BY THE COUNTY IN ADDITION TO PROVIDING SERVICES CURRENTLY NOT AVAILABLE, AND I BROUGHT COPIES OF THE SERVICE PLAN WHICH ARE ON THE TABLE BEHIND ME. IF YOU HAVE ANY QUESTIONS, I CAN ANSWER THOSE.

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL? ARE THERE ANY CITIZENS THAT WISH TO BE HEARD ON THIS ITEM, NUMBER 73, THE IF YOU RECALL PURPOSE ANNEXATION OF THE PIONEER HILL COA TRACT. HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER ALVAREZ THAT I'LL SECOND TO CLOSE ITEM NUMBER 73. ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

OKAY. THIS IS ALSO THE FIRST OF TWO PUBLIC HEARINGS FOR THE AVERY RANCH ANNEXATION AREA, ITEM NUMBER 74. ANOTHER PUBLIC HEARING IS SCHEDULED FOR NEXT THURSDAY AND ACTION FOR THE PROPOSED ANNEXATION WILL BE SCHEDULED FOR APRIL 7TH. THIS IS AN AREA IN WILLIAMSON COUNTY AND INCLUDES THREE SECTIONS OF AVERY RANCH THAT HAVE RECEIVED FINAL PLAT APPROVAL WITH A TOTAL OF 169 SINGLE-FAMILY RESIDENTIAL LOTS. UPON ANNEXATION THE CITY WILL TAKE OVER RESPONSIBILITY FOR SERVICES CURRENTLY PROVIDED BY THE COUNTY AND PROVIDE ADDITIONAL SERVICES NOT CURRENTLY AVAILABLE. COPIES OF THE SERVICE PLAN FOR THIS AREA ARE ON THE TABLE BEHIND ME HERE. IF YOU

HAVE ANY QUESTIONS, I CAN ANSWER THOSE.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? ARE THERE ANY CITIZENS THAT WISH TO BE HEARD ON THIS PUBLIC HEARING ANNEXATION OF THE AVERY RANCH AREA? HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING? MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER MCCracken TO CLOSE THIS PUBLIC HEARING. ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

OKAY. ITEM NUMBER 75, THIS IS THE FIRST OF TWO PUBLIC HEARINGS. THE SECOND IS SCHEDULED FOR NEXT WEEK. THIS IS A LIMITED PURPOSE ANNEXATION AREA. THE GOODNIGHT RANCH AREA REQUESTED BY THE PROPERTY OWNER. IT WILL BE BROUGHT INTO THE FULL PURPOSE JURISDICTION SIMILAR TO THE WAY AVERY RANCH IS CONVERTING OVER TO IF YOU RECALL PURPOSE. COPIES OF THE PLANNING STUDY AND REGULATORY PLAN ARE ON THE TABLE BEHIND ME HERE THIS EVENING. IF YOU HAVE ANY QUESTION ABOUT THIS AREA, I COULD ANSWER THOSE.

Mayor Wynn: THANK YOU, MS. COLLIER. QUESTIONS? ARE THERE ANY CITIZENS THAT WISH TO BE HEARD ON THIS PUBLIC HEARING, ITEM 75, THE LIMITED PURPOSE ANNEXATION OF THE GOODNIGHT RANCH AREA? HEARING NONE, WE CAN CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER MCCracken, SECONDED BY COUNCILMEMBER THOMAS TO CLOSE THIS PUBLIC HEARING. ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

Mayor Wynn: MS. BROWN, SO ITEM NUMBER 76 TECHNICALLY WAS THE PUBLIC HEARING OF THE PROPOSED DESIGN STANDARDS.

THAT WAS POSTPONED.

