

Closed Caption Log, Council Meeting, 2/12/04

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Mayor Wynn: GOOD MORNING. GOOD MORNING, WE HAVE A RELATIVELY FULL HOUSE THIS MORNING, I APPRECIATE YOU ALL'S PATIENTS AS WE GET STARTED HERE. I'M MAYOR WILL WYNN, IT'S MY PRIVILEGE AND PLEASURE TO WELCOME PASTOR KARL GRONBERG, A LUTHERAN MINISTER TO COME LEAD US IN OUR INVOCATION, WELCOME.

THANK YOU, MR. MAYOR, YOU TRIED TO SAY THE NAME, IT'S GETHSEMANE LUTHERAN, THAT'S TOUGH FOR A LOT OF US, IT'S A PLACE WHERE A CERTAIN PERSON PHONE THROUGHOUT HISTORY INVITED PEOPLE TO PRAY. THAT'S WHAT I GET TO DO THIS MORNING AS WE BEGIN THIS NEW DAY. I GET TO INVITE YOU TO BOW YOUR HEARTS AND HEAD AND PRAY WITH ME AND AS WE PRAY, WE HAVE A MOMENT OF SILENCE. BEGINNING THIS NEW DAY. LET US PRAY. THIS IS THE DAY THAT YOU HAVE MADE OH, GOD OF HISTORY, GOD OF TIME, GOD OF ETERNITY. WE WHO LIVE IN THIS PARTICULAR PLACE, WE COME TOGETHER TO ACKNOWLEDGE THAT WE LIVE AND MOVE AND HAVE OUR BEING BY YOUR GRACIOUS GOODNESS AND MERCY. THANK YOU, OH, GOD, THAT WE ARE ALIVE, THANK YOU, OH, GOD, THAT WE HAVE THE CHALLENGES THAT ARE IN FRONT OF US. AND THANK YOU, OH, GOD, THAT YOU ENERGIZE US WITH YOUR SPIRIT, SO THAT WE MIGHT WITH CREATIVITY, WITH INTELLIGENCE, WITH SENSITIVITY AND WITH COMPASSION MIGHT SEEK THE WELL-BEING FOR ALL WHO ARE A PART OF OUR COMMUNITY. AND SO WE ASK, OH, GOD, THAT THE WORDS OF OUR MOUTHS, AND THE MEDITATIONS OF OUR HEARTS, MIGHT BE ACCEPTABLE TO YOU, AS WE

SEEK TO ACKNOWLEDGE THE VERY GIFT THAT YOU HAVE GIVEN TO US, BE WITH THOSE WHO LEAD US, BE WITH OUR CITIZENRY AND BE WITH EACH ONE OF US, THAT WE MIGHT REFLECT YOUR LIGHT AND YOUR GRACE. IN YOUR WHOLLY EAT -- IN YOUR HOLY ETERNAL NAME WE PRAY, AMEN.

Mayor Wynn: THANK YOU, PASTOR.

Alvarez: MAYOR?

Mayor Wynn: YES, COUNCILMEMBER.

Alvarez: I WOULD LIKE TO TAKE A POINT OF PERSONAL PRIVILEGE JUST TO RECOGNIZE SOME FRIENDS WHO ARE VISITING US FROM BUENOS AIRES. [SPEAKING IN SPANISH] THERE'S ABOUT 25 OR 30 OF THEM OVER THERE IF YOU WANT TO WAVE. I SPENT ABOUT -- MYSELF THIS MORNING ABOUT AN HOUR TALKING ABOUT CITY GOVERNMENT AND I KNOW THEY MET WITH THE MAYOR EARLIER THIS WEEK AND WITH THE CITY MANAGER. SO THEY HAVE BEEN HERE A COUPLE OF WEEKS AND THIS FOUNDATION THAT THEY ARE A PART OF TRIES TO -- TO INCREASE THE KNOWLEDGE THAT -- THAT SOME OF THE YOUNG FOLKS IN THEIR COMMUNITY HAVE FROM VARIOUS BACKGROUND. INCREASE THEIR KNOWLEDGE OF POLITICAL, ECONOMIC, AND SOCIAL ISSUES TO BE INVOLVED IN THOSE ISSUES IN THEIR OWN????? COUNTRY. COOPERATE IN COLLABORATION WITH PRACTICAL EXPERIENCE, COURSES AND SEMINARS IN ARGENTINA AND OF COURSE ABROAD. I WANT TO THANK THEM FOR BEING HERE. THEY ARE ACTUALLY HONORARY CITIZENS NOW OF AUSTIN, SO I DO WANT TO -- TO GIVE YOU - - WELCOME YOU AND WISH YOU A SAFE TRIP, SAFE TRAVELS WHEN YOU COME BACK. [SPEAKING IN SPANISH]

Mayor Wynn: THANK YOU, COUNCILMEMBER. THERE BEING A QUORUM PRESENT AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, FEBRUARY 12th, 2004, WE ARE IN THE LOWER COLORADO RIVER AUTHORITY HANCOCK BUILDING, 3700 LAKE AUSTIN BOULEVARD, 10:18 A.M. IN THE MORNING. AT THIS TIME I WILL READ THE CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. AS BEST I KNOW THEM. IT SHOULD BE NOTED ON ITEM NO. 11 THAT THIS IS RELATED TO

EXECUTIVE SESSION ITEM NO. 40. ON ITEM NO. 52, WE SHOULD STRIKE THE @ (h)(h)(h)(h)(h) NUMBER 156 AND REPLACE IT WITH 165. THE VIDEO/AUDIO RECORDING SYSTEMS. AND STRIKE THE PRICE OF \$473,460 AND REPLACE THAT WITH \$507,775. THEN ALSO TO NOTE THAT FUNDING IN THE ADDITIONAL AMOUNT OF \$27,315 IS AVAILABLE IN THE FISCAL YEAR 2002-2003 CAPITAL BUDGET OF THE COMMUNICATIONS AND TECHNOLOGY MANAGEMENT OFFICE OF THE FINANCIAL SERVICES DEPARTMENT. THIS IS DONE THROUGH A PURCHASING COOPERATIVE. ITEM NO. 36 MAYOR PRO TEM GOODMAN HAS BEEN ADDED AS A CO-SPONSOR. ITEM NO. 38, COUNCILMEMBER DANNY THOMAS HAS BEEN ADDED AS A CO-SPONSOR. ON ITEM NO. 51, COUNCILMEMBER BREWSTER MCCracken HAS BEEN ADDED AS A CO-SPONSOR. ITEM NO. 43 WILL BE POSTPONED INDEFINITELY. AT THIS TIME, I WILL READ THE TIME CERTAIN ITEMS ON THIS WEEK'S AGENDA. AT 12 NOON THE GENERAL CITIZENS COMMUNICATION. AT 2:00 P.M. BOND SALES THAT SHOW UP AS ITEM NO. 45 ON THIS WEEK'S AGENDA. AT 2:15 WE WILL RECESS THE AUSTIN CITY COUNCIL MEETING AND CALL TO ORDER A MEETING OF THE BOARD OF DIRECTORS OF THE AUSTIN HOUSING FINANCE CORPORATION. AND TAKE UP ITEMS AHFC 1, 2 AND 3. AT 4:00, WE WILL HAVE OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS THAT SHOW UP THIS WEEK AS ITEMS 46 AND 47, AND ITEMS Z-1 THROUGH Z-10. 5:30, OF COURSE, WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS AND AT 6:00 PUBLIC HEARINGS AND POSSIBLE ACTIONS THAT SHOW AS ITEMS 48 AND 50 ON THIS WEEK'S AGENDA. WE HAVE A NUMBER OF ITEMS THAT HAVE BEEN PULLED OFF THIS CONSENT AGEND I WILL GO THROUGH THOSE QUICKLY. ITEM NO. 6 HAS BEEN PULLED BY COUNCILMEMBER SLUSHER. ITEM NO. 7 PULLED BY COUNCILMEMBER SLUSHER. ITEM INSURANCE 11 NEEDS TO -- ITEM NO. 11 NEEDS TO BE PULLED OFF AS IT RELATES TO ITEM NO. 40 IN EXECUTIVE SESSION. ITEM 22MENT BE PULLED OFF THE CONSENT AGENDA BECAUSE IT'S RELATED TO TWO OTHER ITEMS, 6 AND 7, WHICH HAVE BEEN PULLED OFF THE CONSENT AGENDA. UNTIL SUCH TIME AS 6 AND 7 IS PUT BACK ON THE CONSENT AGENDA, 22 WILL REMAIN OFF. ITEM NO. 33 WILL BE PULLED OFF THE CONSENT AGENDA, IT'S RELATED TO AN EXECUTIVE SESSION DISCUSSION. ITEMS

NUMBER 36 HAS BEEN PULLED BY MYSELF. ITEM 38 HAS BEEN PULLED BY THE MAYOR PRO TEM. AND ON ITEM NO. 25, WE HAVE MORE THAN FIVE SPEAKERS SIGNED UP TO SPEAK, SO THAT WILL BE PULLED OFF THE CONSENT AGENDA AS WELL. SO WITH THAT, I WILL READ THE CONSENT AGENDA NUMERICALLY. ITEM 1, 2, 3, 4, 5, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 289, 29, 30, 31, 32, WHICH ARE OUR APPOINTMENTS TO BOARDS AND COMMISSIONS, AT THIS TIME I WILL READ THAT INTO THE RECORD. ONLY ONE THIS MORNING. TO OUR COMMUNITY DEVELOPMENT COMMISSION, RUBY ROYA IS COUNCILMEMBER DUNKERLY'S APPOINTMENT. THAT'S ITEM NO. 32 ON THIS WEEK'S CONSENT AGENDA. 34, 35, 37, AND I BELIEVE THAT IS ALL. I'M SORRY AND 52. WAY DOWN AT THE BOTTOM. LET ME RUN THROUGH THAT ONE MORE TIME, AGAIN THE CONSENT AGENDA NUMERICALLY, 1, 2, 3, 4, 5, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, 30, 31, 32, 34, 35, 37, AND 52. I'LL ENTERTAIN A MOTION.

SO MOVE, MAYOR.

Mayor Wynn: MOTION MADE TO APPROVE THE CONSENT AGENDA AS READ BY COUNCILMEMBER THOMAS. SECONDED BY COUNCILMEMBER MCCracken.

MAYOR, I HAD NOT PULLED ON TWO OF THESE ITEMS, I WANTED TO MAKE SOME BRIEF COMMENTS. THE FIRST IS ON ITEM NO. 8, THIS IS AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE NATIONAL CENTER FOR CIVIC INNOVATION. FOR \$30,000 AND THIS RELATES TO A GOVERNMENT PERFORMANCE REPORTING DEMONSTRATION PROJECT. THIS -- THIS -- I DON'T THINK THIS CAPTURES EXACTLY WHAT IS GOING ON IN AUSTIN CITY GOVERNMENT. BUT AUSTIN CITY GOVERNMENT IS CURRENTLY ENGAGED IN A MAJOR DIGITAL GOVERNMENT EXPANSION THAT'S GOING TO IMPROVE GOVERNMENT ACCOUNTABILITY AND THE ABILITY OF THE RESIDENTS OF AUSTIN TO GET INFORMATION FOR THEMSELVES. LAST WEEK, RUDY GARZA, CHIEF BUDGET OFFICER FOR THE CITY OF AUSTIN, PUT UP ALL OF OUR PURCHASES MEASUREMENTS ON THE INTERNET AND YOU CAN FIND THAT AT THE -- ON THE CITY COUNCIL WEB PAGE, THE BUDGET WAGE, CALLED E PERFORMANCE, YOU WILL DISCOVER THAT THE CITY OF AUSTIN COLLECTS

ENORMOUS AMOUNTS OF DATA ON ITSELF. THIS DATA, WHILE YOU HAVE ALWAYS BEEN ABLE TO SAY CALL THE PUBLIC INFORMATION OFFICE OR BUDGET OFFICE TO GET IT, YOU WILL BE ABLE TO GET IT IN REAL TIME AS SOON AS IT GOES UP, DAY TO DAY ON THE INTERNET. THIS IS A GREAT OPPORTUNITY FOR THE RESIDENTS OF AUSTIN TO HAVE INFORMATION ABOUT HOW THEIR GOVERNMENT WORKS. WHAT WE ARE APPROVE BEING TODAY -- APPROVING TOWARD WILL FURTHER AID IN CREATING A MORE ACCOUNTABLE GOVERNMENT. WHICH WILL ALSO TIE INTO SOMETHING THAT PETE COLLINS, OUR CHIEF INFORMATION OFFICER IS HARD AT WORK ON, WHICH WILL BE A REALLY MAJOR SIGNIFICANT EXPANSION OF DIGITAL GOVERNMENT HERE THIS SPRING THAT WILL GIVE CITIZENS THE ABILITY TO -- TO -- THE TECHNOLOGICAL ABILITY TO TRACK GOVERNMENT SERVICES ON THE INTERNET IN A VERY UNPRECEDENTED WAY. WILL MAKE US RESUME OUR PLACE IN NATIONAL LEADERSHIP AND DIGITAL GOVERNMENT. THIS IS A -- THIS IS A SMALL AMOUNT OF MONEY, BUT IT REFLECTS SOME SIGNIFICANT POSITIVE THINGS GOING ON FOR CITY GOVERNMENT. THEN I WANTED ON THE FLIP SIDE TO SPEAK TO AN ITEM OF GREAT CONCERN FOR US. AND THAT IS THIS IS ON ITEM NO. 34, THIS RELATES TO HOUSE BILL 2292 THAT WAS PASSED LAST YEAR BY THE LEGISLATURE. THE TEXAS DEPARTMENT OF HEALTH HAS REQUESTED PUBLIC FEEDBACK ON A SIGNIFICANT PROPOSED RESTRUCTURING OF THE HEALTH AND HUMAN SERVICES IN THE STATE OF TEXAS, RESULTING IN 12 HEALTH AND HUMAN SERVICES AGENCIES AND FUNCTIONS BEING CONSOLIDATED WITH FIVE AGENCIES. THERE IS A -- THERE IS A LOT OF CONCERN IN THE STATE BECAUSE TEXAS HAS ALREADY -- IS ALREADY SOMEWHERE BETWEEN 48th AND 49th IN THE AMOUNT OF FUNDING THAT WE OH FOR THE LEAST FORTUNATE IN OUR STATE. THIS HAS THE POSSIBILITY TO -- TO MAKE IT EVEN HARDER FOR OUR MOST VULNERABLE CITIZENS TO GET A LEG UP IN LIFE. AND ALSO HAS THE POTENTIAL FOR INSTANCE IF WE DO THESE CONSOLIDATIONS UNWISELY, IT RESULTS IN THE STATE LOSING MILLIONS OF DOLLARS IN MATCHING FEDERAL FUNDS. THEY ARE ALSO TALKING ABOUT SOME EFFORTS TO -- TO PRIVATIZE SOME SERVICES, WHICH COULD RESULT IN LESS GOVERNMENT ACCOUNTABILITY ON THE STATE LEVEL,

WHICH WE ARE TRYING TO -- WHICH HERE IN THE LOCAL LEVEL WE ARE TRYING TO GET MORE GOVERNMENT ACCOUNTABILITY. WHAT WE ARE TRYING TO DO IS PROVIDE PUBLIC COMMENT ON THIS ISSUE THAT HAS BEEN REQUESTED. THIS ISSUE PARTICULARLY COULD AFFECT THE RESIDENTS OF AUSTIN, MANY OF WHOM WORK IN -- HERE IN AUSTIN FOR THE STATE IN THE VARIOUS HEALTH AND HUMAN SERVICES FUNCTIONS THAT THE STATE PROVIDES FOR OUR MOST VULNERABLE POPULATIONS. THAT'S THE PURPOSE OF THIS.

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

I HAD FORGOTTEN ABOUT 37, MAYOR.

OKAY. SO I WOULD EITHER ASK TO PULL IT OFF THE AGENDA FOR CONSENT OR NOTE THAT I WILL VOTE NO. MUNICIPAL JUDGES.

Mayor Wynn: I APOLOGIZE, I SHOULD HAVE PULLED ITEM NO. 37 AS WELL OFF THE CONSENT AGENDA. WE WILL TAKE THAT UP LATER IN THE MORNING. 37 HAS BEEN REMOVED FROM THE CONSENT AGENDA.

Alvarez: MAYOR.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: I ACTUALLY DID WANT TO PULL 21 AND GET SOME QUESTIONS ANSWERED. AND -- AND -- AND JUST HAVE SOME COMMENTS ABOUT ITEM 35 WHENEVER WE ARE READY FOR THAT.

YES. SO 21 WILL BE PULLED OFF THE CONSENT AGENDA AND WE WELCOME YOUR COMMENTS NOW ON 35.

THANKS, MAYOR. 35 IS -- IS AN ITEM CO-SPONSORED BY MYSELF AND COUNCILMEMBERS DUNKERLY AND MCCracken AND IT DEALS WITH THE RAINEY STREET AREA AND -- THIS PROPOSAL ACTUALLY WOULD -- WE INITIATE ZONING FOR THAT PARTICULAR AREA TO INITIATE THAT PROCESS WITH THE INTENTION OF -- OF GETTING A LOT OF

INPUT FROM ALL OF THE VARIOUS STAKEHOLDERS AND REALLY IT'S KIND OF JUST TAKING OFF OF A REPORT THAT WE RECEIVED LATE LAST YEAR DECEMBER 2003 FROM THE RAINY -- FROM THE DOWNTOWN COMMISSION ABOUT THE RAINY STREET AREA. THEY HAVE SOME RECOMMENDATIONS FOR ACTION. AND WHAT WE -- THERE'S BEEN A LOT OF PLANNING WORK ALREADY DONE ON RAINE STREET OVER MANY YEARS. SO IN THIS -- IN THIS RESOLUTION WE ARE ASKING THAT -- THAT AT THE FIRST -- THIS IS FOR STAFF TO DEVELOP A RECOMMENDATION BASED ON THE STRATEGY DEVELOPED IN MARCH OF 2000, I THINK THAT'S VERY SIMILAR THEMES IN BOTH OF THOSE DOCUMENTS AND ALSO TO CONSIDER THE -- SOME ISSUES RELATED TO THE DEVELOPMENT OF THE MEXICAN AMERICAN CULTURAL CENTER WHICH PROBABLY IN LESS THAN A YEAR WE WILL BEGIN SOME CONSTRUCTION. SO LOOKING AT THAT IN TERMS OF HOW REDEVELOPMENT MIGHT AFFECT THOSE PARTICULAR PLANS, BUT REALLY WHAT THE -- WHAT THE RESOLUTION DOES IS TO DIRECT STAFF TO INITIATE THE REZONING OF THE PROPERTIES AND WE ARE DEFINING THE RAINEY STREET AREA BY WALLER CREEK TO THE WEST, TOWN LAKE TO THE SOUTH, I-35 TO THE EAST, CESAR CHAVEZ TO THE NORTH. AND THAT -- AND THAT THE FOLLOWING BOARDS HAVE AN OPPORTUNITY TO COMMENT ON THE RECOMMENDATIONS, THE DOWNTOWN COMMISSION, THE DESIGN COMMISSION, MEXICAN AMERICAN CULTURAL CENTER ADVISORY BOARD, PARKS AND RECREATION ADVISORY BOARD AND THE HISTORIC LANDMARK COMMISSION. AND WE ARE BASICALLY I THINK ALLOWING ABOUT -- ABOUT 120 DAYS FOR THAT PROCESS, ABOUT FOUR MONTHS. SO THAT -- SO THAT ALL -- SO THAT -- SO THAT THE STAFF CAN PREPARE RECOMMENDATION AND HAVE ENOUGH TIME FOR THE BOARDS AND COMMISSIONS TO ADEQUATELY REVIEW AND MAKE THEIR OWN RECOMMENDATIONS. AND THE LAST THING THAT I WOULD NOTE IS THAT THERE ARE -- THERE ARE ONLY CERTAIN THINGS THAT YOU CAN DO THROUGH ZONING AND ZONING REGULATIONS, BUT WHAT WE ARE ASKING ALL OF THE BOARDS AND STAFF TO DO IS TO SEE IF THERE IS A WAY TO INCENTIVIZE OR TO PROVIDE DEVELOPMENT INCENTIVES SO THAT CERTAIN KINDS OF GOALS CAN BE MET. OF COURSE PRESERVING HISTORIC AND UNIQUE CHARACTER OF THE

AREA ALWAYS COMES UP WHEN WE DISCUSS RAINEY STREET, SO LOOKING AT THAT FROM THE STANDPOINT OF SENIORITY OF AN INCENTIVE -- SORT OF AN INCENTIVE PROPOSAL TO SEE IF THERE'S A WAY TO TRY TO ACHIEVE THAT GOAL AND OTHER GOALS LIKEN COURAGING -- LIKE ENCOURAGING MIXED INCOME RESIDENTIAL COMPONENT, WHICH I THINK HAS BEEN A STRONG RECOMMENDATION FROM THE VARIOUS COMMISSIONS AND STAKEHOLDERS. AND HAVING USE OF GREEN BUILDING TECHNIQUES, USE OF CREATE AN PEDESTRIAN FRIENDLY ENVIRONMENT, DEVELOPING DESIGN GUIDELINES, ET CETERA, BUT TRYING TO SEE IF THROUGH SOME INCENTIVE PROPOSAL WE COULDN'T ACHIEVE SOME OF THESE ISSUE THAT'S HAVE BEEN SORT OF CHALLENGING IN THE PAST. JUST TO INITIATE THE PROCESS AND WE HAVE A LOT OF INFORMATION TO -- TO -- AS WE MOVE IN, IT'S GOING TO BE THINGS WHERE A LOT OF WORK HAS BEEN DONE, HOPEFULLY WE CAN LEARN FROM THAT WORK AND SEE IF THERE ISN'T ANY -- THERE IS SOME CONSENSUS THAT WE CAN ACHIEVE AFTER -- IT'S 120 DAYS LAPSES. SO -- SO DO YOU WANT TO THANK -- I DO WANT TO THANK THE COUNCIL FOR THEIR SUPPORT AND CERTAINLY LOOK FORWARD TO WORKING WITH YOU AS THIS PROCESS UNFOLDS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? ON THE CONSENT AGENDA? ADDITIONAL ITEMS TING TO BE PULLED OR PLACED BACK ON? HEARING NONE, MS. BROWN IF YOU CAN SHOW ME AS ABSTAINING AND NOT VOTING ON ITEM NO. 34, I WOULD APPRECIATE IT. WE HAVE A MOTION FROM THE COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER MCCRACKEN TO APPROVE THE CONSENT AGENDA AS AMENDED. ALL IN FAVOR?

AYE. OPPOSED? CONSENT AGENDA PASSES ON A VOTE OF 7-0. COUNCIL, AS A PRIVILEGE, I WOULD LIKE TO TAKE UP ITEM NO. 36, AS OUR FIRST DISCUSSION ITEM. WE HAVE SEVERAL DISTINGUISHED GUESTS WITH US HERE FROM THE FEDERAL JUDICIARY, FROM THE DESIGN TEAM FOR THE PROPOSED FEDERAL COURTHOUSE AS WELL AS FROM THE GENERAL SERVICES ADMINISTRATION. ITEM NO. 36 IS AN ITEM FROM COUNCIL THAT I HAVE CO-SPONSORED ALONG WITH THE MAYOR PRO TEM GOODMAN AND COUNCILMEMBER MCCRACKEN THAT ASKS THE CITY

MANAGER TO DO THREE THINGS, FIRST AND FOREMOST AMONGST THESE ARE IS DECLARING THE COUNCIL'S INTENT TO FORMALLY VACATE THE 400 BLOCK RIGHT-OF-WAY AT SAN ANTONIO STREET. IN ADDITION TO THAT, WE ARE ASKING THE CITY MANAGER TO CONTINUE CONVERSATIONS WITH THE FEDERAL GOVERNMENT ON THE EAST 9th STREET CLOSURE THAT'S -- THAT'S CURRENTLY IN EXISTENCE, AS WELL AS ASK THE CITY MANAGER TO COME BACK WITH -- WITH THE ANALYSIS OF -- OF EXTENDING NUECES STREET TO THE SOUTH FROM ONE AND A HALF BLOCKS TO CONNECT WITH CESAR CHAVEZ. BUT THE IMPORTANT -- BUT THE IMPORTANT ACTION THAT WE ARE FORMALLY TAKING THIS MORNING WOULD BE OUR DECLARING OUR INTENT TO FORMALLY VACATE THAT ONE 400 BLOCK OF SAN ANTONIO STREET. WITH THAT I WOULD LIKE TO ASK, IF I COULD, PERHAPS EITHER A MEMBER OF THE DESIGN TEAM OR THE GSA TO BRIEFLY EXPLAIN PUBLICLY WHAT WE'VE HAD NUMEROUS CONVERSATIONS ABOUT, WHICH IS THE ADVANTAGE FOR THIS PROJECT AND THE ADVANTAGE TO REPUBLIC SQUARE OF -- OF THE CITY OF AUSTIN VACATE VACATION VACATING THAT BLOCK ON SAN ANTONIO. WELCOME, SIR.

THANK YOU, MAYOR. MY NAME IS LEONARD MURPHY, I'M THE DIRECTOR OF PROPERTY DEVELOPMENT FOR THE GENERAL SERVICES ADMINISTRATION. I WILL BE INTRODUCING OTHER MEMBERS OF OUR TEAM IN JUST A MINUTE. BUT FIRST I WANT TO THANK YOU VERY MUCH FOR THE OPPORTUNITY, MAYOR, AND COUNCIL TO -- TO SPEAK BEFORE YOU. WE ARE IN THE PROCESS OF DESIGNING A NEW COURTHOUSE FOR THE CITY OF AUSTIN FOR THE FEDERAL GOVERNMENT AND THIS IS AN OPPORTUNITY TO -- THAT COMES ALONG ONCE IN A GREAT, LONG WHILE. WE LOOK AT THESE BUILDINGS TO BE DESIGNED AND LAST FOR 100 YEARS. AND WE NEED TO MAKE SURE THAT -- THAT WHERE THAT BUILDING IS, WHERE THAT COURTHOUSE IS, WHERE -- AND ITS IMPACT ON THE COMMUNITY IS DONE IN THE RIGHT WAY. SO WE HAVE -- WE HAVE WORKED VERY CLOSELY WITH THE CITY OF AUSTIN, WITH THE DOWNTOWN AUSTIN ALLIANCE AND MANY OTHER PEOPLE TO -- TO MAKE SURE THAT WHAT WE ARE DOING IS GOING TO MAKE A LASTING IMPRESSION FOR THE CITY AND FOR ALL OF US. WE -- WHEN WE STARTED THIS WHOLE

PROCESS OF LOOKING FOR A SITE, A LOCATION TO -- TO PUT OUR BUILDING, WE STARTED WITH A BASIC PRINCIPLE THAT WE WANTED TO BE A GOOD NEIGHBOR. WE WANTED TO -- TO MAKE SURE THAT WE DIDN'T JUST COME TO TOWN AND FIND SOMETHING THAT WORKS FOR US. IT'S GOT TO BE SOMETHING THAT WORKS FOR ALL OF THE CITIZENS OF AUSTIN AND -- AND MEETS THE NEEDS OF THE COURTS AND EVERYBODY ELSE THAT'S GOING TO BE USING IT. I HAVE GIVEN YOU A LOT OF DIFFERENT HANDOUTS, I WAS PREPARED TO TALK AT GREAT LENGTH ABOUT OUR DESIGN EXCELLENCE PROGRAM. I WILL TRY TO KEEP THAT SHORT AT THE MOMENT. THE GOLD BOOK THAT YOU HAVE SHOWS THE LATEST DESIGN AWARDS THAT WE HAVE, GSA, HAS RECEIVED OVER -- TWO YEARS AGO. FOR SOME OF OUR ART AND FOR OUR DESIGN AND FOR OUR BUILDINGS THAT HAVE BEEN CREATED ACROSS THE COUNTRY AND WE ARE VERY PROUD OF WHAT WE ARE DOING THERE. ONE THING THAT I DO WANT TO POINT OUT, IT'S A LITTLE BROCHURE WHICH HAS THE GRAY ON THE FRONT OF IT CALLED DESIGN EXCELLENCE IN THE ARTS. THIS TALKS ABOUT THE GUIDING PRINCIPLES THAT WE HAVE FOR FEDERAL ARCHITECTURE. THIS WAS WRITTEN BY DANIEL PATRICK MOINAHAN WHEN HE WAS WORKING FOR THE DEPARTMENT OF LABOR. OVER 40 YEARS AGO, YOU KNOW HIM AS SENATOR MOINAHAN WHO HAD A GREAT PASSION FOR SUPPORTING GREAT ARCHITECTURE IN THE ARTS. HIS -- HE CREATED A VERY SIMPLE PRINCIPLES FOR WHAT FEDERAL ARCHITECTURE SHOULD BE ALL ABOUT. AND I WANT TO READ THAT QUICKLY. IS THAT THE -- THERE ARE FOUR OF THEM. THE FIRST ONE IS TO PRODUCE FACILITIES IN AN ARCHITECTURAL STYLE AND FORM THAT IS DISTINGUISHED AND WHICH WILL REFLECT THE DIGNITY, ENTERPRISE, VIGOR AND STABILITY OF THE FEDERAL GOVERNMENT, EMPHASIZING DESIGNS THAT EMBODY THE FINEST CONTEMPORARY AMERICAN ARCHITECTURAL THOUGHT. WE ARE TALKING ABOUT THE FINEST CONTEMPORARY ARCHITECTURE. WE SHOULD NOT HAVE JUST ONE ARCHITECTURAL FEDERAL STYLE. IT FEELS TO REPRESENT - - IT NEEDS TO REPRESENT THE CONTEMPORARY GREATEST THOUGHTS AND ABILITIES THAT OUR ARCHITECTURAL COMMUNITY CAN PROVIDE TO US AT THAT TIME FOR THAT TIME AND THAT PLACE. THAT WILL ALSO LAST. THE SECOND

ONE IS TO AVOID AN OFFICIAL STYLE. THIRDLY, TO INCORPORATE THE WORK OF ARTISTS IN PUBLIC BUILDINGS. WE WANT TO INCORPORATE ART. I KNOW HOW IMPORTANT ART IS WITHIN THE COMMUNITY AND CULTURE OF AUSTIN. AND FINALLY, TO GIVE SPECIAL ATTENTION TO THE ENSEMBLE OF STREETS IN PUBLIC PLACES OF WHICH FEDERAL BUILDINGS WILL FORM A PART AND WHERE POSSIBLE LOCATE BUILDINGS SO AS TO PERMIT A GENEROUS DEVELOPMENT OF LANDSCAPE. THAT'S WHAT WE HAVE AN OPPORTUNITY HERE WITH THE SITE THAT WE HAVE SELECTED TO INCORPORATE THAT LOCATION WITH AN HISTORIC PARK ACROSS THE STREET AT REPUBLIC PARK. AND THIS IS -- YOU KNOW A GREAT COMING TOGETHER OF THE NEEDS WITHIN AUSTIN TO HELP REDEVELOP AND REDEFINE WHAT THAT PARK IS ALL ABOUT, HOW IT LOOKS AND TO INCORPORATE THAT INTO THE LANDSCAPE AND THE -- THE STRUCTURE OF OUR NEW COURTHOUSE. WHAT I WANT TO DO NOW IS TURN IT OVER TO OUR ARCHITECT SELECTED THROUGH A NATIONAL COMPETITION THROUGH THE DESIGN EXCELLENCE PROGRAM. THE CONTRACT WENT TO MAX SCOGG AND MERRILL ELAM OUT OF ATLANTA AND IN PARTNERSHIP WITH PAGE SOUTHER LAND PAGE AND SPEC WHO WAS HERE A FEW MINUTES AGO. AS THE PRODUCTION ARCHITECTURE TEAM LOCATED HERE IN AUSTIN. THERE -- NO, NOT HERE. WHO CAN MAKE SURE THAT WE ARE MINDFUL OF THE NEEDS OF AUSTIN IN -- IN DOING THAT WORK HERE IN AUSTIN. SO THAT -- AT THIS TIME I WANT TO INTRODUCE MERRILL ELAM WHO IS OUR LEAD DESIGNER.

THANK YOU.

WELCOME.

IT'S ALWAYS A PLEASURE AND A PRIVILEGE TO BE IN THE CITY OF AUSTIN. I APPRECIATE YOUR TIME. I WOULD LIKE TO BRING THESE UP. THEY ARE DIAGRAMS [INDISCERNIBLE]

[INAUDIBLE - NO MIC]

Goodman: THERE'S A HAND HELD MICROPHONE TO YOUR RIGHT. DR. ACTUALLY A GREAT -- THERE ARE ACTUALLY A GREAT NUMBER OF BENEFITS TO THE CLOSING OF THE 400 BLOCK OF SAN ANTONIO STREET. WE DELIBERATED THESE

AND THOUGHT ABOUT THEM A GREAT DEAL IN OUR DAYS BEFORE COMING TO THIS CHAMBER. AND WHAT I WOULD LIKE TO TALK ABOUT IN GENERAL IS THE VALUE GAINED BY THAT CLOSING OF THE STREET. AND LET YOU KNOW THAT IN OUR PERCEPTION FROM A DESIGN STANDPOINT, THAT THESE ISSUES COME DOWN TO TWO VERY BASIC AND IMPORTANT AND EXTRAORDINARY BENEFITS TO BOTH THE CITY AND THE PROJECT AND THE COMMUNITY AT LARGE. WE BELIEVE THEY FALL INTO THE CATEGORIES OF ENHANCING THE PRESERVATION OF HUMAN LIFE AND ENHANCING THE PRESERVATION OF THE CIVIC REALM. LET ME SPEAK TO THAT IN A -- IN A MORE COMPARATIVE WAY. WHEN ONE LOOKS AT THE EXISTING BLOCK, THE FIRST PAGE OF YOUR HANDOUT THERE, YOU SEE A DIAGRAM THAT SPEAKS TO THE STREETS AS THEY NOW EXIST WITH REPUBLIC PARK AND THE AUCTION OAKS AND THE -- IN THE SOUTHWEST CORNER. THEN THE NEXT DIAGRAM THAT YOU SEE IS THE EXISTING SITE BUT WITH THE GREAT STREETS CURVE AROUND IT. AND YOU SEE A FOOTPRINT OF THE BUILDABLE AREA OF THE NEW COURTHOUSE AND HOW IT RELATES TO PUBLIC PARK -- PUBLIC -- REPUBLIC SQUARE PARK. AND THERE ARE THREE THINGS NOW, IF YOU GO TO THE -- IF YOU GO TO THE NEXT DIAGRAM, LET ME SEE IF THE -- IF YOU IN THE AUDIENCE CAN SEE IT. THE -- THE REPUBLIC SQUARE PARK AND THEN THE FOOTPRINT OF THE BUILDING. YOU'LL SEE SOME DIMENSIONS GIVEN THERE. AND THOSE DIMENSIONS ARE ALL ABOUT THE SORT OF SECURITY REQUIREMENTS THAT ARE NOW MADE ON A PUBLIC BUILDING SUCH AS A FEDERAL COURTHOUSE. FEDERAL SECURITY REQUIREMENTS. WHAT THE NEXT DIAGRAM SAYS IS THAT IF YOU CLOSE THE STREET, THREE THINGS CAN HAPPEN. YOU ARE ABLE TO ENHANCE PUBLIC SAFETY BY SIMPLY TAKING THE AUTOMOBILE AS A FACTOR OUT OF THE EQUATION. PEOPLE NO LONGER HAVE TO NEGOTIATE THE TRAFFIC ALONG SAN ANTONIO STREET BEFORE THEY APPROACH THE NEW FEDERAL COURTHOUSE AND YOU HAVE NOW A WHOLE SAFE ZONE ON THE EAST FACE WHICH WILL BE THE FRONT DOOR OF THE FEDERAL COURTHOUSE LOOKING ON TO REPUBLIC SQUARE PARK. SO THE THIRD AND KIND OF MORE SUBJECTIVE ISSUE AROUND SAFETY IS THE FACT THAT THE PRESENCE OF THE FEDERAL COURTHOUSE AND REPUBLIC SQUARE PARK WILL BE

BENEFICIAL TO EACH OTHER IN TERMS OF THE KIND OF ACTIVITY THEY GENERATE, THE KIND OF ENHANCEMENT OF THE WHOLE DISTRICT AND THE NUMBER OF PEOPLE THAT WILL BE COMING AND GOING FROM THAT AREA OF TOWN. SO -- SO YOU HAVE A WHOLE IDEA ABOUT PROTECTING THE PEOPLE WHO COME TO THE PARK FOR ALL SORTS OF ACTIVITIES. BE THEY CIVIC OR SOCIAL OR ARTS RELATED OR WHATEVER. THESE PEOPLE COMING TO WORK IN THE BUILDING, COMING TO DO THEIR CIVIC DUTY AS JURORS WILL HAVE A GREATER SENSE OF SECURITY. NOW, THE -- THERE IS A -- A SECOND ISSUE OF ENHANCING THE PRESERVATION OF THE CIVIC REALM. SEVERAL ASPECTS TO THAT, TOO. IT IS THAT THIS FLOW OF ACTIVITY FROM THE MUNICIPAL -- EXCUSE ME THE CIVIC ACTIVITY OF THE COURTHOUSE ITSELF WILL FLOW INTO THE PARK AND THE PARK ACTIVITY FLOW INTO THE BUILDING, SO THERE'S A KIND OF RECIPROCITY OF CIVIC ACTIVITY THAT WILL BE GENERATED BY THE CO-JOINING OF THE TWO SITES. THERE'S ALSO A VERY INTERESTING ASPECT TO THIS SITE AND IT IS THIS CONVERGENT, THIS CONVERGENCE AT THIS PARTICULAR PLACE. I'M NOT -- NOT JUST THE CITY GOVERNMENT, BUT THE CITY, STATE AND FEDERAL GOVERNMENT WHICH MAKES IT A UNIQUE SPOT IN THE CITY. AS YOU KNOW, THE ORIGINAL PLAT OF THE CITY, ORIGIN OF THIS PARK, THIS SQUARE, ALL COMES FROM THE FACT THAT AUSTIN IS OF COURSE THE STATE CAPITOL. THERE'S THE PRESENCE, THE IMPRINT OF THE STATE IN THE HISTORY OF THE PARK. THERE IS STEWARDSHIP OF THIS CITY, OF THE MARK. THERE IS NOW THE FEDERAL PRESENCE ALSO COMING TO JOIN THOSE TWO. IT HAS IN IT A PARTICULAR, KIND OF COMPELLING RELATIONSHIP THAT MEANS THAT THIS PLACE CAN BECOME AN IMPORTANT LANDMARK IN THE SOUTHWEST SEGMENT OF THE CITY. I THINK THAT I WILL STOP HERE. IF THERE ARE QUESTIONS WE CAN TAKE THOSE UP. I'M GOING TO TURN THIS OVER NOW TO -- TO --

I WILL GO AHEAD AND INTRODUCE HAROLD ABEHR OUR URBAN DESIGN AND DEVELOPMENT SPECIALIST THAT WORKS FOR US THROUGHOUT THE REGION AND TALK TO YOU ABOUT SOME OTHER THINGS THAT WE HAVE DONE IN TERMS OF THE COOPERATIVE RELATIONSHIPS IN -- BETWEEN THE FEDERAL SPACE AND CITY AND LOCAL

SPACE.

WELCOME.

MY NAME IS HAROLD ABEHR, REGIONAL OFFICER FOR GENERAL SERVICES ADMINISTRATION. I HAVE BEEN SERVING IN THAT CAPACITY FOR ABOUT FIVE YEARS. A LITTLE BACKGROUND, TWO YEARS AGO IN BOSTON, MASSACHUSETTS, I MET A GENTLEMAN NAMED CHARLIE BETS AT THE INTERNATIONAL DOWNTOWN ASSOCIATION WHO WAS GIVING A PRESENTATION ALONG WITH A VERY DISTINGUISHED COLLEAGUE AND I BELIEVE ARCHITECT ON YOUR GREAT STREETS MASTER PLAN AND STREET SCAPES PROGRAM. AND I REALIZED AT THAT TIME WE HAVE A FEDERAL COURTHOUSE UNDER CONSIDERATION, UNDER PLAN FOR DOWNTOWN AUSTIN, THAT'S THE FIRST INKLING OF THE IDEA THAT YOU NEED TO WORK COOPERATIVE TO HAVE THIS NEW MAJOR FACILITY FIT IN WITH WHAT THE CITY IS DOING AND HARMONIZE. YESTERDAY I HAD THE -- ALSO HAD THE PRISM OF MEETING FOR ABOUT THE -- PRIVILEGE OF MEETING FOR ABOUT THE FOURTH OR FIFTH TIME WITH THE REPUBLIC SQUARE PARTNERS GROUP. AND WE HAD SOME GOOD DISCUSSIONS. I WILL RELAY TO YOU BASICALLY WHAT GENERAL SERVICES ADMINISTRATION, GSA COMMITS TO DO IN THIS ROSE FOR THE AUSTIN COURTHOUSE AND ALSO BASICALLY ALL OF OUR COURTHOUSES WE ARE CURRENTLY DOING THIS IN EL PASO AND A NUMBER OF OTHER CITIES. WE WANT TO WORK TOGETHER TO CREATE A GREAT PLACE, A GREAT SPACE. THE WAY WE DO IS THAT PARTNERING WITH THE CITY. NOW, ONE THING -- GSA IS GOING TO COME TO THE CITY AND ASK THE CITY GOVERNMENT TO DECIDE WHO REPRESENTS THE CITY, WHO SPEAKS FOR THE CITY, WHO YOU WANT TO INCLUDE. WE ARE NOT GOING TO DICTATE. YOU KNOW, WE DON'T DICTATE TO OR PARTNERS WHO IS THERE. WE LEAVE IT UP TO THE LOCAL PEOPLE. THE PEOPLE WHO KNOW AUSTIN BEST. WE WILL BRING INTO THIS PROCESS SOME OF OUR CONSULTANTS, WE HAVE NATIONAL CONTRACTS WITH CONSULTANTS, ONE OF THEM IS PROJECT FOR PUBLIC SPACES INCORPORATED WITH FRED, KENT AND I THINK A LOT OF PEOPLE KNOW THE NAME. THAT'S ONE OF THE TYPE OF PEOPLE THAT WE CAN BRING IN THIS PROCESS. IT DOESN'T COST THE CITY ANYTHING. IT DOESN'T TAKE AWAY

FROM THE FUNDING FOR THE COURTHOUSE PROJECT. WE SIMPLY BRING IN EXPERTS WHO CAN WORK WITH THE CITY AND WITH GSA. WITH THE DESIGNERS, WITH -- WITH I GUESS IT'S MR. HARGRAVES, THE LANDSCAPE ARCHITECT, WITH THE COMMUNITY TO MAKE SURE THAT YOU REALLY END UP WITH A GREAT PLACE. WE DON'T -- I'M IN FORT WORTH, I'M A 7th GENERATION RESIDENT OF FORT WORTH. I DON'T KNOW WHAT IS BEST FOR AUSTIN. PEOPLE IN AUSTIN ARE THE EXPERTS. YOU ARE. AND OUR DESIGNERS ARE THE -- ARE THE EXPERTS FROM THAT ASPECT. BUT WORKING TOGETHER REALLY IS THE ANSWER. AND WITH -- WITH YOUR PERMISSION, I WILL LEAVE TWO POWERPOINT PRESENTATIONS WHICH SHOW IN GENERAL A LITTLE BIT ABOUT OUR GOOD NEIGHBORHOOD PROGRAM AND SECOND MORE SPECIFICALLY WHAT WE ARE DOING IN THE CITY OF FORT WORTH. THE GENERAL PRESENTATION IS ONE THAT WE GIVE TO INTERNS, OUR NEW EMPLOYEES. TYPICALLY I GET ON THEIR AGENDA AFTER LUNCH ON THE FOURTH DAY AFTER A FIVE DAY TRAINING SESSION. REAL SHORT, REAL SIMPLE. THE ONE THAT WE ARE DOING IN FORT WORTH IS VERY DETAILED. TELLING HOW GENERAL SERVICES ADMINISTRATION, THE CITY OF FORT WORTH, PLANNING DEPARTMENT, DOWNTOWN FORT WORTH INCORPORATED. THE PUBLIC TRANSPORTATION SYSTEM, OTHER PARTNERS INCLUDING ARTS, EDUCATION, INTEREST IN CITIZENS, HOW WE ARE WORKING TOGETHER TO REDEVELOP IN DOWNTOWN FORT WORTH HYDE PARK WHICH HISTORICALLY WAS THE FIRST PUBLIC GATHERING PLACE IN FORT WORTH. IT HAPPENS TO BE ADJACENT TO OUR FEDERAL BUILDING. IT'S A PROJECT WHICH BENEFITS US AS THE FEDERAL GOVERNMENT, OUR EMPLOYEES, PEOPLE WHO COME TO SEE US, REDEVELOPMENT OF IN DOWNTOWN FORT WORTH AND ITS COME THROUGH THE SAME PROCESS OF WORKING TOGETHER AS PARTNERS. SO THAT'S WHAT WE LOOK TO DO. THAT'S WHAT G.S.A. NOW NORMALLY DOES IN OUR PLACEMENT OF COURTHOUSES AND MAJOR FEDERAL FACILITIES. AGAIN WITH YOUR PERMISSION, I WILL LEAVE THIS POWERPOINT, BECAUSE WE DON'T HAVE TIME TO GO OVER THEM NOW. I WILL ALSO ENTERTAIN ANY QUESTIONS.

Mayor Wynn: THANK YOU, A QUICK QUESTION FROM ME. IF SAN ANTONIO STREET DOES IN FACT GO AWAY AND WE

VACATE THAT, CAN YOU TALK ABOUT WHAT HELP -- YOU TALKED ABOUT THE DESIGN STANDPOINT. AS AN EXAMPLE FROM THE PROJECT BUDGET IS THERE A WAY THAT THE G.S.A. HELPS US WITH SORT OF THE MASSIVE RE-- RECONFIGURATION AND FACELIFT THAT -- TO REPUBLIC SQUARE.

YES. NOW, TYPICALLY I WOULD HESITATE TO SAY FROM THE PROJECT BUDGET BECAUSE WE HAVE OFTEN DONE THESE PROJECTS WITH DIFFERENT SOURCES OF FUNDING. I'M NOT GOING TO SAY WE ARE GOING TO ROB LYNN TO PAY PAUL, HE CAN SPEAK. BUT I WOULD CERTAINLY EXPECT IT.

THANK YOU.

WE WILL -- WE WILL TRY TO INCLUDE ENOUGH FUNDS IN THE CONSTRUCTION APPROPRIATION FOR THIS PROJECT TO HANDLE A LOT OF THIS LANDSCAPING AND DIFFERENT ISSUES IN OUR FRONT DOOR. THE OTHER PART OF IS THAT -- FOR EXAMPLE, IN HYDE PARK, THAT'S A SEPARATE APPROPRIATION THAT WE WOULD REQUEST AND GO SEEKING FUNDS FOR. MY ANSWER TO YOU IMMEDIATELY IS THAT IT CAN BE DONE AND WE WILL SEEK -- SEEK FUNDS TO TRY TO HELP WITH THE -- WHATEVER HAPPENS IN THE REPUBLIC SQUARE. I CAN'T MAKE ANY PROMISES BECAUSE THAT'S BASED ON A FUTURE CONGRESS AND WHAT THEY WILL DO. I WILL TELL YOU THAT IT HAS BEEN DONE BEFORE, WE CAN GIVE YOU EXAMPLES OF WHERE IT'S BEEN DONE BEFORE WE CAN DO EVERYTHING THAT WE CAN TO SEEK HELP IN THAT REGARD.

Mayor Wynn: ONE OF THE CONCERNS THAT I HAVE HEARD IS THE EXAMPLE THAT THEY USE OF THE CURRENT THORNBERRY AND PICKLE FEDERAL COURT BUILDINGS AT IT AND -- 9th AND SAN JACINTO AND I GUESS THERE'S SOME CONCERN THAT WHEN YOU LOOK AT THIS GRAPHIC, THIS VISUAL, THEY CAN ENVISION THE FEDERAL COURTHOUSE AND/OR THE G.S.A. FRANKLY TAKING OVER REPUBLIC SQUARE AT SOME TIME IN THE FUTURE AND HAVING ANOTHER SORT OF TWO BLOCK -- BLOCK DEVELOPMENT.

NO, NO, WAVE VERY STRONG COMMITMENT TO HISTORIC PRESERVATION. THAT'S A HISTORIC PARK THERE. AND I

CAN'T IMAGINE IT EITHER, YOU KNOW, THIS GENERATION OR FUTURE GENERATIONS, YOU KNOW, SEEKING TO DO ANYTHING LIKE THAT. WHAT THIS DOES IS GIVE US THE OPPORTUNITY TO PUT THE FOOTPRINT OF OUR BUILDING OUT TO OUR PROPERTY LINE. AS OPPOSED TO LENDING -- LIMITING IT TO 50 FEET SHORT OF THAT PROPERTY LINE. WITH THE UNDERSTANDING, IN -- THIS IS THE WAY WE WOULD WORK IT OUT WITH THE CITY, THAT -- THAT WHETHER THE OWNERSHIP OF THE STREET IS RETAINED BY THE CITY OR WE JUST GET A LICENSE OR WHATEVER, THAT THERE'S A LONG-TERM COMMITMENT, YOU KNOW, FROM BOTH OF US THAT THERE WILL NEVER BE SOMETHING ON OUR FRONT STEP. BUT WE WANT TO MAKE THAT -- THE -- THE PARK AND OUR FRONT PLAZA, SO TO SPEAK, BE ONE CONTIGUOUS SPACE THAT NO ONE WOULD EVER WANT TO DO ANYTHING WITH. WE DO HAVE TO REQUIRE A -- BUILD-IN A FUTURE EXPANSION REQUIREMENT FOR OUR BUILDING. THE -- THE ARCHITECTS WILL LOOK AT HOW THAT IS DONE. BUT IT WON'T BE -- IF WE CREATE A FRONT DOOR, WE ARE NOT GOING TO EXPAND TO -- ON OUR FRONT DOOR, THAT'S WHAT WE ARE LOOKING AT NOW AS FAR AS THE FRONT DOOR FACING THE PARK. THE EXPANSION WOULD HAVE TO BE IN THE BACK OR MAKING THE BUILDING HIGHER OR TALLER OR WHATEVER.

RIGHT.

ACTUALLY THAT BRINGS UP ONE QUESTION FROM MS. ELAM WHILE I'VE GOT YOU. BASED ON THIS PROPOSED COUNCIL ACTION, IT WOULD SEEM TO SOME FOLKS THAT THE NUECES FAST FACADE, THAT IS THE WESTERN FACADE OF THIS STRUCTURE ISN'T BEING THE BACK DOOR -- ENDS UP BEING THE BACK DOOR. YOU ARE PROBABLY AWARE THAT ALTHOUGH FOLKS COMMUTE INTO THE DOWNTOWN FROM ALL FOUR DIRECTIONS, THERE'S A DISPROPORTIONATE DOWNTOWN COMMUTE FROM THE WEST. IN FACT MANY FOLKS SORT OF VIEW AUSTIN SKYLINE FROM THE WEST. SO 100,000 DOWNTOWN COMMUTERS COME INTO DOWNTOWN FROM THE WEST AND GO PAST THIS. CAN YOU TALK ABOUT HOW TO KEEP THAT NUECES FACADE FROM BEING SORT OF THE "BACK" OF THE BUILDING, TALK A LITTLE BIT ABOUT THE CURE THAT WOULD BE GIVEN ON NUECES STREET?

RIGHT.

