

## Closed Caption Log, Council Meeting, 4/1/04

**Note:** Since these log files are derived from the Closed Captions created during the Channel 6 live cablecasts, there are occasional spelling and grammatical errors. **These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes.** For official records, please contact the City Clerk at 974-2210.

IT IS MY PRIF LIJ AND HONOR -- PRIF PRIF LEDGE AND  
HONOR TO WELCOME PASTOR JACQUELYN DONALD-MIMS  
TO LEAD US IN OUR INVOCATION.

THANK YOU, LEAD US TO THE LORD IN PRAYER. ETERNAL  
GOD, OUR LORD, WE THANK YOU AND PRAISE FOR YOU THIS  
FWLOAROUS DAY. GLORIOUS DAY. GOD, IN YOU WHO  
APPOINTED US TO THE TASK OF BEING YOUR PEOPLE AND  
DOING YOUR WORK, WE PRAISE YOU FOR THE CITIZENS OF  
AUSTIN. FOR THE BOYS, THE GIRLS, THE MEN AND THE  
WOMEN AND WE PRAISE YOU AND ASK YOUR HELP FOR THE  
LEADERS THAT ARE PRESENT TODAY. THOSE COUNCIL  
PEOPLE AND OUR MAYOR AND ALL OF THOSE DEPARTMENTS  
WHO WORK TO MAKE LIFE LIVABLE, PEACEFUL, AND GOOD  
FOR EVERY PERSON IN AUSTIN. REPRAY NOW, GOD, THAT  
YOUR SPIRIT MIGHT BE UPON US TO GIVE US WISDOM IN THE  
DELIBERATIONS OF THIS DAY. WE PRAY THAT WHERE THERE  
IS DOUBT AND UNCERTAINTY, THAT YOU WILL SHOW US  
YOUR LIGHT. THAT YOUR STRAIGHT PATH MIGHT BE BEFORE  
US AND WE WILL WALK IN IT. WE PRAY THAT GOD, THAT YOU  
WILL HELP US AS WE LOOK AFTER THE NEEDS OF THOSE  
WHO ARE WEAK AND CANNOT SPEAK FOR THEMSELVES,  
THAT WE WILL PRIORITIZE THEIR ISSUES, THOSE WHO ARE  
THE MOST NEEDY, TO BE OUR TOP PRIORITY. THAT WE WILL  
HAVE GOOD RESPECT FOR THE DIVERSE CONCERNS AND  
NEEDS OF THE PEOPLE. AND THAT ANY FORMS OF  
OPPRESSION THAT, GOD, WE MAY SEE IT AND THAT WE MAY  
AVOID IT AND DO ALL THAT WE CAN TO RID OUR CITY AND  
OUR PEOPLE OF IT. THIS DAY, GOD, WE REMEMBER WITH

GREAT CELEBRATION THOSE WHO HAVE GONE ON, THEIR LIVES AND WORK WHO HAVE GONE ON BEFORE US. THOSE WHO ARE UNNAMED AS WELL AS NEIL KOCUREK, WE PRAY THAT YOU WILL BE WITH THOSE FAMILIES WHO MOURN AND WHO ARE GRIEVING AND THAT THERE WILL BE YOUR LOVE SURROUNDING THEM IN SELL -- AND CELEBRATION IN ALL OF OUR HEARTS. TODAY, GOD, WHATSOEVER THINGS ARE TRUE, WHATSOEVER THINGS ARE JUST, WHATSOEVER THINGS ARE HONEST, WHATSOEVER THINGS ARE LOVING AND WHATSOEVER THINGS ARE OF GOOD REPORT, GOD, PLEASE HELP US TO THINK ON THESE THINGS, IN THE NAME OF THE FATHER, SON, HOLY SPIRIT, WE PRAY, AMEN.

THANK YOU, PASTOR, DOCTOR, WELCOME TO YOU AND YOUR SON, THANK YOU FOR BRINGING HIM ALONG. THERE BEING A QUORUM PRESENT I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, IT IS APRIL 1st, 2004, APPROXIMATELY 20 MINUTES AFTERNOON. WE ARE IN THE BOARD ROOM OF THE LCRA HANCOCK BUILDING, 3700 LAKE AUSTIN BOULEVARD. I WANT TO JOIN MY LEAGUE COLLEAGUES AND THE CITY MANAGER FOR THANKING CITIZENS AND STAFF FOR GIVING US THE FLEXIBILITY TO DELAY THE START OF THIS COUNCIL MEETING FOR TWO HOURS. ALL OF US ACTUALLY ATTENDED A FUNERAL THIS MORNING FOR DR. KOCUREK, THANK YOU, DR. FOR MENTIONING NEIL. IT WAS A MOVING CEREMONY, WHILE THERE AS MUCH AS WE WANTED TO MEMORIALIZE NEIL'S -- WORK FOR THIS COMMUNITY, WE ALSO HEARD HIS SPIRIT LOUD AND CLEAR TELLING US TO GET BACK TO WORK. PROUD TO BE HERE AND MORE IMPORTANTLY GET BACK TO WORK IN THE CONTEXT THAT DR. KOCUREK MODELED FOR US, WHICH WAS AS BROAD AND AS INCLUSIVE AND AS LONG A DEBATE AS POSSIBLE AND PRACTICAL TO COME TO THE BEST SOLUTION POSSIBLE. WE WILL GO TO THE CITIZENS COMMUNICATION -- AT THIS TIME I WOULD LIKE TO INTRODUCE AND INTRODUCE MR. JIMMY CASTRO, WELCOME, SIR.

THANK YOU, WILL. GOOD AFTERNOON, MAYOR WYNN, COUNCILMEMBERS, MS. FUTRELL, I DO HAVE SLIDES TO SHOW YOU THIS AFTERNOON. I'M HERE TO SPEAK ON MY OWN BEHALF, ALSO A VOLUNTEER WITH THE GREATER AUSTIN CHAMBER OF COMMERCE. I'M HERE TO SPEAK IN

SUPPORT OF THE RECENT GOOD NEWS THAT VENTURE CAPITAL INVESTMENTS IN AUSTIN ROSE MORE THAN 20% IN 2003. THIS FIRST LINE -- FIRST SLIDE SHOWS ACCORDING ON TO THE NEWS CAPITAL VENTURE SURVEY LAST YEAR, 67 AUSTIN COMPANIES RAISED \$478 MILLION. THAT'S A 22% INCREASE FROM THE \$391 MILLION RAISED BY 61 COMPANIES IN 2002. IN AUSTIN, 13 AUSTIN COMPANIES RAISED \$131 MILLION DURING THE FOURTH QUARTER COMPARED TO \$110 MILLION JUST A YEAR AGO. VENTURE INVESTMENT IS A CLOSELY WATCHED MEASURE OF AUSTIN'S GROWTH BECAUSE VENTURE FINANCING HAS PLAYED SUCH A LARGE ROLE AND CREATED MANY TECH COMPANIES IN THE AUSTIN REGION. ACCORDING TO THE PRICE WATERHOUSE COOPERS SURVEY, NEXTIO INC. RAISED MORE THAN \$10 MILLION FROM INVESTORS. ONE OF THE MOST PROMISING SIGNS FOR AUSTIN IS THAT AFTER A MAJOR SLOW DOWN IN EARLY STAGE FUNDINGS, MONEY IS AGAIN FLOWING IN THE AREA START-UPS. IN AUSTIN, SEMICONDUCTOR COMPANIES RAISED THE MOST MONEY WITH \$64 MILLION OR 49% OF THE AUSTIN MONEY INVESTED IN THE FOURTH QUARTER. THE TELECOMMUNICATIONS SECTOR TOOK 34% OF THE FOURTH QUARTER MONEY. THANKS TO A \$45 MILLION INVESTMENT IN BROADBAND NETWORK COMPANY, GRAND GRANDE COMMUNICATIONS, ONE FINAL NOTE, AUSTIN HAD NO BIO TECHNOLOGY INVESTMENTS IN THE FOURTH QUARTER. FINALLY, ONE PERSONAL NOTE, IF THE CURRENT PROPOSAL OF BUILDING A UNIVERSITY OF TEXAS MEDICAL SCHOOL IN AUSTIN IS ACCOMPLISHED, THEN THE BIO TECHNOLOGY COMPANIES WOULD MOVE INTO THE AUSTIN AREA FOR RESEARCH AND DEVELOPMENT. THEN THE VENTURE INVESTMENTS IN BIO TECHNOLOGY IN THE AUSTIN AREA WOULD START FLOWING IN. IT'S GUARANTEED. THANK YOU, MAYOR WYNN.

THE NEXT SPEAKER IS NATE BLAKESLEE. YOU WILL HAVE THREE MINUTES, FOLLOWED BY MARY LEHMANN.

HELLO, I'M NATE BLAKESLEE, A REPORTER FOR TEXAS OBSERVER MAGAZINE HERE IN AUSTIN. I USED TO COVER POLITICS FOR THE AUSTIN CHRONICLE. I THINK THAT I MET AND INTERVIEWED SOME OF YOU AT THAT TIME. I'M A REPRESENTATIVE OF THE GALINDO NEIGHBORHOOD ASSOCIATION. THE NEIGHBORHOOD JUST SOUTH OF

BOULDIN ALONG SOUTH FIFTH STREET. USED TO BE REPRESENTING A SORT OF ONE MAN ASSOCIATION OF ROW ROLONDO PENA. HE'S ON BOARD BUT WE HAVE ADDED PEOPLE. BIG MEETINGS, THE MAIN THING PEOPLE ARE CONCERNED ABOUT IS TRAFFIC PROBLEMS IN OUR NEIGHBORHOOD. CHIEFLY ALONG SOUTH FIFTH AND GARDEN VILLA STREETS. THE SPECIFIC THING THAT I WANT TO TALK ABOUT TODAY IS TWO NEW PROJECTS THAT ARE PROPOSED ON SOUTH FIFTH. ONE OF THEM IS AN EXPANSION OF THE TENNIS CENTER ON SOUTH FIFTH STREET AND RIGHT ACROSS THE STREET FROM THAT PROPOSED NEW H.U.D. HOUSING DEVELOPMENT ON FIFTH STREET. OUR CONCERN WITH BOTH OF THOSE PRONGS IS PRIMARILY THAT THEY ARE -- PROJECTS IS PRIMARILY THAT THEY ARE GOING TO DRAMATICALLY INCREASE TRAFFIC ON SOUTH FIFTH STREET. TRAFFIC IS ALREADY A SEVERE PROBLEM. WE BORROWED A RADAR GUN FROM THE CITY UNDER A PROGRAM THAT YOU GUYS USED TO HAVE. IN AN HOUR ONE EVENING WE CLOCKED OVER 50 SPEEDERS ON SOUTH FIFTH, THEN DUPLICATED THE SAME FEAT EASILY ON GARDEN VILLA. ALSO COLLISION DATA FROM THE A.P.D. 55 ACCIDENTS JUST ON THE INTERIOR STREETS OF GALINDO NEIGHBORHOOD IN THE LAST FIVE YEARS, EXCLUDING THE MAJOR STREETS. SO FOR MY PART, WHAT I WOULD LIKE TO SEE IS SOMEBODY FROM COUNCIL OR COUNCIL STAFF HELP US WORK WITH THE DEPARTMENTS TO TAKE A HOLISTIC LOOK AT THE TRAFFIC PROBLEM ON SOUTH 5th. WE HAVE ALREADY TALKED TO PARKS DEPARTMENT ABOUT OUR CONCERNS WITH THE TENNIS CENTER, WE ARE GOING TO BE VISITING WITH THE SALVATION ARMY, WHO IS THE SPONSOR OF THE NEW H.U.D. HOUSING PROJECT TO TALK TO THEM ABOUT THAT. BUT WHAT WE NEED IS SOMEBODY WHO CAN HELP US TAKE A GLOBAL LOOK AT IT AND LOOK AT ALL OF THESE PROJECTS TAKEN TOGETHER AND SEE THAT HOPEFULLY COMING TO THE SAME CONCLUSION THAT WE HAVE, WHICH IS THAT WE NEED TRAFFIC CALMING IN THE NEIGHBORHOOD. I DON'T KNOW HOW MUCH TIME THAT I HAVE LEFT. I MIGHT SAY THAT SPEAKING FROM -- FOR MYSELF, I THINK THAT -- I THINK THAT A HUDNELL PROJECT FOR ELDERLY -- H.U.D. PROJECT FOR ELDERLY PEOPLE, I CAN THINK OF A LOT WORSE THINGS TO GO IN ON SOUTH FIFTH STREET. I THINK THAT'S A GOOD WAY TO SPEND OUR

MONEY. WE HAVEN'T DISCUSSED THAT AS A NEIGHBORHOOD YET, I KNOW THAT MIGHT BE SOMETHING THAT PEOPLE IN OUR NEIGHBORHOOD ARE GOING TO BE CONCERNED ABOUT. WE ALREADY HAVE ONE H.U.D. PROJECT IN GALINDO, ANOTHER ONE ABOUT A MILE SOUTH OR NORTH RATHER ACROSS OLTORF. SORT OF BECOMING A CLUSTER. I THINK SOMETHING THAT WILL HELP SMOOTH THE WAY FOR THAT IN OUR NEIGHBORHOOD IS IF WE ARE CONVINCED THAT THEY ARE LOOKING AT, AS WE ARE, SOME OF THE EXISTING TRAFFIC PROBLEMS THAT WE ALREADY HAVE.

**Mayor Wynn:** THANK YOU.

THANKS.

**Futrell:** WHAT I WOULD LIKE TO DO TO GET A START, ALY MOWSBAR IS HERE, I WILL ASK HIM TO GET INFORMATION AND WE'LL SEE WHAT WE CAN DO TO GIVE A LOOK IN YOUR AREA.

MARY LEHMANN, FOLLOWED BY ROBERT SINGLETON.

MEMBERS OF THE CITY COUNCIL, WE HAVE ANOTHER IMPORTANT DATE, APRIL 6th, WHICH IS GOING TO TELL THE PUBLIC ABOUT THE BASIC FEATURES OF THE MUELLER AIRPORT REDEVELOPMENT PLAN. THEY'LL HAVE THE TEAM AT HAND AND AS YOU CAN SEE, IT'S -- IT'S BASIC QUESTIONS THAT YOU CAN ASK. AND THE OTHER DATE THAT I WANTED TO BRING UP IS THE APRIL 22nd DATE MENTIONED AT THE TOWN HALL. WHAT THEY HAVE IN COMMON AND THE TITLE OF MY COMMENTS IS THAT THERE WON'T BE PROBABLY FIGURES ON WHAT I HAVE CALLED THE MISSING ESTIMATE, WHICH IS THE TOTAL REVENUE POTENTIAL OF MUELLER. WHAT'S AT STAKE? CATELLUS KNOWS. GREG WEAVER HAS DONE HIS HOME WORK. WE NEED TO KNOW BEFORE WE CAN MAKE AN INFORMED DECISION. ON APRIL 22nd, AS WE UNDERSTAND IT, AM, THEY ARE GOING TO GET IN CLOSED SESSION WHAT THE CITY STAFF HAS PREPARED AND RIGHT AFTER THAT, THEY ARE EXPECTED TO DECIDE ON WHICH PLAN WILL BE INVESTIGATED, WHICH IS THE SAME AS DECIDING WHICH PLAN WILL BE USED. SO THIS KIND OF THING WITH INCOMPLETE INFORMATION IS TURNING WHAT SHOULD BE A RATIONAL DECISION, INFORMED, THAT

CONSIDERS THE BEST INTERESTS OF THE CITY INTO A POLITICAL DECISION. THE LONG AND SHORT OF IT. AND WE KNOW THAT THIS IS NOT ACCEPTABLE TO SOME MEMBERS OF THE COUNCIL AND POSSIBLY TO ALL. AND WHAT TO DO? ONE POSSIBILITY IS SIMPLY NOT TO GIVE A DECISION UNTIL YOU GET THE INFORMATION YOU NEED IN ORDER TO MAKE THAT DECISION. OR -- ALTERNATIVELY OR ADDING TO IT, MAYBE GET AN OUTSIDE ESTIMATE. THERE'S ONE APPRAISER WHO THINKS THIS IS IMPORTANT ENOUGH THAT HE'S READY TO DONATE HIS TIME TO IT. POSSIBLY THE SAFEST DECISION WE BE TO VOTE FOR A LEASE THROUGH THE BUILDOUT PERIOD AND ENOUGH BEYOND SO THAT YOU HAVE ACTUAL FIGURES TO WORK FROM. THAT IS THE LEAST SUBJECT TO CRITICISM. AND THIS WAY YOU WILL BE ABLE TO MAKE A -- AN INFORMED DECISION. IF IT TURNED OUT TO BE LAND, OPENING IT, IF YOU THE -- OWNING IT, IF IT TURNED OUT TO BE SELLING IT, WELL, THE LAND IS -- WOULD BE WORTH MORE. [BUZZER SOUNDING] SO THAT'S A WIN ALL AROUND. SO WE HOPE THAT YOU WILL CONSIDER THESE ALTERNATIVES AND GET AWAY FROM A POLITICAL DECISION. THANK YOU.

THANK YOU, MS. LEHMANN. ROBERT SINGLETON TO BE FOLLOWED BY BETTY EDGEMOND.

IDEALLY I HAVE THREE POINTS THAT I WANT TO MAKE WITH YOU TODAY. I WILL SEE HOW MANY I ACTUALLY GET TO. FIRST ONE RETAIL OR BIG BOX RETAIL AND THE MUELLER SITE. GREG WEAVER FROM CATELLUS TOLD US AFTER THE INITIAL RESPONSE TO BIG BOX RETAIL ON MUELLER SAID I DON'T UNDERSTAND WHY YOU ARE SO SURPRISED IT'S BEEN IN OUR BUSINESS PLAN ALL ALONG. SO AT KEEP THE LAND WE THOUGHT OKAY WE WILL ASK FOR THE BUSINESS PLAN. WE CALLED SUE EDWARDS AND GOT A CALL FROM HER THIS MORNING SAYING THAT CALL HAS BEEN REFERRED TO THE FIRM OF THOMPSON AND KNIGHT WHO IS TRYING TO DECIDE WHETHER OR NOT WE CAN SEE THE BUSINESS PLAN. BASICALLY WHAT THEY ARE SAYING IS HOW CAN YOU BE SURPRISED, YOU SHOULD KNOW THIS, IT'S IN THE BUSINESS PLAN THAT YOU CAN'T SEE. WE'LL KEEP YOU UP TO DATE WHETHER WE ACTUALLY GET IT OR NOT. SECOND THING: ONE MORE THING TO LAY ON WAL-MART'S DOORSTEP, CLOSURE OF TOWER RECORDS. BOTH ARTICLE IN THE DAILY

TEXAN AND THE ARTICLE IN THE STATESMAN IN THEIR REASONS FOR THE TOWER RECORD STORE ON GUADALUPE CLOSING CITED THE INFLUENCE OF BIG BOX RETAILERS, SPECIFICALLY WAL-MART AS A FACTOR IN CLOSING. AND TODAY'S CHRONICLE HAS BEEN INTERESTING LINE ABOUT BIG BOX RETAIL AND ITS IMPACT ON LOCAL BUSINESSES. IT SAYS THAT ENABLING AND SUBSIDIZING BIG BOX SPRAWL BY BEHOMOUTH GLOBAL CHAIN IS BAD FOR SMALL AND UNIQUE LOCAL BUSINESSES IN THE URBAN CORE. WHILE TOWER RECORD WAS NEVER A REAL STALLWART SUPPORTER OF LOCAL MUSIC, THEY WERE BETTER THAN MOST RECORD SCORES AND A QUANTUM LEAP FROM WAL-MART. THERE ARE A LOT OF UNANSWERED QUESTIONS ABOUT WHAT THE MASTER DEVELOPMENT AGREEMENT IS GOING TO LOOK LIKE. FOR EXAMPLE, I DON'T KNOW WHAT THE ANSWER TO ANY OF THESE QUESTIONS ARE. HOW WILL IT BE DECIDED WHO LIVES THERE AND WHO GETS TO LEASE THERE OR WHO GETS TO PURCHASE THERE? WHAT MANAGEMENT STRUCTURE IS GOING TO BE IN PLACE? AND MANY, MANY SCHEMES FOR MANAGING THIS HAS BEEN BROUGHT FORWARD FROM HOMEOWNERS' ASSOCIATIONS TO COMMUNITY DEVELOPMENT CORPORATION. THIRD QUESTION, HOW WILL THE RESTRICTIVE COVENANTS BE ENFORCED. FOURTH, WHAT WILL REGIONAL RETAIL DO TO TRAFFIC AND THE COMMUNITY FIELD THATFULS SUPPOSED TO BE A PART OF THE MUELLER -- THAT WAS SUPPOSED TO BE A PART OF THE MUELLER MASTER REDEVELOPMENT PLAN. MY ARGUMENT TO YOU IS THIS. IF YOU SELL THIS THROOND CATELLUS, YOU LOSE CONTROL OVER ANY UNANSWERED QUESTIONS. IT'S ENTIRELY IN CATELLUS' HANDS AFTER, THAT THE AGREEMENT AS CURRENTLY STANDS IS NOT STRONGLY ENOUGH WRITTEN TO BIND CATELLUS IF YOU SELL THE LAND. THAT'S WHY WE ARE PROPOSING THAT YOU LEASE FOR IT A PERIOD OF TIME, SEE HOW THE REVENUES GO, MAKE SURE THAT YOU HAVE ALL OF THE QUESTIONS ANSWERED, THE DUCKS IN A ROW. BELIEVE ME THOSE FOUR QUESTIONS I ASKED ARE JUST THE BEGINNING. DON'T THINK ABOUT SELLING IT UNTIL YOU KNOW THE ANSWERS TO ALL OF THE QUESTIONS. FINALLY, I WANT TO TALK TAKE A MINUTES TO INTRODUCE THE NEXT SPEAKER. BETTY EDGEMOND, SHE SAID SHE REGRETTED HAVING TO FOLLOW ME. [BUZZER SOUNDING] I WANT TO

WARM UP THE CROWD FOR THE INCREDIBLE, ASTUTE,  
CHARMING BETTY EDGEMOND.

TO BE FOLD BY MARK GENTLE. FOLLOWED.

GOOD AFTERNOON, MAYOR, CITY COUNCIL MEMBERS. MY NAME IS BETTY EDGEMOND, THIS IS MY GRANDSON CHRISTOPHER. I HOPE HE DOESN'T DISRUPT TOO MUCH. JAKE KEY MIGHT FIND HERSELF BABYSITTING. I KNOW SHE DON'T FEEL WELL. HE'S A RESIDENT OF GREEN WOOD HILLS SUBDIVISION. TODAY I AM SPEAKING TO YOU ON BEHALF OF MY FRIENDS IN BATTLE BEND AND BECAUSE CHRISTOPHER DOESN'T KNOW ENOUGH WORDS YET TO EXPRESS HIMSELF TO A POLITICAL ENTITY. BATTLE BEND AND GREEN WOOD HILLS BOTH BACK UP TO THE MOTOR MILE. I OWN A HOUSE ON ROLAND DRIVE SO I'M VERY INTERESTED IN ANY ADDED VEHICLE TRAFFIC FROM THE DEALERSHIPS. ABOUT TWO WEEKS AGO I NOTICED TWO NEW DRIVEWAYS BEING BUILT ON TO BATTLE BEND. ONE ON THE NORTH SIDE AT SOUTH POINT DODGE, THE OTHER ON THE SOUTH SIDE, THE KIA DEALERSHIP. I KNEW IN 1986 THE PLANNING COMMISSION AND CITY COUNCIL HAD RESTRICTED ALL ACCESS TO BATTLE BEND TO ABSOLUTELY NO DRIVEWAYS FOREVER AND A DAY. ON THE NORTH SIDE IT TURNED OUT WE WERE RIGHT AND WE HAVE BEEN ASSURED THAT LEGAL ACTION WILL BE TAKEN. I RUSHED HOME AND I CALLED THE TOP GUY IN THE CITY, GREG GUERNSEY. HE IS THE TOP TO ME. WHEN IT COMES TO NEIGHBORHOOD PROBLEMS. I ASKED HIM --

**Mayor Wynn:** CERTAINLY THE BEST DRESSER IN THE CITY.

YEAH. ANYWAY I ASKED HIM HOW COULD ANYONE OVERRIDE A COUNCIL RESTRICTION WITHOUT NOTIFICATION? I FOUND OUT THEY CAN'T. THEN I CALLED THE MAYOR'S OFFICE, INSPECTION, I'M SORRY YOU WERE NUMBER TWO, MAYOR. [LAUGHTER] ANYWAY, WE ARE GRATEFUL THAT GEORGE ZAPALAC TOOK OVER THE INQUIRY. HE HAS MET WITH US AND EXPLAINED WHAT HAPPENED. THE KIA DRIVEWAY ON THE SOUTH SIDE OF BATTLE BEND BOULEVARD IS ANOTHER STORY. WE HAVE THE 1987 SITE PLAN APPROVED BY STUN WHICH CLEARLY SHOWS NO DRIVEWAYS ON TO BATTLE BEND. BY -- I PERSONALLY THINK METHODS MOST FOUL THE KIA DRIVEWAY COULD MOST LIKELY STAY. MR. ZAPALAC CAN



EXPLAIN THE TECHNICAL SIDE TO YOU BETTER THAN I EVER COULD. NOTIFICATION WAS NOT REQUIRED FOR THE KIA CHANGE, BUT HOPEFULLY AN ORDINANCE CAN BE PREPARED ON THE EMERGENCY BASIS TO NOTIFY SOME NEIGHBORHOODS LIKE THIS -- SO NEIGHBORHOODS LIKE THIS CAN BE PROTECTED FROM LEGAL BUT DEVIOUS METHODS. WHAT I CAN ASK YOU TO DO NOW IS AUTHORIZE NO LEFT TURN SIGNS ACROSS FROM THE KIA DRIVEWAY, NO TRUCK SIGNS CLOSER TO THE DEALERSHIPS, REPLACE FADED NO PARKING SIGNS ON BATTLE BEND. ON THE NORTH SIDE, RESTORE THE SIDEWALK TO ITS ORIGINAL USE, SIZE AND HEIGHT. TO PUT A FENCE ACROSS WHATEVER CAN BE MISTAKEN FOR A DRIVEWAY BECAUSE WE CANNOT TRUST THAT DEALERSHIP ANYMORE. I THINK THAT IT'S MOST APPROPRIATE THAT I'M SPEAKING TO YOU ON ALL FOOL'S DAY BECAUSE WE WERE MADE FOOLS OF BY A COMMERCIAL CONCERN [BUZZER SOUNDING] THAT WE TRUSTED, ALMOST DONE -- AND BY THE CITY OF AUSTIN WHO IS SUPPOSED TO PROTECT OUR NEIGHBORHOODS. I ALSO JUST TAKE A MINUTE TO THANK THE PERSON IN THE MAYOR'S OFFICE WHO I RAN INTO AND SHE HELPED ME, EVEN CALLED BACK, BUT I DON'T REMEMBER HER NAME, BUT SHE WAS AWFUL NICE. THANK YOU.

**Mayor Wynn:** THANK YOU, MS. EDGEMOND FOR REFERRING TO DARREL LIEN BURKE HALLS -- DARLENE BURKEHAMMER.

**Goodman:** IN OUR NEIGHBORHOOD, SOME YEARS AGO THERE WAS A GREAT RUSH FOR DEVELOPMENT, OUR NEIGHBORHOOD WAS FAMOUS AS -- I LIVE IN BETTY'S NEIGHBORHOOD OBVIOUSLY -- OUR NEIGHBORHOOD WAS FAMOUS FOR TRYING TO WORK OUT WIN-WINS FOR EVERYBODY. AND OWE IN DEVELOPMENTAL ISSUES. SOME WE FOUGHT OUTRIGHT AND DID NOT SUPPORT AND LOST ON. BUT WITH THOSE LOSSES ALSO CAME A FEW AGREEMENTS THAT WERE SUPPOSEDLY TO MITIGATE THE IMPACT ON OUR NEIGHBORHOOD. YEARS LATER, OFTEN ENOUGH, THOSE ISSUES WERE NOT INCLUDED IN ANY ORDINANCE LANGUAGE OR ON ANY PLAT NOTES OR ON ANY MINUTES. WHEN I SOMETIMES ASK THE CITY CLERK TO ADD SPECIFIC STATEMENTS THAT ARE MADE AS A PART OF THE DISCUSSION AND AS AN ADDENDUM OR A -- ON AN ADJUNCT TO THE MOTION IT'S WITH THIS IN MIND. AND WHEN I ASK

FOR CITY STAFF TO EVEN IF REDUNDANTLY ADD CERTAIN PROVISIONS OR RESTRICTIONS INTO CONDITION OF ZONING OR WE DON'T GET THEM BUT SITE PLANS, IT'S IN THAT QUEST TO MAKE SURE THAT AGREEMENTS MADE ARE NOT ONLY KEPT BY PEOPLE IN LATER YEARS, BUT ARE KNOWN AND KEPT BY PEOPLE WHO COME IN AFTER THE FACT. WE HAVE SO MANY BROKEN PROMISES IN OUR NEIGHBORHOOD. THAT IT'S NOT EVEN FUNNY. AND THAT'S WHY SO MANY NEIGHBORHOODS ARE LOATH TO ENTER INTO AGREEMENTS WHERE THE CITY IS NOT GOING TO BE AN ENFORCEMENT MECHANISM LATER ON. SO THAT'S MY VENTING FOR THE DAY.

THANK YOU, MINOR. MS. EDGEMOND -- THANK YOU, MAYOR PRO TEM. COUNCIL HAS JUST RECEIVED A LENGTHY EXPLANATION AND MEDICAL FOR KNOW FROM JOE PANTILLION. SO STAFF OBVIOUSLY IS ON TOP OF THIS. YOU WILL LIKELY BE GETTING AN UPDATE VERY SOON. THANK YOU.

MR. MARK GENTLE, WELCOME, SIR, YOU WILL BE FOLLOWED BY LESLIE COCK I DON'T COCHRAN.

MY NAME IS MARK GENTLE, HERE ON BEHALF OF A LOOSELY ORGANIZED GROUP OF SWIMMERS WHO DON'T HAVE REALLY VERY MANY THINGS IN COMMON. WE ARE A CROSS-SECTION OF THE COMMUNITY. WE DO HAVE ONE SINGULAR THING IN COMMON A LOT, THAT IS THAT WE HAVE A TREMENDOUS PASSION FOR OUR FEW MOMENTS DAILY AT BARTON SPRINGS. WHEN BARTON SPRINGS IS NOT AVAILABLE TO US, WE CALL IT POOL NUMBER TWO, DEEP EDDY, WE REALLY LIKE THAT POOL A LOT. AND THE ISSUE THAT I WANT TO JUST MAKE YOU AWARE OF IS THAT YOUR ENTRY FEES, PARTICULARLY AT BARTON, WHEN COUPLED WITH THE PARKING FEES ON THE WEEKENDS, HAVE REACHED THAT THRESHOLD OF PAIN FOR MANY PEOPLE. SOME OF THE GROUP ARE EMPLOYED, OTHERS ARE NOT, SOME ARE SINGLE MOMS, OTHERS HAVE LARGE FAMILIES. IF YOU DID SOME OF THE MATH, A DAILY SWIM AT BARTON SPRINGS, INCLUDING THE PARKING FEES, ON A DAILY BASIS, WOULD COME TO ABOUT \$114 A MONTH NOW UNDER THE NEW FEES. IF IT JUST WEEKENDS FOR AN INDIVIDUAL, IT'S ABOUT 48 BUCKS A MONTH. FOR A COUPLE, YOU HIT THE

THRESHOLD OF A DAILY SWIM PLUS PARKING, \$200 BUCKS A MONTH. FOR SWIMMING AT BARTON SPRINGS. WE SENSE THAT THAT'S TOO HIGH. THERE ARE PASSES AVAILABLE. THEY ARE SUMMER PASSES. THEY RANGE FROM SINGLES FOR \$180 TO FAMILIES FOR \$360 PAYABLE UP FRONT. NOT EVERYONE HAS THAT KIND OF MONEY TO PUT DOWN FOR THEIR SUMMER SWIMS AT ONE TIME. SO ... I WANT TO MAKE SURE THAT YOU ARE AWARE THAT THE STAFF, OF THE PARKS AND RECREATIONS DEPARTMENT, I'M TALKING ABOUT WARREN STREUSS, YOUR DIRECTOR, AND FARHAD MADANI HAVE BEEN VERY COOPERATIVE. THEY HAVE EXERCISED THEIR DISCRETION IN LATITUDE IN THE FREE SWIM PERIODS IN THE MORNING. I THINK THAT WILL TAKE CARE OF MANY ISSUES. BUT ULTIMATELY THEIR ADVERTISE CREATION ABOUT THE CHARGES REACHES A TERMINATION POINTS AND FROM THERE IT'S A COUNCIL DECISION THAT GOES THROUGH THE BUDGET PROCESS. WE WOULD JUST LIKE TO MAKE YOU AWARE OF THE ISSUE. HOPE THAT WE CAN ROLL BACK SOME OF THESE FEES. IT'S \$3 PER ADULT A DAY AS AN ENTRY FEE FOR EACH OF THE FOR-PAY POOLS, INCLUDING BARTON SPRINGS AND A \$3 PARKING FEE ON THE WEEKENDS. AS WE GO THROUGH THE NEXT BUDGET CYCLE, WE ARE HOPING TO BRING TO THE TABLE SOME REASONABLE OPTIONS. BUT THE KEY POINT IS THAT FOR THE REVENUE THAT YOU MAY GENERATE FROM THIS INCREASING OF FEES, IT SEEMS LIKE IT WOULD WORK -- [BUZZER SOUNDING] --

**Mayor Wynn:** TIME TO CONCLUDE, THANK YOU.

IT WORKS A DISPROPORTIONATE HARDSHIP ON CERTAIN INDIVIDUALS WHO MAY CHOOSE NOT TO GO TO THE POOL AS A RESULT OF THE FEES. THANK YOU FOR YOUR ATTENTION.

**Mayor Wynn:** THANK YOU, MR. GENTLE. LESLIE COCHRAN. LESLIE COCHRAN. JENNIFER GALE? JENNIFER GALE? JOSE QUINTANILLA? -- JOSE QUINTERO? THANK YOU, YOU WILL BE FOLLOWED BY GAVINO FERNANDEZ. 7.

THANK YOU, MAYOR. GOOD AFTERNOON. I HAVE A CAUSE NUMBER DATING BACK TO 1929 WHEN THE CITY OF AUSTIN HAD A MASTER PLAN. AT THE TIME THE PEOPLE OF COLOR

WERE NOT INVITED, DID NEVER PARTICIPATE. GOOD AFTERNOON CITIZENS OF EAST AUSTIN, MY NAME IS JOSE QUINT TEAR RO WITH THE GREATER EAST AUSTIN NEIGHBORHOOD ASSOCIATION. THE AUSTIN CITY COUNCIL ADOPTED THE CESAR CHAVEZ NEIGHBORHOOD PLAN AND CONTINUES TO BE A CATALYST TO AN ONGOING GENTRIFICATION AND DISPLACEMENT OF OUR PEOPLE IN OUR NEIGHBORHOOD BY ANGLO AMERICANS. AS SUPPORTED BY COUNCILMEMBER RAUL ALVAREZ. NOTWITHSTANDING, COUNCILMEMBER SLUSHER IN REGARDS TO WHAT'S HAPPENING. WE ARE FACING ANOTHER OBSTACLE. WE ARE ASKING PEOPLE -- THEY DON'T LIKE TO SEE THE BUSINESSES IN OUR NEIGHBORHOOD. THE QUESTION IS WHY? WHAT IS COMMONLY CONSIDERED TO BE AN IMPORTANT, NECESSARY PART OF THE CULTURE EXPERIENCE OF MEXICANS AND MEXICAN AMERICAN IS BEING DESCRIBED AS AN INAPPROPRIATE USE FOR CESAR CHAVEZ STREET IN HISPANIC EAST AUSTIN. HOW IRONIC THAT WE WORK SO HARD, FOUGHT SO LONG TO PASS A CONDITIONAL USE PERMIT TO PROTECT US FROM THE BIG POLLUTERS IS NOW BEING USED TO KICK OUT THE BUSINESSES THAT DON'T FIT IN ANYMORE. IF I HAD A SMALL BUSINESS, SERVING THE WORKING MEXICAN FAMILY, I KNEW THAT A GROUP OF PEOPLE WERE WAITING FOR ME AT CITY HALL TO ATTACK MY BUSINESS. I WILL PROBABLY FOREGO APPLYING FOR A PERMIT AND LOOK FOR ANOTHER CONVENIENT LOCATION. IN THIS CASE WE FOUGHT MANY ISSUES REGARDING ZONING. TO THE POINT THAT THEY WANTED TO ARREST ME, GAVINO FERNANDEZ AND THE [INDISCERNIBLE] FAMILY WHEN WE WENT OUT THERE TO OPPOSE YOUR NEIGHBORHOOD PLAN. JACK, WHEN YOU TALK ABOUT NEIGHBORHOOD PROTECTION, NEIGHBORHOOD PLANS. NONE OF YOU, THE CITY, THE INJUSTICE OF THIS GOVERNMENT HAS PROTECTED US. WHY SHOULD I GO THROUGH AN ORDEAL IF A GROUP ALREADY SAYS I HAVE THAT KIND OF BUSINESS, THEY DON'T WANT TO SEE ON CESAR CHAVEZ. NOW, QUESTION ... THE BIG RED SUN IS RIGHT NEXT TO MY HOUSE NOW. LOOK WHAT THE CITY HAS DONE FOR THEM. THEY HAVE TAKEN OVER THE ALLEY. TOBY FUTRELL. IT'S IN VIOLATION OF CITY ORDINANCE FOR THE FIRE DEPARTMENT MUST GO THROUGH THERE. LAST NIGHT THEY HAD -- THEY MARKET

THEMSELVES AS A PLANT NURSERY, BUT THEY HAVE FUNCTIONS THERE AND THERE ARE CARS PARKED ALL OVER IN MY NEIGHBORHOOD [BUZZER SOUNDING] IN FRONT OF MY HOUSE. YET THEY -- YET THE CESAR CHAVEZ NEIGHBORHOOD ANGLO PEOPLE DON'T WANT TO SEE THESE BUS LINES THAT HAVE BEEN HERE FOR YEARS AND YEARS SERVING THE MEXICAN AMERICAN CULTURE. THANK YOU, MAYOR.

**Mayor Wynn:** THANK YOU, MR. QUINTERO.

**Futrell:** THAT WAS THE FIRST THAT I HEARD ABOUT A CODE VIOLATION WITH THE BIG RED SUN, I'LL TAKE A LOOK AT THAT AND SEE WHAT'S GOING ON.

**Mayor Wynn:** OUR LAST SPEAKER IS GAVINO FERNANDEZ, JR. WELCOME, SIR.

GOOD AFTERNOON, COUNCIL. MY NAME IS GAVINO FERNANDEZ WITH EL CONCILIO. BEFORE I BEGIN MY COMMENTS, I WOULD LIKE TO SHARE ON BEHALF OF OUR FAMILY OF NEIGHBORHOODS OUR DEEPEST, OUR CONDOLENCE AND DEEPEST SYMPATHY TO THE KOCUREK FAMILY AND TO DENNIS GARZA'S FAMILY WHO WERE PILLARS IN OUR COMMUNITY. AND WHO OUR LORD JESUS CHRIST CALLED HOME AND MAY THEY REST IN PEACE. I WOULDMENTS LIKE TO TAKE THIS OPPORTUNITY TO WISH YOU AND YOUR FAMILIES A SAFE AND HOLY WEEK, EASTER SUNDAY, AS WE APPROACH THAT HOLIDAY, AS MANY CHRISTIANS CELEBRATE EASTER SUNDAY. ALSO, I WOULD LIKE TO REMIND FOLKS THAT TONIGHT WE ARE HOSTING THE HOSPITAL DISTRICT TAXING FORUM. AT 7:00 P.M. AT METZ ELEMENTARY SCHOOL ON 84 ROBERT MARTINEZ. AND I ALSO GOT -- HAVE GOOD NEWS THAT PALM POOL WILL BE OPEN ON JUNE THE 6th THROUGH AUGUST THE 1st FROM 2:00 TO 7:00 P.M., SUNDAY THROUGH FRIDAY. I WOULD LIKE TO THANK THE PARKS DEPARTMENT AND STAFF FOR CONTINUING TO WORK WITH OUR COMMUNITY ON -- ON PALM PARK. I DO WANT TO MENTION THAT WE DID MEET AS NEIGHBORHOOD ASSOCIATIONS THAT ARE LISTED IN THE LETTER THAT I AM PRESENT BEING TO YOU AND WE DID -- PRESENTING TO YOU, WE DID MEET WITH BOTH [INDISCERNIBLE] AND AFTER THEIR PRESENTATIONS WE

VOTED 8-0 TO SUPPORT THEIR -- THEIR INTENT TO REQUEST FOR A CONDITIONAL USE PERMIT ON CESAR CHAVEZ STREET. WE LOOK FORWARD IN WORKING WITH YOU AND THE PLANNING COMMISSION ON SAID REQUEST. BECAUSE WE FEEL VERY OPTIMISTIC AS NEIGHBORHOOD LEADERS THAT THIS COUNCIL AND THIS PLANNING COMMISSION WILL RENDER A JUST, A FAIR AND JUST DECISION AS TO THESE BUSINESSES AND THEIR REQUESTS FOR A CONDITIONAL USE PERMIT. JUST LIKE YOU RENDERED A FAIR DECISION ON THE OIL COMPANY WHEN THEY REQUESTED A CONDITIONAL USE PERM. JUST AS YOU WORKED REAL WELL WITH JUAN IN A MILLION WHEN YOU SUPPORTED HIS REQUEST FOR AN ALCOHOL LICENSE TO SELL LIQUOR IN FRONT OF A CHURCH. SO IT SEEMS TO ME THIS COUNCIL HAS A VERY CONSISTENT RECORD ON SMALL BUSINESSES IN EAST AUSTIN. THESE TWO COMPANIES HAVE BEEN IN AUSTIN AND FOR OVER 15 YEARS TOGETHER. AND WE WANT TO WORK IN MAKING SURE THAT THEY DO HAVE THE APPROPRIATE PERMISSIONS PERMITS EXCUSE ME TO -- TO CONDUCT THE BUSINESS. AND TO ADD TO THE QUALITY OF SERVICE THAT THEY CONTINUE TO GIVE TO OUR COMMUNITY IN EAST AUSTIN. WE -- WE DO WANT TO -- WE DO WANT TO ENCOURAGE OUR FOLKS, ALSO TO TURN OUT AND VOTE ON APRIL THE 5th THROUGH THE 9th IN THE EARLY VOTE IN THE MARCH PRIMARY RUNOFFS AND AGAIN ON SEPTEMBER -- I MEAN ON APRIL THE 13th ON ELECTION DAY. WE ARE CLOSE WITH THAT, MAYOR, WE LOOK FORWARD IN WORKING WITH YOU AND BRINGING THE ISSUE OF SAN LUIS AND [INDISCERNIBLE] COMES BEFORE YOU. THANK YOU AND GRACIAS.

YOU ARE WELCOME, THANK YOU, MR. FERNANDEZ. COUNCIL, THAT'S ALL OF THE CITIZENS SIGNED UP FOR GENERAL CITIZENS COMMUNICATION. AT THIS TIME, WE WILL STEP BACK IN OUR NORMAL PROCEDURE AND TAKE UP OUR CONSENT AGENDA, OR POSTED AGENDA FOR THIS WEEK'S COUNCIL MEETING. WE START TYPICALLY BY READING THE CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. I'LL DO THAT NOW. ITEM NO. 2 WHICH WAS REGARDS TO THE CULTURAL ARTS FUNDING PROGRAM HAS BEEN POSTPONED TO APRIL 15th, 2004. ITEM NO. 3, WHICH IS STRIKE THE REFERENCE REVIEWED BY THE COUNCIL COMMITTEE ON TELECOMMUNICATION INFRASTRUCTURE.

ITEM 19 ALSO HAS BEEN POSTPONED TO APRIL 15th, 2004. THAT'S RELATED TO A PURCHASE AGREEMENT. ITEM 26, RELATED TO MEET AND CONFER. ISSUES, ALSO HAS BEEN POSTPONED APRIL 15th, 2004. ON ITEM NO. 32, IT SHOULD BE NOTED THAT THE FIRST READING WAS ACTUALLY MARCH 4th, 2004. NOT MARCH 11th. AS ORIGINALLY SHOWN. ON ITEM Z-1, IT SHOULD BE NOTED THAT THE PLANNING COMMISSION HEARING WAS POSTPONED TO APRIL 13th, 2004, NOT FEBRUARY 24th, 2004. ITEM NO. 34, RELATED TO BILLBOARDS, HAS ALSO BEEN POSTPONED TO APRIL 15th, 2004. I WILL NOW -- I WILL NOW READ OUR TIME CERTAIN ITEMS. AGAIN WE ARE -- WE APPRECIATE THE FLEXIBILITY OF FOLKS ALLOWING US TO START LATER THAN USUAL. AT 2:00 P.M., OR POSTED AS A 2:00 TIME CERTAIN WE WILL TAKE UP ITEM NO. 28, WHICH RELATES TO THE TEXAS MUSIC HALL OF FAME. AT 4:00 P.M., WE TAKE UP OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. THOSE SHOW ON THIS WEEK'S AGENDA AS ITEMS 31 AND 32. ITEMS Z-1 THROUGH Z-11. I WILL ANNOUNCE NOW THAT AT 4:00 CITY STAFF WILL BE REQUESTING THAT WE POSTPONE ITEMS Z-1 AND Z-11 TO APRIL 22nd, 2004. SO WE ACTUALLY WON'T BE ABLE TO TAKE UP THAT POSTPONEMENT ACTION UNTIL 4:00 AS POSTED, BUT KNOW THAT WE ARE VERY LIKELY TO -- TO AGREE TO THAT AND SO IF YOU ARE WATCHING OR WAITING FOR Z-1 AND 11, THEY SHOULD BE POSTPONED TO APRIL 22nd. 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, OUR PERFORMER TODAY IS SCOOTER DUBECK, AT 6:00 WE HAVE PUBLIC HEARINGS AND POSSIBLE ACTION THAT SHOWS AS ITEMS 33 AND 34. WITH 34 ACTUALLY BEING POSTPONED. BUT AGAIN WE CAN'T TAKE UP THAT POSTPONEMENT ACTION UNTIL THE POSTED TIME CERTAIN OF 6:00 P.M. THE ITEMS PULLED OFF THE CONSENT AGENDA FOR DISCUSSION CURRENTLY, ITEMS NUMBER 6, RELATED TO OUR NORTH TOWN MUNICIPAL UTILITY DISTRICT HAS BEEN PULLED BY COUNCILMEMBER SLUSHER. AND ITEM 27, RELATED TO SEAHOLM POWER PLANT R.F.P. ALSO HAS BEEN PULLED BY COUNCILMEMBER SLUSHER. COUNCILMEMBER SLUSHER?

**Slusher:** MAYOR, WE CAN PUT 6 BACK ON. AND AS ALWAYS PLEASE NOTE THIS IS NO FINANCIAL RESPONSIBILITY TO THE CITY.

**Mayor Wynn:** CORRECT. THANK YOU. SO ITEM 6 NOW PLACED BACK ON THE CONSENT AGENDA. SO ONLY 27 HAS BEEN PULLED FOR DISCUSSION. OTHER ITEMS TO BE PULLED OR PLACED BACK ON THE AGENDA? OKAY. THANK YOU. SO WITH THAT, I WILL READ NUMERICALLY TODAY'S CONSENT AGENDA, ITEM 1, 2, POSTPONEMENT TO APRIL 15th 15th, 2004. THREE PER CHANGES AND CORRECTION, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, TO BE POSTPONED TO APRIL 15th, 2004, 20, 21, 22, 23, 24, ITEM NO. 25 ARE THE APPOINTMENTS TO OUR CITY BOARDS AND COMMISSIONS. AT THIS TIME I WILL READ THOSE THREE NAMES INTO THE RECORD. TO THE CHILD CARE COUNCIL, DAN GARCIA, COUNCILMEMBER ALVAREZ'S REAPPOINTMENT. TO THE PLANNING COMMISSION: SID ALFREDO GALINDO, BY APPOINTMENT. TO THE TELECOMMUNICATION COMMISSION, JOHN ANDREW GREEN IS A CONSENSUS APPOINTMENT. THOSE ARE THE THREE CITIZENS APPOINTED THAT SHOW AS ITEM NO. 25 ON THE CONSENT AGENDA. ITEM 26, TO BE POSTPONED TO APRIL 15th, 2004. AND ITEM NO. 29. SO, COUNCIL, WITH THAT I'LL ENTERTAIN A MOTION TO APPROVE THE CONSENT AGENDA AS READ.

SO MOVE.

MOTION MADE BY COUNCILMEMBER ALVAREZ. SECONDED BY COUNCILMEMBER MCCracken TO APPROVE THE CONSENT AGENDA AS READ. DISCUSSION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

**Mayor Wynn:** OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU VERY MUCH. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

**Slusher:** I WAS ON A TRIP TO DC ON CITY AND CAPITAL METRO BUSINESS, AND SO I DIDN'T GET TO GIVE AS MUCH ATTENTION TO THIS WEEK AS I WOULD LIKE. I APOLOGIZE FOR THAT. BUT FIRST LET'S GET MR. LIBRACH UP HERE. THERE'S BEEN SOME CONCERN THAT THE CITY HAS TALKED ABOUT PUTTING A RAIL, FUTURE RAIL STATION NEAR THE AMTRACK PROPERTY INSTEAD OF HERE. THE REASON WHY IT MAKES SENSE HERE IS THAT THIS IS RIGHT AT THE



JUNCTION. THE ENZYME PROPERTY IS RIGHT AT THE JUNCTION -- THE SEAHOLM PATRIOT IT RIGHT AT THE JUNCTION OF THE RAILROAD, WHICH WAS THE MAIN SUBJECT OF THE TRIP TO DC, WITH A WIDE ARRAY OF -- AND BIPARTISAN ARRAY OF BOTH GOVERNMENT AND BUSINESS LEADERS IN THIS REGION. AND JUST THE WEEK BEFORE WE HAD A SIMILAR DELEGATION FROM SAN ANTONIO UP THERE THAT WOULD TAKE -- LOOKING TO GET THE UNION PACIFIC TRACK AND HAVE UNION PACIFIC MOVE THEIR FREIGHT RAIL OPERATIONS OUT ABOUT 30 MILES EAST OF AUSTIN, JUST HAVE LOCAL FREIGHT ON HERE AND THEN HAVE A COMMUTER RAIL LINE BETWEEN AUSTIN AND SAN ANTONIO. AND AT THE SAME TIME THE GIDDINGS TO LLANO RAILROAD, WHICH HAS BEEN OWNED FOR A NUMBER OF YEARS BY CAPITAL METRO, AND HOPEFULLY EVENTUALLY WOULD BE A PASSENGER RAIL LINE AS WELL, THIS IS RIGHT AT THE JUNCTION OF THOSE, SO IT MAKES SENSE TO HAVE A RAIL COMPONENT IN THERE. AND HAVE WE SWITCHED THAT OVER TO -- IS STAFF NOW RECOMMENDING AM TRACK, THE AREA WEST OF HERE INSTEAD?

PARDON ME, COUNCILMEMBER. WE ARE NOT RECOMMENDING ANY SPECIFIC LOCATION FOR A RAIL STATION AT ALL. THE PLAN THAT WAS DONE FOR THIS AREA, THE SEAHOLM DISTRICT MASTER PLAN, SHOWS A SITE JUST NORTH OF SEAHOLM ON THE EXISTING TRACT THAT'S THERE -- TRACK THAT'S THERE. AND A REASON FOR PURCHASING THE Y, THE SO-CALLED Y TRACK FROM UNION PACIFIC, WAS TO BE ABLE TO HAVE LAND AS A POSSIBLE LOCATION FOR A RAIL STATION IN THE FUTURE. SO I THINK THE INTENT HAS BEEN FOR A LONG TIME THAT THE RAIL STATION WOULD BE LOCATED NOT AT AMTRAK, BUT CLOSER TO SEAHOLM. ONE OF THE PROBLEMS WITH LOCATING IT EXACTLY WHERE THE TWO TRACKS INTERSECT IS THAT THEY ARE CURVED AT THAT POINT AND IT'S A LITTLE BIT DIFFICULT TO HAVE A STATION ON A CURVED RAIL, ALTHOUGH IT HAS BEEN DONE A NUMBER OF PLACES. SO THOSE ARE ALL THINGS THAT WOULD STILL NEED TO BE LOOKED AT IN DETAIL SHOULD THIS WHOLE THING MOVE FORWARD.

**Slusher:** OKAY. SO WE'RE NOT -- YOU LAID THAT OUT AS A POSSIBLE OPTION AT SOME POINT, THE AMTRACK ONE?

I THINK THAT AS A POSSIBLE OPTION IT WAS PROBABLY STUDIED BY OUR CONSULTANTS TO LOOK AT WHERE A -- RAIL STATIONS COULD GO. BUT THE MOST VIABLE ONE THAT WE BELIEVE EXISTS RIGHT NOW IS, AS I SAY, JUST NORTH OF SEAHOLM, MUCH FURTHER EAST THAN THE AMTRAK STATION.

AS YOU POINTED OUT, THAT'S THE PROPERTY THAT THE CITY RECENTLY PURCHASED FROM THE UP OR IS PART OF IT.

**Futrell:** AND COUNCILMEMBER, I THINK SOME OF THE CONFUSION THAT MAY BE HAPPENING HERE IS WHEN WE WEREN'T SURE WE COULD EVEN ACQUIRE THAT RIGHT-OF-WAY, THERE WERE MANY DIFFERENT SCENARIOS THAT WERE LOOKED AT IN CASE WE WERE NOT ABLE TO LOCK DOWN THAT SITE. BUT SINCE THEN A LOT HAS HAPPENED, INCLUDING THE ABILITY TO ACQUIRE THE RIGHT-OF-WAY BEHIND SEAHOLM.

