

## Closed Caption Log, Council Meeting, 05/12/05

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GOOD MORNING. I'M AUSTIN MAYOR WILL WYNN, IT'S MY PLEASURE TO WELCOME CAPTAIN GUY NICKHAM FROM THE SALVATION ARMY WHO WILL LEAD US IN OUR INVOCATION, PLEASE RISE.

BEFORE THE INVOCATION, I WOULD LIKE TO TAKE AN OPPORTUNITY TO THANK THE COMMUNITY OF AUSTIN FOR THE SUPPORT OF THE SALVATION ARMY, THIS IS NATIONAL SALVATION ARMY WEEK WHERE WE ARE CELEBRATING 125 YEARS HERE IN AMERICA, I WOULD LIKE TO THANK THE COMMUNITY OF AUSTIN FOR THEIR SUPPORT OF THE SALVATION ARMY, SHALL WE PRAY?

FATHER GOD, FOR THIS DAY WE ARE GRATEFUL TO BE ABLE TO COME TOGETHER FOR A MEETING SUCH AS THIS AND DISCUSS THE BUSINESS OF OUR BEAUTIFUL CITY, WE SAY THANK YOU. LORD, WE PRAY THIS MORNING FOR GUIDANCE AND DIRECTION FOR OUR CITY. AS THIS MEETING OCCURS, LORD, MAY YOU BLESS ALL OF THE LEADER AND PEOPLE THAT YOU HAVE ENTRUSTED TO RUN OUR GREAT CITY. MAY YOU BLESS ALL OF THE REPRESENTATIVES THAT ARE HERE TO DISCUSS AND REPRESENT THE HAPPENINGS AND DOINGS HERE IN AUSTIN. MAY YOU ALSO CONTINUE TO BLESS THE SALVATION ARMY AS WE DO OUR BEST TO HELP OTHERS AND CONTINUE TO BLESS OUR RELATIONSHIP WITH THE GREAT CITY OF AUSTIN. IN YOUR NAME WE PRAY, AMEN.

AMEN.

THANK YOU, CAPTAIN NICKHAM. COUNCIL, THE SALVATION ARMY DELIVERED FROM CARE PACKAGES FOR US WE WILL HAVE BACK IN OUR EXECUTIVE SESSION ROOM FOR LUNCH. SO THANK YOU TO THE SALVATION ARMY. THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, MAY 12th, 2005, WE ARE IN THE CITY COUNCIL CHAMBERS AT THE CITY HALL. 301 WEST SECOND STREET. APPROXIMATELY 10:07 A.M. BEFORE I START WITH THE AGENDA, BOTH THE CHANGES AND CORRECTIONS AND WALKING THROUGH THAT, I WOULD JUST LIKE TO SAY THIS WEEK HAS BEEN AND WILL CONTINUE TO BE CITY EMPLOYEE APPRECIATION WEEK AND THE COUNCIL JOINS ME IN THANKING THE CITY MANAGER FOR TAKING THE TIME, EFFORT AND MODEST EXPENSE TO HAVE A SERIES OF EVENTS ALL WEEK LONG FOR US AS MAYOR AND COUNCIL AND REALLY US AS A LARGER COMMUNITY TO SAY THANK YOU TO A FINE WORKFORCE AND WE'VE HAD A BUNCH OF FUN EVENTS, THERE'S THINGS GOING ON TODAY AND I THINK THAT IT RUNS THROUGH THE WEEKEND. SO WE -- HATS OFF TO A GREAT WORKFORCE AND A BIG THANK YOU TO ALL CITY EMPLOYEES. SO OUR POSTED AGENDA THIS WEEK, WE HAVE A FEW CHANGES AND CORRECTIONS. ON ITEM NO. 11, WE SHOULD INSERT THE PHRASE FIRST READING OF, AND SO IT WILL BE APPROVING THE FIRST READING OF AN ORDINANCE. AND THE SAME THING WITH ITEM 12, INSERT FIRST READING OF. THESE ARE BOTH 11 AND 12 WILL JUST BE THE FIRST READING OF THOSE TWO ORDINANCES. ITEM NO. 40, WE SHOULD ADD COUNCILMEMBERS ALVAREZ AND THOMAS AS ADDITIONAL CO-SPONSORS. ON ITEM NO. 41, WE SHOULD CORRECT THE DATE. IT WILL BE JUNE 11th, 2005, NOT 2004 OBVIOUSLY. ITEM NO. 43, WE SHOULD INSERT THE WORDS REQUIREMENTS AND THEN ALSO ADD COUNCILMEMBERS ALVAREZ AND DUNKERLY AS ADDITIONAL COME SPONSORS, SO THIS WILL BE APPROVING AN ORDINANCE WAIVING CERTAIN FEES AND REQUIREMENTS FOR THE GREATER EAST AUSTIN YOUTH ASSOCIATION'S ... ITEM 44 WE SHOULD STRIKE THE PHRASE GREATER EAST AUSTIN YOUTH LEAGUES AND INSERT AUSTIN EAST SIDE STORY FOUNDATION. AND AGAIN INSERT COUNCILMEMBERS

ALVAREZ AND DUNKERLY AT ADDITIONAL CO-SPONSORS OF ITEM NO. 44. OUR TIME CERTAIN ITEMS TODAY AT -- AFTER WE GET THROUGH OUR CONSENT AGENDA AT 11:00, WE ARE ACTUALLY GOING TO HAVE OUR BOARD OF DIRECTORS MEETING OF THE AUSTIN HOUSING AND FINANCE CORPORATION, THOSE SHOW UP AS AGENDA ITEMS AHFC 1 AND 2. AT NOON WE BREAK FOR OUR GENERAL CITIZENS COMMUNICATION. AT 2:00 WE WILL HAVE A BOND SALE, WHICH SHOWS UP AS ITEM NO. 53, A REFUNDING BOND SALE. AT 2:00, WE HAVE TWO BRIEFINGS, ITEMS 54 AND 55. AT 3:00, WE ARE POSSESSED TO TAKE UP -- POSTED TO TAKE UP THE TOD ORDINANCE, POSTED AS ITEMS 56 AND 27, AT 4:00 APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS FOR ZONING, THOSE SHOWS AS ITEMS 58 AND 59, ZONING CASES, PUBLIC HEARING CASES Z-1 THROUGH Z-19. I WILL ANNOUNCE NOW THAT THE STAFF WILL BE REQUESTING A POSTPONEMENT OF THE FOLLOWING CASES, Z-5, WHICH IS THE ZENIA STREET CASE, STAFF WILL REQUEST THAT POSTPONEMENT TO JUNE 9th, 2005. ITEM NO. Z-11, Z-12 THE AVERY RANCH P.U.D., STAFF IS REQUESTING AN INDEFINITE POSTPONEMENT. AND ITEM Z-13, THE FRONTIER VALLEY CASE PROPOSED POSTPONEMENT TO MAY 26th, 2005. 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, OUR MUSICIAN THIS WEEK IS WOODY WOOD. AT 6:00 P.M. WE HAVE PUBLIC HEARINGS AND POSSIBLE ACTIONS. THOSE SHOW UP AS ITEMS 60 AND 61; HOWEVER, ITEM 61, THE APPLICANT IS REQUESTING A POSTPONEMENT TO MAY 26th 26th, 2005. TECHNICALLY WE WON'T TAKE UP THE POSTPONEMENT VOTE UNTIL THE TIME CERTAIN OF 6:00 P.M. WE HAVE A HANDFUL OF ITEMS PULLED OFF OF THE CONSENT AGENDA, COUNCIL. ITEM NO. 14, REGARDING OUR DESIGN STANDARDS, PULLED BY COUNCILMEMBER SLUSHER. ITEMS 39, ALSO PULLED BY COUNCILMEMBER SLUSHER, MS. BROWN SHOW ME PUTTING 22 BACK ON THE CONSENT AGENDA, I HAD ORIGINALLY PULLED IT, INSTEAD WE WILL HAVE A BRIEF PRESENTATION BY THE PUBLIC WORKS DEPARTMENT, AFTER WE GET A MOTION ON THE CONSENT AGENDA. ITEM 22 RELATES TO THE CONSTRUCTION OF OUR CIRCLE C FIRE STATION AND E.M.S. STATION. 23 RELATED TO AN AMENDMENT OF THE PROFESSIONAL SERVICES AGREEMENT PULLED BY ME. THIS IS REGARDING THE WATER TREATMENT PLANT NUMBER 4.

AND ITEM NO. 45 RELATED TO OUR EMPLOYEE RETIREMENT SYSTEM, ALSO PULLED BY ME, FOR A -- FOR A PUBLIC PRESENTATION LATER TODAY. COUNCIL, ADDITIONAL ITEMS TO BE PULLED OR PLACED BACK ON THE CONSENT AGENDA? MAYOR PRO TEM?

NOT TO PULL, NECESSARILY, BUT A BRIEF STAFF PRESENTATION ON ITEMS NUMBER 6 AND NUMBER 9.

OKAY. STAFF WILL STAND BY FOR THAT. COUNCILMEMBER -- FURTHER ITEMS? HEARING NOW, I WILL NOW READ THE CONSENT AGENDA NUMERICALLY. ITEM 1, 2, 3, 4, 15, 6, 7, 8, 9, 10, 11 PER CHANGES AND CORRECTIONS, FIRST READING ONLY. 12, ALSO FIRST READING ONLY FOR CHANGES AND -- PER CHANGES AND CORRECTION, 13, 15, 16, 17, FOR SECOND READING ONLY, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, ARE OUR APPOINTMENTS TO THE BOARDS AND COMMISSIONS AND I WILL NOW READ INTO THE RECORD. OUR BOARD OF ADJUSTMENT, ASH BREAK ABAR IS A CONSENSUS -- ABAR IS A -- ASH ABOUT A ABRAR CONSENSUS REAPPOINTMENT. [INDISCERNIBLE] COUNCILMEMBER MCCracken'S REAPPOINTMENT. JOE FIERRO IS A CONSENSUS APPOINTMENT. GAIL SPEAR ACE CONSENSUS REAPPOINTMENT AND AND I HAVE ADVICE JONES -- AVIS JONES WALLACE IS COUNCILMEMBER THOMAS'S REAPPOINTMENT. TO OUR ETHICS REVIEW COMMISSION, [INDISCERNIBLE] IS COUNCILMEMBER ALVAREZ'S APPOINTMENT, TO OUR SIGN REVIEW BOARD, BARBARA ABAR IS A CONSENSUS REAPPOINTMENT. AND TO THE URBAN FORESTRY BOARD, COAL LEN LADEN IS -- COLIN LADEN IS MAYOR PRO TEM'S APPOINTMENT ON THE CONSENT AGENDA. CONTINUING ON, ITEM 38, 40 PER CHANGES AND CORRECTION, 41 PER CHANGES AND CORRECTION, 42, 43, PER CHANGES AND CORRECTIONS, 44, PER CHANGES AND CORRECTIONS, 46 AND 47. I'LL ENTERTAIN A MOTION. COUNCILMEMBER DUNKERLY?

Dunkerly: I HAVE A QUESTION. ON ITEM 35, DID YOU MEAN TO LEAVE THAT ON CONSENT SINCE THERE'S A RELATED EXECUTIVE SESSION ITEM?

IT IS CURRENTLY ON THE CONSENT AGENDA.

MAYOR, MARTHA TERRY ASSISTANT CITY ATTORNEY, IF YOU PASS IT ON CONSENT THERE IS NO NEED FOR AN EXECUTIVE SESSION.

MARTY, HAVE ALL OF THE COUNCIL BEEN BRIEFED ON THE ISSUES WITH THIS?

ARE WE BRIEF -- WE BRIEFED IN THE EXECUTIVE SESSION LAST WEEK.

I THINK THAT I WOULD BE MORE COMFORTABLE, ACTUALLY, IF YOU HAD A CHANCE TO HAVE THIS BRIEFING IN EXECUTIVE SESSION BEFORE YOU TAKE ACTION.

THAT'S FINE, WE ARE PREPARED TO GO TO EXECUTIVE SESSION ON THIS ITEM.

Mayor Wynn: COUNCIL, WITHOUT OBJECTION ITEM 35 WILL BE REMOVED FROM THE CONSENT AGENDA. WITH THAT AMENDMENT I WILL ENTERTAIN A MOTION?

Thomas: SO MOVED, MAYOR.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY THE MAYOR PRO TEM TO APPROVE THE CONSENT AGENDA AS READ NOTING THAT ITEM 35 IS NOT ON THE CONSENT AGENDA.

Slusher: MAYOR, I HAVE A COUPLE OF QUESTIONS.

Mayor Wynn: COUNCILMEMBER SLUSHER?

Slusher: ON 38 THIS IS THE ITEM TO INCREASE CONTRIBUTIONS TO THE CUSTOMER ASSISTANCE PROGRAM ON UTILITY BILLS, I JUST WANT TO MAKE SURE THAT ANY -- THIS IS ALL BEING DONE IN HOUSE, AT LEAST AS WHAT'S GOING TO RESULT FROM THIS ITEM WILL BE IN-HOUSE, NOT ANYONE BEING HIRED TO LOOK AT THAT?

Futrell: WELL, LET ME SPEAK A LITTLE BIT TO IT. I THINK WE ARE GOING TO FOCUS PRIMARILY ON MARKETING AT THIS POINT AND WHEN WE GET TO ANY POINT WHERE WE CAN WORK ON ACTUAL BILL RESTRUCTURING OR DINE OF BILL,

WHICH IS ON OUR HORIZON, THEN WE ARE GOING TO BE WORKING -- I'M NOT SURE IF THAT ANSWERED YOUR QUESTION --

THAT WOULD COME BACK TO THE COUNCIL?

WE DO INTEND TO WORK WITH OUR IN-HOUSE EXPERTS TO RESPOND TO THE RESOLUTION. THERE MAY BE IN THE FUTURE AS WE DO OUR CIS, A NEED TO INVOLVE OUTSIDE CONSULTANTS BUT NOT AT THIS TIME.

Slusher: THAT'S NOT APPROVED BY THIS ITEM, THOUGH?

PARDON ME?

Slusher: THAT LAST PART YOU SAID, CIS, IT'S NOT INCLUDED IN THIS ITEM?

THAT'S CORRECT.

Slusher: OKAY. THEN ON NUMBER 40, THIS SOUNDS LIKE A -- LIKE A GOOD THING, BUT I DIDN'T SEE ANY -- A RESOLUTION UNTIL A FEW MINUTES AGO. MAYBE THE SPONSOR CAN GIVE US A LITTLE INFORMATION ON THAT. THAT'S THE ONE ABOUT THE -- ABOUT THE PARKS AND RECREATION ACCOUNT.

Futrell: WARREN, CAN YOU MAYBE HELP US WITH THIS A LITTLE BIT.

WARREN STRUSS, COUNCILMEMBER THIS IS SIMPLY A RESOLUTION THAT WE ARE ASKING COUNCIL TO SUPPORT TO THE 79th LEGISLATURE TO HOPEFULLY SEND A CLEAR MESSAGE THAT ALTERNATIVE FUNDING FOR OUR PARKS AND RECREATION DEPARTMENTS ARE BASICALLY A CRISIS AND WE ARE ASKING FOR SUPPORT TO TELL OUR LEGISLATURE THAT WE NEED HELP FINANCIALLY TO CONTINUE OUR PARK DEVELOPMENT.

Slusher: I GUESS IT CAN'T HURT TO ASK.

CAN'T HURT TO ASK. ALL RIGHT, THANK YOU.

THAT'S ALL THAT I HAVE NOW, MAYOR.

COUNCILMEMBER SLUSHER? NOW --

Mayor Wynn: THANK YOU, COUNCILMEMBER SLUSHER.  
MAYOR PRO TEM ASKED FOR COMMENTS ON ITEM NO. 6 AND  
9. 6 RELATES TO THE AMEND OF THE AUSTIN MUSEUM OF  
ART SALE CONTRACT.

Futrell: SUE MAYBE AND ALISON FROM THE LAW  
DEPARTMENT CAN GIVE YOU A QUICK BRIEFING ON THIS.

Goodman: THIS ALL HAPPENED SO LONG AGO, SO LONG AGO  
I WAS EVEN ON THE PLANNING COMMISSION THAT'S HOW  
LONG. AND NOBODY IS ABLE TO QUITE BRING UP FROM  
THEIR MEMORY HOW IT IS THAT WE ARE CONNECTED TO  
THE AUSTIN MUSEUM OF ART AND SO WHY WE ARE DOING  
THIS ACTION TODAY.

Goodman: MAYOR, MEMBERS OF THE COUNCIL, SUE  
EDWARDS, DIRECTOR OF ECONOMIC GROWTH AND  
REDEVELOPMENT SERVICES OFFICE. IN AUGUST OF 2000,  
THE CITY ENTERED INTO AN AGREEMENT WITH THE AUSTIN  
MUSEUM OF ART AS PARTIES TO AN AGREEMENT WHICH  
PROVIDED FOR THE SALE OF THE FOURTH STREET  
PROPERTY, WHICH THE CITY OWNED AT THAT TIME. THERE  
WERE CERTAIN CONTINGENT PERFORMANCE CRITERIA THAT  
WERE RELATED TO THAT SALE. ONE WAS THAT THE AMOA  
WOULD CONSTRUCT BUILDING NO LATER THAN DECEMBER  
THE 31st OF 2004; THAT THEY WOULD BUILD A 125,000  
SQUARE FOOT BUILDING; THEY WOULD BUILD 140,000  
SQUARE FEET OF PARKING; AND THAT 25% OF THE PARKING  
SPACES WOULD BE FOR GENERAL PUBLIC USE. BECAUSE OF  
THE DOWNTURN IN THE ECONOMY, THAT DID NOT OCCUR.  
HOWEVER, AMOA REMAINS COMMITTED TO CONSTRUCTION  
OF THE NEW ART MUSEUM. WITH THIS FIRST AMENDMENT,  
WE HAVE CHANGED THE -- WE HAVE CHANGED THE  
REQUIREMENTS, BUT THEY ARE VERY SIMILAR TO THE  
REQUIREMENTS THAT WE HAD PREVIOUSLY. THEY HAVE  
AGREED TO COMMENSE CONSTRUCTION NO LATER THAN  
FIVE YEARS AFTER COUNCIL APPROVES THE AMENDMENT.  
PLUS THE TIME THAT IT TAKES TO GO THROUGH THE  
DEVELOPMENT REGULATORY PROCESS. IF IT IS DEVELOPED

AS PART OF A MULTI--USE DEVELOPMENT, THEY MUST INCLUDE AT LEAST 231,000 SQUARE FEET OF WHICH 25,000 SQUARE FEET MUST BE DEVOTED TO THE ART MUSEUM. THEY HAVE ALLOWED THAT THE DEVELOPER OF BLOCK 21 MAY USE THE MUSEUM PROPERTY AS A STATEMENTING AREA FOR -- STAGING AREA FOR CONSTRUCTION, THAT WOULD BE AT A RATE OF \$18,000 A MONTH. WE HAVE REQUIRED THEM TO AUTHORIZE FREE PARKING ON THE MUSEUM PROPERTY FOR EMPLOYEES ASSOCIATED WITH THE ARMADILLO CHRISTMAS BAZAAR AND ANY FARMERS MARKET ACTIVITY. AND IF PARKING IS PROVIDED FOR SECOND STREET RETAIL DISTRICT ON THEIR LAND, CHARGES FOR PARKING SHALL BE NO LESS THAN THAT WHICH THE CITY CHARGES IN THEIR GARAGE AND IF THE LAND IS SOLD, THE BUYER IS REQUIRED TO ADHERE THE SAME AGREEMENT.

Mayor Wynn: THANK YOU, MS. EDWARDS. FURTHER QUESTIONS OR COMMENTS ON ITEM NO. 6? THANK YOU, MS. EDWARDS, THAT WILL REMAIN ON THE CONSENT AGENDA. MAYOR PRO TEM YOU ASKED ABOUT ITEM NO. 9, WHICH IS AN INTERLOCAL WITH TRAVIS COUNTY REGARDING SOME BASIC NEED CASE MANAGEMENT.

Goodman: RIGHT. SINCE THE POSTING REFERS TO SERVICES FOR FOLKS WHO ARE IN THE COUNTY AND IT DOESN'T SPECIFICALLY SAY WHAT, WHERE, WHY WE ARE DOING IT, ET CETERA, SINCE THERE ARE OFTEN DISCUSSIONS ABOUT WHAT THE COUNTY'S RESPONSIBILITY IS AND THE CITY'S AND WHAT THE COUNTY DOES NOT DO FOR THE CITY AND VICE VERSA, WE NEED A PRESENTATION.

Futrell: WE HAVE DAVID LURIE HERE. DAVID, IF YOU COULD HELP US ON THIS ITEM.

WELCOME, MR. LURIE.

GOOD MORNING.

GOOD MORNING. THIS ITEM HAS TO DO WITH THE -- BASICALLY A PASS-THROUGH OF COMMUNITY SERVICE BLOCK GRANT FUNDS THAT WE RECEIVE AND SHARE WITH TRAVIS COUNTY. THE TOTAL APPROPRIATION ANNUALLY IS



ABOUT \$779,000. AND THIS IS A -- THIS IS AN INTERLOCAL AGREEMENT WITH TRAVIS COUNTY THAT ENABLES US TO PASS THROUGH \$98,000, \$98,102. THAT IS USED BY TRAVIS COUNTY TO SUPPORT THEIR NEIGHBORHOOD CENTERS WITH BASIC NEEDS AND SELF SUFFICIENCY TYPES OF SERVICES, PROVIDING ASSISTANCE IN THE RURAL NEIGHBORHOOD CENTERS IN TRAVIS COUNTY. AND THE DISTRIBUTION OR THE APPROPRIATION IS BASED ON A CALCULATION DONE BACK IN '02 AS TO THE POVERTY RATES, PERCENTAGE OF POPULATION OF BELOW THE FEDERAL POVERTY LEVEL IN RURAL TRAVIS COUNTY. COMPARED TO THE CITY OF AUSTIN. AND EXAMPLES OF SOME OF THESE SERVICES INCLUDE CASE MANAGEMENT, HEALTH PROMOTION, HOME REPAIR WEATHERIZATION, JOB BANK AND SENIOR SUPPORT SERVICES. AND THE FUNDING IS USED RHYME MERELY TO SUPPORT STAFF IN THESE RURAL NEIGHBORHOOD CENTERS.

Goodman: WE WERE DISCUSSING WHETHER IT WAS --  
[INDISCERNIBLE]

Mayor Wynn: THANK GOES FURTHER COMMENTS OR QUESTIONS ON ITEM NO. 9? THAT WILL REMAIN ON THE CONSENT AGENDA. COUNCIL, I HAD PUT ITEM NO. 22 BACK ON THE CONSENT AGENDA. I'M CERTAINLY STILL PREPARED TO SUPPORT IT. I THOUGHT THIS WOULD BE A GOOD OPPORTUNITY FOR OUR PUBLIC WORKS DIRECTOR, SONDR CRAYTON, THE CIRCLE C FIRE AND E.M.S. STATION. WE'VE HAD A FEW QUESTIONS ABOUT THE TIMING. IF YOU COULD GIVE US A COUPLE OF MINUTES, MS. CRAYTON, I WOULD APPRECIATE IT.

CERTAINLY. THIS PROJECT BEFORE YOU TODAY, ACTUALLY IT'S A CHANGE ORDER TO THE CONSTRUCTION CONTRACT FOR HUTCHINSON CONSTRUCTION FOR THE CIRCLE C FIRE, E.M.S. STATION. THE CHANGE ORDER IS IN THE AMOUNT OF \$36,000. THIS CHANGE ORDER WE'RE JUST ASKING FOR COUNCIL TO APPROVE THIS TODAY. THE STATUS OF THE PROJECT IS THAT IT SHOULD BE COMPLETE EITHER BY THE END OF THIS MONTH OR MID-JUNE. AT WHICH TIME THE FIRE AND E.M.S. PERSONNEL WILL BE MOVING INTO THE FACILITY.

SONDRA, I THINK PROBABLY ANOTHER POINT THAT'S

IMPORTANT TO KNOW IS THAT WE HAVE ACTUALLY ALREADY PUT THE UNIT IN SERVICE. FOR THIS AREA. BUT AT ANOTHER RESPONDING STATION. SO ALTHOUGH THE STATION ITSELF IS NOT OPEN, THE FIRE UNIT IS RESPONDING TO THE AREA JUST RESPONDING OUT OF A -- OF ANOTHER UNIT, I BELIEVE. HELP ME CLARIFY, RUDY.

GOOD MORNING, MAYOR, COUNCIL, RUDY GARZA, CITY MANAGER. I JUST WANTED TO CLEAR UP ONE THING. FIRE WILL BE OCCUPYING THE STATION IMMEDIATELY ONCE IT'S OPENED. E.M.S. ACTUALLY WILL NOT BE MOVING IN JUST IMMEDIATELY. THEY ARE ACTUALLY IN THE NEXT YEAR'S BUDGET.

ALL RIGHT, THANK YOU. FURTHER QUESTIONS OR COMMENTS? THANK YOU, MS. CRAYTON, WE WILL LOOK FORWARD TO A NEW STATION DOWN THERE.

Mayor Wynn: ALSO, COUNCIL, ITEM NO. 38 WAS [INDISCERNIBLE] I WILL RECOGNIZE COUNCILMEMBER ALVAREZ.

Alvarez: THANK YOU, MAYOR. THIS WAS AN ITEM RELATED TO THE CUSTOMER ASSISTANCE PROGRAM, PROVIDING STRATEGIES FOR BETTER MARKING THE PROGRAM, THUS INCREASING CONTRIBUTIONS TO THE PROGRAM. C.A.P. PROGRAM, CUSTOMER ASSISTANCE PROGRAM, YOU MIGHT RECOGNIZE THIS FROM YOUR ELECTRIC BILL, WHERE IT SAYS C.A.P. PROGRAM ON THERE. YOU CAN WRITE IN A CERTAIN AMOUNT THAT YOU WANT DONATED TO THAT PROGRAM. IT PROVIDES UTILITY ASSISTANCE TO LOW INCOME CUSTOMERS OF THE UTILITY. AND OVER THE LAST PHILOSOPHY OR SIX YEARS, WE HAVE SEEN A PRETTY SIGNIFICANT DROP IN THE CONTRIBUTIONS AND SO WITH WHAT THIS DOES IS IT DIRECTS THE CITY MANAGER TO WORK WITH AN ACTION TEAM THAT THE COMMUNITY ACTION NETWORK DEVELOPED TO FOCUS ON THE C.A.P. PROGRAM TO INCREASE PARTICIPATION IN THAT PROGRAM AND THEN IT ALSO IDENTIFIES SOME -- SOME STRATEGIES TO INCLUDE IN THAT DISCUSSION AND TO CONSIDER THAT THAT MAY HELP INCREASE PARTICIPATION IN THAT PROGRAM. AND I WANT TO THANK THE UTILITY FOR -- FOR ALREADY REALLY BEING VERY INVOLVED WITH THAT -- WITH THAT C.A.P. TEAM,

THE COMMUNITY ACTION NETWORK HAS PUT TOGETHER. THIS REALLY KIND OF FORMALIZES THAT THIS WORK IS BEING UNDERTAKEN. AND WE DO HAVE SEVERAL REPRESENTATIVES FROM THAT ACTION TEAM THAT C.A.N. PUT TOGETHER, ALSO MEMBERS OF THE BASIC NEEDS, BASIC SERVICES COALITION, I MAY BE GETTING THAT WRONG. BUT THEY WILL CLARIFY IT. WHO MAY WANT TO SAY A COUPLE OF WORDS. BUT WE HAVE I THINK GEORGE BROWN FROM CARITAS, IS THAT CORRECT? LEHMANNFORD FOR AIDS SERVICES OF AUSTIN AND THEN DAN PREWITT FROM MEALS ON WHEELS, FORMERLY OF THE FOOD BANK, I THINK. SO BUT I DON'T KNOW IF YOU ALL WOULD LIKE TO COME AND SAY A LITTLE BIT ABOUT THE IMPORTANCE OF THIS PROGRAM AND WHAT INCREASED PARTICIPATION WOULD MEAN FOR -- YOU KNOW FOR THE CUSTOMERS WHO WOULD BE ELIGIBLE FOR ASSISTANCE UNDER THIS PROGRAM.

[INAUDIBLE - NO MIC]

I ALSO SERVE ON THE BASIC NEEDS COALITION OF CENTRAL TEXAS. WHICH IS ONE OF THE MEMBERS OF THE C.A.P. TEAM. I'M ALSO ON THE COMMUNITY COUNCIL OF COMMUNITY ACTION NETWORK. BUT THE THREE MAIN OBJECTIVES OF THE C.A.P. TOMORROW ARE TO INCREASE THE CONTRIBUTIONS OF UTILITY HOLDERS TO THE CUSTOMER ASSISTANCE PROGRAM. ALSO TO INCREASE ENROLLMENT OF INDIVIDUALS WHO ARE ELIGIBLE FOR AUSTIN ENERGY DISCOUNTS AND REBATES TO INCREASE THAT ENROLLMENT. THERE ARE CURRENTLY ESTIMATED OVER 33,000 HOUSEHOLDS THAT ARE ELIGIBLE FOR THOSE DISCOUNTS AND REBATES, YET ONLY THREE TO FOUR THOUSAND PARTICIPATE IN THOSE PROGRAMS ANNUALLY. WE ARE WANTING TO AGGRESSIVELY INCREASE THAT ENROLLMENT. THE THIRD OBJECTIVE IS TO EXPLORE WAYS TO UTILIZE THE CUSTOMER ASSISTANCE PROGRAM MORE EFFICIENTLY. SO WE APPRECIATE THE FORMALIZATION ON THE CITY'S PART IN RECOGNIZE RECOGNIZING THE ACTION OF THE C.A.P. TEAM OF COMMUNITY ACTION NETWORK AND URGE YOUR SUPPORT. THANK YOU.

Alvarez: THANK YOU, MR. MANFORD. AGAIN, ONE OF THE REASONS -- I MEAN, ONE OF THE ACTION ITEMS IS TO

ALTHOUGH AT POTENTIALLY A NAME CHANGE FOR THE CHECK OFF ITEM ON THE UTILITY BILL BECAUSE THERE ARE ACTUALLY TWO DIFFERENT COMPONENTS OF THE C.A.P. PROMISE. ONE IS, YOU KNOW, THE MONEY THAT'S -- THAT'S INVESTED BY THE CUSTOMERS, AS PART OF THEIR UTILITY BILL. THEN THE OTHER ONE IS SORT OF AN AUTOMATIC REBATE, YOU KNOW, OR -- OR A REDUCTION OF THE UTILITY RATE PAID BY CUSTOMERS WHO QUALIFY FOR THAT REBATE. SO WHEN WE TALK ABOUT C.A.P., SOMETIMES IT'S CONFUSING. BECAUSE SOME FOLKS REFER TO THE -- TO THE UTILITY REDUCTION AND PART OF THE -- PART OF THE PROGRAM AND SOME PEOPLE REFER TO THE UTILITY CHECKOFF PART OF THE PROGRAM. THAT'S PART OF -- OF HOW WE MIGHT LOOK AT IMPROVING THE KNOWLEDGE OUT THERE AND THE AWARENESS IN THE COMMUNITY ABOUT THIS PROGRAM. AND REALLY ONE OF THE ITEMS THAT'S -- THAT'S -- YOU KNOW, THAT WE WANT TO LOOK AT IT JUST HOW IT'S PLACED ON THE UTILITY BILL, THAT MIGHT BE MORE OF A LONG-TERM SORT OF ISSUE THAT -- THAT WE WOULD HAVE TO WORK WITH THE UTILITY WHEN THEY MOVED TO -- TO REDESIGN THE BILL. BUT I KNOW THAT THERE'S SOME CHANGES TO THE UTILITY BILL, I THINK SLATED FOR NEXT FISCAL YEAR, 2006. AND SO I DID HAVE ONE QUESTION FOR THE -- FOR AUSTIN ENERGY, FOR THE CITY MANAGER, ABOUT THAT. BECAUSE IF WE -- THERE IS A NEW NAME THAT'S SORT OF RECOMMENDED OUT OF THIS -- OF THIS COMMUNITY WORK THAT'S BEEN GOING ON RELATED TO C.A.P. IS THAT -- BECAUSE I KNOW AGAIN THE NEXT FISCAL YEAR WE MAY BE LOOKING AT MAKING SOME COSMETIC CHANGES TO THE UTILITY BILL. BUT IS CHANGING THE NAME, NOT CHANGING THE PLACEMENT OF THE C.A.P. PROGRAM, BUT JUST CHANGING THE NAME, WOULD THAT BE SOMETHING THAT EQUAL THIS AS COMES MET I COULD -- QUALIFIES AS COSMETIC THAT COULD BE DONE IN THIS NEXT CYCLE OR IS THAT SOMETHING THAT WOULD HAVE TO WAIT FOR THIS LARGER UTILITY BILL REDESIGN --

WE WILL DO EVERYTHING THAT WE CAN, JUST LOOK -- TO BE MORE LIKE A COSMETIC THING THAT WE CAN ACCOMMODATE. THERE ARE RULES AND REGULATIONS THAT WE HAVE TO ABIDE BY IN TERMS OF THE FACE, BUT WE WILL DO WHATEVER WE CAN WITHIN THE CURRENT SYSTEM.

IT'S ADDING LINES AND REALLY MODIFYING THE BILL THAT -- THAT LITERALLY IS IMPOSSIBLE FOR US TO DO. WE SHOULDN'T DO IT BECAUSE WE CAN SPEND THAT MONEY ON THE NEW SYSTEM.

SURE. THE MAIN THING IS THAT'S BEEN DISCUSSED AS PART OF THE TEAM, THE WORK OF THE TEAM, I WANT TO MAKE SURE THAT IT'S CLEAR THAT WHAT WE THINK IS MAYBE POSSIBLE DURING THIS NEXT CYCLE, BUT THAT -- BUT THAT YOU KNOW IN TERMS OF COSMETIC CHANGES TO THE BILL VERSUS KIND OF THE LARGE E.R. REDESIGN WHICH -- LARGER REDESIGN WHICH MAKE TAKE ANOTHER TWO OR THREE YEARS TO UNDERTAKE. AND -- BUT THE WORK THAT WE ARE DOING MAYBE EVEN COULD INFORM THAT, WHAT WE ARE DOING COSMETICALLY TO THE BILL THIS COMING YEAR. BUT WE ARE A LITTLE MORE LIMITED IN WHAT WE CAN DO ON THE SHORT TERM IN THAT REGARD. BUT I JUST WANTED TO MAKE SURE THAT WAS CLEAR BECAUSE --

YOU HAVE MY COMMITMENT THAT WE WILL DO THAT.

Futrell: WHY DON'T WE CLARIFY THEN AT SOME POINT HERE IN THE FUTURE, I THINK AS LONG AS THE NAME WASN'T LONGER AND IT DIDN'T ADD A LINE, IT PROBABLY WOULD FIT IN THAT CLASSIFICATION. SO WE WILL CLARIFY FOR THAT SO YOU CAN BE ACTUALLY SURE WHAT WORK YOU ARE DOING WILL FIT INTO THAT CATEGORY, THANKS, JUAN.

THANK YOU. I DO WANT TO RECOGNIZE MY CO-SPONSORS, MAYOR PRO TEM GOODMAN AND COUNCILMEMBER DUNKERLY FOR THEIR SUPPORT ON THIS, THANK ALL OF THE COUNCIL FOR YOUR CONSIDERATION.

Mayor Wynn: THANK YOU, COUNCILMEMBER. OTHER QUESTIONS OR COMMENTS ON ITEM NO. --

Slusher: MAYOR, ON NUMBER 2, THIS IS GOING TO SEVERAL ENERGY REBATES FOR ENERGY EFFICIENCY. THIS ONE IS GOING TO THE SIMON PROPERTY GROUP FOR A HIGH EFFICIENCY CHILLER AT BARTON CREEK SQUARE MALL AND I JUST WANTED TO SAY THAT I'M HAPPY TO SEE THE MALL IS SAVING SOME ENERGY. BUT THAT MOST LONG-TIME RESIDENTS OF AUSTIN KNOW THAT BARTON SPRINGS HAS

NOT BEEN THE SAME SINCE THAT MALL OPENED AND CARVED OFF, PLOWED DOWN THE HILLSIDE OUT THERE AND DIDN'T DO ADEQUATE WATER QUALITY PROTECTIONS AND IN MY VIEW THEY STILL HAVEN'T. SO IF THEY REALLY WANTED TO BE A GOOD CORPORATE CITIZEN, THEY WOULD INVEST THIS MONEY IN A LOT MORE INTO DOING SOME RETRO FITS TO TRY TO PROTECT THE WATER QUALITY OF THE EDWARD'S AQUIFER. THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? ON THE CONSENT AGENDA? WE HAVE A MOTION AND A SECOND ON THE FLOOR TO APPROVE IT AS READ. 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. SO, COUNCIL, WE HAVE A HANDFUL OF DISCUSSION ITEMS WE CAN TAKE UP BEFORE OUR 11:00 HOUSING AND FINANCE CORPORATION MEETING. I -- COUNCIL, WITHOUT OBJECTION I HAD PULLED ITEM NO. 23 RELATED TO RELATED TO AN AMENDMENT OF THE PROFESSIONAL SERVICES AGREEMENT REGARDING THE WATER TREATMENT PLANT NUMBER 4. I DON'T THINK THIS DISCUSSION WILL BE THAT LENGTHY. SO IF WE COULD -- IF STAFF IS PRESENT ... PERHAPS A BRIEF PRESENTATION FOR ESSENTIALLY THE SCOPE OF WORK FOR THIS, \$6.5 MILLION, NOTING IT HAS BEEN RECOMMENDED BY BOTH THE WATER AND WASTEWATER COMMISSION AND THE ENVIRONMENTAL BOARD. BUT THIS IS SUCH A LARGE EXPENDITURE AND A LARGE ITEM TO BEGIN WITH THAT -- I WOULD LIKE A BRIEF PRESENTATION. FOLKS, IF YOU COULD TAKE YOUR CONVERSATIONS OUTSIDE I WOULD APPRECIATE IT.

MAYOR AND COUNCIL, I'M JANE [INDISCERNIBLE] THE ASSISTANT DIRECTOR FOR THE WATER UTILITY FOR THE TREATMENT PROGRAM. CHRIS LIPPE STEPPED OUT OF THE ROOM. I FIGURED THAT I WOULD START THIS. WOULD YOU LIKE A PRESENTATION ON THE PROJECT? OR JUST ANSWER QUESTIONS?

Mayor Wynn: SPECIFICALLY, WHAT I WANT TO MAKE SURE

THAT THE COMMUNITY IS AWARE, YOU KNOW, WHAT THIS AMENDMENT IS AND I THINK MOST PEOPLE AT LEAST UNDERSTAND THE CONCEPT AND THE DIALOGUE ABOUT THE PLAN ITSELF. BUT I JUST WANTED TO MAKE SURE THERE'S NO MISCOMMUNICATION ABOUT WHAT THIS \$6.5 MILLION IS BOIG ANDBUYING AND WHAT WOULD BE THE TIME LINE FOR SOME OF THOSE PRODUCTS. WELCOME. MR. LIPPE.

GOOD MORNING, MAYBE AND COUNCIL. LET ME GIVE YOU A BELIEF DEA -- I KNOW THERE HAVE -- BRIEF IDEA. I KNOW THERE HAS BEEN SOME QUESTION ABOUT THE PRELIMINARY ENGINEERING PHASE. WHAT WE ARE DOING IS BREAKING IT INTO TWO PHASES, THE TOTAL ON THE RCA IS \$6.5 MILLION. BUT THE FIRST PHASE, WHICH IS GOING TO ADDRESS A NUMBER OF CONCERNS AND -- THAT WE HAVE BEEN DISCUSSING RELATED TO WATER CONSERVATION AND ALTERNATIVE SITES, THE ESTIMATE FOR THAT IS \$1 MILLION. AND WHAT -- I KNOW THERE HAS BEEN SOME INTEREST IN BREAKING THAT INTO TWO SEPARATE AUTHORIZATIONS. SO IF THAT IS COUNCIL'S INTEREST, THAT WOULD -- THAT IS SOMETHING THAT'S WORKABLE. WE DO PLAN ON COMING BACK TO COUNCIL AFTER THE RESULTS OF THE FIRST PHASE ARE IN, SO -- SO AT THAT TIME WE CAN GET AUTHORIZATION TO PROCEED AS APPROPRIATE BASED ON THE RESULTS OF THE STUDIES.

BUT THE ITEM AS IT STANDS NOW, WOULD YOUR -- YOUR PLAN WOULD BE TO ONLY DO THE FIRST MILLION, STOP, AFTER SITE ASSESSMENT, AFTER ENVIRONMENTAL WORK ASSESSMENT IS DONE, AFTER WATER CONSERVATION WORK IS DONE AND COME BACK AND CHECK IN BEFORE MOVING FORWARD.

THAT'S CORRECT. WE DO HAVE A -- HAVE A BRIEF PRESENTATION, IF YOU WOULD LIKE TO KIND OF TAKE A LOOK AT WHAT THE WORK PLAN WOULD BE FOR THAT STUDY.

Mayor Wynn: I THINK THAT WOULD HELP. BRIEFLY, THOUGH, WHAT'S THE LIKELY TIME LINE FOR THE -- FOR THIS PART OF THIS AMENDMENT?

WE ARE EXPECTING TO COME BACK IN OCTOBER AND PULL

TOGETHER THE RESULTS OF SEVERAL STUDIES BY INDEPENDENT CONSULTANTS IN ADDITION TO CAROLLO, THE SUBJECT OF THIS RCA.

OKAY. MR. LIPPE, IF YOU COULD WALK US THROUGH THE BRIEF PRESENTATION.

FIRST LET ME MENTION THAT -- THIS ITEM WAS ORIGINALLY ON FOR FEBRUARY 17th, BECAUSE OF SOME GOOD QUESTIONS COMING UP ABOUT THE SCOPE AND THE SITE, PARTICULARLY THE LOCATION OF THIS PROPOSED WATER TREATMENT PLANT THE ITEM WAS -- WAS PULLED FROM THAT COUNCIL AND WE HAVE NOW RESCHEDULED IT FOR TODAY. NOW A SUBCOMMITTEE OF THE ENVIRONMENTAL BOARD, WE MET SIX TIMES WITH THE SUBCOMMITTEE, DID A SITE VISIT OUT TO THE SITE OUT ON 2222. AND THIS -- THIS PRESENTATION PRESENTS A SUMMARY OF THE DISCUSSIONS AND SOME OF THE ADJUSTMENTS THAT WE HAVE MADE TO THE SCOPE. AND TO THE WHOLE APPROACH TO THIS NEXT PHASE. THIS NEXT SLIDE SHOWS THE ORIGINAL APPROACH, OPPOSED CHANGES TO THE APPROACH. ORIGINALLY WE WERE LOOKING AT THE ENTIRE 6.5 MILLION, AS BASICALLY A TECHNICAL PRELIMINARY ENGINEERING CONTRACT. FOR THE WATER TREATMENT PLANT NUMBER 4 AS A SINGLE PHASE. WHAT WE ARE PROPOSING NOW, AS I JUST MENTIONED, IS A FIVE-MONTH WATER DEMAND STUDY, CAPACITY PLANNING, CONSERVATION EVALUATION, ALTERNATIVE SITE ANALYSIS, AND MITIGATION AND RESTORATION EVALUATION. SECONDLY THE SITE HAS ALWAYS BEEN DESCRIBED AS HAVING THE ABILITY TO HOLD A 600 MILLION-GALLON PER DAY PLANT. BUT WHAT WE ARE PROPOSING, WHAT -- WHAT IS PROCEEDING IS A 300 MILLION-GALLON PER DAY MAXIMUM. THE PROJECT ALL ALONG IN THE PRELIMINARY ENGINEERING, THE SITE ASSESSMENT THAT WAS DONE OVER THE LAST COUPLE OF YEARS WAS LOOKING AT THE FOOTPRINT OF A 300 MILLION-GALLON PER DAY PLAN. THEN IN LOOKING AT LONG -- AUSTIN'S LONG-TERM PROJECTIONS OF WATER DEMAND, 300 WILL TAKE US QUITE A FEW DECADES OUT. AND THEN THERE ARE -- THERE ARE SYSTEM-WIDE YOU KNOW OTHER PLANT CAPACITIES THAT WILL FIT INTO THAT PICTURE AND THAT 300 IS -- IS A -- IS AN APPROPRIATE SIZE FOR A PLANT OUT CLOSE TO LAKE



TRAVIS. THE THIRD ITEM IS THE EXISTING WATER TREATMENT PLANT 4 SITE WHICH WAS PURCHASED IN 1984. WAS -- WAS THE ONLY SITE CONSIDERED. IT HAS BEEN PURCHASED, A LOT HAD CHANGE UNDERSTAND THE LAST FEW YEARS -- CHANGED IN THE LAST FEW YEARS, BUT WE DID A SITE ASSESSMENT OVER THE LAST COUPLE OF YEARS, DID NOT SEE ANY FATAL FLAWS, LOOKED LIKE EVERYTHING WAS GOING TO BE FEASIBLE TO MITIGATE ON THAT SITE. IT WAS -- HAD ALREADY BEEN CLEARED THROUGH THE FISH AND WILDLIFE, BCCP PROGRAM, IN FACT THERE WAS 240 ACRES AND THE UTILITY CONTRIBUTED 140 OF THAT TO THE BCP. BUT AT THIS POINT WE ARE LOOKING AT AN ALTERNATIVE LAND ACQUISITION OR SITE EXCHANGE EVALUATION. THERE'S NOT A LOT OF NON-BCP UNDEVELOPED LAND IN THE AREA. SO WE WILL BE LOOKING AT THAT, BUT AS WELL LOOKING AT LESS SENSITIVE BCP PROPERTIES, THAT POTENTIALLY COULD BE EXCHANGED. NEXT WITH THE STANDARD PRELIMINARY ENGINEERING SCOPE, WHAT WE ARE PROPOSING IS A TWO PHASE. THE FIRST PHASE WOULD BE ADDED TO -- TO LOOK AT THESE ISSUES WE TALKED ABOUT, WATER CONSERVATION, THE POTENTIAL EFFECT OF WATER CONSERVATION ON THE TIMING AND SIZE OF THE PLANT IN THE FUTURE. AND THEN MOVE ON LATER, AFTER COUNCIL APPROVES THE NEXT PHASE, MOVE ON TO THE SECOND PHASE OF PRELIMINARY ENGINEERING, WHICH WOULD BE THE MORE TECHNICAL PHASE. AND THEN FINALLY, THE COMMUNICATION PLAN WOULD BE ENHANCED TO BE CERTAIN TO -- TO INCREASE FREQUENCY OF MEETINGS WITH BOARDS AND COMMISSIONS AND COUNCIL TO REPORT THE FINDINGS OF OUR STUDY. SO AGAIN THE PROPOSED TWO PHASED PRELIMINARY ENGINEERING, WHAT WILL BE -- WHAT WE'LL BE REVIEWING IN PHASE 1 WILL BE INVESTIGATING ALTERNATIVE SITES, REVIEWING ALTERNATE CAPACITY POTENTIAL, INCLUDING NOT ONLY OTHER -- OTHER SITES, BUT -- BUT ALSO BRINGING IN THE FINDINGS OF THE GREEN WATER TREATMENT PLANT INTO THE TOTAL CITY OF AUSTIN CAPACITY PICTURE. THIRD WOULD BE REVIEWING CONSERVATION STRATEGIES TO DAMPEN THE PEAK DAY AND REVIEWING DEMAND PROJECTIONS WITH FUTURE TO BE RECOMMENDED CONSERVATION STRATEGIES, THAT AGAIN IS AN INDEPENDENT STUDY THAT WILL BE BROUGHT

INTO THE RESULTS OF ALL OF OUR FINDINGS HERE IN THE NEXT FOUR OR FIVE MONTHS. PHASE 1 WILL ALSO HAVE CAROLLO REVIEWING MITIGATION AND WATER QUALITY CONTROL OPPORTUNITIES IN THE ASSOCIATED -- AND THE ASSOCIATED COSTS. WHILE THIS IS GOING TO BE BASED ON THE EXISTING SITE, IT'S GOING TO BE APPLICABLE TO WHATEVER SITE IS SELECTED. IT'S GOING TO BE ENHANCED WATER QUALITY AND ENVIRONMENTAL MITIGATION MEASURES THAT CAN BE DEVELOPED, COSTED OUT AND APPLIED TO WHATEVER SITE IS SELECTED. AGAIN PHASE 1 INCLUDES FOR CAROLLO ENHANCED [INDISCERNIBLE], MEETING WITH STAKEHOLDERS, BOARDS AND ECONOMICS AND CITY COUNCIL AND SO THE -- AND COMMISSION AND CITY COUNCIL. THE PHASE 1 IS TO ADDRESS ENVIRONMENTAL BOARD RECOMMENDATIONS, WE APPRECIATE THE HARD WORK THAT THE SUBCOMMITTEE DID AND -- IN PUTTING TOGETHER RECOMMENDATIONS THAT FURTHER ADDRESS THE -- SOME OF THE GOOD QUESTIONS ABOUT THE SITE AND THE TIMING AND SIZING OF FUTURE PLANS. THEN AGAIN WE WOULD COME BACK TO COUNCIL IN - - PHASE 2 WOULD BE THE TRADITIONAL, MORE TECHNICAL PRELIMINARY ENGINEERING. IT'S JUST A SUMMARY OF PHASE 1 TASKS IN THE RCA FOR CAROLLO, SO RCA YOU ARE LOOKING AT TODAY, WHICH CURRENTLY SAYS 6.5, ONE MILLION OF THAT WOULD BE THE -- THE INITIAL TASKS OF CAROLLO IN PHASE 1 AND IT WOULD INCLUDE SIMPLY THE REVIEW OF MITIGATION AND WATER QUALITY CONTROL OPPORTUNITIES AND ASSOCIATED COSTS AND, TWO, ENHANCE AND IMPLEMENT THE COMMUNICATION PLAN.

Futrell: SPEAK A LITTLE BIT ABOUT THE COMMUNICATION PLAN, EXPLAIN THAT PIECE. COMMUNICATING --

BASICALLY THIS IS PUBLIC INFORMATION, EDUCATION, PUBLIC INVOLVEMENT PROGRAM FOR THIS PLANT. IT'S -- IT'S BEYOND TIME TO START HAVING A LOT OF DISCUSSIONS WITH ALL STAKEHOLDERS, BUSINESSES IN THE AREA, VARIOUS ENVIRONMENTAL GROUPS, THE BULL CREEK ASSOCIATION, AS WELL AS BOARDS AND COMMISSIONS. SO IT'S JUST --

Futrell: THAT WOULD ALSO INCLUDE COMMUNICATING ABOUT ANY ALTERNATIVE SITE? THAT WOULD BE IDENTIFIED? IN

OTHER WORDS, IT WOULD CARRY FORWARD NO MATTER WHAT WE FIND IN PHASE 1.

THAT'S CORRECT. IT WOULD BE COMMUNICATING THAT -- ABOUT ALL OF THESE ISSUES, WATER CONSERVATION, ALTERNATE SITES, ENVIRONMENTAL MITIGATION AND THEN THE -- THE PLANT -- THE PLANT CONCEPT ITSELF.

Futrell: ALL RIGHT.

THIS SLIDE JUST GIVES SOME EXAMPLES OF THE TYPE OF MITIGATION THAT IS BEING PROPOSED, THE -- AUSTIN WATER UTILITY WANTS TO MAKE THIS A MODEL PROJECT AND WE HAVE SAID THAT FROM THE BEGINNING. WE VERY MUCH APPRECIATE THE SITE THAT WE ARE ADDING, AT THE EBLG OF THE BCP, AND -- UP IN THE HEAD WATERS OF -- EDGE OF BCP, UP IN THE HEADWATERS OF BULL CREEK. HERE SOME EXAMPLES OF DURING BOTH CONSTRUCTION AND THE OPERATION OF THE PLANT, WE WANT TO DO SOME EXTRAORDINARY THINGS. DURING CONSTRUCTION, WE HAVE SOME OPERATING ENHANCEMENTS DURING CONSTRUCTION, BASICALLY CONSTRUCTION MANAGEMENT WHERE THERE'S A FULL-TIME ENVIRONMENTAL INSPECTOR, A LOT OF COMMUNICATIONS BETWEEN ALL OF THE PARTIES, OF COURSE, ADAPT TO CHANGING CONDITIONS, WHEN SOMETHING IS DISCOVERED, MAKE ADJUSTMENTS TO MANAGE THAT, AND I HAVE CONTINGENCY FUNDING TO DO SUCH RESPONSES. DURING -- DURING CONSTRUCTION, THERE ARE CERTAINLY DESIGN APPROACH -- CERTAIN DESIGN APPROACH THAT'S CAN BE TAKEN SUCH AS A PERIMETER BERM WHICH BASICALLY CREATE THE BERMS BEFORE THE CONSTRUCTION, SO WE WOULD NOT BE LOOKING AT SILT FENCES, FOR EXAMPLE, THIS WOULD BE MORE OR LESS PERMANENT BERMING OF THE SITE TO ELIMINATE ANY RUNOFF OF SEDIMENT OR OTHER CONSTRUCTION IMPACTS. QUANTIFY THE SEDIMENT CONTAINMENT. WITH BEST MANAGEMENT PRACTICES, DO WHAT'S CALLED SOFT ARMORING OF DRAINAGE CHANNELS RATHER THAN LEAVING BASICALLY -- THAT WOULD BE, FOR EXAMPLE, GOOD -- GOOD WELL ESTABLISHED VEGETATION ALONG THE DRAINAGE CHANNELS. SLOPES BREAKS AND GRADES, CONTROLS FOR -- FOR VELOCITY CONTROL OF RUNOFF, DOING A PHASED CLEARING AND DRAINING AND

THEN HAVING PERFORMANCE GOALS, INCLUDING END-STREAM EFFECTS, WE ARE INTERESTED IN LOOKING AT RESTORING, WE THINK WE HAVE THE OPPORTUNITY TO RESTORE SOME OF BULL CREEK THAT HAS ALREADY SEEN SOME IMPACTS OF -- OF DEVELOPMENT ALONG 620, 2222 AREA. WHICH IS THE VICINITY OF THIS PLANTSITE. WE MAY HAVE AN OPPORTUNITY TO ACTUALLY DO SOME IMPROVEMENT AND RESTORATION AND THEN WE'LL BASICALLY -- I KIND OF SEE IT AS -- AS WE ADOPT THAT AREA OF BULL CREEK, SINCE WE ARE GOING TO BE SITED NEXT TO IT. DURING THE PERMANENT WATER QUALITY CONTROLS FOR ONCE THE PLANT IS CONSTRUCTED, IT WOULD INCLUDE SOME DESIGN ENHANCEMENTS WOULD INCLUDE PERMANENT PERIMETER STRUCTURE AROUND THE PLANT, THAT WOULD PROBABLY BE AN ENHANCEMENT TO THE -- TO THE PERMANENT BERM, SO -- SUCH THAT IF THERE IS FENCING, THERE MAY BE A -- AN ADDITIONAL WALL AT THE BOTTOM OF THE FENCE THAT WOULD BE FURTHER PROTECTION OF THE SITE. VOLUNTARY TREATMENT BEYOND THE LAND DEVELOPMENT CODE REQUIREMENTS, WE WOULD LIKE TO BE A MODEL AND -- AND SOMEWHAT EXPERIMENT WITH SOME BEST MANAGEMENT PRACTICES THAT GO BEYOND MAYBE THE CURRENT LAND DEVELOPMENT CODE. ONE IDEA IS TO DO SOME EXTRAORDINARY RETENTION AND POSSIBLY THEN USE SOME OF THE RAIN WATER THAT'S -- TO ENHANCE RECHARGE AND POSSIBLY RECOVER SOME OF THE SPRINGS THAT ARE ALREADY BEGINNING TO SEE SOME IMPACT IN THE AREA. SO RAIN WATER RETENTION AND SPRING FLOW MAINTENANCE AND ENHANCEMENT AND THEN AGAIN SUFFICIENT SAFETY FACTORS IN REDUNDANT SYSTEMS TO MAKE SURE THAT THIS IS DONE JUST AS WELL AS IT CAN BE. OPERATING ENHANCEMENTS WOULD BE JUST CARING FOR THE SITE IN GENERAL, COORDINATION WITH ANY MAINTENANCE PROVIDERS, ALTHOUGH MOST OF THE MAINTENANCE ON SITE IS DONE IN HOUSE, WITH IN-HOUSE CREWS. BUT MONITORING PLAN AND THE ABILITY TO ADJUST TO NEEDS FOR ANYTHING THAT'S -- THAT HAS SEEN CHANGING ON THE SITE. SO -- SO FOR COMMUNICATION, WE WANT TO REVIEW THE COMMUNICATION PLAN DEVELOPED DURING THE PRELIMINARY SITE ASSESSMENT STUDY AND ENHANCE IT AS NEEDED. CATCH UP ON THE SLIDES HERE.

AND THEN DEVELOP A STAKEHOLDER PROCESS TO INCLUDE GROUP MEETINGS FOR INTERESTED STAKEHOLDERS AND ONGOING AND REGULAR REPORTS TO -- NOT ONLY THE ENVIRONMENTAL BOARD, BUT ALL BOARDS AND COMMISSIONS AND THE CITY COUNCIL. SO THE -- I THINK IT WAS APRIL 30th, I BELIEVE IS RIGHT, THE RIGHT DATE, THE ENVIRONMENTAL BOARD RECOMMENDED APPROVAL OF THIS PRELIMINARY ENGINEERING CONTRACT, THERE WERE A NUMBER OF RECOMMENDATIONS AND SUGGESTIONS ASSOCIATED WITH THAT RECOMMEND -- WITH THAT APPROVAL AND -- AND WE CERTAINLY AGREE WITH THE INTENT OF ALL OF THOSE AND IT'S -- IT WAS PRETTY LENGTHY, WE PLAN ON GETTING BACK WITH THE ENVIRONMENTAL BOARD AS SOON AS POSSIBLE AND -- AND CONFIRMING THOSE AND GETTING SOME CLARIFICATION WHERE NEEDED. BUT -- BUT THE INTENT OF ALL OF THOSE RECOMMENDATIONS ARE RIGHT IN LINE WITH WHAT WE WANT TO DO AS WELL. SO IN -- IN SUMMARY, WE HAD THE MEETINGS WITH ENVIRONMENTAL BOARD SUBCOMMITTEE, AND WE'VE HEARD THE CONCERNS. WE RECOMMEND CHANGING THE PROCESS TO LOOK AT THE PHASE 1 PHASE 2 APPROACH AND AGAIN IF IT'S -- IF IT'S COUNCIL -- IF COUNCIL IS INTERESTED, WE CAN FIND, BREAK THE FUNDING INTO TWO PARTS, HAVE ONE MILLION FOR THIS PHASE 1, AT THE TIME WILL COME BACK WITH THE FINDINGS, RECOMMENDATIONS, MAKE THE CORRECT -- AUTHORIZE FUNDING TO CONTINUE IN WHATEVER DIRECTION AT THAT TIME. QUESTIONS?

THANK YOU, MR. LIPPE. MAYOR PRO TEM?

Goodman: BECAUSE OF THE WORDING OF THE POSTED ITEM, NEGOTIATION AND EXECUTION, negotiation and execution, DOES THAT IN ANY WAY ALLOW ADMINISTRATIVE APPROVALS OR ACTIONS WHAT YOU HAVE TALKED ABOUT HERE? MEANING THERE'S A SAFEGUARD AGAINST GOING FORWARD IF -- IF THE ADMINISTRATION, FOR INSTANCE, IS NOT RECOMMENDING ANY ALTERNATIVES? YOU SILL HAVE TO COME BACK AND YOU STILL CAN'T EXPEND THE MONEY ON ANYTHING UNTIL YOU COME BACK?

THAT'S SIMPLY THE COMMITMENT IS THAT WE WOULD COME BACK BEFORE PROCEEDING INTO THE TECHNICAL

PRELIMINARY ENGINEERING THE WAY IT'S WORDED RIGHT NOW WITH THE FULL PHASE 1 AND PHASE 2 IN THE RCA.

THE MAYOR PRO TEM -- THEN MAYOR PRO TEM, IF YOU ARE MORE COMFORTABLE WITH LIMITING THE EXPENDITURES TO PHASE 1 IN THIS ITEM, WE ARE COMFORTABLE WITH THAT, ALSO. BUT EITHER WAY THE COMMITMENT IS WE DON'T MOVE PAST PHASE 1 WITHOUT COMING BACK THROUGH FULL CYCLE WITH COUNCIL AND BOARDS AND COMMISSIONS.

Goodman: I'M NOT SURE HOW -- HOW MUCH SAFEGUARD WE NEED. I JUST WANT TO MAKE SURE -- THIS WILL BE SOME TIME IN THE FUTURE, ALL OF THE GREEN STUFF WILL BE COMING IN TO -- [MULTIPLE VOICES]

Futrell: UH-HUH, WE ARE LOOKING AT OCTOBER, MAYOR PRO TEM.

Goodman: I ASSUME THAT THE COMMITMENT TO CAROLLO IS WHATEVER, IT'S FOR WHATEVER WE CHOOSE. TREATMENT PLANT NUMBER 4 OR WHATEVER THE ALTERNATIVE IS THAT WE CHOOSE. WE WANT TO STAY WITH THEM. IN THAT SENSE, I WOULD LIKE TO GO AHEAD AND NEGOTIATE AND EXECUTE, BUT NOT THE TERMS AS THEY WERE INITIALLY. SO IS THAT GOING TO BE IN CONTRACT LANGUAGE IN BLACK AND WHITE SOMEWHERE? FOR THEM?

LET ME MAKE SURE THAT I UNDERSTAND. YOUR THOUGHT IS TO GO AHEAD AND MOVE FORWARD AS WORDED, BUT ENSURE THAT WE DON'T MOVE FORWARD IN PHASE 2 UNTIL WE HAVE COME BACK FOR THE DISCUSSIONS? WELL, I WOULD LIKE IT TO BE A LITTLE MORE NAILED DOWN THAN THAT.

Futrell: LET ME FRY. I THINK YOU ARE SAYING LET'S SAY WE DO FIND AN ALTERNATIVE SITE, WE ARE MOVING TO THAT ALTERNATIVE SITE, WOULD OUR COMMITMENT BE TO MOVE FORWARD WITH THE LIMBARY SITE ASSESSMENT, PRELIMINARY ENGINEERING WITH CAROLLO ON THAT NEW SITE?

Goodman: RIGHT. EVEN THAT I WOULDN'T WANT TO HAPPEN

WITHOUT COMING BACK TO THE COUNCIL. I WOULDN'T WANT EXPENDITURE OF ANY MORE MONEY PASSED THE MILLION THAT WE ARE TALKING ABOUT WITHOUT COUNCIL APPROVAL. SO WOULD COUNCIL APPROVAL HAVE TO BE OBTAINED BEFORE YOU WENT FORWARD? WITH ANYTHING ELSE? JUST A SUGGESTION WOULD BE WORDING IN THE MOTION SUBJECT TO COMING BACK FOR AFTER PHASE 1, AFTER THE FIRST MILLION DOLLARS FOR PHASE 1 STUDIES.

Goodman: OKAY.

Futrell: BECAUSE THAT IS OUR IRONCLAD COMMITMENT TO YOU. WE ARE NOT MOVING. WE UNDERSTAND THE LEVEL OF CONCERN THAT'S OUT HERE, WE ARE NOT MOVING PAST PHASE 1 WITHOUT A FULL PUBLIC DISCUSSION IN COMING BACK TO BOTH COUNCIL AND OUR BOARDS AND COMMISSIONS.

COUNCIL FOR APPROVAL?

Futrell: YES.

Goodman: OKAY.

Mayor Wynn: COUPLE, WE HAVE WE HAVE A COUPLE -- COUNCIL, WE HAVE A COUPLE OF SPEAKERS SIGNED UP. OUR FIRST SPEAKER, MS. MARY ARNOLD, WELCOME, MARY, THREE MINUTES, FOLLOWED BY MARY RUTH HOLDER.

THANK YOU VERY MUCH, MAYOR AND COUNCIL. WHEN I FOUND OUT ABOUT THIS ITEM BACK IN FEBRUARY, I FELT A LITTLE BIT USED. BECAUSE I WAS ONE OF THE ONES THAT CAROLLO ENGINEERS CONTACTED UNDER THE FIRST PART OF THIS PROFESSIONAL SERVICES AGREEMENT, BACK WHEN THEY WERE SUPPOSEDLY DOING THE PRELIMINARY SITE ASSESSMENT. AND I TOOK MY TIME TO GO OUT TO THEIR OFFICE ON MY OWN TO MEET WITH THEM FOR -- FOR MAYBE AN HOUR TO ANSWER QUESTIONS AND GIVE INPUT. AFTER THAT, I HEARD ABSOLUTELY NOTHING. WHEN THE -- WHEN THE THING WAS COMPLETED, I WAS NOT NOTIFIED. AND SO I DIDN'T EVEN KNOW THAT -- THAT THEY HAD FINISHED THEIR WORK. AND APPARENTLY THAT WORK WAS NOT PRESENTED TO THE WATER AND WASTEWATER

COMMISSION OR TO THE COUNCIL. SO I'M CERTAINLY IN FAVOR OF A BETTER COMMUNICATION PLAN WITH "STAKEHOLDERS." AND I DO FEEL THAT MEETING AS A GROUP IS A LOT MORE PRODUCTIVE THAN JUST AN INDIVIDUAL INTERVIEW AND I HOPE THAT YOU ALL REMEMBER THAT WHEN YOU TRY TO PUT IN THE COMMUNICATION SCHEMES ON OTHER PROJECTS AS WELL. I GUESS ONE OF THE THINGS I'M THINKING ABOUT IS OUR GOOD OLD ROBERT E. LEE ROAD RELIEF MAIN INTERCEPTOR CONSENSUS BUILDING GROUP. WHICH HAD DIFFERENT POINTS OF VIEW AND DID MEET AND I THINK CAME OUT WITH A BETTER PRODUCT BECAUSE WE WERE ABLE TO HEAR WHAT OTHER PEOPLE WERE SAYING. I THINK THIS SITUATION IS CERTAINLY AN INSTANCE OF EVERYTHING CONNECTS TO EVERYTHING ELSE. THE GREEN WATER TREATMENT PLANT IS RELATED TO THE CAPACITY ISSUES, THE SCHEDULE FOR WATER TREATMENT PLANT NUMBER 4 HAS BEEN MOVED UP BECAUSE OF THE CONCERN ABOUT GREEN AND WANTING TO SHUT IT DOWN WHEN YOUULRICH IS EXPANDED TO 167. YET GREEN IS ALSO TAKING WATER OUT OF TOWN LAKE, PART OF WHICH COMES FROM BARTON CREEK, THEREFORE OUR BARTON SPRINGS SALAMANDER IS INVOLVED IN THE GREEN DISCUSSIONS. THE OTHER ENDANGERED SPECIES ARE INVOLVED WITH TREATMENT PLANT 4 SITE. THE WATER CONSERVATION ISSUE, NOW YOU HAVE GOT ALLAN PLUMBER WORKING ON THE WATER CONSERVATION AND REUSE, WHICH IS A CAPACITY ISSUE. AS WELL AS WORKING ON AN ALTERNATE SITE STUDY. I WOULD POINT OUT THAT YOU ARE TALKING ABOUT ONE MILLION DOLLARS ADDITIONAL FOR CAROLLO FOR PHASE 1. THE WHOLE TWO-YEAR ALLAN PLUMBER CONTRACT, I THINK, WAS ONLY 500,000 AND THE GREEN STUDY, I THINK, WAS ONLY 300,000. SO I -- I HOPE THAT -- [BUZZER SOUNDING] THAT YOU MEAN THAT GREEN AND ALLAN PLUMBER ARE AS IMPORTANT AS THIS MAN. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MS. ARNOLD. MARY RUTH, YOU HOLDER,.

MAYOR WYNN, MAYOR PRO TEM GOODMAN, COUNCILMEMBERS, I'M MARY RUTH HOLDER CHAIR OF THE ENVIRONMENTAL BOARD. FIRST I WANT TO THANK YOU AND THE AUSTIN WATER UTILITY FOR GIVING OUR BOARD AN



OPPORTUNITY TO REVIEW THE PLANS FOR THE TRAVIS WATER TREATMENT PLANT. THE CURRENT SITE FOR THIS PLANT IS A HIGHLY ENVIRONMENTALLY SENSITIVE PART OF AUSTIN AND A LOOK THAT'S BEEN TAKEN SO FAR AS YOU KNOW IS ONLY PRELIMINARY. THE SITE IS SURROUNDED BY BCCP PRESERVES, KARST SURFACE FEATURES DOT THE LANDSCAPE, SWISS CHEESE GEOLOGY LIES UNDERNEATH. DOWNSTREAM A NEARBY SPRINGS AND CREEKS CONTAIN THE DECLINING JOLLYVILLE PLATEAU SALAMANDER. NEVERTHELESS OUR BOARD UNDERSTANDS THE NEED FOR A RELIABLE WATER SUPPLY FOR AUSTIN AND WE DID NOT QUESTION THE CITY'S DESIRE FOR STRAW IN LAKE TRAVIS AND THE NEED FOR A TRAVIS WATER TREATMENT PLANT. ALTERNATIVES TO THIS PARTICULAR SITE, HOWEVER, HAVE NOT BEEN CONSIDERED IN 20 YEARS. AND THAT'S DESPITE DRAMATIC CHANGES IN LAND USE IN THAT AREA AND SPECIES CONCERNS. A THOROUGH REVIEW OF ALTERNATIVES IS ESSENTIAL. YOU MAY HAVE QUESTIONS TODAY ABOUT WHY OUR MOTION RECOMMENDED THIS CONCURRENT REVIEW OF ALTERNATIVES AND A REVIEW OF THE ENVIRONMENTAL ISSUES AT THE PRESENT SITE. LOGIC AND A CAUTIOUS APPLICATION OF PUBLIC FUNDS WOULD SEEM TO DICTATE A REVIEW OF ALTERNATIVES FIRST, THEN WITH THOSE RESULTS IN HAND CONDUCT A THOROUGH REVIEW OF THE CURRENT SITE IF THAT IS STILL NECESSARY. THAT WOULD HAVE BEEN OUR PREFERENCE. BUT PLEASE UNDERSTAND OUR MOTION IS A GOOD FAITH EFFORT AND A -- AT A COMPROMISE WITH THE WATER UTILITY SO THAT WE COULD MEET THEIR REQUESTS TO US FOR A CONCURRENT REVIEW AND TO ENSURE THAT THEY WOULD REVIEW ALTERNATIVES. ALSO, WE DID SEE THE VALUE IN TAKING A HARD LOOK NOW AT THE COSTS OF THE ENVIRONMENTAL CONTROLS FOR DEVELOPING THIS PRESENT SITE. THERE ARE MANY, MANY OUTSTANDING ISSUES ABOUT THE COSTS OF THIS TREATMENT PLANT. EVEN INCLUDING THE COSTS OF TUNNELING TRANSITION LINES THROUGH ROCK TO GET OUT FROM THE PLANT TO THE DISTRIBUTION LINES. WE ALSO BELIEVE THAT COUNCIL AND THE PUBLIC SHOULD HAVE A COMPLETE PICTURE AS IT GOES FORWARD WITH THIS CONTRACT. THAT INCLUDES COMPLETE INFORMATION ON THE FUTURE OF THE GREEN WATER TREATMENT PLANT. PARTICULARLY WHETHER A NEW RELOCATED GREEN IS IN

THE CARDS. WE UNDERSTAND THAT GREEN IS NOT A SUBSTITUTE FOR THE TRAVIS WATER TREATMENT PLANT. BUT YOUR FINAL GREEN DECISION IMPACTS THE OVERALL CREEK TREATMENT CAPACITY OF THE CITY AND IN TURN EVENTUAL SIZE AND FOOTPRINT AND ENVIRONMENTAL IMPACT OF THE TRAVIS WATER TREATMENT PLANT. FINALLY, PLEASE KNOW THAT OUR BOARD'S DETAILED RECOMMENDATIONS OMITATION AND ENVIRONMENTAL CONTROLS -- ON SMEAS MITIGATION AND ENVIRONMENTAL CONTROLS WERE DRAWN FROM THE -- [INDISCERNIBLE] STAFF PRESENTATIONS OF WHAT WAS NEEDED IN UPPER BULL CREEK. I'M HAPPY TO ANSWER ANY QUESTIONS [BUZZER SOUNDING] THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MS. HOLDER. FOR YOUR CONTINUED SERVICE. FURTHER COMMENTS, QUESTIONS, COUNCIL?

[INAUDIBLE - NO MIC]

Mayor Wynn: WELL, LET'S SEE. YOU MUST HAVE SIGNED UP LATER. YEP. MR. BILL BUNCH SIGNED UP WISHING TO SPEAK, ROBERT SINGLETON HERE? WELCOME, MR. SINGLETON. BILL UP TO SIX MINUTES IF YOU NEED IT. EXCUSE ME.

COLIN CLARK ALSO DONATED TIME. IF I NEED IT. I'LL RIGHT PHOTO TAKE IT. BUT -- OWE I'LL TRY NOT TO TAKE IT, BUT --

Mayor Wynn: THANK YOU.

NINE MINUTES.

IF MR. CLACK WOULD GO SIGN IN IT WOULD BE NINE MINUTES. YOU HAVE SIX NOW.

HE DID SIGN IN.

Mayor Wynn: IT'S NOT ON MY SCREEN. YOU WILL HAVE UP TO NINE MINUTES IF YOU NEED IT, MR. BUNCH, WELCOME.

OKAY, THANK YOU, MAYOR WYNN. MEMBERS OF THE COUNCIL, I'M BILL BUNCH, EXECUTIVE DIRECTOR WITH SAVE OUR SPRINGS ALLIANCE. I HAVE PASSED OUT A LETTER TO

YOU ASKING THAT YOU EITHER VOTE NO ON THIS ITEM OR POSTPONE IT UNTIL AFTER THE ALTERNATIVES ANALYSIS IS IN PLACE. WE ALSO ASK FOR A NO VOTE ON A ZONING CASE LATER THIS AFTERNOON, WHICH I UNDERSTAND MAY BE POSTPONED. I HAVE ALSO ATTACHED SOME DOCUMENTS HERE, OR EXCERPTS FROM DOCUMENTS THAT I WOULD LIKE TO GO THROUGH. WHAT WE ARE REALLY WANTING HERE AND I COMMEND THE STAFF FOR MAKING CONSIDERABLE PROGRESS AND RESPONSIVENESS TO COMMUNITY CONCERNS AND THE IMPORTANCE OF LOOKING AT ALTERNATIVES TO THE CURRENT WATER TREATMENT PLANT 4 SITE. BUT WE NEED TO GO JUST A LITTLE BIT FURTHER. THERE'S ESTIMATE A CONSIDERABLE CONCERN ON OUR PART THAT THIS ALTERNATIVES ANALYSIS WON'T BE AS COMPREHENSIVE AND WON'T BE AS MUCH OF A FRESH AND COMPLETELY OPEN AND UNBIASED LOOK AS IT REALLY NEEDS TO BE. AS -- AS CHAIRMAN HOLDER STATED, THIS SITE WAS PURCHASED IN 1984, BEFORE ANY OF OUR ENDANGERED SPECIES WERE LISTED, BEFORE WE BOUGHT HUGE AREAS UP IN THAT AREA FOR BCP PRESERVE LANDS, BEFORE LCRA RIVER PLACE M.U.D. AND OTHER WATER PROVIDERS WERE OPERATING. SO WE REALLY NEED TO BE LOOKING AT ALTERNATIVES, NOT JUST AS ALTERNATIVE SITES, BUT ALTERNATIVE SOLUTIONS FOR HOW TO MEET OUR IMMEDIATE WATER NEEDS. THIS IS CRITICAL NOT JUST FOR -- BECAUSE OF THE EXTREME -- EXTREME SENSITIVITY AND VALUE OF THE WATER TREATMENT PLANTSITE THAT WE LEARNED AFTER THE FACT, THAT IT'S BASICALLY A BIOLOGICAL PARADISE AND REALLY SHOULD BE PART OF THE BCP PRESERVE SYSTEM. BUT ALSO BECAUSE WATER TREATMENT PLANT 4 IS NOW -- CANNOT IN ANY WAY BE VIEWED AS OUR LEAST COST AND BEST APPROACH. THERE ARE SEVERAL OTHERS THAT MAKE MUCH MORE SENSE, INCLUDING A REAL COMMITMENT TO CONSERVATION, AND A REAL COMMITMENT TO REDUCING OUR SUMMER PEAK DAY DEMANDS. WHICH WOULD AT MINIMUM DELAY THE NEED FOR THIS EXTREMELY EXPENSIVE PROJECT FOR MANY YEARS TO COME. IF I COULD GO THROUGH WITH YOU, IF YOU FLIP BACK TO THE FOURTH SHEET OF PAPER, THIS IS THE COVER PAGE FROM THE STUDY THAT STAFF HAS BEEN RELYING UPON AS THIS BEING THE BEST LEASE COST NEXT MOVE FOR OUR MAJOR INVESTMENTS. WHAT IT COMPARED

WAS DO WE BUILD WATER TREATMENT PLANT 4 AND DECOMMISSION GREEN? THIS IS THE CH 2 M HILL REPORT FROM JANUARY OF 2001. IT LOOKED AT DO WE BUILD WATER TREATMENT PLANT 4 AND DECOMMISSION GREEN OR DO WE REBUILD GREEN AND POSTPONE WATER TREATMENT PLANT 4 UNTIL 2017 OR 2020. AND WHAT IT CONCLUDED WAS THAT BUILDING WATER TREATMENT PLANT 4 WAS CHEAPER BY ABOUT \$100 MILLION. THAN THE REBUILDING GREEN FIRST ITEM. BUT IF YOU TURN THE PAGE, AND YOU LOOK IN THAT ESTIMATE, THEY ESTIMATED THAT THE COST OF GREEN TOTAL FOR A 50 MGD FIRST PHASE WAS \$172 MILLION. I HIGHLIGHTED THAT FOR YOU. OKAY. THEN WE GO TWO YEARS LATER, AND THE FIRST PHASE OF THIS CONTRACT THAT YOU ARE LOOKING AT AMENDING TODAY AND THE INITIAL REPORT FROM AUGUST 2003 AND YOU TURN THAT -- THE PAGE TO THE FIRST PAGE OF CHAPTER 9, WHERE THEY SUMMARIZE AND AGAIN I HIGHLIGHTED, AND NOW WATER TREATMENT PLANT 4 IS COSTING \$372 MILLION. SO IN TWO YEARS, THE COST WENT UP MORE THAN DOUBLED, IT WENT UP \$200 MILLION. SO NOW IF YOU JUST TAKE THE ORIGINAL ESTIMATE FOR REBUILDING GREEN, WE ARE NOW -- IT'S \$100 MILLION MORE EXPENSIVE THAN REBUILDING GREEN FIRST. WE KNOW THAT IT'S A WHOLE LOT MORE ENVIRONMENTALLY DESTRUCTIVE. THE NEXT PAGE IN THE PACKET IS WHERE THE WATER UTILITY SUMMARIZES ITS PLANNING PRINCIPLES. BASIC PLANNING PRINCIPLES. WE THINK THAT UNFORTUNATELY THIS FAILED MISSABLY ON THESE -- MISERABLY ON THESE. AS MS. AROUND THAT WOULD MENTIONED THE -- AND HIS MESS ARNOLD THE PUBLIC COMMUNICATION FAILED [INDISCERNIBLE] IF WE WERE SERIOUS ABOUT REDUCING PEAK DAY DEMAND, WE WOULDN'T NEED TO EXPAND WATER TREATMENT PLANT 4, I MEAN BUILD IT OR GREEN RIGHT AWAY. WE WOULD BE VERY WELL OFF WITH ULRICH EXPANSION. SO THEN -- THEN THE LAST DOCUMENT FROM DECEMBER 2000, WERE THE SAME ENGINEERING -- WHERE THE SAME ENGINEERING FIRM WAS ESTIMATING THAT YOU COULD REBUILD GREEN TO 90 MGD CAPACITY, ALMOST DOUBLE, SHRINK THE FOOTPRINT TO A QUARTER OF ITS CURRENT SIZE, FOR \$120 MILLION. SO IF THAT'S TRUE, THAT'S WAY -- WE'RE TALKING HUNDREDS OF MILLIONS OF DOLLARS IN SAVINGS ON TAP. SO OUR CONCERN IS THAT IF YOU COMMIT THIS MILLION DOLLARS

TODAY TO CONTINUE GOING DOWN THE LINE OF ATTACK TO BUILD WATER TREATMENT PLANT 4, YOU ARE GOING TO FURTHER PREJUDICE AND UNDERMINE THE FRESH LOOK THAT WE REALLY NEED FROM THIS ALTERNATIVES ANALYSIS. SO WE ARE ASKING YOU TO POSTPONE THAT. OR SIMPLY VOTE NO ON IT SO WE GET THE FRESH LOOK AND WE HAVE THAT INFORMATION BEFORE WE CONTINUE COMMITTING MORE MONEY, MORE RESOURCES AND MORE TIME TO A SITE THAT REALLY ON THE SURFACE OF IT DOESN'T LOOK ENVIRONMENTALLY SOUND AND CERTAINLY DOESN'T LOOK -- FINANCIALLY SOUND FOR THE COMMUNITY. WE REALLY NEED TO BRING UP OUR CONSERVATION ON THE WATER SIDE TO MATCH WHAT WE ARE ACHIEVING ON THE ENERGY SIDE. RIGHT NOW, WE ARE CONSUMING FAR MORE WATER THAN WE SHOULD. WE ARE TENS -- WE ARE OVER 185185 GALLONS PER CAPITA PER DAY. THE INTERIM WATER STUDY COMMITTEE OF THE LEGISLATURE, WHICH IS NO RADICAL BODY, HAS CALLED FOR COMMUNITIES TO REDUCE THEIR CONSUMPTION DOWN TO 140 MGD ON A VERY SHORT TIME FRAME. WE CAN DO THAT. WE CAN DO THAN WHAT -- WE CAN DO BETTER THAN WHAT THEY ARE CALLING FOR. WE CAN DO IT CHEAPER THAN MAKING THESE MASSIVE EXPENDITURES IN NEW WATER TREATMENT PLANTS. AND -- BUT WE HAVE TO BE SERIOUS ABOUT IT. FOR WHATEVER REASON, THE STAFF IS STILL -- HAS STILL BOUGHT INTO A COURSE OF ACTION THAT WAS STARTED TWO DECADES AGO. AND THEY ARE NOT STILL BEING OPEN TO BEING SMART, BEING STRATEGIC, AND SERVING THE SUSTAINABLE DEVELOPMENT GOALS THAT WE ALL AS A COMMUNITY HOLD TO BE IMPORTANT FOR OUR FUTURE, AND WHICH REALLY ARE IMPORTANT TO OUR FUTURE, BOTH ECONOMICALLY AND ENVIRONMENTALLY. SO PLEASE CONSIDER THESE DOCUMENTS, I SPENT A LOT OF TIME, IF YOU HAVE QUESTIONS I WOULD BE HAPPY TO -- TO TRY TO ANSWER THEM FOR YOU. THANK YOU FOR YOUR TIME.

THANK YOU MR. BUNCH? COUNCIL, THAT'S ALL OF OUR CITIZENS SIGNED UP WISHING TO ADDRESS US ON THIS ITEM. FURTHER COMMENTS, QUESTIONS, MAYOR PRO TEM?

Goodman: MAYOR, MR. -- IS MR. SINGLETON NOT SIGNED UP OR --

Mayor Wynn: HE DONATED HIS TIME TO MR. BUNCH.

Mayor > GOODMAN: THAT'S TOO BAD, I WOULD HAVE LIKED TO HEAR HIS THREE MINUTES. I WOULD SAVE MY COMMENTS FOR LATER.