Mayor Wynn: IT WAS PART OF THE CHANGES AND CORRECTIONS. OKAY. YES. SO ITEM 76, JUST TO THE RECORD, IT HAS BEEN POSTPONED. SO COUNCIL, I BELIEVE WE HAVE NOW TAKEN UP ALL OF OUR PUBLIC ACTION ITEMS, SO WITHOUT OBJECTION, WE'LL GO BACK INTO CLOSED

SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY AGENDA ITEMS 53 RELATED TO EASEMENTS NEEDED FROM THE AUSTIN COUNTRY CLUB, 54 RELATED TO PROPOSED LEGISLATION OF THE 79TH LEGISLATIVE SESSION; 56 RELATED TO THE CITY OF SUNSET VALLEY, SAVE OUR SPRINGS VERSUS THE CITY OF AUSTIN AND LOWE'S; ITEM 58 RELATED TO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF AUSTIN AND THE CITY OF SUNSET VALLEY. AND THERE ARE ASSOCIATED ACTION ITEMS WITH SOME OR ALL OF THOSE CLOSED SESSION ITEMS. WE ARE NOW IN CLOSED SESSION. SNOW GOOD MORNING, WE ARE OUT OF THE EXECUTIVE SESSION. COUNCILMEMBER SLUSHER, WE HAVE A FEW ACTION ITEMS TO TAKE UP. LET ME FIND THEM. I'LL ENTERTAIN A STAFF PRESENTATION.

MAYOR, COUNCIL, I'M LAURIE INGELO AN ASSISTANT CITY ATTORNEY FOR THE CITY OF AUSTIN. WE ARE HERE TONIGHT TO TALK ABOUT THE SETTLEMENT OF A LAWSUIT AND THAT LAWSUIT IS THE -- THE -- IT'S -- IT INVOLVES THE LOWE'S STORE ON BRODIE OUT NEAR THE CORNER OF WILLIAM CANNON. THE LAWSUIT CAUSE NUMBER IS GB 400101, FILED IN THE 201st JUDICIAL DISTRICT OF TRAVIS COUNTY, STYLED CITY OF SUNSET VALLEY, S.O.S. ALLIANCE AND SAVE BARTON CREEK ASSOCIATION VERSUS LOWE'S HOME CENTER INC. IN THE CITY OF AUSTIN. A LITTLE HISTORY HERE, BACK IN IN 2002, LOWE'S APPROACHED THE CITY OF SUNSET VALLEY REGARDING A HOME CENTER ON BRODIE. THAT HOME CENTER, AS IT WAS AT THAT TIME PLANNED AND CONTINUES TO BE PLANNED TO THIS DAY IS OVER THE BARTON SPRINGS PORTION OF THE EDWARD'S AQUIFER. NOT LONG AFTER LOW'S APPROACHED SUNSET VALLEY, SUNSET VALLEY RELEASED THE LOWE'S TRACT AT THAT TIME IT WAS THE FWARZA TRACT -- GARZA TRACT FROM ITS E.T.J. AND IT HAS BEEN CITY OF AUSTIN'S BELIEF AND SUNSET'S BELIEF THAT THAT LAND ONCE IT WAS RELEASED FROM THE SUNSET VALLEY'S E.T.J. THAT IT ENTERED THE CITY OF AUSTIN'S E.T.J., HO ALTHOUGH THAT'S CERTAINLY A CONTESTED ISSUE IN THE LAWSUIT. LOWE'S SUBMITTED A PLAT APPLICATION TO THE CITY OF AUSTIN WHICH THE CITY OF AUSTIN REJECTED BECAUSE IT