THAT'S A VERY IMPORTANT QUESTION OR ISSUE THAT YOU'VE BROUGHT UP. WE SEE THIS BUILDING AS BEING A -- A 360-DEGREE PROPOSITION. WHERE -- WHERE YOU WOULD NOT SLIGHT ANY FACADE OR ANY SIDEWALK CONDITION. AND SPEAKING PRECISELY TO THE ISSUE OF NUECES AND INCOMING TRAFFIC FROM THE WEST, WE THINK THAT THERE'S GOING TO BE A VERY WONDERFUL VIEW COMING FROM THE WEST OF THE -- OF THE NORTHWEST CORNER OF THE BUILDING AND IN FACT IN THE SCHEME THAT'S WE ARE CURRENTLY -- SCHEMES THAT WE ARE CURRENTLY WORKING ON, IN SOME CASES CIVIC SPACES WITHIN THE BUILDING AND COURTROOM SPACES ARE APPROACHED -- APPROACH THAT CORNER WHICH WILL MEAN THAT THEY WILL BE KIND OF A CELEBRATORY CORNER FOR THE BUILDING. AT THE GROUND PLANE WE HAVE A DIFFERENT SITUATION AS YOU KNOW. THERE MAY BE THE POSSIBILITY THAT THE TRAFFIC ON NUECES WOULD BE MUCH HEAVIER, SO WE SEE THE BACK PART, THE GROUND PLAIN ALL THE WAY UP THE EAST FACADE OF THE BUILDING IS VERY IMPORTANT AT THE WEST AS YOU WOULD SEE IT ON NUECES. TO THE SOUTH SIDE IS THE MUNICIPAL PARKING LOT WITH THE COOLING TOWER ON IT, WHICH MAKES FOR NOT THE GREATEST VIEW FROM THE FIRST SEVERAL FLOORS OF BUILDING. IT'S ALSO -- AS BEST WE CAN DETERMINE, ALTHOUGH IT MAY LIKELY HAVE A LIGHT RAIL LINE THROUGH, COMING THROUGH, IS IT IS -- IT'S THE MOST LIKELY SIDE OF THE BUILDING TO HAVE SERVICE. INTO THE -- THE LOWER PORTIONS OF THE BUILDING. SO THAT'S SORTS OF QUICKLY OUR ANALYSIS OF THE AREAS, THE STREETS AROUND THE SITE. AS OF THIS MOMENT. SO THAT THE -- SO THAT THE -- ON FOURTH STREET YOU WOULD BEGIN TO -- TO VISUALLY VEIL THE SERVICES INTO THE COURTHOUSE BY THE VERY PRESENCE OF THAT MUNICIPAL BUILDING. YOU WOULD PUT -- YOU WOULD NOT FOCUS YOUR INTERNAL SPACES INTO THE GARAGE AND THEN YOU WOULD TAKE ADVANTAGES OF THE UPPER LEVELS OUT TOWARD TOWN LAKE AND THE COLORADO RIVER. SO -- SO DOES THAT --

THAT WAS GOOD, THANK YOU. THAT'S ALL FROM ME,
FURTHER QUESTIONS.? [ONE MOMENT PLEASE FOR CHANGE

IN CAPTIONERS] BACK.

... AND COME TOWARD THE BUILDING OR FROM THE SIDES AND HOW THEY WOULD COME INTO THE FRONT DOOR OF WHAT WE'RE CALLING THE FRONT DOOR OF THE BUILDING.

> THE SHORT ANSWER ALSO IS THAT WE'VE BEEN WORKING VERY, VERY HARD WITH SUE EDWARDS AND THE CITY STAFF TO LOOK AT NOT ONLY WHAT'S THERE NOW, WHAT'S SHORT-RANGE PLANS, WHAT THE LONG-RANGE PLANS ARE SO WE'RE MAKING SURE WE'RE INCORPORATING INTO ALL THAT.

Reporter: THANK YOU VERY MUCH.

Mayor Wynn: MAYOR PRO TEM.

Goodman: THANKS, MAYOR. I DON'T HAVE QUESTIONS, IS THIS TIME FOR COMMENTS? I JUST WANT TO THANK YOU ALL FOR PICKING THIS SITE. I CAN'T THINK OF A MORE DISTINGUISHED NEIGHBOR TO WISH FOR, AND I FEEL FAIRLY CONFIDENT THAT UNLIKE A PREVIOUS PLAN YOU ALL ARE NOT GOING TO RUN OUT OF MONEY, FOR WHICH I'M GRATEFUL. WE ADDED A LITTLE BIT INTO THE RESOLUTION LANGUAGE TO KIND OF REMIND US ALL OF WHERE WE'VE BEEN TO GET HERE. IT'S BEEN A VERY INTERESTING AND PRODUCTIVE PARTNERSHIP, BUT ADDING THE FEDERAL GOVERNMENT INTO THAT IS JUST REALLY ICING TO CAKE. I THINK WE'RE GOING TO DO SOMETHING REALLY GREAT. YOU KNOW I'M SURE ABOUT JESUS MORALES, WHO IS A INTERNATIONALLY ACCLAIMED ARTIST AND DESIGNER WHO HAS BEEN WITH US UPDATING, BUT RETAINING THE HISTORIC NATURE OF REPUBLIC SQUARE SO FAR, AND I KNOW NOW WITH SAN ANTONIO AND WITH THE NEEDS THAT YOU ARE GOING TO HAVE IN DESIGNING THAT BUILDING, THERE MAY NEED TO BE SOME MASSAGING OR WHATEVER, SO WHO TO SPEAK FOR THE CITY, I'M SUGGESTING TO THE CITY MANAGER AND MAYOR THAT SINCE IT'S A CROSS-DEPARTMENTAL ENDEAVOR AT THIS POINT, THAT WE HUDDLE AND ALTHOUGH THERE WILL BE FOLKS INVOLVED I'M SURE FROM A COUPLE, THREE DEPARTMENTS, I THINK BETWEEN THE BUNCH OF US HERE, WE CAN FIGURE OUT WHO WOULD BE THE BEST LEAD ON IT, WHO'S GOT TIME,

WHO'S GOT THE HISTORY, WHO UNDERSTANDS THE NUANCES OF BOTH DESIGN AND HISTORY AND THE WHOLE DOWNTOWN DESIGN THAT WE'RE WORKING ON. SO I THINK WE'LL COME UP WITH SOMEBODY THAT YOU CAN FEEL COMFORTABLE TALKING TO WHO HAS NEGOTIATING POWER AND SO ON. AND THE OTHER THING I WANTED TO ASK YOU ABOUT, ALTHOUGH YOU DON'T HAVE TO ANSWER ME NOW IS SINCE YOU ARE IN FACT LEGENDARY FOR GOVERNMENT RELATIVE AWARDS AND DESIGN AND PROGRAMS, THAT, AGAIN, IS WHY I THINK WE COULDN'T HAVE DONE BETTER IN FINDING SOMEONE WHO IS GOING TO BE THE VERY BEST PARTNER FOR US IN PUTTING DOWNTOWN ON THE MAP IN THIS CONTEXT. THE STATE IS ALSO ONE OF OUR PARTNERS. THE TEXAS COMMISSION ON THE ARTS. AND THEY HAD SOME -- SOME FUNDING EARMARKED FOR THIS IN THIS FISCAL YEAR, THE STATE, WHICHEVER ARM OF THE STATE YOU WANT TO THINK ABOUT WHEN YOU SAY THE STATE, PULLED THAT MONEY BACK, AND IT IS SORT OF IN THE BANK WITH THE DOORS LOCKED. IT'S NOT SPENT. AND IT'S NOT ALLOCATED FOR ANYTHING ELSE. SO MAYBE YOU COULD EXTEND YOUR GOOD NEIGHBOR POLICY TO GO DOWN WITH US HAND IN HAND AND SEE IF WE CAN'T GET THE STATE TO OPEN UP THE BANK DOOR THERE BECAUSE THE MONEY IS IN THERE AND IT WOULD BE NICE IF WE COULD, TOGETHER AS A MULTI-PARTNERSHIP, TAKE ADVANTAGE OF WHAT WAS ALREADY THERE. SO THAT WAS JUST AS AN ASIDE. NON-POLITICAL VISIT DOWN TO THE CAPITOL TO SEE WHAT WE CAN DO.

WE'RE ALWAYS GLAD TO HOLD HANDS AND GO LOOKING FOR MONEY. [LAUGHTER]

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS? HEARING NONE, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 36 OR -- GO AHEAD.

YEAH, I -- I -- THIS IS A INCREDIBLE OPPORTUNITY FOR THE CITY OF AUSTIN. IT'S A CHANCE TO -- IT PROVIDES A CHANCE FOR STARTERS TO IMPROVE MOBILITY IN DOWNTOWN BECAUSE THIS WILL GIVE US THE OPPORTUNITY TO ACTUALLY END UP OPENING NUECES STREET, WHICH IS THE -- WOULD BE A CORRIDOR ALL THE WAY TO THE UNIVERSITY OF TEXAS. AND ALSO PROVIDES US THE OPPORTUNITY

THROUGH THE SHRINKING OF THE GREEN WATER
TREATMENT PLANT THANKS TIME PROOFPLTS IN OUR WATER
TREATMENT TECHNOLOGY, ALSO OFFERS THE CHANCE
FINALLY TO OPEN EAST 9th STREET DOWN THE ROAD HERE
AS WELL. IT WILL BE A SIGNIFICANT CATALYST FOR THIS
PART OF DOWNTOWN. IT WILL RESULT IN THE COURTHOUSE
OPENING ON TO A PARK AS OPPOSED TO A STREET. IT CAN
GIVE US MORE OF A MAJESTIC FEDERAL COURTHOUSE AND
REDUCE A LOT OF THE SECURITY CONSTRAINTS SO THAT
WE CAN FOCUS MORE ON ARCHITECTURAL DESIGN, WHICH
IS A VERY POSITIVE THING FOR OUR CITY. MY PERSONAL
EXPERIENCE IS WHAT A GREAT JOB THE FEDERAL
GOVERNMENT IS DOING ON THE -- ON THEIR FEDERAL
COURTHOUSE BUILDING PROGRAM. FROM MY HOMETOWN
OF CORPUS CHRISTI AND THE FANTASTIC JOB THAT THE
ARCHITECTS AND DESIGNERS AND THE G.S.A. HAVE DONE IN
BUILDING A BAYFRONT COURTHOUSE IN CORPUS CHRISTI
THAT'S REALLY A SPECTACULAR PIECE OF CITY
ARCHITECTURE. IT'S A -- IN ALL RESPECTS IT HELPS
IMPROVE REPUBLIC PARK AND THE COURTHOUSE AND THAT
PART OF DOWNTOWN, AND THE CREDIT FOR THIS GOES TO A
FEW FOLKS. FOR STARTERS, TO JUDGE LEE YAKEL WHO HAS
BEEN A GREAT CIVIC LEADER HIS ENTIRE ADULT LIFE AND
WAS ONE OF THE MAIN CATALYSTS TO SEE THIS HAPPEN.
HE'S SHOWN THAT AS A FEDERAL JUDGE HAVING A FEDERAL
JUDGE AS A CIVIC LEADER PROVIDES A LOT OF
OPPORTUNITIES FOR THE COMMUNITY AND ALSO THAT
JUDGES AUSTIN AND JUDGE PITTMAN WHO ALSO PLAYED A
GREAT LEADERSHIP ROLE MAKING THIS HAPPEN. AND
FINALLY I HAD THE OPPORTUNITY TO BE A FLY ON THE WALL
AS MAYOR WYNN WAS MEETING WITH OUR THREE FELLOW
JUDGES IN THAT MEETING, AND I DISCOVERED RIGHT AWAY
THE BENEFIT OF HAVING AN URBAN DESIGN ARCHITECTURAL
BACKGROUND MAYOR RUNNING THE CITY BECAUSE REALLY
HAVE TO CONGRATULATE MAYOR WYNN WHO PUT
TOGETHER A LOT OF PIECES THAT WERE COMPLETELY NOT
OBVIOUS TO ME WHEN I WAS SITTING IN THE MEETING
ABOUT OPPORTUNITIES ON THE PARK AND ON NUECES
STREET AND ON 9th STREET. AND THE TREMENDOUS
POSSIBILITIES THAT PROVIDED FOR THE DOWNTOWN. WE'RE
GOING TO LOOK BACK IN A GENERATION A COUPLE THINGS
WE ARE VOTING ON TODAY, THIS AND ON SOME SECOND

STREET REDEVELOPMENT AND MAYOR WYNN HAS REALLY OFFERED SOME SIGNIFICANT VISION THAT WILL CHANGE THE WAY THIS DOWNTOWN LOOKS AND WHAT IT MEANS TO THE CITY AND SO I WANTED TO CONGRATULATE THE MAYOR ON HIS LEADERSHIP ON THIS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. I APOLOGIZE, WE HAVE ONE CITIZEN WHO SIGNED UP WISH TO GO SPEAK, MR. KENT COLLINS SIGNED UP WISHING TO SPEAK. TAKE YOUR TIME. YOU WILL HAVE THREE MINUTES.

I WON'T TAKE THAT LONG. HI, MY NAME IS KENT COLLINS. I'M THE SECRETARY OF THE BOARD OF DOWNTOWN AUSTIN ALLIANCE, AND JUST BRIEFLY THANK YOU FOR LETTING ME SPEAK, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. YOU HAVE IN FRONT OF YOU A RESOLUTION THAT WE PASSED AT OUR BOARD MEETING YESTERDAY SUPPORTING THIS, AND I JUST WANTED TO EMPHASIZE ONE PORTION OF IT. IS THAT WE SEE THIS AS KIND OF A -- THIS WAS AN ISSUE FOR US BECAUSE WE DON'T LIKE TO SEE CLOSING ANY ONE BLOCK STRETCH IN DOWNTOWN, BUT WE THINK THAT LONG TERM THE POTENTIAL BENEFITS HERE THAT HAVE ALREADY BEEN SPOKEN ABOUT ARE VERY POSITIVE. AND IN ADDITION, WE THINK THAT THIS REALLY DOES OPEN UP THE POSSIBILITY WITH THE STUDY OF THE ALTERATION OF THE CLOSING OF THE GREEN WATER TREATMENT PLANT AND POSSIBLY THE OPENING OF NUECES AS COUNCILMEMBER McCracken DESCRIBED AS WELL AS THE POTENTIAL REOPENING OF THE 300 BLOCK OF EAST 9th STREET AS BEING REALLY GOOD REASONS TO DO THIS. SO THANK YOU AND WE SUPPORT THE RESOLUTION. THANK YOU.

Mayor Wynn: THANK YOU, MR. COLLINS. WITH THAT, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 36.

Goodman: SO MOVED.

Mayor Wynn: MOTION MADE BY PHAEUP, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE ITEM NUMBER 36.

Goodman: MAYOR, BEFORE WE VOTE, I HOPE EVERYBODY HAS THE LATEST DRAFT. I DON'T SO I JUST WANT TO MAKE A

NOTE FOR THE CITY CLERK THAT IT'S THE LATEST DRAFT, WHATEVER THAT MIGHT BE.

Mayor Wynn: PLEASE DO, YES. FURTHER COMMENTS? HEARING NONE, ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NO? MOTION PASSES ON A VOTE OF 7 TO ZERO. THANK YOU YOU FOR YOUR PRESENTATION AND YOUR PATIENCE. COUNCIL, AGAIN ANOTHER PRIVILEGE WE HAVE ONE ITEM WAS PULLED NOT BY A MEMBER OF COUNCIL BUT BY THE FACT THAT AT LEAST FIVE CITIZENS SIGNED UP, SO AT THIS TIME I WOULD LIKE TO TAKE UP ITEM 25 WHILE THOSE FOLKS ARE STILL HERE. ITEM NUMBER 25 RELATES TO A SERVICE AGREEMENT WITH DIAMOND DETECTIVE AGENCY, INCORPORATED, OUT OF CHICAGO, AND WE HAVE FIVE CITIZENS THAT HAVE SIGNED UP WISHING TO SPEAK AND/OR DONATING TIME. SO AT THIS TIME I WOULD LIKE TO CALL JAY BLANCHARD. WELCOME, SIR. IT LOOKS LIKE SOME FOLKS ARE PREPARED TO DONATE TIME TO YOU. JOHNNY JACKSON. IS MR. JACKSON HERE? HOW ABOUT BENEDICT PRUKA. BENEDICT PRUKA. ARE RULES ARE THAT FOLKS HAVE TO BE PRESENT IN ORDER TO DONATE THEIR THREE MINUTES.

IT'S NO PROBLEM. I THINK MY THREE MINUTES WILL BE PLENTY OF TIME.

Mayor Wynn: OKAY, THEN, PLEASE BEGIN.

OKAY. IT'S NUMBER 25 ON YOUR AGENDA AND IT'S AN AGREEMENT WITH DIAMOND DETECTIVE AGENCY BASED OUT OF CHICAGO, ILLINOIS. BASED ON THE REQUIREMENTS THAT CAME DOWN FROM THE CITY FOR THE -- ACCORDING TO THEIR SCOPE OF WORK, WE BELIEVE THAT THE CONTRACT CONTRACTOR VIOLATES SECTION 7.9, WHICH IS THE COMMUNICATIONS SECTION OF THE SCOPE OF WORK THAT WAS OUTLINED BY THE CITY. THE TWO POINTS THAT WE THINK THEY ARE IN VIOLATION OF ARE 7.9.1, 7.9.2. I DIDN'T BRING COPIES OF IT, BUT I CAN READ THE SECTIONS IF THE BOARD -- IF IT WOULD BE A BENEFIT TO HEAR IT.

Mayor Wynn: MY GUESS IS WE'RE PROBABLY GOING TO END UP GETTING ADVICE FROM STAFF IN A FEW MINUTES SO WHY DON'T YOU SORT OF MAKE YOUR POINTS ABOUT WHAT

THAT WILL ENTAIL AND WE'LL GET THAT EXACT LANGUAGE HERE IN A FEW MINUTES.

OKAY. ACCORDING TO THE CONTRACT, THE SUCCESSFUL BIDDER NEEDED TO MAINTAIN A FULLY STAFFED BUSINESS OFFICE WITHIN A 30-MILE RADIUS OF THE CENTRAL BUSINESS DISTRICT AS WELL AS MAINTAIN A 24-HOUR OPERATION OF A PHONE SERVICE SEVEN DAYS A WEEK, 365 DAYS A YEAR. AND WE HAVE ATTEMPTED TO CALL THIS NUMBER ON SEVERAL OCCASIONS AND WERE DIRECTED TO AN OFFICE THAT WAS BASED OUT OF CHICAGO. WE FEEL THAT IT'S A SKIRTING OF THAT PARTICULAR REQUIREMENT WHICH VIOLATES THE INTENT OF WHY THAT PROVISION WAS INCLUDED IN THE OVERALL SCOPE OF WORK, WHICH WAS AN ATTEMPT, I ASSUME, BY THE CITY TO MAINTAIN LOCAL ACCOUNTABILITY FOR THIS PARTICULAR PROJECT. WITH THAT, WE WOULD LIKE TO HAVE THIS ISSUE REVISITED AND PERHAPS TAKE A LOOK AT OTHER CONTRACTORS. THAT'S ALL OF MY COMMENTS.

Mayor Wynn: THANK YOU, MR. BLANCHARD. BENEDICT PRUKA SIGNED UP AGAINST THIS ITEM. JOHNNY JACKSON SIGNED UP AGAINST THIS ITEM. LAUREN TAGGERT SIGNED UP AGAINST. AS DID MEGAN BLANCHARD. COUNCIL, THAT'S ALL THE FOLKS WHO SIGNED UP ON ITEM NUMBER 25. CITY MANAGER?

I'M GOING ASK OUR PURCHASING OFFICER TO STEP UP AND RESPOND.

DEANNA GRANGER, PURCHASING OFFICER. THE BID DID REQUIRE THAT THEY HAVE A LOCAL OFFICE AND WE HAVE A COPY OF THE LEASE THEY HAVE FOR THE LOCAL OFFICE, AND I'M SURE -- I DON'T HAVE THE SPECIFIC SECTIONS THAT HE REFERRED TO WITH ME, BUT I KNOW THAT THE BIDS WERE REVIEWED FOR COMPLIANCE WITH ALL OF THOSE REQUIREMENTS, AND THIS -- THIS AGENCY DID MEET ALL OF THE REQUIREMENTS.

Mayor Wynn: AND IS IT -- IT SEEMS TO ME IT'S PROBABLY IN PRACTICAL TERMS UNTIL SUCH TIME AS, YOU KNOW, A CONTRACTOR OR CONTRACTING AGENCY, YOU KNOW, GETS A SERVICE AGREEMENT WITH THE CITY, THEY PROBABLY

DON'T TAKE THE EFFORT OF ACTUALLY OPENING UP AN OFFICE. THIS IS A SITUATION WHEREBY IF THIS AWARD IS GRANTED, THEN THEY WILL IN FACT OPEN UP A LOCAL OFFICE OR MEET THE REQUIREMENTS IN THE --

THEY INTEND TO MEET THE REQUIREMENTS AND THEY'VE ALREADY EXECUTED A LEASE, SO I'M SURE THEY ARE JUST WAITING FOR THE AWARD OF CONTRACT SO THEY CAN GO AHEAD AND BEGIN THE OPERATION.

Thomas: MAYOR?

Mayor Wynn: COUNCILMEMBER THOMAS.

Thomas: LET ME ASK YOU THIS QUESTION. IN THE PROCESS, ARE THEY SUPPOSED TO BE -- IS THERE ANYTHING REQUIRING THEM TO HAVE A SPACE ALREADY EXISTING WHEN THEY ARE DOING THE BIDDING PROCESS?

I DON'T THINK SO. AND LIKE I SAID, I DON'T HAVE THE LANGUAGE WITH ME, BUT I CAN GET IT. HOWEVER, USUALLY THE REQUIREMENT IS THEY WILL HAVE A LOCAL OFFICE.

Thomas: WILL HAVE.

YES, SIR.

Thomas: IT DOESN'T SAY THAT THEY SHOULD HAVE.

TYPICALLY IT SAYS WILL HAVE OR SHALL HAVE, NOT HAS BEEN OPERATING A LOCAL OFFICE.

Thomas: OKAY. TEN MAYOR, LET ME ASK THE YOUNG MAN, WHAT WORDING DO YOU HAVE?

IT WAS MY UNDERSTANDING THAT YOU HAD TO HAVE BEEN OPERATING FOR A PERIOD OF ONE YEAR. NOW, I MAY BE MISTAKEN ON THAT AS WELL, BUT I KNOW THAT OTHER CITY CONTRACTS WE HAVE BID -- I'VE GOT A COPY OF THE SCOPE OF WORK HERE. I WASN'T PREPARED TO ACTUALLY REBUTT ANYTHING SO I COULD -- IF YOU COULD GIVE ME SOME MORE TIME, I COULD LOOK THROUGH IT.

Thomas: THAT'S OKAY.

I THINK WE -- I THINK WHAT WE SHOULD DO, IF YOU WILL GET THE LANGUAGE, WE WILL HOLD THIS ITEM UNTIL YOU BRING THE LANGUAGE BACK AND THEN WE'LL EXPLAIN THIS PUBLICLY AND TAKE ACTION AT THAT TIME.

Mayor Wynn: OUT OBJECTION, WE'LL -- WITHOUT OBJECTION, WE'LL TABLE ITEM 25.

Goodman: IF I COULD ADD, MAYOR, SOME OTHER QUESTIONS ARE MAYBE APPROPRIATE AS WELL, MAYBE IF WE GET THEM ALL TOGETHER AND GIVE THEM TO DEANNA SO WHEN SHE COMES BACK SHE DOESN'T HAVE NEW ONES.

Mayor Wynn: GREAT. COUNCILMEMBER SLUSHER, YOU HAD PULLED THE ITEMS RELATED MOSTLY TO THE SECOND STREET RETAIL PROJECT, 6, 7 AND 22, WHICH IS A RELATED ISSUE.

Slusher: MAYOR, I JUST WANTED A SHORT PRESENTATION ON THAT, BUT I THINK THE MAYOR PRO TEM ALSO HAS A COUPLE QUESTIONS.

Mayor Wynn: WE'LL ENTERTAIN A QUICK PRESENTATION ON OUR SECOND STREET RETAIL PROJECT.

GOOD MORNING, MAYOR WYNN, PHAEUPD AND COUNCILMEMBERS. I'M JAN STEVENS WORKING WITH ECONOMIC GROWTH AND REDEVELOPMENT SERVICES OFFICE TO HELP US BRING THIS AGREEMENT TO YOU TODAY. WITH ME I HAVE OUR DEVELOPMENT TEAM FOR THE RETAIL PROJECT. WITH AM LEE WE HAVE PHIL TEGG, CO-CEO AND EXECUTIVE VICE PRESIDENT. HE HAS ABOUT WITH AMLI SINCE ITS INSPECTION. TAYLOR BOWEN IS HERE, VICE PRESIDENT FOR DEVELOPMENT. HE IS WORKING VERY HARD ON THE BLOCK 20 PROJECT SO THAT IT WILL BE OPEN THE END OF MARCH. ROBERT BAGWELL OF URBAN PARTNERS, HE IS ONE OF THREE PARTNERS, URBAN PARTNERS IS ROBERT, DAVID LEVINE, HENRY S. MILLER BASED IN DALLAS, TEXAS. THEY HAVE BEEN INVOLVED OVER MANY YEARS IN MANY SUCCESSFUL URBAN RETAIL DEVELOPMENTS. CURRENTLY THEY HAVE THE SUCCESSFUL WEST VILLAGE

MULTI-USE DEVELOPMENT WHICH IS VERY SIMILAR TO OUR DISTRICT HERE ON SECOND STREET. WE ALSO HAVE KENT SMITH FROM JACKSON WALKER. HE'S BEEN THE ATTORNEY WITH AMLI. AND HARRIET TAB, WHO IS OUR ATTORNEY AND AN EXPERT IN THE RETAIL AREA. I THINK I CAN SPEAK TO OUR ENTIRE TEAM. WE ARE VERY HAPPY TO BE HERE TODAY TO BRING FORWARD TO YOU WHAT WE THINK IS THE BEST DEVELOPMENT PLAN AND THE BEST AGREEMENT TO ASSIGN OUR SUBLEASES THAT WE HAVE WITH C.S.C. FOR THE RETAIL SPACES AND BRING ABOUT WHAT WE BELIEVE IS GOING TO BE A SUCCESSFUL SHOPPING DISTRICT ON SECOND STREET. LET ME GIVE YOU A BRIEF HISTORY HOW WE GOT INTO THIS AND WHERE IT STARTED. OBVIOUSLY WITH THE C.S.C. DEVELOPMENT, WE ASKED ON THEIR FIRST FLOOR BUILD SHELL RETAIL SPACE AND WE WOULD SUBLEASE THAT BACK AND FIND A RETAIL DEVELOPER. AND BECAUSE OF WHAT WE KNEW WHAT WAS HAPPENING ON THE AMLI BLOCK, BLOCK 20, AS WELL AS OUR TWO BLOCKS, CITY HALL AND ALSO BLOCK 22, WE KNEW THAT WE HAD THE OPPORTUNITY TO CREATE A SIX-BLOCK RETAIL AREA OF GROUND-FLOOR RETAIL. SO IN FEBRUARY 2000, THESE RETAIL SUBLEASES WERE EXECUTED AND THE SHELL CONSTRUCTION SPACE WAS THEN CONSTRUCTED. THE CITY HAS INVESTED BOTH WITH A LUMP-SUM SUBLEASE PAYMENT FOR 99 YEARS AND REPAYMENT TO C.S.C. FOR THE SHELL COST. IT'S A \$9 MILLION INVESTMENT THAT WE HAVE MADE. THEN WE SET OUT A REQUEST FOR INTEREST TO SEE WHO WOULD BE OUR RETAIL DEVELOPER, WHO WAS INTERESTED IN DOING THIS PROJECT. AND IN OCTOBER 2000, AMLI AND BONNER CARRINGTON AT THE TIME CAME TO US AND IT WAS AGREED THAT WE WOULD GO INTO NEGOTIATIONS WITH THEM. BONNER CARRINGTON IS NO LONGER WITH THIS TEAM, ALTHOUGH WE CERTAINLY NEED TO GIVE A HATS OFF TO THEM BECAUSE I THINK A LOT OF THEIR EFFORT IN THE EARLY YEARS OF GETTING AMLI TO BE INTERESTED IN THIS AREA TO DO MULTI-USE, GETTING C.S.C. TO ACCEPT THE CONCEPT OF GROUND-FLOOR RETAIL, THEY REALLY SHOULD TAKE PRIDE IN THEIR EFFORTS AND WHY WE'RE HERE TODAY. ONE OF THE FIRST EFFORTS THAT THE RETAIL DEVELOPER IDENTIFIED WAS THAT WE NEED TO LOOK AT THE STREETScape. WE HAD PART OF A STREETScape STARTED WITH THE C.S.C. DEVELOPMENT. WE HAD 18-FOOT

WIDE SPAUBGS SIDEWALKS, TREES, SO THEY HIRED ROMA AND WE ARE THRILLED THE SECOND STREET STREETSCAPE PROJECT IS UNDER DESIGN AND WE WILL SEE A CONTINUATION AND A FULL CONCEPT FROM GREEN WATER TO PLANT ALL THE WAY TO THE CONVENTION CENTER. IT'S VERY EXCITING AND DOVE TAILS WITH OUR PROJECT. WE ALSO SPENT SOME TIME WITH C.S.C. TO SEE IF THERE WAS A POSSIBILITY TO CHANGE SOME OF THE TERMS OF THE RETAIL SUBLEASES. WE FEEL LIKE THERE ARE A LOT OF WAYS THAT THE DEVELOPER HAS TO GO IN AND CHECK IN ON SIGNAGE, STOREFRONT, ALL KINDS OF THINGS THAT WE KNOW CAN HOLD UP SIGNING UP THAT TENANT. WE HAD HOPED IN WORKING WITH THEM THAT WE COULD LOOSEN UP SOME OF THAT, BUT THEY FELT LIKE THEY HAD SPENT A LOT OF TIME ON THIS AGREEMENT AND A LOT OF TIME ON THE RETAIL SUBLEASE AND THAT THEY WOULD PREFER TO DEAL WITH THE DEVELOPER ON A CASE-BY-CASE BASIS. AT THAT POINT WE DECIDED TO PROCEED AND FINISH OUR KEY TERM N. 2000 URBAN PARTNERS CAME ABOARD AND WE WERE ABLE TO THEN SEE THE KIND OF DEVELOPMENT PLAN WE NOW HAVE. WE HAVE A TOTAL OF 188,500 SQUARE FEET WHEN YOU LOOK AT THE SIX-BLOCK AREA. SO WE HAVE CREATED A CRITICAL MASS. 100 THOUSAND THAT IS WHAT IS BEING MARKETED RIGHT NOW BETWEEN BLOCK ON 20TH BGS BLOCKS 2 AND 4 AND CITY HALL. WE HAD WHAT I THINK WE ALL HAD WANTED FROM THE VERY BEGINNING. IT'S ALL STARTING TO COME ABOUT. THE KIND OF MIX WE'RE HOPING FOR IS SOMETHING THAT TRULY WILL BE A SHOPPING DISTRICT. I THINK ORIGINALLY EVERYONE THOUGHT THIS MIGHT AGAIN BE LIKE THE WAREHOUSE, LIKE A RESTAURANT DISTRICT, BUT THAT NOW THROUGH THE DEVELOPMENT PLAN THAT WE HAVE, WE SEE THAT, NO, WE'RE GOING TO BRING SOME SHOPPING EXPERIENCE DOWNTOWN. WE HAVE APPAREL, WHICH IS LEADING THE PERCENTAGES 30 TO 40. WE WILL HAVE FOOD AND BEVERAGE, 25%. BUT HOME FURNISHING -SIZES AND ALSO ENTERTAINMENT. WE'RE HOPING WITH THE DEVELOPMENTS ON 22 AND 21 WE'LL SEE AN ENTERTAINMENT COMPONENT ADD TO DO THE DISTRICT. OUR LEASING GOALS, YOU CAN SEE WE'VE ALREADY BEEN LOOKING AT THIS. WE HAVE LETTERS OF INTENT THAT THE DEVELOPER HAS ON BLOCK 20. BUT WE WILL SEE FROM NOW UNTIL NOVEMBER 2004, AUGUST 2005, AND WE WILL

SEE THE BEGINNINGS OF GROUPS OF RETAILERS COMING ON AND ANNOUNCEMENTS MADE. WE'RE LOOKING AT I THINK THIS SUMMER WE WOULD SEE A GROUP. WHEN CITY HALL WE WOULD SEE A GROUP. SO YOU ARE GOING TO SEE THE STREET DEVELOP OVER THE NEXT YEAR AND A HALF. THE BENEFITS THAT WE SEE, WE'RE VERY PLEASED THAT WE THINK BY BRINGING SHOPPERS BACK INTO AUSTIN AND INTO OUR TAX BASE THAT WE WILL GENERATE 2 MILLION IN SALES TAX OVER THE FIRST 10 YEARS. THAT'S 2 MILLION TO THE CITY. WE ALSO WILL GENERATE WE THINK AN ESTIMATED 3.7 MILLION IN PROPERTY TAXES. NOW, THAT IS ALL JURISDICTIONS. CREATING OVER 400 JOBS. BRINGING THE SHOPPERS TO AUSTIN, PROVIDING OPPORTUNITIES, THIS IS PRETTY CRITICAL, IN HOW WE'VE DESIGNED OUR SPACES AND THE NUMBER OF SPACES TO PROVIDE OPPORTUNITIES FOR SMALL LOCAL RETAILERS. EITHER THAT SECOND CONCEPT STORE FOR THE URBAN AREA OR MAYBE A FIRST CONCEPT OR SOMETHING DIFFERENT, THEY ARE ALREADY IN OPERATION BUT THEY ARE GOING TO TRY SOMETHING DIFFERENT. WE ALSO BELIEVE AND ESPECIALLY WITH THE STREETScape PROJECT THAT WE WILL BE PROVIDING NEW MARKETING OPPORTUNITIES FOR THE CONVENTION CENTER AND THE HILTON HOTEL. WE HAVE HEARD FROM THE CONVENTION CENTER THAT THAT BREAK BETWEEN, YOU KNOW, WHEN THEY GET OUT IN THE AFTERNOON AND BEFORE THEY GO SEE OUR NIGHT LIFE, WHICH IS QUITE ALIVE, WHAT IS IT THEY CAN DO. WE'LL HAVE THEM COMING DOWN SECOND STREET AND COMING INTO THE SHOPS. STIMULATING THE RESIDENTIAL MARKET, SHOW CASING OUR CITY HALL, WE THINK IT'S GOING TO BE SPECIAL, BUT THERE WILL BE PEOPLE WHO MAYBE WOULDN'T HAVE COME DOWN FOR IT AND THEY WILL GET TO SEE IT AND EXPERIENCE IT. THEN WE'LL HAVE THAT GATHERING PLACE, THE SIDEWALKS ARE SUCH THAT YOUR PEOPLE WILL BE ABLE TO SIT AND VISIT AND SO IT WILL BE VERY ACTIVE ALL DAY LONG AND INTO THE NIGHT. QUICKLY, THE KEY TERMS OF OUR AGREEMENT WITH AMLI, WE WILL BE ASSIGNING OUR SUBLEASEHOLD INTEREST IN THE C.S.C. SPACE REMAINING. THEN AMLI THROUGH URBAN PARTNERS WILL DEVELOP, MARKET AND LEASE THE SPACES. THEY ARE GOING TO HELP SECURE TENANTS FOR CITY HALL. WE HAVE THE CITY CAFE AND CITY STOREFRONT ON EACH OF OUR

CORNERS. WE WILL AGREE ON HOW THE CITY HALL PARKING GARAGE IS OPERATED FOR PUBLIC PARKING, BOTH VISITORS TO CITY HALL AND THEN THE RETAIL CUSTOMERS. AND THERE MAY BE SOME ISSUES ABOUT THAT AND I CAN GET TO THAT AT THE END OF MY PRESENTATION IF YOU DESIRE. AMLI IS GOING TO WORK WITH THE CITY TO IDENTIFY WHERE THE OPPORTUNITIES ARE IN THEIR SERVICE CONTRACTING FOR MINORITY AND WOMEN BUSINESS ENTERPRISES. AND THEN I GUESS CRITICAL EVEN THOUGH IT CERTAINLY IS NOT TURNING INTO ANY TYPE OF A GOAL THAT URBAN PARTNERS AND AMLI IS NOT EMBRACING, A GOAL OF 30% FOR LOCAL TENANTS N. FACT, ONE OF THE PLEASURES OF WORKING THROUGH THIS DEVELOPMENT PLAN IS THAT IS REALLY THE ONLY WAY OUR PARTNERS BELIEVE THAT THIS WILL BE SUCCESSFUL. IT HAS TO BE AN AUSTIN DEVELOPMENT. IT CAN'T BE, OH, I CAN JUST SEE THAT IN KANSAS CITY OR SOMEWHERE ELSE. IT TRULY WILL BE SUCCESSFUL. AND ACTUALLY SO AUSTINITES GO THAT'S MY FAVORITE PLACE TO BE. AND THEN OTHERS LIKE THE CONVENTIONERS AND OTHER VISITORS WILL ALSO AGREE. I WON'T SPEND A WHOLE LOT OF TIME, BUT I KNOW COUNCIL HAS HAD SEVERAL DISCUSSION OVER THE TIME ON WHAT A LOCAL TENANT IS. WE BOTH APPRECIATE THE INTEREST OF OWNERSHIP AND THE MONEY STAYING IN THE COMMUNITY, AS WELL AS THAT NATURE AND CHARACTER, THAT AUSTIN IDENTITY. A LOT OF TIMES YOU DON'T KNOW, SOMEONE WILL SAY THAT'S AN AUSTIN STORE, BUT THEY MAY NOT HAVE A 51% OWNERSHIP OR MAY NOT QUALIFY IN TERMS OF THAT. WHAT WE DID WAS TRY TO BE BROAD ENOUGH TO BRING IN BOTH THE OWNERSHIP AS WELL AS THAT AUSTIN IDENTITY. SO WE BELIEVE THAT WE HAVE DONE THAT, AS WELL AS IF SOMEONE WHO STARTED OUT AND THEY ARE KNOWN AS AN AUSTIN BUSINESS, THEY HAVE THEIR HEADQUARTERS OR THEIR FIRST RETAIL START HERE, THEY ARE NOT GOING TO BE TOO BIG FOR US IF THEY HAVE A FRANCHISE AND PEOPLE ACCEPT THEM AS ONE OF OUR OWN. ALL RIGHT. WELL, WE HAVE PUT IN 9 MILLION, BUT IT'S NOT ENOUGH TO GET THIS PROJECT OFF THE GROUND. WE ARE VERY PLEASED THAT AMLI WILL BE FUNDING 100% OF THE REMAINING DOLLARS THAT ARE NEEDED IN THE DEVELOPMENT BUDGET. THE MAJORITY OF THAT BUDGET WILL BE 3.6 MILLION TO REIMBURSE TENANTS FOR FINISH ON

ALLOWS. WE DO BELIEVE THAT IT WILL BE NECESSARY TO DO. TH. WE HAVE A DISTRICT THAT IS NOT YET A DISTRICT, AND WE NEED TO PROVIDE SOME INCENTIVE TO THOSE FIRST TENANTS WHO COME IN AND HELP MAKE THAT IT SPECIAL PLACE. SO WE FEEL LIKE THIS IS ESSENTIAL. THAT'S AN AVERAGE. SOME MAY GET LOWER THAN THAT, SOME MAY GET MORE, BUT WE FEEL LIKE THAT'S CRITICAL TO THE COMPONENT OF GETTING THIS OFF THE GROUND. WE WILL ALSO RECEIVE, AND THAT'S PART OF OUR OTHER ITEMS ON THE AGENDA, WE'LL RECEIVE ABOUT 363,000 BACK FOR CONSTRUCTION OF SANER TO SAO ER SEWER AND GREASE TRAP AND USE TO ADD PARKING CONTROL AND THEN FUND OUR TENANT IMPROVEMENTS IN THE CITY HALL SPACES. SO WE'LL TURN THAT BACK INTO THE PROJECT. WE WILL BE IN A POSITION TO APPROVE ANY CHANGES TO THAT DEVELOPMENT BUDGET SO IT'S NOT JUST FOR THEM TO GO OUT AND MAKE THE CHANGES. WE WILL ALSO BE APPROVING ANNUAL OPERATING BUDGETS. WE WILL RECEIVE REPORTS FROM THEM ON A QUARTERLY AND ANNUAL BASIS. ALL RIGHT. LET'S TALK ABOUT HOW DOES THE INCOME GET DISBURSED. WE DO BELIEVE AFTER THREE YEARS WE'LL SEE ABOUT A MILLION IN OPERATING INCOME IN THIS PROJECT. AND BECAUSE OF THE DEVELOPMENT BUDGET, THE NEW CAPITAL BEING FUNDED BY AMLI THAT IS CORRECT THEY WILL RECEIVE A 13% RETURN ON THAT MUCH LIKE THE LOAN, ALTHOUGH I KNOW IT NOT A LOAN, I KNOW IT'S SORT OF THOUGHT LIKE THAT, THAT INTEREST RATE ACCEPTS THE RISK UNPROVEN DISTRICT, OF AN ARRANGEMENT WHERE YOU IS HAVE A SUBLEASE AND MASTER LEASE AND ALL SORTS OF CHECK-INS WITH ANOTHER ENTITY THAT IS CORRECT BEING C.S.C. ONCE THAT IS SATISFIED, WE'LL BEGIN TO REQUIRE THE TKOERPLT BUDGET. THEN AFTER THAT -- DEVELOPMENT BUDGET. AFTER THAT IS WHERE THE CITY RECEIVES THE LION'S SHARE OF THE INCOME. TO THEM WE HAVE STKAOEFRD OUR REPAYMENT OF OUR INVESTMENT TO THE BACK END OF THE DEAL. AND WE RECEIVE 80%, AMLI 20%. WE DO BELIEVE THAT WHAT -- AND THE INTEREST THAT WE HAVE HEARD IS THAT ALL OF THE SPACES COULD POTENTIALLY ALL COME UNDER BOTH IN ALL OF THE SIX PWHROS UNDER ONE RETAIL DEVELOPER. WE WOULD ENCOURAGE THAT BECAUSE THEN YOU HAVE THAT SORT OF COMMON

INVESTMENT, COMMON MAINTENANCE, COMMON DIRECTION OF A DISTRICT. AND WE FEEL THAT WILL BE CRITICAL TO MOVE THIS ALONG. RIGHT NOW WE HAVE THAT BECAUSE WE HAVE AMLI WITH US AND URBAN PARTNERS. BUT FOR THE FUTURE, THAT WOULD BE I THINK ESSENTIAL. AND WITH THE SALE OF THIS ESTATE, WHICH WE BELIEVE HAS A VALUE OVER THE 10 YEARS OF BETWEEN 13, 15 MILLION, WE CAN RECEIVE NOT ALL OF THE 9 MILLION, BUT WE CAN GET BACK A GOOD SHARE OF SHARE OF IT. I HAVE SHOWN -- I'M NOT GOING TO GO THROUGH THE DEVELOPMENT PWEUPBLGT, BUT IT'S HERE TPOUFRPLT YOU CAN SEE WHAT MAKES THAT UP THAT 5.5 MILLION T. DISTRIBUTION OF THE PROJECT INCOME. IT GIVES YOU AN IDEA OF HOW, YOU KNOW, IT WILL TAKE US THREE YEARS TO RAMP UP AND GET INTO THAT MILLION DOLLAR NET OPERATING INCOME. AND SO AMLI WILL BE DEFERRING THEIR RETURN ON THAT DEVELOPMENT BUDGET UNTIL IT CAN BE PAID OUT IN WHAT WE THINK IS YEAR 3. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

I HAVE OTHER PICTURE SLIDES, BUT I'M GOING TO STOP FOR A MOMENT AND ASK IF THERE'S ANY QUESTIONS.

Slusher: MAYOR, I APPRECIATE THE PRESENTATION, ONE OF THE REASONS THAT I PULLED THIS BECAUSE I THINK THIS IS ONE OF THE MOST IMPORTANT ENDEAVORS THAT WE WILLUNDER TAKE FOR THE FUTURE OF THE CITY. I THINK FOLKS KNOW THAT THE DECLINE OF DOWNTOWNS, THIS IS A KEY ELEMENT OF URBAN SPRAWL BASICALLY BECAUSE OF -- A LOT OF THE REASON WHY THE -- WAS THE RISE OF MALLS AND SUBURBAN DEVELOPMENTS THAT CAUSED DOWNTOWNS TO DECLINE. AND WE HAVE SEEN IN RECENT YEARS THE FLIGHT OF THE CITY'S TAX BASE TO THE SUBURBS. WE HAVE GOT TO RECAPTURE THAT. I'M GLAD TO HEAR THAT AMLI AND FOLKS, GOING TO SAY THAT IT HAS TO BE LOCALLY BASED AND AUSTIN CENTERED. I THINK THAT'S ABSOLUTELY THE CASE. ONE THING THAT I WOULD SAY ON THAT, THE 30% LOCAL, THAT'S A GOAL THAT WE GET UP THAT HIGH. BUT IT'S NOT A CEILING.

IN FACT, CURRENTLY WITH THE TYPE OF ATTENTIVE PLAN THAT I HAVE SEEN, IT'S ALREADY -- IF WE ACHIEVE IT IN THOSE -- AND THOSE LOCAL RETAILERS DO SET UP THOSE

SECOND SHOPS OR SO, IT'S RIGHT NOW LOOKING AT 60%. YOU'RE RIGHT. THEY ARE NOT LOOKING AT IT AS A CEILING. I THINK BECAUSE WE HAVE SO MANY DIFFERENT WAYS THAT THE RETAILERS HAVE COME TO SHOPS THAT ARE 500 SQUARE FEET, TO A THOUSAND, 2,000, LOTS OF OPPORTUNITIES. WE 30 SPACES CURRENTLY SORT OF LINED OUT IN THE TWO C.S.C. BUILDINGS. YOU'RE RIGHT. IN NO WAY ARE THEY LOOKING AT IT AS A CEILING.

THEN ON BLOCK 21, TO THOSE WHO DON'T KNOW THE NUMBERS OF THE BLOCKS DOWNTOWN THAT'S BETWEEN SECOND AND THIRD AND GUADALUPE AND LAVACA.

YEAH.

AND THAT'S THE ONE RIGHT ACROSS FROM THE NEW CITY HALL, RIGHT ACROSS SECOND STREET FROM THE NEW CITY HALL. I REALLY THINK THAT HAS TO BE RETAIL ON THE GROUND FLOOR OF WHATEVER GOES THERE. IT CAN'T BE BROKEN UP, IS WHAT WE HEAR FROM ALL OF THE EXPERTS, THAT THAT WOULD HURT THE OTHER RETAIL. I'M STRONGLY IN FAVOR OF THAT. BUT I WANTED TO -- THE QUESTION THAT I HAVE, THOUGH, IS WHAT ARE WE DECIDING ON BLOCK 21 AS PART OF THIS MOTION OR THIS PROPOSAL THAT'S BEFORE US RIGHT NOW?

NOTHING. WE HAVE NOTHING ON THE TABLE FOR 21.

Slusher: OKAY.

TODAY. THAT WILL COME BACK TO YOU IN A SEPARATE WAY. WE HAVE, THOUGH, IN OUR DRAFTING OF OUR REQUEST FOR PROPOSALS FOR DEVELOPMENT AND SALE OF THAT BLOCK, WE WILL BE REQUIRING 42,000 GROUND FLOOR RETAIL. BUT I SHOWED YOU SORT OF THE WHOLE SIX BLOCK AREA, BUT THIS IS ONLY OUR AGREEMENT TODAY AND WHAT YOU ARE AUTHORIZING IS BLOCK 4 AND LEASING CITY HALL.

BECAUSE SINCE IT WAS IN THE -- IN THE PRESENTATION I WASN'T SURE ABOUT THAT. SO AMLI IS NOT GOING TO -- IS NOT IN CHARGE OF BLOCK 21.

THEY WOULD LIKE TO BE. BUT NO -- BUT WE WILL --

ANOTHER PART OF WHAT WE'RE LOOKING AT, THOUGH, IS THAT THE EVENTUAL DEVELOPER WILL ALSO NEED TO HAVE AN AGREEMENT WITH THE URBAN PARTNERS AS THE DEVELOPMENT CONSULTANT. WE WANT TO HAVE URBAN PARTNERS TENANT THAT SPACE AND SO THAT WILL BE AGAIN PART OF THE R.F.P. THAT IS NOT AN ACTION TODAY.

OKAY.

Slusher: WELL, I JUST WANT TO GO ON ON RECORD THAT I DO THINK THAT NEEDS TO BE SEAMLESS. I THINK IT'S PRETTY CLEAR WHY WHEN YOU SEE THIS, WHEN YOU REALLY SIT DOWN AND TAKE A LOOK AT IT. OKAY. JUST A COUPLE MORE QUESTIONS. ON THE CITY HALL PART, IT SAYS THE CITY HAS FINAL APPROVAL ON WHAT WOULD GO IN THERE. I THINK THAT'S APPROPRIATE. NOW, I WOULD REALLY, REALLY WANT TO EMPHASIZE LOCAL THERE. AT THE CITY HALL. BUT DOES THAT COME BACK TO THE COUNCIL AS IT'S PROPOSED?

IT WILL NEED TO BECAUSE IT'S A LEASE AGREEMENT. SO IT WILL, YES.

OKAY.

Slusher: I'M RELUCTANT TO ASK THIS, BUT I DON'T KNOW -- I DON'T WANT TO PIN DOWN A TIME, BUT WHEN ARE WE ANTICIPATING OR HOPING TO START SEEING STORES IN THESE BUILDINGS?

I CAN CALL ROBERT UP, BUT I KNOW HE'S LOOKING AT ANNOUNCING SOME LEASES IN MAY AND THEN THE FINISHOUT WOULD OCCUR AND WE WOULD SEE BY LATE SUMMER A GROUP. HE'S TRYING TO POSITION WHERE YOU SORT OF HAVE SOME GROUPS COME SO YOU DON'T HAVE SOMEONE ALL BY THEMSELVES. SO YOU HAVE A GROUP. WITH THE CITY HALL OPENING WE WOULD POSITION OURSELVES THEN IN LATE FALL TO HAVE ANOTHER LAUNCH AND THEN SO WE WOULD -- WE WOULD SEE THOSE THROUGHOUT THE YEAR NOW. SO -- SO SUMMER, LATE SUMMER WE WOULD HOPE THAT WE HAVE AN OPENING OF A CERTAIN NUMBER OF STORES.

Slusher: OKAY. THANK YOU, THAT'S ALL OF THE QUESTIONS THAT I HAVE.

Mayor Wynn: WE HAVE ONE CITIZEN SIGNED UP WISHING TO SPEAK ON ITEM NO. 6. MR. COLLINS? WELCOME, SIR.

HELLO AGAIN, MAYOR, MAYOR PRO TEM, COUNCIL, GUESTS. THE -- THE DOWNTOWN AUSTIN ALLIANCE, I'M THE SECRETARY OF THE BOARD OF THE DOWNTOWN AUSTIN ALLIANCE. WE HAVE HAD THREE PRESENTATIONS TO DIFFERENT BODIES WITHIN OUR ORGANIZATION ABOUT THIS PROJECT. AS RECENTLY AS YESTERDAY MORNING. AND THE -- THE MANY OF THE PROPERTY OWNERS AND BUSINESS OWNERS THAT MAKE UP THE DOWNTOWN AUSTIN ALLIANCE, LEASE TO THE SAME TYPE OF TENANTS THAT WILL BE INCLUDED IN THIS DEVELOPMENT. SO WE MADE IT A POINT TO BE VERY INTERESTED AND TO -- IN THIS PROJECT AND HAVE BEEN WORKING ALONG WITH THE CITY FOR THE LAST SEVERAL YEARS TO TRY TO BRING MORE RETAIL TO DOWNTOWN, WHICH WE THINK IS A MAJOR PART OF THE REVITALIZATION OF THE DOWNTOWN AUSTIN. THE -- WE HAVE BEEN BRIEFED ON ALL OF THE MAJOR DEAL POINTS OF THE AGREEMENT. AND WE DO SUPPORT THIS AGREEMENT BETWEEN THE CITY, AMLI AND URBAN PARTNERS. I WANTED TO ALSO TELL YOU THAT WE ARE IN THE MIDST OF A RETAIL STRATEGY STUDY FOR DOWNTOWN AND FEEL THAT WILL BE VERY HELPFUL TO THE CITY OF AUSTIN AND TO THE -- TO THIS TEAM HERE. SO I JUST ENCOURAGE YOU TO -- TO GET IN MOVING AS SOON AS POSSIBLE. THANK YOU.