**Slusher:** AND WE DID ACQUIRE IT.

**Futrell:** YES.

**Slusher:** THAT'S ALL I HAVE FOR THAT FOR NOW, THANK YOU. AND ONE OF THE MAIN REASONS THIS IS UP TODAY IS THAT WE HAVE AN R.F.P. OUT ON BLOCK 21. THAT'S THE BLOCK RIGHT ACROSS FROM THE NEW CITY HALL IS THE PARKING LOT FOR THE OLD CITY HALL OR THE OLD COUNCIL ANNEX WHERE THE CHAMBER WAS. PROBABLY A LOT BETTER USES FOR THAT THAN A SURFACE LEVEL PARKING LOT, SO THERE'S AN R.F.P. OUT FOR THAT AND PARTICULARLY FOR CIVIC USES ON THAT PROPERTY. AND AS PEOPLE COME IN AND BID ON THAT PROPERTY, THEN THEY'RE SAYING, WELL, IF WE DIDN'T DO THAT ONE, MAYBE THE SEAHOLM PROPERTY, THE LIBRARY FOLKS, FOR EXAMPLE, AND OTHERS, I WON'T GO THROUGH ALL OF THEM, SO WE THOUGHT IT WOULD MAKE SENSE TO HAVE BOTH THESE OUT AT THE SAME TIME. BUT WHILE THAT'S GOING ON WE'RE MAKING A LOT OF PROGRESS ON THIS IDEA OF THE COMMUTER RAIL. I SAID IN THE STATESMAN THAT SENATOR HUTCHISON IS FOR THAT, AND I CAN VOUCH FOR THEM THAT THEY'RE CORRECT ABOUT THAT. I WAS AT THE MEETING

WHERE SHE WAS VERY NEWSSED ABOUT THIS, SAID THAT IT WAS A PRETTY TALL ORDER, BUT THOUGHT IT WOULD BE A GREAT IDEA TO HAVE A COMMUTER RAIL LINE BETWEEN AUSTIN AND SAN ANTONIO. AND SO I THINK WE'D BE VERY -- I THINK IT WOULD BE VERY IMPRUDENT FOR US TO GO FORWARD WITH A PLAN FOR SEAHOLM THAT DOESN'T HAVE A RAIL -- A PASSENGER RAIL COMPONENT IN IT, TAKING INTO ACCOUNT IT'S THE FUNCTION OF THOSE TWO TRACKS. I THINK YOU CAN DO THAT AND MUCH MORE THERE. I PERSONALLY WOULD LIKE TO SEE SOMETHING THAT BRINGS A LOT MORE PEOPLE INTO DOWNTOWN AND TO HELP OUR SALES TAX BASE AS WELL AND, OF COURSE, PROVIDE A LOT OF ENJOYMENT FOR OUR CITIZENS AND HOPEFULLY THOSE FROM SURROUNDING AREAS. SO WITH THAT SAID, I WANT TO MAKE A FEW CHANGES TO THE RESOLUTION. MS. BROWN, IF YOU WOULD STAND BY.

**Mayor Wynn:** PEN IN HAND.

**Slusher:** THE COUNCIL DIRECTS THE CITY MANAGER TO SOLICIT QUALIFICATIONS/PROPOSALS, FOR THE DEVELOPMENT AND ADAPTIVE USE OF THE SEAHOLM PLANT PROPERTY WITH INTEGRATED CULTURAL, COMMERCIAL, PUBLIC AND MASS TRANSIT USE OPTIONS. OKAY. THEN, TAKING INTO CONSIDERATION AND THEN ADD, PLANS FOR THE SEAHOLM PROPERTY, SO THAT'S AN ADDITION, IN THE PROPOSED SEAHOLM MASTER PLAN. AND THEN A NEW SENTENCE, PROPOSALS SHOULD INCLUDE A PASSENGER RAIL OPTION THAT TAKES INTO ACCOUNT THAT SEAHOLM IS LOCATED AT THE JUNCTION OF THE UNION PACIFIC RAIL LINES AND THE -- AM I GOING TOO FAST? THE UNION PACIFIC RAIL LINE AND THE GIDDINGS TO LLANO LINE. AND THEN YOU PUT IN PARENTHESIS, WHICH IS OWNED BY CAPITAL METRO. LET ME ASK, CITY MANAGER, IS THAT CLEAR ENOUGH WHEN I SAY THE UNION PACIFIC LINE THAT WE'RE CONSIDERING THAT FOR COMMUTER RAIL? I'M TRYING NOT TO MAKE THIS SENTENCE LIKE TWO MILES LONG?

NO, I THINK IT WORKS. DO YOU WANT TO REDO IT ONE MORE TIME TO MAKE SURE WE GOT IT?

**Slusher:** WHY DON'T I LET MRS. BROWN READ IT BACK.

THIS IS HIS DEFINITION OF MY WORDS, TRANSIT USE  
OPTIONS. THANK YOU FOR CLARIFYING THAT.

**Slusher:** THANK YOU, COUNCILMEMBER.

YOUR FIRST -- YOUR FIRST INSERT WAS TAKING INTO  
CONSIDERATION PLANS FOR THE SEAHOLM PROPERTY IN  
THE PROPOSED SEAHOLM MASTER PLAN.

**Slusher:** YES.

THE SECOND IS A NEW SENTENCE, PROPOSALS SHOULD  
INCLUDE A PASSENGER RAIL OPTION THAT TAKES INTO  
ACCOUNT THAT SEAHOLM IS LOCATED AT THE JUNCTION OF  
THE UNION PACIFIC RAIL LINE AND -- AND I'M SORRY, I DID  
NOT CATCH THAT.

**Slusher:** GIDDINGS TO LLANO LINE, WHICH IS OWNED BY  
CAPITAL METRO.

**Slusher:** THAT'S CORRECT. I WOULD JUST MOVE APPROVAL  
AND PUT THAT ON THE TABLE AND IF WE GET A SECOND, IF  
WE HAVE ANY SPEAKERS.

**Mayor Wynn:** WE HAVE A MOTION FROM -- AN AMENDED ITEM  
FROM THE SPONSOR, COUNCILMEMBER SLUSHER, WITH A  
MOTION, SECONDED BY THE MAYOR PRO TEM. FURTHER  
DISCUSSION? MAYOR PRO TEM?

**Goodman:** I HAVE NO NEED TO DISCUSS.

**Mayor Wynn:** COUNCIL, WE HAVE A FEW CITIZENS SIGNED UP  
WISHING TO SPEAK. WITHOUT OBJECTION, WE WILL CALL ON  
CLARA ELAINE? HERE IS FINE, YES, MA'AM. YOU WILL HAVE  
THREE MINUTES. AND YOU WILL BE FOLLOWED BY RICK  
WATSON, WHO WILL BE FOLLOWED BY SID COVINGTON.

OKAY. MY NAME IS ELAINE GLASS, AND I OWN A HORSE  
DRAWN CARRIAGE COMPANY DOWNTOWN. AND WE HAVE  
BEEN LOOKING FOR A LOCATION FOR A WHILE WHERE WE  
CAN HAVE A DOWNTOWN BARN. ABOUT FIVE YEARS AGO AT  
OUR LOCATION WHERE WE'RE AT, SOME CHILDREN CAME  
OVER TO OBSERVE US HARNESSING OUR HORSES AND I

INSTRUCTED THEM TO STAY BACK SO THE HORSE WOULDN'T KICK THEM AND EXPLAINED TO THEM WHY YOU WOULDN'T WANT TO STAY BACK FROM A HORSE. AND THE YOUNG CHILD SAID TO ME, IF HE KICKS ME, I WILL GET A GUN AND KILL HIM. AND SO I THOUGHT, GOSH, WHAT WE REALLY NEED IS A WAY TO EDUCATE THESE CHILDREN OF, YOU KNOW, YOU'VE GOT INNER CITY CHILDREN THAT DON'T KNOW ANYTHING ABOUT HORSES, AND THAT'S MY EXPERTISE. AND SO WHAT I WOULD LIKE TO DO IS COMBINE MY BUSINESS WITH A PROGRAM THAT WOULD TEACH THE CHILDREN WITH CLASSES. I ALSO RAISE CLYDESDALES AND WE HAD SOME BACKING FROM THE CLAUDZ DALE -- CLYDESDALE ASSOCIATION AND OTHER ORGANIZATIONS THAT SEE THIS NEED, AND WE WERE LOOKING AT PROPERTY JUST WEST OF SEAHOLM AND THOUGHT WHAT A WONDERFUL PLACE THAT WOULD BE TO COMBINE THE HORSE DRAWN INDUSTRY, SCHOOL, A SCHOOL PROGRAM, AND THEN ALSO -- AND I KNOW THIS MAY BE A SORE SUBJECT, BUT I KNOW THERE'S A NEED FOR MOUNTED PATROL TO HAVE A LOCATION. AND WE CAN INCORPORATE THE PARK, MAYBE REDESIGN SOME OF THAT WALKWAY WHERE WE COULD DRAW MORE PEOPLE IN, YOU KNOW, OUR TOURISTS LOVE TO RIDE THE CAIRJZ. SO I WOULD LIKE FOR YOU TO CONSIDER AS YOU'RE DEVELOPING SEAHOLM, THAT YOU CONSIDER US IN THAT PLAN. I DON'T KNOW HOW WE'LL DO IT, BUT I BELIEVE THAT THERE'S A WAY TO DO THAT. AND I DON'T KNOW, WHAT ELSE CAN I SAY? AND SO I'M A LITTLE PEBBLE IN A BIG POND. AND THAT'S MY VISION. I GUESS ONE MORE THING I CAN SAY IS I HAVE STEPPED FORWARD INTO THE NONPROFIT SIDE OF MY BUSINESS FOR THE SCHOOL AND I HAVE AN ATTORNEY WORKING UP THE PLANS NOW FOR OUR NONPROFIT. AND IT WOULD BE CALLED KING'S CHOICE. -- KING'S CHOICE EQUESTRIAN SCHOOL OF AUSTIN, BUT THAT'S THE NEED I SEE. AND ONE MORE THING, I DID TALK TO SOMEBODY WITH THE AWD BON SOCIETY AND THEY ARE ALSO INTERESTED IN A LOCATION WHERE THEY CAN ALSO TEACH CLASSES, SO THERE'S THREE BUSINESSES RIGHT THERE READY TO GO IN AND HOPEFULLY HELP PROMOTE THAT AREA. THANK YOU.

**Mayor Wynn:** THANK YOU, ELAINE. MR. RICK WATSON? WELCOME, IS SIR. YOU WILL BE FOLLOWED BY SID COVINGTON. YOU HAVE THREE MINUTES.

THANK YOU, SIR. MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, I'M HERE TODAY REPRESENTING THE AMERICAN MUSEUM FOR ENTREPRENEURSHIP. RECENTLY I READ THAT OVER 90% OF NEW JOBS IN THE REGION WILL COME FROM SMALL BUSINESSES. THE MUSEUM'S THREE FOLD MISSION STATEMENT IS TO INCREASE THE NUMBER OF SMALL BUSINESSES IN THE REGION, INCREASE THE SUCCESS RATE OF THE SMALL BUSINESSES AND TO MARKET AUSTIN NATIONALLY AS AN ENTREPRENEURIAL HOT SPOT IN THE NATION. WE LOOK TO SUPPLY SERVICES IN THE MUSEUM, SOME OF THE EXHIBITS WILL BE SMALL BUSINESSES IN THEMSELVES, EACH IN AN INDUSTRY THAT'S USED TO -- IN STARTING A SMALL BUSINESS. THE MUSEUM WOULD LIKE TO TAKE THIS OPPORTUNITY TO THANK COUNCILMEMBERS DUNKERLEY AND SLUSHER FOR BRINGING THIS PROPOSAL UP FOR APPROVAL. THE MUSEUM'S BEEN LOOKING FOR A SPACE AND BEEN LOOKING AT THE SEAHOLM POWER PLANT FOR SEVERAL YEARS NOW DUE TO ITS VOLUMINOUS SPACE, THE LOCATION AND BECAUSE IT USED TO BE A POWER PLANT, ITS HISTORY AS A POWER PLANT. WE'LL BE GENERATING POWER OF A DIFFERENT KIND, ECONOMIC POWER, POWER TO DEVELOP AUSTIN MORE ECONOMICALLY. WE'RE CURRENTLY IN OUR DESIGN PHASE AND WE'RE LOOKING FOR BOARD MEMBERS WITH A PROVEN TRACK RECORD OF FUND-RAISING, GRANT WRITING, STRATEGY ALLIANCES. ALSO WE'D LIKE TO HEAR FROM THE AREA FILL LAN THROPISTS AND SERIAL ENTREPRENEURS. THANK YOU MUCH.

**Mayor Wynn:** THANK YOU, MR. WATSON. MR. SID COVINGTON? WELCOME, SIR. YOU WILL HAVE THREE MINUTES.

MAYOR, COUNCILMEMBERS, I APPRECIATE THE CHANCE TO VISIT WITH YOU. I AM THE VICE-CHAIR OF THE AUSTIN-SAN ANTONIO INTERMUNICIPAL COMMUTER RAIL DISTRICT, WHICH TOOK THREE OF MY MINZ RIGHT THERE. I'M ALSO THE CHAIR OF THE COMMITTEE OF THAT RAIL DISTRICT THAT'S NEGOTIATING WITH UNION PACIFIC AND IN CHARGE OF THE FREIGHT RAIL RELOCATION. SO THE -- I DO WANT TO LET YOU KNOW THAT THAT DOES SEEM TO BE MAKING PROGRESS, AND I PERSONALLY FEEL LIKE WE WILL BE SUCCESSFUL WITH THIS. THAT GIVES US THE ABILITY TO

THEN USE THIS MOPAC CORRIDOR FOR COMMUTER RAIL, AND THAT'S THE TARGET THAT WE'RE SHOOTING FOR AND THAT'S THE GOAL OF THE RAIL DISTRICT. THE CONCERN THAT THE RAIL DISTRICT HAS ABOUT A POTENTIAL FUTURE USE OF THE SEAHOLM PROJECT IS THAT WE WANT TO MAKE SURE THAT THE -- ANY INTERMODAL TRANSFER POINT IS WHERE IT CAN BE USED AS ONE. AND IT'S OUR FEELING THAT HAVING THAT STATION BE ON THE EAST -- ON THE WEST SIDE OF LAMAR IS NOT -- DOES NOT FACILITATE INTERMODAL TRANSFER. THIS CONCERN KIND OF CAME TO A HEAD LAST WEEK WHEN OUR STAFF MET WITH MR. LIBRACH AND HIS STAFF AND OUR STAFF. AND OUR STAFF WAS ACTUALLY WORKING ON STATION LOCATIONS UP AND DOWN THE CORRIDOR AS PART OF THE GATHERING INFORMATION FOR THE MODELING WE'RE DOING. AND STAFF WAS TOLD THAT THE DECISION HAD BEEN MADE THAT THIS WAS GOING TO BE AT THE AMTRACK STATION. SO THAT'S WHERE WE BECAME VERY CONCERNED, AND THAT'S WHAT THEY'RE BUILDING INTO THEIR MODEL. SO WE SEEM TO BE GETTING MIXED MESSAGES AND WE HAVEN'T HAD A GOOD CHANCE TO REVIEW IT. I WANTED TO MAKE SURE THAT WE DIDN'T MAKE A MISTAKE THAT WE COULDN'T RECOVER FROM. I THINK ALL OF US KNOW THAT IT'S VUS VERY IMPORTANT THAT IF WE DO -- ARE SUCCESSFUL WITH COMMUTER RAIL, THAT WE DO HAVE AN INTERMODAL STATION THAT HAS GOOD BUS ACCESS AND IS CONVENIENT TO OTHER FORMS OF TRANSIT. AND I THINK WE KNOW THAT AN AREA THAT'S CALLED THE Y BEHIND THE SEAHOLM IS PROBABLY THE MOST LOGICAL PLACE TO DO IT. THERE ARE SOME ISSUES WITH PUTTING A STATION ON THE CURVE. IT REQUIRES US TO USE LOW CARS, IT CREATES SOME PROBLEMS WITH SOME OF THE A.D.A. TYPES OF THINGS, BUT AS MR. LIBRACH SAID, IT HAS BEEN DONE. WE CAN PROBABLY DO IT AT LEAST ON AN INITIAL BASIS WHERE WE MAY HAVE TO MOVE TO THE WEST LATER ON, BUT WE WOULD STILL JUST MOVE TO THE WEST OF THE Y AND MOVE THE STATION THAT DIRECTION. IF YOU HAVE ANY QUESTIONS, OUR CONCERN WAS THAT WE DIDN'T WANT TO DO SOMETHING OR ISSUE AN R.F.P. THAT SOMEBODY MIGHT RESPOND TO THAT WE COULDN'T UNDO IN THE FUTURE. THANK YOU VERY MUCH.

**Mayor Wynn:** THANK YOU VERY MUCH, MR. COVINGTON, FOR

SERVING AND KEEPING US UP TO SPEED ON YOUR ISSUES.

**Futrell:** AND WOULD YOU TALK WITH AUSTAN AND LET'S EXCHANGE STAFF MEMBER NAMES TO MAKE SURE WE DON'T HAVE A MISS CUE HAPPENING?

I THINK A LOT OF THIS HAPPENED VERY QUICKLY. I DON'T THINK THERE WAS ANY INTENT. AUSTAN AND I TALKED TWO WEEKS AGO AND THEN WE HAD THIS MEETING LAST WEEK AND I GOT THE FEEDBACK FROM THIS, SO IT'S KIND OF A MOVING TARGET.

**Futrell:** ALL RIGHT, THANKS.

**Slusher:** MAYOR? ALSO ONE THING, MR. TOFG -- I ALSO WANT TO THANK MR. COUGHINGTON FOR HIS SERVICE TO THE CITY AND IN PARTICULAR THE RAIL DISTRICT, THE SAN ANTONIO RAIL DISTRICT AS HE POINTED OUT, HE'S THE VICE-CHAIRMAN AND HE'S DONE A GOOD JOB THERE. I THINK HIS MAIN ENTRY INTO THAT AND GETTING INVOLVED IN THAT HAPPENED WHEN TXDOT WAS TALKING ABOUT FLYOVERS ON MOPAC AT SEVERAL LOCATIONS DOWN THERE, AND OBVIOUSLY THE PEOPLE IN THE NEIGHBORHOODS THERE WEREN'T TOO PLEASE, SIRRED ABOUT THAT. A LOT OF OTHER PEOPLE THAT DIDN'T EVEN LIVE IN THOSE NEIGHBORHOODS WEREN'T TOO PLEASED ABOUT IT. AS WE WORKED TOGETHER IN CAMPO TRYING TO COME UP WITH A SOLUTION, ONE OF THE PROPOSALS THAT FOLKS IN THE NEIGHBORHOODS SUPPORTED, AT LEAST THE NEIGHBORHOOD ORGANIZATIONS SUPPORTED, WAS THAT WE TURN THIS INTO A COMMUTER RAIL TRACK IF WE POSSIBLY COULD. AND THAT'S SOMETHING THAT, AS I POINTED OUT EARLIER, IS MAKING SOME SIGNIFICANT PROGRESS ON. SO THIS IS SOMETHING NOT ONLY THAT RELATES TO SEAHOLM, BUT THAT COULD KEEP THAT FROM EVER COMING UP AGAIN ABOUT THOSE FLYOVERS. WE'VE GOT THAT AND THE BROAD WIDE SPANS -- MUCH WIDER SPANS OF MOPAC, WE'VE GOT THAT DEALT WITH TEMPORARILY, BUT IT'S GOING TO KEEP COMING BACK UP UNLESS WE GET SOME ALTERNATIVE FORMS OF TRANSPORTATION. SO THAT'S ANOTHER REASON FOR THIS. AND SINCE I DID MY OTHER HE EDITING FROM THE DIAS, IT'S BEEN POINTED OUT TO ME THAT I MAY HAVE WRONGLY



LABELED THE GIDDINGS TO LLANO RAILROAD, SO MS. BROWN, IF YOU COULD GET YOUR PENCIL OUT, AGAIN, I WANTED TO MAKE ONE MORE CHANGE. WHERE IT SAYS THE -- THE SENTENCE THAT I ADDED, IT SAYS LOCATED AT THE JUNCTION OF THE UNION PACIFIC RAIL TRACK AND -- IF YOU WOULD STRIKE EVERYTHING FROM THERE TO THE END OF THE SENTENCE AND ADD AFTER AND, A POSSIBLE PASSENGER RAIL/TRANSIT LINK TO CENTRAL DOWNTOWN AND OTHER POINTS.

**Mayor Wynn:** MAYOR PRO TEM, DO YOU CONSIDER THAT A FRIENDLY AMENDMENT AS THE SECOND? THANK YOU. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER MCCRACKEN.

**McCracken:** YEAH. I WANTED TO CONGRATULATE COUNCILMEMBER SLUSHER AND COUNCILMEMBER DUNKERLEY FOR HAVING THE INITIATIVE TO BRING FORWARD THE SEAHOLM MASTER PLAN, IN PARTICULAR TO HAVE THE VISION TO PROMOTE THIS AS THE DOWNTOWN COMMUTER RAIL STATION. ONE OF THE OBVIOUS ADVANTAGES TO MAKING THE SEAHOLM PLAN A SUCCESS IS THE POSSIBILITY OF HAVING THOUSANDS OF PEOPLE WALK THROUGH THAT STATION EVERYDAY AS COMMUTER RAIL PASSENGERS. THAT WOULD CREATE THE DENSITY OF USE WITHIN THE FACILITY TO MAKE IT POSSIBLE FOR ALL OF THE -- FOR ALL THE SHOPS OR WHATEVER GOES IN THERE. I ALSO WANT TO CONGRATULATE A NUMBER OF FOLKS WORKING ON THIS. WE RECEIVED A LETTER FROM SENATOR BAR YES OR NO TOES EXPRESSING HIS STRONG SUPPORT FOR HAVING SEAHOLM BECOME THE LOCATION FOR THE DOWNTOWN COMMUTER RAIL STATION. WE'VE ALSO HAD SUPPORT ON THIS FROM -- AS COUNCILMEMBER SLUSHER NOTED, FROM SENATOR HUTCHISON AND CONGRESSMAN LAMAR SMITH, CONGRESSMAN LLOYD DOGGETT, ONE OF OUR OWN LOCAL DELEGATION, MIKE KRUSEE IN THE HOUSE AND. I THINK IT'S INTERESTING TO NOTE THAT IN THE MARCH 24TH, 2004 ADDITION OF THE HILL COUNTRY NEWS, THERE'S A STORY ABOUT HOW THE CITY OF LEANDER IS CHANGING ITS ENTIRE CITY LAND USE PLAN TO TAKE ADVANTAGE OF BECOMING A HUB FOR COMMUTER RAIL IN THIS REGION. THEY'RE GOING TO SOMETHING CALLED A TRANSIT ORIENTED DEVELOPMENT AND ITS KIND THE ON THE FRONT

END OF WHAT COMMUNITIES ARE DOING ACROSS THE COUNTRY AND BUILDING UNIQUE, DISTINCTIVE COMMUNITIES THAT ESCAPE FROM THE COOKIE CUTTER STUFF WE'VE BEEN GETTING ALL OVER THE COUNTRY AND IN THIS REGION LATELY. SEAHOLM OFFERS A SIMILAR OPPORTUNITY TO CREATE A UNIQUE ONE OF A KIND FACILITY FOR RAIL-BASED MASS TRANSIT IN THIS REGION. SO ONCE AGAIN I WILL THANK COUNCILMEMBER SLUSHER AND DUNKERLEY FOR BRINGING THIS FORWARD.

**Mayor Wynn:** FURTHER COMMENTS, QUESTIONS? I WILL SAY I ALSO COMMEND THE ACTION BECAUSE WHAT IT DOES, IT ALSO REMIND US THAT AS WE BRING THE R.F.P. FOR SEAHOLM AND REALLY BLOCK 21 FOR THAT MATTER, THAT PERHAPS MOST IMPORTANTLY TO THE ISSUE OF COMMUTER RAIL AND A MULTIMODE AL STATION IS WE'VE LEARNED THAT IN MANY COMMUNITIES THOSE FACILITIES THEMSELVES, THE ACTUAL TERMINAL OR THE TRAIN STATION AND THOSE IMPROVEMENTS, OFTEN TIMES ARE FINANCED BY TAX INCREMENT FINANCING, THAT IS, THE TAX -- THE PRIVATE TAX BASE IS CREATED NEAR THOSE COMMUTER RAIL STATIONS, WHICH IS FRANKLY ONE OF THE REASONS THAT YOU TRY TO HAVE FIXED RAIL TRANSIT, CAN IN FACT HELP FINANCE THOSE IMPROVEMENTS. SO IT WILL KEEP THAT IN MIND FOR US AS WE TRY TO FIGURE OUT FRANKLY THE TAX BASE THAT CAN BE CREATED IN A NEAR -- A POTENTIAL MULTIMODE AL LINK. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR OF ITEM 27 27 AS AMENDED SAY AYE. MOTION PASSES ON A VOTE OF SEVEN TO ZERO. COUNCIL, WITH THAT, I BELIEVE WE DON'T HAVE ANOTHER DISCUSSION ITEM UNTIL OUR 2:00 O'CLOCK TIME CERTAIN. WE HAVE A SHORT EXECUTIVE SESSION AGENDA, SO AT THIS TIME WITHOUT OBJECTION, WE WILL GO INTO CLOSED SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS AGENDA ITEM 30 RELATING TO THE REGULATIONS APPLICABLE TO THE MISSION BETHANY SUBDIVISION. WE ARE NOW IN EXECUTIVE SESSION. THANK YOU.

**Mayor Wynn:** WE ARE OUT OF CLOSE CLOSED SESSION. WE TOOK UP PRIVATE CONSULTATION WITH OUR ATTORNEY WE DISCUSSED ITEM NO. 30 RELATED TO SUBDIVISION

REGULATIONS, NO DECISIONS WERE MADE. AT THIS TIME, COUNCIL, WE WILL TAKE UP ITEM NO. 28, WHICH WE POSTED AS A TIME CERTAIN, NOT TO TAKE UP BEFORE 2:00 P.M. THIS IS FROM MYSELF, COUNCILMEMBER THOMAS, DRUNK, DIRECTING THE CITY MANAGER TO INCLUDE IN THE SEAHOLM AND/OR BLOCK 21 R.F.P. PROCESS SUPPORT FOR A TEXAS MUSIC HALL OF FAME. BEFORE WE HAVE FURTHER DISCUSSIONS, I WOULD LIKE TO IF I CAN JUST GO TO THE CITIZENS WHO HAVE SIGNED UP SPEAKING, I BELIEVE ALL IN FAVOR OF THIS ITEM. WE WILL START WITH MR. WAYNE MILLER. WELCOME, WAYNE. YOU WILL HAVE 3 MINUTES AND YOU WILL BE FOLLOWED BY PAT JASPER, WHO WILL BE FOLLOWED BY RICARDO HEARN HERNANDEZ.

WELCOME,.

THANK YOU, I'M WAYNE MILLER CHAIRMAN OF THE TEXAS MUSIC HALL OF FAME FOUNDATION, ORIGINALLY FROM GALVESTON, A BOI, BORN ON THE ISLAND IF YOU KNOW WHAT THAT MEANS. AND WE ARE -- WE HAVE CREATED A TEXAS MUSIC HALL OF FAME POUND FOUNDATION. WE HAVE BEEN WORKING FOR THE LAST SEVEN OR EIGHT YEARS TO MAKE THIS A REALITY. THE TEXAS MUSIC HALL OF FAME WILL BE VERY SIMILAR TO WHAT THE ROCK AND ROLL HALL OF FAME IS, WHAT THE EXPERIENCE MUSEUM IS, WHAT THE COUNTRY MUSIC HALL OF FAME IS. OF COURSE, TAKING ALL OF THE GOOD THINGS THAT THEY ARE DOING AND IMPROVING ON THE THINGS THAT THEY ARE NOT DOING RIGHT. BUT TEXAS HAS MORE ARTISTS AND MORE VARIETY OF ARTISTS IN GENRES OF MUSIC THAN ANY REGION IN THE WORLD. IT'S TIME FOR THIS REALLY, REALLY IMPORTANT HISTORICAL FACT TO BE PRESERVED, TO BE INSTITUTIONALLIZED AND TO BE USED IN A WAY TO EDUCATE FUTURE GENERATIONS AND RECOGNIZE THE GREAT TEXAS ARTISTS THAT WE HAVE WHO ARE NOT ONLY A PART OF THE AMERICAN MUSIC SCENE BUT PART OF THE WORLD MUSIC SCENE. SO WE HAVE BEEN WORKING FOR SEVERAL YEARS WITH ARTISTS AND WITH DIFFERENT GROUPS AROUND THE COUNTRY AND DIFFERENT GROUPS IN THE STATE. WE ARE VERY EXCITED TO HAVE THE OPPORTUNITY WITH THE CITY OF AUSTIN TO HAVE THE PARTNERSHIP TO MAKE THIS A REALITY FOR THE CITY OF AUSTIN. IT WILL BE A TOURIST DESTINATION, AN

EDUCATIONAL FACILITY, A PLACE WHERE SCHOOL CHILDREN CAN COME FROM AROUND THE STATE. IT WILL CERTAINLY DRAW PEOPLE FROM NOT ONLY AROUND THE REGION, BUT AROUND THE COUNTRY. AND IT WILL BE SOMETHING THAT WE CAN ALL ENJOY, BUT MOST IMPORTANTLY, THAT OTHERS IN OUR GENERATIONS AND OUR CHILDREN CAN ENJOY AND RECOGNIZE THE GREAT ART AND CULTURE THAT WE HAVE HERE IN THE STATE OF TEXAS. IN YOUR PACKET YOU EVER PROBABLY -- YOU HAVE PROBABLY SEEN LETTERS OF SUPPORT FROM DR. GARY HARTMAN THE DIRECTOR FOR THE CITY OF TEXAS MUSIC HISTORY, BOB LANDER THE AUSTIN CONVENTION AND VISITORS BURRO, JACK NOLKS, TEXAS ASSOCIATION OF MUSEUM, OUR FRIEND WILLIE NELSON AND WE HAVE A LOT OF FRIENDS IN THE MUSICIAN ARTIST COMMUNITY WHO ARE BEHIND US. SO LOOK FORWARD TO WORKING WITH Y'ALL AND WE SEE THIS AS A -- AS CERTAINLY THE FIRST STEP TO SEEING THE BUILDING REALIZED. WE PLAN TO HAVE ANNUAL INDUCTION CEREMONIES AND CONCERTS WHICH WILL CERTAINLY BRING PEOPLE TO AUSTIN. AUSTIN WILL CONTINUE TO BE RECOGNIZED AROUND THE COUNTRY AND AROUND THE WORLD AS BEING ONE OF THE CENTERS FOR ENTERTAINMENT AND MUSIC IN THE COUNTRY. THANKS VERY MUCH.

THANK YOU, MR. MILLER, HANG LOOSE THERE WILL PROBABLY BE QUESTIONS FOR YOU LATER. I WANT TO GO THROUGH THE CARDS NOW. PAT JASPER, YOU WILL BE FOLLOWED BY RICARDO HERNANDEZ.

THANK YOU, MAYOR. HONORABLE CITY COUNCIL MEMBERS, GOOD AFTERNOON, I'M PAT JASPER, THE DIRECTOR OF THE TEXAS MUSIC HALL OF FAME FOUNDATION. UNLIKE WAYNE MILLER, I AM NOT A NATIVE TEXAN AND BY DEDUCTION THAT MEANS THAT I'M NOT A NATIVE AUSTINITE. BUT I HAVE SAID MORE THAN ONCE THAT I'M A BORN AGAIN TEXAN. BOTH A BORN AGAIN TEXAN AND A BORN AGAIN AUSTINITE AND I CAN TELL YOU THAT THAT CONVERSION AND BAPTISM OCCURRED THROUGH WHAT HARD SHELL BAPTISTS SOMETIMES REFER TO AS FULL IMMERSION. IN THIS CASE THE FULL IMMERSION WAS NOT WATER, BUT FULL IMMERSION IN AUSTIN AND TEXAS MUSIC. FULL IMMERSION IN THE RICH AND DIVERSE SOUNDS OF TEXAS. NOW, IT'S

TRUE THAT MY TOTAL TRANSFORMATION AS A BELIEVER WAS THANKFULLY CONTINUED AT U.T. WHERE I STUDIED FOLKLORE, ANTHROPOLOGY AND MUSEUM STUDIES AND COMPLETED WHEN I BEGAN WORKING PROFESSIONALLY WITH A DEEPLY ROOTED REGIONAL AND ETHNIC CULTURES OF THE STATE. AS A RESULT I HAVE BEEN WILDLY LUCKY TO WORK OVER THE LAST 25 YEARS IN THE ARTS AND CULTURAL COMMUNITY OF TEXAS CURATING, PRODUCING, PRESENTING, MUSICAL PROGRAMS, EXHIBITS, EDUCATIONAL PROJECTS, ALL OF WHICH EXPLORE AND CELEBRATE THE MANY CULTURAL AND MUSICAL TRADITIONS OF THE LONE STAR STATE. THE TEXAS MUSIC HALL OF FAME IS A HUGE PROJECT. I CAN THINK OF NO SINGLE PROJECT THAT HAS GREATER POTENTIAL TO BOTH EXHIBIT AND ENGAGE THE TEXAS BORN AND BASED CREATIVE SPIRIT. NO GREATER POTENTIAL TO ENTERTAIN AND EDUCATE AUSTINITES AND TEXANS OF ALL STRIPES AND FINALLY NO BETTER POTENTIAL TO SERVE AS A GENERATOR OF SUBSTANTIAL ECONOMIC AND TOURIST DEVELOPMENT FOR THIS AREA AND THIS REGION. IMAGINE, IF YOU WILL, A WORLD CLASS FACILITY, IMAGINE DYNAMIC INTERACTIVE EXHIBITS AND PROGRAMS, AND IMAGINE A PERMANENT INSTITUTION FULLY OPEN AND AVAILABLE TO THE PUBLIC YEAR-ROUND THAT CELEBRATES OUR UNPARALLELED MUSICAL HERITAGE. FOR THIS REGION, WE HAVE AN OBLIGATION TO DO THIS PROJECT RIGHT. WE NEED TO PLAN INTENSELY AND CAREFULLY FROM THE OUTSET. BUT WE ALSO NEED TO SEIZE THE MOMENT AND TO KEEP THE BIG PICTURE IN MIND. WE NEED TO SEE THIS PROJECT FOR WHAT IT IS, A STATE-WIDE EFFORT, A COMPREHENSIVE AND INCLUSIVE PORTRAIT, TEXAS' OWN MUSICAL MIRROR TO THE WORLD. AS THE TEXAS MUSIC OFFICE HAS SO WISELY PUT IT SO MANY TIMES, YOU CAN'T HEAR MUSIC. AMERICAN MUSIC WITHOUT HEARING TEXAS. I WANT TO THANK THE STAY WITHECITY OF AUSTIN FOR ITS VISION IN EMBRACING THIS PROJECT AND SEEING THAT THE LIVE MUSIC CAPITAL OF THE WORLD SHOULD BE HOME TO THE TEXAS MUSIC HALL OF FAME. I OFFER YOU MY SERVICES AS A RESOURCE PERSON AND LOOK FORWARD TO HEARING FROM YOU.

**Mayor Wynn:** THANK YOU, AT THIS TIME MR. HERNANDEZ, YOU WILL BE FOLLOWED BY CASEY MONAHAN.

GOOD AFTERNOON, I HOPE THAT YOU ARE HAVING A WONDERFUL DAY. I'M RICARDO HEARN NECESSARY, EXECUTIVE DIRECTOR AS TEXAS COMMISSION ON THE ARTS. HERE PRETTY MUCH TO ASK YOUR SUPPORT OF THE TEXAS MUSIC HALL OF FAME. I HAVE BEEN INVOLVED IN THE PROJECT ONLY FOR A LITTLE BIT OF TIME, BUT SINCE THAT TIME WE AT THE COMMISSION HAVE SUPPORTED THIS RESEARCH PHASE, THIS INITIAL PHASE AND WE HAVE EVERY INTENTION OF SUPPORTING THE ONGOING DEVELOPMENT OF THE ORGANIZATION AND CERTAINLY PERCEIVE THE ORGANIZATION WILL BE ONE OF OUR CORE INSTITUTIONS IN THE NEAR FUTURE THAT WILL RECEIVE REGULAR GRANT FUNDING FROM THE TEXAS COMMISSION ON THE ARTS. I THINK THAT IT'S REALLY IMPORTANT THAT WHEN YOU CONTEMPLATE THIS PROJECT, THAT YOU NOT PERCEIVE IT AS A COST CENTER. BUT ACTUALLY A GREAT CULTURAL ASSET THAT HAS THE POTENTIAL OF -- OF STIMULATING THE ECONOMY AND BRINGING GREAT NUMBERS OF TOURISTS TO THIS CITIMENT AND WHILE IT'S A STATE-WIDE EFFORT, I THINK THAT THE BOUNCE TEE WILL BE THAT OF AUSTIN'S. I ENCOURAGE YOU. I'M AVAILABLE IF YOU WOULD LIKE TO ASK QUESTIONS OR IF THERE'S ANY OTHER WAY THAT I CAN SUPPORT YOU, THAT MY ORGANIZATION CAN SUPPORT YOU. MY BOARD IS BEHIND YOU. II CAN TELL YOU THAT THE LEADERSHIP IN THE LEGISLATURE HAS DISCUSSED THIS PROJECT MANY TIMES AND VERY FAVORABLY. WE ANTICIPATE THAT THEY WILL CONTINUE TO DO SO. SO AGAIN I ENCOURAGE YOU TO SUPPORT THE TEXAS MUSIC HALL OF FAME AND LOOK FORWARD TO YOUR AFFIRMATIVE RESPONSE. THANKS.

THANK YOU, MR. HERNANDEZ. CASEY MONAHAN. WELCOME, YOU WILL BE FOLLOWED BY CLAY SHORTKEY.

THANK YOU, MAYOR, MEMBERS OF THE COUNCIL, WAYNE MILLER CAME TO THE TEXAS MUSIC OFFICE ABOUT SEVEN YEARS AGO WITH AN IDEA, A DREAM, WANTED TO GET OUR FEEDBACK. WE ARE MOSTLY ECONOMIC DEVELOPMENT BUT ALSO WHEN YOU STRENGTHEN THE CULTURE, I KNOW THIS COUNCIL UNDERSTANDS, IF YOU STRENGTHEN THE CULTURE, IT MEANS GREAT ECONOMIC BENEFIT. AND WHENEVER A MUSICIAN GOES OUT TO TOUR THROUGHOUT THE WORLD, THEY ARE UNPAID AMBASSADORS FOR OUR

CITY. WHEN ANY DOGGED COLLECTOR COLLECTS TEXAS MUSIC MEMORABILIA, THEY ARE UNPAID AMBASSADORS FOR OUR STATES AND OUR CITY'S MUSIC. SO WHEN WAYNE SAID "DO YOU THINK IT WILL WORK?" I HAD TO QUOTE WILLIE NELSON'S DEFINITION OF LEADERSHIP, WHICH IS WHEN YOU SEE A LOT OF PEOPLE GOING IN ONE DIRECTION, YOU JUST IN FRONT OF 'EM. AND THEY HAVE BEEN JUMPING IN FRONT OF THIS ENORMOUS MOMENTUM TOWARD COMMERCIALIZING THE CULTURAL ASSETS OF TEXAS AND I KNOW FROM PERSONAL EXPERIENCE, FROM THE MANY, MANY MEETINGS THAT THE ENTIRE MUSIC ARCHIVE AND LIBRARY COMMUNITIES HAD IN OUR OBVIOUS AS A RESULT OF SPEAKER LANEY, SPEAKER'S CHARGE TWO YEARS AGO, THAT THERE IS GREAT MOMENTUM, THERE IS SOME DISAGREEMENT ABOUT HOW TO GO ABOUT THAT, BUT YOU EXPECT THAT WHEN YOU ARE DEALING WITH CREATIVE FOLKS. BUT I DO KNOW THAT -- THAT THE TEXAS MUSIC HALL OF FAME HAS BEEN OUT IN FRONT TRYING TO SECURE NOT ONLY THE CITY SUPPORT, BUT THE CORPORATE SUPPORT AND THE MUSIC INDUSTRY SUPPORT FROM NOT JUST AUSTIN, NOT JUST TEXAS, BUT FROM THE MUSIC INDUSTRY AND NEW YORK AND NASHVILLE AND L.A. I KNOW THAT LIVING IN A CITY LIKE THIS IT MAKES IT EASY FOR THE CVB FOLKS BECAUSE THE CITY MARKETS ITSELF THROUGH THE GREAT THINGS THAT ARE AVAILABLE HERE. BUT EVEN THOUGH THERE ARE 11 ARCHIVES, LIBRARIES, MUSEUMS, DEDICATED TO MUSIC IN AUSTIN, ONE OF WHICH IS REPRESENTED HERE THE TEXAS MUSIC MUSEUM, THE -- THERE IS A -- THERE'S ADDITIONAL OPPORTUNITIES THAT ARE AVAILABLE. AND IF YOU ALL HAVE ANY QUESTIONS I WILL BE HAPPY TO SERVE AS A RESOURCE TO THAT END. THANK FOR YOU ASKING ME UP.

THANK YOU, MR. MONAHAN. WE APPRECIATE ALL THAT YOU'RE DOING. MR. CLAY SHOREKY, 3 MANUSCRIPT FOLLOWED BY MR. BRYAN OWENS. 3 MINUTES.

THANK YOU. I'M CLAY, A PROFESSOR AT THE SCHOOL OF SOCIAL WORK AT U.T. I'VE BEEN AT THE PROFESSOR FOR A LITTLE OVER 30 YEARS AT U.T. AND A GOOD CHUNK OF THAT TIME I'VE BEEN WORKING WITH HUNDREDS OF OTHER VOLUNTEERS, YOU KNOW, HERE IN AUSTIN DEVELOPING THE PROJECT CALLED THE TEXAS MUSIC MUSEUM. WHICH WE

JUST BASICALLY CELEBRATED 20 YEARS OF WORK. AS CASEY MENTIONED ACTUALLY WE ARE ONE OF THE ARCHIVES I THINK THAT'S ACTUALLY BEEN MENTIONED THAT'S IN THE TEXAS MUSIC DIRECTORY SINCE THE BEGINNING BECAUSE WE WERE IN BUSINESS WHEN THE DIRECTORY STARTED. WE HAVE TRIED OVER THE YEARS TO DO MANY, MANY, MANY THINGS TO HELP MAKE AUSTIN THIS MAJOR MUSIC CAPITAL. OF COURSE WE WANT TO SEE ALL OF THESE GOOD THINGS, YOU KNOW, HAPPEN HERE. SO BASICALLY PROVIDE THINGS FOR THE CITIZENS TO BRING TOURISTS TO HELP THE MUSICIANS THAT NEED -- THAT NEEDLESS GOOD VENUES IN TERMS OF BEING ABLE TO BECOME SUCCESSFUL. WE DIDN'T GET THE ACTUAL WORDING ON THIS RESOLUTION UNTIL KINDS OF LATE YESTERDAY. MOST OF OUR BOARD HAS BEEN INVOLVED IN TRYING TO COME UP WITH A STATEMENT AND MANY PEOPLE WANTED TO BE HERE, DOUG -- BY THE WAY IS HAVING HIS BIG RECORD CONVENTION THIS WEEKEND AND IS REAL BUSY, JOHN WEED OVER AT THE CENTER FOR AMERICAN HISTORY ALSO WANTED TO BE HERE, KIND OF ON AND ON. BUT THIS IS BASICALLY WHAT -- ACCORDING TO THE -- THERE WAS AN ARTICLE IN THE AUSTIN AMERICAN-STATESMAN LAST SATURDAY THAT SAID THE PASSAGE OF THE RESOLUTION SHOWING THE CITY'S SUPPORT FOR TEXAS MUSIC HALL OF FAME PROJECT IS ESSENTIAL IN ORDER TO AVOID A DECISION TO BUILD A TEXAS MUSIC HALL OF FAME ELSEWHERE. OF COURSE WE WANT ALL OF THESE WONDERFUL THINGS HERE IN AUSTIN. THAT'S ALWAYS BEEN THE GOAL FOR OUR TEXAS MUSIC MUSEUM. THE TEXAS MUSIC HALL OF FAME FOCUS IS SAID TO INCLUDE THINGS LIKE THE HALL OF FAME, ANNUAL INDUCTION CEREMONY, PRODUCTION AND SALES, TEXAS MUSIC CD'S, DVDS, THESE WOULD ALL BE WONDERFUL IN AUSTIN. TEXAS MUSIC MUSEUM FOCUSES ON THE HISTORY AND CULTURE OF TEXAS MUSIC. WITH SPECIAL EMPHASIS ON RESEARCH, DOCUMENTATION, DEVELOPMENT OF EXTENSIVE ARCHIVAL COLLECTIONS THAT HIGHLIGHT THE DEPTH AND DIVERSITY OF TEXAS MUSIC HISTORY. CURRENTLY AND FOR 20 YEARS WE HAVE PROVIDED SERVICES AS A MUSIC HISTORY EDUCATIONAL RESOURCE. I HAVE TO HURRY BECAUSE WE HAVE THE FOURTH AND SIXTH GRADERS FROM CASIS ELEMENTARY COMING OVER, OUR CURRENT EXHIBIT IS



NATIVE AMERICAN TEXAS MUSIC. AND EACH YEAR WE HAVE ALSO PRESENTED EXHIBITS AND LIVE MUSIC PROGRAMS. TEXAS MUSIC MUSEUM UNDERSTANDS THE NECESSITY FOR APPROVING AND ENTHUSIASTICALLY SUPPORTS TEXAS MUSIC MUSEUM AND MUSIC HALL OF FAME COLLABORATION. TEXAS MUSIC HALL OF FAME AND TEXAS MUSIC MUSEUM ARE SIGNIFICANTLY DIFFERENT IN FOCUS AND WE BELIEVE BOTH PROJECTS DESERVE DEDICATED CITY SUPPORT AND WILL GREATLY ENRICH THE AUSTIN COMMUNITY.

OKAY. THANK YOU, MR. SHOREKEY.

I BROUGHT A COUPLE OF THINGS THAT -- CAN I PASS THESE OUT. TO HELP WITH THE -- TEXAS DEPARTMENT OF TRANSPORTATION TEXAS MUSIC ROAD MAP. WE ARE KIND OF PROUD THIS WILL HOPEFULLY BRING IN A LOT OF TOURISTS HERE. IN AUSTIN IT EMPHASIZES THE STEVIE RAY STATUTE, CENTER FOR TEXAS HISTORY, MUSIC MUSEUM, ALSO THE AUSTIN MUSEUM PARTNERSHIP. WE ARE VERY INVOLVED WITH WORKING WITH ALL OF THE OTHER MUSEUMS HERE. THANKS A LOT.

**Mayor Wynn:** THANK YOU, SIR. BRYAN OWENS. WELCOME, BRYAN, YOU'LL HAVE 3 MINUTES.

MAYOR AND COUNCILMEMBERS, I'VE LIVE UNDERSTAND AUSTIN SINCE 1966. I AM A RETIRED PROFESSIONAL TELEVISION EXECUTIVE. IN 1975 WHEN I GOT MY MASTER'S DEGREE, I WAS JUST THINKING ABOUT IT, 30 YEARS AGO I COVERED THE CITY COUNCIL AND PUT IT ON THE TELEVISION FOR THE VERY FIRST TIME. I PUT IT ON ACTV FOR A YEAR, ALMOST 30 YEARS THAT YOU HAVE BEEN ON TELEVISION. I GOT A MASTER'S DEGREE IN RTF. HAD A HOUSE, WENT OFF TO LOS ANGELES. HEAD OF PROGRAMMING OF E ENTERTAINMENT TV AND HELPED FOUND HOME AND GARDEN AND WORKED FOR ABOUT SEVEN OR EIGHT OTHER TV CHANNELS AND CAME BACK TO AUSTIN. A FEW YEARS AGO WAYNE PUT ME ON HIS ADVISORY BOARD. I WOULD LIKE TO SPEAK ON TWO THOUGHTS ON THIS. ONE IS I REALLY LIKED THE IDEA OF A TEXAS MUSIC HALL OF FAME, ESPECIALLY SOMEONE THAT WORKED 25 YEARS IN COMMERCIAL TELEVISION. BECAUSE IT'S A LIVING MUSEUM. EVERY YEAR THERE'S EVENTS,

BRINGS PEOPLE IN. IT WILL HAVE A BIG IMPACT ON KEEPING MUSIC ALIVE IN TEXAS AND AUSTIN. VIS-A-VIS WHAT GOES ON IN NEW YORK AND LOS ANGELES. IT'S A WAY TO LOOK BACK HERE, MUCH LIKE AN AWFUL LOT OF COUNTRY MUSIC LOOKS BACK AT NASHVILLE, PEOPLE IN SEATTLE AT THE EXPERIENCE MUSEUM. AT THE LIVING -- IT'S A LIVING MUSEUM. SECONDLY, HAVING LIVED IN AUSTIN FOR ALMOST 40 YEARS, AUSTIN HAS GOTTEN VERY EXPENSIVE. I HAVE MANY MUSICIAN FRIENDS, SLOWLY BUT SURELY I HAVE WATCHED THEM MOVE FURTHER AND FURTHER AWAY FROM THE CITY OF AUSTIN. WE HAVE SUCH A VIBE VIBRANT, LIVING, MUSICAL CULTURE HERE, IT REALLY IS THE GREATEST IN THE WORLD. BUT I THINK THAT YOU HAVE TO REINFORCE OVER AND OVER AGAIN ANYTHING INSTITUTIONAL IN MUSIC TO KEEP THESE MUSICIANS HERE. IT'S VERY HARD TO IN A LIVING HERE TO KEEP THIS GOING HERE. TEXAS MUSIC HALL OF FAME, ESPECIALLY SMACK CAB IN THE MIDDLE OF AUSTIN -- SMACK DAB IN THE CITY OF AUSTIN WILL DO MORE FOR SECURING LIVE MUSIC CULTURE IN AUSTIN THAN ANYTHING THAT I CAN THINK OF. I THINK THAT IT'S REAL IMPORTANT TO THINK THIS IS NOT SOMETHING THAT'S A MUSEUM, CONSTANT PERFORMANCES, PEOPLE COMING IN EVERY YEAR PLAYER. MUCH LIKE AT THE TEXAS FOLK LIFE RESOURCES WHERE THEY HAVE TWO OR THREE TIMES A YEAR THEY SELL MUSIC BY BRINGING IN MANY MUSICIANS TO PLAY LEAD BALLET, FREDDIE FENDER, WHOEVER. IT'S A WAY OF EXPANDING THAT CULTURE AND REINFORCING IT. THANK YOU VERY MUCH.

THANK YOU, MR. OWENS. COUNCIL, THAT'S ALL OF THE CITIZENS WHO HAVE SIGNED UP WISHING TO ADDRESS US REGARDING ITEM 28. ANY QUESTIONS OF ANY OF THE SPEAKERS, COUNCIL? COMMENTS? EXEARZ?

**Alvarez:** QUICK QUESTION FOR EITHER A STAFF MEMBER OR A BOARD MEMBER.

MR. MILLER?

**Alvarez:** JUST TO CLARIFY THE RESOLUTION DOES SAY THIS IS A NON-PROFIT ORGANIZATION?

YES, IT IS. IT'S A -- IT'S A 5013 C NON-PROFIT ORGANIZATION.

OKAY. THEN FINALLY, WITH THE OTHER ISSUE JUST BECAUSE WE DO HAVE OTHER RESOURCES HERE LOCALLY THAT HAVE DOCUMENTED TEXAS MUSIC AND AUSTIN MUSIC AND I KNOW MR. SHOREKEY'S GROUP IS ONE OF THEM, THE TEJANO MUSIC MUSEUM HAS BEEN KIND OF FLOATING AROUND. THERE'S A LOT OF RESOURCES THERE. IT SEEMS TO ME LIKE IT WOULD BE GREAT TO HAVE, YOU KNOW, A -- YOU KNOW, A -- AN EFFECTIVE ORGANIZATION, YOU KNOW, THAT CAN OBVIOUSLY GET THE HALL OF FAME MOVING AND BRING RESOURCES THAT ARE NEEDED TO MAKE THAT HAPPEN. BUT ALSO COORDINATE WITH, YOU KNOW, SOME OF THE EXISTING RESOURCES THAT ARE ALREADY IN OUR COMMUNITY AND AROUND THE STATE, OF COURSE, AS THIS IS GOING TO BE THE TEXAS HALL OF FAME. BUT IS THAT ALSO IN THE -- IN THE --

AS PART OF --

**Alvarez:** REACH OUT TRY TO COLLABORATE.

YES, SIR, ABSOLUTELY. PART OF OUR EFFORT THAT WE HAVE DONE NOT ONLY IN AUSTIN, BUT AROUND THE STATE, IS TO REACH OUT TO THE ORGANIZATIONS AROUND THE STATE TO WORK WITH US. I MEAN, IF YOU THINK OF THIS AS A WHEEL AND WE'RE THE HUB OF THE WHEEL AND THERE'S ALL OF THESE OTHER ORGANIZATIONS OUT THERE, WE WANT TO BE THE PLACE WHERE WE CAN HAVE COORDINATE EFFORTS, WE WILL SHARE EXHIBITS WITH DIFFERENT ASSOCIATIONS, WITH DIFFERENT GROUPS, WITH DIFFERENT ENTITIES AROUND THE STATE. ABSOLUTELY IT'S AN ALL INCLUSIVE EFFORTS.

THANK YOU.

**Mayor Wynn:** DON'T LEAVE YET. FURTHER QUESTIONS OR COMMENTS? IF YOU COULD, MR. MILLER? A COUPLE THAT I HAVE. IN ADDITION TO COUNCILMEMBER ALVAREZ'S QUESTION ABOUT -- ABOUT, YOU KNOW, SORT OF ADDITIONAL GROUPS OR ASSETS, PERSPECTIVES IN SORT OF YOUR ORGANIZATION. ONE OF THE ISSUES THAT THE CITY MANAGER WILL BE FACING WITH THE R.F.P. PROCESS

FOR BLOCK 21, WHICH IS NEXT TO OUR NEW CITY HALL AND THEN THE SEAHOLM BUILDING AND THE IMMEDIATE PROPERTY AROUND IT IS THE IDEA OF CO-LOCATION OR MAXIMUMIZATION OR SYNERGY, WHATEVER YOU MIGHT WANT TO CALL IT. NOT LOSING SIGHT OF THE FACT THAT IN THEORY THE PRIVATE SECT CAN COME -- SECTOR CAN COME IN AND INFUSE CASH TO THESE PROJECTS. CAN YOU TALK ABOUT, DO YOU SEE A PROBLEM OR AN ISSUE WITH SORT OF CO-LOCATION OF OTHER ASSETS, PUBLIC, PRIVATE, CULTURAL --

NO, NOT AT ALL. AS A MATTER OF FACT WE WELCOME THAT. THERE'S A POSSIBILITY OF CO-LOCATION AS YOU ARE CALLING IT WITH ANY NUMBER OF ORGANIZATIONS. CERTAINLY COMMERCIAL AND RETAIL ASPECTS, IN -- THE TEXAS MUSIC HALL OF FAME AND -- IN -- IN A MUSEUM THESE DAYS CHANGED IN THE YEARS SINCE THE ROCK AND ROLL HALL OF FAME EXPERIENCE MUSEUM. IT'S SO IMPORTANT BECAUSE OF THE ECONOMIC CLIMATE TO INVOLVE COMMERCIAL AND RETAIL ENTITIES AND INTERESTS ALL AROUND A -- A MUSEUM. SO WE WILL ABSOLUTELY WELCOME AND EXPLORE THE POSSIBILITIES OF ANY OF THOSE SORT OF PARTNERSHIPS OR CO-LOCATIONS. AS WELL AS THE POSSIBILITY OF ANY CULTURAL GROUP HERE IN AUSTIN. THAT'S SOMETHING THAT'S IMPORTANT TO US. CERTAINLY IMPORTANT TO THE CITY. SO -- SO WE WELCOME ANY OF THAT. THERE'S CERTAINLY BEEN DISCUSSION WITH THE FOLKS AT KLRU AND AUSTIN CITY LIMITS, WHAT THEY ARE PLANNING TO DO. THERE ARE ANY NUMBER OF THINGS THAT CAN HAPPEN, WE ARE -- WE ARE VERY WILLING AND EAGER TO -- TO MEET WITH ANYBODY AND TO MAKE ALL OF THAT A REALITY.