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: I HAVE A QUESTION FOR MR. LIPPE. IN YOUR PRESENTATION YOU WENT OVER IN SOME DETAIL SOME OF THE ENVIRONMENTAL CONSTRUCTION CONTROL HIS -- CONTROLS THAT YOU WOULD SEE ON THIS PRESENT SITE. I'M ASSUMING MANY OF THOSE THAT WERE NOT SO MUCH SITE SPECIFIC COULD BE UTILIZED ON ANY SITE THAT WE SELECTED, ANY ALTERNATE SITE, THEN YOU WOULD ALSO DEVELOP OTHER MORE SPECIFIC CONTROLS FOR THOSE SITES IF NEEDED. YOU WEREN'T LIMITING IT TO JUST THAT ONE SITE.

ABSOLUTELY. THE VALUE OF THE CAROLLO PIECE OF THE WORK FOR WATER QUALITY CONTROLS AND ON SITE MITIGATION, A LOT OF THAT IS GOING TO BE TRANSFERABLE TO WHATEVER SITE. THE CURRENT SITE HAPPENS TO HAVE A LOT OF -- OF THE FEATURES, KARST FEATURES AS NEAR THE BCP, SO ALL OF THOSE THINGS THERE'S GOING TO BE PITATION MEASURES THAT ARE LOOKED -- MITIGATION MEASURES THAT ARE LOOKED AT. THEY ARE LOOKING AT BEST MANAGEMENT PRACTICES IN LOOKING AT MORE DETAILED COSTS ON THOSE TO BE ABLE TO COMPARE SITE TO SITE.

Dunkerly: I ALSO THINK IT IS IMPORTANT, EVEN THOUGH THEY ARE NOT DIRECTLY RELATED THAT WE GET SOME INFORMATION ON THE GREEN SITE, NO THE ON THE -- NOT ON THE CAPACITY, BUT POSSIBLE RELOCATION, ET CETERA. THERE'S BEEN SOME CONFUSION ON THE TIMING OF THAT REPORT. I KNOW THE FORMAL WRITTEN REPORT IS NOT DUE UNTIL JANUARY, BUT YOU WILL HAVE SOME OF THE PHASED INFORMATION AND THE INFORMATION THAT WE WOULD NEED AT THE SAME TIME FRAME THESE OTHER REPORTS ARE COMING IN. IS THAT CORRECT?

THAT'S CORRECT, ALSO. THE -- THERE'S A SEPARATE FIRM

DOING THE STUDY, ALREADY UNDERWAY FOR THE GREEN WATER TREATMENT PLANT. THEY ARE DOING TWO THINGS. THEY ARE DOING A CONDITION ASSESSMENT SO THAT WE WILL HAVE AN IDEA -- OF HOW MUCH IT WOULD COST TO KEEP THAT PLANT ON FOR ONE YEAR OR THREE YEARS, JUST -- JUST IT'S A CONDITION ASSESSMENT WITH ASSOCIATED COSTS FOR RELIABILITY AND KEEPING THE PLANT RUNNING. BUT THEN SINCE WE ARE FAIRLY CERTAIN, SINCE THE PLAN IS TO REPLACE THAT OLD PLANT WITH A NEW PLANT, THE SECOND PORTION OF THEIR WORK IS TO LOOK AT BOTH THE EXISTING SITE AND THE OTHER ALTERNATE SITES ON TOWN LAKE DOWNSTREAM OF BARTON CREEK TO KEEP THE CONNECTION TO TOWN LAKE AND BARTON SPRINGS. SO THAT'S THE SECOND PHASE OF WHAT THEY WILL BE DOING IS LOOKING FOR SITES THEN GIVING US SOME RECOMMENDATIONS ON CRITERIA FOR -- BASED ON SIZE AND THE -- THE PROXIMATETY TO OUR EXISTING -- PROXIMITY TO EXISTING DISTRIBUTION SYSTEM, TOTAL COST OF DEVELOPING SEVERAL DIFFERENT SITES AROUND TOWN LAKE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

IT IS IMPORTANT TO ROLL THAT INTO THE DISCUSSION OF AUSTIN'S TREATMENT CAPACITY PICTURE, AND HOW THESE THINGS INTERRELATE.

Dunkerley: THANK YOU.

Futrell: AND THAT IS YOUR PLAN TO BRING ALL THOSE PIECES TOGETHER FOR A CHANCE FOR OUR POLICYMAKERS AND THE COMMUNITY TO SEE THE PIECES AS THEY MAKE A DECISION ON HOW TO MOVE FORWARD.

Mayor Wynn: MAYOR PRO TEM.

Goodman: AS I LOOK AT THE BREAKOUT, WHAT I WOULD LIKE TO SEE IS MORE OF THE MONEY ALLOCATED FOR ALTERNATIVE SITE ASSESSMENT SUPPORT IN THAT YOU WILL HAVE TO SPEND A LITTLE MORE TIME ANALYZING EACH ONE FOR PROS AND CONS THAT I BELIEVE THIS MONEY ALLOWS YOU TO. AND THE CONCEPT REFINEMENT AS WELL. BECAUSE AS I UNDERSTOOD IT, WATER CONSERVATION AND WATER REUSE, WATER CAPTURE TREATMENT AND REUSE

WAS VERY MUCH A PART OF WHAT WE'RE PLANNING, CERTAINLY FOR THE FUTURE. AND A NEW PLANT WHATEVER AND WHEREVER IS GOING TO BE A KEY PART OF THAT. SO I DON'T SEE IT SPELLED OUT.

LET ME CLARIFY. THE ONE MILLION DOLLARS WE'RE TALKING ABOUT IS FOR CAROLLO FOR THE FIRST PHASE OF THIS AMENDMENT. THAT DOES NOT INCLUDE ALL THE WORK. WE HAVE INDEPENDENT CONSULTANTS -- AN INDEPENDENT CONSULTANT WILL TAKE THE LEAD AND DO THE MAJORITY OF THE WORK ON ALTERNATE SITES. THAT WILL BE THE WATER RESOURCES PLANNING CONSULTANT THAT WAS SELECTED ABOUT A MONTH AGO. SO THAT WORK WILL BE DONE PRIMARILY BY ANOTHER INDEPENDENT CONSULTANT. CAROLLO MAY BE ASKED TO LOOK -- TO ASSIST WITH THAT, LOOKING AT THE VARIABLES AND THE POSSIBLE COST DIFFERENCES FROM SITE TO SITE BASED MORE ON THE TREATMENT PLANT LAYOUT THAT THEY'RE MORE FAMILIAR WITH. SO THEY WILL BE ASSISTING, BUT THE LEAD WILL BE WITH AN INDEPENDENT CONSULTANT, AND THERE'S ADDITIONAL FUNDS IN THAT CONTRACT FOR THAT WORK.

Futrell: AND COUNCIL HAS ALREADY APPROVED THAT CONTRACT?

CORRECT.

Goodman: AND WILL COUNCIL GET PERIODIC UPDATES OR REPORTS ON THE PROGRESS OF THAT?

WE CAN CERTAINLY DO THAT. WE'RE PLANNING TO HAVE PERIODIC UPDATES AND DISCUSSIONS AT THE BOARDS AND COMMISSIONS LEVEL. WE CAN CERTAINLY INCLUDE COUNCIL EITHER IN WRITING OR PRESENTATIONS.

Goodman: THAT WOULD BE GOOD. RATS, THERE WAS ONE MORE THING AND I'VE FORGOTTEN WHAT IT WAS. OH, I WAS JUST GOING TO COMMENT THAT THE WAY SOME PEOPLE HAVE BEEN TALKING, IT MAY BE A MISPERCEPTION TO FOLKS WATCHING THAT WE HAVE NO COMMITMENT TO WATER CONSERVATION. AND I JUST WANTED TO MAKE THE NOTE THAT BACK WHEN THIS WAS FIRST PROPOSED, IT WAS PROPOSED FOR AN IMMEDIATE DEVELOPMENT, AND THAT



WAS -- I THINK MR. GUNN SAID 1984. PROBABLY THAT WAS MARY THAT SAID THAT. NO? SOMEBODY DID. BUT 20-PLUS YEARS HAS MEANT THAT WE DID HAVE ENOUGH OF A COMMITMENT THAT THE PLANT WAS NOT NECESSARY TO BE BUILT, AND ITS LOCATION HAS ALWAYS BEEN IFFY ANYWAY. PARTNERSHIPS HAVE ALWAYS COME AND GONE, AND SO THE IMPLEMENTATION IN THAT SENSE GAVE US TIME TO EVOLVE INTO A MUCH BETTER CONCEPT. STILL NOT NECESSARILY AT THIS SITE IF WE LOOK AT ALTERNATIVES FOR POSSIBLY UPGRADING GREEN IF THAT REALLY IS AN OPTION WHILE WE'RE GETTING A NEW LOOK FOR THE HEART OF THE CITY. BUT YOU GUYS CAN BE DOING THIS ON YOUR OWN, SO I'LL JUST WATCH AND SEE WHAT YOU DO. THE COMMITMENT TO WATER CONSERVATION I THINK IS -- AND WATER REUSE IS MG THAT WILL NEED TO COME BACK TO COUNCIL A LOT OR THIS IS GOING TO BE KIND OF SEPARATED FROM IT IN PEOPLE'S MINDS, AND IT'S VERY MUCH A PART OF IT. SO WHEN YOU COME BACK AND TALK ABOUT THIS, I HOPE THAT YOU ALSO MAYBE GIVE THE HISTORY OF WATER USAGE FOR THE CITY, FOR THE CITIZENS AND HOW OUR OWN WATER USE HAS CHANGED OVER THE YEARS AND WHAT THE WATER ISSUES ARE IN THE STATE THAT CAN IMPACT US AND WHY LONG-TERM PLANNING IS IN FACT A LOGICAL AND FAIL-SAFE THING TO DO, INCLUDING THE KIND OF ACTIONS THAT HAVE BEEN TAKEN IN THIS LEGISLATIVE SESSION, AND HOPEFULLY NOT ALL OF THEM WILL COME OUT AT THE END OF MAY, BUT IF THEY DO, FOLKS NEED TO HAVE A COMPREHENSIVE IDEA OF WHY WATER IS THE ISSUE OF THE COMING DECADE. AND OUR WATER BEING VISIBLE TO OTHER PEOPLE WHO DON'T HAVE ANY WATER WILL BE KEY.

WE'LL CERTAINLY BRING BACK THAT PRESENTATION. IN FACT, YOU'RE CORRECT, THERE'S SO MANY DIFFERENT BALLS BEING JUGGLED HERE AND ONE OF THOSE IS WATER CONSERVATION AND ITS EFFECT ON THE TIMING OF OUR NEXT CAPACITY. AND AS WE SAID, TWO WEEKS AGO I THINK WE -- THE CITY COUNCIL APPROVED A WATER CONSERVATION PLAN FOR SUBMITTAL TO THE STATE AND WE TALKED THEN ABOUT HOW AT THE END OF THIS SUMMER AS PART OF THIS COLLECTION OF INFORMATION THAT'S COMING BACK TO CITY COUNCIL, THERE'S GOING TO BE A

STUDY BY THAT WATER RESOURCES PLANNING CONSULTANT, ALAN PLUMBER AND ASSOCIATES, TO TAKE A HARD LOOK AT OUR CURRENT CONSERVATION PLANS AS WELL AS DEVELOP SOME SATURDAYS TO MAKE SOME RECOMMENDATIONS ON THE NEXT STEPS FOR AUSTIN'S CONSERVATION. BUT IT'S TRUE THAT THE PAST SUCCESS OF WATER CONSERVATION HAS ALREADY POSTPONED THE NEED FOR THIS WATER TREATMENT PLANT FOR OUR NEXT CAPACITY BY SEVERAL YEARS. SO IT HAS HAD AN EFFECT AND IT'S IMPORTANT NOT ONLY FOR THE TREATMENT CAPACITY, BUT AS WELL THE WATER SUPPLY AND THE RAW WATER SUPPLY CONTRACTS THAT WE HAVE. AN IMPORTANT PART OF MANAGING THAT CONTRACT IS WATER CONSERVATION AND REUSE AS WE TALKED ABOUT A COUPLE OF WEEKS AGO. SO YOU'RE RIGHT, WE'LL BRING ALL THAT BACK FOR DISCUSSION AT THE END OF THE SUMMER.

Slusher: MAYOR, I'D JUST LIKE TO FOLLOW A LITTLE BIT ON WHAT THE MAYOR PRO TEM SAID. I DO SUPPORT STRENGTHENING THE CITY'S WATER CONSERVATION PROGRAMS. AND AS WE HEARD, THE DEPARTMENT IS MOVING FORWARD ON SUCH ISSUES. SO I'M GLAD TO SEE, DEBRA, THAT MORE WORK NEEDS TO BE DONE ON THAT, BUT SHE IS CORRECT THAT IT'S CONSERVATION THAT'S PLAYED THE MAJOR FACTOR IN THAT PLANT NOT HAVING TO BE BUILT YET EVEN THOUGH IT HAS BEEN ON THE TABLE, SO TO SPEAK, FOR ABOUT 20 YEARS. AND CERTAINLY WASN'T A LACK OF GROWTH IN THE CITY THAT KEPT IT FROM HAVING TO BE BUILT. THERE MAY BE OTHER FACTORS OTHER THAN JUST CONSERVATION, BUT LIKE I SAID, IT'S NOT LACK OF GROWTH IN THE CITY. WE ALL KNOW THAT. I WANTED TO SAY I THINK THE ENVIRONMENTAL BOARD DID A REALLY GOOD JOB IN THE AMOUNT OF TIME AND EFFORT AND COMMITMENT THEY'VE PUT INTO THIS IS REALLY SIGNIFICANT AND A HELP TO THE COUNCIL AND ALL THE CITIZENS OF AUSTIN. SO I WANTED TO THANK YOU FOR THAT. AND I THINK IT'S VERY IMPORTANT TO LOOK AT OTHER SITES, BUT I WOULD CAUTION THE ENVIRONMENTAL COMMUNITY TO NOT BE IN THE POSITION OF SAYING THE CITY DOESN'T EVER NEED A WATER PLAN AGAIN OR GETTING IN THE POSITION OF REALLY -- I'LL JUST LET THAT

SERVE AS A DESCRIPTION. I MEAN, WE HAD FOLKS WHEN THE CITY SECURED THE 50-YEAR SUPPLY OF WATER FROM THE LCRA, WE HAD FOLKS THAT OPPOSED THE CITY DOING THAT, AND THAT TO ME IS ONE OF THE MOST LOGICAL THINGS THAT'S HAPPENED HERE DURING MY NINE YEARS ON THE COUNCIL WAS TO ACKNOWLEDGE THAT THE CITY IS GOING TO CONTINUE GROWING AND LOCK IN FAIRLY DECENT PRICE ON WATER, AND MOST IMPORTANT OF ALL, TO LOCK IN THAT WATER SUPPLY. BECAUSE THE WAY WATER LAW IS IN TEXAS, THAT WATER CAN FLOW RIGHT THROUGH THE CITY OF AUSTIN AND WE COULDN'T USE IT. AND RIGHT AFTER THAT THE LCRA DID A CONTRACT WITH SAN ANTONIO TO TAKE A LOT OF WATER OUT OF THE BASIN. I PERSONALLY DON'T SUPPORT INTERBASIN TRANSFERS, BUT WE DIDN'T HAVE THE AUTHORITY TO AFFECT THAT ONE WAY OR THE OTHER, BUT WE WERE WISE ENOUGH TO SECURE THE WATER SUPPLY FOR THAT TIME, SO I WOULD REALLY CAUTION AGAINST GETTING IN A POSITION WHERE YOU'RE OPPOSING PEOPLE HAVING A WATER SUPPLY BECAUSE THE AVERAGE CITIZEN OF AUSTIN IS GOING TO BE A LOT LESS SYMPATHETIC TO ENVIRONMENTAL CAUSES IF THEY DON'T GET WATER WHEN THEY TURN ON THEIR FAUCET OR THEY DON'T GET TO TURN IT ON VERY MUCH. I THINK THE MAJORITY OF CITIZENS ARE GOING TO BE REAL STRONG IN SUPPORTING CONSERVATION PROGRAMS, BUT THEY ARE GOING TO WANT TO HAVE WATER COMING OUT OF THEIR FAUCETS.

Mayor Wynn: AGREED, COUNCILMEMBER. FURTHER COMMENTS? SO WE HAVEN'T HAD A MOTION YET ON ITEM 23. WE'VE HEARD THE PLEDGE BY STAFF REGARDING POTENTIAL SORT OF BIFURCATION OF THE POSTING LANGUAGE, BUT I'LL ENTERTAIN A MOTION.

Slusher: MAYOR, I WOULD MOVE THAT WE DO, AS OUTLINED BY MR. LIPPE, THE PHASE ONE AND HAVE THE REST OF IT, WHICH INCLUDES THE SITE STUDIES, ALTERNATIVE SITE STUDIES, AND COME BACK FOR THE REST OF IT IN OCTOBER. I HAVE TO POINT OUT THAT WHEN I VERY FIRST STARTED WRITING ABOUT LOCAL POLITICS AND THE MAYOR PRO TEM WAS BEEN INVOLVED MAYBE A YEAR OR TWO, THEN THIS WAS ONE OF THE MAIN ISSUES ON THE TABLE AND IT'S GOING TO BE ONE OF THE MAIN ISSUES ON THE TABLE

WHEN WE LEAVE OFFICE, SOMEBODY ELSE IS GOING TO GET TO DECIDE IT. BUT I WOULD SAY THAT THE MOST PRUDENT WAY TO GO RIGHT NOW IS TO DO -- APPROVE THE PHASE ONE, HAVE IT COME BACK TO THE COUNCIL IN OCTOBER FOR THE REST OF THAT, AFTER THAT PART IS DONE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER TO APPROVE ITEM 23 WITH THE CAVEAT OF BEING ONLY THE ONE-MILLION-DOLLAR PHASE ONE WORK WITH THE REMAINING TO COME BACK FOR FUTURE COUNCIL APPROVAL ALONG WITH THE REPORT FROM THE PHASE ONE EXPENDITURE.

Goodman: I'LL SECOND THAT.

Slusher: MAYOR, IF I COULD LOOK AT THIS AND MAKE SURE THAT THE WAY I DESCRIBED THAT MOTION IS CONSISTENT WITH NOT PUTTING IT OFF FURTHER THAN -- NOT DELAYING ANY FURTHER THAN THE COUPLE OF WEEKS IT WOULD TAKE THAT WE DISCUSSED YESTERDAY. LET ME PUT IT A DIFFERENT WAY AND EXPLAIN THAT SO THAT IT'S CONSISTENT WITH WHAT YOU'RE SAYING WOULD BE ACCEPTABLE TO THE DEPARTMENT.

THE WAY IT'S DESCRIBED AS ACCEPTABLE IS PHASE ONE STUDIES FOR ONE MILLION DOLLARS COMING BACK WITH A REPORT PRESENTATION BEFORE GETTING APPROVAL FOR THE REMAINDER OF THE PRELIMINARY ENGINEERING. AND THAT WOULD BE IN THE OCTOBER TIME FRAME.

Slusher: OKAY. THANK YOU, SIR.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: THE CITY MANAGER CAN ANSWER THIS, BUT WHAT WAS THE TIMING ON THE ALLEN PLUMBER STUDY AND THE GREEN TREATMENT PLANT STUDY?

WE WILL HAVE ALL THE PRELIMINARY INFORMATION YOU WILL NEED RELATED TO THIS ISSUE WILL BE COMING FORWARD AT THE SAME TIME FRAME IN OCTOBER. THE FINAL PRODUCT, THEY'LL HAVE EVERYTHING PULLED TOGETHER, WILL BE IN DECEMBER, BUT WHAT WE NEED FOR

THE PRELIMINARY PRODUCT FOR THIS WILL BE READY WHEN EVERYTHING ELSE IS READY IN OCTOBER.

Alvarez: I WANTED TO MAKE SURE THAT WAS GOING TO BE IN THE PROCESS. THANK YOU.

Goodman: MAYOR PRO TEM.

Goodman: I JUST --

Mayor Wynn: MAYOR PRO TEM.

Goodman: I JUST WANT TO REITERATE A COUPLE OF THINGS. THE MONEY TO DO THE ALTERNATIVE SITE RESEARCH ANALYSIS IS WITHIN THIS ITEM, SO YOU CAN'T VOTE NO FOR THIS ITEM AND STILL HAVE THAT RESEARCH DONE AND THAT ANALYSIS DONE. NOW, WHAT WE'VE TRIED TO DO IS PUT SAFEGUARDS ON HERE SO THAT NO FURTHER ACTION FROM THE UTILITY BEYOND WHAT WE'VE ASKED THEM TO DO HAPPENS WITHOUT COUNCIL APPROVAL FIRST AND IN A KNOWLEDGE WAY MEANING THEY GOT REPORTS AND THINGS. AND THAT OTHER GROUPS OBVIOUSLY INFORMED, AND YOU'RE RIGHT -- I DID MEAN TO THANK MARY RUTH BECAUSE MARY RUTH HOLDER IS CHAIR OF THE ENVIRONMENTAL BOARD, HAS DONE AN AMAZING JOB. YOU CAN GET PAID FOR THAT KIND OF STUFF. ANYWAY, WITHIN THE MILLION DOLLARS, IT DOES INCLUDE ALSO AN ANALYSIS OF THE CURRENT SITE, IS THAT SO?

THAT'S CORRECT. AND I DO NEED TO CLARIFY ONE THING. THE MAJORITY OF THE ALTERNATIVE SITE WORK IS GOING TO BE DONE BY ALLEN PLUMBER AND ASSOCIATES. A SEPARATE CONSULTANT UNDER THEIR EXISTING SCOPE. BUT IT'S NOT TECHNICALLY DEPENDENT ON THIS ACTION TODAY. CAROLLO HAS SOME FUNDING IN THERE TO ASSIST ON DETAILS WITHIN A SITE, AND THE FEASIBILITY OF A TREATMENT PLANT ON CERTAIN SITES, MORE OR LESS THE TECHNICAL SIDE OF SOME OF THOSE QUESTIONS, BUT THE SITE ALTERNATIVE -- THE ALTERNATIVE SITE SEARCH AND -- THE ALTERNATIVE SITE SEARCH WORK WILL BE DONE BY AN INDEPENDENT CONSULTANT ALREADY ON BOARD. AND THE CONCEPT REFINEMENT WORK THAT'S GOING TO HAPPEN

HERE IS CAROLLO?

THAT'S CORRECT.

Goodman: AND I THINK THEY'LL HAVE TO BE VERY CLOSELY INVOLVED BECAUSE THE CONCEPT COULD BE MODIFIED DEPENDING ON WHERE YOU'RE THINKING OF DOING SOMETHING AND IN WHAT WAY CONSTRAINTS OF OF LOCATION AND SO ON AND SO FORTH. SO IN CONCEPT REFINEMENT THAT'S WHERE THE WATER REUSE IS LOOKED AT, AND WE ONCE TALKED ABOUT THIS AREA AS A NATURAL RESERVOIR FOR TREATED OR REUSED WATER. AND THAT CONCEPT I ASSUME COULD EITHER STAY HERE WITHOUT THE PLAN, ALTHOUGH IT WOULD TAKE A LOT OF MONEY, AND COULD BE ROLLED INTO THE CONCEPTS OF ANY OTHER ALTERNATIVES WE LOOK AT. AND THAT'S WHAT CAROLLO WAS ABLE TO DO.

THAT'S RIGHT. CAROLLO CAN BE LOOKING AT CHANGES AND CONCEPTS THAT COME OUT OF THIS STUDY FOR OTHER SITES AND THE EFFECTS OF WATER CONSERVATION AND A PART OF THAT WILL BE HOW DOES THAT AFFECT THE CONCEPT OF THE PLAN ITSELF OR ALTERNATIVE STRATEGIES SUCH AS CONSERVATION AND REUSE ON SIZING AND TIMING OF THE PLAN. AND AGAIN, AN INDEPENDENT CONSULTANT WILL ALSO BE DOING THE KEY LOOK AT THE WATER CONSERVATION STRATEGIES. THAT WILL ALL COME TOGETHER.

Goodman: SO THE COUNCIL IS BEING VERY COMPREHENSIVE AND THOROUGH AND VERY TECHNICAL INFORMATION. THE OTHER THING I WANTED TO MENTION IS THAT I GOT AN INTERESTING E-MAIL FROM SOMEONE WHO SAID DON'T SPEND ANY MONEY LOOKING AT THE LOCATION FOR A WATER TREATMENT PLANT NUMBER 4 THAT'S ON THE TABLE RIGHT NOW. AND TO ME THAT'S TOTALLY ILLOGICAL. I CAN'T IMAGINE HOW YOU WOULD SAY NO TO ONE LOCATION IF YOU DON'T HAVE ANY REASONS FOR IT. SO I AM GLAD THAT THAT'S WITHIN THE SCOPE.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. FURTHER COMMENTS, QUESTIONS? A MOTION AND A SECOND ON THE TABLE TO APPROVE, WITH SKIP STIPULATIONS, ITEM

NUMBER 23. HEARING NONE, ALL THESE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: ONSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. OKAY. MR. HILGERS? COUNCIL, WITHOUT OBJECTION, WE WILL RECESS AT THIS TIME THE MEETING OF THE AUSTIN CITY COUNCIL IN ORDER FOR US TO CALL TO ORDER THIS POSTED MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION. WE HAVE A POSTED AGENDA ITEM AHFC 1 AND 2 AND WELCOME MR. PAUL HILGERS.

THANK YOU, PLPT. I AM PAUL -- MR. PRESIDENT, I AM PAUL MILLGERS. THIS MEETING WAS TO BRING BEFORE YOU TWO VERY QUICK ITEMS FOR YOUR APPROVAL. FIRST IS THE AHFC NUMBER 1, APPROVAL OF THE MINUTES OF THE APRIL 7TH, 2005 BOARD MEETING.

Mayor Wynn: I'LL ENTERTAIN A MOTION.

MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY BOARD MEMBER MCCracken, SECONDED BY THE VICE-PRESIDENT TO APPROVE THE POSTED MINUTES. ALL IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

THANK YOU. AHFC NUMBER 2 IS TO AUTHORIZE THE NEGOTIATION AND EXECUTION OF A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION LOAN UNDER THE ACQUISITION AND DEVELOPMENT PROGRAM IN AN AMOUNT NOT TO EXCEED \$160,000 TO NEIGHBORHOOD HOUSING SERVICES OF AUSTIN, INCORPORATED, AUSTIN, TEXAS, A NONPROFIT COMMUNITY HOUSING PROVIDER TO PROVIDE LOANS TO FIRST-TIME HOME BUYERS. THIS ACTION WILL PROVIDE PRINCIPAL BUY-DOWN AND CLOSING COST ASSISTANCE TO FOUR FIRST-TIME HOME BUYERS OF NEW SINGLE-FAMILY HOMES IN THE HERITAGE VILLAGE SUBDIVISION. THE PRINCIPAL BUY-DOWN AND CLOSING COST ASSISTANCE WILL BE IN THE FORM OF A DEFERRED LOAN TO BE REPAID BY THE HOMEOWNER UPON RESALE OF

THE HOME, REFINANCING, DEBTOR UPON FULL PAYMENT OF THE FIRST MORTGAGE CONSISTENT WITH OUR OTHER HOUSING PROGRAMS. THE AFFORDABLE THREE AND FOUR BEDROOM HOMES SOLD TO FIRST TIME HOME BUYERS EARNING AT OR BELOW 80% AND WILL MOST LIKELY BE WELL BELOW 80% OF AREA MEDIAN FAMILY INCOME. CURRENTLY THAT'S 56,900 FOR A FAMILY OF FOUR. THIS OF COURSE WILL BE ALL SMART HOUSING COMPLIANT AND THE SALES PRICES ARE EXPECTED TO RANGE BETWEEN 115 AND 125 DEPENDING UPON THE APPRAISALS, WITH THE PRINCIPAL BUY-DOWN ASSISTANCE TO BRING THE EFFECTIVE PRICES TO BETWEEN 75 AND \$85,000 FOR THESE FAMILIES. ALL OF THE UNITS WILL BE VISITABILITY AND ADAPTABLE FOR PERSONS WITH MOBILITY, SIGHT OR HEARING DISABILITIES. NEIGHBORHOOD HOUSING SERVICES, INCORPORATED IS A NONPROFIT 501(C)3 COMMUNITY HOUSING DEVELOPMENT ORGANIZATION OR CHOTO THAT PROVIDES AFFORDABLE HOUSING AND DEVELOPMENT OPPORTUNITIES. AGAIN THEIR EFFORTS ARE PRIMARILY IN THE ST. JOHN'S NEIGHBORHOOD AND THEY HAVE HAD EXPERIENCE IN THIS HERITAGE VILLAGE SUBDIVISION AND WORKING WITH THAT COMMUNITY. SO THEY HAVE COMPLETED AND SOLD 12 HOMES IN THE ST. JOHN'S NEIGHBORHOOD, AND THE ACTION THAT WE'RE REQUESTING IS CONSISTENT WITH OUR PLAN AND THE STAFF IS RECOMMENDING THIS TO YOU FOR YOUR APPROVAL.

Mayor Wynn: THANK YOU, MR. HILGERS. REMIND ME, SO THE LIENS PLACED ON THESE HOMES I GUESS RETURN IN THE EVENT OF A SALE OF THE HOME. DOES THE MONEY THEN GO BACK TO NEIGHBORHOOD HOUSING SERVICES OF AUSTIN, INC. AND THEN THEY ROLL IT BACK INTO ANOTHER OPPORTUNITY OR DOES IT COME BACK INTO THE LARGER AHFC?

AHFC IS IN THE SECOND LIEN POSITION ON THESE LOANS.

Mayor Wynn: SO WE ARE THE LIENHOLDER, NOT THE NONPROFIT.

LET ME CHECK ON THAT.



[INAUDIBLE - NO MIC].

Mayor Wynn: REALLY THE QUESTION IS ONLY BASED ON I'M CURIOUS AS TO WHEN -- IF THAT WERE TO OCCUR, THEN IS IT AN ONGOING FUND FOR THIS NONPROFIT, WHICH I WOULD BE SUPPORTIVE OF, OR DOES IT REQUIRE US TO TAKE FURTHER ACTION TO PUT IT BACK INTO CIRCULATION, IF YOU WILL?

THE QUESTION IS WHETHER IT'S PROGRAM INCOME, AND AGAIN, THE LOANS ARE SECURED DEPENDING UPON THE NEGOTIATION WE HAVE WITH NHS. IN SOME CASES WHAT WE HAVE DONE IS WE HAVE ALLOWED THE NONPROFITS TO BE ABLE TO MAINTAIN THAT PROGRAM INCOME FOR THEM TO REINVEST. IN EITHER CASE THAT WILL BE REINVESTED FOR AFFORDABLE HOUSING PURPOSES. AND THE TERMS AND CONDITIONS ARE DEPENDING UPON WHETHER THE CONDITIONS UNDER WHICH THAT MONEY CAME BACK TO US, EITHER NHS WOULD BE ABLE TO USE THAT MONEY AGAIN OR THE AUSTIN HOUSING FINANCE CORPORATION WOULD BE ABLE TO USE THAT MONEY AGAIN. IF IN THE CASE OF NHS'S INABILITY TO USE IT FOR AFFORDABLE HOUSING, WE WOULD BE IN A POSITION TO SECURE THOSE FUNDS. SO WE'RE SECURING IT FOR AFFORDABLE HOUSING PURPOSES FOR REINVESTMENT IN THE FUTURE IN EITHER CASE.

Mayor Wynn: GOOD. THANK YOU. FURTHER COMMENTS, QUESTIONS, BOARD? IF NOT, I'LL ENTERTAIN A MOTION ON AHFC ITEM 2.

MOVE APPROVAL.

SECOND.

Mayor Wynn: MOTION MADE BY BOARD MEMBER DUNKERLEY, SECONDED BY BOARD MEMBER THOMAS TO APPROVE AHFC ITEM 2 AS PRESENTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. BOARD, THAT'S ALL OUR ACTION ITEMS, SO

WITHOUT OBJECTION I'LL ADJOURN THIS MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION, CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. COUNCIL, WE HAVE 20 SOME-ODD MINUTES BEFORE CITIZEN COMMUNICATION. COUNCILMEMBER SLUSHER, YOU HAD PULLED ITEM FOREIGN RELATED TO DESIGN -- ITEM 14. SO I'LL KUHLE THAT ITEM UP AT THIS TIME.

MAYOR, I WANTED TO JUST HEAR A SHORT EXPLANATION OR UPDATE ON WHAT'S HAPPENED SINCE THE LAST MEETING WHEN WE PULLED THOSE OUT. AND MY UNDERSTANDING IS THIS IS GOING TO BE SENT TO THE CODIFIED AND THEN COME BACK BEFORE THE COUNCIL WHEN THAT'S DONE.

McCracken: MAYOR? WHAT WE CAN REPORT IS THAT WE HAVE DEVELOPED, AMONG THE TASKFORCE MEMBERS WHO ARE NEGOTIATING ON BEHALF OF THE ORGANIZATIONS, THE REPRESENTATIVES ARE THE AUSTIN NEIGHBORHOOD COUNCIL, LIVEABLE CITY, THE REAL ESTATE COUNCIL OF AUSTIN, ALONG WITH MEMBERS OF THE DESIGN COMMISSION AND THE PLANNING COMMISSION AND COUNCIL AND CITY STAFF. AND SO WE HAVE A CONSENSUS PROPOSAL WITH SUPPORT OF THE REPRESENTATIVES OF ALL THE STAKEHOLDER REPRESENTATIVES ON THE TWO ISSUES, WHICH ARE DEVELOPMENT ORIENTATION AND BUILDING DESIGN. ON DEVELOPMENT ORIENTATION, WE'VE ADDED ONE PROVISION THAT'S NEW, THAT IS FOR CORE TRANSIT CORRIDORS AND WHAT THAT WOULD REQUIRE ON THE CORE TRANSIT CORRIDORS IS THAT IT WOULD ACCESS THE FUTURE TRANSIT BUS AND POTENTIAL RAIL LINES BY BRINGING BUILDINGS UP AND HAVE PEDESTRIAN ORIENTED ENVIRONMENT. THIS IS A CRITICAL COMPONENT FOR ENVISION CENTRAL TEXAS' SUCCESS AND IT WILL INCLUDE CORE TRANSIT CORRIDORS INCLUDE RIVERSIDE, GUADALUPE, SOUTH CONGRESS, MLK, EAST SEVENTH, AND ALSO WE'VE TAKEN OUT THE ISSUE ABOUT CIVIC BUILDINGS. THEY WOULD NOT HAVE TO WORRY ABOUT HAVING TO BE BUILT UP TO THE SIDEWALK WITH NO PARKING IN FRONT. WE'VE ALSO ADDRESSED THE ISSUE AND THE PROBLEM FOR TRANSIT ORIENTED DEVELOPMENTS, WHICH IS THAT THE MINIMUM DESIGN SPEED IS 30 MILES PER HOUR. THAT'S THAT'S BEEN LOWERED TO 20 MILES PER HOUR TO HELP THE CONSTRUCTION OF TRANSIT ORIENTED

DEVELOPMENTS. ON BUILDING DESIGN, WE HAVE SOME REALLY INNOVATIVE NEW APPROACHES THAT WILL INCREASE THE USE OF GREEN BUILDING PRACTICES, PARTICULAR OF GREATER USE OF BUILDING INTEGRATED SOLAR POWER AND ALSO GREEN BUILDING 2 STAR FOR ANY BUILDING THAT USES NATIONAL CHAIN ELEMENTS. ALSO, WE'VE EXTENDED THE LOCAL NON-BRANDED BUSINESSES FROM THESE REQUIREMENTS. THERE'S BEEN AN ISSUE WITH THE FAST FOOD RESTAURANTS. AND I BELIEVE AFTER WORKING THROUGH IT WITH THEM THAT WE HAVE A MUTUAL UNDERSTANDING THAT THEY ARE NOT BEING RUN OUT OF TOWN AND WE REALLY DO RESPECT THEIR -- THAT THEY HAVE A LITTLE BIT OF A DIFFERENT ROLE THAN OTHER NATIONAL CHAIN COMPANIES AND THAT THEY -- THEY ARE ALMOST ALL LOCALLY OWNED BUSINESSES. WE REALLY DO RESPECT THEIR CONTRIBUTION. I THINK THAT THEY'RE GOING TO -- I THINK THAT WE'VE DISCOVERED THEY WILL BE ABLE TO DO BUSINESS JUST FINE JUST LIKE EVERYONE ELSE WILL BE ABLE TO. WE ALSO HAVE ADDITIONAL MINOR CHANGES AS WE GO THROUGH THE CODIFICATION PROCESS. IN PARTICULAR I THINK WE'RE GOING TO LOOK AT SOME MODIFICATION FOR GREATER FLEXIBILITY ON BLOCK SIZE, ON -- FOR SOME USERS, AND ALSO THAT WE'RE GOING TO NEED TO HAVE SOME IMPROVEMENT ON THE STREET TREE STANDARDS TO MAKE SURE OUR STREET TREES DON'T DIE AFTER THEIR PLANTED. THAT'S THE PROPOSAL AND WE'VE GOTTEN CONSENSUS ON IT.

Slusher: CONGRATULATIONS ON THAT AND ALL THE TIME YOU'VE PUT INTO IT. THANK YOU.

Futrell: COUNCIL -- LAURA, YOU MIGHT WANT TO GIVE AN UPDATE ON WHERE WE ARE ON THE CODIFICATION AND WORK THAT WAS DONE ON THE STAFF SIDE.

MAYOR, MAYOR PRO TEM AND CITY COUNCIL, WE'RE WORKING WITH JOHN HOW CAN YOWS TO PULL TOGETHER A DESIGN STANDARDS. WE'RE DESIGNING THE SCOPE AROUND THOSE QUESTIONS AND OTHERS THAT HAVE ARISEN. AND IT WILL BASICALLY INCLUDE THREE FUNDAMENTAL COMPONENTS. ONE IS A RESEARCH ELEMENT. AND THEY'RE GOING TO GO OUT AND LOOK AT ECONOMIC IMPACTS OF DESIGN STANDARDS. THE SECOND

IS TO LOOK AROUND THE COUNTRY AT BEST PRACTICES AND TO TELL US TWO THINGS THERE. THERE WERE SOME SPECIFIC QUESTIONS, FOR EXAMPLE, THE IMPACT OF DESIGN STANDARDS ON FRANCHISE AGREEMENTS. AND THEN WE'LL LOOK AT THESE OTHER CITIES AND DETERMINE WHAT THOSE IMPACTS ARE. AND THE OTHER THING THEY WILL BE ABLE TO TELL US IS HOW THIS EFFORT COMPARES TO EFFORTS THAT HAVE BEEN IMPLEMENTED ACROSS THE COUNTRY. AND THEN THE THIRD ASPECT WILL BE TO WORK WITH LOCAL STAKEHOLDERS AND DEVELOPERS AND TO MAKE SURE THAT WE HAVE IDENTIFIED THE INTERESTS AND CONCERNS THERE.

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM 14.

MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN TO APPROVE ITEM 14, DIRECTION TO THE CITY MANAGER. I'LL SECOND THAT. FURTHER COMMENTS?

Alvarez: MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: AGAIN, I WOULD I WOULD JUST LIKE TO COMMEND COUNCILMEMBER MCCRACKEN AND MAYOR PRO TEM GOODMAN ON GETTING TO THIS POINT WHERE OBVIOUSLY THE FINAL PIECE OF THIS IS MOVING FORWARD TO CATCH UP WITH WHAT WAS ALREADY ADOPTED I GUESS IN CONCEPT BY THE COUNCIL, BUT IT'S AN IMPRESSIVE PROCESS THAT HAS BEEN UNDERTAKEN HERE THAT HAS INCORPORATED SO MANY DIFFERENT ELEMENTS. AND I REMEMBER WHEN MAYOR PRO TEM GOODMAN AND I WERE JUST FOCUSING ON THE HEAT ISLAND STUFF, HOW INVOLVED THAT WAS, AND THAT'S ACTUALLY A PRETTY SMALL PART OF WHAT THIS INITIATIVE INCLUDES, AND SO I UNDERSTAND THAT I APPRECIATE ALL THE TIME AND EFFORT OF THE COUNCIL SPONSORS, BUT ALSO ON THE PART OF ALL THE STAKEHOLDERS WHO PARTICIPATED FOR I GUESS ABOUT A YEAR AND A HALF NOW INSTEAD OF THE INITIAL THREE OR FOUR MONTHS THAT WAS ENVISIONED.

BUT HATS OFF TO THAT. I KNOW THIS TOOK AN INCREDIBLE AMOUNT OF WORK AND WANT TO THANK EVERYBODY INVOLVED.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. HEARING NONE, ALL THOSE IN FAVOR OF ITEM 14? MOTION PASS OR A VOTE OF SIX TO ZERO WITH COUNCILMEMBER THOMAS OFF THE DAIS. COUNCIL, I HAD PULLED ITEM 45, WHICH WAS RELATED -- WHICH IS RELATED TO A SUPPLEMENTAL FUNDING PLAN FOR THE CITY OF AUSTIN EMPLOYEE RETIREMENT SYSTEM. AND TECHNICALLY THIS IS AN ITEM FROM COUNCIL, AND MY UNDERSTANDING IS WE HAD A PRESENTATION WEEKS OR MONTHS AGO BY CITY STAFF ABOUT THE CONCEPT, AND I'D APPRECIATE A PRESENTATION FROM MR. JOHN STEPHENS.

THANK YOU, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, I'M JOHN STEPHENS, CHIEF FINANCIAL OFFICER. WE HAVE BEEN WORKING WITH THE EMPLOYEE RETIREMENT SYSTEM, WHICH IS A SEPARATE ORGANIZATION FROM THE CITY, ADMINISTERED SEPARATELY, OVER THE LAST FEW MONTHS ON A SUPPLEMENTAL FUNDING PLAN. JUST TO GIVE YOU A LITTLE BIT OF BACKGROUND ON THIS ITEM, THE ERS WAS FULLY FUNDED IN THOUSAND, APPEARED THEN AFTER THREE YEARS OF NEGATIVE RETURNS IN THE STOCK MARKET IN THOUSAND, 2001 AND 2002, ARE NOW IN A SITUATION WHERE THEY HAVE AN UNFUNDED LIABILITY. THIS IS NOT AN UNUSUAL SITUATION. THERE ARE RETIREMENT SYSTEMS ALL OVER THE COUNTRY THAT ARE FACING THESE SAME KIND OF ISSUES, AND CERTAINLY IN COMPARISON TO SOME OF THOSE SYSTEMS THAT WE LOOKED AT, ERS IS RELATIVELY WELL OFF. BUT THEY DO HAVE AN UNFUNDED LIABILITY AT THIS POINT. I WANT TO MAKE CLEAR TO EVERYONE LISTENING THAT THERE IS NO DANGER THAT ERS IS GOING TO RUN OUT OF FUNDS TO PAY BENEFITS. THERE IS NO QUESTION OF THAT. THIS IS NOT A LIQUIDITY ISSUE. HOWEVER, GIVEN THE CURRENT MARKET CONDITIONS AND WHAT THEY SHOW FOR THEIR EARNINGS PROJECTIONS IN AGREEMENT WITH THEIR ACTUARY, AT THIS POINT THEY ARE NOT ABLE TO PAY OFF THE UNFUNDED LIABILITY WITH THE PROJECTIONS THAT THEY'RE USING. SO WE HAVE WORKED, AS I SAID, OVER THE LAST SEVERAL MONTHS WITH ERS

ADMINISTRATION AND HAVE REACHED AN AGREEMENT THAT THEIR BOARD HAS APPROVED. AND UNDER THAT AGREEMENT, ERS WOULD BE PROVIDED A SUBSIDY UNDER CERTAIN PARAMETERS. WHAT WE HAVE DONE IN THIS AGREEMENT IS REALLY TO LOOK FIRST -- TO THE MARKET TO TRY TO SOLVE THE UNFUNDED SITUATION THAT THEY HAVE. AND IT CERTAINLY IS POSSIBLE THAT THE MARKET CAN CORRECT THAT SITUATION. IF THEY HAD TWO OR THREE YEARS OF GOOD RETURNS LIKE WE HAD IN THE LATE '90'S, THEIR UNFUNDED SITUATION I THINK COULD BE HANDLED. BUT IF MARKET RETURNS ARE NOT SUFFICIENT TO BRING THE SYSTEM BACK IN TO THE FUNDING PARAMETERS THAT WE WOULD LIKE TO SEE, WE WOULD AGAIN BE PROVIDING THEM THE SUBSIDY IN PHYSICAL YEAR 2007, THAT WOULD BE THE FIRST YEAR THAT WE WOULD DO IT. AND IT WOULD BE BASED ON A PERCENTAGE OF PAYROLL. WE WOULD NOT INCREASE THE CONTRIBUTION RATE, BUT RATHER WOULD PROVIDE A SUBSIDY ON TOP OF THAT. THIS WOULD REALLY BE MORE IN THE NATURE OF A ONE-TIME PAYMENT. SO I'VE GOTTEN AHEAD OF MYSELF AGAIN. IF MARKET RETURNS ARE NOT ADEQUATE, THE SUBSIDY WOULD AGAIN IN 2007. AND IF MARKET RETURNS CONTINUE TO BE INADEQUATE TO PAY OFF THE UNFUNDING, THE SUBSIDY COULD INCREASE TO AN AMOUNT EQUAL TO FOUR PERCENT OF PAYROLL. UNDER THE EARNINGS ASSUMPTION THAT WE'RE USING RIGHT NOW, WE PROJECT THE SYSTEM WOULD REACH AN ADEQUATE FUNDING PERIOD, WHICH IS 30 YEARS. THAT'S THE AMORTIZATION PERIOD. IN OTHER WORDS, THE PERIOD IN WHICH ERS IS ABLE TO PAY OFF THAT UNFUNDED LIABILITY. WE ESTIMATE THAT COULD HAPPEN AS EARLY AS 2012. AGAIN, IT COULD HAPPEN EVEN EARLIER GIVEN SOME GREAT MARKET RETURNS. SO AGAIN, THE SUBSIDY WOULD NOT AGAIN OR IT WILL INCREASE IN SMALLER INCREMENTS AS WE GO THROUGH IF MARKET RETURNS ARE HIGH ENOUGH. THE AGREEMENT ALSO REQUIRES THAT BENEFIT ENHANCEMENTS, FUTURE BENEFIT ENHANCEMENTS WILL REQUIRE AN ANALYSIS OF A VARIETY OF SCENARIOS FOR THE CITY MANAGER. THE ASSUMPTION THAT THE FUND OPERATES UNDER RIGHT NOW IS THAT THEY HAVE TO HAVE A SEVEN-THREE-QUARTERS PERCENT EARNINGS RATE GOING FORWARD. AND THE PROBLEM WITH THAT IS ONCE

YOU'VE HAD THREE YEARS OF BAD RETURNS, THAT 7 THREE-QUARTERS GOING FORWARD IS NOT GOOD ENOUGH. SO WHAT WE WOULD DO IN WORKING WITH THE BOARD IS WE WOULD LOOK AT A VARIETY OF SCENARIOS, NOT JUST A FLAT 7 THREE-QUARTERS GOING FORWARD, BUT WE WOULD LIKE TO SEE MAYOR YOAZ IN WHICH -- SCENARIOS IN WHICH THERE ARE EARNINGS LOSSES SIMILAR TO THE ONES THAT WE'VE HAD IN THOSE THREE YEARS. SO UNDER THAT -- UNDER THE AGREEMENT THEY WOULD PROVIDE US WITH THOSE SCENARIOS IF THE CITY MANAGER IS CONFIDENT THAT UNDER THOSE SCENARIOS THEY CAN HANDLE THE BENEFIT ENHANCEMENT, SHE WILL MAKE A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE THAT. AND THAT, MAYOR, IS -- THAT CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU. MAYOR PRO TEM?

Goodman: I'D LIKE TO ASK DWEN NIS WHALEY TO COME UP IF HE COULD. HE'S CITY MANAGEMENT AND ALSO REPRESENTATIVE TO THE BOARD. AND IN RETURN FOR THIS -- LET ME BACK UP. AS JOHN SAID, MANY SYSTEMS ARE DEVASTATED, SO I THINK THAT'S A TRIBUTE TO THE BOARD AND STAFF THAT WE'RE NOT DEVASTATED, BUT WE DO HAVE AN UNFUNDED LIABILITY WHICH IS AMORTIZED -- IS THAT RIGHT -- OUT ABOUT 30 YEARS FOR THIS. AND IN RETURN WHAT THE COUNCIL AND CITY MANAGER GUESS IS A LITTLE MORE CONTROLLED THAN I WANTED TO GIVE YOU OVER THAT 30 YEARS, WHICH YOU WILL HAVE EVEN IF THE SYSTEM WINDS UP GOING BACK INTO ITS OLD SELF AND HAVING MORE THAN 12% AND HAVING A FUNDED FUTURE. BUT I WOULD LIKE TO ASK DENNIS TO JUST GIVE US KIND OF AN OVERVIEW OF WHAT THE PROCESS WAS THAT GOT US HERE. THAT GOT US HERE WITH THIS.

IN DEVELOPING THE FUNDING PLAN? THE BOARD WORKED WITH THE CITY MANAGER AND JOHN STEPHENS TO DEVELOP A PLAN TO BRING THE SYSTEM BACK INTO FULL FUNDING OVER A PERIOD OF TIME. THE WAY THAT WAS DESIGNED WAS TO PROVIDE A SUBSIDY WHICH WOULD GROW FROM ONE PERCENT TO FOUR PERCENT TO BRING THE SYSTEM BACK TO 30-YEAR FUNDING. AND THAT COULD BE DONE IN 2012. THE SUBSIDY WOULD THEN BE REDUCED

OVER TIME AS LONG AS THE FUNDING PERIOD REMAINED AT 30 YEARS.

Goodman: THAT'S GOOD. IF THERE ARE QUESTIONS. BUT I JUST THOUGHT THAT THAT WAS A VERY SOUND FOUNDATION THAT WOULD RESONATE WITH THOSE WHO ARE WATCHING FOR SUCH.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER DUNKERLEY.

Dunkerley: I THINK ALSO IT WOULD BE BENEFICIAL IF WE COULD POST A STANDING ITEM ON OUR AUDIT AND FINANCE AGENDA AND REVIEW THIS. I THINK THEY GET THEIR INVESTMENT REPORTS ON A QUARTERLY BASIS, IS THAT TRUE?

YES.

Dunkerley: SO PERHAPS SHORTLY THEREAFTER WE COULD SCHEDULE A ROUTINE ITEM EACH QUARTER AND TAKE A LOOK AT WHAT THOSE RESULTS ARE. AND I THINK I WOULD ALSO ADD POLICE AND FIRE JUST SO THAT WE KIND OF WATCH ALL THREE OF THOSE SYSTEMS AS WE GO FORWARD.

THE INVESTMENT REPORTS ARE REVIEWED ABOUT SIX WEEKS AFTER THE END OF THE QUARTER, SO WE COULD THEN COME AT THE NEXT AUDIT AND FINANCE COMMITTEE MEETING AND SHOW YOU THAT.

Goodman: WE COULD JUST PUT THE AUDIT AND FINANCE COMMITTEE ON THE ROUTINE MAILOUTS FROM DONNA. DONNA BOYKIN. IT'S A LOT OF INFORMATION TO GO OVER. AND ALTHOUGH OUR -- THE ERS EMPLOYEES WOULD BE HAPPY TO BE AT AUDIT AND FINANCE, THEY'RE A SMALLER ORGANIZATION THAN THE CITY, SO THEIR ABSENCE IS KIND OF MISSED WHEN THEY'RE GONE.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? WHAT I UNDERSTAND, THE POTENTIAL TIMING OF THESE FUTURE SUPPLEMENTS -- I'M TRYING TO THINK THROUGH, I HAVE BEEN TRYING TO THINK THE LAST COUPLE OF DAYS ABOUT



THE FORMAT OR THE PRACTICALITY OF THOSE INDIVIDUAL ACTIONS HAVING FUTURE COUNCIL APPROVAL, THAT IS, UNDERSTAND THE NEED FOR COMMITMENT, SO THEREFORE THESE LONG-TERM ANALYSES STAY TRUE TO FORM. BUT I'M JUST A LITTLE NERVOUS ABOUT NOT HAVING THE ABILITY FOR A FUTURE COUNCIL, DYNAMICS OF SOME FUTURE BUDGET DELIBERATIONS AND HAVE ALMOST A PERHAPS FORGOTTEN REQUIREMENT COME FORWARD. SO JOHN, HELP ME THINK THROUGH SORT OF THE TIMING AND THE FORMAT THAT THESE SETTLEMENTS TAKE.

RIGHT, MAYOR. THE WAY THE PLAN WORKS IS THAT WE WOULD LOOK AT INVESTMENT RETURNS ON A CALENDAR YEAR BASIS. SO WE'RE GOING TO LOOK AT THE RETURNS THAT THE SYSTEM HAS ON -- IN CALENDAR YEAR 2005. SO, FOR EXAMPLE, IN JANUARY OF 2006 WE WILL KNOW WHETHER MARKET RETURNS WERE ADEQUATE HIGHER THAN 12% UNDER THE PLAN TO DEFER BEGINNING THE SUPPLEMENTAL FUNDING IF NEEDED. IN OTHER WORDS, IN EARLY 2006, EVEN BEFORE WE BEGIN THE BUDGET PROCESS FOR TWOWRCH, WE'LL HAVE THAT BENCHMARK THAT WE CAN LOOK AT AND IF THE MARKET RETURNS ARE NOT ADEQUATE, THEN WE WILL INCLUDE IN OUR FINANCIAL FORECAST AND THEN IN THE BUDGET PROCESS A RECOMMENDATION TO PROVIDE THE FIRST YEAR'S SUBSIDY IN 2007. AND WE WILL LOOK AGAIN ON A CALENDAR YEAR BASIS EACH YEAR GOING FORWARD, SO WE'LL HAVE A NINE-MONTH LAG BETWEEN THE TIME WE GET THE INFORMATION AND KNOWING WHETHER WE'RE GOING TO NEED TO BUILD THAT IN OUR BUDGET PROCESS FOR THE NEXT YEAR.

Mayor Wynn: I GUESS THAT BRINGS UP A FUNDAMENTAL QUESTION. IT SOUNDS LIKE THESE POTENTIAL INDIVIDUAL SUPPLEMENTS WOULD STILL BE SUBJECTED TO COUNCIL APPROVING A BUDGET. THAT'S SORT OF CONTEMPLATED AS PART OF THIS AGREEMENT WITH THE BOARD?

YES, IT IS.

Mayor Wynn: I RECOGNIZE THAT FUNDAMENTALLY A FUTURE COUNCIL COULD, I GUESS, DENY THAT SUPPLEMENT UNDER SOME PRETTY DIRE CIRCUMSTANCES, I GUESS.

THAT IS PART OF THE AGREEMENT THAT IT'S SUBJECT TO ANNUAL APPROPRIATION.

Futrell: MAYOR, WE RECOGNIZE THAT THIS IS GOING TO BE NO DIFFERENT THAN ANY OTHER COMMITMENT THAT YOU'RE MAKING. IT'S ALWAYS SUBJECT TO A FUTURE COUNCIL APPROPRIATION. WHAT WE WANTED YOU TO KNOW, THOUGH, IS THAT UNDER THE RIGHT CIRCUMSTANCES AND EVERYTHING HOLDING EQUAL, THIS IS WHAT WE WOULD BE RECOMMENDING UNDER THESE CIRCUMSTANCES. AND WE BUILT IT IN SUCH A WAY WE HAVE THE PLANNING, TIME AND ABILITY TO PLAN FOR IT IN THE BUDGETS, IN THE FORECAST AND ALLOW THE COUNCIL TO SEE IT IN ADVANCE, KNOW WHEN IT'S COMING AND HAVE A MARKER FOR WHEN IT'S COMING. BUT UNDER DIRE CIRCUMSTANCES, A CRASH, SOMETHING THAT'S HAPPENED IN THE PAST, WE'RE ALL GOING TO HAVE TO BE EVALUATING, BUT IT'S NO DIFFERENT THAN ANY OF THE POLICIES YOU HAVE IN FRONT OF US. WE'RE GOING TO SHOOT FOR A TARGET AND IF THE FINANCIAL SITUATION CHANGES SO DRAMATICALLY WE HAVE TO REASSESS, WE'RE ALL GOING TO HAVE TO REASSESS.

Goodman: WE CAN LOOK AT THE WAY THEY'RE TRYING TO DEAL WITH SOCIAL SECURITY IN WASHINGTON. THESE ARE FOLKS WHO PUT IN THEIR TIME. WE OWE THEM A SAFEGUARDING OF THEIR MONEY, AND WITHOUT THE MARKET HAVING PLUMMETED AFTER -- IN CONJUNCTION WITH 9-11 AND ALL THE REST OF IT, THERE WOULD BE NO NEED. WE HAD A GOOD SYSTEM. BUT THIS IS THE MOST PAINLESS WAY OTHER THAN THAT -- I THINK YOU GET A GOOD DEAL. YOU GET REAL CONTROL OVER THE SYSTEM, MORE CONTROL THAN I THINK YOU SHOULD HAVE FOR 30 YEARS. AND IF THEY DON'T NEED THE CONTRIBUTION, YOU DON'T PAY IT, BUT YOU STILL HAVE THE CONTROL. SO FOR 30 YEARS IT'S THE VERY BEST THAT COULD BE WORKED OUT, I THINK.

Mayor Wynn: I AGREE. I COMMEND THE ANALYSIS AND FRANKLY THE TRADE-OFF ON THE -- I HATE TO USE THE WORD REFORM, BUT SORT OF THE MANAGEMENT AND OVERSIGHT AND CHANGES THAT THE CITY, THE TAXPAYERS BUY. IT'S COINCIDENTAL THAT WE'RE -- THIS HAS BEEN

BROUGHT FORWARD DURING CITY EMPLOYEE APPRECIATION WEEK, AND IT'S TOTALLY APPROPRIATE THAT WE RECOGNIZE THAT VALUE, AND I THINK THERE'S FULL COMMITMENT UP HERE TO MAKE SURE THAT THAT PENSION PLAN IS SOLID AND THERE'S NO UNCERTAINTY WHATSOEVER ABOUT THE FUTURE OF -- OF EXISTING RETIREES AND FUTURE RETIREES, OUR CURRENT CITY EMPLOYEES. SO THANK YOU ALL FOR A LOT OF GOOD WORK. I WOULD LIKE TO AS CHAIR THE R. OF THE AUDIT FINANCE COMMITTEE, WE WILL FIGURE OUT SOME FORMAT TO HAVE A SCHEMATIC REVIEW OF REALLY ALL THREE PRESENTATION PLANS, POLICE, FIRE AND EMPLOYEE. SO THANK YOU VERY MUCH.

WE'LL BUILD THAT IN, MAYOR.

Mayor Wynn: I'LL ENTERTAIN A MOTION ON ITEM 45.

Goodman: I WILL MOVE APPROVAL AS THE RESOLUTION HAS BEFORE YOU, AND INCLUDING A BACKUP, THE REST OF THE BACKUP.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE ITEM 45 AS PRESENTED WITH ADDITIONAL BACKUP. FURTHER COMMENTS?

Goodman: ONE LAST COMMENT. THERE WAS SUPPOSED TO BE AN ITEM ON THE AGENDA FOR COUNCIL TO APPOINT COUNCILMEMBER DUNKERLEY TO TAKE MY PLACE AS A COUNCIL REPRESENTATIVE TO THE ARS BOARD, BUT THAT FELL THROUGH THE CRACKS. WE'LL DO IT NEXT TIME. BUT CONGRATULATIONS. SHE ACTUALLY WANTED IT.

Mayor Wynn: THANK YOU, MAYOR PRO TEM AND COUNCILMEMBER DUNKERLEY. MOTION AND A SECOND ON THE TABLE TO APPROVE ITEM 45. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF

SEVEN TO ZERO.

> MAYOR, THE ERS BOARD, I THINK I CAN SPEAK FOR CITY EMPLOYEES, WE WOULD LIKE TO THANK THE MAYOR, MAYOR PRO TEM, CITY COUNCIL FOR PASSING THIS RESOLUTION. ERS -- THE ERS BOARD WOULD LIKE TO THANK THE CITY MANAGER AND JOHN STEPHENS FOR WORKING WITH US TO DEVELOPED A FUNDING PLAN THAT WE COULD REVIEW TODAY. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU FOR ALL YOUR HARD WORK. SO COUNCIL, THAT TAKES US PERFECTLY TO OUR 12:00 GENERAL CITIZEN COMMUNICATION. I THINK, UNLESS MY CLOCK IS FAST. OUR FIRST SPEAKER IS MIKE HAZE. HELLO MR. HAYS. HAYNES, I'M SORRY. I KNOW MIKE HAYNES.

WHERE DO I GO, RIGHT HERE?

Mayor Wynn: YOU CAN USE THE HAND-HELD IF YOU WOULD LIKE. YOU WILL HAVE THREE MINUTES. WELCOME.

CAN YOU HEAR ME? OKAY. HI, I'M MIKE HAYNES AND I'M HERE TODAY TO TALK TO YOU GUYS ABOUT THE EXPANSION OF THE SOUTH AUSTIN TENNIS CENTER. GOING OVER A LITTLE BRIEF HISTORY OF THE TENNIS CENTER, BACK IN NOVEMBER 11th, 1979 THE CITY COUNCIL VOTED TO APPROVE THE CONSTRUCTION OF THE 16-COURT TENNIS CENTER AT THE CURRENT SOUTH AUSTIN CONTINUE NIS CENTER SITE. AT THE REQUEST OF THE SOUTH AUSTIN CITIZEN'S ADVISORY BOARD AND THE SOUTH AUSTIN NEIGHBORHOOD COUNCIL. IN 1980, 12.05 ACRES OF LAND FOR THE CENTER WERE PURCHASED FROM RG MUELLER. IN 1983 THE PLANS WERE DRAWN UP FOR AN 18-COURT TENNIS CENTER, BUT DUE TO BUDGET CONSTRAINTS THE TENNIS CENTER AND THE 12.05 ACRES THAT IT SITS ON, WE WERE ONLY ABLE TO BUILD 10 COURTS. IN 1997, AUSTIN PARKS AND RECREATION DEPARTMENT WORKED TOGETHER WITH THE TENNIS COMMUNITY, CAPITAL AREA TENNIS ASSOCIATION, THE AUSTIN WHEELCHAIR TENNIS ASSOCIATION, TO PUT TOGETHER A PROPOSAL FOR THE BOND ELECTION. IN 1998 THEY PUT TOGETHER A PLAN TO ESTIMATE THE COST AND WAS INCLUDED AS PART OF THE BOND. IN 1998 THERE WERE ALSO PUBLIC HEARINGS WERE

HELD, ONE AT SOUTH AUSTIN RECREATION CENTER IN THE COMMUNITY ON MARCH 11th, 1998, WHERE THE IDEA OF ADDITIONAL COURTS AT THE SOUTH AUSTIN TENNIS CENTER WERE COMMUNICATED TO THE PUBLIC. PART OF THE BROCHURE READS, THREE COURTS AT CASWELL TENNIS CENTER, 24TH AND LAMAR BOULEVARD, WOULD BE RENOVATED AND COURTS WOULD BE CONSTRUCTED AT SOUTH AUSTIN TENNIS CENTER, 1,000 CUMBERLAND ON ROAD AS PART OF THIS PROPOSAL. JUNE 1998 IN THE "AUSTIN AMERICAN-STATESMAN", \$4.1 MILLION FOR CASWELL RENOVATION AND COURTS AT SOUTH AUSTIN WERE INCLUDED IN A FINAL BOND PACKAGE APPROVED BY THE CITY COUNCIL. NOVEMBER 6, 1998, THE BOND WAS VOTED ON AND OVERWHELMINGLY PASSED BY THE AUSTIN CITIZENS AND WAS APPROVED BY THE COUNCIL. SINCE THAT TIME THE TENNIS COMMUNITY HAS GONE BACK TO AUSTIN PARKS AND RECREATION DEPARTMENT TO FIND OUT WHEN THIS WOULD BE BUILT. WE WERE TOLD THAT WE WOULD HAVE TO WAIT OUR TURN. CASWELL TENNIS CENTER WAS RENOVATED. THEY MADE IT TOTALLY WHEELCHAIR ACCESSIBLE. I'M GOING TO GO INTO A LITTLE BIT ABOUT THE IMPORTANCE OF ADDING ADDITIONAL COURTS. THERE HAVE NOT BEEN NEW ANY PUBLICLY MANAGED COURTS IN AUSTIN BUILT SINCE 1983. OUR POPULATION HAS MORE THAN DOUBLED SINCE THAT TIME. AS A RESULT, AUSTIN HAS A PUBLIC COURT SHORTAGE. I'M TALKING ABOUT PUBLICLY MANAGED COURTS, I'M NOT TALKING ABOUT COURTS THAT ARE OUT THERE THAT ARE UTILIZED FOR SKATE BOARDS, ROLLERBLADES AND THINGS LIKE THAT. I MYSELF CANNOT PLAY ON THOSE COURTS. I WOULD WIND UP WITH A FLAT TIRE WITHIN FIVE MINUTES. WE'RE TALKING ABOUT PUBLICLY MANAGED COURTS. AUSTIN CURRENTLY HAS ONLY 32. WE HAVE AS MANY AS WACO. AND WE ONLY HAVE 10 AT ONE FACILITY. I KNOW THAT THIS PROJECT HAS BEEN BOGGED DOWN ON TALKING ABOUT TOURNAMENT SITES AND THINGS LIKE THAT. WE'RE JUST LOOKING FOR MORE COURTS, THAT'S WHAT WE'RE LOOKING FOR. OUR WHEELCHAIR TENNIS LEAGUE STARTED OUT USING SOUTH AUSTIN TENNIS CENTER BECAUSE IT WAS THE MOST ACCESSIBLE IN TOWN. BUT DUE TO INCREASED DEMAND, THEY ARE NO LONGER ABLE TO ACCOMMODATE US. A TENNIS FACILITY NEEDS AT LEAST FOUR COURTS AVAILABLE TO HOST A TENNIS LEAGUE

FOR 16 PEOPLE FOR DOUBLES. THE WHEELCHAIR TENNIS LEAGUE, OUR LEAGUE HAS UTILIZED THE UNIVERSITY OF TEXAS INTERMURAL COURTS FOR THE PAST SEVEN YEARS, BUT BECAUSE OF SO MANY REQUESTS THEY ARE NO LONGER ABLE TO ACCOMMODATE ANY OF US. THE RESULT IS THAT OUR WHEELCHAIR TENNIS LEAGUE NO LONGER HAS TUESDAY NIGHT PRACTICES, WHICH WE HAVE HAD SINCE 1990, AND WE NO LONGER HAVE ANY PROGRAMS. WE'VE JOINED FORCES WITH THE AUSTIN TENNIS LEAGUE TO CREATE -- [ BUZZER SOUNDS ] IS THAT MY TIME? TO CREATE AN UP BOUND TENNIS LEAGUE AND WE HAVE TO GO TO GEORGETOWN AND SAN ANTONIO JUST TO PLAY TENNIS. SO I WOULD APPRECIATE IT IF YOU GUYS WOULD THINK ABOUT THE EXPANSION OF THE TENNIS CENTER AND VOTE YES TO GO AHEAD AND DO WHAT WE PLANNED ON DOING FOR ALL THESE YEARS. AND I THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU, MR. HAYNES AND FOR YOUR SERVICE ON THE FITNESS COUNCIL. TIM STALEY? WELCOME, SIR. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY DORIS LEE LIMON.

MAYOR WYNN, CITY COUNCILMEMBERS, MY NAME IS TIM STALEY. THANK YOU ALL FOR HAVE BEEN ME HERE IN THIS WONDERFUL NEW BUILDING. TENNIS CHAMPION, SOCIAL ACTIVIST AND A PERSONAL HERO OF MINE, ARTHUR ASH, ONCE SAID, START WHERE YOU ARE, USE WHAT YOU HAVE, DO WHAT YOU CAN. THESE ARE WORDS THAT MEMBERS OF THE AUSTIN TENNIS COMMUNITY HAVE NO CHOICE BUT TO LIVE BY. AND I MUST SAY THAT IT IS NOT AN ENTIRELY SATISFACTORY SITUATION. AS A BROAD HOMEOWNER AND RESIDENT OF 78704 I HAVE A SENTIMENTAL FONDNESS FOR WHAT IS A LOVELY PARK, SOUTH AUSTIN TENNIS CENTER. I PLAY TENNIS THERE AS OFTEN AS POSSIBLE. MY SON LOVES TO PLAY ON THE BACK BOARD THERE. MY WIFE AND SON TAKE GO TO THE PLAYGROUND. IT IS A WONDERFUL PARK AND I HAVE AN EMOTIONAL ATTACHMENT TO IT. HAVING SAID THAT, RESERVING A COURT THERE COULD BE A FRUSTRATING AND OFTEN FUTILE EFFORT. RESERVING A COURT IS OFTEN SIMPLY NOT POSSIBLE. AUSTIN IS A DWR CITY, ONE THAT IS -- GREAT CITY, ONE IS THAT IS USUALLY ABLE TO ACCOMMODATE THE INTERESTS OF ITS CITIZENS. AUSTIN NIGHTS MADE A DECISION IN THE 1998 BOND

ELECTION TO MAKE IMPROVEMENTS. THE BOND BROCHURE STATED VERY CLEARLY, QUOTE, COURTS WOULD BE CONSTRUCTED AT SOUTH AUSTIN TENNIS CENTER, UNQUOTE. BUT AS I UNDERSTAND IT, THE CITY MAY NOT GO FORWARD WITH THE ADDITIONAL COURTS. MAYOR WYNN, COUNCILMEMBERS, ALLOW ME TO QUOTE ANOTHER TENNIS PLAYER, ALBEIT A MORE NOTORIOUS ONE, JOHN McENROW. YOU CANNOT BE SERIOUS! AS A RESIDENT OF 78704 APPEARED AS A FREQUENT USER OF BOTH THE TENNIS FACILITY AND THE SURROUNDING PARK, I ASK THAT THE CITY HONOR THE DECISION MADE BY AUSTINITES IN 1998 TO MEET THE NEEDS OF THE IMMEDIATE NEIGHBORHOOD AND THE AUSTIN COMMUNITY AT LARGE. EVEN IF IT MEANS THE CONSTRUCTION OF FEWER COURTS RATHER THAN EIGHT, PERHAPS JUST SIX OR EVEN FOUR. MAYOR WYNN, COUNCILMEMBERS, THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. STALEY. DORIS LIMON? WELCOME. BROUGHT SOME FRIENDS ALONG WITH YOU? YOU WILL HAVE THREE MINUTES. HAND IT TO MS. BROWN, SHE WILL DISTRIBUTE THEM. THANK YOU.

GOOD AFTERNOON. I AM HERE ON BEHALF OF ALL MOTORCYCLE RIDERS IN THE AUSTIN AREA. WE ARE CONCERNED ABOUT THE SAFETY OF MOTORCYCLE RIDERS AND WE ARE HERE TODAY TO DISCUSS THE IMPORTANCE OF INSTALLING SHARE THE ROAD SIGNS IN OUR CITY. MOTORCYCLES HAVE BECOME SO POPULAR THESE DAYS THAT THE RIDERS ON THE ROAD YOU SEE ARE LAWYERS, DOCTORS, SCHOOL TEACHERS AND EVEN MOMS. FOR THE FIFTH CONSECUTIVE YEAR, AUSTIN HAS EARNED THE DISTINCTION OF BEING THE MOST CONGESTED MEDIUM SIZE CITY IN OUR NATION. WITH MORE MOTORISTS AND MOTORCYCLISTS ON THE ROAD, WE NEED TO MAKE DRIVERS AWARE OF MOTORCYCLISTS. 99% OF FOUR-WHEEL DRIVERS INVOLVED IN COLLISIONS WITH MOTORCYCLISTS HAVE HAPPENED BECAUSE THE DRIVER DID NOT SEE THE MOTORCYCLIST. STATISTICS SHOW THAT HALF OF ALL MOTORCYCLE ACCIDENTS INVOLVE OTHER VEHICLES. AND ALMOST TWO-THIRDS OF THESE ACCIDENTS ARE NOT CAUSED BY THE MOTORCYCLIST, BUT BY THE DRIVER OF THE VEHICLE. THE DRIVER EITHER DID NOT SEE THE MOTORCYCLE AT ALL OR DID NOT SEE THE MOTORCYCLE IN

TIME TO PREVENT OR AVOID THESE ACCIDENTS. WHEN A DRIVER UNINTENTIONALLY PULLS OUT IN FRONT OF THE MOTORCYCLE, THEY OFTEN FORCE THE RIDER TO OVERBRAKE, SLIDE AND FALL. THEIR FAMOUS WORDS, I DID NOT SEE THE MOTORCYCLE. MY FAMILY, MY MOM, MY DAD, MY BROTHERS, ALL RIDE MOTORCYCLES. AND EVERY TIME THEY GET ON THE ROAD, I FEAR FOR THEIR SAFETY BECAUSE OF THE OTHER DRIVERS. RESEARCH SHOWS DRIVERS WHO ALSO RIDE MOTORCYCLES OR PEOPLE WHO HAVE FAMILY MEMBERS AND OTHER CLOSE FRIEND WHO DRIVE MOTORCYCLES ARE MORE LIKELY TO NOTICE AND BE AWARE OF MOTORCYCLES AND LESS LIKELY TO COLLIDE WITH THEM. SOME CITIES HAVE GONE AS FAR AS FLASHING WARNINGS ON ITS TRAFFIC CONDITION SIGNS ADVISING DRIVERS TO BE AWARE OF THE MOTORCYCLES. COUNCILMEMBERS, ALL WE ARE ASKING FOR IS FOR THE DRIVERS TO SHARE THE ROAD WITH MOTORCYCLISTS. YOU CAN HELP US BY INSTALLING THE SHARE THE ROAD SIGNS AT THE MAJOR ENTRANCES AND EXITS TO THE CITY. THE TEXAS DEPARTMENT OF TRANSPORTATION HAS APPROVED THESE SIGNS, BUT THEY HAVE LEFT IT UP TO THE LOCAL JURISDICTIONS TO DECIDE IF A HIGH PRESENCE OF MOTORCYCLES JUSTIFY INSTALLING THESE SIGNS. WE HAVE ROAD SIGNS FOR DEER, WE HAVE SIGNS FOR COWS AND DUCKS, BUT WHAT WE DO NOT HAVE ARE SIGNS FOR MOTORCYCLISTS. AUSTIN IS HOST TO ONE OF THE LARGEST MOTORCYCLE RALLIES IN THE UNITED STATES AND BRINGS IN OVER 50,000 BIKES EACH YEAR. [ BUZZER SOUNDS ] THEY ALSO BRING IN THOUSANDS OF DOLLARS TO OUR LOCAL BUSINESSES. WE NEED TO PROTECT THE BIKERS THAT LIVE IN OUR CITY AS WELL AS VISITORS, PEOPLE JUST PASSING THROUGH. EVEN WITH THE PROPER CLOTHING AND HELMET, MOTORCYCLISTS ARE AT A HIGHER RISK OF INJURY SHOULD THEY BE INVOLVED IN AN ACCIDENT. WE WANT TO MAKE THE PUBLIC AWARE OF DANGERS INVOLVED IN OPERATING A MOTORCYCLE AND GIVE THE MOTORCYCLIST THE RESPECT ON THE ROAD THEY DESERVE. WE WANT DRIVERS TO UNDERSTAND THAT WE HAVE THE RIGHT TO RIDE AND WE ALSO HAVE THE RIGHT TO STAY ALIVE. THANK YOU.

Mayor Wynn: THANK YOU. I WILL SAY HERE IN AUSTIN, AUSTIN POLICE OFFICER STEVE CLAIBORNE, 23 YEAR VETERAN OF



THE AUSTIN POLICE DEPARTMENT, 20 YEAR VETERAN OF THE MOTORS DIVISION, WAS CRITICALLY INJURED CHASING A SPEEDING VEHICLE ON 2222 AND TRAGICALLY A YOUNG DRIVER SAW THE SPEED ERGO BY, DIDN'T SEE OFFICER CLAIBORNE ON HIS MOTORCYCLE AND PULLED OUT IN FRONT OF THE OFFICER, AGAIN NOT SEEING THE MOTORCYCLE. STEVE CLAIBORNE SURVIVED A TWO AND A HALF WEEK COMA, ICU, AND HAS UNDERGONE MULTIPLE SURGERIES. HE'S DOING FINE, BUT HE HAS A LONG ROAD AHEAD OF HIM TO RECOVER FROM THE TRAUMA AND THE MULTIPLE BROKEN BONES. WE UNDERSTAND THE CONFLICT. IN FACT, I WILL BE ASKING AND LOOKING INTO THE PROGRAM FOR A SHARE THE ROAD SIGN HERE IN AUSTIN. APPRECIATE YOUR PRESENTATION.

THANK YOU.

Thomas: MAYOR? I WOULD BE WILLING TO SUPPORT THAT AND ASK THE CITY MANAGER WHAT WE CAN DO ABOUT THE SIGNS. BECAUSE WHAT THE MAYOR WAS SAYING IS VERY TRUE, HE WAS A SEASONED POLICE OFFICER, SOMEONE WHO KNEW HOW TO HANDLE A MOTORCYCLE, BUT IT'S OBVIOUS FROM MY PAST YEARS' EXPERIENCE AS A POLICE OFFICER, I SEE HOW PEOPLE NEVER SAW THE MOTORCYCLE. SO I WOULD BE VERY SUPPORTIVE OF YOU, MAYOR, ON THAT.

Mayor Wynn: THANK YOU. AGAIN, THANK YOU, MS. LIMON, AND THANK YOU FOR YOUR PRESENTATION. FRANCES MARTINEZ. I THOUGHT I SAW EARLIER. THAT'S RIGHT, FRANCES COULD NOT MAKE IT TODAY. GAVINO FERNANDEZ. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY CAROL WELDER.

GOOD AFTERNOON, COUNCIL. MY NAME IS GAVINO FERNANDEZ WITH HE WILL CON EL CONCILIO. WE HAD A MEETING A COUPLE OF WEEKS AGO TO DISCUSS ISSUES AFFECTING OUR COMMUNITY AS NEIGHBORHOOD PRESIDENTS THAT ARE MEMBERS OF HE WILL CON EL CONCILIO. A COUPLE OF ITEMS CAME FORWARD FOR DISCUSSION, AND WE ALL ENDORSED AND SIGNED OFF AND AGREED TO SUPPORT. AND THAT IS THE UPCOMING OPPORTUNITY TO ELECT A MAYOR PRO TEM. I THINK THAT

WE ALL AGREE THAT WE FEEL THAT COUNCILMEMBER DANNY THOMAS WOULD BE A GREAT SELECTION FOR THIS POST AS IT BECOMES AVAILABLE, EITHER BE IT THROUGH THIS COUNCIL OR THE INCOMING COUNCIL. IT IS VERY RARE THAT WE FIND AN INDIVIDUAL THAT IS WISE, A CONSTITUTE AND CARRIES A LOT OF EXPERIENCE NOT ONLY AS A POLICE OFFICER, BUT AS A COMMUNITY REP AND ALSO ONE WHO LISTENS TO EVERYONE. WE DON'T ALWAYS AGREE ON EVERYTHING, BUT AT THE END, JUSTICE IN OUR OPINION HAS BEEN SERVED. AND WITH THAT, AGAIN, I JUST WANT TO REITERATE AND ECHO TO YOU THAT ALL MEMBERS OF EL CONCILIO, SIX NEIGHBORHOOD PRESIDENTS, STRONGLY ENCOURAGE THIS COUNCIL, IF NOT THIS ONE, THE NEXT ONE, TO PASS THE TORCH TO COUNCILMEMBER DANNY THOMAS AS OUR NEXT MAYOR PRO TEM. I ALSO WANT TO DISCUSS ANOTHER ISSUE. YESTERDAY AROUND 3:00 O'CLOCK P.M., ANOTHER TRIP OF THE (INDISCERNIBLE) HOLLY POWER PLANT WE EXPERIENCED. NOISE LEVELS UP TO MAYBE 180. THOUSAND NOU THAT MY -- NOW THAT MY FATHER PASSED AWAY, I LIVE NOW TWO LOTS AWAY FROM THE POWER PLANT. THIS WAS THE FIRST TIME THAT I HAD EXPERIENCED THAT NOISE. THE HOUSE WAS SHAKING. I HAD MY NEPHEWS OVER DURING THE DAY RIGHT BEFORE -- RIGHT AFTER THEY GOT OUT OF SCHOOL. WE HAD TO LEAVE THE HOUSE BECAUSE THEY STARTED CRYING. THEY WERE -- THEY DIDN'T KNOW WHAT TO EXPECT. SO I WENT TO MY FORMER HOME ACROSS PAN AM. WE HAD PEOPLE OUTSIDE PAN AM LITERALLY WALKING OUT THE DOOR TO FIND OUT WHAT WAS HAPPENING, WHY IS IT THAT THIS ENORMOUS SOUND AND ROAR IS OCCURRING THAT LASTED OVER FIVE TO 10 MINUTES. THE LONGEST IT HAS LASTED IN QUITE AWHILE. COUNCIL, PLEASE FIND IT IN YOUR HEART TO SHUT IT DOWN. DON'T WAIT UNTIL 2007. THIS IS YET ANOTHER ACCIDENT OR ANOTHER TRIP THAT OUR PEOPLE ARE BEING PUT UNDER AGAIN. PSYCH LOGICALLY IT'S AFFECTING OUR CHILDREN. IF THIS WERE TO BE IN OTHER COMMUNITIES, WE WOULDN'T HAVE TO EXPERIENCE THIS. SO I AGAIN ENCOURAGE YOU TO PLEASE -- WE'VE GOTTEN ALL THE MONEY WE CAN OUT OF THE HOLLY POWER PLANT. LET US NOT -- LET GREED NOT LEAD OUR DECISION ON THIS ISSUE. [ BUZZER SOUNDS ] AND FINALLY MAYOR, I JUST WANT TO SAY THAT AS A FORMER PARKS AND RECREATION

EMPLOYEE AT SOUTH AUSTIN REC SPORTS COORDINATOR, I'M GOING AGAINST THE FLOW. I SUPPORT THE EXPANSION OF THE TENNIS CENTER BECAUSE IT WORKS HAND IN HAND WITH THE PROJECTS ACROSS THE STREET. THEY USED TO DO A LOT OF SCHOLARSHIPS FOR KIDS OF LOW INCOME COMMUNITIES AND THERE WAS A LOT OF PIRP PARTNERSHIP AND I HOPE THAT THAT WILL CONTINUE. THANK YOU FOR THE THE OPPORTUNITY, MAYOR.

Mayor Wynn: THANK YOU, MR. FERNANDEZ. AGAIN, JUST A SIMPLE CLARIFICATION, HISTORICALLY ON OUR MAYOR PRO TEM SELECTION IS TYPICALLY WHEN A NEW COUNCIL IS SWORN IN, THEN AT THAT MEETING THEIR LIKELY IS JUST ONE ITEM ON THAT POSTED AGENDA, AND THAT WOULD BE THE ELECTION OF A MAYOR PRO TEM. HISTORICALLY THAT HAS BEEN A DECISION AMONGST COUNCIL. AND I KNOW THAT THIS NEXT COUNCIL WILL TAKE THAT VERY SERIOUSLY. CAROL WELDER, WELCOME. YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY JOYCE HUNT.

THANK YOU, MAYOR AND COUNCILMEMBERS. I AM HERE TODAY TO ASK FOR THE ADDITIONAL EIGHT COURTS AT THE SOUTH AUSTIN TENNIS CENTER. HAVING LIVED IN AUSTIN SINCE 1967 AND WORKED WITH A NONPROFIT ORGANIZATION, I'M VERY FAMILIAR WITH THIS PROJECT AND THE NEEDS OF THE AUSTIN TENNIS COMMUNITY. WE'VE MET WITH MOST OF YOU OVER THE PAST FEW WEEKS, SO I JUST WANTED TO MENTION A FEW IMPORTANT POINTS THAT I WOULD LIKE FOR YOU TO KEEP IN MIND WHEN DELIBERATING THE FUTURE OF ONLY PUBLIC TENNIS CENTER SOUTH OF THE RIVER. THIS PROJECT STARTED OVER 25 YEARS AGO WITH THE PURCHASE OF THE LAND, SPECIFICALLY FOR THE TENNIS CENTER. BUT DUE TO BUDGET CONSTRAINTS, THE PLAN WAS REDUCED FROM 18 COURTS TO 10 COURTS. WITH THE PROMISE THAT THE ADDITIONAL EIGHT COURTS WOULD BE ADDED AT A LATER DATE. THE MUELLER FAMILY, WHICH SOLD THE LAND, SOLD IT FOR THE PURPOSE OF THIS TENNIS CENTER AND HAS STATED THAT AGAIN IN LETTERS RECENTLY WRITTEN IN THE MONTH OF MARCH. IN 1997, AS MIKE HAD MENTIONED, WE STARTED WORKING AGAIN WITH THE PARKS AND REC DEPARTMENT, WITH THE BOND COMMISSION, TO INCLUDE THE MONEY WHICH WAS INCLUDED IN THE BOND ELECTION.