Mayor Wynn: THANK YOU, MR. COLLINS. I HAD A COUPLE OF QUESTIONS. YOU KNOW WE HAVE SEEN WITH THE AGAIN RAM DOWNTOWN OF THE AUSTIN -- GENERAL DOWNTURN OF THE ECONOMY, THE ONE AREA OF COMMERCIAL DEVELOPMENT THAT SEEMS TO HAVE HELD ITS OWN, I'M SOMEWHAT AMAZED AT HOW MUCH RETAIL HAS CONTINUED TO BE DEVELOPED ACROSS THE CITY. WHAT, IF ANY, SORT OF DIALOGUE HAS THERE BEEN WITH RETAIL BROKERS ABOUT DEMAND AND LIKELIHOOD OF JUST HOW, YOU KNOW, UNIQUELY THIS COULD BE MARKETED VERSUS MANY OTHER VERY NICE, YOU KNOW, PROJECTS THAT ARE BEING CREATED ACROSS THE CITY? IT'S THERE --

LET ME CALL ROBERT UP TO TALK ABOUT THAT.

MY NAME IS ROBERT BAGWELL. I'M PLEASED TO BE HERE, MAYOR AND COUNCILMEMBERS. WE'VE HAD A -- WE'VE HAD A GOOD BIT OF COMMUNICATION WITH LOCAL BROKERAGE COMMUNITY AS WELL AS WITH A LOT OF LOCAL RETAILERS. AND I CAN SAY THAT I HAVE AN ABUNDANCE OF FOOD AND BEVERAGE MERCHANTS AND RESTAURATEURS AND GENERAL FOOD AND BEVERAGE TENANTS THAT ARE UTE OUT THERE. I'VE HAD A TON OF BARS, RESTAURANTS, PARTICULARLY BARS AND LOUNGES, SO I THINK THAT THE FOOD AND BEVERAGE COMPONENT IS VERY HEALTHY AND A LOT OF OPERATORS. FROM THE RETAILERS, WHICH IT'S OUR MAIN INTEREST, [INDISCERNIBLE], I'M FINDING IN MY CONVERSATIONS WITH THE LOCAL COMMUNITY THAT THERE'S A LOT OF INTEREST IN LOCATING IN A PROJECT WHERE THERE ARE OTHER RETAILERS IN THE DOWNTOWN AREA. SO I DON'T GET REALLY OUT IN THE SUBURBAN MARKETS, EVEN THOUGH I KNOW THERE'S A LOT OF ACTIVITY OUT THERE. BUT WHAT I AM FINDING IS THAT THERE'S -- THERE'S A SENSE THAT IF THERE COULD BE ONE CENTRALIZED URBAN PLACE, THAT WAS -- THAT OFFERED A - - AN INTERESTING SHOPPING EXPERIENCE, I THINK PEOPLE WOULD COME. AND A LOT OF THE RETAILERS WANT TO BE INVOLVED WITH THE CONVENTIONEER BUSINESS THAT THEY ANTICIPATE COMING WITH THE EXPANSION OF THE CONVENTION CENTER AND NEW HOTEL. SO I THINK THAT -- THAT THERE'S A GENERAL OPTIMISM THAT A PROPERLY LEASED AND PROPERLY CONCEIVED RETAIL PROJECT DOWNTOWN CAN WORK. SO I'M FINDING A -- A LOT OF OPTIMISM AND IT'S REALLY POSITIVE FEEDBACK. SO -- YOU KNOW WE HAVEN'T -- OUR FIRST THRUST IS NOT WITH THE NATIONAL RETAILERS. BUT I HAVE TALKED TO A NUMBER OF -- A NUMBER OF MORE TYPICALLY, YOU KNOW, BAN IN A REPUBLIC, ANN TAYLOR, AND WE SEE THOSE PIECES KIND OF COMING IN ON BLOCK 22 AND BLOCK 21. THIS FIRST THRURS THRUST WILL BE LOCAL.

ACTUALLY THAT BRINGS UP BLOCK 22. IF I CAN HAVE SOMEBODY FROM AMLI STEP UP. I WOULD LIKE TO UNDERSTAND WHAT THE LATEST THINKING ON BLOCK 22, THAT IS THE BLOCK THAT'S -- THAT'S FURTHEREST WEST ON THE NORTH SIDE OF SECOND STREET. WHAT THE THINKING

IS AS TO THE TIMING OF SPACE TO BE DELIVERED, WHAT MIGHT BE SOME COMPONENTS THERE. THANK YOU, MAYOR, I'M PHIL TAGE, WITH AMLI. MAYOR, WE ARE WORKING WITH URBAN PARTNERS TO IDENTIFY THE TYPE OF RETAILERS THAT WILL BE IN A SECOND OR THIRD STAGE OF TENANTING THE RETAIL DISTRICT ANDMENT ALLOW THAT TO DICTATE THE TYPE OF BUILDING WE DESIGN FOR THAT BLOCK. I THINK AS YOU KNOW A BUILDING SIMILAR TO WHAT WE CONSTRUCTED ON BLOCK 20, BUT WE NOW UNDERSTAND THERE ARE CERTAINLY RETAILERS THAT MIGHT LEND A LOT OF VIBRANCY AND ENERGY TO THE DISTRICT THAT HAVE OUT OF THE BOX OR THE OF -- SORT OF REQUIREMENTS THAT MAY GO INTO SECOND OR THIRD STORIES AND WE MAY HAVE TO DEVELOP A BUILDING THAT IS NOT SIMILAR TO BLOCK 20 AND SO WE ARE ALLOWING THE RETAIL MARKETING TO -- TO DICTATE WHAT OUR DESIGN WILL BE. SO WE ARE STILL IN THE MIDST OF THE MARKETING CAMPAIGN RIGHT NOW.

AND REMIND ME, SEEMS LIKE AS PART OF THE AGREEMENT WITH THE CITY, IS THERE -- ARE THERE SOME TIME CONSTRAINTS? IS THERE -- DO YOU HAVE TO DO SOMETHING BY SOME PERIOD OF TIME?

YES. WE HAVE TO SUBMIT A SITE PLAN, I BELIEVE, IN ABOUT - - APPROXIMATELY TWO AND A HALF YEARS FROM NOW. I THINK. APPROXIMATELY. AND ACTUALLY I THINK THAT IT'S ONE AND A HALF YEARS AND START CONSTRUCTION WITHIN TWO AND A HALF YEARS.

OKAY. AND REMIND ME, ALSO, IS THERE A COMPONENT -- IN ADDITION TO THE, YOU KNOW, THE CRITICAL NEED REALLY FOR MORE RETAIL SPACE DOWNTOWN, FRANKLY ONE OF THE BIG ATTRACTIONS TO AMLI HAS BEEN Y'ALL'S MULTI-FAMILY EXPERIENCE. AS PART OF THAT AGREEMENT WITH THE CITY ON BLOCK 22, IS THERE ALSO A -- SOME TYPE OF COVENANT -- IT WAS MY UNDERSTANDING THAT THERE WAS -- THAT THERE IS ALWAYS TO BE AT LEAST AS MANY APARTMENT UNITS ON 22 AS YOU ALL HAVE ON 20, IS THAT YOUR UNDERSTANDING.

YES. THERE IS A FLOOR OF 220 UNITS THAT WE HAVE TO HAVE AT LEAST THAT MANY, WHICH IS THE NUMBER THAT

WE HAVE ON BLOCK 20.

OKAY, GOOD.

Mayor Wynn: SO IN ADDITION TO ALL OF THE NUANCES, YOU ALL ARE WORKING THROUGH ON RETAIL SPACE AND OTHER POTENTIAL ENTERTAINMENT COMPONENTS, IN ADDITION TO THAT YOU ARE STILL GOING TO HAVE THE FLOOR OF AT LEAST THOSE 200 --

YES. WE'VE HAD A GREAT REACTION FROM THE MARKET SO FAR ON BLOCK 20, EVEN THOUGH WE DON'T HAVE THE BUILDING OPEN YET. SO WE HAVE LITTLE DOUBT THAT NO MATTER WHAT YEAR IT IS, WE WILL WANT TO BUILD AT LEAST THAT MANY APARTMENT UNITS. SO THAT'S WHY WE ARE ALLOWING THE RETAIL TO DICTATE WHAT SORT OF BUILDING WILL BE DESIGNED BECAUSE WE HAVE NO DOUBT THAT WE -- WE ARE READY NOW TO BUILD AN ADDITIONAL 220 UNITS. BUT WE DO NEED TO MAKE THE DETERMINATION ABOUT THE RETAIL ELEMENT.

I AGREE. THANK YOU, SIR. FURTHER QUESTIONS, COUNCILMEMBER MCCracken?

I THINK THIS QUESTION IS FOR STAFF. GETTING BACK TO BLOCK 21, THE ONE BLOCK THAT DOESN'T HAVE ANY PLANS AT THE MOMENT, WHAT SORT OF COUNCIL ACTION WILL BE REQUIRED FOR BLOCK 21 COMING UP?

WELL, AT THIS MOMENT WE ARE OPERATING, THAT WE WOULD ISSUE AN R.F.P., THAT WILL PROBABLY AT THE VERY EARLIEST, FIRST OF MARCH, WE ARE WORKING THROUGH BECAUSE WE KNOW THAT WE WILL HAVE SO MANY DIFFERENT KINDS OF DEVELOPMENTS COMING IN. WE WANT TO HAVE A FAIR -- IN, WE WANT TO HAVE A FAIR EVALUATION PROCESS. WE ARE WORKING THROUGH WHAT WILL BE THAT EVALUATION SO THAT WE WOULD BE ABLE TO THEN BRING TO YOU OUT OF THAT WHAT WE WOULD RECOMMEND, THAT MAY BE ONE, MAY BE SEVERAL OUT OF WHAT WE GET, WHAT DO WE THINK WORKS BEST IN THE SECOND STREET DISTRICT. SO THAT WILL BE -- WE WILL PROBABLY NOT BRING THAT TO YOU UNTIL SOMETIME THIS

SUMMER.

McCracken: ONE THINK THAT I THINK IT'S IMPORTANT, AT LEAST WHERE I'M COMING FROM, I WAS ASSURED IN JANUARY HE WOULD HAVE THE R.F.P. BY THE END OF JANUARY. THEN END OF FEBRUARY. I'M HEARING YOU TODAY TELL ME IT MAY NOT BE UNTIL MARCH. IT'S VERY IMPORTANT, AS YOU HAVE SEEN FROM ALL OF THE TIME LAGS, THAT WE DID THE RIGHT THING AND DO IT -- DO IT WELL. BUT I THINK THAT IT'S ALSO IMPORTANT THAT WE DO IT SOON, TOO.

I AGREE.

I AGREE.

FURTHER COMMENTS, QUESTIONS,? MAYOR PRO TEM?

THANKS, MAYOR.

Goodman: TWO THINGS THAT I WILL JUST SAY WERE -- THAT ARE IMPORTANT TO ME AT THIS MOMENT AND THEN GETHSEMANE LUTHERAN INTO SOME DETAILS. NUMBER -- GET INTO IN DETAIL. NUMBER ONE THIS ITEM SAYS NEGOTIATE AND EXECUTE. HAVING BEEN BURNED ON THAT ONCE OR TWICE IN THE DOWNTOWN AREA, I WOULD ASK THAT WE TAKE EXECUTE OUT OF IT. I DON'T KNOW WHAT THE TIME FRAME IS, BUT EITHER BE ABLE TO COME BACK FOR COUNCIL READING OF THE CONTRACT LANGUAGE, THE SPECIFIC CONTRACT LANGUAGE, OR MAKE SURE THAT A MAJORITY, THAT ALL COUNCILMEMBERS HAVE READ THE CONTRACT LANGUAGE BEFORE ANYTHING IS SIGNED AND THAT NOBODY HAS THEN PULLED IT OR -- OR QUESTIONED IT BEFORE SIGNING IT. THE REASON FOR SOME OF THAT IS THAT THERE WERE THINGS IN PAST CONTRACTS THAT WOULD NOT HAVE BEEN APPROVED IF WE HAD KNOWN THAT THEY WERE SUBJECTS OF A NEGOTIATION OR AT LEAST THEY WOULD HAVE REQUIRED SOME DISCUSSION AND I THINK THEY WERE SIGNIFICANT. SO I DON'T WANT THAT TO HAPPEN HERE. SOME OF THE ISSUES THAT COME UP, ESPECIALLY FOR CITY HALL AND THE RETAIL, ARE -- ARE ONES THAT I WOULD LIKE TO SEE HOW THE OVERSIGHT IS HANDLED IN CONTRACT LANGUAGE BECAUSE MANY

DISCUSSION THAT'S WE HAD ON THAT CAME BACK TO HAVING COUNCIL OVERSIGHT ON WHO THE TENANTS WERE IN CITY HALL. THERE'S AN IMAGE THERE AND A PROJECTION THAT HAS TO BE VERY CAREFULLY LOOKED AT AS A PART OF CITY HALL.

UH-HUH.

WILL BE BRINGING THOSE TO YOU. THOSE LEASES TO YOU, CERTAINLY WE WILL DISCUSS PRIOR TO THAT ACTION ITEM WHO 70'S THAT -- THAT WE ARE SENTING IN ON AND THE KIND OF CONCEPT THAT WE THINK THAT WE WOULD HAVE BOTH IN THE STORE AND THE CAFE.

Goodman: WELL THE CONCEPT WAS ALREADY BEAT OUT HERE AT THE POM TABLE.

OH, I KNOW. IT'S JUST WHAT I AM SAYING IS THAT TENANT, IF THEY HAVE ANY OTHER IDEAS THAT THEY BRING THAT WE MIGHT WANT TO ACCEPT, WE WOULD SHARE THOSE WITH YOU.

OKAY. SO YOU ARE SAYING A TENANT WOULD NOT BE SIGNED UP UNTIL COUNCIL OKAYED IT?

THAT LEASE -- YES. THE LEASE COULD NOT BE EXECUTED UNTIL WE BROUGHT IT TO YOU. JUST TO REPEAT THE COUNCIL WILL APPROVE THE LEASES FOR ANYONE IN THE CITY HALL RETAIL. SO YOU WILL BE THE FINAL APPROVAL OF THOSE LEASES.

WE ARE WORKING CLOSELY WITH THE URBAN PARTNERS, REALIZES THAT THIS IS A LITTLE DIFFERENT THAN -- THAN MAYBE THE OTHER SPACES THAT THEY ARE WORKING DIRECTLY WITH US ON WHAT -- WHAT THAT TENANT WILL LOOK LIKE, WHAT THEY WILL -- HOW THEY WILL OPERATE THOSE SPACES.

Goodman: OKAY. DOES THAT INCLUDE THINGS LIKE SIGN GOES AND -- SIGNS AND WHAT HAVE YOU?

YES.

Goodman: WE DON'T WANT -- WELL NEVER MIND. I AM WONDERING ABOUT THE LIST OF THINGS THAT BENEFIT. SHOWCASES THE NEW CITY HALL, I'M NOT SURE HOW RETAIL ACTUALLY DOES THAT, BUT WE CAN TALK ABOUT THAT. THAT IN FACT IS ONE OF THE THINGS THAT'S BOTHERED ME ALL ALONG. THE NEED FOR BEING SO CAREFUL, YOU DON'T WANT THE TERM RETAIL AND CITY HALL BEING USED IN THE SAME BREATH.

HOW I HAD LOOKED AT THAT IS THAT THE DISTRICT ITSELF WILL BE ABLE TO THE CITY IS THE CENTER PIECE TO THAT AREA AND IT WILL DRAW PEOPLE WHO THEN CAN EXPERIENCE THE CITY HALL. I WASN'T THINKING IN TERMS OF OUR TWO SPACES. IT'S MORE OF THE CITY ALL BEING THE CENTER PIECE OF THAT DISTRICT.

I'M JUST KIND OF REMINDING US THAT WE HAVE SAFEGUARDS THAT WE WERE GOING TO INCLUDE -- IN OUR ZEAL TO HAVE A DOWNTOWN SECOND STREET RETAIL EXPERIENCE, I DON'T WANT US TO GO OVERBOARD IN PLACES WHERE IT'S POOR JUDGMENT. WHICH BRINGS ME TO WHEN WE GET TO BLOCK 21, SOME OF THE THINGS THAT YOU SAID SOUNDED AS IF POLICY DECISIONS HAVE ALREADY BEEN MADE ON BLOCK 21 WHICH IS KIND OF BLANKING ON. IF WE HAD A VOTE ON THAT, THERE WERE DEFINITE POLICY ISSUES TO BE DISCUSSED AS COUNCILMEMBER WAS MENTIONING ABOUT THE MULTIPLE POSSIBLE USES THERE, I WASN'T AWARE AS A COUNCIL WE HAD KIND OF FINALIZED ANY OF THE VARIOUS SUGGESTIONS THAT HAD BEEN MADE OVER THE --

JUST THE OPPOSITE, MAYOR PRO TEM. THE ONLY THING THAT YOU HAVE INSTRUCTED US TO DO IS TO PUT THE R.F.P. OUT TO BRING THE PROPOSALS BACK TO YOU. SO THAT WE CAN MAKE THE POLICY DECISION ON BLOCK 21. IT'S A WAY TO TAKE ALL OF THE DISPARIT IDEAS AND DREAMS ON THIS BLOCK TO BRING THEM TOGETHER SO WE CAN MOVE FORWARD. OUR IDEA REALLY IS TO MAKE SURE THAT THAT BLOCK DOESN'T BECOME A GAP IN THE DEVELOPMENT OF THE RETAIL AND THAT WE CAN MOVE SWIFTLY IN FINALIZING A DECISION.

Goodman: OKAY, I SUGGEST THE R.F.P. GET RUN BY US

BEFORE IT GOES OUT JUST TO MAKE SURE THERE'S NOTHING FORGOTTEN.

Futrell: WE WILL PUT A COPY OUT TO THE COUNCIL OFFICES BEFORE WE ISSUE IT.

Goodman: GREAT, THANK YOU. THE ONLY OTHER THING THAT I WANTED TO ASK ABOUT RIGHT NOW OTHER THAN WHAT IS YOUR RECOMMENDATION FOR HOW WE DO THIS, EITHER TAKE OUT THE WORD EXECUTE NOW OR MAKE SOME KIND OF A PROVISION THAT COUNCILMEMBERS READ THE CONTRACT BEFORE IT IS SORT OF DESIGNED. THE ONLY OTHER THING THAT I WANTED TO ASK ABOUT IS CHANGE TO RETAIL SUBLEASES SOUGHT FROM CSC TO GIVE RETAIL DEVELOPER MORE LATITUDE IN APPROVING SIGNAGE, STORE FRONT DESIGNS AND OTHER ISSUES EXPECTED TO ARISE FROM TENANTS. I THINK THAT KIND OF TIES BACK INTO WHAT I'M REALLY WANTING TO HAVE A FAIL SAFE DESIGN FOR, WHICH IS SHOWCASING CITY HALL, ANYTHING TO THE LEFT, RIGHT, YEAR, FRONT. WHAT ARE WE TALKING ABOUT THERE? NEON?

NO. IN FACT -- IN FACT BECAUSE THIS IS -- CSC BUILT THEIR BUILDINGS AS A HEADQUARTERS, THEY PERCEIVE THAT'S VERY STATELY -- THE DESIGN IS WONDERFUL, BUT THE SIGNAGE PACKAGE IS NOT AN URBAN RETAIL EXCITING SIGNAGE PACKAGE. IT'S MORE -- RETAILERS HAVE THEIR OWN SORT OF REGULAR WAY THEY LIKE TO SEE THEIR SIGNS. SO -- SO RIGHT NOW IT PRECLUDES SOME OF THOSE. WE WOULD HAVE TO ASK FOR, WELL, NOT NEON, BUT JUST A WAY THAT THEY NORMALLY DO THEIR STORE FRONT SIGNS. HOW WE LOOKED AT IT, IN THE SIGNAGE PACKAGE THAT WE PUT TOGETHER FOR THEM TO UNDERSTAND WHAT WE ARE GOING FOR, WAS THAT WE RECOGNIZED THE HEADQUARTERS FRONT ON CESAR CHAVEZ. SO WE WOULD BE MORE SUBDUED AND FORMAL THERE. ALSO SORT OF TURNING AROUND THE SIDES. ALSO SECOND STREET WE WOULD LIKE TO SEE THAT TO BE MORE COLORFUL, COLORFUL AWNINGS, COLORFUL SIGNAGE, BUT NOT YOUR NEON LOOK. BUT JUST MORE MORE EXCITEMENT IN WHAT RETAILERS ARE ABLE TO DO. THAT'S REALLY WHAT WE MEAN BY THAT. THEY ARE AWARE OF THAT'S HOW WE ARE GOING TO APPROACH THE DEVELOPMENT SO IT'S SORT OF A

PREVIEW OF WHAT WE MIGHT BE ASKING EXCEPTIONS FOR.
DOES THAT ANSWER YOUR QUESTION?

Goodman: SORT OF. ALTHOUGH I'M NOT SURE THAT I FOLLOW. IF IT'S A VERY FORMAL, WE DON'T WANT IT TO BE TOO FORMAL, EITHER. NEON IS NOT ALWAYS A BAD THING. BUT IT JUST DOES NOT RECOGNIZE WHAT WILL MAKE A SPECIAL URBAN DISTRICT WITH RETAIL. IT'S MORE -- LESS GEARED TOWARDS WHAT THE RETAILERS ARE USED TO ALREADY THAN JUST AN OFFICE BUILDING.

Goodman: IS THERE ANY WRITTEN CRITERIA THAT I COULD GLANCE AT.

SURE. I'LL GET THAT.

LET ME OFFER THIS AS A SUGGESTION. THIS HAS BEEN A LONG HALL ON TRYING TO GET US TO THIS POINT. THERE IS A CONCERN OF TRYING TO GET THIS SPACE TENANTED AS WE GET READY TO GET INTO THE NEW CITY HALL AND AS THE AMLI BUILDINGS COME UP. MAYOR PRO TEM WOULD IT BE ACCEPTABLE TO YOU IF WE KEEP EXECUTE IN AND OUR COMMITMENT TO YOU IS THAT PRIOR TO SIGNING IT I WILL BRING AROUND COPIES TO EACH OF YOUR OFFICES AND GIVE YOU A SEVERAL WEEK PERIOD OF TIME TO READ IT AND CHECK WITH YOU, THAT WAY UNLESS I HEAR A CONCERN FROM ANY OF YOU WE WILL EXECUTE IT. IF THERE'S A CONCERN -- THAT WILL PREVENT US FROM HAVING TO REPOST, BRING IT BACK, COULD SAVE US SHH TIME.

Goodman: THAT WOULD BE FINE. SOME I'M.

Thomas: ONE QUESTION. ON PAGE 7, WE HAVE CITY -- TO AGREE WITH THE CITY PARKING GARAGE --

YES, SIR.

I JUST NEED TO -- WITH THE PACKAGE THAT THE CITY MANAGER -- I NEED TO KNOW HOW MANY SPACES WE HAVE AND HOW ARE WE GOING TO DO THAT. THAT'S ALL.

WITHOUT OBJECTION, COUNCILMEMBER SLUSHER, WE CAN

TAKE UP MOTION FOR ITEMS 6, 7, 22, THEY WERE ALL TAKEN OFF COLLECTIVELY BECAUSE THEY WERE INTERDEPENDENT.

Slusher: SO MOVE THE PROV VICE SO THAT THE CITY MANAGER JUST STATED ABOUT BRINGING THE CONTRACT AROUND. PROVISIO. MOTION MADE BY COUNCILMEMBER SLUSHER. SECONDED BY COUNCILMEMBER THOMAS TO APPROVE ITEMS 6, 7, 22 WITH THE FOOTNOTE NOTED. FURTHER COMMENTS OR QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTIONS PASS ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH.

Mayor Wynn: WE ARE DELAYING A COUPLE OF MINUTES HERE WAITING UNTIL 12:00 NOON AND WE WILL GO STRAIGHT INTO OUR GENERAL CITIZENS COMMUNICATION, WE WILL GIVE FOLKS A MINUTE OR TWO TO COME INTO THE ROOM. AT THIS TIME COUNCIL WILL TAKE UP OUR GENERAL CITIZEN COMMUNICATION, 12:00 NOON. WE HAVE 10 SPEAKERS SIGNED UP. FIRST IS MR. ROBERT SINGLETON. ROBERT COULDN'T MAKE IT? WE WILL GO TO MARY LEHMANN. WELCOME, MARY, YOU WILL HAVE THREE MINUTES.

THANK YOU. MEMBERS OF THE COUNCIL, YOU ARE CONSTANTLY HEARING REQUESTS FOR TAXPAYERS' MONEY. AS YOU REALIZE, THE DECISION WHETHER TO LEASE OLD MUELLER OR TO SELL AND LEASE IS THE QUESTION OF HOW TO GET A STEADY INCOME FROM CITY ACTIONACCESS OF LAND. WE THOUGHT THAT THE ECONOMIC PLANNING AND -- ECONOMIC AND PLANNING SYSTEMS COMPANY WAS HIRED TO FIND OUT THIS INFORMATION. AND NOW WE ARE NOT SURE THAT THIS HAS BEEN DONE AND SO THAT IS ONE QUESTION WE WOULD LIKE TO KNOW. OUR UNDERSTANDING IS THAT THEY WERE UNDER SUBCONTRACT BY ROMA SOME YEARS AGO. AND IF THERE IS TO BE AN ACCOUNTING, WESTBOUND MEETINGS OR WHATEVER, WE WOULD HAVE TO HAVE THAT KIND OF INFORMATION TO -- TO PUT BEFORE THE PUBLIC AND SO WE ARE CONCERNED THAT THERE WILL

BE A COMPANY, IF IT ISN'T ECONOMIC AND PLANNING SYSTEMS, TO COME UP WITH THE INFORMATION NOT ONLY OF SELLING AND LEASING, BUT OF ALL LEASING. AND THE CASH FLOW THAT WOULD RESULT. WE ALSO THINK IT MIGHT BE VALUABLE IF THE DATA THAT THIS COMPANY USES WERE ACCESSIBLE TO PEOPLE INTERESTED. IT COULD EITHER BE - - THEN RESULT IN A COOPERATIVE EFFORT BY THOSE THAT ARE INTERESTED, A PEER REVIEW OR AN ADDITIONAL RESEARCH, BUT IT COULD HELP THE PROCESS OF DETERMINING THESE FIGURES. SO WE WERE WONDERING, I WAS ASKING BY E-MAIL TO EDWARDS IF POSSIBLY KEEP THE LAND MAY REVIEW, LOOK AT THE DATA THAT -- THAT THE COMPANY WOULD USE THAT COMES UP WITH THESE FIGURES. IT'S NOT THE SAME AS ASKING FOR THE RESULTS OF THIS STUDY TO COME BEFORE THE PUBLIC. IF THE ATTORNEY GENERAL FINDS THAT THE PUBLIC IS NOT ENTITLED TO KNOW, I SUPPOSE THAT WE COULD BE REQUIRED TO -- TO BE SILENT ABOUT WHAT WE KNOW. BUT I THINK THAT WE HAVE TO CROSS THAT BRIDGE IF AND WHEN WE COME TO IT. I WOULD LIKE THE CITY COUNCIL TO PLEASE CONSIDER WHETHER THEY ARE ACTUALLY HIRING SOME COMPANY TO COME UP WITH THESE FIGURES. AND I HOPE VERY MUCH THAT WE BEGIN SOON BECAUSE WE HAVEN'T ALL THAT MUCH TIME. THANK YOU VERY MUCH.

THANK YOU, MS. LEHMANN. MR. SCOTT JOHNSON. SCOTT JOHNSON SIGNED UP WISHING TO SPEAK ABOUT CONCERNS REGARDING OUR URBAN FORESTRY BOARD APPOINTEES. MAYOR PRO TEM?

Goodman: HE'S NOT GOING TO BE ABLE TO MAKE IT TODAY. I DID INTE TO HIM. WHAT HE WAS CONCERNED ABOUT IS THAT WE ALL AS MEMBERS OF BOARDS AND COMMISSIONS REMEMBER THAT WE ARE PUBLIC AND CITY OFFICIALS AND -- AND NEED TO TREAT EACH OTHER AND CITIZENS WHO COME TO US WITH -- WITH VARIOUS COMMUNICATIONS OR IDEAS, WITH RESPECT AND WITH CIVILITY AND ON OCCASION WE ALL GET HUMAN AND THERE ARE WE HAVE HURT FEELINGS, RAMIFICATIONS, SO HAVING PASSED THAT ALONG, I APOLOGIZE TO SCOTT FOR ANY UNTOWARD THINGS THAT HAPPENED IN THAT -- IN THAT ENDEAVOR. AT THE SAME TIME THANKING BOARD AND COMMISSION MEMBERS FOR

ALL THAT THEY DO.

Mayor Wynn: THANK YOU MAYOR PRO TEM.

Thomas: MAYOR, IF I CAN COMMENT ON THAT BECAUSE I WAS BROUGHT INTO THAT ALSO. BUT I THINK THAT WE HAVE, MY OFFICE HAVE MADE APOLOGIES TO THAT PARTICULAR INDIVIDUAL. I THINK SOME OF THE THINGS THAT OCCURRED WERE BETWEEN ANOTHER BOARD MEMBER AND THAT INDIVIDUAL. I THINK THEY BOTH HAVE WORKED THAT OUT BUT I DO AGREE WITH THE MAYOR PRO TEM THAT THEY DO WORK HARD AND HOPEFULLY THAT THEY RESOLVE THEIR SITUATION.

Mayor Wynn: THANK YOU, COUNCILMEMBER. PAT JOHNSON? MR. PAT JOHNSON? WELCOME, SIR, YOU WILL HAVE THREE MINUTES, FOLLOWED BY JIMMY CASTRO.

I'M JUST GOING TO READ THROUGH THIS IN ITS ENTIRETY, IF YOU WANT TO ASK QUESTIONS I WILL BE HAPPY TO ANSWER THEM. MAYOR, COUNCIL AND STAFF, BECAUSE OF SOME CITY EMPLOYEE, WHICH I'M SURE WILL BE IDENTIFIED EVENTUALLY, YOUR PRESENT TOWING CONTRACTOR FOR THE POLICE DEPARTMENT, SOUTH SIDE WRECKER SERVICE INCORPORATED HAS SAVED OVER \$800,000 OR MORE IN INSURANCE PREMIUMS SO FAR. SOUTH SIDE HAS HELD A CONTRACT FOR OVER 20 YEARS THROUGH THE BIDDING PROCESS. AS PREVIOUS CONTRACTS WITH SOUTH SIDE WORKERS' COMPENSATION INSURANCE WAS AND IS STILL REQUIRED THROUGHOUT THE ENTIRE LIFE OF THE CONTRACT. WHEN I WAS FIRST TOLD ABOUT THIS ON FEBRUARY 4, 2004, I COULDN'T BELIEVE IT. SO I DID MY RESEARCH BASED ON E-MAILS, TELEPHONE CONVERSATIONS WITH YOUR STAFF, THE TEXAS WORKERS' COMPENSATION COMMISSION, THE TEXAS DEPARTMENT OF INSURANCE AND INTERNAL REVENUE SERVICE. ONCE I CONFIRM THIS INFORMATION THAT SOUTH SIDE DID NOT HAVE THE REQUIRED WORKERS' COMPENSATION CERTIFICATE, I NOTIFIED RUDY LINDERA'S OFFICE, DETECTIVE HAMLIN AND THEN PURCHASING. IT TOOK ME TWO DAYS TO FIND OUT THE RIGHT PERSON IN PURCHASING TO TALK TO. MR. RICK [INDISCERNIBLE] THE CITY OF AUSTIN BUYER IN PURCHASING SEEMED IRRITATED WHEN I BEGAN

ASKING HIM QUESTIONS ABOUT THIS ISSUE. EVERYTHING THAT HE TOLD ME WAS INACCURATE. I SENSED SOMETHING WAS WRONG. I CAN UNDERSTAND THAT THE CERTIFICATE MIGHT HAVE HAD JUST EXPIRED A MONTH AGO. BUT TO BE EXPIRED FOR TWO YEARS AND FOUR MONTHS? THAT'S 28 MONTHS. GIVE ME A BREAK. IT IS DIFFICULT FOR ME TO UNDERSTAND, AS A TAXPAYER, WHY THIS OR ANY CONTRACTOR WOULD BE ALLOWED TO KNOWINGLY BREACH THE CONTRACT FOR NOT HAVING VALID WORKERS' COMPENSATION INSURANCE. WHEN I CONTACTED MS. GRANGER, WITH PURCHASING THIS WEEK, SHE TOLD ME THAT SOUTH SIDE INSURANCE HAD JUST LAPSED, ACCORDING TO THEM. I TOLD MS. GRANGER THAT ACCORDING TO THERESA WITH THE TEXAS WORKERS' COMPENSATION COMMISSION THAT CERTIFICATE EXPIRED NOVEMBER 6th, 2001. MS. GRANGER'S REPLY WAS, AS SHE WAS LEAVING FOR A MEETING, THIS WAS TUESDAY AFTERNOON, THIS WILL HAVE TO BE INVESTIGATED FURTHER. THANKS FOR SHARING. I THEN CALLED BACK TO THE WORKERS' COMPENSATION COMMISSION AND INFORMED THEM WHAT MS. GRANGER SAID ABOUT THE CERTIFICATE JUST LAPSING. MS. THERESA ANSWERED THE PHONE IN ENFORCEMENT AND SHE FORWARDED THE INVESTIGATION TO THE DEPARTMENT OF INSURANCE REVIEW. SOUNDS LIKE GROSS OVERSIGHT AND POOR DECISIONS AMONGST STAFF OR SOMEONE MIGHT HAVE BEEN COMPROMISED THROUGH A BENEFIT FOR SILENCE. [BUZZER SOUNDING] I -- CAN I FINISH THE LAST PAGE, PLEASE?

Mayor Wynn: PLEASE CONCLUDE. THANK YOU FOR PUTTING THIS WRITING BECAUSE WE WILL READ THE REST OF IT, IF YOU WOULD MAKE A CONCLUDING COMMENT --

CAN I MAKE ONE MORE POINT?

Mayor Wynn: SURE.

OKAY. YOU KNOW I HAVE A LOT OF RESPECT FOR THE AUSTIN POLICE DEPARTMENT. THOSE GUYS DO A HECK OF A JOB AND THEY CAME IN CONTACT WITH A LOT OF PEOPLE OUT THERE THAT YOU AND ME DON'T WANT TO MEET. IT'S BECAUSE OF THEM, THEY RISK THEIR LIVES OUT THERE ON

THE STREETS PROTECTING US. OF COURSE A LOT OF PEOPLE DON'T SEE THE THINGS THE POLICE DO. I HAVE BEEN WORKING OUT ON THE STREETS IN THESE PARKING LOTS AND AROUND TOWNS, I KNOW A LOT OF THESE GUYS THAT WORK UP THERE AT NIGHT. THEY DON'T EVER KNOW IF THEY ARE GOING TO GO HOME TO THEIR WIVES, ET CETERA. THE ISSUE ON THE AGENDA THAT I WANT TO ADD IS THE PARKING THAT'S UNDERNEATH 35 BETWEEN 6th AND 8th STREET. I CAN UNDERSTAND THE REASON THEY WANT -- YOU WANT TO -- CHARGE TO PARK DOWN THERE, THE CITY CAN'T MAKE NO MONEY. THERE NEEDS TO BE ADDITIONAL SIGNAGE SO WHEN THE PUBLIC COMES DOWN THERE THEY KNOW THAT THAT IS A PAID PARKING LOT AND THEIR VEHICLES WILL BE TOWED IF THEY ARE LEFT THERE AFTER 3:00 A.M. THE TEXT ON THE SIGN THAT SOUTH SIDE PROVIDES THROUGH THE CITY AT NO CHARGE, WHICH IS IN VIOLATION OF THE LAW, IS SO THIN THAT UNLESS YOU ARE STANDING TWO FEET FROM THE SIGN YOU CAN'T READ THE SIGN. TOWING CARS DOWN THERE IS LIKE RUNNING REQUIRED ON A STREET WITH NO SPEED LIMIT SIGN.

Mayor Wynn: THANK YOU.

I WOULD SUGGEST UNTIL THE SIGNS ARE REPLACED DOWN THERE TO ADDRESS THE ISSUE ON PARKING THAT NOTHING BE TOWED OFF THAT PARKING LOT UNLESS IT'S ON THE A.P.D. SHEET, IT'S GOING TO BE ILLEGAL UNLESS AUTHORIZED BY A POLICE OFFICER.

Mayor Wynn: THANK YOU, APPRECIATE THE LETTER.

JIMMY CASTRO, WELCOME, SIR.

GOOD AFTERNOON. I DO HAVE SOME SLIDES TO SHOW YOU THIS AFTERNOONMENT I'M HERE TO SPEAK ON MY OWN BEHALF, I HAVE ALSO SERVED AS A VOLUNTEER AT THE GREATER AUSTIN CHAMBER OF COMMERCE. I'M HERE TO REMIND EVERYONE THAT THE U.S. BEEF SUPPLY REMAINS SAFE, ESPECIALLY HERE IN TEXAS. THIS FIRST SLIDE SHOWS ACCORDING TO THE TEXAS BEEF COUNCIL, CONSUMERS CAN CONTINUE TO EAT BEEF WITH CONFIDENCE. MAD COW DISEASE HAS NEVER BEEN DIAGNOSED IN CATTLE BORN AND RAISED IN THE UNITED STATES. THE CASE OF A SINGLE

INFECTED COW IN WASHINGTON STATE PROVED THE UNITED STATES SYSTEM OF BSE SURVEILLANCE AND TESTING WORKS. THE SYSTEM WAS EFFECTIVE IN IDENTIFYING THE EFFECTIVE -- AFFECTED ANIMAL, PREVENTING THE SPREAD OF THE DISEASE, KEEPING ALL AT-RISK ITEMS FROM THE ANIMALS OUT OF THE FOOD SUPPLY. ACCORDING TO THE TEXAS BEEF COUNCIL, USD INSPECTORS AND VETERINARIANS EXPECT EVERY -- INSPECT EVERY ANIMAL THAT ENTERS THE U.S. FOOD SUPPLY. ACCORDING TO THE TEXAS BEEF COUNCIL, USDA'S FOOD AND SAFETY INSPECTION SERVICE HOLDS ALL TESTED PRODUCT FROM DISTRIBUTION UNTIL ALL TEST RESULTS ARE PROVED NEGATIVE. THIS INCLUDES A ZERO TOLERANCE SYSTEM. CONSUMERS CAN CONTINUE TO EAT BEEF WITH CONFIDENCE. RESEARCH SHOWS THE INFECT ACTIVE AGENT THAT CAUSES BSE IS NOT PRESENT IN STEAKS, BRISKET, RIBS AND HAMBURGERS. THE AMERICAN DIETIC ASSOCIATION PRESENTS THE SAME CONCLUSION. BEEF IS SAFE AND WHOLESOME FOOD. ACCORDING TO THE NATIONAL CATTLEMAN'S BEEF ASSOCIATION, THE TEXAS ECONOMY INCLUDES AN ESTIMATE 111,000 JOBS AND \$4.82 BILLION OF PERSONAL INCOME ARE GENERATED IN TEXAS FROM THE BEEF INDUSTRY. BECAUSE AGRICULTURE BUSINESS IN TEXAS IS GOOD BUSINESS. THANK YOU, MAYOR WYNN.

Goodman: MAYOR, BEFORE WE GO TO THE NEXT SLIDE. THANKS, JIMMY, I KNOW WHAT I WANT FOR LUNCH. BUT RELATIVE TO THE TOWING ISSUE FROM THE SPEAKER BEFORE, LAST TIME HE WAS HERE, I THINK THE CITY MANAGER DIRECTED HIM TO A CITY STAFF MEMBER AND I'M NOT MYSELF COGNIZANT ENOUGH OF THE VARIOUS COMPONENTS, ASPECTS, VARIABLES, WHATEVER THAT COME INTO TOWING. I DO AGREE ON THE BY THE MUNICIPAL COURT, THE PARKING UNDER THE OVERPASS, THAT HAS BEEN FREE PARKING FOR SO MANY YEARS THAT MOST PEOPLE I'M SURE ARE NOT AWARE THAT IT'S NOT A PAID PARKING. THAT EVEN WAS A CONTENTIOUS ISSUE FOR MAKING IT PAID PARKING. I THINK THAT HE'S ABSOLUTELY RIGHT THE SIGNS ARE NOT HUGELY VISIBLE. THAT'S LIKE A TOW-AWAY DREAM AND TAKING UNFAIR ADVANTAGE OF A NEW SITUATION THAT NOBODY OUT THERE IN THE CITY WOULD KNOW ABOUT IT.

Futrell: MAYOR PRO TEM I MADE A NOTE TO CHECK ON THE SIGNAGE OUT THERE. WE WILL SCAN IT AND BE SURE THAT THE SIGNS ARE UP APPROPRIATE, EASY TO SEE. THEN ON THE REST OF THE ISSUE, I THINK THAT WHAT I'M GOING TO DO INSTEAD IS ASK THAT A PURCHASING -- WORK ON A MEMO TO COUNCIL SO YOU CAN UNDERSTAND THE VARIETY OF THE ISSUES THAT THE GENTLEMAN CONTINUES TO BRING IN FRONT OF COUNCIL. WE WILL PUT THAT OUT IN WRITING TO YOU.

Mayor Wynn: THANK YOU. NEXT SPEAKER IS SUSANA ALMANZA. MS. ALMANZA ON OUR WEEKLY AGENDA YOU WERE IDENTIFIED AS SUSAN PODER. SO MANY THINK MY LAST NAME IS PODER.

WE THINK YOUR MIDDLE NAME IS ACTUALLY.

WE GO LIKE OKAY. I'M SUSANA ALMANZA WITH PODER AND I'M GOING TO SAY HELLO TO CITY COUNCIL AND MAYOR WILL WYNN. TODAY WE ARE GOING TO SHOW A QUICK LITTLE PRESENTATION ON THE TANK FARM BECAUSE FEBRUARY THE 18th WILL BE -- WE WILL BE CELEBRATING THE 9th YEAR CLOSURE OF THE TANK FARM. APPROVE.

STARTING BACK IN JANUARY OF 1992, RESIDENTS OF EAST AUSTIN NEIGHBORHOODS DISCOVERED THAT MOBIL OIL COMPANY WAS SEEKING TO EXPAND ITS FACILITIES. THE MOBIL OIL FACILITY IS IN A RESIDENTIAL AREA AND THERE ARE AT LEAST SIX SCHOOLS LOCATED WITHIN A ONE-MILE RADIUS OF MOBIL OIL. CONCERNED RESIDENTS STARTED ASKING QUESTIONS AND BY FEBRUARY STORIES WERE BEING REPORTED ALMOST EVERY DAY IN THE NEWSPAPERS AND ON TV. HEADLINES ON TUESDAY, FEBRUARY 11th, READ GAS STORAGE SITES FUEL DEBATE. EAST AUSTIN LEFT GROUPS FEAR NEARBY TANKS CAUSING ILLNESSES. TWO DAYS LATER ON THURSDAY, AIR TESTS WERE TAKEN IN THE TANK AREA BY SCIENTISTS WHO WORK FOR THE STATE OF TEXAS AIR CONTROL BOARD. ON FRIDAY, THE 14th, THE RESULTS OF WATER AND SOIL TESTS WERE ANNOUNCED. THE FRONT PAGE HEADLINE READ: EAST AUSTIN SOIL, WATER CONTAMINATED. FUEL SITE TESTS SHOW HIGH LEVEL OF CARCINOGEN.

AS YOU CAN SEE WHERE WE ARE TODAY IS THAT -- IS THAT A YEAR LATER. 1993, DUE TO THE HELP OF THEN COMMISSIONER MARCUS DELEON AND ALSO COUNTY JUDGE BILL ALESHIRE, THE COUNTY COMMISSIONERS VOTED TO APPROPRIATE OVER \$250,000 TO DO A CIVIL AND CRIMINAL INVESTIGATION. WHICH ALSO HELPED -- LED TO THE CLOSURE OF THE TANK FARM. AND THEN LATER ON IT WAS ABOUT TWO OR THREE YEARS LATER THAT WE GOT THE HELP FROM THE CITY COUNCIL TO DOWN ZONE THE INDUSTRIAL PROPERTY. AS TODAY WE STILL HAVE A LOT OF UNWANTED USE THAT'S GOING ON OUT THERE. A LOT OF HORRIBLE LOOKING JUNK THAT'S OUT THERE AT THE PRESENT TIME. WE HAD BEGUN LAST YEAR LOOKING AT THE PLANS FOR THE 52-ACRE REDEVELOPMENT. SO WE WOULD LIKE TO GET BACK ON TRACK, STARTING TO HAVE THOSE MEETINGS TO LOOK AT WHAT ARE WE GOING TO DO WITH THOSE 52 ACRES AND BRING THE COMMUNITY BACK. WE STARTED THAT DIALOGUE, SOMEHOW IT'S ENDED, BUT WE NEED TO NOW RURS RECOLLECT THAT -- RESURRECT THAT. ALSO WE PAY RESPECT TO ALL OF THE ELDERS AND PEOPLE THAT PASSED AWAY IN THAT AREA FROM THE DIFFERENT ILLNESSES AND CANCERS DUE TO THE EXPOSURE OF THE TANK FARM. ALL OF THOSE WHO ASSIST THE US IN OUR LIVES, FRIENDS OF THE EARTH, EARTH FIRST, AUDUBON SOCIETY AND SAVE OUR SPRINGS ALONG WITH TEAM AND RON DAVIS AND ALL OF THOSE PEOPLE THAT HELPED US BRING THE CLOSURE, THANK YOU VERY MUCH.

Goodman: LET ME ADD THAT SAVE BARTON CREEK ASSOCIATION WAS THERE BIG TIME.

Mayor Wynn: NEXT SPEAKER IS DOCTOR SYLVIA HERRERA.

GOOD AFTERNOON, I WOULD LIKE TO CONTINUE THE VIDEO AND SHOW A LITTLE MORE OF THE DIFFERENT ACTIVITIES AND THE DIFFERENT PARTICIPANTS THAT HELPED US CLOSE THE TANK FARM.

I HAVE LIVED IN THIS NEIGHBORHOOD FOR 28 YEARS, GOING ON 29 YEARS NOW. I HAVE RAISED ALL OF MY KIDS DOWN HERE. I HAVE RAISED 11 KIDS. AND I HAVE 28 GRANDCHILDREN. SO NEW -- SO I UNDERSTAND THE WAY I FEEL. I FEEL MAD. I AM UPSET. I HAVE -- I HAVE LIVED A

CONTENTED LIFE UNTIL JANUARY OF THIS YEAR WHEN I FOUND OUT THAT ALL THESE YEARS WE HAVE BEEN ASLEEP, YOU MIGHT SAY THAT WE HAVE BEEN ASLEEP. WE DON'T KNOW WHAT WAS GOING ON. YOU KNOW, WE -- WE HAD HEADACHES AND THIS AND THAT, YOU KNOW, NOSEBLEEDS, ITCHY, WATER WRITELY EYES, TOOK ASPIRIN, GO TO THE DOCTOR. I HAVE A SON THAT HAS A PROBLEM WITH LIKE A ALLERGIC, YOU KNOW, HE'S GOT HIS NOSE HE CAN'T STAND IT AND HE'S -- HE'S ALWAYS, YOU KNOW, SICK. I HAVE TAKEN HIM TO THE DOCTOR. HE'S -- THEY THINK THAT HE'S ALLERGIC TO THIS AND THAT AND HE GOES OFF TO CAMP. HE'S A BOY SCOUT. OFF TO CAMP, HE FEELS GREAT UP THERE. AS SOON AS HE COMES BACK INTO THE NEIGHBORHOOD SAME PROBLEM ALL OVER AGAIN. I HAVE BOUGHT SOME PROPERTY HERE. IF I HAD KNOWN THEN WHAT I KNOW NOW I WOULD NEVER HAVE BROUGHT ANY PROPERTY OUT HERE. WHEN I FIRST MOVED OUT HERE, I THINK ONLY THREE TANKS OUT HERE AND NOW IT'S -- THEY ARE JUST MOVING -- THEY ARE MOVING INTO THE -- INTO THE PEOPLE'S BACK YARDS. THEY ARE KILLING US, THAT'S WHAT THEY ARE DOING. THEY ARE KILLING US WITH THEIR EMISSIONS, THEIR GASOLINE AND WHATEVER, BENZENE, ALL OF THIS. THEY ARE KILLING US. WHOSE PROBLEM IS IT? IT'S CERTAINLY NOT OURS. WE DIDN'T -- WE DIDN'T, YOU KNOW, WE ARE NOT INVADING THEM. THEY ARE INVADING US.

MOVE THOSE TANKS! MOVE THOSE TANKS!

THE TANKS ARE GONE. BUT THE STRUCTURES ARE ESTIMATE--ARE STILL THERE. WE WOULD LIKE TO MOVE FORWARD WITH THE TANK FARM RELOCATION PLAN NOW TO INCLUDE THE REDEVELOPMENT PLAN. WE HAVE COMPLETED OUR GOVALLE JOHNSTON TERRACE NEIGHBORHOOD PLAN. WE HAVE COMPLETED THE -- THE MLK PLAN. THE NEIGHBORHOODS THAT WERE AROUND THE TANK FARM AND WE WERE TOLD THAT -- THAT THE NEXT STEP WOULD BE TO HAVE A SPECIFIC NEIGHBORHOOD PLAN FOR THE TANK FARM AREA. AND THAT WAS -- THAT WAS A COUPLE OF YEARS AGO. [BUZZER SOUNDING] NOW WE ARE READY TO PARTICIPATE IN THAT PLANNING PROCESS. THANK YOU.

THANK YOU, DR. HERRERA. MS. JENNIFER GALLEY SENT US A -- GALE SENT AUSTIN NOTE THAT SHE CAN'T JOIN US TODAY,

THE LAST SPEAKER IS JOSE QUINTERO.

