

Closed Caption Log, Council Meeting, 9/2/04

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GOOD MORNING, I'M AUSTIN MAYOR WILL WINN, IT'S MY PRIVILEGE TO WELCOME DR. ROY F. BRIGHT, JUNIOR, PASTOR OF COVENANT CATHEDRAL WHO IS GOING TO LEAD US IN OUR INVOCATION, PLEASE RISE.

TO THE HONORABLE WILL WYNN, MAYOR OF OUR CITY AND THIS GREAT COUNCIL, I SAY TO YOU GOOD MORNING. TO ALL OF YOU ARE HERE I SEND YOU A GOOD MORNING AS WELL. LET US PRAY. GOD, WE ADORE YOU, THANK YOU FOR ANOTHER DAY. ANOTHER OPPORTUNITY TO COME TOGETHER IN A FORUM LIKE THIS TO BE RESPONSIBLE IN THE OVERSIGHT AND MANAGEMENT OF OUR CITY. ANOTHER OPPORTUNITY TO BENEFIT FROM ALL OF YOUR RICH AND BOUNTIFUL BLESSINGS. IT IS OUR PRAYER THAT YOU BESTOW UPON OUR COUNCIL WISDOM, GUIDANCE AND PRUDENCE IN EXECUTION ON ALL DECISIONS MADE HERE, THAT THEY MIGHT BE THE MOST BENEFICIAL TO MEET OUR CITY'S MOST EARNEST NEEDS. WE PRAY FOR OUR LEADERS INDIVIDUALLY, AND COLLECTIVELY, THAT THEIR MIND MIGHT WORK TOGETHER IN HARMONY AND UNIONTY. WE PRAY FOR PROSPERITY FOR OUR CITY, GIVE US THE RESOURCE THAT'S WE NEED TO PROMOTE ALL OF THE PROGRAMS AND POLICIES THAT MIGHT BENEFIT US. WE PRAY FOR THE SAFETY OF OUR CITY, PROTECT US FROM ALL THREATS, REALIZED AND THOSE WHICH ARE UNKNOWN TO US. WE RAY FOR AGAIN THE UNITY OF OUR CITY, HELP US ALL TO BE ON ONE ACCORD, DOING WHAT'S RIGHT AND MOST BENEFICIAL FOR US HERE. BECAUSE OF THE ENORMOUS TASK AND RESPONSIBILITY PLACED IN THE HANDS OF OUR CITY

LEADERS, WE ASK FOR YOUR PEACE AND YOUR CONVICTION TO RULE IN THEIR HEARTS AND IN THEIR MINDS. WE THANK YOU FOR ALL THAT YOU'VE DONE AND WE SAY THANK YOU AGAIN IN YOUR NAME WE PRAY, AMEN.

THANK YOU, PASTOR BRIGHT. THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, SEPTEMBER 2nd, 2004. APPROXIMATELY 10:18 A.M., WE ARE IN THE BOARD ROOM OF THE LOWER COLORADO RIVER AUTHORITY HANCOCK BUILDING, 3700 LAKE AUSTIN BOULEVARD. WE WILL BEGIN TODAY BY READING THIS WEEK'S CHANGES AND CORRECTIONS TO THIS WEEK'S AGENDA. ITEM NO. 1, WHICH ARE OUR MINUTES FROM THE LAST MEETING WILL BE POSTPONED TO SEPTEMBER 30th, 2004. WE HAD A DRAFTING ERROR, WE WILL GET THOSE CORRECTED BEFORE WE VOTE ON THOSE. ITEM NO. 4 POSTPONED INDEFINITELY. ON ITEM NO. 5 WE SHOULD STRIKE THE PHRASE "FOR A PROPOSED FOR PROFIT SUBSIDIARY OF SEMATECH FOR AN" AND INSERT THE PHRASE, A SUBSIDIARY OF SEMATECH INTERNATIONAL. THEREFORE THAT SUMMARY ITEM WILL READ, APPROVE AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT IN CREATING AN ECONOMIC DEVELOPMENT PROGRAM FOR ADVANCED TECHNOLOGY DEVELOPMENT FACILITY, INCORPORATED, A SUBSIDIARY OF SEMATECH INTERNATIONAL, PROVIDING FOR ECONOMIC INCENTIVES FOR A PERIOD OF 10 YEARS. ITEM NO. 35 WILL BE POSTPONED TO SEPTEMBER 30th, 2004. ITEM 36, WE NEED TO STRIKE THE PHRASE AND REFERENCE TO ONE TEXAS CENTER AND THE I-35 LOTS, STRIKE THE AMOUNT 2,170 -- REPLACE WITH \$1,112,977. THEN STRIKE THE AMOUNT \$408,086 AND INSERT THE NUMBER \$249,432. STRIKE THE AMOUNT 2,817..... 2,817,919 AND INSERT THE AMOUNT 1,711,841. AND THEN STRIKE THE ENTIRE PHRASE \$149,804 IS INCLUDED IN THE FISCAL YEAR '04-'05 PROPOSED IH 35 PARKING PROGRAM FUNDS AND 4,350 IS -- DOLLARS IS INCLUDED IN THE FISCAL YEAR '04-'05 PROPOSED ONE TEXAS CENTER PARKING FUND. SO THAT SUMMARY, FOR ITEM NO. 36 WILL READ: AUTHORIZE NEGOTIATION AND EXECUTION OF A 60-MONTH SERVICE AGREEMENT WITH

AMPCO SYSTEM PARKING OF HOUSTON, TEXAS, FOR PARKING LOT OPERATION AND MANAGEMENT AT THE NEW CITY HALL IN AN AMOUNT NOT TO EXCEED \$1,212,977 FOR TWO 12 MONTH EXTENSION OPTIONS IN AN AMOUNT NOT TO EXCEED \$249,432 PER EXTENSION OPTION FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED \$1,711,841. FUNDING IN THE AMOUNT OF \$215,249 IS INCLUDE UNDERSTAND THE FISCAL YEAR '04-'05 PROPOSED CITY HALL PARKING FUND. THAT WAS A MOUTHFUL. OKAY. ITEM 37. IS TO BE POSTPONED INDEFINITELY. ITEM 38 TO BE POSTPONED TO SEPTEMBER 30th, 2004. ON ITEM 55, WE WILL STRIKE THE REFERENCE AND PHRASE NPA'S OF THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN. AND ON ITEM NO. 63, I'M BEING ADVISED THAT I SHOULD GO AHEAD AND READ ALL OF THE ADDITIONS ON ITEM NO. 55 AS WELL. I DIDN'T -- THEY DON'T SHOW UP IN BOLD ON THIS PRINTED SHEET. THE NEW CORRECTED SUMMARY FOR ITEM NO. 55 WILL READ: APPROVE AN ORDINANCE AMENDING ORDINANCE NUMBER 040826-56, WHICH ADOPTS THE CENTRAL AUSTIN NEIGHBORHOOD PLAN AS AN ELEMENT OF THE AUSTIN TOMORROW COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP FOR PORTIONS OF TRACTS 30, 33, 34, 35, 36, 40, 43, 44, 49, 50, 52, 60, 80, 80 A, 81, 99 A, 133, 133 A, 148, 148 A, 180, 181, 201, 204, 236, AND 1019 IN THE WEST UNIVERSITY NEIGHBORHOOD PLAN AREA, AND PORTIONS OF TRACTS 503, 503 A, 503 B, 515, 516, 563 A, AND 2104 A, AND 3406 RED RIVER STREET IN THE HANCOCK NEIGHBORHOOD PLAN AREA. JUST FOR GRIPS I WILL FINISH THIS. THE AREA IS BOUNDED BY LAMAR BOULEVARD AND DUVAL STREET TO THE WEST, 38th STREET AND 45th STREET TO THE NORTH, I-35 TO THE EAST AND MLK, JUNIOR BOULEVARD TO THE SOUTH, EXCLUDING THE UNIVERSITY OF TEXAS AT AUSTIN CAMPUS. THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLANNING AREA INCLUDES THE HANCOCK, NORTH UNIVERSITY AND WEST UNIVERSITY NEIGHBORHOOD PLANNING AREAS. THAT'S ITEM NO. 55. ON ITEM NO. 63 WE SHOULD STRIKE THE PHRASE TO BE REVIEWED AND INSERT THE WORD APPROVED, SINCE IT WAS APPROVED BY THE -- BY THE COUNCIL COMMITTEE ON TELECOMMUNICATIONS INFRASTRUCTURE ON AUGUST 31st, 2004.

Clerk Brown: MAYOR, BEFORE YOU LEAVE THAT SECTION OF

YOUR CHANGES AND CORRECTIONS, WOULD YOU PLEASE
NOTE THAT 31 HAS BEEN POSTPONED INDEFINITELY.

Mayor Wynn: THANK YOU, AS WE HEARD COUNCIL ITEM NO. 31
ALSO WILL BE POSTPONED INDEFINITELY. THAT
POSTPONEMENT WILL BE ADDED TO THE CONSENT AGENDA.
OUR TIME CERTAINS FOR TODAY AT 12:00 WE WILL BRING
BRA FOR OUR GENERAL CITIZENS COMMUNICATION. AT 2:00
WE HAVE A BRIEFING, ITEM NO. 53, ON THIS WEEK'S AGENDA.
AT 4:00 WE BREAK FOR OUR ZONING HEARINGS AND
APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS.
THOSE SHOW AS ITEMS 54 THROUGH 62. AND ITEM Z-1
THROUGH Z-11. I'LL ANNOUNCE NOW THAT THE STAFF WILL
BE REQUESTING POSTPONEMENT ON ITEM 60, WHICH IS THE
POWER HOUSE LOUNGE CASE, ON BEHALF OF THE
PROPERTY OWNER TO SEPTEMBER 30th, 2004. WE WON'T
TECHNICALLY TAKE UP THAT POSTPONEMENT VOTE UNTIL
THE 4:00 TIME CERTAIN. BUT WE -- BUT WE USUALLY GRANT
THE REQUEST CERTAINLY BY STAFF WHEN THERE'S A
PROPERTY OWNER REQUEST. AT 5:30 P.M. WE WILL BREAK
FOR LIVE MUSIC AND PROCLAMATIONS, 6:00 PUBLIC
HEARINGS AND POSSIBLE ACTIONS. THOSE SHOW AS -- ON
TODAY'S AGENDA AS ITEMS 63 AND 64. ALSO AT 6:00 P.M. WE
WILL HAVE OUR LAST BUDGET PUBLIC HEARING, THAT SHOW
AS ITEMS 65 THROUGH 67. AND THEN WE ALSO HAVE A TIME
CERTAIN ITEM NO. 68, THAT I'LL ANNOUNCE NOW THAT THE
PROPERTY OWNER HERE HAS ALSO REQUESTED
POSTPONEMENT OF THIS ITEM TO OCTOBER 7th, 2004. SO
AGAIN THE COUNCIL WILL BE TAKING UP A POSTPONEMENT
VOTE AT 6:00 P.M. RELATED TO ITEM NO. 68. THE ONLY ITEM
THAT WE SHOW PULLED FOR -- FOR DISCUSSION IS ITEM NO.
36. PULLED BY COUNCILMEMBER ALVAREZ. AFTER WE HAVE
CORRECTED THAT TEMPER CHANGES AND CORRECTION.
ARE THERE ANY OTHER ITEMS TO BE PULLED FROM THE
CONSENT AGENDA OR ADDED BACK? HEARING NONE, WITH
THAT I WILL READ WHAT I BELIEVE TO BE THE CONSENT
AGENDA. I JUST REALIZED -- ITEM NO. 41 IS OUR BOARDS
AND COMMISSIONS APPOINTMENTS, WHEN I GET TO THAT
NUMBER ON THE CONSENT AGENDA I WILL READ THOSE
NAMES INTO THE RECORD. OUR CONSENT AGENDA THIS
MORNING WILL BE ITEM NO. 1 POSTPONED TO SEPTEMBER
30th, 2004, 2, 3, 4, FOR INDEFINITE POSTPONEMENT, ITEM 5

PER CHANGES AND CORRECTIONS, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 24, 25, 26, 27, 28, 29, 30, 31, FOR INDEFINITE POSTPONEMENT, 32, 33, 34, 35, POSTPONED TO SEPTEMBER 30th, 2004, 37, FOR INDEFINITE POSTPONEMENT, 38 POSTPONED TO SEPTEMBER 30th, 2004, 39, 40, 41, IS THE ITEM FOR OUR BOARDS AND COMMISSIONS APPOINTMENTS, AT THIS TIME I WILL READ THOSE INTO THE RECORD. TO OUR AUSTIN COMMUNITY EDUCATION CONSORTIUM, JUAN ALCALA IS THE CONSENSUS APPOINTMENT. TO THE RESOURCE MANAGEMENT COMMISSION, JEFFREY BECKAGE IS A CONSENSUS REAPPOINTMENT. TO THE ROBERT MUELLER MUNICIPAL AIRPORT PLAN IMPLEMENTATION ADVISORY COMMISSION, MATTHEW HARRIS IS A CONSENSUS REAPPOINTMENT. THEN ALSO TO OUR -- TELECOMMUNICATION COMMISSION, CHAD WILLIAMS IS COUNCILMEMBER SLUSHER'S APPOINTEE. THAT'S ITEM NO. 41 OUR BOARD AND ECONOMICS..... -- BOARD AND ECONOMICS APPOINTMENTS. CONTINUING ON WITH THE -- BOARD AND COMMISSION APPOINTMENTS. CONTINUING ON WITH THE CONSENT AGENDA, ITEM 42, 43, 44, AND 51.

NOT 51.

Mayor Wynn: 51 WILL FOR THE BE ON THE CONSENT AGENDA, THAT'S INCORRECTLY MARKED ON MY SCREEN. WILL NOT BE. THAT'S THE CONSENT AGENDA. I WILL ENTERTAIN A MOTION.

MOVE APPROVAL, MAYOR.

MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER DUNKERLY TO APPROVE THE CONSENT AGENDA AS READ. COMMENTS?

Thomas: JUST BEFORE YOU VOTE, MAYOR --

Mayor Wynn: COUNCILMEMBER THOMAS.

Thomas: CAN WE GET AN EXPLANATION BY THE POSTPONEMENT ON NUMBER 4? WHY IT WAS POSTPONED INDEFINITELY?

Mayor Wynn: PERHAPS THE -- WELCOME MS. SUE EDWARDS.

SUE@ EDWARDS, ECONOMIC GROWTH AND REDEVELOPMENT SERVICES. COUNCILMEMBER, THERE WAS SOME DISCUSSION REGARDING THE APPROPRIATENESS OF USING SOME FUNDING SOURCE THAT WE WERE GOING TO USE AND DURING THIS NEXT WEEK WE ARE GOING TO TRY TO RESOLVE THAT. IT WAS A TECHNICAL QUESTION REGARDING WHETHER OR NOT THIS PARTICULAR FUNDING OF THE QUARTER CENT MONEY COULD BE USED FOR THIS. WE WILL BE LOOKING AT THAT AND CAN GET BACK WITH YOU PROBABLY NEXT WEEK.

Thomas: SO THE WHOLE WEEK ALL OF A SUDDEN TODAY WE POSTPONED IT.

NO, SIR, WE HAVE BEEN TALKING ABOUT IT FOR A WHILE, WE THOUGHT IT WOULD BE RESOLVED BY TODAY. WE WANTED TO GET IT ON THE COUNCIL AGENDA, BUT IT WAS NOT RESOLVED.

Thomas: THAT WAS STAFF?

PARDON?

Thomas: THAT WAS STAFF HAVING PROBLEMS WITH IT?

YES.

Thomas: SOMEBODY ELSE QUESTION IT BESIDES STAFF?

NO.

Thomas: OKAY. I WISH WE WOULD HAVE HAD A BRIEFING JUST A LITTLE BIT TO LET US KNOW THAT BECAUSE --

WE WILL DO BETTER.

Thomas: A LOT OF PEOPLE IN THE COMMUNITY WAS ASKING ABOUT THIS, I ASSURED THEM IT WAS GOING TO BE PASSED.

THERE'S NOT A PROBLEM WITH THE PROJECT. IT IS REALLY WITH THE FUNDING AND WE WILL DO A BETTER JOB OF THAT

NEXT TIME.

Thomas: YOU KNOW THAT'S RARE FOR ME TO
[INDISCERNIBLE] OKAY, THANK YOU.

YOU'RE WELCOME.

Mayor Wynn: THANK YOU, FURTHER COMMENTS ON THE
CONSENT AGENDA, COUNCILMEMBER SLUSHER?

Slusher: I THOUGHT NUMBER 9 IS A PRETTY AMBITIOUS
PROGRAM, I THOUGHT OUR HEALTH DEPARTMENT SHOULD
GIVE A SHORT PRESENTATION ABOUT WHAT THAT ENTAILS.

GOOD MORNING, DAVID LURIE WITH THE HEALTH AND
HUMAN SERVICES DEPARTMENT. NUMBER NINE IS REQUEST
FOR A APPROVE OF A 10 YEAR PLAN TO END CHRONIC
HOMELESSNESS IN AUSTIN/TRAVIS COUNTY. THIS PRODUCT
IS A RESULT OF A LOT OF HARD WORK FOR ABOUT THE LAST
YEAR. IN FACT I WAS LOOKING THIS MORNING AT THE FIRST
COUPLE OF PAGES OF THE PLAN, THERE ARE OVER 50
INDIVIDUALS IDENTIFIED THERE FROM THE COMMUNITY WHO
HAVE BEEN DIRECTLY INVOLVED IN THE DEVELOPMENT OF
THIS PLAN. IT WAS OVERSEEN BY THE HOMELESS TASK
FORCE, THEY FORMED A WORK GROUP TO WORK ON THIS
PLAN, A COUPLE OF REPRESENTATIVES FROM THE
HOMELESS TASK FORCE HERE TODAY. MITCH WAYNAN ALSO
WITH LIFE WORKS AND RICK RIVERA WHO IS WITH AUSTIN
FAMILIES. WE ALSO HAVE THE ASSISTANCE OF A
CONSULTANT JOYCE PULLIAN, HEALTH AND HUMAN
SERVICES STAFF, MARY RICKLICK AND VINCE CABALLAS AND
A COUPLE OF OTHER PEOPLE. THIS PLAN WAS ACTUALLY
INITIATED AS A RESULT OF A FEDERAL INITIATIVE BY THE
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
ENCOURAGING LOCAL COMMUNITIES TO DEVELOP PLANS TO
END CHRONIC HOMELESSNESS. THERE'S BEEN AN
INTERAGENCY COUNCIL FORMED AT THE FEDERAL LEVEL
THERE. ARE TWO MAJOR POTENTIAL OPPORTUNITIES
THERE. ONE IS A GOOD SAMARITAN INITIATIVE THAT IS
BEFORE CONGRESS THAT WOULD PROVIDE SOME
POTENTIAL FUNDING FOR THIS EFFORT. ALSO THE FEDERAL
AGENCIES, I THINK THERE'S 10 OR 12 THAT ARE DIRECTLY
INVOLVED, THAT ARE BEING ENCOURAGED TO CONSIDER

REDIRECTING EXISTING RESOURCES RELATIVE TO THE STRATEGIES IN THESE PLANS. SALLY SHIPMAN, A FORMER CITY COUNCIL MEMBER, IS THE REGIONAL LIAISON TO THE INTERAGENCY COUNCIL AND HAS BEEN VERY SUPPORTIVE AND -- HAS ENCOURAGED US TO -- TO DEVELOP THIS PLAN. THIS WOULD BE THE FOURTH PLAN APPROVED WITHIN THE STATE OF TEXAS. JUST A LITTLE MORE BACKGROUND, H.U.D. DEFINES CHRONIC HOMELESSNESS AS AN UNACCOMPANIED HOMELESS INDIVIDUAL WITH A DISABLING CONDITION, WHO HAS EITHER BEEN CONTINUOUSLY HOMELESS FOR A YEAR OR MORE OR HAS AT LEAST FOUR EPISODES OF HOMELESSNESS IN THE PAST THREE YEARS. THIS IS IMPORTANT BECAUSE ALTHOUGH THIS REPRESENTS ABOUT 15% OF THE HOMELESS POPULATION, THESE INDIVIDUALS CONSUME ABOUT 50% OF THE RESOURCES ASSOCIATED WITH HOMELESSNESS. AND THERE HAS BEEN PROVEN EVIDENCE THAT WHERE YOU HAVE AVAILABLE HOUSING WITH SUPPORTIVE SERVICES, THAT THESE INDIVIDUALS CAN SUCCESSFULLY REMAIN IN HOUSING AND REMAIN SELF SUFFICIENT. THE INTERAGENCY COUNCIL CITES SAN FRANCISCO WHERE THIS IS A LARGE -- A LARGE PORTION OF CONSUMPTION OF RESOURCES IF YOU WILL WITHIN THE HOMELESS POPULATION. THEY ESTIMATE CHRONICALLY HOMELESS INDIVIDUALS REQUIRE ABOUT 61,000 IN RESOURCES. AND IN THEIR INSTANCE WHERE THEY HAVE BEEN ABLE TO PROVIDE SUPPORTIVE HOUSING, THE COST IS ABOUT \$16,000. SO A NUMBER OF SUCCESSFUL INITIATIVES OUT THERE DEMONSTRATING THE EFFECTIVENESS OF THIS. THE RECOMMENDATIONS ARE BASICALLY FOUR IN GENERAL: ONE IS TO -- TO PLAN FOR OUTCOMES. THIS PROCESS HAS BEEN COORDINATED, AS I SAID BY THE HOMELESS TASK FORCE. THERE'S A RECOMMENDATION TO -- TO FORM A SUBCOMMITTEE THAT WOULD BE CHARGED WITH MONITORING THE IMPLEMENTATION OF THE STRATEGIES ASSOCIATED WITH THIS PLAN. AND WE WOULD BE DOING THAT IN COORDINATION WITH THE COMMUNITY ACTION NETWORK. THERE ARE ALSO RECOMMENDATIONS RELATIVE TO CLOSING THE FRONT DOOR, THAT IS PREVENTING HOMELESSNESS. A LOT OF INDIVIDUALS ARE DISCHARGED FROM PUBLIC INSTITUTIONS WITHOUT HOUSING OPPORTUNITIES HAVING BEEN IDENTIFIED FOR THEM. AND BY HAVING GOOD DISCHARGE PLANNING IN PLACE WITH THE

APPROPRIATE SUPPORTIVE SERVICES, PEOPLE CAN COME BACK INTO THE COMMUNITY AND NOT BE IN A HOMELESS SITUATION. I THINK THE MAIN POINT HERE IS THAT THIS PLAN ELEVATES OUR HOMELESS PLANNING BEYOND PROVIDING SERVICES AND BUILDING CAPACITY FOR SERVICES AND REALLY TAKES US TO A HIGHER LEVEL IN TERMS OF PREVENTION IN ADDING SOME OF THE ROOT CAUSES SO THAT IN FACT WE CAN END CHRONIC HOMELESSNESS. ANOTHER RECOMMENDATION HAS TO DO WITH OPENING A BACK DOOR, THAT IS EXPEDITING PEOPLE WHO ARE IN HOMELESS SITUATIONS OUT OF THAT SITUATION BY PROVIDING GOOD HOUSING OPPORTUNITIES, SUPPORTIVE SERVICES, ACCESS TO MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES. THE FOURTH AREA OF RECOMMENDATIONS HAS TO DO WITH GOVERNMENT BUSINESS IN THE COMMUNITY. THAT FOCUSES ON GOVERNMENTAL POLICIES AROUND AGAIN ACCESS TO HOUSING, INCOME, OTHER SUPPORTIVE SERVICES AND ALSO CALLS FOR MOBILIZATION WITHIN THE COMMUNITY ITSELF TO USE THIS PLAN AS A GUIDE FOR SETTING PRIORITIES, PERHAPS REALLOCATING RESOURCES AND DEVELOPING INITIATIVES CONSISTENT WITH THESE RECOMMENDATIONS. THERE ARE A NUMBER OF ACTIVITIES THAT HAVE ALREADY BEEN INITIATED RELATIVE TO THIS PLAN. THOSE HAVE TO DO WITH OUR CONTINUUM OF CARE APPLICATION, EXPANDING OPPORTUNITIES FOR REPRESENTATIVE PAIEE PROGRAM. A LOT OF HOMELESS INDIVIDUALS ARE ELIGIBLE FOR VARIOUS BENEFITS BUT ARE NOT GAINING ACCESS TO THOSE BENEFITS FOR A NUMBER OF REASONS, ONE OF THOSE HAS TO DO WITH REPRESENTATIVE PAYEE OPTION. ALSO WORK DONE ON THE MANAGEMENT INFORMATION SYSTEM, DATA COLLECTION SYSTEM, SO WE CAN DO A BETTER JOB OF MONITORING WHAT'S OCCURRING IN THE COMMUNITY. THE -- THE DISTRICT ATTORNEY, RONNIE EARLE, HAS PROVIDED LEADERSHIP TO THE REENTRY ROUND TABLE WHICH IS FOCUSING ON THINGS LIKE DISCHARGE PLANNING AND PROVIDING OPPORTUNITIES FOR PEOPLE WHO ARE REENTERING THE COMMUNITY TO MAKE SURE THAT THE SUPPORTIVE SERVICES ARE IN PLACE. OF COURSE, AS YOU ARE AWARE, WE HAVE RECENTLY OPENED THE AUSTIN RESOURCE CENTER FOR THE HOMELESS, WHICH IS A BROAD

RANGE OF SERVICES ALSO TO HELP US ACHIEVE SOME OF THESE OBJECTIVES. SO IN EFFECT WHAT WE ARE ASKING FOR IS YOUR APPROVAL OF THE PLAN SO WE CAN PROCEED IN TERMS OF SUBMITTING IT TO THE FEDERAL GOVERNMENT FOR SOME POTENTIAL FUNDING OPPORTUNITIES, AND WE ARE ALSO CALLING UPON THE COMMUNITY ACTION NETWORK PARTNERS AND OTHER STAKEHOLDERS TO USE THIS PLAN AS A GUIDE FOR PLANNING, PRIORITY SETTING, DEVELOPMENT OF SERVICES, INTERVENTIONS TO END CHRONIC HOMELESSNESS IN AUSTIN/TRAVIS COUNTY. THERE IS NOTHING IN THIS PLAN AT THIS POINT THAT CALLS FOR ANY SPECIFIC ADDITIONAL FINANCIAL RESOURCES FROM THE CITY OF AUSTIN. RATHER AS I SAID A GUIDE THAT WILL PROVIDE SOME DIRECTION FOR OUR COMMUNITY AND WILL PROVIDE WITH US A TOOL THEN THAT WE CAN GO FORWARD AND OWE NOTICE SEEKING FINANCIAL OPPORTUNITIES AND RESOURCES TO HELP WUTS IMPLEMENTATION OF THE RECOMMENDATIONS, THANK YOU.

