

## Closed Caption Log, Council Meeting, 11/17/05

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GOOD MORNING, EVERYBODY. OKAY. EVERYBODY FILL IN HERE BEHIND. THERE YOU GO. HERE WE GO. GOOD MORNING. I'M AUSTIN MAYOR WILL WYNN, I'M JOINED BY I THINK THE ENTIRE AUSTIN CITY COUNCIL AS WELL AS A SIGNIFICANT MEMBERSHIP OF THE AUSTIN CITIES COMMITTEES THAT REPRESENT ALL OF OUR DIFFERENT SISTER CITY ORGANIZATIONS. I WOULD LIKE TO START BY -- BY BRIEFLY READING A QUICK LETTER FROM DR. EBBERTHART FROM OUR SISTER CITY IN GERMANY, I WILL ASK RENATA ANDERSON WHO SERVES AS CHAIR TO TALK ABOUT THIS GIFT, WE ARE GOING TO HAVE A FUN PHOTO ON HERE THAT WE ARE GOING TO SEND BACK ELECTRONICALLY TO GERMANY. THIS LETTER FROM THE LORD MAYOR READS: DEAR MARRY MAYOR WYNN, COLLEAGUE, THE CITIZENS OF KVUE NEWS NIGHTBEAT KVUE NEWS NIGHTBEAT WATCHED WITH SADNESS THE IMAGES OF THE DESTRUCTION THAT HURRICANE CATELLUS CAUSED MANY IN THE UNITED STATES -- HAWRK HURRICANE KATRINA CAUSED IN THE UNITED STATES. WE REALIZE YOUR CITY WAS TRYING TO HELP THE MANY EVACUEES TO FIND SHELTER, NEW HOMES, FINANCIAL ASSISTANCE, MUCH, MUCH MORE. JUST A FEW MONTHS AGO OUR DELEGATION HAD THE PLEASURE OF VISITING OUR WONDERFUL SISTER CITY OF AUSTIN, YOUR HOSPITALITY WAS OUTSTANDING. AS A RESULT WE FEEL THAT IT IS ESPECIALLY IMPORTANT FOR US TO PAY BACK AT LEAST A LITTLE OF YOUR HOSPITALITY AND FRIENDSHIP TO CONTRIBUTING TO HELPING THE HELPER. THE KVUE NEWS NIGHTBEAT KVUE NEWSHELPER -- THE CITY COUNCIL

DECIDED TO -- TO GAVE CONTRIBUTION. THE COLLECTIVE FUNDS SEND TO THE AUSTIN SISTER CITY'S INTERNATIONAL AS SOON AS POSSIBLE. PLEASE ACCEPT THIS WITH OUR BEST WISHES, YOURS TRULY, SIGNED DR. VISERMAN, LORD MAYOR OF KOBLENZ. THE HOSPITALITY SHOWN TO ME THERE WAS REMARKABLE. IT'S BEEN A TREMENDOUS SISTER CITY RELATIONSHIP. MUCH TO THE DIRECT CONTRIBUTION, TIME AND EFFORT OF MS. RENATA ANDERSON, I WOULD LIKE TO ASK HER TO STEP UP, TALK ABOUT OUR RELATIONSHIP AND THIS GREAT GIFT.

THANK YOU, MAYOR. [ APPLAUSE ]

OOPS. OKAY. DID I KNOCK SOMETHING -- OKAY. GOOD MORNING. I AM RENATA ANDERSON, THE CHAIR OF THE AUSTIN KOBLENZ SISTER CITY COMMITTEE. LAST APRIL WE HAD A BUSINESS DELEGATION FROM KOBLENZ LED BY THE LORD MAYOR. THE GROUP VISITED OUR NEW CITY HALL, LED MY MAYOR WYNN, AUSTIN ENERGY, THE GREEN WATER TREATMENT PLANT AND THE CONVENTION CENTER AS WELL AS ANDERSON HIGH SCHOOL SUMMIT ELEMENTARY SCHOOLS, ST. EDWARD'S UNIVERSITY AND AUSTIN COMMUNITY COLLEGE. THEY ALSO HAD A LITTLE FUN, THEY WENT TO SAN ANTONIO. THIS WAS THE BEST VISIT THE GROUP HAS EVER HAD WHEN THEY CAME TO AUSTIN. THEY REALLY ENJOYED OUR HOSPITALITY. AND THEN CAME THE VERY SAD DAY OF AUGUST 29th. WE ALL WATCHED WITH HORROR THE HORRIBLE HURRICANE HITTING LOUISIANA, MISSISSIPPI AND ALABAMA. I MADE A PHONE CALL THE FOLLOWING MONDAY TO KOBLENZ AND ASKED IF THEY COULDN'T HAVE A FUNDRAISER TO SEND MONEY TO AUSTIN BECAUSE I WAS QUITE AWARE AND THEY WERE, TOO, THAT AUSTIN WAS DOING A TREMENDOUS JOB FOR THE HURRICANE VICTIMS. IN PARTICULAR MAYOR WYNN WAS VERY, VERY INVOLVED, THEY WERE REALLY IMPRESSED. SO LITTLE WAS SAID AND MANY THINGS WERE DONE. THE MAYOR MADE A PHONE CALL, HE DEDICATED MONEY FROM THE CITY COUNCIL WITH THE CITY COUNCIL TO THE FUND AND THEN THEY CALLED THE BUSINESS DELEGATIONS MEMBERS AND MOST OF THE FUNDING IS COMING FROM THE BUSINESS DELEGATION. SO -- SO WE ARE VERY THANKFUL FOR THIS. IT'S A WONDERFUL GIFT. AND ONE THING THE MAYOR FROM KOBLENZ SAID, WE DO UNDERSTAND WHAT

CATASTROPHIC FLOODS -- CATASTROPHIC FLOODS ARE. KOBLENZ ALMOST EVERY YEAR HAS FLOODS. THEY ARE LOCATED ON THE RHINE AND [INDISCERNIBLE] AND ALMOST EVERY WINTER WHEN THEIR SNOW MELTS, HEAVY RAINS, THE RIVER GOES OUTSIDE ITS BANKS, THEY WILL HAVE FLOODS, BUT NOTHING AS CATASTROPHIC AS THIS WAS. LET'S SEE. I HAVE TALKED OFF THE CUFF, AS I ALWAYS DO. I'M FAMOUS FOR THAT. BUT IN ANY CASE, KOBLENZ LORD MAYOR WRITES IN THIS LETTER THEY REALLY WANTED FOR HELP THE HELPER. JUST A FEW DAYS AGO AUSTIN SISTER CITY INTERNATIONAL RECEIVED A WONDERFUL GIFT FROM KOBLENZ DESIGNATED TO KATRINA VICTIMS IN AUSTIN. WE RECEIVED THE AMOUNT OF \$20,000 FOR THIS CAUSE, FOR WHICH WE ARE INCREDIBLY THANKFUL. WE ARE WORKING WITH PAUL HILGERS, WHO IS HELPING US TO PUT TOGETHER A PROGRAM HOW WE CAN BEST MAXIMIZE THE FUNDS THAT WE HAVE. WE ACTUALLY HAVE A LITTLE BIT MORE THAT WE HAVE COLLECTED HERE IN AUSTIN, BUT I DON'T WANT TO TAKE ANYTHING AWAY FROM KOBLENZ, SO WE ARE GOING TO KEEP THAT PRETTY QUIET. BUT IN ANY CASE WE ARE WORKING WITH PAUL AND I DON'T KNOW WHETHER PAUL IS PREPARED THIS MORNING, GOOD, THAT'S JUST FINE, WE WILL WORK WITH HIM AND THROUGH HIM TO SPEND THIS MONEY. WE ALL WANT TO THANK LORD MAYOR AND HIS DELEGATION, THE CITY SISTER ORGANIZATION IN KOBLENZ FOR THEIR AGAINROUS AND MOST KIND CONTRIBUTION. GENEROUS AND MOST KIND CONTRIBUTION. I WILL PERSONALLY THANK KOBLENZ IN ABOUT A WEEK AND A HALF. I AM GOING TO GERMANY ON THE 25th AND WILL SPEND THE FIRST FOUR DAYS IN KOBLENZ, SO I WILL THANK EVERYONE ON BEHALF OF THE MAYOR AND AUSTIN AND WILL MAKE SURE THAT EVERYONE UNDERSTANDS HOW MUCH WE APPRECIATED IT. NOW LET ME PLEASE INTRODUCE DR. PAUL, THE CHAIR OF AUSTIN SISTER CITY INTERNATIONAL. [ APPLAUSE ]

GOOD MORNING, EVERYBODY. WE ARE VERY, VERY APPRECIATIVE OF THIS GIFT AND WANT TO EXTEND OUR -- OUR WARM GREETINGS TO OUR SISTER CITY IN KOBLENZ, THE LEADERSHIP AND THE PEOPLE OF KOBLENZ FOR THEIR GENEROSITY AND I ALSO WANT TO THANK THE CITY OF AUSTIN, THE LEADERSHIP, MAYOR WILL WYNN AND

COUNCILMEMBER DANNY THOMAS, MAYOR PRO TEM, WHO JUST ALSO CAME BACK FROM NIGERIA. THIS IS REALLY ONE WAY THAT THE CITY OF AUSTIN IS DEMONSTRATING WHAT IT CAN DO, VISIBILITY, THE INTERNATIONAL FLAVOR THAT IS IN AUSTIN, THE COMMUNITY THAT WE HAVE HERE, WE WANT TO CONTINUE TO PROMOTE IT AND ASK THE CITY COUNCIL TO HELP US, TO DO A LOT MORE THAN WE ARE DOING. I KNOW THAT THE CITY OF AUSTIN GETS THE ACCOLADES THAT IT DESERVES AND WE WANT TO CONTINUE TO WORK WITH YOU. THANK YOU ALL FOR THE -- THE CITY OF AUSTIN AND THE MEMBERS THAT SUPPORT US. THANKS. [ APPLAUSE ]

NOW WE PRESENT THE FORMAL CHECK TO MAYOR WYNN. [ APPLAUSE ]

WE WANT TO GET A GOOD PHOTOGRAPH, IF WE CAN, MAYBE SORT OF EVERYBODY SCOOT UP HERE. THANK YOU ALL VERY MUCH FOR BEING HERE. [ APPLAUSE ]

GOOD MORNING, I'M AUSTIN MAYOR WILL WYNN, I'M PROUD TO WELCOME RON WALKER FROM ST. MARY'S CATHEDRAL WHO GIVE OUR INVOCATION, PLEASE RISE.

LORD OUR GOD, FATHER OF ALL, YOU KNOW US, YOU SEARCH INTO THE DEPTHS OF OUR HEARTS, REMOVE OUR BLINDNESS THAT DENIES YOU, LEAVE OUR FEARS IN WHICH WE HIDE FROM YOU. YOUR JUSTICE IS STRONG AND YOUR MERCY IS GREAT. SHIELD OUR MINDS FROM THE DISTORTION OF PRIDE, HOLD OUR DESIRE WITH THE BEAUTY OF TRUTH. BLESS THESE SERVANTS AND LEADERS OF THIS GREAT CITY. THEY HAVE DONE GOOD WORK IN RESPONDING TO THOSE IN NEED. CONTINUE TO FILL THEIR HEARTS WITH YOUR SPIRIT. LET THEM SEE THE DIGNITY IN ALL HUMAN LIFE. MAKE US AWARE OF YOUR LOVING DESIGN SO WE MAY MORE WILLINGLY GIVE OURSELVES IN SERVICE. WE ASK THIS WITH THE CHURCH TRIUMPHANT, AMEN.

THANK YOU, DEACON WALKER. THE RENOVATION PROJECT AT SAINT MAYORSAINT MARY'S BY THE WAY TURNED OUT BEAUTIFUL BY THE WAY. REMARKABLE SPACE. THERE BEING A QUORUM PRESENT AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS

THURSDAY, NOVEMBER 17th, 2005, APPROXIMATELY 10:30 A.M. WE ARE IN THE CITY HALL BUILDING, 301 WEST SECOND STREET. I APOLOGIZE FOR THE SLIGHT DELAY START. WE HAD A NICE CHECK PRESENTATION THIS MORNING. EARLIER WE ACCEPTED A CHECK FROM OUR SISTER CITY IN GERMANY, KOBLENZ, A CHECK OF \$20,000 TO GIVEN TO THE AUSTIN SISTER CITY INTERNATIONAL COMMITTEE SPECIFICALLY FOR KATRINA RELIEF EFFORTS. THAT COMMITTEE WILL BE WORKING WITH PAUL HILGERS AND OTHER CITY STAFF TO -- IN THE BEST WAY APPROPRIATE SPEND THOSE DOLLARS FOR OUR CONTINUED RELIEF EFFORT HERE IN AUSTIN. VERY PROUD AND THANKFUL OF OUR SISTER CITY IN GERMANY. I WOULD ALSO LIKE TO POINT OUT THE DAIS LOOKS A LITTLE DIFFERENT. I THINK A LOT BETTER THIS WEEK. ON VETERANS DAY, COUNCILMEMBER ALVAREZ AND COUNCILMEMBER LEFFINGWELL LED US THROUGH AN ADDITIONAL VETERANS DAY CEREMONY WHEREBY WE ACCEPTED FLAGS FROM THE DIFFERENT BRANCHES OF THE U.S. MILITARY TO HELP ADORN OUR DAIS THAT JOINS THE CITY, STATE AND AMERICAN FLAG UP HERE. I THINK IT'S A GREAT LOOK. I APPRECIATE COUNCILMEMBER ALVAREZ AND THE COMMITTEE THAT PULLED TOGETHER THAT CEREMONY AND I THINK THE PLACE LOOKS A LOT BETTER. THANK YOU, COUNCILMEMBER. NEXT WE HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. I WILL GO THROUGH THOSE QUICKLY. ITEM NO. 7, REGARDING AN AMENDMENT TO A CONTRACT, WE SHOULD NOTE IN ADDITION THAT THERE IS 5.08 M.B.E. AND 6.70 W.B.E. SUBCONTRACTOR PARTICIPATION TO DATE. ITEM NO. 46, ITEM FROM COUNCIL, WE SHOULD NOTE THAT COUNCILMEMBER BETTY DUNKERLY IS AN ADDITIONAL CO-SPONSOR. ITEM NO. 47, WE SHOULD STRIKE THE NOTATION SCHEDULED FOR REVIEW BY THE BUILDING AND FIRE CODE BOARD, A NOVEMBER 9th, 2005. AND INSERT NOTING THAT IT WAS APPROVED BY THE BUILDING AND FIRE BOARD. LATER TODAY WE WILL TAKE UP A MEETING OF THE AUSTIN HOUSING AND FINANCE CORPORATION AND ON THERE AGENDA ITEM NO. 1, WE SHOULD CORRECT THAT THE MINUTES WERE ACTUALLY OF THE NOVEMBER 3rd BOARD MEETING, NOT THE OCTOBER 3rd BOARD MEETING. ZONING CASE Z-9 A PUBLIC HEARING LATER THIS AFTERNOON OR EVENING, WE SHOULD -- WE SHOULD INSERT THE PHRASE IN

AMONGST THE ZONING AND PLATTING COMMISSION RECOMMENDATION, INSERT THE PHRASE CONDITIONAL OVERLAY SF 6-CO COMBINING DISTRICT. SO THEREFORE THE RECOMMENDATION FOR CASE Z-THE FROM Z.A.P. WOULD READ: TO GRANT TOWNHOUSE AND CONDOMINIUMS CONDITIONAL OVERLAY SF 6 CO COMBINING DISTRICT FOR TRACTS A AND B. CASE Z-10, ZONING CASE, WE SHOULD NOTE THAT ITS THIRD AND NUECES, NOT THIRD AND NECHES. I GUESS ALL OF OUR -- THAT'S ALL OF OUR CORRECTIONS ON THE AGENDA. OUR TIME CERTAINS TODAY, AT NOON WE BREAK FOR THE GENERAL CITIZENS COMMUNICATION. AT 2:00 A BOND SALE TO BE POSTED AS ITEM NO. 60. WE WILL ALSO HAVE THREE STAFF BRIEFINGS, SOMETIME SHORTLY AFTER 2:00 P.M. THEY WILL BE THE -- THE UPDATE FROM THE MILLER REDEVELOPMENT PROJECT OF THE OLD -- THE MUELLER REDEVELOPMENT PROJECT OF THE OLD AIRPORT. ALSO A STATUS UPDATE ON THE EAST AUSTIN CP AND R ZONING AND ALSO HAVE A STAFF REPORT OF THE POTENTIAL DECOMMISSIONING OF THE GREEN WATER TREATMENT PLANT. AT 3:00 WE WILL BREAK FOR OUR OUR AUSTIN HOUSING FINANCE CORPORATION BOARD MEETING, TWO ITEMS ON THAT AGENDA. AT 4:00 ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS, A LENGTHY AGENDA THIS EVENING, I WARN YA. THOSE SHOW AS ITEMS 64 THROUGH 69 AND THEN ZONING CASES OR PUBLIC HEARING CASES Z-1 THROUGH Z-22. I WILL NOTE NOW THAT POSTPONEMENTS WILL BE REQUESTED ON THE FOLLOWING CASES, ON ITEM 67, THE AVERY RANCH P.U.D. AMENDMENT NUMBER 4 WILL BE REQUESTED POSTPONEMENT TO DECEMBER 15th, 2005. ON ZONING CASE Z-11 THE HARTLAND PLAZA P.U.D. A REQUESTED POSTPONEMENT ALSO TO DECEMBER 15th, '05 AS WELL AS WITH THE CHAMPIONS TRACT, Z-12 THROUGH Z-14 A REQUESTED POSTPONEMENT TO DECEMBER 15th. ON CASE Z-15 A REQUESTED POSTPONEMENT OF THE TIME INSURANCE CASE TO JANUARY 26th, 2006. 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS. OUR GROUP THIS EVENING IS PART OF OUR LATINO MUSIC MONTH, SO WE WILL KICK-OFF A FUN MONTH WITH A GREAT LIVE MUSIC PERFORMANCE THIS AFTERNOON. AT 6:00 P.M. WE WILL A SPECIAL ITEM FROM COUNCIL, SHOWS AS ITEM NO. 70, REGARDING THE COAL TAR BASED PAVEMENT PRODUCTS

CASE THAT YOU HAVE PROBABLY BEEN READING ABOUT. AT 6:00 P.M. WE ALSO HAVE PUBLIC HEARINGS AND POSSIBLE ACTIONS ON TWO CASES, THE FIRST IS OUR PUBLIC ORDER ORDINANCES THAT WE'VE BEEN HAVING AN ONGOING PUBLIC HEARING REGARDING. AND ALSO A CASE REGARDING A POLLUTION PREVENTION POND UPSTREAM OF BARTON SPRINGS POOL. COUNCIL, SO FAR WE JUST HAVE A COUPLE OF ITEMS PULLED OFF THE CONSENT AGENDA. STAFF IS REQUESTING THAT WE TAKE ITEM NO. 10 OFF THE CONSENT AGENDA AS THEY ARE CORRECTING THE ORDINANCE. THIS IS WITH ATMOS ENERGY, ITEM NO. 10. ITEM NO. 41, REGARDING BILLBOARDS HAS BEEN PULLED BY COUNCILMEMBER ALVAREZ AS WELL AS ITEM 46 REGARDING DESIGN STANDARD AMENDMENTS. SO, COUNCIL, ANY OTHER -- ANY OTHER ITEMS TO BE PULLED OFF THE CONSENT AGENDA? MAYOR PRO TEM?

Thomas: NUMBER 18.

Mayor Wynn: OKAY. SO ITEM NO. 18 --

Thomas: JUST A BRIEF QUESTION FOR STAFF WHEN WE GET THERE.

Mayor Wynn: WE WILL TAKE ITEM NO. 18, STAFF WE WILL PROBABLY TAKE THAT UP RIGHT AFTER WE APPROVE THE CONSENT AGENDA. FURTHER ITEMS, COUNCIL? HEARING NONE, I WOULD READ THE CONSENT AGENDA NUMERICALLY. OUR CONSENT AGENDA THIS MORNING WILL BE ... ITEMS 1, 2, 3, 4, 5, 6, 7, PER CHANGES AND CORRECTION, 8, 9, 11, 12, ON ITEMS 13, 14 AND 15, THAT WILL REMAIN ON THE CONSENT AGENDA, THESE ARE FIRST READINGS ONLY. ITEM 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, WHICH ARE OUR APPOINTMENTS TO OUR BOARDS THAT I WILL READ -- TO OUR BOARDS AND COMMISSIONS THAT I WILL READ INTO THE RECORD. COMMUNITY DEVELOPMENT COMMISSION, CYNTHIA RILEY A CONSENSUS REAPPOINTMENT. TO THE MEXICAN AMERICAN CULTURAL CENTER ADVISORY BOARD, MARY MARTINEZ IS A CONSENSUS APPOINTMENT. TO OUR M.B.E./W.B.E. ADVISORY COMMITTEE, JESUS LOWENBERG AND ELIZABETH MCCAA ARE BOTH CONSENSUS APPOINTMENTS. THAT'S ITEM NO. 42. CONTINUING ON WITH THE WITH THE CONSENT AGENDA,

INCLUDING ITEM 43, 44, 45, 47, PER CHAWNGS AND CHANGES AND CORRECTION, 48, 49, 50, 51, 52, 53. I'LL ENTERTAIN A MOTION ON THE CONSENT AGENDA. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE THE CONSENT AGENDA AS READ. COMMENTS? MR. SMITH?

[INDISCERNIBLE] [INAUDIBLE - NO MIC]

ORDINANCE ON ITEM NO. 10, AND IF IT'S COUNCIL'S DESIRE, I THINK IT WOULD BE APPROPRIATE FOR US TO GO BACK ON CONSENT.

Mayor Wynn: THANK YOU, MR. SMITH. SO COUNCILMEMBER ALVAREZ AND LEFFINGWELL WE HAVE JUST BEEN HANDED THE CORRECTED STAFF CORRECTED ITEM NO. 10. YOU ALL CONSIDER THAT A FRIENDLY AMENDMENT TO PUT THAT BACK ON THE CONSENT AGENDA? OKAY. SO MS. BROWN ITEM NO. 10 WILL ALSO BE INCLUDED ON THE CONSENT AGENDA. FURTHER COMMENTS? MS. BROWN, I CAN'T QUITE ACCESS MY SCREEN YET. DO WE HAVE ANY CITIZENS SIGNED UP ON ANY OF THE CONSENT AGENDA ITEMS?

Clerk Brown: MOST OF THE CITIZENS ARE NOT WISHING TO SPEAK. WOULD YOU LIKE ME TO READ THEIR NAMES INTO THE RECORD OR ANYTHING?

Mayor Wynn: NO, MA'AM, IF YOU COULD JUST MAKE SURE THOSE DO GET INCORPORATED INTO THE RECORD. THOSE WOULD BE FOLKS IN SUPPORT OF THESE ITEMS THAT WE ARE ABOUT TO PASS, I PRESUME. YES? OKAY, THANK YOU. FURTHER COMMENTS ON THE CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THAT MOTION WAS MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER LEFFINGWELL. THANK YOU ALL VERY MUCH. SO, MAYOR PRO TEM, YOU PULLED ITEM NO. 18 FOR A QUICK QUESTION REGARDING THIS ANNEXATION ORDINANCE CITY OF AUSTIN PARKLAND, DO



YOU HAVE A QUESTION FOR STAFF?

Thomas: YES, THANK YOU, MAYOR. ON THE -- I DON'T KNOW IF YOU CAN ANSWER THIS, GREG, BUT I'LL TRY. THE TRACT 1 OF JOHNNY MORRIS, I KNOW THAT WE'RE IN THE PROCESS OF ANNEXING THAT, IS THAT CORRECT?

THAT'S CORRECT.

Thomas: THERE HASN'T BEEN ANY PLANS OF MASTER PLANNING WHAT WE ARE GOING TO DO WITH THE LAND YES.

GREG GUERNSEY, NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. WE FOR THAT THE PARKS DEPARTMENT IS PLANNING TO PLACE A TENNIS FACILITY ON THE PROPERTY, BUT THE FINAL DESIGNS I DON'T THINK HAVE BEEN COMPLETED ON WHAT THE REMAINDER OF THE LAND WOULD BE USED FOR. THAT'S THE INTENT OF ANNEXING THAT TRACT. THE OTHER TRACT TO THE SOUTH IS ALSO A -- A CITY OF AUSTIN PARKLAND. TRACT.

Thomas: COULD I ASK THE DIRECTOR, MR. STRUSS. MY UNDERSTANDING IS ABOUT THE TENNIS COURTS.

YES, SIR.

Thomas: BUT ON THE OTHER ACRES OF THE LAND, HAVE YOU HAD ANY OTHER PLANS, ANY INPUT FROM THE COMMUNITY.

NONE, MAYOR PRO TEM.

Thomas: OKAY. HOW MANY ACRES OF THE LAND ARE YOU -- ARE YOU USING FOR 10 MISS? JUST GIVE ME A ROUGH ESTIMATE BECAUSE I KNOW YOU HAVEN'T SAT DOWN AND --

IT SHOULD BE LESS THAN 10 ACRES. IT'S A VERY LARGE TRACT.

Thomas: OKAY. WELL, THERE'S BEEN SOME CONCERNS THAT HAVE CAME THROUGH MY OFFICE ABOUT A -- ABOUT A SPORTS COMPLEX, I'M SURE THAT YOU HAVE HEARD THAT AND INTERESTED IN FOOTBALL FIELDS, BASEBALL FIELDS, SO I JUST WANT TO MAKE IT CLEAR THAT THE CITIZENS IN

THE GENERAL AREA WOULD LIKE TO KNOW IF WE SIT DOWN AND PLAN FOR THE FUTURE AS FAR AS SPORTS COMPLEX AND THAT --

THAT'S --

Thomas: WHICH IS A DESIRE NEED FOR FOOTBALL FOR LIKE POP WARNER AND BASEBALL, ET CETERA. PUT THAT ON RADAR SCREEN.

MAYOR PRO TEM, IT'S ON THERE. AS A MATTER OF FACT IT'S A WONDERFUL PIECE OF FLAT PROPERTY THAT'S GOING TO ALLOW AND BE CONDUCIVE TO THAT TYPE OF DEVELOPMENT. WE CERTAINLY WILL VISIT WITH THE NEIGHBORHOODS ABOUT THAT.

THANK YOU VERY MUCH.

Thomas: THANK YOU, MAYOR.

Mayor Wynn: THANK YOU MAYOR PRO TEM, MR. STRUSS.

Thomas: I MAKE A MOTION TO PUT 18 BACK ON THE CONSENT AGENDA.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM TO APPROVE ITEM NO. 18 AS POSTED. 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.

Mayor Wynn: STAFF, WE HAVE A CITIZEN OR TWO WHO NEED TO LEAVE, WHO CAN HELP US PERHAPS WITH QUESTIONS ON ITEM NO. 46 REGARDING THE DESIGN STANDARDS AMENDMENTS PULLED BY COUNCILMEMBER ALVAREZ. SO AT THIS TIME I WILL RECOGNIZE COUNCILMEMBER ALVAREZ FOR ITEM NO. 46, OUR DESIGN STANDARD AMENDMENTS.

Alvarez: MAYOR, I JUST REALLY WANTED TO CLARIFY THAT -- THAT THIS -- WE ARE NOT ADOPTING POLICY PER SE, BUT

WE ARE ASKING FOR STAFF TO DRAFT THE CODE LANGUAGE AND THAT WAY WHEN IT COMES BACK, WE CAN SEE THE FISCAL IMPACT OF SOME OF THE PROVISIONS OR INCENTIVES, YOU KNOW, THAT ARE INCLUDED WITH SOME OF THESE PROPOSED POLICIES. AND I JUST WANTED TO MAKE SURE THAT -- THAT WE WOULD HAVE AN OPPORTUNITY, WHEN WE WANT TO -- WHEN WE VOTE IN SOME OF THESE CHANGES THAT WE HAVE THAT FISCAL IMPACT INFORMATION TO -- TO INFORM THOSE DECISIONS.

COUNCILMEMBER, JENNY GILCHRIST WITH THE LAW DEPARTMENT. YES, THIS POLICY PIECE WILL GET ADDED TO THE GUIDELINES THAT WERE EARLIER ADOPTED AND WE ARE WORKING WITH CLARION GROUP CONSULTING GROUP TO DRAFT AN ORDINANCE WHICH WOULD THEN COME BACK TO YOU FOR FINAL APPROVAL. THESE RECOMMENDATIONS THAT ARE BEFORE YOU TODAY HAVEN'T BEEN FULLY REVIEWED BY STAFF. AND WHEN WE BRING BACK THE FINAL PIECE, WE WILL ALSO BRING BACK STAFF'S COMMENTS ON THESE AND ANY PHYSICAL IMPACT ON THE RECOMMENDATIONS THERE BEFORE YOU. BEFORE THE FINAL ORDINANCE IS ADOPTED ALL OF THAT WILL HAPPEN.

Alvarez: ALL RIGHT. THAT'S IT, MAYOR.

Mayor Wynn: THANK YOU, COUNCILMEMBER.  
COUNCILMEMBER MCCRACKEN?

McCracken: YEAH, MAYOR, WE HAVE RICHARD WEISS THE CHAIR OF THE DESIGN COMMISSION, ONE OF THE LEADERS OF SEVERAL MEMBERS OF THE TASK FORCE HERE WHO HAD A BRIEF STATEMENT FROM ALL OF THE MEMBERS OF THE TASK FORCE AND SIGNED OFF ON THESE -- .

GOOD MORNING, MAYOR AND COUNCIL. I'M JUST GOING TO READ A LETTER FROM THE DESIGN STANDARDS TASK FORCE THAT WE PUT TOGETHER IN SUPPORT OF THIS ITEM. WE THE UNDERSIGNED MEMBERS OF THE DESIGN STANDARDS TASK FORCE OFFER SUPPORT FOR THE PROPOSED AMENDMENTS TO THE DESIGN STANDARDS POLICY DOCUMENT. THESE AMENDMENTS FACED EXTENSIVE COMMUNITY INPUT AND REVIEW AND REPRESENT THE CONSENSUS OF THOSE SERVING ON THE

TASK FORCE. THE AMENDMENTS CREATE USEFUL TOOLS TO BE USED BY RESIDENTS, BUSINESSES, PLANNERS AND OTHER STAKEHOLDER IN THE NEIGHBORHOOD PLANNING PROCESS. THE MAJORITY OF THE AMENDMENTS FOCUS ON REMOVING BARRIERS THAT DISCOURAGE VERTICAL MIXED USE DEVELOPMENT. PROVISIONS WERE ALSO INCLUDED THAT WILL MAKE VERTICAL MIXED USE EASIER AND MORE PROFITABLE. RESULTING IN A HEALTHIER TAX BASE AND MORE PEDESTRIAN ORIENTED BUILT ENVIRONMENT. THE AMENDMENTS TO THE DESIGN STANDARDS POLICY DOCUMENT REFLECT SOUND URBAN PLANNING AND PROMOTE THE GOALS OF ENVISION CENTRAL TEXAS. WE ENCOURAGE YOU TO SUPPORT THESE PROVISIONS. THIS -- I MEAN AMENDMENTS. THIS WAS SIGNED BY RICHARD WEISS DESIGN COMMISSION CHAIR, CHRIS RILEY, PLANNING COMMISSION CHAIR, GERARD KINNEY, LAURA, KEVIN LEWIS FROM THE NEIGHBORHOOD COUNCIL, CATHY HE COULD COLORADOS FROM THE LIVABLE CITY, STEVE METCALF AND ... BRAD GREENBLUM AND BRUCE SHELTON FROM AD LIGHT SIGNS. WE WOULD ALSO LIKE THE -- THE STAKEHOLDER GROUP WOULD LIKE TO RECOGNIZE COUNCILMEMBER MCCracken AND HIS STAFF ESPECIALLY KAREN GROSS FOR THEIR CONSIDERABLE EFFORTS IN WORKING THROUGH THE DESIGN STANDARDS AND THESE AMENDMENTS IN AN EFFORT TO IMPROVE DESIGN IN AND OF OUR CITY. THIS HAS BEEN -- THIS WHOLE PROCESS HAS BEEN A BENCHMARK AND CONSENSUS -- IN CONSENSUS BUILDING, WE APPRECIATE ALL OF THEIR EFFORTS. THANK YOU.

Mayor Wynn: THANK YOU, MR. WEISS. COUNCILMEMBER?

McCracken: MAYOR I RECEIVED SOME REQUESTS FROM FOLKS INVOLVED IN THIS PROCESS FOR THE VERTICAL MIXED USE PROVISIONS THAT DO NOT REQUIRE ANY EXPENDITURE OF FUNDS, BUT THAT THERE'S A REQUEST TO -- TO -- FOR STAFF TO COME UP WITH INTERIM RULES DURING THE CODIFICATION, BECAUSE OUR CURRENT RULES DON'T ALLOW VERTICAL MIXED USE AND WHAT WE ARE SEEKING TO DO IS COME UP WITH SOME INTERIM RULES TO ALLOW VERTICAL MIXED USE AND PROCEED ACCORDING TO POLICY, POLICY PROVISIONS, THAT NEED THE CODIFICATION, THEY WOULD NOT HAVE A FISCAL IMPACT BECAUSE IT DOESN'T RELATE TO ANY KIND OF REBATES OR

ANYTHING LIKE THAT. MS. GILCHRIST, WE TALKED WITH HER SOME, TOO.

WE CAN BRING BACK TO COUNCIL AN ORDINANCE THAT WOULD IMPLEMENT THE WAIVERS OF OR CHANGES TO THE CURRENT CODE REQUIREMENTS THAT WOULD ALLOW VERTICAL MIXED USE TO BE APPLIED. I BELIEVE THAT PROCESS WILL REQUIRE PLANNING COMMISSION INPUT AS WELL. SO THE EARLIEST WE THINK THAT WE COULD GET THAT BACK IS ABOUT 60 DAYS.

McCracken: THANKS, MS. GILCHRIST.

Mayor Wynn: ONE CITIZEN SIGNED UP WISHING TO SPEAK, SIS MYERS, WELCOME, SIS, YOU WILL HAVE THREE MINUTES.

I COULDN'T GET AHOLD OF MY CLIENTS TO GET THE AUTHORITY TO SIGN THE LETTER THAT YOU JUST GOT, BUT I DO NOW HAVE THAT AUTHORITY. WE WANT TO THANK THE COUNCILMEMBER VERY MUCH FOR WORKING WITH US AND THE STAFF. WE SUPPORT THE CHANGES THAT ARE UP THERE. THANK YOU.

Mayor Wynn: THANK YOU, MS. MEYER. SO -- SO COUNCIL THAT'S ALL OF THE CITIZENS WHO WISH TO ADDRESS US ON THIS ISSUE. FURTHER -- FURTHER QUESTIONS OF STAFF? COMMENTS? IF NOT I'LL ENTERTAIN A MOTION ON ITEM 46.

MAYOR, I'LL MOVE APPROVAL OF ITEM 46 WITH THE -- WITH THE ADDED DIRECTION TO COME UP WITH SOME -- SOME INTERIM RULES TO PERMIT VERTICAL MIXED USE AS SOON AS POSSIBLE AT THE TIME THE PLANNING COMMISSION REVIEW.

MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE ITEM 46 AS POSTED WITH SOME ADDITIONAL DIRECTION. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ? YES, MEMBER, I WAS JUST GOING TO ASK IN TERMS OF INFORMATION BEING FORWARDED TO THE COUNCIL THAT -- YOU KNOW, WHENEVER THAT -- WHENEVER THAT PUBLIC INPUT PROCESS DOES CONTINUE, YOU KNOW, ONCE THE CODE LANGUAGE IS AVAILABLE, THAT THAT BE SHARED

WITH THE FULL COUNCIL BECAUSE I IMAGINE THAT IT'S GOING TO BE VERY LENGTHY DOCUMENTS SO -- SO I THINK THE SOONER WE GET TO READING AND DIGESTING ALL OF THAT THE BETTER.

ACTUALLY, COUNCILMEMBER, WE PLANNED TO HAVE THE CONSULTANT GROUP COME AND MAKE A PRESENTATION TO COUNCIL AS PART OF THE ACTUAL DRAFTING PROCESS. SO EVEN BEFORE YOU GET A DOCUMENT, YOU WILL HEAR FROM THEM ABOUT -- ABOUT HOW THEY ARE APPROACHING THIS PROCESS TO ADOPT -- TO DRAFT A NEW REGULATION.

Alvarez: EXCELLENT. THANK YOU.

Mayor Wynn: THANK YOU. WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE ITEM 46. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7. THANK YOU VERY MUCH. OUR SOLE REMAINING DISCUSSION ITEM IS ITEM 41 REGARDING BILLBOARDS. I NOTICED THAT WE HAVE ALSO POSTED AN EXECUTIVE SESSION ON THE ITEM. MR. SMITH, IS IT YOUR ADVICE THAT WE -- THAT WE HAVE THAT DISCUSSION IN ADVANCE?

[INDISCERNIBLE]

IT'S MY ADVICE THAT WE HAVE THE EXECUTIVE SESSION PRIOR TO COUNCIL'S CONSIDERATION OF THE ACTION ITEM.

ALL RIGHT. THANK YOU. SO WITH THAT ADVICE, WITHOUT OBJECTION, COUNCIL, THERE BEING NO MORE DISCUSSION ITEMS PRIOR TO OUR ABILITY TO TAKE UP ITEM 41 REGARDING BILLBOARDS OR LATER TIME CERTAIN POSTED ITEMS, WE WILL NOW GO INTO CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO TAKE UP POTENTIALLY AGENDA ITEM 54, RELATED TO THE NORTH AUSTIN SERVICE CENTER, ITEM 55, RELATED TO THE CITY'S PROPOSED PUBLIC ORDER ORDINANCE AMENDMENTS, ALSO RELATE TO ITEM NO. 71, A PUBLIC HEARING LATER THIS EVENING, ITEM NO. 56, REGARDING THE BILLBOARDS AS

JUST MENTIONED, ITEM 57, REGARDING -- REGARDING ELECTRIC RATE -- RECLASSIFICATION FROM THE FEDERAL GSA, ITEM 58 RELATED TO CHAPTER 245 GRANDFATHERING PROCESSES, AND ITEM 73 RELATED TO THE AUSTIN CLEAN WATER PROGRAM. WE MAY ALSO TAKE UP IN EXECUTIVE SESSION PURSUANT TO SECTION 551.072 OF THE OPEN MEETINGS ACT, ESSENTIALLY A -- REAL ESTATE MATTERS RELATED TO ITEM 59, THE POTENTIAL ACQUISITION AND USE OF PROPERTY FOR THE AUSTIN WATER UTILITY WATER TREATMENT FACILITIES. SO WITHOUT OBJECTION, WE ARE NOW IN CLOSED SESSION. I ANTICIPATE US COMING BACK AT NOON FOR OUR GENERAL CITIZEN COMMUNICATION. THANK YOU.

54, 55 AND 57, NO DECISIONS WERE MADE. WE'RE BACK IN OPEN SESSION FOR OUR GENERAL CITIZEN COMMUNICATION. WE HAVE A HANDFUL OF FOLKS WHO WOULD LIKE TO ADDRESS US. WE WILL BEGIN WITH BARB FOX. WELCOME, YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY WAYNE GRONQUIST.

GOOD AFTERNOON. I'M BARB FOX. I'M AN AUSTIN AREA RESIDENT SINCE 1972, AND A HOMEOWNER OF A RESIDENCE IN PLEASANT VALLEY GEOGRAPHY IN THE NEIGHBORHOOD FOR OVER 20 YEARS. I'VE COME TODAY TO ALERT YOU THAT THE FUTURE OF THE 18 HOLE RIVERSIDE GOLF COURSE LOCATED OFF EAST RIVERSIDE DRIVE IS AT RISK OF BEING ELIMINATED. I'M ASKING THE CITY OF AUSTIN TO TAKE ACTION NOW TO TRY TO ACQUIRE AND PRESERVE THE HISTORIC GOLF COURSE, WHICH IS CURRENTLY OWNED BY THE AUSTIN COMMUNITY COLLEGE. A.C.C. BUILT THE EXISTING RIVERSIDE CAMPUS ON A PORTION OF THE OLD AUSTIN COUNTRY CLUB GOLF COURSE IN SUCH A WAY AS TO ALLOW FOR THE CONTINUED USE OF THIS COURSE. THIS COURSE HAS BEEN A PUBLIC COURSE FOR 18 YEARS, AND THE CITIZENS OF THE AUSTIN AREA HAVE BEEN ABLE TO USE IT AS SUCH. I'VE HANDED Y'ALL A BINDER FOR YOUR OWN VIEWING PLEASURE, I GUESS, BUT I WOULD ASK THAT YOU TAKE A LOOK AT -- NOT NOW, BUT THERE ARE PHOTOS OF THE A.C.C. CAMPUS THAT'S BEEN BUILT THERE AND VERY NICELY DONE AND THEN SOME MAPS OF THAT IN TAB 5. THE RIVERSIDE GOLF COURSE IS ONLY A FEW MILES FROM DOWNTOWN AUSTIN, AND IT'S OUR LARGEST GREEN SPACE,

EXCLUDING PARKLAND, IN THIS AREA. AND OVER 150 OF THESE ACRES ARE GREEN OPEN SPACE AND IS NOW THE RIVERSIDE GOLF COURSE. AND I'VE GOT PHOTOS IN TAB 2 WHERE YOU CAN LOOK AT THE GOLF COURSE ITSELF. THIS HISTORIC COURSE SERVES THE GOLF COMMUNITY IN THE AUSTIN AREA AND MANY OUT OF TOWN GOLFERS WHO CHERISH THE OPPORTUNITY TO GOLF A COURSE THAT WAS DESIGNED BY THE GREAT PERIMAXWELL WHERE HARVEY PENICK LIVED AND TAUGHT FOR 34 YEARS. THE COURSE WHERE BEN CRENSHAW, TOM KITE AND OTHER GREAT GOLFERS LEARNED TO PLAY THE GAME. A.C.C. SHOULD BE COMMENDED FOR THEIR ABILITY AND GOODWILL TO PROVIDE OUR TAX PAYING COMMUNITY NOT ONLY ACADEMIC KNOWLEDGE, BUT ALSO THE SPORT OF GOLF. GOLF TEACHES DISCIPLINE, CONCENTRATION, COMPETITION, PERSONAL GROWTH, ETHICS, ETIQUETTE AND CERTAINLY A LOVE FOR GREEN OPEN SPACE, ALL POSITIVE ATTRIBUTES. HOWEVER, A.C.C. IS IN THE PROCESS OF DEVELOPING A DISTRICT-WIDE MASTER PLAN AND ALTHOUGH TODAY A.C.C. STATES THEY HAVE NO PLANS AT THIS TIME TO DO ANYTHING WITH THE GOLF COURSE PROPERTY, THERE'S A SENSE OF -- A THOUGHT -- IF YOU WILL LOOK IN TAB 1, THE LAST TWO LETTERS ARE CORRESPONDENCE THAT A.C.C. HAS SENT TO THE CITY OF AUSTIN. WHEN YOU READ THOSE THINGS I THINK YOU WILL HAVE THE SAME SENSE THAT WE'VE GOT THAT IT'S HIGHLY PROBABLE THAT A.C.C. WILL GROW THAT CAMPUS AT RIVERSIDE AND PROBABLY GROW IT ON THE PROPERTY THAT'S GOLF COURSE RATHER THAN EXPAND UP OR OUT IN OTHER PORTIONS OF IT. I ALSO HAVE A COPY OF A 2001 PETITION I'LL GIVE TO Y'ALL THAT WE PROVIDED TO A.C.C. WHEN THEY IN 2001 CONSIDERED SELLING THE GOLF COURSE. THIS PETITION MAINLY DENOTES IT'S NOT JUST THE NEIGHBORHOOD THAT WANT THIS GOLF COURSE TO REMAIN. [ BUZZER SOUNDS ] I DO ASK THAT YOU TAKE A LOOK AT THE BINDER. IN THE FRONT SLEEVE OF THE BINDER ARE TWO DAFD'S. -- DVD. ONE IS IN THE HISTORY OF THE GOLF COURSE, THE OTHER ONE IS BEN CRENSHAW INTERVIEWED AT THE GOLF COURSE, THE COURSE HE LEARNED TO PLAY ON. I APPRECIATE YOUR TIME. THANK YOU.



Mayor Wynn: THANK YOU, MS. FOX. OUR NEXT SPEAKER IS WAYNE GRONQUIST. WELCOME. YOU WILL BE FOLLOWED BY RAY CASON.

MAYOR, COWKZ, IN WAYNE GRONQUIST, PART OF THE OLTORF NEIGHBORHOOD PLANNING AREA. I WANT TO THANK THE PLANNING COMMISSION FOR THEIR WISE ADVICE IN POSTPONING OUR PLAN UNTIL MARCH TO GIVE THE NEIGHBORHOODS AND STAFF AMPLE TIME TO RECONCILE OUR RESPECTIVE PLANS. SECONDLY, I URGE YOU TO ADOPT THE WATERFRONT -- I URGE YOU TO MOVE THIS PLAN ON TODAY BY EXTENDING THE WATERFRONT OVERLAY CURRENTLY IN EFFECT ON THE WEST SIDE OF IH-35 TO THE EAST SIDE. FINALLY, WE CAN'T WAIT UNTIL MARCH TO ASK FOR YOUR HELP IN THE MOST IMPORTANT ASPECT OF OUR PLAN, WHICH IS THIS GREEN STRIP, COUNTRY CLUB PRESERVE AT BEN WHITE, THE HIKE AND BIKE TRAIL, THE GOLF COURSE AND THE COLORADO RIVER PARK. PREVIOUS COUNCILS HAVE TAKEN CARE OF THE RIVER PARK. WHAT WE'RE ASKING YOU TO DO TODAY OR AS SOON AS POSSIBLE IS TO INCLUDE IN THE UPCOMING BOND ELECTION, WHENEVER THAT IS, MAYOR, THESE FIRST THREE SEGMENTS. THE COUNTRY CLUB CREEK PRESERVE, WE'VE WALKED IT EXTENSIVELY. WE'VE DISCOVERED WE FEEL LIKE THE SEEPS AND SPRINGS THAT CREATE THIS WATER FLOW. WE TURNED THAT INFORMATION OVER TO MIKE LYDAY. THIS IS NOT A LARGE AREA AND I THINK IT CAN BE PURCHASED REASONABLY. THE LANDOWNERS ARE RECEPTIVE. THE HIKE AND BIKE TRAIL, SIMILARLY THE NEIGHBORHOOD HAS ALREADY WORKED ON THIS EXTENSIVELY. WE'VE MAPPED IT OUT, HIKE IT. IN FACT, WE'VE KIND OF DRAGGED THE STAFF ALONG WHO IS REALLY HELPING US AT THIS TIME, AND WE'RE HAVING AN INITIAL CONSTRUCTION OF THAT TRAIL SATURDAY MORNING AND EVERY ONE OF YOU ARE INVITED TO PARTICIPATE 9:00 TO 1:00. THE THIRST ONE, THE BIG ITEM IS THE -- THE THIRD ONE IS THE RIVERSIDE GOLF COURSE. THIS TIME AROUND, I KNOW THAT BACK IN 2002 COUNCIL ATTEMPTED TO PURCHASE THE GOLF COURSE, AND WE DIDN'T SUCCEED, MAYOR, AND I'M HERE TO ASK YOU TO GET BACK TO WORK, PLEASE. THE A.C.C. HAS INDICATED IN A LETTER TO YOU OR TO TOBY ON OCTOBER SEVENTH THEY'RE CERTAINLY WILLING TO TALK. THIS TIME AROUND

YOU HAVE A NEW ALLY. THE GOLF COMMUNITY WHO IS ALREADY IN THE PROCESS OF ESTABLISHING A TRUST ACCOUNT, AN ESCROW ACCOUNT SO CORPORATIONS AND GOLF LOVERS CAN CONTRIBUTE TO IT FOR THE RESTORATION OF THE GOLF COURSE, WHICH IS WHAT THE GOLF COMMUNITY WANTS. SO -- IN ADDITION, THE GOLF COMMUNITY IS JOINING WITH THE NEIGHBORHOODS AND A GOLF ADVISORY BOARD AND OTHER PROMINENT CITIZENS IN ASKING FOR HISTORIC ZONING DESIGNATION OF THE GOLF COURSE BECAUSE OF PERRY MAXWELL AND HARVEY PENICK. PERRY MAXWELL, THE PREMIER GOLF ARCHITECT OF THE CLASSIC ERA OF GOLF ARCHITECTURE DESIGNED AND BUILT THE COURSE WHILE LIVING WITH HARVEY PENICK IN 1948 AND 49. [ BUZZER SOUNDS ] THE GOOD NEWS IS THAT THE COURSE WAS NOT REALLY DESTROYED AT ALL BY THE CAMPUS. THEY DIDN'T PUT ANY BUILDINGS ON THE CAMPUS, AND IN THE OPINION OF BEN CRENSHAW WHO IN HIS OWN RIGHT IS A GOLF ARCHITECT, THE COURSE COULD BE RESTORED BECAUSE ONLY PARKING LOTS WERE PUT OVER THE GOLF COURSE. WE LITERALLY NEED TO TAKE PARKING LOTS AND PUT BACK A PARADISE. AND THE GOLF COMMUNITY WILL ASSIST YOU WITH THAT PROCESS. HAVE I GONE OVER MY THREE MINUTES, MAYOR?

Mayor Wynn: YOU HAVE. PLEASE CONCLUDE.

ARE THERE ANY QUESTIONS?

Mayor Wynn: THANK YOU VERY MUCH FOR THE PACKAGE AS WELL. OUR NEXT SPEAKER IS RAY CASON. WELCOME. YOU HAVE THREE MINUTES AND BE FOLLOWED BY CARE ANNE ROSE KENNEDY. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

WE CAN REPRODUCE PEOPLE THAT ARE ABUSING IN A DOMESTIC WAY, USE THAT MACHINE TO PROVE THAT IS THEIR VOICE WHEN THEY ABUSE. AND I THINK IT CAN BE ACCEPTABLE IN COURT AND I'VE JUST NEVER HEARD ANYBODY TALK ABOUT IT. BUT I FEEL LIKE I NEED THE CITY'S HELP BECAUSE I DON'T KNOW HOW TO GET IN CONTACT WITH THESE PEOPLE. THIS MACHINE MATCHES THE VOICE OF OSAMA BIN LADEN. HE CAN DO THAT FOR PEOPLE WHO ABUSE WOMEN OR -- THERE'S A DOMESTIC SITUATION. AND

THAT'S WHAT I -- I HAVE A PROCESS THAT'S GOING TO TAKE WAY MORE THAN THREE MINUTES TO TALK ABOUT, AND I JUST HAVEN'T HAD THE CHANCE TO GET WITH ANY OF Y'ALL ON THIS AND I DON'T KNOW HOW INTERESTED YOU ARE IN THIS, BUT I WOULD LIKE THE FEDERAL GOVERNMENT'S HELP IN THIS, BUT THE ONLY WAY I KNOW HOW TO DO THAT IS TO ASK Y'ALL ABOUT IT AND THEN MAYBE YOUR ATTORNEYS. THAT'S REALLY IT. I MEAN, THAT'S -- I CAN'T -- THE PROCESS TAKES WAY TOO LONG. YOU HAVE AN IDEA WHAT I'M TALKING ABOUT, RIGHT?

Mayor Wynn: IN THIS CASE MY RECOMMENDATION TO YOU WOULD BE THAT ACTUALLY ASSISTANT POLICE CHIEF DALSTROM IS IN THE ROOM AND MY SUGGESTION IS THE POLICE DEPARTMENT TAKES ABUSE AND DOMESTIC VIOLENCE VERY SERIOUSLY AND WE HAVE -- I KNOW THAT THEY TRY TO UTILIZE AS MUCH TECHNOLOGY AS THEY CAN ON ANY NUMBER OF POLICING ARENAS, SO I SUGGEST YOU VISIT WITH HIM.

YEAH, THIS IS A FEDERAL GOVERNMENT SITUATION. DO YOU THINK YOU CAN HELP ME OUT WITH THAT? >>

Mayor Wynn: WELL, OUR POLICE DEPARTMENT HAS A LOT OF COORDINATION WITH OTHER JURISDICTIONS, INCLUDING THE FEDERAL AUTHORITIES.

BECAUSE I THOUGHT MAYBE I WOULD ALSO ASK SOME OF YOUR ATTORNEYS, BUT HE'S MORE APPROPRIATE WITH THAT?

Mayor Wynn: I THINK HE COULD ADDRESS OUR USE OF TECHNOLOGY AND HIS UNDERSTANDING OF OTHER INTERAGENCY COOPERATION.

IS HE BACK HERE?

Mayor Wynn: HE'S GOING TO WAVE HIS HAND. THERE HE IS.

ALL RIGHT, HI. REALLY THAT'S ALL I WANT TO KNOW. HOW MUCH TIME DO I HAVE ON THREE MINUTES?

Mayor Wynn: THEY CLEARED THE CLOCK ALREADY, IT LOOKS

LIKE.

THEY DID? OKAY. WELL, THANKS.

Mayor Wynn: THANK YOU. CAROL ANNE ROSE KENNEDY? WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY PAT JOHNSON.

THANK Y'ALL FOR HAVING ME. IT'S MY FIRST TIME, I MIGHT MESS UP. I'LL TRY NOT TO. HOW TO PREPARE FOR THE PRESIDENCY BY JOHN FITZGERALD KENNEDY. IT IS AN OFFICE WHICH CALLS UPON A MAN OF PEACE, LINCOLN, TO BECOME A GREAT LEADER IN A BLOODY WAR, WHICH REQUIRED A PROFOUND BELIEVER IN LIMITING THE SCOPE OF FEDERAL GOVERNMENT, JEFFERSON, TO EXPAND DRAMATICALLY THE POWERS AND RANGE OF THAT GOVERNMENT. WHICH CHALLENGED A MAN DEDICATED TO DOMESTIC SOCIAL REFORM, FRANKLIN ROOSEVELT, TO LEAD THIS NATION INTO A DEEP INVOLVEMENT INTO WORLD AFFAIRS. NINE OF OUR PRESIDENTS, AMONG THEM SOME OF THE MOST BRILLIANT IN OFFICE, DID NOT ATTEND COLLEGE. WE HAVE HAD PRESIDENTS WHO WERE LAWYERS, SOLDIERS, TEACHERS, AN ENGINEER AND A JOURNALIST. SOME SEEMINGLY WELL ENDOWED WITH GREAT ABILITIES AND FINE QUALITIES, WERE UNABLE TO COPE WITH THE DEMANDS OF THE OFFICE. WHILE OTHERS ROSE TO A GREATNESS FAR BEYOND ANY EXPECTATION. YOU WOULD BE WELL ADVISED TO PRACTICE STERN DISCIPLINE AND VIGOROUS UNREMITTING EFFORT. THE STUDY IN FOLLOWING ACHIEVEMENTS OF MAN IS BEST CALCULATED TO HELP DEVELOP THE CRITICAL SENSE OF WHAT IS PERMANENT AND MEANINGFUL□□ AMID THE MASS OF SUPERFICIAL EVENTS AND DECISIONS WHICH ENGOLF THE PRESIDENCY. MOST IMPORTANT OF ALL AND MOST DIFFICULT TO CONSCIOUSLY PURSUE IS AN UNDERSTANDING OF THE PEOPLE YOU WILL LEAD. AT TIMES YOU ALONE WILL BE THE SPOKESMAN FOR THE GREAT AND OFTEN SILENT MAJORITY. THE FINAL MEASURE OF YOUR ADMINISTRATION WILL REST ON HOW WELL YOU RESPOND TO THEIR INWARD HOPES WHILE LEADING THEM TOWARDS NEW HORIZONS OF AMBITION AND ACHIEVEMENT. FIND THE OPPORTUNITY TO KNOW AND WORK WITH AMERICANS OF DIVERSE BACKGROUNDS, OCCUPATIONS AND BELIEFS. THE

MOST IMPORTANT HUMAN QUALITIES OF LEADERSHIP ARE BEST EMBODIED IN THAT MOST POWERING OF AMERICAN PRESIDENTS, LINCOLN. A COMBINATION OF HIGH MILITARY AND SELF-CONFIDENCE IN A RESOLUTION AND ENERGY WHICH GIVES THE PRESIDENT THE CAPACITY TO LISTEN TO OTHERS, TO BE AWARE OF HIS OWN LIMITATIONS, BUT ALSO TO FOLLOW THE COMMAND OF JOHN ADAMS THAT IN ALL GREAT AND ESSENTIAL MEASURES THE PRESIDENT IS BOUND BY HONOR AND HIS CONSCIENCE TO ACT HIS OWN MATURE AND UNBIASED JUDGMENT. THE OFFICE OF THE PRESIDENCY IS SHAPED BY THE INDIVIDUAL WHO HOLDS IT. IF YOU WORK TOWARDS YOUR GOAL, PRACTICE DISCIPLINE AND UNREMITTING EFFORT, WISH GOD SPEED TO THOSE WHO WILL HOLD AND PROTECT THE GREAT OFFICE OF THE REPUBLIC SO THAT IT MAY PASS UNIMPAIRED TO YOU AND THOSE WHO WILL FOLLOW YOU THAN IF SOME CHANCE KEEPS YOU FROM THE PRESIDENCY, YOU WILL STILL KNOW THAT YOU ARE PREPARED TO SERVE WELL YOUR NATION AS A CITIZEN. [ BUZZER SOUNDS ] I JUST WANT TO THANK ALL OF Y'ALL FOR SERVING, AND IF THERE'S ANYTHING I CAN DO TO HELP, CALL ME. THANK YOU.

Mayor Wynn: THANK YOU, MS. KENNEDY. PAT JOHNSON, WELCOME, SIR. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY PAUL ROBBINS.

AFTERNOON, COUNCIL, MAYOR PRO TEM, MAYOR WYNN AND THE NICE MS. LAURA HUFF MAN UP THERE FILLING IN FOR TOBY. THIS PRESENTATION THIS WEEK, COUNCIL, IS FOR THE PUBLIC AND FOR THE COUNCIL. EXCESSIVE SPEEDING CAUSES FATALITIES, WE ALL KNOW THAT. THE AUSTIN POLICE DEPARTMENT SO FAR SINCE JANUARY OF 2004 HAS ISSUED 104 SPEEDING CITATION WHZ THE SPEED WAS 100 MILES PER HOUR OR GREATER. 99 OF THOSE LISTED THE SPEED AS 100 AND 65 LISTED A SPEED OF 101 MILES PER HOUR AND THE HIGH SPEED THEY CITED SOMEONE FOR WAS 150 MILES PER HOUR. YOU CAN IMAGINE WHAT WOULD HAPPEN ON A BLOWOUT AT 55, MUCH LESS 150. TERRIBLE. ON THAT FIRST SLIDE THERE,, THIS SLIDE -- WHEN I CREATED THIS, I SAID WE HAD 50. WE HAVE 51 NOW BECAUSE THAT POOR WOMAN DIED IN FRONT OF SAMSUNG. 51 PEOPLE HAVE DIED IN THIS CITY THIS YEAR BECAUSE OF TRAFFIC ACCIDENTS. MORE AND MORE OF OUR CITIZENS

ARE SUSTAINING SEVERE INJURIES IN TRAFFIC ACCIDENTS BECAUSE PEOPLE WILL NOT OBEY THE SPEED LIMIT. IT'S JUST REALLY SAD. THE DEPARTMENT OF PUBLIC SAFETY, JUST FOR THE CITY OF AUSTIN, THEIR TROOPS HAVE WROTE 36 CITATIONS WITH THE HIGH SPEED BEING 130 MILES PER HOUR ISSUED JANUARY FIRST ON NEW YEAR'S EVE. AND 36 OF THOSE CITATIONS WERE AT 99 MILES PER HOUR OR MORE. SPEED KILLS. YOU'RE GOING TO GET THERE ONE WAY OR THE OTHER, YOU'RE EITHER GOING TO GET THERE ALIVE OR GET THERE DEAD. ACCORDING TO OUR TRAFFIC INVESTIGATION UNIT, THESE ARE CONTRIBUTING FACTORS TO COLLISIONS. THE NUMBER ONE THING IS THE RIGHT-OF-WAY AT A STOP SIGN OR TRAFFIC LIGHT. THE SECOND ONE IS RUBBER NEGATING. THIS HAPPENS QUITE A BIT ON 35. PEOPLE SEE AN ACCIDENT, THEY WANT TO SLOW DOWN AND LOOK AND THEY GET REAR-ENDED. SPEEDING AND FOLLOWING TOO CLOSE TO VEHICLES. ALCOHOL ABUSE CONTRIBUTES TO OVER THIRD-THIRDS OF THOSE -- TWO-THIRDS OF THOSE DEATHS THAT WE HAVE IN OUR CITY. AND THE LOWER DECK OF 35 IS NOTORIOUS FOR MAJOR COLLISIONS. I'VE ASKED TIME AND TIME AGAIN FROM PREVIOUS MEETINGS WHY TXDOT CANNOT HAVE THOSE SIGN BOARDS UP THERE FLASHING WHEN THE TRAFFIC STOPS ON THE LOWER LEVELS TO BE PREPARED TO STOP. OUR HIGHWAY ENFORCEMENT UNIT IS DOING AN OUTSTANDING JOB OUT THERE ON OUR ROADWAYS, BUT WE'RE OUTNUMBERED 10 TO ONE ON FRIDAY AND SATURDAY NIGHTS. THESE DRUNKS ARE GOING TO CONTINUE TO KILL OUR CITIZENS UNTIL WE STAFF THAT POLICE DEPARTMENT ON THAT SHIFT AT NIGHTTIME FOR DRUNK DRIVERS. CITIZENS, IF YOU BREAK DOWN ON ANY ROADWAY IN THE CITY LIMITS, CALL -- AND YOU CANNOT MOVE YOUR CAR. YOU PULL OFF ON THE SIDE OF THE ROAD AND YOU DON'T KNOW WHO TO CALL, CALL 311 AND REQUEST A SERVICE ROTATION AND THEY WILL SEND OUT AN APPROVED A.P.D. TOWING COMPANY. AND YOU CAN BE REST ASSURED THE TOWING COMPANIES THAT ARE ON THE APPROVED LIST FOR SERVICE ROTATIONS FOR THE AUSTIN POLICE DEPARTMENT ARE NOT GOING TO RIP YOU OFF LIKE SOME OF THEM DO IN THIS CITY. \$200 TO HAVE YOUR CAR TOWED TWO BLOCKS IS TOTALLY RIDICULOUS. AND YOU DON'T HAVE TO WE ARE WORRY ABOUT THAT WHEN YOU

CALL AND REQUEST A SERVICE ROTATION. IF YOU BREAK DOWN ON THE ROAD ANYWHERE IN OUR SPEED LIMITS, YOU CALL 311 AND YOU TELL THAT CALL TAKER, I WANT A SERVICE ROTATION SENT TO MY LOCATION. AND THEY WILL SEND -- THEY'LL SEND IT, THEY'LL GET A TOW TRUCK HEADED THAT DEREK. IF YOU'RE BLOCKING THE ROAD THEY'LL GET AN OFFICER HEADED IN YOUR DIRECTION TOO TO KEEP SOMEONE FROM REAR ENDING YOU. AGAIN, COUNCIL, ALL I CAN SAY ON THIS ISSUE HERE IS SPEED KILLS. WE HAVE A PROBLEM WITH ALCOHOL ABUSE IN OUR CITY. THIS PAST WEEKEND I FOLLOWED A GUY THAT ALMOST RAN OVER TWO PEDESTRIANS THERE AT SIXTH STREET IN THE SOUTHBOUND RO FRONTAGE, JUMPED THE CURB, GOING DOWN 35. I WAS ON THE PHONE WITH 911 BECAUSE THIS DRIVER WAS SO INTOXICATED. I TOLD HER, I SAID I'M GOING TO STAY ON THE PHONE BECAUSE I THINK HE'S GOING TO TRY TO TAKE OUT THE RETAINING WALL WHEN HE TAKES THE 290 FLYOVER TO GO WEST BOUND ON BEN WHITE AND FINALLY I GAVE UP. THERE'S BEEN TIMES I CALLED ON F.B.I. I KNOW WHAT A DRUNK DRIVER IS, I'VE TESTIFIED MANY TIMES ABOUT DRUNK DRIVERS AND BEEN CALLED AS A WITNESS. THERE IS NO REASON THAT OUR CITIZENS SHOULD SUSTAIN INJURIES OR HAVE A LOVED ONE KILLED OUT THERE ON OUR ROADS BECAUSE OF DRUNK DRIVERS. WE'VE GOT TO HAVE ADDITIONAL STAFFING ON FRIDAY AND SATURDAY NIGHTS ON THOSE UNITS. THANK YOU.

Mayor Wynn: THANK YOU. PAUL ROBBINS, WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY VENAPPA GANI.

MAYOR, COUNCIL, MADAM MANAGER, CITIZENS OF AUSTIN, I'M PAUL ROBBINS. I'M AN ENVIRONMENTAL AND CONSUMER ACTIVIST. THE LAST TIME I APPEARED BEFORE THIS COUNCIL I SPOKE ABOUT HOW THE GAS UTILITY IN AUSTIN, TEXAS, THAT WOULD BE TEXAS GAS SERVICE, WAS SHORTING THE CITY GOVERNMENT ON FRANCHISE FEES THAT IT OWED AND THAT THIS AMOUNTED TO APPROXIMATELY \$3 MILLION. I DESCRIBED A TECHNICALITY IN THE COUNTY CONTRACT THAT ALLOWED LARGE CUSTOMERS TO AVOID PAYING MOST OF THE FRANCHISE TAX THAT THE AVERAGE RESIDENTIAL AND SMALL COMMERCIAL CUSTOMER PAYS. ACCORDING TO

MY ESTIMATION, LARGE CUSTOMERS PAY ABOUT ONE-15TH OF THE FRANCHISE CHARGE THAT SMALL CUSTOMERS PAY. THE CITY MANAGER AND STAFF CLAIM THAT THIS WAS MORE THAN A TECHNICALITY, AND GIVEN THE NATURE OF CITIZENS COMMUNICATION, I HAD NO CHANCE TO RESPOND, BUT I'M BACK. COUNCIL, I MAY BE THE ONLY PERSON IN THIS ROOM THAT WAS ACTIVE IN CITY ENERGY ISSUES IN 1986 WHEN THIS FRANCHISE CONTRACT WAS SIGNED. I KNEW ALL THE COUNCILMEMBERS WHO SERVED WHEN THE GAS FRANCHISE WAS AUTHORIZED AND IN QUITE SURE THAT IT WAS NOT THEIR INTENT TO EXCLUDE THREE MILLION DOLLARS A YEAR IN POTENTIAL REVENUE FROM LARGE GAS CUSTOMERS. SO I RECENTLY CALLED TWO OF THESE CITY COUNCILMEMBERS AND ASKED THEM IF THEY HAD INTENTIONALLY GIVEN THIS BREAK TO LARGE CUSTOMERS BY EXCLUDING THEM FROM MOST OF THE FRANCHISE TAX. THEY BOTH TOLD ME IT WAS NOT THEIR INTENTION. I'VE ALSO BEEN IN TOUCH WITH A RATE ANALYST WITH THE CITY OF AUSTIN ABOUT THIS SAME SUBJECT. AND THIS PERSON TOLD ME THAT THE CITY ITSELF FELT THAT TEXAS GAS SERVICE WAS AVOIDING FRANCHISE FEES THAT IT OWED UNDER THE SPIRIT, IF NOT THE LETTER OF THE LAW. NOW, I CANNOT IMAGINE WHAT THE TECHNICAL DEFINITION OF THE WORD TECHNICALITY IS THAT THE MANAGER AND STAFF ARE USING WHEN IT CONFLICTS WITH CITY COUNCIL -- FORMER CITY COUNCILMEMBERS WHO SIGNED THE AGREEMENT AND THEIR OWN STAFF WHO OVERSEE THE AREA. SO IN CLOSING, I WANT TO LEAVE YOU WITH ONE FINAL POINT, WHICH IS WHY IS THE CITY SERIOUSLY CONSIDERING REAUTHORIZING THE FRANCHISE AT ALL? TEXAS GAS SERVICE AND ITS FORMER OWNER, SOUTHERN UNION GAS, HAS DENIED THE CITY MONEY ON A TECHNICALITY FOR 19 YEARS. THE CITY HAS NO REASON TO NEGOTIATE IN GOOD FAITH WITH SUCH A BAD PARTNER. AS I'VE SAID BEFORE, THIS COUNCIL IS -- SHOULD SERIOUSLY CONSIDER EITHER PURCHASING THE COMPANY OUT RIGHT WHEN ITS FRANCHISE EXPIRES NEXT NOVEMBER OR GOING OUT TO BID TO FIND ANOTHER COMPANY MORE FORTHRIGHT. THANK YOU.

Mayor Wynn: THANK YOU, MR. ROBBINS. MY OFFICE -- MOST OFFICES OF COUNCILMEMBERS HAVE BEEN BEING ADVISED



AND WE ARE ASKING QUESTIONS OF CITY STAFF OF THESE ISSUES. THANK YOU FOR RAISING THEM. VENAPPA GANI? SORRY FOR MISPRONOUNCING THAT. WELCOME.

CORRECT, CORRECT. AS YOU SAID IT. WE DON'T HAVE ANY SILENT LETTERS OR ANYTHING. YOU'RE RIGHT AS YOU SAY IT, VENAPPA GANI. DREER MR. MAYOR AND -- DEAR MR. MAYOR AND COUNCILMEMBERS, IN VENAPPA GANI, PRESIDENT OF THE AUSTIN ORGANIC GARDENERS, AND I WAS HERE WITH YOU ON SEPTEMBER 29TH AND YOU DECLARED OCTOBER 9TH AS AUSTIN ORGANIC DAY. WE CELEBRATED OUR 60TH BIRTHDAY AT HISTORICAL BOGGY CREEK FARM AND WE MISSED YOU. AND ON THAT OCCASION WE PUT TOGETHER A HISTORY OF THE ORGANIC GARDENERS. I'LL LEAVE A COPY TO YOU. AND AS YOU MENTIONED LAST TIME, THE AUSTIN IS BECOMING AN ORGANIC CITY BECAUSE OF WHOLE FOOD AND CENTRAL MARKET AND FARMERS MARKET LIKE ONE IN AUSTIN AND ALSO SUNSET VALLEY. THAT IS WHAT THIS CLUB IS TRYING TO PROMOTE, ORGANIC GROWING THROUGH OUR CITY AND STATE, SPREAD THE WORD THROUGHOUT THE NATION OR EVEN INTERNATIONAL. SO WITH THAT I REQUEST, MAYOR, TO COME AND I HAVE SOMETHING TO PRESENT TO YOU. [ APPLAUSE ]

Mayor Wynn: THANK YOU. OUR NEXT SPEAKER IS ANNA VILLALOBOS. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY SUSANA ALMANZA.

GOOD AFTERNOON, COUNCILMEMBERS. PODER HELD A HOUSING FORUM ON TUESDAY, NOVEMBER 15TH AT THE CONNALLY GUERRERO SENIOR ACTIVITIES CENTER LOCATED IN EAST AUSTIN. THE FORUM PRESENTED EAST AUSTIN RESIDENTS WITH THE OPPORTUNITY TO VOICE THEIR CONCERNS AND NEEDS ON HOUSING. BASED ON WHAT WE SAID, WE WERE ABLE TO GATHER THAT RESIDENTS ARE WORRIED ABOUT INCREASING PROPERTY TAXES, NOT BEING ABLE TO PASS DOWN THEIR HOMES TO THEIR CHILDREN AND GRANDCHILDREN, WHERE THEIR CHILDREN AND GRANDCHILDREN WILL ONE DAY LIVE, THE POSSIBILITY OF BEING PUSHED OUT OF THEIR OWN COMMUNITY WHERE THEY HAVE LIVED FOR GENERATIONS AND BEING ABLE TO MAINTAIN A SENSE OF COMMUNITY IN

EAST AUSTIN. THE CONCERNS EXPRESSED BY RESIDENTS ARE NOT ONLY VALID, BUT RELEVANT TO THE CURRENT HOUSING CRISIS AUSTIN IS UNDERGOING. THE ONES WHO ARE SUFFERING THE MOST ARE WORKING FAMILIES, PEOPLE WITH DISABILITIES, CHILDREN, SENIORS AND LOW INCOME COMMUNITIES OF COLOR. PEOPLE SUCH AS THOSE WHO ATTENDED OUR COMMUNITY FORUM ON TUESDAY EVENING. IN 2005, THE MEDIAN HOME PRICE IN AUSTIN FOR HOMES WAS 161,220, WHILE THE AVERAGE RENT WAS \$785. BETWEEN 2000 AND 2003, THE AUSTIN PER CAPITA INCOME DROPPED FOUR PERCENT WHILE HOME PRICES ROSE BY 10%. IT IS ESTIMATED THAT BY 2010, ONE IN THREE NEW JOBS WILL PAY BELOW THAT NEEDED TO OWN OR RENT A HOME. CURRENTLY MORE THAN 54,000 AUSTIN HOUSEHOLDS ARE PAYING BEYOND THEIR NEEDS FOR HOUSING. UNFORTUNATELY THE FUNDS AREN'T ENOUGH TO ADDRESS THE ESTIMATED \$1.3 BILLION IN CURRENT NEEDS. APPROXIMATELY FOUR THOUSAND SCHOOL CHILDREN IN AUSTIN LACK HOMES AND LIVE IN TEMPORARY HOUSING. APPROXIMATELY 58% OF LOW INCOME SENIORS WHO RENT MUST FOR GO OTHER BASIC NEEDS IN ORDER TO PAY FOR HOUSING. PEOPLE WITH DISABILITIES ALSO TEND TO PAY AS MUCH AS 60 TO 70% OF THEIR INCOME IN ORDER TO MEET HOUSING NEEDS. BY PRODUCING \$75 MILLION IN BOND MONEY FOR AFFORDABLE HOUSING, THE CITY WOULD BE MAKING A WISE INVESTMENT. 12,000 FULL TIME JOBS IN CONSTRUCTION AND RELATED INDUSTRIES WOULD BE RELATED. THE BOND MONEY WOULD ENABLE LOW INCOME FAMILIES TO SPEND FOR NEEDS OTHER THAN HOUSING AND THIS FUNDING WOULD SUPPORT 800 FULL TIME JOBS ANNUALLY CREATING MANY THOUSANDS OF DOLLARS IN LOCAL WAGES. PODER BELIEVES HOUSING IS A HUMANE RIGHT. IT IS AN ISSUE WHICH CANNOT WAIT AND MUST BE ACTED UPON. MAYOR WYNN, WE URGE YOU TO NOT DELAY THE BOND ELECTION SCHEDULED FOR MAY 2006. IF THE COUNCIL DECIDES TO PLACE A SMALLER BOND ITEM IN MAY WE ASK THAT IT BE FOR AFFORDABLE HOUSING. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. SUSANA ALMANZA? WELCOME. YOU HAVE THREE MINUTES AND BE FOLLOWED BY MAX RANGEL.

GOOD AFTERNOON, MAYOR AND CITY COUNCILMEMBERS. I'M

SUSANA ALMANZA WITH PODER, PEOPLE ORGANIZED IN DEFENSE OF EARTH AND HER RESOURCES. AND AS ANNA STATED, WE HAD OUR HOUSING COMMUNITY FORUM LOOKING AT GENTRIFICATION AND AFFORDABLE HOUSING, AND I WANT TO THANK COUNCILMEMBER ALVAREZ FOR COMING OUT AND LISTENING TO THE COMMUNITY ON THE NIGHT. AS SHE STATED, PEOPLE HAVE A LOT OF CONCERNS. THEY'RE REALLY WORRIED ABOUT BEING DISPLACED IN THE COMMUNITY. THE OTHER THING IS AS WE HEARD FROM THE HOUSING WORKS GROUP ON THE PRESENTATION OF THE PROPOSED 75-MILLION-DOLLAR BOND ITEM THAT WE'RE TRYING TO PASS, THERE ARE ALSO -- THEY'RE ALSO VERY CONCERNED AS IN PAST BOND ISSUES, WILL THE BONDS COME TO FRUITION. IF THEY PASS WILL WE BE WAITING DECADES? AND IF IT DOES PASS WILL IT REALLY GO TO THE USE WHICH PEOPLE ARE HOPING IT WILL GO TO, AFFORDABLE HOUSING? WE UNDERSTAND NOW WITH ENVISION CENTRAL TEXAS ONE OF THE THINGS THAT IS PUSHED IS POSSIBLY PUTTING AFFORDABLE HOUSING ALONG ALL THE COMMUTER RAIL. AND SO WHAT WE DON'T WANT TO HAPPEN IS THAT NONE OF THE AFFORDABLE HOUSING ACTUALLY TAKES PLACE IN CRISIS AREAS, ESPECIALLY IN EAST AUSTIN. AND I KNOW SOME IN SOUTH AUSTIN TOO. SO THEY WANT TO MAKE SURE THAT WHEN THE BOND ELECTION TAKES PLACE, AND WHEN THE HOUSING BOND IS PASSED THAT AN OVERSIGHT COMMITTEE IS PUT INTO PLACE BECAUSE IT'S VERY IMPORTANT THAT WE HAVE AN OVER SIGHT IN THE PROCESS TO ENSURE THAT THE BOND MONIES ARE USED FOR WHAT THEY SAY THEY'RE GOING TO BE USED AND THAT THEY'RE USED IN A TIMELY MANNER. THE PEOPLE WERE VERY CONCERNED THAT WE HAD NO REPRESENTATIVE FROM EAST AUSTIN, BUT IT TURNS OUT THAT DANNY THOMAS DID APPOINT SOMEONE FROM EAST AUSTIN TO THE BOND COMMITTEE. APPARENTLY IT WAS -- PEOPLE FELT LIKE THERE NEEDED TO BE MORE REPRESENTATION FROM EAST AUSTIN BECAUSE HOW ELSE WOULD PEOPLE KNOW WHAT ARE THE NEEDS THAT ARE HAPPENING IF YOU HAVE NO ONE REPRESENTING ON THOSE BOND COMMITTEES. SO IT'S REALLY IMPORTANT AS WE LOOK AT APPOINTMENTS AND DECISIONS AT LARGE IS THAT WE REMEMBER THAT WE HAVE TO MAKE SURE THAT A CERTAIN AMOUNT ALSO COMES FROM EAST AUSTIN AND IT'S

NOT THAT EVERYBODY IS REPRESENTED FROM THE WEST OR THE SOUTH SIDE, BUT THAT THE EAST IS ALSO REPRESENTED IN THOSE AREAS. SO WE URGE YOU TOO TO - IF YOU'RE GOING TO NOT PUT ALL THE BOND ISSUES ON THE MAY ELECTION THAT YOU NOT REMOVE THE AFFORDABLE HOUSING FROM THE BOND ELECTION, THAT YOU KEEP THAT AS PROPOSED. THANK YOU VERY MUCH FOR YOUR TIME.

ONE THING SHOULD BE KNOWN, THAT EVEN THOUGH THE STATE OF TEXAS MANDATES BY LAW THAT A CAPITAL CRIME MUST BE COMMITTED IN ORDER FOR THE DEATH PENALTY TO BE INITIATED, IT SEEMS THAT NONE OF THE FELONIES -- NONE OF THE ACTS THAT WERE BEING COMMITTED AT THE TIME WERE NOT CAPITAL OFFENSES, BUT YET THE SENTENCE PASSED WAS ONE OF DEATH. WE WOULD LIKE TO HIGHLIGHT AT THIS TIME THE CASE OF DANIEL ROCHA AS WELL. MUCH HAS BEEN MADE OF THE FACT THAT LATELY THAT HE HAD BRASS KNUCKLES. THAT WAS NOT KNOWN AT THE TIME OF THE ARREST, IT WAS AFTER THE FACT. AS HAS BEEN SAID, HINDSIGHT IS 20/20. WHAT WE'RE TRYING TO DO NOW IS OFFER FORESIGHT INTO HOW CAN WE ALLEVIATE THESE CONCERNS THAT WE AS PEOPLE OF COLOR HAVE AGAINST A.P.D. IF THEIR JOB IS TO PROTECT AND SERVE, THEN IT SHOULD BE EQUAL PROTECTION AND EQUAL SERVICE TO ALL GROUPS. AND ANY TIME THAT YOU HAVE A GROUP OF PEOPLE, SPECIFICALLY PEOPLE OF COLOR, WHO FEEL THREATENED BY A.P.D., THEN SOMETHING NEEDS TO BE DONE. AND SO MAYBE IT'S ON A POLICY LEVEL OR WHO KNOWS? YOU ARE OUR ELECTED OFFICIALS. YOU REPRESENT THE CITIZENS OF AUSTIN, SO IT'S TIME TO MAYBE DO SOME THINKING AS TO WHAT YOU CAN DO TO BETTER SERVE US THE CITIZENS WHO ELECT YOU AT LARGE. AND WHAT WE'RE ASKING FOR AT THIS TIME IS JUST THAT YOU UNDERSTAND OUR VIEWS AND UNDERSTAND WHERE WE COME FROM AND THAT NO ONE SHOULD HAVE TO FEAR THE POLICE AT ALL AT ANY MATTERS THAT COME BEFORE THEM. WE HAVEN'T HEARD ANYTHING BACK YET FROM THE DEPARTMENT OF JUSTICE, SO THAT'S -- WE'RE STILL WAITING TO HEAR FROM THAT, BUT ALL THE FACTS THAT YOU HAVE HAD PRESENTED BEFORE YOU TODAY ARE WELL DOCUMENTED. IT'S NOT SOMETHING THAT CAN BE

SWEPT UNDER THE RUG. THEY SAY TIME HEALS ALL WOUNDS, BUT HOW CAN YOU SAY THAT TO THE MOTHER AND FATHERS WHOSE CHILDREN HAVE BEEN LOST? TIME JUST PROLONGS THE WOUND, BUT IT NEVER CLOSES IT AND IT CERTAINLY DOES NOT HEAL THE LOSS OF A LOVED ONE. SO THIS AFTERNOON I JUST ASK YOU TO THINK ABOUT THAT TO SEE WHAT KIND OF CHANGES YOU CAN MAKE. MAYBE IT INVOLVES A NEW CONTRACT BETWEEN THE POLICE UNION AND THE CITIZENS REVIEW COMMITTEE. GIVE THEM SOME MORE AUTHORITY SO THAT THESE DECISIONS THAT ARE REACHED ARE PUBLIC NOTICE AND NOT SOMETHING THAT IS DONE BEHIND CLOSED DOORS BECAUSE THE OFFICE OF THE POLICE MONITOR SHOULD BE OF THE COMMUNITY AND NOT OF THE POLICE. THANK YOU VERY MUCH. [ APPLAUSE ]

Mayor Wynn: THANK YOU, MR. RANGEL. COUNCIL, THAT'S ALL OF OUR CITIZENS WHO SIGNED UP FOR GENERAL CITIZEN COMMUNICATION. SO WITHOUT OBJECTION AT THIS TIME WE WILL GO BACK INTO CLOSED SESSION. WE DON'T HAVE ANOTHER POSTED ACTION ITEM UNTIL AFTER WE HAVE HAD OUR DISCUSSION, AT LEAST ABOUT BILLBOARDS IN CLOSED SESSION. THEN WE HAVE SOME 2:00 O'CLOCK BRIEFINGS. WE ARE POSTED IN CLOSED SESSION IF PURSUANT TO SECTION 551.071 TO TAKE UP POTENTIALLY ITEM 56 RELATED TO BILLBOARDS, ITEM 58 RELATED TO GRANDFATHERING AND ITEM 73 RELATED TO THE AUSTIN GREEN WATER PROGRAM. ALSO IN CLOSED SESSION WE MAY TAKE UP ITEM NUMBER 59 RELATED TO THE ACQUISITION AND USE OF PROPERTY FOR AUSTIN WATER UTILITY TREATMENT FACILITIES. THAT BEING DONE UNDER SECTION 551.072 OF THE OPEN MEETINGS ACT. WE ARE NOW IN CLOSED SESSION. I EXPECT US BACK SHORTLY AFTER 2:00 P.M. THANK YOU. >>... AND PRESUMABLY WE WILL HAVE FIVE COUNCILMEMBERS SHORTLY, I WILL RECOGNIZE MR. BILL NEWMAN.

THANK YOU, MAYOR, MY NAME IS BILL NEWMAN WITH PUBLIC FINANCIAL MANAGEMENT. WE SERVE AS FINANCIAL ADVISOR TO THE CITY, I'M GOING TO SPEAK TO YOU THIS AFTERNOON ABOUT ITEM NO. 60. THE SALE OF SOME 63,100,000 63,100,000 WATER AND WASTEWATER REVENUE REFUNDING BONDS. CHRIS ALLEN IS GIVING OUT A BROCHURE, THESE BONDS ARE FOR 63 -- MILLION, 1996 A AND B. THE SALES OF THESE

BONDS, THEY ARE REFUNDING BONDS, WILL RESULT IN A NET PRESENT VALUE SAVINGS TO THE CITY WATER AND WASTEWATER UTILITY OF SOME \$4,099,000 OR 6.47% OF THE REFUNDED BONDS. I WOULD MENTION THIS SAVINGS DOES MEET THE THRESHOLD SET BY THE POLICIES AND FINANCIAL GOALS AS WELL. ON PAGE 3 YOU SEE THE LIST OF THE PLAYERS, MORGAN KEEGAN WAS HERE, FULBRIGHT AND JAWORSKI IS HERE. PAGE 4 AND 5 BASICALLY SAYS THAT THE MARKET WAS BAD THE DAY BEFORE WE ENTERED IT. IT WAS GOOD THE DAY WE ACTUALLY ENTERED THE MARKET. IT DROPPED CONSIDERABLY, GOOD NEWS, A LOT OF SUPPORT IN THE BOND MARKET. IN FACT WHILE WE WERE IN THE MARKET, THE BELLY OF THE BOND ISSUE AS WE CALL IT FROM ABOUT FIVE YEARS OUT, TO ABOUT 15 YEARS OUT WAS VERY POPULAR, WE GOT ORDERS OF FIVE, SIX, SEVEN TIMES OVER THE AMOUNT OF BONDS THAT WERE BEING OFFERED THERE. AS A RESULT WE WERE ABLE TO GO BACK AND REPRIZE THOSE BONDS AND GET A LITTLE LOWER YIELD ON THEM AND THE CITY GOT AN EVEN BETTER DEAL OUT OF THAT AS A RESULT. ON PAGE 6 WE WOULD LIKE TO SHOW YOU THE -- WHERE THE BOND -- REVENUE BOND INDEX IS IN THE 30 YEAR TREASURY BOND. AS YOU CAN SEE IT STARTED MOVING UP AS ABOUT THE FIRST OF SEPTEMBER. THE BOND BUYERS 20 YEARS INDEX IS AT 524, 30 YEAR TREASURIES ARE 473. PAGE 7 JUST SHOWS YOU WHO ELSE WAS IN THE MARKET. NOT A LOT OF COMPETITIVE OR HUGE OR REAL SMALL SALES, KIND OF MIDDLE OF THE ROAD SALES. THE END OF THE STORY IS ON PAGE 8 THAT SHOWS YOU THE RESULT OF THE TRANSACTION. VERY GOOD YIELDS RANGING FROM 3.49 IN '06 TO 4.75 IN 2025, TRUE INTEREST COSTS 4.59%, I WOULD LIKE TO THANK HEAT AND HIS STAFF FOR THE HARD WORK. WE REALLY APPRECIATE IT AND WE WOULD RECOMMEND APPROVAL OF THE TRANSACTION, MAYOR.

THANK YOU, MR. NEWMAN, QUESTIONS OF MR. NEWMAN, COUNCIL? COMMENTS? WE APPRECIATE THE ANALYSIS AND HARD WORK AND GOOD RESULTS. I'LL ENTERTAIN A MOTION ON ITEM NO. 60. THIS ORDINANCE AUTHORIZING THE ISSUANCE OF THIS \$63,100,000 WATER AND WASTEWATER REVENUE REFUNDING BOND SERIES, MOTION MADE BY COUNCILMEMBER MCCracken, SECONDED BY

COUNCILMEMBER LEFFINGWELL TO APPROVE THIS ITEM AS POSTED AND DESCRIBED BY MR. NEWMAN. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

THANK YOU, MAYOR AND COUNCIL. CONGRATULATIONS.

THANK YOU, MR. NEWMAN. COUNCIL, THAT NOW TAKES US TO OUR STAFF BRIEFINGS. ITEM NO. 61 IS WHY UPDATE FROM THE ROBERT MUELLER MUNICIPAL AIRPORT PLAN IMPLEMENTATION ADVISORY COMMISSION, WELCOME MR. JIM WALKER.

THANK YOU FOR THE TIME. THIS WILL BE A BRIEF, BRIEFING. I KNOW ALL OF THE STAFF INVOLVED ARE HERE IN CASE YOU HAVE ANYTHING FOR THEM. WHEN I ORIGINALLY REQUESTED THIS AS A COMMISSION BRIEFING SEVERAL MONTHS AGO, I KIND OF THOUGHT THERE MIGHT BE MORE IN THE WORKS THAN THERE ACTUALLY IS TODAY. I STILL WANT TO TAKE THE OPPORTUNITY TO LET YOU KNOW ABOUT A FEW THINGS, I WILL RUN THREW THESE VERY QUICKLY. ENVIRONMENTAL REMEDIATION UPDATE. THE COMMISSIONER RECEIVED AN UPDATE ON THAT LAST MONTH. THE SITE IS A VERY CLEAN SITE. NOTHING UNTOWARD ABOUT IT. ALL COMING OUT OF THE GROUND VERY WELL. KIDS WILL BE ABLE TO EAT DIRT ONCE THE RESIDENTIAL STUFF GOES IN, WHICH IS A VERY GOOD THING, OF COURSE. WE GOT AN UPDATE ON THE BROWNING HANGAR, WHICH IS FEASIBLE TO BE SAVED AND RESTORED AS A USEFUL PART OF THE REDEVELOPMENT, WHICH IS A VERY GOOD THICK THING FOR THE HISTORY OF THE DEVELOPMENT. RECLAIM WATER TOWER PLANNING PROCESS ON THE NORTH SIDE IS PROCEEDING. THERE'S A COMMUNITY ADVISORY GROUP WORKING ON THAT ABOUT REALLY SEE HOW TO MAKE A PIECE OF INFILL INFRASTRUCTURE THAT IS FAIRLY MASSIVE INTO SOMETHING THAT IS ALSO BEAUTIFUL. HOPEFULLY WE CAN INSTITUTIONALIZE THAT PROCESS FOR ALL OTHER KINDS OF INFRASTRUCTURE. ONLY ONE LIGHT POLE KNOCKED OVER

SINCE, SO I FEEL LIKE THE JUG HANDLE OPENING HAS BEEN SUCCESSFUL. THE STREETS ARE OPEN TO DRIVE THROUGH TO START GETTING A FEEL OF WHAT THE LAYOUT IS GOING TO BE. THE COMMISSIONER IS VERY EXCITED ABOUT THE IDEAS IN THE STATESMAN THE OTHER DAY ABOUT THE CROCKETT CENTER BEING INVOLVED HERE, ALONG WITH THE SALVATION ARMY. WE WILL LOOK FORWARD TO HEARING MORE DETAILS SO WE CAN ENSURE ACCESSIBILITY FOR ALL KIDS, ENSURE ACCESSIBILITY FOR ALL PEOPLE WHO ARE QUALIFIED FOR WORK THERE. AND TO REALLY HAVE IT BE ANOTHER TRUE JOINT USE FOR AISD SO THAT EVERYBODY'S DOLLARS ARE REALLY MAXIMIZED. U.T. ACADEMIC HEALTH CENTER, WHICH HAS BEEN OVER A YEAR NOW IN COMMUNICATIONS, THE NEIGHBORHOOD COALITION ALONG WITH DR. SHINE AND OTHER U.T. SYSTEM AND UTMB OFFICIALS IS STILL PLUGGING ALONG. MORE ON THAT LATER. PROBABLY AFTER THE TURN OF THE YEAR. TRANSIT IS ALSO STILL PLUGGING ALONG THE THE WINDOW OF OPPORTUNITY ON THAT IS OBVIOUSLY SLOWLY CLOSING. ANYTHING THAT CITY COUNCIL COULD DO, SINCE YOU ALL HAVE DONE YOUR PART ON THE LAND USE SIDE, REALLY ENERGIZING A PLACE THERE, ANYTHING YOU CAN DO TO ENCOURAGE CAPITAL METRO TO REALLY LOOK WHAT THEY CAN DO TO BRING SERIOUSLY LAND USE ENERGIZING TRANSIT THERE QUICKLY WOULD BE GREAT. AFFORDABLE HOUSING, THE FIRST MULTI-FAMILY R.F.P. IS OUT, I THINK DONE. SINGLE FAMILY IS OUT. YOU WILL START TO SEE STUFF, PEOPLE LIVING THERE IN 2007. OVER THE FEW COMING MONTHS YOU WILL SEE MORE ON THE AFFORDABLE HOUSING PROGRAM, COMMUNITY LAND TRUST PROPOSAL. A LOT OF THINGS STILL GOING ON. ENCOURAGE PEOPLE TO GO OUT, TAKE A LOOK AT IT AND DRIVE OR WALK AROUND AS YOUR CHOICE MAY BE. BUT THAT'S ALL THAT I HAVE RIGHT NOW. WE LOOK FORWARD TO COMING BACK IN A FEW MONTHS.

Mayor Wynn: THANK YOU, MR. WALKER, QUESTIONS OF MR. WALKER, COUNCIL. JUST TELL YOU IT'S EXCITING TO DRIVE EVEN WHEN YOU ARE, YOU KNOW, DRIVING DOWN I-35 JUST TO SEE MOSTLY OF COURSE THE CHILDREN'S MEDICAL CENTER BEING CONSTRUCTED. BUT THE ROADS BEING CUT, THE STREETS, THE LIGHTS, JUST THE -- THE DUST BEING



CREATED OUT THERE IS PRETTY ENCOURAGING.

IT'S REALLY FUN TO HAVE ALL OF THE PRETTY PICTURES START TO COME OUT OF THE GROUND, BE REAL TO BE ABLE TO GO KIND OF TOUCH THEM AND STANDARD THEM. WE ARE GOING TO TRY TO HAVE A FAMILY DAY, SOME KIND OF FAMILY EVENT OUT THERE IN THE NEXT COUPLE OF MONTHS, YOU WILL SEE MORE ABOUT THAT, IT WILL BE ADVERTISED QUITE A BIT. I ENCOURAGE EVERYBODY TO COME SEE IT. IT'S REALLY A CITY ASSET THE ENTIRE THING.

Mayor Wynn: THANK YOU, GREAT JOB. COUPLE, AT THIS TIME WE HAVE A PRESENTATION, WE ACTUALLY DID SOME OF THIS IN CLOSED SESSION RELATED TO REAL ESTATE MATTERS. BUT WE HAVE THE WATER UTILITY FOLKS HERE WITH US WHO WANT TO GIVE US A PRESENTATION ON THE POTENTIAL DECOMMISSIONING AND POSSIBLE RELOCATION OF THE GREEN WATER TREATMENT PLANT. I'LL WELCOME MR. CHRIS LIPPE.

GOOD AFTERNOON, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. THANK YOU FOR THE -- FOR ALLOWING THIS TIME FOR US TO DO A PRESENTATION AND WE ARE COMING BACK WITH INFORMATION THAT WAS -- WE WERE ASKED IN AN AUGUST COUNCIL RESOLUTION TO COME BACK AND GIVE YOU SOME INFORMATION AT THIS TIME ON THE GREEN WATER TREATMENT PLANT AND THE FUTURE OF THAT PLANT. WE ARE HERE TO DO THAT TODAY. THERE'S SOME RELATED ISSUES, WE HAVE BEEN TALKING FOR A WHILE NOW ABOUT AUSTIN'S NEED FOR -- FOR OUR NEXT CAPACITY FOR WATER TREATMENT. AND SO THERE HAVE BEEN DISCUSSIONS ABOUT WHERE THAT CAPACITY, WHERE THAT PLANT SHOULD BE, WHAT SOME OF THOSE ISSUES ARE. SO WE WILL BE COMING BACK TO YOU SOON TO DISCUSS SOME OF THE RELATED TOPICS SUCH AS THE DEMAND PROJECTIONS AND THE POTENTIAL -- POTENTIAL BENEFITS OF WATER CONSERVATION ON THE -- ON THAT DEMAND. WE WILL ALSO BE COMING BACK TO TALK TO YOU ABOUT WATER TREATMENT PLANT 4, ALTERNATE SITES, WHICH HAVE BEEN LOOKED AT AND SOME MITIGATION MEASURES FOR WHATEVER SITE THAT PLANT EVENTUALLY LANDS ON. SO THAT'S COMING UP. BUT TODAY WHAT WE WILL FOCUS ON IS THE GREEN WATER TREATMENT PLANT

AND LET ME -- LET ME REVIEW THE ITEMS IN THE AUGUST RESOLUTION. COUNCIL ASKED THE CITY MANAGER TO COME BACK WITH INFORMATION, ESTIMATE THE COST DIFFERENCE BETWEEN RETROFITTING GREEN AT THE CURRENT LOCATION AND BUILDING A NEW FACILITY. SECOND, DEVELOP A TIME LINE FOR POSSIBLE DECOMMISSIONING AND DEMOLITION OF GREEN WATER TREATMENT PLANT, THIRD BEGIN THE PROCESS OF SELECTING A SITE FOR A NEW WATER TREATMENT PLANT DOWN STREAM OF THE EXISTING GREEN PLANT, FOURTH, INITIATE A PROCESS FOR EXTENSION OF NUECES AND SECOND STREET, THROUGH THE SITE, LASTLY RECOMMEND A PLANNING PROCESS TO IDENTIFY APPROPRIATE USES FOR THE GREEN WATER TREATMENT PLANT PROPERTY. WE ARE GOING TO TOUCH ON EACH OF THOSE TODAY. I WILL BEGIN WITH AN OVERVIEW OF THE WATER TREATMENT AND DISTRIBUTION SYSTEM, THEN GO ON TO THE GREEN WATER TREATMENT PLANT ASSESSMENT, THE STREET EXTENSION PLANS AND THE PLANNING PROCESS FOR REDEVELOPING THE SITE. TAKE JUST A MINUTE TO GET US ORIENTED TO THE ENTIRE WATER SYSTEM. WE SERVE INSIDE AND OUTSIDE OF THE AUSTIN E.T.J., IN ADDITION TO THAT WE HAVE A NUMBER OF WHOLESALE CUSTOMERS. BUT WE HAVE THREE WATER TREATMENT PLANTS CURRENTLY. THE DAVIS AND THE ULRICH WATER TREATMENT PLANT AND CURRENT GREEN WATER TREATMENT PLANT. AS I MENTION WE HAVE BEEN DISCUSSING WHERE WE GO NEXT FOR OUR NEW CAPACITY. THE ALTERNATIVES HAVE BEEN WATER TREATMENT PLANT FOUR AND THE ALTERNATE GREEN WATER TREATMENT PLANT FOR THE FUTURE. TWO OF THESE PLANTS TAKE WATER FROM LAKE AUSTIN. ULRICH AND DAVIS AND THEN GREEN WATER TREATMENT PLANT TAKES WATER FROM THE TOWN LAKE. SO WE HAVE TWO WATER SOURCES FOR THESE THREE PLANTS. OUR SYSTEM SERVES THE ENTIRE CITY, INCLUDES THE DESIRED DEVELOPMENT ZONE, A LOT OF GROWTH IS BEING REQUESTED, BASED ON NEW TAP SALES, EXTENSION REQUESTS, I WOULD SAY THE GREAT MAJORITY OF THE NEW DEVELOPMENT IS TAKING PLACE IN THE DESIRED DEVELOPMENT ZONE. THAT ZONE STRETCHES FROM ALMOST ROUND ROCK TO BUDA. FAR NORTHWEST DOWN IN THE -- INCLUDING AREAS LIKE ROBINSON RANCH AND AVERY RANCH, ALL THE WAY TO SOUTH I-35 NEAR BUDA. AND OUT

TO THE EAST, OUT TO THE COUNTY LINE AND THE FAR SIDE OF -- OF STATE HIGHWAY 130. SO ALL OF THAT DESIRED DEVELOPMENT ZONE WE ARE IN A POSITION, WELL POSITIONED TO SERVE THAT, WE WANT TO STAY THAT WAY BY CONTINUING TO HAVE THE CAPACITY AND THE TRANSMISSION SYSTEM. AN OPTIMUM SYSTEM BALANCES WATER TREATMENT PLANT LOCATIONS, WATER SOURCES AND TRANSMISSION MAINS TO -- WITH THE GOAL OF THE MOST RELIABLE, COST EFFECTIVE SYSTEM, INCLUDING BOTH CAPITAL AND O AND M COSTS. THE NEXT SLIDE LOOKS AT -- AT OUR SYSTEM IN A DIFFERENT WAY. IT SHOWS THESE HIGHLIGHTED AREAS ARE OUR PRESSURE ZONES. WE HAVE -- WE DO HAVE ONE WELL CONNECTED, INTERCONNECTED WATER SYSTEM WHERE WATER CAN FLOW FROM VIRTUALLY FROM ANY PLANT IN THE CITY TO ANY PART OF THE CITY. BUT THERE'S A NUMBER OF SUBSYSTEMS AS WELL. AND WE CALL THEM PRESSURE ZONES. AS YOU GET AWAY FROM THE RIVER, KIND OF UP THE SIDES OF THE VALLEY, WHERE YOU ARE RISING IN ELEVATION AND AS YOU GO FROM EAST TO WEST, RISING IN ELEVATION, SO THERE'S QUITE A RANGE OF ELEVATIONS IN AUSTIN AND A WATER SYSTEM HAS TO DEAL WITH THAT BY CREATING DISCRETE SUBSYSTEMS OR PRESSURE ZONES. SO EACH OF THESE PRESSURE ZONES THEY ARE CONNECTED BUT THEY OPERATE SOMEWHAT INDEPENDENTLY. THE LOCATIONS OF THE WATER SOURCES AND THE LOCATIONS OF WATER PLANTS HAVE TO BE WELL PLANNED TO -- TO FIT WITH YOUR PRESSURE ZONE, SO -- SO OUR SYSTEM BENEFITS FROM THE NUMBER OF WATER SOURCES WE HAVE, FROM TOWN LAKE, LAKE AUSTIN, AND IN THE FUTURE LAKE TRAVIS IS GOING TO -- IS GOING TO BE A VERY FLEXIBLE AND EFFICIENT WATER SYSTEM FOR SERVING ALL OF THESE VARIOUS PRESSURE ZONES. THIS NEXT SLIDE TAKES JUST ANOTHER ANGLE AT LOOKING AT THIS. THIS SHOWS THE WATER SOURCES, WATER TREATMENT PLANTS AND THOSE BARS ACROSS THE GRAPH ARE ELEVATIONS OF OUR PRESSURE ZONES. SO ALL OF THOSE ARE SHOWN IN RELATIVE ELEVATION ON THE SLIDE. YOU CAN SEE THE LAKE TRAVIS, LAKE AUSTIN, TOWN LAKE AND THE RIVER ALONG THE BOTTOM OF THE SLIDE AND THEN THE HE WILL VISIONS -- ELEVATIONS UP ON THE AXIS. THE GREEN WATER TREATMENT PLANT AGAIN TAKES WATER OUT OF TOWN LAKE AND YOU CAN SEE BECAUSE OF THE --

VARIOUS LEVELS OF THE PRESSURE ZONES, GREEN AND TOWN LAKE ARE THE LOWEST ELEVATIONS AND IT'S WELL SITUATED TO SERVE THE CENTRAL AND THE NORTH AND SOUTH ZONES. THE LOWER ZONES. AT THE OTHER END, YOU HAVE LAKE TRAVIS, WHICH IS 250 FEET HIGHER IN ELEVATION AS A LAKE LEVEL AND IT'S OF COURSE GOING TO BE MUCH MORE ENERGY EFFICIENT TO SERVE THE NORTHWEST, SOUTHWEST, OR THE -- THE HIGHER ELEVATIONS, ESPECIALLY IN THE NORTHWEST, NORTH, NORTHWEST A, B AROUND C, WHICH ARE ALL INCREASINGLY HIGHER PURCHASE ZONES. SO THIS RANGE IN DIVERSITY OF WATER SOURCES AND A DIVERSITY OF WATER PLANT LOCATIONS IS -- GIVES US A VERY HEALTHY PLANNED WATER SYSTEM FOR THE FUTURE. SO IT'S IMPORTANT TO NOTE THAT -- THAT BOTH -- WE HAVE BEEN TALKING ABOUT FUTURE PLANS. IT'S IMPORTANT TO NOTE THAT BOTH GREEN AND THE TREATMENT PLANT 4 ARE GOING TO BE IMPORTANT TO AUSTIN'S FUTURE. SOME OF THE KEY GUIDELINES FOR LOCATING A PLANT ANYWHERE WOULD BE THINGS SUCH AS THE WATER SOURCE ELEVATION, WATER QUALITY, WATER QUANTITY, THE SUPPLY DIVERSITY WHERE WE TALK AGAIN ABOUT THREE DIFFERENT LAKES THAT WE CAN DRAW FROM, SECURITY OF THE SITE, ENVIRONMENTAL CONSIDERATIONS, NEIGHBORHOOD CONSIDERATIONS, CONVEYANCE OR THE TRANSPORTATION, TRANSMISSION MAIN NEEDS, ANY PERMIT AND REGULATORY ISSUES, OF COURSE YOU HAVE TO HAVE AVAILABLE LAND AND THEN COST IS ALWAYS A CONCERN, CAPITAL AND O AND M. THIS SLIDE, WE HAVE BEEN TALKING ABOUT AUSTIN'S NEED FOR CAPACITY AND WHAT SEQUENCE WE WOULD DO IN THE CONSTRUCTION OF NEW PLANTS. THIS SLIDE SHOWS THE PREVIOUS PEAK DAY DEMAND PROJECTIONS AND THE PREVIOUS PLAN. YOU CAN SEE IT HAD BUILDING WATER TREATMENT PLANT 4 IN ABOUT THE YEAR BETWEEN THE YEARS 2010 AND 2012 AND THEN FOLLOW LATER ABOUT A NEW GREEN WATER TREATMENT PLANT. SO WE'LL TALK ABOUT CHANGES TO THIS. AS WE GO THROUGH THIS PRESENTATION. LET ME TALK FOR A MINUTE ABOUT THE GREEN WATER TREATMENT PLANT ASSESSMENT, THE CONDITION OF THAT PLANT. THE FIRST SLIDE, THE NEXT SLIDE SHOWS -- JUST SHOWS AN AERIAL OF THE SITE ITSELF. IT'S SIX ACRES, IT'S EQUIVALENT OF THREE AND A

HALF DOWNTOWN BLOCKS, BUT FOR A TREATMENT PLANT, FOR A WATER TREATMENT PLANT IT'S LIMITED SPACE. IT'S AN 80-YEAR-OLD PLANT, IT HAS BUILDINGS ON TOP OF TREATMENT UNITS AND IT'S JUST KIND OF STACKED AND CRAMMED INTO THAT SIX ACRES. SO IT'S VERY DIFFICULT TO MAINTAIN. AS WE TALK ABOUT ROAD EXTENSIONS, ROAD EXTENSIONS, OF COURSE, WOULD JUST MAKE THAT -- MAKE THAT MORE DIFFICULT AND REDUCE EVEN THE AMOUNT OF SPACE REMAINING TO CONSIDER. THE LACK OF BUFFER ZONES IN THIS -- IN THIS PLANT WHERE IT IS BUILT RIGHT TO THE EDGES OF STREETS SURROUNDING THE PLANT AND PROXIMITY OF THE BASINS TO THE STREET HAVE GIVEN US A SECURITY CONCERN IN RECENT YEARS. THE CAN CONDITION OF THE EXISTING GREEN PLANT IS IT'S 80 YEARS OLD. WE TYPICALLY TALK ABOUT 20 YEAR DESIGNS, 50 YEAR LIFE OF A PLANT, THIS WAS AN 80-YEAR-OLD PLANT. IT HAS BEEN MODIFIED. IT WAS BUILT IN 1924. IT'S BEEN MODIFIED SIX TIMES AND THE LATEST WAS IN 1998 THERE WERE MODIFICATIONS TO KEEP THE PLANT RUNNING JUST FOR A FEW MORE YEARS. THERE WAS A PLAN, ALWAYS THE MAP THEN TO DECOMMISSION THAT PLANT AND BUILD SOME NEW CAPACITY. IT'S NOW 2005, SO OF COURSE IT'S TIME TO BE MAKING THOSE DECISIONS ON THIS OLD PLANT. AND WHAT -- AND DECISIONS ABOUT AUSTIN'S NEXT CAPACITY. I'M GOING TO TALK ABOUT THE CONDITION OF THE PLANT, BUT I DO WANT TO SAY BEFORE THAT THAT I'M VERY PROUD OF THE STAFF, THE MANAGEMENT, OPERATIONS AND MAINTENANCE STAFF THAT RUNS THIS 80-YEAR-OLD FACILITY. YOU CAN IMAGINE THAT IT'S GOT A LOT OF CHALLENGES. BUT THE WATER THAT'S PRODUCED FROM THIS PLANT IS OF A VERY HIGH QUALITY. IT -- IT IS HIGHER QUALITY BY FAR THAN IS REQUIRED BY THE STANDARDS AND IT'S VERY CONSISTENT. SO -- SO EVEN THOUGH IT'S A CHALLENGE TO OPERATE AND THE STAFF DOES JUST A MARVELOUS JOB. BUT IT DOES HAVE SOME CONCERNS BEING AN OLD PLANT. I'VE GOT A FEW PICTURES TO SHOW. THE EXISTING FACILITY DOES HAVE SOME -- SOME NEEDS AND RISKS. THERE'S A -- ONE OF THE PICTURES ON THE LEFT HERE IS THE FAILURE OF A RETAINING WALL ALONG SHOAL CREEK. THE WATER TREATMENT PLANT CONCRETE WALL CAN BE SEEN BEHIND THAT FAILURE AND SO THERE'S SOME RISK OF THAT FAILURE RIGHT UP AGAINST THE EDGE OF THE PLANT. WE

ARE GOING TO RECOMMEND ADDRESSING THAT EVEN WITH DECOMMISSIONING OR AS PART OF DECOMMISSIONING. THERE WILL BE SOME OTHER POTENTIAL IMPROVEMENTS THAT -- THAT WE ARE GOING TO RECOMMEND THAT IF WE -- IF WE CAN AVOID OTHER COSTS IF WE GO AHEAD AND DECOMMISSION, THIS IS ONE THAT NEEDS TO BE ADDRESSED IMMEDIATELY. THE OTHER SLIDE IS -- SHOWS -- THERE'S CONCERNS WITH STRUCTURES AS WELL AS EQUIPMENT AT THIS PLANT. THE SLIDE TO THE RIGHT SHOWS CONCRETE DETERIORATING UNDER -- UNDER ONE OF THE BUILDINGS AND YOU CAN SEE THE -- THE STEEL EVEN SHOWING. THE NEXT SLIDE SHOWS JUST SOME MORE STRUCTURAL FAILURES BEGINNING, CRACKS IN FLOORS OF THE TREATMENT BASINS, THE SIDES OF THE WALLS WITH SOME -- SOME WATER LEAKAGE. THIS AGAIN IS JUST A VERY OLD FACILITY. THE CONDITION OF -- OF THE EXISTING EQUIPMENT IS A CONCERN, SO -- SO SOME OF THE EQUIPMENT IS SO OLD THAT YOU CAN NO LONGER GET REPLACEMENT PARTS OR -- OR EQUIPMENT THAT'S COMPATIBLE WITH THE INSTALLATION. SO THAT'S A CONCERN. WE HAVE INTAKE SCREENS AT THE INTAKE STRUCTURE, WHICH IS THE PUMP STATION ON TOWN LAKE. THERE -- THEY ARE STILL DOING THEIR JOB, BUT THEY ARE NO LONGER FUNCTIONING THE WAY THEY SHOULD, SO IT'S JUST VERY DIFFICULT TO OPERATE. VERY DIFFICULT TO CLEAN. AND IN FACT THERE'S TIMES WHEN DURING -- DURING STORMS WHERE YOU GET DEBRIS INTO TOWN LAKE, WE ARE ABLE FORTUNATELY TO SHUT THAT DOWN FOR HOURS EVEN DAYS AS LONG AS THE WATER DEMAND IS BEING SUPPRESSED BECAUSE OF RAINFALL. SO WE TEND TO JUST NOT OPERATE THAT PLANT IN GOOD PART BECAUSE OF THE FACT THAT THE SCREENS AREN'T GOING TO BE ABLE TO SCREEN OUT DEBRIS. SPACE LIMITS ARE A CONCERN IN MEETING SAFETY REQUIREMENTS. WORK SAFETY REQUIREMENTS AND THEY IMPEDE MAINTENANCE AND THEY REVENT REPLACEMENT. SOME OF THIS EQUIPMENT WE CAN'T EVEN GET OUT OF SOME OF THESE SUBSURFACE COMPARTMENTS THAT THEY ARE IN, BEING -- HAVING ADDITIONAL STRUCTURES BUILT ON TOP. IT'S A VERY DIFFICULT PLANT TO MAINTAIN. SO WE HAVE ASKED THE QUESTION, WOULD IT BE FEASIBLE TO RETROFIT THE GREEN WATER TREATMENT PLANT FOR LONG TERM USE?

