

Closed Caption Log, Council Meeting, 6/17/04

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Mayor Wynn: GOOD MORNING. I'M AUSTIN MAYOR WILL WYNN AND IT'S MY PRIVILEGE TO WELCOME REVEREND RICKY POE FROM PROMISELAND CHURCH TO DELIVER OUR INVOCATION. WELCOME. PLEASE RISE.

THANK YOU, MAYOR AND COUNCIL. LET'S BOW OUR HEADS FOR PRAYER. FATHER, WE SINCERELY THANK YOU FOR ANOTHER DAY TO LIVE AND BREATHE AND TO SEEK YOU IN ALL THINGS. AND I THANK YOU FOR THIS COUNCIL AND THE LEADERSHIP YOU'VE GIVEN US, AND ACCORDING TO OUR WORD YOU ASK US TO PRAY FOR OUR LEADERS. WE ASK FOR WISDOM, DIVINE INTERVENTION THAT ONLY COMES FROM YOU IN EVERY DECISION THAT IS MADE THAT WILL HELP TEST AND HELP OUR PEOPLE. WE PRAY TODAY FOR THE AUSTIN CITY. WE PRAY FOR THE PROTECTION OF EVERYONE IN THIS CITY. AND AGAIN, LORD, WE THANK YOU THAT WE CAN TRUST YOU IN ALL THINGS AND THE BELIEF OUR WISDOM THAT COMES FROM YOU. WE THANK YOU FOR THE PROTECTION OF THE CITY GOVERNMENT AND THE GOOD DEEDS AND THINGS THAT THEY HAVE DONE TO PROTECT US. AND TODAY AGAIN, WE ASK FOR YOUR PROTECTION UPON ALL THE CITY COUNCILMEMBERS AND OUR MAYOR, AND BELIEVING FOR THE WISDOM TO COME FROM ABOVE. IN JESUS NAME WE PRAY, AMEN.

Mayor Wynn: THANK YOU FOR ALL THAT YOU DO, PARTICULARLY WITH OUR POLICE DEPARTMENT AS ONE OF OUR CELEBRATED CHAPLAINS. THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL TO ORDER THIS MEETING

OF THE AUSTIN CITY COUNCIL. IT IS JUNE 17TH, 2004. 25 MINUTES AFTER 10:00 O'CLOCK IN THE MORNING. WE ARE AT THE LCRA BOARDROOM, 3700 LAKE AUSTIN BOULEVARD. AT THIS TIME I'D LIKE TO READ THE CHANGES AND CORRECTIONS OF THIS WEEK'S POSTED AGENDA. ITEM NUMBER 33 HAS BEEN WITHDRAWN. THAT WAS JUST SETTING A PUBLIC HEARING, BUT ITEM 33 IS WITHDRAWN. ITEM NUMBER 44, THE WORD HEDGE, WHICH APPEARS TWICE IN OUR POSTING LANGUAGE, SHOULD BE CHANGED AND INSERT THE WORD SWATH. AND SO ITEM 45 WILL BE AMONG OTHER THINGS, APPROVE AN ORDINANCE APPROVING AN INTEREST RATE SWAP AGREEMENT RELATING TO CITY OF AUSTIN WATER AND WASTEWATER SYSTEM VARIABLE RATE REVENUE BONDS. ITEM NUMBER 49, WE SHOULD STRIKE THE WORDS A REDUCTION IN, AND INSERT IN THEIR PLACE, ESTABLISH A DESIGN, AND THEREFORE THAT PART OF THE POSTING LANGUAGE WOULD READ, ITEM NUMBER 3, ESCARPMENT BOULEVARD AS A MAJOR ARTERIAL DIVIDED ROADWAY WITH FOUR LANES OR MAD FOUR, BIKE LANE STRIPING AND ESTABLISH A DESIGN SPEED TO 40 MILES PER HOUR FROM SOUTH LAND CLIFF DRIVE TO SLAUGHTER LANE. I BELIEVE THAT'S ALL THE CHANGES AND CORRECTIONS TO THE AGENDA. OUR TIME CERTAINS TODAY, AT NOON WE BREAK FOR OUR GENERAL CITIZEN COMMUNICATIONS. AT 2:00 O'CLOCK WE'LL HAVE A BOND SALE TIME CERTAINS. THOSE SHOW AS ITEMS 44 AND 45. 45 ON TODAY'S AGENDA. AT 2:00 O'CLOCK WE'LL ALSO HAVE A STAFF BRIEFING THAT SHOWS AS ITEM NUMBER 46. AT 4:00 O'CLOCK, AND NO SOONER THAN THAT, WE TAKE UP OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. THOSE SHOW TODAY AS ITEMS 47 AND 48 AND ITEMS Z-2 THROUGH Z-12. I'LL ANNOUNCE NOW THAT THE STAFF WILL BE REQUESTING A POSTPONEMENT ON THE FOLLOWING ZONING CASES: ITEMS Z 2, WHICH IS THE RMMA REDEVELOPMENT PUD POSTPONED TO JUNE 24TH. ITEM Z-9, A 12-ACRE TRACT POSTPONED TO JUNE 24TH. AND ITEM Z-11, HARRIS RANCH AGAIN POSTPONED TO JUNE 24TH. TECHNICALLY THOSE POSTPONEMENT VOTES BY THIS COUNCIL WON'T BE TAKEN UP UNTIL THE 4:00 O'CLOCK TIME CERTAIN, BUT STAFF IS REQUESTING THOSE AND WE GENERALLY ALWAYS GRANT THAT REQUEST. AT 5:30 WE'LL BREAK FOR LIVE MUSIC AND

PROCLAMATIONS. AND AT SIX P.M. WE HAVE OUR PUBLIC HEARINGS AND POSSIBLE ACTIONS. TODAY THOSE SHOW UP AS ITEMS 49 THROUGH 52, AND IT SHOULD BE NOTED THAT ITEM Z-1, NORMALLY A ZONING CASE WE TAKE UP AT 4:00 O'CLOCK, WILL BE AT 6:00 O'CLOCK INSTEAD BECAUSE OF THE POSTING LANGUAGE. SO ITEM Z-1 WILL BE A 6:00 O'CLOCK PUBLIC HEARING, NOT A 4:00 O'CLOCK ZONING HEARING. COUNCIL, NOW I'LL READ THE ITEMS THAT HAVE BEEN PULLED OFF THE CONSENT AGENDA. ITEM NO. 2 REGARDING OUR MHMR HAS BEEN PULLED BY COUNCILMEMBER SLUSHER. AND I WOULD LIKE TO PULL ITEM NUMBER 27, WHICH WILL ENABLE MR. PETE COLLINS TO MAKE A BRIEF STAFF PRESENTATION HERE IN A FEW MINUTES. BUT I THINK THE AUDIENCE MIGHT LIKE TO SEE THE VISUALS THAT MR. COLLINS HAS BROUGHT WITH US. SO ITEMS 2 AND 27 WILL BE PULLED OFF THE CONSENT AGENDA. ANY OTHER ITEMS?

Slusher: YES, MAYOR, I WOULD LIKE TO PULL 7 AND 8 FOR A COUPLE OF QUESTIONS.

Mayor Wynn: THANK YOU. ANY FURTHER ITEMS TO BE PULLED, COUNCIL, OR PLACED BACK ON? OKAY. WITH THE APPROPRIATE REQUESTS FROM THE MANAGER, COUNCIL, I WILL GO AHEAD AND PUT MY ITEM, NUMBER 27, BACK ON THE CONSENT AGENDA. WHAT WE'RE ACTUALLY DOING IS STALLING FOR SOME TIME. SO ITEM 27 WILL BE ON THE CONSENT AGENDA. AND WITHOUT OBJECTION, WE'LL JUST HAVE A SIMPLE STAFF PRESENTATION OF THAT ITEM BEFORE WE VOTE ON THE CONSENT AGENDA. SO AGAIN, COUNCIL, THE PULLED ITEMS WILL BE ITEM NUMBER 2, 7 AND 8 PULLED BY COUNCILMEMBER SLUSHER. ANY OTHER ITEMS TO BE PULLED OR ITEMS BACK ON THE CONSENT AGENDA? HEARING NONE, WITH THAT I WILL READ THROUGH THE CONSENT AGENDA KNEW MAYORICLY. WORK WITH ME ON THIS. ITEM 1, 3, 4, 5, 6, 7, 8, -- I'M SORRY. 7 AND 8 HAVE BEEN PULLED. LET ME REFRESH MY SCREEN HERE WITH HELP FROM OUR CLERK'S OFFICE. EXCUSE ME. STARTING AGAIN, THE CONSENT AGENDA WILL BE: ITEM 1, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, ITEM 30 WESTBOUND OUR BOARD AND COMMISSION APPOINTMENTS THAT I'LL NOW READ INTO THE RECORD. TO OUR DOWNTOWN COMMISSION, BOB WOODY AS A

CONSENSUS REAPPOINTMENT. MR. WOODY REPRESENTS THE EAST SIXTH STREET MERCHANTS SLOT. TO THE MUSIC COMMISSION, LON BOSART IS MY APPOINTMENT. TO THE PARKS AND RECREATION BOARD, MARILYN BOSTICK IS COUNCILMEMBER THOMAS'S REAPPOINTMENT. LEONARD ON THE MAYOR PRO TEM'S REAPPOINTMENT. AND HECTOR ORTIZ IS A CONSENSUS REAPPOINTMENT. TO THE FORESTRY BOARD, TIM MAHONEY, COUNCILMEMBER ALVAREZ'S REAPPOINTMENT. THOSE ARE THE BOARD AND COMMISSION APPOINTMENTS FOR JUNE 17TH, ITEM NUMBER 30 ON THE CONSENT AGENDA. CONTINUING: 31, 32, 33 HAS BEEN WITHDRAWN AS NOTED ON CHANGES AND CORRECTIONS. 34, 35, 36, 37, 38, 39, 40 AND 41. THAT'S OUR CONSENT AGENDA, AND I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER ALVAREZ. I'LL SECOND THAT. NOW FOR DISCUSSION, AND I WOULD LIKE TO ASK IF MR. COLLINS IS READY A QUICK DISCUSSION OF ITEM 27, WHICH IS OUR AV OR AUDIOVISUAL SET OF CONTRACTS FOR THE NEW CITY HALL. ONE, A NUMBER OF -- OF COURSE, AS WE NEAR FINISH OF THAT BUILDING, A NUMBER OF CITIZENS ARE ASKING ABOUT THE TIMING OF IT AND THE ELEMENTS WITHIN THE BUILDING, SO I'D LIKE FOR MR. COLLINS TO GIVE A BRIEF SORT OF OVERVIEW OF HOW THIS COMPONENT COMPLIMENTS THE BUILDING AS A WHOLE. AND FRANKLY, ALSO HELPS US RECOGNIZE HOW FAR YOU'VE, FRANKLY, CUT THIS BUDGET AND THE EXPENSES THAT YOU'VE REDUCED FROM WHAT HAD BEEN THE ORIGINAL PLAN OF THE AUDIO AND VISUAL COMPONENT OF THE NEW CITY HALL. MR. COLLINS.

GOOD MORNING, MAYOR AND COUNCIL. WHAT I'D LIKE TO DO IS TALK TO YOU A LITTLE BIT ABOUT -- THIS IS KIND OF LOUD HERE. MAYBE I DON'T NEED THE MIC. I'D LIKE TO TALK TO YOU ABOUT THE BUDGET AS FAR AS RELATED TO AUDIO/VISUAL FOR THE NEW CITY HALL. ALSO, THIS IS ALSO ASSOCIATED WITH CHANNEL 6 REPLACEMENT OF THE CHANNEL 6 TELEVISED EQUIPMENT THAT HASN'T BEEN REPLACED IN ABOUT 20 YEARS. WE WENT THROUGH A DIFFERENT NUMBER OF PHASES, DID SOME PROJECTIONS EARLY ON. SOME OF THE NUMBERS WERE COMING BACK ANYWHERE FROM EIGHT TO NINE MILLION DOLLARS. THEN WE WENT AHEAD AND STARTED SCRUBBING THE NUMBERS

FROM THERE AND WE DID A TOTAL ESTIMATE RIGHT NOW IS ABOUT 5.8 MILLION. BUT AT THE SAME TIME WHEN WE'RE COMING UP WITH THIS COST, THE CITY WAS GOING THROUGH A VERY TOUGH BUMENT TIME, -- BUDGET TIME, SO WE SAT DOWN WITH THE CITY MANAGER AND ASKED OURSELVES WHAT DO WE REALLY NEED TO HAVE WHEN WE OPEN THE FACILITY, SO IT WOULD BE FUNCTIONAL AND PROVIDE THE ACCESS TO THE PEOPLE THAT ARE INSIDE, BUT ALSO TO THE CITIZENS TO WHERE THEY COME IN AND THEY'LL BE ABLE TO GET INFORMATION EASILY, GO TO A COUNCIL MEETING TO WHERE THEY COULD SEE NICE PRESENTATIONS. AND UNFORTUNATELY, I'M GOING TO TURN MY BACK ON YOU A LITTLE BIT WHEN I GO THROUGH THIS, BUT IN THE NEW CITY HALL WE WON'T HAVE TO DO THIS. I'LL BE ABLE TO LOOK AT YOU. BUT WE WORKED VERY HARD ON THIS. WE ASKED OURSELVES THE RIGHT QUESTION AND I BELIEVE WE REALLY DID BALANCE IT. AND WE'RE MOVING FORWARD AND WENT THROUGH AN R.F.P. PROCESS AND WE GOT SOME VERY COMPETITIVE BIDS BACK, SOME GOOD RESPONSES. BUT ALSO WHAT WE'RE DOING HERE IS THAT EVEN THOUGH WE HAVE AN OVERALL BUDGET OF 5.8 MILLION OR ESTIMATE OF 5.8, WE'RE JUST GOING TO BE ASKING FOR 3.1 AT THIS MOMENT IN TIME TO GET THE CORE SYSTEMS IN PLACE. AND I'LL WALK THROUGH A LITTLE BIT ABOUT DIFFERENT MONITORS AND WHAT THE CHAMBERS WILL LOOK LIKE AS FAR AS WITH AUDIOVISUAL. THE BALANCE THAT'S IN THE RCA IS REALLY JUST TO MAINTAIN OUR PRICE AGREEMENT. THERE'S NO FUNDING ASSOCIATED TO THAT ADDITIONAL MONEY. SINCE WE WENT THROUGH A COMPETITIVE PROCESS, WE WOULD LIKE TO KEEP THE PRICES IN PLACE FOR A COUPLE OF YEARS. AND WE'VE DONE THAT ON A NUMBER OF DIFFERENT PROJECTS. SO I'M JUST GOING TO TURN AROUND AND PASS OUT A PRESENTATION. AND ON THE FIRST SLIDE IS THAT THIS IS OUR PHASE 1, WHICH -- PHASE 1, BUILDING CABLE SYSTEMS. THIS IS BROKEN BROKEN DOWN INTO VERY HIGH LEVEL AREAS, ABOUT 400,000 FOR OUR NETWORK. PARTNERSHIPS WITH THE NEWS AGENCIES THAT WE DID THE SAME THING AS CTECH. AND BASICALLY THE BROADCAST STATIONS AND THE NEWS AGENCIES WILL HAVE TO GET THEIR OWN SIGNAL BOCK TO THEIR LOCATION, BUT WE PROVIDE THIS CONNECTIVITY INSIDE THE BUILDING. THE TELEVISION

SYSTEM, I'M SURE CHANNEL 6 WILL BE VERY HAPPY BECAUSE THE EQUIPMENT THEY'VE BEEN WORKING WITH THEY'VE BEEN KEEPING TOGETHER FOR A NUMBER OF YEARS. A LOT OF EQUIPMENT IS NOT EVEN SUPPORTED ANY MORE. AND ACTUALLY WENT BACK AND WE DID SOME RESEARCH AND WE SAID WHAT DID WE PAY ORIGINALLY FOR THE CORE SYSTEM FOR CHANNEL 6 FOR THE CONTROL CENTER AND IT WAS APPROXIMATELY 1.2 MILLION. SO HERE WE'RE IN THE RIGHT BALLPARK. WE'RE 19 YEARS LATER, 15 YEARS LATER, DEPENDING ON WHICH EQUIPMENT IT IS, AND WE'RE ABLE TO DO IT AROUND 1.1 AS FAR AS THE CORE. I DO WANT TO POINT OUT, THOUGH, THE FUNDING THAT AT 1.1 MILLION THAT 800,000 IS COMING FROM -- A PORTION FROM TIME WARNER AND ALSO A PORTION FROM GRANDE TO HELP PAY FOR THE EXPENSE ON THE FRANCHISE. WE HAVE TELEVISION LIGHTING, SO EVERYBODY KNOWS WHEN YOU'RE DOING LIVE BRAWKZ THAT LIGHT IS IMPORTANT -- BROADCASTS THAT LIGHT IS IMPORTANT, THAT PEOPLE LOOK THE WAY THEY NEED TO AND THE COLORS ARE CORRECT. AND EVEN WITH THE PRESENTATIONS SO PEOPLE CAN ACTUALLY SEE THE PRESENTATIONS CORRECTLY. AND INTEGRATION -- INTEGRATED TELEVISION AND AUDIOVISUAL SYSTEM. THAT INTEGRATES EVERYTHING IN THE BUILDING SO WE CAN BE ABLE TO PUT PRESENTATIONS OR IF YOU HAVE A MEETING AND KNOW THE LOCATION, WE'LL BE ABLE TO GET THE SIGNAL BACK TO THE CORRECT PLACES. AND THEN WHAT'S NOT BUDGETED, THERE'S A COUPLE OF ITEMS HERE NOT BUDGETED, BUT WE'LL BE ABLE TO BRING A COUPLE OF ITEMS HERE AS WE GO THROUGH THE PROCESS. BUT THE PLASMA SCREEN IN THE LOBBY AREA IS IN THE BUDGET AND ALSO THE THREE SCREENS INSIDE THE LOBBY AREA INSIDE IS ALSO IN THIS BUDGET HERE. AND THIS IS WHAT I MENTIONED BEFORE, \$3.1 MILLION FOR WHAT WE'RE LOOKING AT RIGHT AT THIS MOMENT. AND THEN KEEP THE PRICING AGREEMENT IN PLACE FOR A TOTAL OF 5.8, BUT THERE IS NO FUNDING ASSOCIATED TO THE ADDITIONAL FUNDS RIGHT NOW. I JUST WANT TO GIVE YOU AN IDEA OF WHERE THESE SCREENS ARE LOCATED. THIS IS JUST FROM THE SOUTH SIDE OF CITY HALL. CAN YOU GO BACK ONE, PLEASE? THANK YOU. THE SCREEN THAT WE'VE BEEN TALKING ABOUT IS LOCATED UP IN THIS AREA HERE. AND IF ROSS WOULD GO TO THE NEXT SCREEN NOW, IT'S

BASICALLY BACK UP INSIDE HERE. IT'S A FAIRLY LARGE AREA. IF WE SWITCH TO ONE MORE SCREEN, THAT THIS IS ACTUALLY THE PLAZA AREA, THE 33 FEET BY 53 FEET LONG. AND IT'S BEEN DESIGNED FOR INFORMATION PURPOSES FOR OVERFLOW FOR COUNCIL, A NUMBER OF DIFFERENT ACTIVITIES OUTSIDE. AS YOU GO INSIDE FROM THE LOBBY, I MEAN, FROM THE PLAZA, YOU WALK INSIDE TO THE LOBBY, AND THEN INSIDE THE LOBBY HERE IT'S VERY HIGH CEILINGS. IF YOU GO TO THE NEXT SCREEN, ROSS. THAT ACTUALLY IS 105 FEET LONG, 38 FEET AT ONE END, 13 AT THE OTHER END. AND THERE'S MONITORS HERE, HERE AND HERE, PLASMA SCREENS, WHICH THEN AGAIN OFFER A NUMBER OF DIFFERENT FUNCTIONS, INFORMATION OF ACTIVITIES THAT ARE GOING ON WITHIN CITY HALL, MAYBE THROUGHOUT THE CITY, AUSTIN STORIES, HISTORY, A KIOSK IF YOU WANT TO HEAR MORE ABOUT HISTORY, ABOUT A CERTAIN EVENT THAT HAPPENED IN AUSTIN, YOU WILL BE BE ABLE TO DO THAT. I THINK THAT DUCK TAILS NICELY INTO THE WCIT CONFERENCE WORLD INTERNATIONAL IT CONFERENCE THAT WILL BE HERE IN 2006. SO IT CAN ACTUALLY SERVE A NUMBER OF DIFFERENT PURPOSES. AND THEN WE HAVE AS THE COUNCIL CHAMBERS AND TO ORIENTATE, HERE IS THE DAIS HERE, AND THE AREAS OF THE VIDEO SCREEN BEHIND THE DAIS, BUT ALSO THIS IS THE SEATING, AND WITHIN THAT THERE ARE PLAZA SCREENS THAT ARE LOCATED HERE IN THE YELLOW. THE REASON THAT WE HAVE THOSE IS BECAUSE OF LINE OF SIGHT, PEOPLE WILL NOT BE ABLE TO SEE CERTAIN THINGS ON THE SCREEN BEHIND THE DAIS BECAUSE OF SIZE OR IF YOU'RE LOOKING AT ZONING PLANS, BUT ALSO THIS IS FOR CLOSED CAPTIONING TOO. SO PEOPLE WOULD BE ABLE TO READ IF THEY'RE NOT ABLE TO HEAR WHAT IS ACTUALLY HAPPENING. AND THEY WILL BE ABLE TO SEE IT. AND THAT WAS THE PURPOSE OF, AGAIN, FOR PRESENTATIONS, ALSO FOR CLOSED CAPTIONED WITHIN THE DAIS.

Mayor Wynn: THANK YOU, MR. COLLINS. QUESTIONS FOR MR. COLLINS? I WILL SAY THAT, YOU KNOW, I'M EXCITED WITH THE APPROACH THAT MR. COLLINS AND HIS TEAM HAVE TAKEN ABOUT TRYING TO GET THE MOST BANG FOR THE BUCK. AND IN FACT, I THINK THIS EXPENSE LINE ITEM IS PROBABLY SIGNIFICANTLY BELOW WHERE WE HAD

PROJECTED THREE OR FOUR OR FIVE YEARS AGO WHEN THE BUILDING WAS FIRST COMING TOGETHER. AND I THINK IT'S GOING TO MAKE IT MUCH MORE ACCESSIBLE FOR FOLKS TO UNDERSTAND WHAT'S GOING ON AT THE COUNCIL MEETING BOATS WHILE THEY'RE THERE IN THE CHAMBERS, OUTSIDE OR AT HOME. SO I THINK IT'S A WELL THOUGHT OUT PLAN AND I APPRECIATE THE PRESENTATION, MR. COLLINS.

THANK YOU, MAYOR.

Mayor Wynn: QUESTIONS, COUNCIL, FOR MR. COLLINS? THANK YOU, PETE. ONE MORE QUICK DISCUSSION, ITEM, COUNCIL. IN FACT, IF THE MAYOR PRO TEM WOULD BE KIND ENOUGH TO TAKE THE GAFFE GAVEL, I NEED TO WALK OVER AND SHOW SOMETHING ABOUT ITEMS 34 THROUGH 38.

Mayor Wynn: THIS IS THE MAP THAT I DESPERATELY WANTED TO HAVE AT THE LAST MEETING WHEN WE APPROVED THE PUD ZONING FOR WHAT WE CALL THE RIBELIN RANCH. WHAT THIS SHOWS IS WHAT WE -- IN THE BCCP, THE BALCONES CANYON LAND PRESERVE SYSTEM. THIS IN GREEN SHOWS ALL THE LAND THAT WE OR TRAVIS COUNTY HAVE ACQUIRED FOR THAT IMPORTANT SYSTEM. AND WHAT IS IN GREEN, DARK GREEN, IS LAND THAT WE OR TRAVIS COUNTY HAVE ALREADY ACQUIRED AND ALREADY OWN. WHAT'S IN RED IS LAND THAT HAS BEEN LOST TO DEVELOPMENT. THAT IS, LAND THAT IS WITHIN THE BOUNDARIES OF THE ORIGINAL BCCP PLAN AS APPROVED BY THE U.S. FISH AND WILDLIFE SERVICE, BUT ULTIMATELY, FOR WHATEVER REASON, WAS DEVELOPED BEFORE WE OR OUR PARTNERS HAD A CHANCE TO ACQUIRE THAT LAND. WHAT'S IN YELLOW IS LAND THAT IS STILL AVAILABLE FOR ACQUISITION, LAND THAT IS PRIVATELY OWNED, BUT HASN'T BEEN DEVELOPED, AND WE'VE BEEN WORKING WITH EVERY ONE OF THESE PROPERTY OWNERS OVER THE YEARS TO TRY AND FIGURE OUT HOW TO APPROPRIATELY INCLUDE THEM IN THE PRESERVE. WHAT WE SHOW IN PURPLE, INTERESTINGLY ENOUGH, ARE PROJECTS THAT WE CURRENTLY HAVE FUNDING REQUESTS IN TO THE FEDERAL GOVERNMENT THROUGH THE U.S. FISH AND WILDLIFE SERVICE FOR ACQUISITION FUNDS. WE'VE BEEN VERY SUCCESSFUL IN THE LAST FEW YEARS OF GETTING THOSE FUNDS. THE RIBELIN RANCH IS RIGHT HERE. SO IF YOU CAN ENVISION THIS

ENTIRE PIECE OF PROPERTY THAT'S BOTH SHOWN HERE IN PURPLE, ORANGE AND GREEN, AS BEING YELLOW, THAT IS, IT WAS IN THE PRESERVE BOUNDARIES AND AVAILABLE FOR ACQUISITION, YOU SEE WHAT A DRAMATIC GAP IT LEFT IN THE IMPORTANT BULL CREEK MACRO SITE. AND SO WITH THE REHAB LIEN RANCH ALL THE WAY TO AND THROUGH THIS OTHER PROPERTY IN THE BACK, IT LITERALLY BIFURCATED WHAT WAS THE LARGEST AND MANY PEOPLE WILL SAY THE MOST IMPORTANT AND CRITICALLY SENSITIVE MACRO SITE WITHIN THE BCCP. SO WITH THE RIBELIN RANCH APPROVALS THAT WE STARTED LAST WEEK WITH THE PUD APPROVALS AND WHEN WE APPROVED FOUR DIFFERENT ITEMS, AND ESSENTIALLY PIECE ALL THE INFRASTRUCTURE AND ENTITLEMENTS TOGETHER FOR THE PROPERTY OWNER, TRAVIS COUNTY TECHNICALLY WILL BE PURCHASING THE BACK HALF OF THE RANCH, WHICH IMMEDIATELY THEN HAS THE PHYSICAL LINK BETWEEN THE TWO ELEMENTS OF THIS MACRO SITE, THE ENTIRE WESTERN PORTION OF THE RANCH IS THEN SET ASIDE FOR THE U.S. FISH AND WILDLIFE SERVICE FOR THEIR 10 10-A PERMIT THAT WILL ALSO BE MANAGED FOR ENDANGERED SPECIES HABITAT, ENVIRONMENTAL PROTECTION, AND THEN THE FRONT THIRD OR LESS OF THIS RANCH WILL BE AVAILABLE FOR PRIVATE DEVELOPMENT. SO HOPEFULLY THIS MAP ENABLES US TO JUST RECOGNIZE HOW IMPORTANT THIS OVERALL TRANSACTION HAS BEEN, BOTH THE ZONING, THE PUD APPROVAL OF THE DEVELOPMENT OF THE FUTURE LAND AND MORE IMPORTANTLY THE SET ASIDES BOTH TO THE U.S. FISH AND WILDLIFE SERVICE AND THEN THE SALE TO TRAVIS COUNTY. AND BY THE WAY, THE FRONT FOR TRAVIS COUNTY'S ACQUISITION ALSO COME FROM THE U.S. FISH AND WILDLIFE APPLICATION THAT WE'VE BEEN SO SUCCESSFUL. SO I WANT TO THANK STAFF FOR BRINGING MY MAP FINALLY, BUT THE COUNCIL IS AWARE OF THIS AND KNOWS HOW CRITICAL THIS WAS, BUT I WANTED OUR CITIZENS TO SEE HOW IMPORTANT THIS ACTION ITEMS 34-38 ARE BECAUSE IT REALLY DOES LINK THE IMPORTANT BULL CREEK MACRO SITE, MAKES NOT ONLY OUR BCCP MORE SUCCESSFUL AS WE ARE NOW AT ABOUT 27,000 ACRES OF THE 30,000 ACRES THAT'S REQUIRED UNDER THE 10-A PERMIT, FRANKLY JUST MAKES NORTHWEST AUSTIN AND NORTHWEST TRAVIS COUNTY THAT MUCH MORE

ATTRACTIVE PLACE TO BE WITH MORE OPEN SPACE, MORE WATER AND ENVIRONMENTAL PROTECTION AND MORE SPECIES HABITAT. SO THANK YOU, STAFF FOR THE TIME AND THANK YOU, MAYOR PRO TEM.

Goodman: THANKS, MAYOR. AND LET ME SAY I APPRECIATE ALL THE WORK THAT YOU'VE PUT INTO IT, CONSIDERING WE'VE BEEN TRYING TO ACQUIRE THIS FOR I DON'T EVEN REMEMBER HOW MANY YEARS, 12. THANK YOU VERY MUCH.

Mayor Wynn: OKAY. SO COUNCIL, WE HAVE A MOTION AND A SECOND ON THE TABLE. COUNCILMEMBER SLUSHER?

Slusher: YES. ON NUMBER 39, THAT'S THE ROBINSON RANCH ANNEXATION, I THINK THAT'S ALSO A COUPLE OTHER ITEMS TOO, WE JUST GOT A PRINTOUT OF THAT. I WANTED TO KNOW WHAT HAD CHANGED ON THAT. AND ALSO I WANT TO UNDERSTAND ARE WE APPROVING THE DEVELOPMENT REGULATIONS AS PART OF 39 IN THE PUD OR IS THAT COMING LATER? THERE'S ALSO AN ITEM UNDER ZONING.

ALICE GLASGO. MAYBE BETWEEN THE TWO OF YOU YOU CAN LINE OUT WHAT THE ITEMS ARE AND IN WHAT ORDER.

ALICE GLASGO, DIRECTOR OF NEIGHBORHOOD PLANNING AND ZONING. ITEM 39 IS THE PLANNING AND DEVELOPMENT AGREEMENT. IT OUTLINES THE DEVELOPMENT STANDARDS. HOWEVER, YOU WILL BE IMPLEMENTING THE LAND USE PART OF IT THROUGH ZONING AT 4:00 O'CLOCK. SO YOU ANNEX THE LAND NOW, WHICH ENABLES YOU TO THEN ZONE IT AT 4:00 O'CLOCK TO THEN IMPLEMENT ALL THE DEVELOPMENT STANDARDS THROUGH THE ZONING PROCESS.

Futrell: AND YOU MAY WANT TO SPEAK TO WE WERE DOING SOME FRANTIC COPYING BECAUSE AS YOU KNOW IN TRYING TO KEEP THE SCHEDULE TOGETHER WITH THE FINAL ZAP RECOMMENDATION WAS TUESDAY NIGHT AND WE WERE INCORPORATING ALL THE THINGS THAT HAPPENED FROM THAT MEETING, BUT YOU MIGHT WANT TO SPEAK TO THE COPY THAT WAS JUST PASSED OUT ON THE DAIS.

WHAT YOU HAVE BEFORE YOU, MAYOR AND COUNCIL, IS A COPY OF THE 1197 OR THE ANNEXATION AND DEVELOPMENT

AGREEMENT THAT INCORPORATES ALL OF THE RECOMMENDATIONS THAT CAME FORWARD FROM BOTH THE ENVIRONMENTAL BOARD AND ZAP. BOTH BOARDS UNANIMOUSLY APPROVED THIS PROJECT, BUT THEY SENT FORWARD SOME ADDITIONAL RECOMMENDATIONS. WE'LL WALK YOU THROUGH THOSE DURING THE ZONING CASES, AND THEY ARE NORPED NOW IN THIS AGREEMENT, AND THAT'S WHAT YOU HAVE BEFORE YOU.

Slusher: I WOULD RATHER TAKE THOSE ALL UP AT 4:00 O'CLOCK. THIS IS A VERY IMPORTANT ISSUE AND I THINK IT MAKES MORE SENSE TO DO IT LIKE THAT.

Mayor Wynn: COUNCILMEMBER ALVAREZ, DO YOU CONSIDER THAT A FRIENDLY AMENDMENT TO PULL ITEMS 39, 40 AND 41 OFF THE CONSENT AGENDA? I AGREE AS WELL. WE'LL TAKE UP THEN ITEMS 39, 40 AND 41 AS WE TAKE UP ZONING CASE Z-12. THAT'S SOMETIME AFTER FOUR P.M. THANK YOU. OKAY. SO AGAIN, COUNCIL, THEN THE CONSENT AGENDA AS AMENDED HAS FOUR PULLED ITEMS, ITEM NUMBER 2 -- I'M SORRY. SIX PULLED ITEMS. ITEMS 2, 7, 8, 39, 40 AND 41. THERE'S A MOTION AND A SECOND ON THE TABLE. COUNCILMEMBER ALVAREZ.

Alvarez: THANK YOU, MAYOR. I JUST WANTED TO SPEAK A LITTLE BIT ABOUT ITEM 67, WHICH IS THE -- ITEM 6, WHICH IS THE EXTENSION OF THE DOWNTOWN AUSTIN COMMUNITY COURT BOUNDARIES. AND THIS IS AN ITEM THAT WE'VE HEARD FROM FROM THE UNIVERSITY AREA AND JUST EAST OF I-35 IN TERMS OF TRYING TO GET THOSE AREAS INCLUDED IN THAT -- FOR THE SERVICES PROVIDED BY THE DOWNTOWN COMMUNITY COURT. AND REALLY IT'S TO PROVIDE RABBITIVE SERVICES TO INDIVIDUALS COMMITTING CLASS C QUALITY OF LIFE OFFENSES -- REHABILITATIVE SERVICES. AND WE'VE HAD A LOT OF PROBLEMS WITH THOSE TYPES OF FENCES AS WELL AS ALONG THE DRAG AND ALONG GUADALUPE, SO THIS WILL HOPEFULLY, IF WE CAN HAVE THAT SAME KIND OF SUCCESS THAT WE'VE HAD DOWNTOWN IN REDUCING THOSE KINDS OF OFFENSES, THEN HOPEFULLY THOSE AREAS WILL BE SEEING AN IMPROVEMENT ALSO IN TERMS OF QUALITY OF LIFE TYPE ISSUES. BUT I JUST WANTED TO THANK THE STAFF FOR

BRINGING THIS FORWARD.

THANK YOU, COUNCILMEMBER. GREG TOOMEY, WHO IS IN CHARGE OF THE DOWNTOWN COMMUNITY COURT, HAS DONE A TREMENDOUS JOB IN EXTENDING THE BOUNDARIES WITH NO ADDITIONAL FUNDING. HE'S DONE IT WITH INCREDIBLE EFFICIENCIES, SO WE'LL GET A LOT OF BANG FOR THE BUCK OUT OF WHAT WE'RE DOING RIGHT NOW.

Mayor Wynn: FURTHER COMMENTS? QUESTIONS? IF NONE, ALL THOSE IN FAVOR OF APPROVING THE CONSENT AGENDA AS READ, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. SO COUNCILMEMBER SLUSHER, WE HAVE ITEMS 2, 7 AND 8. DO YOU HAVE A PREFERENCE?

Slusher: LET'S TAKE THEM IN NUMERICAL ORDER,.

Mayor Wynn: MAYOR LET'S TAKE UP ITEM NUMBER 2, WHICH RELATES TO OUR MHMR ITEM.

Slusher: MAYOR, WHAT I WANTED TO HEAR HERE WAS AN EXPLANATION FROM AUSTIN ENERGY ON HOW THEY DETERMINED THE PRICE. BECAUSE I KNOW THAT THE PRICE FOR THIS THIRD OF AN ACRE EASEMENT THAT WE'RE BUYING FOR AUSTIN ENERGY TO DO A PROJECT IS ACTUALLY WE'RE PAYING MORE THAN WE GOT LAST WEEK FOR SELLING AN EASEMENT THAT ACTUALLY WAS A WHOLE CITY BLOCK. SO I WAS CONCERNED ABOUT THE -- WHAT DIFFERENCES THERE MIGHT BE IN METHODOLOGY WHERE WE ENDED UP PAYING MORE FOR THIS AND GETTING LESS FOR A WHOLE STREET. SO MR. GARZA, GOOD MORNING. CAN YOU TELL ME HOW AUSTIN ENERGY DETERMINED THIS PRICE?

CERTAINLY. JUAN GARZA, GENERAL MANAGER OF AUSTIN ENERGY. WE HIRED AN INDEPENDENT LICENSED APPRAISER WHO DOES COMPARABLES AND THEN THE SELLING PARTY, IN THIS CASE MHMR, WOULD AGREE WITH US ON THE PRICE.

AND THEN WE BRING IT FORWARD. SO ESSENTIALLY IT'S DETERMINED BY AN INDEPENDENT PARTY. AND WE MUTUALLY AGREED AND WE'RE BRINGING IT FORWARD.

Slusher: OKAY. SO I DON'T THINK THE OTHER WAS DONE BYE-BYE YOUR -- DONE BY YOUR DEPARTMENT, AND MY RECOLLECTION IS THAT WAS DIFFERENT, THAT THE CITY BASED THE OTHER ONE ON THE APPRAISED -- NOT THE MARKET APPRAISAL, THE APPRAISAL DISTRICT, THE TAX APPRAISAL, AND THEN CHARGED 10% OF THAT. I WAS WONDERING IF WE COULD JUST -- I DON'T UNDERSTAND WHAT THE DIFFERENCE IS, WHY WE WOULD DO THESE TWO THINGS DIFFERENTLY. BECAUSE THE EXPLANATION LAST WEEK WAS THAT WE WERE DOING IT LIKE WE ALWAYS DO.

I'M WITH THE PUBLIC WORKS DEPARTMENT. WHEN WE'RE PURCHASING PROPERTY, WE FOLLOW THAT SAME PROCESS WHERE USUALLY WE HAVE A CIP ACCOUNT AND WE HAVE FUNDING TO GO OUT AND GET AN OUTSIDE APPRAISAL DONE. SO WE USED THE SAME METHODOLOGY.

Slusher: OKAY. BUT YOU DID THAT WHEN WE WERE SELLING?

WHEN WE'RE SELLING WE DON'T HAVE A CIP ACCOUNT TO FUND GOING OUT AND DOING A SEPARATE OUTSIDE APPRAISAL. AND ALSO IN THIS CASE SINCE IT WAS RIGHT-OF-WAY, IT WAS UNBUILDABLE PROCESS, WE FELT THAT USING THE TCAD VALUES WAS AN APPROPRIATE METHODOLOGY IN THIS CASE FOR ESTABLISHING THE APPRAISAL.

Slusher: IF IT'S UNBUILDABLE THEN, IT'S BECOMING PART OF AN OVERALL DEVELOPMENT, NOW BOTH SIDES OF THE BLOCK AND THE STREET IN THE MIDDLE ARE GOING TO BE PART OF A PRIVATE COMPLEX.

THAT'S CORRECT. BUT THERE ARE VARIOUS METHODS OF DOING APPRAISALS AND ESTABLISHING THOSE PRICES, AND THE REAL ESTATE STAFF USED THE ONE THAT THEY THINK IS THE MOST APPROPRIATE IN THAT CASE. WHAT WE CAN DO IS WE CAN VISIT WITH AUSTIN ENERGY AND MAKE SURE WE HAVE THE SAME CONSISTENT PRACTICES. AND I HAVEN'T REALLY DISCUSSED THIS WITH THEM AT THIS POINT, BUT I'M NOT CERTAIN WHAT THEIR PREFERENCES ARE EXACTLY

FOR WHAT THEY SELL PROPERTY, BUT I WOULD THINK THAT MANY -- THAT THEIR REAL ESTATE AGENTS WOULD ALSO UTILIZE TCAD VALUES IN CERTAIN SITUATIONS FOR ESTABLISHING THE PRICE.

Slusher: OKAY. MR. GARZA, HAVE Y'ALL SOLD ANY PROPERTY RECENTLY OR DO YOU KNOW ABOUT WHAT THE POLICY IS?

COUNCILMEMBER, I DON'T RECALL A RECENT SALE, AND I'M NOT 100% CERTAIN, BUT I BELIEVE THAT WE GENERALLY HIRE AN INDEPENDENT APPRAISER WHETHER WE'RE SELLING OR BUYING, BUT I WILL VERIFY THIS FOR YOU.

Slusher: SO THAT WASN'T ON THE MOFFETT STREET CASE? I REALLY WISH Y'ALL WOULD GET TOGETHER BECAUSE IT REALLY STANDS OUT TO ME THAT WE SOLD A WHOLE STREET LAST WEEK FOR \$54,000, AND -- I THOUGHT I SAW A BLUEPRINT WHERE IT WAS GOING TO BE DEVELOPED ON TOP OF IT. AT VERY BEST IT'S GOING TO BECOME PART OF AN OVERALL DEVELOPMENT. IT'S A LOT OF VALUE TO THE FOLKS. IN THIS CASE IT WAS A CHURCH, BUT IT'S A LOT OF VALUE TO THEM TO GET THIS WHOLE CITY STREET AND WE GAVE IT UP FOR \$54,000, AND NOW HERE WE'RE BUYING SOME -- BUYING A THIRD OF AN ACRE AND WE'RE PAYING \$87,000. SO THAT JUST REALLY DOESN'T SEEM TO MAKE SENSE TO ME. SO I WISH Y'ALL WOULD GET TOGETHER AND TRY TO IMPROVE THOSE PRACTICES. I'M HOPING WE'RE NOT SELLING TOO MANY CITY STREETS IN THE FUTURE.

WE WILL BE DOING THAT. AND AS I UNDERSTAND IT, THAT IS STILL GOING TO BE A STREET, IT'S STILL GOING TO BE USED AS A STREET.

Slusher: PRIVATE DRIVE.

RIGHT.

Slusher: THAT'S DIFFERENT THAN A CITY STREET.

THAT'S CORRECT. WE WILL LOOK AT THAT. WHAT WE WOULD HAVE TO HAVE IS ADDITIONAL GENERAL FUND FUNDING TO PAY FOR THOSE APPRAISALS, BUT WHAT WE WILL DO, PUBLIC WORK STAFF AND AUSTIN ENERGY STAFF, WE WILL

GET TOGETHER AND MAKE SURE THAT WE'RE USING SIMILAR PRACTICES THAT ARE TO THE BEST INTEREST OF THE CITY.

Slusher: MAYBE WE COULD PAY FOR THE APPRAISAL RATHER THAN SETTING UP A GENERAL FUND ITEM TO DO THAT, IF WE COULD PAY FOR IT OUT OF THE INCOME WE WOULD GET OFF THE SALE.

PERHAPS SO.

Slusher: THANK YOU. >>

Futrell: AND I REALLY DO THINK THE LARGER ISSUE HERE IS THE METHODOLOGY THAT'S USED BECAUSE WE HAVE REAL ESTATE FOLKS WHO WORK IN OUR REAL ESTATE DIVISION WHO HELP US WITH THAT. SO THE REAL QUESTION IS WHY THE METHODOLOGY DIFFERENCE PRODUCED TWO VERY DIFFERENT OUTCOMES. SO ONE THING I WILL DO, COUNCILMEMBERS, IS WE WILL TAKE A LOOK AT METHODOLOGY DIFFERENCES IN ADDITION TO THE APPRAISAL ISSUE AND GET BACK TO THE FULL COUNCIL ON WHAT WE'RE DOING DIFFERENTLY OR THE SAME ACROSS DEPARTMENTS AND SEND AN EXPLANATION TO COUNCIL.

Slusher: THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?

Slusher: I MOVE APPROVAL OF THIS ONE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER TO APPROVE ITEM NUMBER 2. SECONDED BY COUNCILMEMBER MCCracken. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU. COUNCIL, LET'S TAKE UP ITEM NUMBER 7.

Slusher: WE NEED TO TAKE BOTH THOSE TOGETHER.

Mayor Wynn: MR. HILGERS, THANK YOU.

Slusher: MR. HILGERS, I WAS JUST, ONE, I THINK YOU HAD SOME MONEY THAT WAS GOING TO BOTH OF THESE -- WHY DON'T YOU START WITH 8. I THINK THAT'S THE ONE THAT HAS THE LEAST IMPACT.

YES, SIR. IF I COULD, I'M PAUL HILL HILGERS WITH NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT. ESSENTIALLY WHAT WE HAVE BEFORE YOU TODAY IS APPROVAL OF BOTH ITEMS NUMBER 7 AND 8, WHICH ARE TWO PUBLIC FACILITIES. THE COUNCIL AUTHORIZED 300,000-DOLLAR ALLOCATION TO BE USED FOR PUBLIC FACILITIES IN LAST YEAR'S CONSOLIDATED PLAN, IF CERTAIN CONDITIONS WERE MET. THOSE CONDITIONS WERE NOT MET AND THAT \$300,000 BECAME AVAILABLE FOR EXPENDITURES. WE HAD SOME PROPOSALS IN THE OFFICE AND REQUESTS IN THE OFFICE TO USE THOSE FUNDS, SO WE SET ABOUT THE TASK OF ALLOCATING DOLLARS TOWARDS THOSE REQUESTS, THOSE PROPOSALS. THE TWO BEFORE YOU TODAY ARE THE TWO THAT REQUIRE COUNCIL AUTHORIZATION. ONE EARLIER WAS FUNDED, BUT IT WAS BELOW THE COUNCIL AUTHORIZATION REQUIREMENT. AND THE TWO BEFORE YOU, ITEM NUMBER 8 IS 150,000-DOLLAR REQUEST, AND A DEFERRED FORGIVABLE LOAN TO FOUNDATIONS COMMUNITIES, NOT TO EXCEED THE \$150,000 FOR CONSTRUCTION OF A LEARNING CENTER AND A VINTAGE GREEN APARTMENT COMPLEX, 7224 NORTHEAST DRIVE, WHICH WILL PROVIDE VARIOUS RESOURCES TO AT RISK YOUTH, INCLUDING TUTORING, JOB READINESS CLASSES AND MENTORING ACTIVITIES. THE APPLICANT IS HERE -- THE PROPOSER IS HERE IF YOU WOULD LIKE TO ASK MORE SPECIFIC QUESTIONS ABOUT WHAT FOUNDATIONS COMMUNITIES DOES. AS THIS COUNCIL KNOWS, FOUNDATIONS COMMUNITIES HAS LONG BEEN A PARTNER FOR US AND OTHER AFFORDABLE HOUSING DEVELOPMENTS, AND THEY PROVIDE A VARIETY OF SERVICES TO THE TENANTS THAT LIVE IN THEIR UNITS TO HELP THEM ACHIEVE SELF-SUFFICIENCY. SO THAT'S THE PURPOSE OF THIS PARTICULAR GRANT. OR RATHER DEFERRED PAYMENT LOAN.

Slusher: OKAY. AND NUMBER 7?

AND THEN ON NUMBER 7, WHAT HAPPENED IS THAT AS A RESULT OF THE OUTPOURING OF SUPPORT THAT SOUTHWEST KEY HAS PROVIDED, THEY HAD ALSO REQUESTED THE BALANCE OF THE FUNDS AVAILABLE IN THE PUBLIC FACILITIES CATEGORY. WE HAD BEGUN -- THEY WERE ACTUALLY THIRD IN LINE, AND SO THE BALANCE OF FUNDS AT THAT POINT WAS \$114,000. AT THE REQUEST OF REALLY -- REALLY IN RESPONSE TO THE OUTPOURING OF RESPONSE TO THIS PROJECT FROM THE PUBLIC, WE LOOKED TO SEE IF THERE WERE ANY ADDITIONAL SAVINGS IN OUR PUBLIC FACILITIES CATEGORIES. WE HAD HAD PUBLIC HEARINGS, AS YOU KNOW, WITH COMMUNITY DEVELOPMENT COMMISSION EXPRESSING THEIR SUPPORT FOR THIS PROGRAM, AND SO STAFF FOUND AN ADDITIONAL \$93,000 IN SAVINGS FROM PREVIOUSLY FUNDED PUBLIC FACILITIES PROGRAMS. THEN AFTER THE LAST PUBLIC HEARING OR THE PUBLIC MEETING OF THE COMMITTEE, THERE WAS A REQUEST, AND AS YOU KNOW IN THE PLAN FOR NEXT YEAR, THERE WAS A RECOMMENDATION NOT TO FUND PUBLIC FACILITIES FROM THE STAFF, BUT THE THE CDBG BOARD WANTED TO EXPRESS THEIR SUPPORT AND ASK THE STAFF TO LOOK AND SEE IF THERE WERE ANY OPPORTUNITIES TO SUPPORT THIS PROGRAM TO A HIGHER LEVEL. AND WE HAVE THE AUTHORITY TO RECOMMEND TO YOU -- TO REALLOCATE FUNDS OF ABOUT \$150,000, WHICH IS CLOSE TO 10% WITHOUT THAT BEING A FUNDABLE REPROGRAMMING. AND THAT IS HOW WE BUILT FROM 114 TO 207 TO NOW \$367,000 THAT WE BRING BEFORE YOU TODAY TO RECOMMEND TO SUPPORT THE EAST AUSTIN COMMUNITY DEVELOPMENT PROJECT THAT SOUTHWEST KEY IS OFFERING TO BE BUILT IN THE JOHNSON TERRACE-GOVALLE NEIGHBORHOOD. THAT FACILITY ITSELF, THEY'RE HERE AS WELL, BUT THAT FACILITY ITSELF WILL AUTHORIZE - - AND THIS ACTION WILL AUTHORIZE THE NEGOTIATION AND EXECUTION OF A DEFERRED FORGIVABLE LOAN FOR THE COSTS ASSOCIATED WITH THIS EAST SIDE COMMUNITY DEVELOPMENT PROJECT. THEY'RE PROPOSING TO BUILD A 23,300 SQUARE FOOT OFFICE SPACE TO HOUSE THE NATIONAL CORPORATE OFFICES AS WELL AS A VARIETY OF SPACES IN THIS PHASE 1 OF THIS DEVELOPMENT FOR AN

ALTERNATIVE SCHOOL, COMMUNITY-BASED ALTERNATIVE TO A JUVENILE DETENTION FACILITY. AS WELL THEY'LL HAVE AN AMP PA THEATER AND SOME PUBLIC RECREATION SPACES THAT WILL BE PART OF THIS DEVELOPMENT. SO WE'VE ANALYZED THIS, WORKED TO ENSURE THAT THE FUNDS ARE AVAILABLE AND ELIGIBLE TO BE USED IN THE PUBLIC FACILITIES CATEGORY. SO THAT'S WHAT LED US TO THE 367,000-DOLLAR FIGURE THAT WE BRING BEFORE YOU TODAY.

Slusher: OKAY. THANK YOU, MR. HILGERS. AND I'M SURE THERE HAS BEEN AN OUTPOURING OF SUPPORT FOR THIS PROJECT FROM THE COMMUNITY. AND FROM WHAT I KNOW, IT'S A VERY GOOD ORGANIZATION, HAS SOME GOOD PROGRAMS AROUND THE NATION.

YES, SIR.

Slusher: BUT ALSO IT'S OUR RESPONSIBILITY AS A CITY COUNCIL AND THE CITY STAFF TO SCRUTINIZE ALL REQUESTS FOR PUBLIC FUNDS. AND THAT SOMETIMES WE'VE HAD PROJECTS COME THROUGH THAT SOUNDED REALLY GREAT AND HAD A LOT OF SUPPORT AND EVEN PRESSURE FROM KEY MEMBERS OF THE COMMUNITY, AND WE PUT SOME FUND INTO IT AND IT DIDN'T WORK OUT TOO WELL. AND THEN JUST LIKE IT'S OUR RESPONSIBILITY TO SCRUTINIZE IT, THEN WE'RE HELD RESPONSIBLE, RIGHT RIGHTLY SO, WHERE IF THOSE THINGS DON'T WORK OUT. SO I WANTED TO ASK YOU WHAT KIND OF GUARANTEES ARE GOING TO BE ATTACHED TO THESE FUNDS TO MAKE SURE THAT THESE PROGRAMS ACTUALLY OCCUR AS PROMISED.

YES, SIR. AND ONE OF THE -- THE ISSUE -- THESE WILL BE CONTRACTUAL RELATIONSHIPS OBVIOUSLY. WE WILL BE ENTERING INTO A CONTRACT WITH SOUTHWEST KEYS AND WE'LL BE WORKING WITH THEM ON EXACTLY WHEN THEY DRAW THESE DOLLARS DOWN AND WHAT THEY DRAW THESE DOLLARS DOWN FOR. BUT THE FACT IS -- AND THEY RECOGNIZE THAT THESE ARE ESSENTIALLY -- THE MAJOR OF THESE WILL BE USED FOR PREDEVELOPMENT COSTS. SOME OF THEM WILL BE USED FOR OBVIOUSLY CONSTRUCTION COSTS AS WELL. AND THOSE -- IF, FOR EXAMPLE, THIS PROJECT NEVER COMES TO FRUITION, THEN THEY WOULD

BE SUBJECT TO REPAYMENT. SOUTHWEST KEY IS AN ORGANIZATION THAT HAS BEEN AROUND FOR 16 YEARS. THEY HAVE ABOUT 60 STAFF PEOPLE AND THEY HAVE PROGRAMS IN SEVERAL DIFFERENT STATES AND ARE VERY WELL RESPECTED IN THE FIELD THAT THEY'RE IN, WHICH IS PROVIDING ALTERNATIVE EDUCATIONAL EXPERIENCES FOR AT-RISK YOUTH AND OTHER SERVICES. AND THEN FROM A CONTRACTUAL STANDPOINT, WE WILL MAKE SURE THAT WE HAVE THE APPROPRIATE COLLATERAL IN PLACE FOR -- TO COVER WHATEVER CONTINGENCIES ARE NECESSARY BEFORE WE WOULD ACTUALLY EXECUTE THAT CONTRACT. SO WE WOULD GUARANTEE THAT THOSE SERVICES WOULD BE PROVIDED THROUGH THOSE -- THROUGH THOSE CONTRACTS.

Slusher: OKAY. THAT'S ALL MY QUESTIONS, MR. HILGERS. THANK YOU FOR YOUR WORK ON THIS.

Mayor Wynn: FURTHER QUESTIONS OF MR. HILGERS? COMMENTS? COUNCILMEMBER ALVAREZ.

Alvarez: REALLY I JUST WANT TO THANK MR. HILGERS FOR IDENTIFYING ADDITIONAL OPPORTUNITIES TO FUND THIS PARTICULAR PROJECT. IT HAS BEEN SOMETHING THAT A LOT OF US HAVE BEEN HEARING ABOUT ON THE COUNCIL, THE DEVELOPMENT OF THIS CONSOLIDATED PLAN. AND WE ACKNOWLEDGE THE POSITION THAT STAFF HAS TAKEN AND RESPECT THAT, AND CERTAINLY JUST ARE VERY THANKFUL THAT WE'RE ACTUALLY ABLE TO CRAFT TOGETHER A PACKAGE FOR SUPPORTING THE PROJECT WHILE STILL TRYING TO MAINTAIN INTACT SORT OF THE VISION AND THE OVERALL SYSTEM THAT WE HAVE IN PLACE FOR A HOUSING CONTINUUM AND OUR COMMUNITY SERVICES BECAUSE THERE IS SO MUCH NEED AND THERE ARE SO MANY GREAT SERVICES THAT THEY PROVIDE. SO CERTAINLY IN THE OUTSET, THE GOAL HAS ALWAYS BEEN, WELL, HOW CAN WE PARTICIPATE IN THIS PROJECT, WHICH WOULD GREATLY LEVERAGE THE CITY'S RESOURCES. IF WE'RE PUTTING 3 OR \$4,000 INTO THE PROJECT THAT ENDS UP BEING THREE AND A HALF OR FOUR MILLION DOLLARS, THEN WE'RE CERTAINLY GREATLY LEVERAGING OUR RESOURCES. BUT WITHOUT DAMAGING REALLY THE KINDS OF SYSTEMS THAT WE HAVE IN PLACE OR HURTING THEM IN SOME SIGNIFICANT WAY.

AND SO REALLY I THINK THAT THE CDC OBVIOUSLY WAS IN THE SAME CONUNDRUM ABOUT THEY UNDERSTAND WHY OUR PROGRAM IS STRUCTURED THE WAY IT IS, BUT RECOGNIZE THE VALUE OF THE KINDS OF SERVICES THAT WOULD BE MADE AVAILABLE IN THE JOHNSTON-GOVALLE AREA WHICH CURRENTLY ARE NOT SIGNIFICANTLY. AND SO I THINK THIS IS A GREAT OPPORTUNITY AND A GREAT PARTNERSHIP FOR THE CITY AND WE WANT TO MAKE SURE THAT WE SPELL OUT ALL THE DELIVERABLES OR THE PERFORMANCE MEASURES THAT WE WANT THE PROJECT TO MEET. AND I UNDERSTAND THAT ECONOMIC DEVELOPMENT ADMINISTRATION IS INVOLVED ON SOME JOB TRAINING SERVICES AND HELPING, YOU KNOW, MAKE THIS PROJECT A REALITY, AND SO I THINK -- SO THAT WILL BE A GREAT ASSET TO THE COMMUNITY BECAUSE IT WILL BE SERVICES THAT WILL BE RIGHT THERE, RIGHT ACROSS THE STREET IN MANY CASES, AND RIGHT NEXT DOOR TO JOHNSON HIGH SCHOOL AS WELL. SO I THINK IT'S A GREAT -- IT'S A GREAT OPPORTUNITY AND REALLY WANT TO THANK YOU ALL FOR FINDING SOME ADDITIONAL FUNDS TO SUPPORT THE EFFORT AND REALLY JUST CONTINUE WORKING TOGETHER IN A POSITIVE WAY WITH SOUTHWEST KEY AND FOUNDATION COMMUNITIES TOO, WHO'S HERE AND DOES GREAT WORK AND WILL PROVIDE SOME GREAT SERVICES IN THEIR FACILITY, BUT MAKE SURE WE CONTINUE THAT POSITIVE WORKING RELATIONSHIP SO WE CAN CONTINUE TO IDENTIFY GREAT OPPORTUNITIES FOR US TO LEVERAGE OUR RESOURCES AND HAVE A SIGNIFICANT COMMUNITY IMPACT. BUT THANK YOU, MR. HILGERS.

THANK YOU VERY MUCH, COUNCILMEMBER, FOR YOUR SUPPORT AND LEADERSHIP ON THIS. WE THINK WE CAN HAVE A SUCCESSFUL PROJECT FOR THAT COMMUNITY.

Mayor Wynn: FURTHER COMMENTS? QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR OF THE JOINT -- SORRY, INDEPENDENT JOINT MOTION OF ITEMS 7 AND 8.

Alvarez: MOVE APPROVAL.

Mayor Wynn: MOTION BY COUNCILMEMBER ALVAREZ. SECONDED BY COUNCILMEMBER THOMAS TO APPROVE ITEMS 7 AND 8. FURTHER COMMENTS? HEARING NONE, ALL

THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7 TO ZERO. THANK YOU ALL VERY MUCH. COUNCIL, I BELIEVE THAT IS ALL OF OUR DISCUSSION ITEMS UNTIL OUR TIME CERTAIN ITEMS. SO WITH THAT, WE WILL NOW GO INTO EXECUTIVE SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY -- TO DISCUSS AGENDA ITEM 43 RELATED TO THE SALE OF THE FORMER ROBERT MUELLER MUNICIPAL AIRPORT TO CATELLUS AUSTIN, LLC. WE ARE NOW IN CLOSED SESSION. WE WILL RETURN FOR THE NOON GENERAL CITIZEN COMMUNICATION AND THEN OUR 2:00 O'CLOCK TIME CERTAIN BRIEFINGS AND BOND SALES. THANK YOU. TEST TEST TEST THIS IS A TEST, 1, 2, 3, 4, 5, 1, 2, 3, 4, 5, BOEMENT BOEM 1, 2, 3, 4, 5, THIS IS A TEST OF THE CITY COUNCIL CAPTIONING SYSTEM. TEST TEST TEST, 1, 2, 3, 4, 5, PAT JOHNSON, ROBERT SINGLETON, MARY LEHMANN, SUSANA ALMANZA, CAROCCIO,.

IN EXECUTIVE SESSION WE DISCUSSED ITEM NO. 43, NO DISCUSSIONS WERE MADE. WE WILL CONTINUE OUR DISCUSSION OF ITEM NO. 43 FOLLOWING GENERAL CITIZEN COMMUNICATION. AT THIS TIME, WE WILL TAKE UP OUR -- OUR GENERAL CITIZEN COMMUNICATION. WE HAVE 10 SPEAKERS SIGNED UP THIS AFTERNOON. THE FIRST SPEAKER IS MR. PAT JOHNSON. WELCOME, SIR. TO BE FOLLOWED BY ROBERT SINGLETON, TO BE FOLLOWED BY MARY LEHMANN.

GOOD AFTERNOON, COUNCIL. THE LAST FIVE MONTHS WE HAVE DISCUSSED THE PROBLEMS THAT WE ARE HAVING AS FAR AS PRIVATE PROPERTY IMPOUND. MY SUBJECT TITLED TODAY WAS POSSIBLE SOLUTIONS. BUT I THINK -- I'VE DISCOVERED A SOLUTION, A FUNDING SOLUTION SINCE THE BUDGET IS BEING HIT SO HARD. FOR THE NEXT YEAR'S BUDGET IN THE POLICE DEPARTMENT. IN THE TEXAS ADMINISTRATION CODE, IT ALLOWS FOR GOVERNMENTAL OR LAW ENFORCEMENT FEES. THESE FEES ARE COLLECTED FROM THE VEHICLE'S OWNER WHEN THEY PICK UP THE VEHICLE. THIS FEE IS NOT A FEE THAT THE TOWING

COMPANY COMES OUT OF THEIR POCKET TIL, BUT IT'S JUST LIKE ANY OTHER FEE THAT ANY OTHER GOVERNMENTAL AGENCY CHARGES THE CONSUMER. THIS WEEK I TALKED TO OFFICER HARTEN WITH THE HOUSTON POLICE DEPARTMENT, WHICH HANDLES VEHICLE STORAGE FACILITIES AND TOWING COMPANIES ASKING HOW THE FEE WAS BENEFITING THEIR UNIT WITHIN THE HOUSTON POLICE DEPARTMENT. THEY SAID IT BENEFITED A HELL OF A LOT. A TREMENDOUS AMOUNT. I ASKED HIM HOW MUCH MONEY HAS THAT FEE GENERATED FOR THE FIRST SIX MONTHS OF 2004. HE SAID I WAS JUST ASKED THAT BY MY CITY COUNCIL. IT GENERATED \$36,600,000, THAT'S 36,000 VEHICLES. \$366,000. I ASKED HIM, HOW MANY CARS DO YOU THINK THAT WE HAVE TOWED A YEAR. STEVE SAYS, WELL, PAT, ANYWHERE BETWEEN ONE AND 400. SO LET'S JUST TAKE AN OFF THE WALL FIGURE, LET'S SAY IT WOULDN'T BE UNCOMMON TO THINK BASED ON PRIVATE PROPERTY IMPOUND, ABANDONED VEHICLES, PRISONER'S VEHICLES AND COLLISIONS THAT WOULD QUALIFY FOR THIS FEE TO BE CHARGED, WE ARE TALKING PROBABLY 65 TO 70,000 VEHICLES A YEAR. YOU GOT TO FIGURE THAT SOME OF THESE VEHICLES WILL BE UNCLAIMED, WHICH THE FEE WILL NOT BE RECOVERED IN. SO WE ARE TALKING ABOUT A FEE, WHICH THE PUBLIC WOULD HAVE A PROBLEM PAYING BECAUSE IF THEY WOULD -- IF THE FEE WAS PROMOTED TO - - TO WHERE WE -- TO BE USED TO PROTECT THEM, THE PUBLIC FROM UNSCRUPULOUS TOWING COMPANIES. BELIEVE ME, THERE'S SOME OUT THERE. CONSIDERING THE NUMBER OF DIFFERENT LAW ENFORCEMENT ENTITIES THAT ARE WITHIN AUSTIN, AND THE VEHICLES THAT THEY HAVE IMPOUNDED FOR ONE REASON OR ANOTHER, YOU CAN ADD ANOTHER 15 OR 20,000 VEHICLES THERE LIKE THE UNIVERSITY OF TEXAS. ST. EDWARD'S, CONCORDIA, WHEN THEY HAVE THESE BIG EVENTS LIKE FOOTBALL GAMES, THEY TOW A LOT OF CARS, ALL OF THOSE VEHICLES WOULD BE ENTITLED TO THIS FEE. SO OVER A ONE-YEAR PERIOD, THIS FUND ON THAT \$10 FEE, WHICH HAS TO BE PAID TO THE AUSTIN POLICE DEPARTMENT, IT CANNOT BE DROPPED INTO THE GENERAL FUND, BECAUSE THE STATUTE AND ADMINISTRATIVE CODE SAYS THOSE FEES HAVE TO GO TO LAW ENFORCEMENT FOR COMPLIANCE AND ENFORCEMENT. [BUZZER SOUNDING] DETECTIVE HANLON TOLD ME

ACCORDING TO THE CHIEF HE NEEDS FOUR DETECTIVES IN THAT UNIT TO SATISFY ITS GOAL IN PROTECTING THE PUBLIC. SO I WOULD ASK THAT THE -- THAT THE CITY COUNCIL ASK THE STAFF TO SEE ABOUT DRAFTING AN ORDINANCE THAT WOULD INCLUDE THIS \$10 FEE TO BE COLLECTED BY THE POLICE DEPARTMENT FROM THE TOWING COMPANIES. AND I WOULD LIKE TO HEAR FROM THE STAFF, I KNOW MY TIME IS UP, ON WHAT THEIR VIEWS ARE ON WHAT THE POSSIBILITY OF GETTING THIS FEE PASSED, PASSING IT ALONG TO THE PUBLIC, SO WE CAN FUND THIS UNIT WITHIN THE POLICE DEPARTMENT TO ADDRESS THESE ISSUES OF THE PUBLIC BEING MOLESTED BY THE TOWING COMPANIES. THANK YOU.

THANK YOU, MR. JOHNSON. THANK FOR YOU THE SUGGESTION. WE WILL ASK -- WE WILL ASK STAFF TO -- TO RESPOND TO THAT. ROBERT SINGLETON, WELCOME, SIR, YOU WILL BE FOLLOWED BY MARY LEHMANN.

I'D LIKE TO ENCOURAGE YOU STRONGLY AT 4:00 TO DELAY ITEM Z-2, ZONING FOR MUELLER. THE PRIMARY REASON THAT I'M ASKING YOU TO DO THIS, SING ALONG WITH ME IF YOU KNOW THE WORDS, WHEN YOU DECIDED TO SELL MUELLER YOU GAVE UP CONTROL. ALL OF THE CONTROL THAT YOU ARE GOING TO HAVE OVER WHAT'S BUILT THERE IS GOING TO BE WHAT'S WRITTEN INTO THE CODES, COVENANTS AND RESTRICTIONS AND WHAT'S WRITTEN IN THE ARCHITECTURAL GUIDELINES. AS FAR AS I KNOW, NEITHER OF THOSE ITEMS ARE READY YET. SO IT WOULD BE PREMATURE TO -- TO GRANT ZONING FOR THIS PROPERTY BECAUSE THE P.U.D. ZONING DOESN'T MEAN MUCH. WHAT HAPPENS, FOR EXAMPLE, IF -- IF -- IF YOU DON'T REACH A MASTER DEVELOPMENT AGREEMENT WITH THE DEVELOPER? LET'S SAY CATELLUS DOESN'T LIKE THE TERMS OF THE CONTRACT AND WALKS AWAY? YOU WANT TO PUT THOSE CODES, KOCHNANTS AND RE-- COVENANTS AND RESTRICTIONS IN AT THE TIME OF ZONING. I'M NOT SUGGESTING THAT WE DELAY ACTION ON MUELLER ANY LONGER THAN IT'S ALREADY GOING TO BE DELAYED. AFTER ALL IT'S GOING TO BE SOMETIME LATE IN THE SUMMER BEFORE YOU GET THE MASTER DEVELOPMENT AGREEMENT. MY SUGGESTION IS THAT YOU TAKE UP THE ZONING, THE CODES, COVENANTS, RESTRICTIONS, THE ARCHITECTURAL

GUIDELINES AND THE MASTER DEVELOPMENT AGREEMENT WHEN THEY ARE ALL WRITTEN AND AT THE SAME TIME. IT WON'T TAKE YOU ANY MORE TIME IF THE MASTER DEVELOPMENT AGREEMENT IS A GOOD ONE, TO -- TO PASS ALL OF THOSE AT THAT SAME MEETING. I WAS AGENTS CONCERNED -- A LITTLE CONCERNED BY SOMETHING MIKE CLARK MADISON WROTE TODAY. MOSTLY I LIKE IT, BUT HE SAID BOTH COMMUNITY LEADERS AND NOW YES CATELLUS AS WELL HAVE HAD PLENTY OF CHANCES OVER THE LAST YEARS IN DECADES, TO COP OUT, CUT SWEETHEART DEALS, IN ORDER TO MAKE SPECIAL INTERESTS HAPPY AND DLIER VICTORY. THEY SPENT 8 YEARS WORKING MUCH HARDER THAN AUSTIN USUALLY DOES TO CREATE RATHER ELABORATE FORMS OF COMMUNITY VALUE. THIS ARGUMENT IS ONE I'M GETTING A LITTLE TIRED OF THAT WE NEED TO DO SOMETHING RIGHT NOW BECAUSE PEOPLE HAVE BEEN WORKING ON IT FOR 20 YEARS. THE "LET'S DO IT RIGHT NOW SYNDROME" I THINK IGNORES THE FACT THAT IF YOU MAKE A WRONG DECISION, THAT YOU HAVE THROWN AWAY THE WORK OF EVERYBODY THAT'S WORKED ON THAT PROJECT. JUST BECAUSE YOU MAKE A DECISION QUICKLY DOESN'T MAKE IT THE RIGHT DECISION. SO THAT'S WHY I'M SUGGESTING SOMETIME LATE IN THE SUMMER, WHEN YOU GET THE MASTER DEVELOPMENT AGREEMENT, VOTE ON EVERYTHING. THE ZONINGINGS, THE CCR'S AND THE ARCHITECTURAL GUIDELINES. THERE'S AN INTERESTING ARTICLE IN THE -- IN THE STATESMAN THAT RAN ON SATURDAY, ONCE AGAIN THE OFFICE MARKET APPEARS TO BE COMING BACK, I'LL HAND YOU A COPY OF THIS IN JUST A MINUTE. THAT'S IMPORTANT BECAUSE THE PRIMARY REASON THAT ROMA GAVE FOR PUTTING REGIONAL RETAIL IN THE NORTHWEST QUADRANT OF THE MUELLER SITE WAS THE FACT THAT -- THAT THE OFFICE MARKET WAS DECLINING AND IT WAS NO LONGER GOING TO BE PROFITABLE TO DO WHAT THEY HAD ORIGINALLY SAID THEY WERE GOING TO DO WHICH WAS MAKE THAT AN OFFICE AND EMPLOYMENT CAMPUS. I WILL GIVE YOU THAT ARTICLE IN JUST A MINUTE. I WANTED TO REPEAT AGAIN, WE ARE GOING TO NEXT TUESDAY NIGHT FROM 6:30 TO 8:30 BE HOSTING CITY GOVERNMENT AND THE OWNER'S MANUAL AT 1106 LAVACA. I WILL GIVE YOU ALL A COPY OF THAT ARTICLE.

THANK YOU, MR. SINGLETON. MARY LEHMANN, WELCOME, MARY. YOU WILL HAVE 3 MINUTES.