DIDN'T COMPLY WITH THE S.O.S. ORDINANCE. SPECIFICALLY THE PLAT INDICATED THAT THE IMPERVIOUS COVER WOULD EXCEED 15%. LOWE'S HAD TWO ALLEGATIONS, FIRST OF ALL THAT THE LOWE'S TRACT WAS GRANDFATHERED AT WHICH TIME WERE 40%, NOW REDUCED TO 18, BUT AT THAT TIME THAT THEY WERE 40, BUT THAT THE LOW'S TRACT WAS NOT RELEASED INTO AUSTIN'S E.T.J. AND THEREFORE THE S.O.S. ORDINANCE DIDN'T APPLY. IN SPRING OF 2003, INTO THE SUMMER OF 2003, THE TEXAS LEGISLATURE MAY HAVE GIVEN LOWE'S A LITTLE EXTRA HELP BYPASSING WHAT WE HAVE BEEN RESERVE TO AS H.B. 1204, BUT ESSENTIALLY A PROVISION OF THE TEXAS LOCAL GOVERNMENT CODE, WHICH ARGUABLY IF TAKEN TO ITS NTH DEGREE OR EXTREME WOULD HAVE ALLOWED TRAVIS COUNTY'S IMPERVIOUS COVER RESTRICTIONS TO APPLY, THOSE ARE BASICALLY NON-EXIST DEPARTMENT, VERY MINIMAL, CERTAINLY NOTHING LIKE AUSTIN HAS IN ITS S.O.S. ORDINANCE. I THINK NON-EXISTENT WOULD BE THE CORRECT TERM. NOW AT THAT TIME THE CITY OF AUSTIN, I WAS VERY CONCERNED THAT WE WOULD BE IN A PLACE WHERE LOWE'S COULD CONCEIVABLY BE DEVELOPING THAT TRACT UNDER THE TRAVIS COUNTY'S IMPERVIOUS COVER RESTRICTIONS. AND THERE BE DAMAGING THE AQUIFER BY PUTTING WAY TOO MUCH IMPERVIOUS COVER ON THAT SITE. SO IN DECEMBER OF 2003 THE CITY OF AUSTIN SETTLED THAT LAWSUIT WITH LOWE'S. AND DURING THAT SETTLEMENT LOWE'S PROVIDED ONE MILLION TO THE CITY OF AUSTIN IN WHICH THE CITY WAS ABLE TO PROTECT APPROXIMATELY 246 ACRES OF -- OF OPEN SPACE. OVER THE EDWARD'S AQUIFER RECHARGE ZONE. UNFORTUNATELY, IN JANUARY OF 2004, THE CITY OF AUSTIN WAS THEN SUED BY S.O.S. ALLIANCE, THE CITY OF SUNSET VALLEY AND SAVE BARTON CREEK ASSOCIATION. THOSE ENTITIES ALLEGED THAT LOWE'S AND THE CITY OF AUSTIN'S 2003 SETTLEMENT AGREEMENT SHOULD HAVE BEEN APPROVED BY A SUPER MAJORITY OF THE COUNCIL, WHICH THEY CORRECTLY STATED WAS NOT APPROVED BY THE SUPER MAJORITY OF THE COUNCIL AND THEREFORE THAT THAT WAS INVALID. THAT THAT WAS AN INVALID EXERCISE OF THE COUNCIL AUTHORITY BECAUSE THE PLAINTIFFS ARGUED THAT IT WAS AN AMENDMENT TO S.O.S. THE PLAINTIFFS IN THIS CASE, S.O.S., SUNSET VALLEY AND SAVE