Slusher: THANK YOU, MR. LURIE. IT SOUNDS LIKE A VERY THOROUGH, LIKE I SAID BEFOREHAND, AMBITIOUS PLAN. I WOULD CONGRATULATE THE STAFF THAT WORKED ON THIS. THEY WERE WORKING AT SEVERAL LEVELS OF GOVERNMENT TO DO THIS. I HOPE WE CAN PULL IT OFF. I THINK PERSONALLY IT'S GOING TO TAKE, TO REALLY MAKE IT HAPPEN, WE ARE GOING TO NEED SOME PRETTY SERIOUS ECONOMIC AND BUDGETARY CHANGES AND POLICY ON BOTH THE STATE AND FEDERAL LEVELS AS WELL. BUT I'M PROUD THAT WE ARE UNDERTAKING THIS EFFORT. THANK YOU.

THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER.
COUNCILMEMBER ALVAREZ. MARES.....

Alvarez: THANKS, MAYOR, THANKS FOR BRINGING THIS FORWARD AND FOR THE HOMELESS TASK FORCE FOR THEIR COMMITMENT OVER A LONG PERIOD OF TIME IN DEVELOPING THIS PLAN. I KNOW THAT WE HAVE RECEIVED AT LEAST THREE PRESENTATIONS AT THE COMMUNITY ACTION NETWORK AND ONE AT THE HEALTH CARE SUBCOMMITTEE. WE HAVE KIND OF FOLLOWED THE

PROCESS ALONG. IF IT'S A LENGTHY PROCESS -- IT'S A LENGTHY PROCESS AND I WANT TO THANK ALL OF THE COMMUNITY MEMBERS THAT PARTICIPATED AND ALL OF THE STAFF AND EVERYONE INVOLVED. BECAUSE IT IS AN AMBITION AMBITIOUS PLAN. ALREADY VERY GOOD THINGS HAVE HAPPENED AS A RESULT OF THE WORK, IN TERMS OF IDENTIFYING THE PROVIDERS, SERVICE PROVIDERS, AND TRYING TO FIGURE OUT HOW -- YOU KNOW, HOW YOU CAN HAVE, CREATE BETTER PARTNERSHIPS BETWEEN ORGANIZATIONS AND PROVIDING SERVICES AND I KNOW THAT BASIC NEEDS OF ROUND TABLE HAS -- HAS ALSO IMPROVED COMMUNICATION AND COLLABORATION AND SO THAT'S -- THAT'S GOING TO START OBVIOUSLY STRETCHING OUR DOLLARS THAT WE INVEST TO PROVIDE SERVICES TO HOMELESS AND OTHER NEEDY INDIVIDUALS AND SO I LOOK FORWARD TO WORKING WITH YOU ALL TO TRY TO PUSH THIS FORWARD IN THE SHORT TERM AND WITH THE VISION TOWARDS THE LONG-TERM OF ACTUALLY ENDING, YOU KNOW, THIS -- THIS UNION PEOPLE THAT ARE IN THIS CONDITION. BUT THANK YOU ALL FOR YOUR HARD WORK. APPRECIATE IT.

THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? COUNCIL, WITHOUT OBJECTION, I WAS GOING TO COMMENT AND SPEAK TO ITEM NO. 5, WHICH IS OUR ECONOMIC DEVELOPMENT AGREEMENT WITH SEMI TACK. A COUPLE OF CITIZENS ARE SIGNED UP WISHING TO SPEAK. OUR RULE IS FIVE PEOPLE SIGNING UP TO SPEAK PULL THIS ITEM. SINCE I WANT TO SPEAK I WOULD GO AHEAD AND CALL UP MR. ROBERT SINGLETON, FOLLOWED BY SUSANA ALMANZA WHO WOULD LIKE TO SPEAK TO ITEM NO. 5. WELCOME, MR. SINGLETON, YOU'LL HAVE THREE MINUTES.

7,331,250. WORD BEFORE THE COUNCIL HAVE LOST THEIR EFFECT, BOONDOGGLE. EVERY TIME THERE'S A BIG EXPENDITURE EVERYONE SAYS THAT, I DON'T THINK IT HAS THE EFFECT. I WAS TRYING TO THINK OF ANOTHER WAY TO PUT THIS. I'M KIND OF THINKING OF A GUY WHO IS TRYING TO EXPLAIN TO HIS WIFE WHY HE SPENT THE RENT MONEY ON A CHINCHILLA FRANCHISE, NO, NO, NO, AFTER 10 YEARS THIS IS REALLY GOING TO PAY OFF, I SWEAR. I THINK FROM NOW ON I'M USE THE TERM CHINCHILLA FARM, I THINK YOU ARE BUYING ONE TODAY. AFFORDABILITY. WE JUST HEARD

ABOUT THE PROBLEMS OF HOMELESSNESS IN AUSTIN. I THINK A LONG-PART OF THE -- A BIG PART OF THE LONG-TERM HOMELESS PROBLEM IN AUSTIN HAS TO DO WITH AFFORDABILITY. I VOTED FOR KIRK BECKER FOR MAYOR. SOMEONE ASKED HIM A QUESTION ABOUT AFFORDABLE HOUSING. HE SAYS AUSTIN HAS PLENTY OF AFFORDABLE HOUSING, WE JUST CHARGE TOO MUCH FOR IT. I THOUGHT THAT WAS ONE OF THE MORE INTELLIGENT THINGS THAT I HAD EVER HEARD ANYBODY SAY. I WAS GLAD TO SEE HE CHANGED THE LANGUAGE IN THIS ITEM THAT PREVIOUSLY SAID PROPOSED FOR PROFIT SUBSIDIARY. I HOPE THEY ARE GOING TO BE A FOR PROFIT SUBSIDIARY. IT REMIND ME AT CO-OP RADIO, A NON-PROFIT STATION WE MANAGED TO MEET OUR GOAL EVERY YEAR. THE COUNCILMEMBERS USE THE PHRASE YOU DON'T WANT TO BIND THE HANDS OF FUTURE COUNCILS, BUT MY QUESTION IS, WHEN YOU.... GRANT TAX SUBSIDIES AND REBATES THAT EXTEND OVER 10 YEARS PERIOD OF TIME, SINCE YOU ARE ONLY SUPPOSED TO BE HERE FOR EIGHT YEARS ANYWAY, AREN'T YOU IN EFFECT BINDING THE HAND OF FUTURE COUNSELS? I REALLY ON A PERSON LEVEL AM TIRED OF FINDING A BOOK I WANT IS AT THE TWIN OAKS, GOING THERE, FINDING OUT THAT THE LIBRARY IS CLOSED BECAUSE YOU GAVE THE MONEY TO OPERATE IT TO HOME DEPOT. YOU GIVE AIR CONDITIONER REBATES, FOR EXAMPLE. AN ENVIRONMENTALIST, I REALLY LIKE THE IDEA OF PEOPLE USING HIGH ENERGY AND HIGH EFFICIENCY HEATING AND AIR CONDITIONING, BUT YOU GAVE \$74,000 TO WAL-MART RECENTLY. IF THE LARGEST RETAILER ON THE PLANET DOESN'T HAVE THE GOOD SENSE TO USE THE MOST EFFICIENT HEATING AND AIR CONDITIONING EQUIPMENT, I'M NOT SURE OUR 74,000 IS GOING TO HAVE THAT MUCH EFFECT ON THEM. I DON'T KNOW IF YOU CAN DO THIS WITH THE TAX REBATE YOU ARE PROPOSING FOR SEMATECH, TOO, BUT SURELY ON THE ISSUE OF ENERGY EFFICIENT HEATING AND AIR CONDITIONING, IF IT'S GOING TO SAVE A BUSINESS, MONEY OVER THE COMING 10 OR 20 YEARS, WHY DON'T YOU LEND THEM THE MONEY AND HAVE THEM PAY YOU BACK OUT OF THE PROFITS THEY MAKE FROM INCREASED EFFICIENCY? FINALLY, I WANT TO ASK YOU A COUPLE OF QUESTIONS ABOUT WHAT KIND OF FORMAL STRUCTURE THERE IS FOR TAX REBATES. DO YOU EVER GO

BACK AND LOOK AND SEE HOW MUCH ECONOMIC ACTIVITY WAS GENERATED BY THE TAX REBATES THAT YOU HAVE GIVEN IN THE PAST OR IS IT JUST SORT OF -- OF THE GIVEN THAT THEY ARE PRODUCING MORE THAN WE ARE PAYING -- THAN WE ARE GETTING THE BEST ECONOMIC IMPACT FOR OUR MONEY [BUZZER SOUNDING]? SUMMARY I WOULD LIKE TO SAY I WOULD REALLY LIKE TO SEE COUNCIL STICKING TO BASIC SERVICES AND FORGET THE CHINCHILLA FARMS. SUSANA ALMANZA, WELCOME, YOU WILL HAVE THREE MINUTES.

GOOD EVENING, MAYOR AND CITY COUNCIL MEMBERS. I'M SUSANA ALMANZA WITH PODER, PEOPLE ORGANIZED IN DEFENSE OF EARTH AND HER RESOURCES. I REALLY THINK WE ARE BEGINNING TO SET A REAL TERRIBLE PRESS DENT HERE DOING INDIVIDUAL INDIVIDUAL ORDINANCES, VERSUS CITY-WIDE. THE CITY OF AUSTIN ONCE HAD THIS ORDINANCE, BUT WE WOULD BE ABLE TO LOOK AT WHO WOULD BE HIRED IF THESE INCENTIVES WERE GOING, EXACTLY WHO THEY WERE COMING FROM BECAUSE THEY ARE IN THE CITY AND STATE ENTERPRISE ZONE. THOSE WERE USUALLY TARGET AND LOW INCOME. AND COMMUNITIES OF COLOR TRYING TO ADD THE WHOLE ISSUE OF POVERTY AND EMPLOYMENT. IN THE SEMI..... SEMATECH AREA, IN MONTOPOLIS, THEY HAVE OVER 15% PLUS UNEMPLOYMENT. WHEN YOU LOOK AT YOU ARE GOING TO GIVE THIS PARTICULAR SUBSIDY ANOTHER \$7 MILLION, NOT ADDED TO THEY HAVEN'T PAID TAXES SINCE 1988 ON THE PROPERTY, AND WE ARE GOING THROUGH A HARDSHIP, I AM VERY, VERY, YOU KNOW, DISAPPOINTED AND I'M VERY CONCERNED ABOUT THE PRECEDENCE BEING SET HERE DOING THESE INDIVIDUAL ORDINANCES AND GIVING OUT TAX ABATEMENT AND INCENTIVES. THEN WHEN YOU HAVE A PROJECT IN THE COMMUNITY IN EAST AUSTIN, SOUTHWEST KEYS WITH HUNDREDS OF PEOPLE FROM THE COMMUNITY WHO ARE ALSO LOOKING AT PROMOTING JOBS AND NOT JUST JOBS BUT ALSO SERVICES AND TRAINING, YOU BARELY COULD COME UP WITH \$367,000. HERE IS A PRIVATE ENTITY WHICH ALREADY GETS \$100 MILLION OF FEDERAL SUBSIDIES OF OUR TAX DOLLARS, AND THEN ON TOP OF THAT YOU ARE GOING TO GIVE A 7 MILLION -- FROM THE TAXPAYERS HERE IN THE CITY OF AUSTIN. SO I THINK THAT WE REALLY NEED

TO BE LOOKING ABOUT WHAT WE ARE DOING AND HOW -- IN A TIME AND ERA WHEN WE ARE SO STRESSED, FOR TAX MONEY AND -- AND ALL OF THAT, YOU ARE GIVING AWAY ALL OF THESE INCENTIVES AND TAXES FOR -- WITHOUT HAVING A MONITORING. ONE OF THE THINGS THAT WE WORKED ON THE TAX ABATEMENT POLICIES IN THE EARLY 90s AS HOW WERE WE GOING TO MONITOR THAT THESE JOBS WERE REALLY GOING TO COME FROM NOT NEW IMPORTED WORKERS TO AUSTIN, BUT A PERCENTAGE ACTUALLY CAME FROM EAST AUSTIN WHERE THIS FACILITY IS LOCATED. AND SO THERE'S NO KIND OF GUARANTEES, I SAW NOTHING IN THE BACKUP WHEN I LOOKED AT THIS PARTICULAR CASE, AS TO HOW ARE WE GOING TO MONITOR THAT THEY REALLY WERE EMPLOYING 100 NEW WORKERS AND THOSE WEREN'T 100 NEW IMPORTED WORKERS AND HOW WE WERE GOING TO DO THE BREAKDOWN TO ENSURE THAT THAT WAS HAPPENING AFTER GIVING THEM SUCH A BIG AMOUNT OF -- OF TAX ABATEMENT MONEYS. ALSO, TOO, YOU HAVE FORGOTTEN THAT IN 1991 WE ACTUALLY LOOKED AT RESIDENTIAL TAX ABATEMENTS. AND THIS -- THIS -- I'M GOING TO LEAVE THIS REPORT AND YOU CAN MAKE COPIES. BUT HERE IT IS -- THESE ARE THE PEOPLE THAT REALLY NEED RELIEF. THEY ARE NOT PRIVATE CORPORATIONS, BUT ACTUALLY RESIDENTIAL LOW INCOME WORKING PEOPLE. THEY ARE THE ONES WHO NEED THE TAX ABATEMENTS AND -- ON RESIDENTIAL TAXES, THANK YOU.

THANK YOU, MS. ALMANZA. [APPLAUSE] MIKE BROLYNN SIGNED UP WISHING TO SPEAK IF COUNCIL HAD QUESTIONS IN FAVOR OF. SUSAN DAVENPORT -- THANK YOU, SIGNED UP NOT WISHING TO SPEAK IN FAVOR OF. COUNCIL, THAT'S ALL OF THE FOLKS WHO HAD SIGNED CARD ON ITEM NO. 5. IF I COULD, I DID WANT TO ALLOW THESE FOLKS A CHANCE TO SPEAK BECAUSE I WANTED TO SPEAK TO THIS ITEM ON THE CONSENT AGENDA. I CONSIDER SEMATECH LOCATING IN AUSTIN LOCATED IN THE 1980S TO REALLY ONLY BE OUT DOWN BY THE VERY CONTENDING SHOWS DECISION IN 1840 TO MOVE THE STATE CAPITOL TO AUSTIN, IN THE 1870'S TO LOCATE THE UNIVERSITY OF TEXAS HERE IN AUSTIN. THOSE ARE -- THOSE ARE VERY IMPORTANT DECISIONS REPRESENTED TO THE -- RELATED TO THE FUTURE ECONOMY OF AUSTIN. SEMATECH COMING HERE IN 1988 IS

THAT TYPE OF DECISION. AND THE FACT THAT THEY DIDN'T PAY PROPERTY TAXES ON THAT FACILITY SINCE 1988 IS BECAUSE THEY ARE -- THE NATURE OF THE BUSINESS THAT SEMATECH IS IN. THE NON-PROFIT CONSORTIUM BUSINESS THAT THEY HAVE BEEN IN. THE OPPORTUNITY THAT'S BEFORE US NOW IS FOR SEMATECH, THROUGH A SUBSIDIARY, TO HAVE A FOR PROFIT SUBSIDIARY THAT IN FACT WILL BE -- WILL BE ATTRACTING THE COMMERCIALIZATION OF PATENTS. WE KNOW THAT AUSTIN HAS A RELATIVELY HIGH NUMBER OF PATENTS GENERATED, IN PART BECAUSE OF THE UNIVERSITY OF TEXAS, THE RESEARCH GOING ON UP THERE, BUT WE DON'T HAVE A GOOD TRACK RECORD IN THE COMMERCIALIZATION OF PATENTS THAT COME OUT OF THE INTELLECTUAL CAPITAL HERE IN THIS TOWN. NOT ONLY WILL THIS FACILITY AT SEMATECH HELP OFFSET THIS, HELP IN FACT TO COMMERCIALIZE MORE OF THE PATENTS THAT ARE HERE. WE PREDICT THAT IN FACT BY HAVING THIS FACILITY HERE THIS -- THIS -- THIS IS CALLED AN -- AN ATDF FACILITY HERE, WE ACTUALLY BELIEVE THAT THIS FACILITY WILL BE ATTRACTING PATENTS FROM OTHER PARTS OF THE COUNTRY, EVEN THE WORLD, TO COME TO AUSTIN FOR THEIR -- IN FACT FOR THEIR COMMERCIALIZATION. SO THIS IS A PRETTY REMARKABLE OPPORTUNITY TO TAKE. WHAT HAS BEEN A FANTASTIC FACILITY, FANTASTIC CONSORTIUM THAT HAS BEEN IN AUSTIN NOW FOR 15 YEARS OR MORE, AND IN FACT REALLY START TO UTILIZE IT FROM A COMMERCIALIZATION LIKE WE HAVE -- LIKE WE NEVER HAVE BEFORE. WE HAVE THIS DEBATE FREQUENTLY WHEN WE TALK ABOUT TAX ABATEMENTS. THIS IS NOT THE OLD STYLE TAX ABATEMENT. THIS IS A CHAPTER 380 AGREEMENT WHEREBY IN ARREARS, THAT IS AS THIS FACILITY, LIKE THE OTHER AGREEMENTS THAT WE HAVE STRUCK, AS THIS FACILITY IN FACT DELIVERS ON THE PROMISES OF THIS FACILITY, THAT IS FIRST AND FOREMOST, MAINTAINING THE EMPLOYMENT AT SEMATECH, AND THEN GROWING THAT EMPLOYMENT, AS WELL AS LIKELY INVESTING \$100 MILLION IN -- IN EQUIPMENT AT THAT FACILITY, THEN AS THOSE THINGS OCCUR, THE CITY FOLLOWS THROUGH ON THE CHAPTER 380 AGREEMENT AND REWARDS THAT BIG INVESTMENT WITH -- WITH THE REFUND OF WHAT WOULD HAVE BEEN PROPERTY TAXES PAID. KEEP IN MIND THAT

SOME FOLKS MIGHT EVEN ARGUE THAT -- THAT THIS FACILITY WOULDN'T EVEN BE PAYING PROPERTY TAXES TO BEGIN WITH. JUST LIKE SEMATECH HASN'T BEEN. BUT -- BUT THE FACT THAT WE -- THAT WE WANT THEM TO BE COMMERCIALLY VIABLE, WE WANT THEM TO BE ATTRACTIVE TO FOLKS BRINGING BOTH DEVELOPING PATENTS HERE LOCALLY AND BRINGING PATENTS TO OUR COMMUNITY, YOU KNOW, WE WANT THIS TO BE FOR PROFIT, VERY MUCH A FOR PROFIT VENTURE. SO THEREFORE WE ESSENTIALLY WILL BE REBATING, REFUNDING, PROPERTY TAXES THAT WERE SIMPLY NOT GOING TO -- WE'RE SIMPLY NOT GOING TO HAVE WITHOUT THIS AGREEMENT, WITHOUT THIS COOPERATION BETWEEN US AS A CITY AND SEMATECH. AS THE SUBSIDIARIES PARENT ORGANIZATION. THE CITY MANAGER HAS DONE A GOOD ANALYSIS FOR US HERE ON THE DAIS ABOUT SORT OF THE GIVES AND GETS, FIRST AND FOREMOST, WHAT IS THIS OPPORTUNITIES, HOW MUCH VALUE IS THERE IN THIS CHAPTER 380 INCENTIVE PACKAGE THAT WE ARE NOW OFFERING. MOST IMPORTANTLY, WHAT WILL BE THE ECONOMIC BENEFITS TO THE CITY OF AUSTIN. AND WE ACTUALLY SEE THAT THROUGH THE ADDITIONAL SALES TAX CREATED BY THE ADDITIONAL EMPLOYMENT, THROUGH THE SALES TAX ON CERTAIN PIECES OF EQUIPMENT, THAT IN FACT THE CITY OF AUSTIN WILL COME OUT FAR AHEAD FROM A NET CASH FLOW, THERE WILL BE MORE TAXES IN OUR GENERAL FUND, BECAUSE OF THIS INVESTMENT THAN IF WE DON'T DO THIS INVESTMENT. SO -- SO, YOU KNOW, IT'S -- NOT ONLY IS IT SOUND FINANCIALLY TO THE GENERAL FUND, MORE IMPORTANTLY, IT'S A KEY COMPONENT TO US FIXING WHAT HAS BEEN THE SLIGHT DISCONNECT BETWEEN THE INTELLECTUAL CAPITAL HERE IN AUSTIN AND THE COMMERCIALIZATION OF MANY PATENTS THAT CAN BE DEVELOPED HERE. MS. ALMANZA APPROPRIATELY POINTED OUT THAT THE AREA AROUND THE SEMATECH FACILITY IN SOUTHEAST AUSTIN HAS A HIGHER UNEMPLOYMENT THAN MOST OF THE CITY. HIGHER THAN 15%, I DON'T CHALLENGE THAT NUMBER AT ALL, BUT I DO CHALLENGE HER TO THINKING OF WHERE BETTER SHOULD WE HAVE A CO-INVESTMENT LIKE THIS. WHERE BETTER SHOULD WE FIND A PARTNER LIKE SEMATECH, IN THIS CASE NOW A NON-PROFIT SUBSIDIARY, FOR PROFIT SUBSIDIARY TO -- TO FIRST AND FOREMOST RETAIN THE EMPLOYMENT

THAT IS IN SOUTHEAST AUSTIN WITH SEMATECH AND GROW IT. SO -- SO I -- I AGREE WITH HER CONCERN AND IN FACT THAT'S ONE OF THE ELEMENTS OF, IN MY OPINION, WHY WE ARE MOVING FORWARD ON THIS ITEM TODAY. SO I APPLAUD THE -- THE CITY MANAGER AND HER STAFF, OUR ECONOMIC GROWTH STAFF REALLY HAS BEEN A -- DONE A GREAT JOB OF BRINGING FORWARD SOME VERY SELECTIVE OPPORTUNITY FOR US. THESE PAST FEW MONTHS. THE CO-INVESTMENT WITH HOME DEPOT'S I.T. DEPARTMENT IS GOING TO REAP BIG BENEFITS TO THE CITY. BUT MOST IMPORTANTLY TO OUR CITIZENS. OUR CO-INVESTMENT WITH SAMSUNG IN NORTHEAST AUSTIN, I WOULD LOVE TO GO BACK AND LOOK AT THE -- YOU KNOW, THE ECONOMIC IMPACT OF THAT ORIGINAL TAX ABATEMENT DECISION MADE BACK IN THE MID 1990S AND NOW THE MOST RECENT CO-INVESTMENT THAT WE'VE HAD AND THE ECONOMIC IMPACT THAT SAMSUNG HAS MADE TO OUR COMMUNITY. AND SO I APPLAUD THE CITY MANAGER FOR ANOTHER VERY APPROPRIATE, VERY SELECTIVE ECONOMIC DEVELOPMENT OPPORTUNITY FOR UNDER THE CIRCUMSTANCES AS A COUNCIL TO VOTE ON. AND GLADLY ISSUE MY SUPPORT FOR THIS PROJECT.