3 MINUTES. SOMETHING TELLS ME THAT -- THAT NONE AMONG THE SEVEN COUNCILMEMBERS, THOUGH INVITED, WILL BE COMING THIS SUNDAY, THIS TUESDAY EVENING, TO AFL-CIO BUILDING TO OUR SYMPOSIUM OF DISTINGUISHED PANELISTS ON GOVERNMENT. SO HERE'S SOME OF THE CONTENT THAT YOU'LL BE MISSING: ONE PANELIST WILL EXAMINE THE MEANING AND POTENTIAL IMPACT OF CORPORATE FEUDALISM, HOW TO GET TRUE OPEN GOVERNMENT AS WELL AS A WAY TO NEGOTIATE DIRECTLY OTHER THAN WAYS OF ALWAYS THROUGH PUBLIC OFFICIALS. ANOTHER PANELIST WILL DISCUSS THE MECHANISMS TO CAPTURE PROPERTY VALUES AT NODES OF MAJOR TRANSPORTATION HUBS. THE POTENTIAL BENEFICIARIES AND WHY THE INABILITY TO CAPTURE THIS INCREASE IN LAND VALUE. THAT IS THE CITY'S BIG LOSS. IT IS THE DECISION TO DISPOSE OF MUELLER. ACCORDING TO ANOTHER PANEL -- QUOTING ANOTHER PANELIST EXTENSIVELY WHO HAS OBSERVED THE AUSTIN GOVERNMENT FOR OVER 20 YEARS, I QUOTE "COUNCIL MANAGER FORUM OF GOVERNMENT BETTER IN SOME RESPECTS THAN THE OLDER WARD SYSTEM IS STILL NOT VERY DEMOCRATIC. THE STAFF, BASICALLY THE CITY MANAGER, STEERS COUNCIL DECISIONS BY WITHHOLDING INFORMATION OR SABOTAGING POLICY MANDATES WHICH MIGHT CONCEIVABLY THREATEN STAFF CONCERNS. QUOTE: STAFF IS MAINLY CONCERNED WITH INSTITUTIONAL SURVIVAL, KEEPING THE BUDGET UP AND PRESERVING EVERYONE'S JOB, STAFF AUTONOMY, FREEDOM FROM CITIZEN PRESSURES IS ANOTHER UNSPOKEN GOAL. THE SAFEST WAY TO GET THAT IS TACITLY TO ALLY WITH THE BIGGEST AND MOST POWERFUL OUTSIDE PRIVATE INTERESTS, CORPORATIONS, DEVELOPERS, CHAMBER, NEWSPAPERS, ET CETERA. THE BUREAUCRACY IS ALSO HOOKED INTO THE GROWTH IDEOLOGY. WHICH SAYS THAT THE BUSINESS OF GOVERNMENT IS HELPING BUSINESS. THAT BIGGER IS BETTER BECAUSE IT INCREASES THE TAX BASE. END QUOTE. THIS SAME PERSON POINTS OUT THAT "COUNCILMEMBERS ARE UNDER PRESSURES FROM THE SELF SAME MONEY EMPOWERED SPECIAL INTERESTS THAT

ALSO YANK THE STAFF'S CHAINS." "BIG MONEY WILL ALWAYS HAVE THE MOST IMPORTANT OVER CITY GOVERNMENT IN THIS SYSTEM." THE PANELIST DOES AMOUNT THAT "COUNCILMEMBERS ARE STILL SOMEWHAT RESPONSIVE TO PUBLIC DEMANDS FOR ACCOUNTABILITY BECAUSE THEY ARE ELECTED. HOWEVER, THEY HAVE TO GET ALONG WHERE THE STAFF TO GET ANYTHING DONE. SO THEY ARE IN EFFECT SUBORDINANT TO THE PEOPLE WHO NOMINALLY WORK FOR THEM." SOLUTIONS, SOLUTIONS, MAYBE NOT ANY PERFECT ONES, THIS CRITIC SAYS. AND RECOMMENDS, BESIDES GUARDING AT ALL COSTS THE PUBLIC RIGHTS OF INITIATIVE AND REFERENDUM IN THE CHARTER, REFORMING CAMPAIGN FINANCING WITH CABLE FRANCHISE AGREEMENTS, SECURING FREE TV TIME, SO FORTH, GIVING COUNCIL THE POWER TO HIRE AND FIRE NOT JUST THE CITY MANAGER BUT ALL OF THE TOP OFFICIALS LIKE CITY ATTORNEY, DEPARTMENT HEADS AND SO FORTH. RESTORING FULL VOTER APPROVAL FOR ALL MAJOR INDEBTEDLY BUSES BUZZ AS THE CHARTER MANDATES AND REQUIRING VOTER APPROVAL FOR THE DISPOSAL OF MAJOR PUBLIC ASSETS. LIKE THE AIRPORT. MAYBE THE HORSE IS GONE. WE ARE TRYING TO CLOSE THE BARN DOOR. BUT WE ARE LOOKING TO THE FUTURE. JOIN US.

Mayor Wynn: THANK YOU, MS. LEHMANN.

Goodman: CAN I -- BIG MONEY NO LONGER HAS SUCH A GOOD OPPORTUNITY WITH US SINCE WE CAN'T TAKE MONEY. BUT YOU HAVE AN INTERESTING PANEL, YOU DIDN'T MENTION ANY NAMES. WOULD YOU MIND JUST RUNNING THROUGH THE NAMES OF THE FOLKS ON YOUR PANEL?

ONE IS SCOTT POLLACK WHO IS A FORMER TOWN PLANNER -
- YOU KNOW HIM? AND THEN WE HAVE MIKE BLIZZARD, AN ANALYST AND -- AND WE HAVE BILL BUNCH WITH WHOM YOU ARE ALL VERY FAMILIAR AND -- HE'S HERE? I'M NOT FINISH, SUSANA ALMANZA, A LONE COMMUNITY ACTIVIST, VERY WORTHWHILE CAUSES, KAREN HADDEN WHO HAS BEEN A VERY ACTIVE AND CONCERNED ACTIVIST ON ALL FRONTS, BEEN VERY EFFECTIVE. AND LET'S SEE, HOW MANY HAVE I COUNTED? STEVE BEERS WHO YOU ARE ALSO FAMILIAR WITH WHO IS VERY COMPETENT IN -- IN HIS KNOWLEDGE OF

THE CITY WORKINGS.

Goodman: OKAY.

YOU'RE RIGHT, IT'S ONE OF THOSE.

Mayor Wynn: THANK YOU AGAIN, MS. LEHMANN. SUSANA ALMANZA. TO BE FOLLOWED BY JAMES MEDINA.

GOOD AFTERNOON, MAYOR AND CITY COUNCIL MEMBERS. MY NAME IS SUSANA ALMANZA, I'M WITH PODER, PEOPLE ORGANIZED IN DEFENSE OF EARTH AND HER RESOURCES. AND I'M GOING TO READ A SHORT SPEECH BY CHIEF SPECKLE SNAKE OF THE CHEROKEE WHICH HE GAVE IN 1830 WHICH MEANT MORE OR LESS THAT THE SOWSH NATIVE AMERICANS HAD TO MOVE ACROSS THE MISSISSIPPI OR FACE THE REPRISALS OF U.S. ARMY. THIS JOURNEY WOULD LATER BE KNOWN AS THE TRAIL OF TEARS AND KILLED A QUARTER OF THE TRANSCRIBE. THE CHIEF SAID: BROTHERS, WE HAVE HEARD THE TALK OF OUR GREAT FATHER. IT IS VERY KIND. HE SAYS THAT HE LOVES HIS RED CHILDREN. BROTHERS, WHEN THE WHITE MAN FIRST CAME TO THESE SHORES, THEY GAVE HIM LAND AND KINDLED HIM WITH FIRE TO MAKE HIM COMFORTABLE. WHEN THE PALE FACES TO THE SOUTH MADE WAR WITH HIM, THEIR YOUNG MEN DREW THE TOMAHAWK AND PROPER TEXTED HIS HEAD FROM THE SCAPING KNIFE. WHEN HE WAS FILLED WITH THE IRNDIANS HOMINY, HE BECAME VERY LARGE, HE STOPPED NOT FOR THE MOWB TOPS AND HIS FEET COVERED THE PLAINS AND VALLEYS, HIS HANDS GRASPED THE EASTERN AND WESTERN SEA. THEN HE BECAME OUR GREAT FATHER. HE LOVED HIS RED CHILDREN BUT SAID "YOU MUST MOVE A LITTLE FURTHER. LEST I SHOULD BY ACCIDENT TREAD ON YOU." WITH ONE FOOT HE PUSHED THE RED MAN OPENING, THE OTHER HE TRAM TRAMPLED DOWN THE GRAVES OF HIS FATHER. HE STILL LOVED HIS RED CHILDREN. HE SAID MUCH, BUT IT ALSO MEANT NOTHING. BUT "MOVE A LITTLE FURTHER, YOU ARE TOO NEAR ME." I HAVE HEARD A GREAT MANY TALKS FROM OUR GREAT FATHER. AND THEY ALL BEGUN AND ENDED THE SAME. BROTHERS, WHEN HE MADE US A TALK ON A FORMER OCCASION, HE SAID "GET A LITTLE FURTHER, GO BEYOND THE PLACES, THERE IS A PLEASANT COUNTRY. HE ALSO SAID IT SHALL BE YOURS FOREVER.

NOW HE SAYS THE LAND YOU GIVE IS NOT YOURS, GO BEYOND THE MISSISSIPPI, THERE IS GAME, THERE YOU MAY REMAIN YOU WILL WHERE THE GRASS GROWS AND THE WATER RUNS. COUNCILMEMBER, I CAME BEFORE YOU TODAY AS MY GREATGRANDFATHERS AND GRANDMOTHERS HAVE DONE IN THE PAST TO LET YOU KNOW THAT THE 1928 SHE'S MASTER PLAN FORCED US EAST OF I-35 AND THERE WE MADE OUR HOME AND COMMUNITY. NOW, YOU TOO HAVE GROWN AND WANT TO TAKE THE LAND EAST OF I-35. WE HAVE WITNESSED WHAT HAPPENED TO THE AFRICAN AMERICAN COMMUNITY IN CLARKSVILLE, THEY ARE THERE NO LONGER, MOST RECENTLY THE DISPLACEMENT OF AFRICAN AND MEXICAN-AMERICAN COMMUNITY. YOU CAN CALL IT MIXED USE. WE KNOW THAT THE ORIGINAL COMMUNITY'S MEDIAN FAMILY INCOME WASN'T 50 TO \$60,000, IT'S OBVIOUS THAT THE REDEVELOPMENT WASN'T FOR THE EXISTING RESIDENTS AND BUSINESSES, PARTICULARLY LOW INCOME RESIDENTS AND SMALL BUSINESSES. [BUZZER SOUNDING] I CAME CO-TO SPEAK ABOUT THE SALTILLO REDEVELOPMENT PLAN. THIS MUST NOT DISPLACE THE CURRENT RESIDENTS AND/OR SMALL BUSINESSES. WE HAVE TO ENSURE THAT THE REDEVELOPMENT OCCURS TO SCALE WITH THE REST OF THE COMMUNITY AND THAT AFFORDABLE HOUSING IS BUILT IN ACCORDANCE WITH THE MEDIAN FAMILY INCOME OF THE COMMUNITY IN THE AREA. THIS LAND IS PUBLICLY OWNED AND WE DON'T HAVE TO MAXIMIZE PROFITS. WE NEED TO MAKE SURE THAT WE KEEP A BALANCE OF PEOPLE OF COLOR AND LOW INCOME WITHIN THE CENTRAL CORE OF AUSTIN. WE DON'T WANT TO MOVE FURTHER EAST. THANK YOU.

THANK YOU, MS. ALMANZA. JAMES MEDINA, WELCOME, SIR.

THANK YOU.

TO BE FOLLOWED BY JOHN GOULD.

MAYOR, CITY COUNCIL MEMBERS, THANK YOU FOR ALLOWING ME THIS OPPORTUNITY TO SPEAK WITH YOU TODAY. MY NAME IS JAMES MEDINA. I LIVE IN THE NEIGHBORHOOD THAT ACTIVELY PARTICIPATES IN THE PLANNING AND DEVELOPMENT OF CENTRAL EAST AUSTIN. I

AM PRESIDENT OF THE SWEET HILL NEIGHBORHOOD ASSOCIATION, IN OUR NEIGHBORHOOD WE DO HAVE REPRESENTATIVES THAT PARTICIPATE IN THE ORGANIZATION OF CENTRAL EAST AUSTIN NEIGHBORHOODS AND AUSTIN REVITALIZATION AUTHORITY. I'M HERE BASICALLY TO SPEAK IN SUPPORT OF THE LIAISON PORTION FOR ZONING ENFORCEMENT. I AM TOLD IT WAS STRUCK LAST YEAR FROM THIS YEAR'S BUDGET. I JUST WOULD ASK THAT DO YOU WHAT YOU CAN TO MAKE SURE THAT BUDGET IS AVAILABLE FOR THIS POSITION SO THAT ZONING ENFORCEMENT CAN DO THEIR JOB. AS YOU KNOW, NEIGHBORS, BUSINESS OWNERS AND THE CITY REALLY SPEND A LOT OF TIME IN MAKING SURE THAT ZONING IS APPROPRIATE IN CERTAIN PARTS OF THE CITY. A LOT OF RESOURCES ARE SPENT WITH MEETINGS AND AS PLANNING COMMISSION STAFF AND YOU OBVIOUSLY HEAR ZONING REQUESTS. THERE'S A LOT OF PREPARATION, A LOT OF RESOURCES THAT IS -- THAT ARE USED. THE ONLY ISSUE, THE ONLY PROBLEM IS THAT THERE'S REALLY VERY LITTLE IN PLACE TO MAKE SURE THAT -- THAT ZONING CODE IS ENFORCED. WE CURRENTLY HAVE -- RIGHT NOW AS I KNOW, TWO ISSUES IN OUR NEIGHBORHOOD TO WHERE WE REALLY NEED SOME HELP IN MAKING SURE THAT -- THAT ZONING IS ENFORCED. ONE IS ON THE PROPERTY AT 1420 OLANDER, 901 EAST 15th STREET. EARLIER THIS WEEK THEY FINALLY RECEIVED NOTICE OF THEIR VIOLATION. TO GIVE YOU SOME HISTORY, LAST YEAR THIS -- THE PROPERTY OWNER WITHDREW HIS ZONING REQUEST FROM THE PLANNING COMMISSION AROUND THE SAME TIME THAT CITY COUNCIL WAS HEARING THE ZONING REQUEST CHANGE PLAN AMENDMENT FOR PROPERTY THAT WAS RIGHT ACROSS THE STREET. COINCIDENTALLY, I CAN'T SAY, BUT IT DID HAPPEN AROUND THE SAME TIME THE CITY COUNCIL DID UNANIMOUSLY DEN THIGH THAT AMENDMENT -- DENY THAT AMENDMENT AND ZONING REQUEST. SINCE THEN THE OWNER HAS CONTINUED TO DEVELOP HIS PROPERTY FOR COMMERCIAL USE AND IS NOW OPERATING A DENTIST OFFICE ILLEGALLY. I CAN'T HELP BUT WONDER IF HE WOULD HAVE GONE THROUGH THAT COURSE OF ACTION IF HE HAD KNOWN THAT HE WOULD HAVE BEEN CITED AND -- WITH REGARD TO THE PRIVACY FENCE, THAT ISSUE HAS BEEN IN FRONT OF ENFORCEMENT FOR OVER TWO YEARS NOW. IN

MY DISCUSSIONS WITH PLANNING COMMISSION AND WITH ZONING ENFORCEMENT, I'M SURE LIKE OTHER ORGANIZATIONS WITHIN THE CITY, THEY ARE -- THEY ARE UNDERSTAFFED. THEY HAVE 6 PEOPLE THAT -- THAT CONDUCT INSPECTIONS. AND ARE ALSO CHARGED WITH ENFORCEMENT. THEY ARE THE SMALLEST ENFORCEMENT GROUP FROM THE CITY FROM WHAT I'VE HEARD. THE ONLY ONE WITHOUT A LEGALESE SON TO HELP -- LEGAL LIAISON TO HELP THEM GET THEIR JOBS DONE. FROM WHAT I HEAR IT TAKES ONE AND A HALF TO TWO YEARS TO FILE A CASE WITH MUNICIPAL COURT RIGHT NOW, WITH THEIR EXISTING JOB. AGAIN I ASK THAT YOU DO WHAT YOU CAN TO SUPPORT ZONING ENFORCEMENT BY ENSURING THAT THE CITY ALLOCATES BUDGETS FOR THIS POSITION. THANK YOU.

THANK YOU, MR. MEDINA. JOHN GOULD. JOHN GOULD? MICHAEL VON OHLEN, WELCOME, YOU WILL BE FOLLOWED BY CINDY CAROCCIO.

THANK YOU, MAYOR. GOOD AFTERNOON, MAYOR, COUNCILMEMBERS, CITY MANAGER. MY NAME IS MICHAEL VON OHLEN, I OWN P.D.I. A LOCAL CONTRACTING COMPANY. AS YOU ARE AWARE OF, MULTIPLE ORGANIZATIONS THAT REPRESENT SMALL LOCAL, MINORITY, NON-MINORITY BUSINESSES HERE LOCALLY AND NATIONALLY. IN THE PAST, I'VE ADVOCATED FOR SMALL BUSINESSES, BOTH MINORITY AND NON-MINORITY HERE IN AUSTIN AND I'M HERE TO ADVOCATE FOR THEM AGAIN. I HAVE BEEN INVOLVED WITH THIS COUNCIL DEALING WITH M.B.E. AND MINORITY ISSUES LONGER THAN MOST OF YOU, EXCEPT FOR JACKIE, AS A MATTER OF FACT WAY BEFORE ANY OF YOU -- ABOUT TWO OR THREE COUNCILS AGO. SINCE THE M/W.B.E. PROGRAM BEGAN ITS EXISTENCE WITH THE CITY. I'M VERY CONCERNED WITH THE DIRECTION THE CITY AND THE PROGRAM IS TAKING. I KNOW WHEN THE BUDGET GETS TIGHT PROGRAMS ARE EITHER CUT OR DILUTED. THIS APPEARS TO BE WHAT IS HAPPENING WITH THE M/W.B.E. PROGRAM. THE SMALL MINORITY BUSINESSES STATISTICALLY HIRE MORE LOCAL INDIVIDUALS FOR EMPLOYMENT AND PAY A LOT OF TAXES, LOCAL TAXES THAT STIMULATE OUR LOCAL ECONOMY. I RECENTLY RECEIVED A NOTICE THAT THE CONTRACT FOR THE BONDING AND TECHNICAL SUPPORT WAS CANCELLED BY THE CITY. I UNDERSTAND WHY. I DO KNOW WHY. BUT I DO

NOT REALLY AGREE WITH -- WITH THE CITY DOING AWAY OR COMPLETELY -- PLEASE DON'T COMPLETELY DO AWAY WITH THE VIABLE PROGRAM THAT WHEN PROPERLY IMPLEMENTED ASSISTS LOCAL COMPANIES TO GROW AND REAP THE BENEFIT OF THE TAX DOLLARS THEY PAY AND CONTINUE TO PAY BACK INTO THE ECONOMY. THIS ALLOWS M/W.B.E. BUSINESSES TO CONTINUE AND GROW. LAST WEEK, 11th HOUR ACTION MAY HAVE BEEN NEEDED. I UNDERSTAND IT WAS NEEDED BUT THE VEHICLE USED IN MY OPINION WAS NOT THE RIGHT ONE. DO NOT FALL INTO CASUAL THINKING. A SIGN OF CASUAL THINKING IS THAT TOUGH CHOICES ARE NOT MADE WITH DUE DILIGENCE. I KNOW SOME IS BUDGETARY, BALANCING A BUDGET THEREBY IS NOT JUST A MATTER OF GOOD FISCAL SENSE. IT COMPELS COMPANION VIRTUES. THE M/W.B.E. PROGRAM IS TRULY A VIABLE PROGRAM THAT IF GIVEN A CHANCE TO WORK WILL CONTINUE TO DO SO. IT IS CONSTANTLY BEING TOYED WITH, CONSTANTLY BEING ASSESSED AND CHANGED AND THE NON-MINORITY BUSINESSES OUT HERE SOMETIMES WE DON'T KNOW WHAT WE ARE DEALING WITH FROM JOB TO JOB. GIVE THE PROGRAM A CHANCE TO WORK. GIVE THE PROGRAM A CHANCE TO SETTLE IN AND FOR THE -- FOR EVERYBODY TO BECOME FAMILIAR WITH IT. AND, PLEASE, DO NOT DILUTE IT OR CONTINUE TO DILUTE IT OR -- OR TAKE ACTION THAT MAY BE PERCEIVED OUT IN PUBLIC AS DOING AWAY WITH THE PROGRAM LITTLE BY LITTLE, JUST WHITTILING AWAY AT IT LITTLE BY LITTLE. THANK YOU.

THANK YOU, MR. VON OHLEN. CINDY CAROCCIO. CINDY CAROCCIO, OKAY. WELL, THAT'S I KNOW MY FAULT. -- NOT MY FAULT. OKAY. YOU WILL BE FOLLOWED BY JOANNE NETO.

GOOD AFTERNOON, MAYOR, CITY COUNCIL AND STAFF. I'M CINDY CAROCCIO. I WAS ORIGINALLY COMING TO THANK YOU FOR YOUR SUPPORT IN GETTING THE IMPLEMENTATION OF THE PLACEMENT PARTNER PROGRAM AT TOWN LAKE ANIMAL CENTER HALTED UNTIL A SUBCOMMITTEE COULD BE FORMED BY THE ANIMAL ADVISORY COMMISSION. WE DID FORM SUCH A COMMITTEE, I AM A MEMBER OF THAT COMMITTEE AND THE CHAIR OF THE ANIMAL ADVISORY COMMISSION. I LOOK FORWARD TO GETTING TO WORK ON THE REVISIONS OF THIS PROPOSAL. BUT I HAVE GUARDED OPTIMISM. WHY? BECAUSE IT IS MY UNDERSTANDING THAT

THE DIRECTIVE TO HALT THE PROGRAM HAS BEEN CONVENIENTLY IGNORED. A RESCUE GROUP THAT DID NOT HAVE PRIOR APPROVAL OR PRIVILEGES TO PULL ANIMALS FROM TOWN LAKE ANIMAL CENTER SUBMITTED ONE OF THE NEW APPLICATIONS AND WAS APPROVED AND PULLED THEIR FIRST ANIMALS YESTERDAY. I'M CONCERNED THIS TYPE OF ACTION FROM MANAGEMENT IS NOT UNCOMMON AND WILL UNDERMINE THE BUILDING OF TRUST IN THE RESCUE COMMUNITY WITH THE SHELTER. IT HAS ALSO COME TO MY ATTENTION THAT THE SHELTER DOES NOT HAVE ANY PROTOCOL IN DEALING WITH POTENTIAL LEVEL II BIO HAZARDS THAT MAY ARRIVE AT THE SHELTER. A SPECIES OF NON-HUMAN PRIMATE WAS BROUGHT IN BY ANIMAL CONTROL ON THE 12th 12th. AT NO TIME DOES IT APPEAR WHEN -- EXCUSE ME -- AT NO TIME DOES IT APPEAR THAT THEY CONTACTED CDC OR ANY SOURCE WHEN IT WAS DETERMINED THAT THE ANIMAL THEY HAD IN CUSTODY WAS A McCACK. I HAVE PROVIDED YOU INFORMATION ABOUT THE DANGERS INHERENT WITH THIS SPECIES. AS AN ASIDE, OUR FACILITY WHICH IS FEDERALLY LICENSED AND REGISTERED TO HOUSE DANGER DANGEROUS WILD ANIMALS SUCH AS TIGERS AND BEARS WILL NOT HOUSE NOR ACCEPT THIS SPECIES DUE TO THEIR THREAT TO HUMANS. YOUR CURRENT ORDINANCE DOES NOT PROHIBIT THIS SPECIES BEING OWNED BY CITIZENS OF AUSTIN, FURTHERMORE THE ORDINANCE ALLOWS THEM TO RUN AT LARGE. TO SUM IT UP, THE MY HOPE THAT THE FUTURE, THE ANIMAL ADVISORY COMMISSION'S SUGGESTIONS AND RECOMMENDATIONS WILL BE TAKEN MORE SERIOUSLY BY THE STAFF. IT IS MACHINE MANDATED THIS EXIST AND WE ARE GIVING OF OUR TIME AND EXPERTISE TO ASSIST THE CITY, CITIZENS AND ANIMALS, PLEASE DO NOT DISREGARD US, THANK YOU.

THANK, CINDY. JOANNE NETO. HOPE I'M PRONOUNCING THAT CORRECTLY.

YES, YOU ARE, THANK YOU. I THINK THAT WAS WONDERFUL. HONORABLE MAYOR, MEMBERS OF THE CITY COUNCIL AND STAFF, I'M WITH ST. EDWARD'S UNIVERSITY. I'M GOING TO -- I HAVE TWO REQUESTS AND I HAVE SOME USEFUL INFORMATION, I HOPE. WHEN YOU HAVE TIME, TO GO THE AUSTIN CITY CONNECTION. ON YOUR COMPUTERS AND TYPE IN THE WORD CRUELTY OR ANIMAL ABUSE AND SEE WHAT

YOU FIND. IT'S GOING TO TAKE YOU A LONG TIME, BUT YOU WILL FIND THAT THE PHONE NUMBER THAT COMES UP FIRST IS DISCONNECTED, THAT TOWN LAKE ANIMAL SHELTER SITE HAS NO INFORMATION ON HOW TO REPORT ABUSE. THAT THERE IS NO LISTING OF STATE LAWS ON ABUSE, AND THAT THE POLICE DEPARTMENT DOESN'T HAVE A LINK ON ABUSE, ALTHOUGH THEY DO HAVE FOUR PAGES ON THEIR DOG AUSTIN SEARCH AND RESCUE DOG, THERE'S A LINK FOR HIM AND THERE'S A LINK FOR OVERGROWN LAWNS. YOU'VE HEARD ABOUT THE DOG THAT WAS CLUBBED AND STUFFED IN A BAG, LAST NIGHT I HEARD A DOG WAS SHOT BY THE POLICE DEPARTMENT AND THEN I HEARD THAT PETA, THE NATIONAL ORGANIZATION IS OFFERING \$2,500 FOR INFORMATION LEADING TO THE ARREST OF THE ABUSER OF FOREST THE DOG. THIS IS REALLY BAD PUBLICITY FOR AUSTIN. AND THE REWARD WAS OFFERED KNOWING THAT WE DO NOT PRIORITIZE ANIMAL ABUSE. A YEAR AND A HALF AGO, I MET WITH SEVERAL RESCUERS TO TRY TO GET TOWN LAKE TO STOP RETURNING ABUSED ANIMALS TO THE OWNERS WHO CAME IN TO TAKE THEM HOME. THE PEOPLE WERE NOT CHARGED WITH OFFENSES AND THERE ARE LAWS AGAINST ANIMAL CRUELTY IN THE STATE, THANK GOODNESS. MS. PULLIAN SAID THAT SHE WOULD SET UP A PROGRAM, NOTHING HAS CHANGED. I HAVE INNEW INNUMERABLE DOCUMENTATIONS OF ANIMALS BROUGHT TO TOWN LAKE BY THE POLICE DEPARTMENT WITH GOOD INTENTIONS TO HAVE THOSE ANIMALS CARED FOR, BATTERED, BURNED, MUTILATED, CHAINED WITHOUT FOOD, WATER OR SHELTER, I'M SURE THE OFFICERS DO NOT KNOW THAT DETECTIVE LAMB, THE ONLY ANIMAL ABUSE INVESTIGATOR, GAVE THEM BACK TO THE OWNERS WITH NO CHARGES AND NO REPRIMANDS. I'M GOING TO SUMMARIZE MY BRIEF EXAMPLE WITH -- WITH A DOG THAT -- IT'S KIND OF CLASSIC HERE. A DOG WAS BROUGHT IN BY THE POLICE, AGAIN, HE WAS CHAINED WITHOUT FOOD OR WATER, HIS SKIN WAS FALLING OFF, HE WAS COVERED WITH PAINT. HE SAT THERE FOR 10 DAYS WHILE THE RESCUE GROUP REPEATEDLY TRIED TO GET DETECTIVE LAMB TO RELEASE HIM. HE COULDN'T BE FOUND. WE CONTACTED THE RESCUE PEOPLE, THEY WEREN'T THERE ON THAT WEEKEND. SO KIM BOURY DIDN'T KNOW WHAT TO DO. SHE'S SUPPOSED TO BE IN CHARGE. WE STILL COULDN'T GET HIM OUT. I WROTE TO

THE CITY COUNCIL AS A DESPERATE MEASURE BECAUSE I DIDN'T KNOW WHAT TO DO. GOD BLESS YOU BECAUSE I GOT A CALL FROM PULLIAN, SHE RELEASED THE DOG TO ME, REPRIMANDED ME TO CALL HER ON HER CELL PHONE AT HOME INSTEAD OF GOING TO CITY COUNCIL. I DON'T KNOW HER CELL PHONE NUMBER, SHE HAS AN EMPLOYEE THERE WHO IS SUPPOSED TO KNOW WHAT TO DO. THEY HAVE NO SYSTEM IN PLACE. I HAVE E-MAILS FROM HER SAYING A SYSTEM IS IN PLACE [BUZZER SOUNDING] THERE ISN'T. I WENT TO THE POLICE MONITOR TO REPORT DETECTIVE LAMB. NOTHING HAPPENED. THEY INTERVIEW ME FOR TWO HOURS. I WANT MY TAPE BACK. FOR TWO HOURS. I GAVE CASES. NOTHING HAS HAPPENED. THEY HAVE NEVER CONTACTED ME. I HAVE LETTERS FROM -- FROM CHIEF STAN KNEE, AND -- AND FROM OTHER PEOPLE COMPLAINING ABOUT DETECTIVE LAMB, TURNED THEM OVER TO OFFICER BLACK WHO DID NOT KNOW IT WAS ILLEGAL TO CUT OFF A DOG'S EAR WAS A PAIR OF SCISSORS AND TO CUT OFF HIS TAIL WITH NO ANESTHESIA, SAYS WHAT'S THE PROBLEM. IF THE POLICE OFFICERS DON'T UNDERSTAND THE ANIMAL CRUELTY LAWS HOW CAN THEY PROMOTE HUMANE EDUCATION TOUTED BY THE CITY. IF THE ANIMAL CONTROL OFFICERS AND OTHER CITY EMPLOYEES ARE NOT EDUCATED HOW CAN THEY PRETEND TO EDUCATE THE PUBLIC. IT'S ON THE TOWN LAKE SITE, THEY ARE SUPPOSED TO BE HUMAN EDUCATORS. PLEASE HELP AUSTIN, WE NEED A TRAINED EDUCATED CERTIFIED ANIMAL CONTROL DEPARTMENT AND THE AUSTIN POLICE DEPARTMENT NEEDS TO UNDERSTAND THE LAWS THAT THEY ARE CHARGED TO UPHOLD. WITH THE TEXAS PRESIDENT RUNNING FOR REELECTION, EVERYONE IS LOOKING AT AUSTIN. THIS IS THE HEART OF TEXAS. AND I AM FEELING VERY HEART BROKEN ABOUT THIS CITY RIGHT NOW. THANK YOU. THE LITTLE DOG DIED. HE HAD PNEUMONIA. HE WAS THERE TOO LONG. HE SHOULD HAVE BEEN OUT IN THREE DAYS.

Mayor Wynn: THANK YOU, MS. NETO FOR BOTH SUGGESTING IMPROVEMENTS TO OUR WEB PRESENCE, BUT MORE IMPORTANTLY HELPING US IDENTIFY ISSUES IN CITY GOVERNMENT. THANK YOU. COUNCIL, THAT'S ALL OF OUR CITIZENS WHO HAVE SIGNED UP FOR GENERAL CITIZEN COMMUNICATION. WITHOUT OBJECTION, OUR -- WE CAN'T

TAKE UP ANY MORE ACTION NOW UNTIL OUR 2:00 BRIEFINGS, BOND SALES AND THEN OUR 4:00 TIME CERTAIN ZONING CASES, WITH THAT WE WILL GO BACK INTO CLOSED SESSION UNDER SECTION 551.072 OF THE OPEN MEETINGS ACT TO DISCUSS AGENDA ITEM NO. 43, RELATED TO THE SALE OF THE ROBERT MUELLER MUNICIPAL AIRPORT SITE. WE ARE NOW IN CLOSED SESSION. >

WE ARE OUT OF CLOSED SESSION. WE TOOK UP PRIVATE CONSULTATION WITH OUR ATTORNEY. WE DISCUSSED ITEM NUMBER 43 REGARDING THE SALE OF THE FORMER ROBERT MUELLER MUNICIPAL AIRPORT. NO DECISIONS WERE MADE. THERE BEING A QUORUM PRESENT, WE ARE BACK IN OPEN SESSION, AND COUNCIL, LET'S CALL UP ITEMS NUMBER 44 AND 45, OUR TWO BOND SALE ITEMS. MR. BILL NEWMAN.

GOOD AFTERNOON, I'M BILL NEWMAN WITH PUBLIC FINANCIAL MANAGEMENT. I AM GOING TO TALK TO YOU ABOUT ITEMS NUMBER 44 AND 45. IN BOTH CASES WE'RE ASKING COUNCIL TO APPROVE WHAT WE CALL A PARAMETERS RESOLUTION OR A PARAMETERS ORDINANCE AUTHORIZING THE STAFF TO GO FORWARD AND WHEN MARKET PERMITS UNDER CERTAIN PARAMETERS TO ENTER INTO ARRANGEMENT FOR BOND SALE. TO BE SPECIFIC, ITEM 44 REFERS TO AN AIRPORT TRANSACTION THAT ACTUALLY WOULD OCCUR NEXT YEAR IN 2005. THIS IS A REFUNDING TRANSACTION THAT UNDER TODAY'S MARKET CONDITIONS WE WOULD RECEIVE ABOUT A 9% PRESENTaUt SAVINGS OR ABOUT \$25.7 MILLION. THAT WOULD OCCUR IN 2005. THE SECOND ITEM, ITEM NUMBER 45, WOULD BE A WATER AND WASTEWATER TRANSACTION THAT WILL MORE THAN LIKELY OCCUR WITHIN THE NEXT MONTH OR SO. WOULD BENEFIT THE WATER AND WASTEWATER UTILITY BY ABOUT \$12 MILLION OR APPROXIMATELY 10% P.V. SAVINGS. I WOULD ASK TO MAKE ONE CORRECTION, MAYOR, IF I COULD ON ITEM 44. THE AMOUNT THAT WE SHOW IN THERE IS APPROXIMATELY \$280 MILLION. WE WOULD LIKE TO INCREASE THAT ITEM TO \$310 MILLION. THE REASON FOR THAT IS THERE ARE SOME SERIES 1995 B AIRPORT BONDS WITH HIGH COUPON RATES ON THEM THAT WE WOULD LIKE TO PUT INTO THE QUEUE, IF YOU WOULD, AND REFUND THOSE AS WELL IF IT PERMIT. WITH THAT SAID, I WOULD ALSO MENTION THAT JOHN BAHM WITH FULL FULBRIGHT AND

JAWORSKI, YOUR BOND ATTORNEYS ARE HERE AS WELL.

Mayor Wynn: I WOULD LIKE CONFIRMATION FROM CITY STAFF THEY WOULD BE IN AGREEMENT WITH THAT ADDITIONAL \$30 MILLION.

DENNIS WAILY, CITY TREASURER IS HERE, MAYOR.

Mayor Wynn: ALL RIGHT. THANK YOU.

YES, YES, SIR, AND IT WOULD PROVIDE ADDITIONAL SAVINGS TO THE AIRPORT.

Mayor Wynn: AND REMIND US, THIS IS A FORMAT BY WHICH WE HAVE THE PRE-AGREED TO PARAMETERS AS TO THOSE NET PRESENT VALUE SAVINGS.

YES, SIR.

Mayor Wynn: SO FRANKLY, AS LONG AS WE'RE CREATING THOSE SAVINGS, YOU KNOW, WHY NOT HAVE AS MUCH AS POSSIBLE WHEN THAT CAN OCCUR.

YES, AND WE WILL BE BACK WITH AN ORDINANCE WHEN WE SELL THE VARIABLE RATE BONDS.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS, COMMENTS OF STAFF, COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 44 WITH THE CORRECTED AMOUNT OF APPROXIMATELY \$310 MILLION, NOT \$280 MILLION.

SO MOVED.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER. SECONDED BY COUNCILMEMBER DUNKERLEY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES BY A VOTE OF 7 TO ZERO.

THANK YOU.

Mayor Wynn: THANK YOU.

WE WILL BE BACK TO YOU WITH THAT ORDINANCE WHEN WE SELL THESE BONDS.

Mayor Wynn: TECHNICALLY, MR. NEWMAN, I JUST TOOK A MOTION FOR ITEM NUMBER 44.

OKAY. ITEM NUMBER 45, EXCUSE ME, IS A REFUNDING TRANSACTION THAT WILL TAKE PLACE PROBABLY IN THE NEXT FEW MONTHS. THIS IS AN INTEREST RATE HEDGE AGREEMENT UNDER THE SAME PARAMETERS WE MENTIONED EARLIER. MAYOR, JUST TO BACK UP A LITTLE BIT, THE CITY'S CURRENT PARAMETERS FOR REFUNDING TRANSACTIONS FOR A FIXED RATE TRANSACTION IS A 4.25 PRESENT VALUE SAVINGS. IN THIS INSTANCE, THIS IS A LITTLE DIFFERENT TYPE OF TRANSACTION, BUT THE SAVINGS LEVEL ON IT IS A 10% P.V. SAVINGS UNDER TODAY'S MARKET CONDITIONS. THE SIZE WILL BE ABOUT \$140 MILLION AND, AGAIN, THE SAVINGS WILL BE ABOUT 12 MILLION.

Mayor Wynn: THANK YOU, MR. NEWMAN. QUESTIONS, COMMENTS, COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION ON NUMBER NUMBER 45. MOTION MADE BY THE MAYOR PRO TEM. SECONDED BY COUNCILMEMBER ALVAREZ TO APPROVE ITEM NUMBER 45. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES BOO A VOTE OF 7 TO ZERO.

MAYOR AND COUNCIL, THANK YOU VERY MUCH STKPWHR-FP THANK YOU, MR. NEWMAN. COUNCIL, THAT TAKES US TO ITEM 45, OUR 2:00 BRIEFING, PRESENTATION OF THE TRAFFIC SIGNAL SYSTEM PEER REVIEW AND WE'LL WELCOME MR. AUSTIN LEE BROADCAST.

GOOD AFTERNOON, MAYOR AND COUNCIL. I'M DIRECTOR OF TRANSPORTATION, PLANNING AND SUSTAINABILITY DEPARTMENT. WE HAVE TODAY A PRESENTATION FROM OUR PEER REVIEW PANEL THAT STARTED REVIEWING OUR SYSTEM MAY 2nd AND WAS HERE ALL DAY MAY 3rd AND MAY 4th. WE HAD FIVE PROFESSIONAL ENGINEERS WHO CAME TO AUSTIN TO CONDUCT A PEER REVIEW OF THE CITY'S TRAFFIC SIGNAL SYSTEM. THE PANEL WAS CHARGED WITH CONDUCTING A TECHNICAL REVIEW OF TRAFFIC SIGNAL OPERATIONS AND SYNCHRONIZATION. THE PEER PANEL'S

COLLECTIVE KNOWLEDGE TOTALED MORE THAN 120 YEARS OF EXPERIENCE AND SERVICE TO GOVERNMENT AGENCIES IN HOUSTON, PHOENIX, LOS ANGELES, DALLAS-FORT WORTH, PORTLAND, NASHVILLE, AND DENVER. COPIES OF THE PEER REVIEW REPORT, WHICH LOOKS LIKE THIS, SHOULD HAVE BEEN DISTRIBUTED TO THE COUNCILMEMBERS THIS PAST WEEK. PRESENTING THE REPORT TODAY IS MARSHALL ELIZER, A MEMBER OF THE PEER REVIEW PANEL. MR. ELIZER IS CHIEF TRANSPORTATION ENGINEER FOR GRESHAM, SMITH AND PARTNERS IN NASHVILLE, TENNESSEE. PRIOR TO JOINING THEM, MR. ELIZER WORKED FOR THE CITIES OF LAKEWOOD, COLORADO, ARLINGTON, TEXAS, AND MODESTO, CALIFORNIA. MR. ELIZER IS THE PAST INTERNATIONAL PRESIDENT OF THE INSTITUTE OF TRANSPORTATION ENGINEERS AND CURRENTLY SERVES AS DIRECTOR AT LARGE FOR TRANSPORTATION ON THE PUBLIC -- AMERICAN PUBLIC WORKS ASSOCIATION BOARD OF DIRECTORS. THANK YOU VERY MUCH, I WOULD LIKE TO NOW INTRODUCE MR. ELIZER.

Mayor Wynn: WELCOME, SIR. WE HOPE YOU ARE ENJOYING OUR FAIR CITY.

I AM. I AM. AND ESPECIALLY THE HUMIDITY. [LAUGHTER]
THANK YOU FOR HAVING US AND APPRECIATE THE OPPORTUNITY TO REPRESENT THE PEER REVIEW PANEL THAT SPENT TWO GOOD DAYS HERE TAKING A SOLID LOOK AT YOUR SYSTEM, YOUR OPERATIONS, YOUR PHILOSOPHIES AND POLICIES ON YOUR SIGNAL SYSTEM. I'VE GOT ABOUT 20 SLIDES. I'LL MOVE THROUGH THESE PRETTY QUICKLY AND GIVE YOU A OVERVIEW OF WHAT'S IN THE WRITTEN REPORT, AND I'LL GET RIGHT TO IT. FIRST I WANT TO HIGHLIGHT WHAT IS THE FHWA PROGRAM, A GRANT PROGRAM THE FEDERAL HIGHWAY ADMINISTRATION PROVIDES TO GOVERNMENTS TO BRING IN PROFESSIONALS TO HELP THEM LOOK AT THEIR NEEDS, THEIR SITUATIONS, THEIR SYSTEMS AND EVALUATE EITHER IMPROVEMENTS TO OR CHANGES IN OR ADDITIONS TO THEIR INTELLIGENT TRANSPORTATION SYSTEMS AND THE TRAFFIC SIGNAL SYSTEM IS A BIG PART OF AN INTELLIGENT TRANSPORTATION SYSTEM. NEXT THE PEER REVIEW PROCESS WAS TO IDENTIFY THE PILOT EXPERIENCE PROFESSIONALS, IN THIS CASE URBAN TRAFFIC ENGINEERS

WITH SIGNAL EXPERIENCE, BRING THEM TO AUSTIN FOR THOSE TWO DAYS AND PRODUCE A COLLABORATIVE ASSESSMENT REPORT, WHICH WE DID AFTER WE GOT BACK TO OUR RESPECTIVE JOBS. THE PRIMARY OBJECTIVE OF THIS PEER REVIEW WAS VERY SIMPLE, TO DETERMINE IF AUSTIN'S TRAFFIC SIGNAL SYSTEM BEING DESIGNED, OPERATED AND MAINTAINED IN ACCORDANCE WITH WHAT WE WOULD CALL STATE OF THE PRACTICE TECHNIQUES IN ORDER TO ACHIEVE MAXIMUM SYSTEM EFFICIENCY AND SAFETY FOR ROADWAY USERS. AND WE ALL FELT VERY COMFORTABLE IN THESE ROLES AND WE ENJOYED THE OPPORTUNITY TO DO THAT. A LITTLE BIT MORE ABOUT THE PANELISTS. YOU'VE HEARD ABOUT ME. NEXT WAS WAYNE GEIZ HREFPLT R OUT OF HOUSTON, TEXAS, WITH HARRIS COUNTY. A PROFESSIONAL ENGINEER. JENNY GROPE, SHE WORKED FOR THE THE IS OF PHOENIX. KANG HU WORKED FOR THE THE SINGLE-FAMILY LOS ANGELES AND BILL KLUSE OUT OF PORTLAND. AUSTIN MENTIONED THE FACT THERE'S A LOT OF EXPERIENCE IN THESE FIVE PROFESSIONALS COVERING A LOT OF THE UNITED STATES AND I JUST WANT TO MENTION THE LAST PART OF THAT PARAGRAPH AT THE BOTTOM THAT SEVERAL OF US ARE INVOLVED IN WHAT WE CALL ONGOING TRAFFIC SIGNAL RESEARCH AND ACADEMIC EFFORTS TO LOOK AT FURTHERING THE TECHNOLOGY IN TRAFFIC SIGNAL SYSTEMS AND SETTING STANDARDS. SO I WOULD SAY THAT COLLECTIVELY WE DO REPRESENT MAYBE THE FOREFRONT OF THE PROFESSIONALS IN THIS AREA. THE SPECIFIC ACTIVITIES THAT WE PERFORMED WHILE WE WERE HERE, WE WERE PROVIDED WITH A PACKET OF INFORMATION ON THE SIGNAL SYSTEM ON REALLY MANY, MANY REQUESTS, SERVICE REQUESTS AND COMMENTS HAD COME IN BY E-MAIL AND THROUGH WORKSHOPS. WE GOT TO LOOK AT WHAT THE CITIZENRY WAS SAYING ABOUT THE SIGNAL SYSTEM, WHAT THEIR ISSUES AND CONCERNS WERE. WE TOURED THE TRAFFIC MANAGEMENT CENTER. WE HEARD A LENGTHY PRESENTATION FROM THE STAFF, THE SIGNAL SYSTEM STAFF ON OPERATING POLICIES AND PROCEDURES, HOW THEY OPTIMIZE, WHAT ARE THEIR PHILOSOPHIES AND POLICIES, HOW DO THEY DO THE TIMING AND PHASING AND COORDINATE THE SYSTEM, DETAILED INFORMATION ABOUT THE CENTRAL COMPUTER SYSTEM AND THE FIELD EQUIPMENT, AND ALSO WHAT THE TRAFFIC

GROWTH TRENDS HAVE BEEN, WHERE TRAFFIC IS GROWING MORE THAN MAYBE IN OTHER PLACES IN THE AREA. WE ALSO THEN FOLLOWED THAT UP WITH ABOUT EIGHT HOURS OF DRIVING A LOT OF ARTERIAL CORRIDORS AROUND THE CITY AND ESPECIALLY IN THE DOWNTOWN AREA. THEN WE HAD A FINAL DISCUSSION SESSION. THE NEXT TWO SLIDES SHOW YOU -- HIGHLIGHT THE STREETS WE SPENT MOST OF OUR TIME DRIVING IN BOTH DIRECTIONS AND SOMETIMES MORE THAN ONCE. WE SPLIT UP INTO TWO GROUPS AND WE DROVE THESE IN THE OUTLYING AREAS. AND THEN THE NEXT SLIDE SHOWS THE DOWNTOWN STREETS THAT WE FOCUSED ON. WE DROVE SOME MORE THAT ARE HIGHLIGHTED IN RED, BUT THE ONES WE FOCUSED ON WERE IN RED. WE WANTED TO SEE WHAT THE END RESULT WAS THAT THE WORK THE STAFF WAS DOING IN PROVIDING SIGNAL OPERATIONS AND SIGNAL OPTIMIZATION. THE REST OF THE SHRAOEUTS ARE ABOUT OUR OBSERVATIONS AND FINDINGS. AND WE CATEGORIZE THEM INTO FOUR AREAS. ONE IS SIGNAL TIMING. THE SECOND ONE IS SIGNAL OPERATIONS AND MANAGEMENT. HOW THE SYSTEM IS MANAGED AND OPERATED. WHAT ARE THE IMPEDIMENTS TO RETAINING OPTIMUM SIGNAL TIMING. WE SAW SOME THINGS WE THOUGHT SHOULD BE CONSIDERED TO HELP THE CITY DO A BETTER JOB AT OPTIMIZATION. AND THEN OTHER POTENTIAL IMPROVEMENTS TO PROVIDING BETTER PROGRESSION AND SIGNAL OPERATIONS AS WELL AS JUST BETTER ROADWAY OPERATIONS I PUT AT THE BOTTOM AN ASTERISK DENOTES A PERCEIVED RESOURCE LIMITATION. WE SORT OF RATED EACH AREA, BUT WE SAID IF WE THINK THERE'S AN OPPORTUNITY TO PUT A LITTLE MORE RESOURCE ON SOMETHING TO AT A TIME TO A HIGHER LEVEL, WE PUT THAT ASTERISK BESIDE THAT RECOMMENDATION. IT DOESN'T MEAN THAT THAT AREA IS NOT HAVING A GOOD JOB DONE RIGHT NOW, BUT IF YOU WANTED TO RAISE A SERVICE LEVEL, IT IS POSSIBLE TO PUT A LITTLE MORE INVESTMENT IN IT WHETHER IT BE MOSTLY IN PEOPLE, SOMETIMES IN TECHNOLOGY TO GET A LITTLE MORE OUT OF THE SYSTEM. ALSO IT DOESN'T MEAN THAT, YOU KNOW, THERE ARE COST EFFECTIVE ISSUES THERE. SOMETHING IS WORKING AT AN A LEVEL, TO TAKE IT TO A PLUS MEANS AN INVESTMENT MAY OR MAY NOT BE WORTH THAT. IT'S WORTH DISCUSSING AND THAT'S WHY WE PUT AN

ASTERISK BESIDE IT. OUR OBSERVATIONS AND FINDINGS AND SIGNAL TIMING OPERATIONS, OUR CONCLUSION WAS THE INDIVIDUAL INTERSECTION TIMING IS VERY GOOD. THERE IS A LOT OF ADVANCED PHASING TECHNIQUES BEING USED BY THE STAFF. MOST OF THE CAPACITY CONSTRAINTS AND THE CONGESTION THAT WE SAW WAS DUE TO REALLY LIMITED NUMBER OF LANES ESPECIALLY AT PEAK HOURS AND LIMITED VEHICLE DETECTION. MORE AND MORE DETECTION OF VEHICLES WHETHER IT BE LOOPS IN THE PAVEMENT OR CAMERAS ABOVE OR THOSE KINDS OF THINGS CAN PROVIDE MORE INPUT TO THE SIGNAL SYSTEM AND YOU CAN GET A LITTLE HIGHER LEVEL OF SERVICE THAT WAY, AGAIN, IT'S THE COST BENEFIT EVALUATION THAT NEEDS TO BE DONE. THE ARTERIAL CORRIDOR TIMING. THAT IS THE PRO SKWREGS UP AND DOWN EACH OF THESE CORRIDORS WE FELT WAS EXCELLENT AND THAT'S TO A PERSON ON THE PANEL. WE WERE VERY IMPRESSED WITH THE PROGRESSION AS IT'S BALANCED THROUGHOUT THE DAY. AGGRESSIVE USE OF ADVANCED PHASING, TECHNIQUES USED ALL ACROSS THE COUNTRY TO HELP YOU GET A GREEN BAND GOING IN A PARTICULAR DIRECTION OR ANOTHER. AND ALSO HOW THE LANES WERE MANAGED TO OPTIMIZE THE SING CROW ANYIZATION. WE WERE VERY IMPRESSED WITH THAT. NEXT THE DOWNTOWN SIGNAL TIMING. WHEN WE GOT OFF THE CORE DOES THAT GO INTO AND OUT OF THE DOWNTOWN AREA WE FELT THE TIMING METHODOLOGY WAS WELL ESTABLISHED. THERE WAS WE FELT SOME OPPORTUNITY FOR POLICY ADJUSTMENT TO SERVE MINOR STREETS A LITTLE BETTER. WHAT THAT MEANS IS THERE ARE MANY ONE-WAY STREETS DOWNTOWN THAT CARRY MOST OF THE TRAFFIC AND THE SYSTEM IS TIMED TO REALLY SERVE THOSE AT A HIGH LEVEL. IF YOU WANTED TO BACK OFF OF THAT SERVICE LEVEL A LITTLE BIT, YOU COULD GIVE MORE TIME TO SOME OF THE MINOR STREETS AND IMPROVE THEIR LEVEL OF SERVICE SHE BUT IT REALLY IS GOING TO BE AT SOME IMPACT TO THE MORE MAJOR STREETS AND THAT'S THE POLICY ISSUE HERE IS THAT BALANCING ACT. RIGHT NOW WE FEEL LIKE THE STAFF IS DOING A GOOD JOB OF MOVING THE MOST TRAFFIC IN THE MOST EFFICIENT WAY. BUT IF YOU WANTED TO RAISE THE LEVEL OF SERVICE FOR THE MINOR STREETS, YOU COULD DO THAT, BUT AT THE

EXPENSE OF THE MORE MAJOR CORRIDORS. THE CENTRALIZED SIGNAL SYSTEM IS VERY GOOD. YOU PUT IN A NEW ONE RECENTLY. THE SOFTWARE, THE HARDWARE WE FELT WAS HIGHLY ADVANCED. GOOD MONITORING AND CONTROL OF THE SIGNAL SYSTEM. THAT TECHNOLOGY CHANGES RAPIDLY THOUGH AND THE ADVANCEMENTS IN SOFTWARE AND HARDWARE SHOULD BE WATCHED FOR AND IMPLEMENTED WHEN YOU FEEL LIKE IT'S COST EFFECTIVE TO DO SO. NEXT. WE LOOKED AT THE MANAGEMENT PHILOSOPHIES AND POLICIES AND WE FELT VERY VERY GOOD. THAT THE SYSTEM WAS ORGANIZED AND MANAGED AND IN A VERY EFFECTIVE WAY. DID THINK THERE WAS SOME OPPORTUNITY FOR INCREASED DOCUMENTATION AND COMMUNICATION OF HOW WELL THE SYSTEM IS ORGANIZED AND MANAGED. MOST OF THE EFFORT OF THE STAFF IS SPENT ACTUALLY DOING THE WORK, MAKING THE SIGNALS WORK AND OPTIMIZING THE SYSTEM. NOT A LOT IS GOING INTO ACTUALLY PROVING THAT TO THE PUBLIC AND PRODUCING REPORTS AND THOSE TYPES OF THINGS. WE FELT THAT WITH SOME MORE RESOURCES YOU COULD ACTUALLY BEGIN TO DOCUMENT SOME OF THE ADVANTAGES WITH THE MEASURES OF EFFECTIVENESS TO ACTUALLY DO MORE TO SHOW THE PUBLIC OR SHOW THE MAYOR AND COUNCIL AND OTHERS HOW THE SYSTEM IS PERFORMING AND MAINTAINING THAT PERFORMANCE LEVEL OVER TIME OR IMPROVING IT. NEXT OPTIMIZATION SIMULATION SOFTWARE, COMPUTER PROGRAMS AND HOW THAT'S USED TO HELP WITH SIGNAL TIMING DEVELOPMENT. THOUGHT THEY WERE USED EFFECTIVELY. YOU HAD MANY OF THE RIGHT TOOLS. THERE ARE SOME NEW TOOLS THAT ARE COMING OUT THAT MAY BE WORTH AN INVESTMENT TO ADVANCED TECHNOLOGY IN THAT OPTIMIZATION SIMULATION SOFTWARE AREA. NEXT, DAYLIGHT TAKE COLLECTION. YOU KNOW, YOU TIME A TRAFFIC SIGNAL OFF TRAFFIC COUNTS. IF YOU DON'T KNOW HOW MUCH TRAFFIC IS OUT THERE AND HOW IT CHANGES THROUGHOUT THE DAY, YOU REALLY CAN'T TIME IT AS WELL AS IT SHOULD BE. CURRENTLY THERE'S ABOUT A THREE YEAR PROGRAM FOR TRAFFIC VOLUME COUNTS. WE THINK THE CITY SHOULD CONSIDER ACCELERATING THAT COUNT PROGRAM IN SOME OF THE HIGHER GROWTH AREAS WHERE TRAFFIC TPRUBG AGENCIES ARE GREAT HER AND OCCUR MORE OFTEN. NEXT

THE SYSTEM PERFORMANCE DOCUMENTATION IS RELATED TO WHAT I MENTIONED A MOMENT AGO. THINGS ARE OPERATING VERY WELL, BUT WE BELIEVE YOU COULD PRODUCE MORE INFORMATION AND TRANSMIT THE PERFORMANCE OF THE SYSTEM TO THE MAYOR AND COUNCIL AND TO THE PUBLIC. NEXT, WE TALK ABOUT PUBLIC COMMUNICATION EFFORTS BEING GOOD. THAT COMPLAINTS OR REQUESTS OR QUESTIONS COME IN AND THOSE ARE RESPONDED TO IN A TIMELY AND EFFICIENT MANNER AND THE INFORMATION THAT'S COMING BACK OUT IS GOOD. WE TALKED ABOUT THE POSSIBILITY OF ACTUALLY MAKING THAT EFFORT MORE PROACTIVE BY PRODUCING WHETHER IT'S BROCHURES OR PUBLIC SERVICE SPOTS OR GOING OUT AND DOING PRESENTATIONS AT SERVICE CLUBS TO ACTUALLY TALK ABOUT THE SYSTEM AND THE GOOD THINGS THAT IT'S DOING AND HOW IT OPERATES. THAT'S A CONSIDERATION. ALSO THOUGHT THE SYSTEM MAINTENANCE PROGRAM IS GOOD, THAT THE MAINTENANCE LEVELS ARE ADD KWAURBGTS BUT ANY MAINTENANCE ACTIVITIES ARE PROBABLY NOT UP TO WHAT YOU WOULD WANT THEM TO BE TO KEEP THE SYSTEM AT OPTIMUM PERFORMANCE AND WE THINK YOU SHOULD LOOK AT THAT AREA. NEXT, WE LOOKED HARD AT THE EQUIPMENT IN THE CENTRAL SYSTEM AND THE FIELD EQUIPMENT. THAT'S THE HEADS, THAT'S THE CONTROLLERS, ALL THE DEVICES IN THE FIELD. WE THINK THAT'S GOOD EQUIPMENT, VERY GOOD EQUIPMENT AND IT'S WELL MAINTAINED. FOR THE MOST PART THAT THE VEHICLE DETECTION, THE TECHNOLOGY THAT'S ACTUALLY TELLING THE CENTRAL SYSTEM WHEN THE VEHICLES ARE THERE AND WHEN THEY ARE NOT AND WHAT THEIR SPEEDS ARE IS GOOD. AGAIN, COULD BENEFIT FROM BETTER PREVENTIVE MAINTENANCE SCHEDULES. THE TIME OF DAY, DAY OF WEEK TIMING PLAN FLEXIBILITY WE FELT WAS GOOD. WHAT THAT MEANS IS SIGNAL SYSTEM IS SET TO DO A CERTAIN THING IN THE MORNING RUSH AND THEN IT CHANGES AFTER THAT AND THEN ADD MYTH DAY IT CAN DO ANOTHER THING AND IN THE AFTERNOON ANOTHER AND FINALLY IN THE P.M. PEAK IT MAY DO ANOTHER ONE AND IT COULD EVEN GO TO ANOTHER PLAN LATE IN THE EVENING AND THERE COULD BE ONE ON SATURDAY OR SUNDAY. WE THINK THE NUMBER OF PLANS AND HOW THAT WORKS IS VERY ADEQUATE, GOOD AND WITH KEEPING WITH

MOST OF WHAT THE COUNTRY DOES. IF YOU WANT TO INVEST MORE RESOURCES IN COUNTING AND DEVELOPING MORE TIMING PLANS, THERE COULD BE A MORE RESPONSIVE APPROACH TO FLUCTUATIONS IN TRAFFIC THROUGHOUT THE DAY, BUT IT COMES WITH THE SIGNIFICANT INVESTMENT AND MORE -- AND MORE STAFF TO DO MORE COUNTING AND ANALYSIS AND PRODUCTION OF TIMING PLANS AND KEEPING THOSE TIMING PLANS MAINTAINED. NEXT, WE THOUGHT THE SIGNAL TIMING COORDINATION WITH CONSTRUCTION AND MAINTENANCE ACTIVITIES IS GOOD. I THINK ONE OF THE PROBLEMS WE NOTED WAS THAT WHEN A PROJECT GOES UNDER CONSTRUCTION, LET'S SAY A ROADWAY THAT'S A STATE HIGHWAY TAKEN STATE TAKES IT OVER AND GIVES THAT SIGNAL OPERATIONS TO THE CONTRACTOR DURING THE CONSTRUCTION PERIOD, THEY DON'T OPERATE THOSE SIGNALS REALLY THE WAY THEY SHOULD AND THERE'S A -- IF YOU COULD SOMEHOW FIND A WAY TO ACTUALLY GET IN AND LET THE CITY CONTINUE TO BE INVOLVED IN OPTIMIZING AND MAINTAINING THOSE SIGNALS DURING CONSTRUCTION AND MAINTENANCE ACTIVITIES, WE THINK YOU COULD GET A HIGHER LEVEL OF SERVICE AT THOSE TIMES. WE LOOKED AT HOW SIGNALS OPERATED FOR INCIDENTS IN THE SYSTEM AND SPECIAL EVENTS. WE THOUGHT THAT WAS VERY GOOD. NEXT, WE JUST LOOKED AT YOUR OVERALL STAFF EXPERIENCE AND THE CAPABILITY. AND REALLY WE CONSIDERED IT EXCELLENT. THEY DIDN'T PAY US ANYTHING, THEY ARE NOT GREAT FRIENDS OF OURS, BUT WE BELIEVE THAT THEY ARE GOOD PEOPLE, THEY KNOW WHAT THEY ARE DOING AND THEY ARE WORKING HARD AND WE WERE IMPRESSED WITH THEM. TAKEN STAFFING LEVEL IS GENERALLY VERY GOOD, THAT, YOU KNOW, THAT THE RESULTS YOU GET OUT OF THAT INVESTMENT IS EXCELLENT CONSIDERING THE RESOURCES. BUT AS I'VE SAID ALL ALONG, THAT THERE ARE AREAS WHERE IF YOU ADDED ANOTHER PERSON OR TWO OR PUT SOME MONEY IN PREVENTIVE MAINTENANCE OR SOME NEW TECHNOLOGY YOU COULD PROBABLY SQUEEZE A LITTLE MORE EFFICIENCY OUT OF THE SYSTEM. GETTING NEAR THE END, WE LOOKED AT WHAT WE THOUGHT WERE IMPEDIMENTS TO MAINTAINING THE BEST OPTIMIZATION OF THE SIGNAL SYSTEM. OBVIOUSLY NOT ENOUGH LANES IN

MANY LOCATIONS MAKES IT DIFFICULT TO USE SIGNAL TIME TO GO ITS FULLEST. ALSO THE CONSTRUCTION AND MAINTENANCE ZONES WE FELT LIKE WAS ANOTHER AREA. ON-STREET PARKING OPERATIONS. WE KNOW HOW IMPORTANT ON-STREET PARKING IS BUT PULLING IN AND OUT OF THOSE SPACES, ANY TIME YOU DISRUPT TRAFFIC AND SLOW IT DOWN AND SPEED IT UP AND MAKE PEOPLE CHANGE LANES, YOU CAN'T PREDICT WHAT THAT TRAFFIC IS GOING TO DO, YOU CAN'T TIME THE SIGNALS TO ACTUALLY WORK WITH THAT TRAFFIC FLOW. SO ANYTHING THAT DISRUPTS WHAT I WOULD CALL SMOOTH TRAFFIC FLOW IS AN IMPEDIMENT AND WE THOUGHT ON-STREET PARKING WAS. WE SAW SOME LOCATIONS WHERE THERE MAY BE TRAFFIC SIGNALS THAT MAY NOT BE NEEDED. THEY'VE BEEN THERE FOR A LONG TIME, BUT THERE ARE A FEW THAT MAYBE IN RETROSPECT COULD COME OUT AND THAT HELPS YOU TIME A CORRIDOR BETTER. THERE'S SOME PLACES WHERE ROUGH PAVEMENT MAKES TRAFFIC MOVE LANES, GET OUT OF THE CURB LANE AND GO TO THE CENTER. WHEN YOU START STACKING UP TRAFFIC IN SOME LANES AND UNDERUTILIZING OTHERS, THAT MAKES IT MORE DIFFICULT TO MOVE TRAFFIC THROUGH THOSE SIGNALS. SOME OF THE OLDER ROADS HAVE POOR GEOMETRIC CONDITIONS AT THE CURVES. NEXT, THAT ACCESS MANAGEMENT HAS A HUGE IMPACT ON THE ABILITY TO KEEP TRAFFIC SMOOTH AND MOVING AND BENEFIT FROM THE SIGNALS AND THE NUMBER OF DRIVEWAYS WHERE THEY ARE LOCATED AFFECTS THAT. ALSO BUSES THIS THE CURB LANE STOPPING AND STARTING AND LOADING AND UNLOADING MAKES TRAFFIC MOVE AROUND AND THAT CAN DISRUPT TRAFFIC FLOW. PEDESTRIAN CROSSINGS AND EMERGENCY VEHICLE PRE-EMPTION SPECIALLY DURING PEAK PERIODS. YOU GET TOO MANY CROSSINGS OR TOO MANY EMERGENCY VEHICLES PRE-EMPTING TRAFFIC SIGNALS AT PEAK PERIODS, IT CAN CREATE A BACKUP THAT TAKES A LONG TIME TO UNCOVER AND THAT NEEDS TO BE MONITORED PRETTY CLOSELY. DURATION OF SCHOOL ZONE TIMES. THE COMMITTEE -- OR THE PANEL FELT THAT YOUR SCHOOL ZONES ARE LONGER THAN MOST. IN OUR OTHER JURISDICTIONS. IF YOU LOOK AT WHEN THEY START AND END FOR THE MORNING AND THE AFTERNOON, THEY CREATE LOWER SPEEDS FOR LONGER PERIODS OF TIME

THAT WOULDN'T BE CONSIDERED TYPICAL. ONE OF THE THINGS YOU MIGHT LOOK AT IS WHETHER OR NOT YOU CAN REDUCE THE AMOUNT OF TIME THE SCHOOL FLASHING AREAS ARE IN EFFECT. AND THAT IT'S NOT A SAFETY ISSUE, IT'S MORE ONE OF JUST KEEPING TRAFFIC MOVING AT A GREATER SPEED MORE HOURS OF THE DAY. AND ALSO THE TRAFFIC VOLUME GROWTH AND THE DIRECTIONAL SHIFT DUE TO LAND USE GROWTH OVER TIME OBVIOUSLY IS AN IMPEDIMENT. FINALLY WE JUST MADE A FEW SUGGESTIONS ABOUT OVER Y'ALL SIGNAL OPERATION IMPROVEMENTS. THE COLLISION REPORTING SYSTEM. ONE OF THE PRIMARY WAYS THAT A TRAFFIC ENGINEER LOOKS AT HOW A SIGNAL WORKS IS BY THE NUMBER OF ACCIDENTS THAT OCCUR THERE. YOU LOOK AT ARE THEY RIGHT ANGLE, ARE THEY REAR END. AND RIGHT NOW THE WAY THE SYSTEM WORKS IN THE CITY ONLY ABOUT 25% OF ALL TRAFFIC COLLISIONS ARE CURRENTLY CAPTURED IN A DATABASE AND IF THERE'S SOME WAY TO WORK WITH THE ENFORCEMENT FOLKS TO INCREASE THAT, THEN THE STAFF WOULD HAVE BETTER DEPARTMENT OR COLLISION INFORMATION TO RECOGNIZE WHERE THERE ARE PROBLEMS THAT TRAFFIC SIGNAL TIMING CHANGES MAY HELP. IN LINE WITH THAT, THE CONTINUED COORDINATION WITH THE ENFORCEMENT GROUPS. STREET NAME SIGNING WHILE SEEMS PRETTY INNOCUOUS, LARGER BETTER STREET NAMING SIGNS IN ADVANCE OF INTERSECTIONS ALLOWS MOTORISTS TO BE MORE EFFICIENT, TO MAKE TURNS BETTER AND NOT VARY THEIR SPEEDS TRYING TO FIND OUT WHERE THEY NEED TO TURN. WE THOUGHT LARGER, MORE CONSISTENT STREET SIGNING WOULD BE A PLUS. ALSO REVERSIBLE LANE APPLICATIONS IN PLACES YOU DON'T HAVE ROADWAY CAPACITY AND THE SIGNAL CAN'T PLATE ANY BETTER, WHETHER OR NOT YOU COULD TURN SOME LANES INBOWED AND OUTBOUND CERTAIN TAOEUPBLS OF THE DAY. PEDESTRIAN COUNTDOWN SIGNALS HELP PEDESTRIANS FOCUS WHEN THEY ARE CROSSING THE STREET BETTER. THAT'S CULLLY A CLOCK THAT WHEN WE PUSH THE BUTTON THEY KNOW HOW MUCH TIME THEY HAVE TO CROSS AND NO WHEN WE CAN'T ANY LONGER AND ALSO ANY WAY YOU CAN IMPROVE SIGNAL HEAD VISIBILITY. SUMMARY, KEY FINDINGS. WE FELT LIKE THE PANEL, THAT YOUR SIGNAL SYSTEM IS REALLY IN THE TOP TIER OF SYSTEMS IN THE COUNTRY

WITH THE INVESTMENT YOU'VE MADE IN YOUR CENTRAL SYSTEM, YOUR FIELD SYSTEM AND YOUR STAFF, YOU'VE GOT A REALLY GOOD OPERATION. THE STAFF IS CAPABLE. THEY ARE DOING AN EXCELLENT JOB. THERE ARE SOME OPPORTUNITIES FOR SOME ENHANCEMENTS. MOST OF WHICH WE FELT LIKE ARE REALLY TIED TO APPLYING MORE RESOURCES. WE LOOKED AT THE NUMBER AND TYPE OF CITIZEN REQUEST AND WE SAID HOW DOES THAT COMPARE TO THE JURISDICTIONS THAT WE WORKED FOR AND WHAT WE SEE AND WE THINK THEY ARE VERY SIMILAR. THEY ARE NOT EXCESSIVE, THEY ARE NOT LESS, BUT THEY ARE IN LINE WITH THE KINDS OF THINGS YOU EXPECT TO SEE FROM THE PUBLIC WHEN THEY PUT IN A REQUEST ABOUT A TRAFFIC SIGNAL. AND THAT REALLY MOST OF YOUR CONGESTION ON YOUR SIGNALIZED CORRIDORS IS DUE TO LIMITATIONS IN ROADWAY CAPACITY, NOT SIGNAL OPERATIONS. LAST, I'LL BE HAPPY TO ANSWER ANY QUESTIONS. WAYNE, ONE OF THE PANELISTS, IS ALSO IN THE AUDIENCE AS WELL AS I WILL BE HAPPY TO ANSWER ANY QUESTIONS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

Slusher: I WANTED TO ASK YOU IF YOU WERE -- A FEW SKEPTICAL QUESTIONS. ONE, DO YOU WANT TO COMMENT ON ANYTHING I'VE JUST SAID? IS THAT THE KIND OF ATTITUDE THAT YOU SEE THAT IN OTHER CITIES?

I WOULD SAY YES. AND I WORKED IN FOUR CITIES, FOUR DIFFERENT STATES, AND IT'S FAIRLY CONSISTENT WHAT YOU HEAR. AND AS DEVELOPMENT OCCURS AND TRAFFIC GROWS, SIGNAL TIMING CAN MAKE IT BETTER UP TO A POINT, BUT THEN IT'S JUST TOO MUCH TRAFFIC FOR THE ROAD. AND OFTEN TIMES THE SIGNALS GET BLAMED FOR THAT BECAUSE YOU'RE SITTING THERE AT A RED LIGHT AND THE REASON IS US DON'T HAVE ENOUGH ROADWAY TO GET ALL THAT TRAFFIC THROUGH THAT INTERSECTION DURING PEAK PERIODS.

Slusher: AND OF COURSE, WHEN YOU HAVE TWO, TWO-WAY STREETS INTERSECTING, THAT'S GOING TO BE HARDER TO -- ESPECIALLY THE MAJOR ARTERIALS, THAT'S GOING TO MAKE THAT HARDER TO SIN SYNCHRONIZE WHERE EVERYBODY GETS THE GREEN LIGHT AND IN SOME CASES PROBABLY

IMPOSSIBLE.

IT IS MATHMATIC CLI, PHYSICALLY IMPOSSIBLE. AND WHAT YOU DO IS THE BEST BALANCING ACT YOU CAN BASED ON THE TRAFFIC VOLUME YOU'VE GOT AND WHICH DIRECTION THEY'RE GOING AND YOU TRY TO GET THE MAJOR FLOWS, THE PRIMARY. AND YOU DO WHAT YOU CAN FOR THE LEFT TURNS AND CROSS STREETS, BUT THAT'S SOME OF THE PHILOSOPHIES AND POLICIES THAT ARE IMBED UNDERSTAND THIS SYSTEM. WE LOOKED AT THOSE AND WE'RE IN AGREEMENT THAT THEY'VE GOT INTERPRET PRETTY MUCH THE WAY WE WOULD HAVE TIMED THE SYSTEM.

Slusher: HOW MANY PEER REVIEWS HAVE YOU DONE?

THIS IS PROBABLY JUST MY THIRD ONE. THIS IS NOT SOMETHING I DO -- IT'S JUST DIFFERENT PROFESSIONALS ARE SELECTED AT DIFFERENT TIME.

Slusher: DO BAD REVIEWS EVER COME OUT OF THEERZ PEER REVIEWS?

I REALLY COULDN'T ANSWER THAT QUESTION. I THINK WE WERE CONSCIOUS TO -- WE DIDN'T WANT TO COME IN AND RUBBER STAMP ANYTHING. I KNOW WHAT WE DID. TO BE HONEST, I PARTICIPATED IN ONE IN JACKSONVILLE, FLORIDA TWO MONTHS AGO AND WE MADE A LOT OF RECOMMENDATIONS ABOUT THINGS THAT WE DIDN'T THINK THEY WERE DOING RIGHT. SO I WOULDN'T HAVE THAT. IT'S OPPORTUNITIES FOR IMPROVEMENT THAT WERE A LOT GREATER THERE. >>

SLUSHER: SO YOU PARTICIPATED IN SOME THAT WERE NOT AS POSITIVE AS THIS ONE?

ABSOLUTELY.

Slusher: OKAY. IS THERE ANY PRESSURE OR ANY MINDSET TO -- WELL, I DON'T WANT TO CRITICIZE ANY PEERS HERE SO THAT YOU TEND TO BE MORE POSITIVE AS A RESULT? I'M NOT NEARLY SKEPTICAL ABOUT IT MYSELF, BUT SOME

CITIZENS MIGHT BE.

YOU CAN ASK THE STAFF, WE WERE FAIRLY HONEST ABOUT OUR OPINIONS. AND WHEN WE GOT IN A ROOM AND WE PUT ALL OUR THOUGHTS DOWN WITHOUT THEM IN THE ROOM AND WE BROUGHT THEM BACK IN AND SAID THIS IS WHAT WE THINK AND WE WANT YOU TO REACT WITH THIS AND WROTE IT UP THE WAY WE FELT. AND WE DID NOTE SOME AREAS WHERE WE WOULD MAYBE LOOK AT DOING SOME THINGS A LITTLE BIT DIFFERENTLY, BUT MOSTLY THEIR POLICY TYPE ISSUES. TO BE HONEST, YOU COULD PUT THIS SYSTEM INTO THE HANDS OF FIVE DIFFERENT TRAFFIC ENGINEERS AND YOU WOULD GET FIVE DIFFERENT TIMING APPROACHES TO IT, SOME ALL SLIGHTLY DIFFERENT BECAUSE SOME OF IT IS JUDGMENT. BUT OUR COLLECTIVE JUDGMENT WAS THAT THEY'RE RIGHT THERE WHERE THEY NEED TO BE, WITH THE EXCEPTION OF A FEW MINOR AREAS THAT WE NOTED IN THE REPORT. THERE WAS NO PRESSURE. WE WERE WILLING TO TELL THEM -- WE SAID PRESENT ACTIVE MAINTENANCE, WE THINK THEY NEED TO STEP THAT UP, TRAFFIC COUNTS THEY NEED TO STEP THAT UP. THEY NEED TO DO MORE PROACTIVE, CONVINCE PEOPLE THAT THAT YOU ARE DOING A GOOD JOB AND COUNT THINGS AND TELL THEM THAT. WE FELT LIKE WE WERE PRETTY OBJECTIVE. WE DIDN'T HOLD BACK.