BARTON CREEK ASSOCIATION HAVE CERTAINLY HAVE SOME VERY GOOD SUCCESS IN THE TRIAL COURT. IN FACT RIGHT NOW LOWE'S HAS BEEN ENJOINED FROM BUILDING ON THAT SITE. HOWEVER ALL PARTIES REALIZE THAT THE POLITICAL REALITY IS THAT WHEREAS THE ELECTED JUDGES IN TRAVIS COUNTY HAVE BEEN VERY PROTECTIVE OF THE AQUIFER, THAT THE COURTS OF APPEALS IN THE TEXAS LEGISLATURE MAY NOT FEEL QUITE THAT WAY. AND WE ALSO ALL REALIZE THAT IN THE VERY NEAR FUTURE, THE COURT OF APPEALS, THE TEXAS SUPREME COURT AND THE TEXAS LEGISLATURE WILL BE TAKING A CLOSE LOOK AT THIS CASE. THEREFORE THE CITY OF AUSTIN AND THE PLAINTIFFS IN THIS CASE, THE S.O.S. AL LINES, SAVE BARTON CREEK ASSOCIATION AND THE CITY OF SUNSET VALLEY, ALL REALIZE THAT IT'S IN THE BEST INTERESTS OF THE EDWARD'S AQUIFER AND THE BARTON SPRINGS PORTION OF THE EDWARD'S AQUIFER TO ATTEMPT TO SETTLE THE CURRENT LITIGATION. THERE BE THE PARTY THAT I JUST MENTIONED HAVE STRUCTURED A PROPOSED SETTLEMENT AGREEMENT WHEREBY AUSTIN, CITY OF SUNSET VEL AND LOWES WILL EACH PAY \$350,000 INTO A SETTLEMENT FUND FOR A TOTAL OF \$1,050,000. WHICH WILL BE USED BY AUSTIN, CITY OF SUNSET VALLEY, TO PURCHASE OR TO ACQUIRE PROPERTY RIGHTS OVER ADDITIONAL MITIGATION PROPERTY WHICH WILL THERE BE REDUCE IMPERVIOUS COVER OF THE LOWE'S SITE. WE ARE STILL ANTICIPATING THAT LOWE'S SITE, IF THIS SETTLEMENT AGREEMENT IS APPROVED BY ALL OF THE PARTIES WILL BE DEVELOPED AT 40%. HOWEVER WITH THIS ADDITIONAL \$150,000. THE PARTIES -- \$1,050,000 THE PARTIES FEEL WE CAN FURTHER REDUCE THE IMPERVIOUS COVER ON THE EDWARD'S AQUIFER. AUSTIN WILL FOCUS ITS ATTENTION ON PROTECTING DIRECT RECHARGE PROPERTY OF THE AQUIFER AND THE CITY OF SUNSET VALLEY WILL FOCUS ITS ATTENTION ON GAINING MORE OPEN SPACE OVER THE BARTON SPRINGS PORTION OF THE EDWARD'S AQUIFER. COUPLE, THEREFORE I ASK THE -- THE -- I ASK COUNCIL TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND SETTLEMENT -- TO NEGOTIATE AND EXECUTE A SETTLEMENT AGREEMENT THAT IS IN SUBSTANTIAL COMPLIANCE WITH THE AGREEMENT THAT YOU HAVE SEEN EARLIER IN CAUSE NUMBER GB-400101, CITY OF SUNSET VALLEY, S.O.S. ALLIANCE AND SAVE BARTON CREEK ASSOCIATION VERSUS

LOWE'S AND THE CITY OF AUSTIN FILED IN THE 201st DISTRICT COURT OF TRAVIS COUNTY, TEXAS. ALSO, I THINK THERE'S SOME OTHER INDIVIDUALS HERE WHO WOULD LIKE TO SPEAK ON THIS PARTICULAR ACTION ITEM. A.

Mayor Wynn: THANK, ACTUALLY, DOWN WE HAVE A HANDFUL OF CITIZENS SIGNED UP WISHING TO SPEAK. WE WILL START WITH MR. JOHN BEAL, WHO MAY HAVE LEFT. SAW HIM WAITING PATIENTLY ALL NIGHT IN THE BACK ROW. JOHN BEAL SIGNED UP WISHING TO SPEAK, IN FAVOR. HAROLD DANIEL IS WITH US. HAROLD, WELCOME. YOU WILL HAVE THREE MINUTES AND YOU'LL BE FOLLOWED BY LELA [INDISCERNIBLE]