Futrell: MAYOR, IF I COULD, YOU HAVE ACTUALLY COVERED MOST OF THE POINTS THAT I WAS HOPING TO MAKE, BUT LET ME AT LEAST RESPOND TO TWO OTHER PIECES, THERE WAS A DISCUSSION OF THE NEED FOR CITY-WIDE POLICY. IF YOU WILL REMEMBER, THE COUNCIL DID PASS A CITY-WIDE FRAMEWORK FOR ECONOMIC DEVELOPMENT IN THE COMMUNITY LESS THAN A YEAR AGO. EACH OF THESE THAT ARE COMING FORWARD ARE UNDER THE AUSPICES OF A CITY-WIDE FRAMEWORK, A CITY-WIDE ECONOMIC DEVELOPMENT POLICY. WHAT IS DIFFERENT FROM THE OLD DAYS OF TAX ABATEMENTS IS INSTEAD OF FRONT LOADED INSENT ACTIVES, WE HAVE MOVED TO AN INVESTMENT WITH REAR LOADED PERFORMANCE BASED CONTRACTS. AND THAT'S WHAT THIS IS. AND SECOND POINT I JUST WANT TO REITERATE, AS WE HAVE LOOKED AT HOW WE ARE GOING TO TURN AROUND AND REBUILD OUR ECONOMY IN AUSTIN, WE HAVE LOOKED FOR GAPS, HOLES IN OUR ECONOMY. ONE OF THE THINGS THAT WE HAVE HERE THAT MAKE US VERY SPECIAL IS OUR HUMAN CAPITAL, OUR INTELLECTUAL

CAPITAL. WE HAVE MORE PATENTS PER CAPITA THAN PROBABLY ANY OTHER CITY IN THE COUNTRY. WHAT WE DON'T DO AS GOOD OF AN IDEA OF IS TAKING THAT INTELLECTUAL CAPITAL AND GETTING IT TO MARKET. THAT'S EXACTLY WHAT THIS FACILITY IS GOING TO HELP US DO. IT'S GOING TO HELP SMALL TECH FIRMS PROTOTYPE THOSE IDEAS, THAT TECHNOLOGY, SO THEY CAN TAKE IT TO MARKET. THAT'S GOING TO FILL A GAP, A HOLE, TO HELP US REBUILD OUR ECONOMY, THAT'S ONE OF THE REASONS THIS PROPOSAL IS MORE THAN JUST 100 NEW JOBS. IT'S ONE OF THE REASONS WE THINK IT'S ONE OF THE MOST IMPORTANT PROPOSALS WE BROUGHT FORWARD.

THANK YOU, CITY MANAGER. COUNCILMEMBER ALVAREZ?

Alvarez: THAT WAS THE POINTS, ONE OF THE POINTS THAT I WAS GOING TO MAKE ABOUT THE OVERALL ECONOMIC DEVELOPMENT POLICY AND -- AND THAT COMING FORWARD. I GUESS IN THE NEAR FUTURE, RIGHT, FOR -- I GUESS FOR FORMAL ADOPTION, SO THERE WILL BE AN OPPORTUNITY FOR PUBLIC INPUT ON THAT. AT LEAST LOOKING AT THE PRELIMINARY CRITERIA, LOOKS LIKE THE -- THIS PARTICULAR COMPANY WOULD CERTAINLY QUALIFY IN TERMS OF -- OF SORT OF THIS STRATEGIC -- A STRATEGIC INDUSTRY, YOU KNOW, FOR OUR COMMUNITY. AND -- AND SO I REALLY -- I DO WANT TO SORT OF MAKE SURE THE PUBLIC HAS A -- HAS THAT IN MIND AS WE MOVE FORWARD THAT -- THAT ALTHOUGH THESE ARE MOVING FORWARD NOW, I THINK WE ARE ALL TRYING TO FIGURE OUT THE -- THAT WE REALIZE THAT WE NEED TO BE CONSISTENT IN TERMS OF HOW WE APPLY OUR ECONOMIC INCENTIVES POLICIES SO THERE WILL BE FURTHER OPPORTUNITY TO DISCUSS THOSE PARAMETERS. THANKS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. AGAIN, COUNCIL, WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ.

Thomas: JUST ONE THING, MAYOR. ON THIS ITEM, ALSO, I COULD AGREE WITH CITY MANAGER AND THE MAYOR AND IN THE ECONOMIC DEVELOPMENT AGREEMENT, AND THE CONCERN THAT MS. ALMANZA WAS TALKING ABOUT, I'M SURE THAT WE DO ADDRESS IT. I GUESS WE NEED TO MAKE

IT MORE EMPHASIS THAT WE DO MAKE SURE THAT IN THESE KIND OF INCENTIVE PACKAGES, WE DO MAKE SURE THAT THEY REACH OUT AND DO THE EMPLOYMENT IN THE AREA THAT THEY ARE LOCATED. I JUST THINK THAT WE JUST NEED TO PUT A LITTLE BIT MORE EMPHASIS, LET THE CITIZENS KNOW THAT WE DO DO THAT. THANK YOU.

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

AYE.

Wynn: OPPOSED? CONSENT AGENDA PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS. THANK YOU ALL VERY MUCH, COUNCIL, LET'S GO AHEAD AND TAKE UP ITEM NO. 36, WHICH WAS OUR AMPCO PARKING CONTRACT ITEM THAT WE CORRECTED FOR THE RECORD. WE HAVE AMENDED THE SPECIFICS OF THIS ITEM. COUNCILMEMBER ALVAREZ HAS PULLED ITEM 36 AND THERE'S A COUPLE OF FOLKS HERE THAT I THINK -- THAT I DON'T KNOW IF THEY WANT TO SPEAK OR NOT, BUT SIGNED UP CARDS ON ITEM NO. 36. COUNCILMEMBER ALVAREZ?

Alvarez: I WANTED TO CLARIFY WHAT THE ITEM IS, THE FOLKS -- LAST WEEK'S AGENDA, THINKING IF THIS PASSES THIS WEEK IT'S THE SAME THING, WANT TO MAKE SURE THAT PEOPLE REALIZE THAT IT'S CHANGED SINCE LAST WEEK. I BELIEVE THIS CONTRACT COVERS OMENT THE CITY HALL PARKING GARAGE FACILITY AND SO I KNOW THERE WAS A LOT OF INFORMATION ON THE I-35 UNDERPASS, THAT HAS BEEN TAKEN OUT OF THIS PARTICULAR CONTRACT AND WILL GO OUT FOR BID AGAIN FOR HELP, FOR COMPETITIVE BID IN TERMS OF THE MANAGEMENT OF THAT FACILITY. AND TRYING TO -- TRYING TO DEFINE I GUESS WHAT -- WHAT THIS -- HOW THIS COALITION CAN WORK WITH STAFF AND CERTAINLY TRYING TO BRING TEXDOT IN AS WELL TO MAKE SURE THAT MOVING FORWARD WE CAN -- WE CAN AGAIN HAVE EVERYONE YOU KNOW ON THE SAME PAGE IN TERMS OF WHAT THE PLANS ARE, DEVELOPING THOSE PLANS, FIGURING OUT WITH THE LIMITED FUNDS THAT WE HAVE HOW THEY ARE GOING TO BE DIRECTED. SO I DON'T KNOW IF

THE CITY, DID YOU WANT TO SAY ANYTHING?

I CAN GIVE IT TO YOU IN SIX QUICK POINTS, I BELIEVE IN OUR -- WITH OUR SPEAKERS WE WILL SEE IF YOU HAVE A MEETING OF THE MIND. WHAT YOU HAVE IN FRONT OF YOU NOW IS ADJUST THE CITY HALL GARAGE CONTRACT. PULLED OUT THE I-35 LOT, ALSO PULLED OUT THE ONE TEXAS CENTER COMPONENT. WE ARE GOING TO EXTEND THE EXISTING CONTRACT BY 90 DAYS ON THE IH 35 LOT THAT WILL ALLOW US TO REBID FOR A NEW CONTRACT. SO WE WILL BE JUST DOING THAT EITHER ON A MONTH TO MONTH OR BY A 90 DAY EXTENSION. WE WILL RETAIN MANAGED PARKING TO FOUR DAY, WEDNESDAY THROUGH SATURDAY. THAT'S OUR PLAN AT THIS POINT. THE PLANNING STAFF WILL ASSIST THE COMMUNITY STAKEHOLDERS IN HELPING WITH THE PLANNING EFFORTS. BUILDING SERVICES WILL CONTINUE TO MANAGE THE ACTUAL PARKING CONTRACT. AND WE WILL ALL WORK TOGETHER PLANNING, BUILDING SERVICES, AND STAKEHOLDER AS WELL AS THE POLICY MAKERS AS WE GO TO TEXDOT TO GET AGREEMENT ON WHAT THE PLANNED ENVIRONMENT WILL LOOK LIKE AND HOW HE..... WE WILL SPEND THE MONEY. WITH ANY LUCK WHAT YOU WILL HAVE IS A WELL-MANAGED AND MAINTAINED LOT THAT WILL INCORPORATE THE COMMUNITY AESTHETIC ISSUES IN AGREEMENT WITH TEXDOT.

Mayor Wynn: THANK YOU, CITY MANAGER AND COUNCIL, WE HAVE THREE FOLKS SIGNED CARDS, ALL WISHING TO SPEAK ONLY IN COUNCIL HAS QUESTIONS. JERRY HARRIS AND TODD NEVIL BOTH REPRESENTING AMPCO PARKING SYSTEMS ARE HERE TO ANSWER QUESTIONS IF NEEDED. MR. LARRY WARSHAW THANKING US AND AVAILABLE FOR QUESTIONS. ITEM NO. 36.

Alvarez: MAYOR? A QUESTION. ABOUT WHEN THIS MIGHT KIND OF BE REBID AGAIN? I THINK -- OBVIOUSLY ONE OF THE GOALS HERE IS TO TRY TO GET SORT OF THE BEST -- THE BEST POSSIBLE OUTCOME, YOU KNOW, FOR, YOU KNOW, FOR THAT AREA. AND I KNOW IN THE -- IN THE R.F.P. WE HAD SOME VERY SPECIFIC REQUIREMENTS THAT CERTAINLY WILL HAVE SORT OF A COST IMPLICATION, BUT THAT -- IS THERE AN OPPORTUNITY TO LOOK AT SOME OF THAT LANGUAGE TO SEE IF WE CAN'T GET MORE FLEXIBILITY TO

THE FOLKS PROVIDING A BID SO THAT -- SO THAT AGAIN, YOU KNOW, IN TERMS OF STAFFING LEVELS OR FACILITIES THAT ARE GOING TO BE CONSTRUCTED AND -- I GUESS I'M TRYING TO FIGURE OUT HOW SPECIFIC HAVE WE BEEN ON THAT? THERE IS A CHANCE TO LOOK AT THAT AND SEE IF -- IF THAT LANGUAGE CAN BE TWEAKED BEFORE GOING ON BECAUSE I KNOW YOU PROBABLY WANT TO DO THIS PRETTY QUICKLY.

HERE'S WHAT WE AGREED TO DO. WE AGREED THAT THE STAKEHOLDERS WOULD GIVE US THEIR FEEDBACK ON THE CRITERIA THAT THEY HAD, THAT THEY WERE HOPING FOR FLEXIBILITY FOR. AND THAT WE WOULD TAKE THAT INTO CONSIDERATION AS WE PUT IT BACK OUT ON THE STREET. NOW, WE DO HAVE SOME BASE-LINE CONCERNS ON MAINTAINING A CERTAIN LEVEL OF SECURITY AND A CERTAIN LEVEL OF CASH CONTROL. AND REMEMBER WE'VE HAD MULTIPLE YEARS OF EXPERIENCE AND IT IS A CASH LOT. BUT TAKING THAT INTO CONSIDERATION, WE ARE GOING TO GET THE LIST FROM THE STAKEHOLDERS WHO HAVE REVIEWED THE CRITERIA, WE ARE GOING TO MY KNOWLEDGE OPERATE THAT FEEDBACK -- WE ARE GOING TO INCORPORATE THAT FEEDBACK INTO WHAT WE PUT OUT AND WE HOPE TO BE IN AND OUT THE DOOR AND BACK TO YOU WITHIN 90 DAYS. AND THEN JUST HAVE AN INTERIM CONTRACT TO HOLDOVER CONTRACT IN THE MEANTIME.

Alvarez: OKAY. WELL, GOOD. MADAM CITY MANAGER AND I THINK AGAIN THIS IS GOING TO BE HOPEFULLY A VERY POSITIVE PROJECT FOR US. AND THAT IF -- AGAIN, HAVING A LOT OF FOLKS AT THE TABLE WHO CAN MAYBE TRY TO LEVERAGE SOME -- SOME OF THE ISM IMPROVEMENTS THAT ARE IDENTIFIED SO THAT -- SO THAT MAYBE OUR FUNDS, OUR LIMITED FUND THAT WE GET OUT OF THE OPERATION OF THIS FACILITY CAN BE STRETCHED FURTHER AND SO -- SO I REALLY APPRECIATE YOU -- YOU, MADAM CITY MANAGER, SORT OF STEPPING IN AND TRYING TO FIGURE OUT HOW WE CAN ALL AGREE ON THIS. IT IS SOMETHING THAT WE ALL CAN HAVE AGREEMENT ON, I APPRECIATE YOU STEPPING IN, FIGURING OUT HOW IT IS THAT WE CAN GO ABOUT GETTING TO THE ULTIMATE GOAL. APPRECIATE IT.

Futrell: WE ARE READY TO SHOW THIS PARKING LOT A LOT OF

LOVE, COUNCILMEMBER.

Mayor Wynn: FURTHER COMMENTS? CRACK?

McCracken: I WANTED -- COUNCILMEMBER MCCRACKEN?

McCracken: I WANTED TO REITERATE WHAT COUNCILMEMBER ALVAREZ SAID, THANK YOU, TOBY, FOR EVERYBODY WITH THE I-35 MAKEOVER PROMISE, THIS IS A GREAT EXAMPLE OF ALL OF US WORKING TOGETHER. I REALLY APPRECIATE ALL THAT YOU HAVE DONE.

OKAY. FURTHER COMMENTS? WITH THAT, I WILL ENTERTAIN A MOTION ON ITEM NO. 36, THE AMENDED AMPCO PARKING ITEM.

MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER MCCRACKEN TO APPROVE ITEM NO. 36 AS CORRECTED. FURTHER COMMENTS? HEARING NONE, 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, I BELIEVE THAT'S ALL OF OUR DISCUSSION ITEMS FOR THIS MORNING'S AGENDA. SO WITH THAT, WITHOUT OBJECTION WE WILL GO INTO CLOSED SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY AGENDA ITEMS 45 RELATING TO TRAVIS COUNTY HOSPITAL DISTRICT, 46 RELATED TO COLLECTIVE BARGAINING WITH THE FIREFIGHTERS, 47 RELATED TO S.R. RIDGE LIMITED PARTNERSHIP VERSUS THE CITY OF AUSTIN AND STRATUS PROPERTIES, INC., 48, RELATED TO AUSTIN COMMUNITY COALITION FOR RESPONSIBLE DEVELOPMENT VERSUS THE CITY OF AUSTIN TEXAS AND OTHERS, AS WELL AS POTENTIALLY TAKING UP REAL ESTATE ITEMS 49 RELATED TO THE ROBERT MUELLER MUNICIPAL AIRPORT SITE AND 50 RELATED TO OPEN SPACE ACQUISITIONS BUT STUDENT TO PROPOSITION 26 THE NOVEMBER 7th 2000 BOND ELECTION.

WE ALSO MAY TAKE UP UNDER SECTION 418.183 OF THE TEXAS GOVERNMENT CODE ITEM NO. 51 RELATED TO HOMELAND SECURITY ISSUES AFFECTING THE CITY OF AUSTIN. WE ARE NOW IN CLOSED SESSION. SHOULD BE BACK SHORTLY AFTERNOON FOR OUR GENERAL CITIZEN COMMUNICATION. THANK YOU.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. WE TOOK CONSULT..... CONSULTATION FROM OUR ATTORNEY. WE DISCUSSED ITEM 46. NO DECISIONS WERE MADE. AT THIS TIME WE'LL -- NO DECISIONS WERE MADE. OUR FIRST SPEAKER IS MR. JIMMY CASTRO.

THANK YOU, WILL.

Goodman:, MAYOR WYNN, COUNCILMEMBERS, MS. FUTRELL. I HAVE SLIDES TO SHOW YOU THIS AFTERNOON. I'M HERE ON MY OWN PWAFPLT I'M ALSO HERE ON BEHALF OF THE AUSTIN SCHOOL DISTRICT. THIS FIRST SLIDE SHOWS -- I'M HERE TO REMIND EVERYONE TO TAKE THE TIME TO VOTE SATURDAY, SEPTEMBER 11th IN THE AUSTIN INDEPENDENT SCHOOL DISTRICT BOND ELECTION. THE SIX PROPOSITIONS WOULD BUILD NEW SCHOOLS TO RELIEVE STUDENT OVERCROWDING. PROPOSITION 1, NEW SCHOOLS. THIS WILL INCLUDE SIX NEW ELEMENTARY SCHOOLS. THIS WILL ALSO INCLUDE A NEW NORTHEAST MIDDLE SCHOOL. PROPOSITION 1 TOTAL IS \$183 MILLION. PROPOSITION 2, ACADEMIC AND BUILDING RENOVATIONS. THIS INCLUDES RENOVATIONS TO CAMPUSES AND DISTRICT-WIDE FACILITIES AND TECHNOLOGY. PROPOSITION 2 TOTAL IS \$201 MILLION. PROPOSITION 3, SAFETY AND SECURITY. THIS INCLUDES SAFETY, SECURITY AND ENVIRONMENTAL HELP WHICH INCLUDES LOW EMISSION BUSES. PROPOSITION 3 TOTAL IS \$53 MILLION. PROPOSITION 4, ATHLETICS AND PHYSICAL EDUCATION. THIS INCLUDES ELEMENTARY COVERED PLAY SLABS. PROPOSITION 4 TOTAL IS \$12 MILLION. PROPOSITION 5, RELIEF FOR OVERCROWDING AND PARTIAL FUNDING FOR A DISTRICT-WIDE PERFORMING ARTS CENTER. THIS WILL INCLUDE FUNDING FOR PARTIAL -- FUNDING FOR A DISTRICT-WIDE PERFORMING ARTS CENTER AND NEW SOUTHWEST MIDDLE SCHOOL. PROPOSITION 5 TOTAL IS \$44 MILLION. PROPOSITION 6, REFINANCING OF CONTRACTUAL OBLIGATIONS. THIS INCLUDES CONTRACTUAL

OBLIGATIONS. PROPOSITION 6 TOTAL IS \$23 MILLION. THE TOTAL BOND PROPOSAL IS \$519 MILLION. FINALLY, LET'S DO THE RIGHT THING BY PASSING ALL SIX AUSTIN INDEPENDENT SCHOOL DISTRICT BOND PROPOSITIONS FOR AUSTIN'S FUTURE. SO EVERY CHILD AND YOUNG ADULT CAN READ, LEARN AND DREAM BECAUSE A CITY WITH DREAMS IS A CITY WITH A FUTURE. THANK YOU, MAYOR WYNN.

Mayor Wynn: THANK YOU, MR. CASTRO. REMINDING FOLKS ABOUT THE BOND ELECTION. EARLY VOTING IS ONGOING NOW. YOU CAN VOTE AT MOST OF THE SCHOOLS AROUND THE SYSTEM. I VOTED THIS MORNING AT MY LOCAL ELEMENTARY SCHOOL, AND OF COURSE ELECTION DAY IS SEPTEMBER 11th. OUR NEXT SPEAKER IS BETTY QUINELL. I HOPE I'M PRONOUNCING THAT CORRECTLY. BETTY QUINELL. TO BE FOLLOWED BY PAT JOHNSON. WELCOME, SIR, YOU WILL HAVE THREE MINUTES.

I COULDN'T ATTEND THE LAST COUPLE OF MEETINGS. I'VE BEEN ILL. FIRST OF ALL, THIS HAS TO DO WITH THE POLICE DEPARTMENT. I WOULD LIKE TO THANK THE OFFICERS AND THE PEOPLE INVOLVED IN THE POLICE DEPARTMENT IN THE DEADLY CONDUCT CRIMINAL CHARGE FILED AGAINST A BIG 8 DRIVER ON THE MAY THE INCIDENT WHERE ONE OF THEIR DRIVERS TRIED TO RAM ME IN A TOW TRUCK AFTER MY COMMENTS BEFORE COUNCIL ON MAY THE 6th. ANDRE McMURRAY, THE 911 CALL TAKER, OFFICER DALE STEVENSON, ASSISTANT CHIEF ROBERT DA DAHLSTROM. ASSISTANT CHIEF RUDY LANDERAS, DETECTIVE JASON GRIEFY, DETECTIVE STEVE HAMMONS FOR THEIR PROFESSIONALISM IN THAT INVESTIGATION. RECEIPTRY BUGS IS HELL, BUT TIME IS ON OUR SIDE. I WOULD LIKE FOR THE COUNCIL TO ASK ASSISTANT CHIEF LANDERIA TO CONFIRM HE WAS FOUND GUILTY IN COUNTY COURT SO THE COUNCIL IS AWARE OF THE FOLLOW-THROUGH ON THAT INVESTIGATION AND TO ITS COMPLETION. I MET WITH CITY STAFF LAST WEEK AT THE COUNCIL WISHES AND BASICALLY WHAT I TAKE FROM WHAT THEY TOLD ME IS THE REASONING THAT THE POLICE DEPARTMENT IS NOT GOING TO ENFORCE CHAPTER 684 IS BECAUSE THEY DON'T HAVE ANY FUNDING. THEY HAVEN'T HAD ANY DIRECTION FROM CITY COUNCIL ON THIS ISSUE. THIS IS SAD, PEOPLE. THAT THIS COUNCIL WILL NOT TAKE A STAND ON DOING SOMETHING TO PROTECT OUR

CITIZENS FROM THE TOWING TERRORISTS. THIS IS THE HISPANIC COMMUNITY THAT'S BEING TARGETED THE MOST AND I DON'T SEE YOU TAKING A LEAD ON THIS ISSUE. YOU KNOW, I SPOKE -- I'VE SPOKEN WITH THE STATE AND YOU ALL DON'T ENFORCE THE STATE LAW PASS TO DO PROTECT THE PUBLIC, YOU ARE GOING TO LOSE SOME OF YOUR GRANT FUNDING. YOU MAY FILE APPLICATIONS FOR GRANTS TO YOUR PET PEEVE PROJECTS, BUT WHEN THEY START GETTING TURNED DOWN THAT IS MEANT TO SUPPORT STATE LAW THAT'S MEANT TO PROTECT THE PUBLIC, YOU GOT NOBODY TO BLAME BUT YOURSELF. AND YOU ASK THE POLICE DEPARTMENT TO TRIM A MILLION THREE OUT OF THEIR BUDGET, BUT YET YOU WANT TO GIVE AMPCO PARKING SYSTEMS OVER A MILLION DOLLARS TO MANAGE THREE PARKING LOTS. IT SHOULD BE PUBLIC SAFETY, PUBLIC HEALTH AND ADMINISTRATION OF OUR CITY. ALL THESE LITTLE PET PEEVE PROJECTS AROUND THE TOWN AND TAKING AWAY FUNDS OUT OF THE DEPARTMENTS THAT SERVE OUR COMMUNITY IS USE PLAIN STUPID. THANK YOU. MAYOR WYNN, WOULD YOU ASK CHIEF LANDERIA TO COME UP HERE AND RESPOND TO THE COUNCIL IN REFERENCE TO THE FOLLOW-THROUGH ON THE CONVICTION TO THE COUNCIL?