Slusher: THANK YOU, SIR. I CAN TELL YOU THAT I KNOW ABOUT ROUGH ROADS SLOWING DOWN THE TRAFFIC. I DROVE SOUTH FIRST STREET AND I CHECKED THAT OUT.

AND RIVERSIDE AS WELL.

Slusher: THANK YOU VERY MUCH. I APPRECIATE IT. I WANT TO POINT OUT TO THE STAFF ON ON THE OVERHEADS OR THE POWERPOINT PRESENTATION HERE, YOU'VE GOT TO -- IT SAYS AUSTIN'S TRAFFIC SIGNAL SYSTEM IS CONSIDERED TO BE IN THE TOP TIER OF SYSTEMS IN THE COUNTY. AND SO I WOULD REALLY WOULD FIX THIS. YOU MIGHT WANT TO BRAG ON THAT, BUT IT'S NOT THAT BIG OF DEAL IF WE'RE JUST IN THE COUNTY.

YES. WE'D LIKE TO CLARIFY THAT WAS INTENDED TO BE

COUNTRY.

THAT IS CORRECT.

Slusher: RIGHT, YES, THAT'S WHAT I WAS SAYING, YOU WANT TO ADD IN THE R THERE. AND THAT STATEMENT THAT'S ONE OF THE TOP TIER OF SYSTEMS IN THE COUNTRY, WAS THAT A UNANIMOUS JUDGMENT ON THE PART OF THE REVIEWERS.

YES, SIR.

Slusher: THANK YOU VERY MUCH, SIR. THAT'S ALL I HAVE, MAYOR. MAYOR PRO TEM?

Goodman: COULD I ASK ONE QUESTION? ONE OF THE THINGS THAT DRIVES ME NUTS ABOUT TRYING TO GET AROUND HERE IS THAT NOT EVERY INTERSECTION HAS A STREET SIGN FOR BOTH STREETS. AND SOMETIMES THAT'S NOT IMPERATIVE, BUT WHEN YOU ARE IN A PLACE WHERE YOU'RE NOT TOTALLY SURE YOU'RE HEADING IN THE RIGHT DIRECTION AND YOU REALLY WANT TO GO BY LANDMARKS AND THERE ARE VIRTUALLY NONE TO RECOGNIZE, DO YOU THINK IT'S TYPICAL IN MOST LARGE PLACES THAT AT FIR VALLEY EVERY OPPORTUNITY YOU'LL HAVE STREET SIGNS ON ONE CORNER OR ANOTHER TO TELL YOU -- AT LEAST AT EVERY SEMI AND MAJOR INTERSECTION WHAT STREET YOU'RE ON AND WHAT STREET YOU MIGHT WANT TO GO ON IF YOU KNEW WHAT THE NAME OF IT WAS?

MOST OF YOUR OLDER AREAS OF TOWN AND YOUR OLDER ROADWAYS HAVE SMALLER INSTALLATIONS MAYBE ON ONE CORNER. AND IF YOU LOOK AT NEWER AREAS SUCH AS PHOENIX AND CALIFORNIA AND DENVER, YOU'LL SEE THAT THOSE ARE GENERALLY LARGE OVERHEAD STREET NAME SIGNS UP ON THE SIGNAL MAST ARM OR WHATEVER. AND MANY PEOPLE DON'T THINK THEY'RE AS ATTRACTIVE, AND THEY PROBABLY AREN'T FROM AN URBANISM POINT OF VIEW, BUT THEY DO LET THE DRIVER KNOW THE STREET AHEAD. AND THERE ARE SUCH THINGS AS ADVANCE STREET SIGNS WHERE FIVE OR SIX HUNDRED FEET IN ADVANCE YOU PUT UP A CROSS SIGN AND SAY THAT NEXT SIGNAL IS LAVACA OR WHATEVER. SO THAT'S WHY WE BROUGHT THAT UP. WE FELT LIKE IN MANY PLACES YOU COULDN'T PICK OUT

THE STREET SIGN SOON ENOUGH AND WE FEEL LIKE THERE WAS ROOM FOR IMPROVEMENT IN THE STREET NAME SYSTEM. YOU'RE A LITTLE BEHIND IN THIS AREA. IT'S AN INVESTMENT. AND SOME CITIES LIKE PHOENIX ACTUALLY HAVE INTERNALLY ILLUSTRATED SIGNS -- ILLUMINATED SIGNS. AND LAS VEGAS. OBVIOUSLY THOSE ARE VERY HIGH LEVELS OF TOURISM. AND THEY'RE VERY COSTLY AND THEY'RE DIFFICULT TO MAINTAIN. BUT THEY HAVE A VERY HIGH LEVEL OF SERVICE TOO. SO YOU MAY FIND SOME AREAS WHERE THAT MAKES SENSE. OTHER AREAS WE JUST PUT UP BIGGER SIGNS AND DEVELOP A COST EFFECTIVE APPROACH TO IMPROVING THAT STREET NAME.

Goodman: WHAT I WAS SPECIFICALLY LOOKING FOR IS -- BECAUSE I KNOW WHAT YOU'RE TALKING ABOUT, BEING ABLE TO TELL AHEAD OF TIME FOR SURE WHEN YOU'RE COMING TO A PRETTY BIG INTERSECTION AND YOU THINK IT MAY BE THE ONE YOU NEED, BUT YOU'RE NOT SURE YET, THEN THE ADVANCE WARNING IS GOOD. BUT WHAT I'M ASKING ABOUT SPECIFICALLY IS DO YOU THINK MOST PLACES HAVE STREET SIGNAGE AT EVERY INTERSECTION? BECAUSE WE HAVE INTERSECTIONS LARGE AND SMALL THAT HAVE NO SIGNS?

YES. AS TWO PUBLIC STREETS COME TOGETHER, GENERALLY SPEAKING, THERE IS A STREET NAME SIGN THERE, EVEN IF IT IS A SMALL FOUR-WAY SIGN AS WE CALL IT OVER IN THE CORNER.

Goodman: RIGHT, THANK YOU. IFTS HOPING YOU WOULD SAY THAT.

IS THAT THE RIGHT ANSWER OR WRONG ANSWER? >>

GOODMAN: THAT WAS A WONDERFUL ANSWER.

Mayor Wynn: FURTHER QUESTIONS? COUNCILMEMBER THOMAS.

Thomas: YES, ON THE SUMMARY OF YOUR KEY FINDINGS AND DOWN ON THE THIRD ONE WHERE YOU SAID OPPORTUNITIES EXIST FOR SOME ENHANCEMENT, WHAT WOULD YOU PRIORITIZE ON THE ENHANCEMENTS WOULD BE IF WE HAVE

THE RESOURCES TO DO THAT?

I'D SAY WHAT -- IN MY OPINION WHAT CAME TO THE TOP OF THE PANEL DISCUSSION WAS MORE TRAFFIC COUNTS MORE OFTEN, ESPECIALLY IN THE HIGHER GROWTH AREAS. TO STAY UP WITH KNOWING WHAT THE TRAFFIC IS DOING SO YOU CAN GO BACK AND RETIME BEHIND THAT CHANGE IN TRAFFIC VOLUMES. THEN ALSO PREVENTIVE MAINTENANCE. TO KEEP THINGS FROM GOING BAD, TO KEEP A VEHICLE LOOP FROM GOING OUT, BECAUSE WHEN THAT HAPPENS, SOMETIMES YOU KNOW ABOUT IT RIGHT AWAY, OTHER TIMES IT TAKES AWHILE AND THERE'S SOMETIMES CONGESTION UNTIL YOU GET THERE AND FIX IT. SO KEEPING THOSE LOCATIONS WORKING AND DOING THE MAINTENANCE BEFORE IT GOES BAD IS REALLY THE -- CHANGING THE LIFE BEFORE IT WEARS OUT IS BASICALLY THAT CONCEPT.

Thomas: OKAY. THANKS.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: COULD YOU GIVE US SOME SENSE OF TWO THINGS. FIRST, WHAT DOES AUSTIN DO BETTER THAN OTHER CITIES? AND THEN WHAT DOES IT DO WORSE THAN OTHER CITIES?

I WOULD SAY AT THE TOP OF WHAT YOU ALL DO WELL IS YOUR CENTRAL SYSTEM IS REALLY STATE-OF-THE-ART. IT'S FAIRLY CURRENT. THE SOFTWARE, THE HARDWARE, YOUR CONTROL ROOM. YOU KNOW WHAT'S GOING ON WITH YOUR SIGNAL SYSTEM. AND YOU'VE GOT GOOD -- A GOOD SYSTEM THERE TO OPERATE IT AND RUN IT. ALSO, YOUR ARTERIAL TIMING OPTIMIZATION, IN OTHER WORDS, SYNCHRONIZATION, MOVING IN AND OUT OF TOWN ON YOUR MAJOR CORRIDORS WE THOUGHT WAS EXCELLENT. WE KNOW HOW HARD THAT IS TO DO AND TO BALANCE, AND WE DROVE IT OFF PEAK, WE DROVE SOME IN THE MIDDLE OF THE DAY, WE DROVE SOME LATE IN THE DAY, WE WENT UNTIL AFTER 6:00 O'CLOCK AND UP AT SEVEN THE NEXT MORNING DRIVING IN THE MORNING. WE WERE ALL IMPRESSED WITH HOW MUCH HAS BEEN SQUEEZED OUT OF THE SYSTEM IN THOSE PEAK PERIODS. I'D SAY THAT'S AT THE TOP OF THE LIST. THINGS THAT WE THINK YOU COULD

BE DOING, I THINK MORE USE OF VIDEO CAMERAS AND MONITORING FROM A CENTRAL LOCATION, BEING ABLE TO LOOK AT WHAT'S GOING ON IN THE FIELD WITHOUT ACTUALLY HAVING TO GO OUT THERE. AND THEN WE EVEN MENTION HAVING THOSE CAMERA VIEWS AVAILABLE TO THE PUBLIC THROUGH A WEBSITE, MUCH LIKE THE TEXAS DEPARTMENT OF TRANSPORTATION DOING A FREEWAY, WITH SOME KEY CORRIDORS OR KEY LOCATIONS THAT COULD BE AVAILABLE TO THE PUBLIC THROUGH THE CITY'S WEBSITE. PREVENTIVE MAINTENANCE WE THOUGHT WAS LAGGING SOMEWHAT. AND THEN WE APPLY MORE RESOURCES TO PREVENTIVE MAINTENANCE.

McCracken: SOME OF THESE THINGS APPEAR TO BE MORE -- FROM AN ENGINEERING PERSPECTIVE. IF YOUR SOLE GOAL WAS TO MAXIMIZE TRAFFIC FLOW THEN THESE ARE THINGS YOU CAN DO, BUT SOME OF THESE THINGS FALL UNDER POLICY SITUATIONS. IN OTHER WORDS, WE COULD FIGURE OUT SOME WAYS TO MAKE THINGS MOVE FASTER, BUT THEY -- BUT FROM A POLICY PERSPECTIVE, THE CITY MIGHT NOT WANT TO DO THAT. AND IJ, FOR INSTANCE, THERE'S ONE HERE THAT SAYS EMERGENCY VEHICLE -- EMERGING VEHICLE PREEMPTION. THAT'S A POLICY CHOICE. THE CITY COULD SAY WE WANT TO MAKE SURE IF SOMEONE IS HAVING A HEART ATTACK THAT THE AMBULANCE GETS TO THEM, THAT'S A HIGHER PRIORITY THAN KEEPING A TRAFFIC SIGNAL TIME. IS THAT A FAIR WAY TO SUMMARIZE IT?

THAT'S RIGHT. IT'S THE NUMBER OF VEHICLES AND HOW OFTEN THEY USE IT. AND I HAVE SEEN SOME CITIES WHERE THERE'S TOO MANY VEHICLES PUNCHING THE BUTTONS TOO MANY TIMES AND YOUR SIGNAL SYSTEM NEVER GETS A CHANCE TO OPTIMIZE. AND REALLY THEY COULD SCALE THAT BACK. YOU'RE NOT THERE ON THAT, BUT YES, THAT IS A POLICY CHOICE. THE LENGTH OF THE SCHOOL ZONE TIMES IS A POLICY CHOICE. WHAT WE CALL THE CYCLE LENGTH THAT YOU USE ON YOUR MAJOR CORRIDORS TO MOVE TRAFFIC IN AND OUT OF TOWN, YOU'VE GOT PRETTY LONG CYCLE LENGTH HERE, 120, 130 SECONDS IN THAT RANGE, BUT THAT DOES A GOOD JOB MOVING PEOPLE IN AND OUT, BUT IT REQUIRES THE PEOPLE IN THE SIDE STREET TO SIT LONGER. WE ALL THINK THAT'S PRETTY GOOD. AS A POLICY CHOICE YOU COULD SAY I DON'T WANT ANYBODY TO SIT

THAT LONG ON A SIDE STREET, SO WE'LL BACK THE CYCLE LENGTHS DOWN, BUT IT MEANS YOU WON'T DO AS JOB -- THE PEOPLE ON THE SIDE STREETS WON'T WAIT AS LONG. THOSE ARE PHILOSOPHIES AND POLICIES. AND WE SPENT A LOT OF TIME TALKING ABOUT THOSE BECAUSE THOSE REALLY ARE AT THE HEART OF HOW THE SYSTEM OPERATES.

McCracken: ONE OF THE THINGS THAT MAYOR PRO TEM MENTIONED ALSO ON IMPROVED STREET NAME SIGNING, DID YOU COME UP WITH A LIST THAT YOU'VE SEEN, PERHAPS, THAT WE COULD TAKE AND START DOING SOMETHING WITH?

NO. WE DID TAKE NOTES ON EACH OF THE CORRIDORS, BUT WE DIDN'T NOTE SPECIFIC STREET NAME SIGNS. WE KNOW THE NUMBER OF STOPS AND HOW LONG WE STOPPED, WHENEVER THERE WAS A STOP, HOW LONG THAT WAS, AND WE DID THAT ON ALL THE CORRIDORS YOU SAW, BUT WE DIDN'T DENOTE STREET NAME SIGNS.

McCracken: THE FINAL TOPIC I WANTED TO NOTE WAS YOU MENTIONED ANOTHER POTENTIAL IMPROVEMENT, AND THIS IS ONE I'M FAMILIAR WITH FROM OTHER CITIES I'VE LIVED IN, WHICH IS THE YOUTH OF REVERSIBLE LANE APPLICATIONS, SOMETHING WE DO NOT DO IN AUSTIN CURRENTLY THAT A LOT OF LARGER CITIES IN AUSTIN DO. COULD YOU KIND OF WALK US THROUGH THE PROS AND CONS OF THAT? AND THEN IF YOU DID IDENTIFY ANY PERSPECTIVE CORRIDORS THAT WERE PARTICULARLY WELL SUITED FOR THAT?

WELL, I CAN'T SPEAK TO SPECIFIC CORRIDORS, BUT I'LL GIVE YOU SOME PROS AND CONS. AND IT'S WHERE YOU'VE GOT HIGHLY DIRECTIONAL FLOWS IN THE MORNING WHERE YOU'VE GOT MAYBE 60 OR 70, EVEN 80% OF THE TRAFFIC GOING ONE WAY AND THE REVERSE IN THE OTHER. AND IF YOU'VE GOT A FIVE-LANE FACILITY OR SIX-LANE FACILITY, THAT'S ONE WHERE SAYS A REVERSIBLE LANE MIGHT HELP BECAUSE YOU CAN INCREASE THE PERCENTAGE, THE AMOUNT OF TRAFFIC THAT CAN GET IN IN THE MORNING AND GET OUT IN THE AFTERNOON. THAT'S REALLY WHY IT'S DONE. IT'S JUST TO TAKE BEST ADVANTAGE OF THE AVAILABLE ROAD SPACE THAT YOU'VE GOT IN PEAK PERIODS. THE DOWN SIDE IS YOU'VE GOT A WHOLE BUNCH

OF OVERHEAD SIGNALS UP THERE. IT'S CONFUSING AT TIMES. YOU'VE GOT SIGNS, YOU'VE GOT LANE USE CONTROL SIGNALS. AND IT TAKES AWHILE FOR THE PUBLIC TO GET USED TO THOSE. AND YOU WILL GENERATE -- HAVE A HIGHER COLLISION RATE ON THOSE ROADWAYS BECAUSE OF THAT. NOT ALWAYS, BUT A LOT OF THEM YOU WILL. SO YOU'VE GOT TO GIVE UP SOME LEVEL OF SAFETY, IT'S GOING TO BE CONFUSING. YOU WILL SEE MORE STUFF ON THE ROAD, BUT YOU WILL DO A BETTER JOB OF TRAFFIC ON YOUR HIGH VOLUME CORRIDORS WITH HEAVY DIRECTIONAL FLOWS. JENNY GROVE FROM PHOENIX, THEY HAVE A LOT OF REVERSIBLE LANES OUT THERE. THEY HAVE FOR A LONG TIME. AND THEY LIKE THEM. SOME COMMUNITY EVALUATE AND DECIDE NOT TO GO THAT WAY. I KNOW LEXINGTON, KENTUCKY IS TRYING TO DECIDE NOW DO THEY WANT TO PUT SOME IN. IT'S A BIG QUESTION THAT NEEDS TO BE CAREFULLY LOOKED AT.

McCracken: THANK YOU VERY MUCH, SIR.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT, BEFORE YOU LEAVE, MARSHAL, WE HAVE A LITTLE COMMEMORATIVE PLAQUE FOR YOU AND WAYNE, SO HOLD YOUR SPOTLIGHT THERE AND THE MAYOR PRO TEM WILL TAKE THE GAVEL FROM ME. THESE TWO PLAQUES -- THEY'RE THE SAME, SO I'LL JUST READ IT ONE TIME. PRESENTED TO WAYNE GUYSLER FROM HOUSTON AND MARSHAL ALIESER FROM NATIONAL. THEY READ, IN SINCERE GRATITUDE FOR YOUR PARTICIPATION IN THE CITY OF AUSTIN TRAFFIC SIGNAL SYSTEM PEER REVIEW, YOUR PROFESSIONAL CONTRIBUTION AND HARD WORK ARE APPRECIATED BY THE TRANSPORTATION DIVISION AND THE CITIZENS OF AUSTIN, PRESENTED THIS -- ACTUALLY, THEY WERE STAMPED MAY 3RD, 2004, BY THE TRANSPORTATION DIVISION, CITY OF AUSTIN, TEXAS. AND THANK YOU ALL VERY MUCH. [APPLAUSE]

ARE THEY GOING TO USE THE PROGRESSION ON THE WAY HOME? COUNCIL, WHAT WE'RE GOING TO DO WITH THIS ANALYSIS REPORT IS WE WILL TAKE THESE RECOMMENDATIONS, WE'RE GOING TO GO THROUGH AND TRY TO PRIORITIZE. WE'LL TAKE A LOOK EVEN AT THIS UPCOMING BUDGET TO SEE IF THERE'S ANYTHING WE CAN

PRIORITIZE TO WORK THROUGH IN THIS BUDGET, AND WE'LL BE CREATING AN ACTION AND IMPLEMENTATION PLAN. BUT MOSTLY I WOULD REALLY LIKE TO THANK THE GROUP BECAUSE YOU KNOW AND I KNOW STEPPING INTO SIGNALIZATION IS STEPPING INTO THE LION'S DEN IN ANY COMMUNITY. SO WE REALLY WOULD LIKE TO THANK THEM FOR THIS.

Goodman: YEAH, MAYOR. I WAS GOING TO ASK IF YOU PUT COURAGE ANYWHERE IN THE TEXT THERE, ESPECIALLY FOR AUSTIN. AND DID YOU INVITE MIKE LIEBEY TO MEET THEM?

Mayor Wynn: I SUSPECT HE WILL GET A COPY OF THE PRESENTATION, BUT THANKS. ACTUALLY, ONE OF THE ADVANTAGES OF THE PEER REVIEW IS THE ANON-MIHMTY OF BEING OUT OF TOWN. THANK YOU VERY MUCH, GENTLEMEN. COUNCIL, WITH THAT, WE ARE NOW THROUGH WITH OUR BRIEFINGS AND DISCUSSION ITEMS UNTIL OUR 4:00 O'CLOCK TIME CERTAIN. SO WITHOUT OBJECTION, WE'LL NOW RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL AND WE WILL CALL IT BACK TO ORDER APPROXIMATELY 4:00 P.M. FOR OUR ZONING AND TIME CERTAIN CASES. THANK YOU.

Mayor Wynn: IT IS FIVE MINUTES AFTER 4:00 O'CLOCK P.M. TIME TO TAKE UP THE 4:00 O'CLOCK TIME CERTAIN I WELCOME MS. ALICE GLASGO.

GOOD AFTERNOON, MAYOR AND COUNCILMEMBERS. I'M ALICE GLASGO. AND OUR ZONING CASES FOR TODAY ARE AS FOLLOWS. WE'LL START OFF WITH THE CASES WITH THE PUBLIC HEARING HAS BEEN CLOSED AND THE CASES ARE READY FOR SECOND AND THIRD READING. ITEM NUMBER 47, CASE C-14-04-79, THIS CASE IS READY FOR SECOND AND THIRD READING AND THE PROPERTY IS LOCATED AT 6705 U.S. HIGHWAY 290 WEST. THE CHANGE IN ZONING IS FROM COMMUNITY TO COMMERCIAL LIQUOR SALES, WHICH IS CS-1. THIS IS READY FOR YOUR APPROVAL. ITEM NUMBER 48, CASE C-14-04-64, THE EPISCOPAL THEOLOGICAL SEMINARY OF THE SOUTHWEST. THE CASE IS LOCATED AT 506 RUTHERVIEW PLACE AND 3005, 3113 DUVAL STREET. THE CHANGE IN ZONING IS FROM MULTI-FAMILY 2 WITH A CONDITIONAL OVERLAY FOR TRACT 1 AND GO-MU-CO

ZONING FOR TRACT 2. THIS IS READY FOR SECOND AND THIRD READINGS WITH TWO MODIFICATIONS. THE ORDINANCE IN FRONT OF YOU NEEDS TO ADD TWO TRACT 1, OFF SITE PARKING AS AN CONDITIONAL USE AND THE LEGAL DESCRIPTION FOR TRACT 2 SHOULD READ, 50 FEET WIDE INSTEAD OF 80 FEET WIDE. WITH THOSE TWO CHANGES, THIS CASE IS READY FOR YOUR APPROVAL ON SECOND AND THIRD READING.

Mayor Wynn: SORRY, COULD YOU REPEAT THAT FIRST MODIFICATION, PLEASE?

THE FIRST CONDITION ON TRACT 1, ADD THE FOLLOWING USE: ACCESSORY OFF SITE PARKING AS A CONDITIONAL USE. ON TRACT 2, THE LEGAL DESCRIPTION SHOULD READ, 50 FEET WIDE INSTEAD OF 80 FEET WIDE.

Mayor Wynn: THANK YOU. SO NOTED BY THE CITY ATTORNEY. THAT CKDZ THE SECOND AND THIRD READINGS CASES.

Mayor Wynn: SO COUNCIL, THE CONSENT AGENDA WILL BE BOTH ITEMS 47 AND 48 ON SECOND AND THIRD READINGS, WITH ITEM 48 BEING MODIFIED WITH THE TWO AMENDMENTS AS RECORDED BY THE CITY ATTORNEY. QUESTIONS? COMMENTS? HEARING NONE -- I'LL ENTERTAIN A MOTION ON THE CONSENT AGENDA.

I MOVE APPROVAL.

Mayor Wynn: MOTION BY COUNCILMEMBER DUNKERLEY, SECONDED BY COMZ TO APPROVE THE CONSENT AGENDA. FURTHER COMMENTS? -- SORRY, COUNCIL, I'M CHECKING CARDS QUICKLY. A COUPLE OF FOLKS ARE HERE ON 47 AND 48. ALL IN FAVOR. AND ESSENTIALLY HERE TO ANSWER ANY QUESTIONS IF NEED BE. I WILL READ ITEM NUMBER 47, GARY SMITH, NOT WISHING TO SPEAK, IN FAVOR. MIKE SANCHEZ, WISHING TO SPEAK ONLY IF COUNCIL HAS QUESTIONS, ALSO IN FAVOR. AND ITEM 48, CARA MCGRAW AVAILABLE FOR QUESTIONS, IN FAVOR. AND JOHN BENNETT WATERS, IN FAVOR. FURTHER COMMENTS, QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? THE CONSENT AGENDA PASSES ON A VOTE OF SEVEN TO ZERO.

OKAY, MAYOR, THAT TAKES US TO OUR PUBLIC HEARING ITEMS. WE'LL START OFF WITH Z-2. THIS IS CASE C 814-04-0055, STAFF IS REQUESTING A POSTPONEMENT TO JUNE THE 24TH. ITEM NUMBER Z-3, C-14-04-47, BRODIE ZONING CHANGE. THIS CASE IS LOCATED 8001 BRODIE LANE, 3425 DALTON STREET AND 3424 AND 3426 THOMAS KINCHEON STREET. THE CHANGE IN ZONING IS FROM SINGLE-FAMILY 3 TO NO-MU AND THAT REQUEST WAS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION. THE COMMISSION ADDED A CONDITIONAL OVERLAY. SO IT'S NO-MU-CO. THIS CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-4, CASE C-14-84-92. THIS IS A RESTRICTIVE COVENANT FOR A PROPERTY LOCATED AT 6200 BOTTOM ROAD. THIS IS READY FOR YOUR APPROVAL. ITEM NUMBER Z-5, C-14-04-027, TWIN LIRKZ, LOCATED AT 11521 RM 620 ROAD NORTH. THE CHANGE IN ZONING IS FROM GR-CO, WHICH STANDS FOR COMMUNITY COMMERCIAL CONDITIONAL OVERLAY TO CS-1, WHICH STANDS FOR COMMERCIAL LIQUOR SALES. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT THE APPLICANT'S REQUEST OF CS-1, AND THIS CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-6, C-14-04-018, DOUBLE CREEK VILLAGE TRACT 2. THIS IS LOCATED AT 11001-11119 SOUTH FIRST STREET. THE POLITIC IS SEEKING GR ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT COMMUNITY COMMERCIAL WITH A CONDITIONAL OVERLAY, AND THIS CASE IS READY FOR ALL THREE READINGS. NUMBER ITEM Z-7, C-14-04-19, DOUBLE CREEK VILLAGE PHASE 2. LOCATED AT 11500-11100 SOUTH IH-35 SERVICE ROAD. THE ZONING IS INTERIM RURAL RESIDENTIAL. THE REQUESTED ZONING IS CS. THE ZONING AND PLATTING COMMISSION RECOMMENDED CS-CO. THIS CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-8, CASE C-14-04-20, DOUBLE CREEK VILLAGE PHASE 2, TRACTS ONE AND TWO, LOCATED AT 11200 TO 11300 SOUTH IH-35 SERVICE ROAD. THE EXISTING ZONING IS INTERIM RURAL RESIDENTIAL. IT'S AN APPLICANT SEEKING CS-MU FOR TRACT ONE AND MF-3 FOR TRACT IT. THE ZONING AND PLATTING COMMISSION IS TO

GRANT CS-MU-CO FOR TRACT 1 AND MF-2 FOR TRACT 2. THIS CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z 9, C-14-04-035, THE APPLICANT IS REQUESTING A POSTPONEMENT TO JUNE THE 24TH. THIS IS THE APPLICANT'S FIRST REQUEST AND IT'S FILED TIMELY. ITEM NUMBER Z 10 IS GOING TO BE DISCUSSION.

MAYOR AND COUNCIL, GREG GUERNSEY. ON SUM Z-11 I'VE JUST BEEN HANDED AN ALTERED POSTPONEMENT REQUEST ON ITEM Z-11. MR. JOHN LARKIN ON BEHALF OF CHERRY WEEK CROOEK ON BRODIE LANE NEIGHBORHOOD ASSOCIATION REQUESTS A POSTPONEMENT TO ONE WEEK TO THE 24TH; HOWEVER, I'VE JUST BEEN TOLD THAT HE WOULD LIKE TO REVISE THAT TO JULY 29TH. I BELIEVE THE APPLICANT WAS AGREEABLE TO A ONE-WEEK POSTPONEMENT, BUT WAS NOT AGREEABLE TO THE POSTPONEMENT TO A DATE FURTHER IN TIME. AND THIS IS CASE Z-11, C-14-03-0157.

Mayor Wynn: THANK YOU, MR. GUERNSEY. WE WILL TAKE THIS UP IN A DISCUSSION WITH THE CONSENT AGENDA.

MAYOR, THAT CONCLUDES ALL THE CONSENT AND POSTPONEMENT.

Mayor Wynn: THANK YOU, MS. GLASGO.

Mayor Wynn: SO BEFORE WE TAKE UP THE CONSENT AGENDA, DID WE MAKE UP OUR MINDS, ITEM Z-11, AS YOU HEARD, WE HAVE A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD. THE APPLICANT WAS AGREEABLE TO A ONE-WEEK POSTPONEMENT, BUT AS YOU KNOW, WE DON'T MEET AGAIN FOR FIVE MORE WEEKS, SO IT'S EITHER ONE WEEK OR -- I BELIEVE IT'S FIVE WEEKS TO JULY 29TH.

Dunkerley: MAYOR?

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: I WOULD CERTAINLY AGREE TO THE ONE-WEEK POSTPONEMENT, BUT I HAVE A REQUEST OF BOTH PARTIES ON THIS ISSUE. THERE ARE SOME SIGNIFICANT CONSTRAINTS ON DEVELOPMENT ON THE ISSUE. THEY'VE

GOT AN 18% IMPERVIOUS COVER LIMITATION. THEY HAVE SOME SIGNIFICANT INFRASTRUCTURE COSTS WITH BRODIE LANE AND THE INTERIM INFRASTRUCTURE AND THE NEIGHBORHOODS HAVE SOME VALID CONCERNS ON THEIR SIDE ABOUT COMPATIBILITY WITH THEIR NEIGHBORHOOD. I WOULD HOPE THAT DURING THIS ONE WEEK THAT THEY COULD TRY ONCE AGAIN TO SEE IF THEY COULDN'T COME UP WITH AN AGREEMENT THAT MEANT BOTH -- MET BOTH PARTIES' NEEDS. SO THAT WOULD BE MY HOPE AND SUGGESTION.

Mayor Wynn: THANK YOU. IS THE APPLICANT HERE? WOULD YOU MIND APPROACHING? COULD YOU DESCRIBE PERHAPS WHAT PROBLEM YOU WOULD HAVE WITH THE FIVE-WEEK VERSUS ONE-WEEK DELAY?

WELL, WE'VE BEEN WORKING WITH THE NEIGHBORHOOD FOR TWO YEARS, AND WE WOULD BE HAPPY TO MEET WITH THEM AND WOULD LOVE TO MEET WITH THEM DURING THIS ADDITIONAL WEEK OF POSTPONEMENT. YOU KNOW, WE'RE READY TO GO FORWARD WITH THE CASE AND WE'RE PREPARED AND AGREED TO A ONE-WEEK DELAY AND ACCEPT THAT, BUT WE WOULD REALLY VERY STRONGLY PREFER NOT TO BE DELAYED FIVE WEEKS IN ADDITION.

Mayor Wynn: THANK YOU, SIR. COUNCILMEMBER THOMAS?

Thomas: SOME OF THOSE CONCERNS THAT COUNCILMEMBER DUNKERLEY WAS TALKING ABOUT, HAVE Y'ALL ADDRESSED THOSE ISSUES WHERE YOU'RE TALKING ABOUT THE NEIGHBORHOOD GROUPS?

YES, SIR, WE HAVE, AND WE'VE HAD COMMUNICATION WITH THEM TODAY, AND AGREED TO MEET WITH THEM AGAIN, AND ARE VERY WILLING TO DO THAT. AND BELIEVE THAT THERE IS A VERY STRONG POSSIBILITY THAT WITHIN THIS NEXT WEEK WE CAN COME TO AN AGREEMENT THAT MUTUALLY WORKS FOR BOTH PARTIES. WE'RE VERY WILLING AND ACCEPTING OF DOING THAT.

Thomas: OKAY. THANK YOU VERY MUCH.

Mayor Wynn: MAYOR PRO TEM.

Goodman: I'M WONDERING IF NOW WE ARE DOWN TO BRASS TAKZ, SO TO SPEAK, ONE WEEK IS ADEQUATE. AND OBVIOUSLY THE COUNCIL'S SCHEDULE HAS A GREAT INFLUENCE ON WHAT DATES WE HAVE ADOPTIONS. SO I WOULD SUPPORT PUTTING IT ON FOR ONE WEEK, BUT I WOULD ALSO NOTE THAT FOR MYSELF I WOULD NOT BE SURPRISED IF THAT WAS NOT AN ADEQUATE -- IF THAT WAS AN INADEQUATE TIME FRAME TO GET PEOPLE TOGETHER. I MEAN, IT WOULD BE GREAT IF PEOPLE COULD COME TOGETHER IN ONE WEEK.

Mayor Wynn: YES, COUNCIL, AND WE COULD ALSO PUT IT UP A TO ANOTHER WEEK.

Alvarez: MAYOR, WHAT'S THE NEIGHBOR'S VIEW ON THE POSTPONEMENT, AND WHY THEY'RE REQUESTING MORE THAN ONE WEEK? >>

MAYOR WYNN: MR. LARKIN, WELCOME.

MAYOR, I ALSO WANTED TO LET YOU KNOW THAT WE WOULD BE READY FOR FIRST READING ANYWAY. SO IF -- IF IT COMES BACK IN ONE WEEK, THE CASE WOULD BE READY FOR FIRST READING ANYWAY, AND IT WOULD HAVE TO COME BACK TO YOU IN JULY OR AUGUST FOR SECOND AND THIRD READING. SO THERE WILL BE OPPORTUNITIES TO CONTINUE REFINING IT THEREAFTER.

Mayor Wynn: THANK YOU, MS. GLASGO. WELCOME, MR. LARKIN.

GOOD AFTERNOON, MAYOR, HONORABLE COUNCILMEMBERS. JOHN LARKIN WITH CHERRY CREEK ON BRODIE LANE NEIGHBORHOOD ASSOCIATION, ALSO SPEAKING ON BEHALF OF THE FORMERLY VALID PETITIONERS AND TANGLEWOOD OAKS HOMEOWNERS ASSOCIATION. ONE OF THE ISSUES WITH THIS IS WE HAVE ABOUT 140 ACRES THAT ARE GOING TO BE HITTING YOU WITHIN THE NEXT MONTH OR SO FOR REVIEW, DISCUSSION AND FINAL RENDERING ON YOUR DISCUSSION ON WHAT'S MOST APPLICABLE ZONING NEWS FOR THIS AREA. THERE

ARE TWO TRACTS, ONE'S HARRIS RANCH, ONE'S BRODIE 31 PUD. WHAT WE'RE TRYING TO DO AND WHAT WE WERE TRYING TO ACCOMPLISH BY MOVING THE HARRIS RANCH DISCUSSION TO NEXT WEEK WAS TO GIVE YOU AN OPPORTUNITY TO CREATE A HOLISTIC SOLUTION FOR OUR LOCAL COMMUNITY BY BEING ABLE TO WEIGH THE IMPACT OF BOTH DEVELOPMENTS AS THEY COME THROUGH ZAPCO ON MAY 18th ACTUALLY GAVE A RECOMMENDATION THAT'S IN YOUR BACKUP FOR HARRIS BRANCH THAT WE MUST HAVE A FOCUS GROUP FOR THE AREA. THE AREA THEY'RE TALKING ABOUT IS ABOUT 15,000 SQUARE FEET FOR THE BRODIE PUD THAT WE KNOW WE'RE TALKING ABOUT. IT'S A PUD, SO IT'S KIND OF A BLACK BOX FOR US AS FAR AS WHAT FINAL ZONINGS WILL BE THERE. AND ON THE HARRIS RANCH, THAT'S ANYWHERE FROM 275 TO 500 UNITS, WHETHER YOU DO MULTI-FAMILY AND SF-6 COMBINED WITH GENERAL RETAIL. IT'S JUST AN OVERWHELMING AMOUNT FOR THE LOCAL COMMUNITY TO BE ABLE TO ADDRESS WITH YOUR ASSISTANCE AND MAYBE THE ASSISTANCE AS COUNCILMEMBER DUNKERLEY SUGGESTED OF A PLANNING TO HELP MEDIATE. WE'D LOVE TO SIT DOWN WITH ALL AFFECTED PARTIES AND WORK THROUGH THE ISSUES THAT -- AND CONCERNS THAT EVERYONE'S BROUGHT UP ABOUT THIS. AND MAYBE REACH A HAPPY MEDIUM ON WHAT'S BEST FOR OUR LOCAL MUST COMMUNITY AND FOR THE FUTURE OF OUR REGION. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] >

DURING THAT PERIOD OF TIME. I THINK THAT IN ITSELF IS A SORT OF COMPROMISE.

I THINK -- I -- CONDITIONALLY YES TO THAT, GIVEN THAT WE ARE ABLE TO ADDRESS BOTH DEVELOPMENTS WITH THE -- WITH THE SEASONED EYES OF SOMEBODY IN THE PLANNING COMMISSION THAT CAN HELP NAVIGATE US THROUGH THIS MAYBE CHARETTE OF NEIGHBORHOOD PLANNING.

[INDISCERNIBLE]

RIGHT.

FURTHER COMMENTS? SO WITHOUT OBJECTION, COUNCIL, I DO LIKE THE MAYOR PRO TEM'S SUGGESTION THAT WE

ALWAYS HAVE THE ABILITY TO -- TO HAVE IT CONTINUE.
COUNCILMEMBER ALVAREZ?

Alvarez: I THINK HE WAS REFERRING TO THE BRODIE 31
PROJECT AND TRYING TO -- I'M TRYING TO LOOK AT THOSE,
AT LEAST THE IMPACT OF THE PROPOSED DEVELOPMENTS.

RIGHT.

AT THE SAME TIME -- BUT ISN'T BRODIE 31 ON FOR NEXT
WEEK AS WELL?

YES.

OKAY.

YES, IT'S ON NEXT WEEK.

PUT IT ON FOR A WEEK, WE CAN LOOK AT BOTH AND THEN
DECIDE IF IT'S POSSIBLE TO --

WE WERE ACTUALLY CONTACTED BY ZONING AND PLATTING
TODAY AND INFORMED THAT THE BRODIE 31 APPLICANT IS
GOING TO PUSH OUT THEIR REQUEST TO -- TO THE END OF
JULY BECAUSE THEY DON'T WANT THE TWO PROJECTS
LOOKED AT TOGETHER. >>

Mayor Wynn: FURTHER COMMENTS?

Slusher: WHAT ARE THE BOUNDARIES ON THE BRODIE 31?

IT'S ESSENTIALLY DEER LANE IN THE NORTH, WITH THE CITY
PRESERVE THAT YOU GOT FROM THE FORM AGREEMENT
BACKS UP TO IT IN THE WEST, BRODIE LANE IN THE EAST,
AND THEN SOUTH TO THE CITY OF AUSTIN ELECTRIC UTILITY
SUBSTATION, JUST SHY OF STRATUS 108.

Slusher: SO THAT'S -- THAT'S ON WHICH THE EAST OR WEST
SIDE OF BRODIE LANE?

IT'S ON THE WEST SIDE OF BRODIE LANE. IT'S ABOUT A 31 OR
2-ACRE PROPERTY, I BELIEVE, MR. WALTERS, IS THAT

CORRECT?

THE OWNER OF THE BRODIE TRACT IS HERE.

Slusher: HE JUST HAPPENS TO BE HERE.

COUNCILMEMBERS, MAYOR. I'M ADAMANTLY OPPOSED TO THIS NEIGHBOR'S REQUEST. WE ARE NOT CONTIGUOUS TO THE NEIGHBORHOOD. WE ARE DIRECTLY ACROSS BRODIE LANE FROM THE NEIGHBORHOOD. IT IS A CONNECTION TO A LONG AGES OLD PROJECT FRANKLY OF MINE, WW DEERFIELD THAT MANY OF YOU REMEMBER. IT IS A 100% S.O.S. NO VARIANCE PLAN, STAFF RECOMMENDATION, PLANNING COMMISSION APPROVAL, 7-0 ENVIRONMENTAL BOARD. WE DO NOT WANT ANYTHING TO DO WITH THE 100-ACRE HARRIS BRANCH TRACT AND FRANKLY ARE DISAPPOINTED THAT THE -- OF THE NEIGHBOR'S -- NEIGHBORHOOD'S TRACT TICK IN THIS EFFORT HERE AND PLEAD FOR YOU NOT TO COMBINE US WITH THE HARRIS TRACT DEVELOPMENT. THANK YOU.

Mayor Wynn: MR. WALTERS, I DON'T THINK THE SUGGESTION IS TO COMBINE THESE TWO CASES. WE FREQUENT FREQUENTLY HAVE -- DIFFERING LEVELS OF CONTENTION BETWEEN CASES BEFORE THIS COUNCIL. I THINK THIS COUNCIL HAS THE FULL ABILITY TO RECOGNIZE THE DIFFERENT CASE AND NOT TO HAVE ONE HAVE A DISPROPORTIONATE INFLUENCE ON THE OTHER. IF YOU HAVE A SOUND CASE IT WILL BE HEARD AS SUCH.

RIGHT. I WOULD LIKE TO ADD THAT -- THAT I HAD A MISUNDERSTANDING WITH MY WIFE, THOUGHT THAT I WAS GOING TO BE LEAVING ON THE 25th. I WAS INFORMED YESTERDAY THAT I'M LEAVING ON THE 24th. SO I WILL NOT BE AVAILABLE NEXT -- I WILL NOT BE AVAILABLE FOR THE 24th. AND THAT'S THE REASON FOR MY POSTPONEMENT ON THE 31 CASE.

DON'T WANT TO GET IN THE MIDDLE OF THAT, MAYOR.

I HOPE MY WIFE IS WATCHING THIS --

Slusher: YEAH. MAYOR --

Mayor Wynn:

Slusher: THAT SOUNDS SORT OF ROUGH [LAUGHTER] BUT YOU ARE SAYING YOU WOULD BE SEEKING YOUR -- YOUR -- THIS IS YOUR FIRST POSTPONEMENT REQUEST, SO THAT WOULD AUTOMATICALLY BE GRANTED UNDER OUR RULES, RIGHT, THAT'S THE FIRST TIME THAT IT'S COME UP, YOUR FIRST POSTPONEMENT REQUEST.

YES, SIR, I WOULD BEFULLY EXPECTED TO GO JULY 28th ALL 3 READINGS. THAT'S WHAT WE WOULD BE ASKING FOR. CERTAINLY UP TO YOU.

Slusher: OKAY.

Mayor Wynn: COUNCIL, WHAT'S YOUR WILL ON THE POSTPONEMENT REQUEST FOR Z-11. I LIKE THE MAYOR PRO TEM'S SUGGESTION OF THE ONE-WEEK POSTPONEMENT TO JUNE 24th, WE ALSO HAVE THE ABILITY TO PUSH IT BACK FURTHER AFTER THAT.

Slusher: I WOULD SECOND THAT WITH -- I MEAN KEEPING IN MIND THAT WE HAVE A VERY PACKED AGENDA NEXT WEEK. BUT -- BUT I WOULD SECOND IT WITH THAT PROVISIO.

Mayor Wynn: UNDERSTOOD. SO, COUNCIL, LET ME THEN READ WHAT WILL BE THE CONSENT AGENDA FOR OUR PUBLIC HEARING ZONING CASES THIS AFTERNOON. AGAIN, ON Z-1 IT WON'T BE TAKEN UP UNTIL AFTER 6:00 TIME CERTAIN. Z-2 POSTPONE TO JUNE 24th. Z-3 APPROVE ON ALL THREE READINGS. Z-4, APPROVAL OF THE RESTRICTIVE COVENANT AMENDMENT, Z-5, Z-6, Z-7, Z-8, ALL ON THREE READINGS. Z-9 WILL BE POSTPONED TO JUNE 24th. AND Z-11 WILL BE POSTPONED TO JUNE 24th. I WILL ENTERTAIN A MOTION.

SO MOVE, MAYOR.

SECOND.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM. SECONDED

BY COMMISSIONER MCKEE TO CLOSE THE PUBLIC HEARING AND APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL. COUNCIL, WITHOUT OBJECTION, SINCE WE HAD SEVERAL ITEMS ON OUR CONSENT AGENDA THIS MORNING PULLED -- PULLED TO HAVE A JOINT DISCUSSION ABOUT THE ROBINSON RANCH PROPERTIES, WHICH SHOW UP AS THE PUBLIC HEARING Z-12, LET'S TAKE UP Z-12 FIRST AND ESSENTIALLY COMBINE WHAT OUR AGENDA ITEMS 39 -- WHAT ARE AGENDA ITEMS 39, 40, 41 AND YOU LONG WITH Z-12. SO WITH THAT --

MR. GUERNSEY IS GOING TO PRESENT THE P.U.D., LAURA HUFFMAN IS GOING TO WALK YOU THROUGH THE DEVELOPMENT ANNEXATION AGREEMENT.

THANK YOU.

Glasgo: IT PROBABLY MIGHT BE HELPFUL IF WE START OFF WITH THE ANNEXATION AND DEVELOPMENT AGREEMENT, WHICH WILL THEN LEAD INTO THE PLANNED UNIT DEVELOPMENT PRESENTATION.

MAYOR AND COUNCILMEMBERS, WE ARE HERE TODAY TO CONSIDER A NUMBER OF ITEMS RELATED TO THE ROBINSON RANCH AND I'LL INTRODUCE THIS BRIEFLY AND THEN HAVE GREG GUERNSEY PRESENT THE ZONING CASE TO YOU. IF YOU TAKE A LOOK AT THE MAP, JUST TO GIVE YOU SOME CONTEXT, THE ROBINSON RANCH IS A LITTLE OVER 6,000 ACRES. 6,300 ACRES. YOU CAN SEE IT AT THE TOP OF THE MAP. IF YOU THINK ABOUT HOW THIS WOULD COMPARE TO OUR ALREADY DEVELOPED COMMUNITY, IMAGINE A TRACT OF LAND THAT GOES FROM CESAR CHAVEZ TO 51st STREET, AND FROM MOPAC TO I-35. THAT'S THE SIZE OF LAND THAT WE ARE TALKING ABOUT IN TODAY'S PROPOSAL. ROBINSON RANCH HAS BEEN IN THE FAMILY FOR OVER 100 YEARS, THEY USE FOR IT RANCHING AND QUARRYING AND WE HAVE TWO OF THE ROBINSONS WITH US TODAY, SPIKE AND BRAD.

THE AGREEMENTS THAT YOU HAVE BEFORE YOU HAVE GOT FOUR THINGS BEFORE YOU. WE HAVE TO APPROVE THEM IN SEQUENCE, SO I WILL WALK YOU THROUGH THAT. ITEM 39 IS THE DEVELOPMENT AGREEMENT AND I'LL TALK TO YOU ABOUT THE KEY HIGHLIGHTS OF THAT. 40 AND 41 ARE YOUR ANNEXATION ITEMS. THE FIRST IS JUST THE ORDINANCE FOR THE ANNEXATION; AND THE SECOND ONE IS THE REGULATORY PLAN. AND FOLLOWING THAT YOU WILL HAVE YOUR ZONING CASE WHICH IS THE P.U.D. WHAT I WOULD LIKE TO TAKE A FEW MINUTES TO DO IS TO WALK YOU THROUGH THE HIGHLIGHTS OF THE ANNEXATION AND DEVELOPMENT AGREEMENT THAT WE HAVE STRUCTURED WITH THE ROBINSONS. OPEN SPACE IS PROBABLY ONE OF THE KEY HIGHLIGHTS HERE. NEARLY 30% OF THIS LAND WILL BE DESIGNATED OPEN SPACE. WHEN YOU APPROVE THE ZONING CASE. NEARLY A THIRD OF THE LAND WILL BE DESIGNATED OPEN SPACE. AS THE LAND DEVELOPS, THE ROBINSONS WILL PROVIDE A TRAIL EASEMENT THROUGH ALL OF THIS OPEN SPACE. AT THE END OF THE AGREEMENT WHERE WHEN THE RANCH IS FULLY DEVELOPED, WE WILL HAVE A TRAIL EASEMENT THROUGH THE ENTIRE 1700 ACRES OF OPEN SPACE. IN ADDITION TO THAT AT THE END OF THE AGREEMENT, THE CITY WILL OWN THROUGH DEDICATED PARKLAND AT LEAST HALF OF THAT OPEN SPACE. I THINK ALICE IS PUTTING A MAP UP HERE SO YOU CAN SEE JUST HOW MUCH OF THE LAND WILL BE GREEN AT THE END OF THE DAY. IN ADDITION TO THAT, AS RESIDENTIAL DEVELOPERS COME IN AND DEVELOP THE RANCH, THEY WILL FULLY COMPLY WITH OUR PARKLAND DEDICATION REQUIREMENTS. SO THE OPEN SPACE IS ON TOP OF THE PARKLAND DEDICATION REQUIREMENTS THAT WILL OCCUR DURING DEVELOPMENT. WE ALSO THINK THERE ARE SOME NICE THINGS IN THE ENVIRONMENTAL PROTECTIONS ASSOCIATED WITH THIS AGREEMENT. NO DEVELOPMENT IN THE CRITICAL WATER QUALITY ZONES OR IN THE TRANSITION ZONES. WE HAVE A MINIMUM OF 500-FOOT STREAM PROTECTION. RIGHT NOW WE HAVE 200 ON EITHER SIDE OF THE SPRINGS. THIS GIVES US A THOUSAND FEET. SO LET ME SAY THAT AGAIN. IN OUR CURRENT CODE, YOUR STREAM PROTECTION IS 200 FEET ON EITHER SIDE OF THE STREAM. FOR A TOTAL OF 400 FEET. THIS AGREEMENT GETS YOU A THOUSAND FEET. A MUCH ENHANCED STREAM

PROTECTION. WE ALSO HAVE SOMETHING IN HERE THAT IS NOT REQUIRED IN THE CODE AND THAT'S HEAD WATER PROTECTION. YOUR ENVIRONMENTAL STAFF IS HERE IF YOU WANT TO GET INTO THE DETAILS OF THIS, BUT BASICALLY WE GET HEAD WATER PROTECTIONS THROUGH BUFFERS. YOU ALSO HAVE, PER CODE, ALL AWFUL OF THE PROTECTIONS FOR -- ALL OF THE PROTECTIONS FOR SPRINGS, WETLANDS ... WE DID NOT REQUIRE SETBACKS FOR SMALL RECHARGE FEATURES OR SINGLES OUT OF THE BUFFERS, BUT DID REQUIRE PROTECTION FOR MAJOR RECHARGE FEATURES. GREG IS GOING TO TALK TO YOU IN DETAIL ABOUT THE LAND USE, BUT THIS BASICALLY HAS THREE LAND USE CATEGORIES. MIXED LAND USE, TRANSIT ORIENTED LAND USE, AND YOU HAVE THE OPEN SPACE. UNDER THIS AGREEMENT, THE TRANSIT ORIENTED IS NOT MANDATORY. IT IS -- IT IS INTENDED TO BE DENSE AND PEDESTRIAN FRIENDLY. THE DENSITY CAN RANGE BETWEEN 80 AND 100% AND I KNOW MANY OF YOU HAVE BEEN INVOLVED IN DISCUSSIONS ABOUT HOW TRANSIT ORIENTED DEVELOPMENTS ARE DESIGNED TO LOOK AND BE PEDESTRIAN FRIENDLY, WE HAVE PUT SOME THINGS IN THERE FOR THAT. THE MIXED USE DEVELOPMENT IS 60 TO 90% IMPERVIOUS COVER. OVERALL THE IMPERVIOUS COVER ACROSS THE ENTIRE RANCH WILL BE BETWEEN 50 AND 60%. WE ARE ALSO PLEASED TO SAY THIS AGREEMENT HAS BEEN BOTH TO THE ENVIRONMENTAL BOARD AND Z.A.P., BOTH BOARDS UNANIMOUSLY APPROVED THESE AGREEMENTS AND MADE SOME RECOMMENDATION THAT'S THEY THOUGHT WOULD IMPROVE THE AGREEMENT. ALL OF THOSE WILL BE INCORPORATED INTO THE AGREEMENT THAT YOU HAVE BEFORE YOU TODAY. I WILL RUN THROUGH SOME OF THE EXAMPLES, DEDICATION OF OPEN SPACE TO THE CITY, AS I SAID EARLIER AT THE END OF THE DAY, AT LEAST 50% OF THIS OPEN SPACE WILL BE DEDICATED TO THE CITY. THERE WAS AN INTEREST IN TRAIL EASEMENTS AND YOU WILL HAVE TRAIL EASEMENTS THROUGH ALL OF THE OPEN SPACE REGARDLESS OF WHETHER OR NOT IT'S OWNED PRIVATELY OR PUBLICLY. THERE WAS AN INTEREST THAT THERE NOT BE ANY LOCK-INS ON TEMPORARY EROSION CONTROLS, THERE ARE NOT. NATIVE LANDSCAPING, WHICH WE HAVE INCLUDED. OPTIONAL TRANSIT ORIENTED DEVELOPMENTS, WHICH IS INCLUDED BOTH IN THE DEVELOPMENT

AGREEMENT AND IN THE ZONING CASE. ARCHITECTURAL PRINCIPLES THAT ADDRESS BUILDING FACADE, MATERIALS, DIVERSITY OF DESIGN, BUILDING, SPACING, PAVING, LANDSCAPING ARE ALSO ATTACHED TO THIS AGREEMENT AND SCREEN MECHANICAL EQUIPMENT. NOW, I NEED TO POINT OUT THERE ARE TWO ENVIRONMENTAL BOARD RECOMMENDATIONS THAT DID NOT MAKE IT INTO THIS AGREEMENT, BUT WHICH I WOULD LIKE TO MENTION TO YOU BECAUSE WE HAVE FULL AGREEMENT BETWEEN THE ROBINSONS AND THE CITY THAT THEY SHOULD BE IN THE AGREEMENT, WE WOULD LIKE TO INCORPORATE THOSE IN. AND THEY ARE THAT -- THAT THE USE OF COAL TAR BASED SEALANTS OR OTHER ARE PROHIBITED WHEN AND IF SUCH ARE INCORPORATED INTO THE LAND DEVELOPMENT CODE. THE SECOND ONE IS THAT -- THAT THE DEVELOPERS MAKE REASONABLE EFFORTS TO INCLUDE STORM WATER TREATMENT SYSTEMS THAT ARE DESIGNED TO AVOID POINT DISCHARGES, PROMOTE SHEET FLOW UNDER THE UNDEVELOPED ... MINIMIZE LOSS OF ... THESE TWO RECOMMENDATIONS WERE INCLUDED IN THE ENVIRONMENTAL BOARD RECOMMENDATION, ALL PARTIES AGREE TO INCLUDE THEM IN THE AGREEMENT. ALSO, I THINK WORTH MENTIONING IS THAT THIS IS GOING TO BE PROFITABLE TO THE CITY. WE ALWAYS RUN A 25-YEAR-OLD FUND SUMMARY ON ANNEXATIONS. AND OUR ESTIMATES ARE THAT AT THE END OF THE DEVELOPMENT PERIOD, THE ASSESSED VALUE AT BUILDOUT WILL BE \$3.7 BILLION. AND THE FLOW TO THE GENERAL FUND WILL BE \$229 MILLION AND TO THE UTILITY FUNDS \$21 MILLION. SO IN ADDITION TO -- TO HAVING BEAUTIFUL OPEN SPACE AND PROBABLY ONE OF THE BEST TRANSPORTATION INFRASTRUCTURES ANYWHERE IN AUSTIN, THIS REPRESENTS OUR FUTURE IN TERMS OF TAX BASE AND IT IS IN THE DESIRED DEVELOPMENT ZONE. SO WITH THAT, MAYOR, I WOULD LIKE TO HAVE GREG GUERNSEY WALK YOU THROUGH THE P.U.D. CASE.

Mayor Wynn: WELCOME, MR. GUERNSEY, DRESSED SO CONSERVATIVELY TODAY.

THANK YOU, MAYOR. MAYOR AND COUNCIL, THIS IS ATTRACTIVE LAND THAT IS VERY LARGE. THINK IN MY ENTIRE CAREER I PROBABLY WILL NEVER PRESENT A CASE THIS

LARGE TO YOU IN ONE SINGLE TIME. AS LAURA MENTIONED, IT'S 6,058 ACRES OF LAND. IT IS MASSIVE. I THINK WE ARE SAYING IN ALL OF THE DIFFERENT ZONING AND PLATTING COMMISSIONS IT IS LARGE, I BRING OUT MAPS SIMILAR TO THIS, I POINT OUT AS LAURA DID IT GOES FROM CESAR CHAVEZ, ABOUT 51st, MOPAC TO 35. THAT'S JUST THE LAND AREA. THAT'S FOR MOVING ALL OF THE ROADS OUT OF THE ROBINSON RANCH. THERE ARE SEVERAL -- THE TOLL ROAD OF 45 CROSSING THROUGH THE NORTHN PART, MOPAC THE TOLL ROAD GOING ON THE EAST SIDE, HOWARD LANE CROSSING IT, PROPOSED ANDERSON MILL, PROPOSED MCNEIL IMPROVEMENTS. PHOTO MENTION THE UNION PACIFIC LINE WHICH RUNS NORTH AND SOUTH OUR INTERSTATE REGIONAL LINE AND THE AUSTIN NORTHWEST LINE OPENED BY CAPITAL METRO IS PROPOSED FOR COMMUTER RAIL LINE, WHICH HAPPENED ACROSS. ALMOST RIGHT IN THE MIDDLE OF THE PROPERTY. SO WE HAVE A VERY GOOD TRANSPORTATION PLAN SET FOR THE FUTURE OF THIS TRACT. IT'S ALSO -- IF YOU HAVE EVER NOTICED DRIVING UP ON BURNET ROAD, LOOK OFF TO THE LEFT, YOU SEE A LARGE SPACE SHIP LIKE STRUCTURE, THE MARTIN HILL RESERVOIR IS THERE, WE HAVE A GREAT DEAL OF WATER INFRASTRUCTURE THAT'S AVAILABLE, IMMEDIATELY AVAILABLE TO SERVE THIS PROPERTY. AND OUR WATER AND WASTEWATER UTILITY, INFORMS US THIS HAS BEEN IN THEIR PLANS FOR MANY YEARS TO SERVE. SO I JUST WANTS TO MAKE SURE THAT YOU REALIZE HOW LARGE THIS IS, BECAUSE I THINK THAT'S VERY IMPORTANT. THE P.U.D. ITSELF IS COMPRISED OF THREE SEPARATE LAND USE -- MAJOR LAND USE CATEGORY AREAS. FIRST IS THE OPEN SPACE AREA. COMPRISES ABOUT 27% OF THE ENTIRE RANCH AREA OR ABOUT OH, 1,640 ACRES OF LAND. THAT'S ALL OF THE AREA THAT YOU.

HE GREEN. TO GIVE YOU SOME PERSPECTIVE, THIS IS MOPAC ON THE EASTERN SIDE. AND THIS IS THE RANCH IN THIS AREA. IF HIGHWAY 45 AND 620, THAT'S FURTHER TO THE NORTH AND EAST, PARMER LANE TO THE SOUTHEAST, SO YOU CAN GET AN IDEA OF THE SCALE, ABBOTT LABS IS HERE, THE COMPANY FORMERLY KNOWN AS MOTOROLA, I THINK IT'S FREESCALE NOW IS OVER HERE, MCNEIL HIGH SCHOOL IS IN THE MIDDLE RIGHT HERE, STATE FARM'S

REGIONAL OFFICE IS HERE. AND MILLWOOD AND PRESTON OAKS AND SEVERAL OTHER SUBDIVISIONS THAT ARE TO THE SOUTH ACROSS PARMER OR JUST IMMEDIATELY SOUTHEAST OF THE PROPERTY. THE NEXT DISTRICT IS THE MXD DISTRICT, WHICH WOULD TAKE UP THE MAJORITY OF THE PROPERTY, ACCOUNT FOR ABOUT 73% OF THE ENTIRE P.U.D. THIS DISTRICT IS WHERE THE DEVELOPMENT WOULD OCCUR. UNLIKE THE OPEN SPACE DISTRICT WHERE YOU MIGHT BE ABLE TO HAVE SOME PASSIVE RECREATION USES, THE MXD AND TOD AREA, WHICH I WILL GO OVER IN MORE DETAIL IN MAINTAIN, ARE THE DISTRICTS WHERE DEVELOPMENT WILL OCCUR. IN THIS VAST AREA, THE CITY'S COMPATIBILITY STANDARDS WOULD APPLY TO THE MXD DISTRICT. SO JUST AS YOU WOULD HAVE STANDARDS IN THE CITY TO PROTECT SINGLE FAMILY HOMES OR DUPLEXES, IF THOSE USES WERE TO OCCUR IN THE ROBINSON RANCH, THEY WOULD ALSO BE PROTECTED. BUT THAT -- THAT NOT ONLY EXTENDS TO THE FOLKS INSIDE ROBINSON, BUT ALSO THOSE ALONG THE PERIMETER. SO WHERE YOU HAVE SINGLE FAMILY HOMES IN THE CITY, THEY WOULD BE OFFERED ALSO COMPATIBILITY PROTECTION FROM DEVELOPMENT WITHIN THE RANCH. THE MXD ALLOWS FOR A WIDE RANGE OF USES. IT ALLOWS FOR RESIDENTIAL, COMMERCIAL, CIVIC, AND INDUSTRIAL USES. AND THOSE USES CAN BE SITED ALMOST ANYWHERE IN THIS MXD AREA. BUT THERE ARE OTHER PROVISIONS THAT STAFF NEGOTIATED WITH THE ROB SONS IN REGARDS TO AND -- ROBINSONS IN REGARDS TO, THOSE INCLUDED ADDITIONAL SETBACKS. FOR INSTANCE IN AN INDUSTRIAL USE, EITHER COMING INTO THE PROPERTY OR RESIDENTIAL COMING IN NEXT TO AN INDUSTRIAL PROPERTY, THERE ARE PROVISION FOSSETT-BACKS, EITHER INDUSTRIAL FROM RESIDENTIAL OR RESIDENTIAL FROM INDUSTRIAL. FOR HAZARDOUS MATERIALS, AREAS WHERE YOU MIGHT HAVE STORAGE OF HAZARDOUS MATERIALS OR MIGHT HAVE LOADING AND UNLOADING OF HAZARDOUS MATERIALS. THESE WOULD BE A 200-FOOT SETBACK. IF YOU RECALL, WE HAD AN LIPA CASE CALLED COLORADO CROSSING ON THE OLD LOCKHEED TRACT. WE USED THAT WORKING WITH OUR FIRE DEPARTMENT AND CREATED THAT FOR THE FIRST TIME. W THAT CASE. WE ARE ALSO APPLYING IT TO THIS. THERE'S BEEN QUITE A FEW CONCERNS FROM PROPERTY OWNERS,

MAINLY IN THE SOUTHEAST PORTION OF THIS, IN PRESTON OAKS, NORTH WOOD, MCNEIL ESTATES, SOME OF THE OTHER LARGER SINGLE LOT SUBDIVISIONS IN THIS CORNER. IN ORDER TO HELP PROTECT THEM FROM FUTURE DEVELOPMENT, BECAUSE THEY ARE REALLY THE ONLY RESIDENTIAL FAMILY SUBDIVISION TO ACTUALLY ABUT THE RANCH, WE PUT IN ADDITIONAL SETBACKS. SO FOR ANY STRUCTURE, ANY BUILDING, THAT COULD BE PARKING GARAGE, APARTMENT BUILDING, DUPLEX, COMMERCIAL BUILDING, THERE'S A 100-FOOT SETBACK REQUIREMENT FROM THIS BORDER, FROM THE ADJACENT PROPERTY. AND THAT -- THAT IS EQUIVALENT TO ABOUT 3 OR 4 TIMES -- FOUR TIMES THE BUFFER THAT WE WOULD HAVE IN THE COMPATIBILITY STANDARD WHICH WOULD NORMALLY BE FOR 25 FEET. IF IT WAS DEVELOPED WITH AN INDUSTRIAL USE, THERE WOULD BE A 200-FOOT BUILDING SETBACK FROM THESE SAME PROPERTIES. AND BACK IN THE LATE '90S WHEN MOART CAME IN, WE WORKED WITH SOME OF THE PEOPLE IN PRESTON -- MOTOROLA CAME IN, WE WORKED WITH SOME OF THE PEOPLE IN PRESTON OAKS, THE STRIP BETWEEN MOTOROLA AND PRESTON OAKS, ALLOWS FOR A GREAT RANGE OF USES INCLUDING CIVIC, COMMERCIAL, INDUSTRIAL AND RESIDENTIAL. BUT WE ALSO HAD THE SAME SORT OF SETBACKS THAT WERE ESTABLISHED AT THAT TIME. 100 SETBACK FOR ANY BUILDING OTHER THAN SINGLE FAMILY AND 200-FOOT INDUSTRIAL. THE LAST DISTRICT IS THE TOD DISTRICT. THIS IS REALLY MEANT TO BE SOMETHING VERY DENSE. THERE WILL NOT BE VERY MANY OF THESE. THEY WOULD BE ONLY ADJACENT PARTICULARLY TO A MASS TRANSIT FACILITY WHERE YOU MIGHT HAVE A MAJOR RAIL FACILITY OR MAJOR BUS TRANSIT FACILITY ON THE PROPERTY. IN THE -- IN THE ORDINANCE THAT'S BEFORE YOU, IT COULD BE AS LARGE AS 2,000 FEET. STAFF DID RECOMMEND THAT THE MANDATORY, THE ZONING AND PLATTING COMMISSION MADE THEM ELECTIVE. BUT THESE FACILITIES WOULD BE CENTERED ON LARGE TRANSPORTATION NODES THAT YOU MIGHT FIND ON THE PROPERTY. ONE THAT COMES TO MIND VERY QUICKLY IS WHERE THE TWO RAIL LINE THAT'S CROSS RIGHT BY MCNEIL AND HOWARD LANES. SO THIS IS THE OVERALL P.U.D. LAND PLAN. IT'S -- IT ALLOWS FOR A GREAT DEAL OF INTENSITY. THERE'S A BIT OF A PARADIGM SHIFT IN LOOKING

AT THIS. BUT AGAIN WHEN WE LOOKED AT THIS CASE, THIS IS CONTROLLED BY BASICALLY A SINGLE ENTITY. THOSE THAT HAVE CONCERNS ON THE PERIMETER ARE OF OF THE PROPERTY, STILL AFFORDED COMPATIBILITY AND SETBACK PROVISIONS THAT YOU MAY NOT FIND ELSEWHERE IN AUSTIN. THE ZONING AND PLATTING COMMISSION RECOMMENDED THIS P.U.D. TO YOU. 9-0. THEY DID HAVE SOME ADDITIONAL CONDITIONS THAT THEY ADDED AND I PLACED ON THE DAIS, THIS IS FROM THEIR MEETING LAST TUESDAY NIGHT. A SUMMARY OF THEIR ACTIONS. AND INCORPORATED A SET OF PRINCIPLES, WHICH IN THE ORDINANCE WHICH IS ALSO ON THE DAIS AS EXHIBIT 11, COVERS A LOT OF DESIGN STANDARDS THAT WOULD BE THE ARCHITECTURAL PRINCIPLES FOR DEVELOPMENT. THEY HAVE AGREED -- ALSO TO USE NATIVE PLANTS ON THE PROPERTY, THE GROW GREEN NATIVE PLANT, WHICH IS ALSO MADE PART OF THAT ORDINANCE. THE COMPATIBILITY ORDINANCE IS ALSO ATTACHED. AND THE LIST OF LAND USES, WHICH PROVIDES FOR MIX OF LAND USES, PARTICULARLY IN THE TOWNHOUSE, MULTI-FAMILY DISTRICT WHERE YOU HAVE LIMITED AMOUNTS OF RETAIL TYPE OF DEVELOPMENT AND AS FAR AS SIZE, WOULD BE LIMITED UP TO 10,000 SQUARE FEET, WHERE YOU MIGHT HAVE TOWNHOUSES, THAT THEY COULD CO-MINGLE IN THOSE AREAS TO ENCOURAGE THE MIXED USE ELEMENTS. BUT THE COMMISSION DID RECOMMEND IT. THEY DID HAVE A COUPLE REQUIREMENTS THAT THEY PLACED WITHIN THE -- WITHIN THE ZONING FOR THE P.U.D. AND THAT WAS INCLUDED SCREENING OF MECHANICAL EQUIPMENT, FROM A PEDESTRIAN STREET VIEW. THAT THE BUILDING DESIGNS WERE -- WERE SYMPATHETIC TO INTERSECTIONS AS FAR AS NOT BLOCKING VIEWS AND SAFETY, THOSE HAVE BEEN INCORPORATED TO ALLOW MID BLOCK PASSAGES WITHIN THE T.O.D. SO WHERE YOU HAVE A BLOCK LENGTH THAT THERE BE LIKE A PEDESTRIAN CUT THROUGH TO GET TO PARKING AREAS OR AREAS TOWARDS THE ALLEY. ALSO TO ALLOW UNDERGROUND UTILITIES IN THE T.O.D. AREA. SO YOU WOULDN'T HAVE A LOT OF ELECTRICAL LINES CROSSING THE DOWNTOWN AREA. AND ALSO THE -- THEY INCLUDED ALL OF THE ENVIRONMENTAL BOARD RECOMMENDATIONS AS PART OF THEIR RECOMMENDATION. SO WE HAVE MADE AN ATTEMPT, BASED ON SOME OF THESE

GENERAL RECOMMENDATIONS TO INCORPORATE ALL OF THOSE ELEMENTS THAT WE COULD INTO THE P.U.D. THOSE ELEMENTS THAT ARE NOT IN THE P.U.D. ARE INCORPORATED INTO THE AGREEMENT. THAT -- THAT IS BASICALLY WHAT WE ARE BRINGING FORWARD TO YOU TODAY. I KNOW THAT THERE ARE CITIZENS THAT ARE HERE, MAY HAVE DRIVEN AS FAR AWAY AS FROM DALLAS TO BE WITH US TONIGHT TO DISCUSS SOME OF THEIR CONCERNS AND INTERESTS. REGARDING THEIR NEIGHBOR, THE ROBINSON RANCH, IF YOU HAVE ANY QUESTIONS I WOULD BE MORE THAN HAPPY TO ANSWER THEM AT THIS TIME.

Mayor Wynn: UNANIMOUS ZONING AND PLATTING COMMISSION RECOMMENDATION AND UNANIMOUS ENVIRONMENTAL BOARD RECOMMENDATION.

THAT'S CORRECT.

Mayor Wynn: THAT TAKES ALL OF THE FUN OUT OF IT.

Mayor Wynn: COUNCIL, YOU DON'T MIND LET'S CONSIDER THAT TO BE THE APPLICANT'S PRESENTATION ON Z-12 SINCE TECHNICALLY THE CITY OF AUSTIN IS THE APPLICANT. AT THIS TIME WE WILL TAKE UP SOME CITIZENS CARDS, FOLKS WHO ARE IN FAVOR OF THE ZONING. THEN WE WILL HEAR FROM FOLKS IN OPPOSITION OR NEUTRAL. SO WE WILL START WITH MR. RICHARD SUTTLE. WELCOME, RICHARD, YOU WILL HAVE THREE MINUTES. AGAIN, TAKING UP ITEMS 39, 40, 41 AND Z-12.

THANK YOU, MEMBERS OF THE COUNCIL, MY NAME IS RICHARD SUTTLE, OUR FIRM HAS HAD THE PRIVILEGE AND OPPORTUNITY TO REPRESENT THE ROBINSON FAMILY FOR YEARS, MOST RECENTLY ON THIS IMPORTANT ANNEXATION, 1197 AGREEMENT AND ZONING CASE. DAVID ARMBRIST AND I ALONG WITH THE ROB SONS WANT TO TAKE THIS OPPORTUNITY TO THANK THE STAFF FOR ALL OF THE TIME AND EFFORT THEY TOOK IN PUTTING THIS TOGETHER. IT WAS A LOT OF WORK, A LOT OF MEETINGS, A LOT OF HOURS JUST TO PUT SOMETHING THIS BIG TOGETHER. ALSO, I ESPECIALLY WANT TO THANK HOW THEY HANDLED THE BUSINESS OF DOING IT. AS YOU KNOW, YOU GET TIRED DOING THESE THINGS AND IT WAS AN ENJOYABLE

EXPERIENCE ALL THE WAY THROUGH. WE WANT TO THANK THE STAFF FOR ALL OF THAT. ALSO, I WANT TO THANK THE ENVIRONMENTAL BOARD AND THE ZONING AND PLATTING COMMISSION BECAUSE THEY BOTH DID SUBCOMMITTEES, WORKED ON THIS, SPENT A LOT OF TIME. YOU GO THROUGH AND YOU SEE THE THOUGHT PROCESS. IT JUST TOOK A LOT OF TIME TO DO SOMETHING THIS BIG. WE WANTED TO THANK THEM, ALSO. THE AGREEMENT COMES TO YOU TONIGHT, THE AGREEMENT, THE P.U.D., ANNEXATION, ALL COMES WITH UNANIMOUS RECOMMENDATION OF BOTH ENVIRONMENTAL BOARD AND THE ZONING AND PLATTING COMMISSION. WE ARE IN AGREEMENT WITH THOSE THINGS. THEY ARE IN YOUR DOCUMENTS TONIGHT. WE ARE HOPEFUL THAT YOU WILL -- THAT YOU WILL PASS ALL OF THEM TONIGHT AS THEY ARE, BECAUSE AS YOU CAN IMAGINE, THAT IS THE CULMINATION OF A LOT OF WORK, A LOT OF PEOPLE'S EFFORT AND THEY ARE ALL TIED TO SEE. IF YOU START LOOKING AT ONE, YOU HAVE GOT TO LOOK AT THE OTHER. IT GETS VERY COMPLICATED. WE HOPE THAT TONIGHT THAT YOU WILL PASS THEM. THE ROBINSON FAMILY AND THE ROBINSON ENTITIES, THEY ARE NOT DEVELOPERS. THEY ARE STEWARDS OF THIS LAND, BUT THEY RECOGNIZE THAT TIMES CHANGE AND WITH IF YOU ARE CHANGING THEY LOVE OUR CITY AND THEY ARE HERE TONIGHT TO TRY TO MOVE OUR CITY FORWARD AND YET THEY HAVE NO PLANS TONIGHT OR TODAY TO DEVELOP, BUT THEY DO HAVE PLANS TO BE STEWARDS OF THE LAND AND CONTINUE TO BE GOOD NEIGHBORS TO OUR CITY AND LOOK FORWARD TO BEING WITHIN THE CITY. WE WILL BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE AS THE DISCUSSION GETS GOING. WE HAVE OUR LAND PLANNERS HERE. SPIKE ROBINS IS HERE, BRAD ROBINS IS HERE, I DON'T SEE ANY MUCH THE OTHER FAMILY MEMBERS, WE WILL BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE.

