

## Closed Caption Log, Council Meeting, 8/26/04

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GOOD MORNING, I'M AUSTIN MAYOR WILL WYNN. I WELCOME REVEREND JUDY SKAGGS FROM THE UNIVERSITY PRESBYTERIAN CHURCH TO LEAD US IN OUR INVOCATION, PLEASE RISE. LET US RAY.

GRACIOUS AND LOVING GOD, WE GIVE YOU THANKS FOR THE WONDERS AND BEAUTY OF CREATION. WE THANK YOU FOR THE MANY WAYS THAT YOU HAVE BLESSED US. WE THANK YOU FOR THIS COUNTRY, WHERE WE EXPERIENCE SO MUCH FREEDOM, WE THANK YOU FOR ALL THOSE WHO GIVE OF THEIR TIME AND ENERGY TO SERVE THE PEOPLE OF OUR NATION, OUR STATES, AND OUR CITIES. WE PRAY FOR ALL THOSE WHO GOVERN, OH, GOD. GRANT THEM WISDOM, AND A SENSE OF BOTH JUSTICE AND COMPASSION IN ALL THAT THEY DO. GUARD THEIR LIVES, THEIR HEALTH, AND THEIR FAMILY LIFE AND BLESS THEM WITH IMAGINATION AND ENERGY. WE PRAY FOR ALL THOSE WHO ARE VULNERABLE, OH, GOD, ESPECIALLY THE VERY YOUNG AND THE VERY OLD. SHOW ALL OF US WAYS TO KEEP THEM SAFE AND TO GIVE THEM WHAT THEY NEED TO LIVE A FULL LIFE. WE PRAY FOR THE POOR, THE HOMELESS, FOR THOSE IMPRISONED, FOR THE LONELY, FOR THOSE WHO ARE ILL, AROUND THOSE WHO MOURN. WE PRAY FOR PEACE. PEACE THAT IS NOT JUST AN ABSENCE OF WAR. BUT PEACE THAT IS DEEP WITHIN THE HEART SO IT BECOMES A WAY OF LIFE. WE PRAY FOR ALL OF THOSE IN HARM'S WAY TODAY. GRANT THEM YOUR GRACIOUS PRESENCE. AND NOW, GRACIOUS GOD, WE PRAY FOR TODAY'S MEETING OF THE COUNCIL. GRANT EACH PERSON WHO SPEAKS AND EACH PERSON WHO LISTENS A

MEASURE OF YOUR GRACE. SO THAT THE BEST DECISIONS FOR ALL THE CITIZENS OF AUSTIN MAY BE MADE. BREAK DOWN THE WALLS THAT DIVIDE US AND HELP US TO WORK FOR UNITY. BLESS THE WORK OF OUR HANDS AND MINDS THAT ALL OF US MAY SERVE YOU AND SERVE EACH OTHER IN LOVE. THANK YOU FOR YOUR GRACE TO US. WE PRAY IN THE NAME OF JESUS CHRIST, AMEN.

AMEN, THANK YOU, REVEREND SKAGGS. THERE BEING A QUORUM PRESENT, AT THIS TIME YOU WILL CALL TO -- I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, THURSDAY AUGUST 26th, 2004. WE ARE IN THE LCRA BOARD ROOM, 3700 LAKE AUSTIN BOULEVARD, IT IS APPROXIMATELY 10:19 A.M. AT THIS TIME I WILL READ THE CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. WE HAVE A NUMBER OF THEM. ITEM NO. 15, WE SHOULD INSERT THE PHRASE IN THE AMOUNT OF 89,511.71, AVAILABLE IN THE FISCAL YEAR 2003-2004 APPROVED OPERATING BUDGET OF THE AUSTIN WATER UTILITY, FUNDING IN THE AMOUNT OF 133,488.29 IS AVAILABLE IN THE FISCAL YEAR 2003-2004 APPROVED OPERATING BUDGET OF AUSTIN ENERGY. THAT RELATES TO ITEM NO. 15. ITEM NO. 16, ONE OF THE FIGURES SHOULD BE CORRECTED. WE WILL STRIKE THE FIGURE \$28,250 AND INSERT THE AMOUNT OF \$17,544.10. ALSO STRIKE THE AMOUNT \$1,750 AND INSERT THE AMOUNT OF \$12,455.90. AGAIN THIS IS ITEM NO. 16, RELATED TO OUR WATER UTILITY. ITEM 29 POSTPONED ONE WEEK TO SEPTEMBER 2nd, 2004. ITEM 33, IS POSTPONED TO SEPTEMBER 2nd, 2004. 37 I -- ADDED AS A CO--- I'M ADDED AS A CO-SPONSOR. ON 38 COUNCILMEMBER DUNKERLY IS ADDED AS A CO-SPONSOR. ON 41 THE MAYOR PRO TEM IS ADDED AS A CO-SPONSOR. ON ITEM NO. 45, IT SHOULD HAVE BEEN NOTED THAT THAT ITEM RELATES TO ITEMS 14, 15 AND 16. THAT'S ALL THE CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. COUNCIL, I WILL SAY THERE WAS A -- THERE IS A STAFF REQUEST TO POSTPONE ITEM 31 FOR ONE WEEK TO SEPTEMBER 2nd, 2004. WITHOUT OBJECTION, WE HAVE A -- WE HAVE JUST A HANDFUL OF FOLKS WHO SIGNED UP WISHING TO SPEAK AND HAVE COME DOWN TODAY. SO WE'LL KEEP THAT POSTPONEMENT OFF THE CONSENT AGENDA AND -- IN ORDER TO HEAR FROM SOME CITIZENS, BUT DO RECOGNIZE THAT WE HAVE A STAFF

REQUEST AND I THINK COUNCIL SUPPORT FOR A ONE-WEEK POSTPONEMENT OF ITEM 31 THAT WE WILL TAKE UP JUST AFTER CONSENT AGENDA. OUR TIME CERTAINS AT NOON BREAK FOR GENERAL CITIZENS COMMUNICATION. AT 2:00 WE HAVE BOND SALES THAT SHOW UP ON THIS WEEK'S AGENDA AS ITEMS 50 THROUGH 53. WE ALSO -- 50 THROUGH 53. ALSO BRIEFINGS ON PROPOSED OPERATING BUDGET, ITEMS 54 AND 55. AT 3:00 WE WILL RECESS THE AUSTIN CITY COUNCIL MEETING AND TAKE UP A MEETING OF THE BOARD OF DIRECTORS OF THE AUSTIN HOUSING FINANCE CORPORATION. AND THOSE ITEMS ARE POSTED AS AHFC ITEMS 1 THROUGH 4. AT 4:00 WE TAKE UP OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. ON THIS WEEK'S AGENDA, THOSE SHOWS AS ITEMS 56 THROUGH 64. AND ZONING ITEMS Z-1 THROUGH Z-13. AT 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS. AT 6:00. WE HAVE PUBLIC HEARINGS AND POSSIBLE ACTION ON ITEMS 65 THROUGH 69. AND THEN AT 6:00 P.M. WE ALSO HAVE OUR BUDGET PUBLIC HEARINGS THAT ARE POSTED AS ITEM NO. 70. SO FAR, COUNCIL, THE ONLY ITEM THAT HAS BEEN PULLED OFF THE CONSENT AGENDA IS ITEM NO. 19 THAT I HAVE PULLED. AGAIN ESSENTIALLY ITEM NO. 31 HAS BEEN PULLED OFF THE CONSENT AGENDA. WE WILL HEAR A LITTLE BIT OF TESTIMONY BEFORE WE LIKELY VOTE TO POSTPONE THAT. ANY OTHER ITEMS TO BE PULLED OR ADDED TO THE CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE., WITH THAT I WILL READ WHAT I BELIEVE TO BE THE CONSENT AGENDA NUMERICALLY. ITEM 1, 2, 3, 4, 5, 6, NOTING THAT IT'S RELATED TO ITEM 7 AND 8, 7, 8, 9, 10, 11, NOTING THAT 11 IS RELATED TO ITEM NO. 12, 12, 13, WHICH IS RELATED TO ITEM 44, 14 WHICH IS RELATED TO ITEMS 15 AND 45, ITEM 15 PER CHANGES AND CORRECTION, 16 PER CHANGES AND CORRECTION, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, FOR POSTPONEMENT TO SEPTEMBER 2nd, 2004, ITEM 30, ITEM 32, 33, FOR POSTPONEMENT AGAIN TO SEPTEMBER 2nd, 2004, 34, 35, 36, WHICH ARE OUR BOARD AND ECONOMICS APPOINTMENTS THAT I WILL -- AND COMMISSIONER APPOINTMENTS WHICH I WILL NOW READ INTO THE RECORD. TO THE ELECTRICAL BOARD, RONNIE WILLIAMS IS COUNCILMEMBER THOMAS' REAPPOINTMENT. TO THE ENVIRONMENTAL BOARD, PHIL MONCADA

COUNCILMEMBER ALVAREZ'S REAPPOINTMENT. TO THE HUMAN RIGHTS COMMISSION, JULIET NIOA IS COUNCILMEMBER THOMAS'S APPOINTMENT. TO THE RESOURCE MANAGEMENT COMMISSION, ANDREW DONAHO COUNCILMEMBER THOMAS' RE. TO THE SOLID WASTE ADVISORY COMMISSION, ROSEMARY WYMAN IS COUNCILMEMBER DUNKERLY'S APPOINTMENT. AND TO THE HISTORIC TASK FORCE, CHARLIE BETS IS COUNCILMEMBER DUNKERLY'S APPOINTMENT. THOSE ARE THE APPOINTMENTS FOR CONSENT ITEM NO. 36. CONTINUING ON ... ITEM 37 37, PER CHANGES AND CORRECTION. 38 PER CHANGES AND CORRECTION. 39, 40, 41, PER CHANGES AND CORRECTION, 42, AND 43. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THE CONSENT AGENDA. AS READ. COMMENTS? COUNCILMEMBER SLUSHER?

MAYOR. ITEM NO. 3, THIS IS THE ITEM ABOUT NORTH RIDGE WATER SUPPLY. WE HAD -- WE HAD TODAY KEVIN WARD THE EXECUTIVE ADMINISTRATOR OF THE TEXAS WATER DEVELOPMENT BOARD. I WOULD LIKE FOR HIM TO COME UP AND SAY A FEW WORDS, HE'S BEEN INSTRUMENTAL WORKING WITH OUR UTILITY IN MAKING THIS HAPPEN AND ALSO WITH -- WITH TRAVIS COUNTY AND WILLIAMSON COUNTY, SO I THINK IT'S BEEN A REALLY GOOD TEAM EFFORT ON AN IMPORTANT PROJECT THAT WAITED A LONG TIME, WORKING A LONG TIME FOR THIS TO HAPPEN. THANK YOU FOR BEING HERE.

THANK YOU, COUNCILMEMBER SLUSHER AND MAYOR, COUNCILMEMBERS, STAFF. IT'S A PLEASURE TO BE HERE, MY NAME IS KEVIN WORD AS COUNCILMEMBER SLUSHER SAID. AND I'M THE EXECUTIVE ADMINISTRATOR FOR THE TEXAS WATER DEVELOPMENT BOARD. I JUST WANTED TO COME HERE AND EXPRESS MY GRATITUDE AND THANKS TO YOU AND YOUR STAFF AND THE LEADERSHIP THAT THEY HAVE SHOWN IN HELPING BRING THIS PROJECT FORWARD NOW. ALL THE SOLUTIONS THAT HAVE BEEN PROPOSED IN THE PAST HAVE BEEN ONES THAT JUST WOULD NOT WORK AND BUT NOT FOR THE CITY'S ASSISTANCE IN THIS, THIS PROJECT WOULDN'T BE AT ALL POSSIBLE. WE WOULDN'T HAVE PARTICIPATED IN IT, THAT'S FOR SURE. WE NEED

YOUR PARTNERSHIP AND WE'VE SEEN NOTHING BUT THAT OUT OF THE EFFORTS OF STAFF MEMBERS, SUCH AS CHRIS LIPPY AND MARK JENINGS AND OTHERS AND I'M SURE WE ARE GOING TO MEET A LOT MORE ALONG THE WAY. I WOULD ALSO LIKE TO RECOGNIZE HERE FOR THEIR EFFORTS DAN SMITH WITH THE TRAVIS COUNTY COMMISSIONERS COURT AND NETTY BROWN THE PRESIDENT OF THE NEIGHBORHOOD ASSOCIATION WHO WAS INSTRUMENTAL IN GETTING TOGETHER AN ACTUAL POSTED MEETING IN THE NEIGHBORHOOD TO PRESENT THIS PROJECT TO THE ENTIRE NEIGHBORHOOD. WE ACTUALLY SAW NOTHING BUT SUPPORT FROM THE NEIGHBORHOOD FOR THIS PROJECT, AS IT'S LAID OUT CURRENTLY. IF WE CAN CONTINUE ON THE TRACK THAT WE ARE ON, YOU ARE GOING TO SEE A NEW SERVICE AREA FOR THE CITY OF AUSTIN. WE ARE GOING TO SEE A HUGE PUBLIC HEALTH ISSUE RESOLVED FOR THE STATE OF TEXAS AND PERHAPS AN EXAMPLE THAT WE CAN LOOK TO OF -- OF EXCELLENT COOPERATION BETWEEN STATE, CITY AND COUNTY AND LOCAL ENTITIES. SO -- SO UNLESS YOU HAVE SOME QUESTIONS FOR ME, I JUST WANTED TO MAKE SURE THAT I CAME HERE AND DELIVERED THIS MESSAGE. THANK YOU.

THANK YOU. WE APPRECIATE YOUR PRESENCE AND ALL OF THE HARD WORK.

ALL RIGHT. AT THIS TIME, COUNCIL, WITHOUT OBJECTION I WOULD LIKE TO RECOGNIZE MR. RICHARD TROXELL WHO IS HERE WHO I THINK WANTS TO SPEAK BRIEFLY ON ITEM NO. 41, WHICH IS ON THE CONSENT AGENDA.

THANK YOU, MY NAME IS RICHARD TROXELL, PRESIDENT OF HOUSE THE HOMELESS. ITEM 41 DEALS WITH -- WE'VE ASKED THE FEDERAL GOVERNMENT FOR AN INVESTIGATION INTO HATE CRIMES AGAINST HOMELESS PEOPLE. NOT JUST HERE IN AUSTIN, BUT THROUGHOUT TEXAS AND THROUGHOUT THE UNITED STATES, ACTS OF VIOLENCE AND EVEN DEATH HAVE OCCURRED AGAINST PEOPLE THAT ARE EXPERIENCING HOMELESSNESS. HE WANT TO COMMEND CITY COUNCIL MEMBER DANNY THOMAS FOR HIS HEROIC LEADERSHIP IN THIS AREA. IN ADDITION TO -- TO -- TO MAYOR PRO TEM.

CKIE GOODMAN, IT IS THEIR KIND OF LEADERSHIP THAT HELPS US TO KEEP HUMAN. I WOULD LIKE TO THANK ALL OF THE COUNCILMEMBERS FOR PASSING THIS ITEM ON CONSENT AND I WOULD LIKE TO SPEAK TO A CONCERN THAT I ALWAYS HEAR AND THAT I'M ALWAYS SENSITIVE TO WHEN COUNCILMEMBERS SAY THAT THIS IS DEAL WITH THE FEDERAL GOVERNMENT. WHEN I'M IN CONVERSATION WITH A UNITED STATES SENATOR, HE OR SHE SAYS TO ME, WELL, RICHARD, WHAT KIND OF SUPPORT DO WE HAVE? IF I CAN PULL UP A RESOLUTION SIGNED BY THE AUSTIN AREA HOMELESS TASK FORCE, AND SAY, WE HAVE THAT KIND OF SUPPORT, IF I CAN PULL UP A RESOLUTION BY THE -- BY THE AUSTIN AREA HUMAN RIGHTS COMMISSION AND SAY WE HAVE THAT KIND OF SUPPORT, AND NOW I CAN PULL UP A -- A RESOLUTION BY THE AUSTIN CITY COUNCIL AND SAY, WE ARE CONCERNED THAT NO ONE IN THIS CITY IN THIS COUNTY IN THIS STATE, IN THIS NATION IS BEING HURT, MAMED OR MURDERED, JUST BECAUSE OF THEIR ECONOMIC STATUS. I CAN GAIN THE SUPPORT OF THAT SENATOR IN JOINING TOGETHER TO CALL FOR THIS FEDERAL INVESTIGATION TO FIND OUT HOW WE CAN STOP THIS HEINOUS CRIME AGAINST HUMANITY. THANK YOU EVER SO MUCH, COUNCIL. THANK YOU, COUNCILMEMBER DANNY THOMAS.

Mayor Wynn: THANK YOU, MR. TROXELL. FURTHER COMMENTS ON THE CONSENT AGENDA?

Thomas: IF YOU DON'T MIND. I APPRECIATE MR. TROXELL FOR WHAT HIS STATEMENT, BUT ALSO I DO THANK THE SUPPORT OF THE RESOLUTION FROM THE REST OF THE MAYOR AND COUNCILMEMBERS BECAUSE IT IS KNOWN, ONE OF OUR AUSTIN ADVOCATES, WHICH IS MR. TROXELL, CAME TO US SEVERAL TIMES AND SHOWED THE VIDEOS OF WHAT IS REALLY ACTUALLY HAPPENING TO THE HOMELESS NATIONWIDE. WE HERE IN AUSTIN ARE VERY SENSITIVE TO THE HOMELESS. I THINK THIS COUNCIL AND PREVIOUS COUNCIL HAVE SHOWN THAT, AND THE CITIZENS OF AUSTIN, WE ARE GOING TO CONTINUE TO WORK HARD TO -- TO STOP THE HOMELESS. OUR HEALTH DEPARTMENT IS GOING TO BRING A RESOLUTION, ALSO, ON THE NEXT COUNCIL MEETING DEALING WITH THE HOMELESS, CHRONICLING THE HOMELESSNESS. SO I COMMEND THE COUNCIL AND THE

MAYOR AND COUNCIL FOR SUPPORTING THIS RESOLUTION. TO LET THE FEDERAL GOVERNMENT KNOW THAT WE ARE CONCERNED ABOUT THE HOMELESS IN THIS GREAT CITY OF AUSTIN, TEXAS AND THE STATE OF TEXAS AND THE UNITED STATES, THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, COUNCILMEMBER, FURTHER COMMENTS ON THE CONSENT AGENDA. WE HAVE A MOTION BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER THOMAS. ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 6-0. COUNCIL, WITHOUT OBJECTION, ALTHOUGH WE HAVE A STAFF REQUEST FOR POSTPONEMENT OF ITEM NO. 31 FOR ONE WEEK, WE HAVE A -- WE HAVE JUST A FEW FOLKS WHO HAVE COME HERE THIS MORNING TO TALK TO US ABOUT THAT ITEM. SO WITHOUT OBJECTION, I WOULD LIKE TO -- I WOULD LIKE TO -- TO QUICKLY TAKE THESE IN ORDER. ACTUALLY, DAN HUBERT SIGNED UP ONLY IF COUNCIL HAS QUESTIONS. IN FAVOR. LAURIE RENTARIA.

[INDISCERNIBLE]

Mayor Wynn: OKAY, MR. WORESHAW, WELCOME, UP TO 6 MINUTES IF YOU NEED IT.

I SHOULD ONLY NEED ABOUT LESS THAN FIVE MINUTES OF YOUR TIME. MAYOR, CITY COUNCIL, CITY MANAGER, THANK YOU FOR THE OPPORTUNITY HERE TODAY. MY NAME IS LARRY WORESHAW, CHAIR OF THE I-35 MAKEOVER COALITION. AND BEFORE GETTING INTO DETAILS I WANT TO CORRECT SOMETHING THAT YOU NEED THE PAPER TODAY. DESPITE WHAT YOU MAY HAVE READ WE ARE NOT PROPOSING LAVA LAMPS, LIGHT SHOWS UNDER THE FREEWAY, NO PINK FLOYD'S DARK SIDE OF THE ROOM. INSTEAD WHAT WE ARE PROPOSING IS REASONABLE, REALISTIC AND WOULD BE GOOD FOR AUSTIN. THE ORIGINS OF THIS PROJECT GO BACK FOUR YEARS. COUNCILMEMBER ALVAREZ LED THE CHARGE WITH COUNCILMEMBER THOMAS AND THE MAYOR TO DIRECT CITY STAFF TO BRING A

PARKING MANAGER TO THE LOTS UNDER I-35. TWO OUTCOMES WERE INITIALLY HOPED FOR IN THIS PROJECT. INCREASED SAFETY ON THE WEEKENDS WITH THE PRESENCE OF PARKING ATTENDANTS AND REVENUE FROM THE PARKING LOTS THAT COULD GO TO WORTHWHILE COMMUNITY DEVELOPMENT PROJECTS. THE RESOLUTION PASSED THROUGH THE CITY COUNCIL 7-0 AND THEN WAS HANDED TO HAVE STAFF TO IMPLEMENT THE PROJECT. AFTER THAT, STAFF HAD A -- HAD A HANDFUL OF MEETING WITH TEXDOT, NOBODY FROM THE COMMUNITY STAKEHOLDERS WERE PRESENT FOR THOSE MEETINGS. BUT WE LEARNED THROUGH THAT PROCESS THAT THE CITY, MONEY THAT WAS COLLECTED MUST BE SPENT BACK ON THE PARKING LOTS. AND IT COULDN'T JUST GO TOWARD RANDOM COMMUNITY DEVELOPMENT PROJECTS. THAT'S HOW THE I-35 MAKEOVER IDEA STARTED. THE I-35 MAKEOVER COALITION IS A GROUP OF CITIZENS AND INTEREST GROUPS BACKING THE IDEA. THIS INCLUDES ORGANIZATIONS LIKE THE DOWNTOWN COMMISSION, THE DOWNTOWN AUSTIN ALLIANCE, THE GUADALUPE ASSOCIATION FOR AN IMPROVED NEIGHBORHOOD, THE ORGANIZATION OF CENTRAL EAST AUSTIN NEIGHBORHOODS, THE EAST SIXTH STREET BUSINESS OWNERS ASSOCIATION. EAST VILLAGE ALLIANCE, UNITED EAST AUSTIN COALITION AND COMMUNITY LEADERS SUCH AS CONGRESSMAN LLOYD DOGGETT, FORMER MAYOR GUS GARCIA AND HOLY WOOD HENDERSON. WE ARE CONTINUING TO SCHEDULE VISITS AND DO COMMUNITY OUTREACH. THE LIST IS GOING TO GROW SUBSTANTIALLY IN THE COMING MONTHS. I BELIEVE THERE IS SUCH WIDE-SPREAD BROAD SUPPORT BECAUSE THERE IS SUCH WIDE-SPREAD EMBARRASSMENT FOR THIS AREA IN I-35 IN DOWNTOWN AUSTIN. A BARRIER RIGHT IN THE MIDDLE OF OUR CITY. THIS IS WHAT WE WANT TO CHANGE, WE ARE APPROACH BEING IT ON SEVERAL LEVELS. PHYSICAL, ECONOMIC, SYMBOLIC. ON A PHYSICAL LEVEL, WE WANT TO MAKE SIMPLE, REASONABLE IMPROVEMENTS TO THE PROPERTY. SO THAT INSTEAD OF A BARRIER, IT BECOMES A GATEWAY. IF THOUGHTFULLY CONSIDERED SIMPLE ELEMENTS LIKE PAINT, TILE, PAVER, SIGNAGE, LIGHT, CAN COMPLETELY ALTER THIS SPACE. ON AN ECONOMIC LEVEL, WE WANT TO MAKE THE PASSAGE YEA BETWEEN EAST AUSTIN AND

DOWNTOWN SAFE AND PLEASANT FOR CARS AND PEDESTRIANS. TODAY THIS AREA IS A WAISTLINE, SOMETHING LIKE YOU WOULD EXPECT TO SEE IN MAD MAX BEYOND THE THUNDER DOME, NOT SOMETHING IN DOWNTOWN AUSTIN. ON A SYMBOLIC LEVEL THIS PROJECT OFFERS AN OPPORTUNITY FOR COMMUNITY BUILDING. THERE HAVE NOT BEEN MANY INSTANCES WHERE SUCH A DIVERSE COALITION OF INTERESTS CAN BAN TOGETHER BEHIND A COMMON GOAL. WHENEVER A BROAD SEGMENT OF THE COMMUNITY CAN COME TOGETHER TO FIX A LONG STANDING COMMUNITY PROBLEM, THE INTANGIBLE BENEFITS OF THIS TYPE OF COLLABORATION ARE OFTEN THE GREATEST OF ALL. FOR STARTERS WE ARE NOT SUGGESTING WE MANAGE THE REVENUE FROM THESE PARKING LOTS. WE DO NOT HAVE THE RESOURCES OR CREDIBILITY TO DO THIS, THIS IS NOT OUR INTENTION. AS LAURIE RENTARIA POINTED OUT TO YOU IN AN E-MAIL EARLIER, THERE'S AN ESTABLISHED PRECEDENT FOR WHERE THE CITY MANAGES MONEY, BUT WHERE STAKEHOLDERS SET PRIORITY FOR HOW THE MONEY IS SPENT. THIS IS WHAT WE'RE AFTER. HOWEVER THAT PLAYS OUT YOUR INTENTION IS TO BE THE COMMUNITY VOICE THAT GUIDES THIS PROJECT IN THE SAME WAY A STAKEHOLDER GROUP GUIDES ANY OTHER CITY PLANNING PROJECT. THE CITY HAS A TREMENDOUS PLANNING AND URBAN DESIGN STAFF. WE WANT TO WORK WITH THIS STAFF TO ESTABLISH GUIDELINES FOR HOW THESE LOTS ARE MANAGED. WHO MANAGES THEM, WHERE THE MONEY IS SPENT. FOR EXAMPLE IT WOULD BE AN EXTRAORDINARY WASTE OF MONEY TO SPEND A \$100,000 REPAVING THESE LOTS. INSTEAD IF WE HAVE A COMMUNITY DRIVEN EFFORT, OUR GROUP CAN GET SOMEONE TO GO IN THERE AND FILL THE POTHOLES AND STRIPE THE LOTS FOR FREE. WE HAVE SUBSTANTIAL PRIVATE CONTRIBUTIONS ALREADY LINED UP BUT THESE DISAPPEAR UNLESS IT IS A COMMUNITY BASED PROJECT. WE CAN LEVERAGE OTHER RESOURCES, ASK NEARBY BUSINESSES TO HAVE THE CLEANING PERSONNEL KEEP THE LOTS CLEAN. DO CHORES LIKE CLEAN, PAINTING, POWER WASHING PART OF PEOPLE'S COMMUNITY SERVICE. VOLUNTEER PARKING ATTENDANTS, SECURE UNIFORMS, FREE SIGNAGE. IF WE CAN MAKE THIS A COMMUNITY PROJECT AS OPPOSED TO JUST A CITY PROJECT THE

OPPORTUNITIES TO LEVERAGE SUPPORT ARE ENDLESS. ALL OF THIS WOULD YIELD MORE MONEY TO THE BOTTOM LINE OF THE MAKEOVER PROJECT. FINALLY, TO WRAP UP, THERE ARE A FEW FUNDAMENTAL CRITERIA THAT NEED TO BE MET IF ANY OF THIS HAS A HOPE FOR HAPPENING. THE MOST IMMEDIATE IS SEPARATING THE I-35 LOTS FROM THE PARKING CONTRACT THAT IS BEING PROPOSED TO YOU NEXT WEEK. THE NEXT STEP IS TO MOVE THE MANAGEMENT OF THIS PROJECT, THE EXISTING PARKING FUND, CONTRACT, FUTURE MONEY, ALL OF IT OVER TO THE CITY PLANNING DEPARTMENT SO THAT THE I-35 MAKEOVER COALITION CAN HELP PUT THE PROJECT IN A MORE POSITIVE DIRECTION. TO THEIR DEFENSE THE BUILDING SERVICES DEPARTMENT HAS NO RESOURCES AND EXPERIENCE MANAGING PLANNING PROCESSES OR WORKING WITH COMMUNITY STAKEHOLDER. I BELIEVE THIS IS THE CORE REASON WHY THIS PROJECT HAS FAILED FOR THE LAST FOUR YEARS. IN ADDITION TO THIS, WE NEED AN OPPORTUNITY TO CULTIVATE AN INDEPENDENT RELATIONSHIP WITH TEXDOT. COUNCILMEMBER ALVAREZ, COUNCILMEMBER MCCracken AND MEMBERS OF OUR COALITION ARE MEETING WITH TEXDOT NEXT MONTH. ULTIMATELY THIS IS THEIR PROPERTY. AND THEY NEED TO BE COMFORTABLE WITH WHATEVER IS PROPOSED. WE NEED CITY STAFF TO STEP BACK AND PLEASE LET US LEAD THIS DIALOGUE. I DON'T KNOW WHETHER WE CAN ACCOMPLISH ALL OF THIS THROUGH THIS ONE AGENDA ITEM OR WHETHER WE NEED TO HAVE ANOTHER RESOLUTION COME BACK BEFORE THE COUNCIL. IN EITHER CASE, THESE ARE THE CHANGES THAT WE THINK NEED TO BE MADE TO MAKE THIS PROJECT A REALITY AND MOVE IT IN A POSITIVE DIRECTION. THANK YOU FOR YOUR TIME AND FOR YOUR CONSIDERATION.

THANK YOU, MR. WARSHAW.

THANK YOU MAYOR AND COUNCIL, FOR TAKING TIME IN THIS BUSY BUDGET SESSION FOR THIS LITTLE PITY GLITCH IN THE ROAD. I HAVE BEEN INVOLVED FOR AT LEAST 20 YEARS. I THINK THE FIRST RUDAT WORKSHOP WAS ALMOST 20 YEARS AGO, WHERE THE AMERICAN INSTITUTE OF ARCHITECTS AND LOCAL ARCHITECTS BROUGHT TOGETHER LEADERS FROM THE AUSTIN NEIGHBORHOODS COUNCIL AND THE CLOSE-IN

NEIGHBORHOOD LEADERSHIP, CLOSE IN TO DOWNTOWN, TO THIS BIG WORKSHOP AND WE SPENT THREE DAYS AND TALKED ABOUT WHAT -- HOW TO MAKE AUSTIN'S DOWNTOWN VIBRANT AND -- AND JUST THE BEST CITY IN THE WORLD. AND ONE OF THE PRIMARY OUTCOMES OF THAT INITIAL WORKSHOP 20 YEARS AGOS WAS TO CREATE POSITIVE LINKAGES BETWEEN DOWNTOWN AND EAST AUSTIN. AND MANY PEOPLE IN THIS ROOM HAVE SPENT GAZILLIONS OF HOURS IN RUDAT FOLLOW-UP MEETINGS, U.T. STUDENTS HAVE DONE STUDY AFTER STUDY. OVER THE 20 YEARS, YOU KNOW, WE'VE BUILT REAL POSITIVE WORKING RELATIONSHIPS WITH THE DOWNTOWNERS, THE ALLIANCE, THE DOWNTOWN COMMISSION AND YOU KNOW WE TALK THE TALK, WE HAVE THESE GRAND PLANS AND WE COME TOGETHER AND WORK ON TASK FORCES AND WE DO STUDIES AND REPORTS, BUT, YOU KNOW, POLITICS IS ABOUT RELATIONSHIP BUILDING. THE BEST WAY TO BUILD A RELATIONSHIP IS TO ACTUALLY ROLL UP THE SLEEVES AND GET YOUR HANDS DIRTY AND WRAP YOUR ARMS AROUND A REAL PROJECT. AND IN MY 20 YEARS I HAVE NEVER SEEN A PROJECT SO -- SO SITTING OUT THERE, READY FOR US, TO GET TO KNOW EACH OTHER, AND WORK TOGETHER REALLY IN A POSITIVE MANNER TO SHARE OUR RESOURCES AND TALENTS, GET TO KNOW EACH OTHER, AND IMPROVE THAT UGLY, UGLY BARRIER. SO I APPRECIATE YOUR COMMITMENT AND LOOK FORWARD TO WORKING WITH YOU AND ALL THE OTHER STAKEHOLDER IN THE COALITION. THANK YOU.

THANK YOU, MS. RENTARIA. KARL [INDISCERNIBLE] SIGNED UP WISHING TO SPEAK, DAY-WOOD. FOLLOWED BY RICHARD KORIS, IF HE STILL WANTS TO SPEAK.

MAYOR, MEMBERS OF THE COUNCIL, I'M KARL DAYWOOD. THANK FOR YOU POSTPONING THIS ITEM TODAY. I'M VERY CONCERNED AS WELL AS THE SIXTH STREET PROPERTY OWNERS, THE DOWNTOWN AUSTIN ALLIANCE, SECURITY AND MAINTENANCE COMMITTEE MEETS ONCE A MONTH, WE HAVE THOUSANDS AND THOUSANDS OF MAN-HOURS IN SECURITY ISSUES RELATED TO DOWNTOWN. THIS SLOT, UNLIKE OTHER PARKING FACILITIES HAS HAD A LOT OF PROBLEMS IN THE PATHS, MUGGINGS, SHOOTING, ALL KINDS OF CRIME IN THAT LOT. SO MANY PEOPLE HAVE COME TOGETHER TO PUT THIS PROPOSAL ON THE TABLE TO -- TO

START IT AS A PAY LOT TO REGULATE IT, CREATE SAFETY FOR COMING INTO DOWNTOWN. SO FAR WE'VE BEEN PRETTY SUCCESSFUL WITH THIS LOT CONVERSION TO CREATE A SAFE ENVIRONMENT. WITH SO MANY COMMUNITY PEOPLE WORKING ON THIS, MY CONCERN IS THAT NONE OF US WERE CONSULTED OR BROUGHT TO THE TABLE TO DISCUSS THIS PROPOSAL WITH. I'M CONCERNED WHY WEREN'T THE PLAYERS WORKING FOR FOUR AND FIVE YEARS ON THIS ONE PARTICULAR LOT NOT BROUGHT TO THE TABLE. THERE'S A LOT OF ISSUES ON THIS LOT, THE NEED TO -- THAT NEED TO BE ADDRESSED, PROBABLY NOT ADDRESSED IN THIS CONTRACT. I ASK IF YOU IF YOU GO FORWARD WITH THE AMOCO PROPOSAL YOU TAKE THIS LOT OUT AND DEAL WITH IT AS A SEPARATE ITEM. I ASK THAT, YES, CITY MANAGER POSSIBLY GOING TO GO FORWARD WITH IT TO BRING THE STAKEHOLDERS TO THE TABLE, GET EVERYBODY IN THE ROOM AT THE SAME TIME. LET'S TALK ABOUT THE ISSUES ON THIS ONE PARTICULAR LOT. I ASK THAT OF YOU ALL, PLEASE, THANK YOU.

THANK YOU, MR. DAY-WOOD. I WILL SAY THAT SEVERAL REQUESTS OF COUNCIL WAS IN FACT TO -- TO BIFURCATE THIS ONE CONTRACT, I THINK THE STAFF'S REQUEST FOR POSTPONEMENT WAS TO SORT OF ANALYZE HOW THAT WOULD OCCUR. RICHARD KOORIS, SIGNED UP WISHING TO SPEAK, ALSO POTENTIALLY DONATING TIME TO LARRY WARSHAW. AGAINST THE POSTED ITEM. COUNCIL, THAT'S ALL OF THE FOLKS WHO HAVE SIGNED UP WISHING TO SPEAK ON ITEM NO. 31. AGAIN A REQUEST FROM STAFF FOR A ONE-WEEK POSTPONEMENT TO SEPTEMBER 2nd, 2004. I'LL ENTERTAIN A MOTION. OR COMMENT.

Reporter: MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN TO POSTPONE ITEM 31 FOR ONE WEEK TO SEPTEMBER 2nd, 2004. SECONDED BY COUNCILMEMBER THOMAS. FURTHER COMMENT? COUNCILMEMBER MCCRACKEN?

McCracken: I JUST WANTED TO SAY THAT I APPRECIATE THE -- THE LEADERSHIP OF COUNCILMEMBER ALVAREZ AND COUNCILMEMBER THOMAS AND MAYOR WYNN AND

INITIATING THIS. AND ALSO FROM -- FROM LARRY WARSHAW AND LAURA RENTARIA, KARL DAY-WOOD, EVERYONE IN THE COMMUNITY WHO HAS DONE THE HARD WORK BRINGING THIS FORWARD. I WANT TO CLARIFY A COUPLE OF THINGS AS WELL. THERE IS A STATEMENT IN THE PRESS THAT THE CITY DECIDED TO SPEND THIS MONEY ON PAVING. THAT'S A DECISION FOR COUNCIL. SO WE'LL DECIDE WHAT THE PRIORITIES AND THE POLICY IS THERE AND WORKING WITH TEXDOT WHO BEEN A GREAT PARTNER ON THIS ALREADY. IT'S IMPORTANT TO PLAN BEFORE WE IMPLEMENT. THERE'S TWO REALLY, REALLY STRONG REASONS WHY WE WANT TO DO THIS PROJECT. THE FIRST IS THAT -- IS THAT THAT AREA IS -- IS A DIVIDING LINE BETWEEN EAST AUSTIN AND CENTRAL AUSTIN. THIS IS AN OPPORTUNITY TO MAKE THIS A NICE PLACE TO LIVE. SECOND PART IS THAT THERE'S A -- YOU KNOW, THE -- THE CRIMINAL THEORY OF BROKEN WINDOWS, WHICH IS WHEN YOU HAVE PLACES THAT ARE, YOU KNOW, BAD PLACES, THEY CALL IT BROKEN WINDOWS, THAT THOSE FUEL CRIME. SO THIS IS AN AREA OF CRIMINAL - - OF CRIMINAL ACTIVITY THAT'S A PROBLEM FOR THE COMMUNITY. SO IF WE MADE THIS A NICE AREA IN KEEPING WITH OUR COMMITMENTS TO TEXDOT, IF WE DO THAT, NOT ONLY WILL IT PROVIDE A NICE ENTRYWAY BETWEEN EAST AUSTIN AND CENTRAL AUSTIN, BUT IT WILL ALSO HAVE A PRACTICAL EFFECT OF MAKING IT A SAFER AREA. SO THAT'S WHY I'M AN ENTHUSIASTIC SUPPORTER OF THE EFFORT THAT'S BEEN INITIATED BY COUNCILMEMBER ALVAREZ, COUNCILMEMBER THOMAS AND MAYOR WYNN AND THE COMMUNITY.

Mayor Wynn: FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: THANKS, MAYOR. I WANTED TO CERTAINLY THANK THE CITY MANAGER FOR ALLOWING US TO TAKE A LITTLE MORE TIME TO LOOK AT THIS. AND -- AND EVALUATE THE OPTIONS. BECAUSE I DO THINK THAT THIS IS A VERY SIGNIFICANT PROJECT AND I WANT TO THANK THE STAKEHOLDERS WHO -- WHO HAVE -- WHO HAVE MOBILIZED I GUESS TO -- TO BREATHE LIFE INTO THIS PROJECT AGAIN AND I THINK AGAIN THERE WAS ALREADY A LOT OF WORK DONE ON THIS. AND I THINK WE ARE AT THE POINT WHEN -- WHEN THERE'S ACTUALLY SOME REVENUES COMING IN,

THAT ALWAYS SEEMS TO SPARK A LITTLE MORE INTEREST. SO -- BUT I LOOK FORWARD TO JUST A POSITIVE DIALOGUE WITH -- WITH ALL OF THE STAKEHOLDER AND CITY MANAGEMENT AND CERTAINLY I AM -- I AM PLANNING TO MEET WITH BOB DAY ABOUT THIS ISSUE BECAUSE WE WANT TO MAKE SURE THAT -- THAT -- THAT WE KNOW THEIR PARAMETERS THAT THEY WOULD LIKE FOR US TO WORK WITH, YOU KNOW, IN GOING FORWARD AND SO -- SO I DO THINK THAT IT IS IMPORTANT THAT WE -- THAT WE TAKE THIS ONE STEP AT A TIME TO MAKE SURE WE DON'T ENGINE COULD I JEOPARDIZE OR HARM THAT RELATIONSHIP WITH THE STATE. BUT THANK YOU ALL FOR BEING HERE, AGAIN LOOK FORWARD TO SOME POSITIVE MOVEMENT ON THIS.

THANK YOU, COUNCILMEMBER. FURTHER COMMENTS?

Thomas: MAYOR, JUST ONE THING.

Mayor Wynn: COUNCILMEMBER THOMAS.

Thomas: THAT I'M VERY APPRECIATE THE STAKEHOLDERS APPRECIATE THE MANAGER FOR ALLOWING US THIS DELAY. IN THE PROCESS OF THE DELAY, WE WILL CONTINUE TO MAKE SURE THAT THE STAKEHOLDERS ARE AT THE TABLE BECAUSE ONE OF THEM SAID THEY WASN'T AT THE TABLE WHEN WE NEGOTIATED. WHATEVER WE CAN DO WHEN THEY ALLOW THE STAKEHOLDERS BECAUSE I UNDERSTAND WHAT TEXDOT'S RESPONSIBILITY AS WELL, WE HAVE A RESPONSIBILITY ALSO FOR THE CITIZENS OF AUSTIN. AND THAT AREA HAS HAD A LOT OF HIGH CRIME ACTIVITIES. BUT I THINK WHAT SOME OF THE PROJECTS AND SOME OF THE THINGS THAT WE WANT TO INITIATE THERE, BEAUTIFYING AND ALSO THE SAFETY PART WOULD BE SOMETHING THAT -- THAT I'M SURE TEXDOT WILL SUPPORT. BUT WE DO NEED THE MONEY, ALSO. THANK YOU.

Mayor Wynn: THANK YOU, AGAIN THE MOTION MADE AND SECONDED TO POSTPONE ITEM 31 TO SEPTEMBER 2nd, 2004. ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH

THE MAYOR PRO TEM OFF THE DAIS. COUNCIL, THAT TAKES US TO OUR REALLY OUR ONLY POTENTIAL DISCUSSION ITEM THIS MORNING, OFF THE CONSENT AGENDA, IS ITEM NO. 19, WHICH I HAVE PULLED. AS I UNDERSTAND ITRONIX SIMPLY RELATES TO THE PROPOSED METHOD FOR CONTRACTING FOR CERTAIN FUTURE GENERAL FUND FACILITIES. BUT I FRANKLY WANTED TO TAKE THIS OPPORTUNITY TO -- TO UNDERSTAND THE -- THE TIMING OF THE CONSTRUCTION OF THESE FACILITIES. AS WE ALL KNOW, THE WORLD HAS CHANGED SIGNIFICANTLY SINCE THE 1998 BOND PACKAGE WHICH I BELIEVE MOST OF THESE ITEMS ORIGINATED FROM. I BELIEVE ALL OR MOST OF THESE HAVE BEEN POSTPONED FOR A COUPLE OF YEARS DUE TO CITY BUDGET CONSTRAINTS, HAVING THE OPERATING DOLLARS TO OPERATE THESE FACILITIES ONCE BILL, EVEN THOUGH WE HAVE THE BOND, THE CAPITAL DOLLARS TO BUILD THEM. SO JUST WANTED TO UNDERSTAND AS PART OF THIS ACTION, THAT IS JUST IDENTIFYING THE PROPOSED METHOD FOR CONTRACTING FOR THE FACILITIES. ESSENTIALLY USING SENATE BILL 510, THAT I HAPPEN TO BE A FAN OF, IT'S A PRACTICE THAT'S COMMONLY USED IN THE PRIVATE SECTOR TO BOTH SPEED UP PROJECTS AND HOPEFULLY SAVE SOME DOLLARS. BEFORE WE TAKE THAT ACTION, I DO JUST WANT TO UNDERSTAND THE TIMING OF THESE FACILITIES, WHETHER REAL DOLLARS WILL BE EXPENDED BECAUSE OF THIS SIMPLE -- THIS SIMPLE PROPOSAL, DECLARATION, AND WOULD LIKE PERHAPS JUST A BRIEF EXPLANATION.

THERE WERE A NUMBER OF QUESTIONS THAT CAME THROUGH ON THE AGENDA ITEM. SO DO WE WANT TO START FIRST WITH THE DISCUSSION OF THE METHODOLOGY OR A DISCUSSION OF THE BUDGET? SOURCES OF FUNDS?

I AM AND I BELIEVE COUNCIL IS VERY COMFORTABLE WITH THE METHODOLOGY THAT IS SENATE BILL 510. MY QUESTION IS DOES THIS ACTION TODAY ESSENTIALLY START SPENDING REAL DOLLARS.

OKAY.

AND AT SOME POINT, YOU KNOW, WHEN WOULD WE HAVE THAT DISCUSSION AS TO THE TIMING OF CERTAIN

FACILITIES.

Futrell: ALL RIGHT. LET'S LET RUDY, DO YOU WANT TO -- WE HAVE BOTH THE DIRECTORS OF THE DEPARTMENTS INVOLVED HERE THAT CAN SPEAK TO BOTH CAPITAL AND OPERATING COSTS. RUDY IS ALSO HERE TO TALK TO BUT THE TIMING OF THESE PROJECTS. WARREN FROM OUR PARKS DEPARTMENT DO YOU WANT TO GET STARTED.

THANK YOU, WARREN STRUESS, PARKS AND RECREATION DEPARTMENT. GOOD MORNING, LET ME TAKE YOU THROUGH THE THREE PROJECTS THAT WE HAVE IN THE PARKS AND RECREATION DEPARTMENT. WE ANTICIPATE FOR THE MAC TO BEGIN REAL SOON. AS FAR AS PERMITTING BID WE HAVE PAUL MADRANO, WE ARE GOING TO START REAL SOON AS FAR AS THE PERMITTING, BUILDING, CONTRACTUAL DOCUMENTS TO GET THOSE READY PROBABLY AS FAR AS OCTOBER OF '05. WE ANTICIPATE BRINGING IT ON IN '06 MAYOR, I WILL CHECK WITH PAUL ON THE EXACT DATES, MAYOR, I WILL DEFER TO HIM ON THE EXACT DATES OF WHAT HE THINKS THE CONSTRUCTION SCHEDULE WOULD BE. WE DO ANTICIPATE AN O AND M COST FIRST YEAR, 810,000. THAT DOES INCLUDE CAPITAL AND FURNITURE, SO FORTH. THEN WE SEE IT DROPPING AFTER FIRST YEAR ON O AND M DOWN TO ABOUT 530 THAT YOU, THAT WOULD BE A MEAN O AND M AVERAGE FOR THE MAC. TURNER ROBERTS, WE ANTICIPATE STARTING THAT PROJECT IN '05, OCTOBER OF '05. AND ANTICIPATE A 15 TO 18 MONTH BUILDOUT ON BOTH TURNER ROBERTS AND GUS GARCIA, WHICH WOULD BRING THEM ON PROBABLY AROUND THE SPRING OF 07. WE HAVE HAVE O AND M ABOUT 180,000 FOR TURNER RORNTS AND GUS GARCIA, NEXT YEAR 470 TO 320,000 WOULD BE A MEAN OPERATING COST FOR THOSE TWO RECREATION CENTERS. ANTICIPATE AGAIN THOSE COMING ON MID YEAR OF 07 MAYOR AND BEING FULLY FUNDED FOR FULL OPERATION IN 08 WHICH LTD -- WHICH WOULD BE ABOUT A 370 TO 420 O AND M COST.

SORRY, MR. STRUESS, YOU COULD. THE MAC, IF I REMEMBER THE DYNAMIC THERE, WE SORT OF HAD AN INDIVIDUAL COUNCIL VOTE LAST YEAR ON THAT. THAT'S THE EARLIEST OF THESE POTENTIAL PROJECTS, I BELIEVE.

CORRECT. ONE YEAR EARLIER, THAT'S CORRECT, MAYOR.

ON SAY THE -- YOU KNOW THE OTHER -- THE REC CENTER THAT'S WE JUST TALKED ABOUT, WHEN YOU SAY STARTING IN OCTOBER OF '05, MY QUESTION HERE IS WHEN -- WHEN ARE WE COMMITTING TO ACTUALLY START SPENDING REAL MONEY? REAL MONEY --

BUDGET YEAR 07.

Mayor Wynn: I'M SORRY, REAL MONEY BEING HIRING PLANNERS, WHEN IS OUR FIRST EXPENDITURE FOR ANY OF THESE PROJECTS BEGINNING? I'M NOT --

Futrell: MAYOR, CAPITAL OR OPERATING?

CAPITAL.

Futrell: THEN THAT'S A DIFFERENT QUESTION, WARREN.

THAT IS A DIFFERENT QUESTION. CAPITAL WOULD BE, WE WOULD START SPENDING CAPITAL MONEY, CONSTRUCTION MONEY, IN OCTOBER OF '05.

Futrell: SO LET ME --

Mayor Wynn: CONSTRUCTION, DO YOU SPEND ANY MONEY -- ARE YOU SAYING WE DON'T SPEND A SINGLE DOLLAR ON ANY OF THESE PROJECTS BEFORE WE BREAK GROUND?

Futrell: NO. NO. YOU ARE RIGHT. LET'S BACK UP.

Mayor Wynn: WHY DO WE START SPENDING MONEY.

ACTUALLY MONEY.

Futrell: THESE PROJECTS THAT YOU HAVE IN FRONT OF YOU RIGHT NOW, THIS ITEM ITSELF IS REALLY TIED TO THE BREAKING OF THE GROUND THE CONSTRUCTION. SO SOME OF THESE PROJECTS ALREADY HAVE DOLLARS SPENT IN DESIGN AND IN ENGINEERING.

YOUR CONSTRUCTION DOCUMENTS ARE ALMOST

COMPLETELY FINISHED, MAYOR, THEY ARE ALMOST READY TO BID.

Mayor Wynn: WERE THOSE DONE UNDER SB 510?

QUESTION I MAY HAVE TO DEFER HERE.

Futrell: I SEE WHERE -- THIS MIGHT BE BETTER ANSWERED BY SONDRA.

THE ITEM BEFORE YOU TODAY IS ASKING YOUR AUTHORIZATION TO UTILIZE CONSTRUCTION COMPETITIVE SEALED PROPOSALS AS THE PROCUREMENT METHODOLOGY FOR THE CONSTRUCTION CONTRACT. THESE PROJECTS HAVE ALREADY PRETTY MUCH BEEN DESIGNED, SO THAT'S THE PROCUREMENT METHOD THAT WE ARE BASICALLY LEFT WITH. BUT THE MONEY THAT'S ALREADY BEEN EXPENDED ON THESE IS JUST FOR THE DESIGN, NO MONEY HAS BEEN SPENT ON CONSTRUCTION YET. AND WE HAVEN'T ACTUALLY BID THE PROJECTS OUT YET, EITHER. I THINK IF YOU LOOK AT PAGE 2 OF THE RCA, YOU WILL SEE THE FIRST ADVERTISEMENT DATE FOR THESE PROJECTS. ALL EXCEPT FOR THE TWIN OAKS LIBRARY, WHICH WE DON'T HAVE A SPECIFIC ADVERTISEMENT DATE YET. BUT THE REASON WE ARE COMING FORWARD NOW IS JUST TO GET YOUR AUTHORIZATION TO UTILIZE THIS PROCUREMENT METHOD. WE HAVE TO GO TO COUNCIL FIRST. AND THIS WAS THE GROUP THAT WE SELECTED THAT WOULD BE MOST APPROPRIATE FOR THIS PARTICULAR METHODOLOGY, SO WE DECIDED TO COME FORWARD AND GET YOUR APPROVAL FOR ALL FIVE PROJECTS AS THIS -- AT THIS TIME. EVEN THOUGH WE ARE NOT REALLY ADVERTISING THEM RIGHT NOW.

BUT SO THE -- I GUESS THE REQUIREMENT MAYBE IS -- BACK WAY UP. THE REQUIREMENT OF SB, SENATE BILL 510 IS THAT THE LOCAL GOVERNMENT, IN THIS CASE THE COUNCIL HAS TO TAKE ACTION TO IDENTIFY THAT AS BEING ON THE PROCESS. I WAS REALLY CURIOUS AS TO WHY THIS IS ON THE AGENDA. SEEMS TO ME THESE ARE, AT LEAST DESIGN AND CD PROCESS IS WELL UNDERWAY ON SOME OF THEM. WHY IS IT NOW WE HAVE TO DECLARE --

BEFORE WE ACTUALLY CAN ISSUE THE BID DOCUMENTS, WE HAVE TO GET THE COUNCIL'S AUTHORIZATION TO USE THIS METHODOLOGY. SINCE IT'S OTHER THAN COMPETITIVE LOW BIDDING.

OKAY. SO WHEN WE BUILD A PROJECT WITH COMPETITIVE LOW BIDDING, COUNCIL DOESN'T HAVE TO TAKE ACTION TO DECLARE THAT PROCESS BECAUSE THAT'S -- GENERALLY HAS BEEN HISTORICALLY SORT OF THE STATE MANDATED PROCESS FOR MOST LOCAL GOVERNMENTS.

THAT'S CORRECT. HOWEVER IF --

WE HAVE TO DECLARE THAT NOW IF WE WANT TO USE THAT.

THAT'S CORRECT. FOR EXAMPLE ON CITY HALL WE USE [INDISCERNIBLE] RISK, FOR THE ABIA SCREENING PROJECT, BAGGAGE SCREENING PROJECT, WE USED DESIGN BUILD. IN EACH OF THOSE CASES WE CAME TO COUNCIL FIRST TO GET AUTHORIZATION TO USE THOSE METHODS.

Mayor Wynn: IN FACT THAT ANSWERS MY PRIMARY QUESTION.

Alvarez: MAYOR.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: I THINK LOOKING AT IT FROM MORE OF A POLICY POINT OF VIEW, I THINK WE TALKED A LITTLE BIT ABOUT IT MAYOR WHEN YOU WERE ON THE SUBCOMMITTEE, BUT THEN WE HAD ADDITIONAL DISCUSSIONS AFTER -- AFTER COUNCILMEMBER DUNKERLY JOINED US, BUT BASICALLY THE WAY WE LOOKED AT IT FROM A POLICY POINT OF VIEW IS CONSIDERING OUR OPTIONS UNDER SB 510, WHEN WOULD WE THINK IT'S APPLICABLE TO USE AN ALTERNATIVE PROCUREMENT METHODOLOGY, WE SAID LET'S LOOK AT THE LARGE C.I.P. PROJECTS, WE DEFINED THOSE AS PRONGS THAT WERE 2 MILLION AND OVER. THAT'S WHY YOU SEE THESE PARTICULAR PROJECTS LISTED. THEY ARE ALL OVER 2 MILLION DOLLAR. WE FIGURED SINCE THEY ARE THE LARGEST CAPITAL PROJECTS THAT IN ADDITION TO PRICE, WHICH IS THE MOST SIGNIFICANT CATEGORY THAT'S

CONSIDERED, 50% OF THE SCORE, ALSO LOOK AT ISSUES RELATING TO EXPERTISE AND EXPERIENCE AND WITH SIMILAR PROJECTS. SO THAT'S -- THAT'S ALMOST WHAT WE ARE CONSIDERING IS A POLICY TO THE FULL COUNCIL I THINK THAT WE HAVE NEVER ACTUALLY KIND OF CONSIDERED AS A FULL COUNCIL, BUT I THINK WE HAVE PASSED AS A SUBCOMMITTEE AND SO THAT'S WHY YOU SEE THESE PARTICULAR PROJECTS BECAUSE OF THAT SORT OF POLICY THAT THE SUBCOMMITTEE EXPRESSED SOME SUPPORT FOR.

IN FACT THIS IS THE RECOMMENDATION OF THE SUBCOMMITTEE THAT WE ARE BRINGING TO YOU TODAY FOR ACTION BY THE FULL COUNCIL.

Mayor Wynn: THANK YOU, COUNCILMEMBER AND CITY MANAGER? FURTHER QUESTIONS, COMMENTS ON ITEM 19? COUNCILMEMBER SLUSHER?

Slusher: I WANTED TO TALK A LITTLE BIT ABOUT THE PROCESS ITSELF. MS. CRAYTON, THE MATRIX HERE, ITEM 7, VENDOR'S PAST RELATIONSHIP WITH THE CITY, UNDER THAT COULD WE CONSIDER WHETHER THE PERFORMANCE OF THAT PARTICULAR CONVENIENT DOOR ON PAST PROJECTS?

YES. ON THAT PARTICULAR ITEM, WE CAN CONSIDER SUCH THINGS AS TIMELY COMPLETION OF PROJECTS, THE COOPERATIVE WORKING RELATIONSHIP WITH THE CITY, PROMPT PAYMENT OF SUBCONTRACTORS, COMPLIANCE WITH THE CONTRACT TERMS ON PREVIOUS CONTRACTS AND THEIR THOSE SORTS OF THINGS.

WE CAN'T DO THAT UNDER LOW BID; IS THAT CORRECT.

THAT'S CORRECT.

IT'S JUST THE LOW BID COMES IN, YOU TAKE THE LOW BID.

CORRECT.

UNLESS WE ARE IN LITIGATION WITH THE VENDOR. THAT'S TYPICALLY THE CASE.

OKAY.

I THINK THAT I HAVE GOT A LOW BID CHAIR, BOTH THE ARMS ARE COMING OFF MY CHAIR. [LAUGHTER]

I THINK THAT'S IMPORTANT. A FEW OTHER THINGS LIKE THAT IN HERE. SO I'M FOR THIS PROCESS GOING FORWARD. I DID WANT TO NOTE AS GENTLY AS POSSIBLE THAT THIS DOES PUT IT INTO A SITUATION WHERE IT'S GOING TO BE IMPORTANT THAT THE ANTI-LOBBYING CLAUSES ON THESE BE ENFORCED BECAUSE IT WOULD OPEN IT UP POTENTIALLY TO MORE FOLKS COMING AROUND SAYING WE OUGHT TO MOVE ME UP TO FRONT OF THIS CONTRACT.

TAKES ALL OF THE FUN OUT OF IT, COUNCILMEMBER.

Slusher: THAT'S A FUN I'M WILLING TO FOREGO.

Mayor Wynn: AGREED.

Slusher: I WILL LEAVE IT AT THAT.

Mayor Wynn: THANK YOU. FURTHER COMMENTS?  
COUNCILMEMBER THOMAS?

Thomas: I WILL GO ALONG WITH COUNCILMEMBER SLUSHER SAYING THE REASON FOR THIS ON THE MATRIX, WHAT HE WAS TALKING ABOUT PREVIOUS, WORK WITH THE CITY, BECAUSE WE'VE HAD SO MANY COMPLAINTS AND I THINK THIS WOULD -- WITH THE SUBCOMMITTEE, WHEN WE WERE WORKING ON IT, WOULD STOP SOME OF THOSE SOLICITATIONS AND SOME OF THOSE COMPLAINTS. ALSO ALLOW THE PRIME, MAKE SURE THAT THE SUBS ARE TAKEN CARE OF. SO THOSE THE REASONS, SOME OF THE REASONS. I'M VERY SUPPORTIVE OF THIS. IF YOU NEED A MOTION, I CAN GIVE IT TO YOU.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS,.

SECOND.

Mayor Wynn: TO APPROVE ITEM NO. 19, SECONDED BY COUNCILMEMBER SLUSHER. FURTHER COMMENTS?

HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. COUNCIL, I BELIEVE THAT'S ALL OF OUR DISCUSSION ITEMS. SO -- SO WITHOUT OBJECTION, AT THIS TIME WE WILL GO INTO CLOSED SESSION UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY AGENDA ITEMS 44, 45 -- I'M SORRY, 44 RELATED TO AIRPORT PARKING GARAGE ISSUE, 45 RELATED TO A PENDING WATER RIGHTS PERMITTING APPLICATION, 46 RELATED TO THE TRAVIS COUNTY HOSPITAL DISTRICT. 48 RELATED TO THE REZONING OF SOUTHWEST MARKETPLACE, AN AMENDMENT TO THE FORUM P.U.D. WE ALSO MAY TAKE UP ITEM NO. 47 RELATED TO THE PROPOSED EAST SIXTH STREET PUBLIC IMPROVEMENT DISTRICT. IF WE DO TAKE UP THAT DISCUSSION IN EXECUTIVE SESSION, I WILL BE RECUSING MYSELF AND WILL LEAVE THE EXECUTIVE SESSION BECAUSE OF A REAL ESTATE MATTER. AND SO WITHOUT OBJECTION, WE ARE IN CLOSED SESSION. THANK YOU.

TEST TEST TEST TEST.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP ITEM 45 ON PENDING WATER RIGHT PERMITS. NO DECISION WAS MADE. THERE BEING A QUORUM PRESENT, I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. I JUST SAW A QUORUM. AT THIS TIME WE'LL TAKE UP OUR 12:00 O'CLOCK CITIZEN GENERAL COMMUNICATION. OUR FIRST SPEAKER IS DR. SYLVIA HERRERA. WELCOME. YOU WILL HAVE THREE MINUTES. SHE WILL BE FOLLOWED BY JOE QUINTERO.

GOOD AFTERNOON. MY NAME IS SYLVIA HERRERA. I'M WITH PODER. I'M THE HEALTH COORDINATOR. I'M A RESIDENT OF THE OAK SPRINGS AREA. AND I'M HERE TO TALK ABOUT THE PROTECTION OF THE OAK SPRINGS MARSH AND WET LAND UNDER THE GOVALLE, JOHNSTON TERRACE NEIGHBORHOOD PLAN. THE GOVALLE JOHN STAN TERRACE NEIGHBORHOOD PLAN STATES IN THAT THAT THE ENVIRONMENT OF THE OAK SPRINGS MARSH WAS ONCE THE SINGLE MOST IMPORTANT WILDLIFE AREA IN EAST AUSTIN. AND I HAVE PICTURES THAT

SHOW THE OAK SPRINGS MARSH IN DIFFERENT AREAS RUNNING FROM OAK SPRINGS ALL THE WAY DOWN TO QUEBER -- WEBERVILLE UP TO PLEASANT VALLEY, BETWEEN WEBERVILLE AND TILLERY. RIGHT NOW WE'RE CONCERNED ON THE EASTVIEW PARKING LOT OF THE AUSTIN COMMUNITY COLLEGE, WE'RE APPEALING THAT CASE BECAUSE IT IS LOCATED ON THE SOUTHERN PART OF THE OAK SPRINGS CRITICAL IMPACT AREA. THE COMMUNITY'S APPEALING THE DECISION BASED ON THE FACT THAT THIS CASE WAS NOT REVIEWED BY THE ENVIRONMENTAL BOARD, IT WAS NOT REVIEWED BY THE JOHNSTON TERRACE-GOVALLE TEAM UNTIL A POSTPONEMENT AT PLANNING COMMISSION, AND ALSO THE FACT THAT THIS CASE OR AT LEAST A PRELIMINARY SITE PLAN WAS NOT PRESENTED DURING OUR NEIGHBORHOOD PLANNING PROCESS TO ANY OF THE RESIDENTS THAT WERE PARTICIPATING AT THAT TIME. AND I WANT TO ADD THAT CITY STAFF RECOGNIZED THE FACT THAT THE GOVALLE/JOHNSTON TERRACE COMMUNITY MEETINGS WERE WELL ATTENDED. IN FACT, I THINK THEY WERE ATTENDED MORE THAN ANY OTHER NEIGHBORHOOD AREA. WE'RE ALSO CONCERNED, AND I WANT TO POINT OUT THAT WHEN THE HEALTH SCIENCE BUILDING AND PARKING WAS BUILT THE LAST COUPLE OF YEARS AT THAT SAME AREA OF A.C.C. EASTVIEW CAMPUS THAT IT DID GO BEFORE THE ENVIRONMENTAL BOARD. THERE'S BEEN CONCERNS IN THE OAK SPRINGS AREA THAT WE WANT TO POINT OUT, INCLUDING THE PROPERTY ON OAK SPRINGS AND TILLERY THAT'S UNDER INVESTIGATION FOR VIOLATING AND DESTROYING THE SPRING AND BUILDING THAT WAS THERE. THERE WERE NO PERMITS THAT WERE OBTAINED. AND STAFF IS -- HAS MADE SEVERAL SITE VISITS AND IT IS UNDER INVESTIGATION. THERE WAS A CLEARING OF A VOCAL POINT OF THE OAK SPRINGS AREA AND I HAVE THE SLIDES TO SHOW SOME OF THAT CLEARING OF THAT AREA. I'D ALSO LIKE TO POINT OUT THAT THE SMART HOUSING FOR THE ELDERLY LOCATED AT 3101 OAK SPRINGS WAS ALSO PUT IN THAT AREA OF THE MARSH. [ BUZZER SOUNDS ] WE WANT YOU TO AT LEAST CONSIDER OUR APPEAL AND ALSO TO GO BACK TO THE ENVIRONMENTAL GOALS OF THE PLAN, WHICH INDICATED THAT WE WANTED TO PRESERVE, PROTECT AND ENHANCE THE NATURAL ENVIRONMENT, INCLUDING THE WET LAND AND THE MARSH.

THANK YOU.

Mayor Wynn: THANK YOU. JOE QUINTERO, WHO WILL BE FOLLOWED BY PAT JOHNSON.

GOOD AFTERNOON, COUNCILMEMBERS. MY NAME IS JOSE QUINTERO WITH THE GREATER EAST AUSTIN NEIGHBORHOOD ASSOCIATION. I'M HERE TO SPEAK TODAY OF THE NEGATIVE IMPACT OF THE CITY'S NEIGHBORHOOD PLANNING. AND IT SHOULD BE NO SECRET TO A LOT OF PLANNING DEPARTMENTS IN WHICH INFORMATION IS NOT PASSED DOWN TO US FOR WHAT'S HAPPENING IN THE NEIGHBORHOOD BECAUSE THIS WAS IN THE PLAN, AN AGENDA BY A BUNCH OF ENVIRONMENTALISTS TO IMPOSE IN OUR COMMUNITY, TO USE ANY WAY, METHOD TO DECEIVE THE PEOPLE OF HOW THEY WOULD TAKE OVER THE LAND IN EAST AUSTIN. I WELCOME MY GUESTS, ANNA HERNANDEZ, WHO LIVES AT 1311 EAST THIRD STREET. SHE TOOK ADVANTAGE OF THE AFFORDABLE HOUSING THE CITY OFFERS IN THE INNER CITY NEIGHBORHOOD. AND IN THOSE DAYS YOU WOULD CALL NEXT CAN SHACKS, NOT HOUSES WORTH OVER \$110,000. HERE WE HAVE A RESIDENT, AND I HAVE A CONCERN. FIRST OF ALL, IT WAS COMPARED TO ME THAT THE CITY'S NEIGHBORHOOD PLAN WOULD ELIMINATE A BUNCH OF ASSOCIATIONS, ESPECIALLY IT HAS BEEN MENTIONED OLD PEOPLE THAT WERE NOT WORTHY TO BE IN CHARGE OR MAYBE CEMENT THEIR OPINIONS ABOUT WHAT'S HAPPENING IN OUR NEIGHBORHOOD. AND THAT'S A CONCERN. I'VE BEEN ADDRESSING THE BIG RED SIGN. I'VE CALLED TOBY FUTRELL'S OFFICE, I'VE CALLED THE PLANNING AND ZONING DEPARTMENT ABOUT ENFORCING WHAT'S HAPPENING. CATTY-CORNER OF THE STREET WHERE ILY THERE WAS ANOTHER CONCERT. SUPPOSEDLY THERE WAS NOT SUPPOSED TO BE A CONCERT. THE OTHER DAY I PUT ON SPANISH MUSIC FOR TWO HOURS, AND GUESS WHAT, ALL THESE ANGLOS THAT HAVE BEEN IMPORTED FROM OUR NEIGHBORHOODS, STARTED WALKING OVER AND LEAVING, GNASHING THEIR TEETH. I GUESS THEY DON'T APPRECIATE I LIVE THERE. BUT YOU SHOULD HAVE RESPECT. YOU VOTED FOR IT. SOME OF THESE COUNCILMEMBERS VOTE THE FOR THIS KIND OF PLAN. NOW, THERE'S SUPPOSED TO BE A PENDING SITE PLAN FROM MY UNDERSTANDING, BUT THEY ALREADY PLANNED

EVERYTHING OUT. YOU GO OUT THERE AND SEE WHAT THEY DID, THEY WILL PROBABLY COME HERE AND ASK YOU TO VOTE AND YOU WILL VOTE FOR IT IMMEDIATELY. I HAVE BROUGHT ANNA HERNANDEZ HERE TO LET YOU KNOW, TOBY FUTRELL AND THE PROTECTION OF OUR NEIGHBORHOOD. SHE PURCHASED A PROPERTY FROM THE CITY AND THE GUADALUPE NEIGHBORHOOD ASSOCIATION. SHE HAD TO GO BACK AND RENEW HER CONTRACT SEVERAL TIMES. THIS LADY DOES NOT SPEAK ENGLISH. MARK ROGERS DOES NOT SPEAK SPANISH. SHE WAS INSIDE SIGNING A CONTRACT BY THE HOUSE, NOT KNOWING WHAT SHE WAS SIGNING, WHO SHE WOULD BE REPRESENTED BY SOMEBODY, AN ATTORNEY OR SOMEBODY THAT WOULD REPRESENT HER. HER WARRANTIES ARE NOT BEING MET. YOU BUY A HOUSE FOR \$110,000 AND THE CITY IS NOT PROVIDING ADEQUATE INFORMATION TO PROTECT THE PEOPLE WHO ARE SIGNING THESE CONTRACTS. [ BUZZER SOUNDS ] THAT IS WRONG. AND WE'VE MET WITH PAUL HILLERS. I SAID THAT HAS NOT BEEN TAKEN CARE OF, PAUL, AND IT STILL HAS NOT BEEN TAKEN CARE OF. AND NOT ONLY THAT, GUADALUPE HAS AS CLAWS THAT THEY HAVE TO SELL -- CLAUSE THAT THEY HAVE TO SELL THE HOUSE BACK TO THEM. I NEED AN INVESTIGATION. I NEED SOME COUNCILMEMBER TO STEP UP AND INVESTIGATE THE NEIGHBORHOOD HOUSING PROBLEMS WE'RE HAVING. HERE SHE IS. YOU ASK HER IN SPANISH, RAUL. HOW COME SHE DID NOT HAVE AN ATTORNEY PRESENT WHEN SHE'S SIGNING THOSE CONTRACTS. THAT IS AGAINST THE LAW.

Mayor Wynn: PLEASE CONCLUDE. THERE WILL BE QUESTIONS ASKED, THANK YOU.

IF I COULD, WALTER, WOULD YOU PLEASE? WE HAVE A REPRESENTATIVE HERE FROM NEIGHBORHOOD HOUSING. WOULD YOU PLEASE FOLLOW UP WITH THIS LADY AND SEE IF WE CAN GET CLEAR, LUPE, WHAT HAPPENED ON THAT ISSUE?

LUPE MARINE, DEPUTY DIRECTOR FOR NEIGHBORHOOD HOUSING. I RECEIVED A CALL A COUPLE OF MONTHS AGO FROM JOE AND HIS SON TO PROVIDE SOME ASSISTANCE TO THEM AND INTERVENE IN WHAT HAD HAPPENED WITH HER. AND I DID. I FACILITATED WORK WITH MARK ROGERS AND

THE HABITAT FOR HUMANITY FOLKS TO HELP THEM RESOLVE A LOT OF THOSE ISSUES. MS. HERNANDEZ PROVIDED US A TOUR OF HER HOME WITH ABOUT -- GOSH, PROBABLY ABOUT 20 ITEMS IN HER HOME THAT NEEDED TO BE REPAIRED AND FIXED AND SO FORTH. SO WE PREPARED A DOCUMENT IN SPANISH FOR MS. HERNANDEZ AND BROUGHT IN THE GUADALUPE NEIGHBORHOOD FOLKS AND THEY'VE BEEN WORKING WITH HER THE LAST THREE MONTHS. I THINK ON THE 20 ITEMS, SHE SIGNED OFF ON ABOUT 18 OF THEM THAT'S BEEN COMPLETED. AND I THINK FROM TALKING TO MARK, I UNDERSTAND THAT SHE NOW HAS TWO OUTSTANDING ITEMS SHE HAS NOT SIGNED OFF OF, THAT SHE HAS CONCERNS WITH. AND SHE'S STILL WORKING WITH HER. SO REGARDING THAT, WE ARE -- WE HAVE MADE OURSELVES AVAILABLE TO PROVIDE ASSISTANCE TO HER AND HAD ACTUALLY OFFERED TO INTERVENE AND HELP RESOLVE THOSE ISSUES. AND I FEEL REALLY COMFORTABLE THAT WE HAVE GOTTEN -- AT THAT POINT I ACTUALLY DISMISSED MYSELF ONCE I DEVELOPED THAT LITTLE CONTRACT FOR GUADALUPE AND MS. HERNANDEZ WHEN I SAW WE WERE MAKING GOOD PROGRESS ON THE ISSUES. AND ILLUSTRATE OF THE ISSUES SHE HAD HAD TO DO WITH COMBINATION OF PAINT AND FLOOR REPAIRS AND SOME HVAC AND PLUMBING AND THINGS THAT NEEDED TO BE WORKED ON. AND HER ISSUES WERE DEFINITELY LEGITIMATE. AND LIKE I SAID, THE GUADALUPE NEIGHBORHOOD FOLKS STAFF HAVE WORKED VERY DILIGENTLY IN TRYING TO RESOLVE THE ISSUES. I JUST GOT OFF THE PHONE WITH MARK AND I UNDERSTAND HE IS STILL WORKING WITH MS. HERNANDEZ TO RESOLVE THE LAST TWO OR THREE REMAINING ISSUES.

ALL RIGHT. I APPRECIATE IT, LUPE.

Mayor Wynn: COUNCILMEMBER THOMAS.

Thomas: YES. CAN I ASK HER IN SPANISH, SOMEBODY ASK HER WHAT SHE BASICALLY SAID? ANOTHER THING I WANT TO ADD, WE DO CONTRACTS LIKE WHEN SHE SIGNED IT, IS THAT TRUE, DID WE HAVE A LANGUAGE BARRIER THERE? HOW DID YOU ALL HANDLE THAT WITH MARK ROGERS? I ASKED FOR IT AND I HAVEN'T GOT IT.

IN OUR CONTRACT WITH MARK, WE PROVIDE THE FUNDING AND GIVE HIM ALL THESE GUIDELINES. AND AT THAT TIME IT'S BETWEEN MARK AND THE HOMEOWNERS AS THEY WORK THROUGH IT. IF THEY NEED A TRANSLATOR, IF THEY NEED BILINGUAL, IF THEY NEED IT IN BRAILLE, IT'S BETWEEN THE HOMEOWNER AND GUADALUPE AND THE DIFFERENT DIFFERENT GROUPS.

THOMAS: YOU SAY IF THERE'S A LANGUAGE BARRIER, WE DON'T UNDERSTAND.

WE SAY IN THE CONTRACT WITH THE CHODO'S THAT THEY MUST MAKE ARRANGEMENTS TO ENSURE THAT THE CONTRACTS -- WHATEVER THE -- I DON'T HAVE IT IN FRONT OF ME. IT DOES SAY FOR THEM TO FOLLOW ALL THE LAWS REGARDING COMMUNICATION AND -- (INDISCERNIBLE). SO I THINK IN MY DISCUSSION WITH MS. HERNANDEZ FROM THE VERY BEGINNING IS THAT THEY DID HAVE A BILINGUAL STAFF MEMBER WITH THEM AT CLOSING FROM THE GUADALUPE NEIGHBORHOOD ASSOCIATION, AND THEY WENT THROUGH AND TRIED TO EXPLAIN SOME OF THAT. BUT THE REALITY IS SHE DIDN'T MAKE THE REQUEST TO PREPARE THE DOCUMENT IN SPANISH, BUT MARK DID INDICATE TO HER IN OUR DISCUSSION THAT HAD SHE DONE THAT, SHE THEY WOULD HAVE PROVIDED IT TO HER. I WOULD HAVE THOUGHT HAVING THE BILINGUAL PERSON IN THERE WOULD HAVE HELPED. BUT THIS IS LIKE TWO AND A HALF YEARS LATER.

(SPEAKING SPANISH).

Mayor Wynn: COUNCILMEMBER?

Alvarez: (SPEAKING SPANISH).

LUPE, IF YOU WILL DO THESE TWO THINGS FOR ME. CAN WE FOLLOW UP TO BE SURE IN OUR CONTRACT WITH GAIN, THAT WE WILL REQUIRE A CHECKLIST DISCUSSION OF ASKING DO YOU WANT THE CONTRACT IN SPANISH, DO YOU WANT A TRANSLATION. THAT WILL KIND OF -- I THINK IF WE WILL REQUIRE, THEY GO THROUGH THAT PROCESS AND I

DON'T THINK WE WILL HAVE THAT KIND OF DISCONNECT IN THE FUTURE. I APPRECIATE YOUR HELP IN RESOLVING THIS. ALSO, BY THE WAY, NOT TO JUMP TOPICS TOO HARD, BUT GUADALUPE WAS JUST RECENTLY RECOGNIZED BY THE HISPANIC WOMEN'S NET NETWORK ASSOCIATION AS SORT OF THE WOMAN OF THE YEAR. AND I MISSED YOUR EVENT. [ APPLAUSE ] CONGRATULATIONS.

Mayor Wynn: COUNCILMEMBER THOMAS.

Thomas: I WANT TO SAY THAT I APPRECIATE WHAT YOU DID. AND I JUST FEEL THAT THERE WAS SOMETHING GOING ON FOR THAT. AND THIS IS A NEW HOME SHE MOVED INTO IT.

RIGHT. IT'S BEEN ABOUT TWO AND A HALF YEARS. LIKE I SAID, WHEN WE GOT INVOLVED OR WHEN THEY BROUGHT IT TO OUR ATTENTION -- PROBABLY IT HAPPENED ABOUT THREE MONTHS AGO WHEN THEY BROUGHT IT TO MY ATTENTION, WE TOOK OUR CONSTRUCTION CREW AND TOOK THE PICTURES AND GOT EVERYBODY ON THE TABLE AND IDENTIFIED ITEM BY ITEM, PICTURE BY PICTURE AND WENT TO HER HOME TWO TIMES, THREE TIMES, AND WE DID A FINAL WALK THROUGH. FROM MY PERSPECTIVE, I HADN'T GOTTEN A CALL BACK FROM HER. BUT SHE KNOWS I'M AVAILABLE.

Thomas: THANK YOU VERY MUCH.

Futrell: ONE LAST PIECE ON THIS. I THOUGHT WE HAD RESOLVED THE PERMIT ISSUE, AND I WILL CHECK TO SEE WHAT IS GOING ON ON THE CONCERT ISSUE. AGAIN, I THOUGHT WE HAD THAT RESOLVED. WE CHECKED TWICE, BUT WE'LL FOLLOW UP ONE MORE TIME ON THAT.

Mayor Wynn: THANK YOU ALL. OUR NEXT SPEAKER IS MR. PAT JOHNSON. MR. PAT JOHNSON. NICOLE OSWALD. WELCOME. YOU WILL BE FOLLOWED BY AKWASI, EVANS.

HELLO. I OWN THE PROPERTY ON SOUTH FIRST WHERE COLE'S ICE HOUSE IS LOCATED. I'M HERE TO SPEAK IN SUPPORT OF COLE'S AND BETTER EXPLAIN OUR SITUATION THAT WE'RE HAVING DOWN THERE. AT THE LAST COUNCIL MEETING THERE WAS A GENTLEMAN THAT WAS SIGNED UP

TO SPEAK. HIS NAME WAS CHRIS BED LAMB AND HE WAS GOING TO SPEAK IN OPPOSITION OF US. HE DID NOT SHOW UP, SO I WANTED TO KIND OF REITERATE THE STEPS THAT WE'VE TAKEN WITH THE CITY OF AUSTIN TO MAKE SURE THAT WE'RE IN COMPLIANCE AND IN GOOD GRACES WITH OUR NEIGHBORHOOD AND NEIGHBORHOOD ASSOCIATION. OR BOULDIN CREEK. WE REALIZE WE'RE LOCATED IN THE BOULDIN CREEK NEIGHBORHOOD ASSOCIATION, THAT WE -- AND MANY OF THE OTHER MERCHANTS KIND OF HAVE A STRUGGLE WITH BEING IN A NEIGHBORHOOD. THE NEIGHBORHOOD ASSOCIATION HAS ITS OWN PROBLEMS WITH FIRST THURSDAYS RIGHT NOW AND SUCH, AND WE'RE KIND OF HAVING SOME PROBLEMS WITH SOME OF THE NEIGHBORHOOD AS WELL. SOME OF THE STRUGGLES THE NEIGHBORHOOD HAS IS IT'S AN UP AND COMING COMMERCIAL DISTRICT. THERE'S SPACE PROBLEMS, PARKING PROBLEMS, THERE'S NOISE ISSUES, THERE'S RESIDENTIAL NEIGHBORS VERY CLOSE TO COMMERCIAL BUILDINGS. AND WE DEAL WITH IT AND FIRST THURSDAYS DEAL WITH IT AS WELL. SO WE'VE TRIED TO IN THE MIDST OF THIS TAKEN MANY STEPS TO KIND OF HELP IMPROVE OUR SITUATION AND KIND OF HELP EASE THE NEIGHBORHOOD SO THAT WE CAN STAY AND SURVIVE WITH THEM AS A BUSINESS AND AS NEIGHBORS. IN JUNE WE MET WITH THE BOULDIN CREEK NEIGHBORHOOD ASSOCIATION TO BETTER ADDRESS ANY KIND OF CONCERNS THAT THEY HAD SO THAT WE COULD UNDERSTAND AND MAKE SURE THAT WE TOOK CARE OF IT EFFICIENTLY. SO WHEN WE DID OPEN, WE HAD PLANS AND APPLIED FOR A LATE HOURS PERMIT. THIS WAS ONE OF THE MAIN CONCERNS THAT THEY HAD WITH US. SO WE FORMALLY WITHDREW OUR LATE HOURS PERMIT SO THAT WE COULD STAY IN GOOD GRACES WITH THEM AND OUR NEIGHBORS AND NOT CAUSE ANY CONFUSION FOR WHAT WE'RE ACTUALLY INTENDING TO DO WITH OUR RESTAURANT AND OUR BUSINESS. SOME OTHER ISSUES WE HAD WERE PARKING. WHERE WE'RE LOCATED, IT'S NOT A VERY LARGE LOT, AND WITH THE CITY OF AUSTIN, WE'RE REQUIRED TO HAVE 10 SPACES, ONE OF THEM BEING A HANDICAPPED SPOT. OUT OF SIGHT WE HAVE OUR ONE HANDICAPPED SPOT. WE DO HAVE ADDITIONAL ROOM FOR -- THAT CARS CAN PARK IN, EXCEPT THEY DON'T MEET COMPATIBILITY STANDARDS FOR THE CITY OF AUSTIN, SO

WE HAD TO LEASE OFF SITE PARKING. WE DO NOW LEASE THE REQUIRED AMOUNT OF PARKING. AT 2007 -- 2008 WE LEASE PARKING SPACES. AT 2009 WE LEASE PARKING SPACES FROM ANOTHER BUSINESS. [ BUZZER SOUNDS ] BUZZ AND THAT GIVES US NINE PARKING SPACES, PLUS OUR ADDITIONAL ONE ON SITE HANDICAPPED SPOT. WE HAVE NOW ADDITIONALLY LEASED A PARKING LOT WHICH IS LOCATED ADJACENT TO (INDISCERNIBLE). THE PHYSICAL ADDRESS OF IT IS 805 WEST LIVE OAK, WHICH PERMITS US AN ADDITIONAL 10 PARKING SPACES. ON SITE OR NEXT TO 1807 WHERE WE'RE LOCATED, WE LEASE THE BUILDING AT 1805, WHICH WE USE FOR OFFICE, STORAGE AND A SMALL RETAIL CONSIGNMENT SHOP. WE DO CONSIGNMENT SALES WITH LOCAL ARTISTS AND MUSICIANS.

Mayor Wynn: PLEASE CONCLUDE.

I'M SORRY. SO WE'RE TRYING TO MAKE STEPS TO COMPLETE ALL OF OUR PARKING ISSUES AND STAY IN COMPLIANCE WITH THE CITY OF AUSTIN. WE'VE MET OUR ADDITIONAL ISSUES THAT THE NEIGHBORHOOD ASSOCIATION HAS ADDRESSED AND CONCERNED WITH, AND WE'D JUST LIKE TO HOPEFULLY STAY IN GOOD GRACES WITH THE CITY OF AUSTIN, OUR NEIGHBORHOOD, THE NEIGHBORHOOD ASSOCIATION AND LOOK FORWARD TO REOPENING SOON. SO THANK YOU VERY MUCH AND YOUR TIME.

Mayor Wynn: THANK YOU. I'LL TELL YOU, I BELIEVE COUNCIL HAS RECEIVED SEVERAL COMPLIMENTARY E-MAILS FROM RESIDENTIAL NEIGHBORS OF YOURS REGARDING YOUR EFFORTS. AKWASI EVANS? I HAVEN'T SEEN HIM THIS MORNING. JAKE BILLINGSLEY. WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY SUSANA ALMANZA.

THANK YOU, MAYOR AND COUNCIL FOR ALL YOUR HARD WORK AND UNDERSTANDING AND TOLERANCE. JOHN MAN SCIER ONCE SAID ANY MAN CAN KICK A BUILDING WHEN IT'S DONE, BUT IT TAKES A MAN TO BUILD ONE. FOR THE FIRST TIME THE MEMBERS OF CLARKSVILLE AND OWANA ARE WORKING TOGETHER AS A TEAM. A SHADE SCAPE HAS BEEN CONSTRUCTED, RESTORATIONS BEGAN ON THE HASKELL HOUSE AND COMMUNITY GARDENS AND A

PAVILION POWERING THE AUSTIN ENERGY GROUP WILL SOON BE CONSTRUCTED AT THE PARK. UNFORTUNATELY, I MUST DELIVER SOME CONSTRUCTIVE CRITICISM TO YOU ON SOME VERY IMPORTANT ISSUES. IF YOU WILL, A BRIEF LIST OF COMPLAINT. NUMBER ONE, I HAVE PETITIONS SIGNED BY OVER 210 CITIZENS ASKING FOR A CURB AND SIDEWALK IN THE 600 BLOCK OF PATTERSON AVENUE. CITY STAFF GAVE ADMINISTRATIVE WAIVERS FOR SUCH TO THE DEVELOPER AT 1710 WEST SIXTH STREET. THERE ARE ALSO LETTERS FROM AWAN NO AND CLARKSVILLE. THE COMMUNITY HAS ASKED TO REMOVE SIDEWALKS AND OTHER AMENITIES FROM THE ADMINISTRATIVE WAIVER PROCESS WHICH PROVIDES NO NOTICE AND NO APPEAL. A 20,000-DOLLAR GIVEAWAY IS SOMETHING THE CITY CANNOT AFFORD. NUMBER TWO, OUR NEIGHBORHOOD HAS ASKED CAPITAL METRO AND DEVELOPERS FOR THE WHOLE FOODS SITE TO ADDRESS THE LACK OF ANY PUBLIC TRANSPORTATION ACCOMMODATION AT THIS SITE. A BUS TURNOUT ON LAMAR WAS PROPOSED, BUT CAP METRO HAS BALKED. OTHER STATES AND COMMUNITIES HAVE REQUIREMENTS FOR PUBLIC TRANSPORTATION AS PART OF DEVELOPMENT, BUT NOT US. I URGE YOU TO WORK WITH CAP METRO AND IMPROVE THIS SITUATION. NUMBER THREE, I AM LIKE THOUSANDS OF OTHER LOW INCOME AND MINORITY APPLICANTS FOR AUSTIN HOUSING FINANCE CORPORATION HOME REPAIR LOANS. NONE OF US HAVE BEEN GRANTED A LOAN, WHEN THE STATE HISTORIC COMMISSION REPORTED HISTORIC DISBINS TO OUR HOMES. ALTHOUGH I'M WORK WG STAFF ON THIS ISSUE, IT REMAINS UNRESOLVED. IN 1997 THE CITY SIGNED A SETTLEMENT WHICH REMOVED ONE-THIRD OF THE LOW INCOME HOUSING FROM CLARKSVILLE. THERE WAS A SIMILAR LOSS IN THE HISTORIC BLACK POPULATION. IF THE BLACKS IN CLARKSVILLE -- (INDISCERNIBLE). IT IS MY BELIEF THAT THE CITY HAS VIOLATED A LAW. I HAVE PRESENTED MY FWREEFANCES A NUMBER OF TIMES AND IT IS PAST TIME FOR A RESOLUTION OF THIS MATTER. NUMBER FIVE, WHAT IS THE STATUS OF THE REPORT ON THE ZONE FOR AUSTIN DUE FROM CITY STAFF IN JUNE? AS A RESULT OF ALL NIGHT DISTURBANCES FROM UP, I HAVE INCURRED E.M.S. BILLS, AND THOUGH EVEN MY PAYMENTS WERE CURRENT, ISSUES THEY SENT MY ACCOUNT TO COLLECTION AND REFUSED TO WAIVE THE

FEES FOR ALL THE ADDITIONAL DISTRESS THEY CAUSED ME.  
[ BUZZER SOUNDS ] I HAVE ONE MORE THING IF I MIGHT. I  
WOULD ASK -- AND THIS IS REALLY MOST IMPORTANT  
TODAY. I WOULD ASK THAT THE CITY HONOR THE VALIDITY  
OF THE OLD WEST AUSTIN PLANNING TEAM, ITS OFFICERS,  
COMMITTEES AND BYLAWS AS ADOPTED AT THE JUNE 19TH,  
2004 MEETING OF THE NEIGHBORHOOD PLANNING TEAM. I'VE  
SERVED AS CHAIR OF THIS TEAM FOR QUITE AWHILE AND  
WORKED HARD TO MAKE IT AN INCLUSIVE AND FAIR TEAM. IF  
THE CITY DOES NOT DO THIS, AND IT'S MY INDICATION FROM  
MS. GLASGO BEFORE THIS MEETING THAT THE CITY DOES  
NOT INTEND TO UPHOLD THIS, I WOULD SAY THAT THE  
EXECUTIVE COMMITTEE MEETINGS THIS EVENING, AND  
INDICATIONS ARE ALL WILL RESIGN. AND IN SUCH CASE THE  
CLARKSVILLE COMMUNITY DEVELOPMENT CORPORATION  
HAS VOTED FOR ITS BOUNDARIES TO BE REMOVED FROM  
THE NEIGHBORHOOD PLAN. I'M PROVIDING THE CITY CLERK  
WITH A COPY OF THE PETITIONS AND THIS OTHER PACKAGE  
AND OTHER THINGS I HAVEN'T SENT YOU ON E-NOTICE. THE  
PLANNING -- NEIGHBORHOOD PLANNING TEAM ISSUE  
GRIEVES ME VERY GREATLY. THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU.

Futrell: IF I COULD REAL QUICKLY, MR. BILLINGSLEY, I AM  
GOING TO ASK MY ASSISTANT TO GET A COPY OF YOUR  
COMMENTS SO I CAN GO DOWN YOUR LIST, SEE WHAT I CAN  
DO TO HELP. I ALSO HAVE RICHARD HARRINGTON HERE  
FROM E.M.S. SO WE CAN SEE ABOUT WHAT TO DO WITH  
WHAT'S HAPPENING WITH YOUR BILLS FROM E.M.S. AND AN  
ANALYSIS ON THE PLANNING TEAM ISSUE.

THANK YOU. ALICE GLASGO, DIRECTOR OF NEIGHBORHOOD  
PLAN AND ZONING DEPARTMENT. I RECENTLY BECAME A  
WEAR OF THE ISSUES THAT -- AWARE OF THE ISSUES THAT  
HAVE ARISEN WITHIN THE OLD WEST AUSTIN  
NEIGHBORHOOD PLANNING AREA. I WOULD LIKE TO  
APPLAUD MR. BILLINGSLEY AND EVERYBODY WITHIN THAT  
AREA THAT HAVE BEEN WORKING TOWARDS THE CREATION  
OF A NEIGHBORHOOD PLANNING TEAM AS DISCUSSED BY  
THE ORDINANCE. IT CAME TO OUR ATTENTION, THOUGH,

AND AT THE REQUEST OF MR. BILLINGSLEY EARLIER THIS SUMMER TO SEND NOTICES TO INVITE PEOPLE TO A MEETING PER THE ORDINANCE THAT THE CITY COUNCIL ADOPTED A YEAR OR SO AGO. THE MEETING FOR THE JUNE -- THE NOTICES DID NOT GO OUT TO EVERYBODY WITHIN THE BOUNDARIES OF THE NEIGHBORHOOD PLAN. ALTHOUGH STAFF DID INDICATE THAT THAT SEEMED ADEQUATE AT THAT TIME, WE RECEIVED CONCERNS FROM OTHER INTERESTED PARTIES WHO EXPECTED THAT THERE WOULD HAVE BEEN A NOTICE THAT WENT OUT TO THE 2800 RESIDENTS, BUSINESS HOMEOWNERS AND TENANTS WITHIN THE BOUNDARIES. STAFF ASKED MR. BILLINGSLEY THEN TO POSTPONE THIS MEETING GIVEN THE CONCERNS THAT -- THE NOTICES THAT HE HAD SENT FOR THE MEETING OF JUNE 19TH WAS NOT BROAD ENOUGH AND DID NOT REPRESENT WHAT COUNCIL HAD INTENDED IN CREATING THIS BROADER CONTACT TEAM. MR. BILLINGSLEY DID NOT POSTPONE THE MEETING, WHICH CREATED CONFUSION AMONG PARTICIPANTS WHETHER TO GO TO THAT MEETING OR NOT. WE VOLUNTEERED AS STAFF TO HOST A MEETING AFTER SENDING OUT NOTICES TO 2800 RESIDENTS AND UTILITY CUSTOMERS TO A MEETING WHICH WAS ATTENDED BY 53-SOME PEOPLE. AT THAT MEETING, 1717 PARTICIPANTS VOLUNTEERED TO PARTICIPATE IN A BROADER CONTEXT TO COME UP WITH BYLAWS AND A PROCESS TO PROCEED. THAT IS THE MEETING FROM WHICH WE WOULD LIKE TO BEGIN WORKING. THOSE CITIZENS WHO SIGNED UP -- AND MR. BILLINGSLEY WAS AT THE AUGUST 10TH MEETING. AND THAT IS THE MEETING WE BELIEVE THAT REPRESENTS THE INTENT OF THE COUNCIL DECISION THAT WANTED A BROADER REPRESENTATION THAT CAPTURES THE MAKEUP OF THAT COMMUNITY, AND THAT'S REALLY THE INTENT OF THIS PROCESS. OUR ROLE IS TO PROVIDE TECHNICAL SUPPORT AND A SYSTEM IN WRITING THE BYLAWS AS ASKED FOR IN THE ORDINANCE. WE WOULD LIKE TO CONTINUE TO WORK WITH A GROUP THAT WAS SET UP ON AUGUST 10TH. THANK YOU, COUNCIL. AND I DID SEND A MEMO OUT TO YOU EXPLAINING THE SITUATION.

Mayor Wynn: THANK YOU. QUESTIONS OF MS. GLASGO, COUNCIL? THANK YOU. THANK YOU, MR. BILLINGSLEY.

MAYOR, I WOULD JUST SAY THAT I WAS NOT ASKED TO

POSTPONE THAT JUNE 19TH MEETING. THANK YOU.

Mayor Wynn: THANK YOU. SUSANA ALMANZA? WELCOME. YOU WILL BE FOLLOWED BY MICHAEL AUSTIN. YOU WILL HAVE THREE MINUTES.

GOOD AFTERNOON, MAYOR AND CITY COUNCILMEMBERS. I'M SUSANA ALMANZA WITH PODER, PEOPLE ORGANIZED IN DEFENSE OF EARTH AND HER RESOURCES AND ALSO TODAY REPRESENTING THE JOHNSTON GOVALLE NEIGHBORHOOD TEAM ON THE REVIEW COMMITTEE, WHICH WE HAVE NOW CALLED AND ESTABLISHED OUR OWN PLANNING COMMISSION FOR OUR NEIGHBORHOOD PLAN AREA. AND I'M HERE TO REQUEST VISITATION OF DANNY THOMAS AND RAUL ALVAREZ TO MEET WITH THE RESIDENTS ON PERRY ROAD WHO ARE CONCERNED ABOUT THE 100-HOME DEVELOPMENT ON PERRY ROAD. THIS CASE THAT'S CA-04-0070 SH, WHICH IS SITE DEVELOPMENT SUBDIVISION, HAS BEEN PROPOSED UNDER SMART HOUSING, HAS BEEN POSTPONED BY THREE WEEKS. BUT WE'RE VERY CONCERNED. FOR ONE THING, IN OUR NEIGHBORHOOD PLAN WE SAID THAT WE WANTED HOUSING BUILT IN CHARACTER OF THE NEIGHBORHOOD. THIS PARTICULAR STRIP OF LAND, WHICH I THINK THEY'RE TRYING TO GET UP THERE SO YOU CAN SEE WHERE IT'S AT, UNFORTUNATELY, WE HAD A LOT OF TECHNOLOG PROBLEMS THIS MORNING, BUT THE HOUSES ARE JUST ABOUT ON AN ACRE OF LAND. SO YOU CAN IMAGINE THAT ALL OF THESE HOMES ON PERRY LANE THAT GOES BETWEEN BOHM ROAD AND JANE LANE ARE STRUCTURED HOUSES EXCEPT THE ONE HOUSE ON THE CORNER OF JANE LANE AND PERRY ROAD. AND WHAT'S HAPPENING IS THAT THIS PARTICULAR SUBDIVISION, PROPOSED SUBDIVISION SITE PLAN WE FELT SHOULD HAVE GONE BEFORE THE ENVIRONMENTAL BOARD. IT HAS CRITICAL ENVIRONMENTAL FEATURES ON IT. IT HAS WATER WELLS THAT ARE THERE. IT HAS A TRIBUTARY TO THE BOGGY CREEK. IT ISN'T IN THE FLOODPLAIN, AND YET IT RECEIVED AN ADMINISTRATIVE WAIVER. ALSO THEY GOT A WAIVER OF THE 50-FOOT SET BACK FOR THE RETENTION POND, WHICH WE FEEL SHOULD NOT HAVE TAKEN PLACE. SO WE DO FEEL THAT THIS CASE SHOULD GO BACK TO THE ENVIRONMENTAL BOARD. WILL OTHER THING IS THAT THIS CASE DID NOT COME BEFORE OUR PLANNING COMMISSION,

THE PLANNING COMMISSION OF THE JOHNSTON GOVALLE TEAM. AND WE'VE HAD A REVIEW, WE'VE MET WITH STAFF SAYING THAT WE'RE ABIDING SETTING UP OUR NEIGHBORHOOD PLAN, HAVE OUR NEIGHBORHOOD PLAN TEAM. WE'VE HAD VARIOUS DEVELOPERS COME TO THE REVIEW COMMITTEE, TALK WITH THEM. WE'VE EVEN WORKED OUT A COMPROMISE WITH THE SAINT LOUIE BUS STOWR. SO WE'RE WORKING WITH THE PROCESS THAT THE CITY HAS SET UP FOR THE NEIGHBORHOOD PLAN PROCESS FOR CONTROLLING YOUR NEIGHBORHOOD PLANS AND YET WE HAVE CONSTANTLY -- YOU HEARD A.C.C. DID NOT COME BEFORE US AND NOW THIS PERRY ROAD, WE DID HAVE A MEETING -- I'M NOT GOING TO SAY WE DIDN'T HAVE A MEETING, BUT THAT WAS AFTER THE FACT, THE FACT THAT WE HAD TO ASK FOR POSTPONEMENT. [ BUZZER SOUNDS ] SO WE ARE REQUESTING THAT DANNY THOMAS AND ARERAUL ALVAREZ, IF YOU WOULD WORK WITH US AND HAVE A MEETING WITH THE EXUNT BECAUSE THIS IS A HIGH DENSITY PROJECT. YOU'RE TALKING ABOUT 100 HOMES THAT ARE NOT GOING TO BE WITHIN THE CHARACTER OF THAT COMMUNITY. WE'RE NOT AGAINST THE HOUSING. WE WANT TO HAVE LESS HOUSING IN THAT AREA BECAUSE IF YOU SEE THE PLAN, IT'S VERY SHOCKING FOR THAT AMOUNT OF HOUSES TO BE THERE, AND PLUS THEY'RE VERY CONCERNED ABOUT THE PROPERTY TAX IMPACT. YOU'RE TALKING ABOUT 90 TO 125,000-DOLLAR HOMES BUILT WHEN YOU HAVE HOMES THAT ARE VALUED AT 50,000 OR SO IN THAT AREA. SO WE ASK FOR YOUR ASSISTANCE ON THIS CASE ALSO.

Mayor Wynn: THANK YOU. COUNCILMEMBER ALVAREZ.

Alvarez: MS. ALMANZA, DID -- WHAT WAS THE OUTCOME OF YOUR PLANNING COMMISSION MEETING? WASN'T THERE A MEETING THIS WEEK ABOUT THAT?

YES. WHAT HAPPENED WAS IT WAS POSTPONED -- TWO WEEKS BEFORE WE HAD HAD A MEETING WITH THE PLANNING COMMISSION ON THIS PARTICULAR -- MAYBE IT WAS FOUR WEEKS. AND THEY ACTUALLY VOTED BECAUSE THEY WERE SAYING AS LONG AS IT MET THE SUBDIVISION REQUIREMENTS THEY HAD NO OTHER WAY TO TOP IT. THEY THEN CAME BACK AND RESCINDED THEIR VOTE BECAUSE

THE NOTICES WEREN'T DONE APPROPRIATELY. SO THAT'S WHERE WE'RE AT. THEN WE CAME BACK AND POSTPONED IT FOR THREE WEEKS. SO THAT'S THE STATUS. THIS PLANNING COMMISSION, WE GOT IT POSTPONED FOR THREE WEEKS.

ALVAREZ: AFTER THE FIRST TIME IT WENT TO PLANNING COMMISSION, I ACTUALLY CONTACTED THE DEVELOPER AND SAID CAN YOU MEET AND TALK WITH THE NEIGHBORHOOD REPRESENTATIVES TO WORK OUT ANY ISSUES, WHICH HE SAID HE WOULD.

WELL, HE MET WITH US AUGUST THE 16TH -- I THINK IT WAS THE 18th OR THE 17TH. IT WAS A THURSDAY. SO THAT WAS RIGHT BEFORE THE FOLLOWING WEEK THAT THE PLANNING COMMISSION. BUT HE WAS NOT WILLING TO NEGOTIATE THE AMOUNT OF HOMES. HE WAS WILLING TO DO SOME OTHER LANDSCAPING, THE LIGHT POLLUTION, ALL OF THOSE THINGS, BUT HE WAS NOT WILLING TO NEGOTIATE ON THE AMOUNT OF HIGH DENSITY OF HOMES THAT HE'S GOING TO BUILD IN THIS TINY LITTLE AREA.

Alvarez: I HAVEN'T SEEN THE LAYOUT. I THINK I REQUESTED A COPY OF THE PROPOSED SUBDIVISION.

PLEASE MAKE SURE THAT COUNCILMEMBER ALVAREZ AND COUNCILMEMBER THOMAS GET THAT LAYOUT.

AND ALSO SOME OF THE ISSUES YOU RAISED WE'LL TRY TO FOLLOW UP ON AS WELL.

THANK YOU SO MUCH.

Mayor Wynn: OUR NEXT SPEAKER IS MICHAEL AUSTIN. WELCOME, MR. AUSTIN. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY JENNIFER GALE.