MAYOR, I DON'T THINK THERE'S A NEED FOR THAT. THE CASE IS EXACTLY AS DESCRIBED. WE'VE MET WITH THIS GENTLEMAN. IT'S ALL AS DESCRIBED.

Mayor Wynn: THANK YOU. THANK YOU, MR. JOHNSON.

Thomas: MAY I SEE ONE THING TO MR. JOHNSON. I REALLY THINK -- I THINK EVERYBODY ON THE COUNCIL AND THE MAYOR IS SENSITIVE TO WHAT YOU ARE SAYING, BUT WHEN YOU ZERO OUT ONE COUNCILMEMBER, THAT IS NOT FAIR. COUNCILMEMBER ALVAREZ ALSO AND EVERYBODY ON THIS COUNCIL IS LISTENING TO WHAT YOU ARE SAYING. AND WE UNDERSTAND WHAT YOU ARE SAYING ABOUT THE HISPANIC POPULATION, BUT WE ALL SERVE THE WHOLE CITY. THAT MEANS EVERYBODY LISTENING TO WHAT YOU ARE SAYING. AND I DON'T THINK IT WAS FAIR FOR YOU TO SINGLE OUT COUNCILMEMBER ALVAREZ.

WELL, I UNDERSTAND THAT, SIR, BUT UNFORTUNATELY THE

HISPANIC COMMUNITY IS BEING HIT THE HARDEST. THEY HAVE NO ONE TO TURN TO.

Thomas: THANK YOU, SIR.

Alvarez: I THINK IN SO DOING WE'RE TRYING TO HELP EVERYBODY AND NOT JUST ONE SEGMENT OF THE COMMUNITY, BUT APPRECIATE YOU BRINGING THAT TO OUR ATTENTION.

Mayor Wynn: THANK YOU, COUNCILMEMBERS. MS. BROWN, I BELIEVE THAT'S ALL OF THE CITIZENS WHO HAVE SIGNED UP FOR CITIZENS COMMUNICATION. WITHOUT ON, WE'LL GO BACK INTO CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TOO TAKE UP POTENTIALLY ITEMS 45 REGARDING THE TRAVIS COUNTY HOSPITAL DISTRICT, 46 RELATED TO... SR RIDGE PARTNERSHIP AND STRATUS PROPERTIES, 48... 48 RELATED TO AUSTIN COALITION FOR RESPONSIBLE DEVELOPMENT VERSUS CITY OF AUSTIN AND OTHERS AS WELL AS POTENTIALLY TAKE UP REAL ESTATE ITEMS 49 RELATED TO THE MUELLER AIRPORT SITE AND 50 RELATED TO PROPOSITION 2, OPEN SPACE BONDS. AND POTENTIALLY PURSUANT TO SECTION 418.183 OF THE TEXAS GOVERNMENT CODE TO TAKE UP ITEM 51 RELATED TO HOMELAND SECURITY ISSUES AFFECTING THE CITY OF AUSTIN. WE ARE NOW IN CLOSED SESSION AND I ANTICIPATE US BEING BACK SHORTLY AFTER 2:00 FOR OUR BUDGET BRIEFINGS. THANK YOU.

Mayor Wynn: EXECUTIVE SESSION WE TOOK UP PURSUANT TO 551.071 ITEM NO. 45 RELATED TO THE TRAVIS COUNTY HOSPITAL DISTRICT, NO DECISIONS WERE MADE. WE ALSO TOOK UP PURSUANT TO SECTION 418.183 OF THE TEXAS GOVERNMENT CODE ITEM 51 RELATED TO THE HOMELAND SECURITY ISSUES AFFECTING THE CITY OF AUSTIN, AGAIN NO DECISIONS WERE MADE. WE ALSO TOOK UP ITEM NO. 49 RELATED TO THE ROBERT MUELLER MUNICIPAL AIRPORT SITE. NO DECISIONS WERE MADE. THERE BEING A QUORUM PRESENT WE CALL UP THE 2:00 BRIEFINGS, WHICH TODAY IS ITEM NO. 53 PROPOSED FISCAL YEAR '04-'05 BUDGET FOR UTILITIES, INCLUDING AUSTIN WATER UTILITY, SOLID WASTE SERVICES DEPARTMENT AND AUSTIN ENERGY, WE WILL

WELCOME MR. JOE CANALES.

GOOD AFTERNOON, IT'S A PLEASURE THIS AFTERNOON TO INTRODUCE THE BUDGETS FOR AUSTIN ENERGY, AUSTIN WATER UTILITY AND SOLID WASTE SERVICES, MAYOR AND COUNCILMEMBERS, THE COMBINED BUDGET OF THESE THREE DEPARTMENTS REPRESENT 60% OF THE ENTIRE PROPOSED BUDGET FOR NEXT YEAR. AN INVESTMENT OF THIS MAGNITUDE REQUIRES THAT OUR BUSINESS FUNCTIONS ARE OPTIMALLY POSITIONED TO IMPROVE THEIR COMPETITIVE EDGE, RESPOND TO INCREASING SERVICE NEEDS AND IMPROVE OPERATIONAL EFFICIENCIES. WE BELIEVE THAT THE BUDGETS FOR THESE DEPARTMENTS ACCOMPLISH THIS. LET'S TAKE A LOOK AT THE BUDGET HIGHLIGHTS ON HOW THESE DEPARTMENTS ARE POSITIONING FOR THE FUTURE. THE CITY'S UTILITIES HAVE ESTABLISHED SEVERAL SOLID PROGRAM DEVELOPMENTS IN POSITIONING FOR THE FUTURE. AUSTIN ENERGY'S ADOPTED STRATEGIC PLAN GAINS MOMENTUM IN FISCAL YEAR 2005. THE UTILITIES PROPOSED BUDGET STRENGTHENS OUR STRATEGIC PLAN BY PROVIDING A COMPREHENSIVE RISK MANAGEMENT APPROACH AND INCREASING THE EMPHASIS ON ENERGY EFFICIENCY AND RENEWABLE ENERGY RESOURCES WHILE CONTINUING TO EMPHASIZE RELIABILITY AND CUSTOMER SERVICE. THE AUSTIN CLEAN WATER PROGRAM HAS 70 PROJECTS UNDERWAY. ALL ARE ON OR AHEAD OF SCHEDULE. THE UTILITY HAS PREPARED \$157 MILLION SPENDING PLAN FOR THE CLEAN WATER PROGRAM OVER THE NEXT FIVE YEARS. FOR THOSE OF YOU WHO WERE ABLE TO ATTEND THE E.P.A. CONFERENCE EARLIER THIS WEEK, YOU KNOW THAT OUR COMMITMENT TO THIS INITIATIVE IS WELL RECOGNIZED BY E.P.A. ESSENTIAL EXPANSION OF TREATMENT CAPACITY IS BEING COMPLETED. EXPANSION OF ULRICH TO 160 MILLION GALLONS DALY WILL BE COMPLETED NEXT YEAR. EXPANSIONS AND IMPROVEMENTS ARE UNDERWAY THE [INDISCERNIBLE] ALSO, THE REORGANIZATION OF THE CITY'S CODE COMPLIANCE AND ENFORCEMENT FUNCTIONS ARE UNDER SOLID WASTE SERVICES FOR NEXT YEAR. SOLID WASTE SERVICES WILL WORK TOWARDS COORDINATING THESE SERVICES AND ENHANCE AND IMPROVE THOSE SERVICES. THE DEPARTMENT WILL EXPAND ITS FOCUS ON

INCLUDE ALL OF THE MAJOR CODE VIOLATIONS THAT EXIST WITH REGARD TO PROPERTY OR BUILDING, ZONING ISSUES AND JUNKED AND ABANDONED VEHICLES. THIS COMPREHENSIVE APPROACH WILL ALLOW THE CITY TO MORE EFFECTIVELY SERVICE SPECIFIC PROBLEM AREAS AND BE RESPONSIVE TO CUSTOMERS WHO ARE INCREASINGLY CONCERNED ABOUT CODE COMPLIANCE ISSUES. WITH RESPECT TO THE PROPOSED BUDGET FOR THESE DEPARTMENTS, AUSTIN ENERGY HAS AN INCREASE OF 1.6% FROM LAST FISCAL YEAR FOR A TOTAL OF \$904 MILLION. AUSTIN WATER UTILITY'S PROPOSED BUDGET REFLECTS A 7.4% INCREASE OR A FISCAL YEAR '04-'05 TO TAKE IT TO \$296 MILLION. ALTHOUGH SOLID WASTE BUDGET SHOWS AN INCREASE OF 9.4 MILLION, 51.7 MILLION TOTAL, ALMOST HALF OF THAT AMOUNT IS DEDICATED TO LANDFILL OPERATION, C.I.P. AND GENERAL OBLIGATION DEBT SERVICE, WHILE AN ADDITIONAL \$2.2 MILLION IS A RESULT OF THE TRANSFERS IN FOR THE CODE COMPLIANCE REORGANIZATION. LEAVING ONLY 1.7 MILLION DEDICATED TO INCREASING OPERATIONAL CAPACITY. LOOKING AT THE PROPOSED BUDGET F.T.E.S FOR THESE DEPARTMENTS, THE ELECTRIC UTILITY HAS PROPOSED AN INCREASE OF 58.5 F.T.E.S FOR A TOTAL OF 1501.5 POSITIONS. I WOULD LIKE TO POINT OUT THAT BETWEEN 1995 AND 2001 THE UTILITY WAS ABLE TO ELIMINATE 313 F.T.E.S WHILE EXPERIENCING A 17% INCREASE IN THE NUMBER OF CUSTOMERS, A 37% INCREASE IN KILOWATT GENERATION HOURS AND A 24% INCREASE IN SYSTEM PEAK DEMAND. DUE TO THESE INCREASES, IT IS NOW NECESSARY TO PROVIDE THE APPROPRIATE STACKING LEVELS TO MEET OF THESE NEED. THE AUSTIN WATER UTILITY IS INCREASING THEIR COUNT BY 15 F.T.E.S, 14 OF THOSE F.T.E.S ARE TRANSFERS FOR THE WATER CONSERVATION PROGRAM AND ONE F.T.E. IS BEING RETURNED TO THE UTILITY FROM WATERSHED PROTECTION FOR SUPPORT OF THE ONE-STOP SHOP. SOLID WASTE SERVICES IS PROPOSING AN INCREASE IN F.T.E.S OF 39 POSITIONS, WHICH IS BROKEN DOWN TO 20 NEW POSITIONS FOR THE DEPARTMENT AND 19 TRANSFERRED IN AS A RESULT OF CONSOLIDATING CODE COMPLIANCE. WITH RESPECT TO THE CITIZENS SURSAY RESULTS SURVEY RESULTS, FOR ALL THREE UTILITIES WE SEE EXCEL LEAPT RESULT. THEY REFLECT A COMMITMENT TO HIGH

STANDARDS OF CUSTOMER SERVICE AND PERFORMANCE. AUSTIN ENERGY INCREASED ITS SATISFACTION RATING BY ONE PERCENT FOR ELECTRIC RELIABILITY AND INCREASED ITS OUTAGE RESPONSE SATISFACTION RATING BY 2%, BRINGING THEM TO 92% IN -- AND 88% RESPECTIVELY. AUSTIN WATER UTILITY CUSTOMER'S SATISFACTION RATINGS REMAIN HIGH FOR QUALITY DRINKING WATER AT 86% SATISFACTION AND FOR THE WASTEWATER TREATMENT SYSTEM AT 90%. SOLID WASTE SERVICES RATINGS ALSO REMAIN CONSISTENTLY HIGH FOR CUSTOMER SATISFACTION AT 87% FOR GARBAGE COLLECTION, WHILE THE SATISFACTION WITH THE RECYCLING COLLECTION SERVICES INCREASED 1 PERCENT TO 85%. THAT CONCLUDES MY INTRODUCTION. AT THIS POINT I WOULD LIKE TO TURN OVER THE PRESENTATION TO MR. JUAN GARZA, GENERAL MANAGER FOR AUSTIN ENERGY, WHO WILL BE PRESENTING HIS BUDGET.

GOOD AFTERNOON, MAYOR AND MEMBERS OF THE COUNCIL. WITH ME ARE WRONGER DUNCAN -- ROGER DUNCAN AND ELAINE HART ALSO OF MY DEPARTMENT. OUR MISSION IS TO PROVIDE CLEAN, AFFORDABLE, RELIABLE ENERGY SERVICES AND COUNCILMEMBER.....EXCELLENT CUSTOMER SERVICE, I WANT TO FOCUS ON THIS FIRST SLIDE ON THE MIDDLE, THE COST OF THE ELECTRIC SERVICE WHERE WE HAVE FROM OUR CUSTOMERS OUR LOWEST RATING. IT'S IMPORTANT TO POINT OUT THAT -- THAT IF WE TAKE THE AVERAGE CONSUMPTION AS MEASURED BY THE P.U.C., THE TEXAS PUBLIC UTILITY COMMISSION, IT COMES OUT ABOUT A THOUSAND KILOWATT HOURS PER MONTH AND AT THAT LEVEL, AUSTIN ENERGY IS AMONG THE LOWEST, THE SECOND LOWEST OF THESE CITIES COMPARED IN TERMS OF THE AVERAGE MONTHLY BILLING. HOWEVER, IF WE WERE TO JUST COMPARE WITH SAN ANTONIO AND LOOK AT THEIRS MORE SPECIFICALLY, WE FIND THAT THEIR AVERAGE CONSUMPTION IS 1,189-KILOWATT HOURS A MONTH WHILE OURS IS ONLY 969. MAKING THE AVERAGE BILL THAT SAN ANTONIANS GET 9257 VERSUS OUR AT 8541. IT ISN'T PROOF, BUT IT IS GOOD EVIDENCE THAT CONSERVATION DOES WORK. WE LOOK AT OUR -- THE RELIABILITY PART OF THE EQUATION. YOU FIND THAT WITH RESPECT TO THE AVERAGE

NUMBER OF TIMES THAT YOU CAN EXPECT OR -- THAT AUSTIN CUSTOMERS WOULD HAVE A -- WOULD HAVE A -- AN OUTAGE, THE INDUSTRY AVERAGE IS ABOUT 1 PER YEAR. AUSTIN ENERGY THIS LAST YEAR WAS AT .9 AND WE EXPECT TO BE AT .9 AGAIN NEXT YEAR. A LITTLE BIT BELOW THE NATIONAL AVERAGE. IF YOU LOOK AT THE DURATION OF THE OUTAGE, THE NATIONAL AVERAGE IS TWO HOURS, 120 MINUTES. HOURS FOR THIS YEAR -- OURS FOR THIS YEAR IS RIGHT AT UNDER 65 MINUTES AND WE EXPECT TO KEEP THAT FOR NEXT YEAR. I THINK THAT FOR THE MOST PART IS A CONTRIBUTE TO THE -- A TRIBUTE TO THE EXCELLENT RESPONSE OF OUR OUTAGE RESPONSE CREWS WHO GO OUT IN THE MIDDLE OF SOMETIMES HEAVY WEATHER TO MAKE SURE THAT THE POWER IS -- CONTINUES TO BE ON. AND THEN IF YOU LOOK AT OUR TREE TRIMMING THAT WE HAVE DONE THE LAST FOUR YEARS. YOU WILL SEE THAT WE ARE NOW ON A FOUR TO FIVE YEAR TRIMMING CYCLE AND THAT DOES MAKE A DIFFERENCE. IT'S LOW-TECH, BUT MAKES A DIFFERENCE IN TERMS OF THE -- HOW RELIABLE OUR SYSTEM IS. GETTING TO THE -- JUST A SUMMARY OF THE BUDGET, AVAILABLE FUNDS IS ABOUT \$907 MILLION. OUR REQUIREMENTS ARE A LITTLE BIT BELOW THAT AT \$904 MILLION. THE TOTAL F.T.E. COUNT IS 1,101.5, OF WHICH 53.5 ARE NEW, I WILL GET INTO THAT A LITTLE BIT LATER, AND FIVE ARE TRANSFERS IN FROM OTHER DEPARTMENTS AND I'LL GET INTO THAT A LITTLE BIT LATER. JUST A LITTLE MORE DETAILED LOOK AT THE REVENUE EFFECT. THERE IS NO CHANGE IN OUR BASE ELECTRIC RATES. THE SERVICE AREA REVENUE, EVEN THOUGH IT IS PROJECTED TO INCREASE, IT'S BASED ON JUST A LITTLE BIT OF GROWTH IN THE -- IN OUR CUSTOMERS. THE -- THERE ARE SOME ADJUSTMENTS TO THE FEES. THEY ARE VERY MINOR. THE REINITIATION FEE, WHICH BASICALLY THE RECONNECT. THE FEES THAT ARE ASSOCIATED WITH TAMPERING WITH OUR METERS. SOMETHING CALLED A UTILITY DIVERSION FEE, WHICH IS ESSENTIALLY WHEN PEOPLE ATTEMPT TO BYPASS OUR METERS AND WE HAVE TO GO OUT THERE AND FIX THAT. WE ALSO HAVE NEW FEES FOR METER TOTALIZATION WHICH ALLOWS OUR COMMERCIAL CUSTOMERS TO CONSOLIDATE ALL OF THEIR ACCOUNTS. IT MAKES IT REALLY EASY FOR THEIR BILLING DEPARTMENTS TO PAY OUR BILLS. THEN AT THE REQUEST ON SOME OF OUR COMMERCIAL CUSTOMERS,

WE ALSO DO SOME TRANS FORMER OIL TESTING. WE DO IT FOR A FEE AND THIS IS AGAIN ONLY FOR OUR COMMERCIAL. OVERALL, THE IMPACT TO REVENUES IS LESS THAN \$300,000 FOR THOSE SEVERAL FEES THAT WE ARE CHANGING THERE. PROPOSING TO CHANGE. YOU LOOK AT THE REVENUE SIDE ON AN OVERALL PERSPECTIVE. MOST OF OUR REVENUE, 88%, COMES FROM OUR BASIC INDUSTRY, WHICH IS SELLING ELECTRICITY. 12% COMES FROM -- FROM OTHER REVENUES, SUCH AS THE TRANSMISSION COST OF SERVICE, THE CUSTOMER FEES, THE -- THE INTEREST INCOME, POLE ATTACHMENTS, ANCILLARY SERVICES. THE TRANSMISSION COST OF SERVICE BRINGS IN ABOUT \$41 MILLION IN THIS NEXT BUDGET YEAR. IN TERMS OF OUR REQUIREMENTS, AGAIN, THE FOCUSING ON THE STRATEGIC PLAN, THE ENERGY EFFICIENCY PROGRAMS WILL GROW TO \$23.2 MILLION AN INCREASE OF \$6 MILLION IN THE BUDGET AND MR. DUNCAN WILL GET INTO THAT A LITTLE BIT LATER, ALSO. WE HAVE \$2.5 MILLION FOR SOLAR REBATES. \$1.4 MILLION FOR THE POWER PARTNER PROGRAM. \$800,000 FOR THE MULTI-FAMILY DUCT SEALING PROGRAM AND \$400,000 FOR THE REFRIGERATOR RECYCLE PROGRAM. WE HAVE GOT AN INCREASE IN OUR TRANSMISSION EXPENSE, WHICH IS OFFSET BY TRANSMISSION COST OF SERVICE REVENUE OF \$3.9 MILLION. WE HAVE AN INCREASE IN ERCOT FEES BOTH FOR ADMINISTRATION AND CONGESTION COSTS OF \$8.4 MILLION. AND THERE IS A ONE-TIME TRANSFER IN THERE TO THE GENERAL FUND AND TO AUSTIN WATER, \$5.5 MILLION FOR A ONE-TIME CAPITAL IMPROVEMENT PROJECTS. THE GENERAL GOVERNMENT, FOR THE ACCOUNTING SYSTEM, \$4.5 MILLION AND THE MILLION DOLLARS TO THE WATER SYSTEM FOR THE LEVY AT THE SAM HILL FACILITY. OUR PERSONNEL COSTS WILL INCREASE AS A RESULT OF THE INCREASE IN THE F.T.E.S BY ABOUT \$4.6 MILLION. JUST TO LOOK MORE CAREFULLY AT THE F.T.E.S, BECAUSE I KNOW THEY ARE SIGNIFICANT. YOU WILL NOTE THAT IN 1995 YOU WERE AT -- WE WERE AT 1,626 F.T.E.S. AND WE ARE DOWN TO 1,501 WITH THE PROPOSED BUDGET. I AM PROPOSING AN INCREASE, HOWEVER, IN THE LAST SEVERAL YEARS WE HAD ADDED THE QUALIFIED SCHEDULING ENTITY, A CHILLED WATER BUSINESS, THE NEW SAM HILL ENERGY CENTER, THE PEAK AS WELL AS THE COMBINED CYCLE PLANT AND A NUMBER OF IF HE..... TECHNOLOGY INNOVATIONS

INCLUDING WHAT WE CALL DATA ONE, WEB SERVICES, BUSINESS CONTINUITY PLANNING, WITHOUT ADDING ANY F.T.E.S. THIS -- THIS SPECIFIC PLAN CALLS FOR ADDING 17 PEOPLE FOR STRATEGIC INITIATIVES, TWO FOR OPERATIONS, THE OTHER SIGNIFICANT INCREASE THERE IS FOR INFORMATION TECHNOLOGY. OF WHICH NINE OF THOSE ARE SIMPLY CONVERSIONS FROM CONTRACTORS TO FULL-TIME F.T.E.S. THE -- IF YOU LOOK AT THE -- AT THE REQUIREMENTS AND SUMMARY, BY FAR, THE VAST AMOUNT OF OUR MONEY IS SPENT IN OPERATIONS AND MAINTENANCE, WHICH INCLUDES FUEL. THE -- THAT'S \$544 MILLION. THE NEXT BIGGEST CHUNK IS THE -- ROUGHLY 161 MILLION, FOR DEBT SERVICE. OR ABOUT 18% OF OUR BUDGET. THE GENERAL FUND TRANSFER IS 74.5 AND THE CAPITAL IMPROVEMENT PROGRAM IS ABOUT -- IS AT ABOUT 63.2 MILLION DOLLAR. ARE WE REDUCING ANYTHING IN AUSTIN ENERGY? I ASSURE YOU WE ARE. THE 311 CALL CENTER, WHILE IT IS AN INCREASE IN THE OVERALL BUDGET, THE REI.... REIMBURSEMENT TO AUSTIN ENERGY IS INCREASING, SO OUR PROPORTIONATE SHARE IS ALSO DECREASING AS A RESULT. THE TRANSFER TO THE CAPITAL IMPROVEMENT PROGRAM IS ALSO GOING DOWN BECAUSE WE HAVE FINISHED OUR MAJOR EXPANSION PROGRAM FOR THE GENERATION. SAM HILL IN FACT WAS DECLARED FULLY OPERATIONAL YESTERDAY. AND THE DEBT SERVICE IS DECREASING BY \$16.7 MILLION AND I TAKE GREAT PRIDE IN POINTING OUT THAT ELAINE HART, OUR CFO AND HER STAFF WORKED VERY HARD TO GET THAT DEFEASE SANS DONE LAST YEAR. A REDUCTION IN OUR DEBT SERVICE REQUIREMENT NEXT YEAR. LOOKING AT THE GENERAL FUND TRANSFER, I WANT TO EMPHASIZE THE IMPORTANCE OF THE POLICY HERE. RECENTLY WE MET WITH THE BOND RATING EXPERTS FROM THE FITCH RATING AGENCY, THEY TOLD ME SOMETHING THERE THAT REALLY HIT HOME. THEY SAID YOU KNOW WHEN THE CITY COUNCIL ADOPTED THEIR POLICY BACK IN 1996, IT WAS BASICALLY JUST A PIECE OF PAPER TO US. BUT IT IS NOW 8 YEARS LATER, THEY HAVE SHOWN DISCIPLINE IN STICKING TO THEIR POLICY, WE KNOW THEY MEAN THEIR WORD. THEY CAME AS CLOSE TO TELLING US THEY WERE ALSO UPGRADING OUR BOND RATING AS I'VE EVER HAD IN A MEETING WITH BOND RATING PEOPLE. WE DID GET A BOND RATING UPTICK ALREADY FROM STANDARD

AND POORS FROM A MINE PLUS TO A -- A MINUS TO A. I THINK IT'S A DIRECT REFLECT OF THE DISCIPLINE THAT WE HAVE SHOWN OVER THE LAST 8 YEARS. THE TRANSFERS IS 74.5 MILLION FOR NEXT YEAR. DOWN PREVIOUSLY FROM 76.7 MILLION. FOR THE NEXT SLIDE I WILL TURN THE PRESENTATION OVER TO ROGER DUNCAN.