Mayor Wynn: LET THE RECORD SHOW MR. SUTTLE LEFT 45 SECONDS FOR US. [LAUGHTER]

NO, TOO LATE. NO, NO, NO. THAT'S THE ONLY PERSON TECHNICALLY SIGNED UP IN FAVOR OF THE ZONING CASE. WE WILL NOW HEAR FROM TWO CITIZENS SIGNED UP WHO HAVE SIGNED UP AS NEUTRAL. LINDA FINLEY STILL HERE? LINDA, WELCOME, YOU CAN ADDRESS US AND YOU WILL BE

FOLLOWED BY -- I LOST THE CARD. YOU WILL BE FOLLOWED BY PHILLIP, LOOKS LIKE, KARENHAUS. PHILLIP YOU WILL FOLLOW LINDA, WELCOME, MA'AM, YOU WILL HAVE THREE MINUTES.

THANK YOU, MR. MAYOR AND COUNCILMEMBERS. MY NAME IS LINDA FINLEY WITH THE NEIGHBORHOOD ASSOCIATION OF SOUTHWESTERN WILLIAMSON COUNTY. AND I HAD THE PRIVILEGE OF SITTING IN ON MANY OF THE SESSIONS OF THE ZONING AND PLATTING COMMISSION SUBCOMMITTEE THAT WORKED ON THIS. I WAS -- WE WERE VERY GRATIFIED TO SEE THAT MOST OF THOSE COMMISSIONERS HAD MANY OF THE SAME CONCERNS THAT WE DID. AND WE FEEL LIKE THEY HAVE ADDRESSED MOST OF THEM. HOWEVER, ONE THING THAT I WANT TO BE SURE THAT YOU ALL ARE VERY MUCH AWARE OF IS THAT -- THIS ZONING, THE WAY IT IS WRITTEN, WILL ALLOW A HIGHER DENSITY DEVELOPMENT THAN ANYPLACE ELSE IN THE ENTIRE CITY OF AUSTIN, INCLUDING THE DOWNTOWN BUSINESS DISTRICT. AND WE WONDER, YOU KNOW, WHY -- WHY THAT SHOULD BE ALLOWED. WE ALSO WONDER IF YOU HAVE FULLY CONSIDERED THE IMPACT OF THAT KIND OF DEVELOPMENT ON AUSTIN'S AIR QUALITY THAT IS SOMETIMES ALREADY BORDERLINE AT BEST. AND THE POSSIBILITY OF THINGS THAT MIGHT BE DONE IN THAT AREA. WHILE THE CREEKS THAT GO THROUGH THERE ARE IN THE -- IN THE NORTHERN EDWARD'S AQUIFER RECHARGE ZONE, THOSE CREEKS IN THAT AREA, AT THIS TIME, DO NOT HAVE ANY KIND OF WATER QUALITY MONITORING. IN OUR NEIGHBORHOOD, WHICH IS UPSTREAM ON LAKE CREEK, WE ARE VERY CONCERNED ABOUT THE POSSIBILITY OF WATER QUALITY DETERIORATION DUE TO THE S.H. 45 THAT'S BEING BUILT ACROSS THAT LAKE CREEK AREA. AND OUR CONCERN THAT THE HIGH DENSITY DEVELOPMENT IN THIS AREA WILL FURTHER CAUSE DETERIORATION OF THAT. WHAT WE WOULD LIKE TO SEE AND HOPE WILL TAKE PLACE IS THAT AS THIS AREA IS DEVELOPED AND BUILT OUT, THAT THERE WILL BE WATER QUALITY MONITORING DONE ON THE CREEKS IN THAT AREA TO ENSURE THAT IT DOES CONTINUE TO MEET STANDARDS SET BY THE STATE AND THE -- AND THE FEDERAL REGULATIONS. THANK YOU.

Mayor Wynn: THANK YOU, MS. FINLEY. PHILLIP? WELCOME,

SIR, YOU WILL HAVE THREE MINUTES. SORRY, JUST CAN'T
QUITE READ THE CARD. KARENHAUS?

PHILLIP KARENUS.

Mayor Wynn: SORRY.

CITY COUNCIL, THANK YOU FOR ALLOWING US TO SPEAK. I
JUST HAVE A COUPLE OF CONCERNS ABOUT THE -- ABOUT
THE DEVELOPMENT. WE ALREADY KNOW THAT THE
DEVELOPMENT IS GOING TO HAPPEN NO MATTER WHAT. SO
WE JUST WANT TO SEE IT DONE IN THE MOST RESPONSIBLE
WAY POSSIBLE. I LIVE IN THE NORTH WOOD AREA WHICH IS
JUST SOUTH AND EAST OF THE PROPERTY. IN THE
NORTHWEST CORNER OF PARMER AND MOPAC. MY FIRST
CONCERN IS ABOUT THE BUFFERS AND THE ZONING
CONSISTENCY ALONG OUR AREA. WE WOULD CERTAINLY
LIKE TO SEE THAT -- THAT THE -- THAT THE TYPES OF
BUILDING ADJACENT TO OUR AREA BE CONSISTENT. SINGLE
FAMILY HOMES AND WITH THE PROPER BUFFERS THAT HAVE
BEEN -- HAVE BEEN SUGGESTED BY THE ZONING
COMMISSION. THE OTHER THING THAT I'M CONCERNED
ABOUT IS -- WHICH RELATES TO THE ENVIRONMENT, BUT I
HAVE GOT SOMETHING ELSE ABOUT THAT LATER. IS THE
MINIMUMIZATION OF PARKING LOTS. FOR SEVERAL
REASONS. ONE IS THE WATER, THE POSSIBILITY OF
FLOODING AND THE RUNOFF. AND OF COURSE THE
ENVIRONMENT. THE THIRD THING THAT I -- THAT I'M
CONCERNED ABOUT IS THE TRAFFIC SITUATION. WE HAVE A
MASSIVE AMOUNT OF TRAFFIC ALREADY ON PARMER AND
MOPAC AND WITH ALL OF THE CONSTRUCTION GOING AT
MOPAC, WE JUST -- WE HAVE JUST A -- A VERY LARGE
AMOUNT OF TRAFFIC RUNNING THROUGH THE
NEIGHBORHOOD. I WOULD LIKE TO SEE SOME SORT OF --
SOME SORT OF COMMITMENT TO GET THE
TRANSPORTATION PUT IN AT THE TIME OF THE OWE OVER
THE MASSIVE BUILDUP OR THE BULK OF THE
CONSTRUCTION. INSTEAD OF AFTERWARDS. BECAUSE IF WE
PUT IT IN BEFORE, WITHOUT THE TRANSPORTATION, WE ARE
JUST GOING TO HAVE EVERYBODY MOVING IN WITH
AUTOMOBILES AND THE WHOLE POINT I THOUGHT WAS TO
GET SOME OF THAT -- SOME OF THAT TRAFFIC RELIEVED BY
HAVING TRANSPORTATION IN THERE. I WOULD LIKE TO SEE

THE TRANSPORTATION IN THERE EITHER CONCURRENTLY OR BEFORE THE -- BEFORE THE BULK OF THE CONSTRUCTION. I HEARD SOMEONE FROM THE ZONING COMMISSION TALK ABOUT THE SEALANTS THAT THEY WERE USING AND THE COMMITMENT TO USE THE SEALANTS THAT WERE CONSISTENT WITH THE BUILDING CODES THAT MAY BE PASSED IN THE FUTURE. I THINK THAT'S A GOOD THING. I WOULD LIKE TO SEE THAT DEFINITELY IMPLEMENTED. I WOULD LIKE TO SEE THE -- I'M WORRIED ABOUT ACCESSIBILITY TO THIS NEW AREA. I WOULD LIKE TO SEE THAT THE CURRENT NEIGHBORHOODS DO HAVE SOME ACCESSIBILITY TO IT. I'M NOT SURE HOW THAT WOULD BE ACHIEVED, BUT RIGHT NOW NORTH WOOD [BUZZER SOUNDING] IS A BIT ISOLATED. THAT MY TIME?

Mayor Wynn: TAKE A FEW SECONDS AND CONCLUDE.

I'M JUST WORRIED ABOUT THE ACCESSIBILITY OF THE AREA WE ARE A BIT ISOLATED WITH MOPAC, PARMER, PRETTY MUCH CLOSED OFF ON THE OTHER SIDE. I WOULD LIKE TO SEE OR HEAR SOMETHING ABOUT THE ACCESSIBILITY TO OUR NEIGHBORHOOD FROM THERE. AND THE LAST THING THAT I WANTED TO SAY, I WAS CONCERNED ABOUT THE ENVIRONMENT. I HAD A COUPLE OF THINGS THAT -- THAT WERE AIRED ALREADY BEFORE. THE AIR QUALITY, HAS ANYTHING BEEN DONE ABOUT THAT. THE WATER QUALITY. ALSO THE MASSIVE AMOUNT OF HEAT THAT WILL BE GENERATED IN THE AREA IF THERE'S A LOT OF MASSIVE DEVELOPMENT IN TERMS OF BUILDINGS AND PARKING LOTS AND OF COURSE THE FLOODING PROBLEM. WHICH THERE'S NOT A PROBLEM NOW, BUT WE DON'T WANT TO HAVE ONE IN THE FUTURE. SO -- THANK YOU.

THANK YOU, MR. KARENAS. COUNCIL, WE WILL NOW HEAR FROM FOLKS SIGNED UP IN OPPOSITION TO THE ZONING CASE. DUANE BRANDT SIGNED UP NOT WISHING TO SPEAK AGAINST. BARBARA HILLYARD, WELCOME, BARBARA, THREE MINUTES FOLLOWED BY ROY WALEY.

MY NAME IS BARBARA HILLYARD, I LIVE AT 13008 COUNCIL BLUFF AND I HAVE BEEN THE VICE-PRESIDENT OF THE HOMEOWNERS ASSOCIATION FOR OVER A DECADE IN NORTH WOOD. I HAVE BEEN GRACED WITH THE ROBINSON

RANCH IN MY BACK YARD AND I WANT TO COMMEND THE ROBINSONS FOR THEIR GOOD STEWARD SHIP OF THAT LAND. AND I WANT TO THANK EVERYONE FOR THE RESEARCH AND ALL OF THE CARE THAT YOU HAVE TAKEN WITH THE ENVIRONMENTAL FEATURES AND THEY ARE SIGNIFICANT ON THIS TRACT. WE ARE CONCERNED ABOUT THE FOOTPRINT OF THIS DEVELOPMENT GOING IN AMONGST CAVES AND STREAMS AS IT IS. AND BEAUTIFUL TREES BY THE WAY, TOO. OUR NEIGHBORS ARE STILL VERY CONCERNED ABOUT THE BUFFER BETWEEN THE NEIGHBORHOOD AND THE PROPOSED DEVELOPMENT. FRANKLY, WE'VE HAD TO SCRAMBLE A BIT TO GET THIS TOGETHER IN TIME TO EVEN DO AN OPPOSITION TO THIS. EVEN THOUGH WE ARE OPPOSED TO THE UNSTRUCTURED NATURE OF THIS PROPOSAL. IT'S COME AT A TIME DURING VACATIONS AND IT JUST REALLY SNUCK UP ON US, I DO APOLOGIZE, I MADE THE MISTAKE OF GOING TO GALVESTON AND CAME BACK TO A SECOND READING. SO WE HAVE HAD TO WORK TO GET TOGETHER, WE ARE NOT NECESSARILY AGREED ON EVERYTHING, BUT I DO KNOW WHAT WE ARE AGREED UPON, WE DO NOT WANT TO BE LOOKING UPON A LOWE'S OR A HOME DEPOT WHEN WE WALK OUTSIDE OUR BACK DOOR AT NIGHT. I UNDERSTAND THIS 100-FOOT SETBACK IS -- IS FOR BUILDINGS OTHER THAN SINGLE FAMILY AND THEN THERE'S A 200-FOOT SETBACK FOR COMMERCIAL BUILDINGS. I'M NOT SURE WHICH LOWE'S FITS INTO. I EXPECT THE 100-FOOT ONE. BUT MY UNDERSTANDING, TOO, IS THAT THE PARKING LOT CAN TAKE UP THAT SETBACK. AND SO WHAT WE WILL BE LOOKING AT IS A PARKING LOT. AND I CAN TELL YOU, I'M ALSO A REALTOR, I'VE BEEN DOING THAT FOR 22 YEARS, I TAKE CLIENTS INTO A HOUSE AND THEY LOVE THE HOUSE, THEY ARE CRAZY ABOUT THE HOUSE, THEY WALK OUT THE BACK DOOR AND THEY SEE A PARKING LOT, BIG LIGHTS, BIG BUILDINGS, YOU KNOW WHAT THEY SAY? THEY SAY "NEXT." THEY DON'T WANT THAT HOUSE ANYMORE. SO WE IN NORTHWOOD ARE EXTREMELY CONCERNED ABOUT OUR PROPERTY VALUES. WE JUST REALLY HOPE THAT YOU WILL TAKE THAT INTO ACCOUNT. WE FEEL THAT SINGLE FAMILY HOMES ARE A TRUE GREENBELT. NOT A SETBACK, BUT A GREENBELT, THAT WOULD REALLY HELP TO PROTECT NOT ONLY THE ENVIRONMENTAL FEATURES ON THIS PROPERTY,

BUT ALSO OUR HOME VALUES AND OUR QUALITY OF LIFE.
AND WE DO THANK YOU FOR YOUR CONSIDERATION FOR
THIS MATTER.

Mayor Wynn: THANK YOU, MS. HILLYARD. ROY WALEY.
WELCOME, 3 MINUTES, FOLLOWED BY MICHAEL LITTEN.

HELLO. MY NAME IS ROY WALEY. I'M THE PRESIDENT OF THE
NORTHWOOD NEIGHBORHOOD ASSOCIATION. AND HAVE
BEEN FOR NINE YEARS NOW. I SIGNED UP AGAINST BUT NOT
THAT -- JUST TO GET YOUR ATTENTION. WE KNOW THIS IS
GOING TO HAPPEN. WE JUST WANT SOME INPUT INTO IT.
AND I'M BASICALLY ECHOING WHAT HAS ALREADY BEEN
SAID. PLEASE NO BIG BOX RIGHT BEHIND US. BASICALLY,
NORTHWOOD, PRESTON OAKS, AND MCNEIL ESTATES ARE
THE ONLY NEIGHBORHOODS BEING IMPACTED BY THIS.
THERE'S A TRACT OF LAND RIGHT BEHIND US THAT WOULD
BE PERFECT FOR A CONTINUATION OF SINGLE FAMILY
HOMES. IT WOULD RUN FROM THE BACK OF OUR
NEIGHBORHOOD, NORTH OF PARMER, OVER TO THE
RAILROAD TRACK, BETWEEN PARMER AND THE EXISTING
ROCK QUARRY. THIS WILL BE AN OUTSTANDING PLACE TO
HAVE MORE SINGLE FAMILY HOMES. WE DON'T HAVE
ENOUGH PEOPLE MOVING INTO AUSTIN AND WE NEED
PEOPLE AS MUCH AS WE NEED BUSINESS. SO THIS IS A WAY
TO KEEP OUR TAX BASE HIGH. A DESIRABLE CLOSE-IN
NEIGHBORHOOD. GOING AHEAD AND -- AND CONTINUING
WITH THE SMART GROWTH CORRIDOR ALONG PARMER
LANE, WHEN YOU GET TO THE RAILROAD TRACK, A
TRANSITION OF MULTI-FAMILY HOMES, OR APARTMENTS,
BETWEEN THE NEIGHBORHOOD. ALSO THIS WOULD FIT IN
VERY NICELY WITH THE CREEKS THAT ARE OVER THERE AND
THE VARIOUS CAVE FEATURES, WHICH ARE RECOGNIZED BY
THE FEDERAL GOVERNMENT AS HAVING ENDANGERED
SPECIES IN THEM AT THIS TIME. WE DO APPRECIATE WHAT
THE ROBINSON FAMILY HAS DONE, WE DO APPRECIATE ALL
THE TIME THAT HAS GONE INTO THIS FROM THE CITY. AND
THERE'S NOT CONSENSUS IN OUR NEIGHBORHOOD. BUT THE
ONE THING THAT WE ALL AGREE ON IS -- IS WE DON'T MIND
DRIVING 10 MINUTES OR FIVE MINUTES TO THE NEAREST BIG
BOX TO DO OUR SHOPPING. WE JUST DON'T WANT TO HAVE
TO WALK THERE. WE APPRECIATE ALL OF THE PEDESTRIAN -
- AND THE CREEKS AND GREEN WAYS. THAT'S

OUTSTANDING. BUT PLEASE I THINK THIS WOULD BE A GREAT OPPORTUNITY TO PUT IN MORE SINGLE FAMILY, YOU HAVE ALL OF THE REST OF IT TO GO WITH COMMERCIAL. IF I COULD LOOK -- SHOW YOU ON THE MA'AM. ON -- SHOW YOU ON THE MAP. JUST TO REITERATE MY POINT. WE ARE DOWN HERE. FAMILY IS HERE. YOU HAVE GOT ALL OF THE REST OF IT TO DEVELOP IT THE WAY YOU WANT TO. SMART GROWTH CORRIDOR HERE. MORE SINGLE FAMILY HOMES. GOING TO A TRANSITION ZONE. BEAUTIFUL. I KNOW THAT -- I KNOW THAT THE SCHOOLS ARE IN FAVOR OF THIS. SUMMIT ELEMENTARY WANTS TO KEEP MORE STUDENTS COMING TO IT. THEY ARE VERY EXCITED ABOUT A PROJECT THAT WE ARE WORKING WITH THE DEVELOPER RIGHT NOW WHO IS EXTENDING A STREET IN NORTHWOOD. AND THAT'S ABOUT IT. THANKS FOR YOUR TIME. I PREARPT IT. -- I APPRECIATE IT.

THANK YOU, MR. WALEY. MICHAEL LITTEN. WELCOME, YOU WILL HAVE THREE MINUTES. YOU CAN SPEAK RIGHT THERE IF YOU WANT TO. >

THANK YOU VERY MUCH FOR THIS OPPORTUNITY TO SPEAK. MY NAME IS MICHAEL LITTEN, A TAKE IT ACTIVE AUSTINITE, ALSO A RESIDENT ON COUNCIL BLUFF DRIVE. I CAN REMEMBER WHEN PARKS OF AUSTIN HAD GRAVEL ROADS, NAMELY BURNET ROAD, LOTS OF RESIDENTIAL STREETS. I CAN REMEMBER WHEN HANCOCK CENTER WAS THE BACK NINE OF HANCOCK GOLF COURSE. I CAN REMEMBER STOP LIGHTS ON I-35. WE ALL KNOW THAT CHANGE IS INEVITABLE. SOMETIMES CHANGE IS GOOD, SOMETIMES IT'S NOT SO GOOD. WHAT WE REALLY ARE ASKING THE COUNCIL AT THIS TIME IS TO CONSIDER WHAT'S BEST FOR THE COMMUNITY. WE ALL KNOW THAT -- THAT THE COMMERCIAL ABUTTED UP TO RESIDENTIAL IS GOING TO IMPACT PROPERTY VALUES. I DON'T THINK THAT'S THE INTENT OF ANYBODY. MY UNDERSTANDING IS THAT THE ROBINSON FAMILY WOULD LIKE TO CONTINUE RANCHING AND QUARTERRIVING AS LONG AS THEY COULD. QUARRYING. I ALSO UNDERSTAND THE NEED TO CITY TAX DOLLARS. TO THAT EXTEND, I HAD CALLED AND TALKED TO SOMEBODY EARLIER THIS WEEK. THEY SAID WELL, YOU KNOW WE HAVEN'T HEARD VERY MUCH OPPOSITION. I HAVE A FULL-TIME DAY JOB, BUT IN MY EVENINGS THIS WEEK I TOOK THE OCCASION TO WALK AROUND TO A LOT OF MY NEIGHBORS. WHILE I DIDN'T HAVE

VERY MUCH TIME, THIS IS A PETITION SIGNED BY A LOT OF PEOPLE THAT ARE OPPOSED TO THIS. I DIDN'T GET A SINGLE DOOR OPENED WHERE PEOPLE SAID YEAH WE WANT THAT, WE THINK IT'S GREAT. THEY ALL SAID NO, WE ARE GLAD YOU ARE DOING THIS, WE WISH THAT WE COULD BE THERE MUCH WE ARE REALLY OPPOSED TO THIS. WE UNDERSTAND THAT ALL THINGS HAVE TO WORK ECONOMICALLY. I'M A BANKER, I UNDERSTAND THAT AS WELL AS ANYBODY. IF WE CAN WORK OUT A HAPPY MEDIUM WHERE THERE'S A TRANSITION ZONE, LIKE MR. WALEY SAID, IF WE COULD HAVE SINGLE FAMILY RESIDENTIAL TRANSITIONING AT SOME POINT TO COMMERCIAL MAYBE ON THE WEST SIDE OF THE RAILROAD TRACKS, THAT WOULD BE IDEAL. AT THE VERY MINIMUM A GREENBELT OR A BUFFER. BUT ASPHALT UP TO OUR PROPERTY LINE WITH LIGHT STANDARDS 50 FEET UP IN THE AIR SHINING LIGHTS IN OUR YARDS ALL NIGHT IS REALLY NOT GOING TO DO A LOT FOR US. THANK YOU VERY MUCH FOR YOUR TIME AND YOUR CONSIDERATION.

Mayor Wynn: THANK YOU, MR. LITTEN. COUNCIL, THAT'S ALL OF THE CITIZENS WHO SIGNED UP ON THIS ITEM. WE TYPICALLY HAVE THE APPLICANT GIVE A 3 MINUTE ROW BUTT TALL TO SOME OF THE -- REBUTTAL TO SOME OF THE CONCERNS THAT THEY HEARD. PERHAPS IF I COULD ASK CITY STAFF TO -- TO --

Futrell: WE WILL TAKE SOME OF THE KEY ISSUES THAT WE JUST HEARD. TALK A LITTLE BIT ABOUT THE F.A.R. DENSITY, TALK A LITTLE BIT ABOUT THE TRAFFIC, THE TRANSPORTATION INFRASTRUCTURE, TRAFFIC ISSUES. WE WILL TALK A LITTLE BIT ABOUT THE DRAINAGE ISSUES THAT WE HAVE HEARD AND THEN I THINK WE WILL TAKE THIS LAST ISSUE THAT WE HAVE HEARD THE MOST ABOUT, THE SINGLE FAMILY BUFFER. AND KIND OF START FROM THERE. GREG, DO YOU WANT TO GET STARTED?

SURE, LET ME TAKE THREE OF THOSE, I WILL TALK ABOUT THE DENSITY AND INFRASTRUCTURE.

Futrell: SURE LEAVE THE LAST ONE.

Guernsey: I WILL START WITH THE LAST ONE FIRST. TALK ABOUT SOME OF THE NEIGHBORHOOD'S CONCERNS. I DID

SPEAK TO QUITE A FEW PEOPLE IN PRESTON OBJECTION, NORTH-- PRESTON OAKS, NORTH WOOD AND MCNEIL ESTATES. NEAR MCNEIL ESTATES IS A BUFFER THAT DOESN'T IMPACT THE DEVELOPMENT, DOESN'T IMPACT PROBABLY MCNEIL ESTATES AS MUCH, BUT IT WOULD IMPACT NORTHWOOD AND PRESTON OAKS. THERE'S A MENTION ABOUT LIGHTS SHINING IN BACK YARDS, WHEN I WAS TALKING ABOUT COMPATIBILITY STANDARDS, THE CITY HAS COMPATIBILITY STANDARDS THAT WOULD PROHIBIT LIGHT STANDARDS FROM SHIPEING LIGHT IN YOUR BACK YARD. IT WOULD PROHIBIT REFLECTIVE GLASS. IT WOULD REQUIRE SCREENING OF MECHANICAL EQUIPMENT, SCREENING OF DUMP DUMPSTERS, IT WOULD REQUIRE THAT BUILDINGS WOULD NOT -- OWN WHEN YOU GET TO 100 FEET, WOULD -- WOULD BE LIMITED IN THEIR HEIGHT FOR ANOTHER DISTANCE OF 450 FEET. SO YOU WOULDN'T HAVE BUILDINGS OF UNLIMITED HEIGHT WITHIN 540 FEET OF THAT PROPERTY BOUNDARY BECAUSE THERE'S A STEPPING PROGRESSION FOR COMPATIBILITY STANDARDS. IT APPLIES BOTH IN THE CITY AND WOULD APPLY ON THE RANCH.

Mayor Wynn: MR. GUERNSEY WE ALSO HEARD ABOUT ASPHALT UP TO THEIR PROPERTY LINE.

UNDER COMPATIBILITY, THERE WOULD BE STANDARDS, THERE WOULD BE A 25-FOOT SETBACK BEFORE ANY PARKING COULD START. I KNOW THAT THERE'S BEEN SEVERAL PEOPLE IN NORTH WOOD AND IN PARTICULAR PRESTON OAKS THAT I SPOKEN WITH THAT THEY HAVE ASKED, WELL, WE WOULD LIKE IT TO REMAIN A RANCH. IF NOT A RANCH, WE WOULD LIKE SINGLE FAMILY HOMES. IF NOT SINGLE FAMILY HOMES, THEY WOULD LIKE TO AT LEAST HAVE THE BUFFER APPLY TO PARKING. I THINK THERE'S BEEN A COUPLE OF PEOPLE THAT HAVE SPOKEN TO THAT TONIGHT. BUT THERE IS A SETBACK THAT'S PROVIDED, IT'S THE SAME SETBACK THAT ALL OF THE CITY OF AUSTIN CITIZENS ENJOY IN THE SENSE THAT THERE IS A 25-FOOT SETBACK FOR ALL PARKING FROM THE PROPERTY BOUNDARY. THERE WOULD ALSO BE A LANDSCAPING PROVISION THAT WOULD REQUIRE FENCING OR A SOLID VEGETATIVE SCREEN BETWEEN THE PARKING LOT AND ANY RESIDENCE. SO THOSE ARE SOME OF THE THINGS THAT WOULD ADDRESS I THINK SOME OF THE CONCERNS THAT

THOSE FOLKS MAY HAVE HAD. IF THEY WERE TO DEVELOP THE SINGLE FAMILY HOMES, THAT BUFFER DOESN'T PRECLUDE SINGLE FAMILY DEVELOPMENT. YOU CAN DEVELOP SINGLE FAMILY HOMES IN THAT FIRST 100 FEET AND THEY WOULD NOT BE SUBJECT TO THOSE SETBACKS. SO WE HAVE ALLOWED FOR THAT. IN FACT, RIGHT OFF OF COUNCIL BLUFF, I CAN'T REMEMBER THE NAME OF THE STREET, BUT THERE'S A STREET THAT ACTUALLY DEAD ENDS INTO THE ROBINSON RANCH.

[INDISCERNIBLE] [INAUDIBLE - NO MIC]

THOSE TWO STREETS COULD BE ACCESSED FOR FUTURE RESIDENTIAL DEVELOPMENT. IF IT WERE TO CONTINUE ON THE OTHER SIDE OF THE FENCE LINE. THE TRAFFIC INFRASTRUCTURE. THE TRAFFIC INFRASTRUCTURE IN THIS AREA IS HARD TO SPEAK TO AT A LEVEL OF LOCAL STREETS. THE NEIGHBORHOOD COLLECTORS, BECAUSE THERE'S REALLY NOT ANYTHING PLANNED RIGHT NOW. BUT WE CAN TAKE A LOOK AT THE INFRASTRUCTURE THAT WOULD EXIST THAT COULD HANDLE A GREAT DEAL OF TRAFFIC, COMING INTO DOWNTOWN AUSTIN AREA, AND GOING OUTWARD AND VICE VERSA. ASIDE FROM THE TWO TOLL ROADS, AS I MENTIONED, WE HAD THE ARTERIAL, FOR THE FUTURE EXPANSION OF ANDERSON MILL, MCNEIL ESTATES, HOWARD LANE THE EXTENSION THAT WOULD CRISS-CROSS THE RANCH PROPERTY ITSELF. THESE ARE MAJOR ART TEERL ROAD ALROADWAYS THAT ARE IN OUR CAMPO PLAN. IN ADDITION TO HAVING 60, PARMER LANE AND BURNET ROAD ON THE OUTSIDE. WE HAVE THE RAIL CAPACITY THAT -- THAT HOPEFULLY IN THE FUTURE WILL TAKE CARE OF SOME OF THE AIR QUALITY CONCERNS THAT HAVE BEEN RAISED. THAT THERE WILL BE A GREAT NUMBER OF PEOPLE THAT COULD GO EITHER WAY. I GUESS FROM DOWNTOWN TO THE ROBINSON RANCH OR VICE VERSA. THE CAPITAL METRO LINE. THAT WOULD GO OUT TO THIS AREA. EVEN FROM THOSE AREAS BEYOND. SO THAT WOULD HELP TAKE CARE OF SOME OF THE AIR QUALITY CONCERNS BY BRINGING THE NUMBER OF TRIPS TOGETHER IN A RAIL OR EVEN A BUS TRANSIT SYSTEM. THE REGIONAL TRANSIT ROUTE, AGAIN, THE UNION PACIFIC LINE CROSSES THIS PROPERTY. THAT COULD BRING IN REGIONAL TRIPS THAT WOULD GO THROUGH HERE AND COMING INTO OUR DOWNTOWN AREA

AS WELL. SO THERE -- THERE'S A GREAT DEAL OF MAJOR ROADWAY INFRASTRUCTURE THAT'S ALREADY BEEN PLANNED. OR THAT'S UNDER CONSTRUCTION SUCH AS YOU SEE OUT THERE WITH THE TOLL ROAD TODAY. AND WE THINK THAT THE CAPACITY IS THERE THAT COULD SUPPORT ALL OF THE DEVELOPMENT THAT COULD OCCUR IN THIS GENERAL AREA.

SO, GREG, WAS -- DID A STAFF ANALYSIS OCCUR LOOKING AT THE MAJOR TRAFFIC OR TRANSPORTATION INFRASTRUCTURE COMPARED TO THIS BUILDOUT PLAN?

YES. OUR TRANSPORTATION PLAN AND SUSTAINABILITY DEPARTMENT DID BASICALLY A LOOK AT THE POTENTIAL DEVELOPMENT ON THIS PROPERTY. AND FELT THAT THE ROADWAY NETWORK COULD HANDLE THAT IN THE FUTURE.

Futrell: THEN, GREG, YOU ARE GOING TO SPEAK A LITTLE BIT ABOUT THE F.A.R. OR DENSITY ISSUE. GREG GUERNSEY YES, THERE'S A LOT OF DISCUSSION ABOUT DENSITY AND THE -- LET ME TALK A LITTLE BIT ABOUT THE T.O.D.S WHERE WE ARE REALLY TRYING TO MAKE SURE THAT THERE IS A GREAT DEAL OF DENSITY SO WE CAN UTILIZE OUR ROADWAY OR -- AND OUR RAIL TRANSIT POSSIBILITIES TO -- I GUESS THE UPWARD LIMIT OF THEIR POTENTIAL. FROST BANK BUILDING DOWNTOWN HAS A 12-1 F.A.R. OUR T.O.D. PROPOSES A SIMILAR OF 1:21 FOR COMMERCIAL BUILDINGS. THAT'S NOT TO -- 12 TO 1 FOR COMMERCIAL BUILDINGS. THAT'S NOT TO SAY EVERY BANK IS GOING TO BE A FROST BANK KNOWLEDGE. THE POTENTIAL IS THERE FOR THAT TYPE OF DEVELOPMENT. OVER DOWNTOWN THERE'S UNLIMITED HEIGHT THAT'S ALREADY ALLOWED UNDER DOWNTOWN BUT YOU DON'T SEE EVERY STRUCTURE DOWNTOWN HAVING AN UNLIMITED HEIGHT. THE F.A.R. WOULD IMPOSE A LIMITATION. THE REQUIREMENTS FOR PARKING WOULD STILL EXIST THAT WOULD IMPOSE SOME LIMITATION. WHEN WE SPOKE TO UNLIMITED HEIGHT, IT'S NOT NECESSARILY UNLIMITED TOTALLY. EVEN IF THERE WAS A -- IF THERE WAS A T.O.D. AREA ONLY MXD AREA. AS I SAID BEFORE, ALONG THE PERIMETER, THOSE FOLKS THAT LIVE ALONG THE PERIMETER ARE STILL OFFERED THE PROTECTION COMPATIBILITY STANDARDS. AS YOU MOVE FURTHER AWAY FROM THE PROPERTY LINES HEIGHTS WOULD BE

RESTRICTED FOR A DISTANCE OF ABOUT 540 FEET, ALMOST FLEE 3 BLOCKS GOING INTO THE PROPERTY. DENSITY OUTSIDE OF THOSE T.O.D. AREAS ARE 6 TO 1 FOR COMMERCIAL, DROP DOWN TO MAYBE 3 TO 1 AND ALL THE WAY DOWN TO SINGLE FAMILY RESIDENTIAL WHERE WE DON'T HAVE WHAT'S CALLED A MORE TO AREA RATIO. THIS IS A RATIO OF LAND AREA PER SQUARE FOOT OF BUILDING. WE EXPECT THAT A LOT OF THIS DEVELOPMENT THAT PROBABLY OCCURRED IN THE MXD AREA WOULD BE MORE SINGLE FAMILY, PROBABLY TOWNHOUSE, IT WOULD PROBABLY NOT DEVELOP AS ONE LARGE COMMERCIAL DEVELOPMENT. THERE'S JUST NOT A MARKET THAT MUCH ANYWHERE IN THE CITY IF YOU WERE TO LOOK AROUND. THERE'S ONLY SO MANY LOWE'S, SO MANY HOME DEPOTS THAT YOU COULD BUILD ANYWHERE. BUT THIS IS A LARGE TRACT, IT COULD HAVE SEVERAL NODES, SO WE ARE GOING TO TRY TO ENCOURAGE THOSE TO BE NEAR THESE LARGER INTERSECTIONS AND THE DENSITY ALLOWS THAT TO OCCUR. SO I THINK THAT'S KIND OF THE LOGIC BEHIND LOOKING AT THIS. YOU KNOW, IF YOU LOOK AT OUR DOWNTOWN AREA, I KNOW, IT'S -- I'M GLAD AUSTIN STAN IS -- AUSTIN IS NOT HERE, IT'S VERY DIFFICULT TO GET FROM THE EAST SIDE TO THE WEST SIDE. BUT SEVERAL ARTERIALS CROSS THIS TRACT WHERE YOU CAN GET FROM ONE SIDE TO THE OTHER SIDE. THOSE HAVE ALREADY BEEN PLANNED IN. IT'S MUCH EASIER TO DEAL WITH THE DEVELOPMENT NOW THAN TO START OUT WITH DOING IT I GUESS ON A PIECEMEAL BASIS. THE OPEN SPACE THAT WE HAVE IS SOMETHING THAT HAS GREAT POTENTIAL TO -- I GUESS ALLEVIATE SOME OF THE DENSITY CONCERN. BECAUSE RIGHT OFF THE BAT, WE ARE ALREADY TALKING ABOUT 27% OF THIS LAND WON'T BE DEVELOPED FOR ANY LARGE BUILDINGS. IT WON'T BE DEVELOPED EXCEPT FOR MAYBE PASSIVE TRAILS OR PARK-LIKE FEATURES, THAT'S SOMETHING THAT YOU WOULD NOT FIND ON AN INITIAL PROJECT OF MOST KINDS, SAYING WE ARE GOING TO SET ASIDE 27% OF OUR PROPERTY TO BE OPEN SPACE. AND -- IT WOULD TAKE YEARS AND YEARS AND YEARS IF THE CITY WERE TO -- TO ANNEX PORTIONS OF THIS WORK DEVELOPERS ON A PIECEMEAL BASIS TO TRY TO COME UP WITH THIS GREENBELT SYSTEM THAT YOU WILL EVENTUALLY SEE THAT WILL CRISS-CROSS THE PROPERTY

AND BREAK UP THE DENSITY AND TRY TO PUT IT IN APPROPRIATE AREAS. SO -- WE ARE VERY ENCOURAGED BY THE POTENTIAL OF WHAT COULD OCCUR ON THIS PROPERTY. AND WE WERE COGNIZANT OF THE CONCERNS OF THOSE NEIGHBORS, THAT'S WHY WE SPOKE TO THOSE 100-FOOT AND 200-FOOT BUFFERS. ALONG THE PERIMETER FROM PRESTON OAKS AND NORTH WOOD AND MCNEIL ESTATES AS WELL AS SEVERAL OTHER NEIGHBORHOODS, LARGER LOTS THAT ARE AROUND THE NORTHERN SIDE OF THOSE SUBDIVISIONS.

JOE, ARE YOU GOING TO HANDLE THE DRAINAGE ISSUE? I MIGHT JUST ADD AS PART OF THE DISCUSSION ON AIR QUALITY, PART OF THE STRATEGY HERE ACTUALLY IS THAT DENSITY IS ONE OF THE STRATEGIES FOR AIR QUALITY, THAT SPRAWL SHOULD WE NOT TRY TO CREATE DENSITY ON LAND THAT WAS -- WITH SPRAWL AND THE COMMUTING THAT COMES WITH SPRAWL IS THE WORST POSSIBLE THING THAT CAN HAPPEN WITH AIR QUALITY IN OUR REGION. DENSITY IS ACTUALLY ONE OF THE KEY STRATEGIES FOR IMPROVING OUR AIR EQUALLY. JOE --

Slusher: I HAVE A QUESTION OF MR. GUERNSEY.

Mayor Wynn: COUNCILMEMBER SLUSHER?

Slusher: MR. GUERNSEY, I'M NOT CLEAR ON THE NORTHWOOD IS THE BUFFER THERE 25 OR 100?

Guernsey: FROM NORTHWOOD, PRESTON OAKS AND MCNEIL ESTATES --

Futrell: GREG, CAN YOU KIND OF SHOW IT ON THE MAP THAT JOE JUST PUT UP? AGAIN GURN PRESTON OAKS, NORTHWOOD, MCNEIL ESTATES ARE THE THREE NEIGHBORHOODS WHICH DIRECTLY ABUT THE ROBINSON RANCH PROPERTY ALONG THIS EASTERN BORDER. MCNEIL ESTATES BEING THE TOP, THE MAJORITY OF THESE LOTS ARE PROTECTED ALONG THE WEST SIDE BY THE BUFFER. THAT -- THAT WOULD BE THE OPEN SPACE BUFFER THAT WOULD BE HERE.

Slusher: HOW LARGE IS THAT?

Guernsey: THAT DISTANCE COULD RANGE FROM -- ABOUT 1,000 FEET --

Slusher: THAT OPEN MULTI-MULTIPLE RIGHT NEXT TO THEM.

Guernsey:: THAT'S IN THIS AREA. BUT THE SETBACKS, WHICH ARE MAINLY FROM I GUESS THE AREA BELOW ON NORTHWOOD AND PRESTON OAKS, THERE'S A 100-FOOT SETBACK FOR ANY BUILDING, WHETHER IT'S A DUPLEX, A MULTI-FAMILY, COMMERCIAL BUILDING AND A 200-FOOT BUILDING SETBACK FOR ANY INDUSTRIAL USE. THE PARKING SETBACK IS THE SAME UNDER COMPATIBILITY AS YOU WOULD FIND ANYWHERE IN AUSTIN. IT WOULD BE 25 FEET ALONG THAT ENTIRE LINE.

ONE HUB FOR A BUILDING -- 100 FOR A BUILDING, PARKING LOT IS 25.

THE ONLY EXCEPTION TO THE BUILDING SET BACK IF THEY DEVELOP WITH SINGLE FAMILY HOMES, THEN THAT FIRST 100 FEET THEY COULD DEVELOP OUT WITH SINGLE FAMILY HOMES.

SINGLE FAMILY HOMES THE BUFFER WOULD ONLY BE 25 FEET, IS THAT WHAT YOU ARE SAYING.

THEY AREN'T SUBJECT TO COMPATIBILITY UNDER OUR CODE, THEY COULD BUILD THEIR BUILDINGS, PUT THEIR DRIVEWAY TO THE BACK PROPERTY LINE JUST LIKE ANYONE ELSE COULD IN THE CITY OF AUSTIN. IF THEY WERE SINGLE FAMILY HOMES.

Slusher: OKAY, THANK YOU.

I'M SORRY TO SPEAK OUT OF TURN.

Mayor Wynn: YOU ARE, SIR, PLEASE HAVE YOUR SEAT.
FURTHER QUESTIONS OF STAFF? COUNCIL?
COUNCILMEMBER MCCracken?

McCracken: I GUESS MR. PANTALION CAN GO FIRST.

JOE PANTALION DIRECTOR OF WATERSHED PROTECTION DEVELOPMENT AND REVIEW DEPARTMENT. EXCUSE ME, WHAT I WANT TO DO IS GO OVER SOME OF THE FEATURES OF THE RANCH AND SPECIFICALLY THE POTENTIAL IMPACTS ON DRAINAGE FROM DEVELOPMENT. FIRST OFF, THE AGREEMENT PROVIDE THAT'S ANY FUTURE DEVELOPMENT WILL COMPLY WITH OUR CURRENT CITY CODE. SO ANY FUTURE DEVELOPMENT WILL HAVE TO MATCH THEIR POST QUOMENT DEVELOPMENT RUNOFF RATES WITH PREDEVELOPMENT CONDITIONS. SECONDLY NO ADVERSE IMPACT, THAT'S SOMETHING THAT THE ENGINEER WILL HAVE TO PROVE THROUGH A CERTIFIED ENGINEERING STUDY. ALSO THE RANCH HAS SOME EXISTING LAKES ON SITE THAT WILL PROVIDE SIGNIFICANT AMOUNT OF DETENTION FOR FUTURE DEVELOPMENT AS WELL. AND THE LAKE CREEK WATERSHED WE HAVE THE GANZARD LAKE FACILITY, IT'S AN EXTREMELY LARGE LAKE THAT PROVIDES A SIGNIFICANT AMOUNT OF DETENTION DOWNSTREAM FROM THE LAKE CREEK WATERSHED. IN THE RATTAN CREEK WATERSHED ON RATTAN CREEK, SMITH LAKE FATALITY. BOTH OF THESE ARE OPERATED BY A WATER CONTROL IMPROVEMENT DISTRICT. FINALLY IN THE WALNUT CREEK WATERSHED, WE HAVE POND G WHICH IS CURRENTLY BEING CONSTRUCTED BY THE CITY OF AUSTIN AS A REGIONAL DETENTION FLOOD CONTROL FACILITY. SO WITH OUR -- MEETING OUR CURRENT CODE FOR DRAINAGE, HAVING NO ADVERSE IMPACTS, HAVING A CERTIFIED ENGINEER STUDY TO ALSO LOOK AT MATCHING POST DEVELOPMENT CONDITIONS WITH PREDEVELOPMENT CONDITIONS AS FAR AS RUNOFF RATES ARE CONCERNED, THEN ALSO AN ADDED FEATURE TO THIS, WHICH NOT A LOT OF PEOPLE HAVE SPOKEN TO, THERE HAVE BEEN SOME CONCERNS ABOUT DEVELOPMENT CONSTRICTING THE FLOODPLAIN AND BACKING UP WATER UPSTREAM. WITH THE SET ASIDE OF THESE OPEN SPACES, ESSENTIALLY REQUIRING ZERO PERCENT IMPERVIOUS COVER, THAT IS NOT A POSSIBILITY WITH THIS DEVELOPMENT AGREEMENT. I WILL BE MORE THAN HAPPY TO ANSWER ANY QUESTIONS, THANK YOU.

Mayor Wynn: FURTHER QUESTIONS? COUNCILMEMBER

MCCRACKEN?

McCracken: YEAH. MY FIRST QUESTION FOR MR. GUERNSEY. MR. IMURP GUERNSEY, AS I UNDERSTAND THE STAFF RECOMMENDATION FOR [INDISCERNIBLE] DEVELOPMENT ZONING TO BE REQUIRED. COULD YOU EXPLAIN FOR US THE STAFF RECOMMENDATION AND THE THINKING BEHIND THAT AS A REQUIREMENT.

YES. THE STAFF RECOMMENDED THAT THE TODS BE MADE MANDATORY AND IN PARTICULAR THAT WAS TO ENSURE THE DENSITY, INTENSITY OF THE DEVELOPMENT, WE WANTED IT [INDISCERNIBLE] THESE MASS TRANSIT FACILITIES. IN THE MXD AREA WE ALLOW SINGLE FAMILY HOMES AND DUPLEXES. WE WOULD ALLOW INDUSTRIAL USES AS PERMITTED USES. AND THE CONCERN THAT WE HAVE IS THAT MOST LIKELY YOU WOULD SEE SINGLE FAMILY DEVELOPMENT OCCUR FIRST. AND NEAR THE TOD WE WANT TO MAKE SURE THAT THERE IS DENSITY. SO IT WOULD MAKE IT VERY DIFFICULT IF YOU HAD SINGLE FAMILY DEVELOPMENT START TO OCCUR IN THE TOD OR HAD THE ABILITY TO DO A DENSITY MUCH HIGHER, BUT AS IT ENCROACHES INTO THE TOD IT MAKES A POSSIBILITY OF REDEVELOPMENT IN THE FUTURE AND THE POSSIBILITY OF MUCH DENSE CENTER DEVELOPMENT, WHICH A TOD DOES ALLOW THE MULTI-FAMILY AND CONDOMINIUM TYPE OF DEVELOPMENT. FROM THAT LIKELIHOOD HAPPENED IN -- FIRST RATHER THAN TRYING TO PLAY CATCH UP LATER AND THEN A DEVELOPER TRYING TO BUY BLOCKS OF SINGLE FAMILY, BUY THEM OUT, AMASS LAND TO CREATE THE ABILITY TO DO 12 TO 11 FARMS. THAT'S THE INTENT OF THAT. THE TOD AREA THEMSELVES COULD BE A QUARTER OF AN ACRE -- NOT -- QUARTER OF A MILE IN RADIUS AND THEY WOULD COUNT FOR MAYBE TWO PERCENT OF THE ENTIRE P.U.D. AREA. IF THERE WAS A SINGLE TOD.

MR. GUERNSEY, THE -- IN TERMS OF WHERE THE T.O.D. ZONING WAS GOING TO BE MANDATORY OR PERMISSIVE, IS IT EXCLUSIVELY AROUND POTENTIAL RAIL STOPS OR BUSES, DESCRIBE FOR US THE AREAS WOULD IT -- WHERE IT WOULD BE LOCATED.

LOCATED TO MAJOR MASS TRANSIT FACILITIES, BUS RAPID TRANSIT OR RAIL RAPID TRANSIT FACILITY. THAT'S CORRECT. YOU WOULDN'T JUST FIND IT AT A BOSS STOP, FOR INSTANCE, BUT IT WOULD BE SOMETHING MUCH LARGER THAN THAT.

DO YOU KNOW WHAT DALLAS DOES AROUND ITS TRANSIT STOPS IN TERMS OF ZONING AND DEVELOPMENT?

Guernsey: I DIDN'T LOOK SO MUCH AT DALLAS. I LOOKED AT SOME OF THE STATIONS AND THE PROJECTS FOR TOD'S OUT IN CALIFORNIA. I HAVE LOOKED AT A COUPLE, ACTUALLY BEEN, USED SOME OF THE DART SYSTEM BEFORE. DEPENDS ON WHICH STATION THAT YOU TALK ABOUT. SOME OF THEM ARE MORE RESIDENTIAL IN CHARACTER AND SURROUNDED BY HOMES. AS YOU GET CLOSEST INTO MORE URBAN AREAS YOU START SEEING MORE DENSITY. DALLAS AND A LOT OF THE PLACES OUT IN CALIFORNIA, THEY HAVE ONE DISADVANTAGE THAT WE DON'T HAVE HERE IS THAT A LOT OF THOSE AREAS ARE ALREADY DEVELOPED. THEY ARE ALREADY PLATTED. THIS IS ALMOST A CLEAN SLATE. SO WE DO HAVE AN OPPORTUNITY TO -- THAT DIFFERS FROM A LOT OF THOSE AREAS WHERE WE HAVE THE POTENTIAL OF DOING SOMETHING DENSE NOW THAN RATHER TRYING TO REACT AFTER THE FACT WITH ALREADY HAVING LOTS PLATTED OR HAVING DEVELOPMENT ALREADY IN.

McCracken: I AGREE WITH YOU. I'M VERY CONCERNED THAT IF WE DID NOT REQUIRE THE TOD ZONING AROUND THE MASS TRANSIT STOPS THAT IT COULD UNFORTUNATELY RENDER MASS TRANSIT UNAFFORDABLE OR UNECONOMICAL, WHICH WOULD CAUSE MORE TRAFFIC IN SURROUNDING NEIGHBORHOODS. I LIKE THE RECOMMENDATION, I THINK THAT THAT DEVELOPMENT STANDARD WOULD ENSURE LESS TRAFFIC IN THE NEIGHBORHOOD AND MORE SUCCESS FOR TODS. THE NEXT QUESTION THAT I HAD IS IMREG FOR YOU, ALSO, WOULD YOU DESCRIBE THE ACCESSIBILITY TO ADJACENT NEIGHBORHOODS AND CONNECTIVITY AS WELL. IN ONE SENSE THE ROBINSONS ARE THEIR OWN NEIGHBOR. UNTIL YOU START GETTING TO GRAVEL AND RANCHING OPERATIONS THEY ARE IN ROUND ROCK, EASTERN AND SOUTHWESTERN BOUNDARIES RIGHT NOW ARE 620 AND

PARMER LANE, 250 TO 300 FEET WIDE OF RIGHT-OF-WAY. THE ONLY AREAS WHERE YOU MIGHT HAVE CONNECTIVITY WITH THE EXISTING NEIGHBORHOODS ARE GOING BACK TO PRESTON OAKS, NORTHWOOD, MCNEIL ESTATES WHERE THE OPEN SPACE POTENTIAL IS TO HAVE HIKE AND BIKE TRAILS, STREETS THAT STUB OUT THAT COULD BE EXTENSIONS FOR RESIDENTIAL. BUT AS YOU HAVE HEARD, THEY WOULD LIKE TO MAINTAIN A BUFFER IF THEY ARE NOT USED FOR RESIDENTIAL, OBVIOUSLY, THAT WAS USED FOR SOME COMMERCIAL MORE INTENSE TYPE OF USE TO MAINTAIN A BUFFER FROM THEM. IT DIFFICULT TO REALLY TALK ABOUT CONNECTIVITY BECAUSE THEY ARE THEIR OWN NEIGHBOR AND THEY ARE JUST SO BIG THAT EVERYTHING AROUND THEM PRETTY MUCH THEY ARE BORDERING ARTERIAL ROADWAYS. THERE ARE A FEW PROJECTS, SOME APARTMENTS, ABBOTT LABS, BUT EVEN THEY ARE ARE KIND OF ON THE FRIDGE OF FRINGE. THEY SURROUND MCNEIL HIGH SCHOOL AND COMMERCIAL PROPERTIES. SO THERE'S A POTENTIAL CONNECTIVITY. AS FAR AS CONNECTING TO SOMETHING THAT'S THERE, THERE REALLY SUPERINTENDENT A LOT OF POTENTIAL BECAUSE THERE REALLY ISN'T ANYTHING IN EXISTENCE.

McCracken: AS AN ASIDE, I THINK THAT WE HAVE SEEN CITIES THAT HAVE GONE WITH THE MORE GRID STYLE VERSUS THE MORE SUBURBAN CUL DE SAC AND CLEFT TORE ROADS, THAT JUST -- COLLECTOR ROADS, THAT JUST ESCALATES THE TRAFFIC, RESULTS IN LESS TRAFFIC IN THE SURROUNDING NEIGHBORHOODS TO ADDRESS SOME OF THE CONCERNS THAT WE HAVE SEEN TODAY. THIS COUNCIL IN FACT MR. [INDISCERNIBLE] WHO HAVE WRITTEN THE ARCHITECTURAL PRINCIPLES WHICH ARE ATTACHED THROUGH THE Z.A.P. RECOMMENDATION, HE'S BEEN ACTIVE ALSO ON THE EFFORTS OF -- SEVERAL MEMBERS OF THE COUNCIL ON ARCHITECTURAL AND DESIGN STANDARDS FOR THE COMMUNITY. CAN YOU TELL US IF -- SHOULD THE COUNCIL SUCCEED IN PASSING DESIGN STANDARDS LATER THIS YEAR, AS I HOPE WE DO, WOULD THEY APPLY TO BUILT STRUCTURES IN THIS NEIGHBORHOOD OR WOULD THAT BE TRUMPED?

THAT WOULD HAVE TO BE SOMETHING RENEGOTIATED WITH THE ROBINSONS. RIGHT NOW THE WAY THE AGREEMENTS

ARE SET UP AND THE P.U.D. ORDINANCE IS WRITTEN, IS THAT TODAY'S RULES AND REGULATIONS WOULD APPLY AS THEY ARE MODIFIED BY THESE AGREEMENTS AND BY THE P.U.D. ZONING. SO I KNOW ON THE COAL BASED TAR, THERE'S AN AGREEMENT TO DO THAT KIND OF THING. THEY HAVE AGREED TO LOOK AT DIFFERENT OPTIONS IN THE FUTURE. THAT'S A LOT OF THE REASON WHY THE ZONING AND PLATTING COMMISSION HELD OVER I THINK ABOUT FOUR SUBCOMMITTEE MEETINGS LOOKING AT THESE STANDARDS AND THESE PRINCIPLES AND SPENT A GREAT DEAL OF TIME WITH THOSE TRYING TO I GUESS MAKE SURE THAT WHATEVER DEVELOPMENT COMES IN IN THE FUTURE WOULD BE MORE COMPATIBLE, WOULD BE MORE PEDESTRIAN ORIENTED. SO BUT -- BUT THE AGREEMENT IS AS IT EXISTS TODAY AND NO, THERE WOULD NOT BE AN OPPORTUNITY UNLESS WE GO BACK AND RENEGOTIATE WITH THE ROB SONS.

I -- ROBINSONS,.

Futrell: I DO THINK THAT'S IMPORTANT, BECAUSE THIS HAS BEEN A PARTNERSHIP WITH THE ROBINSON FAMILY. ONE OF THE ADVANTAGES FOR THE ROBINSON FAMILY IS CERTAINTY. THAT IS ONE OF THE THINGS THAT THEY WILL RECEIVE FROM THIS AGREEMENT.

THE REASON WHY I ASKED THAT IS BECAUSE IT IS NOT -- IT HAS NOT BEEN SO FAR VIEWED AT LEAST IN OUR EFFORTS ON DESIGN STANDARDS AS BEING HANDLED -- SOME PORTIONS WOULD -- BUT A LARGE PORTION HAVE NOT BEEN VIEWED AS BEING IMPLEMENTED TO THE ZONING ORDINANCE BUT THROUGH, YOU KNOW, SITE REVIEW FOR INSTANCE OR BUILDING REVIEW, ELEMENTS LIKE THAT. I DIDN'T KNOW IF THE AGREEMENT EVEN WENT TO SITE REVIEW AND BUILDING REVIEW.

Futrell: THIS AGREEMENT BECAUSE IT HAS BOTH A DEVELOPMENT AGREEMENT, IT DOES COVER THINGS BEYOND WHAT IS IN ZONING.

McCracken: I WAS WONDERING, MR. VOSSE IS HERE, WRITTEN THE ARCHITECTURAL PRINCIPLES COULD TELL US A LITTLE BIT ABOUT IT. HIS PRINCIPLES HAVE BEEN ONE OF

THE TEMPLATES FOR EVERYTHING THAT THEY ARE WORKING ON, THEY ARE REALLY, REALLY GOOD. I WONDER IF HE COULD -- IS HE HERE STILL?

Futrell: YES, HE IS.

McCracken: BECAUSE I KNOW THE Z.A.P. COMMISSION PASSED THESE BUT THE PRINCIPLES AS OPPOSED TO ACTUAL IN ORDINANCE FORM, IF HE COULD PERHAPS DESCRIBE THEM FOR US. GOOD AFTERNOON, I DIDN'T COME DRESSED TO SPEAK TODAY. I WAS SITTING IN THE BACK.

YOU ARE LOOKING BETTER THAN THE LAST TIME I SAW YOU, MR. BOSSEY.

IT COMES WITH AGE. ON THE -- AS IT RELATES TO THE ARCHITECTURAL PRINCIPLES THAT WERE DEVELOPED FOR THIS PROJECT, ONE OF THE -- ONE OF THE DIFFICULT THINGS FOR IT -- FOR THIS PROJECT AS WE'VE DISCUSSED IN THE PAST IS THE ROBINSONS ARE NOT DEVELOPERS, THEY ARE NOT PROPOSING TO DEVELOP THE PROPERTY, IN THE NEAR FUTURE, BUT WITH AN EYE TOWARDS THE FUTURE OF 6,000 ACRES OF DEVELOPMENT, WHAT KIND OF PRINCIPLES COULD GO INTO PLACE THAT WOULD HELP GUIDE DEVELOPMENT OUT THERE WITHOUT GETTING INTO Z.A.P. SPENT A LOT OF TIME ON THIS AS IT RELATED TO DEALING WITH SOMETHING THAT DOESN'T HAVE A SITE PLAN ASSOCIATED WITH IT. THESE ARE BROAD ZONING CATEGORIES AND THE DIFFICULTY OF NOT BEING ABLE TO GO BLOCK BY BLOCK AND MAKE DECISIONS ABOUT THAT, HOW DO YOU BACK UP TO THE -- TO THE 10,000-FOOT LEVEL AND PUT INTO PLACE SOMETHING THAT WOULD GUIDE DEVELOPERS IN THE FUTURE ON THE PROPERTY TO COME UP WITH -- WITH THE VISION THAT -- THAT THIS COUNCIL IS TRYING TO LOOK TOWARDS FOR COMMERCIAL DEVELOPMENT. SO THERE'S REALLY NOT A VEHICLE IN PLACE FOR US AT THE TIME TO DEVELOP A SHALL OR MUST OR THAT -- THOSE TYPES OF THINGS BECAUSE THERE'S REALLY NOTHING ON THE DRAWING BOARDS THAT WOULD GUIDE THAT OR HAVE SOMETHING TO RESPOND TO. BUT WE DID TRY TO COME UP WITH SOMETHING THAT WAS BROAD BASED ENOUGH THAT COULD BE ATTACHED TO THIS AGREEMENT AND WHEN SOMEONE IS PROPOSING TO

DEVELOP IN THE ROBINSON RANCH, THESE GUIDING PRINCIPLES WOULD BE SOMETHING THAT ULTIMATELY THIS COUNCIL WOULD -- WOULD SEE DEVELOPERS COME THROUGH HERE IN THE FUTURE, WITH THE ORDINANCES IN PLACE, CERTAINLY IT'S THE COUNCIL'S PREROGATIVE TO ENCOURAGE THE DEVELOPERS IN THE FUTURE TO GO A LITTLE BIT BEYOND THE PRINCIPLES AND -- AND MEET A HIGHER EXPECTATION.

MR. BOSSEY, I GUESS I'M TRYING TO FIGURE OUT HOW THESE WOULD BE IMPLEMENTED IN TERMS OF INDIVIDUAL BUILDING PERMIT AS THE PROJECT CAME ON LINE, LIKE I SAID I HAVE SEEN [INDISCERNIBLE] ON THEM, WE ALL HAVE IN THE GROUP, COULD YOU GIVE US SOME SENSE OF HOW THEY COULD BE APPLIED TO ACTUALLY [INDISCERNIBLE] BUILT ENVIRONMENT, CONSIDERING THAT AUSTIN CURRENTLY HAS NO DESIGN STANDARDS AT THE MOMENT.

FOR ONE THING THE PRINCIPLES THAT ARE PROPOSED HERE ARE ATTACHED TO THE DEVELOPMENT AGREEMENT AND RECOMMENDATIONS OF ZONING AND PLATTING. AND AS SUCH AS A PART OF THE DEVELOPMENT AGREEMENT, ANYBODY DEVELOPING WITHIN THE ROBINSON PROPERTY WOULD BE MADE AWARE OF THE DESIGN PRINCIPLES ASSOCIATED WITH IT. AND IT WOULD BE INCUMBENT UPON THEM TO DESIGN PROJECT ACCORDING WITH THESE PRINCIPLES, WITHOUT HAVING AN ORDINANCE BASED PRINCIPLES FOR THE DESIGN OF FUTURE DEVELOPMENT OUT THERE, AT LEAST THERE IS SOME GUIDELINES IN PLACE TO ENCOURAGE THE TYPE OF DEVELOPMENT THAT WE WOULD LIKE TO SEE IN THE FUTURE.

McCracken: SO YOUR SENSE OF IT, IT COULD NOT BE ENFORCED IT WOULD BE MERELY GUIDING PRINCIPLES.

RIGHT.

McCracken: IS -- ONE OF THE THINGS THAT'S COME UP IN OUR EFFORTS HAS BEEN THE UNANIMOUS BELIEF AMONG REAL ESTATE DEVELOPERS AND NEIGHBORING FOLKS AND ARCHITECTS, URBAN PLANNERS, THAT ONE THING WE WANT TO TRY TO MOVE AWAY FROM AUSTIN AND IN ROUND ROCK, THE BRANDED ARCHITECTURE OR FRANCHISE

ARCHITECTURE THAT A LOT OF NATIONAL RETAILERS BRING IN. DO YOU BELIEVE THAT THE ARCHITECTURAL PRINCIPLES THAT YOU HAVE HERE NOW ACCOMPLISH THAT OR -- WOULD IT BE -- SOMETHING THAT WOULD BE -- I GUESS -- HELPFUL IF IT'S NOT THERE, AS GUIDE BEING PRINCIPLE TO NOT HAVE BRANDED OR FRANCHISE ARCHITECTURE?

I THINK THE PRINCIPLES THAT ARE ASSOCIATED WITH THIS AGREEMENT GO A LONG WAY THIS THAT DIRECTION IN TERMS OF ENCOURAGING A DIFFERENT TYPE OF APPROACH TO FACADE, PERCENT OF WINDOWS, THOSE TYPE OF THINGS, I THINK IT GOES A LONG WAY TO THAT.

McCracken: DOES IT -- I MEAN, IS THERE SOME KIND OF ARTICULATION THAT'S PART OF THE DESIGN PRINCIPLES THAT WE DO NOT WANT LIKE A McDONALD'S OR CHICK-FILET FROM BUILDING THEIR KIND OF COOKIE CUTTER STRUCTURE, MY SENSE IS THAT THE ROBINSON RANCH IS ABOUT SOMETHING DIFFERENT THAN THAT.

YES.

THE PRINCIPLES DON'T SPEAK TO BRANDED ARCHITECTURE, SPECIFICALLY, BUT IN TERMS OF THE COOKIE CUTTER APPROACH FOR PAD SITE DEVELOPMENT, THEY WOULD BE -- IT WOULD BE DIFFICULT TO ACHIEVE THESE DESIGN PRINCIPLES AND STILL END UP WITH SOMETHING THAT -- THAT -- THAT LOOKS LIKE THEY BUILT IT EVERYWHERE ELSE IN AMERICA. CAN YOU DESCRIBE FOR US ONE OF THE THINGS -- ALSO IN OUR WORK TOGETHER THAT HAS COME UP -- THE ISSUE OF WINDOWS AT THE SCALE OF THE SHOPPER. CAN YOU DESCRIBE FOR US WHAT THE PRINCIPLES SPEAK TO IN THOSE TERMS?

ONE OF THE PRINCIPLES ARE REALLY DIRECTED TOWARDS DEALING WITH THIS PARTICULAR CLIMATE. THE NEED FOR DEEP SHADE. THE NEED FOR THE BREAKING UP OF THE FACADES, THE PEDESTRIAN LEVEL. AND HAVING WINDOWS PRIMARILY IN A VERTICAL SCALE THAT -- THAT -- THE ARTICULATION OF THE FAST SADZ OF THE BUILDING -- FACADES, MAKE IT A WALKABLE, DESIRABLE APPROACH, TRYING TO MINIMIZE THE AMOUNTS OF BLANK WALLS, INCLUSION OF MID BLOCK CONNECTIONS, THAT SORT OF A

THING.

THE -- TRYING TO FIGURE OUT, DON, WOULD THIS GO TO YOU OR TO GREG. I GUESS -- IS THERE A -- IS THERE SOME DESIGN PRINCIPLE ENCOMPASSED IN YOUR PRINCIPLES THAT SPEAKS TO THE VALUE OF HAVING WINDOWS AT THE -- AT THE SHOPPERS LEVEL ON THE GROUND FLOOR ALONG THE FRONTAGE, FOR INSTANCE? [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

McCracken: I GUESS THE -- THANK YOU FOR THE HELP YOU'VE GIVEN TO ALL OF US IN THE CITY ON THE LARGER CITYWIDE EFFORT, TOO. IT'S BEEN INCREDIBLY VALUABLE FOR US. MR. GUERNSEY, I ONLY HAVE A COUPLE OF MORE QUESTIONS AND THEY'RE FOR YOU. ONE OF THE ISSUES THAT'S COME UP IN OUR EFFORTS ON PARKING, AND I THINK THAT SEVERAL OF THE FOLKS IN THE ADJACENT NEIGHBORHOODS HAVE SPOKEN TO THIS. THIS IS ONE OF THE BIG CONCERN OF THE CITIZEN SURVEY. AND THAT IS IF THE -- I GUESS THE URBAN BLIGHT OF MASSIVE PARKING LOTS THAT -- LIKE I GUESS SOME OF THE NEIGHBORS ARE CONCERNED JUSTIFIABLY THAT WOULD BE THEIR VIEW. AND IF WE DO ADJUST SOME OF THE PARKING STANDARDS, THE EFFORT, EITHER THROUGH LITIGATION OR THROUGH EFFORTS ON THE MORE PURELY AESTHETIC LEVEL, WOULD THEY HAVE TO BE ADJUSTED IN THIS AGREEMENT AS WELL OR WOULD THEY APPLY CITYWIDE.

IT WOULD PROBABLY BE ADJUSTED IF WE CAME UP WITH A NEW PARKING. I GUESS PARKING STANDARDS THROUGHOUT THE CITY. BUT THE AGREEMENT DOESN'T PRECLUDE -- THE ROBINSONS AND THE CITY, WE'VE WORKED TOGETHER IN BRINGING MOTOROLA INTO THE CITY OF AUSTIN. AND IT WOULD BE SOMETHING BENEFICIAL BOTH TO THE CITIZENS OF AUSTIN AND TO THE ROBINSONS, AND THAT TYPE OF DEVELOPMENT GIVEN THE TRANSIT OPPORTUNITIES THAT ARE AVAILABLE, I THINK THAT THEY WOULD PROBABLY BE OPEN TO THAT. MR. SUTTLE CAN PROBABLY SPEAK TO THAT, BUT IF IT'S SOMETHING THAT WORKS TO EVERYONE'S ADVANTAGE, I DON'T SEE WHY WE COULDN'T WORK TOGETHER AND MAKE AN AMENDMENT THAT WOULD BENEFIT BOTH PARTIES.

McCracken: AND I'D ALSO SAY THAT I'M COMFORTABLE WITH THAT. MR. SUTTLE IS ANOTHER VALUABLE PARTICIPANT IN THESE EFFORTS FOR BUILDING A BETTER ENVIRONMENT IN THE ENTIRE CITY.

MAYOR, MEMBERS OF THE COUNCIL, THIS AGREEMENT IS SET UP AND IT'S GOT A PROVISION IN IT, FOUR AMENDMENTS TO IT. WE OBVIOUSLY IN THE AMOUNT OF TIME THAT WE HAD COULDN'T THINK OF EVERYTHING AND HOW THINGS ARE GOING TO CHANGE. THE ROBINSON FAMILY AND THE RELATIONSHIPS THEY'VE HAD WITH THE CITY FOR 100 YEARS, ANYTHING THAT'S BEEN REASONABLY ASKED OF THEM THEY'VE GONE ABOVE AND BEYOND TO TRY TO HELP THE CITY. AND I THINK THIS IS A 45-YEAR AGREEMENT AND OBJECT JUSTLY WE'RE GOING TO HAVE -- OBVIOUSLY WE'RE GOING TO HAVE CHANGES. AND I THINK KNOWING SPIKE AND BRAD, I KNOW THERE'S A COMMITMENT THERE THAT AS THINGS CHANGE, I WOULD HOPE THAT THE CITY WOULD BE ENCOURAGED TO COME ASK AND SAY, IS THIS SOMETHING THAT YOU WOULD CONSIDER? ALONG THE LINES OF THE MANDATORY TOD'S, COUNCILMEMBER MCCRACKEN, YOU RAISED IT. OUR FIRM HAS RESEARCHED TOD'S ALL OVER THE COUNTRY. WE HAVE A CLIENT THAT'S ASKED US TO LOOK AT THIS. WE FEEL STRONGLY AND HAVE RECOMMENDED TO THE ROBINSONS AND ARE HAPPY WITH THE ZAP RECOMMENDATION THAT AT THIS POINT TOD'S BE DISCRETIONARY AND HERE'S WHY. THERE ARE MANY DIFFERENT KINDS OF TOD'S AND THEY ALL FUNCTION DIFFERENTLY AND THERE'S NO COOKIE CUTTER APPROACH, THERE'S NO ONE SIZE FITS ALL. AND YOU CAN REALLY BLOW IT BY MANDATING SOMETHING THAT DOESN'T -- THAT WE FIND OUT DOESN'T WORK LATER. THE WAY THE AGREEMENT AND THE ORDINANCE IS STRUCTURED NOW IS THAT THE MXD HAS -- MSD HAS A LOT OF DENSITY IN IT ANYWAY AND THEN THE TOD HAS MORE. IF YOU MAKE TOD MANDATORY, ON THIS TRACT TODAY THERE ARE NO TRANSIT STOPS, THERE ARE NO MASS TRANSIT FACILITY, SO YOU'VE GOT THIS CHICK N AND EGG THING THAT YOU MAY NOT ACCOMPLISH WHAT MR. GUERNSEY WAS TALKING ABOUT. YOU DON'T KNOW WHETHER DEVELOPMENT IS GOING TO COME FIRST OR TRANSIT IS GOING TO COME FIRST. I WOULD URGE THE CANCEL TO STICK WITH THE AGREEMENT AND

THE PLANNING COMMISSION -- OR THE ZAP RECOMMENDATIONS, AND LET MARKET AND LET US WORK WITH THE TRANSIT AUTHORITIES, WITH THE CITY AND WITH THE MARKET TO DETERMINE HOW THESE ARE GOING TO WORK SO THAT THEY WILL WORK. WE'VE TALKED TO MAJOR DEVELOPER OUT IN CALIFORNIA WHO SAID THAT A LOT OF THE TOD'S OUT THERE HAVE FAILED BECAUSE EVERYBODY THOUGHT THEY KNEW WHAT NEEDED TO BE AROUND THEM AND THEY MANDATED IT AND THERE'S NO RIDERSHIP. YOU NEED FLEXIBILITY TO KNOW HOW THAT WORKS. AND SO WE'RE ASKING THAT IT STAY DISCRETIONARY AND LET ALL THE GOOD MINDS, INCLUDING PEOPLE LIKE CALTHORP, DETERMINE WHAT SHOULD BE AT THE DIFFERENT TOD'S.

McCracken: I THINK THAT'S A VERY FAIR POINT. MY CONCERN IS WHAT MR. GUERNSEY BROUGHT UP, AND THAT IS THAT SINGLE-FAMILY, FOR INSTANCE, TYPICALLY WOULD DEVELOP MORE QUICKLY AND IT MIGHT UNDERMINE THE COST EFFECTIVENESS OF TRANSIT IN THE AREA, BUT AT THE SAME TIME THERE IS A DEGREE OF UNPREDICTABILITY, BECAUSE WE SAW THE ELECTION, FOR INSTANCE, AND PART OF THIS INVOLVES WHETHER... IT MOVES OFF THAT LINE. IS THERE SOME MIDDLE LINE WHERE WE CAN ENSURE THAT WE DON'T HAVE A BUNCH OF SINGLE-FAMILY HOMES THAT ARE THEN FIGHTING, YOU KNOW, A TRANSIT STOP IN THE AREA WHEN IT ACTUALLY WOULD HELP THE TRAFFIC, FOR INSTANCE? BUT NOT LOCK EVERYBODY IN. DO YOU THINK THERE'S A MIDDLE GROUND THERE?

