

## **September 20, 2019 FINAL DRAFT Westgate Neighborhood Plan Contact Team Bylaws**

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**Reviewed By:** City of Austin Planning and Zoning Department (for consistency with city-required Bylaws Template)

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**About this Document:** On November 6, 2014, Austin City Council adopted the [South Austin Combined Neighborhood Plan](#) as an attachment to the *Imagine Austin Comprehensive Plan*. This plan covers three city-designated neighborhood planning areas: South Manchaca, Garrison Park, and Westgate. Under the provisions of [Land Development Code Section 25-1-805](#), the Planning and Zoning Department Director may initiate formation of a Neighborhood Plan Contact Team in designated planning areas covered by an adopted Neighborhood Plan. Neighborhood Plan Contact Teams are community-based organizations charged with implementing adopted neighborhood plans in a particular geographic area.

After two previous unsuccessful attempts at establishing a neighborhood plan contact team for the planning area, neighbors from throughout the Westgate Planning Area came together with a City-provided facilitator in 2018 to work toward establishment of a unified Neighborhood Plan Contact Team. After a series of 4 community meetings with the facilitator which concluded in November 2018, community members worked to develop this draft set of bylaws for a possible Neighborhood Plan Contact Team. An initial draft set of bylaws was presented to City staff in June 2019, and after several rounds of iterative review, the September 20, 2019 draft was accepted by City staff as consistent with the bylaws template.

Westgate residents, property owners, business owners, and community organization representatives will be offered the opportunity in early 2020 to attend a community meeting to vote on adopting these bylaws and establishing a Neighborhood Plan Contact Team for the Westgate Planning Area.

### **For more information:**

As it becomes available, additional information, including a proposed community meeting date can be found at: <http://www.austintexas.gov/department/neighborhood-plan-contact-teams>

### **You can also contact:**

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## Westgate Neighborhood Plan Contact Team Bylaws

### Section 1-Definitions

“**Applicable Zoning Laws**” means ordinances, rules and regulations promulgated by the City and codified within Chapter 25-2 of the Land Development Code.

“**Approved SACNP**” means the SACNP approved by the City Council of the City on November 6, 2014 (inclusive of the WNPA Modifications), as reflected in Ordinance No. 20141106-085.

“**attendance**” means Eligible Member participation in person, by proxy, by written ballot, by teleconference, by video conference, by on-line meeting technology or by other method of participation approved by the Executive Committee.

“**Bylaws**” means these Westgate Neighborhood Plan Contact Team Bylaws.

“**Chair**” means the Eligible Member elected to serve in such position pursuant to Section 10.

“**City**” means the City of Austin, Texas.

“**Civic Area**” means the area described on Exhibit A hereto.

“**Commercial Business**” means a place of worship or business operated outside of residential areas within the Westgate Neighborhood Planning Area, and “**Commercial Businesses**” means more than one Commercial Business. For purposes of clarity, the location of a home office or similar operation in a residential area within the Westgate Neighborhood Planning Area does not constitute a Commercial Business for the purpose of these Bylaws unless such home office or other operation creates parking, traffic or other situations prohibited by Applicable Zoning Laws or the subject WNPA Restrictions.

“**Commercial Property**” means property owned or leased for the operation of a Commercial Business.

“**Committee**” means a group of Eligible Members formed pursuant to Section 6.A.iii. and iv. by, as applicable, the Representatives, the North Subarea Representative or the South Subarea Representative.

“**Committee chair**” means the chair of a Committee appointed pursuant to Section 6.A.iii.

“**Community Registry**” means the database of information about community groups, including boundaries, contacts and meeting schedules, maintained by the City.

“**Conflict of Interest**” is defined in Section 15.

“**Determination**” means a decision made by the Westgate Neighborhood Plan Contact Team pursuant to these Bylaws.

“**Designation of Authority**” means, with respect to a Stakeholder which is not an individual (e.g., is a corporation, partnership, limited liability company, trust, association or other type of entity), such Stakeholder’s written designation of authority, which designation authorizes an individual to act on such Stakeholder’s behalf pursuant to these Bylaws and contains (i) the name, address and contact information of the individual, and (ii) if applicable, the date such authorization expires. A Designation of Authority may be revoked or amended no less than ten (10) days in advance of a scheduled vote.

**“Effective Date”** means the date specified in Section 17.

**“Eligible Members”** means, subject to the provisions of Section 6, individual Stakeholders entitled to participate in Westgate NPCT decision making pursuant to the Land Development Code and who (i) are at least 18 years of age, (ii) are not disqualified due to a Conflict of Interest or otherwise, and (iii) if the Stakeholder is not an individual, have a then-current Designation of Authority on file with the Secretary.

**“Eligible Voters”** means, subject to the provisions of Sections 6 and 10, Eligible Members entitled to vote on the subject Westgate NPCT, Subarea, Committee or other Westgate NPCT matter or election.

**“Executive Committee”** means the Chair, Vice Chair, Secretary, North Subarea Representative, South Subarea Representative elected pursuant to Section 10.

**“Impact”** means an adverse, material, disproportionate impact, physical, financial or otherwise, due to a Proposal, including, without limitation, a requested or proposed modification of the Approved SACNP or a City planning initiative within the Westgate Neighborhood Planning Area which may directly affect one or more Stakeholders.

**“Impact Area”** means the geographic area within the Westgate Neighborhood Plan Area in which the Impact may occur, as reasonably determined by, as applicable, the Representatives, North Subarea Representative and/or South Subarea Representative in accordance with Section 6.A.iii. In connection with the formation of a Committee and depending on the subject circumstances, (i) the Representatives will establish the Impact Area when the Impact may affect one or more Stakeholders within both Subareas, (ii) the North Subarea Representative will establish the Impact Area when the Impact may affect one or more Stakeholders in the North Subarea, and (iii) the South Subarea Representative will establish the Impact Area when the Impact may affect one or more Stakeholders in the South Subarea. By way of example and not limitation, (a) an Impact Area may be identified by specific addresses, a radius within a designated distance from a specific location (e.g., within a specified number of feet from a proposed Project) or section(s); and (b) if an Impact is determined to affect Stakeholders in more than one Subarea but less than the entire Westgate NPCT, the Impact Area will be a geographic area within both Subareas.

**“Land Development Code”** means the City Land Development Code in effect as of the Effective Date.

**“Neighborhood Organization”** means an organization or association organized by WNPA Owners for the benefit of residents who live in a specific neighborhood within the Westgate Neighborhood Planning Area, including, without limitation, for the purpose of, as applicable, social and other activities within such neighborhood and monitoring compliance with WNPA Restrictions on behalf of WNPA Owners. The organization or association must be registered as a neighborhood organization under Title 25 of Austin City Code.

**“North Subarea”** means the area described on Exhibit B hereto.

**“North Subarea Representative”** means the Eligible Member elected to serve in such position pursuant to Section 10.

**“Person”** means an individual, limited liability company, partnership, joint venture, association, joint stock company, trust, trustee, estate, limited liability company, unincorporated organization, real estate investment trust, or any other form of entity. For avoidance of doubt, “Person” includes the City with respect to SACNP matters, including, without limitation, Proposed Amendments.

**“Point of Contact”** means the Chair, who in such role shall have the primary responsibility on behalf of the Westgate NPCT to coordinate matters and interface with the City on SACNP-related issues, including, without limitation, informing the City of Westgate NPCT Determinations and making related SACNP recommendations.

**“Project”** means, without limitation, new construction (exclusive of interior alterations), development and/or use within the Westgate Neighborhood Plan Area which (i) does not conform to the Approved SACNP, (ii) is conditioned on amendment of the Approved SACNP, (iii) relates to the construction or installation of new or materially altered public improvements or uses within the Westgate Neighborhood Plan Area by the City or other Persons from and after the Effective Date, and/or (iv) requires the consent of WNPA Owners due to the violation of WNPA Restrictions.

**“Proposed Amendment”** means a proposed amendment to the Approved SACNP.

**“Proposal”** means (i) a proposed Project, Proposed Amendment and each other proposal, request or other matter with respect to which the Westgate NPCT has input pursuant to the Approved SACNP and/or these Bylaws, and (ii) a proposed amendment, restatement, termination or other modification of these Bylaws.

**“Representatives”** means the North Subarea Representative and the South Subarea Representative, and **“Representative”** means one of such Representatives, as applicable.

**“Required Information”** means, as applicable, (i) the minutes of each prior meeting of, as applicable, the Westgate NPCT, a Subarea and a Committee; (ii) the agenda for each upcoming meeting of the Westgate NPCT; (iii) with respect to each Proposal, any and all material information related thereto, including, without limitation, as applicable: (a) the Person(s) proposing the same, (b) the name of the Person(s) who own and, if applicable, will own and develop a proposed Project if approved (including, without limitation, exclusive of the City, the principals in any owner and developer entity, by management and ownership of equity interests to the extent available through the City or such Person), (c) the address, use and timing of a proposed Project and, to the extent improvements are to be made on public property within the Westgate NPCT, the source, availability and timing of such funds, (d) whether the Proposal conforms with the Approved SACNP, these Bylaws and any applicable WNPA Restrictions and, if not, the specific manner in which the Proposal fails to so conform, (e) the upcoming deadline(s) and/or date(s) for related actions or Determinations (including, without limitation, by, as applicable, the Westgate NPCT, a Subarea, a Committee, a Committee chair, Eligible Members within an Impact Area, applicable WNPA Owners and the City); (iv) Determinations made by, as applicable, the Westgate NPCT, a Subarea, a Committee, a Committee chair, Eligible Members within an Impact Area, applicable WNPA Owners and the City); and (v) the dates of upcoming meetings of, as applicable, the Westgate NPCT, Subareas, Committees and the City.