GOOD MORNING, MAYOR AND COUNCILMEMBERS. MY NAME IS HAROLD DANIEL, I'M HERE ON BEHALF OF THE SAVE BARTON CREEK ASSOCIATION. I'M HAPPY TO BE HERE TONIGHT OR THIS MORNING IN SUPPORT OF THE SETTLEMENT AGREEMENT THAT YOU HAVE BEFORE YOU. WE ALL RECOGNIZE THE LONG ROAD AND THE TREMENDOUS EFFORT THAT IT'S TAKEN TO GET TO THIS POINT. AND WE WOULD LIKE TO THANK ALL OF THE PARTIES INVOLVED FOR SITTING DOWN TOGETHER AND WORKING OUT A RESOLUTION THAT EVERYONE COULD AGREE ON. I KNOW THAT WASN'T AN EASY THING TO DO. WE ARE VERY OPTIMISTIC THAT THE FUNDS THAT BE MADE AVAILABLE BY THIS SETTLEMENT, TOGETHER WITH THE MITIGATION MADE POSSIBLE BY THE PREVIOUS SETTLEMENT WILL PROVIDE INCREASED PROTECTION FOR THE SPRINGS. SAVE BARTON CREEK ASSOCIATION IS EXCITED ABOUT WORKING WITH THE CITY OF AUSTIN, AND THE CITY OF SUNSET VALLEY, TO PROTECT THE MITIGATION LAND THAT WILL BE MADE AVAILABLE BY THIS AGREEMENT. WE LOOK FORWARD TO A LONG AND PRODUCTIVE RELATIONSHIP WITH BOTH CITIES TO CONTINUE PROTECTING THE AQUIFER AND THE SPRINGS, WHICH I THINK WE ALL RECOGNIZE AS AN IRREPLACEABLE RESOURCE FOR THIS REGION. AND I HOPE THAT YOU CAN SUPPORT THIS SETTLEMENT AGREEMENT AS WELL. THANK YOU.

Mayor Wynn: THANK YOU, MR. DANIEL. AND ALL YOUR HARD WORK. LELA AFLATUNI, SORRY IF I'M MISPRONOUNCING THAT. WELCOME, THREE MINUTES FOLLOWED BY BRAD

ROCKWELL.

GOOD MORNING, MAYOR AND COUNCILMEMBERS. YOU DID GET IT RIGHT. I'M LELA, COUNCIL FOR SAVE BARTON CREEK ASSOCIATION. I THINK OUR PRESIDENT HAROLD DANIEL SAID WHAT WE WOULD LIKE TO CONVEY TO YOU ALL. I ALSO WANTED TO LET YOU KNOW THAT JOHN BEAL, OUR VICE-PRESIDENT, WAS HERE EARLIER THIS EVENING, UNFORTUNATELY HE HAD TO LEAVE AS THINGS HAVE GOTTEN LATE. WE BELIEVE THIS IS A GOOD DEAL FOR EVERYONE. WE ARE VERY EXCITED ABOUT IT. SBCA APPRECIATES THE OPPORTUNITIES THAT IT HAS IN THIS AGREEMENT TO WORK WITH ALL OF THE PARTIES INVOLVED. AND WE HOPE THAT WE WILL HAVE A LONG AND PRODUCTIVE RELATIONSHIP WITH THE CITY. THANK YOU.

THANK YOU.

Mayor Wynn: MR. AKWEL, WELCOME, THREE MINUTES.

MAYOR AND CITY COUNCIL MEMBERS, THANK YOU FOR BEING HERE AND CONSIDERING THIS SETTLEMENT AGREEMENT. IT'S BEEN A LONG FIGHT AND A VERY HARD FOUGHT NEGOTIATED PROCESS WHERE ALMOST EVERY WORD IN THESE PROPOSALS HAVE BEEN FOUGHT OVER AND THE SUBJECT OF VERY DIFFICULT COMPROMISE. BUT I THINK WE HAVE A SETTLEMENT AGREEMENT THAT IS VERY GOOD AND WILL BE A VERY IMPORTANT IN PROTECTING THE AQUIFER AND RESOLVING SOME OF THESE DISPUTES. SAVE OUR SPRINGS ALLIANCE VERY STRONGLY SUPPORTS THIS AND WE VERY MUCH HOPE THAT YOU WILL VOTE FOR IT TONIGHT.