THANK YOU, MAYOR WYNN AND MEMBERS OF CITY COUNCIL. MY NAME IS MICHAEL AUSTIN, AND I BUILT A HOUSE IN ACCORDANCE WITH ALL APPLICABLE CODES. I APPLIED FOR AND RECEIVED ALL REQUIRED PERMITS, BUT IN SPITE OF THIS THE CITY IS REFUSING TO GRANT AN ELECTRICAL HOOKUP FOR MY HOUSE. IT SITS THERE WITHOUT POWER, AND EVERY MONTH I MUST PAY THE MORTGAGE ON THE

HOUSE, WHICH IS UNLIVEABLE AND THE RENT FOR AN APARTMENT I DON'T WISH TO BE IN. IN MARCH OF 2003 I PURCHASED LOT 10, BLOCK 31, AUSTIN LAKE HILLS SECTION ONE. IT'S IN AUSTIN'S TWO-MILE E.T.J., AND AT THAT TIME I PURCHASED THE LOT, THE STREETS WERE UNIMPROVED. I PURCHASED CITY OF AUSTIN ELECTRIC PERMITS NUMBER 03412 NINE AND 4130 AND CLASS A TRAVIS COUNTY BASIC DEVELOPMENT PERMIT NUMBER 031526. DISWO MONTHS AFTER SUR -- TWO MONTHS AFTER SECURING THESE A RED TAG SHOWED UP ON MY PERMIT THAT I WASN'T NOTIFIED. SO THIS DATE NO NOTICE HAS BEEN POST ODD MY PROPERTY OR SENT THROUGH THE MAIL. I ONLY FOUND THIS RED TAG MONTHS LATER WHEN IT WAS TIME TO GET THE ELECTRICAL CONNECTION TO THE GRID, BUT THE CITY REFUSED TO PROVIDE IT. BY THIS TIME, WHICH IS AROUND OCTOBER OF LAST YEAR, MY NEW HOUSE WAS SUBSTANTIALLY COMPLETE. MY ELECTRIC PERMIT CLAIMS A QUOTE, ENGINEERING AND LANDSCAPING INSPECTIONS HOLD. AFTER MONTHS OF BEING STONEWALLED, I LEARNED THAT THE RED TAG WASN'T ACTUALLY ON MY PROPERTY, BUT INSTEAD IT APPLIED TO THE SUBDIVISION AS A HOLE WHOLE. THAT IT WASN'T THE RESULT OF ANY ACTION OF MINE AND IT DID NOT RELATE TO MY LOT DIRECTLY. IN OTHER WORDS, NEITHER MY LOT, MY CONSTRUCTION PROJECT OR MY PERMITS WERE THE DIRECT OBJECT OF THIS RED TAG. THE PROBLEM WAS WITH THE SUBDIVISION IN GENERAL, SO THE RED TAG APPLIED TO ME ONLY N INDIRECTLY. NER THELESS, WATERSHED PROTECTION INSISTED THAT THE ONLY WAY TO HAVE THE RED TAG REMOVED WAS TO HAVE THE ENTIRE SUBDIVISION RE-ENGINEERED. THEY WANTED NEW SURVEYS AND DRAINAGE STUDIES, AND WHO KNOWS WHAT ELSE, IN ORDER TO MAKE SURE ROADS IN THE SUBDIVISION WILL BE BUILT WHERE THE PLAT SAYS THEY SHOULD BE BUILT. I'M NOT A DEVELOPER. I'M A LOT OWNER TRYING TO BUILD A SINGLE-FAMILY HOMESTEAD RESIDENCE. EVEN IF I HAD THE HUGE AMOUNT OF CAPITAL REQUIRED FOR RE-ENGINEERING THE SUBDIVISION, I KNOW THAT THIS IS NOT MY RESPONSIBILITY. MY RESPONSIBILITY IS TO BUY PERMITS AND BUILD A HOUSE IN ACCORDANCE WITH CODE. IT IS THE CITY'S RESPONSIBILITY TO HONOR THESE PERMITS AND TO MEET THEIR END OF THE OBLIGATION. IN SPITE OF THIS, IN

JANUARY AND IN DESPERATION I CONTRACTED WITH A LOCAL COMPANY TO ENGINEER A PORTION OF MY STREET, THE 350 FEET THAT I WOULD ACTUALLY BE USING TO ACCESS MY HOME. THE \$5,000 I SPENT ON THIS HAS BORNE NO FRUIT. FURTHERMORE, THERE IS A NEW DEVELOPER WORKING ON THE THINGS WATERSHED PROTECTION HAS ASKED FOR, PRIMARILY NEW STUDIES FOR ROAD INSTRUCTION. HE INTEND TO PREPARE THE LOTS FOR CONSTRUCTION. HIS ENGINEERING IS NOW COMPLETE, BUT HIS APPLICATION IS BEING BLOCKED BY THE CITY. THE BOTTOM LINE IS THIS: ON THE ONE HAND -- [ BUZZER SOUNDS ] -- WATERSHED PROTECTION IS DEMANDING I DO SOMETHING THAT I CANNOT POSSIBLY DOVMENT AS AN INDIVIDUAL HOMEOWNER IT IS BEYOND MY NEEDS AND RESPONSIBILITY TO TAKE UP THE MANTEL OF DEVELOPER AND ON THE OTHER HAND THEY ARE PREVENTING THE ACTUAL DEVELOPER FROM GETTING HIS JOB DONE. I HAVE JUST A LITTLE MORE.

Mayor Wynn: PLEASE CONCLUDE.

IN THE MEANTIME I'M STUCK IN THE MIDDLE WAITING. IT'S BEEN ALMOST A FULL YEAR SINCE POWER SHOULD HAVE BEEN HOOKED UP AT ANY HOUSE. I COULD HAVE EASILY MOVED IN SIX MONTHS AGO. THE HOUSE HAS ACCESS, EVEN THOUGH IT'S NOT PAVED, BUT FRANKLY, I COULD CARE LESS WHETHER THE STREET IS PAVED. I GREW UP IN THE COUNTRY. I'M USED TO CALICHE ROAD. I KNOW AUSTIN IS NOT SERVE A PROPERTY THAT IS NOT PLATTED, BUT MY LOT IS PLATTED. I BOUGHT THE ELECTRIC PERMIT AND AUSTIN ENERGY MADE A CONTRACT TO SERVE ME IF I WIRED THE HOUSE IN ACCORDANCE WITH THEIR CODE REQUIREMENTS. I HAVE DONE THIS. PLEASE TELL WATERSHED PROTECTION TO RELEASE THE HOLD ON MY PROPERTY. PLEASE TELL AUSTIN ENERGY TO SET A METER AND LET ME OCCUPY MY HOME. A DEAL IS A DEAL. THANK YOU FOR YOUR TIME AND CONSIDERATION.

Mayor Wynn: THANK YOU, MR. AUSTIN.

Futrell: I GUESS, TAMMY, JOE, WHO WANTS TO TRY TO TAKE THIS. THIS IS A COMPLICATED ISSUE. THE FACT IS THAT UTILITY HOLDS ARE USED WHEN THERE ARE STOP WORK

ORDERS. THIS IS EVIDENTLY, AN ILLEGAL, OUT OF COMPLIANCE SUBDIVISION. THE SUBDIVISION IS NOT EVEN IN THE CITY'S E.T.J. WHEN IT BEGAN DEVELOPMENT. TAMMY, IF YOU CAN RUN THROUGH WHERE WE ARE AND IF YOU CAN GET US TO HOW WE ARE MOVING TOWARDS A SOLUTION THAT WILL HELP OCCUPATION FOR RESIDENCE OR SOON TO BE RESIDENTS OF THIS SUBDIVISION.

WHAT WE WANTED TO DO WAS HAVE THE OPPORTUNITY -- WE JUST FOUND OUT ADDITIONAL INFORMATION TODAY THAT MAY PUT US IN A POSITION TO HELP MR. AUSTIN. AS IT STANDS TODAY, THE SUBDIVISION HAS A RED TAG BY THE CITY AS WELL AS THE COUNTY FOR HEALTH AND SAFETY CONCERNS AS WELL AS AN ENVIRONMENTAL INSPECTION ISSUE. SO WHAT WE WANT TO DO IS WANT TO LOOK AT SOME OF THE OPTIONS. AND WE DO BELIEVE THERE MAY BE AN OUT FOR MR. AUSTIN. WE JUST WEREN'T ABLE TO MAKE CONNECTION TODAY. SO IT MAY BE SOMETHING THAT WE BRING BACK BEFORE YOU THAT MAY ASSIST MR. AUSTIN.

HIS LOT IN PARTICULAR?

HIS LOT AND POSSIBLY THE SUBDIVISION. AS WE GO BACK AND DO THE REMAINDER OF THE RESEARCH, IT MAY HELP THE SUBDIVISION AS A WHOLE. AND WE'RE WORKING WITH THE LEGAL DEPARTMENT TO DO THAT.

Futrell: ALL RIGHT. WILL YOU PUT A MEMO OUT TO COUNCIL IF WE CAN, IF NOT TOMORROW, MONDAY, SO THAT THEY'RE AWARE OF WHAT THE SITUATION IS AND COPY ME ON THAT ALSO SO WE CAN FOLLOW THIS?

YES.

Futrell: THANKS.

Goodman: MAYOR. AND CITY MANAGER, AS PART OF THAT MEMO AND PART OF THAT INFORMATION, I WOULD LIKE TO KNOW MORE PARTICULARS ABOUT THE SUBDIVISION, WHO WAS THE APPLICANT, WHEN IT WAS APPROVED, AND ANY SPECIFICS THAT WENT WITH THAT APPROVAL THAT SHOULD HAVE HAPPENED OVER THE YEARS, BECAUSE IT'S VERY DIFFICULT TO ASK STAFF TO IGNORE HEALTH AND SAFETY

ISSUES TO BE ENFORCED. I'D LIKE TO KNOW THE LIABILITY OF THE CORPORATION OR PERSON WHO ORIGINALLY APPLIED FOR THE SUBDIVISION AND DIDN'T FOLLOW THROUGH.

Futrell: I'LL SHARE THIS MEMO RIGHT HERE FOR YOU, BUT THERE ARE A FEW QUESTIONS I STILL HAD AND WE'LL GET THAT INFORMATION FOR YOU.

EXCUSE ME, MAY I ASK FOR A CONTACT NAME AND NUMBER?

TAMMY IS GOING TO COME RIGHT AROUND HERE. TAMMY IS THE ASSISTANT DIRECTOR OF DEVELOPMENT REVIEW, SECTION AND WATERSHED. AND SHE'S GOING TO BE THE PERSON WHO WILL WALK YOU THROUGH THIS.

Mayor Wynn: THANK YOU. WE'RE SORRY FOR YOUR TROUBLES. JENNIFER GALE, WELCOME, YOU WILL HAVE THREE MINUTES.

HI, AUSTIN. I HOPE EVERYONE'S RELIVING THEIR VACATIONS OVER AND OVER AGAIN. I HAD A GREAT ONE UP IN WISCONSIN, BUT IT'S GOOD TO BE BACK IN TEXAS. CITY MANAGER, TOBY FUTRELL, CITY ATTORNEY DAVID SMITH, THE FIVE COUNCILMEMBERS, SLUSHER, ALVAREZ, DUNKERLEY, MCCracken AND MY FAVORITE, DANNY THOMAS, MAYORS GOODMAN AND WYNN. THANK YOU FOR GIVING ME THIS OPPORTUNITY TO SPEAK BEFORE YOU. I'M JENNIFER GALE. I WILL BE APPEARING MORNINGS AT AUSTIN COMMUNITY COLLEGE NORTH RIDGE TO COLLECT SIGNATURES FROM REGISTERED VOTERS. THANK YOU TO CAPITAL METRO FOR FUNDING THE E BUS SO THAT OUR BUDDING ALCOHOLICS AND DOWNTOWN PARTY ANIMALS HAVE A WAY TO GET TO AND FROM CAMPUS. I ASKING THE CITY COUNCIL TO DO A RESOLUTION ASKING FOR PRESIDENT BUSH TO STEP DOWN. THE INJURIES TO TENS OF THOUSANDS MORE, THE THOUSAND LIVES THAT OUR CHILDREN WHILE SERVING IN THE MILITARY AND AT LEAST 30,000 AMERICAN SERVICE MEMBERS THAT ARE INJURED. WE NEED TO HAVE ANOTHER REPUBLICAN VOTE FOR THE WHITE HOUSE. LET'S ALSO SPONSOR A RESOLUTION STATING THAT THOSE WHO DRINK AND DRIVE AND KILL A

FAMILY MEMBER OR FAMILY MEMBERS ARE COMMITTED PREMEDITATED MURDER AND SHOULD SPEND THE REST OF THEIR LIVES IN PRISON. KEEP AUSTIN COMMUNITY COLLEGE DOESN'T MEAN BUILDING A LIGHT RAIL SYSTEM THAT KEEPS YOUR NEIGHBORS JUST FEET FROM YOUR HEAD AS YOU LISTEN TO THEM NEXT DOOR. IT MEANS HAVING A SMALL TOWN AUSTIN WHERE PEOPLE GET TO KNOW AND CARE ABOUT ONE ANOTHER. I WONDER WHERE ALL THE PEOPLE THAT ARE GOING TO MOVE INTO WEST CAMPUS FROM THE UNITS OUT, WHAT'S GOING TO HAPPEN TO THE UNITS OUT FROM WEST CAMPUS THAT ARE NOW VACATED? THANKS TO THE REPORT ON AM KLBJ YESTERDAY, WE HAVE LEARNED THAT IT IS INEVITABLE THAT WE ARE GOING TO BUILD LIGHT RAIL, AND HE IS THE VOICE FOR THE CHAMBER OF COMMERCE, I'VE NOTICED. I'M OPPOSED TO BUILDING LIGHT RAIL. THAT DOESN'T SOUND BAD, BUT THIS ISN'T COMMUTER RAIL, THIS IS LIGHT RAIL. THIS IS A FACADE. THE REASON PEOPLE DRIVE IS BECAUSE IT'S FUN. IF YOU DON'T LIKE TO DRIVE, MOVE CLOSER TO WORK. MOST PEOPLE ON THE ROAD BECAUSE THEY LIKE SHARING THE ROAD WITH THEIR NEIGHBORS. THE WHOLE IDEA BEHIND LIGHT RAIL IS SO THEY CAN PACK US IN LIKE RATS. FOR THE REAL ESTATE COUNCIL OF AUSTIN TO GENERAL TRA FI THE NEIGHBORHOODS AND MAKE LOTS OF MONEY. I'M ASKING PEOPLE TO VOTE TODAY FOR THE ISD BOND. IT'S YOUR TAX DOLLARS THEY'RE ASKING MORE TO MAKE UP FOR THE MAINTENANCE PROBLEMS. AND REMEMBER, THEY HAVEN'T FULLY TAKEN CARE OF THE BONDS FROM THE LAST ELECTION CONCERNING SOCIAL EQUITY. THANK YOU VERY MUCH. IT'S GOOD TO BE BACK.

Mayor Wynn: THANK YOU, MS. GALE. COUNCIL, THAT CONCLUDES ALL THE CITIZENS THAT HAVE SIGNED UP FOR GENERAL COMMUNICATIONS. THERE BEING NO FURTHER DISCUSSION ITEMS UNTIL THE 2:00 O'CLOCK TIME CERTAIN ITEMS, AT THIS TIME WE WILL GO BACK INTO EXECUTIVE SESSION PURSUANT TO SECTION 551.071 UNDER THE OPEN MEETINGS ACT. WE WILL TAKE UP ITEMS 46, 47, 48. IF WE TAKE UP ITEM 47, I WILL RECUSE MYSELF. THANK YOU. TEST TEST TEST THIS IS A TEST, TEST TEST TEST THIS IS A TEST, THIS IS A TEST OF THE AUSTIN CITY COUNCIL CAPTIONING SYSTEM. TEST TEST TEST THIS IS A TEST, THIS IS A TEST OF

THE CITY COUNCIL CAPTIONING SYSTEM. TEST TEST TEST  
TEST TEST TEST THIS IS A TEST, 1, 2, 3, 4, 1,

TOOK UP ITEM NO. 46 RELATED TO THE TRAVIS COUNTY  
HOSPITAL DISTRICT, NO DECISIONS WERE MADE. THERE  
BEING A QUORUM PRESENT IN THE ROOM, I WILL CALL BACK  
TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. WE  
WILL TAKE UP OUR 2:00 BOND SALES, WE WILL WELCOME  
MR. BILL NEWMAN.

THANK YOU.

GOOD AFTERNOON, MAYOR AND COUNCIL, I'M BILL NEWMAN  
WITH PUBLIC FINANCIAL MANAGEMENT, WE SERVE AS  
FINANCIAL ADVISOR TO THE CITY. CHRIS ALLEN IS GOING TO  
GIVE OUT SOME BOOKLETS REGARDING THESE SALES, I  
WILL BE SPEAKING TO YOU ABOUT ITEM NOS. 50, 51, 52, 53.  
AS HE GIVES THESE OUT, I WILL MENTION WHAT WE ARE  
LOOKING AND SELLING ITEM 50, \$2,430,000 FUNDING BONDS,  
51 SERIES 2004, 12 IS 67,835,000 PUBLIC IMPROVEMENT  
REFUNDING 7 BOND SERIES 2004, 53 IS \$21,830,000 PUBLIC  
PROPERTY FINANCE CONTRACTUAL OBLIGATION SERIES  
2004. WE WILL WALK THROUGH THIS BOOK REAL QUICKLY, IF  
THAT'S OKAY. ON PAGE TWO IT GIVES YOU A DESCRIPTION  
OF WHAT THE SPECIFIC BOND ISSUES ARE BEING SOLD FOR.  
ON PAGE 3 A LIST OF THE ISSUES, ONCE AGAIN, AND THE  
PARTICULARS ON THE PLAYERS WHO WORKED ON THIS  
TRANSACTION, BOND COUNSEL IS HERE WITH US, WITH  
McCALL, PARKERS AND HORTON. PAGE 4 IS A MARKET  
UPDATE. QUITE FRANKLY ALL THAT BIG PARAGRAPH SAYS IS  
THAT THERE'S VERY LITTLE VOLUME IN THE MARKET AT THIS  
POINT IN TIME. THAT'S GOOD FOR US. THAT MEANS THERE'S  
A LOT OF DEMAND FOR OUR PRODUCT. PAGE 5 GIVES YOU  
AN INDICATION OF WHAT THE MARKET HAS DONE OVER THE  
LAST YEAR. YOU WILL SEE BETWEEN APRIL OF THIS YEAR  
AND MAY, IT ACTUALLY JUMPS ON 75 BASIS POINT FROM A 40  
YEAR LOW. WE ARE STILL IN FAIRLY GOOD SHAPE. 20 YEAR  
TREASURY AT 483, 20 YEAR GENERAL OBLIGATION BOND  
AVERAGE INDEX. PAGE 6 SHOWS YOU THE RATING ON THE  
BONDS. VERY HIGH RATING, MOODY'S DOUBLE A TWO,  
STANDARD POOR'S DOUBLE A PLUS ... AS I MENTIONED  
EARLIER, PAGE 7 VERY LITTLE VOLUME IN THE MARKET  
TODAY. NEGOTIATED SALES AT THE BOTTOM OF THE PAGE

TO SOME DEGREE ARE REFUNDINGS, PROBABLY DON'T COME THIS WEEK. TO GO BACK AND SUM UP THE BOND ISSUES, IF I COULD, ITEM NO. 50, THE 2,430,000 TRANSACTION WAS A TAXABLE DEAL. ONLY 10 YEARS IN LENGTH AND TAXABLE TRANSACTIONS USUALLY COME HIGHER THAN TAX EXEMPT DEALS. YOU HAVE A TOTAL OF SEVEN BIDS ON THAT, HOWEVER, A LOT OF INTEREST. EXCUSE ME. YOUR LOWEST TIC BID WAS 4.674. ITEM NO. 51, \$25 MILLION CERTIFICATES OF OBLIGATION. SERIES 2004. THAT'S A 20 YEAR TRANSACTION. TAX EXEMPT TRANSACTION, YOU GOT A TOTAL OF 8 BIDS ON THIS ONE AGAIN, WHICH IS A GOOD REPUTATION OF THE -- REPRESENTATION OF THE INTEREST IN THIS TRANSACTION. THE LOWEST TIC BID ON THAT ONE WAS 4.2827. ITEM NO. 52, THE \$67,385,000 PUBLIC IMPROVEMENT REFUNDING BONDS, A TOTAL OF 8 BIDS ON, ALSO A 20 YEAR TRANSACTION, BUT YOU GOT A BID ON THAT ONE SLIGHTLY LOWER THAN THE 25 MILLION CO, IT WAS 4.278. THE ROPE FOR THAT SLIGHT DIFFERENCE -- THE REASON FOR THAT SLIGHT DRIRCHS IN THAT ALMOST EXACT TRANSACTIONS THAT LARGER DEAL SELLS IN MUCH LARGER MATURITIES. 21,830,000 PUBLIC PROPERTY FINANCIAL CONTRACTUAL OBLIGATIONS A RELATIVELY SHORT TRANSACTION, ONLY SEVEN YEARS IN LENGTH SINCE IT'S FOR EQUIPMENT. THE CITY RECEIVED A TOTAL OF 9 BID ON THAT ONE. TIC WITH 2.85%. WHICH AGAIN IS VERY ATTRACTIVE. MAYOR YOU ASKED ME IF THIS WAS YOUR BEST DEAL EVER. BUT IT'S THE MOST BIDS THAT YOU HAVE EVER GOTTEN ON A DEAL ON ANY GIVEN DAY. 34 BIDS IS AN AWFULLY GOOD REPRESENTATION OF YOUR STAKE IN THE MARKET. I WOULD LIKE TO RECOMMEND APPROVAL OF ALL OF THE INTEREST RATE ON ALL OF THESE TRANSACTIONS, IF I COULD.

Mayor Wynn: THANK YOU MR. NEWMAN, QUESTIONS, COMMENTS? DRUNK.

Dunkerly: BEFORE I MAKE A MOTION ON THIS, I'M GOING TO HAVE TO TELL MR. NEWMAN THAT I JUST LOST A BET. I SAID YOU WOULD FIGURE OUT SOME WAY THIS WAS OUR BEST DEAL EVER.

I'M HERE TO PLEASE [LAUGHTER]

Dunkerly: ALL RIGHT. IF THERE ARE NOT ANY QUESTIONS I WILL MAKE A MOTION TO APPROVE.

FURTHER QUESTIONS OF MR. NEWMAN OR STAFF, COUNCIL? FOR THE RECORD, AGAIN, THIS MEETS ALL CITY EXISTING FINANCIAL PARAMETERS.

YES, SIR, IT DOES.

ALL RIGHT.

YES, SIR, IT DOES. CAN I SAY ONE THING MORE ABOUT THIS BOND SALE, PLEASE, SIR?

YES [LAUGHTER]

WELL, I'VE GOT TO TELL YOU THIS BECAUSE THE CITY'S DOUBLE A RATING AND DOUBLE A PLUS IS A GOOD RATING. WE STRUGGLE SOMETIMES IN HARD ECONOMIC TIMES BECAUSE AUSTIN ALWAYS HAS THE ECONOMY PUMPED UP, WE HAVE BEEN PUMPED DOWN LATELY. I WANT TO READ YOU VERY BRIEFLY WHAT THE ANALYSTS TOLD ME WHEN THEY CALLED AND SAID. FITS GIVES AND YOU DOUBLE A PLUS ... MANAGEMENT MEANING YOU, THE COUNCIL, MS. FUTRELL AND HER STAFF DID A GOOD JOB DEALING WITH THE DOWNTURN, KEPT FINANCES IN GOOD SHAPE. STANDARD AND POORS DOUBLE A PLUS: AUSTIN IS TURNING THE CORNER, SALES TAXES AND ASSESSED VALUATIONS HAVE REBOUNDED, THEIR ABILITY TO RETAIN GOOD FINANCIAL CONDITIONS SPEAKS HIGHLY OF MANAGEMENT. MOODY'S, USUALLY THE MOST CONSERVATIVE OF THIS BUNCH, DOUBLE A 2. THE COMMITTEE THAT RATED THESE BONDS WAS QUITE POSITIVE ON THIS RATING. AUSTIN WAS ABLE TO WEATHER THE RECESSION WITHOUT A DRAW ON REVENUES. GOOD JOB BY MANAGEMENT, STAFF AND COUNCIL. CONGRATULATIONS.

THANK YOU.

THANK YOU, MR. NEWMAN. FURTHER QUESTIONS, COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. -- I'LL ENTERTAIN COUNCILMEMBER DUNKERLY'S MOTION. SOP COUNCILMEMBER DUNKERLY, I THINK LEGAL

STAFF SAYS WE CAN TAKE ALL OF THESE IN ONE MOTION,  
COUNCILMEMBER DUNKERLY APPROVES -- MOVES  
APPROVAL OF ITEMS 50, 51, 52 AND 53 AS OUTLINED BY MR.  
NEWMAN, SECONDED BY COUNCILMEMBER THOMAS.  
FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR  
PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0, THANK  
YOU MR. NEWMAN. COUNCIL, THAT TAKES US TO OUR  
BUDGET BRIEFING. IF -- IF STAFF IS READY.

ARE WE GOING TO DO ECONOMIC DEVELOPMENT FIRST? ALL  
RIGHT.

Mayor Wynn: SORRY. ACTUALLY WE WILL DO ITEM 55  
QUARTERLY ECONOMIC BRIEFING. AND I'LL WELCOME MS.  
SUE EDWARDS.

WE OBVIOUSLY WANT TO GIVE YOU GOOD NEWS FIRST.

THANK YOU, MAYOR. I THINK MR. GARZA IS GOING TO START  
OFF THIS PRESENTATION.

GOOD AFTERNOON, MAYOR AND COUNCIL. RUDY GARZA,  
BUDGET OFFICER, ACTING ASSISTANT CITY MANAGER. FOR  
THE LAST THREE YEARS I'VE HAD THE -- I GUESS THE  
UNFORTUNATE PLEASURE OF GIVING YOU BAD NEWS AND  
BECAUSE I DON'T WANT TO CHANGE MY REPUTATION, I'M  
GOING TO ACTUALLY LET SOMEBODY ELSE GIVE YOU THE  
GOOD NEWS WITH OUR ECONOMY. [LAUGHTER] GREG  
CANALE ONE OF OUR CORPORATE BUDGET MANAGERS WILL  
BE DOING THE QUARTERLY ECONOMIC UPDATE.

GOOD AFTERNOON, COUNCIL. I'M GREG CANALE WITH THE  
BUDGET OFFICE. AS RUDY SAID TODAY I WILL BE TAKING  
YOU THROUGH THE QUARTERLY ECONOMIC UPDATE. AS  
WITH PREVIOUS UPDATES WE WILL BE LOOKING AT  
NATIONAL AND LOCAL ECONOMIC INDICATES, AS WELL AS  
OTHER DATA THAT WILL GIVE YOU A SNAPSHOT OF THE  
CURRENT STATE OF THE NATIONAL ECONOMY AS WELL AS  
AUSTIN'S. FIRST WE WILL TAKE A LOOK AT THE NATIONAL

INDICATORS. THE U.S. GROSS DOMESTIC PRODUCT OR GDP IS CONSIDERED THE BROADEST MEASURE OF THE ECONOMY'S HEALTH. IN THE FIRST QUARTER OF 2004, GDP INCREASED AT A 4.5% ANNUAL RATE. GROWTH SLOWED IN THE SECOND QUARTER TO 3%, BELOW THE EXPECTATIONS OF 3.7% GROWTH RATE. ONE OF THE MAJOR CONTRIBUTORS TO THE SLOWING GROWTH HAS BEEN A WEAKER PERSONAL CONSUMPTION AND EXPENDITURES. ACCOUNTS FOR ABOUT TWO-THIRDS OF GDB. DURING THE SECOND QUARTER CONSUMER SPENDING ROSE AT ONLY 1% ANNUAL RATE. THIS IS THE SLOWEST INCREASE THAT WE HAVE SEEN SINCE THE 2001 RECESSION. GREENSPAN DESCRIBED THE ECONOMY AS GOING THROUGH A SOFT PATCH, SOME OF THE REASONS CITED INCLUDE THE FADING IMPACT OF THE NATIONAL TAX CUTS, END OF THE HOME REFINANCING BOOM, AND TO A LESSER EXTENT RISING GAS PRICES. NONETHELESS, WE HAVE SEEN 11 CONSECUTIVE QUARTERS OF POSITIVE GROWTH, AS YOU CAN SEE ON THE NEXT SLIDE. MOVING ON TO THE U.S. CONSUMER CONFIDENCE INDEX, THIS IS A MONTHLY REPORT THAT PROVIDES US A LEADING INDICATOR, THE OUTLOOF THE NEXT SIX MONTHS IN THE ECONOMY. LOOKING BASEBALL AT 2003 -- LOOKING BACK AT 2003, RANGED FROM A LOW OF 61.4 IN MARCH, HIGH OF 92.5 IN NOVEMBER. A JULY INDEX STANDS AT 106.1, UP FROM 102 THIS JUNE. A YEAR AGO THE INDEX STOOD AT 77. THIS IS NOW FOUR CONSECUTIVE MONTHS OF CONSUMER CONFIDENCE INDEX INCREASES, THE HIGHEST LEVEL SINCE JUNE OF 2002. HOWEVER, FROM THE SURVEY, CONSUMERS CONTINUE TO INDICATE THAT JOBS ARE DIFFICULT TO FIND. THE CONSENSUS IS THAT A CONSISTENT INDEX BETWEEN 110 AND 130 CAN INDICATE A POSITIVE MOVEMENT IN THE ECONOMY. THE NEXT SLIDE SHOWS A GRAPHICAL REPUTATION OF CONSUMER CONFIDENCE GOING BACK TO 2002. FINAL NATIONAL INDICATOR THE U.S. EMPLOYMENT SITUATION. UNEMPLOYMENT RATE IS A MEASURE OF PEOPLE IN THE LABOR FORCE LOOKING FOR WORK AND UNABLE TO FIND IT. IN JANUARY OF 2004 THE RATE WAS 5.6%, DIPPED SLIGHTLY IN JULY TO 5.5%. EMPLOYMENT GROWTH THROUGHOUT THE YEAR HAS SLOWED. CHANGE IN NON-[INDISCERNIBLE] JOBS FROM MONTH TO -- NON-FARM JOBS, IN JANUARY AN INCREASE OF 159,000, SLOW UNDERSTAND JULY OF 2004 TO 32,000. SEVERAL FACTORS

CONTINUE TO DRAG ON JOB CREATION. ONE OF THE MOST HIGHLY CITED ONES IS THE RISING HEALTH CARE COSTS GIVEN AS A REASON FOR WHY FIRMS ARE HIRING TEMPORARY EMPLOYEES INSTEAD OF PERMANENT. OTHER FACTORS ARISING UNDER OWE OTHER RISING ENERGY COSTS AND INTEREST RATES. WE HAVE NOW SEEN 11 CONSECUTIVE MONTHS OF JOB GROWTH, ALTHOUGH ONLY FOUR MONTHS HAVE BEEN PLUS 100,000 GAINS. THERE CONTINUES TO BE SOME UNCERTAINTY IN THE BUSINESS COMMUNITY WHEN IT COMES TO HIRING. ECONOMISTS SAY WE NEED ABOUT 150,000 JOBS A MONTH TO KEEP UP WITH POPULATION GROWTH. WE HAVE NOW CREATED 1.2 MILLION JOBS THIS YEAR, THAT AVERAGED ABOUT 176,000 PER MONTH. DURING THE LAST EXPANSION, ABOUT 230,000 JOBS PER MONTH WERE CREATED. ANOTHER POSITIVE NOTE IS THE AVERAGE HOURLY EARNINGS HAS TICKED UP SLIGHTLY TO ABOUT \$16. AN HOUR. IN THE NEXT PAGE IT SHOWS YOU THE UNEMPLOYMENT RATE GOING BACK TO 2002. NOW WE WILL TAKE A LOOK AT THE LOCAL ECONOMY. BY REVIEWING SEVERAL LOCAL ECONOMIC INDICATORS AS WELL AS SOME CITY SPECIFIC DATA. FIRST START WITH THE AUSTIN EMPLOYMENT SITUATION. THE AVERAGE MONTHLY EMPLOYMENT IN THE AUSTIN MSA STOOD AT 658,000 IN 2002, IT DECREASED SLIGHTLY IN 2003 TO 652,000, AND THE CURRENT YEAR TO DATE, MONTHLY AVERAGE, IS ABOUT 651,000. SLIGHTLY BELOW THE -- SLIGHTLY BELOW THE 2003 AVERAGE. LOOKING AT THE MONTHLY DATA FOR 2004, FROM JANUARY TO JUNE, WE HAVE INCREASED BY ABOUT 4,000 JOBS. THIS CAN -- THIS -- WE ARE NOW AT A RATE OF ABOUT 650 -- 650,000. THIS COMPARES TO OUR BOOM TIME BACK IN 2000 OF ABOUT 690,000. THE UNEMPLOYMENT RATE HAS DIPPED BY ABOUT -- FROM 5.3% DOWN TO 4.9%, DO YOU BOTH TO INCREASE IN JOBS AS WELL AS SOME PEOPLE LEAVING THE LABOR FORCE. COMMENTING ON THE AUSTIN EMPLOYMENT PICTURE AS WELL AS THE LOCAL ECONOMIC OUTLOOK, HOCKENYOS HAS SAID NOT TEST IMPROVEMENT IN THE EMPLOYMENT GROWTH CONTINUES, ALTHOUGH MOSTLY OUTSIDE PRODUCTION SECTOR OF THE ECONOMY. SOME OPTIMISM RETURNS, ALTHOUGH WORRIES ABOUT SUSTAINABILITY OF THE RECOVERY CONTINUE. THIS ASSESSMENT IS IN LINE ABOUT WHAT WE HAVE SEEN ON THE NATIONAL LEVEL. ANOTHER INDICATOR WE TRACK ARE

BOTH FORECLOSURES AND BANKRUPTCIES. BOTH ARE LAGGING INDICATORS AND TELL US WHERE WE HAVE BEEN. WHERE THE ECONOMY HAS BEEN IN THE LAST 12 TO 18 MONTHS. FORECLOSURES IN TRAVIS COUNTY, INCREASED BY 62% IN 2003 AND YEAR TO DATE IN 2004. THERE'S BEEN 2800 FORECLOSURES, WHICH IS AN 11% INCREASE OVER THE SAME PERIOD LAST YEAR. THIS IS IN LINE WITH WHAT WE HAVE SEEN IN DALLAS, FORT WORTH AND SAN ANTONIO. DALLAS UP 13%, FORT WORTH UP 14%. AND SAN ANTONIO IS UP 10%. BANKRUPTS, BANKRUPTCIES, TOTAL FILINGS, 24 COUNTIES, GREW FROM 2003 TO 2004. THIS IS UP 5% FROM THE SAME PERIOD LAST YEAR. AGAIN THIS IS IN LINE WITH WHAT WE SEE IN DALLAS/FORT WORTH, AND SAN ANTONIO. THE NEXT TWO SLIDES SHOW US THE GRAPHICAL REPRESENTATION OF BOTH THE FORECLOSURES AND BANKRUPTCIES GOING BACK TO 2002. NOW I WILL TURN TO SOME CITY SPECIFIC DATA STARTING WITH SALES TAX REVENUE. SALES TAX REPRESENTS 24% OF THE FISCAL YEAR 2004 GENERAL FUND RESOURCES. IN 2004 THE APPROVED BUDGETED ANNUAL GROWTH WAS 2%, THAT HAS RECENTLY BEEN REVISED TO A 6.3% GROWTH RATE. YEAR TO DATE, 2004, WHICH IS NINE MONTHS OF ACTIVITIES, WE HAVE SEEN A 7% GROWTH OVER THE SAME PERIOD IN 2003. THIS IS NOW 10 MONTHS OF EITHER FLAT OR POSITIVE GROWTH. WE CONTINUE TO SEE SIGNS OF MODERATE SALES TAX RECOVERY. FOR THE FISCAL YEAR 2005 PROPOSED BUDGET, A SALES TAX GROWTH RATE ASSUMPTION OF 5% WAS USED. HERE AGAIN WE SEE THE GRAPH OF THE SALES TAX REVENUES GOING BACK TO 2002. ANOTHER CITY INDICATOR THAT SHEDS LIGHT ON HOW THE LOCAL ECONOMY IS DOING IS THE BED TAX COLLECTION. THE LEVY ON HOTEL AND MOTEL ROOMS IS 9%. FROM 2002 TO 2003 THE COLLECTIONS INCREASED BY 3%. TO 25.5 MILLION. THE CURRENT ESTIMATE FOR 2004, THAT THE REVENUE -- THE COLLECTIONS WILL COME IN AT 25 MILLION, 1.8% DECREASE FROM THE 2003 ACTUAL. THE THIRD QUARTER PAYMENT, WHICH REPRESENTS REVENUE COLLECTED IN JANUARY THROUGH MARCH CAME IN AT 6.5 MILLION. AND THIS COMPARES TO 7 MILLION IN THE THIRD QUARTER OF 2003. AND THIS THIRD QUARTER DOES REPRESENT -- DOES TAKE INTO ACCOUNT THE OPENING OF THE HILTON HOTEL AS WELL AS SOUTH-BY-SOUTHWEST. ON

THE OCCUPANCY RATE WE HAVE INCREASED IN THE LAST YEAR FROM 58% TO 68%. THIS COMPARES TO OUR PEAK TIME OCCUPANCY RATE OF 75%. THE AVERAGE DAILY ROOM RATE IS \$78 UP FROM \$74 A YEAR AGO. NEXT TURNING TO ACTIVITY AT ABIA. TOTAL PASSENGERS, PASSING THROUGH THE AIRPORT INCREASED FROM 2002 TO 2003 BY 30,000. IN PREPARING THE -- IN PREPARING THE 2005 BUDGET, THE 2004 ESTIMATED PASSENGER GROWTH RATE WAS 3% OR 6.8 MILLION PASSENGERS. HOWEVER, AS WE CAN SEE, FROM THE YEAR TO DATE ACTIVITY THROUGH JULY, THE GROWTH RATE HAS BEEN ABOUT 7%, SO WE NOW EXPECT TO SLIGHTLY EXCEED THIS 3% GROWTH RATE. PASSENGER ACTIVITY PEAKED IN 2001 AT 7.5 MILLION PASSENGERS. FINALLY, ON TO THE HOUSING MARKET, LOOK AT A COUPLE OF INDICATORS HERE. FIRST IS THE SINGLE FAMILY RESIDENTIAL PERMITS. THIS IS THE INDICATOR THAT IS USED WHEN THE NEW HOUSING STARTS IS ANNOUNCED ON A MONTHLY BASIS. FROM 2002 TO 2003, THE PERMITS INCREASED FROM -- BY 28%. TO 2900. AND FISCAL YEAR 2004, YEAR TO DATE, WE HAVE SEEN A 22% INCREASE OVER THE SAME PERIOD LAST YEAR. IN OTHER HOUSING NEWS, YESTERDAY I GUESS THE BIG ECONOMIC NEWS THAT WAS ANNOUNCED AS -- WAS THE SALE OF NEW HOME SALES FELL 6.4% IN JULY. AND ADDITIONALLY SOME NEW APPLICATIONS FOR MORTGAGES FELL, BUT HOWEVER WE ARE STILL ON PACE NATIONALLY TO SELL ONE MILLION HOMES. FINALLY THE REMODEL AND ADDITION PERMITS, WE INCREASED 9% FROM 2002 TO 2003 AND YEAR TO DATE FOR 2004, WE HAVE ISSUED 1900 PERMITS FOR ABOUT 4.3% LOWER THAN THE SAME PERIOD LAST YEAR. THEN -- THEN THAT LAST PAGE SHOWS YOU THE CHART OF THE RESIDENTIAL PERMITS. SO I THINK LOOKING AT THIS -- LOOKING AT THE OVERALL PICTURE, THE ECONOMY IS IN RECOVERY, WE HAVE BOTTOMED OUT AND TURNING UPWARDS. RIGHT NOW BOTH ON THE NATIONAL AND LOCAL LEVEL WE HAVE STABILIZED. WE HAVE DEFINITELY SEEN THAT ON THE CITY'S SIDE WITH THE SALES TAX INCREASING 10 QUARTERS. THERE'S STILL SOME CONCERN IN THE JOB MARKET. BOTH THE AMOUNT OF EMPLOYMENT THAT IS BEING CREATED AND ALSO THE TYPE OF EMPLOYMENT, ESPECIALLY WHEN IT'S CONCERNED WITH WAGES. THAT CONCLUDES OUR ECONOMIC UPDATE. WE

WILL TAKE ANY QUESTIONS.

QUESTIONS FOR MR. CANALE, STAFF? MAYOR PRO TEM?

Goodman: SPEAKING ON THE JOB MARKET, BACK ON PAGE 11, TALKING ABOUT TOTAL EMPLOYMENT, UNEMPLOYMENT, DO YOU HAVE THE FIGURES TO BACK OUT AND TRANSLATE THE PERCENTAGES INTO JOBS SO THAT YOU CAN -- SO THAT YOU CAN BREAK OUT WHAT NUMBERS YOU ARE ASSUMING ON ADDITIONAL JOBS AND CERTAINLY THE INCOME LEVEL WOULD BE INTERESTING IF YOU HAVE THAT DATA. WHEN YOU SAY SOME OF THIS DECREASE IN UNEMPLOYMENT NUMBERS IS FROM SOME LEAVING THE WORKFORCE, IT WOULD BE GOOD TO KNOW THAT NUMBER, TOO, AS WELL AS SOME KIND OF BREAK OUT, EVEN OF AN ESTIMATION OF IT, HOW MANY HAVE LEFT FROM RETIREMENT OR LEAVING THE AREA OR AS IS SOMETIMES TRUE, WHEN TRYING TO ANALYZE DROPOUT NUMBERS, WHAT PERCENTAGE, IF WE CAN COME UP WITH THAT, IS SORT OF INVISIBLE, STILL THERE, STILL UNEMPLOYED, UNABLE TO -- TO BECOME EMPLOYED AT LEAST IN ANY KIND OF LEVEL TO WHERE THEIR HISTORY WOULD SHOW YOU THEY SHOULD BE, BUT ARE NO LONGER VISIBLE BECAUSE THEY ARE NOT ACTIVELY OUT IN THE JOB MARKET WORKPLACES, THEY DON'T SHOW UP ON ANYBODY'S LIST ANYMORE.

WE CAN DIG INTO THOSE NUMBERS. THE ONE NUMBER THAT I HAVE IS THE DOUGH INCREASE IN THE LABOR FORCE, 685 TO ABOUT 680,000. THE OTHER INFORMATION ON THE WAGE AND INCOME, EMPLOYMENT FIGURES AT LOCAL AND NATIONAL LEVELS ARE SURVEYS THAT THE TEXAS WORKFORCE COMMISSION DOES AND PASS UP TO THE -- TO THE FEDERAL GOVERNMENT. SO THE NUMBER THAT'S WE HAVE HERE DO NOT BREAK OUT THE INCOME AND SORT OF THE IN AND OUTS OF THE MOVEMENTS BETWEEN WHO IS LEAVING THE WORKFORCE, WHAT TYPE OF PEOPLE ARE LEAVING THE WORKFORCE, WHO WAS COMING IN. BUT WE CAN SORT OF, WE CAN RESEARCH THAT AND GET BACK TO YOU.

YEAH. JUST IN CASE THERE'S SOME DATA EASILY AVAILABLE TO US. IT WOULD BE -- IT WOULD BE KIND OF GOOD TO KNOW AND SO THAT -- SO THAT FOLKS WHO LOOK AT THESE

NUMBERS NO, YES, THE -- KNOW YES, THE ECONOMY DOES SEEM TO BE IN RECOVERY, BUT IN NO WAY ARE WE IN A BOOM AS PREVIOUSLY YEARS. ESPECIALLY HERE WE ARE ONLY GOING BACK TO 2002 FOR THE MOST PART. WHICH WAS NOT AN ESPECIALLY GOOD YEAR FOR US.

THAT'S CORRECT.

GREG, IS THERE ALSO A WAY TO TRY TO GET AT UNDER EMPLOYMENT? ONE OF THE THINGS THAT WE HAVE HEARD IS THAT ALTHOUGH MORE PEOPLE ARE GETTING JOBS, THEY ARE GETTING JOBS AT A MUCH LOWER RATE, THEY ARE SETTling FOR A JOB AT A MUCH LOWER INCOME THAN THEY HAD BEFORE.

AND WHAT WE HAVE SEEN IS IT'S BEEN ANECDOTAL, READING ABOUT THE TEMPS INSTEAD OF PERMANENT, MORE SERVICE INSTEAD OF MANUFACTURING THERE. IS DATA OUT THERE. IT'S NOISY ESPECIALLY LOOKING AT THE RECENT PAST IN THE LAST SIX MONTHS AH YOU GO BACK IN TIME YOU CAN FIND MORE PARTICULAR DATA. WE CAN LOOK INTO THAT AND SEE IF THERE'S SOMETHING OUT THERE.

THANK YOU, FURTHER COMMENTS, QUESTIONS? THANK YOU ALL VERY MUCH. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

THIS SLIDES SHOWS THE COMPARISON OF THIRD QUARTER 00 #W TO THIRD QUARTER '04. THE \$12 MILLION IN LOANS TO AUSTIN BUSINESSES MEAN 80.7% OF THE TOTAL VALUE OF LOANS MADE IN TRAVIS COUNTY. THE NEXT SLIDE IS THE BUSINESS DEVELOPMENT WEB PAGE VIEWS FOR THE THIRD QUARTER, AND IS A GOOD INDICATOR OF THE INTEREST IN SMALL BUSINESS DEVELOPMENT AND NEW START-UPS. THE DATA FOR THE THIRD QUARTER SHOWS A SLIGHT DECREASE IN HITS, HOWEVER, WHEN COMPARING FISCAL YEAR DATA FROM 2003 TO 2004, TOTAL VIEWS FOR THIS YEAR HAVE INCREASED BY 20%. THE NUMBER OF UNDUPLICATED PLAN REUSERS HAS GROWN 44% COMPARED TO 2003. THE NUMBER AND VALUE OF BIDS HAS REMAINED STATISTICALLY UNCHANGED. IN COMPARING 2004 YEAR TO DATE WITH 2003, THERE HAS BEEN A SHIFT TOWARD MORBID AWARD TO SMALLER CONTRACTORS, WHO TYPICALLY WIN SMALLER

CONTRACTS. HOWEVER, INTERESTINGLY ENOUGH, THE SUCCESS RATE IS STILL 15% FOR ONLINE CUSTOMERS COMPARED TO A 10% INDUSTRY STANDARD. CONTRACT AWARDS THROUGH THE THIRD QUARTER OF 2004 ARE \$13.5 MILLION, WHICH WHEN APPLYING A MULTIPLIER EQUATES TO \$20.5 MILLION IN SALES. \$5.58 MILLION IN LABOR COMPENSATION. 194 NEW JOBS CREATED AND \$221,000 IN NEW TAX REVENUE. THIS COMPLETES MY PRESENTATION. AND IF THERE ARE NO QUESTIONS, I WOULD LIKE TO INTRODUCE OUR ECONOMIC DEVELOPMENT PARTNER FOR THIS QUARTER, MR. ED JONES, THE EXECUTIVE DIRECTOR FOR THE INTERNATIONAL CENTER OF AUSTIN.

Mayor Wynn: THANK YOU, MS. EDWARDS. WELCOME, MR. JONES.

GOOD AFTERNOON, MR. MAYOR AND MEMBERS OF THE CITY COUNCIL AND CITY STAFF. IT'S A GREAT PLEASURE TO BE HERE THIS AFTERNOON TO GIVE YOU A STATUS REPORT ON THE INTERNATIONAL CENTER OF AUSTIN. I ALSO BRING YOU GOOD NEWS. THIS IS A GOOD NEWS STORY AND I'M DELIGHTED TO BE ABLE TO BRING IT TO YOU TODAY. THE ICA IS A PARTNERSHIP OF THE PUBLIC AND PRIVATE SECTORS. THE PUBLIC SECTOR IS REPRESENTED BY THE CITY OF AUSTIN AND OUR CENTRAL TEXAS PUBLIC UNIVERSITIES AND COLLEGES. THE PRIVATE SECTOR IS REPRESENTED BY OVER 15 SPONSORING COMPANIES AS WELL AS PRIVATE UNIVERSITIES AND COLLEGES IN OUR AREA. OUR GOAL IS TO BRING ECONOMIC DEVELOPMENT, LOCAL JOBS, INWARD INVESTMENT, CULTURAL DIVERSITY, OPPORTUNITY AND SYNERGY, ALL WITH AN INTERNATIONAL FLARE. WE ALL HAVE A HISTORY -- I DON'T WANT TO GO WAY BACK TO THE BEGINNING, SO I'LL START IN 1999 WHEN A REPORT WAS PRESENTED TO MAYOR WATSON BY DR. MEN NEN DEZ WHO BASICALLY SAID THAT WE WERE DISORGANIZED IN THE CITY OF AUSTIN AS FAR AS OUR INTERNATIONAL COMMUNITY. WHETHER IT WAS BUSINESS, WHETHER IT WAS EDUCATION OR WHETHER IT WAS CULTURE, WE WERE NOT PLAYING TOGETHER. WE GOT A POSITIVE RESPONSE FROM THE COMMUNITY, MEANING LET'S DO SOMETHING ABOUT IT. AND MAYOR WATSON THEN IN RESPONSE TO THAT REPORT FORMED A TASKFORCE CHAIRED BY EARL MAXWELL THAT SAID HOW ARE WE GOING TO COME TOGETHER IN OUR

COMMUNITY TO DEAL WITH THE WONDERFUL WORLD OF INTERNATIONAL. THE TASKFORCE REPORTED IN 2001 AND THE RESULT WAS THAT AN INTERNATIONAL PARTNERSHIP OF GREATER AUSTIN FORMED IN THE PUBLIC AND PRIVATE SECTOR. AND IN -- AND WE WORKED THEN THROUGH OUR ORGANIZATIONAL ISSUES, OUR CHARTER, OUR STRATEGIES, AND IN 2003 WE FORMED THE COMMITTEE TO ACTUALLY SET UP A PHYSICAL CENTER, WHAT WE LIKE TO CALL THE FACE AND THE PLACE OF INTERNATIONAL IN THE CITY OF AUSTIN. RAY BRIMBLE, ONE OF OUR BOARD MEMBERS AND THE PRESIDENT OF THE LINKS CARGO PORT WAS THE CHAIR OF THAT COMMITTEE. IN 2003, THE ICA OPENED AND WE ARE CO-LOCATED AT THE GREATER AUSTIN CHAMBER OF COMMERCE. MAYOR WYNN DECLARED INTERNATIONAL DAY IN AUSTIN ON OUR OPENING DAY, OCTOBER 24TH, AND OVER 300 CITIZENS CAME TO OUR CENTER TO SEE OUR OPENING. IN 2004, THE INTERNATIONAL PARTNERSHIP OF GREATER AUSTIN, WHICH GETS A LITTLE PONDER ROUSE TO SAY, WAS CHANGED TO THE INTERNATIONAL CENTER OF AUSTIN TO REDUCE CONFUSION AND MAKE IT EASIER ON PEOPLE LIKE ME WHO HAVE TO GIVE A SPEECH. THE CENTER IS AN OFFICE BASE FOR THE CENTER'S STAFF, AND I'D LIKE TO SAY THAT THE CENTER'S STAFF, INCLUDING MYSELF, ARE ALL VOLUNTEERS. THESE ARE ALL COMMUNITY FOLKS WORKING FOR THE GREATER GOOD OF OUR CITY AND THE WORLD OF INTERNATIONAL, AND WE'RE VERY PROUD OF THE FACT THAT WE ALL DO THIS FOR NOTHING. IN FACT, THERE ISN'T ENOUGH MONEY TO PAY ME TO DO THIS. IT'S A GREAT HONOR TO BE ABLE TO BE A VOLUNTEER. IN THE CENTER PHYSICALLY IS THE CITY OF AUSTIN INTERNATIONAL PROGRAM OFFICE WITH FRANK FLAUTO, THE CITY OF AUSTIN SISTER CITIES PROGRAM, THE WORLD COMMERCE OF INFORMATION TECHNOLOGY 2006, WHICH I KNOW YOU ALL ARE AWARE WILL BE HERE IN MAY 2006. THE U.S. DEPARTMENT OF COMMERCE'S EXPORT ASSISTANCE CENTER, THE DISTRICT EXPORT COUNCIL, AN ACRONYM THAT WE'RE GETTING AWAY FROM IS OUR EDUCATION COMMITTEE, AND IT EXISTS OF THE UNIVERSITY OF TEXAS, AUSTIN COMMUNITY COLLEGE, ST. EDWARD'S UNIVERSITY, TEXAS STATE UNIVERSITY AND HUSTON-TILLOTSON. COLLEGE. AND THEN FINALLY THE INTERNATIONAL PATALITY -- HOSPITALHOSPITALITY COUNCIL OF AUSTIN. OUR CHART IS

NOT REMARKABLE. WE ARE A TEXAS NOT FOR PROFIT. WE ARE BY OUR STANDARDS A 501-C-6. WE HAVE A BOARD OF DIRECTORS AND AN EXECUTIVE COMMITTEE. THE CURRENT CHAIR OF OUR BOARD ELECTED AT OUR MEETING NEXT WEEK IS MS. BRENDA HILL, WHO IS THE CEO OF AUSTIN TEST, A LOCAL SOFTWARE COMPANY. THE COMMITTEES, THE CENTER, THE FISCAL PLACE ITSELF, VISIONING AND STRATEGY, EDUCATION AND OTHERS AS WE MOVE FORWARD. VERY QUICKLY THEN, WHY IS INTERNATIONAL IMPORTANT TO US? OF COURSE, DELL DELEGATIONS ARE ONE OF THE GREAT FOCUSES. ONE OF OUR FAVORITE STATISTICS IS THAT OVER ONE DELEGATION A DAY VISITS THE CITY OF AUSTIN, HOSTED BY MANY, MANY FOLKS INCLUDING THE CITY, EDUCATIONAL ORGANIZATIONS, BUSINESS ORGANIZATIONS, CULTURAL ORGANIZATIONS. THE BOTTOM LINE IS THAT WE GET A LOT OF VISITORS FROM OUTSIDE OF THE UNITED STATES IN OUR WONDERFUL CITY. EXPORTS, STUDENTS BOTH INBOUND AND OUT BOWD, CULTURAL DIVERSITY, INWARD INVESTMENT, BUSINESS VISITORS AND EVENT PARTICIPANTS ALL MAKE UP THE LANDSCAPE OF INTERNATIONAL IN AUSTIN. WE TRIED TO PUT TOGETHER THE ECHO SYSTEM OF OUR INTERNATIONAL COMMUNITY, AND I WILL TAKE YOU THROUGH EVERY BOX ON THIS CHART. THE BOTTOM LINE IS THAT WE HAVE A GREAT NUMBER OF STAKEHOLDERS IN OUR INTERNATIONAL COMMUNITY, INCLUDING THE CITY, WHO IS ONE OF THE MAJOR PARTNERS IN THIS STAKEHOLDER COMMUNITY. SO FINALLY, WE BELIEVE -- FINALLY, IN THE OVERVIEW SECTION, WE BELIEVE THAT SYNERGY DELIVERS ECONOMIC GROWTH, EDUCATION, BUSINESS AND CULTURE ALL WORKING TOGETHER. SINCE WE OPENED THE INTERNATIONAL CENTER, WE HAVE OUR ACCOMPLISHMENTS THAT WE'RE VERY PROUD OF. THE CENTER WAS OPEN IN OCTOBER. IT IS FULLY UTILIZED, THAT IS FULLY 2500 SQUARE FEET LOCATED AT THE GREATER AUSTIN CHAMBER. IT IS OUTFITTED, WITH THE EXCEPTION OF THE CITY, WITH DONATED FURNITURE AND COMPUTERS FROM LOCAL BUSINESSES. VOLUNTEERS AND INTERNS HAVE BEEN RECRUITED. WE'VE GIVEN 30 DELEGATION -- I HAVE WELCOMED PERSONALLY OVER 30 INTERNATIONAL DELEGATIONS, WELCOMED AND BRIEFED, AND THAT DOES NOT INCLUDE DELEGATIONS THAT WERE HOSTED BY THE CITY WHERE FRANK WAS THE HOST AND I

WAS ONE OF THE FEATURED SPEAKERS. WE HAVE CO-SPONSORED THE INTERNATIONAL CONSUL BALL THAT MAYOR AND MRS. WYNN WERE OUR DISTINGUISHED GUESTS. VOLUNTEER COMMITTEES HAVE BEEN FORMED AND ARE FUNCTIONING IN THE WORLD OF MARKETING, VISIONING, EDUCATION, COMMUNICATIONS AND EVENTS. WE'VE HELD JOINT PROGRAMS WITH A NUMBER OF ENTITIES, INCLUDING THE U.S. DEPARTMENT OF COMMERCE, AUSTIN COMMUNITY COLLEGE, AND THE MEXICO TRADE CENTER. NUMEROUS BRIEFINGS HAVE BEEN GIVEN TO COMMUNITY ORGANIZATION. I NOW KNOW WHAT THEY MEAN BY THE RUBBER CHICKEN CIRCUIT. I'VE BEEN ON IT FOR A YEAR AND I CAN TELL YOU THAT I HAVEN'T GAINED ANY WEIGHT. THE INTERNATIONAL CENTER, THE CITY AND OUR AFFILIATES ARE ALL WORKING TOGETHER BRINGING VOLUNTEER RESOURCES TO THE COMMUNITY. AND WE FEEL THAT THAT IS AN EXCELLENT ACCOMPLISHMENT. OUR 2004-2005 PLAN IS TO HAVE OUR WEBSITE AND MARKETING MATERIALS COMPLETED BY 9-15 SO THAT I CAN GET ON THE ROAD IN MY FALL 2004 FUND-RAISING CAMPAIGN IN OCTOBER. I WILL NOT BE COMING TO THE CITY TO ASK YOU FOR MONEY. THE ONLY VISIONING CONFERENCE, WHICH HAS BECOME ONE OF THE GREAT INTERNATIONAL EVENTS HERE IN TOWN, WILL HAPPEN NOVEMBER NINTH AT THE HYATT. WE HAVE CONTINUING COOPERATION WITH THE CITY IN YOUR INTERNATIONAL PROGRAMS, AND MOST IMPORTANTLY, TO THE INFORMATION TECHNOLOGY 2006 OF WHICH I AM BOARD MEMBER AND MEMBER OF THE EXECUTIVE COMMITTEE. WE'RE GOING TO DEVELOP MATRIX TO MEASURE OUR SUCCESS SO THAT THE NEXT TIME WE REPORT TO YOU, WE CAN SAY IN TRUE DATA WHAT IS GOING ON AND HOW WE ARE OF BENEFIT TO THE CITY. WE ARE MAKING OUTREACH TO THE CULTURAL AND ARTS COMMUNITY BECAUSE WE'VE HAD GREAT SUCCESS WITH BUSINESS AND EDUCATION. WE'RE NOW STARTING WITH THE CULTURAL AND THE ARTS FOLKS. WHERE WE HAVE NOT MADE OUTREACH AS OF YET. FINALLY, OUTREACH TO THE ETHNIC CHAMBERS AND THE MINORITY COMMUNITY, AND ONE OF THE GREAT ACCOMPLISHMENTS THERE IS WE WILL DO AN EXPORT FELLOWS PROGRAM WITH OUR VOLUNTEERS AT HUSTON-TILLOTSON COLLEGE IN OCTOBER OF THIS YEAR. AND FINALLY, THIS IS THE THING THAT KEEPS ME

AWAKE AT NIGHT, EXPAND TO A NEW FACILITY BY YEAR-END. WE NEED 10,000 SQUARE FEET. MANY OF THE NOT FOR PROFIT INTERNATIONAL ORGANIZATIONS ARE INTERESTED IN JOINING US, WE JUST DON'T HAVE SPACE AT THE CHAMBER. WE LOOK FOR A PLACE THAT IS CENTRAL, THAT WOULD HAVE DISPLAY AREAS, CLASSROOMS AND MEETING ROOMS. HAVING SAID THAT, THAT IS THE LEAD- IN TO MY LAST CHART, A REQUEST FOR CITY, ONGOING DISCUSSIONS WITH THE CITY, INCLUDING THE CITY MANAGER AND THE MAYOR, INDICATE A MUTUAL DESIRE TO LOCATE THE ICA IN CITY-OWNED SPACE. THE FORMER CONVENTION AND VISITORS BUREAU SPACE WOULD BE AN IDEAL LOCATION FOR THE EXPANDED ICA, BUT WE COME BEARING GIFTS. THE FISCAL '05 WCIT FEDERAL FUNDING INCLUDES \$200,000 TO BUILD OUT THE EXPANDED ICA AS THE HOME FOR THE WORLD CONGRESS. AND BE A LASTING LEGACY TO THE CITY OF AUSTIN, TEXAS. THIS FUNDING WOULD THEN, IF APPROVED, MAKE THE CONVENTION AND VISITORS BUREAU SPACE INTO A FIRST CLASS FACILITY IN THE HEART OF DOWNTOWN AT NO COST TO THE CITY. SO THEREFORE WE FORMALLY AND RESPECTFULLY REQUEST THAT COUNCIL APPROVE USE OF THE FORMER CONVENTION AND VISITORS BUREAU SPACE FOR AN EXPANDED ICA AT A NO COST BASIS. THANK YOU VERY MUCH FOR YOUR TIME. I'D BE HAPPY TO TAKE ANY QUESTIONS.

Mayor Wynn: THANK YOU, MR. JONES. COUNCIL, THERE'S ALWAYS A CATCH. [ LAUGHTER ] I WILL SAY, I HAVE BEEN INVOLVED WITH THE INTERNATIONAL EFFORTS THIS LAST YEAR, AND IT'S A REMARKABLE COMBINATION OF EFFORTS THAT HAVE COME TOGETHER IN THE INTERNATIONAL CENTER. MR. JONES DOES A GOOD JOB OF ITEMIZING THE NUMBER OF -- THE DIFFERENT ASPECTS OF INTERNATIONAL OUTREACH THAT'S OCCURRING IN THIS CITY, MUCH ON THE BUSINESS SIDE, MUCH NEEDED ON THE BUSINESS SIDE, BUT ALSO AS WE HEARD, EDUCATIONALLY AND CULTURALLY. THE WORLD CONGRESS ON INFORMATION TECHNOLOGY, WHICH ALSO WILL HOST IN MAY OF 2006 IN MY OPINION WILL BE THE LARGEST SINGLE EFFORT BY AUSTIN TO WELCOME THE WORLD. THIS IS A BIENNIAL CONFERENCE THAT OCCURS EVERY OTHER YEAR, AND THE LAST DECADE OR SO IT'S BEEN HOSTED IN ATHENS GREECE, ROME, AUSTRALIA,

TAIPAI AND ALSO CHOSEN FOR THE 2006 DESIGNATION. THE FEDERAL GOVERNMENT, THE STATE GOVERNMENT ARE VERY MUCH PARTNERS WITH THE CITY ON THAT EFFORT. IT'S A SIGNIFICANT, SIGNIFICANT EVENT WHEREBY THE CITY WILL BE WELCOMING WORLD LEADERS FROM BOTH BUSINESS AND EDUCATION AND PUBLIC POLICY RELATED TO INFORMATION TECHNOLOGY. AND IT'S TOTALLY APPROPRIATE I THINK FOR AUSTIN TO HAVE WON THAT BID. IT'S SO SIGNIFICANT THAT, OF COURSE, AS MR. JONES SAID, THE FEDERAL GOVERNMENT, THE U.S. CONGRESS, HAS IN FACT ALLOCATED HUNDREDS OF THOUSANDS OF DOLLARS TO HELP AUSTIN WITH THAT EFFORT. SPECIFICALLY WITH CONSTRUCTION DOLLARS TO LEAVE IN PART ONE OF THE HOPEFUL MANY LEGACIES OF THAT CONFERENCE. AND THE RECENT WIRELESS EVENT. WE TALKED ABOUT THE LIKELY WIRELESS LEGACY THAT WILL BE LFT BY THE WORLD CONGRESS. AS WE CONTINUE TO DEVELOP THESE WIRELESS SPOTS DOWNTOWN, OUR CITY SQUARE, THE CITY HALL, WE ARE WORKING ON SIGNIFICANT NETWORK AND FABRIC OF OUR CONVENTION CENTER, SO THAT AS THESE INTERNATIONAL DELEGATES ARRIVE IN AUSTIN IN MAY OF 2006, IT'S WHOLLY CONCEIVABLE THAT THEY ARE GIVEN A PDA DEVICE AS THEY ARE IN BERGSTROM AND THEY ARE WIRDWIRED TO THIS EVENT AS THEY GO DOWNTOWN, HIKE AND BIKE TRAIL, VISITING US AT CITY HALL AND/OR THE STATE CAPITOL, ETCETERA. SO I THINK THIS IS A UNIQUE OPPORTUNITY FOR US TO FRANKLY HAVE BETTER UTILIZATION OF THE VACATED VISITORS BUREAU SPACE. I WAS PLEASED TO SEE OUR VISITOR SPACE MOVE UP TO SIXTH STREET AND ACTUALLY HAVE A MORE EXPANDED EFFORT REGARDING CITY VISITORS. THAT BEGS THE QUESTION HOW BEST TO USE THE ACVB SPACE IN THE OLD GARAGE. AND SO I'LL WARN YOU IN ADVANCE, COUNCIL, I'LL BE WORKING WITH YOU HERE OVER THE NEXT FEW WEEKS TO TALK ABOUT THIS OPPORTUNITY AND TO SEE IF THERE'S SUPPORT FOR A RESOLUTION DIRECTING THE CITY MANAGER TO EXPLORE THIS AND NEGOTIATE AND EXECUTE AND HAVE US FRANKLY HAVE THE ABILITY TO USE THESE FEDERAL FUND TO ENHANCE A CITY PROPERTY DOWNTOWN ADJACENT TO OUR CONVENTION CENTER. I DO WANT TO POINT OUT THAT MR. JONES WAS KIND ENOUGH TO IDENTIFY MY WIFE AND I AS HONORED GUESTS AT THE

INTERNATIONAL BALL THIS PAST YEAR. WE GLADLY SERVED AS SORT OF HOSTS. THE HONORED GUESTS IN FACT WERE SEVERAL DOZEN OF THE CONSUL GENERALS THAT ARE LOCATED MOSTLY IN TEXAS. AND WE WELCOMED THE CONSUL GENERALS FROM A NUMBER OF COUNTRIES THAT GENERALLY HAVE OFFICES IN DHAS AND HOUSTON -- DALLAS AND HOUSTON. THEY CAME TO AUSTIN FOR THIS EVENT AND IT WAS A PRETTY REMARKABLE EVENING. THAT IS, BEGINNING TO -- CONTINUING TO RAISE THE AWARENESS OF THE INTERNATIONAL COMMUNITY OF AUSTIN, BOTH FOR BUSINESS PERSPECTIVE, CULTURALLY, POLITICALLY, EDUCATIONAL STANDPOINT. IT WAS A REMARKABLE SUCCESS AND A FUN EVENT TO SEE PERHAPS THAT EVENING THE LARGEST SINGLE COLLECTION OF AN INTERNATIONAL PRESENCE IN AUSTIN. SO WE'RE GLAD TO HAVE HELPED HOST THAT. WE WERE PLEASED WITH THE TURNOUT AND THE OBVIOUS ATTENTION THAT AUSTIN IS BEGINNING TO GET INTERNATIONALLY. SO WITH THAT, I'LL NOW OPEN UP TO QUESTIONS FOR MR. JONES. COUNCILMEMBER SLUSHER.

Slusher: MAYOR, I WOULD LIKE TO WORK SOMETHING OUT. HOPEFULLY WE CAN WORK THIS OUT AND MAKE IT WORK. I'VE BEEN ON A COUPLE OF THE -- A COUPLE OF TRIPS SINCE I'VE BEEN ON THE COUNCIL. AND WHAT -- THE WAY IT SEEMS TO ME IS THAT THE PEOPLE IN OTHER COUNTRIES PUT A LOT MORE FINANCES AND IF NOT EFFORT, BUT FINANCES INTO THESE KIND OF RELATIONSHIPS. AND I DO THINK THEY'RE IMPORTANT AND YOU END UP WITH BOTH BENEFITS OF CULTURAL EXCHANGE AND FRIENDSHIP WITH PEOPLE IN OTHER COUNTRIES, AND THAT LAST ONE IS SORT OF HARD TO QUANTIFY ALL THE BENEFITS THAT COME FROM THAT, BUT ALSO BUSINESS OPPORTUNITIES RESULT FROM THAT. AND THE CONFERENCE THAT'S COMING HERE IS AN EXAMPLE OF THAT. SO I WOULD THINK THIS IS SOMETHING THE CITY COULD DO AT JUST A COST OF PROVIDING THE SPACE. WE'RE NOT UTILIZING THAT SPACE FOR SOMETHING ELSE, SO HOPEFULLY I THINK WE CAN WORK THIS OUT.

Mayor Wynn: THANK YOU. MAYOR PRO TEM.

Goodman: AND ON THE WAY TO THAT, I THINK THERE'S A LITTLE INFORMATION THAT I WOULD LIKE TO HAVE. WHEN

ACVB -- BEFORE THEY EVEN MOVED OUT OF THAT BUILDING, I THOUGHT MONEY WAS AN ISSUE BECAUSE THEY WERE RENTING OUT THE GARAGE AND EMPLOYEES OF ACVB WERE HAVING TO PAY FOR PARKING AS I RECALL. SO EXACTLY THE AMOUNT OF INVESTMENT IS ALWAYS A GOOD COMPARISON WHEN YOU'RE FIGURING OUT WHAT YOU'RE GETTING FOR A SMALL AMOUNT. IT WAS A LARGE AMOUNT FOR ACVB IN A MORE GLOBAL SENSE. IT'S A SMALLER AMOUNT, THEN I WOULD LIKE TO KNOW WHAT THE SMALLER AMOUNT WAS. AND I THINK THE CITY HAS PUT FORWARD A LOT OF RESOURCES IN GOOD FAITH TO TRY TO HELP THIS HAPPEN BECAUSE THE PRESTIGE WILL BE VERY GOOD FOR US, I THINK. AND IN FACT, THERE'S AN ADDITIONAL DEPARTMENT OR TWO NOT IN YOUR CHARTS. AND THE CITY HAS PUT SUBSTANTIAL SUPPORT AND RESOURCES, AND PEOPLE ON CALL AS RESOURCES INTO THE EFFORT. SO I WANT TO THANK THE MAYOR FOR GOING OUT THERE AND MAKING THE CONTACT IN THE FIRST PLACE AS WELL AS THINKING IT'S A REALLY GOOD THING THAT WCIT THOUGHT WE WERE THE APPROPRIATE PLACE FOR SUCH A THING, WHICH I CERTAINLY THINK AS WELL. BUT ON THE WAY THERE, I JUST WANT TO SEE THE NUMBERS.

Mayor Wynn: AGREED. I THINK THERE WILL BE A NEEDED SIGNIFICANT ANALYSIS FROM THE CITY MANAGER TO MAKE SURE THIS IS AN APPROPRIATE THING AND HANDLED WELL. FURTHER COMMENTS, QUESTIONS? THANK YOU. COUNCIL, WITHOUT OBJECTION, WE PROBABLY CAN GET THROUGH OUR AHFC BOARD MEETING QUICKLY IF MR. HILGERS IS STILL WITH US. SO AT THIS TIME WITHOUT OBJECTION WE'LL RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL AND TAKE UP OUR 3:00 O'CLOCK AND CALL TO ORDER THIS MEETING OF THE AUSTIN AUSTIN HOUSING FINANCE CORPORATION. WE ARE FOUR POSTED AGENDA ITEMS, AHFC 1 THROUGH 4. WE WOULD WELCOME A BRIEF PRESENTATION.

BOARD MEMBERS. MY NAME IS ROGER (INDISCERNIBLE) WITH THE AUSTIN HOUSING FINANCE CORPORATION. WE DO HAVE FOUR ITEMS IN FRONT OF YOU, AND THE ITEM NUMBER 1 IS THE APPROVAL OF THE FORMER MINUTES FROM THE LAST MEETING.

Mayor Wynn: THROUGH. QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION TO APPROVE THE MINUTES AS POSTED. MOTION MADE BY BOARD MEMBER ALVAREZ, SECONDED BY BOARD MEMBER THOMAS TO APPROVE THE MINUTES AS POSTED. ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

BOARD MEMBERS, NUMBER AHFC-2 IS THE AUTHORIZATION OF NEGOTIATION AND EXECUTION OF AN AMENDMENT TO A THREE-YEAR CONTRACT WITH THE HOUSING AUTHORITY OF THE CITY OF AUSTIN TO CONTINUE TO ADMINISTER THE FEDERALLY FUNDED TENANT-BASED RENTAL ASSISTANCE PROGRAM WHICH PROVIDES HOUSING OPPORTUNITIES THROUGH RENTAL SUBSIDIES TO HOMELESS PERSONS BY INCREASING THE THIRD-YEAR CONTRACT EXTENSION AMOUNT, AN AMOUNT NOT TO EXCEED \$430,750 AND AN AMOUNT THOUGHT TO EXCEED \$580,750, FOR A TOTAL CONTRACT NOT AMOUNT TO NOT TO EXCEED \$1.6 MILLION. AND FUNDING IS AVAILABLE IN THE CURRENT YEAR BUDGET FOR THAT. I'LL ANSWER ANY QUESTIONS AND WE DO HAVE A REPRESENTATIVE FROM THE HOUSING AUTHORITY IF YOU HAVE ANY OTHER SUCH QUESTIONS.

Mayor Wynn: QUESTIONS OF STAFF, BOARD MEMBERS? IN NOT, OWE ON IF NOT, I'LL ENTERTAIN A MOTION ON AHFC 2. MOTION MADE BY COUNCILMEMBER DUNKERLEY. I'LL SECOND THAT TO APPROVE THIS ITEM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: ONSED? MOTION PASS OZ A VOTE OF SEVEN TO ZERO. MR. HILGERS.

THANK YOU, MR. PRESIDENT. I AM PAUL HILGERS. AHFC ITEM NUMBER 3 WOULD BE TO AUTHORIZE AND NEGOTIATE THE EXECUTION OF A 12-MONTH CONTRACT WITH THE AUSTIN AREA URBAN LEAGUE IN AN AMOUNT NOT TO EXCEED ONE MILLION DOLLARS, WITH TWO 12-MONTH EXTENSION OPTIONS IN AMOUNTS NOT TO EXCEED ONE MILLION DOLLARS EACH, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$3 MILLION FOR THE ADMINISTRATION OF THE

EMERGENCY HOME REPAIR PROGRAM FOR FISCAL 2004-2005, WHICH FUNDS SMALL REPAIR CONTRACTORS TO MAKE IMPROVEMENTS TO LOW INCOME FAMILY'S HOMES HAVING HOUSING CODE VIOLATIONS. BOTH THIS CONTRACT AND THE CONTRACT THAT MR. ARRIRIGA JUST BROUGHT BEFORE YOU WERE DONE THROUGH OUR FIVE-YEAR CONSOLIDATED PLAN AND THAT PLAN ALLOWS US TO NEGOTIATE FOR LONGER TERM CONTRACTS. AS YOU KNOW, THE URBAN LEAGUE HAS BEEN A LONG-STANDING CONTRACTOR OF OURS. THEY WILL SERVE AT A MINIMUM OF 475 UNDUPLICATED HOMES FOR THAT MILLION DOLLARS, WITH MANY MORE ON THE WAITING LIST. WE'RE PROUD OF THE RELATIONSHIP WE'VE HAD WITH THE AUSTIN AREA URBAN LEAGUE. WE HAVE THEIR BOARD CHAIRMAN HERE AND THE PRESIDENT AND CEO OF THE AUSTIN AREA URBAN LEAGUE, ERMAN LAZAR -- HERMAN LAZAR HERE. AND THE STAFF BRINGS THIS BEFORE YOU.

ARE THERE ANY QUESTIONS. COUNCILMEMBER THOMAS?

Thomas: YES. YOU SAID WE COULD EXTEND -- SO YOU'RE TALKING ABOUT A 12-MONTH -- TWO 12 MONTHS, 36 MONTHS?

YES, SIR. WHAT WILL HAPPEN IS THIS IS A ONE-YEAR CONTRACT WITH THE AUTHORIZATION TO DO EXTENSIONS. SO WE WILL AGAIN CLOSE THESE OUT AND REVIEW THESE CONTRACTS ON AN ANNUAL BASIS AND REPORT TO H.U.D. WHAT THOSE ACTIVITIES ARE. SO WE'RE ONLY AUTHORIZING THE MILLION DOLLARS WITH THIS ACTION TODAY. BUT WITH A PLAN WITH THE OPTIONS TO PURSUE THE CONTRACT FOR THE BALANCE OF THE REMAINING TWO YEARS.

Thomas: OKAY. AND HOW FAR CAN WE EXTEND? WHAT I'M TRYING TO SAY, WE KNOW AS A COUNCIL AND THE GREAT CITY OF AUSTIN KNOWS THAT THE AUSTIN AREA URBAN LEAGUE HAS DONE AN EXCELLENT JOB AND THIS CONTINUING BACK AND FORTH, UNLESS WE GET A BAD ON REPORT AND WE HAVEN'T HAD ONE.

NO, SIR, WE HAVE NOT.

Thomas: SO HOW CAN WE EXTEND THIS TO THE POINT THAT -

- YOU SAID YOU HAVE A FIVE-YEAR CONSOLIDATION, RIGHT?

THREE YEARS IS AS FAR AS WE CAN GO.

Thomas: THREE?

YES, SIR.

Thomas: ALL RIGHT. I JUST COMMEND THE HARD WORK, THE WORK THAT THEY'RE DOING. THE COMMUNITY HAS ALWAYS SAID THAT YOU DO AN EXCELLENT JOB. COUNCIL HAS SEEN YOU DO AN EXCELLENT JOB AND WE COMMEND. WE LOOK FORWARD TO CONTINUING WORKING WITH YOU. WORKING FOR THESE THREE YEARS. THANK YOU.

Mayor Wynn: THANK YOU, BOARD MEMBER. FURTHER QUESTIONS OF STAFF, COUNCIL? I'LL REIT EIGHT WHAT BOARD MEMBER THOMAS SAID, THAT OUR RELATIONSHIP WITH THE URBAN LEAGUE HAS BEEN VERY FRUITFUL, BUT MORE IMPORTANTLY IT'S BEEN VERY COST EFFECTIVE FOR SOME OF THE MOST NEEDIEST OF OUR CITIZENS AND WE GREATLY APPRECIATE THE HARD WORK OF THE URBAN LEAGUE. I'LL ENTERTAIN A MOTION ON AHFC 3.

Thomas: MOVE APPROVAL.

Mayor Wynn: MOTION BY BOARD MEMBER THOMAS, SECONDED BY THE VICE-PRESIDENT GOODMAN TO APPROVE AHFC 3. 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, MR. PRESIDENT. AHFC ITEM NUMBER 4 IS TO APPROVE A LOAN ON DITTMAR HOMES IN AUSTIN, TEXAS FOR A TOTAL AMOUNT NOT TO EXCEED \$500,000 TO REFINANCE LAND ACQUISITION AND PROVIDE PREDEVELOPMENT FOR PHASE ONE OF THE COLTON BLUFF SINGLE-FAMILY SUBDIVISION DEVELOPMENT IN SOUTHEAST AUSTIN. DITTMAR HOMES IN PHASE ONE OF THIS

DEVELOPMENT WILL CONSTRUCT UP TO 99 HOMES WITH AT LEAST 40% OF THE HOMES SERVING FAMILIES AT OR BELOW 80% OF MEDIAN FAMILY INCOME. THIS IS A UNIQUE PARTNERSHIP WE'VE BEEN WORKING ON FOR SOME TIME WITH THE DEVELOPER AND HIS REPRESENTATIVE. WE HAVE BEEN WORKING ON THIS FOR SEVERAL YEARS, I GUESS. AND IT IS A SMART HOUSING SUBDIVISION. THERE IS AN EXTRA INCENTIVE HERE FOR THE DEVELOPER TO PROVIDE SOME ADDITIONAL FINANCING FOR FAMILIES BELOW 65%, SO IT'S AGAIN ANOTHER UNIQUE MODEL. WE'RE USING OUR SMART HOUSING CAPITAL IMPROVEMENT PROGRAM FUND. AND IT IS A LOAN. AND WE WILL BE RECEIVING THOSE DOLLARS BACK AT A FAVORABLE INTEREST RATE TO THE DEVELOPER TO ALLOW US TO GO FORWARD, BUT SO WE CAN REINVEST THOSE AND OTHER ADDITIONAL COSTS. THE DEVELOPER AND HIS REPRESENTATIVE ARE HERE IF THERE ARE ANY QUESTIONS ABOUT THE DEVELOPMENT.

Mayor Wynn: THANK YOU. QUESTIONS, COUNCIL? OR BOARD MEMBERS? COUNCILMEMBER ALVAREZ.

Alvarez: HOW MANY -- WHAT IS THE MIX OF UNITS HERE?

THANK YOU, COUNCILMEMBER. THE RANGE IN PHASE 1, THE SINGLE-FAMILY HOMES WILL RANGE FROM PRICES OF ABOUT THE HIGH 90'S TO ABOUT \$160,000. 99 HOMES, MOST WILL BE THREE OR FOUR BEDROOMS WITH 2 TO 2.5 BATHS. THEY'LL HAVE TWO-CAR GARAGES. THE SQUARE FOOT IS ESTIMATED AROUND 1050 SQUARE FEET TO 2600 SQUARE FEET. NINE DIFFERENT FLOOR PLANS ARE CONTEMPLATED WITH A MIXTURE OF SINGLE STORY AND TWO-STORY MODELS. I THINK THEY WANT ME TO SAY THE PRESALE WILL COMMENCE AS SOON AS THEY CAN GET A TEMPORARY OFFICE UP. AND THE FIRST PHASE WILL BE BUILT OUT AND SOLD WITHIN THE FIRST 12 MONTHS AFTER THE ROADS AND UTILITIES ARE IN PLACE. SO THE MIXTURE IS A MIXTURE OF HOUSING PRODUCT TYPE, ABOUT HIGH 90'S TO ABOUT 160. SO -- AND WE'VE GOT THIS MAP THAT SHOWS COMAKTLY WHERE THAT -- EXACTLY WHERE THAT SUBDIVISION IS.

Alvarez: SO FOR THE 65% MFI, THAT WOULD BE --

THE CONCEPT HERE, WHAT WE'RE DOING IS HELP FINANCE

THE LAND ON THOSE -- THOSE HOUSES THAT WILL BE FOR 65%. WE'VE STRUCTURED THE TRANSACTION SO THAT WE WOULD LEAVE A SOFT SECOND AND THE COST OF THE LAND TO ABOUT FIVE THOUSAND DOLLARS. AND THAT WOULD BE ABLE TO REMAIN IN THAT PROPERTY AND THAT WOULD AGAIN AS LONG AS THE FAMILY LIVED IN THAT HOUSE, THEN THEY WOULD BE ABLE TO -- THE HOUSE WOULD BE ABLE TO BE MAINTAINED AS -- THAT FIVE THOUSAND DOLLARS WOULD STAY THERE UP UNTIL ABOUT A SEVEN-YEAR TIME PERIOD.

Alvarez: OKAY. THANK YOU. AND THANK YOU TO THE DEVELOPERS. I REMEMBER HE HAD A ZONING CASE... IT SEEMED LIKE A LONG TIME AGO, BUT ALSO FOR THE CREATIVITY HERE AND TRYING TO REACH OUT TO OTHER INCOME -- FAMILIES THAT ARE MAKING OTHER INCOME LEVELS.

Goodman: THE PRESIDENT IS OFF THE DAIS TEMPORARILY. ARE THERE ANY OTHER QUESTIONS OR COMMENTS OR A MOTION? I'LL SECOND. FURTHER DISCUSSION? ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

THAT'S ALL THE BUSINESS BEFORE THE FINANCE CORPORATION TODAY. THANK YOU, MADAM VICE-PRESIDENT. THANK YOU VERY MUCH.

Goodman: THEN WE NEED A MOTION TO ADJOURN THE AHFC MEETING AND RETURN TO REGULAR CITY COUNCIL MEETING.

[ INAUDIBLE ].

Goodman: ALL THOSE IN FAVOR, PLEASE SAY AYE. AND WHERE WE WERE WAS BUDGET BRIEFINGS, SO WE'LL GO BACK TO 54.

THANK YOU, MAYOR PRO TEM. GOOD AFTERNOON, MAYOR AND COUNCIL. I'M LAURA HUFFMAN, ASSISTANT CITY MANAGER OVER THE SERVICES DEPARTMENT. TODAY IT WILL INCLUDE THE ECONOMIC GROWTH AND

REDEVELOPMENT SERVICES, NEIGHBORHOOD PLANNING AND ZONING, WATERSHED PROTECTION AND DEVELOPMENT REVIEW AND PUBLIC WORKS. I'M JOINED TODAY BY SUE EDWARDS, ALICE GLASGO, JOE PEN TALLIAN AND FATHER CITENER AND TOGETHER WE WILL BE PRESENTING TO YOU THE KEY HIGHLIGHTS OF THESE BUDGETS, KEY PERFORMANCE IN EACH AREA AND OTHER THINGS THAT RELATE TO THESE DEPARTMENTS. THREE WEEKS AGO WHEN THE CITY MANAGER FIRST PRESENTED THIS YEAR'S BUDGET TO YOU, SHE FOCUSED ON SEVERAL THINGS. PERHAPS MOST IMPORTANTLY IS THE FACT THAT IN THREE YEARS WE HAVE GONE FROM A CITY THAT HAS BEEN DEVASTATED BY THE DOT-COME I AM PLOATION TO A CITY ON THE MOVE AGAIN. AND I THINK THE FACT THAT ALL THREE OF OUR BOND RATING AGENCIES HAVE SPECIFICALLY NOTED OUR PROGRESS IS SIGNIFICANT, AND SAYS A LOT ABOUT OUR EFFORTS. WE HAVE POSITION FOR THE FUTURE, BOTH FINANCIALLY AND IN HOW WE PROVIDE SERVICES TO OUR COMMUNITY. AND IN THIS SET OF DEPARTMENTS YOU WILL SEE THREE KEY AREAS WHERE WE HAVE FOCUSED ON POSITIONING FOR THE FUTURE. THE FIRST IS REORGANIZING SERVICE DELIVERY, AND THERE WERE THREE KEY REORGANIZATIONS IN THIS YEAR'S BUDGET. ONE STOP SHOP, AND IN THE PROPOSED BUDGET YOU WILL SEE THE FINAL IMPLEMENTATION OF ONE STOP SHOP. IN THIS YEAR'S BUDGET YOU WILL SEE THE FINAL CONSOLIDATION OF EMPLOYEES INTO A SINGLE DEPARTMENT FROM WHAT IS NOW 13 DIFFERENT DEPARTMENTS THAT PEOPLE HAVE TO WORK THROUGH. YOU WILL SEE US IMPLEMENT STREAMLINING OF PROCESSES, FROM 57 PROCESSES TO 21, AND WE'RE GOING TO CAPTURE ALL OF THOSE PROCESSES IN OUR NEW SOFTWARE SYSTEM AND WE'LL BE IMPLEMENTING A FULL BLOWN CONVERSION THIS YEAR. THE SECOND AREA IS TRANSPORTATION SERVICES. HERE WE ARE REASSIGNING THE TRAFFIC FUNCTIONS OF TPSD INTO PUBLIC WORKS AND THE PLANNING FUNCTIONS AT NEIGHBORHOOD PLANNING AND ZONE. WE'RE ALSO ABSORBING THE WATER CONSERVATION SERVICES AND THE AUSTIN WATER UTILITY AND THE AIR QUALITY AND SUSTAINABILITY FUNCTIONS AT AUSTIN ENERGY. THE FINAL REALIGNMENT THAT WE'RE DOING THIS YEAR IS AN AREA OF CODE ENFORCEMENT, AN

AREA THAT IS PARTICULARLY FOREIGN TO OUR CITIZENS. AND HERE WHAT WE'RE DOING IS COMBINING THE CODE ENFORCEMENT FUNCTIONS FROM NEIGHBORHOOD PLANNING AND ZONING INTO SOLID WASTE SERVICES. THE SECOND AREA WHERE YOU SEE US POSITIONING AGAIN IS MAINTAINING CRITICAL INFRASTRUCTURE. YOU WILL SEE AN EMPHASIS ON STREET MAINTENANCE. WE'LL BE MAINTAINING 545 LANE MILES OF STREET THIS YEAR. SIDEWALK AND RAMP PROJECTS, ADA PROJECTS AND POND MAINTENANCE. AND FINALLY, MAYOR AND COUNCIL, AS MAYOR PRO TEM SAID EARLIER, WE ARE NOT HEADED INTO A BOOM AGAIN. IT IS BORN THAT WE -- IT IS IMPORTANT THAT WE RECOGNIZE WE ARE WORKING WITH RESOURCES AND WE HAVE TO THINK DIFFERENTLY IN FUTURE ABOUT SERVICE DELIVERY. AND WE'RE DOING SEVERAL THINGS IN THESE DEPARTMENTS THAT I THINK HIGHLIGHT THOSE EFFORTS. THIS YEAR WE ESTABLISHED A NEW MODEL FOR ACCELERATING ROAD AND UTILITY PROJECTS. A MODEL THAT TAKES A PROJECT LIKE LAMAR STREET, WHICH UNDER ORDINARILY CIRCUMSTANCES WOULD HAVE TAKEN TWO TO THREE YEARS AND TURNS IT INTO AN EIGHT-MONTH PROJECT AND HAS MERCHANTS CELEBRATING WITH STAFF ALL ALONG THE WAY. ON THE WATERSHED PROJECTS WE CONTINUE TO THINK DIFFERENTLY, USING INNOVATIVE DESIGNS TO PRESERVE THE NATURAL BEAUTY OF OUR CREEKS RATHER THAN GOING WITH THE HARD LINE CONCRETE BASKET DESIGNS THAT ARE PREVALENT THROUGHOUT THE COUNTRY. SEVERAL OF US CELEBRATED THE FIRST BROWN FIELD PROJECT THAT WE'RE WORKING ON IN AUSTIN TO RESTORE MABEL DAVIS AS A COMMUNITY ASSET FOR ALL TO ENJOY. THIS NOT ONLY REPRESENTS A COLLABORATION WITH CITY DEPARTMENTS, BUT WITH THE STATE AND FEDERAL GOVERNMENT. AND FINALLY REORGANIZING OUR GROWTH AND ECONOMIC SERVICES TO REFLECT YOUR EMPHASIS ON SMALL BUSINESS AND CULTURAL VITALITY. AND TO GIVE YOU A VIGNETTE FROM EARLIER THIS WEEK, YOU WERE ON THE MONEY WITH THIS EMPHASIS. 94% OF AUSTIN'S BUSINESSES HAVE 50 OR FEWER PEOPLE, 50 OR FEWER EMPLOYERS, AND THIS WEEK OUR SMALL BUSINESS ASSISTANCE OFFICE HELD A LENDER'S FAIR. WE EXPECTED 100 PARTICIPANTS, AND WHEN THE FAIR OPENED WE HAD NEARLY 400

PARTICIPANTS. EVERYONE THERE SAID THAT IT WAS THE MOST POSITIVE, PRODUCTIVE THING THAT THEY HAD HAD FOR SMALL BUSINESSES THAT THEY HAD EVER BEEN TO. ALL OF THE LENDING INSTITUTIONS SAID THEY WOULD BE BACK NEXT YEAR WITH 500 PACKETS. WE'RE MAKING PROGRESS HERE, AND THIS EMPHASIS IS RECOGNIZING THAT THE BACKBONE OF OUR ECONOMY IS BROADER THAN JUST TRADITIONAL INDUSTRY.

LAURA, WHY DON'T WE TAKE ONE MOMENT THERE. ROSIE, IF YOU'LL STAND. A DAMN FINE JOB, ROSIE. THANK YOU IN THAT. [ APPLAUSE ]

AGAIN, COUNCIL, THIS BUDGET REFLECTS ALL OF THESE EFFORTS WITH A STRONG EMPHASIS ON POSITIONING, NOT JUST THIS ORGANIZATION, BUT THE COMMUNITY. COMBINED THE BUDGET FOR THESE DEPARTMENTS TOTAL 1221.4 -- \$121.4 MILLION, WHICH REPRESENTS A SIX PERCENT INCREASE OVER LAST YEAR'S BUDGET. YOU WILL SEE THAT WE HAVE SOME LARGE INCREASES FROM LAST YEAR'S BUDGET. MOST OF THESE INCREASES ARE NOT NEW DOLLARS. WHAT THEY REFLECT ARE THE REORGANIZATIONS THAT I'VE TALKED ABOUT THAT ARE HAPPENING IN THESE AREAS. WHERE WE HAVE INVESTED NEW DOLLARS WE HAVE DONE SO STRATEGICALLY, LIKE ADDING A CONCRETE CREW AND PUBLIC WORKS AND A HANDFUL OF EMPLOYEES IN ONE STOP SHOP TO MAKE SURE THAT OUR CUSTOMER SATISFACTION INCREASES IN THE FOLLOWING YEARS. ECONOMIC GROWTH AND REDEVELOPMENT SERVICES IS PROPOSED AT 6-POINT HAD MILLION DOLLARS. NEIGHBORHOOD PLANNING AND ZONING IS PROPOSED AT \$4.7 MILLION. WATERSHED PROTECTION AND DEVELOPMENT REVIEW IS PROPOSED AT \$55.5 MILLION. AND PUBLIC WORKS IS PROPOSED AT \$54.8 MILLION. YOU WILL SEE ON THIS CHART THAT WE'VE SHOWN YOU TRANSPORTATION PLANNING AND SUSTAINABILITY, WHICH HAS BEEN ABSORBED INTO THE OTHER DEPARTMENTS AND IS REFLECTED AT NO DOLLARS FOR THE PROPOSED FISCAL YEAR. AND LOOKING AT THE F.T.E.'S ASSOCIATED WITH THESE DEPARTMENTS WE HAVE 1,075 EMPLOYEES. IN LONG NUMBERS THIS REPRESENTS 12.5 FEWER F.T.E.'S THAN LAST YEAR AND YOU SEE THAT ON THE BOTTOM CORNER OF THE CHART, BUT KEEP IN MIND THAT WE HAVE SEVERAL

REORGANIZATIONS AND SOME OF THE OTHER DEPARTMENTS THAT ABSORBED EMPLOYEES ARE NOT REFLECTED ON THIS CHART. SO WHEN YOU ACCOUNT FOR ALL THREE ORGANIZATIONS, WHAT WE HAVE IN THIS SET OF DEPARTMENTS ARE 18 NEW POSITIONS. AND EACH DIRECTOR WILL TALK TO YOU ABOUT THOSE ADDITIONS AS THEY MOVE THROUGH THEIR BUDGETS, BUT LET ME GIVE YOU JUST A QUICK BREAKOUT. AN ECONOMIC GROWTH AND REDEVELOPMENT WE'RE ADDING FOUR NEW STAFF TO CREATE A NEW SMALL BUSINESS CENTER AT ONE TEXAS CENTER. THIS WILL BE IN THE FIRST FLOOR OF THE ONE STOP SHOP. AND NEIGHBORHOOD PLANNING AND ZONING WE'RE ADDING A PLANNER TO AUGMENT THE ZONING FUNCTION. AND WATERSHED PROTECTION AND DEVELOPMENT REVIEW WE'RE ADDING A HANDFUL OF EMPLOYEES TO HELP US IMPLEMENT THE ONE STOP SHOP. AS A REMINDER, THIS IS AN AREA WHERE WE CUT 40% OF THE RESOURCES LAST YEAR AND WE FOUND THAT IN THE COMING YEAR WE'RE GOING TO HAVE TO ADD BACK IN ORDER TO BE EFFECTIVELY IMPLEMENTING THE ONE STOP SHOP. AND IN PUBLIC WORKS AGAIN WE'RE ADDING A CONCRETE CREW. SO THOSE ARE THE ADDITIONAL EMPLOYEES THAT YOU'LL SEE IN THESE BUDGETS. LOOKING AT THE REVENUES THAT SUPPORT THESE DEPARTMENTS, IT'S INTERESTING TO NOTE THAT THE GENERAL FUND, OUR TRADITIONAL SOURCE OF FUNDING WITH SALES TAX AND PROPERTY TAX THAT PROVIDES GENERAL GOVERNMENT SERVICES ONLY PROVIDES ABOUT 19% OF THE FUNDING FOR THESE DEPARTMENTS. OTHER FUNDING SOURCES INCLUDE THE TRANSPORTATION USER FIAT 19.1 IS 16-POINT WILL%. THE -- 16.8%. THE DRAINAGE UTILITY IS 37%. AUSTIN ENERGY AT 5.2 MILLION IS 4.6% OF THE FUNDING SOURCES. PARKING METER ARE AT \$2.3 MILLION. DEVELOPMENT FEES A LITTLE LESS THAN \$500,000. AND OUR OTHER CATEGORY AT 23 MILLION, THE LARGEST CHUNK THERE IS THE CIP ENTERPRISE PROJECT CHARGES OF 13 MILLION. SO ON BALANCE THE GENERAL FUND IS A RELATIVELY SMALL PORTION OF THE FUNDING SOURCES FOR THIS DEPARTMENT. MOVING INTO SOME OF THE BUDGET HIGHLIGHTS FEW THESE DEPARTMENTS. AS I MENTIONED AT THE BEGINNING OF THIS PRESENTATION, WE'RE FOCUSED ON THE FUTURE IN THE SET OF DEPARTMENTS AND WHAT

WE CAN DO TODAY TO MAKE SURE THAT THESE SERVICES ARE HIGH QUALITY IN THE FUTURE. AND HERE ARE SOME HIGHLIGHTS. WE'RE FINALIZING THE ECONOMIC DEVELOPMENT POLICY AND WILL BE BRINGING TO YOU THE CRITERIA THAT WE WILL EVALUATE, APPLICATIONS FOR TAX ABATEMENTS FOR FIRMS. WE'LL BE BRINGING THAT TO YOU IN SEPTEMBER. WE HAVE IMPLEMENTED A COMPLETELY REVAMPED CULTURAL ARTS FUNDING PROCESS AND YOU WILL SEE THOSE RECOMMENDATIONS DURING THE BUDGET HEARINGS BEGINNING ON SEPTEMBER 13TH. AGAIN, WE ARE CREATING A SECOND SMALL BUSINESS PLAN ROOM AT THE ONE STOP SHOP TO ASSIST SMALL BUSINESSES IN AUSTIN. AND FINALLY THIS YEAR WE'LL SEE SOME CELEBRATION. WE'LL BE OPENING CITY HALL. WE'LL BEGIN CONSTRUCTION AT MUELLER AND WE'LL BE MAKING ANNOUNCEMENTS ABOUT SECOND STREET RETAIL. THIS YEAR WE WILL COMPLETE THE ONE STOP SHOP. WE WILL BE CO-LOCATING ALL OF THE STAFF THAT PLAY A ROLE IN THE DEVELOPMENT PROCESS. A REVIEW PROCESS THAT INCLUDED AS MANY AS 13 DIFFERENT DEPARTMENTS WILL NOW BE IN A SINGLE BUILDING. THROUGH STAFF AND CUSTOMER FEEDBACK WE HAVE REDUCED 57 PROCESSES TO 21 PROCESSES WHILE ENSURING CODE COMPLIANCE. THIS YEAR WE ARE PROPOSING A FOURTH DRAINAGE FREE INCREASE TO THE MASTER PLAN AND NEXT WEEK WE'LL BE HOLDING A PUBLIC HEARING FOR THE RATE INCREASES. AS WE DISCUSSED EARLIER THIS BUDGET ALSO INCLUDE A REALIGNMENT AT TRANSPORTATION PLANNING AND SUSTAINABILITY. THE TRAFFIC DIVISIONS WILL GO TO PUBLIC WORKS AND THE PLANNING FUNCTIONS WILL GO TO NEIGHBORHOOD PLANNING AND ZONING. FINALLY AT THE END OF THE CURRENT YEAR WE WILL HAVE COMPLETED 28 NEIGHBORHOOD PLANS, 50% OF OUR URBAN CORE. AND THE PROPOSED BUDGET WE WILL COMPLETE ANOTHER EIGHT NEIGHBORHOOD PLANS. IN PUBLIC WORKS, WE HAVE -- HERE'S A LARGE FIGURE FOR YOU. IN PUBLIC WORKS WE HAVE MANAGED OVER \$700 MILLION IN PROJECTS, INCLUDING THE NEW CITY HALL, THE AUSTIN RESOURCE CENTER FOR THE HOMELESS, AND THE LOYOLA LANE IMPROVEMENTS. WE WILL BE MAINTAINING 545 LANES OF ROADWAY, WHICH REPRESENT 8% OF OUR ROADWAY NETWORK. AND HERE WE'RE MAINTAINING 74% OF OUR

ROADS IN FAIR TO EXCELLENT CONDITION. AND SONDRRA WILL TALK MORE ABOUT THAT IN HER PRESENTATION. THIS YEAR'S BUDGET INCLUDES THE ADDITION OF A CONCRETE CREW TO FOCUS ON A.D.A. SIDEWALK AND RAMP PROJECTS AND WE HAVE A TOTAL OF 4.3 MILLION AVAILABLE FOR A.D.A. PROJECTS PROPOSED IN THIS YEAR'S BUDGET. TURNING NOW TO CITIZEN'S SURVEY. AND AGAIN, EVERY YEAR WE SURVEY THE CITIZENS OF AUSTIN TO ASK THEM WHAT ARE THEIR PRIORITIES, WHAT ARE THEIR SATISFACTION RATINGS WITH OUR SERVICES. WHAT WE DO EACH YEAR IS WE ASK CITIZENS TO RATE THE SERVICES THAT YOU SEE FROM ONE TO 10 FROM MOST IMPORTANT TO THE 10th IMPORTANT. AND AS YOU KNOW, PUBLIC SAFETY TYPICALLY OCCUPIES THE FIRST, SECOND AND THIRD CATEGORIES. TRAFFIC FLOW AND SIGNAL SYNCHRONIZATION RANKED FOURTH AMONG OUR CITIZENS AND FIFTH WAS ENVIRONMENTAL PROTECTION. THE 10th WAS ECONOMIC DEVELOPMENT EFFORTS, AND WHAT WE'RE NOT SURE OF HERE IS EXACTLY HOW PEOPLE ARE RANKING THIS QUESTION. ONE THING THAT'S GOING ON IS WE'RE NOT SURE THAT PEOPLE UNDERSTAND THE ROLE THAT CITY PLAYS IN ECONOMIC GROWTH. THE OTHER THING THAT MIGHT BE HAPPENING IS PEOPLE MIGHT BE RATING THE ECONOMY ITSELF. BUT THE RANKINGS THE CITIZENS GIVE THIS ONE THROUGH 10, WE'VE GOT TRAFFIC FLOW SIGNALIZATION 4, ENVIRONMENT FIFTH AND OUR ECONOMY 10th. NOW WHAT I'D LIKE TO DO IS MOVE INTO THE INDIVIDUAL DEPARTMENT PRESENTATIONS AND WHAT I'LL DO IS TALK ABOUT THE INDIVIDUAL SURVEY QUESTIONS AND THEN WE'LL HAVE THE DIRECTORS THE OF THE DEPARTMENT WALK YOU THROUGH THEIR NUMBERS. FIRST UP IS SUE EDWARDS WITH ECONOMIC GROWTH AND REDEVELOPMENT.

THERE WERE TWO QUESTIONS IN OUR CITIZENS SURVEY THAT RELATE ON THE ECONOMIC GROWTH AND REDEVELOPMENT. FIRST ASK CITIZENS ABOUT THE VITALITY OF OUR DOWNTOWN. 78.8% OF THOSE SURVEYS RANKED THIS AS A VERY HIGH PRIORITY. AND 74% INDICATED THAT THEY WERE SATISFIED WITH THIS PRIORITY. ECONOMIC DEVELOPMENT EFFORTS RANKED LOWER AT ALMOST 64% WITH A SATISFACTION LEVEL ALSO AT 64%, BUT UP NEARLY SEVEN PERCENT FROM LAST YEAR. WHILE SOME CITIZENS

MAY NOT BE FAMILIAR WITH THE CITY'S EFERS AT REDEVELOPMENT, BUT WE HAVE PUT THESE 32 THREE KEY AREAS, SMALL BUSINESS DEVELOPMENT, CULTURAL VITALITY AND TRADITIONAL ECONOMIC DEVELOPMENT. THIS STRUCTURE RECOGNIZED THE VALUE THAT ALL SEGMENTS BRING TO OUR ECONOMY AND CONTRIBUTE TO THE OVERALL HEALTH OF AUSTIN'S COMMUNITY AND ALSO TO ITS ECONOMY. THIS NEW EMPHASIS IS PAYING DIVIDENDS IN OUR COMMUNITY. WITH THAT I WILL TURN IT OVER TO SUE EDWARDS WITH ECONOMIC GROWTH AND REDEVELOPMENT.