**“residential unit”** means, as applicable and provided such use is permitted by applicable WNPA Restrictions, (i) a single family residence, (ii) each side of a duplex which has a separate mailing address issued or recognized by the U.S. Postal Service, and (iii) each unit within an apartment or other multifamily building which has a separate address issued or recognized by the U.S. Postal Service.

**“SACNP”** means the South Austin Combined Neighborhood Plan approved by the City Council of the City on November 6, 2014, as reflected in Ordinance No. 20141106-085.

**“Secretary”** means the Eligible Member elected to serve in such position pursuant to Section 10.

“**section**” means the geographic areas subject to the applicable WNPA Restrictions, which areas will vary within the Westgate Neighborhood Plan Area based on the specific WNPA Restrictions, and “**sections**” means more than one section.

“**Shared Boundaries**” means any boundaries shared between the South Subarea and the North Subarea represented by the Westgate NPCT (i.e., a roadway and the properties directly abutting that roadway), recognizing the impact the use thereof can have on all property located in such areas (including, without limitation, use, neighborhood character, traffic, public safety, property values and other matters).

“**South Subarea**” means the area described on Exhibit C hereto.

“**South Subarea Representative**” means the Eligible Member elected to serve in such position pursuant to Section 10.

“**Stakeholders**” means, subject to the provisions of Section 6, (i) WNPA Owners, (ii) renters of residential units within the Westgate Neighborhood Plan Area, (iii) owners of Commercial Businesses within the Westgate Neighborhood Plan Area, and (iv) members of Neighborhood Organizations. By way of example and not limitation, if the subject Proposal is within the purview of (a) the entire Westgate NPCT, all Stakeholders described in (i) through (iv) above are Stakeholders for purposes of the subject Proposal, and (b) a Committee, only Stakeholders described in (i) through (iv) above located within the subject Impact Area are Stakeholders for purposes of the subject Proposal. For avoidance of doubt, (x) it is not permissible for both a residential renter and WNPA Owner to claim separate Stakeholder status and, if both desire to participate, the WNPA Owner shall have priority; (y) if the owner of Commercial Property is not the owner of the Commercial Business operated at such property, it is not permissible for both the owner of the Commercial Property and the operator of the Commercial Business or other third party (whether due to lease of the Commercial Property or otherwise) to claim separate Stakeholder status and, if both desire to participate, the owner of the Commercial Property shall be the participant unless such owner provides the Secretary with written authorization for the operator or other third party to participate in such owner’s place and stead; and (z) WNPA Owners who have home offices or other operations in residential areas within the Westgate Neighborhood Plan Area may not claim separate Stakeholder status due to the existence of such offices or other operations.

“**Standing Rules**” means the rules adopted by the Executive Committee from time to time pursuant to Section 12.

“**Subarea**” means, as applicable, the North Subarea and the South Subarea, and “**Subareas**” means, collectively, the North Subarea and the South Subarea.

“**Subarea Members**” means the Eligible Members in the subject Subarea.

“**TCAD**” means the Travis Central Appraisal District.

“**Vice Chair**” means the Eligible Member elected to serve in such position pursuant to Section 10.

“**Website**” means a dedicated website for the Westgate NPCT, which shall be [www.westgatenpct.org](http://www.westgatenpct.org).

“**Westgate Activity Area**” means the area described on Exhibit D hereto.

“**Westgate NPCT**” means the Eligible Members (neighborhood plan contact team) designated herein to implement the Approved SACNP in the Westgate Neighborhood Plan Area pursuant to these Bylaws. The Westgate NPCT is a separate body which acts apart from any existing or future neighborhood associations.

“**WNPA**” means the Westgate Neighborhood Planning Area created by the City.

“**WNPA Modification**” means (a) the following with respect to the Approved SACNP: (i) no infill options were approved, (ii) the following design tools were approved: parking placement, impervious cover restrictions, and garage placement and front porch setbacks, and (iii) the following restrictions: no mobile food vending or parking in front yards; and (b) the City agreed to recognize WNPA Restrictions. Copies of related documents are attached hereto as Exhibits E (pages 4 and 5 of the Planning & Zoning staff recommendation dated August 7, 2014, which state (i) that the staff recommendations have been revised “to be consistent with the deed restrictions staff has been made aware of”, and (ii) stating that “none of the infill options are applicable in the [WPNA]”); F (page 2 of “Response to Data Requests” included in the “late back-up” materials provided to the City Council in November 2014 by Planning & Zoning staff, which states “No infill options are proposed in Southern Oaks or Western Trails”); and G (City Council Motion Sheet for November 6, 2014).

“**WNPA Owner**” means a Person who owns residential real property within the boundaries of the Westgate Neighborhood Plan Area.

“**WNPA Restrictions**” means restrictive covenants, deed restrictions and other instruments which set forth the permitted use, as well as prohibited uses, of real property in the Westgate Neighborhood Plan Area and are filed in the Official Public Records of Travis County, Texas. For avoidance of doubt, copies of WNPA Restrictions as of the date of the Approved SACNP were provided to the City prior to its approval by the City Council of the City.

## **Section 2-Roles & Responsibilities**

A. Each Stakeholder and Eligible Member of the Westgate NPCT has the responsibility at all times to act in accordance with these Bylaws, the Approved SACNP and, to the extent consistent with these Bylaws and the Approved SACNP, applicable ordinances and rules of the City.

B. Subject to A above, the role of the Westgate NPCT shall be to (i) review and make recommendations on all requested or Proposed Amendments to the adopted South Austin Combined Neighborhood Plan and other Proposals, and (ii) support implementation of the Approved SACNP. Notwithstanding such role or any other function herein, no act or omission of the Westgate NPCT or any other Person allowed or permitted to participate in Westgate Neighborhood Plan Area matters may waive, or purport to waive, any right of a WNPA Owner, nor shall any act, omission, Determination or other undertaking of the Westgate NPCT, the Executive Committee or members thereof, Committees or members or chairs thereof, or any other third party bind, or purport to bind, any WNPA Owner in connection with such owner’s private property rights (including, without limitation, with respect to a WNPA Modification, zoning matter and/or any WNPA Restriction).

C. Subject to A above and the provisions of Section 6, when appropriate, the Westgate NPCT may decide to initiate a SACNP plan amendment.

D. Subject to A above and the provisions of Section 6, when appropriate, the Westgate NPCT may give written approval to allow a SACNP plan amendment application for an individual property within the Westgate Neighborhood Plan Area to be filed out of cycle. As used herein, “out of cycle” means at a time other than permitted by City ordinance (generally, February of each year).

E. Subject to A above and the provisions of Section 6, it is the responsibility of each Stakeholder and Eligible Member of the Westgate NPCT to work on behalf of all applicable Stakeholders.

It is further their responsibility when:

- i. there are Shared Boundaries, or Determinations are to be made with respect to the Civic Area, the Westgate Activity Area or other matters permitted herein, to (a) work cooperatively and in good faith with one another and, as necessary, other SACNP contact teams approved by the City, and (b) refrain from taking any action with respect to a Proposal unless a majority of the affected SACNP contact teams vote to approve such action;
- ii. Determinations are agreed or required to be made at the Subarea or Committee level, or by applicable WNPA Owners, to refrain from taking any action in, making any recommendation relating to or espousing a position with respect to the subject Proposal except in accordance with Section 6 and, thereafter, act consistent with the same;
- iii. Determinations are to be made at the Subarea level, whether pursuant to Section 6.A.iii., iv. or otherwise, to work cooperatively and in good faith with one another, and submit all Determinations and recommendations to the Secretary; and
- iv. Determinations are to be made at the Committee level to (a) work cooperatively and in good faith with one another and, as applicable, the Representative(s) and Eligible Members within the subject Impact Area, and (b) submit all Determinations and recommendations to the subject Representative(s).

For avoidance of doubt, notwithstanding the first sentence of this subsection E, with respect to any matter which does not relate to, as applicable, Shared Boundaries, the Civic Area, the Westgate Activity Area or other matters permitted herein, (i) Eligible Members within the North Subarea shall not participate in Westgate NPCT matters internal to the South Subarea, and (ii) Eligible Members within the South Subarea shall not participate in Westgate NPCT matters internal to the North Subarea.

### **Section 3-Boundaries**

- A. The boundaries of the North Subarea are reflected on the map attached as Exhibit B.
- B. The boundaries of the South Subarea are reflected on the map attached hereto as Exhibit
- C. The boundaries of the Westgate Neighborhood Planning Area are reflected on the map attached hereto as Exhibit H.