GOOD AFTERNOON, MAYOR, MEMBERS OF THE COUNCIL, MY NAME IS JOSE QUINTERO WITH THE AREA EAST AUSTIN NEIGHBORHOOD ASSOCIATION. I WOULD LIKE TO MAKE ANNOUNCEMENT FOR THE EAST AUSTIN CITIZENS AND REMINDER THAT THERE'S A BOOK OUT THERE CALLED GENTRIFICATION [INDISCERNIBLE] OF THE HISTORICAL ZONING AND EAST AUSTIN'S TASK FORCE. IT'S VERY IMPORTANT FOR US AS A COMMUNITY TO PICK UP THIS BOOK OR REQUEST A BOOK SO WE CAN FIND OUT WHAT WERE THE RECOMMENDATIONS BECAUSE WE HAVE BEEN LITERALLY IN A SENSE I WOULD SAY BECAUSE OF NEIGHBORHOOD PLAN -- I DON'T WANT TO SAY -- ASSAULT BY THE EAST AUSTIN POLICIES AND GOVERNMENT, BUT SEEMS THAT'S THE WAY THAT WE'RE GOING. WE HAVE BEEN MEETING TOGETHER AND I'VE BEEN MEETING TOGETHER WITH PEOPLE THAT ARE BREAKING DOWN SOME OF THESE RECOMMENDATIONS AND THANKS TO PODER THEY PROVIDED A LOT OF GOOD INFORMATION. THESE POINTS THAT WE HAVE BEEN ADDRESSING, OF COURSE WE HAVE A LOT OF BULLETS THAT WE CAN GO BY. BUT TO EDUCATE THE EAST AUSTIN RESIDENTS SOME OF THE THINGS THAT WE OUTLINE FIRST IT WAS A DISCRIMINATION AGAINST THE PEOPLE OF COLOR AND WE WERE NOT WELCOME IN THE WHITE COMMUNITIES. THEN IT WAS THE MIGRATION OF STUDENTS BEING BUSED IN THE WHITE SCHOOLS ALONG WITH MIGRATING THE PEOPLE OF COLOR EAST OF I-35. WE WERE NOT WELCOME DOWNTOWN. NOW IT'S CALLED GENTRIFICATION. BY THE USE OF HISTORICAL DISTRICT AND ZONING, A GOOD EXAMPLE IS WHAT'S HAPPENING AT THE GNDC AND THOSE PEOPLE THAT ARE -- THAT ARE SPEARING WHAT'S HAPPENING WITH THE GUADALUPE NEIGHBORHOOD. HAVING THEIR FIRST HERITAGE OPEN HOUSE AND -- AND DISREGARDING THE VALUES OF THE COMMUNITY OF THE BARRIOS THAT HAVE BEEN THERE FOR MANY, MANY YEARS. THEY WATERED DOWN THIS GENTRIFICATION BOOK BY STATING HERE WE HAVE MANUAL -- MANUEL HERNANDEZ LOSING HIS HOUSE, BEING SOLD FOR OVER \$400,000, HERE WE HAVE MARK RODGERS MOVING IN, BUYING A HOUSE FOR \$19,000. I GUESS WHAT YOU CAN SEE IT'S THE WRONG PICTURE AND THE CITY KNOWS THIS AND THEY

UNDERSTAND THAT BUT THEY CONTINUE TO DO THIS. I WAS OUT THERE SUNDAY, YOU KNOW, RUNNING AROUND MY NEIGHBORHOOD, THERE'S A HOUSE AT THE 2100 BLOCK OF WILLOW STREET, RIGHT NEXT TO METS ELEMENTARY SCHOOL, IT WAS AN OPEN HOUSE. HERE'S THE HOUSE OFFERED IN COLOR BROCHURE FOR \$384,000. RIGHT NEXT TO METZ ELEMENTARY SCHOOL. NOW WHAT HAPPENS IF SOMEBODY BUYS THAT HOUSE? WE KNOW FROM THE APPRAISAL DISTRICT FROM I-35 ALL THE WAY TO PLEASANT VALLEY THOSE TAXES ARE GOING TO GO UP. HOW DO YOU MARKET A HOUSE LIKE THAT AT THAT PRICE? [BUZZER SOUNDING] BAD SCHOOLS, BAD NEIGHBORHOODS. COME ON CITY LEADERS. WAKE UP. HELP US OUT. THANK YOU.

Mayor Wynn: THANK YOU, MR. QUINTERO. COUNCIL THAT'S ALL OF THE CITIZENS SIGNED UP FOR GENERAL CITIZEN COMMUNICATION. AT THIS TIME, WITHOUT OBJECTION, WE WILL GO INTO EXECUTIVE SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY AGENDA ITEMS 21 REPRESENTED TO -- RELATED TO A CONSTRUCTION CONTRACT, 39 RELATED TO MEET AND CONFER NEGOTIATIONS WITH THE AUSTIN POLICE ASSOCIATION, 40 RELATED TO FLVIVION ET AL VERSUS CITY OF AUSTIN. 41 RELATED TO THE CITY OF AUSTIN VERSUS MAN SON PIPE AND PRODUCTS INC., ET AL, 42 RELATED TO NORTHWEST UTILITY DISTRICT NUMBER 1 IT AT VERSUS THE CITY OF AUSTIN ET AL, 43 RELATED TO BRYAN RODGERS AND CITY OF AUSTIN ENDEAVOR REAL ESTATE GROUP, ALSO 551.074, REGARDING PERSONNEL MATTERS ITEM NO. 44, RELATED TO OUR CITY AUDITOR. WE ARE IN EXECUTIVE SESSION. THANK YOU.

Mayor Wynn: WE ARE OUT OF EXECUTIVE SESSION, WE HAD PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER 551.071. WE DISCUSSED ITEMS 39, 40, 41 AND 42. NO DECISIONS WERE MADE. AT THIS TIME, COUNCIL, BASED ON DISCUSSION IN EXECUTIVE SESSION, I WILL ENTERTAIN A MOTION ON ITEM NO. 11. RELATING TO THE F.L. VIVIAN, ET AL, VERSUS THE CITY OF AUSTIN. LAWSUIT. MOTION MADE TO APPROVE ITEM NO. 11 BY COUNCILMEMBER DUNKERLY. I'LL SECOND THAT. FURTHER DISCUSSION? HEARING NONE,

ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. AT THIS TIME, WE WILL TAKE -- TAKE UP OUR 2:00 TIME CERTAIN, SHOWS AS ITEM NO. 45, OUR BOND SALES. I WELCOME MR. BILL NEWMAN.

THANK YOU, SIR, GOOD AFTERNOON, I'M BILL NEWMAN WITH PUBLIC FINANCIAL MANAGEMENT. WE SERVE AS FINANCE ADVISOR TO THE CITY OF AUSTIN. HERE TO TALK TO YOU ABOUT ITEM NO. 45, WHICH IS A \$52,715,000 CITY OF AUSTIN, TEXAS HOTEL OCCUPANCY TAX REVENUE REFUNDING BONDS SERIES 2004. DENNIS [INDISCERNIBLE] CITY TREASURER IS HANDING OUT A BOOKLET THAT I WILL BE SPEAKING FROM, I'LL TRY TO BE VERY BRIEF. PAGE 2 OF THE -- OF THE HANDOUT, JUST MERELY DESCRIBES THE -- THE PURPOSE OF THE BOND ISSUE, WHICH WAS TO REFINANCE APPROXIMATELY \$60,960,000 IN OUTSTANDING SERIES 1993 A BONDS. COUPONS OR THE INTEREST RATES RANGED ANYWHERE FROM 4.0 TO 5.75%. THIS WAS A NEGOTIATED SALE. HANDLED THE LEAD UNDERWRITER WAS ESTRADA HINOJOSA OUT OF DALLAS, BOND COUNSEL WAS FULBRIGHT JAR WORSE SKI. PAGE 3 IS JUST A MARKET UPDATE THAT -- THAT A LOT OF -- A LOT OF PARAGRAPHS NOTHING MUCH SAID. THE MARKET WAS PRETTY MUCH IN A LULL ON TUESDAY. GREENSPAN WAS GOING TO SPEAK ON THE 12th AND THERE WASN'T MUCH GOING ON. NOT MUCH TO BE SAID ON TUESDAY. PAGE 4 THE WEEKLY AVAILABLE SUPPLY THAT'S FORTHCOMING IN THE BOND MARKET DURING THOSE RESPECTIVE WEEKS. YOU CAN SEE IT WASN'T A REAL HIGH VOLUME MARKET. IT WAS BASICALLY A MODEST VOLUME OF MARKET. PAGE 5 SHOWS YOU WHO YOU WERE IN THE MARKET WITH. AGAIN IT WAS A LOW TO NORMAL LEVEL VOLUME. NOTHING REALLY COMPARABLE TO THE TYPE OF SALE THAT YOU HAD. PAGE 6 IS A LITTLE BIT MORE TELLING, IF YOU WOULD ON THE STATUS OF WHERE INTEREST RATES HAVE BEEN YOU CAN SEE SINCE ABOUT THE MIDDLE OF -- OF AUGUST RATES HAVE BEEN FAIRLY STATIC. THE BOND BUYER'S INDEX FOR 30 YEARS BONDS IS 496, 30 YEAR TREASURYIES ARE AT 490. PAGE SEVEN SHOWS YOU THE CRITICAL DOOR, PRICED TO THE 10th, NOT KNOWING WHAT

MR. GREENSPAN WAS GOING TO SAY ON WEDNESDAY BUT WE THOUGHT THAT WE WOULD BE SMART TO GET AHEAD OF WHATEVER IT WAS. PAGE 8 GIVES YOU A SENSE OF OTHER DEALS THAT WERE IN THE MARKET. YOU WILL NOTICE THOSE COUPONS ARE STILL VERY ATTRACTIVE WITH 2005 MATURITIES IN THE [INDISCERNIBLE] RANGE ... PAGE 9 IS REALLY THE RESULTS OF YOUR SALE. YOU HAD SOME GOOD PRICING IN THIS TRANSACTION, ONLY OUT TO 2019. WHAT YOU -- THE RESULTS OF THE SALE WAS A VERY ATTRACTIVE INTEREST RATE AT 3.84%. PRESENT VALUE SAVINGS AND DEBT SERVICE DOLLARS OF ABOUT \$4.2 MILLION. SAVINGS PERCENTAGE OF 6.86%. I DON'T DO THIS ALL THE TIME, BUT I WOULD MENTION THAT GETTING THESE TRANSACTIONS DONE AND GETTING THEM TO MARKET DOES TAKE A LOT OF WORK. CERTAINLY HARD WORK, BUT ALSO STAFF TIME. DENNIS AND R.L. IS ALWAYS A MAJOR CONTRIBUTOR TO THESE TRANSACTIONS AND WE REALLY APPRECIATE THE HARD WORK THAT THEY PUT IN. AT THE END OF THE DAY I THINK THAT IT'S A VERY GOOD TRANSACTION. ONE THAT WE CERTAINLY FEEL COMFORTABLE RECOMMENDING THAT YOU APPROVE AND I'M READY TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE.

Mayor Wynn: COMMENTS OR QUESTIONS FOR MR. NEWMAN, COUNCIL? WELL DONE. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY A MANAGES ON ITEM NO. 45 -- I'LL ENTERTAIN A MOTION ON 45, MOTION MADE BY COUNCILMEMBER DUNKERLY, SECONDED BY THE MAYOR PRO TEM TO APPROVE ITEM NO. 45, FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU, AGAIN, CONGRATULATIONS ON A GOOD TRANSACTION.

Mayor Wynn: THANK YOU.

COUNCIL BEFORE WE RECESS TO TAKE UP OUR AUSTIN HOUSING FINANCE CORPORATION BUSINESS, WE CAN TAKE CARE OF, ON SECOND READING, OUR MUNICIPAL COURT

APPOINTMENTS. JUDICIAL APPOINTMENTS WHICH SHOWNO
CARRIERRINGCONNECT 2400

BRIEFLY, AHFC IS RECEIVING THIS NEW ALLOCATION OF \$22,103,775. WE RECEIVED THAT ON JANUARY 16TH. AND WE ARE PROJECTING THAT WE CAN SERVE APPROXIMATELY 192 FAMILIES OVER THE NEXT THREE YEARS. THE MCC PROGRAM IS A PROGRAM THAT IS A LITTLE BIT COMPLICATED, BUT IT OFFERS US ANOTHER TOOL FOR FAMILIES THAT CAN HELP THEM BECAUSE THE MCC PROGRAM OFFERS TAX SAVINGS OF UP TO \$2,000 FOR A FAMILY PER YEAR. BASICALLY WITH A TAX WRITEOFF AND A TAX CREDIT THAT HELPS REDUCE THE COST OF THEIR MORTGAGE UP TO \$2,000 PER YEAR FOR THE LIFE OF THEIR MORTGAGE. FOR A BORROWER TO RECEIVE AN MCC THEIR ADJUSTED GROSS INCOME FOR THE LAST YEAR MUST BE \$58,900 OR LESS FOR A FAMILY OF ONE OR TWO OR \$67,738 OR LESS FOR A FAMILY OF THREE OR MORE. THIS PROGRAM IS -- ALLOWS US TO GO UP TO A LITTLE HIGHER INCOME THAN THE 80% BECAUSE THE -- THAT'S THE WAY THAT THE I.R.S. RULES ARE FOR THIS PROGRAM. BUT IT IS ALSO -- WE ARE ALLOWED AND WE USE THIS IN A WAY TO LEVERAGE WITH OUR DOWN PAYMENT ASSISTANCE THAT ONCE THE FAMILIES GET INTO THE HOUSE, EVEN THROUGH OUR DOWN PAYMENT ASSISTANCE, THE MORTGAGE CREDIT CERTIFICATE PROGRAM IS ANOTHER ONE OF THOSE PROGRAMS THAT WE CAN USE TO HELP THEM KEEP THEIR HOMES. SO WITH THAT WE WERE VERY SUCCESSFUL, ESPECIALLY IN THIS LAST YEAR, WE SERVED 158 FAMILIES WITH OUR LAST ALLOCATION, AND WE ARE HOPING TO EXCEED THAT BY ABOUT ANOTHER 30, 35 FAMILIES IN THE NEXT THREE YEARS.

Mayor Wynn: QUESTIONS FOR STAFF, BOARD MEMBERS? IF NOT, I'LL ENTERTAIN A RESOLUTION FOR NUMBER 3. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER SLUSHER TO APPROVE AHFC NUMBER 3. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

THAT'S ALL THE BUSINESS BEFORE THE CORPORATION

TODAY, MR. PRESIDENT.

Mayor Wynn: THANK YOU. WITHOUT OBJECTION I WILL ADJOURN THIS MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION AND CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

PURSUANT TO THE CITY'S LIVING WAGE REQUIREMENTS, ALSO WHAT KIND OF BENEFIT HIS MEAN HEALTH CARE AND VACATION ARE OFFERED. THEY ARE OFFERED HEALTH CARE BENEFITS THROUGH A POLICY THAT'S PROVIDED BY THE CONTRACTORS, EMPLOYEE BENEFITS ADMINISTRATION. AND THEY HAVE DIFFERENT PLANS, A MAN FOR THE EMPLOYEE ALONE OR FOR THE EMPLOYEE'S FAMILY AS WELL. THEY ALSO OFFER A DENTAL PLAN AND A LIFE INSURANCE PLAN. AND THEY GET ONE WEEK OF VACATION AFTER WORKING THERE FOR SIX MONTHS. ALSO, ASKED IF IF THE BUSINESS HASN'T HAD A PRESENCE IN AUSTIN UNTIL NOW, HOW WOULD -- HOW WILL THEY BE HIRING THESE FOLKS? THEY HAVE BEEN IN AUSTIN FOR AT LEAST TWO YEARS. THEY ARE CURRENTLY PROVIDING SECURITY GUARD SERVICES FOR SOLID WASTE SERVICES AND SOLID WASTE SERVICES HAS BEEN VERY HAPPY WITH -- WITH THE WORK THAT THEY DO. THEY ALSO PROVIDE SIMILAR SERVICES TO SEVERAL STATE AND FEDERAL AGENCIES LOCATED HERE IN AUSTIN. I THINK CURRENTLY THEY HAVE ABOUT 146 EMPLOYEES HERE IN AUSTIN. AND THEY KEEP A GROUP OF EMPLOYEES AVAILABLE OR AT LEAST THE NAMES OF POTENTIAL EMPLOYEES AVAILABLE FOR FUTURE USE AND FUTURE NEED. SO -- SO THEY'VE -- THEY'VE BEEN IN THE BUSINESS FOR QUITE A WHILE AND THEY HAVE BEEN -- THEY HAVE PERFORMED VERY SATISFACTORILY.

Mayor Wynn: FURTHER QUESTIONS OF STAFF? COMMENTS REGARDING ITEM NO. 25. IF NOT I WILL ENTERTAIN A MOTION.

SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY TO APPROVE ITEM NO. 25. I'LL SECOND THAT. FURTHER COMMENTS, DISCUSSION? HEARING NONE, ALL THOSE IN

FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. COUNCIL, I BELIEVE THAT'S ALL OF THE ITEMS -- I SAY THAT, WE HAVE PULLED ITEM NO. 38 STILL HASN'T BEEN DISCUSSED. WHICH IS RELATED TO SIGN RELOCATION ISSUE. ITEM NO. 38 IS AN ITEM FROM COUNCIL. I WILL RECOGNIZE EITHER OF THE TWO CO-SPONSORS, COUNCILMEMBER DUNKERLY OR.

CRACKEN, ALTHOUGH THE MAYOR PRO TEM PULLED ITEM NO. 38, PERHAPS SHE HAD SOME QUESTIONS.

Goodman: NO, I DON'T REALLY HAVE ANY QUESTIONS BECAUSE WE'VE HAD DISCUSSIONS ON THIS SO MANY TIMES BEFORE. THAT I THOUGHT WE HAD EXHAUSTED THIS AS ONE OF THE OPTIONS AND SO I JUST WANTED TO PULL IT SO THAT THE SPONSORS COULD DISCUSS WHY THEY THOUGHT IT WAS WORTH OPENING ANOTHER -- THIS PARTICULAR CAN OF WORMS UP AGAIN. AND TO FOREWARN YOU THAT I CAN'T SUPPORT EVEN SENDING THIS TO CITY STAFF AGAIN.

Dunkerley: WELL, I THINK, MAYOR, IF WE COULD, BOTH OF US PERHAPS WILL HAVE SOME COMMENTS. ON THIS PARTICULAR ISSUE, WE HAVE SIGNS IN MANY PARTS OF OUR CITY THAT BECAUSE OF THE WAY THE CITY HAS GROWN WE FIND THAT THEY ARE NO LONGER APPROPRIATE IN CERTAIN NEIGHBORHOOD AND REDEVELOPMENT AREAS AND URBAN RENEWAL AREAS AND THINGS LIKE THAT. AT THE PRESENT TIME WE HAVE NO OPTION FOR THOSE SIGNS TO BE MOVED. AND SO THEY ARE REALLY FOREVER TIED TO THOSE SPACES BECAUSE A SIGN OWNER IS NOT GOING TO TAKE THOSE SIGNS DOWN IF THERE'S NO PLACE TO MOVE THEM. SO THEY WILL BE THERE FOREVER. SO I DO THINK THAT WE NEED TO HAVE AN OPTION FOR -- FOR SIGNS THAT -- THAT CERTAINLY PROBABLY ARE LOW PERFORMING FOR THE SIGN HOLDER, BUT MORE IMPORTANTLY THAT WE WOULD LIKE TO HAVE MOVED OUT ON SOME OF OUR AREAS. WHAT THIS WOULD DO IS INITIATE THE PROCESS FOR THAT CONSIDERATION. IN ADDITION TO THAT, MAYOR PRO TEM, WE DID HAVE SOME LANGUAGE ADDED TO THE PROPOSAL.

WE HAVE SENT OVER TO THE LAW DEPARTMENT. TO MAKE SURE THAT THE LANDOWNER IS NOTIFIED OF ANY POTENTIAL DESIRE TO MOVE THOSE SIGNS, WE DID WANT TO INCLUDE THAT. I WOULD LIKE TO SEE IF YOU WOULD LIKE TO ADD SOMETHING.

MAYOR?

Mayor Wynn: COUNCILMEMBER McCracken, I'M SORRY.

McCracken: WELL, IN FACT, WE WE HAVE VOTED ON TWO ITEMS TODAY THAT SHOW WHY THIS IS A COMMON SENSE PROPOSAL THAT ADVANCES THE POLICIES THIS COUNCIL IS TRYING TO IMPLEMENT. THE FIRST IS THE FEDERAL COURTHOUSE. THAT WE ARE CLOSING SAN ANTONIO STREET AND INVESTING A LOT OF EFFORT TO ENSURE THAT THE FEDERAL COURTHOUSE OFFERS THE GREATEST POSSIBILITY FOR CIVIC ARCHITECTURE AND PUBLIC SPACE IMPROVEMENT. HOWEVER, THERE IS A BILLBOARD LOCATED ON THAT PROPERTY AND UNDER THE COUNCIL'S CURRENT RULES THAT WE HAVE ADOPTED THAT BILLBOARD CANNOT BE MOVED BECAUSE IF THE BILLBOARD WERE TO BE MOVED IT WOULD BE LOST FOREVER AND THE BILLBOARD OWNER COINCIDENTALLY THIS WEEK CONTACTED US AND SAID, HEY, I'M REALLY ENTHUSIASTIC ABOUT WHAT YOU ARE DOING WITH THE FEDERAL COURTHOUSE AND WANTED TO SEE IF I COULD CONTRIBUTE TO THAT BY MOVING MY BILLBOARD SOMEWHERE ELSE. WE HAD TO RESPOND TO HIM YOU CAN'T DO THAT BECAUSE WE DON'T ALLOW THAT. YOU HAVE TO LOSE IT AND HIS RESPONSE WAS WELL THIS IS A SOURCE OF REVENUE, I'M NOT GOING TO TAKE IT DOWN IF IT MEANS LOSING IT. SO WE HAVE ALREADY SEEN THAT THIS ON ORDINANCE, THE CURRENT ORDINANCE ON BILLBOARDS WORKS ACROSS PURPOSES WITH ONE OF THE ITEMS THAT WE HAVE PASSED TODAY. THERE'S ACTUALLY A SECOND, THAT'S THE RAINEY STREET IMPROVEMENTS. WE DEVOTED INCREDIBLE EFFORTS TO -- TO THE PLANNING COMMISSION, THE DOWNTOWN COMMISSION DEVOTED INCREDIBLE EFFORTS TO THE EFFORT OF WHAT IS RAINEY STREET'S FUTURE. WELL, CURRENTLY, RAINEY STREET'S FUTURE, ONE OF THE LIKELY THINGS WOULD BE THAT THE BILLBOARDS THERE WOULD COME DOWN. BUT ONCE AGAIN WE HAVE CREATED AN ABSOLUTE ECONOMIC BERLIN WALL AGAINST

THOSE SIGNS EVER COMING DOWN BECAUSE THAT IS LOST REVENUE AND THOSE SIGNS WILL NEVER COME DOWN, EVEN THOUGH WE ARE TRYING TO, YOU KNOW, WE ARE TRYING TO IMPROVE RAINEY STREET AND PROVIDE NEW OPPORTUNITIES AND NEW VISION THERE. WE FIND THE SAME IN A LOT OF OUR REDEVELOPMENT, REVITALIZATION EFFORTS IN EAST AUSTIN. WHERE WE ARE TRYING TO DO THINGS TO REVITALIZE URBAN NEIGHBORHOODS, INVESTING A LOT OF TAXPAYER DOLLARS AND A LOT OF STAFF EFFORT TO THESE NEW INITIATIVES, ONE OF THE THINGS THAT WOULD HELP OUT WOULD BE THAT BILLBOARDS ARE -- ARE PROBABLY MORE APPROPRIATE ALONG ONE OF THE -- OF THE MULTIPLE NEW TOLL ROADS THAT WE ARE PUTTING IN UP IN NORTH AUSTIN THAT ARE COMMERCIAL CORRIDORS AS OPPOSED TO A NEIGHBORHOOD. BUT OUR CURRENT POLICY PREVENTS THAT FROM HAPPENING. SO THIS PROPOSAL THAT COUNCILMEMBER DUNKERLY AND I ARE PUTTING FORWARD WILL NOT RESULT IN EVEN A SINGLE NEW BILLBOARD. NOT A ONE. IT WILL RESULT IN BILLBOARDS COMING DOWN FROM URBAN NEIGHBORHOOD AND GOING TO COMMERCIAL CORRIDORS. I DON'T KNOW WHAT THE CURRENT POLICY OR CURRENT ORDINANCE' POLICY GOAL IS, I SUSPECT WHATEVER THAT POLICY GOAL IS IT'S NOT WORKING BECAUSE ALL WE'RE LEFT WITH IS THE STATUS QUO THAT'S UNSATISFACTORY AND WE COULD HAVE A BETTER FUTURE THAN WE CURRENTLY HAVE.

Dunkerley: ONE ADDITION.

Mayor Wynn: YES, COUNCILMEMBER DUNKERLY.

Dunkerley: ONE ADDITION. IT'S IN THE AREA WHERE WE ARE TRYING TO DESCRIBE WHAT'S AN APPROPRIATE LOCATION FOR THESE SIGNS, NOT ONLY COMMERCIAL ZONED AREA, BUT CERTAINLY NOT ABUTTING A RESIDENTIAL AREA, NOT A SCENIC ROADWAY AND NOT WITHIN 500 FEET OF A HISTORIC STRUCTURE. SO WE WANT TO MAKE SURE THAT THE PLACES THAT WOULD BEING CONSIDERED AN APPROPRIATE PLACE REALLY ARE. SO WHAT WE ARE DOING TODAY IS ASKING THE COUNCIL TO APPROVE SENDING THIS TO THE LAW DEPARTMENT TO HAVE THEM START THE PROCESS FOR THIS CONSIDERATION.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?

Slusher: MAYOR? I HAVE A COUPLE OF QUESTIONS. WHAT'S THE FEE -- THERE'S A THING IN HERE ABOUT REMOVAL FEE? INITIATION -- ORDINANCE NUMBER BLAH BLAH TO ADD THE FOLLOWING FEE, SIGN REMOVAL, RELOCATION FEE? IS THERE A FEE LIKE THAT ALREADY?

THERE IS A SIGN PERMITTING FEE OF \$120 I BELIEVE. BUT I THINK THIS WOULD BE IN ESSENCE A NEW FEE AND THAT FEE AMOUNT IS JUST PUT IN THERE AS A PLACE HOLDER.

OKAY. SO THAT -- BUT THERE'S NOTHING THAT CORRESPONDS TO THAT -- TO THAT NOW.

I THINK THE \$120 PERMIT FEE IS PROBABLY THE CLOSEST THAT -- THAT I COULD FIND TO IT.

WELL, I GUESS WE CAN LOOK AT THAT AS WE GO ALONG. I WAS WONDERING FROM THE STAFF, WHEN WAS THE LAST TIME THERE WERE NEW BILLBOARDS ALLOWED IN THE CITY OF AUSTIN?

I'M DONNA SORKIN WITH WATERSHED PROTECTION AND DEVELOPMENT REVIEW. NEW BILLBOARDS WERE PROHIBITED IN AUSTIN IN 1983.

1983, 21 YEARS AGO, RIGHT NOW WE ALLOW A NEW ONE TO GO UP IN THE SAME PLACE, BUT IT HAS TO BE DOWN SIZED.

YES. THEN THERE ARE OTHER WAYS TO REPLACE WHICH INCLUDE REMOVING BILLBOARDS SOMEONE ELSE SO THAT YOUR REPLACEMENT BILLBOARD DOESN'T HAVE TO BE REDUCED AS MUCH AS IF YOU WERE TO REPLACE IT WITHOUT REMOVING A BILLBOARD SOMEWHERE ELSE.

Slusher: REPLACING THEM IN THE SAME -- THEY WERE REPLACING THEM THAT ARE ALREADY IN A CERTAIN PLACE. THEN THEY DON'T HAVE TO REDUCE IT IF THEY GET RID OF ANOTHER ONE; IS THAT WHAT YOU ARE SAYING?

THEY DON'T HAVE TO REDUCE IT AS MUCH IF THEY REMOVE ONE -- IF THEY WERE TO MOVE ONE SOMEWHERE ELSE. BUT

ALL REPLACEMENTS DO PRESENTLY ALL REPLACEMENTS DO HAVE TO BE DONE IN THE SAME EXACT SPOT AS THE ORIGINAL BILLBOARD.

Slusher: SO WOULD IT BE POSSIBLE THEN THESE BILLBOARDS THAT YOU ARE TALKING ABOUT IN NEIGHBORHOODS, WHICH I AGREE THAT I WOULD WISH THAT SOME OF THESE WEREN'T THERE. BUT IT WOULD BE POSSIBLE FOR ONE OF THE COMPANIES TO GET RID OF ONE OF THESE AND THEN THEY COULD FOLLOW THESE OTHER GUIDELINES FOR REPLACEMENT.

YES. THEY COULD REMOVE A BILLBOARD FROM ONE OF THESE AREAS AND THEN GO TO ANOTHER AREA WHERE THEY WANTED TO REPLACE A BILLBOARD AND INSTEAD OF REDUCING IT BY 25% SMALLER FACE HEIGHT AND WIDTH IT WOULD JUST BE 25% SMALLER IN FACE AREA.

Slusher: OKAY. SO UNDER CURRENT REGULATIONS, THE COMPANY COULD GET RID OF BILLBOARDS WE ARE TALKING ABOUT HERE THROUGH THIS POLICY THAT WE HAVE?

YES.

Slusher: OKAY. SEE, SO I WOULD THINK, ALSO I WOULD APPEAL TO THE CORPORATE CITIZENSHIP OF THE COMPANIES. I THINK WE ALL AGREE WE DON'T WANT THESE PARTICULAR BILLBOARDS. THAT I THINK THAT -- OVER IN THE -- FOR THE A.R.A. REDEVELOPMENT. I THINK EVEN THERE THAT YOU WOULD HAVE -- I'M NOT SURE IF THAT BILLBOARD IN QUESTION IS OWNED BY A PROPERTY OWNER RIGHT AT THAT LOCATION AND THEN RENTS THE SPACE OR IF IT'S OWNED BY THE SIGN COMPANY TO -- DO EITHER ONE OF YOU ALL KNOW?

Dunkerley: SIGN COMPANY.

Slusher: SO THAT SIGN COMPANY OWNS BOTH THE PROPERTY AND THE BILLBOARD?

Dunkerley: I DON'T KNOW.

Slusher: BUT THEY ARE PAYING MONEY TO A PROPERTY

OWNER TO BE THERE. BUT IF THEY MOVE IT OUT, THEY WON'T BE PAYING MORE MONEY TO THE PROPERTY OWNER, RIGHT?

BUT THEY CAN'T REPLACE THAT BILLBOARD SOMEPLACE ELSE.

Slusher: YES, THEY CAN UNDER THIS.

Dunkerley: NO. THAT REFERS TO A BILLBOARD THAT THEY ALREADY HAVE IN EXISTENCE SOMEWHERE ELSE.

Slusher: THEY CAN COME GET ONE THAT'S AGING THAT THEY NEED TO REPLACE ANYWAY, THEN THEY DON'T HAVE TO REDUCE IT AS MUCH UNDER OUR CURRENT POLICIES.

Dunkerley: WELL, I CAN --

Slusher: THAT'S CORRECT, I HEARD YOU RIGHT, DIDN'T I? I'M SORRY TO GET YOU IN THE DISCUSSION BETWEEN TWO COUNCILMEMBERS. BUT JUST WANT YOU TO STATE WHAT THE POLICY IS.

YES. RIGHT NOW IF YOU HAVE AN OLD BILLBOARD IN A LOCATION, IN ONE LOCATION, AND YOU WANTED TO REPLACE THAT BILLBOARD, IN ORDER TO NOT REPLACE IT AS MUCH YOU COULD REMOVE A BILLBOARD SOMEWHERE ELSE, YOU KNOW, FOLLOWING THE GUIDE LINES THAT ARE SET UP IN THE CODE, IF YOU REMOVE THAT BILLBOARD SOMEWHERE ELSE, THEN YOU COULD GO BACK TO THIS ONE THAT YOU WANTED TO REPLACE AND NOT REPLACE IT AS MUCH AS YOU WOULD HAVE TO -- I'M SORRY, REDUCE IT. YOU WOULDN'T HAVE TO REDUCE IT AS MUCH AS IF YOU HADN'T REMOVED THAT BILLBOARD ELSEWHERE.

MY PROPOSAL COUNCILMEMBER --

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerley: THAT'S NOT AN INCENTIVE TO GET THEM TO MOVE THAT BILLBOARD. THEY LOSE A STREAM OF REVENUE WHEN THEY DO THAT. IF YOU WANT THESE MOVED WHETHER THEY ARE NEAR THE NEW COURTHOUSE OR

SOMEPLACE ELSE, I THINK THE INCENTIVE TO GET THEM MOVED IS TO LET THEM MOVE IT TO ANOTHER LOCATION IN AN APPROPRIATE SPOT WITHOUT A PENALTY. THAT'S ALL THAT I'M SAYING.

Slusher: BUT SEE THAT GOES -- THAT REOPENS AND REDOES DISCUSSION WE HAD FOR WEEK AFTER WEEK AFTER WEEK AND MADE HUNDREDS MIGHT BE A LITTLE TOO STRONG, THE NUMBERS OF OF VISITS TO OUR OFFICES, NOT IF YOU ADDED UP ALL SEVEN OFFICES. THINK I -- I THINK WE ARE OPENING THIS WHOLE THING UP AGAIN. LOOKS TO ME LIKE THEY COULD TAKE ADVANTAGE OF THIS POLICY WHICH CAME OUT OF THOSE DISCUSSIONS AND THE COMPANIES COULD JUST SAY, YOU KNOW, THAT'S TRUE. IT'S 2004, REALLY, 11th STREET IS BEING REVITALIZED, WE ARE GOING TO TAKE OUR BILLBOARD DOWN RIGHT THERE FOR THE GOOD OF THE COMMUNITY. AND THEN THE PROPERTY OWNER WOULD LOSE SOME MONEY, BUT THEY ARE GOING TO LOSE MONEY UNDER YOUR PROPOSAL ANYWAY. BUT THE VALUE OF THE LAND THERE IS GOING UP AND BUSINESSES, THE CITY HAS INVESTED TENS OF MILLIONS OF DOLLARS INTO PUTTING -- HELPING BUSINESSES LOCATE ON EAST 11th STREET. WE ARE LOCATING THE HOUSING DEPARTMENT THERE. I JUST THINK THAT THERE'S A -- COULD BE ANOTHER SOLUTION OR A -- WE ALREADY HAVE ONE SOLUTION, ANOTHER ONE COULD BE GOOD CORPORATE CITIZEN SHIP WOULDN'T HAVE TO GO THROUGH THIS, WOULDN'T HAVE TO -- TO HAVE THAT WHOLE PROCESS I TALKED ABOUT REOPENED.

Dunkerley: I WOULD CHALLENGE YOU IN ONE RESPECT. THIS IS NOT A GROWING BUSINESS. YOU HAVE A LIMITED NUMBER OF BILLBOARDS AND THAT REPRESENTS THE INCOME TO -- TO THE INDIVIDUAL WITHIN THIS COMMUNITY. SO YOUR IDEA OF WHY IT'S -- WHILE IT'S VERY GENEROUS TO THEM, IS NOT MUCH OF AN INCENTIVE. WHAT I'M TRYING TO FIND HERE IS AN INCENTIVE THAT WILL ACTUALLY GET SOME OF THOSE BILLBOARDS REALISTICALLY MOVED INTO APPROPRIATE LOCATION AND AWAY FROM PLACES WHERE WE DON'T WANT THEM. LIKE I SAY THIS STARTS THE PROCESS. MAYBE THE STAFF CAN COME UP WITH ANOTHER IDEA OTHER THAN THE TWO WE HAVE BEEN KICKING AROUND. SO I WILL OFFER ONE THING, SINCE I'M OPENING THIS, ANY CALLS THAT YOU

GET, YOU CAN JUST FORWARD THEM OVER TO MY OFFICE AND I'LL ANSWER THEM FOR YOU.

Slusher: I'LL ACCEPT THAT OFFER, COUNCILMEMBER.

Mayor Wynn: COUNCILMEMBER McCracken?

McCracken: I ALSO WANTED TO POINT OUT THAT ONE OF THE TWO POLICY INITIATIVES THAT WE PASSED TODAY REGARDING THE FEDERAL COURTHOUSE, THAT BILLBOARD OWNER IS AN INDIVIDUAL OWNER AND THERE IS NOTHING IN THE PRESENT POLICY THAT WOULD OFFER ANY ABILITY FOR THIS BILLBOARD OWNER -- THE BILLBOARD OWNER EITHER HAS TO GIVE UP THAT BILLBOARD AND LOSE THE INCOME PERMANENTLY OR KEEP IT UP AND HE'S GOING TO KEEP IT UP. SO WE HAVE A POLICY IMPEDIMENT TO REMOVING A BILLBOARD FROM THE PROPERTY WHERE WE HAVE THE FEDERAL COURTHOUSE GOING. AND ALSO THE -- THE PRESENT POLICY HAS NOT RESULTED IN ANY OF THESE BILLBOARDS BEING MOVED OUT OF THE AREAS THAT WE WOULD LIKE TO HAVE THEM MOVED OUT. THE CURRENT POLICY HAS FAILED TO ACHIEVE OUR OBJECTIVES. AND IF A POLICY IS NOT WORKING, I THINK THAT IT MAKES SENSE TO LOOK AT WHAT ARE SOME ALTERNATIVES TO ACHIEVE THE GOALS THAT WE WANT IF THE CURRENT POLICY IS FAILING.

CAN I FORWARD SOME CALLS TO YOUR OFFICE, TOO?

McCracken: SURE.

Slusher: OKAY.

Mayor Wynn: MY QUESTION TO THE SPONSORS IS THERE AN IDEA WHAT'S TO HOW -- AS TO HOW OWE SEEMS WHEN THIS DOES COME BACK TO US, I ONLY SEE THAT I CAN SUPPORT THIS IF WE HAVE A VERY LIMITED DEFINITION OF WHERE THESE NEW COMMERCIAL CORRIDORS MIGHT BE. AS AN EXAMPLE, WE ARE WORKING HARD TO MAKE S.H. 130 BE A SCENIC CORRIDOR, SO I WOULD TAKE THAT OFF THE TABLE.

Dunkerley: WELL, IN FACT IN THE INFORMATION THAT WE ARE SENDING OVER, WE HAVE TAKEN OFF ANY SCENIC CORRIDOR, ANY -- ABUTTING ANY RESIDENTIAL AREA,

WITHIN 500 FEET OF A HISTORIC AREA AND A PROPERTY ZONED COMMERCIAL AREA, I DON'T KNOW IF THEY CAN FIND A SPOT WHERE THEY COULD ACTUALLY MOVE IT THAT MEETS ALL OF THESE CRITERIA, BUT THOSE ARE THE CRITERIA THAT WE HAVE PUT IN PLACE. HOPEFULLY IF WE NEED TO ADD ANY MORE, WE CAN DO THAT.

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

Goodman: JUST TO ADD TO THE DEJA VU, ONE OF THE ISSUES WE DISCUSSED L.O. THESE MANY, MANY TIMES WAS -- LO THESE MANY, MANY TIMES WAS ABOUT BEING ABLE TO PUT ONE NEW BILLBOARD UP IN ONE SITE IN RETURN FOR TAKING DOWN THREE. EXISTING SITES -- SIGNS AT SITES ALREADY. SO TO COME BACK TO THE ONE ON ONE DISTURBS ME IN A NUMBER OF WAYS. ISSUES THAT WE DISCUSSED WERE SUCH AS WHEN A NEW ROAD IS BUILT, USUALLY THE NOTATION MADE WAS TO KEEP IT BILLBOARD FREE, PHOTO DESIGNATE -- NOT TO DESIGNATE IT AS SOME KIND OF A STRIP SHOPPING MESSAGE BIG TIME BERMA-SHAVE KIND OF STUFF I GUESS. SOMETHING -- A -- SOMETHING FOR YOU TO READ AS YOU DRIVE. THE OTHER ISSUES THAT CAME UP WAS THAT IT WAS VIRTUALLY IMPOSSIBLE AT THIS MOMENT, EVEN WITH THE VARIOUS OPTIONS WE LOOKED AT, TO MAKE A SIGNIFICANT AND EXTINGUISHEXPENDEXPEDITIOUS NUMBER OF SIGNS DISAPPEAR. THE ONLY LIKELY WAY THAT EVEN GAVE SOMETHING OF A FORESEEABLE FUTURE WAS BY ATTRITION THROUGH CHANGE IN LAND USE DESIGNATION. THAT WAS A NATURAL THING, THAT WAS SOMETHING THAT HAPPENED, YOU KNOW, AS A PART OF THE CONDITION OF THE AREA THAT THE SIGN WAS IN. NOW, THERE IS ONE THING THAT YOU ALL MENTIONED THAT I THINK IS FAIR AND I WOULD GO FOR AND THAT'S TO MAKE SURE THAT THE PROPERTY OWNER KNOWS ANYTHING THAT'S -- THAT'S ANY -- ANY TIME LIMIT, ANY SIGNAL FOR CHANGE, SO THAT NOT ONLY THE SIGN OWNER KNOWS ABOUT THE POWER THAT THEY WIELD OVER THE PROPERTY OWNERS BUT THE PROPERTY OWNERS ALSO KNOW AND HAVE SOME HAND, SOME VOICE IN WHAT HAPPENS TO THE LOCATION AND THE SIGN. BUT AS FAR AS ALL OF THE REST OF IT, TALKING ABOUT WHEN SOME LAND USE CHANGES AND A BILLBOARD IS LOST FOREVER,

YES, THAT WAS THE POINT AND THAT WAS VIRTUALLY THE ONLY WAY THAT IT WAS SERIOUSLY GOING TO HAPPEN. SO TO SAY WELL, WE WERE GOING TO -- WE WERE GOING TO ONLY LOSE A FEW BECAUSE THEIR LIFETIMES ARE VAST, THEY MAKE SIGNS VERY WELL THESE DAYS AND THEY LAST VIRTUALLY FOREVER. TO TAKE THE FEW OPPORTUNITIES WE HAD FOR THEM TO NATURALLY FALL BY THE WAYSIDE, SO TO SPEAK, IS TOTALLY AGAINST WHAT -- WHAT I THOUGHT OUR GOAL WAS, WHICH IS TO SOME DAY HAVE A CITY WITHOUT BILLBOARDS AND ALTHOUGH I UNDERSTAND YOUR ISSUE ABOUT SOME PLACES ARE OKAY FOR THEM AND SOME NOT, I THINK THAT BY GOING AHEAD WITH THIS PROPOSAL WE STEP BACK ABOUT THREE PACES FROM WHERE WE HAD FINALLY GOTTEN TO. WHICH IS WHY I CAN'T SUPPORT EVEN SENDING IT TO STAFF TO OPEN UP AGAIN. BECAUSE WE HAVE GONE THROUGH THIS SO MANY TIMES.

Alvarez: MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: I HAD A QUESTION FOR THE SPONSORS, BECAUSE I HAVE TALKED TO BOTH -- AT LEAST TWO OF THE SPONSORS. IT WAS REAL CLEAR THAT THE INTENT WAS TO FOCUS ON BILLBOARDS THAT WERE IN UNDESIRABLE LOCATIONS. TRYING TO GET THEM RELOCATED BUT THE CRITERIA HERE DOESN'T SPECIFY WHICH ONES CAN BE RELOCATED ONLY WHERE YOU CAN PUT THEM. WHY WAS THERE NO ATTEMPT TO SAY IT'S BILLBOARD THAT ARE IN NEIGHBORHOODS OR -- THE ISSUE THAT'S WE TALKED ABOUT THAT ARE ELIGIBLE FOR RELOCATION AND BECAUSE HERE IT'S VERY CLEAR WHERE THEY COULD -- WELL -- THERE'S SOME DETAIL HERE ABOUT WHERE THEY MIGHT GO, BUT NOT WHICH ONES COULD BE REPLACED, PERIOD.

Dunkerley: COUNCILMEMBER, I REALLY TRIED VERY HARD TO ARTICULATE IT IN MY EFFORTS, BUT I THINK THIS IS SOMETHING PROBABLY STAFF CAN HELP US WITH. CERTAINLY WE WANT THEM TO BE MOVED IN AREAS THAT -- THAT ARE ADJACENT TO -- TO RESIDENTIAL THAT -- THAT ARE IN -- THAT ARE IN OUR REDEVELOPED COUNCIL IDENTIFIED REDEVELOPMENT AREAS. AND THINGS OF THAT ORDER. BUT WE COULDN'T COME UP WITH SOMETHING THAT

DIDN'T END UP SAYING I WANT THIS ONE MOVED, THIS ONE MOVED, THIS ONE MOVED. I HAD TO GET SOMETHING MORE GENERIC THAN THAT. THAT'S ONE OF THE THINGS THAT WE WILL ASK THE STAFF TO DO IS TO TRY TO IDENTIFY MOST OF THEM, I THINK MOST OF THEM WILL BE EAST OF I-35, BUT I DON'T KNOW HOW TO DESCRIBE THAT AREA OR HOW TO DESCRIBE AN AREA IN A GENERAL WAY, MAYBE THE STAFF COULD COME BACK WITH SOME IDEAS ON THAT. WE LOOKED AT EAST AUSTIN OVERLAY. THAT'S KINDS OF A SMALL AREA. WE LOOKED AT THE DESIRED DEVELOPMENT ZONE. AND THAT'S KINDS AFTER BIG AREA. SO WE COULDN'T COME UP WITH SOMETHING THAT BETTER IDENTIFIED IT. SO I'M REALLY OPEN FROM SUGGESTIONS FROM STAFF ON HOW TO -- HOW TO IDENTIFY THOSE SIGNS THAT ARE INAPPROPRIATE RIGHT NOW. SO -- BUT WE TRIED. WE JUST COULDN'T COME UP WITH SOME LANGUAGE.

Alvarez: THANK YOU. I JUST -- I MEAN I JUST WANTED TO KIND OF GET SOME CLARIFICATION BECAUSE THAT WAS SOMETHING WE HAD DISCUSSED.

Dunkerley: I'M CERTAINLY OPEN TO DISCUSSIONS.

Alvarez: I WON'T BE ABLE TO SUPPORT THIS MOTION. I'M KIND OF LOOKING AT THE TRANSCRIPTS OF THE LAST TIME WE TOOK THIS UP. WE ACTUALLY THINK HAD IT VOTED DOWN THROUGH THESE SIMILAR KIND OF PROPOSALS. IT WAS ACTUALLY A VERY CLOSE VOTE. SO I WANTED TO BE CONSISTENT IN LOOKING AT THE ISSUE. BUT ALSO I THINK WE TOO NEED TO SUPPORT WHAT WE ARE DOING, BECAUSE IF YOU ARE RELEASING A REALLY OLD SIGN IN A NEIGHBORHOOD AND PUTTING IT IN A NEW LOCATION, THEN CHANCES ARE IT'S NEVER GOING TO GO IN THAT NEW LOCATION. THE LONG-TERM VISION OF THE ORDINANCE OR THE INTENT WAS NOT -- I NEVER HEARD THAT IT WAS TO RELOCATE THE SIGNS WHERE WE WANT THE SIGNS TO BE, IT WAS TO REDUCE THE NUMBER OF SIGNS. SO -- SO THAT'S WHY I'M HAVING DIFFICULTY WITH IT. BUT APPRECIATE THE -- THE DISCUSSION.

McCracken: I GUESS THIS BRINGS UP, RAISES THE ISSUE OF WHAT IS THE POLICY GOAL BECAUSE IF THE POLICY GOAL IS TO HAVE BILLBOARDS LOCATE OR REMOVED FROM

NEIGHBORHOODS AND LOCATED ALONG COMMERCIAL CORRIDORS, THE CURRENT POLICY ISN'T WORKING. IF THE GOAL IS -- IF THE POLICY IS TO GET RID OF BILLBOARDS I BET YOU THAT POLICY IS NOT WORKING EITHER, TOO. IN FACT IT APPEARS THAT IT'S CREATED A PERVERSE DISINCENTIVE THAT IS RESULT IN THIS THE CLEAR CHANNEL COMMUNICATIONS AND SOME OTHER BIG NATIONAL OPERATORS TAKING OVER THE MARKET AND SO I THINK IT WOULD BE HELPFUL FOR INSTANCE, GOOD TO GET THE PLANNING COMMISSION TO SEE IF THE CURRENT POLICY IS RESULTING IN FEWER BILLBOARDS. I THINK THAT THERE'S A FAIR AND REASONABLE BALANCE HERE SINCE TELEVISION IS WAY OUT OF THE REACH OF THE ADVERTISING BUDGETS OF MOST ADVERTISERS. I MEAN THERE'S A FAIR BALANCE. I PERSONALLY DO NOT SUPPORT A POLICY GOAL OF BANNING BILLBOARDS. BUT EVEN IF YOU DO SUPPORT A POLICY OF BANNING BILLBOARDS, I BET YOU THAT CURRENT POLICY IS NOT WORKING. THEN IF IT'S NOT WORKING, YOU GO WHAT DO WE DO TO ACHIEVE ANOTHER POLICY GOAL, THAT IS TO MOVE BILLBOARDS OUT OF NEIGHBORHOODS AND INTO COMMERCIAL CORRIDORS. I THINK THIS AT LEAST HOLDS THE PROMISE OF ACHIEVING THAT POLICY GOAL.

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

Mayor Wynn: I WILL SAY THIS SOUNDS LIKE THIS WILL BE A SPLIT VOTE, WHICH IS ONLY APPROPRIATE BECAUSE THIS HAS BEEN A THORNY ISSUE FOR THE THREE AND A HALF YEARS THAT I'VE BEEN HERE. AND IT SEEMS TO NEVER REALLY HAVE A FIRM CENTER OF GRAVITY. I'LL ARE SUPPORTIVE OF ASKING THE CITY MANAGER TO INITIATE A PROCESS TO CONSIDER THE AMENDMENTS. I WILL SAY THAT I WOULD ONLY BE SUPPORTIVE OF SOME TYPE OF AMENDMENT IN THE FUTURE WHEN SHE COMES BACK IF IT'S A VERY DEFINED NOT ONLY A TARGET OF WHERE IT IS WE'RE TRYING TO HAVE BILLBOARDS COME DOWN, BUT ALSO A VERY DEFINED TARGET AS TO WHERE WE WOULD ALLOW A NEW ONE. AND AS COUNCILMEMBER ALVAREZ POINTED OUT, FRANKLY A NEW ONE THAT WILL BE WITH US FOREVERMORE, I'LL JUST BRING UP. SO THAT WITH I'LL BE SUPPORTIVE OF THIS ITEM. FURTHER COMMENTS, QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE

SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF 4-3 WITH COUNCILMEMBERS THOMAS, ALVA ALVAREZ AND THE MAYOR PRO TEM VOTING NO. I'M SORRY. MS. BROWN, THAT WAS MY LEFT FLANGE HERE, COUNCILMEMBERS ALVAREZ, SLUSHER AND THE MAYOR PRO TEM. THANK YOU ALL VERY MUCH. COUNCIL, I BELIEVE THAT LEAVES US WITH ONLY ITEM NUMBER 51 BEFORE WE CAN GO BACK AND TAKE UP A COUPLE OF ITEMS IN EXECUTIVE SESSION. ITEM NUMBER 51 IS ON OUR ADDENDUM, WHICH IS RELATED TO A DEVELOPMENT OF A MITIGATION POLICY IN THE BARTON SPRINGS ZONE. THAT WAS PULLED BY COUNCILMEMBER DUNKERLEY.