THANK YOU MAYOR AND COUNCIL. AS YOU KNOW, WITH OUR STRATEGIC PLAN WE INCREASED OUR DEMAND SIDE MANAGEMENT GOAL TO 15% OF ENERGY EFFICIENCY BY THE YEAR 2020 AND IN DOING SO WE HAVE EXPANDED OUR ENHANCED SEVERAL PROGRAMS, NOTE ON THIS SLIDE THAT WE ARE LOOKING AT INCREASING OUR -- NO, MA'AM OUR BUDGET FROM 17 MILLION TO -- NOT ONLY OUR BUDGET FROM 17 MILLION TO 23 MILLION OVER THE NEXT FISCAL YEAR, BUT INCREASING OUR TOTAL MEGAWATT SAVINGS FROM 38-MEGAWATTS TO 48-MEGAWATTS WHICH IS AN ENORMOUS JUMP IN OUR PROGRAMS. WE ARE GOING TO DO THIS WITH SEVERAL NEW OR ENHANCED PROGRAMS. SOLAR REBATES ARE INCLUDED IN THIS FUND. WE STARTED OUT WITH 933,000 THIS YEAR. WE ARE INCREASING THE TOTAL SOLAR FUNDING TO \$3 MILLION NEXT YEAR. WE ARE ADDING A REFRIGERATOR RECYCLING PROGRAM TO PICK UP SECOND REFRIGERATORS IN HOMES AND IN RECYCLE -- RECYCLE THEM AND REDUCE THE LOAD. WE ARE EXPANDING THE VERY POPULAR DUCT SEALING PROGRAM FROM RESIDENTIAL AND COMMERCIAL INTO MULTI-FAMILY. WE ARE ENHANCING THE RESIDENTIAL PARTNER PROGRAM. WE ARE STARTING A LOAD CO-OP WITH OUR COMMERCIAL CUSTOMERS WHEREBY WE MAKE AGREEMENTS WITH THEM TO SHED LOAD UPON A CALL FROM THE UTILITY. WE ARE EXPANDING OUR THERMAL ENERGY STORAGE PROGRAM. ALL IN ALL, IF YOU LOOK AT THE CONSERVATION AND RENEWABLES BUDGET FOR 2004, IT TOTALS \$28.7 MILLION. IF YOU ADD THE CHILLER AND COMBINED HEAT AND POWER PROJECTS IN, THAT'S ANOTHER 20 MILLION. IN 2005, WE ARE INCREASING THAT \$28 MILLION TO 40 MILLION. THAT IS A 41% INCREASE IN CONSERVATION AND RENEWABLE EXPENDITURES ON TO WHAT WAS PROBABLY ALREADY THE MOST AGGRESSIVE CONSERVATION AND RENEWABLES PROGRAM IN THE COUNTRY. ADD THAT THE CHILLER AND COMBINED HEAT AND POWER PROJECTS, WHICH INCLUDES

THE NEW SETON CHILDREN'S MEDICAL CENTER. AND YOU HAVE OVER \$85 MILLION OF OUR UTILITY DEDICATED TO THIS NEW PARADIGM OF CONSERVATION AND ARE YOU NEEDLS, WHICH WE FEEL -- RENEWABLES WHICH WE FEEL IS A VERY AGGRESSIVE PROGRAM.

THAT CONCLUDES OUR PRESENTATION, WE WILL BE OPEN TO QUESTIONS AT THIS TIME.

THANK YOU, MR. GARZA, QUESTIONS FOR OUR AUSTIN ENERGY TEAM? COUNCIL? WE REALLY APPRECIATE THE --

Slusher: I'VE GOT.

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: YOU SAID ON THE SOLAR, SAY THOSE FIGURES AGAIN.

CURRENTLY FOR THIS YEAR, HALF A YEAR OF COURSE WHEN WE STARTED THIS YEAR \$933,000. NEXT YEAR'S TOTAL BUDGET IS \$3. THAT'S BROKEN DOWN INTO 2.5 MILLION FOR REBATES AND ANOTHER 500,000 FOR THE ZERO ENERGY HOME SUBDIVISION THAT WE ARE BUILDING. NEXT YEAR'S TOTAL BUDGET IS \$3 MILLION.

COULD YOU TALK TO ME A LITTLE BIT ABOUT THE FILL PHILOSOPHY THAT WE HAVE, CONSERVATION, METHANE, WIND, HYDRO, SOLAR. COULD YOU TALK TO ME ABOUT THE PHILOSOPHY, WHAT WE INVEST IN AND HOW MUCH -- HOW MUCH --

YES, SIR. BECAUSE WE DO GET QUESTIONS, WHY DON'T YOU PUT MORE INTO -- INTO SOLAR AND LESS INTO CONSERVATION OR MORE INTO WIND AND SO FORTH. WE HAVE DONE AN ENVIRONMENTAL ANALYSIS, IF YOU WILL, SHOWING HOW MUCH CARBON DIOXIDE THAT WE REDUCE WITH EACH OF THESE MEASURES, PUT IT ON A DOLLAR PER TON BASIS. IN OTHER WORDS HOW MUCH DOES IT COST US TO REMOVE A TON OF CARBON DIOXIDE FROM THE ATMOSPHERE THROUGH EITHER CONSERVATION OR WIND POWER OR SOLAR POWER. WHAT WE HAVE FOUND, CONSISTENT WITH OTHERS THROUGHOUT THE COUNTRY, IS

THAT BY FAR THE MOST COST EFFECTIVE WAY OF -- TO GET THAT ENVIRONMENTAL IMPACT IS THROUGH CONSERVATION, AT A COST OF ABOUT 60 PER TON PER CO 2. WIND IS SECOND WITH \$74 A TON COST. BIO MASS OR LANDFILL METHANE IN OUR CASE IS ABOUT \$97 A TON PER REMOVAL OF C.O. 2, SOLAR IS \$261 PER TON. SO THAT IS REFLECTED IN OUR BUDGET. WE HAVE PUT MOST OF OUR MONEY INTO CONSERVATION AND ENERGY EFFICIENCY. SECOND INTO WIND. THIRD INTO METHANE AND FOURTH INTO SOLAR.

Slusher: THANK YOU, THAT ANSWERS MY QUESTION. WE HAVE SAID THIS BEFORE, BUT I'M REALLY PROUD THAT OUR UTILITY IS -- IS ONE OF THE LEADERS, IF NOT THE LEADER IN RENEWABLES IN CONSERVATION IN THE UNITED STATES. IT'S CONTINUING TO MOVER MORE AND MORE IN THAT DIRECTION.

THANK YOU.

Mayor Wynn: AGREE, THANK YOU COUNCILMEMBER. AND COUNCIL, I'LL -- I'LL POINT OUT THAT WE ANTICIPATE HAVING A NUMBER OF FOLKS COMING DOWN HERE TO SPEAK AT OUR 6:00 PUBLIC HEARING, LIKELY AUSTIN MANAGER MIGHT BE A KEY AND POSITIVE PART OF THAT PUBLIC DISCUSSION.

Goodman: MAYOR, CAN I ASK A PRACTICAL QUESTION. WHAT ENERGY SOURCE MAKES THIS AIR CONDITIONER WORK? LCRA. BECAUSE THIS -- THE CITY -- AUSTIN ENERGY?

THIS IS A SETUP FOR ALL KIND OF GOOD JOKES. [LAUGHTER]

UM --

I DIDN'T GET THE QUESTION, I'M SORRY.

THE SOURCE OF ENERGY FOR THIS FACILITY AT THIS TIME OF DAY IS PROBABLY BASE LOADED COAL.

I WOULD THINK COAL. COAL OR NUCLEAR.

Goodman: JUST CURIOUS.

Mayor Wynn: CURIOUS AND FREEZING, RIGHT?

Goodman: YES.

AT THIS TIME, MAYOR, I WOULD LIKE TO INTRODUCE MR. CHRIS LIPPY THE DIRECTOR OF AUSTIN WATER UTILITY WHO WILL PRESENT HIS BUDGET.

THANK YOU, GOOD AFTERNOON, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, MY NAME IS CHRIS LIPPY, DIRECTOR OF THE AUSTIN WATER UTILITY. WITH ME ARE ASSISTANT DIRECTORS [INDISCERNIBLE], RENALDO CANTU, JANE BERAZOR AND DAVID JUAREZ. BEFORE I GET STARTED I JUST WANT TO THANK THESE MANAGERS AS WELL AS ALL OF THE MANAGERS AND SUPERVISORS IN THE AUSTIN WATER UTILITY FOR DOING A TREMENDOUS JOB, PUTTING A LOT OF HARD WORK INTO PREPARING A VERY TIGHT BUDGET. I'M PLEASED TO PRESENT THE APPROACHED BUDGET FOR FISCAL YEAR 2004-2005. I'M GOING TO TOUCH AGAIN ON THE KEY CITIZENS PRIORITIES, GO OVER THE BUDGET FACTS AND HIGHLIGHT, HIT THE KEY MHMRMENTS -- ACCOMPLISHMENT FOR THE CURRENT YEAR AND KEY GOALS FOR THE PROPOSED BUDGET. LET ME BEGIN BY POINTING OUT THAT WE BUILD OUR BUDGET AROUND OUR MISSION AND THE FOLLOWING -- THE FOLLOWING BUSINESS PLAN GOALS. FIRST IS TO INCREASE -- TO ENSURE THE PROTECTION OF PUBLIC HEALTH, SAFETY AND FIRE PROTECTION THROUGH OPTIMIZING WATER QUALITY AND THE OPERATIONS OF THE SYSTEM. NEXT IS TO INCREASE PRACTICES OF WATER CONSERVATION AND TO ENSURE PROTECTION OF THE ENVIRONMENT THROUGH EFFECTIVE COLLECTION, TREATMENT, REUSE OR RELEASE OF WATER AND LAND MANAGEMENT. NEXT IS TO STRENGTHEN CUSTOMER SATISFACTION AND FINALLY TO -- IN SUPPORT OF AUSTIN'S ECONOMIC DEVELOPMENT, TO SUPPORT DEVELOPMENT IN THE CITY THROUGH EXTENSION OF SERVICES. MR. CANALES HAS MENTIONED A COUPLE OF THE MEASURES IN THE CITIZENS SURVEY. AND I WILL SHOW YOU SOME PERFORMANCE MEASURES RELATED TO SOME OF THOSE IN JUST A MOMENT. LET ME COMMENT ON A COUPLE OF OTHERS. AUSTIN WATER UTILITY RESPONSE TIME TO EMERGENCIES HAS A PRIORITY RATING OF 80% AND A VERY HIGH SATISFACTION RATING OF 90% AND THIS IS

ESPECIALLY IMPORTANT WITH -- FOR THE PERFORMANCE AND THE EFFECTIVENESS OF THE AUSTIN CLEAN WATER PROGRAM. IT'S ONE OF OUR KEY GOALS IN THAT PROGRAM, OF COURSE. ANOTHER MEASURE IS A TASTE OF DRINKING WATER. IT'S RATED AT 89% PRIORITY, 79% SATISFACTION. SO CITIZENS HAVE RANKED THESE UTILITY SERVICES AS HIGH PRIORITIES, AND HAVE CONSISTENTLY RANKED US HIGH IN SATISFACTION OVER THE LAST FEW YEARS. AT THIS POINT LET ME GIVE YOU A SUMMARY OF THE BUDGET FACTS. SUMMARIZES OUR BUDGET WHICH WE WILL DISCUSS IN MORE DETAIL IN THE NEXT FEW MINUTES. FOR THE PROPOSED BUDGET YEAR, OUR REVENUES AND TRANSFERS IN WILL BE -- ARE PROJECTED AT \$293.7 MILLION. THE OPERATING BUDGET IS PROJECTED AT \$296.9 MILLION. OUR C.I.P. SPENDING IS PROJECTED AT \$221.6 MILLION. THAT'S THE SPENDING PLAN FOR THE COMING YEAR. OUR C.I.P. SPENDING PLAN INCLUDES SEVERAL MAJOR PROGRAMS SUCH AS THE AUSTIN CLEAN WATER PROGRAM, RELATED TO AGING INFRASTRUCTURE AND WASTEWATER SPILL PREVENTION. ALSO INCLUDED IN THE C.I.P. WATER AND WATER AND WASTEWATER PLANT CAPACITY PROJECTS SUCH AS THE ULRICH AND THE SOUTH AUSTIN WASTEWATER TREATMENT PLANT. ANOTHER SIGNIFICANT CATEGORY IS RELOCATION OF WATER AND WASTEWATER LINES RELATED TO A LOT OF THE ROAD AND HIGHWAY CONSTRUCTION WORK GOING ON. WE HAVE TO -- WE ARE REQUIRED TO REMOVE OUR LINES OUT OF THE PATH OF THOSE PROJECTS SO THAT'S ANOTHER SIGNIFICANT SPENDING ITEM. OUR SPENDING PLAN IS 221 MILLION DOLLAR. FULL-TIME POSITIONS AS WAS MENTIONED, 1,020 AND 15 -- THAT'S AN INCREASE OF 15. 14 OF THOSE ARE BEING TRANSFERRED INTO THE AUSTIN WATER UTILITY FROM -- FROM TRANSPORTATION PLANNING AND SUSTAINABILITY DEPARTMENT FOR THE WATER CONSERVATION GROUP AND THEN ONE OTHER ADDITIONAL POSITION TRANSFERRED BACK TO THE UTILITY FOR THE SUPPORT OF THE ONE-STOP SHOP. FINALLY, WE ARE PROJECTING A RATE INCREASE. AS WE HAVE BEEN PREDICTING AND PROJECTING FOR SEVERAL YEARS IN OUR FIVE YEAR FORECAST. WE ARE RECOMMENDING AN 11.8% COMBINED SYSTEM-WIDE RATE INCREASE. THAT BREAKS DOWN TO 9.2% FOR WATER AND 14.7% FOR WASTEWATER.

ON OTHER OCCASIONS WE HAVE DISCUSSED THE DRIVERS FOR THIS INCREASE, PRIMARILY MAJOR CAPITAL IMPROVEMENT. THE BIG DRIVER IS THE CAPITAL PROGRAM. AND THAT, INCLUDING -- INCLUDING THE CASH FUNDING, MATCHING FUNDING FOR THE PROGRAM FOR THE COMING YEAR AS WELL AS THE DEBT SERVICE ON THE PAST EXPENDITURES. SO THE PROGRAM, MAJOR -- AGAIN THE MAJOR PROGRAMS ARE THE AGING -- MAJOR PROGRAMS ARE AGING INFRASTRUCTURE, PLANT CAPACITY, UTILITY RELOCATIONS, ANNEXATION PROJECTS, AND OTHER WATER AND WASTEWATER LINE PROJECTS. IT IS NOTEWORTHY THAT WE ARE NOT PROJECTING ANOTHER RATE INCREASE FOR THE NEXT TWO YEARS. FOLLOWING THIS YEAR. THE NEXT SLIDE SHOWS REVENUE FACTS. YOU WILL SEE THAT THE GREAT MAJORITY OF THE REVENUE FOR THE AUSTIN WATER UTILITY IS FROM SERVICE REVENUES. WATER AND WASTEWATER SERVICE REVENUES MAKE UP 94% OF THE REVENUE. YOU CAN SEE THE BREAKDOWN THERE. 45% FOR WASTEWATER, 48% FOR WATER. ADDITIONAL REVENUE WOULD BE TRANSFERS IN AND THAT IS MOSTLY THE CAPITAL RECOVERY FEE. ANNUALLY WE TRANSFER THAT INTO THE BUDGET AND THAT'S USED FOR -- FOR AGAIN EQUITY FUNDING YOU.... OF OUR CAPITAL IMPROVEMENTS PROGRAM. OTHER CATEGORIES ARE INTEREST INCOME, MISCELLANEOUS FEES. THE NEXT SLIDE SHOWS THE EXPENDITURES. LET ME START WITH THE TOP RIGHT HAND SIDE OF THIS GRAPH, WHICH -- WHICH SHOWS THE BASICALLY THE OPERATING -- THE O AND M PORTION OF THE EXPENDITURE BUDGET AND IT'S BROKEN DOWN INTO THE VARIOUS FUNCTIONS IN THE UTILITY. YOU WILL SEE THE WATER TREATMENT, WASTEWATER TREATMENT, WATER DISTRIBUTION SYSTEM, WASTEWATER COLLECTION SYSTEM, ALL OF THESE ARE ON THE ORDER OF \$20 MILLION EACH. THOSE ARE THE BIG MAJOR FUNCTIONS, WE HAVE THE BUSINESS SUPPORT SERVICES, CONSERVATION AND REUSE, BILLING CUSTOMER SERVICE AND OTHER REQUIREMENTS. ALTOGETHER THAT MAKES UP \$121 MILLION DOLLAR FOR THE OPERATING, O AND M BUDGET. THAT'S 41% OF THE TOTAL REQUIREMENTS. THE BOTTOM OF THE GRAPH YOU SEE DEBT SERVICE. AND THAT'S 39% OF THE -- OF THE REQUIREMENTS. AT \$116 MILLION. JUST A NOTE ON THE DEBT SERVICE. THIS IS PRIMARILY EXISTING DEBT. ONLY

ABOUT 2% OF THIS IS -- WOULD BE ADDED FROM THE DEBT SERVICE IN THE COMING YEAR. SO THIS IS PRIMARILY THE -- THE DEBT FROM CAPITAL PROJECTS AND PROGRAMS OVER THE LAST COUPLE OF DECADES. IT'S MODERATELY HIGH DEBT. DUE TO THE CAPITAL INVESTMENT THAT THE CITY HAS BEEN MAKING AGAIN IN RENEWING AGING INFRASTRUCTURE AND AUSTIN'S HEALTHY GROWTH. WE MANAGE THE DEBT ISSUES. WE KNOW THAT IT'S -- THAT IT'S RELATIVELY HIGH. SOME OF OUR DEBT MANAGEMENT STRATEGIES INCLUDE FIRST OF ALL STRICTLY PRIORITIZING OUR C.I.P. SPENDING. USING THE CAPITAL RECOVERY FEES FOR CASH FUNDING RATHER THAN DEBT DEFEASANCE, REFINANCING AT EVERY OPPORTUNITY AND AIMING FOR THE 20% CASH FUNDING MATCHING PAY AS YOU GO FUNDING FOR OUR CAPITAL IMPROVEMENTS PROGRAM TO AVOID DEBT IN THE FIRST PLACE. AGAIN A POSITIVE -- ONE POSITIVE NOTE ON THIS DEBT SERVICE IS THAT STANDARD AND POORS HAS UPGRADED OUR BOND RATING FROM A MINUS TO A RECENTLY. THE LAST SLICE ON THIS EXPENDITURES PIE IS TRANSFERS OUT, THAT INCLUDES 20 MILLION DOLLAR TO THE GENERAL FUND, \$2.8 MILLION TO THE SUSTAINABILITY FUND, AND A \$36 MILLION CASH FUNDING TO THE -- TO THE CRICH PROGRAM AND THAT IS -- THAT -- TO THE C.I.P. PROGRAM, THAT'S AN INCREASE OF \$7.8 MILLION IN THE -- IN THE CASH FUNDING BECAUSE OF THE INCREASE IN OUR C.I.P. PROGRAM FOR THIS YEAR. THE NEXT SLIDE SHOWS -- JUST WANTED TO GIVE YOU A PICTURE OF OUR FIVE YEAR C.I.P. FORECAST, SINCE THIS IS SUCH A SIGNIFICANT DRIVER IN OUR BUDGET. YOU WILL NOTICE WATER AND WASTEWATER, THE FIVE YEAR TOTALS ARE SIMILAR, BOTH 425 MILLION DOLLAR FOR WATER, \$391 MILLION FOR WASTEWATER FOR A TOTAL OF \$816 MILLION FIVE YEAR SPENDING PLAN. THE FIRST YEAR AT \$221 MILLION, THAT'S -- THAT'S THE PROPOSED SPENDING PLAN FOR NEXT YEAR. IT'S THE LARGEST DRIVEN A GREAT DEAL BY THE AUSTIN CLEAN WATER PROGRAM AND COMPLETING TWO MAJOR -- TWO MAJOR TREATMENT PLANTS, ONE IS A WATER PLANT, THE ULRICH WATER TREATMENT PLANT WILL BE COMPLETED FOR USE NEXT SUMMER. AND THE SOUTH AUSTIN REGIONAL WATER AND WASTEWATER TREATMENT WILL BE SUBSTANTIALLY COMPLETE BY THE END OF 2005. OUR C.I.P. DEVELOPMENT TEAM PRESENTED INITIALLY A \$1.1 BILLION