### **Section 4-Membership of the Westgate NPCT**

- A. Membership of the Westgate NPCT shall, to the extent possible, include at least one Stakeholder from each of the following groups within the Westgate Neighborhood Plan Area: (i) Westgate Neighborhood Plan Area Property Owners, (ii) residential renters within the Westgate Neighborhood Plan Area, (iii) Business owners within the Westgate Neighborhood Plan Area, and (iv) of Neighborhood Organizations members within the Westgate Neighborhood Plan Area owning or renting property within the neighborhood plan area. Each of the North Subarea and the South Subarea will, to the extent possible from the Stakeholder pool available to it, include Stakeholders from such categories.
- B. Membership is by Stakeholder per Subarea, records of which, and of WNPA Restrictions, shall be maintained by the Secretary and, subject to compliance with applicable privacy laws and regulations, such information shall be made available for inspection and/or copying by other members of the Westgate NPCT; provided, (i) no Person (including, without limitation, any Person who comes into

possession of any such information which is subject to non-disclosure by a Stakeholder as provided below) may disseminate or use membership information for any non-Westgate NPCT purpose, and (ii) for privacy reasons, each (a) Westgate NPCT member shall have the right, upon written notice delivered to the Secretary, to limit future disclosure of his, her or its information to Stakeholder status (e.g., WNPA Owner, renter, etc.), such Stakeholder's (or its representative's) name, address and Subarea, and (b) former members of the Westgate NPCT shall have the right, upon written notice delivered to the Secretary, to require that such Person's name, contact and other confidential information be removed from the Westgate NPCT records. The Land Development Code requires that the Westgate NPCT submit a list of members to the City of Austin on an annual basis which includes member names and contact information, and this list, excluding e-mail addresses, is disclosable under the Texas Public Information Act.

C. Membership is limited to one (1) representative for each (i) WNPA Owner, (ii) rented residential unit within the subject Subarea, (iii) Commercial Business within the subject Subarea, and (iv) Neighborhood Organization located within the subject Subarea. Members who qualify as Stakeholders in more than one (1) category may not act on behalf of more than one (1) Stakeholder; provided, so long as a Conflict of Interest does not exist, Persons who qualify as Eligible Members in both Subareas may be members in both Subareas (otherwise, membership shall be in only one Subarea) and, provided further, in no event shall any such Eligible Member serve as a Representative for more than one Subarea.

D. Membership is subject to verification, and shall initially occur upon first contact with the Westgate NPCT. Acceptable evidence of status includes: (i) for WNPA Owners, a copy of the vesting deed, title policy, current TCAD record and/or similar documentation evidencing current ownership of his/her residential real property, together with the address of the subject property and Subarea identification; (ii) for renters of residential units within the Westgate Neighborhood Plan Area, a copy of a current lease which includes such renter's name as tenant or lessee and is signed by the landlord/lessor and such renter, together with the address of the subject property and Subarea identification; (iii) for a Commercial Business within the Westgate Neighborhood Plan Area, evidence of ownership of the subject Commercial Property and, as applicable, evidence of the right to occupy the Commercial Property and operate such Commercial Property, together with the address of the subject property and, if applicable, Subarea identification; and (iv) for members of Neighborhood Organizations within the Westgate Neighborhood Plan Area, evidence of the formation, status and existence of the organization, a written statement indicating how the organization serves its members within the Westgate Neighborhood Plan Area, written authorization from the subject Neighborhood Organization designating one (1) individual as the organization's representative for Westgate Neighborhood Plan Area purposes, and such other information as is reasonably requested.

E. The Website address of the Westgate NPCT shall be available to each Stakeholder. Stakeholders may obtain a copy of (i) the Approved SACNP and any amendments thereto, and (ii) these Bylaws and any amendments hereto on the Website.

## **Section 5-Removal of Members from the Westgate NPCT**

Any Person who is no longer an Eligible Member shall be removed from the Westgate NPCT effective as of the date of ineligibility or, if not known, the date the Secretary notes ineligible status in the records of the Westgate NPCT.

## **Section 6-Decision Making**

A. Upon receipt of a Proposal, the Executive Committee shall make a Determination whether (i) the subject Proposal relates to the entire Westgate Neighborhood Plan Area or only a specific Subarea,



and (ii) an Impact exists. The Secretary shall report such Determinations to all Stakeholders and decision-makers (e.g., the Eligible Members within the entire Westgate Neighborhood Plan Area, a Subarea, an Impact Area or specific WNPA Owners), then:

i. If the Executive Committee determined that the Proposal relates to the entire Westgate Neighborhood Plan Area and no Impact exists, the Executive Committee shall provide notice of and hold one or more meetings in the Westgate Neighborhood Plan Area in order to inform Stakeholders of the Proposal, any applicable deadline for a related Determination and, as applicable, solicit and receive Stakeholder input regarding the subject Proposal and related matters, and conduct voting. Eligible Voters may approve or disapprove the Proposal by majority vote; provided, no vote shall be scheduled or occur unless the Proposal was noticed for discussion at a meeting prior to the meeting at which the vote occurs. Such Determination shall, subject to Section 13, bind the Westgate NPCT.

ii. If the Executive Committee determined that the Proposal relates to only one Subarea and no Impact exists, the applicable Representative (i.e., the North Subarea Representative or the South Subarea Representative) shall provide notice of and hold one or more meetings in the subject Subarea in order to inform Stakeholders of the Proposal, any applicable deadline for a related Determination and, as applicable, solicit and receive Stakeholder input regarding the Proposal and related matters, and conduct voting. Subject to iii. and iv. below, it is the exclusive right and responsibility of Eligible Voters in the (a) South Subarea to make Determinations, by majority vote of Eligible Voters within such Subarea, regarding Proposals which are internal to the South Subarea, the outcome of which vote(s) shall, subject to Section 13, bind the Westgate NPCT, and (b) North Subarea to make Determinations, by majority vote of Eligible Voters within such Subarea, regarding Proposals which are internal to the North Subarea, the outcome of which vote(s) shall, subject to Section 13, bind the Westgate NPCT; provided, no vote shall be scheduled or occur unless the subject Proposal was noticed for discussion at a meeting prior to the meeting at which the vote occurs.

iii. If the Executive Committee determined that an Impact exists, it shall determine whether the subject Impact is limited to a discrete area within the Westgate Neighborhood Plan Area which encompasses portions of both Subareas or is internal to only one Subarea, and inform the Secretary and the applicable Representative(s) (i.e., both Representatives or the Representative in whose Subarea the Impact exists) of the Impact and the need to provide notice of and hold one or more meetings in the subject Subarea(s) in order to inform Stakeholders of the subject Proposal, any applicable deadline for a related Determination and, as applicable, solicit and receive Stakeholder input regarding the subject Proposal, Impact and related matters. Upon determining the Impact Area, the Representative(s) shall inform the Secretary and other Executive Committee members of the Determination, then form a Committee comprised of Eligible Members from the Impact Area (provided, if such membership is not possible, the Representative(s) may appoint one or more Eligible Members from outside the Impact Area to represent such membership, which representatives shall be required to act in the best interests of such membership), appoint the Committee chair and inform the Secretary and other Executive Committee members of such actions. Determinations regarding the subject Proposal shall be made at the Committee and Impact Area level in accordance with iv. below and, upon being informed of related Determination(s), the Representative(s) shall inform the Secretary and other Executive Members of the same, which Determination(s) shall, subject to Section 13, bind the Westgate NPCT.

iv. If a Committee is formed to address an Impact within an Impact Area, it is the exclusive right and responsibility of the (a) Committee chair to (1) call for and conduct additional meetings within the Impact Area to solicit and receive information regarding the Impact and related

matters, and conduct voting, and (2) appoint Committee members from Eligible Members in the Impact Area, and (b) Committee members to consult with, listen to and insure representation of members within the Impact Area who are most Impacted. Determinations regarding Proposals which are internal to the subject Impact Area shall be made by majority vote of Eligible Voters within the Impact Area; provided, if the subject Proposal violates WNPA Restrictions, the Eligible Voters shall be deemed to have disapproved the Proposal unless a majority of the affected WNPA Owners (or such higher percentage required by the subject WNPA Restrictions) advise the Committee chair, in writing, that (y) they approve the Proposal, in its entirety or otherwise, and (z) will promptly amend the subject WNPA Restrictions, consistent with such approval, conditioned on approval of the subject Proposal by majority vote of Eligible Voters within the Impact Area and the City. The outcome of such vote(s) or, as applicable, deemed disapproval shall, subject to Section 13, bind the Westgate NPCT; provided, no vote shall be scheduled or occur unless the subject Proposal was noticed for discussion at a meeting prior to the meeting at which the vote occurs.