WE WENT THROUGH THE WORK. I HAD PERSONALLY ATTENDED THE PUBLIC MEETING AT THE SOUTH AUSTIN RECREATION CENTER ON MARCH 11th IN 1998, AND THERE WAS NO OPPOSITION TO THE EXPANSION OF SOUTH AUSTIN TENNIS CENTER. IN AN E-MAIL -- WELL, AS THIS PROJECT WAS GETTING READY TO START GOING LAST YEAR, AS YOU ALL KNOW, THE NEIGHBORHOOD EXPRESSED OPPOSITION TO THE EXPANSION. SO WE'VE BEGUN THIS PROCESS ALL OVER AGAIN BY ATTENDING BOARD MEETINGS, COMMITTEE MEETINGS, AND IN AN E-MAIL TO THE NEIGHBORHOOD ASSOCIATION MEMBERS DATED MARCH 17TH, JEB VOIGT, CHAIR OF THE LAND AND FACILITIES COMMITTEE AND A MEMBER OF THE PARKS BOARD, WROTE THAT TO MY KNOWLEDGE, NONE OF THE NEIGHBORS WERE INVOLVED IN THE DISCUSSIONS THAT LED UP TO THE '98 BOND PROPOSAL, NOR DID THEY TAKE PART IN THE AUSTIN MOVES TOGETHER, A COMMUNITY-WIDE CAMPAIGN THAT WORKED FOR THE PASSAGE OF ALL THE BOND INITIATIVES. HE SAYS THAT THE RENOVATION AND THE EXPANSION OF THE SOUTH AUSTIN TENNIS CENTER WAS A SPECIFIC COMPONENT OF THE PROPOSITION 2 PART BOND PROPOSALS AND MATERIALS AND THAT THE CURRENT PARKS BOARD FELT THAT FURTHER DELAY WOULD BE FISCALLY IRRESPONSIBLE AND INCONSIDERATE CONTRACT OF THE TENNIS COMMUNITY. WITH THE AUSTIN POPULATION MORE THAN DOUBLING IN THE LAST 20 YEARS AND THE DEMAND FOR PUBLIC TENNIS INCREASING, THERE HAVE BEEN NO NEW PUBLIC MANAGED COURTS ADDED SINCE 1983. THIS IS UNACCEPTABLE TO BE OVER 56,000 AUSTINITES WHO LIST TENNIS AS THEIR FAVORITE OUTDOOR ACTIVITY. TO LOOK AT ANOTHER LOCATION NOW WITH FURTHER DELAYS LONG-AWAITED COURTS WOULD NOT BE FISCALLY RESPONSIBLE AND WOULD NOT UP HOLD THE BOND ELECTION BY THE VOTERS. IN CONCLUSION, I DO WANT TO MENTION THAT -- [ BUZZER SOUNDS ] -- THE CITY STAFF AND THE TENNIS COMMUNITY HAVE TRIED TO COMPROMISE ON THIS ISSUE. THERE HAVE BEEN IMPROVEMENTS TO THE NEIGHBORHOOD ASSOCIATION FOR THE LAND, ADDING WALKING TRAILS, MORE TREES TO REPLACE THE ONES THAT WOULD BE TAKEN DOWN, DRAINAGE CONCERNS, TRAFFIC ANALYSIS WAS CONDUCTED THAT SHOWED NO SIGNIFICANT IMPACT TO THE NEIGHBORHOOD. EVEN THE REDUCTION OF COURTS

HAS BEEN SUBMITTED. WITH NO ACCEPTANCE FROM THE NEIGHBORHOOD. SO I DO THINK THAT WE HAVE TO OPERATE UNDER A COMPROMISE SITUATION. WE'VE WAITED A LONG TIME FOR THESE COURTS AND I WOULD APPRECIATE YOUR SUPPORT. THANK YOU.

Mayor Wynn: THANK YOU. JOYCE HUNT? WELCOME, JOYCE. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY RAMON MALDONADO.

Goodman: MAYOR, LET ME SAY THAT I AM GOING OFF INDICT AS, BUT THERE ARE MONITORS THAT I CAN SEE.

THANK YOU. MY NAME IS JOYCE HUNTED AND ONE OF THE THINGS THAT I WOULD LIKE TO TALK ABOUT IS THE QUALITY OF LIFE ISSUES THAT ARE AFFECTING AFRICAN-AMERICANS IN THE COMMUNITY. WHAT'S BEING PASSED OUT TO YOU IS PART -- I WAS ON THE FORUM FOR THE CORPORATE FORUM THAT WAS ADDRESSED IN AUSTIN A FEW WEEKS AGO, AND THESE ARE -- WHEN I SAT ON THAT FORUM, THESE ARE SOME OF THE QUESTIONS THAT I WANTED TO ADDRESS. I KNOW THAT ON THE 27TH, THE CONCLUSION OF THAT FORUM WILL COME BACK TO YOU, AND I'M HOPING THAT IN THE CONCLUSION OF THAT, THESE QUESTIONS WILL ALSO BE ADDRESSED ALSO. I THANK YOU FOR THE OPPORTUNITY TO PUT THAT FORUM ON. I THINK IT WAS VERY, VERY IMPORTANT, BUT I THINK OTHER QUESTIONS NEED TO BE ADDRESSED, BUT THEY NEED TO COME FROM YOU ALL ON THERE SO THAT WE CAN COME FORWARD AND DO SOMETHING ABOUT THE PROBLEMS THAT EXIST IN THE AFRICAN-AMERICAN COMMUNITY. THE PERSONAL VIEWS THAT SOME HAVE EXPRESSED ON THE TELEVISION STATION AND RADIO STATION BY SOME OF THE COUNCILMEMBERS I PERSONALLY WAS OFFENDED BECAUSE I DON'T THINK IT'S BEEN GIVEN AN OPPORTUNITY TO BE PROPERLY ADDRESSED. AND I THINK BEFORE WE GET UP -- THAT INFEWER RATES THE COMMUNITY EVEN MORE WHEN WE DO THESE THINGS AND WE NEED TO COME TOGETHER AS A PEOPLE AND NOT DO THAT. WHEN WE DO THAT IT REPRESENTS BAD ON ALL OF US. SO I'M HOPING THAT THESE QUESTIONS CAN BE ADDRESSED AND BROUGHT FORWARD TOO AND BE A PART OF THAT FORUM THAT ENDED. I'M ALSO GOING TO PROVIDE THOSE TO RAVINDA

JACKSON, BUT I WANTED YOU TO HAVE ADVANCE COPIES OF THOSE SO MAYBE WE CAN GET TOGETHER AND MAKE A DIFFERENCE. THANK YOU SO MUCH.

Mayor Wynn: THANK YOU, MS. HUNT AND FOR YOUR PARTICIPATION. RAMON MALL DO IN MALDANADO? MARCOS DELEON? YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY LEON HERNANDEZ.

HELLO, MARCOS DELEON. CONGRATULATIONS BETTY ON YOUR WIN. LOOK FARD TO SEEING YOU -- FORWARD TO SEEING YOU AGAIN. MY CONCERN IS ALSO DURING THE TIME THAT WAS MENTIONED EARLIER, SPECIFICALLY ONE OF THE CONCERNS I HAVE IN OUR NEIGHBORHOOD ASSOCIATION, WHICH WAS FROM CHA VESES DOWN TO THE RIVER -- CHAVEZ DOWN TO THE RIVER IS THE CONTINUATION OF TRYING TO KEEP OUR ELDERLY WHO STILL LIVE THERE. AND I'M GOING TO MEET WITH PAUL HILGERS TOMORROW AND WE'RE GOING TO TALK ABOUT HOW TO CONTINUE TO SURVIVE IN THAT COMMUNITY. WE UNDERSTAND -- (INDISCERNIBLE). THE THINGS THAT ARE IMPROVING TO BE MADE FOR THE ELDERLY HOMES. THE. THE OTHER THING IS THE ENCOWRNLMENT FROM THE DEPARTMENT TO FIND MONIES FOR HOUSING FOR THE ELDERLY. HOUSING THAT AT THE LEVELS THEY CAN AFFORD. AND I'M HOPING PART OF THIS IS ALSO THE NEW TITLE THAT YOU CREATED ON SALTILLO IN THAT REGARD, AGAIN ASKING FOR SOMETHING EXTREME, WHICH IS PUBLIC HOUSING FOR THOSE AT ZERO INCOME. THAT'S GOING TO TAKE A LOT OF WORK TO DO THAT, BUT WE NEED TO LOOK AT THAT. THAT OFTEN TIMES KEEPS SOME OF THE PRICES FROM COMING DOWN. THAT'S ALL THAT WE ASK FOR. THAT COMES FROM THE COMPASSION FOR THOSE WHO DON'T HAVE ANYTHING. FOR THOSE THAT ARE LOW, LOW INCOME. AND THAT'S WHAT WE'RE ASKING FOR IS SOMETHING THAT I KNOW IS NOT A NORMAL THING TO DO IN A COMMUNITY THAT THINGS ARE GOING UP VERY HIGH. BUT WE HAVE TO DO SOMETHING. WE CAN'T PUT THEM OUT THERE IN FAR NORTHEAST AUSTIN. WE CAN'T PUT THEM IN FAR EAST AUSTIN WHERE THERE ARE NO MEDICAL FACILITIES, WHERE THERE ARE NO SOCIAL FACILITIES, WHERE IT'S VERY DIFFICULT TO GET TO. THAT'S WHAT WE HAVE TO DO. THINK ABOUT IT. THE NEW COUNCIL, TWO NEW MEMBERS WILL BE COMING IN AND YOU NEED TO

TALK ABOUT IT, WHICH IS APARTMENTS. BECAUSE SO FAR I HAVEN'T HEARD ANYONE TALK ABOUT THAT OTHER THAN COMING FROM THE NEIGHBORHOODS THEMSELVES. EVEN SOME OF THE LEADERS WHO TALKED ABOUT HOUSING HAVE NOT MENTIONED PUBLIC HOUSING FOR THOSE AT ZERO INCOME. AND WE ALSO WANT TO ITER RATE THAT -- THIS IS COMING FROM THE NEXT ONE, WE WANT TO DO THAT. WE KNOW HIS INTEGRITY TRKS I SUPPORT THAT PUBLICLY. THE LAST THING IS I DID GET A PHONE CALL WITH REGARDS TO HOLLY POWER PLANT. THAT WASN'T THE ONLY CALL I GOT. BUT I GOT THAT CALL AT HOME, AND I HOPE THAT THEY REMEMBER MY CELL, WHICH I GAVE MY CELL TO STAFF. IT WAS VERY, VERY LOUD. IT IS A CONCERN THAT WE HAVE. AND IT'S SOMETHING THAT I HOPE THE NEW COUNCIL REALLY LOOKS AT THAT. WE WERE AT THE COUNCIL -- [ BUZZER SOUNDS ] -- ONE OF THE THINGS I DO NOT WANT TO COME HERE BEFORE 2007, SOMETHING REALLY HAPPENS THERE AND WE'RE TALKING ABOUT A LOSS OF LIFE FROM THE STAFF AND THE NEIGHBORHOOD PEOPLE. THAT IS OUR BIGGEST FEAR WHEN I GO TO BED AT NIGHT IS THAT PART. AND I WANTED TO COME HERE AND TALK ABOUT THAT PART. FOR THE NEW COUNCIL, THIS IS SOMETHING WE'RE ASKING FOR FOR 2007. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU MR. DELEON. LEON HERNANDEZ, WHO I HAVEN'T SEEN YET. LEON HERNANDEZ? SO COUNCIL, THAT'S ALL THE CITIZENS WHO HAVE SIGNED UP TO ADDRESS US FOR GENERAL CITIZEN COMMUNICATION. AT THIS TIME WITHOUT OBJECTION, WE'RE GOING INTO CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY AGENDA ITEMS 39 RELATED TO THE CANYON CREEK ITEM, 48 RELATED TO LEGISLATIVE SESSION. 49 RELATED TO DOOR MAN PROJECTS AND 52 RELATED TO THE GABLES OF WESTLAKE. WE ARE NOW IN CLOSED SESSION. I ANTICIPATE US BEING IN CLOSED SESSION AND HAVING LUNCH UP THROUGH APPROXIMATELY 2:00 P.M. THANK YOU.

Mayor Wynn: THERE BEING A QUORUM PRESENT. AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. WE'VE BEEN IN CLOSED SESSION FOR WAY TOO LONG PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT. WE TOOK UP ITEMS 39 RELATED TO

CANYON CREEK, 49 RELATED TO THE LEGISLATIVE SESSION AND 51 RELATED TO DORMANT PROJECTS. WE DID NOT TAKE UP AND WILL NOT TAKE UP ITEM NUMBER 52 RELATED TO GABLES AT WESTLAKE. WE'RE NOW BACK IN OPEN SESSION, AND WE HAVE A POSTED 2:00 O'CLOCK BOND SALES. AND WE'LL WELCOME PRESENTATION FROM MR. BILL NEWMAN.

GOOD AFTERNOON, MAYOR. THANK YOU, GOOD AFTERNOON, COUNCIL. MY NAME IS BILL NEWMAN WITH PUBLIC FINANCIAL MANAGEMENT. WE SERVE AS FINANCIAL ADVISOR TO THE CITY. OUR PARTNER, CHRIS ALLEN, IS GOING TO HAND OUT A BOOKLET TO DISCUSS THE SALE OF SOME \$36,720,000 IN TOWN LAKE CENTER REFUNDING BONDS HERE SEIZE SERIES 2005. THE PURPOSE OF THIS TRANSACTION IS TO REFUND SOME OF THE CITY'S OUTSTANDING SERIES 1999 BONDS THAT WERE ORIGINALLY SOLD FOR THE TOWN LAKE PARK AND EVENTS PROJECT. YOU WILL SEE A PAGE 3 OF THIS BOOKLET SOME OF THE PLAYERS IN THIS TRANSACTION. I SHOULD MENTION THAT HERE FOR YOUR BOND COUNSEL FROM DALLAS IS BOB GREENSFIELD, SOMEWHERE IN THE AUDIENCE. LEAD UNDERWRITER ON THIS OCCASION WAS SEEBERT, CRANFORD AND SHRANG. AND CARMEN BEST I THINK IS HERE. AS WELL FROM -- HE'S JUST COMING BACK IN. ON THE NEXT PAGE VERY BRIEFLY, THE MARKET UPDATE WILL HE WILL JUST TELL YOU IT'S A LOT OF WORDS TELLING YOU THAT THE MARKET IMPROVED ON THE DAY OF OUR SALE. THE BUILDABLE SUPPLY WENT DOWN TO DUE TO A LACK OF INTEREST, IT WENT DOWN BY SOME \$571 MILLION. PAGE 67 YOU WILL SEE WHERE THE REVENUE BOND INDEX HAS BEEN GOING OVER THE LAST SEVERAL MONTHS. IN FACT, OVER THE LAST YEAR THE REVENUE BOND INDEX IS NOW AT 4.84%, AND THE 30 YEAR TREASURY IS AT 4.56. YOU DIDN'T HAVE MUCH COMPETITION IN THE MARKET, THANK HEAVENS, ON PAGE 7 AS YOU WILL SEE, YOU YOU WEREN'T THE BIGGEST DEAL IN THE MARKET. THAT WAS A 328-MILLION-DOLLAR NEW YORK TRANSACTION. BUT THERE IS A SLIGHT AMOUNT OF VOLUME, SO YOU HAD SOME COMPETITION. PAGE 8 REALLY GIVES THE RESULTS OF THIS SALE AND THE RESULTS ARE VERY GOOD. ACTUAL INTEREST COSTS AFTER THIS TRANSACTION WAS 4.57%. WE REFUNDED THOSE 1990 BONDS THAT HAD INTEREST RATES ON THEM RANGING



FROM 5.3% TO 6.2% AND REPLACED THOSE WITH INTEREST RATES RANGING FROM 3.40 TO FIVE PERCENT. END OF THE DAY I THINK IT'S AN OUTSTANDING SALE AND I WOULD CERTAINLY TAKE ANY QUESTIONS YOU MAY HAVE, BUT I WOULD RECOMMEND APPROVAL.

BUT, MR. NEWMAN. QUESTIONS, COUNCIL, COMMENTS? AGAIN, FOR FOLKS WATCHING, THERE'S A LOT OF OVERSIGHT ON THESE PROCESSES. THEY FOLLOW A VERY STRUCTURED FORMULA AND SET OF EXISTING FINANCIAL PARAMETERS, AND SO WHEN THEY COME TO US, IT'S USUALLY VERY MUCH A GOOD DEAL FOR US TO APPROVE.

THE BEST NEWS, MAYOR, THIS THING IS THAT ON A NET VALUE BASIS YOU SAVE SOME \$3 MILLION, AND ON A GROSS VALUE BASIS YOU SAVE \$3.7 MILLION AND THAT'S ALWAYS GOOD NEWS, YOU'RE RIGHT.

Mayor Wynn: THIS IS GOOD NEWS. THANK YOU, MR. NEWMAN. QUESTIONS, COMMENTS, COUNCIL. IF NOT, I'LL ENTERTAIN A MOTION FOR THESE BOND SALES ITEM 53. MOTION MADE BY COUNCILMEMBER DUNKERLEY, SECONDED BY THE MAYOR PRO TEM TO APPROVE THIS ORDINANCE, THESE REFUNDING BOND SALES, ITEM 53. 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 COUNCILMEMBER SLUSHER TEMPORARILY OFF THE DAIS.

THANK YOU, MAYOR AND COUNCIL. AGAIN, CONGRATULATIONS.

Mayor Wynn: THANK YOU, MR. NEWMAN. COUNCIL, TRYING TO CATCH UP A LITTLE BIT, WE HAVE A COUPLE OF BRIEFINGS ALSO SCHEDULED TO AGAIN NOT BEFORE TOAK OAK, WHICH THEY'RE NOT GOING TO. THE FIRST IS A PRESENTATION ON THE CITY'S ORDINANCE REGARDING TOWING PROCEDURES AND I WILL WELCOME ASSISTANT CITY MANAGER RUDY GARZA.

GOOD AFTERNOON, MAYOR AND COUNCIL. RUDY GARZA, ASSISTANT CITY MANAGER. OVER THE LAST 12, 18 MONTHS WE'VE SENT YOU SEVERAL MEMOS AND REPORTS REGARDING RESPONSES TO QUESTIONS AND INQUIRIES MADE IN OUR TOWING ORDINANCE. THE PROCESS, THE ROTATION PROGRAMS THAT WE HAVE. WHAT WE WANT TO DO TODAY IS REVIEW NOT ONLY THE CITY'S ORDINANCE, BUT TO ALSO HOPEFULLY CLARIFY EXACTLY WHAT THE CITY IS ABLE TO DO WITHIN THE PARAMETERS SAID BY THE FEDERAL GOVERNMENT REGULATIONS AND THE STATE STATUTES THAT WE OPERATE WITHIN. IN ADDITION TO THAT, WE WILL GO MORE SPECIFICALLY INTO THE PROGRAMS THAT WE HAVE WITHIN OUR TOWING DIVISION. WE HAVE THE RUSH HOUR ROTATION PROGRAM THAT WE'LL DISCUSS WITH YOU TODAY AND WE HAVE OUR REGULAR ROTATION PROGRAM THAT WE'LL DISCUSS. AT THE CONCLUSION OF OUR PRESENTATION, WE ALSO WILL OFFER SOME SUGGESTIONS FOR FUTURE CONSIDERATION OF CHANGES TO THE CURRENT ORDINANCE AND THEN ANSWER ANY QUESTIONS YOU MAY HAVE. AT THIS TIME I'M GOING TO TURN IT OVER TO OUR ASSISTANT CITY MANAGER, DAVID DOUGLAS, TO BRIEF YOU ON THE LEGAL ASPECT OF OUR TOWING ORDINANCE. MAYOR, MAYOR PRO TEM, COUNCIL, I'M DAVID DOUGLAS, ASSISTANT CITY ATTORNEY. THE TOWING PROGRAMS THAT THE CITY OF AUSTIN HAS, LIKE FOR ANY CITY IN THIS COUNTRY, FALL UNDER LIMITATIONS PLACED ON IT BY FEDERAL LAW AND THEIR INDIVIDUAL STATE LAWS. FEDERAL LAW PLACES RESTRICTIONS ON THE TYPE OF REGULATIONS THAT A STATE OR A CITY CAN IMPOSE ON THE TOWING INDUSTRY. THOSE FEDERAL LAWS ARE PART OF GENERAL LAWS PASSED IN THE MID 90'S RELATED TO MOTOR CARRIERS IN GENERAL, AND WHICH ARE MOSTLY -- THEY'RE MOSTLY INVOLVED IN DEREGULATING THAT INDUSTRY. THERE HAVE BEEN CHANGES THAT ARE SPECIFIC TO THE TOWING INDUSTRY AND WE OPERATE UNDER THOSE. FEDERAL LAW STATES THAT A CITY OR A STATE MAY ONLY REGULATE TOWING AS TO SAFETY ISSUES, FINANCIAL RESPONSIBILITY SUCH AS LIABILITY INSURANCE REQUIREMENTS, THE PRICE OF TOW TRUCK TRANSPORTATION IF IT IS PERFORMED, IF THAT IS PERFORMED WITHOUT THE PRIOR CONSENT OR AUTHORIZATION OF THE OWNER OR OPERATOR OF THAT

MOTOR VEHICLE. THE CITY CANNOT REGULATE THE PRICE OF A TOW IF IT IS WHAT IS CALLED A CONSENT TOW, THAT IS, A TOW THAT WAS INITIATED BY THE VEHICLE'S OWNER OR OPERATOR. STATE LAW' TOWING. IN TEXAS WE HAVE STATUTES THAT REGULATE TOWING IN SPECIFIC AREAS. WE ARE ALLOWED TO REGISTER TOW TRUCKS. CITIES ARE ALLOWED TO DO THAT. AND IT'S A LITTLE COMPLICATED, BUT I'VE GONE AHEAD AND PUT INTO THE TERMINOLOGY. TOWING THAT OCCURS IN A CITY -- CITIES CAN REQUIRE REGISTRATION OF THESE TRUCKS IF THE TOW WAS IN A CITY AND NOT INITIATED BY THE VEHICLE'S OWNER OR OPERATOR. ALL TOW TRUCKS THAT PERFORM THOSE KIND OF TOWS CAN BE REGISTERED -- CAN BE REQUIRED TO BE REGISTERED BY A CITY, AND WE DO THAT. TOWS IN A CITY THAT WERE INITIATED BY THE VEHICLE OWNER OR OPERATOR, IN THAT SITUATION THE CITY CAN REQUIRE REGISTRATION OF THE TRUCK ITSELF ONLY IF THE TOW TRUCK OPERATOR HAS AN ACTUAL PLACE OF BUSINESS IN THE CITY. SO THAT'S ABOUT CONSENT TOWS. AND WE FOLLOW THAT. STATE LAW ON TOWING ALSO ALLOWS CITIES TO LICENSE TOW TRUCK OPERATORS IF THE TOW TRUCK OPERATOR PERFORMS TOWS IN THE CITY THAT WERE NOT INITIATED BY THE OWNER OR OPERATOR. SO ANY PERSON WHO IS OPERATING A TOW TRUCK TO MAKE TOWS WITHOUT THE PERMISSION OR WITHOUT THE INITIATION BY THE OPERATOR OR OWNER, WE HAVE THE AUTHORITY TO LICENSE THEM. REGULATION OF FEES. THIS IS AS I STATED A MOMENT AGO UNDER FEDERAL LAW. CITIES CAN REGULATE THE FEES PHOTOS THAT WERE NOT INITIATED BY THE OWNER OR OPERATOR. REGULATION BY THE STATE OF TEXAS. THERE ARE STATE AGENCIES, IN PARTICULAR ONE, THE TEXAS DEPARTMENT OF TRANSPORTATION, AND STATE LAW THAT PROVIDE FOR REGULATION AT THAT LEVEL. VEHICLE STORAGE FACILITY REQUIREMENTS ARE SET OUT IN STATE LAW AND IN THE RULES OF THE TEXAS DEPARTMENT OF TRANSPORTATION. THOSE WOULD INCLUDE THINGS LIKE NOTIFICATION OF THE VEHICLE'S OWNER BY THE STORAGE FACILITY, ACTUAL PHYSICAL FACILITY REQUIREMENTS, FEES THEY CAN CHARGE AND REQUIREMENTS THAT RELATE TO RELEASING A VEHICLE ONCE THE PERSON SHOWS UP TO RECLAIM IT, DOCUMENTATION, OF OWNERSHIP, SUCH AS THAT. THE

STATE ALSO REGULATES THE LIABILITY INSURANCE REQUIREMENTS PHOTO TRUCKS AND ALSO REQUIRES ANY MOTOR CARRIER, INCLUDING TOW TRUCK COMPANIES TO HAVE A MOTOR CARRIER REGISTRATION THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION. OUR OWN CITY CODE IN CHAPTER 13-6 IS OUR ORDINANCE ON VEHICLE TRANSPORTATION SERVICES RELATING TO TOWING. WE HAVE, AS AUTHORIZED BY FEDERAL AND STATE LAW, PROVISIONS PHOTO TRUCK OPERATOR LICENSES. AND WE DO LICENSE THOSE FOLKS. WE HAVE PROVISIONS WITH REGARD TO APPLICATIONS FOR THAT, SUSPENSIONS, DENIALS AND REVOCATIONS. LIKEWISE WE CERTIFY THE TOW TRUCKS THEMSELVES. WE REQUIRE PROOF OF OWNERSHIP, INSURANCE, PAYMENT OF TAXES, PAYMENT OF REGISTRATION FEES. THERE IS A SMALL FEE THAT IS CHARGED, A ONE TIME FEE FOR THAT. WE INSPECT THE TOW TRUCKS THEMSELVES FOR PROPER EQUIPMENT, SAFE OPERATING CONDITION, AND OTHER TECHNICAL REQUIREMENTS SUCH AS HAVING THE PROPER SIGNAGE ON THE VEHICLE SHOWING WHO OPERATES IT, WHO OWNS IT AND A PHONE NUMBER. OUR CITY CODE HAS TOWING SERVICE REGULATIONS, THOSE ACTUAL PROCEDURES THAT TOWING COMPANIES HAVE TO ABIDE BY IF THEY'RE GOING TO GO OUT AND BE INVOLVED IN TOWING HERE. WE HAVE EQUIPMENT AND VEHICLE REQUIREMENTS. DEPENDING ON THE TYPE OF TOWING, WE MIGHT REQUIRE A DIFFERENT TYPE OF VEHICLE. IF IT'S AN ACCIDENT SCENE TOWING, WE WOULD REQUIRE MINIMUM REQUIREMENTS FOR THAT TYPE OF TOW TRUCK. IF IT'S A TOW TRUCK THAT WOULD ONLY OPERATE TO TOW FROM PRIVATE PROPERTY, THERE ARE DIFFERENT REQUIREMENTS FOR THAT TYPE OF TRUCK. WE PROHIBIT TOW TRUCK DRIVERS FROM SOLICITING BUSINESS ON CITY STREETS. AND THE REASON FOR THAT IS A SAFETY REASON THAT'S AUTHORIZED BY FEDERAL LAW. SOME OTHER CITIES HAVE IN THE PAST ALLOWED TOW TRUCK OPERATORS TO SOLICIT BUSINESS ON THE STREET, WHICH HAS RESULTED IN RACES TO ACCIDENT SCENES AND VERY UNSAFE CONDITIONS. OUR CITY CODE ALSO HAS A NOTIFICATION REQUIREMENT TO THE POLICE DEPARTMENT WHEN VEHICLES ARE TOWED WITHOUT OWNER OR OPERATOR DIRECTION. THEY HAVE A ONE-HOUR REQUIREMENT TO REPORT TO A.P.D. WHEN THEY TOW A

VEHICLE UNDER THOSE CIRCUMSTANCES. THAT'S SO THE POLICE DEPARTMENT WILL KNOW THAT THE VEHICLE WAS TOWED, NOT STOLEN, IF SOMEONE CALLS IN AND SAYS MY VEHICLE WAS STOLEN. AND THAT WAY THEY KNOW WHERE IT IS. OUR CITY CODE HAS A FEE SCHEDULE OR AUTHORIZES A FEE SCHEDULE. IT'S ACTUALLY IN A SEPARATE ORDINANCE. AND THIS IS FOR THE TYPES OF FEES AND TYPES OF TOWS THAT WE ARE ALLOWED TO REGULATE UNDER FEDERAL LAW. THIS IS THOSE THAT WERE NOT INITIATED BY THE OWNER OR OPERATOR. WE HAVE SPECIFIC REQUIREMENTS IN THE CITY CODE AS TO TOWING FROM ACCIDENT SCENES. IT PROHIBITS DRIVING A TOW TRUCK TO AN ACCIDENT SCENE WITHOUT AUTHORIZATION FROM THE POLICE DEPARTMENT OR A PERSON WHO IS INVOLVED IN THE ACCIDENT. IT REQUIRES COMPLIANCE WITH THE APPROPRIATE RESPONSE TIMES TO CALLS FROM THE POLICE DEPARTMENT OR DIFFERENT TIMES DEPENDING ON WHETHER IT'S UNDER THE RUSH HOUR PROGRAM OR THE REGULAR ROTATION PROGRAM. THE CHIEF WILL COVER THAT IN MORE DETAIL. AND STILL UNDER THE CITY CODE, WITH SPEC REFERENCE TO TOWING FROM ACCIDENT SCENES, OUR CODE REQUIRES COMPLIANCE WITH THE DIRECTIONS OF POLICE OFFICERS AT THE SCENE OF THE ACCIDENT. DRIVERS WHO ARE INVOLVED IN AN ACCIDENT MAY DESIGNATE A TOWING COMPANY, AND IF THEY DO -- IF THEY HAVE A CHOICE OF WHO THEY WANT TO CALL, THE POLICE DEPARTMENT WILL FACILITATE THAT AND MAKE A CALL TO THAT COMPANY. IF THE PERSON WHO IS INVOLVED IN THE ACCIDENT DOES NOT HAVE A PREFERENCE OR, SAY, IS NOT AVAILABLE TO MAKE THAT DETERMINATION OR THAT REQUEST EITHER BECAUSE THE PERSON'S BEEN TAKEN TO THE HOSPITAL OR BEEN ARRESTED OR WHAT HAVE YOU, THE POLICE DEPARTMENT WILL CALL THE VERY NEXT COMPANY THAT'S ON THE APPROPRIATE ROTATION LIST, DEPENDING UPON WHETHER IT WAS A RUSH HOUR ROTATION TOW OR THE REGULAR KIND. WE USE TWO DIFFERENT LISTS, AS I MENTIONED, ONE FOR THE RUSH HOUR PROGRAM, WHICH APPLIES ON I-35, 183 AND MOPAC DURING SPECIFIED HOURS, AND WE HAVE THIS OTHER REGULAR ROTATION FOR OTHER ACCIDENTS. ENFORCEMENT. GENERALLY THERE ARE TWO TYPES OF ENFORCEMENT WE'RE INVOLVED IN. ADMINISTRATIVE

ENFORCEMENT, THE ORDINANCE CONTAINS REQUIREMENTS FOR ISSUANCE OF VARIOUS OPERATOR LICENSE, PLACEMENT ON ROTATION LISTS, VEHICLE CERTIFICATION, THE TOW TRUCK CERTIFICATIONS, AND ALSO FOR DENIAL, SUSPENSION AND REVOCATION. WE HAVE CRIMINAL ENFORCEMENT ALLOWING ISSUANCE OF CITATIONS, VIOLATIONS OF OUR CITY CODE OR CLASS C MISDEMEANORS WITH FINES UP TO \$500. THERE ARE SOME STATE LAW VIOLATIONS WHICH YOU'VE HEARD ABOUT BEFORE, WHICH ARE CLASS C MISDEMEANORS AS WELL WITH A POTENTIAL FINE UP TO \$500. A BRIEF DESCRIPTION OF WHERE WE GET OUR AUTHORITY AND IN GENERAL THE TYPES OF THINGS WE REGULATE AS ALLOWED BY THE LAWS ABOVE US. ASSISTANT CHIEF LANDEROS IS GOING TO PRESENT INFORMATION SPECIFIC TO OUR CITY'S TOWING PROGRAM, AND AT THIS TIME I WILL LET HIM PROCEED WITH THAT.

Mayor Wynn: WELCOME, CHIEF.

GOOD AFTERNOON, MAYOR, MAYOR PRO TEM AND COUNCIL. IN FISCAL YEAR '03 THERE WERE 39,211 COLLISIONS IN AUSTIN. FISCAL YEAR '04 THERE WERE 39,901 COLLISIONS IN THE CITY OF AUSTIN. THAT AVERAGES OUT TO ABOUT 109 COLLISIONS A DAY. THEREFORE IN ORDER TO ADDRESS THE SHEER VOLUME OF COLLISIONS, THE AUSTIN POLICE DEPARTMENT HAS A PROCESS TO EXPEDITE THE REMOVAL OF VEHICLES INVOLVED IN COLLISIONS FROM OUR PUBLIC ROADS AND HIGHWAYS. THE PROCESSES THAT I WILL DESCRIBE TO YOU ARE CONSENT TOWS, ROTATION TOWS, AND THE RUSH HOUR ROTATION PROGRAM. I'LL ALSO DESCRIBE THE IMPOUNDMENT PROGRAM. BASICALLY A CONSENT TOW IS IF YOU'RE INVOLVED IN A COLLISION, YOU CAN INITIATE A TOW TRUCK TO COME TO THE SCENE. BASICALLY IT'S TO TOW OF A VEHICLE INITIATED BY THE OWNER. NOW, IF YOU ARE A TOW COMPANY RESPONDING TO THESE TYPES OF CONSENT CALLS, NUMBER ONE, YOU DON'T HAVE TO HAVE A TOW TRUCK OPERATORS LICENSE ISSUED BY THE AUSTIN POLICE DEPARTMENT. NUMBER 2, YOUR TRUCK DOESN'T HAVE TO BE REGISTERED BY THE AUSTIN POLICE DEPARTMENT EITHER UNLESS THEY HAVE BUSINESS WITHIN THE CITY OF AUSTIN; HOWEVER, THE VEHICLE, TOW TRUCK, HAS TO BE LICENSED BY THE STATE

OF TEXAS. THE NEXT ONE IS THE ROTATION TOW. NOW, IF A PERSON IS INVOLVED IN A COLLISION AND THEY HAVE NO PREFERENCE TO A WRECKER, THEN THE OFFICER WILL CALL A WRECKER FOR THEM FROM A LIST WHICH WE MAINTAIN. NOW, IF YOU WANT TO BE ON THIS ROTATION LIST, A TOW COMPANY MUST, NUMBER ONE, HAVE A TOW TRUCK OPERATORS LICENSE ISSUED BY THE AUSTIN POLICE DEPARTMENT. AND THAT ONLY COSTS \$15, AND IT'S ISSUED EVERY TWO YEARS. THE NEXT THING IS A TOW TRUCK MUST BE REGISTERED ONCE AGAIN WITH THE POLICE DEPARTMENT. TO REGISTER YOUR TRUCK IT COSTS \$39 AND IT'S ONLY A ONE-TIME FEE. THE ONLY TIME YOU HAVE TO GET THAT AGAIN IS IF THE TRUCK IS SOLD OR THE COMPANY IS CHANGED. FURTHER MORE, IT ALSO HAS TO BE LICENSED BY THE STATE OF TEXAS. THE BOTTOM LINE IS YOU CANNOT PERFORM A ROTATION TOW IN THE CITY OF AUSTIN WITHOUT A TOW TRUCK OPERATOR'S LICENSE ISSUED BY THE AUSTIN POLICE DEPARTMENT. NOW, THE CHIEF OF POLICE CAN DENY, SUSPEND OR REVOKE A TOW TRUCK OPERATOR'S LICENSE IF THAT DRIVER HAS BEEN INDICTED OR CONVICTED OF A FELONY, A CLASS A, B OR C MISDEMEANOR. FURTHERMORE, WE CAN ONCE AGAIN DENY, SUSPEND OR REVOKE A LICENSE IF THAT PERSON'S DRIVING WITHOUT -- OR THEIR LICENSE HAS BEEN SUSPENDED OR REVOKED OR THEIR TOW TRUCK OPERATOR'S LICENSE IS SUSPENDED OR REVOKED. AND THEY'VE BEEN DOING TOWS. LET ME SEE WHAT ELSE. MOST OF IT IS PRETTY -- I'LL GIVE YOU THE REQUIREMENTS. OKAY. NOW, THE ROTATION TOW LIST. BASICALLY THE AUSTIN POLICE DEPARTMENT MAINTAINS A LIST FOR THE ROTATION LIST. IF THE DRIVER, ONCE AGAIN, IS NOT ABLE TO SPECIFY A TOW TRUCK COMPANY, THEN THE OFFICER WILL CALL A TOW COMPANY BASED ON THIS LIST THAT WE HAVE. THE OFFICER WILL ALSO NOTIFY THE DRIVER THAT THEY WILL BE CHARGED THE FEE, WHICH THEY HAVE TO PAY AND WHICH IS ESTABLISHED BY THE CITY ORDINANCE. THE INTERESTING PART OF THIS IS IF A TOW COMPANY DECIDES TO TAKE PART IN OUR ROTATION LIST, THEY HAVE TO BE -- THEY HAVE TO ARRIVE AT THE SCENE OF A COLLISION WITHIN 45 MINUTES. THEY HAVE TO BE THERE WITHIN 45 MINUTES FROM THE TIME THEY WERE CALLED BY THE DISPATCHER. IN 2004, WE ISSUED A TOTAL OF 115 VIOLATIONS OF THE TOWING

ORDINANCE. OF THESE, 24 IN TWO YEARS, 2003 AND 2004, WE ISSUED 24 OF THESE CITATIONS FOR WRECKER VIOLATIONS FOR FAILURE TO ARRIVE WITHIN THE 45 MINUTE TIME LIMITS. NOW, REQUIREMENTS TO PARTICIPATE. FIRST OF ALL, HAVE YOU TO OBTAIN A TOW TRUCK OPERATOR'S LICENSE WITH THE AUSTIN POLICE DEPARTMENT. YOUR TRUCK HAS TO BE REGISTERED WITH THE AUSTIN POLICE DEPARTMENT. YOU HAVE TO MAINTAIN A 24-HOUR, SEVEN-DAY A WEEK TOWING SERVICE. AND YOU'VE GOT TO BE ABLE TO NOTIFY THE POLICE DEPARTMENT THAT YOU ARE AVAILABLE. NOW, THE NEXT ONE, THIS IS A PROGRAM THAT I'M REALLY PROUD OF, AND AS A MATTER OF FACT, THE ASSISTANT CITY MANAGER TOBY FUTRELL WAS VERY INSTRUMENTAL IN DEVELOPING THIS PROGRAM. BASICALLY THE POLICE DEPARTMENT MAINTAINS A LIST OF COMPANIES WHOSE RESPONSIBILITIES IS TO TOW VEHICLES OFF FROM THE SEVEN ZONES. THIS IS ONLY DURING THE RUSH HOUR TIMES OF 6:30 A.M. TO NINE A.M., FROM 3:30 P.M. TO 7:00 P.M. UNDER THIS PROGRAM, THEY HAVE TO ARRIVE ON THE SCENE WITHIN 20 MINUTES, WITHIN 20 MINUTES. AND THEY MUST HAVE A TOW TRUCK WITHIN THAT ZONE THAT THEY'RE ASSIGNED TO. WHAT'S PRETTY INTERESTING ALSO IS A TOW COMPANY WHO IS ASSIGNED A ZONE CAN SOLICIT TO TOW A VEHICLE IN THE ZONE THAT THEY'RE ASSIGNED TO. ALSO, THE DRIVER CAN REFUSE THE ZONE WRECKER SHRIS SOLICITATION. -- SHRIS. CURRENTLY IN AUSTIN WE HAVE 80 TOWING COMPANIES, 80 TOWING COMPANIES. 49 OF THOSE COMPANIES ARE ON OUR ROTATION LIST, 49 COMPANIES. 19 OF THOSE COMPANIES TAKE PART IN THE RUSH HOUR ROTATION PROGRAM. THE TOWING COMPANY WAS -- THE 19 TOWING COMPANIES HAVE DONE A TREMENDOUS JOB. THEY'VE DONE A GREAT JOB WITH THE RUSH HOUR ROTATION PROGRAM. FROM THE TIME A DISPATCHER CALLS ONE OF THESE COMPANIES TO THE TIME THEY ARRIVE ON THE SCENE, IF FISCAL YEAR 2004 IT TOOK THEM ONLY 11 MINUTES AND 56 SECONDS. REMEMBER, THEY HAD TO BE THERE WITHIN 20 MINUTES. IN 2004 THESE COMPANIES, THESE 19 COMPANIES, WERE ABLE TO ARRIVE UPON THE SCENE OF A COLLISION IN 11 MINUTES AND 56 SECONDS. AND THE FIRST SIX MONTHS OF THIS YEAR THEY WERE ABLE TO ARRIVE AT THE SCENE 12 MINUTES AND 56 SECONDS. THE NEXT ONE IS PRETTY INTERESTING ALSO. FROM THE



TIME THE DISPATCHER CALLED THEM TO THE TIME THAT WRECKER COMPANIES REMOVED THE VEHICLE OFF THE ROADWAY IN FISCAL YEAR '04 IT TOOK THEM 2003 MINUTES AND 20 SECONDS. '03, 23 MINUTES AND 15 SECONDS. THAT'S TREMENDOUS. IT OPENS UP THE ROADWAYS SO WE CAN GET THE TRAFFIC MOVING. 59% OF THE RECORD CALLS DURING -- THE WRECKER CALLS DURING THIS RUSH HOUR ROTATION PROGRAM OCCURRED IN 1, 2 AND 4. THE NEXT PART IS BASICALLY THE IMPOUNDMENT OF VEHICLES. BASICALLY THAT MEANS THAT THE POLICE DEPARTMENT TAKES CUSTODY OF A VEHICLE. THE POLICE DEPARTMENT -- AN OFFICER CAN TAKE CUSTODY OF A VEHICLE. NOW, A POLICE OFFICER CAN TAKE CUSTODY OF A VEHICLE IF IT'S AN ABANDONED VEHICLE, A JUNK NUISANCE VEHICLE OR BECAUSE OF WHERE IT'S AT OR THE CONDITION THAT IT'S IN, IF IT POSES AN IMMEDIATE SUBSTANTIAL HAZARD, WE'RE GOING TO TOW IT. THAT'S AN IMPOUND. ALSO, IF IT'S PARKED IN SUCH A WAY THAT IT'S IN VIOLATION OF STATE OR CITY ORDINANCE, IT'S GOING TO BE TOWED. AND FINALLY THE LAST ONE, IF THERE'S PROBABLE CAUSE TO BELIEVE THAT THIS VEHICLE IS INVOLVED IN SOME KIND OF CRIME, WE'RE GOING TO TOW IT. NOW, WE HAVE A CONTRACT, THE CITY OF AUSTIN HAS A CONTRACT WITH SOUTH SIDE MOTORS TO PROVIDE ALL IMPOUNDMENT SERVICES. AND THAT CONTRACT EXPIRES IN DECEMBER OF 2006. LET ME TURN IT OVER NOW TO CITY MANAGER RUDY GARZA.

MAYOR AND COUNCIL, I DO WANT TO REMIND YOU AFTER THIS LAST SLIDE, DAVID DOUGLAS AND CHIEF LANDEROS ARE AVAILABLE FOR FOLLOW-UP QUESTIONS OR ADDITIONAL INFORMATION YOU MAY NEED. THERE HAS BEEN IN THE LAST SEVERAL MONTHS DISCUSSIONS ABOUT THE CURRENT ORDINANCE, AND AT THIS TIME WE ARE NOT PROPOSING ANY CHANGES, BUT WE DO HAVE SOME THINGS THAT WE -- AS WE GO FORWARD WE'D LIKE TO CONSIDER. AND WHAT YOU SEE THERE ARE JUST A COUPLE OF THE GENERAL IDEAS THAT WE WOULD CONSIDER REGARDING THE RUSH HOUR ROTATION PROGRAM. BASICALLY SOMETHING THAT WOULD ALLOW US TO EXPAND THE PROGRAM, TO GIVE US MORE FLEXIBILITY AND THE IMPLEMENTATION, MAYBE THE NUMBER OF ROADWAYS, THE TIMES THAT THE RUSH HOUR PROGRAM IS IN USE. WE ALSO

FIND THAT THE CURRENT ORDINANCE DOES NOT MAKE -- IT'S VERY CLEAR ON EXACTLY THE ENFORCEMENT PROCESS THAT'S AVAILABLE TO THE CITY. SO AS WE GO FORWARD, THAT WOULD BE AN AREA THAT WE WOULD LIKE TO CONSIDER FOR AMENDMENT TO THE CURRENT ORDINANCE. JUST AS A REMINDER, THE CURRENT ORDINANCE THAT WE ARE WORKING WITH WAS PUT IN PLACE IN 2001. AND FINALLY, REVIEWING THE TOWING FEES WOULD BE SOMETHING THAT WE WOULD TAKE UP IN ANY FUTURE CONSIDERATION. AS FAR AS MOVING FORWARD AND THE TIMING OF THAT, WE DO KNOW THAT CURRENTLY THERE IS PENDING LEGISLATION THAT WOULD IMPACT THE TOWING INDUSTRY WITHIN THE STATE, AND SPECIFICALLY THE REGULATORY POWERS AVAILABLE TO THE MUNICIPALITIES. NOT UNTIL THE LEGISLATIVE PROCESS IS OVER WILL WE FEEL COMFORTABLE COMING TO YOU WITH ANY KIND OF A DISCUSSION ON AMENDING THE CURRENT ORDINANCE. SO WE WOULD LOOK AT SOME TIME IN SEPTEMBER, IF NOT SHORTLY AFTER THAT, TO CONSIDER TOWING -- CHANGES IN THE CURRENT ORDINANCE. THAT'S OUR PRESENTATION, MAYOR AND COUNCIL. AGAIN, WE ARE AVAILABLE TO ANSWER ANY QUESTIONS IF YOU GUYS WOULD LIKE ANY ADDITIONAL INFORMATION.

Mayor Wynn: THANK YOU, MR. GARZA. QUESTIONS OF STAFF, COUNCIL? MAYOR PRO TEM AND THEN COUNCILMEMBER THOMAS.

Goodman: I'LL DEFER. COUNCILMEMBER THOMAS WORKS ON THIS ORDINANCE.

Mayor Wynn: COUNCILMEMBER THOMAS.

Thomas: I JUST WANTED TO COMMEND YOU FOR THE REPORT, BUT IS A POSSIBLE CHANGE BEING CONSIDERED IN THAT PROCESS. I KNOW YOU SAID TO WAIT UNTIL SEPTEMBER AFTER THE LEGISLATION. IN THE PROCESS OF CONSIDERING THOSE, DO YOU SIT DOWN WITH A TOWING COMPANY, DO YOU HAVE DIALOGUE TOGETHER ON SOME OF THE POSSIBLE CHANGES THAT MIGHT GO IN EFFECT?

YES, SIR. BEFORE WE WOULD COME TO COUNCIL, WE WOULD LIKE TO HAVE SOME DISCUSSIONS WITH THE

TOWING COMPANIES SO THAT WE WOULD BRING YOU SOMETHING THAT WE WOULD HOPE EVERYONE WOULD AT LEAST HAVE SOME SUPPORT TOWARDS.

Thomas: AND I CAN SEE THE IMPROVEMENT ON THE RUSH HOUR, LIKE CHIEF RUDY LANDEROS WAS SAYING, IT HAS IMPROVED. AND WE DO APPRECIATE THE EFFORT THAT THE CITY MANAGER DID WHEN WE IMPLEMENTED THOSE IMPROVEMENTS. I JUST WANT TO KNOW IF YOU STILL HAD THAT DIALOGUE WHEN YOU GET DOWN TO THE POSSIBILITY OF CHANGE.

YES. THANK YOU.

Mayor Wynn: MAYOR PRO TEM.

Goodman: SOME OF THE GENERAL QUESTIONS THAT HAVE COME UP ABOUT THE TOWING ORDINANCE ARE NOT SPECIFICALLY BROUGHT FORWARD IN A PRESENTATION LIKE THIS, SO LET ME ASK YOU A FEW THINGS AND MAYBE THE BULK OF THEM IS SOMETHING THAT I JUST NEED TO SHOOT OFF TO YOU AND COPY YOU COUNCILMEMBERS AND SEE WHAT THE RESPONSE IS. FOR INSTANCE, IF A TOWING COMPANY IS CITED FOR VIOLATIONS, WHATEVER VIOLATIONS THOSE MIGHT BE, LIKE HANGING AROUND AND PICKING UP A CAR THAT MAYBE THEY SHOULDN'T HAVE, AND I DON'T KNOW WHAT ELSE, BUT ALONG THOSE LINES, BEING PREDATORY, LIKE A VUL CHUR ON THE STREETS FOR A VEHICLE OWNER, OR AT LEAST THAT'S THEIR PROFESSION. IF THERE IS A TOWING COMPANY THAT HAS A NUMBER OF THOSE KIND OF CITATIONS, LIKE 17, 18, SOMETHING LIKE THAT, WHY WOULD THEY STILL BE ONE OF THE FIRMS IN ROTATION, OR WOULD THEY BE?

MAYOR, I'D LIKE TO ASK FOR THE CITY ATTORNEY TO ANSWER THAT. I THINK HE WOULD BE IN A BETTER POSITION TO RESPOND.

COUNCILMEMBER GOODMAN, ONE OF THE REQUIREMENTS THAT WE'VE GOT UNDER DUE PROCESS IS THAT THE MERE ISSUANCE OF A CITATION IS NOT ENOUGH EVIDENCE TO REMOVE SOMEBODY FROM THE ROTATION PROGRAM. BUT IF WE GET CONVICTIONS ON THOSE, THAT'S A WHOLE

DIFFERENT STORY. THE MERE ISSUANCE OF A CITATION IS SOMETHING THAT IS INSUFFICIENT. IF IF WE GET CONVICTIONS, WE HAVE TO LOOK AT THOSE, IF THEY RELATE DIRECTLY TO THE TOWING PROGRAM, THAT COULD CERTAINLY BE A REASON TO TAKE SOMEBODY OFF.

Goodman: WELL, IF THEY HAD TIME TO GET 17 OR 18 CITATIONS, WOULDN'T THAT INDICATE THE PURSUIT OF AT LEAST ONE OF THEM OR CONVICTION?

THOSE CASES ARE PROSECUTED THROUGH THE MUNICIPAL COURT, AND IF ONE OF THOSE CASES DOES GO TO TRIAL OR IF THERE'S A FINAL CONCLUSION OF IT THAT RESULTS IN A CONVICTION, THOSE ARE THE KINDS OF THINGS WE CAN TAKE ACTION ON.

Goodman: OKAY. LET ME ASK YOU THIS: BECAUSE THE NUMBER I THOUGHT WAS AN AMAZING NUMBER. WITH THAT MANY CITATIONS, WOULDN'T THAT BE INDICATIVE OF A LITTLE BIT OF INVESTIGATION OF THEIR PRACTICES AND ETHICS THAT THEY OPERATE UNDER?

AGAIN, UNDER THE SAME PARAMETERS THAT WE OPERATE UNDER, THE RESULTS OF THE CITATION IS CERTAINLY IMPORTANT IF IT RESULTS IN A CONVICTION, WE CAN DO SOMETHING WITH THAT. CERTAINLY IF THERE ARE THAT MANY PENDING AGAINST A COMPANY APPEARED THEY SHOWED SOME PROBLEM WITH THE COMPANY COMPLYING WITH OUR RULES FOR A PARTICULAR PROGRAM, RUSH HOUR ROTATION, REGULAR ROTATION, WE CAN TAKE A LOOK AT THAT. AND IF WE CAN GET SOME MORE INFORMATION ON THAT, I'M SURE THE POLICE DEPARTMENT WOULD BE INTERESTED IN LOOKING AT IT.

Goodman: OKAY. I THINK I'LL KIND OF LIST OUT MY QUESTIONS LIKE THAT FROM DIFFERENT FOLKS OUT THERE ON THE STREETS WHO SAW THIS OR THAT OR KNOW ABOUT THIS OR THAT AND DON'T SEEM COMPATIBLE WITH OUR NORMAL PHILOSOPHY.

MAYOR PRO TEM, ONE THING I COULD OFFER IF WE DO GO FORWARD -- BECAUSE THE CURRENT ORDINANCE IS NOT SPECIFIC SETTING ANY KIND OF THRESHOLD. THAT COULD

BE SOMETHING THAT WE COULD CONSIDER MOVING FORWARD, MAYBE BEING VERY SPECIFIC AND SPECIFIC CRITERIA THAT WOULD ESTABLISH A NUMBER THAT WOULD GIVE US GREATER -- GREATER ABILITY TO MAKE THOSE KIND OF DECISIONS.

Goodman: OKAY. MAYBE I'LL WORK ON THAT.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? THANK YOU VERY MUCH, MR. GARZA. COUNCIL, BEFORE WE GO ON TO OUR NEXT BRIEFING, WHICH IS RELATED TO THE CULTURAL ARTS FUNDING PROGRAM, I THOUGHT WE COULD TAKE UP A QUICK ACTION ITEM. IN EXECUTIVE SESSION EARLIER WE DISCUSSED AGENDA ITEM 39 RELATED TO AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE CONSENT AGREEMENT WITH THE NORTHWEST AUSTIN MUNICIPAL UTILITY DISTRICT NUMBER 1 OR THE CANYON CREEK M.U.D. AS IT'S REFERRED. AND WITH THAT I WOULD ENTERTAIN A MOTION ON ITEM 39. AND I BELIEVE THAT SINCE WE'VE BEEN BACK ON THE DAIS, STAFF HAS PRESENTED US WITH NEW LANGUAGE. IT'S NOW BEING DISTRIBUTED, I BELIEVE.

Mayor Wynn: I WILL SAY, COUNCIL, WE HAVE A NUMBER OF FOLKS WHO HAVE SIGNED UP RELATED TO THIS ITEM.

GOODMAN: ARE THEY IN FAVOR, MAYOR?

Mayor Wynn: IF I CAN GET MY COMPUTER TO OPEN HERE. ESSENTIALLY MOST OF THEM HERE TO ANSWER QUESTIONS IF WE HAVE THEM. I'M WAITING FOR MY AGENDA. I CAN'T ACCESS THAT RIGHT NOW. IT LOOKS LYING IT'S TRYING TO OPEN. PERHAPS WE CAN BEGIN DISCUSSION.

Goodman: I WOULD OFFER A MOTION, UNLESS COUNCIL WOULD LIKE TO WAIT ON THAT AND FOLKS WOULD LIKE TO SPEAK FIRST, BUT IF I WERE TO MAKE A MOTION IT WOULD BE TO APPROVE AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE CONSENT AGREEMENT WITH THE NORTHWEST AUSTIN MUNICIPAL UTILITY DISTRICT NUMBER 1, CANYON CREEK, RELATIVE TO THE MONTHLY CREDIT ON WATER AND WASTEWATER BILLS FOR SINGLE-FAMILY AS POSTED ON THE

AGENDA. AND WITH THE SPECIFIC CONSIDERATIONS THAT WITHIN 60 DAYS THE NORTHWEST AUSTIN MUNICIPAL DISTRICT NUMBER ONE BOARD WILL PLACE ON ITS AGENDA FOR A VOTE A RESOLUTION THAT APPROVES THE FOLLOWING ITEMS, ONE, AN AMENDMENT TO THE AGREEMENT CONCERNING CREATION AND OPERATION OF NORTHWEST AUSTIN MUNICIPAL UTILITY DISTRICT NUMBER ONE THAT PROVIDES FOR A MONTHLY CREDIT ON THE CITY OF AUSTIN WATER AND WASTEWATER UTILITY BILLS FOR A SINGLE-FAMILY LOT FOR CUSTOMERS LOCATED INSIDE THE DISTRICT WHICH REPRESENTS A 50% CREDIT OF THE DISTRICT'S AVERAGE ANNUAL DEBT SERVICE ON CURRENT OUTSTANDING DISTRICT DEBT. ETCETERA, ETCETERA. I BELIEVE EVERYBODY HAS THE PAGE IN FRONT OF THEM NOW. ... THAT CODPHIZE THE PROMISE OF THE DEVELOPER THAT COINCIDENT WITH THE ISSUANCE OF THE LATEST ROUND OF BONDS CURRENTLY IN PROGRESS, NO FURTHER DEVELOPMENT IN CANYON CREEK SHALL REQUIRE THE ISSUANCE OF M.U.D. INDEBTEDNESS AND AS A RESULT HERETOFORE -- YOU CAN SURE TELL A LAWYER WROTE THIS. HERETOFORE AUTHORIZE DEBT CEILING OF 22,800,000 IS FOREVER REDUCED TO 15,500,000, AND NO REFUNDING BOND ISSUE WILL BE PROPOSED THAT INCREASES ANNUAL DEBT SERVICE REQUIREMENTS FROM CURRENT LEVEL. THREE, THE DISTRICT DEDICATES TO THE CITY FEE TITLE TO THOSE TRACTS COMPRISING APPROXIMATELY (INDISCERNIBLE) ACRES OF LAND DEDICATED TO THE PRESERVATION OF ENDANGERED SPECIES SUBJECT TO THE COVENANTS RECORDED IN VOLUME 1247712477 PAGE 639 IN THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND THE BOARD WILL NOT PURSUE ANY LEGISLATION THAT NEGATIVELY AFFECTS THE CITY'S ANNEXATION POWERS OR ITS ABILITY TO COLLECT ITS FULL AD VALOREM TAXES FROM RESIDENTS OF THE CITY. AND THIS IS SIMILAR TO THE OTHER AGREEMENTS WHERE WE HAD OUT OF CITY M.U.D.'S AND CAME TO AN AGREEMENT WITH THEM ON ISSUES OF DEVELOPER REIMBURSEMENTS, ETCETERA, ETCETERA, TRYING TO DO SOMETHING FOR AN IN CITY M.U.D. THAT WE'VE DONE SIMILARLY IN THE SAME VEIN FOR OUT OF CITY M.U.D.'S.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. I'LL CONSIDER

THAT A MOTION I WILL SECOND. COUNCIL, I HAVEN'T BEEN ABLE TO ACCESS OUR SPEAKER LIST. I WILL SAY THAT 18 OR SO PEOPLE SIGNED UP ALL IN FAVOR. ONE PERSON NEUTRAL. A HANDFUL ARE OFFERING TO ANSWER QUESTIONS IF WE HAVE THEM, BUT ONLY A COUPLE OF REPRESENTATIVES WOULD LIKE TO SPEAK. I'D LIKE TO CALL BOB ROWDER AT THIS TIME. TO COME ADDRESS US BRIEFLY. IS ANNE LEDWIG HERE OR HOW ABOUT SCOTT SEXTON. YOU WILL HAVE SIX MINUTES IF YOU NEED IT, BOB.

THANK YOU. MR. MAYOR, MAYOR PRO TEM, MEMBERS OF THE COUNCIL, MEMBERS OF THE EXECUTIVES, MY NAME IS BOB ROWDER. I SPEAK TO YOU -- ALTHOUGH I WROTE THE DOCUMENT, SO IT IS AS A LAWYER, BUT I SPEAK TO YOU AS A CITIZEN OF THE CITY OF AUSTIN AND AS A RESIDENT OF CANYON CREEK. AND WHAT I WANT TO DO IS TO TELL YOU THE STORY OF MY NEIGHBORHOOD. WHEN I DO, IT IS WITH AN HISTORIAN'S LICENSE THAT SOME OF THE FACTS AND SOME OF THE EVIDENCE ARE LONG GONE, BUT THE STORY IS PRETTY CLEAR. AND WHEN I TELL IT, IT DOES NOT IN ANY WAY, SHAPE OR FORM, REKNOWN TO ANY MEMBER SITTING AT COUNCIL, TO ANY MEMBER OF THE CITY ADMINISTRATION OR TO ANY MEMBER IN OUR COMMUNITY THESE FACTS HAPPENED LONG BEFORE ANY OF US GOT HERE. A QUARTER CENTURY AGO THE LAND THAT HOUSES OUR HOMES TODAY WAS WILDERNESS. IN THE REMOTE AREA OF UNINCORPORATED TRAVIS COUNTY. IT PASSED THROUGH A SERIES OF UNCARING HANDS, OF SPECULATORS, S & L'S, THE RESOLUTION BANK CORPORATION, SOLVENT TRUSTEES AND THEN A DEVELOPER. THAT DEVELOPER DESIRED INFRASTRUCTURE, SO HE FORMED THE NORTHWEST TRAVIS COUNTY M.U.D., AND UNDER THE WATER CODE SOUGHT THE APPROVAL OF THE COMMISSION ON ENVIRONMENTAL QUALITY. THE CODE PROVIDES ESTABLISHED UNITS OF GOVERNMENT. IN THIS CASE THE CITY OF AUSTIN. WITH EXTRA TERRITORIAL JURISDICTION. THAT IS, A VOICE IN THE DECISION MAKING ABOUT LAND PROXIMATE TO IT. THE COMMISSION USED DEFERENCE WHEN IT DENIED THE DEVELOPER THE M.U.D. THAT SET OFF A SERIES OF ADVERSARIAL CONTESTS IN WHICH THE FOLLOWING TOOK PLACE: THE DEVELOPER SAID TO THE CITY WHAT DO YOU WANT FROM ME? THEY WANTED A WATER COURSE AND

THEY WANTED A LARGE POSITIVE REVENUE STREAM. AND IT WAS GOOD PLANNING AND IT WAS GOOD BUSINESS. BUT THEN THERE WAS A LITTLE BIT OF OVERREACHING. THEY WANTED THE ASSETS, BUT NONE OF THE DEBT. THE DEVELOPER REASONED THAT HE WAS GETTING A GOOD DEAL. THE ADVANTAGES ARE CITY SERVICE, POLICE, FIRE, LIBRARIES, AND MORE IMPORTANTLY THE ABILITY TO PSYCHOLOGICALLY REASSURE HOME BUYERS THAT THEY WERE GOING TO BE A PART OF A GREAT CITY AND NOT PART OF SOME REMOTE BACK WATER. SO THE CITY TOLD THE DEVELOPER, LOOK, GO OUT AND FORM ANOTHER M.U.D., CALL IT THE NORTHWEST AUSTIN M.U.D., AND WHEN IT COMES BEFORE THE COMMISSION WE'LL REMAIN SILENT. HAVE THE M.U.D. APPROVE ENOUGH DEBT TO FINANCE THE ENTIRE INFRASTRUCTURE AND THEN GIVE US THE PIPES AND VALVES. WHILE YOU'RE AT IT, BUILD PARKS AND RECREATION SITES AND PADS, AND WHEN EVERY LAST DIME IN DEBT IS INCURRED, HAND OVER THE PARKS AND THE PADS TO US ALSO. DEBT MUST BE APPROVED BY THE CONSENT OF THE CITIZENS, AND SINCE THE DEALER WHO ROAMED THE CANYON RIMS SEEMED INCAPABLE OF SOVEREIGNTY AS A BALLOT BOX OF FLORIDA VOTERS, THE DEVELOPER HAD A PLAN. HE MOVED ON TO THE LAND A GROUP OF PEOPLE WHO RALLYING FROM THEIR NEWFOUND DIGS IN CONSTRUCTION TRAILERS AND KANSAS LEAN TO'S, BRAVING 78-DEGREE TEMPERATURE AND THE THREAT THAT BIRD AND SQUIRRELS POSE, THESE PIONEER RESIDENTS DEFIANTLY INKED THEIR FINGERS AND PASSED A REFERENDUM AUTHORIZING \$22.8 MILLION OF DEBT. AND GUESS WHAT? THE VOTE WASN'T EVEN CLOSE. WITH THAT VOTE THE CITY, THE M.U.D. AND THE DEVELOPER ENTERED INTO A THREE-WAY CONTRACT IN WHICH THE CITY GOT THE FULL TAXES FROM THE HOMEOWNERS FOR WATER RATES AT NO DISCOUNT, FULLY DECKED OUT PARKS AND PADS AND ALL THE REMAINING ASSETS OF THE M.U.D. THE DEVELOPER GOT HIS AUSTIN ADDRESS AND THE M.U.D. GOT DEBT. WE PAY FOR A BOARD AND INSURANCE AND LAWYERS AND ACCOUNTANTS AND BOND DEALERS AND BANKERS AND UNDERWRITERS ALL TO SERVICE AN ENTITY THAT DOES NOTHING BUT FINANCE DEBT. AND IT WAS DONE IN A CONTRACT AMONG THREE PARTIES, ALL OF WHOM KNEW THAT THERE WERE REALLY ONLY TWO BECAUSE NO



REASONABLE PERSON WOULD ASSERT THAT THE DEVELOPER WAS NOT THE ALTER EGO OF THE M.U.D. WITH THAT BACKGROUND, WE APPEARED TODAY TO ASK YOU FOR A CONCESSION. WE WILL GO TO THE CURRENT DEVELOPER AND ASK HIM TO CODIFY WHAT HE HAS ASSERTED VERBALLY. THERE WILL BE NO FURTHER DEVELOPMENT IN CANYON CREEK. IT WOULD CAP THE DEBT AT ABOUT 15 AND A HALF MILLION DOLLARS INSTEAD OF THE 28.8 28.8 AUTHORIZED. WE WOULD LOVE YOU TO ABSORB OUR M.U.D. AND REUNITE THE DEBT WITH THE ACCESS IT FINANCED. WE KNOW, THOUGH, THAT THIS IMPOSES A BITTER PILL TO NON-CANYON CREEK CITIZENS THROUGHOUT OUR TOWN, AND WE WOULD NOT WISH TO VISIT UPON THEM THE MISERY THAT HAS BEEN VISITED UPON US BECAUSE IN THE END THEY ARE US AND WE ARE THEM. WE ASK YOU INSTEAD TO CONSIDER AN ACCOMMODATION ON OUR WATER RATES. AND WHETHER OR NOT YOU CAN VOTE WITH US, WE THINK THAT FRIEND AND FOE ALIKE SHOULD BE ABLE TO AGREE THAT WHAT MIGHT HAVE LOOKED SMART AND CLEVER AND USEFUL -- [ BUZZER SOUNDS ] -- IN 1987, HAS BEHIND IT A FAILURE IN FAIRNESS AND A FAINT IN WISDOM. IT ISN'T RIGHT THAT I MAY DO TO ANY CITY PARK BECAUSE I AM A CITIZEN, AND WHEN I STAND IN THE PARK I KNOW THAT MY FELLOW CITIZENS AND I FINANCIALLY CONTRIBUTE TO THE PARK THAT IT MAY EXIST. BUT WHEN MY FELLOW CITIZENS COME TO TRAIL HEAD PARK, THEY ARE WELCOME BECAUSE THEY ARE CITIZENS, BUT I ALONE FINANCE ITS EXISTENCE. IT IS WORTH WHILE TO REMEMBER THAT TODAY'S ANNEXEE IS TOMORROW'S GOOD CITIZEN. THAT TODAY'S NEWCOMER IS TOMORROW'S CHERISHED FRIEND. AND SIMPLY PUT, WE SHOULDN'T BE TREATING CITIZENS AND FRIENDS THIS WAY. IF WE DON'T RECOGNIZE THAT, WE WILL FOREVER HAVE GROUPS OF CITIZENS FOR WHOM WE PROFESS AN EQUALITY OF RIGHTS, BUT TO WHOM WE EXACT AN EQUALITY OF COST.

Mayor Wynn: PLEASE CONCLUDE. YOUR TIME IS UP. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] .

I ALSO WANTED TO SPEAK TO YOU AS A MOTHER, HOME OWNER, VOLUNTEER, CONCERNED TAXPAYER. THE FIRST TIME MY HUSBAND AND I TRAVELED THROUGH CANYON CREEK WE WERE EXCITED TO SEE MANY OTHER FAMILIES

WALKING WITH THEIR KIDS, RIDING BIKES, PLAYING IN THE PARK. WE KNEW ALMOST IMMEDIATELY THIS IS WHERE WE WANTED TO LIVE AND RAISE YOUR CHILDREN. WE WENT INTO THE STANDARD PACIFIC MODEL HOME, WE WERE GIVEN THEIR PITCH AND TOLD THAT CANYON CREEK WAS PART OF A M.U.D. WE WERE TOLD BY THE SALES AGENT THAT THE M.U.D. WOULD GO AWAY, PEOPLE WERE WORKING ON IT TO BE DISSOLVED WITHIN A COUPLE OF YEARS. THERE WAS NO FRAUD. I THINK THAT THE SALES AGENT ACTUALLY BELIEVED IT. AFTER ALL, THAT'S WHAT HAPPENS TO MUDS, THEY GO AWAY. THEY HAD NEVER SEEN ONE LIKE OURS, THAT WAS 6.5 YEARS AGO MUCH EVER SINCE THEN MY HUSBAND AND I HAVE BEEN VERY ACTIVE IN THE NEIGHBORHOOD TRYING TO HELP ON THIS ISSUE. MY HUSBAND ALLEN WAS ON THE HOMEOWNERS BOARD WHEN WE FIRST MOVED IN, WE WORKED VERY HARD TO GET THE DEVELOPER OUT OF OUR NEIGHBORHOOD AND THE DECISION PROCESS WHEN IT CAME TO DECIDE WHAT WAS BEST FOR CANYON CREEK, I'M PROUD TO SAY THAT WE SUCCEEDED IN THIS TASK. THE DEVELOPER AND THE CITY EACH GOT WHAT WE WANTED, WE WERE LEFT WITH AN UNFAIR AND UNEQUAL TAX BURDEN. WHILE THE CITY CLAIMED IT NEVER PAID FOR AN INFRASTRUCTURE, IT DID IN FACT PAY FOR INFRASTRUCTURE IN CIRCLE C AND OTHER AREAS AND DID SO USING TAX MONEY FROM CANYON CREEK. WE HAVE LOST PROSPECTIVE HOME BUYERS AND EVEN A FEW RESIDENTS BECAUSE OF THIS UNFAIRNESS. THE RESIDENTS OF CANYON CREEK ARE ASKING TO BE TREATED AS OTHER RESIDENTS OF THE CITY ARE TREATED. WE ARE BY IF I DEFINITION MIDDLE CLASS OUR NEIGHBORHOOD IS AS DIVERSE AS ANY IN AUSTIN. OUR NEIGHBORHOOD IS MADE UP OF VAST ETHNIC AND CULTURAL BACKGROUND, EXEF EXECUTIVES, RETIREES, STAY AT HOME PARENTS, PEOPLE OUT OF WORK. WE ARE NOT ASKING FOR SPECIAL TREATMENT, JUST FAIR AND EQUAL TO WRAP WE CALL DOUBLE TAX TAXATION. WE LIKE BEING PART OF AUSTIN AND WANT TO REMAIN PART OF AUSTIN. BUT OUR WANTS AND DESIRES ARE HARD TO RECONCILE WITH THE -- WHAT MANY OF US PERCEIVE TO BE AN OPEN AND ABASHED HOSTILITY TO CANYON CREEK. WE HAVE LIVED WITH THAT OVER 18 YEARS NOW, THERE'S A RESOLVE IN OUR COMMUNITY THERE WILL NOT BE A 19th.

PLEASE ALLOW US TO STAY A PART OF AUSTIN. I ALSO WANTED TO LET YOU KNOW THAT WE HAVE A GREAT TEAM OF RESIDENTS THAT HAVE BEEN WORKING ON THIS FOR WEEK. THEY HAVE COME TO M.U.D. MEETINGS, CITY COUNCIL MEETINGS, EVEN HAD MEETINGS IN THEIR HOMES TO HELP FIND A WAY TO RESOLVE THIS IR. THEY HAVE DONE SUCH A GREAT JOB DISSEMINATING THE INFORMATION TO OTHER RESIDENTS THAT CANNOT ATTEND SUCH MEETINGS DUE TO FAMILY AND WORK COMMITMENTS. BUT DO NOT TAKE THE LACK OF 1100 HOMEOWNERS NOT IN ATTENDANTS A LACK CONCERN. THE HOMEOWNERS WHO ATTEND ARE OUR REPRESENTATIVES AND WE SPEAK ON THEIR BEHAVIORAL. I WANT TO THANK YOU FOR -- TO THEIR BEHALF.

Slusher: I'M CONCERNED ABOUT WHAT YOU SAID ABOUT OPEN HOSTILITY ON THE PART OF THE CITY ADMINISTRATION TOWARDS CANYON CREEK. WOULD YOU CARE TO ELABORATE ON THAT A LITTLE BIT?

STAN?

YEAH.

EXCUSE ME? I MEAN, I WOULD -- IF YOU ARE GOING TO MAKE A STATEMENT LIKE THAT, I WOULD THINK THAT YOU WOULD HAVE SOMETHING TO BACK IT UP.

SIR I BELIEVE SHE WAS MAKING A REFERENCE TO A PERCEPTION WITHIN THE COMMUNITY OUT THERE.

Slusher: THAT'S NOT WHAT SHE SAID.

I BELIEVE THAT -- I BELIEVE THAT WAS HER -- IT WAS MEANT TO BE HER REFERENCE, THAT SOME RESIDENTS OF CANYON CREEK PERCEIVE THAT THE CITY ADMINISTRATION IS HOSTILE TO THE INTERESTS OF CANYON CREEK. I DON'T KNOW HOW ELSE TO EXPLAIN IT, THAT IS A PERCEPTION OUT THERE, I THINK SHE WAS CORRECT IN REPORTING IT.

Slusher: OKAY. THANK YOU.

Mayor Wynn: MR. JERRY GASTON SIGNED UP WISHING TO

SPEAK ALTHOUGH I --

[INDISCERNIBLE]

Mayor Wynn: THANK YOU, SIR. WE HAVE A MOTION AND A SECOND ON THE TABLE. COUNCILMEMBER SLUSHER?

Slusher: MAYOR, BEFORE WE VOTE ON THIS, I WOULD LIKE TO HAVE THE SPONSORS OR THE MANAGER SORT OF LAY OUT THE -- HAS THIS EXACTLY IS AND THE COST TO THE CITY.

Futrell: I TELL YOU WHAT, WHY DON'T YOU LET US LAY OUT THE TERMS AND LET THE COUNCIL POLICY DISCUSSION BEGIN. JOE, WOULD YOU LIKE TO -- TO KIND OF WALK THROUGH THE COMPONENTS?

GOOD AFTERNOON, MAYOR, COUNCILMEMBERS. THE -- THE -  
- THE AMENDMENT BEFORE YOU WOULD PROVIDE A  
NEGATIVE SURCHARGE THAT ON AN ANNUAL BASIS  
AMOUNTS TO APPROXIMATELY \$550,000 IN TERMS -- TO  
ANSWER YOUR QUESTION SPECIFICALLY, COUNCILMEMBER.  
WHAT THIS DOES THEN IS ALLOWS US TO MOVE FORWARD,  
ATTEMPTING TO ADDRESS SOME OTHER OUTSTANDING  
ISSUES THAT EXIST BETWEEN THE CITY AND THE CANYON  
CREEK AREA. ADDITIONAL ISSUES INCLUDE THE BCCP  
OWNED BY THE DEVELOPER, AND THE M.U.D. BOARD. IT  
ALSO GIVES US AN OPPORTUNITY TO ADDRESS SOME  
OTHER ISSUES WITH RESPECT TO -- TO THEIR PURSUIT OF  
TRYING TO GET THE DEVELOPER TO CAP THE DEBT IRCIANS,  
THEY HAVE AGREED TO -- DEBT ISSUANCE. AS MR. ROBERT  
POINTED OUT THIS AFTERNOON. THOSE ARE SOME THINGS  
THAT I THINK THE ACTION BY THE COUNCIL WILL LEAD TO.  
ULTIMATELY IT WILL ALSO CREATE THE ENVIRONMENT IN  
WHICH WE CAN POSSIBLY RESOLVE ALL OF THE OTHER  
OUTSTANDING ISSUES THAT EXIST BETWEEN THE CANYON  
CREEK AND THE CITY OF AUSTIN. 7.

Slusher: SO THIS IS 57 -- EXCUSE ME, \$577,000 A YEAR THAT  
OUR WATER AND WASTEWATER UTILITY WON'T GET?

THAT IS CORRECT, SIR. THAT WOULD -- THAT IS AN ESTIMATE  
OF WHAT 50% OF THEIR ANNUAL AND ANNUAL WASTEWATER

BILL.

HOW IS THE UTILITY GOING TO MAKE UP THOSE FUNDS?  
FUNDS.

WELL, SIR, I'M NOT SURE THAT THAT'S -- THAT THEY ARE GOING TO MAKE UP THOSE FUNDS. THAT IS SOMETHING THAT WE WILL HAVE TO DEAL WITHOUT THOSE \$570,000. THERE'S -- THERE'S NO OTHER ACTION THAT'S GOING TO COME INTO THE UTILITY TO OFFSET THAT, IF THAT IS YOUR QUESTION.

WELL, IF YOU WERE COUNTING ON HAVING 577,000 AND THEN YOU ARE NOT GOING TO HAVE IT, I MEAN THAT SEEMS LIKE A -- LIKE A BUDGET CUT.

IT'S A REDUCTION IN REVENUES, YES, SIR.

IF I UNDERSTAND THE STORY THAT WAS TOLD AND I KNEW A LOT OF IT ALREADY, I'M SYMPATHETIC TO THAT, BUT I REPRESENT THE WHOLE CITY, INCLUDING CANYON CREEK AND TO ME THIS IS ROLLING ALONG A LITTLE TOO FAST WITHOUT I THINK -- WITH VERY FEW OF OUR CITIZENS UNDERSTANDING WHAT'S GOING ON. I MEAN, \$577,000 A YEAR, THAT IS THROUGH 2026, IS THAT CORRECT?

THAT AMOUNT, SIR, MAY VARY AS THE DEBT DECREASES OVER A PERIOD OF TIME, THAT 50% OBVIOUSLY WOULD ONLY REFLECT WHAT IS REMAINING ON THAT DEBT, SO THAT AMOUNT WOULD DECREASE OVER THAT PERIOD OF TIME.

SO IS IT ACCURATE WHAT I HAVE GOT HERE FROM -- I THINK FROM THE STAFF, 12.11 MILLION OVER THE LENGTH OF THE SURCHARGE?

I THINK THAT IS A TOTAL AMOUNT THAT IS OUTSTANDING AT THIS TIME. AND SO -- SO THE CITY'S NEGATIVE SURCHARGE WOULD BE 50% OVER THE ENTIRE LIFE.

50% OF THAT NUMBER?

YES, SIR.

BUT THAT ONLY SEEMS LIKE ABOUT 12 YEARS RATHER THAN -- RATHER THAN 21. THE -- THAT SEEMS -- I WOULD HAVE TO GET THE CALCULATOR, BUT THAT -- THE 12.1 MILLION SEEMS MORE LIKE \$577,000 THROUGH 2026 RATHER THAN HALF OF THAT NUMBER.

I WOULD HAVE TO DEFER TO THE UTILITY STAFF --

I'M NOT SURE WHAT YOU HAVE IN FRONT OF YOU, COUNCILMEMBER, BUT I BELIEVE WHAT YOU HAVE IN FRONT OF YOU IS THE TOTAL NUMBER, INCLUDING ALL INTEREST AND AMORTIZED OVER TIME. THAT MAY BE THE CORRECT NUMBER OVER THAT PERIOD OF TIME. AND I'LL TELL YOU, DO YOU HAVE THE SHEET IN FRONT OF YOU? BECAUSE I'LL COME DOWN --

Slusher: I WOULD LIKE TO SEE THE -- WHAT IS -- WHAT DOES THE FISCAL NOTE SAY IS THE TOTAL COST TO THE CITY?

Futrell: WHILE YOU ARE ASKING JOE QUESTIONS, LET ME LOOK FOR THAT NUMBER.

Slusher: OKAY. DOES THIS ADD ADD ADDITIONAL ADMINISTRATIVE COST --

WITH RESPECT TO ESTABLISHING THE RATE STRUCTURE, THE PROGRAMMING FOR THAT CAN BE PRETTY EASILY ESTABLISHED AND THEN THAT WOULD APPLY ON A MONTHLY BASIS TO EVERYONE IN THAT AREA. SO I THINK THE PROGRAMMING IS RELATIVELY STRAIGHTFORWARD IN THAT RESPECT.

SO YOU DON'T THINK THAT'S AN ADDITIONAL COST?

IT -- IT CERTAINLY IS AN ADDITIONAL COST, COUNCILMEMBER, I DON'T THINK IT'S A SIGNIFICANT COST.

Slusher: YOU DON'T THINK THAT IT'S A SIGNIFICANT COST. OKAY. AND THIS IS AN ISSUE ON WHICH THE CITY HAS BEEN SUED, CORRECT?

THAT IS MY UNDERSTANDING, YES, SIR.

AND THE CITY PREVAILED, WE WERE THE DEFENDANTS, THE CITY WAS THE DEFENDANT AND THE CITY PREVAILED IN THAT SUIT; IS THAT CORRECT?

THAT IS MY UNDERSTANDING, YES, SIR.

Slusher: THAT SUIT SEEKS TO HAVE THE CITY PAY THE ENTIRE DEBT; IS THAT CORRECT?

I WOULD HAVE TO DEFER TO OUR CITY ATTORNEY IN TERMS OF WHAT THAT LAWSUIT ENTAILS.

THE LAWSUIT REALLY DOESN'T RELATE TO THE INDEBTEDLY THAT WAS INOCCURED BY THE M.U.D. OR THE DEVELOPER. THE LAWSUIT IS CRAFTED AS AN ATTACK ON WHAT IT ALLEGES IS DOUBLE TAXATION. SO THE REAL FOCUS OF THE LAWSUIT IS TO HAVE SOME KIND OF CHANGE IN THE TAX RATE. BUT IT'S -- THAT'S USED THERE.

SO IS THE FOCUS TO -- IT WOULD HAVE THE SAME RESULT, THOUGH, WOULDN'T IT? TO HAVE THE CITY TAKE OVER THE PAYMENT OF THAT DEBT?

I'M RELUCTANT TO TALK TOO MUCH ABOUT IT, BUT I CAN SAY THIS: I THINK IF YOU LOOK AT THE AMOUNT OF TAX THAT HAS BEEN PAID SINCE WE STARTED COLLECTING TAX THERE, THE NUMBER COMES OUT CLOSE TO THE SAME.

Slusher: OKAY, I APPRECIATE THAT. SORRY TO HAVE TO PUT YOU IN ANY KIND OF UNCOMFORTABLE POSITION. BUT THEN I WASN'T ONE OF THE ONES WHO PUT THIS ON THE AGENDA SO I FEEL LIKE I HAVE TO ASK QUESTIONS HERE IN PUBLIC SO THE CITIZENS WILL KNOW ABOUT THIS ISSUE.

Futrell: COUNCILMEMBER, I DO HAVE AN ANSWER TO YOUR QUESTION. [INDISCERNIBLE] IS HERE FROM THE UTILITY, OF COURSE HE'S OUR CHIEF FINANCIAL OFFICER FOR THE UTILITY. THE NUMBER THAT YOU HAVE IN FRONT OF YOU, THE \$12 MILLION NUMBER IS PRINCIPAL AND INTEREST AMORTIZED OVER THE LENGTH OF TIME, YOU ARE CORRECT THAT IS THE TOTAL FISCAL IMPACT OVER TIME.

12-POINT 1 MILLION?

Futrell: YES.