**Mayor Wynn:** THANK YOU. IF YOU COULD ALSO JUST HELP ME REMEMBER, IT WAS A TWO OR SO YEARS AGO THAT ONE OF THE INTERIM COMMITTEES AT THE TEXAS LEGISLATURE ACTUALLY HELD A HEARING ON THE IDEA OF A TEXAS MUSIC HALL OF FAME. AND I HAPPENED TO ATTEND AND TESTIFY AND THERE WERE, YOU KNOW, DOZENS OF TEXAS CITIZENS FROM SEVERAL DIFFERENT COMMUNITIES THAT WERE THERE OPINING SORT OF ABOUT THE ASSETS THIS THEY MAY HAVE TO OFFER. CAN YOU TALK BRIEFLY ABOUT -- MR. MONAHANS TOUCHED BRIEFLY ON IT, IS THE STATE -- GOING

TO ACKNOWLEDGE OR BLESS A PROJECT IN A LOCALE THE THEORY BEING WITH THE STATE'S ENDORSEMENT THIS IN FACT DOES BECOME A TEXAS MUSIC HALL OF FAME, AND IS IT CONCEIVABLE OTHER CITIES WOULD WANT THAT OR VIE FOR THAT?

THE STATE IS VERY INTERESTED IN DOING SOMETHING. CERTAINLY THE STATE BUDGET PROBABLY PROHIBITS AND PRECLUDES THEM FROM DOING ANYTHING MAJOR FOR A WHILE. BUT WE HAVE BEEN WORKING WITH THE STATE AND THE LEGISLATURE ABOUT THE RECOGNITION THE TEXAS MUSIC HALL OF FAME AS THE STATE'S HALL OF FAME AND MUSEUM AND WE EXPECT THAT TO HAPPEN IN THE NEXT SESSION. ALSO THE -- THE LIKELIHOOD OF THE STATE GETTING INVOLVED IN THAT SORT OF THING IS VERY HIGH. AND THEY ARE -- I FORGET THE LAST PART OF YOUR QUESTION.

**Mayor Wynn:** JUST THE FACT THAT IT'S LIKELY THAT THE STATE IN FACT DOES GET INVOLVED. I HAVE TO OCCASIONALLY REMIND SOME OF OUR CONSTITUENTS THAT AUSTIN ISN'T THE ONLY CITY --

I'M SORRY, YES, RIGHT.

**Mayor Wynn:** WE ARE A BIG, POPULATED STATE --

TO BE HONEST WITH YOU, IN THE LAST FEW YEARS WE HAVE HAD DISCUSSION WAS OTHER CITIES. TO BE HONEST WITH YOU, I'VE ALWAYS THOUGHT AUSTIN IS THE RIGHT PLACE TO DO THIS. IT HAS ALWAYS BEEN MY HOPE AND GOAL THAT THIS ENDS UP IN AUSTIN FOR ALL OF THE OBVIOUS REASONS. ARE THE OTHER CITIES IN CONTENTION RIGHT NOW? NOT NECESSARILY. BECAUSE WE ARE PUTTING OUR FOCUS ON WORKING WITH THE CITY OF AUSTIN TO MAKE IT HAPPEN HERE IN AUSTIN. AND WE WOULD LIKE TO SEE IT HERE IN AUSTIN AS OPPOSED TO DALLAS OR HOUSTON OR SAN ANTONIO. AS -- AS WE OFTEN SAY IN PAT -- AND PAT STRESSES TO ME A LOT, WHICH IS VERY TRUE, NO ONE IN VIRGINIA OR MONTANA OR IN MY OPINION PLACE IN THE COUNTRY IS LIKELY TO -- OR ANYPLACE IN THE COUNTRY IS FLY TO HOUSTON OR DALLAS TO COME SEE A TEXAS MUSIC HALL OF FAME. THEY ARE VERY LIKELY TO BE COMING TO

AUSTIN TO DO THAT, BUT THEY WANT TO COME HERE AND EXPERIENCE MUSIC ON A VERY LIVE BASIS AND EXPERIENCE ALL OF THE DIFFERENT CULTURAL THINGS THAT AUSTIN OFFERS. THIS IS A PART OF THE OVERALL PICTURE OF WHAT AUSTIN IS DOING. THE BULLOCK MUSEUM, THE OTHER MUSEUMS HERE CERTAINLY MAKE THE MOST SENSE FOR THAT SORT OF INDIVIDUAL TO GET ON A PLANE AND COME HERE.

**Mayor Wynn:** THANK YOU, COUNCILMEMBER SLUSHER?

**Slusher:** NO.

**Mayor Wynn:** FURTHER QUESTIONS OR COMMENTS?

**Slusher:** I THINK THIS SHOULD COULD BE A GREAT PROJECT FOR AUSTIN, IT COULD BE REALLY EXCITING. I WANT TO MAKE SURE, THOUGH, THAT WE ARE NOT TILTING TOWARDS ANYONE AS WE GO INTO THE SEAHOLM AND THE BLOCK 21 REPUBLIC OF RESPECT'S. I'M INTERESTED TO HEAR AUSTIN CITY LIMITS MENTIONED BECAUSE I THINK THERE HAVE BEEN SOME DISCUSSIONS ABOUT THEM POSSIBLY COMING DOWN TO BLOCK 21. SOMEBODY ALREADY WITH THE NATIONAL IDENTITY. I'M ASKING THE SPONSORS OR IF YOU WANT TO TURN IT OVER TO SOMEONE IN THE AUDIENCE. BUT THIS DOESN'T PRECLUDE -- THESE COULD WORK TOGETHER AND/OR IT DOESN'T GIVE THE HALL OF FAME A LEG UP OVER ANYBODY ELSE LIKE AUSTIN CITY LIMITS BYPASSING THIS HERE TODAY.

**Mayor Wynn:** I WILL SAY AS ONE OF THE SPONSORING COUNCIL MEMBERS, THAT'S CERTAINLY MY ATTEMPT. MY ATTEMPT IS TO IN FACT EXPAND THE POSITIVE WAY THAT THE CALCULUS THAT THE CITY MANAGER IS GOING TO USE AS SHE TRIES TO BUILD AS MUCH SYNERGY AS PRACTICAL. IT SEEMS OBVIOUS TO ME THAT AUSTIN CITY LIMITS IS ONE OF A NUMBER OF INSTITUTIONS THAT COULD BENEFIT FROM, YOU KNOW, A LARGER CO-LOCATED MULTI-USE ASPECT OUT OF BLOCK 21 AND/OR SEAHOLM. I'LL -- I TOOK THE OPPORTUNITY FRANKLY THAT MANY OF THE INSTITUTIONS YOU KNOW PUBLIC OR PRIVATE OR OTHERWISE THAT WILL BE COMING FORWARD TO THE CITY MANAGER, YOU KNOW, EXIST AND WE KNOW THEM. WE CERTAINLY KNOW AUSTIN

CITY LIMITS, WE KNOW SOME OF THE OTHER CULTURAL VENUES THAT HAVE APPROACHED US COLLECTIVELY AS A CITY OVER THE PAST COUPLE OF YEARS REALLY TO HELP UNDERSTAND THE OPPORTUNITIES DOWN THERE. THIS WAS AN OPPORTUNITY FRANKLY TO INTRODUCE THE COMMUNITY TO A -- ALTHOUGH THE IDEA HAS BEEN AROUND, MR. MILLER HAS BEEN WORKING FOR YEARS ON THIS, A NEW IDEA, A NEW PROJECT THAT I ANTICIPATE TO BE JUST AS CREDIBLE, JUST AS REAL AS SOME OF THE THINGS THAT WE KNOW ARE ON THE GROUND THAT WE ARE LOOKING AT TODAY. I THINK THAT IT'S JUST A -- A SIMPLE PROCESS TO ADD TO WHAT ALREADY IS GOING TO BE AN INTERESTING I THINK FUN ANALYSIS OF TRYING TO BRING AS MUCH VALUE AS POSSIBLE AND WE CAN -- WE WILL DETERMINE WHAT THAT -- HOW WE ANALYZE THAT VALUE ON SOME IMPORTANT PRIVATE -- PUBLICLY OWNED PIECES OF PROPERTY, BLOCK 21 AND SEAHOLM.

**Slusher:** WOULD YOU THINK IT WOULD BE WISE FOR THE HALL OF FAME ALSO TO TALK TO POTENTIAL APPLICANTS OR PROPOSERS TO MAYBE GET IN SOME OF THOSE PROPOSALS?

**Futrell:** HERE'S HOW WE ANTICIPATED IT HAPPENING. LET ME GO BACK TO YOUR FIRST QUESTION, I THINK THAT'S AN IMPORTANT QUESTION. WE HAVE A VERY UNIQUE OPPORTUNITY RIGHT NOW. WITH TWO VERY SPECIAL ASSETS THAT THE CITY HAS. BOTH IN BLOCK 21 AND IN SEAHOLM. THESE ARE LARGE ASSETS THAT ARE GOING TO GIVE US THE ABILITY TO DO MULTIPLE THINGS. WITH BOTH OF THESE ASSETS WE HAVE THE ABILITY WITH PRIVATE FUNDS TO FIND SOME PUBLIC HOMES FOR A NUMBER OF CULTURAL AND ENTERTAINMENT DRAWS IN OUR COMMUNITY. WE HAVE ALREADY HEARD, INTEREST IN BOTH AUSTIN CITY LIMITS BEING CO-LOCATED AND CO-DEVELOPED IN ONE OF THESE PROJECTS WITH THIS PROJECT THAT WE ARE TALKING ABOUT TODAY. THE AUSTIN CHILDREN'S MUSEUM HAS BEEN MENTIONED. IF YOU WILL REMEMBER THEIR LEASE IS COMING UP VERY SHORTLY. THERE ARE GOING TO BE A NUMBER OF DOMINOES ABOUT TO FALL HERE THAT COULD BE BUILT INTO TWO VERY LARGE MIXED USE PRIVATELY FUNDED PROJECTS THAT COULD HELP US FIND SOME HOMES FOR SOME VERY SPECIAL AND

UNIQUE CULTURAL DRAWS IN OUR COMMUNITY. IT'S A VERY UNIQUE OPPORTUNITIES AND A VERY SPECIAL POINT IN TIME. I DON'T SEE ONE PRECLUDING THE OTHER AT ALL. THE WAY I ANTICIPATE THIS HAPPENING, THE BLOCK 21 R.F.P. ALREADY HAS A COMPONENT IN IT THAT SAYS THAT WE ARE GOING TO BE LOOKING FOR PROPOSALS THAT HAVE A CULTURAL AND AN ENTERTAINMENT DRAW INCORPORATED IN THEM. AND WE WILL BE DOING THE SAME KIND OF STATEMENTS IN THE PROPOSALS FOR SEAHOLM. THEN WE'LL GET A CHANCE TO SEE HOW ALL OF THE DIFFERENT PROPOSALS TRY TO INCORPORATE THESE CONCEPTS. WE WILL BE LINKING UP CITY LIMITS, CHILDREN'S MUSEUM, AND THE TEXAS MUSIC HALL OF FAME WITH THE PROPOSALS, WITH THE PROPOSERS WHO PICK UP THE APPLICANT, THE APPLICATIONS FOR THESE PROPOSALS. AND LET THEM WORK THROUGH THE 60, 90 DAY PERIODS TO -- DAY PERIODS TO HAVE THESE IDEAS ALL INCORPORATED IN THE PROPOSALS THAT COME FORWARD. I THINK WE ARE GOING TO SEE SOME EXCITING IDEAS COME FORWARD AND I THINK WE WILL FIND PLACES, HOMES FOR MORE THAN JUST ONE. MAYBE MANY. OF WHAT I HAVE BEEN CALLING SORT OF OUR HOMELESS CULTURAL FACILITIES THAT ARE OUT THERE RIGHT NOW THAT ARE LONG PASTIME FINDING SOME HOMES FOR THEM. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

**Futrell:** JUST BECAUSE I DON'T WANT TO LEAVE THIS OUT WHILE ESTEPING UP TO THE MICROPHONE, OBVIOUSLY ONE OF THE KEY THINGS HERE WHEN WE'RE LOOKING AT SEAHOLM AND BLOCK 21 IS LOCKING DOWN A SITE FOR OUR CENTRAL LIBRARY, AND THAT'S ALSO A MAJOR PIECE OF THE PUSES HE WILL AS WE PUT OUR PROPOSALS ON THE TABLE.

MR. COUNCILMEMBER, IN TERMS OF THE STATE LEGISLATURE, THAT IS STILL WORK TO BE HAD BY WAYNE AND PAT AND THE GROUP, BUT IN TERMS OF STATE DOLLARS THROUGH OUR AGENCY, WE'VE ALREADY BEGUN TO INVEST IN THIS PROJECT. WE'VE INVESTED IN THIS INITIAL PHASE OF RESEARCH AND WE'LL CONTINUE TO DO SO. AND WE HAVE -- WE HAVE EVERY EXPECTATION OF THINKING OF THEM AS A CORE INSTITUTION THAT WILL RECEIVE REGULAR FUNDING FROM THE TEXAS COMMISSION ON THE ARTS. TEXAS COMMISSION ON THE ARTS HAS A KIND OF FIXED



CONSTITUENCY IN THIS STATE OF ARTS AND CULTURAL ORGANIZATIONS, AND THEY'RE STATEWIDE. WE PROVIDE RESOURCES TO THEM AND HAVE JUST RECENTLY CHANGED OUR STRUCTURE SO THAT IN FACT OUR PRIMARY FOCUS WILL BE TO PROVIDE CORE SUPPORT FOR ARTS AND CULTURAL INSTITUTIONS, OF WHICH THERE WILL BE ONE. SO ONCE WE'VE BECOME THE ORGANIZATION THAT THEY'RE GOING TO BE, THEN THEY WILL BE A REGULAR PART OF OUR FUNDING MIX. I'M LIKE PROCESSES THAT YOU MIGHT BE FAMILIAR WITH IN OTHER PLACES AT THE TEXAS COMMISSION ON THE HEARTS, WE GOT THAT IN THE APPLICATIONS THAT COME TO US, SO ONCE YOU'RE IN THE MIX YOU'RE GOING TO RECEIVE FUNDING, BUT THEN YOU'RE COMPETING FOR HOW MUCH.

**Slusher:** WHAT'S THE OVERALL BUDGET THERE?

ABOUT SIX MILLION DOLLARS.

**Slusher:** WHAT'S ALLOCATED?

THAT'S ALLOCATED. AND THE FUNDS ARE NOT STATE FUND, BUT ALSO FEDERAL FUNDS AND MONEY THAT WE EARNED THROUGH OUR STATE OF THE ARTS LICENSE PLATE, AND MOST RECENTLY THROUGH A TREMENDOUS PROJECT, AND ONE I MENTIONED THAT THIS SHOULD BE PERCEIVED AS A CULTURAL ASSET. IT HAS A LOT TO DO WITH THE MOST RECENT EXPERIENCE THAT WE'VE HAD, WE'VE STARTED A PROJECT CALLED THE TEXAS MUSIC PROJECT, WHOSE INTENT IT IS TO SUPPORT MUSIC EDUCATION IN THE STATE. AND THROUGH THAT PROJECT, WHICH IS ONLY A YEAR OLD AND INITIALLY WAS CHAIRED BY WILLIE NELSON AND WE GOT THE CONTRIBUTIONS OF 21 MUSICIANS, WE HAVE BEEN ABLE TO RAISE A HALF MILLION DOLLARS OF FUNDING THAT WAS GIVEN TO SCHOOLS GENERALLY THROUGHOUT THE STATE, BUT ALSO IN RELATIONSHIP WITH THE AUSTIN INDEPENDENT SCHOOL DISTRICT AND WITH THE HOUSTON INDEPENDENT SCHOOL DISTRICT TO RAISE A MILLION DOLLARS FOR EACH OF THEM TO REPLACE ALL THE INSTRUMENTS WITHIN THEIR MUSIC PROGRAMS. SO WE ANTICIPATE THAT MORE OF A THAT KIND OF THING WILL HAPPEN. MY POINT IS THAT THE MUSIC INDUSTRY AND THE MUSICIANS IN THIS STATE ARE A GREAT NOT ONLY

CULTURAL ASSET AND EDUCATION GNAT ASSET, AND I THINK WE HAVE AN OPPORTUNITY HERE TO REALLY TAKE ADVANTAGE OF THAT ASSET AS WE MOVE FORWARD. AND AS I SAID EARLIER, THAT WHILE THERE WILL BE A STATEWIDE EFFORT, THE BOUNTY WILL BE AUSTIN'S.

SO SIX MILLION A YEAR. I CERTAINLY AGREE WITH THAT ABOUT THE ECONOMIC IMPACT. I NEVER THOUGHT ABOUT THIS QUESTION UNTIL JUST DURING THIS DISCUSSION, BUT HOW IS THE ROCK-N-ROLL HALL OF FAME IN CLEVELAND FUNDED? HOW DOES THAT GET BUILT? DOES ANYONE KNOW? WELL, THANK YOU. I APPRECIATE THE WORK YOU DO, MR. HERNANDEZ.

THE ROCK-N-ROLL HALL OF FAME WAS ACTUALLY STARTED BY SEVERAL PEOPLE FROM THE MUSIC INDUSTRY, JANN WOMENER FOR ONE WHO OWNS ROLLING STONE AND A COUPLE OTHER PRISONERS OF RECORD COMPANIES. THEY GOT FUNDING FROM -- THEY PUT UP MONEY THEMSELVES THROUGH THE INDUSTRY AND THEN THEY WENT OUT AND GOT CORPORATE AND SOME PUBLIC FUNDING AS WELL. SO IT WAS --

**Slusher:** IT WAS A PROFIT OR A NONPROFIT --

THE ROCK-N-ROLL HALL OF FAME IS A NONPROFIT.

**Futrell:** THERE'S ALSO ANOTHER REALLY WELL-KNOWN SORT OF MUSIC HALL OF FAME THAT HAS AN INTERACTIVE EXPERIENCE --

IT IN SEATTLE. IT WAS ONE OF THE -- HE WAS ONE OF THE CO-FUNDERS OF MICROSOFT AND PAUL IS A HUGE FAN OF JIMI HENDRIX, AND IT WAS STARTED TO HOUSE AND PUT TOGETHER A GREAT COLLECTION OF JIMA HENDRIX MEMORABILIA AND OTHER FORMS OF MUSIC. MR. ALLEN STILL SUPPORTS IT IN A VERY BIG WAY. THEY ARE TRYING TO KIND OF WEAN THEMSELVES OFF MR. ALLEN AND THEY HAVE OTHER FORMS FOR IT. BUT IT IS A HUGE INTERACTIVE -  
-

**Futrell:** ARE YOU TRYING TO SAY A LITTLE JIMI HENDRIX

GOES A LONG WAY?

YEAH. [ LAUGHTER ] BUT THE THING ALSO ABOUT THE EXPERIENCE MUSEUM IS THAT, TO BE HONEST, IT DOESN'T REALLY PROVIDE THE BREADTH OF AMERICAN MUSIC AS THE ROCK-N-ROLL HALL OF FAME. AND CERTAINLY WHAT THE TEXAS HALL OF FAME WILL DO. IT WOULD BE TEXAS ARTISTS, BUT THESE TEXAS ARTISTS ARE NATIONALLY RECOGNIZED AND INTERNATIONALLY RECOGNIZED. AND WHEN YOU START LOOKING AT THE LIST, YOU WILL BE AMAZED WHO IS FROM TEXAS OR CALLS TEXAS HOME. SO THESE ORGANIZATIONS HAVE DIFFERENT AREAS OF FUNDING, WERE STARTED FOR DIFFERENT REASONS. WE HONESTLY HAVE -- WE HAVE A LOT OF PEOPLE IN THE INDUSTRY WHO ARE SUPPORTING US, OUR ADVISORY BOARD, BUT ONE OF OUR PRINCIPLES IS TO NOT HAVE THEM INVOLVED IN THE SENSE OF BEING ON THE FOUNDATION BOARD OR BEING -- ACTUALLY, WE DON'T ALLOW MUSICIANS ON THE ADVISORY BOARD. WE HAVE A LOT OF MUSICIANS WHO ARE HELPING PRIVATELY, BUT WE DON'T WANT ANY SORT OF IDEA THAT THEY HAVE ANY SPECIAL INFLUENCE OVER US OR ANY SORT OF OVERSIGHT OVER ANOTHER, THAT'S NOT WHAT THIS IS ABOUT.

**Slusher:** THANKS. MR. HERNANDEZ, I HAD A FOLLOW-UP QUESTION THAT I PASSED OVER. WHAT'S THE SOURCE OF THAT 6 MILLION?

OH, STATE, FEDERAL AND -- WE HAVE ABOUT 51% COMES FROM THE STATE, ABOUT 30 -- ABOUT 17% COMES FROM THE FED, AND WE RAISE THE REST.

**Slusher:** OKAY. AND IS THERE ANY PARTICULAR FUNDING SOURCE AT THE STATE? LIKE HERE THERE'S PART OF THE BED TAX THAT GOES TO THE ARTS.

NO. THE BED TAX IS -- THE BED TAX WITHIN STATE GOVERNMENT IS NOT USED.

**Slusher:** I'M WONDERING IF YOU HAVE A SOURCE LIKE THAT. OR IS IT JUST EVERY TIME --

OUR FUNDING IS MULTI-SOURCE. IT'S GENERAL -- IT'S GENERAL

FUND IS THE PART OF IT. I'D SAY LESS THAN A THIRD COMES FROM THE DEPARTMENT OF TRANSPORTATION TO PROMOTE CURL CHURL TOURISM. AND THE BALANCE, ABOUT \$300,000, COMES FROM THE TEXAS EDUCATION AGENCY. AND THOSE COME TO US THROUGH A MEMORANDUM OF UNDERSTANDING, SO THEY'RE SLATED ON A BY ANNUAL BASIS.

> THAT WOULD BE THE -- THAT WOULD BE WHERE YOU GET THE INSTRUMENTS FOR SCHOOLS, THAT SORT OF THING?

THAT'S COMING FROM PRIVATE FUND, PRIVATE. WE'VE GONE INTO A PUBLIC-PRIVATE PARTNERSHIP WITH A GROUP IN DALLAS TO DO THAT WORK FOR US. AND IF YOU DON'T HAVE YOUR CD, BY ALL MEANS IT'S IT CALLED DON'T MESS WITH TEXAS MUSIC AND IT'S AVAILABLE AND WE'RE ABOUT TO ROLL OUT TWO OTHER CD'S. WE HAVE AN ALL LATINO CD COMING OUT IN JULY AND THEN ANOTHER COMPILATION OF TEXAS MUSIC COMING OUT IN SEPTEMBER.

OF COURSE, THAT PLUG WILL PLAY REPEATEDLY DURING THE WEEKEND.

ABSOLUTELY.

**Slusher:** ALL RIGHT. JUST OUT OF CURIOSITY, CITY MANAGER, HOW MUCH IS THE CITY'S ARTS FUNDING?

**Futrell:** I THINK THREE, BETTY, TWO AND A HALF. IT USED TO BE AROUND THREE, THREE MILLION.

**Slusher:** THREE MILLION, OKAY. SO WE HAVE HALF.

YOU ARE CORRECT, IT'S 3.2 MILLION.

**Futrell:** ONE OF THE THINGS THAT I WAS HOPING WE WOULD CAPITALIZE ON HERE IS WE HAVE THE CHANCE IN A PUBLIC-PRIVATE PARTNERSHIP ON THE REDEVELOPMENT OF SEAHOLM AND THE DEVELOPMENT OF BLOCK 21 TO LEVERAGE PRIVATE DOLLARS THROUGH -- BECAUSE THEY WILL BE REVENUE PRODUCING, REVENUE GENERATING USES GOING UP ON THESE BLOCKS THAT CAN HELP US LEVERAGE SPACE MADE AVAILABLE FOR THESE OTHER

USES. SO WE HAVE A KIND OF UNIQUE OPPORTUNITY HERE TO CREATE THE SPACE. AND THEN WE'RE INTO ANOTHER ISSUE, WHICH HAS TO DO WITH THE OPERATIONS AND COSTS OF THE FACILITIES.

**Mayor Wynn:** COUNCILMEMBER DUNKERLEY.

**Dunkerley:** COUNCILMEMBER SLUSHER WAS EXACTLY RIGHT. THAT'S ONE OF THE REASONS WE REALLY WANTED TO GET THE R.F.P. OUT FOR THE SEAHOLM AREA. BECAUSE WE HAVE SO MANY GROUPS KIND OF CIRCLING, WE WANT TO KIND OF FORCE SOME FOLKS TO GET TOGETHER AND PLAN SO WE CAN ALL GO TO THE NEXT PHASE, WHICH IS LOOKING FOR THE FUND TO CONTINUE ON DOWN THAT PATH. SO WE'RE HOPING THAT WE DO GET A LOT OF MATCH-UPS AND A LOT OF PARTNERSHIPS HERE THAT WILL ALLOW SOME OF THESE VERY GOOD THINGS TO HAPPEN. AND THE MUSIC HALL OF FAME ACTUALLY HAS TREMENDOUS POSSIBILITY TO BE A GREAT TOURIST DESTINATION FOR OUR CITY. SO WE'RE HOPING THAT ALL OF THIS STUFF WORKS OUT.

**Mayor Wynn:** FURTHER COMMENTS, QUESTIONS?

**Slusher:** I DO. PRIVATE FUNDING IS FOING TO BE IMPORTANT IN THIS -- GOING TO BE IMPORTANT IN THIS, SO I'M GLAD TO SEE IT SHAPING UP. AS WAS MENTIONED ABOUT THE STATE BUDGET, THE CITY HAS A SIMILAR FINANCIAL SITUATION, AND WE'RE HEARING SOME PROPOSALS COMING UP IN THE SPECIAL SESSION THAT COULD DAMAGE THE CITY'S -- AUSTIN'S FINANCIAL STANDING EVEN FURTHER. SO WE'RE GOING TO HAVE TO -- THIS IS GOING TO HAVE TO BE A PUBLIC-PRIVATE VENTURE FOR SURE, WITH A LOT OF PRIVATE. THANK YOU.

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

**Thomas:** GO AHEAD, MAYOR PRO TEM. OKAY. THE REASON WHY I SUPPORT THIS IS BECAUSE IT WAS SAID EARLIER AND WE KNOW THAT THIS IS THE GREAT CITY OF AUSTIN, THE CAPITOL CITY OF TEXAS, AND IT'S WELL-KNOWN AS AUSTIN, THE LIVE MUSIC MUSIC CAPITOL OF THE WORLD. ALSO, IT

WILL STIMULATE THE ECONOMY, ALSO EDUCATION, ALSO THE TOURISM. AND WE WANT TO LEAVE SOMETHING BACK FOR OUR KIDS IN THE FUTURE AND LET THEM KNOW THAT TEXAS IS A GREAT CITY, GREAT STATE, AND PLUS AUSTIN IS A GREAT CITY AND PART OF TEXAS. I THINK THIS WILL BE A GREAT PROJECT AND OPPORTUNITY WHY THE BLOCK 21 AND SEAHOLM IS OUT SO IT WILL GIVE US A GREAT OPPORTUNITY TO BE PART OF THAT PROJECT. THAT'S WHY I'M SUPPORTING IT.

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

**Goodman:** I JUST WANTED TO SAY THAT AS WE GET SOME PROPOSALS BACK, LET US NOT FORGET TO USE THE EXPERTISE THAT WE SO PAINSTAKINGLY TRIED TO PUT TOGETHER ON BOARDS AND COMMISSIONS RELATIVE TO WHAT COUNCILMEMBER SLUSHER MENTIONED TO US, MR. HERNANDEZ IS A GREAT ASSET TO THE STATE AND THE COMMISSION ON THE ARTS AND AND YOU NOTICE HE WAS ABLE TO TELL US WHAT HIS COMMISSION POSITION WAS ON THIS. WE'RE NOT. PROPOSALS ARE PRESENTED TO THEM, BUT WE HAVE NO INSIGHT, NO WRITTEN RECOMMENDATION OR PERSPECTIVE FROM THEM, AND MIGHT AS WELL USE WHAT WE HAVE OUT THERE IN THE COMMUNITY. AND WE EXPECT TO BE ABLE TO HELP US OUT ON GIVING US SOME PERSPECTIVE. SO I THINK IT'S GREAT. IF WE'RE GOING TO CALL OURSELVES THE LIVE MUSIC CAPITOL OF THE WORLD, WE BETTER DO SOMETHING ABOUT IT, AND THIS IS SOMETHING -- NOT TO FORGET THE TEXAS MUSIC MUSEUM THAT'S BEEN LOOKING FOR A HOME FOR A LONG, LONG TIME FOR ITSELF AND ITS INVENTORY. SO THAT'S ALSO A LEGITIMATE ISSUE.

**Mayor Wynn:** THANK YOU, MAYOR PRO TEM. FURTHER COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM 28.

**Thomas:** SO MOVE, MAYOR, SO ITEM 28.

**Mayor Wynn:** MOTION MADE BY COUNCILMEMBER THOMAS. I'LL LET COUNCILMEMBER DUNKERLEY SECOND THAT AS THE CO-SPONSOR. 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. THANK YOU ALL VERY MUCH. COUNCIL, WE DON'T HAVE ACTION NOW BEFORE OUR 4:00 O'CLOCK TIME CERTAIN ZONING HEARINGS, SO AT THIS TIME I'LL RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL.

**Mayor Wynn:** I WILL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. AT THIS TIME WE WILL BE TAKING UP OUR 4:00 TIME CERTAIN ZONING CASES. I WILL WELCOME MS. ALICE GLASGO.

GOOD EVENING, ALICE GLASGO, OUR ZONING CASES FOR TODAY ARE AS FOLLOWS. AS USUAL STARTS OFF WITH THOSE CASES THAT HAVE ALREADY HAD A FIRST PUBLIC HEARING, HERE FOR SECOND AND THIRD READINGS. ITEM NO. 31, C14-03-120 NAMELY THE CENTRUM PROJECT LOCATED AT 3413 NORTH HILLS DRIVE, 6415 HART LANE AND 6426 MOPAC EXPRESSWAY. THE APPLICANT IS SEEKING A CHANGE FROM LIMITED OFFICE WITH A CONDITIONAL OVERLAY AND GENERAL OFFICE CONDITIONAL OVERLAY TO - - FOR TRACT 1 THE APPLICANT IS SEEKING GENERAL OFFICE, WHERE A COMBINING DISTRICT. AND FOR TRACT 1 AND FOR TRACT B THE APPLICANT IS REQUEST GO COMMUNITY COMMERCIAL CONDITIONAL OVERLAY WHICH YOU GRANTED ON FIRST READING. THE APPLICANT IS REQUESTING SECOND READING ONLY TODAY TO ALLOW THEM TIME TO EXECUTE RESTRICTIVE COVENANT DOCUMENT. THAT'S SECOND READING ONLY TODAY. ITEM NO. 32 IS A DISCUSSION ITEM. THAT CONCLUDES OUR SECOND AND THIRD READINGS ONE WIN THANK YOU, MS. GLASGO. EXCUSE ME. COUNCIL, THE CONSENT AGENDA ON THE CASES THAT HAD ALREADY HAD THE PUBLIC HEARING, ITEM NO. 31 TO BE APPROVED ON SECOND READING ONLY. I'LL ENTERTAIN A MOTION. MOTION MADE BY THE MAYOR PRO TEM. 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 6-0 WITH COUNCILMEMBER MCCracken OFF THE DAIS.

Glasgo: NOW TO THE 4:00 PUBLIC HEARING CASES. Z-1 IS A REQUEST TO AMEND THE MONT MOPT NEIGHBORHOOD PLAN. MONTOPOLIS NEIGHBORHOOD PLAN, STAFF IS REQUESTING A POSTPONEMENT TO APRIL 22nd BECAUSE THE COMMISSION HAS NOT HELD ITS HEARING. WE WILL BE DISCUSSING ITEM NO. Z-2 RELATED TO ITEM -- THE NEIGHBORHOOD PLAN ON CRESTVIEW-WOOD 10. ITEM NO. Z-3, C14-04-9, STONY RANGE PHASE C LOCATED AT ROSS ROAD, AT ELROY ROAD. CURRENT ZONING IS SINGLE FAMILY 2. THE APPLICANT SEEKING A CHANGE TO SINGLE FAMILY 4 A WHICH HAS BEEN RECOMMENDED BY THE ZONING AND PLATTING COMMISSION. THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-4, C14-04-0008 DWYER REALITY HEADQUARTERS, LOCATED AT 9900 HIGHWAY 290 EAST. THE PROPERTY CURRENTLY ZONEED INTERIM RURAL RESIDENTIAL. APPLICANT SEEKING A CHANGE TO G.R.-M.U. WHICH STANDS FOR COMMUNITY COMMERCIAL MIXED USE. THE ZONING AND PLATTING COMMISSION RECOMMENDATION RECOMMENDS G.R.-M.U.-C.O., THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-5, C14-04-16, LOCATED AT 7200 CHIMNEY CORNERS ROAD, THE EXISTING ZONING IS G.R. COMMUNITY COMMERCIAL, THE APPLICANT IS SEEKING A CHANGE TO SINGLE FAMILY 5 WITH A CONDITIONAL OVERLAY. THE APPLICANT'S REQUEST IS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION AND THIS CASE IS READY FOR ALL THREE READINGS. THEM NUMBER Z-6 SO YOU HAVE SO YOU HAVE 14, SPICEWOOD SPRINGS ROAD, 4601, SEEKING A CHANGE TO ALLOW A MEDICAL OFFICE OF APPROXIMATELY 4,000 SQUARE FEET TO BE LOCATED IN THE GENERAL OFFICE ZONING DISTRICT. THE APPLICANT'S REQUEST WAS RECOMMENDED BY THE PLANNING COMMISSION. THIS CAUSE US READY FOR FIRST -- CASE IS READY FOR FIRST READING ONLY. ITEM NO. Z-7 IS GOING TO BE A DISCUSSION. ITEM NO. Z-8 C14-04-1, DRIVER-METCALF HOUSE, LOCATED AT 1204 TRAVIS HEIGHTS BOULEVARD. ABOUT TWO WEEKS AGO THIS CAUSE WAS ON YOUR AGENDA, THERE WAS A REQUEST BY THE NEIGHBORHOOD ASSOCIATION TO POSTPONE THIS CASE TO TODAY. AND UNFORTUNATELY THE APPLICANT -- THE



NEIGHBORHOOD ASSOCIATION AGAIN WOULD LIKE ANOTHER POSTPONEMENT TO APRIL THE 22nd. ONE OF THE ASSOCIATION'S REPRESENTATIVES IS OUT OF TOWN, THE OTHER ONE JUST ARRIVED LAST NIGHT FROM OUT OF STATE AND SHE'S ILL, MS. JEAN MATHERN, THE OWNER OF THE PROPERTY IS OPPOSED TO ANOTHER DELAY. THAT'S GOING TO BE A DISCUSSION ON YOUR PART WHETHER YOU WANT TO GRANT A SECOND REQUEST OR HEAR THE CASE TODAY. ITEM NO. Z-9 IS A DISCUSSION ITEM. Z-10 ALSO DISCUSSION. Z-11, SO YOU HAVE SO YOU HAVE 154, SH FOR SMART HOUSING, STAFF IS REQUESTING A POSTPONEMENT TO APRIL THE 22nd TO ALLOW THE THE COMMISSION TO HEAR THE CASE AND FORWARD A RECOMMENDATION TO YOU. THAT CONCLUDES ALL OF THE CONSENT ITEMS UNDER THE 4:00 PUBLIC HEARING.

WE HAVE A DECISION TO MAKE BEFORE WE ANNOUNCE THE CONSENT AGENDA, WHICH IS ON ITEM Z-8 WE HAVE A SECOND REQUEST FROM THE NEIGHBORHOOD FOR POSTPONEMENT. THIS FOR THREE WEEKS TO APRIL 22nd. THE APPLICANT HOWEVER WOULD LIKE THE CASE TO BE HEARD. MAYOR PRO TEM?

**Goodman:** MAURO, I'M GOING TO HAVE TO ASK COUNCIL TO EXCUSE ME WHILE I -- WHILE I GO FALL INTO A BED SOMEWHERE. I DON'T THINK THAT I CAN LAST LONG ENOUGH AND SO I WOULD ASK YOU OUT OF COUNCIL COURTESY TO CONSIDER POSTPONING THAT CASE SO THAT I CAN BE HERE FOR IT.

**Mayor Wynn:** THANK YOU, MAYOR PRO TEM, WE HOPE YOU FEEL BETTER. COUNCIL, REQUEST BY THE MAYOR PRO TEM THAT WE POSTPONE Z-8. HOWEVER, MAYOR PRO TEM, WE HAVE A MEETING ON THE 15th THAT -- THAT ONE HOPES THAT YOU WOULD FEEL BETTER AGAIN FOR. OUR NEXT MEETING --

Glasgo: APRIL 15th MR. SADAM HUSSEIN WILL NOT -- MR. SAD SADOWSKI WILL NOT BE HERE, THAT'S WHY WINTER RECOMMENDING APRIL THE 22nd FOR THE HISTORIC CASE.

**Mayor Wynn:** COUNCIL, WITHOUT OBJECTION I WOULD LIKE TO HONOR THE MAYOR PRO TEM'S REQUEST, PARTICULARLY

SINCE THIS IS A HISTORIC CASE AND WE ARE GOING TO HAVE A NUMBER THAT WEEK ANYWAY. SO WITHOUT OBJECTION, THE CONSENT AGENDA FOR THE ZONING Z-1, Z-- - THE Z ZONING CASES WILL BE, ITEM Z-1 POSTPONED TO APRIL 22nd, 2004, Z-3, Z-4 AND Z-5 APPROVAL ON ALL THREE READINGS, Z-6, APPROVAL ON FIRST READING ONLY, Z-8 AND Z-11 POSTPONED TO APRIL 22nd, 2004. I'LL ENTERTAIN A MOTION.

SO MOVED, MAYOR.

**Mayor Wynn:** MOTION MADE BY COUNCILMEMBER THOMAS. SECONDED BY MAYOR PRO TEM TO CLOSE THE PUBLIC HEARINGS AND APPROVE THE ZONING CONCEPT AGENDA AS READ. CONSENT AGENDA AS READ. ONE WIN ANY OTHER COMMENTS?

**Goodman:** MY APOLOGIES FOR ANY INCONVENIENCE. ONE WIN MOTION PASSES ON A VOTE OF 7-0.

Glasgo: WELL, THEN, MAYOR, WE CAN GO BACK TO THE BEGINNING OF THE AGENDA AND START OFF WITH ITEM NO. 32, THE CRESTVIEW WOOTEN NEIGHBORHOOD PLAN WHICH SHOULD NOT TAKE TOO LONG.

**Mayor Wynn:** PROMISES, PROMISES.

I'M SCOTT WHITEMAN FROM THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. THIS IS ITEM 32, CASE NUMBER C14-04-0004. THE -- AND ITEM NO. Z-2, WHICH IS THE CRESTVIEW/WOOTEN NEIGHBORHOOD PLAN AND THE ASSOCIATED REZONINGS. THIS WAS PASSED -- BOTH OF THESE WERE PASSED ON FURS READING ON MARCH FOURTH, FIRST READING. ONLY ONE CHANGE FROM THE FIRST READING. A -- A PROVISION IN THE [INDISCERNIBLE] PLANNED DEVELOPMENT AREA THAT WOULD HAVE CREDITED THEIR -- THE OPEN SPACE OF DEDICATING TOWARDS THEIR PARKLAND DEDICATION REQUIREMENTS WERE REMOVED DUE TO CONCERNS FROM THE PARKS AND RECREATION DEPARTMENT. THERE IS ALSO A SIGNED RESTRICTIVE COVENANT IN THE -- ATTACHED TO THE ORDINANCES, WHICH WILL LIMIT THE AMOUNT OF HAZARDOUS MATERIALS THAT CAN BE STORED ON TRACT

160, WHICH IS THE HUNTSMAN SITE. THERE ARE 4 VALID PETITION THAT'S HAVE BEEN FILED ON THIS CASE. ON THE ZONING CASE. IF YOU LOOK AT THE GOLD MOTION SHEET WHICH YOU SHOULD HAVE RECEIVED ON THE DAIS, WHAT'S LISTED AS MOTION 1 IS TO PASS THE NEIGHBORHOOD PLAN WITH THE EXCEPTION OF THE PARTS OF THE PLAN THAT DEAL WITH THE TRACTS WITH VALID PETITIONS. THEN THE ASSOCIATED WE ZONINGS WOULD PASS ALL OF THE THIRD READINGS EXCEPT TRACT 123 WHICH WE ARE REQUESTING ONLY BE PASSED ON SECOND READING AT THIS TIME BECAUSE THE -- BECAUSE THE OPENER AND THE ADJACENT CONDOMINIUM ASSOCIATION NEED A COUPLE MORE WEEKS TO WORK OUT A RESTRICTIVE COVENANT AGREEMENT. BOTH OF THOSE WOULD BE FIVE VOTES. MOTIONS 2 A AND 2 B REFER TO TRACT 12, WHICH US ON RESEARCH BOULEVARD. THE CHARLES MAUND VOLKSWAGEN SITE. COUNCIL PASSED ON FIRST READING, LI WITH CONDITIONAL OVERLAY, REQUESTING THAT THE APPLICANT LOOK AT LIMITING SOME OF THE USES THAT ARE PERMITTED IN LI. THE APPLICANT HAS AGREED TO LIMIT RIEWKING CENTER RE-- RECYCLING CENTER, RESOURCE EXTRACTION AND SCRAP AND SALVAGE. YOU THE -- OWE THERE IS A PETITION THAT HAS BEEN FILED ON THIS SITE BUT IS AGAINST THE ORIGINAL STAFF RECOMMENDATION. IF COUNCIL PASSES WHAT WAS PASSED ON FIRST READING THEN THE VALID PETITION DOES NOT APPLY.

**Mayor Wynn:** SORRY, MEANING THAT THE OWNER IS NOT IN OPPOSITION TO THAT?

THE OWNER AGREES TO L.I. WITH A CONDITIONAL OVERLAY WITH THOSE THREE USES PROHIBITED. ONE WIN OKAY. MOTIONS 3 A AND 3 B ARE 8990 RESEARCH BOULEVARD. THE CURRENT ZONING IS L.I. THE -- THE RECOMMENDED ZONING CHANGE AS PASSED ON FIRST READING WAS TO REZONE IT TO C.S.-N.P. THE PETITION, THE PROPERTY OWNER FILED A REQUEST THAT -- THAT L.I. ZONING REMAINED ON THE PROPERTY WITH A CONDITIONAL OVERLAY THAT PROHIBITS ALL INDUSTRIAL USES EXCEPT LIGHT MANUFACTURING. ON THE BACK OF THE SHEET ARE MOTIONS 4 A AND 4 B. FOR TRACT 146, THE CRESTVIEW SHOPPING CENTER. ON FIRST READING A CONDITIONAL OVERLAY WAS ON THE TRACT THAT RESTRICTS SITES TO THOSE PERMITTED IN THE G.R.

DISTRICT AND LIMITS THE HEIGHT AND FLOOR TO AREA RATIO. THE OWNER IS OPPOSED TO ANY CONDITIONAL OVERLAY OVERLAY ON THAT PROPERTY. MOTION 5 A AND 5 B ARE FOR TRACT 149 AT 809 AND ... FURS READING COUNCIL PASSED THE RECOMMENDATION TO REZONE IT TO C.S.-N.P. THE PROPERTY OWNER IS OPPOSED TO ANY CHANGE IN THE CURRENT L.I. ZONING. THAT CONCLUDES STAFF RECOMMENDATION. BUT I CAN ANSWER ANY QUESTION IFS THE COUNCIL HAS ANY. ONE WIN IF YOU COULD --

**Mayor Wynn:** ON THE MAP COULD YOU WALK US THROUGH THE FOUR DIFFERENT PROPERTIES? JUST POINTING THEM OUT SIMPLY.

THE FOUR DIFFERENT PROPERTIES HAVE BLUE CIRCLES AROUND THEM TO HIGHLIGHT THEM. THE FIRST ONE THAT'S LISTED IS TRACT 12. ONLY A PORTION OF THE ENTIRE CHARLES MAUND SITE, ABOUT 8,000 SQUARE FEET ON RESEARCH BOULEVARD. TRACT 3 OR A PORTION OF TRACT 3 IS A FLAG LOT THAT'S UP HERE, ALSO LOCATED ON RESEARCH BOULEVARD. IT'S AN EXISTING WAREHOUSE. TRACT 146 IS LOCATED DOWN HERE IN THE INTERSECTION OF WOODROW AND AIR ARROYO SECO, CURRENTLY A SMALL SHOPPING CENTER. 808906 JUSTIN LANE, TRACT 149 AT THE CORNER OF LAMAR AND JUSTIN. CURRENTLY USED AS AN AUTO REPAIR AND AUTO SALES ESTABLISHMENT.

**Mayor Wynn:** THANK YOU. COUNCIL, QUESTIONS OF STAFF, COMMENTS? COUNCILMEMBER DUNKERLY? I WILL SAY --

**Dunkerley:** I HAVE ONE QUESTION. ON TRACT 12, THE OWNER IS IN AGREEMENT WITH THE -- WITH THE ACTION THAT WAS PASSED LAST WEEK. ON 3 -- ON TRACT 3, THE OWNER IS NOT. IS THAT CORRECT?

RIGHT.

**Dunkerley:** ALL RIGHT. I WOULD LIKE TO HEAR A LITTLE BIT ABOUT WHY -- IS THIS THE ONE WHERE THEY NEEDED ONE L.I. USE OR --

TRACT 3 WAS THE ONE WHERE THEY REQUESTED ONLY

THAT ONE L.I. USE BE -- REMAIN PERMITTED, THAT WAS LIGHT MANUFACTURING.

**Dunkerley:** ALL C.S. USES AND ONE L.I. USE?

RIGHT.

**Dunkerley:** IS THE AGENT HERE OR SOMEBODY HERE THAT COULD CLARIFY -- OR CAN YOU CLARIFY WHAT IT IS?

CAN I CLAWR PHI WHAT THE USE -- CLARIFY WHAT THE USE IS?

**Dunkerley:** WHY THEY SAID THEY NEEDED THAT USE.

IT'S NOT REALLY CLEAR TO US WHY -- I THINK THEY WANTED TO KEEP IT FOR -- FOR FUTURE USE EVER THE PROPERTY. THE CURRENT USE IS LIMITED WAREHOUSING PERMITTED IN C.S.

**Dunkerley:** IS THIS THE ONE WHERE WAREHOUSES ARE PRETTY MUCH ALL AROUND IT?

IT'S -- THERE'S A LOT OF DIFFERENT THINGS AROUND IT. IT'S A LOT -- LIKE A BUSINESS PARK. WAREHOUSES.

**Dunkerley:** OKAY.

NEXT TO A NIGHTCLUB.

**Dunkerley:** DOES THE STAFF HAVE A MAJOR OBJECTION TO C.S. USE WITH THAT ONE L.I. USE?

THE MAJOR CONCERN THAT WE HAD ABOUT L.I., THAT INTERSECTION THERE WAS SOMETHING THAT WAS TARGETED IN THE NEIGHBORHOOD PLAN FOR REDEVELOPMENT. WITH KEEPING L.I. ZONING, THAT DOES TEND TO REDEVELOPMENT SOME, C.S. HAS MORE GENEROUS REDEVELOPMENT STANDARDS. IT MAKES IT EASIER TO REDEVELOPMENT THE PROPERTY. WITH THE L.I. USES THEY WOULD HAVE MORE USES OF THE CURRENT BUILDING.

**Dunkerley:** ARE THEY USING IT NOW FOR AN L.I. USE?

NO IT'S C.S., LIMITED WAREHOUSING.

**Dunkerley:** C.S. OKAY. WHAT ABOUT.

ALTHOUGH THE PUBLIC HEARING IS CLOSED, WE HAVE FOLKS AVAILABLE FOR QUESTIONS IF WE NEED THEM.

**Alvarez:** I HAD A QUESTION, MAYOR?

**Mayor Wynn:** COUNCILMEMBER ALVAREZ?

**Alvarez:** ON THE HUNTSMAN TRACT, 160, IT'S DIVIDED UP INTO A AND B. IS THAT HOW IT WAS ORIGINALLY?

IT WAS ORIGINALLY DIVIDED INTO A -- IT'S ACTUALLY A, B, C. A WOULD ALLOW THE MOST INTENSE USES, THEN B AND C WOULD ONLY ALLOW FOR THE -- WITH A FEW MODIFICATIONS THE USES THAT ARE ALLOWED IN THE S.F. 6 DISTRICT. ALTHOUGH THEY ARE ALL PART OF THE LI-PDA ZONING DISTRICT.

**Alvarez:** IN 160 B WHAT WOULD BE ALLOWED, THAT'S WHERE THE BALL FIELDS ARE? THAT'S WHERE THE BALL FIELDS ARE NOW. THE PDA WOULD ALLOW COMMUNITY RECREATION USES, WHICH IS WHAT THE BALL FIELDS ARE, AND IT WOULD ALSO ALLOW SINGLE FAMILY 6 USES, TOWNHOUSE, CONDOMINIUMS AND OTHER SINGLE FAMILY USES. THE ORDINANCE REQUIRES 17.4 ACRES OF OPEN SPACE, WHICH IS THE SIZE OF TRACT B, WHERE THE BALL FIELDS ARE NOW. BUT THE ORDINANCE WOULDN'T REQUIRE THAT THE OPEN SPACE BE TRACT 160 B. IT COULD BE ANY 17.4 ACRES OF THE SITE.

**Alvarez:** AND AS WE TALKED ABOUT A TRIP LIMITATION, TOO, IS THAT PART OF WHAT WAS APPROVED ON FIRST READING?

THE NEIGHBORHOOD HAD REQUESTED A -- A TRIP LIMITATION FOR ANY -- FOR TRAFFIC ON THAT -- THAT ACCESSES MORE ROW STREET FOR IT TO BE LIMITED TO 500 TRIPS PER DAY. MORROW STREET.

**Alvarez:** WAS THAT PART OF THE FIRST READING?

IT WASN'T, NO.

TALKING ABOUT THE HUNTSMAN TRACT, YOUR COMMENT EARLIER, DID I HEAR SO OUR PARKS DEPARTMENT HAS DECLINED, DOES NOT WANT THE BALL FIELDS TO BE CREDITED TOWARDS A PARKLAND DEDICATION?

IT DOESN'T -- THEY DIDN'T SAY THEY DIDN'T WANT THOSE TO BE DEDICATED AS PARKLAND DEDICATION, IT'S THEY WERE CONCERNED ABOUT BEING COMMITTED TO TAKING THEM AS PARKLAND WHEN -- WHEN IT'S POSSIBLE AND LIKELY THAT IT WILL BE LEASED TO A PRIVATE ENTITY AND IT MAY NOT MEET THEIR CRITERIA. BECAUSE IT'S NOT -- THE ORDINANCE DOESN'T REQUIRE THAT THE OPEN SPACE BE THE BALL FIELDS WHERE THEY ARE NOW. IT COULD BE ANY PORTION OF THE SITE AND THEY ARE CONCERNED THAT THEY COULD END UP TAKING -- THEY WOULD END UP WITH OWNERSHIP OF PARKLAND THAT DOESN'T MEET THEIR CRITERIA OR HAS OTHER ISSUES OR MAINTENANCE CONCERNS.

**Mayor Wynn:** IT SEEMS TO ME CONCEPTUALLY THAT -- I MEAN THE COMPANY HERE SEEMINGLY IT MAKING IT PRETTY, YOU KNOW, NICE OFFER OF HAVING A BIG SWATH OF OPEN SPACE WHETHER IT'S BALL FIELD OR NOT. OBVIOUSLY THERE'S A GREAT COMMUNITY USE ON THAT TRACT. I WOULD HATE FOR THEM TO I GUESS CREDIT AGAINST THE PARKLAND DEDICATION ORDINANCE ONLY THEN NOT TO GET, YOU KNOW, THE CREDIT FOR THAT BIG DONATION.

PARKS AND RECREATION DIDN'T SAY THAT THEY WOULDN'T ACCEPT IT. THEY WANTED TO DEAL WITH IT AT SUBDIVISION DISAJ WHERE IT'S REQUIRED STAGE WHERE IT'S REQUIRED. IT WOULD LIKELY BE 12.5 ACRES. SO -- SO THE 17.4 ACRES IS MORE THAN WOULD BE REQUIRED UNDER PARKLAND DEDICATION.

**Mayor Wynn:** I UNDERSTAND. WELCOME. I UNDERSTAND THE RELUCTANCE. YOUR PRIORITY, OBLIGATIONS AND ALL OF THAT. I SEE IT CONCEPTUALLY AS THIS LANDOWNER IS DOING A PRETTY REMARKABLY GOOD THING IT SEEMS TO

ME.

17 ACRES OUT THERE COMPRISED AS THE NORTH AUSTIN OPT MISS CLUB. THEY ARE PLAYING BALL ON IT, DOING A TREMENDOUS JOB WITH IT. PROVIDING A WONDERFUL SERVICE RIGHT NOW ON THAT 17 ACRES. THE QUESTION IS DO WE WANT TO ASSUME THE LAND THAT THEY ALREADY ARE USING OR DO WE WANT THEM TO GO AHEAD AND TURN IT BACK TO NORTH AUSTIN OPTIMIST AND LET THEM HAVE THE LAND? THEY ARE GOING TO USE IT FOR PURPOSES OF EXACTLY WHAT WE WANT, RECREATION FOR OUR YOUTH. THAT'S THE KEY. THE OTHER QUESTION IS IF IT'S GIVEN TO A PRIVATE CONCERN, FOR EXAMPLE, IF NORTH AUSTIN OPTIMIST GET IT, WE GET HALF THE CREDIT. THE DEVELOPER GETS HALF OF CREDIT FOR THAT PARK TO THE PARKLAND DEDICATION. IT'S 17-ACRE, THEY OWE US 12. THEN IT MEANS THEY WOULD GET CREDIT OF ABOUT 7.5 ACRES. THERE WOULD STILL BE REMAINING PARKLAND DEDICATION. WHAT WE WERE DOING SINCE IT'S GOING TO BE IDENTIFIED FOR OPEN SPACE, WE WERE SAYING JUST WHEN IT COMES FOR SUBDIVISION, THAT'S WHEN WE WILL GO BACK AND GET PARKLAND DEDICATION.

**Mayor Wynn:** OKAY. THANK YOU, FURTHER QUESTIONS OR COMMENTS? I JUST SEE THE ISSUE OF -- YOU KNOW, OF A PRETTY REMARKABLE GIFT BY THE COMPANY. I WANT TO MAKE SURE THEY GET EQUITABLE CREDIT AND TREATMENT FOR WHAT THEY ARE TRYING TO DO. COUNCILMEMBER ALVAREZ?

**Alvarez:** I HAVE A QUESTION FOR STAFF. THIS WOULD BE ON THE HUNTSMAN AS WELL. THERE'S A THIRD LIPDA CATEGORY THAT YOU MENTIONED, THE SMALL TRACT ALONG MORROW ACTUALLY B AND C HAVE THE SAME REGULATIONS, SINGLE FAMILY 6 REGULATIONS.