B. Notwithstanding the provisions of A. above:

i. Except as provided in A.iv. above and ii. below, if a Proposal violates the Approved SACNP and/or any applicable WNPA Restrictions, Eligible Voters shall be deemed to have disapproved the subject Proposal, which Determination shall be binding on the Westgate NPCT.

ii. Unless the Executive Committee determines that an Impact exists and a Committee is formed pursuant to A.iii. and iv. above, if a Proposal does not comply with applicable WNPA Restrictions and, after speaking with WNPA Owners subject to such restrictions, the Representative(s) for the applicable Subarea(s) conclude that there is adequate time for such WNPA Owners to consider and, if desired, amend the subject WNPA Restrictions no later than three (3) business days prior to the applicable Determination deadline, a majority of such affected WNPA Owners (or such higher percentage required by the subject WNPA Restrictions), by section if applicable, may approve the Proposal, in its entirety or otherwise, by timely amendment(s) of the subject WNPA Restrictions. All such amendment(s) shall comply with the requirements set forth in the applicable WNPA Restrictions and be recorded in the Official Public Records of Travis County, Texas, and a copy of each required amendment shall be provided to the Secretary at least three (3) business days prior to the applicable Determination deadline. If the affected WNPA Owners decline to amend the subject WNPA Restrictions or fail to amend the same and deliver copies of the recorded amendment(s) to the Secretary at least three (3) business days prior to the applicable Determination deadline, the Proposal shall be deemed disapproved and such Determination shall bind the Westgate NPCT.

It is the joint right and responsibility of Eligible Members of the Westgate NPCT, when there are Shared Boundaries, or there are Determinations to be made with respect to the Civic Area, the Westgate Activity Area or other matters permitted herein, to (i) make Determinations, by vote of Eligible Voters, without reference to Subareas, and (ii) work cooperatively with all affected SACNP contacts teams. A majority vote of Eligible Voters is required for the Westgate NPCT to make a SACNP recommendation either in support of or opposition to a Shared Boundaries, Civic Area and/or Westgate Activity Area matter. In the absence of such a vote, no recommendation will be made by the Westgate NPCT. A majority vote of the Eligible Voters of the Westgate NPCT shall, subject to Sections 11.A. and 13, constitute the Determination of, and bind, the Westgate NPCT.

C. A quorum of the subject Eligible Voters (i.e., the Eligible Members in, as applicable, the

Westgate NPCT, subject Subarea, Impact Area or area subject to a WNPA Restrictions issue pursuant to B.ii. above) must be in attendance in order to make a Determination at the subject meeting (i.e., meeting of the Westgate NPCT, subject Subarea, subject Committee/Impact Area or subject WNPA Owners). A quorum is established for (i) the entire Westgate NPCT when ten percent (10%) of Eligible Members are in attendance, (ii) a Subarea when twenty percent (20%) of the applicable Eligible Members are in attendance, and (iii) an Impact Area when thirty percent (30%) of the applicable Eligible Members are in attendance; provided, if there are more than one hundred (100) Eligible Members in the Impact Area, the percentage of applicable Eligible Members shall be twenty percent (20%). For purposes of clarity, Eligible Members who are disqualified due to a Conflict of Interest are not Eligible Voters and shall not be counted for purposes of establishing a quorum.

D. Voting may be by (i) in person, by hand, written or other ballot method approved by the Executive Committee, (ii) proxy, or (iii) email or other electronic means approved by the Executive Committee consistent with these Bylaws.

### **Section 7--Meetings**

A. Meetings of the Westgate NPCT shall be open to the public. Subject to compliance with the agenda and reasonable restrictions imposed by the chairperson, Stakeholders are invited to participate in the discussion of the matters at hand, but only Eligible Members are allowed to participate in decision-making in accordance with Section 6.

B. Commencing on the Effective Date, Westgate NPCT meetings shall be held no less frequently than quarterly on the second Tuesday day of the subject month (unless rescheduled due to such date occurring on a national or local holiday), from 6:30 p.m. until 8:00 p.m., subject to earlier adjournment or continuance. Special meetings may be held on an as-needed basis, including, without limitation, to:

- i. consider a pending Proposal when the City has notified the Point of Contact that a Westgate NPCT recommendation is requested;
- ii. ensure that all matters subject to an area-wide vote of the Westgate NPCT are noticed and discussed prior to the meeting at which a vote occurs;
- iii. address area-wide Westgate NPCT matters which require immediate attention; and
- iv. subject to approval by the Executive Committee, consider special requests of Eligible Members.

Applicable notice and other requirements are set forth in Section 8.

C. Unless otherwise noticed, all meetings will be held at the Manchaca Public Library, 5500 Manchaca Road, Austin, Texas 78745. If space is not available at the Manchaca Public Library, the Executive Committee will secure an alternate meeting place within the Westgate Neighborhood Plan Area.

D. Westgate NPCT shall meet at least once per year to, among other things, hold any required election.

E. Approved minutes of meetings and records of attendance must be kept for all Westgate NPCT meetings. Copies of the same shall be forwarded to the City Planning and Zoning Department following written request delivered to the Point of Contact.

F. Meeting discussions will be conducted in a conversational format with special regard for dialogue that is respectful and considerate of all in attendance.

### **Section 8-Meeting Notification**

A. Notice of Westgate NPCT meetings shall be provided to Stakeholders by every practicable means so long as such communication does not result in unfunded costs to the Westgate NPCT. Subject to the foregoing, notice of Westgate NPCT meetings may be delivered by, without limitation, (i) posting on the Website, (ii) email to the last known email address of the Stakeholder, (iii) mail to the last known address of the Stakeholder by U.S. mail, postage prepaid, and (iv) personal or courier delivery to Stakeholders in a flyer or other written communication delivered to the last known address of each such Stakeholder (provided such address is located within the Westgate Neighborhood Plan Area). To the extent necessary to ensure notice to as many Stakeholders as possible, including, without limitation, people who do not have access to and/or use personal computers or electronic devices, the Secretary shall use multiple means of notifying Stakeholders of upcoming meetings of the Westgate NPCT and, for avoidance of doubt, the delivery of meeting notices via phone call or other verbal means, or via written notice which fails to include the agenda required pursuant to C. below, will not satisfy the notice obligations herein. In addition to and not limitation of the foregoing, at a minimum:

i. Westgate NPCT meeting notifications will be publicized through direct notification of all Westgate NPCT members (including voting and non-voting) via e-mail, phone, listserve, or the Website;

ii. the Westgate NPCT meeting schedule shall be described in the Community Registry entry for the Westgate NPCT; and

iii. Westgate NPCT meeting notifications shall be provided to City staff for dissemination to the general public through a centralized Contact Team website, or other means.

B. Notices of regular Westgate NPCT meetings shall be distributed not less than ten (10) days before the scheduled meeting date. Notices of special Westgate NPCT meetings must be distributed not less than five (5) days before the scheduled meeting date.

C. Each Westgate NPCT meeting notice shall include an agenda which (i) states the date, time and place of the scheduled meeting; (ii) identifies the Proposal(s) and other matters to be discussed, including, if applicable, whether a vote will occur regarding such Proposal(s); (iii) provides notice of the date and purpose of any vote to be held at such meeting and, if applicable, the next meeting; and (iv) includes such other information as is required to provide reasonable notice of business to be conducted at the meeting.

D. So long as there is a good faith effort to provide meeting notice to all Stakeholders, noticed meetings of the Westgate NPCT shall not be invalidated due to Stakeholder non-receipt.

### **Section 9-Officers and Duties; Executive Committee Members; Committee Chairs; Committee Members**

A. The officers of the Westgate NPCT shall be the Chair, Vice-Chair and Secretary.

B. The members of the Executive Committee shall be the Chair, Vice Chair, Secretary, North Subarea Representative and South Subarea Representative.

C. Each member of the Executive Committee and each Committee chair shall, in addition to the general responsibilities set forth in Section 2:

- i. act at all times in accordance with these Bylaws, the Approved SACNP and, to the extent consistent with these Bylaws and the Approved SACNP, applicable ordinances and rules of the City; and
- ii. within twenty-four (24) hours, report all Determinations to the Secretary; and
- iii. except as provided in H. below, promptly report Required Information to the Secretary, including, without limitation as applicable, the formation of a Committee, dates of upcoming meetings of, and Determinations of, as applicable, the Westgate NPCT, a Subarea, a Committee and/or Impact Area and subject WNPA Owners to the Secretary, in writing, for further communication to the Point of Contact and Stakeholders as required herein.

D. Except as expressly provided herein, the Chair shall be responsible for the operation of the Westgate NPCT pursuant to these Bylaws, with the obligation to, without limitation:

- i. serve as the Point of Contact;
- ii. conduct area-wide Westgate NPCT meetings;
- iii. represent the Westgate NPCT at official functions;
- iv. ensure, on an as-needed basis and consistent with these Bylaws, the adoption of policies and procedures for elections, committee operations, the conduct of meetings, Impact determinations and other matters; and
- v. generally oversee the business of the Westgate NPCT.

E. The Vice Chair shall:

- i. promote membership and participation in the Westgate NPCT;
- ii. promote attendance at Westgate NPCT meetings, including by ensuring alternate means of attendance are available to Eligible Members (provided, if remote attendance is requested and provided, the requesting Eligible Members, and not the Westgate NPCT, shall be responsible for any and all related costs);
- iii. ensure establishment (if applicable), licensing and maintenance of the Website;
- iv. based on the address list for Eligible Voters provided by the Secretary and no later than the date which immediately precedes the date of any, as applicable, election or meeting at which there will be a Determination regarding a Proposal (i.e., by the Eligible Voters within the Westgate NPCT, a Subarea, an Impact Area or otherwise), prepare the address list of Eligible Voters for such election or meeting and, if such election or meeting is not area-wide, provide a copy of the same to the Secretary;
- v. oversee elections and ensure compliance with applicable provisions of these Bylaws and any Standing Rules, provided, if the Vice Chair is a candidate, the Executive Committee shall appoint a neutral third party to serve as election coordinator to perform such

functions; and

vi. assist the Chair in preparing meeting agendas and conducting meetings, and shall assume all duties of the Chair when the Chair is unavailable.