WE THINK THERE'S A MECHANISM ALREADY IN THIS AGREEMENT AND IN THIS CASE BECAUSE THE CONTROL IS STILL IN THE ROBINSON FAMILY. AND OBVIOUSLY IT WOULD NOT SERVE THE ROBINSONS WELL TO SAY, YOU KNOW, TODAY LET'S DO A BUNCH OF SINGLE-FAMILY ALONG OUR RAIL LINES BECAUSE THEN -- BECAUSE THAT WOULDN'T BE SMART. OBVIOUSLY IT WOULDN'T BE SMART. I THINK THERE WILL BE RESERVATIONS AROUND THERE TO SEE IF WE WILL HAVE RAIL STOPS, WHAT KIND OF TRANSIT, WHAT KIND OF MASS TRANSIT FACILITY. AND THE MECHANISM IS IN THERE NOW TO MAKE SURE WE KEEP THAT FLEXIBILITY OPEN. AND 6,000 ACRES, WE HAVE THE ABILITY TO PLAN AND WE ALSO HAVE THE ABILITY TO KEEP THE MARKET INVOLVED IN THAT

PLANNING.

Mayor Wynn: COUNCIL, I HATE TO CUT IN, BUT THERE'S SEVERAL OF US THAT WILL ACTUALLY HAVE A COUPLE OF COMMENTS FOR SOME OF THE DOCUMENTATION ON THIS AND THERE STILL NEED TO BE A LITTLE MORE DISCUSS ON A COUPLE OF THESE ISSUES WE'VE TALKED ABOUT, SO WITHOUT OBJECTION, LET'S RECESS IN TIME FOR OUR 5:30 LIVE MUSIC AND PROCLAMATIONS AND THEN PERHAPS THERE WILL BE SOME DISCUSSION OFF THE DAIS AND WE'LL TAKE THIS UP AGAIN QUICKLY AFTER LIVE MUSIC AND PRODUCTIONS. SO WE ARE NOW RECESSED. THANK YOU.

Mayor Wynn: OKAY. FOLKS, IT'S TIME FOR OUR LIVE MUSIC CONCERT AT THE AUSTIN CITY COUNCIL MEETING. WE'RE RUNNING A FEW MINUTES LATE, BUT WE'RE GOING TO PICK IT UP HERE WITH JOHN DEEREY AND THE MEAN GRUENE MACHINE. THIS GROUP PLAYS A UNIQUE BLEND OF TEXAS MUSIC THAT'S SOMEWHERE BETWEEN COUNTRY AND ROCK. JOHN DEEREY IS THE SONG WRITER AND LEAD SINGER. STEWART KUNDY WRITES THE MUSIC AND PLAYS GUITAR AND THOMAS PROVIDES THE BASE LINES. FOLKS... TOGETHER FOR SIX MONTHS, THESE GUYS ARE PASSIONATE ABOUT THEIR MUSIC AND FULFILLING THEIR DREAMS, SO PLEASE -- THEIR DREAMS, SO PLEASE HELP ME IN WELCOMING JOHN DEEREY AND THE MEAN GRUENE MACHINE. [APPLAUSE] (music)(music) CLEAR CLEAR(music)(music) CLEAR CLEAR (music)(music) [(music) MUSIC PLAYING (music)(music)] [(music) MUSIC PLAYING (music)(music)] [APPLAUSE]

Mayor Wynn: SO JOHN, TELL US, WHERE CAN WE HEAR YOU SOON AND HOW DO WE GET YOUR CD'S, DO WE HAVE A WEBSITE?

WE ARE PLAYING IN AUSTIN NEXT WEDNESDAY AT LA FALPALPA ON 290 AND CAMERON ROAD AND WE'RE PLAYING THIS WEEKEND AT NEW BRAUNFELS DOWN AT A BAR CALLED GRUMPY GRING'S. AND ONE OF THE BANDS WE PLAY FOR IS THE BREWSTER MCCrackEN BAND. I DIDN'T KNOW WHERE THEY GOT THEIR NAME, BUT I GUESS I FIGURED IT OUT. SO THE WEBSITE IS GRUENE MACHINE.COM. SPELLED LIKE GRUENE, TEXAS. YOU CAN FIND OUT ALL THE INFORMATION

ABOUT WHERE WE'LL BE AND WHAT WE DO ON THAT.

Mayor Wynn: GREAT. BEFORE YOU WALK OUT OF HERE WE HAVE AN OFFICIAL PROCLAMATION THAT READS: BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS THE DEDICATED EFFORTS OF ARTISTS FURTHER AUSTIN'S STATUS AS THE LIVE MUSIC CAPITOL OF THE WORLD, NOW THEREFORE I, WILL WYNN, MARY OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM TODAY, JUNE 17TH, 2004 AS JOHN DEEREY AND THE MEAN GRUENE MACHINE DAY IN AUSTIN AND CALL ON ALL CITIZENS TO JOIN ME IN CONGRATULATING THIS GREAT TALENT. [APPLAUSE]

Mayor Wynn: YOU KNOW BUDGETS ARE TIGHT WHEN THE CITY OF AUSTIN MAKES A WOMAN CARRY FURNITURE AROUND. [LAUGHTER] SORRY. OKAY. OUR FIRST OFFICIAL SERIES OF PROCLAMATIONS ACTUALLY IS A CERTIFICATE OF APPRECIATION TO ALL OF OUR CLEAN AIR PARTNERS, AND A DOZEN OR MORE OF US ARE HERE, IF Y'ALL CAN PLEASE COME JOIN ME. WHY DON'T YOU COME HERE BEHIND ME. WELCOME. HEY, EVERYBODY. MOST FOLKS ARE PROBABLY AWARE THAT REALLY FOR SEVERAL YEARS NOW CENTRAL TEXAS HAS BEEN UNDER A MANDATE AS WE TRY TO CLEAN UP OUR AIR TO KEEP FROM GOING INTO WHAT'S CALLED NON-ATTAINMENT FROM THE FEDERAL CLEAN AIR ACT. AND IN ANTICIPATION OF THAT TRAGEDY OTHERWISE OCCURRING, WE FORMED A CLEAN AIR COALITION TO PUT FORTH ULTIMATELY AN EARLY ACTION CONTACT. THAT IS, ALLOW -- ASKING THE E.P.A., THE FEDERAL GOVERNMENT AND THE STATE GOVERNMENT, TEAK, TO ALLOW US AS -- THE TCEQ, TO LAW LOU US US AS A FIVE-COUNTY REGION THAT WE THINK THE MEASURES CAN HAVE A POSITIVE IMPACT ON AIR QUALITY AND NOT HAVE TO GO INTO ATTAINMENT THAT OTHERWISE SURELY WOULD HAVE HAPPENED. AND WE ARE -- I'M VERY PLEASED TO PRESENT THESE NEWLY CRAFTED, THESE ARE BRAND NEW, HOT OFF THE PRESS, NEWLY DESIGNED CITY OF AUSTIN CERTIFICATES OF APPRECIATION TO THE INDIVIDUAL CLEAN AIR COALITION PARTNERS. WHAT I THOUGHT I MIGHT DO IS ASK FRED BLOOD, CITY OF AUSTIN STAFFER WHO HAS BEEN

INSTRUMENTAL FOR THESE YEARS TO PERHAPS BEGIN HANDING THEM OUT WHILE I SIMPLY READ OFF THE NAME OF ALL THE COALITION PARTNERS, ALL OF WHOM COULDN'T BE HERE, BUT I WANT TO MAKE SURE THEY GET THEIR CERTIFICATES AND THEN WE'LL HAVE FRED SAY A FEW WORDS AND PERHAPS A FEW OTHERS. SO IT LOOKS LIKE THE RELATIVELY INCLUSIVE CLEAN AIR COALITION PARTNER LIST INCLUDE DEDEANNA (INDISCERNIBLE), CANDACE BAKER, GORDON BAKER, ANNETTE (INDISCERNIBLE). HAZEL (INDISCERNIBLE), FRED BLOOD, SAL DUR REN BURGER. BILL GILL, SANDY HINGES. JUDY METS GER. STACY NEVE, SHANNON NORTON. THOMAS PADOLVEK, JEAN PETERSON, JULIA RAGSDALE, KATHY STEPHENS, SEE LEAN WALKER, BOBBY (INDISCERNIBLE) AND CATHERINE WILLIAMS. PLEASE JOIN ME IN CONGRATULATING ALL OF THE CITY OF AUSTIN AND CENTRAL TEXAS CLEAN AIR PARTNERS. [APPLAUSE] AND IN FACT, I'LL ASK KATHY STEPHENS FROM CAPCO, OUR AREA -- WHAT DOES CAPCO STAND FOR? CAMPO. TO HELP US SORT OF FRAME HOW COMPLICATED THIS MULTI-YEAR TASK HAS BEEN, BEGINNING WITH THESE DOZEN OR MORE INDIVIDUAL PARTNERS. KATHY?

I'VE BEEN VERY GRATIFYING TO WORK WITH ALL THESE PEOPLE THE PAST FEW YEARS. WORKING DAILY, DAY IN, DAY OUT, ENDLESS AIR QUALITY MEETINGS, WE'VE DECIDED THAT'S WHAT EAC STANDS FOR IS THE ENDLESS AIR QUALITY MEETING CLUB. TO CRAFT A PLAN THAT WORKS FOR THE FIVE COUNTIES, WE'VE HAD PARTNERS FROM THE COUNTIES WORK WITH US TO FIND A APPROACH THAT WOULD HAVE EVERYBODY DO THEIR FAIR SHARE AND MORE THAN THEIR FAIR SHARE, AND WE'RE VERY PROUD THAT WE HAVE DEVELOPED A SUCCESSFUL PLAN THAT WE BELIEVE WILL WORK FOR THE REGION. [APPLAUSE]

Mayor Wynn: FOR THIS NEXT PROCLAMATION WE'LL HAVE MS. ELSA POTTER JOIN ME. WELCOME. THANK YOU. HOW ARE YOU? THIS PROCLAMATION IS REGARDING THE INTERNATIONAL INSTITUTE OF CULTURE AND LANGUAGE RECOGNITION WEEK. AND THE PROCLAMATION READS: BE IT KNOWN THAT WHEREAS, THE INTERNATIONAL INSTITUTE OF CULTURE AND LANGUAGE IS A GROUP COMMITTED TO THE DISCOVERY AND CELEBRATION AND BROTHERHOOD THROUGH CULTURAL SHARING AND WHEREAS AT A TIME OF

INCREASING FEAR AND DISTRUST BETWEEN PEOPLES AND NATIONS, THE IICL WORKS FOR PEACE AND UNDERSTANDING BY SPONSORING INTERCULTURAL DIALOGUES IN SMALL GROUP RETREATS AND WHEREAS WE CONGRATULATE THE INSTITUTE ON ITS 10th ANNIVERSARY OF WORKING TOWARDS THE CAUSE OF PEACE AND UNDERSTANDING BETWEEN PEOPLE OF DIFFERENT CULTURAL BACKGROUNDS. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HERE BY PROCLAIM JUNE, 2004 AS INTERNATIONAL INSTITUTE OF CULTURE AND LANGUAGE RECOGNITION MONTH AND PLEASE JOIN ME IN CONGRATULATING ELSA AS WE ALSO ASK HER TO SAY A FEW WORDS. CONGRATULATIONS AND THANK YOU. [APPLAUSE]

THANK YOU, YOUR HONOR. IN A TIME OF INCREASING FEAR AND DISTRUST, THAT'S A PRETTY SAFE STATEMENT, BUT WE IN OUR VERY FEW IN NUMBER, BUT WE'RE VERY DEEP IN PURPOSE, HAVE SAT TOGETHER IN THIS PAST SEASON OF MEETING AND WE MEET ONE TIME A MONTH FOR AN HOUR AND A HALF, AND WE CARRY ON INTERCULTURAL DIALOGUES WITH PEOPLE OF OTHER -- DIALOGUES WITH PEOPLE OF OTHER BELIEF SYSTEMS AND OTHER ETHNIC BACKGROUNDS. SO WE HAVE SET UP SOME WONDERFUL TALKS WITH MUSLIMS, AND WE WOULD LIKE TO HAVE IT KNOWN THAT WE ARE VERY PROUD OF THE FACT THAT WE'RE NOT AFRAID OF EACH OTHER. NOBODY IS AFRAID OF ANYBODY. WE COME TOGETHER AND WE FEEL LIKE EACH ONE OF US IS DOING WHAT ONE PERSON CAN DO, EACH AND EVERYDAY WE ASK OURSELVES, AM I REALLY DOING WHAT ONE PERSON CAN DO TO MAKE THE WORLD A BETTER OFF PLACE? AND IT WOULD ONLY TAKE A FEW OF US, BUT WE'RE ALWAYS INTERESTED IN MORE, QUITE CERTAINLY. SO TIDINESS IS ONE POINT. AND THE INCREASING RIPPLES OF CONCENTRIC RADIATION THAT GO OUT ARE HOPEFULLY ANOTHER THING. WE WANT TO BE REALLY WELL-KNOWN. WE WANT TO REALLY BE KNOWN AND HOPEFULLY REMEMBERED AS WE RAISE OUR MODEST LITTLE FORM ON THE SKYLINE OF AUSTIN OF TEXAS, OF OUR DEAR COUNTRY AND OF THE WORLD. THANK YOU. [APPLAUSE]

Mayor Wynn: CONGRATULATIONS.

Dunkerley: LISA GORDON, WOULD YOU STEP FORWARD? THIS IS A PARTICULAR PLEASURE FOR ME TO PRESENT AN AWARD TO ONE OF MY COLLEAGUES WHO IS GRADUATING FROM AN ASSISTANT CITY MANAGER POSITION TO BEING A CITY MANAGER OF HER OWN LITTLE CITY. SO WE'RE SO PROUD OF YOU. SO LET ME TAKE THIS MOMENT TO RECOGNIZE YOU FOR THE SERVICE THAT YOU'VE GIVEN OUR CITY HERE IN AUSTIN. THIS IS A DISTINGUISHED SERVICE AWARD FOR LISA GORDON FOR HER TIRELESS DEDICATION AND EXEMPLARY TEAMWORK WHILE IN THE PUBLIC AND POLITICAL SPOTLIGHT FOR THE PAST THREE YEARS, FOR HER SKILL AND DIPLOMACY IN DEALING WITH PEOPLE UNDER SOMETIMES CHALLENGING CIRCUMSTANCES, FOR HER GOOD HUMOR, HER FORTITUDE AND FAIRNESS AND FOR HER COLLABORATIVE WORK TO ENHANCE THE QUALITY OF LIFE FOR ALL THE CITIZENS HERE IN AUSTIN. LISA GORDON IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. THERE IS NO GREATER CALLING THAN PUBLIC SERVICE, SO THANK YOU FOR YOUR CONTRIBUTION TO OUR CITIZENS AND TO OUR CITY OF AUSTIN. YOU WILL BE TRULY MISSED. THE OTHER CITY HAS A GREAT WOMAN. SO THIS IS PRESENTED TO YOU THE 17TH DAY OF JUNE, 2004. IT IS FROM THE MAYOR WILL WYNN AND MAYOR PRO TEM JACKIE GOODMAN AND ALL OF THE CITY COUNCILMEMBERS. SO THANK YOU VERY MUCH. [APPLAUSE]

Futrell: I'M GOING TO TAKE A POINT OF PERSONAL PREFERENCE BECAUSE LISA HAS SERVED ON MY EXECUTIVE TEAM. SHE'S BEEN A KEY MEMBER OF OUR EXECUTIVE TEAM. LISA TOOK A BOWLED AND BRAVE MOVE WHEN SHE MOVED HER FAMILY HERE ACROSS THE COUNTRY TO AN UNKNOWN CITY FOR HER AND HAS SERVED US TRUE, HARD AND WELL. TOOK ON SOME OF THE MOST CHALLENGING AND STRESSFUL PROJECTS OVER THE LAST FEW YEARS. SHE'S GOING TO BE A GREAT LOSS TO OUR EXECUTIVE TEAM, IRRELEVANT REPLACE BELIEVE AND UNFORGETTABLE, AND MOVING ON TO GREAT THINGS AS CITY MANAGER. SO THANK YOU, LISA, FOR EVERYTHING YOU'VE DONE FOR US. [APPLAUSE]

THIS IS MY LAST TIME AT THE PODIUM, SO I'M GOING TO MAKE IT BRIEF. BUT I'D JUST LIKE TO LET Y'ALL KNOW THAT PRAYER WORKS. AS I'VE BEEN IN THIS JOB I FELT LIKE I WAS LED HERE, IT WAS KIND OF DESTINY, AND MY HUSBAND HAS

BEEN MY GREATEST SUPPORTER, GREG GORDON, THAT'S HIM IN THE BACKGROUND. AT THE LATE MEETINGS AND WEEKEND MEETINGS, HE'S BEEN THERE WITH OUR KIDS, HE'S BEEN MY GREATEST SUPPORTER, AND HE'S HAD TO SACRIFICE ON HIS CAREER TO HELP MINE GO FORWARD. SO I GIVE GREAT ADMIRATION AND RESPECT TO HIM AND I LOVE HIM VERY MUCH. THANK YOU, SWEETHEART. ON THE TEAM, I'D LIKE TO THANK TOBY FUTRELL. SHE'S BEEN A GREAT SUPPORTER. WHEN SHE WAS CITY MANAGER BEFORE I CAME OVER, SHE WAS DEPUTY AND SHE SAID WHAT DO YOU NEED TO KNOW, WHO DO YOU NEED TO KNOW AND HOW CAN I HELP YOU AND SHE'S ALWAYS BEEN THAT WAY IN HELPING ME FORGE MY CAREER. I'VE BEEN FORTUNATE TO SERVE UNDER THREE MAYORS, MAYOR GARCIA, MAYOR WATSON AND CURRENTLY MAYOR WYNN. THEY HAVE ALL TAUGHT ME A LOT AND THEY'VE ALL TREATED ME WITH THE UTMOST RESPECT. MAYOR PRO TEM GOODMAN AND THE OTHER COUNCILMEMBERS HAVE BEEN INVALUABLE IN MY EDUCATION, AND I THINK THE RELATIONSHIPS I'VE DEVELOPED WITH THEM WILL HELP ME BE A CITY MANAGER AND THEY'VE SHOWN ME HOW TO RELATIONSHIP A GOOD RELATIONSHIP WITH THE COUNCIL. I WOULD ALSO LIKE TO THANK MY CMO TEAM. WE HAVE ONE OF THE MOST TALENTED TEAMS I'VE EVER SERVED ON BUT A VERY HELPFUL TEAM. YOU CAN ALWAYS GO TO SOMEONE IF YOU NEED HELP AND A LOT OF TIMES IN HIGH PRESSURE SITUATIONS YOU CERTAINLY NEED A LOT OF HELP AND SOME SOUND ADVICE. SO THAT'S BEEN WONDERFUL. AND THEN I'D LIKE TO THANK ALL THE STAFF THAT I'VE WORKED WITH AND THE DIRECTORS, AND PARTICULARLY A COUPLE OF PEOPLE WHO OUGHT TAUGHT ME A LOT ABOUT NEIGHBORHOOD PLANNING. ALICE GLASGO AND HER STAFF HELPED EDUCATE ME AS WELL AS NANCY McCLINTOCK AND HER ENVIRONMENTAL STAFF. I'M AN HONORARY ENVIRONMENTALIST AFTER ALL THAT THEY'VE TAUGHT ME ABOUT ENVIRONMENTAL ISSUES, AND I CAN DO GO TOE TO TOE WITH ANYBODY ON ENVIRONMENTAL ISSUES. BUT BEFORE I CAME HERE I REALLY DID NOT HAVE THAT DEPTH OF KNOWLEDGE. AND AS I GO TO MY NEW CITY I KNOW WHAT IT MEANS TO BALANCE THE ENVIRONMENTAL ISSUES WITH THE GROWING PRESSURES OF DEVELOPMENT IN YOUR CITY. SO I THANK EVERYONE HERE. IT'S BEEN MY PLEASURE

TO SERVE THE CITIZENS OF AUSTIN AND THE CITY COUNCIL AND MAYOR AND EVERYONE 'HERE. THANK YOU. BECAUSE OF THE WORK HERE I'LL BE ABLE TO MOVE AHEAD AS CITY MANAGER OF EAST POINT, GEORGIA, WHICH IS THE FASTEST GROWING SUBURB IN GEORGIA, OUTSIDE OF ATLANTA. AND HOPEFULLY I'LL SEE YOU GUYS WHEN YOU COME AND VISIT. THANK YOU. [APPLAUSE] >>

DUNKERLEY: IT'S MY PLEASURE ALSO TO PRESENT ANOTHER DISTINGUISHED SERVICE AWARD TO A GREAT PUBLIC SERVANT THAT I'VE HAD A LOT OF PLEASURE IN WORKING WITH FOR THE LAST 13 YEARS. THIS DISTINGUISHED SERVICE AWARD IS PRESENTED TO MARION ARMSTRONG FOR HIS UNTIRING SERVICE AND DEDICATION TO THE CITIZENS OF AUSTIN DURING HIS 13-YEAR CAREER WITH THE CITY. MARION ARMSTRONG IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. MR. ARMSTRONG STARTED AS AN EXECUTIVE ASSISTANT TO FORMER CITY COUNCIL RONNIE REYNOLDS THAT I SEE IN THE AUDIENCE, AND THEN JOINED THE TREASURY OFFICE IN 1997. HE ESTABLISHED THE CITY'S UNCLAIMED PROPERTY PROGRAM, WHICH HAS RECEIVED WIDE ACCLAIM STATEWIDE BECAUSE IT WAS ONE OF THE FIRST TO PROVIDE ONLINE ACCESS TO INFORMATION, AND IS STILL ONE OF THE FEW TO DO SO TODAY. THIS CERTIFICATE IS PRESENTED IN ACKNOWLEDGMENT AND APPRECIATION FOR HIS FINE CAREER THIS 17TH DAY OF JUNE IN THE YEAR 2004. CITY COUNCIL OF AUSTIN, TEXAS, SIGNED BY MAYOR WILL WYNN AND ALSO SIGNED BY JACKIE GOODMAN AND ALL THE REST OF US. AND I WAS SO FORTUNATE TO HAVE HAD MARION WORK FOR ME FOR MANY, MANY YEARS. SO I THANK YOU FOR ALL THE GOOD HARD WORK YOU'VE DONE, AND I REALLY APPRECIATE IT. [APPLAUSE]

Futrell: NO, NO. MANY OF YOU MAY NOT REALIZE THAT WE'RE GOING TO BE LOSING MARION AND MAGGIE TO ANOTHER CITY. THAT MARION PLAYS THE UKELELE. AND THAT WE INTEND TO HAVE HIM BACK FOR LIVE MUSIC SO THAT YOU OWE ON OWE YOU THINK YOU CAN -- YOU THINK YOU CAN GET AWAY, MARION, BUT YOU'VE GOT TO COME BACK. THANK YOU FOR ALL YOUR SERVICE TO THE CITY. YOU'VE BEEN A TREMENDOUS EMPLOYEE AND YOU EXEMPLIFY PUBLIC SERVICE AS DOES MAGGIE. SAY A FEW WORDS TO

US. [APPLAUSE]

WELL, THANK YOU VERY MUCH FOR THIS PROCLAMATION. AND, OF COURSE, THE VERY KIND WORDS. AS RONNIE USED TO SAY BEFORE EVERY COUNCIL MEETING, WELL, MARION, IT'S SHOW TIME. SO I'LL BRING THE UKE BACK AND I'LL GET TO DO THAT. WHILE WORKING WITH COUNCILMEMBER RONNIE REYNOLDS, WHO IS HERE, AND HIS WIFE MARIAN, WHO IS HERE, EVERY WEEK OUR APPRECIATION AND RESPECT DUE TO HER TECHNICAL AND SOCIAL SKILLS AND HER TIRELESS EFFORT TO BE HELPFUL. AND ONE OF THE THINGS THAT ALWAYS SURPRISED ME DURING THOSE SIX YEARS WAS THAT EVERYONE IN THE CITY, EVEN THOUGH THEY DIDN'T ALWAYS AGREE WITH OUR POSITION, THEY NEVER -- THEY NEVERTHELESS WORKED VERY HARD TO PROVIDE WHAT WAS ASKED FOR AND WHAT WAS NEEDED. DURING THAT TIME I HEARD SOME SAY, WELL, THE COUNCIL ALWAYS GET WHAT IT WANTS. WELL, I KNOW NOW FROM MY ASSIGNMENT IN THE TREASURY DEPARTMENT WORKING WITH ASSOCIATES IN EVERY SINGLE DEPARTMENT IN THE CITY THAT THAT WAS NOT A FAIR ASSESSMENT. BEING HELPFUL IS JUST THE WAY THEY REALLY ARE. IF THIS WERE NOT SO, I WOULD NOT LIKELY BE UP HERE RECEIVING THIS PROCLAMATION TODAY. THERE WAS ONE ASSOCIATE WHO COULD MEDIATE, SOLVE PROBLEMS AND ENABLE COUNCILMEMBERS ON BOTH SIDES TO DEBATE THE ISSUES VERY WELL. HARDLY A WEEK WENT BY WHEN RONNIE REYNOLDS HAD HIS MEETING WITH THE CITY MANAGER THAT WE DIDN'T FIND OURSELVES THANKING HIM FOR TOBY FUTRELL. WITHOUT TOBY FUTRELL AND BETTY DUNKERLEY, I'M NOT SURE THAT THE SOMEWHAT DIVIDED CITY COUNCIL DURING THOSE SIX YEARS WOULD HAVE ACCOMPLISHED ALL THAT THEY DID. IT SEEMS TO ME THAT BETTY AND TOBY HAVE SHOWN EVERYONE IN AUSTIN WHAT ALL OF US WORKING IN THE COUNCIL'S OFFICE KNEW ALL ALONG, THESE TWO PEOPLE ARE REALLY SOMETHING ELSE WHEN IT COMES TO FOCUSING IN ON AND GETTING THINGS DONE. I WORKED FOR THE LAST SEVEN YEARS IN ONE OF THE TOP CITY DIVISIONS, YOUR TREASURY DEPARTMENT. THEY ARE A TEAM OF PEOPLE WHO ARE VERY WELL PREPARED FOR THIS ASSIGNMENT AND WHO ARE DEDICATED TO ACHIEVING THOSE GOALS. AND, OH YEAH, THEIR FINANCIAL

STRATEGIES DO SAVE US MONEY AND THEY MAKE MONEY FOR THE CITY. HAVING ATTENDED -- THIS IS FUNNY HERE. HAVING ATTENDED SEVERAL ANNUAL -- LISTEN TO ALL THIS - - GOVERNMENT TREASURY ORGANIZATION OF TEXAS SEMINARS, NO WONDER THEY CALL IT THE GPO. AND THROUGH SOME CONTACTS AT THE COUNTY AND THE STATE, IT IS A FACT THAT YOUR TREASURY DIVISION IS VERY WELL RESPECTED THROUGHOUT THE ENTIRE STATE OF TEXAS. MY ASSIGNMENT --... THEY USED TO GET AROUND A LOT SAYING, WELL, AT LEAST MARION IS SMART ENOUGH TO GO AROUND AND GET TO ANOTHER DIVISION BEFORE THEY GOT A CHANCE TO FIRE HIM. OF COURSE, THEY WERE KIDDING, I THINK. [LAUGHTER] ANYWAY, IT SEEMS TO ME LIKE MY CAREER HAS BEEN ONE OF LEAVING AND HAVING TO -- LEAVING AND HAVING TO SAY GOOD-BYE. THESE GOOD DPI BIS DO NOT SEEM TO GET ANY EASIER AND THIS ONE IS PROBABLY THE TOUGHEST OF ALL. I'M JUST AS HONORED TO HAVING BEEN ALLOWED TO WORK WITH THE CITY STAFF AND I WAS WORKING WITH THE CITY COUNCIL. I WISH IT WAS FOREVER, BUT FATHER TIME AND MOTHER NATURE SAYS FORGET THAT. SO, THANK ALL OF YOU FOR BEING HERE AND DOING WHAT YOU DO FOR THE CITY. I LOVE ALL OF YOU FOR IT AND PAINFULLY ONCE AGAIN, I HAVE TO SAY GOOD-BYE. [APPLAUSE]

Mayor Wynn: AFTER A VERY SHORT BREAK WE'LL CONCLUDE THE CITY COUNCIL MEETING.

McCracken: CAN YOU TELL US ABOUT THAT?

WE'VE BEEN MEETING WITH CAPITAL METRO, WORKING WITH THEM. THEY'VE BEEN WORKING WITH CALTHORP, THE PLANNER. WE'VE BEEN WORKING WITH BOB ALSO AND WORKING WITH THAT. AND WE ARE STUDYING IT AND LEARNING ABOUT IT, HAVING MEETINGS, REGULAR MEETINGS, TO LEARN ABOUT HOW THESE THINGS SHOULD WORK, HOW THEY SHOULD BE, WHAT WE SHOULDN'T DO. AND BASICALLY WE'RE -- OUR INTENT IS THE SAME AS YOURS, NOT TO DO SOMETHING THAT WOULD PRECLUDE MASS TRANSIT AND RAIL AND THE THINGS THAT WE'RE TRYING TO ACCOMPLISH IN OUR CITY.

McCracken: AND FOR THE ROBINSONS AND YOURSELVES AND

MR. (INDISCERNIBLE) WILL KEEP WORKING WITH CAL THORPE, IS IT THE GOAL TO COME UP WITH A LAND USE PLAN THAT WOULD ACCOMPLISH THE GOALS, THE TRANSIT ORIENTED GOALS AND ZONING AROUND THE APPROPRIATE SPOTS ON THE LINE THAT CAPITAL METRO MIGHT DETERMINE TO BE USED FOR STOPS?

YES, IT IS, TAKING INVENTORY OF THE VARIOUS ASPECTS OF THE LAND AND WHAT THE USES AND ULTIMATELY WE HOPE TO BE ABLE TO COME UP WITH THE LAND PLAN THAT MAKES SENSE AND ACCOMPLISHES THOSE GOALS.

McCracken: AND THIS IS -- THAT'S GOOD ENOUGH FOR ME. I THINK THAT'S A GREAT APPROACH. AND ONCE AGAIN, SHOWS THE ROBINSON FAMILY IS VERY ENLIGHTENED APPROACH TO THIS WHOLE APPROPRIATE AND I REALLY APPRECIATE THEM WORKING WITH US ON THAT.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?
COUNCILMEMBER SLUSHER.

Slusher: YEAH, I MIGHT HAVE SOME COMMENTS LATER, BUT I WANTED TO ASK MR. SUTTLE, ONE THING THAT'S NOT IN THIS AGREEMENT, AND I TALKED TO MR. ROBINSON ABOUT THIS DURING THE BREAK, IS ANYTHING TO DO WITH NIGHT SKY PROTECTIONS, AND THAT'S NOT SOMETHING THE CITY OF AUSTIN HAS AN ORDINANCE ON, BUT I THINK THAT MIGHT BE A GOOD IDEA AT SOME POINT. AND MR. ROBINSON SAID HE WOULD BE WILLING TO WORK WITH US ON THAT. AS A MATTER OF FACT, HE EXPRESSED SOME AGREEMENT WITH THE SENTIMENTS THAT I WAS EXPRESSING. WOULD YOU ADDRESS THAT, MR. SUTTLE?

SURE. I WAS THERE WHEN YOU WERE TALKING AND SPIKE SHARES THE SAME CONCERNS YOU HAVE ABOUT THE PRACTICES THAT SOME PEOPLE HAVE FOR THEY CHOOSE TO LIGHT UP THE WHOLE SKY AND THE WHOLE NEIGHBORHOOD WITH THEIR USE. AND IT'S NOT ATTRACTIVE TO YOU. AND I THINK IF THE CITY WORKS ON SOMETHING LIKE THAT THAT, I THINK WE COULD COME BACK, BRING BACK THE AGREEMENT AT A FUTURE DATE AND INCORPORATE THOSE CHANGES INTO IT.

Slusher: OKAY. THANK YOU. THIS IS SUCH A BIG AREA, WE WOULD LIKE TO AVOID THOSE TYPES OF THINGS. THANK YOU, MR. ROBINSON AND MR. SHUTTLE.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? MAYOR PROTEM.

Goodman: I WANTED TO TALK ABOUT SETBACKS, IF THIS IS AN APPROPRIATE TIME.

Mayor Wynn: I THINK IT IS.

Goodman: REFRESH ME IF YOU WOULD ABOUT WHAT NORTHWOOD AT THIS MOMENT HAS IN TERMS OF SETBACKS FROM THE EDGE OF THE PARKING LOT?

CURRENTLY IT'S CITY COMPATIBILITY STANDARDS, WHICH WOULD INCLUDE A 25-FOOT SET BACK BEFORE THE PARKING LOT. AND I BELIEVE IT'S A 100-FOOT SET BACK FOR ANY BUILDINGS OTHER THAN SINGLE-FAMILY OR 200-FOOT BUILDING SET BACK FOR INDUSTRIAL. SO RIGHT NOW ESSENTIALLY IT'S 25 FEET BEFORE YOU CAN START A PARKING LOT.

Goodman: OKAY. IN SOME OTHER LAND USE PLANNING, IT'S NOT THAT UNUSUAL TO GO PAST STANDARDS AND COMPATIBILITY NUMBERS FROM 25 TO 50 TO 75 TO 100 AND THEN IN ONE INSTANCE 150. AND IF YOU GO FURTHER OUT INTO ENVIRONMENTALLY SENSITIVE LAND, EVEN A FURTHER SET BACK. BUT WHAT'S BEEN DISCUSSED WITH US TODAY IS A 75- FOOT SET BACK FROM THE EDGE OF THE PARKING AREA WITH THE SAME VEGETATIVE BUFFER IN BETWEEN. AND IT'S MY UNDERSTANDING THAT THE OWNERS WOULD BE OKAY WITH THAT.

SURE. WE TALKED ABOUT THAT AT THE BREAK AND 75-FOOT BUFFER FROM THAT NEIGHBORHOOD FOR THE PARKING LOT IS OKAY. I THINK WE WANT TO BE ABLE TO PUT LANDSCAPING AND POTENTIAL UTILITIES AND STUFF IN THE 75, BUT IT WOULD BE A SETBACK FOR THE PARKING LOT.

Goodman: DO YOU THINK THAT YOU WOULD ALSO BE WILLING TO TALK TO OUR CITY ARBORIST AND LANDSCAPERS ABOUT

CALIBER AND TYPE OF TREE?

SURE. YOU BET. ACTUALLY, THE ENVIRONMENTAL BOARD ACTUALLY AS PART OF THE LANDSCAPE PLAN FOR THIS PROPERTY, THE ENVIRONMENTAL BOARD ADDRESSED IT WITH THE GROW GREEN AND IT'S PART OF THE EXHIBITS TO THE ORDINANCE HERE.

Goodman: GREAT. THANK YOU. THANKS, MAYOR.

Mayor Wynn: YOU'RE WELCOME. THANK YOU. FURTHER COMMENTS, QUESTIONS?

Slusher: I'LL MAKE A MOTION, MAYOR, BUT I WANT TO SAY A FEW WORDS FIRST. I'LL NOTE THAT THE MAYOR PRO TEM JUST MENTIONED, I THINK THE UNANIMOUS SUPPORT OF THE -- UNANIMOUS RECOMMENDATION BOTH BY THE ENVIRONMENTAL BOARD AND BOTH THE ZONING AND PLATTING COMMISSION -- NOBODY SPOKE FROM DALLAS. I HEARD THERE WERE PEOPLE DOWN HERE FROM DALLAS. THAT'S WHAT MR. GUERNSEY SAID AT FIRST. AND I WAS THINKING MAYBE IT IS -- IT'S GETTING SORT OF CLOSE TO DALLAS, IT'S SO FAR UP THERE. [LAUGHTER]

Futrell: IT'S LIKE THE KING RANCH.

Slusher: I GUESS THAT WASN'T IT, BUT THIS WILL BE, I GUESS, WHAT THIS IS CALLED AN EDGE CITY, BUT IT IS GOING TO BE IN AUSTIN'S TAX BASE, AND THAT'S VERY, VERY IMPORTANT. I WANTED TO THANK MR. ROBINSON AND HIS FAMILY FOR THE COOPERATIVE ATTITUDE THEY HAVE AND THE COOPERATIVE APPROACH THEY TOOK TO WORKING WITH THE CITY. I MEAN, A PIECE OF PROPERTY THIS BIG AND WITH THIS MUCH POTENTIAL TAX BASE, THAT COULD HAVE ENDED UP IN ALL KINDS OF DISPUTES, AND UNPLEASANTNESS, AND IT REALLY -- THIS HAS BEEN A VERY GOOD NEGOTIATION WITH THE CITY. I THINK THE CITY STAFF DID AN EXCELLENT JOB ON IT, AND I JUST WANTED TO THANK EVERYBODY INVOLVED. THIS IS VERY -- THIS IS AS BIG AS THE AREA FROM CESAR CHAVEZ TO 51st STREET. THAT DOES REALLY PUT IT INTO PERSPECTIVE. BUT THE FACT THAT THIS IS GOING TO BE IN THE CITY OF AUSTIN'S TAX BASE IS VERY IMPORTANT FOR THE WHOLE CITY, INCLUDING THE AREA

BETWEEN CESAR CHAVEZ AND 51st STREET. SO REALLY -- IT'S REALLY THE FINAL FRONTIER FOR AUSTIN AS FAR AS TAX BASE AND AREA THAT WE'RE GOING TO GROW BECAUSE WE'RE BUMPING UP AGAINST ALL THE OTHER JURISDICTIONS THAT'S IN THE DESIRED DEVELOPMENT ZONE. IT'S NOT OVER THE EDWARD'S AQUIFER, WHERE WE DON'T WANT GROWTH TO OCCUR ON A LARGE SCALE. IT'S IN A PLACE WHERE WE CAN ABSORB LARGE GROWTH. IT'S GOT MAJOR HIGHWAYS GOING THROUGH IT ALREADY. IT'S WHERE THE UNION PACIFIC TRACK, WHICH I'M GOING -- I REPRESENT THE CITY ON THE AUSTIN-SAN ANTONIO COMMUTER DISTRICT WHERE WE'RE TRYING TO CONVERT THAT TRACK TO PASSENGER RAIL BETWEEN GEORGETOWN-SAN ANTONIO. THAT CAN BE A REALLY GREAT THING I THINK FOR THIS REGION. AND THEN IT'S ALSO WHERE -- WHERE THE GIDDINGS TO LLANO TRACK, WHICH THAT TRACK IS ON THE CAPITAL METRO ALREADY THAT'S BEING CONSIDERED FOR PASSENGER RAIL. THOSE TWO RAIL LINES INTERSECT ON THIS PROPERTY. THAT COULD BE A CRITICALLY IMPORTANT JUNCTURE AND I'M VERY HAPPY THAT MR. ROBINSON IS AWARE OF THE IMPORTANCE OF PASSENGER RAIL TO THE FUTURE OF THIS AREA AND IS WORKING ON THAT. SO JUST -- I COULD GO ON TO A FEW OTHER THINGS, BUT LET ME MENTION THAT THE OPEN SPACE, INCREDIBLE AMOUNT OF OPEN SPACE, WELL BEYOND WHAT WOULD BE ACQUIRED FROM A DEVELOPER OR A SERIES OF DEVELOPERS THAT WOULD DEVELOP SOMETHING THIS LARGE. AND SIGNIFICANTLY LARGER SET BACKS FROM CREEKS AND FROM -- AND CRITICAL ENVIRONMENTAL FEATURES, SIGNIFICANTLY LARGER SETBACKS FROM THOSE THAT ARE REQUIRED UNDER OUR CODE. AND I THINK WE'VE SEEN THE ATTITUDE OF THE ROBINSONS TOWARDS AUSTIN AND TOWARDS THEIR FELLOW CITIZENS, TOWARDS THEIR NEIGHBORS, AND THE CONCESSION WAS MADE TONIGHT TO FOLKS IN NORTHWOOD AND SURROUNDING NEIGHBORHOODS ABOUT THAT SET BACK. SO ANYWAY, I CONGRATULATE YOU ON PATIENCE IN GOING THROUGH THESE NEGOTIATIONS, AND I WOULD MOVE APPROVAL.

Mayor Wynn: ACTUALLY, TECHNICALLY, COUNCILMEMBER SLUSHER --

Slusher: THREE ITEMS.

Mayor Wynn: WELL, I'LL ACCEPT A MOTION ON ITEM NUMBER 39 FIRST AS WE NEED TO TAKE UP THE AGREEMENT FIRST, AND WE PROBABLY HAVE AN AMENDMENT THAT MS. TERRY NEEDS TO WALK US THROUGH.

Slusher: SO I MOVE APPROVAL OF NUMBER 39.

COUNCILMEMBERS, IF I CAN ASSIST.

Mayor Wynn: LET'S GET A SECOND. MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE ITEM 39.

THE STAFF WOULD REQUEST THAT THE MOTION INCLUDE FOR THE AGREEMENT THE FOLLOWING FOUR ITEMS. FIRST OF ALL, FOR ALL SURFACE PARKING FACILITIES OTHER THAN SINGLE-FAMILY RESIDENTIAL THE MINL MUSLIM SET BACK FROM ADJACENT FAMILY -- ANY ADJACENT SINGLE-FAMILY SUBDIVISION IS 75 FEET. AND ANOTHER, THE SECOND ITEM THAT WE WOULD ASK BE INSERTED -- BE INCLUDED IN THE MOTION WOULD BE THAT ALL DUMPSTERS WOULD BE SCREENED. THE THIRD ITEM WE REQUEST TO BE ADDED TO THE MOTION FOR APPROVAL IS THE ADDITION OF COLD TAR PROVISION MENTIONED BY THE ASSISTANT CITY MANAGER HUFFMAN. AND THE FOURTH ITEM IS THE PROVISION INCLUDING SHEET FLOW OVER VEGETATIVE AREAS AGAIN AS DESCRIBED BY MS. HUFFMAN. AGAIN, THOSE FOUR ITEMS SHOULD BE IN THE DEVELOPMENT AGREEMENT. AND WHEN WE GET TO THE PUD ZONING, THERE ARE TWO ITEMS THAT WE WANT TO REQUEST THAT YOU INSERT THERE.

Mayor Wynn: OKAY. WELCOME.

I JUST WANT TO SAY ONE THING THAT REGARDS TO THOSE SETBACKS AND THE SCREENING. THOSE WERE TO SPECIFICALLY PROTECT THOSE NEIGHBORHOODS I THINK THAT ARE IN EXHIBIT I WHICH IS FOR THE NEIGHBORHOODS AND THOSE IN THE SOUTHEAST CORNER.

Slusher: SO THAT'S NOT A FRIENDLY AMENDMENT. I CAN ADD

THOSE INTO MY MOTION?

THAT'S CORRECT.

Mayor Wynn: DO YOU ACCEPT THOSE AS AMENDED?

Slusher: YES, I WOULD ADD THOSE TO MY MOTION.

Mayor Wynn: COUNCILMEMBER THOMAS?

Thomas: AGREE.

Mayor Wynn: THANK YOU. SO MOTION AND A SECOND IS ON THE TABLE FOR AN AMENDED ITEM NUMBER 39. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH COUNCILMEMBER ALVAREZ TEMPORARILY OFF THE DAIS. NOW, COUNCIL, I BELIEVE WE CAN TAKE UP ITEM 40 AND 41 JOINTLY. I'LL ENTERTAIN A MOTION.

Slusher: MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER. SECONDED BY THE MAYOR PRO TEM TO APPROVE ITEMS 40 AND 41. FURTHER COMMENTS? QUESTIONS? COUNCILMEMBER MCCRACKEN.

McCracken: THIS IS A WONDERFUL PROJECT, I'M REALLY EXCITED ABOUT IT AND ABOUT THIS OPPORTUNITY. MY UNDERSTANDING FROM THE TESTIMONY TODAY IS THAT THERE WILL BE FURTHER AGREEMENTS AND CLARIFICATIONS AS THIS RELATIONSHIP EINVOLVES. I THINK THAT WILL BE IMPORTANT THAT THIS IS IN THE RIGHT HANDS AND I'M REALLY EXCITED ABOUT IT.

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

AYE.

Mayor Wynn: OPPOSED? MOTION 40 AND 41 PASS ON A VOTE OF SIX TO ZERO WITH COUNCILMEMBER ALVAREZ TEMPORARILY OFF THE DAIS. NOW, COUNCIL, I'LL TAKE UP A MOTION TO CLOSE THE PUBLIC HEARING AND APPROVE THE ZONING CASE Z-12.

Thomas: SO MOVE ON CLOSING THE HEARING.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER SLUSHER. AND I BELIEVE WE HAVE SOME COMMENTS FROM THE CITY ATTORNEY.

IT IS AT THIS POINT IN THE PUD ZONING ORDINANCE THAT WE NEED TO ADDRESS THE DUMPSTERS AND THE SETBACKS. STAFF IS REQUESTING THAT AS PART OF THE MOTION THAT PART 8-B-6, THERE WOULD BE A SUBSECTION D ADDED WHICH BASICALLY -- WHICH PROVIDES THAT FOR OFF-SURFACE PARKING FACILITIES OTHER THAN FOR SINGLE-FAMILY RESIDENTIAL, THE MINIMUM SET BACK FROM THE ADJACENT SINGLE-FAMILY SUBDIVISION IS 75 FEET. AND THEN IN PART 8-B, WE WOULD ADD AN ADDITIONAL SUBSECTION 12, AND THAT WOULD PROVIDE ALL DUMPSTERS SHALL BE SCREENED.

Mayor Wynn: COUNCILMEMBER THOMAS, DO YOU AGREE WITH THOSE AMENDMENTS? >>

THOMAS: YES, I AGREE WITH THEM.

Mayor Wynn: COUNCILMEMBER SLUSHER?

Slusher: YES.

Mayor Wynn: THANK YOU. SO WE HAVE AN AMENDMENTED MOTION BY COUNCILMEMBER THOMAS AND SLUSHER TO CLOSE THE PUBLIC HEARING AND APPROVE Z-12 AS AMENDED. FURTHER COMMENTS? 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. IT'S AN IMPRESSIVE AMOUNT OF WORK. COUNCIL, LET'S SEE. MS. GLASGO, I BELIEVE WE COULD TAKE UP ITEM Z-10 RELATIVELY QUICKLY, ALTHOUGH IT'S A DISCUSSION ITEM, THERE'S NOBODY HERE FOR THAT.

JUST THE AGENT IS HERE TO PLEAD FOR YOU TO CONSIDER THE CONDITIONS SHE REACHED WITH THE NEIGHBORHOOD ASSOCIATION, SO IT WILL BE BRIEF. ITEM NUMBER Z-10, CASE C-14-03-125. THIS CASE IS LOCATED ON NORTH IH-35 SERVICE ROAD. THE APPLICANT IS SEEKING CS ZONING. STAFF RECOMMENDED CS ZONING WITH A CONDITIONAL OVERLAY. THE ZONING AND PLATTING COMMISSION RECOMMENDED GR-CO, WHICH STANDS FOR COMMUNITY COMMERCIAL, CONDITIONAL OVERLAY, WHICH THE APPLICANT WOULD RATHER NOT HAVE. THE APPLICANT MET WITH THE NORTH CORRIDOR GROWTH ALLIANCE THAT REPRESENTS SEVERAL NEIGHBORHOOD ASSOCIATIONS. AND THEY AGREED TO SUPPORT CS ZONING WITH PROHIBITED USES, AND ALSO AGREED THAT THERE WOULD BE OTHER CONDITIONAL USES. SO WHAT THE APPLICANT IS SEEKING, AND THEN YOU ALWAYS SEE THAT E-MAIL FROM JANETTE CADILLAC WITH THE CORRIDOR ALLIANCE ASKING THAT YOU CONSIDER THE AGREEMENT THAT THEY REACHED WITH THE APPLICANT THAT RECOMMENDS CS-CO WITH A TOTAL OF 14 PROHIBITED USES. AND THREE USES THAT ARE LISTED AS CONDITIONAL USES. AND I'LL PAUSE HERE AND JUST LET THE APPLICANT GIVE YOU AN OVERVIEW OF A BRIEF DESCRIPTION OF WHAT SHE'S SEEKING. THANK YOU.

THANK YOU.

Mayor Wynn: AT THIS TIME WE'LL HEAR FROM THE APPLICANT.

GOOD EVENING. IS THIS ON?

Mayor Wynn: IT SHOULD BE.

GOOD EVENING, MY NAME IS CAROL STEWART WITH THE -- I REPRESENT THE OWNER OF THIS PROPERTY, WHICH IS KNOWN AS THE WAGNER TRACT. IT IS LOCATED ON I-35 BETWEEN HOWARD LANE AND WELLS BRANCH PARKWAY.

THE TOTAL TRACT ACREAGE IS 73.465 ACRES AND THE REQUEST IS THE CHANGE IN ZONING FROM SF-2 TO CS-CO. THERE'S A BROAD CONSENSUS OF SUPPORT FOR THIS REQUEST, INCLUDING AS ALICE MENTIONED THE STAFF AND THE NORTH BROOK CORRIDOR ALLIANCE WHICH REPRESENTS 16 NEIGHBORHOOD ASSOCIATIONS, OF WHICH 12 WERE PRESENT AT THE MEETING WHERE WE REACHED THE AGREEMENT THAT MS. CLOTS SENT TO YOU. I'VE ALSO SPOKEN WITH ADJACENT PROPERTY OWNERS, INCLUDING BOTH OF THE CEMETERIES AND THE INTERVENING PROPERTY HERE. AND THE PROPERTY BACK HERE WHICH IS OWNED BY A BANK, AND THEY DO NOT OBJECT TO THE ZONING AND BELIEVE IT WOULD BE BENEFICIAL TO THEIR PROPERTY. ALSO, IF YOU LOOK AT THE CASE HISTORY THAT WAS PROVIDED BY THE STAFF, THE COUNCIL HAS CONSISTENTLY SUPPORTED CS-CO IN THIS AREA. THE CONDITIONAL OVERLAY THAT IS PROPOSED FOR THIS TRACT IS SIMILAR TO OTHER TRACTS IN THE AREA. ON THIS MAP THE CS AND CS-CO PROPERTIES ARE INDICATED IN YELLOW. AND SO THE CONDITIONAL OVERLAY THAT WE'RE REQUESTING FOR OUR TRACT IS SIMILAR TO THAT. IF YOU NEED ME TO I CAN GO THROUGH THE PROHIBITED AND CONDITIONAL USES THAT WE MET OR AGREED TO WITH THE NEIGHBORHOOD. WE SKIPPED THAT FOR THE TIME. THE AREA IS -- THE ZONING IN THE AREA IS PREDOMINANTLY COMMERCIAL SERVICES AND INDUSTRIAL. THIS IS THE DELL CAMPUS HERE AND HERE. AND AS I MENTIONED, THE CS ON BOTH SIDES OF THE FREEWAY HERE. THIS PROPERTY IS ALSO ZONED INDUSTRIAL AND THERE'S ALSO INDUSTRIAL UP HERE. THE TAWP COLORED HERE'S ARE IN THE COUNTY. THE AQUA COLORED ARE ZONED RR, SO I BELIEVE THAT THOSE WILL AT SOME POINT -- SO THIS AREA WILL BE COMING IN REQUESTING A ZONING CHANGE ALSO. THE LAND USES IN THE AREA ARE RETAIL, COMMERCIAL AND INDUSTRIAL, AND VACANT. AS YOU CAN SEE FROM THIS MAP,, THE TRACTS BEHIND THE TRACT THAT WE'RE REQUESTING ZONING FOR IS MAINLY VACANT EXCEPT FOR THESE WAREHOUSES THAT ARE CONSTRUCTED HERE. AND THESE ARE THE LARGE -- DUE TO THE LARGE AMOUNT OF VACANT LAND THAT IS ADJACENT TO THIS TRACT, MOST OF WHICH IS CURRENTLY FOR SALE AS I MENTIONED BY THE CEMETERY AND THE BANK, THERE'S A POTENTIAL FOR THE

CREATION OF A UNIFIED DEVELOPMENT AND ACCESS PLAN FOR THE AREA TO INCLUDE INTERVENING ROAD INFRASTRUCTURE SIMILAR TO WHAT HAS OCCURRED IN THIS AREA BETWEEN PARMER LANE AND HOWARD LANE WITH THE CONSTRUCTION OF CENTER RIDGE DRIVE AND McALLEN PASS THAT HAS OCCURRED SINCE THIS AREA HAS BECOME ZONED CS-CO AND DEVELOPED AS RETAIL AND COMMERCIAL. THE CS-CO ZONING ALLOWS THE FLEXIBILITY NEEDED IN DEVELOPING LARGE TRACTS OF LAND AND FACILITATES A MIX OF USES THAT ARE ALREADY COMMON IN THIS HAVEN'T. I BELIEVE THAT REAL GATING THE TRACT TO RETAIL ZONING WOULD STIFLE THE ABILITY TO CREATE A MORE BROAD BASED MASTER PLAN THAT CAN ADDRESS THE AREA ISSUES. THERE'S ALSO A GIA ASSOCIATED WITH THIS CASE, AND THE CITY OF AUSTIN TRANSPORTATION STAFF AND TXDOT RECOMMENDATIONS WERE INCLUDED IN YOUR SUPPORT MATERIAL, AND WE CAN ANSWER ANY QUESTIONS THAT YOU HAVE QUESTIONS ABOUT THOSE. I WOULD ALSO LIKE TO POINT OUT THAT IN DEALING WITH TXDOT ON OUR TRAFFIC IMPACT ANALYSIS THAT WE BECAME AWARE OF THEIR PLAN FOR THE FRONTAGE ROAD BETWEEN HOWARD LANE AND WELLS BRANCH PARKWAY. THEY WILL BE STARTING A CONSTRUCTION PROJECT IN SEPTEMBER OF 2005 TO ADD A THIRD LANE TO THE FRONTAGE ROAD IN FRONT OF THIS PROPERTY, AND THEN ULTIMATELY THEY WILL RELOCATE THE ON RAMP THAT IS CURRENTLY LOCATED HERE TO BE IN FRONT OF THIS PROPERTY AND THEY WILL ADD A FOURTH LANE ON TO THE FRONTAGE ROAD. SO THE FRONTAGE ROAD IN FRONT OF THIS PROPERTY WILL BE DEVELOPED BY TXDOT WILL ULTIMATELY BE FOUR LANES AND THEN THE TRAFFIC IMPACT ANALYSIS THAT WOULD BE ASSOCIATED WITH THE ZONING CASE ALSO HAS A CONDITION IN IT FOR ADDING A FIFTH LANE, AN ACCELERATION, DIESEL RATION LANE, TO FACILITATE THE INGRESS AND EGRESS FOR THE TRAFFIC THAT WILL BE GENERATED BY THE DEVELOPMENT. SO THEREFORE WE WILL END UP WITH A FIVE-LANE FRONTAGE ROAD IN FRONT OF THIS DEVELOPMENT, WHICH IS LARGER THAN A FREEWAY. BASED ON THESE FACTS, THE REQUEST FOR CS-CO ZONING IS CONSISTENT WITH THE ZONING PATTERNS AND THE PROPOSED CO ENSURES THE CAPABILITY OF FUTURE DEVELOPMENT WITH THE ADJACENT EXISTING

USES. AND AS I MENTIONED, THE STAFF, THE NORTH BROOK CORRIDOR ALLIANCE AND THE ADJACENT PROPERTY OWNERS SUPPORT THIS REQUEST. I APPRECIATE YOUR SUPPORT.

Mayor Wynn: THANK YOU. COUNCIL, AGAIN, WE HAVE NO SPEAKERS SIGNED UP FOR OR AGAINST, SO ANY QUESTIONS OF THE APPLICANT OR AGENT OR STAFF? COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION ON Z- 10.

Mayor Wynn: MAYOR, MOVE TO --

Goodman: MAYOR, MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE GR-CO AS RECOMMENDED BY THE COMMISSION.

Mayor Wynn: MOTION MADE BY MILES PER MAYOR PRO TEM TO APPROVE THE COMMISSION RECOMMENDATIONS ON Z-10. SECONDED BY COUNCILMEMBER ALVAREZ. FURTHER COMMENTS? COUNCILMEMBER SLUSHER.

Slusher: DID MS. CLOTS, THE NEIGHBORHOOD SUPPORTING THE STAFF RECOMMENDATION, IS THAT CORRECT?

YES, WITH A CONDITIONAL OVERLAY.

Goodman: I FORGOT TOTALLY WHAT I WAS LOOKING AT HERE. FORGET THE GR. I CIRCLED IT. BACK TO CS.

Slusher: STAFF RECOMMENDATION?

Goodman: YES.

IT HAS THE NEIGHBORHOOD SUPPORT. IT'S A COMBINATION OF BOTH STAFF RECOMMENDATION AND THE LIST OF CONDITIONS FROM THE NEIGHBORHOOD ASSOCIATION WHICH ARE LISTED IN -- I DON'T KNOW IF YOU WANT ME TO READ THEM INTO THE RECORD.

Goodman: IT DEPENDS ON IF THE NEIGHBORHOOD IS MORE COMFORTABLE.

LET ME READ THEM INTO THE RECORD SINCE THEY'RE

SLIGHTLY DIFFERENT FROM WHAT YOU HAVE IN YOUR BACK UP. THE FOLLOWING USES WILL BE PROHIBITED, ADULT ORIENTED BUSINESSES, ARTS AND CRAFTS GENERAL, BUILDING MAINTENANCE SERVICES, CAMPGROUND, COMMERCIAL BLOOD PLASMA CENTER, DROPOFF RECYCLING FACILITY. EQUIPMENT REPAIR SERVICES, EQUIPMENT SALES, KENNELS, LAUNDRY SERVICE, PAWN SHOP SERVICES, VEHICLE STORAGE, VETERINARY SERVICES, MAINTENANCE AND SERVICE FACILITIES. THE FOLLOWING THREE USES WILL BE CONDITIONAL USES: AUTOMOTIVE REPAIR SERVICES, WHICH SHOULD BE 400 FEET AWAY FROM THE CEMETERY. CONVENIENT STORAGE AND LIMITED WAREHOUSING AND DISTRIBUTION. THAT WOULD BE -- THIS -- THAT WOULD BE -- THIS CASE WOULD BE READY THEN FOR FIRST READING.

Slusher: I'VE GOT A QUESTION.

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: MAYOR PRO TEM, I'M JUST WONDERING WHAT'S THE RATIONALE BEHIND THE NO DROPOFF RECYCLING. THIS IS ALONG THE INTERSTATE, RIGHT?

CORRECT, IT IS. THEY DID NOT GIVE REASONS FOR IT. THOSE ARE JUST SOME OF THE USES THEY LISTED AS USES TO BE PROHIBITED.

Slusher: DO YOU RECALL WHAT THE DISCUSSION WAS?

WELL, I HAD PUT TOGETHER A LIST OF THE CONDITIONAL -- LIKE AN ANALYSIS OF THE CONDITIONAL OVERLAYS THAT WERE ON THE PROPERTIES TO THE SOUTH. AND FROM THAT LIST WE CREATED A SIMILAR CONDITIONAL OVERLAY FOR THIS PROPERTY AND DROPOFF RECYCLING FACILITIES ALWAYS SEEMS TO BE A CONTENTIOUS ITEM. AND SO THE NEIGHBORHOOD AGREED TO THAT. AND WHAT I PRESENTED TO THE ZONING AND PLATTING COMMISSION MEMBERS, WHICH THE ZONING AND PLATTING COMMISSION MEMBERS ADDED THE NO PAWN SHOPS, AND THEN THE NEIGHBORHOOD ASSOCIATION WANTED TO ADD NO AUTOMOTIVE REPAIRS -- THEY MEANT AUTOMOTIVE REPAIRS AS A CONDITIONAL ITEM. SO WE OFFERED UP THE DROPOFF RECYCLING FACILITIES BECAUSE ALL THE OTHER

PROPERTIES HAD -- THREE OF THE OTHER PROPERTIES HAD ALSO PROHIBITED THAT. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

Slusher: ... WE'VE HAD FOLKS TALKING AT OUR LAST TWO MEETINGS AT CAPCO ABOUT THE LANDFILLS OUT THERE AND HOW THEY WANT TO TRY TO ENCOURAGE PEOPLE TO RECYCLE MORE, SO THAT SO THAT THE STUFF THAT CAN BE RECYCLED DOESN'T GO INTO THAT LANDFILL. I DON'T UNDERSTAND WHY WE WOULD PROHIBIT A PLACE THAT FOR SOME REASON MIGHT NOT HAVE RECYCLING. IN THIS AREA, I DON'T KNOW IF SOME OF THESE AREAS OUTSIDE OF THE CITY MAY NOT, WHERE THEY COULD COME DROP OFF THEIR CANS AND NEWSPAPERS. I DON'T SEE WHAT THE PROBLEM IS. MAYOR PRO TEM, WOULD YOU BE AMENABLE TO TAKING THAT OUT? OKAY. I WOULD OFFER THAT'S FRIENDLY -- THAT AS A FRIENDLY AMENDMENT. MARES COUNCILMEMBER -

Mayor Wynn: COUNCILMEMBER ALVAREZ YOU WILL ACCEPT THAT?

Slusher: I WOULD ASK THE STAFF TO LOOK AT THAT, MAKE SURE THAT WE ARE NOT JUST AUTOMATICALLY INCLUDING THAT INTO THESE C.O.S BECAUSE IT DOESN'T SEEM NECESSARY.

Glasgo: YOU CHECK INTO THAT. WE HAVE LEARNED FROM THE NEIGHBORHOOD PLANNING PROCESS, TOO, OVER TIME WHEN YOU DO AN OVERALL ASSESSMENT, YOU END UP BASICALLY AT SOME POINT JUST ELIMINATING A LOT OF THE USES BECAUSE IT'S A PREPONDERANCE, YOU DO THIS THING, UP IN OF THOSE USES ARE ALLOWED WE WILL PAY ATTENTION TO THAT.

Slusher: THANK YOU.

Slusher: COUNCIL, WE HAVE A NEW --

Mayor Wynn: WE HAVE A NEW MOTION BY THE MAYOR PRO TEM, THE STAFF AND WHAT WE WILL CALL NEIGHBORHOOD RECOMMENDATION LESS THE PROHIBITION OF DROP-OFF RECYCLING. IS THAT RIGHT?

YES, THAT'S CORRECT.

FURTHER COMMENTS, QUESTIONS? FIRST READING ONLY, THANK YOU. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU, MS. GLASGO. LET'S SEE, TECHNICALLY, WE COULD TAKE UP Z-1, CORRECT?

YES, YOU CAN. IT'S -- THERE ARE NO SPEAKERS, EITHER. STAFF IS JUST GOING TO GIVE YOU AN OVERVIEW OF THE AMENDMENT AND SCOTT IS GOING TO DO THAT.

Mayor Wynn: OKAY. THERE ARE NO SPEAKERS. A BRIEF STAFF RECOMMENDATION OR PRESENTATION. IS THAT I'M SCOTT WAITMAN FROM THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. THIS IS CASE NUMBER Z 2003021 IN AN AMENDMENTS TO CHAPTERS 25-2, 3, 6 OF THE CITY CODE. THE PROPOSED AMENDMENT WILL DELETE THE DEFINITIONS FOR ART AND CRAFT STUDIOS, LIMITED GENERAL AND INDUSTRIAL, APE THE DEFINITION FOR CUSTOM MANUFACTURING USE AND CREATE NEW DEFINITIONS FOR ART GALLERY, ART WORKSHOP, FOOD PREPARATION AND PRINTING AND PUBLISHING SERVICES. THE AMENDMENT WILL ALSO CREATE ASSOCIATED ZONING AND PARKING REGULATIONS AND MAKE RELATED CHANGES TO THE TRADITIONAL NEIGHBORHOOD DEVELOPMENT ORDINANCE. THIS ITEM IS RECOMMENDED BY THE PLANNING COMMISSION AND IS READY FOR ALL THREE READINGS. AND I CAN ANSWER ANY QUESTIONS THAT THE COUNCIL MIGHT HAVE.

Mayor Wynn: THANK YOU. QUESTIONS? QUESTIONS OF STAFF, COUNCIL? COUNCILMEMBER SLUSHER?

Slusher: SO I WANT TO MAKE SURE THAT I UNDERSTAND WHAT THIS DOES. THIS IS SOMETHING THAT CAME UP -- LET ME PUT IT IN THE FORM OF A QUESTION. IS THIS WHAT --

WHAT CAME UP AS WE WERE DOING NEIGHBORHOOD PLANS WHERE WHEN YOU ARE ROLLING BACK INDUSTRIAL OR LIGHT INDUSTRIAL ZONING, WE REALIZE THAT -- THAT THAT ALSO COVERED SOME ART STUDIOS AND PRODUCTION OF ART, WHICH IS ACTUALLY SOMETHING THAT WE ARE TRYING TO ENCOURAGE IN THESE AREAS, SO THIS ADDRESSES THAT?

THAT'S EXACTLY RIGHT. THE ART AND CRAFT INDUSTRIAL USE COVERS A LOT OF ARTISTS THAT WERE OPERATING IN EAST AUSTIN LEGALLY UNDER L.I. ZONING AND THIS MAKES IT MORE PERMISSIVE IN SOME COMMERCIAL DISTRICTS SO THEY WON'T NEED L.I. ZONING IN THE FUTURE TO DO THAT SORT OF USE.

Slusher: THANK YOU ALL FOR BRINGING THIS FORWARD.

FURTHER QUESTIONS, COMMENTS?

Slusher: MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER DUNKERLY TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM Z-1. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER ALVAREZ TEMPORARILY OFF THE DAIS. THANK YOU, STAFF. OKAY. SO COUNCIL WE HAVE A FEW -- FEW PUBLIC HEARINGS NOW TO -- TO TAKE UP. I BELIEVE ON ITEM NO. 49 OUR PUBLIC HEARING REGARDING OUR AMATP, AUSTIN METROPOLITAN AREA TRANSPORTATION PLAN, I KNOW THERE WAS SOME DISCUSSIONS ABOUT -- ABOUT POSTPONING PERHAPS A PART OF THIS PLAN, PUBLIC HEARING OF THE PLAN, BUT HEADACHES THAT'S BEEN EXPANDED.

I'M TERRY McMANUS, THE REQUEST IS POSTPONE ALL THREE CASES, C 203 ON 078 THE AMENDMENT ON ESCARPMENT BOULEVARD, CASE NUMBER C 20402, NORTH LAKE CREEK PARKWAY, AND CASE NUMBER C 20304, MANOR ROAD. BY DOING SO WE ARE POSTPONING THE ENTIRE

PUBLIC HEARING. >

WE ARE POSTPONING IT UNTIL THE REQUEST AND THE AGREEMENT WITH ALL OF THE APPLICANTS IS TO POSTPONE UNTIL AUGUST 5th.

THANK YOU. SO, COUNCIL, I'LL ENTERTAIN A -- A MOTION ON ITEM NO. 49.

SO MOVE.

MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY THE MAYOR PRO TEM TO POSTPONE ITEM 49 UNTIL AUGUST 5th, 2004. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 5-0 WITH COUNCILMEMBER ALVAREZ AND COUNCILMEMBER MCCracken TEMPORARILY OFF THE DAIS. I'M SORRY? INCLUDE COUNCILMEMBER ALVAREZ IN THAT VOTE, SO 6-0.

THANK YOU, COUNCIL.

THANK YOU. LET'S SEE, COUNCIL, WE HAVE JUST A SINGLE SPEAKER ON ITEM 52, WE COULD SEND SOME STAFF AND THAT CITIZEN HOME BECAUSE WE HAVE A -- WE HAVE A NUMBER OF CITIZENS THAT NEED TO SPEAK ON 50 AND 51. WITHOUT OBJECTION, LET'S TAKE UP ITEM NO. 52. WHICH IS CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE FOR A VARIANCE FROM THE LAND DEVELOPMENT CODE TO ALLOW CONSTRUCTION OF A BATHROOM AND KITCHEN ADDITION TO A RESIDENCE AT 2713 CASCADE DRIVE IN THE 100 YEAR FLOODPLAIN OF SHOAL CREEK. WITH THAT I'LL -- I'LL WELCOME A BRIEF STAFF PRESENTATION.

GOOD EVENING MAYOR AND COUNCIL, JOE PANTALION, I WAS RUNNING HERE.

THANK YOU.

JOE PANTALION DIRECTOR OF THE WATERSHED

PROTECTION DEVELOPMENT REVIEW DEPARTMENT. EXCUSE ME. ITEM 52 IS TO CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE FOR A VARIANCE FROM THE LAND DEVELOPMENT CODE TO ALLOW CONSTRUCTION OF A BATHROOM AND KITCHEN ADDITION TO THE RESIDENCE AT 2713 CASCADE DRIVE IN THE 100 YEAR FLOODPLAIN OF SHOAL CREEK. THE APPLICANT, MR. RANDY TURNER, PROPOSES TO CONSTRUCT A NEW BATHROOM -- I'M GOING TO HAVE TO TAKE A SECOND.

Mayor Wynn: TAKE YOUR TIME.

ALL RIGHT. THE APPLICANT, MR. RANDY TURNER, PROPOSES TO CONSTRUCT A NEW BATHROOM AND KITCHEN -- I'M TOTALLY OUT OF BREATH. [LAUGHTER]

LET'S TRY THIS A THIRD TIME.

Mayor Wynn: OKAY.

ALL RIGHT. THE REQUIREMENT IS FOR THE NEW ADDITION AND THE CONVERTED GARAGE TO BE ELEVATED ONE FOOT ABOVE THE 100 YEAR FLOODPLAIN. BECAUSE THE APPLICANT PROPOSES TO BUILD THE ADDITIONS AT ONLY FOUR INCHES ABOVE THE FLOODPLAIN TO MATCH THE EXISTING HOUSE ELEVATION, STAFF MUST RECOMMEND DENIAL OF THE VARIANCE. HOWEVER, COUNCIL MAY CONSIDER GRANTING THE VARIANCE IF COUNCIL DETERMINES THAT THE VARIANCE IS THE MINIMUM NECESSARY TO AFFORD RELIEF, THERE IS GOOD AND SUFFICIENT CAUSE, AN EXCEPTIONAL HARDSHIP EXIST AND THE VARIANCE WOULD NOT RESULT IN ADVERSE IMPACT, PRIMARILY RELATED TO INCREASED FLOOD HEIGHTS AND THE ADDITIONAL PUBLIC SAFETY THREATS. IN THIS CASE THERE APPEARS TO BE NO ADVERSE IMPACTS ASSOCIATED WITH THE PROPOSED CONSTRUCTION. THE APPLICANT IS HERE TO SPEAK IN HIS PARTICULAR HARDSHIP IN THIS CASE, THAT CONCLUDES MY PRESENTATION, THANK YOU. [LAUGHTER]

Mayor Wynn: THANK YOU, CATCH YOUR BREATH. QUESTION, COUNCIL? COMMENTS? THE -- THE OWN ARE IN APPLICANT IS HERE, RANDY TURNER, SIGNED UP WISHING TO SPEAK, IN

FAVOR. MR. TURNER, WELCOME, SIR.

MAYOR, MEMBERS OF THE COUNCIL, THIS PARTICULAR CASE, EVEN THOUGH IT'S SMALL, HAS CHOKED JOE UP FROM THE VERY BEGINNING. [LAUGHTER] SORRY ABOUT THAT. I JUST WANTED TO PUT IT IN REAL SIMPLE TERMS AS TO WHAT WE ARE PROPOSING TO DO HERE. WE ARE LIKE A LOT OF OTHER FOLKS, MY WIFE AND I, OUR KIDS ARE GONE, WE ARE -- WE MADE THE DECISION TO STAY IN OUR HOUSE, WE HAVE AN 87-YEAR-OLD MOTHER WHO IS OF VERY SOUND MIND, BUT LIMITED PHYSICAL ABILITIES DUE TO ARTHRITIS. WHAT WE ARE TRYING TO DO IS CREATE AN INDEPENDENT LIVING QUARTER FOR HER THAT -- WE JUST WANT TO CONTINUE OUR FOUNDATION OUT FLUSH FROM WHERE WE ARE RIGHT NOW. THE COMPLICATION IS, OF COURSE, THAT PART OF THE YARD IS IN THE 100 YEAR FLOODPLAIN. THE HOUSE IS NOT ACTUALLY IN THE FLOODPLAIN. BUT THE HOUSE DOES NOT MEET THAT MINIMUM REQUIREMENT TO BE ABOVE THE FLOODPLAIN. BUT THAT'S SO WITH THE EXISTING STRUCTURE. AND ALL WE ARE PROPOSING TO DO IS GO OUT 16 FEET WITH THAT TO CONTINUE WHERE WE ARE. IT WOULD CREATE A VERY SEVERE HARDSHIP TO HAVE A STEP UP OR TO TRY TO CREATE A RAMP. THIS IS A -- A RELATIVELY SMALL, IT'S A MODEST HOME. IT'S ONLY 1700 -- 1744 SQUARE FEET RIGHT NOW, WE ARE ADDING AN ADDITIONAL 510, 512 SQUARE FEET TO IT. WE DON'T HAVE ROOM IN THE EXISTING DESIGN TO CREATE RAMPS. TO -- TO HAVE TO DO THAT, WOULD MEAN THAT THEY WOULD HAVE -- THAT WE WOULD HAVE TO EXTEND THE STRUCTURE, THE FOUNDATION OF THE STRUCTURE OUT TO CONSUME EVEN MORE I AM PERCH PERVIOUS COVER WHICH WE ARE NOT INTERESTED IN DOING, YOU ARE NOT INTERESTED IN DOING, I'M SURE. IT'S JUST A COMMON SENSE DEAL, WHAT WE ARE TRYING TO DO, I HAVE MADE A LITTLE GRAPHIC HERE THAT -- MADE A LITTLE GRAPHIC HERE. I HOPE THAT YOU CAN SEE THIS. THIS BEING THE GROUND. THIS IS WHERE THE -- WHERE THE EXISTING FOUNDATION IS. AND WE ARE PROPOSING TO JUST CONTINUE STRAIGHT OUT LIKE SO. WHAT THE CITY IS ASKING US TO DO IS TO JUMP THIS UP 8 INCHES. AND IT WOULD EITHER CREATE STEPS, WHICH -- WHICH THIS COUNCIL AND PREVIOUS COUNCILS HAVE A TREMENDOUS RECORD OF REMOVING PHYSICAL

ARCHITECTURAL BARRIERS FOR PEOPLE WITH DISABILITIES.
AND I -- I WOULD HATE TO SEE US GOING THE OTHER
DIRECTION FOR SOMETHING THAT'S NOT GOING TO COST
ANY MONEY AT ALL, JUST TO -- TO IMPROVE THIS VARIANCE -
- TO JUST APPROVE THIS VARIANCE.