Slusher: OKAY. ALL RIGHT SO I STILL HAVE SOME MORE QUESTIONS.

YES, SIR.

SO THE CITY PREVAILED IN THIS LAWSUIT -- LET ME SEE IF I WORK THIS INTO A QUESTION OR A COMMENT. BUT THE CITY PREVAILED IN THE LAWSUIT BUT SOME COUNCILMEMBERS WOULD LIKE TO COME BACK ANYWAY AND PAY THE -- AT LEAST HALF THE COST OF THE M.U.D. DEBT EVEN THOUGH THE CITY PREVAILED WITH THE LAWSUIT AND I CAN -- I MEAN, I CAN BE SYMPATHETIC TO THAT TO WANTING TO SETTLE THIS ISSUE, EVEN THOUGH THE CITY WAS ON STRONG LEGAL GROUND, BUT THE ROB FOR ME, AT LEAST ONE PROBLEM THAT I HAVE, IS THAT THE LAWSUIT CONTINUES AGAINST THE CITY SEEKING THESE FUNDS. THERE'S AN APPEAL THAT'S STILL GOING ON, AND YET THIS ITEM PROPOSES TO GIVE HALF THE FUNDS THAT ARE SOUGHT IN THAT LAWSUIT, EVEN THOUGH THE CITY PREVAILED, AND TO GET REALLY NOTHING IN EXCHANGE EXCEPT FOR THAT SOME RESIDENTS WILL GO TO THE M.U.D. BOARD AND REQUEST THAT CERTAIN THINGS BE DONE. I WOULD -- SEEMS IT WOULD MAKE MORE SENSE TO ME IF -- IF THE RESIDENTS WENT TO THE M.U.D. BOARD AND REQUESTED THESE THINGS BE DONE AND THEN THE M.U.D. BOARD DID THEM AND THEN CAME BACK AND INCLUDING DROPPING THE LAWSUIT, TO WHICH THE M.U.D. BOARD IS A PARTY AND THEN THEY WOULD COME BACK AND GET THE 50% SURCHARGE. OTHERWISE SEEMS THE CITY IS JUST PARTING WITH \$12 MILLION, STILL INVOLVED IN A LAWSUIT, DEFENDANTS IN A LAWSUIT, AND IN WHICH THE CITY, THE RATEPAYERS, COULD LOSE EVEN MORE AND WE DON'T GET ANYTHING FOR THE 12 MILLION. SO THAT'S -- THAT'S VERY DIFFICULT FOR ME TO SUPPORT AND THAT'S -- THAT'S THE FUNDAMENTAL PROBLEM I HAVE WITH THIS. I WOULD LIKE TO -- TO TRY TO WORK THIS OUT, BUT I WOULD WANT TO HAVE THESE THINGS DONE ON THE FRONT END AND I THINK THAT'S A VERY REASONABLE POSITION. I'LL YIELD FOR NOW.



Mayor Wynn: THANK YOU, COUNCILMEMBER. EXCUSE ME. FURTHER COMMENTS, QUESTIONS? I'LL JUST SAY WHAT MY ATTEMPT TO DO HERE IS AS ONE OF THE CO-SPONSORS OF THIS, INDEPENDENT OF THE LAWSUIT, INDEPENDENT OF VALUE IS TRYING TO REACH A POINT TO WHERE THESE CITIZENS WHO HAVE HAD, YOU KNOW, INDIVIDUALLY SORT OF HAD NO ROLE IN THE HISTORY THAT GOT US TO WHERE WE ARE, IS TO FRANKLY STILL LEAVE THEM IN A SPOT WHERE THEY ARE PAYING AT LEAST -- AT LEAST AS HIGH -- SURCHARGES IN THE CITY AS WE KNOW ARE VERY RARE. THERE ARE A HANDFUL OF -- OF HOMEOWNERS IN THE CITY THAT HAVE SOME ADDITIONAL TYPE OF SURCHARGE. THIS ACTION STILL LEAVES THEM IN A SPOT WHERE THEY ARE, YOU KNOW, THE HIGHEST OR CERTAINLY AT THE HIGHEST LEVEL OF THOSE RARE CITIZENS THAT HAVE THAT UNFORTUNATE DYNAMIC. BUT MEANWHILE WE ARE ALSO WORKING OUT OTHER ADDITIONAL ISSUES. WE'VE TALKED ABOUT SOME BCCP PROPERTY, YOU KNOW, THE FEE SIMPLE TITLE OF SEVERAL HUNDRED ACRES, WE TALKED ABOUT FRANKLY SOME GOODWILL NOT ONLY WITH CITIZENS BUT WITH THE LEGISLATURE AND JUST SHOWING AN EFFORT TO SET THE STAGE HOPEFULLY TO HAVE A LONG-TERM AGREEMENT THAT IS MORE IN LINE WITH THE VAST MAJORITY OF THE CITY, NOT ALL OF IT. SO IT'S A -- IT'S AN ATTEMPT, I APPRECIATE THE, YOU KNOW, THE CONCERN THAT WE'VE HAD, FOR A YEAR -- WE HAVE BEEN TRYING TO STRUGGLE WITH THIS FOR FRANKLY THE FIVE YEARS THAT I'VE BEEN HERE. THIS ISN'T NEW. IT'S AN UNFORTUNATE SITUATION THAT WE ALL WOULD LIKE TO GET INTO A BETTER SPOT.

MAYOR?

Mayor Wynn: COUNCILMEMBER SLUSHER?

Slusher: I WANTED TO ONE, HAVE THESE, YOU WENT OVER SOME OF THE -- I DON'T KNOW WHAT TO CALL THEM. REQUESTS, I GUESS. I WOULD LIKE FOR SOMEONE TO READ INTO THE RECORD WHAT THE GROUP OF HOMEOWNERS ARE AGREEING TO GO TALK TO THE M.U.D. BOARD ABOUT. BUT ALSO YOU POINTED OUT THAT THERE ARE SOME AREAS THAT HAVE SURCHARGE AS WELL. I KNOW THERE'S ONE CHERRY CREEK THAT HAS ONE, I WOULD LIKE TO, ONE, GET

A FIGURE ON HOW MUCH IS OWED THERE, TWO, DO WE KNOW HOW MANY OTHERS THERE ARE BECAUSE THIS COULD BE SETTING A PRECEDENT FOR THEM TO COME IN. I REALIZE THEY ARE ALL PAYING A PORTION, SO IT MIGHT NOT HAPPEN EXACTLY LIKE THAT, BUT I THINK WE OUGHT TO KNOW.

Futrell: I JUST SEND YOU ALL AN E-MAIL ABOUT THIS. I CAN GIVE YOU A LITTLE INFORMATION ABOUT CHERRY CREEK, THEY ARE PAYING A PORTION OF THEIR DEVELOPER REIMBURSIBLES THROUGH A SURCHARGE. THEY ARE GOING TO BE PAYING THEIR DEBT OFF IN 2021. CANYON CREEK IN 2026. IT'S ACTUALLY A FAIRLY SIMILAR PORTION AND A FAIRLY SIMILAR PAYOFF DATE. WHAT I CAN'T TELL YOU IS HOW MANY OTHER AREAS THERE ARE. NOT ALL M.U.D. CONSENT AGREEMENT HAD SURCHARGE LANGUAGE IN THEM. NOT IN ALL CASES WERE SURCHARGES PUT IN PLACE, SO IT WAS NOT ALWAYS UNIFORM. WHAT I WILL DO IS GET YOU A LISTING OF WHERE WE HAVE SURCHARGES IN PLACE, I WILL GET THAT TO YOU AS SOON AS WE CAN.

WE ARE NOT SURE RIGHT NOW. SOMEONE, I WOULD PREFER [INDISCERNIBLE] READ THIS INTO THE RECORD.

Mayor Wynn: THE MAYOR PRO TEM READ THEM ALL INTO THE RECORD AS PART OF HER MOTION. THAT WAS HER LENGTHY MOTION.

Slusher: I'M SORRY, I THOUGHT YOU SUMMARIZED. I APOLOGIZE MAYOR PRO TEM. LET ME GO THROUGH THEM AGAIN THEN. THERE'S A MONTHLY CREDIT OF 50%, ON THE BILL. WHICH ADDS UP TO ABOUT 12 MILLION THROUGH 2026, ABOUT \$557,000 A YEAR. SAYS THAT THE M.U.D. CAN INCUR ANY MORE DEBT. TALKS ABOUT THE 405-ACRES OF LAND IN THE BCCP FOR PRESERVATION OF ENDANGERED SPECIES, THAT THAT GOES TO THE CITY, WHAT, IMMEDIATELY? I MEAN, THAT'S -- THEY ARE GOING TO BE REQUESTING OF THE M.U.D. BOARD. AND THEY WON'T PURSUE LEGISLATION THAT AFFECTS THE CITY'S ANNEXATION POWERS OR ITS ABILITY TO COLLECT THE AD VALOREM TAXES FROM THE RESIDENTS OF THE CITY. SO MY UNDERSTANDING, THE MOTION THAT'S ON THE TABLE THAT -- THE -- SOME OF THE RESIDENTS THAT ARE HERE TODAY WILL GO SIGN UP TO

SPEAK AT THE M.U.D. BOARD WITHIN 60 DAYS, AND ASK THEM TO -- TO APPROVE THESE ITEMS. [INDISCERNIBLE] WANT TO APPROVE THE M.U.D. BOARD THAT'S SUING THE CITY. IN THE MEANTIME THE CITY WILL BEGIN THIS 50% REBATE. OR NEGATIVE SURCHARGE IS THE OFFICIAL TECIAL, \$577,000 -- THE OFFICIAL TERM, \$577,000 A YEAR. IF I GOT ANY OF THAT WRONG THE SPONSORS COULD CORRECT ME. HERE'S WHAT I WOULD DO. I WOULD PROPOSE A FRIENDLY AMENDMENT, WE WILL SEE IF IT'S TAKEN AS FRIENDLY.

Mayor Wynn: WHICH MEANS THAT YOU WOULD THEN VOTE FOR THE OVERALL PORTION OF COURSE.

Slusher: I WOULD IF THIS IS ACCEPTED, YES. TO INCLUDE THOSE FOUR THINGS, ADD -- DROP THE LAWSUIT AS THE FIFTH ONE, AND THAT THESE BE SENT TO THE M.U.D. BOARD AND THEN ONCE THEY APPROVE THEM AND DROP THE LAWSUIT, THEN THE CITY WOULD BEGIN THE 50% SURCHARGE. I THINK THAT WAY THE LAWSUIT GETS DROPPED, THEN THE ISSUE IS REALLY SETTLED, WE DO THE 50% SURCHARGE, AND I THINK WE HAVE DONE WHAT PEOPLE HAVE SAID HERE TODAY ON ALL SIDES OF THE ISSUE, THEY WANT TO DO, WHICH IS SETTLE THIS ISSUE ONCE AND FOR ALL. SO I WOULD OFFER THAT AS A FRIENDLY AMENDMENT.

Mayor Wynn: ACTUALLY, I SAW MR. CANALS WANTING TO CORRECT SOMETHING PERHAPS.

COUNCILMEMBER SLUSHER, YOU STATED THAT THE NEGATIVE SURCHARGE WOULD GO INTO EFFECT IMMEDIATELY. IT'S NOT DESIGNED TO DO SO, SIR. IT WOULD - - BECAUSE THIS IS AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY AND THE M.U.D., THE CITY IS TAKING ACTION TODAY TO AMEND THAT AGREEMENT, THAT AMENDMENT MUST ALSO BE AGREED BY THE M.U.D. BOARD, SO IT COULD NOT GO INTO EFFECT UNTIL THE BOARD WOULD ALSO VOTE TO MAKE THAT AMENDMENT EFFECTIVE.

Slusher: OKAY, THANK YOU FOR THAT. THAT CORRECTION OR CLARIFICATION. I THINK THAT REALLY STRENGTHENS THE NEED FOR US TO DO THIS AMENDMENT OR THE POSSIBILITY OF IT BECAUSE IT'S -- BECAUSE OF THE ACTION WE ARE

TAKING HERE TODAY HAS GOT TO GO TO THE M.U.D. BOARD ANYWAY. SO LET'S ADD THESE ON AND SAY IT GOES INTO EFFECT WHEN THEY APPROVE ALL OF THESE. SO I WOULD OFFER THAT AS A FRIENDLY AMENDMENT.

Mayor Wynn: MAYOR PRO TEM, DO YOU CONSIDER THAT FRIENDLY?

Goodman: LET ME THINK FOR A SECOND. I MAY NEED A CONSENSUS FROM THE OTHER SPONSORS. I'M NOT SURE IT FITS TOTALLY BECAUSE THESE ARE FOLKS WHO ARE OPERATING IN GOOD FAITH WHO ARE NOT THEMSELVES RESPONSIBLE FOR THE LAWSUIT AT THIS MOMENT. SO -- ALTHOUGH THEY HAVE POSITION IN THEIR MUD, WILL GO TO THEIR BOARD AS CONSTITUENTS WITH CONSTITUENT SUPPORT, FOR THIS POSITION, IT'S TWO DIFFERENT -- TWO DIFFERENT ENTITIES. SO -- SO.

Slusher: DID THAT --

Goodman: I DON'T KNOW. LET ME THINK OF ALL OF MY ARGUMENTS.

Mayor Wynn: IF I COULD, MAYOR PRO TEM --

Goodman: I JUST HAVE PROBLEMS. I'M NOT SURE IF WE CAN ASK THEM TO COMMIT TO SOMETHING THAT THEY DON'T HAVE THE POWER TO DO.

Slusher: BUT THIS MONEY IS GOING TO GO NOT JUST TO THESE CITIZENS HERE TODAY, BUT TO EVERYONE IN THE M.U.D. INCLUDING THE MEMBERS OF THE M.U.D. BOARD AND THE OTHER PLAINTIFFS IN THE LAWSUIT AGAINST THE CITY.

RIGHT. BECAUSE WE ARE THINKING OF THE WHOLE AREA AND AS CITIZENS OF THE CITY, AN AREA, A NEIGHBORHOOD OF PEOPLE WHO HAVE BEEN WORKING IN GOOD FAITH. THE BOARD IS AN ANOMALY IN THE CITY ANYWAY BECAUSE WE DIDN'T WANT TO DO IN CITY M.U.D.ES FOR A GOOD REASON AND WERE INDUCED TO DO THIS ONE AND HERE WE HAVE IT ON OUR DOORSTEP NOW TRYING TO FIGURE OUT EXAMINE WHAT IS NOT A TYPICALLY FAIR RESOLUTION TO THE EFFORT, BUT A GOOD FAITH ON OUR PART TO THOSE

CITIZENS. SO I WOULD DEFER TO MORE OPINIONS ON WHETHER THAT'S FRIENDLY OR NOT.

ONE THING THAT I FORGOT TO SAY, IF YOU CAN BELIEVE IT. BUT -- BUT THAT I -- THE MAYOR PRO TEM AND I BOTH HAVE BEEN OPPOSING THE CREATION OF M.U.D.'S SINCE WELL BEFORE THIS ONE WAS APPROVED IN 1987. SO IT MIGHT NOT HAPPEN. WE WOULDN'T WANT TO SERVE MORE THAN NINE OR 12 YEARS ANYWAY. [LAUGHTER]

COUNCILMEMBER SLUSHER, AS THE SECONDER OF THE MOTION, I WOULDN'T CONSIDER YOUR MOTION FRIENDLY. I UNDERSTAND AND APPRECIATE THE ATTEMPT. THE WHOLE STRUCTURE OF WHAT WE HAVE SO FAR TECHNICALLY IS NOT INVOLVING THE LAWSUIT. I'M NOT PREPARED TO MAKE ANY STATEMENT ABOUT THE LAWSUIT. WHAT THIS DOES IS -- IS TECHNICALLY JUST ADDRESS, YOU KNOW, A NEGATIVE SURCHARGE REGARDING WATER AND WASTEWATER UTILITY BILLS AND TO -- TO AN EXTENT THAT PERHAPS AT A LATER TIME THERE CAN BE CONTINUED NEGOTIATIONS OR DISCUSSIONS ABOUT A SEPARATE ISSUE, WHICH IS THE LAWSUIT, THEN THAT WOULD BE A POTENTIAL BENEFIT, IN THEORY OF US CONTINUING TO WORK THROUGH A NUMBER OF ISSUES UP THERE. SOME LEGAL, SOME NOT. TECHNICALLY, THIS ITEM DOES NOT RELATE TO THE LAWSUIT. I WOULD NOT ACCEPT THAT AS A FRIENDLY AMENDMENT.

LET ME ASK YOU THIS. ARE YOU SAYING IF AT SOME POINT THAT THERE WERE NEGOTIATIONS ABOUT DROPPING THE LAWSUIT, THAT THEN YOU AND OTHER SPONSORS SHOULD BE PROPOSING TO GO UP TO A HIGHER SURCHARGE?

MAYOR WYNN: I WASN'T PREPARED TO SAY ANYTHING REGARDING THE LAWSUIT.

Slusher: CAN YOU SAY NOW THAT YOU ARE NOT PROPOSING IN THE FUTURE TO GIVE A HIGHER NEGATIVE SURCHARGE --

Mayor Wynn: I AM NOT PROPOSING ANYTHING IN THE FUTURE. [MULTIPLE VOICES]

Slusher: NOT GOING TO GO ABOVE 50% THEN?

Mayor Wynn: THAT IS NOT IN MY PROPOSAL NOW.

Slusher: ARE YOU SAYING THAT -- THAT IT'S THOUGH THE GOING TO -- TO GO -- BECAUSE I'VE HEARD IT GOING AROUND THAT MAYBE ON A SUBSEQUENT NEGOTIATION, IT MIGHT GO UP TO 75.

Mayor Wynn: WELL, I'VE ALSO HEARD THAT --

Slusher: DID I HEAR THAT WRONG?

Mayor Wynn: I'VE ALSO HEARD THAT SOME OF THE PLAINTIFFS IN THE LAWSUIT WOULDN'T SETTLE THE LAWSUIT FOR ANY AMOUNT SO IT'S -- I THINK THERE'S NOT A -- YOU KNOW A DIRECT TIE BECAUSE OF THAT, ALTHOUGH THE M.U.D. BOARD CLEARLY, MY UNDERSTANDING IS THAT THE M.U.D. BOARD IS A PLAINTIFF, THEY ARE NOT THE ONLY PLAINTIFF.

Slusher: COULD THE WHOLE -- ALL OF THE CITIZENS OF THE CITY POSSIBLY BE LOOKING AT ANOTHER 6 MILLION OR ANOTHER 12 MILLION TO -- TO MAKE THIS MORE SETTLED LATER ON?

Mayor Wynn: I DON'T KNOW THAT. THAT'S NOT -- THAT'S NOT WHAT'S ON THE TABLE NOW.

Slusher: OKAY. WELL, I WOULD PROPOSE MY AMENDMENT, THESE FOUR PROVISIONS, PLUS NUMBER 5 DROPPING THE LAWSUIT, I WOULD PROPOSE THAT AS AN AMENDMENT TO BE ADDED TO THE MOTION.

Mayor Wynn: DROP THE LAWSUIT BY THE --

Slusher: THAT THE M.U.D. -- THESE PROVISIONS ARE ALL GOING TO THE M.U.D. BOARD ANYWAY AND THAT THE M.U.D. BOARD DROP THE LAWSUIT, I KNOW THAT WOULD LEAVE THE INDIVIDUAL PLAINTIFFS, BUT I WOULD HOPE THAT THEY WOULD -- THAT PEOPLE WOULD -- WOULD IN GOOD FAITH TRY TO PREVAIL ON THEM, I KNOW THEY CAN'T CONTROL EACH INDIVIDUAL, SO I JUST WOUND UP PUTTING THAT IN

HERE, BUT THAT THE M.U.D. BOARD WOULD DROP THE LAWSUIT AND THEN THESE OTHER FOUR PROVISIONS THAT WERE PUT IN HERE BY THE SPONSORS, BUT WHERE THE -- WHERE THE INDIVIDUAL HOMEOWNERS ARE GOING TO GO TO THE M.U.D. BOARD, SIGN UP TO SPEAK, ON THE AGENDA AND ASK THEM TO DO THESE, THAT RATHER THAN -- THEN THE CITY WOULD -- WOULD BEGIN THE -- THE SURCHARGE, ONCE THE M.U.D. BOARD APPROVES IT. BUT INSTEAD OF DOING THAT, THAT THE M.U.D. BOARD WOULD APPROVE THESE FIVE PROVISIONS AND THEN THE SURCHARGE THAT -- THE NEGATIVE -- IT'S AN ODD TERM, I'M HAVING A HARD TIME WITH THAT, BUT THE PAYMENTS OR THE REIMBURSEMENTS FOR THE NEGATIVE SURCHARGE WOULD BEGIN AT THAT POINT. SO THAT WAY THE LAWSUIT WOULD BE GONE, WE WOULD GET THE -- THE CITY WOULD GET THESE FOUR ISSUES SETTLED, AND THE HOMEOWNERS WOULD -- WOULD GET THE 50% RETURN ON THEIR WATER BILLS.

Mayor Wynn: AGAIN THE LAWSUIT WOULD NOT BE GONE --

Slusher: EXCEPT THE LAWSUIT BY THE M.U.D. BOARD WOULD BE GONE. AT LEAST WE WOULD GET SOMETHING TO DO WITH THE LAWSUIT.

Mayor Wynn: MOTION TO AMEND BY COUNCILMEMBER SLUSHER THAT THE M.U.D. BOARD IN FACT HAS TO TAKE THE AFFIRMATIVE ACTION ON THE FOUR ITEMS PREVIOUSLY OUTLINED IN THE MOTION AND ADDING A FIFTH THAT THE M.U.D. BOARD DROP THE LAWSUIT FOR THE SURCHARGE GOES IN PLACE. SECONDED BY COUNCILMEMBER ALVAREZ, FURTHER DISCUSSION? COUNCILMEMBER MCCRACKEN?

McCracken:.

I KNOW THAT EVERYBODY HAS A DIFFERENT PERSPECTIVE ON IT, A LOT OF TIMES IT'S BASED ON WHERE YOU COME FROM. I DO RESPECT MY COLLEAGUES WHO LOOK AT THIS DIFFERENTLY, BUT I USED TO LIVE IN THE NEIGHBORHOOD NEXT TO CANYON CREEK. MY WIFE MINDY GREW UP IN THAT NEIGHBORHOOD NEXT TO CANYON CREEK. THERE IS DEFINITELY A PERCEPTION THAT I PERSONALLY HAVE, FROM HAVING LIVED IN THE AREA THAT I KNOW THAT MOST IF NOT EVERYBODY FROM CANYON CREEK HAS, WHICH IS THAT THE

-- THAT CANYON CREEK HAS BEEN GETTING A DIFFERENT DEAL IN THE CITY. FOR EVERYBODY OUT THERE LOW PRESSURING, WATCHING, WHO LIVES HERE, IMAGINE THIS IS WHAT THE FOLKS IN CANYON CREEK ARE GOING THROUGH. THAT IS EVERY ONE OF US PAYS THEIR WATER BILL EACH MONTH. BUT -- AND EVERYBODY IN CANYON CREEK PAYS THEIR WATER BILL EVERY MONTH AND THEY PAY FOR THE INFRASTRUCTURE. SO THEY ARE PAYING FOR EVERYBODY'S INFRASTRUCTURE AND THEY ARE PAYING FOR THEIRS. NOW, I UNDERSTAND THAT THE REASON WHY THAT SITUATION WAS CREATED IS BECAUSE THE DEVELOPER DID SOMETHING THAT WAS WRONG. BUT THAT'S HISTORY AND WE HAVE GOT TO FOCUS ON THE FUTURE, NOT ON THE PAST. IT'S JUST A -- IT'S JUST A -- IT'S JUST A CONTINUED IRRITANT AND IT'S NOT -- I PERSONALLY, MY PERSPECTIVE, I KNOW THIS IS PARTLY BECAUSE I USED TO LIVE IN THE AREA. I JUST THINK THAT IT'S UNFAIR. I DON'T THINK IT'S ABOUT WHETHER WE CAN WIN AS A CITY AGAINST SOME OF OUR FELLOW CITIZENS, IT'S NOT ABOUT WHAT WE CAN -- A PERSON THAT -- I DON'T THINK IT'S ABOUT WHAT WE CAN EXTRACT FROM OUR FELLOW CITIZENS. I THINK IT'S ABOUT THAT EVERYBODY WHEN THEY PAY THEIR WATER BILL EVERY MONTH, THAT THEY ALL SHOULD GET THE SAME DEAL. AND SO WE KNOW THAT -- HOW IT GOT STARTED WAS WRONG, BUT I DO THINK THAT WHEN EVERYBODY PAYS THEIR WATER BILL IN THE CITY OF AUSTIN THEY ALL SHOULD HAVE EQUAL TREATMENT. RIGHT NOW CANYON CREEK RESIDENTS HAVE A DIFFERENT DEAL THAN EVERYBODY EXCEPT FOR ONE NEIGHBORHOOD. SO I'M -- I'M VERY IMPRESSED AND PROUD OF -- OF HAVING SPENT A LOT OF TIME AT CANYON CREEK, I KNOW WHAT BOB ROUTER DID WAS AN ACT OF REAL COURAGE AND A REAL CONCILIATION. SO YOU KNOW I HOPE WHAT -- WE WILL RESPOND IN KIND AND LISTEN TO OUR COLLEAGUES, ALSO. ON ISSUES IMPORTANT --

Mayor Wynn: COUNCILMEMBER DUNKERLY?

McCracken: I WASN'T FINISHED YET. I WAS TRYING TO MAKE SURE THAT WE WERE ALL KIND OF PAYING ATTENTION TO EACH OTHER. SO I -- I HOPE THAT WE CAN TAKE THIS FOR WHAT IT IS, WHICH IS SOMETHING THAT IS NOT A PER SOLUTION IN THE EYES OF EVERYBODY IN CANYON CREEK



AND IS NOT PERFECT IN THE EYES OF -- A PERFECT SOLUTION IN THE EYES OF PEOPLE WHO ARE UNDERSTANDABLY VERY DISPLEASED AT HOW THE SITUATION CAME TO BEAR, WHICH WAS WRONG. EVERY TIME YOU GET IN SITUATION THERE'S USUALLY ABOUT 10 THINGS THAT CAUSED IT. ONE OF THE THINGS THAT CAUSED IT THE DEVELOPER DID SOMETHING WRONG. ALSO THE SITUATION WAS CREATED BY WHEN WE ANNEXED A BUNCH OF OTHER PARTS OF THE CITY IN 1997, WE ABSORBED THEIR M.U.D. DEBTS. BUT WE DID NOT ABSORB CANYON CREEK'S MUD DEBTS. NOT ONLY DOES CANYON CREEK GET A DIFFERENT DEAL THAN EVERYBODY IN THE CITY OF AUSTIN, THEY GET A DIFFERENT DEAL OF OTHER NEIGHBORHOODS THAT HAVE BEEN ANNEXED. THE MINIMUM I BELIEVE THAT WE SHOULD TREAT CANYON CREEK THE SAME AS OTHER NEIGHBORHOODS THAT WE HAVE CHOSEN TO ANNEX IN THIS CITY SO WE ARE NOT DOING THAT TODAY BY THE WAY. THIS DEAL WOULD STILL PUT CANYON CREEK IN A DIFFERENT, INFERIOR POSITION TO OTHER NEIGHBORHOODS THAT ARE NEXT TO THEM THAT WERE ANNEXED. NEIGHBORHOODS THAT ARE IN THE AUSTIN COUNTRY CLUB AREA. WHY DOES CANYON CREEK GET A WORSE DEAL THAN THE AUSTIN COUNTRY CLUB. IN THE SPIRIT OF CONCILIATION, I THINK ONE OF THESE APPROACHES OF SPLITTING THE BABY IN THE MIDDLE, IT'S NOT PERFECT, NOT HAPPY ABOUT IT, BUT I DO THINK THAT KNOWING THE PERSONAL RISK THAT OUR FELLOW AUSTINITES IN CANYON CREEK ARE COMING HERE TO PROPOSE A MIDDLE GROUND SOLUTION THAT I HOPE WE CAN RESPOND IN KIND. I THINK IT'S AN ACT OF CONCILIATION ALL THE WAY AROUND.

THANK YOU, COUNCILMEMBER. COUNCILMEMBER DUNKERLY?

Dunkerly:.

COUNCILMEMBER MCCracken ENDED UP SAYING ALMOST EVERYTHING THAT I WAS GOING TO SAY. BUT I THINK WE HAVE HAD A PROBLEM HERE FOR A LONG TIME. AND THE SOLUTION THAT THE NEIGHBORS HAVE COME FORWARD WITH I THINK IS A FAIR AND EQUITABLE WAY TO TRY TO DEAL WITH THIS. IT WOULD BE NEED IF WE COULD SPLIT THIS

THREE WAYS WITH THE DEVELOPER, WITH THE NEIGHBORS, WITH THE CITY. THAT DEVELOPER IS LONG GONE. SO I THINK IN A SPIRIT OF FAIRNESS, THAT THIS IS A GOOD SOLUTION. I THINK IF WE ARE ABLE TO THEN TO WORK THROUGH SOME OF THESE OTHER ISSUES, THE BCCP LAND, THE -- THEN THE MANAGEMENT OF THAT -- OF THAT ENDANGERED SPECIES AREA, ET CETERA, I THINK THAT WILL BE A VERY FAIR COMPROMISE AND AN EQUITABLE SOLUTION TO AN ISSUE THAT'S BEEN A SORE SPOT IN THIS COMMUNITY FOR A LONG TIME.

Thomas: JUST LISTENING TO THIS, I HAD AN OPPORTUNITY TO SPEAK TO SOME OF THE RESIDENTS IN CANYON CREEK. LIKE I TOLD THEM, I AM VERY SYMPATHETIC TO WHAT'S GOING ON. WE KNOW THE SITUATION BUT I'M ALSO CONCERNED WHEN WE CONTINUE TO DO PARTICULAR ITEMS LIKE THIS, AND JUST LIKE COUNCILMEMBER SLUSHER SAID, WE HAVE TO BE RESPONSIBLE FOR -- FOR THE WHOLE CITY OF AUSTIN. NOW, WE KNOW THAT CANYON CREEK HAS NOT BEEN TREATED RIGHT. THAT IS VERY CLEAR. BUT IF WE CAN'T GET SOME KIND OF AGREEMENT, I KNOW WE DON'T WANT TO TALK ABOUT THE LAWSUIT, BUT THAT'S JUST REALITY, IF WE CONTINUE TO HAVE TO GO TO COURT, WE ARE STILL SPENDING MONEY, I FEEL AND HOPE THAT ONCE WE SEND THIS TO THE MUD DISTRICT THAT THOSE INDIVIDUALS THAT ARE WELL STRONG ABOUT A LAWSUIT -- THAT ARE REALLY STRONG ABOUT A LAWSUIT, WITH THE REST OF THE RESIDENTS SITTING DOWN AND TALKING TO THEM, TELLING THEM WHAT WE AS A CITY ARE REALLY TRYING TO -- TO COME TO THE MEDIUM -- MEETING OF HALFWAY, SOME TYPE OF WAY OF TRYING TO TO HELP THE CITIZENS IN CANYON CREEK. WE WILL CONTINUE TO BEND OVER AND THEN WE STILL WON'T SETTLE THE LAWSUIT, THEN WE HAVE GOT TO STILL TO CONTINUE TO PAY TAX DOLLARS MONEY. I THINK EVERYBODY ON THIS COUNCIL KNOW THAT WE ARE RESPONSIBLE IN SPENDING TAX DOLLARS. I HEAR THAT ALL THE TIME THAT WE MAKE SURE THAT WE SPEND THE TAXPAYERS MONEY RESPONSIBLE AND SPENT -- WE HAVE A RESPONSIBILITY IN SPENDING TAX DOLLARS [SIC] MONEY. I HOPE AND PRAY ONCE THEY GET THE FIFTH ITEM THAT COUNCILMEMBER SLUSHER IS IMPLEMENTING, THAT THEY UNDERSTAND, I DON'T THINK

ANYONE ON THIS COUNCIL IS NOT TRYING TO HELP THE CANYON CREEK NEIGHBORHOOD, BUT WE HAVE GOT TO COME -- WE HAVE TO HAVE SOME KIND OF DECISION AND SOME CLOSURE TO THIS PARTICULAR CASE BECAUSE THIS HAS WENT ON TOO LONG. THERE IS A LOT OF -- A LOT OF MONEY HAS BEEN SPENT, TAX DOLLARS [SIC] MONEY. THANK YOU.

THANK YOU, COUNCILMEMBER.

Mayor Wynn: WE HAVE A MOTION AND A SECOND ON THE TABLE TO AMEND. COUNCILMEMBER ALVAREZ?

Alvarez: THANK YOU, MAYOR. I MEAN I SECONDED THE MOTION BECAUSE I DO THINK THAT THIS IS THE RIGHT WAY TO GO ABOUT IT. IF INDEED WE WANT TO PUT ALL OF THESE ISSUES TO REST, I BELIEVE AGAIN WE -- I FEEL COMFORTABLE PUTTING THIS OUT THERE AND SEEING HOW THE HOMEOWNERS ASSOCIATION FEELS ABOUT IT, MAYBE TAKING ACTION ON IT, TAKING IT TO THE M.U.D., SEEING HOW THEY FEEL ABOUT IT, BASED ON ALL OF THAT INFORMATION HAVING IT COME BACK TO THE COUNCIL AND HAVE US SEE WHERE WE ARE AND DECIDE WHAT THE BEST THING TO DO IS AND I THINK JUST APPROVING IT I THINK DOESN'T REALLY GET RID OF ANY OF THE -- OF THE BAD FEELINGS THAT MAY BE OUT IN THE COMMUNITY BUT I THINK IT'S INTENDED AS A PEACE OFFERING, I WOULD SAY HERE IS SORT OF A PEACE OFFERING, SOMETHING THAT MAYBE COULD PUT THESE ISSUES TO REST, BUT I DON'T THINK THAT -- THAT THOSE BAD FEELINGS WILL GO AWAY UNLESS EVERYONE UNDERSTANDS THAT THAT'S HOW IT'S BEING OFFERED. AND SO I WOULD LIKE TO AT LEAST SEE WHAT HAPPENS, YOU KNOW, IF WE PUT THIS OUT THERE FOR CONSIDERATION BY THE INDIVIDUAL PROPERTY OWNERS, BY THE HOMEOWNERS ASSOCIATION, BY THE M.U.D. AND THEN ONCE IT GOES BEFORE THE M.U.D., AT LEAST GIVE THEM A CHANCE TO LOOK AT IT AND ASSESS, YOU KNOW, OR VOTE ON IT ON THE MERITS, CONSIDER IT AT LEAST AND THEN BRING IT BACK FOR A VOTE. BUT -- BUT SO I THINK THAT -- THAT IT COULD BE A CONDITION THAT WE VOTE TO APPROVE IT NOW WITH THESE AS CONDITIONS, YOU KNOW, IT CAN BE -- IT COULD BE SETTLED TO A CERTAIN DEGREE AT LEAST IN TERMS OF THE COUNCIL ACTION. BUT IF -- AGAIN

WE MIGHT ALSO SAY VOTE SOMETHING ON FIRST READING, SEE WHAT HAPPENS AS IT MOVES THROUGH THE VARIOUS ENTITIES THAT MIGHT HAVE AN INTEREST IN THIS. BECAUSE I THINK THAT'S THE WAY WE WILL ACTUALLY GET SOME CLOSURE IF EVERYONE HAS A CHANCE TO CONSIDER THIS OPTION AND DETERMINE IF THIS IS SOMETHING THAT'S AMENABLE TO ALL OF THE VARIOUS PARTIES. BUT -- SO THAT WOULD BE THE OTHER OPTION THAT I WOULD ENTERTAIN. I DO SUPPORT THIS MOTION, I'M NOT SURE HOW IT'S GOING TO FARE, BUT OTHERWISE I THINK WE SHOULD MAYBE JUST DO IT ON FIRST READING, SEE WHAT KIND OF FEEDBACK WE GET FROM THE HOMEOWNERS, FROM THE HOMEOWNERS ASSOCIATION AND FROM THE M.U.D. AS WELL.

Mayor Wynn: I WILL SAY AS A TECHNICAL REMINDER TO THE COUNCIL, ITEM NO. 39, THE MAIN MOTION THAT THE MAYOR PRO TEM AND I HAVE IS TO APPROVE AN ORDINANCE, FOR AN ORDINANCE TO TAKE EFFECT ON ALL THREE READINGS IT WOULD HAVE TO BE FIVE AFFIRMATIVE VOTES ANYWAY. SO IT'S -- IT COULD BE VERY LIKELY THAT JUST THE MAIN MOTION IS ONLY APPROVED ON FIRST READING WITH FOUR AFFIRMATIVE VOTES AS IT IS. AGAIN WE HAVE A MOTION AND A SECOND ON THE TABLE TO AMEND.

Goodman: MAYOR?

Mayor Wynn: MAYOR PRO TEM?

Goodman: I'M GOING TO ABSTAIN ON THIS AMENDMENT BECAUSE I KNOW HOW IMPORTANT IT IS AND IT IS FRUSTRATING TO HAVE A LOT OF ISSUES OUT THERE THAT YOU CANNOT TIE UP WITH ONE MOTION. IF THIS WAS THE BOARD THAT WE HAD BEEN TALKING TO I WOULD THINK THAT WAS AN APPROPRIATE THING. WE ARE KIND OF OPERATING ON DETANTE HERE. NOT 'EM EMISSARIES FROM THE BOARD BUT GOOD PEOPLE IN THE NEIGHBORHOOD WHO WANT TO COME TO A FAIR RESOLUTION FOR THEMSELVES. THE ISSUE THAT'S CAME UP IN DISCUSSING WHETHER OR NOT TO DO THIS IN THE FIRST PLACE FOR THE NEIGHBORS AS OPPOSED TO THE BOARD, SURELY THE MESSAGE IS CLEAR. I KNOW THAT YOU DON'T WANT TO -- TO, WELL AT LEAST PERCEIVE THAT YOU DON'T WANT TO GIVE

THE RESOLUTION IN ESSENCE TO THE BOARD, EVEN  
THOUGH THERE ARE -- THEY ARE OUT THERE WITH ONE  
OTHER THING. BUT I ALSO DON'T WANT TO NEGATE ALL OF  
THE EFFORTS FROM THE FOLKS FROM CANYON CREEK WHO  
TRIED VERY HARD TO BRING IT INTO THIS -- BRING AN END  
TO THIS IN A FAIR WAY. FROM THEIR PERCEPTIONS. SO I'M  
GOING TO ABSTAIN FROM THAT.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. A MOTION AND  
SECOND ON THE TABLE TO AMEND AS MOTION BY  
COUNCILMEMBER SLUSHER, SECONDED BY  
COUNCILMEMBER ALVAREZ TO AMEND THE MAIN MOTION.  
ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED?

NO.

MOTION TO AMEND FAILS ON A VOTE OF 3-3 WITH THE  
MAYOR PRO TEM AN OBTAINING, THE MAYOR,  
COUNCILMEMBER MCCRACKEN AND DUNKERLY VOTING NO.  
THAT TAKES US ABOUT A BEING TO THE MAIN MOTION BY  
MAYOR PRO TEM SECONDED BY ME. TO APPROVE ITEM NO.  
39, AS OUTLINED.

COUNCILMEMBER MCCRACKEN?

McCracken: I JUST WANT TO SAY THAT I REALLY APPRECIATE  
THE VERY POSITIVE AND CONSTRUCTIVE -- ROLE THAT  
REPRESENTATIVE STRAWM HAS PLAYED IN THIS. HE HAS  
HELPED BRINGING -- [INDISCERNIBLE] AN OUTSTANDING  
PIECE OF LEADERSHIP BY MARK STRAMA, SO I WANT TO  
CONGRATULATE AND THANK HIM, TOO.

THANK YOU.

Mayor Wynn: FURTHER COMMENTS?

COUNCILMEMBER ALVAREZ.

SO THIS IS A VOTE ON FIRST READING ONLY.

WELL, IF THERE ARE FOUR AFFIRMATIVE VOTES IT WOULD BE FIRST READING ONLY. IF THERE WERE FIVE VOTES THEN THE ORDINANCE AUTHORIZES THE CITY MANAGER TO NEGOTIATE AND EXECUTE WOULD BE APPROVED.

Alvarez: WELL, PERSONALLY I CAN'T VOTE ON ALL THREE READINGS AND -- AND SO I WOULD OFFER THE MOTION -- WELL, A SUBSTITUTE MOTION THAT WE JUST DO IT ON FIRST READING AND THAT IF NOT RETURN FOR SECOND AND THIRD READING UNTIL THE HOMEOWNERS HAVE HAD A CHANCE TO PRESENT IT TO THE M.U.D. BOARD.

Thomas: SECOND.

Mayor Wynn: SO WELL ACTUALLY I GUESS THE QUESTION COULD BE CONSIDERED A FRIENDLY AMENDMENT. BUT BEFORE I POSE THAT QUESTION TO THE MAKER OF THE MOTION, PERHAPS IF -- IF MR. ROUTER OR MS. ENGINE JENSON OR MR. GASTON COULD BRIEFLY TELL US THE LIKELY, IF THEY KNOW THE SCHEDULE OF UPCOMING M.U.D. BOARD MEETINGS. [INDISCERNIBLE] FORMAT OF GETTING SOMETHING ON THE AGENDA.

THE M.U.D. BOARD WAS SCHEDULED TO MEET TONIGHT. THE M.U.D. BOARD DEFERRED THEIR MEETING TONIGHT WITH THE KNOWLEDGE THAT THERE MAY BE CERTAIN THINGS THAT THEY WOULD BE ASKED TO CONSIDER. AND THE MEETING IS NOW SCHEDULED FOR ONE WEEK HENCE, MAY 19th. AS A GENERAL RULE OF THUMB, THE MEETINGS OCCUR ONCE A MONTH.

BASED ON THAT, IS IT YOUR UNDERSTANDING THAT YOU ALL AS HOMEOWNERS OR JUST AS REPRESENTATIVES CAN -- CAN GET THESE ITEMS ON THAT AGENDA ONE WEEK FROM TONIGHT.

I -- THE ITEMS THAT APPEAR ON YOUR AGENDA ARE NOT QUITE WRITTEN THE SAME WAY AS WE HAVE PROPOSED. THERE -- THERE -- BUT AS A GENERAL PROPOSITION, I WOULD THINK THAT IT IS TRUE THAT WE COULD HAVE IT CONSIDERED AT THE NEXT MEETING OR THE MEETING

THEREAFTER. CERTAINLY NO LATER. I THINK THE OPERATIVE TERMINOLOGY IS 60 DAYS, THAT SHOULD BE NO PROBLEM AT ALL.

GREAT, THANK YOU. AGAIN, MR. CANALES, REMIND ME, SO THE -- SO THIS ORDINANCE, THE AUTHORIZATION IS OVER THE NEXT 60 DAYS FOR -- FOR THIS TO OCCUR?

THE 60 DAYS, MAYOR, IS TO ALLOW THE BOARD, BECAUSE WE -- WE DIDN'T KNOW EXACTLY HOW QUICKLY THEY COULD SCHEDULE ALL OF THEIR MEETINGS, SO WE GAVE THEM A 60-RANGE SO THAT THEY COULD -- 60 DAY RANGE SO THEY COULD SCHEDULE THAT BOARD MEETING AND POSSIBLY PUT THESE ITEMS ON THE AGENDA FOR THEIR CONSIDERATION, SO IT WAS JUST AN ACCOMMODATION TO LET THEM TRY TO SCHEDULE IT WITHIN THAT FRAMEWORK. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: IS SIMILAR TO WHAT YOU'RE SUGGESTING AND THAT IS IF A FRIENDLY AMENDMENT IS ACCEPTED BY YOU AND I THAT THIS BE FIRST READING ONLY, AND THAT WE GO AHEAD AND INSTRUCT THE CITY MANAGER TO BRING IT BACK FOR SECOND AND THIRD READING ON THURSDAY THE 26TH. THAT WOULD BE THE WEEK AFTER THIS NEXT -- THIS NEXT MEETING.

GOODMAN: AND I'M SUGGESTING FIRST AND SECOND TONIGHT. THE LANGUAGE IS COMPLICATED, BUT WILL NOT BE CHANGED. AND THAT WE WOULD HAVE THE ABILITY TO SEE EXACTLY WHAT THE BOARD CONSIDERS OR SAYS OR DISCUSSES.

Alvarez: DOES IT REQUIRE FIVE VOTES OR FOUR FOR TWO READINGS.

Goodman: IT'S FOUR FOR TWO.

DOING AWAY WITH THE CITY CODE REQUIREMENT THAT THERE BE THREE SEPARATE READINGS, IT TAKES FIVE VOTE. SO IF YOU'RE ONLY GOING TO HAVE IN ESSENCE TWO READINGS, THIS ONE BEING FIRST SECOND COMBINED, THE NEXT ONE BEING THIRD, IT STILL TAKES FIVE VOTES.

Mayor Wynn: THE NET EFFECT THEN IF THERE ARE GOING TO BE THREE VOTES, THE NINTH, 12TH AND 26TH, ACCOMPLISHES THE SAME THING. THAT IS, THE THIRD VOTE WOULDN'T OCCUR UNTIL AFTER THE M.U.D. VOTE HAS HAD A CHANCE TO MEET. A WEEK AFTER THE M.U.D. VOTE HAS MET. COUNCILMEMBER SLUSHER.

Slusher: WHAT'S THE DIFFERENCE IN WHAT WAS JUST VOTED DOWN?

Mayor Wynn: WHAT WAS JUST VOTED DOWN WAS, ONE, YOUR -- THAT THE M.U.D. BOARD DROP THE LAWSUIT, THE FIFTH POINT. AND FOUR, THAT THE M.U.D. BOARD ACTUALLY TAKE - - I UNDERSTOOD YOUR MOTION TO BE THAT THE M.U.D. BOARD TAKES AFFIRMATIVE ACTION ON ALL FOUR OF THESE.

Slusher: SO THIS DOESN'T ASK FOR AFFIRMATIVE ACTION OR ASK THEM TO DROP THE LAWSUIT, IT JUST ASKS THEM TO LOOK AT IT BEFORE THE FINAL READING.

Mayor Wynn: THE HOPE IS NOW WE WILL SEE ACTION AND WE WILL DETERMINE WHETHER THAT ACTION WAS ENOUGH OR NOT BEFORE THE FINAL VOTE.

Slusher: SO WE'RE SENDING THE SIGNAL, WE'RE NOT REQUIRING THEY ACT ON THESE THINGS, JUST SORT OF WANT TO HEAR WHAT YOU HAVE TO SAY.

Mayor Wynn: WE HAVE A MOTION AND A SECOND ON THE TABLE. COUNCILMEMBER ALVAREZ WAS WANTING TO --

Alvarez: MY SUBSTITUTE MOTION. I THINK THAT FOR ME THE IDEA IS JUST TO TRY TO AT LEAST MAKE SURE THIS GETS BEFORE THE M.U.D. BOARD AND WE SEE WHAT ACTION THEY TAKE ON THESE PROPOSALS, BECAUSE I THINK IT IS A VERY -- I THINK A VERY GENEROUS OFFER FOR THE HOMEOWNERS OUT THERE THAT CAN ALLEVIATE SOME OF THE ECONOMIC ISSUES THAT THEY'RE FACING. BUT AGAIN, I'D LIKE TO SEE HOW IT'S RECEIVED BY THE HOMEOWNERS ASSOCIATION. I THINK THERE WAS A REPRESENTATIVE HERE THAT SPOKE FAVORLY ABOUT IT -- FAVORABLY ABOUT IT, BUT ALSO FIND OUT WHAT THE M.U.D. BOARD THINKS ABOUT



THESE PROPOSALS. SO THAT'S WHY I'D LIKE FOR THIS TO BE SOMETHING THAT, AGAIN, RESOLVES A LOT OF THESE ISSUES, BUT FOR EVERYONE INVOLVED AND NOT JUST THE FEW HOMEOWNERS THAT HAVE VISITED WITH US AND THE COUNCIL BECAUSE THERE WILL STILL BE OTHER HOMEOWNERS OUT THERE WHO AREN'T HAPPY AND THE M.U.D. BOARD WHO MAY STILL NOT BE HAPPY AND STILL TRY TO PRESSURE THE CITY TO DO -- TO GO BEYOND WHAT WE'VE ALREADY COMMITTED.

Goodman: MAYOR, I THINK THE MESSAGE WILL BE VERY CLEAR FROM ANYBODY WHO HAS BEEN AT THIS MEETING THAT THERE'S AN EFFORT TO BRING SOMETHING TO RESOLUTION, THOSE THINGS THAT ARE WITHIN OUR POWER AND THE FOLKS WHO LIVE THERE WHO ARE NOT NECESSARILY ON THE BOARD, BUT ARE VERY MUCH A PART OF THE CONSTITUENCY IN THAT NEIGHBORHOOD FOR AN IN-CITY M.U.D. THIS IS OUR EFFORT TO LOOK TO THE WELL-BEING OF THIS NEIGHBORHOOD AS WELL AS EVERY OTHER NEIGHBORHOOD THAT HAS SPECIAL CIRCUMSTANCES AND TRY TO FIND WHAT WE CAN DO TO PUT SOME THINGS TO BED. AND I THINK THE MESSAGE IS ALSO THAT THERE IS NOT UNANIMOUS CONSENSUS. I THINK THEY WILL TAKE THAT INTO CONSIDERATION AS WELL AS THE GENEROSITY THAT WE'VE TRIED TO GATHER TOGETHER FOR THIS.

Mayor Wynn: AGAIN, COUNCIL, WE'RE BACK ON THE MAIN MOTION BY THE MAYOR PRO TEM, SECONDED BY ME. THIS IS APPROVING ITEM 39. MAYOR PRO TEM, WERE YOU WANTING TO AMEND YOUR MOTION TO HAVE THIS BE FIRST READING ONLY WITH DIRECTION TO COME BACK.

Goodman: THAT SEEMS TO BE THE WAY THE COUNT IS, SO OKAY.

Mayor Wynn: SO WE HAVE AMENDED MAIN MOTION TO APPROVE THIS ON FIRST READING ONLY, AND TO POST ACTION THE FOLLOWING TWO COUNCIL MEETINGS, THE 19TH AND 26TH. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: ONSED?

Slusher: NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF -- I HEARD ONE NO. SIX TO ONE, COUNCILMEMBER SLUSHER VOTING NO. THANK YOU ALL VERY MUCH. ALICE, WE'RE RUNNING WAY BEHIND. WE STILL BE LACKING OUR PRESENTATION REGARDING THE AUSTIN ARTS COMMISSION AND THE CULTURAL ARTS FUNDING PROGRAM. I APOLOGIZE FOR THE DELAY, BUT WE WANTED TO MAKE SURE WE TOOK ACTION ON THAT ITEM IN A TIMELY MANNER. AND WE'LL WELCOME A PRESENTATION. MR. MEL ZIEGLER. WELCOME, MEL.

GOOD AFTERNOON. MAYOR WYNN, MAYOR PRO TEM GOODMAN AND CITY COUNCILMEMBERS, I AM MEL ZIEGLER, CHAIR OF THE AUSTIN ARTS COMMISSION. THANK YOU FOR PLACING BOARD AND COMMISSION REPORTS BACK ON THE AGENDA. I THINK IT IS IMPORTANT THAT WE KEEP YOU AND THE PUBLIC INFORMED. I APPRECIATE THE TIME THAT YOU'RE GIVING THE ARTS COMMISSION TO FILL YOU IN ON THE CURRENT AFFAIRS AND ISSUES REVOLVING AROUND THE ACTIVITIES OF THE COMMISSION. MOST IMPORTANTLY TODAY, WE WILL GIVE YOU A HEAD'S UP ON THE WORK BEING DONE ON THE CULTURAL CONTRACTS BY OUR BROAD COMMUNITY-BASED GUIDELINES COMMITTEE, WHICH SOME OF YOU HAVE BEEN VERY ACTIVE AND WE APPRECIATE YOUR PARTICIPATION GREATLY. FIRST, BEFORE I GO ANY FURTHER, THE COMMISSION WOULD LIKE TO TAKE THE TIME TO THANK THE OUTGOING MEMBERS OF COUNCIL, MAYOR PRO TEM GOODMAN AND COUNCILMEMBER SLUSHER, FOR THEIR CONTINUED SUPPORT OVER THE YEARS. AND WE CAN ONLY HOPE THAT FUTURE COUNCILMEMBERS WILL BE SUPPORTIVE OF -- WILL BE AS SUPPORTIVE WHEN IT COMES TO SUCH ARTS INITIATIVES. SO FROM THE ARTS COMMISSION, THANK YOU BOTH VERY MUCH. IT'S FAIR TO SAY A YEAR AND A HALF AGO OR SO THE ARTS COMMISSION WENT THROUGH AN IDENTITY CRISIS. AFTER THE CONSULTANTS' REPORT, THE MAJOR CHANGES OF THE ORDINANCE GOVERNING US AND THE HIRING OF VINSON CICH AND THE COMMISSION WASN'T SURE WHAT OUR ROLES AND RESPONSIBILITIES WERE. IN FACT, AS YOU REMEMBER, WE WEREN'T EVEN SURE WHETHER WE WOULD EXIST OR

CONTINUE TO EXIST, AND IT SEEMED TO US THAT THERE WERE SOME THINGS THAT WE HAD TO WORK OUT AND SOME PROBLEMS AND ALSO TO HELP DEFINE OUR ROLE AND RESPONSIBILITIES. THE ONE WAY IN WHICH WE ACCOMPLISHED THIS WAS THROUGH TWO SEPARATE PLANNING RETREATS. LAST YEAR'S RETREAT FOCUS ODD THE REFORMING THE CULTURAL CONTRACTS AND THE COMMUNITY BASED GUIDELINES COMMITTEE TO HELP MR. KITCH AND THE COMMISSION MAKE THESE HUGE CHANGES. IT HAS ALWAYS BEEN MY GOAL AS THE CHAIR OF THE COMMISSION TO BE MORE PROACTIVE ON ARTS ISSUES AND NOT JUST SPEND MOST OF OUR TIME RESPONDING TO PROBLEMS WITH CULTURAL CONTRACTS. WITH THIS NEW PROCESS IN PLACE AND A REGENERATED GUIDELINES COMMITTEE, WE'RE FINALLY AT A POINT WHERE WE CAN SPEND LESS TIME ON CULTURAL CONTRACTS AND MORE TIME ON OTHER MATTERS TO EXPLORE NEW INITIATIVES. SO THIS YEAR'S RETREAT TOOK PLACE A MONTH AGO WITH AN ALL DAY, SLEEVES ROLLED UP EVENT. WE ASKED MICHAEL HOLKMULLER FROM HUMAN RESOURCES TO BE OUR FACILITATOR. IT WAS A GREAT DAY AND WE ACCOMPLISHED QUITE A BIT. THE MAIN FOCUS OF THE RETREAT WAS TO DEFINE OUR NEW ROLES AND RESPONSIBILITIES AND TO CREATE NEW INITIATIVES FOR US TO WORK ON. THAT DAY WE OUTLINED FIVE MAJOR AREAS IN WHICH WE WANT TO CONCENTRATE OUR EFFORTS AND I WOULD LIKE TO BRIEFLY GO OVER THOSE. THE FIRST, FUNDING. CULTURE CONTRACTS IS STILL OUR MAJOR CONCERN, BUT WE FEEL IT IS EXTREMELY CLOSE TO AN AGREEABLE FORMAT, SO IN ESSENCE, THIS FREEZES UP TO WORK ON OTHER FUNDING ISSUES AND MOST IMPORTANTLY, WE THINK ONE OF THESE IS LOOKING FOR ALTERNATIVE FUNDING. AND THAT IS TO FIND WAYS TO ADD ADDITIONAL CULTURE ARTS FUNDING TO THE BED TAX POOL. AND I THINK THAT ACTUALLY THE COMMISSION WOULD LIKE TO WORK WITH COUNCIL ON THIS VERY CLOSELY, THAT WE WOULD ACTUALLY SORT OF LIKE TO WORK ON TRYING TO FORM A COMMITTEE THAT WOULD ACTUALLY WORK IN ALTERNATIVE FUNDING. I THINK IT'S A NECESSITY THAT WE DO THIS AND WE DO THIS VERY SOON. AS THE ARTS GROW IN AUSTIN, WE ARE GOING TO HAVE MORE AND MORE PULL ON THIS MONEY FROM THE CULTURE CONTRACTS, AND FINDING ALTERNATIVE FUNDING SEEMS

TO BE SOMETHING THAT NEEDS TO BE DONE. THE SECOND THING THAT CAME UP DURING THAT PLANNING SESSION WAS IN ESSENCE STRATEGIC PLANNING ITSELF. THE LONG-TERM PLAN WHICH WAS USED AND CONSULTED WITH FOR YEARS IS OVER 13 YEARS OLD. IT IS TIME TO DEVELOP A NEW STRATEGIC PLAN FOR THE ARTS IN AUSTIN. STAFF HAS ALREADY PROCURED SOME SEED MONEY FOR THIS TO OCCUR, BUT IT WILL NEED YOUR SUPPORT AS WELL. WE THE COMMISSION WOULD LIKE TO WORK CLOSELY WITH STAFF ON THIS AND WE WILL BE BENDING YOUR EAR VERY SOON AFTER THE NECESSITY OF THIS PLAN AND THE IMPORTANCE OF YOUR SUPPORT. SO FUNDING, AN ALTERNATIVE FUNDING AND STRATEGIC PLANNING ARE THE MAIN FOCUS OF THE NEXT YEAR OR SO, BUT WE WILL ALSO BEGIN TO DEVELOP OTHER INITIATIVES AS WELL. THE THIRD IS PUBLIC EDUCATION, HELPING THE COMMISSION BE MORE INVOLVED WITH MATTERS OF EDUCATION AND THE ARTS. AND THEN ALSO WHICH RELATES TO PUBLIC RELATION IN THE ARTS, WE ARE TIRED OF THE NEGATIVITY THAT HAS PLAGUED THE ARTS FUND NG THIS TOWN AND WE WOULD LIKE TO SPIN THAT IN A MORE POSITIVE WAY AND CELEBRATE THE ACCOMPLISHMENTS THAT DESERVE TO BE CELEBRATED. BUT THIS ALSO DEALS WITH COMMUNICATION, TO BE MORE INCLUSIVE AND OPEN TO ALWAYS, ALWAYS INCLUDE THE COMMUNITY. AND SPEAKING WITH YOU AS PART OF THE COMMUNICATION EFFORT WHICH WE BOTH SEE AS INTERNAL AND EXTERNAL, THE COUNCIL IN RELATIONSHIP TO THE ARTS COMMISSION AND THE ARTS COMMISSION IN RELATIONSHIP TO THE PUBLIC AT LARGE. FINALLY, ROLES AND RESPONSIBILITIES OF THE NEW -- WHAT I CALL THE NEW ARTS COMMISSION. THIS DEALS WITH OUR RELATIONSHIP WITH BOTH COUNCIL AND STAFF, BUT ALSO THE CITY AT LARGE. I THINK IN ESSENCE THAT WE ARE WELL ON OUR WAY WITH OUR DEFINITION AND I HOPE IT STAYS OUTLINED AS PRESENTED, THAT YOU WILL UNDERSTAND WHERE WE ARE HEADED. BEFORE I TURN THIS OVER TO COMMISSIONER NEWLANDER TO BRIEF YOU ON CULTURAL CONTRACT DEVELOPMENTS AND PROCESS, I WOULD LIKE TO MENTION ON A PERSONAL NOTE, AND IT DOES TIE INTO STRATEGIC PLANNING, MY INTEREST IN SEEING A NEW DAUGHERTY ARTS CENTER. LET'S THINK ABOUT IT AS A MISSING LINK. WE NOW HAVE THE NEW CITY HALL ON ONE CORNER. WE WILL

FINISH THE LONG CENTER. WE'RE ABOUT TO EMBARK ON REDEVELOPING SEAHOLM, AND I WOULD LIKE TO THINK ABOUT THE FOUR CORNERS OF THE LAKE. IT IS WHAT I DEFINE CULTURAL AND CIVIC ARENA WITH THE PEDESTRIAN BRIDGES CONNECTING THEM. WE NEED ANOTHER JEWEL OR SHOULD I SAY A CHARM TO COMPLETE THIS CULTURAL AND CIVIC BRACELET. AND THAT WITH PERHAPS A WORLD CLASS ARCHITECT COULD DO THAT. IT WOULD CELEBRATE AND ACKNOWLEDGE OUR CIVIC PRIDE AND CREATIVITY. SO I GUESS WHAT I'M SAYING IS THAT I THINK IT'S SOMETHING I WOULD LIKE TO OPEN FOR DISCUSSION IS THAT WE DO NEED A NEW DAUGHERTY ARTS CENTER SOONER THAN LATER. UT I WANT TO -- I WANT TO SAW THANK YOU FOR YOUR TIME. I WANT TO TURN THIS OVER TO JASON NEWLANDER, WHO BY THE WAY IS A FAB COMMISSIONER AND VERY ACTIVE. SO FILL YOU IN ON THE MOST RECENT DEVELOPMENTS AND PROCESSES AND CHANGES IN REGARDS TO CULTURE CONTRACTS. SO A FINAL NOTE I WANT TO SAY TO -- I KNOW A NUMBER OF THE COUNCILMEMBERS ARE VERY ACTIVE IN THIS PROCESS. MAYOR PRO TEM GOODMAN, COUNCILMEMBER DUNKERLEY AND PARTICULARLY COUNCILMEMBER ALVAREZ I WANT TO SAY THANK YOU FOR YOUR PARTICIPATION IN ALL THE ARTS MA MATTERS. IT'S VERY IMPORTANT FOR YOU TO PARTICIPATE IN THAT AS WELL. SO JASON?

THANK YOU SO MUCH FOR YOUR TIME. I'LL TRY TO BE BRIEF. ANYWAY, WHAT I WANT TO DO IS KIND OF TALK Y'ALL THROUGH SORT OF WHERE WE ARE IN RE-EXAMINING THE CULTURAL CONTRACTS PROCESS. AS YOU KNOW IT'S BEEN A DISPROPORTIONATELY PROCESS GIVEN THE LIMITED AMOUNT OF FUNDS AVAILABLE TO FUND THE ARTS THROUGH THAT PROCESS. THIS -- THERE WE GO. SO WE PUT TOGETHER A GUIDELINES COMMITTEE, AND I PUT TOGETHER MY VERY FIRST POWERPOINT, WHICH I'M PARTICULARLY PROUD OF. I HAVE TO SAY IT'S GOT ALL KIND OF ANIMATION IN IT. YOU'LL FIND IT VERY ENTERTAINING. ANYWAY, ON THE GUIDELINES COMMITTEE, IT'S HISTORIC. IT'S THE FIRST TIME EVER THAT THIS HAS HAPPENED. WE'VE GOT ARTS COMMISSIONERS, CITY STAFF, APPLICANTS AND CITY COUNCILMEMBERS ALL IN THE SAME ROOM TOGETHER TALKING ABOUT HOW TO RESOLVE THE CULTURAL

CONTRACTS. AND I WANT TO LET YOU KNOW WHO THE PEOPLE ARE JUST IN ALPHABETICAL ORDER, RECALL ALVAREZ, COUNCILMEMBER, ANGIE MALONE, ZACHARY SCOTT THEATER. BETTY DUNKERLEY, COUNCIL. JACKIE GOODMAN FROM COUNCIL, SALLY JOG FROM BLUE LAPIS LIGHT PRODUCTIONS. VINCENT CICH FROM THE STAFF. COOKIE RUIZ FROM BALLET AUSTIN. (INDISCERNIBLE) FROM OUTLINE DANCE COMPANY. HEART STEARNS FROM ONE WORLD THEATER. AND (INDISCERNIBLE) FROM AUSTIN CIRCLE THEATERS. IN ADDITION, BOYD ADVANCE WAS SITTING ON THE GUIDELINES COMMITTEE. AND I'VE ASKED HAROLD MCMILLAN TO REPLACE HIM. I'M HOPING THAT HAROLD WILL SAY YES. ALL RIGHT. WE'VE SORT OF IDENTIFIED FIVE MAJOR AREAS OF CONTENTION THAT NEED TO BE RESOLVED AND THE WORK THAT WE'RE DOING AND WE'RE ACTIVELY -- I THINK Y'ALL HAVE GOT A HANDOUT THAT SORT OF TALKS ABOUT THIS. DID Y'ALL GET THE HANDOUT? ANYWAY, THOSE FIVE THINGS ARE THE FUNDING MATRIX WHICH REPLACES THE FUNDING FORMULA, AND I WON'T GO INTO DETAIL ABOUT THAT RIGHT NOW, BUT LET ME SAY THIS HAS TAKEN MONTHS OF WORK ON THE PART OF THIS GROUP TO TRY TO COME UP WITH SOMETHING THAT WILL BE ACCEPTABLE TO EVERYBODY, AND I THINK WE HAVE COME UP WITH SOMETHING PRETTY OUTSTANDING. SPECIFICALLY THE FUNDING OF MINORITY YOWPZ IN THE SYSTEM AND HOW TO MAKE THEIR THERE'S EQUITY IN GROUPS THAT ARE FUNDED. HOW TO RESPOND IN KIND, WHICH IT IS TO SAY THAT DONATED SERVICES AND GOODS THAT ARE EXTREMELY HARD TO QUANTIFY, BUT THAT PLAY A VERY IMPORTANT PART IN PEOPLE'S LEVEL OF FUNDING. THE REVIEW CRITERIA, WHICH IS HOW PANELS JUDGE AND SCORE AN APPLICATION. AND THAT SCORE IS WHAT THE FINAL ALLOCATION IS BASED UPON. SO MAKING SURE THAT, AGAIN, THERE'S EQUITY IN THE REVIEW CRITERIA. AND FINALLY, HOW TO DEFINE INSTITUTION. RIGHT NOW IT'S DEFINED PURELY IN TERMS OF BUDGET SIZE AS THE COMMITTEE BELIEVES THAT WE NEED TO CREATE A MORE SORT OF CLEAR DEFINITION OF WHAT ARTS INSTITUTION IN AUSTIN IS. ALSO, I SAY WE'RE CURRENTLY MEETING BIWEEKLY, SO WE'RE WORKING OUR LITTLE BUTTS OFF. AND IT'S ALMOST ALL VOLUNTEER. THE INPUT PROCESS IS IMPORTANT. WE'VE HAD A VERY PUBLIC PROCESS THROUGH

THIS AND ONE OF THE REASONS I WANT TO BRING THIS UP TO Y'ALL IS THERE'S GOING TO COME A TIME IN AUGUST PROBABLY WHERE YOU GUYS ARE GOING TO BE EXAMINING THIS AND DECIDING WHETHER OR NOT IT SHOULD MOVE FORWARD. AND I WANT TO BE CRYSTAL CLEAR THAT THE PROCESS THAT WE'VE BEEN WORKING UNDER HAS BEEN VERY PUBLIC. AS I ALREADY POINTED OUT, THE MEMBERS OF THE COMMUNITY REPRESENT ALL OF THE KEY CONSTITUENTS THAT ARE REPRESENTED ON THE COMMITTEE ITSELF. WHEN WE COME UP WITH SORT OF THE UNDER THESE FIVE THINGS THAT I MENTIONED EARLIER, WE SORT OF MAKE RECOMMENDATIONS FROM THE GUIDELINES COMMITTEE, THEN WE HAVE AN OPEN FORUM WITH THE ARTS COMMUNITY IN WHICH WE INVITE EVERY SINGLE PERSON WHO HAS APPLIED FOR CULTURAL CONTRACTS TO ACTUALLY COME GIVE THEIR FEEDBACK. WE ARE MEETING ABOUT THE MATRIX, THE FUNDING MATRIX LAST NIGHT, AND IT WAS GREAT. THE COMMUNITY BROUGHT US STUFF THAT WE JUST DIDN'T EVEN THINK OF DISCUSS DISCUSSING IN OUR COMMITTEE MEETINGS. I'M GOING TO BRING THAT BACK TO THE COMMITTEE AND REVISE. THEN WE FOLLOW UP AND MAKE RECOMMENDATIONS TO THE ARTS COMMISSION. THE ARTS COMMISSION THEN IS GOING TO PUT TOGETHER A SORT OF TOTAL DOCUMENT. WHAT WE'RE TRYING TO DO AT OUR PUBLIC MEETINGS, I SHOULD CLARIFY, IS DEAL WITH THEM -- THE ISSUES ONE AT A TIME WITH THE PUBLIC RATHER THAN TRYING TO THROW IT ALL AT THEM AT ONCE, WHICH IS KIND OF OVERWHELMING. ANYWAY, THERE WILL BE AN OFFICIAL -- I DON'T REMEMBER WHAT IT'S CALLED. BUT ONE OF THE THINGS YOU GET THREE MINUTES TO RESPOND. ONE OF THOSE SESSIONS TO THE ARTS COMMISSION AT THE END OF THIS WHOLE PROCESS, SO THERE WILL BE ANOTHER OPPORTUNITY FOR THE PUBLIC TO RESPOND. AND THEN THE ARTS COMMISSION ITSELF WILL THEN RECOMMEND GUIDELINES TO YOU GUYS. SO AGAIN WE'RE TRYING TO KEEP IT AS PUBLIC AS POSSIBLE. AND FOR KIND OF A CLEAR TIME LINE ON HOW THIS ALL LAYS OUT I'VE GIVE ENYOU THE HANDOUT. I'M GOING TO COME UP IN A COUPLE OF MONTHS AND GIVE YOU ANOTHER UPDATE ON WHERE WE ARE BEFORE THIS ALL STARTS REALLY HEADING YOUR WAY, BUT I WANT TO GIVE YOU SORT OF AN INTERIM SORT OF PICTURE OF WHERE THIS ALL IS GOING. I COULDN'T

BE MORE OPTIMISTIC ABOUT A POSITIVE RESULT FROM THE WORK WE'RE DOING. THANK YOU.

Goodman: THANKS. RELATIVE TO THE COUNCILMEMBERS WHO ARE ABOUT TO BECOME COUNCILMEMBERS, I THINK THAT THIS ITEM IS GOING TO BE REALLY IMPORTANT BECAUSE WHEN BUDGET TIME COMES IS WHEN THE FOCUS IS REALLY ON THE CULTURAL ARTS AND ARTS COMMISSION, AND I WANT TO POINT OUT FOR THE PRESENT COUNCIL AND THE NEW ONE THAT THE EXPERTISE THAT IS ON THE ARTS COMMISSION, THIS IS AN EXAMPLE OF THE OTHER COMMISSIONS. MEL ZIEGLER IS AN INTERNATIONALLY KNOWN ARTIST AND EDUCATOR, AND JASON, YOU NAMED OFF EVERYBODY ELSE'S ENDEAVORS, BUT YOU FORGOT TO SAY WHAT YOUR OWN WAS. SO COME BACK UP FOR JUST A SECOND AND LET ANYBODY KNOWING WHAT YOU'RE BRINGING TO THE TABLE.

I'M THE EXECUTIVE DIRECTOR OF VANGUARD THEATER. WE'VE BEEN AROUND 10 YEARS AND I'VE BEEN WORKING ON CULTURAL CONTRACT ISSUES FOR GOING ON FIVE YEARS NOW. THAT'S SORT OF MY BACKGROUND.

Dunkerley: MAYOR PRO TEM, IF I COULD ADD SOMETHING ELSE. JASON AND HIS GROUP RECENTLY PRESENTED AN OPERA, AND I BELIEVE JASON ACTUALLY DID THE LIBRETTO ON THIS. VERY CREATIVE.

Goodman: SO ARE THERE QUESTIONS OR COMMENTS? COUNCILMEMBER ALVAREZ.

Alvarez: JUST A COUPLE OF COMMENTS, MAYOR PRO TEM. I DO WANT TO THANK MEL AND JASON FOR THEIR SERVICE ON THE ARTS COMMISSION. AND TO ALL THE ARTS COMMISSIONERS REALLY BECAUSE REALLY IN THE LAST -- IT HASN'T EVEN BEEN A WHOLE YEAR SINCE THE LAST TIME WE VOTED ON CULTURAL ARTS. IT'S BEEN ABOUT EIGHT MONTHS OR SO. JUST TO SEE THE ATTITUDE CHANGE OR THE FEELINGS CHANGE HAS BEEN GREAT, BUT BECAUSE OF WHO CAME TO THE TABLE TO TRY TO SORT SOME OF THESE THINGS OUT THAT AROSE DURING THE LAST BUDGET CYCLE, I REMEMBER WHEN WE VOTED IN THE CULTURAL ARTS PART OF THE BUDGET, SEEING MEL AND JASON OUT IN THE



AUDIENCE JUST GOING -- SHAKING THEIR HEADS GOING WHAT ARE Y'ALL DOING? BECAUSE OBVIOUSLY SINCE THERE HADN'T BEEN MUCH COMMUNICATION TO THE COUNCIL AND THE ARTS COMMISSION AND THE CONTRACT VERSION OF THE ARTS ORGANIZATION AND ARTISTS, IT WAS HARD FOR FOLKS TO UNDERSTAND WHERE THIS WAS COMING FROM. SO IT'S BEEN REAL HELPFUL TO HAVE EVERYONE AT THE TABLE TALK ABOUT ALL THE ISSUES OR THINK ABOUT ALL THE ISSUES THAT SHOULD BE CONSIDERED WHEN CRAFTING A NEW POLICY, AND WE'VE HAD VERY GOOD DIALOGUE ON THE GUIDELINES COMMITTEE. AND IT HAS BEEN A LOT OF MEETINGS AND, BUT I THINK WE HAVE ACCOMPLISHED MUCH. I WANT TO THANK ALL THE FOLKS SERVE OG THAT GUIDELINES COMMITTEE BECAUSE IT'S BEEN -- WE'VE SPENT A LOT OF TIME AND SOME VERY TENSE DISCUSSIONS ON SOME VERY COMPLEX ISSUES. AND WE CAME FORWARD ABOUT A MONTH AGO WITH A SUGGESTION FOR AN INTERIM PROCESS, OR I GUESS A PROCESS FOR THIS COMING CYCLE IN TERMS OF HOW TO DEAL WITH APPLICATIONS AND SCORING AND FUNDING FOR THIS COMING YEAR BECAUSE WE WEREN'T QUITE FAR ENOUGH TO SAY HERE IS THE NEW PROGRAM AND THEN MOVE FORWARD THAT WAY. BUT EVERYONE I THINK ON THE GUIDELINES COMMITTEE FELT COMFORTABLE AND WAS ABLE TO COMMUNICATE VERY POSITIVELY WITH THE ARTS COMMISSION AND WITH THE -- THROUGH THE PUBLIC HEARING PROCESS HAVE INPUT FROM SOME OF THE ARTS ORGANIZATIONS AND ARTISTS. AND JUST LIKE LAST TIME, WE VOTED ON THE PROCESS FOR THIS COMING YEAR. WE DIDN'T HAVE AN UPROAR LIKE WE MIGHT HAVE SEEN IN YEARS PAST, BUT WE HAVE TACKLED A COUPLE OF TOUGH ISSUES IN THE LAST MONTH THAT WOULD TAKE US THE WHOLE SUMMER TO FIGURE OUT THE MATRIX, THE FUNDING MATRIX IN PARTICULAR AND ALSO DEALING WITH ISSUES WITH MINORITY ARTS ORGANIZATIONS. AND SO WE STILL HAVE SEVERAL OTHERS TO KNOCK OUT AND WE'RE STILL GETTING INPUT ON SOME OF THESE OTHER POLICY PROPOSALS THAT WILL WORK THEIR WAY UP TO THE COUNCIL EVENTUALLY, BUT LIKE JASON SAID, WE'RE TRYING TO MAKE SURE AS WE DOM UP COME UP WITH POLICY AND SUGGESTIONS WE SEEK INPUT FROM THE ARTS COMMUNITY AND FROM THE ARTS COMMISSION. AND THAT WE TRY TO

MAKE SURE THAT GETS CONVEYED OR CONCLUDED IN WHATEVER PROPOSAL IS GOING TO COME TO THE COUNCIL. AND SO IT'S BEEN A REAL POSITIVE PROCESS AS FAR AS -- I DO WANT TO THANK EVERYBODY WHO HAS PARTICIPATED BECAUSE YOU REALLY HAVE TO BE PERCENT FEARING AND YOU HAVE TO HAVE NERVES OF STEEL. AND LUCKILY MOST OF THE FOLKS ON THERE HAVE THOSE ATTRIBUTES AND ARE ABLE TO WORK IN THAT KIND OF ENVIRONMENT. IT'S NOT EASY FOR EVERYONE. I WANT TO THANK YOU FOR COMING TO UPDATE THE COUNCIL AND THANK THE COUNCIL FOR ALLOWING THIS UPDATE. AND I GUESS THE MAYOR PRO TEM FOR RECOMMENDING THAT WE MAYBE START COMMUNICATING WITH OUR BOARDS AND COMMISSIONS KIND OF MORE REGULARLY THAN WE HAVE BEEN. THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? I WANT TO THANK Y'ALL VERY MUCH. THIS WAS VERY GOOD WORK. SO COUNCIL, LET'S SEE, IT'S 10 MINUTES AFTER 5:00. MY RELIGIOUS, EVEN THOUGH WE HAD THE -- MY RECOMMENDATION, EVEN THOUGH WE HAD THE 3:00 O'CLOCK POSTED T.O.D. ITEM, WE'RE NOW ALLOWING A NUMBER OF CITIZENS TO SIGN UP BECAUSE WE WANT TO HAVE SOME TECHNICAL TESTIMONY ABOUT THAT. WE COULD TAKE UP OUR CONSENT ZONING CASES AND SEND A NUMBER OF FOLKS HOME BECAUSE THAT TAKES US TO OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS AND THEN WE WOULD TAKE UP THE T.O.D. ORDINANCE RIGHT AFTER THAT BREAK BEFORE WE WOULD TAKE UP THE PUBLIC HEARINGS AND POTENTIAL CONTENTIOUS ZONING CASES. SO WITH THAT I'LL WELCOME MISS ALICE GLASGO.

> ZONING CASES FOR TODAY ARE AS FOLLOWS: WE HAVE TWO ITEMS WHERE YOU HAVE ALREADY CLOSED THE PUBLIC HEARING AND YOU ARE HERE TO JUST APPROVE THE ORDINANCES. STARTING OFF WITH ITEM 58, CASE 8 C-14-963, PIONEER CROSSING P.U.D. THE REQUEST FOR APPROVED SECOND AND THIRD READING OF AN ORDINANCE THAT APPROVES ZONING FROM INTERIM RURAL RESIDENTIAL TO PLANNING DEVELOPMENT. THIS ORDINANCE WOULD ADD 138 ACRES TO THE PIONEER CROSSING ORIGINAL PLANNED UNIT DEVELOPMENT AND WOULD ALLOW FOR MODIFICATION TO

THE ORIGINALLY APPROVED PLANNING DEVELOPMENT LAND USE PLAN TO REFLECT THE CHANGES THAT ADDRESS THE ADDITIONAL LAND AREA. THEN THIRDLY, THIS APPROVAL WOULD ALSO EXTEND THE LIFE OF THIS CASE. AND THAT'S READY FOR YOUR APPROVAL. ITEM NUMBER 59, THIS IS A CASE WHERE YOU GRANTED STAFF RECOMMENDATION, THE AGENT WAS NOT PRESENT. SHE WAS OUT OF TOWN. SHE HAS REQUESTED THAT YOU ALLOW HER TO SPEAK TO YOU BRIEFLY TO EXPLAIN WHAT HER CLIENTS' NEEDS ARE IN THIS PARTICULAR CASE. ALTHOUGH IT'S ON FOR SECOND AND THIRD READING. THE AGENT IS SARAH CROCKER. SHE SENT A LETTER TO COUNCIL. ON ITEM 59 SHE'S ASKING YOU THAT SUSPEND YOUR RULES AND ALLOW HER TO PRESENT TO YOU. SO I'LL LET YOU PONDER THAT AND MAYOR, THAT CONCLUDES THIS SEGMENT OF THE AGENDA.

Mayor Wynn: THANK YOU, MS. GLASGO. SO COUNCIL, WITHOUT OBJECTION, OUR CONSENT AGENDA WILL SIMPLY BE TO APPROVE ITEM 58 ON SECOND AND THIRD READING. I'LL ENTERTAIN A MOTION.

MOVE APPROVAL.

Mayor Wynn: MOTION BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE ITEM NUMBER 58 ON SECOND AND THIRD READINGMENT FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASS OZ A VOTE OF SIX TO ZERO WITH COUNCILMEMBER ALVAREZ TEMPORARILY OFF THE DAIS. SO COUNCIL, WITHOUT OBJECTION, UNDERSTANDING THE -- REMEMBERING THAT MS. CROCKER WASN'T AVAILABLE AT FIRST READING, I WOULD WELCOME A BRIEF PRESENTATION BY THE AGENT ON ITEM 59. IF SHE'S IN THE ROOM.

SHE WAS IN THE AUDIENCE EARLIER. SHE PROBABLY STEPPED OUT. I HEAR HER RUNNING IN. WHILE MS. CROCKER IS MAKING HER WAY IN, I CAN GIVE YOU A BRIEF OVERVIEW ON ITEM 59. NAMELY THE ZONING LOCATED AT

11410 MANCHACA ROAD. THE EXISTING ZONING IS INTERIM RURAL RESIDENCE DISTRICT. THE APPLICANT IS SEEKING GR ZONING, WHICH STANDS FOR COMMUNITY COMMERCIAL. THE STAFF RECOMMENDATION IS TO GRANTED LR-CO. YOU APPROVED THAT ON FIRST READING AND THE APPLICANT WOULD LIKE THE RECOMMENDATION THAT WAS FORWARDED TO YOU BY THE ZONING AND PLATTING COMMISSION, WHICH REFLECTS HER REQUEST WITH SOME CONDITIONS. A LOT PAUSES THERE AND LET MS. CRACKER -- I'LL PAUSE THERE AND LET MS. CROCKER EXPLAIN HER CLIENTS' NEEDS.

Mayor Wynn: WELCOME, MS. CROCKER.

THANK YOU. I REALLY APPRECIATE THIS OPPORTUNITY TO PRESENT THIS INFORMATION TO YOU. MY NAME IS SARAH CROCKER AND I'M HERE ON BEHALF OF THE BRAZOS CONSTRUCTORS. WE FILED FOR GR ON THIS TRACT NOT JUST WE WANTED PURE GR ZONING, BUT WHAT WE NECESSARILY WANTED OUT OF THAT CLASSIFICATION WERE SEVERAL USES. AND THAT WAS PRESENTED TO THE ZONING AND PLATTING COMMISSION COMMISSION THAT BASICALLY WHAT WE WANTED OUT OF GR WAS GENERAL RESTAURANT USE TO PERMIT THE RESTAURANT TO SERVE ALCOHOL. THEY ALSO WANTED GENERAL RETAIL AND --

I WANTED SOME MUSIC TO ACCOMPANY MY PRESENTATION. AND THE OTHER USE THAT WE WERE INTERESTED IN WAS THE PERSONAL IMPROVEMENT SERVICES, WHICH ALLOWS LIKE A YOGA OR PILATES STUDIO. THIS IS A SMALL LOCAL NEIGHBORHOOD CENTER. THE ZONING AND PLATTING COMMISSION MADE THAT RECOMMENDATION -- [ (music) MUSIC PLAYING (music)(music) ]. -- PROHIBITED ALL THE OTHER GR USES AND ALLOW THE LR USE.

Mayor Wynn: MS. CROCKER, WHY DON'T YOU WAIT.

IT MAY NOT DISTRACT YOU, BUT IT'S BEGINNING TO DISTRACT US, I THINK.

WE'LL CALL THIS THE JAMMING ZONING CASES. [ LAUGHTER ]

Mayor Wynn: CONTINUE, MS. CROCKER.