THANK YOU, LAURA. MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, I AM SUE EDWARDS, DIRECTOR FOR THE ECONOMIC GROWTH AND REDEVELOPMENT SERVICES OFFICE. BEFORE I GIVE MY PRESENTATION, I WOULD LIKE TO RECOGNIZE THREE INDIVIDUALS WHO HAVE WORKED VERY HARD ON THIS BUDGET WITH ME. ONE IS OUR BUDGET OFFICER, MINDY GRIGGS. THE OTHER IS BLAKE SMITH. AND FINALLY, ROSIE HALEVI. ALL THREE HAVE DONE AN EXCEPTIONAL JOB AND I THANK THEM VERY MUCH. AS YOU KNOW, EACH AREA WAS CREATED FOUR YEARS AGO AND EACH YEAR HAS ADDED PROGRAMS AND SERVICES AS THE COUNCIL HAS DEVELOPED ITS ECONOMIC DEVELOPMENT POLICIES. MANY OF THESE CHANGES COME OUT OF THE MAYOR'S TASKFORCE ON THE ECONOMY. IN THE LAST TWO AND A HALF YEARS, THE OFFICE HAS ACQUIRED A CIVIC ART COMPONENT THAT INCLUDES FUNDING FOR THE CULTURAL ARTS, ART IN PUBLIC PLACES, FILM, MUSIC AND DIGITAL MEDIA, AND THE INTERNATIONAL AND SISTER CITIES PROGRAM. IN ADDITION, WE HAVE ACQUIRED THE SMALL BUSINESS DEVELOPMENT PROGRAM, WHICH WAS REFOCUSED IN ITS TRAINING AND TECHNICAL SIS TOANS TO INCLUDE ALL TYPES OF SMALL BUSINESS, INCLUDING THE ARTS. THE PROPOSED BUDGET FOR THIS YEAR, AS LAURA HAS INDICATED, IS \$6.4 MILLION, AND IT INCLUDES FOUR NEW F.T.E.'S, SIX TRANSFERS IN AND TWO TRANSFERS OUT. THREE OF THE NEW F.T.E.'S ARE RELATED TO TWO NEW INITIATIVES THAT SUPPORT THE RECOMMENDATION FROM THE MAYOR'S TASKFORCE ON THE ECONOMY THAT WILL PROMOTE JOB CREATION AND ASSIST IN MAKING THE CITY'S DEVELOPMENT REVIEW ZONING AND PERMITTING PROCESS MORE ACCESSIBLE FOR THE INDIVIDUAL INTERESTED IN

STARTING OR EXPANDING A SMALL BUSINESS. THE FIRST IS THE DEVELOPMENT INFORMATION SERVICES CENTER, A PHYSICAL RESOURCE CENTER THAT PROVIDES A COMPUTER ACCESS TO INFORMATION ABOUT THE CITY'S DEVELOPMENT PROCESS AND WILL SERVE AS AN ACCESS POINT FOR LEARNING ABOUT AND SUBMITTING E-PERMITS. IT IS INTENDED TO PROMOTE JOB CREATION BY FOCUSING ON PRIVATE SECTOR CONSTRUCTION PROJECTS ON BOTH THE LOCAL AND STATEWIDE BASIS. IN ADDITION, THE CENTER WILL PROVIDE A SINGLE POINT OF ENTRY, A RESOURCE PERSON FOR THE SMALL BUSINESS OWNER PROVIDING ONE ON ONE ASSISTANCE. THIS POSITION WILL HELP SMALL BUSINESS OWNERS BY CLARIFYING CITY REGULATIONS AND FACILITATING COMMUNICATIONS AND PROBLEM SOLVING BETWEEN THE BUSINESS OWNER AND CITY STAFF. THE CENTER WILL ALSO PROVIDE TRAINING CLASSES TO EDUCATE BUSINESS OWNERS ON THE CITY'S DEVELOPMENT, ZONING AND PERMITTING REGULATIONS AND HOW TO BE SUCCESSFUL IN RET VIEW PROCESS. THE FOURTH NEW POSITION IS A PROJECT SPECIALIST OR PROJECT MANAGER POSITION THAT WILL ACT AS THE LIAISON FOR THE CITY AND CATELLUS AS WE BEGIN CONSTRUCTION AT THE MUELLER PROJECT. THIS WILL ALSO BE RESPONSIBLE FOR MONITORING THE PERFORMANCE CRITERIA FOR CATELLUS THAT ARE SET OUT IN THE MASTER DEVELOPMENT AGREEMENT. AND THIS POSITION IS FUNDED THROUGH THE MUELLER PROJECT. OF THE SIX TRANSFERS INTO THE DEPARTMENT, THREE ARE ATTRIBUTED TO THE REORGANIZATION OF TPSD, TWO ARE FROM THE INTERNATIONAL SISTER CITIES PROGRAM AS WE HAVE DISCUSSED, AND ONE IS FROM THE CULTURAL ARTS PROGRAM. THIS IS NOT A NEW POSITION, BUT IS A POSITION THAT WAS PREVIOUSLY FUNDED THROUGH A GRANT. OF THE TWO F.T.E.'S BEING TRANSFERRED OUT, ONE GOES TO DSMVR FOR MINORITY CONTRACT COMPLIANCE AND THE OTHER IS BEING TRANSFERRED TO PUBLIC WORKS. THE OFFICE HAS PROPOSED REDUCTIONS TOTALING \$631,000, MOST OF THOSE IN A ONE-TIME SPENDING. THIS SLIDE DEPICTS THE BREAKOUT OF PROGRAMS AND THE DOLLAR AMOUNT ATTRIBUTED TO EACH PROGRAM. ECONOMIC DEVELOPMENT AS YOU CAN SEE IS THE LARGEST AT \$2.5 MILLION OR 39 PERCENT OF THE OFFICE. SMALL BUSINESS

DEVELOPMENT AT 1.5 MILLION. THE CULTURAL ARTS PROGRAM AT 1.4 MILLION. AND SUPPORT SERVICE AT \$176,000. TRANSFERS TO OTHER DEPARTMENTS ARE ABOUT \$772,000: THE PIE CHART IS A VISUAL DPIK OF THE PREVIOUS SLIDE -- DEPICTION OF THE PREVIOUS SLIDE. AMONG OUR ACHIEVEMENTS FOR THE COMING YEAR ARE THE COMPLETION OF THE CITY CATELLUS, CHILDREN'S HOSPITAL DEVELOPMENT AGREEMENT, THE NEGOTIATION OF THE RMMA MASTER DEVELOPMENT AGREEMENT, WHICH WE PLAN TO BRING BEFORE THE COUNCIL AT THE END OF SEPTEMBER. THE COMPLETION OF THE NEW CITY HALL IN NOVEMBER OF THIS YEAR. THE SECOND STREET RETAIL AGREEMENT. THE JOINT HIRING OF THE CONSULTANTS FOR THE DOWNTOWN RETAIL STUDY WITH THE DOWNTOWN AUSTIN ALLIANCE. AND WORKING WITH THE CHAMBER CHAMBER OF COMMERCE ON 14 RELOCATION EXPANSION REFERRALS. OUR PUBLIC PRIVATE INVESTMENTS THIS YEAR INCLUDE HOME DEPOT, WHICH IS COMMITTED TO HIRING 500 JOBS BY JANUARY 2008 AND WILL PROVIDE PROPERTY TAX FOR THE FIRST 10 YEARS. AT THE END OF THE 10-YEAR PERIOD THEY WILL BEGIN CONTRIBUTING ONE MILLION DOLLARS A YEAR TO THE TAX BASE. THE SECOND INVESTMENT IS THE SAMSUNG EXPANSION, WITH A COMMITMENT OF 240 JOBS BY JULY 2009 AND A-MILLION-DOLLAR A YEAR CONTRIBUTION TO THE TAX BASE AT COMPLETION. THIS SLIDE DEPICTS THE PROJECTS ON WHICH THIS DEPARTMENT IS CURRENTLY WORKING. THE DOMAIN IS A PARTNERSHIP WITH ENDEAVOR REAL ESTATE AND THE SIMON PROPERTY GROUP. THEIR SCHEDULE CONTEMPLATES A FALL 2005 OPENING WITH NEIMAN MARCUS AS ONE OF THE MAJOR TENANTS. IF YOU TRAVEL LAMAR BOULEVARD NORTH BEYOND 45TH STREET, YOU WILL SEE THE BEGINNINGS OF SITE DEVELOPMENT WORK ON THE TRIANGLE PROJECT, A PARTNERSHIP BETWEEN TWO COMPANIES, THE FIRST PHASE BEING APARTMENTS. A COMPANY OUT OF HOUSTON IS IN A BEGINNING PHASE WITH RIATA WITH THE DEVELOPMENT PROCESS ON THE ROBERTSON HILL TRACT LOCATED DOWNTOWN ON I-35. AS YOU ARE AWARE, THE BLOCK 21 RFP EVALUATION PROCESS WILL BEGIN OVER THE NEXT FEW WEEKS. INFRASTRUCTURE CONSTRUCTION IS UNDERWAY ON THE MUELLER SITE FOR THE SETON CHILDREN'S HOSPITAL. AND THE GROUND LEASE

FOR THE SECOND STREET RETAIL WAS APPROVED THIS FISCAL YEAR WITH RETAIL ANTICIPATED TO OCCUPY SPACE BY FEBRUARY 2005. ALTHOUGH THERE HAVE BEEN MANY ACHIEVEMENTS IN THE CULTURAL ARTS DIVISION, THE ONE TAKING THE MOST STAFF TIME AND EFFORT HAS BEEN THE DEVELOPMENT AND COUNCIL APPROVAL OF THE NEW CULTURAL ARTS POLICY AND SELECTION PROCESS. AIPP HAS 17 NEW ADDITIONS TO THE CITY'S COLLECTION. THE CIVIC PUBLIC ART DOWNTOWN MASTER PLAN R.F.P. HAS BEEN LET, AND THE RECOMMENDATION FOR A CONSULTANT WILL BE BEFORE COUNCIL FOR APPROVAL THIS MONTH. AND ON MONDAY, AUGUST THE 30TH, THE RESULTS OF THE FILM STUDY WILL BE RELEASED. THE FINAL SLIDE DEPICTS THE DISPLISHMENTS IN THE SMALL BUSINESS AREA. THE ONLINE PLAN ROOM HAS ASSISTED CUSTOMERS IN RECEIVING \$13.6 MILLION IN CONTRACTS THROUGH THE END OF JUNE, WHICH REPRESENTS 212 SUCCESSFUL BIDS OUT OF 1300 SUBMITTED. THIS IS A 15% SUCCESS RATE, AND I THINK I MENTIONED THIS PREVIOUSLY IN THE ECONOMIC DEVELOPMENT PRESENTATION. THIS COMPARES TO AN INDUSTRY STANDARD OF 10%. THEY HAVE OPENED A BUSINESS INFORMATION CENTER THAT PROVIDES SMALL BUSINESS OWNERS AND START-UP ENTREPRENEURS ACCESS TO TECHNOLOGY AND RESOURCES FOR RESEARCHING BUSINESS DEVELOPMENT AND BUSINESS TRANSACTION OPPORTUNITIES AVAILABLE WITH AND WITHIN THE CITY OF AUSTIN. WE ALSO PROVIDE ACCESS TO TECHNOLOGY AND RESOURCES TO SMALL BUSINESSES. HOWEVER, THE BUSINESS INFORMATION CENTER FOCUSES ON SERVICE AND RETAIL BUSINESS RATHER THAN ON THE CONSTRUCTION TRADES. THE PROGRAM HAS PROVIDED OVER 2,000 REFERRALS TO 558 SMALL BUSINESS OWNERS THROUGH JUNE. THE REFERRALS MOST COMMONLY INVOLVED BASIC START-UP ISSUES, WRITING BUSINESS PLANS, PROVIDING LOAN AND FINANCING INFORMATION, AND EXPLAINING CITY REGULATIONS THAT AFFECT SMALL BUSINESSES. THE SECOND ANNUAL BUSINESS START-UP CONFERENCE PROVIDED IN-DEPTH INFORMATION ON HOW TO START A BUSINESS IN THE BEAUTY INDUSTRY. AND AS LAURA HAS MENTIONED, ONE OF THE MOST SUCCESSFUL EVENTS THIS YEAR WAS THE SMALL BUSINESS ADMINISTRATION MEET THE LENDER FAIR WHICH WAS HELD

THIS PAST TUESDAY. IT FEATURED SBA REPRESENTATIVES FROM SAN ANTONIO. SURPRISINGLY, THERE WERE 14 MAJOR BANKS REPRESENTED, SEVEN COMMUNITY DEVELOPMENT CORPORATIONS AND SEVERAL LOAN PROGRAMS. AND AS WE ANTICIPATED, 100 PARTICIPANTS COMING. WE SAW AT THE END 365 PARTICIPANTS. AND IN THE SURVEYS THAT WE RECEIVED HAD AN OVERWHELMING RESPONSE TO AN APPRECIATION OF THE FACT THAT THE CITY WOULD DO SOMETHING THAT SUPPORTED SMALL BUSINESS AND SMALL BUSINESS LOANS. THIS SLIDE DEPICTS THE KEY PERFORMANCE MEASURES FOR 2004. THE PERCENTAGE INCREASE IN RESIDENTIAL UNITS FOR THIS YEAR WILL BE AROUND 18.2%. ABOUT 3 PERCENT MORE THAN ANTICIPATED. AT PRESENT, THERE ARE APPROXIMATELY 2,873 RESIDENTIAL UNITS DOWNTOWN. WE ANTICIPATE THAT BUILDING WILL SLOW DOWN NEXT YEAR BECAUSE OF THE CUMULATIVE NUMBER OF UNITS BUILT TO DATE. AND ARE ESTIMATING THE GROWTH TO BE AROUND EIGHT PERCENT FOR NEXT YEAR. RETAIL SQUARE FOOTAGE DOWNTOWN WAS ABOUT WHERE WE ESTIMATED IT TO BE, AT 9.8%. THE ANTICIPATED INCREASE IN RETAIL FOR 2005 IS RELATED TO THE COMPLETION OF THE WHOLE FOOD MARKET HEADQUARTERS AND A NEW GROCERY STORE AS WELL AS OTHER NEW RETAIL IN THE SIXTH AND LAMAR AREA. AS MENTIONED PREVIOUSLY, THE NUMBER OF PUBLIC PIECES ADDED TO THE AIPP COLLECTION IS 17. THERE'S A DECREASE IN THE NUMBER OF PARTICIPANTS IN BUSINESS TRAINING CLASSES DUE TO THE CLOSE OF ONE OF THE SERVICE PROVIDERS, AND SURVEYS INDICATE THAT 90% OF THE INDIVIDUALS PARTICIPATING IN THE SMALL BUSINESS TRAINING CLASSES LEARNED USEFUL INFORMATION THAT WOULD ACTUALLY ASSIST THEM IN MAKING THEIR BUSINESS MORE COMPETITIVE. BECAUSE THERE ARE NUMEROUS CONFIGURATIONS OF ECONOMIC DEVELOPMENT OFFICES THROUGH TEXAS AND THE COUNTRY, IT WAS DIFFICULT TO FIND BENCHMARKING DATA THAT COMPARES APPLES TO APPLES. WE WILL HOPEFULLY HAVE MORE COMPLETE DATA THIS COMING YEAR. THE TWO BENCHMARKS THAT WE USED THIS YEAR ARE CURL CHURL ARTS -- CULTURAL ARTS SPENDING AND SMALL BUSINESSES SERVED. CULTURAL SPENDING IN AUSTIN --

AND IN SAN ANTONIO, WHICH USES FUNDS FROM THE HOTEL-MOTEL TAX, THE ALAMODOME AND THE WOLF STADIUM, 1.83 PER CAPITA. IN THE SMALL BUSINESS DEVELOPMENT AREA, AUSTIN SERVED 617 UNDUPLICATED BUSINESSES COMPARED TO 582 FOR FORT WORTH, WHICH IS INTERESTING GIVEN THE SIZE OF EACH CITY. NEW INITIATIVES FOR 2005 INCLUDE GROUNDBREAKING AND THE BEGINNING CONSTRUCTION OF THE MUELLER PROJECT BEYOND THE SETON HOSPITAL AREA, CONTINUED DEVELOPMENT OF SECOND STREET RETAIL DISTRICT, IMPLEMENTING RECOMMENDATIONS FROM THE DOWNTOWN RETAIL STUDY, FOCUSING ON CLEAN ENERGY, BIO TECH AND HIGH-TECH ENERGIES THAT ARE ENVIRONMENTALLY SUSTAINABLE, EVALUATING THE NEW CULTURAL ARTS FUNDING POLICIES, MAKING CHANGES WHERE NECESSARY, IMPLEMENTING A CONTRACT MANAGEMENT SYSTEM FOR THE CULTURAL FUNDING PROGRAM, ADDING EIGHT PIECES TO THE AIPP COLLECTION, AND ADOPTING A DOWNTOWN MASTER PLAN FOR THE ARTS. AND AS DISCUSSED AT THE BEGINNING OF THE PRESENTATION, WE WILL EXPAND THE OPPORTUNITIES FOR SMALL BUSINESS OWNERS AND START-UP ENTREPRENEURS' ACCESS TO TECHNOLOGY AND RESOURCES FOR RESEARCHING BUSINESS DEVELOPMENT AND BUSINESS TRANSACTION OPPORTUNITIES. THIS CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU, MS. EDWARDS. QUESTIONS, COUNCIL? MAYOR PRO TEM.

Goodman: LET ME ASK YOU, SUE, WHERE EXACTLY WE'RE THINKING OF THE ECONOMIC DEVELOPMENT INCENTIVES OR SUPPORT OR WHATEVER, WERE THEY FOCUSED NOT ONLY ON SMALL BUSINESS, BUT CREATIVE INDUSTRY? I SEE A REFERENCE TO ENTREPRENEURIAL. WHAT PAGE WAS THAT? ENHANCED ENTREPRENEURIAL SKILLED DEVELOPMENT ON PAGE 23.

WE'VE DONE SEVERAL THINGS. WHEN WE ADOPTED THE SMALL BUSINESS PROGRAM, WE BEGAN DEVELOPING IMMEDIATELY TRAINING THAT WOULD BE BENEFICIAL FOR THE ART -- CREATIVE ARTS COMMUNITY. WE HAVE BEEN WORKING WITH THAT DIVISION AND A NUMBER OF PEOPLE IN THE ARTS COMMUNITY TO BE ABLE TO CREATE FOR THEM

SOME TRAINING, TECHNICAL ASSISTANCE THAT THEY WOULD LIKE TO SEE. IN ADDITION TO THAT, AT THE SBA MEET THE LENDER PROGRAM THE OTHER NIGHT ON TUESDAY, WE HAD FOR THE FIRST TIME A FABULOUS BROCHURES ON THE LOAN PROGRAM THAT WE EXPANDED THIS YEAR FROM MUSICIANS TO ALL ARTISTS, AND WE HAD A LARGE PARTICIPATION, SOME REALLY -- SOME PEOPLE WHO WERE VERY INTERESTED IN THAT LOAN PROGRAM. SO IF I'M ANSWERING YOUR QUESTION, ONE OF OUR FOCUSES FOR THIS YEAR IS TO EXPAND WHAT WE HAVE DONE IN SMALL BUSINESS TO THE CREATIVE CLASS COMMUNITY, ADDING MUSIC AND FILM AND OTHERS. IN ADDITION TO THAT, ONE THING THAT WE HAVE ADDED TO THE ECONOMIC DEVELOPMENT POLICY THAT WE WILL BE BRINGING BACK TO YOU IS A WAY TO PROVIDE INCENTIVES FOR THAT PARTICULAR GROUP.

Goodman: WELL, I'M THINKING OF IT BOTH IN TERMS OF SMALL ENTREPRENEURIAL EFFORTS, BUT ALSO THERE'S INDUSTRY. THERE'S HUGE CREATIVE INDUSTRY OPPORTUNITIES THAT WE CAN BEGIN GROWING. AND I DON'T REALLY SEE THAT. I MEAN, YOU ALLUDE TO FILM, FOR INSTANCE, AND OBVIOUSLY THAT'S SOMEWHERE WE COULD GO, BUT I DON'T REALLY SEE IT LAID OUT. THE ARTS -- CULTURAL ARTS AND CULTURAL ARTS FUNDING IS VERY NARROW SORT OF FOCUS. IT'S A PROGRAM, NOT REALLY A VISION. SO I'M WONDERING HOW THAT COMES OUT IN THE PRIORITIES HERE.

IT'S ACTUALLY ONE OF THE TOP PRIORITIES. AS I MENTIONED, WE'LL BE BRINGING BACK A PIECE IN THE ECONOMIC DEVELOPMENT POLICY THAT DISCUSSES HOW WE WOULD LIKE TO REALLY PROMOTE THOSE INDUSTRIES, THE CREATIVE INDUSTRIES.

Futrell: ALSO, MAYOR PRO TEM, IN ANOTHER DIVISION IN ECONOMIC DEVELOPMENT, THE MORE TRADITIONAL RECRUITMENT AND RETENTION SECTION, WE HAVE A DEDICATED POT OF DOLLARS AND A PROGRAM GOING TOWARDS THE CLEAN ENERGY LAB CONCEPT, MAKING THE CITY A LAB FOR THOSE KINDS OF NEW BUSINESSES AND SPINOFF BUSINESSES IN CLEAN ENERGY. SO THAT'S ANOTHER ONE OF THE FOCUSES THAT TAKES YOU AWAY

FROM THE CULTURAL COMPONENT, BUT INTO MORE TREPAL AND -- ENTREPRENEURIAL AND A NEW AND DIFFERENT KIND OF INDUSTRY.

Goodman: THAT SOUNDS GOOD. THEN YOU MENTION BIO TECH AND HIGH-TECH. DOES THAT INCLUDE WIRELESS?

ABSOLUTELY.

Goodman: I THINK WE NEED TO ACTUALLY WRITE THAT OUT.

WE'LL BE GLAD TO ADD THAT.

Goodman: GREAT. THANKS. THANK YOU, MAYOR.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. COUNCILMEMBER SLUSHER.

Slusher: YEAH. MS. EDWARDS, THERE'S SOME PERCENTAGES ON HERE ABOUT THE INCREASE IN DOWNTOWN RESIDENTIAL USE. CAN YOU SAY SOME ACTUAL NUMBERS?

I BELIEVE IT WAS AROUND 2,800.

2,008 2,873.

Slusher: AND OBVIOUSLY THAT'S A LOT OF PROGRESS THERE BRINGING PEOPLE DOWNTOWN. I THINK THAT THE DOWN SIDE OF THAT OR THE MISSING PART OF IT IS THAT I THINK THEY'RE ALMOST ALL, IF NOT ALL FOR -- BEYOND SAYING AFFORDABLE UNIT OR 80% OF MEDIAN FAMILY INCOME OR ANYTHING LIKE THAT, THEY'RE ALL FOR THE WEALTHY. MAYBE I'M WRONG. IS THERE ANY WAY WE CAN FIND OUT THE RANGE OF PRICE ON THE UNITS?

YES. I'LL GET THAT FOR YOU.

Slusher: AND IF POSSIBLE, I WOULD LIKE TO SEE SOME COMPARISON WITH DALLAS BECAUSE THEY'VE HAD A DOWNTOWN HOUSING BOOM AS WELL. AND I THINK JUST FROM ANECDOTAL INFORMATION, I THINK THEY MAY HAVE A LITTLE LOWER MAYBE WORKING FOLKS.

WE'LL GET THAT FOR YOU.

Slusher: OKAY. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? I HAD LIKE TO SAY THAT THIS IS ONLY THE SECOND YEAR, I GUESS, THAT THE CITY MANAGER'S NEW ECONOMIC GROWTH AND REDEVELOPMENT SERVICES DEPARTMENT, BUT I THINK IT'S DOING REMARKABLE WORK FOR AS NEW A DEPARTMENT AS IT IS. IT SORT OF GREW OUT OF A NUMBER OF DIFFERENT BODIES FROM DIFFERENT DEPARTMENTS, BUT ULTIMATELY COMMINGLED IN SUCH A WAY AS TO HAVE A MORE TARGETED APPROACH TO JOB GROWTH BOTH FROM OUR LARGE EMPLOYERS, OUR SMALL BUSINESSES, OUR CULTURAL VITALITY PERSPECTIVE. AND I THINK IT'S DOING GREAT WORK IN A SHORT PERIOD OF TIME. SO THANK YOU ALL.

Goodman: THANK YOU.

Thomas: COUNCILMEMBER THOMAS.

Thomas: YES, MAYOR. I COMMEND THE DEPARTMENT ALSO, BUT CAN I GET THE INFORMATION ON THE ANNUAL SBA MEET THE LENDERS AFFAIR? COULD I GET THE ONES THAT PARTICIPATED?

WE WILL BE MORE THAN GLAD TO DO THAT FOR YOU. I WANTED TO SHARE WITH YOU, WE WERE GOING TO COME BACK AND DO A SPECIAL REPORT ON IT, BUT IT WAS ONE OF THE MOST DIVERSE GROUPS IN TERMS OF BOTH LENDING INSTITUTIONS AND PARTICIPANTS I THINK I HAVE EVER SEEN, BOTH THROUGH ETHNICITY AND AGE. WE WERE SO OVERWHELMED BY THAT. SO YES, WE CAN GET THAT FOR YOU.

Thomas: YOU'RE DOING REAL GOOD. YOU READ MY MIND.

IT WAS FABULOUS, COUNCILMEMBER DUNKERLEY WAS THERE. AND THE ROOM WAS SO PACKED WE COULD HARDLY MOVE, BUT THERE WERE OLDER, YOUNGER, EVERY ETHNICITY YOU COULD POSSIBLY SEE, AND THEY WERE ALL EXCITED. AND OUR SURVEY INDICATED THAT THEY REALLY

DID FEEL LIKE THEY GOT SOME VALUABLE INFORMATION OUT OF IT. I THINK INTERESTINGLY ENOUGH, THE FINANCIAL INSTITUTIONS, BANK ONE, HAD AN INDIVIDUAL WHO CAME DOWN FROM DALLAS. AND HE SAID WE HAVE NEVER SEEN THIS KIND OF PARTICIPATION. WE HAVE NEVER SEEN AS MANY INDIVIDUALS WHO WERE SO WELL VERSED IN THE RIGHT QUESTIONS TO ASK, WHO REALLY WERE INTERESTED IN STARTING BUSINESSES, AND WE RAN OUT OF MATERIALS IN THE FIRST 30 MINUTES AND WERE EMBARRASSED.

Thomas: OKAY. THANK YOU VERY MUCH.

Dunkerley: COULD I ADD SOMETHING? SUE, DID YOU GO OVER JUST THE SHEER NUMBER THAT WE HAD OF EXHIBITORS? 14 BANKS, WE HAD FIVE OTHER LENDING GROUPS. YOU HAD □ THE SMALL BUSINESS ADMINISTRATION. YOU HAD THE CITY'S TWO LENDING PROGRAMS REPRESENTED. YOU HAD GREAT MEDIA SPONSORS.

WE DID.

Dunkerley: SO IT WAS REALLY --

WE HAD AUSTIN BUSINESS JOURNAL AND A NUMBER OF OTHER MEDIA SPONSORS.

Dunkerley: WAS IT KMFI?

KMFA, KLBJ.

Dunkerley: IT WAS REALLY QUITE ASTOUNDING.

ONE OF THE BANKERS, JUST TO SHARE WITH YOU ONE LAST THING, SAID THIS IS ONE OF THE BEST PARTNERSHIPS WE HAVE EVER SEEN. AND IF THERE'S ANYTHING YOU EVER NEED, PLEASE CALL US BECAUSE WE HAVE GREAT LEADS, WE HAVE BENEFITTED, AND THE PARTICIPANTS HAVE BENEFITTED TOO.

Mayor Wynn: THANK YOU.

MAYOR AND COUNCIL, WE'LL NOW MOVE INTO THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. AND

I'M JOINED BY ALICE GLASGO, THE DIRECTOR OF NEIGHBORHOOD PLANNING AND ZONE. IN OUR CITIZENS SURVEY, MAYOR AND COUNCIL, WE FOCUS ON THREE KEY AREAS. THE FIRST IS LIVEABILITY OF OUR NEIGHBORHOODS. NOT SURPRISINGLY, CITIZENS RANG RANK THIS AS A VERY HIGH PRIORITY AT 95.6%, AND ALSO INDICATE VERY HIGH LEVELS OF SATISFACTION, 90%. WE HAVE TWO -- WE ASKED TWO QUESTIONS ABOUT PLANNING AND ZONING. THE FIRST QUESTION IS ABOUT THE NEIGHBORHOOD PLANNING AND ZONING EFFORTS COMBINED. AND HERE WE HAVE A PRIORITY RANKING OF 75.6%, AND A SATISFACTION RATING OF 62%, WHICH IS UP ABOUT TWO AND A HALF PERCENT FROM LAST YEAR. THE SECOND QUESTION ASKS ABOUT REVIEW SERVICES FOR ZONING CHANGES. HERE THERE'S A PRIORITY RANKING OF 47.3%, DOWN SEVEN. AND A SATISFACTION RATING OF 32%, WHICH IS DOWN 7% FROM LAST YEAR. WE THINK THERE ARE A COUPLE OF THINGS GOING ON HERE. FIRST, WHEN ZONING IS COMBINED WITH NEIGHBORHOOD PLANNING, SATISFACTION RATINGS ARE HIGHER. PEOPLE SEE A HIGHER PRIORITY RATING AND THEY'RE MORE SATISFIED WITH THAT SET OF SERVICES COMBINED. WE THINK THESE SCORES EMPHASIZE -- EMPHASIZE A NEED WE HAVE IN AUSTIN, A NEED THAT HAS BEEN IDENTIFIED BY BOTH THE MAYOR PRO TEM GOODMAN AND ALSO AND ALSO COUNCILMEMBER MCCRACKEN. THEY ARE 20 YEARS OLD. THEY WERE ADOPTED IN 1984. WE WANTED TO SEE HOW THEY'RE OOH MEETING OUR NEEDS IN 2004. AND WE HAVE A LOT OF RECENT AND CURRENT EFFORTS THAT WE CAN BUILD ON, INCLUDING THE TRADITIONAL NEIGHBORHOOD STEIN ORDINANCE, DESIGN STANDARDS, TRANSIT ORIENTED DEVELOPMENT ORDINANCE THAT WE'RE WORKING ON, THE OVERLAYS THAT WE HAVE IN THE UNIVERSITY AREA AND THAT WE'RE PROPOSING IN RAINY STREET. WE HAVE SOME EFFORTS UNDERWAY THAT WE THINK WE CAN BUILD ON. AND IN THE COMING MONTHS WE WANTED TO COME BACK TO YOU AND HAVE THE DISCUSSION ABOUT HOW WE TAKE THE STEP BACK AND ASK THE DISCUSSION OF WHETHER OR NOT OUR TRENT-YEAR-OLD ZONING ORDINANCES ARE MEETING THE NEEDS IN 2004. AND WITH THAT I'LL TURN IT OVER TO ALICE TO GIVE YOU AN OVERVIEW OF THE DEPARTMENT BUDGET

AND HIGHLIGHTS.

GOOD AFTERNOON, COUNCIL. I'M ALICE GLASGO. WITH ME TODAY ARE SHERRY CONNOR OF THE DEPARTMENT'S BUDGET STAFF. THE DEPARTMENT'S PROPOSED BUDGET CONSISTS OF THE FOLLOWING: \$113,558 OF REVENUE, \$3.7 MILLION OF EXPENDITURE. AND \$940,936 OF CAMPO AND CIP EXPENSE REFUNDS FROM THE TRANSPORTATION AND PLANNING AND SUSTAINABILITY DEPARTMENT. THE TOTAL BUDGET INCLUDING REIMBURSEMENTS IS APPROXIMATELY \$4.7 MILLION. THE CODE ENFORCEMENT PROGRAM THAT COMPLIES TO \$1.3 MILLION WAS TRANSFERRED TO SOLID WASTE SERVICES. PLANNING SERVICES TRANSFERRED IN TR THE TRANSPORTATION PLANNING AND SUSTAINABILITY DEPARTMENT. TOTAL \$1.3 MILLION. A TOTAL OF 58.5 POSITIONS ARE PROPOSED FOR THE FISCAL YEAR '05 BUDGET. THIS INCLUDES ONE POSITION FROM THE GRANT FUND. NEXT SLIDE. THE DEPARTMENT'S PROJECTED REVENUE OF \$113,558 IS COMPRISED OF THE FOLLOWING: PERMITS AND INSPECTIONS FOR A TOTAL OF \$48,858. AND SOME OF THESE FEES ARE ZONING APPLICATIONS, NEIGHBORHOOD PLAN AMENDMENTS, REVEAL PERMITS FOR A STRONG PRESERVATION ASPECT AND OTHER HISTORIC PRESERVATION MEASURES. INTEREST IN OTHERS WERE PENALTIES -- AND CHARGES WERE \$4,700. THE PROPOSED BUDGET INCLUDES 80% OF THE GENERAL FUND AND 20% CONSISTING OF CAMPO AND CIP EXPENSE REFUNDS FOR A TOTAL OF \$4.7 MILLION FOR THE OPERATING BUDGET. THE BREAKOUT OF THE BUDGET IS AS FOLLOWS: THE LONG RANGE PLANNING IS AT \$1.2 MILLION. NEIGHBORHOOD PLANNING ONE MILLION DOLLARS. ZONING CASE MANAGEMENT, \$628,754. CAMPO AND CIP, 940, \$936,000. ONE STOP SHOP, \$49,510. SUPPORT SERVICES, \$590,866. TRANSFER IN OTHER REQUIREMENTS, \$141,626. THE PROPOSED BUDGET ADDS ONE PLANNER POSITION IN ZONING CASE MANAGEMENT TO AUGMENT OUR CURRENT SERVICES. ONE TRANSFER OUT OF CODE ENFORCEMENT POSITIONS TO SOLID WASTE SERVICES AS PART OF THE CITYWIDE CODE CONSOLIDATION ENFORCEMENT EFFORT. A TRANSFER OF 28.5 POSITIONS, INCLUDING 12 CAMPO STAFF MEMBERS FROM THE TRANSPORTATION PLANNING AND SUSTAINABILITY DEPARTMENT. THIS CONSOLIDATES URBAN

PLANNING, PRESERVATION, LONG RANGE PLANNING AND TRANSPORTATION PLANNING WITH NEIGHBORHOOD PLANNING AND ZONING. THIS COMBINATION CONFORMS WITH THE COMPREHENSIVE PLAN AS REQUIRED IN THE CITY CHARTER, WHICH REQUIRES SEVERAL COMPONENTS OF THE NEIGHBORHOOD PLANNING INCLUDE THESE ELEMENTS THAT ARE BEING ADDED HERE, NOTWITHSTANDING OTHERS WHICH ARE ELSEWHERE WITHIN THE CITY. ONE CURRENT F.T.E. WILL HAVE DUAL OPERATING REPORTING TO ZONING CASE MANAGEMENT AND TO THE ONE STOP SHOP THAT IS BEING HOUSED IN THE WATERSHED PROTECTION DEVELOPMENT REVIEW DEPARTMENT. THE NET CHANGE IN POSITIONS IS 10.5 FOR A TOTAL OF 58.5 POSITIONS, ONE OF WHICH IS GRANT FUNDED. THE NEXT SLIDE CONTINUES ON REVENUE FACTS. THE ONLY NEW PROPOSED FEES ARE FOR HISTORIC PRESERVATION AND THAT INCLUDES DEMOLITION OF RELOCATION PERMIT REVIEW WITH AN ESTIMATED REVENUE OF \$5,000. BUILDING PERMIT APPLICATION WITH THE NATIONAL REGISTER AND HISTORIC PRESERVATION DISTRICT AT \$2,500. CERTIFICATE OF APPROPRIATENESS WITH AN EXPECTED REVENUE OF \$2,000. AND HISTORIC ZONING APPLICATIONS FOR A TOTAL OF \$5,252. THE TOTAL PROJECTED REVENUE IS \$15,750. THE REASONS FOR THE PROPOSED FEES ARE AS FOLLOWS:. CURRENTLY THERE ARE NO FEES TO COVER THE COST OF STAFF REVIEW AND PROCESSING FOR ACTION BY THE HISTORIC LANDMARK COMMISSION. THE FEES ASSOCIATED WITH BUILDING PERMIT APPLICATION, CERTIFICATE OF APPROPRIATENESS AND HISTORIC ZONING APPLICATIONS WILL PARTIALLY COVER TIME DEDICATED TO PREPARING THE NECESSARY INFORMATION SO THAT THE HISTORIC LANDMARK COMMISSION CAN CONSIDER THESE REQUESTS. AND FEES ARE ALSO PROPOSED TO PARTIALLY COVER THE COST OF STAFF REVIEW OF APPLICATIONS FOR DEMOLITION AND RELOCATION PERMITS. THE HISTORIC PRESERVATION OFFICE REVIEWS EVERY DEMOLITION OR RELOCATION PERMIT TO ENSURE NO POTENTIALLY HISTORIC LANDMARK IS DESTROYED OR REMOVED WITHOUT THE REVIEW BY THE HISTORIC LANDMARK COMMISSION. SUBSTANTIAL RESEARCH IS NECESSARY BEFORE THE PERMITS CAN BE PROCESSED. [ONE MOMENT, PLEASE, FOR CHANGE IN

CAPTIONERS]

THIS IS WHAT THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT WAS CREATED. TO DATE, 50% OF THIS URBAN CORE HAS BEEN PLANNED. 32% OF THE URBAN CORE HAS BEEN PLANNED UNDER THE NEW PROCESS. WHICH BEGAN IN 2001 TO 2004. COMPARED TO THE OLD PROCESS, IT TOOK FOUR YEARS TO PLAN 18% OR 10 PLANS FOR THE URBAN CORE. BY THE END OF THIS FISCAL YEAR, WE -- WE PLAN TO COMPLETE 28 OUT OF A TOTAL OF 57 PLANS WITH REZONINGS IN -- THAT IS ANTICIPATED AT THE END OF THIS FISCAL YEAR. IN ORDER TO ENHANCE AND IMPROVE THE EFFECTIVENESS OF NEIGHBORHOOD PLANS NEW TOOLS WERE ADDED INTO THE NEIGHBORHOOD PLAN ORDINANCE. WHICH ADDRESSES DESIGN AND LAYOUT OF SINGLE FAMILY USES. IT WILL ALLOW NEW HOUSING DEVELOPMENT TO BE CONSISTENT WITH EXISTING DEVELOPMENT PATTERNS. THE NEW TWO OPTIONS INCLUDE FRONT YARD SETBACKS, FRONT PORCH SETBACKS, IMPERVIOUS COVER MAXIMUMS IN THE FRONT YARD AND GARAGE PLACEMENT. STAFF ALSO INITIATED AND STAFF ADOPTED, WORKSHOP USE IN A GREATER NUMBER OF ZONING DISTRICTS THAN EXISTED BEFORE AND ADDED NEW USES TO -- SUCH AS FOOD PREPARATION AND PRINTING AND PUBLISHING. ORIGINALLY THESE USES WERE UNDEFINED OR ONLY ALLOWED IN THE INDUSTRIAL DISTRICTS. NOW THEY ARE ALLOWED IN MOST OF THE COMMERCIAL ZONING DISTRICTS. IN FACT AS A RESULT OF THIS PARTICULAR SET OF CHANGES, THIS TUESDAY YOU HAVE MAY HAVE READ AN ARTICLE REGARDING AMY'S ICE CREAM TO BURNET ROAD TO HOUSE ITS FFERG FACILITY FOR THEIR ICE CREEP. THAT USE WOULD HAVE REQUIRED INDUSTRIAL ZONING UNDER THE PREVIOUS RULES WITH THE AMENDMENTS OF -- WITH THE AMENDMENTS COUNCIL ADOPTED PREVIOUSLY, AMY ICE CREAM WILL BE ABLE TO LOCATE WITHOUT INDUSTRIAL ZONING ON THE SITE THAT WAS FEATURED IN THE NEWSPAPER. IN THE LAST YEAR, THE URBAN DESIGN STAFF HAVE ADDED -- AIDED IN THEIR CREATION OF THE FOLLOWING GREAT STREET STREET SCAPES FOR THE FOLLOWING PROJECTS. AUSTIN CITY LOTS OF, AUSTIN RESOURCE CENTER FOR THE HOMELESS, AMLI DOWNTOWN, FROST BANK AND THE LANDMARK HILTON HOTEL. THE

URBAN DESIGN TEAM HAS ALSO BEEN WORKING WITH STAKEHOLDERS TO PROCESS COMMERCIAL DESIGN DEVELOPMENT STANDARDS AND THE RAINEY STREET SUBDISTRICT OF THE WATERFRONT OVERLAY WITH REDEVELOPMENT AND URBAN DESIGN RECOMMENDATIONS. HISTORIC PRESERVATION CODE AMENDMENTS WERE PROCESSED EARLIER THIS YEAR. MOVING ON WITH ACCOMPLISHMENTS, THIS PAST YEAR, THE ANNEXATION TEAM COMPLETED FULL PURPOSE ANNEXATION OF 2,670 ACRES AND THE LIMITED PURPOSE ANNEXATION OF 7,000 ACRES. THIS INCLUDES THE ROBINSON AND RIBELIN RANCHES WHICH WERE ALSO GIVEN PERMANENT ZONING. THE TEAM ALSO COMPLETED A STRATEGIC PARTNERSHIP AGREEMENT WITH ANDERSON MILL M.U.D. THE TRANSPORTATION TEAM SUCCESSFULLY COMPLETED THE CITY'S 2025 AUSTIN METROPOLITAN AREA TRANSPORTATION PLAN. THE AMENDMENTS WERE UNANIMOUSLY RECOMMENDED BY THE BOARDS AND COMMISSIONS AND THE CITY COUNCIL ADOPTED THIS. THIS SLIDE FOCUSES ON HOW THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT'S PROPOSED BUDGET WILL ASSIST THE DEPARTMENT IN ACHIEVING THE FOLLOWING GOALS: WE PLAN ON REWRITING THE ZONING ORDINANCE, WHICH IS 20 YEARS OLD AND AS LAURA INDICATED WE WILL BE COMING BACK TO YOU WITH DETAILS ON THAT. OUR OBJECTIVE WILL BE TO LOOK AT NEW ZONING APPROACHES. WHEN THE CITY CONTINUES TO AMEND ITS ZONING ORDINANCE, AS FREQUENTLY AS WE HAVE DONE, IT IS A SIGNAL THAT IT IS TIME TO EVALUATE THE CODE. THE CODE'S EFFECTIVENESS. AS A RESULT OF THE REORGANIZATION OF THE TRANSPORTATION PLANNING AND SUSTAINABILITY DEPARTMENT, THE PROPOSED BUDGET WILL ALLOW FOR THE INTEGRATION OF URBAN DESIGN, ANNEXATION AND LONG-RANGE TRANSPORTATION PLANNING WITH NEIGHBORHOOD PLANNING. THE CONSOLIDATION OF PLANNING FUNCTIONS WILL POSITION US FOR FUTURE PROCESS IMPROVEMENTS IN A MORE EFFECTIVE COMPREHENSIVE PLANNING PROGRAM. THE PROPOSED BUDGET INCLUDES RESOURCES FOR ADOPTING AND REZONING EIGHT NEIGHBORHOOD PLANS. SINCE THE PROPOSED BUDGET WAS SUBMITTED, WE HAVE RE-EVALUATED A WORK -- OUR WORKLOAD AND BELIEVE WE

CAN COMPLETE 8 PLANS AND REZONINGS INSTEAD OF THE FIVE THAT WERE INDICATED IN THE BUDGET. ADDITIONALLY, THE BUDGET FUNDS THE SECOND YEAR OF A THREE-YEAR INTERLOCAL AGREEMENT WITH THE UNIVERSITY OF TEXAS AT AUSTIN FOR AN INVENTORY AND PLAN FOR HISTORIC PRESERVATION. THE INTERLOCAL AGREEMENT WILL RESULT IN A COMPREHENSIVE HISTORIC PRESERVATION PLAN FOR THE CITY OF AUSTIN. WHICH WILL PROVIDE AN UPDATE AND EXPAND THE INVENTORY OF HISTORIC STRUCTURES IN THE CITY INTO A COMPREHENSIVE DOCUMENT. THE PLAN IS SCHEDULED FOR COMPLETION BY DECEMBER 2006. THE PROPOSED BUDGET ALSO PROVIDES CONTINUED FUNDING FOR THE GREAT STREETS STREET SCAPE CAPITAL BUTT. THE CITY COUNCIL APPROVED THE ALLOCATION OF 30% OF PARKING -- PARKING METER REVENUE COLLECTING THE DOWNTOWN AREA FOR GREAT STREETS, STREET SCAPE PROJECTS. \$450,000 ARE AVAILABLE FOR APPROPRIATIONS THIS YEAR. IN THE PAST, THE REVENUE HAS BEEN USED IN PARTNERSHIP WITH DOWNTOWN BUSINESSES TO PROVIDE SIDEWALK IMPROVEMENTS, LANDSCAPING, STREET LIGHTS AND PEDESTRIAN AMENITIES. THE -- AMENITIES, THE BUDGET ALSO INCLUDES RESOURCES TO CONSTRUCT 10 NEW DOWNTOWN BLOCK FACES THAT INCLUDE FOUR AT CITY HALL AND TWO ON WEST SECOND STREET FOR THE CONVENTION CENTER PARKING GARAGE AND DISTRICT COOLING PLANT TO PROVIDE THOSE IMPROVEMENTS. THIS NEXT SLIDE SHOWS ONE OF THE DEPARTMENT'S KEY PERFORMANCE MEASURES. THE PROPOSED BUDGET INCLUDES ADOPTING AND REZONING 8 NEIGHBORHOOD PLANS AND NOT THE 5 THAT ARE IN THE BUDGET. BY THE END OF THE YEAR, WE WILL HAVE -- BY THE END OF THE FISCAL YEAR -- OF THIS FISCAL YEAR, WHICH ENDS SEPTEMBER, 7 PLANS AND REZONINGS WILL BE ADOPTED BY THE CITY COUNCIL. THAT WILL SURPASS THE SIX THAT WE HAD ANTICIPATED. THERE ARE NO NATIONAL BENCHMARKS WITH WHICH TO COMPARE NEIGHBORHOOD PLANNING AND ZONING ACTIVITIES. HOWEVER, AS I STATED EARLIER, THE AMERICAN PLANNING ASSOCIATION AND THE URBAN LAND INSTITUTE HAVE RECOGNIZED AS ONE OF THREE CITIES NATIONALLY THAT HAS AN EFFECTIVE PROGRAM WORTH EMULATING AND SHOWCASING. THEY WILL BE SHOWCASING US NEXT MONTH IN CHICAGO. FINALLY, ANOTHER KEY

INDICATOR WHICH MEASURES CUSTOMER SATISFACTION WITH THE NEIGHBORHOOD PLANNING PROCESS. IN OCTOBER OF 2002 THE DEPARTMENT BEGAN COLLECTING CUSTOMER SATISFACTION DATA FOR ALL PLANNING AREAS. THE CALCULATION IS BASED ON RETURN SURVEYS WITH RESPONSES SATISFIED OR VERY SATISFIED. THE TOTAL ESTIMATED SATISFACTION RATE FOR FY 2004 IS 76%, COMPARED TO 61% IN FISCAL YEAR 2003. THE DEPARTMENT WILL CONTINUE TO MONITOR CUSTOMER SATISFACTION DATA OVER TIME. AND COMPARE THOSE RATES BETWEEN DIFFERENT PLANNING AREAS TO LOOK FOR WAYS TO IMPROVE THE PLANNING PROCESS FOR ALL PARTICIPANTS. IN FY '05 PROPOSED BUDGET, THE DEPARTMENT ANTICIPATES ACHIEVING 70% SATISFACTION FROM THE PARTICIPANTS. COUNCIL, THAT CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU, MS. GLASGO. QUESTIONS OF STAFF. MAYOR PRO TEM?

Goodman: I WANT TO THANK YOU FOR -- FOR MOVING AHEAD ON SOME THINGS THAT WE HAVE BEEN TRYING TO MOVE FORWARD ON FOR A LONG TIME. AND I'M HOPING THAT MANAGEMENT WILL BE ABLE TO BREAK OUT OF SOME TRADITIONAL BOXES AS WELL SINCE THAT'S THE ONLY WAY TO -- TO IMPLEMENT A NEW VISION AND A NEW APPROACH. I THINK SINCE ABOUT 1990 WHEN PEOPLE STARTED NOTICING THAT THE CODE WASN'T REALLY ADEQUATE FOR ANY VISIONARY SORT OF PLANNING BECAUSE IT DIDN'T GIVE YOU THE MECHANISMS TO DO IT AND WE DON'T WANT TO GO BACK THE OTHER WAY WHEN ZONING COULD NEVER GIVE YOU A HANDLE ON WHAT THE FUTURE WAS. IT WAS WAY TOO UNDEFINED. SO I'M LOOKING FORWARD TO THAT, MAYBE EVEN MORE QUICKLY BEFORE MY TERM IS UP, THAT WILL BE REALLY GREAT. I WANTED TO ASK YOU ABOUT THE 19 PEOPLE. SOME OF THAT WAS NEIGHBORHOOD ACADEMY, AM I -- AM I CORRECT OR INCORRECT GOING TO SOLID WASTE SERVICES AND LET ME ASK MS. HUFFMAN --

THE 19 PEOPLE THAT YOU SEE REFLECTED HERE ARE THE CODE ENFORCEMENT FUNCTIONS GOING TO SOLID WASTE SERVICES.

Goodman: OKAY, IS THAT CORA?

CORRECT.

I THOUGHT SHE WAS NEIGHBORHOOD ACADEMY.

NO, CORA IS REMAINING WITH NEIGHBORHOOD PLANNING AND ZONING. THE INSPECTORS, ZOO ZONING AND HOUSING CODE ENFORCEMENTS, THE NINE POSITIONS BEING CONSOLIDATED WITH SOLID WASTE SERVICES FOR THE CITY-WIDE CODE ENFORCEMENT. 19. SORRY IF I MISSPOKE. THOSE ARE PURELY THE INSPECTION. STAFF.

Goodman: OKAY. ALONG THE WAY, NOT TODAY, I WOULD LIKE TO TALK TO SOMEBODY ABOUT HOW THE LOGISTICS OF THAT ARE GOING TO WORK. IN SOLID WASTE SERVICES BECAUSE I'M NOT TOTALLY SURE OF THEIR INFRASTRUCTURE AND I'M UNCLEAR WHEN I TRY TO EXPLAIN THIS TO PEOPLE. HOW THAT'S GOING TO FOLD IN AND WORK. SO -- SO WE CAN GET TOGETHER AND TALK ABOUT THAT. THE OTHER THING THAT I WANTED TO ASK ABOUT, ALSO, NOT FOR AN ANSWER TODAY, BUT, YOU KNOW, SOMEWHERE ALONG THE LINE BEFORE BUDGET, THERE ONCE WAS RELATIVE TO TECHNOLOGY UPDATES, FOUR FOLKS WHO WERE TRYING TO DO REVIEW AND PLANNING, WHAT PLANNING WE DID BACK THEN. SOMETHING CALLED AUTO PLAN. AND I HADN'T HEARD ABOUT THAT IN A LONG TIME. COULD WE TRY TO DIG UP WHATEVER BECAME OF THAT, IF ANYTHING CAME OUT OF IT AND -- AND WHAT IN FACT IF ANYTHING --

WELL, MAYOR PRO TEM, I CAN JUST TOUCH ON THAT POINT. BRIEFLY. SINCE WHEN I WAS DIRECTOR OF DEVELOPMENT REVIEW AND INSPECTION, WE BEGAN A PILOT. THE DIFFICULTY WE HAD, WE HAD A PILOT COMPANY TO WORK WITH US. THE DIFFICULTY TO -- TWO ASPECTS. IN -- IN GETTING THE KIND OF SOFTWARE THAT WAS -- COULD BE USED CONSISTENTLY BY ALL PROFESSIONALS WHO DESIGNED PROJECTS WAS A CHALLENGE. THEN SECONDLY JUST GETTING AN INTEREST IN SUBMITTING PLANS ELECTRONICALLY. IT SEEMS LIKE WE ARE -- WE ARE AHEAD OF THE GAME TECHNOLOGICALLY, SOMETIMES, ON JUST IDEAS. BUT THEN THE COMMUNITY THAT WE SERVE JUST

ISN'T READY TO CONVERT INTO THAT MODE. NOW, JOE PANTALION MIGHT BE ABLE TO ELABORATE ON WHERE THE DEPARTMENT IS REGARDING THAT PARTICULAR ASPECT.

Goodman: GREAT, I'LL WAIT FOR JOE.

Futrell: I BELIEVE THAT IS NOW INCORPORATED IN THE AMANDA PROJECT. SOUNDS LIKE TWO THINGS WE NEED TO FOLLOW UP WITH YOU, MAYOR PRO TEM. THE CODE ENFORCEMENT CONSOLIDATION PROCESS AND HOW THE AUTOMATED DEVELOPMENT APPLICATION PROCESS IS LOADED AS FAR AS AMANDA.

OKAY. THANKS.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?  
COUNCILMEMBER MCCRACKEN?

McCracken: YEAH. I WANT TO CONGRATULATE OUR ASSISTANT CITY MANAGER, LAURA HUFFMAN, IS IT STILL CALLED NEIGHBORHOOD ZONING AND PLANNING DEPARTMENT, ALICE GLASGO THE DIRECTOR AND CITY MANAGER --

Futrell: WE ARE GOING TO CHANGE ALL OF THE NAMES, ALSO. WE.

WE PREFER PLAIN PLANNING WILL DEAL, PLANNING DEPARTMENT WILL SUFFICE. I AM PLUNGING FOR THAT.

McCracken: ON WHAT IS A VERY AMBITIOUS PROJECT. I KNOW THAT THE MAYOR PRO TEM HAS BEEN ADVOCATE OF IT FOR QUITE A WHILE. THIS IS TO REDO OUR ZONING ORDINANCE WHICH IS -- HAS BEEN OUT OF DATE CONCEPT WHICH IS USE, WHICH DATED BACK TO WHEN FACTORIES WOULD LOCATE NEXT TO APARTMENT BUILDINGS, THAT'S NOT REALLY THE CASE ANYMORE. IT'S THE -- WHAT'S GOING ON AROUND THE COUNTRY IS WE ARE TURNING TO FORM BASED CODES AND INTEGRATE THAT WITH LAND USE TRANSPORTATION, AND WHEN YOU THINK ABOUT HOW WHEN AUSTIN WAS CREATED, EDWIN WALL WAS HIRED, HE CREATED A BLOCK PATTERN OF 275 FEET BY 275 FEET, THOSE ROADS FOR THE NEXT 150 YEARS, DESPITE MASSIVE

INTENSIFICATION NEVER HAD TO BE WIDENED. THAT ROAD SYSTEM 150 YEARS AGO, THAT GRID IS STILL WORKING TODAY. MEANWHILE SINCE WORLD WAR II WHEN COMMUNITIES STOPPED DOING STREET PATTERNS AND TURNED IT OVER TO PRIVATE DEVELOPMENT WITHOUT INTEGRATION, YOU END UP WITH THIS SUPER BLOCKS. COMPARED TO 275 BY 275 FEET IN DOWNTOWN AUSTIN, SUBURBAN BLOCK SIZES IN THE ARBORETUM ARE 2,112, 5288 BY 1584, ANOTHER ONE 2,112 FEET ALL AROUND. THE LINEAR FEET OF A DOWNTOWN BLOCK IS 1100, SUBURBAN BLOCK IS 8448 FEET. IT HAS BEEN A DISASTROUS DEVELOPMENT MODEL. IT HAS LED TO TOLL ROADS, AMONG OTHER THINGS. EVER NEED TO WIDEN HIGHWAYS. THE MAYOR HAS VERY PRESCIENTLY ADVOCATED THAT PART OF OUR TRANSPORTATION SOLUTION IS LAND USE PLANNING. WHAT WE HAVE GOING THIS YEAR WITH INTEGRATING LAND USE AND TRANSPORTATION AND RETURNING TO A FORM BASED CODE AND A BLOCK PATTERN THAT WILL MAKE A MAJOR DIFFERENCE IN OUR COMMUNITY AND ACHIEVE A LOT OF THE GOALS THAT WE RECOGNIZE NOW THAT WE KNOW THE PROBLEM.

THANK YOU.

THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS, STAFF? COUNCILMEMBER SLUSHER?

MS. GLASGO, I JUST WANTED TO SAY THAT I -- I GET A LOT OF POSITIVE COMMENTS FROM CITIZENS ABOUT THE SERVICE THEY GET. WHEN THEY ARE DEALING WITH ZONING CASES. AND YOUR DEPARTMENT IN GENERAL, I WANTED TO PASS THAT ALONG.

THANK YOU.

Slusher: ALSO, I DON'T KNOW HOW THE NEIGHBORHOOD PLANNERS DO WHAT THEY DO DAY AFTER DAY AND WEEK AFTER WEEK. BUT CONGRATULATIONS TO YOU FOR THAT. I GUESS WE WILL GET TO THOSE 200 ZONING CASES WE HAVE EVERY WEEK LATER TODAY TOO WE ARE GLAD TO SERVE. WE LOVE WHAT WE DO. WE APPRECIATE THAT YOU -- THAT YOU -- THAT YOU ARE THERE WITH US EVERY THURSDAY.

ALL RIGHT.

Futrell: JUST FOR THAT, WHERE ARE OUR NEIGHBORHOOD PLANNERS IN THIS AUDIENCE, COME ON YOU BELEAGUERED FOLKS, STANDS UP. STAND UP. COME ON. [ APPLAUSE ]

THANK YOU.

THANK YOU.

MAYOR, THERE'S ONE MORE THING.

Mayor Wynn: MAYOR PRO TEM?

Goodman: THAT I SHOULD GIVE TOBY HEADS UP ON.

Futrell: I WAS TRYING TO END WITH APPLAUSE.

Goodman: IT WILL, MAYBE NOT FROM THE PLANNERS, BUT FROM OTHER PEOPLE. COUNCILMEMBER ALVAREZ AND I HAVE BEEN TALKING ABOUT THE PLANNING OF THE NEIGHBORHOODS IN THE URBAN CORE WAS REALLY NOT THE ORIGINAL PLAN, BUT IT WAS SUCH A HUGE UNDERTAKING THAT STAFF DECIDED THE URBAN CORE WOULD GIVE YOU THE ABILITY TO GET REALLY HEAVY DUTY PROBLEMS OUT OF THE WAY AND THEN MOVE TO THE PARAMETERS. BUT WE'VE HAD -- WE'VE HAD TO MAKE SMALL MODIFICATIONS ON THAT FROM TIME TO TIME BECAUSE THE DEVELOPMENTAL AND PLANNING PRESSURES ON -- ON PERIPHERAL NEIGHBORHOODS ARE ALSO VERY HIGH PROFILE ON OCCASION. SO THERE ARE A COUPLE OF PLACES THAT I -- THAT I THINK STRATEGICALLY WE SHOULD LOOK TO TRYING TO FIND A WAY, ALONG WITH THE EIGHT NEIGHBORHOOD PLANS, OR AT LEAST SOME -- SOME PLANNING MECHANISM OR PROGRAM THAT WE CAN INTRODUCE IN PLACES LIKE OAK HILL. WHERE THE PRESSURES ARE STARTING TO BE A LITTLE OVERWHELMING. AND THE -- AND THE DEMANDS FOR SOME KIND OF PLANNING FOUNDATION OR FRAMEWORK IS AS IMPORTANT AS THE CORE. SO I DON'T KNOW THAT THAT WOULD BE A HUGE FINANCIAL IMPACT. I THINK IT'S MORE OF A STRATEGIC PRIORITY RATHER THAN AN ADDITION OR A NEW

UNDERTAKING.

Futrell: IT MAY BE THAT YOU WANT TO RECONSIDER WHICH 8. MAYBE ONE THING THAT WE DO IS WE BRING BACK TO YOU SORT OF WHAT THE CAPACITY IS AND THEN LET YOU GIVE US SOME GUIDANCE ON WHERE YOU THINK THE PRIORITY IS TO PLACE THOSE RESOURCES.

Goodman: WELL, JUST FIGURE OUT DIFFERENT MECHANISMS THAT WOULD MEET THE NEED OF THE MOMENT. THAT STRATEGY MIGHT KEEP IT FROM HAVING TO BECOME FULL BLOWN.

Glasgo: YOU HAVE GIVEN ME THE GREEN LIGHT TO DO -- WE AS PLANNERS, WE TRACK DEVELOPMENT ACTIVITY AND THAT -- WHAT THE INDICATIONS ARE RIGHT NOW FOR US, WHEN WE DO, YOU KNOW, THE GROWTH WATCH IS THAT THE PERIPHERY, NOT THE URBAN CORE, IS WHERE ALL OF THE ACTIVITY IS OCCURRING. WE GET CALLS WEEKLY ABOUT COME OUT HERE AND HELP THE PLANNERS. WHAT WE WERE GOING TO DO IS TRY GIVING THE FACT THAT WE WILL BE GETTING ADDITIONAL -- NOT ADDITIONAL BUT AT LEAST WE CAN BEGIN TO WORK MORE EFFICIENTLY, TRY TO SPREAD OURSELVES OUT, KEEP WORKING IN THE URBAN CORE. MY GOAL AND DESIRE WAS TO TRY TO FIND A WAY TO START GOING OUT TO THE PERIPHERY WHERE WE ARE SEEING A LOT OF ACTIVITY. ACTUALLY YOU CAN TELL FROM THE NUMBER OF ZONING CASES WE GET THAT IS AN INDICATOR OF WHERE THAT IS OCCURRING. YOU HAVE GIVEN ME THE GREEN LIGHT TO DO WHAT WE HAVE BEEN DESIRING TO DO IN HOUSE WITHOUT TIPPING THE SCALE AS YOU WILL. IF IT'S OKAY, WE WILL BEGIN TO DO THAT WITHIN THIS NEXT UPCOMING SET OF PLANS.

Futrell: I THINK THEN AS PART OF THE BUDGET, WHAT WE NEED TO DO IS BRING BACK WHAT THAT WORK PLAN LOOKS LIKE FOR YOU SO THAT WE HAVE MATCHED RESOURCES TO CAPACITY.

Goodman: ALL RIGHT. TO END UP JUST AS LONG AS WE ARE GIVING CREDIT WHERE CREDIT IS DUE, I WOULD LIKE TO THANK COUNCILMEMBER ALVAREZ FOR GOING TO SCHOOL TO LEARN HOW TO BE AN URBAN PLANNER AND FOR BEING

ON THE COUNCIL.

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

Glasgo: THANK YOU.

Mayor Wynn: DON'T GO FAR.

MAYOR, WITH THAT WE WILL MOVE INTO THE WATERSHED PROTECTION AND DEPARTMENT REVIEW DEPARTMENT. I'M JOINED BY JOE PANTALION OUR DIRECTOR. IN THE SURVEY, CITIZENS RANK SEVERAL AREAS THAT RELATE TO THIS DEPARTMENT AND THERE'S A LOT OF DIVERSITY IN THESE FACTORS BECAUSE THIS DEPARTMENT HAS A LOT OF DIVERSE FUNCTIONS. THE FIRST AREA THAT WE LOOK AT IS THE WATER QUALITY OF LIKE LAKES AND STREAMS, A RELATIVELY HIGH PRIORITY AT 87% WITH SATISFACTION LEVELS AT 72.5% UP 4% OVER LAST YEAR. THE NEXT AREA IS OUR STORM DRAIN SYSTEM. THE OPERATION OF THAT SYSTEM IS RANKED AT NEARLY 75%. WITH SATISFACTION LEVELS OF 85.5%. OUR FLOOD CONTROL EFFORTS HAVE A PRIORITY RATING OF 73.3% AND SATISFACTION LEVELS AGAIN AT 85%. WE THINK THE FACT THAT IN THIS AREA THE SATISFACTION RATINGS EXCEED, EXCEED THE PRIORITY RATINGS IS AN INDICATION, A POSITIVE REFLECTION OF THIS COUNCIL'S COMMITMENT TO WATERSHED PROTECTION PROGRAM AS WELL AS THE DEDICATED AND TALENTED WORK OF OUR STAFF. AS YOU ALL HAVE WORKED WITH INDIVIDUALLY, WITH INDIVIDUAL CITIZENS THROUGHOUT OUR COMMUNITY, FLOODING IS GETTING WORSE. AS WE GROW, AS WE DEVELOP, WE ARE EXPERIENCING MORE FLOODING PROBLEMS AND THE FACT THAT WE ARE ABLE TO KEEP AHEAD WITH HIGH SATISFACTION LEVELS AMONG OUR CITIZENS IS A GOOD SIGN FOR ALL OF US. THE NEXT SEVERAL SURVEY QUESTIONS DEAL WITH THE DEVELOPMENT REVIEW PROCESS. WHAT YOU WILL SEE HERE ARE RELATIVELY LOW SATISFACTION LEVELS. THIS HAS BEEN THE PRIMARY DRIVER FOR OUR ONE-STOP SHOP PROJECT. THE FACT THAT WE HAVE SPENT TWO YEARS REDESIGNING THESE SERVICES IS IN RESPONSE TO OUR CITIZENS FEEDBACK ON HOW WE PROVIDE THESE SERVICES. IN THE COMING YEAR YOU'LL SEE THE FINAL

STAGES. WE WILL BE CO-LOCATING IN ONE TEXAS CENTER. WHILE WE ARE WORKING HARD TO INCREASE CUSTOMER SATISFACTION IN THESE AREAS, WE REALLY DO BELIEVE THAT THE TRUE RESULTS OF ONE STOP SHOP ARE STILL A YEAR AWAY. OVER THE COMING YEAR WE ARE GOING TO BE DOING AN OVERHAUL OF OUR SOFTWARE SYSTEM, A COMPLETE DIVERSION OF THE DATA WHICH WILL REQUIRE TRAINING OF THE STAFF AND ALSO OF THE DEVELOPMENT COMMUNITY, WE ARE ALSO GOING TO BE MOVING INTO THE ONE TEXAS CENTER. THIS IS GOING TO REQUIRE HUNDREDS OF PEOPLE MOVING OFFICES. THESE THINGS ARE VERY DISRUPTIVE TO THE WORKPLACE, WHILE WE KNOW THEY ARE GOING TO PAY DIVIDENDS, WE THINK IT WILL TAKE A WHILE FOR US TO EXPERIENCE THE POSITIVE RESULTS OF THOSE MOVES. AND MODIFICATIONS. CITIZENS RATE BUILDING PERMIT SERVICES FOR NEW CONSTRUCTION AND REMODELING AT 48.4% WITH SATISFACTION LEVELS OF 36.5%. REVIEW SERVICES FOR COMMERCIAL BUILDING PLANS ARE RATED AT A PRIORITY OF 47.3%. WITH SATISFACTION OF 38%. REVIEW SERVICES A PRIORITY RATING OF 45%, SATISFACTION LEVELS OF NEARLY 44%. REVIEW SERVICES FOR LAND DEVELOPMENT APPLICATIONS A PRIORITY RATING OF 47.6% WITH SATISFACTION RATINGS AT 39%. RECALL LAST YEAR WE ELIMINATED 40% OF THE RESOURCES AVAILABLE IN THIS AREA OF OUR ORGANIZATION. WE BELIEVE THIS CONTRIBUTED TO LOWER SATISFACTION LEVELS. IN THIS BUDGET YOU WILL HEAR JOE TALKING ABOUT THAT. SOME OF THESE CUTS WERE TOO DEEP. INTERESTINGLY, YOU WILL ALSO HEAR GOOD NEWS IN THIS AREA, OUR CYCLE TIMES ARE BETTER THAN EVER. WHAT THIS SAYS IS THAT THE PEOPLE WORKING IN THE DEPARTMENT ARE WORKING HARDER THAN EVER TO MAKE SURE THAT WE ARE OPERATING WITHIN AND REALLY EXCEEDING THE EXPECTATION FOR REVIEW CYCLE TIMES. I THINK THIS SPEAKS HIGHLY OF THE TALENT AND DEDICATION OF THE WORKFORCE THAT'S IN THIS DEPARTMENT. FINALLY WE ASKED CITIZENS ABOUT INSPECTION, HERE WE HAVE A PRIORITY RATING OF 44%, A SATISFACTION RATING OF 70%, A BRIGHT SPOT WITH A 14% IMPROVEMENT OVER LAST YEAR. PERHAPS MORE THAN ANY OF OUR OTHER CITY SERVICES, MAYOR AND COUNCIL, WE HAVE FOCUS ON COMPLETELY REVAMPING DEVELOPMENT

REVIEW. WE HAVE EMPHASIZED ORGANIZING AROUND THE CUSTOMER RATHER THAN HAVING 13 POSSIBLE LOCATIONS A PERSON HAS TO GO TO, WE WANT TO HAVE A SINGLE LOCATION. ALSO SEVERAL SIZED STREAMLINING PROCESSES WHEREVER POSSIBLE. WE HAVE ASKED OURSELVES, CAN WE CONSOLIDATE THIS REVIEW, ELIMINATE THE REVIEW, CAN ONE PERSON DO THE REVIEW TWO PEOPLE WERE PREVIOUSLY DOING IT. IN ORDER TO UNDERSTAND THE CUSTOMER'S PERSPECTIVE, WE ARE GOING TO BEGIN SMALL GROUP MEETINGS WITH CUSTOMERS AS THEY GO THROUGH THE PROCESS THIS YEAR. THIS WILL GIVE US SPECIFIC INFORMATION SO THAT WE CAN BE VERY STRATEGIC ABOUT WHERE AND HOW WE MAKE IMPROVEMENTS. IT WILL ALLOW US TO UNDERSTAND THE EXPERIENCES OF ALL OF OUR CUSTOMERS. NOT ONLY THOSE DEVELOPERS THAT COME THROUGH THE SYSTEM OVER AND OVER AGAIN, BUT WE ALSO WANT TO HEAR FROM THOSE WHO ONLY GO THROUGH OUR DEVELOPMENT REVIEW PROCESS ONCE. THE FAMILY THAT GOES THROUGH A SINGLE TIME FOR AN ADDITION. WE THINK THIS WILL PROVIDE VALUABLE FEEDBACK TO US AS WE MOVE THROUGH THE FINAL STAGES OF OUR ONE TOP SHOP CONSOLIDATION. WITH THAT I TURN IT OVER TO JOE.

THANK YOU, DIRECTOR OF THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT. WITH ME TODAY ARE ASSISTANT DIRECTORS TAMMIE WILLIAMSON AND LEON BARBER, DIVISION MARCHING MIKE INET AND LISA NICOLE. I WANT TO THANK THEM AND THEIR STAFF FOR THE TERRIFIC JOB THEY DID PUTTING THIS BUDGET TOGETHER. IN THE PREVIOUS PRESENTATION, ALICE DISCUSSED THE IMPORTANCE OF PLANNING AND THE INVESTMENT MADE BY NEIGHBORHOODS BUSINESSES AND STAFF TO DEVELOP THESE PLANS ... HELP IMPLEMENT NEIGHBORHOOD PLANS AND WATERSHED PLANS. WITH AN EMPHASIS ON POSITIONING FOR THE FUTURE, I WILL REVIEW THE DEPARTMENT'S PROPOSED BUDGET, PROVIDE HIGHLIGHTS OF THE IMPLEMENTATION OF THE ONE STOP SHOP AND WATERSHED PROTECTION MASTER PLAN. SHOWN ON THIS SLIDE DEPARTMENT REVENUES ARE BUDGETED AT 53.4 MILLION, WITH REVENUE GENERATED PRIMARILY FOR [INDISCERNIBLE] AND DRAINAGE FEE. PROPOSED

EXPENDITURE 55.4 MILLION, 445.25 F.T.E.S, INCLUDING 10 NEW F.T.E.S PROPOSED NEXT YEAR. THIS SLIDE SHOWS THE AVAILABLE DEPARTMENT FUNDING BY SOURCE. DRAINAGE FEE REVENUE IS ESTIMATED AT 42 MILLION OR 77% OF THE DEPARTMENT'S TOTAL REVENUE, WHILE GENERAL FUND REVENUE AT 10 MILLION REPRESENTS 18% OF TOTAL REVENUES AND ANOTHER 5% COMES FROM OTHER FUNDING SOURCES, INCLUDING REIMBURSEMENTS AND INTEREST INCOME. THE GENERAL FUND SUPPORTS ONE MAJOR PROGRAM IN THE DEPARTMENT. THE ONE STOP SHOP FOR DEVELOPMENT SERVICES. THIS INCLUDES THE DEVELOPMENT ASSISTANCE CENTER, DEVELOPMENT REVIEW, PERMITTING, INSPECTIONS AND RIGHT-OF-WAY MANAGEMENT. 96% OF THE GENERAL FUND EXPENDITURES GO TOWARDS DEVELOPMENT SERVICES. THE BROWNFIELDS PROGRAM IS FUND BID A TRANSFER FROM SOLID WASTE SERVICES. THE REMAINING FOUR ARE SPLIT BETWEEN SUPPORT SERVICES, TRANSFERS AND OTHER REQUIREMENTS. FOR DRAINAGE UTILITY OPERATING REQUIREMENTS, 4.1 MILLION DEDICATED TO DRAINAGE, WATER QUALITY, ENVIRONMENTAL REVIEWS AND INSPECTIONS IN THE ONE STOP SHOP. ANOTHER 6.1 MILLION DEDICATED TO WATER QUALITY PROGRAMS, 8.6 MILLION TO DRAINAGE SYSTEM MAINTENANCE, 2.4 MILLION TO FLOOD HAZARD MITIGATION. THE FUND ALSO SUPPORTS CREEK EROSION CONTROL, MASTER PLANNING AND SUPPORT SERVICES. 12.6 MILLION WILL GO TOWARDS CAPITAL PROJECTS IN THE FORMS OF DEBT SERVICE PAYMENTS, DIRECT REVENUES TRANSFERS TO C.I.P. AND MATCHING FUNDS FOR PRIVATE PROJECTS. THE REMAINING 6.5 MILLION INCLUDES TRANSFERS OUT TO THE ENVIRONMENTAL REMEDIATION FUND. SUSTAINABILITY FUND TO BCP PROGRAM, THE AUSTIN WATER UTILITY AND OTHER REQUIREMENTS. THE NEXT SLIDE SHOWS THE SAME EXPENDITURES BY PERCENT OF TOTAL. AS I JUST MENTIONED, THE 12.6 MILLION PROPOSED FOR CAPITAL PROJECTS REPRESENTS NEARLY 30% OF DRAINAGE UTILITY EXPENDITURES, SOME OF THE NOTABLE PROJECTS FUNDED INCLUDE THE DEBT SERVICE FOR THE CRYSTAL GROWTH NEIGHBORHOOD FLOOD WALL AND INTERNAL STORM SYSTEM, CONTINUATION OF THE FLOOD EROSION BUY OUT PROGRAM IN THE ONION CREEK WATERSHED, FLOOD

EROSION CONTROL PROJECTS IN SEVERAL WATERS, FORT BRANCH, CARSON CREEK, LITTLE WALNUT, TANEN, WATER QUALITY RETRO FITS IN THE BARTON SPRINGS ZONE, AREAS ADJACENT TO TOWN LAKE AND AREAS NEAR PLEASANT VALLEY ROAD NEAR ST. ELMO ROAD ... REPAIRS AND UPGRADES, PONDS MAINTENANCE AND THE TOWN LAKE CLEANUP ACTIVITIES. THE NEXT THREE LARGEST PROGRAMS INCLUDE THE WATER QUALITY PROGRAM OF 14%, ONE STOP SHOP AT 10%, THE FLOOD HAZARD MITIGATION PROGRAM AT 6%. IN REGARDS TO THE DEPARTMENT STAFFING, THERE'S A NET INCREASE OF 61 POSITIONS PROPOSED FOR THE DEPARTMENT. THE MAJORITY OF THESE POSITIONS ARE TRANSFERS OF EXISTING STAFF FROM PUBLIC WORKS AND TPSD AS PART OF THE ONE STOP CONSOLIDATION DEVELOPMENT INSPECTION AND RIGHT-OF-WAY MANAGEMENT FUNCTIONS. THERE ARE A FEW STRATEGIC ADDITIONS PROPOSED FOR NEXT FISCAL YEAR. THE BUDGET CUTS THIS PAST YEAR WENT PRETTY DEEP IN DEVELOPMENT REVIEW. THE LAND USE REVIEW PROMISE WAS CUT BY 40%, ONE OF EVERY THREE GENERAL FUND POSITIONS IN THAT GROUP WAS ELIMINATED. REPOSITIONS STAFF WHERE THEY ARE MOST NEEDED WE PROPOSE SIX NEW POSITIONS FOR THE ONE STOP SHOP, THREE REVERSE, A CUSTOMER SERVICES COORDINATOR AND A MANAGER DEDICATED TO THE CUSTOMER ASSISTANCE CENTER THE CUSTOMER'S POINT OF ENTRY. A NET INCREASE OF THREE F.T.E.S IS PROPOSED FOR THE DRAINAGE UTILITY FUND PROVIDING SUPPORT FOR THE CRITICALLY IMPORTANT FLOOD EARLY MORNING SYSTEM, GENERAL PERMIT AND BARTON SPRINGS OPERATING PERMIT PROGRAMS. RESIDENTIAL DRAINAGE FEES ARE PROPOSED TO INCREASE 44 CENTS PER MONTH, FROM 6.30 TO 6.74, AN INCREASE OF 7%. COMMERCIAL DRAINAGE FEES ARE PROPOSED TO INCREASE FROM 120.41, TO 147.92 PER IMPERVIOUS ACRE, AN INCREASE OF 22.88%. ... ARE EXPECTED TO GENERATE AN ADDITIONAL 5.5 MILLION IN FEE REVENUE. FEE INCREASES ARE INCLUDED IN THE PROCESSING OF RIGHT-OF-WAY LICENSE AGREEMENT, CONSTRUCTION, INSPECTION FEES AND BLASTING PERMITS. NEW FEES ARE PROPOSED FOR REQUESTED SEARCHES OF THE DEPARTMENT SPILL'S DATA BASE, REINSPECTION FEES. ALTHOUGH CURRENTLY NOT INCLUDED IN THE BUDGET, A

PROPOSAL WILL BE BROUGHT TO COUNCIL TO REDUCE DEVELOPMENT FEES AS PART OF THE CITY OF AUSTIN, TRAVIS COUNTY, SINGLE OFFICE EFFORT TO ELIMINATE DUPLICATIVE REVIEW AND INSPECTION FUNCTIONS FOR SUBDIVISIONS IN THE E.T.J. THIS IS ANTICIPATED TO RESULT IN A REVENUE DECREASE OF LESS THAN [INDISCERNIBLE] 10,000. NOW I WOULD LIKE TO WALK THROUGH SOME OF OUR RECENT ACCOMPLISHMENTS. COUNCIL WE ARE VERY PROUD OF OUR RECENT ACCOMPLISHMENTS AS A DEPARTMENT. OUR WATERSHED PROTECTION PROGRAM CONTINUES TO BE A LEADER IN BOTH STATE AND NATIONAL LEVELS. DURING THE LAST COMMUNITY VISIT, FEMA DESCRIBED OUR FLOODPLAIN MANAGEMENT PROGRAM AS EXCELLENT AS WE MAINTAINED OUR COMMUNITY RATING THAT ALLOWS OUR CITIZENS TO RECEIVE A 10% DISCOUNT ON FLOOD INSURANCE. THE STATE RECOGNIZED OUR GROW GREEN PROGRAM WITH AN ENVIRONMENTAL EXCELLENCE AWARD FOR EDUCATION. ONE OF 10 AWARD STATE-WIDE AND THE ONLY ONE FOR EDUCATION. OUR AWARD WINNING ANOTHER ROATION -- EROSION PROGRAM, LIMESTONE, NATIVE VEGETATION AND STREAM STABILIZATION PROJECTS. ON THE DEVELOPMENT REVIEW SIDE, THIS YEAR THE DEPARTMENT FACED THE CHALLENGE OF MANAGING THROUGH SIGNIFICANT BUDGET REDUCTIONS AND NOT ONLY MAINING THE SAME LEVEL OF SERVICE, BUT SPEEDING UP DEVELOPMENT REVIEWS WHILE ENSURING CODE COMPLIANCE. THROUGH THE ELIMINATION OF REDUNDANT STEPS IN THE PROCESS, SITE VISITS, CROSS TRAINING AND JUST SIMPLY A REMARKABLE EFFORT FROM STAFF, LET ME EMPHASIZE REMARKABLE EFFORT FROM STAFF, DEVELOPMENT REVIEW MEASURES HAVE SHOWN MARKED IMPROVEMENTS. AS I REVIEW THIS SLIDE, I WANT TO PUT OUT THE FIRST THREE BULLETS ARE FROM THE WORK GROUP THAT HAD A 40% CUT IN FUNDING THIS YEAR. WAIT TIMES HAVE IMPROVED IN THE DEVELOPMENT AS TANS CENTER. THE COMPLETENESS CHECK IMPROVED DRAMATICALLY SHAVING NEARLY 10 DAYS OFF THE PROCESSING TIME. INITIAL REVIEW TIMES FOR SUBDIVISIONS AND SITE PLANS ALSO SIGNIFICANTLY IMPROVED FROM 84% TO 95 PERCENT ON TIME. RESULTING IN AN AVERAGE REDUCTION OF FIVE DAYS DURING REVIEW. INITIAL REVIEW TIMES FOR ZONING HAVE IMPROVED FROM

73% TO 79% ON TIME. COUNCIL, OUR DEVELOPMENT REVIEW STAFF HAS EXCELLED AT EVERY LEVEL. IN SPITE OF THE BUDGET CUTS, STAFF HAS GIVEN 110% DAY IN, DAY OUT TO IMPROVE SERVICES AND MAKE AUSTIN A GREAT AND SAFE PLACE TO LIVE. I WOULD LIKE TO RECOGNIZE THEM FOR THE WORK THEY HAVE DONE THIS YEAR. WHAT'S IN FOR TO NEXT YEAR? BUDGET HIGHLIGHTS FOR FISCAL YEAR '05. DESIGN TO IMPROVE OUR CUSTOMER'S EXPERIENCE WITH THE CITY'S REVIEW PROCESS, FULL IMPLEMENTATION OF THE ONE TOP SHOP WILL REALIGN DEVELOPMENT SERVICES TO CREATE A LINEAR PROGRESSION THROUGH THE FOUR FACES OF DEVELOPMENT REGULATION, INCLUDING PRESUBMITTAL PLANNING, FORMAL REVIEW, PERMITTING, INSPECTIONS. THIS ALIGNMENT MIRRORS THE WAY OUR CUSTOMERS MOVE THROUGH THE PROCESS. STAFF FROM 13 DIFFERENT DEPARTMENTS, IN 12 BUILDINGS WILL BE HOUSE UNDERSTAND SAING GEL SERVICE LOCATION AT ONE TEXAS CENTER. ALSO THE PROCESS REDESIGN TEAM FROM AUSTIN ENERGY HAS SIMPLIFIED AND CONSOLIDATED 57 CITY REGULATORY PROCESSES INTO 21, BASED LARGELY ON SUGGESTIONS FROM STAFF AND CUSTOMER INTERVIEWS. THE PROPOSED DRAINAGE FEES INCREASES I PRESENTED EARLIER, REPRESENTS THE FOURTH YEAR OF A FIVE YEAR COST OF SERVICE STUDY PLAN PRESENTED TO COUNCIL IN 2001. THESE FEE INCREASES ARE HELPING TO IMPLEMENT THE WATERSHED PROTECTION MASTER PLAN THAT WAS ALSO ADOPTED IN 2001. PROVIDING FUNDING FOR FLOOD AND EROSION CONTROL AND STORM DRAIN PROJECTS AND WATER QUALITY PROTECTION. THE NEXT SEVERAL SLIDES SHOW KEY PERFORMANCE MEASURES FOR THE DEPARTMENT. WITH THE FINAL IMPLEMENTATION OF THE ONE TOP SHOP, ADDITIONAL PROCESS CHANGES, A NEW SOFTWARE PACKAGE WILL PROVIDE A NEW SET OF CHALLENGES IN OBTAINING OUR GOALS THIS YEAR. THIS SLIDE SHOWS THE ... WE ARE PROJECTING A 7% INCREASE IN THIS YEAR'S PERFORMANCE FOR THIS MEASURE FROM 85% TO 92%. WE HOPE TO MAINTAIN THE IMPROVEMENTS REALIZED OVER THE LAST YEAR, NEXT YEAR'S GOAL REMAINS AT 90%. THIS SLIDE SHOWS THE PERCENT OF INITIAL ZONING RESIDENTIAL REVIEWS COMPLETED WITHIN 7 DAYS. THIS IS ANOTHER EXAMPLE OF A WORK GROUP THAT LOST STAFF AND INCREASED PERFORMANCE FROM 76% TO

79% ON TIME. GIVEN THE WORKLOAD IN THE 90% GOAL, WE ARE PROPOSING TO ADD BACK ONE POSITION IN THE BUDGET TO CONTINUE THE IMPROVEMENT IN THIS AREA. THIS SLIDE REFLECT THE PERCENT OF INITIAL COMMERCIAL BUILDING PLAN REVIEWS COMPLETED WITHIN 21 DAYS. PERFORMANCE HAS IMPROVED BY 2% IN THIS AREA, HAVING EXCEEDED THE BUDGET GOAL FOR THE LAST THREE YEARS, A 5% INCREASE IN THE GOALS PROPOSED FOR NEXT YEAR. THIS SLIDE SHOWS THE KEY PERFORMANCE MEASURE FOR CYCLE TIME. CYCLE TIME IS DEFINED AS THE TIME FROM THE DAY THE APPLICANT SUBMITS A COMPLETE SET OF PLANS TO THE DAY THE CITY ISSUES A SITE DEVELOPMENT PERMIT. IT'S A FUNCTION OF CITY STAFF REVIEW TIME AND THE TIME THE PLANS ARE IN THE HAND OF THE APPLICANT. AFTER 180 DAYS, THE CODE REQUIRE THE APPLICANT TO RECEIVE AN EXTENSION TO CONTINUE WITH THE PLAN PROCESS. WHILE THE CITY DOES NOT HAVE TOTAL CONTROL OF THIS MEASURE, THE GOAL FOR THIS YEAR IS TO IMPROVE CYCLE TIMES BY 20%. COMPARING YEAR TO DATE AVERAGES FOR ONLY THOSE PROJECTS THAT WERE SUBMITTED AND PERMITTED WITHIN THE SAME FISCAL YEAR, CYCLE TIMES ARE IMPROVING. FOR MOST OF THE YEARS CYCLE TIMES HAVE BEEN RUNNING FIVE TO 10% FASTER THAN LAST YEAR. CURRENTLY THE IMPROVEMENT RATE AT 3%. ON A RUNNING AVERAGE, CYCLE TIMES ARE NOT EXPECTED TO SIGNIFICANTLY IMPROVE UNTIL ALL OF THE PROJECTS REVIEWED UNDER THE OLD PROCESS ARE OUT OF THE SYSTEM AND THE ONE STOP SHOIPS FULLY IMPLEMENTED. FOR DRAINAGE SYSTEM MAINTENANCE, AN FISCAL YEARGE AND SAFETY CONCERNS. THOSE RESOURCES WERE SHIFTED TO INSULATION AND REPAIR OF STORM DRAIN PIPE WHICH ALLOWED THE DEPARTMENT TO [INDISCERNIBLE] SURPASS GOALS IN THIS AREA. IN FY '04 A GOAL WAS ESTABLISHED ASSUMING A TIMELY HIRING OF A THIRD POND MAINTENANCE CREW. WHILE HIRING DELAYS KEPT THE DEPARTMENT FROM MEETING THIS GOAL, WE EXPECT TO SURPASS THIS GOAL IN '05 THOUSAND THAT THE NEW CREW IS ON BOARD. THE GOAL OF 312 IS PROPOSED FOR FY '05. THE NEXT SLIDE SHOWS HOW AUSTIN BENCHMARKS WITH OTHER CITY. YOU WILL SEE AUSTIN COMPARES WELL WITH OTHER CITIES AND COUNTIES REPORTING ON THEIR PROGRAMS. THE FIRST SLIDE SHOWS THE AVERAGE

NUMBER OF DAYS THE SUBDIVISION PLAN APPROVAL, WHAT WE HAVE INTERPRETED AS A SICKLEYCLE TIME. OUT OF 105 CITIES AND COUNTIES INCLUDING IN THE ICMA SURVEY, ONLY FOUR CHOSE TO REPORT THIS MEASURE. SO OUT OF 105 ONLY THREE OTHER CITIES BESIDE THE CITY OF AUSTIN REPORT ODD THIS MEASURE. AS YOU CAN SEE, AT FIRST GLASS THE THREE OTHER CITIES REPORTED SIGNIFICANTLY SHORTER TIME THAN AUSTIN, AFTER CHECKING WITH THESE CITIES THEY ARE NOT ACTUALLY CYCLE TIMES. THEY MEASURED PROCESS TIME DIFFERENTLY, THIS IS REALLY NOT A VALID APPLES TO APPLES COMPARISON. BOTH RENO AND LAREDO REPORTED ON ONLY THE TIME IT TAKES FOR SUBDIVISIONS TO BE APPROVED BY THEIR GOVERNING BODY. FOR EXAMPLE THE PLANNING COMMISSION. IT ASK NOT INCLUDE STAFF REVIEW AND APPROVAL TIME. SARASOTA COUNTY ONLY REPORTED THEIR STAFF'S INITIAL REVIEW TIME. THE TIME IT TAKES FOR AN APPLICANT TO SUBMIT THEIR PLAN TO THE FIRST SET OF COMMENTS. SO THIS SLIDE IN TERMS OF BENCHMARKING IS NOT ALL THAT MEANINGFUL IN TERMS OF THE ICMA RESULTS. TRYING TO GET MORE MEANINGFUL RESULTS. WE DID TELEPHONE BENCHMARKING OF OUR OWN. AND WE BENCHMARKED WITH OTHER CITIES THAT WERE COMPARABLE IN SIZE WITH THE CITY OF AUSTIN. THIS SLIDE SHOWS THE MIDPOINT OF THE RANGES PROVIDED. THE MOST COMMONLY REPORTED CYCLE TIMES FOR SUBDIVISION AND SITE PLANS WAS 120 TO 180 DAYS COMPARABLE TO AUSTIN. SAN DIEGO'S RANGE FROM 90 DAYS TO 270 DAYS. ON THE NEXT SLIDE, THIS MEASURE COMPARES THE AVERAGE TIME IN CALENDAR DAYS FROM CUSTOMER SUBMITTAL OF A BUILDING PERMIT APPLICATION TO BUILDING PERMIT ISSUANCE. THIS INCLUDES APPLICATIONS FOR NEW CONSTRUCTION, REMODELS AND ADDITION, RESIDENTIAL AND COMMERCIAL BUILDING. SINCE BUILDING CODES ARE MORE UNIFORM ACROSS THE NATION. THIS DATA SHOULD BE MORE LIABLE FOR BENCHMARKING PURPOSES. AUSTIN'S 12 DAYS COMPARES FAVORABLY TO THOSE ICMA CITIES REPORTING ON THIS MEASURE. THIS MEASURE COMPARES THE AVERAGE NUMBER OF PERMIT INSPECTIONS PERFORMED PER DAY PER F.T.E. TO OTHER ICMA CITIES. THESE INCLUDE MECHANICAL, ELECTRICAL, PLUMBING TYPE OF PERMITS. AUSTIN'S AVERAGE NUMBER OF INSPECTIONS PER DAY IS 14.

WHICH IS IN THE MIDDLE OF THE RANGE. THIS MEASURE EXEARS THE PERCENT OF INITIAL CODE REVIEWS FOR MODEL PERMITS COMPLETED WITHIN 12 WORKING DAYS, INCLUDING BOTH BUILDING AND ZONING REQUIREMENTS. AUSTIN'S 98% RATING IS THE SECOND HIGHEST. 2% CORPUS CHRISTI WE THINK AGAIN MISREPORTED OR DIDN'T ACTUALLY REPORT ON THE SAME MEASURE. AT LEAST WE ARE HOPING.

Mayor Wynn: THAT'S NOT FAIR.

RUDY GARZA, WHAT DO YOU THINK ABOUT THAT CORPUS CHRISTI NUMBER?

VERY GOOD. [LAUGHTER]

COUNCIL, FINALLY, THIS MEASURE COMPARES BUILDING PERMITS ISSUED THE SAME DAY OVER COUNTER. AT 77% AUSTIN FALLS IN THE MIDDLE OF THE PORTION OF THIS RANGE AS WELL. WITH THAT, TAKE CONCLUDES MY PRESENTATION, I'LL BE HAPPY TO ANSWER ANY QUESTIONS.

THANK YOU, MR. PANTALION. QUESTIONS FROM COUNCIL? HEARING NONE, THANK YOU VERY MUCH.

MAYOR, WITH THAT WE WILL MOVE INTO OUR FINAL PRESENTATION TODAY WITH THE PUBLIC WORKS DEPARTMENT. I'M JOINED BY SONDR A CRAYTON, THE DIRECTOR OF PUBLIC WORKS AND HERO OF LAMAR STREET.

NOT ME, MY TEAM.

THE LAST DEPARTMENT TODAY IS PUBLIC WORKS. AS YOU KNOW, CITIZENS RANK TRAFFIC AND CONGESTION AS THE NUMBER ONE ISSUE FACING OUR COMMUNITY. WE ASK IT A NUMBER OF DIFFERENT WAYS IN THE SURVEY, IT ALMOST DOESN'T MATTER HOW YOU ASK THIS QUESTION. THE FACT IS IT FLOATS TO THE TOP EVERY SINGLE TIME. THE FOLLOWING SURVEY QUESTIONS UNDERScore THE PRIORITY THAT THIS HAS WITHIN OUR COMMUNITY. OUR CITIZENS RATE TRAFFIC FLOW ON MAJOR CITY STREETS AS A PRIORITY OF 84%. WITH SATISFACTION LEVELS OF 27%. MAINTENANCE AND REPAIR OF CITY STREETS IS A PRIORITY

RATING OF 84.3%. WITH SATISFACTION RATINGS OF 34.8%. UP NEARLY 4% FROM LAST YEAR. TIMING, OF TRAFFIC SIGNALS ON CITY STREETS, RANKS AT 82% AS A PRIORITY RATING. AND AT 40.2% AT SATISFACTION LEVELS AND THIS IS UP 4.3% OVER LAST YEAR. PEDESTRIAN FRIENDLY AREAS HAS A PRIORITY RATING OF 78% WITH SATISFACTION LEVELS OF 63%. PEDESTRIAN ACCESSIBILITY, THE CITY'S SIDEWALK SYSTEM AND NETWORK. HAS A PRIORITY RATING OF 72.9%. AND A SATISFACTION RATING OF 56.8%. AND FINALLY, BICYCLE ACCESSIBILITY, THE -- THE CITY'S BIKE LANE SYSTEM, HAS A PRIORITY RATING OF 57.7% AND SATISFACTION RATINGS AT 59.2%. WHILE IT IS CLEAR THAT THE CITY DOES NOT OPEN OR CONTROL ALL ASPECTS OF ROADWAY AND MOBILITY, WE UNDERSTAND. WE UNDERSTAND THE SERIOUS CONCERNS OVER TRAFFIC AND ARE CONSTANTLY LOOKING FOR NEW AND CREATIVE WAYS TO ADDRESS THESE PROBLEMS. WE MAKE EVERY EFFORT TO LOOK AT THE ISSUE OF TRAFFIC AND CONGESTION COMPREHENSIVELY. SONDRAL WILL HIGHLIGHT SOME OF THE MAJOR INVESTMENTS THAT WE ARE MAKING IN THIS YEAR. THE CURRENT CONDITION OF OUR ROADWAY NETWORK AND SOME OF THE NEW APPROACHES THAT THEY HAVE INTRODUCED IN THE DEPARTMENT TO IMPROVE CUSTOMER SATISFACTION WITHIN OUR PROJECTS.

THANK YOU, LAURA. GOOD AFTERNOON, MAYOR AND COUNCIL, I'M SONDRAL CREIGHTON, HERE WITH ME IS RUSTY COBURN, I WOULD LIKE TO THANK HIM, OUR DIVISION MANAGERS, OTHER FINANCIAL STAFF IN THE GOOD WORK THEY DID IN DEVELOPING OUR BUDGET. I'M GOING TO COVER THE PUBLIC WORKS PROPOSED BUDGET REVENUE, EXPENDITURES, HIGHLIGHTS. OUR PROPOSED BUDGET INCLUDES REVENUES OF \$49 MILLION. OUR BUDGET IS COMPRISED OF THE TRANSPORTATION FUND, THE CAPITAL PROJECTS MANAGEMENT FUND, AND THE CHILD SAFETY FUND. NO RATE CHANGES ARE PROPOSED FOR THE TRANSPORTATION USER FEE. THE UTILITY CUT REPAIR FEE WILL BE INCREASED DUE TO HIGHER MATERIAL COSTS ASSOCIATED WITH THE WORK. THE NEXT SLIDE SHOWS A PIE CHART OF THE REVENUES. THE TWO PRIMARY SOURCES OF REVENUE ARE THE TRANSPORTATION USER FEE AND THE CAPITAL IMPROVEMENT PROGRAM. THE TRANSPORTATION

USER FEE IS PROJECTED TO BE ABOUT 19 POINT \$3 MILLION OR 39%. OF TOTAL REVENUE, ABOUT \$13.6 MILLION IS NEEDED TO COVER DELIVERY OF SERVICES FOR THE C.I.P. PROJECTS. PUBLIC WORKS ALSO RECEIVES FUNDING FROM OTHER SOURCES, INCLUDING ABOUT 10% FROM THE GENERAL FUND. THE NEXT SLIDE SHOWS OUR PROPOSED EXPENDITURES, THIS SLIDE SHOWS THAT OUR PROPOSED EXPENDITURES INCLUDE ABOUT 54\$54.8 MILLION. OUR NEXT TWO SLIDES SHOW A BREAKDOWN OF THOSE EXPENDITURES. THE KEY PROGRAMS IN THE TRANSPORTATION AREA INCLUDE STREET PREVENTIVE MAINTENANCE AND STREET REPAIRS. THESE PROGRAMS COVER STREET OVERLAY, SEAL COAT, CRACKED SEAL AND POT HOLE REPAIR WORK. TRAFFIC CONTROLS IS ANOTHER KEY PROGRAM WHICH INCLUDES TRAFFIC SIGNALIZATION AND SIGNS AND MARKINGS. ANOTHER KEY PROGRAM IS THE CAPITAL PROJECT'S MANAGEMENT PROGRAM WITH EXPENDITURES PROPOSED TO BE ABOUT \$13 MILLION. THIS PROGRAM FUNDS PROJECT MANAGEMENT, INSPECTION, DESIGN ENGINEERING, REAL ESTATE PROCUREMENT AS WELL AS CONSTRUCTION CONTRACT AND CONSULTANT PROCUREMENT. THE CHILD SAFETY PROGRAM PROVIDES A SAFE PEDESTRIAN BICYCLE ENVIRONMENT FOR AUSTIN STUDENTS GOING TO AND FROM SCHOOL. OTHER EXPENDITURES INCLUDE A MIX OF CORPORATE TECHNOLOGICAL AND ADMINISTRATIVE SUPPORT. ONE-TIME CAPITAL EXPENDITURES AND OTHER REQUIREMENTS SUCH AS EMPLOYEE PAY FOR PERFORMANCE. THE NEXT SLIDE SHOWS A PIE CHART OF THE PROPOSED EXPENDITURES. ABOUT 24% OF PUBLIC WORKS EXPENDITURES SUPPORTS THE CAPITAL PROJECTS MANAGEMENT PROGRAM. EXPENDITURES ON STREET PREVENTIVE MAINTENANCE AND STREET REPAIRS ARE ABOUT 17 AND 13% OF OUR BUDGET RESPECTIVELY. THE NEXT SLIDE SHOWS A BREAKDOWN OF F.T.E.S IN THE PUBLIC WORKS DEPARTMENT. THE TRANSPORTATION FUND WILL INCREASE BY 132.5 F.T.E.S PRIMARILY DUE TO TRANSFERS OF POSITIONS FROM THE TRANSPORTATION PLANNING AND SUSTAINABILITY DEPARTMENT. THE CAPITAL PROJECTS MANAGEMENT FUND WILL DECREASE BY ABOUT 47 F.T.E.S, PRIMARILY DUE TO THE CREATION OF THE ONE STOP SHOP WHICH WILL ABSORB THE CONSTRUCTION INSPECTION AND

RIGHT-OF-WAY MANAGEMENT FUNCTIONS. THE BUDGET SUPPORTS A TOTAL OF 534 F.T.E.S. NINE NEW F.T.E.S ARE PROPOSED. SEVEN OF THE NEW F.T.E.S WILL FORM A SIDEWALK AND RAMP CONSTRUCTION CREW IN THE STREET AND BRIDGE DIVISION. THIS WILL ALLOW US TO BUILD SIDEWALKS AND RAMPS FASTER AND AT A LOWER COST. IN ADDITION TO TEMPORARY -- TWO TEMPORARY CHILD SAFETY POSITIONS WILL BE CONVERTED TO PERMANENT POSITIONS. WE HAVE A NUMBER OF KEY ACCOMPLISHMENTS THAT I WOULD LIKE TO MENTION. THIS YEAR OUR PROJECT MANAGERS HAD MANAGED ABOUT \$700 MILLION WORTH OF C.I.P. PROJECTS, INCLUDING CITY HALL, THE AUSTIN RESOURCE CENTER FOR THE HOMELESS, LOYOLA LANE IMPROVEMENTS, SEVERAL KEY STREET RECONSTRUCTION AND UTILITY PROJECTS, AND THE ULRICH WATER TREAT PLANT EXPANSION. PUBLIC WORKS STAFF ALSO ESTABLISHED A NEW MODEL FOR ACCELERATING ROAD AND UTILITY PROJECTS. THIS MODEL WAS UTILIZED ON THE LAMAR STREET RECONSTRUCTION, AND UTILITY PROJECT. THE NORM FOR CONSTRUCTION OF A PROJECT LIKE LAMAR WOULD BE AROUND 2 TO 3 YEARS. HOWEVER, THROUGH INNOVATIVE TEAMWORK, THE LAMAR PROJECT WILL BE COMPLETED WITHIN ABOUT 8 MONTHS. YOU MIGHT BE INTERESTED IN KNOWING THAT A RECENT STUDY CONCLUDED THAT TRAFFIC DELAYS COST EACH CITIZEN AROUND \$600 ANNUALLY IN LOST TIME, FUEL CONSUMPTION AND EMISSIONS. THEREFORE REDUCTIONS IN CONSTRUCTION SCHEDULES BENEFIT BOTH THE DRIVING PUBLIC AS WELL AS MERCHANTS WHO STAND TO LOSE BUSINESS DURING CONSTRUCTION. ANOTHER STAFF ACCOMPLISHMENT THAT I WOULD LIKE TO MENTION IS THE DEVELOPMENT OF THE R.F.P. FOR THE TRAFFIC SIGNS AND MARKINGS INVENTORY SYSTEM. THE SOLICITATION PHASE WILL BEGIN IN THE UPCOMING FISCAL YEAR. WE HOPE TO HAVE A VENDOR ON BOARD IN EARLY 2005. LOOKING AHEAD, WE RECOGNIZE THE NEED TO IMPROVE COORDINATION OF PROJECTS INVOLVING LANE CLOSURES IN ORDER TO REDUCE TRAFFIC CONGESTION. AT THE DIRECTION OF THE CITY MANAGER, THE INNER DEPARTMENTAL TRAFFIC MANAGEMENT AND PLANNING TASK FORCE WAS FORMED AND LED BY DEPUTY CITY MANAGER JOE CANALES. SINCE THIS TEAM WAS FORMED -- SINCE THIS TEAM WAS FORMED

IMPROVEMENTS HAVE BEEN MADE IN THE AREAS OF PUBLIC INFORMATION AND TECHNOLOGY. A WEBSITE IS UNDER CONSTRUCTION THROUGH THE AUSTIN CLEAN WATER PROGRAM TO GRAPHICALLY SHOW CURRENT AND UPCOMING UTILITY AND ROAD PROJECTS, ALONG WITH LANE CLOSURE INFORMATION ON THE MAJOR PROJECTS. PORTABLE, CHANGEABLE MESSAGE SIGNS ARE BEING PURCHASED TO ASSIST IN NOTIFYING THE DRIVING PUBLIC OF LANE CLOSURES. HIGHWAY ADVISORY RADIO TRAILERS WILL ALSO BE AVAILABLE TO PROVIDE REAL-TIME TRAFFIC STATUS INFORMATION. IN ADDITION, CONTRACTUAL AND DESIGN IMPROVEMENTS ARE BEING USED TO ACCELERATE PROJECTS. LEADERSHIP OF THIS TASK FORCE WILL BE TRANSFERRED TO THE ONE-STOP SHOP RIGHT-OF-WAY MANAGEMENT GROUP FOR THE NEXT FISCAL YEAR. NOW I'LL COVER SOME OF OUR KEY PERFORMANCE MEASURES. OUR GOAL IN THE STREET PREVENTIVE MAINTAIN AREA IS TO MAINTAIN 10% OF THE ROADWAY INVENTORY ANNUALLY. HOWEVER, FOR BOTH THIS AND NEXT FISCAL YEAR, OUR BUDGET ONLY SUPPORTS MAINTENANCE ON 8% OF THE STREET NETWORK. THIS FUNDING LEVEL WILL SUPPORT 50 LANE MILES OF OVERLAY, 110 MILES OF CRACKED SEAL, 385 LANE MILES OF SEAL COAT ON THE NETWORK. AN OVERLAY INVOLVES PLACING ABOUT TWO INCHES OF ASPHALT ON THE STREET IN ORDER TO LEVEL AND STRENGTHEN THE ROAD. SEAL COAT INVOLVES PLACING A THIN LAYER OF ASPHALT 'EMULSION ROLLING IN A LAYER OF SEAL COAT ROAD. THIS PROVIDES SKID RESISTANCE AND SEALS THE ROAD. CRACK SEAL INVOLVES FILLING CRACKS IN THE ROAD WITH LIQUID ASPHALT TO KEEP THE WATER OUT. PREVENTIVE MAINTENANCE IS SIMILAR TO REROOFING YOUR HOUSE. IF YOU WAIT TOO LONG AND THE ROOF STARTS LEAKING, YOU WILL END UP REPLACING THE ENTIRE ROOF STRUCTURE INSTEAD OF JUST THE SHINGLES. THE SAME FOR STREETS. IF YOU WAIT TOO LONG TO PERFORM A SEAL COAT OR AN OVERLAY, THE ROAD WILL DETERIORATE SO MUCH THAT RECONSTRUCTION WILL BE THE ONLY REMEDY. WE ALL KNOW THAT RECONSTRUCTING THE ROAD IS MUCH MORE PAINFUL BECAUSE OF THE LENGTHY LANE CLOSURES AND IT'S ALSO MUCH MORE COSTLY. LATER IN MY PRESENTATION, I'LL BE PROVIDING YOU WITH A GRAPH THAT DEPICTS THE LONG-TERM IMPACT ON THE NETWORK

SHOULD THIS REDUCED LEVEL OF MAINTENANCE CONTINUE. THE NEXT SLIDE SHOWS THE CONDITION OF THE ROAD NETWORK. OUR GOAL IS TO MAINTAIN 70% OF THIS STREET INVENTORY IN FAIR TO EXCELLENT CONDITION. THE GOOD NEWS IS THAT OVERALL THE NETWORK APPEARS TO BE IMPROVING. AND WE CAN ATTRIBUTE THIS TO A LARGE EXTENT TO THE BENEFICIAL IMPACT OF THE '98 STREET RECONSTRUCTION BOND PROGRAM. NONETHELESS, 26% OF THE NETWORK IS -- IS IN POOR TO VERY POOR CONDITION. FOR THE NEXT FISCAL YEAR, WE ARE PROPOSING TO MAINTAIN THE SAME GOAL THIS FISCAL YEAR -- AS THIS FISCAL YEAR GIVEN THE FUNDING LEVELS. THE '98 BOND PROGRAM RECEIVES ITS LAST APPROPRIATION NEXT FISCAL YEAR. CONSTRUCTION ON THESE PROJECTS WILL CONTINUE INTO FISCAL YEAR '06. HOWEVER, IN ORDER TO MAINTAIN ROADS IN SHAF SATISFACTORY CONDITION, ADDITIONAL RECONSTRUCTION FUNDING WILL BE NEEDED IN THE NEAR FUTURE. THE NEXT SLIDE PROVIDES INFORMATION DEPICTING LONG-TERM IMPACT OF REDUCED FUNDING FOR BOTH STREET PREVENTIVE MAINTENANCE AND STREET RECONSTRUCTION. IN ORDER TO KEEP THE NETWORK FROM DETERIORATING, A COMBINATION OF PREVENTATIVE MAINTENANCE TO PRESERVE OUR BETTER ROADS AND RECONSTRUCTION FUNDS TO RESTORE OUR POORER ROADS IS NECESSARY. I WOULD LIKE TO YOU LOOK AT THE LOWER CURVE ON THE CHART. THIS SHOWS IF FUNDING REMAINS AT THE CURRENT LEVEL OF MAINTENANCE ON ONLY 8% OF THE NETWORK AND IF THERE'S NO NEW FUNDING FOR RECONSTRUCTION OF OUR POORER ROADS, OVER TIME THE NETWORK DETERIORATES RAPIDLY. ON THE OTHER HAND, THE TOP CURVE SHOWS THAT WHEN FUNDING IS RESTORED TO A LEVEL THAT PROVIDES FOR BOTH 10% PREVENTIVE MAINTENANCE AND STREET RECONSTRUCTION, THERE'S ACTUALLY A LONG-TERM IMPROVEMENT IN THE INFRASTRUCTURE. THE NEXT CHART SHOWS BENCHMARK DATA THAT PLACES THE CITY OF AUSTIN ABOUT IN THE MID RANGE IN TERMS OF EXPENDITURES FOR STREET MAINTENANCE. THE NEXT CHART IS ALSO A BENCHMARKING CHART THAT COMPARES -- THE CONDITION OF STREETS IN AUSTIN TO OTHER CITIES. WE HAVE CONTACTED REPRESENTATIVES FROM MOST OF THESE CITIES AND FOUND THAT FOR THE MOST PART, THEY DON'T INVENTORY

THEIR ENTIRE STREET NETWORK EACH YEAR. FOR EXAMPLE, SAN ANTONIO EVALUATED ONLY 33% OF THEIR NETWORK. IN ADDITION, IT'S POSSIBLE THAT SOME OF THE HIGHER RATINGS IN THE CITIES SUCH AS TUCSON, PHOENIX AND EL PASO ARE MORE RELATED TO BETTER SOIL CONDITIONS THAN WHAT WE HAVE IN THE CITY OF AUSTIN. OTHER FACTORS MAKE IT DIFFICULT TO USE THIS BENCHMARK DATA AS WELL. FOR EXAMPLE, FORT WORTH SETS A LOWER BAR FOR DETERMINING WHICH STREETS ARE IN POOR AND VERY POOR CONDITION. ALSO, 30% OF FORT WORTH STREETS ARE BUILT FROM CONCRETE AND SO THEY -- SO THEY HAVE LOWER MAINTENANCE COSTS ASSOCIATED WITH THEM. ANOTHER ONE OF OUR GOALS IS TO ENSURE SAFE AND EFFICIENT INTERMODAL TRANSPORTATION SYSTEM. WE ARE PROPOSING ADDITIONAL REDUCTIONS IN CORRIDOR TRAVEL TIME AS WE CONTINUE TO IMPROVE OUR SIGNAL TIMING. THE NEXT CHART SHOWS THE SPENDING PLAN BREAK DOWN FOR PREVENTIVE MAINTENANCE, STREET RECONSTRUCTION, AND STREET IMPROVEMENTS. IT ALSO SHOWS CHANGES IN SPENDING LEVELS FROM THIS FISCAL YEAR TO THE NEXT FISCAL YEAR. THE FOLLOWING SLIDE PROVIDES A BREAKDOWN OF \$30 MILLION PROPOSED IN NEW CAPITAL APPROPRIATIONS. OF THAT, \$12.9 MILLION WILL GO FOR RIGHT-OF-WAY AND UTILITY RELOCATION COSTS, ASSOCIATED WITH TEXDOT PROJECTS SUCH AS -- SUCH AS HIGHWAY 45 AND 183. 183. IN ADDITION 8.9 WILL COMPLETE THE CONSTRUCTION FOR THE YOU THE 8 CONSTRUCTION BOND PROGRAM. FOR THE '98. THE NEXT SLIDE SHOWS INFORMATION ABOUT A.D.A. FUNDING. WE CURRENTLY HAVE APPROXIMATELY 4.2 MILLION SET ASIDE FOR CURB CUTS, SIDEWALKS AND RESTROOM RENOVATIONS. AS I MENTIONED EARLIER IN THE PRESENTATION, THE PROPOSED BUDGET INCLUDES THE ADDITION OF 7 NEW POSITIONS, TO CREATE A CONSTRUCTION CREW DEDICATED TO A.D.A., SIDEWALK AND RAMP PROJECTS. WE ARE ALSO ISSUING THREE CONSTRUCTION CONTRACTS, VERY SOON, TO ASSIST WITH THIS PROGRAM. WITH THIS INCREASED EFFORT, WE ANTICIPATE AT LEAST DOUBLING THE VOLUME OF A.D.A. SIDEWALKS AND RAMPS CONSTRUCTED NEXT YEAR. THIS WILL BE ACCOMPLISHED USING A COMBINATION OF THIS FUNDING AND APPROXIMATELY \$14 MILLION IN SIDEWALK

FUNDING. THE LAST SLIDE SHOWS A LIST OF STREET PROJECTS PROPOSED FOR NEXT FISCAL YEAR, ALONG WITH THEIR PRIMARY FUNDING SOURCE. AS A RESULT OF OUR SUCCESS ON THE LAMAR PROJECT, WE HAVE IDENTIFIED SEVERAL NEW PROJECTS ON WHICH WE PLAN TO UTILIZE SIMILAR ACCELERATION STRATEGIES. THOSE PROJECTS ARE DESIGNATED WITH THE WINGED FOOT SYMBOL NEXT TO THEM. AND THIS CONCLUDES OUR PUBLIC WORKS DEPARTMENT BUDGET PRESENTATION. AND I WOULD BE IN ADDITION TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.