Mayor Wynn: THANK YOU, MR. TURNER. QUESTIONS,
COMMENTS? IF NOT I'LL ENTERTAIN A MOTION.

[INDISCERNIBLE]

Mayor Wynn: ACTUALLY IT IS.

[INDISCERNIBLE] [INAUDIBLE - NO MIC]

GRANT THE VARIANCE --

YOU NEED YOUR MIC ON.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY
TO CLOSE THE PUBLIC HEARING AND APPROVE THE
REQUIRED VARIANCE ON ITEM NO. 52. I WILL SECOND THAT.
FURTHER COMMENTS? QUESTIONS? HEARING NONE, ALL
THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH
COUNCILMEMBER SLUSHER TEMPORARILY OFF THE DAIS.
MS. SPENCE ON THE EARLIER VOTE, COUNCILMEMBER
ALVAREZ WAS ACTUALLY IN THE ROOM THERE WAS -- OF
THE TWO PREVIOUS VOTES WERE -- I HAD THOUGHT IT WAS
A 6-0 VOTE. IF YOU COULD SHOW COUNCILMEMBER ALVAREZ
AS HAVING VOTED IN FAVOR OF THAT -- OF THAT ITEM AS
WELL. OKAY. COUNCIL, LET'S TAKE UP ITEM NO. 50. WHICH IS
ONE OF OUR OTHER TWO PUBLIC HEARINGS. >

GOOD EVENING, MAYOR AND COUNCILMEMBERS, I'M
GEORGE ZAPALAC WITH THE WATERSHED PROTECTION AND
DEVELOPMENT REVIEW DEPARTMENT. ITEM 50 IS TO
CONDUCT A PUBLIC HEARING AND CONSIDER ACTION ON AN
APPEAL BY RICHARD MATHIAS OF THE PLANNING
COMMISSION'S DENIAL OF A CONDITIONAL USE PERMIT FOR

A CONVENIENCE STORAGE FACILITY AT 1304 WEST 5th STREET. THIS FACILITY IS LOCATED ON THE NORTH SIDE OF 5th STREET, APPROXIMATELY MID-WAY BETWEEN LAMAR AND MOPAC. THE APPLICANT IS PROPOSING TO CONSTRUCT A FOUR-STORY BUILDING WITH ABOUT 60,000 SQUARE FEET OF FLOOR SPACE. THE TRACT IS FAIRLY SMALL. IT'S ABOUT .7 ACRES. AND IT HAS ABOUT 95 FEET OF FRONTAGE ON WEST FIFTH STREET. THE PROPERTY IS CURRENTLY ZONED C.S.-M.U.-C.O.-N.P. IT IS SURROUNDED BY OTHER COMMERCIAL USES, INCLUDING A SIMILAR MULTI STORY STORAGE BUILDING, TO THE EAST, ANOTHER MINI STORAGE FACILITY ACROSS THE STREET AND SORT OF CATER-CORNERED. A -- AS WELL AS A TRUCK RENTAL SERVICE AND A TELEPHONE COMPANY FACILITY, MAINTENANCE FACILITY DIRECTLY OPPOSITE. ACCESS TO THE PROPERTY IS PROPOSED TO BE BY A TWO-WAY DRIVEWAY OFF OF WEST FIFTH STREET. THERE WOULD ALSO BE AN EXIT ON TO THE ALLEY AT THE REAR OF THE PROPERTY WHICH CONNECTS TO WALSH STREET AT THE END OF THE BLOCK. WALSH STREET RUNS NORTH-SOUTH AND CONNECTS BACK TO WEST FIFTH STREET. THE APPLICANT WILL PAVE A SMALL PORTION OF THE ALLEY IN ORDER TO ACCOMMODATE THIS TRAFFIC.

CONVENIENCE STORAGE IS NORMALLY ALLOWED IN C.S. ZONING. BUT IN THIS CASE IT WAS MADE A CONDITIONAL USE BY THE NEIGHBORHOOD PLAN. FOR THE OLD WEST AUSTIN NEIGHBORHOOD. THE CONDITIONAL USE PERMIT THEREFORE REQUIRES ADDITIONAL SCRUTINY BY THE PLANNING COMMISSION AND ALLOWS FOR PUBLIC HEARING. THE PLAN WAS ORIGINALLY SUBMITTED IN SEPTEMBER OF 2003 AND WAS RECOMMENDED BY STAFF AND WENT TO THE PLANNING COMMISSION IN JANUARY OF 2004. WHERE IT WAS APPROVED BY CONSENT. HOWEVER, DUE TO A NOTIFICATION PROBLEM, IT WENT BACK TO THE COMMISSION ON MARCH 23rd WHERE THERE WAS EXTENSIVE PUBLIC DISCUSSION AND THE COMMISSION REVERSED ITS VOTE AND VOTED TO DISAPPROVE THE CONDITIONAL USE PERMIT BY A VOTE OF 7-0. THE REASONS GIVEN FOR DISAPPROVAL WERE THAT THE CONDITIONAL USE MAY NOT ADVERSELY AFFECT THE SAFETY OR CONVENIENCE OF PEDESTRIAN CIRCULATION AND THAT THE

CONDITIONAL USE MAY NOT ADVERSELY AFFECT ADJOINING SITES MORE THAN A PERMITTED USE WOULD. STAFF'S OPINION IN RECOMMENDING THE CONDITIONAL USE PERMIT ORIGINALLY WAS THAT THE PROPOSED USE WOULD NOT AFFECT PEDESTRIAN SAFETY AND WOULD HAVE LESS ADVERSE IMPACT THAN OTHER PERMITTED USES, SUCH AS RETAIL, RESTAURANTS AND MEDICAL OFFICES, ALL OF WHICH WOULD GENERATE SIGNIFICANTLY MORE TRAFFIC. THE CONVENIENCE STORAGE FACILITY IS ONE OF THE LOWEST TRAFFIC GENERATORS THAT WE HAVE. THE -- THE CRITERIA UNDER WHICH THE CONDITIONAL USE PERMIT SHOULD BE EVALUATED ARE IN THE YELLOW HANDOUTS ON THE THIRD PAGE. THERE'S -- THIS IS AN EXCERPT FROM THE LAND DEVELOPMENT CODE, CHAPTER 25-5-146. WE HAVE ALSO PASSED OUT TO YOU LETTERS OF OPPOSITION FROM THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION AND THE WEST END AUSTIN ALLIANCE, WHICH WERE INADVERTENTLY OMITTED FROM YOUR BACKUP. THERE HAVE BEEN ISSUES RAISED ABOUT COMPATIBILITY OF THIS USE WITH THE NEIGHBORHOOD PLAN. RICARDO SOLIZ OF THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT IS HERE TO ANSWER THOSE QUESTIONS. I WOULD BE GLAD TO ANSWER ANY OTHER QUESTIONS THAT YOU HAVE AT THIS TIME.

Mayor Wynn: THANK YOU, MR. ZAPALAC MUCH AGAIN COUNCIL, WE DON'T DO THIS OFTEN, SO TECHNICALLY THE PROCESS HERE FOR US TO CONSIDER THIS APPEAL, WE GET A REPORT FROM CITY STAFF, WHICH WE HAVE JUST HEARD FROM MR. ZAPALAC, WE CAN ASK QUESTIONS OR CERTAINLY EXTEND THEN, THEN A PRESENTATION FROM THE APPELLATE -- APPEALANT FOR FIVE MINUTES, THEN SIMILAR TO ZONING CASES, COMMENTS FROM PEOPLE SUPPORTING THE APPEAL, 3 MINUTES EACH. PEOPLE OPPOSING THE APPEAL, 3 MINUTES EACH, THEN THE APPELLATE WILL HAVE A THREE MINUTE REBUTTAL. ANY FURTHER QUESTIONS OF STAFF BEFORE WE GO TO THE CARD, COUNCIL? IF NOT AT THIS TIME WE WILL HEAR THE FIVE MINUTE PRESENTATION BY THE APPEALANT.

MAYOR AND COUNCIL, I'M RICHARD MATHIAS, REPRESENTING THE APPLICANT. QUESTION, IF I COULD, YOU MENTIONED THAT THE APPEALANT HAS FIVE MINUTES, THEN

SUBSEQUENT SPEAKERS HAVE THREE. I DON'T WANT TO GO FIRST. WE HAVE SOME OTHER SPEAKERS WHO WANT TO SPEAK IN FAVOR, WOULD THAT BE OKAY? I CAN PROBABLY DO MINE IN THREE MINIMUMS ANYWAY, SO THE FIVE MINUTES MAY NOT BE AN ISSUE FOR ME.

Mayor Wynn: MY SUSPICION THAT COUNCIL WILL ACTUALLY HAVE A NUMBER OF QUESTIONS FOR YOU AFTERWARDS. I SUGGEST THAT YOU GO AHEAD AND SET THE TONE FOR WHY YOU NEED THE APPEAL TO BEGIN WITH, MORE THAN LIKELY YOU WILL GET THE LAST WORD IF YOU WILL BECAUSE I THINK COUNCIL HAS SOME QUESTIONS FOR YOU, EVEN AFTER WE HEAR FROM BOTH SIDES OF THE ISSUE.

OKAY. AS I SAID I'M RICHARD MATHIAS REPRESENTING THE APPLICANT. I'M GOING TO JUST GIVE YOU A GENERAL REASON WHY WE FILED THE APPEAL AND THEN I WILL SAY SOME FURTHER -- SAVE SOME FURTHER REMARKS AS ONE OF THE END SPEAKERS, WE HAVE OTHER PEOPLE WHO WILL SPEAK AND KIND OF LAY THE GROUNDWORK. BUT ESSENTIALLY THIS APPEAL WAS FILED BECAUSE WE ARE IN DISAGREEMENT WITH THE PLANNING COMMISSION'S DECISION OBVIOUSLY. WE BELIEVE THAT THEY ERRED IN THEIR DECISION AND IT WAS BASED ON FALSE INFORMATION. WE ARE CLEAR TO CLARIFY THAT THIS EVENING AND DISCUSS WITH YOU AND MAKE OUR CASE AS TO WHY WE BELIEVE THAT THIS APPLICATION COMPLY WAS ALL OF THE REGULATIONS AS WELL AS THE CONDITIONAL USE PERMIT EVALUATION CRITERIA. HAVING SAID THAT I WOULD LIKE TO INTRODUCE SOME SPEAKERS IF I COULD, MAYOR. MARK GLASSMIRE IS HERE TO GIVE YOU AN OUTLINE OF THE DESIGN AND THE FUNCTION AND OPERATIONAL CHARACTERISTICS OF THIS PARTICULAR USE. THANK YOU.

Mayor Wynn: WELCOME, MR. GLASSMEYER, YOU'LL HAVE THREE MINUTES.

AGAIN, I'M MARK GLASSMEYER, PART OF THE SHUGART DEVELOPMENT TEAM. I WANT TO POINT OUT A COUPLE OF THINGS ABOUT THIS PLAN. SHURGART IS THE GLOBAL LEADER IN HIGH QUALITY STORAGE PRODUCTS AND SERVICES, WE HAVE GUN IN BUSINESS OVER 30 YEARS. A

PUBLICLY TRADED REAL ESTATE INVESTMENT TRUST AND ARE TRADED ON THE NEW YORK NEW YORK STOCK EXCHANGE UNDER THE SYMBOL SHU. WE OWN AND OPERATE OVER 1600 STORAGE FACILITIES THROUGHOUT THE UNITED STATES AND EUROPE. WE CURRENTLY OWN AND OPERATE 8 FACILITIES IN THE GREATER AUSTIN AREA. IN ADDITION WE HAVE TWO PROPOSED DEVELOPMENTS, ONE OF WHICH IS THIS ONE. WHICH ARE CURRENTLY GOING THROUGH THE ENTITLEMENT PROCESS. THE CITY OF AUSTIN HAS SUCCESSFULLY ENCOURAGED RESIDENTIAL INFILL DEVELOPMENT IN THE URBAN CORE. THERE ARE PRESENTLY A LARGE NUMBER OF RESIDENTIAL DEVELOPMENTS IN THIS AREA WITH MORE PLANNED. THESE TYPES OF DEVELOPMENTS TYPICALLY LACK ADEQUATE STORAGE AND GARAGES. SHURGART IS A SUPPORT SERVICE, PRIMARILY FOR RESIDENTS WHO NEED ADDITIONAL STORAGE SPACE THAT'S CONVENIENTLY LOCATED TO WHERE THEY LIVE. WE OPERATE OUR FACILITIES LIKE ANY OTHER HIGH END RETAIL ESTABLISHMENT. THE STORE HAS A FULL-TIME MANAGER AND A PART-TIME ASSISTANT. THE OFFICE HOURS ARE TYPICALLY BETWEEN THE HOUR OF 9:00 A.M. TO 5:30 P.M. MONDAY THROUGH SATURDAY AND ALSO WE HAVE OFFICE HOURS ON -- FROM 12:00 P.M. TO 5:00 P.M. ON SUNDAYS. THERE ARE NO EVENING HOURS. THE PROPERTY IS CLOSED TO TENANTS BETWEEN THE HOURS OF 10:00 P.M. AND 6:00 A.M. EXCEPT FOR SPECIAL ARRANGEMENTS. THESE TYPES OF PROPERTIES, AS THE MAYOR HIMSELF MENTIONED OR PARDON ME AS THE STAFF MEMBER MENTIONED ARE VERY LOW NOISE, AND LOW TRAFFIC GENERATORS WITH AN AVERAGE CUSTOMER VISIT OF 12 VISITS PER DAY. THERE ARE NO PLANNED TRUCK RENTAL FACILITIES OR ACTIVITIES AT THIS LOCATION. SUREGUARD USES THE MOST ADVANCED SECURITY SYSTEMS IN THE SELF STORAGE INDUSTRY. CLOSED CIRCUIT TELEVISION, ELECTRONICALLY CONTROLLED DOOR ACCESS, ELECTRICALLY CONTROLLED ELEVATOR ACCESS, WE HAVE AN INTERCOM SYSTEM. ALSO A HIGH SECURITY CYLINDER LOCK AND HASP SYSTEM FOR EACH INDIVIDUAL DOOR. TENANTS ARE SCREENED DURING THE PROCESS. THERE IS A REPAIR AND MAINTENANCE BUDGET AS WELL AS CAPITAL EXPENDITURE SET FOR EACH PROPERTY. FULL-TIME MAINTENANCE IN AUSTIN SUPPORT

BID A REGIONAL MAINTENANCE TEAM. OUR STORE MANAGERS AND MAINTENANCE MANAGERS, PART OF THEIR COMPENSATION IS ALSO BASED ON THE PHYSICAL CONDITIONS OF THOSE PROPERTIES. SHURGARD CUSTOM DESIGNS EACH NEW FACILITY FOR ITS PARTICULAR SITE. THIS PARTICULAR DESIGN HAS MET OR EXCEEDED ALL OF THE SITE DEVELOPMENT REGULATIONS ESTABLISHED BY THE CITY OF AUSTIN. THE PROPOSED DESIGN WILL LOOK, AS YOU CAN SEE, WILL LOOK MUCH LIKE AN OFFICE BUILDING -- CAN I WRAP UP? [BUZZER SOUNDING]

Mayor Wynn: QUICKLY WRAP UP.

LOOKS A LOT LIKE AN OFFICE BUILDING WITH STORE FRONT WINDOWS, A STONE FACADE, LOTS OF ARTICULATION AND A LOT OF LANDSCAPING. WE BELIEVE THAT THIS BUILDING AND DESIGN WILL ENHANCE THE NEIGHBORHOOD AND RAISE THE BAR FOR ANY DEVELOPMENT AND/OR REDEVELOPMENT IN THE FUTURE. FOR THIS AREA. THANK YOU.

THANK YOU, MR. GLASSMEYER, NEXT SPEAKER IS MR. JEFF HELGISON AND/OR GARY [INDISCERNIBLE] WELCOME, YOU WILL HAVE THREE MINUTES.

MAYOR AND COUNCIL PERSONS, GOOD EVENING. I'M GARY WARDIEN, I ASSIST SURE SURGUARD WITH SITE SELECTION IN THE AUSTIN AREA. THEIR CARE ATTENTION TO SITE AND BUILDING DESIGN HAS RESULTED IN POSITIVE SUPPORT BY MANY AUSTIN NEIGHBORHOOD ASSOCIATIONS AND ORGANIZATIONS, INCLUDING THE OAK HILL ASSOCIATION OF NEIGHBORHOODS, NORTHWEST AUSTIN ALLIANCE, NEIGHBORHOOD ASSOCIATION OF SOUTHWEST, WILLIAMSON COUNTY, ANDERSON MILL NEIGHBORHOOD ASSOCIATION, RIVER PLACE RESIDENTIAL COMMUNITY ASSOCIATION, ACRES REST HOMEOWNERS ASSOCIATION, NORTHWEST AUSTIN NEIGHBORHOOD COALITION, SOUTH RIVER CITY CITIZENS NEIGHBORHOOD ASSOCIATION, SOUTHEAST AUSTIN NEIGHBORHOOD ALLIANCE, SOUTH CENTRAL COALITION AND THE BEE CAVE ROAD ALLIANCE AND NEIGHBORHOOD ASSOCIATIONS. AS AUSTIN'S ENCOURAGEMENT TO HAVE MORE RESIDENTIAL IN THE CITY'S CENTER HAS -- AFTER A THOROUGH SEARCH PROCESS THIS PARTICULAR PROPERTY ON WEST FIFTH

STREET EMERGED AS THE BEST LOCATION FOR A NEW STORE TO SERVE THE GROWING DOWNTOWN AND WEST END RESIDENTIAL POPULATION. HOWEVER, THE SITE, SHAPE AND SIZE WERE CHALLENGING. SINCE THE PROPERTY HAS LIMITED FRONTAGE, AND IS SANDWICHED BETWEEN A LARGER NON-DESCRIPT BUILDING AND OVERSIZED BILLBOARD NEXT TO AN AUTO REPAIR FACILITY. I WOULD LIKE THIS EVENING TO ADDRESS A PETITION THAT WAS RECENTLY INTRODUCED BY MEMBERS OF THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION. YOU HAVE IT IN YOUR PACKETS THERE I BELIEVE FROM PREVIOUSLY. IN THE TRANSMIT SAL LETTER DESCRIBED AS A PETITION SIGNED BY BUSINESS OWNERS, REPRESENTATIVES OF BUSINESSES AND OWNERS OF COMMERCIAL PROPERTIES WITHIN THE 5th AND SIXTH STREET CORE DOOR WHO WISH TO EXPRESS THEIR OPPOSITION TO THE CONDITIONAL USE PERMIT REQUESTED BY SURGUARD, END QUOTE. WE WERE PRICED. I AND AN ASSOCIATE MET WITH A NUMBER OF BUSINESS AND PROPERTY OWNERS IN THE VICINITY FOCUSING ON THOSE CLOSEST TO THE SITE AND DISCOVERED THE FOLLOWING. FIRST, MANY NAMES ON THE LIST WERE NEITHER BUSINESS NOR PROPERTY OWNERS. BUT EMPLOYEES. MULTIPLE SIGNATORIES HAD ALSO BEEN SOLICITED FROM THE SAME BUSINESSES. SECOND, MANY WERE PROPERTIES BEYOND 300 FEET FROM THE SITE, SOME 700 FEET OR MORE DISTANT IN LOCATIONS NEITHER VISIBLE NOR IMPACTED BY THIS PROJECT. THIRD, PERSONS WHO SIGNED THE PETITION SAID THEY HAD NOT SEEN SITE PLAN INFORMATION AND MANY WERE UNAWARE OF SITE LOCATION OR EVEN THAT A SPECIFIC PRISON WAS BEING PROPOSED. FOURTH, AFTER REVIEWING ILLUSTRATIONS AND INFORMATION SPECIFIC TO THE SURGUARD PROJECT, ALL BUT THREE OF THOSE WITH WHOM WE MET WERE EITHER NEUTRAL OR SUPPORTIVE OF THE SITE PLAN APPROVAL AS ILLUSTRATED ON THE MAP PROVIDED IN YOUR PACKET. THE DOTS REPRESENT INDIVIDUALS WITH WHOM I SPOKE. [BUZZER SOUNDING] PARTIES WHO HAVE SIGNED THE EARLIER PETITION CHANGED THEIR OPINIONS FOLLOWING THE PRESENTATION AND DISCUSSION. PETITIONS OF SUPPORT ARE PROVIDED. IT'S MY CONCLUSION BASED UPON THE PEOPLE WITH WHOM WE MET THAT THIS PROJECT IS IN FACT ACCEPTABLE OR END COURAGED BY MOST BUSINESSES AND PROPERTY

OWNERS PROXIMATE TO THE SITE. THE SITE PLAN WAS WELL RECEIVED BY ALL BUT ONE CERTAIN AND WE WOULD APPRECIATE YOUR FAVORABLE CONSIDERATION OF THIS SITE PLAN APPLICATION. THANK YOU.

THANK YOU, MR. WARDIAN. JEFF HELLGISON. WELCOME, THREE MINUTES.

THANK YOU MAYOR AND COUNCIL. MY NAME IS JEFF, I'M THE REAL ESTATE MANAGER FOR SHURGARD STORAGE. OUR COMPANY HAS BEEN PROVIDING SERVICES TO THE AUSTIN RESIDENTS FOR ABOUT 15 YEARS. WE APPRECIATE THE OPPORTUNITY TO BRING SUCH MATTERS BEFORE YOU TODAY. TO GIVE YOU A LITTLE BIT OF BACKGROUND, WHEN SHURGARD CONSIDERS PURCHASING A PROPERTY, WE CONDUCT NORMAL DUE DILIGENCE, REVIEWING ALL CODES AND ORDINANCES AND MEETING WITH THE AREA NEIGHBORHOOD ASSOCIATIONS. WE REVIEWED THE ZONING AND NEIGHBORHOOD PLANS AND SAW NOTHING THAT WOULD PROHIBIT US FROM BUILDING OURSELF STORAGE FACILITY AT THIS LOCATION. IN THE WINTER OF 2002 WE ATTEMPTED TO MEET WITH [INDISCERNIBLE] AFTER SEVERAL ATTEMPTS TO GET ON THE AGENDA WE WERE TOLD TO MEET WITH THE IWANA ZONING SUBCOMMITTEE. FINE MALE IN SEPTEMBER OF 2003 WE WERE ABLE TO MEET WITH THE WANA REPRESENTATIVES. THE MEETING WAS INFORMATIVE, WE DISCUSSED THE SITE PLAN AND ITS DESIGN, WHICH THE REPRESENTATIVES THOUGHT LOOKED NICE. THEY ASKED US ABOUT INCLUDING RESIDENTIAL OR COMMERCIAL USES WITH OUR STEARJ FACILITY, THOUGH WE EXPLAINED THE PROPERTY WAS VERY CHALLENGED BY ITS SIZE, CITY PARKING REQUIREMENTS, OTHER DESIGN ISSUES THAT WOULD MAKE IT EXTREMELY DIFFICULT IF NOT IMPOSSIBLE TO ACHIEVE. WE LEFT THE MEETING WITHOUT A FORMAL DECISION FROM THE COMMITTEE AS THEY WANTED TO DISCUSS IT AMONGST THEMSELVES. WE ASKED THAT THEY LET US KNOW WHEN THEY REACHED A DECISION. IN OCTOBER OF 2003, WE MET WITH THE WEST END AUSTIN ALLIANCE BUSINESS ASSOCIATION, WE WERE TOLD THAT THEY WOULD NOT OPPOSE OUR PROJECT. AFTER HAVING MET WITH THE NEIGHBORHOOD ASSOCIATIONS AND KNOWING THAT WE MET ALL CITY CODES AND ORDINANCES, INCLUDING THE NEIGHBORHOOD PLAN, WE DECIDED TO GO

FORWARD WITH OUR PROJECT AND STARTED SPENDING MORE MONEY. WE MADE OUR SUBMITTALS TO THE CITY FOR A PROJECT WHICH CITY STAFF SUPPORTED AND WERE PUT ON THE JANUARY 27th PLANNING COMMISSION AGENDA. THE RESULT OF THE PLANNING COMMISSION HEARING WAS A UNANIMOUS APPROVAL. BASED ON THAT DECISION WE DECIDED TO SPEND EVEN MORE MONEY TO START OUR CONSTRUCTION DRAWING. AFTER WE BEGAN THE PREPARATION OF OUR BUILDING CONSTRUCTION DRAWING, I WAS NOTIFIED THAT THE PLANNING COMMISSION HAD RESCINDED THE APPROVAL, DUE TO IMPROPER NOTIFICATION BY THE CITY AND THEY WOULD HAVE TO GO BACK FOR ANOTHER HEARING. DURING THE PERIOD WE WERE WAITING FOR THE HEARING, WE MADE SEVERAL ATTEMPTS AS DID CITY STAFF VIA TELEPHONE AND E-MAIL TO CONTACT IWANA TO GET THEIR POSITION ON OUR PROMISE. WE DID NOT GET A REPLY TO OUR REQUEST, THOUGH THEY DID EVENTUALLY SEND AN OPPOSITION LETTER TO THE CITY WHICH WE RECEIVED IN MID MARCH. THEY WENT TO THE MARCH 23rd PLANNING COMMISSION HEARING, AND MUCH TO OUR SURPRISE WE RECEIVED THE UNANIMOUS DECISION AGAINST OUR PROJECT. FRANKLY I'M A LITTLE CONFUSED AS OUR COMPANY IS AS TO WHY WE COULD GET UNANIMOUS APPROVAL THE FIRST TIME AND BRING BACK THE EXACT SAME PROJECT AND HAVE THE VOTE AGAINST US BY THE SAME PLANNING COMMISSION. IN SUMMARY, WE LEE I'D ON THE CITY'S CODES AND ORDINANCES INCLUDING THE NEIGHBORHOOD PLAN TO [INDISCERNIBLE] ON THIS PROPERTY. WE WORKED IN GOOD FAITH WITH THE NEIGHBORHOOD ASSOCIATIONS, WE HAVE INVESTED SUBSTANTIAL TIME AND MONEY INTO THIS DEVELOPMENT. NOT ONLY BASED ON THE NEIGHBORHOOD'S LACK OF COMMUNICATION REGARDING THE POSITION, BUT ALSO UPON A UNANIMOUS APPROVAL FROM THE PLANNING COMMISSION WHICH WAS LATER RESCINDED. AT THIS TIME I RESPECTIVELY REQUEST SUPPORT -- YOUR SUPPORT REGARDING THIS PROJECT. THANKS.

THANK YOU, SIR. COUNCIL, NOW AT THIS TIME WE WILL HEAR FROM PEOPLE SIGNING UP -- YOU GET A THREE MINUTE REBUTTAL AT THE END OF THESE COMMENTS MR. MATHIAS.

I NEVER MADE MY INITIAL PRESENTATION.

Mayor Wynn: I GAVE YOU THE SUGGESTED ORDER OF THIS PROCESS, IT'S LAID OUT VERY SPECIFICALLY IN OUR LAND DEVELOPMENT CODE, IF YOU WANT TO BREAK IT -- GOOD -- GOOD CHOICE. WE WILL NOW HEAR FROM CITIZENS WISHING TO SPEAK IN OPPOSITION TO THE APPEAL, THE FIRST SPEAKER WILL BE MS. SARAH CROCKER. ME CROCKER, LOOKS LIKE, SOMEONE OFFERED TO DONATE TIME TO YOU. IS ED JORDAN HERE? ED, WELCOME. MS. CROCKER, MR. JORDAN HAS DONATED HIS 3 MINUTES TO YOU, YOU WILL HAVE UP TO SIX MINUTES.

GREAT. THANK YOU, LADIES AND GENTLEMEN, COUNCIL, MY NAME IS SARAH CROCKER I'M HERE TONIGHT ON BEHALF OF EVANS WILLIAMS AND VARIOUS OTHER COMMERCIAL PROPERTY OWNERS IN THE IMMEDIATE AREA. I PUT A HANDOUT UP THERE FOR YOU. I WOULD LIKE TO DRAW YOUR ATTENTION TO THE ZONING MAP THAT IS IN THAT PARTICULAR PACKET. WHAT YOU WILL SEE ON HERE IS THE SHURGARD SITE IN GREEN AND ADJACENT TO IT THE PUBLIC STORAGE BUILDING WHICH IS THE SITE THAT'S DIRECTLY NEXT TO IT IN BLUE. AND CATER-CORNERED TO THAT YOU WILL ALSO SEE THE ADDITIONAL CONVENIENCE STORAGE SITE. SURROUNDING THAT ON THIS PARTICULAR SITE ALL OF THE AREAS IN BROWN ARE COMMERCIAL BUSINESSES. THE ALLEY THAT MR. ZAPALAC IS REFERENCING THAT BASICALLY RUNS BEHIND THIS IS A -- IS PROVIDING A SECOND POINT OF ACCESS. DEAD END. IT IS NOT A THROUGH ALLEY. IT ACTUALLY COMES UP AND DEAD ENDS AT THEIR PARTICULAR PROPERTY LINE. WE HAVE SOME VERY SIGNIFICANT ISSUES WITH THE DEVELOPMENT OF THIS PARTICULAR PROPERTY. THERE WAS A STATEMENT MADE BY THE GENTLEMAN FROM SHURGARD THAT THERE WASN'T ANY PROBLEM WITH THE ADJACENT PROPERTY OWNERS AND THE IMPACT THAT THIS PARTICULAR DEVELOPMENT COULD HAVE ON THEM. WELL, MR. WILLIAMS OWNS THE BUILDING DIRECTLY BEHIND WHERE THIS PROPOSED DEVELOPMENT IS GOING TO BE BUILT. AND YOU'LL SEE IN YOUR PACKET, WE HAVE A GREAT DEAL OF CONCERN ABOUT THE IMPACT OF THIS PARTICULAR DEVELOPMENT AND ITS ACCESS TO THE ALLEY WILL HAVE ON THE OPERATING BUSINESSES. WE DID A TRAFFIC COUNTS ON

THE ALLEYS, I ASKED THE TRAFFIC ENGINEER TO DO THEM ON THE SLOWEST DAY WE COULD POSSIBLY FIND, WE DID THEM ON A TUESDAY, YOU WILL SEE IN THE TRAFFIC COUNTS HANDED OUT THAT THERE WERE 379 CARS ON A TUESDAY. THIS IS A DAY WHEN BELA HAIR SALON IN THE BUILDING THAT MR. WILLIAMS OWNS IS -- IS REALLY ONLY OPEN HALF A DAY. AND THE -- THE ART GALLERY, ALL OF THEIR SLOWEST DAYS OF THE WEEK. SO THIS PARTICULAR ALLEY RIGHT NOW SERVICES THESE BUILDINGS. IT'S WHERE THEY DO CITY GARBAGE PICKUP, WHERE ALL OF THE PATRONS FOR THE 17 BUSINESSES UP AND DOWN THE ALLEY ACCESS THE ONLY AVAILABLE PARKING TO THEM. ALL OF THE EMPLOYEES COME IN HERE AND PARK. A VERY HIGHLY -- HIGHLY DEVELOPED, HIGHLY USED ALLEY BY EVERYBODY SINGLE BUSINESS THAT'S LOCATED UPON THERE. WE FEEL THAT -- THAT THE PRIMARY REASON SHURGARD IS HAVING TO TAKE ACCESS TO THIS ALLEY IS BECAUSE THEY ARE BUILDING A 30,000 SQUARE FOOT STRUCTURE ON SOMETHING THAT'S LIKE .8 OF AN ACRE IN DOWNTOWN. AND THAT MAKES THE BUILDING VERY MASSIVE, VERY LARGE, AND WE WOULDN'T HAVE -- IN ALL PROBABILITY WOULDN'T EVEN HAVE TO TAKE ACCESS TO THE ALLEY THAT THEY ARE DOING RIGHT NOW IF THEY SIMPLY DOWN SIZED THE SIZE OF THIS FACILITY. THE TRAFFIC CIRCULATION MEETS CODE. I -- I WILL GIVE YOU THAT. IT MEETS MINIMUM CODE. BUT IF YOU WILL LOOK AT THIS PARTICULAR SITE PLAN THAT'S IN THE BACK, YOU WILL SEE THE WAY THAT THE PARKING IS ANGLED. I DON'T -- I DON'T SEE HOW THIS SITE WILL FUNCTION UNLESS YOU ENTER THIS SITE OFF OF THE ALLEY. THERE IS NO DESIGNATED TRUCK PARKING ON IT. IF YOU PULL IN FROM FIFTH STREET, YOU LITERALLY HAVE TO BACK UP AND BACK INTO A TRUCK SPACE. PEOPLE THAT ARE ACCESSING THIS SITE WILL COME DOWN THIS ALLEY. THERE IS NO PARKING FOR THE ESTABLISHED BUSINESSES ON SIXTH STREET. ALL OF THE PARKING IS BEHIND THEIR PARTICULAR STRUCTURES. IF YOU LOOK AT THE PICTURES THAT I GAVE YOU, YOU'LL SEE PHOTOGRAPHS OF THE ALLEY, WHICH IS ABOUT 15 FEET OF PAVEMENT AND PLACES GOING INTO THE SITE. AND YOU WILL ALSO SEE IN THIS ONE PARTICULAR PICTURE WHERE AT BELA WE HAVE LITERALLY HAD TO GO IN WITH THE ADJACENT PROPERTY OPENERS WITH, THE ART

GALLERY, EVERYBODY ELSE UP AND DOWN THE ALLEY, THE BUSINESS OWNERS HAVE JOINED TOGETHER TO FIGURE OUT WAYS TO PARK THEIR EMPLOYEES AND PROVIDE CARS FOR THEIR PATRONS, I MEAN PARKING PLACES FOR THEIR PATRONS. BASICALLY BEHIND BELLA THEY LITERALLY HAVE SLOTS WHERE THREE EMPLOYEES WILL PARK TANDEM BEHIND EACH OTHER SO THAT WE ARE DOING EVERYTHING THAT WE CAN TO MAXIMIZE THE USE OF THE PARKING LOT AND STILL BE ABLE TO PROVIDE PARKING. IT'S OUR OPINION THAT -- THAT THE STORAGE FACILITY, ALTHOUGH IT MAY BE A LOW TRAFFIC GENERATOR, BECAUSE THEY ARE MAXING OUT THE SITE WITH THE SIZE OF THE BUILDING WILL DID V TO USE THIS ALLEY AS A PRIMARY ACCESS POINT. IT VERY MUCH HAS A NEGATIVE IMPACT ON THE ADJACENT PROPERTY AROUND IT, ON THE BUSINESSES THAT ARE OPERATING AROUND THERE AND IT WILL -- IT WILL DEFINITELY HAVE A NEGATIVE IMPACT. CARS ENTER GO THE SHURGARD FACILITY, ESPECIALLY ON SATURDAYS WHEN THEY ARE AT THEIR BUSIEST TIME, SO IS THE HAIR SALON, THE FURNISHTURE STORE AND THE TRAINING FACILITY, ART GALLERY, ALL OF THE OTHER BUSINESSES, THERE'S GOING TO BE A CUING PROBLEM IN THAT ALLEY. NO IFS, ANDS, BUTS ABOUT IT. IF YOU EVER BEEN OVER THERE DURING THE DAY, THESE PEOPLE HAVE WORKED VERY HARD TO ESTABLISH SUCCESSFUL BUSINESSES. THEY WOULD WELCOME A RETAIL SITE HERE. IF YOU BUILT A ROANTLY SIZED -- REASONABLY SIZED RETAIL SITE YOU PROBABLY WOULDN'T HAVE TO TAKE ACCESS TO THE ALLEY. EVERYTHING HERE IS BEING CREATED BY THE FACT THAT SHURGARD IS COMING IN AND MAXING OUT THIS SITE, BUILDING THE BIGGEST DENSEST DEVELOPMENT THEY POSSIBLY CAN WHICH IS CREATING VERY MINIMAL TRAFFIC CIRCULATION AND IT'S ALSO CREATING ACCESS INTO THE ALLEY. THANK YOU.

Mayor Wynn: THANK YOU, MS. CROCKER. NEXT SPEAKER WILL BE EVAN WILLIAMS. MR. WILLIAMS WILL BE FOLLOWED BY STEVE COALBURN. WELCOME, SIR, YOU WILL HAVE THREE MINUTES.

GOOD EVENING, MAYOR, COUNCIL, MY NAME IS EVAN WRIL YAMS, WE OWN THE PROPERTY DIRECTLY ADJOINING THE SHURGARD TRACT TO THE NORTH. ONE OF THE PRIMARY

PROBLEMS THAT WE HAVE IS, YOU KNOW, WE ARE WORRIED ABOUT THE TRAFFIC COMING IN. WE ARE MORE WORRIED ABOUT THAT TRAFFIC GOING OUT. IF YOU ASSUME THAT THE TRAFFIC WILL COME IN OFF OF FIFTH STREET, BACK IN, HEAD IN PARK, THIRD GOING TO GO OUT ACCESS TO THE ALLEY. AS YOU CAN HOPEFULLY SEE BY MY -- MY POOR PRESENTATION, THAT THIS IS THE SHURGARD PARKING. THEY ARE EXPECTING THEIR CLIENTS TO COME OUT AND TAKE A RIGHT DOWN THE ALLEY, GO ALL THE WAY DOWN TO ALLEY TO WALSH AND THEN GO TO FIFTH OR SIXTH STREET. I MAINTAIN THAT HUMAN NATURE BEING WHAT IT IS, THE CLIENTS THAT COME OUT THERE LOOKING FOR SIXTH STREET, ARE GOING TO COME HERE, PAUSE, SEE SIXTH STREET DIRECTLY TO THEIR NORTH AND GO RIGHT THROUGH OUR PARKING LOT. AND -- AND OUR PARKING LOT IS VERY CROWDED AS IT IS. AS MS. CROCKER STATED, WE HAVE VERY SUCCESSFUL BUSINESSES THERE AND THE PARKING LOT IS JAMMED. WE WOULD WELCOME AN ADJOINING RETAIL USE. I HAVE NO PROBLEM WITH IT. THE TRAFFIC COUNT RETAIL LOVES BEING NEXT TO RETAIL. WE LIKE THAT, WE WANT THE AREA TO GROW IN THAT REGARD. BUT WE HONESTLY THINK THAT THE PERMIT BEING SOUGHT BY THE APPLICANT WILL ADVERSELY IMPACT OUR ADJOINING SITE MORE THAN A PERMITTED USE WOULD. THANK YOU VERY MUCH.

Mayor Wynn: MR. WILLIAMS, CAN I ASK YOU, WHAT -- HOW EARLY -- WHEN WERE YOU ABLE TO EXPRESS ANY OF THESE ISSUES TO THE SHURGARD AND/OR WERE YOU -- DID YOU -- DID YOU TESTIFY AT THE ORIGINAL LAND ORIGINAL PLANNING COMMISSION HEARING.

I DIDN'T GET NOTICE OF THE ORIGINAL PLANNING COMMISSION MEETING WHICH IS WHY I WASN'T THERE. ONCE THAT WAS RESCHEDULED, WE DID HAVE AN OPPORTUNITY FOR SEVERAL PHONE CALLS AND VISIT TO SIT DOWN WITH GARY AND RICHARD AND TALK ABOUT OUR CONCERNS. REGRETTABLY IT WAS -- I THINK IT WAS ONE TO TWO DAYS BEFORE THE NEXT PLANNING COMMISSION WAS SCHEDULED AND WE WEREN'T ABLE TO COME ONE A COMPROMISE THAT WE FELT ADDRESSED OUR CONCERNS ADEQUATELY. SINCE THE PLANNING COMMISSION, WE'VE -- WE'VE REALLY HAD NO CONTACT OTHER THAN A PHONE

CALL. >

SO YOU WEREN'T AT THE FIRST HEARING, BUT YOU WERE AT THE SECOND HEARING.

YES, SIR, WE WERE.

THANK YOU, MAYOR.

Mayor Wynn: STEVE COLEBURN. WELCOME, MR. COLEBURN. YOU WILL -- LOOKS LIKE -- IS KAREN SCHWITERS, HERE, SORRY IF I'M MISPRONOUNCING THAT. MR. COLEBURN YOU WILL HAVE SIX MINUTES.

THANK YOU, HONORABLE MAYOR, STOP YOU, I'M STEVE COLEBURN CHAIR OF THE OLD WEST AUSTIN ASSOCIATION NEIGHBORHOOD COMMITTEE. I WOULD FIRST LIKE TO ADD THE NEIGHBORHOOD PLAN BECAUSE IT'S OBVIOUSLY A CORE ISSUE HERE. WHAT I WOULD LIKE TO DO IS READ FOR YOU THE VERY FIRST ITEM IN THE NEIGHBORHOOD PLAN. PAGE 4. THAT READ: A, LAND USE/ZONING: THE NEIGHBORHOOD PLANNING TEAM HAS IDENTIFIED NEIGHBORHOOD FRIENDLY, COMMERCIAL AREAS WHERE OFFICE, RETAME RE-- RETAIL AND RESIDENCES CAN BE MIXED VERTICALLY AND HORIZONTALLY. THESE AREAS INCLUDE WEST FIFTH AND SIXTH STREET BETWEEN LAMAR AND MOPAC. WHICH OF COURSE IS THE SPECIFIC AREA IN QUESTION. NEXT ON PAGE 21, UNDER B, TRANSPORTATION, GOAL 1, AESTHETICS, OBJECTIVE 8.1, IMPROVE THE AESTHETICS OF STREET. ACTION 55, PARTICIPATE IN AND SUPPORT THE EFFORTS OF THE WEST END ALLIANCE AND THE WEST END MERCHANTS TO IMPROVE COMMERCIAL CORRIDORS. IN PARTICULAR, SUPPORT THE GOALS OF THE WEST END AUSTIN ALLIANCE MASTER PLANNING EFFORT FOR THESE CORRIDORS. CREATING A PEDESTRIAN FRIENDLY MIXED USE ENVIRONMENT.

THE VISION FOR FIFTH STREET IN THE NEIGHBORHOOD PLAN IS VERY MUCH LIKE WHAT SIXTH STREET IS IN -- THROUGH OUR AREA. WHICH IS A PEDESTRIAN ORIENTED BUSINESS AREA WHERE PEOPLE CAN GO AND WALK TO FROM OUR NEIGHBORHOOD. AT ANY TIME. DAY AND EVENING. AND THAT IT WOULD BE A VIBRANT COMMERCIAL ACTIVITY THERE. AS

WELL AS RESIDENCES. AND UNFORTUNATELY, HAVING ONE MORE STORAGE FACILITY THERE, REALLY GOES AGAINST THAT VISION. WE HAVE TWO ALREADY, AS YOU PROBABLY KNOW. TWO RELATIVELY LARGE ONES. AND THEY SERVE THE NEEDS OF THE EXISTING RESIDENCES. AND THEY SERVE THE NEEDS OF PEOPLE DRIVING INTO DOWNTOWN FROM MOPAC, IT'S VERY EASY FOR THEM, IT'S THE -- IT'S THE MAIN THOROUGHFARE FROM MOPAC INTO DOWNTOWN. AND THEY COME AND USE THE STORAGE FACILITIES THERE. OUR CONCERN IS THAT RATHER THAN BECOMING A NEIGHBORHOOD FRIENDLY PEDESTRIAN ORIENTED AREA, THAT WITH THE ADDITION OF THIS STORAGE FACILITY, IT BECOMES A COMMERCIAL STORAGE GET GHETTO THAT IS PRIMARILY SERVING FROM PEOPLE FROM OUTSIDE THE NEIGHBORHOOD AND NOT SERVING THE RESIDENTS AND NOT MEETING THE GOAL THAT WE HAVE, WHICH IS TO -- TO INCREASE THE -- THE VIBRANT PEDESTRIAN ACTIVITY ON THAT VERY STREET. FIFTH STREET. AND WHICH WE SHARE WITH THE WEST END AUSTIN ALLIANCE. THAT IS WHY THE PLANNING COMMISSION VOTED UNANIMOUSLY. I -- AT THEIR SECOND MEETING. THE FIRST MEETING, WHICH AS THEY STATED WAS UNANIMOUS IN FAVOR OF THE SHURGARD PROPOSAL, THE REASON WHY THAT OCCURRED IS BECAUSE THERE WAS NO NOTICE GIVEN OF THE MEETING TO US, AS WELL AS TO EVAN WILLIAMS OR ANY OF THE PEOPLE WHO ARE OPPOSING THE PROPOSAL. AND SO CONSEQUENTLY WE JUST SIMPLY DID NOT KNOW THAT THE PLANNING COMMISSION WAS ADDRESSING THAT ISSUE. AND SO THERE WAS NO OPPOSITION. THAT'S WHY IT PASSED UNANIMOUSLY. ONCE NOTICE HAD -- PROPER NOTICE HAD BEEN GIVEN, THE SECOND MEETING, SECOND SESSION CONCERNING THIS ISSUE WAS ADDRESSED, AND THE PLANNING COMMISSION VOTED UNANIMOUSLY. AND IT INCLUDED MENTION FROM SOMEONE WHO WAS ACTUALLY INVOLVED IN THE NEIGHBORHOOD PLAN SAYING SPECIFICALLY THAT THIS DID NOT MEET THE GOAL AND THE VISION THAT THE NEIGHBORHOOD PLAN HAS FOR THE FIFTH STREET CORRIDOR. SO PLEASE HELP US KEEP OUR NEIGHBORHOOD GROWING IN THE DIRECTION THAT WE WANT. WHICH IS A VERY PEDESTRIAN FRIENDLY PLACE. YES, WE WANT COMMERCIAL ACTIVITY. BUT WE WANT IT IN A WAY THAT ENCOURAGES EVENING USE, WHICH THIS CERTAINLY

DOESN'T. AND BECAUSE IT'S ASSOCIATED SO CLOSELY WITH THE TWO OTHER STORAGE FACILITIES, YOU END UP WITH THE WHOLE AREA THERE, WHICH IS BASICALLY NOT USED AFTER 5:30. AND IF YOU THINK ABOUT THAT, THAT ENCOURAGES SAFETY PROBLEMS, IT ENCOURAGES GRAFFITI PROBLEMS. IN FACT THE STORAGE FACILITY RIGHT NEXT DOOR TO IT HAD GRAFFITI THERE WITHIN THE MONTH BEFORE THE -- BEFORE THE PREVIOUS CITY COUNCIL MEETING WHERE THIS WAS SUPPOSED TO HAPPEN WHICH WAS LAST MONTH. SO WITHIN THE LAST TWO MONTHS THERE HAVE BEEN GRAFFITI AT THE STORAGE FACILITY NEXT DOOR. SO WE WANT TO HAVE A BRIBE BRANDT NEIGHBORHOOD. A -- VIBRANT NEIGHBORHOOD, THE NEIGHBORHOOD PLAN EDGE COURAGES IT. AS MUCH AS THIS MIGHT BE A NICE FACILITY FOR A NEIGHBORHOOD THAT DIDN'T ALREADY HAVE IT, IT'S NOT APPROPRIATE FOR OUR NEIGHBORHOOD TO SIMPLY BRING IN MORE PEOPLE FROM OUT OF THE NEIGHBORHOOD TO -- TO STORE THEIR STUFF BASICALLY WE WOULD BECOME AS I SAY A STORAGE GHETTO. FINALLY, I JUST WOULD LIKE TO MENTION THAT WHEN WE DID MEET WITH THE SHURGARD FOLKS AND AT THAT TIME WE TOLD THEM THAT WE DIDN'T THINK THAT WE COULD SUPPORT IT AS IT WAS, BUT THAT ONE POSSIBILITY THAT MIGHT ALLOW US TO SUPPORT IT WOULD BE IF IT COULD BE A -- HAVE RESIDENTIAL INCLUDED. ON THE TOP PERHAPS. AND THEY SAID THAT THAT WAS NOT POSSIBLE. SO -- SO WE HOPE THAT YOU WILL [BUZZER SOUNDING] DENY THIS APPEAL. THANK YOU.

Mayor Wynn: THANK YOU, MR. COLEBURN. QUICK QUESTION FOR YOU. WE HEARD TESTIMONY EARLIER THAT THE APPEALANT -- YOU KNOW VERY EARLY ON IN THEIR I GUESS DISCOVERY ABOUT THAT PROPERTY MET WITH THE OWANA ZONING COMMITTEE OR WHATEVER THE TITLE IS. MAYBE I -- MAYBE I DIDN'T -- I DIDN'T HEAR IT CORRECTLY, BUT THE IMPLICATION WAS THAT THERE WASN'T OPPOSITION OR HEART BURN ABOUT THE ISSUE WHICH IS WHY THEY WANT FORWARD AND WENT TO THE PLANNING COMMISSION. CAN YOU HELP US WITH THAT.

WELL, THAT'S WHAT I REFER TO IS THAT WE SAID THAT WE DIDN'T THINK THAT IT WOULD BE APPROPRIATE UNLESS IT HAS RESIDENTIAL. SO THEY LOOKED AT IT AND -- AND

CHECKED IT OUT AND SAID IT COULDN'T HAVE RESIDENTIAL. SO WE DIDN'T SAY WE WERE SUPPORTING IT AT THAT TIME. OUR -- IT WAS ONLY GOING TO BE CONDITIONAL. AND A CONDITION THAT COULDN'T BE MET.

Mayor Wynn: SO AFTER THEY -- IF AFTER THEY INFORMED YOUR SUBCOMMITTEE THAT -- THAT THEY WEREN'T GOING TO BE ABLE TO PUT RESIDENTIAL ON THE PROPERTY, YOU THEN INFORMED THEM WE CAN'T SUPPORT YOUR CONDITIONAL USE OR WHAT WAS SORT OF THE DIALOGUE AFTER THAT?

THERE REALLY WASN'T ANY DIALOGUE AFTER THAT. THEY SAY THEY TRIED TO MAKE CONTACT WITH US, BUT I DON'T HAVE ANY -- I NEVER GOT ANY MYSELF.

Mayor Wynn: OKAY. THANK YOU, MR. COLEBURN. LAURA MOOREHOUSE SIGNED UP NOT WISHING TO SPEAK, AGAINST. JULIE ORCHID, NOT WISHING TO SPEAK, AGAINST. AND WAYNE ORCHID, NOT WISHING TO SPEAK, AGAINST. SO THAT'S ALL OF THE CITIZENS WE HAVE SIGNED UP AGAINST THIS APPEAL. AND NOW WE WILL HAVE A 3 MINUTE REBUTTAL FROM THE A AGENT OR MR. RICHARD MATHIAS. WELCOME BACK, SIR.

THANK YOU, MAYOR.

CITY STAFF DETERMINED THAT THIS APPLICATION MEETS THE CONDITIONAL USE PERMIT EVALUATION CRITERIA AND RECOMMENDS APPROVAL. PLANNING COMMISSION UNANIMOUSLY DETERMINED ON JANUARY 27th THAT THE APPLICATION MET THE CRITERIA. BUT SUBSEQUENTLY CHANGED ITS POSITION. IT APPEARS THAT THE PLANNING COMMISSION ONLY CHANGED THEIR MIND AFTER BEING TOLD BY THE NEIGHBORHOOD ASSOCIATION THAT THE NEIGHBORHOOD PLAN ENVISIONED A PEDESTRIAN ORIENTED CORRIDOR ALONG WEST FIFTH STREET. HOWEVER, THERE IS NO SUCH REFERENCE IN THE NEIGHBORHOOD PLAN. AND THE CITY STAFF MEMBER WHO WORKED ON THE PLAN CONCURS. THE NEIGHBORHOOD NOW SAYS THAT THE WEST ENDS AUSTIN ALLIANCE CORRIDOR STUDY CALLS FOR A PEDESTRIAN ORIENTED CORRIDOR ALONG WEST FIFTH STREET. THAT IS

INCORRECT. AND I WOULD BE HAPPY TO ELABORATE ON THAT. SECTION 25-5-145 OF THE LAND DEVELOPMENT CODE LAYS OUT THE REQUIREMENTS BY WHICH A CONDITIONAL USE SHALL BE EVALUATED. ONE OF THE PLANNING COMMISSIONERS AT THE SECOND MEETING CITED PARAGRAPH C 2 AS THE BASIS FOR DENIAL. PARAGRAPH C 2. THIS SECTION STATES, A CONDITIONAL USE SITE PLAN MAY NOT MORE ADVERSELY AFFECT THE SAFETY OR CONVENIENCE OF VEHICULAR OR PEDESTRIAN CIRCULATION, INCLUDING REASONABLY ANTICIPATED TRAFFIC AND USES IN THE AREA. HE STATED THAT THE ADVERSE EFFECT WAS THE LACK OF PEDESTRIAN TRAFFIC THAT WOULD BE GENERATED BY THE PROPOSED USE. WE BELIEVE THIS PROVISION WAS INTENDED TO ADDRESS THE ADVERSE EFFECT THAT AN INCREASE IN TRAFFIC MIGHT HAVE ON THE AREA. AND NOT THE LACK OF GENERATING ENOUGH PEDESTRIAN TRAFFIC. I BELIEVE CITY STAFF WILL CONFIRM THIS. PARAGRAPH C 1 WAS ALSO CITED WHICH STATES, I QUOTE, A CONDITIONAL USE SITE PLAN MAY NOT MORE ADVERSELY AFFECT AN ADJOINING SITE THAN WOULD A PERMITTED USE. AGAIN, THE LACK OF PEDESTRIAN ACTIVITY WAS STATED AS THE NEGATIVE EFFECT ON THE ADJOINING PROPERTY. THE ADJOINING PROPERTIES ALL OF WHICH DO NOT GENERATE ANY PEDESTRIAN TRAFFIC THEMSELVES, INCLUDE A CONVENIENCE STORAGE FACILITY, AN AUTO REPAIR SHOP, UTILITY EQUIPMENT YARD AND AN ALLEY WHICH RUNS BEHIND COMMERCIAL USES ALONG SIXTH STREET. THE KEY PROVISION OF PARAGRAPH C 1 IS THAT A CONDITIONAL USE MAY NOT MORE ADVERSELY AFFECT AN ADJOINING PROPERTY THAN WOULD A PERMIT PERMITTED USE. THERE ARE AT LEAST 8 PERMITTED USES UNDER THE CURRENT ZONING AND ADOPTED BY THE NEIGHBORHOOD PLAN ON THE OVERLAY INCLUDING OFF STREET PARKING AND LOCAL UTILITY SERVICES WHICH GENERATE AS LITTLE OR LESS PEDESTRIAN TRAFFIC THAN THE PROPOSED USE. NONE OF THESE USES REQUIRE A CONDITIONAL USE PERMIT OR ANY PUBLIC HEARINGS. THAT BEING SAID, HOW CAN ONE SAY THAT OUR CONDITIONAL USE WILL MORE ADVERSELY AFFECT AN ADJOINING PROPERTY THAN ONE OF THESE EXISTING OR PERMITTED -- THAN ONE OF THESE EXISTING OR PERMITTED USES? IF THAT BEING THE CASE, HOW CAN ONE CITE THIS PROVISION

OF THE EVALUATION CRITERIA WAS A BASIS FOR DENIAL? THIS APPLICATION MEETS ALL OF THE CODES AND ORDINANCES, INCLUDING THE ADOPTED NEIGHBORHOOD PLAN AND HAS THE SUPPORT OF THE CITY STAFF. THE STATEMENT MADE BY MS. CROCKER REGARDING THE ACCESS TO THIS SITE, I THINK SHE'S CONFUSED WITH OUR LAYOUT. YES, IT APPEARS THAT YOU ACCESS FROM THE ALLEY [BUZZER SOUNDING] BUT THOSE ARE CARS COMING IN FROM FIFTH STREET THAT THEN BACK TO THE BUILDING FOR THE LOADING AREA. SO THEY LOOK LIKE YOU WOULD COME IF FROM THE ALLEY AND PARK HEAD IN OFF THE ALLEY. BUT YOU DRIVE STRAIGHT IN, BACK UP TO THE BUILDING, AND THEN EXIT LEAVING THE ALLEY. I THINK THE ALLEY IS CERTAINLY THERE FOR PUBLIC USE AND I BELIEVE ANY DEVELOPMENT OF THIS SITE IS NOT AMPLE ROOM TO DO A COMPLETE TURN AROUND BACK OUT TO FIFTH STREET. I BELIEVE ANY DEVELOPMENT ON THIS SITE IS GOING TO REQUIRE THE USE OF THAT ALLEY FOR ACCESS. AND NOT JUST MR. EVANS PROPERTY OR ANYBODY ELSE'S, BUT HAVING SAID THAT, WE BELIEVE THAT THE LOW TRAFFIC GENERATOR THAT THIS USE IS, I DON'T THINK THERE WOULD BE ANY CONFLICT USE THANK ALLEY ANYWAY. BUT -- USING THAT ALLEY ANYWAY. BUT EVERYBODY HAS THE RIGHT TO THE ALLEY CERTAINLY. AGAIN, I DON'T THINK IT'S FEASIBLE TO COME BACK OUT TO FIFTH STREET. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS IF I MAY.

Mayor Wynn: THANK YOU, MR. MATHIAS. COUNCIL, WE HAVE NOW HEARD A BRIEF REPORT FROM CITY STAFF, A PRESENTATION BY THE APPEALANT, PEOPLE SUPPORTING AND OPPOSING THE APPEAL AND NOW A REBUTTAL BY THE APPEALANT. QUESTIONS? COMMENTS? CITY ATTORNEY, DOES THIS REQUIRE US TO CLOSED PUBLIC HEARING? BEFORE WE CAN CONTINUE THE DELIBERATION OR WHAT'S YOUR RECOMMENDATION HERE?

THE RECOMMENDATION IS THAT YOU CLOSE THE PUBLIC HEARING.

Mayor Wynn: I WILL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER MCCracken TO CLOSE THE PUBLIC HEARING. FURTHER COMMENTS? COUNCILMEMBER

MCCRACKEN?

McCracken: I JUST WANT TO START THIS OFF BY SAYING THAT OUR COMMUNITY DEFINITELY NEEDS WAREHOUSES AND STORAGE IS A GOOD, HONEST YOU KNOW BUSINESS AND WE WILL NEED THEM AROUND TOWN. THIS IS A VERY, VERY INAPPROPRIATE LOCATION FOR A STORAGE UNIT ON ONE OF OUR GATEWAY CORRIDORS WITH THE CITY. YOU KNOW, I THINK THAT THE IMPORTANT THING TO REMEMBER IS THAT THE SOLE MEASURE OF AN IMPACT ON A CORRIDOR OR NEIGHBORHOOD IS NOT THE AMOUNT OF TRAFFIC GENERATED. THAT -- THAT THE DEVELOPMENTS THAT KILL TRAFFIC AND PEDESTRIAN ACTIVITY CAN HAVE EXTREMELY NEGATIVE EFFECTS ON A CORRIDOR. PARTICULARLY WHEN YOU CONSIDER HOW VITALLY IMPORTANT THE CHARACTER OF AUSTIN FIFTH STREET IS AND SIXTH STREET ON THE OTHER SIDE. YOU JUST DON'T PUT WAREHOUSES ON YOUR GATEWAY CORRIDORS. IT'S NOT GOOD LAND USE PLANNING. EVEN THOUGH IT IS A VERY HONEST, AND, YOU KNOW, WORTHWHILE, IMPORTANT PUBLIC SERVICE. IT DOESN'T BELONG THERE. YOU KNOW, EVANS WILLIAMS GOT IT I BELIEVE EXACTLY RIGHT THAT RETAIL NEEDS TO BE NEXT TO RETAIL. THIS LOCATION WOULD GENERATE ACCORDING TO THE APPEALANT 12 VISITS PER DAY. THAT'S A COMMERCE KILLER. IT'S A PEDESTRIAN SCENE KILLER. WHEN I LOOK OUT FROM MY WINDOW AT MY LAW OFFICE, THE ONLY BUILDING THAT I CAN SEE ON FIFTH STREET IS THE PUBLIC STORAGE UNIT AND -- THIS PROPOSAL, I BELIEVE YOU KNOW -- I BELIEVE THIS PROPOSAL WILL HARM THE SURROUNDING PROPERTY VALUES OF THE OTHER PROPERTIES ON THIS CORRIDOR. IT WILL HURT COMMERCE AND IT WILL HURT THE CHARACTER OF THIS CORRIDOR. I JUST DON'T THINK THAT IT'S THE RIGHT LOCATION FOR IT. I ENCOURAGE SHURGARD TO LOCATE IN GREAT LOCATIONS WHERE OTHER WAREHOUSES ARE LOCATED BUT NOT ON ONE OF OUR GATEWAY WAR DOORS IN AUSTIN.

WE JUST -- GATEWAY CORRIDORS IN AUSTIN. ACTUALLY, WE JUST HAVE A MOTION AND A SECOND TO CLOSE THE PUBLIC HEARING. FURTHER COMMENTS? ".

Wynn: OPPOSED? , PUBLIC HEARING IS CLOSED ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM TEMPORARILY OFF THE

DAIS. CITY ATTORNEY, CAN YOU HELP PERHAPS -- PERHAPS HELP ME WALK THROUGH YOU KNOW SORT OF OUR DUTIES HERE AS WE -- AS WE DEAL WITH THE LAND DEVELOPMENT CODE AND THE APPEAL PROCESS. I -- I WILL SAY THAT DO I HAVE A QUESTION ABOUT ONE OF THE POINTS THAT MR. MATHIAS MADE ABOUT YOU KNOW CITING THAT PARTICULAR PART OF THE CODE. AND I -- I DID HAVE SOME -- SOME CONCERN ABOUT -- ABOUT THE ANALYSIS I GUESS THAT WAS MADE AT PLANNING COMMISSION.

IF I MIGHT, MAYOR AND COUNCIL, A BODY THAT HEARS THE APPEAL, IN THIS INSTANCE IT'S THE COUNCIL, YOU CAN HEAR THE APPEAL IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE AND YOU EXERCISE THE POWER OF THE BODY WHERE THE CASE WAS FIRST HEARD. THAT WOULD BE THE PLANNING COMMISSION. IN OTHER WORDS YOU ARE HEARING THIS CASE ANEW, FROM SCRATCH. YOU ARE NOT BOUND BY THAT PLANNING COMMISSION'S FINDINGS. YOU CAN LOOK AT THE CODE PROVISIONS THAT YOU HAVE BEEN GIVEN A COPY OF THE CODE -- EXCUSE ME. THE CODE PROVISIONS THAT APPLY TO THIS. WHICH IS 25-5-146. AND YOU ALSO HAVE -- HAVE IN FRONT OF YOU 25-5-145 WHICH IS THE EVALUATION. SO IN TERMS OF WHAT YOUR AUTHORITY IS, IS IT'S YOUR OBLIGATION AT THIS POINT IS TO MAKE THE DECISION THAT THE INITIAL BODY THAT HEARD THE CASE SHOULD HAVE MADE. SO -- SO AS LAWYERS LIKE TO SAY, YOU'RE HEARING THIS THING DE NOVO, ALL OVER AGAIN. WHAT YOU HAVE BEFORE YOU, YOU HAVE THE CODE PROVISIONS IN FRONT OF YOU. YOU CONSIDER THOSE CODE PROVISIONS AND DECIDE WHETHER OR NOT THE APPEAL SHOULD BE GRANTED OR DENIED BASED UPON YOUR INTERPRETATION OF THE CODE PROVISIONS. YOU ARE -- AS I SAID, YOU -- YOU ARE NOT IN ANY WAY LIMITED BY THE FINDINGS OR THE CONCLUSIONS THAT THE PLANNING COMMISSION MADE. YOU CAN EITHER ACCEPT THOSE CONCLUSIONS AND MAKE THEM YOUR OWN OR YOU CAN LOOK AT THE OTHER PROVISIONS UNDER 25-5-145 AND 146 AND MAKE YOUR OWN DETERMINATIONS AND CONCLUSIONS AS TO WHETHER THIS -- WHETHER THE CONDITIONAL USE PERMIT SHOULD BE IMRANTSSED. I HOPE -- GRANTED. I HOPE THAT HELPED.

Mayor Wynn: SOME.

OH, DARN. I JUST HOPE IF I THREW ENOUGH WORD AT IT, IT WOULD MAKE SENSE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

SO MY CONCERN, OUR CONCERN IS THAT THE TRAFFIC WILL NOT WANT TO GO RIGHT AND THEN LEFT AND THEN ANOTHER LEFT ON TO SIXTH STREET. IF THEY'RE INDEED GOING TO SIXTH STREET, THEY'LL JUST GO THROUGH OUR PARKING LOT, WHICH IS PROBABLY WHAT I WOULD DO. IT'S A STRAIGHT SHOT.

Alvarez: LINE OF SIGHT?

YES, SIR, CLEAR LINE OF SIGHT.

Alvarez: SO THESE PHOTOS OF NOR THE THAT, JUST OF THE ALLEY?

THOSE ARE OF THE ALLEY, YES, SIR.

Alvarez: ALL RIGHT. I WAS JUST WONDERING IF THIS WAS SOMEHOW LOOKING ON TO YOUR PROPERTY.

IT'S A CLEAR LINE OF SIGHT. IT'S A SIXTH STREET ELEVATION A LITTLE BIT HIGHER, BUT IT IS CLEAR LINE OF SIGHT. THERE'S BELLA SALON, IT'S A COMMERCIAL BUILDING.

Alvarez: AND YOUR PARKING IS WHERE?

IS NEXT DOOR. SO WE OWN THE BUILDING AND THE LOT ADJOINING IT. AND MS. CROCKER, THIS WOULD BE THE VIEW COMING IN OUR PARKING LOT OFF OF SIXTH STREET, AND AND BACK AT THE TREE LINE WOULD BE WHERE THE SHURGARD WOULD BE.

Alvarez: OKAY. THANK YOU FOR YOUR HELP.

Mayor Wynn: MS. TERRY, THAT DOES BRING UP A POINT. I WOULD DO THE SAME THING THAT MR. WILLIAMS SUGGESTS HE PROBABLY WOULD DO TOO. IN SORT OF A TYPICAL MUNICIPAL APPROVAL PROCESS, HOW DO WE DEAL WITH

THAT SITUATION? THAT IS, IS IT ESSENTIALLY SOMEBODY'S PRIVATE PROPERTY, EVEN THOUGH IT'S CLEARLY SORT OF PUBLIC ACCESS TO THEIR PRIVATE PROPERTY, IS IT SORT OF DE FACTO PUBLIC RIGHT-OF-WAY AS WELL? IS THERE SOME WAY TO LIMIT SOME ADJOINING PROPERTIES' USE OF SOMEBODY ELSE'S THROUGH FARE?

I'M GOING TO GET GEORGE TO HELP ME WITH THIS JUST A LITTLE BIT, BUT WHAT I DO WANT TO SAY IS THAT UNDER THE EVALUATION OF THE CONDITIONAL USE SITE PLAN, THE OBLIGATION FOR THE APPLICANT IS TO PROVIDE ADEQUATE AND CONVENIENT OFF STREET PARKING AND LOADING FACILITIES. THERE IS ALSO A -- YOU ALSO UNDER 255145, YOU CAN CONSIDER -- YOU CAN DECIDE UNDER SUBSECTION C, A CONDITIONAL USE SITE PLAN, MAY NOT MORE ADVERSARILY AFFECT AN ADJOINING SITE THAN A PERMITTED USE, ADVERSELY AFFECT THE SAFETY OR THE SAFETY OF VEHICULAR OR PEDESTRIAN CIRCULATION, INCLUDING REASONABLY ANTICIPATED TRAFFIC AND USES IN THE AREA. SO THAT PARTICULAR PROVISION GIVES YOU THE ABILITY TO DECIDE IF YOU -- IF YOU WISH, YOU CAN EVALUATE WHAT THE IMPACT IS ON THE ADJOINING AREAS OR IN THE AREAS ACROSS THE ALLEYWAY AND YOU CAN CONSIDER THE CIRCULATION, THE VEHICULAR CIRCULATION PATTERNS. AND WITH THAT I'M GOING TO DEFER TO GEORGE AND LET HIM EXPAND A LITTLE BIT MORE ON USING ALLEYWAYS, ETCETERA.

Mayor Wynn: MR. ZAPALAC, IF YOU COULD AS PART OF YOUR PRESENTATION, IT SEEMS TO ME ON JUST A GENERAL, TYPICAL PERMITTED USE ON A TRACT THAT HAS SOME OF THESE PHYSICAL CONSTRAINTS, I COULD SEE WHERE, FRANKLY, STAFF WOULD ALMOST REQUIRE A NEW OWNER, DEVELOPER OF THIS TRACT TO SOMEHOW UTILIZE THAT ALLEY. SO I SEE THIS BIG CONFLICT OF WHAT OTHERWISE VERY WELL COULD BE A REQUIREMENT ESSENTIALLY OF THE CITY WHEN YOU HAVE A CON STRAINED SITE LIKE THAT, BUT THEN HOW DO YOU BALANCE THAT WITH WHAT I THINK WOULD BE PERHAPS A NEGATIVE ON-SITE TRAFFIC IMPACT OF AN ADJOINING PROPERTY OWNER?

WELL, ACCESS TO AN ALLEY DOES REQUIRE SPECIFIC APPROVAL. AND IN DOING THAT WE LOOK AT THE CONDITION

OF THE ALLEY, THE WIDTH AND WHETHER THERE'S PRECEDENT ESTABLISHED BY OTHER PROPERTIES IN THE BLOCK. AND IN THIS CASE WE FELT THE ALLEY WAS WIDE ENOUGH TO ACCOMMODATE THE TRAFFIC FROM THIS USE, WHICH IS A LOW TRAFFIC GENERATOR, AND IT WAS IN GOOD CONDITION. AND A NUMBER OF OTHER PROPERTIES DO HAVE ACCESS TO THE ALLEY IN THIS SAME BLOCK. THE DIFFICULTY IN DEALING WITH MR. WILLIAMS' SITE IS THAT IT IS DIRECTLY OPPOSITE THIS ONE, AND AS HE MENTIONED, IT WOULD BE SOMEWHAT ATTRACTIVE FOR SOMEONE TO TRY TO CUT THROUGH THERE. I THINK THIS MAP HERE THAT THE APPLICANT PUT TOGETHER MAY SHED SOME LIGHT ON IT. THE ENTRANCE TO MR. WILLIAMS' PROPERTY IS OFF OF WEST SIXTH STREET HERE. TRAFFIC DOES COME IN THIS WAY. AND THE SPACES ARE ANGLED SO THAT THEY TEND TO ENCOURAGE A ONE WAY FLOW OFF OF WEST SIXTH STREET AND AGAIN INTO THE ALLEY. THERE ARE ALSO SOME PERPENDICULAR SPACES HERE THAT SOMEONE WOULD ACCESS FROM EITHER DIRECTION AND POTENTIALLY LEAVE GOING TO WEST SIXTH STREET. IT WOULD BE SOMEWHAT DIFFICULT TO PROHIBIT SOMEONE FROM THE SHURGARD SITE TO CUT THROUGH THERE. YOU COULD PUT UP SIGNS, YOU KNOW, RIGHT TURN ONLY OR PUT A DO NOT ENTER SIGN ACROSS THE ALLEY, SOMETHING LIKE THAT, BUT, OF COURSE, THOSE AREN'T TOTALLY EFFECTIVE IN ELIMINATING CUT THROUGH TRAFFIC. MY UNDERSTANDING IS THE APPLICANT DID MEET WITH MR. WILLIAMS AND PROPOSE SOME TYPE OF CURBING ACROSS THE NORTH SIDE OF THE ALLEY THAT WOULD BASICALLY PREVENT TRAFFIC EXITING THE SHURGARD SITE FROM GOING THROUGH HIS SITE AND BASICALLY TRYING TO FORCE IT TO TURN THE ALLEY, BUT THAT WAS NOT ACCEPTABLE TO MR. WILLIAMS. >>

Mayor Wynn: AND MR. ZAPALAC, CAN YOU HELP ME THINK THROUGH SO AS TO -- IF A RETAIL USE WHICH SEEMS TO BE THE PRETTY DESIRABLE USE FOR THIS TRACT BOTH FROM MY PERSPECTIVE AND I'LL BET THE NEIGHBORHOOD'S PERSPECTIVE AND THE ADJOINING OWNERS' PERSPECTIVE AS WELL, IS IT PRACTICAL TO ASSUME THAT A RETAIL USE IS TRYING TO -- IN A FAIR WAY MAXIMIZE THE DEVELOPABILITY OF THAT TRACT OF LAND. IS IT PRACTICAL TO ASSUME THAT

THEY ALSO WOULDN'T HAVE -- WOULDN'T UTILIZE THE ALLEY LIKE THIS PLAN OR OTHER PLANS?

I WOULD EXPECT THEY WOULD PROBABLY WANT TO USE THE ALLEY AND THE CITY STAFF WOULD PROBABLY APPROVE THAT. THE DIFFERENCE IS THAT A RETAIL FACILITY DOES HAVE SIGNIFICANTLY HIGHER PARKING REQUIREMENT THAN A STORAGE FACILITY SO THEY WOULD HAVE A MUCH SMALLER BUILDING. AND IT MAY BE POSSIBLE TO DESIGN THE ACCESS WITHOUT USING THE ALLEY, BUT I WOULD THAT THEY WOULD WANT ACCESS TO THE ALLEY AND CITY STAFF WOULD PROBABLY RECOMMEND IT.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS FOR MR. ZAPALAC? OR STAFF? COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM 50.

McCracken: I'LL MAKE A MOTION TO DENY THE [INAUDIBLE].

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN TO DENIAL THE APPEAL. SECONDED BY THE MAYOR PRO TEM. FURTHER DISCUSSION? COMMENTS?