**Alvarez:** OH, THAT'S WHAT C HAS AS WELL.

RIGHT. BOTH HAVE THE SAME REGULATIONS.

**Alvarez:** SO THOSE WOULD BE THE ONLY USE THAT'S COULD GO ON THOSE TRACTS?



RIGHT.

**Alvarez:** ALL RIGHT.

ONE THING TO CLARIFY. ON THE MOTION SHEET, THE HUNTSMAN TRACT ISN'T INCLUDED AS PART OF MOTION 1 BECAUSE THERE WAS NO PETITIONS AGAINST THAT TRACT SO IT DOESN'T NEED TO BE ACTED ON SEPARATELY. ALTHOUGH COUNCIL CAN ACT ON IT SEPARATELY IF YOU CHOOSE.

**Dunkerley:** ONE OTHER QUESTION. ON ALL OF THE ITEMS WHERE THE OWNERS WANT A DIFFERENT KIND OF ZONING, ARE ALL OF THEIR CURRENT USES LEGAL IN THE ZONING THAT YOU ARE RECOMMENDING?

YES. WE DIDN'T RECOMMEND ANY ZONING CHANGES THAT WOULD HAVE MADE -- CREATED A NON-CONFORMING USE.

**Dunkerley:** OKAY, GOTCHA.

**Mayor Wynn:** SO WHEN YOU SAY ON MOTION NUMBER 1, WHICH IS THE NEIGHBORHOOD PLAN, AND THAT THE HUNTSMAN PROPERTY IS IN THAT BECAUSE THERE'S NOT A VALID PETITION AGAINST THAT, SO WHAT'S THE TECHNICALITY OF WHAT WE WOULD DO VIS-A-VIS THE PARKLAND DEDICATION ISSUE?

IF YOU WANTED TO ADD THAT OR ANYTHING ELSE TO THE HUNTSMAN TRACT, YOU WOULD HAVE TO -- YOU CAN ADD THAT THROUGH MOTION 1. BECAUSE THAT'S WHERE YOU WOULD BE ACTING ON THE HUNTSMAN TRACT IN THAT FIRST MOTION FOR THE ZONING CHANGES.

**Mayor Wynn:** I'M JUST NOT SURE WHAT IT IS THAT I WOULD WANT TO ADD AND/OR DELETE. SOUNDED LIKE AS PART OF THE PRESENTATION, SEEMINGLY SINCE FIRST READING, OUR PARKS STAFF HAS -- HAS, YOU KNOW, MADE SOME CLARIFICATION WITH REGARDS TO THE PARKLAND DEDICATION THAT PERHAPS THE OWNER -- I DON'T KNOW HOW OR WHERE THEY ARE OF IT OR --

THEY ARE AWARE OF IT. THEY ARE HERE, TOO, IF YOU WANT

TO ASK THEM QUESTIONS ABOUT IT.

WOULD YOU --

MAYOR, IF I COULD, I'M REPRESENTING HUNTSMAN. JUST A FEW POINTS THAT I WOULD LIKE TO MAKE. ONE, OBVIOUSLY OUR PREFERENCE WOULD BE TO GO WITH THE MOTION PASSED ON FIRST READING WHICH INCLUDED THE ITEM THAT GAVE US CREDIT FOR THE PARKLAND THAT WE WERE SETTING ASIDE FOR THE OPTIMIST CLUB. OBVIOUSLY THAT WAS A BIG PART OF OUR CONSIDERATION IN PUTTING THIS DEAL TOGETHER AND WHAT WE AGREED TO AND FELT LIKE IT WAS A VERY GOOD DEAL FOR EVERYONE BASED ON THOSE CRITERIA. AS OF YESTERDAY AFTERNOON THIS ISSUE CAME UP. WE WERE INFORMED THAT PARD HAD NOT SEEN THIS UP UNTIL THEN. WE MET WITH STEWART STROM THIS MORNING, TALKED WITH HIM, HIS ONLY RESERVATION WAS I THINK THE FINANCIAL END OF IT. DIDN'T SAY THAT HE WOULDN'T DOWN THE ROAD. BUT IN ANY EVENT THIS DOES FOR THE RECORD I WANTED TO NOTE THAT IT DOES CHANGE THE STRUCTURE OF OUR DEAL SIGNIFICANTLY. WE WOULD -- OUR PREFERENCE WOULD BE TO GO FORWARD -- PREFERENCE WOULD BE TO GO FORWARD AS THE MOTION WAS PRESENTED ON FIRST READING. THAT WOULD BE OUR PREFERENCE. WE WOULD HOPE THAT -- OUR PREFERENCE. WE WOULD HOPE THAT YOU WOULD CONSIDER THAT. AT THE SAME TIME I GUESS THE DILEMMA AT THIS POINT WITH THIS COMING UP AT THIS STAGE OF THE GAME IS NOT WANTING TO MOVE FORWARD AGAIN. OUR PREFERENCE WOULD BE TO MOVE FORWARD WITH THE CRITERIA IN MOTION 1. THE ITEM AS APPROVED ON FIRST READING BE -- APPROVED ON FIRST READING BE APPROVED. BEYOND THAT WE ARE BASICALLY AT YOUR MERCY IN TERMS OF PARKS AGREEING TO GO FORWARD WITH THE DEAL AS WE ORIGINALLY UNDERSTOOD IT AND MADE COMMITMENTS TO THE OPTIMIST CLUB WHICH WE CERTAINLY DON'T WANT TO IN ANY WAY DAMAGED. HOWEVER WE DO IT, WE WOULD LIKE TO SEE -- OUR GOAL IS TO HAVE THE OPTIMIST HAVE USE FOR THAT 17.5 ACRES AS THEY HAVE FOR THE PAST 40 SOME ODD YEARS. I UNDERSTAND CLOSE TO 50 YEARS THEY HAVE BEEN USING THAT PROPERTY. CERTAINLY WANT TO PRESERVE THAT. WE DON'T NECESSARILY CARE HOW WE GET THERE. WE ARE

OPEN TO SITTING DOWN WITH STAFF AND LEGAL AND WHOMEVER ELSE AND CRAFTING THE DEED OR LANGUAGE ON HOW WE DO THAT. WE WOULD SIMPLY LIKE FOR YOU TODAY TO APPROVE THE MOTION TO GIVE US FULL CREDIT TO PARKLAND DEDICATION FOR US, FOR US HONORING THAT COMMITMENT TO THE OPTIMISTS.

**Mayor Wynn:** THANK YOU. COWBOY, I'M BEING ADVISE -- COUNCIL, I'M BEING ADVISED THAT SEEMING WITH REGARDS TO THE HUNTSMAN TRACT, ON THE FIRST READING WE PASSED IT WITH THE UNDERSTANDING THAT APPROXIMATELY THE 17-ACRE DONATION IN FACT DOES SATISFY THE 12, APPROXIMATELY 12-ACRE PARKLAND DEDICATION REQUIREMENT. SINCE THAT TIME WHEN STAFF CAME AND WROTE THE ORDINANCE TO PRESENT TO US ON SECOND AND THIRD READING, PARD STAFF AT THIS TIME ISN'T PREPARED TO DECLARE ONE WAY OR THE OTHER AND SO -- SO THE ORDINANCE BEFORE US DOES NOT GIVE HUNTSMAN CREDIT FOR -- FOR THIS LARGE DONATION. NOW, I -- I HEIGHT NEED LEGAL ADVICE HERE -- I MIGHT NEED LEGAL ADVICE HERE, BUT I'M COMFORTABLE WITH CREDITING THAT DONATION. WHETHER THE PARKS DEPARTMENT WANTS TO FIGURE OUT WHETHER THEY FRANKLY HOW THEY DO THE MATH, WHETHER IT'S -- YOU KNOW, I JUST WANT TO SOMEHOW GIVE THEM THE CREDIT FOR THAT LARGE DONATION AND WHETHER IT THEN TECHNICALLY EQUATES TO THE ACREAGE OR NOT I WILL LOOK TO LEGAL TO HELP US WITH THAT. BUT I JUST THINK THAT IT'S -- I AM PREPARED TO CLEAR IT AS EARNING THAT CREDIT. IT'S CLEARLY MUCH LARGER AS AN ACREAGE STAND POINT. I UNDERSTAND PERHAPS PARD MIGHT HAVE AN O AND M ISSUE RELATED TO IT UNDERSTANDABLY --

MAYOR?

**Mayor Wynn:** YES, SIR.

IF I MIGHT OFFER. ONE OF THE THINGS THAT WE DISCUSSED TODAY, I WOULD STILL LIKE TO LEAVE ON THE TABLE, WE DISCUSSED HOW THE PARKS, HOW THE OPT MUSTS ARE USING THAT PROPERTY AND -- OPTIMISTS ARE USING THAT PROPERTY AND THE RESPONSIBILITIES REMAIN WITH THE OPTIMISTS. WE UNDERSTAND THAT THE CITY IS CURRENTLY

PAYING AND HELPING WITH SOME ELECTRIC ON THAT FACILITY AS WELL. WE WOULD BE FINE WORKING OUT AN AGREEMENT WHERE WE LEAVE THINGS FINANCIALLY IN THE SAME POSITION WE ARE TODAY WHERE WE LEAVE THE MAINTENANCE WHERE IT IS AND EVERYTHING. BASICALLY PRESERVE EVERYTHING INTACT AS IT IS CURRENTLY. I UNDERSTAND, I BELIEVE, PARKS MAIN ISSUE US THEY DON'T WANT TO ASSUME AND PROBABLY HAVE CONCERNS BUDGET-WISE AND WHETHER OR NOT THEY CAN ASSUME THE RESPONSIBILITY FOR MAINTENANCE AT THIS TIME. BUT THAT'S CERTAINLY ON THE TABLE IN TERMS OF AN OPTION. WE JUST WANT TO PRESERVE THE CREDIT AGAIN, HOWEVER WE GET THERE WE'RE OPEN TO COMMITTING TO CONTINUE WITH THE OPERATION AS CURRENTLY IS OR HOWEVER WE HAVE TO PROCEED FORWARD. ONE WIN THANK YOU. I.

**Mayor Wynn:** THANK YOU. I GUESS THE QUESTION FOR STAFF IS FRANKLY CAN COUNCIL TAKE ACTION TO DECLARE THAT A PARKLAND DEDICATION REQUIREMENT THAT HAS BEEN MET -- HAS BEEN MET?

MAYOR, GREG AND I WERE JUST TALKING ABOUT THAT. WE BELIEVE THAT WE HAVE THE CONDITIONAL OVERLAY ABILITY TO DO THAT. WHAT I WOULD RECOMMEND AT THIS POINT IN TIME, YOU CAN GO ON AHEAD ON MOTION 1, DEAL WITH EVERYTHING IN MOTION 1 ON SECOND AND THIRD READING WITH THE EXCEPTION OF THE HUNTSMAN TRACT, TRACT 160, DO THAT ON SECOND READING. LET US COME BACK TO YOU WITH THE THIRD READING LANGUAGE THAT TAKES CARE OF THE -- OF THAT WHOLE ISSUE FOR YOU. THE REASON WHY I'M SUGGEST THANK WE DO THAT, AS I DISCUSSED WITH GREG, WE ARE GOING TO HAVE TO FIGURE OUT HOW WE CAN CRAFT THE LAPPING TO GET THE OBJECTIVES DONE THAT YOU WANT TO HAVE DONE.

MAYOR, PARDON ME. I APPRECIATE THE OFFER AND THE SUGGESTION. WE WOULD -- IT WOULD BE OUR PREFERENCE IF THE COUNCIL WOULD INDULGE US TO PROCEED FORWARD WITH SECOND AND THIRD READING EVEN IF WE HAVE TO LEAVE IT AS STAFF PRESENTED IT TODAY. WE WANTED TO BE ON RECORD THAT THINGS HAVE CHANGED, OUR ASSUMPTIONS HAVE CHANGED AND WE WOULD LIKE THE CITY'S COMMITMENT WHETHER A GENTLEMAN'S

AGREEMENT AT THIS POINT IF THAT'S THE BEST THAT WE CAN DO GOING FORWARD. WE STILL WOULD LIKE TO GO FORWARD WITH SECOND AND THIRD READING TODAY NO MATTER WHAT WE DO. BUT WE WOULD LIKE THE CITY TO HELP US REACH THAT ORIGINAL AGREEMENT OR AT LEAST COMMITMENT TO SITTING DOWN AND DISCUSSING THAT FURTHER ASIDE FROM THIS ISSUE. TO HONOR THE ORIGINAL SPIRIT OF THE DEAL.

**Alvarez:** MAYOR, I DID HAVE A RELATED QUESTION. I THINK PART OF THE REASON THAT I'M HESITANT TO DO THAT IS BECAUSE HUNTSMAN WANTS TO RESERVE THE RIGHT TO DEVELOP THAT TRACT OR PICK A DIFFERENT 17 ACRES AND SO FOR ME IT SEEMS LIKE THAT'S WHY THE NEIGHBORHOOD IS SOMEWHAT CONCERNED BECAUSE THEY ARE NOT SURE IF ANYTHING IS GOING TO BE DEVELOPED THERE OTHER THAN BALL FIELDS. I THINK IF WE ARE DEDICATING FOR IT THAT PURPOSE, THAT'S THE ONLY USE OF THE PROPERTY, I FEEL COMFORTABLE SAYING, WELL, OKAY, THAT MAKES SOME SENSE. BUT IF WHAT WE'RE SAYING IS WELL GIVE US CREDIT, BUT THEN AT SOME POINT IN THE FUTURE WE MIGHT COME BACK AND DO S.F. 6 DEVELOPMENT. THEN THAT'S HOW MUCH CREDIT SHOULD YOU GET IF IN THE FUTURE YOU MIGHT COME BACK AND DEVELOP THAT PARTICULAR PORTION AS A PDA.

COUNCILMEMBER ALVAREZ I HAVE IN MY HAND A LEASE THAT WE SIGNED WITH THE OPTIMIST CLUB FOR 20 YEARS, WE COMMITTED TO THAT. THAT IS INTACT, IT'S SIGNED, IT'S HERE IF YOU WOULD LIKE TO LOOK AT IT. AND OUR PLANS BEYOND THAT ARE TO PUT IT INTO EFFECT IN PERPETUITY, BASICALLY. IF THAT HELPS YOU WITH YOUR POSITION. WE HAVE NO PLANS TO CHANGE THAT AREA.

**Mayor Wynn:** FURTHER COUPLE OF MINUTES, QUESTIONS?

**Thomas:** MAYOR, COULD I -- ARE WE GOING TO DO THE SECOND AND THIRD LIKE IT IS, MAYBE COME BACK WITH THE WORDING TO --

**Mayor Wynn:** I'M HESITANT TO BELIEVE THAT WE ARE READY FOR THREE READINGS EVEN THOUGH WE HAVE THIS

REQUEST BASED ON --

COUNCILMEMBER, IF YOU GO FORWARD WITH SECOND AND THIRD TODAY WITH IT AS IT IS. THEN WHAT YOU WOULD BE DOING IS YOU WOULD BE ACTUALLY AMENDING A ZONING ORDINANCE THAT YOU HAVE ALREADY ADOPTED. THAT'S A WHOLE NEW PROCESS.

**Thomas:** OKAY, WHAT DID YOU JUST SAY THEN?

WHAT I SAID WAS IF IT IS COUNCIL'S DESIRE TO HONOR THIS DEDICATION TO ADOPT THIS ON SECOND READING ONLY, ALLOW US TO BRING BACK THE LANGUAGE TO YOU ON THIRD.

**Thomas:** I THOUGHT YOU SAID SECOND I'M SORRY.

SECOND ONLY.

**Thomas:** WE'LL GO SECOND.

**Dunkerley:** I HAVE ONE OTHER QUESTION. IS THERE ANY OTHER POINT IN THE DEVELOPMENT PROCESS THAT YOU CAN COME BACK WITH THIS PARKLAND DEDICATION? IF WE WENT AHEAD AND ADOPTED THIS ON SECOND AND THIRD READING --

YOU WOULD -- IT'S NORMALLY DONE AT SUBDIVISION.

**Dunkerley:** THEN YOU COULD BRING IT BACK AT THAT TIME AND DO IT.

THAT'S WHEN THE PARKLAND DEDICATIONS ARE NORMALLY DONE.

THAT'S WHAT HE IS NOW OFFERING. HIS LATEST PROPOSAL ON THE TABLE IS THEY'LL ACCEPT WHAT COUNCIL DID ON FIRST READING --

I.

**Dunkerley:** I THINK THIS IS REALLY A GOOD IDEA. WE HAVE THE LEASE THAT PROTECTS US OR PROTECTS THAT LAND

FOR 20 YEARS AND SOMETIMES DURING THAT TIME THIS WILL COME BACK FOR SUBDIVISION AND WE WILL BE ABLE TO DO THE PARKLAND DEDICATION AT THAT TIME. THAT'S -- THAT'S WHAT I'M HEARING?

COUNCILMEMBER, I WANT TO BE CLEAR. IF NECESSARY WE WILL REMOVE ANY REQUESTS WE MADE TODAY. WE ARE IN AGREEMENT WITH STAFF RECOMMENDATION, OUR MEXICAN OBJECTIVE IS TO GET A SECOND AROUND AND THIRD READING.

**Mayor Wynn:** WELL, YOU DEFINITELY COMPLICATED THAT WITH ALL DUE RESPECT. FURTHER QUESTIONS, COMMENTS, COUNCIL? SO ... I'LL ENTERTAIN A MOTION, NUMBER 1.

**Dunkerley:** I WILL MOVE APPROVAL ON MOTION NUMBER 1.

**Thomas:** I'LL SECOND THAT.

**Dunkerley:** WITH THE AMENDMENT -- WITH THAT ONE PIECE POSTPONED TO -- TO 4:15, THERE WAS ONE --

THE TRACT 123.

THAT -- YOU DON'T HAVE TO DO THAT UNTIL YOU ACT ON THE ZONING.

**Dunkerley:** GOTCHA. ALL RIGHT. MOTION NUMBER 1.

**Mayor Wynn:** MOTION FROM COUNCILMEMBER DUNKERLY, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THE PLAN ON SECOND AND THIRD READINGS. FURTHER COMMENTS?

**Slusher:** MAYOR, I HAVE A FEW QUESTIONS. ONE.

**Mayor Wynn:** COUNCILMEMBER SLUSHER.

**Slusher:** THERE WAS A DIFFERENCE IN THE NEIGHBORHOOD AND THE HUNTSMAN HAD SOME DIFFERENT IDEAS ABOUT WHAT TO DO ON MORROW THERE DOWN FROM THE BALL FIELD. IN THIS MOTION, WHAT IS THAT -- WHAT DOES THAT BECOME? I'M HAVING A HARD TIME FIGURING THE COLOR

CODING HERE ON THE CORNER OF LAMAR AND MORROW, I GUESS IT'S THE NORTHEAST CORNER EVER THIS PROPERTY? WHAT'S THAT ZONING RIGHT THERE? YES?

THOSE TWO TRACTS ARE NOT HUNTSMAN TRACTS. THEIR ZONING IS C.S.-M.U. WITH CONDITIONAL OVERLAY.

**Slusher:** NOT HUNTSMAN.

RIGHT.

**Slusher:** OKAY. THEN THE GREEN THERE THAT WE ARE TALKING ABOUT, THAT'S GOING TO BE -- THAT'S THE BALL FIELD. WHAT'S THAT --

THE GREEN WHICH IS 160 B AND SORT OF HOT PINK COLOR, WHICH IS 160 C, ARE -- THEY ARE BOTH ZONED, THEY WILL BOTH BE ZONED LIPDA, BUT THE PDA WILL LIMIT THE USES TO THOSE ALLOWED IN THE MF 6 DISTRICT.

THE PINK AS WELL.

RIGHT, BOTH OF THOSE.

OKAY. WHAT ABOUT THE ACCESS ISSUE THAT THE -- THAT THE NEIGHBORHOOD WAS CONCERNED ABOUT?

ON FIRST READING THERE WAS NO ACCESS LIMITS WERE ADDED, THERE HADN'T BEEN ANY RECOMMENDED BY THE PLANNING COMMISSION OR STAFF. SO IF COUNCIL WOULD DESIRE TO ADD AN -- YOU WOULD HAVE TO DO THAT.

WOULD IT BE POSSIBLE -- SUPPOSE IF THIS -- I THINK THAT IT'S WORKING OUT FINE NOW WITH WHAT THEY HAVE THERE. BUT IF THIS WERE ALL REDEVELOPED, REFRESH MY MEMORY ON COULD THAT TRACT EMPTY ON TO MORROW.

THE TRAFFIC COULD EMPTY ON TO MORROW BECAUSE IT'S MORE THAN 50% RESIDENTIAL, THEY WOULD HAVE TO DO A NEIGHBORHOOD TRAFFIC IMPACT ANALYSIS FOR ANYTHING THAT GENERATES MORE THAN 300 TRIPS PER DAY. BUT ZONING IS THE ONLY TIME WHERE ACCESS CAN BE PROHIBITED ALTOGETHER. ZONING, WHAT ABOUT WITH THE



CURRENT ZONING THOUGH.

THERE'S NO LIMIT ON ACCESS. MOST OF THE PROPERTY IS ZONED L.I., SO IT COULD BE DEVELOPED --

**Slusher:** IT COULD FEED ON TO THERE. THAT COULD BE A CONSIDERABLE AMOUNT OF TRAFFIC, COULDN'T IT?

CERTAINLY IS A LOT OF DEVELOPMENT THAT'S PERMITTED.  
[INDISCERNIBLE]

**Slusher:** COUNCILMEMBER DUNKERLY, I'M READY TO GO ON THE PARKLAND STUFF IF THE APPLICANT IS, BUT I WOULD REALLY BE ABLE TO LOOK AT THAT A LITTLE CLOSE FOREONE MORE READING ON THE ACCESS ISSUE. I THINK THAT COULD BE REALLY SIGNIFICANT FOR THE NEIGHBORHOOD BECAUSE I SEE THAT AS SOMETHING THAT WITH IT BEING -- WE'VE TALKED ABOUT THE CONNECTIONS TO RAIL TODAY. WELL, THIS IS RIGHT THERE AT WHERE THAT -- THE -- THE ONE THAT CAPITAL METRO OWNS, COMES THROUGH, I WOULD THINK WOULD BE A SITE FOR SOME REALLY INTENSE DEVELOPMENT. THEY WOULD HAVE CARS AND POSSIBLY RAIL IN THE FUTURE. BUT I WOULD BE CONCERNED ABOUT THAT MANY CARS DUMPING ON TO THERE. I FEEL LIKE I'M NOT QUITE READY TO VOTE ON SOMETHING THAT IMPORTANT TO THE NEIGHBORHOOD TONIGHT. EVEN THOUGH I APPRECIATE HUNTSMAN HOW GOOD THEY'VE BEEN IN THIS PROCESS.

**Dunkerley:** AGAIN, WHAT I WOULD LIKE FOR YOU AT LEAST TO CONSIDER, BEFORE YOU MAKE THAT AN ABSOLUTE DECISION, THEY HAVE GIVEN UP ABOUT 30% OF THEIR TRACT FOR THE BALL FIELDS. I'M SURE THEY DON'T EXACTLY KNOW HOW THE REST OF THIS PDA TRACT WILL DEVELOP IN THE FUTURE. NORMALLY YOU LOOK AT THE TRAFFIC ISSUES WHEN YOU DO THE SITE PLANS, WHEN YOU REALLY KNOW WHAT'S GOING THERE SO THAT YOU CAN ROUTE THEM IN DIFFERENT DIRECTIONS. AND I'M CERTAINLY NOT AN EXPERT, BUT I THINK THAT'S -- THAT'S PROBABLY WHEN YOU GET THE TRAFFIC ANALYSIS AND THEN YOU DETERMINE, YOU KNOW, WHAT ACCESS IS THE BEST ACCESS.

BUT THE REASON WE ARE HAVING DIFFICULTY WITH THAT, I

THINK YOU'RE RIGHT ABOUT THAT, EXCEPT THAT IT'S ZONED -- YOU WOULDN'T WANT TO -- I DON'T THINK THAT I WOULD WANT TO BAN IT ENTIRELY THERE, ALTHOUGH -- ALTHOUGH I MEAN THE ONLY TIME THAT YOU CAN DO THAT WOULD BE AT ZONING. WE MIGHT WANT TO MAKE IT A RIGHT TURN ONLY SO THEY COULD TURN ON TO LAMAR FROM THERE ONLY. BUT I JUST FEEL LIKE WE ARE NOT QUITE THERE ON THAT. AND THEY WOULDN'T NECESSARILY -- WE ARE DOING THE ZONING NOW. AS PART OF THE NEIGHBORHOOD PLAN. THERE'S NO PROPOSAL FOR THEM TO DO ANYTHING DIFFERENT IN THE FUTURE BUT WHAT WE ARE DOING IS GIVING THEM THE ZONING WHERE THEY COULD. I DO APPRECIATE THEIR GENEROSITY AND THEIR COOPERATION WITH THE NEIGHBORHOOD. I'M JUST A LITTLE UNCOMFORTABLE --

**Mayor Wynn:** ACTUALLY, TECHNICALLY, THE MOTION AND SECOND ON THE TABLE IS JUST APPROVING THE NEIGHBORHOOD PLAN. WE HAVEN'T TAKEN UP THE ZONING YET.

**Slusher:** THAT'S RIGHT. THAT'S LIKE THE NEXT THING WE TAKE UP, RIGHT. ONE

**Mayor Wynn:** RIGHT.

**Slusher:** WHAT DOES THAT DO IF WE APPROVE THE NEIGHBORHOOD PLAN ON ALL THREE?

FOR POINT OF CLARIFICATION, IF -- IF YOU CHOOSE TO ACT ON SECOND READING ONLY FOR TRACT 160 THE HUNTSMAN SITE AND TRACT 123 THE ONE WITH THE PENDING RESTRICTIVE COVENANT, THERE'S NOTHING IN THE PLAN THAT WOULD AFFECT THOSE ZONING CHANGES LATER. SO YOU CAN PASS THE PLAN ON THREE READINGS AND PASS THOSE TWO ZONING CHANGES ON SECOND READING ONLY.

**Slusher:** OKAY. WELL, THAT'S ALL THAT I HAVE FOR I NOW.

**Mayor Wynn:** FURTHER COMMENTS, QUESTIONS? THERE'S A MOTION ON THE TABLE AND A SECOND TO APPROVE THE NEIGHBORHOOD PLAN ON SECOND AROUND THIRD READING. SECOND AND THIRD READING. FURTHER

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

AYE.

**Mayor Wynn:** OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM OFF THE DAIS. COUNCIL, I'LL ENTERTAIN A MOTION NUMBER 1 ON ITEM 32, THE REZONINGS. I MOVE APPROVAL OF THE REZONING ON SECOND AND THIRD READINGS WITH THE EXCEPTION OF TRACT 123, AND THEN I THINK COUNCILMEMBER SLUSHER HAS -- HAS SOME OTHER SUGGESTIONS. AND EXCEPT FOR THE VALID PETITION THAT'S ARE LISTED BELOW.

RIGHT. SO MOTION ON THE TABLE TO APPROVE ON SECOND AND THIRD READING AS ADOPTED ON FIRST READING, WITH THE EXCEPTION OF TRACT 123, ALL THE PROPERTIES AND THE PROPERTIES LISTED ON OUR SHEET AS VALID PETITIONS --

**Alvarez:** MAYOR?

I'M SORRY.

**Mayor Wynn:** WAITING FOR A SECOND.

**Thomas:** SECONDED BY COUNCILMEMBER THOMAS. DISCUSSION? MS. TERRY?

ALTHOUGH WE SAID APPROVE THE NPCD REZONING SECOND AND THIRD READINGS AS ADOPTED ON FIRST READING, REMEMBER IT IS NOT EXACTLY AS AADOPTED ON FIRST READING IF YOU ARE GOING TO NOT ADDRESS THE HUNTSMAN OFFER OF DEDICATION OF PARKLAND. BECAUSE THE ORDINANCE THAT WE HAVE DRAFTED FOR YOU DOES NOT INCLUDE THAT.

**Dunkerley:** WE DON'T WANT IT INCLUDED.

JUST WANTED TO MAKE SURE THAT THE RECORD IS CHOIR.

THANK YOU, MS. TERRY, COUNCILMEMBER ALVAREZ?

**Alvarez:** I WAS GOING TO SEE IF WE CAN DO TRACT 160 ON SECOND READING SO WE CAN SORT THROUGH THE QUESTIONS.

**Mayor Wynn:** COUNCILMEMBER DUNKERLY WOULD YOU CONSIDER THAT A FRIENDLY AMENDMENT TO HAVE TRACT 160 REZONE ODD SECOND READING -- REZONED ON SECOND READING ONLY.

**Dunkerley:** YES. ONE WIN COUNCILMEMBER THOMAS?

**Thomas:** [INDISCERNIBLE]

**Mayor Wynn:** CONSIDER THAT FRIENDLY, TRACTS [INDISCERNIBLE] ARE APPROVED ON SECOND READING ONLY. FURTHER COMMENTS? QUESTIONS? ALL IN FAVOR.

AYE.

**Mayor Wynn:** OPPOSED? MOTION PASSES ON A VOTE OF -- AS AMENDED. THAT TAKES US TO MOTION NUMBER 2.

MOTION NUMBER 2 IS TRACT 12. THE CHARLES MAUND VOLKSWAGEN. FIRST READING WAS LI-C.O.-N.P. WHICH US -- THE VALID PETITION IS ONLY AGAINST THE STAFF RECOMMENDATION, SO IF COUNCIL PASSES WHAT WAS PASSED ON FIRST READING, THEN THERE IS NO VALID PETITION ON THIS TRACT.

**Dunkerley:** I WOULD MOVE APPROVAL OF ITEM 2 A WHICH IS THE LAND USE PLAN. NEIGHBORHOOD PLAN. OKAY.

**Mayor Wynn:** I THINK WE CAN START TAKING THESE UP JOINTLY, IS THAT CORRECT?

**Dunkerley:** OKAY. THIS MOTION WILL INCLUDE BOTH THE NEIGHBORHOOD PLAN AND THE ZONING FOR TRACT 12 AND WE WILL GO WITH 2 A. THE SAME ACTION THAT WE TOOK ON FIRST READING.

**Thomas:** SECOND.

**Mayor Wynn:** WE ARE GETTING ADVICE ON WHETHER OR NOT

WE HAVE HAD A PUBLIC HEARING ON Z-2.

HAVE WE HAD THE PUBLIC HEARING ON Z-2 LAST TIME? I  
APOLOGIZE --

THE PUBLIC HEARING WAS HELD LAST TIME AND WAS  
CLOSED.

WAS CLOSED. WE JUST CARRIED THESE FORWARD BECAUSE  
WE DIDN'T TAKE ANY ACTION.

OKAY. MOTION NUMBER 2 A MADE BY COUNCILMEMBER  
DUNKERLY, SECONDED BY COUNCILMEMBER THOMAS TO  
INCLUDE BOTH APPROVAL OF THE NEIGHBORHOOD PLAN AS  
ADOPTED ON FIRST READING FOR SECONDS AND THIRD  
READINGS AS WELL AS APPROVE THE ZONING CHANGE FOR  
TRACT 12 AS ADOPTED ON FIRST READING, L.I.-C.O.-N.P. ON  
SECOND AND THIRD READINGS. FURTHER COUPLE OF  
MINUTES? -- FURTHER COMMENTS? QUESTIONS? HEARING  
NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

**Mayor Wynn:** OPPOSED? MOTION PASSES ON A VOTE OF 6-0  
WITH THE MAYOR PRO TEM OFF THE DAIS. MOTION NAB 3?

MOTION NUMBER 3 IS 8990 RESEARCH BOULEVARD, A PART  
OF TRACT 3. THE FIRST READING COUNCIL PASSED A  
REZONING OR PASSED FOR THE LAND USE MAP MIXED USE  
AND FOR THE ZONING CHANGE LU TO C.S.-N.P. THE  
PROPERTY OWNER IS REQUESTING INDUSTRIAL  
DESIGNATION IN THE PLAN AND L.I.-C.O.-N.P. ZONING THAT  
LIMITS THE USES -- ALL L.I. USES EXCEPT FOR LIGHT  
MANUFACTURING. WIN ONE I'LL ENTERTAIN A MOTION ON  
NUMBER 3.

**Dunkerley:** I DO HAVE A QUESTION BEFORE WE ACT ON THIS  
ONE. IF THE OWNER OR THE AGENT IS HERE, I BELIEVE THAT  
I SPOKE WITH THE OWNER EARLIER AND I'M REALLY  
CONFUSED. I THINK THE STAFF SAYS THAT THE CURRENT  
USE IS C.S. I UNDERSTAND THAT THE OWNER NEEDED AT  
LEAST 1 ADDITIONAL L.I. USE. I'M WONDERING IF YOU CAN  
EXPLAIN THAT TO ME AGAIN. COUNCILMEMBER DUNKERLY

MY NAME IS JIM WITLIFF, THE AGENT FOR THE OWNER OF THE PROPERTY. THE CURRENT USE OF THE PROPERTY IS A GROCERY WAREHOUSE. IT IS A LEGAL USE UNDER C.S. ZONING. HOWEVER OUR REASON FOR THIS REQUEST IS AS -- AS I SHOWED YOU WHEN I MET WITH YOU EARLIER THIS WEEK, WE ARE COMPLETELY SURROUNDED BY WAREHOUSES. IN ALL DIRECTIONS. WE ARE ON A RAILROAD CORRIDOR. THEY ARE -- THEY ARE IN THE PROCESS OF -- RIGHT NOW OF DEVELOPING A NEW SHOPPING CENTER AND BUILDING A NEW GROCERY WAREHOUSE AS PART OF THAT CENTER. WHEN THAT'S COMPLETE, NEXT YEAR, THEY ARE GOING TO LEASE OR SELL THIS BUILDING, WE BELIEVE THAT LIGHT MANUFACTURING IS A WHOLESOME USE, COMPATIBLE, REASONABLE USE. WE HAVE TAKEN OUT EVERYTHING NASTY, WE JUST WANT TO BE ABLE TO DO LIGHT MANUFACTURING. I BELIEVE THAT IT'S AN OPPORTUNITY TO CREATE OR HOUSE JOBS IN THE FUTURE ON THE PROPERTY. AND THAT'S THE ONLY DIFFERENCE BETWEEN OUR REQUEST AND THE STAFF RECOMMENDATION.

SO YOU WOULD -- ARE THERE ANY NEIGHBORHOODS AROUND. I DIDN'T SEE ANY. ANY NEIGHBORHOOD OPPOSITION.

THERE IS A RESIDENTIAL NEIGHBORHOOD APPROXIMATELY 400 FEET TO THE SOUTH. THERE'S ANOTHER WAREHOUSE BUILDING BETWEEN US AND IN THE OTHER NEIGHBORHOOD. IN ALL DIRECTIONS SURROUNDED BY WAREHOUSES. YOU CAN'T SEE THE NEIGHBORHOOD FROM HERE. BUT IN RESPECT FOR THAT NEIGHBORHOOD, 400 FEET TO THE SOUTH, WE DID WANT TO ELIMINATE THE USES THAT WE THOUGHT WOULD BE LESS COMPATIBLE, SUCH AS BASIC INDUSTRY, WE DON'T WANT TO HAVE DANGEROUS CHEMICALS THERE. I THINK LIGHT MANUFACTURING IS -- IS -- AS I SAID WOULD BE COMPATIBLE AND WOULD NOT CAUSE PROBLEMS TO THE NEIGHBORHOOD. OUR SOLE ACCESS IS OUTS TO 183 -- OUT TO 183, I DON'T THINK THAT IT WOULD CAUSE ANY COMPATIBILITY PROBLEMS.

**Dunkerley:** YOU WOULD GO WITH -- WITH C.S. USES EXCEPT FOR THE ONE LIGHT MANUFACTURING IN THE L.I. USE.

IN A PERFECT WORLD, I WOULD SAY C.S. PLUS ONE L.I. USE, BUT I'M REQUIRED TO SAY L.I. MINUS ALL OF THE USES EXCEPT FOR LIGHT MANUFACTURING.

**Dunkerley:** I DON'T KNOW WHERE THIS WOULD GO, I WOULD MAKE A MOTION FOR 3 B WITH THE STIPULATION ALL OTHER L.I. USES ARE PROHIBITED EXCEPT FOR LIGHT MANUFACTURING.

I HAVE A QUESTION. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

BUT FOR THE OWNER'S ARGUMENT, THERE IS AN EXISTING BUILDING THERE, IT'S A WAREHOUSE WHICH IS ALLOWED IN CS, BUT THEY FEEL THAT IT IS ADAPTABLE INDUSTRIAL USES, AT LEAST MANUFACTURING. AND IT IS -- IT ISN'T VERY CLOSE TO THE NEIGHBORHOODS, SO THERE'S AN INDUSTRIAL USE WOULD NOT REALLY AFFECT THE EXISTING RESIDENTIAL AREAS.

**McCracken:** SO I GUESS THE POSSIBILITY IS THEN IT COULD BECOME A SHOPPING CENTER OR RETAIL AREA AS OCHSED TO WAREHOUSES? IS THAT THE GOAL?

YEAH. SORT OF BREAK UP THE SUPER BLOCKS AND MAKE THEM INTO MORE OF A FUNCTIONAL COMMERCIAL AREA THAN SORT OF A SCATTERED WAREHOUSE AREA.

**McCracken:** ON WHICH SIDE OF RESEARCH IS THIS?

THIS SITE IS JUST SOUTH OF RESEARCH. I GUESS TECHNICALLY IT'S WEST OF RESEARCH. THIS IS THE RAILROAD TRACK THAT CAPITAL METRO OWNS. THIS IS BURNET ROAD RIGHT HERE. IT'S A FLAG LOT THAT HAS ACCESS ONLY TO RESEARCH BOULEVARD. THERE'S AN EXISTING SHOPPING CENTER THAT'S AT THE CORNER OF RESEARCH AND BURNET ROAD AND IT WAS ALSO ZONED INDUSTRIAL THAT WE RECOMMENDED REZONING TO CS AS WELL.

**McCracken:** AND IS THAT OTHER LOT THERE, IS THAT NOW ZONED CS UNDER THE NEIGHBORHOOD PLAN?

THE ONE RIGHT ABOVE IT?

**McCracken:** YES.

YES. THE LITTLE GREEN SPOT THAT'S THERE IS -- IT WAS ZONED CS-1 BEFORE, THE FOOTPRINT OF THE BUILDING THERE, AND THE PARKING WAS ZONED LI, AND THE ZONING CHANGED, WHICH I GUESS HAS NOW PASSED AND REZONED CS.

**McCracken:** I'M PRETTY FAMILIAR WITH THAT AREA. AND JUST ON THE OTHER SIDE OF BURNET IS A BIG SHOPPING CENTER AREA AND SOME NICE SHOPPING. IT WOULD SEEM THAT INDUSTRIAL MIGHT KIND OF DIVERT FROM THE CHARACTER OF THAT NEIGHBORHOOD IF IT WEREN'T INDUSTRIAL ON THAT SIDE OF THE INTERSECTION. THAT'S MY CONCERN. THAT'S WHY CS MIGHT BE MORE KEEPING WITH WHAT'S GOING ON THERE NOW.

THERE ARE SOME ADVANTAGES TO THE PROPERTY OWNER WITH CS OVER LI BECAUSE THE FLOOR TO AREA RATIO THAT'S ALLOWED IS TWICE AS MUCH AND YOU GET GREATER IMPERVIOUS COVER AREA. SO IT'S NOT ALL A LOSE-LOSE DEAL.

**Mayor Wynn:** SO COUNCILMEMBER DUNKERLEY HAS A MOTION ON THE TABLE THAT'S BEEN UP FOR DISCUSSION. ARE YOU STILL COMFORTABLE WITH THAT?

**Dunkerley:** I'M NOT SURE I CAN GET A SECOND.

**Mayor Wynn:** SO COUNCILMEMBER DUNKERLEY'S ORIGINAL MOTION NUMBER 3-B HAS BEEN SECONDED BY COUNCILMEMBER ALVAREZ. AND THIS WOULD ONLY REQUIRE FIVE VOTES. 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 FIVE TO ONE, SHOWING COUNCILMEMBER MCCracken VOTING NO AND THE MAYOR PRO TEM OFF THE DIAS. PROGRESS. MOTION NUMBER 4.

MOTION NUMBER 4, TRACT 146, THE CRESTVIEW SHOPPING CENTER. ON FIRST READING COUNCIL ADOPTED CS WITH A CONDITIONAL OVERLAY, WHICH IT'S DETAILED IN THE PACKET YOU RECEIVED ON THE DIAS. BASICALLY IT KEEPS THE CS ZONING, BUT LIMITS THE USES TO THOSE PERMITTED IN GR, EXCEPT FOR LAUNDRY SERVICES, WHICH IS THE ONLY EXISTING CS USE ON THIS SITE. IT ALSO LIMITS THE HEIGHT TO 40 FEET AND THE FLOOR TO AREA RATIO TO 45 TO ONE.

**Mayor Wynn:** QUESTIONS OF STAFF, COUNCIL? COMMENTS? I'LL ENTERTAIN A MOTION.

**Alvarez:** I MOVE APPROVAL OF 4-A, WHICH IS WHAT WE ADOPTED ON FIRST READING.

**Dunkerley:** SECOND.

**Alvarez:** OF THE NEIGHBORHOOD PLAN. ARE WE DOING BOTH?

**Mayor Wynn:** YES, JUST TO CLARIFY, MS. BROWN, LAST MOTION NUMBER 3-B WAS BOTH APPROVING THE NEIGHBORHOOD PLAN ON SECOND AND THIRD READING AND THE CORRESPONDING ZONING. THANK YOU. SORRY. MOTION 4-A HAS BEEN MADE BY COUNCILMEMBER ALVAREZ APPROVING THE NEIGHBORHOOD PLAN ON SECOND AND THIRD READING AS PRESENTED ON FIRST READING. AND THE CORRESPONDING ZONING CHANGE FOR TRACT 146, CS-CO-NP, AS OUTLINED EARLIER. THERE'S A MOTION ON THE TABLE, 4-A.

**Dunkerley:** I SECONDED IT EARLIER. YOU DIDN'T HEAR ME.

**Mayor Wynn:** SORRY. SECONDED BY COUNCILMEMBER DUNKERLEY.

**Alvarez:** THE RATIONALE BEING HERE, MAYOR, THE

PREVIOUS CASE THAT WE VOTED ON WAS AN AREA SURROUNDED ENTIRELY WITH COMMERCIAL USES. BASICALLY A LOT OF WAREHOUSES. WHEREAS THIS PARTICULAR CASE IS A TRACT SURROUNDED BY SF, SINGLE-FAMILY PROPERTY, SO I THINK IT'S IMPORTANT TO TAKE A LITTLE MORE CARE IN TERMS OF WHAT THE FUTURE USES THAT MAY OCCUR ON THAT TRACT.

**Mayor Wynn:** THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? MOTION AND A SECOND IS ON THE TABLE APPROVING 4-A, NEIGHBORHOOD PLAN AND THE REZONING. ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

**Mayor Wynn:** OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH THE MAYOR PRO TEM OFF THE DIAS. MOTION 5.

THE LAST ONE? THIS IS TRACT 149 OR A PORTION OF TRACT 149 AT 808 AND 906 JUSTIN LANE. ON FIRST READING THE COUNCIL ADOPTED MIXED USE FOR THE LAND USE MAP AND THE REZONING FROM LI TO CS-NP. THE PROPERTY OWNER IS REQUESTING INDUSTRIAL LAND USE DESIGNATION, AND REZONING THE LI ZONING ON THE PROPERTY.

**Mayor Wynn:** QUESTIONS OF STAFF? IF NOT, I'LL ENTERTAIN A MOTION.

**Dunkerley:** I WOULD MOVE APPROVAL FOR 5-A, WHICH IS THE SAME ACTION THAT WE APPROVED LAST COUNCIL MEETING.

**Mayor Wynn:** MOTION 5-A IS MADE BY COUNCILMEMBER DUNKERLEY. THAT'S FOR BOTH THE NEIGHBORHOOD PLAN AND THE ZONING AS APPROVED ON FIRST READING EARLIER. THIS IS FOR SECOND AND THIRD READING. MOTION 5-A BY COUNCILMEMBER DUNKERLEY. I'LL SECOND THAT. FURTHER COMMENTS? HEARING HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

**Mayor Wynn:** OPPOSED? MOTION PASSES ON A VOTE OF SIX

TO ZERO WITH THE MAYOR PRO TEM OFF THE DIAS. IS THAT IT?

THAT'S ALL.

**Mayor Wynn:** THANK YOU VERY MUCH. WELCOME BACK, MS. GLASGO.

YOU DID A FABULOUS JOB.

**Mayor Wynn:** ALTHOUGH WE DIDN'T MAKE THE 30 MINUTES YOU SUGGESTED.

I HAD ANTICIPATED 30 MINUTES, BUT A FEW MINUTES OFF. WELL, MAYOR, WE'LL MOVE ON TO ITEM NUMBER Z-7, CASE NUMBER C-14-03-0149. THIS IS A REZONING CASE FOR PROPERTY LOCATED AT 12,000 BLOCK OF DESSAU ROAD. THE PROPERTY IS CURRENTLY ZONED MULTI-FAMILY 3 WITH A CONDITIONAL OVERLAY. THE CONDITIONAL OVERLAY THAT THE APPLICANT IS SEEKING TO AMEND HAS TO DO WITH THE NUMBER OF VEHICLE TRIPS PER DAY. IN THE ORIGINAL CASE THE APPLICANT AT THAT TIME HAD AGREED TO LIMIT IT TO APPROXIMATELY 1675 TRIPS PER DAY. THE NEW OWNER WOULD LIKE TO AMEND THOSE TRIP LIMITATIONS TO INCREASE IT TO 2200. THAT IN TURN INCREASES THE NUMBER OF UNITS THAT CAN BE BUILT ON THIS SITE TO LIKE 348 UNITS ON THE SITE. WHAT YOU ARE GOING TO HEAR IS THAT THE PREVIOUS AGENT FOR THE CASE THEN AGREED TO LIMIT THE NUMBER OF UNITS TO 200 -- I'M CHECKING MY SHEET HERE. 265 UNITS. THE DISCUSSION IS GOING TO FOCUS AROUND THAT. THE AMENDMENT, AS I INDICATED, HAS TO DO WITH AMENDING THE ORIGINAL ZONING CASE TO ALLOW FOR ADDITIONAL TRIPS PER DAY, WHICH ARE PERMISSIBLE, AND THE STAFF HAS REVIEWED THAT AND THE TRAFFIC IMPACT ANALYSIS IS -- HAS BEEN REVIEWED AND INDICATES THAT THERE IS ADEQUACY OF ACCOMMODATION UNDER THIS PROPOSED DEVELOPMENT. THE AGENT FOR THIS CASE WILL EXPLAIN THE REASON FOR THE CHANGE IN THE CONDITION AND STAFF WILL BE GLAD TO ANSWER ANY QUESTIONS THEREAFTER. THANK YOU.

**Mayor Wynn:** THANK YOU. SO AT THIS TIME WE'LL HAVE A FIVE-MINUTE PRESENTATION FROM THE APPLICANT. WE

WILL FOLLOW THAT WITH CITIZENS WHO HAVE SIGNED UP IN FAVOR OF THIS ZONING CASE, THEN CITIZENS IN OPPOSITION, AND THE APPLICANT WILL HAVE A THREE-MINUTE CLOSE.

THANK YOU, MAYOR. MY NAME IS LAURA TOOTS WITH THE URBAN DESIGN GROUP AND I REPRESENT THE APPLICANT ON THIS, WHICH IS WAYNE HAR WELL PROPERTIES. MR. HAR DLEEL WELL PURCHASED THIS PROPERTY WITH THE EXISTING ZONING ON IT. AND IN THE FALL OF 2003 CAME TO US AND WANTED US TO DO SOME MORE DETAIL ANALYSIS ON THE SITE TO SEE WHAT WE COULD ACTUALLY GET ON THE SITE IN TERMS OF A MULTI-FAMILY DEVELOPMENT. SO WE PROCEEDED TO DO A TREE AND TOPO SURVEY, AND TO WORK WITH HIS ARCHITECT TO DO A MAPPING PLAN. THE RESULTS OF THAT SURVEY TOLD US THAT OF THE 19.6 ACRES, WHICH IS WHAT THE TRACT IS, THERE IS AN UNCLASSIFIED WATERWAY THAT GOES THROUGH THE TRACT THAT HAS ABOUT 1.2 ACRES OF FLOODPLAIN. OUT OF THE 19 ACRES, BASICALLY ABOUT 17 ACRES ARE ZERO TO 15% SLOPE. SO EVEN THOUGH THERE'S SOME MINOR SLOPES, -- THERE'S SOME STEEPER SLOPES, MOST OF THOSE OCCUR WITHIN THE WATERWAY. IN WORKING THROUGH THAT IT WAS DETERMINED -- AGAIN, THIS IS CONCEPTUAL BECAUSE REMEMBER WE'RE AT ZONING AND NOT SITE PLAN YET. IT WAS DETERMINED THAT WE COULD GET 348 UNITS ON THE SITE. IN ORDER TO DO THAT, WE WOULD HAVE TO PROCESS THE ZONING CHANGE AND DO A TIA, WHICH WE DID. WE SUBMITTED TO THE STAFF, THE TIA WAS APPROVED AND WE OBTAINED APPROVAL AND RECOMMENDATION FROM THE STAFF FOR OUR ZONING CHANGE. WE THEN WENT TO PLANNING COMMISSION AND WE WENT ON CONSENT AT PLANNING COMMISSION FOR THE STAFF RECOMMENDATION, WHICH WAS MF-3 WITH -- ULTIMATELY WOULD BE A CONDITIONAL OVERLAY LIMITING IT TO THE TIA RESULT. WE WERE SCHEDULED TO COME BEFORE YOU A MONTH AGO, AND THE MONDAY I THINK BEFORE THE MEETING, A POSTPONEMENT WAS REQUESTED BY THE NEIGHBORHOOD. AND IT WAS INDICATED THAT THEY HAD AN AGREEMENT WITH THE PREVIOUS OWNER, WHICH CAME AS A SURPRISE TO US. WHEN I SAW THAT IT HAD AN OVERLAY LIMITING IT TO TRIPS PER DAY, A LOT OF TIMES ON

ZONING CASES, IF YOU DON'T WANT TO DO A TIA, YOU DO THAT LIMITATION UNTIL YOU KNOW EXACTLY WHAT YOU'RE GOING TO DO. WE AGREED TO THE POSTPONEMENT, WE MET WITH THE NEIGHBORHOOD AND FOUND THAT IN THE PREVIOUS -- THE PREVIOUS OWNER WHO MY CLIENT BOUGHT THE PROPERTY FROM, HIS AGENT I BELIEVE HAD INDICATED SOME LIMITATION OF THE DENSITY. ULTIMATELY THAT TRANSPIRED INTO A ZONING RECOMMENDATION FROM THE COUNCIL WITH AN OVERLAY WITH TRAFFIC COUNTS BEING LIMITED. WE HAVE MET WITH THE NEIGHBORHOOD. THEY WOULD REALLY NOT LIKE TO SEE ANY ADDITIONAL UNITS, BUT WE BELIEVE THAT WHAT WE BRING TO YOU IS A VERY APPROVABLE PLAN HERE. IT'S ON A MAJOR ARTERIAL. IT'S IN THE DESIRED DEVELOPMENT ZONE. I KNOW THAT MULTI-FAMILY CASES ARE REAL DIFFICULT, BUT WE LOOK TO FIND APPROPRIATE PLACES TO PUT THESE DEVELOPMENTS. AND I WOULD ARGUE THAT THIS IS AN APPROPRIATE ONE. THE DENSITY, DEPENDING UPON WHETHER OR NOT YOU LOOK AT IT ON A GROSS ACREAGE OR A NET SITE ACREAGE, IT'S ABOUT 18 TO A LITTLE OVER 20 UNITS PER ACRE, NOT A REAL DENSE DEVELOPMENT AND WHAT WOULD BE ALLOWED UNDER MF-3. ONE OF THE OTHER ISSUES THAT THE NEIGHBORHOOD WILL TALK ABOUT IS DETENTION. THIS IS IN THE WALNUT CREEK WATERSHED. AS ANY PROJECT THAT COMES THROUGH AT SITE PLAN, IT WILL BE DETERMINED WHETHER OR NOT IT WOULD BE APPROPRIATE FOR THE SITE TO PARTICIPATE IN REGIONAL DETENTION OR PROVIDE IT ON SITE. WE BELIEVE WE HAVE LOCATIONS WHERE WE CAN PROVIDE IT ON SITE. AGAIN, WE HAVEN'T DONE THE SITE PLAN DETAIL AT THIS POINT, BUT IT DOESN'T SEEM APPROPRIATE TO REQUIRE THAT A SITE PROVIDE ON SITE DETENTION WITHOUT THAT DETAIL. ALWAYS THAT'S LEFT TO THE STAFF DURING THEIR REVIEW AT SITE PLAN. I GUESS ONE OTHER THING, IF WE LOOK AT THE LARGER -- THE LARGER AREA THAT LOCATES YOU, AND WE DIDN'T TALK ABOUT THIS EARLIER, THIS IS DESSAU ROAD. HERE IS PARMER LANE. I-35 IS RUNNING OVER IN THIS DIRECTION. THE TIA TOMBS TWO DRIVEWAYS -- ASSUMES TWO DRIVEWAYS ON TO DESSAU AND TWO DRIVEWAYS ON TO A PRIVATE DRIVE. THIS IS THE CHURCH. THIS IS HIGH POINT BAPTIST CHURCH, WHO DID THE PREVIOUS ZONING CASE. MY CLIENT OWNS THIS TRACT. TWO OF HIS DRIVEWAYS WILL

ACCESS THIS, BUT ALL THE TRAFFIC IS INTENDED TO COME OUT ON TO DESSAU ROAD. I GUESS IN SUMMATION I WOULD JUST SAY THAT WE HAVE APPROVAL FROM STAFF, WE HAVE APPROVAL FROM THE PLANNING COMMISSION -- [ BUZZER SOUNDS ] -- AND I REQUEST YOUR APPROVAL TODAY.

**Mayor Wynn:** THANK YOU. NOW WE'LL HEAR, COUNCIL, FROM FOLKS WHO SIGNED UP IN FAVOR OF THE ZONING CASE.

**Slusher:** MAYOR, COULD I ASK MS. GHAS CO-A QUESTION QUESTION -- GLASGO A QUESTION?

**Mayor Wynn:** YES.

**Slusher:** MS. GLASGO, WHAT WE'VE JUST SEEN PRESENTED, THAT'S THE SAME THING AS -- SAME DEVELOPMENT EXACTLY AS THE STAFF RECOMMENDED ON AND THE ZAP?

CORRECT. THAT'S CORRECT.

**Slusher:** I JUST WANTED TO MAKE SURE. I WAS LOOKING AT MR. GUERNSEY'S NOTES THAT THERE'S NOTHING ABOUT A UNIT NUMBER. HOW MANY UNITS IS THIS COMPARED TO -- DO YOU WANT TO GET THAT MS. TOOTS?