Mayor Wynn: THANK YOU, MS. CREIGHTON, QUESTIONS, COMMENTS, COUNCIL.

THANK YOU VERY MUCH.

THAT CONCLUDES OUR BUDGET PRESENTATIONS FOR TODAY.

THANK YOU, MS. HUFFMAN. COUNCIL THAT FINISHES OUR PRESENTATION ON THE MANAGER'S PROPOSED BUDGET THIS YEAR. OF COURSE PUBLIC TESTIMONY THIS EVENING SOMETIME AFTER 6:00 P.M. MUCH LATER, I'M AFRAID. AT THIS TIME WE TAKE UP THE ZONING HEARINGS, 4:00 TIME HEARING. I APOLOGIZE, THESE ARE IMPORTANT BUDGET MEETINGS FOR US AS WELL, WE TRY TO GET AS MUCH BUDGET INFORMATION AS WE CAN TO OUR CITIZENS, THEN WE WILL TRY TO TAKE UP AS MANY ZONING CASES AS WE CAN, I APPRECIATE YOUR PATIENCE, WELCOME, MS. GLASGO.

GOOD AFTERNOON, MAYOR AND COUNCILMEMBERS. OUR ZONING CASES FOR TODAY ARE AS FOLLOWS. WE DO HAVE A LOT OF DISCUSSION ITEMS UNDER THE SECOND AND THIRD READINGS SECTION OF OUR AGENDA. SO ITEMS 56, THROUGH 59, ARE DISCUSSION. 60 IS DISCUSSION. FIRST CONSENT ITEM HERE, UNDER THIS SECTION OF OUR AGENDA IS ITEM NO. 61, THIS IS THE MUELLER P.U.D. FOR SECOND AND THIRD READINGS, C 814-04-55, READY FOR APPROVAL FOR PLANNED UNIT DEVELOPMENT ZONING. WE HAVE GIVEN YOU A COPY OF SOME CHANGES THAT WE WOULD LIKE TO ADD TO THE ORDINANCE, WHICH ARE JUST MINOR MODIFICATIONS TO THE CODE AND I DO NOTICED TO

READ THEM INTO THE RECORD ON THIS CONSENT ITEM. FOR ITEM NO. 61 AND THE -- AND THE ADDENDUM TO THOSE ITEMS ARE AS FOLLOWS. ONE, AMEND PART 6 A TO ADD A NEW SUBSECTION TO MODIFY SUBSECTION B 6 OF SECTION 25-2-403 WHICH DEALS WITH LAND USE PLAN EXPIRATION AND AMENDMENT. TO PROVIDE THE SHIFTING DEVELOPMENT INTENSITY IN A MANNER THAT RESULTS IN AN E OR F LEVEL OF SERVICE ON THE ROADWAY SEGMENT AN INTERSECTION INCLUDED IN THE TRAFFIC IMPACT ANALYSIS GOVERNING THE P.U.D. IS ONLY A SUBSTANTIAL AMENDMENT IF THE SHIFTING DEVELOPMENT INTENSE COMMUNITY IS THE SOLE REASON FOR THE E OR F LEVEL OF SERVICE. NUMBER 2, AMEND PART 6 A TO ADD A NEW SUBSECTION TO MODIFY SECTION 25-2-423, WHICH DEALS WITH REZONING IF DEVELOPMENT APPLICATIONS EXPIRE OR ARE NOT APPROVED. THIS WILL ADD OR THIS WILL PROVIDE THE DIRECTOR OF THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT APPROVAL TO REQUEST THAT COUNCIL INITIATE REZONING ONLY IF A PRELIMINARY PLAN OR SITE PLAN FOR A PORTION OF THE PROPERTY IS NOT APPROVED ON OR BEFORE AUGUST 26th OF 2007. 3, AMEND 6 B A NEW SUBSECTION, SECTION 25-1-21 OF DEFINITIONS, TO PROVIDE THAT THE DIRECTOR OF THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT MAY ALLOW A SITE TO CROSS A PUBLIC ALLEY IF THE USES ON THE SITE AND THE LOT SIZES ON THE SITE ARE SIMILAR. FOUR, AMEND PART 6 B TO ADD A NEW SUBSECTION TO MODIFY SUBSECTION B OF SECTION 25-5-11 WHICH RELATES TO PHASED SITE PLAN TO PROVIDE THAT THE DIRECTOR MAY APPROVE DEVELOPMENT PHASING IF THE DATE PROPOSED FOR BEGINNING CONSTRUCTION ON THE FINAL PHASE IS NOT MORE THAN 7 YEARS AFTER THE APPROVAL DATES FOR THIS SITE PLAN. PLANNING COMMISSION APPROVAL IS REQUIRED IF THE DATE PROPOSED FOR BEGINNING CONSTRUCTION OF A PHASE IS MORE THAN SEVEN YEARS AFTER THE APPROVAL DATE OF THE SITE PLAN. , NUMBER 5, AMEND PART 6 B TO ADD A NEW SUBSECTION TO MODIFY SUBSECTION B OF SECTION 25-5-81, SITE PLAN EXPIRATION TO PROVIDE THAT THE SITE PLAN FOR DEVELOPMENT IN A PLANNED UNIT DEVELOPMENT EXPIRES SEVEN YEARS AFTER THE DATE OF THIS APPROVAL. AMEND PART 6 B TO ADD A NEW SUBSECTION TO

MODIFY SECTION 25-4-61 TO PROVIDE THAT EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN AMENDMENT TO AN APPROVED PRELIMINARY PLAN SHALL BE SUBMITTED AND REVIEWED AS A MINOR REVISION, AN AMENDMENT THAT MEETS THE CRITERIA OF THE MINOR DEVIATION SHALL BE REMOVED AS A MINOR DEVIATION. 7, AMEND PART 6 CD TO ADD A NEW SUBSECTION TO MODIFY SECTION 25-4-171 TO PROVIDE A LOT THAT FRONTS ON A COMMON COURTYARD OR ACCESS YARD AND THAT ABUTTS AN ALLEY IS NOT REQUIRED TO ABUT A DEDICATED PUBLIC STREET. 8 AMEND PART 6 D TO ADD A NEW SUBSECTION TO MODIFY SUBSECTION 2 OF SECTION 25-4-62 TO PROVIDE THAT AN APPROVED PRELIMINARY PLAN CONVERTING -- I'M SORRY, COVERING LAND IN THE P.U.D. EXPIRES 15 YEARS AFTER THE DATE THE APPLICATION FOR ITS APPROVAL IS FILED. 9, AMEND PART 6 G TO ADD A NEW SUBSECTION TO MODIFY SUBSECTION B 7 OF SECTION 25-10-23. TO PROVIDE THAT A PERSON MAY NOT INSTALL OR MAINTAIN OR USE A SIGN THAT HAS LESS THAN NINE FEET OF CLEARANCE AND THAT IS LOCATED WITHIN THE SITE SAFETY TRIANGLE ESTABLISHED IN [INDISCERNIBLE] 10, AMEND PART 6 G TO ADD A NEW SUBSECTION TO MODIFY SECTION 25-10-123 TO PROVIDE SEVERAL ELEMENTS THAT ARE LISTED THAT -- THAT PERTAIN TO THAT SECTION. ITEM NO. 11, AMEND PART 6 G TO ADD A NEW SUBSECTION TO MODIFY SEX 25-10-130 THAT PROVIDES FOR COMMERCIAL DISTRICT REGULATIONS, I'M NOT GOING TO READ THEM ALL, THERE ARE COPIES IN FRONT OF YOU. ITEM NO. 12 AMEND PART 6 G TO ADD A NEW SUBSECTION TO MODIFY SECTION D OF 25-10-191 RELATED TO SIGNED SETBACK REQUIREMENTS. 13 IS TO AMEND PART 6 G TO ADD A FEW SUBSECTION TO MODIFY SUBSECTION E TO ALLOW FOR SIGN SET BACK REQUIREMENTS. ITEM 14 IS TO ALSO AMEND PART 6 G TO ADD A NEW SUBSECTION TO MODIFY SUBSECTION F THAT RELATES TO SIGN SETBACK REQUIREMENTS, ALSO. THE NEXT ONE IS TO MODIFY SECTION 25-2-162 RELATING TO CAPITAL VIEW CORRIDOR OVERLAY DISTRICT. PROVIDE THE REQUIREMENTS THAT THE CORRIDOR DOES NOT APPLY WITHIN THIS P.U.D. 16 IS TO ADD AN EXHIBIT THAT IS MODIFIED TO ALLOW FOR SEVERAL ITEMS THAT ARE LISTED ON THIS HANDOUT. ITEM NO. 17 ADDS A -- AN EXHIBIT E THAT DEALS WITH SITE DEVELOPMENT REGULATIONS AND FINALLY EXHIBIT I IS

ADDED TO ADDRESS OFF-SITE PARKING REGULATIONS AND RATIOS. THAT BEING KANSAS ALL OF THE NEW -- THAT CONCLUDES ALL OF THE NEW ITEMS THAT HAVE BEEN ADDED TO THIS SECTION. THAT'S FOR ITEM 61 AND WE ARE READY TO OFFER THAT FOR YOUR APPROVAL ON SECOND AND THIRD READINGS ON CONSENT. ITEM NO. 62, THE CRESTVIEW WOOTEN CASE, PART OF A TRACT, MR. GUERNSEY HANDED ME A NOTE THAT HE NEEDS TO ADDRESS THIS. I WILL STEP BACK AND LET MR. GUERNSEY WHAT HE HAS TO SAY.

Guernsey: MAYOR AND COUNCIL, GREG GUERNSEY NEIGHBORHOOD PLANNING AND ZONING. ITEM NO. 62, C14-04-004.002, AND THIS IS A -- A REZONING UNDER THE NEIGHBORHOOD PLAN CRESTVIEW WOOTEN AREA LOCATED AT 7700 TO 7720 NORTH LAMAR BOULEVARD AND 822 TAULBEE LANE, ALSO KNOWN AS TRACT 123. A REZONING REQUEST FROM C.S. TO C.S.-M.U.-C.O.-N.P. AT THE LAST MEETING COUNCIL GRACIOUSLY GAVE A POSTPONEMENT BY THE NEIGHBORING PROPERTY OWNER AND THE AFFECTED PROPERTY OWNER DID NOT OBJECT. I UNDERSTAND JUST PROBABLY IN THE LAST 24 HOURS THERE HAS BEEN AN AGREEMENT BETWEEN THE TWO PARTIES REGARDING CERTAIN IMPROVEMENTS THAT WOULD BE MADE BY BRYAN HARD MAN WHO OWNS THE TRACT AFFECTED AND THE ADJOINING CONDOMINIUM ASSOCIATION THAT ADJOINS THEIR PROPERTY. AND IN YOUR BACKUP MATERIAL, THERE'S A REFERENCE TO AN OFFER MADE BY MR. HARDMAN ON MAY 27th, WITH THE INCLUSION OF ADDING TREES AND WHEEL STOPS ON THE CONDOMINIUM PROPERTY, BOTH PARTIES ARE IN AGREEMENT NOW TO THE ZONING THAT'S BEFORE YOU. I WANTED TO MAKE YOU AWARE THAT JUST HAPPENED. WE THOUGHT THIS MAYBE A DISCUSSION ITEM, NOW STAFF CAN BRING THIS FORWARD TO YOU AS A CONSENT ITEM. THIS AGREEMENT IS A PRIVATE AGREEMENT BETWEEN BOTH PARTIES, SO THE ORDINANCE THAT YOU HAVE WOULD BE CORRECT IF YOU WISH TO APPROVE IT ON CONSENT TODAY.

Mayor Wnn: CONSENT BEING THIRD READING, CORRECT?

THAT'S CORRECT.

ALL RIGHT. GOODS MAYOR, THOSE ARE THE TWO ITEMS THAT WE ARE OFFERING TO YOU FOR CONSENT UNDER THIS SEGMENT OF OUR ZONING CASE, 61 AND 62 2.

Glasgo: THANK YOU, MS. GLASGO. I HAVE A FEW QUESTIONS ON THE MUELLER P.U.D. ITEM NO. 61. PERHAPS FROM MS. EDWARDS OR MR. COWSER. REMIND US AGAIN OF THE TIMING OF THE APPROVAL ON THIS P.U.D., ESPECIALLY ON SECOND AND THIRD READING, HOW THAT RELATES TO ALL OF THE CCR'S, MASTER DEVELOPMENT AGREEMENT STILL COMING FORWARD.

THE KEY IS THAT THE ZONING IS A COMPONENT OF THE MASTER DEVELOPMENT AGREEMENT. IN ORDER FOR THE CITY AND -- AND CATELLUS TO ENTER INTO THIS MASTER DEVELOPMENT AGREEMENT, ONE OF THE PRECONDITIONS IS THAT THE ENTIRE TRACT HAS BEEN ZONED IN ACCORDANCE WITH THE NEGOTIATED TERMS AND IN USAGE AND DEVELOPMENT STANDARDS AND OTHER ZONING CONSIDERATIONS, SO THIS IS A -- THIS IS BASICALLY A CONDITION PRECEDENT TO MOVING FORWARD WITH THE FINAL NEGOTIATION OF THE MASTER DEVELOPMENT AGREEMENT, INCLUDING THE COVENANTS, CONDITIONS AND RESTRICTIONS AND THE DESIGN STANDARDS. WE ARE ANTICIPATING BRINGING THAT BACK TO THE COUNCIL IN APPROXIMATELY A MONTH, MAYBE A LITTLE MORE.

THANK YOU. COUNCIL, WE HAVE TWO PROPOSED CONSENT ITEMS, ITEM NO. 61 THE MUELLER P.U.D. AND ON SECOND AND THIRD READING WITH A NUMBER OF CHANGES TO THE ORDINANCE READ INTO THE RECORD BY MS. GLASGO. WE HAVE SUGGESTED APPROVAL ON CONSENT THIRD READING ITEM NO. 62. ALTHOUGH WE HAVE CLOSED THE PUBLIC HEARINGS, FOLKS HAVE SIGNED UP, JIM WALKER, COLIN CLARK, AND ROBIN RATHER HAVE SIGNED UP IN FAVOR. HOWEVER, MR. CLARK COMMENTS THAT -- THAT AS FOR A BAN ON A CONSTRUCTION -- ASKS FOR A BAN ON CONSTRUCTION SALES AND SERVICES. ITEM NO. 61 THE MUELLER P.U.D. QUESTIONS, COMMENTS OF STAFF? IF NOT, I WILL ENTERTAIN A MOTION FOR A CONSENT AGENDA ITEM 61, THE MUELLER P.U.D. ON SECOND AND THIRD READING WITH THE CHANGES READ INTO THE RECORD BY MS. GLASGO, ITEM 62 RELATED TO A TRACT ON NORTH LAMAR

ON THIRD READING.

SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCracken. SECONDED BY COUNCILMEMBER DUNKERLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. SO, MS. GLASGO, THE REST OF THE POTENTIAL SECOND AND THIRD READINGS ARE ALL DISCUSSION ITEMS.

Glasgo: YES, THE REMAINDER OF THE ITEMS UNDER SECOND AND THIRD READING GOES, WE'LL COME BACK TO THEM LATER. HOWEVER, UNDER THE 4:00 PUBLIC HEARINGS, PUBLIC HEARING ITEMS, WE HAVE ALL THE ITEMS I WOULD LIKE TO OFFER THEM FOR CONSENT EXCEPT FOR ONE. IF YOU CAN INDULGE ME --

Mayor Wynn: I WAS GOING TO SUGGEST THAT, YES. THAT WAY WE CAN SEND A FEW FOLKS HOME BEFORE WE BREAK FOR THE LIVE MUSIC AND PROCLAMATIONS.

OKAY. WE WILL START OFF WITH THE 4:00 PUBLIC HEARINGS. CASES THAT ARE HERE FOR THE FIRST TIME. WE ARE STARTING OFF WITH ITEM Z-1, C14-04-37, SLAUGHTER AT CULLEN COMMERCIAL. THE EXISTING ZONING IS RURAL RESIDENTIAL, THE APPLICANT IS SEEKING G.R., WHICH STAND FOR COMMUNITY COMMERCIAL. THE ZONING AND PLATTING COMMISSION RECOMMENDED G.R. ZONING WITH A CONDITIONAL OVERLAY. THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-2, C14-04-87, SCENIC BROOK REZONING, LOCATED AT SCENIC BROOK DRIVE AT THUNDERBIRD ROAD. THE EXISTING ZONING IS KNOW, NEIGHBORHOOD OFFICE. THE APPLICANT IS SEEKING SINGLE FAMILY 2. THE APPLICANT'S REQUEST IS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION. THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-3, C14-04-62, PROJECT SHARK KEY, LOCATED AT 615 AND 617 RADAM LANE. SINGLE FAMILY 3,

APPLICANT IS SEEKING LR ZONING WITH A CONDITIONAL OVERLAY WHICH HAS BEEN RECOMMENDED TO YOU BY THE ZONING AND PLATTING COMMISSION AND IS READY FOR ALL THREE READINGS. Z-4, C14-04-90, STAR CENTER, LOCATED AT 3100 WEST SLAUGHTER LANE. THE EXISTING ZONING IS -- IS NEIGHBORHOOD COMMERCIAL WITH A CONDITIONAL OVERLAY. THE APPLICANT IS SEEKING COMMUNITY COMMERCIAL ZONING WITH A CONDITIONAL OVERLAY. THAT REQUEST HAS BEEN RECOMMENDED BY THE COMMISSION. IT'S READY FOR ALL THREE READINGS. ITEM NO. Z-5, C14-04-69, SHURGARD STORAGE, THE APPLICANT SEEKING A CHANGE IF FROM SINGLE FAMILY 2 TO C.S., GENERAL COMMERCIAL SERVICES. THE APPLICANT'S REQUEST IS RECOMMENDED BY THE COMMISSION AND THE CASE IS READY FOR ALL THREE READINGS. 'EM ITEM NO. Z-6, C14-04-89, LOCATED AT 5811 BALCONES DRIVE. THE APPLICANT IS SEEKING A CHANGE FROM G.R.-C.O. TO C.S.-C.O. THE APPLICANT'S REQUEST IS BEING RECOMMENDED BY THE COMMISSION AND IS READY FOR ALL THREE READINGS. ITEM NO. Z-7, C14-04-70, THIS CASE IS LOCATED AT 12952 POND SPRINGS ROAD, EXISTING ZONING IS INTERIM RURAL RESIDENTIAL. THE APPLICANT IS SEEKING COMMERCIAL, COMMUNITY COMMERCIAL, WITH A CONDITIONAL OVERLAY, WHICH HAS BEEN RECOMMENDED BY THE COMMISSION. AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-8, C14-04-73, THIS CASE IS LOCATED AT 1200 WEST HOWARD LANE, THE EXISTING ZONING IS C.S.-C.O., THE APPLICANT IS SEEKING WHAT TO MY KNOWLEDGE C.S.-1 WHICH STAND FOR COMMERCIAL LIQUOR SALES, THE APPLICANT'S REQUEST IS RECOMMENDED BY THE COMMISSION. READY FOR ALL THREE READINGS. ITEM NO. Z-9, SO YOU HAVE SO YOU HAVE 95 LOCATED AT 9012 RESEARCH BOULEVARD WITH A REQUEST FROM C.S. N.P. TO C.S.-1-C.O.-N.P. WHICH WOULD ALLOW FOR LIQUOR SALES AND THE CASE IS READY AS RECOMMENDED BY THE COMMISSION FOR C.S.-C 1-C.O.-N.P. FOR ALL THREE READINGS. Z-10, C14-04-98, LOCATED AT 5320 BURNET ROAD WITH A CHANGE IN ZONING FROM C.S. TO C.S. 1 THE APPLICANT'S REQUEST IS REQUESTED BY THE -- RECOMMENDED BY THE COMMISSION FOR FIRST READING ONLY. Z-12 I UNDERSTAND A FEW COUNCILMEMBERS WOULD LIKE TO HAVE A PRESENTATION, WE WILL PRESENT ITEM NO. Z-11 THIS IS THE SOUTHWEST MARKETPLACE. ITEM Z-12 IS

THE NEXT CONSENT ITEM, C 814-0138.01, AMENDMENT NUMBER 1. THE -- LOCATED AT 1310 THROUGH 1314 BLOCK OF WEST PARMER LANE, THE REQUEST IS TO MODIFY THE P.U.D. ZONING THIS CASE IS READY FOR FIRST READING ONLY. Z-13, C14-04-58, THE APPLICANT IS SEEKING A POSTPONEMENT TO SEPTEMBER THE 30th. THIS IS THE APPLICANT'S FIRST REQUEST. AND WE ARE RECOMMEND IT. THAT CONCLUDES THE CONSENT ITEMS UNDER THE 4:00 PUBLIC HEARING, MAYOR. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: Z-12 FIRST READING ONLY AND Z-13 FOR POSTPONEMENT TO SEPTEMBER 30TH, 2004. I'LL ENTERTAIN A MOTION THAT INCLUDES CLOSING THE PUBLIC HEARINGS. MOTION MADE BY COUNCILMEMBER ALVAREZ. SECONDED BY COUNCILMEMBER THOMAS TO CLOSE THE PUBLIC HEARINGS AND APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. SO COUNCIL, THAT TAKES US TO OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS. JUST TO HELP FOLKS TRY TO PLAN THEIR EVENING, WE HAVE A HANDFUL OF CASES STILL TO BE TAKEN UP ON SECOND AND THIRD READING. THOSE CASES ARE NUMBERED IN THE 60'S, I BELIEVE. AND THEN WE'RE DOWN TO ONE ZONING CASE PUBLIC HEARING, WHICH IS Z-11. I AM TOLD THAT CITY STAFF WOULD LIKE TO ADDRESS THAT IN EXECUTIVE SESSION WHILE WE'RE ON OUR BREAK, BUT WE'LL BE BACK AS SHORTLY AS -- AS SOON AS WE CAN IN ORDER TO TAKE UP THESE CASES, AND WE APPRECIATE EVERYBODY'S PATIENCE. SO COUNCIL, WITHOUT OBJECTION, AS WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, WE WILL ALSO GO INTO EXECUTIVE SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY AGENDA ITEM 44 AND 48. AND IF WE TAKE UP ITEM NUMBER 47 IN EXECUTIVE SESSION, I WILL RECUSE MYSELF. WE ARE NOW IN CLOSED SESSION. THANK YOU.

Mayor Wynn: OKAY. FOLKS, IT'S TIME FOR OUR WEEKLY DOSE OF LIVE MUSIC HERE AT CITY COUNCIL. JOINING US TODAY IS FRANK MEYER. FRANK'S MUSIC IS MEDICINE, A DISTINGUISHED SONG WRITER, HE PERFORMS WITH A BEAR TONE VOICE AND FLUID GUITAR STRUMZ. IT IS WITH GREAT PLEASURE THAT I INTRODUCE MR. FRANK MEYER. [ APPLAUSE ]

THANK YOU. I'VE BEEN ASKING EVERYBODY WHAT DO YOU THINK I SHOULD DO. AND I SENT OUT AN E-MAIL AND I GOT ABOUT 20 DIFFERENT ANSWERS BACK. ONE OF MY FRIEND SAID DO YOU KNOW WHAT'S GOING TO HAPPEN, YOU'RE NOT GOING TO KNOW UNTIL YOU KID UP THERE. HE'S RIGHT. SO WHAT -- UNTIL YOU GET UP THERE. SO WHAT I THOUGHT I WOULD DO SINCE IT'S A CITY COUNCIL MEETING IS I'LL PUT IT TO A VOTE, HOW'S THAT. I'VE GOT ONE SONG THAT'S ABOUT DOGS. MY WIFE IS PASSIONATELY INVOLVED IN WE RESCUE GROUP. AND THEY KILL SOMETHING LIKE 17,000 DOGS A YEAR IN AUSTIN BECAUSE THERE ARE NO HOMES FOR THEM. IT'S A FUNNY SONG ABOUT WHAT DOGS WOULD SAY. IT'S CALLED IF DOGS COULD TALK. AND ANOTHER ONE IS CALLED BIG HOUSE. YOU CAN PROBABLY GUESS WHAT THAT'S ABOUT. AND I'VE GOT ANOTHER ONE CALLED FRIENDS OF MINE. AND THERE'S ANOTHER ONE, A DOG, ANYONE ELSE FOR DOGS? SHOW OF HANDS, HOW ABOUT FOR DOGS? HOW ABOUT BIG HOUSE? FRIENDS? ANY FRIENDS? OKAY. HERE WE GO.

Mayor Wynn: DOGS ARE CARRYING THE DAY, FRANK. [ (music)  
MUSIC PLAYING (music)(music) ]

IF THOSE DOGS COULD TALK, WE'D KNOW JUST HOW THEY'D FEEL, AND HOW MUCH THEY LIKE TO WALK AND APPRECIATE A MEAL. (music) AND THEY WOULD SAY, WHAT DO YOU THINK I THINK ABOUT WHEN YOU'RE AWAY ALL DAY? (music) WELL, I'M MAKING LISTS OF THINGS THAT I WOULD LIKE TO SAY. (music) WHY ARE THE ONLY BOWLS I HAVE THE -- THE BALLS THE ONES THAT YOU THROW. AND WHEN YOU GO AWAY ALL DAY, YOU NEVER EVEN CALL. (music) I DON'T WANT AN OLD MILK BONE, I WANT A CHICKEN OF MY OWN. (music) TWO CATS IN EVERY POT, THAT'S NOT ASKING FOR A LOT. (music) IF THOSE DOGS COULD TALK, IT WOULD BE THE BEST OF TRICKS. (music) WE'D SURELY TAKE MORE WALKS AND WE'D

THROW A LOT MORE STICKS. (music) AND THEY WOULD SAY, I  
THINK YOU NEED A BATH, IT OCCURS TO ME YOU SHED. I'LL  
BE GLAD TO SHAKE YOUR HAND IF YOU PLAY DEAD INSTEAD.  
(music) I WANT TO MAKE MORE FRIENDS, PEDIGREES AND  
MUTTS. (music) I KNOW MY DOGGONE RIGHTS AND I WANT TO  
SNIFF MORE BUTTS. (music) PLEASE DON'T MAKE ME BEG.  
(music) I NEED THE CAR TONIGHT. (music) I'VE GOT A DATE IN  
HEAT, AND THERE'S A BIG DOG FIGHT. (music) IF THOSE  
DOGS COULD TALK, WE'D FIND OUT PRETTY SOON WHO'S  
BARKING UP THE TREE AND WHO'S HOWLING AT THE MOON.  
(music) AND THEY WOULD SAY, I WANT A FIRE HYDRANT  
INSTALLED IN OUR HOME. (music) IF YOU ARE MY BEST  
FRIEND, THEN YOU'LL SHOWER ME WITH BONES. (music) AND  
LET ME CHEW AND ROLL ON SOMETHING DEAD THAT I  
FOUND. (music) AND LICK YOUR FACE SO YOU WILL KNOW  
THAT I'M YOUR FAITHFUL HOUND. (music) AND NOW THAT I  
CAN SPEAK, ALL I WANT TO SAY, YOU WAIT IN THE  
BACKYARD AND I WON'T DRIVE AWAY. (music) YOU STAY.  
(music) IF THOSE DOGS COULD TALK, WE'D FIND OUT SOON  
ENOUGH WHY EVERYTHING SMELLS SO GOOD AND WHAT  
THEY MEAN BY RUFF(music)(music) (music) AND IF THOSE  
CATS COULD TALK, THIS IS WHAT THEY'D SAY, (music) I DON'T  
NEED YOU LIKE YOU NEED ME. (music) FEED ME. (music)  
CHANGE THE KITTY LITTER. (music) AND GO  
AWAY(music)(music). [ APPLAUSE ]

Mayor Wynn: THANK YOU. SO FRANK, DO YOU HAVE A  
WEBSITE? WHERE CAN WE HEAR YOU NEXT, BUY YOUR CD'S.

I HAVE A WEBSITE, IT'S [WWW.FANG MAKER.COM](http://WWW.FANG MAKER.COM). THERE'S  
SOME MUSIC STUFF ON THERE.

Mayor Wynn: GREAT, THANK YOU. BEFORE YOU GET AWAY,  
FOLKS, AS A REMINDER, THIS WEEKEND HAPPENS TO BE THE  
HUMANE SOCIETY'S TELETHON ON KEYE, SO ON SATURDAY  
AND SUNDAY YOU CAN CALL IN AND HELP THE AUSTIN  
HUMANE SOCIETY DEAL WITH THE FACT THAT WE DO  
EUTHANIZE A LOT OF PETS IN THIS COMMUNITY. SO WE  
APPRECIATE THE EFFORT. FRANK, BEFORE YOU GET AWAY,  
WE HAVE A PROCLAMATION THAT READS: BE IT KNOWN THAT  
WHEREAS THE LOCAL MUSIC COMMUNITY IN AUSTIN MAKES  
MANY CONTRIBUTIONS TOWARDS THE CITY'S SOCIAL,  
ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS THE

DEDICATED EFFORTS OF ARTISTS FURTHER AUSTIN'S STATUS AS THE LIVE MUSIC CAPITOL OF THE WORLD, NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM TODAY, AUGUST 26TH, 2004, AS FRANK MEYER DAY IN AUSTIN AND CALL ON ALL CITIZENS TO JOIN NECESSITY HE ME IN CON -- JOIN ME IN CONGRATULATING FRANK. [ APPLAUSE ]

Mayor Wynn: IS MR. HARELIK AND DR. FAGIN HERE?

Mayor Wynn: OUR FIRST PROCLAMATION FOR PROSTATE CANCER AWARENESS MONTH, THE PROCLAMATION READS, BE IT KNOWN THAT WHEREAS TEXAS RANKS FOURTH IN THE NATION IN THE OCCURRENCE OF PROSTATE CANCER, WHICH IS THE SECOND LEADING CAUSE OF CANCER DEATH AMONG MEN AND CAN BE A SILENT KILLER BECAUSE EARLY STAGES OF DISEASE HAVE NO SYMPTOMS. AND WHEREAS TEXAS IS ALSO ONE OF THE NATION'S LEADERS IN THE TREATMENT OF PROSTATE CANCER. THE DISEASE CAN BE ELIMINATED IF FOUND EARLY. WHEREAS WE ENCOURAGE THE MEN OF AUSTIN TO BECOME INFORMED ABOUT PROSTATE CANCER, TO GET SCREENED FOR THE DISEASE, ESPECIALLY IF THEY'RE OVER 50, AND TO TAKE THE NECESSARY STEPS TO PROTECT THEIR HEALTH. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM SEPTEMBER, 2004 AS PROSTATE HEALTH AWARENESS MONTH. WE'D LIKE TO ASK DR. RANDY FAGIN TO SAY A FEW WORDS ABOUT THIS SILENT KILLER AND HOW WE CAN DO SOMETHING ABOUT IT. DR. FAGIN?

PROSTATE CANCER IS TRULY A SILENT KILLER OF MEN. THERE ARE NO SIGNS OR SYMPTOMS. THERE WILL BE 13,300 NEW DIAGNOSES OF PROSTATE CANCER IN TEXAS ALONE THIS YEAR. IT'S ONE OF THE FEW DISEASES THAT WHEN CAUGHT EARLY CURE RATE CAN BE AS HIGH AS 98%. EARLY EXAMS -- RECTAL EXAMS AND AWARENESS WILL HELP MEN TO SAVE THEIR LIVES, MEN LIKE THESE WONDERFUL PEOPLE BEHIND ME.

> I'D LIKE TO THANK EVERYONE HERE FOR HAVING US HERE TODAY. MY NAME IS LEIBEL HARELIK AND I'M BEGINNING SOMETHING FOR THE STATE OF TEXAS. THIS IS MY DOCTOR

BESIDE ME WHO SAVED MY LIFE. FOR TWO YEARS I WAS  
TERMINAL. AFTER GOING THROUGH SIX DOCTORS AT MD  
ANDERSON I FINALLY FOUND A DOCTOR WILLING TO SAVE  
MY LIFE. AT THIS POINT I CAN TELL YOU MY CANCER IS .05  
NO CANCER CELLS VISIBLE. WITH THAT GOD GRANTED ME  
MY LIFE, WITH MY DOCTOR, AND WITH MY FRIENDS HERE, I'M  
BEGINNING A PROGRAM FOR THE STATE OF TEXAS WHICH  
WILL BE PROSTATE CANCER SURVIVORS PROGRAM, WHICH  
WILL BE A MENTORING PROGRAM PUTTING SURVIVORS WITH  
NEWLY DIAGNOSED AND WALKING EVERY STEP OF THE WAY.  
ALSO WITH THAT WE'RE GOING TO PROVIDE EARLY  
SCREENING FOR UNDERPRIVILEGED, FOR MINORITIES, FOR  
BLACK AND HISPANIC, EDUCATIONAL PROGRAMS AND  
ADVOCACY. AND I WOULD LIKE TO THANK EACH OF YOU FOR  
BEING HERE AND SUPPORTING US, AND I HOPE YOU'LL  
FOLLOW US EVERY STEP OF THE WAY. THANK YOU. [  
APPLAUSE ]

Mayor Wynn: OKAY. IF JOE AND MARINA HERRING WOULD  
JOIN US. THIS IS A BIG DEAL FOR ME. THIS IS THE 25TH  
ANNIVERSARY OF KIDDIE ACRES. THIS IS OUR OFFICIAL  
PROCLAMATION THAT READS: SINCE 1979, KIDDIE ACRES AS  
PROVIDED THOUSANDS OF AUSTIN'S CHILDREN WITH A  
SAFE, CLEAN, FUN PLACE TO PLAY, AND LIKEWISE HAS  
PROVIDED HUNDREDS OF AREA YOUTH WITH THEIR FIRST  
JOB OPPORTUNITIES. WHEREAS KIDDIE ACRES HAS BEEN  
VOTED AUSTIN'S FAVORITE AMUSEMENT PARK, BEST PLACE  
TO HAVE A BIRTHDAY PARTY AND BEST THROW BACK TO A  
SIMPLER TIME, AND WHEREAS WE ARE PLEASED TO  
RECOGNIZE NATIVE AUSTINITES JOE AND MARINA HERRING  
FOR CREATING AN AUSTIN INSTITUTION AND TO EXTEND  
OUR GRATITUDE FOR THE GRACIOUS SUPPORT THEY'VE  
GIVEN TO CHARITABLE AND NONPROFIT ORGANIZATIONS,  
THEIR RESPONSE ERS SHIP OF LOCAL SPORTS TEAM AND  
THEIR SUPPORT OF MANY CITY AND COMMUNITY GROUPS  
OVER THE LAST QUARTER CENTURY. NOW THEREFORE I,  
WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO  
HERE BY PROCLAIM AND CONGRATULATE ON THIS AUGUST  
26TH, 2004 AS KIDDIE ACRES 25TH ANNIVERSARY DAY, AND  
PLEASE CALL ON ME TO CONGRATULATE THE HERRINGS AS  
WE CALL ON THEM TO TALK ABOUT THIS AUSTIN ICON. [  
APPLAUSE ]

THANK YOU, MAYOR WYNN, AND ALL THE COUNCILMEMBERS. THANK YOU FOR RECOGNIZING OUR SMALL BUSINESS. IT TAKES A VILLAGE, AND IN OUR CASE GOOD WEATHER, TO KEEP A SMALL BUSINESS GOING FOR 25 YEARS. THANK YOU, CITY OF AUSTIN, ALL THE SURROUNDING COMMUNITIES FOR THE LASTING SUPPORT. I'D LIKE TO THANK JACK AND MARY BETH DRUMMOND FOR SUPPORTING AND INITIATING THIS PROCLAMATION TODAY. AND ALL OF OUR FAMILY AND FRIENDS TOO. I'D ALSO LIKE TO THANK BILL BEAR FOR BEING A FRIEND AND A COUNSEL FOR THESE MANY YEARS. THANKS TO OUR CHILDREN, MICHAEL, MICHELLE AND HER HUSBAND PATRICK. THEY HAVE WORKED AT KIDDIE ACRES IN MANY CAPACITY AS RIDE TESTERS, PUBLIC RELATIONS, COTTON CANDY TASTERS, AND EVENTUALLY MANAGERS. THANKS, MICHELLE, PATRICK AND MICHAEL. AND I'LL LET MARINA READ THIS.

AND A BIG THANKS TO THE CHILDREN WHO BROUGHT THEIR PARENTS, GRANDPARENTS, AUNTS AND UNCLES TO KIDDIE ACRES AND NEVER WANTED TO LEAVE. IT GOES TO SHOW YOU THAT THE SIMPLER THINGS IN LIFE ARE THE BEST. RIDING A PONY, EATING A SNOW CONE OR JUST BEING WITH YOUR FAMILY. THANK YOU ALL SO MUCH. THIS MEANS SO MUCH TO US. [ APPLAUSE ] [ APPLAUSE ]

Mayor Wynn: SO FOLKS, AFTER A BRIEF DISCUSSION IN EXECUTIVE SESSION, THE COUNCIL WILL RETURN. THANK YOU VERY MUCH. A IS IS.

Mayor Wynn: WE ARE FINALLY OUT OF CLOSED SESSION. THANK YOU VERY MUCH FOR YOUR PATIENCE. IN CLOSED SESSION COUNCIL TOOK UP DISCUSSION OF ITEM NUMBER 48 RELATED TO THE REZONING OF SOUTHWEST MARKETPLACE, KNOWN AS THE FORUM P.U.D. ALSO TOOK UP ITEM NUMBER 47 RELATED TO A PROPOSED EAST SIXTH STREET PUBLIC IMPROVEMENT DISTRICT. I RECUSED MYSELF FROM THAT DISCUSSION. WE DID NOT AND WILL NOT TAKE UP ITEM NUMBER 44 RELATED TO THE AIRPORT PARKING GARAGE. THERE BEING A QUORUM PRESENT, WE CALL THIS MEETING BACK TO ORDER. FOLKS, WE GREATLY PRAISE THE PATIENCE. WE HAVE A GREAT NUMBER OF IMPORTANT ITEMS ON THE AGENDA. I WILL TRY TO MANAGE THE AGENDA IN A WAY TO GET MORE PEOPLE HOME

SOONER RATHER THAN LATER. WE HAVE SEVERAL ZONING CASES THAT WE HAVE CLOSED THE PUBLIC HEARING, THE LARGEST SEVERAL OF THEM RELATE TO THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN AND AN OVERLAY. THOSE PUBLIC HEARINGS HAVE BEEN CLOSED, ALTHOUGH I STILL ANTICIPATE THAT DISCUSSION TAKING SOME TIME AS THERE'S LOTS OF DETAIL TO BE HAD. AND WE HAVE TWO ADDITIONAL ZONING CASES, ONE KNOWN AS THE HARRIS RANCH. I THINK THERE'S -- THAT CASE WON'T TAKE A LONG TIME. WE'RE RELATIVELY CLOSE ON THAT DISCUSSION. WE HAVE THE BRODIE 31 CASE THAT I THINK IS FARTHER APART AND MIGHT TAKE MORE DISCUSSION EVEN THOUGH THE PUBLIC HEARINGS HAVE BEEN CLOSED. WE HAVE TO TAKE UP THE FULL PUBLIC HEARING ON Z-12 RELATED TO THE SOUTHWEST MARKETPLACE. THERE ARE SEVERAL DOZEN FOLKS SIGNED UP WISHING TO SPEAK. THAT WILL TAKE QUITE SOME TIME TO GO THROUGH THOSE CARDS. AND WE HAVE A COUPLE OF HOPEFULLY RELATIVELY BRIEF PUBLIC HEARINGS TO BE HAD, INCLUDING RECEIVING SOME PUBLIC COMMENT ON THE CITY MANAGER'S PROPOSED BUDGET. MY BEST GUESS IN ANALYZING THE AGENDA IS FRANKLY FOR US TO START ESSENTIALLY KNEW KNEW MAYORICLY, TRYING TO GET THROUGH THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN. THOSE PUBLIC HEARINGS HAVE BEEN CLOSED. TRY TO DEAL WITH THOSE CASES AS BEST WE CAN. TO THE EXTENT THAT ANY COUNCILMEMBERS HAVE A STRONG REQUEST FOR A POSTPONEMENT OF ANY OF THESE ITEMS, I WOULD LIKE FOR US TO TAKE UP THAT DISCUSSION NOW. AND SO IF FOLKS ARE HERE FOR ANY OF THESE ITEMS THAT MAY BE POSTPONED LATER, LET'S GET THAT OFF THE TABLE AND TRY TO GET SOME FOLKS HOME. I DON'T KNOW THAT THERE'S MANY CASES THAT MIGHT BE POSTPONED. COUNCIL, BEFORE WE ESSENTIALLY TAKE UP ITEMS 56, 57, 58 AND 59 AND POTENTIALLY 60, THE UNIVERSITY NEIGHBORHOOD OVERLAY, ARE THERE ANY ISSUES THAT COUNCIL WOULD CONSIDER POSTPONING OR HAVING A REQUEST FOR POSTPONEMENT? ON ANY OF THE FUTURE ITEMS OR THE LATER ITEMS ON THE AGENDA? THAT WAY SOME FOLKS CAN GO HOME IF THERE'S GOING TO BE CONSENSUS FOR POSTPONEMENT. COUNCILMEMBER DUNKERLEY.

Dunkerley: YOU'RE TALKING ABOUT THESE DIFFERENT TRACTS AND THINGS LIKE THAT?

AND/OR JUST DIFFERENT CASES.

Mayor Wynn: FOR EXAMPLE, MY UNDERSTANDING IS ON ITEM 69, WHICH IS CONSIDER ACTION ON AN APPEAL BY THE PLANNING COMMISSION DECISION TO DENY A CONDITIONAL USE PERMIT, I'M TOLD THERE'S A REQUEST TO POPE POSTPONE, BUT -- POSTPONE, BUT I DON'T HAVE A FEELING FOR THE WILL OF THE COUNCIL. IF THERE'S THE CASE, WE SHOULD SEND FOLKS HOME RATHER THAN HAVE THEM SIT THROUGH MORE MEETING. I KNOW THERE'S SOME TALK OF WHETHER WE CAN GET THROUGH THE ZONING CASES OF THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN AS WELL AS THE OVERLAY. SO I WOULD LIKE IF WE CAN TO HAVE A BRIEF DISCUSSION AS TO WHICH ITEMS COUNCIL MAY WANT TO POSTPONE TO GET SOME FOLKS HOME BEFORE --

Slusher: MAYOR, I DON'T KNOW IF THERE'S ANYBODY HOME, BUT WHAT I WOULD LIKE TO DO ON ALL THE CENTRAL AUSTIN CASES IS I THINK THIS WHOLE THING IS BASED ON THE FACT THAT NEIGHBORHOODS IN THE SURROUNDING AREAS HAVE AGREED TO MUCH HIGHER DENSITY IN THE WEST CAMPUS AREA IN EXCHANGE FOR BASICALLY MAINTAINING THE SINGLE-FAMILY NATURE OF THEIR NEIGHBORHOODS INTERNALLY. AND THERE'S SOME OTHER MORE INTENSE DEVELOPMENT ON THE CORRIDORS, THE MAIN CORRIDORS. BUT ANYWAY, THAT'S THE BASIS OF THIS WHOLE ARRANGEMENT. SO WHAT I WOULD LIKE TO DO -- AND ALSO, I KNOW THAT SOME PEOPLE WANT -- A LOT OF PEOPLE WANT TO GET IT OVER WITH, BUT WHAT I WOULD SUGGEST IS THAT WE GO THROUGH THE ZONING CASES AND GET AS MANY OF THEM DONE TONIGHT AS WE CAN, AND THEN BRING THE UN ITSELF BACK NEXT WEEK -- UNO ITSELF BACK NEXT WEEK. AT LEAST THAT WOULD GET SOME OF THE CASES OUT OF THE WAY. AND I THINK THE COUNCIL -- AS FAR AS I CAN TELL, THE COUNCIL IS GOING TO PASS SOME VERSION, EITHER EXACTLY LIKE IT IS RIGHT NOW OR VERY CLOSE TO IT, BUT THERE'S GOING TO BE HIGH -- MUCH HIGHER DENSITY APPROVED IN THE WEST UNIVERSITY AREA, SO I THINK IT WOULD BE APPROPRIATE TO GO AHEAD

AND DO THESE OTHER CASES. AND I THINK IT'S PROBABLY GOING TO TAKE US A LITTLE WHILE TO GET THROUGH THOSE, SO IT MIGHT BE BETTER TO DO -- WHATEVER WE DON'T GET TO AND UNO ITEM 61 NEXT WEEK. NO, NOT 61, 60.

Mayor Wynn: THANK YOU, COUNCILMEMBER SLUSHER. ANY OTHER COMMENTS RELATED TO POTENTIAL POSTPONEMENTS? AGAIN, COUNCIL, I HAVEN'T SEEN IT, BUT I AM TOLD OF A REQUEST TO POSTPONE ITEM NUMBER 69, WHICH IS RELATED TO A CONDITIONAL USE PERMIT. BUT IF THERE'S NOT A STRONG DESIRE WE SHOULD TRY TO GET THROUGH THESE CASES. WITHOUT OBJECTION, COUNCIL, ITEM NUMBER 70 IS TO --

GO AHEAD. ON ITEM NUMBER 69 THERE WAS A REQUEST FOR A POSTPONEMENT BY MR. MCHONE.

Dunkerley: I'M SORRY, BUT THAT'S TO A SPECIFIC DATE?

HE DID NOT GIVE A SPECIFIC DATE.

Dunkerley: I THINK HE WOULD LIKE THAT POSTPONEMENT TO SEPTEMBER 30TH IS THE DATE I HEARD, IF SOMEBODY COULD CONFIRM THAT.

HE SAID THAT'S FINE.

Slusher: I KNOW THAT'S NOT A ZONING CASE, SO IT DOESN'T NECESSARILY GO ABOUT THE SAME RULES ABOUT THE NEIGHBORHOOD GETS A POSTPONEMENT AND THE APPLICANT GETS A POSTPONEMENT. I'M WONDERING WHAT THE POSTPONEMENT HISTORY IS ON THAT.

Dunkerley: YOU HAVE TO HAVE A DATE ON IT.

Slusher: I'M NOT OBJECTING TO THAT. I'M WONDERING IF EITHER SIDE IS POSTPONING. I THINK WE POSTPONED IT ONCE. WE HEARD IT AND THEN POSTPONED IT. BUT I'D LIKE -- DOES ANYBODY KNOW THE POSTPONEMENT HISTORY ON THAT?

I DON'T HAVE IT WITH ME.

Mayor Wynn: I'LL BET THERE'S ABOUT 21 PEOPLE WHO KNOW THE POSTPONEMENT. [ LAUGHTER ]

I DON'T HAVE IT WITH ME, SO I WOULD HAVE TO DEFER TO THE NEIGHBORHOOD.

THE VERY FIRST HEARING ON MAY 6TH MR. MCHONE REQUESTED A POSTPONEMENT. AT THAT TIME WE WERE INFORMED THAT AS A GENTLEMAN'S AGREEMENT THOSE WERE USUALLY GRANTED BEYOND WHAT YOU JUST MENTIONED ABOUT THE ZONING, THAT THAT'S GRANTED ONCE TO THE APPLICANT AND ONCE TO THE NEIGHBORHOOD. SO THAT WAS OUR UNDERSTANDING ON IT. THE MEETING WAS POSTPONED I THINK DUE TO THE MAYOR'S ABSENCE. THE THIRD ONE WAS POSTPONED -- I FORGET WHAT. OH, YEAH, THE THIRD ONE WAS POSTPONED AFTER A HEARING AND THE PUBLIC HEARING WAS CLOSED AT THAT TIME AND THEN THE FOURTH ONE WAS POSTPONED DUE TO NEEDING TO LOOK AT MORE STUFF.

Mayor Wynn: IT'S MY ASSUMPTION THAT MOST OF THE FOLKS THAT ARE HERE FROM THE NEIGHBORHOOD WOULD PREFER THIS NOT TO BE POSTPONED.

CORRECT.

Goodman: MAYOR, CAN I JUST CHALLENGE ONE THING THAT SHE SAID. IT WASN'T A GENTLEMAN'S AGREEMENT. IT'S COUNCIL POLICY. [ LAUGHTER ]

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: LAST TIME THERE WAS A POSTPONEMENT I HAD SOME CONCERNS ABOUT A REPORT THAT HAD COME IN. AND THAT REALLY HAS NOT BEEN RESOLVED YET, SO THAT WAS -- I THINK PART OF THE REASON TO GO TO THE 30TH IS TO TRY TO GET THE STATE'S REPORT BACK ON THE VIOLATIONS OR THE AUDIT REPORT THAT HAD BEEN DONE. SO THAT WAS I THINK THE INTENT OF THE LAST POSTPONEMENT WAS TO TRY TO GET SOMETHING BACK FROM THE STATE. AND PERHAPS THIS IS THE SAME WAY.

YES, THAT IS CORRECT. THE STATE HAS NOT RESOLVED THE

ISSUE OF THE LICENSE AS OF YET.

Mayor Wynn: AND IS THERE ANY HANDICAPPING OF THAT TIMING OF THAT STATE CASE?

I DON'T BELIEVE SO, NO.

Dunkerley: I THINK THAT'S WHERE THE SEPTEMBER 30TH TIME FRAME CAME IN. ACCORDING TO -- IT'S HARD TO TELL, BUT THE INFORMATION I GOT -- AND I'M ONLY GETTING THIS VIA E-MAIL, IS THEY THOUGHT THEY WOULD PERHAPS HAVE SOME RESOLUTION BY THAT TIME.

THAT WAS THE INDICATION I RECEIVED BY E-MAIL AS WELL, IS THERE MAY BE SOME RESOLUTION BY THE 30TH.

Dunkerley: THAT WAS WHY I THOUGHT THAT DATE WAS THE DATE THAT WE WERE ALL INTERESTED IN SEEING.

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher:.

Mayor Wynn: THE IDEA HERE WAS TO MAKE DECISIONS QUICKLY IF THERE WERE GOING TO BE DECISIONS MADE.

Slusher: MY QUESTIONS PERTAIN TO THE -- REALLY DO PERTAIN MORE TO THE CASE ITSELF AND I'VE GOT -- WHAT THE NEIGHBORHOOD I GUESS OBTAINED FROM OPEN RECORDS REQUEST. AND MY QUESTIONS ARE IN THE NATURE OF ARE THESE CHARGES THAT ARE HEARD AT A HEARING OR ARE THEY DOCUMENTED VIOLATIONS?

MY UNDERSTANDING IS THOSE ARE DOCUMENTED VIOLATIONS AND THAT WOULD BE THE SUBJECT OF THE ADMINISTRATIVE HEARING.

Slusher: OKAY. SO THERE'S NOT A REQUEST AS TO WHETHER THEY'RE VIOLATIONS THAT OCCURRED, IT'S JUST WHETHER OR NOT THEY WOULD BE ABLE TO CONVINCE THE AGENCY TO NOT REVOKE THE LICENSE?

YES, I BELIEVE SO, BASED ON I GUESS ACTIONS AFTER THE

REPORT ITSELF.

Slusher: AND THEN ARE THESE VIOLATIONS, DID THEY OCCUR OVER A LONG -- OVER AN EXTENDED PERIOD OF TIME OR IS THIS JUST A SITUATION WHERE AN INSPECTOR WOULD SHOW UP AT SOME POINT AND -- TWO OR THREE TIMES AND THIS WOULD HAPPEN?

MY UNDERSTANDING IS IT WAS ONE OR TWO INSPECTIONS AND THEY OBSERVED THOSE VIOLATIONS YOU SEE IN REPORT.

Slusher: SO THESE ARE UNANNOUNCED INSPECTIONS AND THAT'S WHAT'S GOING ON AT THAT PARTICULAR TIME?

YES, I BELIEVE SO.

Slusher: WELL, THIS DOES HAVE SOME THINGS THAT CONCERN ME.

Mayor Wynn: AGREED. SO COUNCIL, LET'S TRY TO GET THU OUR AGENDA. WITHOUT OBJECTION, COUNCIL, WE ONLY HAVE ONE CITIZEN WHO SIGNED UP TO GIVE US FEEDBACK ON THE CITY MANAGER'S PROPOSED BUDGET, AND I BELIEVE SHE NEEDS TO CATCH SOME PUBLIC TRANSPORTATION, SO WITHOUT OBJECTION, LET'S TAKE UP ITEM NUMBER 70, WHICH IS TO CONDUCT A PUBLIC HEARING AND RECEIVE PUBLIC COMMENT ON THE FISCAL YEAR 2004-2005 PROPOSED BUDGET AND WELCOME JENNIFER MCPHALE.

McCracken: SO WE'RE NOT POSTPONING IT?

Mayor Wynn: THIS WILL TAKE THREE MINUTES. WELCOME, JENNIFER.

THANK YOU. I JUST WANTED TO MAKE SURE THAT Y'ALL KNOW THAT WE SUPPORT THE BUDGET FOR A.D.A. SIDEWALK IMPROVEMENTS. I CAN'T SAY ENOUGH THAT THESE PROJECTS ARE NOT JUST SLABS OF CONCRETE, BUT THEY'RE A FULFILLMENT OF A PROMISE, AND YOU'RE GIVING PEOPLE THE GIFT OF EXPECTATION. I REMEMBER WHEN I WAS A LITTLE GIRL AND HOW RARE IT WAS TO BE ABLE TO

ACCESS PLACES AND ACCESS THE SIDEWALK. AND I THOUGHT TO MYSELF, WELL, SOCIETY DOESN'T EXPECT VERY MUCH OF ME BECAUSE I'M NOT VERY WELCOME. AND JUST ABOUT EVERY PLACE I GO. THAT'S CHANGED A GREAT DEAL SINCE THE A.D.A. WAS PASSED. SO WHEN YOU'RE LOOKING AT THESE PROJECTS AND YOU'RE THINKING TO YOURSELVES, CAN WE GO -- HERE WE GO AGAIN, IT GETS KIND OF BORING, IT'S BEEN 1515 YEARS, AREN'T WE DONE YET? THAT'S WHAT YOU'RE DOING IS GIVING PEOPLE THE GIFT OF EXPECTATION. YOU SAY NOT ONLY ARE YOU A PART OF OUR COMMUNITY, BUT WE EXPECT YOU TO LEAD. AND THAT'S A HUGE DIFFERENCE FROM WHAT WE USED TO HEAR. AND FROM WHAT WE HEAR IN A LOT OF PLACES STILL TODAY STILL. PEOPLE WITH DISABILITIES ARE OFTEN EXPECTED TO STAY AT HOME, STAY OUT OF THE WAY, HOW FAR SIGHT, OUT OF MIND. AND IT'S NOT RIGHT A. AND THESE PROJECTS WERE ONCE AT THEIR HEIGHT VERY GREAT. AND THIS PAST FISCAL YEAR HAS BEEN A LITTLE TOUGH. THEY HAVEN'T BEEN WORKING AS QUICKLY AS THEY COULD, AND WITH THESE CHANGES WE HOPE TO GET THEM BACK ON TRACK SO THAT WE CAN ONCE AGAIN SAY THAT AUSTIN IS SETTING THE PACE FOR THE REST OF THE COUNTRY. IT WAS ONE THING THAT WE COULD ALWAYS BE PROUD OF A, AND WE SHOULD BE AGAIN. SO JUST KEEP THAT IN MIND. AND ONE LITTLE COMMENT IS THAT WHEN YOU TALKED ABOUT BUILDINGS AND SIDEWALK ACCESS, TRY TO SEPARATE THOSE OUT IN THE BUDGET, THAT WAY PEOPLE GET A CLEARER IDEA OF WHAT GOES WHERE. IT'S THE LITTLE MINOR THINGS THAT WILL HELP OUT WHEN WE'RE TRYING TO PRESENT IT TO THE COMMUNITY. THANKS.

Mayor Wynn: THANK YOU, MS. MCPHALE: ARE THERE ANY OTHER CITIZENS WISHING TO GIVE US COMMENT ON ITEM NUMBER 70. IF NOT, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING ON ITEM NUMBER 70. ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. BY CHANCE IS MR. VAN GARRISON STILL WITH US? VAN GARRISON?

. COUNCIL, WITHOUT OBJECTION, WE HAVE ONE PERSON SIGNED UP ON ITEM NUMBER 68, WHICH IS TO CONDUCT A

PUBLIC HEARING REGARDING OF OCCUPIED BUILDING STRUCTURE AND RECREATION THAT WILL LAND IN 25 YEAR FLOODPLAIN. AND WE NEED A BRIEF PRESENTATION FROM STAFF. WELCOME MR. OSWALD.

THANK YOU. MY NAME IS GEORGE OSWALD, WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT. THE PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE WILL ALLOW ADMINISTRATIVE PROCESSING OF FLOODPLAIN VARIANCES FOR UNOCCUPIED BUILDING STRUCTURES. THE KEY WORD HERE IS UNOCCUPIED BUILDING STRUCTURES AND PARKING AREAS ON RECREATIONAL LANDS. OVER THE LAST SEVERAL YEARS WE HAVE BROUGHT A NUMBER OF FLOODPLAIN VARIANCES TO THE COUNCIL FOR RESTROOMS, CONCESSION STANDS ON PARK FACILITIES. AND ALL OF THESE HAVE BEEN APPROVED ARE VERY SMALL BUILDINGS, AND WHAT WE'RE DOING HERE IS PUTTING IN PLACE AN ADMINISTRATIVE PROCESS, SO WE DON'T HAVE TO BRING THESE PROPOSALS TO THE COUNCIL. WE'RE GOING TO PRESERVE ALL THE PUBLIC SAFETY ELEMENTS. AND THIS WILL KNOCK OFF ABOUT 60 DAYS FOR OUR REVIEW AND APPROVAL OF THESE SMALL PARK FACILITIES. AND THE OPTION WILL BE AVAILABLE ON PRIVATELY OWNED RECREATIONAL LAND, SO IT SHOULD ASSIST IN THE IMPLEMENTATION AND SAME TYPE OF FEATURES ON PRIVATELY OWNED GOLF COURSES.

Mayor Wynn: THANK YOU, MR. OSWALD. QUESTIONS OF MR. OSWALD? [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

Mayor Wynn: WITHOUT SUPPORT OF ITEM NO. 69, WITHOUT THAT I WOULD RECOMMEND THAT WE GO BACK AND TAKE UP OUR ZONING CASES, BEGINNING WITH ITEM NO. 56.

GOOD EVENING MAYOR AN COUNCIL, I'M MIKE WALTERS FROM THE NEIGHBORHOOD ZONING AND PLANNING DEPARTMENT. I WANT TO GO OVER THE PROCEDURE, THE MOTION SHEET THIS EVENING, THE FIRST MOTION TO APPROVE THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN, EXCEPT FOR THE CONTESTED TRACTS AND THOSE TRACTS HAVE CHANGED FROM FIRST TO SECOND READING AND TRACTS WHERE NEW INFORMATION HAS BECOME

AVAILABLE. THE SECOND MOTION TO APPROVE AGENDA ITEM 57, THE REZONINGS TO IMPLEMENT THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA. THE THIRD MOTION WILL BE TO APPROVE A BLOCK OF TRACTS THAT HAVE BEEN RESOLVED OR CHANGED -- CHANGED AT SECOND READING. THE THIRD SET OF MOTIONS WILL BE TO GO OVER THE UNRESOLVED TRACTS IN THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA. THEN TOM BOLT WILL PRESENT THE UNCONTESTED TRACTS FOR -- UNCONTESTED TRACTS FOR THE NORTH UNIVERSITY NEIGHBORHOOD PLANNING AREA. TOM WILL THEN GO OVER A SECOND SET OF MOTIONS TO RESOLVE -- TO ADDRESS UNRESOLVED TRACTS IN THE NORTH UNIVERSITY NEIGHBORHOOD PLANNING AREA. THEN JACKIE CHUTER WILL PRESENT THE UNCONTESTED TRACTS FOR THE HANCOCK NEIGHBORHOOD PLANNING AREA AND THEN PRESENT A BLOCK OF TRACTS THAT HAVE HAD RESOLUTION SINCE SECOND READING AND THIRD SET OF MOTIONS FOR MS. SHUTER WILL BE TO GO OVER THE SHILD TRACTS WITH ISSUES -- INDIVIDUAL TRACTS WITH ISSUES. THE FIRST MOTION FOR ITEM 56 WOULD BE TO APPROVE ON THIRD READING OF THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN WITH THE EXCEPTION OF THE FOLLOWING TRACTS: 30, 33, 34, 1007 WEST 22nd STREET, 35, TRACT 36, 43, 44, 49, 50, 52, AND FOR 52 THAT WOULD BE 1006 WEST 22nd STREET, TRACT 80, 80 A ... TRACT 201, 204, THAT WOULD BE 300 KING STREET, 3102 KING -- NO KING LANE, ALL OF THOSE WERE KING LANE, 3105 KINGS LANE. THERE'S BEEN A REQUEST FOR POSTPONEMENT ON CONSIDERATION FOR TRACT 236 ON -- ON 3201 NORTH LAMAR, THE AGENT, MS. MEADE WAS NOT ABLE TO BE PRESENT THIS EVENING, ASKED THAT THAT BE POSTPONED UNTIL NEXT WEEK. ALSO POSTPONE ACTION, DO NOT CONSIDER ACTION RIGHT NOW IN THIS MOTION FOR TRACT 1019, THAT WOULD BE 2833 AND 2841 SAN GABRIEL AND THEN TRACT A.P.D. 843, TRACT A.P.D. 862862 A, GDS [INDISCERNIBLE], RDE 797, RDW, 739 A, RBW 748 A. SD 876, SD 880 A, SD 884 D. TRACT 503, 503 A, 503 B, 515 THROUGH -- TRACTS 515 AND 156, 924 THROUGH 926 EAST DEAN KEETON ONLY. 563 A 2104 WOULD RELATE TO 3403, 3405, 3407 HAMPTON ROAD, AND 3406 RED RIVER. AND TRACT -- AND 29 [INDISCERNIBLE] MEDICAL ARTS, THE EAST 115 ONLY OF LOTS 5 THROUGH 6 OF THIS SUBDIVISION. I'M

WILLING TO ANSWER ANY QUESTIONS COUNCIL MAY HAVE AT THIS TIME.

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL?  
COUNCILMEMBER SLUSHER?

Slusher: THE ONE WE ARE BEING ASKED TO POSTPONE THE PLIGHT, 3201 NORTH LAMAR. I THOUGHT WE HAD A COMPROMISE ON THAT ONE THAT ALLOWED THE -- THE AUTOMOTIVE USES EXCEPT FOR AUTOMOTIVE WASHING?

THE APPLICANT FILED A VALID -- I MEAN THE PROPERTY OWNER FILED A VALID PETITION AGAINST THE PROPOSED ANY REZONING CHANGES AND -- AND THE NEGOTIATIONS BETWEEN THE NEIGHBORHOOD AND THE APPLICANT -- AND THE OWNER'S AGENT FELL APART WHEN THEY COULDN'T COME TO ANY RESOLUTION OVER AUTOMOTIVE WASHING.

BUT THE -- BUT THE NEIGHBORHOOD DID --

ALL OTHER AUTOMOTIVES YES.

CONCEDE A LOT OF USES THAT WEREN'T ON THE TABLE. I MEAN THAT THEY WEREN'T ACCEPTING TO START WITH OR THEY WEREN'T PART OF THE ZONING.

THEY WERE -- THAT IS CORRECT. THEY DID COME -- THEY CAME TO A POINT BUT NO FURTHER ON THEIR DISCUSSIONS WHEN IT CAME TO AUTOMOTIVE WASHING.

WHICH TRACT WAS THAT?

COUNCILMEMBER DUNKERLY?

Dunkerly: EXCUSE ME CHRKS TRACT WAS THAT?

THE ONE ON LAMAR.

236. THAT WOULD BE 3201 NORTH LAMAR.

I, TOO, UNDERSTOOD THERE HAD BEEN AN AGREEMENT.

I'M SORRY?

Dunkerly: I, TOO, UNDERSTOOD THERE HAD BEEN AN AGREEMENT ON THAT, SO --

UP TO THE POINT WHERE IT DEALT WITH AUTOMOTIVE WASHING. AND THEY COULDN'T COME TO THE -- THE PROPERTY OWNER WANTED THE AUTOMOTIVE WASHING AND THE NEIGHBORHOOD WAS ADAMANTLY AGAINST IT.

Slusher: I HAVE LOOKED AT THIS, I GUESS IN MS. MEADE WANTS TO POST POSTPONE IT. WE SHOULD HONOR THAT. I DON'T KNOW IF IT'S BEEN POSTPONED BEFORE OR NOT. I WAS READY TO VOTE FOR THE SAME THING WE APPROVED FIRST TIME AND THAT'S THE WAY I'LL FEEL NEXT WEEK, TOO.

SO WILL I.

Mayor Wynn: THE FACT THAT THERE'S A VALID PETITION, STAFF WANTS US TO CARVE THAT ONE OUT, OTHERWISE THE REST OF THIS LENGTHY MOTION ONLY REQUIRES FOUR VOTES FOR THIRD READING.

THAT'S CORRECT. ALSO, I JUST WAS INFORMED BY STAFF THAT MIKELE MEADE ALSO REPRESENTS 563 A AND TRACT 2104. SHE WILL REQUEST POSTPONEMENT ON THOSE TWO AS WELL AT THIS TIME.

McCracken: I HAVE A QUESTION ABOUT THAT.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: ON THE HAMPTON ROAD AND RED RIVER STREET, I THINK THERE'S BEEN SOME CONCERN ABOUT WHAT MIGHT HAPPEN IN THE INTERIM. SO I GUESS WE NEED SOME CLARIFICATION. WHAT IS THE CURRENT ZONING FOR THESE LOTS AND WHAT IS PROPOSED IN THE NEIGHBORHOOD PLAN?

JACKIE SHUTER NEIGHBORHOOD PLANNING AND ZONING. FOUR LOTS HERE THAT YOU ARE SPEAKING OF ON HAMPTON ROAD. THREE HAVE HAMPTON ROAD ADDRESSES, ONE WITH RED RIVER. TWO OF THOSE ARE ZONED S.F. 3,

TWO ARE ZONED S.F. 2. THE NEIGHBORHOOD PLAN IS PROPOSING THAT THEY ALL GO TO S.F. 2-C.O.-N.P. SO THE TWO THAT WERE ZONED S.F. 2 EARLIER THIS YEAR WERE PART OF AN HISTORIC ZONING CASE. BUT INSTEAD OF GOING FOR HISTORIC ZONING THE COUNCIL APPROVED S.F. 2.

McCracken: I THINK ONE OF THE CONCERNS IS THAT THERE'S APPARENTLY SOME RUSH TO GET SOME WORK DONE ON AT LEAST ONE OF THESE PROPERTIES THAT IF WE DELAY COULD ENABLE, YOU KNOW, THIS -- THAT WOULD ENABLE THIS EFFORT AND WE'VE HAD SOME PROBLEMS WITH THESE PROPERTIES IN THE PAST. IS IN ANY OPTIONS THAT WE HAVE, CAN YOU TELL US THE STATUS OF WHAT'S BEING BUILT AND WHETHER THE DELAY MIGHT CHANGE THE FACTS ON THE GROUND MATERIALLY.

ALL I KNOW ABOUT THE POSTPONEMENT REQUEST WAS SIMPLY THAT THE AGENT COULD NOT APPEAR TONIGHT. I'M NOT AWARE THAT IT WOULD AFFECT THE CONSTRUCTION. I WASN'T INFORMED OF THAT, SO --

IS THERE ANYONE THAT CAN SHED LIGHT ON THIS?

Mayor Wynn: ACTUALLY, IF I CAN COUNCIL, SORRY TO INTERRUPT. WHAT WE ARE TALKING ABOUT NOW ARE TRACTS THAT ARE EXCEPTED FROM THIS MOTION. STAFF EARLIER PROPOSED THE MOTION FOR ITEM -- THE FIRST MOTION ON ITEM NO. 56, WHAT WE ARE TALKING ABOUT NOW ARE ITEMS, INDIVIDUAL TRACTS THAT THEY EXCEPTED FROM THEIR PROPOSED MOTION PER THE MOTION SHEET THAT WE WILL TAKE UP LATER.

McCracken: I JUST WANTED TO MAKE SURE, MAYOR, IT'S MY UNDERSTANDING THAT SOME OF THESE PMENTS WILL BE WRAPPED INTO THIS VOTE. MAYBE THEY WON'T BE WRAPPED INTO THE VOTE.

Mayor Wynn: IF A TRACT IS NOT INCLUDED IN THE PROPOSED MOTION, THEN THERE'S NOTHING TO DO -- I MEAN WE WILL TAKE IT UP LATER. BUT MY UNDERSTANDING OF THE MOTION AS STAFF OUTLINED IT WAS APPROVE ON THIRD READING THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN AS

APPROVED ON SECOND READING WITH EXCEPTION OF THE FOLLOWING TRACTS. WENT THROUGH A NUMBER OF PROBABLY COUPLE OF DOZEN TRACTS.

McCracken: AS LONG AS THE MOTION DOESN'T INCLUDE THE POSTPONEMENT UNTIL WE GET THIS ONE FIGURED OUT, THAT'S FINE.

THOSE TRACTS WERE TO BE EXCEPTED AND CONSIDERED LATER INDEPENDENT OF THE POSTPONEMENT REQUEST. SO THEY CAN BE POSTPONED EITHER AT THIS TIME OR WHEN WE GET TO THEM THROUGH THE MOTION SHEET.

Mayor Wynn: WITHOUT OBJECTION, COUNCIL, I WOULD RATHER GO THROUGH AND WALK THROUGH THIS THE WAY STAFF OUTLINED. THAT WAY IF SOME FOLKS ARE HERE ON THESE NON-CONTESTED TRACT, THEY GO HOME. WE TAKE UP THE CONTESTED TRACTS AT STAFF MAKE HAS OUTLINED THEM. SO WITH THAT, I'LL ENTERTAIN A MOTION, THE FIRST MOTION ON ITEM 56 AS OUTLINED BY STAFF. WHICH IS APPROVING ON THIRD READING ALL OF THE NON-CONTENTIOUS TRACTS THAT WERE APPROVED ON SECOND READING.

SO MOVE.

MOTION MADE BY COUNCILMEMBER ALVAREZ, I'LL SECOND THAT.

Slusher: MAYOR?

Mayor Wynn: COUNCILMEMBER SLUSHER?

Slusher: WOULD THAT INCLUDE ON OUR MOTION SHEET PAGES 1 THROUGH 7 OR -- OR THROUGH PAGE 7; IS THAT CORRECT? NO?

Mayor Wynn: JUST THE --

I DON'T UNDERSTAND.

Slusher: MAYBE YOU SHOULD READ THE NUMBERS OF THE

TRACTS THAT ARE INCLUDED IN THIS?

THE TRACTS TO BE INCLUDED IN THE MOTION? WOULD BE ALL OF THE OTHER TRACTS EXCEPT SAVE AND EXCEPT THESE.

Slusher: THESE BEING WHAT.

THESE BEING THE -- WILL BE INDIVIDUALLY CONSIDERED, BUT SOME OF THESE FALL INTO BLOCKS OF TRACTS WITH RESOLUTION.

Slusher: EVERYTHING THAT'S NOT ON THIS SHEET.

WOULD BE APPROVED.

Slusher: THEY ARE ALL NON-CONTESTED. WERE THEY NON-CONTESTED LAST TIME AS WELL.

TO MY KNOWLEDGE, YES.

Slusher: SO NOTHING GOT PUT INTO THE NOT CONTESTED THAT WE SETTLED ON FIRST READING.

SECOND READING.

Slusher: SECOND READING, OKAY. IF THEY WERE CONTESTED THEN, THEY ARE GOING TO BE -- WE ARE GOING TO VOTE ON THEM ONE BY ONE NOW.

ONE EXCEPTION THAT COUNCIL CHOICE ON SECOND READING TO APPROVE NO ZONING CHANGE, THAT WAS NOT INCLUDED IN THAT.

Slusher: ALL RIGHT.

Mayor Wynn: MOTION AND SECOND ON THE TABLE TO APPROVE ALL OF THE NON-CONTESTED CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN ON THIRD READING AS OUTLINED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

OKAY. THE NEXT ITEM WOULD BE ITEM 57, THAT WOULD BE THE WEST UNIVERSITY NEIGHBORHOOD PLAN COMBINING DISTRICT, TO IMPLEMENT THE LAND USE PORTION OF THE CENTRAL AUSTIN PLAN. THE MOTION WOULD BE TO APPROVE THE NEIGHBORHOOD COMBINED NEIGHBORHOOD PLAN APPROVED ON SECOND READING EXCEPT FOR THE FOLLOWING TRACT, TRACTS 30, 33, 34, THAT WOULD BE 1007 WEST 22nd STREET, TRACT 35, 36, 33, 34, 39, 50'S 52, 52 THAT WOULD BE 1006 WEST 22nd STREET, TRACT 80, TRACT 80 A, 81, 99 A, -- I THINK THERE WAS ONE ADDITIONAL TRACT. THAT WOULD BE TRACT 60. 80 A, 81, 99 A, 133, 133 A, 148, 148 A, 180, 181, 201, 204, 31, 3100, 3102, 3106 KING LANE AND 3501 KINGS LANE AND TRACT 26236, NORTH LAMAR [INDISCERNIBLE], SAN GABRIEL, AND -- AND FOR TRACT 60 THERE WAS A VALID PETITION THAT WAS RECEIVED A LITTLE BIT ABOUT 2:30 THIS AFTERNOON AS WE WERE PREPARING FOR COUNCIL SO IT DIDN'T MAKE INTO THIS MOTION SHEET. BUT IT DID -- IT WAS VALIDATED. AND WITH THAT, IF COUNCIL HAS ANY QUESTIONS I WOULD ANSWER THEM AT THIS TIME.

THANK YOU, MR. WALTERS. QUESTIONS, STAFF, COUNCIL? WHAT'S THE ADDRESS, NORTH LAMAR, POSTPONE?

3201 NORTH LAMAR.

YOU JUST READ THAT OUT AS BEING IN HERE. TRACT 236 --

44.

I THOUGHT YOU JUST READ THAT OUT AS WHAT WE ARE PASSING.

EXCEPTING. PASSING EVERYTHING EXCEPT FOR THE FOLLOWING.

Slusher: OH, OKAY. SORRY. I WAS JUST INFORMED THAT COULD BE KING STREET NOT KING LANE.

Mayor Wynn: COUNCIL, AGAIN WE HAVE A RECOMMENDATION

FROM STAFF TO APPROVE THE NEIGHBORHOOD PLAN COMBINING DISTRICT FOR THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA, ALL THOSE CONTESTED, ALL THOSE NON-CONTESTED TRACTS THAT WE APPROVED ON SECOND READING, WE NEED A MOTION FOR 3rd READING AND STAFF HAS EXCEPTED ALL OF THE TRACTS THAT -- THAT WE WILL TAKE UP LATER BECAUSE THERE'S SOME CONTENTION. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER MCCRACKEN, I'LL APPROVE, SECOND THAT TO APPROVE ON THIRD READING NON-CONTESTED TRACTS IN THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THE NEXT MOTION WOULD BE TO APPROVE A BLOCK OF TRACTS THAT WERE APPROVED -- CHANGES FROM FIRST TO SECOND READING AND/OR RESOLUTION SINCE, WITH EVERYONE AGREEING TO THAT OR NEW INFORMATION HAS BECOME AVAILABLE. THE FIRST ONE WAS TRACT 43. ON 2205 NORTH LAMAR. THIS TRACT HAS BEEN IN NEGOTIATION BETWEEN THE PROPERTY OWNER, POTENTIAL SELLER, POTENTIAL BUYER AND THE NEIGHBORHOOD AND EVERYONE HAS AGREED UPON THIS GO-M.U.-C.O.-N.P. THEY HAVE ASSIGNED A RESTRICTIVE COVENANT -- THEY HAVE SIGNED A RESTRICTIVE COVENANT FOR THAT TRACT. AN AGREEMENT ON THE DESIGN OF THE PROJECT. AND FOR THIS THE COUNCIL WOULD APPROVE OFFICE MIXED USE FOR THE LAND USE AND THE G.O.-M.U.-C.O.-N.P. FOR THE ZONING. TRACT 80 WAS LEFT OUT INITIALLY. IT WAS CAIN AND ABELL'S BAR. UNINTENTIONALLY LEFT OUT IN PREVIOUS READINGS. STAFF IS REQUESTING C.S. 1 AT THIS TIME TO MAKE IT A LEGAL CONFORMING USE. AND THE FUTURE LAND USES PLAN HAS THAT HIGH DENSITY MIXED USE WITH THE C.S. 1 N.P. ZONING. THE NEXT TRACT IS TRACT 133, COUNCIL AT THE LAST MEETING, SECOND READING, APPROVED M.F. 3 N.P. AND STAFF SUPPORTS THAT. SO THE LAND USE WOULD BE MULTI-FAMILY AND THE ZONING M.F. 3 N.P. TRACT 8181 IS A TRACT, NEW INFORMATION HAS COME SINCE THIRD READING, SECOND READING. AND ONE OF THE ADDRESSES

IN THAT TRACT WE HAVE SUBSEQUENTLY FOUND OUT HAD A MULTI-FAMILY USE, WE ARE RECOMMENDING SINGLE FAMILY FOR THE ENTIRE TRACT. AND WE WOULD RECOMMEND FOR 611 WEST 31st STREET ONLY MULTI-FAMILY WITH M.F. 1-C.O.-N.P. ZONING, THE HEIGHT LIMIT OF 30 FEET. FOR THE REST OF THE TRACT. THAT WOULD BE 613, 615 AND 617 WEST 31st STREET, WE ARE RECOMMENDING SINGLE FAMILY WITH S.F. 3 C.O. N.P. FOR THE ZONING, WHICH WAS APPROVED ON FIRST READING. AND A HEIGHT LIMIT OF 30 FEET. OKAY. THE NEXT TRACT WAS APPROVED BY COUNCIL ON FIRST -- ON SECOND READING. AND COUNCIL WOULD APPROVE FUTURE LAND USE AS MIXED USE AND ZONING AS THE C.S.-M.U.-C.O.-N.P. APPROVED ON SECOND READING. THE NEXT TRACT THERE WAS A MIXUP AT FIRST -- AT SECOND READING AND STAFF INCORRECTLY IDENTIFIED TRACT 148 AS JUNIOR'S ICE HOUSE. IT IS IN FACT THE SPILLOVER PARKING FOR BREED AND COMPANY. AND WE RECOMMENDING -- WE'RE RECOMMENDING MIXED USE ON THE FUTURE LAND USE MAP, AND APPROVE THE -- THE RECOMMENDATION -- THE -- APPROVE THE ZONING AS IT WAS APPROVED ON THIRD READING AND THIS ZONING WOULD BE CONSISTENT WITH ALL OF THE OTHER C.S. ZONED PROPERTIES ON THE BLOCK. TRACT 50 WAS AN OVERSIGHT. I WAS CONTACTED BY THE PROPERTY OWNER. THEY ARE NOT IN OPPOSITION TO M.F. 3 C.O. N.P. WHICH WAS APPROVED ON FIRST AND SECOND READING. BUT THEY WOULD LIKE TO LIMIT THE -- LIMIT THE GROUP RESIDENTIAL USE, WHICH WOULD PROHIBIT FRATERNITIES FROM GOING INTO THIS AND THE PROPERTY OWNER WOULD LIKE THIS PROHIBITION PLACED ON THEIR PROPERTY. AND COUNCIL WOULD HAVE TO CHOOSE MULTI-FAMILY FOR THAT LAND USE. FICTIONAT THIS TIME I HAVE -- IF COUNCIL HAS ANY QUESTIONS, I WILL RESPOND TO ANY QUESTIONS.

Mayor Wynn: COUNCIL WE HAVE A STAFF RECOMMENDED COMBINED MOTION OF THESE TRACTS THAT NOW ALSO HAVE FOR CONTENTION TO THEM.

NO, MAYOR.

Mayor Wynn: BUT ARE DIFFERENT.

EITHER DIFFERENT FROM 1st OR 2nd OR OTHER

INFORMATION OCCURRED SINCE SECOND READING.

SO WE CAN TAKE A MOTION TO APPROVE ON THIRD READING AS OUTLINED BY STAFF TRACT 80, TRACT 133, TRACT 181, TRACT 180, TRACT 148, TRACT -- AND TRACT 50. I'LL ENTERTAIN A MOTION.

SO MOVE.

MOTION MADE BY COUNCILMEMBER DUNKERLY.

COMBINED MOTION.

Mayor Wynn: I'LL SECOND THAT.

Alvarez: QUESTION.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: ON TRACT 148, WHICH I WAS LOOKING AT THE OLD MOTION SHEET, THAT WAS LISTED AS -- AS WHAT WE VOTED ON ON SECOND READING, I THINK, 2829 SALADO AND IT SAID THE OWNER WAS JOHN ZAMORA. HERE IT SAID TRACT 148 IS 2839 SALADO AND IT A DIFFERENT OWNER, DOES THAT AFFECT THE VOTE HERE?

NO. IT WOULD NOT. THE TRACT WAS INCORRECTLY IDENTIFIED LAST TIME AND THIS -- AND MR. ZAMORA'S PROPERTY WILL BE PICKED UP LATER ON IN THE MOTION SHEET. BUT -- BUT SINCE THERE WAS NO CON -- CONTESTING THIS FROM THE BREED AND COMPANY FOLKS, WE ARE OFFERING THIS UP AS -- AS A PART OF A CORRECTED MOTION.

ALL RIGHT.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? MOTION AND A SECOND ON THE TABLE.

MAYOR, YOU LEFT OUT OF THAT MOTION TRACT 43. THAT WOULD BE 2205 NORTH LAMAR.

Dunkerly: DO YOU CONSIDER ADDING THAT AS A FRIENDLY

AMENDMENT?

YES.

THANK YOU, SO DO I. TRACT ALSO -- TRACT 40 IS MY MISTAKE, CONTESTED, SHOWS TO MAKE NO MOTION ON IT. CHANGE THE SCOPING, I WAS JUST INFORMED BY THE AGENT THAT THEY ARE STILL CONTESTING -- THEY WOULD LIKE DIFFERENT ZONING THAN IS BEING RECOMMENDED AT THIS TIME.

Dunkerly: WHICH TRACT?

40. THAT WAS -- -- SHOULD HAVE BEEN INCLUDED IN ITEM 56 AND 57. BUT AT THE LAST COUNCIL MEETING, COUNCIL CHOSE NOT TO CHANGE THE ZONING ON THE SITE. NEED TO AMEND ITEMS FOR MOTION 56 AND 57 TO INCLUDE ITEM 40, TRACT 40, TO EXCLUDE THAT FROM THAT MOTION.

Mayor Wynn: IF COUNCIL WANTS TO CONTINUE TO NOT CHANGE THE ZONING.

THAT IS CORRECT.

Mayor Wynn: COUNCIL, OBVIOUSLY THERE'S SOME CONFUSION ABOUT TRACT NUMBER 40 ON ITEMS 56 AND 57 -  
-

WE TOOK DIRECTION FROM COUNCIL'S ACTION IN NOT GRANTING ANY ZONING CHANGE AT THE SECOND READING TO INDICATE THAT COUNCIL WOULD -- WOULD NOT BE CHANGING THE ZONING AGAIN ON THIRD READING. IT WAS LEFT OUT OF THE MOTION SHEET. IT WAS EXCEPTED JUST TO STAY THE G.O. THAT IT IS CURRENTLY ZONED. MARES SO THIS IS TRACT 40, WHICH IS WEST UNIVERSITY?

THAT IS IN WEST UNIVERSITY. I WILL INDICATE IT ON THE MAP. IT THE PROPERTY IMMEDIATELY TO THE EAST OF DRYFUSS ANTIQUES.

COUNCILMEMBER DUNKERLY?

ON ITEM 40 IS CONTESTED BY THE OWNER?

WELL, THE -- THE PROPERTY OWNER AND AGENT WOULD LIKE MIXED USE COMBINING DISTRICT PUT ON THAT SITE. BUT ON SECOND READING COUNCIL CHOSE TO LEAVE IT THE GENERAL OFFICE OR G.O. THAT IT CURRENTLY IS ZONED. AND THE AGENT WOULD LIKE TO BE RAILROAD CONSIDERED.

COUNCILMEMBER ALVAREZ?

ACTUALLY, MY NOTES SHOW THAT WE HAD APPROVED G.O.-N.P.

G.O.-N.P. MY MISTAKE.

Alvarez: THAT IS A CHANGE, ISN'T IT, FROM G.O. >

G.O. IS WHAT IT'S CURRENTLY ZONEED.

THAT IS A CHANGE, THOUGH, FROM G.O. TO G.O. N.P.

IT INDICATES THAT THE PROPERTY IS WITHIN THE CONFINES, WITHIN THE GEOGRAPHY OF A NEIGHBORHOOD PLAN COMBINING DISTRICT, BUT NO NEW ZONING ENTITLEMENTS OR SPECIAL USES WERE PUT ON THAT SITE.

Alvarez: SO THAT'S ALREADY BEEN INCLUDED IN 56 AND 57?

THAT IS CORRECT, COUNCIL.

Alvarez: THAT'S THE WAY WE APPROVED IT ON SECOND READING.

THAT'S CORRECT.

OKAY. NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENTERE IS OWNER OPPOSITION ON THAT, COULD WE WILL IT OUT AND HAVE IT ON THE --

THAT IS YOUR PREROGATIVE.

Dunkerly: ANOTHER THING, IF POSSIBLE, WHEN WE GET TO THOSE INDIVIDUAL ITEMS, I HAD SEVERAL COMPLAINTS LAST

WEEK THAT SOME OF THE OWNERS HADN'T HAD A CHANCE TO SPEAK AT THE PUBLIC HEARING BECAUSE WE DID THEM ALL, YOU KNOW, AT ONE TIME. THEN THEY DIDN'T HAVE AN OPPORTUNITY LAST TIME, SO I'M WONDERING WHEN WE GET TO THE INDIVIDUAL ONES, IF PERHAPS THE STAFF COULD MAKE THEIR RECOMMENDATION. IF THE OWNER IS HERE, AND HAS A COMMENT, THEY COULD MAKE SOME AND THEN IF A NEIGHBORHOOD PLAN REPRESENTATIVE IS HERE, THEY COULD MAKE ONE SO THAT WE HAVE ALL THREE PERSPECTIVES IF THEY DIFFER. THAT WAY EVERYBODY WOULD CONSIDER THAT AT LEAST THEY HAD AN OPPORTUNITY TO GET THEIR THOUGHTS BEFORE THE COUNCIL. THANK YOU.

MARK, I NEED TO CLARIFY SOMETHING.

OKAY.

THE TRACT 40.

THAT IS CORRECT.

WAS THAT INCLUDED IN THE -- IN THE INITIAL MOTION THAT YOU -- THAT YOU OFFERED UP ON THE MOTION SHEET AS BEING INCLUDED IN -- AS THE UNCONTESTED CASES.

THAT IS CORRECT.

OKAY. MAYOR, MY RECOMMENDATION WOULD BE THIS: MY RECOMMENDATION IS THAT YOU GO ON AHEAD AND TAKE CARE OF THE MOTION THAT YOU HAVE BEFORE YOU ON THESE -- ON THESE UNCONTESTED RESOLVED ISSUES AND THEN LET'S GO BACK TO THE OTHER ISSUE AND TAKE TRACT 40 OUT OF THAT. LET'S -- THE APPROPRIATE THING TO DO IS TO TAKE CARE OF THE MOTION AND SECOND YOU HAVE PENDING BEFORE YOU.

Mayor Wynn: THANK YOU VERY MUCH. COUNCIL THERE'S A MOTION AND A SECOND ON THE TABLE TO APPROVE THESE -  
- THESE CHANGED BUT NOT CONTESTED WEST UNIVERSITY TRACTS AS PRESENTED. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

CAN -- NOW PERHAPS COUNCIL BEFORE WE WOULD GO THROUGH THE PROCESS OF VOIGHTD ON A RE-- VOTING ON A RECONSIDERATION OF ITEM 56 AND 57, I WILL ENTERTAIN WHETHER THERE'S SUPPORT FOR DOING THAT. AGAIN THE OWNER REQUEST IS FOR US TO TAKE THIS UP SEPARATELY BECAUSE HE OR SHE --

IS NOT SATISFIED WITH THE G.O. ZONING, WOULD LIKE ADDITIONAL ZONING ENTITLEMENTS ON THEIR PROPERTY.

Mayor Wynn: IS IT YOUR UNDERSTANDING THAT THE ADDITIONAL ZONING ENTITLEMENTS THAT THEY WANT IS THE MIXED USE DESIGNATION THAT WE DISCUSSED AT FIRST READING.

SECOND READING, MAY, THAT IS CORRECT. COUNCIL, I HAPPEN TO REMEMBER THAT DISCUSSION --

Dunkerly: I DON'T REMEMBER IT.

Mayor Wynn: THIS IS THE TRACT THAT SITS WELL DOWN BELOW THE NEIGHBORHOOD. THE CONCERN BY THE NEIGHBORHOOD WAS THAT ON THE LAND USE MAP IT APPEARS VERY SUITABLE FOR MIXED USE DESIGNATION, THEY HAVE RESIDENTIAL THERE ACROSS FROM ONE OF OUR PREMIER URBAN PARKS AND GREENBELTS WAS THE CONCERN BY THE ADJACENT NEIGHBORS UP ON THE BLUFF. FRANKLY OF HAVING RESIDENTIAL UNITS THERE AND SOME NOISE AND THINGS THAT MIGHT OCCUR BECAUSE OF THAT. AS A COURTESY, COUNCIL, I WOULD HIKE TO WELCOME MR. JOSEPH TO PERHAPS ADDRESS THIS BRIEFLY.

THANK YOU MAYOR, COUNCIL. THIS TRACT -- WE WANT M.U. DESIGNATION. THERE'S A SITE PLAN THAT'S BEEN APPROVED, EXISTING, LEGITIMATE SITE PLAN ON THE PROPERTY THAT INCLUDES A RESIDENTIAL PORTION AS AN ANCILLARY USE TO THE PROJECT. THE REASON WE SUGGEST, WE THINK M.U. IS APPROPRIATE IS WELL NOT JUST FOR THAT PIECE OF PROPERTY, BUT FOR THE ENTIRE

AREA IN THAT YOU DECIDED, COUNCIL AND THE  
STAKEHOLDERS INCLUDED, THAT THE IT'S NECESSARY AND  
SO NECESSARY IN THIS PEDESTRIAN DEVELOPMENT THAT  
WE ARE CREATING THIS NEW NOVEL DENSE PHING AND  
HEIGHT AREA. WE ARE SAYING IF YOU ARE HAVING A  
PEDESTRIAN ORIENTED AREA, YOU SHOULD TAKE INTO  
ACCOUNT RESIDENCES WITH RETAIL AND COMMERCIAL. IT IS  
A LOCATION AND HAS A SITE PLAN THAT ALLOWS  
RESIDENTIAL CURRENTLY. SO --

Mayor Wynn: QUESTIONS OF THE OWNER'S REP, COUNCIL?

ENTERTAIN A MOTION AND EXEMPTING TRACT 40 OR WE CAN  
MOVE ON TO THE NEXT MOTION SHEET.

MAYOR, IN MY -- IN THE BACKUP, LATE BACKUP, THERE IS A  
LETTER FROM THE PROPERTY OWNERS PLANNER, MR.  
[INDISCERNIBLE], REPRESENTING -- ALSO REPRESENTING  
MR. EAST ON THIS TRACT, ASKING FOR THE  
RECONSIDERATION, I APOLOGIZE FOR NOT INDICATING THAT  
EARLIER THIS EVENING.

Dunkerly: MAYOR, COULD I ASK ABOUT THAT? ARE ANY OF  
THE PROPERTIES THAT WE INCLUDE UNDERSTAND THE  
GENERAL -- INCLUDED IN THE GENERAL MOTION THAT WE  
PASSED, WE VOTED ON THAT THINKING THERE WAS NO  
VALID PETITIONS AND NO DISAGREEMENTS.

THAT WAS MY UNDERSTANDING.

Dunkerly: IN FACT THERE IS A VALID PETITION ON THIS ONE.

NO. COUNCILMEMBER, THERE IS A LETTER ASKING FOR THE  
ZONING TO BE CHANGED. THERE'S A PETITION ASKING FOR  
IT TO BE CHANGED. BUT THERE'S NO ZONING CHANGE ON  
THERE, THERE CAN BE NO VALID PETITION. CONSIDER THE  
PETITION MERELY A REQUEST.

SO IT RIGHT NOW G.O. KNAPP P N.P. ON SECOND READING.  
THEY WANTED G.O. M.U. N.P.

THAT IS CORRECT.

THERE WAS STRONG NEIGHBORHOOD OPPOSITION TO IT AT THE LAST MEETING.

Mayor Wynn: WE HAVE SORT OF A STRANGE SITUATION HERE WHERE THE PROPERTY OWNER CAN'T -- COULDN'T FILE A VALID PETITION BECAUSE THERE'S NOT A PROPOSED ZONING CHANGE.

THAT IS CORRECT. IT'S SIMPLY A REQUEST FOR A CHANGE IN ZONING. BOTH SIDES ARE -- FEEL STRONGLY ON THEIR POSITIONS.

THANK YOU. COUPLE, WITHOUT A MOTION, I SUGGEST WE MOVE ON. WE HAVE LOTS OF FOLKS WAITING.

OKAY. THE NEXT MOTION WOULD BE FOR TRACT 30, 2100 SAN GABRIEL. AT LAST READING THE COWBOY APPROVED M.F. -- COUNCIL APPROVED M.F. 4 C.O. N.P. AND IMAGINE --

LET ME INTERRUPT YOU, WHAT PAGE ARE YOU ON.

PAGE 8. AT THE TOP OF PAGE 8. FIRST TRACT. WOULD BE TRACT NUMBER 30. 2100 SAN GABRIEL. FUTURE LAND USE DESIGNATION IS MULTI-FAMILY AND THE PROPERTY OWNER HAS FILED A LETTER OF OPPOSITION TO THIS MANUFACTURE 4 C.O. OPPOSING THE HEIGHT LIMIT OF 40 FEET. BUT IT'S -- IT'S INTERESTING CASE, IT'S A CONDOMINIUM OWNED BY ONE PROPERTY OWNER OR TWO INDIVIDUAL OWN ALL OF THE UNITS. ACCORDING TO THE LAND DEVELOPMENT CODE, THEY HAVE NOT -- THEY SUBMITTED A LETTER AS WELL AS THE ARTICLES, CERTIFICATE OF ORGANIZATION FOR THE COMPANY THAT OWNS THAT. BUT THEY HAVEN'T SUBMITTED ALL OF THE ELEMENTS AS IT RELATES IN 25-2-284 OF THE LAND DEVELOPMENT CODE, SECTION C, PARAGRAPH 1, THE PROTEST MUST BE SIGNED BY THE AUTHORIZED OFFICER OF THE CONDOMINIUM AND STATES THAT THE GOVERNING BODY HAS AUTHORIZED THIS PERSON TO PROTEST THE POSITION IN ACCORDANCE WITH PROCEDURES REQUIRED BY THE CONDOMINIUM'S BYLAWS, WE HAVE NOT RECEIVED THAT INFORMATION AT THIS DATE. SO WE DO HAVE A LETTER OF PROTEST, BUT WE DON'T HAVE -- WE DON'T HAVE THOSE BY LAWS SUBMITTED YET. BUT I RECEIVED THOSE A

LITTLE AFTER 2:00 THIS AFTERNOON.

MAYOR, IF I CAN HELP, THE CONSEQUENCES OF THAT ARE WE ARE UNABLE TO DETERMINE THAT IT IS A VALID PETITION.

THAT IS CORRECT. SO IT WOULD REQUIRE FOUR VOTES TO APPROVE BOTH THE LAND USE AND THE ZONING.

Mayor Wynn: BUT IN SPIRIT WE CERTAINLY HAVE A VALID OPPOSITION. STRENUOUS OPPOSITION BY THE PROPERTY OWNER.

THAT WOULD BE CORRECT.

Slusher: DID WE SAY WE CAN'T DETERMINE IF IT'S A VALID PETITION OR THAT WE HAVE DETERMINED THAT IT'S NOT VALID.

AT THIS POINT, COUNCILMEMBER, IT IS NOT A VALID PETITION BECAUSE FOR CONDO ASSOCIATIONS THEY HAVE TO SUBMIT CERTAIN INFORMATION FOR -- FOR IT TO CONSTITUTE A VALID PETITION AND THEY HAVE NOT SUBMITTED ALL OF THE REQUIRED INFORMATION. THEREFORE IT IS UNDER OUR CODE, IT IS NOT A VALID PETITION AT THIS POINT. STRONG OPPOSITION, BUT NOT CONSIDERED UNDER OUR CODE OR THE LOCAL GOVERNMENT CODE AS A VALID PETITION.