AND I'LL JUST GO AHEAD AND SAY THAT -- THAT, NO, THAT THE TOTAL RETROFIT FOR LONG-TERM RELIABLE SERVICE IS NOT A COST EFFECTIVE ALTERNATIVE. ALL OF THE MAJOR PROCESS UNIT AND ALL OF THE MECHANICAL EQUIPMENT WOULD HAVE TO BE REPLACED. THE EXISTING FILTERS CAN'T BE MODIFIED TO ADEQUATELY IMPROVE TURN BIDTY, THE FILTERS WERE TOO SHALLOW FOR UPGRADE OR MEMBRANE RETROFIT. PHYSICAL SPACE LIMITATIONS RESTRICT ABILITY TO RETRO FIT. AND MAINTAINING OPERATIONS WOULD BE EXTREMELY DIFFICULT. IN EFFECT IT WOULD BE MORE EFFICIENT TO -- TO CONSTRUCT A NEW -  
- A NEW PLANT THAN IT WOULD BE TO TRY TO RETROFIT AN ENTIRE PLANT FROM A TO Z. THE TOTAL RETROFIT IS NOT A COST EFFECTIVE ALTERNATIVE FOR THE CURRENT GREEN OPERATION. WELL, IF THERE'S NO RETROFIT, WHAT ARE THE OPTIONS? THE OPTIONS ARE A NEW PLANT ON THE EXISTING SITE OR A NEW PLANT ON ALTERNATE SITES. WE HAVE LOOKED AT THE LOCATION OF THE CURRENT GREEN, WE ARE NOT RECOMMENDING TO SERIOUSLY PURSUE THAT EVEN FOR A NEW SITE. THE LIMITED SPACE, WHICH WOULD ONLY BE COMPOUNDED BY ANY STREET EXTENSIONS. SECURITY ISSUES, COMPATIBILITY WITH SURROUNDING LAND USES, OF COURSE, BEING A DOWNTOWN IN A -- QUICKLY REDEVELOPING AREA. AND -- AND CONCERNS ABOUT OUR INTAKE STRUCTURE, MOST LIKELY HAVE TO BE -  
- WELL, IT WOULD HAVE TO BE TOTALLY REBUILT AS PART OF A NEW PLANT. BUT FOR THESE REASONS WE ARE NOT GOING TO -- SERIOUSLY CONSIDER THE -- THE EXISTING SITE WHEN WE ARE LOOKING FOR A NEWLY CONSTRUCTED GREEN PLANT. SO WE WILL -- AS WE TALKED ABOUT IN EXECUTIVE SESSION, THE MULTIPLE SITE OPTIONS THAT HAVE BEEN IDENTIFIED IN OTHER PLACES, ON TOWN LAKE, DOWNSTREAM OF BARTON CREEK, AND DOWNSTREAM OF THE GREEN WATER TREATMENT PLANT, AND UPSTREAM OF LONGHORN DAM. SO THE -- SO THE TOWN LAKE AREA MAKES FOR A VERY SUITABLE LOCATION FOR A WATER TREATMENT PLANT, CONSTANT LEVEL LAKE, DEEP WATER, AND SO IT'S -- IT IS DEFINITELY A FEASIBLE LOCATION OF A SOURCE OF WATER FOR A NEW TREATMENT PLANT. WE ARE PRONGING ADDITIONAL TREATMENT CAPACITY IS NEEDED IN 2010 TO 2011. BUT WE'VE HAD A CONSULTANT REVIEW OUR PROJECTIONS AND LOOK AT SOME WATER CONSERVATION

MEASURES THAT MAY BE ABLE TO HAVE AN EFFECT ON THAT DATE, WE HAVE THE -- WE HAVE THE RESULTS OF THAT, WHICH WE WILL BE COMING BACK TO YOU VERY SOON AND GOING INTO SOME DETAIL, TALKING TO YOU ABOUT OUR WATER CONSERVATION PROGRAM, THERE WILL BE SOME CHOICES ABOUT THE TYPES OF CONSERVATION STRATEGIES AND MEASURES THAT WE CAN PUT IN AN ORDINANCE FOR AUSTIN. THERE'S A RANGE OF -- OF MEASURES. BUT THE REVISED PROJECTION METHODS RESULT IN NO CHANGE TO THE PEAK DEMAND AFTER THAT REVIEW. THERE'S NO CHANGE TO THE PEAK DEMAND PROJECTIONS, BUT IT DOES LOWER THE AVERAGE, THE AVERAGE CONSUMPTION PROJECTION. THE AUSTIN WATER UTILITIES PEAK DAY DEMANDS HAVE BEEN FOUND TO BE IN BEHIND WITH OTHER CITIES, WE WILL SHOW YOU THAT COMPARISON. BUT TO SIGNIFICANTLY DELAY THE CONSTRUCTION OF NEW CAPACITY WOULD REQUIRE MANDATORY WATER CONSERVATION PROGRAMS, WOULD ALSO REQUIRE THE INCREASED WATER RECLAMATION FUNDING AND USE AND IT'S THAT UNCERTAINTY OF THE CUSTOMER USE THAT -- THAT IS THE ONE THING THAT IT WOULD BE THE HARDEST TO CONTROL FOR US. SO AS A RESULT AUSTIN WATER UTILITY HAS RECOMMENDED THAT WE SHOULD PROCEED WITH DESIGN AND CONSTRUCTION OF ADDITIONAL TREATMENT CAPACITY IMMEDIATELY. THIS NEXT SLIDE SHOWS THE REVISED PEAK DAY DEMAND PROJECTION. WE SHOWED ONE EARLIER, WE SHOWED THE SEQUENCE OF PLANTS BEING DIFFERENT THAN THIS. AT THIS POINT THIS IS THE NEW PROJECTION. AGAIN IT'S VERY SIMILAR IN THE FIRST FEW YEARS HERE OF OVER TIME THE WATER CONSERVATION STRATEGIES ADD UP, WILL CONTINUE TO HELP US POSTPONE PLANTS LIKE IT ALREADY HAS. BUT JUST IN THIS NEXT COUPLE OF YEARS, WE DON'T SEE A SIGNIFICANT CHANGE IN THE DEMAND CURVE. SO THE CURRENT CAPACITY IS GOING TO HIT THAT DEMAND, WE PREDICT, AROUND 2010, 2011. BUT WHAT'S DIFFERENT ON THIS SLIDE FROM BEFORE IS WE SHOW NOW, OF COURSE, THE GREEN -- A NEW GREEN WATER TREATMENT PLANT AS THE NEXT CAPACITY FOLLOWED THEM BY WATER TREATMENT PLANT NUMBER 4 TAKING WATER OUT OF LAKE TRAVIS. LET ME SAY AT THIS POINT, THE TIMING THERE FOR TREATMENT PLANT 4, WE WILL GET INTO THAT IN MORE



DETAIL WHEN WE COME BACK AND TALK ABOUT THAT FUTURE PLANT AND WHERE WE ARE AT ON THAT, BUT JUST WHAT'S IMPORTANT ON THIS TIMING IS THAT IF -- IF WE -- WE COMPLAINT CAN'T GO OUT BEYOND ABOUT 2015 WITHOUT STARTING TO HIT THE REQUIREMENT FOR SOME SIGNIFICANT NEW PUMP STATIONS, NEW TRANSMISSION MAINS TO GET WATER UP TO THOSE HIGHER PRESSURE ZONES THAT WE SAW ON THE MAP EARLIER. THE NORTH AND NORTHWEST AREAS REQUIRE WATER BEING PUMPED UP AND THOSE TRANSMISSION MAINS ARE NOT IN PLACE AT THIS POINT. SO WHAT WE WANT TO DO IS HAVE THIS BALANCE BETWEEN THE GREEN TREATMENT PLANT SERVING CENTRAL, NORTH, EAST AND SOUTH, AND THEN HAVING A WATER TREATMENT PLANT NUMBER 4 TO SERVE THE HIGHER ELEVATIONS OF NORTHWEST A, B AND C ZONES. BUT THE SEQUENCING OF THESE PLANTS IS WHAT'S NEW ON THIS SLIDE. GREEN, THE GREEN IS THE NEXT AND THE IMMEDIATE CONCERN. WHAT THAT WOULD RESULT IN A SCHEDULING FOR DECOMMISSIONS OF GREEN, IS THAT THE CITY MAKES A DECISION ON GREEN IN FEBRUARY OR MARCH. THAT'S SPECIFICALLY BEING SELECTING THE -- THE SITE FOR A NEW GREEN. AND THEN THE -- THE PLANNING AND DEMOLITION FOR DECOMMISSIONING AND DEMOLITION CAN BEGIN ONCE THAT DECISION IS MADE. SO THAT BY THE TIME -- BY THE TIME WE GET TO LATE 2006, WE'LL HAVE -- WE'LL HAVE NEW ULRICH CAPACITY WHICH THEN WILL GIVE US THE ABILITY TO -- FOR JUST A -- TWO OR THREE YEAR PERIOD, CLOSE DOWN THE GREEN CAPACITY AND DURING THAT TIME BUILD THE NEW GREEN WATER TREATMENT PLANT. THERE'S A LOT OF OVERLAP IN -- IN CONCURRENT ACTIVITIES THAT CAN GO ON. WHILE WE CAN BE DESIGNING THE DEMOLITION, DESIGNING THE ROADS, DESIGNING AND BEGIN DESIGNING THE NEW PLANT, ALL -- ALL IN THE NEXT YEAR BEFORE THAT THE PLANT IS ACTUALLY -- HAS ACTUALLY TAKEN OFF FLYING, THAT WAY WE ARE READY TO BEGIN THE DEMOLITION WORK IMMEDIATELY AFTER THAT POINT. SO AGAIN ALL OF THIS LEADS TOWARDS A NEW WATER TREATMENT PLANT, OPERATIONAL BETWEEN 2010 AND 2011. I GUESS AGAIN A KEY DATE IS THE EXISTING GREEN WATER TREATMENT PLANT POTENTIALLY CAN BE AVAILABLE FOR NEW CONSTRUCTION BY LATE 2007. THE GREEN WATER TREATMENT PLANT SUMMARY IS THE TOTAL

RETROFIT IS NOT A COST EFFECTIVE ALTERNATIVE, BUT MULTIPLE SITE OPTIONS HAVE BEEN IDENTIFIED INCLUDING THE EXISTING SITE. THE OPPORTUNITY TO DECOMMISSION THE EXISTING GREEN WHEN ULRICH EXPANSION IS COMPLETE IS THERE. AND THERE'S A NEED TO CONSTRUCT NEW CAPACITY BY 2010 TO 2011 EVEN WITH CURRENT CONSERVATION REUSE EFFORTS. WHAT WE PROPOSE IS CONSTRUCTING THE GREEN WATER TREATMENT PLANT FIRST AND THEN CONTINUING TO PLAN AND CONSTRUCT WATER TREATMENT PLANT 4 STILL IN THE NEAR TERM AS THE NEXT PHASE. AND PENDING THE DECISION ON GREEN, THE PLANNING RELATED TO REDEVELOPMENT AND ROADWAY EXTENSIONS CAN BEGIN IMMEDIATELY. AND AT THIS POINT, WE WOULD LIKE TO GET YOU A LITTLE BIT MORE INFORMATION ON THE ROAD, THE PROCESS FOR THE ROAD AND THEN NEXT THE PROCESS FOR THE REDEVELOPMENT OF THE SITE. I'M GOING TO INTRODUCE SONDRA CRAYTON TO COME TALK TO YOU ABOUT THE ROAD PROJECT.

Mayor Wynn: THANK YOU, MR. LIPPE. WELCOME, MS. CRAYTON.

OKAY. THIS SLIDE SHOWS THE PLANS FOR TWO ROAD EXTENSIONS, AS PART OF THE GREEN WATER TREATMENT PLANT CHANGES. THE CONSTRUCTION OF THE TWO ROADS, OF COURSE, WOULD NOT BE ABLE TO START UNTIL THE DECOMMISSIONING AND DEMOLITION AND ENVIRONMENTAL REMEDIATION WAS COMPLETED. AND THE -- THE CONCEPT WOULD BE THAT NUECES, OF COURSE, WOULD BE EXTENDED FROM THIRD STREET DOWN TO CESAR CHAVEZ, SECOND STREET WOULD BE EXTENDED FROM SAN ANTONIO WEST TO BEYOND NUECES. BOTH OF THESE ROADS WE WOULD, OF COURSE, RECOMMEND, HAVE THE GREAT STREETS TREATMENT, WHICH MEANS THAT THEY WOULD HAVE STREET TREES, WIDE SIDEWALKS AND LIGHTING, SPECIAL LIGHTING ASSOCIATED WITH THE GREAT STREETS. THE NEXT SLIDE SHOWS YOU THE SCHEDULE. WE WOULD ACTUALLY BE ABLE TO DESIGN AND PERMIT THIS PROJECT CONCURRENT WITH THE DECOMMISSIONING AND DEMOLITION AND REMEDIATION OF THE GREEN WATER TREATMENT PLANT. WE WOULD LOOK FOR ONE WAY TO DO THIS WOULD BE TO DO IT WITH IN-HOUSE ENGINEERING STAFF. HOWEVER, IT COULD ALSO BE DONE IN

CONJUNCTION WITH THE SITE DEVELOPMENT. THAT MIGHT BE A PREFERABLE WAY TO GO JUST TO MAKE SURE THAT THE TWO ARE COORDINATED. THE COST WOULD BE 10 AND A HALF MILLION DOLLARS, THAT INCLUDES COSTS FOR RELOCATING WATER AND WASTEWATER LINES AND INSTALLING NEW WATER AND WASTEWATER LINES, ELECTRICAL FACILITIES, AND ROADWAY AND OF COURSE THE SOFT COSTS ASSOCIATED WITH THE ENGINEERING PROJECT MANAGEMENT. AND INSPECTION OF THE ROADWAY. DO YOU HAVE ANY QUESTIONS THAT YOU WOULD LIKE TO ASK?

Mayor Wynn: THANK YOU, MS. CRAYTON, QUESTIONS OF STAFF, COUNCIL? COUNCILMEMBER MCCRACKEN?

McCracken: SONDRRA, COULD YOU REMIND US OF THE TOTAL ACREAGE FOR THIS SITE?

I PROBABLY SHOULD DEFER THAT TO SUE EDWARD, WHO IS COMING UP RIGHT AFTER ME TO TALK ABOUT THE SITE, BUT I BELIEVE IT'S SEVEN ACRES.

McCracken: OKAY. IN FACT IF SUE IS COMING UP, I WILL WAIT TO HEAR -- MY QUESTIONS MAY RELATE MORE TO HER SUBJECT OR YOURS, I'M NOT SURE YET.

THANK YOU. I'LL TURN IT OVER TO SUE NOW.

Mayor Wynn: THANK YOU, MS. CRAYTON. OR MR. LEE LIBRACH.

IT DOESN'T LOOK LIKE SUE.

COUNCIL, IT'S AUSTAN LIBRACH. THE SITE IS ABOUT SIX ACRES. I THINK THAT WAS ON ONE OF THE EARLIER SLIDE. THE SLIDE THAT YOU HAVE HERE, I'M REALLY THE CONCLUDING PORTION OF THIS PRESENTATION, SHOWS YOU ON THE RIGHT-HAND SIDE AN IMAGE FROM A PORTION OF THE SEAHOLM MASTER PLAN, WHICH WAS DONE ABOUT FIVE YEARS AGO. AND THAT PLAN WAS DONE AS A GUIDE FOR PUBLIC AND PRIVATE IMPROVEMENTS TO ENSURE THE VALIDITY OF SEAHOLM AS A CIVIC ATTRACTION OF THE HIGHEST QUALITY. NOW, AS I SAY, THAT WAS DONE FIVE

YEARS AGO, IT ASSUMES SOME THINGS THAT ARE OUT OF DATE. YOU HAVE HEARD TODAY, OF COURSE IT'S DO YOU TRUE THAT THIS SHOWED A RECONFIGURED TREATMENT PLANT, GREEN WATER TREATMENT PLANT, AND AS OPPOSED TO A FULLY DECOMMISSIONED PLANT. AT THE TIME THAT WAS WHAT WAS THOUGHT TO BE THE FUTURE. IT ALSO SHOWS SECOND STREET GOING THROUGH AS YOU HAVE HEARD FROM SONDRRA, BUT IT STOPS THERE AT -- AT SHOAL CREEK. AND DOES NOT GO ACROSS. WE ALSO ASSUMED AT THE TIME THAT THE AUSTIN ENERGY SUBSTATION WOULD NOT BE ALTERED IN ANY WAY, SO THAT SECOND VET COULDN'T GO THROUGH. BUT THAT MAY NOT BE THE CASE AS WE HAVE LEARNED RECENTLY. THIS REALLY JUST GIVES US AN ILLUSTRATION OF SOME OF THE POSSIBILITIES OF WHAT COULD HAPPEN WITH THIS CIRCUMSTANCE ACRES. IT SHOWS SECOND STREET GOING THROUGH AS WELL AS NUECES GOING THROUGH. ALSO A BRIDGE ACROSS SHOAL CREEK AT THIRD STREET, THAT WOULD BE BOTH FOR RAIL AS WELL AS AUTOMOBILE TRAFFIC. AND IT ALSO INTEGRATES TO A CERTAIN DEGREE SOME PRIVATE DEVELOPMENT, THE AUSTIN MUSIC HALL AND THE EXISTING AUSTIN TEXAS BUILDING THAT ARE THERE INTO WHAT COULD POSSIBLY BE AN OVERALL DEVELOPMENT FOR THE SITE. THERE ARE A NUMBER OF POSSIBILITIES FOR THIS. WHAT WE HAVE THOUGHT COULD BE THE DIRECTION THAT THIS COULD GO DEPENDING ON THE -- ON THE ASSUMPTIONS THAT COUNCIL WISHES TO MAKE AND THE DIRECTION THAT YOU GIVE TO STAFF WAS THAT THIS WOULD BE AN R.F.P. SIMILAR TO THE MODEL OF BLOCK 21 OR IT COULD BE AN RFQ SIMILAR TO THE MODEL OF SEAHOLM AND IT COULD -- WE SHOULD ISSUE THAT PERHAPS START WORKING ON IT SOMETIME IN THE SPRING AND ISSUE IT MAYBE THREE OR FOUR MONTHS AFTER IT'S DEVELOPED, IT COULD INCLUDE, AGAIN DEPENDING UPON YOUR DIRECTION, SOME OF THE PROPERTIES THAT ARE AUSTIN ENERGY PROPERTIES, THE AUSTIN ENERGY CONTROL CENTER AS WELL AS THE SOUTHERN PORTION OF THE SUBSTATION. SO THEY COULD -- DEPENDING ON YOUR DECISION, COULD BE INCLUDED IN THIS R.F.P. AT THIS POINT WE HAVEN'T DEFINED ANY OF THE PARTICULARS, BUT OBVIOUSLY IT COULD INCLUDE, AGAIN, THE IDEA THAT -- THAT WE WOULD BE LOOKING FOR OFFERS TO CONSTRUCT

AND INTEGRATE A NEW LIBRARY INTO THE RESIDENTIAL OFFICE RETAIL MIXED ENVIRONMENT THAT I ASSUME THAT COUNCIL WOULD WANT IN THIS AREA. IT COULD INCLUDE DIRECTION THAT WE WOULD BE GIVING A HIGH PRIORITY TO RETAIL ON THE EXTENDED SECOND STREET, THE FIRST FLOOR. IT COULD INCLUDE, FOR EXAMPLE, THAT WE WOULD WANT A -- SAY FOOD AND BEVERAGE RETAIL ON CESAR CHAVEZ AND PERHAPS EVEN ON SHOAL CREEK FRONTAGE AS WELL. SO THOSE ARE THE KINDS OF THINGS THAT -- THAT WE WOULD UNDERTAKE FOR THE COUNCIL AS EARLY AS BEGINNING THIS SPRING, DEPENDING ON YOUR DIRECTION, AND THE PROCESS WOULD -- WOULD BE SOMEWHAT DETAILED AS IT WAS FOR BLOCK 21 AND SEAHOLM, PROBABLY TAKE A YEAR OR SO TO COMPLETE. THAT CONCLUDES OUR PRESENTATION, MAYOR. I THINK ANY OF US WOULD BE GLAD TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE.

Mayor Wynn: THANK YOU, MR. LIBRACH. QUESTIONS OF MR. LIBRACH? COUNCILMEMBER MCCRACKEN?

McCracken: I WANTED TO ASK A QUESTION, I GUESS TO MR. LIBRACH, IT WOULD BE ABOUT -- MY UNDERSTANDING IS THAT THE CONSTRUCTION THAT -- THAT THIS ENTIRE PROCESS COULD PROCEED SO THAT CONSTRUCTION COULD BEGIN LATE 2007 EARLY 2008; IS THAT RIGHT?

I BELIEVE SO. I THINK AGAIN THAT DEPENDS ON SOME DECISIONS THAT I THINK STILL TO BE MADE BY BOTH UTILITIES REGARDING THEIR -- THEIR FACILITIES, BUT I THINK THAT'S -- THAT'S CERTAINLY IN THE BALLPARK.

THEN WE HAVE THE -- WE HAVE THE ADDED COMPONENT OF THE POTENTIAL BOND ELECTION, EITHER IN MAY OR NOVEMBER OF NEXT YEAR. HOW WOULD THAT FIT IN WITH THE RFQ OR R.F.P. ROSE? I GET PROBABLY R.F.P. PROCESS FOR THIS SITE? IN OTHER WORDS, WHEN WOULD THE R.F.P. BE ISSUED AND RECEIVED BACK AND THE DECISION MADE, HOW WOULD THAT CORRELATE WITH THE BOND ELECTION SCHEDULE?

WE DON'T REALLY HAVE A SPECIFIC TIME LINE. I WOULD HAVE TO SORT OF SPECULATE IN TIME HERE ABOUT HOW

LONG THESE THINGS WOULD TAKE. AND HAVEN'T HAD TOO MUCH DISCUSSION AND DON'T KNOW ALL OF THE THINGS THAT COUNCIL MIGHT WANT TO INCLUDE. BUT PROBABLY COULDN'T GET STARTED I THINK UNTIL SPRING AND THEN IT WOULD TAKE US TWO OR THREE MONTHS, I WOULD SUSPECT, TO WRITE A DRAFT, TO BRING TO COUNCIL AND THEN ISSUE THAT AND GET RESPONSES AND REVIEW THOSE RESPONSES WOULD TAKE MAYBE SIX MONTHS. SO WE ARE AT THE END OF -- OF NEXT -- OF THE YEAR AT ROUGHLY AT THAT POINT AND THEN ANOTHER SIX MONTHS OR SO LET'S SAY TO WORK A NEGOTIATED AGREEMENT WITH EITHER ONE DEVELOPER OR A SERIES OF DEVELOPERS. YOU COULD HAVE A SITUATION HERE WHERE IF YOU WISH, YOU COULD HAVE MULTIPLE PROPOSERS AND SELECT SOME FOR SOME PARTS OF THE SITE AND SOME FOR OTHERS, THAT SORT OF THING AS OPPOSED TO ONE. AND THEN AT THAT POINT NEGOTIATE AN AGREEMENT OR AGREEMENTS WITH ALL OF THEM, SO YOU WOULD BE AT THE END, MIDDLE TO THE END OF 2007 AT THE EARLIEST, I THINK BEFORE YOU WOULD HAVE A PLAN. EXCUSE ME. A PLAN FOR THIS AREA. I DON'T -- I DON'T KNOW HOW THAT FITS WITH THE BOND ELECTION.

McCracken: BECAUSE I THINK ONE THING THAT WOULD BE VERY HELPFUL AS WE MAKE SOME DECISIONS IN THE BOND ELECTION IS -- IS TO HAVE SOMETHING PROBABLY A LITTLE BIT FIRMER FOR GREEN ABOUT THE RELATIONSHIP WITH THE LIBRARY. I KNOW ONE ISSUE THAT I HAVE HEARD COUNCILMEMBER DUNKERLY SPEAK TO ALSO, I THINK IT'S ONE OF THE BIGGEST BUDGET ISSUES THAT WE MUST CONFRONT IS TO PROTECT OUR TAX BASE AND -- AND IN PARTICULAR THE MAXIMUM AMOUNT OF LAND THAT WE CAN KEEP ON THE TAX ROLLS, ESPECIALLY IN DOWNTOWN, THE BETTER WE ARE, THE BETTER TAXPAYER, BETTER OFF TAXPAYERS ARE. ONE POSSIBILITY IN THAT REGARD THEN WOULD BE TO ISSUE AN RFQ THAT WOULD SEEK PROPOSALS OF INTEGRATING A LIBRARY TO A LARGER BUILDING, SAY THE FIRST FLOOR, FIRST FOUR STORIES OF A 25 OR 30 STORY BUILDING COULD -- COULD BE A LIBRARY, BUT WE COULD HANDLE IT IN THE SAME WAY IN THE R.F.P. PROCESS FOR GREEN THAT WE HANDLED THE BLOCK 21 R.F.P. PROCESS WHERE WE INTEGRATED A CULTURAL FACILITY INTO THE TOTAL PROPOSAL. THAT WOULD HAVE A

COUPLE OF BENEFITS, SHOULD WE GO DOWN THAT PATH. ONE WOULD BE WHEREVER THE LIBRARY WAS LOCATED IT WOULD BE PART OF A DEVELOPMENT THAT WOULD STILL BE ON THE PROPERTY TAX ROLLS. THE SECOND THING IS THAT WE WOULD HAVE COMPETITIVE BIDDING AND WOULD KNOW IDEALLY AT THE TIME OF THE BOND ELECTION WHAT THE EXACT PRICE WOULD BE IN BOND DOLLARS TO FUND THE CENTRAL LIBRARY, WHICH WE DEFINITELY NEED. AND -- AND WE CAN COINCIDE THE -- THE DECISIONS ON THE BOND ELECTION WITH THE R.F.P. PROCESS FOR GREEN WATER TREATMENT PLANT THEN IT SOUND LIKE THE CENTRAL LIBRARY WILL BE READY TO GO AT THE BOND ELECTION, THAT THERE'S A GOOD LIKELIHOOD IT WILL COME IN WITH A FAR LOWER PRICE TAG WITH A MUCH BETTER BENEFIT FOR PROPERTY TAXPAYERS IN THE CITY OF AUSTIN. SO I WOULD LIKE TO SEE HOW WE CAN SYNC UP THE BOND ELECTION SCHEDULE WITH THE R.F.P. FOR GREEN AND WE MAY GET SOME INTERESTING AND PROMISING THINGS COME OUT OF THAT. WHICH -- WHICH IS A BACK DOORWAY OF SAYING I THINK THE MAYOR IS ON TO SOMETHING GOOD ABOUT DELAYING THE BOND ELECTION.

Mayor Wynn: THANK YOU, COUNCILMEMBER. EXCUSE ME. FURTHER COMMENTS, QUESTIONS? MR. LIBRACH IS THIS? THANK YOU, MR. LIBRACH. WELL, COUNCIL, I THINK THAT CONCLUDES -- MR. LIPPE, DOES THAT CONCLUDE -- COUNCIL, THAT CONCLUDES THE STAFF PRESENTATION ON - - AS WE SAW THE TIMING OF THE CENTRAL DECOMMISSIONING, YOU KNOW, OBVIOUSLY GOING TO BE NEW SITE ISSUES THAT WE WILL CONTINUE TO TALK ABOUT AND THEN THE PLANNED REUSE OF THAT TRACT OF LAND. FURTHER COMMENTS, QUESTIONS? THANK YOU ALL VERY MUCH FOR THE -- FOR THE PRESENTATION. COUNCIL, WE HAVE ONE MORE STAFF PRESENTATION, BEFORE WE GO TO THE AUSTIN HOUSING FINANCE CORPORATION, THAT IS THE STAFF PRESENTATION REGARDING THE STATUS OF THE EAST AUSTIN COMMUNITY PRESERVATION AND REVITALIZATION ZONE OR CP AND R, WELCOME MR. PAUL HILGERS.

THANK YOU, MAYOR, I AM PAUL HILGERS, I AM HERE TODAY TO TALK ABOUT THE UPDATED STATUS OF THE COMMUNITY PRESERVATION AND REVITALIZATION ZONE. SOME

PRELIMINARY COMMENTS BEFORE I GET INTO THIS. EXCUSE ME. OVERALL THE OVERARCHING THEMES ARE WHAT THE OBJECTIVES ARE TO PRESERVE HOUSING AFFORDABILITY, TO RECYCLE PUBLIC INVESTMENTS AND TO TRY TO DO WHAT WE CAN TO MITIGATE GENTRIFICATION IN THIS ZONE. IT'S IMPORTANT TO RECOGNIZE UP FRONT THE SYSTEMIC PROBLEMS REGARDING GENTRIFICATION, THE CITY HAS DONE MANY STUDIES WITH REGARD TO GENTRIFICATION AND THEY ALL COME BACK TO THE SAME FUNDAMENTAL ISSUE, THAT IS THE INCREASED VALUATION OF PROPERTY AND THE INCREASED ENSUING PROPERTY TAXES AND THE IMPACT OF THAT ON THE CITIZENS WHO LIVE THERE. YOU WILL SEE FROM THIS PRESENTATION, WHILE STAFF HAS MADE SOME PROGRESS, HAS WORKED ON THIS IMPORTANT ISSUE, THE CITY OF AUSTIN IS LIMITED IN ITS OPTIONS TO SOLVE THIS PROBLEM ALONE. THE CHALLENGE BEFORE US IS TO CONTINUE TO WORK ON THESE INITIATIVES AND IDENTIFY OPTIONS ON HOW TO LEVERAGE THE COMMUNITY PRESERVATION AND REVITALIZATION WORK WITH OTHER POLICY INITIATIVES COMING TO THIS COUNCIL LIKE THE COMMUNITY LAND TRUST OPTIONS, WHICH I'LL TELL YOU IS COMING ON DECEMBER 1st, AND MERGE THAT WITH RECOMMENDATIONS FROM THE AFRICAN-AMERICAN QUALITY OF LIFE INITIATIVE, AND WHATEVER ULTIMATELY HAPPENS WITH THE GO BONDS AND OTHER INITIATIVES THAT ARE COMING FORWARD. TO REFRESH YOUR MEMORY, COUNCILMEMBER ALVAREZ AND MAYOR PRO TEM THOMAS ANNOUNCED A PROPOSAL TO CREATE THE CP AND R ZONE IN OCTOBER OF 2004 WITH THE FOLLOWING GOALS. TO BE AN ADDITIONAL COMPONENT OF THE CITY'S EXISTING ECONOMIC DEVELOPMENT PROGRAM THAT TARGETS ECONOMICALLY DISADVANTAGED AREAS OF THE CITY, DEVELOPMENT PROJECTS THAT OCCUR WITHIN THE CP AND R ZONE THAT MEET VERY SPECIFIC CRITERIA WOULD BE ELIGIBLE FOR VARYING LEVELS OF ECONOMIC INCENTIVES AND TO PROMOTE ECONOMIC GROWTH IN A WAY THAT IS SENSITIVE TO THE ECONOMIC NEEDS OF THE TARGET AREA. THE PROCESS THAT WE HAVE GONE THROUGH TO GET TO THIS PLACE IS BETWEEN NOVEMBER AND FEBRUARY, ESTABLISHED A SUBCOMMITTEE AND THAT SUBCOMMITTEE HELD 10 PUBLIC MEETINGS DESIGNED TO SOLICIT COMMUNITY INPUT AND



COMMENT. IN FEBRUARY, THE COMMUNITY DEVELOPMENT COMMISSION PROVIDED RECOMMENDATIONS TO THE CITY COUNCIL, ON APRIL 28th, THE COUNCIL ADOPTED THE CP AND R PROGRAM BY RESOLUTION, ON JULY 28th STAFF PROVIDED CP AND R IMPLEMENTATION RECOMMENDATIONS TO THE COUNCIL. THE NEXT WEEK COUNCIL REQUESTED UPDATED STATUS AFTER FURTHER INTERNAL STAKEHOLDER REVIEW AND FURTHER WORK WAS DONE ON THE CP AND R IMPLEMENTATION RECOMMENDATIONS. , THE COMMUNITY PRESERVATION AND REVITALIZATION ZONE BOUNDARIES ARE AS INDICATED ON THIS MAP, THEY ARE BOUNDED BY I-35 ON THE WEST, RIVERSIDE DRIVE, BEN WHITE BOULEVARD, SH 71, 183 AND MANOR ROAD. YOU WILL SEE THAT WE HAVE DIVIDED THESE AND THE ANALYSIS WAS DONE ON THIS -- ON THIS ZONE, ON THIS CP&R ZONE IN DIFFERENT ZONES BECAUSE IT IS IMPORTANT TO RECOGNIZE THAT THE EAST AUSTIN COMMUNITY HAS DIFFERENT PRESSURES IN DIFFERENT ZONES, SO THE ANALYSIS THAT WE HAVE DONE HAS ALLOWED US TO MAKE SOME RECOMMENDATIONS THAT -- THAT WE MIGHT WANT TO ADJUST DEPENDING UPON THE PARTICULAR PRESSURES FACING THOSE ZONES. AGAIN, BY WAY OF SUMMARY, THE RESOLUTION PASSED ON APRIL 28th AND TO TELL YOU WHAT -- WHAT ALL OF THE RESOLUTIONS WERE IN THE FINDINGS, RECITALS WERE ADOPTED AS FINDINGS, NUMBER 2 WE ADOPTED THE CP&R ZONE BOUNDARIES AND ESTABLISHED SQUARE FOOTAGE AND MEDIAN FAMILY INCOME RESTRICTIONS FOR COMMERCIAL PROPERTIES FOR INCENTIVES, DIRECTED THE CITY MANAGER TO INCLUDE PROVISIONS WHEN DEVELOPING CP&R GUIDELINES, PREPARED ADMINISTRATIVE GUIDELINES FOR THE ZONE, PURSUED STRATEGIES FOR PROTECTING AFFORDABILITY FOR THE ZONE, THAT IS THE RESOLUTION THAT I WILL SPEAK MOSTLY TO THIS AFTERNOON AS THOSE STRATEGIES FOR PROTECTING AFFORDABILITY IN THE ZONE. DETERMINE THE FEASIBILITY OF TARGETING FUNDS TO THE ZONE, THE FEASIBILITY OF UTILIZING EXISTING FUNDS FROM EXISTING ECONOMIC DEVELOPMENT COMMUNITY DEVELOPMENT PROGRAMS, DETERMINE THE FEASIBILITY OF ENHANCING THE SMART HOUSING REQUIREMENTS FOR PROJECTS WITHIN THE ZONE. I WILL BE DISCUSSING THAT ITEMS AS WELL. THEN NUMBER 9 REPORT BACK TO THE COUPLE

WITHIN 90 DAYS. THAT WAS DELAYED A LITTLE BIT BY A COUPLE OF EVACUATIONS THAT TOOK PLACE, WE ARE GLAD TO BE HERE TODAY TO MAKE THIS PRESENTATION. TO FOCUS ON THE ISSUE AGAIN, WE ARE GOING TO BE PRESENTING THE UPDATE ON TODAY, PRIMARILY FOCUSED ON THE ONE MOST IMPORTANT TO US, ONE THAT REGARDS HOUSING AFFORDABILITY IN MY DEPARTMENT. THAT IS TO PURSUE STRATEGIES TO PROMOTE AFFORDABILITY OF NEW AND EXISTING HOUSING BY, A, ADOPTING A TAX ABATEMENT POLICY, CREATING COMMUNITY LAND TRUST, AND STRENGTHENING RESTRICTIVE COVENANT LANGUAGE IN ORDER TO PROTECT PUBLIC INVESTMENT. THEN I WILL FOCUS ON A FIRST, BUT IT'S IMPORTANT THAT ALL OF THESE RECOMMENDATIONS ARE DESIGNED TO ASSIST CP&R ZONE HOMEOWNERS AT OR BELOW 65% OF MFI TO REMAIN IN THEIR HOMES. TO CREATE HOME OWNERSHIP OPPORTUNITIES AT OR BELOW THE 65% MEDIAN FAMILY INCOME LEVEL AND TO CREATE AND PRESERVE RENTAL HOUSING THAT SERVES HOUSES WITH INCOMES AT OR BELOW 50%. ON RESOLUTION NUMBER 5 A WE HAVE CONTINUED TO WORK ON ANALYZING WHAT IT COULD TAKE AND THE ISSUES SURROUNDING CREATION OF AN ABATEMENT OF CITY PROPERTY TAXES FOR RESIDENTIAL USES SERVING LOW INCOME HOMEOWNERS AND RENTERS. WE WOULD RECOMMEND THAT WE CONSIDER IMPLEMENTING A TAX ABATEMENT STRATEGY AFTER FURTHER REVIEW, WHICH WE WILL COME BACK TO YOU WITH FOR FINAL RECOMMENDATIONS IN JANUARY, BUT THESE FOLLOWING RESTRICTIONS, 65% OF MEDIAN FAMILY INCOME OR BELOW FOR HOMEOWNERS, 50% OF MEDIAN FAMILY INCOME OR BELOW FOR RENTERS OR FOR MULTI-FAMILY PROPERTIES WHERE 40% OF THE UNITS ARE SERVING THAT POPULATION. A 10% RESIDENCY REQUIREMENT. AND APPLIED, THE ABATEMENT WOULD APPLY ONLY TO THE INCREASE IN VALUE FOR THE REHABILITATION OR NEW CONSTRUCTION ON A VACANT PIECE OF PROPERTY. A MINIMUM INVESTMENT OF \$5,000 IN ANY ADDITIONAL REHABILITATION WOULD BE REQUIRED TO BRING THE HOUSING UP TO MEET CURRENT HOUSING STANDARDS. WE BELIEVE THAT SUCH A POLICY COULD REDUCE THE BURDEN ON HOMEOWNERS WHO MAKE REPAIRS OR IMPROVEMENTS TO THEIR HOMES. THE

PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT PROVIDES FOR THE CREATION OF REINVESTMENT ZONES. OFFERING TAX ABATEMENTS BY MUNICIPALITIES INCLUDING TAX ABATEMENT FOR RESIDENTIAL PROJECTS. AND AGAIN WE PLAN TO RETURN TO COUNCIL IN JANUARY WITH SPECIFIC TAX ABATEMENT GUIDELINES AND THE CRITERIA REQUIRED UNDER THE ACT BUT WE WANTED TO SHOW YOU SOME OF THE EXAMPLES OF HOW THIS MIGHT PROVIDE SOME BENEFITS AND A REAL-LIFE EXAMPLE WITH SOME CERTAIN ASSUMPTIONS. THIS SLIDE SHOWS WITH THESE ASSUMPTIONS, IT'S IMPORTANT TO PUT IT OUT THERE, SO PEOPLE KNOW WHERE THESE NUMBERS CAME FROM, WE ARE ASSUMING A CONSTANT TAX RATE, FLAT TAX RATE FOR THE CITY OF AUSTIN, TRAVIS COUNTY AND AISD FOR ALL PROGRAM YEARS, 10% INCREASE IN ASSESSED VALUE FOR YEARS ONE TO FIVE AND A 7% -- 7.5% INCREASE IN ASSESSED VALUES FOR YEARS 6 TO 10 AND NO -- NO INFLATION ADJUSTMENTS AND NEW CONSTRUCTION OF VACANT LOT VALUE AT \$40,000 WITH THE \$75,000 IMPROVEMENT AND THE REHABILITATIONS VALUED AT \$10,000 ON A PROPERTY THAT WAS ORIGINALLY ASSESSED AT \$90,000. SO WHAT THIS SHOWS IS IN THOSE CIRCUMSTANCES, WHAT YOU HAVE UNDER THE SITUATION WHERE YOU HAVE A VACANT PIECE OF PROPERTY AND A NEW HOUSE IS CONSTRUCTED THE PROPERTY TAXES, THE CITY PROPERTY TAXES, ONLY THE CITY, WOULD BE FROZEN AT THE UNIMPROVED VALUE OR \$40,000. OVER THAT CASE, A PERIOD OF TIME, THE HOUSE WAS BUILT FOR \$75,000 ON TOP OF THAT. THE VALUE, THE BENEFIT TO THE HOME OWN OVER A 10 YEAR PERIOD OF TIME WOULD BE \$5,970. IF IN FACT WE ARE ABLE TO GET THE COUNTY TO PARTICIPATE, THEN YOU CAN SEE THAT THE BENEFIT TO THE HOME OWNER WOULD GO UP TO -- BY \$4,865. THE TOTAL BENEFIT WOULD BE 10,835. THE HOUSING IN THE SCENARIO OF A HOUSING REHABILITATION, YOU HAVE THE BENEFIT OF 2,770 OF CITY OF AUSTIN TAXPAYER SAVINGS, AGAIN IF THE COUNTY WOULD PARTICIPATE, THAT BENEFIT WOULD BE ADDED FOR A TOTAL OF \$5,235 OF A BENEFIT TO THE FAMILY. THE -- THE FINAL LINE THERE, THE TOTAL COST ESTIMATED FOR THE CITY FOR THE TERM OF THE ABATEMENT WOULD -- IS BASED UPON THE ASSUMPTION THAT WE WOULD BE ABLE TO FIND 20 PROPERTIES THAT

WERE VACANT AND HAD NEW CONSTRUCTION PLACED ON THEM AND 50 REASONABLE ACCOMMODATION ABATEMENT PROJECT -- REHABILITATION ABATEMENT PROJECTS PER YEAR FROM YEAR ONE TO FIVE. SO THAT'S -- THAT'S THE ISSUE ON TAX ABATEMENT. AGAIN, RECOMMENDATION 5 A WAS AN IMPORTANT RECOMMENDATION IN THIS -- IN THIS REPORT. AND IT HAD A COUPLE OF OTHER IMPORTANT PROVISIONS TO IT. ONE IS ELEVATE THE OPTIONS FOR A COMMUNITY LAND TRUST. YOU HAVE RECEIVED A BRIEFING ON THAT. IN WRITING. AND WE ARE GOING TO GIVE YOU A FORMAL BRIEFING AND PRESENTATION ON DECEMBER 1st TO GO THROUGH FURTHER DETAILS ABOUT THE OPTIONS AVAILABLE TO US WITH REGARD TO A COMMUNITY LAND TRUST. THE OTHER OPTION WAS IT SAYS STRENGTHENING RESTRICTIVE COVENANT LANGUAGE IN ORDER TO PROTECT THE PUBLIC INVESTMENT. WE HAVE TAKEN ACTION TO ADOPT A POLICY THAT WE THINK WILL DO THAT. WHERE WE BELIEVE AND WE BELIEVE THAT IN FACT THIS WILL OCCUR PRIMARILY IN ZONE 1, WHERE WE BELIEVE THAT WOULD OCCUR IS WHERE RESALE -- WHERE LAND COSTS WOULD EXCEED \$40,000. AND A TRIGGER OF -- OF 40,000 SUBSIDY TO REQUIRE AFFORDABILITY WOULD OCCUR, EITHER ONE, THEN WE WOULD INSTITUTE WHAT ARE OUR NEW RESALE RESTRICTIONS. THE RESALE PROVISIONS WOULD ALLOW THE CITY TO PROTECT THE AFFORDABILITY FOR A MINIMUM OF A 20 YEAR PERIOD. IT REQUIRES RESTRICTIVE COVENANTS AND AN EQUITY SHARING PROVISION THAT IS SOMEWHAT SIMILAR TO A COMMUNITY LAND TRUST IN THE MODEL, BUT NOT -- NOT EXACTLY THE SAME WOULD IT WOULD ALLOW ONE MORE TOOL IN THE AREA, NOT IN COMPETITION WITH, BESIDES THE COMMUNITY LAND TRUST. I THINK IT'S IMPORTANT TO NOTE THAT IN 2005 AS OF NOVEMBER 17th, TODAY, THE MEDIAN LISTING PRICE FOR A NEWLY CONSTRUCTED SINGLE FAMILY HOUSE IN ZONE 1 OF THE CP&R ZONE IS \$235,000. EXPONENTIALLY RISING FROM WHAT IT WAS A FEW YEARS AGO. THE INCREASE IN PRICES IS VERY MUCH DRAMATIC. SO TAKING THESE STEPS WOULD ALLOW US TO HAVE SOME ABILITY TO MITIGATE THE INCREASED COSTS OF THOSE UNITS TO THOSE FOLKS WHO HAVE LIVED IN THE COMMUNITY FOR SUCH A LONG TIME. AND THEN FINALLY, WE DO WANT TO CONTINUE TO EVALUATE THE FISCAL IMPACTS OF THE HOMESTEAD

PRESERVATION DISTRICT AND EVALUATE THE BENEFITS AND THE COSTS OF THAT, THAT IS ANOTHER BRIEFING THAT WILL BE COMING FORWARD IN THE NEAR FUTURE. ON RESOLUTIONS, I WOULD LIKE TO TALK ABOUT RESOLUTION, ITEM 5 B, C AND 8 TOGETHER BECAUSE THEY ARE ALL INTERRELATED. AND SO -- SO AGAIN THIS IS ANOTHER AREA WHERE WE HAVE MADE SOME PROGRESS. ONE, THE COUNCIL -- THE FIRST THREE ISSUES FUNDED, \$50,000, TO PROVIDE UTILITY ASSISTANCE FOR ELIGIBLE FAMILIES IN THE ZONE. THE PROGRAM WILL BE ADMINISTERED BY THE HEALTH AND HUMAN SERVICES DEPARTMENT AND AGAIN TARGETED WITH SPECIFIC RESTRICTIONS FOR LOW INCOME FOLKS WHO HAVE LIVED IN THE COMMUNITY FOR LONG PERIODS OF TIME. TODAY AND THE COUNCIL AUTHORIZED PUBLIC HEARINGS FOR AND ON THE DECEMBER 15th YOU ARE SCHEDULED TO TAKE ACTION THAT WOULD ADDRESS THE TWO -- THE NEXT TWO RECOMMENDATIONS, WHICH ARE DEALING WITH ACCESSIBILITY STANDARDS AND ELECTRICAL CODE ISSUES. THIS HAS LONG BEEN AN ISSUE FOR AFFORDABLE HOUSING IN THIS COMMUNITY, BEEN FOUGHT VERY HARD BY -- BY ONE STAFF MEMBER THAT I HAVE STEWART HIRSCH HAS BEEN LOBBYING FOR THIS FOR A LONG TIME, TO BRING US INTO COMPLIANCE WITH THE 2003 INTERNATIONAL BUILDING CODE AND THE 2005 NATIONAL ELECTRIC CODE, THOSE ISSUES ARE UP BEFORE YOU, WE BELIEVE THOSE CAN HAVE SOME SIGNIFICANT IMPACT ON HOUSING AFFORDABILITY. WE ARE EXCITED ABOUT THE FACT THAT WORK ALTHOUGH YOU CAN'T SEE THAT, HAS BEEN VERY DILL GENLT IN THE LAST SEVERAL MONTHS. THE OTHER STRATEGIES OCCASIONAL STAFF WORK AND FINANCIAL ANALYSIS. WE DO NOT HAVE MECHANISMS TO FUND THESE IDEAS, BUT WE THINK THEY ARE SIGNIFICANT CONCEPTS THAT NEED CONTINUED WORK. WE NEED TO CONTINUE TO EXPLORE METHODS SIMILAR TO THE BENEFITS THAT WERE FOUND IN THE OLD SMART GROWTH MATRIX WHICH ALLOWED FOR COST PARTICIPATION WITH DEVELOPMENT THAT MET CERTAIN PREDETERMINED CRITERIA. ENHANCING INFRASTRUCTURE REIMBURSEMENT POLICIES FOR DEVELOPMENT THAT MEET THE CP&R AFFORDABILITY GOALS IS A GOAL THAT WE MUST CONTINUE TO EXPLORE. LINKING INFRASTRUCTURE REIMBURSEMENT POLICIES TO HOUSING AFRAIDABILITY GOALS IS SOMETHING

AS A STAFF WE ARE CONTINUING TO HAVE DISCUSSIONS AND DIALOGUE ABOUT, IT JUST REQUIRES FURTHER WORK. RUSSIANING CONSTRUCTION COSTS ASSOCIATED WITH ON SITE IMPROVEMENTS, ALLOWING FOR MIXED USE INCENTIVES WAS A KEY FOCUS OF WHAT WE TRIED TO DO UNDER THE OLD SMART GROWTH MATRIX, WE THINK THAT WE NEED TO CONTINUE TO EXPLORE OPTIONS THAT WOULD ALLOW US TO ENHANCE THE REDUCTION IN THE COSTS FOR HOUSING THAT MEETS THOSE STANDARDS. NEXT, THE ISSUES OF -- OF BOTH PARKING, BUT ALSO -- ALSO PARTICULARLY WITH REGARD TO NEIGHBORHOOD PLANNING, REVIEWING THE NEIGHBORHOOD PLANNING, WHAT THE NEIGHBORHOOD PLANNING TEAMS, THE OPTIONS OF A 25% DENSITY BONUS FOR HOUSING THAT MEETS THE CP&R GOALS, ESSENTIALLY WITHOUT REQUIRING A PLAN AMENDMENT TO THAT MAKE EASIER FOR NEIGHBORHOODS AND NEIGHBORHOOD PLANNING TEAMS TO HAVE THAT AS AN OPTION TO ADDRESS THE ISSUE OF AFFORDABILITY. AND SO THOSE ARE LONGER TERM ISSUES THAT WE WANT TO CONTINUE TO WORK ON IN THE FUTURE AND WOULD CONTINUE TO BRING YOU UPDATES ON WITH OUR PROGRESS WITH THAT. RESOLUTION ITEM NO. 6, TOOK A -- WAS BASICALLY ASKING US TO LOOK AT THE IDEA OF TARGETING FUNDS FROM EXISTING HOUSING AND COMMUNITY DEVELOPMENT SOURCES, GENERAL FUND, WE DID A LOT OF WORK ANALYZING WHAT OUR FUNDING PATTERNS ARE AND HAVE BEEN AND WE ARE RECOMMENDING THAT WE MAINTAIN THE CURRENT FUNDING STRATEGIES BECAUSE WHEN WE LOOKED AT THIS, WE NOTICED THAT SINCE 2003 62% OF OUR FUNDING, NOT COUNTING WHAT WE HAVE SPENT IN THE 11th AND 12th STREET CORE CORRIDORS, WHICH ARE PART OF THE CP&R ZONE, WERE ACTUALLY SPENT IN THE CP&R R, 62% OF OUR DOLLARS ARE SPENT THERE. A COUPLE OF HOUSING PROGRAMS, REASON HALL HOUSE RENTAL HOUSING, 78%. THE ROPE FOR THAT BECAUSE OUR PLANNING PROCESS REQUIRES US TO LOOK WHERE THE HIGHEST NEEDS ARE. BUT IT DOESN'T EXCLUDE AREAS THAT MIGHT NOT BE IN THE HIGHEST NEEDS THAT ALSO LIKE SAINT JOHN'S, SOME AREAS THAT AREN'T IN THE CP&R ZONE THAT WE WOULD BE ABLE TO FUND IF WE DON'T SIMPLY RESTRICT THEM AND WE THINK THAT WE NEED TO CONTINUE TO MONITOR THE

EXPENDITURE OF THESE DOLLARS OVER THE LONG TERM IN THESE AREAS TO MAKE SURE THAT WE ARE CONTINUING TO ADDRESS THE NEEDS. AND THEN THE OTHER THING THAT IS IMPORTANT THAT THE -- THIS COUNCIL AGAIN, I'M ALWAYS PROUD ESPECIALLY OUTSIDE OF THE CITY TO BRAG ON THE FACT THAT THE CITY COUNCIL PROVIDES A LOT OF GENERAL FUND DOLLARS TO SUPPORT HOUSING IN COMMUNITY DEVELOPMENT AND IN THIS STATE NOBODY REALLY DOES THIS, CERTAINLY IN MY REGION OF H.U.D., THEY ARE ALL JEALOUS, BUT THE COUNCIL CONTINUES TO SUPPORT THAT. ALLOCATIONS FROM THE GENERAL FUND SINCE 2000, THERE HAS BEEN \$17.3 MILLION INVESTED IN THE GENERAL FUND. AND THAT'S OBVIOUSLY MORE THAN MOST CITIES IN THE STATE. IN ADDITION, TO ALL OF THIS, AS PART OF THE BUDGET THIS YEAR, THE COUNCIL ESTABLISHED A BUSINESS LOAN PROGRAM FUNDING OF \$150,000 SPECIFICALLY PROVIDING UP TO \$10,000 OF BUSINESSES -- UP TO \$10,000 TO EXISTING BUSINESSES THAT HAVE BEEN LOCATED WITHIN THE ZONE FOR THE LAST FIVE YEARS. THE NEXT STEPS, COUNCIL ON THIS ARE TO CONTINUE TO DO THE WORK THAT I TALKED ABOUT WITH SOME OF THESE LONGER TERM INITIATIVES AND LONGER TERM STRATEGIES, LOOK TO SEE WHERE WE CAN BRING STAKEHOLDER REVIEW, BRING THOSE ISSUES TO BOARDS AND COMMISSIONS WHERE NECESSARY. TO WORK, TO GET A FINAL STAFF RECOMMENDATION FOR WHATEVER PUBLIC HEARINGS ARE REQUIRED AND WHATEVER ACTIONS ARE NECESSARY BASED UPON THE -- UPON THE FURTHER DEVELOPMENT OF THE COMMUNITY LAND TRUST, AND THE TAX ABATEMENT PROCESSES THAT WE SEE BRINGING FORWARD AS EARLY AS JANUARY. AGAIN, TO CLOSE AND TO RE-EMPHASIZE, THE IMPORTANCE OF THIS, FROM OUR PERSPECTIVE, IN HOUSING AND COMMUNITY DEVELOPMENT, I WANT TO THANK COUNCILMEMBER ALVAREZ, MAYOR PRO TEM THOMAS AND THE WHOLE COUNCIL FOR YOUR LEADERSHIP AND CONTINUING TO KEEP THIS ISSUE ON THE FOREFRONT OF THIS COMMUNITY. IT IS A SYSTEMIC PROBLEM, AGAIN, THAT WE ARE LIMITED IN OUR ABILITY TO DEAL WITH BASED UPON THIS TAX STRUCTURE THAT WE ALL EXIST WITHIN. TODAY WE HAVE HIGHLIGHTED THE PROGRESS MADE AND ILLUSTRATED WHAT WE CAN DO AT THIS POINT. WE WILL CONTINUE TO WORK ON THOSE OTHER INITIATIVES AND

WITH THAT I WOULD BE GLAD TO ANSWER ANY QUESTIONS THAT THE COUNCIL MIGHT HAVE ON THIS ISSUE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Alvarez: THE PLACING UPON THE HOMEOWNERS A MUCH GREATER TAX BURDEN THAN THEY'VE BEEN ACCUSTOMED TO. AND SO I DO BELIEVE THAT THAT'S MAYBE SOMETHING WE SHOULD LOOK AT. AND I THINK SPECIFICALLY, YOU KNOW, IF WE COULD CONDUCT AN ANALYSIS OF THE VARIOUS ZONES THAT WERE ZONE IN THE -- THAT WERE SHOWN IN THE MAP, ZONES 2, 3 AND HAD AND HOW THE INCREASES IN APPRAISED VALUES HAVE CHANGED SINCE '95, LET'S SAY, TO MAYBE A 10-YEAR PERIOD BECAUSE I THINK 1995 REALLY SEEMS TO BE A VERY -- KIND OF A YEAR WHERE WE STARTED SEEING, YOU KNOW, A LOT OF SIGNIFICANT INCREASES IN THE APPRAISED VALUES I THINK BECAUSE FOLKS -- THERE WAS A LOT OF HOME SALES THAT STARTED TO OCCUR, AND SO I THINK FROM THAT POINT ON I THINK WE SEE EVEN A GREATER -- PERCENTAGEWISE GREATER INCREASES IN THOSE APPRAISED VALUES, SO I THINK THAT'S A GOOD YEAR. I THINK WE WERE LOOKING AT THE 10-YEAR MARK AS A MEASURE OF IDENTIFYING FOLKS WHO MIGHT NEED ASSISTANCE IN THE AREA BECAUSE I BELIEVE AROUND 1995, REALLY IF YOU LOOK AT SOME OF THE STATISTICS, IT SEEMS LIKE THE APPRAISED VALUES REALLY BEGAN THEIR VERY STEADY INCREASE AND NOW WE'RE SEEING IT RAISE JUST AGAIN ALMOST EXPONENTIALLY REALLY. WE WERE AT THAT HOUSING FORUM PODER SPONSORED ON TUESDAY, I BELIEVE, AND SO THERE WERE SOME FAMILIES WHO TOLD ME ABOUT A COUPLE OF HOMES ON GARDEN STREET SELLING FOR \$350,000, AND SO THAT'S KIND OF MIND BLOWING WHEN YOU THINK ABOUT THE FACT THAT MAYBE 10 YEARS AGO OR A LITTLE MORE YOU COULD PURCHASE A HOME THERE IN THAT NEIGHBORHOOD FOR ABOUT \$50,000.

THAT'S CORRECT.

Alvarez: SO PEOPLE ARE REALLY CONCERNED, I THINK WITH GOOD REASON. SO I LIKE THE -- I THINK IF YOU'RE LOOKING AT THE CHARACTERISTICS OF THE ZONE AND DIFFERENT FOLKS IN DIFFERENT PARTS OF THE ZONE ARE FACING DIFFERENT CHALLENGES, SO I DO THINK THAT ZONE 1 IS AS



A CRITICAL ZONE AND THAT WE MIGHT MAYBE FOCUS SOME OF OUR HOMEOWNER ASSISTANCE EFFORTS OR RELIEF EFFORTS IN THAT ZONE POTENTIALLY. AND I DON'T KNOW IF THE ESTIMATE THAT YOU PROVIDED WAS FOR THE WHOLE ZONE OR FOR JUST THAT PARTICULAR ZONE OR SUBZONE, I SHOULD SAY, OF THE CP AND R ZONE, BUT ONE THING IN TERMS OF INFORMATION ALSO THAT IT WOULD BE GOOD TO HAVE IS MAYBE LOOKING AT THAT ZONE 1 OR THE SUBZONE THAT WE'VE LABELED AS ZONE 1, AND TO FIND OUT HOW MANY FOLKS HAVE OWNED THEIR PROPERTY OR LIVED IN THE NEIGHBORHOOD AND HAVE HAD THEIR HOMESTEAD IN THAT ZONE SINCE 1995. AND JUST TO SEE WHAT KIND OF POPULATION WE MIGHT BE WORKING WITH AND THEN POTENTIALLY HOW MANY COULD QUALIFY FOR THE TAX ABATEMENTS OR THE TAX ASSISTANCE THAT THEY MIGHT BE ELIGIBLE FOR IF THEY MEET THE INCOME CRITERIA. SO THAT MIGHT BE ANOTHER --

YES, SIR.

Alvarez: JUST IN TERMS OF MOVING THIS FORWARD TO IDENTIFY SO THE POPULATION TO BE SERVED, WE WON'T KNOW THAT JUST FROM THE TAX -- FROM THE INFORMATION THAT WE COULD GET FROM THE TAX APPRAISAL OFFICE AND WE'LL HAVE TO ACTUALLY QUALIFY FOLKS BASED ON INCOME LEVELS, BUT THE FIRST STEP REALLY IS TO GET -- TO IDENTIFY FOLKS WHO MAY BE ELIGIBLE, AND THEN WE MIGHT MAKE A GUESS ABOUT HOW -- WHAT PERCENTAGE OF THOSE MIGHT ACTUALLY QUALIFY FOR HELP THROUGH AN ABATEMENT PROGRAM, IF THAT'S THE ROUTE WE CHOOSE TO GO. AND THAT ALSO MAY IDENTIFY THE POPULATION OF FOLKS THAT COULD QUALIFY FOR THE UTILITY REBATE OR UTILITY ASSISTANCE PROGRAM THAT YOU ALSO OUTLINED, SO I THINK THAT'S AN IMPORTANT STEP AS WE MOVE FORWARD IS TO LOOK PARTICULARLY AT THAT CENTRAL CORE OF THE CP AND R, MAYBE DO SOME ANALYSIS COMPARING IT TO THE REST OF THE ZONE AND ALSO TRYING TO GET A HANDLE ON THE POPULATION TO BE SERVED AND THEN -- BECAUSE THAT WILL HELP US AS WE DEVELOP THOSE HOMEOWNER ASSISTANCE PROGRAMS, AS WE PUT THEM INTO PLACE, WE NEED TO FIGURE OUT WHO WE MIGHT REACH OUT TO TO INFORM THAT THERE'S AN OPPORTUNITY HERE TO RECEIVE ASSISTANCE. AND THAT'S -

- AGAIN, THAT'S SOMETHING THAT I THINK THERE MIGHT BE COMMUNITY GROUPS OUT THERE, NEIGHBORHOOD ASSOCIATIONS WHO COULD ALSO HELP US GET THE WORD OUT BECAUSE -- ESPECIALLY JUDGING FROM A LOT OF WHAT WE'VE BEEN HEARING IN THE LAST COUPLE OF YEARS ABOUT THIS ISSUE, I THINK IT'S SOMETHING THAT IS VERY CRITICAL TO -- AND OF GREAT CONCERN TO A LOT OF FOLKS AND THAT -- SO I THINK THAT WE WOULD HAVE A LOT OF ALLIES WHO WOULD CREATE SOME WAYS TO HELP OR PROVIDE RELIEF AND WE WOULD GET SOME HELP IN GETTING THE WORD OUT ABOUT THOSE EFFORTS. BUT I THINK AGAIN JUST WHAT WE'VE HEARD, I THINK THIS IS VERY ENCOURAGING. I DO THINK THAT THE COMMUNITY LAND TRUST COULD BE ANOTHER GREAT TOOL AND POTENTIALLY HB 525, AGAIN, IF WE CAN FIGURE OUT HOW TO MAKE THAT WORK FOR THE CITY FROM A FISCAL POINT OF VIEW, BUT I DID WANT TO THANK YOU FOR BRINGING THOSE IDEAS FORWARD, AND I THINK AGAIN THERE'S A LOT OF NEED FOR THIS KIND OF AN APPROACH AND I HOPE THAT WE CAN MOVE FORWARD IN A DILIGENT MANNER.

COUNCILMEMBER, I WANT TO THANK YOU AGAIN AND I APPRECIATE THAT. WE CAN SHARE WITH YOU AND SHARE WITH THE ENTIRE COUNCIL THE PRELIMINARY ANALYSIS WE'VE DONE ON SOME OF THOSE ISSUES, BUT MAKE SURE WE'VE CAPTURED WHAT IT IS YOU'RE LOOKING FOR. ONE OF THE OTHER ISSUES I THINK THAT -- AGAIN, AS THESE ARE -- AS THESE ISSUES RELATE TO EACH OTHER, ONE OF THE RECOMMENDATIONS IN THE AFRICAN-AMERICAN QUALITY OF LIFE INITIATIVE IS TO CREATE MORE ECONOMIC -- MORE OPPORTUNITIES FOR PEOPLE TO UNDERSTAND THE TAX CODE AND HOW THEY CAN USE THE TAX CODE TO PROTECT THEIR OWN INTERESTS AND STAYING IN THEIR HOME. AS WE'RE LOOKING AT THOSE HOUSES, YOU'RE TALKING ABOUT AND WHOSE LIVING THERE, ARE THEY AWARE OF THE TAX BENEFITS THAT ARE AVAILABLE TO THEM, THE HOMESTEAD PRESERVATION ISSUES. ARE THEY ACTUALLY USING THOSE? SO THAT'S AN AREA WHERE SOME OF THE THINGS WE'RE WORKING ON ARE --

I THINK WALTER AND HIS CREW COULD HELP US --

HE'S GOT SOME TAX STUFF, DOESN'T HE? >>

Alvarez: I THINK THAT'S KIND OF WHAT I WAS TRYING TO SAY IS ONCE WE -- IF WE SAY OUR TARGETED POPULATION IS FOLKS WHO HAVE LIVED X NUMBER OF YEARS AND AT A 50% MFI, WHOSE INCOME IS AT A 50% MFI LEVEL, THEN WE CAN TELL THEM ABOUT PROGRAMS DESIGNED SPECIFICALLY FOR THAT ZONE, BUT WE CAN ALSO MAKE ARE SURE THAT, LIKE YOU SAID, THAT IF THEY DON'T -- THEY'RE NOT PARTICIPATING IN AUSTIN ENERGY'S CAP PROGRAM, THAT WE SIGN THEM UP FOR THAT. AND IF THEY'RE NOT DOING THEIR TAXES OR MAYBE NEED HELP WITH SOME OF THE STRATEGIES, ARE TAKING ADVANTAGE OF THEIR FULL TAX REFUND POTENTIAL, THEN WE CAN PUT THEM IN TOUCH WITH THE FOLKS WHO CAN HELP THEM MAXIMIZE THAT. SO I THINK THAT'S PART OF THE REASON THAT I THINK WE NEED TO START MOVING TO THE NEXT STEP WHERE WE'RE SAYING IF WE CAN TARGET THE AREA THAT WE FEEL IS MOST -- HAS THE GREATEST NEED, THEN START TRYING TO FIGURE OUT WHAT THE SIZE OF THE POPULATION IS THAT WE'RE TRYING TO HELP AND THEN ACTUALLY GOING AND VISITING WITH THOSE FOLKS AND FIGURING OUT WHAT CAN BE DONE AND IF THEY NEED HELP. I THINK YOU START NOT JUST TALKING ABOUT IT IN TERMS OF IT'S GENTRIFICATION AND IT'S SUCH A HUGE ISSUE THAT YOU CAN'T REALLY GET YOUR ARMS AROUND, BUT WE ACTUALLY START DEFINING A POPULATION THAT WE FEEL WE CAN HELP OR NEEDS HELP, AND THEN WE CAN ACTUALLY TRY TO FIND CREATIVE WAYS OF PROVIDING THEM SOME ASSISTANCE AND WE CAN JUST STOP JUST KIND OF THINKING ABOUT GENTRIFICATION AS A SPECTER THAT'S OUT THERE THAT'S COMING TO GET US OR THAT'S -- AGAIN, JUST CREATING PROBLEMS FOR A SPECIFIC SEGMENT OF OUR COMMUNITY, AND WE CAN START TO ACTUALLY DO SOMETHING ABOUT IT. BUT ALL THIS IS VERY HELPFUL IN TERMS OF MAKING IT A MANAGEABLE SORT OF ISSUE ONCE WE ACTUALLY DEFINE IT AND START GETTING SOME OF THE DATA AND PUTTING SOME PROGRAMS IN PLACE, AND WE ACTUALLY START MAKING AN IMPACT IN TERMS OF MITIGATING THE EFFECTS OF THIS PHENOMENON. I APPRECIATE YOUR HELP ON THIS.

THANK YOU VERY MUCH, SIR.

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

Thomas: MAYOR, IF YOU DON'T MIND.

Mayor Wynn: MAYOR PRO TEM.

Thomas: MR. HILGERS, I THANK YOU VERY MUCH FOR YOUR PRESENTATION, THANK YOU FOR YOUR HARD WORK. AS WE KNOW, TIME IS OF ESSENCE. YOU EVEN MADE A POINT IN ZONE 1 OF HOUSES AT 250,000. I THINK YOU'RE A LITTLE BIT MODEST. THEY'RE HIGHER THAN THAT IN SOME OF THE AREAS. I THINK TAPPING INTO THE RESOURCES AND TALKING TO REPRESENTATIVE EDDIE RODRIGUEZ YESTERDAY BRIEFLY, THERE ARE SOME AREAS THAT WE CAN HAVE STAFF SIT DOWN AND TRY TO NIP SOME OF THAT AS SOON AS POSSIBLE. I KNOW TIME -- YOU HAVE PUT A LOT OF TIME INTO IT, BUT IN THAT PARTICULAR ZONE IN THOSE AREAS WHERE COUNCILMEMBER ALVAREZ AND I REALLY MAPPED OUT, PEOPLE ARE REALLY HURTING. PEOPLE ARE BEING PUSHED OUT AND IT IS VERY IMPORTANT THAT WE MOVE AS FAR AS WE CAN ON THOSE PARTICULAR AREAS AND TAP INTO THE RESOURCES LIKE HOUSE BILL 525 SO WE WOULD BE ABLE TO UTILIZE THAT AS MUCH AS POSSIBLE. BUT I KNOW WITH THE STAFF AND THE CITY MANAGER WE'RE GOING TO BE ABLE TO ACCOMPLISH WHAT COUNCILMEMBER ALVAREZ AND I REALLY WANT TO DO. GENTRIFICATION IS ALIVE AND WELL AND WE UNDERSTAND THAT, BUT THERE IS SOME WAY THAT WE CAN KIND OF SLOW IT DOWN. THANK YOU VERY MUCH.

THANK YOU, SIR.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?  
COUNCILMEMBER ALVAREZ.

Alvarez: JUST IF WE COULD GET A COPY OF THAT POWERPOINT.

ABSOLUTELY.

Alvarez: JUST THOSE BULLET POINTS THAT WERE TOUCHED

ON. THANK YOU.

ABSOLUTELY. THANK YOU, SIR.

I'M NEXT AS WELL.

MR. HILGERS IS HERE WITH US, AT THIS TIME WITHOUT OBJECTION WE'LL RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL, WE'LL CALL TO ORDER THIS BOARD OF DIRECTORS MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION AND WELCOME BACK MR. PAUL HILGERS.

THANK YOU, MR. PRESIDENT, PRESIDENT OF THE AUSTIN HOUSING FINANCE CORPORATION AND BOARD MEMBERS. WE HAVE TWO ITEMS BEFORE YOU. ONE IS AHFC ITEM NUMBER 1, WHICH IS TO APPROVE THE MINUTES OF THE NOVEMBER THIRD MEETINGS OF THE BOARD OF DIRECTORS.

I'LL ENTERTAIN A MOTION. MOTION MADE BY BOARD MEMBER KIM, SECONDED BY BOARD MEMBER DUNKERLEY TO APPROVE THE MINUTES, AHFC ITEM NUMBER 1. FURTHER COMMENTS? ALL THOSE IN FAVOR, SIGNIFY BY SAYING AYE? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

THANK YOU. AND FOR THIS NEXT ITEM I'D LIKE TO ASK ROGER (INDISCERNIBLE) TO JOIN ME AT THE PODIUM. YOU DON'T NEED TO SAY ANYTHING, BUT I WANT YOU TO JOIN ME. ROGER WHO IS COMING UP IS GOING TO BE LEAVING THE HOUSTON AUSTIN HOUSING FINANCE CORPORATION TO GO TO BIGGER AND BRIGHTER ISSUES AND I JUST WANT HIM UP HERE BECAUSE I KNOW IT'S SOMETHING THAT HE'S GOING TO BE VERY PROUD OF AS HE DRIVES BY IT ALMOST EVERYDAY. I WANT TO THANK HIM FOR HIS WORK ON ON THE FINANCE CORPORATION AND THANK HIM AS WE DO SOMETHING THAT'S A LASTING LEGACY FOR THE CITY AND THANK HIM FOR HIS EFFORT ON THIS AND ALLOW ME TO PUBLICLY THANK HIM FOR ALL HE'S DONE. [ APPLAUSE ] I APPRECIATE THAT PERSONAL PRIVILEGE. THE AHFC ITEM NUMBER 2 IS TO APPROVE A RESOLUTION AUTHORIZING THE AUSTIN HOUSING FINANCE CORPORATION TO NEGOTIATE AND EXECUTE DOCUMENTS TO ACQUIRE THE FEE TITLE INTEREST IN THE PROPERTY LOCATED AT 7101 NORTH IH-35 CURRENTLY KNOWN AS THE HEARTH SIDE EXTENDED STAY

STUDIOS FOR AN AMOUNT NOT TO EXCEED \$2 MILLION FROM FC ASH FORD HOUSING CORPORATION TO NEGOTIATE AND EXECUTE A LONG-TERM LEASE OF THE PROPERTY FOR AN ANNUAL AMOUNT EQUAL TO ONE DOLLAR TO FC ASH FORD HOUSING CORPORATION TO DEVELOP, MANAGE AND OPERATE THE PROPERTY AS AFFORDABLE SINGLE ROOM OCCUPANCY RENTAL HOUSING FOR HOMELESS AND LOW INCOME INDIVIDUALS APPROVING THE SALE AND ASSIGNMENT BY FC ASH FORD HOUSING CORPORATION OF ITS LEASE HOLD INTEREST TO THE SPRING TERRACE HOUSING CORPORATION AND PERMITTING SPRING TERRACE HOUSING CORPORATION TO GRANT ONE OR MORE LEASE HOLD DEEDS OF TRUST TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS. THIS RESOLUTION ALLOWS US TO FINALIZE OUR -- GIVES US THE AUTHORITY TO FINALIZE OUR PARTNERSHIP THAT WE'VE BEEN TALKING ABOUT FOR MANY MONTHS NOW WITH OUR GOOD PARTNERS IN THE AFFORDABLE HOUSING BUSINESS FOUNDATIONS COMMUNITIES. SPRING TERRACE PROJECT IS PROPOSED UNDER THE RENTAL HOUSING DEVELOPMENT ASSISTANCE PROGRAM, AND THAT IS A GAP FINANCING PROGRAM THAT HAS FUNDED THE BULK OF OUR RENTAL HOUSING IN AUSTIN THAT WE HAVE FUNDED, INCLUDING THE FIRST SRO WE DID, GARDEN TERRACE. FC ASH FORD HOUSING CORPORATION CURRENTLY OWNS THE PROPERTY AND IT'S 140 UNIT SINGLE ROOM OCCUPANCY FACILITY. UPON APPROVAL, THE ACQUISITION OF THE FEE TITLE INTEREST IN THE PROPOSED SPRING TERRACE SRO WILL BE SUBJECT TO ALL APPLICABLE FEDERAL FUND RELEASE AND REAL ESTATE APPRAISAL REQUIREMENTS. FOLLOWING THE ACQUISITION, THE AHFC WILL NEGOTIATE AND EXECUTE A TRIPLE NET LEASE AGREEMENT FOR THE MINIMUM TERM OF 99 YEARS WITH THE FC ASH FORD HOUSING CORPORATION. AHFC'S PARTICIPATION IN THIS PROJECT WILL ALLOW THE PROPERTY TO RECEIVE 100% EXEMPTION FROM LOCAL PROPERTY TAXES. THE TAX EXEMPTION IS CRITICAL TO THE LONG-TERM OPERATION AND ECONOMIC STABILITY OF THE SRO FACILITY. UNDER THE LEASE AGREEMENTS, SPRING TERRACE HOUSING CORPORATION WILL HAVE TOTAL RESPONSIBILITY FOR ALL ASPECTS OF THE LONG-TERM OPERATIONS AND MAINTENANCE OF THE PROPERTY AND IMPROVEMENTS INCLUDING ALL PROPERTY AND LIABILITY

INSURANCE PROTECTIONS IN FAVOR OF AHFC. AFTER COMPLETION OF CLOSING TRANSACTION, SPRING TERRACE HOUSING CORPORATIONS, WITH FOUNDATIONS COMMUNITIES, WILL FACILITATE CONVERSION OF THE PROPERTY FROM THE CURRENT EXTENDED SAY COMMERCIAL COMPLEX INTO 140 UNIT SINGLE ROOM OCCUPANCY SUPPORTIVE RENTAL HOUSING FACILITY FOR HOMELESS AND LOW INCOME INDIVIDUALS. WALTER MORROW IS HERE IF THERE ARE ANY SPECIFIC QUESTIONS THAT HE MIGHT ASK. I WOULD LIKE TO TELL YOU AGAIN THAT PERSONALLY AND PROFESSIONALLY WE ARE VERY PROUD TO BRING THIS ITEM TO YOU. IT IS A LONG SOUGHT AFTER AND AGAIN AN INDICATION OF THE STRONG COMMITMENT OF THIS CITY TO BE A PARTNER THROUGH ITS FINANCE CORPORATION TO CREATE THE OPPORTUNITIES FOR VERY LOW INCOME INDIVIDUALS TO HAVE SECURE, SAFE, DECENT AFFORDABLE HOUSING. WE WERE FORTUNATE TO HAVE THE OPPORTUNITY TO GET ACCESS TO THIS PROPERTY, AND WITH THE INITIATIVE AND ENTREPRENEURSHIP OF OUR NONPROFIT PARTNER, FOUNDATIONS COMMUNITIES, WE WERE ABLE TO JOIN IN THIS JOINT VENTURE WITH THEM, SO WE ARE PROUD TO BRING THIS ISSUE FOR YOUR APPROVAL.

Mayor Wynn: THANK YOU, MR. HILGERS. QUESTIONS OF MR. HILGERS, COUNCIL? COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION ON AHFC ITEM 2. COUNCILMEMBER KIM -- BOARD MEMBER KIM. >>

Kim: MOVE APPROVAL AND I WOULD LIKE TO SAY SOMETHING.

Mayor Wynn: MOTION MADE BY BOARD MEMBER KIM THAT I'LL SECOND TO APPROVE AHFC ITEM NUMBER 2 AS OUTLINED BY MR. HILGERS. BOARD MEMBER KIM?

Kim: MR. HILGERS, I THINK THIS IS A WONDERFUL PROJECT. I THINK IT WAS GREAT THAT THE FOUNDATION COMMUNITIES HAVE STEPPED UP TO THE PLATE AND THEY'VE REALLY OFFERED THEIR ASSISTANCE ALSO IN PROVIDING THE FACILITY FOR THE KATRINA EVACUEES, IS THAT NOT RIGHT?

THAT'S CORRECT.

Kim: HOW MANY PEOPLE DID WE HOUSE THERE?

I'LL LET WALTER TALK SPECIFICALLY, BUT 120 FAMILIES?  
COME ON UP, WALTER YOU NEED TO BE THANKED  
PERSONALLY FOR THAT. >>THAT.

Futrell: BY THE WAY, THIS IS A GUY THAT DID SOME  
INCREDIBLE WORK FOR US. [ APPLAUSE ]

THANKS. IT'S BEEN AN EMOTIONAL COUPLE OF MONTHS AND  
WE WERE VERY FORTUNATE TO HAVE THE RIGHT FACILITY  
AT THE RIGHT TIME TO BE A RESOURCE TO HELP EVACUEE  
FAMILIES, ESPECIALLY THOSE AT THE CONVENTION CENTER  
THAT REALLY NEEDED TO MOVE QUICKLY BECAUSE OF  
HEALTH ISSUES OR EXPECTANT MOMS OR ELDERLY. I  
BELIEVE WE'VE HAD ABOUT 120 FAMILIES. A LITTLE OVER  
HALF ARE ACTUALLY STILL THERE. MOST HAVE APARTMENTS  
LINED UP, SO THEY'RE IN THE PROCESS OF MOVING. AND  
THANK YOU FOR YOUR HELP TO MAKE THIS HOUSING COME  
ABOUT AND BE A REALITY AND THANK YOU FOR YOUR  
SUPPORT ON GARDEN TERRACE.

THANK YOU.

Mayor Wynn: BOARD MEMBER ALVAREZ?

Alvarez: THANK YOU, MAYOR. REALLY I WANT TO THANK  
WALTER AND EVERYONE AT FOUNDATION COMMUNITIES  
FOR EVERYTHING. CERTAINLY ASSOCIATED WITH KATRINA,  
BUT ALSO IN SERVING THE NEEDS OF OUR LOCAL  
COMMUNITY AND HELPING US IDENTIFY OUR SECOND  
SINGLE ROOM OCCUPANCY FACILITY. WHICH A COUPLE OF  
YEARS AGO I THINK WE HAD NO SRO FACILITS AND WEREN'T  
REAL SURE WHEN WE MIGHT ACTUALLY BE ABLE TO  
ESTABLISH EVEN ONE BECAUSE OF THE SITING  
CHALLENGES ASSOCIATED WITH THAT. AND FOR US IN THE  
LAST COUPLE OF YEARS TO BE ABLE TO MOVE FORWARD TO  
ESTABLISH TWO WITH RELATIVELY NO COMMUNITY  
OPPOSITION TO THIS. IT'S KIND OF AN INBELIEVABLE --  
UNBELIEVABLE SITUATION, BUT SOMETHING THAT WILL  
MAKE A HUGE IMPACT AND IS READY MAKING A HUGE  
IMPACT ON GARDEN TERRACE AND WE'VE HEARD NOTHING  
BUT REALLY GOOD THINGS ABOUT THEIR OPERATIONS



THERE. AND SO THIS PRESENTS ANOTHER GOOD OPPORTUNITY AND I'M GLAD WE'RE ABLE TO PARTNER WITH YOU TO MAKE IT HAPPEN. BUT AGAIN I THINK THIS IS PROBABLY EVEN BIGGER THAN GARDEN TERRACE IN TERMS OF THE NUMBER OF UNIT, SO I THINK THAT OUR ABILITY TO MEET THE NEEDS OF FOLKS IN CRITICAL NEED OF ASSISTANCE AND HOUSING ASSISTANCE IS GOING TO REALLY MORE THAN DOUBLE HERE BECAUSE OBVIOUSLY OUR CAPACITY WAS -- OTHER THAN GARDEN TERRACE, THERE IS NO OTHER CAPACITY FOR THIS TYPE OF ASSISTANCE. SO ANYWAY, IT'S A VERY INSPIRING AND TO BE ABLE TO SHARE AND BE A PART OF THIS MOMENT AS WE WERE HERE WITH GARDEN TERRACE, AND I WANT TO JUST WISH YOU WELL WITH EVERYTHING YOU'RE DOING TO HELP FOLKS IN OUR COMMUNITY ACHIEVE SELF-SUFFICIENCY, WHICH I THINK IS PART OF THE REASON THE CITY INVESTS IN A LOT OF THESE SOCIAL SERVICE PROGRAMS IS TO HELP FOLKS GET UP ON THEIR FEET AND BECOME SELF-SUFFICIENT. AND FOR SOME FOLKS WE NEED THIS -- THIS IS A CRITICAL STEP, THE STEP THAT FOUNDATION COMMUNITIES IS PROVIDING IN GARDEN TERRACE AND NOW IN SPRING TERRACE. DID I GET THAT RIGHT, SPRING TERRACE IS A VERY CRITICAL PART OF THE CONTINUUM AS WE COME TO REFER. I CAN'T THINK YOU ENOUGH, WALTER, AGAIN, EVERYONE WITH FOUNDATION COMMUNITIES, YOUR BOARD, ETCETERA, REALLY FOR JUST REALLY GETTING AFTER IT AND MAKING THINGS HAPPEN FOR OUR COMMUNITY, REALLY POSITIVE THINGS, AND REALLY SUCCEEDING WHERE WE HADN'T BEEN ABLE TO MAKE ANY PROGRESS AS A COMMUNITY FOR A VERY LONG TIME. SO -- I HOPE WE'RE ABLE TO CONTINUE IDENTIFYING WAYS TO WORK TOGETHER TO MEET THIS CRITICAL NEEDS. BUT I CAN'T SAY THANK YOU ENOUGH REALLY, AND THANK YOU PAUL AND ALL YOUR STAFF AT NEIGHBORHOOD HOUSING FOR -- AGAIN FOR FIGURING OUT HOW TO MAKE THIS WORK FOR EVERYONE INVOLVED. THANK YOU.

Mayor Wynn: THANK YOU, BOARD MEMBER. FURTHER COMMENTS? BOARD MEMBER DUNKERLEY?

Dunkerley: I DO WANT TO ECHO THE GREAT PIP BETWEEN MY STAFF AND WALTER'S COMMUNITIES AND MEETING THE VERY CRITICAL NEED IN OUR CONTINUUM OF HOUSING. I

ALSO WANT TO TAKE A MOMENT AND RECOGNIZE WALTER FOR ANOTHER GREAT PROJECT THAT HE'S DONE AND THAT IS OUR INCOME TAX PREPARATION. WALTER REPRESENTS ONE OF THE REALLY BIG ECONOMIC DEVELOPMENT ACTIVITIES IN AUSTIN. WE FOUND OR HE FOUND THROUGH HIS EFFORTS SEVERAL YEARS AGO THAT THERE WERE PROBABLY \$24 MILLION BEING LEFT IN -- IN THIS COMMUNITY BEING LEFT ON THE TABLE BY PEOPLE WHO WERE ELIGIBLE ON THE CHILD INCOME TAX REBATES, ETCETERA, THAT WEREN'T TAKING ADVANTAGE OF THAT. SO HE STARTED AN EFFORT AND THIS YEAR HE NOT ONLY SERVED A GREAT MANY IN THE COMMUNITY, IT'S A NEW BENEFIT FOR CITY EMPLOYEES. YOU CAN COME THERE AND GET HELP WITH YOUR INCOME TAX PREPARATION. SO HOW MUCH INCOME DID YOU BRING IN LAST YEAR AND WHAT ARE YOUR GOALS FOR NEXT YEAR?

WE WERE JUST SHY OF 10 MILLION IN REFUNDS, 7400 TAX RETURNS, AND THE GOAL IS TO DO YOU BELIEVE DOUBLE THAT EFFORT. WE'VE RECRUITED 350 FOLLOW 350 VOLUNTEERS. WE NEED 400. ANYBODY WHO LIKES PREPARING TAX RETURNS, AND IT'S ACTUALLY FUN IN A PROGRAM LIKE THIS.

Dunkerley: WE WANT TO THANK YOU BECAUSE THAT'S MONEY GOING DIRECTLY INTO OUR ECONOMY THAT WILL PROBABLY BE SPENT HERE IN THE LOCAL COMMUNITY, SO WE THANK YOU VERY MUCH.

YOU'RE VERY WELCOME.

Mayor Wynn: THANK YOU ALL. FURTHER COMMENTS? WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE AHFC ITEM NUMBER 2. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH.

THAT'S ALL THE BUSINESS FOR THE FINANCE CORPORATION

TODAY. >>

Mayor Wynn: THANK YOU. THAT BEING THE CASE, WITHOUT OBJECTION, BOARD WERKS NOW ADJOURN THIS MEETING OF THE AHFC, CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. COUNCIL, IF YOU REMEMBER EARLIER IN EXECUTIVE SESSION WE TOOK UP ITEM NUMBER 56 RELATED TO AN AMENDMENT TO OUR CITY CODE REGARDING BILLBOARDS. I BELIEVE WE CAN TAKE UP THAT DISCUSSION WITHOUT A LOT OF DELAY. WELCOME MS. MARTY CHERRY, CALL UP ITEM NUMBER 41.

MAYOR AND COUNCIL, MARTHA TERRY, ASSISTANT CITY ATTORNEY. WHAT YOU HAVE BEFORE YOU PASSED OUT ON THE DIAS IS SECTION V OF THE SIGN ORDINANCE. WHAT YOU PASSED ON SECOND READING WAS VERSION T. AND THIS CONTAINS SOME ADDITIONAL CHANGES THAT THE STAFF WAS ASKED TO MAKE AND WE'RE GOING TO LAY THEM OUT BEFORE YOU AT THE PRESENT TIME. UNDER SECTION 6 OF THE ORDINANCE THERE ARE SOME NEW PROVISIONS BEGINNING AT PAGE 3 ON LINE 18. THAT PARTICULAR ADDITION PROVIDES THAT A SIGN OWNER MAY SEEK RELOCATION OF A SIGN UPON THE REQUEST OF A REGISTERED NEIGHBORHOOD ASSOCIATION THAT COVERS THE AREA IN WHICH THE SIGN IS LOCATED. AGAIN, ON PAGE 3, LINE 25, HAS ADDITIONAL LANGUAGE WHICH NOW PERMITS A SIGN WITH A SQUARE FOOTAGE AREA OF 300 FEET OR LESS TO BE PLACED IN AN EXPRESSWAY CORRIDOR SIGN DISTRICT OR A COMMERCIAL SIGN DISTRICT. ON PAGE 4 OF THE NEW VERSION AT LINE 8, A NEW SECTION HAS BEEN ADDED PROVIDING THAT THE SIGN HEIGHT OF A RELOCATED SIGN MAY NOT EXCEED 42 FEET ABOVE THE GROUND LEVEL STREET PAVEMENT. AND I WANT TO TALK ABOUT THIS ONE A LITTLE BIT BECAUSE IT'S NOT QUITE SELF-EVIDENT ABOUT WHAT THE PURPOSE OF THAT PARTICULAR PROVISION IS. EVERY ROAD HAS A CURVE AND THERE'S A BOW IN THE CENTER OF THE ROAD. AND WHAT THE PURPOSE OF THIS IS IS TO LIMIT THE HEIGHT TO 42 FEET AT THE HIGHEST POINT OF THE STREET LEVEL. SO WHAT THAT DOES IS THAT TAKES INTO CONSIDERATION THE BOW OF THE ROAD OR THE CURVE OF THE ROAD. I DON'T KNOW WHAT ROAD THE ENGINEERS CALL IT, BUT THAT'S WHAT A LAWYER CALLS IT. ON PAGE -- AT LINE 30 ON THE

SAME PAGE, WE JUST DID THE RENUMBERING THING FROM DOUBLE I TO TRIPLE I, SO THAT'S A CLEANUP. AND ON PAGE 5 OF THE ORDINANCE AT LINE 21, A NEW SECTION HAS BEEN ADDED. AND THAT PARTICULAR SECTION PERMITS A RELOCATION SIGN APPLICATION TO SUPERSEDE OR TAKE PRECEDENCE OVER AN APPLICATION FOR A REPLACEMENT SIGN. THE REPLACEMENT SIGN PROVISIONS ARE IN SECTION 5 OF THE CODE PROVISIONS AND THE RELOCATION PROVISIONS ARE IN 6. SO WHAT THAT DOES IS THAT PERMITS A RELOCATION APPLICATION TO STEP IN FRONT OF AN APPLICATION FOR REPLACEMENT SIGN. AND WITH THAT, MAYOR AND COUNCIL, I'M AVAILABLE FOR QUESTIONS AND STAFF IS HERE AS WELL.

Mayor Wynn: THANK YOU, MS. TERRY. COUNCIL, WE DO HAVE JUST A -- THREE PEOPLE SIGNED UP WISHING TO ADDRESS US ON THIS ISSUE. I'LL OPEN IT UP FOR COMMENTS OR QUESTIONS.

Alvarez: MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: HOW MANY CHANGES DID YOU LAY OUT? FROM SECOND READING?

FROM SECOND READING, EXCUSE ME, WE HAD FIVE SEPARATE CHANGES, ONE OF WHICH WAS SIMPLY A NUMBERING CHANGE.

Alvarez: OKAY. SO YOU WENT THROUGH THE CHANGE RELATED TO NEIGHBORHOOD ASSOCIATIONS REQUESTING THE RELOCATION OF A SIGN?

YES, SIR. THAT IS AT -- THAT IS AT PAGE 3, LINE 18.

Alvarez: RIGHT. SO WHAT THAT -- NOT THAT I VOTED FOR THIS ON SECOND READING, BUT IN THAT VERSION WHICH HAD MANY SIGNIFICANT CHANGES FROM THE FIRST READING OF THE ORDINANCE, THERE WAS A DISTRICT, LET'S SAY, ESTABLISHED AND SIGNS IN THOSE DISTRICTS COULD BE RELOCATED TO SPECIFIC ROADWAYS ESSENTIALLY,

RIGHT?

YES, SIR, THAT IS CORRECT. IT WAS A CONFINED DEFINED AREA.

Alvarez: CONFINED AREA. THAT'S WHAT I WAS LOOKING FOR. BUT WHAT THIS WOULD DO IS ALLOW ANY NEIGHBORHOOD ASSOCIATION ANYWHERE IN THE CITY THAT ADOPTS, I GUESS, A RESOLUTION OR MAKES A MOTION REQUESTING THE RELOCATION OF A SIGN IN THEIR NEIGHBORHOOD TO ALSO QUALIFY FOR RELOCATION.

IT WOULD ALLOW THE OWNER OF THE SIGN TO QUALIFY FOR RELOCATION, THAT IS CORRECT.

SO NOW WE'RE NOT JUST TALKING ABOUT SIGNS IN THIS DEFINED AREA. ANY NEIGHBORHOOD ASSOCIATION THAT'S IN OUR DATABASE THAT APPROVES OR ADOPTS THE RESOLUTION, COULD BE FIVE PEOPLE, COULD BE 10 PEOPLE, SAYING WE WANT THIS SIGN RELOCATED, AND THEN GIVES THE SIGN OWNER ANYWHERE IN THE CITY BASICALLY THE ABILITY TO APPLY FOR A RELOCATION PERMIT.

THAT IS CORRECT.

Alvarez: OKAY. SO THE OTHER CHANGE IN THAT SAME SECTION, I BELIEVE, THEN SAID THAT A SIGN WITH A SIGN AREA OF 300 SQUARE FEET OR LESS THEN CAN BE RELOCATED OR CAN BE TREATED A LITTLE DIFFERENTLY UNDER THE ORDINANCE, AND SO HOW IS THAT -- HOW DOES THAT WORK FOR SIGNS THAT ARE 300 SQUARE FEET OR LESS?

THAT CHANGE WAS ON LINE 25 OF PAGE 3. AND WHAT THAT DOES IS IT PERMITS A RELOCATED SIGN TO BE MOVED TO A COMMERCIAL SIGN DISTRICT, AND THAT COMMERCIAL SIGN DISTRICT DOES NOT HAVE TO BE ALONG AN EXPRESSWAY CORRIDOR. AND I'M GOING TO HAVE TO DEFER TO STAFF ON EXACTLY WHAT A COMMERCIAL SIGN DISTRICT IS BECAUSE IT IS A RATHER TECHNICAL DEFINITION, IF YOU'D LIKE FOR STAFF TO GO THROUGH THAT.

Alvarez: I DO, BUT IF WE COULD KIND OF EXPLAIN WHAT'S HAPPENING HERE. SO THE FIRST CHANGE THAT I JUST WAS TALKING ABOUT INCREASES THE AMOUNT -- POTENTIALLY INCREASES THE NUMBER OF SIGNS THAT ARE ELIGIBLE FOR RELOCATION, ASSUMING A NEIGHBORHOOD ASSOCIATION TAKES THE NEEDED ACTION TO MAKE A SIGN ELIGIBLE. AND SO WHAT THIS DOES IS FOR A SIGN 300 SQUARE FOOT OR LESS, THEN NOT ONLY CAN IT GO OR BE RELOCATED TO AN EXPRESSWAY DISTRICT, IT CAN ALSO BE RELOCATED TO A COMMERCIAL SIGN DISTRICT I THINK IS THE WAY IT'S WORDED.

THAT'S CORRECT.

Alvarez: SO ON THE ONE HAND, SO WE'RE INCREASING THE PROBABILITY OR THE ABILITY FOR SIGNS TO BE RELOCATED OR MORE SIGNS TO BE RELOCATED, AND IN THIS PARTICULAR INSTANCE WE'RE ALSO INCREASING THE LOCATIONS TO WHICH THEY CAN BE RELOCATED.

THAT'S CORRECT.

Alvarez: WITH THESE CHANGES HERE. SO I DO HAVE SORT OF A SIGN -- COMMERCIAL SIGN DISTRICT QUESTION.

OKAY. LET ME LET THE STAFF WALK YOU THROUGH THAT ONE.

AFTERNOON, MAYOR AND COUNCIL. I'M THE DIRECTOR OF THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT. >>

Alvarez: I THINK I'LL GET TO THE CRUX OF THE MATTER. IF YOU READ ALL OF THOSE DEFINITIONS THAT DO NOT RELATE TO A COMMERCIAL SIGN DISTRICT, IT MIGHT MAKE EVERYBODY'S EYES GLOSS OVER OR GLAZE OVER, BUT IT APPEARS TO ME IN READING HOW A COMMERCIAL SIGN DISTRICT IS DEFINED IS THAT BASICALLY -- AND MAYBE YOU CAN HELP ME OUT -- THERE'S A DIFFERENT KIND OF COMMERCIAL DISTRICT CALLED THE COMMERCIAL SIGN DISTRICT THAT TO WHICH THIS WOULDN'T APPLY, TO WHICH THE SIGNS COULD NOT BE RELOCATED. AND THAT SAYS THAT A NEIGHBORHOOD COMMERCIAL SIGN DISTRICT

INCLUDES THE DESIGNATIONS LO, LR, CR AND WLO.

RIGHT. AND ACTUALLY WHAT I CAN DO IS I HAVE ALL OF THE COMMERCIAL BASED DISTRICT DESIGNATIONS AND I CAN GO THROUGH THAT LIST AND TELL YOU WHICH ONES ARE IN OR OUT OF A COMMERCIAL SIGN DISTRICT IF YOU'D LIKE.

Alvarez: MAYBE I'LL TELL YOU WHICH ONES I THINK ARE ELIGIBLE AND YOU CAN TELL ME IF I'M WRONG. BUT IT APPEARS TO ME THAT ANYTHING THAT'S ZONED -- BASICALLY YOU CAN -- WITH THIS PROVISION THEN A SIGN COULD BE RELOCATED TO ANY TRACT OF PROPERTY THAT'S ZONED GO, GR OR CS.

THAT ALSO INCLUDES CS-1 AND CH AS WELL, BUT THAT'S CORRECT.