OKAY. MY POINT IN MARKETING THIS -- MY CLIENT HAS BEEN MARKETING THIS PROPERTY FOR ABOUT A YEAR. WE HAVE TWO LETTERS OF INTENT FROM TWO BUSINESS GROUPS. ONE WANTS TO PUT IN A NEIGHBORHOOD HARDWARE STORE, WHICH HAS BECOME ABOUT AS RARE AS A CARRIER PIGEON. WE'RE LOSING THEM INSTEAD OF HAVING THEM COME ON GROUND. WE LOST THREE IN SOUTH AUSTIN WITHIN A YEAR. UNFORTUNATELY, RIGHT AFTER HOME DEPOT. AND THESE PEOPLE THINK THEY CAN MAKE A GO OF IT AND THEY'RE INTERESTED IN PUTTING IN A STORE THERE THAT HOPEFULLY, THERE'S A BRAND NEW SUBDIVISION BEING BUILT BEHIND THIS TRACT,. AND THESE GUYS THINK THEY CAN MAKE A GO OF IT. AND I THINK IT'S A GREAT IDEA. THE OTHER USE IS THE -- IS A SMALL RESTAURANT. BUT THEY FEEL LIKE THEY HAVE TO HAVE THE ABILITY TO BE ABLE TO SERVE AT LEAST BEER AND WINE TO BE ABLE TO COMPETE WITH THE NATIONAL CHAINS LIKE CHILI'S AND THOSE TYPES OF RESTAURANTS. SO BASICALLY I READ OVER THE MINUTES AND HAVE HEARD WHAT THE MAYOR PRO TEM SAID THE LAST TIME. I THINK I WOULD AGREE WITH HER FROM A PHILOSOPHICAL STANDPOINT AND I WISH I COULD AGREE WITH YOU AND GO ON MY WAY, BUT THESE PARTICULAR USES ARE SORT OF VIELGHT AND IMPORTANT TO THIS -- VITAL AND IMPORTANT FOR THIS PARTICULAR SITE AND THIS CENTER. AND WE DO HAVE THOSE TENANTS THAT ARE REALLY EXCITED ABOUT COMING HERE, AND I WOULD APPRECIATE IT IF YOU WOULD CONSIDER THE GR-CO RECOMMENDATION THAT WOULD ONLY ALLOW THOSE USES OUT OF GR PROHIBITING EVERYTHING ELSE AND THEN ALLOWING US THE LR ZONING CLASSIFICATION. THANK YOU.

Mayor Wynn: THANK YOU. A TECHNICAL QUESTION TO MS. TERRY. IF COUNCIL WERE TO AGREE WITH HIS CROCKER'S POSITION AND -- WITH MS. CROCKER'S POSITION AND HAVE THOSE VERY FEW LIMITED USES, I SUSPECT IT WOULD TAKE -- WE'RE NOT READY FOR THIRD READING IF THAT'S THE CASE, CORRECT?

THAT IS CORRECT. ACCORDING TO MS. GLASGO, I BELIEVE OUR ORDINANCE DOES NOT ALLOW THAT. YOU WOULD THEN JUST DO -- YOU WOULD DO SECOND READING TO REFLECT

YOUR NEW ACTION AND WILL COME BACK WITH A NEW ORDINANCE IN ABOUT TWO WEEKS TO REFLECT THIRD READING, TO REFLECT THAT.

Mayor Wynn: THANK YOU. COMMENTS, QUESTIONS? MAYOR PRO TEM.

Goodman: AND IT'S MY UNDERSTANDING THERE IS NO NEIGHBORHOOD OPPOSITION TO THAT. IS THAT TRUE?

THERE IS NO OPPOSITION. NOBODY -- WE DID TALK TO NEIGHBORHOOD ASSOCIATIONS IN THE AREA. NOBODY HAD A PROBLEM WITH WHAT WE WERE DOING. THIS IS A VERY SMALL SITE, A VERY SMALL CENTER.

GOODMAN: AND CAN I ASK IS THERE A WAY -- THIS MAY BE A SARAH OR AN ALICE QUESTION. IS THERE A WAY TO LIMIT THE PERSONAL IMPROVEMENT SERVICES TO THE YOGA AND STUDIO -- WHAT DID YOU SAY? PILATES. I DON'T KNOW WHAT THAT IS.

WE CAN DO THAT THROUGH A RESTRICTIVE COVENANT. BECAUSE OUR ORDINANCE JUST HAS PERSONAL IMPROVEMENT SERVICES, IT DOES NOT BREAK IT OUT TO THE SPECIFIC, WHICH AS YOU KNOW, THEY CHANGE FROM TIME TO TIME, LIKE PILATES IS A NEW TERM WE'RE USING TODAY. IT'S AN OLD ACTIVITY.

Goodman: IT SCWLUS JUST MEANS YOGA?

NO. WE DON'T HAVE A DEFINITION FOR IT IN OUR CODE. WE CAN ACCOMMODATE IT THROUGH A RESTRICTIVE COVENANT.

Mayor Wynn: BUT YOU KNOW IT WHEN YOU SEE IT, RIGHT? [ LAUGHTER ]

I BELIEVE IT LIKE, CORRECT ME IF I'M WRONG, BUT ONE OF THE USES UNDER THE PERSONAL IMPROVEMENT SERVICES IS A HEALTH CLUB. A HEALTH AND FITNESS CLUB IS ONE OF THOSE DEFINITIONS IN THE PERSONAL IMPROVEMENTS CLASSIFICATION THAT'S USED IN THE CODE. I DON'T GA OR PILATES STUDIO WOULD COME UNDER A HEALTH OR

FITNESS CLUB.

Goodman: SO COULD YOU LIMIT IT TO THAT?

I WOULDN'T HAVE A PROBLEM WITH THAT AT ALL.

WE'LL LIMIT TO HEALTH AND FITNESS CLUBS.

Mayor Wynn: I FEEL THE MAKINGS OF A MOTION COMING ON.  
FURTHER COMMENTS, QUESTIONS? MAYOR PRO TEM.

MY MOTION WOULD BE TO -- I'M NOT SURE. WOULD YOU SAY  
ALL THREE READINGS OR WOULD YOU SAY SECOND AND  
THIRD READING ON A NEW ZONING CATEGORY ON GR  
RATHER THAN LR.

IT WOULD BE SECOND READING AND THEN GR-CO.

Goodman: SECOND READING OR GR-CO, LIMITING THE GR  
USES TO -- DRAT -- GENERAL RESTAURANT, NEIGHBORHOOD  
HARDWARE STORE AND HEALTH AND FITNESS CLUB.

IT MIGHT BE EASIER IF YOU PROBABLY JUST USE THE ZAP  
RECOMMENDATION. I'LL JUST READ IT. I THINK IT CAPTURES -  
- THEN YOU CAN PROBABLY MODIFY IT.

Goodman: I THINK THERE ARE FOUR GR USES AND I JUST DID  
THREE. I'M SORRY? I THINK I ALREADY DID THAT, BUT GO  
AHEAD.

OKAY. DID YOU WANT TO JUST BASICALLY ADOPT THE  
COMMISSION RECOMMENDATION WITH LIMITING THE  
PERSONAL IMPROVEMENT SERVICES TO JUST HEALTH AND  
FITNESS SERVICES? BECAUSE MS. CROCKER'S LETTER  
GIVES UP BUSINESS SUPPORT SERVICES, WHICH THE  
COMMISSION RECOMMENDED.

Goodman: RIGHT. AND I JUST READ FROM THAT.  
NEIGHBORHOOD HARDWARE STORE, WHICH IS GR, SMALL  
RESTAURANT WITH BEER AND WINE, AND UNDER PERSONAL  
IMPROVEMENT SERVICES, ALLOWING HEALTH AND FITNESS  
CLUBS.

MS. CROCKER ALSO HAD RETAIL SALES GENERAL WOULD CAPTURE THE HARDWARE SALES. PERSONAL IMPROVEMENT, AS I JUST MENTIONED. RESTAURANT GENERAL, TAKE OUT THE RESTAURANT. AND COMMISSION HAD PROHIBIT DRIVE-IN SERVICES AND ACCESSORY USES TO COMMERCIAL USE. AND THEY'RE LIMITING TRIPS TO 2,000 TRIPS PER DAY.

Goodman: OKAY. LIMITING TO 2,000 TRIPS PER DAY.

THE PROPERTY ADJOINING THIS TRACT IS INTERIM ZONING, WHICH DOES NOT TRIGGER COMPATIBILITY STANDARDS. AND YOUR MOTION ON FIRST READING REQUIRED A 25-FOOT VEGETATIVE BUFFER ALONG THE PROPERTY LINE WHERE THE PROPERTY ABUTS RESIDENTIAL PLOTS OR LOTS. SO I DON'T KNOW IF YOU WANT TO CONSIDER THAT OR IF THAT'S A PROBLEM.

MAYOR PRO TEM, WE WILL AGREE TO COMPLY WITH COMPATIBILITY STANDARDS AGAINST ANY INTERIM RESIDENTIAL ZONED LOT.

Goodman: SOUNDS GOOD. KEEP 25 FEET.

THAT CAPTURES THEM ALL.

Mayor Wynn: SO MOTION BY THE MAYOR PRO TEM TO APPROVE ON SECOND READING ONLY CASE NUMBER 59, GR- CO WITH THOSE LIMITED USES AS OUTLINED, AS WELL AS THE ADDITIONAL COMPATIBILITY NOTES ADDED. I'LL SECOND THAT. FURTHER COMMENTS, QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. SECOND READING ONLY. THANK YOU VERY MUCH. SO MS. GLASGO, CAN WE KNOCK OUT THE CONSENT AGENDA ON OUR ZONING CASES?

YES. WE HAVE SEVERAL CONSENT ITEMS THAT I'LL MOVE THROUGH FAIRLY QUICKLY. WE'LL START OFF WITH ITEM NUMBER Z-1, CASE C-14-05-14, THE HARRELL TRACT. THE



PROPERTY IS AT NINE HUNDRED SOUTH FIRST STREET FROM INTERIM RURAL RESIDENCE TO SINGLE-FAMILY 2. IT WAS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-2, C-14-05-18, THE WEBB THREE ACRE TRACT LOCATED AT 4615 THROUGH 4623 CITY PARK ROAD. THE EXISTING ZONING IS DEVELOPMENT RESERVE AND THE APPLICANT IS REQUESTING SINGLE-FAMILY 1. THAT REQUEST IS RECOMMENDED BY THE COMMISSION AND THE CASE IS READY FOR ALL THREE READINGS. TUMENT NUMBER Z-3, C-14-0559, THIS PROPERTY IS LOCATED AT 907 SOUTH CENTER STREET. THE EXISTING ZONING IS MOBILE HOME. THE APPLICANT IS REQUESTING SINGLE-FAMILY 3, WHICH STANDS FOR FAMILY RESIDENCE. THE APPLICANT'S REQUEST WAS RECOMMENDED BY THE COMMISSION AND THE CASE IS READY FOR ALL THREE READINGS. , ITEM NUMBER Z-4, C-14-05-58, LOCATED AT 903 SOUTH CENTER STREET FROM MOBILE HOMES TO SINGLE-FAMILY 3. THE CASE IS READY FOR FIRST READING. ITEM NUMBER Z-5, CASE C-14-04-161, STAFF IS REQUESTING A POSTPONEMENT TO MAY THE NINTH.

Mayor Wynn: MAY, EXCUSE ME? MAY 9TH?

SORRY. SHOULD BE JUNE NINTH. WE CAN'T BE DOING THAT BECAUSE TODAY IS THE 12TH.

CASE Z-9 FOR A PROPERTY LOCATED ON 7101 NORTH IH-35 FROM LIMITED INDUSTRIAL TO CS, AND THE APPLICANT'S REQUEST IS RECOMMENDED BY THE COMMISSION FOR CS-MU. THIS CASE IS READY FOR FIRST READING. ITEM NUMBER Z-7, CASE C-14-05-32 FOR PROPERTY LOCATED AT 5707 SPRING MEADOW ROAD FROM SINGLE-FAMILY 2 NP TO SINGLE-FAMILY 3 NP. THIS CASE IS RECOMMENDED BY THE COMMISSION AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-8, CASE C-14-05-36, PIONEER FARMS. THE PROPERTY IS LOCATED AT 11418 SPRINKLE CUTOFF ROAD AND THE EXISTING ZONING IS DEVELOPMENT RESERVE. THE CHANGE IS TO P AND P HISTORIC. THIS CASE IS READY FOR FIRST READING ONLY. ITEM NUMBER Z-9 Item number Z-9 CASE C-14-04-20. AUSTIN RIDGE PHASE 1. THIS PROPERTY IS LOCATED AT 8509 FM 969. EXISTING ZONING IS SINGLE-FAMILY 3. THE APPLICANT IS SEEKING A CHANGE TO

LR, WHICH STANDS FOR NEIGHBORHOOD COMMERCIAL. THE COMMISSION RECOMMENDED LR-CO FOR TRACT ONE, AND GO OR CO FOR TRACT 2. THIS CASE IS READY FOR ALL THREE READINGS. ITEM Z-10, CASE C-14-H-O 4-29, THE KING VON ROSENBERG HOUSE LOCATED AT 1500 LORRAINE STREET FROM MULTI-FAMILY 3 TO MULTI-FAMILY 3 HISTORIC. THE CASE IS BEING RECOMMENDED BY ALL APPROPRIATE COMMISSIONS AND THE CASE IS READY FOR FIRST READING ONLY. ITEM NUMBER Z-11, C 814-99-1.03, AVERY RANCH P.U.D., THE STAFF IS REQUESTING AN INDEFINITE POSTPONEMENT IN ORDER TO FINALIZE LEGAL DOCUMENTS. WE WOULD REQUEST THAT A SIMILAR REQUEST TO Z-12 ALSO AN INDEFINITE POSTPONEMENT, WE'LL BRING IT BACK ONCE WE HAVE FINALIZED LEGAL DOCUMENTS FOR THOSE TWO ITEMS. ITEM NUMBER Z-13, CASE C-14-05-26, WE HAVE A REQUEST FROM THE NEIGHBORHOOD ASSOCIATION TO POSTPONE THIS CASE TO MAY THE 26TH. THIS IS THE NEIGHBORHOOD'S FIRST REQUEST. ITEM Z-14 WILL BE A DISCUSSION ITEM. Z-15, CASE C-14-05-11, THE CASE IS LOCATED AT 2900 NORTH FM 973. THE EXISTING ZONING IS DEVELOPMENT RESERVE. THE APPLICANT IS REQUESTING INDUSTRIAL ZONING WITH A CONDITIONAL OVERLAY. THE COMMISSION RECOMMENDS THE REQUEST AND THIS CASE IS READY FOR FIRST READING ONLY. ITEM NUMBER Z-16 IS A DISCUSSION ITEM. ITEM Z-17, C-14-05-23, THE APPLICANT IS REQUESTING A POSTPONEMENT TO MAY THE 19TH. THIS IS THE APPLICANT'S SECOND REQUEST. HE WOULD LIKE TO CONTINUE WORKING WITH THE NEIGHBORHOOD TO RESOLVE OUTSTANDING ISSUES. ITEM NUMBER Z-17 AND -- Z 18 AND 19 ARE RELATED TO GABLES AT WESTLAKE. WE HAVE A LETTER REQUESTING A POSTPONEMENT -- RATHER WITH AN AGREEMENT TO GO TO MEDIATION, ONE OF THE AGENTS SUPPORT ONE WEEK, THE OTHER GROUP WOULD LIKE TWO WEEKS FOR GABLES 18 AND 19. MAYOR, THAT CONCLUDES MY PRESENTATION FOR ZONING ITEMS.

Mayor Wynn: THANK YOU, MS. GLASGO. SO COUNCIL, THE CONSENT AGENDA WILL BE TO CLOSE THESE PUBLIC HEARINGS AND APPROVE ITEM Z-1 ON THREE READINGS, Z-2 ON THREE READINGS, Z-3 ON THREE READINGS --

MAYOR, I WOULD LIKE TO CORRECT, Z-3 SHOULD BE FIRST

READING ONLY.

Mayor Wynn: Z-3 IS FIRST READING ONLY. OKAY. ACTUALLY, I'LL START AGAIN, COUNCIL. Z-1, THREE READINGS. Z-2, THREE READINGS. Z-3, FIRST READING ONLY. Z-4, FIRST READING ONLY. Z-5, POSTPONED TO JUNE 9TH, 2005. Z-6, FIRST READING ONLY. Z-7, ALL THREE READINGS. Z-8, FIRST READING ONLY. Z-9, THREE READINGS. Z-10, FIRST READING ONLY. Z-11 AND 12 INDEFINITE POSTPONEMENT. Z-13, POSTPONED TO MAY 26TH, 2005. Z-15, APPROVAL ON FIRST READING ONLY. Z-17, POSTPONED TO MAY 19TH. AND MY RECOMMENDATION ON Z-18 AND 19 IS TO POSTPONE FOR TWO WEEKS TO MAY 26TH, 2005.

MOVE APPROVAL.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER THOMAS TO CLOSE THE PUBLIC HEARINGS AND APPROVE THE CONSENT AGENDA AS READ. COUNCILMEMBER MCCRACKEN. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

... RESERVING TUESDAY AS AN ALTERNATIVE DATE IF MEDIATION SHOULD CONTINUE, IF WE WEREN'T ABLE TO GET IT DONE ON MONDAY. AGREEMENT IS THAT IF WE ARE UNABLE TO COMPLETE OUR DISCUSSIONS ON MONDAY, AND AGREE TO EXTEND THE MEDIATION DISCUSSIONS TO TUESDAY, THAT NEITHER PARTY WILL OBJECT TO -- TO POSTPONING THE CASE AGAIN AND NOT HAVING IT HEARD NEXT THURSDAY. SO A ONE-WEEK POSTPONEMENT, WE WILL PROCEED TO MEDIATION MONDAY. IF AT THE END OF THE DAY THE PARTIES HAVEN'T REACHED AN -- IF AT THE END OF THE DAY THE PARTIES HAVEN'T REACHED AGREEMENT, NEITHER SIDE WILL OBJECT TO NOT HOSTING THE HEARING NEXT THURSDAY.

STEVE BRENNER, ON BEHALF OF THE GAIN GELS, THAT'S FINE -- GABLES, THAT'S FINE WITH ME.

Mayor Wynn: AMENDS THE POSTPONEMENT TO ONE WEEK ONLY TO MAY 19th, 2005. IS THAT OKAY, COUNCILMEMBER THOMAS?

Thomas: IF THEY THINK THEY CAN ACCOMPLISH SOMETHING IN A WEEK'S TYPE. I PREFER THE TWO WEEKS, BUT IF YOU FEEL YOU CAN GET SOMEWHERE IN A WEEK'S TIME, THEN I'LL AGREE. I JUST SEE HEAD SHAKING.

WE HAVE ALREADY GOT THE MEDIATION SCHEDULED. WE HAVE AGREED ON THE MEDIATOR, THE PARTIES HAVE AGREED ON A MEDIATOR, WE HAVE RESERVED TWO DAYS, NEITHER OF US BELIEVES IT WILL TAKE LONGER THAN THAT.

Mayor Wynn: THANK YOU, GOOD LUCK. A MOTION AND SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS AMENDED. FURTHER COMMENTS? COUNCILMEMBER MCCRACKEN?

McCracken: I WANT TO CONGRATULATE EVERYBODY INVOLVED IN Z-18 AND Z-19 ON FROM WHAT I UNDERSTAND THE PARTIES HAVE MADE CONSIDERABLE PROGRESS AND -- IN REACHING AN AGREEMENT THAT IS MUTUALLY BENEFICIAL AND IN EVERYONE'S INTEREST. ALSO, I HAVE NOT DECIDED HOW I'M GOING TO VOTE ON THIS AND PART OF WHAT GUIDES ME, MY DECISION, WILL BE HOW REASONABLE THE PARTIES ARE AND SO GO INTO THAT WITH THAT SPIRIT AND YOU WILL DO GREAT, WITH THE MEDIATION, THANKS FOR TAKING THAT PATH.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? COUNCILMEMBER SLUSHER?

AN'THELP HIMSELF.

Slusher: THANK YOU, MAYOR. I JUST WANTED TO SAY THAT ON SOME OF THE COMPROMISES THAT THERE'S A GAS STATION AND I'M NOT PARTICULARLY FOND OF THAT. SO I JUST WANTED TO LET THE PARTIES KNOW FOR WHATEVER THAT'S WORTH. HEADING INTO THE MEETING.

Mayor Wynn: THANK YOU, 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. SO, COUNCIL, THAT TAKE GOES US TO OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS, STAND BY FOR OUR PRESENTATION FROM WOODY WOODE. TO GIVE YOU ALL A LITTLE HEADS UP, WE DELAYED FOR A COUPLE OF HOURS OUR ACTION ON THE TRANSIT ORIENTED DEVELOPMENT ORDINANCE TO GIVE SOME SPEAKERS TIME TO SIGN UP FOR THAT. SO WHAT WE WILL DO IS AFTER WE HAVE OUR LIVE MUSIC AND THEN OUR PROCLAMATIONS, LIKELY TAKE US TO ABOUT 6:00, WE WILL THEN START WITH THE T.O.D. ORDINANCE, WHICH IS ITEM 56 AND 57, I BELIEVE. AND THEN WE WILL TAKE UP THOSE DISCUSSION ZONING CASES. SO WITHOUT OBJECTION, WE ARE NOW IN RECESS. I WILL ALSO ANNOUNCE THAT EARLIER IN EXECUTIVE SESSION, WE DID NOT TAKE UP ITEM NO. 52 RELATED TO THE GABLES WESTLAKE AND HAVE NO NEED TO DO THAT NOW. SO THERE'S NO ADDITIONAL CLOSED SESSION ITEMS TO BE TAKEN UP. SO WE ARE NOW IN RECESS FOR LIVE MUSIC AND PROCLAMATIONS. THANK YOU VERY MUCH.

Mayor Wynn: OKAY, FOLKS, TIME FOR OUR 5:30 WEEKLY GIG AT THE AUSTIN CITY COUNCIL, JOINING US TODAY IS WOODY WOODE, A MULTI-INSTRUMENTAL LIST, VOCALIST, AND FOLK WRITER, HIS LATEST RECORDING PROJECT ENTITLED WHOLE NOTHER LIFE WAS RELEASED EARLIER THIS YEAR. TWO OF HIS MUSIC VIDEOS ARE ON THE AUSTIN MUSIC NETWORK AND CAN BE HEARD AROUND TOWN AT THE ALLIGATOR GRILL TO THE HIDEOUT. PLEASE WELCOME MR. WOODY WOODE. [ (music) MUSIC PLAYING (music)(music) ] [ (music) SINGING (music)(music) ] BUCKNER,. [ (music) SINGING (music)(music) ] (music) SINGING (music)(music) ] [ (music) MUSIC PLAYING (music)(music) ] [ APPLAUSE ]

THANK YOU.

Mayor Wynn: SEE IT PAYS TO GET FIT AND TO RUN AND JOG ON THE HIKE AND BIKE TRAIL. TELL US WHERE CAN WE -- WHERE ELSE BESIDES ALLIGATOR GRILL, THE HIDEOUT, DO YOU HAVE A CD, WEBSITE.

ALL OF THAT, WOODWOOD.COM. I'M JUST STARTING OUT, PLAYING ALL OVER, I WANT TO INTRODUCE MY FRIEND HERE BLUE LANE. I MET HIM ON THE HIKE AND BIKE TRAIL, SMAFBT. TER OF FACT. WOODY, WOODY WOODE UP THERE. ANYWAY I

JUST MET BLUE, PLAYING AROUND HERE. HE'S GOT A CD AS WELL, BLUE LANE. AND WE'RE PLAYING ALL OVER. WE JUST PLAYED FOX TV LAST THURSDAY.

BEFORE YOU GET AWAY, WE HAVE AN OFFICIAL PROCLAMATION THAT READS: BE IT KNOWN WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MAYBE CONTRIBUTIONS TOWARD THE DEVELOPMENT OF AUSTIN'S SOUTHERLY, ECONOMIC AND CULTURAL DIVERSITY, WHEREAS THE DEDICATED EFFORTS OF AUSTIN'S ARTISTS FURTHER OUR STATUS AT THE LIVE MUSIC CAPITAL OF THE WORLD, I WILL WYNN MAYOR OF THE GREAT CITY OF AUSTIN, TEXAS DO HEREBY PROCLAIM TODAY AS MAY 12th 12th, 2004 AS WOODY WOODE DAY IN AUSTIN AND CALL ON OUR CITIZENS TO JOIN ME IN RECOGNIZING THIS GREAT TALENT.

THANK YOU. [ APPLAUSE ] WHILE, HE BREAKS DOWN WE WILL START OUR WEEKLY PROCLAMATIONS. WE TAKE ADVANTAGE OF THIS HALF HOUR OR SO TO -- TO FURTHER THE CAUSE, THE AWARENESS OF PUBLIC EDUCATION, AWARD CITIZENS AND IT'S A FUN PART OF THIS MEETING. OUR FIRST PROCLAMATION IS REGARDING MENTAL HEALTH MONTH, I'M HOPING TO BE JOINED BY BEVERLY SCARBOROUGH. HOW ARE YOU?

THE FIRST PROCLAMATION THIS WEEK IS REGARDING MENTAL HEALTH MONTH. AND IT'S FUNNY I MENTIONED THE HIKE AND BIKE TRAIL WITH WOODY. I'M A KICK RIGHT NOW TO HAVE AUSTIN NAMED THE FITTEST CITY IN THE COUNTRY. WHEN I FIRST ANNOUNCED THAT I TALKED ABOUT AUSTIN BEING THE HEALTHIEST CITY IN THE COUNTRY, I'M NOT ASHAMED TO TELL YOU THAT I DIDN'T THINK ABOUT MENTAL HEALTH. AND I HAD A NUMBER OF MENTAL HEALTH PROFESSIONALS COMING TO ME AND SAYING YOU ARE ONLY TALKING ABOUT FITNESS AND NOT MENTAL HEALTH, WE FORMED A MAYOR'S MENTAL HEALTH TASK FORCE LAST YEAR, WE HAD A REMARKABLE NUMBER, 90 SOME ODD MENTAL HEALTH PROFESSIONALS COMING FORWARD AND FORM A -- FOUR LARGE COMMITTEES, WE WORKED DILIGENTLY AND PRESENTED A LARGE REPORT NOW TO THE TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION BOARD AND THEY ARE GOING TO HELP US IMPLEMENT A PLAN TO START TO ADDRESS THE ISSUE OF MENTAL HEALTH

IN OUR COMMUNITY, JUST LIKE WE ARE WORKING HARD ON THE PHYSICAL HEALTH. I'M PROUD TO READ THIS OPERATION. BE IT KNOWN WHEREAS MENTAL HEALTH IS ESSENTIAL TO EVERYONE'S OVERALL HEALTH AND WELL-BEING, AND RESPONSIVE COST EFFECTIVE SERVICES ARE INACCESSIBLE FOR -- ACCESSIBLE TO PEOPLE -- I STRUGGLED WITH THAT, WHEREAS MENTAL ILLNESS WILL STRIKE ONE IN FIVE CHILDREN IN A GIVEN YEAR, ONE OUT OF FOUR PERSONS SOMETIMES DURING THEIR LIVES. PEOPLE WHO HAVE MENTAL ILLNESS CAN RECOVER AND LEAD FULL, PRODUCTIVE LIVES. THE CITY OF AUSTIN CONTINUES TO PARTNER WITH THE AUSTIN TRAVIS COUNTY MHMR AND OTHER MENTAL HEALTH SERVICE PROVIDERS AND ADVOCATES TO ENSURE ACCESS TO COMPREHENSIVE SERVICES AND SUPPORT. THEREFORE I WILL WYNN, MAYOR OF THE AUSTIN, TEXAS DO HEREBY PROCLAIM MAY, 2005 AS MENTAL HEALTH MONTH IN AUSTIN AND I WANT TO THANK SO MANY PEOPLE IN THIS COMMUNITY WHO ARE HELPING US TRY TO UNDERSTAND AND DEAL WITH THE FRAGMENTED NATURE OF HOW WE TRY TO DELIVER MENTAL HEALTH SERVICES IN THIS COMMUNITY AND CALL ON MS. BEVERLY SCARBOROUGH TO SAY A FEW WORDS ABOUT HER EFFORTS AND ABOUT THIS BEING MENTAL HEALTH MONTH. PLEASE JOIN ME IN CONGRATULATING AND THANKING ALL OF THESE PEOPLE. [ APPLAUSE ]

MAYOR, I JUST WANT TO THANK YOU AND THE MEMBERS OF THE AUSTIN CITY COUNCIL FOR ALL OF THE EFFORTS THAT YOU HAVE MADE ON -- ON BEHALF OF THE MAYOR'S MENTAL HEALTH TASK FORCE. THE WORST PROBLEM INVOLVED WITH MENTAL ILLNESS NOW IS STILL STIGMA, LACK OF UNDERSTANDING. AND YOUR EFFORTS ARE DOING A GREAT DEAL TO TRY TO HELP THAT, THANK YOU.

Mayor Wynn: IN ADDITION TO PROMOTING IMPORTANT ISSUES LIKE MENTAL HEALTH, WE ALSO USE THIS OPPORTUNITY TO GIVE OUR DISTINGUISHED SERVICE AWARDS, THANK CITIZENS, YOU WILL HEAR A LITTLE LATER EMPLOYEES. I'M PROUD TO BE JOINED HERE WITH HERMAN THUNDERSTORM, A DISTINGUISHED SERVICE A-- HERMAN THUN, A MEMBER OF THE BOARD OF ADJUSTMENT SIGN REVIEW BOARD FOR 14 YEARS, CHAIRMAN FOR SEVEN YEARS, HERMAN THUN IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. HIS

ABILITY TO RUN MEETINGS EFFECTIVELY AND EFFICIENTLY WERE ESPECIALLY APPRECIATED BY HIS FELLOW COLLEAGUES. THIS CERTIFICATE IS IN APPRECIATION, PRESENTED THIS 12th DAY OF MAY, THE YEAR 2005, SIGNED BY ME, BUT OUTLINING AND NAMING THE ENTIRE AUSTIN CITY COUNCIL, AGAIN A DISTINGUISHED SERVICE AWARD FOR MR. HERMAN THUN, PLEASE JOIN ME IN GRATINGCONGRATULATING HIM.

THANK YOU.

I'M NOT SURE WHO TO SAY THANK YOU TO BECAUSE THERE IS NO CITY MANAGER, NO COUNCIL PERSON, NO STAFF, NO CITY ATTORNEY THAT WAS AROUND WHEN I WENT ON 14 YEARS AGO [LAUGHTER] SO ALL OF THOSE PAST PEOPLE WHO SAT UP THERE, I SAY THANK YOU FOR ALL THAT YOU HAVE DONE. SOME NAMES OF PEOPLE WHO I HAVE GOT TO NAME, LUCY GALLAHAN, MARTY TERRY, CLARA HILLING, SUSAN WALKER, DAVID SMITH, ALL OF THOSE PEOPLE HAVE BEEN VERY IMPORTANT TO THIS BEING AND HAVING THE BOARD OF ADJUSTMENT, THE SIGN REVIEW BOARD WORK FOR THE CITY OF AUSTIN AND THE LEAST BUT THE MOST IS MY WIFE PAT WHO PUT UP WITH ALL OF THAT TIME I SPENT WITH THE BOARD OF ADJUSTMENT. THANK YOU VERY MUCH. [ APPLAUSE ]

I'M JOINED BY MS. FANCY KELLY. I WOULD LIKE TO READ THE OPERATION AS WE TRY TO CONTINUE THE PUBLIC EDUCATION AND AWARENESS OF THIS DISEASE. THE PROCLAMATION READS BE IT KNOWN WHEREAS SELIAK [ PHONETIC ] DISEASE IS AN AFFLICTION AFFECTING EVERY 133 PEOPLE IN THE UNITED STATES WHICH PRECLUDES THEM FROM EATING GL LEUTIN, A PROTEIN IN WHEAT, RYE, BARELY AND OATS. WHEREAS THE DIET IS THE ONLY TREATMENT FOR SUFFERERS, NOT ALL FOODS ARE -- IS IT GLEUTIN SORRY. WHEREAS MANY PEOPLE WHO HAVE THIS DISEASE HAVE NEVER BEEN DIAGNOSED AND CONTINUE TO SUFFER FOR SYMPTOMS FOR YEARS. WE ENCOURAGE CITIZENS TO FIND OUT MORE ABOUT THIS DISEASE, PARTICULARLY IF THEY ARE EXPERIENCING UNRESOLVED DIGEST STIFF PROBLEMS. I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HEREBY PROCLAIM MAY 2005 AS SELIAK AWARENESS MONTH IN AUSTIN. WOULD LIKE MS.



FRANCIE KELLY TO TELL US MORE ABOUT THE DISEASE, TELL US ABOUT HOW WE AS A COMMUNITY CAN LEARN MORE ABOUT IT.

I HAVE A PRESENTATION FOR YOU, THIS IS A BRACELET TO MARK THE AWARENESS MONTH. IT'S SORT OF IN THE LANCE ARM STRONG BRACELET GENRE. THE DISEASE, LIKE THE MAYOR SAID, AFFECTS ONE OUT OF EVERY 133 133 AMERICANS, BUT AT THE SAME TIME ONLY ONE OUT OF EVERY 2,000 PEOPLE ARE DIAGNOSED WITH THE DISEASE. IT'S EASILY A-- AWARENESS PROGRAMS LIKE THIS WHERE WE CAN GET PEOPLE TO KNOW ABOUT THE DISEASE SO THEY CAN HOPEFULLY GET TREATMENT AND GET BETTER AND RESOLVE ALL KINDS OF PROBLEMS THAT PEOPLE WITH THE DISEASE WIND UP HAVING IS A CONSEQUENCE OF BEING UNTREATED. THIS IS A WONDERFUL THING TO HELP PROMOTE THAT AWARENESS SO THAT HOPEFULLY MORE PEOPLE CANNOT SUFFER FROM THE DISEASE. SO THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, THANK YOU SO MUCH.

Mayor Wynn: A BIG HI AND WELCOME TO MY YOUNG FRIEND WILLIAM HOOKS OUT IN THE AUDIENCE. HI, WILLIAM. [ APPLAUSE ]

WELL, ACTUALLY, WE ARE NOW ABOUT TO KICK-OFF OUR EMPLOYEE APPRECIATION WEEK AND IT COMES ON THE HEELS OF PUBLIC SERVICE MONTH, BUT WE ARE GOING TO DID A LITTLE TWIST ON THAT -- WE ARE GOING TO TAKE A LITTLE TWIST BECAUSE THIS WEEK IS OUR CITY OF AUSTIN EMPLOYEE APPRECIATION WEEK. WE HAVE BEEN DOING A LOT OF VERY SPECIAL THINGS THIS WEEK FOR OUR EMPLOYEES, EVERYTHING FROM BOWLING AND SKATING AT THE MILLENNIUM CENTER TO BREAKFAST AND MUSIC OUT HERE ON THE PUBLIC PLAZA AND TONIGHT --

GOLF, A LOT OF TEE TIMES THIS WEEK.

OH, GOSH IF YOU HAVE BEEN TRYING TO GET A TEE TIME YOU WILL KNOW WHAT I'M TALKING ABOUT, WE'VE HAD GOLF TOURNAMENTS ALL WEEK. TONIGHT ACTUALLY AT THE ZILKER HILLSIDE THEATER A FREE SHOWING OF THE

INCREDIBLES FOR THE CITY AND FAMILIES. VERY NICE OUTDOOR MOVIE THEATER SHOWING, WE COULDN'T HAVE PICKED A BETTER MOVIE BECAUSE TRULY, I'VE SAID IT MANY TIMES BEFORE, WE WIN EVERY SINGLE AWARD A CITY CAN WIN IN THIS COUNTRY, THE BEST PLACE TO LIVE, WORK, START A BUSINESS, RETIRE, PLAY, WE ARE THE BEST IN THE COUNTRY AND WHAT UNDERLIES THAT IN EVERY ONE OF THOSE AWARDS IS OUR WORKFORCE. BECAUSE THEY ARE THE BEST IN THE COUNTRY. SO A TRULY INCREDIBLE WORKFORCE AND WE ARE GOING TO BE RECOGNIZING THEM HERE TODAY, REPRESENTATIVES FROM EACH OF OUR DIFFERENT DIVISIONS AND DEPARTMENTS AND MAYOR, A FEW WORDS BEFORE WE GET STARTED?

Mayor Wynn: WELL, I WILL SAY THE ENTIRE COUNCIL JOINS ME IN BEING VERY SUPPORTIVE OF THE CITY MANAGER AS SHE HAD A LOT OF TIME, EFFORT, SOME EXPENSE INVESTED THIS WEEK IN CITY EMPLOYEE APPRECIATION WEEK. AS SHE OUTLINED A NUMBER OF FUN EVENT, LOTS OF MUSIC, LOTS OF AMY'S ICE CREAM. AND SO WE ARE VERY PROUD OF THE CITY WORKFORCE. THERE'S NOT A WEEK GOES BY THAT I DON'T GET A DIRECT E-MAIL FROM SOME CITIZEN THANKING ME, USUALLY IDENTIFYING INDIVIDUALLY THE CITIZEN WHO HELPED THEM WITH SOME PARTICULAR PROBLEM. IT'S FUN FOR ME TO FORWARD THOSE ON TO THE CITY MANAGER AND BACK TO THE CITY EMPLOYEE SAYING THANK YOU FOR MAKING MY JOB EASIER, MY LIFE EASIER AND IT'S A GREAT CITY. I SAY IT ALL OVER TOWN, ALL THE TIME, BUT WE TRULY LIVE IN THE GREATEST CITY IN THE GREATEST STATE IN THE GREATEST CUP IN THE WORLD, IT STARTS WITH -- GREATEST COUNTRY IN THE WORLD, START WAS A REMARKABLE WORKFORCE HERE IN THE CITY. I'M PROUD TO JOIN THE CITY MANAGER. SHE'S GOING TO RUN THROUGH THE NAMES. WE WILL TRY TO GET ALL OF US UP HERE IF WE CAN FOR A GROUP PHOTO. A SPECIAL PRESENTATION TO A FRIEND OF OURS HERE IN A COUPLE OF MINUTES. TOBY?

ALL RIGHT, I'M GOING TO DO -- OF COURSE THEY LET ME READ THE NAMES. THE MAYOR GETS THE EASY JOB OF HANDING OUT THE CERTIFICATE. FORGIVE ME IF I BUTCHER ANY NAME HERE, BUT LET'S START WITH AUSTIN ENERGY, JESSE HE IS SPARZA. JESSE ESPARZA. HERE HE COMES. [ APPLAUSE ] ONCE AGAIN, AN AWARD WINNING DEPARTMENT.

BARK BREAK WILDBARBARA WILD. FROM THE AVIATION DEPARTMENT, BY THE NAME NAMED AS HAVING THE BEST AMBIENCE OF ANY AIRPORT IN THE COUNTRY, AMELIA ORTEGA. [ APPLAUSE ] CITY AUDITOR'S OFFICE, TOO NUMEROUS TO MENTION THEIR AWARDS, GUS RODRIGUEZ. FWUS? CITY CLERK'S OFFICE, LINDA FERRELL? LINDA? [ APPLAUSE ] THE DOWNTOWN AUSTIN COMMUNITY COURT, SOMETHING THAT'S KIND OF UNIQUE TO AUSTIN, ANDREVOLUME VOLENTE. FROM OUR CONVENTION CENTER, JANICE JONES. FROM ECONOMIC GROWTH AND REDEVELOPMENT SERVICES, MELODY FAUST. [ APPLAUSE ] AND ONCE AGAIN, ONE OF THE BEST SERVICES IN THE COUNTRY, EMERGENCY MEDICAL SERVICES, OUR E.M.S. AND OF COURSE THEY HAVE TO HAVE TWO BECAUSE THEY ARE VERY, VERY GOOD. MARCO VILLA, SENIOR AND JAMES SHUMARD. [ APPLAUSE ] ALL RIGHT. FROM THE FINANCIAL SERVICES DEPARTMENT, THE BUDGET OFFICE, PEGGY McLOREN. [ APPLAUSE ] FROM FINANCIAL SERVICES, BUILDING SERVICES, GLORIA FABIAN. GLORIA. [ APPLAUSE ] WHOO, GLORIA. GLORIA HOLDS THIS BUILDING TOGETHER, JUST SO EVERYBODY KNOWS. YEAH. [ APPLAUSE ] SEE, EVERYONE RECOGNIZES. FROM THE COMPTROLLER'S OFFICE, SANDRA CAMPBELL. SANDRA. [ APPLAUSE ] FROM COMMUNICATIONS TECHNOLOGY MANAGEMENT, STEPHANIE MORRA. [ APPLAUSE ] FROM FLEET SERVICES, MARK CHILDERS. [ APPLAUSE ] FROM OUR PURCHASING DEPARTMENT, JULIA RAMIREZ. [ APPLAUSE ] FROM TELECOMMUNICATIONS AND REGULATORY AFFAIRS, MELANIE CROLLE [INDISCERNIBLE] [ APPLAUSE ],. FROM OUR TREASURY OFFICE THERESA LLOYD. THERE WE GO, THERESA. [ APPLAUSE ] FROM HEALTH AND HUMAN SERVICES, STEPHANIE HAYDEN. [ APPLAUSE ] FROM HUMAN RESOURCES, STACY WHITLEY. STACY. WHAT WOULD A CITY BE LIKE WITHOUT A LAW DEPARTMENT, FROM THE LAW DEPARTMENT, MARY OMIRA. FROM THE LIBRARY, THIS IS A GROUP AGAIN, ONCE AGAIN A REWARD WINNING GROUP DOING SO MUCH WITH SO FEW RESOURCES RIGHT NOW. MARY TO TOVAR. MARY. [ APPLAUSE ] MANAGEMENT SERVICES. MARIE SANDOVAL. [ APPLAUSE ] FROM MUNICIPAL COURT, DONNA COMBS. [ APPLAUSE ] FROM NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT, EDIE MURLAH. [ APPLAUSE ] BY THE WAY, NEIGHBORHOOD HOUSING WON

ONE OF THE BEST PRACTICES IN THE COUNTRY FOR THEIR SMART GROWTH INITIATIVE. NEIGHBORHOOD PLANNING AND ZONING, ADAM SMITH. [ APPLAUSE ] NO SOMEONE DIFFERENT! YOU SNUCK IN ON ME, STEVE! ARE YOU ADAM FOR THE DAY?

I AM.

ALL RIGHT. ALL RIGHT. WELL, WE'LL GIVE YOU OUR IMPOSTER HERE. OKAY. FROM OFFICE OF EMERGENCY MANAGEMENT, LYNNDIE MCGINNIS. [ APPLAUSE ] FROM THE OFFICE OF THE POLICE MONITOR, ONCE AGAIN, SOMETHING A LITTLE UNIQUE IN OUR CITY, NOT MANY CITIES HAVE AN OFFICE OF THE POLICE MONITOR, HERMALINDA ZAMORIDA. FROM THE PARKS AND RECREATION DEPARTMENT, MARISO SOGURA. DO I HAVE THAT RIGHT? [ APPLAUSE ] FOR THOSE OF YOU WHO DON'T KNOW, OUR PARKS DEPARTMENT WON THE GOLD MEDAL AWARD, NATIONAL GOLD MEDAL AWARD MAKING AUSTIN THE TOP PARKS DEPARTMENT IN THE COUNTRY THIS LAST YEAR. [ APPLAUSE ] FROM THE PUBLIC INFORMATION OFFICE, LINDA RIVERA. [ APPLAUSE ] FROM THE PUBLIC WORKS DEPARTMENT, LARRY WILLIAMS, LARRY. SMALL AND MINORITY BUSINESS RESOURCES, TWO PEOPLE, HAROLD TALBOTT AND JOHN ZARORIDA. WATERSHED PROTECTION DEVELOPMENT REVIEW, DIFFICULT JOB, JULIO MALISE. WE MAY BE RUNNING SHORT HERE ON PROCLAMATIONS, ANYONE WHO MISSES ONE WE WILL GET YOU ONE IF WE DON'T HAVE IT HERE. HOLD ON, WE MAY HAVE THEM. DID I MISS SOMEONE FROM FIRE? DO I HAVE ANYONE HERE FROM FIRE? SOLID WASTE SERVICES? WE HAVE OUR LAST PERSON, A VERY, VERY SPECIAL HERE THAT I WANT TO BRING DOWN, BECAUSE THIS PERSON HAS ACTUALLY HIS WHOLE CREW HERE WITH HIM AND INCLUDING HIS WIFE, BUT WE HAVE A VERY, VERY SPECIAL GUEST FROM THE POLICE DEPARTMENT, OFFICER STEVEN CLAYBORN. [ APPLAUSE ] [ APPLAUSE ]

Futrell: MANY OF YOU WILL REMEMBER STEVEN WAS INVOLVED IN A NEAR FATAL TRAFFIC ACCIDENT ON DUTY ON HIS MOTORCYCLE, IT IS A MIRACLE THAT HE IS HERE TODAY WITH US. YOU WILL SEE IN THE BACK EVERYBODY HERE TO SUPPORT HIM FROM HIS CREW. I THINK MY FIRST WORDS FROM STEVEN WAS HE WAS WORRIED ABOUT WHERE HIS

MOTORCYCLE WAS, BY THE WAY. I TOLD HIM HIS WHEELS ARE A LOT SLOWER TODAY THAT HE'S IN. BUT A MIRACLE THAT HE'S HERE WITH US TODAY. IF EVERYONE WILL GIVE THESE FUNCTION A ROUND OF APPLAUSE, THESE ARE THE PEOPLE WHO KEEP YOUR CITY RUNNING! [ APPLAUSE ]

OKAY. LET'S TAKE A PICTURE.

Alvarez: LAST PROCLAMATION OF THE EVENING, PLEASE.  
[SPEAKING IN SPANISH]

Alvarez: OKAY. ARE THEY NOT COMING? OKAY, WE ARE GOING TO MOVE FORWARD WITH THE NEXT OPERATION AND IF WE COULD -- WITH THE NEXT PROCLAMATION, IF WE COULD HAVE SOME QUIET IN THE CHAMBERS, PLEASE, I DON'T KNOW IF THAT APPROACH IS GOING TO WORK. FOLKS, WE HAVE ONE MORE PRESENTATION, SO IF -- IF YOU COULD TAKE THE CONVERSATIONS OUTSIDE FOR A LITTLE BIT. AND WE'LL BE DONE REAL QUICK. AND WE HAVE ANOTHER SERIES OF PRESENTATIONS TO MAKE, IT'S A -- IT'S GREAT JUST TO SEE AND RECOGNIZE THE GREAT WORK THAT OUR CITY EMPLOYEES DO. AND WE ARE GOING TO TRY TO RECOGNIZE SOME OTHER FOLKS THAT ARE HERE WITH US TODAY. WHO ARE -- WHO WORK OR HAVE BEEN WORKING WITH RIVER CITY YOUTH FOUNDATION, SO WE WILL BE RECOGNIZING SOME YOUTH FROM SOUTHEAST AUSTIN. THAT ARE -- THAT ARE -- THAT HAVE BEEN ABLE TO ACCOMPLISH SOME GREAT THINGS OVER THE LAST YEAR AND WE'LL GET TO THAT IN A LITTLE BIT. BUT THIS PROCLAMATION IS FOR THE RIVER CITY YOUTH FOUNDATION, IT'S BEEN A PLEASURE TO WORK WITH MONA, ALL OF THE STAFF AT RIVER CITY YOUTH, BUT ALSO GOING AND TALKING TO THE KIDS, WORKING WITH THE KIDS, SEVERAL TIMES A YEAR, JUST ON MANY DIFFERENT VERY WORTHWHILE ACTIVITIES THAT ARE PROVIDED AT THE CENTER. SO I'M GOING TO READ THE PROCLAMATION FIRST AND THEN MONA IS GOING TO SAY A FEW WORDS, THEN WE ARE GOING TO TRY TO JUST POINT OUT WHAT THE KIDS ARE BEING RECOGNIZED FOR. VERY BRIEFLY. SO THE PROCLAMATION READS AS SUCH: IT SAYS BE IT KNOWN WHEREAS THE RIVER CITY YOUTH FOUNDATION IS AN ORGANIZATION DEDICATED TO IMPROVING THE QUALITY OF LIFE FOR THE YOUTH OF OUR COMMUNITY, WHICH IS OUR

MOST PRECIOUS RESOURCE AND WHEREAS THE FOUNDATION'S PROGRAMS ARE DESIGNED TO FOSTER SELF CONFIDENCE, ACADEMIC ACHIEVEMENT, PERSONAL GROWTH, HEALTHY LIVING, CIVIC PRIDE AND CONCERN FOR THE ENVIRONMENT AND WHEREAS THIS YEAR'S CELEBRATION HONORED THE ACHIEVEMENTS OF BOTH THE YOUTH AND THOSE WHO SUPPORT THEM, NOW THEREFORE I WILL WYNN, MAYOR OF THE CITY OF AUSTIN, DO HEREBY PROCLAIM MAY 10th, 2005 AS RIVER CITY YOUTH RECOGNITION DAY IN AUSTIN. [ APPLAUSE ] I WILL PRESENT THIS TO MONEY IN A GONZALEZ, THE -- MONA GONZALEZ, THE DIRECTOR.

THANK YOU, VERY MUCH, RAUL, YOU HAVE BEEN VERY HOSPITABLE. I WANT TO SAY THE CHILDREN ARE EXTREMELY, EXTREMELY HAPPY TO BE HERE. THEY SAW RIGHT NOW SOMETHING THAT WAS SO BEAUTIFUL, THEY SAW THE PROFESSIONAL ADULTS FOR THE CITY OF AUSTIN AND THESE ARE THE ROLE MODELS THAT OUR KIDS NEED TO SEE. I THINK IT WAS A REAL BLESSING THAT WE CAME THIS EVENING. RIVER CITY YOUTH FOUNDATION HAS CONDUCTED A YOUTH RECOGNITION FAITHFULLY EACH YEAR AND THIS IS THE 22nd ANNUAL YOUTH RECOGNITION. WHY DO A YOUTH RECOGNITION? THE KIDS AND THE SUPPORTERS OF THE KIDS, THE MENTORS, THE VOLUNTEERS THAT HELPED THEM AFTER SCHOOL, THE FUNDERS, ALL OF THE PEOPLE THAT COME TOGETHER WITH HEART AND SOUL TO MAKE SURE THESE LOW INCOME CHILDREN HAVE SUCCESS IN THEIR LIVES, THAT IS WHAT YOUTH RECOGNITION IS ALL ABOUT. SO TODAY WE ARE SO PLEASED TO BE HERE ACCEPTING THIS PROCLAMATION ONCE MORE. I PRAY THAT NEXT YEAR WE'LL BE BACK AGAIN WITH ANOTHER FINE GROUP OF YOUNG PEOPLE WHO HAVE STUDIED HARD, OVERCOME OBSTACLES TO MAKE SURE THAT THEY GET THE GOOD GRADES, THEY IMPROVE THEIR BEHAVIOR, THAT THEY ARE AN ASSET TO THEIR COMMUNITIES BECAUSE THAT'S WHAT THEY ARE BEING TAUGHT AT RIVER CITY YOUTH FOUNDATION. THESE ARE THE WINNERS. THESE ARE THE WONDERFUL KIDS OF DOVE SPRINGS THAT WE CAN BE PROUD OF. WHEN OTHERS ARE OUT THERE DEALING DRUGS RIGHT NOW, BRINGING THE NEIGHBORHOOD DOWN, THESE ARE THE YOUNG PEOPLE

THAT ARE BRINGING IT UP. SO TONIGHT WE ARE PROUD, WE ARE VERY THANKFUL TO THE CITY, TO THE MAYOR, TO THE CITY COUNCIL, TOBY, EVERYBODY, FOR BEING SO SUPPORTIVE. AND I WOULD LIKE TO, IF YOU WILL INDULGE ME, I'M GOING TO SIMPLY READ THEIR NAMES BECAUSE THEIR FAMILIES ARE AT HOME WATCHING. AND AS I READ YOUR NAME, PLEASE LIFT YOUR HAND UP, OKAY? THE MOST FRIENDLY CHILD, CARLINA. THE MOST -- DEFINITELY CLAP. THE MOST RESPONSIBLE, SIEDA RAMIREZ. WHO IS ON UNIVISION LAST NIGHT. YOU MIGHT HAVE SEEN HER. MOST LIKELY TO SUCCEED, NANCY. MOST RESPECTFUL, HERMIDN LOPEZ. MOST LIKELY TO CLOSE THE DIGITAL DIVIDE, JUAN. FUTURE COMPUTER TEACHER, GLADIA. NEXT HIGH OR ALTHOUGH TECH COMPANY PRESIDENT, JOSE. THE MOST IMPROVED COMPUTER STUDENT, SYDNEY. THE FUTURE COMPUTER MUSIC TECHNICIAN, KIATRAS PIPER. THE MOST INTERACTIVE WITH C.D. ROMS NANCY. THE MOST HUMOROUS BOY, THE MOST HUMOROUS BOY IS DANIEL LUNA. THE MOST HUMOROUS GIRL IS ALMAN, BE CAREFUL BECAUSE SHE'LL GET YOU LAUGHING. MOST STUDIOS, KRISTEN. THE MOST TEAM SPIRITED IS EDDIE RODRIGUEZ. THE MOST MOTIVATED BOY, DAVID. THE MOST MOTIVATED GIRL, CHRISTINA GONZALEZ. THE MOST IMPROVED LANGUAGE SKILLS, PERA. TONIGHT WE ALSO HAVE THE FAMILY OF THE YEAR, WHO DEMONSTRATE THE FAMILY VALUES THAT WE TEACH OUR CHILDREN. HUGO AND EVA ARE HERE WITH THEIR FAMILY. COULD YOU LIFT YOUR HANDS, PLEASE? [ APPLAUSE ] AND THE PARENT OF THE YEAR, 2005, IS PETRA MAYA. [ APPLAUSE ] OUR VOLUNTEER OF THE YEAR, THE TEEN CATEGORY GOES TO CRYSTAL LUCIO. [ APPLAUSE ] AND THE MENTOR OF THE YEAR JOAN KINCAID. CAROLINA'S MENTOR. WE ALSO HAVE FELLOW COLLABORATOR OF THE YEAR, AL HONSO, ISN'T HERE, TRAINING OUT IN THE STATE RIGHT NOW, HE WILL BE WITH US FOR THE FATHER'S DAY EVENT JUNE 11th COMING UP. NOW, THE PARENT SPECIALIST AT WIDEN IS OUR DOVE SPRINGS COLLABORATOR OF THE YEAR. AND THE COVETED AWARDS OF DISTINGUISHED INTERNS, WE HAVE MANY INTERNS THROUGHOUT THE YEAR, GO TO SHARED THIS YEAR BETWEEN APRIL AND ORDELIA FORD WITH US TONIGHT FROM THE UNIVERSITY OF TEXAS, YOU TEACH AUSTIN. [ APPLAUSE ] NOW WE HAVE OUR SUPPORTER OF

THE YEAR, I WOULD LIKE HER TO COME UP, SHE'S VERY SHY, BUT I KNOW THAT YOU HAVE SEEN HER A FEW TIMES ON TV HERE BEFORE, LOPEZ-PHELPS & ASSOCIATES, OUR OWN AMELIA LOPEZ PHELPS IS ONE OF THE SUPPORTERS OF THE YEAR. ALSO WITH US TONIGHT FROM ST. DAVID'S EPISCOPALIAN CHURCH WHO PROVIDE FOOD FOR OUR KIDS SO WE CAN HAVE OUR MEALS PROGRAM, ROSS MARTIN FROM ST. DAVID'S DOWNTOWN. THANK YOU. [ APPLAUSE ] LARA CRUZ REPRESENTING FOR MAYOR COOKSEY AND LYNN COOKSEY FROM THE INTERNATIONAL HOSPITAL COUNCIL IS HERE. [ APPLAUSE ] THANK YOU FOR BEING HERE, LARA, YOU ARE REPRESENTING THE UNITED STATES RUSSIA VOLUNTEER INITIATIVE WHICH RECEIVED A PROCLAMATION BACK IN I BELIEVE DECEMBER, RAUL. WE HAD THREE RUSSIANS THAT CAME THROUGH THIS PROGRAM TO TEACH TECHNOLOGY FOR ONE MONTH AT RIVER CITY YOUTH FOUNDATION. THEY WERE SELECTED AS ONE OF THE SUPPORTERS OF THE YEAR. OUR UNSUNG HERO IS WORKING TONIGHT, OFFICER STEPHANIE TAYLOR OUR A.P.D. REPRESENTATIVE. AND JIM BUTLER FROM THE CITY OF AUSTIN TELECOMMUNICATIONS. OUR ILLUSTRIOUS GROUP OF VOLUNTEERS AND HONOREES THIS YEAR IN THE REQUEST FOR A BRIGHTER FUTURE. ALSO MEMBERS OF OUR STAFF. THANK YOU SO MUCH FOR YOUR SUPPORT, WE ARE DELIGHTED TO BE HERE AND GOD WILLING WE WILL BE HERE NEXT YEAR AS WELL. THANK YOU. [ APPLAUSE ]

Alvarez: THANK YOU, MONA, ONE THING THAT I WOULD MENTION IS RIVER CITY YOUTH HAS BEEN THE ONLY GROUP THAT HAS RECEIVED A GRANT FOR TECHNOLOGY OPPORTUNITIES. I THINK EVERY YEAR THAT WE HAVE ACTUALLY HAD A G TOPS PROGRAM. SO I THINK THAT'S A -- ONE OF THE MANY DISTINCTIONS OF THE ORGANIZATION, BUT THAT JUST IS ONE OF THE MANY OPPORTUNITIES THAT THEY PROVIDE FOR THESE YOUNG PEOPLE AND THE OTHER FOLKS THAT -- THAT WORK WITH RIVER CITY YOUTH FOUNDATION. CONGRATULATIONS AND THANK YOU VERY MUCH FOR ALL YOU DO. [ APPLAUSE ]

Goodman: WE'RE GOING TO CALL THE MEETING BACK TO ORDER. WE DO HAVE A QUORUM. THE MAYOR IS TEMPORARILY OFF THE DAIS AND WILL BE BACK NOT TOO LONG FROM NOW. THE FIRST THING WE'RE GOING TO DO IS



TAKE ITEM NUMBER 61, WHICH WAS THE APPEAL BY MIKE MCHONE, THE HISTORICAL APPROPRIATENESS OF THE HISTORICAL COMMISSION. THIS IS THE MAVERICK MILLER HOUSE AT 910 POPLAR. AND THE REQUEST FOR POSTPONEMENT IS FROM THE APPELLANT TO MAY 26TH. IS THERE A MOTION? TO COST PONY ITEM -- POSTPONE ITEM 61? ALL IN FAVOR PLEASE SAY AYE.

AYE. ALL THOSE IN FAVOR? , WITH THE MAYOR TEMPORARILY OFF THE DAIS. NEXT IS 56 AND 57, T.O.D., TRANSIT ORIENTED DEVELOPMENT. AND GEORGE ADAMS?

THANK YOU, MAYOR PRO TEM, COUNCILMEMBERS. I AM GEORGE ADAMS WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. VERY BRIEFLY I JUST WANTED TO RETRACE A LITTLE HISTORY HERE BEFORE WE GET INTO THE DETAILS OF THE ORDINANCE AND THE MOTION SHEET. WE BEGAN THIS PROCESS IN JULY OF 2004 AFTER THE COUNCIL APPROVED A RESOLUTION DIRECTING STAFF TO BEGIN THE PROCESS OF DEVELOPING THE TRANSIT ORIENTED DEVELOPMENT REGULATIONS. OVER THE ENSUING EIGHT MONTHS WE'VE HAD A SIGNIFICANT PUBLIC INVOLVEMENT PROCESS, INCLUDING A NUMBER OF LARGE STAKEHOLDER MEETINGS, SEVERAL FOCUS GROUP MEETINGS ON SPECIFIC TOPICS SUCH AS AFFORDABLE HOUSING, NUMEROUS PRESENTATIONS TO GROUPS RANGING FROM AUSTIN NEIGHBORHOOD'S COUNCIL TO THE HOME BUILDERS ASSOCIATION. A NUMBER OF BOARD AND COMMISSION MEETINGS AND PUBLIC HEARINGS WITH THE DESIGN COMMISSION, URBAN TRANSPORTATION COMMISSION, ZONING AND PLATTING COMMISSION AND THE PLANNING COMMISSION, FOLLOWED BY COUNCIL MEETINGS, FOLLOWED BY ADDITIONAL NEIGHBORHOOD MEETINGS IN THE AREAS NEAR THE PLAZA SALTILLO AND THE MARTIN LUTHER KING T.O.D.'S. THE SIX T.O.D.'S THAT ARE COVERED BY THE DRAFT ORDINANCE PRESENT AN EXCITING OPPORTUNITY TO ENHANCE THE SUSTAINABILITY AND LIVEABILITY OF CITY OF AUSTIN AND THE REGION BY PROVIDING TRANSPORTATION ALTERNATIVES AND ASSOCIATED AIR QUALITY BENEFITS BY OFFERING OPTIONS FOR URBAN LIVING AS AN ALTERNATIVE TO URBAN SPRAWL, BY PROVIDING A VARIETY OF HOUSING TYPES AND PRICE POINTS, AND BY ENHANCING OUR TAX BASE AND CREATING

NEW BUSINESS AND EMPLOYMENT OPPORTUNITIES IN THE T.O.D.'S. WITH SO MUCH POTENTIAL IN THE T.O.D.'S, IT'S IMPORTANT TO BEAR IN MIND THAT IT CAN BE A DIFFICULT AND COMPLICATED PROCESS TO CREATE SUCCESSFUL TRANSIT ORIENTED DEVELOPMENT. THERE ARE MANY CHALLENGES, INCLUDING FINANCING -- BOTH FINANCING THE DEVELOPMENT BECAUSE IT'S IN MANY CASES OUTSIDE THE NORM IN TERMS OF CREATING MIXED USE DEVELOPMENT, AND IN FINANCING THE INFRASTRUCTURE IN THE T.O.D. AREAS. THERE'S ALSO CHALLENGES IN CREATING A GOOD ENVIRONMENT IN TERMS OF URBAN DESIGN AND WALKABILITY. THERE'S THE COMMUNITY SUPPORT ISSUE. AND THEN THERE'S THE VERY SIGNIFICANT AFFORDABLE HOUSING ISSUE. IT'S ALSO IMPORTANT TO NOTE THAT THE TOTAL AREA OF THE SIX TRANSIT ORIENTED DEVELOPMENT DISTRICTS THAT WE ARE DISCUSSING TONIGHT REPRESENT LESS THAN 1350 ACRES, WHICH IS LESS THAN ONE HALF PERCENT OF THE AREA WITHIN THE CITY'S JURISDICTION. FURTHER, THAT SOME SUBSET OF THAT 1350 ACRES IS WHAT WILL LIKELY BE DEVELOPED AS MUCH OF IT HAS EXISTING DEVELOPMENT ON IT. SO WITH THAT YOU HAVE BEFORE YOU TONIGHT A DRAFT ORDINANCE THAT WAS APPROVED ON MARCH 24TH ON SECOND READING BY THE COUNCIL. YOU HAVE A MOTION SHEET WITH POTENTIAL AMENDMENTS FOR CONSIDERATION. IF IT'S THE COUNCIL'S DESIRE, I AND MR. HILGERS WOULD LIKE TO WALK YOU THROUGH THE MOTION SHEET ITEM BY ITEM AND LET YOU DECIDE WHETHER YOU WOULD LIKE TO INCLUDE THOSE RECOMMENDATIONS IN THE THIRD READING ORDINANCE.

Goodman: IS THE MOTION SHEET IN THIS PACKET?

IT SHOULD BE. IT WAS PLACED ON THE DAIS. LOOKS LIKE THIS IF THAT'S HELPFUL.

Goodman: AH-HA. NOW, WE DO HAVE SPEAKERS. AND SINCE THIS IS SECOND READING IT WOULD BE THE COUNCIL'S DISCRETION AS TO WHETHER THEY ALLOWED SPEAKERS OR NOT. DO YOU WANT TO?

McCracken: YES, MAYOR PRO TEM. I THINK WE HAD --

Alvarez: YES, MAYOR PRO TEM. I THINK WHEN WE VOTED ON

FIRST READING WE HAD TALKED ABOUT OPENING UP ON THIRD READING FOR PUBLIC INPUT SINCE WE ANTICIPATED A LOT OF CHANGES, AND THAT WAY WE COULD GET SOME PUBLIC INPUT ON THE CHANGES THAT HAVE OCCURRED SINCE FIRST READING. AND THIS IS UP FOR ISN'T IT THIRD READING?

THAT'S CORRECT.

Goodman: OKAY. AND OUR CLERK, CITY CLERK, SHIRLEY, HAS THE LIST OF SPEAKERS. IF YOU JUST WANT TO CALL THEM OUT IN ORDER OF SIGN-UP. THAT WOULD BE GOOD.

ARE YOU READY FOR THAT, MAYOR PRO TEM?

Goodman: OH, YES.

THE FIRST SPEAKER IS SUSANNA ALMANZA. SUSANNA ALMANZA.

MAYOR PRO TEM AND CITY COUNCILMEMBERS, I'M SUSANA ALMANZA WITH PODER, PEOPLE ORGANIZED IN DEFENSE OF EARTH AND HER RESOURCES. I THOUGHT WE WERE GOING TO HEAR THE AMENDMENTS FIRST SO THAT WAY I COULD HAVE SOMETHING TO SEE. I'VE GOT THE DRAFT ORDINANCE, BUT I DIDN'T KNOW IF ANYTHING HAD CHANGED ON IT OR ANYTHING.

Slusher: I THINK THAT'S THE REASON WHY -- I THINK THAT'S A REASONABLE IDEA. WHY DON'T WE WAIT AND LAY OUT THE AMENDMENTS AND START WITH SPEAKERS.

Goodman: SO WHO WOULD DO THAT, GEORGE AGAIN?

BEGINNING ON PAGE 1 OF THE MOTION SHEET, ITEM NUMBER 2, THIS IS A PROPOSED AMENDMENT REQUESTED BY THE MAYOR PRO TEM TO 252-766.21. THIS IS THE ISSUE OF WANTING TO INDICATE BROADER PARTICIPATION IN THE CREATION OF A STATION AREA PLAN, AND THE PROPOSED CHANGE WOULD BE FOR SUBSECTION A TO READ THE DIRECTOR SHALL PREPARE A STATION AREA PLAN FOR TRANSIT ORIENTED DEVELOPMENT -- FOR EACH TRANSIT ORIENTED DEVELOPMENT DISTRICT. CAPITAL

METROPOLITAN TRANSPORTATION AUTHORITY, THE NEIGHBORHOOD PLAN CONTACT TEAM, IF ANY, NEIGHBORHOOD ORGANIZATIONS, BUSINESS OWNERS AND PROPERTY OWNERS, AND OTHER AFFECTED PERSONS MAY PARTICIPATE IN THE PREPARATION OF THE STATION AREA PLAN. AND STAFF IS RECOMMENDING THIS CHANGE. WE'RE ALSO RECOMMENDING ADDING THE AUSTIN-SAN ANTONIO INTERMUNICIPAL COMMUTER RAIL DISTRICT TO THE LIST OF POTENTIAL PARTICIPANTS IN ANTICIPATION OF FUTURE STATIONS ALONG THAT LINE. ON PAGE 2, ITEM NUMBER 3, THIS SECTION INCLUDES ORDINANCE CHANGES REQUESTED BY COUNCILMEMBER ALVAREZ. THE PROPOSED CHANGE, AND I'M GOING TO TRY TO SUMMARIZE HERE, WOULD APPLY TO THE TRANSIT ORIENTED DEVELOPMENT DEVELOPMENT DISTRICTS WITHIN THE COMMUNITY REVITALIZATION ZONE, SO THIS WOULD APPLY SPECIFICALLY TO THE PLAZA SALTILLO AND THE MLK T.O.D.'S. FOR THOSE TWO T.O.D.'S, IT WOULD SET A SLIGHTLY DIFFERENT AFFORDABLE HOUSING GOAL THAN IS CURRENTLY IDENTIFIED IN THE ORDINANCE, SO THAT AFFORDABLE HOUSING WOULD BE 25% OF RESIDENTIAL. AND IT'S MY UNDERSTANDING THERE'S BEEN A CHANGE TO THE TEXT -- FROM THE TEXT IN THE MOTION SHEET, SO I WILL READ THE CHANGE AS I UNDERSTAND IT. TO SET AN AFFORDABLE HOUSING GOAL OF 25% OF RESIDENTIAL UNITS AT 60% OF MEDIAN FAMILY INCOME FOR HOME OWNERSHIP AND HOSPITAL DISTRICT% FOR RENTAL OPPORTUNITIES. THE OTHER ITEMS THAT WOULD -- THE OTHER CHANGES THAT WOULD BE PUT IN PLACE BY THIS RECOMMENDATION IS THAT ADDITIONAL DENSITY IN GATEWAY OR MIDWAY AREAS WITHIN THOSE TWO T.O.D.'S WOULD ONLY BE ALLOWED IF THE PROPOSED DEVELOPMENT INCLUDED A RESIDENTIAL COMPONENT AND THE PROPOSED DEVELOPMENT MET THE GOALS MENTIONED ABOVE. FINALLY, THIS PROVISION WOULD PROHIBIT ADDITIONAL DENSITY IN A TRANSITION ZONE IN THE PLAZA SALTILLO OR THE MLK T.O.D. STAFF SUPPORTS THE REVISED HOUSING GOAL; HOWEVER, AT THIS TIME WE DON'T RECOMMEND STATIONS ON DENSITY WITHIN THOSE TWO T.O.D.'S. THE AFFECT OF THIS ORDINANCE WOULD BE TO ESSENTIALLY REMOVE ABOUT 85% OF THE AREA WITHIN THE BOUNDARIES OF THOSE TWO T.O.D.'S FROM CONSIDERATION DURING THE STATION AREA PLANNING PROCESS. AND WE

FEEL LIKE NOT ONLY DOES THIS POTENTIALLY LIMIT NEW HOUSING EMPLOYMENT AND BUSINESS OPPORTUNITIES IN THOSE AREAS ALONG WITH TRANSIT RIDERSHIP, BUT IT ALSO LIMITS THE FLEXIBILITY IN IDENTIFYING STRATEGIES TO ACHIEVE THE AFFORDABLE HOUSING GOALS AS WE MOVE FORWARD.

Alvarez: MAYOR PRO TEM?

Goodman: COUNCILMEMBER ALVAREZ.

Alvarez: I THINK A DIFFERENT WAY OF ARTICULATING THAT IS NOT THAT YOU'RE LIMITING MORE DENSITY ON 85%, IT'S THAT YOU'RE OPENING 85% OF THIS AREA FOR MORE DENSITY, WHICH I THINK ALSO IS SOMETHING THAT MAY BE OF CONCERN IN ADDITION TO WHAT MR. ADAMS EXPLAINED.

ON PAGE 3 OF THE MOTION SHEET, IF THE COUNCIL DOES CHOOSE TO ADOPT THIS, THERE'S THE ORDINANCE LANGUAGE SHOWN ON PAGE 3 OF 15 OVER IN THE FAR RIGHT-HAND COLUMN THAT I WOULD BE GLAD TO READ INTO THE RECORD IF IT'S NEEDED.

Goodman: WHY DON'T WE GO AHEAD AND DO THAT NOW.

SO THE CHANGE IN TERMS OF SUGGESTED ORDINANCE LANGUAGE WOULD READ, IN SECTION 25-2, 766.22-B, ADD THE FOLLOWING NEW PARAGRAPH 3 AND DELETE PARAGRAPH 7 IF REQUIRED AND RENUMBER THE REMAINING PARAGRAPHS ACCORDINGLY. SUBSECTION B WOULD READ: A STATION AREA PLAN, SUBSECTION 3, IN A COMMUNITY PRESERVATION AND REVITALIZATION ZONE ESTABLISHED BY COUNCIL, A, FOR A TRANSITION ZONE MAY NOT PRESCRIBE SITE DEVELOPMENT REGULATIONS THAT ARE MORE PERMISSIVE THAN THOSE APPLIED BY THE APPLICABLE ZONING DISTRICT BEFORE ADOPTION OF THE STATION AREA PLAN. B READS FOR A GATEWAY ZONE OR A MIDWAY ZONE MAY NOT PRESCRIBE SITE DEVELOPMENT REGULATIONS THAT ARE MORE PERMISSIVE THAN THOSE DESCRIBED BY THE APPLICABLE ZONING DISTRICT BY THE STATION AREA PLAN UNLESS, I, THE REGULATIONS APPLY TO A DEVELOPMENT THAT CONTAINS RESIDENTIAL UNITS AND TWO I, THE DEVELOPMENT MEETS THE GOALS OF

PROVIDING AT LEAST 25% OF THE RESIDENTIAL UNITS -- AND I'M HE EDITING THIS ON THE FLY HERE. 25% OF THE RESIDENTIAL HOME OWNERSHIP UNITS TO HOUSEHOLDS WITH AN INCOME OF NOT MORE THAN 60% OF MEDIAN FAMILY INCOME AND 25% OF THEIR RENTAL UNITS TO HOUSEHOLDS WITH AN INCOME OF NOT MORE THAN 50% OF THE MEDIAN FAMILY INCOME FOR THE AUSTIN AREA.

MOVING ON TO PAGE 4 AND ITEM 4, IT'S MY UNDERSTANDING THAT THIS RECOMMENDATION IS NO LONGER ON THE TABLE AND HAS BEEN PULLED FROM CONSIDERATION -- FROM CONSIDERATION. WHICH WOULD THEN TAKE US TO PAGE 6 OF THE MOTION SHEET, ITEM 5. THE PROPOSED CHANGE -- AND ONCE AGAIN I'M SUMMARIZING HERE, DESIGNATES ALL OF THE PLAZA SALTILLO T.O.D. AS TRANSITION ZONE. B, PROHIBITS ESTABLISHMENT OF A GATEWAY ZONE IN THE PLAZA SALTILLO T.O.D. DISTRICT. AND C, STATES THAT THERE CAN BE A MIDWAY ZONE ESTABLISHED FOR THE 11-ACRE PROPERTY OWNED BY CAPITAL METRO AS A MIDWAY ZONE. SIMILAR TO THE PREVIOUS COMMENTS, STAFF DOES NOT RECOMMEND THIS CHANGE PRIMARILY BECAUSE IT DOES TAKE ALL BUT 11 ACRES. 11 -- ALL BUT 11 OUT OF 122 ACRES THAT ARE SHOWN WITHIN THIS T.O.D. ESSENTIALLY OFF THE TABLE FOR CONSIDERATION DURING THE STATION AREA PLANNING PROCESS. IF THE COUNCIL CHOOSES TO ADOPT THE CHANGES, THAT LANGUAGE IS SHOWN OVER IN THE FAR RIGHT-HAND COLUMN, AND WE WOULD -- THERE'S ACTUALLY A TWO-PART CHANGE THAT WOULD -- THAT IS SUGGESTED. THE FIRST IS TO ADD A NEW SECTION C TO -- SUBSECTION C TO 25-2-766.22, WHICH WOULD READ, THIS SUBSECTION APPLIES IN THE PLAZA SALTILLO T.O.D. DISTRICT. THE STATION AREA PLAN MAY NOT INCLUDE A GATEWAY ZONE OR EXPAND THE ORIGINAL BOUNDARIES OF A MIDWAY ZONE. AND THEN LINK WITH THAT WE WOULD SUGGEST SUBSTITUTING A MAP FOR THE PLAZA SALTILLO T.O.D. WHICH SHOWS THE 11 ACRES AS MIDWAY ZONE AND THE REMAINDER OF THE AREA AS TRANSITION ZONE. AND THAT'S ATTACHED TO THE BACK OF YOUR MOTION SHEET.

MOVING ON TO PAGE 7 AND ITEM NUMBER 6, THIS IS AN ITEM THAT WAS AN AMENDMENT THAT WAS PROPOSED BY COUNCILMEMBER SLUSHER ON THE 24TH AND WAS ADOPTED -- WAS APPROVED AND INCORPORATED IN THE ORDINANCE. AND THIS IS THE CHANGE THAT WAS MADE TO

SECTION 25-2-766.23, WHICH REGARDING AMENDMENTS TO STATION AREA PLANS. AND STAFF HAD A REFINEMENT, ALBEIT A LENGTHY REFINEMENT, THAT WE WANTED TO RECOMMEND -- THE WAY THE CURRENT LANGUAGE READS, AMENDMENTS TO A STATION AREA PLAN MAY BE PROPOSED BY LANDOWNERS NOT MORE THAN ONE PER YEAR PER PROPERTY OWNED. AND WE AGREE WITH THIS. WE'RE JUST HOPING TO -- WE'RE SUGGESTING THAT TO COME IN LINE WITH THE NEIGHBORHOOD PLAN AMENDMENTS STANDARDS THAT WERE ADOPTED BY COUNCIL. SO WHAT WE'RE SUGGESTING AS A SUBSTITUTION FOR THAT IS THAT FOR AREAS THAT ARE INCLUDED -- THAT ARE PART OF THE ADOPTED NEIGHBORHOOD PLAN, THEY WOULD JUST FOLLOW THE EXISTING NEIGHBORHOOD PLAN AMENDMENT PROCESS. AND THE ESSENTIAL DIFFERENCE BETWEEN WHAT IS CURRENTLY IN THE ORDINANCE RELATIVE THIS SECTION AND THE NEIGHBORHOOD PLAN PROCESS IS IT FOCUSES THE AMENDMENT TO ONE PARTICULAR MONTH OF THE YEAR DEPENDING UPON WHICH SIDE OF I-35 THE T.O.D. WOULD BE LOCATED. LET ME GET TO RIGHT SECTION HERE. IF IT'S WEST OF I-35, THOSE AMENDMENTS WOULD BE FILED IN FEBRUARY, AND IF IT'S EAST OF I-35, THEY WOULD BE FILED DURING JULY. THE NEIGHBORHOOD PLAN AMENDMENT PROCESS ALSO PROVIDES A NUMBER OF EXEMPTIONS TO THOSE DAYS, SO FOR EXAMPLE, IF THERE'S BEEN A CLERICAL ERROR THAT WOULD NECESSARY STATETATE A CHANGE, THAT COULD -- NECESSITATE A CHANGE, THAT COULD PROCEED. FOR A SMART HOUSING PROCEED IT COULD PROCEED THROUGH THE AMENDMENT PROCESS. THERE'S A NUMBER OF OTHER EXCEPTIONS THAT ARE IDENTIFIED IN THAT ORDINANCE. THEN FOR THE T.O.D.'S THAT ARE OUTSIDE OF NEIGHBORHOOD PLANNING AREAS, WE'RE ESSENTIALLY PULLING MUCH OF THAT LANGUAGE OUT OF THE ORDINANCE AND SUGGESTING THAT THAT APPLY. SO IT'S TRYING TO USE THE SAME STANDARDS, ALTHOUGH WE COULDN'T USE THE ENTIRE ORDINANCE BECAUSE THERE'S A LOT OF REFERENCES TO THINGS LIKE NEIGHBORHOOD PLAN CONTACT TEAMS AND THAT DON'T APPLY TO THE T.O.D.'S OUTSIDE OF NEIGHBORHOOD PLANNING AREAS. ONCE AGAIN, I CAN READ THROUGH THE LANGUAGE. IT'S FAIRLY LENGTHY. THE ACTUAL CHANGE WOULD BE TO SECTION 25-

2-766.23, ADDING THE FOLLOWING NEW SUBSECTION C AND D. C WOULD READ: FOR STATION AREA PLAN THAT IS WITHIN AN ADOPTED NEIGHBORHOOD PLAN AREA, AN AMENDMENT TO THE STATION AREA PLAN MUST BE REVIEWED AND APPROVED IN ACCORDANCE WITH THE NEIGHBORHOOD PLAN AMENDMENT PROCESS ESTABLISHED BY COUNCIL. D IS THIS SUBSECTION PRESCRIBES THE REVIEW PROCESS FOR AN AMENDMENT TO AN STATION AREA PLAN THAT IS OUTSIDE AN ADOPTED NEIGHBORHOOD PLAN AREA. ONE, EXCEPT AS PROVIDED IN PARAGRAPH 2, THE DIRECTOR MAY NOT ACCEPT AN APPLICATION TO AMEND THE STATION AREA PLAN UNTIL ONE YEAR AFTER ADOPTION OF THE PLAN. AFTER THAT DATE THE DIRECTOR MAY ACCEPT AN APPLICATION TO AMEND THE PLAN RELATING TO AN INDIVIDUAL PROPERTY NOT MORE FREQUENTLY THAN ONCE EACH 12 MONTHS. AN APPLICATION MAY BE FILED FOR A STATION AREA PLAN WEST OF INTERSTATE HIGHWAY 35 ONLY THROUGH THE MONTH OF FEBRUARY FOR A STATION AREA PLAN EAST OF HIGHWAY 35. TWO, THE DIRECTOR MAY ACCEPT AN APPLICATION TO AMEND A STATION AREA PLAN AT A TIME OTHER THAN THAT PRESCRIBED BY PARAGRAPH 1 IF THE DIRECTOR DETERMINES THAT, A, ACCEPTING AN APPLICATION WOULD RESULT IN A HARDSHIP TO THE APPLICANT IN THE DEVELOPMENT PROPOSED BY THE APPLICANT WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY OR WELFARE. B, THE AMENDMENT WOULD ALLOW THE DEVELOPMENT OF A SMART HOUSING CERTIFIED PROJECT IN WHICH AT LEAST 40% OF THE PROPOSED UNITS ARE REASONABLY PRICED OR C, THE AMENDMENT WOULD ALLOW DEVELOPMENT THAT I PROVIDES ENVIRONMENTAL PROTECTION THAT'S SUPERIOR TO THE PROTECTION THAT WOULD OTHERWISE BE ACHIEVED UNDER THE EXISTING STATION PLAN OR TWO I, PROMOTE THE RECRUITMENT OR RETENTION OF AN EMPLOYMENT CENTER WITH 100 OR MORE EMPLOYEES. AS I MENTIONED, THIS LANGUAGE IS TAKEN FROM THE NEIGHBORHOOD PLAN AMENDMENT ORDINANCE. ITEM 7 IS AN ITEM THAT COUNCILMEMBER SLUSHER ASKED US TO LOOK INTO ALSO AT THE MARCH 24TH MEETING. THIS IS REGARDING AN EXEMPTION PROVISION THAT WAS AN EARLIER VERSION TO THE ORDINANCE. AT ONE POINT MANY ITERATIONS AGO WE HAD A MINIMAL BUILDING HEIGHT REQUIREMENT IN THE



ORDINANCE, THE IDEA BEING THAT PART OR ALL OF THE T.O.D.'S WE MIGHT SPECIFY A MINIMUM BUILDING HEIGHT TO MAKE SURE THAT THERE'S ADEQUATE DENSITY. AT THE TIME THERE WAS A LOT OF CONCERN ABOUT POTENTIAL IMPACTS TO SMALLER SITES, SMALL BUSINESS OWNERS, AND SO WE INCLUDED AN EXEMPTION FOR SITES THAT WERE LESS THAN 8,000 SQUARE FEET. AT THAT TIME WE DLOOTED THE -- WE DELETED THE EXEMPTION REQUIREMENTMENT IT'S POSSIBLE THAT THERE MIGHT BE A SIMILAR REQUIREMENT IN SOME OF THE STATION AREA PLANS, AND AT THAT TIME WE WOULD CERTAINLY WANT TO IDENTIFY THESE SORTS OF EXEMPTIONS AND MAKE SURE THOSE ARE ADDRESSED AS PART OF THE STATION AREA PLAN. WITH THAT I'M GOING TO TURN IT OVER TO MR. PAUL HILGERS TO COVER THE NEXT FEW ITEMS THAT ARE RELATED TO HOUSING.