Goodman: YEAH, I WOULD LIKE TO BRIEFLY. I WOULD JUST LIKE TO SAY IT'S TOO BAD I HAVE TWO OLD FRIENDS THAT I'M VOTING NO AGAINST TONIGHT. I CAN'T SUPPORT IT. I LOOKED AT IT SEVERAL DIFFERENT TIMES. BECAUSE I KNOW THAT YOU ALL USUALLY PICK GOOD PROJECTS. AND I REALLY COULD NOT GO AGAINST THE NEIGHBORHOOD PLAN. AND I DIDN'T THINK THAT IT WORKED THERE. IT JUST WASN'T APPROPRIATE. IT'S TOO MUCH RIGHT THERE. SO I COULDN'T. AND I APPRECIATE THAT COMING AT IT FROM THAT PERSPECTIVE IT MUST HAVE LOOKED LIKE A GOOD SITE FOR THE USE, BUT I CAN'T AGREE AND I THINK IT WOULD BE VERY POOR URBAN PLANNING AND THAT THE IMPACT WOULD BE VISIBLE ALMOST INSTANTLY AND THAT WE WOULD REGRET GOING FORWARD. SO THAT'S MY REASON FOR SECONDING.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. I HAVE A QUESTION FOR THE APPELLANT. SO WHEN THE PROPERTY WAS PURCHASED, CLEARLY, WHATEVER WE CALL THIS, THIS

PARTICULAR USE WAS KNOWN AS BEING CONDITIONAL.

YES.

Mayor Wynn: AND REMIND ME, MS. TERRY, IS IT -- IS THE SELF-STORAGE, THAT ALWAYS A CONDITIONAL USE IN CS OR WAS IT BECAUSE OF THE NEIGHBORHOOD PLAN OR THIS PARTICULAR ZONING THAT HAD THAT BE A CONDITIONAL USE?

I DON'T HAVE THAT ANSWER. GEORGE MAY BE ANSWER TO ANSWER THAT FAIRLY QUICKLY. I DON'T.

YES, SIR. IT IS NORMALLY ALLOWED IN CS, BUT BECAUSE OF THE NEIGHBORHOOD PLAN IT WAS MADE A CONDITIONAL USE BECAUSE OF THE ZONING.

AS A CONDITIONAL OVERLAY.

Mayor Wynn: RIGHT. SO THE -- YOU ALL WERE AWARE OF THE CONDITIONAL NATURE OF THE USE?

YES, SIR, ABSOLUTELY, MAYOR. WE WERE AWARE OF IT. WE JUST LOOKED AT THE NEIGHBORHOOD PLAN ITSELF AND JUST COULD NOT FIND ANYTHING -- AFTER LOOKING AT THE OTHER PERMITTED USES LIKE UTILITY SERVICES AND BUILDING MAINTENANCE SERVICES, WE THOUGHT -- AND IN FACT, IT SAYS INDUSTRIAL USES. WE DIDN'T UNDERSTAND WHY IT WOULD NOT BE ALLOWED OBVIOUSLY AS LONG AS IT DIDN'T HAVE A NEGATIVE IMPACT ON THE ADJOINING PROPERTIES. AND GIVEN THE FACT THAT IT WAS NEXT TO AUTO REPAIR SHOP AND A UTILITY YARD AND ANOTHER STORAGE, AND GIVEN THE FACT THAT THE OTHER USES THAT COULD BE PUT ON THERE ARE MUCH LESS DESIRABLE THAN A FACILITY THAT'S DESIGNED LIKE AN OFFICE BUILDING. SO THOSE ARE PERMITTED RIGHT NOW. THEY COULD PERMIT THOSE TOMORROW WITHOUT A PUBLIC HEARING.

Mayor Wynn: AGREED. BUT THE FLIP SIDE OF THAT ARGUMENT IS THAT THIS NEIGHBORHOOD OBVIOUSLY KNEW THAT AS WE WENT THROUGH A PRETTY DRAMATIC NEIGHBORHOOD PLANNING PROCESS, THEY WENT

THROUGH THE TROUBLE OF SPECIFICALLY MAKING THAT ONE USE AND PROBABLY SEVERAL OTHERS AS WELL CONDITIONAL. AND MY GUESS IS IT WAS BECAUSE THERE SEEMS TO BE A PROLIFERATION OF THE SELF-STORAGE UNITS THERE IN THAT PARTICULAR CORRIDOR. SO THE FACT THAT A NEIGHBORHOOD PLAN, A STAFF RECOMMENDATION AND ULTIMATELY A COUNCIL ACTION WOULD SPECIFICALLY MAKE A USE CONDITIONAL THAT INDEPENDENTLY IN A VACUUM DOESN'T SEEM ANY WORSE THAN A NUMBER OF PERMITTED USES, IT PROBABLY SENDS A SIGNAL THAT THAT PARTICULAR USE DOES HAVE DIFFERENT LEVEL OF SENSITIVITY ON THIS SITE OR IN THIS CORRIDOR OR IN THIS NEIGHBORHOOD PLAN.

SURE. AND I RESPECT THAT OPINION THERE AS WELL, AND I GUESS I JUST QUESTIONED IF IT WAS SUCH AN UNDIRABLE USE -- UNDESIRABLE USE, WHY IT WOULD NOT HAVE BEEN A PROHIBITED USE AS A NUMBER OF OTHER ONES WERE UNDER THE NEIGHBORHOOD PLAN. AND I GUESS THAT JUST KIND OF LED US TO THINK, WELL, IT'S NOT THAT IT'S A BAD USE, IT'S JUST THAT WE WANT TO, YOU KNOW, BE SURE THAT IT'S NOT PUT NEXT TO A SINGLE-FAMILY HOME OR PUT NEXT TO AN OFFICE BUILDING OR OTHER LEGITIMATE CONCERNS. WE NEVER ENVISIONED THAT IT WOULD BE A PROBLEM BEING NEXT TO THE EXISTING USES THAT ARE THERE NOW.

Mayor Wynn: RIGHT.

BUT AGAIN, WE FULLY UNDERSTOOD THIS WASN'T A GUARANTEE. WE UNDERSTOOD THAT WE HAD TO GO AND SEEK APPROVAL FOR IT THROUGH THE PUBLIC HEARING PROCESS.

Mayor Wynn: AND AGAIN, MY USE IS THE EXISTING USES THAT ARE THERE, THE NEIGHBORHOOD PLAN MY GUESS IS THE TEAM FRANKLY ENVISIONS DIFFERENT USES OVER THE -- IN THE FUTURE AS THAT NEIGHBORHOOD AND THAT PARTICULAR CORRIDOR REDEVELOPS INTO A MORE AS THEY IT TICKLY PLEASING, MORE PEDESTRIAN FRIENDLY, MORE MIXED USE ENVIRONMENT THAT HAS SO MUCH STRONG SUPPORT FROM SO MANY DIFFERENT PEOPLE.

SURE. AND MAYOR, THE OTHER THING THAT WE REALLY RELIED ON HEAVILY WAS THE REFERENCE IN THE NEIGHBORHOOD PLAN TO THE WEST END AUSTIN ALLIANCE PLAN WHICH SPECIFICALLY DESIGNATED THE AREA BETWEEN PUBLIC STORAGE AND MOPAC AS HAVING A DIFFERENT CHARACTER THAN THE REST OF WEST FIFTH STREET. AND SPECIFICALLY SAYS ETCETERA NOIT APPROPRIATE TO RETAIL. IN FACT, THEY ENVISION THAT AREA BEING OFFICE AND RETAIL, IT SAYS. AND THAT'S ADOPTED BY THE NEIGHBORHOOD PLAN IN THAT THEY ACCEPT THAT WEST END AUSTIN ALLIANCE CORRIDOR STUDY. SO LOOKING AT THAT, WE ALSO GOT THE SENSE -- BECAUSE THE AREA BETWEEN MOPAC AND PUBLIC STORAGE IS VERY DIFFERENT. YOU COME FLYING OFF MOPAC AND YOU REALLY DON'T SLOW DOWN UNTIL YOU GET TO THE PUBLIC STORAGE OR POKE-E-JOE'S. SO WE NEVER THOUGHT THIS WAS A PEDESTRIAN ORIENTED AREA. WE AGREED THAT BY LAMAR AND THAT AREA CLOSER TO LAMAR, CERTAINLY THAT ENERGY WAS THERE AND THE OPPORTUNITY IS THERE FOR MORE OF A RETAIL, BUT AGAIN, THE NEIGHBORHOOD PLAN ALSO LED US TO BELIEVE THAT USES THAT REQUIRE A LOT OF PARKING ARE NOT DESIRABLE. SO AGAIN, YOU KNOW, LOOKING AT ALL THOSE THINGS TOGETHER, WE JUST LEFT WITH THIS I AM IMPRESSION THAT LOW TRAFFIC USER GOOD. NEIGHBORHOOD -- THE BUSINESS OWNERS STUDIED THIS CORRIDOR AND SAID INDUSTRIAL AND OFFICE FOR THIS SECTION, THEY CALLED IT ZONE A, PEDESTRIAN ORIENTED IN ZONE B, WHICH IS LAMAR AREA, AND THEN FURTHER EAST ON LAMAR. SO WE WERE KIND OF LEFT WITH THAT IMPRESSION. BUT AGAIN, NOT THAT WE THOUGHT IT WAS A CERTAINTY, NO, SIR.

Mayor Wynn: THE IMPRESSION IS UNDERSTANDABLE AND YOU ALL'S TRACK RECORD AND SIGNIFICANT SUPPORT BY NEIGHBORHOODS ACROSS THE CITY IS DULY NOTED. THANK YOU. THERE'S A MOTION AND A SECOND ON THE TABLE TO DENY THE APPEAL. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION TO DENY PASSES ON A

VOTE OF SEVEN TO ZERO. COUNCIL, THAT TAKES US TO ITEM NUMBER 51, WHICH IS AN ADDITIONAL PUBLIC HEARING AND ANOTHER APPEAL BY MELTON WEST OF THE PLANNING COMMISSION'S DECISION TO DENY A COMPATIBILITY HEIGHT WAIVER FOR PROPERTY LOCATED AT 1106 WEST SIXTH STREET, UNIT 301, AND WE'LL WELCOME MR. GEORGE ZAPALAC.

THANK YOU, MAYOR. THIS SITE IS A CONDOMINIUM PROJECT WHICH CONSISTS OF SEVERAL BUILDINGS AND A TOTAL OF 22 UNITS THAT WAS ORIGINALLY BUILT IN THE LATE 1970'S AT 1106 WEST SIXTH STREET. AT THE TIME IT WAS BUILT THE CITY DID NOT HAVE THE COMPATIBILITY STANDARDS THAT WE HAVE TODAY THAT WERE ADOPTED IN 1984. MR. WEST BEGAN REMODELING ONE OF THE UNITS IN THIS COMPLEX, UNIT 301 IN 2002 AFTER OBTAINING MS. MISCELLANEOUS PERMITS, BUT HE WAS CITED BY THE CITY FOR BEING IN VIOLATION AS HE EXPANDED THE SCOPE OF CONSTRUCTION WITHOUT THE APPROPRIATE PERMITS, SPECIFICALLY THE ADDITION OF A FOURTH AND FIFTH STORY. THE PROPERTY IS ZONED CS-MU-CO-NP. AND WOULD NORMALLY HAVE AN ALLOWED HEIGHT OF 60 FEET; HOWEVER, BECAUSE THERE'S A SINGLE-FAMILY PROPERTY LOCATED ADJACENT TO THIS PROPERTY TO THE NORTH ACROSS THE ALLEY, THE HEIGHT IS LIMITED TO 40 FEET OR THREE STORIES. THE APPLICANT IS REQUESTING A WAIVER TO BUILD TO A HEIGHT OF 42.8 FEET AND FOUR STORIES. AND HE HAS AMENDED HIS REQUEST SINCE HE ORIGINALLY WENT TO THE PLANNING COMMISSION. AT THAT TIME HE WAS ASKING FOR THE FIFTH STORY AS WELL, BUT HE HAS AMENDED IT NOW TO ONLY INCLUDE FOUR STORIES. I'D LIKE TO TAKE JUST A MINUTE TO EXPLAIN HOW HEIGHT IS MEASURED ACCORDING TO THE LAND DEVELOPMENT CODE. THE WAY YOU MEASURE THE HEIGHT IS THAT YOU FIRST ESTABLISH A BASE POINT, WHICH IS HALFWAY BETWEEN THE LOWEST POINT AND THE HIGHEST POINT ON THE SITE ADJACENT TO THE BUILDING. THAT THEN ESTABLISHES YOUR REFERENCE POINT IS THE AVERAGE OF THE HIGH AND LOW POINTS. AND THEN YOU MEASURE FROM THAT POINT UP TO THE ALLOWED DISTANCE 40 FEET. YOU MEASURE IN THIS CASE THE BUILDING HAS A PITCHED ROOF, YOU DON'T MEASURE TO THE TOP OF THE ROOF, BUT RATHER TO THE MIDPOINT OF THE ROOF, SO THE

ACTUAL TOP OF THE ROOF CAN BE HIGHER THAN THE HEIGHT LIMIT. IN THIS CASE APPLYING THIS STANDARD TO THE SITE IS A BIT OF A CHALLENGE BECAUSE THERE ARE -- THERE'S SIGNIFICANT SLOPE ON THIS SITE. THE COMPLEX CONTAINS MULTIPLE BUILDINGS, RETAINING WALLS, IRREGULAR SHAPES AND OVERHANGING BALCONIES, BUT NEVERTHELESS STAFF WENT OUT TO THE SITE, WE DID LOOK AT THE -- HOW THE COMPLEX IS CONSTRUCTED AND WE ARE SAID THAT THE MEASUREMENTS WHICH WERE DONE BY A PROFESSIONAL SURVEYOR HAD BEEN TAKEN FROM THE CORRECT REFERENCE POINTS. THE CODE ALSO HAS AN EXCEPTION TO THE HEIGHT LIMITS WHICH ALLOWS CERTAIN BUILDING FEATURES TO EXCEED THE NORMAL HEIGHT BY 15%. AND THESE FEATURES INCLUDE PARAPET WALLS, CHIMNEYS AND MECHANICAL OR SAFETY FEATURES INCLUDING FIRE TOWERS, STAIRWAYS, ELEVATOR PENTHOUSES, HEATING OR COOLING EQUIPMENT AND PROTECTIVE COVERS AS WELL AS ORNAMENTAL TOWERS, COUPLELA'S DOMES AND SPIRES THAT ARE NOT DESIGNED FOR OCCUPANCY. WHAT THIS MEANS IS THAT THERE'S NOT ACTUALLY AN ABSOLUTE NUMBER OF 40 FEET. YOU CAN GO ABOVE THAT WITH THE PITCH OF THE ROOF AND THEN IN ADDITION YOU CAN GO ANOTHER 15% WITH THESE OTHER BUILDING FEATURES. AS I MENTIONED THE APPLICANT HAD BEGUN CONSTRUCTION OF A FIFTH STORY, WHICH WAS AN ADDITIONAL ROOM FOR THE CONDOMINIUM. AND HE BUILT THE FRAMING AND THE ROOF OF THAT FIFTH STORY. HE IS NOW PROPOSING TO BRING THIS IN TO COMPLIANCE WITH THE CODE REQUIREMENTS BY REMOVING THE SOLID ROOF, BUT LEAVING THE SUPPORTING RAFTERS IN PLACE SO THAT IT WOULD FORM AN OPEN -- IT WOULD BE OPEN AT THE TOP, BUT THAT THE RAFTERS WOULD BE IN PLACE, IT WOULD FORM A PERGOLA OR TREL LIST AND THEREFORE WOULD EXCEED THE NORMAL HEIGHT BY 15% OR SIX FEET. AND IN STAFF'S OPINION, THIS DOES QUALIFY FOR THE 15% EXCEPTION, SO IF COUNCIL APPROVES THE REQUESTED HEIGHT, THE FOURTH STORY COULD GO UP TO 42.8 FEET, AND THE ROOFTOP PERGOLA COULD GO UP TO 48.8 FEET, AND THAT IS THE APPLICANT'S REQUEST. SECTION 25-2-1081 OF THE CODE STATES THAT THE COUNCIL MAY GRANT A WAIVER FROM COMPATIBILITY HEIGHT LIMITS ONLY IF THERE'S AN INTERVENING STRUCTURE BETWEEN THE

PROPOSED STRUCTURE AND THE SINGLE-FAMILY PROPERTY WHICH TRIGGERS COMPATIBILITY. IN THIS CASE ANOTHER UNIT OF THE COMPLEX, ANOTHER BUILDING IN THE COMPLEX DOES LIE BETWEEN MR. WEST'S CONDOMINIUM AND THE SINGLE-FAMILY PROPERTY TO THE REAR, WHICH IS TRIGGERING THE COMPATIBILITY. IF YOU GRANT A WAIVER, YOU CANNOT ALLOW THE STRUCTURE TO BE HIGHER THAN THE EXISTING STRUCTURE. AND IN THIS CASE HIS REQUEST WOULD BE LOWER THAN THAT INTERVENING STRUCTURE BY ABOUT TWO FEET. AND IN ADDITION, THAT BUILDING IS LOCATED SEVERAL FEET HIGHER ON THE PROPERTY THAN HIS CONNED DOUGH. HIS IS BASICALLY IN THE CENTER OF THE PROPERTY. THE INTERVENING STRUCTURE IS TO THE REAR AND THE SINGLE-FAMILY PROPERTY IS ACROSS THE ALLEY. SO IN ORDER TO MAKE YOUR DECISION, THEN YOU HAVE TO DETERMINE THAT THE WAIVER IS APPROPRIATE AND WILL NOT HARM THE SURROUNDING AREA. STAFF INITIALLY RECOMMENDED THE WAIVER TO INCREASE THE HEIGHT FROM 40 FEET TO 42.8 FEET AND FROM THREE STORIES TO FOUR STORIES BECAUSE THE INTERVENING STRUCTURE PARTIALLY BLOCKS THE VIEW OF THE STRUCTURE. HOWEVER, THE PLANNING COMMISSION DENIED THE WAIVER ON APRIL 13TH BY A VOTE OF FIVE TO TWO WITH TWO ABSTENTIONS. I'LL BE GLAD TO ANSWER ANY QUESTIONS YOU MAY HAVE.

Mayor Wynn: I'M SORRY, MR. ZAPALAC. DID I HEAR YOU SAY THAT SO STAFF RECOMMENDED THE -- WAS IT STAFF RECOMMENDED THE WAIVER OR THAT STAFF, YOU KNOW, IN ATTEMPTING TO TECHNICALLY INTERPRET ALL OF THE ELEMENTS OF A VERY COMPLICATED SITUATION, YOU KNOW, DETERMINED SORT OF TECHNICALLY THAT WHAT IN EFFECT IS THE APPELLANT'S REQUEST COMPLIES WITH THE LAND DEVELOPMENT CODE.

NO, HIS REQUEST DOES NOT COMPLY. IT DOES REQUIRE A WAIVER, BUT WE ARE RECOMMENDING THE WAIVER BECAUSE THE UNIT, AS I SAID, IS BASICALLY IN THE MIDDLE OF THE COMPLEX AND IT'S PARTIALLY BLOCKED BY THE INTERVENING STRUCTURE, AND IT IS A LOWER ELEVATION THAN THE INTERVENING STRUCTURE.

Mayor Wynn: OKAY. THANK YOU. AGAIN, COUNCIL, WE NEED

TO FOLLOW THE SAME APPEAL PROCESS. THAT IS, CONSIDER MR. ZAPALAC'S PRESENTATION, THE REPORT FROM CITY STAFF, AND WE CERTAINLY CAN ASK A LOT OF ADDITIONAL QUESTIONS. WE'LL THEN HEAR A PRESENTATION FROM THE APAL AAPPELLANT, COMMENTS FROM PEOPLE IN SUPPORT OF THE APPEAL, PERSONS OPPOSING THE APPEAL AND THEN A REBUTTAL BY THE APPELLANT. SO AT THIS TIME WE'LL HEAR THE FIVE-MINUTE PRESENTATION BY EITHER THE APPELLANT OR HIS AGENT. WELCOME MR. GREEN GREENBLUM.

MAYOR, COUNCIL, MAY NAME IS BRAD GREENBLUM, ON BEHALF OF THE APPELLANT, THE WEST FAMILY. THANK YOU FOR YOUR TIME. AS YOU KNOW, THE WEST FAMILY OWNS THE TOP TWO FLOORS OF A FOUR-STORY CONDOMINIUM BUILDING IN THE MIDDLE OF A SIX-BUILDING UNIT ON SIXTH STREET LOCATED NEXT TO Z TEJAS AND ACROSS FROM THE AISD OFFICE COMPLEX. THE WESTS STARTED THIS PROJECT IN DECEMBER OF '02 AFTER SECURING WHAT THEY THOUGHT WERE THE APPROPRIATE PERMITS AND THE HOMEOWNERS ASSOCIATION APPROVALS AND COMMENCED THEIR PROJECT. UNFORTUNATELY, DURING THE PROCESS MR. WEST'S PARENTS BECAME ILL. HE DECIDED TO EXPAND THE SCOPE OF HIS PROJECT TO ADD A ROOM FOR THEM AND DID NOT AMEND HIS PERMITS, AND CONSENTLY WAS RED TAGGED FOR EXCEEDING THE SCOPE OF THE PERMITS. WE'VE BEEN WORKING WITH CITY STAFF AND THE BUILDING DEPARTMENT FOR OVER 18 MONTHS TO TRY TO RESOLVE THIS WHILE THE BUILDING AND THE CONSTRUCTION HAS BEEN CEASED, AND MR. WEST HAS CONTINUED TO LIVE IN THE PORTION OF HIS UNIT THAT WAS NOT UNDER CONSTRUCTION. IN WORKING WITH THE BUILDING DEPARTMENT, THEIR ISSUES WERE CODE COMPLIANCE, OF COURSE, AND FIRE SAFETY. MAINLY DRIVEN BY A WOOD STRUCTURE EXCEEDING THE HEIGHT ALLOWED UNDER THE BUILDING CODE. IN JANUARY OF '04 THE SENIOR BUILDING OFFICIAL ISSUED A LETTER, WHICH IS IN YOUR BACKUP, WHICH OUTLINED THE FOUR POINTS THAT NEEDED TO BE ADDRESSED FOR THIS PROJECT TO GO FORWARD. THAT LETTER SUPERCEDED ALL THE PRIOR LETTERS THAT WERE IN THE PLANNING COMMISSION PACKAGE. BASICALLY THE BUILDING OFFICIAL LETTER SAID, HAVE YOU TO OBTAIN ALL

NEW PERMITS, YOU HAVE TO REMOVE THE FIFTH FLOOR, YOU HAVE TO INSTALL A SPRINKLER SYSTEM THROUGHOUT THE ENTIRE BUILDING, AND NOT JUST THE NEW CONSTRUCTION AS USUALLY REQUIRED, AND YOU HAVE TO SECURE THE COMPATIBILITY WAIVER WHICH WE'RE HERE SEEKING TONIGHT. MR. WEST AGREED TO THOSE ISSUES AND WILL BE SUBMITTING FULLY ENGINEERED PLANS AND SPECS TO THE BUILDING STAFF FOR THEIR REVIEW AS REQUIRED. AS MR. ZAPALAC SAID, THIS HAS BEEN A CONFUSING CASE, LOTS OF REGULATIONS AND INTERPRETATIONS, ESPECIALLY WITH RESPECT TO THE HEIGHT. WE APPRECIATE ALL THEIR HELP. WE'VE ALSO BEEN WORKING WITH OWANA FOR THESE 18 MONTHS GOING TO MEETINGS, PRESENTATIONS, AND IN FACT NOT TWO WEEKS AGO EVAN WILLIAMS, WHO IS HERE IN THE CROWD OR WAS, ATTEMPTED TO HELP US MEDIATE OR NEGOTIATE A SETTLEMENT WITH OWANA. AND UNFORTUNATELY, WE WERE UNABLE TO RESOLVE ANY ISSUES. THEY'VE BEEN VERY CLEAR IN THEIR POSITION, WHICH IS THEY DON'T SUPPORT VARIANCES OR WAIVERS, BECAUSE OF THE PRECEDENT SETTING. THAT MR. WEST BROKE THE RULES AND THAT VARIOUS PEOPLE'S VIEWS ARE BLOCKED. MR. WEST HAS EXPLAINED TO THEM HOW SORRY HE WAS TO BREAK THE RULES AND NOT FOLLOW THE PROCESS, AND WE UNDERSTAND, ESPECIALLY IN OWANA WHERE THEY'RE TRYING TO PROTECT THE INTEGRITY OF THE NEIGHBORHOOD, HOW IMPORTANT THAT IS. [BUZZER SOUNDS]. SPECIFICALLY HE'S REDUCED HIS BUILDING TO ADDRESS THE NEIGHBORHOOD ISSUES AND THE OWANA CONCERNS. WAS THAT MY FIVE MINUTES ALREADY?

Mayor Wynn: MR. CHAPA, I BELIEVE PERHAPS MR. GREENBLUM WAS ONLY GIVEN THREE MINUTES. IT DID GO BY VERY QUICKLY. TWO MORE MINUTES.

THANK YOU. I WON'T ADDRESS ALL THE HEIGHT ISSUES. MR. ZAPALAC CLEARLY OUTLINED THE HEIGHTS AND WAIVERS. WE THINK THIS IS AN APPROPRIATE WAIVER TO GRANT. THE BUILDING, IF YOU DRIVE BY IT, IS BARELY VISIBLE WITHIN THE TREES. IT'S IN THE MIDDLE OF A PROJECT. THE VIEWS, WHICH WILL BE DISCUSSED LATER, WHICH CLEARLY EVERYBODY IS CONCERNED WITH, ARE NOT PROTECTED BY COMPATIBILITY STANDARDS, BUT MR. WEST HAS

ATTEMPTED TO BY REMOVING THE FIFTH FLOOR AND ONLY ALLOWING THE PERGOLA, IS TRY TO MAXIMIZE THOSE VIEWS THAT ARE LEFT. THE PLANNING COMMISSION, IF YOU READ THEIR MINUTES, DENIED THIS HEARING BECAUSE THERE WAS CONFUSION OVER THE MEASUREMENTS, AND MOST OF THE COMMISSIONERS I BELIEVE WOULD HAVE SUPPORTED THIS IF THE HEIGHT WAS ABLE TO BE VERIFIED AS IT IS NOW. NOTWITHSTANDING THAT, MR. WEST WENT OUT AND DID AGREE TO REMOVE THE FIFTH STORY, BUT BECAUSE THESE STRUCTURES -- THE STRUCTURE IS ALREADY IN PLACE, IS GOING TO CONVERT IT TO A ROOFTOP GARDEN, REMOVING BASICALLY MOST OF THE ROOF, LEAVING IT WITH RAFTERS AND JUST THE PILINGS OR THE SUPPORT? WE APPRECIATE THE OWANA POSITION. SOME OF THE COUNCIL OR PLANNING COMMISSIONERS HAVE TALKED ABOUT PUNITIVE DAMAGES OR PUNISHMENT OF MR. WEST HAS PROPOSED TO YOU TONIGHT THAT HE'S BEEN PUNISHED. HE'S HAD 18 MONTHS TO NOT BE ABLE TO LIVE IN HIS COMPLETED PROJECT. A HUGE ECONOMIC BURDEN AND THE UNCERTAINTY OF WHAT WOULD HAPPEN. OUT OF ALL OF THIS HE'S ONLY ADDING APPROXIMATELY 900 SQUARE FEET TO HIS EXISTING 1500 SQUARE FOOT UNIT, SO IT'S NOT A HUGE INCREASE. AS YOU HEARD, CITY STAFF IS SUPPORTING OF THIS WAIVER, AND WHAT WE WOULD ASK YOU TONIGHT IS TO CONSIDER THE MINIMAL IMPACT ON THE VIEWS, THAT IT'S COMPATIBLE WITH THE AREA, THAT THE CITY CODE CLEARLY CON TEM CONTEMPLATES A SITUATION SUCH AS THIS WITH THE INTERVENING SITUATION. [BUZZER SOUNDS] AND THAT IT'S NOT A HARM TO A MAJORITY OF THE PEOPLE. IN THAT AREA. I APPRECIATE YOUR TIME AND WE'RE HERE TO ANSWER QUESTIONS IF YOU HAVE THEM.

Mayor Wynn: THANK YOU. AGAIN, YOU WILL HAVE A THREE-MINUTE REBUTTAL FOLLOWING ALL OF OUR CARDS AND LIKELY WILL HAVE SOME QUESTIONS FROM COUNCIL. COUNCIL, NOW WE GO TO THE FOLKS WHO HAVE SIGNED UP WISHING TO SPEAK IN FAVOR OF THIS APPEAL. AND WE'LL START WITH MR. MELTON WEST. WELCOME, SIR. THERE'S A FEW FOLKS THAT WERE PREPARED TO DONATE TIME. IS ROBERT (INDISCERNIBLE) HERE? WELCOME, ROBERT. LARRY WEST? HELLO LARRY. PHILLIP POWERS? YOU'RE FULL LIP -- PHILLIP? WELCOME. AND GEORGIA CATRELL HERE? AND

THEN, MR. WEST, YOU WILL HAVE UP TO 12 MINUTES.

GOOD EVENING, THE REMARKS YOU WERE JUST PASSED OUT WERE FOR ONE OF THE NEXT SPEAKERS. GOOD EVENING, MY NAME IS MELTON WEST. I AM THE APPLICANT AND THE REASON WE'RE HERE TONIGHT. I AM HERE TO TRY TO BRING INTO COMPLIANCE A STRUCTURE THAT I BUILT AHEAD OF PERMITTING. I THINK THAT I -- CONTRARY TO WHAT THE NEIGHBORHOOD AND WHAT HAS BEEN SAID BEFORE, I'M PROBABLY THE POSTER CHILD OF WHY NOT TO DO WHAT I'VE DONE. AND CERTAINLY THIS HAS COST ME A LOT EMOTIONALLY, FINANCIALLY, TIMEWISE. WHAT I CAN SAY IS THAT THIS WILL COST OVER \$100,000 TO DO WHAT I'M PROPOSING OVER WHAT -- JUST TO MODIFY THE BUILDING TO BRING IT INTO COMPLIANCE. THAT'S NOT INCLUDING THE LAST 12 MONTHS OF WAGES THAT I'VE LOST BECAUSE I'VE SPENT MY FULL TIME TRYING TO BRING THIS INTO COMPLIANCE, TRYING TO FIND A SOLUTION, TRYING TO FIND A PROPOSAL THAT WOULD MEET CODE. AND IT'S VERY EASY TO HAVE OPPOSITION TO THIS. IT'S VERY DIFFICULT TO COME UP WITH A PROPOSITION THAT IS A SOLUTION. AND I'M PRESENTING A SOLUTION. AND I WOULD SAY THAT THERE'S NOT MANY OTHER PEOPLE WHO ARE PRESENTING A SOLUTION TO THIS SITUATION. I DID WANT TO DO A POWERPOINT PRESENTATION. SOMETIMES PICTURES SPEAK A THOUSAND WORDS, SO I JUST WANTED TO LET SOME OF THE PICTURES SPEAK FOR THEMSELVES. JUST FOR A GENERAL ORIENTATION, IT IS IN A WONDERFUL AREA THAT IS IN SIXTH STREET AND LAMAR, THAT CORRIDOR. SO BASICALLY AS YOU CAN SEE, THE DOT ON THE MAP IS WHERE MY PROPERTY AND MY STRUCTURE IS LOCATED. AND THE SAME SCALE, IF WE LOOK AT THIS AGAIN, WE CAN SEE IT'S IN BLACK HERE. WE CAN SEE MY STRUCTURE RIGHT HERE. AND THIS IS BURIAL STREET, SIXTH STREET AND LAMAR. THE CURRENT WHOLE FOODS BUILDING IS RIGHT IN HERE. SO IT'S A WONDERFUL ENCLAVE. MY STRUCTURE IS ONE OF THE LAST REMAINING RESIDENCES ON SIXTH STREET AND I'M VERY GRATEFUL TO HAVE FOUND A PROPERTY HERE AND I HOPE TO CONTINUE TO LIVE THERE. IT'S LOCATE UNDERSTAND A COMMERCIAL AREA. IT'S DESIGNATED BY THE OWANA PLAN AS A COMMERCIAL CORRIDOR. AGAIN, WE ARE LOCATED IN A COMMERCIAL

CORRIDOR. YOU CAN SEE BY ALL OF THE BLUE THAT THIS IS THE ZONING OF COMMERCIAL. ALL OF THESE ARE ZONED COMMERCIAL. YOU CAN SEE THAT RIT BEHIND MY PROPERTY IS WHERE THE RESIDENTIAL CORE IS IN THE NEIGHBORHOOD. SO MY PROPERTY IS NOT IN WHAT THE OWANA PLAN DESIGNATES AS THE RESIDENTIAL CORE. IT'S ACTUALLY IN A COMMERCIAL AREA. SO I AM REHABILITATING A RESIDENCE IN A COMMERCIAL AREA. THIS MAY GIVE YOU A SMALL ORIENTATION OF WHAT THE PROJECT LOOKS LIKE. JUST TO GIVE YOU A LITTLE BIT OF INFORMATION, IT IS A CONDOMINIUM REGIME. IT'S 22 UNITS OWNED BY INDIVIDUAL OWNERS. THERE IS A CONDOMINIUM ASSOCIATION. AND THERE'S A DECLARATION OF CONDOMINIUM, YOU KNOW. THERE'S ALSO A BOARD OF DIRECTORS. IT IS ABOUT 60% OWNER OCCUPIED, WHICH MEANS THAT THERE'S A LOT OF RENTERS AS WELL, OWNERS RENT THEIR UNIT OUT. THE BOARD OF DIRECTORS IS ABOUT THREE PEOPLE, AND THEY RUN MOST OF THE DAY-TO-DAY MAINTENANCE AND BUSINESS. THE ASSOCIATION IS -- MEETS TWICE A YEAR AND MAKES DIFFERENT DECISIONS. THE AREA IN THE PICTURE THAT WE'RE LOOKING AT, MY STRUCTURE IS RIGHT IN HERE. THIS IS THE UNIT BEFORE IT WAS TOUCHED. THIS IS THE UNIT AS I WAS -- AS I BOUGHT IT. AND JUST TO POINT OUT THAT THERE ARE FOUR STORIES. I BOUGHT A FOUR-STORY UNIT. THIS IS THE BUILDING. THIS PORTION RIGHT HERE IS MY FRONT DOOR. AND THAT IS THE THIRD STORY. I ALSO HAVE A THIRD STORY THAT'S KIND OF ADJACENT TO IT UP HALF A LEVEL. AND THAT WOULD EXTEND RIGHT OVER IN HERE. THE FOURTH STORY ORIGINALLY WAS RIGHT HERE. SO I ALSO HAVE A BACK WALKWAY INTO IT GOING UP THAT WAY. IT'S A VERY CONFUSING AND INTERESTING, WONDERFUL PROJECT THAT BARN STONE PUT TOGETHER. THIS JUST GIVES AN IDEA OF WHAT PORTION OF THE ENTIRE CONDOMINIUM ASSOCIATION I'M RECONSTRUCTING. WHAT I'M DOING. IT'S A VERY SMALL PORTION. IT'S THE TOP STORY OF THE CONDOMINIUM. I HAD TO DO RECONSTRUCTION ON THE CONDOMINIUM BECAUSE IT HAD STRUCTURAL PROBLEMS AND IT HAD WATER PROBLEMS WHILE I WAS DOING THAT I GOT CARRIED AWAY. THAT WAS DISCUSSED. THIS IS IN YOUR BACKUP MATERIALS, BUT JUST TO CLARIFY, AND I KNOW THIS IS REPETITIVE, BUT IT IS A CONFUSING SITUATION, AND AGAIN A PICTURE SHOWS IT VERY CLEARLY.

THIS IS THE PROPOSED STRUCTURE, AND MY STRUCTURE IS ACTUALLY 98 FEET AWAY FROM THE PROPERTY LINE OF THE SINGLE-FAMILY PROPERTY. THAT IS WHAT TRIGGERS THE COMPATIBILITY. IT'S NOT THE RESIDENCE. I'M ACTUALLY A LOT FURTHER FROM THE RESIDENCE. SO IT'S THE PROXIMITY TO THE PROPERTY LINE OF MY STRUCTURE. AND THIS IS THE INTERVENING BUILDING. YOU CAN SEE THAT THERE ARE ACTUALLY TWO BUILDINGS AND A WALKWAY IN BETWEEN. AND THE STRUCTURE IS OBVIOUSLY BETWEEN ME AND THE SINGLE-FAMILY PROPERTY. THAT'S HOW I QUALIFY FOR THIS. THIS IS JUST THE RECENT SURVEY. AND IT ALSO SHOWS A SITE PLAN. AND ONE OF THE THINGS I WANTED TO SHOW WITH THIS WAS SIMPLY THAT THERE ARE A LOT OF UNITS SURROUNDING MINE. MY UNIT IS THE CENTER OF THE COMPLEX, AND ALL OF THE OTHER UNITS ACT AS A BUFFER. WHEN I DECIDED TO DO THIS PROJECT, OVER A TWO-YEAR PERIOD I GOT THREE DIFFERENT APPROVALS THAT WERE UNANIMOUS APPROVALS BY THE HOMEOWNERS ASSOCIATION, SO THERE'S A PROCESS TO GO THROUGH, AND I WENT THROUGH THAT PROCESS. I'M FROM HOUSTON, I DIDN'T KNOW MUCH ABOUT ZONING, BUT I DID THINK, WELL, YOU TALK TO YOUR NEIGHBORS. THESE WERE MY NEIGHBORS. SO I WENT THROUGH THE PROCESS, I LEARNED WHAT -- YOU KNOW, HOW MY ASSOCIATION APPROVALS WERE DONE. I TALKED TO PEOPLE. AND I OBTAINED THOSE CORRECT APPROVALS. THAT'S 22 OWNERS THAT ARE A PART OF THIS CONDOMINIUM REGIME. AND WHAT I WOULD LIKE TO SUGGEST IS THAT THOSE OWNERS ARE THE MOST AFFECTED MORE THAN THE NEIGHBORHOOD. THOSE ARE THE CLOSEST OWNERS. THERE'S 22 OWNERS. NOT ALL OF THEM ARE NOW STILL FARTHEST, BUT ORIGINALLY I DID THAT PART CORRECTLY. I TALKED TO THE CLOSEST OWNERS AND I HAD UNANIMOUS APPROVAL WITH NO OPPOSITION TO THIS PROJECT. AS I MENTIONED, SOME OF THAT HAS CHANGED SINCE THEN. IF THIS PROJECT LANGUAGE WISHES, IF THIS PROJECT IS NOT GIVEN A WAIVER AND THERE IS NOT A SOLUTION THAT COMES OUT OF IT, THOSE PROPERTY OWNERS WILL BE THE MOST AFFECTED. GRANTED THAT THEY'RE NOT ALL FOR IT BECAUSE OF SOME OF THE CIRCUMSTANCES THAT -- THE WAY THAT I HANDLED THE SITUATION. I THINK THAT THEIR INTERESTS OUGHT TO BE PUT FIRST ABOVE THE

NEIGHBORHOOD. THEY'RE MORE IMPACTED BY IT. THERE IS ONE NEIGHBOR WHO THERE HAS BEEN PERSONAL ANIMOSITY AND THERE'S DIFFICULTY, AND I'M HERE TO SUGGEST THAT THIS HEARING IS NOT ABOUT THAT. IN A CONDOMINIUM REGIME, YOU DO NOT OWN YOUR WALLS, YOU OWN FROM THE SHEETROCK INSIDE. SO AS A CONDOMINIUM OWNER, EVERYBODY KIND OF HAS JOINT OWNERSHIP FROM THE SHEETROCK OUTSIDE, THE STUCCO, THE FRAME, THE STRUCTURE, AND THEN YOU HAVE A PERCENTAGE OF OWNERSHIP. AND I SAY THIS BECAUSE THERE IS NO SUCH THING AS AIR RIGHTS, THERE IS NO SUCH THING AS HAVING EXCLUSIVE ACCESS TO SOMETHING -- TO THE DETRIMENT OF OTHER PEOPLE. THERE'S BEEN DISCUSSION OF ME ACCESSING SOMEONE'S ROOF IN ORDER TO DO CONSTRUCTION, AND THERE WAS SOME OF THAT DONE, BUT IN A CONDOMINIUM REGIME, IF YOU'RE -- IF THE ONLY WAY TO GET TO THE SIDE OF YOUR BUILDING IS ON SOMEBODY'S ROOF, YOU HAVE AN EASEMENT THAT IS ALLOWED. SO THERE HAS BEEN SOME DISPUTE, AND I KNOW THAT THAT'S COME UP. WE'RE NOT HERE TO TALK ABOUT THAT. HERE -- WE'RE REALLY HERE TO TALK ABOUT A WAIVER AND CODE AND WHETHER THIS QUALIFIES AND WHETHER IT'S APPROPRIATE. THIS IS ANOTHER, YOU KNOW, CLEAR EXPLANATION OF WHAT I'M DOING, WHAT I'M ASKING FOR. IT SHOWS THE INTERVENING STRUCTURE. IT SHOWS THAT IT WAS NINE FEET TALLER. WHEN I ORIGINALLY WAS DISCUSSING THIS WITH ZONING AND TRYING TO FIND A SOLUTION AND COME INTO COMPLIANCE, I REALIZED THAT I WAS OUT OF SCOPE OF THE ZONING CODE, AND THEY SUGGESTED YOU CAN DO A VARIANCE OR YOU CAN DO A WAIVER. AND MULTIPLE PEOPLE AT THE CITY ZONING DEPARTMENT SAID, WELL, IT'S A NO BRAINER. LOOK, THAT BUILDING'S TALLER. GO FOR A WAIVER. SO THAT'S THE PATH I CHOSE AND THAT'S HOW WE ENDED UP WHERE WE'RE AT. IT WASN'T AS MUCH OF A NO BRAINER AS I THOUGHT. I THOUGHT IT WOULD BE REAL SIMPLE BECAUSE IT'S REAL OBVIOUS. BUT THE CODE IS TALKING ABOUT RELATIVE HEIGHTS VERSUS ABSOLUTE HEIGHTS. SO WHAT SEEMED TO BE A SIMPLE CASE TO BEGIN WITH, THERE WAS A LOT OF DISCUSSION ABOUT MEASUREMENTS. THERE WAS A LOT OF DISCUSSION ABOUT WHERE TO MEASURE AND HOW TO MEASURE AND WHAT'S TALLER AND IF IT'S TALLER. AND

THAT'S STILL IN DISCUSSION, BUT I PROBABLY WOULD HAVE GONE FOR A VARIANCE IF I REALIZED ALL OF THE DIFFICULTIES WITH THESE RELATIVE MEASUREMENTS. I THINK IT'S A SOLID CASE. I THINK IT'S BEEN VERIFIED TODAY. THIS IS THE STRUCTURE AS IT EXISTS TODAY. WE HAVE WHAT WAS -- WHAT CURRENTLY IS MY THIRD STORY FRONT DOOR, AND WE HAVE AN EXTENSION HERE OF THE FOURTH STORY. WE HAVE WHAT I BUILT AS A FIFTH STORY, WHICH IS COMPLETELY OUT OF CODE, AND THIS IS THE PROPOSITION TO BRING IT INTO CODE, IS TO MAKE THAT A ROOFTOP DECK WITH A PERGOLA. THIS IS AN EXTENSION OF MY FOURTH STORY, SO THIS IS A PART OF HOW I GOT 900 SQUARE FEET EXTRA. WHAT I'D LIKE EVERYBODY TO UNDERSTAND -- A COUPLE OF THINGS. FIRST OF ALL, I'M NOT EVEN ALLOWED TO REPLACE MY FOURTH STORY BY ZONING CODE BECAUSE BUILDING CODE CANNOT FIND THE APPROPRIATE PERMITS. [BUZZER SOUNDS]. THAT'S 12?

Mayor Wynn: THAT WAS 12. WHY DON'T YOU TAKE A COUPLE OF MINUTES TO CONCLUDE. MY GUESS IS WE'LL PROBABLY HAVE A COUPLE OF QUESTIONS FOR YOU PROBABLY AFTER WE HEAR FROM ALL THE SPEAKERS.

I'M SORRY I'VE TAKEN SO LONG. SIMPLY TO SAY THE SOLUTION TO THIS -- THE PROBLEM WITH THIS IS THAT EVERY BIT OF THIS HAS TO COME DOWN. IF THE WAIVER IS NOT GRANTED. I'M HERE TO ASK FOR TWO WAIVERS. AND I WANT TO MAKE THAT VERY CLEAR THAT THERE'S TWO PARTS OF THE SOLUTION. THE FIRST PART IS A WAIVER OF NUMBER OF STORIES. AND THE SECOND PART IS A WAIVER OF HEIGHT.

Mayor Wynn: OKAY. THANK YOU. WE'LL PROBABLY GET TO THAT, MR. WEST. THANK YOU. ACTUALLY, I WANT TO THANK YOU TOO FOR THE PRETTY REMARKABLE VISUALS. THIS IS COMPLICATED ENOUGH. IF IT WEREN'T FOR OBVIOUSLY THE TIME AND EFFORT AND EXPENSE YOU'VE GONE THROUGH TO HAVE THIS PRESENTATION LPTION.

WOULD THE COUNCIL GIVE ME 30 SECONDS?

Mayor Wynn: I SUSPECT YOU WILL HAVE TIME AT THE END, I'LL

BET, MR. WEST. THANK YOU.

IS IT APPROPRIATE TO ASK QUESTIONS WHILE EASE THERE
OR DO WE WAIT UNTIL LATER? WAIT?

Mayor Wynn: WHILE HE'S HERE AND WITH THE VISUALS UP,
SURE, COUNCIL.

Dunkerley: I JUST HAD A COUPLE OF QUESTIONS. YOUR
FRONT DOOR IS ON THE THIRD FLOOR AND SO THERE'S
ANOTHER CONDOMINIUM BELOW YOU ON THE FIRST AND
SECOND FLOOR, RIGHT?

CORRECT.

Dunkerley: AND THEN THE FOURTH FLOOR, I ASSUME IT WAS
THERE WHEN YOU PURCHASED IT.

YES, AS I SHOWED YOU IN THE PREVIOUS --

Dunkerley: THEY CAN'T FIND THE ORIGINAL PERMIT THAT
ALLOWED IT TO BE BUILT,?

CORRECT. AND NOT -- I GUESS THAT'S NOT THE ONLY ISSUE.
THE ISSUE IS COMPATIBILITY.

Dunkerley: WELL, I KNOW --

NOW. THE ISSUE IS I CAN'T REPLACE IT BECAUSE THE
COMPATIBILITY STANDARDS DON'T ALLOW ME TO REPLACE
THE FOURTH STORY, REPLACE IT, ENLARGE IT.

Mayor Wynn: ANY OTHER QUESTIONS? COUNCILMEMBER
MCCRACKEN.

McCracken: YES. ALONG THE LINES OF WHAT
COUNCILMEMBER DUNKERLEY HAD ASKED, YOU HAD SAID
THAT YOU HAD -- THE FOURTH FLOOR WAS ALREADY THERE.
AND THEN I GUESS ON THE FAR SITE SIDE -- FAR RIGHT SIDE
OF THE PHOTO IT LOOKS LIKE THERE ARE TWO FLOORS, A
FOURTH AND A FIFTH.

CORRECT. TODAY THERE IS EXACTLY THAT.

McCracken: WAS THAT ORIGINALLY GOING TO BE FIVE FLOORS OR FOUR?

THAT WAS GOING TO BE FIVE FLOORS. THAT WAS THE PLAN AND THAT WAS NOT UP TO CODE. IT IS.

McCracken: THEN IS THE FOURTH FLOOR THAT YOU INHERITED, IS THAT AT THE LEGAL HEIGHT LIMIT OR NOT?

YES.

McCracken: I WAS JUST WONDERING. I GUESS I'M TRYING TO FIGURE OUT IF IT'S POSSIBLE THEN THAT YOU COULD KEEP YOUR FOURTH FLOOR, BUT NOT YOUR FIFTH?

UH-HUH.

McCracken: IS THAT A POSSIBLE RESOLUTION OF THIS?

IT'S A COMPLICATED SITUATION. AND I CAN EXPLAIN A COUPLE OF THINGS. ABSOLUTELY I COULD TAKE A PART OF THE STRUCTURE DOWN. THAT'S COSTLY AND DIFFICULT, BUT ABSOLUTELY. I. I QUESTION THE REASON FOR THAT AND I QUESTION THE NECESSITY OF THAT. I QUESTION THE BENEFITS OF THAT. IF VIEWS ARE THE ISSUE, THEN THAT WILL NOT GIVE PEOPLE MORE OF A VIEW THAN I'M GOING TO GIVE THEM MUCH MORE WITH WHAT I'M PROPOSING.

McCracken: ARE YOU PROPOSING -- YOU'RE PROPOSING TO LEAVE KIND OF THE NAKED RAFTERS UP THERE. AND THAT'S ACCURATE? FOR THE FIFTH LEVEL, THE PORCH? OR WILL IT BE FINISHED OUT IN SOME KIND OF DIFFERENT PRESENTATION?

WELL, THIS IS THE FIFTH LEVEL. YES. THE PROBLEM IS THAT IF I REMOVE THAT, THIS PART OF THE STRUCTURE REMAINS. SO MUCH OF THE VIEWS WOULD STILL BELOCKED. IF VIEWS WERE THE ISSUE, AND IT'S NOT PROTECTED, BUT IF THAT'S THE NEIGHBOR'S CONCERNS ANYWAY, THIS WOULD STILL BE BLOCKING A GREAT DEAL OF THE VIEWS. SO REMOVING THAT OTHER PORTION IS NOT GOING TO GIVE THEM THE

BENEFIT OF THE VIEW, IF THAT'S WHAT WE'RE TALKING ABOUT.

McCracken: AND YOU'RE DRAWING -- THE NEXT PART OF THE PREVIOUS SLIDE IT SHOWED SOMETHING DIFFERENT. IT SHOWS JUST TWO SUPPORT BEAMS, BUT THE PHOTO SHOWS ALL THE RAFTERS. ARE YOU GOING TO REMOVE ALL THOSE STUDS? IS THAT PART OF THE PLAN?

I'M TRYING TO THINK OF -- NO. I HAVE THE ABILITY LEGITIMATELY, WITHOUT A WAIVER, TO GO UP TO 46 FEET. WHAT HE WAS TALKING ABOUT -- AND THAT'S WITHIN 46 FEET.

McCracken: I WAS JUST ASKING. I WAS TRYING TO FIGURE OUT BECAUSE THE DRAWING REFLECTS SOMETHING DIFFERENT THAN WHAT YOU HAVE. SO I WAS TRYING TO FIGURE OUT WHICH IT IS.

IT'S LOOKING AT A DIFFERENT ANGLE. SO -- WE'RE ACTUALLY LOOKING THIS WAY IN THE PICTURE. WE'RE LOOKING SOUTH. AND THIS IS LOOKING WEST.

McCracken: THERE'S A LOT OF UP AND DOWN BEAMS ON THE PHOTO. SEE WHAT I'M TALKING ABOUT?

THAT'S BEHIND THIS. ALL OF THOSE -- THAT IS FRAMING. THOSE ARE WALLS AND PARAPETS AND SAFETY ELEMENTS. SO I HAVE THE LEGITIMATE ABILITY WITHOUT A WAIVER TO KEEP THAT -- THOSE WALLS, THOSE PARAPETS AS SAFETY ELEMENTS, AS PARAPETS AROUND A ROOFTOP DECK.

McCracken: I'M NOT ASKING ABOUT WHAT YOU'RE ABLE TO DO. I'M JUST ASKING WHAT THE PLAN IS.

YES, ABSOLUTELY THERE IS A PORTION OF IT THAT WILL STAY -- THERE'S ABOUT THREE SIDES OF IT SHORT THAT THE PROPOSAL IS TO KEEP THOSE WALLS THERE. IT'S NOT GOING TO HAVE A SOLID ROOF, BUT THAT WILL PROVIDE SOME PRIVACY AND THAT WILL PROVIDE SAFETY SO YOU DON'T FALL OFF.

Mayor Wynn: THANK YOU, AGAIN, COUNCIL. I SUSPECT WE'LL

HAVE MR. WEST BACK UP AFTER WE HEAR FROM OTHERS AND HAVE MORE DETAILED QUESTIONS. LET'S SEE. CONTINUING ON WITH THE CARDS IN SUPPORT OF THIS APPEAL, JIM ENNIS. JIM, HOW ARE YOU. WELCOME. EITHER ONE. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY MICHAEL MURRAY. WHO WILL BE FOLLOWEDLY JAMES ROE.

OKAY, MAYOR WYNN, COUNCILMEMBERS, MY NAME IS JIM ENNIS AND I'M A HOMEOWNER AND ALSO ON THE BOARD OF THE CONDOMINIUMS. I'M FOR THIS, EVEN THOUGH IT WAS A VERY HARD DECISION, BECAUSE I'VE BEEN INTIMATELY ACQUAINTED WITH ALL THE DETAILS AND ALL THE DIFFERENT CHANGES AND ALL THE DIFFERENT THINGS THAT ARE GOING ON WITH MELTON AND ALL THE DIFFERENT NEIGHBORS. IT'S REALLY A FAMILY. AND SO I'VE MET WITH THE OPPOSITION, I'VE HAD LUNCH WITH THEM, DINNER, AS EARLY AS TODAY HAD COFFEE. AND ONE OF THE PEOPLE IN OPPOSITION IS ONE OF MY VERY BEST FRIENDS. SO IT'S VERY DIFFICULT SOMETIMES TO CLEAR THE EMOTION THAT WAS STARTED BY MELTON MANY, MANY MONTHS AGO WHEN HE MADE THE MISTAKE OF NOT GETTING ALL THE DIFFERENT PERMITS AND THINGS LIKE THAT. SO THAT HAS CAUSED OUR FAMILY OF OWNERS AND NEIGHBORHOOD TO GET SOMEWHAT EMOTIONAL ABOUT THIS ISSUE. BUT I LOVE AUSTIN. I'VE LIVED HERE FOR, WELL, SINCE 1978. I'VE LIVED DOWNTOWN FOR QUITE A FEW YEARS. AND I LOVE MY NEIGHBORHOOD. AND I WANT TO PROTECT EVERYTHING THAT GOES UP. EVERYTHING THAT GOES UP IN THAT NEIGHBORHOOD. SO I WOULD LEAN TOWARDS WATCHING EVERY PRECEDENT THAT IS SET. AND THAT'S ONE OF THE KEY THINGS THAT THE NEIGHBORHOOD GROUP AND SOME OF THE PEOPLE THAT ARE OPPOSED TO THIS IS WILL THIS BE A PRECEDENT? AND IF YOU GIVE THE VARIANCE THAT ALL THE DEVELOPERS WILL COME IN THERE AND START CHANGING THINGS. WELL, IN MY OPINION WE JUST HAD A CASE RIGHT BEFORE OUR CASE ON FIFTH STREET, AND I BELIEVE THAT THE REASON WE'RE IN FRONT OF THE CITY COUNCIL IS EVERYTHING HAS ITS OWN MERITS CASE BY CASE BY CASE BY CASE. I FEEL LIKE IN THIS CASE WITH MELTON, IT'S SIMPLY A MAN THAT WANTS A HOME IN DOWNTOWN AUSTIN. THIS HAS SHIFTED AND CHANGED

OVER A PERIOD OF 18 MONTHS. AND EVEN THOUGH THERE'S A LOT OF EMOTION IN HERE, IF YOU TURN DOWN THE VOLUME AND JUST LOOK AT IT -- TO LET YOU KNOW, MY UNIT IS DIRECTLY BEHIND MELTON'S UNIT. SO IF ANYBODY HAS CAUSE TO COMPLAIN ABOUT THE VIEW, IT'S ME. AND I DON'T. I FEEL LIKE I'VE GOT THE SKYLINE VIEW, I'VE GOT ST. EDWARD'S VIEW, I CAN SEE THE BEN WHITE LIGHTS FROM MY DECK, AND I'VE GOT A BEAUTIFUL LITTLE UNIT IN THE ENSALE AND HAVE NO COMPLAINT AGAINST MELTON AND THE VIEW AND THE PARTIAL VIEW THAT HE MAY BLOCK. THE OTHER ITEM THAT THE OPPOSITION BROUGHT UP THAT DID CONCERN ME WAS THE ENGINEERING OF STEEL ON WOOD, WHICH IS NOT -- [BUZZER SOUNDS] CAN I JUST -- 30 SECONDS?

Mayor Wynn: YOU BET.

SO ASSUMING THAT IS AND WILL BE UNDER CITY CODE AND THAT THE STEEL ON WOOD WILL BE APPROVED AND IT'S GOOD ENGINEERING, THEN I WOULD HAVE TO SAY I'M FOR THIS BECAUSE I WANT TO GET IT DONE AND GET IT FINISHED OUT AND HAVE A WONDERFUL DEVELOPMENT TO LIVE IN. SO THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU, MR. ENNIS. MICHAEL MURRAY.

[INAUDIBLE - NO MIC].

Mayor Wynn: I THINK THAT HAS ALREADY BEEN PASSED OUT. SO JAMES REO, WITH WELCOME. YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR AND CITY COUNCILMEMBERS, GOOD EVENING. MY NAME IS JIM ROE AND I'M GOING TO BE READING A STATEMENT FROM MR. MURRAY. GOOD EVENING, MY NAME IS MICHAEL MURRAY, I'M CURRENTLY CHAIRMAN OF THE BOARD OF THE HOMEOWNERS ASSOCIATION. THE ASSOCIATION HAS THE AUTHORITY TO APPROVE OR DISAPPROVE CHANGES TO THE EXTERIOR OF ANY CONDOMINIUM UNITS AT THE ENSALE, WHERE MR. WEST'S UNIT IS LOCATED. ON MORE THAN ONE INDICATION, THE MEMBERS OF THE ASSOCIATION HAVE VOTED WITHOUT OPPOSITION IN FAVOR OF THE PROPOSED ALTERATIONS TO

HIS UNIT. THE DRAWINGS THAT I'VE SEEN OF THE COMPLETED PROJECT SHOW THAT IT WILL BE AN ATTRACTIVE ADDITION TO THE CONDOMINIUMS, WHICH WILL ENHANCE THE VALUE OF EACH OF OUR UNITS. I AM THEREFORE HERE TO SPEAK IN FAVOR OF GRANTING THE WAIVER. IN THE BRIEF TIME I HAVE, I'D LIKE TO MAKE THREE POINTS. FIRST, THE GRANTING OF THIS WAIVER WILL NOT SET A PRECEDENT, WHICH WOULD HAVE ANY ADVERSE EFFECT ON THE INTEGRITY OF THE NEIGHBORHOOD. SECOND, THAT GRANTING THE WAIVER, THAT COMPLETING THE PROJECT IS THE BEST OF THE POSSIBLE ALTERNATIVE SCENARIOS. AND THIRD, THAT THE PROPOSED -- THE PURPOSE OF A WAIVER IS TO RECOGNIZE AND APPROVE UNIQUE CIRCUMSTANCES WITH WHICH -- WHICH OTHERWISE MAKE STRICT ENFORCEMENT OF THE CODE A BARRIER WITH NO BENEFIT. TO BEGIN WITH, THE CONEDIUIMS FRONT ON WEST SIXTH STREET. THE SURROUNDING STRUCTURES ON WEST SIXTH STREET TO THE EAST AND WEST AND SOUTH ARE ALL COMMERCIAL ESTABLISHMENTS. THE CLOSEST RESIDENCES ARE MULTI-FAMILY PROJECTS ON WEST LYNN. ALL THE OTHER STRUCTURES HAVE BECOME OFFICES AND BUSINESSES. GRANTING OF A HEIGHT WAIVER TO A UNIT IN A MULTI-FAMILY PROJECT WHICH IS LOCATED ON A COMMERCIAL STREET WITH FEW IF ANY SINGLE-FAMILY RESIDENCES ON THE SAME STREET WOULD NOT SEEM TO HAVE MUCH RESIDENTIAL VALUE, NOR WOULD IT SEEM ON TO HAVE ANY ADVERSE IMPACT ON THE SURROUNDING NEIGHBORHOOD. I HAVE LISTENED TO THE ARGUMENTS CONCERNING THE ADVERSE IMPACT ON THE NEIGHBORHOOD AND THE ARGUMENTS OTHER THAN THE CODE VIOLATION SEEM TO BE DISINGENUOUS AT BEST. I LIVE AT THE CONEDIUIMS AND HAVE LIVED THERE FOR OVER 20 YEARS. I LIKE MANY OTHERS CHOSE TO LIVE IN A MULTI-FAMILY HOUSING. WE CONSIDER OUR LIFE-STYLE TO BE MORE BENEFICIAL TO THE ENVIRONMENT AS WE OCCUPY LESS LAND AND WE USE LESS ENERGY THAN SINGLE-FAMILY RESIDENCES. BECAUSE OF OUR PROXIMITY TO ONE ANOTHER, WE TEND TO LOOK OUT FOR ONE ANOTHER MORE, RESULTING IN LESS CRIME. MANY OF US SUBSCRIBE TO THE THEORIES THAT CITIES SHOULD BUILD UP, NOT OUT, AND LEAVE THE SURROUNDING LAND FOR THE ENJOYMENT OF ALL, NOT JUST THOSE WHO CAN ENJOY THE LUXURY OF

A PERSONAL YARD. HOWEVER, THERE ARE MANY WHO LIVE IN MULTI-FAMILY HOUSING SIMPLY BECAUSE THEY CANNOT AFFORD TO LIVE IN SINGLE-FAMILY RESIDENCES. DURING MOST OF THE TIME I'VE LIVED AT THE CONDOMINIUM, I'VE BEEN A MEMBER OF OWANA, THE ORGANIZATION HAS OPENLY ADMITTED TO BUY AS AGAINST MULTI-FAMILY PROJECTS AND HAS OPPOSED EVERY ONE THAT HAS COME BEFORE THE ORGANIZATION. OWANA CURRENTLY HAS AN INITIATIVE UNDERWAY TO ROLL BACK MULTI-FAMILY ZONING WITHIN THE NEIGHBORHOOD. AGAIN, THIS INITIATIVE WOULD FALL MOST HEAVILY ON THOSE INDIVIDUALS WHO WOULD CHOSE -- PUZ BUZZ.

Mayor Wynn: PLEASE BECOME. HOP DOWN TO THE CLOSING PARAGRAPH. PLEASE CONCLUDE.

FINALLY, THE PROPOSAL OF THE WAIVER PROVISION OF THE CODE IS TO RECOGNIZE JUST THIS TYPE OF SITUATION. A SITUATION WHERE STRICT ENFORCEMENT OF THE CODE WOULD SIMPLY PREVENT A BENEFIT TO AN INDIVIDUAL WHICH WOULD HAVE NO ADVERSE IMPACT ON OTHERS. IT WOULD ACT AS A BARRIER TO MR. WEST'S ENHANCEMENT TO HIS PROPERTY WITH NO COMMON DETRIMENT TO ANYONE ELSE STOPPING HIM -- FOR THE SAKE OF STOPPING HIM AND NO OTHER PURPOSE. THANK YOU SO MUCH.

Mayor Wynn: THANK YOU, MR. ROE. THE NEXT SPEAKER IN FAVOR IS MR. BRAD FORTNEY. WELCOME. YOU WILL HAVE THREE MINUTES.

I AM BRAD FORTNEY AND I OWN A RETAIL STORE ON THE OTHER SIDE OF ZTEJAS, AND I'VE BEEN THERE EIGHT YEARS AND I'VE WATCHED A LOT OF AMAZING CONSTRUCTION GO ON. AND THE PROXIMITY OF WHAT HAS BEEN THE OLD WEST END. AND I'VE BEEN IN FAVOR OF THE FEEL THAT OUR RETAIL ENVIRONMENT IS DEVELOPING. AND I'VE ALSO ENJOYED VERY MUCH THE APPEAL THAT THE ENSALE HAS HAD IN A NICE LITTLE POCKET. I WAS IMPRESSED WITH THE BEGINNINGS OF MR. WEST'S STRUCTURE AND HAVE LOOKED FORWARD TO SEEING IT COMPLETED NOW FOR SOME TIME. AND I HAVE FELT THAT IT WOULD BE -- IT WAS GOING TO BE A VISUAL ENHANCEMENT TO OUR NEIGHBORHOOD. AND IT'S VERY MUCH IN KEEPING WITH WHAT'S GOING ON AROUND IT.

I APPRECIATE AND HAVE HEARD ALL OF THE OPPOSITION TO IT, BUT I THINK THAT BY THE TIME IT'S ALL SAID AND DONE, IF THIS -- IF THE UNIT IS NOT FINISHED THE WAY IT'S INTENDED TO, IT WILL BE A SETBACK AND A DISAPPOINTMENT. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. GREAT STOSH. GREAT STORE. COUNCIL, WE'LL NOW HEAR FROM FOLKS SIGNED UP IN OPPOSITION TO THE APPEAL. WE'LL START WITH ROBERT FLOYD. WELCOME. AND THEN THE NEXT SPEAKER WILL BE TYSON TUTTLE. AND MR. FLOYD LOOKS LIKE -- IS STEVE CULVER STILL HERE. STEVE HAS GRANTED HIS THREE MINUTES TO YOU, ROBERT, SO YOU WILL HAVE UP TO SIX MINUTES.

THANK YOU. MAYOR WYNN, MAYOR PRO TEM GOODMAN, COUNCILMEMBERS, MY NAME IS ROBERT FLOYD. I OWN UNIT 103 IMMEDIATELY TO THE WEST OF MELTON'S PROJECT. THIS IS -- THIS PRESENTATION IS CONSISTENT WITH MUCH OF THE MISINFORMATION THAT'S BEEN PRESENTED IN THE PAST. IF YOU LOOK AT THE SECOND -- THE FIRST TWO PAGES IN THAT DOCUMENT ARE MY WRITTEN REASONS WHY I'M IN OPPOSITION TO THIS WAIVER. THE FIRST -- BEHIND THE FIRST TAB ARE THE PHOTOGRAPHS THAT SHOW THE CONSEQUENCES TO MY UNIT. THERE ARE THREE PEOPLE ON THE BOARD AT THE TIME WHEN THIS PROJECT WAS APPROVED. I BELIEVE THAT THE PROCEDURE FOR APPROVAL WAS NOT DONE PROPERLY. THE BOARD MAY HAVE MADE A DECISION, BUT THEY DID NOT FOLLOW THE RULES OF THE REGIME. WE WERE NOT SHOWN ANY DRAWINGS THAT WOULD INDICATE THAT ANY OF THE RULES HAVE BEEN FOLLOWED. MY UNIT HAS BEEN DAMAGED, MY ROOF HAS HOLES IN IT. MY WEST HAS HAD HIS CONSTRUCTION CREWS ON MY ROOF, HAS DROPPED METAL ON MY CAR, HAS BROKEN OUT MY SKYLIGHT, JUST IMMEDIATE DAMAGE. 201, THE UNIT RIGHT BELOW MELTON WEST, HE CUT OFF THE FLUE FOR HER CHIMNEY AND ESSENTIALLY CAPPED IT. SO SHE HAS NO FLUE LEFT. SHE HAS A FIREPLACE, BUT NO FLUE. I JUST DON'T CONSIDER THAT VERY NEIGHBORLY. THE THIRD PART OF THAT DOCUMENT THAT YOU MIGHT SEE THERE IS MY COMPLAINT, MY LEGAL COMPLAINT AGAINST MR. WEST. AND THE LAST TWO PAGES ARE FROM MARGIE STEPHENS WHO COULD NOT

BE HERE TONIGHT AND WOULD LIKE YOU TO KNOW SHE'S IN OPPOSITION TO IT. THERE ARE A NUMBER OF PEOPLE IN OPPOSITION TO THIS PROJECT, WITH GOOD REASON. TODAY AT LUNCH I SPOKE TO THE STRUCTURAL ENGINEER WHO DID THE DRAWINGS FOR THAT PROJECT. HE TOLD ME THAT IT WAS BUILT WITHOUT -- IN NONCOMPLIANCE TO HIS DRAWINGS, AND THAT IT IS CURRENTLY AN UNSAFE STRUCTURE, AND THAT IT IS GOING TO HAVE AN EFFECT ON THE ENTIRE BUILDING. MY UNIT, MELTON'S UNIT, MARGIE'S UNIT, THE FIRST FLOOR UNIT AND THE TWO ASSOCIATED BUILDINGS. IT IS AN UNSAFE STRUCTURE. ONE OF THE PHOTOGRAPHS YOU'LL SEE SHOWS A NEW CRACK FORMING AT THE BASE OF A COLUMN THAT IS IN THE SHAPE OF A CONE, WHICH IS -- WHICH IS THE BEGINNINGS OF A FAILURE. I'M AN ARCHITECT, A LICENSED ARCHITECT. I'M OBLIGATED BY LAW TO REPORT VIOLATIONS OF THE LAW. WHICH IS WHY I WENT TO THE CITY AND PULLED THE RED TAG ON THIS PROJECT. THIS BUILDING VIOLATES STATE RULES, CITY RULES AND THE RULES OF THE REGIME. THIS IS NOT ABOUT ANY CONTENTIOUS SITUATION. IT'S ABOUT DAMAGE TO MY PROPERTY. THAT IS MY REASON, AND THAT'S ALL OF MY REASONS.