F. The Secretary shall:

i. timely communicate Required Information to Stakeholders in accordance with Section 8.A.;

ii. upon receipt of a Determination, promptly report such Determination to the Point of Contact, post the same on the Website and report the same to Stakeholders who have provided email addresses via email;

iii. upon removal of an Eligible Member from the Westgate NPCT, promptly notify the subject Person by email (or, if no email address is available, by U.S. Mail) of such removal, and make a notation in the minutes of the next regularly scheduled Westgate NPCT meeting indicating the names and addresses of Persons removed from the Westgate NPCT, the reason therefor and the effective date of removal;

iv. verify Eligible Voters, by address, in advance of each, as applicable, election or meeting at which there will be a Determination regarding a Proposal (i.e., by the Eligible Voters within the Westgate NPCT, a Subarea, an Impact Area or otherwise) and provide the Vice Chair, no later than the date which is three (3) days prior to the date of such election or meeting, with the then-current address list for all Eligible Voters within the Westgate NPCT;

v. maintain all written records of the Westgate NPCT required herein, including, without limitation, these Bylaws and any amendments hereto, current lists of Executive Committee members, Eligible Members and Eligible Voters, records of Committee operations (including the dates formed and dissolved, the related Proposal, Impact and Impact Area, and related Determinations), addresses of Eligible Voters, election dates and results, records of Westgate NPCT Determinations, records of Representative(s) Determinations (including the dates made and the related Proposal), recommendations provided to the City with respect to Proposals; copies of meeting notices and agendas, and communications with the City;

vi. produce all written communications as directed by the Chair or, as applicable, a Committee chair or Representative;

vii. submit annually to the City Planning and Zoning Department the names, titles and addresses of the then-current officers of the Westgate NPCT, and the names and addresses of Eligible Members; and

viii. submit annually to the City Planning and Zoning Department a copy of the Westgate NPCT bylaws addressing roles and responsibilities, boundaries, membership, Determinations of the Westgate NPCT, meetings, meeting notification, elections and duties of officers, finances and conflicts of interest, which bylaws and amendments thereto shall be consistent with the standardized template in effect on the Effective Date.

G. Each Representative has the responsibility, consistent with these Bylaws, to act in the best interests of the Stakeholders in the Subarea he or she was elected to represent. Further, with respect to any matter which does not relate to, as applicable, Shared Boundaries, the Civic Area, the Westgate Activity

Area or other matters permitted herein, the (i) North Subarea Representative shall not participate in Westgate NPCT matters internal to the South Subarea, and (ii) South Subarea Representative shall not participate in Westgate NPCT matters internal to the North Subarea.

H. Each Committee member has the responsibility, consistent with these Bylaws, to (i) act in accordance with any written guidelines provided to the Committee chair upon formation of the Committee, and (ii) make a good faith effort to ensure that Eligible Members in the subject Impact Area receive advance notice of Committee meetings, including any meeting at which a Determination is to be made.

Notwithstanding the provisions of C.ii. above, all Committee and Impact Area Determinations shall be submitted to the subject Representative(s) and Secretary.

### **Section 10-Election and Term of Office**

A. Officers and other members of the Executive Committee shall be elected by Eligible Voters in accordance with this Section 10. Officers of neighborhood associations may not, while serving in such capacity, also serve as Executive Committee members. All candidates must be Eligible Members as of the date which is three (3) days prior to the election. Voting eligibility shall be determined by the Vice Chair pursuant to Section 9.E.iv. Elections held pursuant to this Section 10 shall be conducted by an Eligible Member who is not a candidate.

B. The Chair shall be elected by all Eligible Voters within the Westgate NPCT, without reference to Subareas. At the first election of the Westgate NPCT, the Chair and Vice Chair shall be determined as follows: (i) the Eligible Member who receives the most votes for “Chair” shall be the Chair, and (ii) from the remaining candidates for “Chair” *who are not* from the same Subarea as the newly elected Chair, the Eligible Member who receives the second most votes shall be the Vice Chair. Thereafter, starting with the second election of officers and members of the Westgate NPCT, the office of Chair shall be held by an Eligible Member from the other Subarea (e.g., if the first “Chair” is from the South Subarea, an Eligible Member from the North Subarea shall serve as Chair in the next term), with such position alternating between Subareas every other term. At no time shall the offices of Chair and Vice Chair be held by Eligible Members from the same Subarea.

C. The Vice Chair shall be elected by all Eligible Voters within the Westgate NPCT, without reference to Subareas. The office of Vice Chair shall be initially determined as set forth in B. above. Thereafter, starting with the second election of officers and members of the Westgate NPCT, the office of Vice Chair shall be held by an Eligible Member from the other Subarea (e.g., if the first “Vice Chair” is from the North Subarea, an Eligible Member from the South Subarea shall serve as Vice Chair in the next term), with such position alternating between Subareas every other term. At no time shall the offices of Chair and Vice Chair be held by Eligible Members from the same Subarea.

D. The North Subarea Representative shall be elected by Eligible Voters within the North Subarea.

E. The Secretary shall be elected by all Eligible Voters within the Westgate NPCT, without reference to Subareas.

F. The South Subarea Representative shall be elected by Eligible Voters within the South Subarea.

G. Candidates must be listed in the agenda of the meeting at which the vote will occur.

H. Officer terms shall be for two (2) years, and consecutive terms are prohibited. Representative terms shall be for one year, limited to two (2) consecutive terms.

I. The Secretary will notify the City Planning and Zoning Department in writing of the names of the newly elected officers, their contact information and the date each is to take office.

### **Section 11-Removal and Vacancies of Officers**

A. Subject to majority vote of the members of the Executive Committee, exclusive of any member the subject of the vote, and a reasonable opportunity under the circumstances to address and, as applicable, cure any (i) material failure to fulfill the duties of his or her office set forth herein, (ii) pending Conflict of Interest issue which disqualifies him or her from participating in decision making, or (iii) other matter which materially impacts his or her ability to carry out his or her duties of office herein, the Westgate NPCT may remove a member of the Executive Committee from office in accordance with the provisions of this Section 11. As a condition precedent to any such removal, (a) Stakeholders shall be notified in advance, in accordance with Section 8, that a meeting of the Westgate NPCT will be held to discuss the potential removal, and (b) following discussion of the potential removal at such meeting, including the specific reasons removal is proposed, a majority of Eligible Members in attendance vote to adopt a resolution proposing a called vote to remove such member of the Executive Committee at a subsequent meeting of the Westgate NPCT. Upon satisfaction of such conditions precedent, Stakeholders shall be notified of the passage of the resolution and date of the Westgate NPCT meeting at which the removal vote will occur and, provided, two-thirds of the Eligible Members in attendance at such meeting vote to remove the subject member of the Executive Committee, such member shall be removed effective as of the date and time of such two-thirds vote.

B. Should vacancies occur outside the normal election process, candidates for the unfilled term shall be nominated from the floor and elected at the next scheduled Westgate NPCT meeting following the date of the vacancy. The person elected to the vacated office will serve for the remainder of the unexpired term.

### **Section 12-Standing Rules and Other Matters**

A. The Executive Committee shall, on an as-needed basis, adopt and/or amend Standing Rules, consistent with these Bylaws, which set forth procedures for decision making, the election process (e.g., nomination procedures, quorum determination, proxy voting, online voting, ballot form, timing of and procedures for opening and counting votes, etc.), dispute resolution (e.g., procedures for disputing Determinations), operations and other matters. All Standing Rules shall be contained within one instrument which states the date of adoption by the Executive Committee. A copy of the Standing Rules shall be posted on the Website, and one copy shall be posted at each meeting of the Westgate NPCT.

B. All rules, guidelines, policies and processes adopted or followed by the Westgate NPCT, whether adopted by the Executive Committee, a Representative, a Committee chair, a Committee or otherwise shall be consistent with these Bylaws.

### **Section 13-Dispute Resolution**

A. In the event of a Determination which may adversely affect an Eligible Member, he or she may dispute such Determination by notifying the Westgate NPCT in writing of the same, such notice to be delivered to the Secretary by the earlier of (i) three (3) days after the date that notice of such Determination



is posted on the Website, (ii) the date such Eligible Member receives actual notice of such Determination, or (iii) the day prior to the deadline for the Westgate NPCT to make a recommendation related to the subject Proposal. By way of example and not limitation, a dispute may be filed as early as the date the Executive Committee makes the Determination that an Impact exists, or does not, pursuant to Section 6.A.