THANK YOU, GEORGE. I AM PAUL HILGERS, DIRECTOR OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT. I'M HERE TO DISCUSS ITEMS 8, 9 AND 10 AND THEN I'LL PASS THE BATON BACK TO GEORGE. LET ME SAY JUST IN GENERAL THAT WE REALLY APPRECIATED THE OPPORTUNITY TO PARTICIPATE IN THE PLANNING OF THIS IMPORTANT INITIATIVE FOR HOUSING AFFORDABILITY. I WOULD REMIND FOLKS THAT WE BELIEVE THAT WE ARE SEEKING TO ACHIEVE THE MOST AGGRESSIVE GOALS FOR AFFORDABILITY, HOUSING AFFORDABILITY THIS CITY HAS EVER ATTEMPTED ON LAND THAT IT DID NOT OWN OR CONTROL. SO WE'RE VERY PROUD OF THE COMMITMENT THAT'S BEING ASKED FOR -- THAT WE'RE BEING ASKED TO PARTICIPATE IN AND THAT WE'RE BEING ASKED TO ACHIEVED. SO WITH THAT IN ITEM NUMBER 8 AS STAFF HAS RECOMMENDED AT THIS POINT, THE LANGUAGE THAT YOU SEE ADOPTED IN THE SECOND READING, STAFF'S RECOMMENDED CHANGES ARE JUST LITTLE MINOR DIFFERENCE, SOMEWHAT DIFFERENT FROM THE PROPOSED CHANGE FROM -- THAT YOU HAVE ON YOUR MATRIX THERE IN THAT THE PROPOSED CHANGE WAS THAT IN EACH T.O.D. SERVING FAMILIES THE FOLLOWING LEVELS FOR HOME OWNERSHIP OPPORTUNITIES FOR FAMILIES AT OR BELOW 80% OF MEDIAN FAMILY INCOME AND FOR RENTAL HOUSING SERVING FAMILIES AT OR BELOW 50% OF MEDIAN FAMILY INCOME. THE STAFF HAS CHANGE IT HAD SHOW A HOUSING

AFFORDABILITY ANALYSIS AND FEASIBILITY REVIEW THAT PROVIDES POTENTIAL STRATEGIES FOR ACHIEVING A GOAL OF 25% OF NEW HOUSING WITHIN EACH T.O.D. SERVING FAMILIES AT THE FOLLOWING INCOME LEVELS. HOME OWNERSHIP FOR FAMILIES AT OR BELOW 80% OF MEDIAN FAMILY INCOME AND RENTAL OPPORTUNITIES FOR FAMILIES AT OR BELOW 60% OF MEDIAN FAMILY INCOME. JUST FOR A SECOND I WANT TO TALK ABOUT THE IMPORTANCE OF THE HOUSING AFFORDABILITY ANALYSIS AND FEASIBILITY REVIEW. AND THE IMPORTANCE OF HAVING THAT INFORMATION AS PART OF THE STATION AREA PLANNING PROCESS. AND AS WE ENVISION EACH STATION AREA PLANNING PROCESS WILL HAVE AN INTENSIVE AFFORDABILITY REVIEW AND FEASIBILITY ANALYSIS TO DETERMINE HOW TO ACHIEVE THESE LEVELS OF AFFORDABILITY. SECTION NUMBER 9 IN YOUR MATRIX, SECTION 25276.21, IT'S NOT CURRENTLY INCLUDED IN AND THE DRAFT LANGUAGE WAS TO ADD WHAT ARE THE, CALLED, STRETCH GOALS, STRATIFIED GOALS. AND I WANT TO READ THESE. FOR LIVING UNITS, 25% OF AFFORDABILITY GOAL AND IT INCLUDES AT LEAST 10% OF THE UNIT AT 40 AND 50% OF MEDIAN FAMILY INCOME, 10% OF THE INCOME AT 30 TO 40 PERCENT OF MEDIAN FAMILY INCOME AND FIVE PERCENT OF THE UNITS AT 30% OF MEDIAN FAMILY INCOME. FOR HOME OWNERSHIP UNITS, 25% AFFORDABILITY GOALS. AT LEAST 10% OF THE UNITS AT 70 TO 80% OF MFI, 10% AT 60 TO 70 OF MFI. I THINK IT'S IMPORTANT TO RECOGNIZE THAT THE REASON FOR THESE GOALS IS TO HAVE THE DESIRED RESULT OF HAVING A VARIETY OF INCOME LEVELS AT ALL OF THESE TRANSIT ORIENTED DEVELOPMENTS. WHAT I THINK MAKES GOOD HOUSING AFFORD AFFORDABILITY SENSE AND GOOD URBAN PLANNING IS YOU HAVE OPPORTUNITIES FOR FAMILIES AT ALL INCOME LEVELS. STAFF HAS INCLUDED THESE GOALS AS IT STANDS IN OUR RECOMMENDATIONS CURRENTLY FOR THOSE TO BE INCLUDED IN OUR RESOLUTION. AND THAT THEY WOULD BE PART OF THAT HOUSING AFFORDABILITY AND FEESABILITY ANALYSIS THAT IS PART OF THIS RESOLUTION AS IT WAS PRESENTED TO YOU PRIOR TO THIS MEETING. SO THAT'S WHERE WE WERE IN OUR RECOMMENDATION TO THIS POINT. ITEM NO. 10 AGAIN FAIRLY -- THIS ONE IS NOT IN THE ORDINANCE PROVIDED AT THE SECOND READING OF THE COUNCIL

MEETING. IT'S TO ADD THE FOLLOWING LANGUAGE. THE CITY MANAGER IS DIRECTED TO ADOPT POLICIES AND PROGRAMS TO ACHIEVE THE AFFORDABILITY GOALS. SIMILAR LANGUAGE WAS RECOMMENDED IN THE RESOLUTION I THINK THAT THE DRAFT RESOLUTION IS THAT THE CITY MANAGER IS DIRECTING THE COMMUNITY DEVELOPMENT OFFICER TO IMPLEMENT -- ADOPT AND IMPLEMENT POLICIES, TO RECOMMEND POLICIES TO ACHIEVES THESE AFFORDABILITY GOALS, SO A MINOR ADJUSTMENT TO THAT. THOSE ARE THE RECOMMENDATIONS OF THE THREE MAJOR ISSUES WITH HOUSING AFFORDABILITY IN THE ORDINANCE AS THEY STAND BEFORE YOU AT. AT THIS POINT WITH THIS, I WOULD BE FWLAD TO TURN IT BACK OVER TO GEORGE ADAMS AND LET HIM CONTINUE GOING THROUGH THIS AND THEN I WILL BE AVAILABLE FOR QUESTIONS AS THEY COME UP.

PICKING BACK UP WITH ITEM NUMBER 11 ON PAGE 10 OF 15, THIS IS THE CHANGE THAT WAS REQUESTED BY THE REAL ESTATE COUNCIL TO CURRENTLY DRIVE-IN SERVICE IS SHOWN AS A PROHIBITED USE IN THE DRAFT ORDINANCE. AND THEY WERE REQUESTING THAT DRIVE-IN SERVICE WOULD BE A PERMITTED USE IF IT'S NO MORE -- I'M SORRY. I'M TURNING THIS AROUND. IT WOULD PROHIBIT DRIVE-IN SERVICE ONLY IF IT WERE LOCATED MORE THAN 300 FEET FROM A MAJOR ARTERIAL. AND STEF IS NOT RECOMMENDING -- AND STAFF IS NOT RECOMMENDING THIS. WE THINK IT HAS -- THERE ARE A NUMBER OF T.O.D.'S THAT IF THAT WERE THE STANDARD, ESSENTIALLY WE WOULD BE PERMITTING DRIVE-IN SERVICES THROUGHOUT THE T.O.D. SO WE DON'T RECOMMEND THIS. IF IT IS AN ISSUE THAT IS OF CONCERN, WE SUGGEST CLASSIFYING DRIVE-IN SERVICES USE AS A CONDITIONAL USE IS INSTEAD OF PROHIBITED. LINE 12 IS -- ITEM 12 BEGINS ORDINANCE CHANGES RECOMMENDED BY THE PLANNING COMMISSION, THE FIRST OF WHICH IS A SLIGHT ADDITION TO THE DEFINITION OF TRANSIT ORIENTED DEVELOPMENT THAT'S INCLUDED IN SECTION 252-147. THEIR PROPOSED CHANGE WOULD BE TRANSIT ORIENTED DEVELOPMENT DISTRICT IS THE DESIGNATION FOR AN IDENTIFIED TRANSIT STATION IN THE AREA AROUND IT. THE DISTRICT PROVIDES FOR DEVELOPMENT THAT IS COMPATIBLE WITH AND SUPPORTIVE

OF PUBLIC TRANSIT OF PEDESTRIAN ORIENTED ENVIRONMENT. AND THEIR ADDITION WOULD BE, AND SMART HOUSING. AND STAFF RECOMMENDS THE PROPOSED CHANGE FOR ITEM 12. ITEM 13 IS ANOTHER ITEM FROM THE PLANNING COMMISSION. THIS WOULD BE A CHANGE TO SECTION 252-766.21, WHICH IS THE PROCESS FOR APPROVAL OF A STATION AREA PLAN. AT THE TIME THAT THE PLANNING COMMISSION REVIEWED THE ORDINANCE, THEY WERE CONCERNED THAT WE WERE SUGGESTSUGGESTING THAT ALL STATION AREA PLANS THAT ARE COVERED BY A NEIGHBORHOOD PLAN WOULD NEED TO WORK AS A NEIGHBORHOOD PLAN AMENDMENT AND SO THEY SUGGESTED DELETING THAT FIRST SENTENCE OF SUBSECTION B, WHICH READS, A STATION AREA PLAN MUST BE CONSISTENT WITH AN ADOPTED NEIGHBORHOOD PLAN, IF ANY. STAFF DOESN'T SUPPORT THIS FROM A PROCESS POINT OF VIEW, AND WE FEEL LIKE THE CITY CHARTER ALSO REQUIRES ANY ZONING CHANGE TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN AND THEREFORE THERE'S A LEGAL REASON TO BE DOING THIS AS WELL. ITEM 14 IS ANOTHER PROPOSED CHANGE RECOMMENDED BY THE PLANNING COMMISSION. IT WOULD BE TO SECTION 25-2-766.21. AND THEY WOULD RECOMMEND ADDING A NEW PARAGRAPH C TO READ, A STATION AREA PLAN MUST FEATURE 100% SMART HOUSING. STAFF ALSO DOES NOT RECOMMEND THIS. WE FEEL LIKE THE SMART HOUSING IS VERY SUCCESSFUL AS A VOLUNTARY INITIATIVE AND BELIEVE IT SHOULD CONTINUE TO BE SO WITHIN THE T.O.D.'S. LINE 15 IS A PROPOSED AMENDMENT TO SECTION 25-2-766.22. THIS WOULD BE TO ADD A NEW SUBSECTION B, WHICH WOULD READ: A STATION -- SUBSECTION B-9, A STATION AREA PLAN SHALL INCLUDE ESTIMATES OF INCREASED RIDERSHIP FROM LOCAL RESIDENTS. I THINK THE GOAL OF THIS WAS TO -- IT WAS FOCUSED ON THE WORDS LOCAL RESIDENTS WERE REFERRING TO RESIDENTS IN -- FUTURE RESIDENTS IN THE T.O.D.'S. AND THERE WAS SOME DESIRE TO MAKE SURE THAT THERE WAS A PROCESS OF ADJUSTING THE LAND USE PLAN FOR THE AREA TO MAKE SURE THAT WE MAXIMIZE RIDERSHIP. QUHIEL WE THINK THIS IS -- WHILE WE THINK THIS IS CERTAINLY A GOOD IDEA, WE THINK IT'S SOMETHING TO BE HANDLED OFF LINE. CAPITAL METRO ALREADY HAS PRELIMINARY RIDERSHIP ESTIMATES

FOR THE STATIONS AND WE WILL CONTINUE TO REFINE THOSE AS WE GO THROUGH LAND USE SCENARIOS WITH THE STATION AREA PLANS. SO WE'RE NOT RECOMMENDING ANY CHANGE TO THE ORDINANCE WITH THIS ONE. ITEM 16, CHANGE TO ONCE AGAIN TO 25-2-766.22, WHICH WOULD ADD A NEW SUBSECTION B-10, WHICH WOULD READ, SHALL INCLUDE CONSIDERATION OF PUBLIC AND CIVIC ART IN THE AREA TRANSIT STATIONS. THIS IS ONE THING THAT WE THINK WILL BE CONSIDERED AS, A, PART OF CAPITAL METRO'S WORK IN THE STATIONS AND THE PLATFORMS THEMSELVES AND B, POTENTIALLY THROUGH THE CITY'S ART IN PUBLIC PLACES PROGRAM. FINALLY THERE'S TWO PROPOSED AMENDMENTS THAT WERE RECOMMENDED BY THE ZONING AND PLATTING COMMISSION, AND THAT THIS IS ON PAGE 12 OF THE MOTION SHEET. ITEM 17, THIS WOULD APPLY TO SUBPART B, WHICH IS THE STANDARDS THAT WOULD GO INTO EFFECT IMMEDIATELY ONCE THE ORDINANCE IS ADOPTED. AND WHAT THE ZONING AND PLATTING COMMISSION WAS RECOMMENDING IS THAT THESE INITIAL REGULATIONS WOULD APPLY ONLY IN THE GATEWAY ZONE. IN FACT, MANY OF THOSE INITIAL REGULATIONS DO ONLY APPLY IN THE GATEWAY ZONE IN THIS AMENDED ORDINANCE. THE ONLY DIFFERENCES BEING THE MAXIMUM SET BACK OF 15 FEET THAT WOULD APPLY THROUGHOUT THE T.O.D. AND THE REDUCED PARKING REQUIREMENTS? SO WE'RE NOT RECOMMENDING THIS CHANGE. ITEM 18 WOULD BE A RECOMMENDED CHANGE TO 25-2-766.04. AND THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION WAS TO DELETE THE NORTH I-35 TRANSIT ORIENTED DEVELOPMENT DISTRICT FROM THE ORDINANCE. WE FEEL LIKE IT'S IMPORTANT TO MAINTAIN THIS. THIS WOULD BE THE NORTHERN TERMINUS OF THE CAPITAL METRO RAPID BUS LINE. THIS WOULD BE THE FIRST RAPID BUS LINE THAT WOULD GO IN AND CONNECT TO A SOUTH I-35 PARK AND RIDE, WHICH IS NOT CURRENTLY PART OF THE ORDINANCE, BUT COULD BE IN THE KNOT TOO DISTANT FUTURE. SO STAFF IS NOT RECOMMENDING THIS. WITH THAT I'M GOING TO TURN IT BACK OVER TO MR. HILGERS AND BE GLAD TO ANSWER ANY QUESTIONS WHEN APPROPRIATE.

Mayor Wynn: THANK YOU, MR. ADAMS. SO THANK YOU.

I'M SORRY.

Mayor Wynn: Y'ALL SOUND GOOD ON THE RADIO, BY THE WAY.

I'M HERE TO ANSWER ANY QUESTIONS AT THIS POINT UNLESS YOU WANTED ME TO GO THROUGH THE RESOLUTION, BUT I DIDN'T KNOW WHETHER YOU WANTED TO GO THROUGH THE RESOLUTION AT THIS POINT, WHICH IS I THINK THE NEXT ITEM.

Mayor Wynn: COUNCIL, QUESTIONS, COMMENTS? MAYOR PRO TEM.

Goodman: MY COMMENT WOULD BE WE GO AHEAD WITH ALL THE CHANGES BECAUSE I THINK THAT'S WHAT PEOPLE WANT TO KNOW.

THAT WOULD BE JUST FINE. AGAIN, ON THE RESOLUTION, AS THE LANGUAGE IN THE MARCH 4TH DRAFT RESOLUTION WAS THAT EACH STATION AREA PLAN SHOULD INCLUDE A FEASIBILITY ANALYSIS OF POTENTIAL STRATEGIES AND POLICIES TO ACHIEVE THE AFFORDABILITIES PERIODS FOR 10 YEARS FOR HOME OWNERSHIP UNITS AND THIRD YEARS FOR RENTAL UNITS. AND THE CHANGE WOULD BE THAT EACH STATION -- THE CHANGE THAT'S RECOMMENDED WAS - - PROPOSED WAS BY THE AUSTIN TRANSIT COMMUNITIES COALITION, EACH STATION AREA PLAN SHOULD INCLUDE AFEESABILITY ANALYSIS TO ACHIEVE AFFORDABILITIES, PERIODS OF 10 YEARS FOR HOME OWNERSHIP RIEWNTS AND AT LEAST 30 YEARS FOR RENTAL UNITS. WE BELIEVE THIS CHANGE IS UNNECESSARY AND THAT WE'RE GOING TO COVER THIS IN SECTION D, WHICH WILL STATE THAT THE CITY WILL PURSUE POLICIES, PROGRAMS OR FUNDING SOURCES THAT MAY BE AVAILABLE TO ACHIEVE OR EXCEED HOUSING GOALS. SECOND, ITEM NUMBER 20 IS FOR RENTAL UNITS THOSE GOALS INCLUDE THIS WAS JUST A TYPOGRAPHICAL ERROR. THOSE GOALS INCLUDE RENTAL UNITS AND FIVE PERCENT OF UNITS AT 30% OF MFI. FOR CLARIFICATION PURPOSES WE GRAY THAT THE CHANGE IN THE TEXT SHOULD BE THAT FOR RENTAL UNITS THIS GOAL OF 10% BUT RENTALS AT 40 PERCENT OF MFI... AND FIVE PERCENT OF THE UNITS AT LESS THAN 30% OF MFI. THAT WAS REALLY JUST A TYPOGRAPHICAL ERROR IN THE

SECOND DRAFT. AND THE MARCH FOURTH AGAIN, NUMBER 21, RESOLUTION SECTION B, THE HOUSING GOALS FOR EACH STATION AREA PLAN MAY BE MODIFIED DURING THE STATION AREA PLANNING PROCESS TO ESTABLISH AFFORDABILITY PERCENTAGES AND MFI LEVELS APPROPRIATE TO EACH STATION AREA. THE RECOMMENDED CHANGE WAS THAT THE HOUSING GOALS FOR EACH STATION AREA PLAN MAY BE INCREASED DURING THE STATION AREA PLANNING TO REFLECT THE INCOME OF SURROUNDING RESIDENT AND ALLOW SURROUNDING RESIDENTS TO BE ABLE TO AFFORD THE HOUSING IN THE STATION AREA. AT THIS POINT THE STAFF HAS NO -- RECOMMENDS NO CHANGE. WHILE THE INTENT OF THE RESOLUTION IS TO ESTABLISH THE BENCHMARK OF 25% AFFORDABILITY ON EACH T.O.D. AREA, THE CITY SHOULD PRESERVE THE FLEXIBILITY IN THE T.O.D. AREAS WITH HIGHLAND VALUES SUCH AS THOSE DOWNTOWN, THE CONVENTION CENTER AREA. SO IT'S NOT JUST -- GOAL IS NOT WHAT WE WANT TO SEEK, IT'S THAT WE THINK WE OUGHT TO NOT LOCK OURSELVES INTO A BOX ON THAT. THERE WAS SECTION D, WE HAVE CHANGED THE TEXT -- PROPOSED TEXT IN PARAGRAPH D TO STATE THAT THE CITY MANAGER WILL DIRECT THE COMMUNITY DEVELOPMENT OFFICE TO PURSUE POLICIES, PROGRAMS OR FUNDING SOURCES THAT MAY BE AVAILABLE TO ACHIEVE OR EXCEED HOUSING AFFORDABILITY GOALS FOR EACH OF THE STATION AREA PLANS. AND THAT WAS THE CLARIFICATION I MENTIONED EARLIER. THERE WAS A RECOMMENDED CHANGE THAT THE GOAL OF TRANSIT ORIENTED DEVELOPMENT HAS ACHIEVED GREEN BUILDING STANDARDS, LEVEL GREEN STAR, RESIDENTIAL AND LEVEL 2 STAR. AND THERE'S NO CHANGE RECOMMENDED AT THIS TIME. IT'S PREMATURE TO REQUIRE PRIVATE PROPERTY OWNERS IN T.O.D.'S TO MEET GREEN BUILDING REQUIREMENTS IN THE ABSENCE OF IDENTIFIED INCENTIVES AND SUBSIDIES FROM STAFF PERSPECTIVE. NOW, THE RESOLUTION'S PROPOSED CHANGES RECOMMENDED BY STAFF, THE GOAL OF TRANSIT ORIENTED DEVELOPMENT SHOULD BE THAT OF 25% OF NEW HOUSING IN EACH T.O.D. AREA IS AFFORDABLE TO LOW AND MODERATE INCOME FAMILIES. IT WAS REQUESTED TO CLARIFY THAT LANGUAGE. SO THE HOUSING GOAL FOR TRANSIT ORIENTED

DEVELOPMENT AREAS SHOULD BE THAT 25% OF THE NEW HOUSING UNITS IN EACH T.O.D. AREA ARE AFFORDABLE TO LOW AND MODERATE INCOME HOUSEHOLDS AS FURTHER DEFINED IN THE RESOLUTION. THE ITEM 25, THE FOLLOWING LANGUAGE IS CURRENTLY LOCATED IN SECTION B, QUOTE, THE HOUSING GOALS FOR EACH STATION AREA PLAN MAY BE MODIFIED DURING THE STATION AREA PLANNING PROCESS TO ESTABLISH AFFORDABILITY... (INDISCERNIBLE). THE RECOMMENDATION WAS MOVING THIS LANGUAGE TO SECTION A WILL IMPROVE THE LEDGEIBILITY OF THE RESOLUTION AND STAFF IS RECOMMENDING THAT WE MOVE THE LANGUAGE FROM THE -- THE FOLLOWING LANGUAGE FROM SECTION B TO SECTION A. THE HOUSING GOALS FOR EACH STATION AREA PLAN MAY BE MODIFIED DURING THE STATION AREA PLANNING PROCESS TO ESTABLISH AFFORDABLE PERCENTAGES AND FMI LEVELS APPROPRIATE TO EACH STATION AREA. ITEM 26, THE FOLLOWING LANGUAGE IS CURRENTLY LOCATED IN SECTION A, QUOTE, EACH STATION AREA PLAN SHOULD INCLUDE A FEASIBILITY ANALYSIS OF POTENTIAL STRATEGIES AND POLICIES TO ACHIEVE AFFORDABILITY PERIODS OF 10 YEARS FOR HOME OWNERSHIP UNIT AND 30 YEARS FOR RENTAL UNITS. STAFF RECOMMENDS MOVING THIS LANGUAGE TO SECTION C... THAT WILL BE CONDUCTED. SO THE RECOMMENDATION IS TO MOVE THAT LANGUAGE FROM SECTION A TO SECTION C. AND THIS LANGUAGE IS THE HOUSING GOALS FOR EACH STATION AREA PLAN ON NUMBER 27 MAY BE MODIFIED DURING THE STATION AREA PLANNING PROCESS TO ESTABLISH AFFORDABLE PERCENTAGES OF MFI LEVELS APPROPRIATE TO EACH STATION AREA. STATION AREA PLANS SHALL INCLUDE AN ANALYSIS OF THE AREA MFI AND THE NEIGHBORHOODS SURROUNDING EACH T.O.D. AREA AND WHERE THE MEDIAN FAMILY INCOME IS LOWER THAN 80% OF THE CITY MFI WILL IDENTIFY TOOLS AND STRATEGIES TO ACHIEVE THE GOAL OF 25% OF THE NEW HOUSING TO BE AFFORDABLE TO HOUSEHOLDS AT OR BELOW THE MEDIAN FAMILY INCOME. IT WILL ASSESS THE IMPACT OF THESE TOOLS AND STRATEGIES. AND AT THIS POINT THE RECOMMENDATION WE UNDERSTAND THAT THERE'S SOME LANGUAGE THAT'S GOING TO BE PROPOSED THAT HAS TO DO WITH THE CPNR ZONE IN AREAS THAT ARE BELOW 80% OF MEDIAN FAMILY INCOME. SO WE WILL AWAIT



THAT FURTHER DIRECTION FROM COUNCIL. AGAIN, JUST IN CONCLUSION, I KNOW THAT THOSE ARE TECHNICAL READINGS OF THE RESOLUTION AS THEY ARE. AGAIN, STAFF IS COMMITTED TO ACHIEVE HIGH LEVELS OF AFFORDABILITY. I THINK THAT THIS CITY HAS RECEIVED NATIONAL ATTENTION AND NATIONAL RECOGNITION FOR THE ACCOMPLISHMENTS THAT WE HAVE RECEIVED IN HOUSING AFFORDABILITY. THIS CITY COUNCIL AND THE PREVIOUS CITY COUNCILS HAVE SHOWN VERY STRONG COMMITMENTS TO INVESTMENTS IN AFFORDABLE HOUSING. AND SO WE HAVE THE OPPORTUNITY TO CONTINUE THAT LEGACY, AND STAFF IS READY TO TRY TO CRAFT THIS LANGUAGE IN ANY WAY THAT THE COUNCIL SEES FIT TO ACHIEVE THE GOALS THAT ARE IMPORTANT TO THIS COMMUNITY FOR HOUSING AFFORDABILITY. AND WE STAND READY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.

Mayor Wynn: THANK YOU, MR. HILGERS. NO QUESTIONS OR COMMENTS FROM COUNCIL, THEN WE CAN DO AS THE MAYOR PRO TEM SUGGESTED, WHICH I AGREE, WHICH IS GO TO OUR CITIZENS' SIGN-UP. I EA APOLOGIZE FOR MISSING THE FIRST PART OF THIS. SO SUSANA ALMANZA HAS SPOKEN, BUT PROBABLY WANTED TO HEAR SOME OF THIS. SO SUSANNA ALMANZA WILL BE OUR FIRST SPEAKER. WELCOME. UM HAVE THREEYOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY JENNIFER GALE.

GOOD EVENING, COUNCIL AND CITY COUNCILMEMBERS, I'M SUSANA ALMANZA FROM PODER, PEOPLE ORGANIZED IN DEFENSE OF EARTH AND HER RESOURCES. AND I CAN TELL YOU THAT THIS INFORMATION IS VERY OVERWHELMING. WHEN I LOOK AT ORDINANCE AND RESOLUTION, I DON'T UNDERSTAND IF THE RESOLUTION, WHICH I KNOW IS NOT LEGALLY BINDING, IS THEN GOING TO BE PART OF THE ORDINANCE. IT'S VERY CONFUSING FOR A PERSON WHO HAS EVEN BEEN INVOLVED IN THE DIFFERENT PLANNING PROCESSES. BUT I KEEP HEARING ABOUT THE MIXED INCOME. I JUST WANT TO STATE THAT FOR OUR COMMUNITY AND FOR THE RECORD, WE WERE FORCED TO LIVE IN EAST AUSTIN, WHICH WE NOW CALL THE EAST AUSTIN URBAN RESERVATION. AND NOW WE SEE WHAT'S HAPPENING TO US, WE'RE BEING PUSHED OUT OF THE AREA. NO ONE WAS CONCERNED ABOUT MAKING SURE IN THAT WE HAD MIXED

INCOME UNTIL NOW THE MIXED INCOME SEEMS TO BE VERY EXTREMELY HIGH. BECAUSE EAST AUSTIN HAS ALWAYS HAD A MIXED INCOME FROM ZERO TO 40% MEDIAN INCOME. THAT IS A MIXED INCOME. BUT THE MIXED INCOME THAT'S BEGINNING TO BE PROPOSED NOW IS -- MAKES YOU OUT OF EAST AUSTIN. WHEN I LOOK AT THIS AND THEN WHEN I THINK -- I KEEP HEARING A GOAL. I HAPPEN TO DO A LOT OF PLANNING AND BEING INVOLVED IN A LOT OF DIFFERENT ORGANIZATIONS. AND A GOAL WAS JUST SOMETHING YOU TRY TO ACHIEVE. THAT DOESN'T MEAN YOU DO IT. THAT JUST MEANS YOU TRY TO ACHIEVE IT. AND I THINK WE NEED TO BE MORE CONCRETE ON WHAT WE'RE TRYING TO DO, ESPECIALLY IN THE SALTILLO DISTRICT AREA. WE KNOW WHAT'S HAPPENING THERE. WE KNOW WHAT -- IT COULD BE THE TOTAL DISPLACEMENT OF THE COMMUNITIES THAT HAVE BEEN THERE FOR GENERATIONS. AND THAT IS PUBLIC LAND. THAT'S PUBLIC LAND AND THERE'S NO REASON WHY WE SHOULD NOT BE ABLE TO BUILD LOW TO MODERATE INCOME HOUSING IN THAT PARTICULAR AREA SO TO KEEP THE TAX BASE DOWN FOR THE PEOPLE WHO ARE THERE AND SO THAT OUR FAMILIES CAN CONTINUE TO GROW AND LIVE THERE. AND I THINK THAT WE REALLY NEED TO LOOK AT THAT. THERE'S NO REASON TO MAXIMIZE PROFITS OR ANYTHING. WE'VE BEEN PAYING TAXES FOR A LONG TIME. EAST AUSTIN HAS NEVER GOT ITS FAIR SHARE OF THE MONIES. HERE'S AN OPPORTUNITY TO JUSTIFY A LOT OF WRONGS IN THE SALTILLO DISTRICT AREA. AND I'M TOTALLY AGAINST HIGH DENSE PHING THE AREA IN ORDER TO SAY WE WILL GET MORE AFFORDABLE UNITS. BECAUSE WE WON'T. 10 YEARS IS NOTHING. 30 YEARS IS NOTHING. CITIES AND STATES ARE NOW LOOKING INTO PERPETUAL SO THAT AFFORDABILITY STAYS THERE FOR LIFE NO MATTER WHAT. AND THAT IS ONE WAY TO BALANCE THE AREA. AND I DON'T SEE THAT IN THIS PARTICULAR PROPOSAL ABOUT IT. AS I WENT RIDING DOWN THE COMMUTER RAIL, THAT'S A LOT OF LAND THAT'S EMPTY WHERE YOU CAN REALLY JACK UP THE PRICE FOR EVERYONE WHO HAS THAT MONEY TO PAY IT, WHO HAS THE MONEY TO PAY IT. AND WHEN YOU HAVE LOW INCOME TO MODERATE, WE DO USE ALTERNATIVE TRANSPORTATION. FOR ONE THING, WE CAN'T AFFORD THE CARS, THE INSURANCE, OR WE'VE LOST OUR LICENSE. SO I REALLY WANT YOU TO LOOK AND MAKE SURE THAT EAST

AUSTIN IS PROTECTED IN THIS PROCESS. THANK YOU.

Mayor Wynn: THANK YOU. JENNIFER GALE? WELCOME, JENNIFER. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY AUSTIN DULNIG.

HI, AUSTIN. COUNCILMEMBERS, LEAVING COUNCILMEMBER DARYL SLUSHER, WE'RE GOING TO MISS YOU. WE'RE NOT GOING TO MISS YOU RAUL ALVAREZ. IT'S GOOD TO HAVE YOU HERE. MAYOR PRO TEM GOODMAN, BETTY, MAYOR WYNN, CITY MANAGER TOBY FUTRELL, COUNCILMEMBER DUNKERLEY CONGRATULATIONS. [ APPLAUSE ] COUNCILMEMBER BREWSTER MCCracken AND OFFICER DANNY THOMAS -- COUNCILMEMBER DANNY THOMAS. I DESCRIBED THE PROBLEMS THAT WE WERE GOING TO HAVE IF WE BUILT THE LIGHT RAIL. THIS LIGHT RAIL IS POLLUTING. SO IT'S GOING TO BE RIGHT NEXT TO -- NEXT TO ALL THESE UNITS, LIVING UNITS. AND YOU'RE GOING TO HAVE CRIME. I WILL BE ABLE TO HOP OFF A LIGHT RAIL AND GET INTO ONE OF THOSE LITTLE CUBBYHOLE UNITS THAT ARE GOING TO COST A LOT OF MONEY, JUMP OFF THAT TRAIN AND THEN HOP BACK ON THE TRAIN AND THEN GO TO THE NEXT STOP, RUN, ROB THAT PLACE AND HOP IT AND GO DOWN AND I'LL BE ABLE TO EAT PRETTY WELL BY THE END OF THE DAY. MY QUESTION IS HOW COULD THE LEGAL DEPARTMENT OKAY THIS? I HAVE REASON TO BELIEVE THAT ANY PERSON IN AUSTIN CANNOT TRUST THE LEGAL DEPARTMENT. AND SHOULD SUE THEM AT ANY OPPORTUNITY THEY HAVE. DO NOT TRUST THE CITY OF AUSTIN LEGAL DEPARTMENT. WE SHOULD HAVE A THOUSAND FEET NO BUILD ZONE, A THOUSAND FEET. THAT WAY IF YOU'RE GOING TO ROB SOMEPLACE, YOU'RE GOING TO SAY FORGET IT, I'M NOT RUNNING ANYWHERE. YOU WON'T BE ROBBED. WE CAN HAVE LITTLE BUSINESSES, LITTLE COFFEE SHOPS, LITTLE PLACES ALONG THERE. YOU KNOW, THE EXERCISE THAT THE MAYOR'S TASKFORCE, THINK OF ALL THE EXERCISE YOU COULD GET GOING FROM YOUR APARTMENT TO THE LIGHT RAIL. YOU COULD SET A BIKE AVENUE ALONG THIS INSTEAD OF HAVING JUST THE THREE TO FIVE HUNDRED YARDS. LET'S MAKE IT A THOUSAND -- I'M SORRY, 3 TO 500 FEET. LET'S MAKE IT A THOUSAND FEET. DENSITY WILL DESTROY AUSTIN AS WE KNOW IT. AFFORDABLE HOUSING MEANS A WHOLE DIFFERENT MEANING IN POOR DILAPIDATED AREAS.

WE'RE COMPROMISING DENSITY THROUGHOUT AUSTIN. HOW CAN THEY TURN THEIR BACK ON SMART HOUSING? WE NEED TO HAVE AT LEAST 25% HOUSING, AND ESPECIALLY IN THE AREAS WITH 20% UNEMPLOYMENT. HOW DO YOU PUT ALL THIS HOUSING WITH 20% UNEMPLOYMENT -- [ BUZZER SOUNDS ] -- NEXT TO A PLACE WHERE YOU HAVE A VERY, VERY EXPENSIVE, BEAUTIFUL, BRAND NEW SHINY HOUSING WHERE PEOPLE CAN'T EVEN GET A JOB? THANK YOU.

Mayor Wynn: THANK YOU, JENNIFER. AUSTIN DULNIG. TO BE FOLLOWED BY ANGELA BAKER.

THANK YOU VERY MUCH, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, MY NAME IS AUSTIN DULNIG, SPEAKING TO THE CITIZENS, BUT ALSO I SAT ON THE AUSTIN HUMAN RIGHTS COMMISSION FOR THE LAST FOUR YEARS. I WOULD LIKE TO SAY A FEW THINGS ABOUT THE PROPOSAL. ONE, PEOPLE FROM THE AUSTIN TRANSIT COMMUNITY COALITION HAVE WORKED REALLY HARD ON THESE AND THEY'RE REALLY SENSIBLE AND SOMETHING NEEDS TO BE DONE. WE'RE TALKING ABOUT IN SMART HOUSING AND REGARDING OTHER PROGRAMS, LOWERING THE STIPULATION, THE PERCENTAGE OF MFI THAT DICTATES WHO CAN LIVE THERE. 80% IS JUST TOO HIGH. WE KEEP HEARING THAT NUMBER AGAIN AND AGAIN. THE TRANSIT COMMUNITY COALITION HAS RECOMMENDED THAT IT BE CALIBRATED ACCORDING TO SOCIOECONOMIC SITUATION OF THE SURROUNDING AREAS, WHICH MAKES A LOT OF SENSE AND I ENCOURAGE YOU TO ADOPT THAT. RELYING ON THE STATION AREA PLANS RATHER THAN COMMUNITY PLANS IS SKETCHY AND TO AN EXTENT THAT PREEMPTS COMMUNITY INVOLVEMENT, AND SORT OF PREEMPTS TRUST OF THE COMMUNITY RELYING ON STATION AREA PLANS. BUT AGAIN, BACK TO THE 80%, I HEAR 80% IS JUST WAY TOO HIGH, EVEN IN THE SALTILLO AREAS, 50 AND 60 IS TOO HIGH. SUSANA MENTIONED EARLIER THAT THE INCOME IS ZERO TO 40% MFI IS ABOUT THE AVERAGE. SO WE REALLY NEED TO SUBSTANTIALLY LOWER THESE CRITERIA FROM 80, 60, EVEN 50 PERCENT. IN ADDITION, THE SUGGESTIONS ABOUT EXTENDING THE TIME PERIODS FROM 10 AND 30 YEARS ARE ALSO SENSIBLE AND ECONOMICALLY FEASIBLE RECOMMENDATIONS, AS YOU ALL WELL KNOW. SO IN SUMMATION, I WOULD RECOMMEND THAT YOU ADOPT THE RECOMMENDATIONS THAT HAVE BEEN

WORKED ON BY THE AUSTIN TRANSIT COMMUNITY COALITION. IF THEY'RE SENSIBLE, PRACTICAL, FEASIBLE, WELL STUDIED AND THEY'RE IN THE BEST INTEREST OF ALL OF AUSTIN REALLY. AND WE REALLY NEED TO DO SOMETHING ABOUT LOWERING THE PERCENTAGE OF MFI. IT'S JUST WAY TOO HIGH IN ALL THE PROJECTS, THE CRITERIA WITHIN THE CRITERIA FOR SMART HOUSING, IT'S TOO HIGH. YOU HAVE AN OPPORTUNITY HERE TO AMEND THIS. EVERY LITTLE STEP IS AN OPPORTUNITY. YOU'RE GOING TO HAVE THE OPPORTUNITY WITH THE REDEVELOPMENT OF MUELLER AIRPORT, BUT THIS IS JUST ONE OTHER KEY OPPORTUNITY WHERE YOU CAN MAKE AFFORDABLE HOUSING ACTUALLY AFFORDABLE. SO PLEASE ADHERE TO THESE RECOMMENDATIONS AND LET'S LOWER THIS UNREALISTIC PERCENTAGE OF THE MFI THAT'S BASICALLY SEGREGATING AUSTIN NOW SOCIOECONOMICALLY, AS IT'S NO LONGER DONE OUT RIGHT RACIALLY, THAT WAS SORT OF MY POSITION AS A HUMAN RIGHTS COMMISSIONER WAS TO PREVENT RACIAL DISCRIMINATION. NOW IT'S BEING DONE SOCIOECONOMICALLY AND THIS IS HOW IT'S BEING DONE. AND SO WE REALLY NEED TO CHANGE THAT. AS YOU ALL ARE AWARE -- [ BUZZER SOUNDS ] ONE OTHER QUICK THING. SOMEONE MENTIONED THE GREEN BUILDING. I BELIEVE MR. HILGERS DID. IF YOU DON'T MANDATE GREEN BUILDING, YOU MANDATE GREEN BUILDING AND THEN THE SUBSIDIES COME AFTERWARDS IN MY OPINION. IF YOU DON'T BEGIN WITH THAT, THEN IT'S NOT GOING TO HAPPEN AT ALL. SO SOMETHING THAT CAN BE BUILT IN AT NO COST. THANK YOU.

Mayor Wynn: THANK YOU. ANGELA BAKER TO BE FOLLOWED BY KAREN POPP.

I'M ANGELA BAKER, A CO-CHAIR FOR AUSTIN INTERFAITH AND A MEMBER OF THE AUSTIN HOUSING TEAM. AND WE'RE SUPPORTING THE AMENDMENTS FOR THE AUSTIN TRAVIS SUB COMMUNITY COALITION. IN THE HOUSING ACTION TEAM THAT WE HAVE, IT IS A CRITICAL NEED TO HAVE AFFORDABLE HOUSING. WE HAVE PEOPLE THAT ARE NURSES, HEALTH CARE WORKERS, THEY WORK IN SHOPS, STORES, EVEN CITY WORKERS AND STATE EMPLOYEES WE'RE FINDING THAT THEY CANNOT LIVE IN AUSTIN. AND I THINK IT'S IMPORTANT TO FIND -- GIVE PEOPLE THE

OPPORTUNITY TO BECOME HOMEOWNERS. I THINK ONE OF THE WAYS THAT MANY PEOPLE HAVE MOVED IN TO THE MIDDLE CLASS IS THE OPPORTUNITY TO BUILD AND OWN A HOME. I THINK BY LOWERING THE MFI IT IS A REAL HELP TO PEOPLE WHO OTHERWISE WOULD NOT BE GIVEN THIS OPPORTUNITY. I THINK IT'S IMPORTANT THAT WE GIVE EVERYONE AN OPPORTUNITY TO LIVE IN THIS CITY. MS. FUTRELL SPOKE GLOWINGLY OF AUSTIN AS THE BEST CITY TO LIVE IN. I WANT TO SEE AUSTIN THE BEST CITY TO LIVE IN FOR NOT JUST SOME OF THE PEOPLE, BUT ALL OF THE PEOPLE. THANK YOU. [ APPLAUSE ]

Mayor Wynn: THANK YOU, MS. BAKER. AGREED. KAREN POPP, TO BE FOLLOWED BY THOMAS PATTON.

GOOD EVENING, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. MY NAME IS KAREN POPP. I'M WITH THE AUSTIN TRANSIT COMMUNITIES COALITION. AS SOME OF THE PREVIOUS SPEAKERS JUST POINTED OUT, WE HAVE TWO MAIN AREAS OF CONCERN. ONE IS TO HAVE SUB GOALS IN THE ORDINANCE FOR LOWER INCOME LEVELS TO MAKE SURE, AS SUSANA ALMANZA FROM PODER SAID AND AUSTIN DULNIG ALSO SAID, AND ANGELA BAKER TOO, THAT WE REACH LOWER INCOME GROUPS THAN THE TOP LEVELS THAT WE'VE SULGD. WE'RE GLAD FOR THE OPPORTUNITY THAT WE'VE HAD TO MEET WITH STAFF AND THE COUNCILMEMBERS AND ARE GLAD TO SEE SOME OF THE RECOMMENDATIONS THAT WE'VE MADE INCORPORATED IN THE MOTION SHEET THAT'S BEFORE YOU TONIGHT. WE WOULD LIKE TO SEE THE SUB GOALS, THE GOALS THAT PEOPLE AT 30 AND 40, 50% OF MEDIAN FAMILY INCOME, ARE RECOGNIZED THROUGH THE FORCE OF ORDINANCE TO BRING THAT UP INTO SECTION 252766.227. 252766.227 IN THE ORDINANCE. AND SECONDLY, AND THIS IS AN AREA WHERE WE HAVEN'T HEARD THE SPECIFIC LANGUAGE THAT'S GOING TO BE RECOMMENDED TONIGHT, BUT THAT RESIDENTS OF THE COMMUNITY PRESERVATION AND REVITALIZATION ZONE CAN AFFORD TO LIVE IN THE HOUSING THAT'S DEVELOPED ALONG THE TRANSIT STOPS. AS THE AUSTIN TRANSIT COMMUNITY COALITION HAVE RECOMMENDED SOME LANGUAGE IN THIS AREA, WE HAVEN'T HEARD THE NEW LANGUAGE. WE'RE INTERESTED IN THAT. THERE IS A SECTION ON PAGE 15 THAT DEFINES WHAT'S AFFORDABLE.

AND IT SAYS THAT OUTSIDE OF THOSE TWO ZONES AND THE OTHER T.O.D.'S THAT WHAT'S AFFORDABLE IS AT OR BELOW 80% ON THE OWNERSHIP SIDE AND AT OR BELOW 60% ON THE RENTAL SIDE. A LOT OF TIMES WHEN WE LEAVE THOSE UPPER LEVELS, PEOPLE DEFINE IT AT THAT LEVEL. AND THEN WE WOULD BE SAYING TO THE PEOPLE AT 50% ON OWNERSHIP IS DEFINED AS AT 80%. IT SEEMS KIND OF CONTRADICTIONARY IF WE HAVE THE SUB GOALS WHERE WE'RE TALKING ABOUT 30 AND 40 AND 50 THAN TO USE ANOTHER THING TO DEFINE AT THAT UPPER LEVEL. THOSE ARE COMMENTS AND WE ARE ANXIOUS TO HEAR THE LANGUAGE ON OUR SECOND CONCERN ABOUT PROTECTING THE GENERAL TRAFFIC AREAS SO -- GENERAL TRAFFIC AREAS SO THAT RESIDENTS REQUEST AFFORD THEM.

Mayor Wynn: THANK YOU, KAREN. THOMAS PATTON.  
WELCOME. YOU WILL BE FOLLOWED BY SUSAN MOFFETT.

GOOD EVENING. I WORK AND OWN SOME PROPERTY IN THE SALTILLO AREA. IN REFERENCE TO THE TWO TECH TELL POINTS IN REFERENCE TO THE LAYOUT OF THE SALTILLO AREA, I RECOMMEND WHAT MR. HILL HILGERS HAS BEEN SAYING HOW TO LAY IT OUT IN TERMS OF TRANSITION AREA AND MIDWAY. WE DON'T WANT GATEWAY IN THAT AREA. THERE'S A LOT OF OPINIONS ABOUT THAT WARY, BUT THAT WOULD BE A VERY GOOD COMPROMISE. SECONDLY, I WAS THE ONE THAT INTRODUCED 8,000 SQUARE FEET EXCEPTION, WHICH I REALLY MEANT IT TO BE 9,000 SQUARE FEET. WHAT I TRIED TO PROTECT WAS THE SMALL LOTS. THE NEW LAYOUT IN TERMS OF WHERE THE VILLAGE SHOULD BE LOCATED AS WELL AS THE PARKING ARRANGEMENT WILL MAKE IT VERY DIFFICULT TO DEVELOP A SMALL LOT. AND THAT'S WHY I'D LIKE TO HAVE SOMETHING -- (INDISCERNIBLE). IT'S MORE REALISTIC FOR THE SALTILLO AREA AT LEAST TO BE EXEMPT FROM THE SETBACKS. IT WOULD MAKE IT IMPOSSIBLE TO DEVELOP THAT AREA A SMALL LOT IF YOU HAVE SUCH A SETBACK. AND PARKING REQUIREMENT. THANK YOU.

Mayor Wynn: THANK YOU. SUSAN MOFFETT TO BE  
FOLLOWED BY JOHNNIE LIMON.

GOOD EVENING. THANK YOU. I'M SUSAN MOFFETT. I'M ALSO

WITH THE AUSTIN TRANSIT COMMUNITIES COALITION. I  
THANK YOU FOR YOUR PATIENCE ON THIS ISSUE. I KNOW WE  
ALL KNOW THAT IT'S VERY IMPORTANT. I WOULD LIKE TO  
REITERATE KAREN POPP'S CALL FOR YOUR SUPPORT FOR  
THE TWO CRITICAL CHANGES THAT WE HAVE  
RECOMMENDED IN THE ORDINANCE, AND THEY REALLY  
NEED TO BE IN THE ORDINANCE. AND THOSE WILL BE TO  
RETAIN THE DEEPER INCOME TARGETING FOR OUR  
POOREST CITIZENS AND TO PROTECT THE NEIGHBORHOODS  
THAT ARE IN DANGER BY GENTRIFICATION. THESE  
RECOMMENDED CHANGES ARE SUPPORTED BY A BROAD  
COALITION OF INDIVIDUALS AND ORGANIZATIONS THAT HAVE  
ENDORSED OUR COMMUNITY'S VALUE STATEMENT, WHICH  
YOU ALL I THINK AT THIS POINT RECEIVED MULTIPLE COPIES  
OF. THAT GROUP AGREED TO A BASIC COMMUNITY VALUE  
THAT AUSTINITES OF ALL INCOME LEVELS SHOULD BE ABLE  
TO LIVE IN SAFE, DECENT, AFFORDABLE HOMES. YOU HAVE  
THE RECOMMENDED AMENDMENTS. I'M NOT GOING TO  
BELABOR THEM, BUT I STRONGLY URGE YOU TO ADOPT THE  
AMENDMENTS THAT WILL HELP KEEP AUSTIN A PLACE  
WHERE EVERYONE CAN LIVE. THANK YOU VERY MUCH. [ONE  
MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

FOR THE PEOPLE THAT ARE MAKING A LOWER INCOME  
BECAUSE WE HAVE A LOT OF THOSE PEOPLE ALREADY IN  
OUR COMMUNITY. IF WE WANT TO KEEP THEM IN OUR  
COMMUNITIES, WE NEED TO BE ABLE TO PROVIDE  
SOMETHING FOR THEM TO STAY HERE. SO AGAIN I ALSO  
WOULD LIKE TO -- TO LET YOU KNOW THAT I DO SUPPORT,  
YOU KNOW, THE AMENDMENTS BY THE -- BY THE COALITION.  
THANK YOU VERY MUCH. GOOD EVENING, MAYOR, COUNCIL,  
OFFICER THOMAS? I'M JEFF [INDISCERNIBLE], ON BEHALF OF  
THE DOWNTOWN AUSTIN ALLIANCE, I WOULD LIKE TO  
COMMEND COUNCIL, STAFF, THEIR LEADERSHIP ON THE  
PROPOSED TRANSIT ORIENTED DEVELOPMENT. WE LOOK  
FORWARD TO THE TIME WHEN COMMUTER RAIL BRINGS OUR  
FOLKS THAT WORK DOWNTOWN, OVER 90,000 OF THEM,  
DOWNTOWN TO OUR EMPLOYMENT CENTER ON COMMUTER  
I REALLY AND EVEN MORE FORWARD TO THE TIME THAT THE  
MAJORITY OF THEM ARE LIVING AND WORKING DOWNTOWN.  
WE ARE IN FAVOR OF CREATING THE DENSITY THAT  
SUPPORTS TRANSIT. AND IN GENERAL WE SUPPORT THE



CONCEPTS OF THE PROPOSED ORDINANCE BUT WE HAVE FIVE AREAS OF SPECIFIC CONCERN TO DOWNTOWN. ONE, WE NEED TO MAKE SURE THAT THE INFRASTRUCTURE IS IN PLACE TO SUPPORT THE DESIRED LEVELS OF DENSITY. IN THE CONVENTION CENTER DISTRICT, NEW DEVELOPMENT IS LIMITED BY THE INADEQUATE STORM DRAINAGE INFRASTRUCTURE. WE NEED FOR THE WALLER CREEK TUNNEL TO BE BUILT AND FOR THERE TO BE OTHER STORM DRAINAGE UPGRADES EAST OF CONGRESS. TWO, THE DOWNTOWN AUSTIN ALLIANCE STRONGLY SUPPORTS AFFORDABLE HOUSING. AS MR. HILGERS SAYS, AT ALL INCOME LEVELS THROUGHOUT ALL OF AUSTIN, AND WE WANT TO MAKE SURE THAT IT'S SUCCESSFUL DOWNTOWN. IN FACT, WE WORKED ON A PROJECT HAND IN HAND FOUNDATION COMMUNITIES TO DEVELOP AN AFFORDABLE HOUSING PROJECT AT 9th AND RED RIVER. EVEN COUNTING THE MAXIMUM GRANTS AVAILABLE FROM THE CITY AND THE STATE, THE LAND WAS TOO EXPENSIVE TO MAKE THE PROJECT FEASIBLE. WE ARE VERY CONCERNED ABOUT SETTING AFFORDABLE HOUSING GOALS FOR THE DOWNTOWN T.O.D. BEFORE DEVELOPING NEW FINANCIAL CONSIDERATIONS TO BRIDGE THE GAP IN FINANCING THESE PROJECTS. WE ARE JUST AFRAID THAT THIS COULD HAVE UNINTENDED CONSEQUENCES OF MAKING THE NEW RESIDENTIAL DEVELOPMENT AROUND THE CONVENTION CENTER T.O.D. COST PROHIBITIVE. 3, THERE ARE CERTAIN USES THAT ARE PROPOSED TO BE PROHIBITIVE OR CONDITIONAL. WE BELIEVE THAT THEY SHOULD BE PERMITTED IF DONE AS PART OF A MIXED USE DEVELOPMENT. THESE INCLUDE AUTOMOTIVE SALES, AUTOMOTIVE WASH AND AUTOMOTIVE RENTALS. FOUR, COMMERCIAL OFF STREET PARKING IS PROPOSED TO BECOME A CONDITIONAL USE. WE DON'T WANT THIS TO DISCOURAGE PRIVATE GARAGE OPERATORS FROM OPENING UP TO THE PUBLIC DURING OFF PEAK TIMES. AND LASTLY, WE BELIEVE THAT ADDITIONS AS SMALL AS 5,000 SQUARE FEET SHOULD NOT HAVE TO COMPLY WITH NEW SITE DEVELOPMENT REGULATIONS ESPECIALLY IF ADDITIONAL FLOORS ARE ADDED TO AN EXISTING BUILDING. WE ARE READY TO PARTICIPATE IN THE STATION AREA PLAN STATION AREA PLAN PROCESS AND BELIEVE IT SHOULD BE COORDINATED WITH CAPITAL METRO'S CIRCULAR STUDY.

WE THANK YOU AND APPRECIATE YOUR CONSIDERATION OF OUR THOUGHTS.

Mayor Wynn: THANK YOU, MR. TRIGGER. AND, COUNCIL, LET'S SEE, LAURA ZAMARON, NOT WISHING TO SPEAK, AGAINST, RUBY ROAH NOT WISHING TO SPEAK, NEUTRAL, LAURIE RENTREA SIGNED UP IN FAVOR, CAN ANSWER QUESTIONS IF WE HAVE THEM. COUNCIL THAT'S ALL OF THE CITIZENS, I BELIEVE, WHO HAVE SIGNED UP WISHING TO SPEAK.

MAYOR, THERE'S ONE MORE IF YOU WOULD REFRESH YOUR SCREEN.

Mayor Wynn: THANK YOU, JUST DID. YES, DANIEL, WELCOME, DANIEL.

THANK YOU, MAYOR. THANK YOU, MAYOR AND COUNCIL, IT'S DELIGHTFUL TO SEE THE ENTIRE COUNCIL UP HERE, I REALLY CONGRATULATE YOU ALL FOR THAT. I'M THE CHAIR OF OUR RIVER BLUFF ASSOCIATION, PART OF PODER, I ALSO COORDINATE THE REVIEW EQUIPMENT FOR THE NEIGHBORHOOD PLANNING TEAM FOR GOVALLE JOHNSTON TERRACE. WE ARE ONE OF THE FEW PLANNING TEAMS THAT EXISTS, ACTUALLY, IN THE -- IN THE CITY PLANNING PROCESS, SO IN REGARDS TO THESE T.O.D.'S, THIS T.O.D. ORDINANCE, I WOULD LIKE TO SAY THAT -- THAT THERE'S A GREAT NUMBER OF COMMUNITY THAT WORKED ON OUR NEIGHBORHOOD PLAN AND WE ARE VERY INTERESTED IN MAKING SURE THAT THESE T.O.D. DEVELOPMENTS ARE CONSISTENT WITH THE NEIGHBORHOOD PLANS. IT'S ALMOST LIKE, YOU KNOW, WE WANT TO MAKE SURE THAT THE RIGHT HAND KNOWS WHAT THE LEFT HAND IS DOING AND THAT WE ARE WORKING TOGETHER. ONE OF THE BIGGEST CONCERNS IS THAT THE -- THIS -- BECAUSE OF -- BECAUSE THE T.O.D. IS IN THE FORM OF AN ORDINANCE, THAT IT WILL SUPERSEDE OR SOMEHOW DISRUPT ALL OF THE WORK THAT PEOPLE ARE DOING IN THE NEIGHBORHOOD PLANS. AS -- AS WE ALL KNOW, THAT PROCESS, THE NEIGHBORHOOD PLANNING PROCESS IS NOT OVER. THERE ARE OTHER NEIGHBORHOODS WHO ARE STILL DEALING WITH THAT. SO -- THEN I ALSO WANT TO TALK A LITTLE BIT ABOUT THE EAST SIDE IN PARTICULAR. I DON'T THINK THAT WE NEED NECESSARILY TO SACRIFICE MIDDLE OR LOW INCOME

HOUSING TO DENSITY. IN REGARDS TO DENSITY, I THINK THAT THE ATTRACTIVENESS TO AUSTIN IS THE EXISTING NEIGHBORHOODS, THE INNER CITY NEIGHBORHOODS AND THAT'S REFLECTED IN SOME OF THE OUTER NEIGHBORHOODS, TOO. I THINK THAT EVERYONE THAT COMES TO AUSTIN LOVES THE SPACE. AND PARTICULARLY PEOPLE THAT COME FROM VERY DENSE PLACES DON'T KNOW WHAT THEY ARE WALKING INTO OR WHAT THEY ARE DESTROYING. I DON'T WANT TO SEE AUSTIN TURN INTO MANHATTAN. IF ANY OF YOU HAVE EVER GONE TO MANHATTAN, IT'S EXTREMELY EXPENSIVE TO BE THERE, AUSTIN IS QUICKLY BECOMING ONE OF THE MOST EXPENSIVE CITIES TO LIVE IN. WE NEED TO REVERSE THAT TREND AND SO THIS WHOLE IDEA OF -- OF DENSITY FOR THE TAX BUS AND ALL THAT, IS ACTUALLY HURTING OUR CITY BECAUSE THE VERY REASON THAT PEOPLE MOVE HERE IS THAT WE DO HAVE YARDS AND WE HAVE GRASS AND WE HAVE SPACE. SO THANK FOR YOU YOUR TIME AND I APPRECIATE ALL OF THE WORK THAT YOU ALL ARE DOING, THANK YOU.

THANK YOU, MR. JANUARY ANEZ. COUNCIL, THAT'S ALL OF THE CITIZENS THAT SIGNED UP WISHING TO SPEAK. I APPRECIATE THE INPUT. COMMENTS, QUESTIONS? COUNCIL?

Futrell: I'M GOING TO HAVE TO STEP OFF THE DAIS. I WOULD LIKE TO IN A COMMENT, WE HAVE A LOT OF REQUESTS FOR HOW WE WANT TO HANDLE THE STRETCH GOALS, SUBGOALS, OUR WILLINGNESS TO PUT THOSE INTO THE ORDINANCE. I UNDERSTAND THERE WILL BE AN AMENDMENT ON THE DAIS, BUT GOALS ARE -- ARE GOALS, WE ARE GOING TO DO OUR VERY BEST TO MEET THE GOALS, THE GOALS ARE NOT A PROBLEM FOR ME TO HAVE PUT IN THE ORDINANCE. SO WHEN THAT COMES FORWARD, THE STAFF WILL BE SUPPORTIVE OF INCLUDING THE GOALS FROM THE RESOLUTION AND THE ORDINANCE.

THANK YOU, CITY MANAGER. QUESTIONS, COMMENTS, COUNCIL? STAFF? COUNCILMEMBER ALVAREZ?

Alvarez: I WILL MAKE A MOTION IF I CAN ADD ALL OF MY AMENDMENTS TO IT WITH NO DISCUSSION. BUT I DON'T

KNOW I THINK MAYBE THE MOST APPROPRIATE FOR SOMEONE ELSE TO MAKE THE MOTION SO THAT I CAN TRY TO AMEND SOME OF THESE ON TO THAT MOTION.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: I WILL MOVE APPROVAL OF THE T.O.D. ORDINANCE. WE ARE ON THIRD READING, RIGHT?

SECOND.

Mayor Wynn: TECHNICALLY THE ORDINANCE WOULD BE ITEM NO. 56. OKAY. SO -- SO COUNCILMEMBER MCCRACKEN, MOVES TO APPROVE ITEM NO. 56, THE T.O.D. ORDINANCE ON THIRD READING, SECONDED BY COUNCILMEMBER DUNKERLY, I GUESS. COUNCILMEMBER ALVAREZ? A MOTION ON THE TABLE?

Alvarez: THE FIRST MOTION ON THE MOTION SHEET WAS MAYOR PRO TEM GOODMAN, WAS THAT ALREADY ADDED ON THE SECOND READING? THE CHANGE WOULD BE AUSTIN SAN ANTONIO MUNICIPAL COMMUTER RAIL DISTRICT. THAT'S A STAFF RECOMMENDATION.

COUNCILMEMBER ALVAREZ, IT HAS NOT BEEN ADDED ON. IT NEEDS TO BE ADDED ON.

Goodman: I FORGOT, IN KEEPING WITH THE EARLIER AMENDMENT, I WOULD ASK IF THIS IS A FRIENDLY AMENDMENT TO ADD AN INCLUSIONARY GROUP, I MEAN A GROUP TO ADD TO THE INCLUSIONARY NATURE, WHICH IS AUSTIN-SAN ANTONIO INTERMUNICIPAL COMMUTER RAIL DISTRICT.

McCracken: I CONSIDER THAT A FRIENDLY AMENDMENT.

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: CONSIDER IT FRIENDLY AMENDMENT.

Mayor Wynn: OKAY. QULUG IN

McCracken: ARE WE INCLUDING IN THAT ALL OF THE

PROPOSED CHANGE ABOUT WHERE IT SAYS BUSINESS OWNERS AND PROPERTY OWNERS MAY PARTICIPATE OR IS THAT -- HAS THAT ALREADY BEEN INCLUDED IN?

Goodman: ACTUALLY, I HAD THOUGHT THAT WE CHANGED TO SOMETHING LIKE THAT LAST TIME, BUT IF WE HAVEN'T, LET ME ADD THAT TO MY AMENDMENT. BECAUSE THAT DOES SOUND BETTER.

I THINK WHAT WE HAVE DONE IS YOUR MOTION WAS SIMPLY LINE ITEM NO. 1 ON THE MOTION SHEET HERE, APPROVING THE EXISTING SECOND READING AND THIRD READING, NOW PERHAPS WE COULD MAKE A BLANKET MOTION TO ACCEPT - - ACCEPT THE PROPOSED CHANGES AND THEN HAVE INDIVIDUAL COUNCIL ACTION PERHAPS GO BACK AND REAMEND THOSE PROPOSED CHANGES.

McCracken: MAYOR, DO YOU WANT ME TO GO THROUGH THE ONES THAT WE WOULD CONSIDER AS FRIENDLY AMENDMENTS OR --

WELL, LET'S TRY THIS -- OKAY, SO WE HAVE --

Mayor Wynn: WE ARE ON MOTION NUMBER TWO NOW, THIS IS THE MAYOR PRO TEM. AND PERHAPS MAYOR PRO TEM WOULD MOVE THAT YOU ACCEPT AS A FRIENDLY AMENDMENT BOTH THE -- THE PROPOSED CHANGE, MIDDLE COLUMN, AND THEN THIS ADDITIONAL STAFF RECOMMENDATION REGARDING THE AUSTIN-SAN ANTONIO RAIL DISTRICT.

McCracken: I CONSIDER THAT A FRIENDLY AMENDMENT.

Mayor Wynn: OKAY, THANK YOU. OKAY. NOW, COUNCILMEMBER ALVAREZ'S AMENDMENTS OR PROPOSED CHANGES BEGIN I THINK WITH NUMBER 3.

Alvarez: I THINK, MAYOR, IF I COULD, I WANTED TO START WITH NUMBER 5 AND WORK MY WAY BACK.

Mayor Wynn: FAIR ENOUGH.

Alvarez: NUMBER -- AMENDMENT 5, RELATES TO THE

BOUNDARIES OF THE SALTILLO T.O.D. DISTRICT, I THINK IF YOU REMEMBER, THE SECOND READING WE ACTUALLY PULLED OUT THE PLAZA SALTILLO ALTOGETHER UNTIL WE HAD AN OPPORTUNITY TO -- TO ENGAGE THE COMMUNITY TO DETERMINE WHAT THE APPROPRIATE BOUNDARIES THAT THE -- THAT THE DIFFERENT ZONES WITHIN THE T.O.D. DISTRICT SHOULD BE. SO I THINK AT LEAST CURRENTLY I THINK WHAT IS IN THE ORDINANCE AT LEAST THUS FAR IS THAT THIS GOT PULLED OUT COMPLETELY AND I THINK WE HAVE -- WE HAVE HEARD DIFFERING OPINIONS FROM DIFFERENT NEIGHBORHOOD GROUPS ABOUT THIS. BUT I THINK WE HAD THE COMMUNITY MEETING TWO OR THREE WEEKS BACK IN THE EAST CESAR CHAVEZ NEIGHBORHOOD AREA, YOU KNOW, IT DID SEEM LIKE THE MAJORITY OF FOLKS THAT PARTICIPATED IN THAT MEETING FELT IT WAS IMPORTANT FOR THERE TO BE A T.O.D. DISTRICT AND THEN MAKE SOME RECOMMENDATIONS ABOUT WHAT -- WHAT THAT T.O.D. DISTRICT SHOULD LOOK LIKE. AND -- AND KIND OF TALKING TO SOME OF THE NEIGHBORHOOD FOLKS THERE FROM THE EAST CESAR CHAVEZ NEIGHBORHOOD PLANNING TEAM, THE CREATION OF THE T.O.D. DISTRICT AS FOR SALTILLO, AS IT HAD ORIGINALLY BEEN PRESENTED BY STAFF IN TERMS OF THE BOUNDARIES, BUT DESIGNATING THE WHOLE T.O.D. DISTRICT AS A TRANSITION ZONE. AND IN THE ORDINANCE, THE TRANSITION ZONE IS DEFINED AS THE ZONE OF LEAST INTENSITY, LEAST DEVELOPMENT INTENSITY. AND THAT WE -- THAT WE JUST STIPULATE THAT WE WOULD NOT DESIGNATE A GATEWAY ZONE FOR THIS PARTICULAR T.O.D. DISTRICT BECAUSE OBVIOUSLY THAT'S -- THAT'S KIND OF AT LEAST, YOU KNOW, FROM THE NEIGHBORHOOD'S PERSPECTIVE, SEEN AS THE -- AS THE GREATEST AMOUNT OF DENSITY, SOMETHING THAT COULD -- COULD DRASTICALLY CHANGE THE CHARACTER OF THE AREA. SO -- SO BASICALLY IF YOU DESIGNATE THE WHOLE AREA, THE TRANSITION ZONE AND THEN YOU NOT ALLOW THE -- THROUGH THE STATION AREA PLANNING PROCESS A GATEWAY ZONE, BUT YOU DO ALLOW THROUGH THAT STATION AREA PLANNING PROCESS THE DESIGNATION AFTER MID-WAY ZONE, POTENTIALLY FOR THE 11 ACRES OWNED BY CAPITAL METRO AND SO THAT'S -- THAT'S WHY YOU SEE THE MAP THAT I -- THAT I DISTRIBUTED AS ALL MARKED AS TRANSITION, BUT WITH THE -- WITH THE

OUTLINING THE 11 ACRES FOR CAPITAL METRO BECAUSE YOU KNOW AS PROPOSED HERE, THEN THAT WOULD BE THE ONLY AREA WITHIN THE T.O.D. THAT COULD SEE A CHANGE IN DESIGNATION AND REALLY THAT WOULD BE THE ONLY AREA WHERE THERE COULD BE SOME TYPE OF RECOMMENDATION FOR INCREASED DENSITY AND THAT'S -- THAT WILL BE A DIFFERENT, DIFFERENT AMENDMENT. BUT THAT'S SORT OF THE RATIONALE BEHIND THAT IS TO BE CLEAR ABOUT WHERE THERE MIGHT BE ADDITIONAL DENSITY. SINCE THIS IS THE AREA THAT'S ALREADY BEEN FOCUSED ON IN TERMS OF STATION -- IN TERMS OF THE A DEVELOPMENT PLAN THROUGH THE CAPITAL METRO AND CITY OF AUSTIN JOINT PROCESS THAT WAS INITIATED AND THAT WAS SEEN AS A WAY OF ALLOWING THAT PROCESS TO CONTINUE, BUT STILL PROTECTING THE INTEGRITY OF THE NEIGHBORHOOD PLAN. TO SUMMARIZE THIS WHOLE AREA WOULD BE DESIGNATED AS A TRANS SIX ZONE. YOU ARE -- TRANSITION ZONE. YOU ARE STIPULATING THAT THE TRANSITION PLAN COULD NOT RECOMMEND THE ESTABLISHMENT OF A GATEWAY ZONE. THEN THAT THE ONLY AREA THAT COULD BE DESIGNATED AS A MID-WAY ZONE WOULD BE THE 11 ACRES OWNED BY CAPITAL METRO AS OUTLINED IN THAT MAP.

McCracken: I'M LOOKING AT THAT -- I THINK WE NEED STAFF HELP ON THIS. I'M LOOKING AT THE MAP ON ITEM 56. TRYING TO GET A SENSE OF WHETHER -- IS THIS HAPPEN -- THIS MAP SEEMS TO REFLECT THAT IT'S ALL IDENTIFIED AS A TRANSITION ZONE. THE MAP THAT'S --

THE MAP THAT'S ATTACHED TO THE BACK OF THE MOTION SHEET ACTUALLY SHOWS CURRENTLY THE 11-ACRE CAPITAL METRO PROPERTY AS MID-WAY ZONE. THE REST OF THE AREA IS THE -- BEING SHOWN AS TRANSITION.

McCracken: IS THAT WHERE WE ARE AS OF SECOND READING? IS THAT THE STAFF RECOMMENDATION? I'M TRYING TO --

I THINK THIS -- THIS MAP REFLECTS THE -- OR THE INTENT WAS TO REFLECT THE -- THE RECOMMENDATION BY A COUNCILMEMBER -- BY COUNCILMEMBER ALVAREZ THAT EVERYTHING BUT THE 11-ACRE PROPERTY WOULD BE

DESIGNATED AS TRANSITION ZONE AND THE 11-ACRE PROPERTY COULD BE DESIGNATED AS A MID-WAY ZONE BUT NOT A GATEWAY ZONE.

McCracken: CAN YOU REMIND US WHAT ARE THE DIFFERENT RULES FOR GATEWAY AND MID-WAY TRANSITION ZONE?

WELL, THERE ARE -- RIGHT NOW IN THE ORDINANCE THERE ARE JUST SOME SUGGESTIONS OF TYPICAL HEIGHTS AND TYPICAL DENSITIES. THERE'S NO REAL HARD AND FAST RULES. BUT IF YOU LOOK AT -- PAGE 2 OF THE ORDINANCE, SO FOR EXAMPLE 25-2-766.02 B TALKS ABOUT THE NEIGHBORHOOD CENTER T.O.D. WHICH THE PLAZA SALTILLO T.O.D. IS CLASSIFIED AS, SAYS -- CLASSIFIED AS, SAYS THE AVERAGE DENSITY IS APPROXIMATELY 15 TO 25 DWELLING UNITS FOR EACH ACRE. TYPICAL BUILDING HEIGHT IS ONE TO SIX STORIES. THEN GOES ON TO DESCRIBE TYPICAL USES. SO IT'S REALLY -- IT'S NOT HARD AND FAST REGULATIONS IN ANY FORM OR FASHION, JUST MORE OF A DESCRIPTION OF WHAT MIGHT HAVE OCCURRED IN THAT TYPE OF T.O.D. GATEWAY VERSUS --

McCracken: I DON'T SEE GATEWAY CRERS TRANSITION.

UP AT THE TOP OF PAGE 3, GENERAL DESCRIPTION OF THE VARIOUS ZONES, 252766.03 B SAYS THE GAY WAY ZONE IS THE AREA IMMEDIATELY SURROUNDING THE STATION PLATFORM WHERE PASSENGERS ENTER OR EXIT TRANSIT VEHICLES. TYPICALLY THIS AREA INCLUDES LAND ABOUT 3 TO 500 FEET FROM THE EDGE OF THE STATION PLATFORM, GOES ON TO DESCRIBE SOME OTHER CHARACTERISTICS OF THE PROPERTY.

McCracken: CAN YOU HELP US OUT WITH WHERE THE ACTUAL STATION IS IN RELATION TO THE T.O.D. ITSELF?

THE -- THE STATION, THE PROPOSED STATION FOR PLAZA SALTILLO T.O.D. IS AT PLAZA SALTILLO WHICH IS AT THE -- WE HAVE A MAP THAT WE CAN PUT UP IF IT HELPS. IT'S AT THE EASTERN MOST EDGE OF THAT MID-WAY ZONE THAT'S DESIGNATED, THAT'S SHOWN ON THE 11 ACRES.

SO IT'S AT THE EASTERN MOST EDGE OF THE SMALLER



OUTLINED AREA, WHICH IS THE -- THE 11 ACRES.

OKAY.

McCracken: I WANT TO GET GUIDANCE, GEORGE ON THIS QUESTION. I HEARD A COMMENT FROM ONE OF OUR -- FROM ONE OF THE WITNESSES, I WANT PEOPLE TO -- TESTIFIED ABOUT A CONCERN IN MANHATTAN, ABOUT MANHATTAN LEVEL DENSITIES WHICH I THINK WE WOULD ALL BE REALLY CONCERNED ABOUT, TOO. HAVE NOT BEEN TO SEVERAL T.O.D.ES WHERE EVERY BEING BUILDING IN THE T.O.D. IS ABOUT THE SIZE OF THE CURRENT PEDERNALES -- I THINK THAT'S MUCH MORE APPROPRIATE LEVEL OF DENSITY, BUT ALSO REFLECTIVE OF WHAT'S GOING ON IN REAL T.O.D.'S. I THINK THAT THERE IS -- I WOULD BE ALARMED, TOO, IF I HEARD THAT EVERYTHING WAS GOING TO BE MANHATTAN LEVELS OF DENSITY FOR PLAZA SALTILLO VIRTUALLY FOR ANY PLACES OTHER THAN DOWNTOWN. CAN YOU TELL US HOW HARD AND FAST THESE DESIGNATIONS ARE IN TERMS OF THE FLEXIBILITY OF WHOEVER IS HIRED TO ACTUALLY PRODUCE THE STATION AREA PLAN IN CONSULTATION WITH ALL OF THE STAKEHOLDER?

THEY ARE EXTREMELY FLEXIBLE. NOT MEANT TO BE HARD AND FAST STANDARDS IN ANY WAY. THE REAL -- THE DETAILS ARE -- ARE WHAT -- WE ENVISION COMING OUT OF THE STATION AREA PLANNING PROCESS, WHICH IS A VERY -- VERY INTENSIVE PUBLIC INVOLVEMENT PROCESS. SO THE DESIGNATIONS ARE -- ARE JUST SUGGESTIONS, THEY CAN BE MODIFIED, THE STANDARDS ARE FLEXIBLE WITHIN THOSE -- THOSE ZONES AND -- AND THEY ARE REALLY JUST TO -- TO PLACE A SUGGESTED FRAMEWORK IN PLACE AS WE MOVE THROUGH THE STATION AREA PLANNING PROCESS.

DO THE DESIGNATIONS OF THE THREE ZONES OF THE T.O.D. HAVE ANY EFFECT ON THINGS LIKE SETBACKS FOR INTERIM DEVELOPMENT -- OR INTERIM DEVELOPMENT RULES?

THE ONLY ONE THAT DOES IS THERE ARE ADDITIONAL STANDARDS IN THE GATEWAY ZONE. OTHER THAN THAT THERE ARE NO -- THERE'S NO IMPACT. THERE ARE TWO STANDARDS, TWO CHANGES IN THIS -- THAT WOULD GO INTO EFFECT, ONCE THE ORDINANCE IS ADOPTED, THAT WOULD

APPLY THROUGHOUT THE T.O.D. THOSE ARE THE PARKING, REDUCED PARKING REQUIREMENTS AND THE MAXIMUM FRONT BUILDING SETBACK. THERE ARE A HANDFUL OF OTHERS THAT WOULD APPLY ONLY WITHIN THE GATEWAY ZONE. THOSE ARE THINGS LIKE MINIMUM AMOUNT OF GLAZING ON -- ON BUILDING FACADES THAT ARE FACING TRANSIT OR ROADWAYS SIMILAR TO THE COMMERCIAL DESIGN STANDARDS, THOSE WOULD ONLY APPLY WITHIN THE GATEWAY ZONE.

THAT'S THE ONLY ADDITIONAL REQUIREMENT.

THAT'S CORRECT.

IN THESE INTERIM REGULATIONS.

OKAY.

THERE ARE A COUPLE OF OTHER SIMILAR SO THAT IF YOU HAVE A -- IF YOU HAVE A MIXED USE BUILDING, YOU HAVE A MINIMUM FIRST FLOOR HEIGHT AND A MINIMUM DEPTH TO MAKE SURE THAT WE HAVE A USABLE AREA FOR THOSE MIXED USES ON THE GROUND FLOOR. THOSE ARE THE ONES THAT COME TO MIND. THEY ARE MORE URBAN DESIGN RELATED AND AS I MENTIONED THEY DO ONLY APPLY WITHIN THE GATEWAY ZONE.

McCracken: THEN AGAIN ON THE CAPITAL METRO AREA, THEY ALREADY CONTROL THAT.

THAT'S CORRECT.

McCracken: I'M SORRY, MY FINAL QUESTION, GEORGE. THE STAFF PROPOSAL, HOW MUCH FURTHER EAST DOES THE PROJECTED GATEWAY ZONE GO IN THE CAPITAL METRO PROPERTIES, MID-WAY --

ABOUT TWO, TWO LONG BLOCKS, THE CAPITAL METRO PROPERTY ENDS AT COMAL AND THE T.O.D. BOUNDARY ON THE EASTERN EDGE IS CHICON. SO IT'S -- SO IT'S --

AS I MENTIONED TWO LONG BLOCKS.

McCracken: SO THE EFFECT THEN IS IF -- WE COULD DO TWO ADDITIONAL BLOCKS WHERE LIKE I SAY THE WINDOW REQUIREMENT AND THE DESIGN STANDARDS, MIXED USE REQUIREMENTS SENDING A CLEAR MESSAGE ABOUT THE DENSITY LEVELS THEY WANTED, WOULD THAT BE A WAY TO HANDLE IT? COULD WE --

CERTAINLY. THAT'S -- THAT'S A POTENTIAL OPTION.

OKAY.

McCracken: COUNCILMEMBER, I THINK THAT I WOULD BE FINE WITH YOUR PROPOSED AMENDMENT THAT IF WE COULD ENSURE THAT THE WINDOW AND REQUIREMENTS AND STANDARD RELATING TO MIXED USE DESIGN WERE TAKEN -- WERE INCLUDED IN -- IN THE CAPITAL METRO ZONE AND THEN FOR TWO BLOCKS FURTHER TO THE EAST, IT -- JUST BE THE STANDARDS FOR WINDOWS IF SOMEONE WERE TO DO A MIXED USE PROJECT THEY WOULD MEET THOSE STANDARDS. IF WE COULD GET THOSE TWO THINGS IN THERE, I WOULD BE PINE WITH YOUR PROPOSED AMENDMENT.

I'M NOT SURE WHERE THAT LANGUAGE IS IN THE ORDINANCE SO I DON'T KNOW HOW WE WOULD -- I THINK WE WOULD HAVE TO DRAW ANOTHER LINE HERE THAT WASN'T MID-WAY OR A GATEWAY BUT THAT HAD A SPECIFIC -- SPECIFIC RULES RELATING TO THAT.

THAT SPECIFIC LANGUAGE IS -- BEGINS ON PAGE 6 OF THE DRAFT ORDINANCE, THIS IS SECTION 25-2766.13, THAT'S LINE 19, SUBSECTION D, IT SAYS THIS SUBSECTION APPLIES IN A GATEWAY ZONE. ONE BUILDING ENTRANCES ARE REQUIRED ON THE PRINCIPAL STREET AND, B, 1 A WAS TO THE PRESCRIPTION PAL STREET AND B ON A STREET WITH TRANSIT SERVICE, IF ANY. THEN D 2 IS THIS PARAGRAPH APPLIES TO A BUILDING THAT IS CONSTRUCTED ALONG A FRONT YARD OR A STREET SIDE YARD SETBACK LINE FOR A DEPTH OF AT LEAST 15 -- 20 FEET, THE MINIMUM DISTANCE BETWEEN FINISHED GROUND FLOOR OF THE BUILDING AND THE STRUCTURAL PORTION OF THE CEILING IS 15 FEET. THEN THERE'S A -- THERE'S AN EXCEPTION IF COMPATIBILITY STANDARDS APPLY TO THAT BUILDING, THEN 3 SAYS THIS

PARAGRAPH APPLIES TO A COMMERCIAL OR MIXED USE BUILDING FOR GROUND LEVEL WALL THAT FACES A PUBLIC STREET AT LEAST 50% OF THE WALL AREA BETWEEN TWO AND 10 FEET ABOVE GRADE MUST BE CONSTRUCTED OF GLASS WITH A VISIBLE TRANSMITTANCE RATING OF .6 OR HIGHER. THAT JUST INDICATES THAT YOU CAN SEE THROUGH THE GLASS. IT'S NOT REFLECTIVE.

I'VE GOT AN IDEA. GEORGE, THESE ARE THINGS THAT ARE ALREADY IN THE DESIGN STANDARDS POLICY WE PASSED TOTE, RIGHT IF.

-- PASSED TODAY, RIGHT?

THAT'S CORRECT.

McCracken: WHATEVER WERE TO COME ABOUT, WE COULD FOR INSTANCE TAKE COUNCILMEMBER ALVAREZ'S FRIENDLY AMENDMENT AND IF SOME DEVELOPMENT WERE TO OCCUR, IT WOULD BE SUBJECT TO THE DESIGN -- UPON CODIFICATION HERE IN THE NEXT THREE MONTHS, IT WOULD HAVE TO FOLLOW THE DESIGN STANDARDS SO WE WOULD STILL ACHIEVE THESE GOALS EVEN WITH -- WHAT COUNCILMEMBER ALVAREZ PROPOSED. WOULD THAT BE CORRECT?

I BELIEVE SO. WE WOULD HAVE TO -- IT DEPEND ON HOW THE -- THE DESIGN STANDARDS WERE DRAFTED. WHICH SUPERCEDES WHICH SET OF STANDARDS. THE STANDARDS ARE SILENT ON DESIGN ISSUES, THEN THE DESIGN STANDARDS WOULD APPLY BECAUSE OF -- BECAUSE OF -- CODIFIED -- WHEN IT'S CODIFIED. I'LL PUT IT THIS WAY. BASED ON MY UNDERSTANDING THAT UPON CODIFICATION OF THE DESIGN STANDARDS WILL APPLY, I'M WILLING TO ACCEPT COUNCILMEMBER ALVAREZ'S FRIENDLY AMENDMENT. [ APPLAUSE ]

Mayor Wynn: THANK YOU.

Dunkerly: I'LL ACCEPT IT, TOO.

Mayor Wynn: WELL DONE, THANK YOU.

Alvarez: THANK YOU, COUNCILMEMBER, I WASN'T QUITE SURE HOW WE WOULD DELINEATE THAT AREA. I'M STILL NOT QUITE SURE HOW WE WOULD FOR THAT PURPOSE. THE IDEA BEHIND THIS IS THAT I REALLY DO THINK IF WE WANTED TO DESIGNATE GATEWAY, MID-WAY, AND TRANSITION, IN THIS AREA, WE WOULD HAVE TO GO THROUGH A MUCH MORE EXTENSIVE NEIGHBORHOOD PROCESS BECAUSE THIS ONE MEETING WITH -- YOU KNOW, WITH 20, 25 PEOPLE, I MEAN I THINK FOR SUCH AN IMPORTANT THING REALLY WASN'T SIGNIFICANT ENOUGH OR INVOLVED ENOUGH FOLKS TO -- TO AT LEAST FOR ME TO FEEL COMFORTABLE SAYING WELL LET'S GO AHEAD AND DELINEATE THOSE ZONES AND THAT'S WHY THIS APPROACH OF LET'S DESIGNATE THE ZONE WOULD BE THE LEAST -- WITH THE LEAST DESIGNATION POSSIBLE AND THROUGH THE PLANNING PROCESS WE ARE GOING TO COME UP WITH RECOMMENDATIONS FOR OTHER DESIGNATIONS, BUT ALSO FOR DESIGN STANDARDS I WOULD THINK. AND THAT'S WHY I THOUGHT YOU KNOW IN THE NEXT YEAR BECAUSE WE HAVE, YOU KNOW, THE C.A.G. PROCESS FOR THE CAPITAL METRO PROPERTY UNDERWAY, IT'S PROBABLY -- THIS IS PROBABLY THE FIRST AREA THAT COULD PROBABLY GET STARTED ON -- ON STATION AREA PLANNING, THAT PROBABLY WITHIN A YEAR WE WOULD HAVE ALL OF THOSE, YOU KNOW, RULES FIGURED OUT. ESPECIALLY THE DESIGN STUFF WHICH DOESN'T DEAL WITH DENSITY, BUT THE MAIN CONCERN WAS DENSITY AND DESIGNATING HIGH DENSITY ZONES WITHOUT HAVING I THINK -- AS MUCH PUBLIC INPUT AS POSSIBLE. IN THAT DECISION.

SO THANK YOU.