IT WOULD ALLOW 348 UNITS. IF YOU USE AN EQUATION WITH THE 1675, WHICH WAS THE TRIP LIMITATION ON THE CURRENT ZONING, THAT WOULD EQUATE TO ABOUT 260, 264 UNITS, SOMEWHERE IN THERE. SO THE LIMITATION WASN'T ON UNITS, IT WAS ON TRIPS PER DAY, BUT THAT DOES EQUATE TO UNITS. SO THIS IS ROUGHLY ABOUT 80 MORE UNIT THAN WHAT THE CURRENT ZONING WOULD ALLOW.

**Slusher:** OKAY, THANK YOU. THANKS, MS. GLASGO.

**Mayor Wynn:** SO OUR SPEAKERS, MS. TOOTS HAS ALREADY SPOKEN TO US. WE'LL TAKE UP THOSE FOLKS IN OPPOSITION TO THIS ZONING CASE. WE'LL START WITH JANET CLOT. WELCOME, JANET. WE HAVE SOME FOLKS WANTING TO DONATE TIME TO YOU. IS SHERRY PILE HERE? SHERRY PYLE? HOW ABOUT LESTER JOHNSON. HELLO, WELCOME BACK. SO YOU WILL HAVE SIX MINUTES.

THANK YOU, MAYOR WYNN AND COUNCILMEMBERS. THANK YOU FOR GIVING THE ALLIANCE THE OPPORTUNITY TO MEET AND DISCUSS THIS REZONING REQUEST WITH MS. TOOTS. WE DID MEET THIS PAST MONDAY. I WOULD ALSO LIKE TO APOLOGIZE TO MR. HARWELL AND MS. TOOTS FOR BLINDSIDING THEM WITH THE POSTPONEMENT REQUEST. I WAS UNAWARE OF THE ZAP PUBLIC HEARING ON THIS CASE, SO I WAS NOT THERE TO EXPRESS THE ALLIANCE'S POSITION BECAUSE MY MOTHER HAD A HIP FRACTURE AND I WAS SPENDING VIRTUALLY ALL MY TIME WITH THAT, AND I WAS NOT OPENING MY MAIL UNFORTUNATELY. , SO I DID NOT SEE THE NOTICE IN TIME. IN 1999 THE ALLIANCE IN MEETINGS WITH THE AGENTS FOR HIGH POINT BAPTIST CHURCH AND MR. HARWELL DISCUSSED THE ORIGINAL ZONING CHANGE FROM DR AND SF-2 TO MF-3. AT THE INITIAL MEETING WE ADDRESSED STRONG CONCERNS ABOUT THE TRAFFIC LIMITATIONS OF THE SITE, THE EXTENSIVE SLOPES OF THE PROPERTY AND THE WELL-DEFINED WALNUT CREEK TRIBUTARY THAT RUNS THROUGH THE PROPERTY. THE ALLIANCE WAS CONCERNED ABOUT MF-3 ZONING AND FELT THAT SF-6 DENSITY WAS APPROPRIATE GIVEN SITE LIMITATIONS. THE AGENT TOOK HER CONCERNS BACK TO THE APPLICANT AND AFTER DISCUSSION AT A SUBSEQUENT MEETING AN AGREEMENT WAS REACHED THAT PLACED CONDITIONS ON THE MF-3 ZONING. THE ALLIANCE AGREED TO MF-3 TO PERMIT FLEXIBILITY IN THE PLACING OF THE UNITS ON THE SITE. THE AGREEMENT THAT WAS REACHED INCLUDED THE LIMITATION OF 265 UNITS OF APARTMENTS AND THAT SITE PLANS WOULD BE SUBMITTED TO THE ALLIANCE FOR INPUT AND STATES, DUE TO THE FACT THAT BIG WALNUT DRAINAGE BASIN CONTINUES TO BE A MAJOR CONCERN WITH THE ALLIANCE AND THE NEIGHBORHOODS ADJACENT THERE TO, THE ALLIANCE HAS REQUESTED AND THE OWNER HAS AGREED TO HAVE 100% OF THE DETENTION AND FILTRATION REQUIRED FOR BOTH THE CHURCH TRACT AND THE PROPOSED APARTMENT TRACT CONTAINED ON SITE. THE STAFF IS I THINK RECOMMENDING ONLY TWO-YEAR DETENTION INSTEAD OF THE 100% DETENTION, WHICH WOULD -- WHICH IN OUR INTERPRETATION IS UP TO THE 100 YEAR FLOODPLAIN -- THE 100-YEAR FLOOD EVENT, SORRY. THE ALLIANCE IS VERY PUZZLED ABOUT THE OUTCOME OF THE AGREEMENT THAT WE THOUGHT HAD BEEN INCLUDED

IN THE ZONING, AND WE ARE PUZZLED AS TO WHY THE REST OF THE AGREEMENT IS NOT INDICATED ANYWHERE IN THE ZONING. AND WE UNDERSTAND THAT BECAUSE THERE WAS A TRIP LIMIT ON THE FOR SALE SIGNS THAT WERE PLACED ON THE PROPERTY THAT THERE WAS UNDERSTANDING BY THE CHURCH AND MR. HARWELL THAT THERE WAS AN AGREEMENT LIMITING THE NUMBER OF UNITS. IF THE AGREEMENT, THE TOTAL AGREEMENT, WAS NOT INCLUDED IN THE ZONING, WE'RE NOT SURE. THE QUESTION COMES UP WHY WOULD WE WORK WITH APPLICANT TO MAKE AGREEMENTS IF AGREEMENTS ARE EXCLUDED? THE TRACT -- AS MS. TOOTS HAS ALREADY SHOWN YOU, THE SITE IS ON DESSAU, AND YOU WILL NOTICE THAT IT IS ON A CURVE IN DESSAU. THAT CURVE WE BELIEVE WILL BE VERY PROBLEMATIC IN INCREASING THE NUMBER OF UNITS ON THE SITE BECAUSE ANY MORE TRAFFIC THAN WHAT HAS ALREADY BEEN APPROVED WE FEEL IS GOING TO BE QUITE A LARGE PROBLEM IN THE FUTURE AFTER IT DEVELOPED. THERE ARE FOUR DRIVES ON THIS CONCEPTUAL SITE PLAN. THERE'S ONE HERE ON A PRIVATE ROAD, WHICH GOES UP TO THE HIGH POINT BAPTIST CHURCH, ANOTHER ONE ON THE SAME DRIVE, A DRIVEWAY ON TO DESSAU ROAD, AND ANOTHER DRIVE ON TO DESSAU ROAD. IN THE TIA, THE LEVELS OF SERVICE FOR THREE OF THOSE DRIVES BASICALLY IS A LEVEL (INDISCERNIBLE) WHEN THIS PROJECT IS BUILT. THESE TWO ARE PRESUMED TO COME OUT ON DESSAU. THIS INTERSECTION AT DESSAU AND THE PRIVATE DRIVE IS SHOWN TO BE A SERVICE LEVEL OF F. AND I BELIEVE -- I'M NOT CERTAIN WHETHER IT'S THIS DRIVE OR THIS DRIVE. ONE OF THESE DRIVES IS ALSO SHOWN TO BE A LEVEL OF F. THE CREEK THAT RUNS THROUGH THE PROPERTY IS A WELL-DEFINED CREEK THAT ALMOST SPLITS THE PROPERTY IN HALF. THERE'S ANOTHER DRAW THAT COMES OFF OF DESSAU. THE SLOPE ON THE SITE ARE CONTINUOUS. THERE IS REALLY NOT A LEVEL BOTTOM ON THE SITE. WE HAVE INDICATED THAT THE CREEK IS WELL-DEFINED AND PROBABLY A LARGE PERCENTAGE OF THE FLOW WAS IN THE 10 TO 15 PERCENT RANGE. [ BUZZER SOUNDS ].

**Mayor Wynn:** THANK YOU. NEXT SPEAKER IS JOYCE BEST. WELCOME, JOYCE. YOU WILL BE FOLLOWED BY IT LOOK LIKE



RICHARD SHELTON. EITHER PODIUM IS FINE. YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR AND COUNCILMEMBERS, FOR THIS OPPORTUNITY. I WOULD LIKE TO ADDRESS TRAFFIC ISSUES WITH REGARD TO THIS REQUEST. WITHIN THE PAST 18 MONTHS SEVERAL HUNDRED UNITS OF APARTMENTS HAVE BEEN BUILT IMMEDIATELY ACROSS THE STREET IN TWO SEPARATE PROJECTS FROM THIS PROPOSED PROJECT. THOSE OF US WHO LIVE IN THE AREA AND DRIVE THOSE INTERSECTIONS AND THOSE ROADS FREQUENTLY CAN UNDERSTAND WHAT SIGNIFICANT IMPACT THOSE TWO PROJECTS HAVE HAD AND CAN ONLY ASSUME THAT ANOTHER SUCH PROJECT WOULD HAVE A MORE DETRIMENTAL IMPACT ON US. SO FROM A TRAFFIC STANDPOINT THERE'S ALREADY A PROBLEM DURING RUSH HOUR, AND THIS PROPOSAL CERTAINLY WOULD NOT HELP THAT. I AM PRIMARILY CONCERNED, HOWEVER, IN TERMS OF WHAT THEY ANTICIPATE HAPPENING WITH THESE DRIVES, THAT SOME OF THE TRAFFIC THAT IS ON THE PRIVATE ROAD INSTEAD OF GOING TO DESSAU ROAD, I BELIEVE WOULD GO THROUGH THE CHURCH PARKING LOT, TRYING TO ESCAPE THE TRAFFIC JAM AT DESSAU AND PARMER AND WOULD THEREFORE BE POURING INTO NEIGHBORHOOD AREAS OFF OF YAGER LANE. AND THAT IS A CONCERN. MY MAJOR CONCERN, HOWEVER, THAT IS THAT IF THE CITY CHOOSES NOT TO OFFER THE SIGNED AGREEMENT THAT HAS BEEN NEGOTIATED BETWEEN PROPERTY OWNERS AND DEVELOPERS AND THE NEIGHBORHOODS, THERE IS NO INCENTIVE FOR THE DEVELOPERS TO WORK IN GOOD FAITH WITH THE NEIGHBORHOOD. AS MS. CLOTS HAS ALREADY POINTED OUT, THERE WOULD BE LITTLE REASON FOR THE NEIGHBORHOODS TO ACCEPT COMMITMENTS MADE BY PROPERTY OWNERS AND DEVELOPERS. AS RECENTLY AS YESTERDAY, THE FOR SALE SIGN FOR THAT PARTICULAR PIECE OF PROPERTY IN QUESTION STILL ADVERTISES 265 UNITS. THOSE OF US IN THE AREA HAD NO IDEA THERE WAS A PROBLEM WITH THE AGREEMENT. MANY OF US REMEMBER WELL THE NEGOTIATIONS MADE IN THAT AGREEMENT, AND WE WERE SHOCKED. AND I DON'T BELIEVE THAT IF THE COUNCIL -- IT'S THE COUNCIL'S WISH TO DESTROY THE INTEGRITY OF THE NEIGHBORHOOD PROCESS BY IGNORING

THIS KIND OF AGREEMENT, AND I WOULD SIMPLY ASK THE COUNCIL TO PLEASE HONOR THE AGREEMENT THAT HAS PREVIOUSLY BEEN REACHED. THANK YOU.

**Mayor Wynn:** THANK YOU, MS. BEST. MR. SHELTON, WELCOME, SIR. YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR, COUNCILMEMBERS. MY POINT IS SPECIFICALLY OR BASICALLY JUST LIKE JOYCE'S. IT'S JUST THAT THIS IS DOUBLE DIPPING, IS EXACTLY WHAT IT IS. WE WENT THROUGH THE ENTIRE PROCESS IN 1999. MAYBE MR. HARWELL WAS NOT THE REGISTERED OWNER AT THAT POINT, BUT HE WAS CERTAINLY PRIVY TO THE NEGOTIATIONS AND DID APPROVE THE FINAL OUTCOME OF THOSE NEGOTIATIONS. THAT WAS PART AND PARCEL TO SOME OTHER THINGS THAT WE GAVE IN TO FOR HIGH POINT TO BUY THE PROPERTY IN THE FIRST PLACE SO THAT THEY COULD MAKE THEIR MONEY BACK AND DO WHATNOT. AND SO NOW -- AS WE WENT FORWARD IN GOOD FATE AS THE ALLIANCE AND ALLOWED SOME THINGS THAT WE GAVE UP ON ON HIGH POINT, WHEN WE AGREED TO THESE OTHER THINGS. AND NOW THIS HAS GONE AND THERE'S STILL ANOTHER PIECE OF THAT PROPERTY TO BE SOLD, AND I GUESS THEY'LL COME BACK AND WANT TO DOUBLE DIP ON THAT. IF THAT PROPERTY HAD BEEN DEVELOPED AT THAT POINT, WHICH WAS INITIALLY HIS INTENTION, I'M ASSUMING THAT IT WAS THE REAL ESTATE MARKET DOWNTURN THAT DIDN'T TAKE US FAR, THEN THAT WAS THE AGREEMENT IN PLACE. NOW THAT IT'S BEEN A FEW YEARS, HE'S COME BACK AN ASKED FOR IT AGAIN. BASICALLY WE FEEL THAT MR. HARWELL AGREED TO IT IN THE FIRST PLACE, AND IF HE WAS ABLE TO LIVE UP WITH IT THEN, HE SHOULD BE ABLE TO LIVE UP WITH IT NOW. THE MAJOR CONCERNS ARE TRAFFIC, WHATEVER WE CAN DO TO LIMIT THE NUMBER OF TRIPS ON THAT ROAD. IF ANY ONE OF YOU HAVE BEEN UP OR DOWN THAT ROAD IN MORNING RUSH HOUR OR THE AFTERNOON RUSH HOUR, IT MAY BE A MAJOR ARTERIAL, BUT IT'S CENTRAL EXPRESSWAY EVERY AFTERNOON, EVERY MORNING. IT ALREADY IS. AND WE DO KNOW THAT YOU CAN TURN LEFT ON THAT ONE DRIVEWAY AND GO BACK UP THROUGH THE CHURCH PARKING LOT AND END UP ON YAGER LANE. WE ALL KNOW THE NATURE OF HUMAN BEINGS, THAT WILL HAPPEN. SO NOW WE'VE CREATED

PROBLEMS THAT THE TIA DID NOT ADDRESS. AND THIRDLY, THE MAJOR ISSUE OR ONE OF THE MAJOR ISSUES WAS DETENTION. WITH THE CREEK THAT'S IN PLACE THERE, THERE IS GOING TO BE SUBSTANTIAL RUNOFF OFF OF THAT PROPERTY NO MATTER HOW IT'S DEVELOPED. AND WE HAVE CONCERNS ABOUT THE REGIONAL DETENTION PLAN TO BEGIN WITH, AND YOU START POURING THAT MUCH WATER INTO AN ALREADY QUESTIONABLE REGIONAL DETENTION, YOU'RE JUST ASKING FOR PROBLEMS. THOSE ARE THE ISSUES THAT WE WOULD LIKE TO HAVE CONSIDERED AS YOU GO FORWARD ON THIS.

**Mayor Wynn:** THANK YOU, MR. SHELTON. COUNCIL, THAT'S ALL THE SPEAKERS SIGNED UP IN OPPOSITION OF THIS ZONING CASE. NOW MS. TOOPZ HAS A THREE MINUTE REBUTTAL.

THANK YOU, MAYOR. IF I COULD START OUT, ONE THING -- WHEN WE TALK ABOUT THIS AGREEMENT, WHAT IT IS IS A MEMO THAT STATES THE THINGS THAT JANET HAS STIPULATED, AND IT'S SIGNED BY THE NEIGHBORHOOD AND IT'S SIGNED BY THE AGENT. IT SAYS FOR HIGH POINT BAPTIST CHURCH. MY CLIENT DIDN'T PURCHASE -- THE ZONING -- THAT AGREEMENT WAS SIGNED IN SEPTEMBER OF '99. THE ZONING EVENTUALLY WAS FINALIZED AT COUNCIL IN MARCH OF 2000, AND MY CLIENT PURCHASED THE PROPERTY IN -- CLOSED ON THE PROPERTY IN AUGUST OF 2000. HE WAS AS SURPRISED AS I WAS THAT THERE WAS AN AGREEMENT MADE. IT WASN'T REFLECTED IN THE ZONING, AND AS I SAID BEFORE, IT DIDN'T COME UP IN THE REVIEW OR PLANNING COMMISSION. AND THERE WAS SOMETHING SAID ABOUT TWO-YEAR DETENTION. THE DETENTION WILL BE REQUIRED AT SITE PLAN IF REGIONAL IS NOT APPROPRIATE, AND THAT HAS TO BE SUPPORTED BY THE ENGINEERING. SO WE WOULD NOT DO ANYTHING OF TRYING TO GET OUT OF A CITY REQUIREMENT THAT THE CITY HAS ABOUT NOT INCREASING FLOODING. TALKING ABOUT -- IF I COULD JUST ADDRESS THIS ROUTE SITUATION ABOUT MAKING IT. HERE IS WHERE HIGH POINT IS, HERE'S THE TRACT. ONE OF THE SPEAKERS WAS INDICATING THAT FIRST OFF WHEN YOU COME OUT ON THE DRIVEWAY HERE FOR THE LOWER PART, YOU CANNOT MAKE A LEFT TURN. THERE'S A MEDIAN. THIS PART OF THE PROJECT, HALF OF IT,

IF THEY CHOSE TO GO THAT WAY, THERE'S SPEED BUMPS IN HERE. YOU GO THROUGH THE CHURCH PARKING LOT, YOU GO THROUGH THIS ACCESS DRIVE, ONCE YOU GET TO YAGER YOU CAN'T GO NORTH ON I-35. SO I WOULD JUST SAY THAT IT WOULD NOT BE THE PREFERRED ROUTE. YOU CAN'T STOP PEOPLE FROM DOING THAT. BUT THERE'S A DIRECT ROUTE OF GOING RIGHT AND COMING OUT ON YAGER. AND I THINK JANET SAID SOMETHING ON THE SLOPES. AGAIN, WE HAVE DONE A TOPOGRAPHIC SURVEY ON THIS. IT'S SHOWING ON THE SITE PLAN ON A SMALL SCALE, BUT PREDOMINANTLY THE SITE IS ZERO TO 15. AGAIN, WE CAN'T BUILD ON THE STEEPER SLOPES. WE HAVE TO COMPLY WITH THE NET SITE AREA AND THE ALLOWED IMPERVIOUS COVER ON THE ZERO TO 15 SLOPES. AND COMING BACK I GUESS I'LL SUMMARIZE AGAIN, DESIRED DEVELOPMENT ZONE, 18 TO 20 UNITS TO THE ACRE. I BELIEVE THIS IS ON A MAJOR ARTERIAL IS WHERE WE WOULD PUT THESE APARTMENTS. THERE IS AN APARTMENT COMPLEX THAT WAS BUILT ACROSS THE STREET, AND WE WOULD SHARE A MEDIAN CUT WITH THAT PROJECT. [ BUZZER SOUNDS ] THANK YOU.

**Mayor Wynn:** THANK YOU. COUNCILMEMBER SLUSHER?

**Slusher:** YES. I HAVE TO STEP OUT OF THIS MEETING FOR JUST A SECOND. YOU WERE GOING TO SAY SOMETHING ABOUT THE AGREEMENT?

WHEN THEY REFERRED TO THE AGREEMENT, THE STAFF DID FIND THAT THIS WEEK. AND WHAT IT IS IS A MEMO THAT JUST -- IT HIGHLIGHTS THOSE ITEMS THAT JANET READ. AND IT'S SIGNED BY THE NEIGHBORHOOD AND IT'S SIGNED BY THE AGENT FOR HIGH POINT BAPTIST CHURCH. AND THAT WASN'T MR. HARWELL AT THAT TIME. HE WAS NOT THE APPLICANT. AND THAT WAS SIGNED IN SEPTEMBER OF '99. HE PURCHASED THE PROPERTY IN AUGUST OF 2000.

**Slusher:** BUT IT WAS IN PLACE WHEN HE PURCHASED THE PROPERTY?

NO. IT WASN'T A RESTRICTIVE COVENANT. I MEAN, THE TITLE SEARCH DIDN'T SHOW THIS UP. IT WAS SOMETHING IN A FILE. AND I'VE TRIED TO TRACE THE MINUTES. ULTIMATELY WHAT CAME OUT OF THE COUNCIL IS A RESTRICTION OF TRAFFIC,

ON NUMBER OF TRIPS. AND NONE OF THOSE OTHER THINGS ARE REFERENCED. SO IT DIDN'T BECOME A RESTRICTIVE COVENANT, WHICH IS WHAT WOULD HAPPEN A LOT OF TIMES. IT WOULD BE FILED IN THE COURTHOUSE BETWEEN THE NEIGHBORHOOD AND THE APPLICANT. SO THIS IS -- AND I THINK MAYBE THAT'S BEEN DISTRIBUTED TO YOU.

**Slusher:** YEAH, IT JUST DID.

IT WAS FOUND IN THE BACK OF A ZONING FILE FROM THE PREVIOUS CASE. BUT BEFORE THAT WE HAD NO IDEA THAT IT EXISTED. AND I GUESS I'M NOT A LAWYER, YOU KNOW, IT'S A MEMO THAT THERE WAS AN AGREEMENT BY A PREVIOUS ZONING --

**Slusher:** WHAT DOES THE TRAFFIC COUNT EQUATE TO? I'LL LET MS. GLASGO GET THAT ONE.

THANK YOU, COUNCILMEMBER. STAFF NEEDS TO INTERJECT HERE. I REMEMBER THIS AGREEMENT FROM FIVE YEARS AGO. AND I WILL JUST WALK YOU THROUGH IT. I WOULD LIKE TO APPLAUD THAT STAFF DID INCLUDE OR TRANSLATE THE AGREED -- YOU HAVE FIVE ITEMS ON THIS AGREEMENT. AND TYPICALLY WHEN WE GET AN AGREEMENT BETWEEN A NEIGHBORHOOD ASSOCIATION OR RESIDENTS AND THE DEVELOPER, WE'LL LOOK AT THE ITEMS THAT HAVE BEEN PROPOSED AND DECIDE ARE THESE CONDITIONS THAT ARE EITHER ITEMS THAT WE CAN ENFORCE, ARE THEY ITEMS THAT CAN BE WRITTEN INTO AN ORDINANCE OR ARE THEY ITEMS THAT RELATE TO A PRIVATE AGREEMENT BETWEEN THE NEIGHBORHOOD ASSOCIATION AND THE DEVELOPER? ITEM NUMBER 1 SPEAKS TO 265 TRIPS PER DAY. WELL, THAT EQUATES TO 1625 1625 VEHICLE TRIPS PER DAY. THE ORDINANCE THAT WAS ADOPTED DID INCLUDE A LIMIT, THE NUMBER OF TRIPS ON TRACT 2 TO 1625. 1,675 TRIPS PER DAY, WHICH GIVES YOU THE 265 UNITS.

**Slusher:** SO THAT'S -- DID YOU SAY 1625 OR 1675?

1675.

**Slusher:** THAT EQUALS THE AMOUNT OF 265 UNITS?

CORRECT. THE SECOND CONDITION THE NEIGHBORHOOD AGREED TO THAT THE APPLICANT AT THAT TIME OF SITE PLAN WOULD COMMIT A COPY OF THE SITE PLAN TO THE NEIGHBORHOOD ASSOCIATION, THAT SORT OF CONDITION WE'D PUT INTO A ZONING ORDINANCE. NOR DO WE ADDRESS CONDITION NUMBER 3 BECAUSE YOU CANNOT DISCUSS DETENTION UNTIL A SITE PLAN HAS BEEN DESIGNED. AND AT SUCH TIME THE ENGINEERS DETERMINE WHAT DETENTION OUGHT TO OCCUR AND HOW IT SHOULD OCCUR. SO WE DID NOT INCLUDE THAT AS A CONDITION. NUMBER 4 SIMPLY SPEAKS TO THE FACT THAT THE APPLICANT AND THE NEIGHBORHOOD WOULD CONTINUE TO PURSUE THEIR CONCERNS. NUMBER 5, IT SPEAKS TO 65% IMPERVIOUS COVER. THAT'S WHAT THE CODE ALLOWS, SO THERE WAS NO REASON TO REPEAT THAT IN AN ORDINANCE. SO THE ONLY CONDITION WE CAPTURED OR COULD BE CAPTURED LEGALLY WAS CONDITION NUMBER 1, WHICH WE WROTE IN THE TERMS OF VEHICLE TRIPS PER DAY.

**Slusher:** BUT THAT WASN'T -- WITH THE INCREASED NUMBER OF UNITS, THAT WOULD MAKE THE TRIPS GO UP HIGHER, RIGHT?

THE NEW PROPOSAL, YES. THE NEW PROPOSAL THAT IS IN FRONT OF YOU TODAY DOES INCREASE THE NUMBER OF TRIPS AND THE NUMBER OF UNITS. THEY GO HAND IN HAND.

**Slusher:** BUT STAFF RECOMMENDED THAT?

WE'RE RECOMMENDING IT. WE DID NOT -- WELL, THE CONDITION WAS INCLUDED BEFORE, BUT WE DO RECOMMEND THE CHANGE TO THAT.

**Slusher:** LET ME ASK MS. CLOTS A QUESTION. EVENING. WHEN THIS WAS AGREED TO DID THE ALLIANCE THEN SUPPORT THE PROJECT AT THAT TIME?

YES, WE DID. WITH THE AGREEMENTS. BECAUSE WE HAD ORIGINALLY -- OUR INITIAL THOUGHTS WHEN WE FIRST STARTED TALKING WITH THE AGENT FOR THE CHURCH -- AND BY THE WAY, MR. HARWELL, I UNDERSTAND, WAS THE PERSON INTENDING TO PURCHASE THE PROPERTY AT THAT TIME, EVEN THOUGH HE WAS NOT THE OWNER AT THAT

TIME. THE THOUGHTS OF THE ALLIANCE WERE THAT MF-3 DENSITY WAS PRETTY HIGH FOR THE REASONS THAT WE HAVE GIVEN, WAS THE CONCERNS THAT WE HAD. AND WE FELT THE OTHER ZONING WOULD BE MORE APPROPRIATE. BUT WE DID AGREE WITH THE PROJECT AT THE DENSITY LIMITATION BECAUSE WE FELT IT COULD BE BUILT AS MF-3 WITH THE LIMITS, THEY WOULD HAVE THE FLEXIBILITY TO PLACE THE UNITS WHERE THEY COULD BE PLACED WITHOUT ANY DETRIMENTAL EFFECT TO THE CREEK, THE TRAFFIC OR ANYTHING LIKE THAT.

**Slusher:** DID I HERE YOU SAY THERE WAS ONE ACROSS THE STREET?

THERE WERE TWO APARTMENT PROJECTS BUILT ACROSS THE STREET. THEY WERE BOTH OUTSIDE THE CITY LIMITS. THE CITY -- THE CITY HAS NOT ANNEXED THEM. THEY ARE ON PIECES OF LAND THAT ARE RELATIVELY FLAT. THEY DO NOT HAVE THE CONSTRAINTS THAT THIS PROPERTY DOES. THEY HAVE BETTER TRAFFIC ACCESS. THEY DON'T HAVE QUITE THE PROBLEMS THAT THIS ONE DOES. THEY'RE MORE DESIRABLE AS FAR AS THE UNITS THAT WERE PUT ON THEM.

**Slusher:** I REALIZE SINCE THEY'RE OUTSIDE THE CITY THEY DIDN'T COME TO US FOR ZONING, BUT DID THE ALLIANCE WORK WITH THE ALLIANCE, THE DEVELOPER HAVE A POSITION ON THOSE?

WE DID NOT. WE WERE NOT CONTACTED AND, AS A MATTER OF FACT, AT THAT TIME I DID NOT KNOW WHO TO CONTACT.

**Slusher:** OKAY. THANK YOU, MS. CLOTS. I THINK THE MAYOR RIGHTLY IS SAYING IT 5:30 AND WE'RE SUPPOSED TO BREAK FOR OUR MUSIC NOW, SO I'LL TURN IT BACK OVER TO HIM.

**Mayor Wynn:** I WAS GOING TO SUGGEST THAT WE COULD CLOSE THE PUBLIC HEARING ON THIS CASE.

**Slusher:** SO MOVE.

**Mayor Wynn:** MOTION BY COUNCILMEMBER SLUSHER TO CLOSE THE PUBLIC HEARING ON Z-7. 7 I'LL SECOND THAT. ANY DISCUSSION? HEARINGEARING NONE, ALL THOSE IN

FAVOR PLEASE SAY AYE.? IF WE THINK THIS DISCUSSION MAY TAKE US AWHILE, WHICH IT MAY, WITHOUT OBJECTION I PREFER TO GO AHEAD AND BREAK NOW FOR OUR LIVE MUSIC AND PROCLAMATIONS.

**Slusher:** I'VE GOT SEVERAL MORE QUESTIONS.

**Mayor Wynn:** WE'LL COME BACK SHORTLY AND TAKE UP WITH THOSE. THANK YOU VERY MUCH. ONE WIN FOLKS, IT'S TIME FOR OUR WEEKLY LIVE MUSIC CONCERT AT THE AUSTIN CITY COUNCIL. YOUNG US TODAY IS SCOOTER DUBECK, BORN AND RAISED IN CENTRAL TEXAS, INFLUENCED BY THE RICH MUSIC TALL TRADITION AND FAVOR, RANGING FROM CZECH AND GERMAN FOLK MUSIC TO COUNTRY AND ROCK. HE'S FOLLOWED A LONG LINE OF MUSICIANS FROM GREAT UNCLES TO COUSINS, BUT HIS LOVE OF MUSIC WAS INFLUENCED MOST BY HIS FATHER THE LATE [INDISCERNIBLE] PLEASE JOIN ME IN WELCOMING HIM. [ APPLAUSE ] [ (music) MUSIC PLAYING (music)(music) ] [ (music) SINGING (music)(music) ] [ APPLAUSE ]

WE'LL BE SCOOTER TELL US WHERE WE CAN HEAR YOU IN THE FUTURE, HOW TO GET YOUR CD, THAT SORT OF A THING.

WE'LL BE IN AND AROUND THE AUSTIN AREA PROBABLY NOT UNTIL EARLY SUMMER OR LATE SPRING. BUT THIS FRIDAY NIGHT, OCTOBER -- NOT OCTOBER. I'M IN THE WRONG MONTH, APRIL THE 2nd WE WILL BE AT A PLACE CALLED DALE'S IN WALL BURG, TEXAS, NEAR GEORGETOWN, NEXT THURSDAY I BELIEVE IT'S APRIL THE 8th WE WILL BE AT THE COTTON CLUB IN GRANGER, TEXAS. IF ANYBODY US INTERESTED, THEY CAN CHECK OUT OUR WEBSITE AT [www.scooterDUBECK.com](http://www.scooterDUBECK.com). YOU CAN GET INFORMATION ON THE NEW CD WE HAVE OUT. A LOT OF ORIGINAL MUSIC ON THAT, MR. MAYOR.

**Mayor Wynn:** BEFORE YOU GET AWAY. THE PROCLAMATION READS BE IT KNOWN WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS BETWEEN THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC, CULTURAL DIVERSITY, WHEREAS THE DEDICATED ARTISTS FURTHER OUR STATUS AS THE LIVE MUSIC CAPITAL OF THE WORLD.



THEREFORE I WILL WYNN DO HERE BY PROCLAIM TODAY,  
NOT AN APRIL'S FOOL'S DAY JOKE, AS SCOTT DUBECK  
TODAY AND ASK AND YOU ARE CITIZENS TO JOIN ME IN  
CONGRATULATING THIS GREAT TALENT.

**Mayor Wynn:** OUR FIRST OPERATION THIS WEEK IS  
REGARDING FAIR HOUSING MONTH, I'M JOWNED HERE,  
CHARLES GORE MAN WILL TAKE ABOUT SOME OTHER  
RECIPIENTS TODAY. BE IT KNOWN THAT WHEREAS SAFE  
AFFORDABLE HOUSING IS PART OF THE AMERICAN DREAM  
AND THE FAIR HOUSING ACT OF 1968 AND ITS AMENDMENT  
IN 1988 OPENED THAT POSSIBILITY TO EVERYONE  
REGARDLESS OF RACE, COLOR, SEX, NATIONAL ORORIGIN,  
RELIGION, DISABILITY OR FAMILIAL STATUS. WHEREAS THE  
CITY OF AUSTIN IS LIKewise DEDICATED TO ENSURING THAT  
ALL CITIZENS RECEIVE EQUAL TREATMENT WHEN BUYING  
OR REPRESENTING A HOME, WE ENCOURAGE EVERYONE TO  
RECOGNIZE THE IMPORTANCE OF FAIR HOUSING PRACTICES  
AND CONTINUE TO WORK TO CHANGE ATTITUDES AND  
REMOVE BARRIER THAT'S LIMIT ACCESS AND CHOICE.  
THEREFORE I WILL WIN MAYOR THE CITY OF AUSTIN TEXAS  
DO HERE BY PROCLAIM APRIL 2004 AS FAIR HOUSING MONTH  
IN AUSTIN AND CALL ON CHARLES GORHAM TO SAY A FEW  
WORDS ABOUT THE RECIPIENTS AND OUR EFFORTS AT FAIR  
HOUSE IN THIS AUSTIN. CHARLES? [ APPLAUSE ]

THANK YOU VERY MUCH. I WOULD LIKE TO TAKE THIS  
OPPORTUNITY TO -- TO THANK MAYOR WYNN AND CITY  
COUNCIL FOR THEIR SUPPORT IN THIS ENDEAVOR. THE  
COMPLIANCE DWUTION OF THE HUMAN RESOURCES  
DEPARTMENT HAS BEEN TRYING TO CORRECT HOUSING  
DISCRIMINATION WITHIN THE CITY OF AUSTIN IN THE PAST  
FIVE YEARS. WE STARTED A NEW CONTRACT WITH H.U.D.  
DURING THAT TIME PERIOD. WE HAVE BEEN RECERTIFIED BY  
H.U.D. AND CONTINUE TO DO INVESTIGATIONS THAT RELATE  
TO FAIR HOUSING. JULIE BAGS, I WILL ALSO ACCEPT ONE  
FOR BILL HAIL WHO IS THE CURRENT CHAIRPERSON FOR  
THE AUSTIN HUMAN RIGHTS COMMISSION AND KATHRYN --  
KATHRYN STARK, I'M SORRY, PLEASE FORGIVE ME. SHE'S  
GOING TO GET ANGRY AT ME, FROM THE AUSTIN TENANTS  
COUNCIL. ALL OF THESE WILL BE HANDED OUT TO THE  
RECIPIENTS. I I WOULD ALSO LIKE TO INFORM THE THE  
PUBLIC AND THOSE ATTENDING TODAY, THE MAYOR AND

COUNCIL AND ALSO, ON APRIL THE 23rd THE COMPLIANCE DIVISION OF THE HUMAN RESOURCES DEPARTMENT AND THE TENANTS COUNCIL WILL BE SPONSORING A FORUM ON FAIR HOUSING FOR ATTORNEYS AND JUDGES WITHIN THE CITY OF AUSTIN. THIS WILL TAKE PLACE AT THE RED LION INN AT THE CORNER OF 290 AND I-35. THE FOLLOWING WEEK, WHICH IS APRIL THE 30th, THE AUSTIN HUMAN RIGHTS COMMISSION WILL BE SPONSORING A FORUM THAT WILL BE CONDUCTED AT A SITE TO BE LOCATED [SIC] FOR ALL OPEN PARTICIPANTS, INDIVIDUALS THAT OWN PROPERTIES THAT SELL PROPERTIES THAT FINANCE PROPERTIES, PEOPLE WHO BUY, SELL, THIS WILL BE AN OPEN INVITATION, THOSE PEOPLE WILL BE NOTIFIED. THE PUBLIC WILL ALSO BE NOTIFIED AND IT WILL BE OPEN TO THE PUBLIC. THANK YOU VERY MUCH, MR. WYNN, THANK YOU VERY MUCH FOR THE PROCLAMATION. [ APPLAUSE ] AFTER CLEANUP, COME TO FESTIVAL BEACH TOO A FREE LUNCH, LIVE MUSIC AND MORE, REGISTER LINE AT KEEP AUSTIN BURG.ORG. REGISTER TODAY FOR APRIL 3rd. CLEAN SWEEP ACROSS AUSTIN.

CASE YOU ARE WONDERING THIS NEXT PROCLAMATION IS GOING TO BE ABOUT KEEP AUSTIN BEAUTIFUL. I'M JOINED BY JEFF CAMPBELL. WE WILL FIRST READ THE PROCLAMATION AND HERE ABOUT CLEAN SWEEP AND REALLY THE OTHER WORK THAT KEEP AUSTIN BEAUTIFUL IS DOING HERE IN AUSTIN. IT READS BE IT KNOWN WHEREAS KEEP AUSTIN BEAUTIFUL'S CLEAN SWEEP ACROSS AUSTIN ON APRIL 3rd IS PART OF THE GREAT AMERICAN CLEANUP, AND DON'T MESS WITH TEXAS TRASH OFF, THE NATION'S AND STATES LARGEST BEAUTIFICATION AND IMPROVEMENT PROGRAMS, WHEREAS THE UNIQUE PARTNERSHIP OF CARING CITIZEN VOLUNTEERS WORKING IN COOPERATION WITH THE PUBLIC SECTOR ENTITIES HAS APPROVED ITS EFFECTIVENESS IN SUSTAINING AND IMPROVING AUSTIN'S LOOKS AND OUR QUALITY OF LIFE, WHEREAS KEEP AUSTIN BEAUTIFUL URGES AUSTINITES TO JOIN IN ONE OF THE NEIGHBORHOOD PARK, SCHOOL YARD, PUBLIC AREA CLEANUPS AROUND THE CITY THIS SATURDAY, THEN CELEBRATE WITH LUNCH, MUSIC AND FAMILY FRIENDLY ACTIVITIES AT FESTIVAL BEACH STARTING AT NOON, NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM APRIL 2004

AS KEEP AUSTIN BEAUTIFUL MONTH IN AUSTIN,  
CONGRATULATIONS TO A GREAT ORGANIZATION. KEEP  
AUSTIN BEAUTIFUL AND CALL ON MR. JEFF CAMPBELL TO  
SAY A FEW WORDS ABOUT THE PROGRAM. I TELL YOU, I'M  
GOING TO BE AT CASIS STARTING AT 9:00 WITH MY KIDS  
BEFORE WE THEN GO OVER TO FESTIVAL BEACH. LOOKING  
FORWARD TO SEEING A LOT OF AUSTINITES THERE. SHOULD  
KEEP OUR CITY FAR AND AWAY THE MOST BEAUTIFUL CITY  
IN THE STATE. JEFF CAMPBELL. CHAP CLAP.

THANK YOU. EACH YEAR THE CITY OF AUSTIN PROCLAIMS  
APRIL AS KEEP AUSTIN BEAUTIFUL MONTH. THIS SUPPORT  
ALONG WITH MANY OTHER WAYS THAT THE CITY SUPPORTS  
KEEP AUSTIN BEAUTIFUL IS CRITICAL TO HELPING US  
DELIVER ON OUR MISSION, EMPOWERING CITIZENS OF  
GREATER AUSTIN TO TAKE PERSONAL RESPONSIBILITY FOR  
OUR SHARED ENVIRONMENT IS THE MISSION TO WHICH WE  
ARE DEDICATED. WE FOCUS ON THREE AREAS. LITTER  
ABATEMENT, COMMUNITY, BEAUTIFICATION AND WASTE  
STREAM REDUCTION. WE PURSUE THESE THREE AREAS  
THROUGH EDUCATION AND COMMUNITY ACTIVITIES. KEEP  
AUSTIN BEAUTIFUL MONTH, PERHAPS OUR MOST VISIBLE  
ACTIVITY, KICKS OFF WITH CLEAN SWEEP ACROSS AUSTIN, A  
CITY-WIDE CLEAN UP EVENT COM PRISSED OF MORE  
THAN 75 INDIVIDUAL CLEANUPS TAKING PLACE ON ONE  
MORNING, THIS SATURDAY, APRIL 3rd, RAIN OR SHINE. AND  
INVOLVES MORE THAN 1300 1300 VOLUNTEERS. I WANT TO  
THANK THIS BODY AND ALL OF YOU FOR YOUR CONTINUED  
SUPPORT AND WE INVITE EACH OF YOU TO THE THANK YOU  
PARTY AT FESTIVAL BEACH SATURDAY, APRIL 3rd FROM  
ABOUT 11:00 UNTIL ABOUT 3:00 OR 4:00. THANK YOU AGAIN. [  
APPLAUSE ]

**Mayor Wynn:** THANK YOU. OUR LOVELY MODELS ARE COMING  
UP NOW. YOU MAY NOT BE AWARE, BUT THERE'S A LITTLE  
BIT OF ROAD CONSTRUCTION GOING ON IN THIS TOWN  
RIGHT NOW. IN PROCLAMATION IS ABOUT WORK ZONE  
AWARENESS WEEK. THIS IS ACTUALLY NOT A JOKING  
MATTER, OBVIOUSLY. THE PROCLAMATION READS: BE IT  
KNOWN THAT WHEREAS OUR ROADWAYS ARE  
CONTINUOUSLY BEING IMPROVED, REBUILT AND  
MAINTAINED SO PEOPLE CAN TRAVEL SAFELY AND ISHTLY IN  
AND AROUND -- EFFICIENTLY IN AND AROUND AUSTIN.

WHEREAS MOST ROAD WORK MUST BE DONE WHERE ROADS CARRY TRAFFIC, PUTTING PEDESTRIANS, AND ROAD WORKERS AT RISK EVERY DAY. THOUSANDS OF CRASHES AND WORK ZONES ACROSS THE COUNTRY AND FATALITIES AND INJURIES THAT CAUSE ARE PREVENTABLE IF MOTORISTS SLOW DOWN, DRIVE CAREFULLY THROUGH THE WORK ZONES AND OBSERVE OUR WARNING SIGNS. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM APRIL 4th, THROUGH 10th, 2004 AS WORK ZONE AWARENESS WEEK IN AUSTIN. I WOULD LIKE TO CALL ON SOME OF OUR PROFESSION NOOLS FROM OUR TRANSPORTATION, PLANNING, SUSTAINABILITY, PUBLIC WORKS DEPARTMENTS TO COME SAY A FEW WORDS ABOUT THIS VERY SERIOUS TOPIC, PARTICULARLY HERE IN AUSTIN RIGHT NOW. A FEW WORDS ABOUT OUR WORK ZONE AWARENESS WEEK, LEON?

THANK YOU, MAYOR?

I HAVE A NICE PREPARED SPEECH, I'M GOING TO TRY TO KEEP IT AS BRIEF AS POSSIBLE. I'M REALLY HONORED TO ACCEPT THIS PROCLAMATION ON BEHALF OF ALL OF THE WORKERS THAT WE HAVE WORKING OUT IN THE ROADWAYS OF OUR CITY. THIS BEGINS THE CITY'S FIRST YEAR TO PARTICIPATE IN THE NATIONAL WORK ZONE AWAWRNS AWARENESS CAMPAIGN. IT'S A NATIONAL EFFORT TO EDUCATE MOTORISTS ABOUT TAKING PRECAUTIONS IN THE WORK ZONE. THE WORK ZONES NOT ONLY INCLUDE WORKERS, BUT OTHER OFFICERS, EMERGENCY WORKERS, TRANSPORTATION, ANYBODY OUT IN THE WORK ZONE WATCH OUT FOR THOSE GUYS. I WANT TO HAVE SOME FACTS. BEING AN ENGINEER I HAVE TO GIVE YOU NUMBERS. THESE ARE NOT THE GREATEST THAT YOU WOULD LIKE TO HEAR. NATIONALLY OVER 101,000 MEN, WOMEN AND CHILLED WERE KILLED IN 2002. CORD TO THE NATIONAL WORK ZONE SAFETY INFORMATION CLEARINGHOUSE, IN TEXAS ALONE 191 FATALITIES IN MOTOR VEHICLES IN WORK ZONES IN 2002. WE NEED TO IMPROVE. OVER THE NEXT WEEK, WE'LL BE PROVIDING TIPS FOR DRIVING IN AND AROUND THE CITY'S WORK ZONES, ALSO WORKING WITH THE POLICE DEPARTMENT TO PROVIDE STEPPED UP ENFORCEMENT IN THESE ZONES, ALONG WITH CITATIONS, OFFICERS WILL PROVIDE THE DRIVER WITH COPIES OF THESE TIPS AND

HOPES OF REDUCING ADDITIONAL TRAFFIC, VIOLATIONS IN THESE WORK ZONES. VIOLATIONS IN THESE WORK ZONES, I'M GOING TO ASK GARY TO GIVE AND YOU LIST OF 10 ITEMS TO GET YOU GEARED UP.

10 TIPS TO DRIVING SAFELY. EXPECT THE UNEXPECTED. NORMAL SPEED LIMITS MAY BE REDUCED, TRAFFIC LANES MAY BE CHANGED PEOPLE MAY BE WORKING NEAR THE ROAD. SLOW DOWN. SPEED IS ONE OF THE MAJOR CAUSES OF WORK ZONE CRASHES. DON'T TAILGATE. KEEP A SAFETY DISTANCE BETWEEN YOU AND THE CAR AHEAD OF YOU. THE MOST COMMON CRASH IS REAR END COLLISION IN A HIGHWAY WORK ZONE. LEAVE CAR LENGTHS BETWEEN YOU AND THE CAR IN FRONT OF YOU, DON'T TAILGATE. KEEP A SAFE DISTANCE BETWEEN YOUR VEHICLE AND THE CONSTRUCTION WORKERS AND THEIR EQUIPMENT. PAY ATTENTION TO THE SIGNS. THE WARNING SIGNS ARE THERE TO HELP YOU AND THE OTHER DRIVERS MOVE SAFELY THROUGH THE WORK ZONE. OBSERVE THE POSTED SIGNS UNTIL YOU SEE THE ONE THAT SAYS YOU HAVE LEFT THE WORK ZONE. OBEY ROAD CREW FLAGGERS. THE FLAGGERS KNOW WHAT'S BEST FOR MOVING TRAFFIC SAFELY IN THE WORK ZONE. THE FLAGGERS SHOULD BE REGARDED THE SAME AS A REGULATORY SIGN. STAY ALERT AND MUST NOT MIZE DISTRACTIONS -- MINIMIZE DISTRACTIONS. AVOID CHANGES OF RADIO STATIONS, USING CELL PHONES WHILE DRIVING IN WORK ZONES. KEEP UP WITH THE TRAFFIC FLOW. MOTOR JUSTS CAN HELP MAINTAIN TRAFFIC FLOW AND POSTED SPEEDS. BE COURTEOUS, TAKE YOUR TURN WHERE LANES MERGE TOGETHER, DO NOT BLOCK INTERSECTIONS, SCHEDULE ENOUGH TIME TO DRIVE SAFELY AND CHECK RADIO, TV, WEBSITES FOR TRAFFIC INFORMATION. EXPECT DELAYS AND LEAVE EARLY SO YOU CAN REACH YOUR DESTINATION ON TIME. BE PATIENT, STAY CALM. WORK ZONES AREN'T THERE TO PERSONALLY UNCONVENIENCE YOU. REMEMBER CREWS LIKE THIS ARE WORKING TO IMPROVE ROADWAYS FOR YOU IN THE FUTURE. THANK YOU. [ APPLAUSE ] ON.

THEY LOOK GOOD IN YELLOW AND ORANGE, DON'T THEY?

**Dunkerley:** THIS PROCLAMATION IS FOR PUBLIC HEALTH AND ITS IMPORTANCE IN OUR COMMUNITY. BE IT KNOWN THAT

WHEREAS THE PUBLIC HEALTH APPROACH HAS HELPED TO INCREASE LIFE EXPECTANCY IN THE U.S. BY 25 OR MORE YEARS IN THE -- OR MORE YEARS IN THE 20th CENTURY, BY REDUCING THE INCIDENT OF INJURY, DISABILITY AND DISEASE, AND WHEREAS PUBLIC HEALTH OFFICIALS AND PROFESSIONALS HELP IMPLEMENT PROGRAMS VITAL TO HEALTHY COMMUNITIES LIKE IMMUNIZING AGAINST INFECTIOUS DISEASE, IMPROVING NUTRITIONAL STANDARDS, PROVIDING GOOD PRENATAL CARE, PROMOTING PHYSICAL ACTIVITY AND REDUCING EXPOSURE TO TOBACCO SMOKE. WHEREAS WE ACKNOWLEDGE THE EFFORTS OF AUSTIN'S PUBLIC HEALTH PROFESSIONALS WHO PROTECT AND PROMOTE THE HEALTH OF OUR CITIZENS, ESPECIALLY DURING THIS WEEK AS THEY FOCUS ON FINDING SOLUTIONS TO THE DISPARITIES AND HEALTH AMONG DIVERSE POPULATIONS WITHIN OUR COMMUNITY. NOW THEREFORE WILL WYNN MAYOR OF THE CITY OF AUSTIN HERE BY PROCLAIMS APRIL THE 5th THROUGH THE 11th AS PUBLIC HEALTH WEEK IN AUSTIN. AND WITNESS WHERE WAS HE HAS AFFIXED HIS SEAL AND SIGNATURE. SO ... [ APPLAUSE ] CONGRATULATIONS.

THANK YOU, COUNCILMEMBER DUNKERLY, WE REALLY APPRECIATE THE RECOGNITION AND IMPORTANCE OF PUBLIC HEALTH WEEK AND THE GOOD WORK OF THE STAFF OF OUR LOCAL HEALTH DEPARTMENT AND ALSO THE GOOD WORK OF MANY OTHER PARTNERS WITHIN OUR COMMUNITY BECAUSE PUBLIC HEALTH REALLY IS A PARTNERSHIP. I WANT TO ACKNOWLEDGE AND EXPRESS APPRECIATION FOR THE MAYOR IN TERMS OF HIS EMPHASIS ON FITNESS AND WE LOOK FORWARD TO WORKING WITH HIM IN TERMS OF THE NUMBER OF CITY-WIDE INITIATIVES AND I WOULD ALSO LEAK TO EXPRESS APPRECIATION TO -- LIKE TO EXPRESS APPRECIATION TO COUNCILMEMBER DUNKERLY IN HER ONGOING SUPPORT FOR PUBLIC HEALTH, MORE SPECIFICALLY FOR THE SUPPORT IN THE REDUCTION OF TOBACCO USE AND ENVIRONMENTAL TOBACCO SMOKE. THE DEFINITION BETWEEN PUBLIC HEALTH AND PERSONAL HEALTH IS THAT ALTHOUGH WE HAVE A PUBLICLY FUNDED INDIGENT CARE PROGRAM THAT SERVES INDIVIDUALS, PUBLIC HEALTH IS REALLY FOCUSED ON THE OVERALL HEALTH STATUS OF THE COMMUNITY AND THE MANY

FACTORS THAT INFLUENCE THAT HEALTH STATUS. WE STRIVE TO MINIMIZE THE THREATS TO THE PUBLIC FROM INFECTIOUS DISEASES, ENVIRONMENTAL HAZARDS, POOR SANITATION AND OTHER PROBLEMS THROUGH PREVENTION, PUBLIC EDUCATION, CONSUMER HEALTH INSPECTIONS, DISEASE TRACKING, AND SOME INSTANCES DIRECT SERVICES SUCH AS IMMUNIZATIONS AND CLINIC COOL SERVICES FOR -- CLINICAL SERVICES FOR PEOPLE WITH COMMUNICABLE DISEASES LIKE TUBERCULOSIS, SEXUALLY TRANSMITTED DISEASES AND H.I.V. AIDS. WE PREVENT EPIDEMICS AND THE BREAD OF DISEASE, WE PROTECT AGAINST ENVIRONMENTAL HAZARDS AND OUR EMPHASIS RIGHT NOW IS ON NUTRITION, PHYSICAL ACTIVITY, REDUCING TOBACCO USE. OF COURSE WE HAVE PREPARED -- WE ARE PREPARED TO RESPOND FOR POTENTIAL DISASTERS IN OUR COMMUNITY, FINALLY WE LINK INDIVIDUALS WHO ARE IN NEED OF HEALTH CARE WITH THE MULTITUDE OF HEALTH CARE SERVICES AVAILABLE THROUGHOUT OUR COMMUNITY. THE THEME THIS YEAR IS HEALTH DISPARITIES, WE ARE DOING A LOT OF WORK RELATIVE TO THE DISPARITIES THAT EXIST WITHIN OUR -- DISPARITIES THAT EXIST WITHIN OUR COMMUNITY. I'M GOING TO ASK OUR MEDICAL DIRECTOR TO SHARE WITH YOU INFORMATION ABOUT THOSE DISPARITIES, SOME OF THE STRATEGIES THAT WE ARE DEVELOPING. DR. VALDEZ?