FIVE YEAR PROJECTION FOR OUR CAPITAL NEEDS. AND AFTER REVIEWING THOSE PROJECTS, THEY WERE ALL GOOD PROJECTS. THEY WERE ALL NEEDED PROJECTS. BUT WE WORKED HARD AT REPRIORITIZING THE CAPITAL IMPROVEMENTS PROGRAM. SO THAT WE CAN RECOMMEND AT THIS POINT AN \$816 MILLION FIVE YEAR PROGRAM WITH A \$221 MILLION FOR NEXT YEAR. I WOULD LIKE TO MENTION SOME BUDGET HIGHLIGHTS, MAJOR ACCOMPLISHMENTS FOR THE YEAR 2003-2004, THE CURRENT YEAR. FIRST WE'VE IMPROVED JOB PLANNING, CREW SIZING AND DEPLOYMENT OF CREWS AND REDUCED OUR OVER TIME BY ONE-HALF MILLION. AND WE WILL CONTINUE THAT AND WE ARE LOOKING FOR ANOTHER 300 -- 300,000, DID I SAY \$500,000 THIS YEAR AND WE WILL -- WE WILL BE LOOKING FOR ANOTHER \$300,000 IN THE COMING YEAR. WHICH IS -- I THINK WE ARE ABOUT -- AT ABOUT THE RIGHT LEVEL. OF OVER TIME. WE'VE ALSO MADE SIGNIFICANT PROGRESS ON THE AUSTIN CLEAN WATER PROGRAM. AS MENTIONED EARLIER, WE HAVE 70 PROJECTS ARE UNDERWAY, ALL ON OR AHEAD OF SCHEDULE. AUSTIN'S PROGRAM, BY THE WAY, WAS SHOWCASED EARLIER THIS WEEK IN AN E.P.A. CONFERENCE HERE IN TOWN. WE HAD 400 ATTEND YES FROM FIVE STATES -- ATTENDEES FROM FIVE STATES IN REGION 5 OF E.P.A. E.P.A. IN FRONT OF THIS CROWD POINTED TO AUSTIN'S PROGRAM AS A MODEL PROGRAM, SO WE ARE -- WE ARE PROUD OF THAT AND WE DO FEEL LIKE WE ARE ON TRACK WITH THAT PROGRAM. IN THIS CURRENT YEAR WE HAVE COMPLETED THE WALNUT CREEK WASTEWATER TREATMENT PLANT FROM 60 TO 75 MILLION GALLONS A DAY, THAT PLANT IS NOW WELL POSITIONED TO SERVE NORTH AUSTIN FOR YEARS TO COME. IN THE CURRENT YEAR WE IMPLEMENTED \$3.9 MILLION OF THE TOTAL 5.1 MILLION FROM A PFM MANAGEMENT STUDY DONE A YEAR AND A HALF AGO. WE HAVE IMPLEMENTED THOSE SAVINGS AND WILL IMPLEMENT THE REMAINDER IN THE COMING YEAR. AGAIN THE -- NOTEWORTHY ACCOMPLISHMENT IS THE STANDARD AND POOR'S UPGRADED BOND RATING FROM A MINUS TO A FROM OUR UTILITY REVENUE BONDS. THE KEY MEASURE FOR DRINKING WATER QUALITY IS TURN BIDTY -- TURBIDTY, THIS IS A STATE STANDARD, SET AT .3 AND WE ARE CONSISTENTLY ONE THIRD OF THAT. WE -- WE RUN A .1 NTU, WHICH IS THE TURBIDITY UNITS FOR THE TREATMENT OF

OUR DRINKING WATER, VERY CONSISTENTLY. REFLECTS EXCELLENT WATER QUALITY HERE IN AUSTIN. WE ARE LUCKY TO HAVE A CLEAN SOURCE OF RAW WATER IN LAKE TRAVIS, THE LAKE SYSTEM, EXCELLENT TREATMENT FACILITIES, OPERATED BY STAFF THAT'S WELL TRAINED. DEDICATED AND PROFESSIONAL. TO ME THIS -- THIS SLIDE SHOWS THAT AUSTIN'S INVESTMENT IN OUR TREATMENT FACILITIES HAS PAID OFF. WE HAVE EXCEPTIONALLY HIGH QUALITY AND SAFE DRINKING WATER. AND IN ADDITION WE ARE -- WE ARE AHEAD OF THE CURVE ON DRINKING WATER REGULATION, WHEN THE NEXT ROUND COMES, WE -- WE HAVE BEEN KEEPING A CLOSE WATCH ON THE REGULATIONS AND AS THEY DEVELOP AND ARE BASICALLY AHEAD OF THE CURVE WITH OUR INVESTMENTS TO DATE. SIMILAR FOR WASTEWATER TREATMENT. I THINK OUR INVESTMENT IN THESE FACILITIES HAS PAID OFF. THIS SLIDE SHOWS THE KEY MESH FOR -- FOR WASTEWATER TREATMENT PLANTS IN OUR PERMITS THERE'S A PARAMETER CALLED BIO CHEMICAL OXYGEN DEMAND. THE STANDARD FOR THAT IS 10 MILLIGRAMS PER LITER. OUR PLANTS CONSISTENTLY RUN AT AN AVERAGE OF 2-MILLIGRAMS PER LITER. THESE TREATMENT FACILITIES, BY THE WAY, THIS HIGH QUALITY OF RECLAIMED WATER PROVIDES THE BASIS THEN FOR OUR -- THE SOURCE OF WATER FOR OUR REUSE PROGRAM, OUR WATER REUSE. SO WE ARE DELIGHTED THAT THERE'S SUCH A HIGH QUALITY OF WATER THERE. THE NEXT SLIDE SHOWS, IT COMPARES THE AVERAGE MONTHLY BILLS FOR RESIDENTIAL CUSTOMERS IN TEXAS AND NATIONAL CITIES. THE -- BASED ON 8500 GALLONS OF WATER USAGE, 5,000- GALLONS OF WASTEWATER FLOW PER MONTH WHICH IS THE AVERAGE ANNUAL WATER AND WASTEWATER USAGE. AUSTIN'S EXISTING AVERAGE RESIDENTIAL MONTHLY BILL IS 41.53. WHILE THIS IS HIGHER THAN SOME TEXAS CITIES, IT'S VERY COMPETITIVE WITH CENTRAL TEXAS AND THE SMALLER CITIES, A LOT OF OTHER NATIONAL CITIES, WE ARE IN THE -- IN THE SLIGHTLY HIGHER THAN SOME OF THE OTHER LARGE TEXAS CITIES, BUT WE BELIEVE WE ARE COMPETITIVE. NOW I NEED TO MENTION THAT THERE -- THE PROPOSED RATE INCREASE WILL RAISE THIS AVERAGE BILL \$5.16 PER MONTH. WE KNOW A LOT OF THESE OTHER CITY city LOOKING AT RATE INCREASES, SOME OF THEM VERY SIGNIFICANT, BECAUSE WE ARE ALL DEALING WITH THE

SAME ISSUES OF AGING INFRASTRUCTURE, OVERFLOW ABATEMENT TYPES OF ORDERS FROM E.P.A., CAPACITY ISSUES, WATER SUPPLY ISSUES, OF COURSE, ARE VERY SIGNIFICANT IN A LOT OF CITIES, AUSTIN IS WELL POSITIONED IN THAT AREA. THE NEXT SLIDE, I WOULD LIKE TO LOOK AT -- AT SOME OF OUR PLANNED GOALS FOR 2004-2005. AND AS YOU CAN TELL, WE HAVE A MAJOR INFRASTRUCTURE INVESTMENT THAT ARE A BIG PART OF OUR GOALS FOR BOTH CAPACITY AND RELIABILITY OF UTILITY SERVICES. SUCH AS NEW TREATMENT PLANT CAPACITY ADDITIONS, AGAIN THE ULRICH AND SOUTH AUSTIN REGIONAL PLANTS, WE ARE ALSO COMPLETING TWO IMAGINE ANNEXATION PROGRAMS, THE DEL VALLE ANNEXATION WILL WRAP UP AND EUBANK ACRES WILL WRAP UP NEXT YEAR. DEALING WITH RELIABLE, CLEAN WATER PROGRAM WILL CONTINUE TO W DESIGN CONSTRUCTION TO MOVE THAT PROGRAM FORWARD, THERE WILL BE ADDITIONAL PROJECTS MOVING INTO THE CONSTRUCTION PHASE. THERE'S AN OPERATIONS AND MAINTAIN SIDE TO THE CLEAN WATER PROGRAM AS WELL THAT WE DON'T TALK A LOT ABOUT, BUT THERE ARE COSTS ASSOCIATED WITH PREVENTIVE MAINTENANCE AND IN-HOUSE MAINTENANCE THAT ARE PART OF THE CLEAN WATER PROGRAM. PART OF MEETING THE E.P.A. GOAL. WE ARE GOING TO IMPLEMENT INDUSTRY BEST PRACTICES FOR OPERATING AND MANAGING THE WASTEWATER SYSTEM, BY WORKING CLOSELY WITH THE E.P.A., GOING TO ALIGN OUR MAINTENANCE PROGRAM WITH THE PROPOSED GUIDELINE OR POTENTIAL RULE THAT THEY ARE BRINGING OUT CALLED CMOM, THAT WAS DISCUSSED THAT THE CONFERENCE EARLIER THIS WEEK. ALIGNING AND WORKING WITH E.P.A., BE ONE OF THE FIRST CITIES TO ACTUALLY ADOPT THIS GUIDELINE BY WORKING CLOSELY WITH E.P.A. ANOTHER GOAL IS CENTRALIZING THE UTILITY DEVELOPMENT PROCESS AS PART OF THE CITY-WIDE ONE-STOP SHOP INITIATIVES, WE ARE SET TO GO ON THAT. FINALLY GOING TO IT GREAT THE WATER CONSERVATION PROGRAM WITHIN THE UTILITY'S STRATEGIC BUSINESS PLAN, WE BELIEVE THAT THE SYNERGY AND EFFECTIVENESS THAT WE WILL FIND FROM HAVING WATER CONSERVATION WORKING CLOSELY WITH THAT GROUP IN THE UTILITY, ESPECIALLY WHEN WE COMBINE THAT GROUP WITH THE RECLAIMED

WATER PROGRAM IN THE UTILITY, WE ARE GOING TO I THINK FIND SOME -- SOME IMPROVEMENTED EFFECTIVENESS ON BOTH OF THOSE PROGRAMS BY THAT COMBINATION. SO IN SUMMARY, OUR MAJOR REDUCTION STRATEGIES THAT WE HAVE IMPLEMENTED INCLUDE THE PFM MANAGEMENT STUDY RECOMMENDATIONS, WE HAVE REPRIORITIZED OUR C.I.P. SPENDING, AND AT THIS POINT OUR OPERATING RISKS ARE MANAGED TO THE EXTENT FEASIBLE, BUT WITHOUT IMPACTING SYSTEM RELIABILITY, SERVICE DELIVERY AND REGULATORY COMPLIANCE. THEREFORE A SYSTEM-WIDE RATE INCREASE OF AN 11.8% IS REQUIRED. AND AGAIN THAT'S 9.2% FOR WATER AND 14.7% FOR WASTEWATER, BUT WE DO NOT PROJECT INCREASES FOR THE NEXT TWO YEARS BEYOND THAT. LAST NIGHT OUR WATER AND WASTEWATER COMMISSION RECOMMENDED APPROVAL OF THE PROPOSED BUDGET AND RATE INCREASES. AND THAT CONCLUDES MY PRESENTATION AND I WOULD BE HAPPY TO ANSWER QUESTIONS.

Mayor Wynn: THANK YOU, MR. LIPPY. QUESTIONS OF COUNCIL? IF -- OF OUR WATER UTILITY?

Slusher: I WILL MAKE A COUPLE OF COMMENTS. ONE, FROM -- I'M -- OF COURSE I'M ALWAYS HAPPY THAT 89% OF THE FOLKS THINK THAT THE WATER TASTES GOOD AND THEY HAVE GOOD READINGS ON THE -- ON THE CLEANLINESS OF THE WATER ON BOTH -- AS IT COMES IN AND OUR TREATMENT PROCESSES BUT ALSO VERY IMPORTANT OUR WASTEWATER QUALITY. IS -- IS VERY GOOD. AND THAT'S A -- THAT'S SOMETHING THAT THE UTILITY -- IT'S BEEN A WHILE NOW THAT IT'S BEEN LIKE THAT. BUT GO BACK TO THE '80S, WHICH I REMEMBER, THAT WASN'T THE CASE AND THE CITY OF AUSTIN MADE A DECISION THAT WE ARE GOING TO UPGRADE OUR WASTEWATER TREATMENT, THAT'S BEEN DONE, IT'S BEEN IN PLACE FOR A NUMBER OF YEARS NOW. I WANTED TO POINT OUT SOMETHING THAT YOU PROBABLY DON'T GET A LOT OF CREDIT FOR IS ENVIRONMENTAL PROTECTION HAS BEEN INSTITUTIONIZED AT THE WATERSHED.....WATERAND WASTEWATER UTILITY, IN MY OPINION, I THINK THAT'S PRETTY APPARENT, EVERYTHING FROM THESE FIGURES THAT I JUST SITED TO HORNSBY BEND, THE BIRD AREAS, ALSO THAT YOU FOLLOW AND HAVE ACCEPTED AND CARRIED OUT THE GROWTH POLICIES OF

THE CITY AS PERTAINS TO THE DESIRED DEVELOPMENT ZONE AND DRINKING WATER PROTECTION ZONE, SO I JUST WANTED TO STATE THAT AS YOU COME FORWARD FOR THE ANNUAL BUDGET.

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

TO BEGIN MY PRESENTATION I WOULD LIKE TO DO A BRIEF SUMMARY OF OUR F.Y. '04-'05 BUDGET. I AM PLEASED TO ANNOUNCE THERE WILL BE NO RATE INCREASE PROPOSED FOR RESIDENTIAL AND COMMERCIAL GARBAGE CUSTOMERS MUCH. AND NO RATE INCREASES FOR OUR ANTI-LITTER RESIDENTIAL AND COMMERCIAL CUSTOMERS. THE PAY AS YOU THROW FEES WILL REMAIN \$11.75 AND 14.50 FOR A 60-GALLON AND \$17.25 FOR A 90-GALLON CONTAINER FOR RESIDENTIAL CUSTOMERS. THE ANTI-LITTER FEE FOR RESIDENTIAL CUSTOMERS WILL REMAIN AT \$2.60. WHILE WE ARE KEEPING THOSE RATES CONSISTENT, SOLID WASTE SERVICES IS PROJECTING AN INCREASE DUE TO CUSTOMER GROWTH AND ANNEXATION AREAS. SOLID WASTE SERVICES CURRENT SERVICE LEVEL WILL REMAIN UNCHANGED FOR 2004-'05. AS YOU WILL KNOW, 80% OF OUR PAY AS YOU THROW CUSTOMERS WILL CONTINUE TO HAVE SAME-DAY SERVICE. WE ARE PROJECT TO DO HAVE BLUSH AND BULKY COLLECTION TWICE YEARLY FOR EACH OF OUR CUSTOMERS. SOLID WASTE SERVICES BUDGET ALSO -- EXPENDITURES AT THE LANDFILL INCLUDE FUNDING FOR THE LEE KHAUT COLLECTION SYSTEM AND THE LOW [INAUDIBLE] SYSTEM. WE REFLECT INCREASES IN EXPENDITURES AND FUNDING FOR ADDITIONAL PERSONNEL. WE ARE ADDING 20 -- PROPOSING ADDING 20 ADDITIONAL STAFF TO ADDRESS GROWTH, ANNEXATION AND ADDITIONAL CODE COMPLIANCE INSPECTORS. AS PART OF THE CHANGE IN SOLID WASTE SERVICES BUDGET NEXT YEAR, I WOULD LIKE TO GO BACK APPROXIMATELY FOUR YEARS AGO WHEN WE ACQUIRED THE CODE COMPLIANCE INSPECTORS TO ADDRESS HIGH WEEDS, TRASH AND DEBRIS, STANDING WATER AND ILLEGAL DUMPING. THROUGH PROCESS IMPROVEMENTS, SOLID WASTE SERVICES HAS BEEN ABLE TO REDUCE THE AVERAGE NUMBER OF DAYS TO CLEAR A KHRAEUPBT ON A VACANT PROPERTY FROM 44 DAYS TO 30 DAYS. DURING THE SAME TIME FRAME WE HAVE SEEN AND I

KPROCES IN OVER THREE TIMES AS MANY COMPLAINTS FOR VACANT PROPERTY. SOLID WASTE SERVICES HAS BEEN ABLE TO INTEGRATE THE CODE COMPLIANCE SECTION WITH OUR SCHEDULED BRUSH AND BULKY COLLECTION PROGRAM AND WORK WITH OUR NEIGHBORHOOD ASSISTANCE PROGRAM AFTER CLEANUPS. ALSO SOLID WASTE SERVICES HAS BEGUN ADDRESSING LOW-HANGING TREE LIMBS WITH THIS GROUP. THE CONSOLIDATION OF THE FOLLOWING AREAS. ZONING VIOLATIONS, DANGEROUS AND DILAPIDATED BUILDINGS AND JUNK VEHICLES IS AIMED AT ENHANCING THE CODE COMPLIANCE FUNCTIONS FOR THE CITY OF AUSTIN. SOLID WASTE SERVICES WILL BE ABLE TO EXPAND TO INCLUDE ALL THE MAJOR CODE VIOLATIONS RECORDS TO THESE AREAS. SOLID WASTE SERVICES HAS ALREADY BEGUN THE PROCESS OF EVALUATING THESE GROUPS AND ONCE THE PROCESS HAVE BEEN CHARTED WE WILL THEN DETERMINE RECOMMENDATIONS REGARDING IMPROVEMENTS TO THE CITY MANAGER. THIS COMPREHENSIVE APPROACH WILL ALLOW THE CITY TO MORE EFFECTIVELY ADDRESS SPECIFIC PROBLEM AREAS AND BE MORE RESPONSIVE TO THE CUSTOMERS OF THE CITY OF AUSTIN. OUR PROPOSED F.T.E. COUNT FOR 2004-'05 IF THE BUDGET PASSES WILL BE 413. THIS CONSISTS OF 19 TR-S THAT WILL BE LOCATING IN SOLID WASTE SERVICES AND 20 NEW F.T.E.S CONSISTING OF EIGHT ADDITIONAL CODE COMPLIANCE F.T.E.S FOR INVESTIGATIONS, 6 FOR LITTER ABATEMENT FOR GROWTH IN CENTRAL BUSINESS DISTRICT, 5 F.T.E.S FOR THE PAY AS YOU THROW PROGRAM FOR CUSTOMER GROWTH AND ANNEXATION AND ONE STRAIGHT I HAVE SUPPORT -- ADMINISTRATIVE SUPPORT STAFF. OUR SOLID WASTE SERVICE REVENUE FACTS. OUR REVENUE INCREASES ARE DUE TO PROJECTED CUSTOMER GROWTH. WE ARE SEEING SOME ADDITIONAL GROWTH IN THE COMMUNITY WHICH WILL INCREASE OUR REVENUES. HOWEVER, EVEN THOUGH WE HAVE SEEN INCREASED REVENUES THIS THAT FUNCTION, WE HAVE PROPOSED FEE CHANGES WHICH WE WILL BE HIGHLIGHTING LATER ON, BUT THESE PROPOSED FEE CHANGES WILL BE ASSOCIATED WITH INCREASES IN THE HOTEL-MOTEL AND ROOMING BOARD LICENSE, INCREASE IN SPECIAL COLLECTION HAULING SERVICES AND OUT OF CYCLE BRUSH COLLECTION. AT THE LANDFILL WE'LL HAVE AN INCREASE FOR ALL OTHER NON-

COMPACTED LOADS. WE'RE ALSO INCREASING IN OUR HOUSEHOLD HAZARDOUS WASTE PROGRAM WE'RE ALSO HAVING INCREASES AND DECREASES IN THE FEES BEING CHARGED TO OUR SMALL BUSINESSES THAT COME TO THAT PROGRAM. THOSE CUSTOMERS ARE PART OF OUR [INAUDIBLE] PROGRAM OR CONDITIONAL EXEMPT SMALL QUANTITY GENERATORS. THEY PAY WHAT THE COST FOR THE DISPOSAL FOR THOSE ITEMS AND SINCE WE HAVE A CONTRACT WITH THAT AND THOSE CONTRACT NUMBERS ARE CHANGING THIS YEAR, THIS IS WHAT THIS WILL REFLECT. WE ALSO ARE PROPOSING A NEW FEE, HOUSEHOLD HAZARDOUS WASTE FOR THOSE SAME CUSTOMERS TO PICK UP THE MATERIAL THEY HAVE THEREFORE SAVING THEM A TRIP TO OUR SHOP AND HOPEFULLY WE'LL BE ABLE TO CAPTURE MORE CUSTOMERS BY PICKING IT UP AND CHARGING A DISPOSAL COST. ALSO AT THE LANDFILL WE HAVE A NEW FEE FOR TIRES OVER 20 INCHES OR LARGER. TRANSFER IN IS APPROXIMATELY 10% AND ALL OTHER FEES IS 3%. THE USES FOR THOSE FUNDS. WE ARE PROPOSING USING \$51.7 MILLION FOR NEXT YEAR. PAY AS YOU THROW WILL GET THE LION'S SHARE OF 40% OF THOSE FUNDS. THE CODE COMPLIANCE GROUP WILL GET 6%. THE LITTER ABATEMENT WILL GET 8%. DIVERSION SERVICES 4% AND THE LANDFILL 4% AND TRANSFERS FOR OTHERS APPROXIMATELY 29%. THE BUDGET HIGHLIGHTS FOR SOLID WASTE SERVICES. SOME OF THE THINGS WE WANT TO TALK ABOUT IS OUR KEY ACCOMPLISHMENTS FOR 2004. IT'S ALWAYS GOOD TO LOOK BACK OVER A YEAR AND CELEBRATE WHAT WE DID GOOD AND AS WE GO FORWARD IN THE FUTURE. LAST YEAR WE WERE -- AUSTIN KHOPB CAL RECOGNIZED SOLID WASTE SERVICES AS A REAL CHOICE AWARD FOR BEST CITY SERVICE FOR RECYCLING. WE DID A WONDERFUL COME PAIN TO RIGHT SIZE THE CARTS CAMPAIGN THIS PAST APRIL THAT BROUGHT IN 1,000 NEW CALLS FOR ADDITIONAL -- FOR NEW SIZED CARTS FOR THE CUSTOMERS. AND WE STARTED TWO PILOT PROGRAMS. ONE FOR ON-CALL LARGE BRUSH COLLECTION FOR 30,000 CUSTOMERS WITHIN THE CITY OF AUSTIN, AND AN ALL IN ONE RECYCLING PILOT FOR APPROXIMATELY 5,000 CUSTOMERS WITHIN THE CITY OF AUSTIN. AND THIS YEAR WE STARTED LOOKING AT DEDICATING PERSONNEL TO ADDRESS LOW-HANGING TREE LIMBS WITHIN THE CITY OF

AUSTIN BECAUSE THOSE LIMBS ARE DAMAGING OUR TRUCKS AND WHICH IS INCREASING OUR OPERATING COSTS FOR OUR FLEET. SOME OF THE KEY PERFORMANCE MEASURES FOR 2004 WAS OUR COST PER HOUSEHOLD FOR DIRECT COSTS FOR DIRECT GARBAGE COLLECTION OF \$49.50. THIS INCLUDES ALL THE COSTS FOR PROVIDING GARBAGE COLLECTION SERVICES. AND TOTAL TONS OF GARBAGE COLLECTED, 127,756. OUR KEY GOALS FOR 2005 IS TO CONTINUE TO TRY TO MAINTAIN STABLE PAY AS YOU THROW RATES, INCREASE DIVERSION THROUGH PAY AS YOU THROW PROGRAM BY REDUCING OUR AVERAGE WEEKLY HOUSEHOLD GARBAGE FROM 32 POUNDS TO 31 POUNDS. MAINTAINING RECYCLING AT 10 POUNDS. AND DECREASE YARD TRIMMINGS FROM 5 TO 4.8 POUNDS. AND WE ALSO WANT TO TRY TO INCREASE OUR CUSTOMER SATISFACTION IN GARBAGE COLLECTION AND RECYCLING AND STREET COLLECTION BY 3%. THE FOLLOWING SLIDES WILL BE RESULTS FOR ICMA SURVEY. THE FIRST ONE IS ON CUSTOMER FOCUS. 87% OF THE CITIZENS OF AUSTIN ARE PLEASED OR SATISFIED WITH THE GARBAGE COLLECTION SERVICES. BUT AS COMPARED TO OTHER CITIES AROUND THE NATION, WE ARE LAGGING IN THAT RESPECT. WE WANT TO TRY TO WORK ON THIS FOR 2004-2005. HOWEVER, MOST OF THOSE CITIES THAT ARE SHOWN UP HERE ARE ALL LARGER THAN THE CITY OF AUSTIN SO WE'LL CONTINUE TO WORK ON THAT. BUT I THINK THE NEXT SLIDE WILL INDICATE THAT OUR PAY AS YOU THROW PROGRAM IS ACTUALLY WORKING. THIS SLIDE REFLECTS THE AVERAGE TONS OF REFUSE COLLECTED PER ACCOUNT FOR THE -- IN THE CITY OF AUSTIN. IN THIS REGARD WE ACTUALLY TRAILED IS CITIES WHICH IS GOOD BECAUSE ONLY .81 TONS PER YEAR IS GOING TO THE LANDFILL. THIS IS LOWER THAN SEVERAL CITIES IN TEXAS AND IN THE NATION. SO THIS DEMONSTRATES OUR PAY AS YOU THROW PROGRAM IS WORKING WITHIN THE CITY OF AUSTIN. AND OUR LAST SLIDE IS ON CUSTOMER FOCUS. THIS SLIDE WITH ICMA DEMONSTRATES THE OPERATING AND MAINTENANCE EXPENDITURES FOR REFUSE COLLECTION AND COUNTS. NOW, THIS -- THESE FIGURES HERE DO NOT INCLUDE DISPOSAL AND VEHICLE MAINTENANCE COSTS BECAUSE A LOT OF THESE CITIES OPERATE VERY DIFFERENTLY AND ICMA WANTS TO MAKE SURE WE'RE CAPTURING APPLES FOR

APPLES COST FOR THIS PROGRAM SO ALL OUR TOTAL COSTS IS NOT INCLUDED HERE. YOU CAN TELL WE ARE BELOW THE NORMAL FOR A NUMBER OF CITIES IN THE UNITED STATES AND ONE CITY IN THE STATE OF TEXAS. AT THIS TIME, COUNCIL, THAT CONCLUDES MY PRESENTATION. IF YOU HAVE ANY QUESTIONS FOR ME.