Dunkerley: OKAY. I HAD SEVERAL CALLS OVER THIS PARTICULAR ISSUE, AND I THINK THERE'S PERHAPS A MISUNDERSTANDING. I THINK THE MITIGATION PLAN IS A GOOD TOOL FOR THE CITY STAFF AND FOR THE COMMUNITY TO HAVE, AND I'D LIKE TO DISCUSS IT PERHAPS IN THIS -- FROM THIS FRAME OF REFERENCE. WE HAVE MANY PROPERTIES WITHIN OUR CITY THAT ARE GRANDFATHERED OR THAT EITHER THROUGH LEGISLATION OR THROUGH COURT PROCEEDINGS. WE RESPECT THE OUTCOME OF THOSE DECISIONS AND WE SUPPORT THOSE, BUT MANY TIMES WE HAVE THESE PROPERTY OWNERS WHO REALLY WANT TO DO SOMETHING, MAYBE DO THE RIGHT THING OR DO SOMETHING DIFFERENT IN ORDER TO ACHIEVE MORE MITIGATION OR CONFORMANCE ON LAND IF THEY LADDER HAVE ENTITLEMENTS TO IT. I THINK THIS KIND OF GUIDELINE, THIS KIND OF TOOL, WOULD GIVE THEM SOME GUIDANCE WITHOUT US GETTING SO DIRECTLY INVOLVED IN WHAT THEY'RE PLANNING TO DO IN RELATIONSHIP TO GRANDFATHERING CASES THAT ARE THERE. SO I THINK I AM GOING TO BE SUPPORTIVE OF IT, BUT SUPPORTIVE OF IT FROM THAT PARTICULAR PERSPECTIVE. A TOOL FOR PEOPLE TO USE TO SEE HOW THEY CAN BETTER ACHIEVE

SOME OF THE GOALS OF THIS COMMUNITY. I THINK SECONDLY I WANTED TO REITERATE A SUPPORT FOR SOME ACTIVITIES THAT THE STAFF IS CURRENTLY DOING THAT INDIRECTLY TIES IN TO THIS WHOLE ENVIRONMENTAL POLICY. WE CURRENTLY HAVE CITY STAFF AND SEVERAL DEPARTMENTS WORKING ON PLANS FOR BOTH THE SOUTHEAST AND THE NORTHEAST AREAS OF OUR CITY FOR DESIGNING AND BUILDING INFRASTRUCTURE ON A TIMELY BASIS SO THAT THERE IS SOME AREAS IN THE CITY, THERE ARE SOME AREAS IN THE CITY THAT WILL HAVE THE INFRASTRUCTURE AVAILABLE TO DRAW DEVELOPMENT TO THOSE AREAS IN THE DESIRED DEVELOPMENT ZONE. SO WE REALLY NEED TO ATTACK THIS WHOLE ISSUE OF THE ENVIRONMENT, THE AQUIFER, MITIGATION IN TWO WAYS. AND I THINK WHAT STAFF IS DOING NOW TO CREATE AREAS WHERE THERE IS A POSITIVE INCENTIVE FOR PEOPLE TO COME THERE BECAUSE YOU'VE GOT INFRASTRUCTURE IN PLACE AND THEN TO GET TOGETHER A MITIGATION PLAN THAT WILL HELP THOSE OWNERS OF GRANDFATHERED LAND IF THEY CHOOSE TO MAKE THEIR PROPERTY BETTER, SOME GUIDELINE AS TO WHAT IS THE BEST WAY TO GO ABOUT DOING THAT. THERE MAY BE OTHER REASONS FOR SUPPORT OF THIS, BUT THAT'S MY PARTICULAR COMMENTS I'D LIKE TO MAKE.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? EVE ONE CITIZEN SIGNED UP TO SPEAK, MR. COLIN CLARK. WELCOME, SIR, ON ITEM 51 YOU SIGNED UP WISHING TO SPEAK, AGAINST. WELCOME, SIR, YOU WILL HAVE THREE MINUTE.

THANK YOU, GOOD AFTERNOON, MAYOR AND COUNCIL. I'M COLIN CLARK WITH THE SAVE OUR SPRINGS ALLIANCE. OUR EXECUTIVE DIRECTOR BILL BUNCH E-MAILED A LETTER TO YOU ALL LAST NIGHT. HOPEFULLY YOU RECEIVED IT. THAT GOES INTO GREATER DETAIL AND I JUST WANTED TO COME DOWN AND HIGHLIGHT SOME OF THE POINTS IN THAT LETTER. WE'RE GLAD THAT THE SPONSORS ARE INTERESTED IN DIRECTING STAFF IN THINKING ABOUT BARTON SPRINGS AND DEVELOPING A PLAN FOR THE CITY TO DO SOMETHING IN THE BARTON SPRINGS ZONE. BUT CITY STAFF'S TIME AND RESOURCES ARE LIMITED AS WELL AS CITIZEN TIME AND RESOURCES. AND SO WE THINK IF YOU'RE

GOING TO DIRECT THE STAFF TO THINK ABOUT AND PLAN ABOUT BARTON SPRINGS WATERSHED THAT THAT TIME AND THOSE RESOURCES WOULD BE BETTER SPENT THINKING ABOUT HOW TO SAVE THE SPRINGS RATHER THAN THE WAY THIS IS POSTED AS HOW CAN WE ALLOW FOR MORE DEVELOPMENT, MORE IMPERVIOUS COVER IN THE BARTON SPRINGS WATERSHED. AND I'VE ENCOURAGED -- I AM ENCOURAGED, COUNCILMEMBER DUNKERLEY, ABOUT YOUR COMMENTS ABOUT PROVIDING INCENTIVES TO DEVELOP OFF THE AQUIFER. AND IT WOULD BE GREAT IF INSTEAD OF WHAT'S POSTED RIGHT NOW, TO DIRECT THE STAFF TO FIGURE OUT HOW CAN WE PREVENT DEVELOPMENT FROM HAPPENING ON THE AQUIFER BY INCENTIVIZING IT OR ENCOURAGING IT OFF THE AQUIFER. THAT WOULD BE A POSITIVE WAY FOR THE STAFF TO SPEND ITS TIME AND ENERGY. IF THE COUNCIL DOES GO AHEAD AND APPROVE THIS, IN THAT EVENT WE WOULD ASK THAT THE DEVELOPMENT OF THIS PLAN BE DONE PUBLICLY WITH INVOLVEMENT FROM A LOT OF CITIZEN GROUPS AND ANYONE IN THE COMMUNITY SO THAT IT CAN -- ITS IDEA IS LET'S FIGURE OUT WHAT THE STANDARD IS. IF PEOPLE WANT TO BUILD MORE THAN S.O.S., THEN WE CAN MAKE SURE THAT THAT IS A VERY HIGH STANDARD. SO THOSE ARE ALL OUR COMMENT FOR NOW. THANK YOU.

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

Goodman: YES, MAYOR. THAT WAS AN AMAZING WAY TO HAVE READ THIS RESOLUTION, WHICH I AM ABOUT TO REREAD AGAIN BECAUSE I DIDN'T KNOW ANY OF THAT WAS IN THERE. THE PRIORITY FOR ME IS THE AQUIFER. AND ALTHOUGH I DON'T WANT TO DEFEND ANYBODY, THE PRIORITY FOR ME IS NOT S.O.S., THE PRIORITY IS PROTECTION AND PRESERVATION OF THE AQUIFER. AND SINCE S.O.S. DOES NOT SPEAK TO ANYTHING BUT SITE BY SITE, THERE ARE OPPORTUNITIES TO PRESERVE AND PROTECT MORE OF THE AQUIFER THAN YOU CAN DO SITE BY SITE. AND I DON'T WANT TO IN ANY WAY PASS UP AN OPPORTUNITY THAT PROTECTS A MORE VULNERABLE OR I'D SAY MORE THREATENED BY DEVELOPMENT AREA OF THE AQUIFER THROUGH SOMETHING THAT GOES BEYOND S.O.S. SO JUST TO REITERATE, FOR ME ABSOLUTELY THE PRIORITY

HERE THE AQUIFER, NOT NECESSARILY A PIECE OF PAPER THAT WE CAN DO BETTER THAN. S.O.S. WAS A STATEMENT AND IT WAS A PRETTY GOOD ATTEMPT TO CODIFY WHAT IN ESSENCE HAD TO BE A COOKIE CUTTER ORDINANCE, BUT IT'S TIME TO LOOK AT IN THESE CRUCIAL TIMES ESPECIALLY WHERE SO MUCH DEVELOPMENTAL PRESSURE COMES FROM OUTSIDE OUR BOUNDARIES OF AUTHORITY, IT'S TIME FOR US TO LOOK AND SEE WHAT ELSE WE CAN DO. AND THAT IS MY GOAL HERE. I DON'T KNOW OF ANY DIFFERENT GOALS THAT -- AGAIN, S.O.S. CAN ONLY DO SO MUCH SITE BY SITE. ON SOME SITES EVEN COMPLYING WITH S.O.S. DOES NOTHING FOR THE AQUIFER AS A WHOLE WHEREAS THROUGH SOME MITIGATION OFFERS AND SOME MITIGATION ACQUISITIONS, WE CAN DO MUCH, MUCH MORE FOR THE AQUIFER BY STRETCHING OUT THE PROTECTION. AND SO FAR ONLY IN SPECIAL AGREEMENTS HAVE WE BEEN ABLE TO DO THAT. THERE ARE ASSUMED STANDARDS THAT WE'RE GOING BY, THERE'S BCP ON THE BOOKS FOR MAY TIME, WHICH MITIGATION LAND IS SUPPOSED TO BE 10 TO ONE, BUT THERE'S ALSO DISCUSSION ABOUT 10 FOR WHAT, ONE ACRE, IN TERMS OF VALUE AND IMPACT. IN BCP'S HAIS CASE TO HABITAT AND ECO REGIME. AND IN THIS CASE THOSE WOULD COME INTO THE EQUATION AS WELL, BUT WITH MUCH MORE SOLID WATER QUALITY ISSUES TO BE LOOKED AT. AND THAT'S WHAT WE HAVE TRIED TO DO. BUT AGAIN, THOSE ARE ZOOMED AND PROBABLY -- ASSUMED AND THEY'RE PROBABLY NOT CONSISTENT BECAUSE EACH IS ITS OWN SPECIAL CASE. AND WHAT I WOULD LIKE TO DO IS SINCE STAFF HAS BEEN WORKING ON THIS FOR QUITE SOME TIME, I THINK THERE'S NO NEED TO TAKE UP MORE OF THEIR TIME. THEY HAVE THE EXPERTISE AND HAVE HAD FOR YEARS AND IN FACT WERE EVEN NATIONAL EXPERTS THEMSELVES AND ARE CALLED UPON FOR THEIR KNOWLEDGE AND EXPERIENCE. SO I DON'T THINK THAT WE'RE ASKING MORE WORK OF THEM THAN THEY HAVE ALREADY DONE. I'D LIKE TO TIE IT UP AND SEE WHAT THE PROPOSED -- THE PROPOSALS WERE. AND LOOKING AT NANCY, I BET YOU HAVE THEM ALL, DON'T YOU? IT TIME TO START TALKING ABOUT THE CRITICAL NATURE OF PRESERVING THE AQUIFER BECAUSE WE'RE NOT IN CONTROL OF WHAT HAPPENS TO THE AQUIFER, SO I THINK THE RESPONSIBILITY AND ONUS IS UPON US TO FIGURE OUT

WHAT THE STRATEGIC MOVES ARE THAT WE CAN TAKE AT THIS TIME. AND I WOULD HOPE THAT NOBODY WOULD CHARACTERIZE THIS AS ALLOWING OR FINDING MORE WAYS FOR DEVELOPMENT TO HAPPEN. THAT'S BEYOND MY ABILITY TO -- I MEAN, YOU HAVE TO DO SOME IMAGINING FOR THAT TO BE THE MOTIVATION FOR THIS. SO JUST TO REASSURE YOU, MR. CLARK, THAT'S NOT THE POINT.

[INAUDIBLE - NO MIC].

Mayor Wynn: THANK YOU, MAYOR PRO TEM. IF I COULD JUST TO BUILD ON MY CO-SPONSOR'S COMMENTS, IN ADDITION TO THE OBVIOUS GOAL WITH THIS, THAT IS PROTECTING THE AQUIFER, IS IN FACT THE CONCEPT OF STAFF'S LIMITED TIME AND RESOURCES. AND AS WE HAVE SEEN OVER THE LAST SEVERAL YEARS, THE -- THE AD HOC APPROACH OF ANALYZING ELEMENTS AND TRYING TO PROTECT THE AQUIFER HAS JUST CONSUMED STAFF AT TIMES. AND IN FACT, THERE'S BEEN SOME GOOD MOMENTUM AND STAFF HAS COME UP WITH SOME GREAT WORK OVER THE PAST MONTH OR SO. WHILE THAT MOMENTUM IS THERE, WHILE THE INFORMATION IS FRESH, IN AN ATTEMPT TO PROTECT STAFF'S TIME AND EFFORT, RESOURCES IN THE FUTURE, I THINK IT DOES BEHOOVE US TO COME UP WITH A POLICY WITH PLENTY OF PUBLIC INPUT AND FEEDBACK AS TO HOW THAT MIGHT BE TO IN FACT NOT HAVE TO CALL UPON STAFF SO FREQUENTLY AND IN SUCH SHORT NOTICE AND IN SUCH DEPTH. SO AN ADDITIONAL ELEMENT TO THIS IS IN FACT TRYING TO MANAGE THE RESOURCES THAT WE HAVE HERE AT THE CITY AS WE ADDRESS THESE DIFFICULT DECISIONS SEEMINGLY EVERY FEW MONTHS. FURTHER COMMENTS? COUNCILMEMBER SLUSHER.

Slusher: AFTER THOSE EXPLANATIONS, I'M GOING TO VOTE FOR THIS. I DO THINK, THOUGH, THAT WE NEED TO LOOK AT THESE IN A LITTLE BIT BROADER PERSPECTIVE AND I WANT TO MAKE SOME COMMENT IN THAT REGARD THAT I'VE BEEN WANTING TO SAY. AND I'M JUST GOING TO TAKE THIS OPPORTUNITY TO DO IT. AND I KNOW THAT A LOT OF IT IS GOING TO BE DIRECTED AT SOME OF OUR BUSINESS COMMUNITY LEADERS AND I KNOW THEY'RE NOT IN THE AUDIENCE TODAY. SO IN CHANCE -- JUST IN THE CHANCE THEY HAPPEN TO MISS THIS ON THE TV, I'LL BE HAPPY TO

PUT SOME OF THESE STATEMENTS INTO WRITING FOR THEM. FIRST OF ALL, I WANT TO SAY THAT I SHARE SOME OF COUNCILMEMBER GOODMAN'S SENTIMENTS ABOUT THE SORT OF MISCHARACTERIZING OR TAKING OUT OF CONTEXT WHAT SHE'S TRYING TO DO HERE. I DON'T THINK SHE WOULD EVER DO ANYTHING TO TRY TO GET MORE DEVELOPMENT OVER THE AQUIFER. I'VE KNOWN HER A FEW YEARS, AND I'VE NEVER SEEN HER DO ANYTHING LIKE THAT. SO I DON'T THINK THAT'S THE CASE. AND PROBABLY NOT MUCH OF A SECRET, I THINK SOMETIMES MAY OF THE ENVIRONMENTAL LEADERSHIP IN THE CITY GROUP IN FRONT OF US THAT WEIGHED IN ON THIS IN PARTICULAR HAS DONE SOME THINGS THAT HASN'T BEEN PARTICULARLY IN ENVIRONMENTAL CENTER. YOU ACT LIKE THE CITY NEVER DOES ANYTHING TO PROTECT THE AQUIFER, CRITICIZE WHAT IT DOES GET DONE, DON'T ACKNOWLEDGE STATE LAWS THAT PLAY HEAVILY INTO THIS. AND I THINK THAT'S DEMORAL LIESING TO SOME OF THE CITIZENS WHO LISTEN TO THEM. SO I WOULD ACKNOWLEDGE THAT, BUT WHAT I SEE IS THE LARGER PROBLEM RIGHT NOW IN THE COMMUNITY ON ENVIRONMENTAL ISSUES IS THAT I SEE THAT SOME OF THE BUSINESS COMMUNITY LEADERSHIP NO LONGER ACKNOWLEDGES THE LONG HELD COMMUNITY VALUES WHICH ARE THAT WE WANT TO HAVE SPARSE DEVELOPMENT OVER THE EDWARD'S AQUIFER AND STEER THE MORE INTENSE DEVELOPMENT, WHAT WE'VE CALLED THE DESIRED DEVELOPMENT ZONE SINCE 1998. AND I REPEATEDLY RECENTLY HEAR LEADER OF THE BUSINESS COMMUNITY, AT LEAST SOME OF THEM, SAYING EVERY TIME THERE'S -- FOR INSTANCE, WHEN THERE'S OPPOSITION TO THE TEMPLE INLAND, THE WAIVER FOR THEM FROM S.O.S. THEY SAY WE'RE SENDING THE WRONG MESSAGE, THAT AUSTIN DOESN'T WANT JOBS, THAT AUSTIN IS CLOSED FOR BUSINESS. WHEN CITIZENS DIDN'T WANT A WAL-MART AND SEVEN PAD SITES RIGHT OVER THE HEART OF THE RECHARGE ZONE, WELL, THAT WAS SENDING THE WRONG MESSAGE THAT AUSTIN DOESN'T WANT JOBS, WE DON'T WANT TO HAVE BIG BOXES IN THIS ONE SECTION OF THE CITY WHERE THAT'S CONSISTENT WITH CITY POLICY SINCE 1979 AT LEAST TO NOT HAVE THAT KIND OF DEVELOPMENT OVER THE RECHARGE ZONE. ONCE AGAIN, WE HEAR THAT SAME THING, NOT OPEN FOR BUSINESS. WELL, SINCE 1979,

THE AUSTIN TOMORROW PLAN, AS I SAID, HAS HAD THE KIND OF POLICIES TO STEER HEAVY DEVELOPMENT OUT OF THAT AREA. WE FORMALIZED THAT AGAIN IN 1998 WITH THE DESIRED DEVELOPMENT ZONE AND THE DRINKING WATER PROTECTION ZONE BASED ON THE AUSTIN TOMORROW PLAN FROM 1979 WHICH WAS PUT TOGETHER BY CITIZENS FROM EVERY SEGMENT OF THE COMMUNITY. WELL, AFTER WE PUT THAT IN PLACE IN 1997, NOT A SINGLE MAJOR EMPLOYER LOCATED IN THE DRINKING WATER PROTECTION ZONE, BUT MANY LOCATED OR EXPANDED IN THE DESIRED DEVELOPMENT ZONE. SO BACK THEN THE CORPORATIONS AROUND THE COUNTRY WERE ABLE TO FIGURE OUT THAT MESSAGE. THEY DIDN'T SAY -- THEY DON'T WANT US TO BUILD OVER THE AQUIFER. AUSTIN MUST BE CLOSED FOR BUSINESS. THEY DON'T WANT ANY JOBS DOWN THERE. THEY DIDN'T THINK THAT THEN. AND I DON'T UNDERSTAND WHY SOME OF THE BUSINESS LEADERS OF THIS COMMUNITY THINK THAT ALL OF A SUDDEN THE CORPORATE LEADERS OF AMERICA HAVE GOTTEN LESS INTELLIGENT AND CAN'T FIGURE OUT WHAT THE CITY POLICIES ARE HERE IN AUSTIN. I BET THEY FACE THAT KIND OF THING ALL OVER THE COUNTRY. WE'RE PROBABLY THE FIRST ONES TO HAVE PART OF OUR TOWN THAT IS MORE ENVIRONMENTALLY SENSITIVE THAN ANOTHER OR THAT ONE HAS STEERED DEVELOPMENT TO ONE PART OF THE TOWN OR ANOTHER. SO I'M GLAD TO SEE THAT I READ IN ONE OF THE PAPERS, NOT THE DAILY ONE, THAT THERE'S GOING TO BE A SUMMIT HELD AGAIN, TRY TO HAVE SOME PEACE TALKS BETWEEN THE ENVIRONMENTALISTS AND THE DEVELOPERS AND THE REAL ESTATE COMMUNITY AND THE BUSINESS COMMUNITY. WE CAN USE THAT ON A NUMBER OF FRONTS AND I'VE MADE SOME COMMENT ON THAT, BUT I'LL STICK TO THIS ISSUE RIGHT NOW. I'M GLAD TO SEE THAT HAPPENED. I WANTED TO GET THIS ON THE RECORD BEFORE THEN AND I WANT TO POINT OUT ALSO THAT THE S.O.S. ORDINANCE HAS BEEN IN PLACE SINCE 1992. ANOTHER THING WE HEAR ALL THE TIME IS, JUST TELL US THE RULES AND WE'LL FOLLOW THEM. WELL, IT WAS MADE VERY CLEAR IN 1992 WHAT THE CITIZENS WANTED THE RULES TO BE. BY A TWO TO ONE MARGIN, THE S.O.S. ORDINANCE. YOU'VE HAD ABOUT -- REALLY, I THINK, MAJOR DEVELOPMENTS, ABOUT FOUR THAT HAVE GONE UNDER THAT AND NOT TRIED TO GET OUT OF IT,

TEMPLE INLAND, H.E.B., SETON, AND YOU'VE HAD SOME HOUSING DEVELOPMENTS, IN PARTICULAR STRATUS, SOME OF THEIR DEVELOPMENTS OUT NEAR BARTON CREEK WERE UNDER S.O.S. AND JUST SO THE ENVIRONMENTALISTS DON'T INTERPRET WHAT I'M SAYING, I DIDN'T SAY THAT THE STRATUS DEAL WAS UNDER THAT. THAT IS UNDER -- THAT IS UNDER S.O.S. EXCEPT FOR THE CLUSTERING. I SHOULD HAVE PUT THAT ONE UP ON THE LIST AT THE TOP. BUT I WANTED TO GET THAT ON THE RECORD. IT SEEMS TO ME THAT THE CORPORATIONS AROUND THE COUNTRY AND IN THIS AREA ARE SMART ENOUGH TO FIGURE OUT WHERE WE WANT A DEVELOPMENT LOCATED, AND I THINK THAT WHEN OUR BUSINESS LEADERS REPEATEDLY SAY THAT IN THE NEWSPAPER AND ON THE TV STATIONS THAT WE'RE SENDING A MESSAGE THAT AUSTIN IS NOT OPEN FOR BUSINESS, WELL, THE LIKELIHOOD TO GET PEOPLE TO BELIEVE THAT, THE PEOPLE THAT WILL BE THE MOST AFFECTED AT DOING THAT ARE THE ONES THAT ARE SAYING THAT AND CHARGING THAT. SO IT GOING TO BE -- IF IT HAPPENS, IT'S GOING TO BE BECAUSE IT BECOMES A SELF-FULFILLING PROPHECY ON THEIR PART. THANKS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 51.

MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCracken, SECONDED BY THE MAYOR PRO TEM ON ITEM NUMBER 51. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

Goodman: MAYOR, BEFORE WE LEAVE IT ENTIRELY, I JUST WANTED TO READ THE SENTENCE THAT MR. CLARK WAS REFERRING TO, JUST SO NOBODY THINKS THAT THE SENTENCE WAS THAT THE CITY MANAGER IS DIRECTED TO DEVELOP A MITIGATION PLAN FOR THE BARTON SPRINGS

ZONE TO ALLOW DEVELOPMENT. THE SENTENCE ACTUALLY IS THAT THE CITY MANAGER IS DIRECTED TO DEVELOP A MITIGATION PLAN FOR THE BARTON SPRINGS ZONE TO ALLOW DEVELOPMENT TO OFFSET INDIVIDUAL IMPERVIOUS COVER ON AN INDIVIDUAL SITE THROUGH THE USE OF ESTABLISHED MITIGATION MEASURES.

Mayor Wynn: WELL PUT. THANK YOU. COUNCIL, I BELIEVE WE HAVE NO MORE DISCUSSION ITEMS PRIOR TO OUR 4:00 O'CLOCK TIME CERTAIN, SO AT THIS TIME WITHOUT OBJECTION, WE'LL GO INTO EXECUTIVE SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETING ACT TO DISCUSS POTENTIALLY ITEM NUMBER 21 RELATED TO A CONSTRUCTION CONTRACT ON LAMAR BOULEVARD. AND THEN UNDER SECTION 551.074, DISCUSS PERSONNEL MATTERS RELATED TO ITEM NUMBER 44, THE PERFORMANCE AND EVALUATION OF OUR CITY AUDITOR. WE ARE NOW IN EXECUTIVE SESSION.

Mayor Wynn: WE RECEIVED PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT, WE DISCUSSED ITEM NO. 21 RELATING TO A CONSTRUCTION CONTRACT. NO DECISIONS WERE MADE. I THINK WE ARE A COUNCILMEMBER OR TWO AWAY FROM A FULL DAIS, BUT SHOULD BE HERE SHORTLY. WE WILL -- WE AWAIT THEIR RETURN AND I WILL ENTERTAIN A MOTION ON ITEM NO. 21.

APPROVAL.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN TO APPROVE ITEM NO. 21. SECONDED BY THE MAYOR PRO TEM. WE WILL SAY WE HAVE A COUPLE OF -- A COUPLE OF CARDS SIGNED UP. JIM BRADLEY ONLY IF COUNCIL HAS QUESTIONS, IN FAVOR. RICK LOOKS LIKE VARO ONLY IF COUNCIL HAS QUESTIONS AGAINST. ANY QUESTIONS OF STAFF OR COMMENTS, COUNCIL?

Slusher: MAYOR? I JUST WANTED TO NOTE, SHE CAN SPEAK ON THIS IF SHE WANTS TO. THAT WE ARE TRYING TO MAKE THESE ROAD RECONSTRUCTION PROJECTS GO FASTER AND WE HAVE -- WE HAVE IN THIS ONE BOTH A PENALTY FOR

LATE TARDINESS AND A REWARD FOR GETTING DONE EARLY. THERE'S A NUMBER OF OTHER THINGS THAT THEY ARE GOING TO BE TOOK, HOPEFULLY WE CAN APPLY THESE TO OTHER ROAD PROJECTS GOING FORWARD, MAYBE EVEN SOME OF THEM THAT ARE ALREADY UNDER CONSTRUCTION. THANK YOU.

THANK YOU, COUNCILMEMBER SLUSHER. COUNCILMEMBERS THOMAS AND ALVAREZ, WE HAVE A MOTION AND A SECOND ON THE TABLE AND A COUPLE OF CARDS SIGNED UP BUT ONLY IF COUNCIL HAD QUESTIONS ON ITEM NO. 21. ONE IN FAVOR, ONE AGAINST, FURTHER COMMENTS, QUESTIONS?

Alvarez: ARE WE GOING TO HEAR FROM --

Mayor Wynn: TWO CARDS ARE ONLY IF COUNCIL HAD QUESTIONS, ONE IN FAVOR, ONE AGAINST.

Alvarez: THE ONLY THING THAT I WAS GOING TO REQUEST FROM STAFF MAYBE A MONTHLY REPORT DEALING WITH CONTINGENCIES ON THIS PROJECT, YOU KNOW, BECAUSE OF THE COMPLEXITY OF A PROJECT WE HAVE A LARGER CONTINGENCY AMOUNT FOR THIS PROJECT, SO IF WE COULD JUST HAVE A MONTHLY REPORT. IF YOU -- IF YOU THINK THAT'S DOABLE.

SURE. THANK YOU, MAYOR AND COUNCIL. I'M SONDRAL CRAYTON WITH ACTING PUBLIC WORKS DIRECTOR. WE WOULD BE GLAD TO RESIDE THAT MONTHLY REPORT TO YOU.

OKAY. THANK YOU.

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

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF MOTION PASSES ON A VOTE OF 7-0. AT THIS TIME CALL UP OUR 4:00 TIME CERTAINS, ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS.

Glasgo: GOOD AFTERNOON MAYOR AND COUNCILMEMBERS, ALICE GLASGO, OUR ZONING CASES FOR TODAY ARE AS FOLLOWS: ITEM NO. 46, CASE C14-03-148 THIS CASE IS LOCATED AT 5220 JIM HOGG HEAVY, THE EXISTING ZONING IS MULTI-FAMILY 3. THE CHANGE IS TO COMMUNITY COMMERCIAL CONDITIONAL OVERLAY. THIS CASE HAS -- HAS RECEIVED YOUR APPROVAL IN AN ORDINANCE -- AND AN ORDINANCE REFLECT YOUR APPROVAL. ITEM NO. 47, C14-03-168, THE KNACK NAKONA PROJECT ON NORTH LAMAR BOULEVARD, THE CHANGE IN ZONING IS FROM DOWNTOWN MIXED USE WITH A COMBINING DISTRICT OF CURE TO DOWNTOWN MIXED USE CONDITIONAL OVERLAY WITH THE CURE COMBINING DISTRICT, READY FOR YOUR APPROVAL. THAT CONCLUDES THE TWO CASES THAT ARE ON FOR SECOND AND THIRD READINGS.

Mayor Wynn: THANK YOU, YOU HAVE HEARD THE PRESENTATIONS FOR ITEM NOS. 46 AND 47 -- 46 AND 47. WE HAVE CLOSED THE PUBLIC HEARINGS, BUT I WILL SHOW THAT ON ITEM NO. 46, RICH BROCK SIGNED AGAINST. AND DON LATEEN BURRWELL ALSO AGAINST ITEM NO. 46. ON ITEM 47, AGAIN WE HAVE CLOSED THE PUBLIC HEARING, BUT DAN GROPP SIGNED UP AGAINST, JOHN LA BRUZA AGAINST AND RANDY CASE AGAINST. QUESTIONS OF STAFF? COUNCIL? COMMENTS? IF NOT I'LL ENTERTAIN A MOTION ON ITEMS 46 AND 47.

MOVE APPROVAL.

Mayor Wynn: MOTION MADE ON THE CONSENT AGENDA BY COMMISSIONER MCKEE. SECONDED BY COUNCILMEMBER THOMAS. FURTHER DISCUSSION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

Glasgo: I NOW ROW TO THE 4:00 PUBLIC HEARING CASES, I WILL START OFF WITH THE CONSENT ITEMS. Z-2 C 14 H-03-0007 THE VIOLET CROWN STREET FROM SINGLE FAMILY 3 TO SINGLE FAMILY 3 HISTORIC. THE HISTORIC DESIGNATION HAS BEEN RECOMMENDED BY THE LARK COMMISSION AND

THE -- LANDMARK COMMISSION AND THE ZONING AND PLATTING COMMISSION. THIS CASE IS READY FOR ALL THREE READINGS. Z-3, C 140313 BRUNS SON HOUSE, LOCATED AT 200 THE CIRCLE FROM MULTI-FAMILY 4 NCCD TO MULTI-FAMILY 4 MF 4-H-NCCD, MADE BY BOTH THE LANDMARK COMMISSION AND HISTORIC COMMISSION. Z-4, C 14 H 0314, THE R.L. WHITE HOUSE, LOCATED AT 1503 LORRAINE STREET FROM MULTI-FAMILY 3 WITH TWO -- TO MULTI-FAMILY 3 WITH A HISTORIC DESIGNATION, THAT HISTORIC DESIGNATION HAS BEEN RECOMMENDED BY THE HISTORIC LANDMARK COMMISSION AND THE ZONING AND PLATTING COMMISSION, THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-5, C 14 H-03-22, ADAMS HOUSE LOCATED AT 2900 WINDSOR ROAD ON SINGLE FAMILY 3 TO SINGLE FAMILY 3 HISTORIC. THE HISTORIC DESIGNATION HAS BEEN RECOMMENDED BY THE HISTORIC LANDMARK AND THE ZONING AND PLATTING COMMISSION READY FOR ALL THREE READINGS. ITEM NO. Z-5, THE LUCILLE FISHER HOUSE LOCATED AT 1505 WOOLDRIDGE DRIVE FROM SINGLE FAMILY 3 TO SINGLE FAMILY 3 HISTORIC, THAT HISTORIC DESIGNATION HAS BEEN RECOMMENDED BY BOTH COMMISSIONS AND THE CASE IS READY FOR ALL THREE READINGS. MAYOR, THAT CONCLUDES THE CONSENT ITEMS UNDER THE 4:00 PUBLIC HEARING.

SO MS. GLASGO Z-7 THROUGH Z-10 WILL ALL BE DISCUSSION.

Glasgo: YES, THEY WILL. FOR THE DISCUSSION ITEMS UNDER THOSE, MS. SARAH CROCKER HAS ITEM NO. Z-10 SHE HAS ASKED IF YOU COULD PLEASE LET HER GO FIRST BECAUSE SHE HAS A PLANE TO CATCH AT 7:00.

ITEM NO. Z-1, ACTUALLY A NEIGHBORHOOD PLAN, ALSO A DISCUSSION?

IT'S A DISCUSSION ITEM, IT'S RELATED TO ITEM NO. Z-7. SO WE WILL PRESENT THEM TOGETHER.

OKAY. THANK YOU. SO COUNCIL OUR PUBLIC HEARING CONSENT AGENDA THIS AFTERNOON WILL BE ITEM Z-2, Z-3, Z-4, Z-5, AND Z-6, ALL ON ALL THREE READINGS. I WILLN'T OBTAIN A MOTION. MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER MCCracken TO

APPROVE THE -- TO CLOSE THE PUBLIC HEARING AND
APPROVE THE CONSENT AGENDA ALL THREE READINGS Z---
Z-2 THROUGH Z-6. FURTHER COMMENTS, DISCUSSION?
HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.
COUNCIL, AS A POINT OF PRIVILEGE, LET'S DO TAKE UP ITEM
NO. Z-10 FIRST. WE HAVE A REQUEST FROM THE APPLICANT I
GUESS THIS IS.

YES, IT'S FROM THE APPLICANT. THIS CASE IS LOCATED AT --
THIS IS ITEM NO. Z-10, C14-03-120, THE CENTRUM PROJECT
LOCATED AT 3414 NORTH HILLS DRIVE, 6415 HART LANE AND
6426 MOPAC EXPRESSWAY. THE APPLICANT IS SEEKING A
CHANGE FROM LIMITED OFFICE CONDITIONAL OVERLAY AND
GENERAL OFFICE CONDITIONAL OVERLAY TO GENERAL
OFFICE FOR TRACT 1 AND COMMUNITY COMMERCIAL
CONDITIONAL OVERLAY FOR TRACT 2. LIMITED TO THE
FOOTPRINT OF THE BANK FOR THAT PARTICULAR TRACT.
THE -- THE ZONING AND PLATTING COMMISSION HEARD THE
CASE AND RECOMMENDED LR-M.U.-C.O. FOR THIS
PROPERTY. STAFF RECOMMENDS MAINTAINING THE
EXISTING ZONING. HOWEVER THE APPLICANT WORKED
CLOSELY WITH THE NEIGHBORHOOD AND THEY HAVE COME
UP WITH AN AGREEMENT THAT WOULD ADDRESS THE
NEIGHBORHOOD'S CONCERNS AND THOSE OF THE
APPLICANT AND I WILL LET MS. CROCKER READ THE
AGREEMENT INTO THE RECORD AND THEN COUNCIL CAN
CONSIDER THAT FOR ACTION ON FIRST READING.

Mayor Wynn: WELCOME.

THANK YOU, MAYOR, MEMBERS OF COUNCIL, MY NAME IS
SARAH CROCKER, THIS IS THE FIRST TIME IN 20 YEARS THIS
CASE HAS COME FORWARD AFTER NUMEROUS ZONING
CASES WHERE IT DIDN'T HAVE A VALID PETITION AGAINST IT.
I THINK THAT IT'S GREAT. I WOULD LIKE TO THANK THE
NEIGHBORHOOD FOR -- THEY HAVE WORKED REALLY HARD,
AS WE ALL HAVE TO GET THIS AGREEMENT. VERY QUICKLY, I
PASSED OUT A LETTER TO ALL OF YOU. AND THE CONCERNS
CONDITIONS THAT WE WOULD LIKE TO HAVE INCLUDED ARE

AS FOLLOWS. AS PER THE ATTACHED EXHIBIT, AS MS. GLASGO RED INTO THE RECORD THAT THE PROPERTY BE REZONED FROM L.O.-G.O. TO G.O. FOR TRACT A AND G.R. FOR TRACT B. THAT ACCESS TO HART LANE BE PROHIBITED. THE TRIP LIMITATION BE LIMITED TO 3,233 TRIPS PER DAY. AS PER OUR NEGOTIATIONS WE AGREED THAT THE USES LISTED BELOW SHALL BE PERMITTED FOR TRACT A, ALL OTHER USES SHALL BE PROHIBITED IN G.O., MEDICAL OFFICES UP TO 5,000 SQUARE FEET, MEDICAL OFFICES THAT EXCEED 5,000 SQUARE FEET, HOSPITAL SERVICES LIMITED, PROFESSIONAL OFFICES, ADMINISTRATIVE AND BUSINESS OFFICES AND SOFTWARE DEVELOPMENT. AS PER OUR NEGOTIATIONS WITH THE NEIGHBORHOOD, WE WOULD AGREE THAT THE FOLLOWING USES WILL BE PERMITTED FOR TRACT B. ALL OTHER USES IN G.R. SHALL BE PROHIBITED. MEDICAL OFFICES UP TO 5,000 SQUARE FEET, MEDICAL OFFICES THAT EXCEED 5,000 SQUARE FEET, HOSPITAL SERVICES LIMITED, PROFESSIONAL OFFICES, ADMINISTRATIVE AND BUSINESS OFFICES, SOFTWARE DEVELOPMENT AND FINANCIAL SERVICES. WE HAVE ALSO AGREED THAT THE NEIGHBORHOOD HAVE INCLUDE UNDERSTAND THE CONDITIONAL OVERLAY A 55-FOOT BUILDING SETBACK THAT SHALL BE ESTABLISHED ALONG THE REAR PROPERTY LINE. THE FOLLOWING HEIGHT RESTRICTIONS WOULD APPLY TO THE ENTIRE TRACT AT THE ROOF DECK OF ANY STRUCTURE MAY NOT EXCEED 765 FEET ABOVE SEA LEVEL, THE COMBINE THE HEIGHT OF THE ROOF DECK AND MECHANICAL SCREENING OR PARAMET, MAY NOT EXCEED 771 FEET ABOVE SEA LEVEL. AND I WOULD LIKE TO THANK [INDISCERNIBLE] LEGAL DEPARTMENT, GREG GUERNSEY FOR MEETING WITH US LAST WEEK, FACILITATING GETTING OUR AGREEMENT FINALIZED, WE WOULD LIKE TO HAVE THIS CASE PASSED ON FIRST READING, THANK YOU.

Mayor Wynn: QUESTIONS FOR THE APPLICANT? COMMENTS? THIS IS FIRST READING ONLY, CORRECT, MS. GLASGO? GLASS YES, MAYOR, THAT'S CORRECT.

Mayor Wynn: I WILL ENTERTAIN A MOTION ON ITEM Z-10.

Slusher: MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER TO APPROVE Z-10 ON FIRST READING ONLY.

SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER MCCracken. COMMENTS? MAYOR PRO TEM?

Goodman: IT IS PRETTY AMAZING, WE SHOULD REITERATE THAT IT HAS BEEN SOMEWHERE AROUND 20 YEARS SINCE ANYTHING WAS PROPOSED FOR THIS TRACT THAT CAME TO PLANNING COMMISSION AND COUNCIL WITHOUT A VALID PETITION. IT'S SO ASTROUDING -- ASTOUNDING THAT I HAD TO MENTION IT, IT ALMOST FEELS LONG.

Glasgo: I WOULD LIKE TO CLARIFY THAT THE MOTION THAT WAS MADE WAS FOR THE APPLICANT'S AMENDED REQUEST TO G.O.-C.O. FOR TRACT 1 AND G.R.-C.O. FOR TRACT 2.

Mayor Wynn: IS THAT RIGHT, COUNCILMEMBER SLUSHER?

Slusher: YES.

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

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0 ON FIRST READING ONLY.

Glasgo: MAYOR, THAT TAKE US TO ITEM NO. Z-1 AND Z-7. WE RECEIVED AN AMENDMENT FROM THE APPLICANT TO CHANGE THE REQUEST OF THE ZONING TO MULTI-FAMILY 3. I BELIEVE WE RECEIVED THAT INFORMATION TODAY. THE NEIGHBORHOOD ASSOCIATION ALSO GOT THAT INFORMATION AFTER WE RECEIVED IT. SO THE -- SO THERE IS A LETTER REQUESTING A POSTPONEMENT FOR THREE WEEKS TO MARCH THE 4th. TO ALLOW THE NEIGHBORHOOD TIME TO -- TO CONSIDER THE NEW PROPOSAL. THE -- THE -- THE CASE HAS TWO ITEMS. THERE'S A PLAN AMENDMENT TO ALLOW MULTI-FAMILY AND THERE'S A ZONING CHANGE TO CHANGE THE ZONING BACK TO MULTI-FAMILY. THIS IS AN

AREA, THIS IS CENTRAL AUSTIN NEIGHBORHOOD PLANNING AREA THAT COUNCIL APPROVED THE PLAN ABOUT TWO YEARS AGO. AND THE AREA WAS ROLLED BACK FROM MULTI-FAMILY TO ALL SINGLE FAMILY 3. THE NEIGHBORHOOD WOULD OBVIOUSLY LIKE AN OPPORTUNITY WHILE THEY ARE -- WHILE THEY DID NOT SUPPORT THE PREVIOUS PROPOSAL, AN OPPORTUNITY TO AT LEAST CONSIDER THE NEW PROPOSAL THAT THE APPLICANT JUST SUBMITTED TODAY AT NOON. AND THE -- THE ASSOCIATION IS REQUESTING A POSTPONEMENT FOR THREE WEEKS. IT'S THE FIRST REQUEST. AND I KNOW THE APPLICANT IS OPPOSED TO THAT. BUT --

Mayor Wynn: WELL, I WILL SAY I TRUST YOU TOLD THE APPLICANT THAT OUR LONG STANDING TRADITION IS THAT WE WILL GRANT A POSTPONEMENT TO PEOPLE ON FIRST REQUEST.

CORRECT, WE DID LET HER KNOW THAT. SO THAT'S Z-1 AND Z-7.

Mayor Wynn: TECHNICALLY THE REQUEST WOULD BE FOR -- DO WE ACTUALLY NEED TO POSTPONE -- Z-1 AND 7, BOTH --

CORRECT.

Mayor Wynn: POSTPONED FOR THE SAME TIME.

Glasgo: YES. ONE WIN COUNCIL I WILL ENTERTAIN A MOTION ON Z-1 AND Z-7 PER A NEIGHBORHOOD REQUEST.

Goodman: MOVE TO POSTPONE FOR THREE WEEKS, MAYOR, BOTH ITEMS.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER ALVAREZ TO POSTPONE Z-1 AND Z-7 -- ACTUALLY POSTPONE THE PUBLIC HEARINGS OF THOSE TWO CASES UNTIL MARCH 4th, THURSDAY, MARCH 4th, 2004. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Thomas: MAYOR?

Mayor Wynn: I'M SORRY, COUNCILMEMBER THOMAS.

Thomas: POSTPONING WHICH ONE?

Mayor Wynn: Z-1 AND 7 ARE TAKEN IN TANDEM, WE HAVE A REQUEST FROM THE NEIGHBORHOOD TO GIVE THEM THE THREE WEEKS TO CONSIDER THE RECENTLY AMENDED APPLICATION.

Thomas: OKAY. SOMEONE WAS HERE THAT'S REALLY NOT -- THEY LIVE HERE BUT DON'T LIVE. I DON'T KNOW IF THEY ARE GOING TO BE ABLE TO COME BACK ON THE -- WHEN DID WE POSTPONE?

Mayor Wynn: THREE WEEKS WILL BE THURSDAY, MARCH 4th.

Thomas: DID THE NEIGHBORHOOD TALK TO -- TO THE OTHER PERSON THAT'S INVOLVED IN THIS?

Glasgo: YES. MR. [INDISCERNIBLE] HAS BEEN TALKING TO THE APPLICANT WHO IS -- WHO IS REPRESENTING HER MOTHER WHO LIVES HERE IN AUSTIN, BUT SHE LIVES IN FLORIDA. MY UNDERSTANDING IS THAT SHE MIGHT HAVE DIFFICULTY COMING BACK TO PRESENT THE CASE. SHE IS JUST SIGNING A CARD, SO ... I DID EXPLAIN THAT THERE IS A COUNCIL POLICY THE FIRST TIME THERE'S A REQUEST. TO POSTPONE. THAT COUNCIL TYPICALLY HONORS THAT. CERTAINLY IT'S COUNCILMEMBER'S PRIVILEGE TO ASK MS. BERNICE BUTLER TO APPROACH THE PODIUM, YOU COULD ASK HER A FEW QUESTIONS OR TRY TO CLARIFY SOME TIMING, COUNCILMEMBER.

Thomas: IF YOU DON'T MIND, THE COUNCIL DOESN'T MIND THAT'S WHAT WE WOULD LIKE TO DO, BECAUSE THIS YOUNG LADY LIVES IN FLORIDA.

GOOD AFTERNOON, COUNCILMEMBERS, MY NAME IS BERNICE BUTLER. I DID LIVE IN FLORIDA, IT COSTS ME ABOUT \$350 A HIT TO GET HERE, MARCH 4th IS IN THE MIDDLE OF SPRING BREAK SO THAT KIND OF PRESENTS A PROBLEM FOR ME. WE HAVE MADE SOME SUBSTANTIAL CHANGES TO

OUR ORIGINAL REQUEST. IN ORDER TO BE MORE RESPONSIVE TO THE NEIGHBORHOOD. IN FACT I'M NOT SURE WHERE WE WANT TO BE. WE WANT TO BUILD SIX UNITS, IT MAY BE WE CAN EVEN REQUEST LOWER ZONING THAN MULTI-FAMILY 3, I'M NOT FAMILIAR WITH THE TECHNICALITIES. WE WOULD LIKE TO REQUEST THE LOWEST ZONING POSSIBLE IN ORDER TO BUILD SIX UNITS. IS THAT M.F. 3, I'M NOT SURE. AND AGAIN WE WERE JUST ABLE TO GET OUR DRAWINGS AND EVERYTHING COMPLETED TODAY. SO THAT WE WERE JUST ABLE TO GET THEM TO THE NEIGHBORHOOD GROUP. BUT IF CONCEIVABLE, I DID NOT KNOW THAT WAS A RULE THAT YOU DO THE POSTPONEMENT. BUT IT'S GOING TO PRESENT A REAL HANDICAP FOR ME TO GET BACK IN THREE WEEKS.

Mayor Wynn: I WILL SAY, IF I CAN IT'S NOT A RULE, IT'S A POLICY, A LONG STANDING TRADITION AND POLICY THAT WE HAVE. BUT FRANKLY EVEN IF -- IF YOU LIVED IN TOWN AND THE FACT THAT THERE'S NEW PLANS AND A VERY RECENTLY AMENDED APPLICATION, IT WOULDN'T BE ATYPICAL FOR THE COUNCIL TO WANT TO POSTPONE THAT ANYWAY IN ORDER TO GIVE BOTH PERHAPS STAFF, OUR PERSONAL STAFF AND THEN SOME NEIGHBORS THE TIME TO REVIEW THAT AMENDED APPLICATION. SO PLEASE BEAR WITH US, COUNCILMEMBER THOMAS?

Thomas: THAT IS TRUE, THAT IS THE POLICY. I JUST -- IT APPEARS THAT BETWEEN THE NEIGHBORHOOD I DON'T KNOW IF MS. -- CAN -- I DON'T KNOW IF YOU ALL COMMUNICATED BECAUSE I DIDN'T THINK THE LAST TIME I TALKED TO --

WE REALLY HADN'T YEAH.

Thomas: THERE WASN'T A POSTPONEMENT INVOLVED.

I THINK THE FAIR THING IS YOU ALL COULD HAVE GOTTEN TOGETHER BETTER THAN THIS.

WE WILL MOVE FORWARD WITH THIS, YOU KNOW, IT MAY BE BETTER. BUT I DID WANT TO I GUESS AT LEAST ADVISE YOU OF THE HARDSHIP THIS IS CAUSING FOR US. WE ACTUALLY WROTE THE NEIGHBORHOOD A LETTER ON JANUARY 5th

PREPARING SOME OF THE REMEDIES AND WE NEVER RECEIVED A RESPONSE. SO IT WAS WHEN I GOT TO TOWN ON -- ON WEDNESDAY IN PREPARATION FOR THE HEARING TODAY THAT WE ACTUALLY BEGAN TO TRY TO GET TOGETHER WITH THEM. SO I THINK WE CAN PERHAPS SEND OUR ARCHITECT TOM HATCH TO REPRESENT US IN MY STEAD.

I CAN ADD -- THE DATE -- I'M PRESIDENT OF THE ORGANIZATION OF CENTRAL EAST AUSTIN NEIGHBORHOODS, WHICH IS YOUR NEIGHBORHOOD PLANNING CONTACT GROUP FOR THIS AREA. I THOUGHT THAT THE DATE WOULD BE THREE WEEKS WOULD BE BETTER THAN TWO WEEKS WHEN WE WERE COMING UP TO THIS. I MEAN, I HAVE NO PARTICULAR COMMITMENT TO A DATE TO POSTPONE IT TO IF THERE IS A BETTER DATE FOR MS. BUTLER. THE SENSE THAT I GOT WAS THAT SHE UN-- NOT AMENABLE TO ANY POSTPONEMENT. WE AS THE NEIGHBORHOOD, AS HAS BEEN SAID, YOU KNOW, I JUST SAW THESE THIS MORNING. OTHER MEMBERS OF THE NEIGHBORHOOD HAVE ONLY SEEN THESE LAST NIGHT. STAFF ONLY GOT THEM LAST NIGHT. I THINK IN FAIRNESS NOT ONLY TO US BUT TO THE APPLICANT IT WOULD BE BETTER FOR US TO AT LEAST HAVE THE TIME TO LOOK AT THESE MORE CLOSELY AND COME BACK AND MAYBE BE ABLE TO COME BACK WITH MORE CLOSER TO CONSENSUS THAN WE WOULD OTHERWISE. SO THAT WAS WHY WE ARE ASKING FOR THE POSTPONEMENT. I CAN'T -- I CAN'T CHANGE THE RECOMMENDATION ON THE SPOT BASED ON WHAT MS. BUTLER HAS SHOWN ME. THAT'S OUR POSITION.

Thomas: MR. -- ARE YOU SAYING THAT YOU ALL WASN'T PRESENT WHEN IT WENT TO THE ZONING AND PLANNING, Y'ALL WASN'T --

WE WERE THERE. YEAH. WHEN IT WENT TO PLANNING COMMISSION.

Thomas: YOU HAD AN IDEA WHAT WAS GOING ON, RIGHT.

WHAT WAS PRESENTED BEFORE THE PLANNING COMMISSION WAS A PROJECT THAT'S SIGNIFICANTLY DIFFERENT THAN THE ONE THAT HAS BEEN AMENDED AND

PUT BEFORE YOU. WE HAVEN'T HAD TIME TO CONSIDER WHAT THOSE CHANGES TO THE PROJECT ARE. THEY MAY IN FACT MAKE US MORE WILLING TO SUPPORT THE PROJECT. BUT WE DON'T KNOW BECAUSE WE HAVEN'T HAD A CHANCE TO SEE IT.

Thomas: OKAY.

MAY I ADDRESS THAT JUST A LITTLE BIT PLEASE. IN THE DOCUMENTS THAT WE PRESENTED TO BOTH THE COUNCIL AND NEIGHBORHOOD TODAY WE IDENTIFIED FROM THE THREE MEETINGS OR THREE HEARINGS THAT WE'VE HAD WITH THE NEIGHBORHOODS, WE'VE IDENTIFIED FIVE SPECIFIC CONCERNS THAT THEY HAD AND WE HAVE ADDRESSED THEM ALL. ONE WAS THE SCALE, WHICH IS WHAT CAUSED US TO REDUCE FROM 10 UNITS TO SIX UNITS. THE SECOND WAS THE NEIGHBORHOOD CHARACTER. WE WENT OUT AND HIRED AN ARCHITECT WHO WAS -- WHO HAS COME UP WITH SOME VERY ATTRACTIVE DRAWINGS THAT ARE VERY CONSISTENT WITH THE CURRENT CONTEXT OF THE NEIGHBORHOOD. THE THIRD WAS PARKING AND TRAFFIC. THEY WERE CONCERNED ABOUT PARKING ON STREET. WE NOW HAVE THE PARKING THAT IS ACCESSED FROM THE ALLEYWAY BEHIND THE BUILDING. THE FOURTH WAS THAT THE NEIGHBORS FELT THAT APARTMENT, BUILDINGS IN THE NEIGHBORHOOD ATTRACT THE CRIMINAL ELEMENT. WE HAVE COMMITTED TO AN ONSITE MANAGER. THE FIFTH ONE WAS SIMPLY THEY HAVE BEEN WORKING VERY, VERY HARD WITH THE PLAN. WE HAVE IDENTIFIED FROM THEIR SPECIFIC ISSUES AND ADDRESSED ALL OF THEM AS A RESULT OF THIS.

Thomas: OKAY. I APPRECIATE YOU ALLOWING ME TO --

Mayor Wynn: THANK YOU, COUNCILMEMBER.

Slusher: MAYOR? MS. BUTLER, WOULD IT WORK BETTER IF WE POSTPONED IT TO A DIFFERENT DATE OTHER THAN ONE TAKES DURING YOUR SPRING BREAK?