Mayor Wynn: THANK YOU, MR. ROCKWELL, THAT'S ALL OF THE SPEAKERS SIGNED UP WISHING TO ADDRESS US ON THIS SETTLEMENT AGREEMENT ITEM, ACTION ITEM NO. 64. QUESTIONS, COMMENTS? I'LL ENTERTAIN A MOTION.

AYOR PRO TEM.

Goodman: I WILL MOVE APPROVAL TO NEGOTIATE AND EXECUTE AND I HAVE TO MAKE A STATEMENT AS I MAKE

THAT MOTION. AFTER I GET A SECOND.

Mayor Wynn: I'LL SECOND THAT, THANK YOU, MAYOR PRO TEM?

Goodman: SO THAT THERE WAS NOT EVEN A PERCEPTION OF CONFLICT OF INTEREST EARLIER IN -- WHEN DID I DO THAT, LAST YEAR, I THINK, I RESIGNED FROM THE BOARD OF THE SAVE BARTON CREEK ASSOCIATION SO THERE WOULD BE NO QUESTION ABOUT CONFLICT OF INTEREST IN BEING PART OF THE CITY IN EXECUTIVE SESSION FOR SETTLEMENT ISSUES. AND SO I AM NOT, ALTHOUGH I HAD BEEN FOR LIKE 20 YEARS, A MEMBER OF THE BOARD OF SAVE BARTON CREEK. BUT FEEL PRE TO MAKE THIS MOTION NOW BECAUSE THERE IS ABSOLUTELY NOT EVEN A PERCEPTION OF CONFLICT. MARES AGREED, THANK YOU FOR THAT.

Mayor Wynn:, AGREED THANK FOR YOU THAT. MOTION AND SECOND ON THE TABLE TO APPROVE ITEM NO. 64, ACTION ITEM AUTHORIZING THE NEGOTIATION AND EXECUTION OF THIS SETTLEMENT AGREEMENT. HEARING NO COMMENTS ALL IN FAVOR SAY AYE?

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. MS. TERRY?

MAYOR?

Mayor Wynn: I SECONDED IT.

THANK YOU. MS. TERRY, IS THIS ITEM NO. 65.

IT'S ITEM NO. 63.

63, THANK YOU, BECAUSE I'M GOING TO LEAVE THE DAIS FOR THIS. ABSTAIN. MAYOR PRO TEM AND COUNCIL, MARTHA TERRY, ASSISTANT CITY ATTORNEY, I PLACED ON THE DAIS A GREEN PAPER WHICH REFLECT A SETTLEMENT REACHED BETWEEN THE AUSTIN COUNTRY CLUB AND THE CITY OF AUSTIN INVOLVING THE DECOMMISSIONING OF THE DAVENPORT WASTEWATER TREATMENT PLANT. BY WAY OF