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

Slusher: I WOULD JUST SAY KEEPING A PATTERN TODAY THAT -- ASK MR. RHOADES TO PASS ALONG TO THE EMPLOYEES THAT WE UNDERSTAND THAT THEY RUN A VERY EFFICIENT OPERATION. WE THINK ABOUT IT GOING TO EVERY HOUSE IN THE CITY OF AUSTIN ONCE A WEEK FOR GARBAGE, RECYCLING AND YARD WASTE, ALTHOUGH I KNOW THE RECYCLING IS DONE EVERY TWO WEEKS IN SOME OF THE NEIGHBORHOODS WHERE YOU HAVE THE LARGER CONTAINERS. BUT VERY EFFICIENT, SOLID OPERATION AND THE COUNCIL IS AWARE OF THAT. IF YOU WOULD PASS THAT ALONG.

THANK YOU, I WILL.

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

Goodman: ALONG THOSE LINES, I WANTED TO THANK YOU FOR TRYING TO DO WHAT SOME CUSTOMERS REALLY FEEL IS IMPERATIVE IN THEIR OWN NEIGHBORHOODS AND I KNOW THAT IS DIFFERENT FROM NEIGHBORHOOD TO NEIGHBORHOOD. AND ONE LADY IN ONE NEIGHBORHOOD WE KNOW STILL WOULD LIKE IT TO BE A LITTLE BETTER SO I KNOW YOU ALL WILL TRY. ON THE OTHER HAND, I WANT TO THANK ALSO THE CREWS FOR DOING SOMETHING THAT MAYBE NOT ALL OF US KNOW THEY DO WHICH IS FOR FOLKS WHO HAVE DIFFICULTY WITH MOBILITY AND WITH MOVING THOSE CONTAINERS DOWN TO THE CURB AND BACK AGAIN, MR. RHOADES AND HIS CREWS PUT THEM ON A LIST ON A PROGRAM AND DO IT FOR THEM. AND SO FOR SOME FOLKS THEY WOULD NOT BE ABLE TO GET ANYTHING TO THE CURB WITHOUT OUR CREWS. AND SO THANKS FOR THAT. A LOT OF PEOPLE APPRECIATE THAT VERY MUCH. AND I THINK IT'S

KIND OF AN INDICATION THAT THIS IS A COMMUNITY ORIENTED DEPARTMENT.

THANK YOU, COUNCILMAN.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. FURTHER COMMENTS? THANK YOU, MR. RHOADES. MR. CANELAS. COUNCIL, THAT CONCLUDES THIS BUDGET BRIEFING. AND WITH NO DISCUSSION ITEMS PRIOR TO OUR 4:00 TIME CERTAIN ZONING HEARINGS, WE WILL NOW GO BACK INTO CLOSED SESSION PURSUANT TO SECTION 551.072 OF THE OPEN MEETINGS ACT TO DISCUSS AGENDA ITEM 50 RELATED TO OPEN SPACE AND PROPOSITION 2. MS. BROWN, WE DID NOT AND WILL NOT TAKE UP ITEMS 47 OR 48 IN EXECUTIVE SESSION. WE ARE NOW IN CLOSED SESSION AND I EXPECT US TO BE BACK SHORTLY AFTER 4:00 FOR OUR ZONING HEARINGS. THANK YOU.

Mayor Wynn: MS. BROWN, YOU MIGHT SHOW WE ARE TOLD WE WILL NOT BE TAKING UP ITEM 50 IN EXECUTIVE SESSION UNTIL LATER THIS EVENING. AND SO WITH THAT IN MIND, WE ARE NOW IN RECESS. WE WILL RECONVENE THE AUSTIN CITY COUNCIL AT 4:00 P.M.

Mayor Wynn: THERE BEING A QUORUM PRESENT, I WILL NOW CALL BACK TO ORDER THE MEET OF THE AUSTIN CITY COUNCIL. WE WILL NOW CALL UP THE ZONING ORDINANCES AND RESTRICTIVE COVENANTS AND WE'LL WELCOME MISS ALICE GLASGO.

GOOD AFTERNOON, MAYOR AND COUNCILMEMBERS, I'LL ALICE GLASGO, DIRECTOR OF THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. OUR ZONING CASES FOR TODAY ARE AS FOLLOWS: ITEM NUMBER 54, CASE C 814-98-001.01, SOUTHWEST MARKETPLACE. THIS IS AN AMENDMENT TO THE FORUM PLANNED UNIT DEVELOPMENT. THE PROPERTY IS LOCATED AT 4201 THROUGH 4515 WEST WILLIAM CANNON DRIVE AND 6900 TO 72... 7238 SOUTH MOPAC EXPRESSWAY. THIS IS READY FOR YOUR APPROVAL ON SECOND AND THIRD READINGS. ITEM 55 WILL BE DISCUSSION FIX BASKETBALL LUTION. SAME AS 57 AND 58 AND 59. ITEM NUMBER 60, THE POWER HOUSE LOUNGE, THE OWNER OF THE PROPERTY HAS REQUESTED A

POSTPONEMENT TO SEPTEMBER THE 30TH AND THIS IS THE OWNER'S FIRST REQUEST, AND WE RECOMMEND THE POSTPONEMENT. ITEM NUMBER DISCUSSION WILL BE A DISCUSSION, SO WILL 62. AND MAYOR, THAT CONCLUDES THE CONSENT ITEMS UNDER THE NON-PUBLIC HEARING SEGMENT OF OUR AGENDA.

Mayor Wynn: THANK YOU, MS. GLASGO. THAT'S TWO OUT OF NINE. WE'LL DO BETTER NEXT WEEK. SO COUNCIL, FOR THE ZONING CASES WHERE WE'VE ALREADY HAD THE PUBLIC HEARING, ITEM NUMBER 54, APPROVAL ON SECOND AND THIRD READING, AND ITEM 60, A POSTPONEMENT TO SEPTEMBER 30TH, 2004. I'LL ENTERTAIN A MOTION. MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER THOMAS TO AMOVE THE ZONING CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. AYE.

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

McCracken: MAYOR, I NEED TO BE SHOWN AS A NO ON ITEM 54.

Mayor Wynn: PLEASE SHOW ECONOMIC VOTING NO ON ITEM NUMBER 54. SO THAT HAD PASS ON A VOTE OF SIX TO ONE. MS. GLASGO, DO YOU RECOMMEND THAT WE TRY TO TAKE UP THE PUBLIC HEARING ZONING CASES TO TRY TO GET SOME OF THOSE OUT OF THE WAY?

YES, WE CAN DO THAT. SO WE MOVE ON TO THE PUBLIC HEARING ZONING ITEMS. Z-1 AND 2 WILL BE HEARD TOGETHER. STARTING WITH Z-3, PARK SIDE AT SLAUGHTER CREEK. THIS CASE IS LOCATED AT 1825 NATIONAL PARK BOULEVARD. THE EXISTING ZONING IS INTERIM RURAL RESIDENTIAL. THE APPLICANT IS SEEKING A CHANGE TO GR, WHICH STANDS FOR COMMUNITY COMMERCIAL. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT THE APPLICANT'S REQUEST FOR GR AND THEY ADDED A CONDITIONAL OVERLAY. THIS CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-4, C-14-04-84. THIS PROPERTY IS LOCATED AT 412, 414, 426 AND 428 THOMPSON LANE. EXISTING ZONING IS RURAL RESIDENTIAL. THE

APPLICANT IS SEEKING A CHANGE TO CS, WHICH STANDS FOR GENERAL COMMERCIAL SERVICES. THE APPLICANT'S REQUEST IS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION WITH A CONDITIONAL OVERLAY. THIS CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-5, CASE C-14-04-85, LOCATED ALSO ON THOMPSON LANE AT 411. THE EXISTING ZONING IS INTERIM RURAL RESIDENTIAL. THE APPLICANT IS SEEKING CS ZONING, WHICH STANDS FOR GENERAL COMMERCIAL SERVICES. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT THE APPLICANT'S REQUEST WITH A CONDITIONAL OVERLAY. THIS CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-6, CASE C-14-04-0106, THIS IS THE WALNUT CREEK GREENBELT AT METRIC, LOCATED AT 12100 BLOCK OF METRIC BOULEVARD. THE EXISTING ZONING IS MULTI-FAMILY 2 AND THEY ARE REQUESTING FOR A PARK TO P PUBLIC. THIS GRANT IS RECOMMENDED BY THE COMMISSION AND IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-7, CASE C-14-04-113, AMY'S ICE CREAM, LOCATED AT 2109 NORTHLAND DRIVE. THE EXISTING ZONING IS LR, NEIGHBORHOOD COMMERCIAL. THE APPLICANT IS SEEKING A CHANGE TO GENERAL COMMERCIAL SERVICES, WHICH IS RECOMMENDED BY THE COMMISSION WITH A CONDITIONAL OVERLAY. THIS CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-8, CASE C-14-04-92, THIS CASE IS LOCATED AT 12852 U.S. HIGHWAY 183 NORTH. THE EXISTING ZONING IS DEVELOPMENT RESERVE. THE APPLICANT IS SEEKING A CHANGE TO COMMUNITY COMMERCIAL, WHICH THE COMMISSION RECOMMENDS WITH A CONDITIONAL OVERLAY, AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-9 WILL BE A DISCUSSION. Z-10, ZIMMERMAN ZONING, LOCATED AT 11108 ZIMMERMAN LANE. THE APPLICANT IS SEEKING A CHANGE FROM DEVELOPMENT RESERVE TO SINGLE-FAMILY 6. THE APPLICANT'S REQUEST OF SINGLE-FAMILY 6 IS RECOMMENDED WITH A CONDITIONAL OVERLAY BY THE COMMISSION, AND THIS CASE IS READY FOR FIRST READING ONLY. ITEM NUMBER 11 WILL BE A DISCUSSION ITEM, AND MAYOR, THAT CONCLUDES THE CONSENT ITEMS UNDER THE 4:00 O'CLOCK PUBLIC HEARING.

Mayor Wynn: THANK YOU, MS. GLASGO. SO COUNCIL, OUR

CONSENT AGENDA ON OUR PUBLIC HEARINGS ZONING CASES WILL BE AS FOLLOWS: ITEM Z-3 ON ALL THREE READINGS, Z-4 THREE READINGS, SKI 5 THREE READINGS. Z-6, Z-7 AND Z # ON ALL THREE READINGS. AND DISOOE 10 ON FIRST READING ONLY.

THAT'S CORRECT.

Mayor Wynn: I'LL ENTERTAIN A MOTION. MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE THE ZONING CONSENT -- TO CLOSE THE PUBLIC HEARINGS AND APPROVE THE ZONING CONSENT AGENDA AS READ.

Slusher: I'VE GOT A QUESTION. MS. GLASGO, I'M CONCERNED ABOUT Z-10, THE 11108 ZIMMERMAN LANE. I THINK THAT'S NEAR -- THAT'S RIGHT ADJACENT TO RESERVE LAND, IS THAT CORRECT? AND WHAT I'M DRIVING AT IS THE STAFF RECOMMENDED SF-2, AND THE PLANNING OR THE ZAP UPPED THAT TO SF- 6-CO. COULD YOU TELL ME THE STAFF'S THINKING IN ONLY RECOMMENDING SF-2?

YEAH. THE STAFF RECOMMENDATION WAS LOOKING OBVIOUSLY FOR CONSISTENCY AND ALSO THE FACT THAT ZIMMERMAN LANE IS A COUNTY ROAD THAT HAS NOT BEEN UPGRADED; HOWEVER, WHEN THE REQUEST WAS PROPOSED TO STAFF, THE APPLICANT HAD NOT OFFERED A LIMITATION IN DENSITY; HOWEVER, WHAT THE COMMISSION HAS DONE BY IMPOSING A CONDITIONAL OVERLAY TO LIMIT THE MAXIMUM DWELLING UNITS TO 25 IS ACTUAL EQUAL IS TO WHAT THE STAFF RECOMMENDATION IS. SO WITH THE SINGLE-FAMILY 6 AS FAR AS NUMBER OF UNITS GO, SO YOU WILL HAVE A SITE THAT IS DEVELOPED AS ONE SITE WITH A MAXIMUM OF 25 UNITS, WHICH REALLY EQUATES TO SINGLE-FAMILY 1 DENSITY AND THEREFORE THAT'S WHY STAFF IS NOT OPPOSING THE COMMISSION RECOMMENDATION. HAD THERE NOT BEEN A LIMITATION, THEN YES, YOU WOULD HAVE THE POTENTIAL OF HAVING HIGHER DENSITY OF AT LEAST 36 SINGLE-FAMILY HOMES WITHOUT THAT IMPLEMENTATION.

Slusher: THANK YOU. THAT CLEARS IS UP. I'LL LET THAT ONE

GO.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS ON THE CONSENT AGENDA? NO CITIZENS SIGNED UP ON ANY OF THESE CASES? ALL THOSE IN FAVOR, PLEASE SAY AYE?

AYE.

Mayor Wynn: OPPOSED? IT PASSES ON A VOTE OF SEVEN TO ZERO. SO MS. GLASGO, ESSENTIALLY THE DISCUSSION ITEMS ON OUR ZONING CASES THAT HAVE ALREADY HAD THE PUBLIC HEARING ARE ALL -- ALL BUT TWO ARE RELATED TO THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN AND/OR THE NEIGHBORHOOD UNIVERSITY OVERLAYS OR TRACTS WITHIN THOSE PLANS. THEN WE HAVE THE TWO CASES DOWN ON BRODIE LANE.

THAT IS CORRECT, MAYOR.

Mayor Wynn: I WANT TO BE RESPECTFUL OF EVERYBODY'S TIME AND WHAT LIKELY WILL BE THE COUNCIL DISCUSSION ON THESE ITEMS, I'M TRYING TO HANDY.....HANDICAP WHICH ONES WE MIGHT GET DONE QUICKER IN ORDER TO GET SOME PEOPLE HOME, PERHAPS EVEN BEFORE DINNER. COUNCIL, MY SUSPICION IS THAT FRANKLY WE COULD PROBABLY HAVE THE BRODIE LANE DISCUSSIONS, PROBABLY COULD CONCLUDE THOSE CASES LIKELY MORE QUICKLY THAN WE CAN THE CENTRAL AUSTIN CASES, SO WITHOUT OBJECTION, WHY DON'T WE TAKE UP ITEM 61 61 FIRST, MISS GLASGO.

OKAY. ITEM NUMBER 61 IS CASE C 1403-157. I'LL LET MR. GUERNSEY WALK YOU THROUGH THIS ITEM SINCE HE WORKED CLOSELY WITH THE NEIGHBORHOOD ON THE CHARRETTE AND THE COUNCIL ACTION.

MAYOR AND COUNCIL, ITEM NUMBER 61 IS CASE C-14-03-0157, THIS IS A REZONING CASE LOCATED ON BRODIE LANE BETWEEN WESTGATE AND DAVIS. IT'S BROUGHT BEFORE YOU FOR THIRD READING. THERE IS GENERAL AGREEMENT AMONG THE NEIGHBORHOOD AND THE APPLICANT REGARDING THE NUMBER OF UNITS, THE TYPE OF ZONING. THE APPLICANT HAS BROUGHT TO MY ATTENTION THAT

THEY ARE IN DISAGREEMENT WITH THE PROHIBITION AGAINST DRIVE-IN SERVICES THAT'S UNDER PART 2, ITEM NUMBER 2 IN THE ORDINANCE IN YOUR BACKUP. THEY WERE UNDER THE UNDERSTANDING THAT COUNCIL HAD FIRST READING DID NOT INCLUDE THAT AS A PROHIBITED ACTIVITY, AS AN ACCESSORY, ALTHOUGH IT WAS DRAFTED IN THE ORDINANCE AT SECOND READING. AT SECOND READING, BOTH PARTIES, THE NEIGHBORHOOD AND THE ADJACENT NEIGHBORHOODS OR THE APPLICANT IN THE ADJACENT NEIGHBORHOOD, WERE GOING TO GO BACK AND DISCUSS A PRIVATE AGREEMENT DEALING WITH AN AREA APPROXIMATELY 200 FEET WIDE THAT'S IMMEDIATELY SOUTH OF THIS ZONING CASE, AND THE QUESTION THAT WAS STILL ON THE TABLE HAD TO DO WITH SCREENING FENCE. IF THERE WAS ONE, WHERE IT WOULD BE LOCATED. AND SO THAT ISSUE IS STILL ONGOING, AS I UNDERSTAND IT. MR. JOHN LARKIN AND PHIL BROWN WHO ARE WITH THE CHERRY CREEK NEIGHBORHOOD WHO SPOKE LAST TIME. I UNDERSTOOD THERE'S A REPRESENTATIVE HERE TONIGHT, ALTHOUGH I DON'T SEE MR. BROWN OR MR. LARKIN IN THE AUDIENCE. THE APPLICANT IS HERE, THE ATTORNEY IS HERE AND CAN SPEAK TO WHERE THEY ARE AT THIS TIME. IT'S ALSO MY UNDERSTANDING THAT THE APPLICANT HAS OFFERED TO THE NEIGHBORHOOD A DIFFERENT TYPE OF FENCING TO ALLEVIATE SOME OF THE PROPERTY OWNERS' CONCERN. THEY WOULD STILL LIKE IT ALONG THE PROPERTY LINE ITSELF, AND AGAIN THIS IS BEYOND THE LIMITS OF THE ZONING CASE, BUT THEY HAVE OFFERED AN IRON -- WROGT IRON FENCE THAT -- WROUGHT IRON FENCE THAT ONE CAN SEE THROUGH AT THE PROPERTY LINE AS OPPOSED TO A SIMPLE SOLID BOARD FENCE. SO THAT IS WHERE WE ARE AS I UNDERSTAND IT. I THINK THE APPLICANT IS AGREEABLE TO THE ORDINANCE THAT'S IN YOUR BACKUP AS WELL AS THE NEIGHBORHOOD, WITH THE EXCEPTION OF THE DRIVE-IN SERVICE USES PROHIBITED WITH A RESTAURANT USE ON TRACT 1. AND IF YOU HAVE ANY QUESTIONS, I'LL BE MORE THAN HAPPY TO ANSWER THEM AT THIS TIME.

Mayor Wynn: THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF, COUNCIL? COMMENTS?

Alvarez: YEAH, I HAD A QUESTION FOR MAYBE THE

APPLICANT. I DON'T SEE ANY OF THE NEIGHBORHOOD REPRESENTATIVES HERE. BUT ABOUT THE DISCUSSION THAT TOOK PLACE ON THE -- IN THE BUFFER AREA. MR. SUTTLE, I BELIEVE WAS THE --

WE'RE ACTUALLY GETTING E-MAILS AS WE SPEAK ON THIS. MAYOR AND MEMBERS OF COUNCIL, MY NAME IS RICHARD SUTTLE HERE ON BAFT OF THE APPLICANT. IT IS OUR UNDERSTANDING THAT THE STAFF RECOMMENDATION THAT THE COUNCIL MOTION WAS BASED ON SAID NO AUTOMOTIVE CREWS. IT DIDN'T REFERENCE THE DRIVE-IN USES. THAT WAS REFERENCED BY THE PFK, BUT IT WASN'T PART OF YOUR ORIGINAL MOTION. IT'S IN THE ORDINANCE AS A SECOND PROVISION AND NOBODY CAN FIGURE OUT WHERE IT CAME IN. WE WERE JUST HOPING THAT IT WOULD COME BACK OUT AT THIRD READING AS YOUR MOTION THE FIRST TIME DID. ON THE ORNAMENTAL FENCING ISSUE. THAT WAS THE SAME ISSUE WE DISCUSSED LAST WEEK. THE NEIGHBORHOOD DOES NOT WANT US TO BE ABLE TO FENCE THE 200-FOOT BUFFER. WE HAVE OFFERED TO -- WE DON'T HAVE PLANS TO FENCE IT, BUT IF WE DO, WE'LL DO IT WITH AN ORNAMENTAL FENCE, AND THAT IS DEFINED IN THE CITY CODE AS A FENCE THAT HAS A RATIO OF SOLID TO OPEN OF ONE TO FOUR. SO IF YOU HAVE A ONE-INCH SLAT YOU HAVE TO HAVE FOUR INCHES OF OPEN. AND WE WOULD BE WILLING TO SAY IF THERE WAS A FENCE WITHIN THAT BUFFER THAT IT WOULD BE AN ORNAMENTAL FENCE. AND WE'RE ALSO WILLING TO ENTER INTO THE COVENANT WITH THE NEIGHBORHOOD. SOME OF YOU HAD INDICATED A WORRY THAT THIS BUFFER MAY BE DEVELOPED LATER ON, AND WE'RE WILLING TO ENTER INTO A COVENANT WITH THE NEIGHBORHOOD THAT SAYS IT'S A BUFFER, IT'S FOR DRAINAGE, UTILITIES, THOSE TYPES OF THINGS ONLY. IT'S NOT TO BE DEVELOPED WITH STRUCTURES. AND THAT'S WHERE WE ARE TONIGHT.

Alvarez: BUT YOU DON'T HAVE NECESSARILY THAT AGREEMENT IN PLACE?

NO, COUNCILMEMBER. WE'VE BEEN WE'RE AT A STALEMATE ON THE DOCUMENT. BUT I WILL TELL YOU ON THE RECORD TONIGHT THAT WE WILL ENTER INTO AN AGREEMENT THAT SAYS IT'S A BUILDING SET BACK, DRAINAGE, UTILITIES AND

IRRIGATION ONLY. ENTER INTO AN AGREEMENT WITH THEIR NEIGHBORHOOD ASSOCIATION, FENCING ALLOWED, BUT ONLY ORNAMENTAL FENCING IF AND WHEN WE FENCE IT. AND WE'LL STATE THAT FOR THE RECORD AND ENTER INTO THAT AS PART OF THIS ZONING CASE.

Alvarez: THE OTHER ISSUE I HAD MENTIONED LAST TIME LOOKING AT THE PLAN THEY CAME UP WITH, CONCEPTUAL PLAN FOR THAT STRETCH OF BRODIE, WAS TO HAVE A CONTINUOUS HIKE AND BIKE TRAIL. AND SO I WAS HOPING THAT THROUGH THAT PROCESS YOU COULD ALSO AT LEAST AGREE TO SOME KIND OF ACCESS AGREEMENT OR AT LEAST TO HAVE THE BIKE TRAIL CONTINUE THROUGH THAT BUFFER AREA IF IT REMAINS UNDEVELOPED.