THANK YOU. AS DAVID MENTIONED WE HAVE A SIGNIFICANT CHALLENGE FACING AUSTIN, THAT IS THE CHALLENGE OF HEALTH DISPARITIES. I WILL GIVE YOU A FEW EXAMPLES OF WHAT WE ARE UP AGAINST. IN THIS COMMUNITY UNFORTUNATELY DISEASE SEEMS TO STRIKE DISPROPORTIONATELY CERTAIN GROUPS, IN PARTICULAR AFRICAN AMERICAN CITIZENS AND/OR HISPANIC POPULATION. IN FACT IF YOU ARE AFRICAN AMERICAN AND HAVE DIABETES YOU ARE 2.5 MORE TIMES LIKELY TO DIE OF THAT THAN THE WHITE RESIDENTS OF TRAVIS COUNTY. UNFORTUNATELY THAT'S THE SAME FOR HISPANICS. SIMILARLY WHEN WE LOOK AT OTHER DISEASES LIKE HIGH BLOOD PRESSURE, UNFORTUNATELY THE STATISTICS ONLY WORSEN. AFRICAN AMERICANS IN THIS COUNTY AND IN AUSTIN ARE ALMOST 8 TIMES MORE LIKELY TO DIE OF THAT DISEASE THAN THEIR WHITE COUNTER PARTS HERE. IT'S A

SIGNIFICANT PROBLEM. ALSO PROBLEMS OF ACCESS IN THESE GROUPS, OF HAVING A REGULAR SOURCE OF CARE, OF HAVING INSURANCE TO PROVIDE CARE AND PRESCRIPTION DRUGS AND -- AND UNFORTUNATELY THIS IS PER SAYSIVE THROUGHOUT -- PER VASIVE THROUGHOUT TRAVIS COUNTY. WE ARE DOING MANY THINGS TO HELP ADDRESS THOSE DISPARITIES. THE HEALTH DEPARTMENT HAS SEVERAL PROGRAMS WORKING TOWARDS ELIMINATING HEALTH DISPARITIES. THOSE INCLUDE H.I.V. OUTREACH, PREVENTION, EDUCATION PROGRAMS, SOCIAL SERVICE CONTRACTS. IT INCLUDES OUR FAMILY HEALTH UNITS AND THEIR HEALTH EDUCATION PROGRAMS. IT INCLUDES PROGRAMS TO REDUCE INFANT MORTALITY IN TEENAGED PREGNANCY AND MORE RECENTLY IT INCLUDES A NEW PROGRAM CALLED STEPS TO A HEALTHIER U.S. WHICH HELPS TO AND HOPES TO ELIMINATE THE BURDEN OF CHRONIC DISEASES OF DIABETES, ASTHMA AND OBESITY, PARTICULARLY IN OUR AFRICAN AMERICAN AND HISPANIC COMMUNITIES. AND THIS PROGRAM IS A WONDERFUL PROGRAM FROM THE CENTERS FOR DISEASE CONTROL, AUSTIN WAS ONE OF SEVEN CITIES TO RECEIVE THIS FUNDING TO ELIMINATE HEALTH DISPARITIES AND TO IMPROVE NUTRITION, INCREASE PHYSICAL ACTIVITY AND REDUCE EXPOSURE TO TOBACCO, SMOKE IN THESE COMMUNITIES, PARTICULARLY COMMUNITIES IN -- IN 20 ZIP CODE AREA OF EASTERN TRAVIS COUNTY. WE ARE VERY EXCITED AND ARE PARTNERING WITH MULTIPLE DEPARTMENTS THROUGHOUT THE CITY, INCLUDING PARKS AND RECREATION, INCLUDING COMMUNITY CARES, WITHIN OUR OWN DEPARTMENTS, WITHIN THE MEDICAL ACCESS PROGRAM, WITH THE NEIGHBORHOOD CENTER PROGRAM AND HEALTHY NEIGHBORHOOD PROGRAMS AND OTHERS INCLUDING AUSTIN INDEPENDENT SCHOOL DISTRICT, AMERICAN CANCER SOCIETY, AMERICAN DIABETES, SO AS YOU CAN SEE MULTIPLE PARTNERS WORKING WITH US TO ADDRESS THESE ISSUES OF HEALTH DISPARITIES. WITH THAT ALSO WE WANT TO KEEP IN MIND THAT DURING THIS WEEK WE ASK PEOPLE TO PERHAPS DO A LITTLE MORE PUBLIC HEALTH MEEND MINDED. TRY TO EAT A MOTHER NUTRITIOUS -- A MORE NUTRITIOUS DIET. WALK AROUND TOWN LAKE, USE SUN SCREEN, ENJOY FREE MUSIC VENUE, ALSO OTHER THINGS THAT YOU CAN DO. FIRST KNOWING



WHAT RISK THAT YOU HAVE FOR SOME OF THESE DISEASES, WE ARE HAVING SCREENINGS AT SEVERAL NEIGHBORHOOD CENTERS DURING THE WEEK OF APRIL 5th THROUGH THE 11th. ONE OF THEM ROSEWOOD ZARAGOSA SCREENINGS ON MONDAY, WEDNESDAY, FRIDAY, APRIL 5th, 7th, 9th ALSO HEALTH ED EDUCATION PRESENTATIONS ON TUESDAYS AND THURSDAYS, I'M 6th AND 8th, IT WILL INCLUDE DISTRIBUTION OF FRESH FRUITS AND FREJ VABLS. AT -- VEGETABLES. AT SAINT JOHN'S, AT EAST AUSTIN, WE WILL BE DOING SOME EDUCATION AROUND LEAD PREVENTION. WITH THAT, IF YOU NEED MORE INFORMATION, PLEASE CALL OUR NUMBER AT 972-5680. WE ENCOURAGE YOU TO ENJOY A HEALTHY PUBLIC HEALTH WEEK. THANK YOU. [ APPLAUSE ]

**Dunkerley:** LET ME SAY ONCE AGAIN SOMETHING THAT HE REPEATED, THE FIRST MONDAY OF EACH MONTH IS A SMOKE-FREE VENUE FOR THOSE CLUBS IN USE THAT HAVE LIVE MUSIC. I THINK ON OUR WEBSITE DON'T WE HAVE A LIST, THERE'S A PRESS RELEASE THIS WEEK, SO I WANT TO ENCOURAGE EVERYBODY THAT CALLED ME AND SAID WE WOULD GO DOWN AND SAID SUPPORT VENUE THAT'S DIDN'T HAVE SMOKING. I EXPECT TO SEE YOU ALL SWAMPING THOSE CLUBS. THE FIRST MONDAY IN APRIL. THANK YOU.

**Dunkerley:** WE HAVE PAUL SAD DAN I CAN'T, I THINK ON THE -- SADDLE DAN I CAN'T, ON THE BOARD OF -- SALDANA, ONE OF THE REALLY NEAT NON-PROFITS HERE IN AUSTIN THAT SUPPORT SMALL BUSINESS. BE IT KNOWN THAT WHEREAS BUSINESS INVESTMENT GROWTH OR BIG STRIVES TO BE THE BEST SOURCE FOR ENTREPRENEURS TO STARTING, STRENGTHENING, EXPANDING OPERATIONS TO ACHIEVE ECONOMIC SUCCESS AND WHEREAS THERE ARE ALMOST 90,000 MICROENTERPRISES IN THE AUSTIN AREA AND BIG AUSTIN WILL HONOR THE MOST OUTSTANDING ONES AT THE BIG IDEA AWARDS LUNCHEON AND WHEREAS WE JOINED WITH BIG AUSTIN AND -- IN ENCOURAGING, ASPIRING ENTREPRENEURS TO CELEBRATE THEIR OWN BIG IDEAS AND TO TAKE ADVANTAGE OF BIG AUSTIN'S TRAINING AND FINANCING OPPORTUNITIES. NOW THEREFORE WILL WYNN AS MEYER OF THE CITY OF AUSTIN DO HEREBY PROCLAIM APRIL 16th, 2004, AS BUSINESS INVESTMENT GROWTH DAY HERE IN AUSTIN, TEXAS. SO THANK YOU VERY MUCH.

THANK YOU, WE ARE REAL HONORED TO ACCEPT THIS PROCLAMATION BECAUSE IT'S A REAL HONOR FOR RECOGNIZE THE SMALL BUSINESSES IN OUR COMMUNITY. AND AS WE SAID, BIG AUSTIN IS A MICROENTERPRISE DEVELOPMENT ORGANIZATION, WHICH REALLY IS A -- A SUBSET OF SMALL BUSINESSES, WHICH IS FIVE OR FEWER EMPLOYEES AND -- AND WHICH -- WHICH REPRESENTS A QUITE LARGE AMOUNT IN THE AUSTIN TRAVIS COUNTY AREA AS YOU HEARD. 90,000. AND 13.4% OF ALL EMPLOYMENT. SO I THINK COLLECTIVELY, THEY MAKE AN IMPACT ON OUR ECONOMY AND WE SHOULD RECOGNIZE THEM. BIG AUSTIN'S ENTREPRENEURSHIP TRAINING PROGRAM IS QUITE EXTENSIVE. IT REALLY IS AN EDUCATIONAL PROGRAM TO HELP BUSINESSES, NEW START AND EXISTING BUSINESSES, TO GAIN MANAGEMENT SKILLS. SO THAT THEY WILL BE ABLE TO SUSTAIN AND EVEN GROW THEIR BUSINESSES. WE ALSO PROVIDE MICROLOANS. IN THE LAST FOUR YEARS, WE HAVE BEEN ABLE TO DISTRIBUTE \$1.8 MILLION WORTH OF LOANS IN THE COMMUNITY. WHICH ARE VERY SMALL LOANS. AND HERE TODAY, I JUST WANT TO RECOGNIZE OUR LOAN OFFICER THAT'S BEEN ABLE TO DO THAT IS LYDIA TREVINO. AND THAT'S BEEN ABLE TO HELP US WITH THE LOANS. AND WE ALSO HAVE -- WITH US -- PAUL SALDANA WHO IS CHAIR OF OUR MICROBUSINESS AWARDS LUNCHEON, WHICH IS HAPPENING APRIL 16th. WE HAVE ANOTHER BOARD MEMBER THAT IS WITH US, BRYAN ANDERSON, WITH COMPASS BANK HERE TO SUPPORT US. I WILL HAVE PAUL SAY A FEW WORDS.

THOONGS, JEANETTE. THOONGS, AS SHE ALREADY MENTIONED HERE IN AUSTIN TRAVIS COUNTY WE DO HAVE ALMOST 90,000 SMALL BUSINESSES, THAT REPRESENTS ABOUT 13.5% OF THE LOCAL EMPLOYMENT AND THROUGH BIG AUSTIN WE HAVE BEEN ABLE TO PROVIDE THAT MUCH NEEDED TECHNICAL ASSISTANCE AND ACCESS TO CAPITAL LOANS SO THAT SMALL BUSINESSES CAN AT SOME POINT BECOME SELF SUFFICIENT AND SUCCEED AS A SMALL BUSINESS. I RECENTLY VENTURE UNDERSTAND DOING THAT THIS YEAR IN CREATING MY OWN BUSINESS. WE HOPE THAT EVERYONE WILL ATTEND THE AWARDS LUNCHEON APRIL 16th FROM 11:00 TO 1:30 AT THE NEW HILTON HOTEL. WE WILL BE RECOGNIZING THE ACHIEVEMENTS OF SMALL

BUSINESSES IN TRAVIS COUNTY DURING THAT EVENTS. IN ADDITION TO THE AWARD THEY WILL RECEIVE, THEY WILL ALSO RECEIVE GIFTS AND PRIZES VALUED AT ABOUT \$4,000 THAT WOULD HELP THEM OPERATE THEIR BUSINESS AS WELL, TOO. WE HOPE THAT EACH OF YOU ALL COME OUT AND PARTICIPATE AND SUPPORT BIG AUSTIN. THANK YOU. [ APPLAUSE ] OWE.

**Mayor Wynn:** THERE BEING A QUORUM PRESENT. I APPRECIATE EVERYBODY'S PATIENCE, SORRY THE BREAK WAS LONGER THAN ANTICIPATED. COUNCIL, IF YOU WILL REMEMBER, WE HAVE CLOSED THE PUBLIC HEARING ON ITEM Z-7, A HEARING FROM NEIGHBORS, THE APPLICANT. APPLICANT'S REBUTTAL. COUNCILMEMBER SLUSHER HAD BEGUN ASKING A FEW QUESTIONS ON Z-7. AND WITH THAT, A -- IF HE'S READY, I WILL RECOGNIZE COUNCILMEMBER SLUSHER.

**Slusher:** THANK YOU, MAYOR. MS. GLASGO OR MR. ZAPALAC, TRY MS. GLASGO FIRST, WE HEARD THAT SOME OF THE DRIVEWAYS, SOME OF THE DRIVEWAYS ARE GOING TO BE [INDISCERNIBLE] INTERSECTIONS IS THAT CORRECT?

THAT IS CORRECT, GEORGE ZAPALAC. THE -- THE -- SOME OF THE -- THE ANALYSIS INDICATES THAT SOME OF THE DRIVEWAYS WOULD SHOW A LEVEL OF SERVICE F FOR THE TRAFFIC THAT -- THAT WOULD BE ON THE SITE, EXITING ON TO THE MAIN ROADWAY. THIS IS NOT UNUSUAL WHEN YOU NOOLZ A DRIVEWAY BECAUSE -- WHEN YOU NOOLZ A DRIVEWAY ANALYZE A DRIVEWAY BECAUSE A STREET LIKE DESSAU CARRIES SUCH HEAVY TRAFFIC. YOU OFTEN GET AN UNACCEPTABLE LEVEL OF SERVICE ON THE DRIVEWAY ITSELF. THE PROBLEM IS THAT THERE'S NOT REALLY MUCH THAT YOU CAN DO TO CORRECT THAT -- THAT SITUATION. THERE'S -- IT REALLY DOESN'T JUSTIFY SIGNALIZING A DRIVEWAY INTERSECTION LIKE THAT. IN ADDITION THE VOLUMES OF TRAFFIC COMING OUT THE DRIVEWAY ARE FAIRLY SMALL. SO IT WOULD BE SOMETHING OF AN INCONVENIENCE TO THE RESIDENTS OF THE APARTMENT COMPLEX, BUT IT DOESN'T NECESSARILY CREATE AN UNSAFE SITUATION FOR THE TRAFFIC ON THE PUBLIC STREET AND IT DOESN'T CREATE UNACCEPTABLE DELAYS FOR THE TRAFFIC ON THE STREET. IS THAT SO IT'S EVEN F IN

THE SENSE YOU MIGHT HAVE TO WAIT A LONG TIME FOR THE APARTMENT COMPLEX ON DESSAU.

THAT'S CORRECT.

WHAT ABOUT THE SAFETY ISSUE ON THE CURVE ON A STREET. THAT IS SOMETHING THAT YOU WOULD HAVE TO ADDRESS WITH THE SITE PLAN. WE DO HAVE CRITERIA FOR VISIBILITY APPROACHING A DRIVEWAY, PARTICULARLY ONE ON THE INSIDE OF A CURVE LIKE THIS. THAT IS A CONSIDERATION AND THE APPLICANT WOULD HAVE TO DEMONSTRATE AT THE TIME THAT THEY COULD SATISFY THE SITE DISTANCE REQUIREMENTS IN THE CITY STANDARDS IN ORDER TO HAVE -- TO BE ALLOWED THE DRIVEWAY ACCESS. IF -- IF THEY CAN'T MEET THOSE CRITERIA, THEN WE MIGHT HAVE TO RELOCATE THE DRIVEWAY OR CHANNELLIZE IT SO THAT IT WOULD HAVE RESTRICTED MOVEMENTS IN AND OUT.

**Slusher:** THANK YOU, MS. GLASGO, I WANTED TO ASK ABOUT THE DETENTION ISSUES THAT WERE BROUGHT UP. THERE WAS SOMETHING ABOUT TWO YEAR VERSUS 200 YEAR, THIS -- JUST TELL ME WHAT WE ARE REQUIRING HERE, IF IT'S ANY DIFFERENT THAN ANYTHING ELSE. ANY DIFFERENT THAN ANY OF OUR OTHER REQUIREMENTS.

THE LETTER THAT IS FROM THE NEIGHBORHOOD, THEY WANTED 100% OF THE DETENTION FILTRATION, I DON'T KNOW WHAT THEY MEAN BY 100%, THE CRITERIA MANUAL HAS THE REQUIREMENTS FOR THE TWO YEAR DETENTION WHICH IS MANDATORY, THE -- THEY ARE NOT PROPOSING TO DEVIATE FROM THAT AT ALL. NOW --

THEY ARE FOLLOWING THE STANDARDS BUT THEY ARE NOT GOING BEYOND IT.

CORRECT.

THAT IS CORRECT.

I THINK THE NEIGHBORHOOD ORGANIZATION IS WORRIED ABOUT THE -- BECAUSE THERE ARE FLOODING ISSUES ALONG PARTS OF WALNUT CREEK. AND EROSION AND DOWNSTREAM FROM PREVIOUS DEVELOPMENT. BUT THIS --

IN OUR ESTIMATION THIS WOULDN'T MAKE THAT WORSE?

THE SITE PLAN IS SUPPOSED TO NOT MAKE THE CONDITION WORSE. IT'S OBVIOUSLY THE TIME OF SITE PLAN THEY ARE SUPPOSED TO -- TO SIZE THE POND SO THAT THEY CAN CAPTURE AND FILTER THE WATER, NOT FILTER. LET THE WATER MOVE AT THE SAME RATE AS IF THE LAND WERE UNDEVELOPED. SO THE PONDS HAVE TO BE SIZED TO ACT AS IF THE LAND DID NOT HAVE ANY DEVELOPMENT. SO WHEN IT RAINS YOUR OVERLAND FLOW IS NOT ANY FASTER THAN WHAT WOULD OCCUR UNDER NORMAL CIRCUMSTANCES. SO THAT'S HOW THE DETENTION IS ASSESSED AND THE SIZING OF THOSE PONDS. SO THAT THEY CAN HANDLE THE VELOCITY OF RAIN WHEN IT DOES OCCUR.

OKAY. OKAY. THANK YOU.

THEN ONE MORE BACK TO THE AGREEMENT ISSUE OF THE AGREEMENT BETWEEN THE -- BETWEEN THE AGENT FOR HIGH POINT BAPTIST FELLOWSHIP AND THE NEIGHBORHOOD ORGANIZATION, LED BY MS. CLOTS, THEY SAID 265 UNITS. THIS DIDN'T GET INCORPORATED INTO AN AGREEMENT ON THE UNITS BUT IT DID GET INCORPORATED INTO A RESTRICTION ON TRIPS THAT CORRESPONDS TO 265 UNITS; IS THAT RIGHT?

CORRECT. SOMETIMES YOU PROBABLY KNOW THAT WE -- WE SPEAK IN TERMS OF TRIPS, DENSITY AND INTENSITY. YOU CAN REFER TO THE NUMBER OF TRIPS WHICH CAN GIVE YOU THE NUMBER OF SQUARE FOOTAGE OR THE AMOUNT OF SQUARE FOOTAGE OR THE NUMBER OF UNITS THAT ARE GOING TO BE DEVELOPED AND 620 -- I'M SORRY. THE 265 UNITS OWE QUITS TO 1,675 VEHICLE TRIPS PER DAY. EQUATES TO THAT. SO WHEN WE CAPTURED THAT CONDITION INTO THE ORDINANCE, WE SIMPLY WROTE THAT IN TERMS OF TRIPS PER DAY AND NOT IN TERMS OF TRIPS -- THAT'S HOW WE GOT THERE.

OKAY. SO THAT -- THAT INFORMATION WAS AVAILABLE TO THE -- TO THE PEOPLE THAT BOUGHT THE PROPERTY --

THEY MAY NOT HAVE -- BECAUSE IT WAS NOT PUT IN A

RESTRICTIVE COVENANT, AT LEAST THE NUMBER OF TRIPS WERE IN THE ORDINANCE. THEY -- THEY WOULD NOT HAVE KNOWN READILY BY READING THE TRIPS THAT THAT'S WHAT IT MEANT UNLESS THEY ASKED THE QUESTION WHY -- WELL, HOW WE CAME UP WITH THE 1600 SOME TRIPS BECAUSE TYPICALLY YOU -- YOU EITHER WRITE THE NUMBER OF UNITS OR ACRE BUT FOR WHATEVER REASON WE TRANSLATED THAT INTO THE NUMBER OF TRIPS PER DAY. WHAT HAPPENS IS TYPICALLY THE ZONING CASE WILL LIMIT TO 2,000 PERFECT TRACT WITHOUT A TRAFFIC IMPACT ANALYSIS. IN THIS CASE IT WAS REDUCED TO THE 1675 WHICH MEANT THAT WAS SOMETHING SPECIFIC TRIGGERING THAT NUMBER BECAUSE WE RARELY DO, EXCEPT WHEN COUNCIL DOES SOMETIMES, WE TYPICALLY STICK TO 2,000 OR IF WE GO LOWER, ITS DUE TO ANOTHER RESTRICTION --

**Slusher:** WHICH IN THIS CASE WAS AN AGREEMENT BETWEEN THE NEIGHBORHOOD AND THE DEVELOPER.

CORRECT.

**Slusher:** OKAY. THE PRESIDENT APPLICANT'S AGENT UP. SO WERE YOU AWARE OF -- WAS YOUR CLIENT AWARE OF THE TRIP LIMITATION?

THE TRIP LIMITATION, YES, BECAUSE THAT WAS ON THE ZONING. BUT NOT -- WHAT MY IMPRESSION WAS, WHEN I LOOKED AT THIS, WAS THAT IT WAS -- IT WAS MULTI-FAMILY AND IT WAS LIMITED ON THE NUMBER OF TRIPS. AND I DIDN'T KNOW WHY -- WHY THAT LIMITATION WAS THERE. SO WHEN WE SUBMITTED THE APPLICATION, TYPICALLY, MY REASONING WAS THAT IT WAS ALREADY MULTI-FAMILY OUT IN THIS AREA SO THAT THE NEIGHBORHOOD WAS AGREEABLE TO THE MULTI-FAMILY. WHEN WE SUBMITTED THE ZONING APPLICATION, THE NEIGHBORHOOD IS ALWAYS NOTIFIED. I WILL CALL THE CASE MANAGER AND SEE DID WE HAVE ANY INQUIRIES ABOUT THIS. HAVING NONE, YOU KNOW, THAT'S WHAT I WAS OPERATING OFF OF. SO I THOUGHT WELL THEN THIS WAS ACCEPTABLE, THIS INCREASE TO THE 2,200 TRIPS PER DAY INSTEAD OF THE 1675. SO WE WERE NOT AWARE THAT AGREEMENT HAD BEEN MADE BECAUSE AGAIN IT DIDN'T COME UP AS A RESTRICTIVE COVENANT, WHICH IS WHAT MY EXPERIENCE

ALWAYS SHOWS. IF THERE'S ACTUALLY AN AGREEMENT THAT'S RECORDED BETWEEN A LANDOWNER AND SOMEONE ELSE.

**Slusher:** SO EXCUSE ME I'M SORRY. SO YOU KNEW ABOUT THE TRIP LIMITATION BUT YOU DIDN'T REALIZE IT WAS --

SURE [MULTIPLE VOICES]

FIVE YEARS AGO.

I TOLD MY CLIENTS, WELL, YOU CAN'T DO THE NUMBER OF UNITS THAT WE BELIEVE CAN BE BUILT HERE NOW UNLESS WE DO A TIA BECAUSE THE PREVIOUS ZONING DID NOT DO A TIA.

**Slusher:** OKAY. THANK YOU VERY MUCH. THAT'S ALL THAT I HAVE FOR NOW. THANK YOU COUNCILMEMBER, FURTHER QUESTIONS, COMMENTS?

**Slusher:** MY BIG CONCERN, MAYOR, SEEMS LIKE -- TO TAKE THE FLOOR BACK AGAIN, THEY HAVE AN AGREEMENT. NOBODY ELSE SAID ANYTHING -- [LAUGHTER]

**Mayor Wynn:** HESITATE, YOU'RE LOST. HE WHO HESS HESS DATES -- HESITATES. THERE WAS AN AGREEMENT IN PLACE, WE TRIED TO HONOR THE AGREEMENTS BECAUSE USUALLY THEY ARE A PART OF LENGTHY DELIBERATIONS AMONG OUR CITIZENS AND THE APPLICANT. I WOULDN'T FEEL RIGHT ABOUT GOING BACK ON THIS. I HAVE CERTAINLY GOT A PRETTY STRONG RECORD OF VOTING FOR MULTI-FAMILY PROJECTS. I ALSO DON'T FEEL LIKE THIS IS JUST A CASE OF THE NEIGHBORHOOD NOT WANTING APARTMENTS. FOR INSTANCE THEY NEGOTIATED TO HAVE THIS AMOUNT OF APARTMENTS IN THERE. THERE ARE OTHER APARTMENTS ALL UP AND DOWN HERE. THIS IS, I HAVE BEEN OVER THERE DURING THE AFTERNOON RUSH HOUR A NUMBER OF TIMES AND VERY, VERY BUSY STREET, SO I WOULD -- I WOULD BE IN PFEIFFER OF KEEPING THIS AS -- AS IT IS IN DENYING THE ZONING CASE.

COUNCILMEMBER -- WELL, OKAY, COMUK?

**Dunkerley:** I JUST WANTED TO -- I WANTED TO TALK ABOUT MAYBE ANOTHER CONSIDERING. I CAN SEE WHERE THE OWNER MIGHT HAVE BEEN CONFUSED. I CAN SEE THAT ERROR. I CAN SEE WHY THE NEIGHBORHOOD EVEN WITHOUT A TI CAME UP WITH A NUMBER. BUT THAT FIRST NUMBER WAS NOT BASED ON A TRAFFIC ANALYSIS, THE SECOND NUMBER IS. SO I WAS JUST KIND OF WONDERING IF THERE WAS SOMETHING IN BETWEEN THAT WOULD PROTECT THE NEIGHBORHOOD AND AT THE SAME TIME KIND OF DEAL WITH THIS UNUSUAL WAY OF DOING THIS ZONING, BECAUSE I CAN UNDERSTAND WHY THE OWNER WOULDN'T HAVE UNDERSTOOD EXACTLY WHAT THE LIMITATIONS WERE. SO -- SO FOR WHAT IT'S WORTH, THAT'S WHAT I HAD BEEN THINKING ABOUT DURING THIS PERIOD SEEING IF THERE WAS SOMETHING KIND OF IN BETWEEN THAT WE COULD DO.

THAT A QUESTION OR --

**Dunkerley:** NO, JUST A COMMENT.

**Mayor Wynn:** FURTHER COMMENTS? I'M SORRY, MS. GLASGO, SO BOTH STAFF AND ZONING AND PLATTING COMMISSION RECOMMEND THE ZONING CHANGE?

YES. WHICH EQUATES TO AN ADDITIONAL OF 83 UNITS.

MAYOR?

**Mayor Wynn:** COUNCILMEMBER MCCRACKEN?

**McCracken:** I AGREE WITH COUNCILMEMBER DUNKERLY THAT IT SOUNDS LIKE THERE WAS AN INTENT TO ACHIEVE AN OUTCOME IN THIS AGREEMENT BASED ON A LACK OF INFORMATION BECAUSE THERE WAS NOT A TRAFFIC IMPACT ANALYSIS AVAILABLE AT THAT TIME. SO I GUESS WHAT I'M WONDERING IS NOW THAT WE HAVE THE INFORMATION FROM THE TRAFFIC IMPACT ANALYSIS, IS THERE A MIDDLE GROUND THAT ACHIEVES WHAT THE NEIGHBORHOOD WAS HOPING TO ACHIEVE ORIGINALLY IN TERMS OF VEHICLE TRAFFIC, CORRESPONDING TO NUMBER OF UNITS, IN OTHER WORDS, THAT -- THAT THIS AGREEMENT SPEAKS TO 265 UNITS AND THEN THE -- THEN I GUESS THE AGREEMENT



THAT THE -- THAT THE ACTUAL ZONING CHANGE WAS LIMITED TO 1675 VEHICLES.

CORRECT.

**McCracken:** AND SO I GUESS -- APPARENTLY IT TURNS OUT THAT THAT -- THAT THE ESTIMATION OF THE AMOUNT OF VEHICLE TRIPS GENERATED BY THE UNITS WAS NOT BORNE OUT BY THE TRAFFIC IMPACT ANALYSIS; IS THAT RIGHT?

Glasgo: THAT'S CORRECT.

**McCracken:** SO WHAT LEVEL OF -- I GUESS I'M TRYING TO FIGURE OUT WHICH SIDE I GET THE ANALYSIS FROM. I GUESS IT IS WHEN THEY WERE TALKING ABOUT 265 UNITS IN THE AGREEMENT, DID THAT SPEAK TO 1675 VEHICLE TRIPS OR -- OR WHAT DID IT SPEAK TO?

THOOS WHAT IT TRANSLATES INTO BASICALLY. NOW, SO WHEN THE -- WHEN THE NEIGHBORHOOD MET WITH THE DEVELOPER THEN, THEY AGREED TO A CERTAIN NUMBER OF UNITS AND WE -- SINCE WE WERE NOT AT THAT DISCUSSION, I DON'T KNOW WHY THEY AGREED TO 265. BUT OBVIOUSLY AT THAT TIME WE DID NOT HAVE A TRAFFIC IMPACT ANALYSIS AS YOU JUST STATED. AND THEREFORE THE NUMBER THAT WE CAME UP WITH, THE 1675, IS EQUAL TO 265 UNITS. NOW, WITH A -- WITH A TRAFFIC IMPACT ANALYSIS AND A DIFFERENT DEVELOPER, DIFFERENT PRODUCT, DIFFERENT CIRCUMSTANCES AS FAR AS FINANCING, THAT'S WHAT I'M ASSUMING, TYPICALLY YOUR NUMBER OF UNITS ARE BASED ON THE PRODUCT, THE COST AND WHAT HAVE YOU AND THAT CONDITION HAS TO BE MODIFIED TO ALLOW FOR THE ADDITIONAL UNITS, WHICH IN THIS CASE EQUALS 83 MORE UNITS THAN WHAT WAS CONTEMPLATED INITIALLY. SO THAT'S REALLY THE DIFFERENCE RIGHT THERE. IF COUNCIL WILL WANT TO CONSIDER SOMETHING LESS, THEN -- SOMETHING IN BETWEEN LIKE MAYBE 40 MORE UNITS, THEN AS YOU INDICATED MAYBE -- MAYBE THE NEIGHBORHOOD MIGHT BE AGREEABLE TO IT AND THE APPLICANT BUT THEY WOULD HAVE TO SPEAK TO THAT.

HOW MANY UNITS WILL 1675 TRIPS IN FACT PRODUCE? NOW

THAT WE HAVE A TRAFFIC IMPACT ANALYSIS?

Glasgo: WELL, THAT IS WHAT THAT PRODUCES, 265  
PRODUCES 1675 UNITS. THE APPLICANT'S PROPOSAL OF 348  
UNITS PRODUCES 2,200 TRIPS.

**McCracken:** AT THE TIME THAT THE -- DO WE HAVE ANY  
INFORMATION ABOUT HOW MANY TRIPS THE -- THAT THE  
NEIGHBORHOOD THOUGHT 265 UNITS WAS GOING TO  
PRODUCE?

Glasgo: I DON'T HAVE THAT INFORMATION. MS. JEANETTE  
CLOTS MIGHT BE ABLE TO SPEAK TO THAT IF SHE KNEW  
WHAT KIND OF VEHICLE TRIPS THEY WANTED.

WE HAD KIND OF A BALLPARK FIGURE BECAUSE WE HAD  
DISCUSSED THAT PARTICULAR ISSUE WITH THE AGENT AT  
THAT TIME. AND SUNS THE ALLIANCE HAS BEEN BASICALLY  
WORKING WITH APPLICANTS AND ZONING CASES FOR A  
LONG NUMBER OF YEARS, WE KNEW FROM EXPERIENCE  
KIND OF WHAT TO EXPECT FROM IT, INCREASED UNITS,  
THINGS LIKE THAT. TRIPS THAT WOULD BE FROM EACH UNIT  
THAT THOSE KINDS OF GENERALITIES, THE -- THE 265, WE  
CAME UP WITH THAT AS A COMPROMISE WITH THE AGENT IN  
1999. BECAUSE AS I HAD STATED EARLIER, WE -- THE -- THE  
ALLIANCE BASICALLY FELT SOMETHING LIKE S.F. 6 DENSITY,  
WHICH IS 12 TO 13 UNITS, TO THE ACRE, WOULD HAVE BEEN  
APPROPRIATE FOR THIS SITE. BUT GIVEN THE FACT THAT WE  
WERE LOOKING AT MF 3 AS AN ALTERNATIVE, WHICH WOULD  
THEN ALLOW, EVEN THOUGH WE WERE LIMITING THE  
NUMBER OF UNITS HIGHER THAN WHAT THE S.F. 6 WOULD  
HAVE ALLOWED, WHICH IS INDICATED THE 265 WAS A  
COMPROMISE, THAT -- AT THAT TIME, BUT -- BUT ALLOWING  
THAT NUMBER OF UNITS WITH THE M.F. 3 ZONING GAVE THE  
PROPERTY OWNER OR THE DEVELOPER THE ABILITY TO  
HAVE MORE FLEXIBILITY IN LOCATING THE UNITS ON THE  
SITE AND THEREBY MAKING A BETTER PROJECT. IF YOU  
INCREASE THE UNITS THEN SOME OF THAT FLEXIBILITY  
LEAVES AGAIN.

DID YOU HAVE AN INDICATION, MS. CLOTS AT THE TIME, OR A  
BELIEVE ABOUT HOW MANY -- HOW MANY TRAFFIC TRIPS,

CAR TRIPS A DAY WOULD BE GENERATED BY 265 UNITS.

I'M TRYING TO REMEMBER. I KNOW THAT WE DISCUSSED THAT WITH THE AGENT. THE FIGURE THAT THE STAFF CAME UP WITH WAS GENERALLY COMCOM PARABLE TO WHAT THE AGENT SAID TO EXPECT.

275.

WE DIDN'T HAVE THAT EXACT NUMBER, WE WERE CLOSE TO IT WITH DISCUSSIONS BY THE APPLICANT.

FURTHER COMMENTS, QUESTIONS, I'LL ENTERTAIN A MOTION ON ITEM Z-7.

MOVE TO DENY.

MOTION MADE BY COUNCILMEMBER SLUSHER TO DENY THE CASE.

**Alvarez:** I'LL SECOND, MAYOR. SECONDED BY COUNCILMEMBER ALVAREZ.

**Alvarez:** REALLY, IT IS A DIFFICULT CASE BECAUSE OF THE MISUNDERSTANDING AND IN TERMS OF THE PROVISIONS OF -- THAT MAY NOT HAVE BEEN INCORPORATED INTO THE ZONING AND -- AND ALTHOUGH I GUESS THE PROVISION THAT LIMITS THE NUMBER OF UNITS IS THERE AND SO WHAT WE ARE ACTUALLY CONSIDERING HERE IS WHETHER TO LIFT THAT LIMITATION OR NOT, IT'S DIFFICULT BECAUSE OF THE MANNER IN WHICH THE OWNERS OF THE PROPERTY FOUND OUT ABOUT THIS AND THE PROCESS THEY HAVE BEEN THROUGH THUS FAR. BUT I DO BELIEVE THAT WE HAVE PART OF A PRIOR DECISION. I THINK THAT IT'S IMPORTANT TO TRY TO UPHOLD THE AGREEMENTS YOU KNOW THAT WE HAVE MADE THROUGH THE PROCESS OF MAKING PREVIOUS ZONING DECISIONS AND TRYING TO BE AS CONSISTENT AS POSSIBLE. SO FOR THAT REASON I DO SUPPORT WHAT -- THE MOTION. ON THE TABLE.

THANK YOU COUNCILMEMBER, FURTHER COMMENT?  
COUNCILMEMBER MCCRACKEN?

**McCracken:** I JUST WANT TO CONGRATULATE MS. CLOTS AND THE REST OF THE NEIGHBORHOOD ON THEIR VERY INSTRUCTIVE PRESENTATION ON THEM BEING CONSTRUCTED NEGOTIATORS. CONSTRUCTIVE NEGOTIATORS. I THINK A LOT OF US WERE VERY IMPRESSED BY THAT.

FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.? MOTION ON THE TABLE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER ALVAREZ TO DENY ITEM NO. Z-7. ALL IN FAVOR SAY AYE? OPPOSED ? MOTION TO DENY PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM OFF THE DAIS. COUNCIL, WITHOUT OBJECTION, BEFORE WE HOP OVER TO THESE NEXT TWO DISCUSSION ITEMS, WE ANNOUNCED EARLIER THAT WE WOULD POSTPONE ONE OF OUR 6:00 PUBLIC HEARINGS RELATED TO BILLBOARDS. SO WITH THAT I'LL ENTERTAIN A MOTION ON ITEM NO. 34.

OKAY.

**Dunkerley:** I WOULD POSTPONE -- MAKE A MOTION TO POSTPONE THIS HEARING UNTIL APRIL -- APRIL 22nd.

**Slusher:** COULD I MAKE A FRIENDLY AMENDMENT TO MAKE THAT DECEMBER [LAUGHTER]

**Mayor Wynn:** I THOUGHT THAT YOU COULD CHAWPG THE YEAR PERHAPS OF APRIL 22nd 22nd.

DOES THAT MEAN THAT YOU'LL VOTE FOR IT?

NO.

MOTION ON THE TABLE. SECONDED BY A MOTION BY COUNCILMEMBER DUNKERLY, SECONDED BY COUNCILMEMBER MCCracken TO POSTPONE ITEM NO. 34 UNTIL APRIL 22nd, 2004. ALL IN FAVOR.

AYE.

**Mayor Wynn:** OPPOSED? MOTION TO POSTPONE PASSES OWE A VOTE OF 6-0 WITH THE MAYOR PRO TEM OFF THE

DAIS. ALSO, COUNCIL, I'M TOLD THAT WITH -- WITH NO SPEAKERS ITEM 33 CAN QUICKLY -- I SAY THAT, HANG ON. PUBLIC HEARING ON ITEM NO. 93, I BELIEVE MR. LUKENS PROMISED TO BREAK THE LAND SPEED RECORD FOR PUBLIC HEARINGS. A COUPLE OF FOLKS CAN GO HOME. WELCOME, MR. LUKENS.

WELL, THIS IS THE SECOND OF TWO PUBLIC HEARINGS FOR THE FULL PURPOSE ANNEXATION OF DOUBLE CREEK VILLAGE AREA. SECOND OF TWO HEARINGS. APPROVAL OF THE ORDINANCE IS SCHEDULED FOR APRIL 22nd. DOUBLE CREEK VILLAGE COVERS APPROXIMATELY 133 ACRES AT THE INTERSECTION OF F.M. 1626 AND I-35. COPIES OF THE SERVICE PLAN WITH HE IN. ESSENTIALLY IT SAYS THAT THE CITY WILL TAKE OVER FROM THE COUNTY FOR THE THINGS THAT THEY DO AS WELL AS PROVIDING ADDITIONAL AND ENHANCED SERVICES NOT AVAILABLE FROM THE COUNTY. AND WE WILL BE PROVIDING SERVICES AT A LEVEL SIMILAR TO WHAT WE PROVIDE IN OTHER SIMILARLY SITUATED AREAS IN THE BALANCE OF THE CITY. THAT CONCLUDES MY PRESENTATION. ON THIS DOUBLE CREEK VILLAGE AREA.

**Mayor Wynn:** THANK YOU, QUESTIONS OF STAFF? COUNCIL? ANY CITIZENS THAT WISH TO BE HEARD ON THIS PUBLIC HEARING, ITEM NO. 33, RELATED TO A FULL PURPOSE ANNEXATION? HEARING NONE I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION BY COUNCILMEMBER THOMAS I WILL SECOND THAT TO CLOSE THE PUBLIC HEARING ON ITEM NO. 33, ALL IN FAVOR? AYE.

**Mayor Wynn:** OPPOSED? MOTION PASSES ON A VOTE OF 6-0. THANK YOU VERY MUCH, THANK YOU FOR THE FOLKS PATIENTLY WAITING FOR THE NEXT ZONING CASE, MS. GLASGO.

OUR NEXT CASE IS ITEM NO. Z-9, A HISTORIC C 14 H-04-3, IN THIS PARTICULAR CASE, MAYOR, THE CHAIR OF THE HISTORIC LANDMARK COMMISSION ASKED THAT THE CASE BE POSTPONED TO APRIL THE 22nd TO ALLOW FOR A FULL COUNCIL. HOWEVER, THE -- THE REPRESENTATIVE OF THE OWNER OF THE PROPERTY IS OPPOSED TO THAT, THAT IS MR. RICHARD SUTTLE HE WOULD LIKE TO MAKE A FEW COMMENTS REGARDING THE DELAY, THE POTENTIAL DELAY

AS PROPOSED BY THE LANDMARK COMMISSION CHAIR.

**Mayor Wynn:** I'M SORRY, TECHNICALLY, MS. GLASGO, THE APPLICANT IS --

Glasgo: THE CITY OF AUSTIN IS THE APPLICANT. THE OPENER OF THE PROPERTY IS OPPOSING THE POSTPONEMENT.

**Mayor Wynn:** HAVE WE POSTPONED THIS BEFORE?

Glasgo: YES.

**Mayor Wynn:** AT WHOSE REQUEST?

Glasgo: FROM THE NEIGHBORHOOD. IN THIS CASE IS IT'S -- IT'S FROM THE CHAIR OF THE LANDMARK COMMISSION.

**Mayor Wynn:** OKAY. WELL, THIS IS AN INTERESTING TECHNICALITY, COUNCIL. WHAT WE TYPICALLY HAVE IS AN APPLICANT I HATE SAYING THAT VERSUS A NEIGHBORHOOD. WE ALWAYS GRANT A POSTPONEMENT REQUEST, FIRST REQUEST ON -- TO EITHER SIDE. SEEMS TO ME IN THIS CASE THE APPLICANT, BEING THE HISTORY RIRK LANDMARKS -- HISTORIC LANDMARKS COMMISSION, AGAINST THE WILL OF THE PROPERTY OWNER, FRANKLY ALIGNED I THINK WITH NEIGHBORHOOD INTERESTS ON THIS PARTICULAR CASE, SO THE NEIGHBORHOOD -- SO THE -- SO ONE SIDE OF THE CASE HAS ALREADY BEEN GRANTED THE FIRST REQUEST.

Glasgo: THAT'S CORRECT.

**Mayor Wynn:** POSTPONEMENT AT COUNCIL MEETING.

Glasgo: CORRECT, THIS WOULD BE THE SECOND.

**Mayor Wynn:** THE OTHER SIDE ESSENTIALLY DOES NOT WANT A SECOND REQUEST.

Glasgo: THAT'S CORRECT. AND OF COURSE THE OWNER IS OPPOSED THAT MEANS THAT THERE IS A VALID PETITION ON THE CASE WHICH WOULD REQUIRE SIX VOTES OUT OF SEVEN. JUST ANOTHER FACT TO CONSIDER.

**Mayor Wynn:** COMMENTS, QUESTIONS OF COUNCIL? MR. SUTTLE, YOU ARE THE OWNER'S AGENT.

MY NAME IS RICHARD SUTTLE, AN ADDED PIECE OF INFORMATION FOR YOU, THIS IS A CASE THAT HAS BEEN AROUND SINCE THE FIRST OF DECEMBER. MY CLIENT HAD AUTO PERMIT ON THIS -- HAD A PERMIT ON THIS AT THE FIRST OF DECEMBER. IT WENT BEFORE THE LANDMARK COMMISSION TWICE. THE CHAIRMAN OF THE LANDMARK COMMISSION HAS ACTUALLY HAD TWO HEARINGS ON THIS. IT THEN WENT TO THE PLANNING COMMISSION, WHICH THEN AGAIN THE -- THE PROCEDURAL EFFORT WAS MADE TO POSTPONE. THERE WERE TWO -- TWO SCHEDULED HEARINGS AT THE PLANNING COMMISSION. THEN IT GOT TO YOU. THERE WAS ANOTHER POSTPONEMENT REQUEST AGAIN TO YOU AND HERE WE ARE TONIGHT. SO WE ARE -- THE APPLICANT IS -- IS MAYBE THE LANDMARK COMMISSION, BUT THEY ARE ALIGNED WITH THE NEIGHBORHOOD GROUP AS YOU POUNDED OUT. MY POSITION IS THAT THEY'VE HAD THEIR POSTPONEMENT. MY CLIENT, THE LANDOWNER IS SITTING IN LIMBO BECAUSE HE'S BEEN POSTPONED AT EVERY LEVEL. HE'S ALREADY BEEN POSTPONED AT THE COUNCIL LEVEL AND WOULD LIKE TO HAVE THE HEARING TONIGHT, THANK YOU. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

> THEN IT WENT TO THE PLANNING COMMISSION ON FEBRUARY 24TH. THEN IT WENT BACK TO THE PLANNING COMMISSION ON MARCH 9TH. THEN IT CAME BEFORE YOU ON MARCH 11th. AND NOW HERE WE ARE ON APRIL 1st.

**Slusher:** MS. GLASGO, WHAT'S THE REASON GIVEN FOR THE POSTPONEMENT REQUEST?

FOR THIS TIME AROUND?

**Slusher:** YES, FOR TONIGHT.

FOR TONIGHT, IT'S TO HAVE A FULL COUNCIL.

**Slusher:** WELL, I'M SOMEWHAT SYMPATHETIC TO THAT BECAUSE WITH IT BEING A PETITION, BUT WHY DON'T WE GO AHEAD AND HEAR THE CASE AND WE MIGHT WANT TO

POSTPONE ACTION IF -- I WOULDN'T WANT THE THING TO RISE OR FALL BASED ON A COUNCILMEMBER BEING ABSENT, BUT MAYBE WE'LL BE ABLE TO TELL THAT. TELL THAT BY THE END OF THE HEARING.

**Dunkerley:** COULD I HAVE --

**Mayor Wynn:** COUNCILMEMBER DUNKERLEY.

**Dunkerley:** MAYOR OR WHATEVER, SINCE THIS IS AN HISTORIC ZONING CASE OR ANY KIND OF ZONING CASE AND THERE'S A VALID PETITION, IT WILL JUST TAKE TWO NO'S TO DEFEAT IT OR SIX VOTES TO APPROVE IT?

IT TAKES SIX VOTES TO APPROVE, SO ANY VOTE LESS THAN SIX TO APPROVE AND IT WILL BE DEFEATED.

**Dunkerley:** SO IF YOU HAD AT LEAST TWO NOTES NOT TO APPROVE IT, IT'S DEFEATED?

THAT'S CORRECT.

**Dunkerley:** GOT IT.

**Mayor Wynn:** WELL, I THINK COUNCILMEMBER SLUSHER HAS A GOOD SUGGESTION IN THAT WE CAN START THE PUBLIC HEARING, WE CAN HAVE THE PUBLIC HEARING, START THE CASE, AND DEPENDING ON THE FACTS THAT WE HEAR, I THINK THE COUNCIL WILL LIKELY BE ABLE TO DETERMINE WHETHER OR NOT THE CASE VOTE WOULD HINGE ON HAVING A SEVENTH VOTE ON COUNCIL OR NOT. AND IF THAT'S THE CASE, THEN IT WOULD BE FAIR TO TABLE IT AT THAT TIME. SO LET'S CALL UP ITEM NUMBER Z-9.

GOOD EVENING, MR. MAYOR, MEMBERS OF THE COUNCIL, STEVE SADOWSKY, HISTORIC PRESERVATION OFFICE. AS WE TOLD YOU THIS CAME BEFORE THE HISTORIC COMMISSION FOR A ZONING CHANGE. AS YOU KNOW, THE HISTORIC LANDMARK COMMISSION CONDUCTS A FIRST HEARING ON THE DEMOLITION PERMIT AND THEY DECIDE AT THAT POINT WHETHER TO INITIATE THE HISTORIC ZONING CASE. THE CASE THEN COMES BACK TO THE LANDMARK COMMISSION A MONTH LATER AND THEY MAKE A DECISION AS TO WHETHER



OR NOT TO RECOMMEND HISTORIC ZONING FOR THIS PROPERTY. SO BEING BEFORE THE HISTORIC LANDMARK COMMISSION TWICE IS THE PRACTICE THAT OCCURS IN EVERY CASE. THIS CASE INVOLVES THREE VERY SMALL FRAME HOUSES IN THE 800 BLOCK OF WEST LYNN STREET. THE CURRENT ZONING IS MF-4-NP. THE LANDMARK COMMISSION HAS RECOMMENDED A ZONING CHANGE TO MF-4-H-NP. THE CASE WAS PRESENTED TO THE PLANNING COMMISSION AND THE PLANNING COMMISSION HAS FORWARDED THE CASE TO COUNCIL WITHOUT A RECOMMENDATION. THE THREE HOUSES INVOLVED WERE BUILT AROUND THE TURN OF THE CENTURY. THE FIRST INDICATION WE HAD OF THE HOUSES BEING ON THIS SITE IS IN THE 1906 CITY DIRECTORY, AND THEY'VE BEEN ON THE SAME SITE SINCE 1906. THE MAP THAT I'VE GOT UP HERE SHOWS THE LOCATION OF THE HOUSES. THERE ARE TWO HOUSES, BUT THE HOUSES AT 802 AND 804 WEST LYNN ARE VIRTUALLY IDENTICAL, THE HOUSE AT 806 WEST LYNN IS A LITTLE BIT DIFFERENT. IT'S A DIFFERENT LAYOUT AND PATTERN, THINGS LIKE THAT. OUR INITIAL RESEARCH ON THESE PROPERTIES INDICATED THAT THEY WERE PLACED -- THE OWNERSHIP OF THIS PROPERTY IS KNOWN AS LAVES SUBDIVISION ON THIS AREA OF WEST LYNN STREET AND THEY SOLD THE PROPERTY -- SUBDIVIDED THE PROPERTY IN 1889. THEY THEN TOLD IT TO A SERIES OF PEOPLE WHO APPARENTLY MOVED THESE HOUSES ON SITE. WE HAVE NOT BEEN ABLE TO FIND ANY KIND OF EVIDENCE THAT THESE HOUSES WERE BUILT ON THIS SITE OR WHEN THEY WERE MOVED BECAUSE IT PREDATES, OF COURSE, ANY KIND OF RELOCATION PERMIT OR BUILDING PERMIT RECORDS THAT THE CITY MAINTAINS. THE HOUSES HAVE ALWAYS BEEN RENTAL UNITS. NONE OF THE OWNERS HAVE EVER LIVED IN THE HOUSES. A LARGE NUMBER OF EMPLOYEES WHO WORKED FOR THE AUSTIN STREET RAILWAY COMPANY OCCUPIED THESE HOUSES AT VARIOUS TIMES, SO IT LED ME TO BELIEVE TO BEGIN WITH THAT THESE MAY BE SOMEHOW CONNECTED WITH THE DEVELOPMENT OF THE STREET RAILWAY COMPANY IN AUSTIN BECAUSE THEY WERE FIRST GETTING OFF THE GROUND AROUND 1900 AND THEY DID HAVE SOME PROPERTY OVER IN THIS NEIGHBORHOOD. BUT THE OWNERSHIP RECORDS FOR THIS PROPERTY INDICATES THAT THE STREET RAILWAY COMPANY AND ANY RAILWAY

COMPANY NEVER OWNED THIS PROPERTY. THEY DID OWN PROPERTY CLOSE BY. THIS IS WHERE THE HOUSES ARE NOW. THE INTERNATIONAL GREAT NORTHERN RAILWAY OWNED THE PROPERTY, BASICALLY THE MATTHEWS -- THAT MATTHEWS ELEMENTARY SCHOOL SITS ON ON THE OTHER SIDE OF NINTH STREET. SO IT IS POSSIBLE THAT THE HOUSES WERE MOVED FROM THERE. OUR PRINCIPAL CONCERN ABOUT THIS IS THAT WE DON'T KNOW THE PEDIGREE OF THESE HOUSES. AND I'M VERY HESITANT TO RECOMMEND HISTORIC ZONING FOR THESE HOUSES BECAUSE WE DON'T KNOW WHAT THEIR HISTORY IS. WE DON'T KNOW WHERE THEY CAME FROM, WE DON'T KNOW HOW OLD THEY ARE. AND LANDMARK DESIGNATION IS VERY SIGNIFICANT STATUS FOR A PROPERTY TO HAVE. REALLY THE BASIS FOR MY RECOMMENDATION AGAINST HISTORIC ZONING FOR THIS IS THAT WE DON'T KNOW THE HISTORY FOR IT AND THERE'S BEEN INTENSIVE RESEARCH, BOTH ON THE PART OF THE CITY AND THE NEIGHBORHOOD ASSOCIATION. THE NEIGHBORHOOD ASSOCIATION HAS DONE AN INCREDIBLE AMOUNT OF RESEARCH ON THIS PROPERTY AND STILL WE DON'T HAVE AN ANSWER AS TO WHERE THESE HOUSES CAME FROM OR HOW OLD THEY ARE OR WHETHER THEY ARE ACTUALLY RELATED TO THE RAILROADS. THERE'S A POSSIBILITY THAT THEY ARE, PROBABLY A VERY GOOD POSSIBILITY, BUT I CAN'T BRING MYSELF TO RECOMMEND HISTORIC ZONING FOR THEM NOT KNOWING TRULY WHAT THEIR PEDIGREE IS. AND THAT'S THE REASON FOR MY RECOMMENDATION AGAINST HISTORIC ZONING. THE LANDMARK COMMISSION RECOMMENDED HISTORIC ZONING UNDER CRITERIA 134, 6, 7 AND 12. THE NEIGHBORHOOD OBVIOUSLY HAS A VERY STRONG INTEREST IN PRESERVING THESE HOUSES, AND YOU'LL HEAR FROM THEM TONIGHT I'M SURE ABOUT THE RESEARCH THAT THEY'VE PERFORMED AND THE CONSULTANTS THEY'VE TALKED TO ABOUT THESE HOUSES. HOWEVER IN EVERYTHING THAT I'VE SEEN I HAVEN'T FOUND ANYTHING TO SHOW ME DIRECTLY THAT THESE HOUSES HAVE A SPECIFIC HISTORY THAT WE CAN PINPOINT AND SAY, THESE ARE WORTHY OF LANDMARK DESIGNATION. THAT CONCLUDES MY PRESENTATION.

**Mayor Wynn:** THANK YOU. COUNCIL WILL CONSIDER THAT TO

BE THE APPLICANT'S PRESENTATION. AT THIS TIME WE'LL TAKE UPSET SENZ IN FAVOR OF THIS ZONING CASE. WE'LL START WITH BRYAN PATE. AM I MISPRONOUNCING THAT?

[INAUDIBLE - NO MIC].

**Mayor Wynn:** YOU WILL BE FOLLOWED BY STEVE COLBURN. THANK YOU VERY MUCH.

THANK YOU, MAYOR WYNN AND THE CITY COUNCIL. MY NAME IS BRYAN PATE, AS YOU WELL KNOW, AND I'M SPEAKING IN HISTORIC ZONING OF THE WEST LYNN PROPERTIES. IN DOING SO I'D LIKE TO READ A LETTER TO YOU FROM DR. T. LINDSEY BAKER, THE DIRECTOR OF THE WK GORDON CENTER FOR INDUSTRIAL HISTORY OF TEXAS AT TARLETON STATE UNIVERSITY. DEER MAYOR WYNN, IT'S MY UNDERSTANDING THAT THE AUSTIN ZONING AND PLANNING COMMISSION IS CONSIDERING THE FATE OF THREE FORMER RAILWAY SECTION HOUSES, BUNK HOUSES LOCATED AT 802, 804 AND 806 WEST LYNN STREET. WITH THIS LETTER I WOULD LIKE TO POINT OUT THE SIGNIFICANCE OF SUCH HOUSING FOR INDUSTRIAL WORKERS IN TERMS OF BOTH HISTORY AND ARCHITECTURE. HAVING WORKED FOR 25 YEARS IN STUDYING THE HISTORY OF ENGINEERING AND TECHNOLOGY IN THE UNITED STATES, I HAVE BECOME AWARE OF HOW FEW EXAMPLES SURVIVE OF THE HOUSING CONSTRUCTED BY INDUSTRIAL ENTERPRISES FOR THEIR WORKING. SECTION HOUSES WERE BUILT BY RAILWAY COMPANIES FOR USE BY SUPERVISORY EMPLOYEES WHO HEADED GANGS OF LABORERS WHO MAINTAINED TRACK, SIDINGS AND AUXILIARY STRUCTURES NECESSARY FOR STATE RAILWAY OPERATION. IN THE INSTANCE OF 802, 804 AND 806 WEST LYNN STREET, AUSTIN HAS PRESERVED TOGETHER BOTH THE SECTION HOUSE FOR THE SUPERVISOR AND HIS FAMILY AND TWO BUNK HOUSES FOR THE TRACK LABORERS. THERE ARE FEW INSTANCES WITH THESE TYPES OF HOUSING SURVIVING TOGETHER. GENERALLY WHEN THEY SURVIVE, THE STRUCTURES ARE EITHER ONE TYPE OR THE OTHER WITHOUT ASSOCIATIONS WITH EACH OTHER. THE SPATIAL RELATIONSHIPS AMONG THESE BUILDINGS ARE HIGHLY IMPORTANT TO PRESERVE. RAILWAYS PROVIDED IMPORTANT IMPETUS TO THE INDUSTRIAL DEVELOPMENT OF THE ENTIRE UNITED STATES.