SUMMARY, SOME OF THE HIGHLIGHTS THAT ARE CONTAIN UNDERSTAND THAT RESOLUTION, WHAT THIS DOES IS THAT ALLOWS THE CITY TO MOVE FORWARD WITH DECOMMISSIONING THE PLANT AND PROVIDING AND ASSISTING AUSTIN COUNTRY CLUB AN ALTERNATIVE FOR IRRIGATION SERVICES THAT -- IN -- WELL, I'M SORRY. IT'S LATE. AN ALTERNATIVE TO USING THE EFFLUENT FROM THAT PLANT TO IRRIGATE ITS GOLF COURSE. THE STAFF IS RECOMMENDING THAT YOU ADOPT THE SETTLEMENT AS REFLECTED IN THE RESOLUTION WHICH ALLOWS THE ABANDONMENT AND RELEASE OF CERTAIN EASEMENTS. IT AUTHORIZES PAYMENT TO THE AUSTIN COUNTRY CLUB FOR RESTORATION AND LANDSCAPING WORK IN THE AMOUNT OF \$153,300. IT PROVIDES FOR A WAIVER OF CERTAIN GREEN FEES, INVOLVES A WAIVER OF DEVELOPMENT FEES IN -- NOT TO EXCEED 35,000 FOR A PERIOD OF 18 MONTHS. IT'S SETS FORTH SOME ADDITIONAL DETAILS CERK HOW THE CITY AND THE CUB CLUB WILL OPERATE DURING THE CONSTRUCTION OF NEW CERTAIN FACILITIES THAT NEED TO BE ACCOMPLISHED IN ORDER TO DECOMMISSION THE PLANT. IT IS STAFF'S RECOMMENDATION THAT YOU ALL ADOPT THIS SETTLEMENT. IT IS OUR UNDERSTANDING THAT THE AUSTIN COUNTRY CLUB IS FULLY IN SUPPORT OF THIS AND WHAT THIS RESOLUTION WILL DO WILL BE AUTHORIZE THE CITY MANAGER TO -- TO NEGOTIATE AND EXECUTE A DOCUMENT THAT COMPORTS WITH THE TERMS OF THIS RESOLUTION.

Mayor > GOODMAN: OKAY, ANY QUESTIONS? OF MS. TERRY? I HAVE TURNED MY COMPUTER OFF. SO IF THERE'S STAFF OR CITIZEN WHO WANTS TO TALK, I DON'T KNOW ABOUT IT. IS THERE ANYONE HERE WHO WANTED TO COMMENT ON THIS? OKAY. THEN IS THERE A MOTION? OH, WHAT -- AND I THREW AWAY MY AGENDA. SO WHAT'S THE ACTION --

IT IS AGENDA ITEM NO. 63 IT'S APPROVE A RESOLUTION AUTHORIZING NEGOTIATION AND EXECUTION OF THE SETTLEMENT.

Goodman: OKAY. SO IS THERE A MOTION TO NEGOTIATE AND EXECUTE IN BY COUNCILMEMBER DUNKERLY. SECONDED BY COUNCILMEMBER MCCracken. FURTHER DISCUSSION? ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

THANK YOU.

WITH THE MAYOR TEMPORARILY OFF THE DAIS. THANK YOU, MA'AM.

THANK YOU VERY MUCH.

Goodman: DO WE HAVE ANYTHING ELSE?

ITEM 65 STILL NEEDS TO BE ACTED ON.

Mayor Wynn: THANK YOU, MAYOR PRO TEM, 65 RELATED TO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF AUSTIN AND SUNSET VALLEY.

THANK YOU MAYOR AND COUNCILMEMBERS, ONCE AGAIN ASSISTANT CITY ATTORNEY LAURIE TO VISIT WITH YOU ABOUT AN INTERLOCAL AGREEMENT PROPOSED INTERLOCAL AGREEMENT BETWEEN THE CITY OF AUSTIN AND THE CITY OF SUNSET VALLEY FOR IMPROVEMENTS TO THE INTERSECTION OF BRODIE AND WILLIAM CANNON. THE PERCEPTION IS THAT THERE MAY BE A -- HOPEFULLY A RELATIVELY EASY AND INEXPENSIVE FIX TO SOME OF THE TRAFFIC CONGESTION THAT SEEMS TO OCCURRING AT THE CORNER OF BRODIE AND WILLIAM CANNON AND PURSUANT TO THIS SPR LOCAL AGREEMENT THE CITY OF SUNSET VALLEY WILL BE PROVIDING THE FUNDING FOR THIS INTERSECTION FIX IF THE -- IF THE CITY OF AUSTIN ENGINEER, ONE OF OUR CITY OF AUSTIN ENGINEERS IN COLLABORATION WITH THE CITY OF SUNSET VALLEY ENGINEER FIND SUCH AN INEXPENSIVE FIX TO THAT INTERSECTION WOULD IN FACT BE POSSIBLE. THEREFORE I ASK COUNCIL TO AUTHORIZE THE CITY MANAGER TO -- TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT TO IMPROVE THE INTERSECTION OF BRODIE AND WILLIAM CANNON BETWEEN THE CITY OF AUSTIN AND THE CITY OF SUNSET VALLEY.