NO. TOM, MY ARCHITECT HAS OFFERED AND HE SAYS THAT HE CAN HANDLE IT. SO THAT BEING THE CASE, THEN REALLY THE SOONER THE BETTER. BECAUSE AGAIN WE HAVE FUNDS

AT RISK HERE SO WE NEED TO GET ON WITH IT.

Slusher: OKAY, THANKS.

Mayor Wynn: THANK YOU, MS. BUTLER. AUSTIN IS A FUN PLACE TO VISIT AT SPRING BREAK. MOTION IS ON THE TABLE AND A SECOND FOR A POSTPONEMENT TO MARCH, THURSDAY, MARCH 4th FOR ITEMS Z-1 AND Z-7. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. GOODS THAT TAKES US TO ITEM NO. Z-8. C14-03-163, 26th STREET PARTNERS. THIS CASE IS LOCATED AT 2017 AND 2001 -- I'M SORRY, THAT'S A DIFFERENT CASE. THIS IS LOCATED AT 713 WEST 26th STREET. AND THE EXISTING ZONING IS MULTI-FAMILY 4. THE APPLICANT IS SEEKING A CHANGE TO MULTI-FAMILY 6 WITH A CONDITIONAL OVERLAY. THIS PROPERTY IS LOCATED WITHIN OUR CENTRAL AUSTIN NEIGHBORHOOD PLANNING AREA. SPECIFICALLY THE WEST UNIVERSITY AREA. WHERE THE NEIGHBORHOOD PLAN HAS BEEN -- HAS BEEN REVIEWED AND IS IN THE STAGES OF BEING TAKEN TO THE PLANNING COMMISSION. THE -- THE PROPOSED ZONING IS CONSISTENT WITH THE DRAFT FUTURE LAND USE MAP AND THE ZONINGS THAT ARE ASSOCIATED WITH THE PLAN. AND BOTH THE -- BOTH THE PLANNING COMMISSION AND STAFF RECOMMEND THAT CHANGE IN ZONING TO MULTI-FAMILY 6 WITH A CONDITIONAL OVERLAY. AND THE CASE IS READY FOR FIRST READING. I WILL PAUSE HERE AND RESPOND TO QUESTIONS AS THEY MAY ARISE AFTER YOU HEAR FROM THE SPEAKERS.

THANK YOU, AT THIS TIME WE WILL HEAR FROM THE APPLICANT WHO WILL HAVE FIVE MINUTES TO MAKE HIS OR HER PRESENTATION. WE WILL FOLLOW THAT BY FOLKS IN FAVOR OF THE ZONING REQUEST AND THEN FOLKS OPPOSED. AND THEN THE APPLICANT WILL HAVE A THREE MINUTE REBUTTAL. WELCOME, MR. JIM BENNETT.

THANK YOU, MAYOR AND COUNCIL. COUNCIL, THIS PROJECT WAS -- WAS STARTED ABOUT A YEAR AGO AND AT THAT TIME

WE MET WITH THE UNIVERSITY OF TEXAS, THE REGISTERED NEIGHBORHOOD ASSOCIATIONS THAT WERE ON FILE WITH THE CITY OF AUSTIN, AND THROUGH SEVERAL MEETINGS SINCE THEN WE HAVE COME TO AN AGREEMENT WITH THE UNIVERSITY AREA PARTNERS WHOSE AREA THIS -- THIS PARTICULAR SITE DOES SHOW UP IN. I BELIEVE COUNCIL PROBABLY HAS A COPY OF THE AGREEMENT WITH THE UAP ASSOCIATION, BUT JUST IN -- JUST IN BRIEF, WE HAVE AGREED THAT THE HEIGHT OF THE BUILDING 7 BE LIMITED TO 75 FEET, WE WILL PROVIDE 125 PARKING SPACES, AND THERE WILL BE 60 UNITS, MAX. AND THAT ALSO WE WOULD COMPLY WITH THE 23rd STREET STREET PLAN, IF YOU WILL, WHICH IS AN EXPANDED SIDEWALK AND TREE PLANTING AND STREET LIGHTING THAT EXISTS CURRENTLY ON 23rd STREET. IF COUNCIL WILL RECALL, THIS CASE WAS POSTPONED FROM YOUR 19th, JANUARY 19th HEARING, I BELIEVE. AT THE REQUEST OF A NEWLY CREATED NEIGHBORHOOD ASSOCIATION, WHICH I BELIEVE IS THE WEST CAMPUS NEIGHBORHOOD ASSOCIATION. GOING THROUGH THE PROCESS THAT WE HAVE GONE THROUGH WITH THE BOARDS AND COMMISSIONS, THE CITY STAFF RECOMMENDED THE PROJECT, THE PLANNING COMMISSION RECOMMENDED THE PROJECT, THE AGREEMENT WITH THE WEST AUSTIN -- WITH THE UNIVERSITY AREA PARTNERS HAS BEEN CONFIRMED AND WE HAVE AGREED TO. AT THE LAST HEARING, THE -- THE WEST CAMPUS ASSOCIATION REQUESTED A POSTPONEMENT ON TUESDAY, I BELIEVE. WE MET WITH THEM ON WEDNESDAY, GAVE THEM OUR PLAN AND DISCUSSED OUR PLAN AND OUR HISTORY OF THE PROJECT. WE ALSO MET WITH THEM, I BELIEVE, ON ONE OTHER OCCASION. AND HAD COMMUNICATION WITH THEM ON SEVERAL OCCASIONS. WE HAVE -- WE HAVE AN AGREEMENT ALREADY SOLIDIFIED. I BELIEVE THAT YOU WILL HEAR THAT THE WEST CAMPUS ASSOCIATION WOULD LIKE TO -- TO HAVE US DO SOMETHING OTHER THAN WHAT WE HAVE ALREADY AGREED TO WITH THE OTHER NEIGHBORHOOD ASSOCIATIONS. HAD THEY BEEN ORGANIZED AT THE TIME OF OUR ORIGINAL MEETINGS AND EVEN AFTER THAT, WE WOULD HAVE BEEN GLAD TO HAVE MET WITH THEM TO TRY TO MEDIATE ANY PROBLEMS THAT THEY HAD. BUT WE ARE ALREADY COMMITTED TO AN AGREEMENT ON THIS PROPERTY. I BELIEVE MS. GLASGO

WILL TELL YOU OR DID TELL YOU THAT THIS IS IN CONFORMANCE WITH THE PROPOSED PLAN AS FAR AS I KNOW, WE WOULD REQUEST THAT COUNCIL APPROVE IT ON ALL THREE READINGS TO GRANT THE M.F. 6 AS REQUESTED. I WILL BE AVAILABLE SHOULD YOU HAVE ANY QUESTIONS.

Mayor Wynn: COUNCIL, ANY QUESTIONS FOR THE APPLICANT? IF NOT, WE'LL HEAR FROM THOSE CITIZENS SIGNED UP IN FAVOR OF Z-8. STARTING WITH RICHARD HARDEN. RICHARD HARDEN. WELCOME, SIR. EITHER WAY YOU'LL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY ALLEN NUTT.

MAYOR, MEMBERS OF COUNCIL, I'M RICHARD HARDEN, I HAVE BEEN ACTIVE IN THIS WEST CAMPUS NEIGHBORHOOD FOR ALMOST 30 YEARS AND I'M ON THE BOARD OF THE UNIVERSITY AREA PARTNERS. THE APPLICANT HAS COME TO US AND WORKED WITH US FOR OVER A YEAR TO ARRIVE AT A PLAN THAT WILL ADD SOME BADLY NEEDED STUDENT HOUSING. AT A LOCATION THAT'S VERY APPROPRIATE FOR THIS KIND OF DEBSDENSITY. AND HE, AS YOU'VE HEARD, HAS AGREED TO PROVIDE THE PEDESTRIAN AMENITY OF THE WEST 23rd STREET SAFE STREET SIDEWALK PLAN WHICH IS A VERY EXPENSIVE AND VERY NICE SIDEWALK AMENITY. WHICH WE NEED IF WE'RE GOING TO HAVE THIS KIND OF DENSITY. THIS IS NOT THE FIRST TIME THAT YOU ARE HEARING A M.F. 4 ZONING CASE TO AN M.F. 6 ZONING CASE. IN FACT THIS COUNCIL HAS APPROVED SEVERAL. THE VILLAS OF GUADALUPE, 900 WEST 23rd. THE BOARD WALK ON 24th STREET AND 500 MLK ALL HAVE SIMILAR TYPE OF ZONING CHANGES AND SIMILAR TYPE OF DENSITIES. AND IN FACT THIS NEWLY FORMED NEIGHBORHOOD GROUP, WHICH IS AS NEAR AS I CAN TELL IS PRIMARILY FIVE REAL ESTATE GROUPS, GARY GILL, MICHELLE LISA HERE THIS EVENING, METRO PROPERTIES, GREG COFFEE AND MITCH HEELLY, TWO OF THESE FIVE FOUNDING MEMBERS ACTUALLY BUILT PROPERTIES UNDER THIS INCREASED ZONING CATEGORY THAT IS BEING REQUESTED BY THE CURRENT APPLICANT. MR. COFFEE DID SO AT 900 WEST 23rd AND MR. GILL DID SO AT THE BOARD WALK ON WEST 24th. THIS IS NOTHING NEW. THERE'S A 7 QUIBBLE OVER -- OVER HEIGHT. A 75-FOOT HEIGHT IS ENTIRELY APPROPRIATE. IT'S A SCALE THAT'S EASILY IN THIS NEIGHBORHOOD, IT'S A SCALE THAT'S EQUAL

OR UNDER THAT OF 500 MLK, NUECES AND MLK, THE COUNCIL HAS ALREADY APPROVED A SIMILAR DESIGN. I URGED YOU TO SUPPORT THIS VERY WORTHY AND BADLY NEEDED STUDENT HOUSING PROJECT.

ALLAN NUTT. AS HE APPROACHES, SEVERAL FOLKS SIGNED UP AND DIDN'T CHECK EITHER FOR OR AGAINST. IT MATTERS AS TO WHAT ORDER I CALL THEM IN. MIKE McHONE, FOR OR AGAINST?

I'M FOR.

Mayor Wynn: OKAY. BILL HALE?

FOR.

MICHAEL WHELAND.

WELCOME, MR. NUTT, THREE MINUTES.

MAYOR, COUNCILMEMBERS, OUR ARCHITECTURE FIRM HAS BEEN PROVIDING THE DESIGN SERVICES FOR PIAZA NAVONO. IMPASSEING OUT ADDITIONAL INFORMATION THAT WASN'T IN THE PACKET. GIVE YOU A BETTER IDEA OF WHAT WE PROPOSE FOR THIS BUILDING TO LOOK LIKE. WE DID TAKE OUR LEAD FROM THE UNIVERSITY AREA PARTNERS, THEIR PREFERENCE WAS TO CONTINUE WITH MATERIALS THAT WERE SYMPATHETIC TO THE UNIVERSITY OF TEXAS. D CHOSEN TO DO THAT. AND WE ARE ALSO BUILDING A -- A CONCRETE FRAME STRUCTURE WHICH IS PRETTY UNUSUAL FOR THIS WEST CAMPUS AREA. WE HAVE A TOTAL OF 55 UNITS. THEY ARE ORGANIZED AROUND A CENTRAL COURTYARD, FIVE STORIES, 11 UNITS PER FLOOR. WE ARE PROVIDING PARKING UNDER THE BUILDING IN -- IN 3 LEVELS. ONE LEVEL ABOVE GRADE, ONE AT GRADE, ONE BELOW GRADE. ALL THE PARKING WILL BE SCREENED FROM THE STREET AND WE ARE PROVIDING -- PROVIDING TWO PARKING SPACES FOR EVERY TWO BEDROOM UNIT. WE ARE IN OUR IMPERVIOUS COVER REQUIREMENT ACCORDING TO THE M.F. 6 ORDINANCE, THE BUILDING IS -- IS 75 FEET TALL AS WE DISCUSSED AND OF COURSE THAT IS THE REASON THAT WE ARE SEEKING THE M.F. 6. WITH A CONDITIONAL OVERLAY. AGAIN, I FEEL LIKE WE ARE ENTIRELY

APPROPRIATE TO THE SCALE OF THE NEIGHBORHOOD. PARTICULARLY IN LIGHT OF WHAT WE SEE WILL HAPPEN IN THAT AREA IN THE NEXT 10 YEARS. SO -- SO FEEL LIKE WE ARE SORT OF ON THE LEADING EDGE OF THAT, SO WE WOULD -- WE WOULD REQUEST YOUR SUPPORT FOR THIS ZONING REQUEST. THANK YOU. YOU WILL BE FOLLOWED BY MICHAEL WALAND, I'M SORRY, MIKE McHONE, TO BE FOLLOWED BY MICHAEL WAYLAND, BILL HAIL.

I'M MIKE McHONE THE VICE-PRESIDENT OF UNIVERSITY AREA PARTNERS, HONORED TO BE HERE TO SPEAK ON SUCH A FINE PROJECT FOR THE UNIVERSITY AREA NEIGHBORHOOD. WE HAVE WORKED LONG AND HARD WITH THE UNIVERSITY TO TRY TO ACCOMPLISH A GOAL OF BRINGING THIS -- THE STUDENTS BACK TO THE UNIVERSITY NEIGHBORHOOD. TO PREVENT THE CONSTANT BUSSING THE STUDENTS, TO PREVENT THE UNIVERSITY FROM REMAINING A COMMUTER CAMPUS. IT IS VITAL THAT THE STUDENT BODY RETURN TO THE CAMPUS. ENVISION CENTRAL TEXAS HAS ENDORSED THE ADDITION OF DENSITY BUILDING UP RATHER THAN OUT. THIS IS AN EXCELLENT OPPORTUNITY FOR THE COUNCIL TO - - TO SHOW THAT IT IS COMMITTED TO THAT LONG-RANGE GOAL FOR THE 5 COUNTY AREA. IT HELPS GET RID OF THE AIR POLLUTION THAT WE HAVE FROM BUSES. CONGESTION ON THE STREETS. THIS ONE PROJECT WON'T DO ALL OF THOSE THINGS. BUT IT'S A SIGNAL. IT'S A VERY IMPORTANT SIGNAL TO THE COMMUNITY AND TO THE COMMUNITY OF FOLKS THROUGH OUR -- WHO ARE CONTEMPLATING PROJECTS IN THE AREA THAT WE SHOULD MOVE FORWARD IN THIS DIRECTION OF BUILDING HIGHER QUALITY BUILDINGS AND HAVE THE HEIGHT TO DO THAT. IT'S AN EXPENSIVE PROPOSITION WHEN YOU GO IN AND TRY TO BUILD OVER STRUCTURED PARKING AND TO SOME OF THE PARKING EVEN BELOW GRADE. THOSE ADD TREMENDOUSLY TO THE COST, FOR THAT REASON WE SUPPORTED THE HIGHER HEIGHT OF 75 FEET. THIS PROJECT WILL BEGIN A PROCESS, WE HOPE OF A REDEVELOPMENT OF THE AREA TO A HIGHER QUALITY BUILDING TYPE THAN HAS BEEN BUILT THERE IN THE PAST. FINALLY I WOULD LIKE TO URGE YOU NOT TO DELAY BECAUSE PROJECTS COST MONEY. EVERY MONTH THERES PAYMENTS OF INTERESTS WHILE WE ARE GETTING TO THE PROCESS. THOSE COSTS ARE ULTIMATELY PASSED

ON TO THE USERS, THAT MEANS THE STUDENTS LIVING THERE. THAT MEANS IT WILL COST THEM MORE TO LIVE THERE. WE WANT THIS COMMUNITY TO BE MORE AFFORDABLE FOR THOSE STUDENTS, NOT LESS AFFORDABLE. SO I URGE YOU TO SUPPORT THIS PROJECT. THEY HAVE MET WITH US IN GOOD FAITH. WE HAVE WORKED OUT AN AGREEMENT EQUAL TO ALL OF THE OTHER AGREEMENTS THAT WE HAVE MADE WITH OTHER DEVELOPERS THAT HAVE COME BEFORE THEM, WE THINK THIS IS AN APPROPRIATE DEVELOPMENT FOR THE AREA. THANK YOU FOR YOUR TIME.

THANK YOU, MR. McHONE. MICHAEL WAYLAND NOT WISHING TO SPEAK IN FAVOR. BILL HALE. WELCOME, SIR.

MEMBERS OF THE COUNCIL, I'M BILL HALE. I BOUGHT THIS PROPERTY SOME TIME, THE GUY INVOLVED IN NEGOTIATIONS WITH ALL OF THESE FOLKS WITH ALL OF MY ABLE HELP HERE. I APPRECIATE THE TIME TO GET BEFORE YOU, TRY TO GET THIS PROJECT APPROVED, I WOULD ASK IF YOU HAVE ANY QUESTIONS I WOULD BE HAPPY TO ANSWER THEM. WHAT'S BEEN SAID BEFORE DESCRIBES EVERYTHING THAT WE HAVE DONE.

QUESTIONS FOR MR. HALE? THANK YOU, SIR?

THANK YOU.

AT THIS TIME COUNCIL WILL HEAR FROM THOSE CITIZENS SIGNED UP WISHING TO SPEAK AGAINST THIS ZONING CHANGE. YOU WILL HAVE THREE MINUTES.

THANK YOU, I HAVE A WRITTEN STATEMENT. HONORABLE MAYOR, COUNCILMEMBERS, MY NAME IS RONNIE [INDISCERNIBLE] PRESIDENT OF WEST CAMPUS NEIGHBORHOOD ASSOCIATION. THANK YOU FOR THE OPPORTUNITY TO SPEAK TO YOU TODAY. I WOULD LIKE TO THANK THE PROPERTY OWNER, HIS AGENT, FOR MEETING WITH US TO DISCUSS THE PROPOSED DEVELOPMENT. DENSITY PROPOSED FOR THIS PROJECT IS WELCOMED BY EVERYBODY IN THE NEIGHBORHOOD, INCLUDING WEST CAMPUS NEIGHBORHOOD ASSOCIATION. WE FEEL THIS DENSITY SHOULD BE CREATED AT 60 FEET ONLY TO BE

MORE COMPATIBLE WITH HEIGHT [INDISCERNIBLE]
EQUIVALENT TO THE VILLAS ON GUADALUPE OR BOARD
WALK ON 24th TO NAME A FEW. WEST CAMPUS
NEIGHBORHOOD ASSOCIATION RECOGNIZED THAT THE
STUDENT HOUSING REQUIRES EXTRA PARKING. ABOVE AND
ABOVE WHAT IS REQUIRED BY THE LAND DEVELOPMENT
CODE. AN EXAMPLE WOULD BE THE SUPER DUPLEXES IN
HYDE PARK. YOU CAN LIMIT THE NUMBER OF BEDROOMS
AND PARKING SPACES BUT YOU CANNOT EFFECTIVELY LIMIT
THE NUMBER OF PEOPLE IN EACH BEDROOM. THE CITY OF
AUSTIN RECOGNIZES TO SOME DEGREE WHEN THE VILLAS
ON GUADALUPE WERE REQUIRED TO INCREASE THEIR
PARKING GARAGE BY 30%. IN OUR EXPERIENCE, EVEN THE --
EVEN IT'S NOT SUFFICIENT -- SORRY, NO OUR EXPERIENCE,
EVEN THIS IS NOT SUFFICIENT PARKING TO MEET THE
NEEDS OF STUDENTS. WE ARE ASKING THE CITY COUNCIL
TO ACQUIRE ADDITIONAL PARKING FOR THIS PROJECT AND
TO DO SO IN A MANNER THAT WILL NOT CAUSE AN INCREASE
IN HEIGHT FOR THE BUILDING ABOVE -- WHAT HAS BEEN
EXTENDED FOR THE AREA 6:00 0 FEET. IF -- 60 FEET. IF CITY
COUNCIL DOES NOT SEE THE NEED FOR ADDITIONAL
PARKING, THEN WEST CAMPUS NEIGHBORHOOD
ASSOCIATION ASKED THAT THE HEIGHT OF THE BUILDING BE
LIMITED TO 60 FEET BASED ON PLAN DENSITY AND BASIC
DESIGN OF THE PROJECT. THIS WOULD CAUSE THE PARKING
TO BE UNDERGROUND AND SHOULD NOT CAUSE A BURDEN
ON THE DEVELOPMENT. WE ACKNOWLEDGE WE ARE LATE IN
THE NEGOTIATION DUE TO THE INFORMATION TO OUR
NEIGHBORHOOD ASSOCIATION. BUT RESPECTFUL ASK THE
CITY COUNCIL TO RESPECTFULLY CONSIDER LIMITING THE
HEIGHT OF 60 FEET AND REQUIRING ADDITIONAL PARKING
FOR THE PROJECT. AS AN ALTERNATIVE WEST CAMPUS
RESPECTFULLY PROPOSES THE CITY COUNCIL ADOPT
MORATORIUM ON ANY CASES THAT MAY HAVE DESIGNS ON
THE NEIGHBORHOOD PLAN [INDISCERNIBLE] PROPOSED
OVERLAY FOR THE AREA. THE NEIGHBORHOOD PLAN IS
MEANT TO BE A TOOL TO PROVIDE BROAD MASTER
PLANNING FOR AN AREA. IN OUR CASE THE PLAN IS NOT YET
ADOPTED AND STILL IN THE DRAFT FORM. THE
NEIGHBORHOOD PLAN FOR OUR AREA IS TO BE PRESENTED
TO CITY COUNCIL WITHIN THE NEXT TWO TO THREE
MONTHS. THUS OUR PROPOSAL TO HALT ALL DEVELOPMENT

UNTIL THE PLAN GET FINALIZED AND ADOPTED THANK YOU. NEXT SPEAKER IS -- KAREN -- LOOKS LIKE MICHAEL ISSA IS TRYING TO DONATE TIME TO YOU AS WELL. MICHAEL AND KAREN FORESACK ALSO SIGNED UP OPPOSED. THAT'S ALL OF THE CITIZENS IN OPPOSITION TO THE ZONING CHANGE. MR. BENNETT, YOU NOW HAVE A 3 MINUTE REBUTTAL.

COUPLE, JUST BRIEFLY INDICATED TO YOU, WE ARE BUILDING A PARKING STRUCTURE. THE HEIGHT ALLOWS FOR THE -- FOR THE PARKING STRUCTURE AND THE DENSITY TO WORK ON THE SITE. AND WE WOULD ONCE AGAIN POINT OUT TO COUNCIL THAT THIS PROJECT IS IN COMPLIANCE WITH THE WEST CAMPUS NEIGHBORHOOD PLAN. AND THAT -- THAT WE WOULD REQUEST THAT YOU APPROVE THIS PROJECT ON ALL THREE READINGS. I BELIEVE THAT IT IS AVAILABLE FOR ALL THREE READINGS. MS. GLASGO MAY CONFIRM THAT. I WILL BE AVAILABLE SHOULD YOU HAVE ANY QUESTIONS, THANK YOU.

THANK YOU, MR. BENNETT. I HAVE ONE QUESTION FOR YOU. I KNOW THAT THIS IS IN COMPLIANCE WITH -- WITH SORT OF THE EXISTING SERIES OF PLANS THERE, BUT THERE IS AN UPCOMING PLAN WHICH I THINK IS BEING REFERRED TO AS THE UNIVERSITY NEIGHBORHOOD OVERLAY, I THINK IS TRYING TO TAKE THE CONCEPT OF INCREASED STUDENT DENSITY OR OTHERWISE IN THE WEST CAMPUS AREA. IS THIS PROPERTY WITHIN THE LIKELY BOUNDARIES OF THAT PROPOSED OVERLAY THAT'S COMING FORWARD? AND IF YOU HAVE SEEN THAT OVERLAY HOW DOES THAT PROJECT COMPLY OR NOT COMPLY WITH THAT PLAN.

MAYOR, I DO BELIEVE WE COMPLY WITH THAT PROPOSED PLAN, IF YOU WILL. HOWEVER, I'M NOT ONE OF THE -- OF THE AUTHORS OF THAT PLAN AND I BELIEVE PERHAPS ONE OF THE SPEAKERS FROM THE UAP ASSOCIATION COULD PROBABLY ADDRESS HOW IT RELATES TO THE NEW PLAN. IT'S MY UNDERSTANDING THAT WE DO COMPLY WITH THE -- WITH THE UNO PLAN AS WELL.

MR. McHONE, PERHAPS, COULD YOU SPEAK TO THAT. FRANKLY MY UNDERSTANDING OF THE UNO IS -- IS -- AN APPROPRIATE SPOT IS LIKELY EVEN MORE DENSITY, SO IT SEEMS TO ME THAT IF IT IS ALREADY COMPLIANT, IT HAS

STAFF AND PLANNING COMMISSION AND RECOMMENDATION IT'S PROBABLY GOING TO BE EVEN MORE COMPLIANT WITH THE U IN N -- COME MICHAEL JAMES BRYANT WITH THE UNO - - MORE COMPLIANT WITH THE UNO. AS MS. GLASGO STATED IN HER OPENING REMARKS, THIS PLAN IS IN BASIC COMPLIANCE WITH THE UNO. THERE ARE SOME BENEFITS THAT WOULD ACCRUE ABOVE AND BEYOND THE PLAN THAT HAS BEEN PRESENTED TO DATE UNDER THE UNO, PRIMARILY AS THEY HAVE TO DO WITH SETBACKS AND IMPERVIOUS COVER. SO THAT THE UNO IS EVEN MORE GENEROUS THAN THE PLAN PROPOSED ON THOSE TWO POINTS. IT IS IN COMPLIANCE WITH THE HEIGHT LIMITATION THAT'S BEEN NEGOTIATED WITH ALL OF THE NEIGHBORHOODS AROUND THERE THAT'S -- THAT'S THE EXISTING NEIGHBORHOODS THAT STARTED TWO AND A HALF YEARS WHEN THE MAYOR PRO TEM AND MEMBERS, MANY OF YOU WHO ARE STILL THERE, PUT US ALTOGETHER AND DECIDED WE WOULD DO THESE THREE CENTRAL AUSTIN NEIGHBORHOODS TOGETHER AROUND THE UNIVERSITY AND REMARKABLY WE HAVE ALL COME TO AN AGREEMENT AND THIS IS IN COMPLIANCE WITH THE HEIGHT LIMITATIONS THAT WERE AGREED TO AMONG THOSE SEVEN NEIGHBORHOOD ASSOCIATIONS.

THANK YOU, SIR.

Mayor Wynn: FURTHER QUESTIONS FROM STAFF OR APPLICANT? COUNCIL? MAYOR PRO TEM?

Goodman: WHO DO I TALK TO ABOUT DESIGN ISSUES? MR. NUTT YOU OPENED YOURSELF OCCUPY FOR THAT. [LAUGHTER] I WONDERED IF THIS IS YOUR FINAL DESIGN. WE HAVE SOME THINGS THAT WE ENCOURAGE AND LOWER FLOOR PARKING, STRUCTURED PARKING, ESPECIALLY DOWNTOWN, SORT OF IN THE -- IN THE -- I DON'T WANT TO SAY GREAT STREETS EXACTLY, BUT PEDESTRIAN FRIENDLY PEOPLE USE FRIENDLY, MODE. DO YOU KNOW IF YOU HAVE ANY ELEMENTS OF THAT IN THIS DESIGN?

WELL, I'M NOT SURE WHAT THOSE ELEMENTS ARE. WHAT WE HAVE DONE IS WE HAVE SCREENED THE PARKING FROM VIEW AS YOU ARE WALKING DOWN THE STREET. THERE ARE SETS OF LIF LOURERS BETWEEN A SET OF OPENING AT THE

STREET LEVEL. THE SILL IS RIGHT ABOUT FOUR FEET. WE KNOW THAT WE WILL BE SCREENING THE FRONTS OF THE CARS AND MOST OF THE VIEW OF THE CAR AS YOU WALK BY. WE ARE CONCERNED ABOUT PROVIDING VENTILATION IN THE GARAGE, SO A GREAT DEAL OF THAT WALL AREA WILL BE OPEN, ALTHOUGH YOU WILL NOT BE ABLE TO SEE THROUGH IT. WE HAVE WORKED VERY HARD IN THE BANDING OF THOSE TWO LEVELS THAT ARE ABOVE GRADE TO KEEP THAT AT A PEDESTRIAN SCALE. WE WILL FOLLOW THE 23rd STREET PLANTING GUIDELINES TO FURTHER BRING DOWN THAT SCALE TO MAKE IT MORE PEDESTRIAN AS YOU WALK PAST AND INTO OUR BUILDING.

Goodman: I HAVE MISPLACED -- HOW MANY UNITS?

55.

Goodman: OKAY. NOT ALL OF THEM WILL HAVE -- ONLY THE OUTSIDE ONES I GUESS THEN WILL HAVE PATIOS?

THEY ALL HAVE BALANCE COPIES, ORGANIZED AROUND A CENTRAL COURTYARD. SO THERE IS A WALKWAY AROUND A FIVE STORY ATRIUM IN THE CENTER. AND THAT'S WHERE ALL OF THE FRONT DOORS ARE, THEN ALL OF THE LIVING ROOMS WILL HAVE A PATIO OFF OF THAT AREA AND THOSE ARE TO THE OUTSIDE.

Goodman: BEFORE I ASK YOU ANYTHING ELSE, LET ME ASK STAFF IF WE HAVE ANYBODY WHO CAN SPEAK TO THE KIND OF DESIGN ISSUES AND STANDARDS THAT WE INTRODUCED FOR DOWNTOWN STRUCTURED PARKING ON THE GROUND FLOORS.

I'M NOT SURE THAT THERE'S ANYONE HERE TO SPEAK TO IT. MAYBE GEORGE ZAPALAC. HE'S GETTING UP. SO THE HE MIGHT HAVE SOMETHING TO ADD.

THANKS, GEORGE, DO YOU REMEMBER ANY OF THE ELEMENTS THAT WE TRY TO ENCOURAGE LIKE SOMETHING ABOUT SETBACKS, THIS LOOKS LIKE IT HAS FLOWERING BUSHES.

THE PARKING GARAGE IN MOST AREAS IS FURTHER BACK

THAN THE BUILDING SETBACK. WE HAVE DONE THAT. WE WILL ALSO OF COURSE OUR LANDSCAPE PLAN WILL CONCEAL AS MUCH OF THAT AS POSSIBLE AND WE WILL PROVIDE PHYSICAL LIFELOUVERS TO BLOCK MOST OF THE VIEW. BUT WE DO NEED A LIGHTED PARKING GARAGE FOR ISSUES OF SAFETY INSIDE THE GARAGE. SO WE HAVE STRUCK A BALANCE IN OUR DESIGN.

IT'S DIFFICULT FOR DEPTH PERCEPTION ON A PICTURE LIKE THIS, LET ME ASK MR. ZAPALAC IF THERE -- DO YOU HAVE THIS PICTURE?

YES, I DO. MAYOR PRO TEM I DON'T HAVE THE DOWNTOWN SITE GUIDELINES IN FRONT OF ME, BUT THEY BASICALLY DO PROVIDE FOR SCREENING. THERE ARE MAXIMUM SETBACKS THAT ARE PRESCRIBED. AND ALSO IN THE DOWNTOWN AREA, THERE'S A REQUIREMENT FOR -- FOR BROAD STRENGTH ORIENTED -- PEDESTRIAN ORIENTED USES ON THE GROUND FLOOR BUT THAT WOULD NOT BE ALLOWED IN M.F. 6 BECAUSE THOSE OF RETAIL TYPE OF USES.

I ACTUALLY WASN'T LOOKING FOR ELEMENTS LIKE THAT. I WAS HOPING, ASSUMING, THAT THERE WAS SOME DESIGN ELEMENTS THAT WERE SORT OF LESS LIKE A WALL. YOU KNOW, A SOLID WALL. DO WE HAVE ANYTHING LIKE THAT. THERE IS A REQUIREMENT THAT THE -- THAT THE -- I BELIEVE THAT THE -- THAT THE -- THAT THE SOLID WALL NOT BE PROVIDED AND BE BROKEN UP IN CERTAIN WAYS, BUT I'M NOT SURE HOW THAT WOULD APPLY IN THIS CASE. OKAY, HERE. HERE THEY ARE. THESE ARE THE GUIDELINES THAT WERE ADOPTED BY COUNCIL LAST JUNE. HEADLIGHTS OF AUTOMOBILE MAY NOT BE DIRECTLY VISIBLE FROM AN ADJACENT BUILDING OR ACROSS THE STREET. AUTOMOBILES IN THE PARKING STRUCTURE MUST BE SCREENED FROM PUBLIC VIEW, TRASH RECEPTACLES, AIR CONDITIONING, HEATING EQUIPMENT, LOADING AREAS AND STORAGE MUST BE SCREENED FROM PUBLIC VIEW. EQUIPMENT LOCATED ON A ROOF MUST BE SCREENED FROM THE VIEW OF A PERSON ON AN ADJACENT PUBLIC STREET. AND THEN THERE ARE SOME MAXIMUM SETBACKS. WHICH ARE GENERALLY 10 FEET. THAT ARE PRESCRIBED. ALSO IN CERTAIN DISTRICTS THERE'S -- THERE ARE RESTRICTIONS ON THE TYPE OF GLASS AND REFLECTIVE

SURFACE THAT MAY BE USED. THAT'S BASICALLY WHAT --
WHAT COUNCIL AADOPTED.

OKAY. THANK YOU.

Goodman: OKAY, THAT'S HARD TO TRANSLATE ANY OF THAT.
YOU HAVE BROKEN IT UP, BUT IT'S STILL KIND OF, YOU
KNOW, --

FOUR FOOT WALL IS INTENDED TO BLOCK HEADLIGHTS AND
ANY VIEW OF AUTOMOBILES IN THE PARKING GARAGE. THE
OPENINGS OUR FOUR FEET WIDE, THE LOUVERED SECTIONS
ARE 10 FEET WIDE. AGAIN WE ARE TRYING TO CREATE
BREAK UP OF A LOOK OF A WALL WE FEEL THAT WE HAVE
DONE THAT HORIZONTALLY AND VERTICALLY. IN ADDITION
TO THAT OF COURSE THE LANDSCAPING WILL PROVIDE
EVEN MORE RELIEF. IT IS A TWO-STORY WALL, BUT I DON'T
BELIEVE IT FEELS LIKE A TWO-STORY WALL BECAUSE ALL OF
THE BANDING THAT WE HAVE DONE, ALL OF THE OPENINGS
THAT WE HAVE PROVIDED. AS I LISTEN TO THE -- TO THE
CHARACTERISTICS, I FEEL LIKE WE HAVE MET THOSE WITH
THIS DESIGN.

Goodman: OKAY. I DON'T MEAN TO BE DENIGRATING IN ANY
WAY, I WAS FINE WITH THIS, THEN I LOOKED AT THE PICTURE
AND IT THREW LIKE A --

>> THERE YA GO.

A LARGE BLOCK. A LARGE FOUR DIMENSIONAL BLOCK.

AND --

KEEP IN MIND THAT THE -- THAT THE USERS OF THE SPACE
OF COURSE WILL HAVE THIS BIG CENTRAL COURTYARD AND
SO WE HAVE OPTED TO TURN THE UNITS TO THE OUTSIDE
WITH THE CENTRAL COURTYARD THAT THEY CAN USE AS A
COMMON AREA AMONGST THEMSELVES AND THEN THEY
WILL HAVE THEIR OWN PRIVATE AREA ON THE DECK THAT'S
PROTRUDE OUT FROM THE SURFACE OF THE BUILDING.

Goodman: I GUESS THAT'S DEFINITELY AN AMENITY, MAYBE
EVEN A FEELING OF SAFETY AND SECURITY FOR THOSE

WHO LIVE THERE.

EXACTLY. WE HAVE ACTUALLY --

Goodman: ON THE OUTSIDE THOUGH --

FOCUS GROUPS RECENTLY, A GREAT NUMBER OF --
PROBABLY MORE GENDER ISSUE, BUT A LOT OF THE FEMALE
STUDENTS REALLY WANT TO BE ABLE TO PUSH THAT
BUTTON, GET INTO THE PARKING GARAGE AND NOT HAVE TO
WORRY ABOUT DEALING WITH ANYBODY OR ANYTHING
ELSE.

Goodman: OKAY. WELL, THAT'S KIND OF WHAT IT LOOKS LIKE
FROM THE OUTSIDE, TOO. I WAS JUST HOPING THAT THERE
WAS SOME ROOM FOR YOU TO CONSIDER SOMETHING A
LITTLE MORE INVITING, OBVIOUSLY, WOULDN'T PLEASE
THOSE WHO WEREN'T THAT -- WHO WANT THAT SENSE OF
SECURITY, BUT IT DOES LOOK VERY DEFENDABLE. IF YOU
KNOW WHAT I MEAN. [LAUGHTER]

I THINK A LOT OF THINGS LOOK DIFFERENT IN TWO
DIMENSIONS THAN THEY DO IN THREE. WE HAVE ACTUALLY
DEVELOP ADD THREE DIMENSIONAL FLY THROUGH AS YOU
APPROACH THE BUILDING, IT DOESN'T HAVE THAT RIGID
LOOK THAT YOU ARE CONCERNED ABOUT.

Goodman: OKAY. I DO UNDERSTAND IT'S VERY HARD TO
TELL.

TWO DIMENSIONS IS HARD.

RIGHT. THANK YOU.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: ACTUALLY, I HAD A QUESTION FOR MR. McHONE
ABOUT THE UNO PLAN, ALSO.

COUNCILMEMBER MCCRACKEN, YES, SIR CRACK.

McCracken: DOES IT CONTEMPLATE ANY TREES IN FRONT OF

THE NEW LARGER STRUCTURES?

THE REQUIREMENT WILL BE THAT IF -- IF IT IS AN OVERLAY. BASE DISTRICTS YOU WILL STILL BE ABLE TO BUILD UNDER. BUT IF YOU OPT INTO THE UNO PLAN, DEPENDING UPON WHERE YOU ARE, EITHER IN THE INNER WEST CAMPUS, OUTER WEST CAMPUS, YOU WILL HAVE DIFFERENT REQUIREMENTS. THE REQUIREMENTS ARE ALWAYS THAT THERE WILL BE STREET TREES REQUIRED. AND THAT SPACING WILL BE SET. THE WIDTH OF THE SIDEWALK WILL BE DETERMINED BY THE AMOUNT OF RIGHT-OF-WAY AVAILABLE. WE HAVE NARROW STREETS IN THE AREA SO THAT RESTRICTS THAT SOMEWHAT. WE ARE TRYING TO WORK OUT HOW WE WILL GET LARGER TREES, EVEN, ON CERTAIN LOCATIONS. SO IF YOU ARE FAMILIAR WITH THE GUADALUPE STREET PLAN, WHERE WE HAVE THE LARGER OAK TREES AT THE CORNERS AND THE SMALLER CEDAR ELMS DURING THE -- IN THE LINEAR PORTION OF THE BLOCKS, IN BETWEEN THOSE OAK TREES, THAT'S SOMETHING LIKE WHAT WE ARE TRYING TO GET TO IN THE UNO PLAN. REMEMBER THAT THE U UNO PLAN IS STILL JUST A DRAFT, YOU WILL GET THE FINAL SAY, SIR. SO WHATEVER YOU WANT TO, WE WILL BE GLAD TO -- TO HAVE YOUR INPUT INTO THE FINAL VERSION.

I MAY BE TELEGRAPHING MY EXCITEMENT ABOUT IT ACTUALLY.

THANK YOU.

MR. NUTT, I HAVE ANOTHER QUESTION FOR YOU. IS YOUR PLAN -- DOES YOUR PLAN INCLUDING PLANTING STREET TREES SIMILAR TO WHAT MR. McHONE IS --

YES. IN FACT WE HAVE -- WE HAVE PART OF THE AGREEMENT I BELIEVE AND THE LETTER THAT WE HAVE GOTTEN FROM THE SUPPORT OF THE UNIVERSITY AREA PARTNERS SPEAKS DIRECTLY TO THE 23rd STREET BEAUTIFICATION LANDSCAPE AND LIGHTING, SAFETY ISSUES. AND WE INTEND TO COMPLY WITH THAT.

McCracken: IN OTHER WORDS, BECAUSE -- WHAT YOU HAVE GIVEN US DOES NOT SHOW ANY TREES AT ALL. WHAT

WOULD YOU BE PUTTING IN?

WELL, WE HAVEN'T DEVELOPED THE LANDSCAPE PLAN YET. BUT IT WILL BE CONSISTENT WITH THE 23rd STREET PLAN. I HI THEY HAVE A REQUIREMENT FOR CERTAIN SIZED TREES, CERTAIN DISTANCES IN THE RIGHT-OF-WAY, WE WILL BE DOING ALL OF THAT.

McCracken: CAN SOMEONE FROM STAFF SPEAK TO THE TREE ISSUE, OR IS SOMEONE ELSE MORE KNOWLEDGEABLE ABOUT IT.

THE 23rd STREET PLAN I THINK CAN BEST BE EXPLAINED BY RICK HARDEN.

LET ME TELL YOU WHAT THIS APPLICANT HAS AGREED TO, TALK A LITTLE BIT ABOUT UNO, NOT VERY LONG, THOUGH. THE U.T. COOPERATIVE SOCIETY AND HARDEN HOUSE FUNDED ABOUT \$25,000 AS A SEED PROJECT TO DESIGN THE WEST 23rd STREET SAFE STREET PLAN, WHICH IS MOVING FORWARD. THERE'S ACTUALLY THREE QUARTER MILLION FUNDED WITH CAPITAL METRO THAT WILL REDESIGN ALL OF 23rd STREET FROM GUADALUPE TO RIO GRANDE. BASICALLY THAT DESIGN TO OVERSIMPLIFY IT IS SPECIMEN THREE INCH TREES, I BELIEVE THAT THEY ARE CEDAR ELMS, AND THOSE ARE GOING TO BE PLANTED 8 TO THE HALF BLOCK, SO EVENLY SPACED, THE SIDEWALKS ARE ABOUT 11 AND A HALF FEET WIDE, THERE ARE TREE GRADES SO THAT YOU HAVE A WIDE WALKING SURFACE, IRRIGATION, AND STREET LIGHTING WHICH IS THE PECAN STREET, STREET LIGHT THAT GOES UP AND TURNS DOWN. THE LIGHT SITS AT ABOUT 12 FEET AND SHINES ON THE SIDEWALK. THIS APPLICANT HAS AGREED TO THAT VERY DESIGN, TO THE EXTENT THAT THE RIGHT-OF-WAY WILL PERMIT THE WIDTH, AT HIS EXPENSE AND IT'S IN THE FORM OF A DEED RESTRICTION THAT WILL BE SIGNED WITH THE UNIVERSITY AREA PARTNERS, AND I ASSUME A RESTRICTIVE COVENANT THAT ALSO IS WRITTEN UNDER THE ZONING. IT'S THE VERY SAME FOUNDATION OF -- PLANTING FOUNDATION THAT'S BEING USED IN UNO BUT IT WILL VARY FROM STREET TO STREET AND IT'S AN ENGINEERING ISSUE.

McCracken: I JUST WANTED TO MAKE SURE THAT WE WERE

CONTEMPLATING ON HAVING STREET USE THERE.

THEY ARE LARGE TREES WE ARE TALKING ABOUT.

McCracken: THANK YOU, MR. HARDEN.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS OF THE APPLICANT OR ANYBODY ELSE. IF NOT I WILL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

SO MOVE.

MOTION MADE BY COUNCILMEMBER MCCRACKEN,
SECONDED BY COUNCILMEMBER DUNKERLY TO CLOSE THE
PUBLIC HEARING. ALL IN FAVOR.

AYE.

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

THAT WAS ON ALL THREE READINGS.

Glasgo: THAT WAS JUST THE PUBLIC HEARINGS.

I'M SORRY.

Mayor Wynn: ANY FURTHER COMMENTS, QUESTIONS OF STAFF, COUNCIL? COUNCILMEMBER MCCRACKEN?

McCracken: WELL, I -- I KNOW A NOVEMBER OF US RECEIVED SOME TRANSPORTATION BRIEFINGS RECENTLY REGARDING THE -- REGARDING THE TRANSPORTATION SITUATION THAT -- THAT CENTRAL TEXAS FACES OVER THE NEXT 25 TO 40 YEARS AND ONE OF THE ESTIMATES THAT WE HAVE SEEN IS THAT UNDER CURRENT TRANSPORTATION PROJECTIONS WE ARE LOOKING AT NEEDING TO COME ONE A SHORTFALL PER YEAR APPROXIMATELY \$330 MILLION A YEAR OVER THE NEXT 25 YEARS. THAT'S AN ESTIMATE AT THIS POINT. WHAT THAT TELLS US IS THAT IF WE DO NOT CHANGE THE WAY WE MAKE SOME OF OUR LAND USE DECISIONS, THEN WE ARE GOING TO FACE A SUFFOCATING FINANCIAL BURDEN JUST TO KEEP THINGS AS BAD AS THEY ARE RIGHT NOW. WHAT WE HAVE SEEN WITH THE -- WITH THE UNIVERSITY NEIGHBORHOOD

OVERLAY AND WITH THIS -- WITH THIS PROPOSAL HERE TODAY, WITH ENVISION CENTRAL TEXAS, IS AN ALTERNATIVE FUTURE, PARTICULARLY WITH STUDENTS WHO CAN WALK BACK AND FORTH TO CLASS. IF WE CAN EASE THE TRANSPORTATION BURDEN BY PLACING MORE STUDENTS IN TALLER STRUCTURES, BY CAMPUS, THAT IS A POSITIVE STEP TO TAKE FROM A TRANSPORTATION AND URBAN PLANNING STANDPOINT. IT WOULD BE CONSISTENT WITH WHAT THE OVERWHELMING MAJORITY OF THE RESPONDENT IN THE ENVISION CENTRAL TEXAS SURVEY SAID WAS THEIR VISION FOR WHAT IS THE PROPER LAND USE PLANNING IN CENTRAL TEXAS. SO I AM -- I AM IMPRESSED WITH THIS PROPOSAL AND I'LL SUPPORT IT.

I CONSIDER THAT A MOTION.

McCracken: MOVE ALL THREE READINGS.

Dunkerley: SECOND THAT.

Mayor Wynn: SECONDED BY COUNCILMEMBER DUNKERLY. FURTHER COMMENTS?

Goodman: CAN I ASK A QUESTION OF THE MAKER AND THE SECOND. WHAT YOU JUST PROPOSED WAS THE 75-FOOT HEIGHT?

STAFF RECOMMENDATION.

WHAT I WOULD ASK YOU TO DO THEN IS CONSIDER GOING ON FIRST AND SECOND READINGS THEN AND ALLOW THE APPLICANT, IF THEY WANT TO WORK WITH THE ONE NEIGHBORHOOD ASSOCIATION THAT DIDN'T FEEL THAT THEY HAD BEEN A PART OF THAT. WHAT I'M LOOKING FOR IS MORE TREES. A COMMITMENT TO MORE TREES AND/OR GREENING OF THE STRUCTURED PARKING TO SOME DEGREE. IT'S A KIND OF ARCHITECTURAL TREATMENT THAT WAS VISIONARY SOME YEARS AGO. SHOULD BE --

I WOULD LIKE MAYBE SOME SENSE OF THAT -- WHAT -- IF THAT WOULD CAUSE FINANCING ISSUES OR --

I THINK THAT I CAN ANSWER THAT REAL QUICK. THERE'S

SIGNIFICANT TREES ALREADY THERE THAT WILL -- THAT ARE NOT GOING TO BE CUT DOWN. THERE'S APPARENTLY FOUR PECULIAR CANS. I KNOW THAT THEY ARE NOT ON THE PICTURE, WE ARE PLASTERED TO THIS PICTURE, BUT THE BOTTOM LINE IS THAT THERE'S TREES THAT ARE GOING TO BE IN FRONT OF THE BUILDING THAT ARE GOING TO LOOK ATTRACTIVE. I THINK MR. HARDEN SPOKE TO THE FACT THAT THERE'S SIGNIFICANT TREES THAT WILL TO SOME EXTENT MASK THE ARCHITECTURAL FEATURES THAT MIGHT BE DISTURBING ON A TWO DIMENSIONAL DESIGN OF IT, RENDERING OF IT. I WOULD ALSO ADD THAT WE HAVE MET WITH THE WCNA. WE DID DO THAT. THEY HAVE TOLD US THAT THEY WERE THINKING ABOUT IT. AND THEN 10 MINUTES BEFORE THIS HEARING THEY SAID THEY WERE AGAINST IT. I THINK THE ISSUES BEFORE YOU IT'S BEEN HEAVILY VOTED OVER OOVETTED OVER A ONE YEAR PERIOD, I THINK THE APPLICANT IS READY TO MOVE FORWARD IN A SIGNIFICANT WAY LEADING THE WAY FRANKLY IN THE UNIVERSITY AREA. WE WOULD APPRECIATE A MOTION AND A -- A VOTE ON ALL THREE READINGS. THANK YOU VERY MUCH.

Goodman: I WOULD APPRECIATE A PICTURE WITH TREES ON IT.

OKAY.

NEXT TIME, I PROMISE THERE WILL BE PICTURES ON IT.

Goodman: NO, NO, NO. IF YOU WANT ALL THREE READINGS, THIS IS THE LAST TIME WE GET TO SEE IT. IS THERE A WAY TO COMMIT OR DID YOU

Dunkerley: GO GET SOME POLAROIDS AND COME BACK? IS THAT A VIABLE ALTERNATIVE?

Mayor Wynn: MAYOR PRO TEM, PLEASE CONTINUE, SORRY.

WE ARE COMMITTED. WE CAN HAVE MR. HARDEN COME BACK UP. WE HAVE COMMITTED IN THE AGREEMENTS TO THE 23rd STREET OVERLAY THAT HE AND OTHERS HAVE SPENT AN INORDINATE AMOUNT OF TIME FOR THE BENEFIT OF THE CITY DEVELOPING THAT INCLUDES TREES. HE CAN

SPEAK TO THE CAL PER INCH -- CALIPER INCHES OF TREES THAT ARE GOING TO BE IN FRONT OF THE STRUCTURE. IT IS NOT INSIGNIFICANT AT ALL. I WILL DEFER TO HIM TO TALK ABOUT IT. I THINK THAT HE SAID 8 OVER A HALF BLOCK OR ONE BLOCK AREA AT THREE INCHES PER TREE. FOR STARTERS OR I WILL --

Goodman: I DON'T NEED THAT KIND OF DETAIL. I WOULD LIKE A COMMITMENT, A PUBLIC STATEMENT OF SOME KIND. WOULD IT BE POSSIBLE TO COMMIT TO CONSIDERATION OF GREENING OF THE -- OF THE LOWER FLOORS OF PARKING STRUCTURE.

I -- I THINK THAT WE ARE COMMITTED TO 23rd STREET OVERLAY AND COMMITTED TO THE GREEN ELEMENTS OF IT. WE ARE COMMITTED TO IT.

Goodman: LET'S FIND OUT WHAT THE 23rd STREET ACTUALLY ENTAILS WHICH IS GOING TO DRAG THIS OUT. SORRY. CAN ANYBODY DO A THUMBNAIL? I'M NOT FAMILIAR WITH THE DETAILS OF THAT PLAN.

Goodman: CAN WE DO FIRST AND SECOND READING I CAN FIND OUT ON MY OWN WITHOUT TAKING UP MORE TIME TODAY.