WITHOUT THE DEVELOPMENT AND SPREAD OF RAILWAYS IN THE 19TH CENTURY, ECONOMIC DEVELOPMENT OF VAST AREAS OF THE COUNTRY WOULD HAVE TAKEN GREATLY DIFFERENT FORMS. TODAY THE ROUTES OF HISTORICAL RAILWAYS SURVIVE EITHER IN OPERATION OR AS ABANDONED RIGHTS OF WAY, BUT THE SUPPORTING WOODEN STRUCTURES ARE A RARE AND OFTEN THREATENED RESOURCES. DEPOTS TEND TO SURVIVE AS OPPORTUNITIES SEE THEM AS LOCAL ICONS, BUT SUCH IMPORTANT STRUCTURES AS SECTION HOUSES AND BUNK HOUSES RARELY SURVIVE. EXAMPLES OF 802-804 AND 806 WEST LYNN ARE SIGNIFICANT BOTH BECAUSE THEY REMAIN AS USED BY EMPLOYEES OF THE AUSTIN STREET RAILWAY SYSTEM, BUT ALSO BECAUSE THEY KEEP THE APPEARANCE THEY DID AT THAT TIME. THEY SHOW THE CLOSE RELATIONSHIPS BETWEEN THE SECTION BOSSES RESIDING IN THE SECTION HOUSES AND THEIR TRACK WORKERS WHO LIVED IN THE BUNK HOUSES. THE SECTION HOUSES AND BUNK HOUSES IN THE 800 BLOCK OF WEST LYNN STREET IN AUSTIN, TEXAS REPRESENT A SIGNIFICANT SURVIVAL IN TERMS OF BOTH THE HISTORY OF ENGINEERING AND THE HISTORY OF AMERICAN ECONOMIC DEVELOPMENT. THEY CLEARLY DESERVE TO BE PRESERVED IN THEIR ORIGINAL LOCATION. YOURS SINCERELY, T. LINDSEY BAKER, PH.D., DIRECTOR. THANK YOU.

**Mayor Wynn:** THANK YOU, MR. PATE. STEVE COLBURN, WELCOME, STEVE. A NUMBER OF FOLKS WANTED TO GIVE YOU TIME, STEVE. LET'S SEE, IS JAN WILSON HERE? WELCOME. AND LISA LAKY.

AND WE HAVE A VIDEO.

[INAUDIBLE - NO MIC].

**Mayor Wynn:** OKAY. SORRY. ALL RIGHT. THEN JAN IS OFFERING HER TIME TO YOU, SO YOU WILL HAVE UP TO SIX MINUTES.

THANK YOU. HONORABLE MAYOR, CITY COUNCILMEMBERS, MY NAME IS STEVE COLBURN AND I'M THE CHAIR OF THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION ZONING COMMITTEE. YOU'VE JUST HEARD AN EXPERT'S LETTER

DESCRIBING THE HISTORICAL APPEARANCE OF THESE THREE HOUSES. THIS IS JUST AN EXAMPLE OF THE LARGE NUMBER OF PEOPLE AND ORGANIZATIONS FROM OWL OVER THIS STATE WHO HAVE PUT IN MANY HOURS OF RESEARCH TIME AND WHO HAVE DETERMINED THAT THESE RAILWAY SECTION HOUSE AND TWO BUNK HOUSES HAVE TREMENDOUS HISTORIC VALUE. THE HISTORIC LANDMARK COMMISSION AGREED WITH THEIR HISTORIC VALUE, AS DID A MAJORITY OF THE PLANNING COMMISSION. THERE WAS A FOUR TO THREE VOTE IN FAVOR OF THE HISTORIC DESIGNATION, WITH ONE OF THE COMMISSIONERS RECUSING HIMSELF FROM THE VOTE BECAUSE HE HAD ALREADY SIGNED A PETITION IN FAVOR OF HISTORIC DESIGNATION. SO ALTHOUGH THERE WAS NO OFFICIAL VOTE RECOMMENDING HISTORIC ZONING, FIVE OF THE PLANNING COMMISSIONERS WERE IN FAVOR OF IT. EVER SINCE THE PLANNING COMMISSION'S VOTE, WE HAVE UNCOVERED FURTHER EVIDENCE WHICH PROVES WITH VIRTUALLY NO DOUBT THAT THESE ARE IN FACT HISTORIC SECTION HOUSES. SO BASED UPON THE MOST RECENT EVIDENCE, SOME OF WHICH HAS JUST COME IN WITHIN THE LAST 48 HOURS, HERE ARE THE HISTORIC CRITERIA THAT WE BELIEVE THAT THESE HOUSES NEED. NUMBER ONE, THEY'RE A DISTINCT PART OF THE DEVELOPMENT, HERITAGE AND CULTURAL CHARACTERISTICS OF THE STATE, CITY, REGION AND COUNTRY BECAUSE THEY WERE BUILT BY THE RAILROAD TO HOUSE THE WORKERS WHO HELPED BUILD AUSTIN, TEXAS AND THE WEST. NUMBER 3, THEY EMBODIED DISTINGUISHING CHARACTERISTICS OF AN ARCHITECTURAL TYPE. SPECIFICALLY THE FIRST GENERATION SECTION AND BUNK HOUSES AS SHOWN IN THE STANDARD PLAN BOOK OF THE INTERNATIONAL AND GREAT NORTHERN RAILROAD. NUMBER 6, THEY ARE DIRECTLY RELATED TO OTHER DISTINCTIVE STRUCTURES ELIGIBLE FOR PRESERVATION UNDER HISTORIC PLAN -- PRESERVATION PLAN BECAUSE OF AN ARCHITECTURAL, HISTORIC OR CULTURAL MOTIVE. SPECIFICALLY THE FEW REMAINING RAILWAY SECTION AND BUNK HOUSES IN THE STATE AND THE REST OF THE COUNTRY. IN ADDITION, THEY'RE RELATED TO THE FEW REMAINING OLD INDUSTRIAL BUILDINGS IN OUR NEIGHBORHOOD. THIS IS SIGNIFICANT AS OLD WEST AUSTIN PURSUES NATIONAL HISTORIC DISTRICT STATUS. NUMBER 7,

THEY PORTRAY THE ENVIRONMENT OF A GROUP OF PEOPLE, RAILWAY WORKERS, IN AN HISTORICAL ERA, THE LATE 19TH CENTURY, CHARACTERIZED BY A DISTINCTIVE ARCHITECTURAL STYLE. IN THIS CASE THE STANDARD PLAN OF THE ING SECTION AND BUNK HOUSE. NUMBER 8, YOU HAVE RECEIVED, AND I WILL READ FURTHER, EXPERT TESTIMONY THAT THEY CAN BE EXPECTED TO PRODUCE ARCHAEOLOGICAL DATA AFFECTING THEORIES OF HISTORIC INTEREST. NUMBER 9, THEY EXEMPLIFY THE CULTURAL, ETHIC AND HISTORICAL HERITAGE OF THE CITY, STATE AND COUNTRY OF THE WORKERS WHO HELPED BUILD AUSTIN AND TEXAS IN THE MID TO LATE 19TH CENTURY. AS YOU HEARD IN THE FIRST EXPERT LETTER. NUMBER 12, AS YOU ALSO HEARD IN THE FIRST LETTER, THESE THREE HOUSES ARE A SIGNIFICANT VALUE, NOT JUST TO OUR NEIGHBORHOOD, OLD WEST AUSTIN NEIGHBORHOOD, BUT TO THE WHOLE CITY, THE WHOLE STATE, THE REGION AND THE COUNTRY. BECAUSE OF THEIR LOCATION AS WELL AS THEIR SPATIAL RELATIONSHIP TO EACH OTHER ON THE SITE, THEY INTEGRATE OUR UNIQUE NEIGHBORHOOD'S INDUSTRIAL PAST WITH ITS RESIDENTIAL PRESENT. FINALLY, OUR NEIGHBORHOOD PLAN STRESSES THE PRESERVATION FOR HISTORIC BUILDINGS. NUMBER 13, THEIR VALUE TO OLD WEST AUSTIN AND CLARKSVILLE IS INDISPUTABLE AS EVIDENCED BY THE APPROXIMATELY 450 LOCAL SIGNATURES PETITIONING THEIR HISTORIC ZONING AND BY THE LETTER REQUESTING THEIR PRESERVATION FROM THE BOARD OF THE CLARKSVILLE COMMUNITY DEVELOPMENT CORPORATION. I PERSONALLY MANNED THE TABLE COLLECTING SIGNATURES AND WAS IMPRESSED BY THE OUTPOURING OF SUPPORT TO SAVE THESE BUILDINGS. WE SEE THEM AS PART OF THE FABRIC OF OUR COMMUNITY AND WE ARE PROUD ENOUGH OF THEM TO WORK ON THEIR RESTORATION AND TO GENERATE FUNDS TO GET THEM RESTORED. SO THESE RAILWAY HOUSES MEET EIGHT OF THE 13 HISTORIC CRITERIA BECAUSE THEY ARE SIGNIFICANT. THEIR LOSS WOULD HURT NOT JUST OUR NEIGHBORHOOD, BUT ALL OF AUSTIN AND BEYOND. WE ASK THAT YOU GRANT THEM HISTORIC ZONING, WHICH THEY MOST RICHLY DESERVE. I WOULD LIKE TO READ EXCERPTS FROM A LETTER FROM CAREY S. BRIL, PROFESSIONAL ARCOLOGIST, ENTITLED PROFESSIONAL FOR

ARCHAEOLOGICAL REMAINS AT 802, 804 AND 806 WEST LYNN, AUSTIN, TEXAS. I RECENTLY CONDUCTED A LIMITED BACKGROUND REVIEW ON THE ARCHAEOLOGICAL HISTORY OF YOUR NEIGHBORHOOD AND THE SURROUNDING AREA. TO ANALYZE THE POTENTIAL FOR ARCHAEOLOGICAL REMAINS TO BE FOUND AT 802, 804 AND 806 WEST LYNN STREET. ARCHAEOLOGICAL SURVEY AND TESTING AT THE WEST LYNN SITES IS IMPERATIVE FOR SEVERAL REASONS. FIRST, ONLY TWO SITES HAVE BEEN RECORDED IN ALL OF WEST AUSTIN, DESPITE THE LARGE AND IMMENSE POTENTIAL FOR HISTORIC AND PREHISTORIC SITES. ORK LOGICAL WORK ON THESE LOTS COULD SIGNIFICANTLY CONTRIBUTE TO THE LARGER BODY OF AUSTIN SITES IN AN AREA THAT HAS UNTIL NOW BEEN VIRTUALLY VOID OF SUBSURFACE INVESTIGATIONS. SECOND, THE MAJORITY OF ARCHAEOLOGICAL WORK THAT HAS BEEN COMPLETED WITHIN DOWNTOWN AUSTIN HAS BEEN COMPLIANCE DRIVEN AND THUS RARELY WENT BEYOND THE SURVEY STAGE. VERY FEW TESTING OR PROJECTS HAVE BEEN COMPLETED WITHIN DOWNTOWN, WHICH HAS CREATED A GENERAL SCARCITY OF INFORMATION THAT ONLY TESTING OR LARGE SCALE DATA RECOVERY CAN SHOW. THIRD, ONLY THE SITES WITHIN DOWNTOWN REPRESENT THE WORKING SITES. ALTHOUGH SITES ASSOCIATED WITH PROS PROSTITUTION AND EEMANCIPATED AFRICAN-AMERICANS HAVE BEEN RECORDED, BOTH IMPORTANT SEGMENTS WITHIN ANY URBAN POPULATION, SITES ON THE URBAN WORKFORCE LIVING ON THE SOCIAL PERIPHERY OF TOWN HAVE RARELY IF EVER BEEN EXPLORED IN AUSTIN. THE HOUSES IN WEST LYNN HAVE A DWOWMENTED DEVELOPMENT HISTORY THAT'S IMPERATIVE FOR ACCURATE AND CONCISE ARCHAEOLOGICAL WORK. IT WOULD BE IDEAL SITES AS CASE STUDIES ON WORKING CLASS AUSTIN AT THE TURN OF THE CENTURY. ARCHAEOLOGICAL TESTING AND/OR DATA RECOVERY IS THEREFORE RECOMMENDED AT THESE SITES. THANK YOU.

**Mayor Wynn:** THANK YOU. LISA LAKY. WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY ROBIN CARTER.

THANK YOU. MY NAME IS LISA. I'M THE CHAIR OF THE HISTORIC LANDMARK COMMISSION. AND I HAD A DISCUSSION

WITH STAFF BEFORE THE MEETING TODAY ABOUT THE POSTPONEMENT AND I WANTED TO JUST GIVE YOU TWO BRIEF INFORMATION PIECES ABOUT THAT. THERE WAS APPARENTLY A CONVERSATION WITH MAYOR PRO TEM GOODMAN ON HER WAY OUT OF THE HEARING. I DID NOT HAVE THAT, MS. ROBIN CARTER DID AND SHE CAN GIVE YOU MORE INFORMATION ON THAT. BUT I UNDERSTAND THAT IT WAS COUNCILMEMBER GOODMAN'S SUGGESTION THAT THIS HEARING BE POSTPONED TO GIVE A FULL COUNCIL, SO I DON'T KNOW WHAT THAT SAYS ABOUT HER VOTE. I HAVEN'T HAD ANY DISCUSSION WITH HER ON IT. AND I CAN TELL YOU IF THIS CASE HAD COME UP THROUGH THE ZONING AND PLATTING COMMISSION, YOU WOULDN'T BE HEARING IT TONIGHT BECAUSE I BELIEVE THAT THEY HAVE HELD ALL OF THE CASES AND I THINK MR. SADOWSKY CAN CONFIRM THIS, PENDING THE REPORT OF THE TASKFORCE ON THE HISTORIC LANDMARK COMMISSION AND THE RELATED ACTIVITIES TO YOU ALL, WHICH WILL OCCUR, AS I UNDERSTAND IT, LATER THIS MONTH. AND IT MAY BEHOOVE YOU ALL TO WITHHOLD A DECISION ON THIS CASE UNTIL THOSE TASKFORCE RECOMMENDATIONS ARE MADE BECAUSE I BELIEVE THAT THERE IS A RESTRUCTURING OF SOME OF THE CRITERIA WHICH MIGHT HAVE AN EFFECT ON WHAT YOU'RE DOING TONIGHT. ALTHOUGH THAT BRINGS ME TO THE FIRST THING THAT I WANTED TO SAY. I'M HERE TO SUPPORT THE HISTORIC LANDMARK COMMISSION'S VOTE TO RECOMMEND HISTORIC ZONING ON THESE THREE PROPERTIES BECAUSE THEY MEET SIX OF THE 13 CRITERIA, SIX. THAT'S A GOOD NUMBER. AND I WOULD SUBMIT THAT IF YOU GO BACK AND CHECK THE RECORDS OF THE CASES THAT YOU'VE HEARD, YOU WILL FIND THAT IT IS NOT OFTEN THAT YOU HAVE SIX. AND SO I'M A LITTLE CONFUSED WHY STAFF WOULD AGREE -- AND HE INITIALLY FOUND THREE HAD BEEN MET. AND AFTER OUR TWO HEARINGS AT THE LANDMARK COMMISSION, MR. SADOWSKY AGREED THAT SIX HAD BEEN MET. YET HE DOESN'T RECOMMEND HISTORIC ZONING, WHICH PUZZLES ME, BECAUSE I THINK IF THIS WAS A CASE WHERE IF THE OWN HE WERE WERE IN FAVOR OF THE HISTORIC ZONING, THE RECOMMENDATION WOULD BE YES AS IT ALMOST ALWAYS IS FROM STAFF. SO I THINK THAT'S SHG THAT YOU SHOULD KEEP IN MIND IF YOU DO END UP MAKING A DECISION TONIGHT. SIX IS A HIGH



NUMBER OF CRITERIA TO BE MET FOR A PROPERTY THAT IS IN THE PROCESS OF HISTORIC ZONING. THESE HOUSES ARE UNIQUE. THESE ARE NOT JUST SMALL WOOD FRAME HOUSES. THESE ARE UNIQUE BECAUSE OF THEIR CONNECTION TO THE RAILROAD, THEIR CONNECTION TO THE COMMON PERSON, THE EVERYDAY PERSON IN AUSTIN. AND IN MY SIX YEARS ON THE AUSTIN LANDMARK COMMISSION, I HAVE NOT SEEN ANY OTHER TYPE OF STRUCTURE THAT HAS THIS TYPE OF CONNECTION TO THE RAILROAD, NOT ONE. SO I FIND THESE INCREDIBLY UNIQUE AND IMPORTANT TO THE CITY OF AUSTIN. IT'S INCREDIBLE THE AMOUNT OF INFORMATION THE NEIGHBORHOOD GROUP HAS COME UP WITH, AND IN FACT, EVERY TIME I'M INVOLVED IN THIS CASE, INCLUDING THE TWO HEARINGS THAT WE HAD WITH THE LANDMARK COMMISSION, I HEAR SOMETHING MORE ABOUT THE CONNECTION THAT JUST STRENGTHENS IN MY MIND THE IMPORTANCE OF SAVING THESE HOUSES SO THAT THEIR STORY CAN BE TOLD. WHAT YOU'RE GOING TO HEAR TONIGHT IS, AS I UNDERSTAND IT, THERE'S ORAL HISTORY FROM PEOPLE WHO LIVED IN THE NEIGHBORHOOD, WRITTEN HISTORY, EXPERT OPINIONS, AS YOU'VE ALREADY HEARD, AND HISTORIC DOCUMENTS THAT SHOW THAT THERE IS A CONNECTION BETWEEN THE RAILROAD AND THESE PROPERTIES. THE LAST TIME IT WAS BEFORE YOU WAS TO ACCEPT A PROCLAMATION IN RECOGNITION OF NATIONAL PRESERVATION WEEK. AND I WANT TO ASK YOU TONIGHT TO REMEMBER THAT THAT'S NOT -- PRESERVATION IN AUSTIN IS NOT SOMETHING WE CELEBRATE ONCE A WEEK DURING THE YEAR, IT'S SOMETHING THAT WE'RE REQUIRED TO FOCUS ON AND PAY ATTENTION TO BECAUSE IT'S SO IMPORTANT TO THE CITIZENS OF AUSTIN. AND THESE STRUCTURES HAVE A STORY TO TELL AND I THINK THE CITIZENS NOW AND IN THE FUTURE DESERVES TO HEAR IT. THANK YOU. ANY QUESTIONS I CAN ANSWER?

**Mayor Wynn:** I CAN TAKE QUESTIONS AFTER EVERYBODY SPEAKS. THANK YOU. ROBIN CARTER? WELCOME, READBACK BIN. -- ROBIN. IS SARAH LYNN STEWART HERE? WELCOME, MA'AM. YOU'RE DONATING YOUR TIME TO MS. CARTER. SO YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT.

I HAVE DONE A LOT, A LOT, A LOT OF RESEARCH ON THESE

HOUSES. AND THE PICTURE HAS GROWN EVER CLEARER ABOUT THE BACK STORY OF THESE HOUSES. YOU MUST REMEMBER THAT AS WORKER HOUSING, THE DWELLINGS WERE CONSIDERED TO BE POSSESSIONS, NOT RESIDENCES. CERTAINLY AROUND THE TIME OF THEIR CONSTRUCTION. WE KNOW THAT THERE'S SECTION HOUSES BECAUSE WE HAVE A LOT OF EVIDENCE TO SHOW IT. WE HAVE DEED RECORDS, CITY AND FEDERAL DOCUMENTS. WE HAVE CONSULTATIONS AND EXAMINATIONS BY RAILROAD HISTORIANS AND ARCHIVISTS. WE HAVE ORAL HISTORY FROM LONG TIME RESIDENTS IN THE AREA. AND PUBLISHED RAILROAD COMPANY STANDARD PLANS, AND THAT IS TO SAY THAT THE ENTIRETY OF THIS SITE, 802, 4 AND 6 WEST LYNN CONFORM TO THE STANDARD PLANS IN THEIR DIMENSIONS, IN THEIR CONSTRUCTION, IN THEIR PAINT, AND IN THEIR SITE PLANS IN TERMS OF IN THEIR PROXIMITY TO ONE ANOTHER. HOW DID THEY GET THERE? WELL, IN 1876 IRA H. EVANS, WHO IS THE NOTABLE AUSTINITE, AT THE TIME WAS DIRECTOR OF THE INTERNATIONAL AND GREAT NORTHERN RAILROAD. HE WAS LIVING IN PAL TEEN TEXAS AT THE TIME TO LAY THE TRACK FROM PAL TEEN DOWN TO AUSTIN. ON THAT SAME YEAR, HE BOUGHT, LEASED OR ACQUIRED RIGHT-OF-WAYS ON TRACTS OF LAND THAT WOULD EVENTUALLY BECOME WHAT WE KNOW AS THE MOPAC CORRIDOR. YOU'VE HAD PASSED OUT TO YOU A DEED THAT GRANTS EXPLICIT PERMISSION TO THE RAILROAD TO CONSTRUCT THE HOUSES IN THE IMMEDIATE VICINITY OF WEST LYNN. BY 1895 LAW REQUIRES THAT THE RAILROAD CLEAR THE TRACK OF ANY UNNECESSARY STRUCTURES WHICH WOULD THEN MAKE SURPLUS SECTION HOUSES OR BUNK HOUSING AVAILABLE IN THE AREA. IRA EVANS, WHILE STILL DIRECTOR OF INGN, UNDERTOOK A PRIVATE, SEPARATE ENTERPRISE, THE AUSTIN RAPID TRANSIT COMPANY, IN 1890, WHICH WAS THE TROLLEY COMPANY. ANYWAY, HIS SIGNATURE IS ON A DEED FOR THE PURCHASE OF THE LAND THAT MR. SADOWSKY MENTIONED, IN THE SAME YEAR AS IT IS DIRECTLY ACROSS THE STREET FROM 802, 804 AND 806 WEST LYNN. BY 1906 THE DIRECTORIES, WHEN THEY FIRST CROSS REFERENCED THE RESIDENTS WITH STREET ADDRESSES, THEY FIND THAT THESE DWELLINGS ARE IN STANDARDIZED LAND SITE CONFIGURATIONS, PROVIDING RAILROAD -- HOUSING FOR

EMPLOYEES OF THE AUSTIN ELECTRIC STREET RAILWAY, WHICH HAD JUST CHANGED ITS NAME, BUT IS ESSENTIALLY THE FORMER AUSTIN RAPID TRANSIT COMPANY. THE EVALUATION OF BUILDINGS BY RAILROAD ENGINEER AND RESTORATION AUTHORITY, ROY ERK STROM OF AUSTIN STEAM TRAIN ASSOCIATION CONFIRMS THAT THEY WERE SITUATED BY THE RAILWAY COMPANY AND THE STANDARD COLONIAL YELLOW STRUCTURES WERE COVERED WITH THEIR EARLY BOX CAR STYLE SIDING BECAUSE THEY WOULD ULTIMATELY BECOME RESIDENTIAL STRUCTURES, RENTAL PROPERTY. HAVING CONFERRED WITH ARCHIVISTS AND RAIL EXPERTS OVER THESE MONTHS FROM MANY INSTITUTIONS NATIONWIDE, I CAN SAY THAT THE OVERWHELMING CONCLUSION THAT THEY HAVE MADE UPON THE STUDY OF THE RESEARCH THAT I HAD SENT OUT TO THEM IS THAT WE HAVE HERE RARE REMAINING EXAMPLES OF EARLY RAILROAD HISTORY IN TEXAS. AND I MIGHT ADD THAT WE ARE FORTUNATE THAT GIVEN THE PROGRESSION THAT WENT FROM PALESTINE TEXAS DOWN TO AUSTIN AND THEN SUBSEQUENTLY FROM AUSTIN TO SAN ANTONIO, PALESTINE RETAINS INTERNATIONAL GREAT NORTHERN STRUCTURES THAT ARE HISTORIC AND PRESERVED. MCNEIL DEPOT HAD BEEN RELOCATED TO AUSTIN, WHICH WE KNOW NOW IS DON'S DEPOT AND PUB. THAT'S AN ORIGINAL INTERNATIONAL AND GREAT NORTHERN DEPOT WHICH WOULD MAKE THIS ABOUT A YEAR TO TWO YEARS OLDER THAN THESE RAILROAD SECTION HOUSES. AND THEN KYLE HAS A DEPOT WHICH THEY HAVE IN PRESERVED STATE. THAT WOULD BE BUILT PROBABLY TWO TO THREE YEARS AFTER OUR STRUCTURE. AND SAN ANTONIO HAS THEIR INTERNATIONAL AND GREAT NORTHERN DEPOT AS WELL PRESERVED. SO WE'RE INDEED IN A CHAIN. WE'RE PART OF THIS AS A REGIONAL CONNECTION IN THIS HISTORIC PICTURE. THESE HOUSES MAY NOT BE IN THE FINEST OF CONDITIONS, BUT THEY ARE NOT TO BE UNDERESTIMATED AND IGNORED AS BEING MODEST BUNGALOWS. THEY ACTUALLY CARRY MANY, MANY INDICATIONS. WE HAVE PAINT SAMPLES FROM EACH OF THOSE OTHER VERIFIABLE INTERNATIONAL AND GREAT NORTHERN STRUCTURES, THE DEPOTS, THAT HAVE THE TRADITIONAL COLONIAL YELLOW PAINT WITH THE BAT 10 STYLE, AND THE -- WHAT DO YOU CALL IT, THE IRON OXIDE BOX CAR RED PRIMER. AND WE

HAVE TOO ON THESE SECTION HOUSES BOTH BOX CAR RED PRIMER, BUT ALSO COLONIAL YELLOW TRADITIONAL PAINT. AND THE BATTENS HAVE BEEN REMOVED AND WE HAVE A PHOTOGRAPH OF THAT DOCUMENT THAT IT HAD THE TRADITIONAL SIDING. SO THEY ARE AUTHENTIC AND WE ARE IN THE PROCESS OF GETTING PAINT ANALYSIS BECAUSE SOMEHOW THE DOCUMENTATION OF THESE STRUCTURES IS EXPECTED TO BE MORE THAN HISTORY IS ABLE TO PROVIDE IT. [ BUZZER SOUNDS ] SO I WOULD WISH THAT YOU WOULD RESPECT THAT THERE'S AN ENORMOUS AMOUNT OF RESEARCH TO VERIFY THAT THESE ARE INDEED WHAT THEY ARE AND THEY ARE RARE. SO PLEASE PRESERVE THEM.

**Mayor Wynn:** THANK YOU. LINDA MCNEILEDGE. WELCOME. YOU WILL BE FOLLOWED BY LAURA MORRISON, WHO WILL BE FOLLOWED BY DICK RYAN. YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR WYNN. I'M LINDA AND I'M CHAIR OF THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION. AND IN JUNE OF 2000, THE AUSTIN CITY COUNCIL PASSED AN ORDINANCE TO ADOPT AND INSTITUTE THE OLD WEST AUSTIN NEIGHBORHOOD PLAN. IN ITS DESIGN THE PRESERVATION AND PROTECTING OF EXISTING RESIDENTIAL HOUSING IS DEFINED AS A PRIMARY GOAL. AND SPECIFICALLY RELATING TO PRESERVATION, WHICH CLEARLY STATES THE HISTORIC AND POTENTIALLY HISTORIC BUILDINGS ARE A CHARACTER DEFINING FEATURE OF THE NEIGHBORHOOD THAT CANNOT BE REPLACED. AND THESE BUILDINGS AND SITES MUST, AND I EMPHASIZE MUST, BE IDENTIFIED AND TARGETED FOR PRESERVATION. THE CITY OF AUSTIN AND THE NEIGHBORHOOD ASSOCIATION ARE TOGETHER ATTEMPTING TO ACHIEVE A NATIONAL REGISTER OF HISTORIC DISTRICT DESIGNATION OF THE OLD WEST AUSTIN NEIGHBORHOOD, A PROCESS WHICH HAS REQUIRED YEARS OF PREPARATION AND ADDITIONAL PRIVATE FUND-RAISING. THESE BUILDINGS HAVE BEEN SURVEYED AND THE PROFESSIONAL SURVEYOR HAS DETERMINED THAT THESE BUILDINGS ARE SIGNIFICANT AND WILL BE CONTRIBUTING IN OUR NATIONAL REGISTER OF HISTORIC DISTRICT APPLICATION, AND THE CONSULTANT IS HERE AND COULD ANSWER QUESTIONS ABOUT THEM. THESE RAILWAY HOUSES ARE NOT ONLY INTEGRAL TO THE FABRIC OF THE NEIGHBORHOOD, THEY ARE A MANIFESTATION OF

TEXAS HISTORY FROM MORE THAN 100 YEARS AGO, AN AGE WHEN IT WAS THE VERY EXISTENCE OF THE RAILROAD THAT OPENED UP THE WEST AND CREATED A NETWORK OF COMMERCE AND TRANSPORTATION AND PROVIDED IMPORTANT IMPETUS TO THE INDUSTRIAL DEVELOPMENT OF THE ENTIRE UNITED STATES. WE ARE VERY FORTUNATE INDEED TO HAVE THREE HOUSES THAT HAVE SURVIVED TOGETHER AS A UNIT, LAID OUT IN ACCORDANCE WITH THE STANDARD PLANS OF THE RAILWAY'S CONSTRUCTION FOR THIS KIND OF HOUSING FOR THEIR WORKERS. WHAT'S MORE, THIS LOT IS SURROUNDED BY A UNIQUE CLUSTER OF MAGNIFICENT POST OAK TREES WHICH ARC OVER THE TOPS OF THESE VERY SMALL HOUSES. AND THE CITY OF AUSTIN ARBORIST, MR. RHODES, SAID THAT THESE THREE MATURE POST OAK TREES, WHICH AFTER ALL GROW BEST IN OLD WEST AUSTIN, WHICH IS UNDERLAID BY A GRAVELLY SAND, ARE THEMSELVES WORTHY OF PRESERVATION. AND THEY I THINK PROVIDE A CONTEXT FOR THIS SITE WHERE NO DOUBT LONG AGO INDUSTRIAL WORKERS SAT OUTSIDE UNDER THE SHADE OF THESE TREES TO RELAX AND COOL OFF AFTER THEIR LONG DAYS OF DEMANDING PHYSICAL LABOR. THIS SITE, WHICH IS JUST WEST OF WEST LYNN, WHICH AT THE TIME WAS THE WEST LINE OF THE CITY, AND JUST EAST OF THE TRACK ROUTE BUILT BY THE INTERNATIONAL AND GREAT NORTHERN RAILROAD OF WHICH AUSTIN'S PROMINENT CITIZENS, EMP'S AND IRA EVANS, WERE INVESTORS. THEY PROVIDE THE ONLY ACCURATE HISTORICAL CONTEXT, AND THESE HOUSES REQUIRE PRESERVATION ON THIS SITE. HUMBLE AS THEY ARE, THEY ARE A PHYSICAL MANIFESTATION OF A TIME IN THE DEVELOPMENT OF OUR CITY, OUR STATE AND OUR NATION. WE URGE YOU TO BE RESPONSIBLE STEWARDS OF THE HERITAGE OF OUR CITY AND TO PRESERVE THEM BY DESIGNATING THIS HISTORIC SO THEY CAN BE VISITED BY FUTURE GENERATIONS AND BY PEOPLE WHO COME TO AUSTIN THROUGH THE VISITORS AND CONVENTION BUREAU TO SEE AND LEARN SOMETHING ABOUT WHAT PUT AUSTIN ON THE MAP SO VERY LONG AGO. THANK YOU VERY MUCH.

**Mayor Wynn:** THANK YOU. LAURA MORRISON? WELCOME. YOU WILL BE FOLLOWED BY DICK RYAN.

THANK YOU. GOOD EVENING, MAYOR AND

COUNCILMEMBERS. IN YOUR BACKGROUND INFORMATION YOU HAVE LETTERS FROM HALF A DOZEN RAILROAD EXPERTS WHO HAVE WEIGHED IN IN SUPPORT OF THE HISTORIC ASPECTS OF THESE HOUSES. BRYAN PATE READ TO YOU ONE FROM MR. BAKER, WHO IS THE DIRECTOR OF THE GORDON CENTER FOR INDUSTRIAL HISTORY OF TEXANS. YOU ALSO HAVE LETTERS FROM DR. ROBERT SHOWN, WHO IS THE PRESIDENT AND ENGINEER OF THE AUSTIN STEAM TRAIN ASSOCIATION, MR. WILLIAM OAS BORNE, WHO IS A PUBLISHED AUTHOR, ATTORNEY AND RAILROAD HISTORIAN, MR. ROBERT LA PREL, PRESIDENT AND CEO OF THE DALLAS RAILWAY MUSEUM. MR. ROY ERKSTROM, WHO IS AN ENGINEER AND RAILROAD RESTORATION CONSULTANT AND MR. PETER CETER, WHO IS AN HISTORIAN WITH THE TEXAS HISTORICAL COMMISSION. THE LANDMARK COMMISSION, AS HAS ALREADY BEEN NOTED, ALSO SUPPORTED THE HISTORIC ZONING OF THE HOUSES. WHAT CONCERNS ME, MR. DOSKY, AS HE'S TOLD YOU, DOES NOT RECOMMEND IT BECAUSE HE DOESN'T KNOW THE PEDIGREE OF THESE HOUSES. HE DOESN'T FIND THE RECORDS IN THE DOCUMENTATION TO SUPPORT THAT. BUT MY QUESTION TO YOU IS WHAT DOES IT MEAN TO KNOW THAT IN THIS CASE? WE DON'T HAVE BIG FINANCIAL AND REAL ESTATE TRANSACTIONS GOING ON THAT CAN RECORD THIS, SO THE QUESTION IS WHERE DO WE GO TO BE ABLE TO LEARN ABOUT THESE HOUSES TO BE ABLE TO PRESERVE THEM, AND MY POINT TO YOU IS THAT BASED ON ALL THE RESEARCH THAT MS. CARTER AND OTHERS HAVE DONE, WE NOW HAVE EXPERT OPINIONS AND THESE PROFESSIONALS IN THE LANDMARK COMMISSIONERS ARE THE ONES THAT WE NEED TO RELY ON BECAUSE IF WE'RE LOOKING FOR BILLS OF SALE AND REAL ESTATE TRANSACTIONS FOR THESE WORKING CLASS HOUSES, WE'RE NOT GOING TO FIND THEM. AND IF WE'RE ONLY GOING TO ZONE HISTORIC IF WE FIND THEM, WE'RE NEVER GOING TO ZONE THEM HISTORIC. WE WILL NEVER BE PRESERVING THEM. MR. COLBURN MENTIONED THAT THERE IS -- THERE WERE A LOT OF SIGNATURES THAT WERE GATHERED IN SUPPORT FROM THE NEIGHBORS. IN FACT, THERE WERE 424 424 SIGNATURES THAT WERE GATHERED IN ONE WEEKEND AND AFTER THAT WE DIDN'T GO AFTER THEM EITHER MORE. THERE'S SOME POIGNANT MEMORIES FROM LONG TIME

RESIDENTS THAT WROTE LETTERS TO YOU THAT ARE IN YOUR PACKET, NAMELY MISS DEAN SMOOT, MS. MATTINGLY AND MS. PAULINE BROWN. I WANTED TO READ TO YOU A FEW EXERPTS FROM MS. BROWN'S LETTER. SHE SAID I'M A LIFELONG RESIDENT OF CLARKSVILLE AND MY 15 AUNTS AND YOU ELSE WERE ALL BORN IN CLARKSVILLE. THE THREE HOUSES ON WEST LYNN HAVE BEEN THERE ESSENTIALLY UNCHANGED ALL MY LIFE. I RECALL VERY WELL THAT MEMBERS OF MY FAMILY ALWAYS REFER TO THEM AS SECTION HOUSES, AND SPOKE ABOUT THEM BEING HOUSING FOR RAILWAY WORKERS. LATER ON SHE SAYS, I AND MEMBERS OF MY FAMILY AND MY COMMUNITY, ASK THAT YOU RECOGNIZE THESE HOUSES FOR WHAT THEY REPRESENT IN TERM OF THE WAY WORKING PEOPLE LIVED IN A LONG GONE ERA. THE AREA WEST OF WEST LYNN, WHICH WAS THE WEST LINE OF THE CITY IN THOSE DAYS, WAS ISOLATED AND WITH TRANSPORTATION THEY STARTED HIRING CLARKSVILLE PEOPLE IN THE BRICKYARD, AND THIS ALL HELPED TO PUT AUSTIN ON THE MAP.

**Mayor Wynn:** PLEASE CONCLUDE.

THE RAILROAD PROVIDED POSSIBILITY FOR ORDINARY WORKERS TO GET BACK AND FORTH TO THEIR TOWNS. THERE WILL NEVER BE ANY MORE HOUSES LIKE THEM. I APPRECIATE YOUR CONSIDERATION. I HOPE YOU WILL TAKE ALL THESE THINGS UNDER ADVICE. THANK YOU.

**Mayor Wynn:** THANK YOU. DICK RYAN. WHO WILL BE FOLLOWED BY KIP GARTH. YOU WILL HAVE THREE MINUTES.

THANK YOU. MY NAME IS DICK RYAN. I'M AN ARCHITECT. I'M RETIRED FROM THE TEXAS HISTORICAL COMMISSION, AND I'M A REPRESENT OF AWANA AND I'VE BEEN VOLUNTEERING, HELPING OUT WITH THE NATIONAL REGISTER SURVEY AND NOMINATION. AND I'M HERE TO SPEAK IN FAVOR OF HISTORIC ZONING FOR THE RAIL HOUSES. THE HOUSES ON WEST LYNN. I WANT TO ADDRESS MY REMARKS TO THE POTENTIAL FOR THE RESTORATION AND PRESERVATION OF THE RAIL HOUSES. WE'RE FORTUNATE THESE STRUCTURES ARE RELATED TO TRANSPORTATION, AND MORE SPECIFICALLY, TO RAILROAD HISTORY. MANY RAILROAD HISTORY ENTHUSIASTS AND ORGANIZATIONS, INCLUDING AS

YOU'VE HEARD, THE AUSTIN STEAM TRAIN ASSOCIATION, HAVE OFFERED THEIR ASSISTANCE AND EXPERTISE. WE'VE ALSO BEEN OFFERED HELP FROM LOCAL HISTORIC PRESERVATIONISTS. IN TERMS OF POTENTIAL FUNDING, SINCE THESE PROPERTIES ARE RELATED TO TRANSPORTATION, RESTORATION OR PRESERVATION WOULD QUAWL QUALIFY AS AN ENHANCEMENT PROJECT FOR FEDERAL FUNDING THROUGH TXDOT. NOW, I DON'T THINK AUSTIN HAS HAD ANY ENHANCEMENT PROJECTS SPECIFICALLY RELATED TO TRANSPORTATION BUILDINGS. YOU'RE PROBABLY MORE FAMILIAR TO THE PAD THINGS, BUT THERE ARE ACTUALLY 12 CATEGORIES. NUMBER 7 IS THE REHABILITATION AND HISTORIC PRESERVATION OF BUILDING, STRUCTURES OR FACILITIES. NUMBER 12 IS THE ESTABLISHMENT OF TRANSPORTATION MUSEUMS. NOW RIGHT NOW Y'ALL ARE PROBABLY FAMILIAR THAT THE TRANSPORTATION BILL IS HELD UP IN CONGRESS, SO WE CAN'T BE ASSURED THAT THERE'S GOING TO BE ENHANCEMENT FUNDING. BUT TO THIS DATE THE ENHANCEMENT FUNDING HAS NOT APPEARED TO BE THREATENED IN THE BILL. THE LAST CALL THAT WENT OUT FOR ENHANCEMENT FUNDING IN 2002, THE TEXAS DEPARTMENT OF TRANSPORTATION, THEY ACTUALLY -- THEY SELECTED 117 PROJECTS WITH AN AMOUNT EXCEEDING \$155 MILLION. THAT WAS FOR THE STATEWIDE PROJECT AND LAST CALL. SO WE'LL EXPECT THERE WILL BE ANOTHER SIMILAR CALL COMING OUT. IN TERMS OF POTENTIAL GRANTS, MANY FOUNDATIONS IN TEXAS HAVE A LONG HISTORY OF SUPPORTING BOTH RAILROAD HISTORY AND ALSO HISTORIC PRESERVATION. ONE THAT IMMEDIATELY COMES TO MIND, OF COURSE, IS THE MEADOWS FOUNDATION. SO JUST SOME POTENTIAL FOR THE FUTURE, AND THANKS FOR YOUR TIME. AND I HOPE YOU'LL SAVE THESE HOUSES. THANK YOU.

**Mayor Wynn:** THANK YOU, MR. RYAN. KIP GARTH? WHO WILL BE FOLLOWED BY PAULA COX. AND KIP, LET'S SEE, IT LOOKS LIKE -- IS TERRY MEYERS HERE? IS LOOKS LIKE TERRY WANTED TO DONATE HER THREE MINUTES TO YOU. YOU WILL HAVE SIX MINUTES. WELCOME.

THANK YOU, MAYOR. COUNCIL. DESPITE THE WEALTH, MY NAME IS KIP GARTH, BY THE WAY. I'M A 14-YEAR RESIDENT



OF CLARKSVILLE. DESPITE THE WEALTH OF INFORMATION YOU'VE JUST HEARD, WE CANNOT CONCLUDE OUR PRESENTATION WITHOUT ADDRESSING THE POINTS THE OWNER'S REPRESENTATIVE MOST LIKELY WILL PRESENT TO YOU NEXT. WITH ALL DUE RESPECT, DURING THE MARCH NINTH MEETING, MR. BENNETT MADE SEVERAL ERRORS IN HIS CHARACTERIZATION -- AND MISS CRACK RATIONS AND HIS OWN SHARE OF ASSUMPTIONS THAT I WISH TO ADDRESS. THE OWNERS SEEKING DEMOLITION WILL ESSENTIALLY MAKE ONE POINT AND IT CENTERS AROUND THREE WORDS, NO FACTUAL EVIDENCE. IN DIFFERENT CONFIGURATIONS. FIRST OF ALL, SPECIFIC TO THIS CASE, WE HAVE PRESENTED AN ABUNDANCE OF EVIDENCE TO INDICATE THESE ARE INDEED SECTION HOUSES AND BASED ON THAT IT CAN BE SURMISED THAT THE RAILROAD BUILT THEM AND OWNED THEM AT ONE POINT. AS FAR AS A CHAIN OF TITLE, WE SUGGEST THAT ONE MUST LOOK BEYOND JUST THE DEED RECORDS. A CHAIN OF TITLE IS AS A PLANNING COMMISSIONER POINTED OUT PREVIOUSLY, IS PERHAPS NOT WHAT IS MOST SIGNIFICANT. LACK OF EVIDENCE DOES NOT EQUATE TO THERE BEING NO EVIDENCE AT ALL. IN FACT,. THE FACT IS THAT THESE EARLIER RECORDS MAY NOT EXIST AT ALL, BUT THAT IS NOT THE ONLY CRITERIA ON WHICH TO GO BY. THERE'S ALSO ORAL HISTORY AND TESTIMONY PRESENTED BY EXPERTS, NEITHER OF WHICH WE OR MR. BENNETT ARE. MR. BENNETT IS NOT IN THE POSITION TO DEFINE WHAT THE EVIDENCE IS. BD AND AVAILABLE INFORMATION -- AND THE AVAILABLE INFORMATION DOES. CORRESPONDINGLY, WE DON'T KEEP CHANGING OUR STORY, HISTORY CHANGES OUR STORY. OUR EVIDENCE MAY NOT SPEAK DIRECTLY TO THIS DEFINITION OF -- TO HIS DEFINITION OF PROOF, BUT FROM A LARGER PERSPECTIVE, IT IS AS MUCH VALID -- IT IS AS MUCH A VALID PIECE OF THE PUZZLE AS ANYTHING ELSE. ANY EXPERT ON TEXAS RAILROADS WILL BE THE FIRST TO TELL YOU THE DIFFICULTY OF SOURCING OUT EARLY RAILROAD RECORDS. AND MR. LA PREL, PRESIDENT OF THE DALLAS RAILWAY MUSEUM, WILL BE THE FIRST TO TELL YOU THIS. NEVERTHELESS, THE NEIGHBORHOOD HAS DONE MUCH WORK UNEARTHING A WEALTH OF HISTORIC AND FACTUAL CONNECTIONS. INDEED THE ISSUE IS NOT NECESSARILY A SIMPLE LINEAR EXPOSITION OF FACTS BECAUSE MANY

RECORDS ARE JUST MISSING OR DESTROYED THE RAILROAD IS NOTORIOUS FOR DOING THIS. RECORDS STILL HAVE TO BE ARCHIVED IN AN ACCESSIBLE ORDER OR ARE DIFFICULT TO READ OR SOMEWHAT AMBIGUOUS. WHAT WE ARE TRYING TO DO IS WIDEN THE FIELD, TO BEGIN TO LOOK AT THE FOREST INSTEAD OF JUST THE TREE. MR. BENNETT WILL SUGGEST TO YOU THAT THERE'S NO EVIDENCE THAT NO ONE FAMOUS BUILT THE HOUSES OR EVER LIVED THERE. AS IF THAT ALONE DIMINISHES THEIR VALUE. THOUGH NO ONE -- THOUGH ONLY ONE OF THE CRITERIA, IT IS NOT THE ONLY CRITERIA. TO SUGGEST ONLY INSIGNIFICANT PEOPLE LIVED THERE AND THE HOUSES ARE INSIGNIFICANT, REFLECT AN ATTITUDE THAT I FIND A LITTLE TROUBLESOME. BUT THE POINT WE WISH TO MAKE, AND MR. BENNETT DOESN'T REALLY ADDRESS, IS THESE HOUSES HAVE A HISTORY CIRCA 1876 THROUGH 85 THAT PREDATE THE OWNERS SEEKING DEMOLITION -- WHAT THE OWNERS SEEKING DEMOLITION WOULD HAVE YOU BELIEVE. AND THEY CAN OFFER NO DEFINITIVE PROOF THAT WHAT WE ARE SEEING IS NOT TRUE. DESPITE CITY STAFF DIRECTORY WORK, I HAVE FOUND RESIDENTS THAT CAN BE TRACED BACK TO ONE OF THE HOUSES AS EARLY AS 1895 AND WOULD BE HAPPY TO DISCUSS THIS FURTHER. MR. BENNETT WILL INDICATE TO YOU THAT THERE ARE NO RECORDS -- THAT NO RECORDS SHOW THESE HOUSES EVER MOVED FROM AN AREA IN CLOSE APPROXIMATION TO WHERE THEY PRESENTLY ARE AND THAT THERE'S NO EVIDENCE THAT SUGGESTS THAT THEY WERE NOT BUILT ON SITE. IT IS OUR RESPONSE THAT IT IS HIGHLY UNLIKELY THAT RECORDS OF THIS DETAIL EVER EXISTED IN THE FIRST PLACE. AND IF THEY DO, IT IS THE NEEDLE IN THE HAYSTACK WE HAVE YET TO FIND. IT IS LIKELY IN THIS CASE THAT THESE RECORDS ARE UNCATALOGUED AND ARCHIVED NOT IN AUSTIN. ANY RAILROAD EXPERT WOULD ALSO HE TESTIFY TO THIS FACT AS WELL. I WENT TO THE CENTER FOR AMERICAN HISTORY AND LOOKED UP THE ACCOUNTING BOOKS FOR THE ING AND RAILROAD. AND THE VOLUME THAT PERTAINED TO THE YEAR BASICALLY 1880 WAS MISSING. MR. BENNETT MAY WELL POINT OUT THAT THESE HOUSES ARE OUTSIDE THE CLARKSVILLE HISTORIC DISTRICT. WHILE TRUE, MR. BENNETT HAS FAILED TO MENTION THAT THEY ARE WITHIN THE PROPOSED OLD WEST AUSTIN HISTORIC DISTRICT. MR.

BENNETT POINT OUT THE WINDSHIELD SURVEY INDICATING THESE HOUSES MAY OR MAY NOT BE HISTORIC. BUT WHAT HE FAILS TO ALSO MENTION OR ACKNOWLEDGE IS THAT A WINDSHIELD SURVEY IS MERELY A CURSORY SURVEY AND DOES NOT ASSUME TO BE AN EXACT AND FULLY INFORMED RESEARCH TOOL. ANOTHER CONSIDERATION IS THE TERM MAY OR MAY NOT BE. THIS IS NOT DEFINITIVE AND NO ONE OUTSIDE OF EXPERTS CAN DETERMINE THIS FOR SURE. THIS IS WHY IT'S SO IMPERATIVE FOR YOU TO LISTEN TO THE EXPERT TESTIMONY WE HAVE OBTAINED THUS FAR, INCLUDING THE LETTERS WE ARE SUBMITTING BEFORE YOU NOW. THIS IS PROBABLY THE MOST SIGNIFICANT CONTRIBUTION TO THIS ISSUE. ANOTHER POINT THE OWNERS SEEKING DIM LITION WILL POINT OUT IS THAT THESE HOUSES ARE IN DISREPAIR. HOWEVER, THIS OPINION IS A LITTLE BIT MISLEADING. ONE OF THE HOUSES WAS CITED BECAUSE A TENANT AT THE TIME WAS FED UP WITH THE OWNER'S NEGLECT AND THEREFORE CALLED THE CITY. THE CITY CAME OUT AN CONDEMNED IT. IN ADDITION, I ACTUALLY LIVED AT 806 WEST LYNN. ALSO, AT THIS PREVIOUS PLANNING COMMISSION MEETING, MR. -- HE MADE A MENTION ABOUT THE THREE THE PROPERTIES BEING IN POOR CONDITION. [ BUZZER SOUNDS ] AND POORLY CONSTRUCTED. AND I FIND SOME SOMEWHAT INTERESTING BECAUSE IF THEY WERE SO PARTIALLY -- POORLY CONSTRUCTED, I WONDER HOW THEY HAVE BEEN ABLE TO STAND FOR ABOUT PERHAPS 129 YEARS.

**Mayor Wynn:** PLEASE CONCLUDE, MR. GARTH.

I'M SORRY.

**Mayor Wynn:** YOUR DIME IS UP. PLEASE CONCLUDE.

OKAY. IN CONCLUSION, I WISH TO MENTION SOMETHING THAT THE CITY TAX ABATEMENTS THAT WILL RESULT FROM ZONING THESE HOUSES HISTORIC IS \$441. THIS IS AN INCREDIBLY SMALL PRICE TO PAY FOR THE BENEFIT -- FOR BENEFIT THE CITY WILL RECEIVE BY PRESERVING SUCH UNIQUE REPRESENTATIVES OF THE FABRIC OF OUR COMMUNITY. THANK YOU.

**Mayor Wynn:** THANK YOU. TERRY MEYERS, WHO HAD

DONATED TIME TO KIP, HAS NOW BEEN DONATING TIME TO PAULA COX. SO TERRY, YOU IN FACT GET YOUR THREE MINUTES BACK. WELCOME.

THANK YOU. MY NAME IS TERRY MEYERS. I AM AN HISTORIC PRESERVATION CONSULTANT. AND I'M WORKING WITH THE CITY AND THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION TO CONDUCT A SURVEY AND NATIONAL REGISTER NOMINATION FOR THIS NEIGHBORHOOD. THESE PROPERTIES LIE WITHIN THE BOUNDARIES OF THE PROJECT AREA, AND IN FACT HAVE ALREADY BEEN SURVEYED BY ME, AND WHEN I CONDUCTED THE SURVEY, I RECOGNIZED IMMEDIATELY THAT THEY WERE SIGNIFICANT, THAT THEY WERE UNIQUE, THAT THESE WERE PROPERTIES OF INTEREST, AND I LISTED THEM AS CONTRIBUTING ELEMENTS IN THE POTENTIAL HISTORIC DISTRICT. IN FACT, THIS NEIGHBORHOOD WILL BE ON ITS WAY TO BEING A NATIONAL REGISTERED HISTORIC DISTRICT BY THIS TIME NEXT YEAR. AND THESE PROPERTIES WOULD BE CONTRIBUTING MEMBERS OF THAT DISTRICT. I WOULD LIKE TO SAY ALSO THAT THERE ARE TAX REHABILITATION CREDITS AVAILABLE TO THE OWNERS OF THE PROPERTIES, OF CONTRIBUTING BUILDINGS WITHIN HISTORIC DISTRICTS, AND SO OWNERS MAY WANT TO PURSUE THAT THIS IS SOMETHING THAT CAN BE VERY BENEFICIAL. SOMEONE HAS ALREADY MENTIONED THAT THE TAX ABATEMENT WOULD COST THE CITY ONLY ABOUT \$441. THE LOSS OF THESE PROPERTIES WOULD BE MONUMENTAL. THEY'RE ON A -- THE LOCATION, THEY ARE HIGHLY VISIBLE. THEY'RE ON WEST LYNN. THEY HAVE BEEN THERE FOR OVER 100 YEARS, AND THEIR LOSS AND THE REPLACEMENT WITH SOMETHING ELSE WOULD SEVERELY DETRACT FROM THE HISTORIC CHARACTER OF ONE OF OUR VERY HISTORIC NEIGHBORHOODS. THANK YOU.

**Mayor Wynn:** THANK YOU, MS. MEYERS. COUNCIL, THAT CONCLUDES THE FOLKS SIGNED UP IN FAVOR OF THIS ZONING CASE. NOW WE'LL TAKE THOSE IN OPPOSITION. FIRST SPEAKER IS MR. DICK WRATHGABER, WHO WILL BE FOLLOWED BY JIM BEN FET NET. WELCOME, SIR. YOU WILL HAVE THREE MINUTES.

MY NAME IS DICK WRATHGABER, AND I COME TO YOU BECAUSE I'M CONCERNED ABOUT THE EFFECT ON THE REAL

ESTATE BUSINESS. WHEN IS ENOUGH ENOUGH? YOU HAVE DEMOLITION PERMIT ISSUED DECEMBER THE 1st. YOU CHECKED WITH ALL THE CITY STAFF. YOU GET EVERYTHING READY TO GO AND THEN YOU CLOSE. AND THEN SOME GROUP COMES IN AND SAYS, THIS MAY BE HISTORIC. AND LET ME TELL YOU, YOU'RE NOT LOSING \$440, YOU'RE LOSING \$32,000, A MINIMUM OF \$32,000 A YEAR, BECAUSE MR. MUSKIN CAN CONSTRUCT PROPERTY THAT WILL BE ON THE TAX ROLLS AT A MINIMUM OF A MILLION SIX AND A MINIMUM OF TWO PERCENT, THAT'S \$32,000 A YEAR. SO EACH AND EVERY YEAR YOU WOULD BE LOSING \$32,000, NOT \$440. BUT I'M JUST WONDERING WHEN IS IT SAFE TO BUY A PIECE OF PROPERTY WITH A HOUSE ON IT? BECAUSE YOU GO AHEAD AND YOU TAKE ALL THE PRECAUTIONS THAT YOU POSSIBLY CAN, YOU CHECK EVERY WAY YOU KNOW HOW, AND THEN YOU CAN'T GO FORWARD. AND YOU'VE ALREADY SPENT YOUR MONEY. SO THERE'S AN ISSUE ARE OF FAIRNESS HERE.

**Mayor Wynn:** THANK YOU. JIM BENNETT. AND SOME FOLKS HAVE OFFERED TO GIVE YOU TIME, MR. BEN KNIT. IS MATT KRUEGER HERE? WELCOME, MATT. AT LESS THAN MUSKIN. HELLO. RODNEY BENNETT? RODNEY. AND TIM CUM MINES. SO YOU WILL HAVE UP TO 15 MINUTES IF YOU NEED IT.