Alvarez: SO I THINK THE QUESTION THAT BEGS, BECAUSE WHEN I THINK WE TOOK THIS UP ON SECOND READING I ASKED FOR A MAP THAT SAID SHOW ME ALL OF THE TRACTS OF LAND THAT MEET THE CRITERIA FOR RELOCATION. WE'RE IDENTIFYING BASICALLY THE TRACTS TO WHICH A BILLBOARD COULD BE RELOCATED. SO THIS KIND OF OPENS UP, YOU KNOW, THE RELOCATION DESTINATIONS OR THE DESTINATIONS TO WHICH A BILLBOARD MAY BE RELOCATED TO ANY TRACT OF LAND THAT'S ZONED GO, GR, CS, CS-1 AND THE OTHER CATEGORY YOU MENTIONED.

THAT'S CORRECT.

Alvarez: AND SO WHAT I WOULD LIKE TO DO IS SEE A MAP THAT SHOWS THOSE TRACTS OF LAND BEFORE WE CONSIDER ANY OTHER POSSIBLE ACTION BECAUSE AGAIN, THIS IS A DIFFERENT PROPOSAL THAN THE PROPOSAL WE HEARD ON SECOND READING. WE HAVEN'T HAD A PUBLIC HEARING ON THIS. I DON'T KNOW THAT WE COULD HAVE ONE OR SHOULD HAVE ONE BECAUSE IT'S A MOVING TARGET. EVERY TIME IT COMES UP THERE'S MORE CHANGES AND IT BECOMES MORE PERMISSIVE IN TERMS OF THE NUMBER OF SIGNS THAT CAN BE RELOCATED AND THE LOCATIONS TO WHICH THE SIGNS CAN BE RELOCATED, SO MY PERSONAL PREFERENCE IS THAT WE NOT TAKE ACTION, THAT WE SCHEDULE A PUBLIC HEARING AND THEN I WOULD

PERSONALLY LIKE TO SEE A MAP THAT SAYS -- THAT SHOWS THESE NEW TRACTS OF LAND TO WHICH A BILLBOARD MAY BE RELOCATED.

Mayor Wynn: THANK YOU, COUNCILMEMBER.  
COUNCILMEMBER DUNKERLEY.

Dunkerley: ON THE PARTICULAR ORDINANCE, WE REALLY STARTED OFF WITH THE DILEMMA OF HOW TO GET SIGNS OUT OF NEIGHBORHOODS. OUR CITY HAS GROWN A LOT IN SIZE OVER THE LAST MANY YEARS AND ORIGINALLY SIGNS THAT WERE IN REALLY GOOD COMMERCIAL LOCATIONS HAVE HAD NEIGHBORHOODS GROW UP AROUND THEM AND TIMES HAVE CHANGED AND REALLY FELT THERE WAS A NEED TO TRY TO GET THOSE MOVED. WITH THE AMENDMENTS THAT WERE MADE TO THAT FIRST TRY AT THE ORDINANCE SEVERAL YEARS AGO, I THINK WE REALLY HAVE NOW A WAY TO GET THESE SIGNS PERMANENTLY REMOVED FASTER THAN THE ORDINANCE WE CURRENTLY HAVE IN PLACE. FOR EXAMPLE, ANY SIGN THAT'S MOVED HAS A LIMITED LIFE ON THAT LICENSE OF 25 YEARS. NOW THOSE LICENSES ARE OUT TO INFINITY. THE ONLY WAY THEY CAN GET THAT LICENSE TO GO TO INFINITY, TO GO THE SAME ROUTE THE CURRENT LICENSE HAS, IS TO DO A TWO FOR ONE. SO YOU HAVE THE ABILITY THEN TO PUT A DEFINITE LIFE-SPAN ON A SIGN, AND IF THEY DON'T WANT THAT, THEN YOU'VE GOT A TWO FOR ONE, SO YOU'RE GOING TO GET A REDUCTION IN THE TOTAL NUMBER OF SIGNS THAT YOU HAVE. I THINK THAT'S GOING TO LEAD TO THE PERMANENT REMOVAL FASTER THAN WHAT WE CURRENTLY HAVE IN PLACE. SO I THINK THAT WITH THOSE TWO CHANGES, WE NEED TO TRY TO HAVE SOME NEIGHBORHOOD HAVE A WAY OF GETTING RID OF THOSE SIGNS EARLIER RATHER THAN LATER AND AT THE SAME TIME PUTTING DEFINITE SIGN ON WITH TERM LIMITS ON THE SIGN ITSELF I THINK IS A GREAT BENEFIT.

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

Leffingwell: WELL, I WOULD ASSOCIATE MYSELF WITH EVERYTHING COUNCILMEMBER DUNKERLEY JUST SAID. I DO BELIEVE THAT THIS PROPOSAL ENABLES US TO GET RID OF



MORE SIGNS SOONER THAN THE PRESENT ORDINANCE DOES. AND IF I DIDN'T BELIEVE THAT, I WOULDN'T VOTE FOR IT. SECONDLY, JUST TO COMMENT ON EXPANDING THE NUMBER OF -- THE AREA FROM WHICH SIGNS CAN BE RELOCATED -- CAN BE LOCATED FROM, THAT PERHAPS IS A GOOD THING BECAUSE THE MORE SIGNS WE RELOCATE FROM AN UNDESIRABLE AREA TO LET'S FOR WOULD WANT OF A BETTER PHRASE SAY A LESS OFFENSIVE AREA, THE QUICKER THE SIGNS WILL COME DOWN. AS COUNCILMEMBER DUNKERLEY SAID, I BELIEVE SHE USED THE TERM INFINITY, THAT'S THE CURRENT EXPECTED LIFE UNLESS YOU RELY ON THE UNCERTAINTY OF ATTRITION. IN REALITY THESE SIGNS ARE DESIGNED TO LAST AT LEAST 100 YEARS, PERHAPS 300 YEARS. SO HERE WE HAVE A TIME LIMIT OF 25 YEARS OR WE HAVE AN AUTOMATIC REDUCTION BY 50% OF THE NUMBER OF SIGNS IN THE CITY. SO AS I SAID BEFORE, I JUST WANT TO REITERATE, I DO BELIEVE THAT THIS WILL REDUCE THE NUMBER OF SIGNS FASTER THAN THE CURRENT ORDINANCE. I BELIEVE THE AMENDMENTS DO THIS AND THEREFORE I'LL BE SUPPORTING THE AMENDMENTS.

Mayor Wynn: THANK YOU, COUNCILMEMBER.  
COUNCILMEMBER KIM.

Kim: I APPRECIATE COUNCILMEMBER DUNKERLEY'S AND COUNCILMEMBER LEFFINGWELL'S EFFORTS TO WORK ON THIS PROPOSAL AND I KNOW THAT THEY BELIEVE THIS IS GOING TO GET THE SIGNS DOWN SOONER RATHER THAN LATER, BUT I THINK WE COULD HAVE -- I WAS HOPING WE WOULD STRUCTURE A BETTER DEAL FOR THE CITY IN REMOVING MORE SIGNS AND PUTTING A TIME LIMIT ON THE SIGNS THAT WOULD BE A TWO FOR ONE. I THINK A TWO FOR ONE IS VERY LUCRATIVE COMPENSATION FOR THESE COMPANIES BECAUSE THEY WILL GET RECOGNITION FROM PEOPLE DRIVING BY. AND IN CONCERNED, JUST LIKE COUNCILMEMBER ALVAREZ IS, ABOUT EXPANDING THE AREAS OF WHERE SIGNS COULD BE MOVED FROM BECAUSE IN SEEING THAT THERE IS POTENTIAL FOR THE BILLBOARD COMPANIES TO GAIN THE SYSTEM WHERE THEY'RE PROPOSING TO REMOVE SIGNS ANYWAY AS A VALUE OF THE PROPERTY INCREASES AS THEY HAVE IN THE PAST SEVEN YEARS, THEY'VE REMOVED 54 SIGNS VOLUNTARILY. THEY

NOW ARE GOING TO USE THESE SIGNS THEY WOULD REMOVE ANYWAY ANYWAY TO STRIKE A DEAL WHERE WE WOULD HAVE REMOVED THOSE SIGNS WITHOUT HAVING TO MOVE THEM IN COMMERCIAL CORRIDORS IN PERPETUITY. SO I CANNOT SUPPORT THIS PROPOSED ORDINANCE AT THIS TIME, BUT I DO APPRECIATE MY COLLEAGUES FOR THEIR WORK ON THIS.

Mayor Wynn: THANK YOU. FURTHER COMMENTS? I'M GOING TO SAY, COUNCIL, SEVERAL OF COUNCILMEMBER ALVAREZ'S COMMENTS STRUCK NERVES WITH ME, PARTICULARLY IN WITH REGARDS TO THE FACT THAT WE HAVE CHANGED THIS ORDINANCE, ALTHOUGH WE HAVE CLOSED THE PUBLIC HEARING AFTER FIRST READING, WE HAVE JUST THREE PEOPLE WHO HAVE SIGNED UP WISHING TO ADDRESS US. THE FOURTH, SINCLAIR BLACK, SIGNED UP NOT WISHING TO SPEAK, IN OPPOSITION TO THESE CHANGES OR THIS CONCEPTEED ORDINANCE. AND SO THE FACT THAT IT'S ONLY THREE CITIZENS AND WE DIDN'T HAVE ANY COMMENT AT THE SECOND READING, WITHOUT OBJECTION I WOULD PREFER AND ASK THE COUNCIL IF WE COULD HAVE TESTIMONY FROM THESE THREE FOLKS. THANK YOU ALL. SO THEN GERARD KINNEY, WELCOME. YOU SIGNED UP WISHING TO SPEAK AND YOU WILL BE FOLLOWED BY KATE MEEHAN WHO WILL BE FOLLOWED BY JACKIE GOODMAN. AND GERARD, FLEESH SHA ADAMS AND CHRISTOPHER ADAMS SIGNED UP ALSO, WANTING TO DONATE TIME TO YOU, SIGNED UP ALSO IN OPPOSITION, BUT IF YOU COULD KEEP YOUR COMMENTS AS BRIEF AS POSSIBLE TO BE RESPECTFUL OF THE WISH GRANTED BY COUNCIL, I WOULD APPRECIATE IT.

I CERTAINLY WILL, MAYOR AND MEMBERS OF THE COUNCIL. I KNOW THIS HAS BEEN A DIFFICULT ISSUE FOR EVERYONE AND I DO APPLAUD THE EFFORTS TO TRY TO MAKE IT BETTER. I KNOW THAT EVERYONE'S MOTIVATIONS ARE GOOD. THE EFFECT OF THIS ACTION, VERY FRANKLY AND VERY BASICALLY, IS BASICALLY TO GIVE A GOLDEN PARACHUTE TO SIGN COMPANIES THAT HAVE BILLBOARDS THAT WILL GO AWAY AS LAND USES CHANGE AND AS LAND SALES HAPPEN. INSTEAD OF THAT BILLBOARD DISAPPEARING FOREVER, IT WILL BE REMOVED TO SOMEONE ELSE'S NEIGHBORHOOD. AND WHEN I SAY

SOMEONE ELSE'S NEIGHBORHOOD, ALL OF OUR CORRIDORS, ALL OF OUR EXPRESSWAY CORRIDORS, ALL OF OUR COMMERCIAL SIGN CORRIDORS, ALL OF THOSE STRANGE DEFINITIONS, THEY ARE ALL WHERE WE'RE TRYING VERY HARD THROUGH THE MIXED USE COMMERCIAL DESIGN GUIDELINES AND OTHER EFFORTS TO HAVE -- THEY WILL BE PLACES WHERE PEOPLE WILL LIVE TOO. AND THE WHOLE POINT OF URBAN DESIGN IS TO CREATE A CITY WHERE EVERYWHERE IS A GOOD PLACE TO LIVE. SO THE WHOLE IDEA OF SAYING THAT THERE ARE SOME PLACES THAT'S GOOD FOR BILLBOARDS IS THE AN TITH SIS OF THE ORIGINAL INTENT OF THE SIGN ORDINANCE AND IS IN OPPOSITION TO WHAT EVERY MEMBER OF THIS CITY COUNCIL -- AND I PERSONALLY WAS THERE WHEN EACH OF YOU AT CANDIDATE FORUMS STATED NOT YOUR SUPPORT OF THE IDEA OF MAKING BILLBOARDS SMALLER OR FEWER, BUT EVENTUALLY ELIMINATING THE BILLBOARDS IN THE CITY. EVENTUALLY THE BILLBOARDS WILL BE ELIMINATED BY A ATTRITION. I KNOW THAT WE HAVE A DISAGREEMENT ON THAT SUBJECT. AND WHEN I SAY ATTRITION, I'M NOT SPEAKING OF THEM FALLING DOWN OR BEING HIT BY LIGHTNING AND THAT SORT OF THING, ALTHOUGH I DO WISH, AS YOU KNOW, THAT THE CITY WERE BETTER AT ENFORCING THE PROVISION THAT THOSE SIGNS STAY DOWN WHEN THEY COME DOWN. I'M REFERRING TO THE FACT THAT PARTICULARLY DOWNTOWN WHERE YOU'RE REALLY CONCERNED, THE BILLBOARDS WILL COME DOWN. YOU JUST HAVE TO BE A LITTLE BIT PATIENT. IF YOU'VE ONLY BEEN LOOKING AT THIS ISSUE FOR THREE OR FOUR YEARS RATHER THAN 20 YEARS LIKE I HAVE, YOU MAY NOT SEE IT, BUT THE BILLBOARDS WILL COME DOWN THROUGH THE NATURAL PROCESSES THAT HAPPEN AS THIS LAND USE HAS CHANGED. AND WHEN THEY DO, THEY WILL BE DOWN FOREVER. SO I HOPE THAT YOU WILL -- I HOPE THAT YOU WILL LEAVE THE ORDINANCE THAT WE HAVE IN PLACE. WE HAVE OFFERED OTHER SOLUTIONS IN THE PAST. WE WANT TO WORK WITH COUNCIL TO AFFECT SOME OF THOSE OTHER SOLUTIONS, BUT THERE'S NOT TIME TO GO INTO THOSE RIGHT NOW. LET ME JUST LEAVE IT WITH MY URGING AS PRESIDENT OF SCENIC AUSTIN THAT YOU NOT GO THROUGH WITH THIS AMENDMENT. THANK YOU.

Mayor Wynn: THANK YOU. COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'D JUST LIKE TO COMMENT TO MY GOOD FRIEND AND FELLOW TRAVIS HIGH SCHOOL GRADUATE, MR. KINNEY, THAT I CAREFULLY CHOSE MY WORDS. I DIDN'T SAY THERE WAS A GOOD LOCATION FOR SIGNS RATHER THAN A BAD LOCATION. I SAID THERE WAS A LESS OFFENSIVE LOCATION. THANK YOU.

Dunkerley: MAYOR?

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: I WOULD ALSO LIKE TO POINT OUT THAT I AGREE WITH THE LONG-TERM GOAL AND I BELIEVE THAT THAT PARTICULAR CANDIDATE FORUM I ACTUALLY PASSED OUT MAPS OF A DIFFERENT APPROACH, WHICH IS WHAT I'VE INCORPORATED INTO THAT ORDINANCE.

Mayor Wynn: THANK YOU. OUR NEXT SPEAKER IS KATE MEEHAN. WELCOME. YOU WILL BE FOLLOWED BY JACKIE GOODMAN.

MAYOR, COUNCIL, MY NAME IS KATE MEEHAN WITH SCENIC AUSTIN. I WOULD LIKE TO ADDRESS A FEW STATEMENTS THAT WERE MADE AT THE SEPTEMBER 29TH COUNCIL MEETING. FIRST OF ALL I WOULD LIKE TO COMMEND COUNCILMEMBER LEFFINGWELL FOR PUBLICLY STATING AGAIN THAT HIS GOAL IS TO KEEP AUSTIN IN A DOWNWARD TRAJECTORY WITH THESE SIGNS AND I WOULD LIKE TO COMMEND ALL THE COUNCILMEMBERS FOR THEIR STATEMENTS OF EVENTUALLY WANTING TO RID THE CITY OF AUSTIN FROM ITS BILLBOARDS. I HAVE A CHEAT SHEET. THE STATE OF TEXAS HAS SAID THAT THE USEFUL ECONOMIC LIFE-SPAN OF A WOODEN POLE SIGN IS 20 YEARS AND THE STEEL POLE SIGN IS 40. THAT WOULD INDICATE THAT ASSUMING EVERY SINGLE BILLBOARD IN AUSTIN WAS BUILT THE EXACT SAME YEAR THAT WE BANNED BILLBOARDS, ALL WOODEN POLE SIGNS HAVE OUT LIVED THEIR LIFE-SPAN BY TWO YEARS AND THAT OUR METAL POLE SIGNS HAVE ABOUT 18 YEARS TO GO. LAST SPRING I SPOKE WITH A SALES REPRESENTATIVE WITH REAGAN ADVERTISING. IF IT WAS ALONG I-35 IT WOULD BE \$4,200 A MONTH TO LEASE. USING

THE STATE VALUATION METHODS, THE BILLBOARD AT LAMAR WOULD BE \$34,052.55. USING THE FIGURES PROVIDED BY REAGAN, THIS BILLBOARD WILL HAVE RECOUPED ITS COST WITHIN ONE YEAR AND FIVE MONTHS. IN FIVE YEARS THIS BILLBOARD WILL HAVE GENERATED \$85,947.35 IN GROSS REVENUE. IN 25 YEARS IT WOULD GENERATE \$564,947 \$564,947..35. IF THIS EXACT SAME BILLBOARD WAS RELOCATED TO I-35 IT WOULD EXPECT TO RESOUP ITS CONSTRUCTION COSTS IN EIGHT MONTHS, IT WOULD HAVE GENERATED IN FIVE YEARS \$217,000 AND SOME CHANGE. IN 25 YEARS IT WOULD GENERATE \$1,225,947.35. THAT IS A DIFFERENCE OF AT LEAST -- WE'RE DOUBLING THE REVENUE FOR THEM. IT'S ABOUT 220%. AS WRITTEN THERE'S NO WAY TO ASSURE THAT ANY OF THE BILLBOARDS RELOCATED UNDER THIS CURRENT ORDINANCE WOULD HAVE COME DOWN IN A SHORTER TIME PERIOD. THE MAJORITY OF THE BILLBOARDS THAT THE BILLBOARD COMPANIES WILL CHOOSE TO RELOCATE WILL PROBABLY BE BILLBOARDS THAT ARE ABOUT TO BE BROUGHT DOWN BY A DEVELOPER. THIS ORDINANCE HAS PASSED THIS COUNCIL WILL BE RESPONSIBLE FOR PASSING THE VERY FIRST ORDINANCE SINCE 1983 THAT WOULD ALLOW A NEW BILLBOARD IT TO BE PUT UP IN THE CITY OF AUSTIN. AS EACH AND EVERY ONE OF YOU HAS STATED PUBLICLY, THE GOAL IS TO EVENTUALLY ELIMINATE BILLBOARDS IN AUSTIN, THIS ORDINANCE HAS GOT TO BE THE WRONG CHOICE. SCENIC AUSTIN HAS AFFILIATED WITH A NATIONWIDE ORGANIZATION WITH AFFILIATED ORGANIZATIONS IN MAJOR CITIES ACROSS THE UNITED STATES THAT ARE DEALING WITH THESE EXACT SAME ISSUES AND HAVE COME UP WITH POSITIVE SOLUTIONS. WE HAVE OFFERED OUR RESOURCES AS -- TO HELP YOU COME UP WITH BETTER SOLUTIONS TO THIS, AND SO FAR WE'VE GOTTEN A LOT OF HEAD NODDING. WE REALLY WANT TO HELP. WE UNDERSTAND THAT THERE ARE SPECIFIC BILLBOARDS THAT YOU WANT TO COME DOWN AND YOUR GOAL IS TO REDUCE THESE NUMBERS. WE WANT TO HELP YOU. WE HAVE RESOURCES. I URGE YOU TO MAKE YOUR DECISION TODAY BASED ON WHAT'S BEST FOR A CITY OZ A TOURIST DES 10 NATION AND A BEAUTIFUL CITY TO LIVE IN AND NOT BASED ON PRESSURE FROM SPECIFIC GROUPS. THANK YOU.

Mayor Wynn: THANK YOU. WELCOME JACKIE GOODMAN.  
WELCOME BACK. YOU LOOK WELL.

THANK YOU, MAYOR, THANK YOU, COUNCIL. I HOLD YOU ALL PERSONALLY RESPONSIBLE IN MY DIARY FOR GETTING ME BACK INTO THIS CHAMBER BEFORE I INTENDED TO. AND I CERTAINLY THOUGHT I WOULD BE SPEAKING ON SOMETHING ELSE. I UNDERSTAND THE DIFFICULTIES WITH DECIDING WHICH RATIONALE WILL MOST EFFECTIVELY REACH OUR GOAL OF BILLBOARDS BECOMING NOT SOMETHING THAT WE SEE VERY OFTEN. THEY WERE CREATIVE AND ENTREPRENEURIAL ADJUNCT TO THE ERA OF MOTORING AND IN THOSE DETAILS OF MODEL T'S AND WEARING GOGGLES AND DUSTERS WHEN YOU DROVE, THEY WERE AN INTERESTING ADDITION TO THE COUNTRYSIDE. THERE'S MUCH LESS COUNTRYSIDE TO SEE THESE DAYS AND THERE'S ALSO MUCH MORE SPEED INVOLVED IN MOTORING. THERE'S MORE -- WELL, WE HAVE THE RUSH HOUR, SO WE HAVE THE ETHIC OF RUSH. WHEN WE TALK ABOUT THE DIFFERENT DISTRACTIONS FOR DRIVERS, CERTAINLY BILLBOARDS AND SIGNS ARE PART OF THAT DISTRACTION. WE HAVE THE ETHIC NOW OF CITIES THAT WERE DESIGNED ARE NOT DESIGNED FOR DRIVING. AND TO GET FROM POINT A TO POINT B WE USED TO HAVE FLAT ON THE GROUND ROADS. NOW WE HAVE OVERPASSES, UNDERPASSES AND SPAGHETTI LOOPS AND SO ON AND SO FORTH. ADDED TO THAT IS THE FRENZY OF SIGNS THAT MUST EACH BE BIGGER AND BETTER AND MORE ATTENTION GETTING THAN THE LAST. AND THE SPACE IS LIMITED. AND THAT'S WHEN THE REALIZATION THAT WE WERE ACTUALLY NOT BENEFITTING OURSELVES BY AN INDUSTRY THAT HAD NOT BEEN ABLE TO FIT IN TO THE TECHNOLOGY ADVANCES, POPULATION INCREASES AND DESIGN OR NON-DESIGN OF CITIES, AND MANY CITIES WERE ON THE CUTTING EDGE OF LIMITING THE INDUSTRY MUCH MORE THAN AUSTIN. ABOUT 30 YEARS WE STARTED DISCUSSING THIS, 20 YEARS AGO WITH GREAT INTENSITY. AND I HAVE DAY DEJA VU WHEN I HEAR YOU TALKING ABOUT THIS. I BELIEVE OBVIOUSLY SINCE I'M HERE AND SINCE I VOTED FOR THE ORDINANCE THAT IS, THAT YOUR RATIONALE IS IN ERROR AND THAT YOU HAVE EFFECTIVELY GIVEN AN INDUSTRY THAT SHOULD BE ON ITS WAY OUT, NEW LIFE, NEW VIABILITY, NEW COMMERCIAL

BENEFIT AND INVESTMENT POSSIBILITIES. I THINK THAT THAT CAN ONLY BE WRONG FOR OUR CITY. WE HAVE NO REAL COUNTRYSIDE, NO REAL CITY VIEWS. WE HAVE THE ETHIC OF RUSH AND FRENZIED EYE POLLUTION. THANK YOU.

Mayor Wynn: THANK YOU. ALSO ROYMAN SIGNED UP WISHING TO SPEAK AND ALSO IN OPPOSITION. THAT'S ALL OUR CITIZENS SIGNED UP ON ITEM NUMBER 41. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER ALVAREZ.

Alvarez: I STILL WOULD LIKE TO APPEAL TO MY COLLEAGUES THAT ARE SUPPORTING THIS TO AT LEAST PRODUCE A MAP THAT SHOWS WHERE THESE BILLBOARDS THAT CAN BE RELOCATED CAN BE RELOCATED TO. WE JUST ADDED G.O. ZONED PROPERTIES, GR ZONED PROPERTIES AND CS AND CS-1 ZONED PROPERTIES THAT AREN'T ON EXPRESSWAYS TO THE LIST OF TRACTS TO WHICH A BILLBOARD MAY BE RELOCATED, AND SO I PERSONALLY WOULD LIKE TO SEE WHAT TRACTS OF LAND WE'RE TALKING ABOUT HERE BECAUSE THERE'S G.O. AND GR IN A LOT OF PLACES WHERE WE PROBABLY WOULDN'T WANT THERE TO BE BILLBOARDS. SO I WOULD AT LEAST -- SINCE THERE ARE PRETTY SIGNIFICANT CHANGES IN THIS DRAFT, YOU KNOW, THAT ARE BEING SUGGESTED, THAT THAT INFORMATION BE PROVIDED SO THAT WE CAN RECEIVE PUBLIC INPUT ON WHAT I THINK ARE CHANGES THAT ARE MAKING THIS BAD POLICY EVEN WORSE REALLY. MAYBE I THINK I JUST HURT MY CHANCES OF GETTING ADDITIONAL TIME WITH THAT LAST COMMENT THERE, BUT ANYWAY, I JUST DON'T THINK THAT IT'S -- IN TERMS OF CRAFTING PUBLIC POLICY, YOU KNOW, THERE IS -- GOOD PUBLIC POLICY THERE SHOULD BE A PROCESS AND I REALLY DON'T SEE A PROCESS HERE. I HAVEN'T SEEN A LOT OF PUBLIC INVOLVEMENT IN TERMS OF THE CHANGES THAT ARE BEING RECOMMENDED. A LOT OF THIS IS JUST HAPPENING WITHOUT PUBLIC INPUT AND PUBLIC KNOWLEDGE. AT THESE HEARINGS IS WHERE THE PUBLIC IS FINDING OUT, AND IF WE HAVE A FINAL VOTE TODAY, AGAIN, THERE ARE CHANGES THAT ARE BEING MADE WITH NO PRIOR PUBLIC KNOWLEDGE OF WHAT'S HAPPENING. AND SO I THINK THAT IT'S IMPORTANT THAT WE AT LEAST RECEIVE THE INFORMATION THAT SHOWS THE IMPACT OF THE PROPOSED CHANGES BEFORE WE IMPLEMENT THESE ADDITIONAL CHANGES THAT ARE BEING

PROPOSED.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: FIRST OF ALL, THE RELOCATION AREAS THAT COUNCILMEMBER ALVAREZ REFERS TO ARE FOR SMALL SIGNS ONLY, LESS THAN 300 SQUARE FEET. AND SECONDLY THERE ARE ADDITIONAL RESTRICTIONS THAT WOULD BE PLACED ON THESE LOCATIONS. IT WOULDN'T BE JUST ANYWHERE IN A GS. THERE ARE DISTANCE LIMITATIONS, AND I WOULD ASK MS. TERRY TO GO OVER THOSE FOR US, PLEASE. BY THE WAY, THESE WERE ALL -- THEY WEREN'T MENTIONED TODAY BECAUSE THEY WERE PART OF THIS -- THESE ORDINANCE AMENDMENTS PREVIOUSLY THAT WERE PASSED ON FIRST OR SECOND READING.

THAT IS CORRECT. AND THE LIMITATIONS ARE THAT THESE PARTICULAR SIGNS MAY NOT BE ON A SCENIC ROADWAY, THEY MAY NOT BE WITHIN 500 FEET OF AN HISTORIC SIGN DISTRICT OR A RESIDENTIAL STRUCTURE LOCATED IN A RESIDENTIAL BASED ZONING DISTRICT. AND IF THE TRACT IS WITHIN THE ZONING DISTRICT, IT MUST BE ZONED AS A COMMERCIAL OR INDUSTRIAL BASED DISTRICT. AND THE INDUSTRIAL BASED DISTRICT APPLIES. BUT THE BOTTOM LINE IS THE AREAS WHICH THEY ARE MOVING TO ARE FURTHER LIMITED. THEY WOULD NOT INCLUDE ALL OF THE VARIOUS ZONING DISTRICTS THAT FALL WITHIN A COMMERCIAL SIGN DISTRICT IF THOSE PARTICULAR DISTRICTS FALL WITHIN THOSE LIMITED AREAS.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS OF MS. TERRY? COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM 41.

Dunkerley: I MOVE APPROVAL OF THE ITEM.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER MCCrackEN TO APPROVE ITEM NUMBER 41, VERSION V AS HAS BEEN OUTLINED BY STAFF AND HERE ON THE DIAS. FURTHER COMMENTS? COUNCILMEMBER MCCrackEN.

McCracken: I JUST WANT TO SAY THAT ANYTHING WE COULD



DO TO RAPIDLY REMOVE BILLBOARDS FROM NEIGHBORHOODS, WHICH IS A PLACE I THINK WE ALL AGREE THEY SHOULDN'T BE LOCATED, WHAT WE ARE ABOUT TO DO I TRUST WILL MAKE MORE OF AN IMMEDIATE IMPACT FASTER THAN ANYTHING ELSE WE COULD DO. AND IF YOU HAVE A BILLBOARD IN YOUR NEIGHBORHOOD THANKS TO WHAT WE'RE ABOUT TO DO, I TRUST, YOU ARE MORE LIKELY TO BE REMOVED FASTER THAN ANY OTHER WAY POSSIBLE.

Mayor Wynn: THANK YOU. COMURTSZ COMMENTS? -- FURTHER COMMENTS. I WILL SAY THAT I WON'T BE SUPPORTIVE OF THIS MOTION OR THE ORDINANCE; HOWEVER, THE IRONY OF THIS IS THAT I FIRMLY BELIEVE THAT ALL SEVEN MEMBERS OF THIS COUNCIL HAVE THE SAME GOAL, WHICH IS TO ELIMINATE BILLBOARDS IN OUR CITY LIMITS AS QUICKLY AS POSSIBLE. THERE'S SINCERE DEBATE ABOUT WHICH APPROACH ACCOMPLISHES THAT SOONER RATHER THAN LATER. COUNCIL, WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE ITEM NUMBER 41 OF THIS ORDINANCE RELATED TO BILLBOARDS. ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF FOUR TO THREE WITHTHREE. THIS TAKES US TO OUR 4:00 O'CLOCK ZONING. WE WELCOME MR. GREG GURNSEY.

THANK YOU, MAYOR. GREG GURNSEY WITH THE SNAIPING AND ZONING DEPARTMENT. I WILL BE GOING THROUGH THE ZONING AGENDA TODAY. WE HAVE ALSO I'LL NOTE AT THE BEGINNING THERE ARE SEVERAL POSTPONEMENTS ON THE REZONING. UNDER ZONING ORDINANCES AND COVENANTS, FIRST CONSENT ITEM IS ITEM 64, CASE NPA-05-0005.1. THIS IS AN AMENDMENT TO THE AUSTIN TOMORROW COMPREHENSIVE PLAN, THE MONTOPOLIS NEIGHBORHOOD. THIS IS A CHANGE TO THE FUTURE LAND USE MAP FROM LAND USE DESIGNATION TO CIVIC. AND THIS IS PRESENTED TO YOU FOR SECOND AND THIRD READING. A RELATED ITEM

IS THE ZONING CASE FOR THE SAME PROPERTY, ITEM NUMBER 65, CASE C-14-05-0095. THE SAME ADDRESS FOR REZONING FROM SF-3-NP, WHICH IS FAMILY RESIDENCE, COMBINING DISTRICT ZONING, NEIGHBORHOOD PLAN, TO LIMITED OFFICE, CONDITIONAL OVERLAY NEIGHBORHOOD PLAN. IT'S LO-CO-NP, COMBINING DISTRICT ZONING. THIS IS ALSO READY FOR SECOND AND THIRD READINGS. ITEM NUMBER 66 IS ZONING CASE C-14-05-100. THIS IS A REZONING CASE AT 10101 TO 10113 LAKE CREEK PARKWAY, AND WE HAVE A POSTPONEMENT REQUEST FROM THE NEIGHBORHOOD ASSOCIATION OF SOUTHWEST WILLIAMSON COUNTY. THEY'RE WORKING WITH THE APPLICANT TO FINALIZE SOME PRIVATE RESTRICTIVE COVENANTS AND THIS IS THEIR FIRST REQUEST AND THE REQUEST IS TO DECEMBER FIRST.

ITEM NUMBER 67 IS CASE C 814-99-0001.01. THIS IS AVERY RANCH PUD AT 1400 AVERY ANCH BOULEVARD AND PARMER LANE. THE STAFF IS REQUESTING A POSTPONEMENT ON THIS ITEM TO DECEMBER 15TH. WE'RE STILL WORKING ON SOME ISSUES WITH THE ORDINANCE. THE NEXT ITEM IS ITEM NUMBER 68, CASE C-14-05-0144, THIS IS A REZONING CASE AT 16235, 16301, 16321 AND 16330 NORTH I-35. THIS REZONING REQUEST FROM GR TO CS-CO, GENERAL COMMERCIAL SERVICES CONDITIONAL OVERLAY COMBINING DISTRICT. THIS IS READY FOR CONSENT ON THREE READINGS AND ALSO ALL I'LL JUST NOTE THAT THIS DOES NOT PERMIT OR PROHIBIT A SCRAP AND SALVAGE OPERATION. AND THIS IS READY FOR YOU FOR SECOND AND THIRD READING. THE FINAL ITEM, ITEM NUMBER 69, WILL BE A DISCUSSION ITEM. AND I NEED TO GO OVER A FEW THINGS TO EXPLAIN. SO THAT CONCLUDES THE FIRST PART OF OUR ZONING ITEMS FOR THE CONSENT AGENDA.

Mayor Wynn: THANK YOU, MR. GURNSEY. OUR CONSENT AGENDA WILL BE TO APPROVE ON SECOND AND THIRD READINGS CASE 64 AND 65, TO POSTPONE ITEM 66 TO DECEMBER FIRST, 2005. TO POSTPONE ITEM NUMBER 67 TO DECEMBER 15TH, 2005. TO APPROVE OWE AND TO APPROVE ON SECOND AND THIRD READING ITEM NUMBER 68. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER ALVAREZ, COMEKDED BY COUNCILMEMBER DUNKERLEY TO -  
- SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE

THE CONSENT AGENDA AS OUTLINED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE. MAYOR OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. MR. GURNSEY, WHY DON'T WE GO THROUGH THE PUBLIC HEARING CASES SO WE CAN GET THROUGH THAT CONSENT AGENDA AND POSTPONEMENTS PRIOR TO GOING BACK TO THE DISCUSSION ON 69.

ON 69 IT'S NOT A POSTPONEMENT ITEM, IT'S A DISCUSSION.

CORRECT.

THE ZONING AND NEIGHBORHOOD PLAN AMENDMENTS, THE FIRST ITEM FOR CONSENT IS ITEM Z-1, C-14-05-0084, 7700 OLD MANOR ROAD. THIS IS A REZONING REQUEST FROM INTERIM RR TO LI-CO AND THE COMMISSION RECOMMENDED LI REPUBLICAN CO AND THIS IS READY FOR FIRST READING. AM ITEM NUMBER Z-2 IS CASE C-14-05-0142 AT 2919 MANCHACA ROAD. THIS IS A REZONING REQUEST FROM LR, NEIGHBORHOOD COMMERCIAL AND LO, LIMITED OFFICE ZONING TO NEIGHBORHOOD COMMERCIAL CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. IT'S BEEN RECOMMENDED TO YOU BY THE PLANNING COMMISSION -- ZONING AND PLATTING COMMISSION AND IT'S READY FOR FIRST READING.

ITEM Z-3, CASE C-14-05-0147, THIS IS A REZONING REQUEST AT 1704 SOUTH LAMAR BOULEVARD. THIS REZONING REQUEST IS FROM GENERAL COMMERCIAL SERVICES OR CS ZONING TO GENERAL COMMERCIAL SERVICES CONDITIONAL OVERLAY MIXED USE COMBINING DISTRICT ZONING OR CS-MU-CO ZONING, AND IS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION. THIS IS READY FOR FIRST READING. ITEM NUMBER Z-4, C-14-05-0148. THIS IS A REZONING REQUEST AT INTERSTATE HIGHWAY 35 AT HOWARD LANE. THIS IS A ZONING CHANGE FROM INTERIM RURAL RESIDENTIAL ZONING TO CS-MU-CO ZONING, WHICH STANDS FOR GENERAL COMMERCIAL SERVICES, MIXED USE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING AND IS RECOMMENDED TO YOU BY THE ZONING AND PLATTING COMMISSION FOR ALL THREE READINGS. IT'S READY. ITEM

NUMBER Z-5, THIS IS ZONING CASE C-14-05-0156 AT 4909 COMMERCIAL PARK DRIVE. THIS IS A ZONING REQUEST FROM INTERIM RR TO LI-CO ZONING, WHICH IS LIMITED INDUSTRIAL SERVICES ZONING, AND IS RECOMMENDED TO YOU BY THE ZONING AND PLATTING COMMISSION WITH A CONDITIONAL OVERLAY AND IS READY FOR FIRST READING ONLY. ITEM ITEM NUMBER Z-6 IS ZONING CASE C-14-05-0154 LOCATED AT 1826 RUTHER OH FORD LANE. THIS IS A REQUEST FROM GR-CO TO GR-CO IN ORDER TO CHANGE A CONDITION OF ZONING. THE ZONING AND PLATTING COMMISSION DID RECOMMEND THIS AND IT IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-7 IS CASE C-14-05-0155. THIS IS A REZONING REQUEST AT 4009, FREQUENT 21 AND 4025 VIVAS LANE. THIS IS A REZONING REQUEST FROM INTERIM RR TO SF-1 WHICH STANDS FOR SINGLE RESIDENCE LARGE LOT DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION DID RECOMMEND THIS AND THIS IS READY FOR FIRST READING. ITEM NUMBER Z-8, THIS IS CASE C-14-05-0167, RISING STAR, 8668 SPICEWOOD SPRINGS ROAD. THIS IS A REZONING REQUEST FROM GR TO CS-CO, THE ZONING AND PLATTING COMMISSION DID RECOMMEND THE GENERAL COMMERCIAL SERVICES ZONING AND IS READY FOR YOU ON ALL THREE READINGS. ITEM NUMBER Z-9, C-14-05-16, THIS IS A REZONING REQUEST FROM RURAL RESIDENTIAL TO SH-6 -- SF-6 CONDITIONAL OVERLAY, TOWNHOUSE CONDOMINIUM CONDITIONAL OVERLAY TRACTS A AND B AND TO LIMITED OFFICE CONDITIONAL OVERLAY FOR TRACT C AND THE ZONING AND PLATTING COMMISSION DID RECOMMEND THIS AND THE TRACT D IS TO REMAIN RR RURAL RESIDENTIAL ZONING AND IS READY FOR THREE READINGS. ITEM NUMBER Z-10 WILL BE A DISCUSSION ITEM. CASE Z-11 IS CASE 814-82.006.01. THIS IS A REZONING AT 1717 WEST SIXTH STREET AND 1711 WEST FIFTH STREET FROM PLANNING DEVELOPMENT DISTRICT ZONING TO PLANNED UNIT DEVELOPMENT DISTRICT ZONING. THE PLANNING COMMISSION WILL CONSIDER THIS CASE IN DECEMBER, DECEMBER 13TH. SO STAFF IS RECOMMENDING A POSTPONEMENT OF THAT CASE. ITEM NUMBER Z-12, C-14-05-057. LET ME READ THESE TOGETHER. Z-13, C-14-05-0158 AND CASE C-14-, WHICH IS 05-0159, WHICH ARE KNOWN AS THE CHAMPION TRACTS AND ARE ALONG LOOP 360, WE HAVE A REQUEST FROM THE 2222 NEIGHBORHOOD COALITION TO

POSTPONEMENT PONY THESE ITEMS TO DECEMBER 12TH. THE REPRESENTATIVE FOR THE PROPERTY OWNER IS IN AGREEMENT TO POSTPONE THAT FOR THE FIRST. I'LL NOTE THAT YOU HAVE AN AGREEMENT THAT WE ARE WORKING UNDER WHICH BROUGHT THESE CASES TO YOU TODAY WHICH ACTUALLY CONCLUDES ON DECEMBER FIRST. STAFF WOULD RECOMMEND THAT YOU POSTPONE THIS TO THE 1st. IF THERE'S ADDITIONAL TIME NECESSARY YOU COULD POSTPONE IT TO THE THE THE 15TH BUT THAT WOULD BE IN HONOR OF THAT AGREEMENT WHICH BRINGS THESE CASES TO YOU TODAY. THAT'S ON ITEM Z-12, Z-13 AND Z-14. WE MAY HAVE CITIZENS, MAYOR, THAT HAVE SIGNED UP PROBABLY TO SPEAK TO THIS ITEM AND MAY BE IN PARTICULAR TO THE POSTPONEMENT, BUT IF COUNCIL WISHES TO POSTPONE... ON ITEM NUMBER Z-15, THIS IS A CASE AT 1405 APPEARED 14 PHONE EAST RIVERSIDE DRIVE. THIS IS A POSTPONEMENT REQUEST BY STAFF. YOU MAY RECALL THAT THIS CASE WAS BROUGHT BEFORE YOU, ASKED THAT IT GO INTO A MEDIATION. WE HAVE BEEN DOING THAT AND WE ARE STILL GOING FORWARD WITH THE MEDIATION, BOTH THE NEIGHBORS AND THE PROPERTY OWNER. IT HAS NOT BEEN CONCLUDED. THERE IS AGREEMENT TO THE POSTPONEMENT. THE PROPERTY OWNER WOULD LIKE TO REQUEST THE 15TH. THE NEIGHBORHOOD WOULD REQUEST A JANUARY 26TH. STAFF WOULD CONCUR WITH THE POSTPONEMENT TO THE 15TH AT THIS TIME, AND THEN AGAIN IF THERE'S ADDITIONAL TIME THAT'S NECESSARY TO TAKE THAT TO THE 26TH -- I'M NOT SURE IF YOU HAVE SPEAKERS SIGNED UP FOR THAT ONE EITHER, MAYOR. ITEM Z-16 IS A DISCUSSION ITEM. ITEM Z-17 IS A DISCUSSION POSTPONEMENT ITEM. ITEM Z-18 IS A DISCUSSION ITEM. ITEM Z-19, WHICH IS CASE C-14-05-115. THIS IS A REZONING REQUEST FROM LR TO LO, LIMITED OFFICE DISTRICT ZONING. WE HAVE A POSTPONEMENT REQUEST FROM THE SOUTH LAMAR NEIGHBORHOOD ASSOCIATION TO POSTPONE THIS CASE TO DECEMBER FIRST. IT IS THEIR FIRST REQUEST. ITEM NUMBER Z-20, CASE C-14-05-0137 AT 1109 SOUTH LAMAR. THIS IS A POSTPONEMENT REQUEST THAT WE RECEIVED FROM THE APPLICANT. IT'S THEIR FIRST REQUEST. THEY'VE RECENTLY HIRED A NEW AGENT TO HELP -- REPRESENT THEIR INTERESTS. THIS IS A POSTPONEMENT TO DECEMBER FIRST. ITEM Z-21 WE HAVE A DISCUSSION

POSTPONEMENT. AND THEN FINE LIEN UNDER ITEM Z-22, THIS IS CASE C-14-05-0150 AT 3226 WEST SLAUGHTER LANE, A REZONING REQUEST FROM MF-4-CO TO MF-4-CO. WE HAVE A POSTPONEMENT REQUEST BY THE APPLICANT. WE VALIDATED THE PETITION TODAY AND THE APPLICANT'S AGENT WOULD LIKE TIME TO MEET WITH SOME OF THE PETITIONERS TO ADDRESS SOME OF THEIR CONCERNS. SO THAT'S OUR FINAL CONSENT ITEM FOR CONSENT POSTPONEMENT BY THE APPLICANT TO DECEMBER FIRST ON Z-22.

Mayor Wynn: THANK YOU, MR. GURNSEY. SO COUNCIL, WE CAN KNOCK OFF AT LEAST A FEW OF THESE AND WE MIGHT HAVE TO DISCUSS A COUPLE OF THE POSTPONEMENT REQUESTS, BUT THE CONSENT AGENDA ON THESE ZONING CASES WHERE WE ARE HAVING THE PUBLIC HEARING WOULD BE TO ALSO CLOSE THE PUBLIC HEARING ON THOSE CASES WHERE WE'RE TAKING ACTION ON A READING. WOULD BE TO APPROVE ON FIRST READING ONLY CASES Z-1, Z-2 AND Z-3. TO APPROVE ON ALL THREE READINGS CASE Z-4. TO APPROVE ON FIRST READING ONLY CASE Z-5. TO APPROVE ON ALL THREE READINGS CASE Z-6. TO APPROVE ON FIRST READING ONLY CASE Z-7. TO APPROVE ON ALL THREE READINGS CASES Z-8 AND Z-9. TO POSTPONE CASE Z-11 TO DECEMBER 15TH, 2005. FOR STAFF SUGGESTION TO POSTPONE CASES Z-12 AND Z-13 TO DECEMBER 1, 2005. NOTING WE CAN ALWAYS CONTINUE POSTPONING. LIKEWISE WITH CASE Z-14, STAFF RECOMMENDATION TO POSTPONE TO DECEMBER 15TH, 2005.

AND MAYOR, THAT'S A NEIGHBORHOOD REQUEST FOR POSTPONEMENT.

Mayor Wynn: NEIGHBORHOOD REQUEST, CORRECT. AND STAFF IS SUGGESTING THE DATE.

BUT THAT'S THE DATE WHEN YOUR AGREEMENT IS DONE.

Mayor Wynn: THANK YOU VERY MUCH. AGAIN TO POSTPONE Z-14.

MAYOR, I NEED TO ADD ONE THING. LAST NIGHT THE ENVIRONMENTAL BOARD REQUESTED THAT THE CHAMPION

PROPERTIES BE BROUGHT BEFORE THEM FOR REVIEW. THEY DID NOT HAVE AN ITEM POSTED ON THEIR AGENDA. THEY DID NOT HAVE SEVERAL CITIZENS THAT CAME BEFORE THE BOARD AND ASKED STAFF TO PLACE AN ITEM ON THEIR DECEMBER 7TH AGENDA TO CONSIDER THE CHAMPION CASES. SINCE WE DID NOT HAVE A SPECIFIC POSTING AND DID NOT HAVE A FORMAL ACTION, THE STAFF NEEDED TO PLACE IT ON THE DECEMBER 7TH AGENDA. I WANTED TO MAKE YOU AWARE OF THAT ACTION BY THE ENVIRONMENTAL BOARD. TYPICALLY THEY DO NOT CONSIDER ZONING CASES UNLESS WE HAVE ENVIRONMENTAL VARIANCES THAT MIGHT BE ASSOCIATED WITH PUDS, BUT THEY DID MAKE THAT REQUEST OF STAFF LAST NIGHT. I DON'T HAVE ANY OTHER INFORMATION OTHER THAN THAT.

Mayor Wynn: THANK YOU, MR. GURNSEY. MS. TERRY IS ALSO NOTING THAT CASE Z-14 IS A CHAMPION TRACT, SO -- YET STAFF HAD RECOMMENDED THAT THE POSTPONEMENT DATE FOR Z-14 BE THE 15TH AS OPPOSED TO THE 1st.

NO, STAFF WOULD RECOMMEND THAT ALL THREE OF THE THREE CASES BE POSTPONED TO DECEMBER 1st.

Mayor Wynn: Z-12, 13 AND 14 TO BE POSTPONED TO DECEMBER 1st, 2005. SO COUNCIL, THAT WILL BE THE RECOMMENDATION ON THE CONSENT AGENDA AND WE'LL PROBABLY HAVE SOME DISCUSSION HERE IN A SECOND. I'LL NOTE THAT MR. GURNSEY WE ACTUALLY HAVE A SPEAKER OR TWO SIGNED UP ON Z-15, SO I WON'T INCLUDE IT ON THE CONSENT AGENDA. CONTINUING ON, Z-19 TO POSTPONE TO DECEMBER 1st, 2005. DECEMBER 1st, 2005. Z-19. ON Z-20 TO POSTPONE TO DECEMBER 1st, 2005. THANK YOU, MR. GURNSEY. STAFF DIDN'T RECOMMEND A POSTPONEMENT DATE ON THAT, BUT ALSO LET'S SKIP OVER 21 FOR A SECOND AND ALSO TO POSTPONE CASE Z-22 TO DECEMBER 1st, 2005. SO ON Z-22, MR. GURNSEY, CAN YOU REMIND US WHAT THE ISSUES ARE?

ON Z-22 -- I'M SORRY, Z-21 WAS OUR DISCUSSION REGARDING A POSTPONEMENT DATE.

ON Z-21 WE HAVE A POSTPONEMENT REQUEST THAT WAS

SUBMITTED LAST NIGHT FOR THIS CASE AND THE APPLICANT DISAGREES WITH THE POSTPONEMENT AND WOULD LIKE THE CASE TO BE CONSIDERED THIS EVENING. IT IS A FIRST REQUEST FROM THE NEIGHBORHOOD FROM THE ROSE DALE NEIGHBORHOOD ON THIS ITEM.

Mayor Wynn: THANK YOU. COUNCIL, MY RECOMMENDATION IS THAT WE HAVE A LONG-STANDING -- AND IT'S RARE FRANKLY THAT WE DISREGARD THAT WE HAVE ON RARE OCCASION, BUT THAT WE ACKNOWLEDGE A FIRST REQUEST FROM EITHER A NEIGHBORHOOD -- RECOGNIZED NEIGHBORHOOD ASSOCIATION AND/OR AN APPLICANT FOR A POSTPONEMENT. AND THIS APPEARS TO BE THE FIRST REQUEST BY THE NEIGHBORHOOD ON CASE Z-21, SO I WOULD RECOMMEND THAT ON CONSENT AGENDA WE POSTPONE Z-21.

AND THAT IS TO MOVE IT TO DECEMBER 1st.

Mayor Wynn: TO DECEMBER 1st, 2005. WITHOUT DISCUSSION. TO POSTPONE TO DECEMBER 1st, 2005. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

THE -- THE -- THE Z.A.P. RECOMMENDATION IS WHAT WE ARE OFFERING ON CONSENT. IT INCLUDED A TRIP LIMITATION ON THE TRACTS OF 450 TRIPS. AND SOME 6 CO ZONING IN TRACTS A AND B, SF 6 WITH A CONDITIONAL OVERLAY. AND THEN TRACT C WAS L.O.-CO WITH A CONDITIONAL OVERLAY, WHICH PROHIBITED THE FOLLOWING USES, COMMUNICATION SERVICES, MEDICAL OFFICES, BOTH EXCEEDING AND NOT EXCEEDING 5,000 SQUARE FEET. PROHIBITING CLUB AND LODGE, CON VALUE LESS SENT SERVICES, TO LEAVE THE AREA THAT LOOKS LIKE IT'S THE FLOODPLAIN ON THIS PROPERTY IS RR, I UNDERSTAND THE APPLICANT IS AGREEABLE TO THAT. SO -- SO THAT IS WHAT WE ARE OFFERING.

Leffingwell: THAT'S GOOD, I THINK THAT I MISSPOKE. I THINK Z.A.P. RECOMMENDED 2000, IT WAS STAFF RECOMMENDED 2,000, IS THAT RIGHT, THE LIMIT?

THE STAFF RECOMMENDS -- RECOMMENDED 2,000.



Leffingwell: I MISSPOKE ORIGINALLY, THAT CLARIFIES THAT FOR ME. I'M OKAY WITH THAT.

Mayor Wynn: THANK YOU, COUNCILMEMBER. AGAIN, SORRY TO DO THIS TO YOU COUNCIL, I HAVE TO WALK THROUGH THE CONSENT AGENDA ONE MORE TIME, LENGTHY A LITTLE BIT OF DISCUSSION ON POSTPONEMENT. THE CONSENT AGENDA ON THE ZONING CASES WILL BE, TO APPROVE ON FIRST READING ONLY CASES Z-11 Z-2 AND Z-3. THIRD READINGS, Z-4. FIRST READING ONLY, Z-5. TO APPROVE ON ALL THREE READINGS, CASE Z-6. TO APPROVE ON FIRST READING ONLY, CASE Z-7, TO APPROVE ON ALL THREE READINGS, CASE Z-8 AND Z-9. POSTPONE CASE Z-11, TO DECEMBER 15th, 2005. TO POSTPONE CASES Z-12, Z-13 AND Z-14, DECEMBER 1st, 2005. TO POSTPONE CASE Z-19, TO DECEMBER 1st, 2005. AS WELL AS POSTPONING TO DECEMBER 1st, 2005, CASES Z-20, Z-21, AND Z-22. I'LL ENTERTAIN A MOTION.

I MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY. SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE THE CONSENT AGENDA AS OUTLINED. COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: THE -- FOR Z-15, WHAT ARE WE DOING? I MARKED IT DOWN AS CONSENT, BUT I MAY HAVE HEARD WRONG.

Mayor Wynn: IT WAS PROPOSED AS A CONSENT AGENDA BY STAFF, WE ACTUALLY HAVE A COUPLE OF CITIZENS WHO ARE HERE IN OPPOSITION?

Alvarez: OPPOSITION TO THE ITEM VERSUS THE POSTPONEMENT?

OPPOSITION TO THE ITEM. SO WE WILL HAVE A QUICK DISCUSSION ON THAT AT SOME POINT.

Alvarez: I DID HAVE ONE QUESTION ON HOPEFULLY ONE QUESTION ON Z-10, WHICH IS THIRD AND NECHES PROJECT. I DON'T KNOW IF STAFF OR THE APPLICANT WOULD TELL US, I THINK IN THIS PARTICULAR CASE, THERE'S AN FAR ISSUE

THAT'S BEING MODIFIED?

ON ITEM Z-10, STAFF IS NOT SUGGESTING THAT BE A  
CONSENT ITEM. THAT SHOULD BE DISCUSSED.

Z-10.

Mayor Wynn: Z-10 WILL BE DISCUSSION COUNCILMEMBER.

Alvarez: ALL RIGHT.

Mayor Wynn: SO FURTHER COMMENTS ON THE CONSENT  
AGENDA?

Thomas: ONE QUESTION, MAYOR, IF YOU DON'T MIND. MR.  
GUERNSEY, ON THE -- ON THE -- POSTPONE ON THE  
CHAMPION CASE, CAN YOU EXPLAIN -- YOU SAID THE  
ENVIRONMENTAL BOARD WANTED TO VIEW THIS.

Gurensey:: THAT'S CORRECT. I WAS NOT PRESENT AT THE  
MEETING LAST NIGHT, BUT IT'S MY UNDERSTANDING  
ENVIRONMENTAL BOARD HAD SEVERAL CITIZENS THAT  
CAME UP DURING THEIR CITIZENS COMMUNICATION AND  
ASKED THAT THEY HAVE AN ITEM PLACED ON THEIR NEXT  
AGENDA, TO DISCUSS THE CHAMPION PROPERTY. THE  
CHAMPION ZONING CASES.

THEY DIDN'T SAY ANY REASON WHY FOR THE  
ENVIRONMENTAL?

Guernsey: I COULD NOT ARTICULATE --

Thomas: THE REASON THAT I'M ASKING, THESE CASES HAVE  
BEEN -- WE HAVE BEEN DEALING WITH THESE CASES FOR A  
LITTLE WHILE, SO WHY ALL OF OF A SUDDEN DO THEY WANT  
TO GO IN FRONT OF THE ENVIRONMENTAL BOARD.

I THINK IT HAD TO DO WITH SEVERAL INDIVIDUALS THAT  
SHOWED UP AT THEIR MEETING, APPEARED ON THEIR  
CITIZENS COMMUNICATION, WANTED TO SHARE SOME OF  
THEIR CONCERNS ABOUT WATERSHED REGULATIONS AS  
THEY RELATE TO THE CHAMPION PROPERTY.

Thomas: OKAY. KIND OF STRANGE, BUT OKAY. I ACCEPT THAT.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. FURTHER COMMENTS ON THE CONSENT AGENDA? COUNCILMEMBER MCCRACKEN?

McCracken: PLEASE SHOW ME RECUSING MYSELF FROM ITEM Z-21.

Mayor Wynn: Z-21, OKAY. MS. BROWN GOT THAT? OKAY, THANK YOU. FURTHER COMMENTS ON THE CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0 WITH COUNCILMEMBER MCCRACKEN NOT VOTING ON ITEM Z-21, THAT MOTION INCLUDED CLOSING THE PUBLIC HEARING ON ALL OF THOSE CASES WHERE WE TOOK FIRST, SECOND AND/OR THIRD READING ACTION. THANK YOU ALL VERY MUCH.

Guernsey: MAYOR, WOULD YOU LIKE ME TO GO BACK TO THE TWO POSTPONEMENT DISCUSSION ITEMS WE HAVE LEFT?

Mayor Wynn: I DON'T THINK WE HAVE ANY DISCUSSION OF POSTPONEMENT ITEMS?

Guernsey: OH, WELL I AM -- OKAY, MAYBE Z-15 WAS A DISCUSSION ITEM? AND THEN Z-17 WE HAD A -- WE HAD A DISCUSSION POSTPONEMENT ITEM ON THAT ONE AS WELL. THE NEIGHBORHOOD ASKED FOR A POSTPONEMENT POSSIBLY TO NEXT FEBRUARY OR MARCH OF 2006. AND THE APPLICANT -- IT IS THE GLEN ROSE NEIGHBORHOOD FIRST REQUEST OF THIS -- OF THIS POSTPONEMENT ON THIS PARTICULAR CASE. BUT THE APPLICANT, HIS AGENT HAS A CONCERN ABOUT THE TIME, TYPICALLY WE WOULD POSTPONE SOMETHING NO MORE THAN 60 DAYS, TYPICALLY BY YOUR POLICY. BUT THIS IS ACTUALLY A REQUEST TO BE MUCH FURTHER BECAUSE THEY ARE -- THE NEIGHBORHOOD HAS A CONCERN OVER SOME FLOODPLAIN ISSUES ON THIS

PROPERTY. SO THEY HAVE ASKED FOR A POSTPONEMENT TO -- TO FEBRUARY OR MARCH OF 2006.

Mayor Wynn: WELL, THANK YOU, YES, WE NEED TO HAVE THIS DISCUSSION THEN. SO AGAIN THIS WAS -- SO THE APPLICANT IS NOT IN OPPOSITION TO A POSTPONEMENT. RECOGNIZING THAT WE LIKELY WOULD BE GRANTING A POSTPONEMENT ANYWAY BECAUSE IT'S A FIRST REQUEST BY THE NEIGHBORHOOD.

WELL, THIS REQUEST -- I RECEIVED THIS REQUEST ABOUT 5:00 LAST NIGHT. AND I HAVEN'T HAD A GREAT DEAL OF TIME TO SPEAK WITH THE APPLICANT'S AGENT. BUT I KNOW THEY HAVE A CONCERN OF POSTPONING THIS CASE FOR THAT LENGTH OF TIME.

Mayor Wynn: PERHAPS IF WE COULD BRIEFLY HEAR FROM REPRESENTATIVE FROM THE REQUESTING NEIGHBORHOOD AND/OR THE -- AND OF COURSE THE OWNER OR APPLICANT OR AGENT FOR THE CASE. MA'AM, DO YOU WANT TO COME FORWARD?

Guernsey: AGAIN, THIS IS ITEM Z-17, CASE C14-05-0110.

Mayor Wynn: WELCOME, AGAIN, WE ARE JUST GOING TO TALK ABOUT JUST THE CONCEPT OF THE LENGTH OF THE POSTPONEMENT, NOT THE ACTUAL CASE ITSELF.

I'M JENNIFER KAPLAN FROM THE GALINDO ELEMENTARY NEIGHBORHOOD ASSOCIATION. YOU SHOULD HAVE A LETTER IN YOUR PACKETS. I SENT IT THIS MORNING EXPLAINING WHY WE HAVE ASKED FOR SUCH A LONG POSTPONEMENT. WE HAVE SOME QUESTIONS ABOUT THE FLOODPLAIN SAWED THAT'S BEEN DONE ON BEHALF OF THE APPLICANT AND I CAN GO INTO MORE DETAIL ON WHY WE HAVE THOSE CONCERNS, BUT THE BASIC -- THE BASIC REASON THAT WE ARE ASKING FOR THE POSTPONEMENT IS THAT HAFF & ASSOCIATES IS PERFORMING AN INDEPENDENT STUDY CONDUCTED BY FEMA OF THE SAME FLOODPLAIN, WE HAVE BEEN TOLD BY CITY STAFF AND BY HAFF & ASSOCIATES THAT THEIR PRELIMINARY DATA WILL BE MADE PUBLIC IN FEBRUARY OR MARCH OF 2006 AND WE WOULD LIKE TO WAIT UNTIL WE HAVE THAT DATA BEFORE MAKING A

DECISION ABOUT THIS ZONING CASE.

Mayor Wynn: ALL RIGHT, THANK YOU, MS. KAPLAN. IF WE COULD HEAR FROM THE OWNER OR THE AGENT? AND PERHAPS MR. OSWALD OR SOMEBODY HERE FROM CITY STAFF THAT COULD HELP US CONFIRM SOME DATES ON MAPPING AS WELL. WELCOME.

GOOD EVENING. MY NAME IS BOBBIE JO CORNELIUS, OWNER OF SITE SPECIFICS, WE ARE HEARING FOR A ZONING CASE OF 1.7 ACRES THAT IS NOT IN THE FLOODPLAIN, THIS ZONING CASE IS CS TO SINGLE FAMILY, IT'S IN THE MIDDLE OF A NEIGHBORHOOD, IT MAKES SENSE TO ZONE THIS BACK DOWN TO SINGLE FAMILY. THE -- WE HAVE MET WITH THE NEIGHBORHOOD THREE TIMES. WE HAD A VERY LARGE MEETING THE OTHER NIGHT WITH ALL OF THE STAFF, ALL OF THE WATERSHED STAFF, ALL OF THE REVIEW STAFF. AND ANSWERED ALL OF THE QUESTIONS. THIS ZONING CASE DOES NOT AFFECT THE FLOODPLAIN IN ANY WAY. WE HAVE THE ENGINEER HERE WHO CAN EXPLAIN THAT AND THE OWNER WHO CAN ALSO EXPLAIN THE DIFFICULTY OF EXTENDING THIS ALL THE WAY UNTIL MARCH.

Mayor Wynn: THANK YOU, MS. CORNELIUS. ACTUALLY, IF WE COULD -- IF STAFF IS AVAILABLE, MR. GUERNSEY, DO WE HAVE ANYBODY FROM WATERSHED PROTECTION WHO CAN JUST --

Guernsey: IT'S MY UNDERSTANDING WE HAVE A COUPLE OF PEOPLE HERE FROM WATERSHED THAT CAN PROBABLY ADDRESS THE GENERALLY THE FLOODPLAIN ISSUE.

Mayor Wynn: THANK YOU. WELCOME.

THANK YOU, MAYOR. GARY [INDISCERNIBLE] WITH WATERSHED PROTECTION. FEMA IS DOING NEW MAPS FOR 21 WATERSHEDS, INCLUDING WEST BOULDIN. WE HAVE PRELIMINARY FLOODPLAIN INFORMATION FROM HAFF, IT'S NOT READY FOR RELEASE TO THE PUBLIC. IN -- THEY ARE TELLING US THAT IT WILL BE RELEASED IN MID--- IN MID-FEBRUARY PROBABLY, IT MAY GO A COUPLE OF WEEKS LATER. BUT THAT'S THE CURRENT STATUS OF THE FEMA

WORK.

Mayor Wynn: WELL, I HOPE YOU ARE HAVING BETTER LOOK WITH FEMA REGARDING FLOODPLAINS THAN WE ARE WITH KATRINA RELIEF, BUT UNDERSTOOD. COUNCILMEMBER MCCRACKEN?

GARY, MY UNDERSTANDING ON THIS IS THAT THE CURRENT OFFICIAL FLOOD MAPS REFLECT THAT -- THAT IF THIS DEVELOPMENT GOES IN, IT WOULD PLACE EXISTING HOMES IN THE FLOODPLAIN, MY UNDERSTANDING IS THAT THE APPLICANT CONTENDS THAT THEY HAVE INFORMATION THAT SHOWS THAT THAT WOULD NOT BE THE CASE. THAT THERE HAS BEEN SOME KIND OF -- KIND OF FLOODPLAIN MAPPING DONE THAT HAS NOT BEEN SHOWN TO THE NEIGHBORHOOD YET. IS THAT ACCURATE?

WE ARE IN THE MIDDLE OF A PROCESS ALONG WITH THE APPLICANT'S ENGINEER TO DETERMINE THOSE SORTS -- THOSE MATTERS. WE HAVE RECEIVED A -- FROM FRED HAFF WHO IS NOT HERE TONIGHT, WE HAVE RECEIVED A FLOODPLAIN STUDY BASED ON THE EFFECTIVE FEMA MODEL. THAT ENGINEER HAS DOCUMENTED MISTAKES IN THAT OLD MODEL. HE'S ALSO SHOWN SOME CHANNEL IMPROVEMENTS. OUR DEPARTMENT HAS LOOKED -- OUR OFFICE HAS LOOKED AT THAT. AND CONCURRED WITH HIS METHODOLOGIES AND SENT THAT -- HIS REPORT TO FEMA FOR THEIR REVIEW AND APPROVAL. OUR FILE INDICATES THAT FEMA ASKED FOR ADDITIONAL INFORMATION, BACK IN MAY. AND WE HAVE NO RECORD OF -- OF FURTHER ACTION BY THE APPLICANT'S ENGINEER. SO WE ARE -- WE ARE IN PROCESS. WE ARE IN THE PROCESS NOW.

McCracken: GARY, I'M SORRY, I DIDN'T -- HERE -- THAT -- I NEED AN ANSWER TO MY QUESTIONS. WE WILL GO BIT BY BIT. THE FIRST THING IS THAT I GUESS THE OFFICIAL FEMA FLOOD MAP AND METHODOLOGY, I GUESS, FROM FEMA REFLECTS THAT IF THIS ZONING IS GRANTED, THIS DEVELOPMENT GOES IN, IT WILL PLACE EXISTING HOMES INSIDE THE FLOODPLAIN; IS THAT CORRECT?

NO, SIR, THAT'S CORRECT. BASED ON THE INFORMATION THAT WE HAVE IN HAND. THAT'S NOT CORRECT BASED ON

THE INFORMATION THAT WE HAVE.

McCracken: OKAY. WHAT IS THE SOURCE OF THE INFORMATION -- A NUMBER OF US HAVE BEEN PRESENTED INFORMATION REFLECTING THAT THERE'S SOME KIND OF OFFICIAL MAPS OR -- KAREN, COULD YOU CLEAR THIS UP? GARY, I WANT TO MAKE SURE THAT YOU ALL ARE IN AGREEMENT. KAREN, DO YOU HAVE A DIFFERENT UNDERSTANDING OF MY QUESTION? BECAUSE I'VE GOT A DIFFERENT BRIEFING ON IT.

RIGHT. LET ME SEE IF I CAN CLEAR THIS UP. FEMA HAS AN EXISTING FLOODPLAIN MODEL AND IF YOU SHOW THE PICTURE, I DON'T KNOW IF YOU CAN SHOW THAT, IT'S -- I'VE MAPPED IT IN PINK ON THE PICTURE THAT I HAVE PUT ON THE BOARD. SO THE PINK SHOWS THE EXISTING FEMA FLOODPLAIN MODEL WHICH YOU WILL SEE CUTS DIRECTLY THROUGH THIS PLOT OF LAND AND MAKES -- IT MAKES THE CORNER THAT THEY WANT -- [INDISCERNIBLE] [INAUDIBLE - NO MIC]

Thomas: MAYOR --

IT IS ALL INACCESSIBLE IN A FLOODING EVENT IT WILL BE COMPLETELY INACCESSIBLE. THAT -- THAT IS OUR ISSUE WITH THIS DEVELOPMENT. AND THE REZONING, THAT WE SHOULD NOT BE PUTTING SINGLE FAMILY RESIDENTS IN A FLOODPLAIN IN AN INACCESSIBLE FLOODPLAIN AREA?

KAREN I JUST --

ALL RIGHT, THE GREEN LINE ON THE MAP IS THEIR ENGINEER'S FLOODPLAIN MODEL. WE HAVE QUESTIONS, HE TOLD US THE OTHER NIGHT THAT SOME OF THE DATA THAT HE HAD HE FOUND TO BE OFF BY AS MUCH AS A FOOT AND A HALF IN ELEVATION. HE SHOT SOME NEW DATA, HE USED SOME OF THE FAULTY DATA, WE HAVE QUESTIONS ABOUT THE MODEL. IF HIS MODEL IS INCORRECT, WE HAVE TO REVERT BACK TO THE EXISTING FEMA FLOODPLAIN MODEL, THE ONLY ONE THAT HAS BEEN APPROVED AND THAT MODEL SHOWS THAT THIS LAND WILL BE INACCESSIBLE IN A FLOODING EVENT. THE LAND THAT THEY WANT TO REZONE. NOW I SPOKE THIS MORNING WITH THE CONTRACTOR WHO

HAS THEIR -- WHO IS REVIEWING IT, THEY HAVE RECEIVED INFORMATION BACK BUT THEY HAVE NOT MOVED ON THE APPLICATION. HE TOLD ME IT WOULD LIKELY BE 30 TO 60 DAYS BEFORE THEY MOVED ON THE APPLICATION FOR LETTER OF REVISION.

McCracken: THANKS, KAREN. GARY, I WANT TO MAKE SURE -- I'M TRYING TO FIGURE OUT WHERE WE ALL HAVE AGREEMENT ON JUST THE STATE OF MATTERS KIND OF FROM ADMINISTRATIVE POINT OF VIEW. SO DID KAREN -- TO YOUR UNDERSTANDING, GETTING IT RIGHT ABOUT THE STATE OF THE FLOODPLAIN MODELS? OR DO YOU HAVE ANY QUALIFICATIONS OR CORRECTIONS TO THAT?

YES, SIR. THIS LOOKS LIKE THE EFFECTIVE FEMA MODEL. BUT WE AS -- AS AN OFFICE ARE AWARE OF PROBLEMS WITH THIS OLD MODEL AT THE -- THIS SHOWS A CULVERT UNDER THE UNION PACIFIC TRACK THAT'S -- THAT'S EFFECTIVE AND OPERATING AND IT'S NOT EFFECTIVE. IT'S BEEN -- IT'S BEEN FILLED BY THE RAILROAD OR BY SOMEONE.

McCracken: YEAH, I WAS JUST TRYING TO FIGURE OUT --

OKAY.

McCracken: SO THE EXISTING FEMA FLOODPLAIN MODEL SHOWS THAT SEVERAL HOMES WOULD BE PUT INTO THE FLOODPLAIN BY THE PROPOSED DEVELOPMENT, RIGHT? I'M NOT SAYING THAT'S ACCURATE, I'M SAYING IS THAT WHAT THE EXISTING FEMA FLOODPLAIN --

WELL, THE EFFECTIVE FEMA FLOODPLAIN DOES NOT CONSIDER THIS PROPOSED DEVELOPMENT. THE PROPOSED DEVELOPMENT INCLUDES A BRIDGE ACROSS THE -- ACROSS THE CREEK AND POSSIBLY SOME CHANNEL IMPROVEMENTS I UNDERSTAND. SO -- SO YOU COULDN'T REALLY SAY THAT THE -- THAT THE OLD MODEL, WHICH DOESN'T SHOW YOU KNOW CREEK-RELATED IMPROVEMENTS, IT DOESN'T EXIST OR WE DON'T HAVE THAT INFORMATION. AT THIS TIME.

ARE YOU SAYING YOU LACK INFORMATION AT THIS TIME?



EXACTLY, YES, SIR.

McCracken: WELL, IF THERE'S INFORMATION LACKING ON THE FLOODPLAIN EFFECTS OF THIS DEVELOPMENT, THAT WAS THE -- I WOULD SUGGEST THAT WE WOULD WANT TO HAVE THAT INFORMATION BEFORE WE ACTED.

I UNDERSTAND THAT THIS ZONING REQUEST BEFORE YOU HAS NO -- FLOODPLAIN ISSUES HAVE LITTLE OR NO BEARING ON THIS ZONING ISSUE. BUT THERE ARE OTHERS ASSOCIATED WITH THE -- WITH THE ZONING WHO MAY BETTER ADDRESS THIS.

Mayor Wynn: COUNCILMAN, IT SEEMS TO ME THAT WE ARE CLEARLY GOING TO POSTPONE THIS CASE. THE QUESTION IS -- OBVIOUSLY WE DON'T -- WE CAN CONTINUE TO POSTPONE AT SOME POINT IN THE FUTURE IF INFORMATION STILL ISN'T FORTHCOMING. IF WE COULD JUST PERHAPS HEAR FROM THE OWNER OR THE APPLICANT, UNDERSTAND PERHAPS SOME ECONOMIC HARDSHIPS OR WHAT THEIR ISSUES MAY BE, WE CAN FIGURE OUT PERHAPS EVEN INCREMENTALLY HOW WE BEGIN POSTPONING THIS CASE, WELCOME, SIR.

MAYOR, MY NAME IS BRET [INDISCERNIBLE], WITH CARLSON AND DARING, THE LAND PLAN ENGINEER ON THIS DEVELOPMENT. I DID NOT WORK ON THE FLOODPLAIN, BUT I JUST WANT TO CLARIFY SOME STUFF THAT WAS SAID EARLIER. THE -- THE PINK LINE UP THERE IS THE EFFECTIVE TEAM MAKE FLOODPLAIN IF YOU WERE TO PULL THE FEMA MAP OUT, THAT'S WHAT YOU WOULD SEE TODAY. THE GREEN LINE IS WHAT IS PROPOSED TO BE THE REVISED MAP WHEN IT WOULD BE REISSUED. THAT WAS BASED OFF OF FIELD SURVEY INFORMATION AND THEN MODELED IN A COMPUTER MODEL AND WITH YOUR FULLY DEVELOPED FLOW RATES. IT SHOULD BE NOTED THAT APPROVING THE ZONING, SCEBTSLY APPROVING THE PRELIMINARY PLAN DOES NOT HOLD THAT LINE TO THAT LAYOUT. WHAT WE HAVE FILED CURRENTLY IS A KLOMER APPLICATION, CONDITIONAL LETTER OR MAP REVISION WHICH YOU FILE TO TELL THEM WHAT YOU PROPOSE TO DO ON THE DEVELOPMENT. ONCE IT'S FINAL PLATED, WE HAVE TO FILE A LOMER BASED ON THE AS BUILT CONDITIONS WHICH INCLUDE THE CROSSING OVER THE CREEK, WHAT IT'S

ACTUALLY BUILT, WHAT THE ELEVATIONS ARE. AT THAT POINT THE APPLICATION IF IT'S APPROVED BECOMES THE NEW MAP WHEN THAT MAP IS REISSUED. SO -- SO WHAT WE SHOW RIGHT THERE IS NOT NECESSARILY WHAT EXACTLY IT'S GOING TO BE ONCE IT GETS APPROVED AFTER THE CONSTRUCTION PLANS ARE COMPLETE. AND THAT SUBDIVISION IS BUILT AND ACCEPTED BY THE CITY. 7.

MAYOR?

Mayor Wynn: COUNCIL, THE QUESTION IS IF WE POSTPONE THIS CASE INTO YOU KNOW SAY EARLY JANUARY, WE ONLY HAVE TWO MEETINGS IN JANUARY, PERHAPS STAFF WILL HAVE THE ABILITY TO GET SOME INFORMATION BY THEN, HELP US CLARIFY ISSUES ABOUT WHAT'S IN AND WHAT'S NOT IN THE FLOODPLAIN AND FRANKLY WHAT THIS DEVELOPMENT IS EVEN CONTINGENT OR DEPENDENT UPON THAT. COUNCILMEMBER DUNKERLY?

Dunkerly: I WAS JUST -- I WILL SAY SOMETHING IF I HAVE AN OPPORTUNITY. I THINK WHAT THE COUNCIL REQUESTED LAST TIME WAS A -- A VERY LOGICAL, CLEAR, DISCUSSION OR PRESENTATION FROM THE STAFF AS TO HOW THESE FLOODPLAINS HAPPEN, WHAT'S INCLUDED IN THE -- IN THE ANALYSIS THAT'S DONE, HOW THESE LINES GET CHANGED AND A LOT OF EXPLANATION, VERY CLEAR EXPLANATION, SO THAT THE -- SO THAT THE NEIGHBORHOOD AND THE PEOPLE THAT ARE AFFECTED BY EITHER THE PINK LINE OR THE GREEN LINE WOULD HAVE A BETTER UNDERSTANDING THAT -- HOW ANY POTENTIAL DEVELOPMENT WOULD AFFECT THEM. YOU KNOW, FROM LOOKING AT IT, IT PROBABLY WON'T AFFECT THEM. BUT -- BUT I DON'T THINK THAT AT LEAST THE PEOPLE THAT I HAVE TALKED TO HAVE A REAL CLEAR GRASP OF THIS WHOLE PROCESS. AND PARTICULARLY AS IT RELATES TO THIS PROJECT. SO -- SO IN FACT I HAD EXPECTED THAT PRESENTATION TODAY. BEFORE WE HEARD THIS AND I REALLY HAVE NOT -- I HAVE NOT -- I THOUGHT THAT MIGHT CLARIFY SOME THINGS. BUT AT LEAST WHEN IT'S BROUGHT BACK, I WOULD LIKE TO HAVE THAT PRESENTATION. AS TO -- AS TO HOW THESE THINGS GET DONE, WHAT'S INCLUDED, AND HOW IT AFFECTS THIS PARTICULAR PROJECT.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: I BELIEVE THIS HAS BEEN ASKED AND ABSENCED BEFORE FROM MR. COSET, HERE WE HAVE THE PINK LINE, THE OLD PEEM MAKE FLOODPLAIN, THE GREEN LINE WHICH IS THE INTERIM PROPOSED FEMA FLOODPLAIN, WHICH MAY CHANGE. IS THAT CORRECT?

YES, SIR.

Leffingwell: OKAY. ALL RIGHT. THAT'S GOOD. LET ME JUST ASK YOU -- NOW, THIS PROPERTY THAT'S PROPOSED FOR REZONING, FROM COMMERCIAL TO RESIDENTIAL, WOULD THAT ZONING CHANGE HAVE ANY EFFECT ON ANY FUTURE FLOODPLAIN LINE? DOES IT MATTER --

WHERE IS THIS --

DOES IT MATTER?

COUNCILMEMBER, IF I MAY --

LOOKS LIKE THERE'S A VERY SMALL IN THE LOWER -- IN THE LOWER RIGHT-HAND CORNER, IT'S IN -- IT'S IN --

NO, I'M SAYING THE FLOODPLAIN LINE, THE FLOODPLAIN IS WHAT IT IS. CURRENTLY IT'S ZONED COMMERCIAL, IS THAT LINE GOING TO BE AFFECTED IF THE ZONING CHANGES?

NO IT WILL NOT.

NO, IT WILL NOT, OKAY. BUT STILL WE DON'T KNOW WHAT IT'S GOING TO BE, WE DON'T KNOW IF THESE RESIDENTIAL LOTS WOULD BE IN THE FLOODPLAIN WHEN IT'S [INDISCERNIBLE], IS THAT CORRECT?

WE HAVEN'T RECEIVED FROM THE APPLICANT --

Leffingwell: YEAH, WE DON'T KNOW WHAT IT'S GOING TO BE. IT COULD BE IN -- IF THEY WERE IN THE FLOODPLAIN BEFORE THEY COULD BUILD HOUSES ON THEM, THEY WOULD HAVE TO COME BACK BEFORE THIS BODY AND GET APPROVAL AND

THEN THEY COULD BUILD HOUSES.

THAT'S CORRECT.

Leffingwell: YEAH. SO -- SO I AGREE WITH COUNCILMEMBER DUNKERLY THAT PERHAPS WHEN YOU COME BACK NEXT TIME AFTER A POSTPONEMENT, YOU COULD GIVE US SORT OF A -- OF A COUPLE OF LESSONS IN FLOODPLAINS AND HOW THEY ARE CONSTRUCTED AND SO FORTH AND BE USEFUL TO ME. I KNOW -- BUT I WANT TO CLARIFY THAT. I WOULD SUPPORT THE POSTPONEMENT UNTIL THE 15th OR FITS THE WELL OF MY COLLEAGUES, A LATER POSTPONEMENT IF THAT'S APPROPRIATE UNTIL IN JANUARY. I UNDERSTOOD THERE WAS A PROBLEM WITH THE 60 DAY LIMITATION. ON THE JANUARY POSTPONEMENT. IS THAT MR. GUERNSEY?

Guernsey: IT'S THE GENERAL POLICY OF THE COUNCIL TO NOT POSTPONE THINGS FOR LONGER THAN 60 DAYS. IT'S THE DISCRETION OF COUNCIL, IF YOU WOULD LIKE TO POSTPONE, A SIMPLE MOTION AND ACTION BY THE COUNCIL CAN MAKE THAT HAPPEN.

Mayor Wynn: MOTION BY COUNCILMEMBER LEFFINGWELL TO POSTPONE CASE Z-17 TO DECEMBER 15th, 2005. I'LL SECOND. NOTING OF COURSE, THAT WE CAN CONTINUE POSTPONEMENTS AND THAT GIVES STAFF TIME TO DEVELOP A PRESENTATION FOR US REGARDING FLOODPLAIN ISSUES IF GENERAL, BUT AS MUCH SPECIFICITY TOWARDS THIS CASE AS POSSIBLE. THANK YOU, GENTLEMEN. COUNCILMEMBER MCCRACKEN?

McCracken: YEAH, I WOULD ASK THAT -- THAT IT -- AT LEAST TWO WEEKS PRIOR TO THAT, TO THAT DECEMBER 15th DATE, IN FACT SOONER, EVEN IF POSSIBLE, THAT THIS INFORMATION THAT -- THAT BE PROVIDED TO THE NEIGHBORHOOD. IT'S MY UNDERSTANDING THAT THE APPLICANT AND STAFF HAS IT. BUT IT HAS NOT BEEN PROVIDED TO THE NEIGHBORHOOD. WHETHER THAT'S TRUE OR NOT. WHATEVER THE CASE IS, I WANT TO MAKE SURE THAT IT IS PROVIDED TO THE NEIGHBORHOOD SO THAT WE CAN GET SOME CONSENSUS ON WHAT'S GOING ON HERE,

WHICH WE DO NOT HAVE RIGHT NOW.

MR. MCCracken? INFORMATION TO BE PRESENTED TO THEM? THE FLOODPLAIN STUDY OR -- OR I DIDN'T CATCH WHAT INFORMATION THAT YOU WANT TO BE PROVIDED TO THEM?

ANY INFORMATION THAT'S GOING TO BE RELIED ON RELATED TO THE FLOODPLAIN. I KNOW THERE'S THE -- THE HEALTH STUDY OR HAFF STUDY --

ARE WE EVEN ALLOWED TO RELEASE THAT INFORMATION? STAFF AS FAR AS I KNOW THAT'S NOT -- THAT'S NOT RELEASED TO THE PUBLIC YET. THAT STUDY. I DON'T KNOW HOW COB CONCRETE THEY HAVE GONE WITH THEIR STUDY TO RELEASE IT FOR PUBLIC VIEWING.

McCracken: I'M THINKING IF WE WANT TO HAVE SOME ACTION ON THIS ITEM, THAT WE ARE GOING TO NEED TO HAVE IT AVAILABLE TO THE PUBLIC.

COUNCILMEMBER, WE HAVE THE REPORT IN OUR OFFICE, IT WILL BE AVAILABLE.

McCracken: THANKS, JOE, APPRECIATE IT.

Mayor Wynn: MOTION ON THE TABLE TO POSTPONE Z-17th TO DECEMBER 15th, 2005, WITH FURTHER INSTRUCTIONS FOR STAFF. 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, ON Z-15 I HAVE AN AGREEMENT FROM THE PERSON WHO SIGNED UP IN OPPOSITION, TO THE POSTPONEMENT TO THE 15th. AND SO IF YOU WOULD LIKE WE COULD THAT ONE ON CONSENT AND CLEAR HAS OUT FOR POSTPONEMENT, Z-15.

Mayor Wynn: THIS WOULD BE CONSIDERED A

NEIGHBORHOOD REQUESTED FIRST REQUEST  
POSTPONEMENT.

THIS IS A STAFF POSTPONEMENT BECAUSE OF THE  
MEDIATION. AND THE ONLY THING THAT THE INDIVIDUAL  
WANTED US TO POINT OUT THAT SIGNED UP IN OPPOSITION  
IS THAT THE REST OF THE NEIGHBORHOOD PLANNING  
AREAS WON'T BE COMING BACK UNTIL THE SPRING TIME,  
UNTIL AFTER MARCH. SO THIS IS A CASE THAT'S BEING --  
THAT WAS I GUESS THAT YOU COULD SAY SINGLED OUT TO  
CARRY FORWARD AT THIS TIME. JUST WANTED TO NOTE FOR  
THE RECORD THAT -- THAT THE REST OF THE ZONING  
CASES, IN THE NEIGHBORHOOD PLANNING AREA, WOULD  
NOT COME BACK TO COUNCIL UNTIL AFTER MARCH, MOST  
LIKELY. BUT THEY WOULD BE AGREEABLE TO THE  
POSTPONEMENT TO THE 15th.

Mayor Wynn: ALL RIGHT. SO COUNCIL, BASED ON THAT I WILL  
ENTERTAIN A MOTION TO POSTPONE CASE Z-15, ALSO TO  
DECEMBER 15th, 2005.

Thomas: SO MOVE.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM,  
SECONDED BY COUNCILMEMBER MCCrackEN. FURTHER  
COMMENTS?

McCracken: I KNOW THIS HAS BEEN A VERY LEGITIMATE  
CONCERN FOR THE RESIDENTS ALONG RIVERSIDE THAT  
MIXED USE DIDN'T REALLY REQUIRE MIXED USE. TODAY  
EARLIER WHEN WE APPROVED THE DESIGN STANDARDS  
POLICY, WE HAVE ALSO INITIATED A PROCESS TO -- TO  
EXPEDITE THE VERTICAL MIXED USE PROVISIONS, SO THAT'S  
AN OPPORTUNITY IN MEDIATION, PERHAPS, TO CONSIDER  
VERTICAL MIXED USE, WHICH HAS PREVIOUSLY NOT BEEN A  
ZONING OPTION FOR NEIGHBORHOODS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. A MOTION AND A  
SECOND ON THE TABLE TO POSTPONE TO DECEMBER 15th,  
2005. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN  
FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. COUNCIL THAT TAKES US TO THE 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS, INVITE EVERYBODY TO STAY TUNED. OUR LIVE MUSIC WILL BE CIENFUEGOS, ARE THEY HERE THIS EVENING? ALSO WHILE WE HAVE A BREAK FOR LIVE MUSIC AND PROCLAMATIONS, COUNCIL MAY BE IN CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO TAKE UP AGENDA ITEMS 58 RELATED TO CHAPTER 245 GRANDFATHERRING AND/OR ITEM 73 RELATED TO THE AUSTIN CLEAN WATER PROGRAM. STAY TUNED FOR LIVE MUSIC AND PROCLAMATIONS.

Mayor Wynn: AUSTIN CITY COUNCIL MEMBER RAUL ALVAREZ.

THANK YOU, MAYOR, I WON'T CALL IT DUELING PROCLAMATIONS, BUT WE HAVE SEVERAL RELATED TO MUSIC AND SO WE THOUGHT IT MIGHT BE APPROPRIATE TO SHARE AN ACTION THAT THE COUNCIL TOOK EARLIER WITH - - WITH YOU ALL HERE AND WITH FOLKS WATCHING AT HOME, BUT IT'S AN EXCITING, NEW PROJECT THROUGH WHICH THE CITY WANTS TO -- TO FURTHER THEIR SUPPORT FOR LIVE MUSIC IN AUSTIN. IT IS AN ATTEMPT TO HIGHLIGHT THE CONTRIBUTION OF LATINO ARTISTS AND MUSICIANS AND THE IMPACT OF LATINO MUSICAL STYLES ON OUR LOCAL MUSIC SCENE BY DECLARING MAY OF NEXT YEAR AS LATINO MUSIC MONTH, WE OFFICIALLY ADOPTED A RESOLUTION TODAY TO DO THAT AND TO TRY TO, YOU KNOW, HIGHLIGHT THAT PARTICULAR ASPECT OF THE MUSIC SCENE IN AUSTIN AND IN -- IN -- AND THAT'S LATINOS HAVE BEEN PART OF THE LIVE MUSIC SCENE FOR A LONG, LONG TIME, SINCE LONG BEFORE -- BEFORE THE LIVE MUSIC CAPITAL OF THE WORLD TERM WAS PHRASED OR FIRST UTILIZED. AND SO THAT'S -- IT -- SO IT'S INTENDED TO KIND OF CALL ATTENTION TO THE CONTRIBUTION OF THOSE PARTICULAR ARTISTS, THERE'S A COLLABORATION BETWEEN SEVERAL DIFFERENT ORGANIZATIONS AND I BELIEVE SOME ARE REPRESENTED HERE. CERTAINLY WORKING VERY CLOSELY WITH ROSE REYES FROM THE CONVENTION AND VISITORS BUREAU, SHE WAS HERE AT THE PERSON THAT HELPS BOOK OUR MUSIC HERE FOR THE CITY HALL FUNCTIONS. I THINK I SAW JOHN MICHAEL CORTEZ HERE REPRESENTING THE AUSTIN LATINO

MUSIC ASSOCIATION. THANK YOU FOR BEING SHEER. AND THERE'S -- FOR BEING HERE, THERE'S REPRESENTATIVES FROM THE MEXICAN AMERICAN CULTURAL ADVISORY BOARD, ALSO FOLKS FROM THE TEXAS SALSA FESTIVAL. REALLY WE WANT TO UNDERTAKE SOME PLANNING ACTIVITIES TO MAKE MAY A VERY EXCITING MONTH IN TERMS OF LATINO MUSIC IN PARTICULAR. AND YOU ARE GOING TO HEAR -- GET A LITTLE TASTE OF LATINO MUSIC HERE SHORTLY, BUT I WANTED TO JUST READ THE RESOLUTION SO THAT -- SO THAT WE COULD JUST INFORM THE COMMUNITY ABOUT WHAT WE ARE DOING IN THIS REGARD. IT SAYS WHEREAS AUSTIN HAS A VIBRANT LIVE MUSIC SCENE AND IT'S OFTEN REFERRED TO AS THE LIVE MUSIC CAPITOL OF THE WORLD, ONE OF THE STRENGTHS OF AUSTIN'S LIVE MUSIC SCENE IS THE DIVERSE RANGE OF ARTISTS AND MUSICAL STYLES THAT RESIDENTS AND VISITORS ALIKE MAY EXPERIENCE, WHEREAS LATINO ARTISTS AND MUSICAL STYLES HAVE BEEN A LARGE PART OF AUSTIN'S MUSIC SCENE, AUSTIN FEATURED LOCAL ARTISTS IN MAY 2005 IN COLLABORATION WITH THE AUSTIN LATINO MUSIC ASSOCIATION, AND WHEREAS THE CITY OF AUSTIN SEEKS TO CONTINUE AND TO EXPAND ITS SUPPORT FOR LIVE MUSIC IN AUSTIN AND TO HIGHLIGHT THE DIVERSE ELEMENTS OF ITS LIVE MUSIC SCENE, NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF AUSTIN, DESIGNATES THE MONTH OF MAY AS LATINO MUSIC MONTH, THAT THE CITY COUNCIL DIRECTS THE CITY MANAGER TO SELECT LATINO ARTISTS FOR LIVE MUSIC PERFORMANCES AT THE AUSTIN-BERGSTROM INTERNATIONAL AIRPORT, AT THE LIVE -- FROM THE PLAZA FRIDAY NOON CONCERT SERIES, AS FEATURED ARTISTS AT CITY COUNCIL MEETINGS DURING THE MONTH OF MAY AND THAT THE CITY COUNCIL ENCOURAGES CLUB OWNERS, LIVE MUSIC VENUES AND EVENT PLANNERS TO SUPPORT LATINO MUSIC AND MUSICAL STYLES DURING THE MONTH OF MAY AND SO THAT'S SOMETHING THAT WE ARE LOOKING FORWARD. IT'S -- TO TRY TO SUPPORT, YOU KNOW, THIS SEGMENT OF OUR LIVE MUSIC SCENE AND TO CREATE RELATIONSHIPS BETWEEN THE CLUB OWNERS AND THE EVENT PLANNERS AND THESE MUSICIANS WHO MAYBE HAVE NOT WORKED TOGETHER, JUST TO CREATE MORE EXCITEMENT ABOUT LIVE MUSIC IN AUSTIN. SO THANK YOU TO ALL OF THOSE GROUPS THAT



ARE -- THAT ARE PARTICIPATING IN THAT AND WE WANT TO INVITE ANYBODY, YOU KNOW, WHO WANTS TO HELP WITH THAT EFFORT FOR MAY OF NEXT YEAR TO -- TO BE INFORMED, CALL MY OFFICE, 974-2264 WE WILL GET YOU PLUGGED IN AS WE MOVE FORWARD WITH THE PLANNING FOR THAT. TODAY COINCIDENTALLY OR MAYBE NOT, WE DO HAVE LATINO MUSIC TO HIGHLIGHT HERE. IT'S A GROUP CALLED CIENFUEGOS, A GROUP THAT SPECIALIZES IN TRADITIONAL CUBAN SONG AND OTHER LATINO MUSIC STYLES. THEIR INSTRUMENTATION AND REPERTOIRE ARE STYLED AFTER THE CUBAN CONJUNTOS OF THE 30'S AND 40s, THEY GET THEIR NAME FROM THE CUBAN CITY FAMOUS FOR ITS MUSIC AND FOR BEING THE BIRTH PLACE OF THE GREAT SING AND BAND LEADER BENNY MORAN. THEY RECORDED THEIR DEBUT ALBUM A TRIBUTE TO THEIR MUSICAL HEROES, THEIR STRONG VOCALS AND HOT PERCUSSION DEVOTED DANCE LOVERS TO THEIR WEEKLY SHOWS. PLEASE JOIN ME IN WELCOMING THEM. [ APPLAUSE ]  
[ (music) MUSIC PLAYING (music)(music) ] (music)(music) \$  
(music)(music) \$ (music) MUSIC PLAYING (music) [ (music) MUSIC PLAYING (music)(music) ] [ (music) MUSIC PLAYING (music)(music) ] [ APPLAUSE ]

THANK YOU VERY MUCH.

Mayor Wynn: SO WHERE CAN WE HEAR YOU NEXT? DO YOU HAVE A CD, A WEBSITE? HOW DO WE SEE YOU?

[INAUDIBLE - NO MIC]. WE PLAY EVERY FRIDAY EXCEPT THE FIRST FRIDAY OF THE MONTH AT AN EYE TALLIAN RESTAURANT OVER BY JEFFREY'S. AND SATURDAY WE'RE PLAYING ON 290 AND I-35 AND VARIOUS OTHER PLACES, JUST CHECK THE WEBSITE FOR THE SCHEDULE.

Mayor Wynn: BEFORE YOU GET AWAY WE HAVE AN OFFICIAL PROCLAMATION THAT ROODZ, BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS THE DEDICATED EFFORTS OF ARTISTS FURTHER AUSTIN'S STATUS AS THE LIVE MUSIC CAPITOL OF THE WORLD, NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM NOVEMBER

17TH, 2005, AS CIENFUEGOS DAY IN AUSTIN AND CALL ON ALL CITIZENS TO JOIN ME IN RECOGNIZING THIS GREAT TALENT. [ APPLAUSE ]

Mayor Wynn: SO WHILE CIENFUEGOS BREAKS DOWN OVER THERE, WE WILL START OUR WEEKLY PROCLAMATIONS ON THIS SIDE OF THE ROOM. AGAIN, WHAT WE ATTEMPT TO DO WITH THESE PROCLAMATIONS EACH WEEK IS TO PROMOTE IMPORTANT PARTNERS OR GROUPS OR ORGANIZATIONS OR EVENTS OR DAYS THAT ARE OCCURRING THROUGHOUT THE COMMUNITY TO PROMOTE IN THIS CASE SORT OF WELLNESS OR RECOGNITION OF FOLKS WHO ARE DOING A GREAT JOB FOR THIS COMMUNITY. THE FIRST PROCLAMATION IS REGARDING NURSE PRACTITIONER WEEK. I'M JOINED HERE AGAIN BY A NUMBER OF FINE RN'S I PRESUME, NURSES, NURSE PRACTITIONERS TO HELP US WITH THE PROCLAMATION. I'LL READ IT AND THEN SANDRA WILL SPEAK ABOUT NURSE PRACTITIONERS AND HOW THEY'RE HELPING THIS COMMUNITY ACROSS THE BOARD. THE PROCLAMATION READS: BE IT KNOWN WHEREAS NURSE PRACTITIONERS ARE PRIMARY CARE PROVIDERS WHO OFFER INVALUABLE SERVICE IN THE AREAS OF FAMILY CARE, WOMEN'S HEALTH AND ADULT AND PEDIATRIC CARE. AND WHEREAS BECAUSE OF THEIR ADVANCED TRAINING, NURSE PRACTITIONERS HAVE PROVIDE EXAMINATIONS AND EVALUATIONS, TREAT COMMON ILLNESSES AND HELP PATIENTS MANAGE CHRONIC ILLNESSES AND WHEREAS WE'RE PLEASED TO RECOGNIZE THEIR WORK, ESPECIALLY THOSE WHO ARE MEMBERS OF THE TEXAS NURSE PRACTITIONERS, FOR THE ACCESSIBLE AND QUALITY HEALTH CARE THEY PROVIDE TO THE PEOPLE OF OUR CITY AND OUR STATE. NOW THEREFORE I, WILL WYNN, MAYOR OF THE GREAT CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM NOVEMBER 6TH THROUGH 12TH, 2005 AS NURSE PRACTITIONER WEEK IN AUSTIN. AND I'LL ASK SANDRA TO STEP UP AND TALK MORE ABOUT NURSE PRACTITIONERS AND HOW THEY'RE HELPING US IN THIS CITY. BUT FIRST JOIN ME IN THANKING SANDRA AND ALL NURSE PRACTITIONERS FOR THEIR GREAT WORK. [ APPLAUSE ]

THANK YOU, MAYOR WYNN. ON BEHALF OF THE AUSTIN ADVANCED PRACTICE NURSES, WE'RE A PROFESSIONAL GROUP OF NURSE PRACTITIONERS, CERTIFIED NURSE

MIDWIVES AND CLINICAL NURSE SPECIALISTS. TOGETHER WE PROVIDE HEALTH CARE SERVICES IN OUR COMMUNITY IN A VARIETY OF SETTINGS. WE WORK IN CLINICS, HOSPITALS, PRIVATE OFFICES, BUSINESSES, SCHOOLS, UNIVERSITIES, CITY AND STATE AND MILITARY. YOU MIGHT HAVE SEEN SOME OF US, WE VOLUNTEERED AT THE CITY'S EFFORTS IN PROVIDING HEALTH SERVICES TO SOME OF THE KATRINA AND RITA EVACUEES. AFTER OUR DECEMBER MEETING, ONE OF OUR LUCKY MEMBERS WILL BE ABLE TO PROBABLY PLACE THIS PROCLAMATION IN HIS OR HER OFFICE AND SO THE PUBLIC CAN VIEW IT. WE HAD A GREAT CONFERENCE THIS YEAR IN SEPTEMBER IN HOUSTON, AND ONE OF THE THINGS THAT WE BROUGHT BACK AND I WANTED TO SHARE WITH YOU IS A TEXAS NURSE PRACTITIONER ORANGE BRACELET SO YOU CAN WEAR IT IN CELEBRATION OF NURSE PRACTITIONER WEEK. EVE WE'VE ALL GOT OURS ON. SO THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. [ APPLAUSE ]

Mayor Wynn: OUR NEXT PROCLAMATION IS THE ABILITY TO SAY THANK YOU TO A GREAT LOCAL BUSINESS AND CONGRATULATIONS. EARLIER THIS YEAR SPAGHETTI WAREHOUSE TECHNICALLY HAD ITS 30TH ANNIVERSARY HERE IN DOWNTOWN AUSTIN. AND I'M GOING TO DECLARE SPAGHETTI WAREHOUSE DAY AND ASK STEVEN TALK ABOUT WHAT THEY'RE DOING TO HELP CELEBRATE AND LIKELY DRAG MY TWO KIDS DOWN THERE TO EAT DOWN THERE. THE PROCLAMATION READS: BE IT KNOWN WHEREAS SPAGHETTI WAREHOUSE OPENED AT FOURTH AND COLORADO IN DOWNTOWN AUSTIN ON AUGUST 4TH, 1975, BUT IS HOSTING A SPECIAL CELEBRATION OF ITS 30TH ANNIVERSARY TODAY AND WHEREAS AN ARRAY OF ANTIQUES, ROADSIDE ADVERTISING SIGNS, A REAL TROLLEY WAR WHERE MY KIDS INSIST THAT WE SIT EVERY WEEK, SUSTAINED GLASS WINDOWS AND TIFFANY STYLE LAMPS CREATE THE SPAGHETTI WAREHOUSE ENVIRONMENT AND WHERE THEY HAVE EMPLOYED AND TRAINED THOUSANDS OF EMPLOYEES DURING ITS THREE DECADES IN BUSINESS AND HELPED COUNTLESS AUSTINITES ENJOY MOMENTOUS OCCASIONS. THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, EXTEND MY BEST WISHES FOR SPAGHETTI WAREHOUSE'S CONTINUED SUCCESS AND HERE

BY PROCLAIM NOVEMBER 17TH AS SPAGHETTI WAREHOUSE DAY IN AUSTIN. JOIN ME IN THANKING A GREAT OLD TIME DOWNTOWN BUSINESS. STEVEN? [ APPLAUSE ]

IN CELEBRATION OF OUR 30 YEARS IN DOWNTOWN AUSTIN, WE ARE CELEBRATING TODAY ALL DAY AND TONIGHT THAT WE'VE ROLLED BACK OUR MENU PRICES TO OUR 1975 PRICES AND WE HAVE THAT JUST FOR TODAY. SO THAT'S SOMETHING THAT'S WENT REAL SO FAR AND WE WELCOME ALL OF YOU TO COME AND JOIN US. WE'D ESPECIALLY LIKE TO THANK EVERYBODY WHO OVER THE 30 YEARS HAS HELPED MAKE SPAGHETTI WAREHOUSE AND CONSOLIDATED RESTAURANT OPERATIONS A SUCCESS IN DOWNTOWN AUSTIN. THANK YOU. [ APPLAUSE ]

Mayor Wynn: OKAY. MY LAST PROCLAMATION BEFORE I TURN IT OVER TO MAYOR PRO TEM IS REGARDING TRANSIT CHAMPIONS DAY. I'LL READ THE PROCLAMATION AND DAN PEABODY IS GOING TO COME UP AND SAY A FEW WORDS AND WE'RE JOINED BY A NUMBER OF TRANSIT CHAMPIONS, SOME GREAT DRIVERS. THE PROCLAMATION READS, BE IT KNOWN THAT WHEREAS WE APPRECIATE THE WORK OF BUS OPERATORS AND MECHANICS WHOSE COMPETENCE AND CUSTOMER SERVICE KEEP CAPITAL METRO'S FLEET RUNNING SMOOTHLY AND GET RIDERS WHERE THEY NEED TO GO DEPENDENTLY AND WHEREAS CAPITAL METRO PERSONNEL DISTINGUISHED THEMSELVES RECENTLY IN LOCAL, NATIONAL AND INTERNATIONAL ROADOE COMPETITIONS AND WHEREAS WE ESPECIALLY CONGRATULATIONS ARTHUR MOREO FOR HIS FIRST PLACE FINISH IN THE DRIVING COMPETITION AND WHEREAS WE ALSO RECOGNIZE THE VEHICLE MAINTENANCE TEAM OF EDDIE RESENDEZ, GUADALUPE EVIRA AND JOHN PROSKE AS WELL AS JESUS (INDISCERNIBLE) AND BEN SCHMIDT WHO PARTICIPATED IN THE SPECIAL VEHICLE CATEGORY. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, DO HERE BY PROCLAIM NOVEMBER 18th, 2005, AS TRANSIT CHAMPIONS DAY AND CALL ON MR. DAN PEA BODY TO COME UP AND SAY A FEW WORDS ABOUT THE DRIVERS, THE RODEO COMPETITION AND HOW WELL WE FARED THIS YEAR. CON GRATELATIONS AND THANK YOU. [ APPLAUSE ]

THANK YOU, MAYOR WYNN. ON BEHALF OF CAPITAL METRO

I'D LIKE TO THANK YOU FOR THIS AWARD, RECOGNIZING OUR TRANSIT CHAMPIONS. IF THOSE THAT DON'T KNOW WHAT A BUS ROADEO IS, IT'S NOT WITH HORSES AND THE BOWLS AND THINGS OF THAT NATURE, BUT WE COMPETE ON A LOCAL LEVEL ON A YEARLY BASIS AND THEN TAKE IT TO AN INTERNATIONAL LEVEL AND COMPETE AGAINST OTHER TRANSIT PEERS ACROSS THE COUNTRY AND FROM OTHER COUNTRIES AS WELL. THIS YEAR WE'RE VERY HAPPY FOR WINNING OUR SECOND INTERNATIONAL CHAMPIONSHIP. AND WHAT I'D LIKE TO DO IS JUST TAKE A MOMENT TO INTRODUCE SOME OF OUR TRANSIT CHAMPIONS TO YOU. OUR FIRST INDIVIDUAL, ARTHUR, IF YOU WOULD STEP UP HERE, AS YOU SEE WITH ARTHUR'S UNIFORM, THIS IS HIS COMPETITION SHIRT. AND EACH OF THE BADGES THAT ARE DISPLAYED ON IT HIS UNIFORM INDICATE THE INTERNATIONAL COMPETITIONS THAT HE'S COMPETED IN. ARTHUR ACTUALLY WON THE INTERNATIONAL CHAMPIONSHIP THIS YEAR. HE'S A TWO-TIME INTERNATIONAL WORLD CHAMPION. HE WON IT IN LAS VEGAS IN 2002 AND IN DALLAS IN 2004. HE'S A THREE-TIME STATE CHAMPION. HE'S A 10-TIME CHAMPION AT OUR LOCAL RODEO COMPETITION HERE IN AUSTIN. ARTHUR IS A MEMBER OF OUR MILLION MILE AWARD CLUB, WHICH REQUIRES 13 CONSECUTIVE YEARS OF SAFE DRIVING. AND HE HAS ACTUALLY 21 YEARS OF CONTINUOUS SAFE DRIVING AT CAPITAL METRO. SO QUITE AN ACCOMPLISHMENT FOR ARTHUR AND CONGRATULATIONS, ARTHUR. [ APPLAUSE ] PETE RIVERA IS ARTHUR'S TOUGHEST COMPETITION. AND WHAT THESE TWO GENTLEMEN DRIVE ARE THE 35 AND 40-FOOT BUSES THAT YOU SEE ON OUR STREETS. PETE IS A FOUR-TIME LOCAL CHAMPION AT CAPITAL METRO. HE'S ALSO COMPETED IN ONE INTERNATIONAL COMPETITION AND PLACED 15TH OUT OF 71 COMPETITORS, AND HE'S ALSO A MILLION MILE SAFE DRIVER AWARD AND HE'S BEEN WITH CAPITAL METRO FOR 18 YEARS. SO CONGRATULATIONS, PETE. [ APPLAUSE ] AND OUR LAST TWO CHAMPIONS ARE REPRESENTING OUR SPECIAL TRANSIT SERVICE OPERATION. BEN SCHMIDT WAS OUR RODEO CHAMPION IN 2005. HE'S BEEN WITH CAPITAL METRO FOR TWO YEARS AND HE ACTUALLY HAS TWO YEARS OF SAFE DRIVING. SO CONGRATULATIONS, BEN. [ APPLAUSE ] AND JB IS OUR SEDAN WIN -- OUR VAN WINNER, SORRY, AND JB HAS BEEN

WITH CAPITAL METRO FOR FOUR AND A HALF YEARS AND HE ALSO HAS FOUR AND A HALF YEARS OF SAFE DRIVING EXPERIENCE. SO THESE ARE THE BEST OF THE BEST AT CAPITAL METRO, AND I'D LIKE TO CONGRATULATE ALL OF YOU. AND AGAIN, MAYOR WYNN, THANK YOU FOR THIS CON RECOGNITION. [ APPLAUSE ]

Mayor Wynn: WITH THAT I WILL TURN THE PODIUM OVER TO MAYOR PRO TEM AND CAPITAL METRO BOARD MEMBER DANNY THOMAS.