THE PROPERTY OWNER'S AGENT HAS ASKED THAT WE POSTPONE THIS UNTIL THE SECOND OF SEPTEMBER IF IT PLEASES THE COUNCIL. WE CAN GET THE INFORMATION BY THAT DATE.

Slusher: HAS THE PROPERTY OWNER MADE A REQUEST FOR POSTPONEMENT BEFORE?

NO. NO COUNCILMEMBER.

Slusher: UNDER OUR RULES THEN WE WOULD DO THAT, RIGHT?

Mayor Wynn: USUALLY, YES, SIR.

OKAY.

Slusher: HUH. IT'S A GENTLEMAN'S AGREEMENT. THAT'S RIGHT. [LAUGHTER] UNTIL WHEN?

Mayor Wynn: WHAT'S THE STAFF RECOMMENDATION ON THE POSTPONEMENT?

WE AGREE UNTIL SEPTEMBER 2nd. COULD YOU GET THE INFORMATION BY NEXT THURSDAY.

YES, SIR.

OKAY.

Slusher: I WILL MOVE TO DO THAT.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER TO POSTPONE CONSIDERATION OF TRACT 30 THE WEST UNIVERSITY PLAN FOR ONE WEEK TO SEPTEMBER 2nd, 2004. SECONDED BY COUNCILMEMBER THOMAS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THE NEXT TRACT FOR CONSIDERATION IS TRACT 33, 1909, 1905 AND 1903 ROBINS PLACE. THE FUTURE LAND USE DESIGNATION IS MULTI-FAMILY. THE -- THE EXISTING ZONING M.F. 4 AND STAFF IS RECOMMENDING M.F. 3 FOR THIS SITE. THERE IS A VALID PETITION AND REQUIRES SIX VOTES TO APPROVE THE ZONING. I WOULD ANSWER ANY QUESTIONS AT THIS TIME.

Dunkerly: CAN YOU TELL ME AGAIN --

THE MOTION WOULD BE TO APPROVE THE MULTI-FAMILY ON THE FUTURE LAND USE MAP AND APPROVE M.F. 3 N.P. FOR

THE ZONING.

WHAT IS THE DIFFERENCE BETWEEN -- TELL ME AGAIN THE DIFFERENCE BETWEEN AN M.F. 3 AND AN M.F. 4.

M.F. 3 IS A BUILDING HEIGHT OF 40 FEET, WHEREAS M.F. 460 FEET. ALSO MANUFACTURE 4 MORE UNITS -- M.F. 4 MORE UNITS PER ACRE. I DON'T HAVE THE EXACT NUMBER, BUT THERE IS A SIGNIFICANT DIFFERENCE BETWEEN THE TWO.

COULD YOU POINT OUT THE TRACT ON THE MAP, PLEASE.

SURE THING.

THE DIFFERENCE BETWEEN THE TWO ZONING DISTRICTS IS THAT M.F. 3 HAS -- HAS MAXIMUM -- HAS A 06% IMPERVIOUS COVER -- 60% IMPERVIOUS COVER AS OPPOSED TO -- A 70%, ALSO TRYING TO FIND THE UNITS PER -- ALSO ONE HAS A -- HAS 36 UNITS PER ACRE FOR M.F. 3, 54 UNITS PER ACRE FOR M.F. 4.

IS THE OWNER OR AGENT HERE IN.

Slusher: I HAVE A POINT OF -- TO SUGGEST OR A POINT OF ORDER.

Mayor Wynn: COUNCILMEMBER SLUSHER?

Slusher: I HAD SAID EARLIER, I DON'T KNOW IF THE COUNCIL AGREED WITH ME OR NOT, BUT WHAT I SUGGESTED IS THAT WE DO THESE SURROUNDING NEIGHBORHOODS SURROUNDING THE WEST CAMPUS AREA AND DO THE UNO NEXT WEEK IF WE COULD GET THROUGH THOSE OTHER ONES AND SO WHAT I MEANT BY THAT, I'M SORRY I DIDN'T CATCH IT WHEN WE DID THE UNCONTESTED ONE, IT DIDN'T SNAP I SHOULD SAY. BUT I WOULD THINK IF WE ARE GOING TO DO THE UNO LATER, IF THE COUNCIL AGREES WITH THAT, WE SHOULD SAVE THESE WEST UNIVERSITY CASES UNTIL THEN, TOO. BECAUSE I THINK THAT DOES AFFECT THOSE. LIKE ONE COMPLAINT I'VE HEARD IS THAT WE'RE TAKING VALUE AWAY FROM SOME WHILE WE ARE GIVING VALUE TO OTHERS. AND I WOULD LIKE TO WAIT AND SEE HOW -- HOW TO DO THAT AT ONE TIME. RATHER THAN GO THROUGH

THESE CONTEST THE CONTESTED ONES NOW. IF THE COUNCIL AGREES WITH THAT, I WOULD SUGGEST, EVEN THOUGH I THINK I'M GOING TO VOTE THE SAME AS I DID TONIGHT, THAT I WOULD THINK THE CASE THAT MR. JOSEPH WAS CONTESTING, THAT WE SHOULD GO AHEAD AND RECONSIDER THAT AND TAKE THAT UP AT THE TIME THAT WE TAKE THESE OTHER ONES UP. IF -- MAYBE EVERYBODY DISAGREES WITH ME. I DON'T KNOW. BUT -- SEE WHAT I WAS SAYING, I THINK THE COWBOY -- THE COUNCIL IS GOING TO APPROVE A HIGH DENSITY UNO PLAN FOR WEST CAMPUS, THAT COULD USE A LITTLE MORE CONSIDERATION IN MY OPINION, BUT THAT THAT -- DOING THAT IS BASED ON THE AGREEMENT THAT'S BEEN REACHED BY THE NEIGHBORHOODS AND THE PROPERTY OWNERS AND OTHER PROPERTY OWNERS IN WEST CAMPUS AND OTHERS THAT YOU -- THAT YOU DO MOSTLY SINGLE FAMILY AND THE OTHER THINGS THAT ARE IN THIS PLAN THOSE SURROUNDING NEIGHBORHOODS THE HIGH DENSITY IN THE WEST CAMPUS AND I THINK WE HAVE ENOUGH AGREEMENT WE ARE GOING TO DO THE HIGH DENSITY IN WEST CAMPUS, THAT WE CAN GO AHEAD AND DO THOSE OTHER NEIGHBORHOOD PLANS AS MUCH AS WE CAN GET THROUGH TONIGHT. AT THE PACE WE ARE GOING WE MIGHT NOT GET VERY FAR. BUT GET THOSE OUT OF THE WAY. COME BACK TO THE WEST UNIVERSITY NEXT WEEK. THAT'S WHAT I WOULD SUGGEST.

Dunkerly: I WOULD AGREE WITH THAT. IF WE ARE TO CONSIDER IT. COULD I ASK ONE THING OF THE STAFF AND THE NEIGHBORHOOD AND -- IN RELATION TO NUMBER 44. IS THAT IN THIS GROUP, THE ONE THAT --

NUMBER 44. ON THAT ONE I KNOW THE NEIGHBORHOOD HAS WORKED VERY, VERY HARD WITH THE AGENT TRYING TO COME TO SOME AGREEMENT AS TO WHAT THAT ZONING SHOULD BE. THEY HAVE NOT BEEN ABLE TO DO IT. SO I WOULD LIKE TO ENCOURAGE THE LANDOWNER AND THE AGENT TO -- TO GET BACK WITH THE NEIGHBORHOOD AND SEE IF YOU CAN'T FACILITATE SOME AGREEMENT WITH THE NEIGHBORHOOD. I THINK THEY HAVE REALLY WORKED HARD ON THAT AND GET RIGHT UP TO THE LAST MINUTE AND SOMETHING HAPPENS. SO IN THIS ONE WEEK DELAY, BEFORE WE TAKE THIS BACK UP AGAIN OR WHENEVER, IF

THE STAFF COULD HELP FACILITATE THAT MEDIATION OR THAT DISCUSSION, WE WOULD APPRECIATE IT.

WE WOULD BE HAPPY TO HELP.

THANKS.

OKAY. SO COUNCIL, GOOD GOVERNMENT IS ABOUT TO BREAK OUT.

Slusher: I WILL MAKE A MOTION TO THE EFFECT OF WHAT I JUST SAID WHICH IS TO POSTPONE NUMBER 60 AND THE WEST UNIVERSITY CASES UNTIL NEXT WEEK AND I DON'T KNOW IF I CAN TAKE THIS UP INTO THE SAME MOTION. I THINK THE ONLY CONTESTED ONE THAT WE HAVE DONE, WE HAVE POSTPONED TRACT 30 UNTIL NEXT WEEK. AND THEN WE'VE -- THEN THERE WAS ONE THAT WAS INADVERTENTLY APPROVED THAT MR. JOSEPH WANTED TO CONTEST. SO I WOULD MOVE TO RECONSIDER THOSE AS WELL. MAY BE TWO SEPARATE MOTIONS.

I THINK IT'S TWO SEPARATE MOTIONS COUNCILMEMBER, BUT COUNCILMEMBER SLUSHER MOVES THAT WE POSTPONE FOR ONE WEEK TO SEPTEMBER 2nd, 2004, THOSE CONTESTED WEST UNIVERSITY ZONING TRACTS. SECONDED BY COUNCILMEMBER DUNKERLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

Slusher: I HOPE NOBODY WANTED TO FIGHT FOR DRIVING THROUGH THOSE TONIGHT.

THERE WERE JUST A FEW, COUNCILMEMBER. NEXT UP WILL BE TOM BOLT FROM NEIGHBORHOOD PLANNING AND ZONING --

Slusher: IN ORDER TO BE FAIR --

Mayor Wynn: COUNCILMEMBER SLUSHER MAKES A MOTION TO RECONSIDER MOTIONS 56 AND 57. I'LL SECOND THAT.

FURTHER COMMENTS? ALL THOSE IN FAVOR OF  
RECONSIDERATION PLEASE SAY AYE.

AYE.

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

TOM BOLT -- EXCUSE ME, WILL BE UP TO PRESENT THE  
NORTH UNIVERSITY.

Mayor Wynn: I WILL ENTERTAIN A MOTION, A NEW MOTION  
HOW ABOUT A COMBINED MOTION ON TRACTS 56 AND 57 AS  
OUTLINED BY STAFF EARLIER. ADDING TO THE EXCEPTED  
TRACTS, TRACT 40 IN THE WEST UNIVERSITY PLAN AREA.

ISN'T THAT THE CONTESTED -- WHAT I WAS THINKING WAS  
TO BE FAIR, SINCE THAT WAS INADVERTENTLY PUT IN WITH  
THE UNCONTESTED ONES, IT WAS -- IT REALLY WAS  
CONTESTED AS WE DISCOVERED, WE SAID WELL WE'RE NOT  
GOING TO TAKE IT BACK UP. IF WE ARE GOING TO TAKE THE  
REST OF THESE CONTEST THE ONES NEXT WEEK, I WOULD  
THINK IT WOULDN'T BE FAIR TO HAVE ONE CONTESTED THAT  
WE PASS TONIGHT.

I AGREE. THE MOTION THAT I WAS ASKING FOR AND  
OUTLINING I THINK ACCOMPLISHES THAT. THAT IS I'LL  
ENTERTAIN A COMBINED MOTION ON ITEMS 56 AND 57 AS  
OUTLINED EARLIER BY STAFF, ADDING TO THE EXCEPTED  
TRACTS, TRACT 40.

Slusher: I UNDERSTAND NOW, THANK YOU.

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

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. I WILL  
ENTERTAIN A MOTION TO POSTPONE TRACT 40 OF THE WEST  
UNIVERSITY PLAN ONE WEEK TO SEPTEMBER 2nd, 2004.

SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER  
MCCRACKEN, SECONDED BY COUNCILMEMBER SLUSHER,  
ALL IN FAVOR.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. WE  
NOW GO TO THE NORTH UNIVERSITY. THANK YOU VERY  
MUCH.

GOOD EVENING, MAYOR, COUNCILMEMBERS, MY NAME IS  
TOM BOLT WITH NEIGHBORHOOD PLANNING AND ZONING  
DEPARTMENT. I'M HOPEFUL OF WALKING YOU THROUGH  
AGENDA ITEM NO. 58 THIS EVENING. FIRST ON THE AGENDA  
REQUIRING YOUR ACTION IS TO APPROVE THE  
NEIGHBORHOOD CONSERVATION COMBINING DISTRICT, THE  
NCCD, FOR THE NORTH UNIVERSITY NEIGHBORHOOD  
PLANNING AREA ON THIRD READING AS APPROVED ON  
SECOND READING, EXCEPT FOR THE FOLLOWING TRACTS:  
APD 843, APD 862 A, GDS 716, RDE 797, RDW 739 A, RDW 748  
A, SD 874, SDA 80 A, [INDISCERNIBLE] 4 D. THE LISTED  
PROPERTIES ARE THOSE THAT ARE EITHER CONTESTED OR  
HAVE ADDITIONS OR MODIFICATIONS SINCE SECOND  
READING. THE VOTES REQUIRED TO APPROVE THE PLAN  
ARE 4.

SO COUNCIL CAN KEEP UP WITH YOU, WHAT PAGE ARE YOU  
ON, TOM.

I'M ON PAGE 15, I'M SORRY. COUNCIL I'LL ENTERTAIN A  
MOTION OF ITEM 58 TO APPROVE THE NCCD FOR NORTH  
UNIVERSITY FOR THOSE UNCONTESTED TRACTS ON THIRD  
READING.

SO MOVE.

MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED  
BY COUNCILMEMBER THOMAS. FURTHER COMMENTS?  
HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. --

Slusher: I WANT TO MAKE SURE THAT I UNDERSTAND. IT SAYS

SEE FOLLOWING PAGES FOR THE SPECIFICS OF THESE TRACTS. BUT I THINK THE FOLLOWING PAGES ARE THEN THE CONTESTED CASES, RIGHT? 3108 HELMS, THAT'S CONTESTED, RIGHT?

3108 HELMS WAS CONTESTED. THE NEIGHBORS, COUNCILMEMBER DUNKERLY HAD MADE A RECOMMENDATION TO MAINTAIN THE C.S. ZONING, ADD THE NCCD N.P. BUT ALSO ASKED THAT THE NEIGHBORHOOD AND THE OWNER GET TOGETHER FOR TO TRY TO RESOLVE THE ISSUE. THE ISSUE HAS BEEN RESOLVED. THE ZONING IS A LITTLE BIT DIFFERENT THAN WHAT COUNCILMEMBER DUNKERLY MADE A MOTION FOR. THE AGREEMENT THAT HAS BEEN REACHED HAS RESULT UNDERSTAND A VERBAL WITHDRAWAL OF THE PETITION. BUT THE BASE ZONING DISTRICT WILL REMAIN KNOW-NCCD-N.P., BUT WE HAVE MODIFIED THE IMPERVIOUS COVER AND THE BUILDING SETBACKS TO ACCOMMODATE THE PROPERTY OWNER'S NEEDS.

Slusher: IS THIS THE ONE THAT WAS SURROUNDED ON ALL SIDES --

VERY SMALL PIECE OF PROPERTY.

Slusher: I RECALL THAT ONE, OKAY.

Mayor Wynn: AGAIN A MOTION AND A SECOND ON THE TABLE TO APPROVE THE NCCD FOR THE NORTH UNIVERSITY NEIGHBORHOOD PLANNING AREA, THOSE NON-CONTESTED TRACTS ON THIRD READING. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU. THE NEXT ITEM IS THE ONE THAT WE HAVE JUST BRIEFLY SPOKE ABOUT, TRACT SD 880 A. AGAIN, COUNCILMEMBER DUNKERLY HAD MADE A MOTION TO HAVE THE ZONING AT C.S.-NCCD-N.P. THE APPLICANT HAS MET WITH THE NEIGHBORHOOD AND STAFF IS SUPPORT OF MAINTAINING THE NO-NCCD-N.P. WITH THE FOLLOWING

CHANGES. ADD TO PARK 8.8 ON TRACT SD 880 A THE MINIMUM FRONT SETBACK IS FIVE FEET, THE MINIMUM SIDE SETBACKS ARE ZERO, AND THE MAXIMUM BUILDING AND TOTAL IMPERVIOUS COVER IS 95%. AGAIN, THIS IS AN AGREEMENT THAT HAS BEEN REACHED BY ALL PARTIES.

WHAT PAGE IS THAT ON?

16. AND SO THEREFORE --

PAGE 16.

Mayor Wynn: THEREFORE IT DOES REQUIRE SIX VOTES.

WELL THE NCCD WOULD REQUIRE SIX VOTES CHANGE IN THE ZONING. SO YOUR MOTION TONIGHT WOULD INCLUDE THE FUTURE LAND USE FOR OFFICE MIXED USE, THE ZONING FOR N.O.-NCCD-N.P. AND WOULD REQUIRE SIX VOTES.

Mayor Wynn: REMIND ME WHY IS THAT IF THERE'S AN AGREEMENT BETWEEN ALL PARTIES.

BECAUSE WHAT WE ARE PROPOSING TONIGHT IS DIFFERENT THAN WHAT THE MOTION BY COUNCIL WAS FOR LAST WEEK. I'M NOT SURE IF THAT WOULD REQUIRE THE SIX OR THE FOUR.

THERE'S NO LONGER A VALID PETITION.

WE DON'T HAVE WRITTEN VERIFICATION OF THAT. BUT THE PROPERTY OWNER HAS VERBALLY.

MR. AARON YOU WANT TO ADDRESS IT OR ARE YOU JUST CONFIRMING.

WE HAVE AN AGREEMENT.

FOUR VOTES IS ALL REQUIRED ON THIRD READING.

THE PROPERTY OWNER IS STATING FOR THE RECORD THAT THE PETITION IS WITHDRAWN, IT REQUIRES FOUR VOTES.

MOTION MADE AND SECONDED TO APPROVE STAFF

RECOMMENDATION INCLUDES BOTH THE FUTURE LAND USE DESIGNATION AND THE PLANNING AND THE ZONING. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THE NEXT CASE IS -- IS THE PRESBYTERIAN SEMINARY. TRACTS WCD 894 A, 896, 897. THIS IS NOT A PETITION CASE BUT MODIFICATIONS TO THE ZONING SINCE WE MET LAST AND HAD A SECOND -- A SECOND READING APPROVAL. I WOULD LIKE TO READ INTO THE MINUTES THE CHANGES THAT ARE PROPOSED FOR THE ORDINANCE. ADD TO PART 5 A USE CHART FOR WALLER CREEK SEMINARY, 7 ADD AP TWO FOR THE FOLLOWING, ADMINISTRATIVE AND BUSINESS OFFICES, COMMUNICATION SERVICES, CONSUMER CONVENIENCE SERVICES, FOOD PREPARATION, FOOD SALES, AND HOTEL MOTEL. ADD TO PART 5 A USE CHART FOR WALLER CREEK SEMINARY 7 C 2 FOR FINANCIAL SERVICES. THE C INDICATING A CONDITIONAL USE PERMIT REQUIRED. ADD TO PART 5 A 2 THAT THE TOTAL COMMERCIAL USES FOR WALLER CREEK SEMINARY TRACT 7 SHALL NOT EXCEED 10,000 SQUARE FEET. ADD TO THE SECTION THAT NO DISPLAY WINDOWS OR SIGNS FOR COMMERCIAL SERVICE USES ARE PERMITTED, VISIBLE FROM 30th STREET. ADD HOTEL MOTEL USE BE LIMITED TO THE TEMPORARY USE OF RESIDENTIAL FACILITIES THAT ARE ESTABLISHED THAT HOUSE THE SEMINARY FACULTY, STUDENTS AND STAFF. ADD NO COMMERCIAL BUILDING ENTRANCES OR SIGNS MAY BE PRESENT ON OR VISIBLE FROM 30th STREET. ADD TO PART 6, 6.1 WILL APPLY TO DISTRICT 7. A PEDESTRIAN ORIENTED USE, CIVIC USE OR HABITABLE SPATIAL BE LOCATED AT THE FRONT OF THE BUILDING ON THE GROUND FLOOR. ALSO ADD PROVIDE EXEMPTION FOR THE SEMINARY PROPERTY TO 6.8 C 3 TO THE MAXIMUM DRIVEWAY WIDTH REQUIREMENT. AND TO ADD THAT ALL OTHER PROVISIONS OF PART 6 DO NOT APPLY TO TRACTS 7 AND 7 A OF THE WALLER CREEK SEMINARY DISTRICT. SITE DEVELOPMENT STANDARDS, THE F.A.R. FOR DISTRICT 7 A IS 2 TO 1. WE ARE GOING TO TELL LET PARAGRAPH 9 IN PART 13 WHICH

STATES IN DISTRICT 7 A BUILDING SHALL FRONT ON TO 30th STREET. ADD TO PARAGRAPH 10 THE MINIMUM SITE AREA FOR MULTI-FAMILY USES FOR THE WALLER CREEK 7 DISTRICT SHOULD BE THE SAME AS THE M.F. 4 FOR THE WALLER CREEK 7 A DISTRICT. THEREFORE MULTI-FAMILY USES TO TRACT 7 AND EFFICIENCY APARTMENT WOULD REQUIRE 700 SQUARE FEET OF SITE AREA. A ONE BEDROOM 800 SQUARE 800800 SQUAREFEET OF SITE AREA ... [INDISCERNIBLE] 4 BEDROOM 1100, 5 BEDROOM 1200 SQUARE FEET AND SIX BEDROOMS 1300 SQUARE FEET. WE ALSO WENT TO ADD THE SETBACKS, THE FRONT SETBACK ON 27th STREET FOR THE BUILDINGS ON TRACT 7 A SHOULD BE AS AS FOLLOWS. THE LIBRARY AT FIVE FEET, CHAPEL AT ZERO, ADMINISTRATION AT 0, THESE REPRESENT THE ACTUAL SETBACKS THAT CURRENTLY EXIST. YOUR MOTION TONIGHT, SHOULD YOU CHOOSE TO APPROVE THIS, WOULD - - WOULD BE FOR A CIVIC LAND USE, WITH THE ADDITIONS, THE ZONING WOULD BE M.F. 3 AND M.F. 4 AND M.F. 5 ON THESE PARCELS. THIS IS UNCONTESTED AND WOULD ONLY REQUIRE FOUR VOTES.

MY GUESS IS THE -- THE OWNER'S AGENT MUST WORK BY THE HOUR. [LAUGHTER]

I'LL ENTERTAIN A MOTION.

Dunkerly: I HAVE A QUESTION. THERE'S ALSO A RESTRICTIVE COVENANT. I COULDN'T FOLLOW ALL OF THESE DETAILS THAT YOU WERE LISTING, BUT DO THEY COVER ALL OF THE POINTS OF THIS RESTRICTIVE COVENANT IN THE ORDINANCE?

THAT'S THE -- WE ARE TALKING ABOUT THE PRESBYTERIAN, I THINK THAT'S THE EPISCOPAL SEMINARY.

WRONG SEMINARY, OKAY. NO WONDER I COULDN'T TRACK IT.

I HAVE DONE IT SEVERAL TIMES.

I WAS WORKING HARD, I COULDN'T FIND ANYTHING TO GO WITH IT [LAUGHTER] ALL RIGHT, THANKS, WE'LL HOLD ON

THAT ONE THEN.

Mayor Wynn: I'LL ENTERTAIN A MOTION ON THIS UNCONTESTED TRACT. MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER SLUSHER TO CHANGE THE FUTURE LAND USE TO CIVIC AND ADD THE AMENDMENTS AS OUTLINED BY STAFF. ON THE ZONING. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. NEXT WE HAVE TRACT APD 843 LOCATED AT 30043004 FRUTH STREET. THE PLANNING COMMISSION AND COUNCIL APPROVE ODD SECOND READING G.R.-NCCD-N.P. THE PROPERTY OWNER IS REQUESTING THAT HE MAINTAIN HIS C.S. ZONING. THERE IS A VALID PETITION AND THAT WOULD REQUIRE SIX AFFIRMATIVE VOTES TO OVERRIDE THE PETITION. AGAIN WE ARE LOOKING AT A FUTURE LAND USE OF COMMERCIAL MIXED USE. AND ZONING OF G.R.-NCCD-N.P. DO YOU HAVE ANY QUESTIONS?

QUESTIONS OF STAFF, COUNCIL? WOULD YOU MIND POINTING OUT THE TRACT FOR US, PLEASE, SIR.

Mayor Wynn: THANK YOU. QUESTIONS, COMMENTS? IF NOT I'LL ENTERTAIN A MOTION ON TRACT APD 843.

MOVE APPROVAL OF STAFF RECOMMENDATION.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCracken TO APPROVE STAFF RECOMMENDATION.

Dunkerly: SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER DUNKERLY. AGAIN STAFF RECOMMENDATION THAT THE OWNER HAS THE PETITION AGAINST.

YES.

CORRECT.

Mayor Wynn: REQUIRES SIX VOTES COUNCIL ON THIRD READING. INCLUDING THE DESIGNATION OF THE FUTURE LAND USE AND THE ZONING AS OUTLINED.

YES.

Mayor Wynn: DO WE HAVE A FULL COUNCIL IN THE ROOM?

YES.

Mayor Wynn: FURTHER COMMENTS? MOTION AND A SECOND ON THE TABLE. THIRD READING. ALL IN FAVOR.

AYE.

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

NEXT WE HAVE TRACT APD 862 A. THIS IS LOCATED AT 2815 FRUTH. THE FUTURE LAND USE MAP IS SHOWN TO BE MIXED USE COMMERCIAL. THE COUNCIL ON THIRD READING APPROVED C.S.-NCCD-N.P. THERE IS A VALID PETITION ON THIS PROPERTY. THE PETITION BASICALLY IS IN OPPOSITION TO THIS PARTICULAR PROPERTY BEING LOCATED WITHIN TWO DIFFERENT DISTRICTS. WE HAVE NOT CHANGED THE BASE ZONING DISTRICT. BUT THEY ARE PETITIONING AGAINST THE ZONING AND -- AND IT'S DIFFICULT TO EXPLAIN WHY.

MAYOR?

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: I THINK WE ARE MISSING NINE PAGES IN OUR BOOK HERE. IT JUMPED FROM PAGE 21 TO PAGE 30. SO WE DON'T HAVE THIS ONE ON THE PACKET THAT WAS GIVEN TO US.

I'M SORRY, I DIDN'T --

THE HANDOUT WE HAVE IS MISSING NINE PAGES.

RIGHT. THERE'S TWO -- TWO DIFFERENT TRACTS  
IDENTIFYING THE PORTION --

I'M SAYING THIS PACKET HERE, PAGE 21, THEN IT'S PAGE 30.  
WE ARE MISSING NINE PAGES, WE DO NOT HAVE THE TRACT  
THAT YOU ARE DISCUSSING IN OUR PACKET.

OH.

Mayor Wynn: I THINK IT'S JUST YOU COUNCILMEMBER.

I DON'T HAVE IT. NO, SIR, IT IS NOT JUST THE OTHER LAWYER  
ON THE COUNCIL. THIS LAWYER DOESN'T HAVE IT, EITHER.  
[LAUGHTER]

McCracken: OKAY. TWO LAWYERS DON'T HAVE IT. MAYBE A  
MESSAGE IN THIS.

[LAUGHTER]

WE DID HAVE TROUBLE WITH THE COPIER TODAY.

COUNCILMEMBER ALVAREZ?

Alvarez: ARE WE COMPLAINING A.P.D. 843.

Mayor Wynn: 843. THIS IS ON PAGE 22. OF THE MOTION SHEET.

WE'RE ON TRACT NUMBER --

WE DON'T HAVE IT EITHER, APD-862 A, BOTTOM THE PAGE 23.

WHAT -- WHAT HAPPENED TO -- WHAT HAPPENED TO A.P.D.  
843? THAT'S WHAT I HAVE ON PAGE 21.

Mayor Wynn: THAT'S THE MOTION THAT WE JUST PASS ODD A  
7-0 VOTE, SORRY.

THE TOP OF PAGE 23 IS A CONTINUATION FROM PAGES 21  
AND 22.

COUNCIL NOW AT THE BOTTOM HALF OF PAGE 23, FOR  
THOSE OF YOU WHO HAVE ONE. TRACT A.P.D. --

CALL OUT THE NUMBER TO TRY TO TRACK IT ON OUR SHEET.  
I CAN DO THAT.

862 A.

862 A ON PAGE 23.

POINT THIS TRACT OUT ON THE MAP, PLEASE, SIR. [ONE  
MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: HE'S PROBABLY OPPOSING THE FACT THAT IT  
TAKES FOUR PAGES TO OUTLINE THE MOTION FOR THIS --

Slusher: I MOVE APPROVAL OF --

McCracken: I MOVE APPROVAL OF STAFF RECOMMENDATION.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN TO  
APPROVE ON THIRD READING FUTURE LAND USE AND THE  
STAFF RECOMMENDED ZONING CHANGE AS OUTLINED. I'LL  
SECOND THAT. FURTHER COMMENTS? IT REQUIRES SIX  
VOTES ON THIRD READING. ALL THOSE IN FAVOR, PLEASE  
SAY AYE.

AYE.

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

TRACT GDS 717, WHICH IS AT THE LOWER HALF OF PAGE  
PAGE 26 IS THE SOUTHERLY PORTION OF THIS SAME  
PROPERTY YOU JUST VOTED ON. AGAIN, THERE IS A VALID  
PETITION AGAINST THE NS, NCCD. IT WOULD REQUIRE SIX  
VOTES.

MAYOR, ON THIS ONE, THE OWNER IS OBJECTING TO BEING  
PART OF THE TWO DISTRICTS, SO WE NEED TO MAKE SURE  
THAT YOUR MOTION INCLUDES -- THE CODE REQUIRES THAT  
SOMEONE WHO OBJECTS TO BEING PART OF AN NCCD HAS  
TO BE AFFIRMATIVELY INCLUDED IN THE NCCD. SO THE  
MOTION NEEDS TO HAVE THAT UNDERSTANDING.

Mayor Wynn: THANK YOU. QUESTIONS, COMMENTS, COUNCIL?

McCracken: IS THIS THE SECOND ZONING PORTION OF 862-A?

IT'S A SOUTHERLY PIECE OF THE SAME PROPERTY. IT'S LOCATED IN THE GUADALUPE DISTRICT VERSUS THE ADAMS PARK DISTRICT.

McCracken: I'LL MOVE APPROVAL OF THIS ALSO.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN.

McCracken: STAFF RECOMMENDATION, WITH THE AFFIRMATIVE INCLUSION OF THIS TRACT IN THE NCCD.

Mayor Wynn: SECONDED BY THE MAYOR PRO TEM FOR THE FUTURE LAND USE AND THE STAFF RECOMMENDED ZONING ON THIRD READING WITH THE NOTATION OF ITS INCLUSION IN THE NCCD. FURTHER QUESTIONS? MAYOR PRO TEM.

Goodman: NOT A QUESTION. IT'S TOO LATE TO START IT NOW, BUT MAYBE WHAT WE SHOULD HAVE DONE FOR CLARIFICATION IS WITH EACH MOTION MENTION WHETHER IT'S THE SAME AS WE DID ON FIRST OR SECOND. AND THIS IS THE SAME AS FIRST AND SECOND.

IT WOULD BE THE SAME MOTION AS FIRST AND SECOND.

Goodman: I DON'T KNOW IF EVERYBODY IS FOLLOWING WHAT WE'RE DOING EXACTLY.

Mayor Wynn: THANK YOU. MOTION AND SECOND ON THE TABLE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

NEXT WE HAVE TRACT RVE 797, THE FUTURE LAND USE MAP

IS SINGLE-FAMILY. CURRENT ZONING IS SF. WE ARE PROPOSING SF-3, NCCD, NP. THE PROPERTY OWNER HAS SUBMITTED A VALID PETITION AGAINST BEING PART OF THE NCCD, SO YOUR MOTION ON THIS PARTICULAR CASE WOULD NEED TO INCLUDE THE FUTURE LAND USE AS SINGLE-FAMILY. THE ZONING SF-3 NCCD, NP AND ITS INCLUSION IN THE NCCD.

AND IT DOES REQUIRE SIX VOTES.

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

Alvarez: MOVE APPROVAL, MAYOR, OF STAFF RECOMMENDATION.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY THE MAYOR PRO TEM TO APPROVE ALL OF THE STAFF RECOMMENDATION, FUTURE LAND USE ZONING ON THIRD READING AND AFFIRMATIVE INCLUSION IN THE NCCD. THIS IS TRACT RDE 797. VALID PETITION REQUIRING SIX VOTES ON THIRD READING. FURTHER COMMENTS? ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

MAYOR, I APOLOGIZE. I WAS SCRAMBLING BECAUSE I WAS TRYING TO GET MY SHEET CAUGHT UP WITH WHAT EVERYONE ON THE DAIS HAD. ON GDS 716, THE MOTION INCLUDED THE AFFIRMATIVE STATEMENT THAT THIS TRACT WOULD BE INCLUDED. ON THE A.P.D. 872-A FRUIT STREET, THAT MOTION ALSO NEEDS TO REFLECT THAT IT WAS -- THAT WE ARE AFFIRMATIVELY INCLUDING THIS TRACT IN THE NCCD. AND I PRESUME THAT THE MOTION THAT WAS MADE BY COUNCIL INDEED DID INCLUDE THAT.

YEAH, THAT'S MY INTENTION.

Mayor Wynn: THIS WAS MY UNDERSTANDING.

THANK YOU VERY MUCH.

NEXT WE HAVE TRACT RDW 739-A. THE EXISTING ZONING IS MF-4. THE NCCD, THE NEIGHBORHOOD PLAN RECOMMENDS

AND WAS APPROVED SECOND AND THIRD READING SF-3-NCCD-NP. THE PROPERTY OWNER IS REQUESTING TO MAINTAIN THE MF-4 ZONING. WE HAVE NOT VALIDATED THE PETITION, BUT WOULD LIKE TO PROCEED AS IF THERE WAS ONE, WHICH WOULD REQUIRE SIX AFFIRMATIVE VOTES TO OVERRIDE.

Slusher: MAYOR. I'D JUST ASK THE ADDRESS NUMBERS AREN'T BEING STATED, JUST THE TRACT NUMBERS, SO IF WE COULD SAY THE ADDRESS SO TO MAKE IT EASIER FOR THE CITIZENS TO FOLLOW ALONG.

THAT PARTICULAR ADDRESS IS 405 WEST 35TH STREET.

Mayor Wynn: ACTUALLY, THE CROWD IS STARTING TO DWINDLE. THIS IS GOOD...

Slusher: [ INAUDIBLE ].

Mayor Wynn: COUNCIL, ON WE'RE NOW ON 405 WEST 35TH STREET. FURTHER COMMENTS FROM STAFF -- FURTHER QUESTIONS FROM STAFF? COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION.

Alvarez: [ INAUDIBLE ].

Mayor Wynn: MOTION BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE STAFF RECOMMENDATION. THIS IS THE LAND USE -- THE ZONING ON THIRD READING AND THE AFFIRMATIVE INCLUSION IN THE NCCD. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

NEXT WE HAVE TRACT RDW 748-A, LOCATED AT 4405 CEDAR STREET. CE NEED -- CURRENT ZONING IS MF-3. COUNCIL APPROVED A SECOND AND THIRD READING. YOUR MOTION TONIGHT SHOULD INCLUDE A FUTURE LAND USE OF SINGLE-FAMILY. THERE IS A VALID PETITION AND IT WOULD REQUIRE SIX VOTES.

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL? COMMENTS?

AGAIN, WE'RE ON 3405 CEDAR STREET.

THAT'S CORRECT.

Mayor Wynn: I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER ALVAREZ -- SORRY, MCCrackEN. SECONDED BY THE MAYOR PRO TEM TO APPROVE STAFF RECOMMENDATION OF TRACT RDW 748-A, 3405 CEDAR STREET. IT INCLUDES THE FUTURE LAND USE DESIGNATION, ZONING ON THIRD READING AS RECOMMENDED BY STAFF AND THE AFFIRMATIVE INCLUSION IN THE NCCD. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

NEXT WE HAVE TRACT SD 874, LOCATED AT 3410 AND 3412 SPEEDWAY. THE COUNCIL HAS BOTH SECOND AND THIRD READING APPROVED MF-1, NCCD-NP. THE FUTURE LAND USE MAP SHOULD SHOW MULTI-FAMILY. THERE IS A VALID PETITION, AND THE OWNER IS REQUESTING MAINTENANCE OF HIS MF-4 ZONE. IT WOULD REQUIRE SIX VOTES IF YOU HAVE ANY QUESTIONS.

Mayor Wynn: WOULD YOU MIND POINTING THIS TRACT OUT FOR ME, PLEASE? AND IF ANY OF THESE OWNERS HAPPEN TO BE HERE, THESE OWNERS THAT HAVE FILED VALID PETITIONS ON THESE ZONINGS, COUNCIL LIKELY WOULD RECOGNIZE THEM AS HERE AND ASK THEM QUESTIONS. SO PLEASE IDENTIFY YOURSELF AS THE TRACT COMES UP. QUESTIONS, COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION.

Goodman: MAYOR.

Mayor Wynn: MAYOR PRO TEM.

Goodman: MOVE MF-1-NCCD-NP AS WE DID BEFORE, SAME AS FIRST AND SECOND.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER ALVAREZ TO APPROVE WHAT IS ULTIMATELY THE STAFF RECOMMENDATION ON THIS TRACT.

MAYOR? WELCOME, MR. BENNETT.

JIM BEN KNIT, I'M HERE ON BEHALF OF THE OWNER OF THE PROPERTY OWNER IN QUESTION. THE PROPERTY IS DEVELOPED AND MR. GILL'S CONCERNS IS THAT THE PROPERTY SHOULD BE DESTROYED BY CASUALTY LOSS, THEN HE WOULDN'T BE ABLE TO REBUILD WHAT HE CURRENTLY HAS UNDER THE CODE. SO THEREFORE THAT'S THE REASON HE'S OPPOSING THIS ZONING CHANGE ROLL BACK.

Mayor Wynn: THANK YOU, MR. BENNETT. IT'S A COMMON ISSUE ACROSS TOWN.

IF I COULD FOLLOW-UP WITH THAT. THE PROPERTY IS CURRENTLY DEVELOPED WITH DUPLEX USE TO MF STANDARDS. SO IT'S A SINGLE-FAMILY USE, DUPLEX USE, BUT THE PROPERTY IS DEVELOPED TO THE MF STANDARDS.

Mayor Wynn: BUT THIS REZONING TAKES IT TO MF --

MF-1.

Mayor Wynn: MOTION AND A SECOND ON THE TABLE TO APPROVE STAFF RECOMMENDATION, 3410, 3412 SPEEDWAY ONLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

NEXT WE HAVE TRACT SE 844-D, 3002 SPEEDWAY 206 EAST 30TH STREET. STAFF HAS RECOMMENDED MF-4-NCCD-NP. THE COUNCIL HAS THROUGH SECOND READING APPROVED MF-4-NCCD- NP. THERE IS A VALID PETITION ON THIS PROPERTY. WE ASK THAT YOUR MOTION TONIGHT INCLUDE THE LAND USE AS MULTI-FAMILY-MF-4-NCCD AND IT DID REQUIRE SIX VOTES.

Mayor Wynn: AND NP, CORRECT?

YES, I'M SORRY.

Mayor Wynn: AND THE PROPERTY OWNER RECOMMENDATION ALSO IS MF-4, BUT I GUESS BECAUSE OF THE NCCD...

THE NCCD LIMITS THE HEIGHT FROM 60 FEET TO 40 FEET. SO HIS OPPOSITION WOULD BE TO THE LIMIT THAT THE NCCD HAD PLACED.

Mayor Wynn: AND THE PROPERTY IS CURRENTLY BUILT OUT AS?

CURRENTLY IT HAS A TRIPLEX ON IT.

Mayor Wynn: FURTHER QUESTIONS?

WE HAVE HAD MEETINGS WITH THE PROPERTY OWNER AND THEY'RE COMFORTABLE WITH THIS, BUT THEY HADN'T WITHDRAWN THEIR VALID PETITION.

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

Dunkerley: MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY. I'LL SECOND THAT, WHICH IS THIS IS FOR 3002 SPEEDWAY AND 206 EAST 30TH ONLY, TRACT SD 884-D, STAFF RECOMMENDATION, BOTH THE FUTURE LAND USE DESIGNATION AND THE ZONING ON THIRD READING. IT REQUIRES SIX VOTES. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

NEXT WE HAVE TRACT RDW 745, 3709 CEDAR STREET. THE EXISTING ZONING IS MF-4. THE COUNCIL ON SECOND READING APPROVED MF-2, NCCD-NP. THE OWNER HAS FILED A VALID PETITION, IS REQUESTING TO RETAIN HIS MF-4 ZONING. YOUR MOTION TONIGHT SHOULD INCLUDE A

FUTURE LAND USE MAP, INDICATION FOR MULTI-FAMILY.

AND IT WOULD REQUIRE SIX VOTES.

Mayor Wynn: QUESTIONS, COUNCIL? I'LL ENTERTAIN A MOTION.

Thomas: I MAKE A MOTION TO PASS ON STAFF RECOMMENDATION.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER SLUSHER TO APPROVE THE STAFF RECOMMENDATION. THAT'S THE FUTURE LAND USE DESIGNATION OF MULTI-FAMILY AND THE ZONING AND PLATTING COMMISSIONING ON THIRD READING. THIS IS 3709 CEDAR TRACT, TRACT RDW 745. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THERE SHOULD BE AN ADDENDUM WITH YOUR PACKETS THAT INCLUDES TWO MORE PROPERTIES. SGD 885-A.

Mayor Wynn: WE'RE READY.

I'M SORRY, S J. D. 885-A. THE PROPERTY ADDRESSES 3007 THROUGH 3011 SPEEDWAY. THE REQUEST IS FOR MF-4-NCCD -- STAFF RECOMMENDATION AND COUNCIL'S APPROVAL ON SECOND READING WAS MF-4-NCCD. THERE'S A MODIFICATION BASICALLY THAT HAS BEEN REQUESTED, AND THAT IS TO CHANGE THE ALLOWABLE FLOOR AREA RATIO TO ONE TO 1.17, AND TO ALLOW THE OVERALL IMPERVIOUS COVER AT 76%. THERE IS NO VALID PETITION.

Mayor Wynn: MEANING OBVIOUSLY THE OWNER IS NOT IN OPPOSITION.

RIGHT.

Mayor Wynn: THIS REQUIRES FOUR VOTES ON THIRD

READING. I'LL ENTERTAIN A MOTION ON 3007 TO 30113011  
SPEEDWAY. MOTION MADE BY COUNCILMEMBER  
MCCRACKEN, SECONDED BY COUNCILMEMBER ALVAREZ TO  
APPROVE STAFF RECOMMENDATION, THE FUTURE LAND USE  
DESIGNATION AND ZONING ON THIRD READ AS OUTLINED.  
FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR  
PLEASE SAY AYE.

AYE.

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

NEXT WE HAVE TRACTS SV 882, SD 882-A, SD 883 AND SD 883-  
A. THIS IS NOT A PETITIONED PROPERTY, BUT WE'RE  
SEEKING TO MAKE SOME CHANGES TO WHAT WAS  
APPROVED ON THE SECOND READING. THE ZONINGS ON  
THESE TRACTS ARE CS-NCCD-NP AND MF-4-NCCD-NP. THE  
FUTURE LAND USE MAP REMAINS COMMERCIAL MIXED USE.  
AND WHAT WE'RE SEEKING TO CHANGE IS PART 8.7-A TO  
READ THE GROSS SQUARE FOOTAGE TO BE 58,652 SQUARE  
FEET. AND THAT'S THE ONLY CHANGE.

AND THE PROPERTY OWNER AND NEIGHBORHOOD HAVE  
REACHED AGREEMENT ON THIS TRACT?

YES. AGAIN, IT WAS NOT A PETITIONED PROPERTY.

Mayor Wynn: THANK YOU. I'LL ENTERTAIN A MOTION.

Dunkerley: MOVE APPROVAL OF THE STAFF  
RECOMMENDATION, INCLUDING THE CHANGE IN SQUARE  
FOOTAGE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER  
DUNKERLEY. I'LL SECOND THAT FOR STAFF  
RECOMMENDATION, FUTURE LAND USE DESIGNATION AND  
ZONING ON THIRD READING AS OUTLINED BY STAFF.  
FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR  
PLEASE SAY AYE.

AYE.

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

AND LAST, WHICH CAME TO ME ACTUALLY THIS EVENING BEFORE WE BEGAN PRESENTING, WAS TO ADD TO PART 112-C, A NUMBER 6 THAT STATES PART 5.3-C DOES NOT APPLY, AND THAT HAS TO DO WITH SOME PROPERTIES IN THE GUADALUPE DISTRICT. THERE IS NO OPPOSITION TO THIS REQUIREMENT, AND WE WOULD JUST NEED FOUR COUNCILMEMBER VOTES TO APPROVE IT.

Mayor Wynn: THIS IS REGARDING A PARTICULAR TRACT OR A DESIGNATION --

IT'S A DESIGNATION WITHIN THE GUADALUPE DISTRICT THAT WE'RE GOING TO ADD TO PART 11.2-C A NUMBER 6 THAT SAYS PART 5.3-C DOES NOT APPLY.

TOM, CAN YOU EXPLAIN THE EFFECT OF THAT? WHAT IS PART 53, WHATEVER IT IS?

I'M GOING TO LET -- IF YOU PLEASE, KAREN MCGRAW, THIS WAS SOMETHING BROUGHT TO ME QUICKLY THIS EVENING.

THE NEIGHBORHOOD -- THIS IS KAREN MCGRAW REPRESENTING NORTH UNIVERSITY NEIGHBORHOOD ASSOCIATION. THE NEIGHBORHOOD HAS DISCUSSED A SUBSTANTIAL PROJECT ON GUADALUPE, AND THERE WERE A NUMBER OF PROVISIONS THAT WERE ALL WRITTEN INTO THE NCCD AT THIS TIME, AND IT WAS DISCOVERED TODAY THAT THERE'S ONE GENERAL PROVISION THAT CONFLICTS WITH WHAT HAS BEEN AGREED TO BECAUSE THIS BUILDING HAS SO MUCH HOUSING, IT WILL HAVE MORE THAN THREE-QUARTERS HOUSING AND NOT 25% RETAIL, WHICH IS WHAT WE HAVE FOR THE REST OF THE STREET. SO WE'RE JUST EXEMPTING THAT ONE PROVISION FOR THIS HALF BLOCK ACTUALLY.

Mayor Wynn: SO THE OWNER IS IN AGREEMENT WITH THIS?

YES, YES. THE AGENT HAS BEEN WORKING WITH THE

OWNER AND CALLED AND JUST NOTICED THIS IN THE CODE TODAY. AND SO IT CONFLICTS WITH THE AGREEMENT THAT WAS MADE, SO WE'RE JUST ASKING THAT IT BE CORRECTED FOR THAT PROJECT.

Mayor Wynn: THANK YOU.

Slusher: MAYOR? DID WE MOVE OFF THE SHEETS HERE OR WHERE ON THE SHEETS IS THIS ONE?

WE ARE OFF THE SHEETS. [ LAUGHTER ] THIS IS SOMETHING HANDED TO ME --

Slusher: IT'S HARD ENOUGH KEEPING UP WITH THAT. [ LAUGHTER ]

THIS INFORMATION WAS GIVEN TO ME JUST PRIOR TO OUR PRESENTATION THIS EVENING.

Mayor Wynn: MS. TERRY, ARE YOU COMFORTABLE WITH WHAT WE'RE DOING HERE?

I HAVE SUFFICIENT DIRECTION. HE'S GIVEN ME EXACTLY WHAT I NEED TO DO IN THE ORDINANCE. I JUST NEED TO MAKE SURE THAT COUNCIL UNDERSTANDS THE EFFECT OF WHAT IT IS THEY'RE DOING.

Slusher: I WOULD APPRECIATE A RECAP MYSELF.

WHAT WE'RE DOING TO PART 112-C IN THE ORDINANCE --

TOM, WHAT IS PART 112-C OF THE ORDINANCE?

IT IS THE GUADALUPE DISTRICT. IT'S THE GENERAL PROVISIONS IN THE GUADALUPE DISTRICT.

OKAY. AND WHAT IS THAT SPECIFIC PROVISION?

WHAT IT DOES IS LIMITS THE AMOUNT OF HOUSING, I BELIEVE, ON A PARTICULAR -- I NEED TO GET SPECIFIC HERE, IF YOU CAN BEAR WITH ME FOR JUST A MOMENT.

ALVAREZ: I HAD A QUESTION. IS THIS CHANGING SOMETHING WE ALREADY APPROVED OR NOT.

THIS IS CHANGING THE GENERAL PROVISION THAT YOU HAVE ALREADY APPROVED ON SECOND READING, AS I UNDERSTAND IT.

THAT'S CORRECT.

NOW, THIS GENERAL PROVISION WAS NOT INCLUDED IN THE OMNIBUS ACTION THAT THE COUNCIL TOOK EARLIER ON THE UNCONTESTED PROVISIONS?

THIS WAS NOT ADDRESSED EARLIER THIS EVENING. THIS IS NOT AN UNCONTESTED CASE. THIS IS JUST NEW INFORMATION TO BE ADDED TO.

WELL, I THINK THE COUNCILMEMBER'S QUESTION IS THAT WHEN WE PRESENT THESE PLANS TO COUNCIL, WHAT WE DO IS WE SAY WE HAVE -- WE WANT YOU TO ADOPT EVERY PART OF THIS ORDINANCE EXCEPT FOR THE CONTESTED PROPERTY. WAS THIS PROVISION IN THE FIRST PART OF THE ORDINANCE THAT THEY ADOPTED BEFORE THEY GOT TO THE CONTESTED PROVISIONS?

THIS PROVISION WAS NOT IN THE ORDINANCE. THIS IS BEING ADDED TO THE ORDINANCE OR A REQUEST TO ADD IT AT THIS POINT.

AND IF IT'S A GENERAL PROVISION, THEN I DON'T UNDERSTAND WHY WE'RE ASKING IF A PROPERTY OWNER IS IN AGREEMENT BECAUSE A GENERAL PROVISION WOULD AFFECT MORE THAN ONE PROPERTY OWNER.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: MY UNDERSTANDING IS THAT THE ORIGINAL PROVISION 7525, BUT THERE'S ONE PROPERTY THAT'S A MIXED USE PROPERTY AND IT'S ACTUALLY 7723, SO WE HAVE TO CARVE OUT AN EXCEPTION FOR THIS ONE PROPERTY, THIS ONE NEIGHBORHOOD PROPERTY, IS THAT RIGHT? IS

THAT THE RAY'S STEAK HOUSE SITE?

NO. THIS IS ON THE EAST SIDE OF GUADALUPE. THIS IS BEHIND THE VILLAS OF GUADALUPE. AND THE GENERAL PROVISION 3.5. C IS IN THE CODE THAT YOU ADOPTED, IS IN THE NCCD. ALL WE'RE DOING IS WHEN WE GET IN THE GUADALUPE DISTRICT, THERE'S A SET OF PROVISIONS FOR FOUR TRACT NUMBERS, AND WE'RE JUST EXEMPTING OUT THAT ONE GENERAL PROVISION FROM THAT ONE PROJECT, LIKE YOU SAID. THAT'S ALL WE'RE DOING WITH THIS ITEM.

McCracken: I'LL MOVE APPROVAL FOR THAT EXEMPTION FOR THAT -- ONE PROPERTY OR FOUR PROPERTIES?

IT HAS FOUR TRACT NUMBERS.

Slusher: FROM WHAT? IT MAKES IT A LITTLE MORE DIFFICULT WITH NOTHING IN WRITING.

McCracken: THERE'S A GENERAL PROVISION I BELIEVE IT SAYS FOR MIXED USE THAT 25% HAS TO BE COMMERCIAL WITHIN THE NEIGHBORHOOD PLAN. NOW, THERE IS -- THERE ARE FOUR PARCEL NUMBERS, ONE PROPERTY THAT IS DOING A MIXED USE DEVELOPMENT THAT THEY HAVE JUST STOFERD THAT DEVELOPMENT IS ACTUALLY 77% RESIDENTIAL AND ONLY 23% COMMERCIAL, BUT THE NEIGHBORHOOD AND THE PROPERTY OWNERS AGREE THAT IT'S A VERY SMALL DIFFERENCE, AND IT ESSENTIALLY KEEPS IN WITH POLICY 7525.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: I THINK THAT THAT'S WHAT THE DISCUSSION WAS BEFORE. I WAS TRYING TO FIGURE OUT WHAT ITEM THAT WE PREVIOUSLY VOTED ON DO WE NEED TO MAKE THESE CHANGES THAT ARE BEING REQUESTED. SO I'M STILL WAITING FOR THAT ANSWER.

IF THERE'S A GENERAL ORDINANCE WE PASSED --

Alvarez: BUT WE HAVE TO RECONSIDER THAT ORDINANCE IN ORDER TO CHANGE IT, DON'T WE?

McCracken: NO, WE CAN AMEND IT, CAN'T WE?

Alvarez: THAT'S WHAT I'M ASKING FOR CLARIFICATION, WHAT IS THE PROCEDURE HERE?

Mayor Wynn: IS THIS THE THIRD READING OF AN ORDINANCE THAT HAS BEEN --

ARE WE MODIFYING A PROVISION --

WE ARE MODIFYING THE PROVISION AND AN ORDINANCE THAT WAS APPROVED SECOND READING. IS THAT THE QUESTION? THE ANSWER IS YES TO THAT.

THIS WAS NOT AN EXEMPTED PROPERTY. -- EXCEPTED PROPERTY. THIS DOES NOT HAVE A PETITION ON IT.

COUNCIL, CAN WE JUST TABLE THIS FOR A SECOND SO WE CAN GET OUR LAWYER ON THE SAME PAGE. MY UNDERSTANDING IS THIS IS REALLY A MODIFICATION TO LANGUAGE THAT WAS ALREADY ADOPTED ON SECOND READING. IF WE COULD JUST HAVE TWO TO THREE MINUTES TO JUST SHOW MS. TERRY THE PROVISION SO WE CAN BE ON THE SAME PAGE.

Slusher: MAYOR, MAYBE THAT'S HOW -- IF THEY COULD WRITE IT DOWN AND PASS IT OUT TO THE COUNCIL. FROM THE WAY COUNCILMEMBER MCCRACKEN DESCRIBED IT, THAT'S SOMETHING I COULD SUPPORT, BUT I'D REALLY LIKE TO SEE IT IN WRITING. THAT'S THE NORMAL WAY WE DO SO.

ALICE, IS THIS SOMETHING THAT COULD HAPPEN ON THIRD READING NEXT WEEK?

ACTUALLY, TO FINISH IT, YES. EITHER DELAY THIS ONE TO NEXT WEEK OR THIS PARTICULAR PROVISION, AND THEN GO TO HANCOCK. , TO THE NEXT PRESENTATION.

LET ME MAKE THIS RECOMMENDATION. WHY DON'T WE GO ON AHEAD AND PROCEED TO HANCOCK. WE FINISHED THE NCCD EXCEPT FOR THIS ONE ISSUE. WHY DON'T WE PROCEED TO HANCOCK AND WE'RE THROUGH IT. AND PERHAPS WHILE THEY'RE WORKING THROUGH HANCOCK, I

CAN FIND OUT WHAT IT IS THAT WE'RE DOING.

Mayor Wynn: MR. MCHONE. WE'RE TRYING TO MOVE ON. WE'VE GOT LOTS OF PEOPLE WAITING FOR LOTS OF HEARINGS TONIGHT.

RIGHT, SIR. I AGREE WITH MS. TERRY'S RECOMMENDATION IF WE BRING THIS BACK UP TONIGHT, THOUGH, THAT WOULD BE EXTREMELY IMPORTANT FOR THIS PARTICULAR PROPERTY.

Mayor Wynn: SHE SUGGESTED A TWO-MINUTE TABLE. THANK YOU, MR. MCHONE. ITEM NUMBER 59, COUNCIL. WE'VE GOT LOTS OF FOLKS WAITING WHO WANT TO GET HOME TO THEIR FAMILIES TONIGHT.

GOOD EVENING. THE NEXT ITEM ON ITEM 59, WHICH IS THE HANCOCK NEIGHBORHOOD PLAN AND NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING ASSOCIATED WITH THE PLAN. THIS IS PAGE 31 IN YOUR MOTION SHEET. THE FIRST ACTION WOULD BE TO APPROVE THE NEIGHBORHOOD PLAN COMBINING DISTRICT FOR THE HANCOCK NEIGHBORHOOD PLANNING AREA ON THIRD READING AS APPROVED ON SECOND READING EXCEPT FOR THE FOLLOWING TRACTS: 503, 503-A AND 503-B, THAT'S 505 THROUGH 509 RATHER VIEW PLACE. 515 THROUGH 516, WHICH WAS ON DEAN KEATON STREET. TRACT 563-A, WHICH IS 4427 THROUGH 4429 DUVAL STREET. TRACT 2104, WHICH INCLUDES 3403, 34 3405, 3707 HAMPTON ROAD AND 3406 RED RIVER STREET. THE COUNCIL HAS ALREADY APPROVED THE FUTURE LAND USE FOR THESE TRACTS, EXCEPT THE ONES THAT ARE EXCEPTED, WHICH WILL BE LISTED ONE BY ONE.

Mayor Wynn: SO COUNCIL, THE RECOMMENDED STAFF MOTION IS TO APPROVE THE NEIGHBORHOOD PLAN COMBINING DISTRICT FOR THE HANCOCK NEIGHBORHOOD PLAN EXCEPTING THOSE TRACTS AS LISTED. THE UNCONTESTED TRACTS ON THIRD READING.

Alvarez: SO MOVE.

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

HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

ON PAGE 32 YOU HAVE THREE PROPERTIES HERE. FIRST IS -- THESE ARE ALL UNCONTESTED, EITHER THE RECOMMENDATION HAS CHANGED SINCE THE SECOND READING OR IT'S CHANGED BETWEEN FIRST AND SECOND READING. THESE INCLUDE TRACTS 515 THROUGH 516, WHICH IS 924 THROUGH 926 EAST DEAN KEATON STREET. ON FIRST READING COUNCIL APPROVED GR-MU-NP. ON SECOND READING THEY APPROVED STAFF ZONING. THAT WOULD ALLOW HIGH DENSITY MULTI-FAMILY ON THE UPPER FLOORS WITH A 60-FOOT HEIGHT RESTRICTION. AND THIS IS AGREED TO BY THE NEIGHBORHOOD AND THE PROPERTY OWNER. IN TRACT 551, 506 EAST 40TH STREET, COUNCIL APPROVED IT ON FIRST READING. SINCE THEN THE NEIGHBORHOOD AND THE PROPERTY OWNER MET AND AGREED TO MF-2-NO-NP, WHICH WOULD RESTRICT THE USES TO THOSE ALLOWED IN SF-3, BUT ALLOW ADDITIONAL IMPERVIOUS COVER TO ALLOW AN EXISTING BUILDING PERMIT. AND THE LAST ITEM LISTED ON PAGE 32 DOESN'T HAVE A TRACT NUMBER. FOR THIS PROPERTY AT THIS TIME WE ARE RECOMMENDING A CHANGE TO THE FUTURE LAND USE MAP ADOPTED ON SECOND READING. THERE WAS NO NOTIFICATION FOR THE ZONING ON THIS PROPERTY; HOWEVER, RECENTLY THE NEIGHBORHOOD AND THE PROPERTY OWNER HAVE MET AND THEY AGREED TO SUPPORT COMMERCIAL MIXED USE ZONING FOR THIS PROPERTY. THE EXISTING ZONING IS MF-3. THE PROPERTY OWNER WOULD LIKE TO HAVE A SMALL NEIGHBORHOOD COMMERCIAL TYPE OF USE. AND THAT WOULD REQUIRE MIXED USE ON THE FUTURE LAND USE MAP. IF THE FUTURE LAND USE WERE APPROVED, THEN STAFF WOULD COME BACK WITH THE SEPARATE ZONING CASE FOR THE COMMERCIAL MIXED USE ZONE. WE CAN'T TAKE ACTION ON THE ZONING FOR THAT TRACT AT THIS TIME, BUT IT IS -- THE 115 FEET OF 2910 MEDICAL ARTS STREET.

Mayor Wynn: SO COUNCIL, STAFF HAS OUTLINED THE THREE

TRACTS THAT ARE UNCONTESTED IN THE HANCOCK NEIGHBORHOOD PLANNING AREA, ALL REQUIRING ONLY FOUR VOTES. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER MCCrackEN, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THESE THREE UNCONTESTED HANCOCK TRACT AS OUTLINED BY STAFF ON THIRD READING. THIS IS A DESIGNATION OF FUTURE LAND USE AS WELL AS THE ZONING CHANGES ON TWO OF THE THREE TRACTS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

MOVING ON TO PAGE 33, WE'LL TAKE EACH OF THESE TRACTS ONE BY ONE AS THEY HAVE PARTICULAR ISSUES THAT NEED TO BE ADDRESSED. TRACT 2104, INCLUDING ONLY 3403, 3405 AND 3407 HAMPTON ROAD AND 3406 RED RIVER STREET. THE AGENT HAS REQUESTED A POSTPONEMENT OF ACTION ON THESE PROPERTIES BECAUSE SHE CANNOT BE PRESENT AT COUNCIL TONIGHT. SHE ASKED FOR A POSTPONEMENT TO SEPTEMBER SECOND, AND YOU SHOULD HAVE THAT IN YOUR BACKUP. STAFF IS RECOMMENDING SF-2-CO-NP. THE CURRENT ZONING IS SF-2 AND SF-2-CO. THE PROPERTY OWNER IS REQUESTING ADDITIONAL REZONING THAT WOULD ACCOMMODATE ADDITIONAL IMPERVIOUS COVER SUCH AS MF-6-CO-NP.

Mayor Wynn: SO COUNCIL, ON TRACT 2104, WHICH IS THE HAMPTON ROAD AND RED RIVER STREET TRACTS. THE PROPERTY'S AGENT HAS REQUESTED A POSTPONEMENT.

McCracken: MAYOR, THIS ONE I HAD A QUESTION ABOUT. I KNOW THERE WAS SOME CONCERN -- WE DO AS A MATTER OF COURSE EXTEND A COURTESY THAT WE GRANT REQUESTS FOR POSTPONEMENT. THERE IS AN ISSUE RAISED OF CONCERN THAT THIS POSTPONEMENT, THOUGH, MIGHT PREJUDICE THE NEIGHBORHOOD PLAN. I WANTED TO GET SOME CLARIFICATION IF THAT WAS TRUE. WE COULD MAYBE EASE SOME FEARS OR TAKE SOME ACTION THAT

TAKES CARE OF BOTH INTERESTS. IS THERE SOMEONE  
HERE WHO CAN SPEAK TO THE CONCERN --

Mayor Wynn: WELCOME. MS. MCGRAW.

MAYOR, COUNCILMEMBERS, I'M KAREN MCGRAW,  
REPRESENTING THE PROPERTY OWNERS. THE PROPERTY  
CURRENTLY IS ZONED SF-3. THERE ARE TWO NEW HOUSES,  
SIX-BEDROOM HOUSES ON TWO OF THE LOTS. THE OTHER  
TWO LOTS HAVE THE CALCASIEU COTTAGES THAT YOU  
REZONED AS SF-2. ON THE TWO OTHER LOTS WITH THE NEW  
HOUSES, THOSE LOTS ARE EACH OVER 7,000 SQUARE FEET.  
AND UNDER SF-3 ZONING THEY COULD ACCOMMODATE  
SECONDARY UNITS. AND THE SECONDARY UNITS COULD  
ACCOMMODATE ANOTHER 6 PEOPLE EACH, WHICH WOULD  
HAVE TOTAL OCCUPANCY OF THE SITE OF UP TO 48 PEOPLE.  
SO WE'RE JUST CONCERNED THAT THERE NOT BE ANY  
ADDITIONAL UNITS BECAUSE THE INTENT HAS BEEN TO  
REZONE IT SF-2. THAT HAS BEEN THE PROPOSAL SINCE LAST  
WINTER. AND THE -- THE ATTORNEY HAS NOT CALLED ANY  
MEETINGS TO ACTUALLY NEGOTIATE THIS SO FAR.

Mayor Wynn: I GUESS THE QUESTION, MS. MCGRAW, WAS  
SOMEHOW A DELAY OF THIS ONE TRACT, DOES IT IN YOUR  
OPINION SOMEHOW COMPROMISE ANYTHING ELSE WITH THE  
NEIGHBORHOOD PLANNING?

RIGHT. I THINK IT JUST TO ENSURE THAT THE SF-2 IS  
RESPECTED THAT THERE BE ONE DWELLING UNIT PER LOT.

McCracken: CAN YOU GIVE US SOME GUIDANCE, PERHAPS,  
ABOUT WHAT OUR OPTIONS ARE AND WHAT OUR RISKS  
ARE?

YOUR OPTIONS WOULD BE EITHER TO APPROVE SF-2-CO  
FOR THESE FOUR TRACTS. YOU COULD EXCEPT ALL FOUR  
PROPERTIES AND POSTPONE THE ACTION UNTIL  
SEPTEMBER SECOND. I'M NOT AWARE OF ANY PENDING  
BUILDING PERMIT, AND CORRECT ME IF I'M WRONG, BUT --  
OR YOU COULD POSTPONE IT. I GUESS THE TWO  
PROPERTIES THAT ARE SF-3 THAT ARE OF PRIMARY  
CONCERN. SO YOU COULD GO AHEAD AND ACT ON THE TWO  
THAT ARE ALREADY SF-2-CO, AND THE EFFECT OF THAT

WOULD BE TO ADD SOME ADDITIONAL PROVISIONS FOR THE AREA THAT RELATES TO DRIVEWAY WIDTH AND SETBACKS AND OTHER STANDARDS.

McCracken: IF THERE WERE A PLAN, LIKE A SITE PLAN OR A BUILDING PERMIT FILED FOR THE -- WELL, WE HAVE TO HAVE A MORATORIUM, DON'T WE, RIGHT NOW ON THE SECONDARY HOMES?

THAT'S CORRECT. YOU COULD STILL FILE A PERMIT FOR A TWO-FAMILY USE AS LONG AS IT MEETS CERTAIN STANDARDS.

LET'S SAY IN THIS CASE -- AND THE REASON WHY WE ASK, WE HAVE SOME REAL PROPERTIES WITH THESE PROPERTY OWNERS THAT -- I THINK WE'RE ALL PRETTY FAMILIAR WITH. AND I GUESS WHAT I WANT TO KNOW IS IF THEY WERE TO FILE SOME KIND OF APPLICATION IN THE NEXT WEEK, WOULD THAT BECOME A GRANDFATHERED RIGHT THAT WOULD NOT BE -- THAT SF-2 WOULD NOT TAKE CARE OF? WOULD THEY STILL BE ABLE TO BUILD A SECONDARY STRUCTURE ON THE LOT DURING THE INTERIM?

I MIGHT DEFER TO THE LAW DEPARTMENT. IS THERE ANYONE AVAILABLE WHO COULD ADDRESS THAT?

Mayor Wynn: ANYBODY AVAILABLE, CITY ATTORNEY? [ LAUGHTER ]

I SEE MS. TERRY RUSHING TO THE PODIUM.

WHAT'S THE QUESTION? [ LAUGHTER ]

McCracken: THE SITUATION WE HAVE HERE IS THAT WE HAD CURRENT ZONING FOR TWO HOMES WITH SF-3 AND THEY'VE BUILT 7,000 SQUARE FOOT HOMES. THEY WOULD NORMALLY BE ENTITLED UNDER SF-3 TO ALSO BUILD A SECONDARY STRUCTURE, AND APPARENTLY HOUSE ABOUT 48 PEOPLE PER SINGLE-FAMILY LOT. THE QUESTION IS, IF WE DELAY ACTING ON THE SF-2 ZONING THIS EVENING AND THE NEXT WEEK THE PROPERTY OWNERS WERE TO FILE SOME KIND

OF SITE PLAN OR BUILDING PERMIT APPLICATION, THEN NEXT WEEK AAPPROVED SF-2, WOULD THEY HAVE VESTED RIGHTS FOR THAT SECONDARY HOME UNDER SF-3? OR DOES OUR MORATORIUM COVER IT?

THE REAL LAWYER, MR. GUERNSEY AND I, HAVE CONFERRED, AND I THINK WE'RE ON THE SAME WAVELENGTH. I'M GOING TO ASK HIM TO DIVE WHEN WHEN I DEVIATE AND GET OFF TRACT. IN YOUR ORDINANCE, EVEN IF YOU ADOPT IT ON THREE READINGS, IT'S NOT EFFECTIVE FOR 10 DAYS OUT. SO REALLY WHAT YOU'RE LOOKING FOR, EVEN IF YOU -- EVEN IF YOU WERE TO PASS IT THIS WEEK, THE SAME SITUATION COULD OCCUR PRIOR TO THE EFFECTIVE DATE OF THE ORDINANCE, SO LET ME STATE THAT UP FRONT. IT'S NOT THAT THERE'S ANY KIND OF VESTED -- VESTED RIGHT. WHAT YOU WOULD HAVE -- IT'S NOT WHAT YOU WOULD CALL A TRADITIONAL GRANDFATHERED RIGHT UNDER CHAPTER 245 OR 1704 IT'S COMMONLY KNOWN. BUT YOU WOULD HAVE A INVESTING OF SORTS IN THE SENSE THAT THAT BUILDING PERMIT WOULD BE APPLIED FOR, COULD BE APPLIED FOR. IF IT GOT PROCESSED, IF IT GOT PROCESSED, IT WOULD BE GRANTED AND THEY WOULD BE ALLOWED TO DO IT. AND THEN WHEN THE ORDINANCE TOOK EFFECT, IT WOULD TURN INTO A NONCONFORMING USE. GREG, AM I RIGHT?

I WOULD CONCUR THE ONLY PART IS ON THE TWO-FAMILY RESIDENTIAL, WHICH THERE IS AN INTERIM DEVELOPMENT CONTROL. IT ALLOWS ONLY LIMITED SCALE OF TWO-FAMILY RESIDENTIAL TO GO THROUGH IN THE PROCESS AT THIS MOMENT. SO IT WOULDN'T AUTOMATICALLY BE SOMETHING THAT WOULD BE LARGER THAN WHAT WAS ANTICIPATED UNDER THE INTERIM DEVELOPMENT CONTROL THAT YOU HAVE ALREADY PASSED. IF IT WAS A DUPLEX, IF THEY WERE GOING TO CONVERT ONE OF THE UNITS TO A DUPLEX, IT WOULD BE SUBJECT TO THE CURRENT DUPLEX RULES, BUT AFTER THE ORDINANCE BECOMES EFFECTIVE, IT WOULD BECOME A NONCONFORMING USE.

McCracken: IF IT BECAME A NONCONFORMING USE, WOULD IT STILL BE ALLOWED TO STAND THEN OR BE ALLOWED TO MOVE?

AND THE USE COULD CONTINUE UNLESS MORE THAN -- IN THE 90% OF THE USE WAS DESTROYED, THE HOUSE WERE TO BURN TO THE GROUND, IF IT WERE A SLAB, AND THE SLAB AND THE UTILITIES OF THAT SLAB WERE WORTH 10%, AT LEAST MORE THAN 10% OF THE VALUE, THEY COULD REBUILD IT BACK.

McCracken: WE'RE FOR THE TRYING TO GIVE ANYONE ANY IDEAS, ARE WE? [ LAUGHTER ]

I'M ONLY EXPLAINING THE RIGHTS.

Dunkerley: LET ME ASK A DIFFERENT QUESTION, MAYOR. THE APPLICANT HAS REQUESTED A QUESTION THAT WE DELAY THIS UNTIL SHE RETURNS. IF THE OWNER OR ANOTHER REPRESENTATIVE IS HERE, WOULD THEY HAVE A GENTLEMAN'S AGREEMENT NOT TO DO ANYTHING UNTIL THEIR AGENT GETS BACK? DO WE HAVE ANYBODY ELSE HERE REPRESENTING THAT PROPERTY OWNER?

THESE GENTLEMAN'S AGREEMENTS HAVE BEEN ON SHAKY GROUND LAILY, COUNCILMEMBER.

Dunkerley: I KNOW. AND HE'S NOT HERE. AND THE ORDINANCE, THE MORE MORATORIUM WE PASSED DOES NOT COVER THE SF-3?

RIGHT.

Dunkerley: JUST THE SF-2.

McCracken: I HAVE ANOTHER QUESTION. THIS MAY BE A WAY OFF. BECAUSE I DO THINK THAT WE SHOULD RESPECT THE VACATIONS AND THE REQUEST TO POSTPONE, AND I AM ALSO CONCERNED THAT BASED UPON THE HISTORY OF THIS CASE ABOUT WHAT COULD HAPPEN WITH DELAY. AND MY CONCERN IS NOT BECAUSE OF THE REPRESENTATIVE, SHE'S GREAT. SO WHAT IF WE PASS IT TONIGHT AND -- I WOULD BE WILLING TO BRING FORWARD A MOTION TO RECONSIDER. SHOULD SOME FACT CHANGE IN A WEEK, WOULD THAT BE AN OPTION THAT WE BRING IT FORWARD FOR RECONSIDERATION NEXT WEEK IF IT PASSED TONIGHT?

YOU'RE STUCK. YOU COULD NOT -- NOT ON FINAL PASSAGE OF AN ORDINANCE.

Thomas: MAYOR, WHY DON'T WE POSTPONE IT TO NEXT WEEK AND COME BACK? BECAUSE I THINK STAFF MADE IT VERY CLEAR THAT THEY (INDISCERNIBLE) A. AND THAT WOULD ALLOW THE POSTPONEMENT. AND THEN WE CAN GO ON BECAUSE OTHER PEOPLE WANT TO GO HOME.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS TO POSTPONE TRACT 2104 ON FOR ONE WEEK TO SEPTEMBER SECOND, 2004. SECONDED BY THE MAYOR PRO TEM. COUNCILMEMBER SLUSHER.

Slusher: I'M CONCERNED ABOUT THAT. IF THAT DOES PASS, I WOULD CERTAINLY -- IT WOULD CERTAINLY BE BAD FAITH ON THE PART OF THE AGENT OR THE PROPERTY OWNER TO FILE ANYTHING DURING THAT TIME. BAD FAITH WOULDN'T TAKE AWAY THEIR LEGAL RIGHTS.

McCracken: DO WE HAVE ANY AUTHORITY BASED ON THE POSTING, SOME KIND OF INTERIM ABATEMENT FOR A WEEK?

YOU ARE NOT POSTED TO DO A MORATORIUM, WHICH IS WHAT YOU'RE REALLY TALKING ABOUT.

McCracken: IF WE WERE TO BRING FORWARD A COUNCIL-INITIATED ZONING ITEM, SHOULD THE FACTS CHANGE, WHAT IF WE PASSED SF-2 TONIGHT, AND THEN WITH THE CONDITION -- IF WE DID THAT, WITH THE REPRESENTATION THAT WE COULD BRING FORWARD A COUNCIL-INITIATED ZONING ON THIS THAT CHANGE SHOULD THE FACTS WARRANT THAT, WOULD THAT BE AN OPTION?

COUNCIL CAN ALWAYS INITIATE A ZONING REQUEST. COUNCIL CAN INITIATE A ZONING REQUEST. YOU KNOW, WE CAN -- WE CAN BRING IT THROUGH THE SYSTEM. REMEMBER THAT WHEN -- WHEN THERE IS A ZONING REQUEST INITIATION, THAT DOES GO BACK TO THE -- WHERE DOES IT GO FOR PLANNING COMMISSION TO CONSIDER AND BRINGS IT BACK UP. HOWEVER, BECAUSE IT IS A SINGLE TRACT, IT IS SOMETHING THAT, IF IT IS COUNCIL'S DESIRE TO GET IT BACK, IT IS PROBABLY SOMETHING THAT THE STAFF CAN

EXPEDITE AND TAKE CARE OF FAIRLY QUICKLY. ALL WE HAVE TO WORRY ABOUT ARE THE NOTICE ISSUES. COUNCIL, I AM GOING TO THROW OUT ANOTHER SUGGESTION TO YOU, AND THAT IS IF YOU WANT TO DO SOME ZONING TONIGHT AND YOUR CONCERN IS WHAT WILL HAPPEN IN THE INTERIM, YOU CAN DO EMERGENCY PASSAGE. AND YOU CAN -- YOU MUST ARTICULATE A PUBLIC HEALTH AND SAFETY REASON FOR DOING SO, BUT YOU CAN PASS ON EMERGENCY PASSAGE AND MAKE IT EFFECTIVE TONIGHT.

McCracken: OR IN FACT SINCE WE DID NOT ANTICIPATE DOING AN EMERGENCY TONIGHT, YOU KNOW --

Mayor Wynn: MOTION AND A SECOND ON THE TABLE TO POSTPONE TRACT 2104 FOR ONE WEEK, SEPTEMBER SECOND, 2004. COUNCILMEMBER MCCRACKEN.

McCracken: HOW MANY VOTES DO WE NEED FOR AN EMERGENCY?

LET ME ASK THIS QUESTION. IS THERE A VALID PETITION ON THIS CASE? IF THERE'S NO VALID PETITION AND IT'S A FOUR-VOTE CASE...

Mayor Wynn: I GUESS MY QUESTION --

MY KNEE JERK REACTION IS FOUR VOTES, BUT I WANT TO TELL YOU I'M NOT SURE. AND WE NEED TO LOOK AT THAT VERY QUICKLY OF THE AND THE CITY ATTORNEY IS TELLING ME NO, AND I THINK HE MAY BE RIGHT. I THINK IT MAY REQUIRE FIVE VOTES, BUT I'M NOT SURE. I'VE GOT TO CHECK IT.

McCracken: ONE THING WE CAN DO PERHAPS IS VOTE NEXT WEEK ON THIS. AND IF WE VOTE ON IT NEXT WEEK, WE CAN PASS IT ON EMERGENCY NEXT WEEK AND STILL GET IT IMPLEMENTED FASTER THAN IF WE VOTED TONIGHT. IS THAT CORRECT?

THAT IS CORRECT. AND WE CAN BETTER PREPARE THAT FOR NEXT WEEK.

Mayor Wynn: MOTION AND A SECOND ON THE TABLE TO

POSTPONE THIS TRACT FOR ONE WEEK. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THE NEXT ITEMS ARE TRACTS 503 AND 50-A, 505 TO 605, RATHERVIEW PLACE. THE ZONING FOR THESE PROPERTIES IS NOT CONTESTED. I JUST BRING IT UP BECAUSE THE NEIGHBORHOOD AND THE PROPERTY OWNER WERE NEGOTIATING A RESTRICTIVE COVENANT. I INCLUDED THAT WITH YOUR BACKUP. THE RESTRICTIVE COVENANT WOULD ALSO APPLY TO TRACT 503-B, WHICH INCLUDES 60607 AND 605 RATHER VIEW. THESE ARE ALL TRACTS OF THE EPISCOPAL SEMINARY. AND THE NEIGHBORHOOD AND THE PROPERTY OWNER WOULD LIKE TO ENTER INTO A RESTRICTIVE COVENANT THAT'S INCLUDED WITH YOUR BACKUP. STAFF DOES NOT ACCEPT A PROVISION THAT RELATES TO DAY CARE. THAT'S THE FIRST PROVISION. THAT ANY ENROLLMENT IN DAY CARE USED ON THE PROPERTY SHALL BE LIMITED TO PERSONS RELATED TO OR AFFILIATED WITH STUDENTS OR STAFF OF THE OWNER, WHO IS THE SEMINARY.

Mayor Wynn: AND STAFF OPPOSITION TO THAT IS?

WE SEE THIS AS VERY DIFFICULT TO ENFORCE. IT WOULD REQUIRE CODE ENFORCEMENT STAFF TO GO TO THE SITE AND TRY TO FIGURE OUT WHO -- WHETHER THE PARENTS ATTEND THE SEMINARY OR WORK THERE.

Dunkerley: WELL, I THINK THIS IS PART OF THE RESTRICTIVE COVENANT THAT I DIDN'T FIND ON THE WORKSHEET AT ALL. I WAS TRYING TO MATCH IT UP TO THE OTHER DETAILED LIST OVER THERE. BUT COULD WE ASK THE REPRESENTATIVE FROM THE PROPERTY OWNER WHERE THIS THEY STANT ON THIS RESTRICTIVE COVENANT -- THEY STAND ON THIS RESTRICTIVE COVENANT, INCLUDING -- I THINK YOU'RE RECOMMENDING THAT WE COULD INCLUDE ALL OF THEM, EXCEPT YOU WOULD PREFER NOT INCLUDING THE DAY

CARE.

THAT'S CORRECT. AND THE PROPERTY OWNER'S AGENT IS HERE.

MY NAME IS RICHARD SUTTLE. I'M HERE ON BEHALF OF THE SEMINARY TONIGHT. WE WOULD PREFER THAT ALL THE ITEMS IN THIS COVENANT BE LEFT IN THE COVENANT BECAUSE IT'S THE AGREEMENT THAT WE'VE WORKED OUT VERY CAREFULLY WITH THE NEIGHBORHOOD. AND WITH RESPECT TO THE DAY CARE PROVISION, DAY CARE WILL ONLY BE PROVIDED HERE AS PART OF A CONDITIONAL USE PERMIT. IN THIS COVENANT, WHAT THIS DOES IS IT PROVIDES THE STAFF REVIEWER WHEN HE'S LOOKING AT THE CONDITIONAL USE PERMIT IN FRONT OF HIM, IF THERE'S DAY CARE ON THEM, IT GIVES HIM A NOTE TO SAY YOU AGREED WITH THE NEIGHBORHOOD THAT YOU WOULDN'T HAVE AN OPEN DAIRY DAY CARE. IF YOU HAVE IT IT WILL BE FOR THE SEMINARY, STUDENT, STAFF, FACULTY, ETCETERA. WE AGREE IT MAY BE DIFFICULT IF YOU WERE OUT THERE EVERYDAY CHECKING THE DNA OF THESE KID TO SEE WHO THEY'RE RELATED TO. HOWEVER, YOU WILL ONLY COME UP IF THERE'S AN INFRACTION AND THE NEIGHBORHOOD THROWS A FRAG. SO WE WANT IT THERE AS A REMINDER AND A PLACE HOLDER FOR FUTURE GENERATIONS THAT WILL BE DEALING WITH THIS. IT WILL ONLY COME INTO PLAY IF THERE'S A VIOLATION AND THEN THE NEIGHBORHOOD CAN REPORT TO THE CITY AND THE CITY COME DOWN TO THE SEMINARY AND SAY WHAT'S THE DEAL HERE?

TRY TO CATCH ALL THE LITTLE KIDS? [ LAUGHTER ]

GRAB THEM, CHOKE THEM. [ LAUGHTER ]

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: YES. FOR STAFF, WHEN WE APPROVED THE ONE FOR THE OTHER SEMINARY, WE ADDED HOTEL-MOTEL USE TO BE LIMITED TO THE TEMPORARY USE OF RESIDENTIAL FACILITIES THAT ARE ESTABLISHED TO HOUSE THE SEMINARY AND FACULTY STAFF AND STUDENTS. SO WHY WOULD THAT BE ANY LESS -- ANY LESS DIFFICULT TO

ENFORCE THAN THIS PARTICULAR PROVISION?

AGAIN, I WOULD DEFER TO OUR LEGAL STAFF.

I APOLOGIZE. COULD YOU REPEAT THE QUESTION?

Alvarez: IN THE NORTH UNIVERSITY AREA, I DON'T THINK IT HAS A TRACT NUMBER, BUT IT'S CALLED PREBE TEARIAN SEM MAYOR. THAT HAS A PROVISION FOR HOTEL-MOTEL USE, BUT ONLY LIMITING IT TO SEMINARY FACULTY STUDENTS AND STAFF. SO IT SOUNDS SIMILAR TO THIS AND I'M WONDERING WHY WE COULD DO IT IN THAT REGARD, BUT NOT IN THIS INSTANCE.

ONE OF THE CONCERNS OF STAFF HERE WOULD BE THAT IF YOU NEEDED TO DETERMINE IN THE CASE OF THE PRESBYTERIAN SEMINARY, WHICH YOU ALREADY DISCUSSED, WHO ACTUALLY WORKS FOR A STUDENT OF THE SEMINARY, BUT IN THE CASE OF OF THE EPISCOPAL SEMINARY RESTRICTIVE COVENANT, IT ASKS ANYONE RELATED TO OR AFFILIATED WITH STUDENTS OR STAFF OR FACULTY OF THE SEMINARY. SO WE SEE THAT AS BEING A LITTLE BIT MORE DIFFICULT TO DETERMINE. WE WOULD BE ASKING PEOPLE TO SUBMIT BIRTH CERTIFICATES OR -- I'M NOT SURE HOW WE WOULD DETERMINE THAT.

IN OTHER WORDS, WHAT STAFF IS TRYING TO SAY IS THAT IN REGARDS TO THE PRESBYTERIAN SEMINARY, IT IS EASY TO DETERMINE EMPLOYMENT AND STUDENT STATUS. IT IS -- IN TERMS OF THE DAY CARE RESTRICTION IN THE RESTRICTIVE COVENANT, THAT REALLY IS BIRTH CERTIFICATE, WHO ARE THE PARENTS, WHO -- ONCE YOU DETERMINE WHETHER OR NOT THERE'S AN AFFILIATION, YES, YOU MAY BE ABLE TO TIE THAT BACK TO THE SEMINARY. THAT'S NOT THE PROBLEM. THE PROBLEM IS WHAT'S THE AFFILIATION BETWEEN THE CHILD AND THE PARENTAL UNIT THAT'S PUT THE CHILD IN THE DAY CARE.

Slusher: MAYOR. PERHAPS THAT PART OF IT COULD BE DONE AS A PRIVATE RESTRICTIVE COVENANT AND THE REST OF IT WITH THE CITY INVOLVED?

THAT'S OUR RECOMMENDATION, COUNCILMEMBER.

Goodman: MAYOR?

Mayor Wynn: MAYOR PRO TEM, THEN COUNCILMEMBER DUNKERLEY.

Goodman: LET ME ASK A FOLLOW-UP. IF THERE WAS AN ISSUE ABOUT RESTRICTING, I ASSUME, A LARGE NUMBER OF USERS FOR BOTH OF THESE SEMINARY USES, WAS THERE EVER DISCUSSION OF JUST LIMITING THE NUMBER OF -- WE KEEP USING THE WORD DAY CARE, BUT I ASSUME THAT'S CHILD CARE. RESTRICTING THE NUMBER OF CHILDREN THAT COULD BE SERVED AND/OR THE NUMBER OF ROOMS ON THE HOTEL? HOW COME WE'RE GOING THIS VERY ROUNDABOUT AND DIFFICULT TO RESEARCH, LET ALONE ENFORCE WAY? WHY DIDN'T WE JUST DO SIMPLE THINGS LIKE E.M.S. NUMBERS?

I'D LIKE TO -- UNDER THE WHERE IT SAYS PC APPROVED ON FIRST READING, YOU CAN SEE THAT DAY CARE SERVICES GENERAL WOULD BE A CONDITIONAL USE. AND DAY CARE SERVICES COMMERCIAL WOULD BE PROHIBITED, WHICH IS THE LARGEST OF THE USES. AND CONDITIONAL ON TRACTS 503-B.

STILL, I THINK --

Goodman: STILL, THE GOAL WAS TO LIMIT THE NUMBER OF EXTRA CARS AND PEOPLE. SO WHY WOULDN'T YOU JUST CUT TO THE CHASE AND DO NUMBERS?

MCCRACKEN: MAYOR PRO TEM, I HAVE A POSSIBLE SOLUTION THAT I'VE CHECKED WITH THE LEGAL STAFF AND THE LEGAL REPRESENTATIVE FOR THE SEMINARY. IF WE WERE TO CHANGE THE LANGUAGE SLIGHTLY TO SAY, IT IS THE DESIRE OF THE SEMINARY TO... AND THEN STATE THE SIMILAR LANGUAGE, IT WOULD NOT HAVE THE FORCE AND EFFECT, BUT IT WOULD GIVE THE INTENT TO EVERYONE. SO IF THE DAY CARE EVER CAME IN, GOT A CONDITIONAL USE PERMIT, IT WOULD BE CLEAR TO ALL PARTIES WHAT THE

INTENT WAS OF THIS COVENANT. AND THEN THAT WAY I THINK THE NEIGHBORHOOD, SEMINARY KNOWS WHERE EACH PARTY STANDS. THE CITY UNDERSTANDS THAT IT WOULD NOT BE ENFORCEABLE. EVERYBODY IS UP FRONT AND IT'S PART OF PUBLIC RECORD, BUT THAT IS THE INTENT.

Goodman: I UNDERSTAND THAT, BUT IF WE'RE GOING TO GO TO ALL THE TROUBLE TO PUT IT INTO AN ORDINANCE, WHY DON'T WE MAKE IT ENFORCEABLE, TO USE TRADITIONAL MECHANISMS?

THIS IS ONLY A COVENANT. IT IS SOMETHING THAT WE ARE ACCEPTING THAT'S OFFERED BY THE SEMINARY. SO I THINK WE HAVE A LITTLE BIT MORE FLEXIBILITY IN THAT REGARD.

Goodman: OKAY. IT'S JUST REAL CONVOLUTED.

MAYOR PRO TEM, THE ANSWER TO YOUR QUESTION ABOUT WHY NOT LIMIT THE NUMBER OF USERS, THEY INDICATE THAT WOULD NOT BE A NUMBER, BUT THEY JUST DON'T KNOW WHAT NUMBER TO PICK?

SO IF WE CAN PICK A NUMBER THAT IS AGREEABLE TO ALL PARTIES, YOU'RE CORRECT THAT THAT WOULD BE AN EASIER SOLUTION IF WE JUST SIMPLY HAD A NUMBER.

MAYOR PRO TEM, LET ME RETHINK THIS. I THINK ONE OF THE REASONS THE NEIGHBORHOOD WAS CONCERNED ABOUT CHILD CARE WAS IT'S AN ADDED BURDEN ON THE TRAFFIC SYSTEM AND PARKING IF YOU'RE COMING FROM OUTSIDE JUST TO DO THE CHILD CARE, BUT NOT ATTENDING THE SEMINARY. IF YOU'RE WITH THE SEMINARY, THEN IT'S KIND OF COME TO ONE PLACE AND DO IT. I MEAN --

GOODMAN: OKAY, CAN YOU GIVE ME SOME NUMBERS? HOW MANY PEOPLE WOULD BE ON THE SEMINARY PROPERTY AT ONE TIME DURING THE DAY? CAN YOU ESTIMATE?

OH, I'M LOOKING OUT HERE AT JOHN BENNETT WATERS, AND HE'S RUNNING THE NUMBERS IN HIS HEAD, BUT AGAIN IF WE JUST LIMIT TO NUMBER OF STUDENTS OR NUMBER OF

CHILDREN, WE STILL WOULD NOT TAKE CARE OF THE NEIGHBORHOOD'S CONCERN THAT WE COULD HAVE A DAY CARE THERE --

Goodman: CHILD CARE.

-- FOR FOLKS NOT COMING TO THE SEMINARY.

Goodman: I UNDERSTAND THAT. WHAT I THINK I UNDERSTAND, ALTHOUGH THIS IS REALLY LATE IN THE DISCUSSION TO ASK FOR A SIMPLIFIED FORM OF RESTRICTION, IS THAT THE TRAFFIC NOT BE SO OVERWHELMING BECAUSE OF THIS ACCESSORY USE, AND THAT IT NOT BE SORT OF LIKE A FOR-PROFIT MAGNET, FROM ALL OVER FOR ANY NUMBER OF CHILDREN. SO THAT'S EASILY RECOMMEND BY DIED BY SIMPLY SAYING A LIMITATION OF X NUMBER OF CHILDREN. I WAS TRYING TO FIND OUT HOW MANY PEOPLE WERE ACTUALLY ASSOCIATED WITH THE SEMINARY IN A DAYTIME CAPACITY COULD IN MY MIND FAR, FAR EXCEED A NUMBER OF CHILDREN, LIKE, SAY, 15 OR 20. ABOUT A 31 NUMBER ENROLLMENT IS A NICE, MEDIUM-SMALL OR SMALL-MEDIUM SIZE ENROLLMENT. ANYTHING MODERN THAT IS REALLY IMPACTING. AND THE WAY THINGS SOUND TO ME IS SINCE YOU'RE NOT LIMITING IT BY NUMBER, BUT SIMPLY BY AFFILIATION TO ANYBODY AT THE SEMINARY, THERE'S SOME PRETTY INDIRECT TIES THAT WOULD STILL QUALIFY YOU FOR BEING ABLE TO TAKE YOUR CHILD THERE OR A SISTER'S CHILD OR A COUSIN'S CHILD. SO IT WAS MUCH MORE STRAIGHTFORWARD TO TIE IT TO A NUMBER AND JUST MAKE SURE THAT YOU KNOW WHAT THE TRAFFIC IS THAT YOU'RE ACCEPTING TO ACCOMMODATE.

WELL, IT WOULD BE A CONDITIONAL USE ANYWAY, SO YOU CAN LOOK AT IT AT THE SITE PLAN. BUT AGAIN, THE WAY WE HAVE IT IN THIS -- WELL, YOU COULD GO EITHER WAY. I JUST DON'T KNOW IF THE NEIGHBORHOOD WOULD BE COMFORTABLE WITH THE ABILITY TO GO UP TO 31 CHILDREN, NOT AFFILIATED IN SOME WAY WITH THE SEMINARY. I JUST DON'T KNOW THEY WOULD BE COMFORTABLE WITH THAT. BECAUSE OUR UNDERSTANDING HAS ALWAYS BEEN SOMEBODY THERE AT THE SEMINARY OR STUDENTS OR FACULTY MEMBER COULD BRING THEIR CHILDREN ESSENTIALLY TO WORK OR SCHOOL WITH THEM.

THE WAY IT'S DRAFTED, AND I KNOW THE STAFF IS VERY NERVOUS ABOUT HOW TO ENFORCE THIS. THE PURPOSE OF IT BEING IN THE COVENANT IS SO THAT IT ENDS UP AGAIN IN THE DISCUSSION OF THE CONDITIONAL USE PERMIT, IF ANY. WE'RE TALKING ABOUT A HYPOTHETICAL USE. WE DON'T EVEN KNOW THAT WE WANT TO DO THAT.

Goodman: OKAY.

IT'S LATE. THE CENTER I DON'T THINK WOULD HAVE ANY PROBLEM LIMITING IT TO A NUMBER, COUNCILMEMBER, MAYOR PRO TEM. I'M WORRIED THAT THE NEIGHBORHOOD, AND QULOPT TO VIOLATE THIS NEIGHBORHOOD AGREEMENT. I'M WORRIED THAT THE NEIGHBORHOOD MAY NOT BE COMPLETELY COMFORTABLE WITH JUST A NUMBER CAP.

Goodman: I UNDERSTAND. IT'S A STRANGE WAY TO GO, THOUGH, AND IT'S NOT LIKE ANYTHING ELSE WE'VE EVER HAD TO ENFORCE, AND I DOUBT IF WE WOULD BE ABLE TO ENFORCE IT. I'M TRYING TO FIND A STRAIGHTFORWARD WAY. AND I THINK IT'S CHALLENGEABLE. FORGET IT.

Dunkerley: MAYBE WE CAN GO BACK TO THE INTENT ARGUMENT THAT GREG PRESENTED.

THAT WORKS BECAUSE THE REVIEWER AND THE CONDITIONAL USE PERMIT KNOWS WHAT THE INTENT IS AND WHAT'S SUPPOSED TO BE ON THAT CONDITIONAL USE PERMIT.

Slusher: CAN WE HEAR FROM THE NEIGHBORHOOD ON THAT? THAT MIGHT SOLVE IT. OR ELSE WE'RE BACK TO MAKING THAT A PRIVATE COVENANT. IS A REPRESENTATIVE FROM THE NEIGHBORHOOD HERE? [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

THE ITEM, WHICH IS ITEM NO. 1, WOULD MAYBE OR PERHAPS SUGGEST LANGUAGE -- IT IS THE INTENT THAT THE ENROLLMENT IN ANY DAYCARE SERVICES USED AND THEN CONTINUE WITH THE EXACT SAME LANGUAGE THAT YOU HAVE. CURRENTLY JUST BEGINS THE ENROLLMENT IN ANY DAYCARE SERVICES USE, SO WE WOULD JUST SAY IT IS THE

INTENT, AND THEN SAY THE EXACT SAME LANGUAGE AS YOU HAVE.

WE ARE FINE WITH THAT LANGUAGE.

OKAY. SO YOU UNDERSTAND IT DOESN'T -- THERE WOULD BE NO RECOURSE, IT'S JUST --

THANK YOU. I APPRECIATE IT.

THANKS YOU,.

Slusher: I WOULD MOVE APPROVAL THEN OF THE ITEM WITH THAT CHANGE. AND OUR LEGAL STAFF IS OKAY WITH THAT,.

YES, SIR. I -- THAT MAKES IT MUCH EASIER FOR US AND WE WILL -- WE WILL GET THE LANGUAGE PREPARED. FOR THE RESTRICTIVE COVENANT.

OKAY.

OR WE WILL BE HAPPY TO REVIEW LANGUAGE THAT THE SEMINARY SUBMITS.

OKAY. YOU ARE CLEAR THEN ON WHAT THE MOTION IS.

YES, SIR, I AM.

I WOULD LIKE TO ADD, I FORGOT TO MENTION EARLIER THAT THE FUTURE LAND USE MAP DESIGNATION FOR THESE THREE TRACTS, 503, 503 A, 503 B WOULD BE CIVIC, NOTING THAT THEY ARE INTENDED TO BE DEVELOPED AS PART OF THE EPISCOPAL SEMINARY.

OKAY. THAT WOULD BE INCLUDED.

SECOND.

Slusher: YOU'RE IN CHARGE, JACKIE.

Goodman: OH.

Mayor Wynn: SORRY.

EXCUSE ME. 503, SO WE ARE STILL WAITING FOR A MOTION ON --

NO, WITH HE HAVE A MOTION AND A SECOND ON --

THANK YOU, SORRY.

YOU WANT ME TO READ THE TRACTS AND ADDRESSES AGAIN? TRACTS 503 AND 503 A, WHICH INCLUDE 505 TO 605 RATHER RATHERVIEW PLACE, MANUFACTURE 4 CO-NP THE SAME AS COUNCIL APPROVED ON FIRST AND SECOND READING. ON TRACT 503 B, 607 TO 609 RATHERVIEW PLACE. THE STAFF RECOMMENDATION IS G.O. M.U. CO-NP, THE SAME AS COUNCIL APPROVE ODD FIRST AND SECOND READING EXCEPT WITH THE CHANGE THAT COLLEGE AND UNIVERSITY OVER 2400 SQUARE FEET SHOULD BE A CONDITIONAL USE RATHER THAN A PROHIBITED USE. WHICH IS WHAT YOU HAD APPROVED ON 1st AND SECOND READING.

AND THE CHANGE IN THE RESTRICTIVE COVENANT.

CORRECT. WOULD THAT BE SEPARATE? YEAH. THE -- YOU NEED TO TAKE SEPARATE ACTION ON THE RESTRICTIVE COVENANT.

Mayor Wynn: THANK YOU MAYOR PRO TEM.

Slusher: MY MOTION, THOUGH, WAS TO DO WITH THE RESTRICTIVE COVENANT.

OKAY. SORRY.

Slusher: I WAS MOVING APPROVAL INCLUDING THE CHANGES IN THE RESTRICTIVE COVENANT. SO DO I NEED TO WITHDRAW THAT NOW, BRING THAT UP --

NO, YOU CAN TAKE ACTION ON BOTH AT THE SAME TIME.

Mayor Wynn: COMBINED MOTION ON THE TAIL AND A SECOND ON -- ON THE TABLE AND A SECOND ON THE COMBINED 503, 503 A AND 503 B TRACT AS WELL AS THE AMENDED RESTRICTIVE COVENANT LANGUAGE. FURTHER COMMENT? ALL IN GAVE PLEASE SAY AYE. ALL THOSE IN FAVOR SAY

AYE?

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

THE NEXT TRACT FOR THE HANCOCK NEIGHBORHOOD PLAN COMBINING DISTRICT IS TRACT 563 A, WHICH IS 4427 TO 4429 DUVAL STREET. THE PROPERTY OWNER'S AGENT HAS REQUESTED POSTPONEMENT OF ACTION ON THIS TRACT UNTIL NEXT WEEK, SEPTEMBER 2nd. THE STAFF RECOMMENDATION IS C.S.-M.U.-CO-NP, THE SAME AS APPROVED ON FIRST AND SECOND READING EXCEPT IT HAS A 40-FOOT HEIGHT RECOMMENDATION. THAT HAS ALWAYS BEEN PART OF THE STAFF RECOMMENDATION, WE JUST FAILED TO MENTION IT DURING THE LAST READING. I WANTED TO MAKE SURE THAT YOU WERE AWARE OF THAT. THE PROPERTY OWNER DOES NOT OBJECT. THERE IS A VALID PETITION. THE PETITIONER OBJECTS TO A NUMBER OF USES THAT ARE LISTED IN THE CONDITIONAL OVERLAY THAT THE PROPERTY OWNER WOULD LIKE TO HAVE PERMITTED. SO THE STAFF -- PASSING THE STAFF RECOMMENDATION WOULD REQUIRE SIX VOTES. MAWRZ

Mayor Wynn: COMMENTS? QUESTIONS?

Dunkerly: I WOULD LIKE TO REQUEST A DELAY OF ONE WEEK ON THIS ONE. IS THIS 563 A?

Mayor Wynn: YES.

Dunkerly: OKAY. AT THE REQUEST OF THE AGENT.

SECOND.

MOTION BY COUNCILMEMBER DUNKERLY, SECONDED BY COUNCILMEMBER ALVAREZ TO POSTPONE ACTION ON TRACT 563 A, THAT'S 4427, AND 4429 DUVAL STREET TO ONE WEEK TO SEPTEMBER 2nd, 2004. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THAT CONCLUDES THE ZONINGS FOR THE HANCOCK NEIGHBORHOOD PLAN COMBINING DISTRICT AS WELL AS ALL OF THE CENTRAL COMBINED NEIGHBORHOOD PLAN. THANK YOU.

THANK YOU.

Mayor Wynn: THANK YOU ALL VERY MUCH.

MAYOR AND COUNCIL, OOPS --

Mayor Wynn: YES, NOW WE'RE BACK TO OUR TABLED ITEM REGARDING THE --

YES, SIR. I'M GOING TO DO TWO THINGS. FIRST OF ALL I'M GOING TO TRY AND EXPLAIN THE CONTEXT AND HOW THIS ARISES AND WHAT IT IS IS YOU ARE BEING ASKED TO DO, THEN I'LL ADVISE YOU AS TO THE PROCEED THAT YOU NEED TO FOLLOW. IN PART 355 OF THE ORDINANCE AS YOU ADOPTED ON THREE READINGS, THE UNCONTESTED PORTIONS, PART 5 CONTAINS THE PERMITTED AND CONDITIONAL USES. AND THE PARTICULAR -- THE PARTICULAR PROBLEM THAT ARISES IS -- IS -- ADDRESSES THE GUADALUPE DISTRICT AND THE -- THAT PARTICULAR SECTION IS 53 C AND IT PROVIDES IN A MULTI-FAMILY RESIDENTIAL USE, CONDOMINIUM RESIDENTIAL USE OR ANY COMBINATION OF MULTI-FAMILY AND CONDOMINIUM RESIDENTIAL USES PERMITTED IN THE GUADALUPE DISTRICT, MAY NOT EXCEED 75% OF THE GROSS FLOOR AREA OF ALL BUILDINGS CONSTRUCTED ON THE SITE. IT IS THIS PARTICULAR SECTION THAT IS CAUSING THE PROBLEM WITH SOME VERY SPECIFIC TRACTS. AND THE SPECIFIC TRACTS THAT IT IS CAUSING THE PROBLEM WITH -- ARE -- I DIDN'T GET ENOUGH STICKY TABS, BUT I'M GOING TO GET THERE. I'M GOING TO NEED TOM BOLT TO COME FORWARD AND SHOW YOU THE TRACTS IN -- IN PARTICULAR. IT'S THE -- IT'S THIS -- IT IS TRACTS GDS 716, GDS 716 A AND GDS 716 B. SO THAT PARTICULAR LIMITATION IS ON THOSE TRACTS. AND IT'S VERY HELPFUL FOR YOU TO SEE WHERE THOSE TRACTS ARE AND, TOM, IF YOU WOULD PLEASE GIVE THE ADDRESSES OF THOSE THREE TRACTS.

IT NOT ON HERE. THIS IS NOT IT.