MAYOR PRO TEM, IF I MIGHT, I'M SORRY, I'M MIKE McHONE. WHAT YOU MIGHT WANT TO DO IS REFERENCE THE OTHER PROJECTS THAT YOU HAVE APPROVED THAT HAD THIS PROVISION IN THEM. THE VILLAS ON GUADALUPE HAS -- WAS COMMITTED TO THE THREE INCH TREE. YOU MIGHT SAY A FOUR INCH TREE IF THAT WOULD HELP. AND HAVE IT -- HAVE IT MATCH THAT SAME LANGUAGE AND REFERENCE THAT CASE THAT THE STREET IMPROVEMENTS WOULD BE EXACTLY LIKE THAT. IT IS NOT AN INSIGNIFICANT AMOUNT BECAUSE YOU HAVE TO GO THROUGH ALL OF THE LICENSE AGREEMENT PROCESS AND THAT GETS VERY EXPENSIVE WHEN YOU START RELOCATIONING THE UTILITIES THAT MIGHT BE LOCATED THERE. BUT THAT MIGHT BE A WAY OF MAKING SOME ASSURANCE AND THE AGREEMENT THAT THESE GENTLEMEN HAVE AGREED TO AND BEFORE SITE PLAN IS APPROVED, WHICH WILL BE ANOTHER HEARING, YOU WILL HAVE THAT DOCUMENT SIGNED, SEALED,

DELIVERED AND RECORDED TO BE SUBMITTED WITH THE SITE PLAN SO THAT IS A PART OF THE SITE PLAN PROCESS IS THAT DEED GETS DONE. WE DON'T NORMALLY GET INTO WANTING TO HAVE THE DEED RESTRICTION DONE AT THE FIRST AND SECOND AND THIRD READING BECAUSE WHEN THE STAFF GETS INTO THE SITE PLAN REVIEW, THERE ARE SOMETIMES ISSUES THAT NEED TO GET RESOLVED SO WE THEN HAVE A CONFLICT. SO WE WAIT FOR THE SITE PLAN AS AN EXHIBIT TO OUR RESTRICTIVE COVENANT. WHAT WE ARE TRYING TO DO WITH THE UNO PLAN IS TAKE ALL OF THAT RESTRICTIVE COVENANT LANGUAGE AND PUT IT INTO THE OVERLAY SO THAT WHEN YOU AGREE TO DO THE OVERLAY, THAT RESTRICTIVE COVENANT IS ALREADY WHAT YOU ARE DOING.

Goodman: I DO UNDERSTAND ALL OF THAT.

THANK.

Goodman: WE DON'T USUALLY DO A 75-FOOT BUILDING ANYWHERE. SO ESPECIALLY IN THIS AREA, WHERE WE ARE TRYING TO BE RESIDENTIAL AND STILL KEEP A FRIENDLY STREET SCAPES, I WANTED TO SEE A LITTLE COMMITMENT. IF YOU WANT TO GO AHEAD, I'M -- ON ALL THREE IT'S OKAY I WILL JUST ABSTAIN BECAUSE I'M NOT TOTALLY SURE OF WHAT IS BEING COMMITTED TO AND WHAT WE ARE REQUIRING, BUT I DO THINK THAT THE DENSITY WILL WORK HERE. I JUST HAVE TROUBLE WITH THE DESIGN. ON.

Mayor Wynn: SO A MOTION AND SECOND FOR ALL THREE READINGS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? ONE ABSTENTION, MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM ABSTAINING. THAT WAS Z-8.

Glasgo: DO WE HAVE ENOUGH TIME TO START Z-9.

Mayor Wynn: COUNCIL, WITHOUT OBJECTION WE HAVE 20 SOME ODD CARDS SIGNED UP FOR ITEM Z-9. IT'S FIVE

MINUTES BEFORE OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS. SO I APOLOGIZE FOR FOLKS WHO ARE SITTING AND WAITING, BUT IT WOULD BE BETTER FOR US I THINK TO TAKE THIS ALL UP IN ONE FELL SWOOP. WITHOUT OBJECTION WE WILL NOW BE RECESSED, WE WILL GO INTO RECESS FOR OUR LIVE MUSIC AND PROCLAMATIONS. SHOULD BE BACK SHORTLY TO TAKE UP ITEM NO. Z-9 AND THEN OUR PUBLIC HEARINGS AFTER 6:00 P.M. THANK YOU.

IKS PROCLAMATION. PROCLAMATION. SAINT IGNACIOUS. SANE SANE.

Mayor Wynn: UNFORTUNATELY, FOLKS, WE HAD A TRAGIC CASE OF PNEUMONIA WITH OUR LIVE MUSIC BAND TONIGHT, SO THIS THURSDAY WE WON'T BE HAVING LIVE MUSIC AT OUR CITY COUNCIL MEETING, WHICH HURTS US BECAUSE WE TAKE IS VERY SERIOUSLY, WE'RE VERY FOND OF THE WEEKLY CONCERT THAT WE GET AND ABLE TO PROMOTE AUSTIN'S LIVE MUSIC. BUT I THINK WE'LL BE BACK LIVE AGAIN NEXT THURSDAY. OUR FIRST PROCLAMATION REGARDS INSURE A KID WEEK, 2004. I'M JOINED HERE BY CAROLYN SCHWARTZ. AND I'LL READ THE PROCLAMATION AND ASK HER TO SAY A FEW WORDS ABOUT A REMARKABLE PROGRAM THAT HAS MEANT A LOT TO A LOT OF YOUNG PEOPLE IN CENTRAL TEXAS. THE PROCLAMATION READ, BE IT KNOWN THAT WHEREAS EVERY CHILD DESERVES QUALITY HEALTH CARE, INCLUDING REGULAR CHECKUPS AND IMMUNIZATIONS TO KEEP THEM IN GOOD HEALTH AND TO ENSURE A HEALTHY FUTURE AND WHEREAS DESPITE CHANGES, LOW COST CHILDREN'S HEALTH INSURANCE IS STILL AVAILABLE FOR THOUSANDS OF FAMILIES UNDER THE CHILDREN'S HEALTH INSURANCE PROGRAM AND CHILDREN'S MEDICAID. AND WHEREAS INSURE A KID IS WORKING TO RESTORE SERVICE CUTS FROM THE PROGRAM THAT CAN PROVIDE ASSISTANCE TO FAMILIES OR GET OR RENEW LOW COST CHILDREN'S HEALTH INSURANCE. CALL THEM TO ENROLL. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM FEBRUARY SEVENTH THROUGH 14TH, 2004 AS INSURE A KID WEEK 2004 IN AUSTIN. CONGRATULATE THESE FOLKS FROM SUCH A FINE ORGANIZATION, THE GREAT WORK THEY'RE DOING AND ASK MS. CAROLYN SCHWARTZ TO SAY A FEW WORD ABOUT

INSURE A KID. CAROLYN, CONGRATULATIONS. [APPLAUSE]

I DO JUST WANT TO THANK YOU, MAYOR WYNN, AND THE CITY COUNCIL FOR ALL YOUR SUPPORT OF OUR PROGRAM. WE'RE IN OUR FIFTH YEAR AND WE WANT FAMILIES TO KNOW THAT CHIP AND CHILDREN'S MEDICAID ARE STILL AVAILABLE AND FAMILIES CAN CALL 324-2447 OR 324-CHIP IF THAT'S EASIER TO REMEMBER, TO FIND OUT MORE INFORMATION TO GET QUESTIONS ANSWERED. AND WE DO WANT TO TELL FAMILIES IF YOU'VE GOT CHIP, MAKE SURE YOU USE IT AND RENEW IT.

Mayor Wynn: THANK YOU. [APPLAUSE]

WE'VE STARTED RECOGNIZING A FEW MONTHS AGO THE VOLUNTEERS OF THE MONTH, SO MAYOR WYNN AND I WILL BE TACKLING THE JANUARY AND FEBRUARY RESPECTIVELY VOLUNTEERS OF THE MONTH. AND I WANT TO THANK THE UNITED WAY FOR THEIR HELP IN HELPING US GET THE VOLUNTEERS OF THE MONTH IDENTIFIED FOR THE COMMUNITY AND ALSO SAY WE'RE IN SOME CHALLENGING TIMES HERE IN AUSTIN. THE FOLKS THAT WE RECOGNIZE EACH MONTH ARE REALLY GIVING BACK A LOT TO HELP THE LESS FORTUNATE AND THE MOST VULNERABLE IN OUR COMMUNITY AND THEY MAKE A BIG DIFFERENCE IN ENSURING THAT AUSTIN IS THE KIND OF PLACE THAT WE ALWAYS HOPE AND ASPIRE FOR IT TO BE. OUR VOLUNTEERS OF THE MONTH FOR JANUARY ARE SAM AND DOROTHY ZUCKERO. AND SO IF THEY COULD COME UP, WE'LL PUT YOU ON TV. [APPLAUSE]

McCracken: THEY RUN CAMP PENIAL, NOT CAMP DENIAL. CAMP DENIAL IS THE CAMP THAT MY BROTHER AND I SHOULD HAVE BEEN ATTENDING AT CHILDREN. [LAUGHTER] THIS SOUNDS LIKE A MUCH MORE POSITIVE PLACE. THIS IS A CERTIFICATE OF CONGRATULATIONS FOR HAVING BEEN SELECTED AS THE UNITED ACAPITAL AREA JANUARY 2004 VOLUNTEERS OF THE MONTH. SAM AND DOROTHY ZUCKERO ARE DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. SAM AND DOROTHY ARE SUCH DEDICATED VOLUNTEERS AT THE CAMP THAT WHEN IT MOVED FROM THE HOUSTON AREA TO MARBLE FALLS, THEY MOVED THERE TOO. THEY HAVE BEEN DOING FUND-RAISING AND MAINTENANCE WORK AT

THE CAMP SINCE 1988. IN MARBLE FALLS THEY ASSIST IN THE OFFICE WITH YARD WORK AND MAINTENANCE ALMOST FULL TIME DAILY. WE ARE HONORED TO RECOGNIZE A COUPLE WHO EXHIBITS SUCH AMAZING VOLUNTEER SPIRIT AND TO EXPRESS OUR SPRECTION FOR THEIR CONTRIBUTIONS TO OUR AREA. PRESENTED THIS 12TH DAY OF FEBRUARY IN THE YEAR 2004, THE AUSTIN CITY COUNCIL OF AUSTIN, TEXAS, WILL WYNN, MAYOR. SAM AND DOROTHY, CONGRATULATIONS AND THANK YOU VERY MUCH. [APPLAUSE] AND I BELIEVE BEFORE WE ASK YOU TO SAY SOMETHING, MARY BEN, WERE YOU GOING TO SAY SOMETHING ABOUT SAM AND DOROTHY ALSO?

I AM THE CHAIR OF THE ADVISORY BOARD FOR THE VOLUNTEER CENTER AT UNITED WAY, AND WE ARE VERY DELIGHTED TO BE PART OF THIS PROGRAM BECAUSE THE VOLUNTEER CENTER DOES MATCH VOLUNTEERS AND RESOURCES TO HELP THE COMMUNITY. AND WHAT WE ALL KNOW IS THAT WE COULDN'T ACCOMPLISH SO MANY THINGS IN OUR COMMUNITY WITHOUT PEOPLE LIKE SAM AND DOROTHY AND THE WINNERS FOR FEBRUARY AS WELL BECAUSE IT IS THE VOLUNTEERS AND THE PASSION THAT THEY BRING TO DO THE WORK AND THE JOBS THAT YOU COULDN'T PAY PEOPLE TO DO, BUT THEY WILL DO FREELY, HAPPILY AND MAKE A DIFFERENCE EVERYDAY. AND WE JUST WANT TO THANK YOU ALL FOR WHAT YOU'RE CONTRIBUTING AND WE'RE VERY PROUD OF THE UNITED WAY VOLUNTEER CENTER TO BE PART OF THIS PROGRAM AND WANT TO THANK MAYOR WYNN AND COUNCILMEMBER MCCRACKEN AND AMD FOR MAKING THIS PROGRAM POSSIBLE. CONGRATULATIONS. [APPLAUSE]

SAM AND I HAVE -- MET AT CAMP PENIAL ABOUT 58 YEARS AGO, AND IT WAS NOT HERE IN MARBLE FALLS AT THAT TIME, IT WAS AT COLD SPRINGS, TEXAS. AND WE'VE HAD A LOVE FOR THE CAMP EVER SINCE BECAUSE IT IS A WONDERFUL CHRISTIAN CAMP WHERE CHILDREN CAN COME. AND AS OUR SLOGAN SAYS, MEET GOD FACE TO FACE. IT'S A REALLY WONDERFUL PLACE AND WE JUST ENJOY BEING THERE AND WITH ALL OUR CHRISTIAN FRIENDS. AND WE LOVE TO SEE THE BOYS AND GIRLS WHO COME OUT, AND WE THINK WE CAN MAKE A DIFFERENCE IN THEIR LIVES. [APPLAUSE]

I DON'T TALK MUCH. [LAUGHTER] IT'S A REAL PLEASURE TO WORK OUT THERE WITH ALL THESE GOOD PEOPLE HERE, AND WE JUST ENJOY IT. I DON'T KNOW WHAT WE WOULD DO IF THEY DIDN'T LET US WORK OUT THERE. [LAUGHTER] SO WE THANK YOU. [APPLAUSE]

Mayor Wynn: AND OUR VOLUNTEER FOR MONTH OF FEBRUARY IS ACTUALLY THE ENTIRE SAINT IGNATIUS CARE TEAM. I'M NOT SURE IF ANY OF THE TEAM IS HERE. IF THE SAINT IGNATIUS FOLKS WOULD COME ON UP. TRULY A TEAM EFFORT. COME ON. NOT EVERYBODY IS HERE BECAUSE I HAVE A LONG LIST OF TEAM MEMBERS, BUT IT'S GREAT SEEING SO MANY OF YOU ALL. I'LL READ THIS PROCLAMATION, A CERTIFICATE OF CONGRATULATIONS FROM THE CITY OF AUSTIN. AND IT READS: FOR HAVING BEEN SELECTED BY THE UNITED WAY CAPITAL AREA AS THE FEBRUARY 2004 VOLUNTEERS OF THE MONTH, THE SAINT IGNATIUS CARE TEAM IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. SHEILA HAM, CARL HEAD RICK, AUDREY SMITH, THERESA AND TOM TRAN. SARAH RIZA, (INDISCERNIBLE). JUDY HALIK ARE A TEAM THAT HAVE BEEN MATCHED THROUGH THE INTERFAITH CARE ALLIANCE TO PROVIDE THEM WITH PRACTICAL AND EMOTIONAL SUPPORT THROUGH THE DIFFICULT TIMES THAT THEY ARE FACING. THIS TEAM HAS WORKED WITH EIGHT CLIENTS IN THE PAST YEAR AND GIVEN ABOUT 370 370 HOURS OF CARE AND DEVOTION TO THESE CARE PARTNERS, THEIR FAMILY, FRIEND AND OTHER PROFESSIONALS. THEIR ASSISTANCE WITH EVERYDAY CHORES AS WELL AS THE RELATIONSHIPS THEY DEVELOP HAVE MADE A WORLD OF DIFFERENCE TO THEIR PARTNERS. WE APPLAUD THEIR SELFLESSNESS AND COMMITMENT, PRESENTED THIS 12TH DAY OF FEBRUARY, 2004 BY THE ENTIRE AUSTIN CITY COUNCIL, MAYOR WYNN, MAYOR PRO TEM GOODMAN, COUNCILMEMBERS ALVAREZ, SLUSHER, DUNKERLEY, MCCracken AND DANNY THOMAS, THE SAINT IGNATIUS CARE TEAM, VOLUNTEERS OF THE MONTH FOR 2004, FEBRUARY. CONGRATULATIONS. [APPLAUSE]

THANK YOU VERY MUCH. I'M SISTER JUDY. I'M THE STAFF AT SAINT IGNATIUS CHURCH AND I MINISTER TO THE MINISTERS, BUT THESE ARE THE FOLKS WHO REALLY ARE THE ONES WHO ARE OUT THERE PROVIDING COMPANIONSHIP AND

SERVICE TO FOLKS WHO NEED A LITTLE EXTRA HELP. AND WE'RE GRATEFUL TO THE INTERFAITH FOR THE TRAINING THEY'VE GIVEN US, THE ONGOING SUPPORT AND ANYTHING WE NEED IN ORDER TO BE ABLE TO REACH OUT AND HELP INTERFAITH CARE ALLIANCE FULFILL THE DESIRE THEY HAVE THAT NO FRIEND GO THROUGH AN ILLNESS ALONE. SO WE'RE HAPPY TO BE PART OF THAT ENDEAVOR. AND WE'RE VERY BLESSED TO HAVE PEOPLE LIKE THIS ON OUR FAITH COMMUNITY. THANK YOU VERY MUCH. [APPLAUSE]

Mayor Wynn: THERE'S MORE HERE, SO IF YOU COULD MAKE SURE THE ENTIRE TEAM GETS IT. THANK YOU, SISTER, THANK YOU SO MUCH.

Dunkerley: THE NEXT PROCLAMATION IS FOR THE PRO ARTS COLLECTIVE, IF THEY'RE HERE. THERE IS THERE'S BOYD RIGHT THERE. BE IT KNOWN THAT WHEREAS FOR MORE THAN 10 YEARS, PRO ARTS COLLECTIVE HAS PRESENTED STAGE PRODUCTIONS, FESTIVALS, CONCERTS, MUSIC AND COMEDY REVIEWS, ART AND PHOTO EXHIBITS, SEMINARS, CLASSES AND WORKSHOPS. AND WHEREAS THIS MONTH IN CONJUNCTION WITH AUSTIN POETRY SLAM AND THE PARAMOUNT THEATER, PRO ARTS IS BRINGING DEAF POETRY JAM TO AUSTIN, A SHOW THAT ATTRACTED YOUNG, MULTICULTURAL CROWDS TO BROADWAY FOR A SIX-MONTH RUN. AND WHEREAS DEAF POETRY JAM, AN EVENING OF IN YOUR FACE STREET POETRY IS ON A 32-CITY NATIONAL TOUR AS PART OF PRODUCER RUSSELL SIMMONS' EFFORTS TO EMPOWER URBAN AMERICA THROUGH MUSIC AND ARTS, NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, DO HERE BY PROCLAIM FEBRUARY 16TH, 2004, AS DEAF POETRY JAM DAY IN AUSTIN. BOYD? [APPLAUSE]

HEY EVERYBODY. I WANT TO THANK FOR ACKNOWLEDGING PRO ARTS AND ITS COLLABORATIONS AND ITS GOAL TO ENGAGE THE GREATER AUSTIN COMMUNITY AND THE HIP HOP GENERATION IN THE ARTS AND COMMUNITY DEVELOPMENT ISSUES RELATED TO EQUAL ACCESS TO THE ARTS, TO EDUCATION, TO LITERACY, TO FREEDOM OF SPEECH, TO VOTERS EDUCATION, TO ECONOMIC DEVELOPMENT AND FINALLY, YOUTH AND COMMUNITY LEADERSHIP DEVELOPMENT. TODAY WE BEGAN OUR VOTER'S REGISTRATION DRIVE WITH THE RUSSELL SIMMONS

ORGANIZATION AND STUDENTS FROM THE UNIVERSITY OF TEXAS, AUSTIN COMMUNITY COLLEGE, ST. EDWARD'S UNIVERSITY AND HUSTON-TILLOTSON COLLEGE. AND ON MONDAY IT WILL BE DEAF POETRY NIGHT ON CONGRESS, WITH PREAND POST SHOW EVENT, SLAMS AT THE HIDEOUT AND AFTER SHOW PARTIES. SO WE'RE EXCITED TO BE ABLE TO DO THIS KIND OF WORK. AND IT'S PART OF A BIG INITIATIVE THAT WE HOPE TO INTRODUCE TO THE COMMUNITY CALLED THE AUSTIN BLACK ARTS MOVEMENT, WHICH WILL CREATE A REGIONAL CELEBRATION AROUND OUR HISTORIC CELEBRATION OF JUNETEENTH. SO WE'LL BE BACK WITH YOU LATER ON TO EXPLAIN ALL THAT. BUT THANK YOU SO MUCH, THANK THE MAYOR, THANK THE COUNCILMEMBER FOR ALLOWING US TO DO THE WORK THAT WE DO. AMEN. [APPLAUSE]

Mayor Wynn: I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. I WOULD LIKE TO POINT OUT THAT WE HAVE THREE BOY SCOUTS WITH US FROM TROOP 505 IN OAK HILL. WE HAVE BEN BAILS, ERIC BRACE WELL AND BRYAN MURPHY WHO ARE HERE WORKING ON THEIR CITIZENSHIP BADGE. AND THEY'RE GOING TO SEE GOOD GOVERNMENT IN ACTION HERE IN A FEW MINUTES. [LAUGHTER] AT THIS TIME, COUNCIL, IF -- IF FOLKS ON Z-9 WILL INDULGE US, WE'LL QUICKLY GET THROUGH THREE ANNEXATION PUBLIC HEARINGS, ITEMS 48, 49 AND 50. AND WITH THAT I'LL RECOGNIZE MR. BEN LIEU CENZ.

YES, SIR. THE FIRST OF THESE PLEEGZ IS NORTH TOWN TRIANGLE. THIS IS THE SECOND OF TWO PUBLIC HEARINGS. THE ORDINANCE ORIGINALLY SCHEDULED FOR MARCH FOURTH. THE NOWRN TOWN TRIANGLE IS ABOUT A 10th OF AN ACRE NORTH SIDE OF HOWARD LANE NEAR THE INTERSECTION OF I-35 AND HOWARD LANE. THE AREA IS AN AREA THAT CAUSE OF AN -- BECAUSE OF AN MAPPING AREA WE MISSED IT. THIS IS A SMALL TRIANGLE THAT WE'LL BE ANNEXING TO SQUARE OFF THAT PROPERTY. SO THE SERVICE PLAN, ESSENTIALLY WE'LL GO AHEAD AND WE'LL BE TAKING OVER FOR THE COUNTY FOR THE SERVICES THEY PROVIDE AS WELL AS PROVIDING ADDITIONAL ENHANCED SERVICES NOT OTHERWISE PROVIDED BY THE COUNTY AND OF COURSE WE'LL PROVIDE THE SAME SERVICES WE PROVIDE IF OTHER AREAS OF THE CITY. SO THAT'S IN

ESSENCE A SERVICE PLAN, I'VE GOT A COPY OF THE NORTH TOWN SERVICE PLAN AND THAT CONCLUDES THE PRESENTATION ON THE NORTH TOWN TRIANGLE.

Mayor Wynn: THANK YOU. QUESTIONS FOR STAFF, COUNCIL? WE HAVE NO CITIZENS KIND UP FOR ITEM NUMBER 48. IS THERE ANYBODY THAT WOULD LIKE TO BE HEARD ON THIS PUBLIC HEARING REGARDING THE NORTH TOWN TRIANGLE AREA? HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER MCCracken, I'LL SECOND THAT. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION TO CLOSE THE PUBLIC HEARING PASSES ON A VOTE OF SEVEN TO ZERO.

YES, SIR. THE SECOND HEARING IS FOR PROSSER SCEAT TRACT. AGAIN, THIS IS THE SECOND OF TWO PUBLIC HEARINGS AND THE SECOND ONE SCHEDULED FOR MARCH FOURTH. PROSSER IS ABOUT 21 ACRES ON BRADSHAW ROAD. AND WHEN WE ANNEXED THE ZT SCOTT TRACT ALONG HERE, PROSSER BECOMES A TRACT THAT'S ISOLATED FROM THE BALANCE OF THE COUNTY AND SURROUNDED BY THE CITY. IT'S SOMETHING WE LIKE TO BRING IN THE ISOLATED TRACTS. SO AT THIS POINT THERE'S NO DEVELOPMENT APPLICATIONS FILED WITH THE CITY, JUST BEING ANNEXED ALONG WITH ZT SCOTT TO AVOID IT BECOMING AN ISOLATED TRACT. THE SERVICE PLAN ESSENTIALLY WOULD TAKE OVER FROM THE COUNTY FOR THE SERVICES THEY PROVIDE AS WELL AS PROVIDING ADDITIONAL ENHANCED SERVICES NOT OTHERWISE PROVIDED BY THE COUNTY AND WILL PROVIDE SERVICE AT THE SAME LEVEL THAT WE PROVIDE IN SIMILARLY SITUATED AREAS IN THE BALANCE OF THE CITY. AND THAT CONCLUDES THE PROSSER ESTATE TRACT PRESENTATION.

Mayor Wynn: THANK YOU, MR. LUKENS. QUESTIONS FOR STAFF, COUNCIL? WE HAVE ONE CITIZEN, MR. JOHN McNAB, WHO SIGNED UP FOR BOTH 49 AND 50, BUT CHECKED THE BOX TO SPEAK ONLY IF COUNCIL HAS QUESTIONS IN FAVOR OF BOTH THESE ANNEXATIONS. ARE THERE ANY OTHER

CITIZENS WHO WISH TO BE HEARD ON ITEM NUMBER 49? THE PUBLIC HEARING FOR THE ANNEXATION OF THE PROSSER ESTATE AREA. HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER ALVAREZ TO CLOSE THE PUBLIC HEARING, SECONDED BY COUNCILMEMBER THOMAS. FURTHER DISCUSSION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION TO CLOSE THE PUBLIC HEARING PASSES ON A VOTE OF SEVEN TO ZERO. MR. LUKENS.

YES, SIR. THIS NEXT HEARING IS FOR THE ZT SCOTT PROPERTY. ZT SCOTT TRACT. AGAIN, IT'S THE SECOND OF TWO PUBLIC HEARINGS. THE ORDINANCE READING SCHEDULED FOR MARCH FOURTH. ZT SCOTT IS ABOUT 270 ACRES ON BOTH SIDES OF BRADSHAW SOUTH OF LOCKHART. YOU CAN SEE IT IN BLUE ABOVE BRADSHAW THERE. THE OWNER OF THIS PROPERTY HAVE REQUESTED ANNEXATION THROUGH THE FCR PROCESS. COUNCIL HAS ALREADY APPROVED A REIMBURSEMENT CONTRACT WITH THE DEVELOPER OF THE PROPERTY. AT THIS TIME THE TRACT IS VACANT AND NO APPLICATION HAS BEEN FILED WITH THE CITY. WE'RE ANNEXING IN ACCORDANCE WITH THE FCR PRODUCT. SO THE SERVICE PLAN ESSENTIALLY SAYS WE'RE TAKING OVER FOR THE COUNTY FOR THE SERVICES THEY PROVIDE AND WE ALSO WILL BE PROVIDING ADDITIONAL ENHANCED SERVICES THAT ARE NOT AVAILABLE FROM THE COUNTY. AND WE'LL BE PROVIDING SERVICES AT A LEVEL SIMILAR TO WHAT WE PROVIDE IN SIMILARLY SITUATED AREAS IN THE BALANCE OF THE CITY. SO THAT CONCLUDES THE PRESENTATION FOR ZT SCOTT.

Mayor Wynn: THANK YOU, MR. LUKENS. QUESTIONS FOR MR. -- MR. LUKENS, REMIND US WHEN WILL -- OWE WILL THERE BE ADDITIONAL PUBLIC HEARINGS AND WHEN WILL THE FINAL ACTION BE TAKEN?

THERE ARE ALREADY TWO PUBLIC HEARING ANNEXATIONS. THIS IS LAST OF THE TWO. THE ORDINANCE READING IS

SCHEDULED FOR ALL THREE IS SCHEDULED FOR MARCH THIRD. AND THEN IT WILL BE EFFECTIVE 10 DAYS LATER.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS OF STAFF? AGAIN, MR. JOHN McNAB HAS SIGNED UP FOR ITEM NUMBER 50 IN FAVOR, WANTED TO SPEAK ONLY IF COUNCIL HAS QUESTIONED QUESTIONS. ARE THERE ANY OTHER CITIZENS WISHING TO BE HEARD ON THE FULL PURPOSE ANNEXATION OF THE ZT SCOTT AREA? HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER THOMAS TO CLOSE THE PUBLIC HEARING. FURTHER DISCUSSION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? THE PUBLIC HEARING IS CLOSED ON A VOTE OF SEVEN TO ZERO. THANK YOU, MR. LUKENS. AND THANK YOU ALL FOR WAITING HERE FOR Z-9 AND WE CAN GET THOSE PUBLIC HEARINGS OUT OF OUT OF THE WAY. MR. LUKENS GETS ORNERY AFTER ABOUT SEVEN P.M. WE'LL GET HIM HOME TONIGHT. AT THIS TIME I'LL RECOGNIZE MR. GREG GUERNSEY, WHO WILL RECOGNIZE CASE Z-9. INTRODUCE CASE Z-9.

EVENING, MAYOR AND COUNCIL. MY NAME IS GREG GUERNSEY IS THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. OUR NEXT CASE IS Z-9, WHICH IS CASE C-14-03-0144. THIS IS A REZONING APPLICATION AT 609 WEST 37TH STREET. THE OWNER AND APPLICANT IS LEE PROPERTIES REPRESENTED BY MR. ROBERT LEE. THIS IS A REZONING REQUEST FROM LO SO SF-4-A. AND IT'S BEEN RECOMMENDED BY THE PLANNING COMMISSION ON A VOTE OF SEVEN TO ZERO AND ALSO RECOMMENDED BY STAFF. THERE ARE SEVERAL NEIGHBORHOODS THAT ARE IN FAVOR OF THIS REQUEST; HOWEVER, THERE ARE SEVERAL PROPERTY OWNERS THAT HAVE FILED A PETITION, WHICH IS VALID, AND NOW STANDS AT APPROXIMATELY 36.45% IN OPPOSITION TO THIS REZONING REQUEST. THE APPLICANT INTENDS TO BUILD TWO SMALL SINGLE-FAMILY HOMES ON TWO LOTS ON THIS PROPERTY, WHICH IS CURRENTLY VACANT. THE PROPERTIES TO THE EAST ARE CURRENTLY

DEVELOPED FOR COMMERCIAL USAGE, WHICH INCLUDE A BAR AND AUTO REPAIR. TO THE WEST BEING APARTMENTS AND SINGLE-FAMILY USES. THIS IS IN AN AREA OF MIXTURE OF USES, IT'S ALSO AN AREA THAT'S WITHIN THE PROPOSED NEIGHBORHOOD PLAN. LET ME KIND OF POINT OUT THE AREA. THE PROPERTY IN QUESTION IS JUST WEST OF GUADALUPE, SOUTH 38th ON 37TH STREET. AND THE MORE COMMERCIAL USES ARE A LITTLE BIT FURTHER NEXT DOOR TO THE EAST IS MULTI-FAMILY, SINGLE-FAMILY IS TO THE WEST. PREDOMINANTLY SINGLE-FAMILY TO THE SOUTH AND A VARIETY OF USES TO THE NORTH INCLUDING RESTAURANT AND OFFICE. IN THE PROPOSED DRAFT FOR THIS AREA IT WOULD BE SHOWN AS SINGLE-FAMILY AT THIS TIME. BUT THIS IS NOT AN ADOPTED NEIGHBORHOOD PLAN. I KNOW YOU HAVE SEVERAL SPEAKERS ON THIS ITEM. IF COUNCIL DOES DECIDE TO CONSIDER THE THREE READINGS TONIGHT, IT WOULD TAKE SIX AFFIRMATIVE VOTES TO OVERRIDE THE PETITION THAT HAS BEEN FILED. IF YOU HAVE ANY QUESTIONS, I'LL BE MORE THAN HAPPY TO ANSWER THEM AT THIS TIME.

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL? IF NOT, WE'LL HEAR FROM THE APPLICANT AND/OR THE AGENT. WHO WILL HAVE A FIVE-MINUTE PRESENTATION. WE WILL THEN TAKE THE CITIZENS WISHING TO SPEAK IN FAVOR OF THE ZONING CASE AND THEN THOSE IN OPPOSITION, AND THE APPLICANT WILL THEN HAVE A THREE-MINUTE REBUTTAL. WELCOME, MS. AMELIA LOPEZ PHELPS.

GOOD EVENING, MAYOR, COUNCILMEMBERS, MAYOR PRO TEM. I'M AMELIA LOPEZ PHELPS, REPRESENTING THE APPLICANT FOR THIS PROJECT. WHAT I'D LIKE TO GO AHEAD AND -- WE DO HAVE OUR OWN ZONING MAP HERE IF YOU WOULD LIKE TO LOOK AT THAT, BUT I THINK YOU'RE FAMILIAR WITH THE AREA. WE'VE PROVIDED YOU WITH A BLUE NOTEBOOK HERE THAT SHOWS YOU A COPY OF THE PROPOSED NEIGHBORHOOD PLAN ON YOUR RIGHT AND, AS YOU'LL SEE, GREG HAD MENTIONED, THE PROPOSED PLAN CALLS FOR SINGLE-FAMILY ZONING USE ON OUR TRACT AS WELL AS THE PROPERTY IMMEDIATELY TO THE WEST. ON THE PICTURES ON YOUR LEFT I'LL GO OVER THESE JUST SHORTLY, IT TELLS YOU ABOUT THE PROPERTY SURROUNDING OUR SITE, THE COMMERCIAL AS WELL AS

THE MULTI-FAMILY THAT EXISTS TO THE WEST, COMMERCIAL TO THE EAST. AND ON THE -- ON YOUR LEFT SIGNED WHERE IT HAS LEE PROPERTY FOOT PHOTOS IT GIVES YOU THE TYPE OF PROPERTIES THAT HE HAS DEVELOPED IN THE RECENT PAST. WHAT WE'RE ASKING IS FOR THIS TRACT, WHICH IS APPROXIMATELY 50 FEET WIDE, TO BE ZONED TO SF-4 TO ALLOW US TO BUILD THESE TWO LOTS FOR SINGLE-FAMILY. THIS PROPERTY HAS BEEN VACANT FOR MANY, MANY YEARS. IT'S NEVER BEEN DEVELOPED. WE BELIEVE THAT ONE OF THE REMAINS IT'S STAYED IS TWO FOLD. ONE, THE PROPERTY SITS NEXT TO COMMERCIAL. IT'S A VERY EXPENSIVE PIECE OF PROPERTY, WHICH MY CLIENT HAS CHOSEN TO PURCHASE. SECONDLY WE HAVE AN SF-3 WEST OF US, WHICH TRIGGERS A 15-FOOT COMPATIBILITY SET BACK. THEREFORE FOR AN LO TRACT IT WOULD LEAVE A VERY NARROW TRACK TO DEVELOP AND PROVIDE PARKING, MEET THE PARKING REQUIREMENTS AND EVERYTHING ELSE. WHEN YOU CONSIDER THE SQUARE FOOTAGE, IT JUST WAS NOT FEASIBLE UNDER LO. MY CLIENT DOES NOT DEVELOP COMMERCIAL PROPERTIES. WHAT HE DID IS WHEN HE LOOKED AT THIS TRACT, HE CONTACTED US AND WE DID AN ANALYSIS ON IT. IT'S BASED ON THE CITY REQUIREMENTS. WE CONTACTED THE NEIGHBORHOOD ASSOCIATIONS. WE MET WITH THE CITY PLANNING DEPARTMENT, ESPECIALLY NEIGHBORHOOD PLANNING, TO DISCUSS THE PROPOSED NEIGHBORHOOD PLAN. AND WE DID ALL THIS BEFORE WE SUBMITTED AN APPLICATION TO DETERMINE IF IT WAS A GOOD IDEA OR NOT. BASED ON ALL THE INPUT WE RECEIVED, IT WAS A FAVORABLE RESPONSE, EVERYONE WAS EXCITED THAT IT MET THE PROPOSED NEIGHBORHOOD PLAN, AND WE FELT LIKE IT WAS A REASONABLE USE TO PROTECT THE OWNER WEST OF US, WHICH IS SINGLE-FAMILY. THE PROPERTY WEST OF US HAS -- IF YOU LOOK AT YOUR PICTURES -- I'LL GO THROUGH IT QUICKLY, WHICH IS PROBABLY THE BEST WAY TO GO OVER THIS PROJECT. THE FIRST PICTURE IS LOOKING FROM FACING SOUTH ON 37TH STREET. AND THAT'S OUR VACANT TRACT. THE FLAGS ON THE TREES ARE SURVEY FLAGS. THE VERY NEXT PICTURE IS A PROPERTY IMMEDIATELY TO THE WEST. THE TALL BUILDING IS AT THE BACK OF THIS PROPERTY, WHICH IS AN APARTMENT GARAGE, TWO-STORY, WHICH FACES MAIDEN LANE. THE VERY NEXT PICTURE SHOWS THE HOUSE

TOWARDS THE FRONT OF THE PROPERTY ON 37TH STREET. AND THIS IS A RESIDENCE THAT'S BEEN BUILT ABOUT 42-PLUS YEARS AGO. AND THE RESIDENCE HAS BEEN THERE FOR APPROXIMATELY THAT MANY YEARS. ON THAT SAME PICTURE TO YOUR RIGHT, YOU SEE THE YELLOW HOUSE. THAT'S THE DUPLEX, AND THE TALLER BUILDING AT THE CENTER IS KIND OF A PALE GREEN, IS AN APARTMENT UNIT COMPLEX THAT WRAPS AROUND FROM, IF YOU'LL LOOK AT THE NEXT PICTURE, IT WRAPS AROUND FROM MAIDEN ALONG KEEN AROUND TO 37TH STREET. SEPARATE STRUCTURES. SO THE NEXT PICTURE YOU'LL SEE IS THE STRUCTURES FACING MAIDEN LANE. THE NEXT ONE YOU'LL SEE THAT HAS -- YOU WILL SEE THE TAIL END OF THE LITTLE CORRIDOR ON YOUR RIGHT. THAT'S THE NEXT BUILDING. IT'S ON THE CORNER OF KEEN AND 32nd STREET. INCIDENTALLY, THESE MULTI-FAMILY PROJECTS I'M SHOWING YOU ARE PRIMARILY THE PEOPLE OPPOSING US AND SIGNING THE PETITION AGAINST US. THE NEXT PICTURE, THE ONE WITH THE POLICE CAR IN FRONT OF IT, NOTHING INTENDED BY THAT, IS ON KING AND 37TH STREET ON THE NORTH SIDE OF THE STREET. THAT IS ALSO A MULTI-FAMILY DEVELOPMENT, WHICH IS PRACTICALLY CATTY-CORNER FROM OUR CLIENT'S PROPERTY. AND THERE IS SOME NEW DEVELOPMENT GOING ON IN THE AREA ON MAIDEN, PRACTICALLY ACROSS THE STREET FROM THE SF-3 LOT IS THIS LARGE TWO-STORY DUPLEX THAT'S UNDER CONSTRUCTION AT THIS POINT. I BRING THAT TO YOUR ATTENTION ALSO TO SHOW YOU THE NEXT TRACT. THE NEXT FEW PICTURES ARE THE PROPERTIES, THE COMMERCIAL PROPERTIES THAT ARE LOCATED PRIMARILY TO THE EAST OF OUR TRACT. THE FIRST ONE YOU'LL SEE, THERE'S A WOOD FENCE. THIS IS FACING TOWARDS GUADALUPE ON 37TH STREET. THIS IS THE BACK END OF THE TILE COMPANY THAT EXISTS, AND I BELIEVE THEY SIGNED THE VALID PETITION AGAINST US. AND THEY ARE LOCATED NORTHEAST OF OUR TRACT SORT OF CATTY-CORNER. THE VERY NEXT ONE IS THE PROPERTY NEXT TO US THAT GOES FROM OUR PROPERTY LINE EAST TO GUADALUPE. [BUZZER SOUNDS]. CAN I HAVE TIME DONATED?

Mayor Wynn: WELL, THAT'S AN INTERESTING QUESTION. YOU'RE THE APPLICANT. WE HAVE A NUMBER OF FOLKS WHO

WANTED TO GIVE THEIR TIME TO YOU.

I COULD TALK REALLY FAST. PAIR MAYOR LET ME READ --

Mayor Wynn: LET ME READ INTO THE RECORD THESE ARE FOLKS WHO SIGNED UP IN FAVOR OF THIS ZONING CASE AND WERE PREPARED TO DONATE TIME TO YOU. THAT WOULD BE CLINT ANDREWS. IS MR. ANDREWS HERE? WELCOME, SIR. JR GONZALES, WHO I SAW LEAVE EARLIER. LA NET LOM BAR DOUGH. WELCOME. RAYMOND LEE, WELCOME. ROBERT LEE. NANCY COSTA. HELLO. ALL THESE NOT WISHING TO SPEAK IN FAVOR AND WANTING TO DONATE TIME TO MS. LOPEZ-PHELPS. JOSH BULEW, BECOME, SIR. -- WELCOME, SIR. SO PERHAPS COULD YOU CONCLUDE. AND KEEP IN MIND YOU HAVE A THREE-MINUTE REBUTTAL AT THE END OF THESE CARDS. SO CAN YOU CONCLUDE --

IN ABOUT FIVE MINUTES?

Mayor Wynn: YES, THANK YOU.

THE NEXT PICTURE FOR THE PINK BUILDING ON IS 37TH ON DPLOOP, THE FLING GO AUTOMOTIVE. THE FURNITURE REJUVENATING BUILDING, WHICH IS MR. AND MRS. HUNTS HUNT'S BUILDING. AND BETWEEN THOSE TWO IS A SCOOTER SHOP WHICH THEY SELL AND MAINTAIN THERE. ALL THESE PROPERTIES HAVE SIGNED A PETITION AGAINST US, LOCATED EAST. THE NEXT ONE IS BASICALLY THE PARKING LOT BEHIND NASTY'S LOUNGE OFF -- THIS PROPERTY ALL BELONGS TO MR. AND MRS. HUNT AND IS LEASED OUT. THE BROWN BUILDING YOU SEE THERE IS MR. HUNT'S BUILDING. AND TO YOUR RIGHT, WHICH DOESN'T SHOW UP, IS ACTUALLY THE NASTY'S LOUNGE. SO THIS IS A PROPERTY TO OUR EAST. AND THEN THE -- IF YOU LOOK AT THOSE AND LOOK AT THE PROPERTIES THAT MR. LEE HAS DEVELOPED AND WE INCLUDED THE ADDRESSES, THIS IS THE TYPICAL KIND OF DEVELOPMENT YOU WANT TO SEE. WE GET THEM TO FIT IN WITH THE NEIGHBORHOOD. THEY'RE QUALITY DEVELOPMENTS. HE'S BUILT -- THE FAMILY HAS BEEN IN AUSTIN BUILDING HOMES LIKE THIS, SMALL LOTS, FOR 30 YEARS. AND SO IT'S BASICALLY A FAMILY RUN BUSINESS. WE REALLY FEEL THAT THIS IS A LEGITIMATE REQUEST AND AN

APPROPRIATE USE FOR THIS SITE. WE ARE SITTING BETWEEN COMMERCIAL DEVELOPMENT AND AN SF-3 AND MULTI-FAMILY DEVELOPMENTS. THIS PROPERTY, SOME OF THE OPPONENTS TOLD ME THEY KNEW IT WOULD NEVER BE DEVELOPED BECAUSE OF THE SETBACKS, PLUS THE PRICE WAS PRETTY HIGH FROM WHAT I'VE TALKED TO OTHER PEOPLE THAT KNEW ABOUT THIS TRACT. SO THEREFORE YOU WERE LEFT WITH A LOT THAT WAS GUARANTEED BY EVERYONE NEVER TO BE DEVELOPED FOR NEIGHBORS ON BOTH SIDES OF THE PROPERTY. THOSE PROPERTY OWNERS HAD AN OPPORTUNITY TO BUY THIS LOT A LONG TIME AGO THROUGH EITHER -- THEY WERE EITHER SURE NOTHING WOULD BE DEVELOPED OR NOTHING WOULD BE DEVELOPED THAT THEY DIDN'T LIKE OR WANT THAT WOULD IMPACT THEIR PROPERTY. SO WE FEEL THAT THIS IS MORE THAN APPROPRIATE. WE HAVE THE PLANNING COMMISSION VOTED STRONGLY IN FAVOR AND EVEN -- WE EVEN HAD A COMMISSIONER OR A COUPLE OF COMMISSIONERS ACTUALLY STATE THAT WE NEEDED MORE RENTAL PROPERTY IN THIS AREA. IT FITS THE NEIGHBORHOOD PLAN. WE HAVE LETTERS OF SUPPORT ON THE RIGHT SIDE OF YOUR FOLDER THAT YOU'VE PROBABLY ALREADY REVIEWED FROM DIFFERENT ASSOCIATIONS. WE HAVE THE UNIVERSITY AREA PARTNERS, THE NORTH UNIVERSITY NEIGHBORHOOD ASSOCIATION, THE WEST UNIVERSITY NEIGHBORHOOD ASSOCIATION, THE HANCOCK NEIGHBORHOOD AND THE HERITAGE NEIGHBORHOOD ASSOCIATION. AND AS Y'ALL WELL KNOW, IT IS REALLY DIFFICULT FOR US TO GET LETTERS OF SUPPORT FROM ASSOCIATIONS, LET ALONE IN THIS AREA. SO WE WORKED VERY HARD ON THIS. WE DIDN'T HAVE THE OPPOSITION CONTACT US UNTIL WE PRACTICALLY WENT TO PLANNING COMMISSION. EVEN THOUGH OUR CONTACT INFORMATION IS THERE. THEY WANTED TO DISCUSS POSSIBLY WORKING OUT SOME ISSUES AND CONCERNS, BASICALLY NEGOTIATING SOME ISSUES THAT WE COULD POSSIBLY RESOLVE BETWEEN PLANNING COMMISSION AND COUNCIL. THEY WERE VERY CLEAR, WE AGREED THAT THEY WOULD NOT ASK FOR ANOTHER POSTPONEMENT AT PLANNING COMMISSION, WHICH WE AGREED TO ONE, IF THEY WERE ABLE TO COME AND FILE A PETITION TO COUNCIL IF WE DIDN'T REACH AN AGREEMENT. THE NET SUMMARY OF THEIR AGREEMENT WAS THAT WE

WITHDREW OUR APPLICATION. THAT WAS THE NEGOTIATING FACTOR RIGHT THERE, PERIOD. SO THERE REALLY WASN'T MUCH TO NEGOTIATE THERE, NEEDLESS TO SAY. AS A CONSULTANT FOR DEVELOPMENT, IT WOULD APPEAR THAT THE FIRST CONCERN THEY WOULD HAVE HAD WASIBILITY SETBACKS TRIGGERED TO THEIR LAND ON THE EAST SIDE SINCE THE WEST SIDE IS SINGLE-FAMILY. WE OFFERED TO GO AHEAD AND SPEAK AND WRITE A LETTER IN SUPPORT OF A VEARN'S REQUEST FOR FUTURE DEVELOPMENT. AND WE CAN PROVE THAT WE WOULD FOLLOW THROUGH ON THAT BECAUSE WE HAD JUST SHOWED UP TO THE BOARD OF ADJUSTMENT A FEW DAYS EARLIER AND SPOKE IN FAVOR OF ANOTHER DEVELOPER THAT HAD A SIMILAR SITUATION. WE HAD SINGLE-FAMILY, THEY HAD COMMERCIAL, THEY NEEDED -- THEY HAD A 25-FOOT SET BACK. THEY NEEDED A THREE-FOOT. SO WE SHOWED UP AT A BOARD OF ADJUSTMENT AND WE EXPLAINED TO THE BOARD WHY WE FELT THAT WAS REASONABLE AND FAIR AND WE WERE SUPPORTIVE AND THEY RECEIVED THEIR VARIANCE. SO WE OFFERED TO DO THAT. AND IT WASN'T MUCH OF A RESPONSE TO THAT. SO WE'RE SORT OF -- WE TRIED EVERYTHING WE CAN DO THAT WE FEEL IS REASONABLE SHORT OF REMOVING -- WITHDRAWING OUR POLITIC. SO WE'D ASK YOU TO PLEASE CONSIDER THE MERITS OF THIS CASE, CONSIDER ALL THE WORK WE HAVE DONE TO GET THIS PROJECT BEFORE YOU, AND ALL THE SUPPORT WE'VE RECEIVED FROM THE ASSOCIATIONS AND THE CITY, PLANNING DEPARTMENT AND IT'S CONSISTENT WITH THE PROPOSED NEIGHBORHOOD PLAN, REALIZING IT'S NOT ADOPTED YET. THANK YOU.

Mayor Wynn: THANK YOU. AT THIS TIME WE'LL HEAR FROM CITIZENS WHO SIGNED -- ADDITIONAL CITIZENS WHO SIGNED UP IN FAVOR OF THIS ZONING CASE. MR. RICHARD HARD IN. WELCOME, SIR. YOU WILL BE FOLLOWED BY LAURIE LIMBACKER. YOU WILL HAVE THREE MINUTES.

MAYOR AND MEMBERS OF COUNCIL. I'M RICHARD HAR DEN. I'M HERE ON THIS CASE TO SPEAK ON BEHALF OF THE UNIVERSITY AREA PARTNERS ALONG WITH MY COLLEAGUE, MIKE McHONE. WE DID WRITE A LETTER OF SUPPORT IN FAVOR OF THIS APPLICATION. IT'S A VACANT INTERCITY LOT, INFILL PROJECT. THIS IS EXACTLY WHERE WE WANT TO SEE DEVELOPMENT AND GROWTH AND ESPECIALLY RESIDENTIAL

GROWTH. THE STAFF HAS STATED THAT THEY BELIEVE THAT THIS SF-4-A DOES CONFORM TO THE NEIGHBORHOOD PLANNING VISION FOR THE AREA. WE AGREE. I DID SEE THAT THERE'S A PETITION BY A NUMBER OF PROPERTY OWNERS, ONE OF WHOM HAS SIGNED THAT PETITION AGAINST TAKING THE PROPERTY FROM MF CATEGORY DOWN TO SF. AND IT WAS VERY CONFUSING FOR ME TO NOTICE MR. EASE'S NAME ON THAT PETITION BECAUSE HE'S ACTUALLY SIGNED TWO PETITIONS IN YOUR NEIGHBORHOOD, UNIVERSITY AREA PARTNERS NEIGHBORHOOD, WHERE HE WAS OPPOSING MF ZONING CHANGE TO G.O. SO I WAS LOOKING FOR CONSISTENCY AND REASONING THERE, AND COULDN'T FIGURE IT OUT. THAT WOULD BE 2300 (INDISCERNIBLE), AND 2303 RIO GRANDE, CASE C-14-00-268. SO ANYWAY, I THINK THE FACTS SPEAK FOR THEMSELVES AND I APPRECIATE YOUR SUPPORT. THANK YOU.

Mayor Wynn: THANK YOU, MR. HARDIN. WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY MIKE MCHONE.

EVENING, MAYOR AND COUNCILMEMBERS. MY NAME IS LAURIE AND I SERVE ON THE STEERING COMMITTEE OF THE HERITAGE NEIGHBORHOOD ASSOCIATION. THIS PROPERTY IS LOCATED WITHIN THE BOUNDS OF OUR NEIGHBORHOOD ASSOCIATION, WHICH IS 29TH TO 38TH, GUADALUPE TO LAMAR. WE WERE APPROACHED BY THE APPLICANT AS THEY BEGAN STUDYING THEIR PROJECT, AND WE WERE VERY ENTHUSIASTIC. WE'VE BEEN WATCHING THIS LOT FOR A LONG TIME AND BEEN HOPEFUL THAT SOMEONE WOULD COME FORWARD AND WANT TO DO A PROJECT ON IT. AND WE APPRECIATED THE OPPORTUNITY TO INTERACT WITH THEM EARLY IN THEIR PROCESS. WE DID ASK THEM TO MAKE SOME MINOR ADJUSTMENTS TO THE PROPOSED DESIGN OF THEIR PROJECT, WHICH THEY AGREED TO DO. YOU HAVE A LETTER OF SUPPORT FROM US DESCRIBING THE BASIS OF YOUR SUPPORT. OUR SUPPORT. I WOULD SAY WHEN THIS PROJECT STARTED WE THOUGHT IT WOULD BE SORT OF A NO BRAINER. A DOWN ZONING CASE WITH NEIGHBORHOOD SUPPORT AND STAFF SUPPORT, IT SEEMED LIKE ALL THINGS WERE CONVERGING IN ONE PLACE. AND IT IS I GUESS IRONIC AND UNFORTUNATE THAT THERE IS OPPOSITION TO THIS AND IT'S A REVERSE SORT OF OPPOSITION. AND ALL I

WOULD OFFER IN REGARDS TO THAT BECAUSE I KNOW IT'S SOMETHING YOU WILL HAVE TO STRUGGLE WITH TO RECONCILE THAT, IS OUR NEIGHBORHOOD IS UNUSUAL IN THAT COMMERCIAL PROPERTIES AND MULTI-FAMILY PROPERTIES AND SINGLE-FAMILY RESIDENTIAL PROPERTIES ARE CONSTRUCTION TA POSED DIRECTLY -- CONSTRUCTION TA POSED DIRECTLY. AND THIS PROPERTY IS IN A TRANSITIONAL PART OF OUR NEIGHBORHOOD. AND I THINK WHAT THE ASSOCIATION IS ESPECIALLY ENTHUSIASTIC -- ENENTHUSIASTIC ABOUT IS SOMEBODY WANTS TO DO SOMETHING IN THE NEIGHBORHOOD AND THEY'RE CONSISTENT WITH WHAT'S GOING ON IN AT LEAST PARTS OF THE AREA AND CONSISTENT WITH WHAT WE'VE ENVISIONED IN THE NEIGHBORHOOD PLAN. IF YOU HAVE QUESTIONS, I'D BE HAPPY TO ANSWER THEM.