Thomas: THANK YOU VERY MUCH, MAYOR. IF I WOULD ASK MR. TROXELL TO COME UP FORWARD. I'M HERE TO PRESENT A PROCLAMATION THAT IS SOMETIMES DISTURBING TO ALL OF US BECAUSE WE'RE TALKING ABOUT HUNGER AND THE HOMELESS, BUT I KNOW FOR A FACT THAT THE CITY OF AUSTIN PLAYS A GREAT PART IN -- THE CITIZENS OF AUSTIN PLAY A GREAT PART IN CONTRIBUTING TO THE HUNGER AND ALSO THE HOMELESS. BUT THIS PROCLAMATION READS, BE IT KNOWN THAT WHEREAS THE HOMELESS POPULATION IN AUSTIN AND THROUGHOUT THE COUNTRY FACE SEVERE ECONOMIC AND PSYCHOLOGICAL DISADVANTAGEMENT AND WHEREAS ADVOCATES FOR THE HOMELESS ACROSS THE NATION ARE UNITING TO CALL ATTENTION TO THE PLOOIT OF MANY -- PLIGHT OF MANY MEN, WOMEN AND CHILDREN WHO LACK THE NEEDS FOR PROVIDE FOR THEIR BASIC NEEDS. WHEREAS THEY CALL ON ALL CITIZENS TO MAKE AN EFFORT TO FIGHT THE WASTE OF HUMAN POTENTIAL, NEEDLESS SUFFERING AND TRAGIC LOSS OF LIFE. NOW THEREFORE WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM NOVEMBER THE 13TH THROUGH THE 19TH, 2005 AS A NATIONAL HUNGER AND HOMELESSNESS AWARENESS WEEK IN AUSTIN, TEXAS. AND I PRESENT THIS TO MR. TROXELL. [ APPLAUSE ]

THANK YOU, SIR. CONGRATULATIONS. I UNDERSTAND YOU THREW YOUR HAT INTO THE RING. THAT'S A HARD ROW TO HOE. THAT'S WHAT WE HAVE TOO BEFORE US, THE ADVOCATES FOR THE HOMELESS. THIS IS NATIONAL HUNGER AND HOMELESS AWARENESS WEEK, AND ON BEHALF OF THE HOMELESS CITIZENS OF AUSTIN, IN PROUD TO ACCEPT THIS PROCLAMATION. WE STARTED OFF THIS WEEK WITH ART FROM THE STREETS. FOR THE 13TH YEAR,

HOMELESS PEOPLE APPLYING THEMSELVES IN THE ARTS HAVE DEPICTED WHAT HOMELESSNESS MEANS TO THEM AND WHAT LIFE IN THE STREETS IS ABOUT, AND YOU HAVE COME AND YOU HAVE BOUGHT THAT ART. AND THE PROCEEDS FROM THAT ART HAS GONE DIRECTLY TO THE HOMELESS COMMUNITY AND YOU SHOULD BE VERY PROUD OF YOURSELVES FOR THAT. SATURDAY IS OUR FORUM. WE'VE INVITED THE CITIZENS OF AUSTIN, ALL OF YOU, TO COME TO ST.DAVID'S TRINITY EPISCOPAL CHURCH FROM 9:30 TO 12:30 TO HEAR WHAT THE HOMELESS TASKFORCE AND THE ECHO STEERING COMMITTEE HAS BEEN DOING IN OUR EFFORTS TO TRY AND FULFILL THE 10-YEAR PLAN TO END HOMELESSNESS. IN ADDITION TO TALKING ABOUT WHAT OUR PLAN IS, WE HAVE ALSO ARRANGED TOURS SO YOU CAN SEE SOME OF THE HOMELESS FACILITIES AROUND AUSTIN. IN ADDITION TO THAT, WE WILL WRAP UP WITH A DISUTION ABOUT VOLUNTEERISM. HOW CAN YOU HELP? WHAT CAN I DO? HOW CAN I BECOME AN ACTIVE PARTICIPANT IN MY COMMUNITY? TO LEAD IS TO SERVE. WE ARE ALL LEADERS. THAT'S WHY WE ARE HERE TODAY AND WE INVITE YOU TO COME AND PARTICIPATE WITH US IN THE CELEBRATION OF THE END OF HOMELESSNESS. TOMORROW -- PARDON ME, I'VE GOT MY DAYS MIXED UP. SUNDAY WE'LL CULMINATE THE WEEK WITH THE 13TH VISIT TO THE HOMELESS MEMORIAL ON THE SHORES OF TOWN LAKE. FOR 13 YEARS WE HAVE CRIED AND PRAYED AND REMEMBERED THE MEN AND WOMEN THAT HAVE DIED ON THE STREETS OF AUSTIN. IN 2003 WE HAD 61 PEOPLE DIE ON THE STREETS OF AUSTIN. LAST YEAR WE HAD 88 PEOPLE THAT DIED. THIS YEAR WE WILL BE READING THE NAMES OF 93 AUSTIN CITIZENS WHO DIED ON OUR STREETS. IT'S A SUNRISE SERVICE, IT'S ONE HOUR LONG. WE WILL PRAY AND SING, BREAK BREAD. WE INVITE YOU, WE ENCOURAGE YOU TO COME AND UNDERSTAND THAT THERE IS A VERY REAL COST TO OUR INEFFECTIVENESS WITH DEALING WITH THIS VERY REAL PROBLEM. GOD BLESS AUSTIN, GOD BLESS MAYOR PRO TEM, AND THANK YOU, MR. MAYOR FOR YOUR CERTIFICATE. [ APPLAUSE ]

Thomas: THANK YOU VERY MUCH, RICHARD. WE WILL SEE YOU SUNDAY MORNING AT 6:55.

THE MAYOR PRO TEM IS GOING TO PRAY FOR US. GOD

BLESS YOU.

Thomas: THIS CONCLUDES OUR PROCLAMATION PERIOD.  
THANK YOU.

Mayor Wynn: WE ARE OUT OF EXECUTIVE SESSION. I  
APOLOGIZING TO EVERYBODY, WE HAVE SOME DELICATE  
MATTERS THAT WE STILL DIDN'T COMPLETE IN CLOSED  
SESSION. THERE BUILDING BEING A QUORUM PRESENT WE  
ARE BACK NOW IN OPEN SESSION. WE TOOK UP ITEMS 58  
RELATING TO GRANDFATHERING AND ITEM 73 RELATED TO  
THE CLEAN WATER PROGRAM, NO DECISIONS WERE MADE.  
BACK IN OPEN SESSION, WE WILL BE BACK TO OUR ZONING  
CASES. I WILL RECOGNIZE MR. GREG GUERNSEY.

MAYOR AND COUNCIL, GREG GUERNSEY WITH THE  
NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. I  
WOULD LIKE TO FIRST TAKE ITEM Z-16. THE  
APPLICANT CAME FORWARD DURING THE BREAK AND SAID  
HE WOULD LIKE TO MAKE PEACE WITH THE NEIGHBORHOOD,  
HAS WITHDRAWN HIS REQUEST, NO ACTION REQUIRED ON  
ITEM Z-16, CASE C14-05-0094 AT RUTHERFORD LANE AND  
FURNESS, NO ACTION REQUIRED.

Mayor Wynn: THANK YOU, MS. BROWN, DUAL NOTED? THANK  
YOU. DULY NOTED. THAT TAKES US TO ITEM NO. 69.  
REZONING CASE AT RALPH ALBANADO AND PEACEFUL HILL  
LANE. C14-05-0034. SH. THIS IS A REZONING REQUEST FROM  
SF 6 TOWNHOME CONDOMINIUM REQUEST, WLO,  
WAREHOUSE LIMITED OFFICE DISTRICT ZONING, AND  
LIMITED INDUSTRIAL SERVICE ZONING AND DEVELOPMENT  
RESERVE ZONING TO SINGLE FAMILY RESIDENCE, SMALL  
LOT, CONDITIONAL OVERLAY COMBINING DISTRICT ZONING.  
COUNCIL APPROVED THIS ON FIRST READING. AND THERE IS  
A VALID PETITION IN OPPOSITION TO THIS REQUEST. SINCE  
THE FIRST READING, THE -- THE APPLICANT AND  
APPLICANT'S AGENT HAVE COME AND MET WITH US AND  
OFFERED AT THE REQUEST OF COUNCIL LOOKING AT  
TRANSPORTATION AND BUFFERING. HAS SUGGESTED SOME  
CHANGES THAT WOULD ADDRESS SOME OF THE COUNCIL'S  
CONCERNS. ONE THAT WOULD PROVIDE A CENTER LEFT  
TURN LANE ALONG RALPH ALBANADO THAT WOULD BE  
CONSTRUCTED PRIOR TO ISSUANCE OF BUILDING PERMITS



AT THEIR EXPENSE. ALSO TO PROVIDE THE CONSTRUCTION OF A SIX-FOOT TALL MASONRY WALL ALONG THE SOUTH AND WEST SIDES OF THE PROPERTY WHERE IT DOES NOT ALREADY ABUT AN EXISTING RIGHT-OF-WAY, ALSO TO PROVIDE SOLID FENCING TAKING THE FORM OF AN 8-FOOT SOLID CEDAR FENCE ALONG THE EASTERN PROPERTY LINE. THE APPLICANT ALSO NOTED THAT THEY WOULD MAKE SOME OF THE LOTS DEEPER ALONG THE EAST PROPERTY LINE AND WEST PROPERTY LINE, BE APPROXIMATELY 163 FEET DEEP ON THE WESTERN PROPERTY AND 130 FEET DEEP ON THE EASTERN PROPERTY, THESE WOULD BE DEEPER THAN THE LOTS THAT ARE IN THE INTERIOR, WHICH ARE APPROXIMATELY 110 FEET DEEP. IF THE COUNCIL WERE TO APPROVE THIS STAFF WOULD STILL RECOMMEND THAT THERE BE SOME ACCESS PROVIDED TO RALPH ALBANADO IN THE FORM OF A STREET ACCESS, THE APPLICANT DID PROVIDE, ONLY TO PROVIDE A PEDESTRIAN ACCESS WAY SO THE CHILDREN THAT WOULD BE IN THE SUBDIVISION WOULD HAVE LIKE A CUT THROUGH TO GET TO PEACEFUL HILL AND STILL GET TO THE NEARBY ELEMENTARY SCHOOL. ALSO STAFF WOULD RECOMMEND THERE BE A SIX-FOOT MASONRY WALL ALSO PROVIDED TO THE EAST SIDE ACE THE APPLICANT SUGGESTED ON -- AS THE APPLICANT SUGGESTED ON THE WEST SIDE. YOUR PUBLIC HEARING IS CLOSED ON THIS ITEM. THE APPLICANT IS HERE. THERE ARE PROBABLY SOME RESIDENTS HERE AS WELL. AS I SAID BEFORE, THE PUBLIC HEARING IS CLOSED. THERE STILL EXISTS A VALID PETITION. WE HAVE PREPARED AN ORDINANCE TO REFLECT WHAT IS BEING OFFERED BY THE APPLICANT AND THAT'S READY FOR SECOND AND THIRD READING. AND IF THERE IS A NOTED CHANGE TO THE MASONRY WALL ALONG THE EASTERN PROPERTY LINE THAT IS ALSO READY FOR YOUR CONSIDERATION FOR SECOND AND THIRD READING AND WE HAVE BOTH VERSIONS OF THE COVENANT REPAIRED. WITH THAT I WILL PAUSE, IF YOU HAVE ANY QUESTIONS I WILL BE HAPPY TO ANSWER THEM. THE APPLICANT'S AGENT IS HERE AS WELL. TO SPEAK. IF YOU NEED TO SPEAK TO HIM.

THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF, COUNCIL? COMMENTS? COUNCILMEMBER DUNKERLY?

Dunkerly: I HAVE ONE QUESTION. WHAT DID YOU SAY ABOUT

THE FENCE ON THE WALL OR WHATEVER?

THE APPLICANT HAS OFFERED DEEPER LOTS AND THEN OFFERED A MASONRY WALL, SIX FOOT HIGH, ALONG THE WESTERN PROPERTY LINE AND SOUTHERN PROPERTY LINES BUT THEY DO NOT ABUT A STREET. THAT WOULD BE ON THE SIDE WHERE THIS IS AN AUTO SALVAGE LOT AND A METAL COMPOSITE, ON THE EASTERN SIDE THE APPLICANT HAS OFFERED AN 8-FOOT CEDAR FENCE THAT WOULD BE APPROXIMATELY A THOUSAND -- 30 TO 1040 FEET LONG, APPROXIMATELY THAT LENGTH.

THANK YOU.

THANK YOU, MR. GUERNSEY, SO, MR. GUERNSEY, AGAIN, SO THE ADDITIONAL CONCESSIONS, IF YOU WILL, MADE BEING OFFERED BY THE APPLICANT, THOSE WERE DONE IN CONJUNCTION WITH THE CONSULTATION WITH CITY STAFF AND/OR WITH THE -- WITH THE NEIGHBORS WHO WERE ORIGINALLY OPPOSED.

IT WAS WITH CITY STAFF. I'M NOT SURE IF THE APPLICANT HAS SPOKEN TO THE NEIGHBORS THAT HAVE FILED THE PETITION SINCE THAT TIME, BUT SPECIFICALLY THERE WAS A QUESTIONS OF COUNCIL ASKING ABOUT HOW TO DEAL WITH SOME OF THE TRAFFIC CONCERNS ALONG PEACEFUL HILL LANE, SO THEY HAVE OFFERED NOT TO TAKE ACCESS TO PEACEFUL HILL LANE TO PROVIDE PEDESTRIAN ACCESS TO PEACEFUL HILL LANE, ALSO PROVIDE WHAT WOULD BE A LEFT TURN LANE INTO THE PROPOSED SUBDIVISION FROM RALPH ALBANADO TO ADDRESS THOSE TRAFFIC CONCERNS AND THE BUFFER CONCERNS THAT I JUST SAID FOR THE FENCES AND WALLS AND DEEPER LOTS PROVIDED ALONG THE EXTERIOR BOUNDARY OF THE PROPERTY.

SO THE QUESTION IS HAS THE NEIGHBORHOOD BEEN MADE AWARE OF THESE ADDITIONAL --

I THINK THE NEIGHBORHOOD IS AWARE OF SOME OF THESE CHANGES AS FAR AS I KNOW, THEY ARE STILL ON HE OPRYLAND POSSESSED AND THE PETITION HAS NOT BEEN WITHDRAWN. NOR VIDEO NAMES -- NOR HAVE I HAD NAMES

WITHDRAWN FROM THE PETITION.

Mayor Wynn: QUESTIONS, COMMENTS? PERHAPS IF THERE'S A REPRESENTATIVE FROM THE NEIGHBORHOOD HERE WHO COULD AT LEAST ADDRESS -- SOMEBODY COME FORWARD. HELP US UNDERSTAND WHETHER YOU ARE EVEN AWARE OF THESE ADDITIONAL CONCESSIONS, YOUR REACTIONS TO THEM.

NOT ONLY HAVE WE NOT BEEN CONTACTED ABOUT THE ADDITIONAL CHANGES, NONE THE NINE REQUIRED NEIGHBORHOOD ASSOCIATIONS WERE EVER CONTACTED PRIOR TO FEES BEING WAIVED WITH THIS PROJECT AND WE HAVE SENT THAT IN PACKETS TO ALL OF YOU, IT IS DOCUMENTED IN PAPER. WE HAVE HAD NO CONTACT WHATSOEVER.

Mayor Wynn: I'M SORRY, REMIND ME FEES BEING WAIVED BY?

THE CITY. APPARENTLY THERE'S SUPPOSED TO BE A CHECKLIST THROUGH SMART HOUSING IN WHICH THE DEVELOPER TAKES TO SMART HOUSING, SOMEONE AT SMART HOUSING IS SUPPOSED TO GO THROUGH THAT CHECKLIST AND MAKE SURE THAT ALL OF THESE ITEMS HAVE BEEN DONE, SITE PLAN, ET CETERA, ONE OF THEM INCLUDES TALKING TO ALL NINE REQUIRED NEIGHBORHOOD ASSOCIATIONS PERTINENT TO THIS AREA. I CAN TELL YOU FOR ABSOLUTE CERTAIN FACT THAT I KNOW THREE OF THEM WERE NOT CONTACTED. NOR WERE ANY OF US CONTACTED INDIVIDUALLY. AND I'M WONDERING WHY WE ARE HERE.

Mayor Wynn: FAIR ENOUGH? QUESTIONS, COMMENTS, COUNCILMEMBER MCCRACKEN?

McCracken: MAYOR, I UNDERSTAND THAT THE APPLICANT HAS A CONCERN ABOUT THE COST OF THE SECOND MASONRY WALL, SO THE APPLICANT'S REPRESENTATIVE COULD SPEAK TO THAT.

MAYOR, MEMBERS OF COUPLE, MY NAME IS RICHARD SUTTER, HERE ON BE-- SUTTER, HERE ON BEHALF OF THE APPLICANT. THE WALL ON THE EAST SIDE, THE 8-FOOT

WOOD FENCE AS OPPOSED TO THE SIX FOOT MASONRY THAT THE STAFF RECOMMENDED. WE HAVE RUN COST FIGURES, IT APPEARS THAT WOULD ADD APPROXIMATELY \$500 PER LOT TO THE COST OF THE SUBDIVISION. THE MASONRY WALL ON THE WEST SIDE, WHAT WE ARE DOING IS CONTINUING THE EXISTING MASONRY WALL AROUND TO THE USES THERE AND ON THE EAST SIDE WE ARE PROPOSING THE WOOD FENCE, BUT TALLER THAN STANDARD TO RIGHT TO KEEP THE AFFORDABILITY ON THE HOUSES.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS COUNCIL? WE HAVE AN ORDINANCE PREPARED. FOR ITEM NO. 69. NOTING IT WAS APPROVED ON FIRST READING, WE STILL HAVE A VALID PETITION IN OPPOSITION, IT WOULD OF COURSE TAKE SIX AFFIRMATIVE VOTES TO PASS IT ON SECOND AND THIRD READING. I'M A LITTLE DISAPPOINTED FRANKLY THAT WHAT SOUNDS LIKE OBVIOUSLY SOME CONCESSIONS, SOME MOVEMENT TOWARDS A MORE ACCEPTABLE PROJECT HASN'T EVEN BEEN COMMUNICATED WITH THE OPPOSING NEIGHBORHOODS. SO PERSONALLY I WOULD -- I COULD SEE MYSELF SUPPORTING THIS ON SECOND READING, WHICH THEN WOULD GIVE, YOU KNOW, THAT COMMUNICATION A CHANCE TO -- TO BE HEARD BY THE NEIGHBORS AND IF -- IF NOT, YOU KNOW, HOPEFULLY PERHAPS EVEN A VALID PETITION COULD GO AWAY. THOSE ARE JUST MY THOUGHTS. COMMENTS, QUESTIONS? COUNCILMEMBER LEFFINGWELL?

Leffingwell: MAYBE THIS NEEDS TO -- I'LL JUST ASK YOU, MR. GUERNSEY, THE -- THE SIX FOOT MASONRY WALL THAT SEPARATES THE RESIDENCE AREA FROM THE COMMERCIAL AREA, DOES THAT DO ANYTHING AS FAR AS BLOCKING THE VIEW OF HOUSES LOOKING IN LOCATED IN THE RESIDENTIAL AREA OF THE COMMERCIAL OPERATIONS, THE SHEET METAL SHOP, WHAT I'M DRIVING AT IS I'VE BEEN GIVEN TO UNDERSTAND THIS IS LOCATED ON A STEEP HILL AND THE COMMERCIAL OPERATIONS OF MUCH HIGHER THAN THE WALL, EASILY VISIBLE AND THERE'S -- I WOULD ASSUME NOTHING TO BLOCK NOISE OR -- OR ANYTHING OF THAT SORT.

I'M NOT AS FAMILIAR AND -- THE PROPERTY ALONG THE EAST PROPERTY LINE, IT'S CURRENTLY DEVELOPED WITH

WAREHOUSING TYPE OF USES AND ZONED INDUSTRIAL AND THE AREA THAT -- THAT WAS SUGGESTED BY STAFF TO HAVE THE MASONRY WALL TO BE SOMEWHERE TO THE WESTERN SIDE WAS ONLY ADJACENT TO THOSE HOMES. SO THE VISIBILITY CERTAINLY OF HAVING A HOUSE CLOSER TO THAT WALL WOULD BE BLOCKING I THINK SOME OF THOSE USES, I CAN'T SPEAK TO THE ENTIRE LENGTH OF THAT. I THINK THE PROPERTY HAS A LOWER POINT IN THE NORTHEASTERN CORNER OF THE PROPERTY, AS YOU MOVE AWAY FROM RALPH ALBANADO. DID YOU RECOMMEND AN 8-FOOT MASONRY WALL AND -- AND INSTEAD WE'RE NOT TALKING ABOUT AN 8-FOOT WOODEN WALL? IS THAT CORRECT --

STAFF ORIGINAL DID NOT -- STILL DOES NOT RECOMMEND A ZONING REQUEST. WE UNDERSTAND COUNCIL'S DIERS TO GRANT THAT.

SAY THAT AGAIN.

STAFF DID NOT RECOMMEND THIS REZONING REQUEST. WE UNDERSTAND THAT COUNCIL INTENDS TO POSSIBLY GRANTING THIS REQUEST. AND SO BY GRANTING IT WE WOULD SUGGEST IT WOULD BE A MASONRY WALL ALONG THE WEST SIDE, JUST AS -- ON THE EAST SIDE JUST AS THERE WOULD BE ON THE WEST SIDE. WE DID NOT SPECIFY THE -- THE TYPE OF MASONRY WALL, I CONTACTED TO -- TWO DIFFERENT FENCING COMPANIES, I WAS QUOTED \$46 PER LINEAR FOOT, WHICH WOULD WORK OUT TO BE -- FOR -- FOR PREFABRICATED CONCRETE PANEL WALL THAT COULD BE INSTALLED ALONG THE EASTERN PROPERTY LINE AS INSTALLATION COST, THAT WOULD ONLY RAISE THE COST OF LOTS BY \$200 VERSUS AN 8-FOOT STANDING CEDAR FENCE, METLS METAL POLES ALONG THE EASTERN PROPERTY LINE. UNDERSTANDING THAT THE APPLICANT HAS PROBABLY ACCESS TO MORE WHOLESAL PRICE, THAT WAS JUST A CALL THAT I MADE JUST TO INQUIRE ABOUT WHAT THE PRICE DIFFERENCE WOULD BE.

Leffingwell: OKAY.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?

LET ME ALSO POINT OUT, THERE WERE NO FEES CHARGED WITH THE APPLICATIONS OF THE ZONING CHANGE, AS I UNDERSTAND THIS IS A SMART HOUSING PROJECT, BECAUSE OF THE REASONABLY PRICED HOMES THAT WOULD BE MADE AVAILABLE THROUGH OUR SMART HOUSING PROGRAM, WE TYPICALLY DO NOT CHARGE A ZONING APPLICATION FEE ONCE THEY ARE QUALIFIED AS A SMART HOUSING PROJECT. THAT'S A SUMMARY BASED ON THE QUALIFICATIONS OF THE APPLICATION INDEPENDENT OF THE ZONING --

THAT'S CORRECT.

Mayor Wynn: THOUGHTS, COMMENTS, QUESTIONS? ITEM NO. 69.

McCracken: MAYOR I'LL MOVE APPROVAL ON SECOND READING OF -- OF THE -- OF THIS MATTER WITH A -- THE WOODEN FENCE AS OPPOSED TO THE MASONRY FENCE, REQUEST THAT STAFF AND THE APPLICANT CONSULT WITH THE NEIGHBORHOOD DURING THE TIME BETWEEN SECOND AND THIRD READING TO SEE IF WE CAN GET THIS REMOVED FROM BEING A VALID PETITION.

Thomas: SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY THE MAYOR PRO TEM TO APPROVE ON SECOND READING ONLY, IT THE ORDINANCE IN FRONT OF US ON ITEM 69 NOTED REPLACING THE MASONRY WALL WITH THE WOODEN FENCE. FURTHER COMMENTS? COUNCILMEMBER LEFFINGWELL?

I'M GOING TO SUPPORT THE MOTION ON SECOND READING ONLY. I -- I WOULD -- LIKE YOURSELF, I WOULD NOT HAVE SUPPORTED IT ON SECOND AND THIRD READING BECAUSE OF THE LACK OF COMMUNICATION. ALSO I'VE GOT SOME CONCERNS ABOUT -- ABOUT THE NEW INFORMATION ON THESE WALLS AND SO I THINK APPROVAL ON SECOND READING IS APPROPRIATE ONLY TO KEEP THE -- THE CASE ALIVE AND WE'LL HAVE TO COME BACK AND SEE WHAT HAPPENS ON THIRD READING AS FAR AS AGREEMENT WITH THE NEIGHBORS AND SOME OTHER CONSIDERATIONS WITH

THE BUFFERS, WALLS, ET CETERA.

Guernsey: STAFF WILL CONTACT THE NINE NEIGHBORHOOD ASSOCIATIONS REFERENCED EARLIER, IF THEY ARE REGISTERED WITH THE CITY OF AUSTIN, BEFORE WE BRING THIS BACK. THE -- THE APPLICANT'S AGENT HAS INDICATED IF HE COULD COME BACK ON DECEMBER 1st, WHICH WOULD BE TWO WEEKS FROM NOW, WOULD BE YOUR BEST NEXT. THAT WOULD BE ACCEPTABLE.

I THINK -- GENERALLY WE PASS SOMETHING ON SECOND READING, WE LOOK TO STAFF TO FIGURE OUT WHEN THEY THINK, YOU KNOW, THE DIRECTION HAS BEEN ACHIEVED AND BRING IT BACK.

Guernsey:: ONCE WE HAVE CONTACTED THE NEIGHBORHOOD ASSOCIATIONS, THE INFORMATION, WE'LL PUT IT BACK ON THE AGENDA.

McCracken: BECAUSE OF THE VALID PETITION THIS IS REALITY, I WOULD BE GONE MID-AFTERNOON ON THE 1st, WILL NOT BE HERE FOR ZONING ON THE 1st. BECAUSE IT'S A VALID PETITION, IF IT'S STILL A VALID PETITION, IT PROBABLY SHOULD COME BACK ON THE 15th.

Mayor Wynn: DUAL NOTED. AGAIN A MOTION AND SECOND ON THE TABLE TO APPROVE ON SECOND READING ONLY, A SLIGHTLY AMENDED ORDINANCE ON NUMBER 69.  
COUNCILMEMBER KIM?

Kim: I'LL VOTE FOR IT JUST THIS CASE JUST ON SECOND READING ONLY, BUT I DO SHARE SOME OF THE NEIGHBOR'S CONCERNS. ALSO JUST THE INTENSITY OF THE INDUSTRIAL BUSINESS ACTIVITY OVER THERE, I'M NOT REALLY SURE, I JUST HAVE CONCERN ABOUTS THE LOCATION FOR THE SMART HOUSING PROJECT. SO I HOPE THAT WE CAN WORK SOMETHING OUT WITH THE NEIGHBORS OR THE APPLICANT CAN. THANKS.

Mayor Wynn: FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0,  
SECOND READING ONLY. THANK YOU, MR. GUERNSEY.

THAT'S TAKES US TO THE NEXT ITEM, Z-10, C14-05-165 AT 300  
NUECES STREET. A REZONING FROM CDB TO CDB-CURE.  
THE ZONING AND PLATTING COMMISSION  
RECOMMENDATION IS TO GRANT THE CDB-CURE. THEY  
RECOMMENDED THE REZONING REQUEST WITH THE TRIP  
LIMIT OF 4,127 TRIPS, HEIGHT NOT TO EXCEED THE  
SPECIFICATIONS OF THE EXISTING CAPITAL VIEW CORRIDOR,  
THE MINIMUM, MAXIMUM OF 421 UNITS, SQUARE FOOTAGE  
OF 11,060 SQUARE FEET OF RETAIL, 3,558 SQUARE FEET OF  
RESTAURANT AREA AND MODIFICATIONS TO SETBACKS AND  
ALSO MAXIMUM FAR OF 10 TO ONE. THE STAFF  
RECOMMENDED ALSO THE CDB CURE AND ALSO HAD -- HAD  
VARIATIONS OF THIS THAT -- THAT INCLUDED 10 TO 1 FAR,  
TRIP LIMITATION. BUT DID NOT INCLUDE THE OTHER  
LIMITATIONS THAT THE ZONING AND PLATTING COMMISSION  
RECOMMENDED. WE DO HAVE READY FOR YOUR  
CONSIDERATION BOTH THE STAFF RECOMMENDATION AND  
THE ZONING AND PLATTING COMMISSION'S  
RECOMMENDATION. THIS PROPERTY, AS I SAID BEFORE, IS  
LOCATED AT 300 NUECES STREET AND IS CURRENTLY  
BOUNDED BY CENTRAL BUSINESS DISTRICT ZONING TO THE  
NORTH, TO THE EAST, TO THE SOUTH, AND P PUBLIC TO THE  
WEST. THERE -- THERE ARE -- INDIVIDUALS THAT HAVE COME  
FORWARD THAT HAVE OFFERED SUPPORT AND I  
UNDERSTAND THERE ARE A COUPLE THAT HAD ACTUALLY  
SIGNED UP IN OPPOSITION TO THIS PARTICULAR ITEM THIS  
EVENING. THE APPLICANT'S REQUEST IS THAT YOU APPROVE  
THE STAFF RECOMMENDATION AND NOT THE ZONING AND  
PLATTING COMMISSION RECOMMENDATION. IT'S MY  
UNDERSTANDING IS THAT THEY WOULD LIKE THE  
FLEXIBILITY TO HAVE DIFFERENT TENANTS MOVE IN AND  
OUT OF THEIR RETAIL SPACES AND THE LIMITATIONS THAT  
WERE SUGGESTED BY THE ZONING AND PLATTING  
COMMISSION MAY HINDER THEIR ABILITY TO GET DIFFERENT  
TENANTS IN AND OUT ON THE FIRST FLOOR. THEY ALSO  
AGREE TO MEET THE GREAT STREETS STANDARD AT THEIR  
EXPENSE AND HAVE SIGNED THE RESTRICTIVE COVENANT  
AGREEING TO MEET THOSE STANDARDS AND THAT IS IN THE



STAFF'S POSSESSION. SO AS I SAID BEFORE, WE HAVE THE STAFF RECOMMENDATION AVAILABLE FOR YOUR CONSIDERATION, AND ALSO THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION AVAILABLE FOR YOUR CONSIDERATION FOR ALL THREE READINGS THIS EVENING. I WILL PAUSE AND THE APPLICANT'S AGENT IS HERE AND OTHERS TO SPEAK ON THIS.

Mayor Wynn: THANK YOU, MR. GUERNSEY. AS A REMINDER WE NOW HAVE A FIVE MINUTE PRESENTATION BY THE APPLICANT OR AGENT. FOLLOWED BY FOLKS WHO WANT TO SPEAK IN FAVOR OF THE ZONING CASE. WE HAVE A HANDFUL OF THOSE. FOLKS WHO WANT TO SPEAK IN OPPOSITION, THERE'S NOBODY WHO WANTS TO SPEAK IN OPPOSITION, I WILL READ A COUPLE OF NAMES INTO THE RECORD WHO ARE OPPOSED. THEN A CHANCE FOR REBUTTAL BY THE APPLICANT.

MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, THANK YOU FOR HAVING US TONIGHT. I'M PRESENTING A VERY EXCITING CASE FOR BLOCK 25. IT'S A CO-DEVELOPMENT OF NOVARE GROUP OUT OF ATLANTA GEORGIA AND MY COMPANY HERE IN AUSTIN. I JUST WANT TO GIVE YOU SOME BASIC INFORMATION ON THE PROPERTY. THE PROPERTY IS LOCATED AT THE CORNER OF 3rd AND NUECES. THIS MAP SHOWS WHERE THE PROPOSED THIRD STREET EXTENSION WOULD OCCUR AND PROPOSED EXTENSION OF NUECES WOULD OCCUR. THE SITE IS ABOUT 56,000 SQUARE FEET. IT IS CURRENTLY ZONED CBD, EAST OF SHOAL CREEK, ACTUALLY ON SHOAL CREEK. IT IS 8 TO 1 FAR CURRENTLY AND NO HEIGHT RESTRICTION, THAT'S IN CBD. THIS IS A RENDERING OF -- OF THE 3rd AND NUECES CONDOMINIUM TOWER, I JUST WANT TO POINT OUT A FEW THINGS ABOUT IT. IT'S 421 UNITS AND 40 STORIES HIGH. THERE'S A CAPITOL VIEW CORRIDOR THAT CROSSES THE NORTH SIDE OF THE PROPERTY. AS YOU SEE THERE THE BUILDING STEPS BACK WHERE THAT CAPITOL VIEW CORRIDOR CROSSES. THIS ANGLE IS IF YOU WERE STANDING FROM THE SOUTH -- SOUTHEAST CORNER OF THIRD AND NUECES LOOKING NORTHWEST. YOU SEE ON THE GROUND WE ARE LOOKING AT INCLUDING AROUND 15,000 FEET OF RETAIL AND RESTAURANT SPACE ON THE GROUND FLOOR. WE ARE INTENDING TO FULLY COMPLY WITH GREAT STREETS. WE'VE

ELIMINATED CURB CUTS THAT -- THAT WE FIRST CONSIDERED ON NUECES AND INSTEAD HAVE A CURB CUT ON THIRD AND ON FOURTH STREET. WE WILL BE COMPLYING WITH THE -- WITH THE GREEN BUILDING PROGRAM. PRICING FOR THIS -- THIS PROJECT AT ONE BEDROOM WILL START UNDER 200,000, TWO BEDROOMS WILL START UNDER 300,000. AND THAT'S A BIG MOTIVATION OF WHY I SOUGHT OUT NOVARE TO COME TO AUSTIN WAS TO BUILD A DENSE PRODUCT THAT COULD ALLOW HOUSING PRICES IN DOWNTOWN AUSTIN TO COME DOWN. THIS IS A SITE PLAN JUST TO SHOW YOU WHERE THE CAPITOL VIEW CORRIDOR COMES ACROSS. WE ARE BUILDING, YOU CAN SEE SHOAL CREEK. WE ARE BUILDING OUTSIDE OF THE FLOODPLAIN AND OUTSIDE OF THE CREEK OVERLAY. WE ARE ASKING FOR A -- AN INCREASE IN -- IN FAR FROM 8 TO 1 TO 10 TO ONE. THIS IS DIRECTLY FROM THE DOWNTOWN AUSTIN DESIGN GUIDELINES, AREA WIDE, NUMBER ONE GUIDELINE THAT SUPPORTS THIS INCREASE. THESE ARE OTHER PROJECTS, INCLUDING OUR PROPOSED PROJECT IN DOWNTOWN AUSTIN, IN THE CDB THAT HAVE BEEN GRANTED FAR INCREASES AND WHAT THOSE FAR INCREASES WERE. ADDITIONALLY, THE SECOND PART OF OUR REQUEST IS THAT THE -- THE MAXIMUM SETBACK BE EXTENDED FROM 10 FEET IN THE CDB IN CERTAIN PLACES ON THE BUILDING TO OVER 10 FEET AND THAT'S IN THE ORDINANCE THAT YOU SEE. IF YOU CAN SEE THE BLACK SHADED PORTION, THE REASONING BEHIND THIS IS TO BREAK UP THAT MASS, THAT FACADE, THAT'S THE THIRD STREET, THE SOUTH ELEVATION AND TO RECESS THE BUILDINGS SOME, THAT REALLIES BREAKS UP THAT MASS OF THE BUILDING. ALSO, THAT IS EXACTLY WHERE CARS ARE EXITING THE BUILDING, SO IT WILL PROVIDE A BETTER SITESIGHT LINEFOR THE VEHICLES. IN ADDITION THERE'S A SMALL AREA ON THE FOURTH STREET FACADE THAT'S ALSO BLACKED OUT, YOU CAN SEE THOSE STARTS, IF I COULD POINT WITH A LASER I WOULD, BUT AGAIN HERE THE PURPOSE IS TO BREAK UP THAT FACADE SO THAT IT NOT ONE MASSIVE WALL THERE ON FOURTH STREET. WE'VE HAD TREMENDOUS SUPPORT FROM THE COMMUNITY, HERE ARE SOME OF THE GROUPS AND COMMISSIONS, NEIGHBORHOOD GROUPS WHO HAVE SUPPORTED THIS. ALL OF YOU HAVE A HANDOUT. NUMEROUS INDIVIDUALS, ORGANIZATIONS IN DOWNTOWN

AUSTIN AND FEEL LIKE WE HAVE REALLY TREMENDOUS SUPPORT FOR THIS PROJECT.

THANK YOU.

THANK YOU. QUESTIONS FOR THE APPLICANT, COUNCIL? SO AT THIS TIME WE TYPICALLY GO TO FOLKS WHO SIGNED UP WISHING TO SPEAK IN FAVOR. THERE'S A HANDFUL OF THOSE, WE WILL START WITH STAN HASS, WELCOME, STAN, THREE MINUTES, FOLLOWED BY ANDREW CLEMENTS.

THANK YOU, MR. MAYOR, MAYOR PRO TEM AND MEMBERS OF THE COUNCIL, I'M STAN HASS, AN ARCHITECT WITH TEAM HASS ARCHITECTS. I COME TO YOU AS VICE CHAIR OF THE DOWNTOWN COMMISSION. AS THE APPLICANT JUST MENTIONED THE DOWNTOWN COMMISSION WAS ONE OF MANY OF YOUR ORGANIZATIONS TO HAVE WHOLEHEARTEDLY SUPPORTED THIS FANTASTIC PROJECT. I WANTED TO SHARE WITH YOU A COUPLE OF STATISTICS THAT WOULD BEGIN TO INSPIRE US ABOUT WHAT CAN HAPPEN IN OUR DOWNTOWN AUSTIN. IN 1940, THERE WERE 20,000 RESIDENTS DOWNTOWN. THAT NUMBER BEGAN TO DECLINE UNTIL ABOUT 1980 IT REACHED ITS LOW OF FEWER THAN 2,000 PEOPLE. SO IN THOSE 40 YEARS WE LOST A TREMENDOUS NUMBER OF RESIDENTS IN THE DOWNTOWN. THAT NUMBER OF ABOUT 2,000 HOVERED ABOUT THE SAME FOR ALMOST 20 YEARS AND THEN IN 2001 IT'S BEGUN TO CREEP UP A LITTLE BIT. WE ARE NOW APPROACHING MAYBE 3500 RESIDENTS I BELIEVE DOWNTOWN. WE NEED A VIBRANT DOWNTOWN. THE DOWNTOWN COMMISSION ADVOCATES A TREMENDOUSLY VITAL DOWNTOWN. WE THINK THE SENSE OF HAVING RESIDENTS HERE IS THE KEY INGREDIENT TO THAT. THIS PROJECT ALONG WITH ANOTHER THAT YOU WILL SEE THIS EVENING, IS ONE KEY INGREDIENT TO BRINGING RESIDENTS DOWNTOWN, TO MAKE THIS THE REALLY GREAT CITY THAT WE INTEND FOR IT TO BE. TO ACHIEVE THE GOAL OF 25,000 RESIDENTS, A FIGURE THAT I HAVE HEARD RECENTLY SPOKEN, MR. MAYOR, WE BELIEVE THAT IT'S PROJECTS LIKE THIS, AT THIRD AND NUECES, WHICH MUST BE APPROVED AND WE APPRECIATE YOUR CONSIDERATION OF THAT THIS EVENING. THANK YOU.

Mayor Wynn: THANK YOU, MR. HAAS. WELCOME, ANDREW

CLEMENTS, THREE MINUTES, FOLLOWED BY CHARLIE BETS.

MAYOR AND COUNCILMEMBERS, I'M ANDREW CLEMENTS, PRESIDENT OF THE DOWNTOWN AUSTIN NEIGHBORHOOD ASSOCIATION. THE ASSOCIATION THAT THIS PROJECT IS LOCATED WITHIN, THE BOUNDARIES OF. THE DEVELOPERS OF THIS PROJECT WERE KIND ENOUGH TO COME BEFORE MY NEIGHBORHOOD ASSOCIATION AND PRESENT THEIR PLANS AND MY ASSOCIATION VOTED TO STRONGLY SUPPORT THEIR REQUEST BEFORE YOU TONIGHT. WE ARE EXCITED ABOUT BRINGING EVER MORE RESIDENT DOWNTOWN, HELPING TO ACCOMPLISH THE ENVISION CENTRAL TEXAS GOALS OF A DENSE DOWNTOWN AND EXCITED ABOUT THE HEIGHT OF THIS PROJECT, THE PRICE POINT THAT IT'S HELPING TO ACHIEVE IN DOWNTOWN. WHICH IS A NEW THING AND WE ARE VERY EXCITED ABOUT THE -- ALL OF THE SERVICES THAT WILL FOLLOW THE NUMBER OF RESIDENTS DOWNTOWN. THANK YOU VERY MUCH AND I'LL ANSWER ANY QUESTIONS THAT YOU HAVE.

THANK YOU, MR. CLEMENTS, QUESTIONS FOR MR. CLEMENTS? THANK YOU, SIR, WELCOME, CHARLIE BETS, YOU WILL HAVE THREE MINUTES, FOLLOWED BY TED SITH, FOLLOWED BY CHARLIE MACABE.

THANK YOU, I'M CHARLIE BETS, IT IS THE EXECUTIVE DIRECTOR OF THE DOWNTOWN AUSTIN ALLIANCE, WHICH I KNOW YOU KNOW IS THE ORGANIZATION OF APPROXIMATELY 500 DOWNTOWN PROPERTY OWNERS AND I JUST SIMPLY WANT TO RELY THE FULL SUPPORT OF THE DOWNTOWN AUSTIN ALLIANCE ORGANIZATION FOR THIS PROJECT. WE HOPE THAT YOU WILL GRANT THE REQUESTED ZONING. WE THINK IT'S A WONDERFUL PROJECT. WE THINK THAT IT WILL BE GREAT FOR DOWNTOWN. WE THINK THAT IT'S SO VERY CONSISTENT WITH ENVISION CENTRAL TEXAS GOALS. THIS IS A KIND OF PROJECT THAT WE KIND OF DREAM ABOUT AND REALLY GET EXCITED ABOUT. THANK YOU VERY MUCH.

THANK YOU, MR. BETS. TED SITH, SIGNED UP WISHING TO SPEAK, IN FAVOR. AS DID CHARLIE MACABE. WELCOME, CHARLIE, THREE MINUTES.

THANK YOU, MAYOR, CITY COUNCIL, MY NAME IS CHARLIE MACABE, THE EXECUTIVE DIRECTOR OF THE -- WE ARE LOOKING FORWARD TO HAVING THEM AS A NEIGHBOR FOR REPUBLIC SQUARE AND SHOAL CREEK TRAIL, WHICH WE ARE BOTH WORKING ON. WE HAVE BEEN DISCUSSING WITH THEM WAYS TO BEING GOOD NEIGHBORS AND WORKING WITH THEM.

Mayor Wynn: THANK YOU, CHARLIE FOR ALL THAT YOU ARE DOING. ROSS SMITH, WISHING TO SPEAK, NEUTRAL, WELCOME, ROSS. THREE MINUTES.

THANK YOU MAYOR AND COUNCIL, I'M ROSS SMITH. THE REASON WHY I'M SURE IS I WOULD LIKE TO TALK ABOUT GROCERIES. ASK YOURSELF WHERE ALL OF THESE 25,000 PEOPLE MOVING IN ARE GOING TO BUY THEIR GROCERIES. SHH MONTHS AGO A CITY STAFFER WAS QUOTED IN THE PAPER SAYING THIS WAS COVERED BY WHOLE FOODS. I THINK THAT'S WRONG. ASK YOURSELF IF ALL OF THESE PEOPLE ARE GOING TO BUY CANS OF CAT FOOD, TOILET PAPER AND MACARONI AND CHEESE DINNERS AT WHOLE FOODS. THEY ARE LIKELY TO GET IN THEIR CARS AND DRIVE WEST TO RANDALL'S, SOUTH TO H.E.B., EAST TO FIESTA. THAT'S AN AWFUL LOT OF TRIPS. MAKE SURE THAT YOU HAVE CONSIDERED THAT IN YOUR TRIP COUNT AND YOU ALSO NEED TO CONSIDER FINDING THAT THE IDEA OF BRINGING IN ANOTHER GROCERY STORE, A GENERAL RUN OF THE HILL CHAIN GROCERY STORE TO FILL THIS GAP IN THIS AREA AROUND CITY HALL. YOU NEED TO GET A JUMP ON IT BECAUSE THESE LOTS ARE FILLING UP FAST. AND YOU ARE GOING TO HAVE TO -- IT'S A LARGE SPACE, IT'S DIFFERENT FROM THE RETAIL THAT YOU ARE USED TO DEALING WITH ON THIS BUILDINGS. YOU ARE GOING TO HAVE TO BUILD IT INTO THE DESIGN OF WHATEVER SITE YOU DECIDE IS THE OPTIMUM PLACE TO PUT IT. SO I SUGGEST THAT YOU START THINKING ABOUT THAT NOW, TALK TO THE DEVELOPERS, TALK TO THE GROCERY STORES, THEY MAY SAY IT SEVERAL YEARS BEFORE IT -- BEFORE THERE WILL BE A CRITICAL MASS OF SHOPPERS BUT YOU NEED TO START THINKING ABOUT IT NOW. ALSO I THINK NEED TO START LOOKING FOR A SITE FOR A GROCERY STORE OVER AT CESAR CHAVEZ AND I-35. YOU HAVE A LOT OF NEW CONSTRUCTION, NEW RESIDENTIAL CONSTRUCTION GOING

IN OVER THERE. AND IT'S A NEIGHBORHOOD THAT IS ALREADY BADLY UNDERSERVED IN THAT REGARD. PEOPLE THERE HAVE TO EITHER GO ACROSS THE RIVER, OUT TO PLEASANT VALLEY AND 7th STREET, UP TO 38th STREET AND TO FIESTA. SO THINK ABOUT THAT AND IT'S -- IT'S THE SORT OF THINGS THAT UNGLITZY AND BUT IT HAS TO BE DEALT WITH OR YOU ARE GOING TO GET LOCKED INTO AN ENORMOUS NUMBER OF TRIPS AS ALL OF THESE PEOPLE COME IN AND IF YOU DON'T DEAL WITH IT NOW, RETROFITTING ONE OF THESE BUILDINGS DOWN THE LINE WHEN YOU DECIDE WE REALLY GOT TO DEAL WITH IT, IT'S GOING TO BE PROHIBITIVELY EXPENSIVE. THANK YOU.

Mayor Wynn: THANK YOU, MR. SMITH. GOOD POINTS. COUPLE, THAT'S ALL OF OUR SPEAKERS SIGNED UP. A NUMBER OF PEOPLE SIGNED UP WISHING TO SPEAK, ALSO IN FAVOR OF. NOT WISHING TO SPEAK, IN FAVOR OF. JULIE FIRM, RYAN KATY, TRACY ATATKINS, BEATRICE FINCHER ... JEFF BOYT, CHRIS RILEY, DANIEL GRUBER, LUCIANA, CHARLES HIM HEIMSAT ... BARBARA, LARID HOUSING. ALL IN FAVOR. ALSO SIGNED UP NOT WISHING TO SPEAK NEUTRAL, LORRAINE ATTARTON AND BOBBY RIG KNEE. TWO FOLKS NOT WISHING TO SPEAK IN OPPOSITION, RICHARD AND MICHELLE [INDISCERNIBLE] SORRY IF I'M MISPRONOUNCING THEIR LAST NAMES. THAT'S ALL OF OUR CITIZENS SIGN UP, NORMALLY WE WOULD HAVE A THREE MINUTE REBUTTAL BY MR. TAYLOR. WE HAVEN'T HEARD ANY TESTIMONY REALLY IN OPPOSITION, MR. TAYLOR, YOU ARE WELCOME TO -- TO COME CLOSE YOUR TESTIMONY OR GIVE US SOME FINAL THOUGHTS.

THANK YOU, MAYOR. IN REGARDS TO THE TWO ORDINANCES BEFORE YOU, JUST FOR SOME CLARIFICATION, WE FEEL LIKE WHILE Z.A.P. FULLY I THINK ENDORSED THIS PROJECT, PART OF THE RESTRICTIONS THAT WERE IMPOSED IN THAT VOTE WERE NOT PART OF REALLY -- I THINK WHAT WAS INTENDED. THE INTENT WAS TO -- TO COME UP WITH A FIGURE IN TERMS OF THE TOTAL, THE TRIP COUNT, THE TIA COUNT. WE HAVE ACCEPTED THE 4127 FOR THE -- FOR THE TRIP COUNT. BUT HOW YOU ARRIVE AT THAT NUMBER IS A CALCULATION OF VARIOUS RESIDENTIAL AND RETAIL COMPONENTS. AND WE HAD ASKED STAFF IF WE COULD PLEASE REDRAW THIS ORDINANCE SO WE WOULD NOT BE RESTRICTED TO ANY

UNIT COUNT OR SQUARE FOOTAGE ON RETAIL OR A -- RESTAURANT USES IN THE BUILDING, WE DON'T FEEL LIKE THAT WAS THE INTENT. I'M HAPPY TO ANSWER QUESTIONS ABOUT THAT OR HAVE MY ATTORNEY.

THANK YOU, MR. ANDREWS. ANDREW TAYLOR.

HAPPENS ALL OF THE TIME.

THANK YOU, SIR. QUESTIONS, COUNCILMEMBER LEFFINGWELL?

Leffingwell: I HEARD SOMEBODY ALLUDED TO EARLIER THE DIFFERENCE BETWEEN THE STAFF AND Z.A.P. RECOMMENDATION, I ONLY HAVE THE STAFF RECOMMENDATION HERE, COULD YOU GO OVER WHAT THE DIFFERENCES ARE? BETWEEN THE -- WHAT WAS IN THE Z.A.P. AND EVIDENTLY YOU PREFER THE STAFF RECOMMENDATION?

THAT'S RIGHT.

PERHAPS MR. GUERNSEY COULD --

SPECIFICALLY, THE LIMITATIONS OF THE ZONING AND PLATTING COMMISSION PART OF THEIR RECOMMENDATION, THEY SET A MAXIMUM SQUARE FOOTAGE FOR RETAIL, A MAXIMUM SQUARE FOOTAGE OF RESTAURANT THAT WERE BASED ON SOME TRANSPORTATION INFORMATION THAT WAS PROVIDED. THAT CAME UP WITH THE TRIP TOTAL. AND IF YOU LIMIT TO A SPECIFIC AMOUNT OF RETAIL OR SPECIFIC AMOUNT OF RESTAURANT AREA THEN IF YOU HAD OTHER TENANTS THAT CAME IN, YOU HAD MORE RETAIL, FOR INSTANCE, THAN RESTAURANT YOU WOULD HAVE THIS LIMITATION THAT YOU COULDN'T EXCEED THE RESTAURANT LIMITATION AT THAT MAXIMUM SQUARE FOOTAGE THAT Z.A.P. INTRODUCED. SO THERE WAS A QUESTION ABOUT THAT. IT'S MY UNDERSTANDING THAT THEY WOULD LIKE TO REMOVE THAT.

ALSO -- ALSO A LIMITATION ON THE SIZE OF THE CONDO UNITS OR TWO BEDROOM VERSUS ONE BEDROOM, NUMBER OF UNITS, THEY HAD A MAXIMUM LIMITATION OF THE 421

UNITS THAT WAS SUGGESTED, BUT THE TRIP LIMITATION WOULD ALSO -- THE OVERALL NUMBER OF UNITS AS WELL, SO -- SO ADDED TO THAT AND THAT WAY IT GIVES THEM A LITTLE BIT MORE FLEXIBILITY ON THE DIFFERENT MIX OF RETAIL RESTAURANT AND NUMBER OF UNITS. BUT THEY STILL COULDN'T EXCEED THE TRIP LIMITATION.

OKAY. SO THE -- SO THE DIFFERENCE -- THE TOTAL DIFFERENCE IS THAT THE -- THAT THE Z.A.P. RECOMMENDATION HAS THE MAXIMUM LIMITATION ON RETAIL AND RESTAURANT AREA AND THE STAFF RECOMMENDATION DOES NOT HAVE THAT. IS THAT CORRECT?

THAT'S RIGHT. THE STAFF RECOMMEND RECOMMENDATION RELIES ON THE MAXIMUM FLOOR TO AREA RATIO AND THE TRIP LIMITATION. THE MIX OF USES IS DRIVEN BY --

I GOT IT, THANK YOU.

MAYOR?

COUNCILMEMBER MCCRACKEN?

McCracken: IN FACT IT'S MY UNDERSTANDING THAT THE -- THAT THE MAKER OF THE MOTION OF THE Z.A.P. COMMISSION DID NOT MEAN TO ESTABLISH THOSE LIMITS WAS TRYING TO PROVIDE FLEXIBILITY AND THAT IT WAS INADVERTENT THAT IT ENDED UP IN THAT WAY AND THE STAFF RECOMMENDATION IS THE -- IS THE MECHANISM THAT PROVIDES THE FLEXIBILITY THAT MY UNDERSTANDING THAT THE MAKER OF THE MOTION INTENDED BY INADVERTENTLY DID NOT PROVIDE.

THANK YOU. FURTHER COMMENTS, QUESTIONS? IF NOT I'LL ENTERTAIN A MOTION ON CASE Z-10. COUNCILMEMBER LEFFINGWELL?

Leffingwell: I WILL MOVE APPROVAL OF THE STAFF RECOMMENDATION ON ALL THIRD READINGS.

MOTION MADE BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER MCCRACKEN TO CLOSE



THE PUBLIC HEARING AND APPROVAL ON ALL THREE READINGS STAFF RECOMMENDATION CASE Z-10. 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.

Guernsey: MAYOR AND COUNCIL THAT BRINGS US TO OUR LAST ZONING ITEM, Z-18, C14-05-0136 AT WEST THIRD AND BOWIE STREET. THIS IS A REZONING REQUEST FROM DMU TO DMU-CURE, THE ZONING AND PLATTING COMMISSION DID RECOMMEND THIS REZONING REQUEST. THE -- WITH THE FOLLOWING CONDITIONS: THAT THE PROJECT BE LIMITED TO 1,500 VEHICLE TRIPS OR LESS, THAT THE BASE HEIGHT OF THE BUILDING WOULD BE LIMITED TO 45 FEET. MAXIMUM FLOOR PLATE WOULD BE 8,000 SQUARE FEET AND THE HEIGHT RANGE FROM 275 FEET TO 350 FEET. AND THERE WOULD BE A LIMITATION OF 10,000 SQUARE FEET OF RETAIL. STAFF RECOMMENDATION IS SIMILAR BUT DOES HAVE A FEW CHANGES AS FAR AS THE NUMBER OF TRIPS, THE STAFF ALSO RECOMMENDS DMU CURE ZONING, ALLOW UP TO 3,000 VEHICLE TRIPS PER DAY, 12 TO ONE FAR REQUESTED BY THE APPLICANT, MAXIMUM BASE WALL HEIGHT 60 FEET, MAXIMUM BUILDING ☐ ☐ HEIGHT OF 400 FEET AND THAT THE BUILDING COVERAGE AT A HEIGHT OF 60 FEET ABOVE THE GROUND IS LIMITED TO 8,000 SQUARE FEET. THE APPLICANT ALSO HAS AGREED TO COMPLY WITH GREAT STREETS AND HAS -- HAS GIVEN US A RESTRICTIVE COVENANT SHOWING EVIDENCE OF THAT. THE STAFF DID RECOMMEND THIS REQUEST, IT IS NEAR THE INTERSECTION OF BOWIE AND LAMAR AND WHERE IT CROSSES THIRD STREET. IT'S A NARROW TOWER THAT WOULD EXTEND UPWARD OUTSIDE OF THE VIEW CORRIDOR AREA AS SHOWN IN OUR EXHIBIT BY THE GREEN BARS, THE VIEW CORRIDOR AREA. IT IS IN THE CURE BOUNDARY. THERE ARE RESIDENCES IN THE GENERAL AREA, BUT THIS PROJECT IS NOT SUBJECT TO COMPATIBILITY STANDARDS. THE RAILROAD TRACKS THAT ARE LOCATED TO THE SOUTH, THE BOUNDARY OF THE WATERFRONT OVERLAY DISTRICT, THIS PROJECT DOES NOT LIE WITHIN THE WATERFRONT OVERLAY DISTRICT. THE

MAXIMUM HEIGHT THAT'S TYPICALLY ALLOWED IN THE DMU ZONING, WHICH IS LOCATED ON THE ADJACENT PROPERTIES NEARBY AS WELL AS ON THIS PROPERTY, WOULDN'T BE LIMITED TO A MAXIMUM HEIGHT TYPICALLY OF 120 FEET AND THEY ARE ASKING TO -- TO EXTEND THAT HEIGHT BEYOND THE 120 FEET. THERE'S A CONSIDERABLE AMOUNT OF INPUT GIVEN ON THIS PROJECT BY DIFFERENT BOARDS AND COMMISSIONS AND THEIR SUPPORT. ALSO OPPOSITION TO THIS REQUEST. AND WITH THAT I WILL PROBABLY LEAVE IT BECAUSE I UNDERSTAND THE MAYOR, THAT OVER 126 I THINK SPEAKERS THAT HAVE SIGNED UP AND CLOSE TO 30 OR SO THAT I THINK WISH TO SPEAK. IF YOU HAVE ANY QUESTIONS I WILL GO INTO FURTHER DETAIL. BUT I'LL PAUSE AND I'LL LET EVERYONE SPEAK TO THE ISSUES.

Mayor Wynn: WELL, SO I WAS TRYING TO DO THE MATH REAL QUICKLY HERE COUNCIL. WE HAVE 176 TOTAL FOLKS SIGNED UP. ONLY THE 41 WANTING TO SPEAK. MANY FOLKS DOABTSED DONATED TIME, THERE'S SEVERAL HUNDRED MINUTES WORTH OF SPEAKING. TRYING TO APPROXIMATE THE NUMBER OF TIME FOR FOLKS AGAINST, FOLKS IN FAVOR. IT'S SUBSTANTIAL IN BOTH DIRECTIONS, ALTHOUGH THERE'S A -- YOU KNOW A -- SUBSTANTIAL MORE FOLKS HERE BOTH NOT WISHING TO SPEAK IN FAVOR AND WISHING TO SPEAK IN FAVOR. BUT THERE'S ENOUGH FOLKS SIGNED UP IN OPPOSITION WISHING TO NOT AND NOT WISHING TO SPEAK THAT MY RECOMMENDATION WOULD BE THAT WE WAIVE COUNCIL RULES AND AND GIVE AN ALLOTTED AMOUNT OF TIME, ALTHOUGH THE TIME IS DISPROPORTIONATE IN FAVOR. LET PEOPLE ALLOCATE THE TIME AMONGST THEMSELVES. MY INSTINCT EVEN AFTER 30, CERTAINLY 45 MINUTES OR SO FOR EACH ARGUMENT WE WOULD HEAR VIRTUALLY EVERYTHING THAT WE NEED TO HEAR, REASONS WHY WE SHOULD OR SHOULDN'T DO THIS. BUT I'LL ENTERTAIN SUGGESTIONS FROM COUNCIL. MY RECOMMENDATION WOULD WAIVE RULES AND SET AN EQUAL AMOUNT OF TIME FOR FOLKS WHO WILL HAVE THE -- HAVE THE FIVE MINUTE PRESENTATION BY THE APPLICANT OWNER AGENT, BUT THEN ALLOW A CERTAIN AMOUNT OF PERIOD OF TIME FOR FOLKS WHO WILL SPEAK IN FAVOR AND THEN FOLKS WHO WILL SPEAK IN OPPOSITION AND THEN HAVE THE APPLICANT GIVE A ONE-TIME REBUTTAL.

RECOGNIZING THAT IT'S -- IT'S ALMOST 8:00, THIS IS OUR LAST ZONING CASE, BUT A COUPLE MORE PUBLIC HEARING CASES WHERE ANOTHER LARGE GROUP OF FOLKS WOULD LIKE TO BE HEARD FROM AS WELL. I -- I WOULD -- I WOULDN'T WANT TO GO LESS THAN 30 MINUTES PER SIDE. BUT AT THE SAME TIME I DON'T SEE ANY REASON TO GO MUCH FURTHER THAN SAY 45 MINUTES PER SIDE, AGAIN I THINK WE WILL HEAR MANY OF THE SAME ARGUMENTS IN BOTH DIRECTIONS.

McCracken: MAYOR I THINK THAT'S A WISE SUGGESTION, BECAUSE I THINK WE HAVE A LOT OF FOLKS HERE FOR THE PUBLIC CORRIDOR ORDINANCE WHO WANT TO BE HEARD THIS EVENING, TOO. SO I WILL MOVE TO WAIVE THE COUNSEL RULES AND SET THE HEARING AT 45 MINUTES PER SIDE.

MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY THE MAYOR PRO TEM TO WAIVE COUNCIL RULES ON PUBLIC HEARINGS AND ALLOCATE 45 MINUTES PER SIDE. THAT IS THE FOLKS WHO HAVE SIGNED UP WHO WISH TO SPEAK, THOSE IN FAVOR OF THE ZONING CASE SPEAK FIRST, AND THERE'S A LOT OF YOU ALL, AND WE APOLOGIZE, BUT THE MOST EQUITABLE WAY TO DO THIS FOR ALL PARTIES CONCERNED, INCLUDING FOLKS WHO WANT TO BE HEARD LATER ON FOR ANOTHER IMPORTANT SERIES OF PUBLIC HEARINGS, SO I -- I JUST REQUEST THAT THOSE FOLKS WHO ARE IN FAVOR, I THINK GENERALLY YOU KNOW EACH OTHER, KNOW WHO YOU ARE, THAT YOU ALL CRAFT A PLAN TO COME UP WITH -- WITH 45 MINUTES WORTH OF SPEAKING, ONE PERSON FOR 45 MINUTES, I HOPE NOT. OR THAT COULD BE, YOU KNOW, FIVE OF YOU ALL FOR NINE MINUTES APIECE. THEN LIKEWISE FOR FOLKS WHO ARE IN OPPOSITION.

MAYOR AND COUNCIL, WE HAVE ALSO PREPARED TWO VERSIONS OF THIS ORDINANCE. ONE VERSION OF THE STAFF RECOMMENDATION. THE APPLICANT IS AGREEABLE TO -- IN ONE OF THE ZONING AND PLATTING COMMISSION'S RECOMMENDATIONS, SO YOU WOULD HAVE EITHER OPTION OF -- OF APPROVING AN ORDINANCE FOR EITHER RECOMMENDATION THIS EVENING.

THANK YOU, MR. GUERNSEY, UNLESS YOU HAVE QUESTIONS OF STAFF, COUNCIL, MY RECOMMENDATION WOULD BE THAT WE -- THAT WE GO AHEAD AND HAVE OUR FIVE MINUTE APPLICANT PRESENTATION.

THANK YOU, MR. GUERNSEY.

MAYOR, WOULD WE WAIVE THE RULES BY CONSENT OR DO WE NEED TO VOTE ON THAT.

Mayor Wynn: I'M SORRY, EXCUSE ME, WE HAVE A MOTION AND A SECOND ON THE TABLE TO WAIVE THE COUNCIL RULES TO SET UP 45 MINUTES PER SIDE ON CASE Z-18. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION TO WAIVE PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER ALVAREZ TEMPORARILY OFF THE DAIS. SO AT THIS TIME WE WILL HAVE OUR -- OUR OWNER APPLICANT AGENT PRESENTATION.

YOU WILL HAVE FIVE MINUTES. YOU RECOGNIZE AT ANY TIME YOU COULD COORDINATE AND GET -- SOMEHOW GET SOME OF YOUR POINTS TO BE MADE BY FOLKS WHO WILL SPEAK AFTER YOU.

THANK, WE HAVE HAD FOUR PEOPLE WHO HAVE DONATED THEIR TIME TO US SO THAT OUR INITIAL PRESENTATION COULD BE A LITTLE BIT LONGER, IS THAT RIGHT?

OBJECTION, COUNCIL?

Mayor Wynn: WELL, SO RECOGNIZE THEN THAT -- THAT --

SO WE WILL HAVE FEWER, WE WILL STILL USE THE 45 45 MANUSCRIPT, JUST MORE ALLOCATED TO THE PRESENTATION.

ONE SWATH OF 45 MINUTES TO BE THE PRESENTATION AND THE SUPPORTING TESTIMONY.

YES, SIR.

OKAY. THANK YOU ALL.

THANK YOU, AS I MENTIONED I'M DIANA ZUNIGA, THIS IS ROBERT BARNSTONE, WE ARE PART OF THE DECENT KNIT DEVELOPMENT TEAM, I'M ONE OF THE OPENERS MUCH THE PROPERTY. WHAT WE WOULD LIKE TO DO IS GIVE YOU A QUICK OVERVIEW, DISCUSS THE BENEFITS OF THE PROJECT, ADDRESS SOME OF THE ISSUES THAT WERE RAISED ON THE ZONING AND PLATTING COMMISSION PROCESS AND THEN FINALLY DISCUSS THE MERITS OF OUR REQUEST. THE PROPERTY IS LOCATED AT THE INTERSECTION OF THIRD AND BOWIE, THE CURRENT USES ARE OFFICES, ART GALLERY AND A BAR, SURROUNDING LAND USES INCLUDE THE GABLES, WEST END PROPERTIES, APARTMENTS JUST TO THE EAST, A RETAIL CENTER TO THE WEST, ANOTHER RETAIL CENTER INCLUDING OFFICE MAX AND PURE AUSTIN GYM TO THE NORTH AND THEN UNION PACIFIC RAIL LINE TO THE SOUTH. IT IS OUTSIDE THE TOWN LAKE OVERLAY. THE RESIDENTIAL TOWER WILL BE OUTSIDE THE CAPITAL VIEW CORRIDOR. IT IS WITHIN THE BOUNDARIES OF BOTH THE OLD AUSTIN NEIGHBORHOOD ASSOCIATION AND THE DOWNTOWN AUSTIN NEIGHBORHOOD ASSOCIATION. IT IS NOT IN THE BOUNDARIES OF THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION. IN FACT, THE COMMERCIAL PORTION OF OWANA IS ABOUT TWO BLOCKS AWAY, THE NEAREST SINGLE FAMILY RESIDENCES ARE ABOUT FIVE BLOCKS AWAY. MOST IMPORTANTLY, IT IS WITHIN THE BOUNDARIES OF CORE DOWNTOWN, ACCORDING TO THE DOWNTOWN DESIGN GUIDELINES, UNANIMOUSLY APPROVED BY CITY COUNCIL, THREE YEARS AGO, IT IS ALSO INSIDE THE MIXED USE AREA DEFINED BY THE DOWNTOWN COMMISSION, NEIGHBORHOOD CONCEPT PLAN, IN 1996. OF COURSE WE ARE PROPOSING A MIXED USE PROJECT. THE NEAREST SINGLE FAMILY RESIDENCES JUST TO PUT IT INTO PERSPECTIVE ARE FOUR AND A HALF FOOTBALL FIELDS AWAY. AND IN THE NEAREST SINGLE FAMILY RESIDENCE TO THE SOUTH IS OVER 12 FOOTBALL FIELDS AWAY. OUR PLANS ARE FOR A RESIDENTIAL BUILDING WITH APPROXIMATELY 220 UNITS IN AN ELEGANT POINT TOWER, WHICH IS DISTINGUISHED BY ITS UNIQUELY SMALL FLOOR PLATE. THE PROJECT WILL INCLUDE RETAIL USES ON THE GROUND

FLOOR AND THE PEDESTRIAN ARCADE WHICH WILL FRONT THIRD STREET. THE BUILDING WILL HELP TO ANCHOR THE LANDING OF THE PFLUGER BRIDGE AND WE ENVISION THAT THE ARCADE WILL PROVIDE AN INVITING PUBLIC GATHERING PLACE FOR RUNNERS AND WALKERS AS THEY COME OFF THE TRAIL. ADDITIONALLY AS MENTIONED EARLIER BY STAFF, WE WILL BE PARTICIPATING IN THE GREAT STREETS PROGRAM. WE HAVE REQUESTED AND STAFF HAS RECOMMENDED DM CURE ZONING IN ORDER TO ACHIEVE HEIGHT AND A HIGHER FAR TO ALLOW THIS TALLER, THINNER BUILDING. OUR ZONING REQUEST HAS BEEN RECOMMENDED BY THE ZONINGS AND PLATTING SUBCOMMITTEE WHICH REVIEWED IT FOR FULL WEEK AS WELL AS THE FULL Z.A.P. AT A HEIGHT UP TO 350 FEET. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

THE POINT TOWER HAS BEEN VERY WELL RECEIVED AND IS NOW A BUILDING FORM THAT IS BEING USED IN CITIES FROM LONDON, ATLANTA, MIAMI, SAN DIEGO AND I THINK WOULD BE VERY BENEFICIAL TO AUSTIN, PARTICULARLY IN BUILDINGS OR ANYWHERE NEAR THE WATERFRONT. IT FOCUSES ON THE PEDESTRIAN EXPERIENCE ON THE GROUND FLOOR, WHICH AS DIANA HAS INDICATED, WE ARE VERY MUCH COMMITTED TO HAVING A TERRIFIC RETAILING EXPERIENCE THERE. AND OF COURSE IT IS VERY CLOSE TO RESTAURANTS AND THE NEW RETAIL DISTRICT. AS YOU CAN SEE, THIS IS JUST A FEW OF THE DOZENS OF BUSINESSES THAT ARE IN WALKING DISTANCE OF SPRING, ALL OF WHICH ENTHUSIASTICALLY SUPPORT IT. THE MAIN REASON, BY THE WAY, WHY THEY SUPPORT IT IN ADDITION TO THE INCREASED COMMERCE, IS THAT THEY DON'T HAVE TO PROVIDE PARKING SPACES FOR THESE VISITORS. PARKING SPACES ARE VERY LIMITED IN THIS PART OF THE CITY AND ANY USE THAT ENCOURAGES PEOPLE TO WALK IS GREATLY APPRECIATED, ESPECIALLY BY THE SMALL BUSINESSES. IT IS ALSO IN CLOSE PROXIMITY TO THE FUTURE CAPITAL METRO COMMUTER RAIL. WE'VE HAD EXTENSIVE CONVERSATIONS WITH STAFF AND THEY'RE VERY EXCITED ABOUT THE IDEA AS A TRANSPORTATION NODE CENTER. AS DIANA EXPLAINED, WE ARE IN CLOSE PROXIMITY TO THE PLANNED EXTENSION OF THE PFLUGER BRIDGE EXTENSION, AND THIS IS AN IMPORTANT EVENT FOR THE CITY BECAUSE WE THINK

THAT IT WOULD BE GREAT TO HAVE A SHADED PLACE FOR PEOPLE TO LAND AFTER THEY HAVE A TERRIFIC EXPERIENCE CROSSING THIS WONDERFUL LANDMARK OF OUR CITY, WHICH IS THE PFLUGER PEDESTRIAN BRIDGE. WE DO NOTE THAT IT IS ABOUT THREE FOOTBALL FIELDS FROM THE PRESENT BOUNDARY OF THE PARK. IT IS ALSO IN CLOSE PROXIMITY TO THE FUTURE LANCE ARMSTRONG BIKEWAY AND OF COURSE AS I SAID, IT IS WITHIN WALKING DISTANCE NOT ONLY OF MANY SHOPS, BUT OF DOZENS, IF NOT HUNDREDS OF EMPLOYERS. AND WE HAVE A POSSIBILITY FOR THIS PROJECT FOR PEOPLE REALLY TO LIVE IN A CITY AND NOT HAVE TO OWN AN AUTOMOBILE. THE BENEFITS OF SPRING FROM A FISCAL POINT OF VIEW ARE QUITE SUBSTANTIAL. THE PROPERTY TAXES JUMP FROM 39,000 TO \$1.6 MILLION. I WANT TO STRESS THAT THIS INCREASE IN REVENUE IS IMPORTANT TO THE CITY BECAUSE IT GOES STRAIGHT TO THE BOTTOM LINE. I THOUGHT I HAD AN ELOQUENT DISCOURSE ON THIS, BUT I HEARD A SPEECH BY THE MAYOR ONE DAY WHERE HE OUTLINED THAT DOWNTOWN IS THE ONLY NEIGHBORHOOD IN THE CITY THAT ACTUALLY SUBSIDIZES THE DISTURBS, THAT IS, IT COSTS THE CITY LESS TO PROVIDE SERVICES IN THE DOWNTOWN CORE AND THAT VIRTUALLY EVERY OTHER NEIGHBORHOOD IN THE CITY, AT BEST THE CITY BREAKS EVEN AND IN SUBSTANTIAL MANNER LOSES MONEY. BUT THE IMPORTANT POINT AGAIN HERE IS THAT IF WE ARE TO BUILD A MORE DENSITY DOWNTOWN, WE CAN ALLEVIATE NOT ONLY THE TAX BURDEN FOR ALL OUR CITIZENS, BUT INCLUDING THOSE IN THE PERIPHERY. I'M SORRY, MAYOR, THAT'S NOT AS ELOQUENT AS YOU SAID IT, BUT IT'S THE BEST I COULD DO. ANYWAY, THE OPPORTUNITY FOR SPRING IS REALLY ALSO TO BEGIN TO DEVELOP SERIOUSLY THE GOALS OF ENVISION CENTRAL TEXAS. AND YOU KNOW THAT PROCESS AND THIS VERY MUCH WAS PART OF THE RECOMMENDATIONS TO INCREASE RESIDENTIAL DENSITY DOWNTOWN. ITS PROXIMITY TO MASS TRANSIT SERVICES MEANS LESS RELIANCE ON CARS. THIS ONE VOTE, THINK OF THE TONS OF AIR POLLUTION THAT WILL BE AVOIDED JUST SIMPLY BY THE TRIPS AVOIDED BY THE RESIDENTS IN THIS AREA. AND OF COURSE, THAT ALSO HAS AN EFFECT ON WATER QUALITY AND BRINGING IN CONGESTION. AND OF COURSE IT DOES ALSO COMPLEMENT THE BROAD OBJECTIVES IN THE CITY'S

UPCOMING BOND ELECTION. FOR ALL OF THESE REASONS, SPRING HAS BEEN ENDORSED BY EVERY BOARD AND COMMISSION THAT IT HAS BEEN PRESENTED TO. THE DOWNTOWN COMMISSION ITSELF COMPOSED OF MEMBERS OF MANY OTHER BOARDS AND COMMISSIONS. THE DOWNTOWN COMMISSION, THE DOWNTOWN NEIGHBORHOOD ASSOCIATION, THE OLD WEST AUSTIN -- I'M SORRY, THE OLD AUSTIN NEIGHBORHOOD ASSOCIATION. THE WEST END ALLIANCE, THE DOWNTOWN ALLIANCE, THE CITY'S OLD CONSULTANTS ON URBAN AFFAIRS, ROMA, AND MANY IMPORTANT ENVIRONMENTAL COMMUNITY LEADERS. AND AGAIN, WE CANNOT STRESS THE NUMBER OF LOCAL INDEPENDENT BUSINESS OWNERS THAT HAVE I THINK CONTACTED YOU AND CERTAINLY HAVE LENT THEIR SUPPORT TO THIS PROJECT. ISSUES: TOWN LAKE --

SORRY, ROBERT REALLY LIKES TO TALK. IT'S MY TURN AGAIN. DURING THE SUBCOMMITTEE PROCESS, WHICH I MENTIONED WAS FOUR WEEKS LONG, WE ADDRESSED A LOT OF ISSUES THAT WERE RAISED BY NEIGHBORHOOD GROUPS AND THE ZAP COMMITTEE ITSELF. AMONG THEM WERE TOWN LAKE, TRAFFIC, RAIL, VIEW, PRECEDENT AND PLANNING AND ZONING. AND I WOULD LIKE TO QUICKLY ADDRESS EACH OF THESE. SPRING IS LOCATED OUTSIDE THE TOWN LAKE OVERLAY ON THE NORTH SIDE OF THE RAILROAD TRACKS. IN FACT, OF THE SPRING SIDE IS FURTHER FROM TOWN LAKE THAN THIRD AND CONGRESS. TRAFFIC. A STUDY WAS DONE BY WHN, WHO RUE 10LY PREPARES TRAFFIC STUDIES FOR THE COMMUNITY AND THE RESULTS OF THEIR STUDY SHOW THAT THE CURRENT USE GENERATES 710 TRIPS PER DAY. SPRING WILL ONLY ADD 650 ADDITIONAL TRIPS FOR A TOTAL OF 1360 PER DAY. FOR THE MOST PART, SPRING RESIDENT WILL NOT BE DRIVING THROUGH THE INTERSECTION OF SIXTH AND LAMAR AT RUSH HOUR TRAFFIC. WHM ALSO HAS ASSERTED THAT ITS ANALYSIS OVERSTATES THE ACTUAL TRAFFIC IMPACT BECAUSE IT INCLUDES NO ADJUSTMENTS FOR INTERNAL CAPTURE OR TRANSIT REDUCTION. EVEN A TWO-STORY RETAIL BUILDING -- I'M SORRY, MY MOUTH IS DRY -- BUILT UNDER CURRENT ZONING WOULD GENERATE MORE TRIPS THAN SPRING. RAIL. THERE ARE MULTIPLE ISSUES -- THERE WERE MULTIPLE ISSUES RAISED ABOUT RAIL, AND WE HAD



THE CAPITAL METRO PEOPLE AND THE CITY OF AUSTIN TRANSPORTATION DEPARTMENT COME IN AND THEY CONFIRMED THAT THERE ARE SEVERAL SITES BEING CONSIDERED FOR RAIL AND THAT THE DEVELOPMENT OF SPRING WILL HAVE NO NEGATIVE IMPACT ON THEIR EFFORTS. IN FACT, THE DENSITY OF PROJECTS LIKE SPRING IS CRITICAL TO THE SUCCESS OF FUTURE MASS RAIL. AS REGARDS THE VIEW, NO PART OF THE PROJECT WILL VIOLATE THE CAPITOL VIEW CORRIDOR. AND AS YOU CAN SEE FROM THIS AERIAL, SPRING WILL NOT BLOCK ANY NEIGHBORHOOD VIEWS. THE CLOSEST SINGLE-FAMILY HOMES ARE ON BAYLOR AND THEY FACE TO THE EAST. REGARDING PRECEDENT, A CHANGE IN ZONING FOR THIS PROPERTY IS NOT PRECEDENT SETTING. THE PROPERTY IS WITHIN THE CITY'S DESIGNATED CORE DOWNTOWN. THE PROPERTY IS NOT IN THE TOWN LAKE OVERLAY. IT DOES NOT VIOLATE THE CAPITOL VIEW CORRIDOR. IT IS NOT NEAR SINGLE-FAMILY. IT DOESN'T VIOLATE ANY COMPATIBILITY STANDARDS AND IT DOESN'T BLOCK ANY VIEWS. THE ZAP SUBCOMMITTEE'S REVIEW FOUND THAT THERE ARE ACTUALLY VERY FEW SITES THAT CAN BE DEVELOPED AS POINT TOWERS BECAUSE OF EITHER RECENT DEVELOPMENT, VIEW CORRIDOR ISSUES OR COMPATIBILITY ISSUES. MOST IMPORTANTLY A CHANGE IN THIS PROPERTY'S ZONING DOESN'T CHANGE ANY OTHER PROPERTY'S ZONING. ZAP, CITY COUNCIL AND THE COMMUNITY WILL BE ABLE TO DECIDE EACH CASE ON ITS OWN MERITS JUST AS YOU WILL BE DECIDING THIS ONE TONIGHT. THE PROPOSED PROJECT IS A MIXED USE BUILDING IN A MIXED USE AREA. JUST BECAUSE IT IS TALL DOES NOT MEAN THAT IT IS INTENSE. INTENSITY IS REALLY RELATED TO DESIGN AND USE. IN FACT, THE WHOLE FOODS MARKET, WHICH IS A MUCH SHORTER BUILDING, IS MUCH MORE INTENSE BECAUSE OF ITS USE AND ITS DESIGN. AS PER STAFF'S RECOMMENDATION, THE PROJECT CLEARLY QUALIFIES FOR THE CURE DESIGNATION AND WE BELIEVE THAT ZAP'S FINDINGS ACTUALLY ARGUE IN FAVOR OF OUR PROJECT INSTEAD OF AGAINST IT. PROPERTIES LIKE SPRING ARE REALLY PART OF THE SOLUTION TO MAKING DOWNTOWN MORE LIVEABLE AND SUSTAINABLE.

THANK YOU. WE ARE REQUESTING TO YOU TONIGHT DMU

CURE ZONING FOR THE HEIGHT. THE ZONING HAS BEEN RECOMMENDED BY CITY STAFF AND THE ZONING AND PLATTING COMMISSION SUBCOMMITTEE. AND IT WAS RECOMMENDED BY THE FULL ZONING AND PLANNING COMMITTEE AT A HEIGHT UP TO 350 FEET. NOW, LET ME DISCUSS FOR A MOMENT THE 350 FEET VERSUS THE 400 THAT WE ARE ADDRESSING. I'LL JUST PAIRN THET TICKLY SAY THAT THE ZONING AND PLATTING COMMISSION DOES NOT GIVE ANY WEIGHT TO OTHER THAN LAND USE ISSUES. THEY REPEATEDLY SAID THAT. AND HOPEFULLY YOU AS THE COUNCIL CAN WEIGH THESE OTHER FACTORS TO UNDERSTAND WHY WE THINK IT IS PRUDENT TO GO TO THE 400 FEET. NUMBER ONE, SIMPLY IS AFFORDABILITY. AT 400 FEET, THAT REPRESENTS AN EIGHT PERCENT DECREASE IN THE OVERALL COST OR THE FIXED COST PER -- OF THE SPRING UNITS. SO IT'S JUST SIMPLE MATH. DUH, WE CAN ADD MORE UNITS AND SPREAD OUR COSTS. IF WE CAN HAVE THE NEXT SLIDE. TAX BASE. NINE MILLION DOLLARS MORE IN TAXABLE VALUE AT VIRTUALLY NO COST TO THE CITY. THAT TRANSLATES TO APPROXIMATELY \$240,000 A YEAR IN ANNUAL REVENUE. AND TRAFFIC. AS DIANA DISCUSSED, THE TRAFFIC SHOWS IT, IT'S IMPERCEPTIBLE. IN FACT, MY WHOLE VIEW OF THIS IS THAT THE MORE RESIDENTS WE HAVE DOWNTOWN, THE BETTER EFFECT IT IS ON TRAFFIC. OTHER CITIES HAVE NOTICED REMARKABLE DECREASES IN THE NUMBER OF VEHICLE TRIPS AND DRAMATIC INCREASES IN THE NUMBER OF TRIPS THAT ARE GENERATED ON FOOT, MASS TRANSIT OR BICYCLE AS A RESULT OF NEW RESIDENTIAL DOWNTOWN. PUBLIC AMENITIES. AT 400 FEET WE ARE ABLE TO PROVIDE A BETTER STREET EXPERIENCE BECAUSE WE'RE ABLE TO INVEST IN THE PUBLIC ARCADE AND OTHER ISSUES THAT WE HAVE DISCUSSED WITH A DESIGN COMMISSION AND WITH THE ZONING AND PLATTING COMMISSION. AND OF COURSE MORE UNITS IS MORE COMMERCE AND THAT IS BETTER FOR THE LOCAL BUSINESSES. AND 400 FEET VERSUS 300 FEET, PARTICULARLY IN THE POINT TOWER, HAVE ABSOLUTELY NO EFFECT ON ANYBODY'S VIEW FROM ANYWHERE TO ANYWHERE. NOW, WHY SUPPORT SPRING? IT EXPANDS THE VISION OF ENVISION CENTRAL TEXAS GROWTH. IT IMATS AIR POLLUTION, IT PROMOTES THE USE OF MASS TRANSIT, IS SUPPORTS DOWNTOWN BUSINESSES AND CULTURE AND

RETURNS SIGNIFICANT TAX REVENUE TO THE COMMUNITY. I WANT TO SHOW YOU A PICTURE OF SOME OF THE PROJECTS THAT ARE BEING CONSIDERED BY THE COUNCIL AND SOME OF THEM HAVE ALREADY BEEN APPROVED. ONE OF THEM ON THE RIGHT WAS APPROVED MOMENTS AGO. AND YOU CAN SEE SPRING AND THE CONTENTS OF A CHANGING SKYLINE. THIS PERSPECTIVE ALSO GIVES YOU SOME SENSE OF THE REMOTENESS OF THIS FROM THE ACTUAL TOWN LAKE BECAUSE THE BUFFER ZONE -- IT IS BEYOND THE TOWN LAKE BUFFER ZONE. I ALSO WOULD LIKE THE COUNCIL TO BE AWARE THAT WE HAVE BROUGHT TONIGHT FROM VANCOUVER OUR PROJECT ARCHITECT, WHO IS BACK THERE. IF YOU WOULD JUST WAVE YOUR HAND. HE'S ONE OF THE MOST REKNOWNED ARCHITECTS IN THE CITY OF VANCOUVER, HAS BUILT MANY BUILDINGS OF THIS TYPE, THE VANCOUVER SUN NAMED HIM AS ONE OF THE 10 MOST INFLUENTIAL ARCHITECTS AND HE'S HERE TO ANSWER ANY QUESTIONS THAT ANY COUNCILMEMBER MAY HAVE. I THANK YOU VERY MUCH.

Mayor Wynn: AGAIN, FOLKS WHO WANT TO SPEAK IN FAVOR, THERE'S 29 MINUTES LEFT. WELCOME.

GOOD EVENING, COUNCIL AND MAYOR, I'M RICHARD RIESON, CHAIR OF THE DESIGN COMMISSION AND IT'S BEEN A REAL PLEASURE TO HEAR THE DESIGN GUIDELINES MENTIONED SO MANY TIMES IN ONE DAY HERE AT COUNCIL. AS YOU KNOW, BETWEEN 1997 AND 1999, THE DESIGN COMMISSION DRAFTED THESE GUIDELINES AS A UNIFIED VISION FOR DOWNTOWN. AND THAT VISION INCLUDED GREAT STREETS, PEDESTRIAN ORIENTED USES, ACTIVE STREET SCAPES AND RESIDENTIAL DENSITY, MOST OF WHICH WERE NOT AT ALL A PART OF DOWNTOWN AT THE TIME. WHEN THE DEVELOPERS OF THIS PROJECT CAME BEFORE US TO REVIEW IT, THEY ASKED US TO REVIEW IT SPECIFICALLY IN KEEPING WITH THE DOWNTOWN DESIGN GUIDELINES, AND WE FIND THAT THIS PROJECT TRULY EMBODIES WHAT WE SEE AS A SUCCESSFUL MODEL FOR DOWNTOWN AUSTIN, BUT BECAUSE THERE WAS NO REAL PROJECT FOR US TO LOOK AT AND REVIEW, WE DID ASK FOR A NUMBER OF COMMITMENTS FROM THE DEVELOPER IN ORDER TO GET OUR SUPPORT, AND THOSE COMMITMENTS INCLUDED A COMMITMENT TO GREAT STREETS, AND AS I UNDERSTAND

IT, THE DEVELOPERS HAVE SIGNED A RESTRICTIVE COVENANT TO THAT EFFECT SAYING THAT THEY WILL PARTICIPATE IN GREAT STREETS ON ALL OF THE -- ON ALL OF THE PUBLIC STREETS. ALSO, A PEDESTRIAN AMENITY WHICH THEY HAVE THE 15-FOOT ARCADE. THE RESIDENTIAL DENSITY, WHICH WE'RE VERY EXCITED ABOUT. AND THEN MOST IMPORTANTLY TO US WAS THAT THE ARCHITECT KEEP THE DESIGN COMMISSION IN THE LOOP AND ALLOW US PERIODIC REVIEW OF THE PROJECT IN ORDER TO SEE ITS PROGRESS AND IN ORDER TO HAVE CONTINUED INPUT DURING THE DESIGN PROCESS. WE MET WITH THE ARCHITECT TODAY AND HE COMMITTED TO COMING BACK FOR SCHEME ATTIC DESIGN, COMING BACK AT EACH DESIGN PHASE WITH UPDATES AND ALLOWING US INPUT ON THE PROJECT. AND HE LEFT THE MEETING CLUTCHING OUR DOWNTOWN DESIGN GUIDELINES, WHICH AGAIN IS A GOOD THING TO SEE. I'D ALSO LIKE TO TALK A LITTLE BIT ABOUT THE HEIGHT. AS YOU KNOW, HEIGHT BRINGS DENSITY, WHICH IS WHAT WE WANT FOR OUR DOWNTOWN. AND THE FACT THAT THIS BUILDING IS SO TALL AND SLENDER, WE BELIEVE IS A BETTER MODEL FOR DOWNTOWN THAN A BUILDING THAT'S A SHORTER BUILDING THAT'S A WIDER BUILDING THAT WOULD ACTUALLY TAKE UP MORE OF THE VIEW SCAPE. AS I SAID, THE DESIGN COMMISSION IS EXCITED TO SEE THIS PROJECT COME TO FRUITION, AND WE HOPE THAT IT'S THE START OF A DENSE AND VIBRANT MODEL FOR DOWNTOWN. THANK YOU.

Mayor Wynn: THANK YOU. WELCOME MR. HAWS.

THANK YOU, MAYOR, MAYOR PRO TEM, AND MEMBERS OF THE COUNCIL. IN BECOME BEFORE YOU, IN STAN HAUS, IN REPRESENTING THE DOWNTOWN COMMISSION, YOUR DOWNTOWN COMMISSION, CHARGED WITH ADVISING THE COUNCIL ON MATTERS PERTAINING TO DOWNTOWN. AS MANY OF YOU KNOW, THE DOWNTOWN COMMISSION IS THE MOST DIVERSE COMMISSION WITHIN THE CITY, HAVING OVER 12 -- WELL OVER 12 MEMBERS THAT REPRESENT OTHER BOARDS AND COMMISSIONS WITHIN THE CITY. OUR COMMISSION MET AND REVIEWED THE SPRING PROJECT AND UNANIMOUSLY SUPPORTED IT. I'LL REMIND YOU AGAIN OF THOSE STATISTICS. IN 1940, 20,000 PEOPLE LIVED DOWNTOWN. TODAY FEWER THAN 3500. THE APPROVAL OF

THE PROJECT THAT YOU SAW EARLIER, THE NOVAR PROJECT, ALONG WITH THE SPRING PROJECT, WILL FORM THE ANCHOR IN A CONTINUING MATURING OF OUR DOWNTOWN NEIGHBORHOOD. TONIGHT AUSTIN CAN TAKE A STEP FORWARD AS WE LOOK BACK TO 1940. WE HAVE AN ABILITY TO CREATE HISTORY AND TO DEVELOP A MATURING DOWNTOWN. THANK YOU.

GOOD EVENING, I'M CHARLIE BETS, I'M ON THE STAFF OF THE DOWNTOWN AUSTIN ALLIANCE AND ONCE AGAIN ON THIS PROJECT, THE 500 OR SO PROPERTY OWNERS REPRESENTED BY OUR ORGANIZATION WELCOME THE SPRING PROJECT, WILL WELCOME THE SPRING PROJECT INTO THE DOWNTOWN. WE THINK IT'S AN APPROPRIATE USE, WE THINK IT WILL BE A VERY VALUABLE ASSET TO THE ENTIRE CITY. THANK YOU VERY MUCH.

MY NAME IS BRAD ROCKWELL, I'M HERE TO SPEAK ON BEHALF OF MYSELF AS A BOULDIN NEIGHBORHOOD RESIDENT. I LIVE SOUTH OF TOWN LAKE ON THE ROW OF HOUSES THAT ARE AMONG THE CLOSEST SINGLE-FAMILY RESIDENTIAL HOUSES TO THE SPRING. I LIVE VERY CLOSE TO BARTON SPRINGS ROAD. IN FOR THE INCREASE IN HEIGHT REPRESENTED BY THE REQUESTED ZONING BECAUSE I THINK FOR ENVIRONMENTAL REASONS AND PERSONAL REASONS THIS TYPE OF HEIGHT IS VERY NECESSARY IN THIS PART OF TOWN. WE NOT ONLY NEED TALL RESIDENTIAL BUILDINGS LIKE THE SPRING, BUT MANY OTHERS LIKE IT IN THIS AREA AND A CENTRAL BUSINESS DISTRICT BECAUSE WE ARE FACED WITH SERIOUS WATER POLLUTION AND AIR POLLUTION IN OUR CITY AND ONE OF THE MAIN CAUSES OF THAT IS SPRAWL. THERE IS NO SOLUTION TO OUR AIR AND WATER POLLUTION PROBLEMS WITHOUT ALLOWING SOME VERY TALL, HIGH DENSITY RESIDENTIAL BUILDINGS IN THE DOWNTOWN AREA LIKE THE SPRING. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. WELCOME MS. RATHER.

GOOD EVENING, MAYOR AND COUNCIL. I'M I'LL TRY TO KEEP THIS AS SHORT AS I CAN. I'M ROBIN RATHER, NOT HERE ON BEHALF OF ANY GROUP, BUT AS A CITIZEN WHO LIVES IN THE ZILKER NEIGHBORHOOD. I WANT TO SAY IF WE'RE GOING TO

PROTECT AUSTIN'S NATURAL ENVIRONMENT, IF WE'RE EVER GOING TO REALLY ACHIEVE A SUSTAINABLE CITY, WE ABSOLUTELY HAVE TO HAVE A DENSED USE, WALKABLE DOWNTOWN. I KNOW YOU ALL KNOW THAT. WE'VE BEEN TALKING ABOUT THIS FOR DECADES. I THINK THIS IS VERY STRAIGHT FORWARD. TONIGHT IS NOT ABOUT TALKING, IT'S ABOUT WALKING THE WALK AND I HOPE YOU WILL GIVE THIS PROJECT YOUR FULL SUPPORT. THANK YOU.

Mayor Wynn: THANK YOU. WELCOME MR. CLEMENTS.

MAYOR AND COUNCILMEMBERS, ANDREW CLEMENS, PRESIDENT OF THE DOWNTOWN AUSTIN ASSOCIATION. THE DEVELOPERS CAME AND PRESENTED THEIR PROJECT AND AGAIN WE VOTED STRONG SUPPORT OF WHAT THE WHAT THEIR REQUESTING BEFORE YOU TONIGHT. I CAN'T IMPROVE ON WHAT'S BEEN SAID. I THINK THE APPLICANT'S PRESENTATION IS INCREDIBLY STRONG AND HITS ALL THE HIGH POINTS. I KNOW SOME OF THE FEARS BECAUSE I'M A MEMBER OF AUSTIN NEIGHBORHOODS COUNCIL, AND DANA IS A MEMBER OF THE ANC, WHICH IS PROBABLY ORGANIZING THE OPPOSITION TO THIS CASE. AND I KNOW SOME OF THE POINTS THEY'LL BRING UP ARE -- AND I WANT TO ANSWER WHAT WE FEEL AND WHAT I FEEL ABOUT THAT. THE FEAR OF THE TALL BUILDINGS SO CLOSE TO TOWN LAKE PARK IS WE HAVE TO RECOGNIZE TOWN LAKE PARK AS BEING A GREAT URBAN PARK. IT'S THROUGH DOWNTOWN AUSTIN. CENTRAL PARK IS NOT DETRACTED BY TALL BUILDINGS BEING ON THE EDGE OF CENTRAL PARK. TALL BUILDINGS CLOSE TO TOWN LAKE PARK WILL ONLY HELP TO ENLIVEN IT BECAUSE IT WILL BRING MORE PEOPLE TO TOWN LAKE PARK. IT WILL MAKE IT A 24 HOUR PARK. WE'RE WHOLEHEARTEDLY IN FAVOR OF MO OF OUR RESIDENTS OF OUR NEIGHBORHOOD ASSOCIATION IN DOWNTOWN BEING THAT CLOSE TO TOWN LAKE PARK. I'LL ANSWER ANY QUESTIONS YOU HAVE. THANK YOU.

Mayor Wynn: THANK YOU. WELCOME MR. RILEY.

EVENING, MAYOR, COUNCILMEMBERS. MY NAME IS CHRIS RILEY. I'M A NATIVE AUSTINITE AND FOR THE PAST 15 YEARS OR SO I'VE BEEN A RESIDENT OF DOWNTOWN AUSTIN. A LONG TIME PRESIDENT OF THE DOWNTOWN AUSTIN NEIGHBORHOOD ASSOCIATION AND ALSO A PAST CHAIR OF

THAT DOWNTOWN COMMISSION. AND THROUGH THE COURSE OF MY WORK ON BEHALF OF DOWNTOWN OVER THE YEARS, I'VE BEEN INVOLVED IN A LOT OF PLANS THAT RELATE TO THIS AREA. AND ALL OF THEM HAVE ONE KEY ELEMENT IN COMMON, AND THAT IS RESIDENTIAL MIXED USE PROJECTS THAT BRING LIFE BACK TO THIS AREA, THAT PUT PEOPLE BACK ON THE STREETS, SHOPPING AT LOCAL SHOPS, ENJOYING THEMSELVES IN THIS AREA AND JUST BRINGING VIELGHTTY TO THE AREA. THIS PROJECT FITS PERFECTLY WITH THAT LONG-TERM VISION, SO I'M VERY EXCITED ABOUT THE IDEA THAT ACTUALLY MATERIALIZING. I JUST WANT TO HIGHLIGHT THREE SPECIFIC REASONS THAT I THINK ARE PARTICULARLY IMPORTANT TO KEEP IN MIND WHEN YOU CONSIDER THAT THE INCREASE IN HEIGHT FOR THIS PROJECT. FIRST IS THE PRICE POINT. AFFORDABILITY IS A REAL CHALLENGE DOWNTOWN AS IT IS IN SUCCESSFUL DOWNTOWNS ALL OVER THE COUNTRY. THERE IS A LIMITED SUPPLY OF LAND TO WORK WITH AND DEVELOPMENT IS VERY EXPENSIVE. THE IRONY IS THAT PEOPLE LIVE DOWNTOWN BECAUSE THEY LIKE DIVERSITY. WE ARE MORE READY TO EMBRACE DIVERSITY THAN MOST ANY NEIGHBORHOOD IN TOWN. WE WANT A WIDE RANGE OF PRICE PLANS. THIS WILL NOT SOLVE THE WHOLE PROBLEM OF AFFORDABILITY, BUT ANYTHING WE CAN DO TO DRIVE DOWN THE PRICE POINT IS A STEP IN THE RIGHT DIRECTION AND THAT IS WHAT AN INCREASED HEIGHT WILL DO. THE SECOND THING TO KEEP IN MIND IS THE STREET SCAPES, WHAT THIS WILL MEAN FOR THE STREET SCAPES AND THE LOCATION IS PARTICULARLY IMPORTANT WHEN YOU THINK ABOUT THAT. WE'VE BEEN WORKING FOR A LONG TIME ON THE EXTENSION OF THE PFLUGER BRIDGE, WHICH WILL HAVE ITS LANDING RIGHT ACROSS THE STREET FROM THIS. PEOPLE ARE ALWAYS HAVING TROUBLE FINDING THE PFLUGER BRIDGE RIGHT NOW. WELL, THEY'LL HAVE NO TROUBLE FINDING IT ONCE THIS BUILDING IS IN PLACE. FROM ALL OVER TOWN THEY KNOW THEY CAN GO RIGHT THERE AND THEY CAN GET RIGHT ON TO THE PFLUGER BRIDGE. AS THEY DO THAT THEY WILL BE ABLE TO GO RIGHT BY SHOPS. THEY CAN SIT AT A CAFE AND HAVE A CUP OF COFFEE AND GO ON TO TOWN LAKE AND ENJOY THEMSELVES THERE. IT'S RIGHT BY THE LANCE ARMSTRONG BIKEWAY, CLOSE TO THE SHOAL CREEK GREENWAY. THIS

WILL BE A BICYCLE-PEDESTRIAN MECCA. THE THIRD THING I WANT TO MENTION IS JUST THE OVERALL VITALITY THAT WE'RE GOING TO HAVE AS A RESULT OF PEOPLE POPULATING THE STREETS, PEOPLE WALKING AROUND TO ALL THESE DESTINATIONS, AND IN PARTICULAR PEOPLE COMING HERE BY WAY OF TRANSIT. TRANSIT IS -- RIGHT NOW WE'RE WORKING ON PLANNING STATIONS ALL AROUND THE CITY WORKOGTRANSIT AND WE UNDERSTAND WHEN WE GO INTO PLANNING TRANSIT STATIONS THAT THAT'S GOING TO MEAN SOME INCREASED HEIGHT. HIGHER BUILDINGS THAT YOU WOULD OTHERWISE HAVE IN THAT AREA. HERE WE HAVE A RAIL LINE THAT WE ALL HOPE WILL ONE DAY BE ONE OF THE CRITICAL RAIL LINES INTO DOWNTOWN. THIS IS A PERFECT LOCATION BEING RIGHT ACROSS THE STREET FROM THAT RAIL LINE TO PROVIDE INCREASED HEIGHT. UNFORTUNATELY, DOWNTOWN DOESN'T REALLY HAVE THAT MUCH ACCESS TO IT. IT KIND OF KNICKS A CORNER OF DOWNTOWN, SO WE HAVE TO MAKE THE MOST OF THE OPPORTUNITY THAT WE HAVE TO GET TRANSIT OPPORTUNITIES THERE AND WITH PEOPLE THAT ARE READY TO USE IT AND SHOPS THAT ARE THERE ALL THE TIME THAT ARE SUPPORTED BY THOSE PEOPLE AND THAT WILL BE AVAILABLE FOR TRANSIT USERS. THIS IS ALL A ESTABLISH TOWARDS REPOPULATING OUR DOWNTOWN, RETURNING IT TO BEING A VIBRATE, VITAL AREA. IT IS CONSISTENT WITH THE VISION THAT WE'VE BEEN WORKING SO HARD TOWARDS FOR MANY YEARS AND I URGE YOU TO CONTINUE THE PROGRESS WE'VE BEEN MAKING. THANK YOU.