MAYOR AND COUNCIL, TO ACCOMPLISH THE -- THE FRIENDLY AMENDMENT WHAT WE WOULD PROPOSE IS THAT FIRST OF ALL THAT THE -- THAT THE MAPS BE SUBSTITUTED AND THE ADDITIONAL LANGUAGE THAT IS CONTAINED ON PAGE 6 OF 15 WHICH WOULD ADD A NEW 252766.22 C WHICH WOULD READ THIS SUBSECTION APPLIES IN THE PLAZA SALTILLO DISTRICT, A STATION AREA PLAN MAY NOT INCLUDE A GATEWAY ZONE OR EXPAND THE ORIGINAL BOUNDARIES OF THE MID-WAY ZONE. THAT WOULD ACCOMPLISH THE FRIENDLY AMENDMENT.

THANK YOU, MS. TERRY. COUNCILMEMBER?

Alvarez: I'M GOING TO -- I'M PASSING OUT A SHEET THAT -- THAT HAS SOME AMENDED LANGUAGE TO -- TO -- THAT INCLUDES BOTH MOTIONS 3 AND 4. YOU KNOW, PARTLY TO INCORPORATE SOME OF THE REQUESTS THAT WE HAVE HEARD FROM -- FROM SOME MEMBERS OF THE PUBLIC. THE TRANSIT COMMUNITIES COALITION AND SOME COUNCILMEMBERS. THAT WERE INTERESTED IN SEEING THOSE -- THOSE GOALS IN THE -- IN THE ORDINANCE. BASICALLY, WHAT THIS WOULD DO IS -- IS -- BASICALLY DEALS WITH THE AFFORDABLE HOUSING FOR THE COM -- THAT COMPONENT OF THE RESOLUTION. AND IT DIVIDES ON IT UP INTO -- INTO T.O.D. DISTRICTS WITHIN THE CPNR ZONE THAT THE COUNCIL CREATED LAST -- LAST MEETING, TWO WEEKS AGO, AND THEN T.O.D. DISTRICTS THAT ARE LOCATED OUTSIDE THE CPNR ZONE. SO THE NUMBERS HAVE CHANGED A LITTLE BIT, BASED ON -- BASED ON THE WAY THAT -- THE LAW WANTED THIS WRITTEN. BUT BASICALLY THE ONLY CHANGE BETWEEN B 3 ON THE SHEET AND WHAT WAS ON THE MOTION SHEET IS THAT -- IS ON THE AFFORDABLE HOUSING GOAL. WE SET A GOAL OF 50% HOME OWNERSHIP, 60% MFI FOR BOTH HOME OWNERSHIP AND RENTAL AND BASED ON SOME INPUT THAT I RECEIVED THIS WEEK, SUGGESTED THAT WE MIGHT SHOOT FOR 60% MFI ON HOME OWNERSHIP AND 50% ON RENTAL. AND SO -- SO THAT'S THE ONLY DIFFERENCE BETWEEN WHAT WAS IN THE MOTION SHEET AND WHAT'S ON THIS -- THIS MOTION, PLUS THE ORDINANCE IS DIFFERENT. SO -- BUT --

MY UNDERSTANDING IS THAT STAFF SUPPORTS THESE AFFORDABILITY GOALS, IS THAT RIGHT?

I'M NOT SURE.

Alvarez: I THINK THEY SUPPORT THE SECOND PART OF THIS ORDINANCE. I MEAN OF THIS AMENDMENT.

I'LL BE GLAD TO TRY TO THE RESPOND TO THE QUESTIONS. COUNCILMEMBER, I THINK THAT STAFF'S POSITION IS AS LONG AS WE ARE LOOKING AT A STATION AREA PLANNING PROCESS AND LOOKS AT THE FEASIBILITY AND THE ANALYSIS OF THESE AS GOALS AND DETERMINES THE

METHODOLOGY AND THE DIFFERENT INCENTIVES THAT WOULD BE STRUCTURED TOGETHER TO ACHIEVE THESE GOALS, THEN WE'RE SUPPORTIVE OF THESE GOALS. I GUESS I WOULD LIKE SOME --

McCracken: I GUESS THAT I WOULD LIKE SOME THOUGHTS FROM OUR OTHER MEMBERS ON THE DAIS HERE.

Mayor Wynn: COUNCILMEMBER THOMAS?

Thomas: COUNCILMEMBER ALVAREZ, WHEN YOU CHANGED THE PERCENTAGE THOSE WERE THE GOALS THAT WERE SETTING RIGHT OR -- IN YOUR PROPOSAL THAT YOU JUST PASSED OUT?

Alvarez: ACTUALLY, NOW THAT YOU MENTIONED THAT IN THIS REVISED VERSION, I DID NOTICE THAT THERE -- THAT THE GOAL WAS NOT -- THAT THE GOAL WAS INCLUDED IN THE PART B, BUT IT WASN'T ESTABLISHED OUTSIDE OF THE DENSITY BONUS CONTEXT. SO BASICALLY I THINK ORIGINALLY AT LEAST THE WAY IT WAS LAID OUT, IT WAS AT THE FIRST PART OF THE AMENDMENT, ESTABLISHED A GOAL, 60% MFI, THE HOME OWNERSHIP, 50%, FOR RENTAL. AND THEN WOULD -- WOULD BE -- WOULD BE WAS -- WAS INTENDED TO DO WAS SAY THAT IF -- IF THERE'S A RECOMMENDATION FOR ADDITIONAL DENSITY, THEN THAT GOAL WOULD BE MANDATORY. IT WOULD NOT BE THE GOAL, IT WOULD BE MANDATORY IF YOU WANTED TO TAKE ADVANTAGE OF THE DENSITY OPTION. AND SO WHAT'S MISSING THERE IS -- IS, YOU KNOW, PROBABLY ANOTHER LETTER THAT SAYS SET AN AFFORDABLE HOUSING GOAL OF X FOR THE -- FOR T.O.D.'S DISTRICTS LOCATED IN THE CPNR ZONE, SO WE WOULD HAVE TO AMEND THE LANGUAGE THAT'S ON THERE.

PROBABLY THE WAY THAT YOU WOULD DO IS THAT -- IS AGAIN I CAN SUGGEST THE LANGUAGE HERE, BUT YOU WOULD ADD -- YOU WOULD CHANGE THIS A AND B TO B AND C. AND YOU WOULD ADD A NEW A THAT -- THAT SAYS SET AN AFFORDABLE HOUSING GOAL OF 25% OF RESIDENTIAL UNITS AT 60% OF MFI FOR UNITS PROVIDING HOME OWNERSHIP OPPORTUNITIES AND 50% OF MFI FOR UNITS PROVIDING RENTAL OPPORTUNITIES. SO THAT'S WHAT THE A PART

WOULD SAY AND THEN B AND C WOULD BE A -- WOULD BE -- THE A AND B LISTED HERE WOULD CHANGE IT TO B AND C. SO I GUESS IF -- IF FOLKS WANT TO SEE THAT IN WRITING, THEN WE CAN MAYBE PULL THAT DOWN AND -- AND MAYBE REWRITE THIS. SO IT'S CLEAR.

Dunkerly: MAYOR, COULD I ASK --

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: ON THE WORKSHEET THAT COUNCILMEMBER ALVAREZ PASSED OUT, THE PART B, OR I GUESS PART 3 AT THE TOP IS DEALING WITH THE -- WITH THE PRESERVATION REVITALIZATION GOALS AND THAT'S WHERE THAT DENSITY BONUS COMES IN. THEN BELOW, WHEN YOU GET TO THOSE AREAS OUTSIDE OF THE COMMUNITY PRESERVATION AND REVITALIZATION, ALL OF THE OTHERS, THEN WE ARE GOING TO USE THAT AS ONE OF THE TOOLS. BUT WE'LL ADD THERE THE SPECIFIC GOALS OF -- OF 25% OF THE NEW HOUSING THAT 80% OF MEDIAN FAMILY INCOME FOR HOME OWNERSHIP, 60% OF MEDIAN FAMILY INCOME FOR THE RENTAL HOUSING, WE WILL COME IN AND ADD BELOW THAT THE SUBPOENA GOALS OF EACH OF THOSE UNITS. SO REALLY THE MAIN DIFFERENCES HERE IN THE -- IN THE AREAS WITHIN THAT ZONE, YOU GOT THE DENSITY BONUSES AND SLIGHTLY DIFFERENT GOALS AT THIS LEVEL AND THEN THE OTHER ONE THE DENSITY BONUS IS SIMPLY ONE OF THE MANY TOOLS THAT WOULD BE USED TO REACH THE GOALS. SO -- SO DOES THAT HELP ANY? [LAUGHTER]

Thomas: JUST A LITTLE BIT. COUNCILMEMBER DUNKERLY? COUNCILMEMBER ALVAREZ, ON YOUR SHEET, YOU SAID NUMBER A, NUMBER 7, A, YOU ARE MAKING IT B AND C? TAKING THE A OUT, RIGHT?

Alvarez: I'M LOOKING AT THE ONE-PAGE SHEET. UP AT THE TOP IT SAYS B 3. AND THEN IT SAYS A AND B, SO WE WOULD ADD A NEW A AND CHANGE A AND B TO B AND C.

Thomas: OKAY.

Alvarez: THE A WOULD ESTABLISH THE GOAL, FOR THOSE T.O.D. DISTRICTS, AND PART C REITERATES THE GOAL, YOU



KNOW, IN THE CONTEXT OF A DENSITY BONUS. FOR THE STATION AREA PLANNING PROCESS.

ALL RIGHT.

McCracken: LET ME ADD -- I GUESS THE ONE -- WHERE I'M TRYING TO UNDERSTAND BETTER IS WHAT IT MEANS BY PERMISSIVE. WHEN YOU TIE SOME OF THESE TO THE WORD - - TO THE -- FOR INSTANCE IT SAYS FOR A GATEWAY ZONE OR A MID-WAY ZONE MAY NOT PRESCRIBE SITE DEVELOPMENT REGULATIONS THAT ARE MORE PERMISSIVE THAN THOSE PRESCRIBED IN THE APPLICABLE ZONING DISTRICT, WHAT DO YOU CALL PERMISSIVE?

Alvarez: THE INTENT BEHIND THAT IF YOU LOOK AT THE LANGUAGE I PROPOSED WAS CHANGE THE SITE DEVELOPMENT REGULATIONS IN SUCH A WAY THAT ALLOWS INCREASED DENSITY. AND THEN IN -- IN THE PROCESS OF GETTING IT CODIFIED THEN THAT'S THE LANGUAGE THAT WAS CHOSEN BY LAW TO -- TO ACCOMPLISH THAT.

COUNCILMEMBER, IT IS AN ATTEMPT TO EXPRESS THE LIMITATION THAT THE COUNCILMEMBER IS SEEKING TO -- TO EXPRESS. IT IS THE UPPER LIMITATION. THAT THE COUNCILMEMBER DESIRES.

Slusher: MAYOR, I HAVE A QUESTION I GUESS/COMMENT. BUT WHAT CONCERNS ME ABOUT THIS, I AGREE WITH -- WITH SOME OF THIS. MAYBE ALL OF IT WHEN IT -- I MIGHT BE WILLING TO SET THAT WHEN IT COMES BACK FROM THE STATION AREA PLAN, BUT OF COURSE I WON'T BE DOING THAT, BUT -- BUT WHAT WORRIES ME ABOUT IT, IT SEEMS LIKE WE ARE CREATING THESE GROUPS TO DO THE STATION AREA PLANS AND THEN WE ARE REALLY NARROWING WHAT THEY CAN CONSIDER BEFORE THEY EVEN CONSIDER IT. SEEMS TO ME THAT THE COUNCIL WOULD STILL HAVE THE AUTHORITY OR THE COUNCIL WOULD STILL HAVE THE AUTHORITY TO -- TO REJECT PARTS OF A RECOMMENDATION WHEN THEY COME BACK IF WE DIDN'T THINK -- IF THE COUNCIL DIDN'T THINK THAT THEY WERE APPROPRIATE. MAYBE YOU WOULDN'T TO CONSTRICT SO HEAVILY THE FOLKS THAT WE WOULD CONSIDER AS THEY ARE GOING IN.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: AGAIN, I THINK FOR ME THIS COMES BACK TO THE WHOLE ISSUE OF WE ALREADY HAVE THE NEIGHBORHOOD PLAN ADOPTED FOR THIS AREA. I'M GOING TO READ GOAL 2 IN THE NEIGHBORHOOD PLAN, THAT SAYS ENSURE THAT NEW INSTRUCTURES AND RENOVATIONS ARE COMPATIBLE WITH EXISTING NEIGHBORHOOD, THE EXISTING NEIGHBORHOOD AND PROTECT HOMES FROM INCOMPATIBLE BUSINESS AND INDUSTRY. AND OBJECTIVE ONE WAS ENSURE THAT ALL NEW AND REDEVELOPMENT PROJECTS ARE COMPATIBLE WITH THE EXISTING CHARACTER OF THE AREA AND SCALE OF DENSITY DESIGN AND PARKING. WHEN THAT CAME FORWARD TO COUNCIL FOR APPROVAL, ON THE ZONING SIDE, BECAUSE THE PLAN ONLY ADOPTS THE LAND USE MAP, YOU KNOW, SO THIS IS ONE OF THE ONES WHERE WE ADOPTED THE LAND USE MAP. THEN ABOUT A YEAR LATER THE ZONING CAME BACK AND SO IN ORDER TO ACCOMPLISH THESE GOALS, YOU KNOW, WE ADOPTED ZONING FOR THIS AREA AND ESTABLISHED A HEIGHT LIMIT OF 40 FEET SOUTH OF FIFTH STREET AND A -- AND A HEIGHT LIMIT OF 60 FEET NORTH OF 5th STREET. SO -- SO THAT'S THE DENSITY THAT THIS NEIGHBORHOOD FELT WAS APPROPRIATE FOR THIS AREA. THERE'S MENTIONED IN SEVERAL DIFFERENT PART OF THE PLAN THAT -- THAT THE RECOGNITION THAT THIS COULD BE A TRANSIT CORRIDOR. WITH THAT KNOWLEDGE THE NEIGHBORHOOD SAID THIS IS WHAT WE SUPPORT IN TERMS OF DENSITY. THAT'S WHY -- WE HAVE -- WE ALREADY HAVE THE PLAN IN PLACE FOR THIS AREA, THIS NEIGHBORHOOD EVEN ADOPTED DESIGN GUIDELINES. OBVIOUSLY THOSE ARE OPTIONAL. THEY HAVE NEVER BEEN IMPLEMENTED OR UTILIZED. BUT PART OF WHAT -- YOU KNOW, THAT'S WHAT -- THIS PROCESS IS GOING TO LEAD TO IS THE PLAN AND DESIGN GUIDELINES, BUT WE REALLY HAVE THAT ALREADY FOR THIS AREA, SO -- SO MY CONCERN IS THE LARGER OF AN AREA THAT YOU DESIGNATE AND -- THAT YOU OPEN UP POTENTIALLY FOR DENSIFICATION, THEN WHAT YOU ARE BASICALLY SAYING IS YOU WANT TO OPEN IT UP SO THAT YOU CAN GO BEYOND WHAT THE NEIGHBORHOOD PLAN ENVISIONS ORIGINALLY, THAT'S WHY I SAID LET'S TRY TO FOCUS IT AS NARROWLY AS POSSIBLE AND SAY IF THERE IS ADDITIONAL DENSITY IT'S

ONLY GOING TO BE RIGHT HERE. IF THE COUNCIL WANTS TO SAY THERE SHOULD BE MORE DENSITY IN THE LARGER AREA, INCREASE DENSITY IN THE LARGER AREA, THEN THAT'S SOMETHING THAT YOU NEED TO TALK TO THE WHOLE NEIGHBORHOOD ABOUT BECAUSE THAT'S WHAT WE DID WHEN WE ADOPTED THE NEIGHBORHOOD PLAN. THAT'S WHY WE ARE -- I AM WITH THESE AMENDMENTS TRYING TO SAY OKAY THIS IS ONLY THE AREA WHERE WE MIGHT CONSIDER DENSITY AND IT ALLOWS US, THE WHOLE PROCESS THAT CAPITAL METRO HAS UNDERTAKEN, TO CONTINUE BECAUSE IT SAYS THAT'S THE ONLY AREA WHERE YOU MIGHT BE ABLE TO SEE SOME INCREASED DENSITY.

LET ME ASK YOU THIS. OKAY? SO IT SAYS THIS APPLIES IN A COMMUNITY PRESERVATION REVITALIZATION ZONE ESTABLISHED BY THE COUNCIL. OKAY. SO WHY NOT -- IF IT ONLY APPLIES TO ONE STATION, WHY NOT BE MORE DIRECT AT LEAST, OR IS IT -- HE WAS JUST JUST ONE NEIGHBORHOOD. SO I DON'T UNDERSTAND WHETHER THIS MEANS, WHAT -- WHAT B 3, HOW MANY STATIONS IS THAT --

IT'S TWO STATIONS.

SO THE -- SO THE MARTIN LUTHER KING, JR. ONE, TOO?

THAT'S RIGHT.

COUNCILMEMBER MCCRACKEN, YOU HAVE A QUESTION FOR STAFF ABOUT -- GEORGE, WHAT IS THE -- WHAT IS THE STATUS OF THE STOANG IN THE MLK T.O.D.? ZONING. IN OTHER WORDS, THE B 3 PORTION OF THE PROPOSED AMENDMENT WERE ADOPTED, CAN YOU DESCRIBE FOR US WHAT WAS -- HOW THAT WOULD APPLY TO THE EXISTING ZONING AND THE -- IN THE AREA OF THE MLK T.O.D.?

YOU MEAN IN TERMS OF WHAT DOES THE EXISTING ZONING ALLOW? IT'S A REAL, IT'S A MIX OF ZONING. WE HAVE A MAP THAT WE CAN PUT UP ON THAT PART OF IT AS CS-MU, I BELIEVE PART OF IT IS -- HOLD ON. RATHER THAN SPECULATE.

SO THERE IS SOME L.I. ZONING EXISTING -- GO-MU, C.S., FAIRLY LARGE PORTIONS OF C.S., THERE'S EVEN A LITTLE

BIT OF L.R. IF -- IF MEMORY SERVES ME CORRECTLY, THE -- THE NUMBERS IN PARENTHESES AT THE END OF THOSE ZONINGS DESIGNATIONS INDICATE THE -- THE HEIGHT LEVELS WHEN I CONFIRMED THIS AS I SAID. THE ONE INDICATES 60 FEET. THE TWO INDICATES 40 AND THREE INDICATES 35. 40, ALSO.

ONE INDICATES THAT YOU CAN GO UP TO 60 FEET, TWO AND THREE INDICATE THAT IT COULD GO UP TO 40 FEET. SO THE - - SO THE ZONING DESIGNATIONS THAT HAVE THAT NUMBER AT THE END THAT'S THE PURPOSE OF THAT. THERE WERE SOME -- SOME MODIFICATIONS TO THE ALLOWABLE HEIGHTS DURING THE NEIGHBORHOOD PLAN. AND BASED ON THE AMENDMENT THAT'S BEING SUGGESTED, WE -- THEY WOULD ONLY BE POTENTIAL FOR ADDITIONAL DENSITY IN THE SHADED AREAS WITHIN -- WITHIN THIS T.O.D. AS WELL.

I SEE A CONSIDERABLE SPACE DOWN THERE AT THE BOTTOM. THE CS-MU-CO-NP WHAT AREA IS THAT. THAT IS -- THAT'S PART OF THE -- PART OF THE FEATHER LIGHT TRACT. THAT'S CURRENTLY UNDEVELOPED, RIGHT?

UNDEVELOPED, THAT'S RIGHT.

McCracken: BUT IT COULD GO UP TO 60 FEET WITH THE CURRENT ZONING; IS THAT CORRECT?

THAT'S MY UNDERSTANDING.

AN AGENT OF THE OWNER HAS SAID THEY WERE PLANNING TO FOLLOW THE NEIGHBORHOOD PLAN FOR THAT TRACT.

Slusher: MAYOR? ACTUALLY, I REMEMBER THAT -- THAT THE FEATHER LIGHT SAID THEY WOULD FOLLOW THE TRACT. NOW, I HADN'T -- I'M -- I HAVEN'T HEARD FROM OTHER FOLKS IN THE NEIGHBORHOOD ON THE T.O.D. ONE WAY OR ANOTHER. WHAT I WAS GOING TO SUGGEST TO TRY TO GET US OFF THE DIME IS JUST TO ACCEPT IT FOR THE -- FOR THE SALTILLO AND WAIT ON THE FEATHER LIGHT AND I'M OPEN TO WHAT OTHER COUNCILMEMBERS HAVE TO SAY, BUT WE HAVEN'T HEARD AS MUCH ON THAT. I THINK THAT WE COULD TAKE THAT AS A PUBLIC COMMITMENT. I CERTAINLY WOULD FROM THE -- FROM THE FEATHER LIGHT REPRESENTATIVE

ON THAT TRACT THAT THEY ARE GOING TO FOLLOW THE NEIGHBORHOOD PLAN AND I THINK THE NEIGHBORHOOD IS VERY CAPABLE OF WEIGHING IN ABOUT HOW THEY FEEL AND WE HAVEN'T HEARD FROM THEM. ONE WAY OR THE OTHER ON THIS, BUT THEY WOULD CERTAINLY BE CAPABLE OF IT DURING THE -- DURING THE PLANNING PROCESS.

McCracken: MAYOR? COUNCILMEMBER, WOULD YOU ACCEPT THAT AS A -- AS TO APPLY ONLY TO PLAZA SALTILLO FOR -- FOR THE B 3 PORTION. I THINK -- I MEAN IF THAT'S THE WILL OF THE COUNCIL, I THINK THAT THIS -- GIVEN THE UNIQUE PART OF -- I MEAN THE UNIQUE SITUATION IN THE SALTILLO T.O.D. DISTRICT, THIS KIND OF SPEAKS TO THAT MORE THAN OTHER T.O.D.'S, BUT YEAH I THINK THE ONE ISSUE TO CONSIDER IS THAT THIS -- THESE MAY NOT BE THE ONLY TWO T.O.D. DISTRICTS EVER IN EAST AUSTIN. IN THE CPNR ZONE. SO I WAS LOOKING AT MORE IN TERMS OF -- OF WHAT THE AFFORDABILITY ISSUE IN TRYING TO -- TRYING TO LOOK AT REQUIRING THE -- THE GOALS FOR AFFORDABLE HOUSING. IN ITS EXCHANGE FOR ADDITIONAL DENSITY BEING THE -- BEING GIVEN IN THE ZONE VERSUS JUST IN THIS DISTRICT. IF THAT'S THE WILL OF THE COUNCIL, I WILL -- YOU KNOW, I WILL JUST LEAVE IT TO THIS AREA THEN THAT'S -- I'LL ACCEPT THAT AS AN AMENDMENT.

I WAS LOOKING AT MORE THAN -- IN TERMS OF EAST AUSTIN. TWO T.O.D.'S OR THREE OR FOUR OR FIVE OR HOWEVER MANY THERE ARE, LOOKING INTO THE FUTURE, POTENTIALLY THE -- THE SYSTEM MAY BE EXPANDED TO MAKE SURE THAT SOME OF THESE REGULATIONS WERE ALREADY IN PLACE.

McCracken: COUNCILMEMBER, WHAT I WOULD ADD IS I THINK THERE'S BEEN A LOT OF COMMUNITY INPUT ON THE SALTILLO T.O.D., SO THAT -- SO THAT -- WHAT YOU PREPARED HERE DEFINITELY SPEAKS TO SOME EXCELLENT COMMUNITY I INPUT ON THAT. MY CONCERN IS THAT WE MAY NOT HAVE HAD AS MUCH INPUT ON WHAT IS PRETTY PRINTIVE. I'M -- PRESCRIPTIVE. I'M COMFORTABLE ACCEPTING IT AS A FRIENDLY AMENDMENT, B 3 IS LIMITED TO THE PLAZA SALTILLO T.O.D.

I WOULD SAY, YOU BOTH SAYS THIS CAN BE ADDITIONAL

DENSITY IN THE GATEWAY AND MID-WAY ZONES. BUT NOT, YOU KNOW, IN THE TRANSITION ZONE. AND IF WHAT WE ARE SAYING FOR INSTANCE IN MLK IS THAT WE ARE GOING TO RECOMMEND DENSITY IN THE TRANSITION ZONE WHERE YOU CAN ALREADY HAVE 60 FEET IN HEIGHT, THEN WHAT ARE WE SAYING IS GOING TO HAPPEN IN THE GATEWAY AND MID-WAY ZONES IF YOU ARE ALREADY SAYING WE ARE GOING TO GO BEYOND 60 FEET IN THE TRANSITION ZONE. AND THAT'S WHERE I -- I HAVE A -- I HAVE KIND OF A CONCERN ABOUT TRYING TO PORTRAY THAT THE TRANSITION ZONE IS THE LEAST DENSITY ZONE WHEN WE WANT TO HOLD OUT FOR THE OPTION OF INCREASING DENSITY IN THAT ZONE. I THINK EVEN THOUGH THAT MAY MEAN GOING BEYOND 60 FEET IN HEIGHT. THAT'S WHY I THOUGHT FOCUSING ON THE TRANSITION, THE LEAST INTENSE OF ALL OF THE ZONES WOULDN'T HAVE BEEN THAT BIG OF AN ISSUE.

MAYOR?

Dunkerly: MR. HILGERS, HOW -- HILGERS, COULD I -- COULD I CONFIRM ONE THING. ON THE T.O.D., ALL OF THE T.O.D.'S RIGHT NOW, I BELIEVE THAT -- THAT THE GOALS WILL BE SET TO -- TO -- DEPENDING ON THE MEDIAN FAMILY INCOME SURROUNDING THOSE T.O.D.'S. IF THEY ARE BELOW THE 80% MEDIAN FAMILY INCOME. SO 80% IS SORT OF THE -- THE MARKETS AND THEN IF -- SORT OF THE MAXIMUM. THEN IF YOU'VE GOT, INCLUDING MLK, IF THAT MEDIAN FAMILY INCOME IS LOWER THAN THE 80, THOSE GOALS AROUND THERE WILL BE SET TO CONFORM TO THAT MEDIAN.

WELL --

INCOME LEVEL.

WELL, I BELIEVE THAT THE WAY THAT THE ORDINANCE IS STRUCTURED, THE WAY THAT THE RECOMMENDATIONS ARE STRUCTURED CURRENTLY AS PART OF THE FEASIBILITY AND AFFORDABLE HOUSING ORDINANCE I WILL TELL YOU ONE OF THE FIRST THINGS THAT'S GOING TO BE DONE IS TO ANALYSIS THE AREA MEDIAN McIN THE SURROUNDING AREA, BOTH TRANSITION AND GATEWAY ZONE AND ALL OF THE ZONES. SO I THINK THAT THAT WILL CERTAINLY BE TAKEN

INTO CONSIDERATION. THE WAY THAT THE GOALS ARE STRUCTURED CURRENTLY, IT'S 80 AND 60, WITH THE 10, 10 AND FIVE AT BOTH OF THOSE JUST AS A MINIMUM REQUIREMENT. I THINK THAT THE POINT THAT YOU ARE MAKING IS THAT THOSE ARE -- THOSE ARE MAXIMUM MINIMUMS, IF YOU WILL. FOR THE 25%. AND AS WE DO OUR THOROUGH FEASIBILITY ANALYSIS AND OUR THOROUGH HOUSING AFFORDABILITY ANALYSIS. I'M SURE IN THE SCOPE OF WORK THAT WE WILL CRAFT THAT IN A WAY THAT IDENTIFIES HOW WE CAN ACHIEVE MAXIMUM HOUSING AFFORDABILITY, INCLUDING CONSIDERATION OF THE AREA MEDIAN Mc.

Dunkerly: IF WE PULL THE MLK T.O.D., OUT OF THIS AREA WE'RE TALKING ABOUT, PUTTING IT OVER INTO THE NON-PLAZA SALTILLO AREA, THE ONLY WILL THEY DO THAT, BUT THEY WILL HAVE THE INDIVIDUAL SUBGOALS ASSOCIATED WITH THAT T.O.D. AS WELL.

AND AGAIN I GUESS MY UNDERSTANDING OF THE PROPOSAL, THE 60 -- THE 60 AND 50 LEVELS ARE THAT THE COUNCILMEMBER HAS PROPOSED ARE 60% AT BOTH THE -- BOTH THOSE T.O.D.ES IN THE CPNR ZONE. SO THAT 80% THAT YOU HAD TALKED ABOUT IN THOSE TWO AREAS WOULD GO DOWN TO 60. IF YOU SEE WHAT I MEAN. THEN THE REP TALL AREA WOULD -- RENTAL AREA, 25% WOULD BE AT 50% IN THAT AREA. AGAIN FROM OUR RECOMMENDATION, FROM MY RECOMMENDATION, AS STAFF -- IS THAT THE POINT BEING THAT YOU WANT TO DO THE FEASIBILITY ANALYSIS AND DETERMINE WHAT TOOLS ARE NECESSARY TO ACHIEVE THAT LEVEL OF AFFORDABILITY AND HOW MANY TOOLS COULD BE BACK TO ENSURE THAT YOU CAN ACHIEVE THE AFFORDABILITY LEVELS AND THE GOALS THAT YOU HAVE SET BASED UPON THAT ANALYSIS THAT YOU HAVE DONE.

Dunkerly: OKAY WHAT I GUESS WHAT WE HAVE BEEN TALKING ABOUT HERE IS WE HAD THE NON--- LET ME RECALL IT -- NON-PRESERVATION AREA AND THE PRESERVATION AREA AND WE WERE ORIGINALLY CONSIDERING TWO T.O.D.'S WITHIN THAT PRESERVATION AREA. IF WE ONLY INCLUDE THE ONE, THEN THE OTHER ONE WOULD FALL INTO THE OTHER GROUP AND THERE YOU WOULD HAVE MEDIAN

INCOME THAT WOULD -- WHICH WOULD BE BELOW THE 80, YOU COULD SHOOT FOR THAT GOAL AND THEN IN ADDITION TO THAT YOU WOULD EVEN HAVE LOWER SUBGOALS TO TRY TO REACH. THAT'S THE WAY IT'S WRITTEN RIGHT NOW.

AS I UNDERSTAND THE WAY IT POTENTIALLY IS AGAIN INTERPRETING WHAT I HAVE HEARD, IF YOU WERE TO WITHDRAW THE SECOND TRANSITION -- THE T.O.D., OUT OF THE CPNR REQUIREMENTS, THEN THAT WOULD GO THROUGH WHAT THE OTHER T.O.D.'S WOULD GO THROUGH, THERE IS NO OTHER DISTINCTION IN THE WAY THE ORDINANCE IS WRITTEN AS I UNDERSTAND IT, OR THE WAY IT'S BEING CRAFTED RIGHT NOW THAT WOULD ALLOW THE FEATHER LIGHT TRACT, MLK TRACT, TO BE ABLE TO BE CONSIDERED AT THE 60 AND 50% OF MFI.

WELL, I THOUGHT WE HAD --

UNLESS YOU WERE JUST GOING TO -- [SPEAKER INTERRUPTED -- MULTIPLE VOICES]

I THOUGHT WE HAD A GENERAL GOAL WRITTEN IN THIS AT SOME TIME THAT THE MEDIAN FAMILY INCOME AROUND THE T.O.D. WOULD BE, IF IT WAS BELOW 80%, THAT WOULD BE AN OVERRIDING FACTOR.

WELL, I WOULD SUGGEST TO YOU THAT THAT WILL CERTAINLY BE A KEY PLANNING PRINCIPLE IN WHATEVER FEASIBILITY ANALYSIS IS DONE.

Dunkerly: WOULD SOMEBODY TAKE ANOTHER LOOK AT THE ORDINANCE AND SEE IF THAT DID GET DROPPED OUT.

YES, MA'AM. IN THE LAST, IN THE LAST RECOMMENDATIONS THOSE RECOMMENDATIONS WERE REPLACED, COUNCILMEMBER ALVAREZ HAS CHANGED FROM THE TWO WHICH WERE THE AREA MEDIAN TO 25% TO THE 60% AND 50% GOALS. CORRECT?

YES.

Alvarez: THAT'S RIGHT, MR. HILGERS. JUST BECAUSE THE -- WE WOULD BE HAVING A DEBATE THEN NOW ABOUT DO WE



LOOK AT AN AREA A QUARTER MILE AROUND OR HALF A MILE AROUND OR A MILE AROUND TO DETERMINE THE AREA MEDIAN INCOME. THEN WE -- YOU KNOW, INSTEAD OF AGAIN TRYING TO GO THROUGH THAT SORT OF PROCESS OF EVEN HAVING TO MAKE A POLICY DECISION HERE OR DURING THE STATION AREA PLANNING PROCESS THEN JUST BE CLEAR ABOUT -- ABOUT WHAT THE GOALS WERE FROM THE GET GO IN THE CPNR ZONE, KNOWING THAT THE MEDIAN FAMILY INCOME FOR THE ZONE WAS 54% FOR THE MEDIAN FAMILY INCOME OF THE CITY. AND SO THE GOAL WE ESTABLISHED WAS 60% FOR -- AT LEAST AS PROPOSED HERE VERSUS TRYING TO DEVELOP ONE FOR EACH STATION. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Dunkerley: I DIDN'T WANT TO HAVE A T.O.D. WITH A LOWER MFI BE IMPACTED. MAYBE YOU COULD LOOK AT IT.

Alvarez: OKAY. I HAVE AN IDEA. IF YOU WANT TO KEEP THE CRITERIA IN FOR THE T.O.D.'S IN THE CPNR BUT NOT LIMIT THE DENSITY POTENTIAL IN NINE SALTILLO T.O.D.'S IS THAT THERE'S A NEW MOTION SHEET OR AMENDMENT SHEET THAT WAS PASSED OUT LETTERED A, B, C AND D, WHAT WE MIGHT SAY IS UNDER B THAT IT ONLY APPLIES TO THE SALTILLO T.O.D. DISTRICT. AND THAT WOULD BE A WAY OF LEAVING THE AFFORDABILITY CRITERIA IN FOR ALL EAST AUSTIN T.O.D.'S, BUT NOT THE LIMITS ON DENSITY --

I THINK THAT WOULD WORK.

McCracken: SO B AND C WOULD BE SALTILLO ONLY?

Alvarez: JUST B BECAUSE C WOULD BE -- IS PART OF THE AFFORDABLE HOUSING ELEMENT. BECAUSE C ALLOWS FOR DENSITY, BUT THEN SAYS THAT IN EXCHANGE FOR PROVIDING DENSITY YOU WILL MEET THE GOALS FOR AFFORDABLE HOUSING.

McCracken: MY CONCERN IS C-2. IT'S VERY PRESCHOOL PRESCRIPTIVE, AND MY CONCERN IS IT MIGHT HAVE UNINTENDED CONSEQUENCES AT THIS POINT. WE HAVEN'T THOROUGHLY ANALYZED THE PLAZA SALTILLO T.O.D. TO GET A SENSE OF -- HOW ABOUT, COUNCILMEMBER, WE COULD DO THIS. FOR A GATEWAY ZONE OR MIDWAY ZONE SHOULD

NOT PRESCRIBE SITE DEVELOPMENT REGULATIONS. THAT WAY WE WOULD SEND A CLEAR SIGNAL OF WHAT THE POLICY GOALS ARE, BUT AT THE SAME TIME NOT OPEN UP UNINTENDED CONSEQUENCES ON MLK WHERE WE HAVEN'T HAD THE EXTENSIVE PUBLIC INPUT.

Alvarez: THE DIFFERENCE BETWEEN THE TWO IS OBVIOUSLY THE GOALS SET FOR T.O.D.'S IN THE CPNR, OUTSIDE THE CPNR. THE SECOND PART IS IN EXCHANGE FOR PROVIDING THE OPTION OF INCREASED DENSITY AND THE HOUSING GOAL THEN BECOMES MANDATORY. SO IF YOU TAKE THAT AWAY, THEN YOU REALLY ARE JUST LEFT WITH A GOAL. SO IF YOU ARE GOING TO SEE INCREASED DENSITY, AND FOR ME THAT MEANS INCREASE POTENTIAL FOR GENTRIFICATION, THEN WE SHOULD INCLUDE THE COMPONENT TO TRY TO MITIGATE THE GENTRIFICATION RELATED IMPACT THAT IT MAY HAVE.

Mayor Wynn: COUNCIL, I WANT TO MAKE SORT OF A RANDOM SUGGESTION HERE IN THAT IT MIGHT TAKE CITY LEGAL A LITTLE BIT OF TIME TO CRAFT SOME OF THIS, AND PERHAPS IF WE WERE TO TABLE THIS FOR A WHILE, THERE COULD BE MORE DISCUSSION INTERSPERSED WITH OTHER WORK TO TRY AND MOVE FORWARD, JUST RECOGNIZING WE HAVE A HANDFUL OF ZONING DISCUSSION ITEMS STILL TO BE HAD AND SEVERAL OTHER DISCUSSION ITEMS ON THE AGENDA. I JUST SEE US GETTING A LITTLE BOGGED DOWN ON THIS IMPORTANT PIECE AND AMENDMENT, AND I DON'T WANT TO SCWEL MUCH ANY -- SQUELCH MOMENTUM WE MIGHT HAVE GOING.

Alvarez: IF YOU CAN CALL IT MOMENTUM.

Mayor Wynn: I APPRECIATE THE AMOUNT OF TIME AND EFFORT THAT YOU ALL HAVE GIVEN THIS, BUT THERE MIGHT BE AN ABILITY FOR US TO BE MORE EFFECTIVE AND EFFICIENT WITH EVERYBODY'S TIME.

McCracken: I WOULD JUST ASK, COUNCILMEMBER DUNKERLEY I THINK ACTUALLY -- WE JUST CONFERRED AND WE WOULD BOTH PREFER AND ACCEPT IT FOR PLAZA SALTILLO ONLY FOR B-3. AND IF YOU WANT TO GO TO COUNCILMEMBER SLUSHER'S SUGGESTION THAT I THINK

COUNCILMEMBER ALVAREZ HAD SAID IT WOULD BE ACCEPTABLE -- IF HE STILL IS, I KNOW I'LL ACCEPT THAT AS A FRIENDLY AMENDMENT FOR B-3 BEING PLAZA SALTILLO ONLY.

MAYOR, IF I CAN, IS THE IDEA LIKE THE MLK T.O.D. THEN FALLS IN TO SEVEN SO THAT WHAT WE NEED TO DO IS WE NEED TO GO BACK AND REDRAFT THIS SO THAT B-3 IS SPECIFIC TO SALTILLO AND THEN B-7 COVERS ALL THE REST OF THE T.O.D. IS THAT CORRECT?

THE ONLY DRAFTING CHANGE THAT THAT WOULD REQUIRE IS TO TAKE OUT THE LANGUAGE THAT SAYS OUTSIDE OF COMMUNITY PRESERVATION AND REVITALIZATION ZONE IN NUMBER 7, AND IN NUMBER 3 REPLACE IN A COMMUNITY PRESERVATION REVITALIZATION ZONE, TAKE OUT THAT WHOLE FIRST THREE PART AND JUST SAY IN PLAZA SALTILLO T.O.D. DISTRICT.

Mayor Wynn: YES. SO THEN -- COUNCIL, AGAIN, MY SUGGESTION IS TO PERHAPS TABLING THIS WHILE SOME OF THAT IS BEING CRAFTED AND PERHAPS EVEN ALLOWING A LITTLE BIT OF DIALOGUE INTERSPERSED WITH SOME OTHER BUSINESS. I WANT TO TRY TO BE RESPECTFUL OF SO MANY PEOPLE'S TIME HERE. I KNOW THIS IS COMPLEX AND THIS IS THE FOURTH TIME NOW THAT WE HAVE ATTEMPTED TO GET THROUGH THE T.O.D. ORDINANCE AND WE SEEM TO MAKE PROGRESS EACH TIME. WE ALL WOULD LIKE TO GET THIS DONE TONIGHT, BUT IT'S THE WILL OF THE COUNCIL. COUNCILMEMBER THOMAS.

Thomas: I AGREE WITH WHAT WE'RE SAYING ABOUT THE SALTILLO, BUT I DO HAVE SOME PROBLEMS WITH THE MLK BECAUSE WE REALLY HAVEN'T GOTTEN TO THAT PHASE OF IT. I UNDERSTAND WHERE COUNCILMEMBER ALVAREZ IS TRYING TO GO TO AS FAR AS THAT I DON'T WANT TO LOSE THAT EITHER. MAYBE WE CAN GET WITH LEGAL BEFORE WE COME BACK BEFORE THE NIGHT'S OVER AND TRY TO FIGURE OUT HOW TO DO THAT WITHOUT LOSING THOSE INCENTIVES. DOES THAT MAKE SENSE?

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: MAYOR, WHAT YOU'RE SAYING IS TO TABLE THIS MOMENTARILY, GET EVERYTHING IN WRITING, GIVE PEOPLE A CHANCE TO READ IT, COME BACK TO IT LATER IN THE EVENING?

Mayor Wynn: YES, SIR. AND WHILE THAT IS OCCURRING WE CAN TAKE UP A COUPLE OF DISCUSSION ITEMS WE STILL HAVE BEFORE US.

Slusher: I WOULD AGREE WITH THAT.

Mayor Wynn: CLEAN UP THE DOCUMENTATION PART OF THIS.

Slusher: I KNOW THAT SOME MEMBERS OF THE AUDIENCE DON'T HAVE ALL THE AMENDMENTS THAT ARE BEING PROPOSED FROM THE DAIS, SO I WOULD THINK THAT'S A GOOD IDEA. AND DEPENDING ON WHAT TIME WE ACTUALLY GET THROUGH WITH THE OTHER ONES AS TO HOW SMART IT IS TO FINISH IT UP TONIGHT.

Mayor Wynn: THANK YOU. SO COUNCIL, THEN WITHOUT OBJECTION, AGAIN BEING VERY RESPECTFUL OF THE DRAMATIC AMOUNT OF WORK YOU ALL HAVE BEEN GIVING THIS, WE WILL NOW TABLE ITEMS 56 AND 57. CITY LEGAL IS GOING TO HELP US WITH SOME DOCUMENTATION CLEANUP. WE'RE GOING TO MAKE THE CURRENT DOCUMENTATION CERTAINLY AVAILABLE TO EVERYBODY. AND MS. TERRY WILL HELP ME REMEMBER THAT WE HAVE A MOTION BY COUNCILMEMBER MCCracken AND SECONDED BY COUNCILMEMBER DUNKERLEY ON THE TABLE. WE HAVE GONE THROUGH THREE OF THE AMENDMENTS, AND WE'VE WORKED OURSELVES INTO A SPOT ON THIS THIRD PROPOSED AMENDMENT. THANK YOU ALL VERY MUCH. I APOLOGIZE FOR THE -- YOU KNOW, THE COMPLEXITY OF THIS. SO BACK TO THE AGENDA. REMEMBER, WHAT WE HAD DONE WAS TO TRY TO GET THE T.O.D. ORDINANCE ACCOMPLISHED TONIGHT. WE HAD ACCOMPLISHED OUR CONSENT AGENDA ON OUR ZONING CASES, BUT WE DIDN'T TAKE UP ANY OF THE DISCUSSION ITEMS. WE HAVE TWO DISCUSSION CASES. I SEE MR. HILGERS LURKING OVER HERE ON THE SIDE. WE'RE GOING TO HAVE TO CONTINUE TO WAIT ON OUR PUBLIC HEARING REGARDING H.U.D., MR. HILGERS, I'M SORRY. AND EARLIER, COUNCIL, IN MY

ABSENCE DID IN FACT POSTPONE ACTION ON ITEM NUMBER 61, THE HEARING OF AN APPEAL. YES, THANK YOU. MS. GLASGO? YOUR TURN, WELCOME BACK.

THANK YOU, MAYOR AND COUNCILMEMBERS. WE'RE BACK TO ZONING, AND WE'VE TAKEN UP WITH ITEM Z-14. THIS IS CASE C-14-04-550, THE NEIGHBOR'S STOP AND GO. THE PROPERTY IS LOCATED AT 6008 MANCHACA ROAD AND THE EXISTING ZONING IS LIMITED OFFICE. THE APPLICANT IS SEEKING GO-MU-CO, WHICH STANDS FOR GENERAL OFFICE MIXED USE WITH A CONDITIONAL OVERLAY. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT LR-CO, WHICH STANDS FOR NEIGHBORHOOD RETAIL, CONDITIONAL OVERLAY. I WILL LET THE APPLICANT GIVE THEIR PROPOSAL GIVEN THAT THERE ARE NEW CHANGES AND THEN I'LL JUST RESPOND TO QUESTIONS AS THEY MIGHT ARAISE AS RELATES TO THE SPECIFIC ZONING ITEMS. MONIQUE BENET IS THE AGENT FOR THE APPLICANT. WELCOME.

THANK YOU. GOOD EVENING, MAYOR AND COUNCILMEMBERS.

Mayor Wynn: I'M SORRY. SET THE CLOCK FOR FIVE MINUTES. AND THIS WILL BE THE APPLICANT'S PRESENTATION.

GOOD EVENING, AGAIN. I'M A PLANNER WITH BROWN MCCARROLL AND THIS CASE IS LOCATED AT 6008 MANCHACA ROAD JUST SOUTH OF THE INTERSECTION OF STASSNEY AND MANCHACA ROAD. IT IS ACROSS THE STREET FROM GARRISON DISTRICT PARK, AND THE QUESTION FOR YOU TONIGHT IS A PRODUCT OF NEGOTIATIONS THAT HAVE TAKEN PLACE OVER THE LAST SIX MONTHS BETWEEN STAFF, THE NEIGHBORHOOD AND THE OWNER, THE OWNER-APPLICANT. WE FIRST ENVISIONED A CONVENIENCE STORE FOR THIS SITE, WHICH WE ENVISIONED ATTRACTING PASS-BY TRAFFIC OF THOSE ALREADY TRAVELLING SOUTH ON MANCHACA. THAT IDEA DIDN'T SIT VERY WELL WITH MANY PEOPLE. WE WENT BACK TO THE DRAWING BOARD AND WE HAVE AMENDED OUR APPLICATION TO GO-MU-CO, AND WE FEEL THAT THAT IS GOING TO MAKE A REASONABLE PRODUCT FOR THIS LOCATION. I'M GOING TO DO A BRIEF HISTORY OF THE SITE AND THEN WALK YOU THROUGH THE

CONDITIONS THAT WE'VE AGREED TO ON THIS SITE THAT WE THINK WILL MAKE A NICE SMALL SCALE MIXED USE DEVELOPMENT. IN THE EARLY '80'S WHEN THE CITY OF AUSTIN PERMITTED ZONING SITE PLANS, THIS SITE WAS ZONED LO, ALONG WITH THE ADJACENT UNDEVELOPED PROPERTY THAT'S ZONED SF-6. AND AT THAT TIME THE DEVELOPER PROPOSED A COTTAGE COMMUNITY FOR THE ELDERLY, AND OUR TRACT, WHICH IS ONE ACRE, WAS SUPPOSED TO BE LIMITED OFFICE TO SERVE THE ASIAN COMMUNITY. WELL, HERE WE ARE 20 YEARS LATER AND THAT NEVER -- THAT DEVELOPMENT NEVER WAS BUILT AND THE SITE HAS REMAINED UNDEVELOPED. AS A PLANNER, I BELIEVE THIS SITE IS PRIME FOR INFILL DEVELOPMENT. IT'S ON A MAJOR ROADWAY THAT'S VERY CLOSE TO DOWNTOWN AND VERY CLOSE TO BEN WHITE, WHICH IS A STRAIGHT SHOT TO THE AIRPORT. COMBINED, OUR ONE ACRE WITH THE 49 ACRES BEHIND US, 50 ACRES OF UNDEVELOPED LAND. WITH THAT SAID, WE TOOK OUR OWNER -- WHEN THE CONVENIENCE STORE LOOKED LIKE THE NEIGHBORS REALLY DIDN'T WANT THAT, STAFF DID NOT RECOMMEND THAT, WE WENT BACK TO THE DRAWING BOARD AND I SHOWED THESE FEET TOES THAT I WILL -- FOAT THOSE THAT IWILL SHOW RIGHT NOW IF I CAN GET THEM UP. WE TOOK THE OWNER OUT TO KIRBY LANE AT 35TH AND KIRBY LANE AND SHOWED HIM SOME SMALL SCALE -- BECAUSE THIS WAS ONLY AN ACRE, MIXED USE DEVELOPMENT. AND WHEN SEEING THAT, HE DECIDED TO AMEND TO -- HERE WE GO. THIS IS KIRBY LANE JUST NORTH OF 35TH STREET. AND THIS IS THE BACK SIDE OF THE SAME DEVELOPMENT. AND WHAT THEY'VE DONE HERE, THEY HAVE DIFFERENT ARCHITECTURAL STYLES. THIS IS ATTACHED TO THAT BUILDING WITH THE BLUE AUSTINING AND IT'S JUST VERY LOW KEY, SMALL SCALE MIXED USE, BLENDS WELL WITH THE NEIGHBORHOOD. HERE'S ANOTHER ANGLE BLENDING TWO ARCHITECTURAL STYLES TOGETHER, AGAIN VERY SMALL SCALE MIXED USE. THIS IS WHAT WE ENVISION FOR THE SITE. THIS IS ANOTHER SMALL SITE MIXED USE IN A DIFFERENT CITY, BUT AGAIN TWO TO THREE STORY SMALL SCALE. AND LASTLY THIS WAS THREE-STORY MIXED USE WITH SOME RETAIL ON THE BOTTOM AND TWO STORIES OF RESIDENTIAL. AND THE MIDDLE FLOOR COULD BE FINISHED OUT AS OFFICE TO PROVIDE A TRUE MIXED USE. THIS IS

WHAT WE ENVISION FOR THE SITE. HE LIKED THE IDEA. WE CHOSE GO-MU RATHER THAN LO-MU BECAUSE GO IS A UNIQUE CATEGORY AND IT ALLOWS FOR -- IT ALLOWS FOR YOU TO GO A LITTLE BIT OUTSIDE OF THE TRADITIONAL OFFICE USES AND ALLOWS FOR NEIGHBORHOOD USES SUCH AS A BARBERSHOP, LIKE ACE CUSTOM TAYLORS, A -- TAILORS, A SEAM TRES, A COFFEE SHOP. THAT'S CONDITIONAL. ANY LIMITED RESTAURANT WOULD HAVE TO GO THROUGH A PUBLIC PROCESS OF A CONDITIONAL USE. THE OFFICE MARKET I HANDED OUT A HANDOUT, AN ARTICLE CAME OUT IN JANUARY ABOUT THE AUSTIN OFFICE MARKET. IF YOU LOOK IN THE LOWER LEFT-HAND CORNER, THIS AREA OF TOWN HAS THE HIGHEST OFFICE VACANCY RATE, 70% AS OPPOSED TO ZERO TO 15% IN THE REST OF THE CITY. SO WE THOUGHT THAT A G.O. OFFICE CATEGORY MEETS THE NEIGHBORHOOD'S NEEDS OF KEEPING IT G.O., BUT ALLOWS FOR THE FINISHED PRODUCT THERE TO BE LEASED TO SOME USES THAT ARE NOT TRADITIONALLY OFFICE SINCE THE VACANCY RATE IS SO HIGH THERE. LASTLY, WE HAVE OFFERED GO-MU-CO, A 14 UNIT DENSITY UNIT, WHICH IS THE SAME AS SF-6, NO DRIVE-IN SERVICES AS ACCESSORY TO A LIMITED RESTAURANT USE, MEANING THERE COULD BE NO FAST FEUD. AND EVEN IF THERE WAS A BAKERY OR A RESTAURANT IT WOULD BE A CONDITIONAL USE PERMIT. [ BUZZER SOUNDS ] AND LASTLY, WE ALSO AGREED TO LO DEVELOPMENT REGS. SO WE FEEL WE'VE REALLY COME A LONG WAY ON THIS PROPERTY AND THE OWNER WOULD REALLY LIKE TO DO A MIXED USE PROJECT THERE WITH A PARK THERE AS AN AMENITY. AND THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU. AND SO AGAIN AS A REMINDER, WE HAVE A FIVE-MINUTE PRESENTATION FROM THE APPLICANT. WE THEN HEAR FROM FOLKS WHO HAVE SIGNED UP IN FAVOR OF THE ZONING CASE. IN THIS INSTANCE WE HAVE NONE. AND THEN WE HEAR FROM FOLKS WHO HAVE SIGNED UP AND WISH TO SPEAK IN OPPOSITION. AND THEN THE APPLICANT WILL HAVE A ONE-TIME THREE-MINUTE REBUTTAL. SO WE'LL NOW HEAR FROM FOLKS WHO HAVE SIGNED UP AGAINST THE ZONING CASE. WE'LL START WITH JIMMY MILLS.

[INAUDIBLE - NO MIC].

Mayor Wynn: FAIR ENOUGH. WANDA MILLS. IS ANNE ELLIS STILL HERE? BLESS YOUR HEART. SO WANDA, YOU WILL NOW HAVE SIX MINUTES IF YOU NEED IT.

THE ONES WHO REALLY HAVE BEEN WAITING IS THE IN TRAINING GUIDE PUPPY DOG THAT BARBIE HAS WITH HER TONIGHT. GOOD EVENING TO ALL OF YOU. I'M WANDA MILLS AND I'M ONE OF THE CO-PRESIDENTS OF THE CHERRY CREEK SOUTHWEST NEIGHBORHOOD ASSOCIATION AND I'M HERE TO SPEAK FOR THE GROUP OF CONCERNED CITIZENS IN SUPPORT OF THE ZONING AND PLATTING STAFF REVISED RECOMMENDATION FOR LO-GU -- LO-MU-CO ON THE PROPERTY AT 6008 MANCHACA. I'M A POOR FILL IN I MIGHT NOTE FOR JOHN, WHO MANY OF YOU MAY KNOW. SHE'S THE LODGE TERM PRESIDENT OF OUR ASSOCIATION. SHE'S BATTLING CANCER. SHE'S IN NEW ORLEANS AND OUR PRAYERS ARE WITH HER TONIGHT. AS I SAID IN AN E-MAIL TO ALL YOUR OFFICES THIS MORNING, WE'RE SORRY THAT WE ACTUALLY HAVE TO BE HERE TAKING UP YOUR TIME ON THIS. WE WISH WE COULD HAVE COME TO SOME UNDERSTANDING WITH THE OWNER AND HIS REPRESENTATIVE AND FOUND A SUITABLE BUILDING PROPOSAL FOR THE PROPERTY ABOUT BEING DISCUSSED. UNFORTUNATELY, THAT DIDN'T HAPPEN. AFTER A MEETING AT 3:00 P.M., WE CONTINUED TO AGREE BUT WE JUST DISAGREE. THE MEMBERS OF THE ASSOCIATION CONTINUE TO FEEL THAT THE CURRENT ZONING, WHICH ALLOWS OVER 35 USES, PRESENTS MANY OPPORTUNITIES FOR DEVELOPMENT THAT COMPLIMENT THE CLOSE KNIT NATURE OF THIS NEIGHBORHOOD. WE DO NOT OPPOSE DEVELOPMENT OF THIS PROPERTY UNDER THE CURRENT CODE AND WE FEEL THAT WE ARE COMPROMISING BY AGREEING TO GIVE THE OWNER THE POSSIBILITY OF MIXED USE ON THIS SITE. I MIGHT NOTE THAT ALL OF THE NEIGHBORS WITHIN 200 FEET OF THE PROPOSED BUILDING SITE SIGNED A PETITION OPPOSING ANY CHANGE IN THE ZONING. WE UNDERSTAND THAT PETITION HAS NOW BEEN INVALIDATED FOR PURPOSES OF REQUIRING A SUPER MAJORITY VOTE BY A REDRAWING OF THE AREA FOR WHICH THE OWNER IS REQUESTING REZONING. YOU MAY REMEMBER THAT THIS OCCURRED ALSO BEFORE YOUR



APRIL SEVENTH HEARING. IN ADDITION, 110 NEIGHBORS OUTSIDE THE 200-FOOT AREA ARE LISTED IN THE PETITIONS THAT WERE DELIVERED TO YOU PRIOR TO THE SCHEDULED HEARING ON APRIL 7TH. ALL THESE PEOPLE ARE HOMEOWNERS AND ALL CONTINUE TO BE CONCERNED ABOUT THE QUALITY OF LIFE IN THEIR NEIGHBORHOOD AND IN AUSTIN IN GENERAL. IN JUST A FEW MOMENTS I WANT YOU TO RECOGNIZE CHRIS BUTLER WHO IS GOING TO GIVE YOU AN OVERVIEW OF THE AREA, AND THEN WE WILL JUST HAVE ONE MORE SPEAKER. WE DECIDED NOT TO BELABOR THE ISSUE BECAUSE YOU ALL KNOW QUITE A BIT ABOUT IT. AND I KNOW YOU RECEIVED AN E-MAIL THIS MORNING FROM CHRIS COLLIE, WHO HAD BEEN THE SPEAKER FOR THE OTHER AREA, WHICH IS THE ONE MOST INTIMATELY INVOLVED IN THIS. THIS DEVELOPMENT WOULD BE RIGHT ACROSS THEIR CHAIN-LINK FENCES. YOU ALSO MAY HAVE RECEIVED E-MAIL FROM OTHERS IN OUR NEIGHBORHOOD. AS A FINAL POINT I WANT TO STATE THAT THE CHERRY CREEK HOMEOWNERS HAVE MADE AN INVESTMENT, AND YOU WOULD CALL THAT INVESTMENT A HOME. AND I'M SURE YOU CAN UNDERSTAND THEIR DESIRE TO MAINTAIN THE INTEGRITY OF THE NEIGHBORHOOD AROUND THEIR HOMES. AUSTIN, THEIR HOMES IN CHERRY CREEK, ARE THE ONLY PROPERTY THEY OWN, WHILE THE APPLICANT IS THE OWNER OF NUMEROUS PROPERTIES IN THE COUNTY. THIS IS NOT SUCH A PERSONAL ISSUE FOR HIM. AT THE ZONING AND PLATTING COMMISSION HEARING ON JANUARY THE 18th, MS. BODAY TOLD THE COMMISSIONERS THAT ZONING SHOULD SERVICE A PUBLIC NEED AND NOT GRANT SPECIAL PRIVILEGE TO AN INDIVIDUAL OWNER. I'M READING FROM THE MINUTES OF THAT HEARING. WE AGREE WITH HER STATEMENT. WE FEEL THAT CHANGING THE ZONING AT 6008 MANCHACA ROAD, OTHER THAN TO ALLOW MIXED USE, DOES NOT SERVE AS A PUBLIC NEED. AND SINCE MR. BERTUCCI IS AN INDIVIDUAL OWNER, HE SHOULD NOT GET SPECIAL PRIVILEGE. WE WOULD APPRECIATE YOUR SUPPORT FOR THIS NEIGHBORHOOD CAUSE AND YOUR VOTE TO SUPPORT THE CURRENT STAFF RECOMMENDATION. THANK YOU.

Mayor Wynn: THANK YOU. SO NOW WE'LL HEAR FROM -- I'M SORRY, CHRIS BUTLER. AND IS BARBARA BUICK BUCHANAN

STILL HERE? CLAUDETTE COLT AND ROBERT BEN NIS? SO IS KRIS, YOU WILL HAVE UP TO NINE MINUTES IF YOU NEED IT.

OKAY. I'LL SPARE YOU THE FULL TIME PERIOD. THANK YOU FOR TAKING SOME TIME TO HEAR US. A QUICK VISUAL OVERVIEW OF OUR AREA JUST TO LET YOU KNOW WHAT IT'S LIKE AND TO HELP YOU MAKE YOUR DECISION -- COULD YOU SCROLL A LITTLE BIT? THAT IS THE TOP. OKAY. IF YOU NOTICE IN THE UPPER RIGHT-HAND CORNER WE'VE GOT A NEW SATELLITE CAMPUS OF AUSTIN COMMUNITY COLLEGE GOING IN. THERE'S A LIBRARY RIGHT ACROSS IT. AND JUST TO THE SOUTH ON THE SOUTH OF STASSNEY IS CROCKETT HIGH SCHOOL. AND THEN THERE'S A LITTLE BUSINESS AREA ALREADY IN THERE, SO THAT'S A PRETTY ACTIVE LITTLE AREA AND IT'S COMING ALONG NICELY AND IT'S GOING TO BE A MAJOR ASSET FOR OUR NEIGHBORHOOD. OTHER THAN THAT YOU CAN SEE A LOT OF HOUSING THERE. IF YOU WILL SCROLL DOWN SLOWLY TO THE BOTTOM OF THAT YOU WILL SEE IT'S MOSTLY ALL RESIDENTIAL IN THERE. IF YOU WILL PAUSE RIGHT THERE, PLEASE, THERE'S A QUESTION MARK AREA WHICH IS THE PROPERTY THAT'S BEING DISCUSSED TONIGHT. THERE'S THAT LARGE GREENBELT WHICH IS ZONED SF-6 WHICH HAS BEEN UNDEVELOPED. THAT HAS BEEN BEFORE YOU BEFORE. IT LOOKS LIKE NEWMARK HOMES IS CONSIDERING BUILDING THERE. WE'VE HEARD PRETTY SERIOUS COMMENTS FROM THEM TO THAT EFFECT AND THEY'VE SHOWED US AN INITIAL SITE PLAN. SO BETTING IS PRETTY GOOD THAT THERE WILL BE SINGLE-FAMILY RESIDENTIAL HOMES IN THERE, SO IT FURTHER ENHANCES THE RESIDENTIAL ASPECT OF OUR NEIGHBORHOOD. SO THE QUESTION IS WHAT IS APPROPRIATE FOR THAT ONE ACRE PLAZA THAT SHE HAS PRESENTED TO YOU? PERSONALLY I DON'T KNOW AND I'M HOPING YOU FOLKS CAN OFFER US GUIDANCE ON THAT. COULD -- GUIDANCE ON THAT. COULD YOU HIT THE BACK BUTTON PLEASE? WOULD YOU HIT THE GARRISON PARK OPTION? THIS IS THE GARRISON PARK WHICH IS ALREADY IN OUR NEIGHBORHOOD. AND I JUST WANTED TO GIVE YOU A SENSE OF WHAT IT WAS LIKE. IT'S A GREAT LITTLE PICNIC AREA. TODAY I WAS THERE FOR 10 MINUTES. THERE WAS A COUPLE OF FAMILIES CELEBRATING BIRTHDAYS. ON RIGHT A GUY WAS SHOOTING HOOPS IN A REALLY NICE LITTLE BASKETBALL COURT THAT'S SHADED,

VERY PLEASANT. THEY'VE GOT THIS HUGE SWIMMING POOL THAT USUALLY HAS WATER. AND WE'RE NOW LOOKING WEST ACROSS MANCHACA AT ROUGHLY WHERE THE -- WHATEVER IS BUILT IS GOING TO BE. IT'S A PRETTY HIGH TRAFFIC AREA. THIS WAS ON A SATURDAY AFTERNOON, NOT A RUSH HOUR PERIOD. SO WHATEVER GOES IN THERE, IF IT'S GOING TO PRODUCE A LOT OF TRAFFIC, SHOULD PROBABLY HAVE SOME SORT OF TRAFFIC MITIGATION FROM THE CITY PEDESTRIAN CROSSING, A LIGHT OR SOMETHING. OKAY. CAN WE HIT THE BACK BUTTON PLEASE? LET ME SHOW YOU A COUPLE OF HOMES IN OUR AREA SO YOU CAN GET A SENSE OF WHAT IT'S LIKE. WOULD YOU HIT THE FALCON HILL HOMES, PLEASE? THESE ARE MODEST HOMES, STILL KIND OF AFFORDABLE BY AUSTIN STANDARDS. THE NEIGHBORHOODS ARE VERY WELL MAINTAINED. THEY'RE ALL PRIVATELY OWNED, NOT RENTED. AND THEY'RE WELL GROOMED AND WE ALL HAVE A SERIOUS STAKE IN OUR NEIGHBORHOOD. JUST TRYING TO SHOW YOU SOME OF THE VISUALS, SOME OF THE FLOURISHES IN SOME OF THE YARDS. DOWN AT THE BOTTOM IS ONE THAT ISN'T RIGHT ON FALCON HILL, BUT IT'S TYPICAL OF THE FLOURISHES THAT PEOPLE HAVE HERE. SO IT'S REALLY A RESIDENTIAL AREA THAT WE THINK IS WORTH PROTECTING, WHICH IS WHY WE'RE ALL HERE. AND IF YOU WILL GO BACK, PLEASE, IS THERE ANYTHING ELSE? THERE ARE SOME DRAINAGE ISSUES WHICH I'D LIKE TO MAKE YOU AWARE OF. ON FALCON HILL IS THE STREET WHICH ABUTS THE PROPERTY THAT WE'RE TALKING ABOUT BUILDING. THERE'S ACTUALLY ABOUT A 50-FOOT BUFFER ZONE, BUT IT'S WHERE THAT ONE ACRE PLOT IS GOING TO BE DEVELOPED IS WHERE THAT LITTLE FLOOD AREA IS THERE. AND THAT'S AFTER A VERY NORMAL RAINSTORM. THIS WASN'T A GULLY WASHER AT ALL, BUT IT DOES PULL UP THERE AND THEN IT DRAINS DIRECTLY INTO THE BACKYARD OF ONE OF THE FALCON HILL PEOPLE THERE. HE'S STANDING IN ABOUT THREE FEET OF WATER THERE AFTER A VERY HEAVY RAIN, AND THE FINAL SHOT OF THAT SEQUENCE IS HIS FENCE WHICH HAS BEEN CUT TO ALLOW THE WATER TO RUN THROUGH HIS PROPERTY. SO WHOEVER BUILDS THERE IS GOING TO HAVE TO BE PRETTY AWARE OF THE DRAINAGE ISSUES THAT ARE ASSOCIATED WITH IT. THEY'RE QUITE SUBSTANTIAL. LIKE I SAY, I PERSONALLY DON'T KNOW WHAT'S APPROPRIATE FOR THIS.

WE TEND TO ERR ON THE SIDE OF CAUTION TO NOT CHANGING THE ZONING UNLESS WE CAN GET SOMETHING VERY SIGNIFICANT GOING IN THERE. AND I REALIZE THAT ZONING DOESN'T WORK THAT WAY, SO WE'RE KIND OF IN A QUANDARY HERE AND WE'RE HOPING THAT YOU FOLKS CAN HELP US OUT WITH A REASONABLE SOLUTION. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. I'M SORRY. NOW WE WANT TO HEAR FROM JENNY MILLS? ALL RIGHT. IS GEORGE HUFFMAN HERE? HELLO, GEORGE. SO YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT. YOU'RE OUR LAST SPEAKER.

AGAIN, I DON'T ANTICIPATE TAKING THAT MUCH TIME. LIKE I SAY, GOOD EVENING, I HAD GOOD AFTERNOON ON MY SHEET. THANK YOU VERY MUCH FOR SPENDING SOME TIME WITH US. I'M JIMMY MILLS, ONE OF THE CO-PRESIDENTS OF THE CHERRY CREEK NEIGHBORHOOD ASSOCIATION, AND MY REMARKS WILL ADDRESS A LITTLE OF THE TIME LINE OF THE CURRENT ISSUE. IT STARTED LAST FALL WHEN THE PROPERTY OWNER REQUESTED A ZONING CHANGE THAT WOULD ALLOW HIM TO BUILD A CONVENIENCE STORE GAS STATION AT 6008 MANCHACA ROAD FOR HIS DAUGHTER TO RUN. THIS SOUND LIKE PARENTAL ABUSE TO ANYBODY BESIDES ME? IN SPITE OF THIS BEING A REALLY BAD IDEA AND A POOR USE OF PROPERTY, THE REQUEST WAS GRANTED BY ZONING AND PLATTING COMMISSION, EVEN THOUGH THEIR STAFF RECOMMENDED NO CHANGE. THE ITEM WAS PLACED ON YOUR AGENDA FOR THE APRIL 7TH MEETING, BUT THE OWNER, POSSIBLY REALIZING HIS CONVENIENCE STORE WAS A REALLY BAD IDEA, MADE SOME LAST MINUTE CHANGES THAT CAUSED THE ITEM TO BE POSTPONED UNTIL TODAY. IN THE INTERVENING TIME THE OWNER'S SUGGESTION FOR ZONING HAS RANGED FROM LR TO GO-MU-CO. AND TWO DAYS AGO HIS AGENT INDICATED THAT THEY COULD GO WITH LO-MU-CO. WHICH IS WHAT THE STAFF CURRENTLY RECOMMENDS. THE PROPOSED USES OF THE PROPERTY HAVE ALSO RUN THE GAMUT, A BOOKSTORE, BEAUTY SALON, RESTAURANT, BANK, YOGA SUITIO. AND PART OF OUR PROBLEM IS THIS SORT OF UNCERTAINTY. IF WE -- WE DON'T REALLY KNOW WHAT WE'RE GETTING. WE KIND OF FEEL LIKE WE'RE BUYING A PIG IN A POKE, FWREAG TO, SAY,G.O. ZONING. OUR OBJECTIONS TO G.O. INCLUDE

INCREASED HEIGHT AND IMPERVIOUS COVER ALLOWANCES, AND ALSO ANYTHING THAT WOULD INCREASE TRAFFIC ON MANCHACA, WHICH IS A MESS AND ALSO THINGS THAT WOULD INCLUDE EXTENDED HOURS THAT WOULD INTERRUPT THE SLEEP TIME OF THE NEIGHBORHOOD. ALSO IN THE DEFINITION, G.O. USES PREDOMINANTLY SERVES COMMUNITY OR CITYWIDE NEEDS, WHEREAS LO USES SERVE NEIGHBORHOOD AND COMMUNITY NEEDS. WE SUPPORT THE STAFF'S RECOMMENDATION OF L.O.-MU-CO. AS WE HAVE BEEN IN NEGOTIATION OVER THIS TIME SEVERAL OF US HAVE BECOME CONVINCED THAT THE PRINCIPAL REASON FOR A ZONING CHANGE OR FOR ASKING FOR A ZONING CHANGE IS JUST TO MAKE THE PROPERTY MORE SELLABLE. THANK YOU.

Mayor Wynn: THANK YOU, MR. MILLS. THAT CONCLUDES ALL THE CITIZENS WHO HAVE SIGNED UP IN OPPOSITION TO THE ZONING CASE, SO NOW MS. BODAY, AS THE AGENT YOU WILL HAVE A THREE-MINUTE REBUTTAL.

THANK YOU, MAYOR AND COUNCILMEMBERS. LET'S SEE. WE DON'T THINK -- IT MAY BE MORE SELLABLE WITH GO-MU-CO, BUT MORE IMPORTANTLY, WE BELIEVE IT WILL BE MORE DEVELOPABLE IN THAT THE G.O. USES, LIKE I SAID EARLIER, CAN ALLOW FOR SOME NEIGHBORHOOD FRIENDLY USES THAT WILL ALLOW FOR OFFICE WITH SOME NON-TRADITIONAL TYPE OFFICE OR NEIGHBORHOOD USES. WE HAVE BEEN CHANGING THE PLANS A LOT IN THE LAST SIX MONTHS, BUT WE'VE BEEN CHANGING IT IN RESPONSE TO THE NEIGHBORHOOD'S CONCERNS. AND I THINK THAT WE'VE MOVED AWAY FROM LR. WE'VE KEPT IT G.O. AND THE HEIGHT OF THE IMPERVIOUS COVER, I GUESS I HAVEN'T MADE THAT CLEAR, IS GOING TO BE THE SAME AS LO. WE'VE AGREED TO DO ONLY THE DEVELOPMENT REGS OF LO, SO THE ONLY THING THAT'S GOING TO CHANGE HERE IS THE USES, WHICH THE USES THAT ARE PERMITTED IN G.O. THAT ARE NOT PERMITTED IN LO I THINK ARE QUITE APPROPRIATE ON MANCHACA ROAD. BUSINESS AND TRADE SCHOOL, BUSINESS SUPPORT SERVICES, WHICH IS SOMETHING LIKE A COMPUTER MERGER, SOMETHING TO THAT -- COMPUTER NERDS, SOMETHING TO THAT EFFECT, GENERAL PURPOSES, LIKE A HAIR SALON, SHOE REPAIR OR SEEM TRES, PRINTING AND PUBLISHING, GUIDED SERVICES AND OFF SITE

ACCESSORY PARKING. WE WOULD BE WILLING TO PROHIBIT OFF SITE ACCESSORY PARKING. WE DON'T THINK IT SHOULD BE A PARKING LOT. WE'VE ALREADY AGREED TO PROHIBIT DRIVE-THROUGH SERVICES. WE DON'T THINK IT SHOULD BE FAST FOOD. I REALLY FEEL THAT GO-MU-CO WITH THE 14 UNIT LIMIT IS GOING TO WORK HERE. THE DRAINAGE PROBLEM, WHEN DEVELOPMENT OCCURS ON THIS SITE, THEY'LL HAVE TO BE DRAINAGE CONTROLS IN PLACE, AND I WOULD HOPE THAT IT WOULD IMPROVE THE DRAINAGE AND I IMPROVE THAT AREA. I DON'T KNOW ABOUT NEWMARK HOMES. I'VE HEARD FROM THE NEIGHBORHOOD THAT THEY'RE INTERESTED IN LOOKING AT THE SITE. I BELIEVE THEY'RE LOOKING AT ANY KIND OF SINGLE-FAMILY, THEY'LL NEED TO GET A ZONING CHANGE TO DELETE THE ZONING SITE PLAN THAT'S ON THAT SITE. AND I BELIEVE THAT THE COUNCIL WILL HAVE A CHANCE TO LOOK AT THAT DEVELOPMENT AS WELL. WITH THAT SAID, AGAIN THE PROPOSAL IS GO-MU-CO, 14 UNIT LIMIT, SAME DENSITY AS THAT, DEVELOPMENT REGS, NO INCREASE IN HEIGHT, NO INCREASE IN IMPERVIOUS COVER, NO INCREASE IN BUILDING COVERAGE, NO DRIVE-IN SERVICES AS ACCESSORY TO A LIMITED RESTAURANT USE, WHICH WOULD ONLY BE CONDITIONAL. AND I DON'T HAVE MY CLICKER, BUT WE REALLY DO ENVISION A TWO TO THREE-STORY TYPE MIXED USE BUILDING THERE THAT WE THINK SOME CONDOS UP ON THE TOP OVERLOOKING THE PARK AS AN AMENITY THERE WOULD REALLY ENTICE SOMEONE TO DO SOME INFILL DEVELOPMENT ON THIS SITE. AND WITH THIS PROXIMITY TO DOWNTOWN AS A PLANNER I WOULD LIKE TO SEE THAT. SO THANK YOU FOR YOUR TIME AND I'M AVAILABLE FOR QUESTIONS.

Mayor Wynn: THANK YOU. QUESTIONS, COUNCIL, OF THE AGENT? COUNCILMEMBER MCCRACKEN.

McCracken: YES, MS. BEAUDET. IN LISTENING TO THE CONCERNS OF THE NEIGHBORS AND THE PROPOSAL THAT'S COME FORWARD TONIGHT, COULD YOU ADDRESS TWO CONCERNS THAT I HAVE IN MY NOTES, ONE OF WHICH IS THE TRAFFIC CONCERN, AND THE SECOND IS THE QUALITY OF THE NEIGHBORHOOD.

SURE. THE TRAFFIC, WE BELIEVE THAT THE TRAFFIC USES

THAT COULD GO THERE ARE GOING TO BE A LOWER TRAFFIC GENERATOR. AND THEY CAN SPEAK TO THAT AS WELL. THAN THAT OF A PURE RETAIL USE THAT WOULD BE PERMITTED IN THE LR THAT WAS PREVIOUSLY RECOMMENDED. THE NATURE OF MANCHACA ROAD HAVING NO CENTER TURN LANE IS MOSTLY GOING TO ATTRACT PASS-BY CAPTURE TRAFFIC, MEANING PEOPLE WHO ARE ALREADY COMING SOUTH ON MANCHACA ARE GOING TO DECIDE TO PULL IN TO DROP OFF THEIR DRY CLEANING. A DRY CLEANING DROPOFF AND PICKUP IS SOMETHING THAT WOULD BE PERMITTED IN G.O. AND THEN CARRY ON THEIR WAY SOUTH. I THINK PEOPLE IN THE NEIGHBORHOOD WOULD BE ABLE TO COME OFF SIDE STREETS AND TURN IN TO GO DROP OFF DRY CLEANING OR GO FIX A COMPUTER OR GO TO WORK IF THEY HAVE AN OFFICE THERE, AND THEN TRAVEL SOUTH OR NORTH ON MANCHACA. SO THE TRAFFIC GENERATION I BELIEVE IN THE G.O. IS GOING TO BE LESS THAN IN THE PREVIOUSLY REQUESTED LR. AND THERE IS A 2,000 TRIP LIMIT. SO I BELIEVE MOST OF THE TRAFFIC IS GOING TO BE PASS-BY TRAFFIC GOING SOUTH. I DON'T THINK PEOPLE ARE GOING TO HOLD UP TRAFFIC GOING NORTH TO TURN LEFT. I DON'T THINK THERE WILL BE ANYTHING THAT ATTRACTIVE IN G.O. TO MAKE PEOPLE WANT TO HOLD UP TRAFFIC AND TURN LEFT AS THEY'RE GOING NORTH. AS FAR AS THE QUALITY OF LIFE IN THE NEIGHBORHOOD, THIS SITE IS ACTUALLY FROM THE SIDE IT'S 75 FEET AWAY FROM THE BACKYARD PROPERTY LINE TO THE CLOSEST RESIDENT. SO IF A LOT IS TYPICALLY 100 TO 130 FEET DEEP, THAT'S ABOUT -- THEIR BACKYARD IS MAYBE HALF OF THAT. THIS PROPERTY IS SET BACK OR THIS DEVELOPMENT WOULD BE SET BACK OVER 100 FEET FROM THE CLOSEST RESIDENCES ON FALCON HILL. IN ADDITION, WE'VE LEFT AN LO BOUNDARY IN THE BACK WHICH WE ENVISIONED THAT YOU CAN USE FOR PARKING TO HELP WITH THE VISION OF THE MIXED USE SO THAT THE BUILDING CAN BE BROUGHT CLOSER TO THE STREET. AND THAT IS BORDERED BY THE SF- 6 AND NOWHERE NEAR ANYONE IN THE NEIGHBORHOOD. I CAN ONLY HOPE THAT A NEW MIXED USE BUILDING IN THIS AREA CAN ONLY HELP TO REFURBISH SOME OF THE AREA THERE THAT HAS OLDER STRIP-TYPE DEVELOPMENT AND MAYBE JUMPSTART SOME REDEVELOPMENT OF THE AREA, SOME STRIP CENTERS THROUGH THAT AREA. I WOULD LIKE TO SEE

THAT. I LIVE IN SOUTH AUSTIN AS WELL AND I'D LIKE TO SEE SOME DOMINO EFFECT OF SOME NEW SMALLER SCALE MIXED USE ALONG SOUTH LAMAR IS NEARBY NEIGHBORHOOD. SO AS FAR AS QUALITY OF THE NEIGHBORHOOD, I WOULD HOPE THAT IT COULD HELP THE ARTERIALS IN GETTING SOME BETTER DESIGN AND SOME BETTER LOOKING DEVELOPMENT. THANK YOU. DID THAT ANSWER YOUR QUESTION?

McCracken: IT HELPED. TO GO FURTHER ON THAT, BECAUSE WE HAVE SEEN SOME EXTREMELY SUCCESSFUL MIXED USE DEVELOPMENTS IN PEDERNALES LOFTS, AND THERE'S A PROJECT ON GUADALUPE THAT HAS ZEN RESTAURANT ON THE GROUND FLOOR AND THEN OFFICE SPACE ABOVE. AND IF IT'S DONE RIGHT IT CAN REALLY ADD QUALITY TO THE NEIGHBORHOOD. MY CONCERN IS THAT THE FLEXIBILITY OF THE ZONING CATEGORY DOESN'T ENSURE WE WOULD GET SOMETHING THAT WOULD BE OF A VERY HIGH QUALITY NATURE. SO CAN YOU TELL US FIRST WHAT THE SPECIFIC PROJECT IN MIND IS, WHAT KIND OF COMMITMENTS WE COULD GET TO ENSURE THE NEIGHBORHOOD WOULD GET NOT A FLEXIBLE ZONING CATEGORY, BUT A HIGH QUALITY DEVELOPMENT THAT WOULD REALLY ADD TO THE QUALITY OF LIFE THERE?

I WON'T SAY THAT I KNOW THAT THE DESIGN STANDARDS THAT HAVE BEEN DISCUSSED TO COUNCIL MANY TIMES WILL MOST LIKELY A VERSION OF THOSE WILL MOST LIKELY BE IN PLACE BEFORE A SITE PLAN IS APPLIED FOR FOR THIS PROPERTY. AND I THINK THAT WILL TREMENDOUSLY HELP TO ENSURE THE AESTHETICS AND THE QUALITY OF THE PROJECT, FOR ONE. SECONDLY, THERE MAY BE -- WE'LL HAVE TO TALK TO STAFF. AND THIS IS ONLY READY FOR FIRST READING, SO I THINK IF WE WANTED TO, WE COULD EXPLORE RESTRICTIVE COVENANT OR SOME KIND OF CONDITIONAL OVERLAY TO ENSURE SOME TYPE OF ARCHITECTURAL COMPONENTS THAT WOULD HELP MAKE IT A QUALITY PROJECT, STEPPING BACK A CERTAIN PERCENTAGE OF TWO-STORY VERSUS THREE STORY TO HELP MAKE IT MORE ARCHITECTURALLY APPEALING. THOSE ARE THE THINGS THAT COME TO MIND. AS FAR AS THE USES, REALLY THE ONLY THINGS IN G.O. THAT I THINK WOULD -- I DON'T KNOW THAT ANY WOULD TAKE AWAY FROM MAKING IT



A QUALITY PROJECT AS IT'S MOSTLY GOING TO ATTRACT PROBABLY PROFESSIONAL OFFICE, ADMINISTRATIVE BUSINESS OFFICES, POSSIBLY A TAIL TAL TAYLOR, DRY CLEANING PICKUP. THOSE ARE THE BUSINESSES THAT DON'T HAVE THE ISSUE OF A CONVENIENCE STORE, TRASH, IN AND OUT TRAFFIC AT ALL HOURS, THAT KIND OF THING. SO I THINK THE G.O. IN ITSELF, RATHER THAN AN LR-MU, HELPS TO CONTROL THE QUALITY OF THE USES. AND WE'D BE WILLING TO, LIKE I SAID, I JUST NOTICED THAT OFF SITE ACCESSORY PARKING. WE DON'T WANT IT TO BE A PARKING LOT. I DON'T THINK THE OWNER WANTS TO MARKET THAT. WE WOULD BE WILLING TO PROHIBIT THAT. I JUST NOTICED THAT WAS SOMETHING AND I DON'T THINK THE NEIGHBORHOOD WANTS IT TO BE A PARKING LOT EITHER.

McCracken: TO THE EXTENT THAT WE WOULD GO WITH FIRST READING THIS EVENING AND WE COULD COME UP WITH SOMETHING MORE FIRM ALONG THE LINES OF ENSURING THAT THE NEIGHBORHOOD GETS A QUALITY DEVELOPMENT. BECAUSE A MIXED USE DEVELOPMENT IS ACTUALLY THAT YOU GET LESS TRAFFIC BECAUSE EVERYTHING DOESN'T HAVE TO BE INVOLVED IN SEPARATE CAR TRIPS. YOU WOULD ACTUALLY GET LESS TRAFFIC IF YOU HAD A SINGLE USE DEVELOPMENT ON THIS SITE, EVERYTHING WOULD HAVE TO BE DONE BY A CAR, WHEREAS IF YOU HAD A VERTICAL MILKED USE DEVELOPMENT YOU WOULD HAVE LESS TRAFFIC AS A RESULT. THAT WOULD BE A WINNER FOR THE NEIGHBORHOOD, BE A NICE DEVELOPMENT WITH LESS TRAFFIC, WHICH A VERTICAL MIXED USE PROJECT WOULD. SO I COULD SUPPORT SOMETHING LIKE THAT MYSELF IF WE GOT THIS NAILED DOWN BETWEEN FIRST AND SECOND READING. IF THE DESIGN ORDINANCE HAD PASSED AND REBATING OF SIDEWALK AND STREET SCAPE COSTS, THERE ARE THINGS THAT CAN BE DONE FOR THE APPEAL OF THE DEVELOPMENT WHEN THE ORDINANCE GOES INTO EFFECT.