Mayor Wynn: THANK YOU, MR. FLOYD. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

I'M HOPING TO FINISH THE RESTORATION BEFORE YOU FINISH THE NEW CITY HALL. IT'S ZONED S.F. 3 H. THE TRIGGERING ROT FOR THE COMPATIBILITY LIMITATION OF THREE STORIES OR 40 SQUARE FEET AS STIPULATED IN THE LAND DEVELOPMENT CODE. NEXT SLIDE, PLEASE. SO I GUESS THIS IS THE BATTLE OF THE GRAPHICS HERE. BUT [LAUGHTER] I'M LUCKY TO HAVE A CONTRACTOR WHO IS ALSO A PRIVATE PILOT. SO HE LIKES TO FLY AROUND AND TAKE PICTURES. SO THAT'S WHERE THESE ARE COMING FROM. THIS SHOWS PERSPECTIVE OF OUR HOUSE, 608 BARELY STREET. AND -- BAYLOR STREET. ITS RELATIVE LOCATION NEXT TO THE INTERVENING STRUCTURE AND UNIT 301. WE GO TO THE NEXT SLIDE. THIS IS -- THIS IS AFTER THE CONSTRUCTION AND SO YOU CAN SEE THE NEW CONSTRUCTION OF UNIT 301. SO WE ARE GOING TO ZOOM IN ON THIS NEXT SLIDE. AND THIS WAS THE -- THE UNIT 301 IN THE INTERVENING STRUCTURE BEFORE THE

CONSTRUCTION WAS -- WAS DONE. AND SO THE ONE THING TO NOTICE HERE IS THAT -- THE FOURTH STORY THAT MR. WEST IS CLAIMING WAS -- WAS THERE BEFORE AND THEN THEY CAN'T FIND THE -- THE BUILDING PERMIT FOR -- IT WAS ACTUALLY A GREENHOUSE AND SO IT -- HE GOT A REMODEL PERMIT TO MAKE A FOURTH STORY OUT OF -- OUT OF GREENHOUSE AND THAT'S -- THAT'S THE PART THAT THE REAL WHITE PART JUST ABOVE THE UNIT 301 JUST UP AND TO THE RIGHT, THAT IS THE -- THE GREEN HOUSE UNIT. THAT IS -- IF YOU GO TO THE NEXT SLIDE, THIS IS -- THIS IS THE -- THE -- AFTER THE CONSTRUCTION. AND YOU CAN SEE THERE'S REALLY -- THERE'S REALLY TWO PARTS HERE. THERE'S THE -- THE GREEN PART KIND OF -- KIND OF TO THE UPPER OR TO THE LOWER RIGHT OF HIS UNIT IS A -- IS A CANOPY, -- THAT CREATES AN OUTDOOR FOURTH FLOOR, PATIO COVER IS WHAT HE'S CALLING IT. THE WEST SECTION TO THE LEFT, UPPER LEFT, IS THE FIVE STORY SECTION. AND THAT WAS THE PART THAT WAS -- THAT WAS BUILT WITHOUT THE PROPER PERMITS. YOU WILL NOTICE THAT THE BUILDING -- BUILDING IS FIVE OR SIX BUILDINGS, 22 OR 23 UNITS AND -- AND ALL OF THE UNITS, ALL OF THE BUILDINGS IN THIS COMPLEX ARE TWO OR THREE STORIES. ONE OUT OF THREE STRUCTURES OF THE INTERVENING STRUCTURES. SO YOU CAN SEE IT IS REALLY A THREE STORY BUILDING WITH A FOUR STORY ON ONE PIECE OF IT. AND SO -- SO THIS UNIT WOULD BE THE ONLY OTHER UNIT IN THE ENTIRE COMPLEX, WHICH IS -- WHICH IS FOUR STORIES. NEXT SLIDE, PLEASE. SO THE QUESTION IS REALLY -- YOU KNOW, IN THE CODE IS REALLY -- IT'S CLEAR THAT THE COMPATIBILITY HEIGHT REQUIREMENT CAN BE WAIVED ONLY AS ITS APPROPRIATE AND IT WILL NOT HARM THE SURROUNDING AREA. THE ADDITION TO UNIT 301 IS OUT OF SCALE. WITH THE SURROUNDING AREA. IF IT'S ALLOWED TO REMAIN IN THE PROPOSED FORM, IT WILL HAVE A SUBSTANTIAL NEGATIVE IMPACT ON PROPERTY VALUES. HAVE PHOTOS OF UNIT 301 AS SEEN FROM MY PROPERTY, ALSO FROM THE SURROUNDING AREA. YOU CAN SEE UNIT 301 WITH THE ADDITION OF THE PATIO COVER WHICH IS BLOCKING THE VIEW FROM THERE, THE RIGHT IS THE VIEW FROM MY DAUGHTER'S BUILDING. YOU CAN SEE THE STRUCTURE ON THE RIGHT, AGAIN UNIT 301 IS VERY VISIBLE, THESE ARE BOTH AFTER CONSTRUCTION. THE ADDITION OF

UNIT 301 NEGATIVELY IMPACTS MY HOUSE FROM THE FIRST FLOOR ALL THE WAY UP TO THE THIRD FLOOR. I BELIEVE IT IS AN IMPOSING AND SUBSTANTIAL STRUCTURE FROM MANY DIFFERENT ANGLES. IT'S REALLY WHEN YOU BUY A PROPERTY IN THE AREA, YOU -- YOU -- THE CODE AND THE ZONING, YOU ARE TAKING INTO ACCOUNT THAT WHEN YOU -- WHEN YOU BUY A PROPERTY THAT -- THAT THEY CAN'T BUILD UP BECAUSE THAT'S WHAT THE ZONING SAYS THAT YOU CAN. SO IT'S REALLY ALSO AN IMPACT ON OTHER PROPERTIES IN THE AREA THAT I THINK FROM THE GARDENS CONDOMINIUMS, WHICH ARE ADJACENT, A LOT OF VIEWS HAVE BEEN BLOCKED THERE. THAT HAS A REAL -- REAL NEGATIVE IMPACT ON PART OF THE VALUE OF PROPERTY IS THE VIEW. NEXT SLIDE. SO THIS IS A VIEW FROM THE -- FROM THE TRENT OAK ACROSS SIXTH STREET. SO YOU CAN SEE THE SCALE OF THIS UNIT 301. IT'S REALLY A -- REALLY MASSIVE COMPARED TO YOU CAN SEE MY HOUSE IN THE BACKGROUND, YOU CAN SEE THERE'S A LOT OF -- YOU KNOW, MUCH SMALLER SCALE BUILDINGS AROUND HERE. IF WE GO TO THE NEXT SLIDE, THIS IS THE VIEW FROM 6th STREET IN FRONT OF -- IN FRONT OF Z TEJAS, YOU CAN SEE THAT IT'S REALLY TO YOURING. THIS PHOTO I THINK IT'S IMPORTANT, THE SECTION THAT HE'S SAYING THAT REALLY DOESN'T BECOME YOU KNOW TAKING OFF THE FIFTH FLOOR, WELL HE'S NOT. THE ENTIRE SCALE OF THAT BUILDING STAYS INTACT. WALLS AROUND IT, ESPECIALLY WHAT YOU SEE IN THIS PHOTO IS GOING TO BE WHAT YOU SEE, WHEN HE FINISHES BUILDING THE WALLS AROUND THERE. I THINK AGAIN THE SCALE IS INAPPROPRIATE TO THE SURROUNDING AREA, NEXT SLIDE. THE OTHER POINT IS THAT THERE'S VERY STRONG NEIGHBORHOOD OPPOSITION. THE STEERING COMMITTEE VOTED TO FORMALLY OPPOSED THIS WAIVER. WE HAVE PETITIONS OPPOSING THE WAIVERS, SIGNED BY 98 NEIGHBORS, WE HAVE 25 LETTERS FROM NEIGHBORS OPPOSING THE WAIVER, IMMEDIATE NEIGHBORS 20%, GREATER THAN 20% WITHIN 300 FEET HAVE EXPRESSED OPPOSITION. ANOTHER 23 IN SUPPORT, ONLY TWO IN THE NEIGHBORHOOD. I I THAT THAT SPEAKS TO THIS STRONG NEIGHBORHOOD OPPOSITION. I GUESS WE HEAR ABOUT THIS, WEST AUSTIN NEIGHBORHOOD PLAN A LOT, BUT THE LAND USE POLICY, ON PAGE 11 OF THE NEIGHBORHOOD PLAN STATES THAT REDEVELOPMENT OF A

MULTI-FAMILY USE PROPERTIES ON THE NORTH SIDE OF SIXTH STREET MUST NOT NEGATIVELY IMPACT SURROUNDING RESIDENCES, CONSIDERING FACTORS INCLUDING BUT NOT LIMITED TO TRAFFIC, VISUAL CHARACTER AND I BELIEVE HEIGHT IS IN THERE, AND OTHER COMPATIBILITY CONCERNS. WE HAVE ALSO -- WE ARE ALSO IN THE PROCESS OF -- OF ROLLING BACK ZONING FROM MULTI-FAMILY TO SINGLE FAMILY. THIS HAS SEVERAL -- SEVERAL IMPACTS. ONE IS DOZENS OF PROPERTIES IN THE NEIGHBORHOOD, THIS IS GOING TO TRIGGER THESE COMPATIBILITY STANDARDS OVER AND OVER. THIS GETS BACK INTO THE PRECEDENT SETTING ACTION OF GRANTING A WAIVER THAT -- THAT IF PEOPLE THINK THAT THEY CAN GET A WAIVER TO THESE, THEN YOU MAY GET A LOT MORE PEOPLE UP HERE SPEAKING. SO NEXT SLIDE. AND THE NEIGHBORHOOD ASSOCIATION AND MYSELF, I THINK -- WE HAVE MET WITH MR. [INDISCERNIBLE], TALKED AROUND AND AROUND AND AROUND, FROM MY SPECT SPECT ACTIVE THE PROPOSED -- PERSPECTIVE IS TO REMOVE THE PATIO ROOF AND REMOVE THE FIFTH FLOOR COMPLETELY, NO PERGOLA, NO PARAPET WALLS, I WOULD SUPPORT IT FOR THE PREVIOUS GREENHOUSE. I THINK THAT BRINGS THE SCALE DOWN TO A POINT WHERE IT'S MANAGEABLE. HOWEVER THERE'S BEEN FOR AGREEMENT TO A SOLUTION BY MR. WEST REALLY BECAUSE OF FINANCES. IT'S 25, \$35,000 TO REMOVE THIS ILLEGAL CONSTRUCTION. -- WHICH IS A CONSTRUCTION OF THE CONSTRUCTION COST HERE. REALLY THE REASONING IS THAT -- THAT THE NEGATIVE IMPACT OF THE SQUARE FOOTAGE MEANS THAT HE CAN'T RESELL THIS, THAT HE'S NOT GOING TO GET HIS MONEY OUT OF IT, THAT'S REALLY I THINK HIS DEEP INSIDE THERE WHAT THE REAL OBJECTION IS TAKING IT DOWN MEANS THAT IT'S GOING TO BE WORTH LESS. SO HE'S GOING TO PAY FOR THAT. GOING TO TRY TO GET AS MUCH OF A BUILDING AS POSSIBLE. THE LAST SLIDE. SO IN CONCLUSION. A COUPLE OF POINTS HERE. MR. WEST, WAS AWARE OF THE COMPATIBILITY REQUIREMENTS, HE KNEW THAT HE HAD TO GET SOME THINGS THROUGH BEFORE HE GOT A PERMIT. HE CAME TO TALK TO ME IN LATE 2002 BEFORE THE CONSTRUCTION STARTED. HE SHOWED ME THE PLANS, ASKED FOR MY CONSENT TO HIS ADDITION. [BUZZER

SOUNDING]

I SHOWED HIM --

TAKE A FEW SECONDS AND CONCLUDE.

OKAY. I SHOWED HIM THE VIEW, BASICALLY I SAID THAT NO I'M NOT GOING TO SIGN A -- YOU KNOW A LETTER OF SUPPORT AND THAT I -- I THOUGHT IT WAS INCOMPATIBLE. THE -- THE BOTTOM LINE IS THAT MR. WEST MADE A MISTAKE. HE OVERBUILT HIS CONSTRUCTION PROJECT. THE QUESTION IS WHETHER HE'S GOING TO BE HELD ACCOUNTABLE FOR THIS MISTAKE OR WHETHER THE NEIGHBORS, MYSELF, ALL OF THE PEOPLE AROUND WHO REALLY, YOU KNOW, FEEL STRONGLY ABOUT THIS OPPOSITION ARE GOING TO BE THE ONES THAT PAY FOR THIS INSTEAD OF MR. WEST. SO I BELIEVE, YOU KNOW, THAT BASED ON THIS, YOU KNOW, AND THE HARM THAT I THINK IS LEGITIMATE THAT I BELIEVE A REQUEST SHOULD BE DENIED. FOR A WAIVER. THANK YOU. LAURA TUT TELLSON, BRYAN ENDANGER ENGLE.

GOOD EVENING, MAYOR AND COUNCILMEMBERS. I'M LAURA MOOREHOUSE, I LIVE ABOUT A BLOCK AWAY FROM THE ENSINOL, BEEN INVOLVED IN THIS ISSUE AS A MEMBER ON OWANA FOR A LONG TIME. I WANT TO BEGIN BY ADDRESSING SOME OF THE TECHNICAL ASPECTS OF THE HEIGHT. AS YOU HAVE HEARD, THE REPORTED HEIGHT OF THE APPLICANT'S PROJECT HAS BEEN A MAJOR FOCUS ON THIS DISCUSSION. BECAUSE IF THE PROJECT IS HIGHER THAN THE INTERVENING STRUCTURE. THEN THE LAND DEVELOPMENT CODE DOES NOT ALLOW EVEN THE CONSIDERATION OR GRANTING OF A WAIVER. AT THE PLANNING COMMISSION HEARING IN APRIL, THIS WAS A MAJOR POINT BECAUSE THE HEIGHT REPORTED IN THE APPLICATION WAS MEASURED FROM -- [PHONE RINGING] FROM THE TOP OF THE WALL OF A FLOWER BOX -- [PHONE RINGING] APPRECIATE RATHER THAN FROM THE GROUND, THEREFORE MINIMIZING THE REPORTED HEIGHT BECAUSE IT WAS ONLY FROM THE TOP OF THE FLOWER BOX, IT WAS ABOUT FIVE FEET TALL. BUT NOW THAT THE CITY STAFF HAS SPECIFICALLY IDENTIFIED THE ACTUAL GROUND POINTS TO MEASURE FROM, THAT ISSUE IS OFF THE TABLE. HOWEVER, THE RESUBMITTED

APPLICATION BRINGS INTO QUESTION THE FLIP SIDE OF THE EQUATION AND THAT IS WHERE'S THE TOP OF THE BUILDING THAT NEEDS TO BE MEASURED TO? AS MR. ZAPALAC NOTED. THE PROJECT SITE REPORTED IN THE RECENT SUBMISSIONS BY THE APPLICANT IS -- IS 42.8 FEET. AND IT'S FROM THE APPROPRIATE GROUND REFERENCE POINT, BUT IT ONLY MEASURES TO THE HEIGHT OF THE SLANTED ROOF OF THE FOURTH STORY. THE FIFTH STORY HEIGHT HAS BEEN IGNORED BASE ON THIS PERGOLA/TRELLIS THAT THEY ARE CLAIMING IS EXEMPT UNDER THE CODE 25-2-531. I WOULD RESPECTFULLY DISAGREE WITH MR. ZAPALAC AND HIS INTERPRETATION THAT THAT IS SUPPOSED TO BE EXEMPTED UNDER 531. FIRST OF ALL, LET'S THINK ABOUT WHAT MR. WEST HAS SAID. HE'S GOING TO LEAVE AS THE FIFTH STORY SURROUNDED BY THESE RAFTERS, STUDS, WHATEVER THEY ARE SO HE CAN HAVE PRIVACY. WHAT I READ IN ONE OF HIS DRAWINGS IS THAT TWO CORNERS OF IT ARE GOING TO BE ACTUALLY ENCLOSE UNDERSTAND A WALL, I HAVEN'T HEARD HIM SAY THAT, BUT I SEE THAT. SO IT'S A PRETTY SIGNIFICANT STRUCTURE. IF YOU LOOK AT THAT 5:31, FIRST OF ALL IT'S IMPORTANT TO NOTE THAT IT READS "IT APPLIES TO, LISTS A BUNCH OF SPECIFIC STUFF. IT DOESN'T KNOW SAY THINGS SUCH AS OR INCLUDING OR ET CETERA. IT SAYS IT APPLIES TO PARAPET WALLS, CHIMNEYS, VENTS, MECHANICAL OR SAFETY FEATURES, INCLUDING FIRE TOWERS, STAIRWELLS, ELEVATOR PENTHOUSES, HEATING OR COOLING EQUIPMENT AND PROTECTIVE COVERS AND THEN GOES ON TO THE SECOND PART THAT MR. ZAPALAC MENTIONED, ORNAMENTAL TOWERS, CUPOLAS, DOMES, SPIRES, THAT ARE NOT DESIGNED FOR OCCUPANCY. WELL, THIS STRUCTURE THAT HE'S TALKING ABOUT IS NOT A CHIMNEY, NOT A PARAPET WALL, NOT THIS EQUIPMENT, NOT AN ORNAMENTAL TOWER AND I REALLY DON'T BELIEVE THAT IT BELONGS UNDER THIS HEIGHT EXEMPTION UNDER 521. NOT ONLY AM I CONCERNED ABOUT ITS APPLICATION HERE, BUT -- BUT HERE WE GO WITH PRECEDENT, HOW MANY MORE PEOPLE ARE GOING TO START BUILDING THESE, YOU KNOW, SEMI ENCLOSED ROOMS ON TOP AND COME TO YOU OR CITY STAFF AND SAY, WELL THIS IS ALLOWED BECAUSE IT'S SOMETHING LIKE A PARAPET. I DON'T THINK IT IS. WHEN MEASURED TO THE TOP OF THE FIFTH STORY AS I BELIEVE IT SHOULD BE, THE

REPORTED HEIGHT SHOULD ACTUALLY BE, IT IS ACTUALLY APPROXIMATELY 49 FEET. MR. FLOYD, I BELIEVE HAD A SURVEYOR THAT MEASURED THAT. WHICH IS GREATER THAN THE INTERVENING BUILDING WHICH IS 44.5 FEET. SO WE HAVE GOT REALLY 49 FEET COMPARED TO 44.5 OF THE INTERVENING STRUCTURE AND UNDER THAT THE CODE UNDER 25 TO 10 WILL 1 D -- 1081 D DOES NOT ALLOW THE GRANTING OF A WAIVER IN THIS SITUATION. AS MR. WHITE -- MR. WEST MENTIONED, THIS REQUEST IS FOR A WAIVER TO TWO PIECES OF THE CAPABILITY STANDARDS NOT JUST HEIGHT, BUT ALSO THE NUMBER OF STORIES AND I WANTED TO MENTION THAT THE APPLICATION APPEARS TO MINIMIZE THIS SAYING THAT THE FOURTH STORY HAS BEEN THERE A LONG TIME, IT'S IMPORTANT TO KEEP IN MINDS THAT THE CITY STAFF, MR. RONALD MENARD, WHEN HE WAS LOOKING AT THIS IN A LETTER DATED AUGUST 28th, 2003, SAID THAT IT WAS HIS CONCLUSION THAT THE -- THAT THE PREEXISTING FOURTH STORY GREENHOUSE WAS NOT LEGALLY CONSTRUCTED AND I WOULD ALSO LIKE TO NOTE I SAW SOME FLOOR PLANS MR. WEST HAD, THE PROJECT APPEARS TO APPROXIMATELY TRIPLE THE FOURTH STORY SQUARE FOOTAGE. SO THAT -- SO THAT THIS WOULD BE A SIGNIFICANT EXPANSION TO THE FOURTH STORY WHICH WAS ILLEGAL IN THE FIRST PLACE. NOW, TYSON HAS MENTIONED MANY -- HAS DISCUSSED MANY ISSUES. AND I WANTED TO JUST FOLLOW UP BRIEFLY ON ONE, THAT IS THE POINT OF PRECEDENCE. TO MAKE SURE THAT YOU KNOW THAT THERE IS ANOTHER DEVELOPMENT IN OUR NEIGHBORHOOD WHOSE PERMIT IS CURRENTLY FORMALLY ON HOLD. THERE ARE CONCERNS THAT IT MAY VIOLATE THE COMPATIBILITY STANDARDS AND THIS INOSNOL CASE MAY BE FOLLOWED SOON AND CLOSELY TO YOU WITH A REQUEST FOR A WAIVER OR A VARIANCE FOR THIS SECOND CASE. RECENTLY I SPOKE WITH THE NEIGHBORHOOD WHO OWNS THE PROPERTY RIGHT NEXT TO THIS SECOND PROPERTY WITH THE PERMIT ON HOLD. HE IS PLANNING A REMODEL HIS SITE PLAN HAS BEEN APPROVED. HE EXPRESSED TO ME A STRONG SENSE OF FRUSTRATION TO PUT IT MILDLY AT THE LONG AND COSTLY PROCESS HE WENT THROUGH TO ENSURE THAT HE IS FOLLOWING ALL OF THE RULES. IF COUNCIL WERE TO APPROVE THIS WAIVER TONIGHT, IT WOULD BE SIGNIFICANTLY DEMORALIZING TO

OUR NEIGHBORS WHO DO SICK TO THE RULES BY SAYING THAT ASKING FOR FORGIVENESS AFTER THE FACTLY AN SOLVE YOU OF YOUR RESPONSIBILITIES TO FOLLOW THE CODE, ABSOLVE. WE REALIZE THIS HAS BEEN HARD FOR MR. WEST. WE ARE NOT HERE TO CAUSE HIM DIFFICULTY, BUT BECAUSE WE BELIEVE THIS IS AN ABSOLUTELY CRITICAL ISSUE FOR OUR NEIGHBORHOOD. IN CONCLUSION I ASK THAT YOU [BUZZER SOUNDING] ADHERE THE CODE, THAT DOES NOT ALLOW THE GRANTING OF THE WAIVER FOR THIS SITUATION. THAT YOU UPHOLD THE ZONING ORDINANCES THAT WE ALL DEPEND ON. AND DENY THE REQUEST. THANK YOU.

THANK YOU, MS. MORRISSON. JULIE ORCHARD, NOT WISHING TO SPEAK, AGAINST. DUANE MAYBE ORCHID NOT WISHING TO SPEAK, AGAINST, BRYAN ENGLE, I BELIEVE IT IS. WELCOME, BRYAN, YOU'LL HAVE THREE MINUTES.

THANK YOU.

MEMBERS OF THE COUNCIL, I'M THE PERSON RESPONSIBLE FOR THE PLEADINGS BEHIND TAB, WHATEVER TAB MR. FLOYD PUT IT BEHIND. I'M FREQUENTLY HAPPY THAT I DON'T HAVE TO BE AS FACILE OF THE LAND DEVELOPMENT CODE AS SOME OF THE OTHERS WHO HAVE SPOKEN, I DON'T WANT TO TALK TO YOU ABOUT. WHAT I DO WANT TO TELL YOU IS THAT MR. FLOYD OPPOSES CHANGES TO THE CONDOMINIUM STRUCTURE THAT COME OUT OVER AND STEAL HIS VIEW. HE OPPOSES CHANGES AND ADDITIONS TO THE CONDOMINIUM THAT HAVE BASICALLY COVERED UP AND ENCLOSED LIKE CAVE, YOU CAN SEE THIS IN THE PHOTOGRAPHS, THE ENTRANCE TO HIS CONDOMINIUM. IT WASN'T PURCHASED THAT WAY. THE ONE THING THAT WE HAVE HEARD TONIGHT, I THINK THAT'S UNDISPUTABLE. I DON'T THINK -- IT'S UNDISPUTABLE AND UNDISPUTED IS THAT THE PROJECT THAT MR. WEST BUILT IS NOT THE PROJECT THAT MR. WEST PRESENTED ON ANY OCCASION TO HIS MEMBERS UNDER THE CONDOMINIUM DECLARATIONS. SO THE PERMISSION THAT MR. WEST ASKS TO YOU GRANTS HERE TODAY IS ACTUALLY A PERMISSION FOR HIM TO CONTINUE THE CONSTRUCTION OF A PROJECT THAT HE KNOWS AND SAYS MUST HAVE BEEN SUBMITTED TO THE CONDOMINIUM OWNERS ASSOCIATION AND WAS NOT. IN FACT I ACTUALLY

PROBABLY AM THE ONLY PERSON WHO HAVE BEEN THROUGH THE RECORDS OF THE HOMEOWNERS ASSOCIATION. WHAT MR. WEST SUBMITTED TO GAIN APPROVAL OF THIS PROJECT WAS FOUR SKETCHES. SIMILAR TO THE MANILA KIND OF COLORED SKETCHES THAT YOU SAW UP ON THE -- ON THE ELMO THERE AND A FEASIBILITY LETTER FROM A GENTLEMAN NAMED JOHN STEINMAN WHO SAID IT COULD BE ENGINEERED CORRECTLY IF ONLY SOMEONE WOULD DO IT. THAT'S WHAT WAS PRESENTED TO THE HOMEOWNERS. IT DID NOT INCLUDE AN 1800 SQUARE FOOT EXPANSION WITH TWO ADDITIONAL STORIES. AND I FEEL FOR MR. WEST AND I FEEL FOR THE FACT THAT HIS PARENTS WERE SICK. BUT -- BUT THE RIGHTS THAT THE CONDOMINIUM REGIME ESTABLISHES ARE CO-RELATIVE RIGHTS. WHAT HE ASKS TO YOU DO TONIGHT IS TO MAKE SURE THAT HE WINS SOMETHING THAT HE SHOULD NOT HAVE GOTTEN OR THAT HE SHOULD HAVE TAKEN THROUGH A PROCESS THAT DOESN'T INVOLVE THIS COUNCIL BUT ADMITS THAT HE DIDN'T DO. THAT I THINK WHEN YOU ARE MAKING POLICY DECISIONS ABOUT WHETHER OR NOT TO APPROVE WAIVERS THAT WILL CONTINUE CONSTRUCTION IS SOMETHING THAT YOU OUGHT TO PAY CAREFUL ATTENTION TO. AND BE COGNIZANT LIKE I'M OFTEN REMINDED BY JUDGES, THAT I DON'T KNOW EVERYTHING. AND I DON'T HAVE ALL OF THE FACTS. THAT'S THE SUBJECT OF THE LAWSUIT THAT IS BEFORE YOU AND THAT LAWSUIT HAS TO CONTINUE ON. MR. WEST WAS NOT A RULE FOLLOWER. THAT'S A SAD THING. MR. WEST KNEW WHAT THE RULES WERE. HE PULLED A PERMIT. IT IS NOT A SUFFICIENT JUSTIFICATION TO HAVE THE COUNCIL ACT FOR MR. WEST [BUZZER SOUNDING] TO SAY I'M SORRY, SPRINKLE A BUNCH OF SWORDS OUT ALONG THE GROUND HERE AND THEN RUN AROUND TRYING TO FALL ON THEM AS QUICKLY AS HE CAN. AND I WOULD -- I WOULD RESPECTFULLY ASK THE COUNCIL TO TAKE THAT INTO ACCOUNT AND DENY THE APPEAL.

Mayor Wynn: THANK YOU, MR. ENGLE. COUNCIL, THAT'S ALL OF THE CITIZENS SIGNED UP IN OPPOSITION TO THIS APPEAL. AT THIS TIME THE APPLICANT OR THE AGENT HAS A -- HAS A 3 MINUTE REBUTTAL.

THANK YOU, ONE OF THE POINTS THAT I WANT TO MAKE IS THAT THIS -- THAT I DID PROVIDE EVIDENCE THAT THINGS

WERE PROPERLY SUBMITTED. THAT WAS PROVIDED BY THE PRESIDENT OF THE ASSOCIATION AND THE MANAGEMENT COMPANY. THE -- THE INSONOL CONDOMINIUM ASSOCIATION IS NOT REQUIRED TO KEEP DRAWINGS AND STRUCTURAL ENGINEERING AND ALL OF THE THINGS THAT I SUBMITTED. THEY ARE NOT REQUIRED TO KEEP THAT. THEREFORE WHEN THEY WENT TO LOOK FOR THE RECORDS, I HAVE THE RECORDS. THE ASSOCIATION DOESN'T KEEP RECORDS OF THAT. THEY APPROVED, EVIDENCE IN YOUR PACKETS ABOUT THAT. THIS IS NOT ABOUT A ROOF ISSUE. ONE THING THAT I CAN STATE CLEARLY, NOT MANY PEOPLE MAY KNOW IN THIS ROOM IS THAT IN FLOYD, WHO THIS LAWSUIT IS ABOUT, HAS A HIDDEN AGENDA. I DON'T KNOW HOW MANY PEOPLE KNOW THAT HE IS PLANNING ON ADDING A THIRD STORY TO HIS UNIT AND THERE WAS CONFLICTS AS TO WHETHER THAT WOULD BE -- WHETHER THAT GO WITH MINE OR NOT. SO THEREFORE A NEIGHBOR DISPUTE. THEREFORE HE'S BEEN AN AGITATOR AGAINST THIS PROJECT FROM THE BEGINNING. THIS IS CLEARLY AN ATTEMPT FOR HIM TO GET HIS PROJECT THROUGH AND NOT TALK ABOUT HIS TRUE MOTIVES. LET ME JUST SHOW YOU A PICTURE.

MR. CHAPA, PLEASE STOP THE CLOCK RUNNING, PLEASE. THANK YOU.

THIS IS JUST, HELLO, CAN YOU HEAR ME? THIS IS JUST ONE PICTURE TO SHOW THAT THIS IS ACTUALLY IN SCALE. CAN YOU FULL SCREEN THAT, PLEASE? IN AN ELEVATION VIEW IT IS IN SCALE. WITH THE SURROUNDING PROPERTIES. THAT'S IT. YEAH. THERE'S BEEN A LOT OF DISCUSSION ABOUT THE WALLS, WHAT'S ALLOWED, EVERYTHING LIKE THIS. THIS AREA RIGHT IN HERE IS WHAT I AM PROPOSING AS A PERGOLA, PRIVACY, WHAT IS ALLOWED BY CODE. I HAVE SAID THAT. THERE WAS QUESTIONS AND A LOT OF CONFUSION ABOUT WHAT'S REMAINING, WHAT'S NOT. I -- THE REASON THAT I'M KEEPING THIS CERTAINLY, I'LL CUT IT OFF, I JUST DON'T SEE THAT THERE'S ANY USE TO THAT. I MEAN I'LL LOWER -- IF THE CONCERN IS FOR ME TO LOWER THIS TO THE SAME LEVEL AS THIS, SO IT'S NOT ENCLOSED, THAT FINE. I DON'T SEE ANY USE FOR THAT BECAUSE IT DOES NOTHING TO IMPROVE ANYBODY'S VIEWS. IF THAT'S ONE OF THE ISSUES. THERE'S ONE MAIN POINT THAT I WANT TO MAKE, THAT IS THAT THE -- THAT THE CODE ALLOWS 40 FEET

FOR A ROOF TO BE 40-FOOT TALL. SO -- SO BY CODE, WHAT IS ALLOWED IS A 40-FOOT ROOF. UNDER A DIFFERENT BUILDING DESIGN, I COULD HAVE A 40-FOOT ROOF AND SIX FOOT PARAPETS. SO THAT'S ALLOWED. I COULD HAVE A 46-FOOT STRUCTURE. UNDER CODE, NO WAIVERS. A THREE STORY STRUCTURE, BUT A 46-FOOT SOLID STRUCTURE. SO WHAT I'M SUGGESTING IS THAT WHAT I'M ASKING FOR IS NOT THAT FAR AWAY FROM CODE AS FAR AS HEIGHTS AND SCALE AND MASS. YOU KNOW, WHAT I HAVE DONE IS OPENED UP ALL OF THIS AREA IN HERE TO TRY TO RESTORE SOME OF THE VIEW, TO TRY TO MAKE IT OPEN AND LESS BULKY. WHICH IS -- WHICH IS MORE THAN WHAT COMPATIBILITY STANDARDS ALLOW. I HAVE MADE COMPROMISES. I'VE TRIED TO ADDRESS SOME OF THE ISSUES. AND WHAT I'M ASKING YOU FOR IS NOT THAT FAR OUT OF BOUNDS. I GUESS AGAIN THE -- THE BOTTOM LINE TO THIS IS THAT I'VE WORKED 16 MONTHS TOWARDS A SOLUTION AND THIS IS THE ONLY ONE THAT I HAVE FOUND. AND WHAT I FEEL LIKE I'M PROPOSING IS REASONABLE AND A GOOD ALTERNATIVE [BUZZER SOUNDING] IN ORDER TO COMPLETE A BAD SITUATION AND I FEEL LIKE THAT -- THAT I HAVE MADE COMPROMISES ALONG THE WAY, I HAVE -- I HAVE SPENT A LOT OF -- A LOT OF MONEY AND THE FUNDS ARE LIMITED AS FAR AS HOW MUCH MONEY I CAN DO.

Mayor Wynn: THANK YOU, MR. WEST. HANG AROUND A BIT, WE'LL HAVE SOME QUESTIONS. SO, COUNCIL, THAT -- THAT CONCLUDES OUR TECHNICAL APPEAL PROCESS PER THE CODE. AT THIS TIME I WILL MOVE TO CLOSE THE PUBLIC HEARING. MOTION BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER ALVAREZ, FURTHER DISCUSSION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? PUBLIC HEARING IS CLOSED ON A VOTE OF 7-0.

I HAVE A QUESTION.

Dunkerly: MR. WEST, COULD I ASK YOU A QUESTION? THIS IS A -- THIS IS JUST A SUPPOSITION. BECAUSE -- BECAUSE THIS

IS ONE I REALLY SHOULD HAVE GONE OUT AND LOOKED AT BECAUSE NO MATTER HOW MANY PICTURES YOU HAVE, IT IS VERY DIFFICULT TO -- TO -- TO UNDERSTAND. BUT LET'S ASSUME THAT MONEY WAS NO OBJECT TO YOU. AND THAT WE DENIED THIS. WHAT WOULD YOU DO TO -- TO BRING IT INTO COMPLIANCE? LET'S SAY THAT WE GAVE YOU THE FOURTH FLOOR AND DENIED THE HEIGHT. WHAT WOULD DO YOU?

WELL, THAT'S A GREAT QUESTION. IT'S ABSOLUTELY A GREAT QUESTION. TO BRING IT INTO COMPLIANCE, ALL THAT I WOULD HAVE TO DO IS -- IS REMOVE THAT ROOF AND LOWER IT ONE FOOT. AND LOWER THAT PORTION OF THE ROOF. THE -- THIS PORTION RIGHT HERE YOU CAN SEE THAT THE BOTTOM OF IT IS 40 FEET. SO INSTEAD OF HAVING A SLANTED ROOF, I COULD MAKE THAT A FLAT ROOF. THEN I COULD PUT PARAPETS UP, SIX FOOT TALL IF I WANTED. I WOULDN'T, BUT I COULD. WITH THE FOUR STORIES, ALL THAT I WOULD HAVE TO DO IS -- IS BRING THAT DOWN A FOOT, AND AM NOT SAYING ALL BECAUSE IT'S EXPENSIVE. IT'S CRANES, LOTS OF THINGS. BUT -- BUT THEN I WOULD HAVE TO MAKE THAT FLAT WITH PARAPET WALLS AROUND IT. IT WOULD NOT BE MUCH OF A DIFFERENT STRUCTURE AS FAR AS MASS AND SIZE AND HEIGHT. THAT IS A POSSIBILITY. I JUST DON'T SEE THE NEED TO DO THAT.

Dunkerly: I'M NOT ASKING THAT.

FINANCES AS FAR AS THAT PART OF IT --

Dunkerly: I'M SAYING WHAT COULD HAVE BEEN DONE TO FIX THE HEIGHT PROBLEM. THAT WAS MY QUESTION. IF YOU -- IF MONEY WERE NO OBJECT.

IF MONEY WERE NO OBJECT, I COULD COMPLY WITH CODE BY WHAT I'M SUGGESTING.

Mayor Wynn: COUNCILMEMBER SLUSHER?

Slusher: I HAVE A FEW QUESTIONS FOR THE STAFF. WHILE YOU'RE UP THERE, MR. WEST. YOU MENTIONED THAT YOU QUESTIONED MR. FLOYD, YOUR NEIGHBOR'S MOTIVES IN THIS. BUT SO -- SO LET ME ASK YOU THIS: SOME OF THE

THINGS THAT HE SAID, IS IT TRUE, DID YOU HAVE WORK
PEOPLE ON HIS ROOF?

I'VE HAD PEOPLE ON HIS ROOF TO CLEAN IT WHEN THINGS
FELL, LIKE -- YOU KNOW, DUST AND DEBRIS. I HAVE
DAMAGED A PORTION OF HIS SKYLIGHT, UNDOUBTEDLY, I
HAVE DONE THAT. HIS ROOF HAS BEEN TURNED INTO
INSURANCE -- AS A CLAIM, FIVE YEARS AGO, WAS DENIED
AND HE COULDN'T GET MONEY OUT OF THEM, SO HE WANTS
TO GET MONEY OUT OF ME. HE'S TAKING THE WHOLE ROOF
OFF TO REPLACE IT.

Slusher: WAIT, WAIT, WAIT.

SORRY.

Slusher: THIS THING IS UNFORTUNATE WHERE YOU
ADMITTEDLY HAVE VIOLATED THE CODES HERE IN RED
TAGGED FOR IT. MR. FLOYD IS, YOUR NEIGHBOR IS
ENTITLED. I THINK IT'S UNFORTUNATE FOR YOU TO BE
BRINGING UP CHARGES ABOUT HIM BECAUSE HE'S NOT
BEFORE US ON ANYTHING.

THAT PROBABLY WAS NOT APPROPRIATE. I'M SORRY.

Slusher: LET ME ASK YOU THIS. IS IT ACCURATE THAT YOU
SHUT OFF SOMEBODY'S FIREPLACE? CLOSED THEIR FLEW?

YES, IN THE RECONSTRUCTION PROCESS, THE CHIMNEYS
HAVE TO GO HIGHER, THE ROOF WAS RAISED. SO -- SO I HAD
TO DISCONNECT THE WHICH I AM I KNEES AND GOT RED
TAGGED -- CHIMNEYS AND GOT RED TAGGED I HAVEN'T BEEN
ABLE TO DO ANY WORK TO REPLACE THEM AND FIXED THEM.

SHE HAD A FIREPLACE AND --

I HAD TALKED TO HER BEFORE THIS. SHE HELPED ME
DESIGN IT. SO SHE KNEW THE PROCESS. SHE KNEW THAT
THE CHIMNEY WAS GOING TO BE --

Slusher: OKAY.

I JUST HAVEN'T BEEN ABLE TO FIX IT.

Slusher: I DON'T THINK THAT PERSON IS HERE TONIGHT TO --
IS SHE? HUH?

[INDISCERNIBLE]

Slusher: OKAY, I'LL TAKE A LOOK AT THAT. LET ME ASK OUR
STAFF SOME QUESTIONS. MAYBE THIS SHOULD HAVE COME
UP FIRST, BUT SO ONE OF THE SPEAKERS BROUGHT UP A
QUESTION OF WHETHER OR NOT THIS IS EVEN ELIGIBLE FOR
THE WAIVER BECAUSE OF THE -- BECAUSE OF THE HEIGHT
QUESTION. COULD YOU SPEAK TO THAT, MR. ZAPALAC?

YES, COUNCILMEMBER. THAT ACTUALLY CAME UP AT THE
PLANNING COMMISSION MEETING. AND I THINK THAT HAD
SOME BEARING ON THE COMMISSION'S DECISION. AT THAT
TIME MR. WEST WAS -- WAS ASKING TO KEEP THE FIFTH
FLOOR AS WELL. AND AT THAT TIME IT WAS CORRECT THAT
DID EXCEED THE HEIGHT OF THE INTERVENING STRUCTURE.
AND SO THE COMMISSION DID NOT HAVE THE AUTHORITY TO
GRANT THE APPEAL. SINCE THAT TIME, HE HAS AGREED TO
REMOVE THE ROOF OF THE FIFTH LEVEL AND NOT USE IT AS
AN OCCUPIED OR END CLOSED SPACE, BUT RATHER AS A
PERGOLA, THEREFORE THE HEIGHT HAS BEEN BROUGHT
DOWN TO WHERE IT IS LOWER THAN THE INTERVENING
STRUCTURE.

Slusher: BECAUSE IT DOESN'T HAVE A ROOF ON IT.

THAT'S CORRECT.

OKAY. LET'S -- I'LL YIELD THE FLOOR FOR NOW.

BECAUSE OF THE 15% EXCEPTION TO THE HEIGHT AS WELL.
IT -- THE -- THE ACTUAL -- THE ACTUAL HEIGHT,
APPROXIMATE YOU GO -- IF YOU WILLING ALL THE WAY TO
THE TOP OF THE PERGOLA IT WOULD EXCEED THE HEIGHT
OF THE INTERVENING STRUCTURE. HOWEVER THAT'S NOT
THE WAY THE HEIGHT IS MEASURED IN THE LAND
DEVELOPMENT CODE. THE HEIGHT IS MEASURED TO THE
MIDPOINT OF THE PITCHED ROOF AND YOU ARE ALLOWED

TO GO 15% ABOVE THAT.

IS IT ACCURATE THAT AT THE PLANNING COMMISSION THE HEIGHTS WERE BEING MEASURED BY THE APPLICANTS, NOT FROM THE GROUND OR NOT TO WHERE THEY WERE SUPPOSED TO BE MEASURED FROM?

I'M NOT CERTAIN EXACTLY. I BELIEVE THAT IS CORRECT. THERE WAS SOME CONFUSION ABOUT THAT. AS I SAID THE SITE IS RATHER COMPLEX, THERE ARE A LOT OF SLOPES THERE, RETAINING WALLS, IT WAS SOMEWHAT DIFFICULT TO DETERMINE. WE DID GO OUT TO THE SITE AND DETERMINE EXACTLY WHERE THE MEASURES SHOULD BE TAKEN AND WE DID GET A -- MR. WEST DID GET A NEW SURVEY AFTER THAT TIME.

OKAY. SO THEY WEREN'T BEING MEASURED ACCURATELY AS SUBMITTED TO THE PLANNING COMMISSION.

THAT'S MY UNDERSTANDING, YES.

THANK YOU, MR. ZAPALAC.

YES.

Mayor Wynn: FURTHER QUESTIONS?

Thomas: YEAH, MAYOR. MR. WEST, RIGHT HERE, THE PICTURE THAT MR. FLOYD SHOWED US HERE, WHEN WE WERE TALKING ABOUT THE CRACKS, YOU SAID THAT THIS STRUCTURE IS SAFE. DO YOU HAVE ANYTHING FROM YOUR ENGINEERS OR YOUR CONSTRUCTION PEOPLE THAT CAN -- THAT CAN PROVE THAT THIS IS -- WHERE I HAVE PROBLEM IS THERE'S A LOT OF CRACKS HERE. DO YOU KNOW, DID YOU CAUSE THE CRACKS? BEING PUT IN THIS EXTENSION, I MEAN THESE FLOORS ON THE -- ON THE BUILDING?

I'M SURE THAT I CONTRIBUTED TO IT. THE STRUCTURE IS UNFINISHED AND IT HAS BEEN LANGUISHING FOR QUITE A LONG TIME. EVERYTHING THAT WAS BUILT, I'M NOT SURE WHO -- WHO DISCUSSED THIS WITH MR. FLOYD, I'VE TOLD MY STRUCTURAL ENGINEER THE SITUATION AND THERE ARE SIGNED, SEALED, STAMPED DRAWINGS FOR EVERYTHING

THAT I HAVE DONE. I CAN'T GET AWAY WITH ANYTHING BECAUSE I HAVE TO APPLY FOR BUILDING PERMITS FOR EVERY SINGLE THING THAT I HAVE DONE AND EVERYTHING THAT I'M GOING TO DO. THERE'S -- THERE'S NOTHING THAT I CAN MANIPULATE. THERE'S NOTHING THAT I CAN DO UNSTRUCTURALLY SOUND. EVERYTHING GOING FORWARD IS GOING TO HAVE TO BE REDONE, RE-- YOU KNOW, SO -- SO IT NEEDS --

Thomas: THAT PROCESS OF GETTING EVERYTHING REDONE, YOU ALREADY SAID THAT YOU ARE PRETTY WELL STRAPPED FOR MONEY. ARE YOU GOING TO BE ABLE TO MEET ALL OF THESE OTHER THINGS THAT NEED TO BE REDONE IN A -- IN A TIMELY LIMIT TO MAKE SURE THAT YOU CAN -- BECAUSE YOU HAVE GOT A LOT OF DAMAGE HERE. THEN MR. FLOYD, WELL, THE CRACKS. LET ME SAY THIS, VERY SELDOM -- WHEN YOU CAME AND MET WITH ME, I WISH THAT YOU WOULD HAVE COME IN A LITTLE BIT MORE DETAIL TELLING ME ABOUT, IS THIS -- I NEED -- I NEED TO ASK MR. FLOYD, MR. FLOYD, I SEE ARE YOU FILING A COMPLAINT OR SUIT ON HIM?

[INDISCERNIBLE]

Thomas: OKAY. I THINK IF YOU ARE GOING TO -- IT WOULD BE HELPFUL FOR ME IS JUST TO TELL EVERYTHING. LET ME KNOW WHAT'S GOING ON WITH EVERYTHING, THEN I WOULD HAVE BEEN MORE -- I'M NOT SAYING THAT I'M -- I'M A LITTLE PUZZLED RIGHT NOW BECAUSE I DIDN'T KNOW ABOUT THE LAWSUIT, I DIDN'T KNOW ABOUT THESE DAMAGES, I DIDN'T KNOW ABOUT THE CRACKS IN THE BUILDINGS, ALL OF THAT WASN'T DISCUSSED WHEN WE MET. AND I'M THE TYPE OF PERSON TO BE HONEST WITH ME UP FRONT, EXPLAIN EVERYTHING TO ME. A LITTLE BIT MORE IN DETAIL. I WOULD HAVE BEEN -- I UNDERSTAND YOUR SITUATION WITH YOUR FINANCES AND ALL OF THAT. BUT -- BUT I HAVE A LITTLE PROBLEM WITH MR. FLOYD CLAIMING DAMAGE, YOU HAVE DAMAGE TO THIS BUILDING, THEN THE FLEW WAS CLOSED OFF, A LOT OF STUFF BUILDING UP HERE, THAT'S WHAT I'M SAYING, MR. WEST.

I GUESS MY ATTORNEY HAS EARLIER SAID THAT THOSE SITUATIONS ARE FOR A COURTROOM AND THAT THAT'S -- I DON'T AGREE TO ANY OF THOSE CLAIMS THAT THERE'S

ANYTHING SUBSTANTIAL AND I GUESS THAT'S WHY I BROUGHT UP THE OTHER SITUATION WHICH I SHOULDN'T HAVE, OF COUNTER-CLAIMS. BUT GROUP IF YOU THROW ENOUGH STUFF AGAINST THE WALL, SOMETHING IS GOING TO STICK. THAT LAWSUIT THROWS A LOT UP AGAINST THE WALL.

Thomas: OKAY. ALL RIGHT. THANK YOU.

Mayor Wynn: COUNCILMEMBER DUNKERLY AND THEN SLUSHER?

Dunkerly: GO AHEAD.

Mayor Wynn: COUNCILMEMBER SLUSHER?

Slusher: THAT'S AN INTERESTING METAPHOR WITH ALL OF THE WALLS. TO OUR STAFF, HAVE WE LOOKED AT WHETHER THERE -- WHETHER THERE ARE SAFETY AND STRUCTURAL PROBLEMS CAUSED BY THIS?

COUNCILMEMBER, THE BUILDING DEPARTMENT HAS BEEN INVOLVED IN THIS VERY, VERY HEAVILY AND -- AND I DON'T KNOW IF THEY HAVE DETERMINED THAT THERE IS A CURRENT STRUCTURAL PROBLEM. BUT ONE OF THE CONDITIONS THAT THEY HAVE -- THAT THEY HAVE IMPOSED FOR LIFTING THE RED TAG IS THAT -- IS THAT BUILDING PERMIT IS -- IS REQUIRED AND IT WILL HAVE TO PASS ALL INSPECTIONS. SO IF -- IF THAT HAS NOT BEEN TAKEN CARE OF AT THIS POINT, IT CERTAINLY WILL BE TAKEN CARE OF BEFORE THE -- BEFORE THE BUILDING IS APPROVED FOR OCCUPANCY.

Slusher: OKAY. THANK YOU.

Alvarez: MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: MR. ZAPALAC, EXPLAIN TO ME THE INTERVENING STRUCTURE PART OF THE RULE. THAT IF THERE'S AN INTERVENING STRUCTURE THAT THEN THE PROPOSED IMPROVEMENT CAN'T BE ANY HIGHER THAN THAT? WHAT

EXACTLY IS THAT?

YES, SIR. THE LAND DEVELOPMENT CODE HAS TWO PROVISIONS FOR GETTING A WAIVER FROM THE COMPATIBILITY HEIGHT. ONE IS TO GO TO THE BOARD OF ADJUSTMENT AND YOU CAN DO THAT IN ANY SITUATION. THE OTHER ALTERNATIVE IS TO GO TO THE PLANNING COMMISSION WITH THE RIGHT OF APPEAL TO COUNCIL AND THAT CAN ONLY BE DONE IF THERE IS AN INTERVENING STRUCTURE AND IF IT IS HIGH THAN THE PROPOSED STRUCTURE. IF THE INTERVENING STRUCTURE LIES BETWEEN THE PROPOSED STRUCTURE AND THE SINGLE FAMILY PROPERTY THAT IS TRIGGERING THE COMPATIBILITY HEIGHT LIMIT.

AND IN THAT -- IN THAT DIAGRAM BEHIND YOU, THEN THAT INTERVENING STRUCTURE IS -- IS THAT WHAT'S -- WHAT'S DISPLAYED UP TO THE FAR RIGHT?

YES. IT IS. IT'S ANOTHER PART OF THE -- OF THE CONDOMINIUM COMPLEX. IT'S ANOTHER BUILDING ACTUALLY THAT IS -- THAT IS SEPARATE FROM THIS. IT'S DETACHED FROM THIS ONE. AND IT IS ABOUT TWO FEET HIGHER THAN MR. WEST'S STRUCTURE WOULD BE IF HE RECEIVES THE WAIVER AND REMOVES THE FIFTH STORY AS HE IS -- AS HE HAS TO DO.

Alvarez: SO IT'S TWO FEET HIGHER AND IT'S ELEVATED.

IT'S ALSO -- YES, IT'S ALSO SEVERAL FEET UP THE HILL, SO -- SO IN TERMS OF THE LINE OF FIRE --

SO YOU JUST COMPARE THE STRUCTURES AND NOT THEIR ELEVATION.

THAT'S CORRECT.

Alvarez: THEN A QUESTION FOR MR. WEST. I KNOW THAT YOU HAVE MENTIONED A COUPLE OF TIMES A FIFTH FLOOR, IS THAT CORRECT? IS THAT --

YES.

SO -- IS THAT THE ORIGINAL REQUEST THAT YOU HAD?
WHEN YOU BEGAN THE PROCESS, WAS TO HAVE AN
ADDITIONAL FLOOR?

MY INTENT WAS TO BUILD A FIFTH FLOOR. THAT IS NOT
ALLOWED BY CODE. BASED ON THE TYPE OF BUILDING
STRUCTURE THAT'S UNDERNEATH MINE.

THEN YOU FOUND OUT THAT -- FOUND THAT OUT AFTER YOU
APPLIED.

WHEN I GOT RED TAGGED.

OKAY. SO THEN -- SO HOW HIGH WOULD THAT HAVE BEEN
AND -- WHAT HAVE YOU DONE SINCE THEN IN TERMS OF
TRYING TO -- TO COMPLY WITH THE CODE AND YOU KNOW
ADDRESS SOME OF THE MAJOR ISSUES.

SURE. THERE'S BEEN TWO SOLUTIONS. THE FIRST SOLUTION
WAS TO TRY TO -- TO REMOVE THE FLOOR OF THE FIFTH
STORY. WHICH WOULD HAVE MADE A VOLUMOUS FOURTH
STORY. SO IF -- IF CODE SAYS I CAN ONLY HAVE FOUR
STORIES, I WAS GOING TO FINISH OUT THE EXISTING
STRUCTURE, BUT REMOVE ONE OF THE FLOOR LEVELS SO
THAT IT WOULD BE A VOLUMOUS STORY, THAT WAS THE
ORIGINAL AGREEMENT. SO MY PREVIOUS REQUEST BEFORE
THE PLANNING COMMISSION WAS TO KEEP THE STRUCTURE
BUT COMPLY WITH THE FOUR STORY BY DOING THAT. AT
THIS POINT, INSTEAD OF REMOVING THE FLOOR OF THE
FIFTH LEVEL, I'M REMOVING THE ROOF OF THE FIFTH LEVEL
THAT WILL NO LONGER BE A ROOF SO THEREFORE IT
COMPLIES WITH BUILDING CODE, IS NO LONGER BEING A
STORY.

Alvarez: OKAY, BUT REDUCE THE HEIGHT OR THE HEIGHT THE
SAME.

THE HEIGHT IS THE SAME. THE MASS AND THE SCALE OF IT
IS A LITTLE BIT DIFFERENT SINCE IT'S MORE OPEN.

Alvarez: OKAY, THANK YOU.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: MR. FLOYD, I'M LOOKING AT THE PHOTOS, AND THE -- ONE -- THIS IS ON THE -- ON THE THIRD TAB, ONE OF THESE PHOTOS SHOWS IT LOOKS LIKE IT'S A DATE OF JANUARY 30th, [INDISCERNIBLE], IS THAT WHAT THIS FACADE LOOKED HIKE BEFORE THE CONSTRUCTION BEGAN.

YES, SIR, THAT'S MY UNIT DIRECTLY IN THE CORNER THERE.

ON THE LEFT SIDE?

YES, RIGHT IN THE CENTER OF THE PICTURE, THE DOOR THAT'S MY UNIT.

THEN WHO IS -- WHOSE STRUCTURE IS THAT BALCONY --

Slusher: I'M SORRY, CAN YOU TURN THAT AROUND.

ON THE SECOND FLOOR IS MARGIE STEVENS.

McCracken: ABOVE THAT IS MR. WEST.

RIGHT. HE HAS THE THIRD FLOOR RIGHT ABOVE HER.

IS THIS PICTURE A FEW BACK, IT'S THIS PHOTO RIGHT HERE, IS THAT WITH THE SAME FACADE NOW?

THAT'S THE CURRENT SITUATION.

McCracken: OKAY. THAT'S ALL. THANK YOU, MR. FLOYD.

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: WHILE MR. FLOYD IS UP THERE, IS THIS THE PICTURE THAT SHOWS THE CANTER LEVERING THAT YOU ARE TALKING ABOUT.

NO, MA'AM. NO, MA'AM, THE COUNTER LEVERING ACTUALLY PROJECTS DIRECTLY OUT TO THE WEST THROUGH THE WALL. I DON'T KNOW -- ACTUALLY THE NEXT PAGE SAYS 140839, YOU CAN SEE THE STRUCTURAL STEEL CANTER LEVERING OUT TO THE LEFT THAT IS OVER MY ROOF, SOME

OF IT IS OBSCURED BY THE TREE. PROJECTS OUT ABOUT FOUR FEET, I GUESS. I JUST DON'T UNDERSTAND THE -- THE RIGHT TO CLAIM PROPERTY.

MR. FLOYD, THE PROPERTY THAT'S BEING CLAIMED IS THAT VERTICAL SPACE ABOVE YOUR UNIT --

THE VERTICAL SPACE ABOVE MY UNIT, BUT ALSO I REALLY DON'T UNDERSTAND THIS POLICY, THIS BOX ON THE FRONT OF THE BUILDING IS ADDITION, PROJECTING OUT TOWARD THE PARKING LOT ON THE BACK -- ON THE NORTH SIDE OF THE BUILDING THERE'S A PROJECTION OUT INTO THE PARKING LOT, OVER MY ROOF THERE'S A PROJECTION OUT OVER THE LOT. IF THE BOARD HAS THE AUTHORITY TO SAY WE CAN CLAIM ANY TERRITORY WE WANT, THEN THE BOARD BECOMES SOMEWHAT MORE CONTENTIOUS POSITION. I DON'T REALLY BELIEVE THAT THAT IS AN ACCEPTABLE SITUATION. FROM EITHER A LEGAL OR A NEIGHBORLY PERSPECTIVE.

McCracken: I GUESS WE CAN LEARN MORE AS WE LOOK AT THIS. ON THIS PHOTO FROM THE ORIGINAL BEFORE PHOTO, THERE'S MENTION IN STEVENS E-MAIL ABOUT HOW SHE HAD LOST ALL OF THE I GUESS SUNLIGHT IN HER FLOWER BOX, WAS THAT THE FLOWER BOX SHE'S REFERRING TO RIGHT THERE?

WELL, THE -- THE NEW BOX THAT PROJECTS OUT TO THE FRONT CUTS HER VIEW OFF. CUTS HER VIEW OFF IN A COUPLE OF DIRECTIONS, IT CUTS MY VIEW OFF OF THE OAK TREES IN THE CENTER OF THE PROPERTY FROM MY WINDOWS, MY UNIT, MY ROOF DECK. SO I CAN'T SEE DOWNTOWN NOR CAN I SEE THE OAK TREE THAT'S THE MAIN THING IN THE CENTER OF OUR PROJECT.

IS THIS BOX EXTENDING OUT, IS THAT PERMITTED UNDER THE CONDO REGIME, I DON'T KNOW.

I DON'T BELIEVE SO. I THINK IT'S A VIOLATION OF ALL OF THE RULES OF THE CONDO REGIME. I DON'T BELIEVE THE CLAIMS THAT ARE BEING MADE HERE, I DON'T BELIEVE OUR CONDO REGIME HAS, THE BOARD HAS THE AUTHORITY TO SAY YOU CAN BUILD OUT THIS DIRECT IF YOU WANT TO. I MEAN, THE

WHOLE CONDOMINIUM UNIT, ALL OF THE MEMBERS HAVE THE RIGHT TO VOTE ON THAT. WE HAVE NOT EVER SEEN ANY OF THESE DRAWINGS. NOTHING THAT'S BUILT ACTUALLY CONFORMS TO ANY DRAWING THAT ANYONE HAS EVER SEEN.

THANK YOU. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

I THINK IT'S A LITTLE DANGEROUS HERE, BUT I THINK I WOULD LIKE TO SUGGEST THAT WHAT COULD BE ACCEPTABLE WOULD BE TAKE OFF THE FIFTH FLOOR FOR REAL, YOU KNOW, NONE OF THESE RAFTERS AND THINGS LIKE THAT. AND TAKE OFF THAT BIG SLANTED ROOF. BUT OKAY WITH THE FOUR STORIES AND THE EXPANSION OF THE FOURTH STORY.

Thomas: AND THAT WE CAN MAKE SURE THE ENGINEER WOULD -- THE STRUCTURAL ENGINEER WOULD SAY IT WOULD BE SAFE?

YEAH, THAT WOULD BE IMPORTANT.

Thomas: ALL RIGHT. THANK YOU.

Mayor Wynn: I HAVE A QUESTION. SO TECHNICALLY BEFORE US IS THE CONSIDERATION OF THE DENIAL OF AN APPEAL OF A HEIGHT WAIVER. AFTER HEARING SOME OF THE CONTENTION, PARTICULARLY WITH SOME NEIGHBORS WITHIN THE CONDO REGIME, IS THERE -- DO YOU HAVE ANY CONCERN ABOUT COUNCIL ACTION REALLY ONE WAY OR THE OTHER IF PERHAPS -- SAY WE WERE TO, YOU KNOW, APPROVE THIS APPEAL OR EVEN APPROVE SOME TYPE OF AMENDED COMPROMISE, AND DOES THAT SOMEHOW SET SOME LEGAL PRECEDENT OR WAS THERE AN ISSUE WITH, YOU KNOW, US AS A COUNCIL AND PERHAPS EVEN US AS A CITY CORPORATION NOT KNOWING WHAT MAY OR MAY NOT HAVE BEEN PERMITTED UNDER THE CONDO REGIME?

AS FAR AS WHAT YOU'RE CHARGED WITH DOING, YOU ARE CHARGED WITH DETERMINING WHETHER THE WAIVER IS APPROPRIATE UNDER THE CITY CODE. YOU'RE NOT CHARGED WITH -- IT IS NOT -- THE PROPERTY OWNER'S

REMEDIES CONCERNING THE CONDO REGIME ARE HIS REMEDIES AT THE COURTHOUSE. WHAT YOU ARE CHARGED WITH DOING IS MAKING YOUR DETERMINATION UNDER THE CODE. AND AGAIN AS IN THE PREVIOUS APPEAL, YOUR OBLIGATION IS TO MAKE THE DECISION THAT THE LAND USE COMMISSION SHOULD HAVE MADE, AND AGAIN, YOU'RE CONSIDERING THIS FROM THE VERY BEGINNING ALL THE OVER AGAIN WITH ALL OF THE NEW EVIDENCE. MR. FLOYD'S REMEDIES ARE HIS REMEDIES INVOLVING THE CONDO REGIME AT THE COURTHOUSE. THAT IS HIS RIGHT TO PURSUE.

Goodman: MAYOR, COULD I ASK LEGAL? OKAY. THE APPELLANT IS MR. WEST, YES?

THAT'S CORRECT.

Goodman: SO IF WE WERE -- WE'VE HEARD THE TESTIMONY. ARE WE REQUIRED TO TAKE ACTION AT THE THIS VERY MOMENT? IS THERE ANY KIND OF DEADLINE? COULD WE POSTPONE ACTION FOR ONE WEEK AND THEN IF DURING THAT WEEK THE APPEAL WAS WITHDRAWN?

YOU CAN CERTAINLY AT THIS POINT, YOU'VE CLOSED THE PUBLIC HEARING AND YOU CAN CERTAINLY AT THIS POINT POSTPONE YOUR DECISION AND HAVE IT POSTED AGAIN NEXT TIME FOR ACTION.

Goodman: COULD THE APPELLANT WITHDRAW THE APPEAL?

THE APAL LENT HAS THE ABILITY TO WITHDRAW HIS APPEAL ANY TIME THE ALEGAL LANT CHOOSES -- APPELLANT CHOOSES.

Goodman: WELL, ONE OF THE THINGS THAT MIGHT HAPPEN DURING THIS WEEK IS FIND OUT IF THE PULSE OF THE NEIGHBORS IS TRULY TO GO AHEAD WITH THE FOUR STORIES. I MEAN, SOME THINGS COULD JUST FADE AWAY IF SOME FOLKS WERE ABLE TO COME TO AGREEMENT. I THINK. AND THEN WE WOULDN'T -- THERE WOULD BE NO NEED FOR US TO TAKE ACTION BECAUSE THE APPEAL WOULD HAVE BEEN WITHDRAWN.

Mayor Wynn: I THINK MR. ZAPALAC HAS A CONCERN.

MAYOR PRO TEM, THE APPELLANT WILL NEED AN APPEAL TO BUILD FOUR STORIES IN ANY CASE. THAT IS A VIOLATION OF THE COMPATIBILITY STANDARDS, THREE STORIES OR 40 FEET. SO IF HE GOES WITH FOUR STORIES, HE WOULD NEED APPROVAL OF A WAIVER OF SOME KIND.

Goodman: NOT THE BOARD OF ADJUSTMENT?

AS I MENTIONED, HE HAD THE ABILITY TO APPEAL TO THE BOARD OF ADJUSTMENT OR TO THE PLANNING COMMISSION AND THE CITY COUNCIL, AND HE CHOOSE THIS ROUTE.

Goodman: BUT IF HE WITHDRAW THIS ONE AND IF HE AND THE NEIGHBORHOOD WENT HAND IN HAND TO THE BOARD OF ADJUSTMENT, COULDN'T THAT HAPPEN?

COUNCILMEMBER, I THINK THAT THEY HAVE ELECTED THEIR REMEDIES. THEY HAVE ELECTED THEIR REMEDIES. THEY HAVE CHOSEN TO SEEK A WAIVER AS OPPOSED TO GO TO THE BOARD OF ADJUSTMENT. THEY HAVE ELECTED THEIR REMEDIES, THEY'VE ELECTED TO COME HERE. THEY CAN'T HAVE IT BOTH WAYS.

Goodman: SO IF WE DON'T TAKE ACTION AND THEY WITHDRAW THE APPEAL, IT DOESN'T MATTER? IT'S BEEN HERE AND ONCE THEY SET FOOT IN THE DOOR, THAT WAS THAT.

THAT'S CORRECT. WHAT THEY HAVE IS THEY HAVE CHOSEN THEIR REMEDIES, THEY'VE ELECTED THEIR REMEDIES, THEY'VE PURSUED IT HERE. AND IF THEY WITHDRAW -- IF THEY WITHDRAW THEIR APPEAL, THEN WHAT -- WHAT THEY WILL HAVE TO DO IS THEY'RE GOING TO HAVE TO ADJUST THAT STRUCTURE.

Goodman: OKAY. SO OUR ACTION HERE COULD BE TO ALLOW A WAIVER FOR FOUR STORIES?

YES, MA'AM. YOU HAVE THE ABILITY TO MAKE WHATEVER -- YOU HAVE TWO WAIVERS IN FRONT OF YOU. ONE IS THE HEIGHT AND ONE IS THE FOUR STORIES. AND YOU HAVE THE

ABILITY TO MAKE THE DECISION ON EITHER OF THOSE WAIVERS OR BOTH OF THOSE WAIVERS. YOU CAN DENY ONE, GRANT ONE, YOU CAN DENY BOTH OR YOU CAN GRANT BOTH. YOU HAVE THAT ABILITY. YOU ARE NOW THE TRIBUNAL CONSIDERING THIS MATTER.

Mayor Wynn: MS. TERRY, I'M SORRY, BOTH OF THOSE ISSUES WERE BROUGHT BEFORE PLANNING COMMISSION AND BOTH OF THOSE WERE DENIED.

YES, SIR.

Mayor Wynn: THIS ISN'T AN AMENDED APPEAL -- AN AMENDED --

THIS IS A WAIT UP APPEAL OF THE -- THIS IS A STRAIGHT UP APPEAL OF THE DECISION BY THE LAND USE COMMISSION.

Goodman: WELL, LET ME SAY THIS AND THEN I HAVE NO IDEA WHAT TO DO HERE NOW BECAUSE WHEN I FIRST HEARD ABOUT THIS CASE, I WAS SYMPATHETIC TO THE APPELLANT. AND AS I'VE HEARD OTHER DIFFERENT THINGS, I'VE BECOME LESS SYMPATHETIC. SO IF INDEED THE FOUR STORIES IS A REMEDY THAT WOULD SUIT EVERYBODY'S PRACTICAL NEEDS, THEN I'D CONSIDER THAT, BUT I'D REALLY LIKE TO HAVE A WEEK FOR MYSELF, AND COUNCIL OF COURSE CAN DO -- IF YOU'RE READY, I WON'T -- I WON'T MAKE AN ISSUE OUT OF THIS. BUT I'D LIKE TO KNOW IF THAT IS TRULY A REMEDY THAT WORKS FOR EVERYBODY, THE FOUR STORIES. I DON'T THINK I CAN DO MORE THAN THAT. IF THAT.

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: WELL, I WOULD SAY IF WE WERE GOING TO DO THAT, WE OUGHT TO DEFINITELY WAIT A WEEK. I WAS SOMEWHAT SYMPATHETIC WHEN I FIRST HEARD THIS, LIKE THE MAYOR PRO TEM I'VE GOTTEN LESS SO BECAUSE THERE JUST SEEMS MORE AND MORE COMES OUT ABOUT VIOLATIONS ALL THE TIME. AND APPARENTLY MISREPRESENTATIONS. BUT WHAT CONCERNS ME PROBABLY MORE THAN ANYTHING ELSE IS THE PRECEDENT IT WOULD SET IF WE SAID THIS WAS OKAY, BECAUSE HERE'S SOMEBODY THAT CLEARLY APPEARS TO ME ANYWAY CLEARLY KNEW THEY WERE

VIOLATING THE ZONING ORDINANCES. AND IT'S NOT LIKE WE HAD ONE AWHILE EARLIER TONIGHT WHERE THEY WENT A COUPLE OF FEET INTO THE FLOODPLAIN. AND WE WAIVED THAT. WHICH I THINK THAT WAS JUST A MISTAKE. I THINK THIS GOES BEYOND THAT. SO I WOULD HAVE DIFFICULTY VOTING FOR ANY OF THEM. ANY OF THEM AT THIS POINT BECAUSE -- ONE, BECAUSE I THINK IT'S BEEN PRETTY BAD VIOLATION AND TWO BECAUSE OF THE PRECEDENT IT WOULD SET. I WOULD WANT TO HEAR SOME MORE DISCUSSION BEFORE I MADE A MOTION. BUT THAT'S WHERE I AM.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I'LL ECHO COUNCILMEMBER SLUSHER'S POSITION. I'VE SEEN THE PHOTOS AND I HAD A DIFFERENT UNDERSTANDING OF ALL THE FACTS BEFOREHAND AND THE SEVERITY OF THE VIOLATIONS. IT LOOKS -- IT APPEARS IN THESE PHOTOS THERE'S BEEN A PRETTY SIGNIFICANT MATERIAL VIOLATION, AND I GUESS I KIND OF PUT MY SELVES IN THE SHOES OF FOLKS WHO BOUGHT RESIDENCES SEEING IT ONE WAY AND WHAT IT'S BECOME IS A VIOLATION. YOU KNOW, I DON'T THINK I COULD SUPPORT EITHER WAIVER.

Alvarez: MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: I HAD A QUESTION FOR MR. WEST. ABOUT THE FOURTH FLOOR. WHICH SEEMS TO BE A TOPIC OF DISCUSSION HERE, BUT WHAT IS THE ISSUE WITH THAT AGAIN? YOU SAID THAT THERE WAS A FOURTH FLOOR, BUT APPARENTLY YOU DIDN'T HAVE THE RIGHT PERMITS?

ORIGINALLY.

Alvarez: BUT WHEN YOU CAME FORWARD YOU HAD A FOURTH FLOOR.

THE FOURTH FLOOR WAS BUILT 24 YEARS AGO AS A GREENHOUSE. IT HAD AN ENCLOSED STRUCTURE THAT HAD AIR CONDITIONING AND HEATING. IT HAS BEEN SINCE, YOU

KNOW, LONG TIME AGO, USED AS AN INTERIOR STRUCTURE. BY BUILDING CODE WHAT EXISTED QUALIFIED AS A FOURTH STORY. THE PERMITS CANNOT -- THE PERMITS CANNOT BE FOR THAT IT WAS BUILT PERMITTED 24 YEARS AGO, BUT I BOUGHT IT THAT WAY. IT WAS A FOURTH STORY.

Alvarez: OKAY. THANK YOU. PERSONALLY I THINK THE FOURTH STORY ONE SEEMS REASONABLE TO ME IF THERE WAS ALREADY AN EXISTING FOURTH FLOOR. AND OBVIOUSLY THERE'S SOME CONFUSION ABOUT THAT AS WELL, BUT I'M COMFORTABLE AT LEAST SUPPORTING THAT ASPECT OF THE PROPOSAL. AND THAT WOULD LIMIT THE HEIGHT TO 40 FEET, IS THAT CORRECT?

YES, COUNCIL. THE HEIGHT LIMIT WOULD BE 40 FEET. AS I MENTIONED PREVIOUSLY, IF YOU HAVE A PITCHED ROOF, THE HEIGHT IS MEASURED TO THE MIDPOINT OF THE PITCHED ROOF. IF YOU HAVE A FLAT ROOF, IT'S MEASURED TO THE TOP OF THE ROOF. SO THE CODE IN FACT ENCOURAGES A PITCHED ROOF BECAUSE IT GIVES YOU A HIGHER LIMIT. AND AS MR. WEST SAID, HE COULD REMOVE THE PITCHED ROOF HERE AND BRING THE FOURTH FLOOR INTO COMPLIANCE WITHOUT GETTING A WAIVER, BUT HE WOULD STILL NEED A WAIVER FOR THE FOUR FLOORS.

Slusher: MR. ZAPALAC, IN YOUR UNDERSTANDING IS THAT LAST STATEMENT ACCURATE THAT IF THE FOURTH FLOOR WAS ALREADY THERE WHEN MR. WEST PURCHASED THE PROPERTY?

I'M NOT CERTAIN ABOUT THAT. WE WERE NOT ABLE TO LOCATE THE ORIGINAL PLANS FOR THE STRUCTURE. WE DID DETERMINE THAT WE DIDN'T HAVE THE -- THAT IT DID NOT HAVE A PERMIT, AND IT WAS REMOVED BEFORE SOME OF THE RECONSTRUCTION BEGAN. SO -- WHAT HAPPENED WAS HE REQUESTED A REMODEL PERMIT FOR THE FOURTH STORY. AND SINCE WE DID NOT HAVE A PERMIT FOR THE ORIGINAL FOURTH STORY, WE DETERMINED IT COULD NOT BE A REMODEL, IT WOULD HAVE TO BE A NEW PERMIT.

Slusher: AND DID YOU GRANT A PERMIT?

WE HAVE NOT AT THIS TIME BECAUSE HE NEEDS THE

COMPATIBILITY WAIVER.

Slusher: RIGHT. HE WENT AHEAD AND STARTED BUILDING?

HE HAD ALREADY STARTED BUILDING WHEN WE MADE THIS DETERMINATION.

Slusher: OKAY.

Mayor Wynn: WELL, I THINK WE HAVE SOME SOME LONG-TIME RESIDENT OF THE CONDO. PERHAPS THEY COULD SHED LIGHT ON WHETHER THERE OWE THERE WAS CLEARLY A FOURTH STORY LIVING SPACE THERE ON THE UNIT. MR. ENNIS? I DON'T WANT TO PICK ON YOU, BUT...

WHAT I REMEMBER IS IT WAS A GREENHOUSE. IT HAD FANS IN IT AND A WOOD FLOOR AND FOUR WALLS. AND A REALLY UGLY ROOF. [LAUGHTER] AND THAT'S WHAT I REMEMBER. WHEN I MOVED IN IT WAS THERE AND IT WAS A STRUCTURE AND IT WAS, YOU KNOW, A FOURTH FLOOR. AS FAR AS HOW YOU DEFINE WHAT A FLOOR IS, IT WAS A STRUCTURE THERE AND THERE'S PICTURES -- I THINK THERE'S -- YOU HAVE A PICTURE OF THAT. YEAH.

Mayor Wynn: OKAY. THANK YOU. FURTHER COMMENTS? ACTUALLY, I'LL ENTERTAIN A MOTION TO WAIVE OUR RULES AND GO PAST 10:00 P.M.

SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS. I'LL SECOND THAT. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? THANK YOU. WE CAN CONTINUE DISCUSSION. HEARING NO COMMENTS, I'LL ENTERTAIN A MOTION ON ITEM 51.

Goodman: OKAY, MAYOR. I'LL JUST MAKE A MOTION THAT WE POSTPONE TAKING ACTION FOR ONE WEEK.

Thomas: I'LL SECOND THAT.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER THOMAS TO POSTPONE ACTION ON ITEM NUMBER 51 UNTIL JUNE 24TH, 2004.

Goodman: AND WHAT I WOULD HOPE FOR IN THAT WEEK IS THAT WE HEAR FROM THE NEIGHBORHOOD AND WHETHER THIS IS AN OPTION FOR GOING AHEAD WITH THE FOURTH STORY AND ALLOWING A WAIVER FOR THE FOURTH STORY TO GET ITS PERMIT. AND IF EVERYBODY CAN LIVE WITH THAT.

Mayor Wynn: FURTHER COMMENTS?

Thomas: MAYOR, IF YOU DON'T MIND, I'LL GO ALONG WITH THE SAME THING AS THE MAYOR PRO TEM, BUT I WOULD ALSO LIKE TO GET FROM MR. WEST HIS STRUCTURE ENGINEER AND MAKE SURE THAT BUILDING -- WHAT HE'S BUILDING, IF WE APPROVE THE FOURTH FLOOR THAT IT'S SAFE AND WORK OUT ALL THE ISSUES. I KNOW THAT'S SOMETHING YOU HAVE TO WORK OUT WITH -- (INDISCERNIBLE) THAT'S WHERE I'M AT. THANK YOU.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: IN FACT, WHAT MIGHT BE A PRODUCTIVE THING IS TYPICALLY IN LAWSUITS YOU COULD HAVE SOME TYPE OF EXPEDITED DISCOVERY, SO IT MIGHT BE HELPFUL FOR BOTH SIDES TO PROVIDE ENGINEERS SO WE COULD HAVE, YOU KNOW, SOME INFORMATION FROM BOTH SIDES ABOUT WHAT THE -- WHETHER THE -- I GUESS MR. FLOYD'S ENGINEER HAS THE SAME READING THAT MR. WEST DOES. AND IF IT'S NOT POSSIBLE, SO BE IT, BUT ENG THAT MIGHT BE HELP -- BUT I THINK THAT MIGHT BE HELPFUL TOO.

Mayor Wynn: FURTHER COMMENTS? I WILL SAY FOR THOSE FOLKS INVOLVED, SO WE CLOSED THE PUBLIC HEARING. SO EVEN THOUGH WE ARE POSTPONING ACTION, I DON'T ANTICIPATE ANOTHER HEARING. COUNCIL COULD ALWAYS WAIVE THOSE RULES NEXT WEEK; HOWEVER, I THINK THIS COUNCIL WILL BENEFIT FROM AS MUCH DETAILED INFORMATION LIKELY THROUGH CITY STAFF ON OUR DAIS

NEXT THURSDAY AS POSSIBLE. FURTHER COMMENT?
HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION TO POSTPONE PASS OZ A
VOTE OF SEVEN -- PASS OZ A VOTE OF SEVEN TO ZERO. AND
FOR THE RECORD, WE DID NOT AND WILL NOT TAKE UP ITEM
NUMBER 42 IN EXECUTIVE SESSION REGARDING TRAVIS
COUNTY HOSPITAL DISTRICT. WITH THAT, COUNCIL, THAT'S
ALL THE ITEMS ON OUR AGENDA. MOTION MADE BY
COUNCILMEMBER SLUSHER TO ADJOURN. SECONDED BY
COUNCILMEMBER THOMAS. ALL IN FAVOR? OPPOSED?
WE'RE ADJOURNED.

End of Council Session Closed Caption Log