Mayor Wynn: THANK YOU, MR. RILEY. FURTHER SUPPORTERS? WE HAVE ABOUT 18 MINUTES LEFT IF YOU WANT TO USE THEM.

HELLO COUNCIL, MY NAME IS GREG ANDERSON. AS RECENTLY AS TODAY WE HAD A MIDTERM ON SPRAWL AND HOW BAD IT IS. THIS IS THE OPPOSITE OF SPRAWL. THIS IS WHAT WE NEED. I KNOW EVERY ONE OF YOU KNOW THIS. YOU AND YOUR PREDECESSORS HAVE DONE WONDERFUL THINGS DOWNTOWN AND THIS IS A WAY TO CONTINUE THAT. I CALLED WHOLE FOODS TODAY AND ASKED THEM WHERE THEY ARE LOCATED. THEY SAID DOWNTOWN. THEY'RE TWO BLOCKS NORTH OF THIS. THERE ARE PEOPLE SAYING THIS ISN'T DOWNTOWN. THIS IS DOWNTOWN 100%. AND MY



FIANCE, WHO IS AT TEXAS STATE, GOING TO BE A TEACHER, I'M GOING TO BE A COP. WE CAN'T LIVE WITH DAN RATHER AND ANNE RICHARDS. WE CAN LIVE HERE. WE CAN'T LIVE IN MOST OF PLACES THAT HAVE GONE UP OVER THE PAST FEW YEARS. THEY'RE GREAT PLACES, BUT THIS IS GREAT. SO PLEASE, VOTE YES ALL THE WAY. THANK YOU.

Mayor Wynn: THANK YOU, SIR.

MEMBERS OF THE COUNCIL, MY NAME IS JONATHAN DAVILA. I'M A RESIDENT OF SOUTH LAMAR NEIGHBORHOOD. I'M JUST COMING HERE IN FULL SUPPORT OF THIS PROJECT. IT'S THE KIND OF THING WE NEED IN DOWNTOWN IN ORDER TO MEET SMART GROWTH GOALS. PEOPLE WANT TO LIVE CLOSE TO DOWNTOWN, CLOSE TO THE CENTRAL BUSINESS DISTRICT, CLOSE TO ZILKER, TOWN LAKE. RIGHT NOW THEIR ONLY OPTION IT TO BUY UP THE HOUSING IN SOUTH LAMAR. THIS BUILDING IS GREAT FOR AUSTIN'S DEVELOPMENT. IT'S JUST A QUESTION OF SUPPLY AND DEMAND. THERE'S VERY LITTLE SUPPLY RIGHT NOW. WE NEED THIS SUPPLY OF HOUSING. THIS BUILDING MUST BE ALLOWED TO GO UP TO FULL HEIGHT. THERE'S NO REASON TO LIMIT ITS HEIGHT EXCEPT FOR FEAR OF CHANGE, BUT WE ALL KNOW THAT THE PRESENT COURSE OF SPRAWL MUST BE CHANGED. THANK YOU,.

Mayor Wynn: WELCOME, MR. SIST. I MISSED YOU EARLIER.

THANK YOU, MAYOR. MYITE-YEAR-OLD DAUGHTER LEAH IS LEARNING PUFF THE MAGIC DRAGON AND IT WAS A BETTER EXPENDITURE OF MY TIME, BUT I'M SORRY I MISSED THE EARLIER PROJECT. IN FACT, I WANT TO COMPLIMENT AND THANK THE COUNCIL FOR PASSING THE PRIOR ZONING REQUEST. NOVAR IS ANOTHER EXAMPLE OF EXACTLY WHAT WE WANT TO DO WITH DOWNTOWN AUSTIN. I REPRESENT THE OLD WEST AUSTIN NEIGHBORHOOD. IT WAS ESTABLISHED IN 1978 WITH ITS BOUNDARIES BEING THE WEST SIDE OF LAMAR TO BLOODGUADALUPE, THE NORTH SIDE OF TOWN LAKE TO 15TH STREET. WITHIN THAT NEIGHBORHOOD NOW, THERE ARE APPROXIMATELY 400 RESIDENTS. AND MY EFFORT TO TALK TO EACH AND EVERY ONE OF THEM HAS PRODUCED NONE OF THEM BEING OPPOSED TO THIS PROJECT. AND APPROXIMATELY 75

SPECIFIC RESIDENTS OF THE OLD AUSTIN NEIGHBORHOOD HAVE UNANIMOUSLY SAID THEY'RE IN FAVOR OF THIS PROJECT. WHY? WE WANT NEW NEIGHBORS. WE WELCOME THE OPPORTUNITY TO HAVE 220 NEW NEIGHBORS IN THE OLD AUSTIN NEIGHBORHOOD. SO THE OLD AUSTIN NEIGHBORHOOD ASSOCIATION SUPPORTS THE REQUEST FOR DMU CURE ZONING AT 400 FEET. HEIGHT WILL BE BROUGHT UP BY THE OPPONENTS WHO DO NOT LIVE IN MY NEIGHBORHOOD. THEY WILL SAY THEY'RE CONCERNED WITH HEIGHT. PERHAPS BECAUSE OF TRAFFIC, PERHAPS BECAUSE OF VIEW. HEIGHT AS HAS ALREADY BEEN POINTED OUT, WILL LOWER THE COST OF THESE UNITS DOWN TO PERHAPS LOWER THAN \$200,000. APPROXIMATELY 60% OF THE LOWEST PRICE UNIT IN MY NEIGHBORHOOD, CONDO UNIT IN MY NEIGHBORHOOD TODAY. THIS HEIGHT, 400 FEET, IS 140 FEET LOWER THAN THE NAVAR PROJECT. THIS PROJECT IS 300 FEET FURTHER AWAY FROM TOWN LAKE THAN THE NAVAR PROJECT. TOWN LAKE, THE IMPACT ON TOWN LAKE. THIS PROJECT IS A BLOCK FURTHER AWAY FROM TOWN LAKE THAN LAS MANITAS. IT IS APPROXIMATELY THE SAME DISTANCE AWAY FROM TOWN LAKE AS 301 CONGRESS. IT'S A THOUSAND FEET FROM TOWN LAKE. TRANSIT. I SAY TRANSIT AND NOT TRAFFIC IMPACT, ALTHOUGH I MIGHT ADD THAT THE TRAFFIC IMPACT OF THIS PROJECT WILL BE POSITIVE FOR SIXTH AND LAMAR. YOU WILL HEAR A LOT OF TALK IN THE NEXT 45 MINUTES OPPOSING THAT, BUT LET ME PLEASE ASK YOU TO ASK YOURSELF, THESE NEW NEIGHBORS OF THE OLD AUSTIN NEIGHBORHOOD, WILL THEY DRIVE OR WALK TO WHOLE FOODS? WILL THEY DRIVE OR WALK TO THEIR OFFICE IF THEY WORK DOWNTOWN? WILL THEY GO IN OR OUT OF DOWNTOWN DURING RUSH HOUR. THAT'S WHY THE PROFESSIONALS WHO DO THESE KIND OF TRAFFIC STUDIES SAID THAT THERE ARE LESS THAN 1500 TRIPS GENERATED BY THIS PROJECT. LASTLY, I AND MANY OTHER SPEAKERS WHO HAVE ALREADY SPOKEN HAVE ASKED THE DEVELOPERS TO ADDRESS PARTICULARLY ONE PUBLIC AMENITY BEYOND THE ONES EXACTLY ON THEIR PROPERTY, WHICH IS THE SHOAL CREEK GREENWAY. AND I HOPE THEY DO. PROJECTS LIKE THIS ARE NOT REQUIRED BY CITY ORDINANCE TO MAKE A CONTRIBUTION TO PUBLIC PARKLAND ASSETS, BUT I THINK IT WOULD BE A WONDERFUL

PRECEDENT IF EACH OF THESE PROJECTS, NAVRA AND SPRING, DO MAKE A SIGNIFICANT CONTRIBUTION, BOTH THE DEVELOPERS AND THE CONDO OWNERS, TO PUBLIC ASSETS LIKE SHOAL CREEK THAT WILL ENHANCE THE VALUE OF THEIR PROPERTY. AND I THINK AND HOPE THEY WILL. THANK YOU VERY MUCH FOR YOUR ATTENTION AND PLEASE VOTE YES ON THIS REQUEST.

Mayor Wynn: THANK YOU.

MAYOR, WE WOULD LIKE TO RESERVE OUR REMAINING TIME FOR A REBUTTAL. CAN YOU TELL ME HOW MUCH THAT IS, IF THAT'S ACCEPTABLE?

Mayor Wynn: THERE'S 12 MINUTES LEFT, AND WE NORMALLY HAVE A THREE-MINUTE REBUTTAL AFTER A FIVE-MINUTE PRESENTATION, AND I'M RELUCTANT TO GIVE YOU THE ENTIRE MINUTES. YOU WOULD NORMALLY GET A REBUTTAL. WHY DON'T WE SAY A FIVE-MINUTE REBUTTAL.

THAT WOULD BE JUST FINE.

Mayor Wynn: AFTER WE HEAR OPPOSING SIDES.

THANK YOU VERY MUCH.

Mayor Wynn: HAVING SAID THAT, THERE'S SIX MINUTES IN ADDITION TO THAT THAT YOU ALL ARE WELCOME TO USE NOW. >>YOU COULD CURRY GREAT FAVOR WITH US BY NOT USING THEM.

WE DON'T NEED IT. THANK YOU.

Mayor Wynn: THANK YOU.

HI. MY NAME IS CANDY. I'M A NEW RESIDENT TO AUSTIN. I MOVED HERE IN MAY. I'VE RENTED AN APARTMENT DOWNTOWN. I LOVE DOWNTOWN. IT IS SO GREAT LIVING DOWNTOWN HERE, BUT I DON'T WANT TO KEEP RENTING AND I WANT TO BUY SOMETHING. RIGHT NOW MY CHOICE IS DOWNTOWN. I DON'T HAVE ANY. IT'S A LITTLE PRICEY FOR THE SPACE I WANT. IF WE HAD MORE CHOICES I CAN CONTINUE LIVING DOWNTOWN AND MORE PEOPLE WILL

MOVE DOWNTOWN. SO I LOVE DOWNTOWN. I JUST WANT TO LET YOU KNOW. THANKS.

Mayor Wynn: THANK YOU. SO THEN WITHOUT OBJECTION WE CAN STOP THE CLOCK NOW AND RESERVE FIVE MINUTES FOR REBUTTAL FOR THE APPLICANT-AGENT, WHICH IS OUR NORMAL PRACTICE. NOW WE'LL SET THE CLOCK FOR 45 MINUTES AND -- THE GOOD NEWS IS OF THE FOLKS WHO WANTED TO SPEAK SOME OPPOSITION, SEVERAL HAD LINED UP ADDITIONAL TIME AND I THINK THERE WERE FOUR OR FIVE SORT OF OBVIOUS KEY FOLKS WHO WANTED TO SPEAK FOR SIX, EIGHT, NINE, 15 MINUTES AT A TIME, SO WELCOME.

GOOD EVENING. I'M LAURA MORRISON, THE PRESIDENT OF THE AUSTIN NEIGHBORHOODS COUNCIL. TONIGHT YOU WILL BE MAKING AN HISTORIC DECISION FOR OUR CITY. APPROVAL OF THIS ZONING CHANGE WILL CHANGE THE LANDSCAPE OF AUSTIN AND WE WILL SEE AN IMMEDIATE AND INTENSE REACTION WITH SIGNIFICANT SEQUENCES NOT ONLY IN -- CONSEQUENCES NOT ONLY IN THIS SOUTHWEST CORNER OF TOWN, BUT ALSO REACHING INTO EAST AUSTIN. OUR CITY HAS BEEN DOWN THIS PATTED BEFORE WITH MISTAKES THAT HAVE VIOLATED OUR COMMUNITY'S VALUES. AS THIS ZONING WILL DO. AM I SUPPOSED TO POINT THIS TO SOMETHING? THE LEGACY OF PREVIOUS PROJECTS UNFORTUNATELY INCLUDES A WHOLE SERIES OF MISTAKES. IN 1983 THE PINNACLE WAS BUILT IN SOUTHWEST AUSTIN. THE COMMUNITY'S REACTION WAS TO DEVELOP ORDINANCES TO PROTECT SCENIC ROADWAYS SUCH AS THE HILL COUNTRY ROADWAY ORDINANCE. UNFORTUNATELY, IT WAS TOO LATE TO PRECLUDE THE MISTAKE OF THE PINNACLE EMERGING FROM THE BEAUTY OF THE LANDSCAPE. THE DEVELOPMENT OF THE WESTGATE APARTMENTS RESULTED IN THE CAPITOL VIEW CORRIDOR STATUTE, AGAIN, UNFORTUNATELY, THE PROTECTIONS DID NOT GO INTO PLACE UNTIL A MISTAKE WAS MADE. ANOTHER EXAMPLE OF FAILING TO ANTICIPATE NEGATIVE CONSEQUENCES, WAS THE TUNNELLING EFFECT OF HI-RISES ALONG CONGRESS. THE DOWNTOWN DESIGN GUIDELINES IDENTIFIED AN AFTER THE FACT CORRECTION FOR FUTURE DEVELOPMENT WITH A RECOMMENDATION ON SETBACKS ABOVE THE FOURTH FLOOR LEVEL. THE COMMUNITY RESPONDED TO THE MISTAKE OF THE HYATT

HOTEL WITH CORRECTIONS FOR FUTURE DEVELOPMENT. AND LASTLY, WE HAVE AN EXAMPLE OF A NEAR MISS. IN 1999 THE COUNCIL DID THE RIGHT THING IN DENYING THE GOTHAM. THEY KNEW WHEN ALL PROPERTIES ARE PLANNED TOGETHER, WE ACHIEVE ENHANCED VALUE AND OPTIMAL RESULTS FOR OUR COMMUNITY. APPROVAL OF ZONING FOR THE SPRING CONDOMINIUM PROJECT IS A MISTAKE. WHAT WILL BE THE LEGACY OF THIS COUNCIL? WILL YOUR DECISION TONIGHT BE ADDED TO A LIST OF MISTAKES OR ADDED TO A LIST OF NEAR MISSES? WE'RE HERE TONIGHT TO EXPLAIN PROBLEMS WITH THIS ZONING CHANGE AND THE SERIOUS NEGATIVE CONSEQUENCES THAT WILL RESULT AND TO URGE YOU TO DO THE RIGHT THING AND DENY THE ZONING APPLICATION. THE AUSTIN NEIGHBORHOODS COUNCIL OPPOSES THE CHANGE TO DMU-CURE ZONING AT THIRD AND BOWIE. MORE THAN A DOZEN NEIGHBORHOOD ASSOCIATIONS NEAR AND FAR FROM THE SITE HAVE ALSO SIGNED ON TO THE OPPOSITION AS INDIVIDUAL ORGANIZATIONS A BECAUSE THEY UNDERSTAND THAT THIS IS A PRECEDENT-SETTING DECISION WITH IMPLICATIONS FOR THEIR OWN AREAS. WHAT IS NOT LISTED HERE ARE THE HUNDREDS OF PEOPLE THAT WE HAVE SPOKEN WITH ON THE PEDESTRIAN BRIDGES ACROSS TOWN LAKE OVER THE PAST FEW WEEKENDS. THESE FOLKS WERE OUT ENJOYING THE BEAUTY OF TOWN LAKE AND OVERWHELMINGLY THEIR REACTION WAS THAT THE PROPOSAL OF PLACING THE SPRING CONDOMINIUM PROJECT HERE LOOMING OVER THE LAKE IS ENTIRELY INAPPROPRIATE AND APPALLING. THE ELEMENTS OF CONCERN CAN BE GROUPED INTO THREE TOPICS THAT I WILL ADDRESS TONIGHT IN THIS PRESENTATION. FIRST, MAINTAINING TRANSITIONAL ZONING IS OF UTMOST IMPORTANCE, NOT ONLY TO THE AREAS ALONG THE WEST WHO BORDER THIS SITE AND NEIGHBORS TO THE SOUTH OF THE LAKE WHO ARE EXPERIENCING THE CREEP OF DMU AS A PUSH FOR EXTENDING DOWNTOWN MOVES SOUTH, BUT ALSO AS A PRECEDENT SETTING ISSUE FOR NEIGHBORHOOD ASSOCIATIONS THROUGHOUT OUR CITY WHO HAVE CONTINUAL STRUGGLES AGAINST UP ZONING ALONG THEIR BOUNDARIES, WHICH ERODES THE INTEGRITY OF THEIR NEIGHBORHOOD. THE MISAPPLICATION OF CURE ZONING HERE RAISES SERIOUS CONCERN AMONG ALL THOSE WHO LIVE IN AND AROUND THE CURE AREA, AN

INAPPROPRIATE USE OF THIS ZONING ORDINANCE FOR THE SPRING CONDOMINIUMS BRINGS UP THE ISSUES OF THE NEED FOR AFFORDABLE HOUSING IN OUR CITY. AND PROTECTIONS OF TOWN LAKE PARK. LASTLY REPLACING APPROPRIATE PLANNING WITH DEVELOPER DRIVEN ZONING CHANGES FOR INDIVIDUAL PROPERTIES, WHICH THIS -- WHICH IS THE CASE HERE, IS A RECIPE FOR DISASTER FOR BOTH DOWNTOWN AND FOR NEIGHBORHOODS ALL OVER AUSTIN. THE THIRD AND BOWIE SITE IS AS YOU KNOW ZONED DOWNTOWN MIXED USE OR DMU. OUR LAND DEVELOPMENT CODE DEFINES THIS ZONING CATEGORY WITH AN INTERMEDIATE DENSITY USED FOR A TRANSITION BETWEEN THE DOWNTOWN AREA AND SURROUNDING DISTRICTS. CITY IS DEFINED BY THE FLOOR TO AREA RATIO AND FOR DMU THIS INTERMEDIATE DENSITY IS SET UP FIVE TO ONE AND THE CENTRAL BUSINESS DISTRICT THE ZONING CATEGORY WITH THE HIGHEST DENSITY ALLOWED, THE DENSITY MAXIMUM SET IS ALE 8 TO ONE. THE ZONING CHANGE RESULTS REQUESTED A DENSITY OF 12 TO ONE, ALMOST TWO AND A HALF TIMES HIGHER THAN THE DMU MAXIMUM AND 50% HIGHER THAN THE CBD DENSITY. IN FACT, THE REQUESTED 12 TO ONE DENSITY IS HIGHER THAN ANY OTHER BUILDING IN AUSTIN TODAY AS FAR AS I KNOW AND AS FAR AS I KNOW THERE ARE NO PROPOSALS EVEN ON THE TABLE FOR ANYTHING THAT HIGH. SO THERE IS NO QUESTION THAT THE REQUESTED DENSITY IS A SERIOUS BREACH OF THE DMU LIMIT. IT DESTROYS THE IMPLEMENTATION OF THE CITY'S TRANSITIONAL ZONING IN THIS AREA AND EFFECTIVELY PUTS CBD ZONING PLUS OUTSIDE THE CBD AREA. WITHOUT THE SURROUNDING DISTRICTS, WHICH IN THE DEFINITION ARE -- D.M.U. BEING TRANSITION 2, FIRST THERE'S THE LAKE, SECONDLY THE PROPERTY WAS -- THIS PROPERTY IS APPROXIMATELY 75 FEET FROM LAMAR, DUE WEST OF THERE. AND DUE WEST OF THERE IS THE SITE OF THE NEW 60-FOOT MULTI-FAMILY PROJECT AT THE GOODWILL SITE WITH MODEST DENSITY ADJACENT TO THAT IS COMMERCIAL SERVICES ZONING AND THE RESIDENTIAL CORE OF OLD WEST AUSTIN JUST TWO BLOCKS TO THE NORTH OF THAT IS A MIX OF MULTI-FAMILY AND SINGLE-FAMILY. IT IS INAPPROPRIATE TO PUT CBD THIS CLOSE TO THESE AREAS? SIMILARLY THE 400-FOOT HEIGHT BEING REQUESTED WITH THIS ZONING CHANGE IS CBD

HEIGHT AND COMPLETELY OUT OF LINE WITH THE REGULATIONS AND NEIGHBORING DEVELOPMENT. THE DMU HEIGHT LIMIT IS 120 FEET AND THE APPLICATION ASKS FOR AN INCREASE OF 280 FEET ABOVE THAT. AGAIN, COMPLETELY BREACHING THE D.M.U. DEVELOPMENT REGULATIONS. NEIGHBORING THIS PROPERTY IS THE WHOLE FOODS BUILDING WHICH IS 120 FEET AND GOODWILL AND APARTMENTS ON EITHER SIDE AT UNDER 60 FEET. IN FACT, IF BUILT TODAY, THE SPRING WOULD BE THE SECOND HIGHEST BUILDING IN AUSTIN. IT'S BEEN SUGGESTED THAT THE OPPOSITION'S OBJECTION TO HEIGHT REFLECTS MERELY A PERSONAL PREFERENCE. TO THE CONTRARY, HEIGHT IS AN ESSENTIAL ELEMENT OF MAINTAINING TRADITIONAL ZONING. OTHERS' PREFERENCE FOR HEIGHT, THE 400 PLUS FEET, MAY REFLECT THEIR PERSONAL PREFERENCE, BUT RESPONSIBLE GOVERNMENT MAKES DECISIONS NOT ON WHAT THEY LIKE, BUT ON WHAT'S RIGHT FOR THE COMMUNITY. THIS MAP SHOWS THE ZONING IN THE DOWNTOWN AREA. CBD IS DID HE DEPICTED IN RED. D.M.U. IN BLUE AND THE YELLOWS, ORANGES AND BEIGES SHOW THE SURROUNDING DISTRICTS WITH LOW TO MODERATE INTENSITY OF COMMERCIAL AND OFFICE USES AS WELL AS RESIDENTIALLY ZONED PROPERTIES. THE ONE PINK BLOCK IN THE SOUTHWEST D.M.U. AREA IS THE SPRING PROPERTY. WITH THIS ZONING CHANGE WE WOULD EFFECTIVELY MAKE THIS PROPERTY RED. WITH THE AVALANCHE THAT WOULD FOLLOW SOON -- THE AREA IN THE SOUTHWEST WILL EVENTUALLY BE RED CBD. MAINTAINING A TRADITIONALLY ZONING IS IMPERATIVE. IT SERVES THE BUFFER THE SURROUNDING DISTRICTS FROM INTENSE URBAN SCALE AND HIGH USE IMPACT OF OUR MOST INTENSE ZONING. IN ADDITION, IT DEFINES AN AREA THAT INSURE LAITS THE SURROUNDING DISTRICTS FROM PRESSURES FOR UP ZONING TO CBD. JUST AS THE PRESSURE IS ON TO EXTEND THE CBD TO THIS AREA, IF IT HAPPENS IN THE FUTURE, THERE WILL BE NO DOUBT THAT THERE WILL BE PRESSURE TO MOVE OUT FURTHER WEST OF LAMAR. THUS IF YOU APPROVE THIS ZONING YOUR DECISION WILL EVENTUALLY CHANGE THIS MAP, NOT ONLY ON ONE PROPERTY, BUT ALSO THROUGHOUT THE WHOLE OF THE SOUTHWEST CURRENTLY BLUE REGION. THIS MAP WAS CAREFULLY CRAFTED AND HAS IN ITS ESSENCE SERVED AUSTIN WELL FOR MANY

YEARS. PERHAPS IT IS TIME TO CHANGE IT. AS SUSAN WILL DISCUSS LATER, HOWEVER, SUBSTITUTING AD HOC AND ISOLATED DECISIONS FOR MATURE PLANNING PROCESS IS A RECIPE FOR DISASTER. IT WILL BE A HORRIBLE MISTAKE AND WE, THE CITY OF AUSTIN, CAN DO BETTER. NOW I WOULD LIKE TO MOVE ON TO THE SECOND MAJOR AREA OF CONCERN WITH THE OPPOSITION, WHICH IS ZONING CASE, THE MISAPPLICATION OF THE CURE ORDINANCE. CURE ALLOWS FOR ADJUSTMENTS TO DEVELOPMENT REGULATIONS UNDER CERTAIN CONDITIONS. IT MAY BE APPLIED ONLY WITHIN THE BOUNDARIES SHOWN ON THIS MAP. AS YOU CAN SEE IT COVERS THE AREA FROM LAMAR TO I-35 AND FROM THE LAKE TO MLK, WHILE CARVE OUTING A BIT OF THE VERY NORTHWEST CORNER AROUND THE JUDGE'S HILL NEIGHBORHOOD. NOTE GLI THE CURE BOUNDARIES EXTEND WELL INTO EAST AUSTIN ALONG FOURTH AND SEVENTH AND ALONG 11th, 12TH AND MLK. WHAT WE SEE WITH THIS A CASE IS THE FIRST TIME THAT CURE HAS BEEN USED TO COMPLETELY BREACH THE HEIGHT AND DENSITY LIMITS ON BASE ZONING, INCREASING HEIGHT BY 333%% AND FARR BY 240%. WITH THOSE KIND OF INCREASES NOW POSSIBLE WITH CURE, WE NEED TO REALIZE THAT SIMILAR PROPORTIONAL INCREASES WILL BE FAIR GAME FOR AREAS IN THE CURE ARMS THAT EXTEND INTO EAST AUSTIN AND SURROUNDING THE NORTHWEST CORNER OF THE CURE MAP. IN THESE AREAS, THE MODERATE FAR OF TWO TO ONE FOR CS ZONING WOULD GO TO AN FAR OF ALMOST FIVE TO ONE WITH THE SAME PROPORTIONAL INCREASE, BRINGING IT TO THE LEVEL OF D.M.U. DENSITY. THE COMMON HEIGHT LIMIT OF 60 FEET WOULD INCREASE THE ALMOST 200 FEET UNDER AN ANALOGOUS INCREASE, EXCEEDING D.M.U. LIMITS BY 80 FEET. THUS IN THIS REGARD YOUR DECISION TONIGHT HAS AN ELEMENT OF EXTREME SIGNIFICANCE, NOT ONLY FOR THE SOUTHWEST CORNER OF TOWN, BUT ALSO FOR OTHER AREAS THAT ARE IN AND BORDER THE CURE BOUNDARIES SUCH AS EAST AUSTIN. NOW I'D LIKE TO TURN THE PRESENTATION OVER TO MARK WHO IS GOING TO DISCUSS MORE ABOUT CURE.

GOOD EVENING, MAYOR, COUNCILMEMBERS. MY NAME IS MARK GENTLE. I'M HERE REPRESENTING A GRASSROOTS



ORGANIZATION CALLED FRIENDS AND NEIGHBORS OF TOWN LAKE PARK. WE CALL OUR TESTIFIES FANS OF TOWN LAKE PARK. I THINK THERE ARE SOME FANS HERE TONIGHT. IT SAYS TOWN LAKE PARK IS HOT. HI-RISE CORRIDOR IS NOT. THE CASE BEFORE YOU IS ABOUT CURE ZONING. WITH ALL DUE RESPECT TO THE ZAP COMMISSION, THEY SPENT MORE TIME TALKING AND THINKING ABOUT VANCOUVER CODES THAN AUSTIN CODES. SO I WANT TO RIVET YOUR ATTENTION WITH THE ASSISTANCE OF MS. MORRISON'S CLICKER TO WHAT IS CURE ZONING. AND HOW DID WE GET TO WHERE WE ARE TODAY WITH THAT ZONING. REALLY THE FIRST ISSUE THAT I WANT TO ADDRESS IS A FUNDAMENTAL LEGAL PROBLEM WITH YOUR CURE ZONING CODE. I'VE SUBMITTED AN OVERVIEW OF THE LEGAL PROBLEM WITH THE CURE ZONING BY A LETTER WITH ATTACHMENTS AND I'M ASKING THAT THAT DOCUMENT BE INCLUDED INTO THE RECORD OF THIS HEARING. THE BACKGROUND FOR CURE ZONING IS THAT IN 1999 THE CITY OF AUSTIN VIOLATED THE OPEN MEETINGS ACT IN THE ADOPTION OF THE CHANGES TO THE CURE ZONING CODES THAT YOU'RE -- THAT YOU'VE BEEN ASKED TO APPLY TONIGHT. THE BACKGROUND ON THAT WAS THAT THOSE PROVISIONS WERE ADOPTED THROUGH A SO-CALLED PLAIN ENGLISH RECODIFICATION OF THE LAND DEVELOPMENT CODE, AND THAT BECAME EFFECTIVE FEBRUARY 25TH OF 1999. THE PROBLEM WAS THAT RATHER THAN MAKING NO SUBSTANTIVE CHANGES, WHICH WAS THE CONCLUSION OF THE CITY MANAGER, IN FACT, CURE ZONING WAS ENTIRELY REWRITTEN. THERE WERE SUBSTANTIVE CHANGES. THOSE SUBSTANTIVE CHANGES ELIMINATED THE COMMUNITY AND NEIGHBORHOOD PROTECTIONS THAT WERE THE GOAL OF THE CURE ZONING. BECAUSE NO NOTICE, NO OPPORTUNITY FOR COMMENT OR HEARING WAS ALLOWED IN THAT RECODIFICATION PROCESS, THAT CODE IS VOIDABLE UNDER LAW. THAT MEANS THAT ANYTHING YOU DO PURSUANT TO IS IS EQUALLY VOIDABLE. THE BOTTOM LINE, IT WILL NOT HOLD UP IN A COURT OF LAW OR PUBLIC OPINION SHOULD YOU ALLOW AN APPLICANT TO BENEFIT FROM A VIOLATION OF LAW UNDERTAKEN BY THE CITY. THAT'S THE BOTTOM LINE LEGAL PROBLEM WITH YOUR CURE ORDINANCE. SO LET'S GET TO WHAT THE PROPER CURE ORDINANCE, THE ORIGINAL ONE REALLY SAYS. HERE ARE THE FIVE CRITERIA THAT AN APPLICANT MUST MEET

BEFORE THEY'RE ELIGIBLE TO BE CONSIDERED FOR THE BENEFITS OF CURE ZONING. THESE ARE THE BENEFITS THAT ARE BALANCED THAT THE APPLICANT HAS TO BRING TO THE TABLE. IT HAS TO. AND I'M JUST GOING TO GO RIGHT THROUGH THEM. I WANT YOU TO -- I WANTED THE GROUP TO UNDERSTAND IT. IT HAS TO ENHANCE THE NEIGHBORHOOD'S STABILITY, PROVIDE AFFORDABLE HOUSING, SPACE FOR SMALL BUSINESS ON PRINCIPAL TRANSPORTATION ROUTES, IMPROVE THE ENVIRONMENT, AND IT HAS TO BE AN ARCHITECTURAL DESIGN IN PROPORTION THAT IS COMPATIBLE WITH THE NEIGHBORHOOD. LET'S DRILL DOWN INTO EACH ONE OF THOSE AND SEE WHETHER OR NOT THIS APPLICATION MEETS ANY OF THEM. THE BOTTOM LINE IS WE BELIEVE THAT THE APPLICANT HAS TO MEET THEM ALL. THE CITY STAFF BELIEVES YOU ONLY HAVE TO MEET ONE OF THE CRITERIA TO BE ELIGIBLE. THE FACT IS SPRING MEETS NONE OF THEM. LET'S TALK ABOUT NEIGHBORHOOD STABILITY. WHAT'S REALLY GOING TO HAPPEN IF YOU ALLOW THE SUPER SIZING OF D.M.U. TO EXCEED CENTRAL BUSINESS DISTRICT ZONING. THE PROPERTY VALUES WILL INCREASE. IT IS A MARKET PHENOMENON THAT YOU CANNOT STOP. ONCE YOU LET IT GO, IT WILL HAPPEN. AND IF YOU APPROVE IT TONIGHT, THOSE PROPERTY VALUES ZIP UP TOMORROW. THAT WILL NOT STABILIZE A NEIGHBORHOOD, THAT WILL DESTROY IT, PARTICULARLY THOSE IN EAST AUSTIN. SLIDE. THOSE NUMBERS ARE PROBABLY HARD TO READ FOR MOST FOLKS, BUT THE BOTTOM LINE IS D.M.U. GOING TO 30 BUCKS A SQUARE FOOT. CENTRAL BUSINESS DISTRICT UP TO \$135 A SQUARE FOOT. THAT REFLECTS THE DIFFERENTIAL IN DENSITY PERMITTED BY THAT ZONING. IF YOU COLLAPSE DOWN THE DENSITY SUCH THAT D.M.U. CAN NOW ACTUALLY EXCEED CENTRAL BUSINESS DISTRICT, THE PRICE IS GOING TO ESCALATE FOR D.M.U. PROPERTIES UP TO THAT 135, MAYBE MORE. WHAT DOES THAT MEAN? THAT MEANS THAT DEVELOPMENT WILL BE DRIVEN TO UPSCALE BOTH FOR RETAIL AND RESIDENTIAL. IT WILL MEAN THAT AFFORDABLE HOUSING WILL VIRTUALLY BE IMPOSSIBLE DOWNTOWN, WHICH IS EXACTLY THE OPPOSITE OUTCOME OF WHAT THE ORIGINAL CURE ORDINANCE WAS INTENDED TO ACCOMPLISH. SLIDE. AFFORDABLE HOUSING. THE PROPONENTS HAVE SAID IN MEDIA REPORTS, AND I HAVE TO SAY THAT IT'S BEEN HARD TO DISTINGUISH BETWEEN THE

ADS FOR THIS PROJECT AND THE REPORTS ABOUT THIS PROJECT. KUDOS TO THE MEDIA MUSCLE OF THE PROPONENTS. THEY'VE SAID THAT THEY BELIEVE THAT THEY'RE GOING TO BRING AFFORDABLE HOUSING DOWNTOWN. NO MATTER HOW YOU DO THE MATH, UNDER THE DEFINITION OF THE CITY AFFORDABLE HOUSING, SPRING CONDO WILL NOT ACCOMPLISH IT. WHEN YOU TAKE THE NUMBERS IN AUSTIN, THE PRICE POINT WOULD HAVE TO BE \$125,000. SPRING STARTS UNDER THEIR ESTIMATE AT \$200,000. THESE ARE THE ASSUMPTIONS. IT'S MANDATORY UNDER THE DEFINITION THAT Y'ALL USE. THERE IS NO WAY THE SPRING CONDO IS AFFORDABLE HOUSING. BY THE WAY, THE STAFF AND THEIR ANALYSIS HAS SAID NOTHING ABOUT NEIGHBORHOOD STABILITY, AFFORDABILITY, REALLY ANY OF THE MAJOR CRITERIA THAT HAS TO BE MET TO ACCOMPLISH CURE ZONING. I'LL GET INTO THAT IN A MORE DETAILED WAY. LET'S TALK ABOUT QUICKLY THE SMALL BUSINESS OPPORTUNITY. BECAUSE THEY HAVE 10,000 SQUARE FEET OF RETAIL DOESN'T MEAN THERE'S A SMALL BUSINESS OPPORTUNITY. LET'S FACE IT, BOWIE IS NOT ON A TRANSPORTATION ROUTE AT THIS TIME, TWO OUT OF THREE ROADS ARE DEAD END. STAFF REPORT SAYS PERHAPS IN THE FUTURE THIS WILL BE A RAIL STATION. SLIDE. THE TOP LEFT YELLOW AREA, SPRING CONDO, LOGICAL PLACE FOR A RAIL STATION. TWO PROBLEMS. ONE A VERY BASIC. ACCORDING TO CITY OFFICIALS THAT I'VE DISCUSSED THIS WITH, IF YOU PUT A RAIL STATION WHERE IT BELONGS, AND IT BELONGS RIGHT IN FRONT OF SPRING, BECAUSE TRAINS DON'T BACK UP WORTH A HOOT, SO YOU HAVE TO DRIVE IT, AND IF YOU WERE TO PUT IT ON THE RIGHT SIDE, YOU WOULD HAVE TO BACK THE TRAIN UP, WON'T WORK. SPRING IS THE LOGICAL PLACE BECAUSE THE ELBOW IS STOPPED AT THE SPRING CONDO. EMERGENCY VEHICLES COULD NOT SERVICE A RAIL STATION AT THAT LOCATION IF THE SPRING CONDOS IN PLACE. YOU WOULD HAVE TO TAKE PART OF THE ZUNIGA PROPERTY UNDER EMINENT DOMAIN IN ORDER TO CREATE A RAIL STATION THERE. THAT FACT HAS JUST BEEN COMPLETELY MISSED, OKAY? IT'S A REALLY IMPORTANT CRITERIA. IF YOU DO DECIDE THAT THIS IS A GOOD RAIL AREA, THEN YOU WOULD INVOKE THE TRANSIT ORIENTED DEVELOPMENT ORDINANCE WHICH REQUIRES STAKEHOLDERS TO COME TO THE TABLE. AND THE TIME TO

DO THAT IS BEFORE YOU ALLOW A LOT OF DEVELOPMENT IN THAT AREA. LET'S TALK ABOUT NATURAL ENVIRONMENT. I WANT TO TALK GENERALLY ABOUT ENVIRONMENTALISM. THE PROPONENTS HAVE SAID THAT APPROVING SPRING WILL SAVE THE EDWARD'S AQUIFER, WILL HELP DO THAT. LET ME TELL YOU LAST YEAR I WAS ASKED TO BE A STAKEHOLDER IN A MAJOR PROJECT ABOUT REGIONAL WATER QUALITY PROTECTION FOR THE BARTON SPRINGS SEGMENT OF THE EDWARD'S AQUIFER. THIS IS THE REPORT OF THAT GROUP. IT WENT ON FOR MORE THAN A YEAR. IT WAS HOSTED BY THE CITY OF AUSTIN AND OTHER GOVERNMENTAL ENTITIES. I WAS DELIGHTED TO BE A PARTICIPANT IN THAT. THIS DOCUMENT IS WHAT WILL SAVE THE EDWARD'S AQUIFER, NOT SPRING CONDO APPROVAL. TO JOIN THE TWO IS NONSENSE. IN MY VIEW EVERY ASPECT OF THE SPRING CONDO PROJECT DEFENDS THE NATURAL ENVIRONMENT. IT IS A REVERSAL OF 20 YEARS OF ENVIRONMENTAL PROTECTION AROUND TOWN LAKE PARK. THIS IS NOT JUST A ZONING CASE, THIS IS ABOUT THE FUTURE OF THE TOWN LAKE PARK CORRIDOR. WHAT WE DON'T WANT IS A HI-RISE CANYON. THIS IS THE FINAL ANALYSIS, DEVELOPER DRIVEN ZONING OF THE WORST KIND. WE'RE ASKING YOU NOT TO APPROVE IT. THANK YOU.

Mayor Wynn: THANK YOU, MR. GENTLE.

GIVE US A CHANGE SECOND.

Mayor Wynn: FAIR ENOUGH.

SUSAN PASS CO., PAST PRESIDENT OF AUSTIN NEIGHBORHOOD'S COUNCIL, AND I'M GOING TO DO THIS QUICKLY BECAUSE WE HAVE SEVERAL PEOPLE WHO WANT TO SPEAK TO GIVE YOU THEIR SPEAKER ARCHITECT ACTIVE ON THIS. -- PERSPECTIVE ON THIS. WHAT WE'RE ESSENTIALLY ASKING YOU TO DO IS THAT WE ASK AUSTIN TO PLAN FOR CHANGE. WE CHANGED THE CODE IN '84 TO ALLOW THE D.M.U. ZONING. D.M.U. ZONING WAS CREATED AS THE BUFFER TO THE CBD, TO APPROVE SPRING NOW WOULD ESSENTIALLY BE SPOT ZONING. THE DOWNTOWN COMMISSION NEIGHBORHOOD CONCEPT PLAN DEVELOPED IN THE '90'S REAFFIRMED THE AUSTIN PLAN RECOMMENDATIONS, WHICH IN ESSENCE SHOWED THE

TRIANGLE OF DOWNTOWN HIGH INTENSITY MIXED USE. SPRING IS OUTSIDE OF THAT. THE ZONING AND PLATTING COMMISSION GAVE YOU NO CLEAR CONSENSUS ON HEIGHT. RESOLUTION ON -- BUT THEY DID DO A RESOLUTION ON CONCERNS AND ISSUES, THE TRANSITION TO THE NEIGHBORHOODS, THE DESIGN STANDARDS, THE PLANNING GUIDELINES ON SPACING, AFFORDABLE HOUSING, FUNDING, CITY AMEN AMENITIES. PLEASE WE ASK YOU TO ADDRESS THESE CONCERNS BEFORE APPROVING SPRING. DO NOT REPEAT THE MISTAKES OF THE PAST. AND ARE WE SPOT ZONING FOR GAIN? PROPOSED THAT CURRENT PROPERTY TAXES WILL GO FROM 393 TO 1.6 MILLION, WITH A 1.610 GAIN FOR THE CITY. DEVELOPED AT THE CURRENT ZONING WOULD RESULT IN APPROXIMATELY 650,000 GAIN AND RETAIN THE BENEFIT OF THE ZONING BUFFER, WHICH WE THINK IS ESSENTIAL. THE MAYOR HAS SAID HE WANTS 25,000 DOWNTOWN RESIDENTS. 70% OF THE CURRENT LAND IN THE CBD IS UNDEVELOPED. THE RAINY STREET REZONING TO CBD WILL ABSORB APPROXIMATELY 15,000. APPROVING SPRING WE FEEL WILL WEAKEN DEVELOPMENT FOCUS ON THE EXISTING CENTRAL BUSINESS DISTRICT. AS YOU CAN SEE THESE ARE PICTURES OF VACANT LOTS OR PLACES THAT COULD BE DEVELOPED IN THE CBD. AS QUOTED BY TREVOR BODY, THE ARCHITECTURAL CRITIC OF THE VANCOUVER SUN, TAKEN A LITTLE IEWF CONTEXT, BUT WE THINK APPLIES TO THIS. IN OTHER WORDS, BENDING OVER BACKWARDS WHEN REDEVELOPMENT PRESSURE IS ON IS SURELY NOT THE BEST FORM OF URBAN AEROBICS AND NO WAY TO MAKE THE CIVIC BODY BEAUTIFUL. AND WE'VE MENTIONED VANCOUVER. VANCOUVER HAS BEEN INVOKE UNDERSTAND THIS PROJECT. THERE ARE OBVIOUS LESSONS TO BE LEARNED FROM VANCOUVER, BUT NOT NECESSARILY WHAT THE DEVELOPERS WILL TELL YOU. VANCOUVER DEVELOPED THEIR CITY PLAN IN 1995. IT CONTAINED A SIMILAR CALL FOR MORE URBAN DENSITY. IT WAS YEARS IN DEVELOPMENT. THE PLAN ACKNOWLEDGED UNUSED ZONING CAPACITY. IT FOCUSED ON UP ZONING UNDERUTILIZED INDUSTRIAL AREAS AND IT CALLED FOR 20% SOCIAL HOUSING WHICH IS THEIR TERM FOR AFFORDABLE HOUSING. INTERESTINGLY WE FOUND THIS IN THE RESIDENTIAL TOWER DEVELOPMENT REGULATIONS. THE MIN MIM SITE DIMENSIONS ARE 75-FOOT STREET FRONTAGE,

MINIMUM LOT SIZE, 45,000 SQUARE FEET, STREET SET BACK, 40 FEET. MAXIMUM BUILDING HEIGHT OF 300 FEET. AND WE ASK YOU IF SPRING MEETS THESE. THE COMMUNITY INTERESTS ARE MAINTAIN THE TRANSITION ZONES, USE CURE APPROPRIATELY, PLAN FOR CHANGE. WE ASK THE CITY TO TRULY CONSIDER THESE AND IMPLEMENT A THOUGHTFUL PROCESS INSTEAD OF A PRECIPITOUS DECISION. THANK YOU.

Mayor Wynn: THANK YOU, MS. PASCOE. WE HAVE ABOUT 19 MINUTES LEFT. WELCOME MS. ARNOLD.

GOOD EVENING, MAYOR WYNN AND MEMBERS OF THE COUNCIL. MY NAME IS MARY ARNOLD. MY MAIN CONCERN IS THE IMPACT OF THIS PROPOSED BUILDING ON THE TOWN LAKE CORRIDOR, AND IN PARTICULAR IT LOOKS TO ME LIKE IT COULD BE A DOMINO EFFECT. IF THIS ONE IS APPROVED, WHY NOT THE GABLES JUST BELOW IT AT 200? WE DON'T KNOW WHAT'S BEING PLANNED AT SEAHOLM. COUNCILMEMBER MCCRACKEN MENTIONED A 25-STORY BUILDING POSSIBLE ON THE GREEN WATER TREATMENT PLANT. I'M JUST WORRIED THAT WE DON'T KNOW EXACTLY WHERE WE'RE GOING AND THAT WE NEED TO KIND OF STEP BACK AND TAKE A BETTER LOOK. ANOTHER THING THAT'S INTERESTING IS WE REALLY HAVEN'T THOUGHT ABOUT SOME THINGS THAT OTHER CITIES DO WHEN THEY'RE LOOKING AT TALL BUILDINGS, AND THAT IS THEY REQUIRE A WIND STUDY BECAUSE OF THE WAY THAT THE WINDS SWIRL AROUND AT DIFFERENT HEIGHTS. AUSTIN IS NOT NECESSARILY AS WINDY AS CHICAGO, BUT WE DO GET QUITE A FEW BIG WIND BURST. IS THIS GOING TO BLOW MY PAPER PLATE AWAY WHEN I SIT AT WHOLE FOODS OUTSIDE? IF WE'VE GOT WIND COMING IN OFF THE LAKE AND THERE'S A TALL BUILDING ON THE LUMBERMAN'S TRACT AND THEN THE TALL SPRING BUILDING, WHAT EFFECT IS THAT GOING TO HAVE ON THE PEDESTRIANS THAT WE WANT IN THAT AREA? I REALLY THINK THAT WE NEED TO THINK VERY CAREFULLY BEFORE APPROVING A BUILDING AS TALL AS THIS ONE. THE PICTURE THAT HAS COME INTO MY MIND IS WE'VE GOT THE NEW WHOLE FOODS BUILDING. IF YOU PUT THE WHOLE ENTIRE UNIVERSITY OF TEXAS TOWER ON TOP OF THE WHOLE FOODS BUILDING, THAT'S THE HEIGHT THAT YOU COULD GET WITH THE PROJECT AS BEING PROPOSED.

THAT'S A BIT MUCH ON THE BLUFF RIGHT ABOVE THE TOWN LAKE CORRIDOR. SO I URGE YOU TO LOOK AT ENVIRONMENTAL IMPACTS THAT HAVE NOT BEEN LOOKED AT. AND ALSO, IF YOU ARE MOVED TO PASS SOMETHING ON FIRST READING, I'M VERY, VERY CONCERNED BECAUSE THERE ARE A LOT OF THINGS THAT HAVE BEEN TALKED ABOUT THAT I DON'T THINK THE STAFF MENTIONED IN THEIR PROPOSED ORDINANCE, SUCH THINGS AS THE GREAT STREETS. THERE WAS MENTION THAT PERHAPS THERE WAS A RESTRICTIVE COVENANT ABOUT GREAT STREETS. WE CERTAINLY HAVEN'T SEEN IT. THE NOVAR FELLOW EVEN MENTIONED GREEN BUILDING. I HAVEN'T HEARD ANY MENTION OF GREEN BUILDING FROM THE SPRING PROPONENTS. THE ZONING ORDINANCE ITSELF IS SO IMPORTANT IN TERMS OF SPELLING OUT AND PUTTING IN WRITING SOME OF THE PROMISES. THE ZONING ORDINANCE IS THE ONLY PLACE WE GET TO THOSE DETAILS. IF YOU JUST GRANT THE CURE OVERLAY AT THIS EXTRAVAGANT HEIGHT WITH THE STAFF RECOMMENDATION OF THE 3,000 TRIPS PER DAY, WE'RE NOT GOING TO GET THE EXACT PROTECTIONS THAT HAVE BEEN PROMISED. SO I URGE YOU VERY MUCH, IF YOU SO FEEL, I'D LOVE FOR YOU TO DENY THIS ZONING CASE AT THIS TIME. PLEASE GIVE IT MORE TIME. USE THE PLANNING PROCESS. WE ALL WANT DOWNTOWN RESIDENTIAL. I LIVED IN LONDON, I LOVED THE HUMAN SCALE OF LONDON AND ITS GREAT GREEN PARKS, BUT IT DOESN'T HAVE 400-FOOT TALL BUILDINGS. AND I DON'T THINK THE BUILDINGS AROUND CENTRAL PARK ARE THAT TALL EITHER. THANK YOU ALL VERY MUCH. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] >>... THE PRESENTATION SPELLS OUT THE PROBLEMS THAT WE HAVE WITH THIS PROJECT. WE UNDERSTAND THE CALLS FOR -- FOR MORE RESIDENTIAL DOWNTOWN. THE IDEA OF PUTTING MORE DENSITY IN THE URBAN CORE TO PREVENT SPRAWL. WE APPRECIATE ALL OF THOSE GOALS. BUT WE CAN ACCOMPLISH EVERY ONE OF THOSE GOALS IN OUR EXISTING CENTRAL BUSINESS DISTRICT. PASSING THIS PROJECT TONIGHT WILL SET A MAJOR PRECEDENT THAT WILL IMPACT ALL OF OUR NEIGHBORHOODS. WHAT THE ISSUE TO US IS CLEARLY HOW DO WE DRAW A LINE IN THE SAND THAT THE FUTURE DEVELOPERS WILL RESPECT. IF NOT HERE, WHERE? WHERE DO WE DRAW A LINE IN THE

SAND? TO PRESERVE OUR NEIGHBORHOODS. AS WAS MENTIONED EARLIER, HOW THE POPULATION IN CENTRAL AUSTIN DECLINED SINCE 1940. YOU REALIZE THAT MOST OF IT DECLINED BECAUSE OF THE COMMERCIAL CREEP OF THE GROWTH OF THE COMMERCIAL AREAS ALONG CONGRESS. WE ARE FACING THE SAME THING, WE JUST MOVED THE PROBLEM A LITTLE BIT FURTHER TO THE WEST OR A LITTLE BIT FURTHER TO THE EAST OR A LITTLE BIT FURTHER TO THE SOUTH. BUT WHAT WE HAVE HEARD IS THAT -- THAT WELL WE'LL DO IT HERE BUT THEN WE'LL ADDRESS ALL OF THE ISSUES THAT ARE BROUGHT UP BY THIS LATER. I'M WONDERING, WELL, ALL OF YOU THAT MIGHT VOTE FOR THIS TONIGHT, WILL YOU AVAILABLE IN THE FUTURE, IN YEARS TO COME, WHEN THE NEXT SET OF DEVELOPERS AND THE NEXT CITY COUNCIL DECIDE TO MOVE THAT LINE IN THE SABD SAND ONE MORE TIME, A LITTLE BIT FURTHER WEST, A LITTLE BIT FURTHER SOUTH, A LITTLE BIT FURTHER NORTH, A LITTLE BIT FURTHER EAST? WILL YOU COME BACK AND PROTECT OUR NEIGHBORHOODS? I WOULD LIKE TO SPEAK FOR MYSELF FOR JUST A SECOND. EARLIER THIS EVENING, RICHARD TROXELL WAS GIVEN A PRESENTATION, A CERTIFICATE FOR SOME OF THE THINGS THAT ARE GOING ON WITH REGARD TO HOMELESS ISSUES IN THE CITY. AND HE MADE A COMMENT. HE SAID THIS YEAR 93 PEOPLE HOMELESS PEOPLE, HAVE DIED ON AUSTIN STREETS THIS YEAR. YET TONIGHT YOU WILL BE TAKING UP THIS ITEM NO. 71 LATER IN THE EVENING THAT REALLY BEGINS TO CRIMINALIZE BEING HOMELESS. YET YOU ARE LOOKING AT APPROVING A PROJECT THAT MEANS MILLIONS OF DOLLARS FOR DEVELOPERS THAT PROVIDES NO AFFORDABLE HOUSING. [ APPLAUSE ] THIS IS UNCONSCIONABLE FOR A CITY LIKE AUSTIN. HOW CAN WE DO THIS TO OUR PEOPLE? I SUGGEST VERY STRONGLY THAT WE LOOK AT CITY POLICIES TAKE SET THE PRECEDENT CORRECTLY FOR PLANNING FOR OUR GROAFT, PROVIDING THE GROWTH, PROVIDING INCENTIVES AND PROVIDING AFFORDABLE HOUSING AND WE DON'T APPROVE A PROJECT BECAUSE IT HAPPENS TO BE THE ONLY THING ON THE TABLE AT THE MOMENT. THANK YOU. [ APPLAUSE ]

THANK YOU, MR. JACK.

MAYOR, CITY COUNCIL, MY NAME IS BOB SWAFFORD, I'M THE



PRESIDENT OF THE JUDGE'S HILL NEIGHBORHOOD. IF YOU WILL REMEMBER THAT CURE MAP THAT WAS UP JUST A LITTLE WHILE AGO, PARDON ME, MY NEIGHBORHOOD IS THAT LITTLE ONE THAT'S SURROUNDED ON THREE SIDES BY CURE. AND THE FOURTH SIDE IS SURROUNDED, FOURTH SIDE, MARTIN LUTHER KING, JR., IS THE WEST UNIVERSITY CAMPUS AREA. WE JUST APPROVED A -- AN INCREASE IN DENSITY FOR THE WEST CAMPUS AREA. AND PART OF THAT PLANNING PROCESS INCLUDED THE SCALE BACK AS IT APPROACHED MARTIN LUTHER KING, JR. SO THAT MY NEIGHBORHOOD IS PROTECTED IN THAT TRANSITIONAL AREA THAT WE HAVE TALKED ABOUT. ONE -- ONE REASON WHY THAT'S DONE -- TAFS DONE WAS BECAUSE IT WENT THROUGH THE PLANNING PROCESS. DOWNTOWN AUSTIN IS SCHEDULED TO GO THROUGH THE PLANNING PROCESS IN THE NEXT SIX MONTHS OR A YEAR. AND I THINK AT THAT TIME THE -- THE CONSTITUENTS OF THE WHOLE CITY AND THE RESIDENTS OF DOWNTOWN, MYSELF A RESIDENT OF DOWNTOWN, WILL HAVE A CHANCE TO EXAMINE IN A NEW WAY WHAT'S IMPORTANT FOR DOWNTOWN. AND TO SET SOME PRIORITIES. LET'S HOPE THAT WE HAVE A CHANCE TO SAVE SOME OF THE THINGS THAT MAKE DOWNTOWN AUSTIN WHAT IT IS. WE HAD A GREAT PLAN AND IT WAS SET UP, THERE WAS FOUR PUBLIC SQUARES, WE HAD AN EAST AVENUE AND A WEST AVENUE AND ALL OF THE ARRIVESS RIVERS IN BETWEEN. WE DON'T HAVE AN EAST AVENUE ANYMORE. WE ONLY HAVE THREE PUBLIC SQUARES DOWNTOWN. SO THINGS HAPPEN, PLANNING IS IMPORTANT. SO LET'S PUT OFF GIVING AWAY ALL OF THE VALUABLE RESOURCES OF DOWNTOWN UNTIL WE HAVE A CHANCE TO DO THAT PLANNING PROCESS. IT'S COMING UP VERY SHORTLY. THANK YOU.

THANK YOU, SIR. WELCOME, YOU HAVE ABOUT 8 MINUTES LEFT.

I WILL BE SHORT.

MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, I'M COREY WALTON, VICE-PRESIDENT OF THE BOULDIN CREEK NEIGHBORHOOD ASSOCIATION. I -- I WANT TO ECHO BASICALLY ALL OF THE POINTS MADE BY OUR FELLOW NEIGHBORHOOD PRESENTERS AND I WANTED TO ASK

MYSELF ON THE WAY UP HERE, A COUPLE OF THE PROPONENTS PRESENTERS MENTIONED THE FACT THAT -- THAT PRIOR TO 1940 DOWNTOWN AUSTIN HAD A POPULATION OF SOME 20,000 PEOPLE AND I ASKED MYSELF, WELL, WHERE WERE THE HIGH RISES THAT HOUSED ALL OF THOSE PEOPLE THEN? I THINK THAT THE PROBLEM WITH THIS PROJECT AND THE OBJECTIONS TO IT, I'M NOT A REALTOR, BUT I'VE HEARD FROM LOTS OF REALTORS OVER AND OVER AGAIN THE WORD LOCATION. LOCATION, LOCATION. MEMBERS OF MY NEIGHBORHOOD ASSOCIATION ARE ALL IN FAVOR OF -- OF THE INCREASE IN POPULATION AND VIBRANCY OF DOWNTOWN AUSTIN BUT WE -- WE CONSIDERED DOWNTOWN HEIGHT TO BE APPROPRIATE TO ALL OF THAT UNUSED AND UNDEVELOPED SPACE IN THE CENTRAL BUSINESS DISTRICT. I WON'T GO INTO OTHER ISSUES, I'LL LEAVE IT WITH THAT, I THANK YOU FOR YOUR TIME. PLEASE CONSIDER VERY CAREFULLY BEFORE -- BEFORE A VOTE FOR THIS PROJECT, THANKS AGAIN.

THANK YOU, SIR.

WELCOME, KATHRYN.

GOOD EVENING, COUNCIL AND MAYOR, MAYOR PRO TEM. KATHRYN, REPRESENTING THE GALINDO ELEMENTARY NEIGHBORHOOD ASSOCIATION. OUR EXECUTIVE COMMITTEE VOTED TO OPPOSE THIS REZONING, SPOT ZONING AND THE LACK OF VISION AND RESPECT FOR COMPREHENSIVE PLANNING PROCESSES SUCH AS THAT WHEN CREATED THE CURRENT DMU TRANSITION ZONING IS THE EXACT CAUSE OF SPRAWL AND OTHER URBAN PROBLEMS. WE WILL HAVE INCREASED DENSITY, HEIGHT AND SERVICES IN THE CDB WHETHER OR NOT THIS PIECE OF LAND IS INAPPROPRIATELY REZONED OR NOT. SO I HOPE YOU GUYS VOTE NO. THANKS.

Mayor Wynn: THANK YOU. ABOUT FIVE MINUTES LEFT.

MAYOR AND COUNCILMEMBERS, MY NAME IS DONNET, PRESIDENT OF THE SOUTH RIVER CITY NEIGHBORHOOD ASSOCIATION, MY NEIGHBORHOOD VOTED TO OPPOSE THE REZONING OF THE SPRING CONDOMINIUM PROJECT. THIS COULD BE A REALLY GREAT PROJECT, OUR ISSUE WITH IT IS NOT THE PROJECT ITSELF, IT'S THE LOCATION. WE SUPPORT

AND ENCOURAGE HIGH RISE BUILDINGS AND INTENSIFICATION, DENSIFICATION IN AUSTIN'S CBD. BUT AUSTIN NEEDS TO BALANCE PROTECTING AND PRESERVING ITS MORE TRADITIONAL NEIGHBORHOODS, INCLUDING THOSE THAT ARE CLOSE TO THE CBD LIKE OURS. PLEASE SUPPORT PROTECTION FOR OUR OLDER TRADITIONAL RESIDENTIAL NEIGHBORHOODS BY MAINTAINING THE INTEGRITY OF THE ZONING BUFFERS BETWEEN OUR NEIGHBORHOODS AND THE HIGH INTENSITY, HIGH RISES OF THE CBD. WE ARE VERY CONCERNED ABOUT THE PRECEDENT THAT WILL BE SET. YOU WILL HAVE OTHER DEVELOPERS, OWNERS WITH EXISTING DMU ZONING VYING TO BE ALLOWED THE BONUSES OF CBD HEIGHTS AND DENSITY, YOU WILL HAVE OTHER DEVELOPERS AND PROPERTY OWNERS IN OUR NEIGHBORHOODS CLAMORING FOR UPZONING TO DMU. INDEED THERE ARE ALREADY DEVELOPERS IN SEVERAL AREAS SOUTH OF TOWN LAKE, INCLUDING ONE IN OUR NEIGHBORHOOD, WHO HAVE RECENTLY PUT IN REQUESTS FOR UP ZONING TO DMU IN ANTICIPATION OF THE POTENTIAL HUGE WINDFALL THAT THEY COULD NOW STAND TO GAIN. I WANT TO ALSO ADD THAT BECAUSE THE HEIGHTS AND DENSITY IN SIGNIFICANT EXCESS OF CURRENT ZONING SERVES AS AN ECONOMIC WINDFALL FOR DEVELOPERS, THESE KINDS OF BONUSES SHOULD ONLY BE CONSIDERED IN THE CONTEXT OF COMPREHENSIVE PLANNING AND AMENITIES, BENEFITS, GIVEN BACK TO THE CITY AND COMMUNITY. THANK YOU VERY MUCH.

WELCOME.

MAYOR, MEMBERS, MY NAME IS PAUL SEALS, I'M A RESIDENT OF THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION. I'M APPEARING BEFORE YOU TONIGHT IN MY CAPACITY AS VICE CHAIR OF THE OWANA STEERING COMMITTEE. AS THESE OTHER NEIGHBORHOOD ASSOCIATIONS CLOSE TO DOWNTOWN, WE -- WE VOTED TO OPPOSE THIS PROJECT, NOT BASED UPON ISSUES RELATED TO ENCOURAGING RESIDENTIAL MIXED USE DEVELOPMENT IN THE DOWNTOWN AREA BUT SIMPLY BASED ON ITS LOCATION IN THE CONTEXT OF THE AVAILABILITY OF OTHER PROPERTIES SUITABLY ZONING -- SUITABLY ZONED FOR A PROJECT LIKE THIS. I -- I LIVE IN MY NEIGHBORHOOD AND I WORK DOWNTOWN. AND

I'M COMMITTED TO -- TO ENCOURAGING AND HELPING WITH THIS -- WITH THIS INTENSE DEVELOPMENT, ENCOURAGING RESIDENTIAL DEVELOPMENT. I'M OLD ENOUGH TO REMEMBER THE RESIDENCES IN THE DOWNTOWN AREA AND HAD FRIENDS THAT LIVED DOWN THERE. AND THE -- ONE OF THE OTHER SIGNIFICANT THINGS WITH RESPECT TO THE OWANA'S VOTE, THE STEERING COMMITTEE'S VOTE TO OPPOSE THIS HAD TO DO WITH WHERE THIS IS IN THE CONTEXT OF THE PLANNING PROCESS, AS OTHER SPEAKERS MENTIONED, THERE NEEDS TO BE THIS -- A PROJECT LIKE THIS NEEDS TO FIT WITHIN THE COMPREHENSIVE PLAN FOR THE DOWNTOWN AREA IN WHICH ALL OF THE STAKEHOLDERS, INCLUDING OTHER NEIGHBORHOODS, FOR WHICH THE DOWNTOWN AUSTIN IS PART OF THEIR COMMUNITY AND PART OF THEIR NEIGHBORHOOD CAN PARTICIPATE IN. AND WITH THAT -- GIVEN THE LIMITED NUMBER OF SPEAKERS, I WOULD ASK ALL OF THOSE IN THE AUDIENCE WHO ARE SIGNED UP IN OPPOSITION, WHO WON'T HAVE AN OPPORTUNITY TO SPEAK, TO AT LEAST INDICATE THEIR OPPOSITION. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. SEALS.

HOW MUCH TIME LEFT.

Mayor Wynn: A MINUTE, 32 SECONDS, PLENTY OF TIME.

I'M JEFFREY ANDRON, I LIVE ON RED RIVER. YOU ARE GIVING AWAY ABOUT 300 FEET OF AIR RIGHTS PERMITTING CONSTRUCTION OF 23 ADDITIONAL FLOORS AND INCREASING THE SALES VALUE OF THE PROPERTY BY \$1.5 MILLION PER FLOOR. THE GIFT TO AIR RIGHTS INCREASES THE PROJECT'S VALUE IN EXCESS OF \$33 MILLION. THE DEVELOPERS ARE FOOLS IF THEY CANNOT EARN AN ADDITIONAL FOUR TO \$8 MILLION ON THIS GIFT OF AIR RIGHTS. IF THIS PROJECT WERE IN NEW YORK, NOT EVEN ONE ADDITIONAL FLOOR OF AIR RIGHTS WOULD BE GRANTED WITHOUT THE CITY'S RECEIPT OF COMPENSATION, COMMENSURATE WITH THE GIFT. WITH EXCHANGE FOR GRANT OF AIR RIGHTS, WHY DON'T YOU INSIST THAT THE SPRING SPEND \$6 MILLION PURCHASING LAND FOR EXPANSION OF TOWN LAKE PARK? OR BUILD \$6 MILLION OF

AFFORDABLE HOUSING. THE ZONING IS THERE FOR A REASON. IT REPRESENTS THE WISHES, THE CITIZENS OF THIS CITY CODIFIED INTO LAW. MOST OF THE CITIZENS WHO CREATED AND APPROVED THE DMU ZONING DESIGNATION CONTINUE TO BE RESIDENTS OF THIS CITY. WE INTEND IT TO PROTECT THE TOWN LAKE PARK AND SPECIAL DOWNTOWN NEIGHBORHOODS WHICH GIVE AUSTIN SO MUCH OF ITS SPECIAL CHARACTER. AS PEOPLE FIND OUT WHAT YOU ARE DOING, I EXPECT THEY WILL BE INSULTED AND OUTRAGED BY THIS PROPOSAL AND ESPECIALLY THE RAILROAD JOB THAT YOU SEEM TO BE GIVING IT. WE SHOULD BE GIVEN MORE TIME. THIS SHOULD NOT BE THE ONLY TIME THAT YOU HEAR FROM THE CITIZENS ABOUT THIS ISSUE [BUZZER SOUNDING] THANK YOU FOR AT LEAST LISTENING TO THAT MUCH. [APPLAUSE]

Mayor Wynn: SO IN ADDITION -- SO THOSE ARE ALL OF THE CITIZENS BEFORE THE REBUTTAL. WITHOUT HAVING TO TAKE UP EVERYBODY'S TIME, I WON'T READ THEM INTO THE RECORD NOW, BUT MS. BROWN WILL INTRODUCE THEM INTO THE RECORD. WE HAD 28 CITIZENS WHO SIGNED UP NOT WISHING TO SPEAK IN OPPOSITION, AND 68 PEOPLE WHO SIGNED UP NOT WISHING TO SPEAK IN FAVOR OF THE ZONING CASE. SO WE WILL PUT THOSE NAMES INTO THE RECORD LATER. MS. ZUNIGA? FIVE MINUTE OR MR. HORSHAU, WELCOME.

MAYOR, COUNCILMEMBERS, THANK YOU FOR THE OPPORTUNITY TO BE HERE TODAY. MY PARTNERS PRESENTED THE BENEFITS OF THE -- THE PROJECT'S BENEFITS AND THE ISSUES THAT WERE CONSIDERED BY ZONING AND PLATTING IN A FOUR WEEK PROCESS OF THE SUBCOMMITTEE MADE THE CASE FOR STAFF RECOMMENDATION OF 400 FEET. I'M NOT GOING TO REHASH ALL OF THAT, REALLY MOST OF THE ARGUMENTS THAT THE OPPOSITION RAISED WERE VET UNDERSTAND THAT FOUR OR FIVE WEEK PROCESS WITH ZONING AND PLATTING. BUT I DO WANT TO EMPHASIZE A FEW KEY POINTS. THE SPEAKERS IN FAVOR OF THE PROJECT ARE NOT JUST SPEAKING IN AN INDIVIDUAL CAPACITY. THEY ARE COMMUNITY LEADERS REPRESENTING LITERALLY THOUSANDS OF CONSTITUENTS. THE CLOSEST NEIGHBORHOOD ORGANIZATIONS, EVERY DOWNTOWN ORGANIZATION, ALL RELEVANT BOARDS AND

COMMISSIONS, NEIGHBORING BUSINESSES AND OUR REGIONAL ENVIRONMENTAL LEADER HAVE ALL ENDORSED THIS PROJECT. ALSO TALL DOES NOT MEAN INTENSE. THERE'S AN UNDERSTANDABLE ASSUMPTION THAT A TALL BUILDING AUTOMATICALLY MEANS AN INTENSE USE WITH MORE TRAFFIC AND MORE PROBLEMS. PERHAPS THE MOST INTENSE USE IN DOWNTOWN AUSTIN TODAY IS WHOLE FOODS, WHICH SITS AS A BUFFER BETWEEN SPRING AND THE NEIGHBORS TO THE NORTHWEST. WHAT MATTERS NOT IS HEIGHT OR DENSITY, BUT THE BUILDING USE AND RESIDENTIAL IS A LOW INTENSITY USE, EVEN AT 400 FEET. SPRING IS OVER 1300 FEET FROM ANY SINGLE FAMILY HOME IN OLD WEST AUSTIN. AND OVER 3600 FEET FROM ANY RESIDENT TO THE SOUTH. OPPONENTS HAVE TALKED ABOUT CBD. IT STANDS FOR CENTRAL BUSINESS DISTRICT. WE ARE NOT BUILDING A CBD BUILDING, WE ARE BUILDING A MIXED USE RESIDENTIAL BUILDING CONSISTENT WITH THE ZONING. ALSO I WANT TO POINT OUT THAT THROUGH THE ZONING AND PLATTING PROCESS STAFF POINTED OUT THAT THERE WERE VERY FEW SITES THAT COULD ACTUALLY BE DEVELOPED TO A POINT TOWER IN THIS MANNER. TALK ABOUT TOWN LAKE PARK AND SPRING LIES OUTSIDE OF THE TOWN LAKE OVERLAY. IT'S INTENDED AS A BUFFER FOR THE PARK. THE OPPOSITION IS NOT ASKING YOU TO BUFFER THE PARK, THEY ARE ASKING YOU TO BUFFER THE BUFFER, THIS IS NOT A REASONABLE POSITION. IN FACT, BY BRINGING MORE RESIDENTS TO THIS AREA, MORE PEOPLE WILL BE ABLE TO ENJOY AMENITIES LIKE TOWN LAKE PARK, THE LONG CENTER AND HIKE AND BIKE TRAIL WITHOUT DRIVING A CAR. WE ARE NOT SEEKING ANY TAXPAYER SUBSIDIES, FOR YEARS THE CITY HAS HAD A POLICY OF OFFERING TENANTS DOWNTOWN, SPRING IS AN OPPORTUNITY FOR TAXPAYERS TO GET A RETURN ON THIS INVESTMENT. SPRING 400 FEET WILL ADD OVER \$1.6 MILLION TO THE TAX BASE, FAR MORE REVENUE. TAXPAYERS ARE NOT SUBSIDIZING SPRING ON THE CONTRARY SPRING IS SUBSIDIZING THE TAXPAYERS. WE ARE PLEASED THAT SPRING CAN BE A CATALYST FOR A BROADER POLICY DISCUSSION, REGARDING HIGH RISE RESIDENTIAL. BEFORE THE CITY SPENDS THOUSANDS OF HOURS AND THOUSANDS OF DOLLARS ON A POLICY INITIATIVE, SPRING OFFERS THE OPPORTUNITY TO PROVE THAT DOWNTOWN HIGH RISE

RESIDENTIAL IS INDEED VIABLE. WE KNOW FROM DISCUSSIONS WITH ALL OF YOU THAT YOU UNDERSTAND THAT UNTIL THE MARKET AND PRODUCT ARE PROVEN, ADDITIONAL BURDENS ONLY DECREASE CHANCE FOR SUCCESS FOR THIS TYPE OF DEVELOPMENT. ONLY RAISE DOWNTOWN HOUSING COSTS. THAT BEING SAID, WE ARE NOT INSENSITIVE TO WHAT WE HAVE HEARD BOTH AT THE ZONING AND PLATTING COMMISSION AND FROM THE COMMUNITY AT LARGE. THEREFORE, ON BEHALF OF MY PARTNERS, I AM PLEASED TO ANNOUNCE THAT WITH THE STAFF RECOMMENDATION WE CAN OFFER THE FOLLOWING ADDITIONAL COMMITMENTS: THE SHOAL CREEK GREEN WAY IS THE MISSING LINK IN THE DOWNTOWN TRAIL SYSTEM. IN RESPONSE TO THE GREAT WORKING AND SUGGESTIONS OF TED SITH, WE PLEDGE FOR EVERY UNITS SOLD WE ARE DONATE \$500 TO THE FUTURE MAINTENANCE OF SHOAL CREEK. THIS CONTRIBUTION TO THE AUSTIN PARKS FOUNDATION WILL AMOUNT TO OVER \$100,000. SECONDLY, WE SUPPORT AFFORDABLE HOUSING EFFORTS IN THE URBAN CORE, THROUGH THE LEADERSHIP OF COUNCILMEMBER ALVAREZ, MAYOR PRO TEM THOMAS AND OTHERS THE CITY IS CREATING THE ZONE WHERE ELDERLY AND -- RATHER THAN RESECRET THE WHEEL, WE WANT TO PIG BEE BACK A PRIVATE EFFORT ON THIS PUBLIC PROGRAM. WE PLEDGE ONE DOLLAR FOR EVERY SQUARE FOOT IN THE BUILDING ABOVE 120 FEET. MONEY WILL GO TO A LOCAL HOUSING NON-PROFIT AND BE PART OF A PRIVATELY FUNDED HOMEOWNERS ASSISTANCE PLAN. THIS CONTRIBUTION IS ACTUALLY DOUBLED THE DENSITY BONUS CONCEIVED IN UNO, WILL GENERATE MORE THAN \$150,000. THIS CONTRIBUTION CAN HELP DOZENS OF HOMEOWNERS KEEP THEIR HOMES DESPITE THE ESCALATING PROPERTY VALUES. TO ASSURE THESE CONTRIBUTIONS DON'T COME OUT OF THE BUYERS POCKETS, COME FROM OUR PROFIT, THEY WILL APPEAR ON EVERY CLOSING STATEMENT AS A CONTRIBUTION FROM THE SELLERS PROCEEDS. THERE'S BEEN DISCUSSION FROM THE OPPOSITION TONIGHT ABOUT PRECEDENT. WE HOPE THAT THESE CONTRIBUTIONS OF OVER A QUARTER OF A MILLION DOLLARS WILL INDEED SET A POSITIVE PRECEDENT FOR FUTURE PROJECTS TO COME.

I WANT TO STRESS THAT NO CITY OFFICIAL IN ANY KIND OF

CITY OFFICIAL CAPACITY SUGGESTED THESE CONTRIBUTIONS, THEY ARE ENTIRELY VOLUNTARY ON OUR PART. MAYOR, COUNCIL, STANDING BEFORE YOU TODAY, YOU HAVE A LOCAL DEVELOPMENT TEAM READY TO GET TO WORK. ON BEHALF OF OUR TEAM, THE DOWNTOWN NEIGHBORHOODS, SMALL BUSINESSES IN THE AREA, AND ALL CITIZENS WHO WANT A GREAT DOWNTOWN, GREAT STREET SCAPES AND A SUSTAINABLE AUSTIN, THANK YOU FOR YOUR CONSIDERATION. WE HOPE THAT YOU WILL SPRING AUSTIN FORWARD TODAY BY VOTING FOR THE STAFF RECOMMENDATION OF 400 FEET, THANK YOU FOR YOUR SERVICE AND WE ARE AVAILABLE FOR ANY QUESTIONS. [ APPLAUSE ]

THANK YOU.

Mayor Wynn: THANK YOU ALL TO EVERYBODY ON BOTH SIDES FOR ALLOWING THE FLEXIBILITY TO WAIVE COUNCIL RULES. I THINK WE GOT PLENTY OF TESTIMONY ON BOTH SIDES AND CAN HAVE A GOOD DEBATE. QUESTIONS, COMMENTS, COUNCIL? OF STAFF OR NEIGHBORS OR PARTS OF THE TEAM? IF NOT I'LL ENTERTAIN A MOTION ON ITEM Z-18. COUNCILMEMBER MCCRACKEN?

McCracken: I WANT TO START OFF BY SAYING THAT THIS HAS BEEN AN ISSUE THAT WE ARE HEARING TONIGHT THAT -- THAT HAS BEEN -- HAS BEEN ISSUE OF INTENSE PUBLIC INTEREST, A LOT OF PUBLIC DISCOURSE AND ENORMOUS AMOUNT OF PROCESS. IN FACT AN UNUSUAL AMOUNT OF PROCESS AND THAT'S FINE. BUT -- BUT THAT -- ALL THAT SAID, WE DON'T COME IN WITH A BLANK SLATE TONIGHT AS A COUNCIL BECAUSE THIS HAS BEEN ONE OF THE TOP TWO OR THREE TOPICS AT CITY HALL FOR GOING ON THREE MONTHS IT FEELS LIKE. WE HAVE SOME URBAN PLANNING GOALS THAT WE HAVE BEEN WORKING TOWARD FOR OVER A DECADE. AND THOSE ARE IN PARTICULAR THAT -- THAT WE WANT TO ENCOURAGE DENSITY, LIVING IN THE URBAN CORE AS OPPOSED TO SUBURBAN SPRAWL BECAUSE WE ALL KNOW WHAT WE LOVE ABOUT AUSTIN IS THE GREEN HILLS, THE GREEN SPACES, WHEN MORE FOLKS LIVE IN THE URBAN CORE, THAT MAKES THAT POSSIBLE. NOT BECAUSE JUST THEY ARE LIVING DOWNTOWN BUT THE TAX BASE RATIO IS SO MUCH BEFT DOWNTOWN. THERE IS A -- THERE IS



ANOTHER ISSUE IS THAT -- THAT THESE SEAHOLM AREA HAS THE OPPORTUNITY TO BECOME THE NEXUS FOR OUR REGIONAL AND URBAN RAIL SYSTEM. WE ARE WORKING TOWARDS THE COUNCIL AS A COMMUNITY HAVING URBAN RAIL DOWNTOWN. BETWEEN GEORGETOWN, AUSTIN AND SAN ANTONIO. AND SO WHEN YOU HAVE -- YOU HAVE TO HAVE FOLKS LIVING NEAR THE RAIL STATIONS TO SUPPORT THE STATIONS IN ORDER TO BE ECONOMICALLY VIABLE. THEN -- THEN ANOTHER IMPORTANT ISSUE THAT THE HEIGHT OF THE BUILDING, IN AN URBAN AREA, DOES NOT MATTER AS MUCH AS THE RELATIONSHIP IN THE BUILDING TO THE STREET. IF THE BUILDING HAS SOME KIND OF GATES AROUND IT OR FACES INWARD, DOESN'T MATTER WHERE IT IS, IT'S GOING TO BE A FAILURE IN TERMS OF PRODUCING A PEDESTRIAN FRIENDLY ENVIRONMENT. THIS BUILDING, AND THE BUILDING BEFORE, BOTH -- DO HAVE THE NECESSARY URBAN PLANNING COMPONENTS DESIGNED, THEY ARE FUNCTIONALLY BUILDINGS THAT WILL PRODUCE A BREAD STRENGTH FRIENDLY ENVIRONMENT AND SERVE THE URBAN PLANNING GOALS OF A VIBRANT DOWNTOWN. I GOT THE OPPORTUNITY TO GO TO CHICAGO LAST YEAR. AND THAT IS A CITY THAT -- BY YOU KNOW I THINK A LOT OF THE CONTENTS THAT WE HAVE HEARD TONIGHT, THAT THEY SHOULD HAVE PLAYED OUT IN CHICAGO, I KNOW MAYOR WYNN LIVED IN CHICAGO AND THAT IS A CITY WHERE THE RESIDENCES, TALL RESIDENCES IN THE URBAN CORE HAVE PRODUCED AN INCREDIBLE QUALITY OF LIFE, A BEAUTIFUL, WONDERFUL CITY WITH A LOT OF GREAT PUBLIC SPACES, ACTUALLY SOMETHING AROUND 70% OF THAT METRO AREA IS RETAIL IS IN THE URBAN RANCOR DOWNTOWN CHICAGO, IT'S MADE POSSIBLE BY PEOPLE LIVING THERE. THE FINAL POINT IS WHEN YOU HAVE IN FILL DEVELOPMENT, WE DON'T HAVE TO BUILD NEW FIRE STATIONS, NEW PARKS, WE DON'T HAVE TO BUILD NEW LIBRARIES BECAUSE THOSE ARE ALREADY IN PLACE, IT'S TAX MONEY GOING ON, THIS WILL GO FROM 39,000 TO \$1.65 MILLION OF PROPERTY TAX RECEIPTS A YEAR. THAT IS AN INCREDIBLE BONUS, VIRTUALLY NO TRAFFIC AS A RESULT OF THAT, ALL OF THAT SAID, MAYOR, I MOVE TO APPROVE THE STAFF RECOMMENDATION ON ALL THREE READINGS.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER

MCCRACKEN TO CLOSE THE PUBLIC HEARING AND APPROVE ON ITEM Z-18 STAFF RECOMMENDATION ON ALL THREE READINGS, I WILL SECOND THAT. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: THANK YOU, MAYOR. I WANT TO THANK EVERYBODY FOR COMING OUT AND PARTICIPATING AND BELIEVE IT OR NOT I SAW THE WHOLE DEBATE ON THE -- WHEN I WENT BEFORE ZONING AND PLATTING COMMISSION -- WHEN IT WENT BEFORE THE ZONING AND PLATTING COMMISSION. I TOO WATCH CHANNEL 6 SOMETIMES. BUT CERTAINLY YOU HAVE TO WATCH THIS PROGRESS AS IT -- AS -- THIS PROJECT AS IT PROGRESSES THROUGH THE PROCESS -- AND CERTAINLY SEEN A -- AN INCREASE IN THE LEVEL OF INTEREST, PUBLIC INTEREST AND -- AND -- AND IT'S BEEN -- I THINK A GOOD -- ON A GOOD DISCUSSION, YOU KNOW, VERY -- I THINK VERY GOOD ISSUES FOR THE COMMUNITY TO BE CONSIDERING AND -- AND I THINK -- MAINLY I THINK THE -- I HEARD IT, SEVERAL PEOPLE SAY IT, THAT -- THAT THEY SUPPORTED THE PROJECT BUT THEY WISH IT WAS IN ANOTHER LOCATION. AND SO I HAVE TRIED TO -- I KIND OF STRUGGLED WITH IT FROM THE BEGINNING. AND BECAUSE OF THE LOCATION, TRIED TO REALLY ANALYZE THE MAIN ISSUES ABOUT LOCATION AND HOW IT AFFECTED THE COMMUNITY, THE NEIGHBORHOOD, THAT PART OF DOWNTOWN, AND SO THE BIG -- I THINK TYPICALLY THE BIG QUESTIONS OR THE BIG ISSUES WERE TRANSPORTATION OR TRAFFIC IS ALWAYS A BIG ISSUE WITH NEW ANY DEVELOPMENTS, SO I TRIED TO TAKE A CLOSE LOOK AT THAT ISSUE. CERTAINLY HEIGHT WAS ANOTHER KEY ISSUE THAT EVERYONE SEEMED INTERESTED IN AND THEN I HEARD A LOT OF COMMENT ABOUT -- BUT ON THE TRANSPORTATION SIDE, OBVIOUSLY IT'S A VERY TALL BUILDING, YOU ARE LOOKING AT -- AT LESS THAN 2,000 TRIPS PER DAY. AND WE APPROVE -- VERY SMALL -- YOU KNOW, 40-FOOT -- 40-FOOT COMMERCIAL PROJECTS, YOU KNOW, EVERY MEETING THAT PRODUCED YOU KNOW ABOUT THAT MANY TRIPS PER DAY. SO -- SO FROM A TRAFFIC POINT OF VIEW, IT REALLY -- IT REALLY HAD A LOW TRAFFIC IMPACT AND -- BUT BECAUSE OF ITS LOCATION IN DOWNTOWN, CERTAINLY THE HOPE IS THAT -- THAT -- THAT MAYBE THOSE -- THE NUMBER OF TRIPS ACTUALLY GENERATED WILL BE

EVEN LESS IF THOSE FOLKS ARE WORKING DOWNTOWN OR ACTUALLY ARE TAKING ADVANTAGE OF THE -- OF THE ALTERNATIVE TRANSPORTATION OPPORTUNITIES WHETHER IT'S BIKING OR WALKING OR JUST HOPPING ON THE DILLO, WHICH YOU KNOW -- WHICH GOES RIGHT BY ON FIFTH STREET AND SIXTH STREET. AND AGAIN YOU KNOW THE -- THE DIRECT CONNECTION TO THE TOWN LAKE HIKE AND BIKE TRAIL AND TO THE PFLUGER BRIDGE, I THINK REALLY -- REALLY MAKES SENSE IN TERMS OF -- IN TERMS OF THIS PARTICULAR PROJECT AND -- AND FOR THE TRANSPORTATION ISSUES ASSOCIATED WITH THE PROJECT. IN TERMS OF THE HEIGHT, YOU KNOW, I THINK THERE'S TWO, SORT OF TWO ISSUES THAT -- THAT WE HEAR ABOUT ON THAT REGARD, ONE IS -- ONE IS THE VISUAL IMPACT FROM TOWN LAKE AND I THINK WE HAVE HEARD THAT THIS IS ACTUALLY, YOU KNOW, OVER A THOUSAND FEET FROM TOWN LAKE AND THAT THERE'S A LOT OF -- OF VERY TALL BUILDINGS ACTUALLY CLOSER THAN THAT TO TOWN LAKE IN -- IN THE CBD BUT -- AND IF THIS PARTICULAR PROJECT WAS SORT OF AN ISOLATED PROJECT, I WOULD HAVE HAD A LITTLE MORE HESITATION ABOUT SUPPORTING THE PROJECT THAT WE JUST APPROVED ABOUT FOUR BLOCKS AWAY OF 400 -- I THINK 440-FOOT RESIDENTIAL TOWER THAT'S ACTUALLY CLOSER TO TOWN LAKE AND SURPRISINGLY WE DIDN'T REALLY HEAR MUCH OPPOSITION TO THAT PARTICULAR PROJECT EVEN -- AGAIN EVEN THOUGH FROM THE TOWN LAKE IMPACT IT ACTUALLY -- I THINK IT'S TALLER, IT ACTUALLY IS CLOSER TO TOWN LAKE AND WILL ACTUALLY HAVE A BIGGER IMPACT AND BETWEEN THOSE TWO -- 400-FOOT BUILDINGS THERE'S A -- ABOUT A 300-FOOT BUILDING AND SO YOU ACTUALLY SEE THAT -- THAT IT'S NOT NECESSARILY GOING TO BE AN ISOLATED HIGH RISE, PER SE, BUT -- BUT ONE OF SEVERAL NEW FACILITIES THAT ARE GOING TO -- GOING TO I THINK BRING A LOT OF PEOPLE TO DOWNTOWN AND CREATE A LOT OF THE DEMAND THAT WE -- THAT IS NEEDED TO ENCOURAGE THE ADDITIONAL RETAIL, I THINK, THAT WE ALL WANT TO SEE TO - - TO CREATE THAT 24 HOUR DOWNTOWN. NOW, THE OTHER HYPE RELATED ISSUE OBVIOUSLY COMES FROM THE NORTH SIDE -- HEIGHT RELATED ISSUE COMES FROM NORTH SIDE POTENTIALLY AND WOULD REFER TO CONCERNS FROM OWANA, OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION,

ABOUT THE PROXIMITY TO ITS NEIGHBORHOOD BOUNDARY. BUT IN THAT REGARD, THE BUILDING ITSELF IS MORE THAN A THOUSAND FEET ACTUALLY FROM THE CLOSEST RESIDENCE AND THUS BECAUSE IT'S A VERY, YOU KNOW, ACTUALLY SMALL FOOTPRINT OF THIS BUILDING, IT'S NOT GOING TO BLOCK LIKE ALL OF TOWN LAKE FOR ANY PARTICULAR HOME OWNER OR RESIDENT OF THAT NEIGHBORHOOD. LIKE I SAID THERE WILL BE OTHER HIGH RISES, YOU KNOW, IN THAT DIRECTION, YOU KNOW, FACING TO THE SOUTH THAT I THINK WILL CREATE -- THAT WILL SHOW AGAIN THAT THIS IS NOT AN ISOLATED PROJECT PER SE. APPROXIMATE I THINK THAT CONCERNS ABOUT THIS BEING A PRECEDENT, HOW THIS MIGHT IMPACT THE FUTURE PROPOSALS NEAR LAMAR I THINK YOU KNOW CAN BE SOMEWHAT ALLAYED AGAIN IF YOU APPLY THE SAME STANDARD THAT, YOU KNOW, THAT YOU ARE NOT GOING TO APPROVE ANY BUILDINGS OVER 120 FEET OR LESS, IF THERE ARE A THOUSAND OR 1200 WHATEVER DISTANCE THIS IS FROM THE CLOSEST RESIDENCE IS TO TRY TO ADOPT THAT AS A STANDARD SO THAT AGAIN YOU DON'T HAVE THAT OBSTRUCTION THAT -- THAT IMPACT ON THE VIEWS FROM THAT PARTICULAR NEIGHBORHOOD, YOU KNOW, TO DOWNTOWN AND TO THE SOUTH. PER SE. AND THEN FINALLY, I DO THINK THAT BECAUSE WE ARE SEEING MORE OF THIS KIND OF DEVELOPMENT, I THINK ONE OF THE THINGS THAT VANCOUVER DID DO IS HAVE A MINIMUM SPACING BETWEEN THESE SORT OF POINT TOWERS OR THESE TALL BUILDINGS AND THAT THAT BE ANOTHER WAY THAT WE TRY TO ADDRESS THE ISSUE OF THE SKYLINE, OF THERE BEING MAYBE TOO MUCH OF A MASSING, YOU KNOW, TOO MANY BUILDINGS CLOSE TO EACH OTHER THAT DO CREATE -- A NEGATIVE AESTHETIC IN TERMS OF -- IN TERMS OF THAT PARTICULAR QUADRANT OR SEGMENT OF DOWNTOWN. SO -- SO I DO THINK THERE ARE SOME -- SOME -- SOME PLANNING ISSUES TO ADDRESS. I DO THINK THAT -- THAT THERE ARE ENOUGH -- I DON'T KNOW I THINK THAT THERE ARE -- THAT A LOT OF THE ISSUES THAT WE HAVE HEARD -- HAVE -- I DON'T KNOW, HAVE -- HAVE -- HAVE BEEN ADDRESSED, I DON'T KNOW THAT I COULD SAY HAVE BEEN ADDRESSED, BUT I CERTAINLY BELIEVE THAT THE POSITIVES ASSOCIATED WITH THIS DEVELOPMENT OUTWEIGH THE NEGATIVES AND HOPEFULLY AGAIN, YOU KNOW, I THINK THAT -- THAT IF WE

LOOK AT THIS IN TERMS OF -- OF PROMOTING RESIDENTIAL DEVELOPMENT AND LOOKING AT -- LOOKING AT -- AT MAYBE DEVELOPMENT IN THIS EDGE OF -- OF THE DOWNTOWN IN THAT REGARD AND SAYING THAT MAYBE WHAT -- FOR THESE KINDS OF -- THESE KINDS OF HEIGHTS THAT WE ARE TALKING ABOUT, THAT WE WANT TO ENCOURAGE THOSE -- THOSE TO BE RESIDENTIAL PROJECTS AND NOT COMMERCIAL PROJECTS BECAUSE AGAIN IT'S A COMMERCIAL PROJECT THAT'S GOING TO CREATE YOUR TRAFFIC IMPACT AND THEN CREATE OTHER ISSUES FOR -- FOR THIS AREA, BUT -- BUT THE RESIDENTIAL ASPECT I THINK REALLY MITIGATES SOME OF THE CONCERNS THAT ARE TYPICALLY -- TYPICALLY -- RAISED WHEN YOU ARE TALKING ABOUT -- ABOUT THIS KIND OF DENSITY AND THIS KIND OF HEIGHTS. BUT AGAIN THAT MIGHT BE ANOTHER WAY IN TERMS OF PROTECTING OR ADDRESSING SOME OF THE CONCERNS THAT WE HAVE HEARD IS -- IS TRYING TO -- TRYING TO DEFINE WHY -- WHY THIS PARTICULAR PROJECT AND OTHER SIMILAR PROJECTS THAT HAVE BEEN APPROVED IN -- IN THIS PART OF DOWNTOWN -- IN -- CAN BE SUCCESSFUL AND CAN HOPEFULLY -- BE USED AS A WAY OF -- OF -- OF ENCOURAGING SIMILAR TYPES OF DEVELOPMENT AND NOT DEVELOPMENTS THAT WILL ACTUALLY PRODUCE YOU KNOW A LOT OF -- OF THE CONCERNS THAT WE HEARD EXPRESSED EARLIER TODAY. SO -- SO THE FOR THESE REASONS I WILL BE SUPPORTING THE MOTION AND BUT I DO THINK THAT THIS IS A -- THIS IS, YOU KNOW, THIS IS A, YOU KNOW, VERY IMPORTANT MOMENT IN OUR HISTORY, BUT -- BUT I DO BELIEVE THAT WE WILL BE -- WE WILL BE HOPEFULLY AGAIN, YOU KNOW, SEEING -- SEEING THIS KIND OF DEVELOPMENT THAT REALLY PROMOTES AND ADDS TO QUALITY OF LIFE IN DOWNTOWN AND THAT REALLY WILL ADD TO THE QUALITY OF LIFE FOR -- FOR ALL OF THE AREAS SURROUNDING DOWNTOWN AND FOR ALL OF US WHO WORK DOWNTOWN AND VISIT DOWNTOWN, I THINK IT'S GOING TO REPRESENT -- CREATE A VERY VIBRANT ENVIRONMENT AND SO AGAIN FOR THOSE REASONS I WILL BE SUPPORTING THE MOTION.

Mayor Wynn: THANK YOU, COUNCILMEMBER.  
COUNCILMEMBER LEFFINGWELL?

Leffingwell: I BELIEVE THIS CITY IS GOING TO CONTINUE TO

GROW. ALL OF OUR HISTORY SHOWS THAT WE HAVE DOUBLED OUR POPULATION EVERY 20 YEARS, EVER SINCE -- EVER SINCE WE HAVE FIRST STARTED BACK IN THE MID-18 HUNDREDS. SO -- SO I ALSO BELIEVE IN THE GOALS AND VISION, ENVISION CENTRAL TEXAS SURVEY, WHICH CALLED FOR -- FOR CURBING SUBURBAN SPRAWL, AND I THINK THAT -- THAT IS WHY MANY IF NOT MOST ENVIRONMENTAL LEADERS SUPPORT THIS PROJECT AS WELL. SO WE HAVE TO ACCOMMODATE THIS DEPOSITION COMMUNITY WITH -- WITH -- AND CURB URBAN SPRAWL AND WE ALSO, I BELIEVE, NEED TO PROTECT OUR CENTRAL NEIGHBORHOODS. SO IF WE ARE GOING TO DO THOSE TWO THINGS, THAT POPULATION GROWTH HAS TO BE ACCOMMODATED SOMEWHERE. AND -- AND WE ARE BETTER -- WHERE BETTER THAN DOWNTOWN. I BELIEVE THIS IS DOWNTOWN. IT'S IN THE -- IT'S IN THE DOWNTOWN AREA NEIGHBORHOOD ASSOCIATION, THAT NEIGHBORHOOD SUPPORTS IT. IT'S -- IT'S A MEMBER OF THE -- EXCUSE ME OF THE DOWNTOWN -- EXCUSE ME, SO THIS IS AN APPROPRIATE PLACE FOR THIS KIND OF DENSITY. IT -- IT IS ALSO OUT OF THE TOWN LAKE PLAN CORRIDOR, IT'S A THOUSAND FEET FROM TOWN LAKE, IT'S BEEN MENTIONED SEVERAL TIMES HERE TONIGHT THAT THERE ARE -- THERE ARE MANY BUILDINGS ALREADY BEEN BUILT AND THE ONE THAT WE JUST APPROVED EARLIER, NOVARE, IS TALLER AND CLOSER TO TOWN LAKE. SO -- SO THOSE REASONS I WILL ALSO BE SUPPORTING THE MOTION.

COUNCILMEMBER, FURTHER COMMENTS, COUNCILMEMBER KIM?

WHO I WAS CONSIDERING AND LOOKING AT THIS PROJECT, LEARNING MORE ABOUT IT, I THINK IT REALLY -- IT REALLY GAVE ME AN OPPORTUNITY TO THINK ABOUT WHERE IS DOWNTOWN AND IT RAISED SOME QUESTIONS FOR ME. AND SOME CONCERNS FRANKLY. ABOUT HOW -- HOW MANY HIGH BUILDINGS WE WOULD HAVE, WHY THEY WOULD BE LOCATED AND WHAT OUR SKYLINE WOULD LOOK LIKE. IT REALLY MADE ME BECAUSE, BUT -- BUT THERE ARE JUST SOME FACTORS THAT -- THAT CONVINCED ME THAT THIS IS A GOOD PROJECT FOR -- FOR ALL OF AUSTIN, NOT JUST DOWNTOWN. THE FACT THAT IT'S GOING TO BE LOCATED TO WHERE WE WANT TO HAVE A -- A RAIL STOP AND FOR THAT RAIL STOP WHETHER IT'S COMMUTER RAIL OR INNER CITY

RAIL, IT'S GOING TO HAVE TO HAVE SIGNIFICANT DENSITY FOR -- FOR THE RIDER SHIP AND ALSO THE SUPPORT FOR THE COMMERCIAL ACTIVITY THAT WE HAVE THERE AND ANTICIPATE HAVING THERE. AROUND ALSO THAT WE ARE GOING THROUGH A NEIGHBORHOOD PLANNING PROCESS, WE WILL BE STARTING THAT SOON FOR DOWNTOWN, I THINK THAT WILL GIVE US AN OPPORTUNITY TO -- TO VISIT THIS AGAIN AND BE SURE THAT WE ARE BEING CONSISTENT AND THAT THIS PREDICTABILITY FOR DEVELOPERS AS WELL AS NEIGHBORHOODS AND I THINK THAT'S SOMETHING THAT -- THAT -- THAT'S WHY WE ARE SO MUCH HERE AND SO MUCH -- SUCH HIGH PASSIONS AROUND THIS PROJECT IS THAT PEOPLE DO WANT TO KNOW WHAT IS EXPECTED AND THEY ARE PLANNING THEIR LIVES AND PLANNING THEIR BUSINESSES IN AND AROUND DOWNTOWN AND SO I THINK THAT -- THAT MOVING ON THIS DOWNTOWN NEIGHBORHOOD PLAN WILL HELP US TO -- TO KIND OF GET A HANDLE ON THAT TO GIVE EVERYONE AN OPPORTUNITY TO BE A PART OF THAT PROCESS AND ALSO TO BE INVOLVED IN -- IN CRAFTING A VISION FOR THE DOWNTOWN AREA. SO I WILL BE SUPPORTING THIS PROJECT.

FURTHER COMMENTS, QUESTIONS?

COUNCILMEMBER DUNKERLY?

Dunkerly: FOR THE PROJECT, I THINK IT'S AN EXCITING PROJECT FOR DOWNTOWN. I LIKE HEIGHT AND I LIKE DENSITY AND I THINK THIS IS AN APPROPRIATE PLACE FOR BOTH OF THOSE.

WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE ON ALL THREE READINGS. STAFF RECOMMENDATION, MAYOR PRO TEM?

THANK YOU, MAYOR.

I AM -- I'M GOING ALONG WITH THE REST OF MY COLLEAGUES. I DO SUPPORT THE GREAT PROJECT BUT I DIDN'T HAVE ANY IDEA THAT WE WERE GOING TO DO ALL THREE READINGS. I DO HAVE SOME CONCERNS THAT SOME OF THE NEIGHBORS BROUGHT UP, OVERALL I THINK IT'S AN EXCELLENT PROJECT. THE DENSITY, SOMETHING THAT WE

WANT IN DOWNTOWN. BUT I'M CONCERNED AND I DIDN'T -- THE REASON I DIDN'T SAY I VOTED ON THE OTHER PROJECT IS BECAUSE THERE WAS NO OTHER CONCERNS THAT CAME UP. BUT ON THIS PARTICULAR PROJECT, WE HAVE SOME CONCERNS ABOUT AFFORDABLE HOUSING, WE HAVE CONCERNS ABOUT HOW THE PROCESS WAS DONE, SOME OF US KIND OF SNICKERED ABOUT THE WIND STUDY, BUT THIS IS A -- THIS IS A FIRST TIME IN AUSTIN AND I DO BELIEVE IN THINKING OUT OF THE BOX, BUT THIS IS A VERY TALL BUILDING, AND ENVIRONMENTAL STUDIES, THEY -- THE ENVIRONMENTAL PART OF IT, I, I DON'T HAVE ANY PROBLEM, BUT -- BUT I'M JUST NOT READY FOR ALL THREE READINGS AT THIS PARTICULAR TIME. I -- I WANT SOME MORE STUDIES ON -- ON -- I UNDERSTAND ABOUT THE AFFORDABLE HOUSING PUTTING SOME FUNDS IN, I APPRECIATE THAT FROM THE GENTLEMAN THAT IS AN EXCELLENT -- EXCELLENT INCENTIVE TOWARDS AFFORDABLE HOUSING. I THINK WHEN WE TALK ABOUT AFFORDABLE HOUSING WE TALK ABOUT DEVELOPMENT DOWNTOWN, I THINK WE NEED TO BE INCLUSIVE TO EVERYBODY. WHO IS GOING TO BE ABLE TO STAY IN -- IN DOWNTOWN IF IT'S GOING TO BE AFFORDABLE OR -- HO HOW IT'S GOING TO ARE AFFORDABLE TO EVERYBODY. I THINK AUSTIN IS A CITY THAT IS DIVERSE ALL OVER, I THINK. WE NEED TO CONSIDER WHEN WE SAY AFFORDABLE, WHAT DO WE MEAN BY AFFORDABLE. WHEN EVERYBODY -- WITH EVERYBODY -- WILL EVERYBODY IN THE CITY OF AUSTIN BE ABLE TO ENJOY LIVING DOWNTOWN. SO I WON'T BE ABLE TO SUPPORT ALL THREE READINGS, BUT I WOULD BE -- I WOULD BE SUPPORTIVE IF I HAD FIRST READING AND DID SOME MORE STUDIES ON SOME OF THE CONCERNS THAT CAME FORWARD. TONIGHT. BECAUSE I -- BECAUSE I THINK THAT IT'S A GREAT PROJECT, BUT I STILL NEED TO -- SOME MORE ANSWERS ON EXACTLY HOW THE PROCESS, THERE WAS SOME CONCERNS ABOUT THE ZONING, CONCERNS ABOUT THE -- HOW IT WAS DONE AND HOW FAST IT WAS DONE. I KNOW BOTH SIDES HAVE PUT A LOT OF ENERGY. BECAUSE I HAD AN OPPORTUNITY TO -- TO LOOK AT THE MAPPING AND Z.A.P. PROCESS, I THINK BOTH SIDES DID PRETTY WELL, I'M JUST NOT COMFORTABLE WITH ALL THREE READINGS. THANK YOU.