I BELIEVE THE ADDRESS, IF KAREN CAN HELP ME HERE, MIKE McHONE, THE ADD IS 2815, 2811 GUADALUPE, 2811 GUADALUPE, 2815 GUADALUPE AND 2801 OR -- FRUTH? MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: ARE THE TRACT NUMBERS NOT SUFFICIENT IN THIS CASE? THE TRACT NUMBERS ARE SUFFICIENT, I WAS TRYING TO HELP YOU OUT WITH THE LOCATION. BUT THE TRACT NUMBERS ARE AS I HAVE GIVEN THEM TO YOU. THEY ARE TRACTS GDS 716, GDS 716 A AND GDS 7816 B. THE PROBLEM IS THAT THE DESIRE IS TO REMOVE THAT LIMITATION THAT I READ TO YOU THAT IT IS IN 53 C. WHICH IS THE -- WHICH MAY NOT EXCEED 75% OF THE GROSS FLOOR AREA OF ALL OF THE BUILDINGS CONSTRUCTED ON THE SITE. SO TO DO THAT, IN THE PARTICULAR PROVISIONS THAT ADDRESS THOSE TRACTS. WE NEED TO ADD A SECTION AND THAT SECTION WOULD BE ADDED TO PART 11, AND IT'S PART 11 AND IT WOULD BE NUMBER 4, AND WHAT THAT -- IT WOULD BE NUMBER -- I'M SORRY, IT WOULD BE PART 11 AND IT WOULD -- YOU HAVE -- FOUR IS PARKING FOR RESTAURANT USE, THEN FIVE IS THE REAR SETBACK FOR DEVELOPMENT AT 2801 GUADALUPE, A DIFFERENT SITE. WE WOULD ADD AN ADDITIONAL PROVISION 6 AND WE WOULD PROVIDE IN THAT SIX THAT -- THIS IS HOW IT RADIO WOULD READ: THESE TRACTS ARE EXEAMENT FROM PART 53 C HEREIN. AND WHAT THAT MEANS IS THAT THE TRACTS I HAD GIVEN YOU WOULD BE EXEMPT FROM THAT GROSS FLOOR AREA LIMITATION. AND THAT IS WHAT THE NEIGHBORHOOD HAS WORKED OUT AND THAT IS WHAT THEY ARE REQUESTING THAT YOU DO AND THEY WORKED THAT OUT WITH THE OWNERS. AND I BELIEVE THAT PROPERLY REFLECTS THE ADDITION TO THE -- TO THE ORDINANCE THAT THE -- THAT THE NEIGHBORHOOD IS ASKING YOU TO MAKE. AND HOW YOU WOULD NEED TO DO THAT IS BECAUSE YOU HAD -- THIS WAS THE UNCONTESTED PORTION OF THE -- OF THE -- OF THE ORDINANCE THAT YOU ADOPTED ON ALL THREE READINGS. WHAT YOU WOULD NEED TO DO IS IF YOU WISH TO DO THIS, YOU WOULD -- THERE WOULD BE A MOTION TO RECONSIDER THIS SECTION OF THE -- OF THE -- OF THE

ORDINANCE, WHICH IS -- WHICH IS THE PART 11, PART 11 SIX -- I'M SORRY -- RECONSIDER PART 11 TO ADD THE NEW PROVISION 6 AS I HAVE READ IT INTO THE RECORD.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: CAN WE JUST RECONSIDER THAT WHOLE ITEM TO MAKE IT SIMPLE?

THAT'S WHAT I'M SAYING YOU RECONSIDER THE ORDINANCE TO ADD THAT PROVISION.

Alvarez: AGENDA ITEM 58? IS THAT NORTH UNIVERSITY OR HANCOCK?

IT'S AGENDA ITEM 58.

Alvarez: I MOVE WE RECONSIDER AGENDA ITEM 58.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY THE MAYOR PRO TEM TO RECONSIDER ITEM 58. ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0.

Alvarez: CAN YOU EXPLAIN THEN THE LANGUAGE --

THE LAPPING YOU ARE ADDING IS TO PART 11. YOU ARE ADDING A NEW PROVISION 6, AND THE NEW PROVISION 6 TO EFFECTUATE WHAT THE NEIGHBORHOOD IS ASKING YOU TO DO WOULD READ: THESE TRACTS ARE EXEMPT FROM PART 53 C HEREIN. 5-3-C HEREIN.

Alvarez: WE DON'T HAVE TO LIST THE TRACTS?

NO. NO, BECAUSE THE INTRODUCTION TO THAT PART LISTS THE TRACTS.

Alvarez: OKAY.

Alvarez: I'LL SO MOVE THAT AMENDMENT, MAYOR, TO THIS

ITEM.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY THE MAYOR PRO TEM TO APPROVE THE AMENDMENT AS OUTLINED BY THE CITY ATTORNEY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER SLUSHER OFF THE DAIS. SO, COUNCIL, THAT NOW TAKES US TO TECHNICALLY TO ITEM NO. 60, WHICH COUNCILMEMBER SLUSHER HAD TALKED OF POSTPONING, THEREFORE WE TOOK THE ACTION TO POSTPONE FOR ONE WEEK, ALSO, THOSE CONTESTED WEST UNIVERSITY ZONING CASES. SO I'LL ENTERTAIN A MOTION TO POSTPONE ITEM 60 FOR ONE WEEK, MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER THOMAS, TO POSTPONE 60 TO UNIVERSITY NEIGHBORHOOD OVERLAY FOR ONE WEEK. ANY DISCUSSION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH FOR YOUR PATIENCE.

Mayor Wynn: OKAY, COUNCIL. WE HAVE A VERY BRIEF ANNEXATION PUBLIC HEARING WITH NO SPEAKERS. IF STAFF IS PREPARED WE COULD TAKE UP ITEM NO. 66. MR. LUKENS IS IN EARSHOT. THANK YOU. COUNCIL, WITHOUT OBJECTION LET'S TAKE UP ITEM NO. 66, CONDUCT A PUBLIC HEARING FOR THE FULL PURPOSE ANNEXATION OF THE ANDERSON MILL ROAD RIGHT-OF-WAY. WELCOME, MR. BEN LUKENS.

THANK YOU, SIR. THIS IS THE FIRST OF TWO PUBLIC HEARINGS. SECOND HEARING WILL BE SEPTEMBER 2nd AND THE READING OF THE ANNEXATION ORDINANCE IS TENTATIVELY SCHEDULED FOR SEPTEMBER 30th. PROPOSED ANNEXATION IS THE ANDERSON MILL RIGHT-OF-WAY ALONG THE NORTHERN EDGE OF THE MOTOROLA CAMPUS ON THE

EAST SIDE OF PARMER LANE. BACK IN 1998 THE CITY ENTERED INTO AN AGREEMENT TO PROVIDE MOTOROLA [INDISCERNIBLE] PROPERTIES WITH VARIOUS INCENTIVES TO LOCATE ON PARMER LANE. ONE OF THOSE WAS -- WAS AN AGREEMENT TO REIMBURSE MOTOROLA COUSINS PROPERTY EXTENSION OF ANDERSON MILL ROAD. THE TRIGGER WAS TO BE THE FULL PURPOSE ANNEXATION AND THE INSPECTION EXCEPT THE ROAD FOR MAINTENANCE. THIS WAS DONE AND THEN AS PART -- PART OF THE PROCEDURE LEADING UP TO THE PAYMENT, IT WAS DETERMINED THAT -- THAT THE RIGHT-OF-WAY WASN'T ACTUALLY IN THE CITY LIMITS AND HAD NOT BEEN ANNEXED WITH MOTOROLA, RATHER MOTOROLA HAD BOUGHT THE RIGHT-OF-WAY FROM ROBINSON RANCH. SO NOW WE ARE BACK AND WE ARE GOING TO ANNEX THE -- THE ANDERSON MILL ROAD RIGHT-OF-WAY. I HAVE COPIES OF THE SERVICE PLAN FOR THE ANNEXATION OF THIS RIGHT-OF-WAY [LAUGHTER], ESSENTIALLY WE DO PROVIDE SERVICES TO RIGHTS OF WAY. ESSENTIALLY WE WILL TAKE OVER FROM WILLIAMSON COUNTY WHAT -- FOR THE SERVICES THEY PROVIDE AND WE WILL BE PROVIDING MAINTENANCE AND SERVICES ON ANDERSON MILL ROAD IN THAT AREA, NORTH SIDE OF MOTOROLA. SO THAT CONCLUDES MY PRESENTATION ON THIS ANNEXATION. I'M GLAD TO TAKE ANY QUESTIONS.

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL? ANY CITIZENS WISHING TO BE HEARD ON THIS ITEM, NUMBER 66, THE PUBLIC HEARING REGARDING THE FULL PURPOSE ANNEXATION OF THE ANDERSON MILL ROAD RIGHT-OF-WAY. HEARING NONE I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER MCCracken, SECONDED BY COUNCILMEMBER THOMAS TO CHOSE THE PUBLIC HEARING. ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM OFF THE DAIS. THANK YOU, MR. LUKENS.

IT'S NOT EVEN 10:00, MAYOR.

Mayor Wynn: COUNCIL, THAT TAKES US BACK TO THE ZONING CASES FOR SECOND AND/OR THIRD READING. I BELIEVE WE WILL NOW BE ON ITEM NO. 63; IS THAT RIGHT, MS. GLASGO? THE HARRIS RANCH PROPERTY.

MAYOR AND COUNCIL, GREG GUERNSEY NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. ITEM NO. 63 IS THE 2 AND THIRD READING OF CASE SO YOU HAVE SO YOU HAVE 157 -- SO YOU HAVE SO YOU HAVE 157, A REZONING APPLICATION AT THE SOUTH SIDE OF DAVIS LANE BETWEEN PROCEEDDY LANE AND WEST -- BRODIE LANE AND WESTGATE. THE PUBLIC HEARING IS CLOSED THAT THE ITEM. AT THE LAST MEETING I GUESS THAT YOU COULD SAY THE COUNCIL DEFERRED SECOND AND THIRD READING TO THIS WEEK I THINK IN DEFERENCE TO THE CHERRY CREEK NEIGHBORHOOD BECAUSE THEY WERE HOLDING A CHARETTE. THIS IS COMING BEFORE YOU FOR APPROVAL AND IT'S READY FOR ALL THREE -- SECOND AND THIRD READING FOR THE REZONING OF THIS PROPERTY. AT FIRST READING THERE WAS A LIMITATION ON TRACT 2, WHICH IS PROPOSED FOR S.F. 6 C.O. ZONING FOR APPROXIMATELY 350 UNITS. ON TRACT 1 IT WAS PROPOSED FOR G.R.-C.O. AND THERE ARE SOME PROHIBITIONS OF USES PROHIBITING SERVICE STATION, OOL REP TALL, AUTOMOBILE WASHING, PAWN SHOP SERVICES, AUTOMOTIVE SERVICES, AUTOMOBILE REPAIR SERVICES AND OFF-SITE ACCESSORY PARKING, GUIDANCE SERVICES, ALSO DRIVE-IN USE PROHIBITED IN ASSOCIATION WITH RESTAURANT USE ON TRACT 1. THE PROPERTY OWNER AND ADJACENT NEIGHBORHOOD HAVE BEEN UNDER NEGOTIATION AND HAVE COME TO AGREEMENT ON THE MAJORITY OF THE ITEMS THAT DEAL WITH THIS CASE. AS YOU MAY RECALL, THE SOUTHERN PORTION OF THE HARRIS RANCH PROPERTY IS NOT INCLUDED WITH THIS REZONING APPLICATION. BUT IT'S MY UNDERSTANDING THAT BOTH THE APPLICANT AND THE CHERRY CREEK NEIGHBORHOOD HAVE COME TO AN AGREEMENT THAT THERE WOULD BE AN ADDITIONAL 50-FOOT BUILDING SETBACK, WHICH IS ON TRACT 2, WHICH IS NOT INCLUDED WITH YOUR ORDINANCE. THAT THAT WAS PART OF THEIR AGREEMENT. THEY HAVE NOT -- THEIR FINAL PRIVATE AGREEMENTS REGARDING THE 200-FOOT STRIP THAT IS NOT PARTS OF THIS ZONING CASE AND STAFF IS

READY TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE. AND I WOULD LIKE TO -- I WOULD LIKE TO LET YOU KNOW THAT THE NEIGHBORHOOD REPRESENTATIVE FOR CHERRY CREEK IS HERE AND THE OWNER AND THE AGENTS REPRESENTING THE HARRIS FAMILY ARE ALSO HERE TO SPEAK ON THEIR REQUESTS.

Mayor Wynn: QUESTIONS OF MR. GUERNSEY, COUNCIL? AS HE IDENTIFIED, WE'VE GOT FOLKS SORT OF REPRESENTING BOTH SIDES OF THIS ISSUE HERE AVAILABLE. WE HAVE ALREADY CLOSED THE PUBLIC HEARING. BUT THERE PERHAPS HAS BEEN SOME MOVEMENT SINCE THEN. S.

Alvarez: MAYOR, IF WE COULD HAVE EACH SIDE SPEAK TO THE STATUS OF THE RESTRICTIVE COVENANT. I GUESS WHETHER WE CAN GO FORWARD OR SHOULD GO FORWARD WITH THE ZONING CHANGE IF THAT RESTRICTIVE COVENANT IS NOT IN PLACE. I DON'T KNOW IF IT IS OR IF IT ISN'T. BUT MAYBE ITS OWNER -- IT THE OWNER'S DESIRE TO HAVE SECOND AND THIRD READING TONIGHT, THE NEIGHBORHOOD'S DESIRE ONLY TO HAVE SECOND READING HEARD SO THEY CAN FINALIZE THE PRIVATE RESTRICTIVE COVENANT.

ACTUALLY. MR. LARKIN, WOULD YOU GIVE US JUST A COUPLE OF MINUTES ON YOUR PERSPECTIVE, PLEASE, SIR.

YES, SIR. GOOD EVENING, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS AND STAFF. MY NAME IS JOHN LARK KIN. I'M A MEMBER OF THE CHERRY CREEK ON BRODIE NEIGHBORHOOD ASSOCIATION. AS YOU GUYS KNOW, WE CONDUCTED A PLANNING CHARETTE ON AUGUST 14th. AS IT APPLIES TO THE HARRIS RANCH PROPERTY, WE DID CONCLUDE WE ARE FOR THE S.F. 6 ZONING DESIGNATION WITH THE CAP OF 350 UNITS. WE ARE FOR THE 8.04 ACRES OF GENERAL RETAIL CONDITIONAL OVERLAY. WE HAVE GOT SOME VISUAL REPRESENTATIONS OF THAT THAT WE CAN SHARE WITH YOU. AND I GUESS OUR POINT OF CONTENTION RIGHT NOW IS THAT IN OUR NEGOTIATIONS WE HAVE COME UP WITH A 250-FOOT VIRTUAL UNDISTURBED VEGETATIVE BUFFER. 50 FEET OF THAT, AS MR. GUERNSEY POINTED OUT, WE DECIDED LAST NIGHT COULD BE COVERED OR COULD BE INCORPORATED INTO THE ORDINANCE LANGUAGE. BUT THE

OTHER 200 FEET HAS TO BE A PRIVATE RESTRICTIVE COVENANT BECAUSE IT'S -- IT WAS PULLED OUT FROM THIS APPLICATION. SO YOUR ORDINANCE LANGUAGE WOULDN'T BE ABLE TO COVER THAT. THAT FORCES US INTO A PRIVATE RESTRICTIVE COVENANT. RIGHT NOW OUR CONTENTION OR POINT OF CONTENTION IS FENCING WITHIN THE -- WITHIN THE -- WITHIN THE VEGETATIVE BUFFER. SO WE HAVE WANTED A -- A VIRTUALLY UNDISTURBED VEGETATIVE BUFFER FROM THE BEGINNING. WE THOUGHT WE HAD REACHED THAT AGREEMENT. BUT THEN LAST NIGHT WHEN WE WERE REVIEWING THE RESTRICTIVE COVENANT LANGUAGE THERE WAS A LINE ABOUT FENCING. INITIALLY IT WAS POINTED OUT THAT THEY WOULD NEED TO ENCLOSE ANY KIND OF REAR IRRIGATION FACILITY, STUFF LIKE THAT. SO WE SAID WE WOULD DRAFT LANGUAGE TO ACCOMMODATE THAT. BUT THEN THAT STILL DOESN'T LOOK LIKE IT'S -- WE ARE QUITE THERE. SO WE ARE REQUESTING THAT WE JUST KEEP IT AT SECOND READING TONIGHT, GIVE US TIME TO FINALIZE THE RESTRICTIVE COVENANT, AND WE WILL COME BACK NEXT WEEK AND HOPEFULLY WE WILL HAVE THIS WHOLE THING NAILED DOWN, VERY CLOSE, WE HAVE MADE A LOT OF PROGRESS.

Mayor Wynn: THANK YOU, MR. LARK KIN. MR. SUTTLE CAN YOU --

I'M HERE ON BEHALF OF THE APPLICANT. JOHN PRETTY WELL ISOLATED THE ISSUE. THE ISSUE IS IN THIS 250 FEET OF BUFFER WE WANT TO HAVE THE OPTION NOT NECESSARILY THAT WE WOULD DO IT, BUT WE WANT THE OPTION TO BE ABLE TO PUT A FENCE ON OUR PROPERTY LINE. THAT IS THE BONE OF CONTENTION. I DON'T KNOW THAT THAT WILL BE RESOLVED BY NEXT WEEK BECAUSE AS COUNSEL FOR THE PROPERTY OWNER, HE NEEDS TO BE ABLE TO FENCE OFF HIS PROPERTY AND PROTECT IT IF HE DEEMS THERE'S A NEED TO DO THAT. THERE ARE OTHER THINGS THAT MAY COME ABOUT LATER ON AS WE TALK TO JOHN AND HIS GROUP, RIGHT NOW WHAT WE ARE COMMITTING TO IS BASICALLY A 200-FOOT BUFFER AND THEN A 50-FOOT BUILDING SETBACK FROM THAT, WHICH IS -- PROBABLY EXCEEDS MOST BUFFERS THAT YOU ARE USED TO LOOKING AT. WE WANT TO RETAIN THE RIGHT TO FENCE THAT OFF SO THAT IF WE NEED TO WE CAN MAINTAIN IT, CAN

RESTRICT ACCESS TO IT, ET CETERA. THAT'S THE MAIN BONE OF CONTENTION. WE ARE PREPARED TO GO SECOND AND THIRD READING TONIGHT WITH THE COMMITMENT TO CONTINUE WORKING WITH JOHN'S GROUP, BUT I DON'T THINK THE ANSWER ON THE FENCE IS GOING TO CHANGE BECAUSE, AS ANY PROPERTY WOULD WANT THE RIGHT TO DO, WE WANT THE ABILITY TO FENCE ON THE PROPERTY LINE SHOULD WE NEED TO. WE ARE STILL WILLING TO LIVE WITH ALL OF THE RESTRICTIONS THAT THE COUNCIL PLACED ON IT, ALL OF THE RESTRICTION THAT'S STAFF RECOMMENDED, THE ADDITIONAL 50-FOOT ON TOP OF THE 200 FEET. ALL OF THOSE THINGS WOULD STAY. WE JUST NEED TO RETAIN THAT RIGHT, IF NEED BE, IF WE NEED TO, TO BE ABLE TO FENCE IT. THANK YOU.

THANK YOU, MR. SUTTLE. QUESTIONS? OF THE NEIGHBORS? THE OWNER? HIS AGENT? STAFF?

Alvarez: DO YOU FEEL THAT IT'S POSSIBLE THAT YOU ALL WOULD AGREE TO SOMETHING IN A WEEK OR SHOULD WE JUST FOCUS ON THE LAND USE RESTRICTIONS AT THIS POINT?

I -- WE WOULD HOPE THAT WE COULD. THE FENCE JUST ENTERED THE DISCUSSION LAST NIGHT. AND SO -- WE HAVE BEEN TALKING ABOUT A 200-FOOT UNDISTURBED VEGETATIVE BUFFER AS MUCH AS WE COULD. INITIALLY THE -- THE NEIGHBORHOOD THERE WAS A STRONG FORCE TO SAY WE WOULDN'T ALLOW DETENTION FACILITIES. WE SAID THAT NO, THEY'VE -- IT'S THE SOUTH END OF THE PROPERTY, THE FARL DRAINAGE FLOW, ALLOW THEM TO PUT THE RETENTION FACILITIES THEY NEED, BUT TRY TO KEEP IT IN A VIRTUALLY UNDISTURBED CONDITION AS MUCH AS WE COULD. WHEN WE SEE I GUESS THE CONCERN IS WHEN WE SEE A FENCE COME IN, THAT KIND OF TAKES AWAY THAT NATURALLY UNDISTURBED BUFFER IN OUR EYES. YOU KNOW, IF THE COUNCIL WOULD -- FEELS THAT THEY WOULD LIKE TO MAKE A RULING ON THIS TONIGHT, MAYBE YOU COULD GIVE US SOME PERSPECTIVE ON WHAT YOU FEEL IS APPROPRIATE. WE WOULD BE WILLING TO ENTERTAIN COUNCIL.

Alvarez: WELL, I FOEED IN YOUR MAIN STREET CONCEPTUAL

PLAN HERE, YOU HAVE SORT OF PEDESTRIAN PATHWAYS. ALONG VARIOUS -- I GUESS IT'S BUFFERS, I GUESS, THAT SURROUND THE NEIGHBORHOOD. IS THAT SOMETHING THAT'S PART OF THE RESTRICTIVE COVENANT, TOO? BECAUSE I GUESS IT'S FENCED OFF, IT WOULDN'T REALLY BE POSSIBLE TO HAVE A --

THAT'S RIGHT. IT WOULD -- IT WOULD GO AGAINST THE EFFORTS OF OUR PLANNING CHARETTE. WE ARE TRYING TO CONNECT A NEIGHBORHOOD CONNECTIVITY. CREATE. HOPEFULLY EVERYONE ON THE DAIS HAS RECEIVED A COPY OF THIS. I HAVE A PLACARD THAT WE CAN BRING UP AND SHOW YOU. IF YOU LOOK AT THE MACRO VISION, BRODIE MAIN STREET, WE ARE TRYING TO CREATE A PEDESTRIAN CONNECTIVITY. FORTUNATELY IN OUR AREA WE HAVE A LOT OF GREEN SPACE. WE'VE HAD SUCCESS WORKING WITH ENDEAVOR TO -- TO CONVERT FORMERLY PLATTED SINGLE FAMILY SITES TO REIRRIGATION BY MOVING THE IMPERVIOUS COVER UP TO BRODIE FRONTAGE SO THEY COULD USE IT IN A COMMERCIAL WAY. BUT IT'S -- IT CREATES THIS PARK ATMOSPHERE, WE ARE TRYING TO CREATE PEDESTRIAN CONNECTIVITY THROUGH THAT SO THAT WE CONNECT ALL OF THE SERVICES AND -- AND KEEP PEOPLE OFF THE BUSIEST STREETS. AND SO YOU ARE CORRECT. THAT WOULD KIND OF IMPACT THAT INTENT.

Alvarez: I WILL LET YOU RESPOND.

AGAIN, WE ARE TALKING ABOUT A BUFFER BETWEEN OUR USE AND THEIRS. BECAUSE I ASSUME THEY DIDN'T WANT TO BE TOO CLOSE TO THE -- TO OUR USE. BUT IF INTERCONNECTIVITY IS AN ISSUE, IF WE PUT A FENCE, WE MAY NOT, BUT IF WE PUT A FENCE, WE WOULD BE HAPPY TO PUT A GATE. THIS WAS -- THIS WAS A BUFFER TO BUFFER THE SINGLE FAMILY HOUSES FROM THE CONDOMINIUMS THAT WE ARE PROPOSING. IT WASN'T MEANT TO BE A PATH. IN FACT ONE OF THE THINGS IN THE UNDISTURBED PORTION OF THE -- OF WHAT WE HAVE BEEN TALKING ABOUT IS A PATH OR -- WOULDN'T BE ALLOWED BECAUSE THEY WANT TO LEAVE IT UNDISTURBED. IT'S AN ISSUE OF SAFETY, LIABILITY, FROM MY CLIENT'S STANDPOINT. THEY DON'T MIND GIVING THE BUFFER, IT'S EXTREMELY LARGE. BUT IF THEY EVER NEEDED TO FENCE IT OFF, THEY JUST WANT TO

KEEP THAT FLEXIBILITY. AGAIN, IF IT DOES ENTER INTO AN INTERCONNECTIVITY PLAN, WE WILL PUT A GATE.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?

Alvarez: DO YOU --

Goodman: MAYOR, LET ME --

Mayor Wynn: MAYOR PRO TEM?

Goodman: LET ME ASK MR. SUTTLE A FOLLOW-UP QUESTION. WHEN WE WERE TALKING EARLIER, I'M SORRY I MISSED PART OF THIS CONVERSATION, WE WERE TALKING ABOUT THE POSSIBILITY OF GIVING THE BUFFER TO THE HOMEOWNERS ASSOCIATION. NOW, ARE WE STILL TALKING ABOUT THAT OR WE ARE NO LONGER TALKING ABOUT THAT?

I THINK THAT THAT COULD BE A POSSIBILITY. I WOULDN'T PUT IT AS PART OF THE ZONING CASE. BUT IT IS DEFINITELY A POSSIBILITY THAT IF WE COULD FIND AN ENTITY TO CONVEY IT TO, IT WORKED OUT AS PART OF THE SITE PLAN, THAT IS DEFINITELY A POSSIBILITY.

Goodman: IN WHICH CASE IF YOU NEEDED A FENCE YOU COULD DO IT ON YOUR SIDE OF THE BUFFER.

IF IT WAS SOMEBODY ELSE'S PROPERTY THERE WOULDN'T BE ANY NEED FOR A FENCE. THAT'S ONE OF THOSE ISSUES THAT WE COULD DEAL WITH IN THE FUTURE.

Goodman: BUT THIS IS REALLY THE ONLY TIME WHEN IT WILL COME THROUGH A PUBLIC REVIEW KIND OF THING. SO --

YES, BUT IN THE SAME TOKEN, THIS PIECE -- THIS PIECE OF PROPERTY THAT WE ARE TALKING ABOUT IS NOT PART OF THE ZONING CASE. WE ARE VOLUNTARILY DOING IT AS THE BUFFER. I'M HOPEFUL THAT -- THAT YOU WOULDN'T -- I THINK WE PROBABLY OUGHT TO TALK ABOUT IT OFF LINE. BUT I DON'T THINK WE WANT TO GET INTO AN EXTRACTION SITUATION AS PART OF THE ZONING CASE. THE LAND USE PRINCIPLE WAS GIVE A BUFFER BETWEEN THE USES. I THINK THE CONVERSATIONS BETWEEN THE NEIGHBORS AND MY

CLIENT WILL CONTINUE AND IT MAY BE THAT -- THAT IT ENDS UP BEING A PART OF THE PUBLIC LAND OR PART OF THE HOMEOWNERS ASSOCIATION LAND. BUT WE ARE NOT NEAR THAT FAR YET. I DON'T THINK WE COULD DO THAT AS PART OF THE ZONING CASE. BUT ALL OF THE OTHER RESTRICTIONS AND THE ADDITIONAL 50-FOOT BUILDING SETBACK, WE ARE WILLING TO DO ALL THAT. AND WE ARE NOT SAYING THERE WILL BE A FENCE. WE DON'T WANT TO ENTER INTO AN AGREEMENT THAT THERE WILL NEVER BE A FENCE.

MAYOR PRO TEM? WE WOULD BE AMENABLE TO PUTTING A FENCE IN THE 50-FOOT AT THE EDGE OF THE 50-FOOT NO SETBACK AS YOU SUGGESTED AS A POSSIBILITY.

MANY OF THESE PEOPLE ALREADY HAVE A FENCE ON OUR PROPERTY LINE. WHAT THEY ARE ASKING FOR IS TO BASICALLY EXTEND THEIR BACK YARDS INTO MY CLIENT'S PROPERTY. TONIGHT WE ARE NOT PREPARED TO DO THAT.

MAYOR PRO TEM?

Goodman: NOT A NIGHT FOR EASY ANSWERS.

FURTHER COMMENTS, QUESTIONS?

Alvarez: MAYOR? I'M GOING TO MOVE THAT WE APPROVE IT ON SECOND READING. BECAUSE PART OF THE REASON THIS IS OUT IS BECAUSE THE APPLICANT REMOVED IT SO THAT THERE WOULDN'T BE A VALID PETITION ON THEIR PROPOSAL, IN WHICH CASE OBVIOUSLY THE NEIGHBORHOOD WOULD HAVE A MUCH GREATER LEVERAGE HERE. AND SO -- SO I CERTAINLY, YOU KNOW, WOULDN'T MIND TAKING ANOTHER WEEK TO SEE IF WE CAN'T FIGURE OUT WHAT IS GOING TO HAPPEN THERE AND BRING IT BACK TO THIRD READING NEXT WEEK. SO I'LL MOVE THAT WE APPROVE ON SECOND READING AND COME BACK NEXT WEEK FOR THIRD READING.

SECOND.

Mayor Wynn: HELP ME ON THE MOTION, SO THE MOTION IS TO APPROVE ON SECOND READING WHAT? STAFF

RECOMMENDATION? HAS SOMETHING --

AS THE COUNCIL APPROVED ON FIRST READING, WITH THE ADDITIONAL CONDITION THAT THERE IS A BUILDING SETBACK THAT STILL ALLOWS FOR PATHS OR SIDEWALKS BETWEEN THE BUILDING AND THE MOST SOUTHERN PROPERTY LINE IN TRACT 2. BUT THERE WOULD BE NO BUILDINGS WITHIN 50 FEET OF TRACT 2. THEN WE WOULD ADD THAT LANGUAGE TO THIS ORDINANCE AND THEN BRING IT BACK TO YOU NEXT WEEK. I GUESS IN THE MEANTIME CHERRY CREEK ON BRODIE LANE AND THE APPLICANTS WILL BE FINAL LOSING THEIR NEGOTIATION ON THEIR PRIVATE COVENANT.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ. SECONDED BY THE MAYOR PRO TEM AS OUTLINED BY STAFF.

Slusher: ONE QUESTION, MAYOR. MR. LARKIN'S E-MAIL THAT HE SEPTEMBER TO US EARLIER TONIGHT SAYS THERE'S AN AGREEMENT. HE TALKS ABOUT THE 250 WHICH IS STILL UNDER DISCUSSION. BUT THE NO FAST FOOD OR I GUESS THAT MEANS NO DRIVE THROUGH, RIGHT? SIT DOWN RESTAURANTS ONLY. IS THAT -- HAVE YOU ALL AGREED TO THAT?

THERE --

NO.

Slusher: I GUESS HIS DOESN'T STATE THAT YOU HAVE. HE SAID THAT'S WHAT THEY WOULD PREFER, RIGHT? IS THAT PART OF YOURS?

Alvarez: I WAS GOING TO ADDRESS THAT NEXT. THEY COULDN'T AGREE ON ALL OF THESE --

Slusher: OKAY.

Mayor Wynn: MOTION ON THE TABLE. SECONDED TO APPROVE ON SECOND READING ONLY, THE MOTION AS OUTLINED BY STAFF. FURTHER COMMENTS? HEARING NONE,

ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL. TAKES US TO ITEM NO. 64, BRODIE NUMBER 31 TRACT, MR. GUERNSEY.

GREG GUERNSEY, NEIGHBORHOOD PLANNING AND ZONING. OUR NEXT TRACT IS RIGHT ACROSS THE STREET FROM THE OTHER TRACT ON BRODIE LANE. THIS PROPERTY IS LOCATED ON THE WEST SIDE OF BRODIE LANE, JUST SOUTH OF EXISTING DAVIS. HERE'S THE CHERRY CREEK BRODIE LANE NEIGHBORHOOD. HIS RANCH PROPERTY IS LOCATED RIGHT HERE, THIS PROPERTY WHICH COMPRISES APPROXIMATELY 31 ACRES, PROPOSED FOR P.U.D. ZONING IS LOCATED JUST WEST OF BRODIE LANE. THE PROPOSED P.U.D., JUST AS A QUICK REFRESHER, IS ADJACENT TO SOME CITY OF AUSTIN, 165-ACRE PRESERVE TRACT. WHICH CONTAINS BLOWING SINK. ON THIS PROPERTY THERE'S APPROXIMATELY 15 ACRES THAT WOULD BE LEFT IN CONSERVATION EASEMENT. I WILL START FROM THE BOTTOM. AND SPEAK TO TRACT 7, WHICH IS APPROXIMATELY 10.7 ACRES, WHICH IS PROPOSED AS A CONSERVATION EASEMENT. TRACT 6, 5, 4 ARE -- ARE COMMERCIAL TRACTS OPPOSITE OF [INDISCERNIBLE], THE GATEWAY INTO THE CHERRY CREEK BRODIE LANE NEIGHBORHOOD. THESE WOULD BE PROPOSED FOR RETAIL, RESTAURANTS TYPE OF USES, ALSO WOULD BE INCLUDED IN A CONVENIENCE STORAGE USE, MINI WAREHOUSE TYPE USE. TRACT 2 WHICH HAS PIPELINES THAT CROSS THAT TRACT, ALSO CONSIDERED INTO A CONSERVATION EASEMENT, FINALLY TRACT 1 WHICH IS ANOTHER RETAIL TRACT.

AS I MENTIONED PREVIOUSLY, THIS TRACT WAS ALSO PART OF THE CHARETTE THAT THE CHERRY CREEK AND BRODIE LANE NEIGHBORHOOD HOSTED ON THE AUGUST 14th. AND WAS DISCUSSED BY THEIR GROUP AT THAT TIME. BUT THEY ARE -- THAT THEY ARE OPPOSED TO THAT. THERE HAS BEEN SEVERAL DISCUSSIONS BETWEEN THE APPLICANT'S AGENT, MR. WALTERS ON THIS PROPERTY, AND THE CHERRY CREEK NEIGHBORHOOD. THE DESIRE FOR THE PROPERTY OWNER

TO GO FORWARD WITH APPROVAL OF THIS CASE. ON SECOND AND THIRD READING THIS EVENING. THE ORDINANCE IS PREPARED. AND THEY WOULD LIKE TO DO THAT. THE NEIGHBORHOOD'S PERSPECTIVE IS THAT THEY WOULD LIKE TO DO SECOND READING AND COUNCIL CONSIDERS SOME CHANGES TO THE P.U.D., TO VARY SOME OF THE USES IN LOCATION INTENSITIES THAT HAVE BEEN PROPOSED BY THE APPLICANT. AT THIS POINT, IT MIGHT BE BEST TO -- TO LET THE NEIGHBORHOOD AND THE APPLICANT EXPLAIN, THE APPLICANT'S AGENT EXPLAIN THEIR SPECIFIC POSITIONS ON THIS CASE AS WE DID IN THE PREVIOUS CASE. AND I'LL BE HERE TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE AND WE HAVE OTHER STAFF HERE IF THERE'S QUESTIONS ABOUT ENVIRONMENTAL OR TRANSPORTATION ISSUES.

THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF, COUNCIL? IF NOT LET'S HEAR FROM MR. LARKIN AGAIN.

GOOD EVENING AGAIN. IF -- IF WE COULD, WE WOULD LIKE OUR NEIGHBORHOOD ASSOCIATION PRESIDENT TO READ OUR VISION STATEMENT AND THEN FORGER RAD KINNEY TO -- GERRARG KINNEY WHO FACILITATED OUR PLANNING CHARETTE TO WALK YOU THROUGH THE CONCEPTUAL MODEL. WE KNOW THAT YOU HAVE A SHORT TIME. WE WOULD KEEP IT VERY RAP MID, I CAN TELL YOU THE DERIVED USES THAT YOU ALREADY HAVE IN FRONT OF YOU THAT WE ARE PROPOSING. IF WE COULD MAYBE CAP IT AT 3 MINUTES.

FAIR ENOUGH.

THANK YOU.

GOOD EVENING, I'M PHIL BROWN, PRESIDENT OF THE CHERRY CREEK AND BRODIE NEIGHBORHOOD ASSOCIATION. WE'VE COME ONE A VISION STATEMENT FOR BRODIE MAIN STREET. IMAGINE DRIVING OVER THE HILL SOUTHBOUND ON BRODIE LANE AS YOU HAVE HUNDREDS OF TIMES BEFORE AND ENCOUNTERING SOMETHING STUNNINGLY DIFFERENT FROM THE GENERIC STRIP CENTERS SEEN ACROSS THE SEA OF PARKED CARS, PREDOMINANTLY AUTOMOBILE ORIENTED BUSINESSES, DUSTY CONVENIENCE STORES AND WEEDY

STREET SCAPES. NOW ENVISION TREE SHADED PEDESTRIAN PLAZA SALTILLO DID AS AT THE CORNERS OF DAVIS AND BRODIE LANES, DIVERSE COLLECTIONS OF NEIGHBORING NIBBLING ICE CREAM IN THE SHADE, PERUSING BOOKS, COUGH FOE AT A QUIET SHOP. SOME VISITED THEIR HAIR STYLIST, PICKED A GOWN FROM A BOUTIQUE, FRIENDS GATHERING FOR DINNER AT A REAL RESTAURANT WITH A SHADY OUTDOOR DINING AREA. IT'S A RELAXING PLACE WHERE NATIVE TREES LINE THE STREETS SHIELDING THE WALKERS, CALMING THE TRAFFIC, FOUNTAIN SPRAYING REFRESHING MIST INTO THE AIR AS PARENTS WATCH THEIR CHILDREN WIGGLE THEIR TOES IN SHALLOW POOLS. SOME LIVE IN APARTMENTS, WHILE OTHERS CYCLED, WALKED, JOGGED OVER FROM HARRIS RANCH ... MAPLE RUN ON THE CONNECTING TRAIL SYSTEMS, SOME WHO LIVE FAERT OFF ARE WAITING TO BOARD CAPITAL METRO BUSES AT CANOPIED OFF STREET LOADING ZONES. THOSE WHO DROVE HERE PARKED IN SAFE, EASILY ACCESSIBLE AREAS. PLAN TO PROVIDE SHADY PATHS TO THE BUSINESS ENTRANCES, THIS ISN'T THE KIND OF BLOATED CREDIT CARD MEGA PLEX THAT DRAWS TENSE OF THOUSANDS FROM MILES AROUND TO ACRES OF SWEALT TERING PARKING LOTS AND NON-DESCRIPT OR BRANDED CHAIN STORES NOR AN OVERHYPED SELF-CONSCIOUS COLLECTION OF PSEUDO COSMO POLICYOLITAN STOREFRONTS. IT INVOKES MEMORIES, GOING TO ENDURE AND MATURE FOR A LONG TIME TO COME. THE MISSION OF THE BRODIE AT DAVIS COALITION IS TO PROMOTE THIS VISION OF MAIN STREET BRODIE, THANK YOU.

Mayor Wynn: THANK YOU MR. BROWN, SIGN US UP.

I'M GERARD KINNEY, THESE FOLKS ASKED ME TO HELP THEM FACILITATE THEIR CHARETTE. I GUESS ABOUT 10 DAYS AGO. I HAD THE HONOR OF DOING THAT. I WAS A -- VERY IMPRESSED WITH THESE FOLKS. THEY REALLY WERE ABLE TO COME TOGETHER IN A VISION AND I'LL JUST TAKE YOU THROUGH IT, IF YOU LIKE.

I THINK YOU HAVE SOME -- GOOD, THANKS, WE WILL DO IT THAT WAY. I THINK THAT YOU HAVE GOT VERSIONS OF THIS IN FRONT OF YOU. THE KEY DIFFERENCE BETWEEN WHAT WE ARE PROPOSING HERE IS FIRST OF ALL WE ARE TRYING

TO ACCOMMODATE THE FACT THAT THE FOLKS IN THE NEIGHBORHOOD WOULD PREFER NOT TO HAVE AUTOMOBILE ORIENTED BUSINESSES FRONTING ON BRODIE. THEY WANT -- THE VISION THAT EMERGED WAS ONE OF A -- OF A MUCH MORE URBAN STREET SCAPE. MUCH MORE ALONG THE LINES THAT I THINK THE -- THE COUNCIL TASK FORCE ON THE COMMERCIAL DESIGN GUIDELINES AND OTHER -- OTHER URBAN PLANNING CONCEPTS, FOR INSTANCE, AT RMMA, ARE ENVISIONING. AND IT -- IT -- THE -- THE AUTOMOTIVE -- AUTOMOBILE ORIENTED USES ARE REALLY NOT COMPATIBLE WITH THAT. ALTHOUGH WE KNOW THAT A LOT OF FOLKS WILL BE DRIVING HERE. SO WHAT WE HAVE DONE IS TO DESCRIBE, YOU KNOW, TAKE MANY YEARS TO ACHIEVE THIS, BUT A -- A TREE LINED BOULEVARD THAT IS DOWNTOWN BRODIE AND WHICH HAS PAD SITES FOR -- FOR MANY KINDS OF USES, OFFICE, RETAIL, ENTERTAINMENT, VARIOUS USES. BUT THE PARKING IS PREDOMINANTLY BETWEEN THEM AND BEHIND THEM RATHER THAN ON THE STREET. WE ARE SHOWING PARALLEL PARKING ON BRODIE, WE UNDERSTAND THERE'S SOME QUESTION ABOUT WHAT THE FEASIBILITY OF THAT, BUT WE - - SOME DAY WE WOULD LIKE TO SEE THAT WHEN TRAFFIC DIVERSIONS AND THINGS ALLOW IT TO HAPPEN. WE ARE -- WE ARE PROPOSING A LIGHTED INTERSECTION HERE AT -- AT SILK OAK AND ONE DOWN AT RELOCATED DAVIS LANE, AND WE ARE -- WE'RE TAKING THE -- THE STORAGE USE THAT THERE IS A COMMERCIAL STORAGE LARGE COMMERCIAL STORAGE FACILITY PLANNED BY THE DEVELOPER AND WE ARE ASKING THAT IT RATHER THAN -- RATHER THAN TAKING A BIG PIECE OF THE FRONT THAT IT BE MOVED BACK AND ACTUALLY PERHAPS BE ALLOWED TO HAVE MORE HEIGHT AND BE ALONG THE REAR OF THE PROPERTY AND RATHER THAN HAVE THE DETENTION PONDS, WHICH HE HAS IN THESE TWO QUAD DRANTS RIGHT HERE, WE HAVE -- QUADRANTS RIGHT HERE, WE HAVE TAKEN THE SAME AMOUNT OF AREA. WE DID THIS QUICKLY, IT MAY NEED TO BE SLIGHTLY WIDER, WE ACKNOWLEDGE, BUT USING THE DETENTION LINED WITH TREES TO BE THE BUFFER BETWEEN THE RETAIL AND THAT USE. [BUZZER SOUNDING] ON THE OTHER PORTION OVER THERE ALONG DAVIS, WE ARE TALKING ABOUT A MUCH MORE INTENSIVE USE I THINK THAN HE'S REALLY THINKING ABOUT. BUT -- BUT

TRYING TO TAKE ADVANTAGE OF THE VIEWS OF THIS AREA FROM THIS BUILDING THAT COME BE A MULTI-STORY AND CERTAINLY MULTISTORY UP ON THE STREET WITH A PLAZA, REALLY DEVELOP THAT INTERSECTION OF DAVIS LANE AND BRODIE AS THE KIND OF MAIN INTERSECTION FOR THE INDIVIDUAL LARGE CENTER. VILLAGE CENTER.

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

I'VE DONE ANALYSIS ON THAT. I MET WITH JOHN LARKIN AFTER THE CHARRETTE ON SATURDAY. WE MET WITH HIM LAST TUESDAY. I RAN THIS PLAN, RAN THE NUMBERS, TRIED TO FIGURE OUT PARKING SCENARIO. IT DOESN'T WORK FROM A PARKING SCENARIO. WE'RE 2.75 ACRES. AS YOU KNOW, WE GOT A BLOCK FROM THE ENVIRONMENTAL BOARD BECAUSE WE'RE ASKING FOR NO VARIANCES TO THE S.O.S. ORDINANCE. SO IT'S GREAT FOR THE DESIGN AND STUFF. I LOVE DOING IT. IT'S MY PASSION TO DO SITE DEVELOPMENT PERMITS, TAKE THAT STUFF TO THE CITY, DID YOU IT DOESN'T MEET YOUR CITY CODES. AS GOOD AS IT IS, IT DOESN'T MEAN THAT WE WON'T TRY TO ACHIEVE THAT IN THE FUTURE. BUT THIS IS NOT A SITE PLANNING EXERCISE TONIGHT. IT IS A LAND USE EXERCISE AND A P.U.D. ZONING. WE'VE WORKED WITH THIS NEIGHBORHOOD GROUP TO TRY TO WORK OUT THE TRAFFIC CONCERNS. WE BELIEVE THAT OUR USES AT THIS LOCATION WILL HELP THEM GET THE TRAFFIC THAT THEY NEED AT THIS LIGHT SO THAT THERE WILL BE A LIGHT HERE INSTEAD OF THEM SHOOTING ACROSS THE TRAFFIC RIGHT NOW. THIS AREA IN HERE, BECAUSE WE PUT RETAIL HERE SO THEY REFER TO THAT WE COULD BUILD A DOWNTOWN BRODIE, IT GIVES US THE FLEXIBILITY TO DO THAT AT THAT LOCATION TO MEET THEIR CONCERNS. THE LOCATION ON THE AUTO USES WE'VE LOCATED HERE BECAUSE AGAIN IT DOES GIVE THEM THE TRAFFIC WARRANTS TO DO THAT. WE HAVE A RESTRICTIVE COVENANT WRITTEN WITH THE CITY SIGNED AND NOTARIZED THAT TALKS ABOUT IPM PLANS, LANDSCAPING, SIGNAGE, IMPERVIOUS COVER, AUTOMOTIVE USES THAT ARE LIMITED TO NO ASPHALT, ALL CONCRETE. WE ARE TRYING TO IMPLEMENT NEW URBANISM DESIGN BY WRITING INTO THIS P.U.D. DOCUMENT THAT YOU IS IN FRONT OF YOU, THIS IS THE P.U.D. DOCUMENT THAT IF SIGNED THAT THE

STAFF RECOMMENDS AND THE PLANNING COMMISSION RECOMMENDS THAT ALLOWS FOR THAT TYPE OF ZONING TO BE DONE. IT'S JUST A MATTER THAT WHEN YOU GET TO IT AND YOU REALLY DESIGN IT AND YOU REALLY TRY TO MAKE IT WORK, YOU STILL HAVE TO MEET THE S.O.S. ORDINANCE. AND THAT'S WHAT WE'VE BEEN TRYING TO DO ALL ALONG. BUT THIS DOES BUILD IN THE FLEXIBILITY FOR US TO DO THAT. WE BELIEVE THAT THE NEIGHBORHOOD PRETTY MUCH LIKES ALL OUR LAND USES. WE HAVEN'T BEEN ARGUING ABOUT THE LAND USES SO MUCH EXCEPT FOR THE FAST FOOD, AND BILL HAS GIVEN ME THE AUTHORITY TO TAKE FAST FOOD COMPLETELY OUT OF THIS. SO WE DON'T MIND HAVING SIT DOWN RESTAURANTS WITH FOUNTAINS NEXT TO THE PLAZA. THAT'S WHAT WE ALL LIKE. WE'RE PEOPLE WATCHERS AND THAT'S WHAT LAWS THAT TO HAPPEN. IT MIGHT BE YOU CAN'T HAVE THE PLAZA BECAUSE YOU DON'T HAVE THE IMPERVIOUS COVER. I JUST DON'T KNOW. WE'VE MET WITH THE NEIGHBORHOOD DURING THE CHARRETTE. AND HE STOOD THERE AND ANSWERED EVERYBODY'S QUESTIONS, AND HE WOULD NOT LEAVE UNTIL ALL THOSE QUESTIONS WERE ANSWERED. AND HE FELT LIKE HE HAD A VERY GOOD DIALOGUE WITH THE NEIGHBORHOOD. I THINK HE KNOWS WHAT THE NEIGHBORHOOD WANTS. AND I THINK WHEN IT COMES TIME FOR US TO DO THE SITE DEVELOPMENT PERMIT, WE WILL KEEP THE NEW URBANISM QUALITIES IN MIND. BUT IT'S NOT SOMETHING THAT WE CAN DO NOW, BUT THE P.U.D. HAD BUILT IN THE FLEXIBILITY FOR US TO DO THAT. WEKS TRANSFER IMPERVIOUS COVER AMONGST OURSELVES. [ BUZZER SOUNDS ] WE HAVE LOCATED RIGHT HERE OUR CENTRAL MAJOR IMPERVIOUS COVER AND WE'VE GOT 15 ACRES OF OPEN SPACE AROUND IT. SO IF YOU HAVE ANY QUESTIONS, I'D BE MORE THAN HAPPY TO ANSWER THEM, BUT I THINK WE'VE GONE WELL BEYOND YOUR STANDARD AND USE OF THE P.U.D. TO MAKE THIS THE HIGHEST QUALITY DEVELOPMENT WE CAN MAKE. BILL HAS DONE MANY DEVELOPMENTS AND INCORPORATING THE LIGHTING, SIGNAGE AND EVERYTHING THEY DID ON SUNSET VALLEY IN THE AREA. AND THAT WAS WELL BEYOND ANYONE ELSE'S STANDARDS. SO IF YOU HAVE ANY QUESTIONS, I'M HERE TO ANSWER THEM.

Mayor Wynn: QUESTIONS OF -- COUNCILMEMBER

MCCRACKEN.

McCracken: YES, MR. LINEHAN, THAT LOOKS SIMILAR TO THAT. ARE THESE THE SAME?

THIS IS WHAT I WAS GIVEN TUESDAY AFTERNOON FROM JOHN LARKIN. I THINK THEY'RE THE SAME. THE CONCEPT IS -- IT'S DETENTION DOWN THE MIDDLE WITH TREE LIN BOULEVARDS AND DETENTION POND. THEY WON'T ALLOW US TO PUT TREES IN THE DRAINAGE PONDS, BUT WE'RE NOT GOING TO LANDSCAPE DUE TO GREEN GROWTH PROGRAM AND OTHER MATERIALS. THAT IS GOING TO HAVE TO BE REVIEWED BY OUR DEPARTMENT. YES, IT IS THE SAME PLAN, BUT THIS ONE IS 37% OR 2.73 ACRES MORE IMPERVIOUS COVER THAN THE 7.75 ACRES OF IMPERVIOUS COVER ON THE ENTIRE 31 ACRES.

McCracken: WHAT IS YOUR PLAN? WHAT IS THE WALTERS' PLAN? DO YOU HAVE A SKETCH OF THAT?

YES, I DO. BUT AGAIN, WHEN WE DO SITE PLANNING, IT'S JUST A SKETCH. I'M SORRY IT'S SO SMALL HERE. AGAIN, IT DOES LOCATE THESE FOUR BUILDINGS IN THIS LOCATION. WE DON'T HAVE ANY PROBLEM MOVING ANY STORAGE TO THE BACK. WE'VE PUT 100-FOOT OF VEGETATIVE BUFFER BEHIND THE AUTOMOTIVE USE FROM THE KARST FEATURES BECAUSE OF THE ENVIRONMENTAL REQUEST AND WE WILL HAVE TWO SIT DOWN RESTAURANTS. IF WE CAN BLEND THAT INTO A PLAZA WHERE PEOPLE CAN WALK BACK AND FORTH, SO BE IT, WE WILL DO IT. THIS IS NOT A SITE PLANNING EXERCISE AT THIS TIME.

McCracken: I THINK WE'VE HIT ON ONE OF THE REASONS WHY IT'S SUCH A GOOD IDEA THAT WE'RE GOING TO BE REDOING OUR ZONING ORDINANCE IN THE COMING YEAR BECAUSE I THINK WHAT WE'RE SEEING IS THIS NEIGHBORHOOD IS NOT ANTI-DEVELOPMENT. THEY WANT TO DEVELOP IT AS A NEIGHBORHOOD. AND WALTER HAS AN EXCELLENT TRACK RECORD IN THAT REGARD. BUT IF WE CAN'T TALK ABOUT THAT TONIGHT, I THINK WE'RE KIND OF MISSING THE CRUX OF THE SITUATION, WHICH IS WHAT THE NEIGHBORHOOD CARES ABOUT, IS TRYING TO DEVELOP THE PHYSICAL FORM

OF THEIR COMMUNITY.

WE CAN MOVE THE BUILDINGS CLOSER TO THE STREET, WE CAN PUT THE PARKING IN THE BACK. THOSE AREN'T PROBLEMS. WE MAY NOT BE ABLE TO PUT THE DETENTION IN THE MIDDLE OF THE LOT BECAUSE OF ECONOMICS. YOU CAN'T GO DIG OUT THE MIDDLE OF YOUR TRACT AND RUN TWO PARALLEL STREETS ON BOTH SIDES OF THE DETENTION PONDS. SO THERE'S SOME PRACTICAL RESTRICTIONS, REALITY RESTRICTIONS THAT THE ORDINANCES, AS YOU KNOW, THERE ARE FOUR DIFFERENT VOLUMES THAT WE HAD DESIGNED BY. AND AS MUCH AS I LIKE TO BE AS CREATIVE AS I CAN BE IN MY OWN DESIGN PATTERNS, IT IS ALMOST A COOKBOOK ON HOW YOU DESIGN IN AUSTIN. SO WE WILL DO THE BEST WE CAN. AS YOU KNOW, BILL IS -- LEADS THE FIELD IN THESE TYPE OF CHARRETTE, DESIGNS AND THINGS THAT HE WOULD LIKE TO SEE IN HIS PROJECTS. HE'S A FORWARD THINKER. AND IF WE CAN MAKE THE STREETS BETTER, IT'S BETTER FOR US AND BETTER FOR THEM, BUT IT HAS TO WORK ECONOMICALLY.

McCracken: I GUESS WHAT WE CAN FIGURE OUT, I GUESS THIS WILL BE A TECHNICAL QUESTION FOR STAFF IS IF WE'RE GOING TO DO SOME SET BACK ISSUES FOR BUSINESSES LIKE WHAT MR. KINNEY HAD PREPARED, IS THAT SOMETHING WE CAN HANDLE AT THE P.U.D. STAGE OR THROUGH A RESTRICTIVE COVENANT?

SOME OF THE THINGS THAT HAVE BEEN PROPOSED BY THE NEIGHBORHOOD WE CAN CERTAINLY INCORPORATE INTO THE P.U.D. THEY WOULD CHANGE THE HEIGHTS OF STRUCTURES, THE MASSING OF THE STRUCTURES AND WHERE THEY'RE LOCATED, AND CERTAINLY SUGGEST PUTTING MORE RETAIL USES IN THE FRONT AND A CONVENIENCE, STORAGE TYPE USES TOWARDS THE REAR. THAT CAN ALL BE DONE THROUGH THE P.U.D. SOME OF THE - - I DON'T KNOW. THE SUBTLE THINGS THAT ARE PROPOSED ABOUT INDIVIDUAL LOCATIONS OF TREES OR THE EXACT LOCATION OF DRY DROPS IS A BIT MORE DIFFICULT TO DO AT THIS STAGE OF THE DEVELOPMENT PROCESS, BUT SETTING THE GENERAL STANDARDS ABOUT INCREASING HEIGHT IN THE BACK, LOWERING IT IN FRONT, LIMITING USES AND

PUTTING MORE INTENSE USES IN THE BACK, CAN ALL BE DONE THROUGH THE P.U.D.

McCracken: AND IT LOOKS LIKE, MR. KINNEY, IS IT CORRECT THAT IT HAS STREET TREES?

YES, SIR. WE'RE SHOWING STREET TREES ON BOTH SIDES OF BRODIE. AND OF COURSE, THIS DEVELOPER WOULDN'T BE -- THIS PROJECT WOULDN'T BE DEVELOPING THAT SIDE. WHETHER OR NOT THESE STREET TREES HAPPEN AS A PART OF THIS DEVELOPMENT OR SOME FUTURE BOND PROGRAM OR SOMETHING, WHO KNOWS. THIS IS A VISION. YOU ACHIEVE IT OVER TIME IN THE WAYS THAT YOU CAN. LET ME QUICKLY SAY, WE DIDN'T DO THE CALCULATION -- THE 37% VERSUS THE 25. THIS IS A SKETCH. WE TOOK WHAT WE THOUGHT WERE THE TWO DETENTION PONDS THEY HAD AND DIVIDED THEM UP THERE. IF WE'RE A LITTLE LOW, WE'LL MAKE THEM A LITTLE LARGER. THAT'S REALLY NOT AN ISSUE.

McCracken: THANK YOU.

I WOULD SAY WE HAVE A DEVELOPMENT CRITERIA CHART ON THE P.U.D. THAT -- BECAUSE THAT'S WHAT EVERYBODY HAS, WE DO HAVE A BUILDING SET BACK FROM THE FRONT YARD OF 25 FEET, WHICH DOES ALLOW THE BUILDINGS TO BE SET UP AND STILL HAVE A TREE LINED STREET. THE SETBACKS HAD BEEN 15, AND ONLY USE THAT WE'VE HAD A REAR SET BACK LINE ON WAS THE AUTOMOTIVE USE BECAUSE WE WERE TRYING TO KEEP IT AWAY FROM THE PRESERVE. THEN WE HAD A 20-FOOT HEIGHT LIMITATION. WE HAD LIMITED THIS SITE TO TWO STORIES. IF WE DID NOT HAVE TWO-STORY RETAIL IN THE FRONT BECAUSE WE DON'T BELIEVE IT WORKS. WE DIDN'T ASK FOR FOUR-STORY STORAGE IN THE BACK BECAUSE WE DIDN'T THINK THAT WAS THE DESIRE OF ANYONE. SO WE HAVE TRIED TO KEEP THIS LOW PRIX FILE. IT DOESN'T MEAN THAT YOU HAVE TO GO UP. BUT WHEN YOU PUT THOSE HEIGHTS ON THERE, YOU'RE ALSO PUTTING MORE PARKING TO ACCOMMODATE THAT. SO THERE'S -- MEMBER McARE THOSE FACTORING INTO YOUR IMPERVIOUS COVER CALCULATIONS AND THE HEIGHT?

NO. I USED THE ONES THAT HE HAS ON THAT PLAN. IT DOES NOT MEET PARKING REQUIREMENTS. IT'S ANOTHER CRITERIA THAT WE DON'T MEET. BUT AGAIN, THE P.U.D. DOES ALLOW THE FLEXIBILITY FOR US TO COME AND DO THIS. WE'VE WRITTEN IT IN DEVELOPMENT CRITERIA CHARGES AND ONLY ZONING ORDINANCE CATEGORY THAT ALLOWS FOR US TO GO IN AND TAKE -- IF YOU GO BACK TO WHERE WE WERE A YEAR AGO WERKS HAD 31 ACRES THAT WEBBED HAVE CUT UP INTO FOUR SITES AND SAID LET'S MAKE THIS ONE GR, LET'S MAKE THIS ONE CS. AND IT DIDN'T ALLOW US THE FLEXIBILITY THAT WE NEED. SO THE P.U.D. ORDINANCE, AND I'M A GREAT PROPONENT OF IT, ALLOWS FOR THESE THINGS TO BE DEVELOPED. BUT AS GEORGE SAID, IT'S GOT TO BE DONE OVERTIME. THE MARKETPLACE HAS TO ALLOW FOR IT. AND IT'S SOMETHING THAT YOU HAVE TO DO AT THE SITE PLANNING PROCESS AND NOT THE ZONING PROCESS. AND AGAIN, THE USES THAT THEY HAVE AND THE USES THAT WE HAVE ARE RELATIVELY THE SAME. AND WE'VE TAKEN OUT THE FAST FOOD, SO WE DON'T START CUTTING IT UP AND JUST HAVE --

McCracken: LET ME ASK YOU THIS: WHAT ABOUT THIS PLAN -- THIS IS ACTUALLY -- I BELIEVE THIS IS AN EXCELLENT URBAN PLAN. AND WE DON'T HAVE FOR UNDERSTANDABLE REASONS SOMETHING THAT -- I GUESS I WANT TO GET A SENSE OF WHAT ABOUT THIS WOULD HAVE TO CHANGE FROM THE --

THE DOUBLE ROW STREETS, THE DETENTION IN THE MIDDLE OF THE PARKING. YOU'RE DIGGING OUT THE WHOLE INTERIOR OF THE SITE TO BE PUTTING IN DETENTION PONDS YOU WILL BE LOOKING AT. SO THERE'S A TREMENDOUS AMOUNT OF IMPERVIOUS COVER THERE THAT YOU HAVE TO -- ECONOMICS TO DIG IT OUT. THEN MAKE IT LOOK RIGHT. THEN YOU HAVE DOUBLE WIDE PARKING ON BOTH SIDES OF IT. SO ALTHOUGH IT MAY LOOK GREAT FROM THE STREET AS YOU'RE WALKING DOWN, I WAS IN NASHVILLE THIS WEEKEND AT A GROCERY STORE AND HAD THE SAME KIND OF SCHEME WITH PARKING IN THE FRONT. THE FRONT STREET WAS DEAD. EVERYBODY IN IN THE PARKING LOT IN THE NEIGHBORHOOD BEHIND THE BUILDING. THEY DID A GREAT JOB OF MAKING A FACADE OF THE STORE AND GREAT ALONG THE STREET SCENE, BUT I SAW ONE GUY THE ENTIRE

TIME I WAS THERE, WHERE I SAW HUNDREDS OF PEOPLE BACK BY THE BACK DOOR NOW.

McCracken: BUT I THINK -- I THINK I'M HEARING SOMETHING DIFFERENT OF YOUR UNDERSTANDING OF WHAT WAS PRESENTED. THEY ARE HAVING THE PARALLEL PASHING IN THE FRONT. -- PARKING IN THE FRONT.

WE NEED TO DRIVE IN THERE TO CONNECT EVERYTHING, GET TO THE TRAFFIC LIGHT THAT HELPS THIS NEIGHBORHOOD GROUP MEETS THEIR WARRANTS AND IT HELPS SOLVE THE TRAFFIC NEEDS RIGHT NOW WITH STEPPING STONE THAT'S RIGHT THERE THAT THEY'RE HAVING A PROBLEM WITH.

McCracken: BUT I'M TALKING ABOUT THEY'RE SUGGESTING THAT YOU'D HAVE STRICTER PARALLEL PARKING IN FRONT. WE DID THIS ALL OVER THE CITY WHERE WE HAVE STREET RETAIL WHERE YOU CAN --

I DID BECAUSE IT CAN WORK WITH THE IMPERVIOUS COVER LIMITATIONS, THEN WE'LL DO IT. BUT IT'S A SITE PLANNING ISSUE, AND MAY BE NICER TO HAVE A BERM WITH LANDSCAPE SIGNAGE ALONG THERE WITH A SIDEWALK THAT MEANDERS THROUGH THAT AREA WITH NOT PARALLEL PARK, BUT 45-DEGREE ANGLE PARKING ONE SIDE. WE JUST DON'T KNOW HOW TO DESIGN IT YET WITHOUT HAVING THE DETAILED FOOTPRINT AND HAVING THE DETAILED SITE PLAN TO DO THAT.

McCracken: BUT THE STAFF PROPOSAL -- WE HAD THE BUDGET PRESENTATION TODAY FOR A CITYWIDE CODE THAT WOULD MEAN A LOT OF THESE THINGS ARE DONE, AND THEY'RE DONE ALL OVER THE COUNTRY AT THIS STAGE. WHAT I'M SAYING IS I THINK THIS COULD BE DONE IN THE GENERAL PARAMETERS --

WE'RE SET.

McCracken: THIS IS AN EFFORT TO SKETCH A VISION AS OPPOSED TO EXACTLY PLACE EVERYTHING, BUT THE RELATIONSHIP OF THE BUILDINGS TO THE STREET, I THINK

THAT WE COULD PROBABLY GET THERE ON THAT.

I MEAN, AS FAR AS THE CONCEPT, THAT'S A CONCEPT. AS FAR AS HOW YOU DESIGN IT, YOU'VE GOT TO GO THROUGH DETAILED DESIGN WITH BUILDING FIRMS. AND THE ZONING ORDINANCE RIGHT NOW THE WAY WE'VE GOT IT SET UP ALLOWS US TO DO THAT. AND IF YOU CHANGE YOUR CODES, THEN WE'LL HAVE TO DESIGN TO THOSE CODES. BUT RIGHT NOW THAT CONCEPT PLAN, AS BRANDED AS IT SEEMS, CANNOT BE BUILT BECAUSE IT DOES NOT MEET EIGHT DIFFERENT THINGS IN THE CITY CODE AS FAR AS ORDINANCE REQUIREMENTS.

McCracken: APPARENTLY FROM WHAT MR. -- MR. GUERNSEY, I GUESS WE NEED TO GET TECHNICAL INFORMATION AS TO WHAT COULD OR COULD NOT BE DONE ACCORDING TO THE P.U.D. ORDINANCE.

Mayor Wynn: BEFORE MR. GUERNSEY SPEAKS, COUNCILMEMBER SLUSHER MAKES A MOTION THAT WE WAIVE THE 10:00 O'CLOCK RULES AND GO PAST OUR 10:00 O'CLOCK DEADLINE.

COUNCILMEMBER THOMAS. THANK YOU. ALL IN FAVOR? MOTION PASSES ON A SOCIETY OF SEVEN TO ZERO. -- VOTE OF SEVEN ON ZERO. PLEASE CONTINUE, MR. GUERNSEY.

COUNCILMEMBER, ON THE BRODIE 31, THE COMMUNITY VISION PLAN THAT IS BEING HELD UP BY PHIL, I WANT TO EXPLAIN, PORTIONS OF THIS ARE BEYOND THE LIMITS OF THIS ZONING CASE. AS YOU LOOK AT THE EXHIBIT, THE AREA THAT'S TO THE RIGHT BEYOND THE DASHED LINES THAT ARE KIND OF DIAGONAL, A SMALL PORTION OF THAT IS KNOWN AS TRACT ONE AND PART OF THE ZONING CASE. BUT WHERE YOU SEE DAVIS LANE AND THE SMALL PURPLE BUILDING AND A LOT OF THE STRUCTURES THAT FRONT ON DAVIS, THAT'S BEYOND THIS ZONING CASE. SO WE COULD NOT REALLY ADDRESS THAT WITH THIS CASE TONIGHT. THOSE THINGS THAT ARE IN THE PUBLIC RIGHT-OF-WAY, THERE ARE GREAT CONSTRAINTS BY CERTAIN COURT CASES THAT MAY HAVE OCCURRED IN THE STATE OF TEXAS IN THE LAST YEAR ABOUT REQUIRING A DEVELOPER TO MAKE PUBLIC IMPROVEMENTS WITHIN THE RIGHT-OF-WAY IN ASSOCIATION

WITH THE ZONING CASE. THAT IS KIND OF BEYOND THE CONTEXT. THE AREA WE'RE TALKING ABOUT IS REALLY THE AREA THAT'S BEING REZONED THAT IS NOW BEING POINTED OUT BY JOHN LARKIN. FROM THAT POINT GOING TO THE LEFT, THAT'S CORRECT. ON THE NORTHERN SIDE. AS I SAID BEFORE, THE TRACTS, WE CAN VARY HEIGHTS ON PORTIONS OF THIS. MR. WALTERS HAS AGREED TO A TWO-STORY 40-FOOT HEIGHT LIMIT THROUGHOUT THIS ENTIRE P.U.D. WHAT'S BEING SUGGESTED BY THE CHERRY CREEK NEIGHBORHOOD IS THAT THERE'S A TWO-STORY I THINK 40-FOOT LIMIT ON THE FRONT HALF OF THOSE TRACTS THAT ARE SOUTH OF THE PIPELINE, AND THEN IN THE REAR I THINK THEY'RE SUGGESTING A HEIGHT OF 45 AND UP TO A HEIGHT OF FOUR STORIES. SO THAT CAN BE DONE IN THE P.U.D. THE AREA THAT'S NORTH OF THE PIPELINE, THAT WOULD BE TO THE RIGHT, WHICH WOULD BE TRACT ONE, I THINK IS WHAT'S SUGGESTED IS THAT HEIGHT THAT COULD GO UP AS HIGH AS 45 FEET AND FOUR STORIES IN HEIGHT AND THAT WOULD BE GREATER THAN THE TWO STORIES. I THINK WHAT'S BEING OFFERED BY MR. WALTERS IS THERE'S NO DRIVE-IN RESTAURANTS, SOUNDS LIKE. THE NEIGHBORHOOD I THINK IS CERTAINLY AGREEABLE TO THAT. THEY WOULD LIKE TO SEE RESTAURANTS AND THOSE TYPES OF USES THAT ARE NOT AUTO RELATED AND NOT RELATED TO CONVENIENT STORAGE ON THE FRONT PORTION OF THE AREA SOUTH OF THE PIPELINE. AND THAT CAN BE DONE IN THE P.U.D. AND THEN ALLOW THE MORE INTENSIVE CS USE, THE CONVENIENT STORAGE ON THE REAR. SO I THINK ALL THOSE TYPES OF THINGS CAN BE ADDRESSED THROUGH THE P.U.D. THE DIFFICULT PART IS THE DESIGN OF THE BUILDING AND WHERE TREES WOULD BE LOCATED AND HOW THE DRIVEWAYS WOULD BE DESIGNED. THAT'S PROBLEMATIC UNDER OUR CURRENT CODE. SO THE GENERAL CONCEPTS STILL COULD BE NEGOTIATED BY BOTH PARTIES THROUGH, LET'S SAY, A PRIVATE RESTRICTIVE COVENANT. MR. WALTERS HAS ALREADY AGREED TO DO SEVERAL THINGS REGARDING THE AUTO RELATED USE THAT HE DESIRES ON HOW THAT WOULD OPERATE. NO COAL-BASED STARS, NATIVE PLANTS, IPM, THOSE TYPES OF THINGS HAVE ALREADY BEEN DONE. I THINK WHAT THE NEIGHBORHOOD IS ASKING IS ONE STEP FURTHER SO THAT THEY GET ASSURANCE THAT THE SITE DEVELOPMENT

PERMIT STAGE, THAT THE DESIGN ELEMENTS WOULD BE INCORPORATED. AND I THINK THE DILEMMA THAT MR. WALTER FACES IS THAT YOU MIGHT BE AGREEABLE DOING THAT, BUT HE DOESN'T KNOW WHAT HIS TENANTS ARE AND WHAT THEIR DESIRES MIGHT BE UNTIL HE GETS TO THAT STAGE.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: GREG, ON COULD I ASK A QUESTION? UNTIL YOU GET TO THAT STAGE, DO YOU KNOW THAT YOU COULD INCORPORATE ALL THIS WITH THE RESTRICTIONS YOU HAVE UNDER THE S.O.S.?

WELL, THEY WILL HAVE TO COMPLY WITH IT, THE S.O.S. REQUIREMENTS. I THINK THAT MR. LINEHAN AS INDICATED IF THERE IS A NEED FOR ADDITIONAL PAGING HE MAY HAVE TO SCALE BACK SOME OF THE BUILDINGS. BUT MR. WALTERS WOULD NOT BE OBLIGATED -- IF THE ZONING ALLOWS SAY TWO STORIES ON THE FRONT ROW OF THE AREA SOUTH OF THE PIPELINE, IF IT ALLOWS 2 STORIES, HE COULD STILL JUST BUILD ONE-STORY OR MAKE SOME BUILDING 2 STORY, SOME ONE-STORY AND THAT MIGHT REDUCE THE PARKING REQUIREMENTS.

IN A NUTSHELL, IF COUNCIL SO DESIRED, YOU COULD APPROVE ON SECOND READING A VISION THAT I GUESS IS SUGGESTED BY THE NEIGHBORHOOD WHERE THEY WOULD ALLOW GREATER HEIGHT IN THE BACK, LESS HEIGHT IN THE FRONT, GREATER HEIGHT NORTH OF THE PIPELINE, AND THEN LIMIT THE USES SUCH THAT THEY WOULD BE MORE LR USES AS THE NEIGHBORHOOD IS SUGGESTING WITH A RESTAURANT IN THE FRONT PART OF THE AREA SOUTH OF THE PIPELINE. THE CS USES TOWARDS THE BACK OF THE AREA SOUTH OF THE PIPELINE AND THEN GENERAL GR USES IN THE FRONT. AND I UNDERSTAND THEY'RE STILL OPPOSED TO THE AUTOMOTIVE USE. OR YOU COULD TAKE MR. WALTERS' SUGGESTION OF THE P.U.D. THAT WAS APPROVED ON FIRST READING AND WE CAN GO FORWARD TONIGHT ON SECOND AND THIRD READING FOR THAT BECAUSE WE ARE READY TO DO THAT. IT LOOKS LIKE THE TWO OPTIONS THAT HAVE BEEN OFFERED TO YOU THIS EVENING.

AND I HAVE TO ADD THAT WE'VE HAD A VERY DIFFICULT TIME AFTER A YEAR IN THE PROCESS THAT AT LAST MEETING, SECOND AND THIRD MEETING TO START CHANGING HEIGHTS AFTER WE'VE BEEN IN SEVEN OR EIGHT MEETINGS. IF YOU WANT ON THE DAIS TO SAY TWO-STORY ON THE FRONT AND FOUR IN THE BACK. SO BE IT. IF IT BUILDS IN MORE, FINE. BUT WE DON'T NEED ANOTHER WEEK TO TALK ABOUT A CONCEPT WITH THE NEIGHBORHOOD. IF YOU WANT TO LIMIT THE TWO STORIES IN THE FRONT AND THE HEIGHT, WE CAN LIMIT IT. IF YOU WANT TO GIVE US ZERO SETBACKS FOR BUILDING IN THE FRONT, GO AHEAD AND MAKE THOSE MOTIONS. THOSE ARE THE ONLY THINGS I THINK THAT ADD ANY FLEXIBILITY MORE SO THAN THE RESTRICTIONS THAT WE'VE ALREADY PUT UPON OURSELVES. THIS IS SOMETHING THAT WE'VE BEEN IN THE PROCESS FOR A YEAR. WE BELIEVE IN. AND AS MR. GUERNSEY SAID, YOU WILL NOT KNOW EXACTLY HOW IT SHAKES OUT UNTIL YOU HAVE A REAL TENANT AND A REAL PROGRAM AND A REAL ARCHITECT. WE'VE HEARD YOUR WISHES, WE'VE HEARD THE NEIGHBORHOOD'S WISHES. WE HAVE MORE INTENT TO MEET WITH THE NEIGHBORHOOD AND SHOW THEM OUR SITE PLANS AS THEY GO THROUGH, BUT THIS IS A ZONING CASE. AND WE ARE TRYING TO GET THROUGH THIS PROCESS. AND WE'VE BEEN POSTPONED TWO WEEKS AND NOW ANOTHER TWO WEEKS AND A MONTH BEFORE THAT. AND WE WOULD REALLY APPRECIATE GOING ON SECOND AND THIRD READING TONIGHT. AND WE WILL WORK WITH THIS NEIGHBORHOOD. WE'RE NOT GOING AWAY. WE'RE IN THE COMMUNITY. BILL IS AN OUTSTANDING DEVELOPER AND WE WANT TO DO IT RIGHT. BUT I BEG YOU TO PLEASE LET US GO THROUGH SECOND AND THIRD READING. BECAUSE I KNOW AFTER SPENDING THE LAST TWO WEEKS WITH THIS NEIGHBORHOOD THIS IS ALL COMING UP AT THE LAST SECOND. I HAD A MEETING ON TUESDAY AFTERNOON WITH THEM AFTER THE CHARRETTE WHEN THEY WANTED US THERE. AND THESE ARE IDEAS, THEY'RE CONCEPTS. AS YOU KNOW, THE COUNCIL KNOWS, WRITING THESE THINGS IN THE CODE IS A VERY DIFFICULT THING. THEY WILL BE THERE AND IF THEY'RE IN THE CODES, WE'RE GOING TO MEET THEM. BUT THIS P.U.D. ZONING ALLOWS FOR THAT DESIGN FLEXIBILITY, AND THAT'S WHY WE STARTED WITH THE P.U.D. REQUEST OVER A YEAR AGO WITH THE CITY STAFF. WE

WOULD HIGHLY REQUEST THAT WE GO ON ABOUT OUR BUSINESS AND CONTINUE TO WORK WITH THE NEIGHBORHOOD, BUT NOT BE DELAYED ONE DAY LONGER.

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

Goodman: I AM GOING TO MAKE THIS VERY BRIEF BECAUSE IT IS A VERY COMPLICATED PROCESS WE'RE TALKING ABOUT. AND THE ISSUES WE'RE TALKING ABOUT RIGHT NOW ARE GREAT ONES, BUT THEY ARE INDEED SITE PLAN ISSUES. AND MOST FOLKS DON'T COME IN WITH A PROJECT DURING ZONING WHERE THEY HAVE THE KIND OF ENGINEERING DATA ON HAND BECAUSE THEY WANT TO GET THEIR ZONING FIRST BEFORE THEY SPEND A LOT OF MONEY ON SOMETHING THAT THEY MAY NOT BE ABLE TO GET APPROVED. SO THAT'S WHY A SITE PLAN IS IN A DIFFERENT PLACE. AND IN FACT, ONCE LONG AGO THE CITY DID HAVE THE SITE PLANS THAT CAME IN WITH ZONING. WE TRIED TO CUT BACK ON THE SPECULATIVE BUILDING, AND WHAT HAPPENED WAS WE HAD A WHOLE LOT OF BOGUS SITE PLANS. SO IT WASN'T AS EFFECTIVE AS WE THOUGHT IT MIGHT BE, AND WE GAVE THAT UP. SO WHEN WE GET BACK TO BOTH SITE PLAN AND ZONING REVISION IN THE CODE, I'VE ALWAYS THOUGHT THAT THERE ARE SOME THINGS THAT ARE FAIRLY SELF-EVIDENT THAT WOULDN'T REQUIRE A GREAT DEAL OF EXPENDITURE ON THE PART OF THE PROPERTY OWNER OR APPLICANT, BUT STILL BE ABLE TO GIVE SOME SORT OF CERTAINTY TO WHAT EXACTLY WAS GOING TO BE BUILT, WHAT WAS BEING PROPOSED. AND CONCEPTUALLY WE TALK ABOUT THE THINGS THAT GREG WAS MENTIONING -- I DON'T THINK I'M DOING THAT. IT WOULD BE IMPOSSIBLE FOR ME TO FEEL PERFECTLY CONFIDENT THAT WHAT WE PASSED ALONG THE LINES OF THE CHARRETTE WAS ACTUALLY GOING TO BE ABLE TO BE BUILT BECAUSE WE DON'T KNOW WHERE THE POND SHOULD GO. YOU CAN HAVE A GENERAL IDEA, I'M SURE, BUT THERE ARE PRACTICAL ISSUES THAT WE REALLY CAN'T PLAN OUT FROM THE DAIS, THAT YOU'VE REALLY GOT TO HAVE SOME DATA, SOME ENGINEERING DATA BEFORE YOU DO THAT. SO JUST TO -- TO LET US KNOW THAT WHILE THE CODE IS VERY DIFFICULT PLACE SURETY AT THIS END OF THE PROCESS FOR US, THERE ARE SOME PRACTICALITIES THAT WE'RE

JUST GOING TO HAVE TO DEAL WITH IN PERHAPS SOME DIFFERENT WAY THAN WE HAVE BEFORE. I'M GETTING PRETTY GOOD AT THE CHARRETTE STUFF, AND I THINK AS KNOWLEDGEABLE ABOUT THE DESIGN ISSUES THAT WE CAN PUT INTO THE CODE AS OPPOSED TO A SPECIFIC SITE PLAN. SO ALL OF THAT IS KIND OF PHILOSOPHICAL ABOUT WHEN WE'RE LOOKING AT THE CODE, THE KIND OF MECHANISM THAT WE'RE GOING TO HAVE TO LOOK AT, BUT THAT ARE IN MANY CASES VIRTUALLY IMPOSSIBLE TO APPLY AT THE ZONING STAGE OR WE'D BE FOREVER HAVING CASES COME BACK AND COME BACK AND COME BACK AGAIN.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I THINK THERE MAY BE COMMON GROUND HERE, THOUGH, BETWEEN WHAT THE MAYOR PRO TEM SAID AND I THINK AS AN ADVOCATE BY THE NEIGHBORHOOD, WHICH IS FOR US IN A MORE GENERAL NATURE WE COULD SPECIFY HOW THE BUILDINGS RELATE TO THE STREETS. THERE WOULD NOT BE THE BIG PARKING LOTS WITH -- BECAUSE LET'S FACE IT, IF IT'S PARKING LOTS, WHERE THE PARKING LOTS GO IN FRONT OR BEHIND THE BUILDING IS AN URBAN PLANNING ISSUE. THEY'RE BOTH IMPERVIOUS COVER. IN YOU'VE GOT THE IMPERVIOUS ABILITY TO BUILD A PARKING LOT AND A STORE, THEN YOU CAN CHOOSE WHETHER THAT PARKING LOT IS IN FRONT OF THE STORE OR BEHIND THE STORE BECAUSE THEY'RE BOTH IMPERVIOUS COVER. WHEREAS I COMPLETELY AGREE WITH THE MAYOR PRO TEM THAT IT'S VERY DIFFICULT TO GET MUCH MORE SPECIFIC OTHER THAN SAY MAXIMUM SETBACKS FOR THE FRONT AND THEN PERHAPS IN A MORE GENERAL NATURE FOR THE THINGS YOU DON'T WANT BECAUSE THEY'RE DEAD USES LIKE THE STORAGE. PEOPLE NEED STORAGE, BUT IT'S A TERRIBLE STREET FRONT USE. AND PERHAPS YOU GET INTO A MORE GENERAL DEAL BECAUSE SOMEWHERE BACK THERE, THE BUILDINGS THAT RELATE TO THE STREET ORIENT OVER TO THE STREET, PARKING BEHIND, AND THEN NOT GET A WHOLE LOT MORE SPECIFIC THAN THAT. IS THAT -- DO YOU THINK THAT'S DOABLE?

FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER ALVAREZ.

Alvarez: I GUESS TRYING TO FIGURE OUT I THINK COUNCILMEMBER MCCRACKEN WAS TRYING TO GET TO WHAT DO WE ACTUALLY HAVE THE ABILITY TO CONSIDER, GIVEN THE FACT THAT THIS IS A ZONING CASE. AND I THINK THE APPLICANT HAVE ALREADY SAID THEY'RE OKAY WITH REMOVING THE FAST FOOD PROVISION. THAT'S THE USE THAT WE CAN AGREE ON IN TERMS OF HOW IT'S HANDLED HERE. AND THE OTHER TWO USES WERE STORAGE AND THEN THE AUTOMOTIVE USE. SO I BELIEVE THERE SHOULD BE A WAY, MR. GUERNSEY, I DON'T KNOW IF YOU CAN THINK ABOUT THIS. I'M THINKING OF SAYING IF THERE IS A STORAGE USE, IT CAN GO IN THE BACK PART OF THE TRACT 2. IS THERE TWO TRACTS HERE?

WELL, I THINK THE BREAKDOWN ON THE TRACTS, WE COULD EASILY DISCERN WHERE -- IF YOU'RE SUGGESTING TO -- ABOUT PUTTING THE CS OR CONVENIENT STORAGE USE TOWARDS THE REAR, ON THE REAR HALF OF THOSE LOTS THAT ARE INTENDED FOR COMMERCIAL USE SOUTH OF THE PIPELINE, CONSERVATION EASEMENT TRACT, THAT'S EASILY DONE. WE CAN DO THAT. AND PUTTING THE RETAIL USES IN FRONT OF THAT, EXCLUDING A DRIVE-THROUGH WINDOW OR DRIVE-UP WINDOW ASSOCIATED WITH A RESTAURANT. I DON'T THINK THE NEIGHBORHOOD'S INTENT WAS TO ACTUALLY PROHIBIT A FAST FOOD TYPE RESTAURANT THAT IS SOMETHING YOU HAVE TO WALK IN. AT LEAST THAT'S NOT WHAT I UNDERSTOOD. IT WAS MY UNDERSTANDING THAT THE NEIGHBORHOOD OBJECTED TO A RESTAURANT WHERE SOMEBODY PULLED UP IN A CAR. SO WHEN YOU -- WE DON'T HAVE A FAST FOOD RESTAURANT ANY MORE, WE HAVE A LIMITED RESTAURANT. IT WOULD PROHIBIT A DRIVE-THROUGH SERVICE ASSOCIATED WITH A RESTAURANT. AND I THINK THAT'S WHAT BOTH PARTIES HAVE AGREED TO IN THAT REGARD. IF YOU'D LIKE -- IF THERE'S A MOTION THAT YOU'RE GOING TO MAKE THAT WOULD BE WHAT THE NEIGHBORHOOD'S INTENT IS, I CAN TRY TO CRAFT IT FROM HERE AND SEE IF THAT WORKS, IF THAT'S YOUR INTENT.

Alvarez: I JUST HAVE ONE MORE ISSUE TO FIGURE OUT IN AUTOMOTIVE. AND GOOD GO FROM THERE. SO NOW I THINK THE -- THE NEIGHBORHOOD FOLKS THAT EARLIER SAID SOMETHING ABOUT STILL BEING OPPOSED TO AUTOMOTIVE, IS THAT OPPOSED TO IT ON THOSE TRACTS RIGHT IN FRONT

OF THE NEIGHBORHOOD OR WHAT HAVE YOU -- COULD YOU DO THAT ON TRACT 1?

IF I MIGHT RESPOND TO THAT, JOHN'S ASKED ME TO RESPOND. THE CONCERN WE HAVE ABOUT THE AUTOMOTIVE ISN'T RELATED TO THE ENVIRONMENTAL ISSUES, IT'S RELATED TO THE FACT THAT IT'S CLEARLY A USE THAT'S GOING TO BRING MORE TRAFFIC INTO THE CENTER. IT'S A TRUE AUTOAUTOMOBILE -- NOBODY WALKS TO A GARAGE. IT'S A TRUE AUTOMOBILE FACILITY. AND SO WE THINK THAT THE AUTOMOBILE FACILITY SHOULD HAVE -- WE ACTUALLY SHOWED IT -- WE UNDERSTAND SUBSEQUENTLY THAT THERE'S A PROBLEM WITH THAT BECAUSE THERE'S SOME LITIGATION THAT WOULD PREVENT THAT, AND WE DIDN'T KNOW THAT, SO SORRY ABOUT THAT. BUT THE UNDERSTAND WAS THAT WE WANTED TO KEEP -- WE DIDN'T WANT TO HAVE AUTOMOBILE ORIENTED USES. THE COMMERCIAL STORAGE -- AND SOME OF YOU MAY HAVE BEEN HEARING CONVENIENT STORAGE. WE'RE SAYING COMMERCIAL STORAGE. THAT WOULD BE BACK HERE. IT IS NOT A BACK TRAFFIC GENERATOR. SO WE DON'T OBJECT TO IT AS MUCH FOR THAT REASON. AND WE PUT IT AT THE REAR BECAUSE WE DIDN'T WANT TO LOOK AT IT. BUT THE AUTOMOBILE ORIENTED, I CAN TELL YOU I WAS THERE AND THERE WAS A REALLY STRONG FEELING IN THE ROOM, ALTHOUGH I THINK EVERYONE UNDERSTANDS THAT THIS DEVELOP ARE WOULD PROBABLY BUILD THE NICEST GARAGE ANYBODY EVER SAW, THEY JUST DON'T WANT A GARAGE THERE.

Alvarez: REAL QUICKLY, MAYOR.

ONE OF THE THINGS I WANTED TO ADDRESS IS WE KEEP TALKING ABOUT THE SITE PLAN. AND WHAT WE DID WITH THE CHARRETTE WAS WE DID VISUAL BRAINSTORMING BASICALLY. WE WENT THROUGH THIS CHARRETTE PROCESS, AND EVERYONE -- AND THROUGH THAT AND SEEING WHAT WE COULD DO, DRAWING IT AND SEEING CONNECTIVITY AND DISCUSSING THIS, SAID, OH, DO YOU KNOW WHAT, WE MIGHT BE ON TO SOMETHING HERE. WE CAN BUILD SOMETHING OF ENDURING QUALITY FOR THE LOCAL COMMUNITY AND CREATE A BRODIE MAIN STREET. THEN WE TOOK THAT VISUAL CONCEPT, AND THAT'S ALL

THIS IS IS A VISUAL CONCEPT. AND WE SAID HOW WOULD WE DERIVE ZONING CLASSIFICATIONS FROM THAT PROPOSED FORM? AND SO WE'RE NOT SAYING THAT YOU HAVE TO PUT FOUR TREES ON THIS SIDE OF THE STREET AND THREE TREES ON THE LEFT SIDE. WHAT WE'RE SAYING IS LET'S RELINE OUT THE P.U.D., WHICH FORTUNATELY AS THE APPLICANT HAS POINTED OUT, WE HAVE THE ABILITY TO REDRAW THAT HERE. AND LET'S GO AHEAD AND MAKE THE GR USE AT THE NORTH END, WHICH HE ALREADY PROPOSES COUPLING WITH A PROPERTY THAT ALLOWS THEM 60% IMPERVIOUS COVER, SO LET'S PUT THAT DENSE USE AT THE MAJOR INTERSECTION AT DAVIS AND BRODIE, AND LET'S GO AHEAD AND PUT LIGHT RESIDENTIAL USES, /MU WITH THE GENERAL RESTAURANT USE, LIGHT RETAIL, SORRY, AND OVER HERE THAT'S MORE APPROXIMATE TO THE NEIGHBORHOOD AND USE THAT AS A TRANSITION BACK TO THE COMMERCIAL SERVICES. SO REALLY WE'RE SAYING -- WE'RE NOT SAYING HE HAS TO PLACE A RETENTION POND HERE. THIS IS JUST A VISUAL BRAINSTORMING TOOL FOR US TO BE ABLE TO DERIVE ZONING CLASSIFICATIONS. SO REALLY WHAT THIS IS ABOUT IS SAYING -- I BELIEVE EVERYONE ON THE DAIS HAS THIS. LET'S DO TRACT ONE AS I'VE GRADUATED GR-MU. LET'S DO TRACT 3 AS AN LR-MU. LET'S DO TRACT 34 AS A SINGLE CS USE. IF IT WASN'T GOING TO BE USED FOR CONVENIENT STORAGE OR COMMERCIAL STORAGE, LET IT REVERT TO THE TRACT 3 USE. AND WE'D BE OPEN TO DISCUSSING MAKING THAT GR BACK THERE. WE'RE FLEXIBLE ON THAT. AND THEN TRACT 5 OF COURSE STAYS AS A CONSERVATION EASEMENT FOR REIRRIGATION. THAT'S WHAT WE USE THE VISUAL BRAINSTORMING FOR IS A CONCEPTUAL TOOL FOR US TO BE ABLE TO DERIVE ZONING THAT EVERYONE CAN UNDERSTAND.

COUNCIL, I CANNOT --

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: WHAT I WAS ASKING WAS ABOUT THE AUTOMOTIVE USE, AND IS THAT SOMETHING YOU'RE OPPOSING ALTOGETHER OR IS THAT SOMETHING YOU WOULD SAY WOULD BE OKAY IN TRACT ONE?

WE WOULD PREFER NOT TO SEE IT, BUT IF THE COUNCIL

DECIDED TO PUT IT SOMEWHERE, WE'D PREFER IT TO BE NEAREST THE COMMERCIAL INTERSECTION OR THE HEAVIER INTERSECTION, WHICH IS -- SO THE GR USE.

IF I COULD RESPOND TO THAT. THERE'S DEER LANE THAT GOES THROUGH THERE RIGHT NOW. WE'RE LOOKING FORWARD TO DEER LANE BEING VACATED AND DAVIS LANE BEING BUILT. SO THERE CAN BE A UNIFIED DEVELOPMENT SEEM HERE. IF YOU'RE GOING TO AUTOMOTIVE USE ON DEER LANE IN THAT AREA, WHICH IS A 4.5 AIBLGER TRACT, VERSUS WHAT YOU NEED FOR AUTOMOTIVE, WHICH IS 1.7, YOU EXACERBATE THE PROBLEM ON VACATING DEER LANE, AND YOU DO NOT HELP THIS NEIGHBORHOOD GROUP, WHICH THE AUTOMOTIVE THAT'S ONE-HALF THE TRAFFIC GENERATOR OF A RESTAURANT HELPS THEM MEET THEIR TRAFFIC WARRANTS SO THAT WE CAN GET THE TRAFFIC LIGHT AT DEER LANE REMOVED AND GET IT MOVED OVER TO WHERE IT NEEDS TO BE. SO WE MET WITH THE TRAFFIC ENGINEER AND THAT'S EXACTLY WHY WE PUT IT THERE. BUT IT IS NOT A HIGH GENERATOR. PEOPLE DO COME IN, THEY'VE GOT 10 BAYS. YOU'RE NOT GOING IN AND OUT EVERYDAY LIKE A RESTAURANT LIKE WE THINK. SO IT'S NOT A HIGH TRAFFIC GENERATOR. WE DON'T -- BUT I DO HAVE A REAL PROBLEM COMING AT THE DAIS RIGHT NOW AND BASED OFF OF CONCEPT PLANNING AND CONCEPT LINES SAYING THIS IS THE WAY YOU SHOULD DO YOUR P.U.D. AND THIS IS WHERE THE LINES SHOULD GO. THAT'S JUST BAD PLANNING. IT SHOULD BE DONE BASED OFF OF SERIOUS PLANNING. AND THE P.U.D. WAS SERIOUS, IT SET UP THE GR USES, LET UP THE LR, SET UP THE CS SO THEY COULD BE FLEXIBLE. THERE ARE NO THINGS DRAWN ON THIS MAP RIGHT NOW. THIS IS A ZONING CATEGORY. SO OUT OF 31 ACRES THEY'RE SAYING THIS IS YOUR BASE ZONING DISTRICT, WE'RE GOING TO SET 15 ACRES OF IT ASIDE. WE'RE GOING TO CLUSTER THE DEVELOPMENT IN THE MIDDLE ACROSS FROM WHERE IT WORKS WELL WITH THE TRAFFIC LIGHT AND WE'RE GOING TO LEAVE TRACT 1 IN THE RAM DER, SO WHEN DAVIS LANE IS BUILT AND DEER LANE IS VACATED, YOU CAN GO IN THERE AND DO YOUR BRODIE DOWNTOWN. THAT'S WHAT WE'RE TRYING TO DO. SO TO COME IN HERE AND START MOVING ALL THESE USES AROUND AT THIS TIME IS NOT SMART PLANNING. AND PLEASE DON'T TAKE THE CONCEPT PLAN

AND SAY, BECAUSE WE LIKE THIS WAY AND EVERYTHING ELSE, THAT'S THE WAY YOU SHOULD DO IT. IT'S NOT GOOD PLANNING. THE P.U.D. ALREADY ALLOWS FOR THOSE USES AND WE'LL WORK WITH THESE FOLKS TO MAKE IT AS GOOD AS WE CAN, BUT AGAIN, WE DON'T HAVE THE BUILDING FOOTPRINTS, WE DON'T KNOW WHERE THE WATER QUALITY PONDS HAVE TO GO. WE DON'T KNOW EXACTLY WHAT BUILDING FACADES ARE GOING TO BE. THAT STORAGE UNIT MIGHT BE THE NICEST STORAGE LOOKING UNIT AND WE MIGHT PUT UP RIGHT ON THE ROAD AND THERE MIGHT BE SOME OFFICES WITH IT WITH ACCESS TO THE BACK. WE JUST CAN'T SITE PLAN THAT AT THIS TIME. AND I THINK, MAYOR PROEXPRESSED THAT VERY SINCERELY, BECAUSE I USED TO BE THE GUY THAT WROTE THE SITE PLANS ON THE ZONING CASES. I KNOW WHAT IT'S LIKE AND I'VE CHANGED THE SITE PLANS. TO COME IN HERE AND TELL ME LET'S JUST DO THIS NOW AND SAY THIS IS THE WAY IT SHOULD BE, IS NOT SMART PLAN. GIVE ME THE OPPORTUNITY TO SITE PLAN IT IN THE FUTURE, BUT THE P.U.D. GIVES ME THAT FLEXIBILITY FOR DO THAT SITE PLANNING.

Mayor Wynn: THANK YOU, MR. LINEHAN. COUNCILMEMBER ALVAREZ.

Alvarez: I DON'T THINK WE'RE REALLY AS DIFFERENT AS MAYBE IS THE PERCEPTION HERE. MY PERCEPTION IS THAT THERE'S AN UNDERSTANDABLE, LEGITIMATE BUSINESS NEED TO MAKE SURE THAT WE'RE NOT DRAWING A SITE PLAN UP HERE ON THE DAIS, BUT THERE ARE ALSO WELL ESTABLISHED URBAN PLANNING PRINCIPLES ABOUT HOW THE BUILDINGS RELATE TO THE STREET AND WHETHER THE PARKING GOES BEHIND OR IN FRONT. AND I DON'T THINK THERE'S ANY -- I DON'T THINK THERE'S ANY SPEED ON EITHER SIDE OF THAT. THE NEIGHBORHOOD I'M GUESSING IS SAYING WE'RE NOT GOING TO DRAW YOUR PLAN, WE JUST WANT TO SPECIFY THE USES AND HOW IT RELATES TO STREET. AND THE APPLICANT CORRESPONDINGLY HAS A JUSTIFIABLE INTEREST AND MAKES SURE WE DON'T DRAW SOMETHING THAT CANNOT BE DONE BECAUSE THE WATER QUALITY DETENTION POND ISSUES. BUT I DO THINK THAT IT DOES MAKE SENSE THAT THE -- THAT YOU WOULD NOT WANT AUTOMOTIVE USES IN THAT KIND OF ENVIRONMENT AND THAT YOU WOULD HAVE THE STORAGE OFF THE

STREET BECAUSE IT'S NOT A GOOD STREET FRONT ACTIVITY. I'M GUESSING MAYBE FROM WHAT I'VE HEARD COUNCILMEMBER ALVAREZ -- MR. GUERNSEY, I WOULD BE INTERESTED IN SEEING IF THERE'S SOMETHING THAT YOU COULD PREPARE THAT MEETS THESE LEGITIMATE INTERESTS ON BOTH SIDES IN TERMS OF HOW THE BUILDINGS RELATE TO THE STREET, WHERE THE USES WOULD GO WITHOUT MICROMANAGING WHERE THINGS WOULD HAVE TO GO OTHER THAN SPECIFYING THAT THE LR USES WILL BE UP AT THE SIDEWALK. DOES THAT CAPTURE WHERE BOTH SIDES ARE?

NO, BECAUSE -- NO, IT DOESN'T, BECAUSE IT'S CHANGING -- IT'S BASED OFF A CONCEPT PLAN. AND WHEN YOU SAY LR-MU IN THE FRONT, WE'RE TALKING ABOUT FOUR USES HERE. WE'RE TALKING RETAIL ON THE TRACT 1. SO THAT CAN BE BRODIE DOWNTOWN SOME DAY IN THE FUTURE. THE OTHER FOUR USES ARE AUTOMOTIVE USE, A CONVENIENT STORAGE USE AND TWO RESTAURANTS. THAT'S WHAT WE'RE TALKING ABOUT. AND THAT'S WHAT THE P.U.D. ALLOWS US TO DO. SO WE CAN WORK TOWARDS MOVING THE STORAGE TO THE BACK, WE WILL. IF WE CAN MOVE THE THE RESTAURANT TO THE FRONT, WE WILL. AND IF THE AUTOMOTIVE USE IS OFF TO THE SIDE AND WE'RE BUILDING THE BEST AUTOMOTIVE BUILDING PROBABLY BEING BUILT IN THE CITY, WE WILL MAKE IT BE AN ANCHOR AWAY FROM THAT. BUT YOU ARE NOT TALKING IN THAT SMALL AREA ACROSS FROM SILK OAK AS AN URBAN AREA. IT IS A SUBURBAN AREA AND IT'S FOR MINOR USES, SMALL TRACTS THAT ARE ABOUT AN ACRE AND A HALF IN SIZE. SO TRYING TO MOVE THIS AROUND AND CREATE -- THEY BASICALLY DOUBLE THE SIZE OF OUR PROPOSED DEVELOPMENT IN THEIR CHARRETTE. THAT'S WHY IT'S 2.75 ACRES OVER IN SIZE. THIS IS NOT --

McCracken: I THINK WE'VE GOT THAT PART LICKED, WHICH IS THAT I DON'T THINK WE NEED TO NECESSARILY READ TOO MUCH INTO THE EXACT SCALE DRAWINGS. I DO THINK THERE ARE SOME WELL ESTABLISHED PLANNING PRINCIPLES AT PLAY HERE THAT MAKE SENSE WITHOUT TRYING TO DRAW IT OUT. I THINK THAT THERE'S SOME LEGITIMATE USE INTEREST FROM THE NEIGHBORHOOD AND THEY WOULD UNDERSTANDABLY NOT WANT AUTOMOTIVE AND STORAGE

UP AT THE SIDEWALK BECAUSE IT'S A NEIGHBORHOOD AREA WHICH I THINK WILL BE GREAT FOR BUSINESS TOO. IT'S A WELL ESTABLISHED PLANNING PRINCIPLE HE PRINCIPLE AND ACTUALLY THE SUBURBAN MODEL AND THINGS THAT HAVE BEEN A FAILURE -- WE'RE TRYING TO GET AWAY FROM THAT HERE IN AUSTIN. SO I THINK THAT THIS WOULD BE AN EXCELLENT OPPORTUNITY WITH A DEVELOPER AS GREAT AS BILL WALTERS TO GET THERE ON BOTH SIDES.

TO ANSWER YOUR QUESTION, MR. MCCRACKEN, YOU DID A GREAT JOB OF SETTING THIS UP.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS, OTHERWISE I'LL ENTERTAIN A MOTION ON ITEM 64. WE HAVE A LOT OF WORK AHEAD OF US, COUNCIL.

McCracken: I THINK MR. GUERNSEY WAS PERHAPS PREPARING SOMETHING THAT HE COULD OFFER FOR CONSIDERATION.

AS THE P.U.D. WAS PROPOSED, THERE WERE SEVERAL TRACTS AND THERE'S AGREEMENT ON BOTH PARTIES, TWO OF SEVEN ON THE ORIGINAL PROPOSAL, WHICH IS ALSO TRACTS TWO OR NUMBER FIVE ON THE EDWARDS PROPOSAL THAT THOSE WOULD BE CONSERVATION EASEMENTS AND THOSE WOULD NOT CHANGE. I THINK IN THEIR PROPOSAL, THE NEIGHBORHOOD'S PROPOSAL, THERE WAS I GUESS A CONNECTION BETWEEN THE AREA NORTH AND SOUTH OF THE PIPELINE THAT GOES ACROSS THE UNDISTURBED EASEMENT, CONSERVATION EASEMENT, AND THERE MAY BE SOME DIFFICULTY FROM THAT STANDPOINT. BUT IF THAT IS DELETED, THEN THE REST OF THE ITEMS, WE CAN PROBABLY WALK THROUGH RIGHT NOW. ON TRACT 1, (INDISCERNIBLE) -- AND TRACT ONE OF THE APPLICANT'S PROPOSAL. I THINK WHAT THE NEIGHBORHOOD IS SUGGESTING IS THAT ON TRACT ONE THAT THERE ARE GR TYPE USES THAT ARE PROPOSED. THERE MAY BE RESTRICTIONS ON THE HEIGHT TO A MAXIMUM OF 45 FEET. AND THAT THERE'S ALSO A COMPONENT THAT THERE'S A MIXED USE COMPONENT, AND THAT NOT MORE THAN 50% ON THE GROUND FLOOR OF ANY BUILDING BE USED FOR I GUESS A RESIDENTIAL USE, MULTI-FAMILY USE THAT CAN BE DONE WITH THAT SAME TYPE OF DEVELOPMENT LANGUAGE

IN THE DOMAIN PROJECT. SO WE CAN CERTAINLY DO THAT. WE CAN ALSO DOING CHANGING IT FROM TWO STORIES TO FOUR STORIES. ON TRACT TWO, AND I'M PARTLY GOING BY SOMETHING THAT MR. LARKIN PASSED OUT, THAT STILL REMAIN THE RESERVATION EASEMENT. AGAIN, STAFF HAS A CONCERN ABOUT PUTTING THROUGH A CONSERVATION EASEMENT, A DRIVEWAY AND THINGS LIKE THAT. ON TRACT 3 OF THE NEIGHBORHOOD PROPOSAL, WHICH WOULD BE SIMILAR TO TRACTS 3, 4, 5 AND 6, AND THIS WOULD BE THE FRONT HALF OF THESE TRACTS THAT ARE LISTED IN PINK, BUT THEY WOULD BE LR USES, WITH A MIXED USE COMPONENT AGAIN, THAT THERE IS LIMITATION ON ONE GENERAL RESTAURANT USE THAT CAN BE DONE WITH NO FAST OR CONVENIENCE FOOD. AND I THINK I UNDERSTOOD THAT THERE'S NOT A DRIVE-THROUGH WINDOW OR DRIVE-UP WINDOW, THAT YOU CAN STILL HAVE A LIMITED RESTAURANT THAT MAY BE. I GUESS FAST FOOD IN THE SENSE THAT YOU WOULD WALK IN AND YOU WOULD GET YOUR ITEM OR SIT DOWN AND EAT INSIDE. THAT THE BUILDING HEIGHT IN THIS AREA WOULD BE LIMITED TO A MAXIMUM OF 30 FEET AND TWO-STORY. AND AGAIN, THIS WOULD BE THE AREAS BASICALLY THE FRONT HALF ON TRACTS 3, 4, 5 AND 6 ON THIS CURRENT P.U.D., AND THEN TRACT 3 IN THE NEIGHBORHOOD'S PROPOSAL. ON TRACT 4, THIS WOULD BE THE YEAR HALF ADJACENT TO THE PRESERVE AREA. THIS WOULD BE FOR CS USE AND GR USES AND THIS WOULD BE A MAXIMUM OF 40 FEET OR FOUR STORIES IN HEIGHT. WE SUGGEST 40 FEET IN HEIGHT. IF IT WAS CONVENIENT STORAGE THAT THERE BE NO RENTAL -- VEHICLE RENTAL ASSOCIATED WITH THAT. LIKE YOU MIGHT FIND A U-HAUL COMPANY TRUCK AT A CONVENIENT STORAGE FACILITY. THEY HAVE U-HAUL RENTAL SALES. THAT CAN CERTAINLY BE DONE. THOSE ARE THINGS THAT WE CAN CAPTURE. THE ADDITIONAL ELEMENT ABOUT PROHIBITING PARKING. WE PROHIBIT PARKING IN THE FRONT YARD AS PART OF THIS P.U.D. AND THAT CAN ALSO BE DONE. I DON'T KNOW IF I CAPTURED EVERYTHING.