THANK YOU, MAYOR. MAYOR AND COUNCIL, I'M JIM BENNETT AND I'M HERE TONIGHT ON BEHALF OF THE MUSKIN COMPANY'S OPPOSITION AND AS PETITIONERS TO THE HISTORIC ZONING OF THIS PROPERTY ON WES LYNN STREET. YOU'VE HEARD A LOT OF STUFF TONIGHT, AND I HAVE TO ADDRESS COUNCIL AND HAVE YOU TRY TO WEIGH OUT THOSE THINGS THAT ARE EMOTIONAL, THOSE THINGS THAT ARE PUFFERY AND PURE BALONEY. SOME OF THE THINGS YOU'VE HEARD, AND I WILL TRY TO ADDRESS A FEW OF THEM, THE FIRST LETTER, I BELIEVE, THAT WAS PRESENTED FROM THE DOCTOR AT TARLETON, DID NOT SAY THAT THESE STRUCTURES WERE RAILROAD HOUSES. HE DESCRIBED TO YOU WHAT RAILROAD OR SECTION HOUSES LOOKED LIKE. I HEARD ONE OF THE FINEST PRESENTATIONS I'VE HEARD IN AWHILE FROM MRS. CARTER AT THE HISTORIC COMMISSION. AS IT TURNS OUT, THAT PRESENTATION WAS A GOOD PRESENTATION, BUT IT WAS ON PROPERTY THAT'S NOT THE PROPERTY IN QUESTION. IT'S A PROPERTY DOWN

THE ROAD. I DID SUBMIT TO YOU THAT IRA EVANS NEVER OWNED THIS PROPERTY. WE'VE HAD A TITLE SEARCH OF THE PROPERTY BY THE COMMON LAND AND TITLE COMPANY, PROFESSIONAL COMPANY, WHERE THE RECORDS GO BACK ALL THE WAY BACK TO THE SAN DIEGO DEL VALLE AND ALL THE WAY BACK TO THE SPANISH LAND GRANTS. THOSE ARE WHERE YOU GET YOUR RECORDS FROM. THAT'S HOW YOU FIND OUT WHO OWNED THE PROPERTY. THIS PROPERTY, I SUBMIT TO YOU, HAS NEVER BEEN OWNED BY ANY RAILWAY, AUSTIN ELECTRIC RAIL COMPANY, OR ANY OTHER RAILWAY. WE SUBMITTED A TITLE SEARCH TO THE STAFF TO INDICATE THAT BY THE PROFESSIONAL TITLE COMPANY THAT DOES KNOW HOW TO LOOK UP TITLES TO PROPERTY. I BELIEVE IN YOUR BACKUP MATERIAL ALSO THAT YOU HAVE A SYNOPSIS OF WHO LIVED HERE AND WHO DIDN'T LIVE HERE, WHAT THEIR OCCUPATIONS WERE TO SOME EXTENT. WE EXPLORED THE CITY'S RECORDS. WE CANNOT TELL YOU WHERE THIS HOUSE WAS BUILT HERE, WHETHER THIS HOUSE WAS MOVED THERE. WE'RE NOT SAYING IT MAY BE OR IT COULD HAVE BEEN, WE'RE TELLING YOU THAT IT WASN'T OWNED BY A RAILROAD, AND THAT'S A FACTUAL DOCUMENT THAT WE HAVE TO BACK THAT UP. WHEN YOU LOOK AT WHO OCCUPIED THESE STRUCTURES, THEY WERE OCCUPIED OVER TIME BY AUSTIN ELECTRIC RAIL EMPLOYEES, BUT THEY WERE ALSO OCCUPIED BY OTHER PEOPLE, REPAIRMEN, NURSE, BAKER, ENGINEER, AUSTIN RAILWAY EMPLOYEES. AND THEN AN INTERMITTENT TENANT AS WELL. AND IT GOES ON DOWN THE LINE TO SHOW YOU ALL THE DIFFERENT TENANTS THAT HAVE LIVED IN THESE. I TAKE EXCEPTION TO ONE REMARK THAT INSIGNIFICANT PEOPLE. I DON'T KNOW OF ANY INSIGNIFICANT PERSON. ALL PEOPLE ARE SIGNIFICANT. THERE ARE SOME PEOPLE THAT ARE MORE FAMOUS THAN OTHERS. I THINK THAT WAS THE WORD THAT WAS USED, NOT INSIGNIFICANT PERSON. I WILL ALSO POINT OUT TO YOU THAT THERE WAS DOCUMENTATION BY ONE LADY THAT SAID THAT THEY HAD LETTERS FROM PEOPLE WHO LIVED IN THE NEIGHBORHOOD, THAT THESE STRUCTURES HADN'T CHANGED. THIS IS A COPY OF THE SAN BURN MAP, WHICH IS USED QUITE FREQUENTLY TO FIND OUT HISTORICAL DATA THAT THE CITY HAS. AT ONE TIME THERE WERE FOUR HOUSES ON THIS LOT, NOT A MASTER HOUSE

AND TWO BUNK HOUSE, BUT FOUR. THE LOWER HOUSE HERE WAS SPLIT OFF AND IT'S CURRENTLY OCCUPIED AND A SECOND FLOOR ADDITION HAS BEEN BUILT ON TO IT. THEY SAID INITIALLY THAT THERE WERE NO CHANGES TO THESE STRUCTURES ACCORDING TO THAT TESTIMONY. I HAVE FOR YOU A RECENT SURVEY THAT YOU CAN COMPARE THE TWO DIFFERENCES AND SEE THAT THE STRUCTURES HAVE BEEN CHANGED. THE HOUSE AT 804, IT IS TAGGED SUBSTANDARD OR CONDEMNED, IF YOU WILL. THIS IS A COPY OF THE NEIGHBORHOOD PLAN, A PORTION OF THE NEIGHBORHOOD PLAN. THESE STRUCTURES ARE SHOWN HERE. THEY'RE IDENTIFIED AS HISTORIC WITH THREE OR FOUR ALTERATIONS, MAY OR MAY NOT BE DESIGNATED HISTORIC. THIS IS NOT FABRICATED BY ME, THIS IS FROM THEIR PLAN. THEY HAVE SAID THIS WAS A DRIVE-BY SURVEY. I CAN TELL YOU, COUNCIL, THAT THIS NEIGHBORHOOD HAS A COMPREHENSIVE NEIGHBORHOOD PLAN, AND IF THEY JUST DROVE BY AND CREATED THIS PLAN, THN IT'S A DANG GOOD PLAN. HERE THEY DIDN'T GIVE ANY SIGNIFICANT VALUE TO THESE STRUCTURES FROM THEIR OWN PLAN, NOT UNTIL WE APPLIED FOR A DEMOLITION PERMIT AND THEY WERE APPROVED DID THESE THINGS, QUOTE, ALL OF A SUDDEN BECOME RAILROAD HOUSES. I AM SURPRISED THAT THEY STILL CALL THEM RAILROAD HOUSING. THERE IS NO FACTUAL EVIDENCE, AS CHIP INDICATED TO YOU, THERE IS NO FACTUAL EVIDENCE THAT THESE ARE RAILROAD HOUSES EVER OWNED BY ANY RAILROAD COMPANY. RELATIVE TO STAFF'S RECOMMENDATION TO YOU, I BELIEVE YOUR BACKUP MATERIAL WILL SHOW THAT STEVE SAID IT MET POSSIBLY THREE CRITERIA. ONLY AS AN HISTORIC LANDMARK COMMISSION'S CHAIR, AND I USE THE WORD BADGERING, DID THEY COME UP WITH THREE OTHER CRITERIA. ARE YOU SURE NUMBER FIVE DOESN'T WORK? ARE YOU SURE NUMBER 8 DOESN'T WORK? HOW ABOUT NUMBER 2? THAT WAS THE TONE OF THE CONFESSION FOR THAT. HIS RECOMMENDATION, WHICH YOU HAVE A COPY OF, MET THREE CRITERIA, PERHAPS. THERE ARE NO BUILDING PERMIT RECORDS. THERE WAS ONE BUILDING PERMIT THAT WAS ISSUED IN 19 -- IN 1960 TO REMODEL AND REPAIR A RESIDENCE. IRON ON ROOF, TWO ROSE OF CEDAR SHAKES, FRONT PAINT IN FRONT OF BUILDING TO BE USED FOR STORAGE ONLY. THAT'S A COPY OF THE ONLY FERMENT

THAT WE WERE ABLE TO OBTAIN FROM THE CITY FILES. I SUBMIT ONCE AGAIN TO YOU, COUNCIL, THAT IF YOU GET BY THE EMOTION -- FIRST LET ME TALK ABOUT THE TREES. A TREE SURVEY SHOWS THAT THERE ARE THREE -- NO, TWO VERY NICE POST OAK TREES ON THIS PROPERTY. ONE OF THESE TREES IS ON YOUR PROPERTY. WE HAVE NO CONTROL OVER THAT TREE. WORRY NOT DESIROUS TO REMOVE THESE TREES, NOWHERE THE CITY CODE ALLOW US TO REMOVE THEM. THESE TREES ARE PROTECTED BY YOUR CODE AND THEY CERTAINLY WOULD BE AN ENHANCEMENT TO ANY DEVELOPMENT THAT WE PUT ON THAT PROPERTY. WE'RE NO -- WE HAVE NO NEED TO REMOVE THAT ENHANCEMENT. ONCE AGAIN, COUNCIL, WHEN YOU GET AWAY FROM THE EMOTIONAL THINGS, I WOULD POINT OUT TO YOU THAT THE TITLE SEARCH ON THE PROPERTY WAS NOT BUILT OR EVEN OWNED BY ANY AUSTIN STREET RAIL COMPANY OR ANY OTHER RAILROAD ENTITY. THE PROPERTY IS OUTSIDE THE HISTORIC DISTRICT AS CHIP INDICATED TO YOU. THE NEIGHBORHOOD'S OWN SURVEY PUT CONSIDERABLY LESS IMPORTANCE IN THE HISTORICAL NATURE OF OUR PROPERTY COMPARED TO THE MAJORITY OF THE PROPERTIES IN THE NEIGHBORHOOD. THE PROPERTIES HAVE NO UNIQUE OR DISTINGUISHING ARCHITECTURAL FEATURES. YOU CAN SEE THIS SAME KIND OF BOX HOUSING ALL OVER AUSTIN. IT EXISTS A BHOK OR TWO OFF OF SOUTH FIRST STREET, YOU CAN SEE QUITE A FEW BOXED HOUSES, IF YOU WILL. THEY ARE IN DISREPAIR. 804 IS CONDEMNED. PROPOSED DEVELOPMENT IS MORE IN LINE WITH THE SURROUNDING SCALE OF PROPERTIES THAN THE CURRENT USE. THERE ARE APARTMENTS ACROSS WEST LYNN FROM THIS -- NEARLY ACROSS FROM WEST LYNN. OUR RESEARCH SHOWS THAT NOBODY HISTORICALLY SIGNIFICANT EITHER DESIGNED, BUILT OR LIVED ON THESE PREMISES. NUMEROUS ADDITIONS AND ALTERATIONS HAVE BEEN MADE TO THE STRUCTURE THAT DESTROY ANY ORIGINAL ARCHITECTURAL INTEGRITY THAT MAY HAVE EXISTED. COUNCIL, I WOULD ALSO POINT TO YOU THAT THERE WAS A SIGNATURE PETITION AT THE FRESH PLUS. AS I UNDERSTAND IT, A LOT OF PEOPLE DID COME BY AND SIGN THAT PETITION. AT THE URGE ENS, WOULD YOU SIGN OUR PETITION? I SUBMIT TO YOU THAT THE REASON THAT YOU'VE HEARD THIS DISCUSSION TONIGHT IS TO PREVENT, AS



INDICATED FROM THE WEBSITE OF THE NEIGHBORHOOD ASSOCIATION -- I'LL JUST READ IT IN PART TO YOU. ACTION NEED NOW. DO YOU WANT A HIGH DENSITY APARTMENT OR CONDO THERE? SIGN THE PETITION. TO ME, COUNCIL, THAT SOUNDS LIKE IT'S A REASONABLE WAY TO TRY TO PREVENT MY CLIENT FROM REASONABLY DEVELOPING HIS PROPERTY UNDER THE GUY GUISE OF THIS HISTORIC ZONING AND TO CALL IT RAILROAD HOUSING. THE ONLY RAILROADING BEING DONE TO THIS PIECE OF PROPERTY IS THE RAILROADING BEING DONE BY THE PREVIOUS SPEAKERS TO PREVENT MY CLIENT FROM LEGALLY REDEVELOPING HIS PROPERTY. AND WE WOULD URGE YOU WITH THE PETITION IN HAND THAT YOU DENY THE HISTORIC ZONING. THANK YOU.

**Mayor Wynn:** THANK YOU, MR. BENNETT. ALSO FOR LEAVING US SIX MINUTES. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

IT DOES NOT MEET THE CRITERIA, OUR CRITERIA IS PRETTY LOOSE AS IT IS. BUT WHEN YOU LOOK AT THESE HOUSES, THESE HOUSES ARE AT BEST OLD HOUSES, THEY DON'T MEET THE CRITERIA, THEY DON'T RISE TO THE LEVEL THAT I'M HOPING THAT OUR CITY STICKS TO, TO AFFORD THE PROTECTION AND THE TAX ABATEMENT THAT OUR HISTORIC ZONING WAS MEANT TO BE. IF WE END UP ZONING OLD HOUSES HISTORIC EVERY TIME, WE ARE GOING TO DESTROY OUR HISTORIC ZONING PROCESS. THE ZONING PROCESS WAS SET UP TO PROTECT HISTORICALLY SIGNIFICANT STRUCTURES AND I SUBMIT TO YOU TODAY IF YOU CAREFULLY READ THIS INFORMATION, YOU'LL FIND IT DOESN'T RISE TO THAT LEVEL. AGAIN, PLEASE -- PLEASE CONSIDER THE PROCESS THAT THIS HAS BEEN THROUGH, THE STUDY IT'S BEEN THROUGH. AMPLE TIME TO RESEARCH, AMPLE TIME TO LOOK. FOUR MONTHS IS PLENTY OF TIME TO HOLD ANYBODY UP WHEN THEY ARE TRYING TO DO SOMETHING GOOD FOR OUR CITY, TRYING TO MAINTAIN A BUSINESS AND KEEP GOING ON THEIR BUSINESS. WE URGE YOU TONIGHT TO END THIS. TO VOTE NOT TO ZONE HISTORIC AND TO FINISH THIS TONIGHT. THANK YOU. I'LL BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE ON THIS.

THANK YOU, MR. SUTTLE. COUNCIL, THAT'S ALL OF THE

CITIZENS SIGNED UP IN FAVOR OR AGAINST THIS ZONING CASE. ABOUT THAT I WILL SEPTEMBER DO YOU KNOW A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COMEERZ, SECONDED BY COUNCILMEMBER SLUSHER TO CLOSE THE PUBLIC HEARING ON Z-9.

[INDISCERNIBLE]

THE APPLICANT HERE IS THE CITY OF AUSTIN WHO IS IN AGREEMENT WITH THE POINTS MADE -- I MEAN, -- MR. SADOWSKY WOULD YOU LIKE TO REBUT ANY OF THE --

I DON'T HAVE ANY REBUTTAL.

**Mayor Wynn:** THANK YOU, SIR. MOTION MADE AND SECONDED TO CLOSE THE PUBLIC HEARING. ALL THOSE IF FAVOR PLEASE SAY AYE?

**Mayor Wynn:** OPPOSED? , MOTION TO CLOSE PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM OFF THE DAIS.

QUESTIONS OF STAFF, COUNCIL? COMMENTS?

**Alvarez:** IF I COULD ASK MR. SADOWSKY JUST TO EXPLAIN THE THREE CRITERIA VERSUS SIX AND WHAT -- I SAW IN THE BACKUP THAT THERE AT LEAST WAS A WRITE UP FOR SIX CRITERIA, WHO THE RATIONAL WAS. RATIONALE.

ALL RIGHT.

WHEN I PRESENT THE CASE FOR THE FIRST TIME TO THE LANDMARK COMMISSION COMMISSION, I GO THROUGH THE 13 CRITERIA THAT THE CITY ESTABLISHED. AND I MOO AUTO RECOMMENDATION TO THE -- I MAKE A RECOMMENDATION TO THE LANDMARK COMMISSION COMMISSION THAT THE PROPERTY MEETS CERTAIN CRITERIA. IF YOU LOOK AT THE ZONING CHANGES REVIEW SHEET -- I'M SORRY, PAGE 3 -- I'VE NOTED AFTER EACH CRITERIA LISTED THERE WHETHER IT WAS PART OF MY ORIGINAL RECOMMENDATION OR ONE THAT THE HISTORIC LANDMARK COMMISSION SUGGESTED.

OKAY. SO THE THREE ADDITIONAL ONES WERE NOT -- BECAUSE YOU CHANGED YOUR ASSESSMENT, IT'S BECAUSE

THOSE CAME FROM THE HISTORIC LANDMARK COMMISSION. THOSE WERE THE CRITERIA THAT THE HISTORIC LANDMARK COMMISSION SUGGESTED SO I INCLUDED IT, IT BECOMES PART OF MY REPORT, YES, SIR. ONE WIN MR. SADOWSKY, I'M NOT SURE IF YOU ARE THE PERSON TO TALK TO ABOUT THIS OR NOT, THE ISSUE ABOUT THE RELATIVELY RECENTLY APPROVED NEIGHBORHOOD PLAN WAS BROUGHT UP. WHAT WAS THE ZONING ON THIS TRACT SHOWN IN THE NEIGHBORHOOD PLAN.

THAT I'M NOT FAMILIAR WITH ENOUGH TO ANSWER, SIR, I'M SORRY.

ANY CHANCE MR. -- WHETHER GUERNSEY WOULD KNOW THAT OR --

Guernsey: GREG GUERNSEY, NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. THE PROPERTY IS DESIGNATED M.F. 4 N.P. SO IS A MULTI-FAMILY ZONED TRACT. I'M NOT SURE IF THE PROPERTY WAS ACTUALLY REZONED UNDER THE BASE DISTRICT. MY GUESS IS IT PROBABLY WAS NOT AND ONLY THE N.P. WAS ADDED AT THE TIME THE NEIGHBORHOOD PLAN WAS ADOPTED.

SO FROM A PLANNING STANDPOINT THE PLAN WAS COMFORTABLE WITH M.F. 4 DESIGNATION THERE. CAN YOU -- CAN YOU SORT OF VERY GENERALLY DESCRIBE THE M.F. ZONING AND -- WHAT CAN BE BUILT, GENERALLY --

THE M.F. DISTRICT ALLOWS FOR A WIDE VARIETY OF HOUSING WHICH COULD INCLUDE APARTMENTS, BASICALLY THREE DWELLINGS WITHIN A SINGLE BUILDING, THREE SEPARATE DWELLINGS IN THREE SEPARATE BUILDINGS ALL ON THE SAME LOT. A LOT OF TOWNHOUSES, CONDOMINIUMS, DUPLEXES, SINGLE FAMILY DWELLINGS AND SO IT ALLOWS A WIDE RANGE OF HOUSING THAT COULD BE ACTUALLY BUILT ON THIS PROPERTY.

AND, YOU KNOW, SORT OF THE GENERAL RESIDENTIAL HEIGHTS OF 35, 40 FEET, SOMETHING LIKE THAT.

Guernsey: IT COULD BE IN EXCESS OF 35 FEET. OFF THE TOP OF MY HEAD, I CAN'T REMEMBER THE EXACT HEIGHT OF IT.

BUT THE IMPERVIOUS COVER WOULD BE MUCH GREATER THAN WHAT YOU WOULD FIND IN S.F. 3, PROBABLY MORE UP IN THE 50s OR 60s RANGE.

SO A MODERATELY DENSE DEVELOPMENT IN THE SCHEME OF THINGS.

MUCH MORE SO THAN YOU WOULD FIND IN S.F. 3.

RIGHT. OKAY. THANK YOU. WE HAVE ALREADY DETERMINED THAT THE TREES IN FACT ARE PROTECTED, I GUESS THE APPLICANT EVEN OR THE OWNER EVEN ACKNOWLEDGED THAT. SO POST OAKS THAT WERE ONLIED EARLIER, LIKELY TO MEET THE 17-INCH WHATEVER THE REQUIREMENT IS FOR PROTECTION.

THEY DO, YES, SIR.

**Mayor Wynn:** OKAY. THANK YOU. ARE THERE OTHER QUESTIONS OF STAFF, COUNCIL. COMMENTS? I WAS HOPING THAT YOU WOULD GET A LITTLE BIT OF DIRECTION PRIOR TO ASKING FOR A MOTION, THAT WAY WE CAN HANDICAP FRANKLY WHETHER A FULL COUNCIL IS NEEDED.

**Thomas:** WELL, I'LL SPEAK, MAYOR. WIN ONE COUNCILMEMBER THOMAS.

**Thomas:** STAFF WAS SAYING THAT HE WASN'T EVEN SURE WHERE THE HOUSES WERE BUILT AT, MOVED AT, IS THAT WHAT YOU WERE SAYING?

YES, SIR, WE DON'T HAVE ANY EVIDENCE TO DEFINITELY SHOW THAT THESE HOUSES WERE BUILT ON SITE OR IF THEY WERE MOVED TO THIS SITE FROM ANOTHER LOCATION. AND EVEN -- EVEN IF THAT WAS IN AUSTIN TO BEGIN WITH.

**Thomas:** SO DO YOU HAVE -- I THINK IN YOUR BACKUP YOU SAID SOMETHING ABOUT HOSPITAL, 1909 OR 1906 --

1906 WAS THE FIRST CITY DIRECTORY THAT SHOWS THESE HOUSES. AND OCCUPANTS OF THESE HOUSES, 1906 IS THE FIRST CITY DIRECTORY THAT HAS THE STREETS CROSS

REFERENCED. TO GO EARLIER THAN 1906, I LOOK AT WHO WAS LIVING THERE IN 1906, THEN I LOOKED IN THE 1905 CITY DIRECTORY TO SEE IF THOSE SAME PEOPLE ARE LIVING AT THAT ADDRESS SO WE CAN DATE THAT -- DATE THE HOUSES THAT MUCH EARLIER AND THE PEOPLE WHO WERE LIVING THERE IN 1906 WERE NOT LIVING THERE IN 1905.

**Thomas:** OKAY.

DOESN'T NECESSARILY MEAN THAT THE HOUSES WEREN'T THERE IN 1905, BUT WE DON'T HAVE ANY DONE ACTIVE WAY OF PROVING THAT ONE WAY OR THE OTHER.

**Mayor Wynn:** FURTHER COMMENTS? COUNCILMEMBER SLUSHER?

**Slusher:** MR. SADAM MR. SADOWSKY, IS ANYBODY LIVING IN THESE HOUSES NOW, ARE THEY HOOBTABLE.

THEY ARE ALL VACANT AT THIS POINTS.

DO YOU KNOW HOW LONG THAT HAS BEEN.

A COUPLE OF MONTHS. I BELIEVE THERE WERE TENANTS IN THERE AS RECENTLY AS JANUARY.

**Slusher:** .

BECAUSE THEY -- THE OWNER JUST DOESN'T WANT TO REPRESENT TO ANYBODY OR BECAUSE THEY AREN'T HABITABLE. YOU CAN COME UP HERE.

MY NAME IS ALLEN, THE OWNER OF THE PROPERTY. IT'S PROBABLY COUNCILMEMBER A COMBINATION OF WHAT YOU MENTIONED, THE CONDITION AS WELL AS OUR DESIRE TO DEVELOP IT.

**Slusher:** TELL ME ABOUT THE CONDITION. WELL, THERE'S A LOT OF WATER DAMAGE, THERE IS A -- THERE IS PLUMBING PROBLEMS. WE HAVE PLUMBING STACKS THAT ACTUALLY RUN THROUGH THE MIDDLE OF ROOMS THAT VENT OUT. THEY ARE SUPG SINGLE WALL CONSTRUCTION, ABOUT 3 TO 4 INCHES OFF THE UNDER. TO BRING THEM UP TO CODE, I

WOULD HAVE TO THEM DOWN AND REBUILD THEM STICK BY STICK.

**Slusher:** I THINK THERE PROBABLY IS SOMETHING TO THE -- WHAT MR. BENNETT SAID ABOUT THE NEIGHBORHOOD REALLY IS CONCERNED ABOUT WHAT WOULD GO HERE. CAN YOU TELL ME, I MEAN, THIS IS NOT THE KIND OF CRITERIA THAT WE WOULD VOTE ON. BUT --

I THINK THAT'S THEIR MAIN MOTIVATION TO THE OPPOSITION, PERSONALLY.

**Slusher:** THEY REALLY LIKE THEIR NEIGHBORHOOD. ARE YOU PLANNING ON BUILDING SOMETHING THERE THAT --

I ACTUALLY PLAN TO BUILD MORE UNDER THE SF-3 DESIGNATION. IN FACT THE ONLY THING ABOUT THE M.F. 4 THAT I WANT TO BUILD AND USE IS THE MORE LIBERAL SETBACKS, WHICH ARE 15 FEET INSTEAD OF 25 FEET. WHICH ACTUALLY IS COMPATIBLE WITH THE SURROUNDING PROPERTIES. THE CURRENT S.F. 3 REQUIRES 25 FEET. BUT I WOULD LIMIT IMPERVIOUS COVER TO 45%, HEIGHT TO 30 FEET. I HAVE NO DESIRE TO BUILD SOMETHING OUT OF SCALE.

**Slusher:** OKAY. SO YOU COULD ASSURE THE NEIGHBORS THAT YOU ARE GOING TO BUILD SOMETHING THERE THAT -- THAT BLEND IN WITH THE NEIGHBORHOOD.

I HAVE SPOKEN TO -- [MULTIPLE VOICES]

**Slusher:** OKAY. OKAY. WELL, THANK YOU. I THINK THERE PROBABLY AREN'T THE VOTES TO ZONE IS HISTORIC. THANK YOU. THAT'S ALL THAT I HAVE FOR NOW.

**Mayor Wynn:** THANK YOU. FURTHER QUESTIONS, COMMENTS? IF NOT I'LL ENTERTAIN A MOTION ON ITEM Z-9.

**Thomas:** I MAKE A MOTION TO DENY THE HISTORICAL. I APPRECIATE THE PEOPLE THAT'S ON THE COMMISSION. SOMEONE SAID SOMETHING AWHILE AGO, THOUGH, I NEED A SECOND BEFORE I CONTINUE TALKING. MOTION MADE BY COUNCILMEMBER THOMAS TO DENY HISTORIC ZONING ON Z-

9. SECONDED BY COUNCILMEMBER DUNKERLY.

**Thomas:** IF YOU DON'T MIND.

**Mayor Wynn:** COUNCILMEMBER THOMAS.

> THOMAS: I RESPECT PEOPLE THAT WANT TO MAKE THINGS HISTORICAL. I REALLY DO. RATH GABLE, THE GENTLEMAN THAT MADE A STATEMENT THAT WAS VERY TRUE. SOMEWHERE, I HOPE WHEN THE TASK FORCE GETS THROUGH, SOMEWHERE WE NEED TO DECIDE WHEN WE ARE GOING TO STOP, ENOUGH IS ENOUGH. I KNOW THIS MIGHT STING A LITTLE BIT, BUT I'M GOING TO SAY THIS. WHEN PEOPLE HAVE PROPERTY AND THEY ARE REALLY TRYING TO DO SOMETHING TO BETTER THE COMMUNITY AND THE YOUNG MAN JUST SAID THAT WE HAVE PLUMBING PROBLEMS, WATER DAMAGE, WE HAVE ALL OF THAT. AND IT WOULD BE MUCH MORE EXPENSIVE TO BRING IT BACK UP TO CODE, THEY ARE WILLING TO TEAR -- TEAR THE STRUCTURES DOWN AND MAKE THE NEIGHBORHOOD MORE COMPATIBLE EVEN BETTER. I FEEL THAT WE NEED TO BE MORE SENSITIVE TO THAT. I UNDERSTAND THE COMMISSION, HISTORICAL COMMISSION HAS GOALS AND PURPOSE FOR THAT. AND I APPRECIATE THAT, I REALLY DO. I THINK ON THIS PARTICULAR CASE I WOULDN'T BE ABLE TO SUPPORT THAT BECAUSE OF WHAT THE INFORMATION -- YOU BROUGHT SOME GOOD INFORMATION, BUT STAFFS CAN'T GIVE US PROOF OF WHEN THEY WERE BUILT, IF THEY WERE MOVED THERE OR WERE THEY BUILT FROM -- AT THE LOCATION. SO THAT'S THE REASON WHY I CAN'T SUPPORT HISTORICAL.

**Mayor Wynn:** MOTION MADE AND SECONDED TO DENY HISTORIC ZONING. FURTHER COMMENTS? I WILL SAY SO TECHNICALLY TYPICALLY IT WOULD TAKE FOUR VOTES TO DENY THIS ZONING, TO GRANT THE DENIAL. HOWEVER, SINCE THERE'S A VALID PETITION, THE NET OF THAT -- THE NET EFFECT OF THAT IS IT WOULD ONLY TAKE TWO VOTES TO DENY HISTORIC ZONING. THERE'S ALREADY A MOTION AND A SECOND TO DENY HISTORIC ZONING. I GUESS MY QUESTION IS, SO IF THIS WERE TO -- IF THIS DENIAL WERE TO FAIL, BUT ON A VOTE WITH OBVIOUSLY ALREADY HAS TWO, WOULD WE THEN HAVE TO ACCEPT A DIFFERENT MOTION, PERHAPS TO -- TO ZONE IT HISTORIC, GET A

SECOND ON THAT, AND THEN IF THAT WERE TO ALWAYS FAIL BUT NOT HAVING MORE THAN 4 VOTES, WHAT HAPPENS TO THE CASE?

IF YOU DO NOT HAVE FOUR VOTES TO DENY, IN OTHER WORDS, FOUR VOTES TO SUPPORT THIS, THEN THE NEXT THING TO DO WOULD BE TO TAKE ANOTHER MOTION, THAT MOTION WOULD BE TO GRANT HISTORIC ZONING. THE QUESTION THAT YOU WOULD HAVE BEFORE YOU IS WHETHER OR NOT YOU ARE GOING TO DO IT ON FIRST READING ONLY, BECAUSE I DON'T HAVE AN ORDINANCE OR WHETHER YOU ARE GOING TO TRY AND DO IT ON ALL THREE READINGS AND I STILL DON'T HAVE AN ORDINANCE AND THEN IN ORDER TO PASS THAT, YOU WOULD HAVE TO HAVE SIX VOTES IN THE FACE OF THE VALID PETITION. IF YOU DID NOT SECURE SIX VOTES, IF YOU -- IF IT ONLY PASSED BY FIVE OR IF IT ONLY PASSED BY FOUR, THEN THE ZONING IS DEFEATED. THE HISTORIC ZONING IS DEFEATED.

**Mayor Wynn:** WE HAVE ALREADY DETERMINED THAT THERE'S NOT GOING TO BE, INDEPENDENT OF THE MINOR'S ABSENCE, THERE'S NOT GOING TO BE SIX VOTES FOR HISTORIC ZONING. SO -- SO DO WE HAVE A -- WE HAVE A MOTION AND A SECOND ON THE TABLE.

YES, DO YOU, YOU LITERALLY HAVE TO GO THROUGH THE EXERCISE.

**Mayor Wynn:** OKAY. MOTION HAS BEEN MADE AND SECONDED TO DENY HISTORIC ZONING. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

**Alvarez:** YES, MAYOR, THANKS. THIS HAS BEEN A DIFFICULT CASE CLEARLY BECAUSE OF SORT OF THE COMPLEXITIES AND THE WAY THIS CASE HAS MOVED THROUGH THE PROCESS. AND OBVIOUSLY IT'S PRETTY CLEAR THAT THE VOTES AREN'T THERE FOR HISTORIC ZONING. I -- I WOULD SAY THAT I THINK THE NEIGHBORS MADE SOME GOOD POINTS. BUT THAT OBVIOUSLY THERE'S STILL SOME QUESTIONS ABOUT SOME OF THE EARLY HISTORY OF THIS PROPERTY AND I'M GOING TO -- I'M GOING TO GO AHEAD AND SUPPORT THE MOTION. BECAUSE -- BECAUSE AGAIN I THINK THERE STILL ARE SOME QUESTIONS ABOUT THE HISTORIC



VALIDITY.

THE MOTION IS MADE AND SECONDED. COUNCILMEMBER MCCRACKEN?

YEAH, I'M GOING TO SUPPORT THE MOTION, ALSO, BUT I UNDERSTAND AND RESPECT WHERE THE -- WHERE THE LANDMARK COMMISSION COMMISSION AND WHERE THE NEIGHBORHOOD IS COMING BECAUSE THE ARCHITECTURE IN THE CITY THAT -- THROUGH THE '40S OR '50S, THIS IS A NICE CITY AND WE WERE TOOK IT RIGHT. THE MODERN PATTERNS AND IN FACT MODERN ZONING CODES ACTUALLY PREVENT US FROM DOING A LOT OF THE THINGS THAT HELPED CREATE THE CITY WE LOVE. THANKFULLY MR. MUSKIN IS FORESIGHTFUL ENOUGH THAT HE IS TAKING ADVANTAGE OF M.F. SETBACKS TO BUILD APPARENTLY CLOSER TO THE CURB WHICH GIVES THE HISTORIC CHARACTER OF THE NEIGHBORHOOD WHICH IN OTHER WORDS OUR CURRENT ZONING LAWS WOULD MAKE ILLEGAL THINGS ABOUT THE THINGS THAT WE LIKE ABOUT THESE NEIGHBORHOODS. THANKFULLY IN THIS CASE HE CAN COMBINE THOSE TO BUILD THE THINGS THAT WE LIKE ABOUT AUSTIN. THAT SHOWS THAT WE HAVE BIGGER PROBLEMS THAN WHETHER THESE THINGS ARE ZONED HISTORIC OR NOT. THAT IS THAT SOME OF OUR ZONING CODES ACTUALLY MAKE IT ILLEGAL TO DO THE THINGS THAT WE LIKE ABOUT AUSTIN. I THINK THAT WE NEED TO LOOK AT THAT. WE ARE ALSO LOOKING AT SOME OF THE THINGS IN THE RETAIL SECTOR, BUT END SUGAR THAT WE GET AWAY FROM GENERIC COOKIE CUTTER DESIGN AND COMMERCIAL RETAIL. I THINK IT'S APPROPRIATE TO LOOK AT THAT IN TERMS OF THE A BROADER PERSPECTIVE, ALSO, ON RESIDENTIAL AND COMMUNITY PLANNING. SO I'M GOING -- I'M OPPOSING THIS BECAUSE I DON'T THINK THIS MEETS THE CRITERIA FOR HISTORIC ZONING, BUT I DO ALSO THINK THE STATUS QUO IN GENERAL IN THE COMMUNITY IS NOT SATISFACTORY. FURTHER COMMENTS? HEARING NONE THOSE OF THOSE IN FAVOR TO DENY THE MOTION FOR HISTORIC ZONING SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON A VOET OF 6-0 WITH THE

MAYOR PRO TEM OFF THE DAIS.

**Mayor Wynn:** COUNCIL, I THINK WE HAVE ONE MORE ZONING CASE. ITEM NO. Z-10.

MAYOR?

**Mayor Wynn:** COUNCILMEMBER DUNKERLY?

**Dunkerley:** EXCUSE ME. LET'S --

MR. SAD SADZ, SADOWSKY, WELCOME.

**Dunkerley:** I WAS GOING TO MAKE MY MOTION, STEVE.

**Mayor Wynn:** WE HAVE A PUBLIC HEARING.

THE PUBLIC HEARING ON THIS CASE HAS BEEN CLOSED LONG AGO. THIS CASE CAME BEFORE YOU LAST YEAR AND THE COUNCIL DECIDED TO POSTPONE DECISION ON THIS CASE UNTIL THE FIRST MEETING AFTER THE HISTORIC PRESERVATION TASK FORCE REPORT IS DUE. AND THAT I'M VERY HAPPY TO REPORT TO YOU ALL THAT THAT REPORT IS COMPLETED. YOU ALL SHOULD HAVE IT TOMORROW, IT'S BEING PRINTED RIGHT NOW. BUT THIS IS A CASE INVOLVING A COUPLE OF HOUSES, CALCASIEU HOUSES OVER ON HAMPTON ROAD. COUNCIL'S DISCUSSION AT THAT TIME REALLY REVOLVED AROUND THE PROPOSED DEVELOPMENT FOR THE SITE. STAFF DID NOT RECOMMEND HISTORIC ZONING FOR THESE HOUSES. THE LANDMARK COMMISSION DID. THE LAND USE COMMISSION ALSO FORWARDED THE CASE WITHOUT A RECOMMENDATION TO YOU. BUT THERE WAS A GREAT CONCERN THAT THE PROPERTY OWNER AND THE NEIGHBORHOOD COULD NOT COME TO AN AGREEMENT AS TO THE COMPATIBLE HOUSING THERE. I UNDERSTAND THIS EVENING THAT WE ARE A WHOLE LOT CLOSER DID AN AGREEMENT. AND THE ONLY ASPECT OF THE CASE, I THINK THAT -- I THINK THAT WE NEED TO RESOLVE THIS EVENING IS WHAT TO DO ABOUT THE HISTORIC ZONING CASE THAT -- THAT IS STILL PENDING ON THIS. ONE WIN SO MS. TERRY, REMIND ME, AGAIN THIS IS THE CITY OF AUSTIN AS THE APPLICANT AND THIS IS THE -- SORT OF THE INC. GERING -- LINGERING HISTORIC LANDMARK COMMISSION ORIGINATED

HISTORIC ZONING CASE, Z-10.

THAT'S CORRECT.

ALL RIGHT. SO THEN WE WILL -- WE WILL CONSIDER THAT TO BE OUR APPLICANT'S PRESENTATION. THANK YOU, MR. SADOWSKY. AT THIS TIME, WE WILL HEAR FROM CITIZENS SIGNED UP IN FAVOR OF THE ZONING CASE AND APPRECIATE YOUR PATIENCE, WE WILL START WITH MR. DAVID ANDERSON.

WELL, WAIT A MINUTE. WE HAVE ALREADY CLOSED THE PUBLIC HEARING, HAVEN'T WE?

MR. MAYOR AND MEMBERS OF THE COWBOY --

**Mayor Wynn:** I'M SORRY, MR. ANDERSON, HANG ON.

**Mayor Wynn:** IT'S NOT POSTED FOR SECOND OR THIRD READING.

IT'S POSTED AS FIRST READING ONLY, YOUR HONOR, BUT THE PUBLIC HEARING WAS CLOSED ALREADY. THE DECISION OF THE COUNCIL --

**Mayor Wynn:** I'M SORRY, WE'VE HAD THE PUBLIC HEARING. WE DIDN'T TAKE ACTION. WE POSTPONED TAKING ACTION AND THIS IS THE FIRST TIME WE ARE POSTED FOR ACTION. AS THOUGH IT WOULD BE FIRST READING.

**Dunkerley:** CAN I SPEAK -- SPEAK TO THAT.

**Mayor Wynn:** HANG LOOSE, MR. ANDERSON, COUNCIL, WE HAVE A HANDFUL OF CITIZENS, SIX CITIZENS OR SO WHO WOULD LIKE TO SPEAK, BUT I WOULD LIKE TO HEAR FROM COUNCILMEMBER DUNKERLY FIRST.

**Dunkerley:** THIS, ALSO, HAS BEEN A VERY, VERY LONG CASE. I THINK AFTER MANY MONTHS WE HAVE AN AGREEMENT BETWEEN THE OWNERS AND THE NEIGHBORHOOD. AND SO I WOULD LIKE TO PROPOSE OR MAKE A MOTION FOR A DISEENG FOR THIS PROPERTY OF -- OF S.F. 2 ON ALL FOUR TRACTS WITH THE HEIGHT LIMITATION OF 30 FEET. THIS

WOULD BE ON FIRST READING BECAUSE WE HAVE NOT HAD TIME TO PREPARE THE ORDINANCE. AND SO I WOULD SUGGEST THAT IF THIS PASSES, IT'S NO LONGER HISTORIC CASE, IT CAN COME BACK ON THE 15th. EVEN THOUGH MR. SADOWSKY WON'T BE HERE. IS THAT CORRECT?

I'LL SECOND THAT.

WELL, SO WE HAVE A MOTION AND -- WE HAVE ALREADY CLOSED THE PUBLIC HEARING, WE HAVE A MOTION AND A SECOND ON THE TABLE THEN TO TAKE THIS ZONING CASE AND -- AND APPROVE S.F. 2 ON FIRST READING ONLY, WITH SOME CONDITIONAL OVERLAYS, HEIGHT LIMITATION AND --

30 FEET.

**Mayor Wynn:** SOME FOLKS SIGNED UP WISHING TO SPEAK, I -- YOU ALL HAVE BEEN SITTING THERE FOUR AND A HALF HOURS.

[INDISCERNIBLE]

**Mayor Wynn:** OKAY. IS THERE ANY CITIZEN WHO SIGNED A CARD WHO WISHES TO BE HEARD ON THIS CASE? YOU KNOW, THREE IS A REASONABLE NUMBER. SO DAVID ANDERSON, GAY RATLIFF I THINK. THANK YOU, SHANNON. APPRECIATE YOUR PATIENCE, FOUR AND A HALF HOURS LATER. KAREN MCGRAW? I DON'T SEE KAREN. TERRY MYERS. YOU WOULD LIKE TO ADDRESS US, MA'AM? COUNCIL, WITHOUT OAK, I KNOW THAT WE HAVE CLOSED THE PUBLIC HEARING -- WITHOUT OBJECTION, WE HAVE CLOSED THE PUBLIC HEARING, THIS IS A STRANGE DYNAMIC, ANYWAY.

HI, I'M TERRY MYERS, I FEEL LIKE I'M BEATING A DEAD HORSE, BUT I STILL THINK THESE PROPERTIES ARE HISTORIC, THANK YOU.

**Mayor Wynn:** THANK YOU, AND FOR THE BREVITY. LEWIS -- LOIS HORTSMAN.

EXCUSE ME.

THAT'S OKAY.

I WOULD LIKE TO SEE IT ZONED S.F. 2, THIS IS A -- A NEIGHBORHOOD THAT I MOVED INTO WITH MY PARENTS IN 1961. THIS IS NOT THE FIRST TIME THAT WE HAVE COME TO CITY COUNCILS. MANY TIMES BEFORE WANTING TO KEEP THE AREA HISTORIC -- NOT SO MUCH HISTORIC BUT A NEIGHBORHOOD THAT MANY -- MANY CITY COUNCILS AGO TURNED THIS -- TERMED THIS AS BEING AN AREA CALLED CAMELOT. WE ARE, WE ARE VERY DISTINCT. WE GO UP AND ARE PART OF THE AREA THAT NOW IS HANCOCK GOLF COURSE, WHICH WAS BUILT IN 1898, WHICH IS THE FIRST GOLF COURSE WEST OF THE MISSISSIPPI. THAT IS A HISTORICAL PIECE OF HISTORY. THE PEOPLE THAT BUILT THIS AREA LOVED IT, THEY WOULD LIKE TO PRESERVE IT. AND IF WE LET MULTI-DUPLEXES IN, WE LOSE THAT BEAUTIFUL CAMELOT PRISTINE AREA. SO -- SO I AS A -- I AS A PERSON THAT IS SOON GOING TO HAVE TO BE OUT OF THE NEIGHBORHOOD, I LOVE IT DEARLY, I FEEL LIKE IT'S PART OF AUSTIN AND IT'S VERY RARE AND I WOULD LIKE TO SEE YOU ALL KEEP THIS PARTICULAR PIECE OF PROPERTY S.F. 2 IF WE CAN DO IT PLEASE, THANK YOU.

**Mayor Wynn:** THANK YOU, LOIS. JOHN LOOKS LIKE -- CHALET.

I'M JOHN CHALET. YOU JUST MENTIONED THERE'S AN AGREEMENT BETWEEN THE NEIGHBORS. I'M FROM THE NEIGHBORHOOD, I HAVE NO IDEA WHAT THIS AGREEMENT IS, CAN THIS BE PRESENTED SO I CAN FIND OUT WHAT'S GOING ON?

**Mayor Wynn:** WELL, SOUNDS PRETTY SIMPLE. THE AGREEMENT IS THAT IT'S S.F. 2 ZONING VERSUS THE S.F. 3 THAT -- THAT IT IS NOW. THIS IS A -- THIS IS A -- YOU KNOW A DOWN ZONING, IF YOU WILL. NOT HISTORIC. IF THIS ZONING WERE TO GO ALL THE WAY THROUGH.

YEAH.

S.F. 2 WILL LIMIT IT TO SIX ADULTS PER HOUSE, IT WILL BE NO TALLER THAN 30 FEET, SO IT -- AND ALL FOUR LOTS WILL BE ZONED SINGLE FAMILY, S.F. 2.

ALL FOUR LOTS? IS IT LEGAL TO PUT FOUR LOTS IN THERE AS IT IS RIGHT NOW?

IT IS A LEGAL -- THESE LOTS ARE LEGALLY SUBDIVIDED.

BECAUSE THERE WAS SOME QUESTION ABOUT WHETHER THE DRIVEWAY ACCESS TO THE LOTS WAS -- BECAUSE I KNOW SOME PEOPLE THAT MOVED IN THERE MOVED INTO THE COTTAGES RECENTLY, THEY TRIED TO BACK A U-HAUL IN THERE, THEY COULDN'T GET IT INTO THE COTTAGES. BECAUSE OF THE TREE THERE. AND IS THIS TREE GOING TO HAVE TO GO? BECAUSE I LOOK AT WHAT THESE PEOPLE ARE TRYING TO PUT IN THERE, ALL I CAN -- FROM WHAT I HAVE SEEN OF THEIR PLANS IS THEY ARE TRYING TO DESTROY THE TREE AS MUCH AS POSSIBLE. IF THESE UNITS GO IN, IF THERE'S GOING TO BE THREE UNITS COMING OFF OF HAMPTON ROAD, IT'S GOING TO BE VERY DIFFICULT TO GET - - LIKE I SAID, I SAW A U-HAUL THAT A WAS UNABILITIES TO BACK IN THERE, OUT ON THE STREET UNLOADING STUFF FROM THE U-HAUL TAKING IT INTO THE COTTAGES AND BACK. AND --

IF THE TREES ARE PROTECTED TREES, THE CODE WILL PROTECT THOSE TREES. AND THE CONFIGURATION OF THE HOUSING UNITS ON THE LOTS WILL HAVE TO COMPLY WITH ALL OF THE SETBACK REQUIREMENTS. FROM THE VARIOUS EDGES OF THE LOTS. AND THE DRIVEWAYS AND THE HOUSES WILL HAVE TO BE CONFIGURED WITHIN THE BUILDING CODE REQUIREMENTS.

HAVE THESE BUILDING PLANS BEEN SUBMITTED TO ANYBODY YET?

NO PERMITS HAVE BEEN PULLED FOR CONSTRUCTING THE HOUSES. THE FIRST STEP IN THE PROCESS IS TO GO AHEAD AND GET THE ZONING DONE. ONCE THE ZONING IS DONE, IF THERE ARE ANY FURTHER CHANGES THAT NEED TO BE MADE FOR ANY OTHER PERMITTING PURPOSES, FOR SUBDIVISION OR WHATEVER, THAT NEEDS TO BE ADDRESSED. BUT ANY HOUSES THAT FOR WHICH BUILDING PERMITS ARE PULLED, ALL HAVE TO -- THOSE PERMITS AS ISSUED HAVE TO COMPLY WITH A CODE. WHEN YOU SAY PLANS, WE DON'T HAVE A SITE PLAN, PER SE, FOR SINGLE

FAMILY RESIDENCES OR DUPLEXES BECAUSE IT'S NOT COMMERCIAL CONSTRUCTION. BUT THE PERMITS THAT ARE PULLED AND THE INSPECTIONS THAT ARE MADE WILL ENSURE THAT YOU'LL OF THE SETBACK REQUIREMENTS WILL BE COMPLIED WITH. THAT'S IN THE INSPECTION PROCESS AS THE CONSTRUCTION PROCEDURES.

WELL, ALL I KNOW IS FROM THE VERY FIRST [BUZZER SOUNDING] WHEN I TALKED TO THESE PEOPLE, I HAVE BEEN GIVEN ANSWERS AND THEN THINGS HAVE BEEN TAKEN OUT OF WHAT THEY PRESENTED AND THEY WERE SAYING WELL WE ARE CHANGING THE PLANS. I'M JUST -- I DON'T KNOW WHAT THIS IS -- I JUST HEARD ABOUT THIS LESS THAN TWO HOURS AGO. I'M KIND MUCH UPSET. TWO PEOPLE HAVE LEFT THE NEIGHBORHOOD ALREADY BECAUSE OF WHAT'S GOING ON RIGHT NOW. I'M READY TO LEAVE IF THE COTTAGES GO. I'M JUST -- I DON'T KNOW WHO YOU WORK FOR. YOU DON'T -- OBVIOUSLY DON'T WORK FOR THE PEOPLE BECAUSE I HAVE SEEN --

**Mayor Wynn:** YOUR TIME EXPIRED.

I KNOW YOU DON'T WANT ME TO TALK TO YOU --

**Mayor Wynn:** IF YOU WOULD LISTEN, AND LISTEN, YOU WILL HEAR THAT THE MOTION THAT'S ON THE TABLE RIGHT NOW IS A SIGNIFICANT REDUCTION IN THE DEVELOPABILITY OF THOSE FOUR LOTS THAN WHAT IS ON THE GROUND TODAY. THE ZONING RIGHT NOW ALLOWS FOR SIGNIFICANT STRUCTURES TO BE BILGHT ON THOSE FOUR -- TO BE BUILT ON THOSE FOUR LOTS. THE MOTION AND SECOND ON THE TABLE RIGHT NOW ON FIRST READING ONLY PUTS ZIG SIGNIFICANT RESTRICTIONS ON HOW THOSE FOUR LOTS CAN BE BUILT IN THE FUTURE. FURTHER COMMENTS? COUNCIL? QUESTIONS OF STAFF?

MAYOR, I APOLOGIZE, I REPRESENT THE OWNER OF THOSE PROPERTIES. I JUST WANTED TO CLARIFY OR MAYBE HAVE YOU ALL CLARIFY FOR ME, THAT THIS ZONING CASE ADDRESSES TWO OF FOUR LOTS WE OWN. AND SO THE ZONING THAT WE WOULD BE TALKING ABOUT ADDRESSING WITH THIS HISTORIC ZONING CASE OR MAKING IT S.F. 2 WOULD ADDRESS TWO LOTS. I JUST WANTED TO MAKE

CLEAR THOSE LOTS HAVE NOT BEEN SUBDIVIDED, THEY ARE STILL TWO LOTS. WANTED TO MAKE SURE THAT WAS CLEAR.

**Mayor Wynn:** IS THAT CLEAR, MS. TERRY?

YEAH. THE -- THE ZONING COVERS JUST TWO OF THE FOUR LOTS. THERE ARE FOUR LOTS TOTAL THAT -- THAT EXTEND THROUGH. AND THAT IS CORRECT. THE ZONING AND THE LOTS THAT ARE BEING ADDRESSED TONIGHT ARE TWO LOTS, THE ZONING IS FOR TWO LOTS. THAT'S WHAT'S BEING REDUCED TO S.F. 2.

[INDISCERNIBLE]

WELCOME BACK, MS. MEAD.

THE AGREEMENT WAS TO ADDRESS THE HISTORIC ZONING CASE. AND WE WERE ASKED WHETHER WE COULD AGREE TO S.F. 2 RATHER THAN S.F. 3 H. AND THERE'S NOT EVEN BEEN A ZONING CASE OR ANYTHING FILED WITH RESPECT TO THE OTHER TWO LOTS. AND SO WE NEVER UNDERSTOOD THAT TO BE FOUR LOTS. NOT THAT WE WOULD NECESSARILY HAVE OBJECTION TO LOOKING AT S.F. 2 ON THE OTHER TWO LOTS, BUT THERE'S NOT EVEN A CASE FILED ON THOSE LOTS. THE ZONING CASE SINCE IT WAS DONE AS A HISTORIC CASE WAS DONE JUST FOR THE TWO LOTS THAT HAVE HISTORIC STRUCTURES ON THEM. THOSE TWO LOTS, THOSE ARE TWO LOTS, NOT FOUR. THE OTHER TWO LOTS THAT WE OWN ARE VACANT. THEY DON'T HAVE HISTORIC STRUCTURES ON THEM.

HOW ARE THEY ZONED?

S.F. 3.

**Mayor Wynn:** OBVIOUSLY, THEY ARE THE ONLY THICK THAT WE ARE POSTED FOR NOW IS THE EXISTING ZONING CASE THAT'S PENDING ON THOSE TWO LOTS WHICH IN FACT IS THE CASE. FIRST READING ONLY AND THEN BEFORE THIS CASE WERE TO COME BACK, MY GUESS IS THERE WILL BE TIME FOR FOLKS TO ANALYZE WHAT THIS MEANS ULTIMATELY FOR THE DEVELOPABILITY AND THE COMPLIANCE AND COMPATIBILITY OF REALLY ALL OF THE



TRACTS IN QUESTION.

I PROMISE, MAYOR, THIS IS MY LAST TIME TO SPEAK, BUT GREG GUERNSEY JUST BROUGHT UP A GOOD POINT THAT I DON'T THINK WE WOULD OBJECT TO LOOKING AT A DOWN ZONING TO S.F. 2 ON THE OTHER TWO TRACTS. THAT MIGHT BE SOMETHING THAT WE COULD DO IN THE NEIGHBORHOOD PLANNING PROCESS IN SUCH --

BUT THAT CASE WOULD HAVE TO COME BACK.

MY THOUGHT IS THAT SINCE I DON'T THINK THE NEIGHBORHOOD PLAN REZONINGS HAVE BEEN POSTED OR NOTICE HAS BEEN SENT OUT ON THOSE, WE MIGHT BE ABLE TO LOOK AT IT IN CONNECTION WITH THAT.

THANK YOU. FURTHER COMMENTS, COUNCIL? QUESTIONS?

YEAH.

[INDISCERNIBLE]

SOUND LIKE THE NEIGHBORHOOD PLAN THEN WILL CATCH THOSE OTHER TWO. OKAY. SO MOTION ON THE TABLE AND SECONDED FOR -- FOR Z-10 TO BE ZONED S.F. 2 WITH SOME RESTRICTIONS ON FIRST READING ONLY. FURTHER COMMENTS? HEARING HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

**Mayor Wynn:** OPPOSED? MOTION PASSES ON A FIRST READING ONLY A VOTE OF 6-20 WITH THE MAYOR PRO TEM OFF THE DAIS. COUNCIL, I BELIEVE THAT'S ALL OF THE ITEMS THAT WE HAVE BEFORE US. MOTION MADE BY COUNCILMEMBER SLUSHER TO ADJOURN, I'LL SECOND THAT, ALL IN FAVOR.

AYE.

**Mayor Wynn:** OPPOSED? WE ARE ADJOURNED.

**End of Council Session Closed Caption Log**