B. Promptly following the filing of a dispute (and, in all events, prior to the deadline for making any required recommendation), the Executive Committee shall contact the Eligible Member who filed the dispute and, to the extent practicable, seek an agreed resolution. In the event such member and the Westgate NPCT, acting by and through the Executive Committee, are unable to reach an agreed resolution, the Executive Committee shall determine, by majority vote, what action, if any, will be taken with regard to such matter. Notwithstanding the resolution, or not, of any disputed Determination, the Eligible Member shall continue to have the right to represent himself or herself before the City in connection with the subject Proposal and to otherwise avail himself or herself of all legal and equitable remedies.

#### **Section 14-Finances**

A. The Westgate NPCT may not collect or charge dues of its membership.

B. The Westgate NPCT may only accept in-kind donations that aid in the prescribed roles and responsibilities of the Westgate NPCT as defined in Section 2.

C. In-kind donations that create a conflict of interest (see Section 15) are not permitted.

#### **Section 15-Conflict of Interest**

A. A “Conflict of Interest” exists when a Person may be influenced or lack independence of judgment regarding a Proposal due to (i) the acceptance of a gift, loan or other private gain (including, without limitation, by a family member, relative or other Person with whom such Person is affiliated, including nonprofit organizations); (ii) an economic or pecuniary interest, direct or indirect (including, without limitation, current or future employment or business relations); or (iii) such Person’s commitment, direct or indirect, to the interests of another Person; provided a Person’s interest in preserving his, her or its existing private property rights consistent with the Approved SACNP shall not constitute a Conflict of Interest.

B. While it is not feasible to describe all possible Conflicts of Interest that could develop, some of the more common conflicts include the following:

i. accepting personal gifts or entertainment from Project proponents and/or their affiliates;

ii. working or, within the last 12 months, worked for a Project proponent or its affiliate, whether as an employee, independent contractor or otherwise;

iii. proposing a Project or advocating in favor of a Proposal;

iv. using information gained through participation in Westgate NPCT matters for personal or Project proponent gain or, with respect to a Determination, to the detriment of Eligible Members;

v. having a direct or indirect economic or pecuniary interest in or relationship with a Project proponent or its affiliate, except that ownership of less than one percent (1%) of the publicly

traded stock of a corporation will not be considered a Conflict of Interest;

vi. having a personal relationship with a Project proponent or its affiliate, or with an officer, director, manager, general partner, trustee or other manager of a Project or its affiliate, or with an equity owner of a Project or its affiliate;

vii. except as provided in v. above, acquiring any interest in the property or assets (of any kind) in a Project or Project proponent or its affiliate, or receiving a conditional right or option to acquire property or assets in a Project or Project proponent or its affiliate following Project approval;

viii. is in the process of investing in or loaning money to, or has the opportunity following City approval of the Proposal to invest in or loan money, to the owner of the proposed Project;

ix. serves on the board of directors, or as a corporate officer or manager, of the Project entity or its affiliate, or of any board or other organization involved in or with the proposed Project; or

x. owes money or other obligations to any Person involved in or associated with the proposed Project.

C. Persons unsure if a certain transaction, activity or relationship constitutes a Conflict of Interest may discuss it with the Executive Committee.

D. A Westgate NPCT member who has a Conflict of Interest with respect to a Proposal may not vote on such Proposal, and shall be deemed “disqualified” for such purpose.

E. A Westgate NPCT member who has a Conflict of Interest with respect to a Proposal must promptly (and in all events prior to any participation with respect to the subject Proposal) disclose the specific Conflict(s) of Interest and such Person’s disqualification in writing to the Secretary, who shall record such Conflict of Interest and voting disqualification in the records of the Westgate NPCT and promptly notify the other members of the Executive Committee and, as applicable, subject Committee chair or WNPA Owners acting as decision makers with respect to such Proposal of the same.

F. Conflicts of interest as they relate to the neighborhood plan amendment process are specifically addressed in Ordinance No. 030320-23 of the City Code and by Texas case law and statute.

## **Section 16-Amendments**

These Bylaws may be amended by a two-thirds majority vote of Eligible Members of the Westgate NPCT; provided: (i) no vote shall be scheduled or occur unless the proposed Bylaws amendment was noticed for discussion at a meeting prior to the meeting at which the vote occurs; (ii) amendment of any provision herein which may affect the rights of WNPA Owners with respect to WNPA Restrictions shall be approved by a two-thirds majority vote of the WNPA Owners within each of the North Subarea and the South Subarea; and (iii) amendment of any provision herein which amends the right of WNPA Owners, including, without limitation, under the Approved SACNP, shall be approved in accordance with Section 6.B.ii.

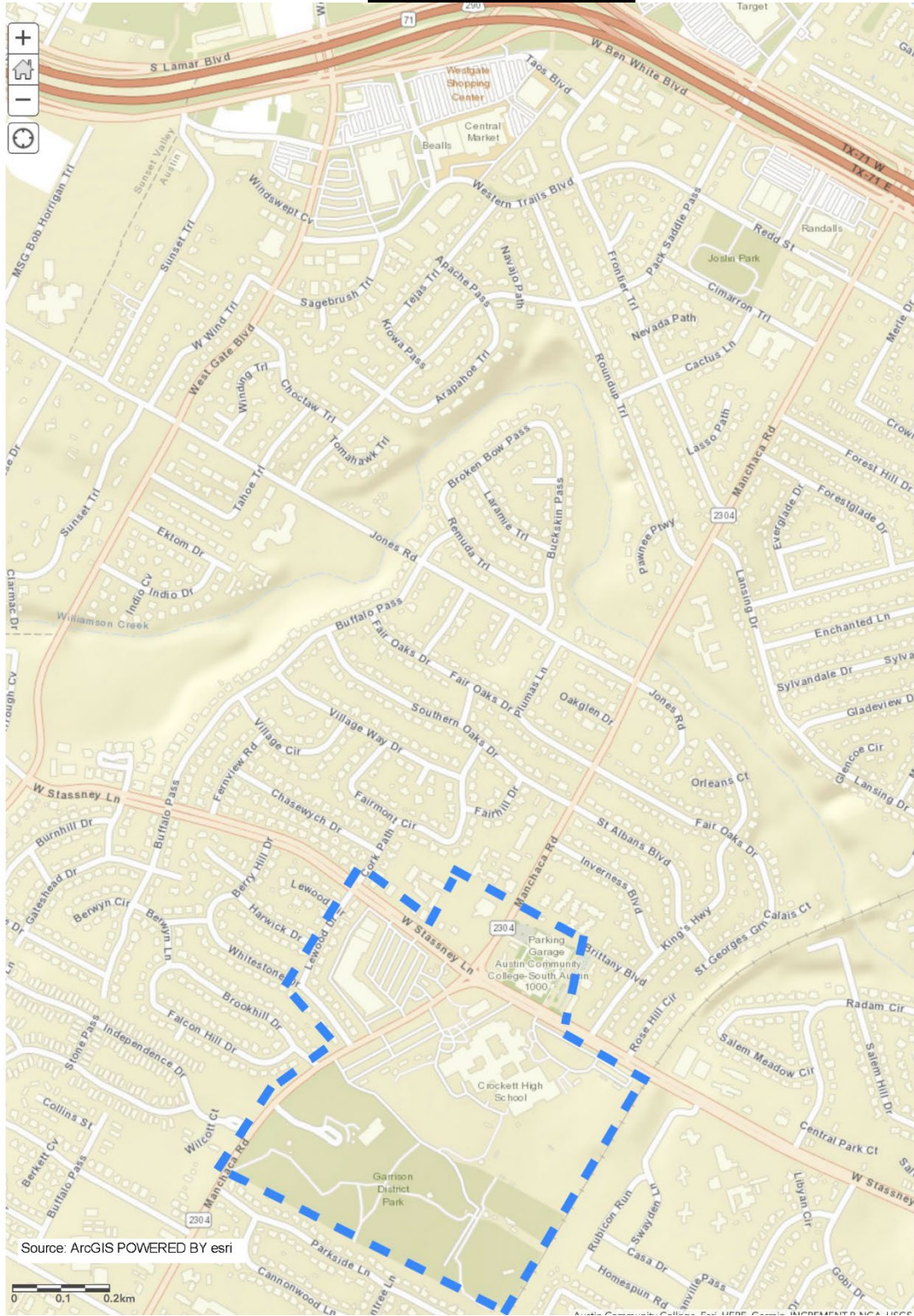
## **Section 17-Effective Date**

A. These Westgate Neighborhood Planning Area Contact Team Bylaws shall become

effective on \_\_\_\_\_, 2019.