GREG DID A WONDERFUL JOB OF DESCRIBING WHAT OUR DERIVED ZONING CLASSIFICATIONS WERE.

THE ONLY THING I'M NOT SURE, IF THERE IS AGREEMENT OR DISAGREEMENT ABOUT THE AUTO RELATED USE ON TRACT

1.

WE WOULD LIKE IT WHERE WE HAVE IT LOCATED BECAUSE OF THE TRAFFIC WARRANTS WITH THE SOCO TRAFFIC LIGHT. AND -- SILKWOOD TRAFFIC LIGHT. WE DON'T WANT A TRAFFIC USE GOING THROUGH DOWNTOWN BRODIE IN THE FUTURE. SO THAT'S WHY WE HAVE IT ON TRACTS 3, 4, 5 -- I DON'T KNOW WHAT TRACT THAT IS, TRACT 3 RIGHT NOW. AND WE'VE WRITTEN A RESTRICTIVE COVENANT THAT MAKES IT THE BEST AUTOMOTIVE USE IN TOWN, I THINK. AND THE ENVIRONMENTAL BOARD SAW THAT WAY AS WELL. SO -- AND THE OTHER CONCERN IS THEY SAID ONE RESTAURANT. WE'VE ALWAYS TALKED TO THIS NEIGHBORHOOD ABOUT HAVING TWO RESTAURANT IN THAT AREA. AGAIN, I WOULD ALSO LIKE THE ABILITY IF YOU HAVE A RESTAURANT TO HAVE BEVERAGE SERVICE, SO WE CAN DO LR USES AND YOU CAN PUT THE RESTAURANTS UP TO THE FRONT AND THEY'RE REALLY NOT LR USES, THEY'RE MORE GR USES WITH ALCOHOLIC BEVERAGE SALES. SO THERE ARE SOME THINGS LIKE THAT THAT I WOULD LIKE. THOSE ARE SPECIFIC THINGS THAT WE HAVE WORKED OUT PREVIOUSLY THAT I'D LIKE TO MAKE SURE REMAIN IN THE DOCUMENT.

MR. LINEHAN, YOU WOULD LIKE CS 1 OR WHAT TYPE OF USES?

CS-1 FOR THE TWO RESTAURANTS IN THE FRONT AND LIKE THE AUTOMOTIVE STILL ON THERE BECAUSE IT DOESN'T MIX WITH DOWNTOWN BRODIE IN THE FUTURE AND IT DOES GIVE THEM THEIR TRAFFIC WARRANTS. AND I THINK WE'VE ESTABLISHED THAT THIS IS A VERY ENVIRONMENTALLY SENSITIVE USE AND USE THAT THIS NEIGHBORHOOD WILL USE. AND THE TRAFFIC VALUES AREN'T AS HIGH AS PROJECTED BY THE NEIGHBORHOOD. I HAVE THE TRAFFIC REPORT.

MR. LARKIN JUST CAME OVER TO ME AND SAID IT WAS NOT THE NEIGHBORHOOD'S INTENT TO LIMIT THE NUMBER OF GENERAL RESTAURANTS. IF IT WAS FOUND THAT THEY COULD HAVE SEVERAL GENERAL RESTAURANTS ACROSS THE FRONT ON THEIR PROPOSED TRACT 3 OF THE FRONT HALF OF THIS COMMERCIAL TRACT SOUTH OF THE PIPELINE

THAT THEY WOULD BE OPEN TO THAT.

CAN WE STRUCTURE IT THEN THAT ON -- I GUESS TRACT 3 LR USES WITH MIXED USE, THAT WE COULD ALSO INCLUDE I GUESS CS 1 IS A LIMITATION OF LIKE RESTAURANT USE ONLY.

IT WOULDN'T BE CS, JUST A GENERAL RESTAURANT, AS LONG AS THEY DIDN'T EXCEED 50% OF THEIR FOOD SALES WITH ALCOHOL. THEN IT WOULD BE FINE. THEY COULD STILL SERVE ALCOHOL WITH A MEAL.

McCracken: IS THAT A LIMITATION, MR. LINEHAN, THAT Y'ALL ARE COMFORTABLE WITH? IF THE RESTAURANT DOESN'T DERIVE MORE THAN 50% OF THE REVENUE FROM ALCOHOL?

YES.

McCracken: SO THAT'S WHAT WE NEED TO DO TO GET THERE?

AND AGAIN, WE NEED THE AUTOMOTIVE USE IN THAT AREA.

McCracken: LET ME ASK THE NEIGHBORHOOD, WOULD Y'ALL -- THERE WAS SOME SUGGESTION THAT THE AUTOMOTIVE USE COULD NOT BE UP THE STREET, BUT BE LOCATED SOMEWHERE ELSE, THAT THERE'S SOME COMMON GROUND HERE ON THAT ISSUE?

LET ME MAKE A POINT. I REALIZE THAT IT'S NOT THE PLACE TO BE DEBATING THESE THINGS, BUT MR. LINEHAN HAD SAID THAT IF I UNDERSTOOD IT CORRECTLY THAT THE REASON -- ONE OF THE REASONS IT'S THERE IN THE CENTER HAS TO DO WITH THE WARRANTS THAT IT WOULD HELP WARRANT A TRAFFIC LIGHT. BUT HE ALSO SAID THAT IT'S A REAL LOW TRAFFIC GENERATOR. WE'RE THINKING THAT HAVING MORE USES THAT WERE TRAFFIC GENERATORS WOULD PROBABLY WARRANT THE LIGHT BETTER THAN THE GARAGE WOULD. SO THAT'S ONE OF THE REASONS WE'RE SUGGESTING IT NOT BE ON THIS TRACT AND IT BE SOME OTHER PLACE.

McCracken: IT WOULD ALLOW MORE FLEXIBILITY ON THE TRACT THAT IT ADJOINS RIGHT NOW TO MAKE THAT A LARGE

RETAIL CENTER. THEY SAID THAT THEMSELVES IN THEIR STEIN OF DOWNTOWN BRODIE. SO WE DON'T WANT AN AUTOMOTIVE USE IN DOWNTOWN BRODIE. WE WOULD LIKE TO PUT IT ON THE OTHER SIDE OF THE CONSERVATION EASEMENT.

McCracken: WHERE WOULD THAT BE ON THAT MAP? I GUESS THAT ONE MAKES MORE SENSE A LOT BETTER.

[INAUDIBLE - NO MIC].

I THINK THE DIFFERENCE IS JUST SOUTH OF THAT PIPELINE, WHICH IS NOT THE LONGHORN PIPELINE, BY THE WAY, AS OPPOSED TO JUST NORTH OF IT. THEY WANT IT JUST SOUTH OF IT. WE PREFER IT JUST NORTH OF IT. THE PIPELINE IS WHERE THE CONSERVATION EASEMENT IS. THE TRAFFIC SIGNAL IS NOT IMPORTANT TO US, BUT IT'S NOT THE OVERRIDING FACTOR TO US. COUNCIL, RECALLING THE LAST YEAR OR SO, NUMEROUS E-MAILS FROM US CONCERNING THE STEPPING STONE SCHOOL, WHICH IS A SEPARATE ISSUE, WE WOULD LOVE TO SEE A TRAFFIC LIGHT THERE, BUT ALL OTHER ISSUES ARE NOT SUBSERVIENT TO THAT.

Mayor Wynn: COUNCIL, AGAIN, WE'RE SITTING HERE, WITH ALL DUE RESPECT AND HAVING A SITE PLANNING HERE AT 10:45. WE HAVE 225 PEOPLE STILL TO DO FOUR DIFFERENT PUBLIC HEARINGS.

McCracken: MAYOR, I WAS ABOUT TO MAKE A MOTION.

Mayor Wynn: WE PASSED THIS ON SECOND READING. THERE'S A LOT OF WORK TO BE DONE. THERE'S A LOT OF COMPLICATED DESIGN ISSUES THAT WE ARE NOT GOING TO HASH OUT HERE PLAYING PING PONG BETWEEN TWO DIFFERENT PODIUMS.

MCCRACKEN: I MAKE A MOTION ON TRACT ONE THAT GR USES IS PERMITTED, MIXED USE IS PERMITTED. I GUESS MR. GUERNSEY, WATCH AND MAKE SURE I'M GETTING THIS CORRECTLY, MAXIMUM OF FOUR STORIES. TRACT 2 WOULD BE A CONSERVATION EASEMENT. TRACT 3 WOULD BE LR

USES, MIXED USE, AND GR USES PERMITTED WITH ALCOHOL SALES. NO FAST FOOD OR DRIVE-UP WINDOW, A MAX OF 30 FEET OR TWO STORIES, AND THE MAXIMUM SET BACK I GUESS WOULD BE ZERO FROM THE SIDEWALK FOR THE FRONT OF THE BUILDING. THE PARKING WOULD BE LOCATED TO THE REAR OF THE SITE. AND THEN NO AUTOMOTIVE USES IN TRACT 3. AND THEN WHICH ONE IS TRACT 4? IS THAT THE NORTH SIDE? THE BACK SIDE. TRACT4, MAXIMUM HEIGHT OF 40 FEET. NO VEHICULAR STORAGE, IS THAT WHAT IT WAS?

THERE WAS NO VEHICLE RENTAL.

McCracken: YEAH. THEN I GUESS THE -- I GUESS THREE INCLUDES THE PROHIBITION OF PARKING IN THE FRONT YARD IF THAT ISN'T COVERED ELSEWHERE. THAT'S MY MOTION.

WHERE CAN I PUT THE AUTOMOTIVE.

McCracken: ON THE NORTH SIDE OF THE CONSERVATION EASEMENT.

THAT WOULD BE TRACT ONE.

McCracken: THAT'S ON THE OTHER SIDE OF THE PIPELINE, RIGHT?

Dunkerley: I'M JUST SAYING ISN'T THAT IN THE TOWN CENTER?

YES. IT DOESN'T MAKE SENSE. YES, MA'AM. DUNK

Dunkerley: WELL, I DON'T KNOW THAT I'M READY TO DECIDE EXACTLY WHERE THAT GOES. BECAUSE I DON'T WANT IT INTERFERING WITH THE TOWN CENTER? I WOULD SUPPORT EVERYTHING EXCEPT THE EXACT LOCATION OF THE AUTOMOTIVE IF YOU MADE IT NORTH. THAT'S WHY I SAID IT'S A SITE PLAN ISSUE IS -- I THINK YOU'RE GETTING TOO RESTRICTIVE WHEN YOU SAY THAT.

McCracken: I THINK THAT THERE IS A LEGITIMATE INTEREST

IN NOT HAVING AN AUTOMOTIVE USE ON THE STREET.

Dunkerley: BUT THEY DON'T WANT --

McCracken: THE RESTAURANT WOULDN'T WANT TO BE NEXT TO IT FOR STARTERS. MAYBE YOU COULD GO BACK AND TRACT 4. THERE WOULD BE A 100-FOOT SET BACK FROM THAT LOT LINE. THAT'S WHY IT DOESN'T WORK BACK ON TRACT 4. THAT'S WHY THE TRACT LINES THAT THEY'VE MADE UP ARE -- THEY DON'T MAKE A LOT OF SENSE. I UNDERSTAND WHAT YOU'RE TRYING TO DO, BUT BUILDING DESIGNS AND SETBACKS AND TRAFFIC FLOWS AND WATER QUALITY PONDS AND THINGS LIKE THAT DON'T LIMIT THEMSELVES TO THE WAY THEY DO THESE TRACT LINES. I'M HAPPY TO PUT ALL THESE THINGS IN THERE AND MAKE IT ALL ONE TRACT AND SAY JUST DO IT IN THAT MIDDLE AREA AND MAKE IT WORK. BUT CUTTING A PIECE IN HALF AND SAYING WE'VE GOT TO POP STUFF OVER HERE AND THEN I'LL WORK WITH GREG IN THE FUTURE ON HOW WE'LL GET ACCESS TO IT MAKES IT VERY DIFFICULT. SO THAT'S WHY --

THERE ARE SOME ISSUES WE NEED TO CONTINUE FROM SOME ENGINEERING STANDPOINTS. PERHAPS WE COULD DRAFT THOSE NEXT WEEK ON THIRD READING.

Mayor Wynn: IF I CAN, PERHAPS THE EXPERTS CAN ADDRESS THEM BEFORE THEY COME TO COUNCIL.

I TRY TO.

Mayor Wynn: I KNOW YOU DO.

Goodman: MAYOR, NOTING THAT ZERO SET BACK IS NOT SOMETHING THAT I WOULD EVER SUPPORT ON THIRD READING, NOR THE AUTOMOTIVE USE ALTOGETHER, BUT FOR SECOND READING AND TO PUT US ALL OUT OF OUR MISERY, I'LL GO FOR SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY THE MAYOR PRO TEM.

Slusher: QUICK QUESTION. ARE WE -- WHAT ABOUT THE DRIVE WAY ACROSS THE CONSERVATION EASEMENT? IS

THAT IN HERE OR NOT IN HERE? IT'S NOT, BUT THEN DOES THAT LEAVE YOU ACCESS PROBLEMS WITH IT?

IF YOU PUT IT ON THE NORTH SIDE, WE HAVE ACCESS PROBLEMS.

THERE'S DIRECT ACCESS FROM TRACT ONE TO BRODIE LANE.

Slusher: WELL, IN THE SPIRIT OF WHAT THE MAYOR PRO TEM SAID, WE NEED TO TAKE A CLOSE LOOK AT THIS. IS THIS THE -- IS IT REALISTIC FOR STAFF OR -- FOR STAFF OR MR. GUERNSEY TO GET THIS BACK IN A WEEK. I KNOW IT'S BEEN DELAYED A LONG TIME.

YOU ASK FOR IT, WE WILL DELIVER IT.

Slusher: OKAY.

Mayor Wynn: WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE SOMETHING ON SECOND READING ONLY. [ LAUGHTER ]

I UNDERSTAND WHAT COUNCIL HAS ASKED FOR. I DON'T THINK YOU WANT ME TO REPEAT IT, BUT I UNDERSTOOD IT.

Mayor Wynn: IF YOU THINK YOU HAVE CLEAR DIRECTION, WE TRUST YOU.

AND I UNDERSTAND THERE IS ON SECOND READING A DESIRE TO ALLOW THE AUTO RELATED USE, BUT NOT A PARTICULAR LOCATION AT THIS TIME, SO WHEN WE BRING IT BACK, WE MIGHT HAVE IT ALLOWED ON A COUPLE DIFFERENT TRACTS, AND THEN WE CAN CRAFT WHERE THAT FINAL LOCATION WOULD GO BY DELETING IT FROM THE FINAL ORDINANCE.

Mayor Wynn: THANK YOU. FURTHER COMMENTS?  
COUNCILMEMBER THOMAS.

Thomas: WHEN YOU COME BACK ON THE THIRD READING AND -- WITH THE NEIGHBORS -- I MEAN, NOT THE COMPLAINANT. YOU'VE GOT ME SO CONFUSED. IS THAT IF HE

CAN'T DO WHAT HE NEEDS TO DO, THEN I THINK WE NEED TO MAKE SURE Y'ALL CAN WORK THINGS OUT BECAUSE FIRST OF ALL, WE KNOW THAT THIS FACILITY -- IT LOOKS LIKE WE'RE TRYING TO DICTATE WHAT HE CAN AND CAN'T DO. AND I THINK THAT THAT'S WRONG, NUMBER ONE. NUMBER 2, WE'VE BEEN DOING THIS LONG ENOUGH THAT IT WORKS OUT BETTER. AND HE DOES NEED THE AUTOMOTIVE. AND SEEING HOW WE'RE NOT GETTING THERE -- AND MY UNDERSTANDING, THE FIRST READING AND ALSO THE P.U.D., HE HAS THE RIGHT TO CERTIFY IT AND HE'S BEEN TRYING TO DO IT. WE'RE SITTING HERE AND FLIPPING HIM ALL THE WAY AROUND. I DON'T KNOW IF HE CAN BE ABLE TO DO ANYTHING. AND WE HAVE TO LEARN AND UNDERSTAND THAT SOMETIMES WE PUT HARDSHIP ON PEOPLE, THEY CAN'T DO IT, AND THIS IS WHY I HAVE A PROBLEM IN THIS PROCESS. WE NEED TO BE MORE SENSITIVE TO WHAT HE CAN DO AND TRY TO MAKE THINGS BETTER FOR BOTH SIDES. I THINK IF WE CAN LEARN TO COMPROMISE ON BOTH SIDES, WE CAN GET THERE, BUT I DIDN'T SEE THAT ON ONE SIDE. I SEE THAT YOU DID ONE SIDE, THEN YOU'RE TALKING ABOUT THE AUTOMOTIVE. THIS AUTOMOTIVE, MY UNDERSTANDING IS THE FIRST TIME THAT IT HAS A HISTORY OF BEING DESIGNED, THE AUTOMOTIVE BUSINESS, THAT IT'S NOT -- IT'S NOT ATTRACTIVE, BUT IT'S TO THE POINT THAT IT DOESN'T LOOK THAT BAD IN THE NEIGHBORHOOD, THAT THEY'VE BEEN GOOD NEIGHBORS. WE NEED TO SIT AND THINK ABOUT SOME OF THIS STUFF. IF WE COME BACK AND HE CAN'T DO EXACTLY WHAT HE WANTS TO DO, I'LL VOTE YES ON SECOND READING, BUT I'M VERY UPSET, AND WE'VE BEEN HERE, LIKE THE MAYOR SAID, PEOPLE HAVE BEEN WAITING AND WE'VE BEEN GOING FWAK AND FORTH, BACK AND FORTH TRYING TO TELL PEOPLE WHAT TO DO, WHEN THEY HAVE ALREADY BOUGHT THIS PROPERTY AND TRYING TO DO WHAT'S RIGHT. WE NEED TO THINK ABOUT THIS. THERE'S GOOD NEIGHBORS ON BOTH ENDS. THANK YOU. [ APPLAUSE ]

Mayor Wynn: THANK YOU, COUNCILMEMBER. 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 VERY MUCH. WE'RE MAKING PROGRESS.

THE ZONING CASE KNOWN AS THE MARKETPLACE. AND I'LL RECOGNIZE MR. GREG GUERNSEY.

ZONING AND COUNCIL, THIS IS CS 14-98-001.01. THIS IS ANOTHER P.U.D. LOCATED IN SOUTHWEST AUSTIN NEAR THE INTERSECTION OF WILLIAM CANNON AND SOUTH MOPAC SFRESWAY. IT COMPRISES APPROXIMATELY 71.63 ACRES OF LAND. THIS IS AN AMENDMENT TO A PREVIOUS P.U.D. KNOWN AS THE FORUM P.U.D. THAT WAS APPROVED BACK IN 1998. THIS IS ALSO TO MODIFY THE APPLICATION OF 25-8-ARTICLE 12, SAVE OUR SPRINGS INITIATIVE. THIS IS A ZONING CASE THAT IS RECOMMENDED TO YOU BY THE ZONING AND PLATTING COMMISSION, THE ENVIRONMENTAL BOARD WITH SEVERAL CONDITIONS AND ALSO BY STAFF. LET ME SPEAK VERY GENERALLY TO SOME OF THE THINGS THAT ARE SUGGESTED IN THIS P.U.D. IT'S A PROPOSED INCREASE IN THE APPROVED SQUARE FOOTAGE OF A SINGLE TENANT ON THIS TRACT FROM 100,000 SQUARE FEET TO 153,000 SQUARE FEET TO FACILITATE THE DEVELOPMENT OF A WHOLESALE FOOD AND RETAIL STORE USE. THE APPLICANT HAS AGREED TO REDUCE THE SIZE OF OTHER SINGLE OCCUPY TENANTS TO A MAXIMUM OF 50,000 SQUARE FEET. A PORTION OF THIS TRACT, OF THE 71 ACRES LOCATED ON THE SOUTHWEST PORTION OF THIS ADJACENT TO A STREET CALLED BRUSH COUNTRY KNOWN AS PARCEL C, AND IT'S ALSO ON THE EXHIBIT TO MY RIGHT, WOULD BE USED FOR GR USES INSTEAD OF GO USES. IT WOULD BE -- THERE WOULD BE A PROHIBITION OF ADMINISTRATIVE, BUSINESS AND PROFESSIONAL OFFICES. THERE'S A PROPOSED REDUCTION IN THE AMOUNT OF IMPERVIOUS COVER BY APPROXIMATELY 8.47 ACRES. THIS WOULD REDUCE IT ON THIS TRACT BY APPROXIMATELY 20%. IT WOULD ALSO TREAT THE RUNOFF TO S.O.S. STANDARDS FOR PORTIONS OF THE MOPAC STRESS WAY, WHICH IS LOCATED TO THE EAST, AND BUSH COUNTRY ROAD, WHICH IS AN EXISTING ROAD TO THE WEST. IT WOULD INCREASE THE CAPTURE VOLUME FOR THE EXISTING WATER QUALITY PONDS FROM 1.77 INCHES TO 2.59 INCHES. THERE WOULD BE UPDATES AND AGREEMENTS TO USE THE GREEN BUILDING STANDARDS AS ADOPTED IN THE

CIRCLE C DEVELOPMENT AGREEMENT. IN 2002 THESE WOULD BE UPDATES FROM THE PREVIOUS AGREEMENTS. AND ALSO CLARIFY THE LANGUAGE FOR THE DRAINAGE FACILITIES WOULD ALLOW FOR THE CONSTRUCTION OF ONE OR SEPARATE FACILITIES ON THE PROPERTY. THIS WOULD ALSO ESTABLISH BUILDING ENVELOPES AND IT WOULD RELOCATE ONE DRIVEWAY ON THE MOPAC EXPRESSWAY IN THE ORIGINAL SUBMITTAL. THERE ARE SEVERAL FOLKS HERE TO SPEAK IN FAVOR OF THIS TONIGHT. WE HAVE THE S.O.S. ALLIANCE HAS ISSUED A LETTER IN OPPOSITION, AND WITH THAT I WILL JUST END MY PRESENTATION IN DEFERENCE TO TIME. I KNOW THAT THE APPLICANT HAS A PRESENTATION, AND I'M SURE THERE'S A LOT OF FOLKS HERE THAT WOULD PROBABLY LIKE TO SPEAK TO THIS AS WELL. IF YOU HAVE ANY QUESTIONS, I WOULD BE MORE THAN HAPPEN TO ANSWER THEM. PAT MEASURE FRIDAY IS HERE TO ANSWER THEM.

Mayor Wynn: THANK YOU, MR. GUERNSEY. AS A REMINDER, FOLKS, WHAT WE'LL DO IS HAVE A FIVE-MINUTE PRESENTATION BY THE APPLICANT, FOLLOWED BY FOLKS WHO WANT TO SPEAK IN FAVOR OF THE ZONING CASE, THEN FOLKS IN OPPOSITION. AND THE APPLICANT WILL HAVE A THREE-MINUTE REBUTTAL. AT THIS TIME I'LL WELCOME MR. STEVE DRENER.

MAYOR AND COUNCILMEMBERS, I'M STEVE DRENNER SPEAKING TO YOU ON BEHALF OF THE APPLICANT, CAPITAL PARAGON. I'M GOING TO SHOW YOU A BRIEF SLIDE SHOW TO HELP YOU UNDERSTAND THE PROPOSED PROJECT. THE ORIGINAL FORUM P.U.D. PASSED IN 1999, COVERED FIVE TRACTS. THE IDEA BEHIND THE ORIGINAL P.U.D. WAS TO TAKE THE IMPERVIOUS COVER OFF OF THE TWO MOST SENSITIVE TRACTS AND TO PLACE THEM ON THE TRACTS THAT DO NOT HAVE CRITICAL ENVIRONMENTAL FEATURES, THOSE BEING AT THE CORNER OF WILLIAM CANNON AND MOPAC. THE TRACT THAT IS IN THE FOREGROUND IS THE TRACT THAT WE'RE TALKING ABOUT TONIGHT, THAT 71-ACRE TRACT THAT STNT INCLUDE THE HARD CORNER OF WILLIAM CANNON AND MOPAC. MORE ABOUT THAT IN A MINUTE. THE OTHER TRACTS THAT WERE TO BE DEVELOPED WERE DIRECTLY ACROSS THE STREET IN BOTH DIRECTIONS, THE 37-ACRE TRACT TO THE EAST AND THREE ACRE TRACT TO

THE NORTH. THIS IS ONE OF THE TRACTS THAT WAS NOT TO BE DEVELOPED, 148-ACRE TRACT ALONG WILLIAM CANNON. THIS TRACT HAS BEEN DEDICATED TO THE CITY AND WILL REMAIN IN THIS STATE FOREVER. IT WILL NOT BE DEVELOPED. THIS TRACT IS LIKE THAT. THE BLOWING SINK TRACT, 165 ACRES JUST OFF OF BRODIE LANE JUST BEHIND THE TRACT THAT YOU WERE PREVIOUSLY CONSIDERING WITH THE PRIOR ZONING CASE. ONE OF THE MOST SENSITIVE FEATURES IN TRAVIS COUNTY LOCATED ON THIS SITE. THIS TRACT HAS ALSO BEEN DEDICATED TO THE CITY AND WILL REMAIN IN THIS MANNER FOREVER. OUR TRACT IS A FLAT TRACT, HAS NO CRITICAL ENVIRONMENTAL FEATURES. AS YOU CAN SEE, FAIRLY HEAVILY TREED, BOUNDED BY BRUSH COUNTRY ON THE WEST, WILLIAM CANNON ON THE NORTH AND MOPAC ALONG THE EASTERN EDGE. YOU'LL NOTE THAT THE MOPAC FRONTAGE ROAD IS A LOOP ROAD. IT DOES NOT CONTINUE BEYOND THIS TRACT. WHEN WE BEGAN THIS PROCESS, NOW MORE THAN 15 MONTHS AGO, WHAT WE STARTED WITH WAS THE CONCEPT THAT WE WOULD TRY TO LOOK AT WHAT WE WOULD DO IN ACCORDANCE WITH EXISTING ENTITLEMENTS. THIS IS THE TYPE OF PLAN THAT WOULD BE BUILT IN ACCORDANCE WITH THE ENTITLEMENTS THAT WERE PASSED IN '99. YOU'LL NOTE IT HAS OFFICE USES TOWARD THE BACK OF THE TRACT, WHICH REALLY MANDATES THAT THE RETAIL BE STRIP RETAIL ALONG THE WILLIAM CANNON FRONTAGE. AFTER LOOKING AT THAT WE SPENT A FAIR AMOUNT OF TIME BEGINNING THE DISCUSSION WITH FIRST THE WESTERN OAKS NEIGHBORHOOD, BUT WHAT THIS HAS REALLY TURNED INTO IT A NEIGHBORHOOD PLANNING EXERCISE. AND WE ARE VERY MUCH IN THE DEBT OF MANY OF THE PEOPLE WHO ARE HERE TONIGHT WHO HAVE SPENT LITERALLY COUNTLESS HOURS WITH US TRYING TO HELP THIS BE AS GOOD A PROJECT AS IT CAN. AND I THINK IT IS UNLIKE ANY PROCESS THAT I'VE BEEN A PART OF, AND THIS HAS VERY MUCH BECOME THEIR PROJECT. AND I THINK IT'S A FAR BETTER PROJECT THAN IT WOULD HAVE BEEN WITHOUT THEIR INPUT. THIS IS THE PLAN THAT WE CAME UP WITH, DIFFERENT IN MANY WAYS FROM WHAT WE ORIGINALLY CONTEMPLATED. I WANT TO SPEND A MINUTE TALKING ABOUT ENVIRONMENTAL ISSUES, PRINCIPALLY I THINK YOU HEARD FROM MR. GUERNSEY THESE ARE THE

TYPES OF CHANGES THAT WE'RE REALLY TALKING ABOUT FROM A BASIC STANDPOINT, CHANGING THE OFFICE TO RETAIL ON THE BACK PORTION OF THE PIECE AND MODIFYING 100,000-FOOT LIMITATION. THERE ARE A VARIETY OF REASONS THAT I THINK THIS PROJECT IS WORTHY OF SUPPORT, BUT THESE ARE THE MAJOR ONES. FROM AN ENVIRONMENTAL PERSPECTIVE, AS YOU'LL NOTE, THE ENVIRONMENTAL BOARD PASSED THIS UNANIMOUSLY, VERY ENTHUSIASTICALLY. I THINK THESE ARE THE REASONS THAT THEY FOCUSED ON, A REDUCTION IN IMPERVIOUS COVER BY EIGHT AND A HALF ACRES FROM WHAT IS ALLOWED THERE TODAY. TO GIVE YOU A FEEL FOR WHAT THAT LOOKS LIKE, THAT CENTER IS ABOUT AN EIGHT AND A HALF ACRE CIRCUMFERENCE. ANOTHER WAY TO LOOK AT IT WOULD BE AS ANOTHER TYPE OF PROJECT. THIS IS THE H.E.B. AT WILLIAM CANNON AND BRODIE. AND THAT SITS ON A 60-ACRE PIECE OF PROPERTY, AND THAT WHOLE PROJECT, THE BUILDING -- [ BUZZER SOUNDS ] -- THE PARKING LOT, ALL THAT ENCOMPASSES EIGHT AND A HALF ACRES. WE'LL BE TAKING THAT AMOUNT OF IMPERVIOUS COVER OUT OF PROJECT. MAYOR, FROM A TIMING STANDPOINT, DO I HAVE SOME OTHER TIME?

Mayor Wynn: MR. DENNER, -- DRENNER, TYPICALLY YOU WILL HAVE THE REBUTTAL. THIS IS A VERY GOOD PRESENTATION, WE'RE GETTING A LOT OF INFORMATION IN A LIMITED AMOUNT OF TIME. IF YOU COULD JUST TAKE A COUPLE MORE MINUTES.

I'LL DO IT. WE MENTIONED THE WATER QUALITY CONTROLS ABOVE AND BEYOND WHAT THE S.O.S. ORDINANCE WOULD REQUIRE. WE'VE UP SIZED THE CAPTURE VOLUME ON THE PONDS BY ALMOST 50%. AND THE THIRD THING, REALLY AN UNUSUAL THING THAT WE WERE ABLE TO DO IS LOOK AT THE ADJACENT ROADWAYS AND CAPTURE THE RUNOFF FROM THOSE ROADWAYS THAT PRESENTLY EXIST TODAY. THIS IS UNTREATED WATER THAT'S PRESENTLY GOING DIRECTLY INTO THE AQUIFER ALONG THE WILLIAM CANNON - - ALONG THE BRUSH COUNTRY FRONTAGE AND THE MOPAC FRONTAGE. AND IT AMOUNTS TO FIVE ACRES OF PROPERTY, AGAIN, PRESENTLY UNTREATED, SOME OF THE DIRTIEST RUNOFF THAT YOU CAN HAVE OBVIOUSLY WITH ROADWAYS. AND THAT IS PROPERTY THAT -- THAT IS RUNOFF THAT WE

WILL BE TREATING IN OUR PONDS. FINALLY FROM AN ENVIRONMENTAL PERSPECTIVE, THIS PROJECT WILL MATCH THE GREEN BUILDER STANDARDS THAT WERE SET FORTH ON THE CIRCLE C AGREEMENT, THE MOST AGGRESSIVE GREEN BUILDER STANDARDS I THINK IN THE AREA. I'LL MENTION ONE THING WITH REGARD TO THE GREEN BUILDER STANDARDS. WE'VE MODIFIED THE ABILITY TO -- THE URBAN HEAT ISLAND EFFECT REDUCTION, AND WOULD PROVIDE THAT WE WOULD PROVIDE SHADE WITHIN 15 YEARS ON AT LEAST 30% OF NON-ROOF IMPERVIOUS COVER SURFACES ON THE PARCEL. I THINK YOU'LL HEAR A LOT ABOUT THE DEGREE OF NEIGHBORHOOD SUPPORT. I THINK WE HAVE SUPPORT FROM NEIGHBORHOODS. I THINK WHAT YOU'LL HEAR FROM THIS NEIGHBORHOOD IS VERY THIEVS YAS SUPPORT. IT'S THEIR PROJECT. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

NEXT I WOULD LIKE TO ASK THE PEOPLE IN THE AUDIENCE THAT ARE HERE IN SUPPORT OF THE PROJECT TO EITHER STAND OR IF YOU'RE ALREADY STANDING, PLEASE STEP FORWARD. THANK YOU FOR STANDING (N) AND FOR STEPPING FORWARD AND THANK YOU FOR STAYING THIS EVENING. WE LOST QUITE A FEW PEOPLE, AS YOU CAN IMAGINE, DUE TO THE HOUR.

UNDERSTOOD.

WE'VE MET WITH SOME OF YOU BEFORE AND I THANK YOU FOR YOUR TIME. ONE THING THAT I'D LIKE TO BRING TO YOUR ATTENTION IS THAT A VOTE FOR THE PROJECT TONIGHT TO APPROVE THIS PROJECT MEANS THAT YOU'LL BE SAVING THE ADDITIONAL 8 AND A HALF ACRES OF IMPERVIOUS COVER THAT MR. DRENNER WAS JUST SPEAKING WITH YOU ABOUT AND YOU'LL HAVE A MUCH IMPROVED PROJECT THAT WILL AFFECT THE QUALITY OF LIFE IN OUR AREA. WE'VE WORKED FOR OVER 11 YEARS, I'M A MEMBER OF THE LAND DEVELOPMENT COMMITTEE IN THE WESTERN OAKS SUBDIVISION, I'VE WORKED WITH THE CARDINAL PARAGON GROUP TO COME UP WITH THIS IMPROVED PROJECT AND WE DO FEEL THAT IT'S MUCH IMPROVED OVER THE PREVIOUS PROJECT AND WE FEEL THAT A NO VOTE TONIGHT MEANS THAT YOU WOULD APPROVE THE BUILDING OF THE PREVIOUS SITE PLAN

WHICH OF COURSE HAS THE FOUR BIG BOXES SO ALTHOUGH THIS PLAN IS EXEMPT FROM THE BIG BOX MORATORIUM, DO YOU HAVE A CHANCE TO REDUCE THE NUMBER OF BIG BOXES FROM FOUR TO ONE ON THIS PARTICULAR SITE, AND THE REMAINING RETAIL DEVELOPMENT WOULD BE AT 50,000 SQUARE FOOT PER PROJECT. WE ALSO HAVE A WATER QUALITY POND THAT DID NOT EXIST ON THE PREVIOUS PLAT AND WE'RE HOPING THAT YOU'LL SEE THE MERITS OF THIS PLAN. WE HAVE LITERALLY SPENT HUNDREDS OF HOURS OF OUR OWN TIME TO WORK WITH CITY STAFF, TO WORK WITH THE ZONING AND PLATTING COMMISSION W. THE ENVIRONMENTAL BOARD TO COME UP WITH WHAT WE FEEL IS A VERY IMPROVED PLAN AND WOULD WELCOME ANY QUESTIONS FROM YOU. DO YOU HAVE ANY QUESTIONS FOR ME?

THANK YOU, MS. WELLS. QUESTION, COUNCIL?

THANK YOU.

THANK YOU VERY MUCH FOR YOUR PATIENCE, ESPECIALLY, MARY CASTSTETER. YOU'LL HAVE 3 MINUTES .

I WORK WITH GENERAL ANY WELLS AS WELL AS MS. SUMMERS WHO WILL BE FOLLOWING ME. I WON'T GO INTO THE DETAILS, BUT YET TO SHARE MY PASSION WHY YOU SHOULD SUPPORT THIS PROJECT, AS JOHNNY TOLD YOU, WE'VE WORKED 11 YEARS ON THIS PIECE OF PROPERTY. WE'VE WORKED 16 MONTHS ON THIS LAST REVISION OF THIS PROPERTY. WE WORKED ON LAND DEVELOPMENT IN OUR AREA FOR 20 YEARS. WE ARE WELL-VERSED IN DESIGN STANDARDS AND THE STANDARDS OF OUR NEIGHBORHOOD. I DON'T THINK THAT YOU WILL FIND ANOTHER PROJECT IN AUSTIN, TEXAS, THAT HAS THE DESIGN STANDARDS THAT THIS PROJECT HAS, WE HAVE LOOKED AT DETAILS FROM BUILDING MATERIALS, TO SIGNAGE TO PEDESTRIAN PATHWAYS. WE HAVE 8-FOOT PATHWAY ALL THROUGH THIS PROJECT THAT CONNECT ALL OF THE PAD SITE, ALL OF THE SITE, SO THAT PEOPLE CAN WALK. WE WANTED TO MAKE THIS A COMMUNITY GATHERING PLACE SIMILAR TO SOMETHING YOU WOULD SEE AT THE CENTRAL MARKET DOWN ON 35th STREET OR MAYBE THE ARBORETUM BY WHERE THE COWS ARE, SOME PLACE WHERE YOU COULD

BRING YOUR CHILDREN AND FAMILY TO EAT. DRINK, RIDE THEIR BIKE, STROLL WITH YOUR CHILDREN. WE EVEN GOT IT DOWN TO DEBATING ABOUT TITANIUM STUDS FOR SIGNAGE SO IT WOULDN'T RUST. THAT'S THE TYPE OF DETAIL AN DEPTH THAT WE HAVE WORKED WITH. I WANT TO THANK EACH OF THE COUNCILMEMBERS AND THEIR STAFFS FOR VISITING WITH US. WE HAVE GONE OVER THE DETAILS, I JUST WANT YOU -- I JUST REALLY WANT TO ENFORCE THAT THIS IS NOT YOUR -- YOUR VOTING YES ON THIS IS NOT A VOTE FOR DEVELOPMENT. THE DEVELOPMENT IS ALREADY ON THE TRACT. YOU'RE VOTING TO IMPROVE THE DEVELOPMENT. YOU'RE VOTING TO IMIMPROVE THE WATER QUALITY. YOU'RE VOTING TO IMPROVE THE ENVIRONMENT AND YOU'RE VOTING TO IMPROVE OUR NEIGHBORHOOD. I REALLY WOULD BE SADDENED TO THINK THAT YOU WOULD NOT VOTE FOR FOR THIS AND MY NEIGHBORHOOD WOULD BE STUCK WITH AN INFERIOR PROJECT BECAUSE YOU DIDN'T VOTE FOR THIS. THANK YOU.

WELCOME, MISS SUMMERS, YOU'LL HAVE THREE MINUTES AND YOU'LL BE FOLLOWED BY BRUCE PERRIN.

I'M A MEMBER OF THE WESTERN OAKS PROPERTY ASSOCIATION SINCE 1981. TO PROVIDE A BETTER HISTORICAL PERSPECTIVE REGARDING MY INTEREST IN THIS PROJECT, I'VE BEEN ACTIVELY INVOLVED IN LAND USE PLANNING WITH POTENTIAL DEVELOPERS IN THIS AREA SINCE 1982. THROUGH MEMBERSHIP ON THE LAND DEVELOPMENT COMMITTEE OF THE WESTERN OAKS PROPERTY OWNER'S ASSOCIATION, WE THREE COMMITTEE MEMBERS BEGAN MEETING WITH TOM TURKELL ON THIS PARTICULAR TRACT IN THE SUM MERE OF 1993. THESE DISCUSSIONS CULMINATED IN A MEETING OF THE PLANNING COMMISSION IN 1994. IN SEPTEMBER OF 1994 THE LAND DEVELOPMENT COMMITTEE BEGAN A SERIES OF MEETINGS WITH RICHARD SUBTLE AND JOHN TARBOX REGARDING THIS SAME TRACT OF LAND. BEGINNING IN SEPTEMBER OF 1996 WE ENTERED INTO DISCUSSIONS WITH THORN HIL. THESE DISCUSSIONS CULMINATED IN CITY COUNCIL HEARINGS IN 1998 THROUGH APRIL 1999 ENDING OF APPROVAL IN THE FORM PUD. WE ENTERED INTO A RESTRICTIVE COVENANT WITH THE BROWNLEE FAMILY REGARDING THIS TRACT OF LAND. IN JANUARY OF 2002, WE WORKED WITH CITY STAFF

REGARDING TRAFFIC CONTROLS FOR THIS PROJECT DURING ON GOING NEGOTIATIONS WITH JEFF HOWARD REPRESENTING THE BROWNLEE FAMILY. JULY 16th. 2003, WAS OUR FIRST MEETING WITH CARDINAL PARAGON, STEVE DRENER AND CARRY BROWNLEE, AND JEFF HOWARD. THESE RESULTED IN THE 2003 REZONING APPLICATION. IN JANUARY OF 2004, A LETTER OF UNDERSTANDING WAS SIGNED BY WESTERN OAKS PROPERTY OWNER'S ASSOCIATION AND CARDINAL PARAGON. THIS LETTER IS THE BASIS FOR ADDITIONAL RESTRICTIVE COVENANTS TO BE SIGNED UPON CITY COUNCIL APPROVAL OF TODAY'S REQUESTED ZONING CHANGES. ON JUNE 2ND, 2004, THE ENVIRONMENTAL BOARD UNANIMOUSLY APPROVED THIS PROPOSAL. ON AUGUST 3RD, 2004, THE ZONING AND PLATTING COMMISSION PASSED THIS ITEM BY CONSENT. A LETTER OF UNDERSTANDING FURTHER CLARIFYING SOME OF THE RESTRICTIONS WAS SIGNED BY WESTERN OAKS PROPERTY OWNERS ASSOCIATION AND CARDINAL PARAGON ON AUGUST 24th. 2004. WE HAVE BEEN WORKING WITH VARIOUS DEVELOPERS ON THIS ONE TRACT OF LAND FOR OVER 11 YEARS AND ARE VERY INTERESTED IN SEEING THIS BE A QUALITY ENDEAVOR. THE PROJECT PRESENTED 6 YEARS AGO AS THE FORM PUD WAS -- EXCUSE ME, WAS BETTER THEN THAN WHAT THE SOS ORDINANCE REQUIRES. TODAY IT WILL BE EVEN BETTER WITH THE REQUESTED ZONING CHANGES. THANK YOU.

THANK YOU, MS. SUMMERS. [ APPLAUSE ]

THANK YOU, MS. SUMMERS, FOR ALL OFF YOUR HARD WORK. WELCOME, BRUCE PERRIN, YOU'LL HAVE UP TO 6 MINUTES IF YOU NEED IT PRESUMING THAT SANDY IS STILL HERE.

I PROMISE I WON'T TAKE THAT LONG. IT'S WAY TOO LATE. THANK Y'ALL FOR SPENDING SO MUCH TIME UP HERE, I CAN'T IMAGINE BEING HERE SINCE 9:00, SO, YOU KNOW, WHAT LITTLE I DO, I CAN IMAGINE HOW LONG OF A DAY IT'S BEEN. MY NAME IS BRUCE PERRIN, I'M PRESIDENT OF THE OAK HILL ASSOCIATION OF NEIGHBORHOODS. WE'RE AN ASSOCIATION OF NEIGHBORHOOD ASSOCIATIONS IN SOUTHWEST AUSTIN AREA THAT HAS A MEMBERSHIP OF 21 NEIGHBORHOOD ASSOCIATIONS, REPRESENTING ABOUT 10,000 HOMEOWNERS. YOU'VE HEARD FROM SOME OF OUR MEMBERS TONIGHT. I'M ALSO HERE TO LET YOU KNOW THAT

OHAN HAS -- IS IN SUPPORT OF THIS PROJECT. WE'VE BEEN WORKING WITH DRENNER AND HIS FOLKS FOR ALMOST A YEAR, AND THE CASTERS WITH WESTERN OAKS EACH LONGER. YOU'VE HEARD THE GOOD STUFF ABOUT IT B., BUT I WOULD POSE THIS QUESTION. HOW MANY TIMES HAS A PROJECT AND A DEVELOPER COME TO YOU WITH SUCH BROAD BASED SUPPORT, I WOULD SUBMIT IT'S NOT VERY OFTEN. I WOULD -- I WOULD FURTHER SUBMIT THAT IT IS MUCH MORE OFTEN THAN WHAT WE'VE HAD SO FAR THIS EVENING. ALL OF THESE PEOPLE, WELL OVER HALF OF THEM HAVE LEFT, ARE ALL IN SUPPORT OF THIS PROJECT ENTHUSIASTICALLY. JUST IN SHORT, WHAT I WOULD SUGGEST IS THAT WE WOULD -- WE FROM SOUTHWEST AUSTIN WOULD ASK THAT YOU JOIN US ENTHUSIASTICALLY SUPPORTING THIS PROJECT. THIS IS GREAT. THIS IS A COMMUNITY PROJECT. IT'S NOT STEVES OR WILLIAM'S PROJECT. IT'S EVERYONE'S, AND IT'S JUST A HUGE, HUGE CHANGE IN THE WAY DEVELOPMENT HAS GONE ON IN SOUTHWEST AUSTIN AND IF, FOR NO OTHER REASON, I THINK WE OUGHT TO ENDORSE IT. THIS IS A GREAT PROJECT. WE'RE LOOKING FORWARD TO IT AND WE JUST ASK THAT YOU SUPPORT IT AS WELL. THANK YOU.

THANK YOU, MR. PERRIN. [ APPLAUSE ]

KIM SHERMAN? HI, KIM, THANK YOU FOR YOUR PATIENCE. IS BOB SCHRADER. YOU'LL BE FOLLOWED BY JEFF HOWARD.

MY NAME IS KIM SHERMAN, I'M THE PRESIDENT TO HAVE WEST CREEK NEIGHBORHOOD ASSOCIATION. WE ARE A 100% VOLUNTARY NEIGHBORHOOD ASSOCIATION. WE ARE ONE OF THE LARGEST ASSOCIATIONS AFFECTED BY THIS DEVELOPMENT. BEFORE I START, I WANT TO SAY I'VE LOST A LITTLE FAITH IN T T THE PROCESS TONIGHT. WHAT HAPPENED BEFORE OUR AGENDA ITEM COMPLETELY 1 HORRIFIED ME. A SITE PLAN WAS IN THE PROCESS WILLIE NILLY AND THAT IS BAD PUBLIC POLICY. ABSOLUTELY HORRIFIED ME. I FEEL SORRY FOR THAT DEVELOPER. I FEEL SORRY FOR THE NEIGHBORHOODS WHO REALLY HAVE NO IDEA WHAT IS GOING TO GO UP THERE. I WOULD URGE YOU TO BE RESPONSIBLE. THIS DEVELOPER HAS SPENT MANY MONTHS, MANY HOURS WITH EVERYBODY IN THE AREA AND HAS WORKED OUT ALL OF OUR ISSUES. THERE IS NOBODY IN

THE NEIGHBORHOOD WHO IS AGAINST THIS. THE IDEA OF URBAN PLANNING WITH BUILDINGS AGAINST THE STREET IS NOT WHAT WE WANT. WHOEVER CAME UP WITH THAT IDEA, DID NOT ASK THE VOTING CITIZENS OF OAK HILL AND SOUTHWEST AUSTIN IF THAT IS A GOOD IDEA. I LIKE THE ARBORETUM. I LIKE TO GO OUT IN THE OUTDOORS AND ENJOY THE OUTDOORS. I DON'T WANT TO BE RUSHED INTO A BUILDING TO PATRONIZE THAT TENANT AND GET OUT OF MY CAR IN THE BACK OF THE BUILDING AND GO HOME. WE WANT OUR CHILDREN TO WALK ACROSS WILLIAM, ENJOY THOSE RESTAURANTS, MIX AND MINGLE BY THE POND, THAT'S WHAT WE WANT. WE'RE WANTING YOU TO LISTEN TO US. WE'VE WORKED OUT ALL OF THE ISSUES. HOW CAN ANYBODY BE AGAINST THIS? I DON'T EVEN KNOW HOW THE SOS IS AGAINST IT. IT'S BETTER THAN THE PREVIOUS PLAN, SIGNIFICANTLY BETTER. THE SOS DID NOT SHOW UP AT THE OTHER TWO HEARINGS. TONIGHT IS THE FIRST TIME THEY HAVE COME UP AGAINST THIS. IT'S BAD POLICY TO LET THAT HAPPEN. SO TONIGHT I'M URGING YOU TO LISTEN TO YOUR VOTING CITIZENS, BE RESPONSIBLE CITY COUNCIL MEMBERS, AND MAYOR, AND VOTE FOR THIS PROJECT. WE NEED IT, WE WANT IT, AND IT'S GOOD FOR THE CITY. I'LL BE HAPPY TO ASK ANY QUESTIONS.

THANK YOU, MS. SHERMAN. [ APPLAUSE ] JEFF HOWARD, WELCOME, SIR, LET'S SEE IS MIKE BROWNLEE STILL HERE? HI, MIKE. CARY BROWNLEE, AND JEANETTE BROWNLEE, THE WHOLE GANG HERE, JEFF, YOU'LL HAVE UP TO 12 MINUTES IF YOU NEED IT.

I WILL NOT NEED IT. I'M HERE TONIGHT ON BEHALF OF THE BROWNLEE FAMILY. I WAS GOING TO GIVE YOU A LITTLE BIT OF THE HISTORICAL PERSPECTIVE ON THIS PROJECT. SARAH SUMMERS DID A GREAT JOB ON THAT. SUFFICE TO SAY I PERSONALLY HAVE OVER 7 YEARS IN THIS PROBABLY T WESTERN OAKS FOLKS AND OTHERS HAVE OVER 11 YEAR, THE BROWNLEES HAVE EVEN MORE THAN THAT IN THIS PROJECT. THIS PROJECT REALLY IS THE CULMINATION OF MANY, MANY YEARS OF HARD WORK, LOTS OF MONEY, TIME, ENERGY HAS BEEN PUT INTO THIS PROJECT TO GET US TO THIS POINT AND, YOU KNOW, THE GOOD NEWS IS THAT WE REALLY HAVE A SUPERIOR PROJECT. WHAT I WANT TO SPEND THE REST OF MY TIME TONIGHT TALKING ABOUT IS A

LITTLE BIT ABOUT THAT ORIGINAL PUD BACK IN 1999. THE FORM PUD. SPECIFICALLY THERE'S A COUPLE OF THINGS ABOUT THAT THAT I WANTED TO SHARE WITH YOU ALL. FIRST IS THAT WE KNEW WHEN WE DID THAT THAT WE HAD TO BE BETTER THAN SOS. WE DIDN'T HAVE A GRANDFATHERING CLAIM. THE BROWNLEES KNEW THAT. THE BROWNLEES KNEW THEY HAD TO BE BETTER THAN SOS. THEY HAD TO COME UP WITH A SUPERIOR PROJECT. THEY HAD TO INVITE THE NEIGHBORHOOD AS PART OF THE PROJECT. WE DID THAT, WE CAME UP WITH A PROJECT THAT WAS BETTER THAN SOS. A VERY GOOD PROJECT. ONE THAT I'M PROUD OF. SECOND THING WE KNEW WE HAD TO DO IS WE HAD TO PRESERVE SOME FLEXIBILITY. THE BROWNLEES ARE NOT DEVELOPERS, AND THEY WEREN'T CERTAIN ABOUT WHAT THEIR PLAN WAS GOING TO BE FOR THE PROJECT. AND SO WE HAD TO PRESERVE SOME FLEXIBILITY TO ACCOUNT FOR THAT UNCERTAINTY. WE DID THAT BY ALLOWING, YOU KNOW, THIS PARTICULAR SITE TO BE DEVELOPED TO THE GREATEST EXTENT, OUT OF ALL OF THE TRACTS. WELL, WHAT'S HAPPENED SINCE THEN IS THE BROWNLEES HAVE DETERMINED, AFTER ATTEMPTS TO DEVELOP IT THEMSELVES, THEY SIMPLY ARE NOT DEVELOPERS, THEY NEED TO GET SOME FOLKS IN HERE WHO HAD THE FINANCIAL, THE TECHNICAL AND THE KNOWLEDGE EXPERTISE TO DEVELOP THIS PROPERTY, WE HAD A COUPLE OF WAYS WE COULD GO. WE COULD DEVELOP UNDER THE ORIGINAL PUD, WHICH WAS EASY MONEY, TO TELL YOU THE TRUTH. WE COULD DO THAT. WE COULD DO IT ALL DAY LONG, IMMEDIATE LIMIT OR WEIMMEDIATELY. OR WE COULD DO IT A SECOND WAY, A WAY THAT MADE SOME CHANGES TO THE PUD, MADE THEM BETTER, MADE THE PUD BETTER, BROWNLEES CHOSE A SECOND WAY, IT WAS HARDER, IT'S MORE EXPENSIVE. IT'S DIFFICULT, BUT THEY WANTED TO MAKE SURE THIS WAS THE BEST PROJECT THEY COULD, AND SO WE'VE TECH THAT SECOND, HARDER ROUTE. ONE OF THE THINGS THAT I'VE SEEN IN SOME OF THE LITERATURE FROM SOS AND JUST TWO LETTER, FRANKLY, IS THAT THIS PROJECT WOULDN'T BE DEVELOPED WITHOUT -- WITH THIS 100,000 SQUARE FOOT RESTRICTION. THAT IS WRONG. I HAVE IN MY OFFICE NUMEROUS LETTERS OF INTENT READY TO DEVELOP UNDER THIS -- UNDER THE CURRENT PUD. AND SIMPLY THAT

DEVELOPING OF THE CURRENT PUD IS SOMETHING IF IT WERE NECESSARY IT WOULD BE DONE SIMPLY BECAUSE OF THE AMOUNT OF TIME OF MONEY AN EFFORT THE BROWNLEES HAVE IN THIS PROJECT. THEY HAVE TO BE ABLE TO RECOUP THOSE EFFORTS. BUT WE'VE COME FULL CIRCLE, WE'VE DONE SOMETHING THAT IS EVEN BETTER AND IT REALLY CAN'T BE ARGUED. IT'S BETTER IN EVERY I THINK CONCEIVABLE WAY AND I THINK THAT IS BECAUSE OF THE PEOPLE IN THIS ROOM THAT HAVE WORKED SO HARD, BECAUSE OF THE BROWNLEE'S PATIENCE, SO WHAT I WOULD ASK YOU TONIGHT IS TO RESPECT THAT PROCESS, TO RESPECT THE HARD WORK, THE MONEY, THE TIME, THE ENERGY THAT ALL THESE FOLKS IN THIS ROOM HAVE PUT INTO THIS PROJECT. THAT AT THE END OF THE DAY, IT'S EVEN BETTER THAN WHAT WE DID FIVE YEARS AGO. SO WITH THAT I'LL ASK FOR YOUR SUPPORT AND ANSWER ANY QUESTIONS YOU MIGHT HAVE.

THANK YOU, MR. HOWARD. QUESTIONS, COUNCIL? THANK YOU, SIR. NAN SIGNED UP NOT WISHING TO SPEAK, IN FAVOR. GRAY STODN E R, NOT WISHING TO SPEAK IN FAVOR. BEN WHITE IN FAVOR. ROBBIN RATHER, IN FAVOR, ADD OPEN SPACE FUNDING IF YOU CAN. BOB ANDERSON. RASHID ISLAM, NOT WISHING TO SPEAK, IN FAVOR. BILL HATCHER. BILL STILL HERE? SIR, YOU'LL HAVE THREE MINUTES AND BE FOLLOWED BY JULIEJULIE JENKINS,.

I'M A PROPERTY OWNER IN WESTERN OAKS, I'VE LIVED THERE SINCE 1981. I AM ONE OF THE PROPERTY OWNERS MOST DIRECTLY AFFECTED BY THE DEVELOPMENT OF THIS TRACT. I OWN A HOUSE THAT'S ACROSS THE STREET FROM THE TRACT ON BRUSH COUNTRY. MY HOUSE IS VISIBLE IN EVEN THE FINALLY-DETAILED DRAWINGS. MY PREFERENCE IS THAT THE PROPERTY REMAIN IN PERPETUITY THE WAY IT S BRUSH, ON BRUSH COUNTRY ROAD, HOWEVER, I THINK THAT IT COULD EASILY BE DEVELOPED WITH ACCORDING TO WHAT WAS PASSED IN 1999. AND I'M HERE TODAY TO SPEAK IN FAVOR OF THE MODIFICATIONS TO THE PUD. I THINK IT WILL MAKE IT BETTER. I'M ENTHUSIASTICALLY IN FAVOR OF IT AND I CAN CONFIRM WHAT YOU'VE HEARD, THAT THE PROCESS THAT HAS BROUGHT US TO WHERE WE ARE NOW HAS BEEN VERY MUCH INCLUSIVE AND HAS KEPT ALL OF US PROPERTY OWNERS ADJACENT TO THE DEVELOPMENT

VERY MUCH INFORMED AND VERY MUCH INVOLVED, SO I WOULD ENCOURAGE YOU TO APPROVE THIS.

THANK YOU, MR. HATCHER. [ APPLAUSE ] WELCOME, MS. JENKIN, YOU'LL HAVE THREE MINUTES FOLLOWED BY JAMES PRESLEY WHO WILL BE FOLLOWED BY MARY JOHNSON.

THANK YOU, MAYOR AND COUNCIL. MY NAME IS JULIE JENKIN, I'M VICE-PRESIDENT OF A ORGANIZATION CALLED TEXAS CAVE MANAGEMENT ASSOCIATION. WE HAVE QUITE A LONG RELATIONSHIP WITH THE CITY. WE'VE DONE A LOT OF CONSULTING ABOUT THE CAVES IN THE AUSTIN AREA AND PARTICULARLY ON THE RECHARGE ZONE IN SOUTH AUSTIN. WE OWN A CAVE PRESERVE DIRECTLY SOUTH OF THIS TRACT OF LAND. OUR TRACT IS ACTUALLY RIGHT UNDER THE MOPAC OVERPASS. IT'S A CAVE PRESERVE. THE CAVE THAT IS ON THIS TRACT OF LAND WHICH IS JUST A FEW FEET OFF A CREEK THAT WILL DRAIN OFF OF THIS TRACT OF LAND AND DRAINS A LOT OF THE NEIGHBORHOOD AREA, THE CAVE IS ONE OF THE BCP PERMIT CAVES. WE HAVE MONITORING REQUIREMENTS THAT WE DO FOR THE CITY ON THIS CAVE. THE CAVE WILL BE VERY -- IS VERY MUCH IMPACTED BY THE QUALITY OF WATER THAT FLOWS THROUGH THERE AND IN TERMS OF THIS PROJECT WE'RE ABSOLUTELY DELIGHTED TO SUPPORT IT. WE'VE BEEN INVOLVED WITH THE FORM PUD FOR THE LAST 7 YEARS. ALL ALONG THEY'VE BEEN EXTREMELY SUPPORT ACTIVITY OF DOING WHAT WAS RITE BY THE LAND AND DOING WHAT WAS MORE RIGHT BY SOS STANDARDS AND WATER QUALITY STANDARDS AND THEY'VE MADE AN INCREDIBLE EFFORT TO IMPROVE THIS, WHICH I THINK THEY'VE DONE, WE ARE IN TREMENDOUS SUPPORT OF THEIR NEWER PROJECT AND WE'RE VERY, VERY HAPPY TO BE WORKING WITH THEM BECAUSE WE'RE GOING TO GET EVEN BETTER WATER QUALITY RUNNING THROUGH THAT NEIGHBORHOOD THAN WE HAVE HAD IN THE PREVIOUS MANY, MANY YEARS. I WAS GOING TO CATCH YOU UP ON ALL THE HISTORY. I'M REALLY HAPPY THAT STEVE HAS ALREADY DONE THAT AND GIVE YOU ALL OF THE LONG SORDID HISTORY OF THINGS THAT HAVE GONE ON, I WANT TO REEMPHASIZE THAT THE BROWNLEE FAMILY HAS GONE WAY, WAY, WAY OUT OF THEIR WAY TO DO MORE THAN THE RIGHT THING, BUYING HUNDREDS OF ACRES OF TRACTS AND DONATING THEM TO THE CITY, THE MOST SENSITIVE TRACT

IN THIS ENTIRE CITY, THE MOST SENSITIVE CAVE, THEY'VE JUST REALLY GONE ABOVE AND BEYOND WHAT ANYONE ELSE WOULD HAVE DONE AND I REALLY, REALLY BELIEVE THAT YOU SHOULD WHOLE HEARTEDLY SUPPORT THIS PROJECT. IT'S A VERY, VERY GOOD PROJECT AND WILL BE MUCH IMPROVEMENT OVER THE PREVIOUS PROJECT. THANK YOU VERY MUCH FOR YOUR TIME. [ APPLAUSE ]

THANK YOU, MS. JENKIN, JAMES PRESLEY, SIGNED UP WISHING TO SPEAK IN FAVOR. MARY JOHNSON? SIGNED UP - - WOULD YOU LIKE TO SPEAK, MA'AM, OR SHOW YOU IN FAVOR. THANK YOU FOR BEING HERE AND YOUR PATIENCE. DON JOHNSON, IN FAVOR. CLIFF ANDERSON.

HERE.

WELCOME, SIR, YOU'LL HAVE UP TO THREE MINUTES AND YOU'LL BE FOLLOWED BY -- FOUND SOMEBODY.

HELLO, COUNCIL... MY NAME IS CLIFF ANDERSON, I'M WITH THE OAK HILL ASSOCIATION OF NEIGHBORHOODS REPRESENTING OVER 10,000 HOMES IN THE OAK HILL AREA WHERE WE HAVE PEOPLE THAT ARE ON OUR E-MAIL LIST AND ALL OF THAT. THE PLANNING OF THE SOUTHWEST MARKETPLACE TOOK THE CONCERNS OF THE ENVIRONMENT, CONCERNS OF THE NEIGHBORHOOD, CONCERNS ABOUT TRAFFIC, STARTED ALL THE INPUT AND PLANNED THE CENTER TO FIT THE CHARACTERISTICS OF THIS PROPERTY AND CAME UP WITH A PLAN THAT ADDRESSED AND RESOLVED ALL OF THOSE CONCERNS. THIS IS TRULY A CONTEXT SENSITIVE DESIGN. THE DEVELOPERS WORKED WITH THE NEIGHBORHOOD AND THEY SHOULD BE REWARDED WITH APPROVAL OF THIS TRACT. I'M GOING TO MAKE IT SHORT. THANK YOU. GOODNIGHT. [ APPLAUSE ]

THANK YOU, MR. ANDERSON. A NUMBER OF FOLKS JUST SIGNED UP NOT WISHING TO SPEAK IN FAVOR, TRYING TO CURRY FAVOR WITH THE CITY COUNCIL. SHERRY ABRAMSON IN FAVOR. MARY WRIST IN FAVOR, TRACY WATSON, NOT WISHING TO SPEAK, IN FAVOR. JERRY AND JUDY SATH, THANK YOU, IN FAVOR. BARBARA BEGGO IN FAVOR. LOIS OR JOYCE BOSCO IN FAVOR. NANNY HINES IN FAVOR. ELLEN IN

FAVOR. SORRY IF I MISPRONOUNCE THESE. ROD HINES IN FAVOR. TERRY DAMRON IN FAVOR. JIM DAILY IN FAVOR. ALLEN CASTSTETER IN FAVOR. PAUL HANSZEN IN FAVOR. DAVID DARR IN FAVOR AND MR. GEORGE COFFER SIGNED UP. GEORGE, WOULD YOU LIKE TO SPEAK? WELCOME, YOU'LL HAVE THREE MINUTES.

THANK YOU, MAYOR, COUNCILMAN, MY NAME IS GEORGE COFFER, I LIVE JUST WEST OF AUSTIN AND I WORKED ON THIS PROJECT IN 1998. I SUPPORTED IT THEN, I SUPPORT IT NOW. I THANK YOU FOR YOUR TIME. I REALLY DROVE DOWN HERE TONIGHT TO JUST COMMEND THE NEIGHBORS. THIS IS EXTRAORDINARY AND I REALLY APPRECIATE THE WORK Y'ALL HAVE DONE. GOOD WORK. THANK YOU. I URGE YOU TO VOTE YES. [ APPLAUSE ]

COFFER IS SMART. HE WATCHES TELEVISION, KNOWS HE DOESN'T HAVE TO BE HERE AT 6:00, FOR A 6:00... [LAUGHTER] GOOD TO SEE YOU, GEORGE. WE'LL SAVE MR. DRUNER'S CARD. MELISSA MATHSON NOT WISHING TO SPEAK, IN FAVOR. WILLIAM CHASE F. COUNCIL HAS QUESTION, IN FAVOR, AND LOU JUAN DUNN, IN FAVOR. WE HAVE A COUPLE OF FOLKS SIGNED UP WISHING TO SPEAK IN OPPOSITION. VIVIAN CAPETO. SORRY FOR MISPRONOUNCING THAT. WELCOME, VIVIAN, YOU'LL HAVE UP TO THREE MINUTES AND BE FOLLOWED BY COLIN CLARK.

I LIVE IN OAK HILL WEST OF THE Y OFF OF 290. I WOULD LIKE TO HONOR THE CITIZENS THAT SPENT THEIR TIME WORKING ON THIS. I DO NOT HAVE THE INTENTION TO BELITTLE THEIR EFFORTS. MY COMMENTS ARE NOT DIRECTLY AT THEIR PART IN THIS PROJECT. HOWEVER, THERE'S A PERMANENT BOYBOYCOTT IN THREE COUNTRIES THAT IS APPROVED BY 147 NGO'S AND BROADCAST BY OH KEY PORTAL, CANADIAN COMMITTEE TO COMBAT CRIMES AGAINST HUMANITY ET CETERA. THIS IS AGAINST COSTCO. THEY CHOSE A SPOT IN THE CENTER OF MEXICO, THE LOCATION WAS THE SITE OF A HOTEL KA SEEN KNOW, MEANS KA SEEN KNOW IN A JUNGLE, IT NEVER WAS A CASINO BUT IT DID HAVE A RICH HISTORY. THE SITE THEY CHOSE WAS ALSO VERY CLOSE TO THE LOCAL MUNICIPAL MARKET. THE JUNGLE OF THE HOTEL CASINO AND THE JUNGLE SERVED AS AN UNOFFICIAL PARK FOR THE CITY, ONE OF THE TOWN'S ONLY MAJOR GROWN

SPACES CONSIDERED A GREEN LUNG IN THE HEART OF THE CONGESTED DOWN. A MEETING PLACE FOR FRIENDS AN URBAN SANCTUARY FOR WILDLIFE, WAS FOR PEOPLE TO WALK THROUGH WITHOUT LEAVING THE CITY. THERE WERE 9.5 FORESTED HECTARES AROUND 20-ACRES OF LAND. UNDER THE LAND WAS WATER RESOURCES FOR THE CITY. COSTCO CHOSE THIS SITE FOR A MEGA STORE. A WAREHOUSE, SUPERMARKET, CHAIN RESTAURANT, AND ABOUT 1,156 PARKING SPACES JUST FOR COSTCO. THINGS THAT WERE AFFECTED BY COSTCO OR DESTROYED. 1,140 SQUARE METERS OF MURAL ART WORK FROM THE 20th CENTURY. MEXICAN HISTORICAL SCENES BY SPANISH ARTIST JOSEPH RENOIR AND MEXICAN ARTISTS. MURALS ARE ALL GONE. ARCHITECTURAL TREASURES, SOME DESIGNED BY SPANISH ARCHITECT FELIX CANDELLA. THE ARCHITECTURAL TREASURES ARE GONE. THIS PARTICULAR AREA WAS ALSO KNOWN AS AN ARCHAEOLOGICAL SITE, IT'S PAVED OVER. MAYBE THE REALLIES ARE STILL UNDER THERE, BUT IT'S GONE. THE JUNGLE CONSISTED OF 2 MILLION CUBIC METERS OF AN ECOSYSTEM INCLUDING OVER 938 TREES. SOME OF THESE TREES WERE MORE THAN A CENTURY AND A HALF OLD. THERE WERE 46 PLANT SPECIES, THERE WAS 120 BIRD SPECIES. THERE WERE 6 ENDANGERS SPECIES OF BIRDS. THIS ECOSYSTEM IS GONE. THERE WERE 12,000 PETITION SIGNATURES AGAINST THIS PROJECT INCLUDING THE NEIGHBORS. THERE WERE DOZENS OF PROTESTS INCLUDING ONE WITH MORE THAN 10,000 PEOPLE. [BUZZER SOUNDING] PERHAPS IT WOULD BE APPROPRIATE TO REQUEST A CITY LIKE AUSTIN THAT PRIDES ITSELF ON ITS PROGRESSIVE ENVIRONMENTAL REPUTATION TO SUPPORT THIS BOYCOTT OF COSTCO AN SUPPORT OUR NEIGHBORS THAT WE HAVE SO MUCH IN COMMON WITH.

THANK YOU, VIVIAN, FOR YOUR PATIENCE. COLIN CLARK, WELCOME, SIR, YOU'LL HAVE THREE MINUTES.

GOOD EVENING, MAYOR AND COUNCIL, COLIN COUNCIL WITH SAVE OUR SPRINGS ALLIANCE. WE DO REQUEST THANK YOU DENY THE ZONING CHANGE BUT I WOULD ECHO MISS CAPUTO'S COMMENTS THAT IS NOT TO BELITTLE THE HARD WORK THE NEIGHBORS HAVE DONE ON PUTTING SOMETHING TOGETHER THEY CAN LIVE WITH, BUT I WOULD

LIKE TO MAKE OUR POINT, A FEW MONTHS AGO THIS COUNCIL UNANIMOUSLY APPROVED A BAN ON BIG BOX STORES OVER THE EDWARDS AQUIFER. THIS -- THERE WAS A LOOPHOLE IN THAT FOR PROPERTIES GOVERN BY SETTLEMENT AGREEMENTS OF WHICH THE FORUM PUD IS ONE. BUT I WOULD ASK WHAT WAS THE POINT OF PASSING THAT BAN IF DEVELOPER CAN NOW COME AND REQUEST A CHANGE FROM A BAN THAT WAS IN A SETTLEMENT AGREEMENT AT 100,000 AND THEN GO UP TO 150,000? ONE OF THE CONCERNS THE COUNCIL EXPRESSED IN THAT ORDINANCE WAS BIG BOX STORES GENERATING REGIONAL TRAFFIC AND I KNOW ZONING IS NOT TENANT SPECIFIC BUT IN THE CITY'S OWN BACKLUM MATERIAL FOR THIS CASE IT MENTIONS COSTCO, WE KNOW WHAT IS GOING TO BE THE ANCHOR STORE IF THIS GOES THROUGH. COSTCO IS A MEMBERS-ONLY CLUB, AND I WOULD ARGUE IF YOU APPROVE THIS AND COSTCO GOES IN THERE, YOU'RE GOING TO HAVE PEOPLE DRIVING FROM BUDA AND BASTROP ON TO THE AQUIFER TO GO SHOPPING AT COSTCO. NEXT POINT IS THAT AS THIS IS A CHANGE IN THE PROJECT, WE ASK THAT YOU ENFORCE CURRENT CODE AND ORDINANCES WHICH IS THE SAVE OUR SPRINGS ORDINANCE. THIS PROJECT DOES NOT CONFORM TO THE IMPERVIOUS COVER LIMITS OF THE ORDINANCE, ALWAYS GLAD MR. DRENNER SHOWED THE H.E.B. ON HIS SLIDE SHOW ON BRODY WHICH SHOWS CAN DEVELOP IN THIS REGION AT A PROFIT UNDER THE SOS ORDINANCE. I THINK VOTING NO ON THIS PROPOSAL DOESN'T MEAN THAT IT'S GOING TO NECESSARILY REVERT TO WHAT WAS APPROVED UNDER THAT FORM PUD. SOMETHING IS GOING TO GET BUILT BY PROPERTY OWNERS DO HAVE ENTITLEMENTS. IT'S IN A DEVELOPED AREA, BUT WE WOULD URGE IF YOU'RE GOING TO APPROVE A CHANGE, THAT IT COMPLY WITH THE SOS ORDINANCE ON THE SITE. LASTLY, IF YOU DO VOTE FOR THE ZONING CHANGE AND ALLOW THE PROJECT TO GO THROUGH, WE WOULD ASK THAT THE CITY DEDICATE 100% OF THE SALES TAX GENERATED FROM THE DEVELOPMENT TO ACQUIRE OPEN SPACE IN THE BARTON SPRINGS WATERSHED. WE FEEL LIKE IF YOU'RE GOING TO GO AHEAD AND LET THIS HAPPEN, THAT WOULD OFFSET SOME OF THE IMPACTS THAT IT'S GOING TO HAVE. THANKS.

THANK YOU, MR. CLARK. COUNCIL, I SAW THAT FOLKS SIGNED UP IN OPPOSITION TO THE ZONING CASE, SO WITH THAT, MR. DRENNER WOULD TYPICALLY HAVE A THREE-MINUTE REBUTTAL, WE HAVE A NUMBER OF FOLKS WHO DIDN'T SPEAK IN FAVOR OF THE CASE WANTING TO DONATE TIME TO MR. DRENNER, PERHAPS YOU CAN USE YOUR SLIDE PRESENTATION.

I'LL TRY TO BE BRIEF IN LIGHT OF THE HOUR. LET ME MENTION WITH REGARD TO THE NO BIG BOX ORDINANCE. CLEARLY, AS MR. CLARK INDICATED, BECAUSE THIS IS A PUD, THIS PROPERTY IS NOT SUBJECT TO THAT ORDINANCE. IT IS SUBJECT TO LIMITATION ON 100,000 FEET THAT WAS PUT IN PLACE WHEN THE ORIGINAL ZONING WAS PASSED. WE ADDRESSED THAT VERY EARLY ON WITH THE NEIGHBORHOOD, AND WE TALKED ABOUT THE FACT THAT THIS PROJECT WOULD ALLOW MULTIPLE USERS UP TO 100,000 FEET AND INCLUDING THE OFFICE USE, WHICH OBVIOUSLY FROM A REGIONAL TRAFFIC GENERATION STANDPOINT GENERATES FAR MORE REGIONAL TRIPS THAN ANY RETAIL USE, WHAT WE TALKED ABOUT WAS THE BENEFITS THAT WE COULD DERIVE FOR THE PROJECT IF WE HAD ONE ANCHOR STORE LIKE A COSTCO AND WE WERE VERY SPECIFIC WITH REGARD TO THE TYPE OF USER THAT WE WANTED TO HAVE, WHERE THEY WOULD GO ON THE SITE AND WHAT THE BENEFITS WOULD BE THAT COULD BE DERIVED FROM THAT. SOME OF THOSE WOULD BE THE FACT THAT WE CAN BE MORE AGGRESSIVE IN TRYING TO ATTRACT LOCAL USERS. I THINK I CAN ANNOUNCE TONIGHT THAT WE HAVE AN UNDERSTANDING WITH WATER-LOO ICE HOUSE TO GO IN THAT LOCATION. THAT COULD NOT HAVE HAPPENED WITHOUT THE BENEFIT OF THAT ANCHOR STORE. SO WE, AS A GROUP, DECIDED THAT WE WERE IN THE SPIRIT OF THE NO BIG BOX ORDINANCE BECAUSE WE WERE REDUCING THE NUMBER OF BIG BOXES ON THE SITE BUT THAT IT WAS BETTER TO HAVE ONE LARGE STORE IN THAT PARTICULAR LOCATION AND THEN BE AGGRESSIVE WITH REGARD TO THE TYPES OF THINGS THAT THAT WOULD ALLOW US TO DO. THAT WAS A DECISION THAT WE ALL MADE MUTUALLY. THE OTHER THING THAT I WOULD TELL YOU IS THAT WE SORT OF HAD ONE THING THAT WE HAD NOT MARKED OFF OUR SCORE CARD THAT WE WANTED TO BE ABLE TO DO, AND I

CAN ANNOUNCE TONIGHT THAT WE HAVE IN FACT BEEN ABLE TO DO THAT. YOU NOTICE THE CARVE OUT AT THE CORNER THAT I MENTIONED WAS THE TRACT -- 7-ACRE TRACT THAT WAS OWNED BY LOWES, AS OF TONIGHT, WE HAVE A CONTRACT ON THAT, A BINDING CONTRACT. OUR COMMITMENT TO THE NEIGHBORHOOD IN WRITING IS THAT THE DEVELOPMENT ON THAT PIECE OF PROPERTY WILL BE COMPATIBLE WITH THE REMAINDER OF THE SHOPPING CENTER. IT HAS A PREVIOUSLY APPROVED SERVICE STATION ON THAT SITE THAT COULD BE BUILT TODAY. THAT SERVICE STATION WILL NOT BE BUILT. AND IN ADDITION, WE'LL BE FURTHER REDUCING THE IMPERVIOUS COVER ON THAT SITE BY THE SAME 20% THAT WE'VE USED AS A MODEL FOR THE REMAINDER OF THE SITE. THAT IS AN ADDITIONAL ACRE OF IMPERVIOUS COVER. THAT IS NOT PART OF THIS ZONING CASE, BUT IT IS PART OF OUR AGREEMENT WITH THE NEIGHBORHOOD IN OUR LETTER THAT WE SIGNED AND MODIFYING THE LETTER TWO NIGHTS AGO WITH THE WESTERN OAKS NEIGHBORHOOD ASSOCIATION, SO I -- I WANT TO TELL YOU THAT WE FINALLY HAVE BEEN ABLE TO CHECK THE LAST BOX... [BUZZER SOUNDING] ... THAT WE HOPED TO BE ABLE TO CHECK AND I'LL BE HAPPY TO ANSWER QUESTIONS.

THANK YOU, MR. DRENNER. [ APPLAUSE ]

COUNCIL, THAT CONCLUDES OUR PUBLIC PRESENTATION. AT THIS TIME I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

SO MOVED.

MOTION MADE BY COUNCILMEMBER SLUSHER. SECONDED BY THE MAYOR PRO TEM. ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0 TO CLOSE THE PUBLIC HEARING. QUESTIONS OF STAFF, THE APPLICANT? COUNCIL? MAYOR PRO TEM.

CLARIFICATION. MR. DRENNER, CAN YOU EXPAND JUST BRIEFLY, VERY BRIEFLY ABOUT THE COMMITMENT TO ENSURE THAT THE WATER QUALITY FACILITIES ARE PROPERLY MAINTAINS AND MONITORED AND VERIFIABLY

NONDEGRADATION OVER THE LIFE OF THE PROJECT?

RIGHT. IN ADDITION COUNCILMEMBER GOODMAN, TO THE REQUIREMENTS UNDER STATE LAW AND UNDER THE CITY'S OWN CODE, AS YOU KNOW, WE HAVE AN EXTENSIVE GREEN BUILDER ORDINANCE THAT ALSO CONTEMPLATES A VARIETY OF THINGS INCLUDING THE -- THE MAINTENANCE IN THE MONITORING OF THE PONDS. WE ALSO HAVE IN OUR RATHER EXTENSIVE AGREEMENT WITH THE NEIGHBORHOOD ASSOCIATION THAT COMMITMENT AND THEIR ABILITY TO ENFORCE THAT AS WELL. THIS IS A PROPERTY THAT WILL BE GOVERNED BY A COMMERCIAL OWNER'S ASSOCIATION AS PART OF THEIR CHARGE, THEY'RE GOING TO HAVE THE SPECIFIC REQUIREMENT NOT TO DO DID MAINTENANCE THEMSELVES BUT TO HIRE THAT IN A FASHION WHERE THEY'RE HIRING FOLKS WITH REAL EXPERTISE TO DO THAT. I THINK THE PROBLEMS THAT WE'VE SEEN IN THE PAST HAVE OCCURRED WHERE THERE WAS A SINGLE TENANT, A SINGLE OWNER, AND YOU DIDN'T HAVE AN ASSOCIATION IN PLACE THAT HAD THAT CHARGE, AND I'M COMFORTABLE THAT GIVEN THOSE MULTIPLE REDUNDANCIES THAT THIS WILL BE A PROJECT THAT DOESN'T EXPERIENCE SOME OF THE MAINTENANCE AND MONITORING PROBLEMS THAT OTHERS HAVE.

AND I KNOW THAT SAVE BARTON CREEK ASKED YOU ABOUT ANOTHER COMPONENT OF SAFEGUARDING THAT NONDEGRADATION WHICH WAS TO ASK YOU TO SUPPORT A LEGISLATIVE EFFORT TO CREATE AN FUN AN AGENCY WITH SPECIALIZED EXPERTISE TO MEET THE STANDARDS SET FORTH IN THE PREVIOUS SORT OF PERFORMANCE PROVISION. DID YOU WANT TO COMMENT ON THAT AT ALL?

YES, MA'AM. THANK YOU. I THINK THIS IS A -- IT'S AN THAISH WHETHER IT BE RETENTION REIRRIGATION PONDS, COMBINATION PONDS LIKE THIS, OR EVEN SEDIMENTATION FILL FILTRATION PONDS, CLEARLY THIS COMMUNITY HAS EXPERIENCED AN ON GOING PROBLEM WITH THE MAINTENANCE AND THE MONITORING OF THOSE PONDS AND MAKING SURE THEY WORK AS THEY WERE DESIGNED TO WORK. WE'VE DETERMINED AND -- AND HAVE TALKED WITH OTHERS WHO BELIEVE THAT THE BEST WAY TO GET THAT DONE PROPERLY WOULD BE TO HAVE A SPECIALIZED ENTITY

THAT WOULD BE CHARGED WITH THAT RESPONSIBILITY FROM THE LEGISLATURE AND TO FUND IT TO WHERE THEY COULD OPERATE PROPERLY AND YOU COULD CONSIDER THIS LAND OWNER VERY MUCH IN FAVOR OF THAT EFFORT.

THERE WAS ONE MORE THING AND I'M NOT SURE IF YOU DISCUSSED IT OR NOT, BUT THAT WAS ABOUT PROVIDING A DETAILED PROGRAM FOR HOW TO MEET THAT STANDARD BEFORE ANYTHING OPENED UP FOR BUSINESS.

RITE. AGAIN, PART OF OUR COMMITMENT, REALLY NOT JUST TO THE NEIGHBORHOOD, BUT IN OUR DISCUSSIONS WITH THE SAVE BARTON CREEK ASSOCIATION, AS WE MOVE FORWARD TOWARD ACTUALLY DEVELOPING THE SITE, THAT WE BRING BACK A PLAN THAT WOULD HAVE THE DETAIL THAT I THINK ALL WOULD WANT TO SEE IN TERMS OF HOW WE WERE GOING TO ACCOMPLISH THAT. WHO ARE WE GOING TO HIRE? WHAT IS THE PROGRAM THAT THEY WOULD BE ASKED TO FOLLOW? AND HOW WOULD WE HAVE SOME BELT AND SUSPENDERS SO WE DON'T HAVE A PROBLEM. AND WE'VE COMMITTED TO GO BACK AND TALK WITH SAVE BARTON CREEK ASSOCIATION ABOUT THAT, GET THEIR INPUT ON OUR PROPOSED PLAN AS WELL AS DOING THAT WITH THE NEIGHBORHOOD.

AND THE LAST THING I WANTED TO ASK ABOUT IS ALSO VERY INNOVATIVE AND THAT IS RELATIVE TO HEAT ISLAND MITIGATION.

YES, MA'AM.

YOU ALL PRESENTED TO THE 30% CANOPY OVER A FIFTEEN YEAR TIME FRAME?

YES, MA'AM, THAT IS A MONDATORY ITEM UNDER OUR GREEN BUILDING PROGRAM.

AND JUST SO EVERYBODY KNOW, WE'VE BEEN SO FOND OF BLACK ASPHALT FOR SO MANY YEARS IN A PLACE NOTABLE FOR HEAT, ESPECIALLY IN THE SUMMER, WHAT WE'VE DONE IS DRAW DOWN THAT HEAT AND KEEP IT AND WHAT MOST PEOPLE IN AUSTIN IN THE SUMMER DO NOT SAY IS THIS IS NOT HOT ENOUGH, SO I THINK THAT... [LAUGHTER]... BY

PROVIDING AN EXAMPLE THAT YOU'RE GOING TO HELP US GET SOME REAL AWARENESS GOING ABOUT THE HEAT ISLAND MITIGATION EFFECT AND HOW WE CAN REALLY CHANGE AND IN FACT HELP WITH PEOPLE HAVING TO USE A LOT OF MONEY TO KEEP COOL IN THE SUMMER HERE, SO BUT NOT DRAWING DOWN THAT HEAT, AND NOT KEEPING IT, ESPECIALLY AFTER THE SUN GOES DOWN, YOU'RE NOT ONLY HELPING YOUR OWN BILLS AND YOUR UTILITY BILL, YOU'RE HELPING THE ENTIRE NEIGHBORHOOD AND THE COMMUNITY AROUND IT, SO I WANT TO THANK YOU FOR COMMITTING TO THAT.

YES, MA'AM.

THANKS, MAYOR. THANK YOU, MAYOR PRO TEM. FURTHER COMMENTS? COUNCILMEMBER SLUSHER?

I WANTED TO CONGRATULATE YOU ON ACQUIRING THE TRACT OR YOUR REPRESENTATIVE ACQUIRING THE TRACT WITH THE APPROVED GAS STATION OWNER REMOVING THAT, I WOULD APPRECIATE IF YOU COULD ALSO SEND A LETTER TO THE CITY MAKING IT OFFICIAL THAT GAS STATION WON'T BE PURSUED ON THAT TRACT. I THINK THAT IS VERY IMPORTANT.

WE WILL DO THAT. IN FACT WE'RE GOING TO RESTRICT IT WITH A RESTRICTIVE C.F.O. NEP ON THE SITE THAT WILL NOT ALLOW THAT TO HAPPEN AS WELL.

THANK YOU.

FURTHER COMMENT, QUESTIONS? COUNCILMEMBER ALVAREZ.

I DON'T KNOW THAT WE GOT TO GET INTO THE SPECIFICS ABOUT HOW THE IMPERVIOUS COVER CALCULATIONS CHANGED FROM WHEN THIS WAS FIRST APPROVED. WHEN WAS IT IN NINETY...

'99.

'99?

YES, SIR.

BECAUSE I THINK OBVIOUSLY THERE'S THE BROADER AGREEMENT THAT INCLUDED THE DONATION OF A COUPLE OF PRETTY LARGE CONSERVATION TRACTS OF LAND, BUT -- AND I GUESS THE OVERALL IMPERVIOUS COVER FOR THAT ORIGINAL AGREEMENT WAS HOW MUCH, ABOUT 15 OR LESS?

BECAUSE THE ORIGINAL TRACTS CONTAINED JUST A LITTLE BIT OF CONTRIBUTING ZONE LAND, IF THEY HAD ALL BE BUILT OUT IN ACCORDANCE WITH THE SOS ORDINANCE, YOU WOULD HAVE HAD ACCUMULATED IMPERVIOUS COVER OF OVER 16%. THE ORIGINAL FORM PUD, IT REDUCED THAT TO LESS THAN 15%. WITH WHAT WE HAVE TALKED ABOUT DOING ON -- AND HAVE COMMITTED TO DO WITH REDUCING THAT ALLOWABLE IMPERVIOUS COVER BY 8 AND A HALF ACRES ON THIS SITE, IT DRIVES THE NUMBER DOWN TO 12.4% AND NOW WITH THE PURCHASE OF THE CORNER PIECE AND FORMER LUCK OF AN ACRE BY IMPERVIOUS COVER THAT WOULD ARRIVE THERE, WE'RE GOING TO DRIVE THE CUMULATIVE TOTAL DOWN TO 12%.

IF YOU WERE TO EVALUATE THIS AGAIN, THE DEAL, THE AGREEMENT THAT WAS APPROVED ABOUT FIVE YEARS AGO.

RIGHT.

AND JUST LOOKING AT THIS PARTICULAR SITE, I THINK YOU MENTIONED TAKING THE IMPERVIOUS COVER DOWN 20%.

YES, SIR.

BUT THAT MEANS GOING FROM, I THINK 65 TO 45 ROUGHLY?

ROUGHLY, YES, SIR.

SO IN REALITY, I MEAN YOU'RE REDUCING IT 20 PERCENTAGE POINTS BUT YOU'RE REALLY REDUCING ABOUT A THIRD OF WHAT YOU COULD DEVELOP, I SUPPOSE, IMPERVIOUS COVER.

THE WAY THE ORIGINAL PUD WAS SET UP, IT CONTEMPLATED ON THE THREE TRACTS THAT COULD BE

DEVELOPED, A TOTAL OF 58 ACRES. SO AFTER WE REDUCE THE -- OUR PIECE, IT DOESN'T GO SOMEWHERE ELSE, IT REALLY COMES COMPLETELY OUT OF THE DEAL, AND WE WOULD BE DOWN BELOW 50 ACRES OF IMPERVIOUS COVER AND NOW UNDER 49 ACRES OF IMPERVIOUS COVER WITH THE COMMITMENT WE MADE ON THE CORNER TRACT.

AGAIN, ON A CUMULATIVE BASIS, THAT WILL BE LESS THAN 12%.

SO THEN FOR THIS -- JUST LOOKING AT THIS SPECIFIC SITE AND WHAT I GUESS THE ENTITLEMENTS WERE BASED ON THE...

RIGHT.

WHAT WAS IT, AGREED?

RIGHT.

THEN THERE WOULD BE HOW MANY ACRES THAT WOULD NOT GET DEVELOPED AS IMPERVIOUS COVER.

THAT WOULD NOT BE DEVELOPED?

RIGHT, I MEAN, BECAUSE THERE WAS A CERTAIN AMOUNT OF IMPERVIOUS COVER YOU COULD HAVE IN TERMS OF ACRES AND THEN...

RIGHT.

... NOW THERE'S LESSER AMOUNT BUT WHAT IS THAT AMOUNT?

YES, YES, ON THE TRACT -- THE TRACT WAS -- IS A LITTLE OVER 71 ACRES. AND IT WAS ORIGINALLY ENTITLED TO A LITTLE OVER 42 ACRES OF IMPERVIOUS COVER COVER. FOLLOWING OUR COMMITMENT IT WOULD ALLOW A LITTLE OVER 33 ACRES OF IMPERVIOUS COVER.

SO ALMOST TEN ACRES?

RIGHT, ABOUT 8 AND A HALF AND NOW 9 AND A HALF WITH

THE COMMITMENT ON THE CORNER PIECE.

OKAY. AND THEN -- AGAIN, I DON'T KNOW IF YOU FORGOT TO MENTION IT AT THE BEGINNING OF YOUR PRESENTATION, BUT I THINK THE MAYOR PRO TEM ASKED ABOUT THE MAINTAINING THE WATER QUALITY CONTROLS.

YES.

BUT -- BUT ARE THE CONTROLS ANY DIFFERENT THAN THEY WERE IN THE ORIGINAL...

YES, SIR, THANK YOU FOR ASKING. LET ME SEE IF I CAN FIND THE RIGHT SLIDE. THIS, BY THE WAY, SHOWS THE IMPERVIOUS COVER REDUCTION. THE WATER QUALITY CONTROLS THAT WERE REQUIRED UNDER THE 1999 APPROVAL WERE SOS COMPLIANT CONTROLS. THE WAY THAT THE CITY STAFF INTERPRETS THOSE CONTROLS, ESPECIALLY ON A SITE LIKE THIS, IT WOULD REQUIRE A RETENTION REIRRIGATION POND. WHAT WE DID IN TRYING TO EXPAND THAT AND TO TRY TO DO BETTER, WE LOOKED AT FIRST THE CAPTURE VOLUME, AND THE REQUIREMENT UNDER THE SOS ORDINANCE WOULD BE TO CAPTURE STORMS UP TO 1.77 INCHES. AND WE INCREASED THAT BY 48% SO THAT WE'RE CAPTURING UP TO 2.59 INCHES. AND BEYOND THAT, RATHER THAN HAVING IN A REALLY LARGE STORM EVENT OR A STORM EVENT -- MULTIPLE STORM EVENTS THAT HAPPEN QUICKLY AND THAT EXCEED THAT CAPTURE VOLUME, WHAT NORMALLY HAPPENS IS THAT WATER RUNS OFF UNTREATED INTO THE STORM SEWERS OR -- OR INTO THE CREEKS. IN OUR PROGRAM, IT DOES NOT HAPPEN THAT WAY, WHEN THE -- WHEN YOU REACH EACH THE EXPANDED CAPACITY OF 2.59 INCHES, THAT WATER RUNS OFF INTO OUR WET POND, SO INSTEAD OF RELEASING THAT UNTREATED WATER IN THOSE VERY LARGE STORM EVENT, IT GOES INTO THE WET POND WHERE IT RECEIVES TREATMENT BEFORE ITS RELEASED, SO WE REALLY HAVE A SYSTEM THAT NOT ONLY INCORPORATES THE ADDITIONAL CAPACITY OF THE POND ITSELF, BUT THEN WE HAVE IN EFFECT A BACKUP POND TO CATCH ANYTHING THAT MIGHT EXCEED THE VOLUME OF THE ORIGINAL POND.

OKAY. FINALLY ON THE ENVIRONMENTAL... BECAUSE THAT IS

AN ISSUE THAT A LOT OF PEOPLE ARE INTERESTED IN, THEN YOU MENTIONED CAPTURING SOME TO HAVE RUNOFF FROM THE ROADWAYS, AND WOULD THEY BE CAPTURED IN THIS -- THESE SAME CONTROLS OR...

YES, SIR. WE -- WE LOOKED HARD AT THE GRADES ON THE ROADWAYS ALL THE WAY AROUND THE SITE AND WHAT WE FOUND IS ON BRUSH COUNTRY AND ON THAT SIGNIFICANT PORTION OF MOPAC, THAT GIVEN GRADES IF WE SPENT SOME MONEY, THAT WE COULD FUNNEL THAT WATER BACK INTO THOSE VERY SAME PONDS. SO WE'RE NOT ONLY TREATING THE WATER THAT IS GOING TO RUN OFF OUR SITE, BUT WE WILL BE ABLE TO HANDLE THAT WATER OFF THE -- OFF THE ROADWAYS AND IN FACT NOW WITH THE ACQUISITION OF THE LOW SITE, WE'LL BE LOOKING AT THAT ADDITIONAL PORTION ALONG MOPAC TO SEE WHETHER WE CAN'T INCREASE THAT CAPTURE AS WELL.

AND SO REALLY JUST TO RECAP, I MEAN BASICALLY THERE'S ABOUT NINE AND A HALF ACRES LESS OF IMPERVIOUS COVER ON THE SITE, YOU KNOW, IMPERVIOUS COVER THAT REMAINS OBVIOUSLY THERE'S BETTER CONTROLS FOR.

RIGHT.

BASICALLY. AND THEN BUT YOU'RE ALSO CAPTURING RUNOFF FROM -- HOW MUCH DID YOU SAY, AN ADDITIONAL FIVE ACRES OF...

FIVE ACRES PRESENTLY.

PREVIOUSLY UNTREATED SO... CERTAINLY A POSITIVE IMPACT AND THEN YOU MENTIONED ABOUT THE SERVICE STATION, THE GAS STATION ON THAT TRACT, THE CORNER TRACT, AND NOT PROCEEDING WITH THAT PARTICULAR USE.

THAT'S CORRECT. RIGHT.

SO ANYWAY, I THINK THOSE ARE ALL, YOU KNOW, VERY POSITIVE ASPECTS OF THIS, CERTAINLY, ALL THE NEIGHBORHOOD ELEMENTS ARE VERY POSITIVE AS WELL, BUTES -- THEY'RE CERTAINLY FROM THE ENVIRONMENTAL

POINT OF VIEW VERY POSITIVE OUTCOMES AS WELL.

COUNCILMEMBER SLUSHER?

COULD YOU SHOW US, DO YOU HAVE A MAP WITH THE TRACTS THAT WERE PURCHASED AS PART OF THE ORIGINAL FORM APPROVAL?

YES.

COULD YOU SHOW THAT TO US?

COULD YOU TAKE US BACK TO THE VERY FIRST SLIDE.

TRACKS IN GREEN WERE THE TRACKS THAT WERE PART OF THE ORIGINAL FORM APPROVAL THAT WERE THEN DEEDED TO THE CITY AND I HAVE CLOSEUPS OF BOTH OF THOSE IF YOU WOULD LIKE TO SEE.

I WISH YOU WOULD.

THIS IS THE 148-ACRE TRACT THAT BORDERS WILLIAM CAN NON. AND THEN THE NEXT IS THE SINK TRACT AT 165 ACRES.

WE SAW AT THE TIME SOME FILM OF HOW MUCH RECHARGE ZONE THAT PROPERTY HAS.

RIGHT.

A PRETTY LARGE SINK.

I'LL DEFER TO MS. JENKINS WHO IS THE EXPERT, BUT, YES, SIR.

OKAY. THANK YOU, THAT'S ALL I HAVE FOR NOW.

THANK YOU, COUNCILMEMBER. FURTHER COMMENT, QUESTIONS? IF NOT, BEFORE I ENTERTAIN A MOTION, A COUPLE OF ITEMS, MASTERY, WE'RE TOLD THAT THE ORDINANCE IS OBVIOUSLY VERY COMPLICATED ON THIS PROJECT BECAUSE OF THE PRETTY REMARKABLE DESIGN INPUT. IT IS NOT PREPARED FOR FREE READINGS TONIGHT.

THAT'S CORRECT. THIS CAN GO ON FIRST READING TONIGHT AND WE BRING IT BACK NEXT WEEK AND WE WILL HAVE THE ORDINANCE THEN ON SECOND AND THIRD.

OKAY. THANK YOU. SO COUNCILMAN, AND BEFORE I'LL ENTERTAIN A MOTION ON Z-11, I WANT TO POINT OUT THAT FIRST AND FOREMOST, THIS IS A REMARKABLE DEVELOPMENT, AND FIRST AN FOREMOST IT'S OCCURRING BECAUSE OF THE CONCEPT OF MITIGATION AND BECAUSE OF THE CONCEPT OF CLUSTERING EVEN OFFSIT MITIGATION AND THEN WHEN YOU COUPLE THAT IMPORTANT CONCEPT WITH JUST UNPRECEDENTED NEIGHBORHOOD INVOLVEMENT AND INPUT AND DESIGN CRITERIA, I BELIEVE WE WILL BE APPROVING I THINK THE MOST REMARKABLE DEVELOPMENT THAT HAS COME ACROSS THIS DAIS IN A VERY LONG TIME, AND I POINT THAT OUT BECAUSE I BELIEVE THAT WITHIN THE NEXT MONTH OR SO, THE STOVE WILL BE BRINGING FORWARD THE COUNCIL OUR LARGER EFFORT OF MITIGATION POLICY. SO AS WE HOPEFULLY HAVE STAFF BRING FORTH THAT EFFORT, WE'LL RECIZE THAT ITS THROUGH THE EFFORT OF OFF SIT MITIGATION AN CLUSTERING AN REMARKAL DESIGN INPUT THAT WE CAN HAVE TRAMENTICALLY BETTER DEVELOPMENTS THIS OUR CITY BOTH FROM AN ENVIRONMENTAL STANDPOINT, FROM A TRAFFIC STANDPOINT, FROM A DESIGN, VISUAL, URBAN ESSENTIAL STET TICKS STANDPOINT AND I LOOK FORWARD TO CITY MANAGER AND STAFF BRINGING A MITIGATION POLICY THAT WOULD ENABLE US TO DO THIS AS FREQUENTLY AS POSSIBLE. SO WITH THAT, I'LL ENTERTAIN A MOTION ON ITEM Z-11.

COUNCILMEMBER SLUSHER?

MAYOR, I MAKE A MOTION, AND IF I GET A SECOND I WOULD LIKE TO MAKE A FEW COMMENTS WHY. I MOVE APPROVAL.

COUNCILMEMBER SLUSHER?

I'LL TRY TO KEEP IT SHORT SINCE IT'S ALMOST MIDNIGHT. I'LL GET DONE BEFORE MIDNIGHT. THE FIRST TIME THIS CAME THROUGH THE FORUM PUD, THAT WAS A TOUGH CHOICE, AND I VOTED AGAINST IT, EVEN THOUGH IT WAS VERY HARD CHOICE BECAUSE IT WASN'T IN STRICT COMPLIANCE WITH

SOS, BUT THE -- THOSE TWO TRACTS WE JUST SAW WERE BEING PRESERVED AND I CHOSE TO GO WITH THE STRICT COMPLIANCE WITH SOS AND I THOUGHT ABOUT IT OVER THE YEARS, BUT I'M GLAD THAT NOW THOSE TRACTS ARE IN THE CITY'S POSSESSION OR AT LEAST THAT THEY'RE PRESERVED FOREVER. SO I'M GLAD ABOUT THAT. AND SO TO SAY THAT -- REALLY TO SAVE THIS TRACT NOW THAT YOU BRING BEFORE US SHOULD COMPLY WITH S OF S ALONE, THAT WOULDN'T BE EQUITABLE TO THE PROPERTY OWNER BECAUSE THEY'VE ALREADY DONATED THESE OTHER TRACTS WHICH GOT THEIR OVERALL IMPERVIOUS COVER DOWN TO JUST UNDER 15%, THE AMOUNT THAT WOULD HAVE BEEN ALLOWED UNDER SOS, SO THAT WOULDN'T BE EQUITABLE. I DO THINK THE BIG BOX ARGUMENTS ARE RELATIVE HERE AND WE PASS THAT PASSED THAT ORDINANCE AND I'M GLAD WE DID, I THINK IT'S GOING TO MAKE THE AQUIFER IN THAT SECTION OF THE CITY BETTER AS THE YEARS GO BY. ON THIS ONE, THIS IS SOMETHING WHERE THE DEVELOPMENT IS ALREADY APPROVED ON THERE AND IT'S GOING TO BE WITH WHAT WE'VE SEEN HERE TONIGHT, THERE'S GOING TO BE LESS DEVELOPMENT THAN IS ALREADY APPROVED, SO A NO VOTE WOULD BE GAMBLING ON THOSE SMALLER BOXES, SMALLER BIG BOX, WHATEVER, GAMBLING THAT THEY WOULD NEVER BE BUILT, AND I THINK IN THE SHORT RUN, MIGHT BE TRUE THAT WOULDN'T HAPPEN BECAUSE HERE YOU HAVE A USER COMING IN, COSTCO THAT WE KNOW ABOUT, AND SO IF YOU DIDN'T ALLOW THIS, THEN THAT WOULDN'T GO IF THERE, IT WOULD PROBABLY BE AWHILE AND THEN SOMETHING WOULD BE BUILT THERE AND IT WOULDN'T BE AS ENVIRONMENTALLY SOUND AS THIS DEVELOPMENT BECAUSE WE'VE SEEN TONIGHT THAT THIS IS ACTUALLY MAKING THE APPROVAL ON THERE BEFORE MORE ENVIRONMENTALLY SENSITIVE. IT HAS LESS IMPERVIOUS COVER. IT HAS THE GAS STATION THAT'S REMOVED FROM THERE. AND IT HAS I THINK I'M LEAVING ONE OUT, THE -- O. OH, VERY IMPORTANT, IT TREATS RUNOFF OFF OF MOPAC AND IT ALSO HAS THE GROW GREEN PROGRAM WHICH WE DIDN'T HAVE IN PLACE AT THE TIME THE FORUM WAS APPROVED AND WHILE I'VE GOT A BUNCH OF THE NEIGHBORS DOWN HERE, I WOULD ENCOURAGE Y'ALL TO ALL PARTICIPATE IN THAT PROGRAM AS WELL AS USE

NATIVE PLANTS AND ONES THAT USELESS WATER AND HOPEFULLY DON'T NEED ANY CHEMICALS. AS A MATTER OF FACT, I ENCOURAGE MISS CASTSTETER AND MS. SUMMERS COULD WORK, NOW THAT YOU HAVE A LITTLE EXTRA TIME, MAYBE YOU COULD GET A PROGRAM LIKE THAT GOING IN THE NEIGHBORHOOD BECAUSE THIS IS THE RECHARGE ZONE AND ANYTHING THAT GOES ON THERE CAN END UP IN THE CREEKS AND DOWN AT BARTON SPRINGS. BUT I THINK THIS IS -- IT IS GOING TO BE MUCH BETTER OVERALL AND IT HAS THIS -- I THINK I SAID HAS THE GAS STATION REMOVED, I'M VERY GLAD TO SEE THAT. ANYWAY, I THINK THIS IMPROVES THE ENVIRONMENTAL PROTECTION. I APPRECIATE THE WORK THAT YOU HAVE DONE ON THIS. THAT'S ALL I HAVE TO SAY.