Mayor Wynn: THANK YOU. MY ONLY QUESTION IS HAVE WE MADE THIS SAME OFFER TO ROUND ROCK AND CEDAR PARK

AND PFLUGERVILLE? [LAUGHTER]

THAT'S NEXT WEEK. [LAUGHTER]

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. -- HEARING NONE I'LL ENTERTAIN A MOTION ON ITEM 65.

MOVE APPROVAL.

MOTION MADE BY COUNCILMEMBER ALVAREZ. SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THIS INTERLOCAL TO BETTER TO AND EXECUTE AN INTERLOCAL BETWEEN THE CITY OF AUSTIN AND CITY OF SUN CITY VALLEY AS OUTLINED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

Goodman: MAYOR?

Mayor Wynn: MAYOR PRO TEM.

Goodman: WE HAVE A CONSTITUENT REQUEST TO -- TO RECONSIDER THE LANGUAGE ON THE SMOKING -- [LAUGHTER] I CAN'T SAY IT, MARK. NO. ON THE ANTI-SMOKING BALLOT ITEM. LET ME READ YOU QUICKLY THE LANGUAGE PROPOSED AND IT EXPANDS THE PROHIBITION AGAINST SMOKING TO ALL BARS, BOWLING ALLEYS AND BILLIARD PARLORS AND BEGINNING IN 2012 TO THE SEPARATELY VENTILATED SMOKING SECTIONS OF RESTAURANTS. IF THAT'S CLEAR AND GOOD ENOUGH, AND WE WANTED TO, WE COULD GO BACK.

[INAUDIBLE - NO MIC]

COMMENTS?

[INAUDIBLE - NO MIC]

Mayor Wynn: SINGS IT'S PASSED MIDNIGHT -- SENSE IT'S

PASSED MIDNIGHT, PERHAPS WE'VE MISSED SOME DEADLINE OR SOMETHING. COMMENTS? I THINK THE MAYOR PRO TEM WAS RELAYING A REQUEST.

Slusher: MOTION TO ADJOURN.

Goodman: I WAS SORT OF LOOKING FOR A STRAW VOTE.

Clerk Brown: IF YOU WOULD JUST ANNOUNCE WHICH ITEMS FROM EXECUTIVE SESSION ARE BEING WITHDRAWN.

Mayor Wynn: OKAY, FOR THE RECORD I KNOW THAT WE WITHDREW ITEM NO. 57 RELATED TO THE VIVIAN CASE. AND WE DID NOT TAKE UP ITEM NO. 62 RELATED TO A CITY HALL CAFE. AND TECHNICALLY IN EXECUTIVE SESSION WE DID NOT TAKE UP ITEMS 12 OR 13, WE ACTED ON THEM IN PUBLIC. AND I BELIEVE THAT'S IT.

MAYOR, EXCUSE ME, ALSO COUNCIL DID NOT TAKE UP ITEM 55. AND DID NOT TAKE UP ITEM 52.

Mayor Wynn: THANK YOU. COUNCIL, THERE BEING NO MORE BUSINESS BEFORE THE CITY COUNCIL, ALTHOUGH THERE IS A REQUEST ON THE TABLE, I WILL ENTERTAIN THE WILL OF THE COUNCIL.

MOTION MADE BY COUNCILMEMBER ALVAREZ TO ADJOURN THE MEETING. SECONDED BY COUNCILMEMBER SLUSHER. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. WE ARE NOW ADJOURNED.

End of Council Session Closed Caption Log