Mayor Wynn: MAYOR PRO TEM?

Goodman: I MISSED SOMETHING. WAS THERE A MOTION MADE THEN?

Mayor Wynn: NOT YET.

McCracken: I HAVE NOT MADE A MOTION.

Goodman: BEFORE THERE IS, I DON'T HAVE ANY QUESTIONS. I KNOW THIS VERY WELL. IT'S NEAR WHERE I LIVE. AND THE NEIGHBORHOOD NEIGHBORHOOD ASSOCIATION'S PLANS BEFORE THEY REALLY HAD PLANNING, BACK WHEN THIS WAS FIRST PROPOSED AS AN ENTIRE TRACT OF DEVELOPMENT, AND WE'RE TALKING ABOUT WHAT LOOKS LIKE PARK AROUND IT, BUT WHICH IS NOT DEVELOPED AND ORIGINALLY WAS PROPOSED FOR -- AS I RECALL, SORT OF A RETIREMENT ELDER CARE SORT OF COMPLEX THAT YOU COULD PROGRESSIVELY STILL LIVE IN BECAUSE THE AMENITIES WERE GOING TO BE PHASED FOR A PERSON'S NEEDS. AND I COULD BE WRONG. I COULD BE MIXING THAT UP WITH ANOTHER ONE, BUT I THINK THAT WAS THE PLAN. AND THEN THIS LITTLE PIECE IS LEFT OUT, BUT I WANT TO POINT OUT ON YOUR MAP THAT THIS IS IN MID BLOCK. THIS IS NOT WITH ANY ARTERIAL OR EVEN A COLLECTOR OR EVEN A NEIGHBORHOOD STREET FOR ACCESS. THIS IS NOT THE PLACE FOR G.O. THIS IS NOT THE PLACE THAT A PLANNER WILL NORMALLY TELL YOU G.O. GOES. AND ULTIMATELY IF YOU SAW THE LARGER OVERVIEWS, THE AERIAL PHOTOS, YOU WOULD SEE THAT -- YOU CAN SEE ONE GR PIECE DOWN HERE, WHICH REALLY IS NOT APPROPRIATE THERE EITHER. THERE WAS SOME WINS AND LOSSES BACK WHEN THE NEIGHBORHOODS PLANS FOR THIS WHEN DURING THE REAL ESTATE BOOM OF THE '80'S, THERE WERE MANY PRESSURES AND THIS WAS LIKE A GOOD STREET TO DO SOME SPECULATIVE AND SOME GOOD PLANNING ON AND BOTH HAPPENED. THE NEIGHBORHOOD'S COALITION OFTEN WORKED ON THE AGREEMENTS FOR THIS STREET AND FOR THE SURROUNDING AREA. AT THAT POINT THERE WAS ONE OF THE FIRST LAND USE PLANNING MECHANISMS THAT THE CITY PUT TOGETHER, AND THAT WAS THE SOUTH AUSTIN INFILL STUDY. TO FIND OUT EXACTLY HOW MANY APARTMENTS WERE PROPOSED IN ONE AREA, HOW MUCH MULTI-FAMILY. AND THERE WAS INDEED AN INCREDIBLY HIGH PERCENTAGE, MUCH HIGHER THAN ANY OTHER PART OF THE CITY, HIGHER EVEN THAN RIVERSIDE. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] AFFORDABILITY.

THERE'S NO SUBSTANTIVE CHANGE IN THE CONDITIONS OF THE ROAD, THE PARK, THE SCHOOL, THE EXISTING G.R.

CORNERS, EVEN SOME OF THE LITTLE MORE SMALLER RETAIL THAT DON'T STRIP EXACTLY, THE STREET, BUT THEY DO SPRINKLE ALONG IT. THE MORE YOU INFILL WITH THE CONDITION GR-GO THE MORE VULNERABLE YOU MAKE IT FOR TYPICAL STRIPPING OUT. WHICH IS WHAT ALL OF THE NEIGHBORHOODS WERE TRYING TO AVOID TO ALLOW REASONABLE DEVELOPMENT WITHOUT THE PRECEDENT THAT BEGINS THE DOMINO ACTION OF STRIPPING OUT. SO -- SO THERE MAY HAVE BEEN SOME USES THAT I WOULD HAVE THOUGHT WERE REASONABLE, BUT -- BUT AN LR MAYBE, I DON'T KNOW THAT -- I DIDN'T UNDERSTAND WHAT WANDA SAID LR OR LO WAS WHAT THEY PREFERRED. IT DOES HAVE LO AND THAT IS A REASONABLE USE. NO MAY HAVE BEEN TWO -- TWO LOW LEVEL AND SO LO WAS A GOOD COMPROMISE FOR THE PROPERTY OWNER. AT THIS LOCATION. AGAIN, I'LL GO BACK TO -- TO -- THERE IS NO CROSS STREET. THIS IS NOT THE PLACE TO PUT GR-GO OR ANYTHING ABOVE L.O. MAYBE NOT EVEN LR WOULD WORK THERE. AND WHEN THE -- WHEN THE PETITION WAS INVALIDATED, THAT WAS AN ADDITIONAL IRRITATION, I THINK THAT WAS -- I DON'T KNOW IF IT WAS INTENTIONAL TO BREAK THE PETITION, BUT IT ALWAYS LOOKS LIKE IT. AND SO THAT - - THAT IS JUST AN ADDITIONAL REASON WHY THERE'S BEEN DIFFICULTY, I THINK, IN COMING UP WITH ANYTHING OTHER THAN THE LO. BUT IF THE NEIGHBORHOOD HAD NOT COME UP WITH ANY KIND OF COMPROMISE, THEN I CERTAINLY WOULD NOT HAVE SUPPORTED ANYTHING BECAUSE THEY WENT THROUGH ALL OF THIS, MANY, MANY YEARS AGO, AND HERE IT IS, IT'S STILL REASONABLE, AND SO -- SO WHEN IT COMES TIME TO MAKE A MOTION, IF I HAVE OPPORTUNITY I'LL MAKE THE MOTION TO DENY.

Mayor Wynn: WELL, IT'S GETTING LATE. I'LL CONSIDER THAT A MOTION. COUNCILMEMBER MCCRACKEN?

McCracken: YEAH. IT'S -- I GUESS THE QUESTION, I DON'T HEAR A TON OF DIFFERENCE BETWEEN THE COMPETING PROPOSALS. IF WE HAVE THE OPPORTUNITY TO DO SOMETHING NICE FOR THE NEIGHBORHOOD, I'M ALL FOR THAT. MAYOR PRO TEM, DO YOU HAVE SOME -- SOME GUIDANCE FOR THE -- FOR THE APPLICANT ABOUT -- ABOUT THE USES THAT MIGHT BE APPROPRIATE SINCE IT SOUNDS LIKE THERE'S GENERAL CONSENSUS THAT A MICKED USE

PROJECT WOULD WORK THERE AND THE QUESTION MIGHT BE SOMEWHAT -- WHAT USES COULD GO IN THE NON-RESIDENTIAL PORTION?

Goodman: THERE MAY BE, THE NEIGHBORHOOD MAY HAVE ALREADY THOUGHT ABOUT THOSE THINGS, IF IT'S UNDERGO DESIGNATION, THAT IS A PRECEDENT WHETHER IN FACT YOU LIMIT IT TO L.O. DEVELOPMENTAL STANDARDS OR NOT. IT'S A HUGE PRECEDENT, A VERY BAD PRECEDENT. NOT ONE THAT I WOULD EVER VOTE FOR.

McCracken: YEAH. I -- AND THEN IN TERMS OF WHAT USES LIKE IF WE WERE TO GO WITH L.O.-MU AND THEN TO -- TO SPECIFY USES, SO THAT WE HAVE SOME KIND OF COMMON GROUND HERE, PERHAPS -- IT SEEMS LIKE WE MIGHT HAVE SOME ABILITY TO FORGE A -- A SET OF [INDISCERNIBLE] WINS FOR EVERYBODY THERE IN -- MS. BODET WOULD YOU COME UP AND WE COULD FIND OUT WHAT WOULD WORK, THIS IS MAYOR PRO TEM'S NEIGHBORHOOD AND THIS ALWAYS TAKES HIGH PRECEDENCE FOR ALL OF US IN THE NEIGHBORHOOD.

SURE, WE WOULD BE HAPPY TO ENTERTAIN L.O.-MU. WE FEEL THAT IF MIXED USE IS NOT ABLE TO -- TO BE VIABLE HERE, BECAUSE OF THE LIMITATIONS IN THE L.O., THAT -- THAT PERHAPS RESIDENTIAL IS -- IS THE ANSWER IN THE -- AND THE MU WOULD ALLOW THIS SITE TO, A AT THE LOWEST INTENSITY BE ABSORBED WITH THE BIGGER TRACT. AND MAKE IT -- MAKE IT HAVE MORE INCENTIVE TO BE ABSORBED WITH THE BIGGER TRACT IF THERE'S A RESIDENTIAL COMPONENT TO IT. THERE ARE USES IN L.O. THAT COULD GO THERE, THAT THE VACANCY RATE IS HIGH, THAT WITH CHANGE. MARKETS CHANGE ALL THE TIME. THE 14 UNITS I THINK COULD LOOK NICE THERE AS A TWO-STORY DEVELOPMENT, WE WOULD BE WILLING TO ENTERTAIN THAT BETWEEN FIRST AND SECOND READING IF THAT WAS THE COUNCIL'S DESIRE AND WORK WITH THE NEIGHBORHOOD ON SPECIFIC USES IN LO. THEY ARE PRETTY LIMITED SO IF THERE'S ANYTHING THAT -- THAT'S STRIKING NOW WE WOULD BE OPEN TO CONSIDERING PROHIBITING THEM IN AN LO DISTRICT. BUT I DON'T KNOW, IT'S GOT LO NOW, I DON'T KNOW IF THERE WAS -- DURING THAT PLANNING PROCESS BACK IN THE '80S IF THERE WAS ANYTHING DIFFERENT NOW

THAT'S IN THE CODE THAT WAS PERMITTED THAT WASN'T PERMITTED THEN, WE WOULD BE WILLING TO LOOK AT THAT AS WELL.

MEDICAL OFFICES ARE NOW PERMITTED. THEY WEREN'T THEN.

THIS WAS PLANNED FOR A MEDICAL OFFICE, I BELIEVE, TO SERVE THE ELDERLY COMMUNITY.

NONETHELESS AT THE TIME LO --

IT WASN'T PERMITTED.

LO DIDN'T ALLOW IT.

OKAY. I DON'T KNOW THAT A MEDICAL OFFICE IS NOT DESIRED BY THE NEIGHBORHOOD, BUT WE CAN SURELY ASK THEM THAT.

YOU JUST ASKED WHAT WAS ALLOWED NOW THAT WASN'T THEN. I'M NOT SUGGESTING IT. NOW.

Goodman: ALSO TO BE PERFECTLY CLEAR, IT'S NOT MY NEIGHBORHOOD. IT'S ONE OF THE SOUTH AUSTIN NEIGHBORHOODS AND WE ALL STILL ARE KIND OF A -- OF A SISTERHOOD OF NEIGHBORHOODS.

Mayor Wynn: UNDERSTOOD. MS. GLASGO, CLARIFICATION FROM ME, SO THE -- SO THE CASE IS REQUESTING GOING FROM LO TO G.O.-MU-CO. BUT THE ZONING AND PLATTING COMMISSION RECOMMENDED LR-CO.

THAT'S CORRECT, THE COMMISSION RECOMMENDED LR-CO BECAUSE THE APPLICANT AT THAT TIME WAS REQUESTING CS. CS IS MORE PERMISSIVE, IT ALLOWS YOU, MORE, PERMISSIVENESS, SINCE COUNCILMEMBER MCCracken ASKED TO CLARIFY THAT EARLIER. C.S. ALLOWS YOU MORE USES THAN THE LR, BUT YOU CANNOT CONSIDER LR BECAUSE THE APPLICANT AMENDED THEIR REQUEST TO A LOWER DESIGNATION, GO, LOWER IN CLASSIFICATION THAN WHAT THE COMMISSION RECOMMENDED. SO THE OPTIONS THAT YOU HAVE BEFORE YOU ARE EITHER EXISTING LO,

STAFF IS RECOMMENDING LO-MU-CO OR THE APPLICANT'S REQUEST THE LATEST REQUEST OF G.O.-MU-CO. SO THEREFORE YOU COULD -- OUR ZONING DISTRICTS ARE IN A HIERARCHY WITH THE MOST RESTRICTIVE TO THE MOST PERMISSIVE, SO YOUR OFFICE DISTRICTS, KNOW-LO-G.O., THAT WERE IN HIERARCHY. I HOPE THAT HELPS YOU.

Mayor Wynn: IT DOES. THANK YOU, MS. GLASGO.

FURTHER COMMENTS, QUESTIONS, COUNCIL? IF NOT I'LL ENTERTAIN A MOTION ON Z-14, WHICH WILL INCLUDE CLOSING THIS PUBLIC HEARING.

SO MOVE MAYOR. WITH -- WITH RECOMMENDATION FOR LO-MU-CO.

Slusher: THAT'S THE STAFF RECOMMENDATION?

Goodman: YES.

Slusher: I'D SECOND THAT.

Goodman: ON ACTUALLY FIRST READING. BECAUSE I WOULD LIKE TO HEAR WHAT EXACTLY THE MU WOULD -- WOULD TRANSLATE INTO AND I THINK THE NEIGHBORHOOD WOULD ALSO.

Mayor Wynn: MOTION BY THE -- MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER SLUSHER TO CLOSE THE PUBLIC HEARING AND TO APPROVE ON FIRST READING ONLY LO-MU-CO. 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.

MAYOR, WOULD YOU LIKE ME TO PRESENT ITEM NO. Z-15? THAT'S JUST ONE SPEAKER FOR THAT ONE. THE OWNER.

Mayor Wynn: I'M SORRY Z-15 OR 16th?

Glasgo: Z-16. WOULD YOU LIKE FOR ME TO PRESENT? ITEM NO. Z-16 IS C14-04-197, THE BUCKNER PROPERTY. THE PROPERTY IS LOCATED AT 11833 BUCKNER ROAD, THE EXISTING ZONING IS DEVELOPMENT RESERVE, THE APPLICANT IS REQUESTING SINGLE FAMILY 3. THE APPLICANT HAS -- HAD INITIALLY FILED FOR C.S. ZONING BUT AMENDED THAT REQUEST. AFTER FINDING OUT THAT -- THAT THEY HAD BEEN MISLED WHEN THEY PURCHASED THE PROPERTY, THE -- APPARENTLY THE AGENT THAT SOLD THE PROPERTY INDICATED IT WAS COMMERCIAL PROPERTY AND -- AND AFTER THEY -- AFTER THEY PURCHASED THE PROPERTY THEY FOUND OUT IT WAS IN THE CITY LIMITS, IT WAS REALLY NOT A COMMERCIAL IN ANY NATURE AS FAR AS ZONING GOES, SO THAT APPLICATION WAS AMENDED TO SINGLE FAMILY 3, STAFF RECOMMENDS SINGLE FAMILY 3 BUT THE PLANNING COMMISSION RECOMMENDS SINGLE FAMILY 2. AND I JUST WANTED TO POINT OUT THE DIFFERENCES IN THOSE TWO ZONING DISTRICTS. THE -- THE PROPERTY HAS BEEN DESIGNATED AS BEING ILLEGAL TRACT BY VIRTUE OF -- OF STATE LAW THAT RECOGNIZES PROPERTY THAT -- THAT ARE GRANDFATHERED SO IT'S GRANDFATHERED IN ITS CONFIGURATION SO IF -- IF BUILDING PERMIT WAS SOUGHT UNDER SINGLE FAMILY 3 ZONING, A DUPLEX COULD BE BUILT TWO UNITS. THE -- THE ZONING AND PLATTING COMMISSION RECOMMENDATION OF SINGLE FAMILY 2 WOULD ALLOW A SINGLE FAMILY HOUSE SO -- SO STAFF'S RECOMMENDATION OF SINGLE FAMILY 3 REALLY GIVES YOU AN OPTION OF HAVING TWO UNITS, A DUPLEX, IF YOU WILL, WHEREAS THE COMMISSION'S RECOMMENDATION WOULD ALLOW JUST ONE DWELLING UNIT. OUR THINKING IS THAT YOU COULD HAVE ONE BIG FOOTPRINT OF ONE UNIT OR YOU COULD HAVE THE SAME FOOTPRINT WITH TWO UNIT AND THAT WOULD ALLOW FOR AT LEAST SOME AFFORDABLE HOUSING IN THIS AREA. THAT CONCLUDES MY PRESENTATION, I WILL BE GLAD TO RESPOND TO QUESTIONS AFTER THE APPLICANT PRESENTS OUR CASE.

THANK YOU, MS. GLASGO. SO THIS TIME WE WILL HEAR A FIVE MINUTE PRESENTATION FROM THE APPLICANT OR THE AGENT. I GUESS THAT WOULD BE PATRICIA SIGG. WELCOME, MAN. FIVE MINUTES THE ONLY SPEAKER EITHER WAY. SO --

WELCOME.

GOOD EVENING, CITY COUNCIL MEMBERS. I'M PATRICIA SIGG, MY HUSBAND IS ALSO HERE, THOMAS SIGG. WE BOUGHT A PROPERTY ON BUCKNER ROAD THREE YEARS AGO. WE STARTED OUT LOOKING FOR A COMMERCIAL PROPERTY. WE HAD DECIDED THAT WE WOULD BE INTERESTED ONCE WE RETIRED IN OPENING UP AN ACOUSTIC CAFE. SO WE STARTED OUR SEARCH AND FOUND THIS PROPERTY LISTED ON A REALTOR'S WEBSITE UNDER COMMERCIAL PROPERTY. WE WENT OUT TO VISIT THE PROPERTY. AND FOUND A HUGE SIGN ON THE PROPERTY THAT ADVERTISED THAT THE PROPERTY WAS IN AUSTIN'S E.T.J., THAT IT HAD NO DEED RESTRICTIONS. SO WE COMMENCED THE PROCESS TO BUY THIS PROPERTY. I ALSO WENT TO THE COURTHOUSE AND RESEARCHED THE DEED, RESEARCHED THE SURVEY, ABSOLUTELY ACCEPTED THE MARKETING OF THE PROPERTY AS BEING IN AUSTIN'S E.T.J. AS TRUE AND VALID. WHEN WE WENT TO START TO DEVELOP THE PROPERTY WE FOUND OUT IT'S NOT IN THE AUSTIN'S E.T.J., IT'S NOT COMMERCIAL AND WE WOULD HAVE TO APPLY FOR ZONING. WE HAVE APPLIED FOR ZONING AND WE FIND THAT SF 3 IS A ZONING THAT ALLOWS THE NEIGHBORHOOD TO RETAIN ITS CURRENT CHARACTER AND ALSO ALLOWS US TO -- TO VIEW THE PROPERTY OR USE THE PROPERTY AS WE INTENDED AS AN INVESTMENT. SO WE WOULD APPRECIATE YOUR APPROVING THE SF 3 ZONING FOR THIS PROPERTY. I'M OPEN TO ANY QUESTIONS THAT YOU MIGHT HAVE.

THANK YOU, MS. SIGG. AGAIN, COUNCIL SO -- THERE'S NO CITIZENS SIGNED UP IN FAVOR OR AGAINST. QUESTIONS, COMMENTS? AGAIN, STAFF RECOMMENDED SINGLE FAMILY 3. THE ZONING AND PLATTING COMMISSION NOT THE P.C. RECOMMENDED SF 2.

THAT'S CORRECT, MAYOR.

Mayor Wynn: COMMENTS, QUESTIONS COUNCIL? SO MS. GLASGO, CAN YOU PERHAPS JUST BRIEFLY GIVE US THE -- THE, YOU KNOW, SORT OF THE DIFFERENTIAL ANALYSIS BETWEEN SF 2 AND 3 AND HOW IT RELATES TO THIS



PARTICULAR NEED?

Glasgo: SINGLE FAMILY 2 AS RECOMMENDED BY THE COMMISSION WOULD JUST ALLOW A FREESTANDING SINGLE FAMILY STRUCTURE, ONE UNIT. SINGLE FAMILY 3 COULD ALLOW UP TO TWO UNITS. YOU COULD HAVE EITHER. YOU COULD HAVE EITHER A FREESTANDING DETACHED SINGLE FAMILY OR YOU CAN HAVE AN ATTACHED SINGLE FAMILY, WHICH IS BASICALLY A DUPLEX. SO TWO UNITS VERSUS ONE.

Mayor Wynn: COMMENTS, QUESTIONS? IF NOT I'LL ENTERTAIN A MOTION ON Z-16. COUNCILMEMBER DUNKERLY?

Dunkerly: THE STAFF RECOMMENDATION IS SF 3?

Glasgo: YES.

Dunkerly: OKAY. I WOULD MOVE APPROVAL OF SF 3 OF THIS PROPERTY.

SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY, SECONDED BY COUNCILMEMBER MCCracken TO APPROVE STAFF RECOMMENDATION, CLOSE THE PUBLIC HEARING AND APPROVE STAFF RECOMMENDATION ON Z-16, SF 3. FURTHER COMMENTS? QUESTIONS? READY FOR THREE READINGS, MS. TERRY?

Glasgo: WE ARE JUST READY FOR FIRST READING.

Mayor Wynn: FIRST READING ONLY. 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.

Glasgo: THANK YOU, MAYOR, THAT CONCLUDES THE ZONING CASES FOR TODAY.

Mayor Wynn: GOOD TIMING, MS. GLASGO, I WILL ENTERTAIN A MOTION, COUNCIL, TO WAIVE RULES AND GO PAST 10:00. MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER MCCracken, ALL IN FAVOR PLEASE SAY AYE? IOWA.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. WELCOME, MR. HILGERS.

THANK YOU, MAYOR. I'M PAUL HILGERS DIRECTOR OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT, I'M HERE TONIGHT TO CONDUCT A SECOND PUBLIC HEARING ON THE DRAFT CITY OF AUSTIN ACTION PLAN FOR FY 2005-2006. THERE'S A COUPLE OF THINGS THAT I WOULD LIKE TO READ INTO THE RECORD AND PROVIDE SOME INFORMATION TO THE PUBLIC AND TO THE COUNCIL ABOUT THE PROCESS WE'RE GOING THROUGH. OF COURSE I -- AS ALWAYS I HAVE A MUCH LONGER PRESENTATION THAT I COULD GIVE YOU, BUT I'M GOING TO GIVE YOU THE SHORT VERSION BECAUSE IT IS 10:00. WE HAVE SOME VERY COMMITTED, DEDICATED FOLKS WHO CAME UP AND SIGNED UP, SOME OF WHICH HAVE LEFT, SOME OF WHICH HAVE STAYED HERE. I KNOW THAT THEY NEED TO BE HEARD. SO JUST A COUPLE OF THINGS THAT I THINK ARE IMPORTANT TO -- TO SAY HERE IS THAT THIS IS THE ANNUAL PROCESS WE GO THROUGH TO RECEIVE OUR DOLLARS FROM THE U.S. DEPARTMENTS OF HOUSING AND URBAN DEVELOPMENT. IT REPRESENTS OUR CITY'S PROPOSAL FOR USING THE GRANT FUNDING FROM THE FOUR FEDERAL GRANT PROGRAMS THAT WE STILL ENJOY FROM THE FEDERAL GOVERNMENT. WE ALSO INCLUDE, WE ARE A LITTLE UNIQUE IN THIS, WE INCLUDE IN OUR CONSOLIDATED OUR ANNUAL PLAN ALL OF THE DOLLARS WE RECEIVE AND HOW WE LEVERAGE THOSE DOLLARS AND COMBINE THOSE DOLLARS INTO A MORE UNIFIED PLANNING PROCESS. FROM NOW UNTIL JUNE THE 9th WE WILL BE SOLICITING COMMENTS ON THIS DRAFT PROPOSAL. IN ADDITION TO -- WE HAVE 10 PUBLIC LOCATIONS IN THE NEIGHBORHOOD CENTERS WHERE THESE PLANS ARE AVAILABLE. BUT IT'S ALSO AVAILABLE ONLINE AT [WWW.CITYOFAUSTIN.ORG/HOUSING/PUBLICATIONS](http://WWW.CITYOFAUSTIN.ORG/HOUSING/PUBLICATIONS). SO WE INVITE FOLKS TO TAKE A LOOK AT THIS AND TO REVIEW AND COMMENT. WE TAKE THESE COMMENTS ALONG WITH ANY FINAL RECOMMENDATIONS WE

RECEIVE FROM THE COMMUNITY DEVELOPMENT COMMISSION AND OTHER DISCUSSIONS WE HAVE WITH THE PUBLIC, THOSE WILL THEN BE PRESENTED BACK AT THIS COUNCIL NOT UNTIL JULY THE 28th. SO WE HAVE A LOT OF TIME BETWEEN NOW AND JULY THE 28th WHEN WE ARE ACTUALLY ASKING FOR ACTION ON THIS COUNCIL. THE PLAN IS NOT DUE IN TO H.U.D. UNTIL AUGUST THE 15th. WE HAVE HELD TWO PUBLIC HEARINGS, BUT -- ONE ON APRIL THE 7th AND ONE ON APRIL THE 12th BEFORE THE COMMUNITY DEVELOPMENT COMMISSION. WE HAVE USED THAT TO SUPPLEMENT THE DATA THAT WE'VE HAD. WE'VE HEARD TESTIMONY CONCERNING THE NEED FOR ACCESSIBLE AFFORDABLE HOUSING, PARTICULARLY FOR SENIORS, FOR HOMELESS, FOR VERY LOW INCOME INDIVIDUAL. THE NEED FOR SUPPORTIVE HOUSING, JOB PROGRAMS AND NETWORKING FOR THE HOMELESS INDIVIDUALS WAS ALSO MENTIONED. THERE WAS TESTIMONY CONCERNING THE IMPORTANCE OF CONTINUING FAIR HOUSING AND TENANTS COUNSELING. THE PROCESS THAT WE HAVE GONE THROUGH IS OUTLINED IN OUR PLAN, THIS IS AN IMPORTANT COMPONENT OF THIS. OUR FEDERAL GRANT ALLOCATION HAS BEEN REDUCED BY A LITTLE OVER -- ALL OF OUR GRANTS, A LITTLE OVER ONE MILLION. IT REPRESENTS ABOUT A 7% REDUCTION IN OVERALL FUNDING. HOWEVER, AS YOU KNOW, THE NEEDS AND PRIORITIES OF THIS COMMUNITY HAVE CONTINUED TO INCREASE. AND SO THE CHALLENGES ARE GREAT. WE HAVE RECOMMENDED COMBINING ALL OF OUR RESOURCES, AN ALLOCATION OF \$24,769,433 FOR HOUSING AND \$10,165,227 FOR COMMUNITY INVOLVEMENT PROGRAMS. THIS INCLUDES DIRECT APPROPRIATIONS, LOANS AND OTHERS. BUT THE RECOMMENDATION INCLUDES A DECREASE FOR CDBG FUNDED SUBRECIPIENTS FROM THE PUBLIC SERVICE CATEGORIES LIMITED TO 15% OF FUNDING ON 5% OVER LAST YEAR'S FUNDING LEVELS, THIS IS GOING TO CREATE A HARDSHIP FOR SOME OF OUR SUBRECIPIENTS. WE VALUE ALL OF THE SERVICES PROVIDED BY THEM AND THEREFORE WE HAVE NOT RECOMMENDED ELIMINATING ANY ONE ACTIVITY. WE HAVE RECOMMENDED THIS ACROSS THE BOARD FIVE PERCENT CUT. WE HAVE CONTACTED THE -- THE SUBRECIPIENTS ABOUT THIS BY LETTER SO THEY ARE AWARE OF THIS. ALSO PART OF THIS PLAN WILL BE

INCLUDING SUBMISSION OF ADDITIONAL GRANT DOLLARS TO MAKE UP IN BOTH THE NEIGHBORHOOD COMMERCIAL MANAGEMENT AND LOAN PROGRAM, SECTION 108 ASKING FOR ADDITIONAL FUNDING IN THAT. GOING TO BE ASKING FOR ADDITIONAL FUNDING IN THE LEAD ABATEMENT PROGRAMS. AND REAPPLYING FOR THOSE GRANTS AS WELL. WE ARE A VERY -- VERY CONCERNED ABOUT THE FUTURE OF OUR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM. WE ARE HAPPY TO TELL YOU THAT THERE'S BEEN A LOT OF PROGRESS MADE IN WASHINGTON. SENATOR HUTCHINSON SIGNED ON TO THE LETTERS, THE CONGRESSIONAL OFFICES SIGNED ON TO THE LETTERS INCLUDING CONGRESSMAN McCALL, SMITH AND OF COURSE CONGRESSMAN DOGGETT AS WELL. SO WE ARE NOT OUT OF THE WOODS YET BUT WE ARE IN A BETTER POSITION THAN WE WERE THREE MONTHS AGO WITH OUR CDBG. THOSE ACTIONS DO NOT AFFECT NEXT YEAR'S ALLOCATIONS, HOWEVER. SO WE ARE LOOKING AT THAT 7% REDUCTION AND IF THERE ARE ANY QUESTIONS OR CONCERNS, WE ARE WILLING TO COME AND LOOK FOR THE COUNCILMEMBERS AS ALWAYS TO WORK THROUGH THE ISSUES BETWEEN NOW AND THE TIME WE BRING THIS PLAN TO YOU ON JULY THE 28th. WITH THAT I WOULD -- THAT WILL BE THE END OF THE STAFF PRESENTATION, MAYOR.

THANK YOU, MR. HILGERS, FOR ALL YOUR WORK AND PATIENCE TONIGHT. WE HAVE A COUPLE OF FOLKS SIGNED UP WISHING TO SPEAK, I THINK THEY'RE STILL WITH US. DAVID DAVIS.

GOOD EVENING, MAYOR, COUNCIL. I WANT TO THANK YOU THIS EVENING. ON BEHALF OF THE 380 FAMILIES THAT HAVE BEEN ASSISTED OVER THE PAST SIX YEARS, WITH -- WITH THE CITY'S SUPPORT AND PROVIDING TENANT BASED RENTAL ASSISTANCE TO PERSONS WHO ARE HOMELESS, TO HELP THEM MANAGE TO GET THEM STABILIZED AND INTO A POSITION WHERE THEY CAN GET INTO PERMANENT HOUSING. ALSO IN -- I WANT TO THANK THE COMMUNITY DEVELOPMENT COMMISSION FOR IT'S CONTINUED SUPPORT OF THIS PROGRAM. I WORK WITH THE PASSAGES PROGRAM, A PROGRAM THAT IS A PARTNERSHIP WITH THE SALVATION ARMY HEADS UP. PROVIDES CASE MANAGEMENT SERVICES, SUBSIDIZED CHILD CARE, LIMITED FINANCIAL COUNSELING,

ASSISTANCE, SUBSTANCE ABUSE COUNSELING, MENTAL HEALTH SERVICES, LIFE SKILLS, JOB READINESS, REFERRAL FOR PERMANENT HOUSING. OVER -- OVER TYPICALLY IN ANY GIVEN YEAR, 75 TO 80% OF THE PEOPLE WHO GRADUATE OUT OF THIS PROGRAM DO ACHIEVE AND MAINTAIN PERMANENT HOUSING. IT IS -- IT IS ONE OF THE FEW PROGRAMS THAT I KNOW OF THAT GIVES PEOPLE AN OPPORTUNITY TO -- TO GET ON THE WAITING LIST FOR PERMANENT SUBSIDIZED HOUSING AND TO GET THEM STABILIZED SO THAT THEY CAN ACTUALLY WAIT IT OUT ON THOSE WAITING LISTS AND GET INTO PERMANENT HOUSING. THIS PARTNERSHIP IS -- IS A PARTNERSHIP THAT INCLUDES THE CITY, THE PASSAGES COLLABORATION, THE AUSTIN HOUSING AUTHORITY, AND WE WANT TO THANK ALL OF YOU FOR -- FOR YOUR CONTINUED SUPPORT. AND I -- IN ADDITION TO THIS, I WOULD LIKE TO RECOMMEND THAT -- THAT THE COUNCIL CONTINUE TO SUPPORT IMPLEMENTATION OF THE 10-YEAR PLAN TO END CHRONIC HOMELESSNESS IN AUSTIN. THANK YOU.

Mayor Wynn: THANK YOU, MR. DAVIS. AUSTIN DULLNIG. I GUESS HE LEFT. HE SIGNED UP WISHING TO SPEAK, NEUTRAL. MITCH WAY MON. WELCOME, MITCH, THREE MINUTES, WHILE YOU ARE APPROACHING I WILL READ A BUNCH OF NAMES OF FOLKS WHO SIGNED UP NOT WISHING TO SPEAK IN FAVOR. VERONICA DELGADO SAVAGE, PEGGY WILLIAMS, [INDISCERNIBLE], ANGELMAN, MARCH JERRY HOFFMAN, MARIA [INDISCERNIBLE], SORRY, KASTA [INDISCERNIBLE], PRESILL LA COHN, RAMASHA SMITH, JOE AMANTE, EMANUEL [INDISCERNIBLE], DANIEL TREBO. OSCAR RAMIREZ. THANK YOU YOU'LL HAVE THREE MINUTES.

GOOD EVENING, I'M MITCH WYNAN, THE CHIEF OPERATING OFFICER FOR LIFE WORKS AND THE CHAIR OF THE HOMELESS TASK FORCE. WE WOULD LIKE TO TAKE THIS OPPORTUNITY TO THANK PAUL HILGERS AND HIS DEPARTMENT FOR THEIR EFFORTS TO COORDINATE WHAT -- THEIR PLAN WITH THE EFFORT OF THE HOMELESS TASK FORCE AND -- IN ADDRESSING THE HOUSING NEEDS AND SERVICE NEEDS OF HOMELESS INDIVIDUALS. WE APPEAR APPLAUD THEIR EFFORTS TO TARGET HOUSING TOWARD THE HOMELESS TO PEOPLE THAT ARE marginally EMPLOYED AND THOSE AT LOWER LEVELS OF INCOME THAT

CAN BE SUPPORTED WITH THEIR FUNDS. THERE'S ANOTHER SET OF FEDERAL FUNDS, HOUSING FUNDS THAT COME TO THIS COMMUNITY OUTSIDE OF THE FOUR THAT HE'S WORKING WITH. THAT'S THE SUPPORTED HOUSING PROGRAM THAT WE ARE CURRENTLY WORKING ON OUR APPLICATION FOR THAT SUPPORTS TEN DIFFERENT PROGRAMS HERE IN AUSTIN THAT PROVIDE HOUSING AND SERVICES TO THE HOMELESS. WE BELIEVE THERE'S SOME EFFICIENCIES THAT WE MIGHT GAIN BY LOOKING AT A COORDINATING OR WITH -- WITH THE FUNDS THAT HE HAS, THE FUNDS THAT ARE AVAILABLE, THEY ARE REPLACING SOME OF THE FUNDS THAT ARE PULLED DOWN THROUGH THE SUPPORTIVE HOUSING PROGRAMS WITH SOME OF THE CDBG FUNDS, WE HOPE TO BE ABLE TO COORDINATE WITH HIM IN LOOKING AT THOSE OPTIONS. ONE OF THE THINGS THAT'S HAPPENED IN THAT PROPOSES IS IN THE PAST WE HAVE BEEN ABLE TO PULL DOWN CLOSE TO \$750,000 A YEAR FOR PERMANENT HOUSING THROUGH THE SUPPORTIVE HOUSING. THIS YEAR THEY CHANGED THEIR POLICY STATEMENTS, PULLED DOWN 50% OF OUR PRO RATA SHARE OF THOSE DOLLARS WHICH DROPPED THE AMOUNT DOWN TO \$390,000, WHICH MUST BE A TWO YEAR PROJECT. WE ARE ASKING A COMMUNITY SERVICE PROVIDER TO COME UP WITH A TWO YEAR PROJECT FOR ONLY \$390,000. FOR A PERMANENT HOUSING. WHICH IS VERY LIMITING IN TERMS OF THE NUMBER OF UNITS THAT WE CAN -- THAT WE CAN APPLY FOR. WHAT WE ARE HOPING TO DO IS COORDINATE FUNDS THROUGH THE CDBG OTHER DOLLARS THAT WERE IN THIS PLAN TO ALLOW A PROVIDER TO EXPAND THAT PROGRAM AND TO SERVE AND CREATE MORE UNITS. LASTLY, THAT -- WE HAVE DEVELOPED A 10-YEAR PLAN TO END CHRONIC HOMELESSNESS. WE ARE ABOUT NOW FLUSHING OUT THE DETAILS, TRYING TO FIND THE RESOURCES TO SUPPORT THAT PLAN. IN THAT PLAN ARE TWO HOUSING MODELS. ONE IS PERMANENT HOUSING THAT WE WILL DEVELOP THROUGH OTHER MEANS, BUT IN THIS PARTICULAR SOURCE OF FUND, THERE'S ANOTHER MODEL THAT WE WOULD LIKE TO IMPLEMENT IN AUSTIN CALLED A RAPID HOUSING MODEL WHERE THE TARGET WOULD BE THE -- THE HOMELESS ON THE STREET AND RAPIDLY MOVING THEM INTO A HOUSE SITUATION SO A CASE MANAGER CAN GET THEIR HANDS ON, WORK WITH THEM, FIND THEM WHEN

THEY NEED TO FIND THEM AND ENCOURAGE THEM TO ENGAGE IN SERVICES. SO ANY ASSISTANCE WE CAN GET THROUGH THIS PROCESS TO DEVELOP THE RAPID HOUSING MODEL WE WOULD GENERALLY APPRECIATE IT AND WE WILL PROBABLY BE TALKING TO YOU ABOUT THAT IN YOUR SOCIAL SERVICE DOLLARS AND THE COUNTY ABOUT THE SUPPORT, TOO, FOR A RAPID HOUSING PROGRAM MODEL. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MITCH. KATHY STARK, KATHY STILL HERE? PATIENCE IS A VIRTUE. WELCOME, YOU WILL HAVE THREE MINUTES.

I WILL BE VERY BRIEF. IT'S LATE. MY NAME IS KATHRYN STARK, THE EXECUTIVE DIRECTOR OF THE AUSTIN TENANTS COUNCIL AND WE HAVE BEEN FORTUNATE TO RECEIVE COMMUNITY DEVELOPMENT BLOCK GRANT DOLLARS FOR MANY YEARS TO FUND AND PROVIDE SERVICES TO RENTERS, TO GET EMERGENCY REPAIRS DONE TO THEIR HOMES. SO THAT OUR RENTAL STOCK, ESPECIALLY LOW INCOME RENTAL STOCK DOES NOT GO SUBSTANDARD. WE DEAL WITH HEALTH AND SAFETY ISSUES MAKING SURE THAT THE LANDLORDS TAKE THE APPROPRIATE ACTION AND KEEP THOSE PROPERTIES UP TO CODE. WE WORK CLOSELY WITH BUILDING INSPECTION AND WITH PAUL'S ORGANIZATION AND THE POLICE DEPARTMENT IN THEIR NEIGHBORHOOD SWEEPS. I'M JUST HERE TO URGE YOU TO PUT ALL THE DOLLARS THAT YOU CAN TOWARDS HOUSING, ESPECIALLY AFFORDABLE HOUSING AND HOUSING SERVICES. MY PROGRAM IS ONE OF THE PROGRAMS THAT'S GOING TO RECEIVE THE 5% CUT UNLESS SOMETHING IS DONE. AS YOU KNOW THE CITY OF AUSTIN HAS THE HIGHEST PERCENTAGE OF RENTERS IN THE STATE OF TEXAS. ALSO COUPLED WITH THAT, WE HAVE THE HIGHEST RENTAL COSTS IN THE STATE OF TEXAS AT THE SAME TIME. SO RENTERS ARE REALLY SQUEEZED SO I WOULD APPRECIATE ANY CONSIDERATION TO FLAT FUNDING THAT YOU CUCKOO FOR ME. THANK -- THAT YOU COULD DO FOR ME.

THANK YOU, MS. STARK FOR ALL YOU DO. COUNCIL, THAT'S ALL OF THE FOLKS WHO HAVE SIGNED UP WISHING TO ADDRESS US ON ITEM NO. 60, WHICH IS THE PUBLIC HEARING REGARDING OUR H.U.D. PROGRAMS. SO I WILL

ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING ITEM NO. 60. MOTION, SECOND. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF -- OF 6-0 WITH THE MAYOR PRO TEM OFF THE DAIS. COUNCIL THAT LEAVES US WITH ONE OTHER ACTION ITEM IN ADDITION TO OUR TABLED T.O.D. ORDINANCE. SO WITHOUT OBJECTION I THINK WE CAN VERY QUICKLY TAKE UP ITEM NO. 35. WHICH IS TO APPROVE AN ORDINANCE ON THIRD READING. RELATED TO OUR DORMANT PROJECT EXPLORATION. AS ANNOUNCED EARLIER WE HAD DISCUSSION IN CLOSED SESSION REGARDING THIS MATTER. WE ARE PROBABLY WAIT FOR MS. MARTY TERRY TO COME BACK INTO THE ROOM. PERHAPS JUST A BRIEF PRESENTATION ON ITEM NO. 35, WITH ONE CITIZEN WHO WOULD LIKE TO ADDRESS US.

MAYOR AND COUNCIL, MARTHA TERRY, ASSISTANT CITY ATTORNEY, WHAT YOU HAVE BEFORE YOU ON THIS AGENDA ITEM IS THE DORMANT PROJECT ORDINANCE WHICH YOU PASSED ON 12D PREVIOUSLY. THERE HAVE BEEN NO CHANGES SINCE YOUR 1 AND SECOND READING. IT TRACKS THE PERM EXPIRATION DATE IN 2004, MAY 11th. I DID WANT TO SPECIFICALLY POINT OUT THAT -- THAT ONE OF THE CONCERNS THAT HAS BEEN EXPRESSED IS THAT THE DORMANT PROJECT ORDINANCE MIGHT AFFECT A PRELIMINARY PLAN AREA WHERE ONLY A PORTION OF THE PRELIMINARY PLAN AREA HAS BEEN FINALED OUT BY FINAL PLAT. AND THE QUESTION WAS RAISED AS TO WHETHER OR NOT THIS ORDINANCE WOULD KILL THE REST OF THE PRELIMINARY PLAN. THAT IS FOR THAT AREA THAT IS NOT INCLUDED IN THE FINAL PLAN. THE ANSWER TO THAT QUESTION IS NO, IT DOES NOT. BECAUSE BY THE VERY TERMS OF THE STATUTE, WHICH WE HAVE TRACKED, THAT IS CHAPTER 245, THERE ARE TERMS OF THE STATUTE WHICH WE HAVE TRACKED JUST THE FACT THAT THEY HAVE A FINAL PLAT DEMONSTRATES PROGRESS. SO THAT IT CANNOT EXPIRE PRELIMINARIES THAT HAVE BEEN FINALED OUT FOR ALL OR A PORTION OF THAT PRELIMINARY PLAN. AS I PREVIOUSLY INDICATED THE LAST TIME I WAS HERE, THE PROVISIONS DO TRACK CHAPTER 245. THE ONLY EXCEPTION



IS OF COURSE THAT WE DO PROVIDE THAT WHEN YOU HAVE A SITUATION WHICH ALL OF THE PERMITS HAVE EXPIRED, THE PROJECT IS EXPIRED, THAT DOES FOLLOW THE INTENT OF THE STATUTE AND IN FACT THE NEW LANGUAGE, WHICH HAS RECENTLY BEEN ENACTED IN SENATE BILL 848 IS CONSISTENT WITH THAT BECAUSE EVEN THAT NEW LANGUAGE RECOGNIZES THAT PROJECTS CAN BE TURNED YOU ON -- CAN BE EXPIRED BY THE CITY ONCE THE PERMITS EXPIRED. WITH THAT I AM HERE, PAT MURPHY IS HERE, WE WILL ANSWER ANY QUESTIONS THAT YOU MAY HAVE ABOUT THE ORDINANCE. QUESTIONS COUNCIL? WE DO HAVE ONE CITIZEN, JOHN JOSEPH, JUNIOR SIGNED UP WISHING TO SPEAK. [INDISCERNIBLE] SIGNED UP WISHING TO -- NOT WISHING TO SPEAK, AGAINST.

THANK YOU MAYOR AND COUNCIL. I RESPECTFULLY DTS DISAGREE ONCE AGAIN WITH THE ASSISTANT CITY ATTORNEY, MARTY TERRY VERY RESPECTIVELY. THE LEGISLATIVE INTENT AS I SAID BEFORE, AS I SUGGESTED BEFORE, 241, 481 ECONOMIC DEVELOPMENT DIVISION AND ULTIMATELY CODIFIED IN 245 WAS SPECIFICALLY TO PROTECT PROPERTY OWNERS AND LANDOWNERS FROM RETROACTIVE OR UNFAIR CHANGES IN REGULATIONS THAT WOULD FRUSTRATE OR COMPROMISE THE ABILITY TO THE PROJECT AS PLANNED OR ANTICIPATED. I SUGGESTED THAT LAST TIME, WHEN THAT WAS CHALLENGED. ALL I WANT TO DO THIS TIME IS JUST TOUCH ON SENATE BILL 574 WAS PASSED, APPROVED AND SIGNED BY THE GOVERNOR MONDAY NIGHT. BUT 574 ATTEMPTS TO SPECIFICALLY PRECLUDE WHAT IS HAPPENING IN THIS ORDINANCE. REGULATORY -- MAY ENACT AN ORDINANCE, RULE OR REGULATION THAT PLACES AN EXPIRATION OF NOT LESS THAN TWO YEARS OF AN INDIVIDUAL PERMIT IF NO PROGRESS HAS BEEN MADE. IN ADDITION THAT -- THAT THAT BILL ALSO AMENDS BY WAIVING, IT SAYS A POLITICAL SUBDIVISION'S IMMUNITY FOR SUIT IS WAIVED IN REGARD TO AN ACTION IN THIS CHAPTER. YOU LOOK TO THE INTENT, WHICH HAS BEEN DISCUSSED HERE, LEGISLATIVE INTENT OF THIS BILL READS FIRST PARAGRAPH, THE CURRENT STATUTE RELATED TO VESTED RIGHTS WERE CREATED TO PROTECT THE PRIVATE PROPERTY AND DEVELOPMENT RIGHTS OF LANDOWNERS FROM THE RETROACTIVE RULE

MAKING ... IN SPITE THE CLEAR INTENT OF THE LANGUAGE FOUND IN CHAPTER 45 TO PREVENT PUNITIVE RETROACTIVE RULE MAKING BY CITIES, IT IS OFTENTIMES INTENDED TO RESTRICT OR EVEN STOP DEVELOPMENT. THERE HAS BEEN A TROUBLING RISE IN THE CITY'S INTENT TO CIRCUMVENT THE ORIGINAL INTENT OF THE STATUTE. SO I'M NOT GOING TO SIT UP HERE AND ARGUE ABOUT IT. I'M CERTAIN THAT YOU ALL HAVE BEEN COUNSELED, ADVISED ABOUT THIS. IN EXECUTIVE SESSION. I HAVE NO IDEA WHAT THE DISCUSSION WAS ABOUT, SO I CAN'T REALLY ADDRESS THE ISSUES RAISED. I WANT YOU TO BE AWARE ON THE RECORD. THIS LEGISLATION WAS PASSED, THIS WAS LAID OUT, THIS LAW GOES INTO EFFECT SEPTEMBER 1st, 2005. IF YOU HAVE ANY QUESTIONS.

Mayor Wynn: THANK YOU, MR. JOSEPH. MS. TERRY? WE HAVE LOST THE REST OF OUR GOVERNMENTAL TEAM. CAN YOU RESPOND REGARDING SENATE BILL 574?

THERE ARE NO PERMITS THAT WOULD BE SUBJECT TO THIS ORDINANCE THAT HAVE A LIFE OF LESS THAN TWO YEARS. SENATE BILL -- BY THE WAY, SENATE BILL 574 WILL BE EFFECTIVE SEPTEMBER THE 1st. THAT -- AND IT GIVES US AN OPPORTUNITY TO CONTINUE TO LOOK AT ITS PROVISIONS. BUT IN OUR SEARCH OF THE CITY PERMITS THAT CURRENTLY DO NOT HAVE EXPIRATION DATES, AS BEST WE CAN DETERMINE AT THIS TIME, THERE ARE NO PERMITS OUT THERE THAT WOULD BE AFFECTED BY THIS ORDINANCE THAT HAVE HAD A LIFE OF LESS THAN TWO YEARS.

Mayor Wynn: AGAIN, MS. TERRY, JUST FOR FOLKS WHO ARE BOTHERING TO LISTEN, THE TEXAS LEGISLATURE PASSED THE LAW 1999.

YES, SIR.

Mayor Wynn: THAT SPECIFICALLY ADDRESSED THIS ISSUE AND SAID THAT -- ON A CERTAIN DATE IN 2004, THAT -- THAT NO CITY COULD --

WOULD YOU LIKE ME TO HELP YOU?

Mayor Wynn: HELP ME, PLEASE [LAUGHTER]

YES, SIR. WHAT THE PROVISIONS IN CHAPTER 245 PERMITTED CITIES TO DO, WAS TO ENACT AN ORDINANCE THAT WOULD PLACE AN EXPIRATION DATE ON PERMITS, BUT THAT EXPIRATION DATE THAT THE CITIES WOULD BE ABLE TO ENACT COULD HAVE BEEN NO EARLIER THAN MAY 11, 2004.

Mayor Wynn: FIVE YEARS LATER. SO THAT -- ESSENTIALLY THE STATE LECTURE GAVE NOTICE THAT YOU HAVE FIVE YEARS TO DO SOMETHING WITH YOUR POTENTIAL PERMIT OR BEGINNING IN 2004 CITIES HAVE THE ABILITY ON A PARTICULAR DATE, A STATE SPECIFIED DATE, CITIES CAN DECLARE DORMANT PROJECTS EXPIRED.

THAT'S CORRECT.

Mayor Wynn: AND THE THE ACTION THAT WE ARE POSTED TO TAKE, THE ACTION WE TOOK ON FIRST AND SECOND READING ALREADY, ACKNOWLEDGES THAT LEGISLATION PERFECTLY. IN FACT IDENTIFIES THAT DATE, THAT STATE IDENTIFIED DATE IN 2004 AS WHEN WE, TOO, WILL DEFINE EXPIRED DORMANT PROJECT.

THAT IS CORRECT.

Mayor Wynn: SO WE ARE PERFECTLY FOLLOWING THE LETTER OF THAT LAW, OF THE LEGISLATURE, SIX YEARS AGO.

THAT'S CORRECT.

OKAY.

Mayor Wnn: OKAY.

Slusher: MAYOR I WOULD MOVE APPROVAL OF THE STAFF RECOMMENDATION.

Mayor Wynn: MOTION BY COUNCILMEMBER SLUSHER TO APPROVE ON THIRD READING ORDINANCE AS POSTED AS

ITEM NO. 35.

Alvarez: SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER ALVAREZ.  
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, THAT LEAVES US WITH OUR  
T.O.D. ORDINANCE. I SEE STAPH HAS DELIVERED THE  
LATEST VERSION. COUNCIL, I'M ASKING LEGAL ADVICE  
ABOUT THE TECHNICALITIES OF IF WE ARE NOT ABLE TO  
WORK OUR WAY THROUGH THIS IN A CLEAR MIND, TONIGHT,  
WHAT WOULD BE THE -- YOU KNOW, THE FORMAT TO -- TO --  
THE RECOMMENDATION IS TO IN FACT WOULD BE TO  
POSTPONE, IF WE BELIEVE THAT WE CAN'T GO THROUGH  
THIS WITH A CLEAR MIND TONIGHT. AS OPPOSED TO FOR  
INSTANCE SOMEHOW TABLING EXACTLY WHERE WE ARE IN  
THE MIDDLE OF SOME MOTION. FOR A MEETING. LATER  
MEETING.

MAYOR, IF I MIGHT, I APOLOGIZE, I DON'T HAVE MY ROBERT'S  
RULES HANDBOOK. I CAN GO GET IN AND LOOK THROUGH IT.  
THE DIFFICULTY THAT WE HAVE IS THAT THERE IS A MOTION  
ON THE TABLE. AND -- WHICH HAS BEEN AMENDED WITH  
TWO FRIENDLY AMENDMENTS. THE QUESTION WHICH I  
CANNOT ANSWER FOR YOU WITHOUT GOING AND GETTING  
MY HANDBOOK IS THAT I DON'T KNOW WHAT THE EFFECT OF  
POSTPONING THIS WOULD HAVE ON THOSE MOTIONS. IF  
YOU WOULD LIKE, I'LL BE HAPPY TO GO AND GET MY  
HANDBOOK. THAT'S NOT NEEDED. I'M SAYING, COUNCIL, I'M  
NOT SUGGESTING THAT YET, I'M -- I WOULD VERY  
RELUCTANTLY, TRYING TO GET THROUGH THIS TONIGHT, I  
WANT US TO BE COGNIZANT THAT IF WE CONTINUE TO  
STRUGGLE THROUGH SOME OF THE TECHNICALITIES THAT --  
THAT -- THAT -- [INDISCERNIBLE]

Slusher: I WOULD AGREE WITH THAT. TO ME IT SEEMS LIKE  
THE ORDINANCE IS TOO COMPLEX TO START WITH, AT LEAST  
IT'S VERY COMPLEX. IT'S GETTING MORE COMPLEX AS WE

GO ALONG TONIGHT IT'S GETTING TOWARDS 10:30. FORGOT TO NOTE WHAT TIME WE STARTED ON IT EARLIER TONIGHT, BUT I THINK WE WERE BETWEEN AN HOUR AND TWO HOURS ON THOSE TWO AMENDMENTS. SO I GUESS WE GOT ON TO PAGE 2 OF THE -- I DON'T KNOW HOW MANY THERE ARE. ABOUT 15 PAGES I THINK. THAT'S NOT A -- NOT A GOOD PATTERN.

MAYOR? COUNCILMEMBER MCCRACKEN?

WE HAVE NOW SPENT ABOUT A THIRD OF THE YEAR ON THIS, I'M CONCERNED AT SOME POINT, I MEAN I AGREE --

Slusher: YOU MEAN HOW LONG WE'VE BEEN WORKING ON IT OVERALL OR HOW MUCH TIME WE SPENT ON THE DAIS?  
[LAUGHTER]

McCracken: YEAH, SORT OF LIKE THE DENNIS CASE AGAIN. I DO THINK THAT IT'S IMPORTANT SINCE WE HAVE AGREEMENT ON ABOUT 95% OF THIS ORDINANCE, IT MIGHT BE HELPFUL TO MOVE THAT PART RIGHT AWAY. SO WE CAN START HIRING CONSULTANTS TO START PREPARING THE STATION AREA PLANS TO MAKE SURE THAT WE ARE DOING OUR PART AND THEN PERHAPS POSTPONE THE ELEMENTS RELATING TO THE AFFORDABILITY, YEAH, I GUESS THE ELEMENTS RELATED TO THE AFFORDABILITY UNTIL THE NEXT MEETING OR TWO.

Alvarez: MAYOR?

Mayor Wynn: COUNCILMEMBER MCCRACKEN I'M SORRY SALVAR ALVAREZ.

Alvarez: EVERY TIME IT COMES UP WE DISCUSS AT LEAST ONE ISSUE. IF WE DON'T EVEN RESOLVE ONE ISSUE TODAY, THEN, YOU KNOW, I'M NOT SURE WE ARE NOT GOING TO SPEND ANOTHER TWO HOURS. THE NEXT TIME. SO THIS VERY ISSUE. BUT -- BUT REALLY I THINK THIS IS THE FIRST TIME THAT WE ACTUALLY TALK ABOUT THE HOUSING COMPONENT BECAUSE EVERY TIME WE HAVE ACTUALLY VOTED, WE HAVE SEWED WE ARE GOING TO VOTE, -- WE HAVE SAID WE ARE GOING TO VOTE NOT TALK ABOUT IT UNTIL LATER. WE ARE GOING TO VOTE BUT NOT TALK ABOUT

IT UNTIL LATER. THIS IS ACTUALLY THE FIRST REAL DISCUSSION WE HAVE ON THE HOUSING COMPONENT AND SO OBVIOUSLY THAT'S WHY IT'S TAKEN A WHILE. BUT THAT'S ALSO WHY WE HAVEN'T RESOLVED ANYTHING BECAUSE WE HAVEN'T REALLY TALKED ABOUT IT [INDISCERNIBLE], I THINK IT'S BEEN PRODUCTIVE. I THINK WE ARE ALMOST THERE. MAYBE IT'S TIME TO VOTE UP OR DOWN ON AN AMENDMENT AND AT LEAST GET THE HOUSING PORTION DONE AND THEN IT DOES COME BACK AT ANOTHER TIME, AT LEAST THAT'S ONE LESS THING THAT WE HAVE TO WORRY ABOUT. BUT --

COUNCIL, LET'S PLUG AHEAD, SEE HOW FAR WE CAN GET. SO THE TWO FRIENDLY AMENDMENTS ALREADY ACCEPTED WITH COUNCILMEMBER MCCRACKEN, COUNCILMEMBER DUNKERLY. WE NOW HAVE A NEWLY CRAFTED PAGE THAT HAS A 10:00 P.M. TIME ON IT. THAT'S ALL THAT I REMEMBER.

Alvarez: OKAY THE LATEST VERSION OF THE AMENDMENT SAYS 10:00 P.M. AT THE VERY TOP. WHAT THE CHANGE WAS THAT WE TOOK -- THE PORTION -- THE ELEMENT THAT -- THAT WE WANTED JUST THE PLAZA SALTILLO WAS TAKEN OUT OF NUMBER 3 AND WAS PLACED IN A NEW NUMBER 4. SO THE LIMITATION ON DENSITY ON THE TRANSITION ZONE ONLY APPLIES TO PLAZA SALTILLO T.O.D. AND NOT ANY OF THE OTHER T.O.D.'S IN THE CPNR ZONE. WHAT THAT DOES IT ALLOWS US TO KEEP THE SAME AFFORDABLE HOUSING GOALS AND PROVISIONS APPLYING TO ANY EAST AUSTIN T.O.D. AGAIN, I DON'T KNOW THAT THAT WAS -- I THINK THAT'S SOMETHING THAT COUNCILMEMBER MCCRACKEN SAID THAT HE WOULD LIKE TO POSSIBLY REMOVE OR AMEND. SPEAKING WITH COUNCILMEMBER THOMAS WE FELT IT WAS IMPORTANT TO KEEP THAT IN THERE, THE 3 B PORTION. SO THAT DEALS WITH T.O.D.'S IN THE CPNR AREA. NOW PARTS B 7 THEN SETS THE GOALS FOR ANY OTHER T.O.D. DISTRICT. AND THOSE ARE ACTUALLY THE GOALS THAT THE TRANSIT COALITION HAS RECOMMENDED. SO THOSE WOULD BE THE GOALS FOR -- FOR ANY -- ANY T.O.D. OUTSIDE OF -- OF THE SOAP SEEP CPNR ZONE. IT DOESN'T INCLUDE ANYTHING IN THERE ABOUT MANDATORY AFFORDABLE HOUSING REQUIREMENT, IT'S JUST A GOAL AS ORIGINALLY HAS BEEN ENVISIONED. SO THAT WOULD BE BOTH THREE -- THE MOTION IN THE MOTION SHEET WOULD

BE BOTH 3 AND 4 IN THIS ONE AMENDMENT.

McCracken: MAYOR, I'M WILLING TO ACCEPT THE AMENDMENT WITH THE FOLLOWING CHANGE, THAT B, B 1 AND B 2 APPLY TO PLAZA SALTILLO ONLY. THEN HERE'S WHY I'M SAYING THIS. BECAUSE IN MY OPINION BASED ON WHAT I KNOW NOW, B IS SO RESTRICTIVE THAT IT WILL RESULT IN MY EXPECTATION, I COULD BE WRONG WITH THIS, BUT MY EXPECTATION IS IT WILL RESULT IN NO ADDITIONAL HOUSING AT THE BASELINE HEIGHT BECAUSE OF THE RESTRICTIVE LEVEL OF IT. SO THAT IF THE GOAL IS TO HAVE NO HEIGHT ABOVE THE CURRENT CAP, THEN IT -- THEN THAT'S WHAT THIS WILL PRODUCE, I EXPECT. THAT -- BUT THAT'S WHY I WANT TO KEEP IT AS A GOAL FOR MLK, KEEP 3 B AS A GOAL BECAUSE IF WE CAN GET IT, THEN WE SHOULD GO FOR IT. BUT MY CONCERN IS THAT WE MAKE IT MANDATORY WHICH THE LANGUAGE IN 3 B IS MANDATORY, THEN WE ARE FORECLOSED ON THE OPPORTUNITY TO LOOK AT SOME DIFFERENT PERCENTAGES. THAT -- I SHARE YOUR GOALS, COUNCILMEMBER, I -- I'M JUST CONCERNED THAT WE HAVEN'T FULLY VETTED MLK ON THIS ISSUE LIKE WE HAVE PLAZA SALTILLO.

I UNDERSTAND. THE ONLY THING THAT I WOULD SAY IS THAT EVEN IN MLK, IN THE TRANSITION ZONE IN MOST CASES ALREADY 60 FEET BECAUSE OF COMMERCIAL MIXED USE ZONING. 40 TO 60 FEET, WITH THE TRANSITION BEING THE LEAST DENSE OR INTENSE ZONED, INCREASING DENSITY THERE, THAT MEANS WE PROBABLY INCREASED DENSITY IN THE GATEWAY AND MID-WAY DISOABS TO EVEN A MUCH GREATER DEGREE WHICH AGAIN GOING BEYOND 60 FEET IN ANY NEIGHBORHOOD I THINK IS PRETTY PROMISE MATIC. YOU KNOW, OR UNHEARD OF REALLY. THE ONLY WAY YOU GO BEYOND 60 FEET IS IF YOU GET DMU. SO I DON'T THINK IT'S REASONABLE. I CERTAINLY -- AGAIN I COULD OFFER THIS AS A -- AS AN AMENDMENT AND JUST HAVE A VOTE ON IT. THERE IS ONE OF THE SECTIONS THAT NEEDS TO BE AMENDED, IF I COULD, MAYOR, JUST GO AHEAD AND MAKE THE MOTION TO AMEND THE MAIN MOTION AS SHOWN IN THE COPY, YOU KNOW, THAT'S -- THAT'S LABELED AS 10:00 P.M., WITH THE EXCEPTION THAT B, 3 B, II WOULD READ AS FOLLOWS: IT WOULD SAY THE DEVELOPMENT MEETS THE GOAL ESTABLISHED IN SUBPARAGRAPH A. THE REASON FOR

THAT IS THAT THE WORDING IN THAT PARAGRAPH DIDN'T REALLY MATCH THE -- THE LANGUAGE IN A. SO THIS WOULD -  
- THIS WOULD RECTIFY THAT -- THAT PROBLEM.

THE SUBPARAGRAPH MADE DIRECTLY ABOVE.

RIGHT.

RIGHT.

Mayor Wynn: MOTION TO AMEND BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER THOMAS. AS OUTLINED. COMMENTS? QUESTIONS? MAYOR PRO TEM?

Goodman: SO DO I UNDERSTAND THAT A -- THE AMENDMENT THAT WE'RE TALKING ABOUT NOW DOES NOT CHANGE 7 C? PART OF THE AMENDMENT?

AS THE NUMBERS ARE HERE. HOME OWNERSHIP UNITS OF 25%, AFFORDABLE HOUSING GOAL, INCLUDING PROVIDING AT LEAST A 10% [INDISCERNIBLE] TO HOUSEHOLDS WITH AN INCOME OF NOT MORE THAN 70 TO 80%, 50 TO 60% MEDIAN FAMILY INCOME AND THEN 10% OF THE UNITS TO HOUSEHOLDS WITH -- WITH AN INCOME OF NOT MORE THAN -- INSTEAD OF 60 TO 70%, 40 TO 50% AND THEN 5% OF THE UNITS, THE HOUSE HOLDS WITH AN INCOME OF NOT MORE THAN -- INSTEAD OF 60%, 30%? WERE YOU NOT SUPPORTIVE OF THAT?

I BELIEVE MAYOR PRO TEM THAT WAS PASSED OUT FROM THE REPRESENTATIVES OF THE TRANSIT COALITION, THEY WANTED THOSE GOALS TO REPLACE 3 A, THAT'S WHAT THE INTENT BEHIND THAT WAS. OR AT LEAST TO ADD IT ON TO 3 A. WHICH REALLY I MEAN GOES EVEN FARTHER THAN THE GOALS THAT ARE CURRENT -- YOU KNOW, THE WAY 3 A IS NOW, IT'S BROADER THAN IF WE INCLUDE THIS IN THERE THEN -- THEN YOU ARE ACTUALLY GOING BEYOND 60% OF MFI. AND 50% OF MFI.

Goodman: WELL, YOU'RE RIGHT. AND I -- WELL, MAYBE I MISUNDERSTOOD. I THOUGHT YOU SUPPORTED THAT.



Dunkerly: MAYOR PRO TEM?

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: WHAT SECTION ARE YOU TALKING ABOUT?

Goodman: WELL, THE LANGUAGE DIRECTLY CORRELATES TO 7 C. THOSE NUMBERS ARE -- THOSE SPECIFIC NUMBERS THAT LAY OUT OF NUMBERS FOR -- I'M SORRY THE CORRELATION OF EXISTING INCOME.

Dunkerly: THIS PARTICULAR LANGUAGE, ALL OF THE PART ON -- ON SEVEN, OR SOME SUGGESTIONS THAT I ADDED FROM THE -- FROM THE COALITION'S RECOMMENDATIONS AND THEY COME EXACTLY FROM THE MEMO THAT THEY SENT IN. AND I'M NOT SURE WHERE THEY ARE GETTING THESE ADDITIONAL CHANGES, BUT -- BUT I JUST SENT THEM THE COPY OF THE -- OF THE -- OF THEIR RECOMMENDATIONS THAT CAME IN. AND SO THEY ARE -- WHAT'S ON A, B AND C, I BELIEVE, EXACTLY TRACKS THEIR RECOMMENDATION THAT CAME IN YESTERDAY. IF I COULD ASK --

Goodman: OKAY, MAYBE THAT'S 7 B?

Dunkerly: YES. I THINK 7 -- I THINK ALL OF THAT SECTION, 7 A, B AND C. TRACKS THE RECOMMENDATION FROM THE COALITION. IF I COULD ASK KAREN TO ADDRESS THAT.

YES, COUNCILMEMBER DUNKERLY THAT'S RIGHT. THE LANGUAGE THAT IS MARKED 7 C, THAT WAS ABOUT THE SALTILLO OR THE CPNR PART. AND YOU ARE RIGHT ABOUT THE OTHER PART BEING IN LINE WITH THE RECOMMENDATIONS.

Dunkerly: I THOUGHT THE SUBGOALS WERE IMPORTANT TO GET IN THE RESOLUTION.

YES.

Dunkerly: SO I BELIEVE 7 A, B AND C ACTUALLY TRACKS WHAT YOU SAID.

RIGHT.

Dunkerly: THANK YOU.

Mayor Wynn: MOTION TO AMEND BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER THOMAS AS -- AS OUTLINED ON OUR SHEET.

Alvarez: MAYOR?

Slusher: GO AHEAD.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: I SEE ANOTHER ERROR IN THE LANGUAGE HERE, WHICH I CAN CORRECT. BUT I DON'T KNOW THAT -- THAT MAYBE WE SHOULD NOT VOTE ON THIS NOW BECAUSE -- BECAUSE -- STILL STRUGGLING TO GET EVERYTHING IN THERE THAT THE COUNCIL WANTS. BUT I CAN PULL IT DOWN IF THAT'S WHAT FOLKS WANT. I CAN ALSO TELL YOU WHAT THE ADDITIONAL CHANGE IS THEN BUT -- WE START HAVING A PRETTY MARKED UP VERSION AGAIN.

Mayor Wynn: MS. TERRY, THEN IF YOU DON'T MIND, MS. TERRY CAN YOU -- CAN YOU BROAFL TELL US, IF -- BRIEFLY TELL US, IF WE WANTED TO PRESERVE THE PROGRESS THAT WE HAVE MADE TONIGHT, THAT IS THE EXISTING MOTION AND THE SECOND, THE ACCEPTED, ACCEPTED AMENDMENTS --

YES, SIR I HAVE AN ANSWER.

> MAYOR WYNN: COUNCILMEMBER ALVAREZ DIDN'T MEAN TO LAUGH AT YOU.

THAT'S OKAY, A LAWYER WITH AN ANSWER. IT IS APPROPRIATE TO POSTPONE THIS MATTER. YOU CAN POSTPONE IT WITH ALL OF THE MOTIONS THAT ARE ON -- THAT YOU HAVE -- THE FRIENDLY, YOU CAN POSTPONE THE MAIN MOTION, ALL THE FRIENDLY AMENDMENTS THAT HAVE BEEN MADE TO IT THAT HAVE BEEN AGREED TO. THE APPROPRIATE THING TO DO IS TO POSTPONE THE MATTER TO THE NEXT MEETING, IF THAT IS YOUR WISH, AND IN

STATING THAT MOTION, IT IS APPROPRIATE TO STATE IN THE MOTION THAT YOU ARE POSTPONING CONSIDERATION OF THE MATTER AND SPECIFICALLY THE MOTIONS THAT -- THE MAIN MOTION THAT IS PENDING AND ALL OF THE AMENDMENTS THAT HAVE BEEN ACCEPTED SO FAR.

Mayor Wynn: THANK YOU, MS. TERRY? COUNCILMEMBER MCCRACKEN?

McCracken: I JUST REMEMBERED IN UNO WE PASSED IT, CAME BACK AND MADE AMENDMENTS AT SUBSEQUENT MEETINGS TO THE UNO ORDINANCE, WHAT I'M TRYING TO FIGURE OUT IS WHY WE COULDN'T DO SOMETHING LIKE THAT TONIGHT. WE HAVE MADE A LOT OF PROGRESS ON THIS, YOU KNOW,, I MEAN, IF WE WENT AHEAD AND JUST PASSED IT THIS EVENING AND THEN BROUGHT UP THE OTHER SECTIONS TO MAKE AMENDMENTS, WHAT I DON'T KNOW IS THAT THERE'S SOME PROHIBITION WITHIN THIS THAT PREVENT THAT PROCESS.

MY RECOLLECTION ABOUT -- ABOUT THE UNO ORDINANCE IS THAT IT WAS REPOSTED LATER ON FOR THOSE ADDITIONAL AMENDMENTS. IT'S A LITTLE BIT -- YOU'RE IN A LITTLE BIT DIFFERENT PROCEDURE HERE BECAUSE YOU REALLY HAVEN'T FINISHED THE BUSINESS OF CONSIDERING THIS THIRD READING. SO -- SO I THINK THE SAFER WAY TO DO IT, AT LEAST UNDER ROBERTS RULES IS TO GO ON AHEAD AND JUST POSTPONE IT, THE MAIN MOTION AND ALL OF THE AMENDMENTS THAT HAVE BEEN ACCEPTED SO FAR, THEN YOU LITERALLY PICK THIS UP RIGHT WHERE YOU LEFT OFF NEXT WEEK. UNDER ROBERTS RULES.

Mayor Wynn: MAYOR PRO TEM?

Goodman: CAN I JUST ASK KAREN. SHE DOESN'T HAVE TO COME DOWN, SHE COULD NOD YES OR SHAKE NO. ARE YOU UNDERSTANDING COUNCILMEMBER ALVAREZ'S AMENDMENT AS READ, THE 10:00 BUN, DOES INCLUDE WHAT YOUR GOALS WERE SOMEWHERE?

[INDISCERNIBLE]

Goodman: OKAY. IF YOU HAVE GOT TO COME DOWN, YOU

HAVE GOT TO COME DOWN. ALL OF THE NUMBERS THAT I JUST READ OUT ARE IN HERE SOMEPLACE.

OUR CONCERN ABOUT THAT AMENDMENT IS THAT IT HAS OR THE -- THE SALTILLO OR CPNR SECTION THAT IT HAS HIGHER INCOME LIMITS THAN INCOME LIMITS THAT ARE IN OTHER PLACES. AND SO WE ARE CONCERNED WHEN THE IDEA IS TO REACH THE LOWER INCOME LEVEL IN THAT AREA BECAUSE THAT'S A LOW INCOME AREA, THAT THERE BE GOALS THAT -- THAT DO THAT AND WE'RE NOT SETTING IT HIGHER. IF THE STRETCH GOALS FROM THE REST THAT ARE BEING TALKED ABOUT WITH THE OTHER AREAS ALSO APPLIED IN THIS AREA, THAT WOULD COVER IT. THE DENSITY ISSUE THAT'S BEING DISCUSSED IS ANOTHER ISSUE AND THERE ARE SOME THINGS THAT WE NOTICED IN THE WORDING ON THAT ABOUT WHETHER IT'S 25% OF OWNER AND 25% OF RENTAL, WHAT IT SAYS NOW IS 25% OF OWNER OR 50% OF RENTAL. AND I DON'T KNOW IF THAT -- I DON'T KNOW EXACTLY WHERE ALL OF THE PERCENTAGES WERE INTENDED TO LAND. BUT THAT'S NOT WHAT WE WERE THINKING OF. WE WERE THINKING OF 25% OF OWNER AND 25% OF RENTAL.

Alvarez: SHE'S CORRECT. THAT'S WHAT WE CORRECTED. THAT WAS THE AMENDMENT THAT I MADE TO THE LANGUAGE. WHEN I MADE THE MOTION TO AMEND. I THINK, YOU KNOW, WHAT I WOULD SAY MAYOR, ORIGINALLY THE TRANSIT COALITION PROPOSED THE GOALS THAT ARE IN NUMBER 7. SO ONE OF MY GOALS WAS TO SEE IF WE WERE GOING TO HAVE DEEPER GOALS FOR THE CPNR AREA. SO WE DEvised THIS DEEPER GOAL UNDER 3. SO WHAT THAT DOES IS ALL 25% HAD TO BE LESS THAN 60% MFI, WHEREAS UNDER 5% HAS TO BE LESS THAN 60% OF M.F.I. NOW HAVING DONE THAT, NOW THE TRANSIT COALITION WANTS TO THEN DO A STRATIFIED GOAL SO THAT YOU ACTUALLY HAVE TO GO EVEN FURTHER THAN 60% M.F.I., AND SO THAT'S -- THAT'S A NEW PROPOSAL, A NEW RECOMMENDATION THAT HE REALLY WASN'T ORIGINALLY -- THAT REALLY WASN'T ORIGINALLY IN THE RECOMMENDATION, THAT'S IN CONFLICT BECAUSE THERE WAS A TARGETED GOAL, NOW TARGET THE EVEN MORE. I GUESS I CAN SUPPORT, I WAS TRYING TO GO OFF THE ORIGINAL SUGGESTIONS WE HAD SEEN AND TRYING TO DO SOMETHING STRONGER FOR EAST AUSTIN AND NOW THE COALITION IS ASKING US TO DO SOMETHING

EVEN STRONGER THAN THAT AND SO THAT'S KIND OF HOW WE GOT TO THIS POINT.

Goodman: WOULD YOU AGREE THAT'S ACCURATE?

WE HAVE SUPPORTED THE STRETCH GOALS CITY-WIDE. AND IN AREAS WITH LOWER INCOMES THAT WE LOOK AT THOSE AREAS AND ADJUST THE GOALS DOWNWARD IF THAT'S WHAT IT'S GOING TO TAKE, SO THE PEOPLE WHO LIVE IN THAT NEIGHBORHOOD CAN AFFORD THE HOUSING THERE. SO OUR CONCERN IS THAT THE STRETCH GOALS ALSO APPLY TO THE SALTILLO OR THE CPNR T.O.D.'S. OR SOMETHING ADJUSTED FURTHER DOWN. AND SO OUR CONCERN WHEN WE SAW THE 60% LINE, WE WERE TALKING ABOUT 50% IN SOME OTHER AREAS AND THEN COMING UP TO 60 IN THIS AREA. THE 60% ON HOMEOWNERS VERSUS 80 PERCENT IS LOWER THAN WHAT YOU ARE LOOKING AT CITY WIDE. THE RENTAL LOOKING AT 50 AND 60 IN DIFFERENT PLACES AND HERE IT'S SAYING 60. WELL AS WE READ THE 10:00 P.M. SHEET.

Alvarez: THAT WAS THE OTHER MISTAKE ON THERE IS THAT IT WAS 60% FOR HOME OWNERSHIP, 50% FOR RENTAL. AND WHAT YOU ARE ADVOCATING, JUST SO EVERYONE IS CLEAR, IS WHAT'S ON THIS SHEET IS WE SAY THAT'S THE TOP GOAL, THEN THE -- BELOW THAT, 10% WOULD BE AT THIS LEVEL, 10% WOULD BE AT THAT LEVEL, FIVE PERCENT WOULD BE AT THIS LEVEL, WHICH IS SHOWN IN THE SHEET THAT WAS DISTRIBUTED. JUST PROVIDE MORE DETAIL THAN WHAT 3 A PROVIDES CURRENTLY.

RIGHT.

Mayor Wynn: WELL, COUNCIL, I'M -- I'M BEGINNING TO FEEL LIKE THIS IS MAKING MORE OF THE ARGUMENT FOR US TO POSTPONE WHAT WE HAVE IN PLACE. ALLOW US TO MAKE SURE THAT WE UNDERSTAND AS MUCH OF THIS AS WE CAN. TAKE ACTION NEXT WEEK. IF -- RELUCTANTLY SUGGEST THAT. THIS THING IS I THINK A LONG TIME IT WAS FRUSTRATING FOR A LOT OF FOLKS. BUT -- BUT COUNCILMEMBER ALVAREZ HAS GOTTEN US SO CLOSE. YOU KNOW, BUT --

Alvarez: I'M FINE EITHER WAY. I WOULD LIKE TO HEAR FROM OTHERS. DO YOU WANT TO KNOCK IT OR NOT? I THINK WE CAN. IF THE FEELING IS WE CAN'T WE SHOULD SAY BRING IT BACK, WE WILL TAKE IT UP RIGHT AFTER THE CONSENT AGENDA OR SOMETHING NEXT WEEK. CRACK

McCracken: MAYOR BIG CONCERN IS THAT THESE -- THE PROPOSAL WOULD ACTUALLY RESULT IN GETTING BUILT, I WOULD DEFINITELY BE FOR IT. BUT MY BELIEF IS THAT THESE STANDARDS AT LEAST AS THEY APPLY TO MLK, AS THEY APPLY TO SALTILLO, TOO, ARE SO STRICT THAT IT WILL RESULT IN NOTHING GETTING BUILT OF EXTRA HEIGHT. IF REALLY TRYING TO GET EXTRA HEIGHT AND HAVE IT BE AFFORDABLE HOUSING, I HOPE WE WILL USE NEXT WEEK TO FIND OUT WHAT APPROACH ACTUALLY WORKS. I MY LEAVE IS THAT THIS APPROACH WILL NOT ACHIEVE ANY OF THE GOALS EMBEDDED IN IT. I HOPE THAT I'M WRONG, BUT EITHER WAY WE CAN TAKE A WEEK TO DO IT TO FIND THE ANSWER.

Mayor Wynn: UNDERSTOOD, THANK YOU, COUNCILMEMBER. COUNCILMEMBER THOMAS?

Thomas: I CAN GO ALONG WITH THAT. BUT HOW CAN WE REALLY FIND OUT, I GUESS STAFF CAN FIND OUT SOMETHING THAT IS SIMILAR TO WHAT WE'RE DOING, BUT I UNDERSTAND WHAT COUNCILMEMBER ALVAREZ IS TRYING TO DO, BUT WE CAN SAY IF WE DON'T KNOW, I KNOW WE DON'T WANT TO RESTRICT IT TO THAT. WE WANT TO GET THE THING DONE. I GUESS WE JUST NEED TO -- TO TRY TO GET SOME MORE INFORMATION ON THAT PARTICULAR, ON THE PERCENTAGES WE ARE TRYING TO GET TO. IF IT WILL AFFECT DEVELOPMENT OR NOT, THAT'S WHAT WE KIND OF NEED TO TALK ABOUT.

Mayor Wnn: IF I CAN MAKE A REQUEST IF STAFF, LEGAL STAFF CAN DOCUMENT EXACTLY WHERE WE ARE RIGHT NOW, GET THAT DOCUMENTATION AVAILABLE AS QUICKLY AS PRACTICAL, FIRST OF THE WEEK, AND SPECIFICALLY FOR THE COALITION FOLKS TO BE ABLE TO AGAIN WALK US THROUGH GROUP WHERE WE ARE, WHAT THE --

Alvarez: MAYOR, WHAT I WOULD SAY TO STAFF ABOUT THIS

VERSION IS ON 3 A, ON THE LAST SECOND TO THE LAST LINE OF 3 A, THAT -- INSTEAD OF 60%, THAT NEEDS TO BE 50%. SO WE TALKED ABOUT IT WAS A 10% M.F.I. GOAL FOR -- 60% MIGHT HAVE GOAL FOR HOME OWNERSHIP, 50% M.F.I. GOAL FOR RENTAL. SO THAT -- THAT'S ONE CHANGE. AND UNDER B 3, THE CHANGE WE HAD SAID WAS WOULD READ THE DEVELOPMENT MEETS THE GOAL ESTABLISHED IN SUBPARAGRAPH A. AT LEAST THAT'S ALL THAT I HAVE IDENTIFIED THUS FAR.

Mayor Wynn: AGAIN, WE WILL NOW HAVE A FEUD TO CLARIFY - A FEW DAYS TO CLARIFY ALL OF THOSE. SO ... MS. TERRY, DO I ACCEPT A MOTION TO POSTPONE IN PLACE? WHAT'S THE -- WHAT'S THE MECHANISM? WE HAVE A MAIN MOTION AND A SECOND ON THE TABLE, THAT'S BEEN AMENDED A COUPLE OF TIMES, IN A FRIENDLY MANNER.

[INDISCERNIBLE]

THE MOTION TO POSTPONE WOULD BE TO -- TO POSTPONE THE PENDING MOTION ALONG WITH ALL OF THE AMENDMENTS UNTIL NEXT WEEK'S COUNCIL MEETING.

McCracken: SO MOVED.

Alvarez: DOES IT MATTER WHO MAKES THE MOTION?

NO.

SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER ALVAREZ TO POSTPONE AS OUTLINED BY MS. TERRY IN PLACE. I WILL SAY I LIKE COUNCILMEMBER ALVAREZ'S SUGGESTION, I THINK IT WAS, THAT LET'S WORK WITH AGENDA STAFF, SARAH, LET'S, YOU KNOW, DON'T HAVE AHFC OR ANYTHING THAT MIGHT COME UP RIGHT AFTER THE CONSENT AGENDA, LET'S GET THIS DONE IN THE EARLY PART OF THE DAY NEXT THURSDAY. MOTION AND A SECOND ON THE TABLE TO POSTPONE THIS ITEM IN PLACE. TECHNICALLY THIS IS ITEM 56. AND WE WILL JUST --

POSTPONE.

POSTPONE ITEM 57 AS WELL. FURTHER COMMENTS? I'LL JUST SAY I REALLY DO GREATLY APPRECIATE THE REMARKABLE AMOUNT OF EFFORT AND WANTED TO PARTICULAR NOTE COUNCILMEMBER ALVAREZ'S EFFORT TO GET US THIS CLOSE TO THE FINISH LINE. AND ACKNOWLEDGE AGAIN THE COALITION FOLKS WHO KEEP US AWARE. ALL THOSE IN FAVOR OF THE POSTPONEMENT MOTION PLEASE SAY AYE? AYE.

Wynn: OPPOSED? MOTION TO POSTPONE BOTH ITEMS PASSES ON A VOTE OF 7-0. THERE BEING NO FURTHER ITEMS ON THE COUNCIL AGENDA, WE STAND ADJOURNED. GOOD NIGHT. 11:00 P.M.

**End of Council Session Closed Caption Log**