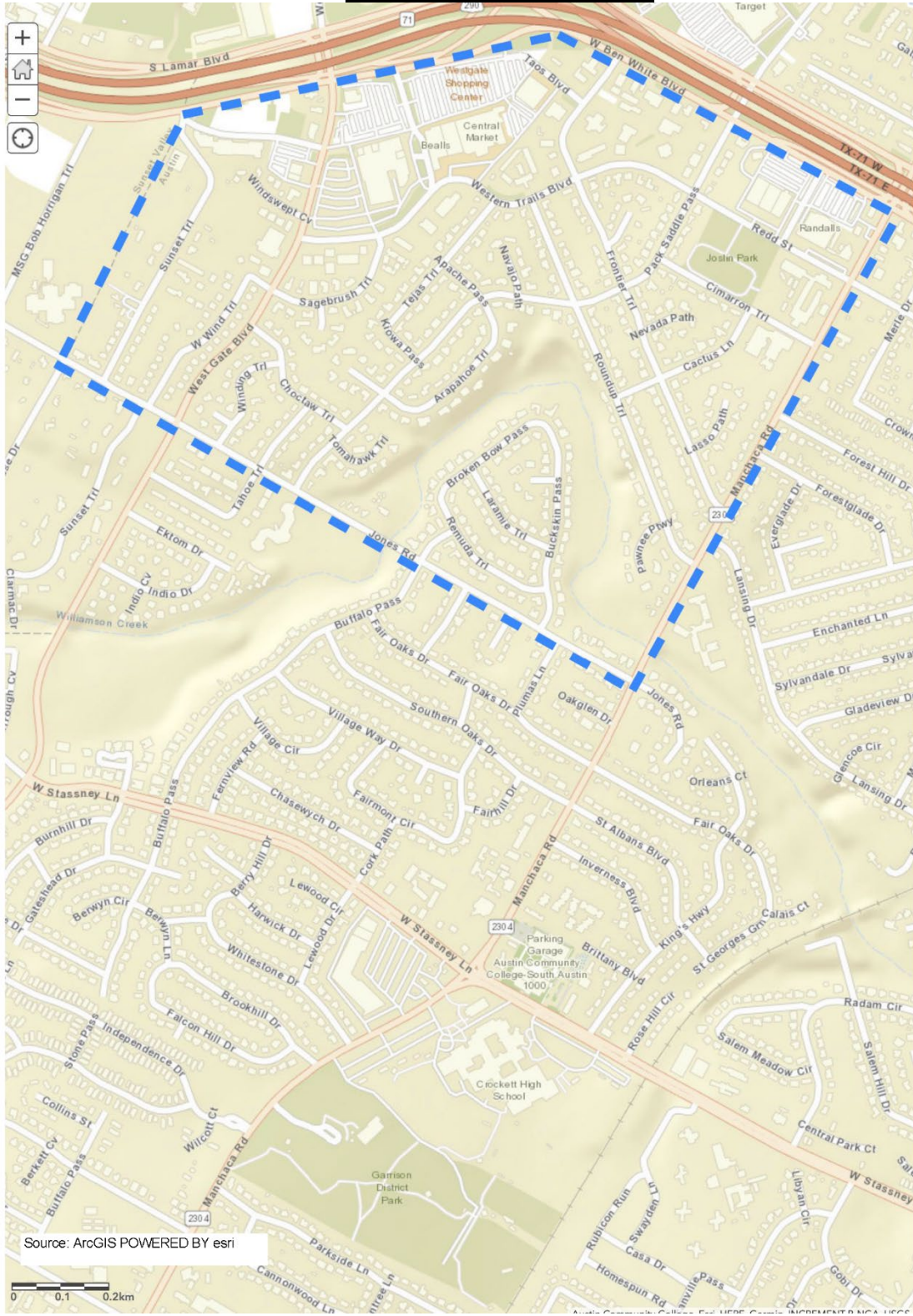
# EXHIBIT A

## Boundaries of Civic Area



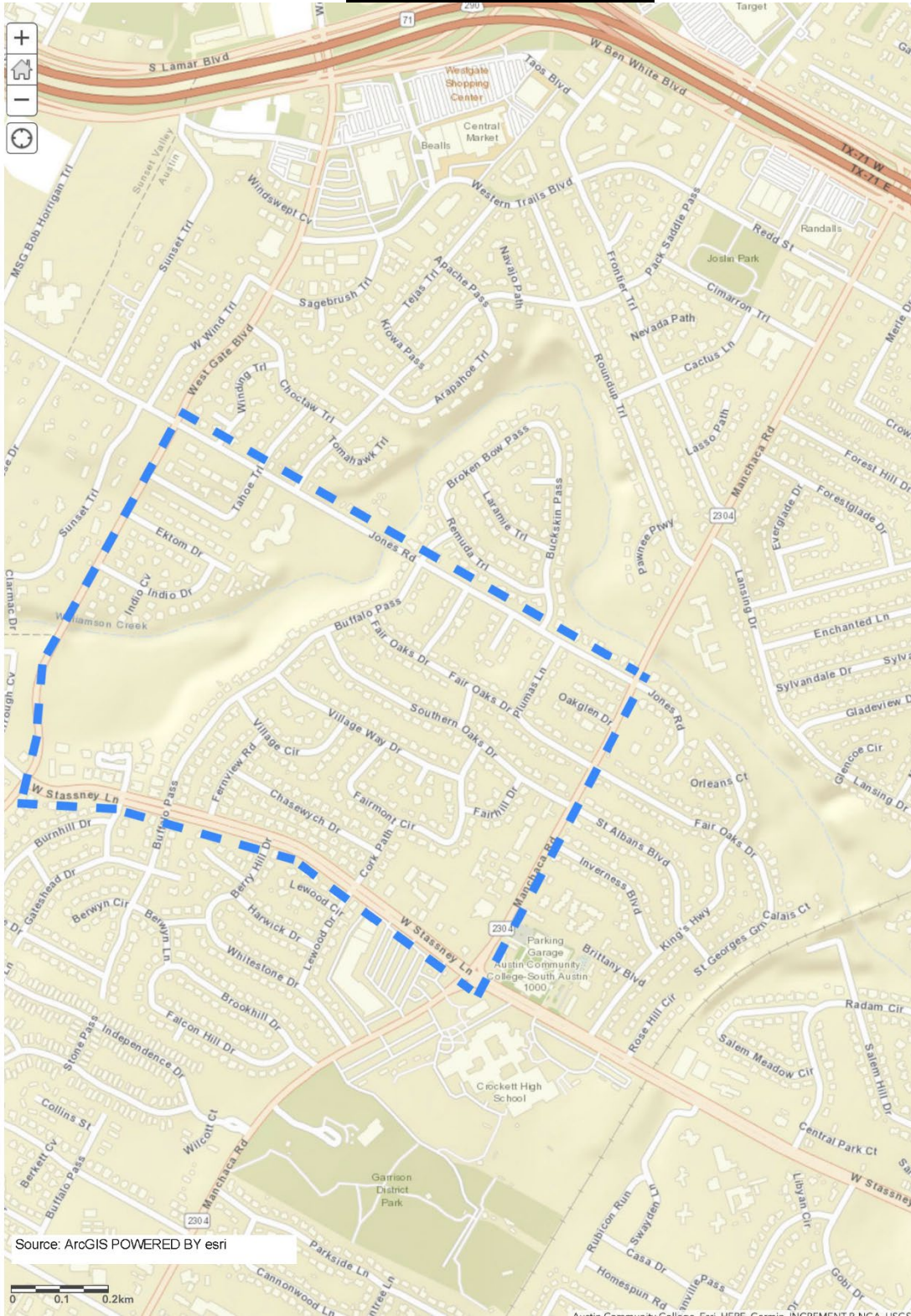
# EXHIBIT B

## Boundaries of North Subarea



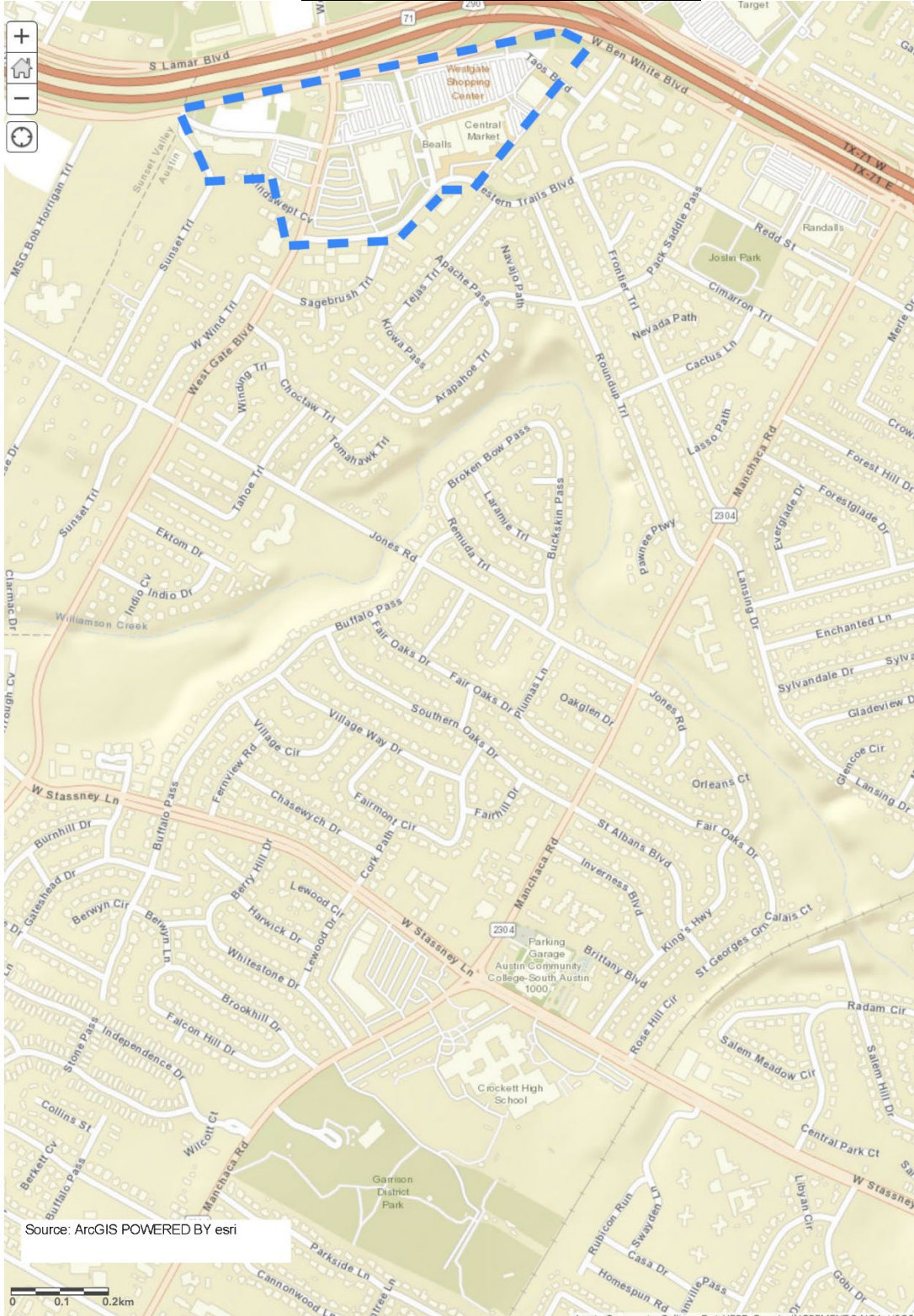
# EXHIBIT C

## Boundaries of South Subarea



**EXHIBIT D**

**Boundaries of Westgate Activity Area**



## EXHIBIT E

### Summary of Major Themes

- Improve walking, biking, and access to transit
- Maintain the character of residential parts of the neighborhood
- Improve commercial areas by making them more walkable, by increasing the mix of uses, and by encouraging neighborhood-serving businesses
- Turn the area around Stasney and Manchaca into an identifiable, cohesive district
- Transform the area along Ben White into a community asset
- Preserve and improve household affordability
- Preserve the neighborhood's tree canopy
- Improve area parks and look for new opportunities for additional parks/green space
- Incorporate art into infrastructure, parks, and public buildings
- See Top Plan Actions in Plan Appendix

### Issues and Concerns

#### **Household Affordability**

Concern: After the Saturday, Oct. 26 "Character Districts Community Conversation" meeting some participants expressed a concern about whether the neighborhood plan adequately addressed household affordability. The Oct. 26 meeting had touched on household affordability in relation to the character districts.

Action: Following this feedback, staff scheduled a special "Household Affordability Community Conversation" meeting on Nov. 19 to focus on and further explore the issue of household affordability. The meeting began with representatives from Community Advancement Network, HousingWorks, Foundation Communities, and the City of Austin's Neighborhood Housing and Community Development Department partaking in a panel discussion. After, neighbors worked in small groups, discussing what they heard and developing actions.

Additional household affordability actions were added to the draft plan based on the results of this Nov. 19 meeting.

#### **Infill Options**

Concern: Following the mailing of the public notice for the Planning Commission hearing, many residents voiced concerns about the widespread application of some infill options, particularly in the Westgate and the western part of the Garrison Park planning areas.

Action: Staff held a special meeting on infill options on April 3 to provide information about the options for residents who had not participated in the planning process and to poll participants by neighborhood on the inclusion of the options. Staff also met with all interested neighborhood associations in the planning area. Staff has revised the recommendations to address concerns and to be consistent with the deed restrictions staff has been made aware of. A summary of workshop and survey results regarding these options is included in the revised Special Use Infill



Options & Design Tools Recommendations included in backup. The changes to the recommendations are shown below.

The revised infill options affect household affordability and the implementation of several *Imagine Austin* policies (these policies are further outlined in the section discussing character districts). The draft Affordability Impact Statement written by the City of Austin's Neighborhood Housing and Community Development Department (NHCD) states,

"Limiting these tools minimizes the support of development and preservation of affordable housing,"

and furthermore,

"NHCD Staff recommends that all infill development tools be adopted as options in all parts of the combined neighborhood planning area in order to provide the greatest support of the *Imagine Austin* Household Affordability goals."

The reduced application of infill options has limited the implementation of *Imagine Austin*'s goals, but also contradicts the neighborhood's goals of creating and preserving household affordability.

**Changes to the Infill Option Recommendations** (see attached staff recommendations for details)

Infill Option	Original Infill Recommendations March 25 (postponed)	Revised Infill Recommendations June 24 (postponed)	Revised Infill Recommendations July 22
Small lot amnesty	Adopt area-wide	Adopt in South Manchaca and Garrison Park planning areas	Adopt in South Manchaca and Garrison Park planning areas.