Mayor Wynn: THANK YOU. MIKE McHONE, WHO WILL BE FOLLOWED BY JOE DAYWOOD. WELCOME.

THANK YOU, MAYOR, MAYOR PRO TEM, MEMBERS OF THE COUNCIL. MIKE McHONE, VICE-PRESIDENT UNIVERSITY AREA PARTNERS. UNIVERSITY AREA PARTNERS HAS A POLICY OF NOT GOING BEYOND ITS BORDERS; HOWEVER, IN THIS CASE WE WERE ASKED BY HERITAGE BECAUSE OF THE NEIGHBORHOOD PLANNING PROCESS THAT'S GOING ON, IF WE COULD LOOK AT THE FACTS OF THIS CASE AND AGREE WITH THEM, AS MRS. LINEBACKER HAS EXPLAINED SO ELOQUENTLY, ALL OF THE ISSUES. AND AS THE APPLICANT'S AGENT HAS EXPLAINED, THEY WERE AGREEABLE TO WAIVING TO THE EAST WHERE THERE WOULD BE A COMPATIBILITY PROBLEM THE COMPATIBILITY STANDARDS BASED UPON THE PROJECT THAT WOULD BE PROPOSED AT SOME POINT IN THE FUTURE. WE FELT THIS WAS IMMINENTLY REASONABLE, AND IT DOES PROVIDE INNER CITY HOUSING, NEW HOUSING STOCK ON A LOT THAT HAS NEVER BEEN DEVELOPED. AND WE FELT THAT THAT WAS A VERY APPROPRIATE SITUATION FOR THE UNIVERSITY AREA PARTNERS TO SAY WE COULD SUPPORT OUR NEIGHBORHOOD ASSOCIATION'S THOROUGH AMALL SIS AND LEND WHAT LITTLE SUPPORT WE HAVE TO THAT AND HOPE THAT THE COUNCIL IN THEIR STRUGGLE WITH THIS WILL SEE THAT IN THESE INNER CITY NEIGHBORHOODS WHERE YOU DO HAVE THESE VERY DIFFERING USES ADJACENT TO EACH

OTHER THAT THEY CAN BE APPROPRIATELY REDEVELOPED. SO WE WOULD URGE YOU TO SUPPORT THE ZONING CASE BEFORE YOU AND MOVE FORWARD WITH GETTING MORE AFFORDABLE AND MORE HOUSING IN THE NEIGHBORHOOD. THANK YOU.

Mayor Wynn: THANK YOU, MR. McHONE. JOE DAYWOOD. WELCOME, SIR. YOU'LL HAVE THREE MINUTES AND YOU'LL BE FOLLOWED BY JEWELS KAPLAN.

MR. MAYOR, COUNCILMEMBERS, I'M SORRY YOU PUT ME AFTER MIKE. I HAVEN'T BEEN PRIVY TO MUCH OF THE THINGS GOING ON HERE. SOMEHOW OR ANOTHER, THE MAILING LIST WITH THE CITY DIDN'T GET TO ME. SO I'M NOT WELL REHEARSED ON THIS, BUT I'M JUST GOING TO GIVE AN OPINION AND BE BRIEF. THE AREA FROM MAIDEN LANE TO EAST 38TH STREET SHOULD BE COMMERCIAL OR SOME SORT -- FORM OF COMMERCIAL, EITHER APARTMENTS OR COMMERCIAL USES. I DON'T KNOW IF PUTTING PRIVATE RESIDENCES IN BETWEEN IS GOING TO HINDER ANY KIND OF DEVELOPMENT THERE. AND FROM WHAT I'VE HEARD FROM SOME OF THE PEOPLE, THEY'RE NOT OPPOSED TO COMMERCIAL OR DEVELOPMENT, THEY JUST WANT IT IN A CERTAIN WAY. SO I THINK AS A MATTER OF OPINION THAT THIS SHOULD BE -- LET ME ASK YOU A QUESTION. CAN I ASK QUESTIONS HERE? DOES IT RESTRICT COMMERCIAL USAGE FOR THAT PARTICULAR PIECE OF PROPERTY IF IT'S ZONED SINGLE-FAMILY?

Mayor Wynn: YES, SIR. IF WE ARE CHANGING THE ZONING TO A SINGLE-FAMILY DESIGNATION, THAT THEN HAS TO BE THE USE ON THE PROPERTY.

OKAY. AND FUTURE USAGE, IT COULDN'T BE CONVERTED BACK?

NOT WITHOUT A ZONING CHANGE.

OKAY. THEN I REALLY DO FEEL THAT IT SHOULD BE LEFT LIKE IT IS. THANK YOU VERY MUCH.

Mayor Wynn: OKAY. THANK YOU, MR. DAYWOOD. WE'LL CONSIDER THAT A CARD IN OPPOSITION TO THE ZONING

CHANGE. MR. CLINT FRANCIS SIGNED UP NOT WISHING TO SPEAK, IN FAVOR. LINDA GUERRERO SIGNED UP NOT WISHING TO SPEAK, IN FAVOR. JULES KAPLAN.

I'M JULES KAPLAN. I OWN SOME PROPERTY NOT ADJOINING THIS, BUT ACROSS THE STREET. I HAVE SIX LOTS ON 37TH STREET THAT ARE ON THE EAST SIDE OF GUADALUPE. AND IT'S INTERESTING TO NOTE THAT ALSO ON THIS SIDE OF THE STREET IS THE PROPERTY -- WAS IT STRIP ZONED CS-MLO, AND THESE ARE RESIDENCES ON -- IN A NONCONFORMING USE ON THAT PROPERTY. I THINK IT WAS A VERY GENEROUS AND CONSIDERATE OFFER ON THE LEE'S BEHALF TO THE HUNTS, WHO HAVE THE ADJOINING PROPERTY. I THINK THAT THAT'S REALLY THE ONLY IMPACT THAT IT MIGHT HAVE FOR THE ADJOINING PROPERTY OWNERS. AND THEY'VE OFFERED TO WAIVE THE COMPATIBILITY SET BACK THAT MIGHT -- THAT THIS CHANGING TO SF-3 MIGHT TRIGGER. AND I HOPE THAT OUT OF THIS THAT THE HUNTS CAN GRACIOUSLY ACCEPT THAT AND THAT THEY WILL ULTIMATELY BE ABLE TO BUILD THEIR PROPERTY, AND THAT THIS LOT WHICH LENDS ITSELF JUST BEAUTIFULLY TO SINGLE-FAMILY DEVELOPMENT WILL BE ABLE TO BE DEVELOPED AS TWO SINGLE HOUSES. I HOPE THAT MR. HUNT WILL GET TOGETHER WITH MR. LEE AND, YOU KNOW, AGREE TO ACCEPT HIS SUPPORT OF THE COMPATIBILITY ISSUE, WHICH I THINK IS PERHAPS THE ONLY THING THAT'S DRIVING THIS OPPOSITION. THANK YOU.

Mayor Wynn: THANK YOU, MR. KAPLAN. MORRIS LAZAROFF SIGNED UP NOT WISHING TO SPEAK, IN FAVOR OF. ARE THERE ANY OTHER RESIDENTS WISHING TO SPEAK IN FAVOR OF THIS ZONING CASE? IF NOT, WE'LL NOW TAKE THE CARDS OF THE FOLKS WHO SIGNED UP IN OPPOSITION, STARTING WITH MR. FRANK HUNT. WELCOME, SIR. YOU WILL HAVE THREE MINUTES. AND YOU WILL BE FOLLOWED BY BARBARA HUNT. WATCH YOUR SPEED BUMP THERE.

MAYOR, MEMBERS OF THE COUNCIL, MY NAME IS FRANK HUNT. I AM THE OWNER OF 605 WEST 37TH, 607 WEST 37TH, 606 MAIDEN LANE. FIRST OF ALL, I WOULD LIKE TO SAY I AM NOT IN FAVOR OF THE CHANGE. THE LADY ON THE WEST SIDE OF THE PROPERTY IN QUESTION, MRS. SCUBIN, HAS LIVED THERE EVER SINCE SHE GOT MARRIED. HER FATHER BUILT THAT LOT, BUILT THE HOUSE THE SHE'S LIVED THERE

EVER SINCE. HER SISTER-IN-LAW LIVES IN THE APARTMENT. SHE GAVE HER WORD TO THE HUSBAND SHE WOULD TAKE CARE OF THE SISTER-IN-LAW UNTIL THEY ARE BOTH DEAD. SHE IS NOT IN FAVOR OF THIS. SHE DOES NOT WANT TWO PARTY HOUSES RIGHT NEXT TO HER FULL OF STUDENTS PARTYING ALL THE TIME. I BELIEVE THE -- I BELIEVE THE DISTANCE BETWEEN THESE TWO HOUSES HERE IS GOING TO BE APPROXIMATELY 20 FEET. THAT MEANS YOUR BACK DOOR IS 10 FEET FROM YOUR LOT LINE. THE SIDE IS A MINIMUM SIDE SET BACK. AND IF YOU THINK A FAMILY IS GOING TO MOVE IN THERE WITH CHILDREN, I WOULD BEG TO DIFFER WITH YOU. IT'S GOING TO BE A STUDENT HOUSING. REALLY WHAT YOU'RE TALKING ABOUT IS A SUPER DUPLEX, WHICH CANNOT GO IN THERE. MAIDEN LANE IS A VERY SMALL STREET. IT WAS ORIGINALLY AN ALLEY. I HAVE THE ORIGINAL PLATS. 37TH AND 36TH, I GUESS, WERE THE STREETS. MAIDEN LANE WAS AN ALLEY. THAT'S THE REASON IT IS SO NARROW AND SMALL. IT WAS PAVED OVER AND NAMED MAIDEN LANE. THAT WAS IN ABOUT 1950. THERE IS NO PARKING ON THAT STREET. IT IS POSTED BUT PEOPLE DO PARK ON IT A LITTLE BIT. IT'S ALMOST IMPOSSIBLE TO GET FIRE ENGINES AND AMBULANCES DOWN THAT STREET, ESPECIALLY IF ANYBODY IS PARKED ON IT. 37TH HAS TOO MUCH PARKING ON IT RIGHT NOW. THESE HOUSES HAVE TWO OFF-STREET PARKING, THEY HAVE FIVE PLACES TO SLEEP. IF THERE'S STUDENTS THERE WILL BE FIVE CARS THERE, TWO IN THE GARAGE, THREE ON THE TREAT. AND WE'VE GOT WAY TOO MUCH PARKING ON THAT STREET RIGHT NOW. I DO HAVE PHOTOGRAPHS I'LL SHOW YOU LATER. IT'S NOT CONSISTENT WITH THE NEIGHBORHOOD MASTER PLAN. WHAT I CALL THE MASTER PLAN IS THE ZONING RIGHT NOW, NOT WHAT'S PROPOSED OR MAY HAPPEN, RIGHT NOW THAT IS THE ZONING, THAT'S WHAT THE ZONING WAS WHEN THE PEOPLE BOUGHT THE PROPERTY, THEY KNEW WHAT IT WAS, AND THAT'S THE BUILDING INTENT. THAT PROPERTY HAS BEEN SOLD, I BELIEVE, THREE TIMES IN THE LAST TWO YEARS. AND EACH TIME I ASSUME SOMEBODY MADE A NICKEL ON IT. PEOPLE THAT BOUGHT IT THIS TIME PROBABLY PAID MORE THAN IT COULD HAVE BEEN WORTH TO DEVELOP OUT AS AN OFFICE, SO THEY'RE TRYING TO FIND AN ALTERNATIVE. [BUZZER

SOUNDS].

Mayor Wynn: PLUZ CONCLUDE, MR. HUNT.

THE CHANGE OF ZONING WOULD NOT BE CONSISTENT WITH THE NEIGHBORHOOD. THEY'LL MAKE PROPERTY ON 37TH UNUSABLE. WITH A 25-FOOT SET BACK, THAT IS CITY CODE, IT'S A 58-FOOT WIDE LOT, CASSETTE BACK 25-FOOT ON ONE SIDE. I'M NOT SURE ABOUT THE OTHER SIDE, THAT WOULD MAKE ABOUT A 12-FOOT WIDE BUILDING. THAT WOULD BE A TAKING OF PROPERTY IN MY OPINION. I WOULD NOT BE ABLE TO USE MY PROPERTY FOR COMMERCIAL USES, AND WOULD BE WORTHLESS TO ME, MY WIFE THE --

Mayor Wynn: YOUR TIME'S UP. YOU CAN HAVE SOME TIME DONATED TO YOU IF YOU'D LIKE, BUT YOUR TIME IS UP.

OKAY. SHE'LL DONATE, PLEASE. THAT IS MY WIFE. [LAUGHTER] SHE IS A SWEET WOMAN.

Mayor Wynn: THAT'S EVEN MORE AMAZING.

THAT'S THE LOT FROM THE FRONT. IT WILL SHOW A NICE, NARROW LOT. THE BOTTOM LEFT IS -- IT'S TOO MUCH TRAFFIC ON THAT STREET, AS YOU CAN SEE RIGHT NOW. THAT'S TRAFFIC LEFTOVER FROM PEOPLE LIVING THERE, THE MARY MONTH USES THEIR LOT, PLUS THE STREET. TOP RIGHT IS MAIDEN LANE. SEE HOW NARROW IT IS? THERE'S SOME OFF STREET PARKING THERE THAT'S ILLEGAL. AND IT BACKS UP TO MAIDEN LANE, WHICH IS A VERY, VERY NARROW. THE NEIGHBORHOOD ASSOCIATION, I'D LIKE TO BRING THIS UP. I WAS NEVER NOTIFIED THERE WAS A NEIGHBORHOOD MEETING, AGREEMENT OR ANYTHING ELSE BETWEEN THE BUILDERS AND THE NEIGHBORHOOD ASSOCIATION. I OWN THREE PIECES OF PROPERTY ON THAT STREET. I WAS NEVER NOTIFIED, I WAS NEVER CONSULTED UNTIL WE RECEIVED A NOTIFICATION FROM THE CITY THAT THERE WAS GOING TO BE A HEARING. I WAS AT THE FIRST HEARING THAT WAS PROPOSED, I WAS AT THE SECOND HEARING THAT WAS POSTPONED. THE THIRD HEARING I WAS TOLD WAS POSTPONED IN DECEMBER, I WENT TO IT SEE MY DAUGHTER IN NORTH CAROLINA. WOW, THEY HAD IT. THERE WAS NO OPPOSITION BECAUSE I WAS NOT THERE. THERE

WOULD HAVE BEEN TREMENDOUS OPPOSITION. BUT THEY PULLED IT OFF WHEN I WAS OUT OF TOWN. AND I WOULD LIKE FOR YOU TO TAKE THAT INTO CONSIDERATION. AND THAT'S THE REASON I'M HERE TONIGHT. AND I WOULD JUST REALLY NOT LIKE TO SEE THAT CHANGE BECAUSE THERE IS A STRIP CENTER, I THINK YOU CALL IT, 38TH AND 37TH. IT'S COMMERCIAL. IT'S A BUFFER ZONE. AND THAT LARGE SHEET OF PAPER, THE PINK, IS ALL COMMERCIAL. -- I'M SORRY, MEDICAL. YOU WILL SEE THE BIG DOCTORS' OFFICES UP THERE ON THRAITD STREET, THE BIG COMPLEX. YOU WILL SEE THE HEART HOSPITAL ACROSS THE STREET COMING DOWN 37TH, THERE ARE DOCTORS' OFFICE ALREADY EXISTING. THROARTD HAS BIG DOCTORS' OFFICES WITH THE CATWALK GOING ACROSS ON DOWN TO LAMAR. WE HAVE SEEN Z TON OVER THERE, DOCTORS OFFICES ON THE OTHER SIDE OF LAMAR. IT GOING TO BE A MEDICAL COMPLEX, AND WE NEED THAT SMALL COMMERCIAL STRIP IN THERE TO ROUND OUT THAT USE. BUT I WAS VERY, VERY OFFENDED THAT I WAS NOT TAKEN INTO CONSIDERATION ON THE USE OF MY LAND BY THE NEIGHBORHOODNEIGHBORHOOD ASSOCIATION OR ANY OF THE BUILDERS UNTIL I RECEIVED THE -- NOTICE THAT THE CITY WAS GOING TO HAVE A HEARING ON IT. ANY QUESTIONS I WOULD LIKE TO TAKE.

Mayor Wynn: QUESTIONS FOR MR. HUNT? THANK YOU, SIR. MRS. HUNT, YOU WILL HAVE 36 SECONDS IF YOU WILL TO USE THEM. [LAUGHTER]

OKAY. I'M BARBARA HUNT, MAYOR, CITY COUNCILMEMBERS. I THINK ALL I HAVE TIME FOR PROBABLY IS THIS LETTER FROM MRS.SCUZLIN. THIS IS WRITTEN FOR THE BOARD OF ADJUSTMENT HEARING. WE NEVER GOT TO SAY ANYTHING. I WANT THIS PROPERTY TO STAY OFFICE. I DON'T THINK ANYONE WOULD LIKE TO LIVE NEXT TO THE COMMERCIAL PROPERTY THAT IS THERE. THE PROPOSED PLAN CALLS FOR TOO MANY UNITS ON THAT SIZE LOT. SHE ACTUALLY HAS LIVED THERE, ON 37TH, SINCE SHE WAS A LITTLE GIRL. AND THEN HER FATHER GAVE HER THIS LAND SO SHE WOULD BE THERE TO TAKE CARE OF HIM IN HIS OLD AGE. AND SHE CAN JUST SEE THIS TWO-STORY BUILDING LOOMING OVER HER AND IT'S GOING TO LOOM OVER OUR PROPERTY. THESE PEOPLE ARE GOING TO BE LOOKING DOWN ON A BAR, WHICH

-- PEOPLE IN THE BAR DON'T GO TO BED EARLY. [BUZZER SOUNDS] THEY ARE NOT GOING TO BE HAPPY CAMPERS IN THESE TWO RENT HOUSES.

Mayor Wynn: THANK YOU, MRS. HUNT. JACK BLOOM. YOU WILL BE FOLLOWED BY MICHAEL ESA. WELCOME. SIR. YOU WILL HAVE THREE MINUTES.

I'M THE OWNER, OPERATOR OF THE SMALL NEIGHBORHOOD BAR CALLED NASTY'S. THE BUILDING THAT I OCCUPY WAS BUILT IN 1951 AND HAS BEEN IN CONTINUOUS OPERATION SINCE THEN AS A BAR TO THE PRESENT. AS OF APRIL 2004 THIS YEAR, I WILL BE IN OPERATION THERE FOR SOME 19 YEARS. THE PROPERTY IN QUESTION DIRECTLY ABUTS MY PARKING LOT. GIVE OR TAKE, I BELIEVE, IT'S 58 FEET FROM THE PROPERTY LINE TO THE BUILDING EDGE. PURSUANT TO THE DIAGRAMS AND WHAT I'VE HEARD, IT'S GOING TO BE A TWO-STORY, TWO HOMES, TWO STORIES EACH WITH FOUR BEDROOMS EACH. THE PROPOSED RENTAL PROPERTY WILL AT LEAST HAVE FOUR BEDROOMS LOOKING DOWN NOT ONLY ON MY LOT AND MY BUILDING, BUT MR. HUNT'S BUILDING, FLAMINGO AUTOMOTIVE, TRISTAN TITLE, THE CAFETERIA, THE ICE CREAM STORE AND PIZZA PLACE. THIS AREA HAS ALWAYS BEEN A MIX AND IT'S WORK WELL. THERE WILL BE AN ISSUE WITH PARKING. WITH FOUR BEDROOMS EACH YOU'RE LOOKING AT EIGHT CARS MINIMUM. SHOULD THEY EACH HAVE A GUEST OR TWO OR SIX, YOU'RE LOOKING AT 16-PLUS CARS. AS WE ALL KNOW, WHAT THEY'RE PROPOSING IS TO HAVE TWO GARAGES OR A GARAGE UNDER EACH WITH TWO SPACES, ADDITIONALLY HAVING THE CARS DOUBLE PARK BEHIND THAT. AS WE BOTH KNOW, THAT'S NOT GOING TO HAPPEN. THIS WILL BE RENTAL PROPERTY, MORE THAN LIKELY IT WILL BE KID AND MORE THAN LIKELY THEY'RE GOING TO GO FOR CONVENIENCE. WHETHER THAT'S IN MY PARKING LOT, THE CAFETERIA'S PARKING LOT, THE STREET, FLAMINGO AUTOMOTIVE OR THE ADJACENT BUSINESSES IT GOING TO CAUSE A PROBLEM. I THINK IN TERM OF THE PROBLEM, IT'S GOING TO BE IMMEDIATE. FROM THE TIME THEY BREAK GROUND WITH THE CONSTRUCTION WORKERS IN THE AREA TO THE FINISH OF THE PROPOSED PROJECT, IT WILL INEVITABLY AND CONSTANTLY CAUSE CON FLIBLGT. THE BUSINESSES IN THE AREA BEGIN OPERATION ANYWHERE BETWEEN SEVEN

AND 8:00 O'CLOCK IN THE MORNING IN THE A.M. AND GO, FOR INSTANCE, AMY'S ICE CREAM DURING THE SUMMER IS OPENED UNTIL ONE A.M. THE PETE IS IS OPEN UNTIL 10:30. I OF COURSE AM OPEN UNTIL TWO A.M. IT NOT A REAL QUIET AREA. THE LOT HAS ACTED TO SOME EXTENT AS A BUFFER BETWEEN ESTABLISHED HOMES AND THE COMMERCIAL AREAS THAT ARE SURROUNDING THE WHOLE AREA. I THINK THE ZONING IS COMEKT. IF IT WERE DEVELOPED AS A COMMERCIAL -- WHETHER A SMALL OFFICE BUILDING, A PARKING LOT, WHICH WAS THE ORIGINAL INTENT OF THE DOCTOR WHO PURCHASED IT, I THINK IT WOULD THEN KEEP IN CONSISTENT WITH WHAT THE CITY COUNCIL HAS DONE YEARS AND YEARS AND YEARS AGO. I ADDITIONALLY EMPLOY ANYWHERE BETWEEN NINE AN 10 PEOPLE. I FEEL THAT THE CONFLICT WOULD BE IMMEDIATE AND CONSISTENT AND CONSTANT. THAT COULD JEOPARDIZE MY BUSINESS. I'VE BEEN THERE 19 YEARS AND I HOPE THRB THERE A LOT LONGER, BUT THROUGH CONFLICT I FEEL THAT COULD BE A DETRIMENT TO MY FUTURE AS WELL AS TO THE OTHER BUSINESSES IN THE NEIGHBORHOOD. TIMES ARE TOUGH RIGHT NOW. WE ALL KNOW ABOUT THE BUDGET CUTS. I KNOW I DON'T HAVE TO TELL YOU. AND TO DO SOMETHING THAT COULD JEOPARDIZE SO MANY BUSINESSES IN A VERY SMALL AREA, I BELIEVE WOULD BE A DETRIMENT TO WHAT THE CITY'S TRYING TO DO -- [BUZZER SOUNDS] -- AND WHAT WE'RE TRYING TO DO AND MOVE FORWARD AND FORWARD. AND I APPRECIATE YOUR TIME. AND IF YOU HAVE ANY QUESTIONS, I WOULD BE HAPPY TO ANSWER THEM. I AM OPPOSED TO THIS ZONING CHANGE. THANK YOU.

Mayor Wynn: THANK YOU, MR. BLOOM. MICHAEL ISA. I'M SORRY IF I'M MISPRONOUNCING THAT. AND ALSO DAN BRICKLY SIGNED UP NOT WISHING TO SPEAK, IN FAVOR OF THE ZONING. WELCOME, SIR. YOU WILL HAVE THREE MINUTES.

GOOD EVENING, HONORABLE MAYOR, COUNCILMEMBERS, MY NAME IS MICHAEL ISA AND I'M A PROPERTY OWNER WITHIN THE IMMEDIATE VICINITY OF THE PROPERTY PROPOSED TO BE REZONED TO SF-4-A. WEST 37TH STREET IS CURRENTLY A MIXTURE OF USES RANGING FROM INDUSTRIAL, RETAIL, AUTO REPAIR, MULTI-FAMILY, OFFICE,

ETCETERA. AND IT HAS BEEN THIS WAY FOR MANY YEARS. TO PLACE A MID BLOCK SMALL LOT SINGLE-FAMILY DEVELOPMENT AMONGST THE MIRROR OF USES IS INAPPROPRIATE. THE EFFECTS OF THIS SINGLE DEVELOPMENT WILL CAUSE ALL COMMERCIAL PROPERTY WITHIN 200 FEET IN MY OPINION. CONVERSELY TO PLACE IT ADJACENT TO SF ZONING IS NOT COMPATIBLE. THE DEVELOPMENT OF THIS SINGLE-FAMILY ACROSS FROM WHAT IS CLEARLY A LARGE HIGH DENSITY DEVELOPMENT IN THE VERY NEAR FUTURE IS INAPPROPRIATE. THIS PLAN IS ANOTHER METHOD BY WHICH STUDENT HOUSING CAN BE ACHIEVED BY SACRIFICING OTHER AREA PROPERTIES. JUST AS THE SUPER DUPLEXES HAVE DONE TO OTHER RESIDENTIAL PROPERTIES AROUND THEM, THIS WILL HAVE THE SAME TYPE OF NEGATIVE EFFECT FOR BUSINESS OWNERS DOWN STREET ON 37TH STREET AS WELL AS THE MS. SCUZLIN, WHO LIVES TO THE WEST, WHICH IS THE ONLY SINGLE-FAMILY LOT ON 37 THE STREET FROM GUADALUPE TO KING STREET. PARKING WILL BE SPREADING -- SPILLING OVER INTO THE STREETS WHERE THEY ARE TOO NARROW TO ACCOMMODATE PARKING. EVEN EACH OF THESE HOMES HAS BEEN DESIGNED TO BE A FOUR BEDROOM WITH A STUDY. I UNDERSTAND THEY HAVE BEEN PRELASED TO FIVE STUDENT TO LIVE ON EACH SIDE. THIS POTENTIALLY WILL MEAN 10 PEOPLE OCCUPYING WITH NO ADEQUATE PARKING REQUIRED FOR THE OCCUPANTS, NEEDLESS TO SAY, FOR MANY GUESTS THAT MAY BE VISITING THE PROPERTY. GRANTED THIS MAY ACTUALLY BE A HOME FOR PROFESSIONALS, BUT THAT'S NOT THE CASE. WHEN WE SPOKE WITH THE CONSULTANT FOR THE OWNER, THE AGENT, MS. AMELIA, SHE THOUGHT THAT MAYBE IT WOULD BE A SINGLE-FAMILY OCCUPIED BY A FAMILY. BUT THAT'S NOT THE CASE HERE. THE CAUSE FOR THIS TRACT TO BE DOWN ZONED FROM COMMERCIAL TO SINGLE-FAMILY IS INCOMPATIBILITY WITH THE OTHER COMMERCIAL PROPERTIES. WHY WOULD SOMEONE WANT TO PLACE A SINGLE-FAMILY HOME SO CLOSE TO COMMERCIAL PROPERTIES? IT'S ALSO SOMETHING THAT WE ASKED THE AGENT. WE WANTED TO PROVIDE HELP ON HOW WE CAN PROVIDE SUCH HELP FOR THE ZONING, AND WE BEGGED THEM TO DO -- TO MAYBE GO FOR A DIFFERENT TYPE OF ZONING THAT WILL BE COMPATIBILITY WITH EVERYTHING

ELSE ON THE STREET, BUT THIS IS THE ONLY THING THAT THEY WANTED TO DO. [BUZZER SOUNDS].

Mayor Wynn: PLEASE CONCLUDE.

OKAY. WE RESPECTFULLY REQUEST THAT THIS PROPERTY REMAIN AS COMMERCIAL DEVELOPMENT AND NOT BE REZONED TO ALLOW SMALL LOT SINGLE-FAMILY UNDER (INDISCERNIBLE) STUDENT HOUSING. I KNOW ABOUT STUDENT HOUSING BECAUSE THAT'S WHAT I DO FOR A LIVING. THANK YOU. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] WE WERE TOLD THAT HE DID NOT WANT TO MEET WITH MS. LIMBBACHER AND US. THE OTHER THING IS ALL OF THE NUMEROUS POSTPONEMENTS THAT HAVE BEEN OCCURRED, WE REQUESTED ONE POSTPONEMENT FROM THE COMMISSION WHEN SHE TOLD ME HER HUSBAND WAS GONE AND SHE DIDN'T THINK IT WAS FAIR TO CONTINUE WITHOUT HIM. WE AGREED TO POSTPONE IN RESPONSE TO HER REQUEST. THE BUILDING THAT'S GOING TO BE LOOMING OVER WITH NO PARKING ON SITE. IT'S A TWO-STORY, FOUR BEDROOM, FOUR PARKING SPACES PER LOT. WE SHOWED THE PLANS TO THE HUNTS AND TO MR. MICHELLE ISA AND TO DOROTHY NEXT DOOR. THE SIDE OF THE BUILDING THAT FACES HER S.F. 3 LOT IS ONLY GOING TO HAVE BATHROOM WINDOWS, EITHER FROSTED OR SITTING HIGH ENOUGH THAT YOU ARE NOT GOING TO BE ABLE TO SEE THROUGH THOSE WIND DOUGHS, THERE IS A -- WINDOWS, THERE IS A TWO STORY LOT ON HER LOT, SO WE WILL BE MEETING THE RIGHT RESTRICTIONS UNDER S.F. 4 A. WE WERE TOLD BY THE PEOPLE THAT WE DID MEET HERE THAT IT WAS THEIR UNDERSTANDING WHEN DOROTHY'S HOUSE, WHENEVER SHE LONGER OCCUPIED THAT HOUSE, THAT PROPERTY IS UNDERSTOOD TO BE GOING UNDER C.S. ZONING. APPARENTLY THERE'S A LOT OF PEOPLE BANKING ON THAT GOING TO C.S. AND US STAYING L.O. I HAVE CHECKED WITH THE NEIGHBORHOOD PLAN PEOPLE, I HAVE CHECKED WITH THE NEIGHBORHOOD AND CITY STAFF, NO ONE KNOWS ANYTHING ABOUT THIS C.S. ZONING OR MIXED USE COMMERCIAL ZONING FOR THAT WHOLE BLOCK WHICH IS SOMETHING THAT I WAS TOLD FOR FUTURE DEVELOPMENT. IN REGARDS I KNOW I ONLY HAVE ABOUT A MINUTE, BUT IN REGARDS TO JEOPARDIZING THE BUSINESSES THERE, A CONFLICT WITH NASTIES, THE TENANTS THAT ARE GOING TO

LIVE THERE, YES YOU ARE IN THE UNIVERSITY THERE. YES YOU ARE GOING TO HAVE STUDENTS. I NEVER INDICATED A FAMILY WILL LEAVE IN THESE HOUSES, THERE'S NO WAY I CAN IMAGINE A FAMILY REPRESENTING THIS NEXT TO A COMMERCIAL TRACT. ANYONE THAT RENTS THIS MYSELF INCLUDED, YOU WOULD HAVE TO WALK THERE AND SEE WHAT I'M GOING TO BE LOOKING AT. THERE'S STATEMENTS I CONSIDER VERY STRONG MISAT THE SAME STATEMENTS. WE ARE VERY CLEAR ON A RECOMMENDATION, WHAT WE WANT TO DO IN TALKING AND WORKING WITH THEM. AS MR. ISA INDICATED, THEY DO CONSIDER IS A MULTI-FAMILY ON THE OTHER SIDE OF S.F. 3 AS COMMERCIAL DEVELOPMENT. IT IS MULTI-FAMILY DEVELOPMENT. BUT WE DO HAVE AN S.F. 3 THERE, WHICH THEY ARE PLANNING FOR IT TO GO COMMERCIAL AS FAR AS THE LO ZONING, WE HAVE SOME SETBACKS, ALSO, TO CONSIDER, WHICH IS WHY THIS HAS NOT BEEN DEVELOPED. THEY PLANNED TO PURCHASE IT AND DEVELOP IT OR SAVE IT FOR FUTURE DEVELOPMENT. I SAID BEFORE WE OFFERED TO WORK WITH THEM ON COMPATIBILITY CONCERNS THAT THEY HAD WHENEVER WE GO TO REDEVELOPMENT.

THANK YOU MS. LOPEZ PHELPS. QUESTIONS FOR THE APPLICANT? COUNCILMEMBER MCCracken?

McCracken: ACTUALLY, THIS IS PROBABLY FOR MR. GUERNSEY. AS FOR THE VALID PETITION, CAN YOU GIVE US SOME -- SOME INFORMATION ABOUT HOW MANY PROPERTY OWNERS THAT WE ARE TALKING ABOUT AND JUST GENERAL INFORMATION ABOUT WHAT WE KNOW ABOUT WHO HAS -- WHO HAS FILED THIS VALID PETITION?

WELL, THE VALID PETITION HAS BEEN FILED BY BASICALLY THE -- THE PROPERTY OWNERS THAT ARE DIRECTLY TO THE EAST AND TO THE WEST OF THIS PROPERTY. GOING OVER APPROXIMATELY 3 PARCELS IN EACH DIRECTION. AS WELL AS PROPERTY NEAREST TO THE NORTHWEST AND TO THE NORTHEAST. THERE HAVE BEEN NO PETITIONS FILED BY THE PROPERTY OWNERS ON THE OTHER SIDE OF MAIDEN LANE. SO THERE'S A TOTAL OF NINE PARCELS REPRESENTED BY ABOUT 6 PROPERTY OWNERS, APPROXIMATELY, THAT ARE OPPOSED TO THIS REZONING REQUEST.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? ACTUALLY, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING ON Z-9. MOTION PLAYED BY COUNCILMEMBER DUNKERLY, SECONDED BY COUNCILMEMBER MCCrackEN TO CLOSE THE PUBLIC HEARING ON Z-9. DISCUSSION HEARING -- COUNCILMEMBER ALVAREZ?

Alvarez: FOR THE APPLICANT, I HAD A COUPLE OF QUESTIONS. SO YOU SAID, I THINK THAT YOU ARE PLANNING TO BUILD -- ARE YOU GOING TO SUBDIVIDE OR WITH S.F. 4 A CAN YOU BUILD TWO UNITS ON THAT ONE LOT OR HOW DOES THAT WORK?

YES, THE S.F. 4 A WE WOULD HAVE A LITTLE BIT OVER 3600 SQUARE FEET PER LOT, WOULD SUBDIVIDE IT INTO TWO LOTS. EACH LOT WOULD BE HAVING FRONTAGE ON THE STREET. AND SO THE DRIVEWAYS AND THE GARAGES WOULD BE ACCESSED, ONE FROM MAIDEN AND ONE FROM 37th STREET.

Alvarez: OH, OKAY. THEN -- YOU SAID THAT NEXT DOOR TO THAT, I GUESS ON ONE SIDE, IS THE PARKING LOT FOR THE NASTIES AND THEN OBVIOUSLY THE -- ON THE OTHER SIDE IS THE SINGLE FAMILY --

YES, THE SINGLE FAMILY --

Alvarez: I THINK YOU OR SOMEONE MENTIONED THAT THERE WAS TWO STRUCTURES ON THAT SITE?

YES. ON ONE OF THE PICTURES ON YOUR NOTE BOX ON THE LEFT, THERE ON -- THERE ON 37th STREET IS THE PRIMARY RESIDENCE. AND THEN BEHIND THAT THERE'S A TWO -- IT'S A SINGLE STORY, IT'S A LARGER HOUSE, IT IS A LARGER LOT. AND THE -- THE BUILDING BEHIND THERE IS A TWO-STORY GARAGE APARTMENT. BACK IN THE -- WE PULLED THE SUBDIVISION PLAT ON THIS SITE AND FROM THE 1800'S BACK THEN ALL OF THIS LOT USED TO BE 58 FEET WIDE. AT SOME POINT SOMEHOW THOSE LOTS CHANGED, OURS ENDED WITH 58 AND THE NEIGHBOR TO THE WEST OF US ENDED UP WITH -- WE ENDED UP WITH 58, 60, 68 FEET, SOMETHING TO THAT EFFECT.

Alvarez: THEY HAVE TWO -- TWO UNITS OR IS IT -- IS IT A SECONDARY APARTMENT OR SOMETHING?

I BELIEVE IT'S A GARAGE APARTMENT. TWO STORY IN THE BACK?

IN THE BACK.

OKAY. I HAVE A QUESTION FOR MR. GUERNSEY. OBVIOUSLY WE ARE DEALING WITH -- WITH L.O. ZONING, ZONED PROPERTY HERE AND ANOTHER INSTANCE OR -- OR A LOT OF NEIGHBORHOOD PLANS HAVE USED SORT OF THE M.U. DESIGNATION ATTACHED TO THE L.O. OR THE COMMERCIAL ZONING. SO HOW WOULD THAT -- WOULD THAT BE APPLICABLE HERE OR -- OR WOULD THAT -- YOU KNOW WOULD THAT ALLOW WHAT THE OWNER IS INTENDING.

OUR OUR CURRENT ORDINANCE, THE L.O. M.U. OR THE MIXED USE COMBINING DISTRICT WOULD NOT PERMIT A SMALL LOT SINGLE FAMILY, IT WOULD PERMIT SINGLE FAMILY HOMES WOULD PERMIT DUPLEXES, BUT IT WOULD NOT PERMIT A SINGLE FAMILY HOME ON A SMALL LOT. SO THE OPTION THAT'S PROPOSED OR THE APPLICATION THAT'S PROPOSED IS THE ONLY ZONING THAT WOULD PERMIT THIS CATEGORY OR THIS TYPE OF USE AT THIS TIME.

I THOUGHT THE M.U. ALLOWED A CERTAIN TYPE OF -- OF RESIDENTIAL ZONINGS BELOW A CERTAIN THRESHOLD, AND I THOUGHT S.F. 4 WAS BELOW THAT THRESHOLD.

RIGHT NOW STAFF IS LOOKING AT THE POSSIBILITY OF AMENDING THE CODE, AMENDING THE M.U. TO -- TO POSSIBLY ALLOW SMALL LOT SINGLE FAMILY BUT CURRENTLY AS THE CODE EXISTS AT THIS TIME IT ALLOWS SINGLE FAMILY WHICH IS OUR STANDARD LOT, BUT WOULD NOT ALLOW A SMALL LOT SINGLE FAMILY. THE M.U. WOULD NOT.

Alvarez: BUT IT ALLOWS LIKE TO STACK USES THAT -- THAT RETAIL.

THAT'S RIGHT.

OFFICE ON ONE FLOOR --

THAT'S RIGHT. YOU COULD BUILD OFFICES ON THE PROPERTY AND WITH RESIDENTIAL UP ABOVE, IF IT'S NOT REQUIRED YOU COULD BUILD THE PROPERTY ENTIRELY UNDER THE MIXED USE DESIGNATION AS JUST RESIDENTIAL THEY COULD BUILD A SINGLE FAMILY HOME, A SINGLE SINGLE FAMILY HOME ON THE SIDES OF THIS LOT. THEY COULD BUILD A DUPLEX IF L.O.-M.U., THEY COULD BUILD AN APARTMENT POSSIBLY ON THIS TRACT --

Alvarez: WITH M.U., I THOUGHT THAT YOU COULD DO MULTI-FAMILY.

YOU COULD DO MULTI-FAMILY UNDER THE M.U. I'M NOT SURE IF THEY MEET ALL OF THE SITE DEVELOPMENT STANDARDS. THERE WOULD BE AN ISSUE OF THE COMPATIBILITY TRIGGERED BY THE S.F. 3 PROPERTY TO THE NORTH. THE TWO SINGLE FAMILY S.F. 4 A LOTS WOULD NOT BE SUBJECT TO COMPATIBILITY STANDARDS AND THEN BE TREATED JUST LIKE ANOTHER SINGLE FAMILY HOME NEXT DOOR, THAT'S WHY THEY CAN BUILD FIVE FEET AWAY FROM THE PROPERTY FROM THE WEST.

WHAT WOULD -- WHAT WOULD THE DIFFERENCE IN THE SETBACKS FROM THE COMMERCIAL PROPERTY THAT ABUTS THIS -- THE SUBJECT TRACT, WHAT'S THE DIFFERENCE IN SETBACKS FROM S.F. 3 AND S.F. 4 A.

IF IT WAS S.F. 3, THE SETBACK WOULD STILL BE JUST FIVE FEET FROM THE COMMERCIAL TRACT. S.F. 4 A, WOULD STILL BE FIVE FEET. AND THEN IN THE CASE OF IF IT WAS DEVELOPED UNDER THE L.O., YOU WOULD STILL HAVE FIVE FEET. BUT ON THE COMPATIBILITY. IN TERMS OF COMPATIBILITY STANDARDS, THEN IT WOULD BE SAME THE S.F. 3 AND S.F. 4 A?

THAT'S RIGHT. NEITHER S.F. 3 OR S.F. 4 A FOR -- FOR DEVELOPMENT ON THE SUBJECT PROPERTY WOULD NOT -- THEY WOULD NOT BE SUBJECT TO ANY COMPATIBILITY STANDARDS. HOWEVER, BOTH S.F. 3, AND S.F. 4 A OR A -- ARREST A DUPLEX OR A SINGLE FAMILY HOME DEVELOPED ON L.O.-M.U. ZONING WOULD TRIGGER COMPATIBILITY ON

THE COMMERCIAL PROPERTY TO THE EAST.

Alvarez: SO EITHER S.F. 4 OR S.F. --

S.F. 3 WOULD TRIGGER COMPATIBILITY ON THE COMMERCIAL PROPERTY NEXT DOOR.

COMURT COMMENTS OR QUESTIONS FROM STAFF. RIGHT NOW THE MOTION IS JUST TO CLOSE THE PUBLIC HEARING. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? PUBLIC HEARING IS CLOSED ON A VOTE OF 7-0. QUESTIONS? COMMENTS. MOTIONS? COUNCILMEMBER ALVAREZ?

Alvarez: I GUESS I'LL TRY A MOTION HERE -- I MEAN WITH THE UNDERSTANDING, OF COURSE, THAT THERE IS A VALID PETITION, SO -- SO IT MIGHT HAVE NEED FOR DISCUSSION. BUT I REALLY THINK THAT -- THAT -- I DON'T THINK THE APPLICANT'S REQUEST IS UNREASONABLE AND CERTAINLY I MEAN THERE'S A LOT OF RESIDENTIAL USES AROUND THE AREA AS WELL. IT'S OBVIOUSLY IT'S KINDS OF A NATURALLY A MIXED USE AREA ALREADY, WHICH IS SOMETHING WE TRY TO PROMOTE THROUGH -- THROUGH SOME OF OUR SMART GROWTH TYPE OF PROGRAMS AND REALLY IF YOU LOOK AT WHAT THEY ARE TRYING TO DO THESE UNITS OR SO, OBVIOUSLY THEY ARE GOING TO BE ON A SMALL LOT, BUT I THINK VERY EASILY IF -- I MEAN IF YOU DON'T DO S.F. 4 A THEY COULD EASILY BECOME A DUPLEX, IF WE JUST GET RID OF THAT 10-FOOT SPACE OR 15-FOOT SPACE IN BETWEEN THERE. SO I THINK PRACTICALLY IT DOESN'T MAKE THAT BIG OF A DIFFERENCE. AND SO I'M GOING TO GO AHEAD AND SUGGEST THAT WE SUPPORT WHAT I THINK IS STAFF'S RECOMMENDATION, TOO, IS THAT -- IS THAT THE APPLICANT'S REQUEST?

Guernsey: STAFF AND PLANNING COMMISSION BOTH RECOMMENDED THE S.F. 4 A ZONING.

Alvarez: OKAY. I WILL MAKE THAT MOTION.

Mayor Wynn: MOTION TO APPROVE THE -- THE PLANNING COMMISSION RECOMMENDATION ON Z-9.

SECOND.

Mayor Wynn: MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER MCCracken. FURTHER COMMENTS?

MAYOR, THIS IS READY FOR THREE READINGS. HOWEVER IT WOULD TAKE SIX AFFIRMATIVE VOTES TO APPROVE THE S.F. 4 A ZONING THIS EVENING. COUNCILMEMBER YOUR MOTION IS FOR THREE READINGS?

Alvarez: YES. MOTIONS.

Mayor Wynn: MOTIONS MADE AND SECONDED --

Slusher: LET ME SAY -- LISTEN, I TALKED TO PEOPLE ON BOTH SIDES OF THIS AND OF COURSE LISTENED TO EVERYONE HERE TONIGHT AND I THINK -- I MEAN IT WAS SORT OF A TOUGH DECISION, BUT I -- IT COMES DOWN FOR ME, I HAVE TO AGREE WITH COUNCILMEMBER ALVAREZ, I THINK THAT IT'S A REASONABLE REQUEST. I HAVE LISTENED TO WHAT COULD -- I KNOW AT FIRST WHEN I HEAR THAT, YOU KNOW, BARS AGAINST A HOUSE MOVING IN, THAT'S SORT OF BACKWARDS BECAUSE, YOU KNOW, USUALLY IT'S A HOUSE COMPLAINING ABOUT THE BAR. SO -- BUT ONCE I THOUGHT THROUGH IT, WELL, I THINK THAT IS, THOUGH, IT'S A REASONABLE ARGUMENT BECAUSE I MEAN WE COULD HAVE SOMEBODY MOVE IN THERE AND START SAYING THAT BAR NEXT DOOR THERE MAKES TOO MUCH NOISE. SO I WOULD HOPE THAT WHOEVER MIGHT BE SITTING UP HERE WHEN THAT WOULD -- MIGHT HAPPEN WOULD REMEMBER THAT. YOU MIGHT -- YOU COULD GET -- WE KEEP VIDEOTAPES IF YOU WANT TO COME DOWN AND SHOW ONE. BUT SO -- I -- HOPEFULLY THAT COULD BE WORKED OUT. IT'S NEAR THE UNIVERSITY. NOT IN THE UNIVERSITY AREA NEIGHBORHOOD. BUT I JUST THINK THAT WE NEED TO -- WE NEED HOUSING IN THIS AREA. WE JUST APPROVED A LARGE HIGH DENSITY APARTMENT COMPLEX EARLIER TODAY ON

FIRST TWO READINGS ANYWAY. AND/OR WAS THAT ON THREE? I HAVE FORGOTTEN. BUT I THINK HOUSING MAKES SENSE HERE AND THERE'S ALREADY TWO LOTS, TWO STRUCTURES ON THE LOT NEXT DOOR. SO I HOPE THAT -- I HOPE THAT IT WORKS OUT AND EVERYBODY CAN LIVE IN HARMONY THERE.

Mayor Wynn: THANK YOU, COUNCILMEMBER, FURTHER COMMENTS? CRACK?

McCracken: I AGREE WITH COUNCILMEMBER SLUSHER. I THINK THAT -- I THINK WHEN I WAS AT THE UNIVERSITY OF TEXAS LAW SCHOOL, I MEAN, THAT NASTIES IS THE PLACE WHERE THE ENTIRE U.T. LAW SCHOOL GOES EVERY WEDNESDAY NIGHT AS YOU ALL KNOW. THIS IS GOING TO BE -- END UP -- I THINK GOING TO BE A GREAT DEAL FOR MANGA, NASTY'S, FLAMINGO, AMY'S ICE CREAM. YOU WILL HAVE A CAPTIVE AUDIENCE RIGHT THERE. AND I THINK THAT IT'S GOOD URBAN PLANNING FOR THE AREA AND SO -- SO I THINK THAT IT MAKES SENSE.

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

AYE.

Mayor Wynn: OPPOSED?

Goodman: NO.

Mayor Wynn: MOTION PASSES ON ALL THREE READ ONGS A MOTION OF -- OF A VOTE OF 6-1 WITH THE MAYOR PRO TEM VOTING NO. MS. BROWN, I BELIEVE THAT'S ALL OF THE ITEMS EXCEPT FOR OUR EXECUTIVE SESSION AND THEN THE ACTION ITEM ON OUR CITY AUDITOR'S PERFORMANCE EVALUATION. COUNCIL, IF I COULD TAKE A QUICK POINT OF PRIVILEGE, THIS SATURDAY, VALENTINE'S DAY HAPPENS TO BE THE 32nd WEDDING ANNIVERSARY OF COUNCILMEMBER DANNY THOMAS AND HIS WIFE JANICE, PLEASE JOIN ME IN CONGRATULATING THEM. [APPLAUSE]

Thomas: THANK YOU, MAYOR, I APPRECIATE THAT.

Mayor Wynn: YOU'RE WELCOME, SIR. CONGRATULATIONS. OUR BEST TO JANICE.

Thomas: ALL RIGHTY.

Mayor Wynn: WITH THAT, COUNCIL, WE WILL NOW GO INTO EXECUTIVE SESSION UNDER SECTION 551.074 OF THE OPEN MEETINGS ACT TO DISCUSS PERSONNEL MATTERS RELATED TO ITEM NO. 44, OUR -- OUR PERFORMANCE EVALUATION OF OUR CITY AUDITOR. WE ARE NOW IN EXECUTIVE SESSION.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN CLOSED SESSION WE DISCUSSED PERSONNEL MATTERS UNDER SECTION 551.074 OF THE OPEN MEETINGS ACT RELATED TO THE PERFORMANCE EVALUATION OF OUR CITY AUDITOR. AT THIS TIME I'LL ENTERTAIN A MOTION ON ITEM NUMBER 33. MAYOR PRO TEM, THANK YOU.

I'LL MOVE THAT ON OUR CITY AUDITOR WE CONTINUE THE SAME COMPENSATION PACKAGE, PAY HIM BENEFITS AS CURRENTLY ON THE BOOKS, NOTING THAT BUDGET CONSTRAINTS ARE THE ISSUE FOR US AND ALL OUR EVALUATIONS AND PAY PACKAGES NOTING AN EXEMPLARY JOB BY THE AUDITOR THIS YEAR.

Mayor Wynn: I'LL SECOND THAT. MOTION MADE TO ACKNOWLEDGE THE GOOD SCWOBZ BY OUR -- JOB BY OUR CITY AUDITOR THIS PAST YEAR past year AND NOTING THAT THE COMPENSATION PACKAGE WILL REMAIN THE SAME AS PREVIOUSLY. FURTHER COMMENTS? QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. BEFORE WE ADJOURN, I DO WANT TO NOTE THAT TODAY, FEBRUARY 12TH, IS ACTUALLY THE 38TH WEDDING ANNIVERSARY OF THE MAYOR PRO TEM JACKIE AND HER HUSBAND. [APPLAUSE] CHILD WEDDINGS IN EL PASO ARE QUITE COMMON APPARENTLY. [LAUGHTER] I'LL ENTERTAIN A MOTION TO ADJOURN. MOTION MADE BY COUNCILMEMBER SLUSHER. SECONDED BY COUNCILMEMBER DUNKERLEY. ALL THOSE IN FAVOR,

PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? WE ARE ADJOURNED. THANK YOU.

End of Council Session Closed Caption Log