THANK YOU, MAYOR PRO TEM. MY -- MY RECKONING IS WITH



SIX OF US IN SUPPORT, I DON'T THINK IT WOULD BE CONSIDERED A FRIENDLY AMENDMENT TO HOLD BACK AND DO FIRST READING ONLY. I THINK THE MAKERS OF THE MOTION APPRECIATE YOUR COMMENTS. I WILL JUST SAY BEFORE I CALL FOR THE VOTE, I TOO, WILL BE SUPPORTING THE MOTION AND THERE'S BEEN SOME -- OBVIOUSLY VERY GOOD COMMENT MADE. PEOPLE TALKED ABOUT LOCATION. I COULDN'T AGREE MORE. FRANKLY IF THIS PROJECT WERE JUST A FEW BLOCKS TO THE NORTH, I THINK IT WOULD NOT BE IN AN APPROPRIATE SITE AND I WOULDN'T BE SUPPORTING IT. IT WOULD BE TOO CLOSE AND ADJACENT TO SINGLE FAMILY HOMES JUST TO THE WEST. BUT IN ITS LOCATION FRANKLY BEING FURTHER SOUTH, YET STILL A THOUSAND FEET AWAY FROM TOWN LAKE, I THINK IT'S A -- IT'S A UNIQUE LITTLE POCKET OF A GOOD LOCATION FOR THIS PROJECT. THE LAST POINT, SOMEBODY BROUGHT UP A COMMENT THAT MANY OF OUR OTHER BOARDS AND COMMISSIONS, INCLUDING Z.A.P., YOU KNOW, TEND TO BE POTENTIALLY SOMEWHAT MY I DON'TLY MIKE OSTERHAGESOMEWHAT MIOPIC, THAT Z.A.P. LOOKS AT LAND USE ONLY. WE AS A COUNCIL TRY TO TAKE ON OTHER PERSPECTIVES WHEN WE APPROVE OR NOT APPROVE OTHER PROJECTS, EVERYTHING FROM AFRAIDABILITY TO ENVIRONMENTAL PROTECTION. AND ONE POINT THAT HASN'T BEEN MADE YET IN ALL OF THE DISCUSSIONS PRO OR CON ABOUT PROJECTS LIKE THIS, I'M PROUD TO SERVE AS CHAIRMAN OF THE U.S. CONFERENCE OF MAYORS ENERGY COMMITTEE, THERE'S GREAT WORK GOING ON ACROSS THIS COUNTRY. ONE OF THE DRIVING GOALS OF MY COMMITTEE IS THE FUNDAMENTAL AMERICAN ENERGY INDEPENDENCE. NOT INSIGNIFICANT PART OF THAT ARE DISPRO DISPROPORTIONATELY PROJECTS LIKE THIS. THE ENERGY USE PER CAPITA IN A BUILDING LIKE THIS IS ASTRONOMICALLY LOWER THAN 400 DETACHED SINGLE FAMILY HOMES, EVEN WELL BUILT, WELL INSULATED GOOD CONSERVATION MEASURES. YOU CAN COMPETE WITH HOW LITTLE ENERGY WILL BE USED BY THE RESIDENTS IN THESE SEVERAL HUNDRED UNITS. ONE SMALL ROOF TOP VERSUS 400 SMALL ROOF TOPS, A TOO FAR COP THAT'S COMMERCIAL GRADE, CONCRETE, WELL INSULATED. WHEN YOU LOOK AT THE THERMO PHOTOGRAPHS OF PROJECTS LIKE THESE THERE'S VERY LITTLE ENERGY BEING WASTED

THROUGH THE WINDOWS, THROUGH THE CEILING AS OPPOSED TO THE TYPICAL SINGLE FAMILY HOME. SO THERE'S SO MANY ADVANTAGES IN ADDITION TO POSITIVE IMPACT ON TRAFFIC, POSITIVE IMPACT ON THE OVERALL LAND USE STRATEGY OF HAVING MORE PEOPLE ON FEWER ACRES AS WE MOVE FORWARD TOWARDS MORE DENSE, MORE MIXED USE, MORE WALKABLE, LIVABLE, CLEANER, SERIES OF URBAN CORES, NOT JUST DOWNTOWN AUSTIN, BUT HOPEFULLY DOWNTOWN ROUND ROCK AND GEORGETOWN AND OTHER SPOTS THROUGHOUT THE FIVE COUNTY REGION. BUT NOT AN INSIGNIFICANT PART OF THIS IS HOW ENVIRONMENTALLY SOUND THESE PROJECTS TRULY ARE IN A HOLISTIC MANNER. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: MOTION PASSES ON A VOTE OF SIX TO ONE WITH THE MAYOR PRO TEM VOTING NO. [ APPLAUSE ] WE APPRECIATE EVERYBODY'S CONTINUED PATIENCE AS WE TRY TO GET THROUGH A LENGTHY AGENDA TONIGHT. ITEM NUMBER 70, COUNCIL, IS A SPECIAL ITEM FROM COUNCIL WE'RE TAKING UP AT A DIFFERENT HOUR FROM OUR NORMAL CONSENT AGENDA. THIS IS AN ITEM FROM COUNCIL BROUGHT FORWARD BY COUNCILMEMBER LEFFINGWELL, BUT ALSO I'M PROUD TO JOIN HIM ALONG WITH COUNCILMEMBER MCCRACKEN AND ITEM NUMBER 30, WHICH IS A BRIEF PRESENTATION FROM STAFF AND APPROVAL OF AN ORDINANCE AMENDING THE CITY CODE REGARDING COAL TAR PAVEMENT PRODUCTS. AND WE'LL WELCOME MS. NANCY McCLINTOCK. FOLKS, IF YOU ALL COULD PLEASE TAKE YOUR CONVERSATIONS OUT IN THE FOYER, WE WOULD APPRECIATE IT. WE HAVE A COUPLE MORE PRESENTATIONS TO -- PUBLIC HEARINGS TO TAKE UP.

THANK YOU, COUNCIL. THANK YOU. THIS IS THE THIRD IN A SERIES OF THREE PUBLIC HEARINGS ON THIS PROPOSAL FOR A BAN ON COAL TAR BASE PAVEMENT SEAL ENTS. THE INDUSTRY HAS BEEN INVITED TONIGHT AND THERE ARE REPRESENTATIVES FROM BOTH THE LOCAL AND NATIONAL INDUSTRY HERE. WE ALSO HAVE REPRESENTATIVES, SCIENTISTS AND ENGINEERS FROM THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT, FROM THE LEGAL DEPARTMENT AND FROM THE HEALTH DEPARTMENT TO ANSWER ANY QUESTIONS THAT YOU

MIGHT HAVE. I WANT TO TALK TO YOU ABOUT HOW WE GOT HERE, WHY WE THINK A BAN IS APPROPRIATE AND WHY WE'RE TARGETING THE COAL TAR-BASED PRODUCTS. JUST A LITTLE BIT OF HISTORY FIRST. COUNCIL FIRST ASKED US TO EVALUATE WHETHER A REGULATION WOULD BE APPROPRIATE IN JUNE OF '03, AND AT THAT TIME WE ASKED COUNCIL TO GIVE US SOME MORE TIME DO SOME RESEARCH SO THAT WE COULD PROVIDE A VERY DEFENSIBLE RECOMMENDATION TO YOU. WE ON APRIL OF 2004, WE CONTACTED ALL THE LOCAL RETAILERS, PRODUCERS AND APPLICANTERS AND REQUESTED A VOLUNTARY BAN ON THE COAL TAR BASED SEALANTS. AND WE COMPLETED THE REST OF OUR STUDIES IN OCTOBER OF THIS YEAR. COUNCILMEMBER LEFFINGWELL ASKED US TO BEGIN THE PUBLIC PROCESS ON THE BAN. JUST FIRST WHAT ARE PAVEMENT SEALANTS? THESE ARE SURFACE FINISHES THAT ARE APPLIED TO PARKING LOTS AND TO DRIVEWAYS TO PROLONG THE LIFE OF THE PARKING LOT AND TO CREATE A VERY OMOJ NUS APPEARANCE ON THE PARKING LOT THAT CAN BE EASILY RESTRIPE. THERE ARE TWO TYPES, COAL TAR BASED AND ASPHALT BASED. THERE'S A REAPPLICATION RATE OF ANYWHERE FROM TWO TO FIVE YEARS, WHICH IS PART OF THE PROBLEM. THESE PRODUCTS WEAR OFF OF THE PARKING LOT SERVICES, THEY BRAID OFF IN PARTICLES AND FIND THEIR WAY DOWN INTO OUR STREAMS, AND I'LL TELL YOU A LITTLE BIT MORE ABOUT THAT IN A MINUTE. WHAT ARE PAH'S? THIS IS A PLIEWNT OF CONCERN THAT WE HAVE WITH THESE PARTICULAR PRODUCTS. THESE RESULT FROM THE COMBUSTION OF ORGANIC MATERIALS, MANY, MANY SOURCES, EXHAUST, FUEL SPILLS, AUTOMOTIVE PRODUCTS OF ALL TYPES, BARBECUE, SMOKING, ANYTHING WHERE ORGANIC MATERIALS ARE BURNED. MANY OF THESE PAH'S ARE CARCINOGENS AND TOXIC. WE FIND THEM IN THE SOIL AS OPPOSED TO WATER BECAUSE THEY ARE IN THE SOLID PARTICLES. THIS SHOWS YOU MANY OF THE PLACES IN AUSTIN WE HAVE SAMPLES FOR PAH'S. THESE ARE SOME OF THE CONCENTRATIONS OF PAH'S THAT FIRST MADE US START CONCENTRATING ON THESE POLLUTANTS. IN THE '90'S WE GOT A GRANT TO STUDY THE CONTAMINANTS AND THESE ARE SOME OF THE VERY HIGH CONCENTRATIONS THAT WE FOUND. IN CASE YOU CAN'T SEE, THAT'S EAST

BOULDIN CREEK, WALLER CREEK AND BARTON CREEK ON YOUR FAR RIGHT. TOTAL PAH'S IS ON THE Y AXIS THERE. AND AT THE TIME THAT WE COLLECT THE THESE SAMPLES, WE REALLY DIDN'T KNOW EXACTLY HOW TO INTERPRET THEM BECAUSE THERE WERE NO KNOWN STATE OR FEDERAL STANDARDS TO TELL US JUST HOW BAD ARE THESE LEVELS, BUT IF YOU'LL LOOK IN THIS PARTICULAR GRAPH AT THE LINE THAT REALLY APPEARS AT THE VERY BOTTOM DOWN THERE, THAT IS THE PROTECTIVE CONTAMINANT LEVEL THAT WAS ULTIMATELY DEVELOPED, THAT TELLS YOU AT WHAT POINT DO YOU EXPECT TO SEE AN IMPACT? AS YOU CAN SEE, THE LEVELS WE WERE SEEING IN SOME OF OUR STREAMS WERE MUCH HIGHER THAN THAT LEVEL OF CONCERN. IF YOU LOOK AT THE FAR RIGHT THOSE ARE THE CONCENTRATIONS WE WERE SEEING IN BARTON CREEK AND OF COURSE WE ARE VERY CONCERNED ABOUT THOSE BECAUSE THAT IS AN AREA THAT IS IMMEDIATELY ABOVE THE POOL. AND SO WE CONTINUED TO GO BACK AND LOOK AT THAT AREA AND WE CONTINUED TO GET HIGH CONCENTRATIONS. AND SO WE STARTED TO GO UP AND DOWN BARTON CREEK TO TRY TO TRACE THE SOURCE OF THOSE SEDIMENTS. WE FOUND SOME OTHER HOT SPOTS IN THE CREEK, BUT WE ULTIMATELY LANDED BACK UP IN A DRY TRIBUTARY NOT TOO FAR ABOVE THE POOL AND WE STARTED TAKING SAMPLES UP INTO THAT TRIBUTARY. AS WE WENT UP INTO THE TRIBUTARY, THIS IS A GRAPH THAT SHOWS YOU IN GENERAL ALL THE PLACES WE SAMPLED IN THAT TRIBUTARY, THE TWO BARS ON THE BOTTOM ARE BELOW SPRINGS POOL AND IN BARTON SPRINGS POOL. THE THIRD BAR HEADING TO THE RIGHT IS WHAT WE SAW RIGHT IMMEDIATELY ABOVE THE POOL. AND THEN AS WE TRAVELED ON UP INTO THE TRIBUTARY, THE CONCENTRATIONS GOT HIGHER AND HIGHER. IF YOU LOOK AT THE Y AXIS HERE, THAT IS ON A LOG SCALE, SO THE CONCENTRATIONS ARE INCREASING VERY RAPIDLY AS WE WENT UP THE TRIBUTARY. WHEN WE HAD THAT DATA JUST FROM THE TRIBUTARY WE STARTED CONTACTING OUR COLLEAGUES FROM ACROSS THE COUNTRY TO TRY TO GET SOME -- WE'LL FIND OUT IF OTHER PEOPLE OR OTHER MUNICIPALITIES, OTHER RESEARCHERS WERE SEEING THESE KIND OF CONCENTRATIONS. AND ESSENTIALLY

NOBODY COULD REALLY -- NOBODY HAD COMPARABLE DATA TO THIS BECAUSE MOST PEOPLE WERE NOT LOOKING FOR PAH'S IN SEDIMENTS IN SMALL STREAMS. AND NOBODY COULD REALLY ACCOUNT FOR THESE VERY HIGH CONCENTRATIONS. WE KNOW AT THE TOP OF THIS TRIBUTARY WAS A PARKING LOT AND WE KNOW ALL THE TYPICAL SOURCES OF PAH'S IN PARKING LOTS, MOTOR OIL, AUTOMOBILE EXHAUST, AUTOMOTIVE FLUIDS OF ALL TYPES, ASPHALT ITSELF. BUT WE KNOW WHAT THE CONCENTRATIONS OF PAH'S LOOK LIKE FROM THOSE SOURCES, AND NONE OF THEM COULD JUSTIFY THESE VERY HIGH CONCENTRATIONS THAT WE WERE SEEING. WE WENT ON UP INTO THE PARKING LOT AND STARTED LOOKING AT THE PARKING LOT. OF COURSE, WE HAD BEEN DOING THAT FOR QUITE AWHILE. AND WE EVEN KNEW ABOUT PAVEMENT SEALANTS AT THAT TIME, BUT ONE OF THE INVESTIGATORS IN WATERSHED DEPARTMENT HAD ONE OF THESE MOMENTS LOOKING AT PAVEMENT SEALANTS WHEN HE REALIZED THAT NOT ALL PAVEMENT SEALANTS ARE ALIKE AND SOME OF THEM IN FACT CONTAIN COAL TAR, A VERY, VERY POTENT SOURCE OF PAH'S. SO WE WENT AND THE FIRST THING WE DID WAS SAMPLE A LOT OF OTHER PARKING LOTS AROUND TOWN. WE SAMPLED THE DIRT AND UNCONSOLIDATED MATERIAL AROUND THE PARKING LOTS AND FOUND INDEED IN ALL OF THEM WE ARE SEEING ENORMOUSLY HIGH CONCENTRATIONS OF PAH'S. AND ULTIMATELY WENT RIGHT UP AND SCRAPED THE MATERIAL RIGHT OFF OF THE PARKING LOT AND SO IF YOU CAN SEE THE VERY TOP NUMBER THERE IS 50,000 PARTS PER MILLION. SO WE ARE SEEING SCRAPINGS, THE STUFF COMING RIGHT OFF THE PARKING LOT IN THE 25 TO 30,000 PARTS PER MILLION, SORT OF UNHEARD OF TYPES OF CONCENTRATIONS IN THE URBAN ENVIRONMENT. WE CONTACTED OUR COLLEAGUES, OUR WATER QUALITY PROFESSIONALS AROUND THE COUNTRY TO FIND OUT WHO ELSE WAS LOOKING AT THE SEALANTS AND WHAT KIND OF CONCENTRATION WAS OUT THERE AND IT WAS NOT ON ANYBODY'S RADAR SCREEN, NOT WATER QUALITY PROFESSIONALS AND NOT E.P.A. WE WENT RIGHT OUT TO THE HARDWARE STORES AND STARTED PICKING THIS STUFF OFF THE SHELF OF YOUR MAJOR HARDWARE STORES, AND WE KNEW -- WE WERE CONCERNED ABOUT THE COAL TAR BASED ONES, BUT WE WANTED TO

UNDERSTAND ABOUT THE ALTERNATIVE PRODUCTS AS WELL, THE ONES THAT ARE JUST ASPHALT BASED. AND THIS GRAPH HERE SHOWS YOU WHAT WE FOUND WHEN WE ANALYZED BOTH THOSE TYPES OF PRODUCTS. THE BLUE DATA POINTS ON YOUR LEFT ARE ALL THE DATA THAT WE SAW WHEN WE ANALYZED ASPHALT SEALANTS. AND AGAIN, THAT'S A LOG SCALE ON YOUR Y AXIS AND ALL OF THE ASPHALT BASED PRODUCTS CONTAINED LESS THAN ONE PERCENT OF PAH. THE YELLOW OR GREEN DATA POINTS THERE ON THE RIGHT BAR, THOSE ARE ALL THE PRODUCTS THAT WE SAMPLED OR THAT WE ANALYZED THAT CONTAIN COAL TAR. AND YOU CAN SEE THAT SOME OF THOSE PRODUCTS HAD AS MUCH AS ANYWHERE CLOSE TO 50 PERCENT, MAYBE 40%, THAT IS, PAH RIGHT IN THE PRODUCT. ON THE GRAPH AT LEFT THAT'S A PICTURE OF HOW THEY APPLY THESE SEALANTS TO PARKING LOTS. AT THAT POINT IN TIME, WE BEGAN A COLLABORATIVE STUDY WITH THE UNITED STATES GEOLOGICAL SURVEY WHERE WE TOOK SOME LOTS OUT AT THE OLD MUELLER AIRPORT AND WE APPLIED THE ASPHALT BASE SEALANTS TO SOME OF THEM AND THE COAL TAR BASED SEALANTS TO OTHERS OF THEM AND THEN WE ALSO HAD SOME UNSEALED PARKING LOTS OUT THERE. AND DID A LITTLE ARTIFICIAL RAIN EXPERIMENT ON THE PARKING LOTS AFTER THEY HAD BEEN SEALED WITH THESE MATERIALS, AND THIS GRAPH HERE SHOWS YOU WHAT WE SAW COMPARATIVELY IN THE PARTICLES IN THE RUNOFF FROM THOSE VARIOUS SURFACES. ON THE Y AXIS IS TOTAL PAH'S. AGAIN, A LOG SCALE, SO THAT GOES ALL THE WAY FROM 10 TO 10,000. AND YOU CAN SEE THAT STARTING ON YOUR RIGHT THE PARTICLES AND THE RUNOFF FROM THE UNSEALED PARKING LOTS WERE ALL BELOW 100 PARTS PER MILLION. THE ASPHALT LOTS -- THE LOTS THAT WERE SEALED WITH ASPHALT BASED SEALANTS WERE ALL UNDER A THOUSAND PARTS PER MILLION. AND THE COAL TAR BASED WERE SOME OF THEM UP TO 10,000 PARTS PER MILLION. SO YOU CAN SEE WHY WE STARTED TO BE VERY, VERY SURE THAT THE COAL TAR ONES WERE PRESENT PRESENTING MORE OF A PROBLEM TO US THAN THE OTHER TYPES OF SURFACES. THIS IS JUST A SUMMARY OF WHAT WE SAW IN THE PURE PRODUCT RIGHT OUT OF THE PALE, THE PAH'S IN THE COAL TAR SEALANTS WERE A THOUSAND TIMES HIGHER IN

CONCENTRATION THAN THE FAULT SEALANTS. IN THE RUNOFF SAMPLES THE COAL TAR SAMPLES WERE SIX TIMES HIGHER THAN THE SCWAWLT SEALANTS. THE SCRAPINGS THAT WE SCRAPED RIGHT OFF THE PARKING LOT, THE PAH CONCENTRATIONS WERE 30 TIMES HIGHER THAN THEY WERE IN THE ASPHALT SEALANTS. AND THE LOAD, THAT'S THE ACTUAL VOLUME OF PAH'S COMING OFF THESE, WERE TWICE AS HIGH IN THE COAL TAR PRODUCTS THAN THE ASPHALT PRODUCTS. SO WE FOUND ALL OF THAT EVIDENCE TO BE EXTREMELY COMPELLING, BUT WE STARTED TO ASK YOURSELVES THAT SO WHAT QUESTION BECAUSE A LOT OF PEOPLE FELT LIKE THERE WAS A POSSIBILITY THAT PAH'S IN THIS PARTICULATE FORM MAY NOT REALLY BE DETRIMENTAL TO AQUATIC LIFE, THAT IT COULD BE POSSIBLY SO STRONGLY ADHERED TO THE PARTICLES THAT MAYBE IT DOESN'T REALLY HAVE AN IMPACT. SO WE STARTED TO DO SOME BIOLOGICAL STUDIES AND WE DID THREE DIFFERENT TYPES OF BIOLOGICAL STUDIES. WE DID A LAB TOXICITY TEST, WE DID SOMETHING CALLED A MICROCOSM AND WE DID A FIELD STUDY. LET ME TELL YOU REAL QUICKLY ABOUT THOSE TESTS AND WHAT THE RESULTS WERE. THE FIRST THAT WE DID WAS A STANDARD LAB TOXICITY TEST. WE PUT STANDARD TEST ORGANISMS, THE KIND OF AQUATIC INVERTEBRATES THAT PEOPLE LOOK AT ALL THE TIME TO STUDY TOXICITY AND WE SPIKED SEDIMENTS WITH THE PRODUCTS THEMSELVES AT THREE LEVELS, LOW, MEDIUM AND HIGH, AND WE -- THESE WERE CONCENTRATIONS THAT WE DO IN FACT SEE IN OUR OWN STREAM SEDIMENTS HERE IN AUSTIN. SO WE WERE TRYING TO TEST WHAT SOME OF THE SITUATIONS THAT WE'RE ACTUALLY SEEING IN NATURE OUT THERE. WE DID BOTH TYPES OF PRODUCTS, COAL TAR PRODUCTS AND ASPHALT PRODUCTS. THE FIRST TWO BARS THAT YOU SEE THERE ARE THE CONTROLS. THOSE WERE SEDIMENT, THOSE WERE THE EXPERIMENTS WHERE WE DIDN'T PUT ANY OF THE CON CONTAMINANTS IN THERE AND YOU CAN SEE WE GOT 100% SURVIVAL OF THE ORGANISMS IN THOSE CONTROLS. THAT'S WHAT YOU WANT. AT THE VERY LOW CONCENTRATIONS, AND THIS IS -- THAT CONCENTRATION IS ONE THAT WE SEE IN ABOUT 13% OF AUSTIN STREAMS, WE LOST -- ON THE Y AXIS THERE, SURVIVAL, SO ABOUT 81% SURVIVED. AT THE MEDIUM CONCENTRATION -- AGAIN, I'M TALKING ABOUT THE

BLUE BAR WITH THE COAL TAR -- 29% SURVIVED. AND AT THE HIGH CONCENTRATION, ONLY 13% SURVIVED. WHEN WE USE THE VERY SAME AMOUNT OF THE ASPHALT BASED PRODUCTS, YOU CAN SEE THE SURVIVORSHIP WAS 98%, 95% AND 94%, PRETTY DARN GOOD RELATIVE TO THE ASPHALT, THE IMPACT OF THE ASPHALT ON THE ORGANISMS. WE ALSO DID THE SAME -- WHAT WE DID WAS USE THE VERY SAME STUDY THEN AND EXPOSE THOSE SAME ORGANISMS AND THE TESTS -- WE THINK OF THEM AS AQUARIUMS, I GUESS. SO SUNLIGHT, SO MIMIC A MORE NATURAL SITUATION AND WE KNOW THAT UV LIGHT DOES AFFECT THE TOXICITY OF PAH'S. AND YOU CAN SEE THAT WHEN WE -- AT THAT POINT WHEN YOU HAD UV LIGHT ADDED THAT WE DID START TO GET TOXICITY FROM THE ASPHALT-BASED PRODUCTS. EVEN AT THE VERY LOW CONCENTRATION, WE LOST 90% OF THE ORGANISMS IN THE COAL TAR PLOT. IN THE MEDIUM AND THE HIGH CONCENTRATIONS THERE WEREN'T ENOUGH ORGANISMS LEFT OVER. THEY HAD ALREADY DIED IN THE FIRST RUN OF THE EXPERIMENT. SO THAT'S YOUR JUST LAB TOXICITY AND THAT TELLS US WHAT HAPPENED TO INDIVIDUALS, BUT WE WANTED TO ALSO UNDERSTAND WHAT HAPPENS TO THE WHOLE COMMUNITY, ALL THE BUGS AND THINGS THAT LIVE IN THE SEDIMENTS IN AUSTIN. SO WE DID TWO OTHER TYPES OF STUDIES. ONE OF THEM WAS THIS MICROCOSM STUDY WHERE WE DID THE SAME SORT OF SPIKING SEDIMENTS WITH CONTAMINANTS AT THREE DIFFERENT LEVELS, BUT IN THESE WE PUT THE SEDIMENT AND WE ALSO LOADED THESE THINGS WITH THE COMMUNITY OF THE ORGANISMS THAT LIVE IN OUR STREAMS AROUND AUSTIN AND THEN AFTER THE PERIOD OF TIME WAS OVER WE TOOK IT OUT AND SAW WHAT HAD HAPPENED TO THOSE COMMUNITIES. WE ALSO DID A FIELD STUDY WHERE WE IDENTIFIED AREAS WHERE SEALED PARKING LOTS WERE DRAINING IMMEDIATELY-- WERE IMMEDIATELY ADJACENT TO STREAMS AND DRAINED RIGHT INTO STREAMS. AND WE WENT INTO THE STREAM, COLLECTED THE ORGANISMS AND LOOKED AT THE COMMUNITY THERE AND THEN COMPARED IT TO WHAT THAT COMMUNITY OF ORGANISMS LOOKED LIKE IMMEDIATELY UPSTREAM OF THE DRAIN FROM THE -- DRAINAGE FROM THE PARKING LOT. THIS IS A GOOD SLIDE BECAUSE YOU CAN REALLY SEE THE PATTERNS OF WHERE. YOU CAN SEE



HOWEVER THE CARS -- THE MOST TRAFFIC IS, THE SEALANT, WHICH IS VERY BLACK, COMES RIGHT OFF OF THE SURFACE AND OF COURSE ENDS UP IN THE STREAM. SO WHAT WERE THE FINDINGS FROM THOSE TWO STUDIES OR FROM ALL THREE BIOLOGICAL STUDIES? THE FIRST, COAL TAR SEALANTS ARE INDEED SIGNIFICANTLY TOXIC TO AQUATIC ORGANISMS. AND FROM THE LAST TWO STUDIES THAT I DESCRIBED, WE FOUND THAT THE COAL TAR SEALANTS DID IN FACT DID HE GRADE THE LOCAL AQUATIC COMMUNITIES AND RESULTED IN A DECLINE IN DIVERSITY, THE NUMBER OF SPECIES, IT RESULTED IN A DECLINE IN ABUNDANCE AND RESULTED IN A LOSS OF SENSITIVE SPECIES, THOSE SPECIES THAT ARE INTOLERANT TO POLLUTION. SOME SUPPORT FOR THE BAN, I JUST WANT YOU TO KNOW THAT 600,000 GALLONS OF COAL TAR SEALANT ARE APPLIED ANNUALLY IN THE AUSTIN AREA. THAT'S EQUIVALENT TO FOUR MILLION POUNDS OF PAH'S. THE COLLABORATIVE WORK THAT WE DID WITH USGS, THE CALCULATIONS THAT USGS DID INDICATE THAT THE SEALANTS MAY REPRESENT A MAJORITY OF THE PH LOAD IN STREAM STUDY AND THE USGS REPRESENTATIVE IS HERE AND SHE CAN EXPLAIN THAT WORK IF YOU WANT TO GET INTO THAT DETAIL. ALSO, CONCENTRATIONS OF PAH'S ARE INCREASING, SO AGAIN -- WE HAVE FOUND IN 13% OF AUSTIN STREAMS, HOT SPOTS THAT ARE HIGHER THAN THAT CONCENTRATION WHERE YOU EXPECT TO SEE IMPACTS TO AQUATIC LIFE. AND CONCENTRATIONS OF PAH'S ARE INCREASING DRAMATICALLY IN TOWN LAKE. AND THIS IS A GRAPH THAT SHOWS YOU FROM A CORE SAMPLE THAT THE USGS DID FOR US BACK IN BACK IN THE LATE '90'S AND IT SHOWS YOU ALL THE WAY FROM -- THE CORE SAMPLE TAKES SAMPLE SEDIMENTS THAT WERE LAID DOWN YEARS AND YEARS AGO, ALL THE WAY BACK TO 1960 AND ALSO COLLECT THE SEDIMENTS THAT WERE RECENTLY ACCUMULATED ON THE TOP. AND THIS SHOWS YOU THE INCREASE IN PAH'S THAT WE HAD SINCE 1960, THAT 8.5 NUMBER HAS NOT YET REACHED THE CRITERIA, THAT 22.6 OR 22 POINT SOMETHING CONCENTRATION THAT WE KNOW IS A CONCERN FOR AQUATIC LIFE, BUT THIS IS A FAIRLY RAPID INCREASE THAT WE'RE SEEING AND WE WOULD REALLY LIKE TO SEE THIS -- WE WOULD LIKE TO SEE THIS NUMBER GO DOWN IS WHAT WE'D LIKE TO SEE. I CAN'T TELL YOU WHAT PERCENTAGE OF

THIS -- PT AH'S THAT WE'RE SEEING IN THIS GRAPH ARE THE RESULTS OF PAVEMENT SEALANTS. AS I'VE SAID BEFORE THERE ARE MANY SOURCES OF PAH'S, BUT FROM OUR WORK AND FROM THE WORK OF THE USGS WE THINK THAT THEY COULD IN FACT REPRESENT A SIGNIFICANT PART OF THIS INCREASE. THAT'S THE DATA. LET ME TELL YOU A LITTLE BIT ABOUT WHERE WE'VE BEEN IN TERMS OF OUR COMMUNICATIONS WITH THE INDUSTRY AND WITH THE COMMUNITY. BACK IN JANUARY OF '04 WE HAD A COMMUNITY FORUM, MD ANDERSON CANCER RESEARCH CENTER IN SMITHVILLE ORGANIZED AND HELPED US WITH THAT WHERE WE TALKED TO THE PUBLIC ABOUT THE PAVEMENT SEALANTS. WE HAD STAKEHOLDER MEETINGS AND THE FIRST ONE IN JANUARY OF '04 WE SENT LETTERS TO ALL THE LOCAL PRODUCERS, APPLICANTERS AND RETAILERS AND WE HAD REPRESENTATIVES FROM MANY MAJOR COMPANIES FROM ALL OVER THE COUNTRY COME TO THAT MEETING TO HEAR OUR CONCERNS, SEE OUR DATA AND WE HAVE VERY GOOD COLLABORATIVE MEETING WITH THOSE FOLKS. WE DID THAT AGAIN IN JULY OF '05 AFTER WE FINISHED THE BIOLOGICAL STUDIES SO WE COULD SHOW THEM THAT DATA AS WELL. THE DATA HAS BEEN PRESENTED BY BOTH USGS AND THE CITY OF AUSTIN STAFF AT STATE AND NATIONAL PROFESSIONAL MEETINGS. PART OF IT HAS BEEN PUBLISHED IN A NATIONAL JOURNAL, AND WE HAVE THREE MORE PAPERS THAT WE'RE DEVELOPING FOR -- HAVE GOTTEN PEER REVIEW AND ARE SUBMITTING TO NATIONAL JOURNALS. WE'VE DONE TECHNICAL BRIEFINGS TO MANY DEPARTMENTS IN WASH WAB AND WE'VE BEEN INVITED TO ATTEND AND PRESENT AT A CONGRESSIONAL BRIEFING ON DECEMBER 2nd. WHAT WOULD THE BAN ACTUALLY DO? IT WOULD PROHIBIT THE USE AND SALE OF THE PRODUCT IN THE CITY LIMITS AND IN THE E.T.J. WITH THE EXCEPTION THAT IT COULD BE SOLD IF IT WAS -- IF IT WAS TO BE USED OUTSIDE OF THE CITY'S E.T.J. ENFORCEMENT WOULD BE FIRST ON A COMPLAINT DRIVEN BASIS, WE HAVE A COMPLAINT -- INVESTIGATION AND COMPLAINT TEAM IN THE WATERSHED PROTECTION DEPARTMENT AND THEY WOULD AT FIRST BE DOING THE ENFORCEMENT HERE. ULTIMATELY WE WOULD SHEPHERD THIS INDUSTRY INTO ONE OF OUR EXISTING PERMITTING PROGRAMS, WHICH WOULD REALLY ALLOW US TO HAVE A MUCH BETTER RELATIONSHIP WITH

THE INDUSTRY AND ALSO IF THESE FOLKS THEN HAD A PERMIT IT WOULD ALLOW HOMEOWNERS AND USERS TO BE ABLE TO KNOW THAT THEY WERE WORKING WITH BUSINESS PEOPLE THAT WERE ADHERING TO THE LOCAL REGS. FINES WERE UP TO \$2,000. WHAT WOULD THE ECONOMIC IMPACT BE OF BANNING THESE PRODUCTS? I THINK WE'RE LUCKY IN THIS CASE BECAUSE THOSE IMPACTS WOULD BE MITIGATED BY THE FACT THAT WE HAVE AVAILABLE A LESS TOXIC ALTERNATIVE, THE ASPHALT-BASED SEALANTS. THERE IS NO SIGNIFICANT DIFFERENCE IN THE PRICE OF THESE ALTERNATIVES, ALTHOUGH AS I UNDERSTAND IT, THE PRICES VARY FROM TIME TO TIME WITH THE COST OF PETROLEUM AND OTHER CONSTITUENTS IN THE PRODUCTS. MANY PRODUCERS MAKE BOTH COAL TAR AND ASPHALT-BASED SEALANTS. THEY MAKE BOTH TYPES OF PRODUCTS AND THEY CAN SWITCH FROM ONE TYPE OF PRODUCT TO THE NEXT. WE DO UNDERSTAND INDUSTRY FOLKS HAVE TOLD US THAT THE ASPHALT-BASED SEALANTS ARE LESS DURABLE AND THAT THE BLACK COLOR OF THESE PRODUCTS FADE, AND THAT IS THE WAY IN WHICH THEY ARE CONSIDERED TO BE INFERIOR TO THE COAL TAR SEALANTS; HOWEVER, OUR LOCAL PRODUCER, WHO BACK WHEN WE PASSED THE VOLUNTARY BAN, STARTED TO SWITCH TO MAKING MORE AND MORE OF THE ASPHALT-BASED SEALANTS AND LESS OF THE COAL TAR SEALANTS, THE WARRANTY THAT THEY HAVE ON THEIR PRODUCTS IS THE SAME, TWO YEARS FOR BOTH TYPES OF PRODUCTS. AND MY COMMENT ON THE COLOR IS THAT IF THE THINGS FADE AND TURN GRAY INSTEAD OF BLACK, FOR THOSE OF US WHO ARE THINKING ABOUT URBAN HEAT ISLAND ISSUES, FOR ME THAT'S A POSITIVE THING, AND I DO REALIZE THAT EVERYBODY HAS A DIFFERENT IDEA ABOUT WHAT A BEAUTIFUL PARKING LOT MIGHT LOOK LIKE, BUT I THINK ON WE'D BE BETTER OFF WITH GRAY ONES THAN BLACK ONES. SO WHY NOT BAN ASPHALT SEALANTS TOO? IF YOU PAID ATTENTION TO THOSE GRAPHS, YOU SEE THAT WE ARE GETTING PAH'S FROM THE ASPHALT SEALANTS AS WELL AS THE COAL TAR SEALANTS, JUST NOT NEAR AS MUCH. AND WE ARE PROPOSING THIS BECAUSE WE THINK OUR EVIDENCE AGAINST THE COAL TAR SEALANTS IS VERY STRONG, VERY COMPELLING AND WE HAVE LESS DATA ON THE ASPHALT PRODUCTS RIGHT NOW. WE FEEL LIKE THERE

WOULD BE LITTLE FOR ANY ECONOMIC IMPACT FROM BANNING THE COAL TAR SEALANT, BUT IF WE BANNED ALL OF THIS ENTIRE PRODUCT FAMILY, WE WOULD REALLY HAVE TO ADDRESS THAT BIGGER ISSUE OF WHAT ARE THE IMPACTS TO PARKING LOTS? AND WE DON'T HAVE THAT INFORMATION RIGHT NOW. WE THINK IT WOULD BE A VERY GOOD MOVE TO JUST DO SOMETHING IMPORTANT AND WE COULD GET A VERY SIGNIFICANT IMPROVEMENT FROM RIGHT NOW, WE COULD REDUCE THE LOAD TO OUR STREAMS BY AT LEAST 50% AND WE COULD REDUCE THE CONCENTRATIONS OF PAH'S IN OUR SFREMZ WHERE THESE THINGS ARE ENTERING OUR STREAMS TO ONE-SIXTH, AND THAT CONCENTRATION IS THE REALLY IMPORTANT THING TO THINK ABOUT FOR AQUATIC LIFE IMPACTS. SO JUST BY SWITCHING FROM COAL TAR BASED PRODUCTS TO ASPHALT-BASED PRODUCTS WE THINK YOU CAN MAKE A VERY SIGNIFICANT ENVIRONMENTAL IMPROVEMENT, SO THAT'S WHY WE ARE AT THIS TIME RECOMMENDING THAT, NOT PROMISING THAT AFTER WE DO MORE RESEARCH AND DOWN THE ROAD -- AND I HOPE THERE WILL BE NATIONAL RESEARCH -- THAT WE MIGHT NOT COME BACK TO YOU, BUT THIS IS WHAT WE THINK IS A VERY APPROPRIATE AND MEASURED FIRST STEP. AGAIN, WE DO EXPECT NATIONAL HELP ON THE ISSUE. IT'S BECOME A VERY HOT ISSUE ACROSS THE COUNTRY AT THIS POINT IN TIME. WE ALSO KNOW FROM WORKING WITH THE INDUSTRY FOLKS IS THAT THERE ARE EMERGING PAVEMENT SEALER PRODUCTS THAT MAY OFFER US EVEN MORE PROTECTION AND VERY LOW TO NO PAH'S. AND SO WE'RE PRETTY EXCITED ABOUT THE NEW TECHNOLOGY THAT IS COMING UP IN THIS INDUSTRY. THIS IS THE PUBLIC PROCESS. HERE WE HAVE NOVEMBER 17TH. IN SUMMARY, PAH'S ARE A VERY HIGH PROFILE POLLUTANT OF GROWING CONCERN NATIONWIDE. THE CONCENTRATION, THE INCREASES THAT I SHOWED YOU IN TOWN LAKE ARE MIRRORED ACROSS THE COUNTRY WHEREVER THESE PAH'S ARE BEING TRACKED OVER TIME. THE CITY -- THIS RESEARCH HAS REALLY UNEARTHED A MAJOR NEW SOURCE OF PAH'S AND THE EXCITING THING FOR US IN THE WATERSHED PROTECTION AREA IS THAT MOST POLLUTANTS ARE EXTREMELY DIFFICULT TO CONTROL. SOMETIMES THERE ARE SIMPLY THINGS THAT WE CAN'T CONTROL, THE PAH'S THAT WE GET FROM AUTOMOBILE EMISSIONS AS AN

EXAMPLE. THIS ONE IS CONTROLLABLE. IT'S NOT MANDATORY, WE DON'T HAVE TO DO AWAY WITH CARS AND WE HAVE AN ALTERNATIVE. AND SO IT'S -- IT REPRESENTS A VERY EXCITING OPPORTUNITY TO MAKE A SIGNIFICANT IMPROVEMENT WITH A SINGLE ACT. WE THINK THAT THE COMBINATION OF DATA THAT WE HAVE PROVIDED FOR YOU, THE CHEMICAL TRACING, THE LABORATORY TOXICITY AND OUR FIELD STUDIES PROVIDE AMPLE EVIDENCE FOR YOU TO TAKE THIS ACTION AT THIS TIME. I THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MS. McCLINTOCK. COUNCILMEMBER LEFFINGWELL.

Leffingwell: JUST A QUICK QUESTION BEFORE YOU LEAVE. I DON'T KNOW HOW EASILY YOU CAN NAVIGATE THOSE SLIDES, BUT I WOULD JUST LIKE TO EMPHASIZE -- YOU'VE GOT A COUPLE OF SLIDES, GRAPHS THAT ARE ON A SCALE, AND IT'S REALLY EASY NOT TO GRASP THE TOTAL SIGNIFICANCE OF THOSE THINGS, BUT THE REASON THEY'RE ON A LOG RHYTHMIC SCALE IS BECAUSE IF THEY'RE ON A LINEAR SCALE YOU WOULD HAVE TO HAVE A GRAPH AS TALL AS THIS BUILDING JUST ABOUT TO SHOW IT. THERE ARE A COUPLE OF -- THE DIFFERENCES HERE ARE MUCH GREATER THAN IT SHOWS ON A PIECE OF PAPER UNLESS YOU REALIZE THE SIGNIFICANCE OF THAT SCALE.

RIGHT.

Futrell: NANCY, BEFORE YOU STEP AWAY, THIS IS SUCH AN EXTRAORDINARY PIECE OF WORK, WILL YOU RECOGNIZE AND ANNOUNCE THE NAMES OF YOUR TEAM MEMBERS THAT ARE STANDING OVER THERE BY THE WALL?

THANK YOU VERY MUCH. TOM ENNIS. THERE'S MITZI FROM THE LEGAL DEPARTMENT, DAVID JOHNS. LALA IS HERE SOMEWHERE. THERE SHE IS. TOM BROUSSARD, WHO IS THE INVESTIGATOR THAT HAD THAT AH-HA MOMENT AND REALIZED THAT SOME OF THE SEALANT CONTAINED COAL TAR. AND WHO AM I MISSING, OUR BIOLOGIST WHO DID MOST OF THAT BIOLOGICAL WORK. THANK YOU.

Futrell: I JUST THINK WE NEED TO RECOGNIZE THE EXTRAORDINARY TALENT THAT WE HAVE ON CITY STAFF.

AMAZING WORK, YOU GUYS. [ APPLAUSE ] LEE MCGUIRE I WAS GOING TO DO THAT LATER --

Leffingwell:, I WAS GOING TO DO THAT LATER, BUT THANK YOU FOR DOING IT. THIS ENTIRE PROJECT HAS HAD THE GREAT COOPERATION FROM CITY STAFF, FROM THE CITY MANAGER ON DOWN, AND I THANK YOU TOO AS WELL AS THIS FINE STAFF THAT'S DONE THIS GREAT AMOUNT OF WORK, GREAT BODY OF WORK. FUTURE I'M TOO PROUD A MOTHER UP HERE. I COULDN'T HOLD, COULD I?

Mayor Wynn: FIRST AND FOREMOST, COUNCIL, I'LL CONSIDER A MOTION TO WAIVE COUNCIL RULES TO GO PAST 10:00 P.M. MOTION MADE BY COUNCILMEMBER LEFFINGWELL -- [ LAUGHTER ] -- SECONDED BY COUNCILMEMBER MCCracken. ALL IN FAVOR? OPPOSED? THANK YOU MOTION PASSES ON A VOTE OF SIX TO ZERO WITH THE MAYOR PRO TEM OFF THE DAIS. COUNCIL, ALSO ANOTHER SUGGESTION, WE HAVE A NUMBER OF FOLKS WHO -- LUCKILY ONLY A HANDFUL OF FOLKS WHO WANTED TO SPEAK TO US TODAY, BUT BY THE TIME THEY HAD TIME DONATED TO THEM BY THEIR COLLEAGUES AND FRIEND THERE WOULD BE WELL OVER ANOTHER HOUR WORTH OF TESTIMONY ON THIS, AND IT SEEMS TO BE APPROXIMATELY EVENLY SPLIT BETWEEN THOSE WISHING TO SPEAK IN OPPOSITION OF THIS BAN AND THOSE IN SUPPORT. AND THEN KNOWING THAT WE HAVE ANOTHER SIGNIFICANT PUBLIC HEARING FOLLOWING THIS AND I'LL BE ASKING -- AT LEAST ON THE NEXT PUBLIC HEARING, ITEM 71, WE'RE NOT POSTED FOR OFFICE, WE'RE JUST -- POSTED FOR ACTION, WE'RE JUST GOING TO TAKE TESTIMONY. FOLKS CAN LEAVE US THEIR COMMENTS OR WE'LL CERTAINLY LISTEN TO THAT. I WOULD RECOMMEND THAT WE CONSIDER ONCE AGAIN AS WE DID WITH THE PREVIOUS CASE, WAIVING COUNCIL RULES AND ASKING EACH OF THE TWO SIDES TO LIMIT THEIR TESTIMONY TO 20 MINUTES PER SIDE WOULD BE MY RECOMMENDATION. I THINK THAT WILL GIVE ENOUGH TIME FOR THE FOLKS WHO WANT TO GIVE TESTIMONY TIME TO GIVE THAT.

CAN I BE HEARD ON THAT POINT?

IDENTIFY YOURSELF.

JIM NIAS. I'M HERE TONIGHT -- I'M SORRY. I'M HERE REPRESENTING WHAT NANCY CALLED THE NATIONAL INDUSTRY. OUR POWERPOINT ALONE IS 20 MINUTES. AND WE REALLY THINK IT'S FAIR TO AT LEAST SEE THAT AND LET A FEW OTHER PEOPLE SPEAK. WE COULD DO OUR WHOLE PRESENTATION IN ABOUT 40, 45 MINUTES.

Mayor Wynn: COUNCIL, WE HAVE A REQUEST --

McCracken: MAYOR, I'LL MOVE FOR 30 MINUTES PER SIDE. OF COURSE, THAT WILL STILL BE ANOTHER HOUR OF TESTIMONY. AND WE HAVE A LOT OF FOLKS FOR THE OTHER ISSUE TOO.

Mayor Wynn: AGREED. MOTION MADE BY COUNCILMEMBER MCCracken, SECONDED BY COUNCILMEMBER LEFFINGWELL TO WAIVE COUNCIL RULES ALLOWING FOR TESTIMONY TO BE GRANTED FOR 30 MINUTES PER SIDE, THOSE IN OPPOSITION AND THOSE IN FAVOR OF THIS ITEM, WHICH IS THE R. BAN OF THESE PRODUCTS. SO COUNCIL, ANY FURTHER QUESTIONS OF STAFF OR COMMENTS BEFORE WE TAKE TESTIMONY? DID WE VOTE ON THAT OR NOT? HAVE WE VOTED ON THAT? OKAY. WE HAVE A MOTION AND A SECOND ON THE TABLE TO WAIVE COUNCIL RULES AND LIMIT TESTIMONY TO 30 MINUTES PER SIDE. ALL IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? THANK YOU. MOTION PASSES ON A VOTE OF SIX TO ZERO WITH THE MAYOR PRO TEM OFF THE DAIS. MR. NIAS, WHY DON'T WE TAKE THE TESTIMONY FROM THOSE IN OPPOSITION, AND AGAIN WE APPRECIATE YOUR FLEXIBILITY, BUT WE'RE TRYING TO BE AS COGNIZANT OF EVERYBODY'S TIME AS WE CAN.

MAYOR, WHEN YOU ARE READY FOR THAT, WE HAVE A RECOMMENDED OR REQUESTED ORDER OF SPEAKERS. MAY I HAND THAT TO YOU?

Mayor Wynn: YOU MAY. ACTUALLY, YOU COME UP IN WHATEVER ORDER UP. WE'LL JUST SET THE CLOCK. OKAY. SET THE CLOCK AT 30 MINUTES AND AGAIN, WE APPRECIATE

YOUR FLEXIBILITY.

I'M AN ENVIRONMENTAL CONSULTANT WITH ENVIRON INTERNATIONAL. I'M HERE ON BEHALF OF THE PAVEMENT COATING TECHNOLOGY CENTER, A JOINT SURPRISE OF THE UNIVERSITY OF NEVADA RENO AND COMPANIES IN THE PAVEMENT SEALER INDUSTRY. I'M A TOXICOLOGIST WHO HAS WORKED EXTENSIVELY ON ENVIRONMENTAL LEVELS AND STANDARDS FOR CLEANUP REGARDING CHEMICALS WHERE THERE IS A NORMAL BACKGROUND LEVEL OF THAT CHEMICAL IN THE ENVIRONMENT. I'VE DIRECTED PREVIOUS COMPANIES OF PAH BACKGROUND LEVELS IN AREAS AFFECTED BY TRAFFIC, INDUSTRIAL AND COMMERCIAL USES, AND I'M DIRECTING CURRENTLY A STUDY ON PAH LEVELS HERE IN AUSTIN, CREEK SEDIMENTS AND DITCHES. I'M GOING TO MAKE FOUR POINTS AND WILL DO IT VERY QUICKLY.

Mayor Wynn: I'VE HALTED YOUR CLOCK.

I'LL TALK ABOUT FOUR DIFFERENT POINTS. FIRST I'LL RECOGNIZE THE CITY'S LEADERSHIP IN MUNICIPALLY SPONSORED RESEARCH ON THIS TOPIC DOES STAND OUT IN THE NATION, HOWEVER, NO SCIENTIFIC STUDY CAN GIVE A COMPLETE PICTURE WHEN IT COMES TO LOOKING AT MANAGEMENT OF A COMPLEX ISSUE SUCH AS URBAN RUNOFF. FURTHER, CURRENT PUBLICATIONS BY THE SAME UNITED STATES GEOLOGICAL SURVEY GROUP THAT IS WORKING WITH THE CITY CURRENTLY HAVE OVER THE YEARS ESTABLISHED OTHER SPECIFIC QUANTITATIVE MASS LOADINGS OF PAH'S AND THOSE NUMBERS ARE MUCH LARGER THAN THE NUMBERS THAT ARISE OUT OF THEIR CURRENT PAPER. SPECIFIC COMPARISONS OF THE PERCENTAGE OF PAH'S FROM VARIOUS SOURCES SHOULD BE CONSIDERED AND THE PCTC STUDY THAT'S ONGOING SHOULD BE CONSIDERED AS WELL. ALSO IN ENVIRONMENTAL MANAGEMENT THERE'S NEVER A FREE LUNCH. THE SUBSTITUTION RISK OF DIFFERENT PRODUCTS OR ELIMINATE BE CERTAIN PRODUCTS SHOULD BE SPECIFIED QUANTITATIVELY FOR YOU. MS. McCLINTOCK COVERED PAH'S COME FROM ALL COMBUSTION, THEY'RE PRESENT IN CONSTRUCTION MATERIALS AND CONSUMER PRODUCTS. THE FUNDAMENTAL FACT OF ENVIRONMENTAL



MANAGEMENT IS THAT ALL CHEMICALS ARE TOXIC. THIS IS THE MANTRA FROM TOXICOLOGISTS, WHICH DIFFERENTIATES CONTROL FROM POLLUTION IS SIMPLY THE WAY WE MANAGE THEM. THIS IS A QUOTE FROM VAN METER ET AL IN 2000, A STUDY THEY DID ON THE LOADING OF VEHICLE RELATED PAH'S INTO TOWN LAKE. AND THE SENTENCE FOR YOUR SPECIFIC CONSIDERATION, MAN-MADE SOURCES SUCH AS VEHICLES, HEATING, POWER PLANTS, INDUSTRIAL PROCESSES AND REFUSE AND OPEN BURNING ARE CONSIDERED TO BE THE PRINCIPAL SOURCES TO THE ENVIRONMENT. THIS IS NOT ONLY THE SCIENTIFIC CONSENSUS TO THIS DAY, ONE RESEARCHER HAS GONE SO FAR AS TO WRITE IT IS INSTANCE AMONG THE STUDIES OUT THERE. THAT THESE ARE THE LARGE AIRBORNE SOURCES THAT CONTROL PAH IN THE ENVIRONMENT. ONE NEED TO GO SO FAR AS TO E.P.A.'S WEBSITE. THEY HAVE BEEN STUDYING IT FOR YEARS AND HAVE A VERY SIMPLE NUMBER OF THE AMOUNT RELEASE PER MILE DRIVEN. TEXAS TRANSPORTATION FOLKS ARE KIND ENOUGH TO PROVIDE US AN ESTIMATE OF THE NUMBER OF MILES DRIVEN IN THE CITY PER DAY. IEWL YOU'VE GOT TO DO IS MULTIPLY AND YOU TURN UP WITH MORE THAN 2800 POUNDS OF PAH'S COMING INTO YOUR ENVIRONMENT FROM THIS SOURCE. LET'S TURN TO WHY THE MANAGEMENT IS SO IMPORTANT. A BOTTLE OF SHAMPOO THAT WE COULD ALL DO GO TO CVS AND PICK UP CONTAINS FIVE AND A HALF GRAMS, 400 MILLIGRAMS OF PAH OF. THAT'S 2500 TIMES MORE THAN THAN YOU WILL SEE IS COMPUTED BY THE CURRENT USGS STUDY COMING OFF OF A FRESHLY WASHED DRIVEWAY. THIS PRODUCT CONTAINS VERY HIGH LEVELS OR CONCENTRATIONS OF PAH'S, YET IT IS EFFECTIVELY MANAGED THROUGH THE STORM AND SEWAGE WATER TREATMENT PROCESSES THAT WE USE TO CONTROL CHEMICALS IN THE ENVIRONMENT. AUSTIN WATER BODIES ARE NOT OUT OF THE ORDINARY. THIS IS A GRAPH THAT -- THE BARS IN RED ARE THE VALUES FROM THE USGS GROUP BASED HERE AND CITY RESEARCH THAT'S UNPUBLISHED. WHAT'S IMPORTANT IS AUSTIN IS CLEARLY IN THE MIDDLE. THERE ARE PH LOADING IN EVERY URBAN LAKE AND STREAM IN THIS COUNTRY. IT IS AN IMPORTANT ISSUE WITH REGARD TO URBAN SOURCE CONTROL, BUT THERE IS NO CRISIS HERE IN AUSTIN. THE USGS AND THE CITY'S TEAM

HAVE PUBLISHED A REPORT DOCUMENTING THAT COAL TAR CHEMICALS CAN BE WASHED OFF OF COAL TAR SEALED PAVEMENT. THEY'VE ALSO PRESENTED UNPUBLISHED RESEARCH ON AQUARIUM TESTING WITH MIJS AND SCUDS AND GENERAL STREAM QUALITY AROUND PARKING LOTS. THE MOST IMPORTANT PART FOR OUR REQUEST THAT YOU CONSIDER THIS FURTHER IS THAT NO SPECIFIC ANALYSIS OF THE PRO PROPORTIONATE INPUTS FROM VARIOUS SOURCES HAS BEEN CONDUCTED NOR PRESENTED. IN THE 2005 STUDY BY MILER VAN METER ET AL, THEY DETERMINED THE PAH AMOUNT WASHED FROM COAL TAR SEALER HAD BEEN FRESHLY APPLIED. THEY ALSO IDENTIFIED PAH'S IN THE RUNOFF FROM PARKING LOTS THAT ARE IN USE. AND ONE OF THE TWO IMPORTANT QUOTES OR POINTS OUT OF THIS PAPER IS THEY COULD NOT DETECT A DIFFERENCE IN THE AMOUNT OF PAH INPUT FROM COAL TAR SEALER VERSUS ASPHALT SEALER IN USE LOTS. IN ORDER, THE CONTRIBUTION FROM THE SEALER RELATIVE TO THE OTHER CONTRIBUTIONS ON THOSE PARKING LOTS, THAT'S THE CAR, TIRE WEAR, THE OIL, THE AIRBORNE DISPOSITION THAT WE'VE ALREADY TALKED ABOUT, APPARENTLY OVERWHELMS THE DIFFERENCES AND FURTHER INVESTIGATION OF WHAT'S ACTUALLY COMING OFF OF DIFFERENT PARKING LOTS IS IMPORTANT BECAUSE WHAT ALSO JUMPS OUT AT YOU IS THE HUNDREDS OF FOLD DIFFERENCE BETWEEN THE INDIVIDUAL MEASUREMENTS MADE IN THE STUDY. COMING OFF OF EACH SQUARE METER OF PAVEMENT. TAKING A STANDARD RESIDENTIAL DRIVEWAY SIZE, THAT TURNS OUT TO BE THE NUMBER OF 2.3 MILLIGRAMS OF PAH LOADING FROM A DRIVEWAY. THAT'S THE NUMBER THAT I MENTIONED IS 2500 TIMES LESS THAN WHAT'S IN THAT BOTTLE OF SHAMPOO. AFTER THREE RAIN EVENTS THAT YIELD DROPS BY 10 FOLD IN THE PAPER. AND IF YOU TAKE THAT NUMBER OF .046 FOR THREE EVENTS AND THEN DROP IT DOWN TO THE LATER EVENT NUMBER OF .004, YOU'LL FIND THAT CITYWIDE THE PAH COMING OFF FRESHLY APPLIED COAL TAR SEALER PAVEMENT AMOUNTS TO 9.8 KILOGRAMS. AND THAT IS SUBSTANTIALLY SMALLER THAN THE AMOUNTS COMING FROM OTHER SOURCES SUCH AS VEHICLES. PAH CONTENT FROM VARIOUS SOURCES IS SHOWN HERE TO PROVIDE A SCALE OF WHAT WE'RE DEALING WITH. IF WE LOOK AT 2.3 MILLIGRAMS OF LOADING

FROM A RAIN EVENT, THAT TURNS OUT TO BE INTERESTINGLY VERY SIMILAR TO THE AMOUNT THAT COMES OFF OF EACH ROOFTOP, SO THE RESIDENTIAL DRIVEWAY AND THE RESIDENTIAL ROOFTOP ARE CONTRIBUTING THE SAME AMOUNT OF PAH'S TO THAT STREAM. AND THAT VALUE FROM THE ROOFTOP COMES FROM AGAIN A PUBLICATION IN A JOURNAL BY THE SAME USGS GROUP 2003. LOOKING UP THAT LINE YOU SEE JUST HOW MUCH MORE PAH THERE IS IN A COURT OF USED OIL THAT I WOULD SUGGEST WE'VE ALL HAD TO ADD TO OUR CAR ONCE IN AWHILE. SO LOOK AT THE EQUIVALENCE FACTOR AGAIN. WHAT IS THE AMOUNT COMING OFF OF A RESIDENTIAL ROOF OR DRIVEWAY AMOUNT TO? IT'S THE AUTOMOBILE EXHAUST PRODUCED IN 15 MILES OF DRIVING. A ROUND TRIP DOWNTOWN, YOU'VE CONTRIBUTED AS MUCH AS WE'RE TALKING ABOUT HERE COMING OFF THAT DRIVEWAY. PUTTING IT ON A COMMERCIAL SCALE, IF YOU WERE TO LOOK AT TWO RETAIL BUILDINGS THAT MIGHT BE A MALL, THE AMOUNT OF WASHOFF COMING FROM THE SEALER EQUATES TO WHAT'S COMING FROM 2100 2,100,000 SQUARE FOOT BUILDING ROOFTOPS. THAT AMOUNTS TO FIVE SECONDS OF THE LOADING FROM EXHAUST HERE IN AUSTIN. THE STUDY IS EXCELLENT AND WELL DONE. IT ALSO DOES NOT ANSWER ALL QUESTIONS BECAUSE ONLY CERTAIN QUESTIONS WERE ASKED OF THE EXPERIMENTS THAT WERE DONE AND THE ANALYSES CONDUCTED. THERE IS NO COMPARISON MADE IN THE PAPER TO PREVIOUSLY MEASURED PAH LOADING FROM THE AIR THAT MUELLER AND VAN METER HAD PREVIOUSLY IDENTIFIED AS A SOURCE, NOR WAS THERE ANY COMPARISON TO THE QUANTITATIVE AMOUNTS COME FRG ROOFTOP RUNOFF THAT HAD PREVIOUSLY BEEN ESTABLISHED BY THE SAME GROUP. THERE IS NO SPECIFIC EVALUATION OF THE PROPORTIONS OR THE FRACTIONS OF PAH COMING FROM DIFFERENT SOURCES IN GOING TO WATERWAYS. WE'RE NOT SAYING THIS IS NOT A VALID STUDY. THESE QUESTIONS WERE NOT ASKED OF THE DATA. GOING BEYOND THE STUDY FINDINGS, IT HAS STATED IN DIFFERENT FORMS THAT THE SEALER IS RELEASING THE MAJORITY AND YOU'VE HEARD HERE MORE THAN 50% AND WE HAVE SEEN ELSEWHERE THE IDEA THAT THIS IS A VERY LARGE FRACTION. HOWEVER, AGAIN WE'VE GOT A QUOTE FROM SAIMENT PAPER BY VAN METER THAT

SAYS THE AVERAGE YIELD OF PAH'S FROM SEALED PARKING LOTS IS 50 TIMES GREATER THAN THAT FROM SUN SEALED LOTS. PAH ASSEMBLAGES AND UNSEALED LOADS FURTHER SUGGEST THAT SEALED PARKING LOTS COULD BE DOMINATED PAH LOADING IN WATERSHED WITH COMMERCIAL AND RESIDENTIAL LAND USE. THAT'S THE ONLY STATEMENT MADE REGARDING INPUTS. WHEN ASKED PREVIOUSLY THIS IS THE PARAGRAPH THAT THE CITY POINTED TO AT DOWNGHT THE IDEA THAT A MAJORITY OF PAH'S COULD BE CONTROLLED. THE PAPER MENTIONS NO -- MAKES NO MENTION OF PARKING LOT INPUTS. INTERESTINGLY ENOUGH, YESTERDAY DR. VAN METER PRESENTED THIS INFORMATION AND HIS COMMENT TO THE AUDIENCE IS THAT THIS ISSUE NEEDS A LOT MORE RESEARCH. THE UNPUBLISHED AQUARIUM TESTS, AGAIN, INTERESTING STARTING POINT, LET'S REFLECT THAT THESE ARE UNPUBLISHED STUDIES AND IMPORTANTLY AS WAS PRESENTED TODAY, STUDENTS APPEAR TO HAVE BEEN THE LEAD AUTHORS ON THESE. THESE STUDIES NEED TO BE REVIEWED THOROUGHLY AND THE QUALITY CONTROL INFORMATION, SINCE THEY WERE NOT DONE BY PROFESSIONAL STAFF ALONE, BUT BY TRAINEES, NEEDS TO BE CONSIDERED CAREFULLY. THERE ARE IMPORTANT SPECIFIC SCIENTIFIC GAPS. THE SOURCE OF THE TEST MATERIAL IS NOT DISCLOSED. WE HAVE ASKED FOR WHAT IT WAS EXACTLY AND WHERE IT CAME FROM. ONE OF THE FUNDAMENTAL THINGS THAT GOES INTO A SCIENTIFIC PUBLICATION IS WHAT THE MATERIAL IS, WHAT ITS PURITY IS AND WHERE DID IT COME FROM. THE VERBAL DESCRIPTION PROVIDED THAT THE SEALER TURN INTO POWDER DOESN'T APPEAR TO BE CONSISTENT WITH WHAT FOLKS IN THE INDUSTRY KNOWS HAPPENS TO SEALER. SEALER TENDS TO FORM LITTLE GLOBS. THE LACK OF A FULL CHEMICAL CHARACTERIZATION OF THE MATERIAL USED PRECLUDES OTHERS FROM REPEATING THE TESTS. THE UNPUBLISHED STREAM SURVEYS ARE AGAIN AN INTERESTING STARTING POINT, BUT PARKING LOT AND ROADWAY DRAINAGE CONTAINS MANY OTHER CHEMICALS FROM URBAN POLLUTION BESIDES PAH'S. COPPER FROM THE BRAKE LINING OF CARS IS RECOGNIZED AROUND THE COUNTRY AS A, BEING HIGHLY TOXIC TO STREAM LIFE AND B, BEING ANOTHER IMPORTANT SOURCE OF URBAN POLLUTION. ALSO,

REDUCTIONS IN EXTREME QUALITY ARE ROUTINE WITH URBAN DRAINAGE AND DOWNSTREAM OF PARKING LOTS WHERE ALL VARIETY OF CHEMICALS ARE ENTERING. THE URBAN STREAM IMPACTS HAVE ALREADY BEEN ESTABLISHED IN A PREVIOUS PAPER AND WE FIND AGAIN QUOTING VAN METER AND MUELLER, CONSFRACTIONS OF SINK, LEAD, PIREEN ON A MASS BASIS IN A MAJORITY OF ROOFTOP SAMPLES EXCEEDED THE ESTABLISHED SEDIMENT QUALITY GUIDELINES. IN OTHER WORDS, WE DIDN'T NEED TO WORRY ABOUT ADDING THE COAL TAR SEALER. THE EXPLANATION FOR STREAM QUALITY DEGRADATION WAS ALREADY WITH US JUST FROM THE ROOFTOP LOADING, FORGET THE PARKING LOT LOADING. THE BENEFIT PROJECTION OF BEING MORE THAN -- A MAJORITY OF PAH'S ATTACHED BY THIS SINGLE STRATEGY DOESN'T BEAR OUT WITH REGARD TO THE SOURCES THAT ARE OUT THERE. I PLACED A QUOTE THAT WAS ON THE NEWS LAST WEEK FOLLOWING THE PLANNING COMMISSION MEETING AND WE SEE THAT ACCORDING TO THE CITY'S REACHED THE CONCLUSION ALREADY THAT SEALERS ARE DUMPING A LARGE PROPORTION, PROBABLY THE MAJORITY OF PAH'S THAT WE SEE IN THE AUSTIN AREA. THE 2005 STUDY BY USGS DOES NOT MENTION FALLOUT FROM THE AIR AND OTHER PAH SOURCES AND OTHER PUBLICATIONS MEASURED THESE CONTRIBUTIONS AND THEY TURNED OUT TO BE A LOT LARGER THAN THAT 9.8 KILLOGRAMS FROM FRESHLY WASHED SEALER. IN 2003 PAPER, THE NUMBER COMES OUT TO BE 9.2 MICROGRAMS PER SQUARE METER OF THE PAH FROM THE AIR AS DEPOSITED ON ROOFTOPS. IF YOU TAKE THIS AGAIN BASED ON THAT PAPER, THEY FIGURE OUT COMAKTLY WHAT PERCENTAGE OF AREA IN AUSTIN IS COVERED BY ROOFTOPS, MULTIPLY IT OUT YOU GET 261 KILOS OF PAH'S WASH OFF THE ROOFS HERE. WE CAN LOOK AT THIS PARKING LOTS AS WELL TAKING THE SAME NUMBERS PROVIDED BY USGS. WE ALSO HAVE AERIALS AND AGAIN PUBLISHED BY USGS HAVE THE PARKING LOT AREA HERE IN AUSTIN. THAT WORKS OUT TO BE 39 KILOS PER YEAR FROM AIR DEPOSITION ALONE ON TO THE PARKING LOTS THAT SUBSEQUENTLY ENTERS DRAINAGE. LOOKING AT AUSTIN STREETS AND SIDEWALKS, WE SEE AGAIN ROUGHLY 40 KILOS, FOUR TIMES MORE THAN THE WASHOFF FROM FRESHLY SEALED LOTS. PRELIMINARY ANALYSIS THAT WE'VE

COMPLETED USING INPUT DATA FROM SPECIFICALLY THE ROOFTOP RUNOFF STUDY IN 2003, THE COAL TAR SEALER CURRENTLY, WE BELIEVE THAT THE REAL PROPORTION WILL TURN OUT TO BE MUCH LESS THAN ONE PERCENT OF THE ENVIRONMENTAL PAH'S THAT ARE ACTUALLY COMING FROM THE FRESH COAL TAR SEALER BEING WASHED OFF. THAT'S USED MOTOR OIL, IT'S GAS STATION RUNOFF, WHICH IS RECOGNIZED IN OTHER MUNICIPALITIES AS A MAJOR SOURCE OF PAH. THAT'S PAVEMENT DEBRIS THAT OFTEN ENDS UP IN STREAMS AND STREAM CHANNELS THAT ARE LINED WITH PAVEMENT. REMOVING SEALER WILL NOT CORRECT THE STREAM CONDITIONS. THE FINAL PICTURE I CAN'T GIVE YOU THOSE EXACT NUMBERS THAT WILL FIT IN THE QUESTION MARK. I CAN TELL YOU YOU NEED TO RESEARCH THEM. AND ANOTHER QUOTE FROM MUELLER AND VAN METER IN THE RESEARCH PAPER, FOR UNSEALED AND THAT'S MY EMPHASIS, PARKING LOTS, THE MEAN TOTAL PAH WAS MORE THAN TWICE THE POSSIBLE EFFECT CONCENTRATION SEDIMENT GUIDELINE. FROM UNSEALED PARKING LOTS YOU HAVE SUFFICIENT RUNOFF TO CAUSE THE DEGRADATION IN STREAM QUALITY THAT'S BEEN DISCUSSED, MUCH LESS ADDING IN ANOTHER CONCERN ON TOP OF THAT. TRAFFIC IN THAT URBANIZATION DRIVE PAH LEVELS. THIS WAS THE POINT OF THE 2000 PAPER BY THE SAME GROUP AND THEY SAY THE LARGE INCREASES IN TRAFFIC OFFER AN EXPLANATION FOR WHY PAH IS MORE THAN DOUBLED IN TOWN LAKE. AND SPECIFICALLY TESTED WHETHER IT WAS URBANIZATION AS A FACTOR VERSUS TRAFFIC MILES. I'LL SKIP THIS IN THE SUPER OF TIME AND MOVE ON TO SAY OUR LAST POINT IS THAT THERE ARE NO FREE LUNCHES. ASPHALT SEALER WEARS FASTER AND IMPORTANTLY THE STUDY SPECIFIES THAT IT DID NOT DETECT A DIFFERENCE IN PAH LOADING FOR COAL TAR VERSUS ASPHALT SEALED. NO SEALER, BECAUSE SEALER IN FACT PROTECTS THE PAVEMENT FROM DEGRADATION WILL RESULT IN MORE PAVEMENT DEBRIS CONTAINING PAH'S IN YOUR STREAMS. AND IMPORTANTLY, THE PENETRATION OF PETROLEUM SOLUBLE CONTAMINANTS THROUGH PAVEMENT THAT IS NOT COATED WITH THE SEALER. ANOTHER FACTOR WE EXPECT TO BE PART OF THE EQUATION ON ASPHALT SEALERS IS THEY CONTAIN METALS AND OTHER ADDITIVES THAT HAVE SUBSTANTIAL TOXICITY TO AQUATIC LIFE.

URBAN COMPLEXITIES ARE REAL. SOURCES OF PH'S IN OUR ENVIRONMENT COME FROM MANY DIFFERENT PLACES. AND AS LONG AS YOU ARE MAIN LINING 10% SOLUTIONS OF PAH IN USED MOTOR OIL OFF OF CONGRESS AVENUE, YOU WILL NOT GET A 50% REDUCTION IN PAH LOADING BY TAKING THIS ACTION WITH THIS ORDINANCE AGAINST ONE SPECIFIC PAH SOURCE. IF YOU PROMOTE ONE PIECE OF SCIENCE AS A PAN SEE I CAN'T WHEN THE COMPLEXITIES OF URBAN STORM WATER COME THROUGH YOU RISK THE PUBLIC'S FAITH IN SCIENCE SOLUTIONS AND THE CREDIBILITY OF A DEPARTMENT THAT HAS RISEN AS AN INDICATOR OF AUSTIN'S LEADERSHIP AND ENVIRONMENTAL MANAGEMENT. THIS QUOTE REFLECTS THE DRIVE OF AUSTIN'S ENVIRONMENTAL TEAM, BUT I THINK THE WORDS SPOKEN JUST YESTERDAY BY DOCTOR VAN METER IN PRESENTING HIS WORK TO HIS SCIENTIFIC PEERS SAY IT ALL. THIS ISSUE NEEDS A LOT MORE RESEARCH AND I'LL LEAVE THOSE WORDS WITH YOU. THANK YOU.

Mayor Wynn: THANK YOU.

CAN YOU ADVISE US ON THE AMOUNT OF TIME YOU HAVE LEFT? >>

Mayor Wynn: 13 AND A HALF MINUTE. IS THERE A CLOCK UP ON THE PODIUM? OKAY.

GOOD EVENING, COUNCIL, MY NAME IS KEVIN HARDIN, I'M WITH AN ASPHALT COMPANY OUT OF THE TAMPA, FLORIDA. WE ALSO HAVE A CORPORATION IN DALLAS, TEXAS. WE PRODUCE IN THE STATE OF FLORIDA NUMEROUS TYPES OF ASPHALT EMULTIONS, CUT BACK ASPHALTS, POLYMER MODIFIED ASPHALTS AND WE ALSO PRODUCE COAL TAR EMULTIONS. MY TALKING TONIGHT ABOUT THE PROPOSED BAN ON THE COAL TAR SEALER. THE ALTERNATE TO APPLYING COAL TAR SEALER IS OBVIOUSLY THE ASPHALT BASED SEALERS. AS A MEMBER OF AMERICAN SOCIETY FOR TEST MATERIALS, ASPHALT EMULTION MANUFACTURERS ASSOCIATION, THE PAVEMENT COATING TECHNOLOGY CENTER, I'M COMING HERE TO TELL YOU THAT THERE IS NO NATIONAL STANDARD FOR ASPHALT-BASED SEALERS. THERE ARE NATIONAL STANDARDS FOR THE REQUIREMENTS OF COAL TAR SEALERS. PERHAPS THAT'S WHY THEY TEND

TO WITHIN THE INDUSTRY PERFORM BETTER THAN THE ASPHALT BASED SEALERS. THE ASPHALT BASED SEALERS HAVE NO NATIONAL STANDARD. AND THUS THE TYPES OF INGREDIENTS THAT YOU WILL FIND IN THEM VARY FROM ONE MANUFACTURER TO THE NEXT. I WANT TO EVACUATION THE CITY THAT BY SPECIFYING THE USE OF ASPHALT-BASED SEALERS WE NEED TO MAKE SURE THAT WHAT YOU'RE PUTTING DOWN IS NOT GOING TO CAUSE A MORE SIGNIFICANT IMPACT TO THE ENVIRONMENT. AND WHAT I'M REFERRING TO IS MANY ASPHALT-BASED SEALERS REQUIRE THE USE OF BIOCIDES TO PREVENT THEM FROM PRODUCE ARE OR GROWING BACTERIA AND FUNGUS. THESE BIOCIDES, THE EFFECT ON LARGE SCALE USAGE IN THE ENVIRONMENT IS RELATIVELY UNKNOWN AND WITHOUT ANY NATIONAL STANDARD IT WOULD BE HARD TO SPECIFY A CONTROL FOR THEM. THAT'S ALL I HAVE NOW DUE TO LIMITED TIME. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. HARDIN.

THANK YOU. I KNOW IT'S LATE. IN A STROKE HOLDER AND PRESIDENT OF MANY ANNA ASPHALT COMPANY AND GEM SEAL. I COME WITH A SECOND POINT OF VIEW. I'M ALSO THE PAIR OF A TOWN IN BELLAIRE. I SUSPECT NONE OF YOU STARTED OUT YOUR LIFE AS AN ELECTED OFFICIAL. YOU HAVE VARIED BACKGROUNDS, DOCTORS, LAWYERS, BUSINESS PEOPLE, TEACHERS, WHATEVER. YOU BROUGHT YOUR EXPERIENCES TO THE COMMISSION, NOT NECESSARILY AS WATER PLANT OPERATORS, URBAN DESIGNERS OR ENVIRONMENTAL EXPERTS. YOU ARE DEPENDENT UPON STAFF TO PRESENT COMPLETE, UNBIASED DATA AND ALTERNATIVES FOR YOUR DECISION. AND WHEN CONTROVERSY ARISES THE NATURAL TENDENCY IS TO TRUST YOUR STAFF. I ENCOUNTER THE SAME THING AS MAYOR OF THE TOWN THAT I LIVE IN, MUCH SMALLER THAN AUSTIN. I DON'T MEAN TO IMPLY ANYTHING ILLEGAL, BUT THERE IS A HIDDEN AGENDA HERE SOMEWHERE. LET'S LOOK AT THE FACTS. A PRECONCEIVED HYPOTHESIS GENERATED A METHODOLOGY TO PROVE THAT HYPOTHESIS. SCIENTIFIC CONCLUSIONS DO NOT MATCH THE COMMON SENSE IN THIS ISSUE. INDUSTRY AND PEER REVIEW WAS NOT PERMITTED. WE WERE NOT ALLOWED TO PARTICIPATE. NONCONFORMING DATA WAS IGNORED AND



DATA AND METHODOLOGY WERE WITHHELD FROM THE INDUSTRY. THE HYPOTHESIS OF PAH LOADS FROM THE COAL TAR EMULSION AS A GREAT MAJORITY TURNS OUT TO BE LESS A HALF OF ONE PERCENT AT WORST. THE PRIMARY RESEARCHERS IGNORED THEIR OWN PREVIOUSLY PUBLISHED DATA AND CONCLUSIONS IN THIS REPORT. THIS IS FUZZY SCIENCE AT ITS WORST. THE GROUP IS ASKING ONLY ONE THING, THE STUDY SHOULD BE COMPLETED WITH ACCEPTED SCIENTIFIC PROCESSES AND WITH PEER REVIEW JUST LIKE OTHER AGENCIES FROM THE FEDERAL GOVERNMENT ON DOWN. BEFORE YOU TONIGHT ARE THE TAXPAYERS AND ACCEPTED ASSET PRESERVATION TOOL, AND DESTROY AN INDUSTRY, AND I DO TAKE ISSUE IN THAT OUR ASPHALT BUSINESS IS SEVEN TO EIGHT TIMES LARGER THAN OUR COAL TAR EMULL SHUN WITHIN THIS COUNTRY IT, NOT AN EASY SWITCH ONE FOR ONE. IT'S A MASSIVE EXPENDITURE. AND DOING THIS, AND NEVER IMPACTING THE PERCEIVED PROBLEM I THINK WOULD BE A HUGE MISTAKE AND A VIOLATION OF YOUR FIDUCIARY RESPONSIBILITY. I DON'T KNOW HOW YOU DO IT HERE, BUT WHEN I TOOK MY OATH, I SWORE TO UP HOLD THE FIRST OF THE U.S. CONSTITUTION AND THE FLORIDA CONSTITUTION AND THEN THE LAWS AND ORDINANCES OF THE TOWN OF BELLAIRE. I SUSPECT IT IS SIMILAR HERE. A FUNDAMENTAL PRECEPT OF THE U.S. CONSTITUTION AND THE FLORIDA CONSTITUTION, AND AS I UNDERSTAND IT, THE STATE OF TEXAS, IS EQUAL PROTECTION UNDER THE LAW. THE PROPOSED BAN IS BASED ON A STUDY THAT IS JUST PLAIN WRONG AND EGREGIOUSLY WRONG. WE'RE ONLY ASKING FOR AN OPPORTUNITY TO PARTICIPATE AS AN EQUAL ON A PEER REVIEW. THANK YOU.

Mayor Wynn: THANK YOU, SIR.

COUNCIL, I'M JIM NIAS. I'M REPRESENTING THE NATIONAL GROUP AND I'M FROM AUSTIN. I'M WITH THE JACKSON WALKER FIRM HERE. I'VE BEEN INVOLVED IN AUSTIN WATER QUALITY MATTERS AND ISSUES FOR OVER 25 YEARS, INITIALLY AS AN ASSISTANT CITY ATTORNEY IN CHARGE OF YOUR ENVIRONMENTAL MATTERS. I WROTE SOME OF YOUR EARLY WATERSHED ORDINANCES SUCH AS THE 1984 LAKE AUSTIN AND 1980 BARTON CREEK WATERSHED SITE DEVELOPMENT ORDINANCE. I LITIGATED THE CASE THAT

UPHELD YOUR RIGHT TO APPLY YOUR ORDINANCES IN THE E.T.J. AFTER I GOT THAT REVERSED IN THE COURT OF APPEALS AFTER THE LOCAL DISTRICT JUDGES SAID YOU COULDN'T DO THAT. ALTHOUGH I'VE BEEN -- I TELL YOU THAT TO SHOW I'VE GOT A LOT OF BACKGROUND AND EXPERIENCE IN WATER QUALITY MATTERS, BUT THIS IS ONE OF THE MORE COMPLEX ISSUES THAT I'VE EVER SEEN. IT SEEMS REAL SIMPLE IF YOU JUST LISTEN TO THE TELEVISION REPORTS AND THE NEWSPAPER REPORTS. IT SAYS IT TAKES HALF THE POLLUTION OUT OF THE AUSTIN'S WATER. IT REALLY IS NOT THAT SIMPLE. IF IT WAS THATCISM, IF -- IF THAT WAS CLEARLY TRUE, NOBODY COULD BE AGAINST THIS, BUT THERE IS CONFLICTING DATA HERE, AND RATHER THAN A MAJORITY OF THE PAH'S, THERE'S JUST AS GOOD OF EVIDENCE THAT IT MAY BE IS AS LITTLE AS ONE PERCENT THAT'S ATTRIBUTABLE TO COAL TAR BASED SEALANTS. WITH THAT EVIDENCE BEFORE YOU. YOU ASK WHAT IF IT IS ONLY ONE PERCENT. WHAT IF IT IS FIVE PERCENT? SHOULDN'T WE DO SOMETHING ABOUT THAT ANYWAY? ISN'T IT WORTH IT ENVIRONMENTALLY TO TAKE ANYTHING OUT OF THE ENVIRONMENT? WELL, MAYBE IT IS AND MAYBE IT ISN'T WORTHWHILE TO TAKE THIS STEP IF YOU CONSIDER AND REALLY ANALYZE THE ALTERNATIVES. WHAT ARE THE ALTERNATIVES? WELL, WE'VE HEARD THE ALTERNATIVE IS AN ASPHALT BASED SEALANT. THAT'S WHAT WE SHOULD USE INSTEAD. THE BOTTOM LINE DOESN'T SEEM TO BE THAT GREAT. IT'S CLEARLY THE CASE THAT A PARTICLE OF COAL TAR BASED SEALANT HAS A HIGHER CONCENTRATION OF PAH'S IN IT BECAUSE IT IS MUCH LESS DURABLE IT HAS TO BE REPLIED MANY MORE TIMES. THERE ARE MORE PARTICLES OF IT THAT REACH THE ENVIRONMENT, BE IT EACH ONE HAS A LOWER CONCENTRATION. IN THE END WHAT IS THE END RESULT OF THAT? IT DOESN'T SEEM TO BE THAT GREAT. ONE OF THE USGS PUBLICATIONS OF A FEW YEARS AGO SAID IT WASN'T STATISTICSLY SIGNIFICANT AT ALL. LET'S GO A STEP FURTHER. YOU JUST HEARD THAT WHEN YOU USE THE ASPHALT BASED SEALANTS THAT WE'RE NOW GOING TO BE FORCED TO USE IF THIS BAN GOES THROUGH, THAT THERE ARE ADDITIVES TO THAT OR OTHER PRODUCTS USED IN CONCONJUNCTION WITH THAT SUCH AS PESTICIDES AND BIO CIDES AND HEAVY METALS. SO THOSE THINGS ARE NOT

PAH'S, BUT THEY'RE OTHER WATER CONTAMINANTS. WHERE DO YOU REALLY COME OUT? NET-NET. DO YOU GAIN ANYTHING? STAY THE SAME PLACE? DO YOU LOSE SOMETHING? LET ME TAKE IT ONE STEP FURTHER INTO THAT ANALYSIS. I WAS LOOKING AT THE ORDINANCE ITSELF. AND THE ORDINANCE ITSELF, INTERESTINGLY, HAS AN EXEMPTION IN IT. IT SAYS THAT THE USE OF COAL TAR BASED SEALANTS IS EXEMPT WHEN A VIABLE ALTERNATIVE TO A COAL TAR PAVEMENT PRODUCT IS NOT AVAILABLE FOR THE INTENDED USE. YOU CAN USE IT IF A VIABLE ALTERNATIVE TO A COAL TAR BASED PRODUCT IS NOT AVAILABLE FOR THE INTENDED USE. WHAT DOES THAT MEAN? WE'VE BEEN TOLD THERE'S AN ALTERNATIVE. I LOOKED INTO THAT FURTHER AND I ESPECIALLY RAN ACROSS ONE OF THE CITY'S OWN DOCUMENTS CALLED COAL TAR BASED PAVEMENT SEALERS USAGE IMPACT AND POTENTIAL BAN WRITTEN A COUPLE OF YEARS AGO AND IT APPEARS THAT ONE OF THESE EXEMPTIONS IS FOR AIRPLANE RUNWAYS AND AIRPORT SURFACES THAT ARE MADE OUT OF ASPHALT. IT APPEARS BASED ON THIS THAT THE FAA ACTUALLY REQUIRES THOSE TYPE OF SERVICES TO BE SEALED WITH A SEALANT THAT HAS A VERY HEALTHY DOSE OF ASPHALT -- THIS INDICATES THE CITY HAS USED THOSE PRODUCTS AT BERGSTROM. I DON'T SAY THAT JUST TO POINT THE FINGER BACK AT YOU SO YOU'RE DOING WHAT WE'RE TELLING EVERYBODY ELSE NOT TO DO, THE REAL POINT IS WHY. WHY ARE AIRPORT RUNWAYS MADE OUT OF THE ASPHALT REQUIRED TO USE COAL TAR BASED SEALANTS. THE REASON IS, ALSO DISCLOSED IN THE PAPER, AND THE REASON IS BECAUSE THEY ARE RESISTANT TO FUEL SPILLS. COAL TAR BASED SEALANTS WILL RESIST THE SEEPING OF FUELS AND OTHER OILS THROUGH THE SEALANT AND THROUGH THE ASPHALT AND INTO THE ENVIRONMENT. THE CITY PAPER I'M QUOTING SAYS BEING A PETROLEUM DERIVATIVE, ASPHALT HAS A NATURAL AFFINITY FOR PETROCHEMICALS, SO IT IS EASILY DISSOLVED BY THEM. SO IF YOU USE AN ASPHALT-BASED SEALER OR DON'T SEAL IT OFF AND YOU HAVE FUELS AND OILS DRIPPED ON IT, IT GOES THROUGH THAT EASILY. IT SEEPS THROUGH IT. AND IT'S GOT TO END UP AT LEAST PART OF IT HAS GOT TO END UP IN THE GROUNDWATER AND THE SOIL. SO IF YOU TAKE THAT INTO CONSIDERATION AND YOU EXTRAPOLATE THAT TO BE NON-NO, MA'AM TO EVERY

PARKING LOT AND EVERY DRIVEWAY IN AUSTIN IN ITS E.T.J. AND ALL THE OIL AND GAS THAT'S DRIPPED ON IT EVERYDAY, WHAT'S THE NET RESULT OF THAT? IF YOU HAD THAT FACTOR -- IF YOU ADD THAT FACTOR IN, WHAT IS THE NET RESULT IN THE END? DO WE REALLY GAIN ANYTHING? DO WE STAY THE SAME OR DO WE LOSE GROUND? THIS CRIES OUT FOR WHAT'S KNOWN IN THE SCIENTIFIC COMMUNITY AS A MEANINGFUL PEER REVIEW. THIS PROCESS FROM THE TIME THE CITY'S FINAL CONCLUSIONS AND PROPOSED ORDINANCE CAME OUT, HAS TAKEN ABOUT THREE WEEKS. THAT'S UNHEARD OF IN SOMETHING THIS COMPLEX. IF THIS WAS AT THE E.P.A. OR AT THE TCEQ ONCE THE REGULATORY AGENCY'S FINAL CONCLUSIONS TO THE PROPOSED RULE CAME OUT, THAT'S WHEN PEER REVIEW WOULD START. AND WE'RE RUNNING THIS THROUGH IN THREE WEEKS. IF THIS IDEA IS AS GOOD AS ADVERTISED, IF IT CAN REALLY STAND SCRUTINY OF PEER REVIEW, WHY ARE WE AFRAID OF THAT? IF IT'S REALLY AS GOOD AS ADVERTISED, IF IT REALLY DOES WHAT IT SAYS IT WILL DO, WHY ARE WE RELUCTANT TO LOOK AT SOMEONE ELSE'S STUDY? AND THE PAVEMENT COATINGS TECHNOLOGY CENTER, WHICH IS A JOINT PROJECT OF THE UNIVERSITY OF NEVADA AND THE INDUSTRY, HAS ALREADY STARTED A STUDY. WE'VE TOLD THE STAFF THAT. WE'VE TOLD EVERYBODY THAT. WE'VE ALREADY DONE THE SAMPLING IN THE LAST COUPLE OF WEEKS. IT'S IN THE LAB NOW. IN A FEW WEEKS WE'LL HAVE RESULTS. WHAT'S WRONG WITH TAKING A LOOK AT WHAT WE HAVE COME UP WITH AND COMPARING THAT TO WHAT YOU HEARD SO FAR? I DON'T THINK IF WE TOOK, SAY, THREE MONTHS, IF YOU PASS THIS MAYBE ON A FIRST READING ONLY, AND TOOK THREE MONTHS TO FURTHER STUDY THIS AND GET ALL THE INFORMATION THAT WE WOULD HAVE ANY ENVIRONMENTAL CALAMITIES. YOU'VE BEEN LOOKING AT THIS FOR THREE YEARS. THREE MONTHS CAN'T MAKE THAT MUCH MORE DIFFERENCE. THE ADDITIONAL TIME WOULD ALSO FACILITATE DIALOGUE OVER WHAT MIGHT BE SOME REASONABLE ALTERNATIVES TO A COMPLETE BAN. I'VE HAD SEVERAL IDEAS MYSELF, JUST DON'T HAVE TIME TO TELL YOU ABOUT THEM BECAUSE JUST LIKE THE WHOLE PROCESS, WE JUST AREN'T GIVEN MUCH TIME TO COMMUNICATE WITH YOU. SO MY RECOMMENDATION TO YOU AND MY REQUEST TO YOU TONIGHT, WITH ALL DUE

RESPECT, IS LET'S SLOW DOWN AND PROCEED A LITTLE MORE CAUTIOUSLY, A LITTLE MORE SCIENTIFICALLY. LET'S DON'T TAKE THE FINAL ACTION TONIGHT, LET'S PUT IT BACK ON THE AGENDA IN THREE WEEKS, LET US PRESENT OUR STUDY TO YOU, LET US HAVE A MEANINGFUL TIME FOR PEER REVIEW, AND IN THE MEANTIME LET'S ALSO HAVE AN OPEN MINDED DIALOGUE ABOUT WHAT THE POSSIBLE ALTERNATIVES MIGHT BE. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. NIAS. COUNCIL, THAT CONCLUDES THE 30 MINUTES OF TESTIMONY OF FOLKS IN OPPOSITION TO THIS ITEM. WE'LL NOW HEAR FROM FOLKS THAT WANT TO TALK TO US IN SUPPORT OF THAT. MY INSTINCT IS THEY'RE NOT NEARLY AS WELL ORGANIZED, JUST A LOT OF INDIVIDUAL CITIZENS WHO SIGNED UP WISHING TO SPEAK. I JUST ASK FOR SOME OF THOSE FOLKS TO START COMING FORWARD, PEOPLE LIKE RAY APPLE BALM AND JOHN O'MALE AND JOHN COOK AND BILL BUNCH...

MR. MAYOR, COUNCILMEMBERS, MY NAME IS DON COOK. I'M A SENIOR HEALTH EDUCATOR AT MD ANDERSON CANCER CENTER IN (INDISCERNIBLE). I LIVE HERE IN AUSTIN. I'M SPEAKING FOR THE ORDINANCE BECAUSE I THINK IT'S AN EASY WAY TO REMOVE FOUR MILLION POUNDS OF PAH'S FROM THE SURFACE IN THE CITY. WITH ME TODAY IS DR. ROBIN YOUNG WHO HAS BEEN A CANCER SCIENTIST AT MD ANDERSON FOR NINE YEARS. SHE EARNED HER DOCTORATE IN PATHOLOGY AT VANDERBILT UNIVERSITY. SHE'S GOING TO TELL YOU MORE ABOUT THE CHARACTERISTICS OF THESE COMPOUNDS THAT ARE RELEVANT.

GOOD EVENING, COUNCILMEMBERS. MY NAME IS DR. ROBIN YOUNG. I'M A FACULTY MEMBER AT MD ANDERSON CANCER CENTER AND THE DIRECTOR OF THE COMMUNITY OUTREACH AND EDUCATION PROGRAM OF THE CENTER FOR RESEARCH ON ENVIRONMENTAL DISEASE. I'VE BEEN A CANCER RESEARCHER FOR 15 YEARS. I'D LIKE TO THANK YOU FOR THIS OPPORTUNITY TO ADDRESS YOU AND OTHER CONCERNED CITIZENS ABOUT THE PROPOSED BAN. OUR CENTER WAS INVOLVED VERY EARLY ON IN THE ISSUE OF CONTAMINATION OF THE BARTON SPRINGS POOL AND ORGANIZED THE COMMUNITY FORUM ENTITLED IS BARTON SPRINGS POOL SAFE, ALONG WITH OTHER CITY AND STATE

AGENCIES. AT THAT TIME OUR EXPERTS AGREED WITH THOSE OF THE CITY'S WATERSHED OFFICE, THE TCEQ, THE SUPER FUND PROGRAM AT TEXAS A&M, THE TEXAS DEPARTMENT OF HEALTH AND OTHERS THAT THE SWIMMING IN THE POOL ACTUALLY PRESENTED A VERY LOW RISK TO -- RISK TO HUMANS. HOWEVER, OUR EXPERT, INCLUDING OUR DIRECTOR, WHO IS AN INTERNATIONALLY REKNOWNED EXPERT ON PAH'S, DR. JOHN DIGIOVANNI, WE ALL ADVOCATE WHAT IS CALLED A COMMON SENSE APPROACH, WHICH IS THE BASIS FOR RISK ASSESSMENT, HAZARD ASSESSMENT. AND THAT IS THAT THERE IS NO REASON TO PUT ADDITIONAL CAR SIN GENERALIS INTO THE ENVIRONMENT. THIS IS BASED ON A NUMBER OF FACTS. ONE, COAL TAR BASED SEALANTS CONTAIN PAH'S AS YOU'VE HEARD, LIKE BEN SOID PIE REEN. THESE ARE CAR SIN JENZ. THEY ARE HUMAN CAR SIN GENERALIS. I REALIZE THAT MS. McCLINTOCK WAS TALKING TO YOU ABOUT THE AFFECTS ON AQUATIC LIFE, I'M TALKING TO YOU ABOUT THE EFFECTS ON HUMANS. THIS TOXICITY IS CONFIRMED BY LITERALLY HUNDREDS OF STUDIES IN PEER REVIEW JOURNALS. AND I HIGH MIGHT ADD THAT MANY OF THESE STUDIES WERE ACTUALLY CONDUCTED BY TRAINEES UNDER THE MEN FORESHIP OF -- MEN MENTORSHIP OF LABORATORY DIRECTORS SUCH AS MYSELF. SO THE FACT THAT THEY ARE CONDUCTED BY TRAINEES DOESN'T IN ANY WAY INVALIDATE OR REDUCE THEIR IMPACT. TWO, ALTHOUGH THE CAR SIN GENERALIS IN THE SEALANTS WERE NOT BIO AVAILABLE IN THE POOL, THEY STILL REPRESENT A POTENTIAL ENVIRONMENTAL HAZARD. IT IS VERY HARD TO PREDICT WHERE THESE COMPOUNDS COULD END UP, POSSIBLY COLLECTING IN VERY UNDESIRABLE PLACES LIKE PLAYGROUNDS WHERE CHILDREN WOULD BE EXPOSED. WE ALSO DON'T KNOW WHAT THE HEALTH RISK WOULD BE IN OTHER SITUATIONS AND OTHER CONDITIONS AND I AGREE THAT ADDITIONAL STUDIES WOULD HAVE TO BE CONDUCTED TO CLEARLY ASSESS WHAT THOSE RISKS ARE. RECALL -- I KNOW YOU HEARD TODAY THAT THE PLANNED REMEDIATION OF THE UPSTREAM HILLSIDE FROM THE PARKING LOT ABOVE THE BARTON SPRINGS POOL WILL HAVE TO BE REMEDIATED AT CONSIDERABLE COST. YOU ALSO HEARD ABOUT THE IMPACT ON AQUATIC LIFE. FINALLY, THE EXPOSURE OF PEOPLE APPLYING CONCENTRATED COAL TAR SEALANTS SHOULD BE OF SOME CONCERN. THESE PEOPLE VERY

INFREQUENTLY HAVE THE PROPER PROTECTIVE GEAR, AND THESE COAL TAR SEALANTS ARE ESSENTIALLY BIG BUCKETS OF CAR SIN GENERAL. AND THEY'RE GENERALLY NOT WEARING RESPIRATORS OR THE PROPER PROTECTIVE GEAR. SO COMMON SENSE INDICATES THAT THE USE OF A LESS TOXIC ALTERNATIVE, IF IT IS AVAILABLE, SHOULD BE UTILIZED PREFERENTIALLY. I'D JUST LIKE TO MAKE A COUPLE OF POINTS. IT HAS BEEN OUR PLEASURE TO WORK WITH THE CITY SCIENTISTS OVER THE COURSE OF THE PAST COUPLE OF YEARS, AND I WILL TELL YOU THAT IT IS NOT OUR OPINION THAT THEIR RESEARCH HAS BEEN IN ANY WAY FUZZY. IT WAS CAREFULLY CONDUCTED, IT WAS APPROPRIATELY EVALUATED, AND IT WAS CLEARLY PRESENTED. THERE'S NOTHING FUZZY IN OUR OPINION ABOUT IT. AND I ALSO WOULD LIKE TO MAKE A COMMENT ABOUT WHAT PEER REVIEW IS. PEER REVIEW IS WHAT IT SAYS IT IS. IT MEANS THE REVIEW BY SCIENTIFIC PEERS, INVESTIGATORS AND OTHER PEOPLE WHO REALLY DON'T HAVE ANY SORT OF ECONOMIC INTEREST IN WHAT THE OUTCOME MIGHT BE. I RESPECTFULLY SUGGEST THAT PEER REVIEW DOES NOT INVOLVE THE EVALUATION OF SCIENTIFIC DATA BY OTHERS WHO HAVE AN ECONOMIC INTEREST IN THE OUTCOME OF THE ISSUE. SO I'D LIKE TO THANK YOU. I ALSO WANT TO MENTION THAT THE USGS PAPER WAS PEER REVIEWED AND HAS APPEARED IN A NATIONAL JOURNAL. THAT'S PEER REVIEW. IT MEANS IT'S BEEN EA VIEWED BY OTHER SIGN SCIENTISTS WHO HAVE NO VESTED INTEREST IN WHAT THE OUTCOME OF THE DATA IS. SO I'D LIKE TO THANK YOU FOR LISTENING. I'D BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE. AND I HOPE THAT YOU WILL SUPPORT THE BAN ON COAL TAR BASED SEALANTS.

Mayor Wynn: THANK YOU. WELCOME COLIN CLARK.

GOOD EVENING, MAYOR AND COUNCIL, COLIN CLARK WITH SAVE OUR SPRINGS AND WE TOO WOULD LIKE TO COMMEND THE CITY STAFF AND THE U.S. GEOLOGICAL SURVEY FOR THE IMPORTANT WORK THAT THEY HAVE DONE AND WE OFFER OUR SUPPORT FOR THIS PROPOSED BAN ON COAL TAR SEALANTS. AS NANCY McCLINTOCK POINTED OUT, THE HIGH LEVELS OF PAH'S FOUND IN THE SEDIMENTS OF BARTON SPRINGS ARE WHAT REALLY INITIATED THE CITY TO TAKE SOME ACTION AND WE ARE ENCOURAGE THAT THE

CITY IS LOOKING AT TAKING ACTION TO PROTECT BARTON SPRINGS AND ALSO ALL OF AUSTIN'S WATERWAYS FROM WHAT'S BEEN IDENTIFIED AS A HIGH SOURCE OF POLLUTION. AT THE SAME TIME THAT YOU'RE LOOKING AT TAKING THIS ACTION, I WOULD LIKE TO POINT OUT SOMETHING THAT THE INDUSTRY REP HIGHLIGHTED, WHICH IS THAT THERE ARE OTHER SOURCES OF PAH'S, AND ONE MENTION WAS TIRES. BRAKE LINERS, TIRE PARTICULATES. WE UNDERSTAND THE CITY CAN'T BAN DRIVING. BUT THE CITY CAN SHOW LEADERSHIP IN PROTECTING BARTON SPRINGS FROM ANOTHER PROPOSED SOURCE OF PAH'S, AND THAT IS ADVANCED MICRODEVICES PLANNED CAMPUS OVER THE BARTON SPRINGS WATERSHED, WHICH WOULD GENERATE ENORMOUS AMOUNTS OF TRAFFIC WHICH YOU HAVE BEEN TOLD WILL PRODUCE PAH'S, EVEN IF THERE AREN'T COAL TAR SEALANTS INVOLVED. SO AT THE SAME TIME YOU'RE LOOKING AT THIS BAN ON COAL TAR SEALANTS, WE ASK YOU TO USE YOUR POWER TO PASS A RESOLUTION ASKING AMD NOT TO POLLUTE BARTON SPRINGS BY BUILDING A CAMPUS IN THE BARTON SPRINGS WATERSHED AND HELP THEM FIND A SITE OUTSIDE THE BARTON SPRINGS WATERSHED. THANK YOU.

Mayor Wynn: THANK YOU, MR. CLARK. WELCOME MR. BUNCH.

THANK YOU, MAYOR, MEMBERS OF COUNCIL, I'M BILL BUNCH, ALSO WITH SAVE OUR SPRINGS ALLIANCE, PASSING OUT A LETTER ON THIS ITEM AND THE RELATED ITEM THAT'S COMING UP HERE A LITTLE LATER. WE VERY MUCH SUPPORT THE BAN. WE APPRECIATE THE GOOD WORK OF YOUR STAFF. WE ESPECIALLY APPRECIATE COUNCILMEMBER LEFFINGWELL TAKING THE LEAD TO SPONSOR THIS ITEM AND BRING IT TO YOU. THE RESEARCH SEEMS RATHER COMPELLING. THE INDUSTRY RAISES SOME QUESTIONS WHICH AS A LAYPERSON, ALTHOUGH SOMEWHAT MORE INFORMED LAYPERSON, I THINK MOST OF THOSE CAN BE BRUSHED OFF FAIRLY QUICKLY. IF YOU HAVE ANY QUESTIONS ON THE MERITS, I HOPE YOU WILL ASK YOUR STAFF AND THE USGS SCIENTISTS WHO DID THAT WORK TO ADDRESS THOSE. BECAUSE THEY REALLY HAVE BEEN WORKING VERY HARD ON THIS FOR SOME TIME. ONE OF THE POINTS THE INDUSTRY MAKES, THOUGH, IS THAT WE HAVE ALL THESE OTHER POLLUTION SOURCES. AND INDEED WE



DO, BUT THE CONCLUSION THAT THEY DRAW FROM THAT IS TO DO NOTHING. I WOULD ENCOURAGE YOU TO ACTUALLY TAKE ACTION TONIGHT, MOVE FORWARD WITH THIS BAN, AND HAVE THAT LEAD YOU TO TAKE FURTHER ACTION. SO INSTEAD OF MOVE YOU TOWARDS DOING MORE OF NOTHING, PERHAPS IT CAN GIVE YOU SOME MOMENTUM TO DO WHAT WE REALLY NEED TO DO BECAUSE THE POINT THAT THE INDUSTRY MAKES THAT IS TRUE IS THAT URBANIZATION KILLS WATERSHEDS. IT'S NOT THE PARKING LOT SEALANTS ALONE, IT'S THE PARKING LOTS, THE DRIVEWAYS, THE ROOFTOPS, THE BUILDINGS, THE LANDSCAPED AREAS WITH FERTILIZERS AND PESTICIDES. AND ALL THE NASTY CHEMICALS THAT COME WITH URBANIZATION. WE'RE LOSING BARTON SPRINGS. I THINK Y'ALL KNOW IT. AND YET VIRTUALLY NOTHING IS BEING DONE BY THIS COUNCIL TO SAVE THE SPRINGS. THIS IS IMPORTANT. ACTUALLY, THE FIRST STEP THAT I CAN THINK OF. I HOPE THAT YOU'LL MOVE RIGHT ON ITS HEELS TO DO WHAT YOU NEED TO DO TO SAVE THE SPRINGS. THANK YOU. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] AND SO JUST TO MAKE IT CLEAR THERE IS AN ALTERNATIVE FOR OF P.A.H.-FREE [INAUDIBLE] TO THE COAL TAR EMULSIONS. THANK YOU.

Mayor Wynn: THANK YOU, SIR. MR. ANDERSON, WELCOME.

THANK YOU, MR. MAYOR. COUNCILMEMBERS, CITY MANAGER, MR. MAYOR, THANK YOU FOR HEARING THIS ITEM TONIGHT. I'LL BE VERY BRIEF. I'M HERE AS THE CHAIRMAN OF THE CITY OF AUSTIN ENVIRONMENTAL BOARD. OVER THE LAST TWO YEARS WE'VE SEEN THIS ITEM COME UP, I THINK FOUR TIMES, CULMINATING IN A PUBLIC HEARING ON OCTOBER 26th. AT THAT HEARING AND THROUGHOUT THE ENTIRE TIME THAT WE HEARD THIS, THE ENVIRONMENTAL BOARD ASKED PROBING QUESTIONS AND ENDED UP ON THE SIDE OF SOUND SCIENCE WINNING OUT. AND THE BOARD VOTED UNANIMOUSLY AT THE OCTOBER 26th MEETING TO SUPPORT THE BAN, AND I JUST WANTED TO MAKE SURE THAT YOU WERE ALL AWARE OF THAT. THANK YOU.

Mayor Wynn: THANK YOU, MR. ANDERSON. AND FOR YOUR SERVICE. ANYBODY ELSE LIKE TO TESTIFY IN SUPPORT OF

THIS BAN? WELCOME, MR. BIER.

THANKS FOR HAVING ME, MAYOR. YEAH, I THINK THIS BAN IS LONG OVERDUE CONSIDERING THE ANGST THAT IT CAUSED US DURING THE MONTHS THAT THE POOL WAS CLOSED. I THINK A LOT OF THE SCARE WAS OVERBLOWN AND UNWARRANTED AT THE TIME, BUT IN THE PROCESS WE FOUND THAT THESE P.A.H. CHEMICALS WERE IN ALMOST ALL THE LOW BOTTOM CREEK AREAS IN THE URBAN CORE. SO IT IS A MATTER OF CONCERN AS BARTON SPRINGS BUILDS OUT, I MEAN THE BARTON SPRINGS WATERSHED. SO I WOULD URGE YOU TO GO AHEAD AND TO PASS THE BAN, THE RESTRICTION TO COAL TAR SEALANTS. THERE ARE PLENTY OF ALTERNATIVES. CONCRETE RATHER THAN ASPHALT BEING ONE OF THE MOST OBVIOUS. SO I APPLAUD YOU FOR TAKING THIS UP AND GETTING ON IT. THANK YOU.