Secondary apartments	Adopt area-wide	Adopt in South Manchaca and Garrison Park planning areas	Adopt in the South Manchaca planning area and a subdistrict of the Garrison Park planning area.
College lots	Adopt area-wide	Adopt in Garrison Park planning area, in Neighborhood Transition Character District only	Adopt in Neighborhood Transition Character District only in a subdistrict of the Garrison Park planning area.
Urban homes	Adopt area-wide	Adopt in South Manchaca and Garrison Park planning areas, in Neighborhood Transition Character District only	Adopt in Neighborhood Transition Character District only in the South Manchaca planning area and a subdistrict of the Garrison Park planning area.
Corner stores	Adopt on non-dentilely-zoned properties along arterials	Adopt in South Manchaca, in subdistrict along Manchaca Rd. only	Adopt in South Manchaca, in subdistrict along Manchaca Rd. only.

**EXHIBIT F**

		system capacity
Use of secondary apartment infill option in adopted NPs (CM Spelman)		230 permitted garage apartments – about 130 (55%) built in areas that <b>did not</b> opt into secondary apt. infill tool; 100 (44%) built in NPA that <b>did</b> opt into secondary apt infill tool.  Of the 100 units in NPAs with the secondary apt. option, 30 units have been constructed citywide on SF-3 lots between 5,750-7,000 sq. feet since 2007. These are concentrated mostly in Holly, Chestnut, and east Austin. See map.
Opt-in by neighborhood for infill options (CM Martinez)		All registered neighborhood associations were contacted by email to ask if the neighborhood association is satisfied with the current proposal or if they would like to create a subdistrict for one or more infill option. A third option of adding infill through a contact team amendment was also provided. Staff offered to meet with associations for further discussion. Responses are summarized below:
<b>Neighborhood Assoc.</b>	<b>Proposed Options (1* Reading Results)</b>	<b>NA Response</b>
<b>West Gate Planning Area</b>		
<b>Southern Oaks</b>	<b>No infill options are proposed.</b>  Design tools: <ul style="list-style-type: none"> <li>*parking placement and impervious cover restrictions</li> <li>*garage placement for new construction</li> <li>*front porch setbacks</li> <li>*mobile food vending restrictions</li> <li>*front yard parking restrictions</li> </ul>	<b>Satisfied with current recommendation.</b>
<b>Western Trails</b>	<b>No infill options are proposed.</b>  Design tools: <ul style="list-style-type: none"> <li>*parking placement and impervious cover restrictions</li> <li>*garage placement for new construction</li> <li>*front porch setbacks</li> <li>*mobile food vending restrictions</li> <li>*front yard parking restrictions</li> </ul>	<b>Satisfied with infill; would like to remove the 15 ft setback tool.</b>

**EXHIBIT G**

Motion Sheet for South Austin Combined Neighborhood Plan

November 6, 2014: Items #85-88

Proposed Rezoning: <b>West Gate</b> Neighborhood Plan: Combining District (C14-2014-0017)								
Motion #	Agenda Item #	Staff Recommendation Based on Planning Process	Planning Commission Recommendation	Alternative option	1st Reading September 25, 2014	2nd & 3rd Readings November 6, 2014	Votes Received	Comments
2	86	No infill options recommended.	Planning Commission did not make a recommendation at their July 22, 2014 hearing.	Do not adopt special use infill options at this time. Additional options may be available through the CodeNEXT process.	Public hearing closed. No infill options were approved on a 7-0 vote.			
		Adopt all of the following design tools: <ul style="list-style-type: none"> <li>• Parking placement &amp; impervious cover restrictions</li> <li>• Garage placement</li> <li>• Front porch setbacks</li> </ul>			The following design tools were approved on a 7-0 vote: <ul style="list-style-type: none"> <li>• Parking placement &amp; impervious cover restrictions</li> <li>• Garage placement for new construction</li> <li>• Front porch setbacks</li> </ul>			
		Adopt the following: <ul style="list-style-type: none"> <li>• Mobile food vending restrictions</li> <li>• Front yard parking restrictions</li> </ul>			The following were approved on a 7-0 vote: <ul style="list-style-type: none"> <li>• Mobile food vending restrictions</li> <li>• Front yard parking restrictions</li> </ul>			

# EXHIBIT H

## Boundaries of Westgate Planning Area