MOTION AND A SECOND ON THE TABLE TO APPROVE Z-11 ON FIRST READING ONLY, OTHER COMMENTS? MAYOR PRO TEM.

MY PHONE CALL WAS TO REMIND ME THERE WAS SOMETHING I DIDN'T ASK MR. DRENNER ABOUT, YOU DON'T HAVE TO ANSWER IT TONIGHT. BY SECOND READING. THERE WAS SOME CONCERN AT BARTON CREEK ABOUT A PREPONDERANCE OF RETAIL. SO WANTED YOU TO HAVE THE OPPORTUNITY TO TALK ABOUT ANY POTENTIAL FOR MIXED USE, AND I HAVEN'T ASKED YOU THAT BEFORE TO BE PREPARED FOR IT, BUT SO FOR NEXT TIME YOU MIGHT WANT TO COMMENT ON IT. THANKS.

THANK YOU, MAYOR PRO TEM, FURTHER COMMENTS?

YEAH.

COUNCILMEMBER McCRACKEN?

I BEING ASKED TO REPEAT A CAMPAIGN PROMISE. WHEN I RAN FOR COUNCIL I PROMISED I WOULD OPPOSE BIG BOX STORINGS OVER THE AQUIFER. THIS PARKING LOT FUNNELS ITS TRAFFIC ON THE ROAD NEXT TO PROPOSED TOLL ROAD. THIS TOLL ROAD IS IN TRAFFIC FAILURE AN HAS MORE GRID LOCK THAN ANY DOWNTOWN STREET. WHEN I MADE THAT CAMPAIGN PROMISE IT WAS IMPORTANT TO ME. I DID NOT MAKE IT LIGHTLY AN I WILL NOT BREAK MY PROMISE. THIS PROPOSAL VIOLATES EVERY PLANNING EFFORT IN THIS

COMMUNITY IN THE LAST QUARTER CENTURY. IT DOES NOT APPLY THE AUSTIN PLAN, THE EXPLAIN ORDINANCE, BIG BOX WHETHER OR NOT. THE PLAN FOR A MOST SEENIC AN ENVIRONMENTALLY SENSITIVE AREA TO THE CITY IS SMALL NEIGHBORHOOD RETAIL. THIS COUNCIL LAST FALL DEFINED BIG BOX STORES AS STORES LARGER THAN 100,000 SQUARE FEET FOR GROCERIES AND 50 FOR THOSE USES. (ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS...)

McCracken: THIS STUDY CONCLUDED THAT LOW DENSITY SUBURBAN COMMERCIAL DEVELOPMENT PATTERNS ON HIGHWAYS PRODUCE GREATER TRAFFIC CONGESTION AND DENSER URBAN CORRIDORS AND IN FACT THIS HIGHWAY HAS WORSE TRAFFIC THAN ANY STREET IN THE URBAN CORE OF THE CITY. WE ALSO ROONTLY APPROVED ON DEVELOPMENT ON THE 2222 CORRIDOR, THE RIBELIN RANCH, CONSISTENT WITH THE POLICIES ADVOCATED IN THE STUDY. MS. SHERMAN EARLIER CRITICIZED THE COUNCIL FOR TAKING AS MUCH TIME ON THE PREVIOUS NEIGHBORHOOD P.U.D. EFFORTS TO HAVE A SAY IN THE NEIGHBORHOOD AS THIS NEIGHBORHOOD DID. TO GIVE YOU BACKGROUND, THAT NEIGHBORHOOD PASSED THE HAT TO RAISE MONEY AND GO DOOR TO DOOR TO MAKE SURE THEY LIVE IN A NICE NEIGHBORHOOD. TO SEE HOW THE BUILDINGS WORK IN A P.U.D. ZONING IN THEIR NEIGHBORHOOD JUST LIKE Y'ALL DID. AND THEY WORKED HARD ON IT. THIS IS THE FIRST MEETING THAT THEY'VE HAD THE CHANCE TO TO WORK ON IT AND THEY NEED THE SAME RESPECT THAT YOU ALL GET. I RESPECT EVERYONE WHO CAME HERE TONIGHT. I RESPECT THE CONTRIBUTIONS THAT THE BROWN LEE FAMILY HAVE MADE. THEY HAVE DONE SOME WONDERFUL THINGS FOR WATER QUALITY IN THIS COMMUNITY AND I DON'T AGREE WITH THE CAPACITY DEVELOPMENT, BUT I HAVE INTENSE ADMIRATION FOR WHAT THE FAMILY'S CONTRIBUTION TO THE COMMUNITY. AND I ALSO LIKE SHOPPING AT COSTCO. IT'S A GREAT STORE. I CANNOT VOTE FOR A PLAN THAT WILL MASSIVELY INCREASE TRAFFIC ON THE MOPAC ROAD. II TAKE MY CAMPAIGN PROMISES SERIOUSLY. I WILL NOT VOTE FOR A PLAN THAT GOES AGAINST A PROMISE I MADE TO AUSTIN VOTERS.

Mayor Wynn: THANK YOU. COUNCILMEMBER. FURTHER

COMMENTS IN COUNCILMEMBER THOMAS.

Thomas: ONE THING WHEN II FIRST HAD THE CHANCE TO BE INTRODUCED TO THIS PROJECT, ONE THING I MENTIONED TO THE ONE THAT WAS REPRESENTING THE AGENT, THE APPLICANT RATHER, I EXPLAINED TO THEM THE BEST THING TO DO IS GO SIT DOWN WITH THE NEIGHBORS, WORK HARD WITH THE NEIGHBORS TO UNDERSTAND WHAT THEY REALLY WANT AND UNDERSTAND IN THEIR AREA. THEY DID THAT. THEY HAVE SHOWN PROOF, NOT BY SAYING WHAT THEY WERE GOING TO DO, BUT THEY WENT OUT ACTUALLY, AND JUST HAVING AN OPPORTUNITY ABOUT 15 MINUTES THIS WEEK TO TALK TO THE NEIGHBORS, THEY CAME IN MY OFFICE AND WAS VERY SINCERE, AND I THINK IT SHOWS TONIGHT. TRUE WE ARE PASSING SOME THINGS THAT WE HAD PASSED THAT WE SAID THAT WE WERE GOING TO STICK TO, BUT WHEN YOU HAVE A NEIGHBORHOOD THAT COMES TOGETHER LIKE THIS PARTICULAR PROJECT DID AND YOU HAVE TO LOOK AT SOME THINGS BECAUSE THEY ARE SEEING WHAT THEY WANT IN THE NEIGHBORHOOD. I RESPECT THE PREVIOUS GROUP. THAT'S THE SAME THING I WAS SAYING EARLIER. WE CAN SIT DOWN AND NEGOTIATE AND COMPROMISE ON BOTH ENDS TO BE ABLE TO COME UP WITH A PROJECT WE WILL BOTH ARE SATISFIED WITH. AND COUNCILMEMBER MCCRACKEN IS RIGHT. WE NEED TO RESPECT EACH OTHER, EACH NEIGHBORHOOD, BAUGH THEY DID WORK HARD, BUT THEY ARE A LITTLE BIT FARTHER AWAY. I HOPE WHEN THEY COME BACK FOR THE SECOND AND THIRD READING THAT THEY WILL BECOME CLOSER, FOR EXAMPLE, LIKE YOU ALL HAVE BECAME CLOSER. I DO LIKE THAT THEY WILL TAKE CARE OF WATER TREATMENT AND MAKE SURE THAT THE RUNOFF IS TAKEN CARE OF. IT WAS AT 15%, BUT IS DOWN TO 12.4 WITH THE NEW INFORMATION THEY GAVE TONIGHT, NEN THAT NUMBER WILL PROBABLY GO DOWN FURTHER. I THINK WE NEED TO CONTINUE WORKING. WE KNOW THAT AUSTIN IS GROWING, THERE WILL BE TRAFFIC. WE NEED TO DEAL WITH THAT ON DIFFERENT ISSUES, BUT I COMMEND BOTH OF YOU ALL FOR WORKING HARD FOR WHAT YOU HAVE DONE AND LOOKING FORWARD TO THE SECOND AND THIRD READING. THANK YOU. [ APPLAUSE ]

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: THANKS, MAYOR. AND I THINK THAT WE OUTLINED EARLIER SOME OF THE POSITIVE ENVIRONMENTAL FEATURES THAT I'VE BEEN ABLE TO PUT TOGETHER WITH THIS REVISED SITESITE PLAN AND CONCEPTUAL PLAN. AND REALLY I THINK AT FIRST WHEN WE READ ABOUT THIS IN THE PAPER AND WE WERE IN THE MIDDLE OF THE CONSIDERING A BIG BOX ORDINANCE AND MAYBE HAD EVEN PASSED A BIG BOX ORDINANCE, MAYBE YOU SHOULD SAY ANTI-BIG BOX ORDINANCE, AND SO IT WAS KIND OF INTERESTING TO SEE THE HEADLINE RIGHT AFTER WE WERE HAVING THAT DISCUSSION AND HAD GONE THROUGH THAT PROCESS, CERTAINLY A PROCESS WHERE A LOT OF COMMUNITY MEMBERS CAME OUT TO SAY THAT WE THINK THIS IS A GOOD THING. BUT CERTAINLY THIS PARTICULAR SITUATION AND HOW IT DIFFERS FROM OTHER DEVELOPMENT DEALS OR SETTLEMENT AGREEMENTS THAT THE COUNCIL HAS CONSIDERED, YOU REALLY STARTED LOOKING AT HOW DIFFERENT THIS PARTICULAR SITUATION WAS BECAUSE THIS WASN'T A CASE WHERE YOU HAD A GRANDFATHERING CLAIM BY A DEVELOPER WHERE THE COUNCIL OR INDIVIDUAL COUNCILMEMBERS MAYBE, MAYBE THE COUNCIL AS A WHOLE, MAY HAVE A DIFFERENT OPINION ABOUT WHETHER THAT'S GRANDFATHERED OR NOT. AND SO I THINK THAT'S WHERE SOMETIMES WHEN WE HAVE SETTLEMENT AGREEMENTS OR PARTICULARLY BECAUSE WE HAVE DIFFERENT INTERRUPTION INTERPRETATIONS OF THESE CLAIMS, AND AGAIN EVERY PERSON GIVING ALL THE INFORMATION CAN DECIDE WHETHER IT'S A VALID CLAIM OR NOT. BUT IN THIS CASE THERE'S REALLY NO QUESTION ABOUT WHAT CAN BE BUILT, YOU KNOW. KNOW, TO WHAT INTENSITY THERE CAN BE DEVELOPMENT ON THISITE IN TERMS OF IMPERVIOUS COVER, IN TERMS OF RETAIL SQUARE FOOTAGE AND EVEN OFFICE SQUARE FOOTAGE, WHICH IN THIS PROPOSAL ACTUALLY GOES AWAY. SO -- BUT REALLY TO A DEGREE, AGAIN, IT WAS HARD TO THINK ABOUT THE COSTCO OR 150,000 SQUARE FOOT USE OVER THE AQUIFER, BUT REALLY IF YOU LOOK AT WHAT COULD BE BUILT, THERE COULD BE THREE OR FOUR OR FIVE BIG BOX DEVELOPMENTS THAT ARE GREATER THAN 50,000 SQUARE FEET, WHICH IS THE THRESHOLD FOR OUR ANTI-BIG BOX

ORDINANCE THAN THEN WHAT YOU SEE WHAT WE'RE DOING IS ALLOWING ONE BIG BOX INSTEAD OF SEVERAL LARGE RETAIL USES THAT COULD HAPPEN ON THIS PARTICULAR SITE. AND REALLY WHO KNOWS WHEN THAT WOULD HAPPEN. MAYBE IT DOESN'T HAPPEN TODAY OR TOMORROW OR THE NEXT COUPLE OF YEARS, BUT I REALLY TRULY FEEL THAT BECAUSE OF WHERE THIS IS LOCATED THIS IS GOING TO GET DEVELOPED, AND IN ALL LIKELIHOOD, DEPENDING ON WHO THE DEVELOPER IS, THEY MIGHT TRY TO TAKE THE APPROACH THAT THEY'RE GOING TO MAXIMIZE THEIR PROFIT ON THIS PARTICULAR TRACT OF LAND IF THEY CAN GET THEIR HANDS ON IT. SO AGAINST ALL THE -- WHAT I'VE TRIED TO OUTLINE EARLIER ABOUT THE POSITIVE ENVIRONMENTAL ASPECTS OF THE PROPOSAL, I THINK -- FOR ME I THINK IT JUST GOES TO SHOW THAT THIS IS A VERY GOOD PROPOSAL THAT WE SHOULD CONSIDER, AND SO I'M VERY -- I'M VERY CONVINCED THAT THIS IS WHAT'S GOING TO BE BEST FOR THE FUTURE BECAUSE LOOKING AT THE FACT THAT THERE'S 10 LESS ACRES OVER THE AQUIFER THAT WILL BE DEVELOPED, I THINK THAT SAYS A LOT. AND OBVIOUSLY THERE WAS A LOT MORE IN TERMS OF VERY POSITIVE ENVIRONMENTAL FEATURES TO THIS PLAN, SO AGAIN, I WANTED TO THANK THE APPLICANTS AND THE AGENTS FOR THE WORK THAT THEY'VE DONE AND ALL THE NEIGHBORHOODS FOR PARTICIPATING. AND BECAUSE IT IS KIND OF IMPRESSIVE TO SEE AND HAVE GONE THROUGH THE PROCESS AND THEN REACHED THIS POINT WITH THE LEVEL OF SUPPORT THAT IT HAS. SO MY COMPLIMENTS TO EVERYONE WHO HAS WORKED ON IT.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS?

Dunkerley: JUST KUDOS ALL AROUND. [ APPLAUSE ]

Mayor Wynn: MOTION AND A SECOND ON THE TABLE TO APPROVE ITEM Z-11 ON FIRST READING ONLY. ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYEMENT MATURE MAYOR OPPOSED?

NO.

Mayor Wynn: MOTION PASS OZ A VOTE OF SIX TO ONE WITH COUNCILMEMBER MCCracken VOTING NO. [ APPLAUSE ] THANK YOU ALL FOR YOUR PATIENCE. COUNCIL, WE'VE GOT THREE MORE PUBLIC HEARINGS TO GO. ITEM NUMBER 65 -- WE'LL LET THE CROWD FILL OUT A LITTLE BIT.

Mayor Wynn: FOLKS, IF YOU COULD DO US A FAVOR AND PLEASE TAKE YOUR CONVERSATION OUT TO THE FOYER, WE WOULD APPRECIATE IT. WE HAVE A COUPLE MORE PUBLIC HEARINGS TO GO TONIGHT. COUNCIL -- ACTUALLY, FIRST, SUBCOMMITTEES SMITH, I'D LIKE -- MS. SMITH, I'D LIKE -- I'LL WAIT. WE WOULD LIKE TO ANNOUNCE THAT WE DID NOT AND WILL NOT TAKE UP ITEM NUMBER 49 RELATED TO THE MUELLER PROPERTY. COUNCIL, THAT TAKES US TO ITEM NUMBER 65, WHICH IS TO CONDUCT A PUBLIC HEARING REGARDING AN EAST SIXTH STREET PUBLIC IMPROVEMENT DISTRICT OR PID. AS I DID IN OUR EARLIER EXECUTIVE SESSION RELATED TO THE TOPIC, I'M GOING TO RECUSE MYSELF AND LEAVE THE DAIS ON THIS DISCUSSION. IT'S LONG TIME PUBLIC KNOWLEDGE THAT I'M MAJORITY OWNER OF ONE PROPERTY ON EAST SIXTH STREET, AND AS THE MAJORITY OWNER, I SIGNED THE PETITION REQUESTING THIS PID. I'M ALSO A MINORITY INTEREST HOLDER IN A SECOND PROPERTY ALSO ON EAST SIXTH STREET. SO WITH THAT I'M GOING TO RECUSE MYSELF AND ASK THE MAYOR PRO TEM TO PLEASE TAKE THE GAVEL AND CALL UP THE PUBLIC HEARING ITEM NUMBER 65. THANK YOU, MAYOR PRO TEM.

Goodman: THANKS, MAYOR. MR. KNOX, ARE YOU THE PRESENTER FOR THIS?

MAYOR PRO TEM, COUNCILMEMBERS, MICHAEL KNOX WITH THE REDEVELOPMENT SERVICES OFFICE. AFTER MANY YEARS AND ATTEMPTS TO IMPROVE EAST SIXTH STREET A GROUP OF PROPERTY OWNERS CAME TOGETHER IN 2002 CONCERNING THE STREET. THE OWNERS ENGAGED A NATIONAL CONSULTANT TO MAKE RECOMMENDATIONS. THE CONSULTANT'S RECOMMENDATION WAS THAT EAST SIXTH STREET WAS NOT MEETING POTENTIAL AND NOR HAD THE SALES VOLUMES COMPARABLE TO ANOTHER SALES DISTRICTS IN THE COUNTRY. MORE THAN \$100 MILLION COULD BE GENERATED ANNUALLY. WITH THE FINDS OF THIS

STUDY, (INDISCERNIBLE) THEY CONCLUDED THAT THE MOST EFFECTIVE WAY TO HELP EAST SIXTH STREET WAS TO CREATE A PUBLIC IMPROVEMENT DISTRICT, WHICH IS WHAT IS BEFORE YOU TODAY. THE PROPOSED PUBLIC IMPROVEMENT DISTRICT BOUNDARY INCLUDES 116 BOUNDARIES GENERALLY FRONTING EAST SIXTH STREET IN THE SIX BLOCK SECTION BETWEEN CONGRESS AVENUE AND I-35. THE CITY HAS RECEIVED 64 SIGNED PETITIONS GENERATED BY THE PECAN STREET OWNERS ASSOCIATION, REPRESENTING THE OWNERS OF 66% OF THE APPRAISED VALUE IN THE PROPOSED DISTRICT AND 75% OF THE LAND AREA OF THE DISTRICT. UNDER THE PROPOSAL, EAST SIXTH STREET PUBLIC IMPROVEMENT DISTRICT -- (INDISCERNIBLE). ALL VALUE OVER \$500,000 WAS EXEMPT FROM ASSESSMENT. IT WOULD ASSESS A RATE NOT TO EXCEED 10 CENTS PER HUNDRED DOLLARS IN VOO VALUATION, THERE BY THE MAXIMUM ASSESSMENT ON ANY PROPERTY WOULD NOT BE MORE THAN \$500 A YEAR. THE PETITIONERS DID NOT WANT TO GRANT EXEMPTIONS FOR SALE PROPERTY BECAUSE THE PROPERTIES ARE HISTORIC; HOWEVER, THEY WOULD BE GRANTING AN EXEMPTION FOR RESIDENTIAL HOM STEDZ. AS REQUIRED BY STATE LAW, A FIVE-YEAR SERVICE PLAN HAS BEEN PREPARED. THERE ARE FIVE PROGRAM AREAS WITHIN THE PLAN. THE FIRST ONE, PUBLIC ORDER AND SAFETY, WOULD ACCOUNT FOR APPROXIMATELY 20% OF THE EFFORT. IN THAT THE PROPONENTS WOULD WORK DIRECTLY WITH CITY STAFF, AUSTIN POLICE DEPARTMENT, DOWNTOWN AUSTIN ALLIANCE AND OTHER INTERESTED PARTIES TO ADDRESS THE PUBLIC SAFETY CONCERNS ON THE STREET. THE SECOND ITEM WOULD BE COMMUNICATIONS AND MEMBERSHIP, STARTING WITH WORKING WITH THE PROPERTY OWNERS AND CREATING A DATABASE, DATABASE OF TENANTS, DATABASE WITH ALL THE LEASES SO THAT THEY COULD MANAGE THE LEASES AS THEY COME UP FOR RENEWAL AND ALSO DEVELOP COMMUNICATION DEVICES, NEWS LETTERS, WEBSITE, ETCETERA. THIRD, THEY WOULD DEVELOP A MARKETING AND PUBLIC RELATIONS STRATEGY TO MARKET EAST SIXTH STREET MORE EFFECTIVELY, TO DEVELOP RELATIONSHIPS WITH REAL ESTATE BROKERS AND DEVELOPERS, TO WORK WITH TENANTS ON EDUCATION AND EXPANSION OPTIONS, TO CREATE PARTNERSHIPS AND COMMERCIAL EVENTS AND

FUNDING. AND FINALLY AND PROBABLY MOST IMPORTANTLY, I AM IMPLEMENT A STRATEGY FOR SELF-SUFFICIENCY WITHIN THREE YEARS. FOURTH AMONG THEIR PROPOSED SERVICE PLAN WOULD BE PHYSICAL IMPROVEMENTS, CREATING A STRATEGY FOR PHYSICAL IMPROVEMENTS SUCH AS DISTRICT SIGNAGE, IMPROVED SIDEWALKS, ENTRIES INTO THE DISTRICT, ET. AND FINALLY, THEY WOULD TRY TO EMPHASIZE THE HISTORIC NATURE OF EAST SIXTH STREET, WORK WITH TOURISM GROUPS, MUSEUMS, AND DEVELOP A PLAN FOR INTERPRETATION AND ENHANCEMENT OF THE HISTORIC DISTRICT. TO ACHIEVE THESE GOALS, WE COMMITTED A MINIMUM OF 125,000-DOLLAR PER YEAR WOULD BE REQUIRED. OF THAT, 38,000 WE EXPECT FROM ASSESSMENTS. FOR THE FIRST YEAR, \$43,500 IS INCLUDED IN THE CITY OF AUSTIN'S PROPOSED BUDGET. PETITIONERS ARE ASKING THAT THAT COMMITMENT BE MADE FOR THREE YEARS. THAT GIVES US A TOTAL OF \$81,500. OBVIOUSLY THAT'S SHORT OF THE 125,000 THAT THEY SEE TO DO THE SERVICE PLAN. SO THEY'VE ALREADY BEEN FUND-RAISING, OUTSIDE CONTRIBUTIONS. THERE'S A THREE-YEAR COMMITMENT FROM THE DOWNTOWN AUSTIN ALLIANCE, \$20,000 PER YEAR, THREE-YEAR COMMITMENT FROM THE DRISKILL HOTEL FOR 5,000. AND ANOTHER THREE YEAR COMMITMENT FROM THE SCARBOROUGH BUILDING. AFTER THREE YEARS WHEN THESE COMMITMENTS HAVE EXPIRED, THE DISTRICT EXPECTS TO BE SELF-SUFFICIENT. RELYING ONLY ON PID ASSESSMENTS AND FUNDS BEING RAISED THROUGH OUTSIDE EVENTS. WE THINK THAT THIS IS A VERY FEASIBLE PLAN. LOOKING AT OTHER DISTRICTS AROUND THE NATION, THE WEST END ASSOCIATION IN DALLAS RAISED \$450,000 PER YEAR. IN SAN DEGREE GO THEY RAISE NEARLY 60% OF THEIR INCOME THROUGH ANNUAL EVENTS AND SPECIAL EVENT AND SPONSORSHIPS. SO ALTHOUGH THE PID ASSESSMENT WOULD ONLY PAY FOR ABOUT 20% OF THE NEEDED REVENUE, IT'S QUITE FEASIBLE AND HIGHLY ACCEPTED THAT THEY WILL BE ABLE TO MEET THAT 125,000-DOLLAR ANNUAL BUDGET. FINALLY I'D LIKE TO SAY THAT I RECEIVED COMMUNICATIONS FROM FOUR PROPERTY OWNERS ON THE STREET, TWO OF WHICH HAVE ASKED THAT THEIR PROPERTIES BE EXCLUDED FROM THE DISTRICT. THERE'S A PROPERTY -- ONE OF THEM IS IN THE NORTH IS EAST CORNER OF THE PROPOSED DISTRICT. IT'S

ACTUALLY FRONTING ON I-35. IT'S A PROPERTY, 608 EAST AVENUE. IT'S A WELDING SHOP. IT'S HAD A TENANT THERE FOR 31 YEARS AND THEY SEE NO NEED TO DO MARKETING. THEY DON'T SEE A NEED FOR THEIR -- BEING IN DISTRICT. AND WE ALSO HAD A REQUEST FROM FRANK LIGHT, WHO OWNS A PROPERTY AT SEVENTH AND TRINITY. AND I'LL PUT THAT OUT ON THE MAP IN A SECOND. THE (INDISCERNIBLE). THEY MAKE THE SAME ARGUMENT, ALTHOUGH THAT DOES HAVE A LITTLE BIT MORE DISTANCE TO THE HEART OF THE ENTERTAINMENT DISTRICT. WITH THAT I CONCLUDE MY PRESENTATION. DO YOU HAVE ANY QUESTIONS TO ASK AT THIS POINT?

Goodman: THANK YOU VERY MUCH. COUNCIL, DO YOU HAVE QUESTIONS FOR MR. KNOX BEFORE WE TAKE SPEAKERS? WE MAY HAVE SOME LATER, I THINK. LET ME READ OUT A LIST OF NAMES AND SEE IF ANY OF THESE FOLKS HAVE BEEN ABLE TO LAST. ADRIAN SNEED. MR. SNEED, YOU'RE OUR FIRST SPEAKER. LIB BY BURNHEART, YOU'RE OUR SECOND. FOLLOWED BY ROXANNE WHEELLESS, DON GARNER, JERRY MANLY. AND I'LL LEAVE IT THERE AND COME BACK AFTER. AND I'LL REPEAT NAMES, SO YOU DON'T HAVE TO REMEMBER THE ORDER. THANK YOU.

MADAM MAYOR PRO TEM, CITY COUNCILMEMBERS, I WAS SPURRED TO COME HERE BY AN ARTICLE IN THE DAILY TEXAN AND I'VE LEARNED MORE ABOUT THIS ISSUE BY BEING HERE AND SPEAKING WITH THE PROPERTY OWNERS. BUT SOME OF MY GENERAL CONCERNS -- I'LL GET TO MY SPEECH IN A SECOND -- WERE INCREASED INFLATION ON THE PRICES OF THE GOODS AND SERVICES ON SIXTH STREET, AND THE POSSIBLE TRAFFIC PROBLEMS IT MIGHT CAUSE THROUGHOUT THE CITY OF AUSTIN, DECENTRALIZING AND SANITIZING THE AREA SO STUDENTS WOULD BE LESS INCLINED TO MOVE TO THAT AREA AS FAR AS FOR ACTIVITIES. WHEN I MOVED TO AUSTIN, I CONSIDERED MYSELF A MEMBER OF A WORLD COMMUNITY. OVER MY SHORT LIFE I'VE HAD THE PRIVILEGE OF LIVING IN ITALY, ARGENTINA, LOS ANGELES, CALIFORNIA AND MY HOMETOWN OF SAN ANTONIO. I VISITED MANY OF THE CITIES QUOTED IN THE REPORTS, DALLAS, SAN DIEGO, NEW YORK CITY, CHICAGO, ON AND ON, AS WELL AS MANY OF THE BIG GREAT CITIES IN EUROPE. THERE'S A WELL-KNOWN SAYING

HERE IN AUSTIN, WHICH IS KEEP AUSTIN WEIRD. I DIDN'T LIKE THIS SAYING WHEN I FIRST HEARD IT. I CONSIDERED IT SMALL MINDEDNESS AND THOUGHT OF TIMES SQUARE IN NEW YORK, AND I RECALLED OUT TAX FUNDED REVITALIZATION HAD CLEATLY RECREATED THOSE AREAS. BUT A CURIOUS THING HAPPENED ON THE WAY DOWNTOWN ONE NIGHT. IAS VISIONS OF WEEKENDS PASSED, I WAS STARTLED BY THE SITE OF A HOMELESS MAN, WHO I WAS TOLD, RAN FOR MAYOR. YES, IT WAS LESLIE. YES, IT WAS SIXTH STREET. AND YES, SIXTH STREET IS UNIQUELY AUSTIN. THE MORE I LEARNED AND EXPERIENCED AUSTIN, THE MORE WEIRDNESS BECAME EK ECCENTRICKY. THE MORE IT BECAME THE MARK OF A TRULY GREAT AND MEMORABLE CITY. IT WAS THEN I BECAME AN AUSTINITE. WE MUST REALIZE, AUSTIN IS NOT NEW YORK CITY, SIXTH STREET NOT TIMES SQUARE. CHANGES TO THE NATURE OF SIXTH STREET, MAKING IT MORE TOURIST FRIENDLY AS QUOTED IN THE ARTICLE, BUT CHASING OFF THE VERY CHARACTERS THAT GIVE SIXTH STREET ITS UNIQUE CHARACTERISTIC WILL ONLY SERVE TO MAKE AUSTIN ANNIE TOWN U.S.A. OWNERS ON SIXTH STREET ARE NEITHER UNINTELLIGENT, NOR POOR BUSINESSMEN AND WOMEN. I FIND IT HARD TO BELIEVE THAT SIXTH STREET IS NO LONGER AS THE DAILY TEXAN REPORTED, ECONOMICALLY VIABLE. IF THIS IS THE CASE, PLEASE TELL THE OWNERS THAT I KNOW MANY INVESTORS WHO WOULD BE MORE THAN WILLING TO BUY THEIR PROPERTY. I WOULD URGE THE COUNCIL TO PONDER THIS QUESTION, WHY SHOULD THE CITIZENS OF AUSTIN BE ASKED TO SUBSIDIZE MORE THAN \$130,000 OVER THREE YEARS IN CHANGES AND WHY SHOULD BUSINESSES SUCH AS MS. WHEEZY'S TATTOO PARLOR AND MS. BURNHEART'S WELDING SHOP BE FORCED TO PAY AN INCREASED TAX RATE TO SUBSIDIZE THE SMART, EFFICIENT AND PROFITABLE BUSINESSES? BE HONEST WITH YOURSELF AND GOOD SEED IN YOUR DECISION. -- GOD SPEED IN YOUR DECISION.

Goodman: THANKS VERY MUCH. MS. BURNHEART? THERE ARE TWO PODIUMS. YOU DON'T HAVE TO WAIT FOR THE NEXT SPEAKER TO FINISH BEFORE YOU TAKE THE OTHER PODIUM. THEN MS. WHEELER.

COUNCIL, YOU ALL DO THIS EVERY THURSDAY? [ LAUGHTER ]

I'M IMPRESSED. THE ONE GOOD THING ABOUT WAITING THROUGH EVERYBODY ELSE'S BUSINESS IS REALIZING THERE ARE MANY LANGUAGES SPOKEN IN THIS CITY. AND Y'ALL'S LANGUAGE THAT YOU SPEAK WITH ZONING IS NOT MINE. MICHAEL KNOX WAS KIND ENOUGH TO RECOGNIZE THAT OUR WELDING SHOP HAS BEEN ON EAST AVENUE FOR A WHILE. OTTO UTTERLY RENTED IT FROM MY HUSBAND'S GRANDMOTHER, AND JAMES BECKY'S DADDY HAD A BRAKE SHOP THERE. I BELIEVE WHAT I HEARD WAITING FOR OUR CHANCE WAS THAT THE OTHER NEIGHBORS AND OWNERS ON SIXTH STREET ARE OF A MIND THAT OUR WELDING SHOP HAS REALLY NOTHING TO DO WITH THEIR DISTRICT. THE MARKETING DIRECTOR, THE GRAND PLANS, THE HOPED FOR, WHATEVER. AND WON'T MIND MY PETITIONING YOU TO EXCLUDE OUR PROPERTY. MR. KNOX IMPLIED THAT IT IS YOUR JURISDICTION, AND I WOULD APPRECIATE VERY MUCH THAT CONCERN. THANK YOU.

Goodman: THANK YOU VERY MUCH.

COUNCILMEMBERS, THIS PID IS A RESULT OF GRIEF OUTSIDE AREAS THAT HAVE BEEN DONE BY PREVIOUS CITY COUNCILS. THE THE ARCH ON SEVENTH AND ANYWAY CHESS WAS VOTED TO BE A SHELTER FOR WOMEN AND CHILDREN. HAVEN'T SEEN A WOMAN AND A CIELD DOWN THERE YET SINCE IT'S BEEN OPEN. AND THE RESULT OF THE SALVATION ARM, THE ARCH, CARITAS AND ALL OF THE PROBLEMS THAT ARE -- WELL, A LOT OF THE PROBLEMS THAT ARE TAKING OFF ON SIXTH STREET HAD TO DO WITH THE POPULATION THAT IS CURRENTLY INHABITING THESE BUILDINGS. THE POLICE SUBSTATION WAS IN MY BUILDING ON 500 EAST SIXTH STREET THAT IS NO LONGER THERE, AND AS A RESULT OF THAT THE CRIME HAS INCREASED DOWN IN THE SIXTH STREET AREA. AND THAT WAS BECAUSE THEY DIDN'T WANT TO PAY THE \$500 RENT THAT MY LANDLORD WAS REQUESTING THAT THEY PAY WHEN HE BOUGHT THE BUILDING. WE PAY THE HIGHEST RENTS IN AUSTIN, AND MOST BUSINESSES ON SIXTH STREET PAY TRIPLE NET. WHICH RESULTS IN AN INCREASE OF OUR TAX BURDEN. I FOUND OUT ABOUT THIS ISSUE, THIS PID, THREE DAYS AGO WHEN IT WAS ON THE NEWS. THEY'VE BEEN MEETING SINCE 2002, AND TO HEAR THE PECAN STREET OWNERS ASSOCIATION, THEY WOULD LIKE YOU TO BELIEVE THAT ALL

OF THE TENANTS ARE AWARE OF WHAT'S GOING ON DOWN ON SIXTH STREET, AND NOTHING COULD BE FURTHER FROM THE TRUTH. MY CONCERNS ARE THAT THE GUIDELINES ARE VERY VAGUE, AND I DON'T WANT TO SEE THE CARD BLAWNCH APPROACH GIVEN OR HANDED TO THIS ORGANIZATION. THE WINNERS, THE BUSINESS OWNERS AS A GROUP ARE NOT AWARE OF WHAT'S GOING ON, NOR DO THEY HAVE ANY INPUT INTO THIS ORGANIZATION. THIS IS FOR THE OWNERS ONLY. AND NOT FOR THE TENANTS AND NOT FOR THE PEOPLE WHO ACTUALLY RUN THE BUSINESSES. GRANTED THERE MAY BE A PERCENTAGE POSSIBLY AS HIGH AS A THIRD OF OWNERS THAT ACTUALLY RUN BUSINESSES THERE, BUT MOST OF IT IS RENTED TENANTS. AND THEY'RE NOT AWARE OF THIS PID. I HAVE BEEN UP AND DOWN THE STREET THE LAST TWO DAYS TALKING TO PEOPLE, AND THEY DON'T HAVE ANY IDEA ABOUT THIS. MY RECOMMENDATIONS -- I'M CONCERNED ABOUT MY LANDLORD TALKED TO ME ABOUT MORE STREET CLOSURES. AND I THINK THIS -- YOU GET THIS RECOMMENDATION FOR COUNCIL ACTION, ONE OF THE THINGS THAT THEY TALK ABOUT IS ADDITIONAL FUNDS RAISED THROUGH PROMOTIONS AND SPECIAL EVENTS. AND I HAVE A REAL BIG CONCERN ABOUT MORE STREET CLOSURES TO THIS AREA. BECAUSE EVERY TIME A STREET CLOSES, WE PAY THE HIGHER RENT, AND WE'RE LOSING MORE MONEY. [ BUZZER SOUNDS ] MY RECOMMENDATIONS ARE TO POSTPONE THE VOTE UNTIL ALL OF THE AFFECTED PEOPLE IN THE BUSINESS OWNERS, TENANTS, ARE MADE AWARE OF THIS PLAN, AND THE TAX INCREASE THAT WILL BE APPLIED TO THEM.

Goodman: MA'AM, YOUR TIME IS UP.

PARDON ME?

YOUR TIME IS UP.

I JUST HAVE TWO MORE THINGS. TWO MORE SENTENCES.

Goodman: FINISH, PLEASE.

SIX HOURS I'VE BEEN WAITING HERE. THE PID SHOULD BE EXPANDED TO COVER FIFTH AND SEVENTH STREETS,

RESPECTIVELY TO INCLUDE THE HILTON, THE ARTS, THE SALVATION ARMY AS WELL AS THE ALLEYS WHERE A LOT OF THE CRIME IS. IF YOU LOOK ON THIS MAP, THE ALLEYS AREN'T INCLUDED, WHICH IS UNUSUAL. AND INCLUDE BUSINESS OWNERS IN THIS GROUP ON THE BOARD THAT ALSO WILL REPRESENT THE BUSINESSES, NOT JUST THE LANDLORDS, BUT THE BUSINESSES SHOULD BE INCLUDED ON THE BOARD. AND GUIDELINES, MORE SPECIFIC GUIDELINES. THESE GUIDELINES HERE, THESE FIVE THINGS THAT ARE LISTED THAT THE PSOA IS GOING TO DO, ONLY NUMBER TWO AND FOUR HAVE NOT BEEN ADDRESSED BY OTHER GROUPS, LIKE THE HISTORIC COMMISSION, THE DOWNTOWN AUSTIN ALLIANCE, THE PECAN STREET ASSOCIATION, WHICH IS HISTORICALLY TRIED TO DO THAT. AND LAST BUT NOT LEAST, I WOULD REQUEST THAT 500 EAST SIXTH STREET BE EXEMPT FROM THIS PID. THANKS.

Goodman: THANK YOU VERY MUCH. WE WAITED FOR YOU TO SIX HOURS TOO. DON GARNER?

YES.

Goodman: GARY MANLY? WILL BE NEXT. AND FOG MR. MANLY, TIM JARVIS. IS HE STILL HERE? HE DIDN'T WANT TO SPEAK, WAS IN FAVOR. JOHN MAZADO. OKAY. THANK YOU.

GOOD EVENING, MAYOR PRO TEM, CITY COUNCIL AND STAFF. MY NAME IS DON GARNER, AND I OWN THE PROPERTY AT 505 NECHES. THE EAST SIXTH STREET NATIONAL REGISTER HISTORIC DISTRICT PROPERTY OWNERS HAVE ORGANIZED AS A NONPROFIT PECAN STREET OWNERS ASSOCIATION. WE WANT PEOPLE TO HAVE A GOOD IMPRESSION OF THE STREET AND TO HAVE BUSINESSES TO SERVE DAYTIME USES WHILE STRENGTHENING OUR CURRENT ENTERTAINMENT OFFERINGS AND LIVE MUSIC. WE'VE COME UP WITH A LIST OF OBJECTIVES TO BE MET, BUT THOSE OBJECTIVES ARE MORE THAN CAN BE DONE WITH A VOLUNTEER ORGANIZATION. WE NEED A FULL-TIME PROFESSIONAL STAFF PERSON, SO HOW DO WE COME UP WITH THE MONEY TO PAY FOR THE STAFF PERSON? WELL, ONE FAIR WAY TO GET CONTRIBUTIONS FROM ALL THE PROPERTY OWNERS IS A PID. THAT'S WHAT WE'VE COME HERE FOR TONIGHT. WE'VE COMPLETED A PETITION DRIVE.

THE MAJORITY OF THE PROPERTY OWNERS HAVE AGREED TO CONTRIBUTE THROUGH A PID FOR AN EXECUTIVE DIRECTOR. I'M HERE TONIGHT TO ASK THAT YOU GO ALONG WITH THE WISHES OF THE MAJORITY OF THE PROPERTY OWNERS IN THE PROPOSED DISTRICT AND APPROVE THE PID FOR THE BETTERMENT OF SIXTH STREET AND THE CITY. THANK YOU.

Goodman: THANK YOU. MR. MANLY, YOU HAVE -- IF EVERYBODY IS HERE, JEFF TRIGGERS' THREE MINUTES. IS JEFF HERE? OKAY. I'M NOT SURE ABOUT THIS FIRST NAME, RORY? KAHAN? ARE THEY HERE? OKAY. FORGET THE NINE. YOU HAVE THREE.

NO PROBLEM. I THINK I CAN GET DONE IN THREE MINUTES. I APPRECIATE EVERYONE'S TIME. MY NAME IS GARY PANLY. I'M THE OWNER OF THE IRON CACTUS RESTAURANT ON SIXTH STREET. I'VE BEEN LOCATED ON SIXTH STREET. I'VE SEEN A LOT OF CHANGES GET PLACE OVER THE YEARS ON STREET AND I'M A LITTLE CONCERNED ABOUT THE DIRECTION OF THE STREET AND HOW IT'S GOING AND HAS GONE THE LAST FEW YEARS. I FEEL LIKE WHAT THE STREET NEEDS IS A CLEAR VISION, AND SOMEBODY TO GO OUT AND HELP US TAKE THE STREET IN THE RIGHT DIRECTION WITH THIS VISION, WHICH IS A COMMON GOAL OF MOST OF THE PROPERTY OWNERS ON THE STREET. RIGHT NOW AUSTIN IS -- WE'VE NAMED OURSELVES THE LIVE MUSIC CAPITOL OF THE WORLD, YET SIXTH STREET IS LOSING LIVE MUSIC VENUES. I THINK WITH THE PID AND WITH THE EXECUTIVE DIRECTOR THAT WE'RE LOOKING TO HIRE, WE CAN TURN THAT AROUND AND WE CAN BRING MORE LIVE MUSIC VENUES TO THE STREET THAT WE'RE CURRENTLY LOSING. DURING THE DAY RIGHT DOWN THE STREET IT'S ALMOST EMPTY. IN MY RESTAURANT I WATCH AND THERE'S VERY LITTLE ACTIVITY. THERE'S SOME CONVENTIONERS WHO WALK UP AND DOWN THE STREET, BUT THERE ARE REALLY NO BUSINESSES OPEN IN THE DAYTIME IN THE STREET. THE MAJORITY OF THE VENUES MAKE THEIR MONEY 12 HOURS A WEEK. THEY MAKE MONEY ON THURSDAY, FRIDAY, SATURDAY NIGHTS. THIS HAS GOT TO CHANGE FROM OUR DISTRICT AND FOR OUR AREA TO BECOME VIBRANT AND GET SOME DAYTIME USE. WE NEED A MIXED USE DISTRICT THAT WE DON'T CURRENTLY HAVE. I'M CONCERNED ABOUT

WHERE WE'RE GOING. I'M CONCERNED ABOUT NOT HAVING A VISION. AND I THINK THAT THIS PID WILL GIVE IT THE CLEAR ARE VISION OF WHAT WE NEED AND WILL HELP US TO TURN THE STREAK AROUND AND GET US GOING IN THE RIGHT DIRECTION. THE PROPERTY OWNERS HAVE AGREED TO WORK TOGETHER TO THE BENEFIT OF THE STREET. THEY FORMED A PROPERTY OWNERS ASSOCIATION AND THEY HAVE THREE MAJOR GOALS, WHICH IS ADVOCATING THE PRESERVATION AND ENHANCEMENT OF THE DISTRICT, CREATING A VIBRANT MIXED USE DISTRICT AND MAKING SIXTH STREET AN IMPORTANT ECONOMIC AND CULTURAL ASSET TO THE COMMUNITY FOR TODAY AND FUTURE GENERATIONS. I WOULD URGE YOU TO PASS THIS PID AND TO HELP US TO CREATE A VISION FOR THE STREET FOR YEARS TO COME. THANK YOU.

Goodman: THANK YOU. JOHN, YOU HAVE -- IF EVERYBODY IS HERE, YOU HAVE 12 MINUTES. SUE GALINDO? DENNIS McDANIEL?

[ INAUDIBLE ].

Goodman: MOLLY ALEXANDER? OKAY. YOU HAVE SIX MINUTES. GOOD TO SEE YOU.

I THINK I CAN DO IT MUCH QUICKER THAN THAT. GIVEN THE HOUR, I HAVE TO POINT OUT THE IRONY THAT WE HAVE A GROUP OF PROPERTY OWNERS THAT HAVE STAYED HERE SIX HOURS WAITING TO STAND BEFORE YOU AND ASK YOUR PERMISSION TO TAX US MORE. I DON'T KNOW WHERE ELSE THAT CAN HAPPEN. I CAN'T BELIEVE I'M DOING IT. [ LAUGHTER ] THE EAST SIXTH STREET HAS AN INTERNATIONAL REPUTATION, BUT AT TIMES FALLS SHORT OF MEETING EXPECTATIONS OF ITS BRAND. NEWS IS NOT ALWAYS POSITIVE OR PROBLEMS WITH PUBLIC ISSUES, CROWD CONTROL AND CRIME SEEMS TO BE OF CONCERN TO DOWNTOWN AND THE TOURISM INDUSTRY. OVER THE YEARS THERE HAVE BEEN NUMEROUS VOLUNTEER ATTEMPTS TO TURN EAST SIXTH STREET AROUND. IN 2002, A GROUP OF PROPERTY OWNERS GOT TOGETHER TO DEAL WITH INHERENT PROBLEMS TO THE STREET. REALIZING THE ENORMOUS INVESTMENT THE CITY HAS MADE IN THE CONVENTION CENTER HOTEL, SECOND STREET RETAIL

DISTRICT, THE PECAN STREET PROPERTY OWNERS ASSOCIATION SEES THE NEED TO IMPROVE AND ENHANCE SIXTH STREET NATIONAL REGISTER HISTORIC DISTRICT. WE HAVE A NATIONAL BRAND FOR ENTERTAINMENT, AND ITS HISTORICAL IMPORTANCE TO AUSTIN. SIXTH STREET PLAYS A CRITICAL ROLE IN SELLING THIS CITY TO VISITORS AND POTENTIAL BUSINESSES LOOKING TO RELOCATE. TODAY THE IMAGE OF EAST SIXTH STREET IS IN JEOPARDY. WE WANT TO RESERVE -- REVERSE EAST SIXTH STREET'S IMAGE AND PROVIDE A PLACE THAT IS UNIQUELY AUSTIN, USING THE STREET'S HISTORIC CHARACTER TO ACHIEVE GREATER RESULTS. WE WANT TO BROADEN THE USE OF BASE AND INCREASE DAYTIME USE FOR DOWNTOWN RESIDENTS, VISITORS AND WORKERS. WE WANT TO INVITE ALL BUSINESSES TO COME TO SIXTH STREET FROM THE FUNKY, UNIQUELY AUSTIN, TO RETAIL, TO LIVE MUSIC. WE BELIEVE THE PID WILL SUCCEED WHERE OTHER VOLUNTEER EFFORTS HAVE FAILED. AND WE APPRECIATE YOUR CONSIDERATION OF THIS REQUEST. THANK YOU.

Goodman: THANKS VERY MUCH. I ONLY HAVE FOUR CARDS REMAINING, ONE FOR TERRY (INDISCERNIBLE). HE HAD TO GO. HE WAS IN FAVOR. EMMA LOU LYNN. RICHARD ALEXANDER. AND CARL DAYWOOD. YOU WISH TO SPEAK AND YOU'RE NEUTRAL. EMMA LOU LYNN, RICHARD ALEXANDER AND CARL DAVIS ARE OUR LAST THREE SPEAKERS.

HELLO. I'M EMMA LOU LYNN AND I HAVE A BUILDING ON SIXTH STREET THAT I BOUGHT OVER 30 YEARS AGO. AND LIVED DOWN ON SIXTH STREET UNTIL ABOUT THREE YEARS AGO WHEN I GOT SO OLD I COULDN'T GET UP AND DOWN MY STAIRS ANY MORE. SO I NOW HAVE A DUPLEX THAT I LEASE. SO I'M JUST HERE TO SPEAK IN FAVOR OF THE PID. I THINK I'VE PROBABLY BEEN IN EVERY ONE OF THE ORGANIZATIONS, THE VOLUNTEER ORGANIZATIONS, AND HAVE WORKED AND WORKED, AND THOSE ORGANIZATIONS HAVE NOT BEEN SUCCESSFUL. AND I THINK OUR HAVING SOMEBODY WHO IS IN CHARGE OF HELPING US AND SOMEBODY WHO CAN WORK AND BE UP ON WHAT'S GOING ON WILL BE A REALLY GOOD ASSET TO THAT AREA. AND I THINK THIS WILL BE VERY SUCCESSFUL AND WILL HELP EVERYBODY ON THE STREET. AND SO PLEASE SUPPORT IT.

THANK YOU VERY MUCH.

Goodman: THANK YOU VERY MUCH. THAT IS FORMER COUNCILMEMBER EMMA LOU LYNN WHO ONCE SERVED AS MAYOR PRO TEM, AS A MATTER OF FACT. DID YOU ALL STAY UP THIS LATE?

[ INAUDIBLE ]. [ LAUGHTER ]

Goodman: RICHARD, THANK YOU. AND THEN CARL DAVID, OUR LAST SPEAKER.

GOOD EVENING, COUNCIL. I'M RICHARD ALEXANDER. I'M A FORMER SIXTH STREET MERCHANT. I PROBABLY WOULD BE A SIXTH STREET MERCHANT NOW IF NOT FOR SOME OF THE POLICIES OF THE CITY WITH REGARD TO SIXTH STREET. WHEN I HAD A RETAIL STORE AT THE CORNER OF TRINITY AND SIXTH FOR EIGHT YEARS, AND THE FIRST THREE WERE GREAT. THE POLICE DECIDED THAT IN THE ABSENCE OF ANYBODY MANAGING THE STREET THAT THEY WOULD MANAGE IT, AND THEY BARRICADED THE STREET. AND I ESTIMATE THAT IN THE FIVE YEARS THAT WE ENDURED THE STREET BARRICADING, WE LOST HALF A MILLION DOLLARS. PROBABLY A THOUSAND DOLLARS EVERY NIGHT THAT THE BARRICADING WAS GOING ON. IN MY VIEW IT WAS THE POLICE IMPOSING A SOLUTION FOR WHICH THERE WAS NO PROBLEM. SO THERE IS OBVIOUSLY A NEED FOR SOMETHING TO CHANGE. THE STATUS QUO DOESN'T SEEM VERY WELL. I'M REALLY NEUTRAL ABOUT THIS PARTICULAR PROPOSAL AT THE MOMENT BECAUSE I HAVEN'T LEARNED EVERYTHING ABOUT WHAT THEY WILL DO. I ALSO UNDERSTAND FROM WALKING THE STREETS IN THE LAST DAY OR SO THAT MANY OF THE PEOPLE ON THE STREET ARE UNINFORMED ABOUT IT. AND I THINK THAT THIS THING CAN WORK, BUT THERE DOESN'T SEEM TO BE AMONG PEOPLE WHO ARE RUNNING THE BUSINESSES ON THE STREET, WHICH PROBABLY COMPRISE -- I DON'T KNOW. NOT ALL OF THE PLACES ARE RUN BY THE OWNERS OF THE PROPERTIES. AND IN MOST OF THE CASES, THE OWNERS OF THE PROPERTIES PERHAPS HAVE NOT DISCUSSED THE MATTER WITH THEIR TENANTS WHO ARE GOING TO BE ASKED TO BE PAYING FOR THE PID. SO I WANTED TO ASK IF IT WAS POSSIBLE TO POSTPONE ACTION ON THIS UNTIL

SUCH TIME THAT THE TENANTS ARE INFORMED OF THE --  
APPRISED OF THE CIRCUMSTANCES SURROUNDING IT.  
THANK YOU.

Goodman: THANK YOU. MR. DAVID?

MAYOR PRO TEM, MEMBERS OF THE COUNCIL, CARL DAYWOOD. I HAVE A REAL ESTATE OFFICE ON SIXTH AND SABINE. I'VE BEEN ON SIXTH STREET MY WHOLE LIFE. I FEEL LIKE AN HISTORIAN MANY TIMES. THIS ORGANIZATION IS THE FIRST TIME WE EVER TRIED TO CREATE A PROPERTY OWNER'S ASSOCIATION. PROPERTY OWNERS' ISSUES ARE DIFFERENT THAN TENANTS' ISSUES. AND WHEN YOU GET 60% OF THE PEOPLE WHO SAY WE WANT TO TAX OURSELF IT'S BECAUSE WE ACKNOWLEDGE, WE NEED TO WORK TOGETHER FOR A BETTER DISTRICT. AND WE'RE HERE TONIGHT TO TELL YOU THAT'S WHAT WE'RE ASKING FOR. AND WE ASK YOU TO WORK WITH US. WE'RE PROBABLY GOING TO MAKE SOME MISTAKES. WE'RE GOING TO KEEP TRYING UNTIL WE GET IT BETTER AND BETTER AND GET IT FIXED THE CORRECT WAY. SIXTH STREET WAS A REALLY FUN PLACE IN YEARS PAST. PERSONALLY I DON'T THINK IT'S THAT MUCH FUNNY MORE. WE'VE GOT CLEANLINESS PROBLEMS, WE'VE GOT SECURITY PROBLEMS, WE HAVE ALL KIND OF ISSUES THAT COME UP. A PROPERTY OWNER'S ASSOCIATION WILL ALLOW US TO COME TO THE TABLE, PUT SOME OF OUR OWN MONEY ON THE TABLE IN CONJUNCTION WITH THE PID TAX, GET MATCHING FUNDS AND TRY TO GO OUT AND ADDRESS ANY ISSUE THAT COMES UP AND COME BACK TO YOU ALL AND ASK FOR Y'ALL'S ASSISTANCE AND HELP. TONIGHT I'VE NOT HEARD ONE PERSON SPEAK AGAINST THIS PROPOSAL IF THEY OWNED SOME PROPERTIES. EVERY PROPERTY OWNER ON SIXTH STREET WAS NOTIFIED MORE THAN ONCE IN WRITING, THEY RECEIVED SELF PHONE CALLS FROM US. WE HAVE BEEN WORKING ON TRYING TO COME UP WITH A WAY TO DEAL WITH THE AREA AND IMPROVE THE AREA FOR OVER TWO YEARS. BEFORE WE CAME HERE TONIGHT, MYSELF AND MANY OF THE PEOPLE HERE HAVE PUT THOUSANDS OF DOLLARS ON THE TABLE TO HIRE CONSULTANTS TO GO OUT AND STUDY AND TELL US WHAT ARE WE DOING WRONG, HOW CAN WE DO BETTER? WE'VE HAD GROUPS TAKE TRIPS TO DALLAS, AT TENNESSEE TO LOOK AT OTHER DISTRICTS

AND SEE HOW WE CAN SEE WHAT THEY'RE DOING SUCCESSFULLY, HOW CAN WE IMPROVE? THIS IS AN ISSUE OF WE WANT TO IMPROVE. WE WANT TO MAKE IT FUN. WE WANT TO ENCOURAGE TOURISM. WE WANTED PEOPLE TO HAVE FUN AND COME BACK TO AUSTIN. WITH THE CONVENTION CENTER AND HOTEL, THAT'S WHAT IT'S ALL ABOUT. IN REFERENCE TO RENTS, I'M GOING TO TELL YOU, WE'VE GOT SOME OF THE LOWEST RENTS IN DOWNTOWN AUSTIN ON SIXTH STREET. I'M HERE TO TESTIFY TO THAT. WE'VE GOT PERFECTLY GOOD RETAIL BUILDINGS BEING OCCUPIED FOR OFFICE SPACE AT STREET LEVEL. WHY? OKAY. SO WE'RE ASKING YOU TO SUPPORT US. AGAIN, 60% HAVE COME TO THE TABLE. GIVE US MORE TIME WE'LL GET A HIGHER PERCENTAGE THAN 60%. THIS IS THE FIRST TIME WE'VE EVER HAD THAT ON SIXTH STREET. ALL OF THE OTHER ORGANIZATIONS HAVE BEEN TENANT BASES OR A COMBINATION OF TENANT AND OWNERS BECAUSE THEY HAVE NOT BEEN SUCCESSFUL. SO I ASK YOU TO GIVE US THE OPPORTUNITY, SUPPORT US, WORK WITH US AND LET'S SEE WHAT WE CAN DO. THANK YOU.

Goodman: THANK YOU. THOSE ARE ALL THE CARDS I HAVE. IS THERE ANYBODY WHO WAS WANT TO GO SPEAK WHOSE NAME I DID NOT CALL. OKAY. THEN WE CAN HAVE A MOTION TO CLOSE THE PUBLIC HEARING. SECOND. ALL THOSE IN FAVOR, PLEASE AAYE.

AYE.

Goodman: WOULD ANY COUNCILMEMBER LIKE TO ASK MR. KNOX ANY QUESTIONS OR ANY OF THE SPEAKERS?

Dunkerley: I WOULD LIKE TO HAVE YOU ANSWER ONE QUESTION FOR ME. I'M VERY SUPPORTIVE OF THE PID. I DID HAVE ONE QUESTION. IT'S A WELDING SHOP AND THE PERSON THERE, THE OWNER OF THE SHOP --

Goodman: I THINK YOUR MIC IS NOT ON.

Dunkerley: WELL, IT SAYS IT'S ON. MAYBE I CAN JUST DO IT LIKE THIS. OKAY. THE PERSON WHO SPOKE ABOUT THE WELDING SHOP, IS THAT THE OWNER OF THE PROPERTIES?

YES. SHE'S HERE.

Dunkerley: OKAY. WHERE IS IT LOCATED ON THE STREET AND IS THIS SOMETHING THAT HAS BEEN CONSIDERED TO BE REMOVED FROM THE DISTRICT?

[INAUDIBLE - NO MIC].

Goodman: YOU NEED TO USE THE MICROPHONE TOO.

THE PROPERTY IS ON THE NORTHEAST CORNER OF THE PROPOSED PUBLIC DISTRICT. IT'S ON THE FRONTAGE OF I-35 AS OPPOSED TO FRONTING ON SIXTH STREET.

Dunkerley: THANK YOU.

Goodman: AND CAN YOU SHOW US AGAIN WHERE THE OTHER -- IS IT THE WHITE ONE THAT WANTED TO BE TAKEN OUT?

THAT ONE IS ON THE CORNER OF SEVENTH AND TRINITY.

Goodman: OTHER QUESTIONS? COUNCILMEMBER MCCracken.

McCracken: LIKE COUNCILMEMBER DUNKERLEY, I THINK IT'S A REALLY GOOD IDEA TO DO A PID ON SIXTH STREET. I'M AWARE THAT THERE ARE SOME -- THERE'S DEFINITELY SOME DETERIORATION ON THIS CORRIDOR. WE'VE SEEN LIKE SEXUALLY ORIENTED BUSINESSES MOVE ON THERE AND STUFF. THIS WILL MAKE IT -- I DO WANT TO MAKE SURE THAT WE SHARE THE SAME GOALS AND WE ENTER PATIO THIS, THAT THERE IS CITY MONEY THAT WILL BE CONTRIBUTED. I DON'T KNOW WHO I SHOULD TALK TO. I UNDERSTAND FROM OUR BRIEFING FROM THAT WAS THE PURPOSE OF THIS IN TERMS OF -- BEYOND JUST TRYING TO CLEAN THE PLACE UP. WHAT GOAL DO WE HAVE IN TERMS -- DO WE STIER TO CHANGE SIXTH STREET OR TO -- WHAT IS THAT? BECAUSE I UNDERSTAND THERE IS A DESIRE TO CHANGE IT. CAN YOU SPEAK TO SOME OF THE INFORMATION YOU'VE GIVEN US?

I DON'T THINK THAT THE GOAL IS TO CHANGE SIXTH STREET IN THE SENSE THAT YOU HAVE MENTIONED PREVIOUSLY. I HEARD SEVERAL OF THE PEOPLE WHO SPOKE THIS EVENING

TALKING ABOUT TRYING TO DRAW LIVE MUSIC AND ENTERTAINMENT BACK TO SIXTH STREET. THEIR GOAL IS ONE, AS THEY'VE SPOKEN TO HIRE AN EXECUTIVE DIRECTOR, AND TWO, TO HAVE THAT PERSON WHO WOULD BE A PAID STAFF TO ACTIVELY BEGIN SEEKING OUT, LOOK FOR TENANTS, TO BE ACTIVELY DEVELOPING GOALS THAT WOULD IN -- AND MARKETING STRATEGIES THAT WOULD BEGIN TO DRAW PEOPLE BACK TO SIXTH STREET. WE'VE TALKED ABOUT THE FACT THAT MAINLY IT'S ACTIVE ON THURSDAY, FRIDAY AND SATURDAY NIGHTS UNTIL TWO IN THE MORNING. AND WHAT I UNDERSTAND IS THAT THEY WOULD VERY MUCH LIKE TO SEE THIS BE A SIXTH STREET THAT IS ACTIVE DURING THE DAYTIME WHERE TOURISTS WOULD BE DRAWN DOWN SIXTH STREET. SO I DON'T SEE THIS AS A CHANGE SO MUCH AS I SEE IT AS AN ENHANCEMENT TO WHAT IS THE UNIQUENESS OF SIXTH STREET AS IT CURRENTLY EXISTS.

McCracken: COULD SOMEBODY FROM THE PID SPEAK TO THAT? JOHN, COULD YOU TELL US A LITTLE BIT ABOUT ABOUT WHAT THE PROPERTY OWNERS GOALS ARE IN TERMS OF CHANGING THE TENANT MIX OR WHAT DO YOU SEE AS THE FUTURE?

I THINK THEY SAID IS VERY WELL. WE HAVE NO GOALS IN TERMS OF CHANGING A TENANT MIX. WHAT WE WANT TO DO IS BROADEN THE TENANT MIX. WE'D LIKE TO BROADEN THE DAYTIME USES. WE'D LIKE TO BRING MORE LIVE MUSIC BACK TO THE STREET. ENHANCE SOME OF THE PLACES THAT PEOPLE CAN EAT DURING THE DAY AS WELL AS IN THE EVENING. SO THERE IS -- IN THE INTEREST IN ENHANCING WHAT IS ALREADY THERE AND EXPANDING WHAT'S ALREADY THERE SO THAT IT'S FRIENDLY AND INVITING DAYTIME AND NIGHTTIME.

McCracken: SO IS THE GOAL OF THE OWNERS THAT IT WOULD STILL REMAIN AN ENTERTAINMENT DISTRICT AND FOR YOUNG ADULTS?

ABSOLUTELY. THAT'S A VERY IMPORTANT ASPECT OF THE STREET. IT IS AN ENTERTAINMENT DISTRICT. THAT'S WHAT IT'S KNOWN FOR AND WE WANT TO INCREASE ITS USE.

McCracken: I THINK AS LONG AS WE CAN STILL MAINTAIN ITS CORE NATIONAL BRAND, BUT ALSO ADDRESS THE REAL TEAR TEARIATION ON WHAT IS OUR MOST FAMEFAMOUS STREET IN THE CITY, I THINK THAT'S WHAT IT'S FOR. I APPRECIATE ALL THE WORK YOU'VE PUT INTO THIS.

Goodman: OTHER QUESTIONS? COUNCILMEMBER? READY FOR A MOTION?

Dunkerley: I'LL MAKE A MOTION TO APPROVE THE PID. MY ONLY CONCERN IS -- AND I DON'T KNOW ENOUGH ABOUT IT, BUT I'M WONDERING -- I'D LIKE TO MAKE A MOTION TO APPROVE THE PID WITH THE EXCLUSION OF THE WELDING SHOP THAT'S ON I-35.

Goodman: THERE'S A MOTION ON THE FLOOR. I'LL SECOND. COMMENTS? COUNCILMEMBER DUNKERLEY IS THE MAKER OF THE MOTION.

Dunkerley: IT'S LATE. I SUPPORT THE PID AND I THINK THE LOCATION OF THE WELDING SHOP, IT APPEARS TO ME THAT THAT COULD BE ELIMINATED WITHOUT REALLY AFFECTING THE HEART OF THE DISTRICT THAT WE'RE TRYING TO WORK WITH.

Goodman: COUNCILMEMBER? IF THERE'S NO FURTHER DISCUSSION, THEN THERE'S A MOTION ON THE FLOOR FROM COUNCILMEMBER DUNKERLEY TO APPROVE THE PID WITH THE DELETION OF THE WELDING SHOP AS MR. KNOX SHOWED US THAT LOCATION. I SECONDED. AND IF THERE'S NO FURTHER DISCUSSION, ALL THOSE IF FAVOR, PLEASE SAY AYE.

AYE.

Goodman: OPPOSED? WITH THE MAYOR OFF THE DAIS BECAUSE OF CONFLICT OF INTEREST. THANK YOU, MR. KNOX. THANK YOU ALL FOR LASTING ALL THIS TIME.

Goodman: OKAY. WHILE WE'RE WAITING FOR THE MAYOR TO COME BACK, WE CAN STILL GO AHEAD TO NUMBER 67, WHICH IS THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW PUBLIC HEARING AND ORDINANCE

AMENDMENT. REGARDING STRUCTURES ALLOWED IN SET BACK AND HEIGHT LIMIT EXCEPTIONS.

GOOD EVENING, I'M LUCY GALLON HAN WITH WATERSHED PROTECTION AND DEVELOPMENT REVIEW. I SHOULD SAY GOOD MORNING. ON MARCH 25TH OF THIS YEAR, THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT PRESENTED TO THE CITY COUNCIL SEVEN CODE AMENDMENTS THAT WERE INITIATED BY THE BOARD OF ADJUSTMENT AND THE SIGN REVIEW BOARD. A PUBLIC HEARING WAS CONDUCTED ON THAT DATE AND NO CITIZENS SPOKE EITHER FOR OR AGAINST THE PROPOSED CHANGES. COUNCIL VOTED TO POSTPONE FURTHER ACTION ON THE AMENDMENTS AND REQUESTED ONE ON ONE BRIEFINGS FROM STAFF WHICH WERE CONDUCTED DURING MAY AND JUNE. THE THREE CODE AMENDMENTS IN ISSUE BY THE SIGN REVIEW BOARD HAVE BEEN WITHHELD AND TURNED OVER TO THE STAFF WORKING ON THE COMMERCIAL SIGN AMENDMENT TO ENSURE THERE'S NO CONFLICT TW THOSE AMENDMENTS. TONIGHT WE ARE ASKING THAT COUNCIL APPROVE THE FOUR PROPOSED AMENDMENTS TO CHAPTER 25-2, THE ZONING CHAPTER. ALL OF THESE AMENDMENTS WERE APPROVED BY THE PLANNING COMMISSION. THE FIRST THREE PROPOSALS ARE AMENDMENTS TO CHAPTER 25-2-513 WHICH RELATES TO (INDISCERNIBLE). THE FIRST AMENDMENT WOULD AMENDMENT SUBSECTION D TO ALLOW A BOXED WINDOW ARREST CANTILEVERED WINDOW TO ENCROACH INTO A YARD. THE SECOND AMENDMENT WOULD ALLOW SUBSECTION C, A PORCH OR STOOP THAT IS NOT MORE THAN THREE FEET ABOVE GROUND TO PROJECT THREE FEET INTO A REQUIRED YARD. THE THIRD AMENDMENT WOULD AMEND SUBSECTION G TO ALLOW A COVERED PORCH THAT IS OPEN ON THREE SIDES TO PROJECT FIVE FEET INTO A REQUIRED FRONT YARD FOR ANY BUILDING IN AN MF-3 OR MORE RESTRICTIVE ZONING DISTRICT WITH AN ADDITIONAL RECOMMENDATION THAT THE PORCH MUST BE AT LEAST 20 FEET FROM THE FRONT LOT LINE. THE FOURTH AMENDMENT IS CHAPTER 25-2-551, WHICH RELATES TO HEIGHT LIMIT EXCEPTIONS. THE RECOMMENDATION IS TO AMENDMENT SUBSECTION C TO ALLOW A SPIRE TO INCREASE ITS HEIGHT TO 36%. THIS WOULD ALLOW CHURCH STIEP ELSE TO EXCEED THE

ZONING LIMIT BY 30%. IT IS CURRENTLY 15%. THAT CONCLUDES MY PRESENTATION. I CAN ANSWER ANY QUESTIONS YOU MAY HAVE.

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL? WE HAVE ONE CITIZEN SIGNED UP WISHING TO SPEAK. MR. RICHARD SUTTLE?

MAYOR, MEMBERS OF COUNCIL, MY NAME IS RICHARD SUTTLE. I'M HERE TONIGHT TO BRING YOUR ATTENTION TO AN ISSUE THAT'S RELATED TO THESE SET BACK ISSUES. I'VE BEEN WORKING ON A CASE WITH A FRIEND AND CLIENT OF MINE AND HE'S HAD A STRUCTURE GO UP NEXT TO HIS HOUSE AND WE'VE BEEN GOING THROUGH THE PROCESS OF WHAT IS A STRUCTURE AND WHAT IS A SETBACK. AND I JUST WANTED YOU TO BE AWARE OF WHAT'S GOING ON AND YOU CONTEMPLATE AMENDING YOUR SET BACK FROM THE REQUIRED OPENNESS PROVISION. THE LAND DEVELOPMENT CODE, THE SETBACK LINE IS DEFINED -- MEANS A LINE WITHIN A LOT PARALLEL TO AND MEASURED FROM A CORRESPONDING LOT LINE FORMING THE BOUNDARY OF A YARD AND GOVERNING THE PLACEMENT OF STRUCTURES AND USES ON THE LOT WHEN A FAMILY ZONED PROPERTY, YOU'RE SUPPOSED TO HAVE A FIVE FOOT SET BACK AND I THOUGHT THE PURPOSES OF THAT WAS TO ALWAYS HAVE SPACE BETWEEN BUILDINGS, FIVE FEET ON EACH SIDE TO HAVE AIR SPACE. THERE'S AN UNUSUAL SITUATION THAT SAYS THE CITY'S INTERPRETATION IS SUCH THAT YOU CAN BASICALLY BUILD A STRUCTURE LIKE THIS ON THE ONE IFNLG SET BACK LINE. WHAT THIS IS, THIS WHITE LINE HERE IS THE PROPERTY LINE. MY FRIEND AND CLIENT OWNS THIS LOT HERE. THIS IS A STRUCTURE THAT'S ABOUT 13 OR 14-FOOT TALL, ONE IFNL OFF THE PROPERTY LINE. AND YOU CAN TELL IT'S BOXED IN, IT'S GOT PLUMBING. AND ULTIMATELY WHAT THEY DID IS IS THEY FILLED IT UP AND PUT A DRIVEWAY ON TOP OF IT. AND IF YOU'RE STANDING ON MY CLIENT'S PROPERTY, YOU LOOK UP AT IT JUST ABOUT LIKE THIS, THIS PICTURE HERE-- OOPS. I'M TRYING TO TEAR IT UP SOME MORE. THIS PICTURE HERE WAS TAKEN AFTER THE WALL WAS POURED. THAT'S DAVID. HE'S ON A 10-FOOT LADDER AND HE'S REACHING UP TRYING TO MEASURE THIS. THAT IS ONE INCH OFF HIS PROPERTY LINE, AND IT'S JUST STARING ABOVE HIM. HOW CAN YOU DO THAT? WELL,

BECAUSE THE INTERPRETATION THAT OUR CITY HAS MADE IS THAT THIS IS A RETAINING WALL. WE MAINTAIN IT'S NOT A STRUCTURE. AND THEY SAY THAT THERE IS AN OPEN YARD HERE BECAUSE OF THE DRIVEWAY PARKING AREAS ARE ALLOWED WITHIN THE FIVE-FOOT SET BACK AND IT'S OPEN ABOVE. WHAT DAVID IS GOING TO BE FACED WITH, IF HE BUILT HIS HOUSE RIGHT HERE, HE'S GOING TO BE FACED WITH HEADLIGHTS IN HIS SECOND STORY WINDOW. I BRING THAT TO OUR ATTENTION TONIGHT. I DON'T HAVE REALLY -- REALLY KNOW WHAT TO ASK YOU FOR. IF YOU PROHIBIT THIS FROM EVER HAPPENING AGAIN, DAVID IS GOING TO BE IN THIS HOLE FOREVER. ON THE OTHER HAND, IF YOU ALLOW IT TO CONTINUE ON, THEORETICALLY YOU COULD BUILD THE RETAKENING WALLS ONE INCH OFF THE PROPERTY LINE AND BUILD YOUR HOUSES UP INTO THE SKY. AND I DON'T THINK THAT'S WHAT WE WANT TO SEE IN OUR CITY. I HOPE Y'ALL WILL TAKE A LOOK AT THIS AND THINK ABOUT IT AND SEE WHAT YOU CAN DO TO HELP THIS GENTLEMAN AND ALSO HELP TO SEE THAT WE DON'T HAVE THIS GOING ON AGAIN. THANK YOU.

Mayor Wynn: THANK YOU, MR. SUTTLE. COUNCIL, THAT'S ALL THE CITIZENS SIGNED UP ON ITEM NUMBER 67. I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY THE MAYOR PRO TEM. I'LL SECOND THAT. I'LL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: MOTION TO CLOSE THE PUBLIC HEARING PASSES ON A VOTE OF SEVEN TO ZERO. QUESTIONS OF STAFF, COUNCIL, COMMENTS? MAYOR PRO TEM.

Goodman: LET ME ASK LUCY IF ANYTHING WE'RE TALKING ABOUT HERE GOES FOR OR AGAINST THE RETAINING WALL WE JUST SAW?

NO, MA'AM.

Goodman: SO IT DOESN'T STOP IT EITHER?

CORRECT.

Goodman: MAYBE WE CAN WORK ON IT. THAT'S PRETTY UGLY.

Mayor Wynn: COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 67.

Goodman: I'LL MOVE APPROVAL OF THE ORDINANCE AMENDMENTS.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM. I'LL SECOND THAT TO APPROVE THE ORDINANCE AS PRESENTED. ITEM NUMBER 67. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

IN ADDITION TO THAT, THERE WAS INFORMATION REGARDING POLICE REPORTS THAT WE TESTIFIED TO AT THE LAST MEETING. WE DID CONTACT THE AUSTIN POLICE DEPARTMENT, FROM 1999 TO 2004 THERE WERE A TOTAL OF ABOUT 81 CALLS AT THE FACILITY AT 6222 NORTH LAMAR. WE ALSO PROVIDED A BREAKDOWN TO YOU OF THOSE CALLS, THE NATURE OF THOSE CALLS, TO GIVE YOU SOME INDICATION. MOST OF THE CALLS WERE AS A RESULT OF DISTURBANCES, SOME VERBAL, SOME VIOLENT. SEVERAL POLICE ASSISTED E.M.S. CALLS, ABOUT SEVEN OF THOSE, SEVEN REQUESTS TO APPREHEND, SIX TO SERVE A WARRANT, FIVE FOR CRIMINAL TRESPASS, FOUR FOR ATTEMPTED SUICIDE, THREE FOR OTHER CAT FWOARS. THAT'S -- OTHER CATEGORIES, THAT'S BASICALLY WHAT WE FOUND FOR INFORMATION FROM THE AUSTIN POLICE DEPARTMENT.

THANK YOU. QUESTIONS OF STAFF, COUNCIL?

YES, IF YOU DON'T MIND, MAYOR.

Mayor Wynn: COUNCILMEMBER THOMAS.

Thomas: MS. WILLIAMSON, ON THESE CALL YOU HAVE 81, BROKEN DOWN 1999 TO 2004. WHEN YOU HAVE WALLS FOR THIS LOCATION, I KNOW YOU PROBABLY COULDN'T GO INTO DETAILS, IS THAT ON PARKING LOT, INSIDE THE BUILDING.

ACTUALLY, WE HAD A STACK OF ABOUT THIS BIG. ACTUALLY A BIT OF BOTH, SOME ON THE PARKING LOT, SOME ON THE BUILDING.

Thomas: ALL RIGHT.

STARTING AT 1999 IT WAS 18.

YES, 22 -- 200111, 200312, '03 IS 13, AND AS OF RIGHT TODAY IS 7.

7, THAT'S CORRECT.

OKAY.

Mayor Wynn: THANK YOU, COUNCILMEMBER, WE HAVE A NUMBER OF FOLKS SIGNED UP, ALL -- THERE'S 31 CARDS SIGNED UP, ALL IN OPPOSITION. NOT EVERYBODY WANTING TO SPEAK, I DON'T BELIEVE. BUT -- BUT WITHOUT OBJECTION, COUNCILMEMBER.

McCracken:.

WE'VE ALREADY HAD OUR PUBLIC HEARING, MAYOR, HAVEN'T WE?

YES.

HAVE WE?

YES.

YES, SIR. THE PUBLIC HEARING HAS BEEN HELD AND IT HAS BEEN CLOSED. THIS IS MERELY TO CONSIDER ACTION.

YOU'RE RIGHT. THANK YOU, WELL THEN FOR THE RECORD WE HAVE 31 CARDS SIGNED UP IN OPPOSITION TO THIS. AND FOLKS ARE HERE AVAILABLE TO ANSWER QUESTIONS IF

COUNCIL NEEDS THEM. THANK YOU FOR THE REMINDER.  
COMMENTS, QUESTIONS?

Thomas: IF YOU DON'T MIND, MAYOR, WE HAVE RECEIVED A LOT OF INFORMATION AND WOULD LIKE FOR -- FOR UP TO ME'S ATTORNEY, MS. JENNINGS TO -- TO SOME OF THE CHARGES ABOUT A LICENSE. WOULD YOU EXPLAIN THAT?

IF IT'S APPROPRIATE, I WOULD BE HAPPY TO. MY NAME IS SUSAN HEN RICKS, I REPRESENT UP TO ME. I HAVE BEEN WORKING WITH UP TO ME ON RESOLUTION OF THE PENDING ISSUES AT THE TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE CONCERNING THEIR LICENSE FOR ABOUT 8 OR 9 MONTHS. WE HAVE BEEN ASKING THE AGENCY TO TELL US WHAT THEIR CONCERNS ARE. SO THAT WE WOULD HAVE AN OPPORTUNITY TO RESPOND TO THOSE AND UNTIL LAST WEEK, WE HAD NEVER BEEN GIVEN THAT OPPORTUNITY. THE -- THE MATERIAL THAT I THINK HAS BEEN DISTRIBUTED TO YOU IS REALLY NOTHING MORE THAN A REPORT AND SOME ALLEGATIONS. WE HAVE ASKED FOR A HEARING. WE HAVE BEEN REQUESTING ONE. I HAVE BEEN CONTACTING THE AGENCY'S COUNSEL REPEATEDLY REQUESTING A HEARING, NONE HAS BEEN SCHEDULED. I WOULD SUBMIT TO YOU IF THE MATTER IS SO SERIOUS THAT IT CALLS FOR REVOCATION THAT THE AGENCY WOULD BE MOVING MORE QUICKLY ON THIS MATTER. I HAVE NO CONTROL OVER THE SETTING OF THE HEARING. THAT'S NOT SOMETHING THAT THE LICENSEE HAS THE AUTHORITY TO TAPE. WE CAN'T SCHEDULE IT OR REQUIRE IT. ALL THAT WE CAN DO IS ASK THAT IT BE SET. NONE HAS YET BEEN SET. BASED ON THE MEETING THAT WE WERE ABLE TO HAVE LAST WEEK, WHICH IS THE FIRST OPPORTUNITY THAT -- THAT THIS LICENSEE THAT HAD TO SHOW THEIR SIDE OF THE CASE, I BELIEVE THIS IS GOING TO BE RESOLVED WITH A VERY INSIGNIFICANT RESOLUTION THAT CERTAINLY WILL NOT INVOLVE REVOCATION. THAT'S THE BEST INFORMATION THAT I CAN GIVE YOU RIGHT NOW. SINCE THERE'S NO HEARING SCHEDULED, I CAN'T TELL YOU WHEN IT WILL BE RESOLVED, BUT I BELIEVE THAT THERE'S A GOOD CHANCE THAT IT CAN BE RESOLVED BY AGREEMENT WITHIN THE NEXT 30 DAYS. ANY QUESTIONS, I WOULD BE HAPPY TO TRY TO ANSWER THEM.

Mayor Wynn: QUESTIONS --

Slusher: YOU SAID YOU WEREN'T AWARE OF THE NATURE OF THE COMPLAINTS UNTIL -- UNTIL RECENTLY?

WELL, WE RECEIVED THIS NOTICE LETTER, WHICH I THINK HAS BEEN PROVIDED TO COUNCILMEMBERS IN APRIL, THAT WAS THE FIRST WRITTEN REPORT THAT WE HAD RECEIVED FROM THE AGENCY ABOUT THEIR CONCERNS. WE KNEW THAT THEY WERE INVESTIGATING COMPLAINTS AND WE KNEW THAT THEY HAD MADE A -- A SITE LICENSE INSPECTION IN SEPTEMBER. BUT FROM SEPTEMBER AND OCTOBER AND NOVEMBER WHEN THEY WERE DOING THESE INSPECTIONS AND INVESTIGATIONS, WE DID NOT LEARN THE RESULTS OF THOSE INVESTIGATIONS AND INSPECTIONS UNTIL APRIL. FRANKLY THAT WAS REALLY BECAUSE I WAS CALLING THEM ON A REGULAR BASIS AND SAYING WE SURE WOULD LIKE TO GET THIS RESOLVED. AND THEN OF COURSE WE IMMEDIATELY REQUESTED A HEARING AND NONE HAS BEEN AFFORDED.

Slusher: THERE WAS A PRELIMINARY HEARING RECENTLY, YOU SAID?

THERE WAS A MEETING. WE HAD A MEETING WITH THE ATTORNEY WHO IS NOW ASSIGNED TO THIS MATTER, WHICH IS NOT LISA HERNANDEZ, THE ATTORNEY THAT SIGNED THIS LETTER. SHE'S NO LONGER IN CHARGE OF THE CASE. IT'S BEEN ASSIGNED TO A DIFFERENT ATTORNEY. WE HAVE MET WITH HIM. I WILL TELL YOU THAT I'VE INVESTIGATED THESE ALLEGATIONS AND I THINK THAT MANY OF THEM, SOME OF THEM IT'S HARD TO EVEN RESPOND TO BECAUSE THEY ARE SO -- SO NON-SPECIFIC AND LACKING IN FACTUAL DETAIL. FOR EXAMPLE, FAILURE TO ENSURE THAT PARTS OF THE BUILDING WERE KEPT BETWEEN 61 AND 85 DEGREES, I DON'T KNOW HOW TO INVESTIGATE THAT BECAUSE I DON'T HAVE A DATE OR A TIME OR ANY DETAIL AS TO WHETHER THAT'S TRUE OR NOT. A LOT OF IT IS VERY GENERAL AND VAGUE AND I DON'T THINK IT'S REALLY EVEN AMENABLE TO PROSECUTION MUCH LESS EFFECTIVE RESPONSE. IT'S JUST NOT FACTUALLY ENOUGH DETAILED.

Slusher: WHAT ABOUT LIKE FAILED TO MAINTAIN AN

ADEQUATE SUPPLY OF FOOD, RESULTING IN ITS FAILURE TO PROVIDE THREE MEALS A DAY FOR EACH CLIENT.

WELL, WE STRENUOUSLY DENY THAT. BUT FRANKLY, ONCE AGAIN, WITHOUT GETTING MORE DETAIL IN TERMS OF WHAT DAY THEY ARE SAYING THIS OCCURRED, ARE THEY SAYING THIS OCCURRED EVERY DAY. YOU CAN'T TELL FROM THIS. BUT WE ABSOLUTELY DENY THAT THAT'S OCCURRED. I THINK THERE WAS AN INCIDENT WHERE ONE OF THE EMPLOYEES A COOK DIDN'T SHOW UP ONE MORNING, WASN'T THERE TO COOK A MEDICAL ON THE WEEKEND FOR BREAKFAST. AND THAT EMPLOYEE WAS TERMINATED BECAUSE THEY WEREN'T DOING A GOOD JOB AND REPLACED. I DON'T KNOW WHAT MORE AN EMPLOYER CAN DO THAN THAT.

Slusher: YOU DON'T HAVE ANY MORE INFORMATION ABOUT WHAT THESE ENTAIL AT LEAST FROM TCADA THAN WHAT IS IN THIS LETTER --

IN SOME INSTANCES WE DO. ON SOME OF THESE ITEMS WE DO, MOST OF THEM WE DO NOT.

IS THAT PROVIDED BY TECH CAMENICAL PROBLEMS, PLEASE STAND BY] CAD DID A OR JUST INFORMATION -- TCADA OR JUST INFORMATION THAT YOU HAVE.

WE HAVE SOME INFORMATION THAT WE RECEIVED FROM TCADA, AS I SAID WE CONDUCTED OUR OWN INVESTIGATION, WE HAVE INFORMATION THAT WE WOULD LIKE TO SHARE WITH TCADA WE WERE ABLE TO DO THAT IN A VERY ABBREVIATED MEETING LAST WEEK FOR THE FIRST TIME.

Slusher: OKAY. I'LL YIELD, MAYOR.

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

TCADA CHANGED -- DID THE STATE CHANGE THE DIFFERENT INVESTIGATIVE PROCEDURES, DID THEY CHANGE THE DEPARTMENTS OR -- WAS THERE A REORGANIZATION AT TCADA THAT YOU KNOW OF.

I DON'T HAVE A LOT OF DETAILED UNDERSTANDING THAT, BUT I DO KNOW THAT -- THAT THE AGENCY IS PART OF THE MASSIVE REORGANIZATION OF ALL OF THE HEALTH AND HUMAN SERVICES AGENCIES FOR THE STATE. AND SO THEY HAVE BEEN CONSOLIDATED. I THINK THAT THE ENTITY KNOWN AS TCADA WILL CEASE TO EXIST NEXT WEEK. BUT OBVIOUSLY THE FUNCTIONS WILL CONTINUE AND WILL BE TAKEN OVER BY -- BY OTHER -- OTHER SECTORS OF THE AGENCY. I REALLY DON'T KNOW, I DON'T HAVE A DETAILED UNDERSTANDING ABOUT THAT. BUT I KNOW THAT IT IS GOING THROUGH REORGANIZATION.

I THINK IT'S A REAL SHAME, OBVIOUSLY YOU ARE NOT PREPARED AT THIS HOUR OF THE NIGHT. THIS WOULD NOT BE THE FORUM FOR US TO LITIGATE THESE ISSUES. BUT I WILL TELL YOU THAT THERE'S TWO SIDES TO IT AND WE HAVEN'T HAD OUR DAY IN COURT, IT WOULD BE VERY UNFORTUNATE FOR A DECISION TO BE MADE BY THIS BODY BEFORE UP TO ME HAS HAD AN OPPORTUNITY TO DEFEND THEMSELVES FROM THESE ACCUSATIONS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL -  
- I'LL ENTERTAIN A MOTION ON ITEM 69. I'LL ENTERTAIN A MOTION ON ITEM 69.

Thomas: WELL, MAYOR, I KNOW WE'VE HAD A PUBLIC HEARING, BUT I THINK IT WOULD BE FAIR IF WE JUST HEAR FROM ONE PERSON FROM THE NEIGHBORHOOD IF THAT'S OKAY.

Mayor Wynn: PERHAPS -- WELCOME, MA'AM.

THANK YOU. MY NAME IS LAUREN BANE. AND THANK FOR YOU LETTING ME HAVE THIS OPPORTUNITY TO SPEAK. DID YOU HAVE ANY CERTAIN QUESTIONS OR DID YOU WANT ME TO KIND OF -- I CAN KICK IT OFF IF YOU WANT ME TO?

Thomas: YOU KICKED IT OFF LAST TIME.

I'M SORRY ABOUT THAT. A LITTLE FIRED UP.

Thomas: IF YOU HAD ANY COMMENTS TO WHAT THE

ATTORNEY WAS SAYING?

DEFINITELY. FIRST I JUST WANT TO SAY YOU HAVE ALREADY NOTICED OUR NEIGHBORHOOD'S COMMITMENT TO THIS. BUT JUST TO REITERATE THERE ARE 8, 70 AND 80-YEAR-OLD PLUS PEOPLE TONIGHT THAT HAVE LIVED IN OUR NEIGHBORHOOD SINCE THE 1940'S THAT HAVE HUNG IN HERE UNTIL 1:00 A.M. TO SPEAK UP AGAINST THIS. SO JUST HOPE THAT YOU TAKE THAT INTO CONSIDERATION. BUT WHAT I WANTED TO SAY IS THAT THIS ISN'T ABOUT THE LEGAL PROCESS AND HOW AND IF THEIR APPEAL WILL BE RESOLVED. THESE FINDINGS AND ACTIONS WERE BROUGHT ABOUT BECAUSE NONE OF OUR USE CONCERNS WERE EVER ADDRESSED BY CITY COUNCIL, THAT DIDN'T SEEM TO BE ANY KIND OF PERSUASIVE ELEMENTS. COUNCIL SEEMED TO BE WAIVERING BASED SOLELY ON THE STELLAR REPUTATION UP TO ME HAD. THAT'S WHY WE NEEDED TO SHOW YOU THAT TWO STATE AGENCIES DISAGREED. I HAVE PERSONALLY DISAGREED SINCE DAY ONE WITH MY INVOLVEMENT WITH THE PUBLIC HEARINGS BACK IN NOVEMBER AND HOW I COULD SEE THE POTENTIAL FOR WHAT KIND OF OPERATOR THIS WOULD BE. WE NEVER WANTED IT TO BE ABOUT THAT. WE WANTED IT TO BE ABOUT THE OBVIOUS INAPPROPRIATE USE OF THIS BUILDING, THE FACT THAT IT HAS ZONING PROBLEMS, IT'S JUST -- IT'S -- IF THIS WAS MEANT TO BE, I FEEL LIKE IT WOULD HAVE HAPPENED. WE HAVE BEEN TRYING TO JIMMY RIG AND MOVE IT ALL AROUND SO WE CAN TRY TO MAKE THIS WORK, BUT IT'S -- I JUST DON'T THINK THAT THIS IS WHAT IT'S ABOUT. AND SO REGARDLESS OF HOW THIS APPEAL TURNS OUT, THIS -- THIS OBVIOUSLY IS NOT THE QUALITY OPERATOR AND NOT THE APPROPRIATE USE OF THIS BUILDING. AND IF -- IF AS OF SEPTEMBER FIRST THE MERGER DOES HAPPEN BETWEEN MY UNDERSTANDING, LISA HERNANDEZ AS OF TODAY WHEN I SPOKE WITH HER DID NOT TELL ME SHE WASN'T ON THIS CASE ANYMORE. SHE'S SHARING IT WITH MARK CONLEY AT TDH, BECAUSE THERE WILL BE A MERGER, SHE TOLD ME TO NOT CONTACT ANYBODY ELSE AND TO GO THROUGH HER NOW, SHE HAS ALL OF THE INFORMATION, SHE'S PERFECTLY OPEN TO LETTING US KNOW. BUT I THINK THAT IT'S NOT UNCOMMON WHEN IN SEPTEMBER AN INVESTIGATION IS -- HAS BEGUN FROM SEPTEMBER THROUGH THE FALL, A BUSY

SEASON, THAT UNTIL APRIL, FINDINGS DO TAKE A LONG TIME TO COME OUT. AND IT WASN'T UNTIL WE WERE ABLE TO SHOW YOU THAT THIS WAS EVEN GOING ON THAT THIS WAS BROUGHT UP. SO -- SO I GUESS TO THAT I WOULD JUST SAY THAT WE'VE HAD TO BRING THIS UP, SO REGARDLESS OF WHAT HAPPENS WITH THE LICENSE, THESE ARE NOT JUST ALLEGATIONS. AN INVESTIGATION STARTED BECAUSE OF ALLEGATIONS. INSPECTIONS WERE DONE. FINDINGS HAPPENED. YOU HAVE SEEN THE 57 RULES THAT ARE BROKEN. SURE THERE'S SOME ABOUT THE A.C., SOME ABOUT A FIRE EXTINGUISHER, THERE ARE A LOT THAT ARE VERY STARTLING AND A VERY RISKY MOVE TO AGREE TO IN OUR NEIGHBORHOOD. AND YEAH, I GUESS THAT'S IT ON THAT. BUT -- I DON'T KNOW IF YOU HAVE ANY OTHER QUESTIONS BECAUSE I CAN READ ONE MORE THING IF YOU WANT ME TO BUT I WON'T TAKE UP TOO MUCH TIME.

Mayor Wynn: THANK YOU, MS. BANE. QUESTIONS? FOR ANY NEIGHBORS, ATTORNEY? I'LL ENTERTAIN A MOTION.

McCracken: MOVE TO DENY.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN TO DENY THE APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY THE CONDITIONAL USE PERMIT. I'LL SECOND THAT. FURTHER COMMENTS? COUNCILMEMBER SLUSHER?

Slusher: I'LL YIELD.

Thomas: GO AHEAD. YOU THE SENIOR.

Slusher: THESE CERTAINLY CAUSE UNDERSTAND HE TO HAVE SOME RESERVATIONS, BUT I WAS JUST WONDERING WHAT THE -- WHAT THE THINKING WAS ON NOT WAITING UNTIL THERE'S A HEARING. ON THE -- ON THE CHARGES.

McCracken: 57 DOCUMENTED VIOLATIONS GOING ON FOR SEVERAL MONTHS NOW IN THE APPEAL. THERE'S A PRETTY CLEAR TRACK RECORD THAT -- THAT WHATEVER THE ULTIMATE DETERMINATION OF TCADA, IT'S -- IT'S JUST NOT -- IT'S NOT THE RIGHT LOCATION, THE RIGHT OPERATOR FOR THE NEIGHBORHOOD, AND SO -- I DON'T THINK THAT IT'S --

WE SEE THAT THERE'S SOME ADMINISTRATIVE FLUX IN THE STATE RIGHT NOW, WE DON'T KNOW HOW LONG THIS WILL GO ON. BUT THE ISSUE HAS BEEN RESOLVED FULLY AT THIS LEVEL. WE ARE ALLOWED ON HAVE A FACT FINDING PROCESS HERE AT THE CITY COUNCIL. WE ARE SITTING AS A JUDICIAL BODY IN THIS CASE JUST AS TCADA WOULD. SO I MEAN I AT LEAST HAVE HEARD THE FACTS PRESENTED, I HAVE MADE MY FACT FINDINGS ON THAT. I THINK WE ARE READY TO GO.

IF YOU WOULDN'T MIND ME ADDING THAT SAY THE TCADA STUFF DIDN'T EXIST, THEY HAVE A HISTORY OF TDCJ VIOLATIONS AND SANCTIONS THEY HAVE SETTLED MONETARILY, THAT SHOW A HISTORY OF REPEAT BEHAVIOR, SOME OF IT IN THE EXACT SAME FINDINGS OF TCADA THAT WE ALSO EXHIBITED HIGHLIGHTS TO YOU. THAT'S A HUGE PACKET OF STUFF. BEYOND TCADA'S FINDINGS, THERE'S ANOTHER STATE AGENCY THAT DOESN'T FEEL THE GREATEST ABOUT THEM AS WELL.

Mayor Wynn: THANK YOU, MS. BANE, BUT COUNCILMEMBER SLUSHER WAS DIRECTING HIS QUESTION TO COUNCILMEMBER MCCracken AND MYSELF. I ESSENTIALLY AM AGREEING WITH COUNCILMEMBER MCCracken'S POSITION. I'M IN ADDITION TO THAT, I -- I HANDICAP HOW THE LENGTH OF TIME THAT PERHAPS EITHER THE STATE AGENCIES MIGHT HAVE SOME TYPE OF REVIEW OVER THIS FACILITY AND AT SOME POINT I THINK WE NEED TO MAKE A DECISION AND REALLY FOR EVERYBODY'S BENEFIT, INCLUDING THE OPERATOR AND THE PROPERTY OWNER. FURTHER COMMENTS?

Thomas: I -- I FELT THAT IF WE COULD DELAY UNTIL THE END OF THE MONTH, THAT WOULD GIVE BOTH SIDES -- IF THEY CAN GIVE TCADA THE COMPLAINTS CLEARED UP, I STILL FEEL THAT THEY -- THAT THAT GIVES AN OPPORTUNITY TO CLEAR UP THE COMPLAINTS. YOU CAN'T -- I DON'T KNOW IF -- IF ANYONE OF YOUR NEIGHBORS HAVE BEEN IN THE BUSINESS OF TRANSITIONAL, HALFWAY, I DON'T THINK IT'S TCADA HASN'T HAD ANY PERSON THAT RUNS A TRANSITIONAL OR A HALFWAY HOUSE HAVE HAD COMPLAINTS, INVESTIGATIONS, I DON'T THINK NOBODY IS SQUEAKY CLEAN. THE REASON WHY I SAY I THINK WE

SHOULD GIVE THEM AT LEAST UNTIL THE END OF THE MONTH, GIVE THEM AN OPPORTUNITY TO HAVE THEIR HEARING, I DON'T THINK UP TO ME HAD A LONG LIST OF COMPLAINTS SINCE THEY HAVE BEEN IN BUSINESS SINCE -- I DON'T KNOW IF YOU HAVE BEEN IN BUSINESS BEFORE 1999.

'92.

I DON'T THINK ANYBODY WHAT'S BEEN IN BUSINESS THAT LONG THAT TCADA WOULD HAVE PUT THEM OUT OF BUSINESS OR REVOKED THEIR LICENSE. WE HAVE TO BE HONEST ABOUT THIS. I -- IN FINDING OUT WHAT REALLY BOTHERS ME IT'S MORE THAN WHAT THE EYE IS SEEING HERE. IT'S PERSONAL. IT'S FAMILY. AND THAT'S -- THAT'S A SAD CASE. BUT I THINK GIVEN 30 DAYS, AT LEAST UNTIL THE END OF THE MONTH, IT WOULD GIVE AN OPPORTUNITY TO CLEAR UP IF IT DIDN'T CLEAR UP, THEN I WOULD BE WILLING TO DENY, TOO. BUT I'M FOR THE WILLING TO DENY UNTIL AT LEAST AT THE LAST MEETING OF THE MONTH. THEN IF WE CAN'T GET IT CLEARED UP THEN I WOULD BE WILLING TO DENY BUT NOT AT THIS TIME BECAUSE YOU ARE LOOKING AT SOMEBODY THAT'S BEEN IN BUSINESS SINCE '92 TO THIS POINT, AND I JUST DON'T BELIEVE, I DON'T THINK ANYBODY IN HERE WOULD BELIEVE IF YOU HAVE BEEN IN BUSINESS THAT LONG AND HAVEN'T HAD YOUR LICENSE REVOKED, SOMETHING -- THAT TELLS YOU THAT THERE IS SOME CREDIBILITY THERE. SURE, ALL PEOPLE HAVE HAD COMPLAINTS. PEOPLE HAVE HAD COMPLAINTS INSIDE THE BUSINESS BECAUSE THERE MIGHT BE AN EMPLOYEE, IT MIGHT BE SOMEBODY THAT DON'T WANT TO FOLLOW THE RULES. BECAUSE ANYBODY CAN PICK UP A PHONE AND MAKE A COMPLAINT. SO I THINK WE NEED TO JUST LIKE I'VE ALWAYS SAID AT THE BEGINNING, LET'S BE FAIR ALL THE WAY ACROSS.

Dunkerly: MAYOR? SINCE MY MICROPHONE ISN'T WORKING, I HAD BETTER TAKE IT OFF. THIS IS -- THIS HAS REALLY BEEN DIFFICULT FOR ME, BUT I, TOO, THINK THAT -- THAT -- THAT I WOULD BE MORE COMFORTABLE AFTER WE -- AFTER WE GET A REPORT FROM THE STATE. I -- I KNOW THAT ALLEGATIONS CAN BE MADE. WHETHER OR NOT THEY ARE SUBSTANTIATED AND UPHELD IS SOMETHING ELSE. BUT -- BUT SOME OF THE -- SOME OF THE COMPLAINTS WERE

REALLY VERY, VERY VAGUE AND I DON'T KNOW HOW ANYBODY WOULD RESPOND TO THEM. BUT I WOULD LIKE TO SEE AT LEAST I THINK A 30 DAY REPORT AND I, LIKE COUNCILMEMBER THOMAS, WOULD CERTAINLY MOVE TO DENY IF WE CAN'T GET IT RESOLVED BY THE END OF SEPTEMBER.

Mayor Wynn: FURTHER COMMENT? MAYOR PRO TEM?

Goodman: IF THIS WAS ABOUT UP TO ME HAVING TO PROVE THEMSELVES TO ME, TO MOVE INTO THE NEIGHBORHOOD, THAT WOULD BE A DIFFERENT STORY. BUT THIS ISSUE FOR ME IS STRICTLY ABOUT THE USE AND -- IN THAT LOCATION. SO I'M READY TO GO NOW.

Mayor Wynn: FURTHER COMMENTS? COUNCILMEMBER MCCRACKEN?

McCracken: I JUST WANTED TO ADD QUICKLY THAT WHEN I FIRST HEARD THE PRESENTATION I -- I THOUGHT A PRETTY GOOD CASE WAS MADE. BUT THE -- BUT WE HAVE BEEN PRESENTED WITH A LOT OF EVIDENCE, INCLUDING COMPLETED FINES AND ENFORCEMENT ACTIONS AGAINST UP TO ME. AND THAT -- THAT MATERIALLY CHANGED MY OPINION. I'VE HEARD ENOUGH EVIDENCE AND OUR ROLE HERE TO REACH THE CONCLUSION SUPPORTED BY THE PREVIOUS ENFORCEMENT ACTIONS. THAT'S WHY I'M MAKING THIS MOTION.

Mayor Wynn: THERE'S A MOTION ON THE TABLE AND A SECOND TO DENY THE APPEAL. OF THE DECISION TO DENY THE CONDITIONAL USE PERMIT. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: THANKS, MAYOR. YEAH, IT'S BEEN A -- A REAL TOUGH ONE. I THINK THAT THINK OF GONE -- THAT I HAVE GONE BACK AND FORTH ON THIS ONE A COUPLE OF TIMES. AND REALLY I THINK WAITING ANOTHER MONTH REALLY I THINK IS PROBABLY NOT GOING TO GET US THE ANSWERS THAT WE NEED BECAUSE OF THE NATURE OF -- OF HOW THESE SITUATIONS TEND TO WORK THEMSELVES OUT. SO AGAIN I PERSONALLY DO HAVE SOME CONCERNS ABOUT THIS PARTICULAR USE ON THAT SITE. SO I -- I'M GOING TO

SUPPORT THE MOTION ON THE TABLE.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS?

Thomas: WELL -- I WISH WE ALL WOULD HAVE SAY WE HAD A PROBLEM WITH THE USAGE, I THINK WE COULD HAVE KILLED THIS, COULDN'T HAVE SENT THEM BACK AND FORTH. FIRST OF ALL WHEN WE STARTED OUT FIRST WE ALL WAS ON ONE ACCORD, THEN WE SENT THEM OUT TO DEAL WITH THE OVER -- THE CONDITIONAL OVERLAY. AND THEN ALL OF A SUDDEN THE NEIGHBORS COME BACK NOW WE -- NOW WE HAVE ISSUES WITH THE USE OF THE BUILDING. SO -- SO -- BUT -- BUT I THINK WE NEED TO BE -- IF WE WASN'T GOING TO PASS THIS, DISMISS THIS WE SHOULD HAVE DID THAT AT THE BEGINNING. MY UNDERSTANDING, MAYBE I'M WRONG, I THOUGHT WE WERE GOING TO ALLOW THEM TO GO BACK AND WORK THAT OUT WITH THE CONDITIONAL OVERLAYS. I DIDN'T HEAR ANYTHING ABOUT THE BIGGER PROBLEM ABOUT THE USAGE NOW. WHEN WE GOT ALL OF THE OTHER INFORMATION BACK WE WERE DEALING WITH -- WE WERE DEALING WITH THE CONCERN OF THE VIOLATIONS AND NOW WE ARE CONCERNED ABOUT THE USAGE. BUT -- BUT THAT'S I JUST NEEDED TO SAY THAT BECAUSE I KNEW THAT'S WASN'T WHERE WE WAS GOING AT FIRST, BUT GO AHEAD, I'M THREW.

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

Goodman: I DON'T KNOW IF THAT WAS FOR ME OR NOT. BUT MY POSITION IS THE SAME NOW AS IT ALWAYS WAS. I KNEW WHAT I THOUGHT ABOUT THE LOCATION AND THE IMPACT AND HOW THE TRAFFIC WAS GOING TO GO. SO IT'S NEVER BEEN AN ISSUE ABOUT UP TO ME AS A -- AS A GROUP BECAUSE I THOUGHT THEY WERE GOOD AND I HAVEN'T REALLY PAID MUCH ATTENTION TO THE OTHER THINGS. IT WAS THE USE AT THAT PARTICULAR LOCATION.

Thomas: I DIDN'T KNOW THAT.

Mayor Wynn: MOTION AND A SECOND ON THE TABLE TO DENY

THE APPEAL. ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

OPPOSED?

Thomas: NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF 5-2, WITH COUNCILMEMBER THOMAS AND COUNCILMEMBER DUNKERLY VOTING NO. I BELIEVE. CORRECT? THANK YOU ALL. COUNCIL, THAT'S ALL THE AGENDA ITEMS I BELIEVE, MS. SPENCE?

Slusher: MOVE TO ADJOURN. MAIRTS MOTION BY COUNCILMEMBER SLUSHER TO ADJOURN. I'LL SECOND THAT. ALL IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. WE'RE ADJOURNED. 130 A&M.

**End of Council Session Closed Caption Log**