Mayor Wynn: THANK YOU, MR. BIER. COUNCIL, I BELIEVE THAT'S ALL THE FOLKS WHO WANTED TO ADDRESS US IN SUPPORT OF THIS ITEM, THAT IS, THE BAN. QUESTIONS, COMMENTS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'LL BE VERY BRIEF. JUST A COUPLE OF THINGS. FIRST, IN DEALING WITH THE F.A.A. REQUIREMENTS FOR THE RUNWAYS, I DEALT WITH THE F.A.A. AS AN AIRLINE PILOT FOR OVER 30 YEARS SO I KNOW THEY DON'T MOVE VERY FAST. SO MAYBE IN ANOTHER 10 OR 20 YEARS THEY WILL GET AROUND TO DOING SOMETHING ABOUT CHANGING THEIR REGULATION ON THIS. WE HAVE BEEN -- OUR STAFF, THE CITY STAFF HAS BEEN RESEARCHING THIS FOR OVER TWO YEARS. DURING THAT TWO YEARS, THERE HAVE BEEN APPROXIMATELY ONE AND A HALF MILLION GALLONS OF COAL TAR BASED SEALANTS POURED ON AUSTIN'S PARKING LOTS. 10 MILLION POUNDS, ROUGHLY. AND NOW WE HEAR REQUESTS FOR MORE DELAY. MR. NIAS ASKED FOR THREE MORE MONTHS. THAT'S 150,000 MORE GALLONS OF COAL TAR BASED SEALANTS. WE KNOW WHAT THIS STUFF IS. THE SCIENCE -- WE HAVE TAKEN TWO YEARS TO VALIDATE IT. THE DATA HAS BEEN RECOGNIZED AND PUBLISHED IN NATIONAL SCIENTIFIC MAGAZINES. THE UNIVERSITY OF TEXAS SCIENTISTS WERE IN ON THIS FROM THE BEGINNING. THEY DECIDED TO QUIT USING COAL TAR BASED SEALANTS ON THEIR PARKING LOT SERVICES RIGHT AWAY, AS DID THE

CITY OF AUSTIN. WE'VE BEEN DOING IT FOR ALMOST THE ENTIRE TIME. I THINK IT'S WAY OVERDUE AND I WOULD OPPOSE ANY DELAY AND IF IT'S APPROPRIATE NOW, I WOULD MAKE A MOTION TO CLOSE THE PUBLIC HEARING AND APPROVE THE ORDINANCE ON ALL THREE READINGS.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER LEFFINGWELL TO CLOSE THE PUBLIC HEARING AND APPROVE THE ORDINANCE, ITEM NUMBER 70, ON ALL THREE READINGS. SECONDED BY COUNCILMEMBER ALVAREZ. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ.

Alvarez: THANK YOU, MAYOR. I DO WANT TO REALLY JUST RECOGNIZE STAFF'S HARD WORK ON THIS ISSUE. IT HAS BEEN A LONG TIME SINCE THE -- THOSE INITIAL ARTICLES IN THE NEWSPAPER THAT WERE BLAMING COAL -- [INDISCERNIBLE] FOR THIS PARTICULAR CONCENTRATION OF P.A.H.S, BUT WHICH AFTER A LOT OF WORK OBVIOUSLY WAS DISPROVEN. AND THE WAIT GETTING IN AFTER THAT, AND SO I WANT TO COMMEND FOLKS FOR THEIR CONTINUED COMMITMENT, YOU KNOW, TO THIS ISSUE. I GUESS REALLY JUST TO UNDERSTANDING WHAT THE CAUSE OF THESE ELEVATED LEVELS OF P.A.H.S ARE OR AT LEAST IDENTIFYING ONE OF THE MAJOR SOURCES. AND SO IT'S -- I DON'T KNOW, I THINK IT'S VERY EXCITING I MEAN RULE 1 FOR REALLY FOR THE CITY TO BE INVOLVED AT THE LEVEL IT HAS BEEN AND SO I WANT TO COMMEND ALL THE FOLKS WHO HELPED DO ALL THE ANALYSIS AND ALL OF THE STUDIES AND THERE WERE SOME PRETTY AMAZING STATISTICS AND DIFFERENCES BETWEEN THE DIFFERENT TYPES OF SEALANTS IN THE MARKET. AND I DO, YOU KNOW, MEET WITH THE INDUSTRY FOLKS AND ASKED A LOT OF THE QUESTIONS THAT WE HEARD TODAY TO OUR STAFF AND I THOUGHT THAT THESE WERE ISSUES THAT HAD BEEN CONSIDERED AND THAT BECAUSE OF THE BENEFITS OF MOVING FORWARD WITH THE BAN, I DO THINK THAT THAT IS SOMETHING THAT SHOULD HAPPEN AS EXPEDITIOUSLY AS POSSIBLE BECAUSE IT WILL MAKE AN IMPACT IN OUR WHOLE -- ON OUR WHOLE COMMUNITY, NOT JUST IN THE AQUIFER. AND A LOT OF TIMES WHAT WE DO ON THE ENVIRONMENTAL SIDE OFTEN IS TO PROTECT THE AQUIFER AND THE RECHARGE ZONE, BUT THIS IS SOMETHING THAT WILL IMPACT ALL PARTS OF TOWN BECAUSE PARTICULAR --

THESE PARTICULAR TYPES OF PRODUCTS ARE HAVING AN IMPACT ON ALL OF OUR CREEKS AND STREAMS IN THE ENTIRE CITY SO I THINK, YOU KNOW, AGAIN I'M JUST REALLY -- REALLY EXCITED, YOU KNOW, TO BE -- TO BE HERE WHILE WE'RE TAKING THIS ACTION AND BE A PART OF IT, BUT OBVIOUSLY OUR HARD-WORKING STAFF AND THE FOLKS AT USGS AND OTHERS THAT HAVE DONE ALL THE WORK AND I DO WANT TO COMMEND THEM FOR JUST BEING VERY DETERMINED AND VIGILANT IN TERMS OF THIS PARTICULAR ISSUE. SO THANK YOU, MAYOR, THAT'S WHY I WANTED TO SECOND THE MOTION.

Mayor Wynn: THANK YOU, COUNCILMEMBER.  
COUNCILMEMBER McCRACKEN.

McCracken: YEAH, I HAVE AN ADDITIONAL PERSPECTIVE ON IT. IN 2003 WE FIRST LEARNED OF THE ISSUE OF COAL TAR SEALANTS, THE WHOLE COMMUNITY LEARNED ABOUT IT BECAUSE OF BARTON SPRINGS, BUT [INAUDIBLE] IT FORCED THE CLOSURE OF CHILDREN'S PLAYGROUND BECAUSE THE PARKING LOT, THE COAL TAR SEALANTS HAD RUN OFF AND THE CONTAMINATED THE CHILDREN'S PLAYGROUND. AND SO YOU THINK ABOUT IT, I KNOW THEY GET AROUND THE DIRT AND STAY IN THE MUD AND GET IT ALL OVER THEM. SO THAT REALLY HIT PERSONALLY FOR ME THAT LITTLE KIDS WERE GETTING AFFECTED BY IT ALSO. SO IT'S -- WE HAVE TO REMEMBER THAT THINGS THAT RUN OFF PARKING LOTS, THEY CAN LAND IN ALL SORTS OF PLACES AND THEY CAN LAND IN OUR STREAMS AND IN RIVERS AND LAKES AND WE NEED TO KEEP THOSE CLEAN. THEY CAN ALSO END UP IN CHILDREN'S PLAYGROUNDS AND WE NEED TO KEEP THOSE CLEAN TOO. AND I REALLY WANT TO CONGRATULATE OUR COLLEAGUE LEE LEFFINGWELL FOR DOING SOMETHING REAL POSITIVE FOR THE COMMUNITY AND REAL LEADERSHIP. THANK YOU, LEE.

Mayor Wynn: FURTHER COMMENTS? WE HAVE A MOTION AND SECOND ON THE TABLE TO APPROVE THIS ITEM ON ALL THREE READINGS. COUNCILMEMBER KIM.

Kim: I THINK COUNCILMEMBER LEFFINGWELL HAS DONE A GREAT JOB IN GETTING US MOVING ON THIS. WHEN I SAW THE REPORT COME OUT FROM THE CITY I WAS REALLY

ALARMED ABOUT WHAT WAS OCCURRING IN AUSTIN AND THROUGHOUT THE UNITED STATES SO I'M GLAD OUR CITY IS ABLE TO BE A CITY AND I HOPE OUR NEIGHBORING CITIES ESPECIALLY THOSE WHO IMPACT BARTON SPRINGS WATERSHED AND WILL USE THIS AS AN EXAMPLE AND DO THE SAME THING TO BAN THE USE OF COAL TAR SEALANTS AND SWITCH TO ASPHALT SINCE THAT IS A -- THE MOST FEASIBLE ALTERNATIVE AT THIS TIME. BUT I ALSO HOPE THAT WE CAN FIND OTHER ALTERNATIVES INCLUDING SURFACES THAT WON'T BE AS DARK BECAUSE WE ALSO HAVE THE HEAT ISLAND EFFECT AS WE HAVE SO MANY PARKING LOTS IN AUSTIN AROUND OUR NEIGHBORING AREA, AND ALSO JUST PARKING LOTS IN GENERAL, I JUST HOPE WE ARE ABLE TO FIND BETTER USES FOR THE LAND AS IT'S BECOMING MORE VALUABLE AND THAT WE CAN FIND OTHER MODES OF TRANSPORTATION, GIVE US MORE OPTIONS SO WE DON'T HAVE TO USE SO MUCH SEALANT FOR OUR PARKING LOT ALL AROUND THE REGION. SO I WOULD BE SUPPORTING THIS -- THIS ORDINANCE AND I THANK YOU TO MY COLLEAGUES WHO WORKED ON THIS AND ALSO THE CITY STAFF.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? MOTION AND SECOND ON THE TABLE TO APPROVE ON ALL THREE READINGS. HEARING NONE, ALL THOSE IN FAVOR SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. APPLAUSE [APPLAUSE]

Mayor Wynn: AGAIN, I APPRECIATE THE PATIENCE OF EVERYONE. THAT TAKES US TO ITEM 71, TO CONDUCT A PUBLIC HEARING. WE ARE NOT POSTED FOR ACTION AND CANNOT TAKE ACTION IF WE WANTED TO. RELATED TO ADOPTION OF AN ORDINANCE AMENDING WHAT GENERALLY ARE KNOWN AS PUBLIC ORDER ORDINANCES. WE'LL RECOGNIZE ASSISTANT CITY MANAGER RUDY GARZA.

GOOD EVENING, MAYOR AND COUNCIL, RUDY GARZA, ASSISTANT CITY MANAGER. TODAY WE'RE HOLDING OUR SECOND PUBLIC HEARING ON THE RECOMMENDED AMENDMENTS TO OUR PUBLIC ORDER ORDINANCES. I WILL VERY QUICKLY GO THROUGH EACH OF THE FOUR ORDINANCES THAT WE ARE RECOMMENDING AMENDMENT.

THE FIRST ONE IS THE AGGRESSIVE SOLICITATION ORDINANCE. THE CURRENT ORDINANCE PROHIBITS AGGRESSIVE SOLICITATION ON A CITY-WIDE BASIS AND ALSO HAVE SPECIFIC AREAS THAT PROHIBIT ALL TYPES OF SOLICITATION, SPECIFICALLY NEAR ATM, BANK, BUS STOP. THE RECOMMENDED CHANGES, THE AMENDMENT, ADDS OTHER AREAS THAT WILL PROHIBIT ALL TYPES OF SOLICITATION, SPECIFICALLY NEAR A SCHOOL OR CHILD CARE FACILITY, AN OUTDOOR CAFE AND RESTAURANT, AND IN ADDITION TO THAT WILL ALSO PROHIBIT ALL SOLICITATION IN THE DOWNTOWN CENTRAL BUSINESS DISTRICT AREA BETWEEN 7:00 P.M. AND 7:00 A.M. THE SECOND ORDINANCE THAT WE ARE RECOMMENDING CHANGES ON IS THE SIDEWALK ORDINANCE. THE CURRENT ORDINANCE, AGAIN, WHICH IS APPLIED IN THE CENTRAL BUSINESS DISTRICT, PROHIBITS SITTING OR LYING DOWN ON THE SIDEWALK IF IT CREATES AN OBSTRUCTION TO PEDESTRIANS. THE RECOMMENDATION TO THIS ORDINANCE IS TWO-FOLD. FIRST, TO ELIMINATE THE REQUIREMENT OF AN OBSTRUCTION, ESSENTIALLY MEANING NO SITTING OR LYING DOWN ON SIDEWALKS IN THE CENTRAL BUSINESS DISTRICT. IN ADDITION TO THAT, THE RECOMMENDATION IS TO PROHIBIT SLEEPING IN THE CENTRAL BUSINESS DISTRICT IN PUBLIC AREAS. THE THIRD ORDINANCE WE HAVE RECOMMENDED CHANGES ON IS THE ROADSIDE SOLICITATION ORDINANCE. THE CREPT CURRENT ORDINANCE PROHIBITS ROADSIDE SOLICITATIONS BUT IT IS LIMITED TO THREE SPECIFIC AREAS IN THE CITY. GENERALLY THE NORTH AREA BOUND BY HIGHWAY 290 ON THE NORTH, 45 ON THE SOUTH, 45th STREET ON THE SOUTH, DUVALL AND BERKMAN ON THE WEST AND EAST SIDES. THE CENTRAL BUSINESS DISTRICT AND ALSO A PART OF THE -- AREAS NORTH OF TOWN LAKE BETWEEN SECOND STREET BOUNDED BY 35 AND COMAL STREET. THE RECOMMENDATION IS TO ELIMINATE THOSE SPECIFIC AREAS AND PROHIBIT ROADSIDE SOLICITATION ON A CITY-WIDE BASIS. THE FINAL ORDINANCE WE ARE RECOMMENDING CHANGES TO ARE THE DOOR TO DOOR SOLICITATION. THE CURRENT ORDINANCE PROHIBITS DOOR TO DOOR SOLICITATIONS FOR CHARITABLE CONTRIBUTIONS BETWEEN 9:00 P.M. AND 9:00 A.M. THE RECOMMENDED CHANGES TO THIS ORDINANCE IS TO PROHIBIT ALL TYPES OF DOOR TO

DOOR SOLICITATION BETWEEN 7:00 P.M. AND 9:00 A.M. AGAIN, JUST TO RECAP THE PROCESS WE'VE GONE THROUGH, AS YOU RECALL WE SPENT THE LAST 18 MONTHS COMPLETING OUR SURVEY, ANALYSIS AND RESEARCH OF OTHER CITIES THROUGHOUT THE COUNTRY. WE'VE PRESENTED IN OCTOBER OUR RECOMMENDED CHANGES. WE HAD OUR FIRST PUBLIC HEARING ON OCTOBER 27th, AND TODAY IS THE SECOND HEARING ON THE RECOMMENDED CHANGES. WE ARE CURRENTLY SCHEDULED FOR COUNCIL ACTION ON DECEMBER 15th. SO THAT IS A BRIEF PRESENTATION ON OUR RECOMMENDED CHANGES.

Mayor Wynn: THANK YOU, MR. GARZA. OKAY, SO WE HAVE 147 CITIZENS SIGNED UP IN OPPOSITION, 174 CITIZENS SIGNED UP IN FAVOR. GOOD NEWS IS ONLY ABOUT 65 OF THE FOLKS WANT TO SPEAK, BUT THAT STILL REPRESENTS SEVERAL HOURS WORTH OF TESTIMONY. OKAY. I WAS TRYING TO MAKE THIS AS EFFICIENT AS POSSIBLE. SO, COUNCIL, IF YOU HAVE ANY QUESTIONS OR COMMENTS OF STAFF. AGAIN, WE'RE NOT POSTED FOR ACTION SO WE CAN'T TAKE ACTION EVEN IF WE WANTED TO. WE WON'T TAKE ACTION TONIGHT. WE JUST WANT TO CONTINUE RECEIVING PUBLIC COMMENT. WE HAD HUNDREDS OF PIECES OF TESTIMONY A COUPLE WEEKS AGO. WE'VE GOTTEN A LOT OF INPUT INDEPENDENTLY THROUGH E-MAILS AND PHONE CALLS AND LETTERS IN THE MEANTIME. THE CITY CLERK'S OFFICE CONTINUES TO GET PEOPLE SIGNED UP AND MANY FOLKS SIGNED UP NOT WISHING TO SPEAK ARE LEAVING THEIR COMMENTS ELECTRONICALLY IN OUR SIGN-UP SYSTEM. SO LOTS OF GOOD FEEDBACK. WITHOUT OBJECTION, COUNCIL, WE'LL START CALLING FOLKS WISHING TO SPEAK. AGAIN, WE APOLOGIZE FOR THE LATE HOUR. WE'RE TAKING THESE IN ORDER AND WE'VE TRIED TO SPEED UP EARLIER PUBLIC HEARINGS SO WE CAN CONTINUE TO GET MORE FEEDBACK AS WE CAN. OUR FIRST SPEAKER IS MR. RICHARD TROXELL. RICHARD, WELCOME. AND IS RON WEAVER HERE BY CHANCE? WELCOME, RON. HOW ABOUT KEN WEAVER? KEN WEAVER HERE? HOW ABOUT SUSAN ROGERS? HOW ABOUT - - LOOKS LIKE REED DRAKE.

MICHAEL.

Mayor Wynn: IT LOOKS LIKE YOU WILL HAVE UP TO NINE

MINUTES, RICHARD, IF YOU NEED IT.

GOOD EVENING, COUNCIL, MR. MAYOR. CITIZENS OF AUSTIN. MY NAME IS RICHARD TROXELL, PRESIDENT OF HOUSE THE HOMELESS. FIRST I'D LIKE TO AGAIN MY COMMENTS BY POINTING OUT THAT THIS IS NATIONAL HUNGER AND HOMELESS AWARENESS WEEK. SECOND, OUR ORGANIZATION HOUSE THE HOMELESS IS OPPOSED TO THOSE -- TO THESE ORDINANCE CHANGES. THIRD, UNDERSTAND THAT OUR MISSION IS TO END HOMELESSNESS. WHILE THERE IS NO SINGLE WAY OF DESCRIBING HOMELESS CITIZENS THEY INCLUDE SINGLE MEN, SINGLE WOMEN, FAMILIES. THEY ARE 35% WHITE, 49% AFRICAN-AMERICAN, 12% HISPANIC, 4% NATIVE AMERICANS. THEY ARE REFUGEES, UNDOCUMENTED WORKERS, PAROLEES, RUN-AWAY YOUTH AND CHILDREN. VIETNAM VETERANS AND OTHER TRAUMAIZED INDIVIDUALS. THEY LIVE IN OUR CITIES, SUBURBS AND OUR RURAL AREAS. THEY ARE REGULAR CITIZENS. THEY ARE ALCOHOLICS, DRUG ADDICTS, MENTALLY ILL PERSONS. SOME SUFFER FROM A COMBINATION OF ALL THREE. SOME ARE VICTIMS OF DOMESTIC VIOLENCE. SOME HAVE HAD AN IMMEDIATE ECONOMIC CRISIS. ALL SUFFER ECONOMIC INSUFFICIENCY. THE AVERAGE AGE ASTONISHINGLY ENOUGH OF A HOMELESS PERSON IS 9 YEARS OLD. A SINGLE MOTHER WITH A SMALL CHILD AND A BABE IN ARMS. MINORITIES ARE OVERREPRESENTED BEING OVER HALF OF THE HOMELESS POPULATION. THE HOMELESS DIE SOME 20 YEARS EARLIER THAN THE REST OF US. THIS SUNDAY WE WILL READ THE NAMES OF 93 CITIZENS WHO HAVE DIED ON THE STREETS OF AUSTIN THIS YEAR. ONE-THIRD OF ARE VETERANS, 23% OF THE HOMELESS ARE FAMILIES. BUT THE LARGEST GROUP IS STILL SINGLE, UNATTACHED MEN WITH MULTIPLE PROBLEMS. HALF HAVE NEVER BEEN MARRIED, BUT THE OTHER HALF WERE HEADS OF HOUSEHOLDS. THE MAJORITY CLAIM TO HAVE NO FAMILY RELATIONSHIPS OR FRIENDS TODAY. 40% OF THE HOMELESS HAVE SIGNIFICANT ALCOHOL PROBLEMS. 20% ARE ADDICTED TO DRUGS. AT LEAST ONE-THIRD SUFFER FROM PSYCHIATRIC DISORDERS SUCH AS SCHIZOPHRENIA, BIPOLAR DISORDER AND DEPRESSION. SOME 20% OF THEM EVENTUALLY COMMIT SUICIDE. ONE-THIRD OF THE HOMELESS HAVE BEEN UNEMPLOYED FOR



MORE THAN TWO YEARS AND YET 42% OF THEM ARE WORKING AT SOME POINT DURING THE WEEK. AND THAT WE RECOGNIZE THAT THE WORK ETHIC IS INTACT. STATISTICALLY BETWEEN 10 AND 20% ARE TEMPORARILY HOMELESS BECAUSE OF CRISIS. ONE-THIRD ARE EPISODICLY HOMELESS, THAT MEANS THEY ARE DRIFTING IN AND OUT. BUT ONE-HALF OF ALL HOMELESS ARE CHRONICALLY HOMELESS BECAUSE OF THEIR DISABILITIES AND LACK OF LIVING WAGES. OF THESE 50% HAVE BEEN HOMELESS FOR A YEAR OR MORE AND 20% FOR FOUR YEARS OR MORE. THE VAST MAJORITY OF HOMELESS PEOPLE ARE LONG-TERM RESIDENTS OF THE CITY OF AUSTIN. NOT TRANSIENT AS SOME INSENSITIVE PEOPLE ROUTINELY LABEL THEM. OUTSIDE OF THE CRIMINAL JUSTICE SYSTEM, THERE ARE ONLY TWO SUBSTANCE ABUSE TREATMENT BEDS HERE IN AUSTIN. EVEN THEN THERE ARE NO BEDS AVAILABLE WITHOUT A WAITING PERIOD OF SEVERAL WEEKS FOR THE HELP THAT IS NEEDED WITHIN 24 HOURS. WHAT WILL PEOPLE DO? WHERE WILL PEOPLE GO? AT THE AUSTIN STATE HOSPITAL, WE HAVE GONE FROM 200 BEDS TO 44 BEDS. THE STATE AND LOCAL MENTAL HEALTH SYSTEM HAVE TUAILED TREATMENT TO ALL BUT THOSE SUFFERING FROM DEPRESSION, SCHIZOPHRENIA AND BIPOLAR DISORDER. SO FOR EXAMPLE ANYONE SUFFERING PERSONALITY DISORDER, POST-TRAUMATIC STRESS DISORDER, DISPOSAL ABUSE, THEY ARE TURNED AWAY. WHAT WILL PEOPLE DO? WHERE WILL PEOPLE GO? IN THE DOWNTOWN BUSINESS DISTRICT THERE ARE ZERO PUBLIC TOILETS AVAILABLE TO HOMELESS PEOPLE. ADDITIONALLY THE RESTAURANTS REFUSE FACILITY USE BY PEOPLE EXPERIENCING HOMELESSNESS WHILE THERE WERE ONCE PORT-A-POTTIES, THE BUSINESSES REFUSED TO PAY FOR THEIR USE AND THEY WERE REMOVED. THE HOMELESS TASK FORCE PLANNING BODY HAS DETERMINED THAT THERE ARE APPROXIMATELY 4,000 UNDUPLICATED HOMELESS CITIZENS IN THE AUSTIN AREA. AT THE SAME TIME, THERE ARE LESS THAN 600 EMERGENCY SHELTER BEDS FOR EVERY SINGLE MAN, WOMAN AND CHILD. EVERY NIGHT 30 TO 50 HOMELESS PEOPLE ARE TURNED AWAY FROM THE NEW ARCH, AUSTIN'S HOMELESS SHELTER. WHAT WILL PEOPLE DO? WHERE WILL PEOPLE GO? THE CURRENT CAUSES OF HOMELESSNESS INCLUDE VIOLENCE, DIVORCE,

LOSS OF INCOME, NON-LIVING WAGE JOBS, DEBT, NATURAL DISASTERS LIKE RITA AND KATRINA, LACK OF FAMILY SUPPORT, EVICTION, MEDICAL ISSUES, SKYROCKETING HEALTH CARE COSTS, UNEMPLOYMENT, MENTAL HEALTH ISSUES, LACK OF TRANSPORTATION, LACK OF AFFORDABLE HOUSING, AND POOR PERSONAL CHOICES. THESE ORDINANCES DO NOTHING TO ADDRESS ANY OF THESE PROBLEMS. THE AUSTIN AREA HOMELESS TASK FORCE, ONE OF THE 12 COMMUNITY ACTION NETWORK PLANNING BODIES, THE SOCIAL SERVICE ARM OF THIS THE AUSTIN CITY COUNCIL HAS DENOUNCED THESE ORDINANCES WITH A RESOLUTION STATING THAT IT'S INAPPROPRIATE RESPONSE TO THE CONDITION OF HOMELESSNESS. INSTEAD IT HAS CREATED A 10-YEAR PLAN ENDORSED BY THIS COUNCIL TO END HOMELESSNESS CALLING FOR AFFORDABLE HOUSING, HEALTH CARE AND LIVABLE INCOME INCLUDING A UNIVERSAL LIVING WAGE. USING A PEN TO TRY AND FIX THESE ORDINANCES AND THEIR PROPOSED CHANGES IS LIKE THROWING INK AT THE PROBLEM OF HOMELESSNESS.

Mayor Wynn: THIS IS BRAND NEW CARPET, MR. TROXELL, BE CAREFUL. RECYCLED CARPET, BUT BRAND NEW.

THROWING I.D NK AT INK AT THE PROBLEM WON'T CHANGE ANYTHING. HOMELESSNESS IS STILL THERE. WE'VE GONE NOTHING TO FIX THE PROBLEM. THE ONLY EFFECT WILL BE TO FURTHER CRIMINALIZE THE EFFECT OF HOMELESSNESS AND CREATE MORE REAL BARRIERS LIKE MORE DEBT AND CRIMINAL RECORD TO PREVENT PEOPLE FROM WORKING THEMSELVES OUT OF HOMELESSNESS. I WILL GIVE YOU ONE EXAMPLE OF HOW INAPPROPRIATE THESE ORDINANCES ARE. REGARDING SOLICITATION. THIS IS MY DRIVER'S LICENSE. IF A PERSON IN A MOTOR VEHICLE COMMITS AN ATTEMPT IF A PERSON SOLICITS OR ATTEMPTS -- EMPLOYMENT, BUSINESS OR CONTRIBUTIONS FROM A PERSON WHO IS IN OR NEXT TO A STREET OR SIDEWALK. THIS LICENSE WAS ISSUED TO ME BY THE GREAT STATE OF TEXAS. IT ENABLES ME TO OPERATE A MOTOR VEHICLE SO LONG AS I DO SO IN A SAFE MANNER AND SO LONG AS I FOLLOW THE RULES OF TEXAS DEPARTMENT OF MOTOR VEHICLES. YOU SEE WHAT THIS IS? IT'S THE CONSTITUTION OF THE UNITED STATES OF AMERICA. I WILL READ YOU PART OF THE FIRST AMENDMENT UNDER THE BILL OF RIGHTS.

QUOTE, CONGRESS SHALL MAKE NO LAW ABRIDGING THE FREEDOM OF SPEECH OR THE RIGHT OF THE PEOPLE TO PEACEFULLY ASSEMBLE. SO IS THIS ORDINANCE GOING TO TELL ME THAT I CAN'T SAFELY AND USING MY TEXAS DRIVER'S LICENSE PULL MY MOTOR VEHICLE TO THE SIDE OF THE ROAD AND HAVE A CONVERSATION REGARDING MY JOB OPPORTUNITY? THAT'S UNLAWFUL AND UNCONSTITUTIONAL. WHERE WILL PEOPLE GO? WHAT WILL PEOPLE DO? NOW IN CLOSING I WILL TELL YOU THE TRUTH. THE TRUTH. THE TRUTH. I WILL TELL YOU THAT THESE ORDINANCES ARE THE CREATION OF THE DOWNTOWN AUSTIN ALLIANCE. THAT THIS IS A BUSINESS CONSORTIUM BENT ON DRIVING THE HOMELESS CITIZENS FROM THE DOWNTOWN AREA. I CAN SEE FROM THE DIAGRAM WHICH DEPICTS THE LANGUAGE FROM PART 2 OF THE ORDINANCE THAT IT WOULD OUTLAW SITTING, SLEEPING AND LYING DOWN AND EFFECTIVELY DRIVE HOMELESS PEOPLE INTO OUR SURROUNDING NEIGHBORHOODS. BOO! THESE BUSINESSES HAVE FAILED TO ACT AS GOOD COMMUNITY PARTNERS. THEY HAVE FAILED TO OFFER ONE SINGLE SOLUTION TOWARD ENDING HOMELESSNESS.

Mayor Wynn: PLEASE CONCLUDE.

THEY DID NOT PAY ONE DOLLAR -- YES, SIR. THEY DID NOT PAY ONE DOLLAR TOWARDS THE NEW HOMELESS RESOURCE SHELTER AND NOT ONE DOLLAR FOR THE PUBLIC TOILETS. THEY ARE MAKING AN END RUN ON THE NEIGHBORHOODS. INSTEAD THE DOWNTOWN BUSINESSES, THE VERY BUSINESSES WHICH ARE PAYING LESS THAN A LIVING WAGE THAT WOULD ALLOW PEOPLE TO WORK THEMSELVES OFF THE STREETS OF AUSTIN HAVE CREATED A PLAN TO DRIVE HOMELESS PEOPLE INTO OUR NEIGHBORHOODS LIKE CATTLE.

Mayor Wynn: PLEASE CONCLUDE.

WHAT WILL PEOPLE DO? WHAT WILL PEOPLE DO.

Mayor Wynn: YOUR TIME IS UP.

WHAT WILL PEOPLE DO? WHERE WILL PEOPLE GO? TO THE

NEIGHBORHOODS. THANK YOU. [APPLAUSE]

Mayor Wynn: I WOULD LIKE TO SAY OUT OF RESPECT FOR FOLKS, THE REASON WHY WE SET UP TWO BIG PUBLIC HEARINGS A COUPLE WEEKS APART IS FOR FOLKS WHO COULDN'T MAKE THE FIRST PUBLIC HEARING TO HAVE A CHANCE TO BE HEARD BY THIS COUNCIL. SO I KNOW THAT MANY OF THE NAMES THAT I'LL READ HERE OVER THE NEXT SEVERAL HOURS WILL BE FOLKS WHO HAVE ALREADY ADDRESSED THE COUNCIL, LIKELY SEVERAL TIMES. BUT THE HOPE WAS HAVING THESE TWO DIFFERENT PUBLIC HEARINGS ON DIFFERENT EVENINGS WAS THAT FOR FOLKS WHO COULDN'T ADDRESS US LAST PUBLIC HEARING THEY COULD DO SO TODAY. SO IT WOULD BE GRACIOUS IF FOLKS WHO HAVE ALREADY ADDRESSED US AT THE LAST PUBLIC HEARING TO PERHAPS WAIVE THEIR TIME SO THAT SOMEBODY WHO SIGNED UP LATER DOWN THE LIST WHO HASN'T ADDRESSED THIS COUNCIL REGARDING THESE PUBLIC ORDINANCE AMENDMENTS COULD HAVE THAT ABILITY AND WE APPRECIATE YOUR COOPERATION. IS MICHAEL SANCHEZ STILL HERE, BY CHANCE? MICHAEL, WELCOME. YOU'RE THE NEXT SPEAKER. I WILL SAY MICHAEL SERVES AS CO-CHAIR OF THE NEW MAYOR'S COUNCIL ON STUDENT AFFAIRS. I HAVE FORMED A COUNCIL OF THE TOP TWO ELECTED STUDENTS OF THE SIX AREA UNIVERSITY AND COLLEGES SO THERE'S 12 YOUNG MEN AND WOMEN WHO SERVE ON A NEW ADVISE COUNCIL WHO WILL ADVISE US AS A COUNCIL ON ISSUES THAT COME BEFORE THE CITY COUNCIL IN THEIR PERSPECTIVE AS ONE OF 90,000 AREA UNIVERSITY AND COLLEGE STUDENTS IN AUSTIN. SO MICHAEL WELCOME.

THANK YOU, MAYOR. GOOD EVENING, MAYOR WYNN, MAYOR PRO TEM DANNY THOMAS, CITY MANAGER, COUNCILMEMBERS AND THOSE IN ATTENDANCE. MY MAIME IS MICHAEL SANCHEZ, PRESIDENT OF STUDENT GOVERNMENT AT AUSTIN COMMUNITY COLLEGE. AND CO-CHAIR OF THE NEWLY ESTABLISHED MAYOR'S COUNCIL ON STUDENT AFFAIRS. I COME BEFORE YOU AS A CHOSEN SPEAKER OF ALL RESPECTIVE COUNCILS TO SHARE WITH THIS COUNCIL OUR RECOMMENDATION ON AMENDING OF THE CITY CODE SECTION 9-4-13, 9-4-14, 9-4-22, AND 12-1-27 OF THE CITY CODE. [INAUDIBLE] CONSISTS OF

REPRESENTATIVES FROM SIX COLLEGES AND UNIVERSITIES, AUSTIN COMMUNITY COLLEGE, CONCORDIA, HUSTON-TILLOTSON, ST. EDWARDS, TEXAS STATE UNIVERSITY, AND OF COURSE THE UNIVERSITY OF TEXAS. OUR DRIVE IS TO IMPROVE THE QUALITY OF LIFE FOR STUDENTS LIVING IN AND AROUND THE AUSTIN AREA. AS YOU ARE AWARE, FIVE OF THESE INSTITUTIONS ARE LOCATED IN AND AROUND DOWNTOWN AREA OF AUSTIN. THIS MAKES THE STUDENT POPULATION IN THIS AREA ROUGHLY 60,000-PLUS STUDENTS. BECAUSE OF THIS, WE FEEL THAT THE AMENDMENT -- AMENDMENTS WILL ENSURE THE SAFETY AND PEACE OF OUR STUDENTS GOING TO AND FROM CLASS. THE PARTICULAR SECTION OF AUSTIN WE WOULD LIKE TO SEE THESE CHANGES AFFECT IS THE AREA ON GUADALUPE BETWEEN MLK AND 28th STREET ALSO KNOWN AS THE DRAG. STUDENTS HAVE COMPLAINED OF AGGRESSIVE SOLICITATION, LOITERING AND SIDEWALK NAPPING NAPPING. NOT ONLY TO STUDENTS AT U.T. AND OTHER INSTITUTIONS, BUT IT HAS GROWN TO BE AN EXCELLENT PLACE TO SHOP AND DINE. BY STRENGTHENING THE PUBLIC ORDER ORDINANCE, WE BELIEVE THE COUNCIL CAN MAKE AUSTIN A SAFER PLACE FOR STUDENTS WHO LIVE, WORK, LEARN AND OF COURSE PLAY IN AND AROUND THE DOWNTOWN AREA. IN ADDITION, WE HOPE THAT THESE CHANGES WILL IN TURN INFLUENCE THE HOMELESS AND THE TRANSIENTS TO SEEK ASSISTANCE FROM THE NONPROFIT ORGANIZATIONS AND THE CITY PROGRAMS IN ORDER TO BETTER THEIR LIVES AS WELL. COUNCIL OF STUDENTS AFFAIRS ALSO BELIEVES IT'S IMPORTANT TO PUBLIC ELECTRICALLY ADDRESS THE FACT THAT IN APPROVING THESE AMENDMENTS THE CITY WILL BE AFFECTING THE LIVES OF THOSE INDIVIDUALS WHO HAVE THE LEAST. GREAT CARE MUST BE TAKEN TO RESPECT THE RIGHTS OF THESE INDIVIDUALS AFFECTED BY THE CHANGES. WITH THAT SAID, THE MAYOR AND COUNCIL RECOMMENDS TO THE AMENDMENT TO THE CITY CODE BE APPROVED SO THAT ALL CITIZENS OF AUSTIN CAN BENEFIT FROM THE SAFETY AND HEALTH INITIATIVES ADDRESSED IN THESE CHANGES. THANK YOU.

Mayor Wynn: THANK YOU, MR. SANCHEZ FOR YOUR SERVICE. MICHAEL ALSO SERVES AS STUDENT BODY PRESIDENT OF

AUSTIN COMMUNITY COLLEGE SO WELCOME.

THANK YOU, MAYOR.

Mayor Wynn: NEXT SPEAKER IS ANDREW CLEMENTS.  
WELCOME. IF SANDY WILDER IS STILL HERE, YOU WILL HAVE  
SIX MINUTES. FOLLOWED BY JOHN FEIFLER FOLLOWED BY  
JOHN NEU.

I SPOKE LAST TIME. I THOUGHT IT WAS POSTED FOR  
POSSIBLE ACTION TONIGHT. BUT I DO HAVE A COUPLE OF  
NEW THOUGHTS. I ACTUALLY THINK IT'S BEEN AMENDED  
SINCE THE LAST PUBLIC HEARING. I THINK THE CITY ON  
ARCHITECTURAL FEATURES WAS ELIMINATED WHICH I THINK  
-- WE DIDN'T WANT TO ELIMINATE CHANCE ENCOUNTERS  
BETWEEN DOWNTOWN RESIDENTS. IF THEY WEREN'T  
BLOCKING PROGRESS OF SOMEBODY ENTERING OR  
LEAVING A BUILDING. BUT WE -- THE DOWNTOWN  
NEIGHBORHOOD ASSOCIATION DOES SUPPORT THE  
AMENDMENTS. WE THINK THE PENDULUM SORT OF NEEDS  
TO SWING BACK TO GUARANTEEING ORDINANCES AGAINST  
INAPPROPRIATE BEHAVIOR DOWNTOWN. WE HAVE  
NUMEROUS RESIDENTS, PARTICULARLY WOMEN, THAT ARE  
ACTUALLY AFRAID SOMETIMES TO WALK DOWNTOWN AFTER  
NIGHT BECAUSE THEY ARE PROGRESSIVELY --  
AGGRESSIVELY SOLICITED. AND ACTUALLY SOMETIMES  
FOLLOWED TO THEIR RESIDENCE. SO -- AND BUT WE ALSO  
BELIEVE IN COMPASSION AND TO THAT END WE, THE  
DOWNTOWN NEIGHBORHOOD ASSOCIATION RESIDENTS  
VOLUNTEER MONTHLY AT CARITAS. WE STRONGLY  
SUPPORTED THE ARCH. WE GAVE IT ONE OF OUR LIVABILITY  
AWARDS. THE YEAR THAT IT OPENED. AND SO WE WOULD  
LIKE TO SEE THE PENDULUM IN TERMS OF INAPPROPRIATE  
BEHAVIOR STRENGTHENED, SWING BACK TOWARDS  
STRENGTHENING INAPPROPRIATE BEHAVIOR DOWNTOWN,  
BUT AT THE SAME TIME WE APPLAUD YOU FOR INCREASED  
FUNDING OF THE PEOPLE THAT PROVIDE SERVICES TO THE  
HOMELESS DOWNTOWN AND WE HOPE THAT CONTINUES.  
WE WOULD KIND OF LIKE TO SEE A PRO-PRONGED  
APPROACH TO THE PROBLEMS, AT LEAST IN REFERENCE TO  
DOWNTOWN. WE WOULD LIKE TO SEE THESE AMENDMENTS  
PASSED AND ALSO CONTINUED TO PURSUE INCREASED

FUNDING FOR THE HOMELESS. THANK YOU.

Mayor Wynn: THANK YOU, ANDREW. JOHN NEIFLER.  
WELCOME. IS KATHY CONWAY OR TRACY ATKINS STILL  
HERE? JOHN, YOU WILL HAVE UP TO THREE MINUTES.

THANK YOU, MR. MAYOR, MAYOR PRO TEM, MEMBERS OF  
COUNCIL, CITY MANAGER, MY NAME IS JOHN NEIFLER AND I  
SPEAK FOR MYSELF AND FOR THE DOWNTOWN AUSTIN  
ALLIANCE WHERE I SERVE ON THE BOARD. THIS IS -- I  
ENCOURAGE YOU TO ADOPT THE ORDINANCE LANGUAGE  
THAT IS BEFORE YOU. THIS IS A MATTER OF FINDING A  
STANDARD OF CIVIC BEHAVIOR SO THAT ALL OF US CAN  
ENJOY OUR COMMON LIFE TOGETHER IN THIS WONDERFUL  
CITY. YOUR LEGAL DEPARTMENT HAS SAID IF YOU WANT THE  
ORDINANCES TO WORK AND ACCOMPLISH YOUR INTENT  
THEN THIS IS LANGUAGE THAT WILL WORK. I WOULD  
ENCOURAGE YOU TO VOTE YES. THANK YOU.

Mayor Wynn: THANK YOU, MR. NEIFLER. ANNE NEU. SIGNED  
UP WISHING TO SPEAK IN FAVOR. EDWARD SLEDGE.  
EDWARD SLEDGE. WHO HAS SENT IN COMMENTS  
ELECTRONICALLY AND WE'LL PUT THOSE IN THE RECORD,  
SIGNED UP WISHING TO SPEAK IN OPPOSITION. NEXT  
SPEAKER IS JEFF TRIGGER. WELCOME, JEFF. AND YOU'LL BE  
FOLLOWED BY ROBIN LETOURNEU.

THANKS, MAYOR AND COUNCIL. I WOULD LIKE TO THANK YOU  
FOR YOUR HARD WORK ON THIS ISSUE. TO DECIDE WHAT IS  
APPROPRIATE BEHAVIOR IN OUR SHARED PUBLIC RIGHT-OF-  
WAY AND ALSO TO CHALLENGE YOU TO ADDRESS THE  
PROBLEM OF CHRONIC HOMELESSNESS IN AUSTIN BECAUSE  
NO ONE HERE IN THIS CHAMBER BELIEVES THAT THESE  
ORDINANCES ADDRESS A SOLUTION. AND EVERYONE IN THIS  
CHAMBER WISHES THAT IT WOULD. I'D ALSO LIKE TO INVITE  
EVERYONE ON THE DAIS AND IN THE AUDIENCE TO ATTEND A  
HOMELESS EDUCATION FORUM SPONSORED BY ECHO ON  
SATURDAY AT 9:30 TO 12:30 AT ST. DAVID'S EPISCOPAL  
CHURCH WHERE A LOT OF THE ISSUES WILL BE ADDRESSED  
OF HOW WE CAN END CHRONIC HOMELESSNESS IN AUSTIN  
IN 10 YEARS. I WANT TO PERSONALLY THANK YOU FOR THE  
MANNER IN WHICH YOU'VE APPROACHED THIS ISSUE. YOU  
STUDIED 38 CITIES THROUGHOUT THE COUNTRY TO

FIND WHAT POLICIES WERE FAIR AND EFFECTIVE AND HAVE WRITTEN AN ORDINANCE THAT DOES JUST THAT. YOU'VE FOUND THAT AROUND THE COUNTRY PEOPLE BELIEVE THAT IT'S INAPPROPRIATE TO APPROACH SOMEONE IN THE DARKNESS OF NIGHT AND ASK THEM FOR MONEY. IT'S SCARY AND ALARM TO GO THE PERSON BEING ASKED. YOU FOUND THAT AROUND THE COUNTRY PEOPLE FEEL THAT TO IMPEDE SOMEONE ELSE'S PROGRESS ON A SIDEWALK BECAUSE YOU DECIDE THAT YOU WANT TO SIT DOWN OR LIE DOWN OR SLEEP WHENEVER YOU WANT TO AND WHEREVER YOU WANT TO IS ALSO AN INAPPROPRIATE BEHAVIOR IN A SHARED PUBLIC RIGHT-OF-WAY. YOU'VE BEEN VERY CAREFUL ABOUT UNINTENDED CONSEQUENCES. YOU RESEARCHED WHAT WERE THE SHELTERS, WHAT WERE THE EMERGENCY SHELTERS, WHAT ARE THE SHELTERS, SORRY, IT'S LATE FOR ME TOO, IN AUSTIN. AND MR. TROXELL IS ABSOLUTELY RIGHT, 30 TO 50 PEOPLE NIGHTLY WERE BEING TURNED AWAY AND ARE BEING TURNED AWAY AT THE ARCH AND YOU ACTED INCREASING BUDGETED FUNDING TO ADD 70 MAT SLEEPING SPACES TO TAKE CARE OF THAT IN YOUR LAST BUDGET. AND I'M VERY PLEASED THAT YOU DID THAT AND PROUD THAT YOU DID. BUT YOU KNOW WHAT? YOU ALL KNOW THAT IT'S STILL NOT ENOUGH. AND I CHALLENGE YOU AGAIN BECAUSE AS A CITY WE HAVE A BELIEF SYSTEM THAT EVERYONE HERE DESERVES A SAFE PLACE TO CALL HOME. MANY ORGANIZATIONS THAT ARE REPRESENTED TODAY ARE WORKING VERY HARD TO ADDRESS THE ROOT CAUSES OF HOMELESSNESS AND ALL OF THEM AND I SUPPORT A GENEROUS AFFORDABLE HOUSING ALLOCATION IN THE UPCOMING BOND ELECTION. I ASK THAT YOU CONTINUE YOUR HARD AND GOOD WORK ON THE ECONOMIC DEVELOPMENT ISSUES IN OUR CITY WHICH WILL LEAD TO VIABLE LIVING WAGE OPPORTUNITIES FOR ALL OF OUR WORKFORCE. AND AGAIN, I THANK YOU FOR PROPERLY AND HUMANELY ADDRESSING ISSUE OF WHAT IS APPROPRIATE BEHAVIOR IN OUR SHARED PUBLIC RIGHT-OF-WAY AND SUPPORT THESE ORDINANCES. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. TRIGGER. ROBIN LETOURNEU. SORRY IF I MISPRONOUNCED THAT.

GOOD EVENING, MAYOR AND COUNCILMEMBERS. I REALLY APPRECIATE HAVING THE OPPORTUNITY TO COME HERE



AND SPEAK TO YOU TONIGHT FOR A COUPLE MINUTES ABOUT WHAT I EXPERIENCE AS A CITIZEN WORKING DOWNTOWN. I'VE HAD SEVERAL ENCOUNTERS WITH AGGRESSIVE PANHANDLING. WE'VE HAD TO DEAL WITH THE HOMELESS IN THE BUILDING THAT I WORK IN. THE COMPANY I WORK FOR DECIDED TO MOVE THE OFFICE DOWNTOWN ABOUT A YEAR AGO, AND WHILE I WAS EXCITED ABOUT THE OPPORTUNITY TO WORK DOWNTOWN, I THINK IT'S A GREAT ENVIRONMENT AND I APPRECIATED BEING PART OF THAT, I HAD SOME SERIOUS RESERVATIONS. AND QUITE FRANKLY I WAS CONCERNED ABOUT MY SAFETY AND I WAS CONCERNED ABOUT THE SAFETY OF THE OTHER WOMEN THAT I WORK WITH. I DRIVE AROUND TOWN ALL DAY WITH MY JOB AND I SEE THE HOMELESS AND I SEE THE PANHANDLERS ALL OVER THE CITY. IT'S NOT JUST DOWNTOWN. I SEE IT IN THE E.T.J. IT'S EVERYWHERE. I FIND IT THREATENING AND INTIMIDATING. I'VE BEEN APPROACHED GETTING OUT OF MY CAR IN THE MORNING IN THE PARKING LOT WHERE I PARK THAT'S CLOSE TO ARCH. I'VE BEEN HARASSED ON THE STREET BETWEEN THE PARKING LOT AND MY OFFICE BUILDING. I'VE BEEN FOLLOWED DOWN THE STREET. I'VE BEEN BLOCKED FROM ENTERING MY BUILDING BY HOMELESS. WE'VE HAD BOTH MEN AND WOMEN USE OUR RESTROOM FACILITIES AS BATHING FACILITIES. WE'VE HAD TO LOCK OUR DOORS TO OUR OFFICE NOW AND INSTALL A DOORBELL BECAUSE WE HAD SO MANY PEOPLE WANDERING IN OFF THE STREET. I DON'T WALK OUT THE BACK OF OUR BUILDING ANYMORE BECAUSE I KNOW THAT I'M GOING TO FIND PEOPLE PASSED OUT IN THE ALLEY. WE'VE HAD SOME OF OUR EMPLOYEES SEEING PEOPLE SHOOTING UP DRUGS IN THE ALLEY. THREE DAYS AGO ONE OF OUR EMPLOYEES LEFT THE BUILDING MIDDLE OF THE DAY AND THERE WAS A MAN URINATING ON A CAR IN THE 200 BLOCK OF 6th STREET IN THE MIDDLE OF THE DAY. I WORK IN A PROFESSIONAL SERVICES INDUSTRY. MY CLIENTS COME TO MY OFFICE FOR CLIENT PRESENTATIONS. AND IT'S JUST UNFAIR TO BE IN A SITUATION WHERE I DON'T KNOW WHAT MY CLIENTS ARE GOING TO ENCOUNTER BECAUSE I DON'T KNOW WHAT THE BEHAVIOR OF THE HOMELESS IS LIKE ON THE STREET. THE WORST SITUATION THAT HAPPENED TO ME A FEW MONTHS AGO, I WAS WALKING TO MY CAR ON A FRIDAY ABOUT 2:00 IN THE AFTERNOON AND HAD A HOSTILE EVEN COUNT WE ARE

A GENTLEMAN THAT DIDN'T WANT TO TAKE NO FOR AN ANSWER WHEN I TOLD HIM I DIDN'T WANT TO GIVE HIM MONEY. HE GOT PHYSICALLY AGGRESSIVE WITH ME. HE STARTED SCREAMING OBSCENITIES AND IF IT HADN'T BEEN FOR THE FACT THERE WAS A POLICE CAR PARKED ABOUT A HALF A BLOCK AWAY, I'M NOT SURE THAT I WOULDN'T HAVE BEEN MUGGED. WHEN I POINTED TO THE POLICE CAR AND TOLD HIM, TOLD THE MAN I WAS HAVING THE CONFRONTATION WITH I WAS GOING TO LOOK FOR THE COPS HE RAN UP THE STREET. THAT'S PRETTY MUCH ALL HAVE I TO SAY. I'M JUST WORRIED FOR MY SAFETY. I UNDERSTAND THERE ARE TWO SIDES OF THIS ISSUE. I DO HAVE A LOT OF COMPASSION FOR THE PLIGHT OF THE HOMELESS, BUT I THINK THE AGGRESSIVE PAN HANDLING IS UNFAIR TO THOSE OF US TRYING TO WORK AND CONNECT BUSINESS DOWNTOWN. THANK YOU.

Mayor Wynn: PHILIP SANDERS. STILL HERE? SIGNED UP WISHING TO SPEAK AGAINST. MARY GUERRERO MCDONALD. WELCOME, MARY. YOU WILL BE FOLLOWED BY ROSS PAULEY.

GOOD EVENING, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS DUNKERLEY, MCCracken AND LEFING WILL AND KIM. I REPRESENT [INAUDIBLE] AUSTIN. BUILDING MANAGERS AND ASSOCIATION WAS FOUNDED IN 1974. IT IS A NON-PROFIT MEMBER DRIVEN ORGANIZATION TO PROMOTE THE HIGHEST ETHICAL AND PROFESSIONAL STANDARDS IN THE COMMERCIAL REAL ESTATE INDUSTRY. MEMBERS OWN AND/OR MANAGE OVER 35 MILLION SQUARE FEET OF COMMERCIAL PROPERTY IN THE GREATER AUSTIN AREA INCLUDING OFFICE, INDUSTRIAL, RETAIL AND INSTITUTIONAL. THE ESTIMATED ANNUAL PROPERTY TAXES PAID ON THE PROPERTIES IS \$72 MILLION. OVER 150,000 PEOPLE WORK IN PROPERTIES OWNED OR MANAGED BY MEMBERS. WE ARE COMMITTED TO THIS COMMUNITY. IN THE PAST YEAR OUR MEMBERS VOLUNTEERED AT THE AUSTIN FINE ARTS FESTIVAL TO SUPPORT THE AUSTIN MUSEUM OF ART, INTERTD INTO PARTNERSHIP WITH THE AUSTIN FIRE DEPARTMENT TO RAISE FUNDS FOR SMOKE ALARMS AND ASSISTED WITH NEIGHBORHOOD-WIDE INSTALLATION OF THOSE SMOKE ALARMS AND THOSE WHO COULD NOT AFFORD SMOKE ALARMS. VOLUNTEERED WITH THE AUSTIN

LITERACY, THE PRIMARY PROVIDER OF LITERACY EDUCATION TO ADULTS IN OUR AREA. VOLUNTEERED WITH KEEP AUSTIN BEAUTIFUL, AN ORGANIZATION COMMITTED TO CLEANING UP, EDUCATING AND BEAUTIFYING AUSTIN. AS YOU CAN SEE, WE ARE AN ORGANIZATION COMMITTED TO MAKING AND KEEPING AUSTIN THE BEST PLACE TO LIVE, WORK AND PLAY. WE BELIEVE STRENGTHENING THESE PUBLIC ORDER ORDINANCES WILL HELP AUSTIN CONTINUE ITS RENOWNED AWARD WINNING REPUTATION. WE ARE IN SUPPORT OF THESE ORDINANCES. WE ARE PROUD OF THE LEADERSHIP BY OUR MAYOR AND COUNCIL TO DEAL WITH THIS PUBLIC ORDER ORDINANCES FOR THE GOOD OF OUR COMMUNITY AND WE ARE HERE TO HELP YOU ACCOMPLISH THIS TASK. THANK YOU.

Mayor Wynn: THANK YOU, MARY. ROSS PAULEY. WELCOME, ROSS. YOU WILL BE FOLLOWED BY LINDA HERNANDEZ. WELCOME, SIR.

THANK YOU. GOOD EVENING, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS AND CITY MANAGER. MY NAME IS ROSS PAULEY, I AM A VOLUNTEER MEMBER OF THE DOWNTOWN AUSTIN COMMUNITY CORE ADVISORY COUNCIL. THE COUNCIL'S CHAIRMAN IS CURRENTLY IN ATLANTA AND UNAVAILABLE TO SPEAK HERE THIS EVENING. AT ITS REGULAR MEETING, THE ADVISORY COUNCIL PASSED A MOTION SUPPORTING AND STRENGTHENING AUSTIN'S PUBLIC ORDER ORDINANCES RELATED TO PANHANDLING, SLEEPING IN PUBLIC AND SITTING AND LYING DOWN ON PUBLIC SIDEWALKS. COMMUNITY COURT'S PURPOSE IS TO ATTEMPT TO BETTER ADDRESS THE NEEDS OF CLASS C MISDEMEANORS BY APPLYING ALTERNATIVES TO TRADITIONAL PROSECUTION AND SENTENCING SUCH AS TREATMENT OR COMMUNITY SERVICE. WE BELIEVE THAT STRONGER ORDINANCES WILL SUPPORT THE COURT'S EFFORT TO APPLY ALTERNATIVE SENTENCING MEASURES. PARTICULARLY TREATMENT ALTERNATIVES TO OUR WORST CASE OFFENDERS AND THOSE WHO ARE IN GREATEST NEED OF TREATMENT T COMMUNITY COURT ADVISORY COUNCIL BELIEVES THE EXISTING PANHANDLING SIDEWALK AND CAMPING ORDINANCES ARE DIFFICULT TO INTERPRET AND DIFFICULT TO ENFORCE. WE FEEL THE CURRENT ORDINANCES REPRESENT ONE OF THE KEY FACTORS THE

COURT'S ABILITY TO MAXIMIZE EFFECTIVENESS IN ADDRESSING THE BEHAVIOR OF CHRONIC CLASS C MISDEMEANOR OFFENDERS. ON BEHALF OF THE DOWNTOWN AUSTIN COMMUNITY COURT ADVISORY COMMITTEE, I RESPECTFULLY REQUEST YOUR SUPPORT IN THIS AMENDMENT TO THE EXISTING ORDINANCES. I HAVE A COPY OF THE COMMUNITY COURT ADVISORY COUNCIL'S LETTER SENT TO THE MAYOR AND PAST COUNCIL BY THEN-CHAIRMAN DR. WILLIAM KELLY TO SUBMIT INTO RECORD.

Mayor Wynn: THAMG THANK YOU, SIR. OUR NEXT SPEAKER IS OLIVIA HERNANDEZ. SIGNED UP WISHING TO SPEAK AGAINST. NEXT SPEAKER IS MITCH WAYMAN. SORRY IF I MISPRONOUNCED THAT. WELCOME. AND YOU'LL BE FOLLOWED BY DONALD RUTLEDGE.

I THINK THERE'S PEOPLE SIGNED UP TO DONATE THEIR TIME TO ME.

Mayor Wynn: IS LINDSAY BARRY HERE? HOW ABOUT CHARLES PRICE?

CHARLES PRICE IS NOT HERE BUT THERE'S ANOTHER SPEAKER SIGNED UP WHO IS WILLING TO DONATE HIS TIME.

Mayor Wynn: HOW ABOUT WILL HANCOCK. WILL AND PLISH PATRICIA FLORES. BY OUR RULES YOU HAVE UP TO 15 MINUTES BUT WE'RE TRYING TO BE COGNIZANT OF PEOPLE WHO HAVEN'T HAD A CHANCE TO ADDRESS THIS ISSUE WAITING TO SPEAK.

THANK YOU AND I WAS NOT ABLE TO SPEAK LAST WEEK AND I APPRECIATE THE OPPORTUNITY, THE LAST HEARING. GOOD EVENING. MY NAME IS MITCH WAN, CHAIR OF THE HOMELESS TASK FORCE IN AUSTIN. I COME BEFORE YOU AS A REPRESENTATIVE OF THAT GROUP THIS EVENING. AS YOU KNOW, THE HOMELESS TASK FORCE IS YOUR PLANNING BODY TO ADDRESS HOMELESS ISSUES IN THIS CITY. WE ARE THE GROUP THAT PLANS, IMPLEMENTS, ADVOCATES FOR AND SUPPORTS HOMELESS SERVICES IN THIS COMMUNITY. WE ANNUALLY CREATE THIS OPPORTUNITY'S CONTINUING AFFAIR APPLICATION FOR H.U.D. DOLLARS AND ANNUALLY BRING IN \$4 MILLION FROM H.U.D. INTO THIS COMMUNITY

FOR SERVICES. WE ARE ALSO VERY CONCERNED ABOUT THE BEHAVIORS OF A FEW CITIZENS IN THIS COMMUNITY THAT BRING THIS COMMUNITY TO THE BRINK OF PASSING ORDINANCES THAT WOULD NEGATIVELY AFFECT US ALL. WE HAVE GREAT SYMPATHY AND EMPATHY FOR THE BUSINESSES, THEIR CUSTOMERS, VISITORS AS WELL AS THE RESIDENTS AND GUESTS WHO ARE IMPACTED AND OFFENDED. WE UNDERSTAND THEIR SUPPORT FOR THE ORDINANCES; HOWEVER, THE POTENTIAL IMPACT OF THIS ACTION HAS US GRAVELY CONCERNED. LET'S BE VERY CLEAR. THE LAWLESSNESS, DRUNKENNESS, PANHANDLING, CRIME AND INAPPROPRIATE BEHAVIORS YOU HAVE HEARD ABOUT ARE NOT 100% THE PONS RESPONSIBILITY OF HOMELESS PERSONS. COMMUNITY COURT DATA WILL PROVE THIS. LET'S PLEASE NOT EQUATE LIVING IN THIS CITY AS A HOMELESS PERSON WITH BEING A CRIMINAL OR A PERSON UNCONCERNED ABOUT THE SAFETY, SECURITY, COMFORT, PROPERTY OR CIVIL RIGHTS OF OTHERS. LET'S NOT LABEL THIS ENTIRE CLASS OF CITIZENS FOR THE ACTIONS OF A FEW. AS THE RESOLUTION STATES, AND I'LL GIVE YOU A COPY OF THE RESOLUTION -- [APPLAUSE] WE BELIEVE THAT THE ANSWERS TO THE PROBLEMS OF HOMELESSNESS IN THIS COMMUNITY INCLUDE THE AVAILABILITY OF JOBS AT A LIVING WAGE, AFFORDABLE HOUSING AND TREATMENT FOR MENTAL HEALTH AND SUBSTANCE ABUSE DISABILITIES AFFECTING THIS POPULATION. [APPLAUSE]

WE ARE GRATEFUL FOR THE SUPPORT TO THE CITY COUNCIL, COUNTY COMMISSIONERS, THE BUSINESS COMMUNITY, THE FOUNDATIONS AND OTHER PRIVATE SECTOR PARTICIPANTS AND INDIVIDUALS FOR THEIR SUPPORT OF THE SERVICES THAT WE HAVE. EVERY DAY WE EXPERIENCE THE GENEROSITY AND COMMITMENT IN THIS COMMUNITY. HOWEVER, OUR SERVICE SYSTEM CAPACITY IS SIMPLY NOT ADEQUATE FOR MEETING THE NEEDS. FOR EXAMPLE, AND YOU'VE HEARD THIS, THERE ARE TWO, ONLY TWO BEDS FOR IN-PATIENT TREATMENT FOR AN INDIGENT SUBSTANCE ABUSER NOT INVOLVED IN THE CRIMINAL JUSTICE SYSTEM IN THIS COMMUNITY. MANY OF THE FOLKS WE ENCOUNTER ON THE STREETS CAN'T GET INTO TREATMENT BECAUSE IT'S NOT THERE. EVEN WHEN THEY

COME TO US AND SAY I WANT TO GET OFF THE STREET, I WANT TO GET OFF ALCOHOL, I WANT TO DO TREATMENT, WE HAVE TO SAY THERE'S A THREE TO FOUR TO SIX TO MONTHS WAITING PERIOD. THEY ARE ADDICTED. THEY MUST FEED THAT ADDICTION WHEN THERE'S NOT AN ALTERNATIVE. IT IS NOT APPROPRIATE OR HUMANE TO HAVE TO GET A CRIMINAL RECORD IN ORDER TO GET TREATMENT IN THIS COMMUNITY. THE HOMELESS POPULATION HERE IN AUSTIN IS ESTIMATED AT 4,000 ON ANY GIVEN DAY. WHEN WE WERE REQUIRED TO COUNT THEM ON JANUARY 27th OF THIS YEAR, WE WERE ABLE TO SEE AND TALK TO 1892 HOMELESS INDIVIDUALS. OUR AGENCIES ARE REPORTING IN A HOMELESS MANAGEMENT INFORMATION SYSTEM, A DATABASE OF HOMELESS PERSONS IN THIS COMMUNITY. WE HAVE NOT BEEN ABLE TO GET INFORMATION ON EVERY HOMELESS PERSON, BUT WE DID ENTER 8624 UNDUPLICATED INDIVIDUALS INTO THIS DATABASE IN THE PAST 12-MONTH PERIOD. THERE ARE OVER 10,000 IN THE DATABASE. 8,624 IN ONE YEAR. OUR SHELTER TRANSITIONAL LIVING AND SUPPORTIVE HOUSING SYSTEM IN THIS CITY HAS 1445 BEDS. SO IF JUST THE HOMELESS PEOPLE THAT WE SAW ON THAT ONE DAY IN JANUARY CAME FORWARD AND SAID I WANT OFF THE STREET, WE WOULD HAVE TO SAY TO 447 OF THEM THERE IS NO ROOM FOR YOU. OF THOSE, WE FOUND 265 CHRONIC SUBSTANCE ABUSERS. REMEMBER, WE'VE ONLY GOT THOSE TWO BEDS. THOSE 265 FOLKS WILL PROBABLY DO A LOT OF DAMAGE AND OFFEND A LOT OF PEOPLE AS THEY ARE HAVING TO WAIT FOR TREATMENT FOR MONTHS. WE BELIEVE THERE ARE OVER 300 ENCAMPMENTS FOR HOMELESS PEOPLE -- OF HOMELESS PEOPLE IN THIS COMMUNITY ALONG THE RAILROADS, PIPELINES, GREEN BELTS AND ON PRIVATE PROPERTY. MANY OF THESE FOLKS DO NOT SHOW UP IN OUR COUNT. WE WERE ONLY ABLE TO VISIT 38 CAMPS ON COUNT DAY. SIMILARLY, THE HIDDEN HOMELESS, THOSE DOUBLED UP AND TRIPLED UP DON'T COME IN FOR SERVICES. THEY FEEL LIKE WE DON'T HAVE ANYTHING TO OFFER. AND ON MANY DAYS THEY ARE ABSOLUTELY RIGHT. YOU ARE WELL AWARE OF OUR AFFORDABLE HOUSING CRISIS AND THE UNAVAILABLE -- UNVEIL BUILT OF ADEQUATE AFFORDABLE HOUSING FOR LOW WAGE EARNERS, THE DISABLED, THOSE IN NEED OF PERMANENT SUPPORTIVE HOUSING N PROBLEM

IS GREATLY EXACERBATED WHEN WE HAVE TO APPROACH LANDORDS WITH A CRIMINAL RECORD OR OWES A DEBT. ABOUT 40% OF THE HOMELESS WORK FULL OR PART TIME AND STILL CAN'T AFFORD A PLACE TO LIVE. PLEASE ENFORCE THE LAWS THAT YOU HAVE. WITH THE STREETS OF THE DRUG DEALERS WHO PREY ON THE VULNERABLE PEOPLE, BUS AND PENALIZE THOSE AND THOSE THAT DESTROY PROPERTY, LEAVE WASTE IN PUBLIC PLACES AND ASSAULT OTHERS. WE HAVE THOSE RULES. BUT SIMPLY RESTING AND ASKING FOR HELP SHOULD NOT BE A CRIME. WE ADVOCATE FOR A REALITY BASED ANSWER. JOBS, A LIVING WAGE, AFFORDABLE HOUSING, DRUG AND ALCOHOL TREATMENT ON DEMAND. ADVOCATE FOR GREATER CAPACITY THAT HUMANELY ADDRESSES THE PROBLEM WE FACE. YOU'VE ASKED THE CITY MANAGER TO STUDY CITIES, THEY WANT TO STUDY 38. THEY REQUESTED INFORMATION ABOUT HOW YOU CAN DO THESE ORDINANCES THAT HAVE PASSED LEGAL MUSTER AND ARE DEFENSIBLE. PLEASE CONSIDER WHAT SOME OF THE OTHER CITIES HAVE DONE IN ADDITION TO ORDINANCES. PHILADELPHIA. THEY DID PASS THEIR ORDINANCES, BUT THEN ALSO ALLOCATED \$6 MILLION OF ADDITIONAL DOLLARS FOR SUPPORT SERVICES INCREASING OUTREACH, BEDS AND REQUIRING A POLICE PROTOCOL THAT WOULD CONNECT PEOPLE WITH SERVICES INSTEAD OF INS CARS INCARCERATING THEM. MADISON WISCONSIN CREATED AGENCIES TO EDUCATE PEOPLE AND ADDRESS DISRUPTIVE BEHAVIOR. IN THE FIRST THREE MONTHS THIS PROGRAM WORKED INTENSELY WITH 33 INDIVIDUALS AND GOT ALMOST HALF OF THEM OFF THE STREETS. SACRAMENTO ADDRESSED PSYCHIATRIC DISABILITIES BY PARTNERING WITH POLICE AND SERVICE PROVIDERS. WASHINGTON FUNDED THEIR DOWNTOWN SERVICE CENTER WITH A ONE CENT TAX ON SQUARE FEET OF PROPERTY OWNED BY BUSINESSES. THE BUSINESS OWNERS HELPED START THAT CENTER AND FUND THAT CENTER. SAN FRANCISCO CREATED MORE PERMANENT HOUSING. BOISE CREATED SCATTERED SITE HOUSING WITH COMPREHENSIVE SUPPORT SERVICES. LOS ANGELES, HOUSING FIRST CREATES, MOVES PEOPLE DIRECTLY AND IMMEDIATELY INTO HOUSING SO THEY CAN STABILIZE, BE FOUND, THOSE SERVICES CAN BE DELIVERED AND PARTICIPATE IN SUPPORTIVE SERVICE. OREGON, THE

STATE, REQUIRES THAT ELIGIBLE PERSONS APPLY FOR SUNSET SECURITY UNUSUAL BENEFITS BEFORE THEY LEAVE JAIL OR PRISON. DENVER, COLORADO, BOSTON, AND YES, AUSTIN. THE LIST GOES ON. THESE CITIES PROVIDE INNOVATIVE PROGRAMS THAT REQUIRE ADEQUATE RESOURCES, COOPERATION BETWEEN THE POLICE, THE NEIGHBORHOODS, BUSINESSES AND THE SERVICE PROVIDERS. THERE ARE ALTERNATIVES. WE'VE PRESENTED SOME OF THESE TO YOU IN THE PLAN TO END CHRONIC HOMELESSNESS. AGAIN, INCREASE INCOME, CREATE AFFORDABLE HOUSE, CREATE ACCESS TO SUPPORTIVE SERVICES. SO BEFORE YOU DECIDE TO GO DOWN THIS PATH OF BOOZING THESE CHANGES -- INSTITUTING THESE CHANGES, TAKE A LOOK AT THE COST OF IMPLEMENTING INCLUDING POLICE TIME, COURT TIME, JAIL TIME AND LEGAL DEFENSE TIME. PLEASE CONSIDER WHAT WILL YOU DO WITH THE VIOLATORS. DO YOU HAVE THE JAIL CAPACITY FOR ENHANCED AND REPEAT OFFENDERS? IS ANYTHING REALLY ACCOMPLISHED BY JAILING AN ENHANCED PUBLIC INTOXICATION OFFENDER FOR FIVE DAYS AND THEN PUTTING HIM RIGHT BACK ON THE STREET? WE'VE DONE THAT OVER 200 TIMES THIS PAST YEAR. SET THEM IN JAIL FOR FIVE DAYS, SEND THEM BACK OUT ON THE STREET. WHAT DID WE ACCOMPLISH. THE SOONER THE IMPACT ON THE NEIGHBORHOODS OUTSIDE THE DESIGNATED IMPACT AREA THAT MAY EXPECT HOMELESS PERSONS TO MOVE IN THEIR AREA TO AVOID HARASSMENT IN THE DESIGNATED AREAS. IS IT REALLY APPROPRIATE TO HAVE SOMETHING BE A CRIME WEST OF I-35 AND NOT A CRIME EAST OF I-35? PLEASE ENSURE THAT IT IS NOT AN OFFENSE UNLESS COMMITTED AFTER A WARNING IS ISSUED. THERE ARE STREET OUTREACH WORKERS WHO SPEND THEIR TIME ON THE STREET WITH THESE PEOPLE SITTING DOWN TALKING TO THEM ATTEMPTING TO ENGAGE THEM IN SERVICES. TRYING TO GET THEM INTO OUR CENTERS. THEY ARE SITTING THERE TOO. PLEASE MAKE SURE THAT THEY ARE NOT INADVERTENTLY TARGETED ALSO. PLEASE ENSURE THAT THESE CHANGES ARE NOT SELECTIVELY ENFORCED ON THE POOR, THE UNHOUSED AND THE ILL. LET'S BE SOLUTION ORIENTED. IF IT'S LAWLESSNESS, ENFORCE THE LAW. SOLICITING AND PANEL HANDLING, LET'S GET THEM JOBS. LET'S FIND THEM A PLACE



THEY CAN SPEAK TO EMPLOYERS AND GET THOSE JOBS. IF SITTING DOWN AND RESTING, LET'S FIND THEM A HOME. WHERE WE ALL PREFER TO SIT, REST AND BE. PLEASE PASS THE AFFORDABLE HOUSING BONDS AT THE \$75 MILLION LEVEL. [INAUDIBLE] MEASURES DO NOT HELP PEOPLE OUT OF HOMELESSNESS BUT OFTEN CREATE ADDITIONAL BARRIERS FOR THEM. THEIR ABILITY TO SECURE EMPLOYMENT AND HOUSING MAY BE DOOMED SIMPLY FOR RESTING, FOR ASKING FOR HELP. INCOME, HOUSING AND CARE. LET'S CARE ABOUT ALL THE PEOPLE IN THIS EQUATION. THANK YOU VERY MUCH FOR YOUR TIME. [APPLAUSE] [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] FRTION

HOW ABOUT JANE MARKS? HOW ABOUT DANIEL GAGARIN? HOW ABOUT ANNA VOLCHINA. YOU WILL HAVE UP TO THREE MINUTES. WELCOME.

I WANT TO THANK ALL THE COMMUNITY SUPPORTERS WHO CAME OUT THIS EVENING, THE COMMUNITY ORGANIZATIONS AND ALSO MOST OF YOU WILL I WOULD LIKE TO RECOGNIZE THE WORKERS WHO HAVE STAYED UNTIL THIS LATE HOUR IN ORDER TO BE PRESENT TO DEFEND THEIR RIGHT TO WORK. I WOULD LIKE TO START JUST BY SAYING THAT I'VE HAD THE UNIQUE PERSPECTIVE OF BEING ABLE TO WORK -- TO BE ON THE CORNERS AROUND AUSTIN SEVERAL MORNINGS A WEEK FOR THE LAST YEAR. AND I'VE HAD A CHANCE TO REALLY GET TO KNOW THE WORKERS WHO WILL BE THE MOST GRAVELY AFFECTED BY THIS ORDINANCE OR BY THE PROPOSED AMENDMENTS TO THIS ORDINANCE IF THEY ARE PASSED. I HAVE HAD THE CHANCE TO SEE THE GRAVITY OF THEIR NEED, THEIR DESIRE TO WORK, THE RESILIENCY AND RESOURCEFULNESS IN RESPONDING TO ISSUES ARISING TO THE CORNERS AND I'VE HAD THE HONOR TO WORK WITH THE COMMITTEE OF WORKERS WHO HAS FORMED AROUND THE HIRING SITE AT HOME DEPOT AND SEEN HOW THEY HAVE AND THE DECISIONS CONCERNING THE DAY LABORERS. THIS COMMITTEE HAS REACHED OUT TO COMMUNITY MEMBERS BY GOING DOOR TO DOOR. THEY HAVE UNDERTAKEN COMMUNITY CLEANUPS, COME UP WITH A CODE OF CONDUCT. AND BASICALLY MY TIME WITH THEM HAS GIVEN ME THE INSIGHT THAT THERE ARE SOLUTIONS THAT DO NOT INVOLVE PENALIZING AND CRIMINAL LIESING

LOOKING FOR WORK, BUT RATHER THAT CAN INVOLVE ALL OF THE NEEDS AND NECESSITIES OF ALL STAKEHOLDERS, INCLUDING COMMUNITY MEMBERS, BUSINESS OWNERS AND WORKERS. I BELIEVE THAT THE PROPOSED CHANGES TO THIS ORDINANCE TREATS WORKERS AS CRIMINALS AND PUTS THEM AT RISK FOR ARREST OR POSSIBLY RECEIVING A TICKET. COMMUNITY MEMBERS ARE -- THESE WORKERS ARE NOT JUST WORKERS. THEY ARE ALSO COMMUNITY MEMBERS, IMPORTANT MEMBERS OF THIS COMMUNITY OF AUSTIN AND THEY CONTRIBUTE CONSIDERABLY TO THE ECONOMY HERE. THEY'RE THE ONES WHO BUILD OUR SCHOOLS, WHO CLEAN THE STREETS, WHO WEED GARDENS AND THEY HAVE A VERY IMPORTANT LABOR SUPPLY TO INDUSTRIES AMONG OTHERS. THIS ORPS, I WISH THE PRACTICALITY WAS RAISED OF THIS ORDINANCE, PARTICULARLY WITH THE ISSUES SURROUNDING DAY LABOR. DAY LABOR IS SOMETHING THAT RESPONDS TO A MARKET FORCE OF SUPPLY AND DEMAND. AUSTIN IS A GROWING CITY. AUSTIN HAS A GREAT NEED FOR THESE TYPE OF TEMPORARY WORKERS. AS LONG AS THAT NEED FOR WORKERS EXIST, DAY LABORERS WILL CONTINUE TO BE PRESENT IN AUSTIN AND THEY CONTINUE TO PROVIDE A VERY ESSENTIAL LABOR FORCE. DAY LABOR HAS A HIGH DEMAND IN CERTAIN REGIONS OF THE CITY, PRIMARILY FIRST WORKERS, NEAR THE HOME DEPOT AND SEVERAL WELL ESTABLISHED CORNERS THAT HAVE LONG EXISTED AND RECOGNIZED BY BOTH CONTRACTORS AND WORKERS AS PLACES TO LOOK FOR WORK. AND I ALSO WISH TO RAISE THE QUESTION OF HOW ENFORCEABLE THIS SORT OF ORDINANCE IS. THIS ORDINANCE HAS ALREADY EXISTED BEFORE IN THREE SPECIFIC REGIONS OF THE CITY AND IN THOSE REGIONS THERE STILL EXISTS SEVERAL CORNERS THAT CONTINUE TO EXIST DESPITE THE PRESENCE OF THOSE ORDINANCES FOR SEVERAL YEARS. [ BUZZER SOUNDS ] IN SHORT, I WISH TO REMIND THE CITY THAT THE BEST SOLUTION ANT ALWAYS THE EASIEST ONE, BUT IT WILL NOT ALWAYS BE POSSIBLE TO MAKE ALL DAY LABORERS DISAPPEAR FROM THE STREETS, NOR SHOULD THAT BE AN OBJECTIVE. THEY'RE HARD WORKING MEMBERS OF OUR COMMUNITY AND THEY DESERVE THE RIGHT TO SEEK GAINFUL EMPLOYMENT WITHOUT THE THREAT OF HARASSMENT AND THREAT OF ARREST. THIS ORDINANCE

FURTHER MARGAL LIES A POPULATION THAT IS IN GREAT NEED, CASTING WORKING PEOPLE INTO THE STREETS FOR THEIR LIVELIHOOD AND IMPOSING HIGH FINES THEY CANNOT AFFORD. I IMPORE THE CITY OF AUSTIN TO SEEK SOLUTIONS INVOLVING ALL OF THE STAKEHOLDERS, BUSINESS MEMBERS, DAY LABORERS, INSTEAD OF TRYING TO PASS LAWS THAT WILL TREAT THEM AS CRIMINALSS AND POSSIBLY PUT THEM IN JAIL. THANK YOU.

Mayor Wynn: THANK YOU. [ INAUDIBLE ] DANIEL GRUBER, TO BE FOLLOWED BY JEAN (INDISCERNIBLE). SORRY IF I MISPRONOUNCED THAT.

THANK YOU, MAYOR AND COUNCILMEMBERS. MY NAME IS DAN GRUBER AND I'M SPEAKING ON BEHALF OF MYSELF. I'M AGAINST THE PROPOSED CHANGES TO THE ORDINANCE, BUT MORE I'M REALLY -- IT DOESN'T REALLY MATTER WHETHER OR NOT YOU ACCEPT THIS ORDINANCE BECAUSE THE ORDINANCE IS WRONG TO BEGIN WITH. I'VE ACTUALLY HEARD ABOUT THIS TONIGHT BECAUSE I GOT AN E-MAIL AT WORK. I WORK IN A BUILDING DOWNTOWN, AND IT WAS AN E-MAIL FROM THE BUILDING OWNER BRINGING THIS UP AND SAYING THAT THEY WANTED TO GET 300 SIGNATURES, BUT -- OF PEOPLE THAT ARE FOR THIS ORDINANCE. AND IT REALLY MADE ME REALIZE THAT MOST PEOPLE ARE PROBABLY FOR IT. AND I DON'T KNOW WHY THAT SURPRISED ME A LOT. IF YOU THINK ABOUT IT, ON THE SURFACE IT MAKES A LOT OF SENSE AND YOU REALLY CAN'T DENY THAT IT CAN BE INTIMIDATING TO BE APPROACHED ON THE STREETS AT NIGHT, PERIOD, BUT THERE'S A BIG JUMP INTO MAKING IT A CRIME TO BE DOING IT. AND SO I STARTED INTO LOOKING AT TRYING TO FIND OUT WHEN IT WAS HAPPENING, HOW I COULD COME, WHAT TIME OF DAY. I FOUND THE PRESENTATION ONLINE THAT WAS GIVEN EARLIER AND THE FIRST WORD I SAW WAS PANHANDLING, WHICH I HADN'T ACTUALLY SEEN IN THE ORDINANCE. THE ORDINANCE IS ACTUALLY -- THERE'S NO MENTION OF PANHANDLING. I THOUGHT IT WAS A REALLY STRANGE WORD BECAUSE PANHANDLING, YOU KNOW, IS THAT A PC THING TO SAY? IT SEEMED REALLY WEIRD SO I LOOKED IT UP AND PANHANDLING MEANS A BEGGAR, BUT IT WAS -- IT CAME ABOUT BECAUSE OF THE LIKENING OF A BEGGAR TO THE HANDLE OF A PAN, SOMEBODY WITH THEIR HAND OUT. IT

ACTUALLY MADE ME REALIZE THAT, YOU KNOW, I UNDERSTAND THE FIRST CHANGE TO THE ORDINANCE WHERE AGGRESSIVE IS CROSSED OUT OF AGGRESSIVE SOLICITATION PROHIBITED, BECAUSE PANHANDLING IS ONE OF THE LEAST AGGRESSIVE THINGS THAT A PERSON CAN DO. THERE ARE LAWS AGAINST ASSAULTS AND HARASSMENT AND REALLY CRIMINAL ACTS, BUT PANHANDLING IS ASKING FOR SOMEBODY TO HELP. [ BUZZER SOUNDS ] ANYWAY, I WANTED TO GO THROUGH THE THREE SECTIONS THAT I HAD PROBLEMS WITH, AND BASICALLY TALK ABOUT THE SECTION TITLES AND WHICH I THINK ARE VERY TELLING, AS WELL AS THE THINGS THAT WERE REMOVED AND ALSO HOW YOU KNOW WHEN SOMEONE IS COMMITTING A CRIME. THE FIRST ONE IS --

Mayor Wynn: EXCEPT FOR YOUR TIME IS UP, MR. GRUBER. YOUR TIME HAS EXPIRED. IF YOU'RE ABLE TO, YOU CAN SEND THOSE TO US ELECTRONICALLY.

DID I HAVE THREE MINUTES? I ACTUALLY PUT ON THERE -- SOMEBODY ELSE CAME AND DEVOTED THEIR TIME TO ME. >>

Mayor Wynn: WHO WOULD THAT BE?

SUE ANNE GROMLY.

Mayor Wynn: YOU WILL HAVE THREE MORE MINUTES.

AGGRESSIVE SOLICITATION PROHIBITED. ONE, AGGRESSIVE. TWO, SOLICITATION. PANHANDLING IS ACTUALLY A MUCH BETTER WORD. SOLICITATION IS AWFUL GENERIC. WHEN DO WE AVOID SOLICITATION? WHEN DO WE AVOID ASKING FOR MONEY? ALL OF US HERE ASK FOR MONEY EVERYDAY, SO FOR THAT TO BE A CRIME IN ITSELF DOESN'T MAKE ANY SENSE. PART 2, SITTING OR LYING DOWN ON PUBLIC SIDEWALKS. I'M NOT -- OBVIOUSLY I'M NOT A REALLY GOOD SPEAKER, BUT IT JUST SEEMS REALLY AMAZING THAT YOU COULD ACTUALLY MAKE THAT ILLEGAL. I MEAN, SO I'M NOT ALLOWED -- [ APPLAUSE ] I'M NOT ALLOWED TO GO INTO A PARK AND TAKE A DOSE, BUT WAIT, THAT'S NOT THE TRUTH BECAUSE I CAN GO DOWN TO WHO IS ACTUALLY COMMITTING THE CRIME, THE PERSON COMMITTING THE CRIME IS A PERSON WHO HAS BEEN WARNED BY A POLICE

OFFICER FIRST, AND THEN SLEEPS, MEANING IT'S IN THE EYES OF A DISCRIMINATING POLICE OFFICER. THERE'S JUST -- THERE'S A MATTER OF RIGHT HERE THAT'S COMPLETELY SEPARATE FROM THE CRIME OF INTIMIDATION, AND THAT'S REALLY I GUESS WHAT I WANTED TO SAY. I'VE BEEN HERE ALL NIGHT, I DIDN'T REALLY REALIZE IT WAS GOING TO GO SO LONG. AND I WAS REALLY IMPRESSED WITH THE DISCUSSION THAT WENT ON, ESPECIALLY ABOUT THE ZONING ISSUES, AND SOME OF THE -- WHAT INTERESTING ABOUT IT IS THAT YOU CAN HAVE TWO SIDES OF SOMETHING AND MAKE A STRAIGHT DECISION. AND I VOTED -- I'VE ALWAYS BEEN IMPRESSED WITH THE SPEAKERS WHO ARE REPRESENTING NEIGHBORHOOD ORGANIZATIONS AND REPRESENTING OTHER PEOPLE, BUT IT'S ACTUALLY REALLY HARD TO COME UP HERE BY YOURSELF AND TALK. IT'S INTIMIDATING. THIS IS AN INTIMIDATING SITUATION, NOT UNLIKE THE SITUATION OF A PANHANDLER. BUT YOU HAVE TO UNDERSTAND THAT IT'S NOT ONLY -- IT'S NOT ONLY THE PERSON BEING PANHANDLED THAT'S INTIMIDATED, IT'S ALSO HARD TO BE DOWN AND OUT. AND THAT'S IT. [ APPLAUSE ]

Mayor Wynn: THE NEXT SPEAKER IS JEAN McMINNAMIN. SORRY IF I'M MISPRONOUNCING THAT. SIGNED UP WISHING TO SPEAK, IN FAVOR. HAD A BUNCH OF FOLKS OFFERING JEAN MORE TIME. NEXT SPEAKER WILL BE DEBBIE RUSSELL. DEBBIE RUSSELL. WELCOME. AND SOME FOLKS WANTED TO DONATE TIME TO YOU, MS. RUSSELL. IS KATHY MITCHELL HERE?

SHE'S NOT. I DON'T NEED ANY MORE. >>

Mayor Wynn: HOW ABOUT ERIC (INDISCERNIBLE)?

NO. TWO MINUTES. I'M GOOD. DON'T NEED IT. >>

Mayor Wynn: YOU HAVE THREE. WELCOME.

MY NAME IS DEBBIE RUSSELL WITH THE ACLU STATE OF TEXAS CHAPTER. I'M ALSO A PLAINTIFF IN A CASE ABOUT THE RECENT KKK RALLY. BEYOND THAT I WANT TO OFFER THAT THE PROPOSED CHANGES HERE TO THE ORDINANCE ON ITEM 71 ARE UNCONSTITUTIONAL BECAUSE THEY ARE OVERLY BROAD AND INFRINGE UPON OUR COLLECTIVE

FREEDOM OF SPEECH. THE DOWNTOWN AUSTIN ALLIANCE COULD HAVE CHOSEN INSTEAD TO PUT THEIR EFFORTS TOWARDS SEALING THE CITY HAS THE PERCEIVED BEHAVIORS OF CONCERN INSTEAD KICKING PEOPLE WHO ARE ALREADY DONE, INSTEAD OF PUTTING MORE COPS ON THE STREETS WITH LESS ACCOUNTABLE WHO WILL ENFORCE THESE LAWS, WE COULD ACTUALLY TAKE CARE OF PEOPLE THAT NEED HELP. BESIDES WITH THE RECENT HORRIFIC ACTS THAT A.P.D. HAS BROUGHT ON PEOPLE OF COLOR RECENTLY, DON'T YOU THINK WE SHOULD BE GIVING THEM LESS TOOLS IN WHICH TO HARASS AND HURT PEOPLE WHO ARE ALREADY HURTING, NOT MORE? IN JUST A MATTER OF WEEKS, WE ARE GOING TO SEE THE HOMELESS POPULATION INCREASE IN AUSTIN. THERE IS INDICATION THAT FEMA IS ABOUT TO PULL FUNDING FOR HURRICANE EVACUEES AND SOME ARE ABOUT TO BE KICKED OUT OF TEMPORARY HOUSING HERE, MOST AHEAD OF SCHEDULE. NOT THAT WE DIDN'T ALREADY HAVE NEEDY PEOPLE IN THE CITY BEFORE KATRINA, BUT WHEN OUR CITY TAKES PRIDE IN HELPING THE HOMELESS OF ANOTHER REGION, BUT BRA 17LY IGNORES THE NEED OF THOSE ALREADY HERE, THE EGG ON THEIR FACE WILL BE EXTRA THICK WHEN THEY CHANGE THE ORDINANCE TO ALSO PUNISH OUR SOON TO BE EVACUEE HOMELESS POPULATION. IT WON'T MAKE FOR A VERY GOOD PHOTO OP, WILL IT. IF YOU LOOK AT THE LANGUAGE IN PART 2 OF SECTION D, THE STRICKEN LANGUAGE REFLECTS COMPROMISE LANGUAGE THE DAA CAME TO THE TABLE WITH LAST TIME FROM WHAT I UNDERSTAND, AND THAT SPECIFICALLY ADDRESSES THE BEHAVIOR OF PERCEIVED CONCERN. YOU WANT TO GO BACK TO THE BROAD VERSION AND JUST TARGET PEOPLE WHO SLEEP OUTSIDE. YOU CAN'T LEGISLATE AGAINST PEOPLE SFAIFG. IT'S SIMPLY IN HUMANE. BESIDES, THERE ARE ALREADY EXISTING LAWS TO SPEAK TO THE SPECIFIC BEHAVIORAL CONCERNS THAT THIS ORDINANCE ATTEMPTED TO ADDRESS SO THAT A BLANKET ORDINANCE IS NOT ILLOGICAL AND ILLEGAL, IT IS IN THIS CASE ALSO IMMORAL. MAKING ANY OFFENSES DOES NOT MAKE THE PROBLEM GO AWAY. THERE ARE OTHER CONSTITUENCIES THAT ARE AFFECTED BY THIS PROPOSED LANGUAGE, POLITICAL ORGANIZERS LIKE MYSELF WILL NO LONGER BE ABLE TO PRACTICE THEIR FIRST AMENDMENT RIGHTS AS YOU'LL BE

HEARING IN MORE DETAIL LATER. I WANTED TO NOTE THAT THEY DO CONTEND THAT THESE TIME RESTRICTIONS, THIS SECTION MONK ITS OTHERS ARE CLEARLY UNCONSTITUTIONAL AND WILL COST YOU A GREAT DEAL IN LITIGATION. THESE CONSTITUTIONALLY BROAD LAWS YOU COME UP WITH BAND-AID SOLUTIONS TO POLITICAL SITUATIONS ARE AN EMBARRASSMENT. STOP THE ASSAULT ON OUR BILL OF RIGHTS AND ON OUR COMMON DIGNITY. THANK YOU. [ APPLAUSE ]

Mayor Wynn: THANK YOU. WILLIAM FIELDING. WELCOME. YOU WILL BE FOLLOWED BY JULIAN ROSS.

THANK YOU VERY MUCH. I DID SPEAK LAST TIME, SO I'LL MOSTLY SPEAK FOR MY DAUGHTER, KELLY FIELDING, WHO COULDN'T BE HERE TONIGHT. I WAS ON MY -- WE WERE ON OUR WAY HERE AND SHE WAS REACHING IN THE BACK SEAT FOR THE POINTS SHE WAS GOING TO MAKE AND RAN INTO ANOTHER CAR. FORTUNATELY SHE'S NOT HURT, BUT AS HER LUCK WOULD HAVE IT. I MENTIONED LAST TIME UNFORTUNATELY IT WAS A CONTRIBUTING REASON FOR HER CLOSING HER STORE ON THE SITUATION DOWNTOWN. ONE COMMENT, AND I'LL JUST LEAVE HER COMMENTS, BUT JUST SAY WHAT HAPPENED SINCE THE LAST HEARING, I WOULD QUOTE HER SAYING SINCE YOUR LAST HEARING, SOMEONE SMEARED THEIR FEE CEASE ON OUR PARKING LOT WALL. SOMEONE LEFT THEIR USED CONDOMS AND WRAPPERS AT OUR BACK DOOR ENTRANCE. I THINK THE QUESTION HERE ON THIS ORDINANCE, WHICH WE'RE IN FAVOR OF, IS YOU HAVE TO STOP THE PROBLEM AND THEN OBVIOUSLY FIX IT. WE'RE VERY SYMPATHETIC TO THE ISSUES THAT ARE AT HAND. THIS IS NOT A WAGE ISSUE, THIS IS NOT A WORK ISSUE, THIS IS A QUESTION OF BEING CLEAN AND SAFE. AND THERE'S A VERY LARGE MEMBER THAT ARE NOT CLEAN AND SAFE. WE FACE IT EVERY SINGLE DAY. WE HAVE TO CLEAN UP EVERY SINGLE DAY. THE CITY IS NOT HELPING IN THE SITUATION. WHEN WE CALLED LAST WEEK TO REMOVE A HOMELESS PERSON THAT WAS SLEEPING RIGHT UNDER OUR NO TRESPASSING SIGN, A REPEAT PERSON WHO IS THERE ALL THE TIME, WE WERE TOLD BY THE CITY WE FIRST HAVE TO SEND AN AMBULANCE. AND SO AT THE CITY'S EXPENSE AN AMBULANCE COMES, WAKES THE PERSON UP, THE PERSON SAYS GEE, I BETTER LEAVE NOW,

AND THEN LATER THE POLICE, I GUESS, CAME, BUT WAY TOO LATE TO DO ANYTHING ABOUT IT. SO THE PERSON CONTINUES TO SLEEP THERE. AND THEN MAYBE FOR A LITTLE SAD HUMOR LATE IN THE EVENING, OR THE WAY THAT THE REGULATIONS ARE AND WHAT SHOULD BE ENFORCED AND WHAT SHOULDN'T BE ENFORCED, AS I HAVE TO BE INVOLVED IN CLEANING UP AFTER PEOPLE GO TO THE BATHROOM, URINATE AND WORSE, THEN I WAS WALKING OUR DAUGHTER'S DOG UP ON EIGHTH STREET TO THE CITY BUILDING, I THINK THE COURT BUILDING THERE, WHICH HAS A VERY NICE LAWN, THE DOG WENT TO THE BATHROOM, I CLEANED IT UP, IMMEDIATELY A GUARD COMES OUT AND SAID, DID YOUR DOG GO TO THE BATHROOM? DID YOU CLEAN IT UP? YES, HERE'S THE BAG. HE SAID, YOU WILL BE FINED \$100. SO I'M TRYING TO FIGURE OUT HOW THIS WORKS. I'M ON CAMERA AFTER CLEANING UP MY DOG'S MESS AND YET I HAVE TO PUT UP WITH HUMANS DOING THE SAME THING, NOT CLEANING IT UP IN MY BACKYARD. SO SOMETHING'S NOT RIGHT. IT HAS TO BE CHANGED. I'M SORRY YOU'RE NOT VOTING ON IT RIGHT NOW. EVERYDAY THAT GOES BY WE FACE THE SAME PROBLEM, AND IT'S JUST PLAIN NOT SAFE. I DO HOPE SOMETHING'S DONE AS QUICKLY AS POSSIBLE. THANK YOU.

Mayor Wynn: THANK YOU, MR. FIELDING. NEXT SPEAKER IS JULIAN ROSS. WELCOME. YOU WILL BE FOLLOWED BY MOLLY ALEXANDER, WHO WILL BE FOLLOWED BY JOHN (INDISCERNIBLE).

GOOD EVENING COUNCILMEMBERS, MY NAME IS JULIAN ROSS, THE ACTING CHAIR OF THE CITY OF AUSTIN COMMISSION ON IMMIGRANT AFFAIRS. CITY COUNCIL CREATED THIS COMMISSION TO ADVISE COUNCIL ON ISSUES IMPACTING THE IMMIGRANT COMMUNITY IN AUSTIN, AND I'M HERE TO SPEAK ON BEHALF OF THE COMMISSION, WHICH MET LAST WEEK TO DISCUSS THE PROPOSED AMENDMENTS TO THE ORDINANCE. WE WOULD LIKE TO ADVISE COUNCIL AND WE VOTED UNANIMOUSLY TO ADVISE COUNCIL TO REJECT THE PROPOSED AMENDMENTS OR AT A MINIMUM DELAY ACTION ON THE PROPOSED AMENDMENTS UNTIL FURTHER CITIZEN INPUT CAN BE MADE. WE TOOK UP THIS ISSUE BECAUSE OF ITS POTENTIAL NEGATIVE IMPACT ON THE DAY LABOR COMMUNITY. I WANT TO MAKE IT CLEAR



THAT DAY LABOR IS NOT AN IMMIGRANT ISSUE, BUT MANY OF OUR IMMIGRANT BROTHERS AND SISTERS WORK AS DAY LABORERS ON A DAILY BASIS. FOR THIS REASON THE COMMISSION HAS HAD DAY LABOR ON OUR AGENDA FOR OVER FIVE YEARS NOW. I'VE BEEN HEADING UP THE SUBCOMMITTEE ON DAY LABOR FOR THE LAST FOUR YEARS AND IT'S BEEN AN HONOR TO SERVE THE COMMISSION AND THE CITY. WE ARE CONCERNED WITH THE ORDINANCE GREATLY. WE WOULD REALLY LIKE TO HAVE HAD THE OPPORTUNITY TO TALK WITH STAFF OVER THE LAST YEAR OR TWO AS THEY PERFORMED THE SURVEYS OF 38 OTHER CITIES. WE WOULD LIKE THE OPPORTUNITY TO HAVE A DIALOGUE WITH STAFF ABOUT THIS PROPOSED ORDINANCE BECAUSE WE ARE, WE BELIEVE, EXPERTS ON DAY LABOR IN AUSTIN. AND WE AT THE COMMISSION KNOW THAT THERE ARE WORKERS WHO ARE COMMITTED TO THE PROCESS TO BE AT THE TABLE AND COME UP WITH A CONSTRUCTIVE SOLUTION. WE HAVE THREE MAIN CONCERNS WITH THE ORDINANCE. FIRST IS THERE HAS NOT BEEN CITIZEN INPUT, THERE HAS NOT BEEN A BODY, A TASKFORCE TO EXAMINE THE NEGATIVE IMPACTS OF THIS ORDINANCE ON DAY LABOR IN AUSTIN. WE WANT TO RECOGNIZE THAT THE CITY HAS ACKNOWLEDGED DAY LABOR AS AN IMPORTANT ISSUE. THEY CREATED FIRST WORKERS AND WE WANT TO ACKNOWLEDGE THAT EFFORT AND WE THINK THAT HEALTH AND HUMAN SERVICES HAS REALLY TRIED HARD TO MAKE IT WORK AS BEST THEY CAN. WE THINK THERE ARE WAYS TO MAXIMIZE THE VALUE OF FIRST WORKERS MORE AND WE WANT TO WORK WITH YOU TO DO THAT. THE CITY ALSO TWICE CREATED A RESOLUTION THAT WOULD CREATE A DAY LABOR COMMUNITY ADVISORY COMMITTEE. WE THOUGHT THAT WAS A REALLY GOOD STEP TO CREATE A CITIZEN INPUT. UNFORTUNATELY, MEMBERS WERE NOT APPOINTED TO THAT COMMITTEE. WE THINK THAT'S A GOOD NEXT STEP IN THE LONG-TERM PLANNING FOR DAY LABOR. ON THIS ORDINANCE WE NEED A SPECIFIC TASKFORCE JUST TO LOOK AT THE IMPACTS OF THIS ORDINANCE ON DAY LABORERS. AND THAT NEEDS TO HAPPEN IMMEDIATELY. WE WANT TO WORK WITH YOU AS A COMMISSION TO CREATE THAT TASKFORCE IMMEDIATELY. WE ASK YOU TO NOT TAKE ACTION ON THIS ORDINANCE UNTIL THAT CITIZEN INPUT IS PROVIDED. SECOND, THERE'S A COURT CHALLENGE IN

PROCESS -- [ BUZZER SOUNDS ] --

Mayor Wynn: PLEASE CONCLUDE.

WE WOULD ASK THE CITY TO WAIT UNTIL THAT PROCESS GOES THROUGH BECAUSE IT MIGHT BE FOUND UNCONSTITUTIONAL. AND FINALLY, THE COMMISSION WOULD LIKE TO ADVISE COUNCIL THAT TO CREATE A CITY AND A COMMUNITY WHERE LOOKING FOR WORK IS NOT A CRIME. WE CAN FIND A CONSTRUCTIVE SOLUTION. WE'RE VOLUNTEER MEMBERS OF THIS BOARD BUT WE WILL WORK WITH YOU TO FIND A CONSTRUCTIVE SOLUTION. A LONG-TERM PLAN FOR DAY LABOR. SATELLITE CENTERS WHERE WORKERS CAN ORGANIZE AND RUN THAT SPACE IN A SAFE AND DIGNIFIED WAY AND WE'RE COMMITTED TO WORKING WITH YOU. THANKS SO MUCH.

Mayor Wynn: MOLLY ALEXANDER FOLLOWED BY JOHN (INDISCERNIBLE). THANK YOU. MOLLY, WE'LL SHOW YOU AS IN FAVOR OF THE ORDINANCE. JOHN, WELCOME, SIR. YOU WILL BE FOLLOWED BY LOIS STEFANO.

GOOD MORNING, MAYOR AND COUNCILMEMBERS. THANK YOU VERY MUCH FOR WORKING SO LATE SO LONG TO -- FOR THE GOOD OF AUSTIN. MY NAME IS JOHN, I'M THE CHAIR OF THE DOWNTOWN AUSTIN HE ALLIANCE AND A DOWNTOWN PROPERTY OWNER. PROMOTING PUBLIC ORDER HAS BEEN DISCUSSED FOR MANY, MANY YEARS AND THE PROBLEM IS GETTING WORSE. AS WE'VE HEARD TODAY, TONIGHT, EVERYDAY VISITORS DOWNTOWN, EMPLOYEES, RESIDENTS, BUSINESS OWNERS REPORT FEELING THREATENED OR INTIMIDATED BY THE OFFENSIVE BEHAVIORS THESE ORDINANCES SHOULD ADDRESS. PROBLEMS WITH PUBLIC ORDER HAVE BEEN ADDRESSED IN OTHER VIBRANT GROWING CITIES AND IT IS ENCOURAGING THAT THE CITY'S LEGAL STAFF RECOMMENDED THE REVISED LANGUAGE IN THIS ORDINANCE AFTER CONDUCTING IN-DEPTH REVIEW OF RESEARCH INCLUSIVE OF THE ORDINANCES BEING USED BY 38 OTHER U.S. METROPOLITAN AREAS. THE RESEARCH IDENTIFIED LANGUAGE THAT IS WORKING IN OTHER CITIES THAT HAS BEEN DETERMINED TO BE CONSTITUTIONAL. BY AMENDING THE RULES THAT ARE ALREADY ON THE BOOKS IN AUSTIN, WE CAN PROVIDE PROTECTION FOR THE

DOWNTOWN NEIGHBORHOOD, INCLUDING PROTECTION FOR HOMELESS INDIVIDUALS WHO ARE OFTEN PREYED UPON BY OTHERS. THE DA, THE PECAN STREET PROPERTY OWNERS AND 14 OTHER DOWNTOWN ORGANIZATIONS RESPECTFULLY ASK THAT YOU ACT TO STRENGTHEN PUBLIC ORDER ORDINANCES FOR AUSTIN. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. NEXT SPEAKER, LOLA STEFANO. WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY MIKE McHONE.

OKAY.

[INAUDIBLE - NO MIC].

Mayor Wynn: WE'VE GOT A COUPLE HUNDRED MORE NAMES TO GO, AND THE COMPUTER DOESN'T SHOW ANYBODY DONATING TIME TO LOLA. IF YOU'RE SIGNED UP TO SPEAK LATER YOU CAN DO THAT IF YOU WOULD LIKE.

I DON'T GET TO HAVE MY EXTRA THREE MINUTES?

WHAT'S YOUR NAME, MA'AM?

[INAUDIBLE - NO MIC].

Mayor Wynn: AND YOU'RE SIGNED UP ON THE SYSTEM?

[INAUDIBLE - NO MIC]

Mayor Wynn: ALL RIGHT. THEN LOW LA, YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT.

(INDISCERNIBLE). I WANT TO SAY THAT I'VE BEEN HOMELESS. YOU HAVE TO BE HOMELESS TO KNOW WHAT IT IS TO BE HOMELESS. I THINK OUR REPRESENTATIVE HAS BEEN HERE, BUT I DON'T THINK THEY KNOW WHAT IT'S BEEN LIKE TO BE HOMELESS. I WAS HOMELESS FOR TWO YEARS. I'VE GOT SIX MINUTES. I WAS HOMELESS ABOUT 15 YEARS AGO, AND UNFORTUNATELY TODAY, DUE TO THE CITY OF AUSTIN I'M HOMELESS AGAIN. IN A PERSON THAT HAD A BEAUTIFUL LIFE, I LIVED IN A NICE HOME, I WORKED THREE JOBS, I HAD 3,500-DOLLAR SOFA, I HAD BIG SCREEN TV, I LIVED THE LIFE

THAT YOU ALL LIVE. TAKE ALL NINE OF YOU DOWN FROM THERE AND PUT NINE OF US UP THERE THAT'S HOMELESS. I ALSO THANK GOD I HAVE A RESTAURANT CALLED NUBIAN QUEEN LOLA'S. I FEED THE HOMELESS EVERY SUNDAY. HOMELESS I'VE BEEN DOING THAT. ONE YEAR TOMORROW I'LL BE HOMELESS DUE TO THE CITY OF AUSTIN THAT TOOK MY HOME AWAY BECAUSE OF THE FLOOD ZONE OAF THERE ON JOHNNY MORRIS ROAD. WE HAD TO GO, NO REAL WARNING. I LOST EVERYTHING I HAD. I ADOPTED THREE KIDS. Y'ALL DON'T UNDERSTAND WHAT IT IS TO BE HOMELESS, A BUSINESS OWNER AND STILL FEEDING THE HOMELESS. YES, YES, KATRINA DID GO TO NEW ORLEANS AND TEAR IT UP, BUT TO SEE YOUR MISUNDERSTANDING OF WHAT REALLY, REALLY DID HAPPEN, GOD JUST PARTED THE RED SEA JUST LIKE HE DID IN THE BIBLE. HE BROUGHT THE FLOOD ALONG. WHAT DO WE DO WITH THE PEOPLE FROM NEW ORLEANS? WE OPEN UP THE CONVENTION CENTER, AND THAT WAS OVER 4,000 PEOPLE WE GAVE BEDS AND MADE ROOM FOR THEM. WE OPEN UP JOBS AND MADE ROOM FOR THEMMENT WE'RE NOT SAYING THAT THEY HAVEN'T HAD SOME PEOPLE ON SIXTH STREET. WHEN HAVE HOMELESS PEOPLE BECAME CRIMINALS? WE'RE ONLY HOMELESS. WE'RE ONLY HOMELESS. WE'RE NOT ALL THAT Y'ALL THINK WE ARE. JUST LIKE WHEN YOU GO HOME TONIGHT TO YOUR BIG NICE HOUSES OR WHEREVER PEOPLE GO THAT'S AGAINST THIS, THAT SAYS THIS NEED TO BE. THINK ABOUT, OKAY, IT COULD EASILY BE VICE VERSA. IMAGINE LEAVING HERE TONIGHT WITH NOWHERE TO GO WITH SIX KIDS. IMAGINE THAT -- I'M PRETTY SURE Y'ALL HAVE SEEN MEADOWSING OFF. I WASN'T PLAY. IF THEY'RE GOOD JUST SITTING DOWN ON THEIR CHAIR AFTER A YEAR OF SLEEPING ON THE FLOOR WITH SIX KIDS, AND FOUR WHICH OF IS ADOPTED. I TOOK INTO MY OWN LIFE. I DIDN'T KNOW THAT MY LIFE WAS GOING TO TURN AROUND AND BE LIKE THIS HERE. WHY DO WE HAVE TO BE PENALIZED BECAUSE WE DON'T HAVE A PLACE TO GO? BECAUSE THE PEOPLE WANT TO GO AND STAND IN FRONT OF SOMEBODY'S BUSINESSES. YOU WANT TO KNOW WHAT THE HOMELESS PEOPLE REALLY, REALLY IS? THE BUSINESS OWNERS. THEY GOT A HOME, BUT THEY'RE SO LESS IN UNDERSTANDING THE PEOPLE THAT'S ASKING YOU FOR, WHAT, A DOLLAR, 50-CENTS, 25 CENTS? YOU'RE PACKING MORE THAN THAT,

YOU'RE SPENDING MORE THAN THAT JUST GOING IN THE GROCERY STORE AND BUYING SOMETHING THAT YOU DON'T EVEN NEED. I MEAN, HARASSING THEM IN THE MORNING ON THEIR WAY TO WORK, I THINK THAT'S PURE BALONEY. I FEED THE HOMELESS PEOPLE AS AND A HOMELESS PERSON MYSELF. THAT'S THE NICEST PEOPLE YOU EVER RUN CROOG. THEY'RE JUST LIKE US ALL EQUALLY. IT'S EQUAL OPPORTUNITY. HOW CAN YOU BEAT US UP BECAUSE YOU GET -- BECAUSE THE SYSTEM GETS TO GO IN YOUR NICE HOMES. WE AIN'T ALL BEEN THIS WAY? I KNOW I WASN'T THAT WAY. I DON'T BELIEVE THAT THESE PEOPLE HAVE ALWAYS BEEN THIS WAY. IT'S NOT YOUR CHOICE TO BE THIS WAY. CIRCUMSTANCES HAVE BROUGHT US TO THIS POINT. I KNOW I DON'T WANT TO BE HERE AND I THINK THAT IT'S UNRULY, UNGODLY, UNTHOUGHTFUL, IT'S TOO MANY UNS THAT COULD BE PUT IN THERE FOR SOMEBODY TO STOOP SO LOW AND WHAT DUMMY CAME UP WITH THIS BRIGHT IDEA? THAT'S THE PERSON I WANT TO MEET. [ APPLAUSE ] THAT'S WHO I NEED TO TALK TO. AND YOU KNOW, I BELIEVE THAT GOD ENTRUSTED EACH AND EVERY LAST ONE OF YOU ALL TO HAVE THAT POSITION TO HELP US COME UP. HEY, THE ARC HOUSE AND SALVATION ARMY, THEY TRIED TO SEND ME THERE. DO YOU KNOW WHAT? I IT'S NOT THAT I'M TOO GOOD FOR ME AND MY KIDS TO GO THERE, BUT WE DIDN'T HAVE TOO GOOD OF A LIFE TO BE THERE. WHY SHOULD I TAKE KIDS THAT I ADOPTED FROM SOME POVERTY AND PUT THEM INTO A PLACE WHERE THEY ARE SEXUALLY MOLESTING CHILDREN AT NIGHT? I'M GOING TO TELL YOU A GOOD WAY TO CHANGE THIS MESS, YOU'VE GOT TOO MANY HOMOSEXUALS OVER THESE ARCH CENTERS, THE SALVATION ARMY, YOU HAVE TOO MANY PEOPLE PUTTING MONEY INTO TOO MANY WRONG PLACES, AND I'M FOR REAL BECAUSE DO YOU KNOW WHAT, PEOPLE CAN USE THEIR FOAM AFTER THE HOURS IT TAKE TO GET INTO THE SALVATION ARMY, BUT THEY HAVE TO HOOK UP WITH SOMEBODY IN THE SYSTEM THAT THEY CAN GO ON THROUGH. I THINK LIFE SHOULD BE TREATED FAIR. FIRST COME, FIRST SERVE. IF YOU DIDN'T MAKE YOUR DEADLINE, YOU'RE DOOMED. AND I'M ASKING YOU ALL TO PLEASE UNDERSTAND -- DO YOU KNOW WHAT I HEARD SOMEBODY SAY THAT THE YOUNGEST HOMELESS PERSON THEY KNOW IS NINE. THEST HOMELESS PERSON I KNOW IS THREE WEEKS

OLD, LIVING IN MY -- UNDERNEATH MY CARE. AND DO YOU KNOW WHAT'S SCARY? IS TO GO HOME -- I DON'T KNOW IF YOU KNOW THIS, BUT I HAD TO LEAVE BECAUSE I HAD TO GO FIGURE OUT WHERE MY KIDS ARE GOING TO SLEEP TONIGHT, HOW WE WAS GOING TO MAKE IT TONIGHT. I HAD TO DO THIS HERE BECAUSE I HAVE AN ANNIVERSARY OF BEING HOMELESS FOR ONE YEAR AND WE DON'T DESERVE TO BE THIS WAY. KEEP ME UP, I'LL PICK SOMEBODY ELSE UP. WE WANT TO BUILD SOMETHING, DON'T BUILD NO FREEWAY, BUILD SOMETHING LIKE THE CONVENTION CENTER AND PUT THESE PEOPLE IN HERE, OPEN UP OPPORTUNITIES -- [ BUZZER SOUNDS ] -- FOR THESE PEOPLE TO GO AHEAD AND FIND A JOB. DON'T GIVE US A FINE FOR \$500 BECAUSE WE WANT TO ENJOY WHAT DON'T EVEN BELONG TO NOBODY ON EARTH BECAUSE IT ALL BELONG TO GOD BECAUSE WHEN HE CREATED EARTH HE SAID IT WAS GOOD. AND NOW ALL OF US -- THESE BUSINESS OWNERS THAT DECIDE THAT MY WHITE-COLLAR IS SO WHITE THAT I CAN'T SWEAT, THAT I DON'T WANT NO DIRT AROUND HERE. THAT'S WHY I GOT THIS THING AROUND MY NECK. THEY GOT THEIRS AROUND HERE. NO, THIS HOMELESS STUFF IS CHOKING ME. IT'S KILLING ME. IT'S HURTING ME. I HAVE A WHOLE RESTAURANT. I'M HOMELESS WITH A RESTAURANT. IN AN EXAMPLE OF WHAT HOPE FOR THE REST OF -- FOR MY BROTHERS AND MY OTHER SISTERS.

Mayor Wynn: WE UNDERSTAND. PLEASE CONCLUDE.

I'M GOING TO CONCLUDE. ALL I'M GOING TO CONCLUDE IS THAT I'M GOING TO ASK YOU ALL TO PLEASE, PLEASE TAKE INTO CONSIDERATION THAT WE'RE NOT HOMELESS BECAUSE WE WANT TO BE THIS WAY. MAYBE SOME PEOPLE - - SOME PEOPLE MIGHT LIKE LIVING LIKE THAT, BUT EVERYBODY DON'T WANT TO BE THAT WAY. PLEASE DO NOT PASS NO LAW THAT THERE'S GOING TO BE A 500-DOLLAR FINE BEHIND SLEEPING AND LOOKING AT THE BEAUTIFUL THINGS THAT GOD CREATED. WE DIDN'T DO IT. IT WAS THE VISION THAT GOD GAVE TO US TO MAKE IT HAPPEN.

Mayor Wynn: THANK YOU. [ APPLAUSE ]

MAYOR, MEMBERS OF THE COUNCIL, MIKE MCHONE. I'M HERE AS A CITIZEN. I LIVE AND WORK IN THE UNIVERSITY

AREA AND HAVE FOR YEARS SUPPORTED QUALITY OF LIFE ORDINANCES THAT MAKE IT SAFE FOR ALL PEDESTRIANS AND ALL PEOPLE TO SHARE THE RIGHT-OF-WAY IN A MANNER THAT IS CONDUCTIVE TO CIVILIZED BEHAVIOR. THE PEOPLE WHO ARE SPEAKING TONIGHT, MANY OF THEM AAPLAUD THEIR EFFORTS AT TRYING TO DEAL WITH THE HOMELESS ISSUES, AND IN THE UNIVERSITY NEIGHBORHOOD WE HAVE NUMEROUS CHURCHES, EVEN TONIGHT THE MICAH 6 GROUP WAS PASSING OUT FOOD TO EVERYONE WHO WOULD SHOW UP AT THEIR DOORS AND HAVE A FREE MEAL AS WELL. IT'S A COMPASSIONATE COMMUNITY AND WE HAVE A DISCONNECT. WE HAVE A VERY FEW UNLAWFUL, UNCIVILIZED BEHAVIORS THAT NEED TO BE DEALT WITH. THESE ORDINANCES BEFORE YOU TONIGHT GIVE THE POLICE AND THE PATROLS THAT WALK OUR BEATS IN OUR NEIGHBORHOODS THE TOOLS THEY NEED TO MAINTAIN ORDER AND CONDUCT -- ALLOW PEOPLE TO UTILIZE THAT SHARED SPACE. IT IS NOT OKAY TO SLEEP ON THE SIDEWALK THAT A BLIND PERSON HAS TO GET DOWN. IT'S NOT OKAY TO SLEEP ON A SIDEWALK THAT A WHEELCHAIR HAS TO GO DOWN. WE HAVE VERY CROWDED STREETS AND SIDEWALKS IN THE UNIVERSITY AREA. WE NEED THESE ORDINANCES TO PROTECT THE ABILITY OF ALL PEOPLE THAT UTILIZE THE RIGHT-OF-WAY. I URGE YOU TO GO AHEAD AND MAKE THESE SOLUTIONS. I UNDERSTAND THERE'S A DISCONNECT TONIGHT. WE ALSO HAVE A HOMELESS ISSUE THAT WE MUST DEAL WITH AS A COMMUNITY, AND I KNOW THIS COUNCIL IS VERY COMPASSIONATE, A VERY COMPASSIONATE COMMUNITY AND WE WILL DEAL WITH THOSE ISSUES, BUT THAT DOESN'T MEAN WE HAVE TO PUT OFF PUBLIC ORDER AND PROPER RESPECT AND CIVIL BEHAVIOR ON OUR PUBLIC RIGHT-OF-WAYS. I THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU. RENE HOPPER, WHO WILL BE FOLLOWED BY CHARLES CASON. IS SAM COAL HERE? RENE, YOU WILL HAVE THREE MINUTES. WELCOME.

GOOD MORNING, EVERYONE. MAYOR, CITY COUNCIL, AND OF COURSE GUESTS. SAM HAS ALSO -- THANK YOU, MAYOR, TO GIVE ME THAT EXTRA THREE MINUTES.

Mayor Wynn: I HAVEN'T. IS SAM HERE?

YES, SIR.

Mayor Wynn: IDENTIFY YOURSELF, SIR. THE RIEWLDZ ARE YOU HAVE TO BE PRESENT IN THE CHAMBERS TO DONATE YOUR TIME. THANK YOU, SIR.

PANHANDLING, HOMELESS, DISPLACED, KATRINA, RITA, MARY POP PINS AND CAPITAL ONE. YOU FEEL VIOLATED, OFFENDED, ANNOYED, SCARED, SHOCKED, EVEN BOTHERED. WELL, I'VE GOT AN ISSUE THAT APPLIES TO YOU AND YOU AND YOU AND YOU. I'M FOR PANHANDLING. UNITED STATES CONSTITUTION, FREEDOM FOR ALL MANKIND. TEXAS CONSTITUTION, FREEDOM. THE DISCUSSION TO BAN OR PLACE AN ORDINANCE IS AGAINST EVERY LAW OF THE UNITED STATES PEOPLE. IF YOU DO NOT HAVE -- IF YOU DO HAVE AN ORDINANCE, GUESS WHAT? EVERY ONE OF YOU ARE ALL GOING TO GET A TICKET. STAND IN LINE AT A FILM FESTIVAL. SITTING ON THE SIDEWALKS OR ASLEEP, WAITING FOR THE FILM, EVEN A CONCERT. I SAW THAT JUST RECENTLY AT A FILM FESTIVAL, FOUR WOMEN. DON'T LAY IN THE PARK WITH YOUR FAMILY, YOUR BABY, FALL ASLEEP ON YOUR ELDERLY PARENT, EVEN AN INDIGENT HANDICAPPED PERSON OR SOMEONE JUST PLAIN TIRED FROM WORKING ALL DAY. GO TO A BALLGAME, SPORTING EVENT, AND ASK YOUR FRIEND TO BUY YOU A HOT DOG, A COKE. YOU JUST PANHANDLED. YOU BROKE YOUR CHILDREN'S PIGGY BANK. BETTER YET, YOU ASKED FOR MONEY TO GET A LOAN ON YOUR NEW CAR AND YOUR HOME. OH, WAIT, CREDIT CARDS, CANCER FOUNDATION AND HALLOWEEN GOING DOOR TO DOOR FOR FOOD. [ LAUGHTER ] WHEN THE FIREMEN WALK OUT IN THE STREETS TO ASK FOR MONEY -- AND YOU KNOW WHAT FOR -- AND GUESS WHAT, I'VE BEEN TO THE JERRY LEWIS TELETHON, AND I GAVE WHEN I WAS ABLE TO FOR THE FIREMEN AND TO CHARITY. HOLIDAYS ARE ABOUT HERE, AND WE'RE GOING TO ASK FOR MONEY AND PRESENTS. PANHANDLING. YOUR CO-WORKERS DON'T CELEBRATE IT AND YOU SAY CHEAP. YOU PANHANDLE FROM THEM, MONEY FOR GIFTS TO THE BOSS. THE LIST IS ENDLESS, BUT ONE MILITARY TAKES MASSIVE TRANSPORTATION, LIVES IN THE TENTS, IN THE OUTDOORS AND EVEN CAMPS OUTSIDE. WHEN YOU'RE GOING CAMPING, YOU ASK FOR --



PANHANDLING, FISHING PANHANDLING, MONEY YOU ASK FOR TO GET INTO COLLEGE OR BUY A CAR. DON'T TELL ME THIS DOESN'T APPLY WHEN IT DOES. YOU ARE ASKING FOR MONEY WHATEVER FORM IT IS. THE CHIEF SAID IF THE LAND IS FREE AND WHY ARE WE BUYING AND SELLING IT. MARY POP INS SAID TO BUTTER, WHILE RIDING THE CAROUSEL HORSES SHE SAID YOU DON'T DRESS TOO NICE, BUT YOUR HEART IS GOOD. BUTTER SAID AS HE DREW ON THE SIDEWALK, COPPER TO THE TOPPER, NO CHARGE. THE CHILDREN WANTED TO GIVE MONEY TO THE BIRDS, BUT THE BANK WANTED THEIR MONEY TOO. ARE YOU STUDENTS THAT LOOK DISPLACED, HOMELESS, BUT WHAT DOES A HOMELESS PERSON LOOK LIKE? I KNOW MANY DISPLACED PEOPLE. MANY OF THEM. IN FACT, ONE OF THEM, HER MOTHER'S HOME WAS IN, GUESS WHAT, GONE WITH THE WIND. THEY OWNED A PLANTATION. THEY'RE IBM WORKERS, DELL WORKERS, DOCTORS, LAWYERS, NURSES, TEACHERS. THEY'RE STATE AND FEDERAL WORKERS. AND THEY'RE VETERANS OF THE UNITED STATES OF AMERICA. THEY ARE ALL TAXPAYERS AND SO ARE EACH OF YOU. OUR CONCERNS SHOULD BE MORE ON CLEANING UP SIXTH STREET -- WHAT A SHAME. THE APPEARANCE, THE SIDEWALKS. THERE'S NOT EVEN ANY SIDEWALKS IN THIS TOWN. IF YOU'RE AFRAID OF THOSE WHO HAVE MENTAL ILLNESS SELLING DRUGS, ALCOHOL, AND PHYSICAL HANDICAPS, TAKE A LOOK AT YOURSELF AND NEIGHBORS AND FAMILY. THIS IS THE LIVE MUSIC CAPITOL OF THE WORLD, AND THEY'RE GREAT PEOPLE. NEED TO FOCUS ON AFFORDABLE HOUSING DOWNTOWN LIKE IN SAN DIEGO WHERE MY DADDY LIVED, AND I'M DOGGONE PROUD OF IT. HE GOT AFFORDABLE HOUSING RIGHT ACROSS THE STREET. GUESS WHERE? WHO ARE TON PLAZA. IF YOU NEED ASSISTANCE AND HELP AND SERVICE, A PANHANDLER WILL TELL YOU WHERE YOU CAN GET THOSE RESOURCES. A VETERAN CAN TELL YOU WHERE YOU CAN GET THOSE RESOURCES. AND SO CAN ANY OF THE OTHER PEOPLE THAT ARE DOWN THERE. REMEMBER CAPITAL ONE? WE ALL LAUGHED AT THE COMMERCIAL, BUT WE DIDN'T LAUGH AT RITA OR KATRINA OR THE WORLD TRADE CENTER OR THE 2,060 SOMETHING MILITARY WHO DIED. I QUOTE IN SUMMARY FROM A MAN WHO LOST HIS DAUGHTER IN DEATH AFTER HE STARTED A RESEARCH COMPANY FOR HIS DAUGHTER, PANHANDLING. HE ASKED

THIS: I WISH I HAD NOT GONE THROUGH THE EXPERIENCES, BUT THIS IS THE HANDS I WAS DEALT WITH. MY NEIGHBORS ASK ME EVERYDAY FOR FOOD -- [ BUZZER SOUNDS ] -- AND I JUST WANT TO THANK ALL OF YOU FOR GIVING ME THIS OPPORTUNITY AND SAM WANTS TO SAY SOMETHING HERE REAL BRIEFLY, HOMELESS CAN'T SUSPEND ORDINANCES AS EASY AS YOU SUSPEND RULES. AND BY THE WAY, WOULD ANY OF Y'ALL LIKE TO WALK HOME WITH ME TONIGHT? BECAUSE THE BUSES AREN'T RUNNING? I LIVE A ROSEWOOD AND CHICON.

Mayor Wynn: THANK YOU. [ APPLAUSE ] MAIRLZ CASON. HE SIGNED UP WISHING TO SPEAK. NEUTRAL. WE NEED MORE GUYS LIKE THAT. [ LAUGHTER ] LET'S SEE, PATRICK McCOY? PATRICK McCOY SIGNED UP BENEFICIARYING TO SPEAK IN FAVOR, FOLLOWED BY MICHAEL GALBERT. FOLLOWED BY BRIDGET WISE. LET'S SEE, PATRICK McCOY SIGNED UP FOR. MICHAEL GALBERT SIGNED UP AGAINST, BRIDGET SIGNED UP AGAINST WISHING TO SPEAK. I THINK WE'RE LOSING THEM. CARLA DAVIS SIGNED UP WISHING TO SPEAK. CARLA? WELCOME. YOU WILL BE FOLLOWED BY DAVID GOMEZ.

LADIES AND GENTLEMEN OF THE CITY COUNCIL, MY NAME IS CARLA DAVIS. I'M A HOMELESS YOUTH CURRENTLY RESIDING AT LIFE WORKS EMERGENCY YOUTH CENTER. I COME BEFORE YOU AS A CONCERNED CITIZEN AND A CONCERNED FELLOW HUMAN BEING IN THIS COMMUNITY. THIS PAST YEAR WE HAVE WITNESSED TWO OF THE MOST HORRIFIC NATURAL DISASTERS OF OUR TIME, LEAVING THOUSANDS HOMELESS. THESE INDIVIDUALS SUFFERED PERSONAL AND FINANCIAL LOSSES. WHEN MANY OF THEM HAD NOWHERE TO GO, I HAD NEVER FELT SO PROUD THAT OUR CITY WOULD HAVE BEEN AMONG MANY WHO WERE TAKING IN THE NEEDY INDIVIDUALS PROVIDING THEM WITH SPIRITUAL AND FINANCIAL ASSISTANCE. NOW I'M SURE THAT MANY OF THESE PEOPLE HAVE BEEN ABLE TO MOVE ON WITH THEIR LIVES AND LIVE INDEPENDENTLY ONCE AGAIN, BUT WHETHER HOMELESS DUE TO A NATURAL DISASTER OR UNFORTUNATE CIRCUMSTANCES SHOULD THOSE IN NEED BE VIEWED AS CRIMINALS? WHETHER HOMELESS FOR A FEW WEEKS OR A FEW YEARS, SHOULD THEY BE TREATED ANY DIFFERENTLY? WHETHER BEING COVERED BY THE MEDIA OR NOT RECEIVING ANY MEDIA COVERAGE AS THE HOMELESS

DO NOT RECEIVE HERE IN AUSTIN MAKE THE SITUATIONS LESS OF A PRIORITY? THERE ARE CAUSES TO THESE PROBLEMS WHICH MUST BE CAREFULLY EXPLORED. TREATING THESE FELLOW CITIZENS LIKE CRIMINALS, WE ARE NOT ADDRESSING THE PROBLEM, BUT ADMITTING WE HAVE NO SOLUTION. I'VE SPOKEN OFTEN WITH A MENTOR WHO VOLUNTEERS THEY ARE TIME WITH THE HOMELESS, I'VE COME TO UNDERSTAND THAT MANY OF THE HOMELESS WOULD LOVE TO EXPERIENCE BEING A PART OF THE PROCESS, BUT FOR WHATEVER UNFORTUNATE CIRCUMSTANCES THEY ARE UNABLE TO GET THE NECESSARY SUPPORT THEY NEED. OUR ATTENTION TO THE NEEDS AS HUMAN BEINGS IS WHAT WILL BENEFIT THEM. TREATING THEM AS CRIMINALS WOULD SEEM TO BENEFIT OTHERS, BUT NOT THE PROBLEM AT HAND. LET'S LOOK INTO DIFFERENT AVENUES, EXPLORING OTHER MEANS IN HANDLING THIS VERY SERIOUS PROBLEM. OUR SOLUTION SHOULD NOT INFRINGE OR UNDERMINE THE INTEGRITY OF THE HUMAN BEING. I WANT TO CONCLUDE MY SAYING, THOUGH IN RECEIVING SERVICES FROM A PROGRAM WHICH PROVIDES HELP FOR MY AGE GROUP, I HOPE THAT SHOULD I FIND MYSELF IN NEED OF SERVICES AS AN ADULT, THERE WILL BE OTHER OPTIONS FOR ME. THANK YOU. [ APPLAUSE ]

Mayor Wynn: DAVID GOMEZ?

CITY COUNCIL, MY NAME IS BRIDGET WISE. I WAS --

Mayor Wynn: THERE YOU ARE. WELCOME. YOUR BRIDGET WISE?

YES, I WAS IN THE RESTROOM.

Mayor Wynn: YOU WILL BE FOLLOWED BY DAVID GOMEZ. WELCOME.

OKAY. I'VE BEEN ON THE STREET OF AUSTIN FOR GOING ON TWO YEARS NOW. IN AND OUT OF SALVATION ARMY. IN A RECOVERING ALCOHOLIC, DRUG ADDICT. IT IS HARD BECAUSE IN TRYING TO FIND WORK AND ALL THAT. AND THERE'S ABOUT A GOOD 90% OF AUSTIN HOMELESS PEOPLE THAT ARE TRYING TO FIND WORK AND THERE'S REALLY NO RESOURCES, JOBS THAT REALLY CAN HELP THEM. IT'S LIKE

YOU TRY TO FIND HOUSING, AFFORDABLE HOUSING. IF YOU'RE ON DISABILITY, IT'S BASICALLY YOU HAVE TO HAVE A COSIGNER BECAUSE YOU DON'T MAKE ENOUGH. SO IT'S HARD FOR PEOPLE THAT ARE HOMELESS TO GET UP OFF THE STREETS. AND I REALLY DON'T KNOW HOW WE COULD SOLVE THAT. BASICALLY IT'S LIKE -- IT'S HARD -- I DON'T KNOW HOW TO SOLVE THAT. I DON'T THINK YOU SHOULD PENALIZE PEOPLE THAT ARE TRYING TO HELP THEMSELVES. IT'S LIKE YOU HAVE TO PENALIZE THE PEOPLE THAT ARE USING DRUGS, CAUSING THE PROBLEMS, PUT THEM IN JAIL, ARREST THEM. THERE ARE GOOD PEOPLE OUT THERE THAT ARE TRYING TO WORK. I THINK WE NEED MORE RESOURCES, SEND THEM TO JOB WORK PROGRAMS OR SOMETHING, GET THEM TRAINED SO THEY CAN TRY TO GET A JOB AND ALL THAT. IT'S LIKE IT'S HARD FOR PEOPLE. I CAN UNDERSTAND THAT. IT'S LIKE, IMAGINE IF -- IT LIKE IF Y'ALL GUYS WERE OUT ON THE STREETS FOR A WEEK, YOU WOULD REALLY SEE HOW HARD IT IS ON US FOR TRYING TO GET UP AND HELP OURSELVES TO FIND A JOB. IT'S LIKE THERE'S A LOT OF WORKPLACES THAT ARE TOO FULL, AIN'T HIRING, AIN'T ACCEPTING APPLICATIONS DUE TO THE WEATHER. THEY'RE CUTTING BACK. AND YOU HAVE A LOT OF KATRINA EVACUEES THAT ARE GOING TO BE OUT ON THE STREETS, AND IT'S LIKE YOU ALREADY HAVE A BUNCH OF HOMELESS PEOPLE IN AUSTIN BASICALLY TRYING TO WORK BEFORE THAT TO HELP THEMSELVES AND YOU HAVE ALL THESE KATRINA PEOPLE TO GET HELP AND IT'S LIKE, WHERE DOES THE FUNDING COME FROM TO HELP EVERYBODY? IT'S LIKE THEY ONLY HAVE ARCH AND THE SALVATION ARMY, THEY SET LIMITS ON BED FOR EVERYBODY AND THERE'S LOTS OF PEOPLE THAT GET TURNED AWAY AND THAT'S ALL THEY HAVE IS TO LAY DOWN ON THE STREET CORNER. I CAN UNDERSTAND IF YOU WANT TO PAY A CAMPING ORDINANCE RINGS IT'S LIKE I DON'T THINK WE SHOULD GET PENALIZED FOR RESTING. WE DON'T HAVE A TENT, DON'T HAVE A CAMPFIRE. MOST OF US AIN'T TRYING TO CAUSE HARM OR ANYTHING. I REALLY THINK ABOUT RUNNING FOR CITY COUNCIL TO TRY TO HELP PEOPLE. [ BUZZER SOUNDS ] AND THAT'S REALLY ALL I'VE GOT TO SAY. THANK YOU.

Mayor Wynn: THANK YOU, MS. WISE. DAVID GOMEZ? DAVID GOMEZ SIGNED UP WISHING TO SPEAK, AGAINST. TOM

(INDISCERNIBLE). TOM, WELCOME. YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY JULIA WISE, WHO WILL BE FOLLOWED BY MARVIN WEST.

GOOD MORNING, MR. MAYOR, COUNCILMEMBERS, THANKS FOR STAYING THIS LATE TO HEAR US ALL. I'M THE PASTOR OF THE CONGREGATIONAL CHURCH OF AUSTIN, UNITED CHURCH OF CHRIST IN THE UNIVERSITY AREA. AND OUR CHURCH HOUSES A DAY DROP IN CENTER FOR HOMELESS YOUTH, FREE NIGHT SHELTER, MEDICAL CLINIC. WE WORK CLOSELY WITH LIFE WORKS. SO I'M OPPOSED TO THIS BECAUSE OF THE WAY IT TENDS TO CRIMINALIZE HOMELESSNESS. I'M HERE TO TALK THIS EVENING SPECIFICALLY ABOUT ANOTHER ISSUE AND THAT IS THE IMPACT THAT THIS WILL HAVE ON DAY LABOR. I UNDERSTAND THAT THE ORDINANCE AND THE AMENDMENTS TO IT ARISE FROM A LEGITIMATE CONCERN FOR PUBLIC SAFETY IN ORDER, BUT THIS WILL HAVE A VERY NEGATIVE IMPACT ON DAY LABORERS IN OUR COMMUNITY. THE CITY OF AUSTIN HAS A CLEAR NEED FOR DAY LABOR, PROBABLY A GROWING NEED FOR DAY LABOR. IF IT DIDN'T, DAY LABORERS WOULDN'T BE HERE LOOKING FOR WORK AND FINDING WORK EVERY SINGLE DAY. AND DAY LABORERS MUST HAVE DESIGNATED SITES WHERE THEY CAN CONGREGATE IN A SAFE AND ORDERLY MANNER TO NEGOTIATE JOBS AND SALARIES WITH CONTRACTORS AND OTHER CITIZENS WHO NEED THEM TO DO WORK. HOWEVER, BECAUSE THE CITY DOESN'T HAVE ENOUGH DESIGNATED SITES THAT ARE CONVENIENT TO BOTH WORKERS AND CONTRACTORS, THE WORKERS MUST NOW CONGREGATE ON STREET CORNERS AND IN PARKING LOTS, HENCE THE PUBLIC SAFETY AND ORDER ISSUE. NOW, ENLIGHTENED AND PROACTIVE APPROACH WOULD BE TO FIND A CREATIVE SOLUTION TO THIS PROBLEM. AND THE SOLUTION SEEMS OBVIOUS. CREATE MORE DAY LABOR SITES AROUND THE CITY WHERE WORKERS AND CONTRACTORS CAN MEET ONE ANOTHER IN A SAFE AND ORDERLY MANNER. SITES WHERE THEY'RE NOT A HINDRANCE TO TRAFFIC OR ENDANGER THEMSELVES BY TRAFFIC. WE HAVE ONLY ONE DESIGNATED SITE IN THIS CITY, A CITY THIS LARGE WITH THE LABOR NEEDS THAT WE HAVE, ONE SITE IS SIMPLY NOT ENOUGH. WE CLEARLY NEED ADDITIONAL SITES STRATEGICALLY

LOCATED AROUND THE CITY IN PLACES WHERE IT'S CONVENIENT FOR BOTH WORKERS AND CONTRACTORS TO MEET. INSTEAD WHAT WE'RE DOING HERE IS CONSIDERING A BACKWARD AND REALLY REACTIONARY APPROACH, AND THAT IS SIMPLY MAKING IT ILLEGAL FOR DAY LABORERS TO SOLICIT AND NEGOTIATE WORK WITH CONTRACTORS ON STREET CORNERS AND IN PARKING LOTS. AND THIS MAKES NO SENSE TO ME WHATSOEVER. IT REALLY DOES NOT ADDRESS THE REAL NEEDS OF THE PEOPLE INVOLVED IN THIS ISSUE. IT DOESN'T SOLVE ANYTHING. IT IS BAD FOR THE CITY BECAUSE THE CITY NEEDS DAY LABORERS. IT IS BAD FOR THE CONTRACTORS -- [ BUZZER SOUNDS ] -- WHO MUST HIRE THEM AND IT'S INCREDIBLY BAD ON JOBS AND TO THE WORKERS WHO WANT NOTHING MORE THAN TO WORK IN ORDER TO SUPPORT THEMSELVES AND THEIR FAMILIES. SO IF YOU PASS THIS AMENDMENT TO THE ORDINANCE, THOSE WHO NEED AND WANT WORK THE MOST IN OUR CITY WILL SUFFER THE MOST BECAUSE THEY'LL SUDDENLY FIND THE METHOD OF GETTING WORK ILLEGAL. I URGE YOU NOT TO PASS THE AMENDMENTS RATHER THAN SIMPLY MAKING IT ILLEGAL TO LOOK FOR WORK IN PUBLIC PLACES, PLEASE COME UP WITH A MORE PROACTIVE, FORWARD LOOKING SOLUTION, A JUST AND FAIR SOLUTION FOR EVERYONE INVOLVED. ONE THAT ADDRESSES THE REAL ISSUES THAT FACE OUR CITY'S LABORERS, CONTRACTORS, BUSINESSES AND NEIGHBORHOODS. THANK YOU.

Mayor Wynn: THANK YOU, TOM. [ APPLAUSE ] JULIA WISE? JULIA WISE? WELCOME. YOU WILL BE FOLLOWED BY MARVIN WEST.

THANK YOU, MAYOR, LADIES AND GENTLEMEN OF THE CITY COUNCIL. WELL, IF YOU PROBABLY DIDN'T KNOW, BRIDGET IS ACTUALLY MY SISTER. I MYSELF AM A KATRINA EVACUEE. IN ONE OF THE ONES THAT WAS TURNED AWAY FROM HOUSING, AND BASICALLY ANY KIND OF HELP BECAUSE I CHOSE TO STAY WITH MY SISTER AT THE SALVATION ARMY. I DIDN'T CHOOSE TO STAY IN THE CONVENTION CENTER BECAUSE, FOR SOME REASON THEY WEREN'T GOING TO LET MY SISTER. I MEAN, I DON'T SEE A CRIME IN THAT, I REALLY DON'T. SEEING AS HOW ME AND MY SISTER HAVEN'T SEEN EACH OTHER FOR SIX YEARS, AND -- WELL, BY THE GRACE OF GOD, A CRISIS HAPPENS WHERE I HAPPEN TO LIVE,

WE'RE BACK IN TOUCH WITH EACH OTHER. TO SPEAK ON THE SIDEWALK THING, I HAVEN'T BEEN IN SCHOOL FOR FOUR YEARS, BUT WHEN I WAS IN SCHOOL, I THOUGHT PUBLIC MEANT FOR EVERYBODY. [ APPLAUSE ] I MEAN, SERIOUSLY, PUBLIC MEANS, YOU KNOW, YOU CAN BASICALLY DO WHAT YOU WANT. IT'S NOT A PERSONAL SIDEWALK. A PERSON CAN'T SAY, THERE, I CLEANED THE SIDEWALK, I DON'T WANT YOU LYING, I DON'T WANT YOU DOING THIS, I DON'T WANT YOU SITTING. TO SPEAK ON THE FEARS OF THE FEMALES, I CAN TRULY UNDERSTAND THAT. I LIVED IN NEW ORLEANS. TO TELL YOU THE TRUTH, I TRUST MORE OF THESE HOMELESS PEOPLE THAN I DO THE DRUNK COLLEGE STUDENTS THAT HAPPEN TO GO DOWN SIXTH STREET NEARLY EVERY NIGHT. [ APPLAUSE ] FINALLY, I WOULD JUST LIKE TO SAY, YEAH, I'M HOMELESS, I'M NOT ASHAMED TO SAY IT. I MAY NOT DRESS NICE, I MIGHT NOT TALK WITH IMPECCABLE DICK SHUN OR WORDILY VOCABULARY LIKE I'M SURE MOST ALL OF YOU DO. BUT THAT DOES NOT MEAN I'M SCARY. THAT DOES NOT MEAN I'M GOING TO HURT YOU. THAT JUST MEANS I'M A FEMALE, I'M A LADY THAT HAS FALLEN OFF THE HORSE AND IS TRYING LIKE HELL TO GET BACK ON IT. THANK YOU. [ APPLAUSE ]

Mayor Wynn: MARVIN WEST? MARVIN, WELCOME. YOU HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY VICTORIA GAVERTO.

MR. MAYOR, CITY COUNCILMEMBERS, AS RICHARD TROXELL SAID EARLIER, WHERE WOULD WE GO IF Y'ALL PASSED THIS ORDINANCE? BEING HLTS IS NOT A CRIME, BUT Y'ALL ARE TRYING TO MAKE IT A CRIME, BEING HOMELESS. I CHALLENGE Y'ALL TO GO OUT THERE FOR 24 HOURS AND TO SEE WHAT IT'S LIKE, HOW WE HAD TO LIVE OUT THERE AND SEE HOW Y'ALL WOULD HANDLE IT. IN CLOSING, I ASK YOU TO ASK GOD FOR GUIDANCE IN THIS MATTER AND MAY HE OPEN Y'ALL'S EYES TO SEE WHAT WE HAVE TO GO THROUGH OUT THERE. THANK YOU VERY MUCH. [ APPLAUSE ]

Mayor Wynn: THANK YOU, SIR. VICTOR 82, WELCOME.

THANK YOU. I'D LIKE TO PASS MY TIME TO DIEGO IF THAT'S ALLOWED.

Mayor Wynn: YOU BET YOU. DIEGO BERNAL. [ APPLAUSE ]  
WELCOME. YOU HAVE UP TO SIX MINUTES.

THANK YOU. THANK YOU FOR STAYING UP WITH US. WE APPRECIATE YOUR STAMINA. MY NAME IS DIEGO. I'M AN ATTORNEY FOR THE MEXICAN-AMERICAN EDUCATIONAL FUND. WE'RE ONE OF THE OLDEST LATINO CIVIL RIGHTS ORGANIZATIONS IN THE COUNTRY AND WE SPECIALIZE IN FEDERAL LITIGATION, AND THAT'S EXACTLY WHAT I WANT TO TALK TO YOU ABOUT TODAY. BEFORE I DO, I WANT TO LET YOU KNOW THAT I WILL BE FOCUSING ON THE PART OF THE ORDINANCE THAT HAS TO DO WITH SOLICITATION BETWEEN THE OCCUPANTS OF A MOTORCYCLE MOTOR VEHICLE AND A PEDESTRIAN AND I WANT YOU TO KNOW THAT WE HAVE FEELINGS AND CONCERNS ABOUT THE OTHER PARTS OF THE ORDINANCE, BUT WE DEFER TO THE EXPERT EXPERTISE OF OTHERS LIKE THE UACLU AND HOUSES -- HOUSE THE HOMELESS, IS THAT RIGHT? AS AN ATTORNEY, AND AS A LEGAL ORGANIZATION THAT SPANS THE NATION AND DEALS WITH THESE ISSUES ALL THE TIME, WE WANT TO TELL YOU THAT IT IS OUR PROFESSIONAL OPINION THAT YOUR ORDINANCE IS UNCONSTITUTIONAL. IT VIOLATES THE FIRST AMENDMENT BECAUSE IT IS CONTENT SPECIFIC. IT FAVORS SOME SPEECH OVER OTHERS. FOR EXAMPLE, IT READS SERVICES, EMPLOYMENT, BUSINESS OR CONTRIBUTIONS. AND YET IF ANY OF YOU WANT -- AND I'M SURE SOME OF YOU WON'T RUN FOR REELECTION AND IN DOING SO WILL WANT TO PASS OUT PAMPHLETS, THAT WOULD BE ALLOWED, WHILE SOME OF THESE WOULD NOT. AT THE SAME TIME IF I WAS A MEMBER OF A CHURCH AND I WANTED TO PASS OUT PAMPHLETS FROM THE SIDEWALK TO THE STREETS, THAT WOULD BE ALLOWED BECAUSE IT'S NOT COVERED HERE. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] POTENTIALLY -- IT IS DISINGENUOUS TO PASS A LAW WHEN WE HAVE LAWS IN PLACE. [APPLAUSE] THE TEXAS TRANSPORTATION CODE -- THE TEXAS TRANSPORTATION CODE COVERS ALMOST EVERYTHING THAT YOU SAY YOU ARE CONCERNED ABOUT IN YOUR ORDINANCE AND WE CAN RELY ON THAT AND LAW ENFORCEMENT TO ENFORCE THAT. FINALLY AND PERHAPS LESS LEGALLY, IT IS OUR POSITION THAT YOU DO NOT LEGISLATE AGAINST HUMANITY, YOU DO NOT PASS LAWS BECAUSE YOU DON'T LIKE WHO YOUR



NEIGHBORS ARE, YOU DON'T PASS LAWS BECAUSE YOU DON'T LIKE WHO IS STANDING ON YOUR CORRESPONDENCE R CORNERS OR PASS LAWS BECAUSE THEY MAKE YOU UNCOMFORTABLE. I WOULD IMAGINE AUSTIN BEING THE CITY IT IS AND HAVING THE CONSTITUTIONS IT DOES BOTH ACADEMIC AND GOVERNMENTAL HAS LEARNED TO EMBRACE THE DIVERSITY CONTAINED WITHIN IT AND A REACTIONARY ORDINANCE BECAUSE SOME MEMBERS OF YOUR COMMUNITY ARE UNCOMFORTABLE DOES NOT NECESSARILY MEET OR FIT THE CHARACTER OF AUSTIN THAT THE REST OF THE WORLD HAS COME TO UNDERSTAND AT LEAST UP TO THIS POINT. THAT BEING SAID, YOUR ORDINANCE INVITES RACIAL PROFILING BECAUSE AS AS IT RIDES, SOLICITS OR ATTEMPTS TO SOLICIT. MEANS TO REQUEST BY THE STONE, WRITTEN OR PRINTED WORD, BY OTHER MEANS OF COMMUNICATIONS ON IMMEDIATE DONATION OF -- OR TRANSFER OF MONEY OR ANOTHER THING OF VALUE FROM ANOTHER REGARDLESS OF THE PURPOSE OR INTENDED USE OF THE MONEY OR OTHER THING OF VALUE AND REGARDLESS OF WHETHER CONSIDERATION IS OFFERED. ATTEMPT TO SOLICIT MEANS STANDING SOMEWHERE AND IT'S INCREDIBLY SUBJECTIVE. IT LOOKS LIKE WHAT. HOW WOULD YOU KNOW WHEN YOU SAW IT. HOW WOULD YOUR POLICE OFFICERS KNOW WHEN THEY SAW IT. WOULD THEY LOOK AT THE GIRL SCOWTH AND DAY LABORERS THE SAME WAY STANDING ON THE CORNER? PROBABLY NOT. THAN AND THAT'S A PROBLEM YOU WILL EVEN COUNSELEDER AND MALD ON. S WILL BE PREPARED TO LITIGATE. FINALLY, BECAUSE I DON'T NECESSARILY BELIEVE IN THREATENING LITIGATION, WE PLAN TO OFFER SERVICES TO YOU TO HELP YOU CONSTRUCT A PLAN THAT WOULD SOLVE THE PROBLEMS OF ALL PARTIES INVOLVED THAT WOULD MAKE THE CITY GOVERNMENT, THE RESIDENTS, THE EMPLOYERS AND THE EMPLOYEES HAPPY. WE HAVE MODELS ACROSS THE COUNTRY ESPECIALLY IN LOS ANGELES WHERE A CONSTELLATION OF DAY LABOR CENTERS RUN A CERTAIN WAY AND AMEAL I DON'T REMEMBER RATES MOST OF THE ISSUES I BELIEVE YOU ARE CONCERNED WITH. I THANK YOU FOR YOUR TIME. I APPRECIATE YOU STAYING UP WITH US. AND I HOPE THAT -- [BUZZER SOUNDING] I HOPE THAT YOU CONTACT US. IF YOU NEED OUR CONTACT INFORMATION, IT'S ON THE WEB AND I

CAN LEAVE MY CARDS WITH YOU. THANK YOU.

Mayor Wynn: THANK YOU. [APPLAUSE]

Mayor Wynn: JIM GEORGE. JIM GEORGE SIGNED UP WISH TO GO SPEAK NEUTRAL. STACY YATES. STACY YATES SIGNED UP WISHING TO SPEAK AGAINST. BILL BERDALL. [APPLAUSE]

Mayor Wynn: TO BE FOLLOWED BY YVONNE MONTEHANO.

MR. MAYOR, COUNCILMEMBERS, CHIEF MCDONALD, ACTUALLY MY NAME IS BILL BEERDOLL, SENIOR ATTORNEY WITH THE EQUAL JUSTICE CENTER IN AUSTIN. I SPOKE WITH MR. GEORGE ABOUT HIS DESIRE TO SPEAK WITH THE COUNCIL HERE AND HE OPPOSED TO THIS AMENDMENT AND I THINK LOOKS FORWARD TO HAVING AN OPPORTUNITY TO SPEAK WITH SOME OF YOU ALL ABOUT IT. ON SOME OF THE MATTERS I'M GOING TO TALK TO YOU ABOUT, I WANT TO REALLY ASK YOU TO STOP AND RECONSIDER BEFORE RUSHING TO PASS THIS TO ELIMINATE THE ANTI-JOB SEEKING PROVISIONS FROM THIS ORDINANCE. THAT THE PROVISIONS THAT CRIMINALIZE HARD-WORKING PEOPLE WHO ARE JUST PEACEFULLY AND LOOKING FOR WORK. WITH ALL DUE RESPECT TO THOSE WHO DRAFTED THIS ORDINANCE, IT REALLY IS A SURPRISINGLY OVERBROAD AND KIND OF BLUNDER BLUNDERLUST APPROACH TO THE PROBLEM YOU INTEND TO BE ADDRESSING. WE AGREE THAT THE CITY HAS SOME IMPORTANT ROLE IN REGULATING UNSAFE OR INAPPROPRIATE CONDUCT, BUT THIS ORDINANCE ISN'T LIMITED TO INAPPROPRIATE OR UNSAFE CONDUCT. IT GOES MUCH FURTHER TO CRIMINALIZE LAW ABIDING, HONEST, HARD WORKING PEOPLE WHO ARE PEACEFULLY SEEKING WORK TO FEED THEIR FAMILIES. IT JUST SEEMS LIKE WITH ALL THE RESEARCH THAT WAS DONE ABOUT THESE OTHER ORDINANCES AROUND THE COUNTRY, NO ONE ACTUALLY LOOKED AT THE FEDERAL CASE LAW ON THE CONSTITUTIONALITY OF THESE THINGS BECAUSE THERE ARE MULTIPLE INSTANCES OVER THE LAST COUPLE OF YEARS WHERE FEDERAL COURTS HAVE STRUCK DOWN ANTI-JOB SEEKING ORDINANCES THAT WERE FAR MORE NARROWLY DRAWN THAN THIS ONE. WE REALLY WOULD LIKE TO HAVE A CHANCE TO DISCUSS WITH THE CITY ATTORNEY WHAT THESE PROBLEMS ARE SO THAT YOU CAN

AVOID KIND OF JUMPING INTO A CONSTITUTIONAL MORASS ON THIS THING BECAUSE REALLY THE WAY THIS THING IS CRAFTED RIGHT NOW IT'S LIKE GOING AFTER A MOSQUITO WITH A CANNON. IT IS NOT NARROWLY AIMED AT WHAT YOU'RE TRYING TO RESOLVE AND IT WILL END UP CAUSING MORE PROBLEMS THAN IT WILL SOLVE. WE ASK ALSO THAT YOU CONSIDER CREATING A TASK FORCE THAT INCLUDES ALL THE STAKEHOLDERS THAT HAVE AN INTEREST IN THIS AND CAN SIT DOWN AND LOOK THOUGHTFULLY AND CAREFULLY AT THE LEGAL FLAWS AND THE EXTRAORDINARY OVERREACH IN THE STATUTE AT LEAST AS IT APPLIES TO PEOPLE WHO ARE JUST IN AN ORDER RLY AND SAFE AND PEACEFUL WAY SEEKING JOBS. WE REALLY BELIEVE THAT YOU SHOULD NOT GET INTO THE BUSINESS OF CRIMINALIZING WORKING PEOPLE WHO ARE JUST PEACEFULLY LOOKING FOR WORK. [BUZZER SOUNDING]

THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. [APPLAUSE]

Mayor Wynn: YVONNE MONTEHANO SIGNED UP WISHING TO SPEAK AGAINST. JUAN DELASHANGUS. SORRY IF I MISPRONOUNCED THAT. WELCOME, JUAN.

I WANT TO READ THIS IN SPANISH AND SHE'S GOING TO TRANSLATE. I HOPE WE CAN HAVE A LITTLE MORE THAN THREE MINUTES. WE'LL TRY TO DO IT AS FAST AS WE CAN. [SPEAKING IN SPANISH]

DISTINGUISHED MEMBERS OF THE CITY COUNCIL OF THE CITY OF AUSTIN, MY NAME IS JUAN MONTEHANO AND I REPRESENT THE COALITION PRO JUSTICE AND DIGNITY OF AUSTIN A COMMUNITY THAT REPRESENTS IMMIGRANTS FORMED BY DIFFERENT IMMIGRANT COMMUNITIES ON THE LOCAL LEVEL INCLUDING BUENA VISTA CITY WORK, THE DAY LABORERS COMMITTEE, THE AMERICAN [INAUDIBLE] COMMITTEE,. [SPEAKING IN SPANISH] LATINA ACTION AND OTHERS. >> [SPEAKING IN SPANISH]

THE FOCUS OF OUR COALITION IS PROCURE JUSTICE AND DIGNITY THROUGH COMMUNICATION, EDUCATION AND THEREFORE WE DECLARE OURSELVES AGAINST THE

PROPOSAL FOR NO ROADSIDE SOLICITATION IN OUR CITY  
BECAUSE IT GOES AGAINST OUR YOU HAD HUMAN RIGHT  
AND ALL DAY LABORERS WOULD BE AFFECTED BY IT.

[SPEAKING IN SPANISH]

THR BEING SUBJECT TO FINES AND BE ARRESTED ONLY BY  
EXERCISING THEIR HUMAN RIGHT TO LOOK FOR WORK  
LEADING TO THE CRIMINALIZATION OF THE RIGHT TO TAKE  
FOOD TO THEIR HOMES. [SPEAKING IN SPANISH]

A PROPOSAL LIKE THIS ONE VIOLATES THE FIRST  
CONSTITUTIONAL AMENDMENT OF FREEDOM OF SPEECH  
AND THE RESOLUTIONS FROM THE UNIVERSAL  
DECLARATION OF HUMAN RIGHTS OF 1948 ADOPTED BY THE  
UNITED NATIONS WHICH SAYS ALL PEOPLE HAVE THE RIGHT  
TO WORK AND CHOOSE FREELY THEIR JOB AND SHOULD  
HAVE EQUAL RIGHTS AT THEIR WORKPLACE AND BE  
PROTECTED AGAINST UNEMPLOYMENT. [BUZZER SOUNDING]  
[SPEAKING IN SPANISH]

THEREFORE THE COALITION PRO JUSTICE AND DIGNITY  
SUPPORT THEIR FELLOW DAY LABORERS WHO HAVE  
CONTRIBUTED TO AUSTIN AND THROUGHOUT THE WORLD.  
WE SUPPORT LAWS THAT DON'T PENALIZE THE WORKERS  
AND PEOPLE WHO DEPEND ON THE TASK FORCE. THE AMY  
PRO -- PROPOSALS LIKE THIS ONE PROVOKE DISTRUST  
TOWARDS AUTHORITIES IN OUR COMMUNITY PARTICULARLY  
THE HISPANIC COMMUNITY. [SPEAKING IN SPANISH] >

WE ARE TOLD JUSTICE WILL BE DONE. THE CITY OF AUSTIN  
HAS BEEN [INAUDIBLE] TORE THE COOPERATION BETWEEN  
AUTHORITIES AND COMMUNITY. AUSTIN IS FOR THOSE  
REASONS ONE OF THE BEST CITIES TO LIVE IN. OUR  
COUNTRY, THE UNITED STATES OF AMERICA, WAS FOUNDED  
AND GREW THANKS TO IMMIGRANTS AND DESCENDANTS.  
THIS NATION EXISTS BECAUSE OF IMMIGRANTS, OUR  
ANCESTORS. THIS COUNTRY WAS BUILT BY THE HANDS OF  
ALL THE COMMUNITIES THAT FORM PART OF IT.

Mayor Wynn: JUAN, EXCUSE ME, PLEASE TRY TO CONCLUDE.

YES, THANK YOU. [SPEAKING IN SPANISH]

AND INCLUDES A POLICY THAT IS NORM IN ALL CIVILIZED SOCIETY, THAT WHY WE ASK YOU TO SAY NO. GOOD NIGHT AND THANK YOU VERY MUCH.

GRACIAS. [APPLAUSE]

Mayor Wynn: NEXT SPEAKER IS MONCERETTE GARRABAY. WISHING TO SPEAK AGAINST. LUKE METS GER SIGNED UP WISHING TO SPEAK AGAINST. MICHAEL MURPHY. [APPLAUSE] AFTER MICHAEL HE WILL BE FOLLOWED BY EDWIN MONGUDO. WELCOME, YOU WILL HAVE THREE MINUTES.

MY NAME IS MICHAEL MURPHY. I'M LEWIS IS GETTING MARRIED THIS WEEKEND SO HE WASN'T ABLE TO COME SO I'M SPEAKING ON BEHALF OF THE STEN CENTRAL LABOR COUNCIL. AS YOU HEARD THAT THIS ORDINANCE YOU ARE DISCUSSING AFFECTS A LOT OF CONSTITUENTS HERE, BUT THE ONLY CONSTITUENCY I'M SPEAKING TO IS THE DAY LABORERS. ORGANIZED LABOR HERE IN AUSTIN FINDS IT APPALLING YOU'RE EVEN CONSIDERING CRIMINALIZING SEEKING WORK. I THINK THAT THERE'S BEEN A MEASURE OF HYPOCRISY IN WHAT'S GONE ON HERE NIGHT IN WE'RE ALL SITTING IN THIS BUILDING THAT WAS BUILT IN PART BY DAY LABORERS. [APPLAUSE]

YOU DISCUSSED TWO ITEMS ON THE AGENDA AND APPROVED CONSTRUCTION OF TWO BUILDINGS AND I'M GLAD YOU DID THAT, THAT'S GOING TO PROVIDE SOME GOOD JOBS FOR WORKING PEOPLE IN STEN, BUT THOSE BUILDINGS ARE GOING TO BE BUILT BY DAY LABORERS AND HERE YOU ARE SEEKING TO CRIMINALIZE THEIR ACT OF SEEKING WORK. AND WE DON'T THINK THAT'S RIGHT. AND I WONDER IF ANY OF THE OTHER OF YOU BACK HERE WERE AS APPALLED TO HEAR THE SMARTEST COLLEGE KID IN AUSTIN SHOW SUCH AN UTTER DISREGARD TORE THE FREEDOM OF ASSOCIATION, FREEDOM OF SPEECH AND FREEDOM OF ASSEMBLY. [APPLAUSE]

Mayor Wynn: EDWIN MONGUDO SIGNED UP WISHING TO SPEAK IN OPPOSITION. DAVID FOSTER. WELCOME DAVID. YOU WILL HAVE THREE MINUTES, FOLLOWED BY JONATHAN GINS.

THANK YOU, MAYOR WYNN, COUNCILMEMBERS, STAFF. MY NAME IS DAVID FOSTER. I'M HERE TO SPEAK ON BEHALF OF CLEAN WATER ACTION. I'M NOT HERE TO SPEAK IN OPPOSITION TO ITEM 71 AS A WHOLE RATHER I WISH TO CONFINE MY REMARKS TO PARTS OF ITEM 71 THAT IN OUR OPINION WOULD CRIPPLE THE ABILITY OF CLEAN WATER ACTION AND SIMILAR ORGANIZATIONS TO DO POLITICAL ORGANIZING IN THE CITY OF AUSTIN. IN PARTICULAR WE'RE CONCERNED ABOUT THE PROPOSED REVISION TO 9-4-22 OF THE AUSTIN MUNICIPAL CODE. WHICH WOULD NO LONGER ALLOW CANVAS ORGANIZATIONS TO DO DOOR TO DOOR CANVASSING AFTER 7:00 P.M. AS YOU KNOW, CLEAN WATER ACTION IS AN ENVIRONMENTIST ORGANIZATION WITH A NATIONAL COPY FOCUSED ON REDUCING TOXINS IN THE AIR AND ESPECIALLY IN THE WATER. PART OF OUR MISSION INVOLVES ORGANIZING THE PUBLIC TO MAKE DEMOCRACY WORK. SINCE WE STARTED CANVASSING IN AUSTIN IN 1988, WE'VE HELPED ACHIEVE MANY VICTORIES WHICH HAVE HELPED BETWEEN OUR CITY'S CULTURE, HELP MAKE IT FAMOUS INCLUDING HELPING PASS SAVE OUR SPRINGS, INCLUDING HELPING ELECT THE GREEN COUNCIL AND THOSE TWO BOND ELECTIONS IN 1998, INCLUDING RECENTLY A COUPLE WEEKS BACK HELPING PASS THE TRAVIS COUNTY BOND PACKAGE FOR PARKS AND OPEN SPACE. WE'RE PROUD OF OUR WORK AND THE BACKBONE IS OUR DOOR TO DOOR FIELD CANVAS. WE CANVAS ROUGHLY FROM 4:30 TO 9:00 P.M. FOR A REASON, THAT'S WHEN PEOPLE ARE HOME. IF WE'RE NOT ABLE TO CANVAS PAST 7:00 P.M. WE CAN'T SURVIVE IN AUSTIN, TEXAS. WE WOULDN'T BE ABLE TO HAVE CONTACTS WE NEED TO HAVE, WE WOULDN'T BE ABLE TO EDUCATE THE PUBLIC, GET THE LETTERS AND POSTCARDS TO FOLKS LIKE YOU, WE WOULDN'T BE ABLE TO RAISE THE FUNDS NECESSARY TO OPERATE. FUNDRAISING FOR US IS A MEANS TO AN END, IT'S NOT AN END IN ITSELF. WE SIMPLY WOULD NOT BE ABLE TO OPERATE. AND I ALSO HAVE TO TELL YOU THIS WOULD BE SUCH A BLOW TO OUR EXISTENCE WE WOULD HAVE LITTLE RECOURSE BUT TO LOOK AT EVERY LEGAL OPTION WE HAVE TO OVERTURN THIS ORDINANCE. IT'S NOT MY DECISION. I DON'T HAVE THAT KIND OF AUTHORITY IN THE ORGANIZATION, BUT I'D BE VERY SURPRISED IF CLEAN WATER ACTION DID NOT CHOOSE TO LATE GATE TO

OVERTURN THIS PROVISION SHOULD IT BECOME LAW  
LOCALLY IN AUSTIN, TEXAS. AND I CAN TELL YOU THAT CASE  
LAW IS OVERWHELMING IN OUR FAVOR. IN CASE AFTER  
CASE, STATE AFTER STATE, CITY AFTER CITY, THE COURSE  
OF RULE, THE CANVASSING IS CONSTITUTIONALLY  
GUARANTEED FREE SPEECH AND IT'S REASONABLE FOR  
CANVAS OPERATIONS TO BE ABLE TO CANVAS UNTIL 9:00  
P.M. I ALSO WANT TO POINT OUT OTHER PROVISIONS AND  
I'VE E-MAILED YOU ALL ABOUT THIS. LET ME BACK UP. I CAN'T  
REALLY UNDERSTAND WHERE THIS PROPOSAL TO STOP  
CANVASSING AT 7:00 P.M. COMES FROM. I SPOKE WITH  
CHARLIE BETZ OF THE DOWNTOWN AUSTIN ALLIANCE A  
COUPLE OF DAYS AGO. HE SAYS HIS ORGANIZATION DOES  
NOT HAVE A DOG IN THIS FIE. I VISITED YOUR COUNCIL  
OFFICES TUESDAY. NOT A SINGLE STAFF PERSON I TALKED  
TO KNOWS REALLY WHERE THIS COMES FROM. IT SEEMS TO  
BE I THINK AN UNINTENDED CONSEQUENCE. I DOUBT THAT  
YOU REALLY MEAN TO DO THIS. I'M SORRY I'M OUT OF TIME. I  
URGE YOU TO LOOK AT THE POINTS INVOLVING PETITIONING  
AND REGISTERING VOTERS AT BUS STOPS I E-MAILED YOU  
ABOUT. HAPPY TO TALK WITH YOU AND FOLLOW UP AT ANY  
TIME. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. FOSTER. [APPLAUSE]

Mayor Wynn: JONATHAN GINS TO BE FOLLOWED BY COLIN  
CLARK FOLLOWED BY CELESTE MOI YER.

I'M HERE ON BEHALF OF ACORN. WE ALSO RUN A CANVAS  
THAT IS TOALTLY VITAL TO WHAT WE DO. IT'S HOW WE RAISE  
OUR MONEY IN THE NONPROFIT SECTOR. THERE'S NOT A  
LOT OF MONEY BEING THROWN AT US. WE HAVE TO ASK FOR  
IT. WE HAVE TO LOOK FOR SUPPORT IN THE NEIGHBORHOOD  
AND ON THE STREETS. WE GO UP AND DOWN THE STREETS  
PROMOTING DEMOCRACY. THIS IS A CONSTITUTIONAL  
GUARANTEE THAT WE SHOULD BE ABLE TO DO THIS. AND  
ACORN ALSO PROBABLY WOULD HAVE TO FILE LITIGATION  
AGAINST AN ORDINANCE THAT BANS US FROM GOING OUT  
ON THE STREETS AND EXERCISING OUR CONSTITUTIONAL  
DUTY. THANK YOU. [APPLAUSE]

Mayor Wynn: THANK YOU, SIR. COLIN CLARK WHO WAS HERE  
EARLY. SIGNED UP WISHING TO SPEAK AGAINST. CELESTE

MOYERS SIGNED UP WISH TO GO SPEAK IN FAVOR. ALMA FELLOWS. SHE SIGNED UP WISHING TO SPEAK AGAINST. RACHEL PARKER. WELCOME RACHEL. YOU WILL BE FOLLOWED BY ORFERIO ROJOS. >>

Goodman:, MAYOR, COUNCILMEMBERS. I'M REALLY HERE AND THE MAIN REASON THIS MORNING IN MY CLASSROOM WE WERE REVIEWING THE METRO SECTION OF THE NEWSPAPER AND WE SAW THIS IN THE NEWSPAPER AND KIND OF TALKED ABOUT IT AND SOMEONE MADE AN INTERESTING POINT ABOUT HOW WE SAY THE PLEDGE EVERY MORNING AND SAY SOMETHING ABOUT THE LAND OF THE FREE. AND SOMEONE SAID, WELL, IT'S NOT VERY FREE IF YOU CAN'T SIT ON THE SIDEWALK. AND I THINK THAT'S A GREAT POINT. THAT'S WHY I'M HERE TO SPEAK. ALSO I REALLY DON'T THINK THIS ORDINANCE ALLEVIATES THE PROBLEM OF THE HOMELESS POPULATION. I UNDERSTAND THAT THE DOWNTOWN BUSINESS COMMUNITY HAVE VALID CONCERNS FOR THE SAFETY -- FOR THEIR SAFETY AND FOR THEIR BUSINESSES. BUT I DON'T SUPPORT THE PROPOSED ORDINANCE BECAUSE IT DOESN'T ADDRESS THE PROBLEM. INSTEAD IT CRIMINALIZES PEOPLE THAT DON'T HAVE ANYWHERE TO GO. PEOPLE THAT DON'T HAVE ANY ASSETS. AND THIS IS ONLY GOING TO ADD TO THE PROBLEM THAT THESE PEOPLE ALREADY HAVE. I THINK INSTEAD OF PUSHING THEM OUT SO PEOPLE DON'T HAVE TO DEAL WITH THEM, MAYBE WE NEED TO PICK THEM UP. LET'S EMPOWER THEM TO TAKE CONTROL OF THEIR LIVES. THIS ROOM WAS FULL OF PEOPLE. THAT CAN THINK OF MORE EFFICIENT AND EFFECTIVE WAYS TO ALLEVIATE AND RESOLVE THE PROBLEMS OF HOMELESSNESS. NO ONE WILL BE SAFE IF YOU DON'T ADDRESS THE REAL NEEDS OF THIS. THANK YOU.  
[APPLAUSE]

Mayor Wynn: THANK YOU. PORFIRIO ROJAS SIGNED UP WISH TO GO SPEAK AGAINST. TO BE FOLLOWED BY ROBIN SCHNEIDER. [SPEAKING IN SPANISH]

WE ARE GATHERED HERE WITH THE SOLE PURPOSE OF SAYING NO TO THE ORDINANCE OR LAW THAT WOULD AFFECT US NEGATIVELY AS DAY LABORERS. WE ARE ONLY LOOKING FOR WORK TO SUSTAIN OUR FAMILIES. WE WOULD HAVE TO GO TO 51st STREET AND THAT'S NOT A SOLUTION



FOR A LOT OF DAY LABORERS WHO GATHER AT DIFFERENT CORNERS OF THE CITY. [SPEAKING IN SPANISH]

WE'RE ONLY ASKING THAT YOU LET US WORK IN DIFFERENT CORNERS OF THE CITY OF AUSTIN WHERE WE CONTRIBUTE TO DEVELOPMENT OF THE CITY FACILITATING A WORKING FORCE AND WE BELIEVE THAT LAWS ARE MADE TO MAKE JUSTICE NOT TO WAGE FEAR. [SPEAKING IN SPANISH]

IF THIS LAW IS APPROVED IT'S AN INJUSTICE FOR EACH ONE OF US WHO LOOKS FOR WORK AT DIFFERENT CORNERS OF THE CITY OF AUSTIN. WE DON'T WANT YOU TO PASS THIS LAW BECAUSE IT WOULD NEGATIVELY AFFECT NEWS A WAY WE COULDN'T BE ABLE TO EARN MONEY TO SUSTAIN OUR FAMILIES. A LOT OF DAY LABORERS FROM 51st STREET WHEN THEY RECEIVE A TICKET WITH A LOW NUMBER HAVE TO GO TO THE CORNER OF ST. JOHN'S AND HOME DEPOT OR OTHER CORNERS JUST TO BE ABLE TO WORK FOR THAT DAY BECAUSE THEY NEED TO COVER THEIR BASIC NEEDS. [SPEAKING IN SPANISH]

APPROXIMATELY 70% OF THE WORKERS WHO GO TO THE CORNER OF ST. JOHN'S AND HOME DEPOT GET WORK. WE WANT JUSTICE. [APPLAUSE]

Mayor Wynn: WELCOME, ROBIN, YOU WILL BE FOLLOWED BY PEDRO CARRILLO.

MAYOR, MAYOR PRO TEM, CITY COUNCILMEMBERS, MY NAME IS ROBIN SCHNEIDER, EXECUTIVE DIRECTOR OF TEXAS CAMPAIGN FOR THE ENVIRONMENT. THANK YOU FOR HANGING IN AT THIS PUBLIC MEETING. THANK YOU FOR GIVING US ALL AN EDUCATION, FOR BRINGING TOGETHER FOLKS WHO ARE CONCERNED DID DAY LABOR ISSUE, WHO ARE CONCERNED ABOUT HOMELESSNESS, CONCERNED ABOUT FIRST AMENDMENT RIGHTS. IT'S BEEN QUITE AN EDUCATION FOR ME AND I'M SURE FOR YOU AND PEOPLE WATCHING AT HOME. I WANT TO QUOTE THURGOOD MARCH THAT WILL. HE SAID CANVAS ING IS A METHOD OF COMMUNICATION ESSENTIAL TO THE PRESERVATION OF OUR FREE SOCIETY. AS I'M SURE YOU KNOW, CANVASSING IS AN INTEGRAL PART OF OUR DEMOCRATIC PROCESS. SUSAN B. ANTHONY DID IT TO HELP LAY THE GROUND WORK FOR

WOMEN TO WIN THE RIGHT TO VOTE, AND IT HAS BEEN USED ON AN ONGOING BASIS HERE IN AUSTIN. RESTRICTING CANVASSING TO 7:00 P.M. AND SHUTTING US DOWN AFTER 7:00 P.M. WILL THROW PEOPLE OUT OF WORK. HERE ARE SOME OF MY STAFF AND THERE ARE HUNDREDS OF PEOPLE, THOUSANDS OF PEOPLE WHO HAVE -- WHO ARE DOING THIS WORK WHO ARE GETTING AN OPPORTUNITY TO MAKE DEMOCRACY WORK WHICH YOU WILL THROW OUT OF WORK BY PASSING THIS ORDINANCE, THESE AMENDMENTS TO THE ORDINANCE. INSTEAD, THESE PEOPLE ARE EMPLOYED AND THEY BECOME A VITAL TOOL TO MAKE AUSTIN THE KIND OF PLACE WE WANT TO MAKE IT. WE HAVE PROMOTED RECYCLING. WE HAVE PRO MEET PROMOTED CLEAN AIR, MANY OF YOU HAVE RUN ON IN YOUR CAMPAIGNS AND THAT AUSTINITES VALUE. THE PERVERSE OUT COME OF THESE -- THIS AMENDMENT REGARDING CANVASSING WOULD MEAN THAT IF YOU ARE A WEALTHY ORGANIZATION AND YOU DO NOT NEED TO SOLICIT WHILE YOU EDUCATE THE COMMUNITY, YOU CAN STAY OUT UNTIL 9:00 AT NIGHT. BUT IF YOU ARE TEXAS CAMPAIGN FOR THE ENVIRONMENT OR ONE OF THE LIKE-MINDED GROUPS YOU HAVE TO STOP AT 7:00 BECAUSE YOU ARE ASKING PEOPLE TO JOIN THE ORGANIZATION TO FUND THE WORK. SO THAT IS A TOTAL -- A PERVERSION OF OUR DEMOCRATIC PROCESS. IN MY ESTIMATION WE HAVE A FREE SPEECH ISSUE, A FREE SPEECH PROBLEM IN AUSTIN. LET ME RECOUNT MY EXPERIENCE TO YOU, MANY MUCH YOU HEARD ABOUT THIS FROM ME. IN 2003 I WAS NEARLY ARRESTED TWICE IN ONE WEEK FOR EXERCISING MY FREE SPEECH RIGHTS. THE FIRST TIME IT WAS A SUNDAY AT A CITY FACILITY, THE MILLENNIUM YOUTH CENTER WHERE THERE WAS A COMMUNITY FAMILY TECHNOLOGY DAY. DELL WAS ONE OF THE PARTICIPANTS. AND AT THAT POINT DELL WAS NOT TAKING UP ITS RESPONSIBILITY ON COMPUTER RECYCLING. [BUZZER SOUNDING] I BELIEVE I'VE HAD MUCH TIME DONATED TO ME, MAYOR.

Mayor Wynn: MY ASSISTANT DOESN'T SHOW THAT. YOU ALL ARE SIGNED UP AS SPEAKERS AND YOU GET THEIR NAMES, MS. BROWN.

I WON'T BE LONG.

Mayor Wynn: THANK YOU.

I WAS AT THE MILLENNIUM YOUTH CENTER. WE WERE TOLD THAT WE COULD NOT PASS OUT FLIERS AT THE MILLENNIUM YOUTH CENTER BECAUSE IT WAS NOT A DESIGNATED FREE SPEECH AREA. EVEN THOUGH THIS WAS CITY PROPERTY AND PEOPLE WERE COMING TO -- WE WERE NOT BLOCKING ANY SIDEWALKS, ANY ENTRANCES, WE WERE TOLD IT WAS NOT A DESIGNATED FREE SPEECH AREA SO THEREFORE FREE SPEECH WAS NOT ALLOWED. WE HAVE A FREE SPEECH PROBLEM IN AUSTIN. SO WE WENT OUT TO THE SIDEWALK AND STARTED HANDING THEM OUT TO PEOPLE AS THEY WERE COMING IN IN THEIR CARS. AND IF OUR FLYERS HAD SOLICITED FOR MONEY, THIS OTHER PARTS OF THE ORDINANCE WOULD MAKE THOSE FLYERS ILLEGAL. THEN ABOUT TWO DAYS LATER, I WAS ON CITY SIDEWALKS IN DOWNTOWN AUSTIN AT THE CONVENTION CENTER PASSING OUT FLYERS TO DELL EMPLOYEES WHO WERE HERE FROM OTHER PARTS OF THE COUNTRY TO GET TRAINED IN SALES AND OTHER THINGS. I WAS KICKED OFF THE CITY SIDEWALK AT THE CONVENTION CENTER BY AN OFFICER OF YOUR POLICE DEPARTMENT. AND TOLD I COULD NOT PASS OUT A FLIER. AND IT HAPPENED THAT THIS WAS ONE OF THE OFFICERS THAT IN THE -- ONE OF THE AUSTIN AMERICAN-STATESMAN EXPO SAYS WAS A PERSON WHO HAD A LONG LIST OF PROBLEMS. ONE OF THE PROBLEM OFFICERS THAT WAS IDENTIFIED. LUCKILY THE LIEUTENANT IN CHARGE OF THE DOWNTOWN AREA DID ADMIT TO ME THAT WAS OUT OF LINE. BUT WE HAVE A FREE SPEECH PROBLEM IF YOUR OFFICERS DO NOT KNOW THAT PASSING OUT FLIERS ON A CITY SIDEWALK IS COMPLETELY PROTECTED BY THE FIRST AMENDMENT. WE NEED TRAINING FOR THE POLICE OFFICERS. WE NEED A TASK FORCE TO LOOK AT THIS ISSUE BROADLY AND FIX THE FREE SPEECH AREAS, NOT MAKE THEM WORSE. THANK YOU. [APPLAUSE]

Mayor Wynn: PEDRO CA RIL LOOK. CARRILLO. TO BE FOLLOWED BY RAMONE PATINO. TO BE FOLLOWED BY VALORIE ROMNESS. TO BE FOLLOWED BY DUNCAN CORMEY. TO BE FOLLOWED BY JENNIFER GAIL. HAVE I CALLED YOUR NAME?

FRANCISCO, YEAH.

Mayor Wynn: WELCOME.

THANK YOU. I'M NOT REALLY REPRESENTING TCE BUT I'M ONE OF THEIR EMPLOYEES. I JUST ACTUALLY MOVED HERE A LITTLE OVER A WEEK AGO. SO THAT I COULD WORK AT SPEFLD TCE. I HEARD A LOT OF PEOPLE THAT WERE FOR THESE CHANGES. GIVE VERY SPECIFIC EXAMPLES OF WHY THESE ORDINANCES NEED TO TAKE PLACE. AND THEY WERE ALL VERY CIRCUMSTANTIAL AND VERY PERSONAL. ONE GUY SAID THAT -- ONE HOMELESS MAN WENT TO THE BATHROOM ON HIS LAWN AND SO THEREFORE ORDINANCES FOR AN ENTIRE CITY SHOULD BE PASSED. I HAPPEN TO BE HOMELESS RIGHT NOW BECAUSE ON MY WAY OVER HERE I HAD A STOP IN CHICAGO AT THE AIRPORT AND ALL OF MY MONEY WAS STOLEN SO I DIDN'T HAVE MONEY TO MOVE IN SOMEWHERE. WHEN I CAME HERE. AND I CAME BECAUSE I GOT THIS JOB WITH T.C.E. AND I AM A CANVASSER. THIS AFFECTS ME IN TWO WAYS. I'M HOMELESS; THEREFORE SLEEPING SOMEWHERE WHEN I HAVE NOWHERE TO SLEEP WOULD BE ILLEGAL IF IT'S OUTSIDE. AND 2, I WOULD NOT BE ABLE TO DO MY JOB AFTER 7:00 PUTTING ME OUT OF WORK BECAUSE T.C.E. WOULD NOT BE ABLE TO SURVIVE. THIS IS, AS MANY, MANY PEOPLE HAVE SAID TO YOU AND MANY PEOPLE HAVE APPLAUDED TO IT UNCONSTITUTIONAL. ORGANIZING PEOPLE IN COMMUNITIES WHERE THEY ARE NOT AWARE OF CERTAIN ISSUES BECAUSE THEY DON'T HAVE TIME, PEOPLE HAVE JOBS AND PEOPLE HAVE DAILY LIVES. AND THEY DON'T KNOW WHAT'S GOING ON BECAUSE WE DON'T HAVE PUBLIC MEETINGS FOR THINGS LIKE, FOR EXAMPLE, CHANGES THAT THEY MAKE WITH LANDFILLS. THAT'S WHAT WE GO TO NEIGHBORHOODS AND ORGANIZE PEOPLE AND TELL THEM AND EDUCATE THEM ABOUT. AND IF WE'RE NOT ALLOWED TO DO THAT AFTER PEOPLE ARE HOME, THEN WE'RE NOT GOING TO DO IT. WE'RE NOT GOING TO BE ABLE TO SURVIVE BECAUSE PEOPLE -- THEY ARE JUST NOT GOING TO BE HOME BEFORE THEN. ALSO SINCE I JUST MOVED HERE, I DON'T KNOW WHAT'S BEST FOR AUSTIN, BUT I DO KNOW THAT -- THAT I AM NOW A MEMBER OF THIS COMMUNITY, AND I DO KNOW THAT IT IS MY HUMAN RIGHT TO WORK, IT IS MY HUMAN RIGHT TO HAVE A -- TO HAVE A PLACE TO STAY. AND THESE ARE ALL THINGS YOU KNOW. IT

SEEMS TO ME ALL THE PEOPLE THAT ARE FOR THESE ORDINANCES ARE SIMPLY LOOKING IN THE INTEREST OF AESTHETICS FOR THE CITY OR FOR WHIMS AND IT'S REALLY NOT SOMETHING THAT IS A VERY GOOD ARGUMENT AGAINST WHAT WOULD BE AN INFRINGEMENT ON OUR HUMAN RIGHTS. THANK YOU. [APPLAUSE]

Mayor Wynn: THANK YOU, FRANCISCO. WELCOME TO AUSTIN. LET'S SEE. WHERE WAS I? JENNIFER GALE. AND TO BE FOLLOWED BY BILL BUNCH. SIGNED UP WISHING TO SPEAK IN OPPOSITION. YOU WILL HAVE THREE MINUTES FOLLOWED BY JEFF THACKER FOLLOWED BY KURT BECK EAR THANK YOU VERY MUCH, MAYOR PRO TEM, MAYOR, CITY MANAGER, COUNCILMEMBERS. I'M HERE TONIGHT IN MY CAPACITY AS CHAIR OF THE CITY OF AUSTIN DOWNTOWN COMMISSION. AS YOU'RE AWARE, THE DOWNTOWN COMMISSION IS COMPOSED OF REPRESENTATIVES OF OVER A DOZEN CITY BOARDS AND COMMISSIONS WITH THE PURPOSE OF ADVISING THE COUNCIL ON ISSUES FACING OUR DOWNTOWN. A YEAR AGO OUR COMMISSION PASSED A RESOLUTION SUPPORTING THE AMENDMENTS TO THE QUALITY OF LIFE ORDINANCE THAT'S THE SUBJECT OF TONIGHT'S HEARING. WE BELIEVE THAT THESE AMENDMENTS RESULT IN A FAIR AND BALANCED ORDINANCE AND IS NOT OVERLY RESTRICTIVE AND WE ENCOURAGE YOU TO ADOPT AND THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. JEFF THACKER. JEFF THACKER SIGNED UP WISHING TO SPEAK NEUTRAL. KIRK BECKER. SIGNED UP WISH TO GO SPEAK AGAINST. WELCOME JENNIFER. YOU'RE OUR LAST SPEAKER.

HI, AUSTIN.

Goodman:.. AS WE COME TOGETHER AS FAMILIES TIME TO ENJOY THANKSGIVING DINNER AT CHARLIE'S. CITY MANAGER, MAYOR WYNN, COUNCILMEMBERS, I'M A DEMOCRATIC CANDIDATE FOR GOVERNOR OF TEXAS. YOU CAN REACH ME AT JENNIFER GALE GENERAL DELIVERY AUSTIN, TEXAS, 78767. LET'S STOP TER TERRORIZING THE POOR AND ILL. THERE ISN'T ANYPLACE TO ENJOY LIQUOR IF YOU ARE POOR. IF AUSTIN'S COMMUNITY HADN'T STARVED THEM WITH LOW WAGES THEY WOULD HAVE THEIR HEALTH,

A JOB, A HOME. AND SOLID FAMILIES. WE HAVE GOT TO LIVE WITHIN OUR MEANS. WE DON'T. AND THEY HAVE NO MEANS. HOW DO YOU TELL A MENTALLY ILL PERSON THAT THE UNIVERSITY OF TEXAS OPERATES LIKE A MILITARY RESERVATION. THEY DON'T UNDERSTAND THE BOARD OF REGENTS FASCISM. THE SALVATION ARMY IS GREAT SUFFERING AS WELL. YOU DECIDED TO BUILD MUSEUMS INSTEAD OF HOMES FOR THE POOR THAT RESERVE THEIR DIGNITY. LOOK AT HOW EASILY THOSE PRETENDING TO BE CHRISTIANS TOOK THE DIGNITY AND STRIPPED THEM FROM LESBIANS AND GAYS BY PROPOSITION 2 WITHOUT OFFERING ALTERNATIVE. NOW THE ONLY PLACE THIS HANUKKAH OR CHRISTMAS SEASON WHO WANT TO GIVE OUTSIDE IS JAIL, BRAND NEW JAILS. THEY HAVE ALREADY LEARNED -- ATTENDED THE SCHOOL OF HARD KNOCKS. NOW YOU WANT TO TAKE THEIR FREEDOM. WHERE IS THE MONEY FOR MENTAL HEALTH? WHERE IS THE MONEY FOR BEDS TO DISLEEPSLEEP ON? CAPITAL METRO IS PROPOSING A \$2,000 DEDUCTIBLE FOR FAMILIES. CAN YOU AFFORD \$2,000 DEDUCTIBLE? TAKE A LOOK AT OUR BUT OPERATORS. THEY ARE NOT GETTING MEDICAL CARE. HOW ARE THE HOMELESS SUPPOSED TO GET MEDICAL CARE DOWNTOWN. THIS COUNCIL CAN'T EVEN PROVIDE A PLACE FOR A PERSON TO GO TO BATHROOM DOWNTOWN. THE ALLEYS SMELL. LET'S START HELPING AUSTIN PEOPLE BY AN ORDINANCE THAT FORCES EMPLOYEES TO GIVE PEOPLE A FAIR WAGE. OR GO OUT OF BUSINESS. HOW IS THE 29th STREET THE CENTRAL BUSINESS DISTRICT? IT'S CLEAR THE LAWS IN THIS CODE ARE STRONG ENOUGH TO PREVENT AGGRESSIVE PANHANDLING. IF YOU HAVE A PROBLEM WITH PANHANDLING, CALL THE POLICE. WHY DIDN'T YOU CALL THE POLICE? THIS ISN'T KEEPING AUSTIN WEIRD, IT'S A CALL FOR AUSTIN POLICE OFFICERS TO TERRORIZE THE HOMELESS. WITH A \$238 FINE AND DAYS AND WEEKS IN JAIL IT'S FASCIST. THE TRAVIS COUNTY JUSTICE TOLD MAYOR WYNN THIS IS UNCONSTITUTIONAL NOT TO ALLOW A PERSON TO SLEEP. COUNCILMAN ALVAREZ, AN ATTORNEY TOLD YOU THAT IT WAS UNCONSTITUTIONAL ALLEGECONSTITUTIONAL TO DENY SOMEONE TO SLEEP. CHRIS LIONS TOLD THIS CITY COUNCIL IT WAS UNCONSTITUTIONAL TO ALLOW SOMEONE TO SLEEP. THIS COUNCIL HAS YET TO ATONE FOR THE YEARS OF TERRORIZING HOMELESS EVERY DAY NOT BEING

ABLE TO GET ANY SLEEP. WHERE IS LESLIE GOING TO SLEEP? THANK YOU. [APPLAUSE]

Mayor Wynn: I'VE JUMPED THE GUN. APPARENTLY JAMES BUTLER WOULD LIKE TO ADDRESS US. WELCOME, YOU WILL HAVE THREE MINUTES.

HI, HOW ARE YOU ALL DOING?

Mayor Wynn: TIRED.

IT'S KIND OF LATE. LET'S SEE. I OWNED A BUSINESS AT 7th AND WEBBERVILLE ON THE EAST SIDE FOR MANY YEARS AND THAT IS ONE OF THE OLDEST NEIGHBORHOODS IN THE COMMUNITY AND DATING WAY BACK TO THE TIMES WHERE THEY HAD PROBLEMS ON THE BACK OF THE BUSES AND STUFF. THERE'S BEEN ON OPPRESSION WHERE THE OLDER NEIGHBORHOODS, THE PEOPLE HAD PROBLEMS FINDING WORK YEARS AGO AND DIFFERENT PROBLEMS ARE INGRAINED INTO SOCIETY AS WE ALL KNOW. AND THERE AT PROSPECT HILL DOWN THERE I HAD THE FRONT CORNER TO THE PLACE THERE AND AT THAT TIME A.P.D. POLICY WAS TO ALLOW STREET URCHINS TO EXIST IN ORDER TO RUN INVESTIGATIONS TO CATCH THE BIG DRUG DEALERS. WE HAD PROBLEMS WITH HEALTH DEPARTMENT CODE ENFORCEMENT AND I WAS UP TO THE PREVIOUS MAYOR'S OFFICE COMPLAINING ABOUT A CERTAIN CODE ENFORCEMENT OFFICER AND I MENTIONED TO THE LADY HE WAS SPEAKING TO THAT JUST OUT OF THE CONVERSATION ABOUT THE POLICE POLICY AND SHE WAS SHOCKED. SHE SAID BACK UP, WHAT DID YOU SAY. I SAID A.P.D. POLICY WAS TO ALLOW STREET URCHINS TO EXIST IN ORDER TO CATCH THE BIGGER DEALERS. SO OVER A PERIOD OF THREE MONTHS I CALLED THE POLICE MAYBE 300 TIMES AND FINALLY THEY SENT TWO GUYS DOWN THERE AND THEY SAID, HEY, THIS IS POLICE POLICY WHAT I JUST REPEATED, WHAT I TOLD THE LADY. WHEN SHE HEARD THAT, SHE WENT BACK TO THE COUNCIL, WHOEVER WAS THERE, I DON'T KNOW IF ANY OF YOU ALL WERE THERE, THIS WAS ABOUT THREE YEARS AGO, AND THEY PROCEEDED TO CLEAN UP THAT NEIGHBORHOOD ALONG WITH EVERY OTHER NEIGHBORHOOD FROM DOVE SPRINGS TO RUNDBERG BECAUSE THERE'S 17, 18-YEAR-OLD KIDS OUT THERE

RUINING THEIR LIVES AND INFLUENCING YOUNGER PEOPLE AND IT'S A GOOD THING THEY STOPPED IT. ALTHOUGH IT ALSO GAVE POLICE KIND OF A FREE REIGN AND NOW THAT IT'S CLEANED UP THEY ARE TAKING THINGS TO EXTREME. THAT'S THE HISTORY I HAVE THERE. I ACTUALLY CLOSED THE BUSINESS AND HELPED GET IT CLOSED UP AFTER HE LET THEM IN AND FED THEM BECAUSE THEY WERE MINORITIES THAT DIDN'T WANT TO COME ACROSS THE HIGHWAY TO SALVATION ARMY AND ARCH. SALVATION ARMY AND ARCH ARE BASICALLY GOOD PLACES THAT ARE CHRISTIAN BASED THAT OFFER A LOT OF SERVICES FOR THE BASIC NEEDS OF PEOPLE. MY PERSONAL OPINION IS IS THAT THE PANHANDLING IS A LITTLE BIT EXTREME BECAUSE MOST EVERYTHING IS PROVIDED AND A LOT OF PEOPLE GET CHECKS AND A LOT OF THIS PANHANDLING OR SOLICITATIONS IS DUE TO VICE. AND I THINK IT'S GETTING TO BE PRETTY EXTREME BECAUSE SOME OF THESE VICES ARE GETTING PRETTY EXPENSIVE AND PEOPLE USE AND USE AND USE AND SO THERE ARE VERY AGGRESSIVE NOT LIKE 10 OR 15 YEARS AGO WHEN THEY WERE JUST LOOKING FOR A BEER. [BUZZER SOUNDING] ANYWAY, MY IDEA AND I'LL PUT THIS INTO TEXT LATER SO I DON'T WASTE EVERYBODY'S TIME. I'M GOING TO MAKE A TEXT AND SUBMIT IT TO YOU AND MY IDEA I FOUND IN AKRON, OHIO WAS POSSIBLY TO CREATE ANOTHER FACILITY, MAYBE SOUTH OF LONGHORN DAM OR SOMETHING THAT HAS GARDENS OR A HEALTH SPA AND POSSIBLY TO CONTRACT WORK FROM A CITY, STATE OR COUNTY FACILITY, SIMPLE STUFF THAT A PERSON THAT CAN'T KEEP UP WITH TODAY'S -- SOME OF THESE PEOPLE GO TO 100 INTERVIEWS AND GET NO CALL BACKS. IF THE CITY WAS ABLE TO CONTRACT WORK FROM THE STATE FOR MAKING COMPOST FENCE POSTS, WHICH IS VERY SIMPLE, IF SUCH A FACILITY EXISTED, THEN THAT FACILITY COULD PROVIDE THE PEOPLE WORK THAT CAN'T FIND JOBS.

Mayor Wynn: PLEASE CONCLUDE, YOUR TIME IS UP.

IF THAT WORKED THEY COULD HAVE SEPARATE SLEEPING FACILITIES AND CLEAR UP DOWNTOWN.

Mayor Wynn: THANK YOU, SIR. [APPLAUSE]

Mayor Wynn: COUNCIL, THAT'S ALL OF THE CITIZENS. MS.



BROWN WILL RECORD INTO THE RECORD THOSE FOLKS WHO SIGNED UP NOT WISHING TO SPEAK AND FOR AND AGAINST. FOR THE RECORD WE HAD 152 PEOPLE SIGNED UP AGAINST, 174 PEOPLE SIGNED UP FOR, 7 PEOPLE SIGNED UP NEUTRAL FOR A TOTAL OF 333 PEOPLE. OKAY. SO WE'RE NOT POSTED FOR ACTION, WE'RE ONLY POSTED FOR THIS PUBLIC HEARING. I TRUST WE'RE NOT OF MIND TO DISCUSS WHAT WE'VE HEARD TONIGHT BUT I WILL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

MOTION TO CLOSE THE PUBLIC HEARING.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER McCRACKEN, SECONDED BY THE MAYOR PRO TEM TO CLOSE THIS PUBLIC HEARING. ITEM 71. ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THAT LEAVES US WITH ONE MORE PUBLIC HEARING, ITEM 72. I'LL ENTERTAIN A BRIEF STAFF PRESENTATION. I PRESUME. >>

Goodman:, MAYOR, MEMBERS OF COUNCIL, CITY STAFF. MY NAME IS MIKE KELLY, MANAGER OF THE STORM WATER TREATMENT AND STREAM RESTORATION SECTION OF THE WATERSHED SECTION AND REVIEW DEPARTMENT FOR ITEM 72 WHICH IS CONDUCT A PUBLIC HEARING AND REQUEST APPROVAL OF AN ORDINANCE THAT AMENDS CITY CITY CODE SECTION 25-8-14 KNOWN AS SAVE OUR SPRINGS INITIATIVE. THAT WOULD ALLOW FOR THE CONSTRUCTION OF A POLLUTION PREVENTION POND PROJECT IN THE CRITICAL WATER QUALITY ZONE OF BARTON CREEK JUST UPSTREAM OF BARTON SPRINGS POOL. PREVIOUSLY WE HAD RECOMMENDATION OF APPROVAL BY THE PARKS BOARD, THE ENVIRONMENTAL BOARD AND THE PLANNING COMMISSION. WATERSHED PROTECTION DEVELOPMENT REVIEW DEPARTMENT IS PROPOSING A WATER QUALITY PROJECT IN ZILKER PARK, THE ONE AND ONLY SLIDE I'VE GOT THAT I WANT TO SHOW JUST GIVES THE GEOGRAPHIC PROXIMITY TO THE POOL, TO THE CRITICAL WATER QUALITY ZONE AND THE FLOOD PLAIN TO SHOW YOU WHAT I'M TALKING ABOUT HERE. THE CONSTRUCTION OF THIS POND WOULD TREAT STORM WATER RUNOFF FROM THE ADJACENT APARTMENTS AND FROM A PORTION OF THE ADJACENT NEIGHBORHOOD AND STREETS. THE PROJECT

WILL CONSIST OF THE REMOVAL OF EXISTING CONTAMINATED SEDIMENTS, RESTORATION OF THE TRIBUTARY WHERE THE CONTAMINATED SEDIMENTS ARE, THE CONSTRUCTION OF A SEDIMENTATION FILTRATION POND TO TREAT FUTURE STORM WATER RUNOFF, AND THE REROUTING OF ANY UNTREATED STORM WATER RUNOFF AROUND BARTON SPRINGS POOL AND DO YOU MEAN STREAM. WE'RE SEEKING THE ORDINANCE BECAUSE THE CURRENT ORDINANCE PROHIBITS CONSTRUCTION OF PONDS BUT DUE TO TO PROXIMITY OF THE APARTMENTS TO THE CRITICAL WATER QUALITY ZONE THERE IS NO OTHER SPACE TO CONSTRUCT THIS POND. MY STAFF AND I ARE HAPPY TO ANSWER ANY QUESTIONS ON THIS ITEM. THANK YOU.

Mayor Wynn: THANK YOU. QUESTIONS, COUNCIL? FROM STAFF? WE DO HAVE A COUPLE OF FOLKS WHO SIGNED UP. I'M NOT SURE THEY ARE STILL WITH US. LET'S SEE, WE'VE HAD BIANCA AGO WI LA SIGNED UP NOT WISH TO GO SPEAK IN OPPOSITION. LEROY AIEDE AND JAMIE HERRERA NOT WISH TO GO SPEAK IN FAVOR. DAVID ANDERSON WAS HERE TO ANSWER QUESTIONS IF NEED BE. BILL BUNCH SIGNED UP WISHING TO SPEAK IN OPPOSITION. BILL BUNCH. HE WAS HERE EARLIER. AND CHARLES CASEON SIGNED UP WISHING TO SPEAK IN FAVOR. CHARLES CASEON. QUESTIONS, COUNCIL, COMMENTS? MR. BIER'S WOULD YOU LIKE TO ADDRESS US?

I DID SIGN UP, MAYORMENT I'M NOT SURE WHAT HAPPENED WITH THAT KIOSK.

Mayor Wynn: THAT'S FINE GO AHEAD.

WELL, I HAVE SOME CONCERNS ABOUT THIS. I'D LIKE TO SALUTE YOU ALL FOR THE HARD WORK ON THE PAVEMENT SEALER ORDINANCE THAT YOU ALL PASSED EARLIER. THIS PARTICULAR PARKING LOT WAS WHAT TRIGGERED AWARENESS OF THE GENERAL PROBLEM AT THAT APARTMENT COMPLEX THERE BECAUSE IT WAS SHEDDING THE P.A.H.'S SUPPOSEDLY THAT CLOSED THE BARTON SPRINGS POOL. I DO QUESTION THE SPOT FIX ADVOCATED HERE. CAN WE AFFORD TO SPEND \$600,000 FOR EVERY PARKING LOT THAT IS CURRENTLY LEACHING THESE CELLS.

THERE MUST BE MANY HUNDREDS OF THOUSANDS OF SUCH PARKING AREAS OVER THE AQUIFER AND AROUND THE CITY. SO OBVIOUSLY THIS IS NOT A GOOD GENERIC TREATMENT FOR THE PARKING LOT PROBLEM. I UNDERSTAND IT'S NOT JUST ABOUT THIS PARKING LOT, IT'S ALSO INTENDED AS TREATMENT FOR A LARGER UPSTREAM AREA. BUT I WOULD LIKE TO ADDRESS THE PARKING LOT ISSUE FIRST. THE SIMPLEST AND CHEAPEST MEASURE TO ADDRESS THAT IS SIMPLY REPAVE OR RESURFACE THE LOT. THE DOWNSTREAM DRAINAGE DITCH MIGHT HAVE TO HAVE CONTAMINATED SOIL REMOVED BUT THAT STILL DOESN'T MAKE THE CASE FOR A STORM WATER POND THAT TAKES PART OF ZILKER PARK. THE CREEK BOTTOM OR THE FLOOD PLAIN ZONE, THE RIPARIAN AREA, THAT'S ONE OF THE RESOURCES WE'RE TRYING TO PROTECT. SO DOES IT MAKE SENSE TO LOCATE A POLLUTION CATCHMENT AREA WITHIN THAT ZONE. OUR ORDINANCES SAY THAT PONDS CANNOT BE -- STORM WATER FACILITIES CANNOT BE LOCATED IN CRITICAL WATER QUALITY ZONE. WHILE IT MAKES A CERTAIN AMOUNT OF SENSE THAT YOU STICK THESE POLLUTION CATCHMENTS AS WELL AS POSSIBLE, AS FAR DOWN IN THE CREEK BOTTOM AS YOU CAN BECAUSE THAT'S WHERE ALL THE RUNOFF IS GOING TO CONVERGE, THE CLOSER YOU GET TO THE STREAM YOU ARE TRYING TO PROTECT, WHILE I THINK YOU SEE THE ABSURDITY OF IT, YOU ARE TURNING THE CREEKS AND STREAMS INTO POLLUTION CATCHMENTS. SO I THINK A FACILITY LOCATED THIS CLOSE TO THE POOL PERHAPS SHOULD BE LOOKED AT AGAIN. I'M OPEN TO THE POSSIBLE MERITS OF THIS. BUT JUST THINKING ABOUT IT, I HAVE SOME CONCERNS. I HOPE THAT WE'LL TAKE SOME TIME TO STUDY OTHER ALTERNATIVES. FOR INSTANCE, THERE WAS A RETROFIT STUDY SEVERAL YEARS AGO THAT LOOKED AT HOW DO WE TREAT RUNOFF IN THE OLDER NEIGHBORHOODS LIKE BARTON HILLS, IT IDENTIFIED SITES, IT IDENTIFIED PROJECT BUDGETS. THIS WAS NOT WITHIN OF THEM. SO I'M WONDERING HOW THIS FITS IN A BIGGER CONTEXT. IF WE HAVE 600,000 SPARE DOLLARS, MAYBE THERE'S ONE OR ABOUT WAYS TO SPEND IT TO ACHIEVE GREATER POLLUTANT REDUCTION. SO FOR THESE REASONS I DON'T SUPPORT -- [BUZZER SOUNDING] LOCATING THIS STORM WATER FACILITY IN ZILKER PARK, TAKING PART OF

OUR GREENBELT. THANK YOU.

Mayor Wynn: THANK YOU, MR. BIER. THAT'S ALL OF OUR CITIZENS REGARDING THIS PUBLIC HEARING. QUESTIONS, COMMENTS? I'LL ENTERTAIN A MOTION ON ITEM 72.

Alvarez: MAYOR, I GUESS --

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: I WOULD LIKE TO -- I GUESS IN THIS LETTER FROM BILL BUNCH, HE REFERENCES A PART OF THE S.O.S. ORDINANCE THAT TALKS ABOUT MAKING SURE THAT THE FUNDS FOR REMEDIAL RECEIPT TOE FIT OR RUNOFF PREVENTION SHALL BE SPENT TO ACHIEVE THE MAXIMUM WATER QUALITY BENEFITS SO I DON'T KNOW IF STAFF COULD SPEAK TO THAT SECTION OF THE ORDINANCE AND HOW THIS PARTICULAR RECEIPTRETROFIT OR POLLUTION PREVENTION PROJECT WOULD MEET THAT PARTICULAR PROVISION.

YES, SIR, WE BELIEVE THIS IS A MATTER OF SCALE. THAT LOOKING AT THIS PARTICULAR AREA THAT IS A KNOWN SOURCE OF POLLUTE POLLUTANTS IN ITS PROXIMITY TO THE POOL THAT WE DID LOOK AT EVERY ALTERNATIVE AVAILABLE BEFORE WE SETTLED ON THE REMOVAL OF THE SEDIMENTS, CREATION OF THE POND, THE RECONSTRUCTION OF THE TRIBUTARY AND THE REROUTING OF UNTREATED STORM WATER AROUND THE POND THAT WAS AFTER LOOKING AT ALTERNATIVES SUCH AS RESURFACING THE PARKING LOT, MORE -- I WOULD SAY UNFEASIBLE ALTERNATIVES LIKE BUYING OUT THE APARTMENT COMPLEX. THERE WERE A NUMBER OFFAL ERNATIVES AND FOR THIS PROBLEM WE BELIEVE WE HAVE COME TO THE MOST COST EFFECTIVE ALTERNATIVE AVAILABLE FOR THIS PROBLEM. AS OPPOSED TO LOOKING AT THE ENTIRE BARTON CREEK WATERSHED AND LOOKING AT EVERY POSSIBLE WAY TO TREAT EVERY POSSIBLE SOURCE OF POLLUTION, WE WERE TARGETED ON THIS AREA.

Alvarez: BECAUSE THIS WAS THE SITE THAT WAS IDENTIFIED WHEN ALL THAT MEDIA ATTENTION WAS CALLED TO THE

P.A.H. LEVELS.

ONE OF THE THREE IN LOWER BARTON.

Alvarez: IN THE SPRINGS. AND SO -- AND SO WHAT THE ACTION BEFORE US TODAY IS TO APPROVE THIS AS A REMEDIAL COURSE OF ACTION OR A CONTRACT COME BACK AT FUTURE DATE FOR APPROVAL?

FUTURE R.C.A. WOULD COME BACK FOR APPROVAL OF THE CONSTRUCTION CONTRACT. THIS IS SOLELY FOR APPROVAL OF THE AMENDMENT TO THE S.O.S. ORDINANCE. THAT WOULD ALLOW FOR PLACEMENT OF THIS IN THE CRITICAL WATER QUALITY ZONE, BUT WE WOULD COME BACK A FINAL TIME FOR CONSTRUCTION CONTRACT APPROVAL.

Alvarez: OKAY. WELL, MAYBE WE CAN COST OUT SOME OF THOSE OTHER ALTERNATIVES THAT WERE CONSIDERED AND COMPARE THE COSTS AND THE IMPACTS THAT MIGHT BE HELPFUL. BECAUSE I ASSUME THERE WILL BE ANOTHER ITEM ON THE AGENDA TO APPROVE THE CONTRACT FOR THE ACTUAL WORK SO MAYBE THERE'S -- I WOULD JUST LIKE A LITTLE MORE INFORMATION ABOUT -- ABOUT THE OPTIONS THAT WERE CONSIDERED AND HOW THE COSTS AND THE BENEFITS COMPARE.

AND BE PREPARED ON TO PRESENT THAT AT THE READING FOR THE R.C.O. OR SUBMIT THAT PRIOR TO THAT?

Alvarez: EITHER WAY OR BOTH.

I GUESS IT WOULD BE SUBMITTED AS BACKUP TO THE R.C.A. SO YOU WILL HAVE A CHANCE TO REVIEW IT.

Alvarez: OKAY.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: JUST A QUICK QUESTION HERE. THIS TRIBUTARY THAT YOU ARE RECONSTRUCTING THE PATH OF, IS THAT THE ONE THAT CURRENTLY ENTERS THE POOL RIGHT JUST ABOUT THE DIVING AREA?

THIS IS JUST UPSTREAM OF THE DAM. THE TRIBUTARY  
UPSTREAM OF THE DAM. SO IT DOES NOT DRAIN DIRECTLY  
INTO THE POOL, IT DRAINS TO --

Leffingwell: YOU ARE TALKING STRAIGHT THROUGH THESE  
TREES WHERE THE BLUE LINE IS?

THE BLUE LINE, YES. SEE IF THIS WORKS. BUT IT'S THIS  
TRIBUTARY RIGHT HERE.

Leffingwell: OKAY. WELL, THERE IS ANOTHER ONE THAT  
DRAINS IN RIGHT THERE AT THE DIVING AREA. THIS WON'T  
HAVE ANY EFFECT ON THAT?

NO.

Leffingwell: OKAY.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? HEARING  
NONE, I'LL ENTERTAIN A MOTION ON ITEM 72. MOTION MADE  
BY COUNCILMEMBER DUNKERLEY TO CLOSE THE PUBLIC  
HEARING AND APPROVE ITEM 72 AS POSTED AND  
PRESENTED.

SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER LEFFINGWELL.  
FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR  
PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF  
7 TO ZERO. THANK YOU ALL VERY MUCH.

THANK YOU ALL.

Alvarez: MAYOR, DO YOU WAIVE THE 10:00 DEAL FOUR HOURS  
AGO?

Mayor Wynn: STATUTE OF LIMITATIONS ON THAT. MS. BROWN,  
ARE WE THROUGH? THERE BEING NO MORE BUSINESS  
BEFORE THE CITY COUNCIL, WE NOW STAND ADJOURNED. IT  
IS 2:00 IN THE MORNING.

**End of Council Session Closed Caption Log**