WE'RE ALSO WILLING TO COMMIT THAT IF THERE'S A FENCE - - AND STILL IT'S NOT A CERTAINTY, BUT IF THERE'S A FENCE, WE WILL PUT GAPS OR DPAITS IN IT SO THAT IN THE EVENT THERE IS A PEDESTRIAN OR HIKE AND BIKE TRAIL THROUGH THERE THAT IT WOULD ACCOMMODATE THAT. IT'S NOT PART OF THE ZONING CASE TONIGHT, AND MY CLIENT DOESN'T OWN THIS YET BECAUSE WE HAVEN'T HE CLOSED, SO WE CAN'T GRANT AN EASEMENT FOR A HIKE AND BIKE YET. AND FOR THE RECORD, IF THERE'S AN ORNAMENTAL FENCE, WE'LL PUT A GAP OR A GATE IN IT. THOSE ARE ALL ISSUES THAT WOULD BE SEPARATE WITH US WITH THE NEIGHBORHOOD, BUT WE'RE COMMITTING TO THAT TONIGHT AS PART OF THE ZONING CASE. AND THAT ALONG WITH THE DELETION OF THE DRIVE-IN SERVICES, WE THINK THIS THING IS READY TO GO TONIGHT.

Alvarez: THOSE ARE MY CONCERNS JUST BECAUSE -- AGAIN, THIS PIECE OF LAND USED TO BE IN THE PART OF THE PROJECT THAT -- IT'S NO LONGER IN THE PROJECT. I AM AT LEAST TRYING TO LOOK FOR SAFEGUARDS TO ENSURE THAT IF IT IS PORTRAYED HERE AS A BUFFER THAT IT DOESN'T END UP DOWN THE ROAD AS BEING REDEVELOPED, THAT THERE'S NOT ANOTHER ZONING CASE THAT COMES FORWARD THAT WOULD CONTEMPLATE DEVELOPMENT ON WHAT'S BEING TALKED ABOUT HERE AS A BUFFER BETWEEN THE TWO DEVELOPMENTS. AND I CERTAINLY WOULD LIKE TO HAVE THAT BEFORE WE HAVE THE FINAL VOTE, BUT I'LL YIELD TO OTHER COUNCILMEMBERS TO SEE IF THERE'S

OTHER QUESTIONS.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? HEARING NONE, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 61 FOR THIRD READING.

McCracken: MAYOR, I THINK IT WOULD BE -- DO WE KNOW WHERE THE NEIGHBORHOOD REPRESENTATIVES ARE?

COUNCILMEMBER, I SPOKE WITH JOHN LARKIN TODAY. HE CERTAINLY WAS AWARE THAT IT WAS ON THE AGENDA. HE MAY HAVE ASSUMED THAT YOU WERE GOING TO DO THE UNIVERSITY ITEMS FIRST BEFORE HE WAS COMING DOWN, SO I KNOW HE'S AWARE OF THE MEETING TODAY, I KNOW HE'S AWARE OF THE TIME. I CANNOT EXPLAIN WHY HE'S NOT HERE, THOUGH. THERE MAY BE SOMEONE ELSE FROM THE CHERRY CREEK NEIGHBORHOOD ON BRODIE LANE HERE. I DON'T SEE ANYONE STANDING OUT.

Slusher: MAYOR, ALSO THE -- I DON'T SEE THE APPLICANTS FOR THE OTHER CASE ON BRODIE LANE. OH, HE IS HERE. OKAY.

SINCE THE NEIGHBORHOOD'S NOT HERE, MAYOR, HOW ABOUT WE POSTPONE TWO WEEKS? WE'VE GOT THE -- DOES THE 30TH WORK FOR YOU? WE'VE GOT THE FLEXIBILITY. I DON'T WANT TO RUN WITHOUT THE NEIGHBORHOOD BEING HERE. THAT WOULDN'T BE FAIR. IT'S UP TO YOU GUYS, BUT WE WOULDN'T CARE IF YOU WANTED TO PUSH IT OFF TO THE 30TH.

Mayor Wynn: I'LL ENTERTAIN A MOTION.

Goodman: I'LL MOVE POSTPONEMENT UNTIL SEPTEMBER THE 30TH.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER..... COUNCILMEMBER MCCRACKEN TO POSTPONE ITEM 61 TO SEPTEMBER 30TH, 2004. FURTHER COMMENTS? MAYOR PRO TEM.

Goodman: AND THANK THE APPLICANT AND REPRESENTATIVE

FOR THAT GESTURE.

Mayor Wynn: AGREED. ALL THOSE IF FAVOR, PLEASE SAY AYE.

AYE.

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

MAYOR AND COUNCIL, THAT TAKES US TO OUR NEXT ITEM, ITEM 62.

Mayor Wynn: ACTUALLY, MR. GUERNSEY, IF THE NEIGHBORHOOD -- IT'S THE SAME NEIGHBORHOOD IN QUESTION AND THEY'RE STILL NOT HERE. SO PERHAPS WE CAN JUST TABLE THIS FOR THE TIME BEING AND GO ON TO A DIFFERENT CASE. I WAS TRYING TO SEND SOME FOLKS HOME. SO MS. GLASGO, I GUESS WE SHOULD TAKE UP ESSENTIALLY ITEMS 55 THROUGH 59 WHICH ALL RELATE IN SOME FORM OR FASHION TO THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN.

OKAY. MARK WALTERS AND JACKIE SHOOTER WILL BE PRESENTING THOSE ITEMS FOR WEST UNIVERSITY AND THE UNIVERSITY NEIGHBORHOOD OVERLAY, AND JACKIE SHOOTER FOR THE HANCOCK CASES.

GOOD EVENING, MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS. MY NAME IS JACKIE SHOOTER WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. I WILL PRESENT THE REMAINING TRACTS IN THE HANCOCK PORTION OF THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN. THAT'S ITEM 55. AND THE HANCOCK NEIGHBORHOOD PLAN COMBINING DISTRICT, ITEM 56 FOR ADOPTION. FOLLOWING MY PRESENTATION, MARK WALTERS WILL PRESENT THE REMAINING TRACTS IN THE WEST UNIVERSITY PORTION OF THE PLAN, ITEM 55, AND THE WEST UNIVERSITY NEIGHBORHOOD PLAN COMBINING DISTRICT, ITEM 57. I WILL NOW PRESENT THE REMAINING TRACTS FROM THE HANCOCK NEIGHBORHOOD PLANNING AREA. WE'LL START WITH YOUR MOTION SHEET, THE FIRST PAGE. THE FIRST TRACT IS TRACT 2104-A, 3403, 3405 AND 3407

HAMPTON ROAD AND 3406 RED RIVER STREET. THE FUTURE LAND USE WOULD BE SINGLE-FAMILY AND THE THE PROPERTY OWNER IS REQUESTING MF-6, CO-NP. THE NEIGHBORHOOD AND THE PROPERTY OWNER HAVE BEEN DISCUSSING A RESTRICTIVE COVENANT BUT THEY HAVEN'T REACHED AGREEMENT AT THIS TIME. SO DO YOU HAVE ANY QUESTIONS ABOUT THIS ITEM?

Mayor Wynn: COMMENTS? COUNCILMEMBER DUNKERLEY.

Dunkerley: ON THIS PARTICULAR ITEM WE SPENT A LONG TIME TRYING TO NEGOTIATE THIS ISSUE. AS OF YESTERDAY AFTERNOON, AT LEAST THE NEIGHBORHOOD AND THE AGENT FOR THE OWNER HAD TENTATIVELY AGREED TO PURSUE THE FOLLOWING ITEMS: NUMBER 1, THAT THIS IS PROPERTY WHERE THERE ARE RIGHT NOW TWO SINGLE-FAMILY HOMES WITH MULTIPLE STUDENTS THAT FACE ON RED RIVER. AND THEN THE CALCASIEU COTTAGES THAT FACE ON HAMPTON. SO THIS IS WHAT THEY WERE TRYING TO WORK ON. NUMBER ONE, THAT THERE WOULD BE A WALL, A MASONRY OR ROCK WALL SEPARATING THE TWO PROPERTIES. THERE WOULD BE NO ENTRANCE OR EXITS FROM THE BUILDINGS THAT FACE ON TO RED RIVER ON TO THE HAMPTON LOCATION. THIS WALL WOULD BLOCK THAT. THE OWNER WOULD AGREE TO MAINTAIN THE COTTAGES IN GOOD REPAIR, AND THEY WOULD NOT OBJECT TO A CITY-INITIATED DOWN-ZONING AT A LATER DATE. ON THE OTHER SIDE WE WERE TRYING TO FACILITATE AN AGREEMENT TO HAVE A TEMPORARY UP ZONING TO ALLOW THE OWNER TO GET ENOUGH IMPERVIOUS COVER SO THAT AS HE GETS HIS THIRD BUILDING WITH THE SUBDIVISION THAT THEY COULD ALL EXIT ON HAMPTON ROAD. WE DIDN'T EXACTLY KNOW WHAT THE UP SO MANYING WOULD BE, BUT WE WANTED THE LOWEST POSSIBLE UP ZONING THAT WOULD GET HIM THE IMPERVIOUS COVER THAT WAS NEEDED TO DO THAT. IN ADDITION, WHATEVER THAT UP ZONING WAS, WHETHER IT WAS MF-OF OR LOWER OR HIGHER, IT WOULD BE RESTRICTED TO SF-2 USES AND BUILDING DEVELOPMENT STANDARDS AND EVERYTHING EXCEPT FOR THE IMPERVIOUS COVER. AND THEN THE CITY WOULD INITIATE THE DOWN ZONING BACK TO SF-2 ONCE THE OWNER WAS ABLE TO WORK THROUGH AND GET HIS PERMITS AND GET HIS IMPERVIOUS COVER AND MAKE SURE HE COULD EXIT.

THAT'S WHAT THEY WERE GOING TO TRY TO DO. AND I KNOW IT'S BEEN DIFFICULT. SO MY QUESTION IS NUMBER ONE, HAVE THEY BEEN ABLE TO GET THAT AGREEMENT IN PLACE? DO THEY THINK THEY CAN GET IT IN PLACE BY THE END OF THIS MEETING? AND IF SO, WE COULD POSTPONE THIS ACTION UNTIL THE END OF THE MEETING. DO THEY THINK THEY COULD GET SOMETHING IN PLACE BY THE NEXT MEETING, WHICH IS SEPTEMBER 30TH, OR DO WE JUST NEED TO GO AHEAD AND MOVE FORWARD ON THE ZONING? SO THOSE ARE THE QUESTIONS I HAVE. AND YOU MAY HAVE TO ASK BOTH THE OWNERS' AGENT AND THE GROUP EXACTLY WHERE THEY ARE.

YES. THE OWNER'S AGENT AND REPRESENTATIVES OF THE NEIGHBORHOOD ARE HERE IF THEY WOULD BE WILLING TO SPEAK TO THESE QUESTIONS.

Mayor Wynn: WELCOME MS. MA KEL MEAD AND MS. KAREN MCGRAW.

KAREN MCGRAW REPRESENTING GAY AND SHANNON RATLIFF. THE NEIGHBORS ARE INTERESTED IN THIS PROPOSAL BECAUSE -- AND I THINK YOU HEARD WHAT COUNCILMEMBER DUNKERLEY SAID. THE TRAFFIC IMPLICATIONS AND THE THINGS THAT WERE OFFERED WERE OF INTEREST TO THE NEIGHBORS, BUT BECAUSE OF THE SHORT TIME FRAME, A LOT OF DOCUMENTS HAVE FLOWN BACK AND FORTH AND WE DON'T FEEL LIKE THE LANGUAGE IS TIED DOWN. AND THERE'S ALSO A CONCERN THAT THIS IS REQUIRING A DIFFERENT SUBDIVISION THAN ANYONE IS SEEING. AND IT WOULD BE -- IF THE OWNERS ARE WILLING TO WORK WITH THE NEIGHBORS OVER THE NEXT COUPLE OF WEEKS WITH THE CITY STAFF TO GET A MORE KNOWN END RESULT HERE, I THINK THE NEIGHBORS WOULD VERY MUCH LIKE TO PURSUE THIS. AND WE JUST NEED TO KNOW THAT THE OWNERS ARE WILLING TO MAKE THAT COMMITMENT TO WORK THIS THROUGH WITH CITY STAFF. SO THAT WHAT WE END UP WITH HAS MANY MORE NOANZ THAN WE HAVE RIGHT NOW. AND WE CAN REALLY GET THE LANGUAGE BR WHERE IT NEEDS TO BE.

COUNCILMEMBERS, FIRST AND FOREMOST, I APPRECIATE THE POSTPONEMENT THAT YOU GRANTED ON MY BEHALF

WHILE I WAS OUT OF TOWN. I DO APPRECIATE THAT. I HAVE DRAFTED ON MY CLIENT'S BEHALF FOR THE GROUP FIVE -- FOUR OR FIVE DOCUMENTS THAT I THINK ARE PRETTY CLOSE TO BEING IN FINAL FORM. I DO NOT THINK TALKING WITH ATTORNEYS FOR THE NEIGHBORHOOD TONIGHT THAT WE'LL BE ABLE TO GET THOSE DONE BY THE END OF THE MEETING, BUT WE ARE WILLING TO CONTINUE TO TRY TO GET THOSE DOCUMENTS WHERE EVERYBODY CAN BE COMFORTABLE WITH THEM. AND FOR THE RECORD, THERE'S NOT A NEW SUBDIVISION, BUT WE WILL LOOK AT THAT ISSUE AND ALL THOSE ISSUES TO MAKE SURE EVERYBODY HAS ALL THE DOCUMENTS IN FRONT OF THEM AND HAS ALL THE INFORMATION THEY NEED. AND CONTINUE TO WORK WITH STAFF, WHO HAS BEEN GREAT AT HELPING US TREMENDOUSLY GET TONS OF INFORMATION PASSED AROUND IN A SHORT TIME FRAME. SO WE'RE ABSOLUTELY WILLING TO CONTINUE TO WORK. WE ACTUALLY WOULD LIKE TO PREFER NOT DELAY IT ANY FURTHER, BUT WE'RE WILLING TO CONTINUE TO WORK WITH THE NEIGHBORHOOD TO SEE IF WE CAN REACH AGREEMENT. I THINK WE'RE VERY, VERY CLOSE.

Dunkerley: SO BY THE 30TH WE COULD EXPECT EITHER A YES OR NO AND GET A DOWN THE ROAD. THAT'S SEPTEMBER 30TH?

THAT'S FINISH FINE WITH US. WE DON'T OBJECT TO THAT.

AS LONG AS THERE'S NO OTHER ACTIVITY, FILINGS OR ANYTHING. I THINK WE'D BE WILLING TO GO TO SEPTEMBER 30TH AND SEE WHAT WE CAN WORK OUT.

I THINK I SAID IN THE LETTER LAST WEEK, THERE AREN'T ANY PERMITS WE CAN GO OUT AND GET ON THE PROPERTY. SO THAT'S -- THAT'S FINE WITH US.

Dunkerley: AWND WE HAVE THAT ON RECORD NOW. THANKS VERY MUCH.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? SO MS. SHOOTER, THIS -- SO WE'RE JUST TALKING ABOUT TRACT 21... 2104-A.

CORRECT. WOULD YOU BE POSTPONING THIS PORTION OF THE PLAN AS WELL AS FOR THIS TRACT?

Mayor Wynn: SO A SINGLE MOTION CAN COMISH BOTH OF THOSE, BUT NOT CONTRADICT OR CONFUSE THE OVERALL PLAN THAT YOU'RE WORKING ON? I'LL ENTERTAIN A MOTION ON TRACT 2104-A IN THE HANCOCK NEIGHBORHOOD PLANNING AREA.

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DUNKERLEY: I WOULD MAKE A MOTION TO POSTPONE ACTION ON BOTH THE PLAN AND THE ZONING UNTIL SEPTEMBER 30TH.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY. SECONDED BY THE MAYOR PRO TEM TO POSTPONE ACTION ON BOTH THE PLAN AND ZONING FOR TRACT 2104-A, THE HANCOCK NEIGHBORHOOD PLANNING AREA TO SEPTEMBER 30TH, 2004. 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 TRACT FOR THE HANCOCK PORTION OF THE NEIGHBORHOOD PLAN AND THE HANCOCK NEIGHBORHOOD PLAN COMBINING DISTRICT. THE FUTURE LAND USE WOULD BE COMMERCIAL MIXED USE. EXISTING ZONING IS CS. ON FIRST AND SECOND READING, THE COUNCIL APPROVED CS-MU-CO-NP. THE STAFF RECOMMENDATION IS CS-MU-CO-NP. AND THE PROPERTY OWNER SUPPORTS CS-MU-CO-NP, BUT WOULD LIKE TO HAVE A NUMBER OF USES PERMITTED THAT THE STAFF IS RECOMMENDING BE CONDITIONAL AND THAT STAFF APPROVED ON SECOND READING AS CONDITIONAL. IT ALSO INCLUDES A 40-FOOT HEIGHT RESTRICTION. I'M AVAILABLE FOR ANY QUESTIONS ON THIS ITEM. THERE IS A VALID PETITION.

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

COMMENTS?

Dunkerley: AGAIN, MAYOR, IF I COULD ASK ONE QUESTION. WHAT WE APPROVED ON SECOND READING WHERE ALL OF THESE ARE CONDITIONAL USES, HOW DOES -- -- I SEE IT NOW. I WAS INTERESTED IN PROHIBITING THE WASHING, BUT IT ALLOWING THE SERVICE STATION. I DID LOOK IN THE AREA, AND THEY'RE PROBABLY IN THAT WHOLE HANCOCK NEIGHBORHOOD. ONE, TWO, THREE, FIVE, SIX, EITHER CONVENIENCE STORES OR WHAT HAVE YOU THAT HAVE GAS PUMPS. AND ONE OF THOSE IS ON I-35. SO REALLY THERE'S ONLY KIND OF FIVE IN THE NEIGHBORHOOD, INCLUDING THIS ONE. AND THAT'S WHY I WOULD -- I WAS CONCERNED ABOUT MAKING THAT CONDITIONAL. I DON'T KNOW IF ANYBODY ELSE HAS THOSE CONCERNS.

Slusher: ACTUALLY, I HAD -- I DID SEE SOME DATA THAT THE APPLICANT HAD PUT TOGETHER WHICH SAID THAT OF ALL THE USES, THE AUTOMOTIVE USES IN THIS AREA THAT THEY'RE ALL GOING CONDITIONAL. NOW, IN MY VIEW -- I'M OKAY WITH THE ONE HERE AT 45TH AND DUVAL. , BUT I DIDN'T UNDERSTAND ON I-35.....I-35 WE'RE MAKE ANG EXISTING GAS STATION CONDITIONAL?

NO, ON I-35 THE AUTO USES ARE PERMITTED.

Slusher: OKAY. THEN I WAS GIVEN SOME INACCURATE INFORMATION. NOT BY THE STAFF. SO I THINK THAT'S 3812 MAYBE I-35, THAT'S NOT GOING TO BE CONDITIONAL?

RIGHT. THERE ARE NO CONDITIONS ON AUTO USES ON I-35.

Slusher: BECAUSE IT DOES SEEM TO BE ONE THING I AM CONCERNED ABOUT IS IN THE NEIGHBORHOOD PLAN THAT SO MUCH AUTOMOTIVE USE IS BEING DECLARED CONDITIONAL, AND AT THE SAME TIME EVERYBODY IS STILL DRIVING AROUND IN THEIR CAR, SO WE DO HAVE TO HAVE SOME PLACES TO FILL UP WITH GAS AND HAVE YOUR CARS WORKED ON. SO I'M GOING TO WATCH MORE INTENTLY IN THE FUTURE NEIGHBORHOOD PLANS. BUT I THINK THAT THIS ONE HERE AT DUVAL I'M OKAY WITH THAT BECAUSE IT'S REALLY IN A RESIDENTIAL AREA, RIGHT IN A RESIDENTIAL

AREA.

Dunkerley: MAYOR, I WAS CONCERNED ABOUT -- AND I TALKED TO THE NEIGHBORHOOD, AND THE IDEA OF A RACE TRACK TYPE -- VERY LARGE SERVICE STATION. AND WHEN WE LOOKED AT THAT PROPERTY, I DON'T SEE -- WE DIDN'T SEE HOW THAT TYPE OF BUSINESS COULD BE PUT THERE. SO THAT'S WHY I WAS WANTING THE VERY SMALL SERVICE STATIONS, ETCETERA, TO BE A PERMITTED USE, BUT I WANTED TO PROHIBIT THE AUTO WASHING. SO I DON'T HAVE A COMBINATION OF THOSE ON THIS SHEET, BUT -- THAT WE'VE CONSIDERED IN EXACTLY THAT WAY YET. BUT THIS WOULD HAVE IT ALL CONDITIONAL.

RIGHT. ON SECOND READING IT WOULD MAKE BOTH OF THOSE USES, AUTO WASHING AND SERVICE STATION CONDITIONAL. IF YOU CHANGE IT ON THIRD READING, WE CERTAINLY HAVE SUFFICIENT DIRECTION TO MAKE THAT CHANGE.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? MS. SHOOTER, THE OWNER'S REQUEST OF HAVING DRIVE-THROUGH ACCESSORY USES PERMITTED, NON-CONDITIONAL, CAN YOU REMIND ME HOW THAT WORKS. WHEN I LOOK UP ON WHAT WE APPROVED ON SECOND READING UNDER CONDITIONAL USES, DRIVE-THROUGH ACCESSORY ISN'T SHOWN AS A CONDITIONAL.

DRIVE-THROUGH ACCESSORY USE WAS PROHIBITED ON SECOND READING.

Mayor Wynn: SO THE OWNER IS REQUESTING CONDITIONAL USES BE PERMITTED TO HAVE THE DRIVE-THROUGH PROHIBITED USE BE PERMITTED.

THAT'S CORRECT.

Mayor Wynn: OKAY.

McCracken: COUNCILMEMBER SLUSHER AND I USED TO LIVE CLOSE TO EACH OF THESE. AND I THINK THE STAFF HAS GOTTEN IT RIGHT. THIS IS AN APPROPRIATE AREA. THERE'S A TON OF APARTMENTS IN THIS AREA, INCLUDING MY OLD

APARTMENT. AND IT'S A PLACE YOU WALK TO. SO IT'S NOT REALLY A GOOD LOCATION FOR A MASSIVE GAS STATION OR A DRIVE-THROUGH RESTAURANT. IT'S MORE OF A PLACE WHERE YOU WALK AND -- SO I THINK THAT THAT'S PROBABLY A BETTER FIT TO THE NEIGHBORHOOD.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER ALVAREZ.

Alvarez: AND THE EXISTING USES ON THIS PROPERTY ARE WHAT?

THE EXISTING USES IS SERVICE STATION AND A COIN LAUNDRY MATT AND A CONVENIENCE STORE.

Alvarez: SO BOTH OF THE CURRENT USES WOULD ACTUALLY BE NONCONFORMING.

THE COIN LAUNDRY, THERE WOULD BE NO PROHIBITIONS ON THAT. YOU MAY SEE LAUNDRY SERVICES AS CONDITIONAL. LAUNDRY SERVICES IS A BULK CLEANING SERVICE. THE COIN LAUNDRY MATT IS CLASSIFIED AS A PERSONAL. SO IT WOULD NOT BE RESTRICTED.

Alvarez: SO THAT WOULD NOT BE CONDITIONAL.

IT WOULD JUST BE PERMITTED OUT RIGHT. BUT THE SERVICE STATION WOULD BE CONDITIONAL.

Alvarez: AND THE SERVICE STATION, THERE WAS TALK ON ONE OF THE READINGS ABOUT JUST LIMITING THE NUMBER OF PUMPS, DID WE FIGURE OUT WHETHER THAT WAS ACTUALLY DOABLE OR NOT?

WE CAN'T DO THAT WITH ZONING, BUT IT COULD BE DONE IN A RESTRICTIVE COVENANT.

Alvarez: I YIELD THE FLOOR.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? WE'RE ON TRACK 653-A IN THE HANCOCK NEIGHBORHOOD PLANNING AREA. IF THERE ARE NO FURTHER COMMENTS OR

QUESTIONS, I'LL ENTERTAIN A MOTION.

Goodman: I WOULD MOVE THE SAME MOTION APPROVED ON SECOND READING, WHICH IS THE NEIGHBORHOOD PLAN STAFF RECOMMENDATION, EXCEPT ADDING A 40-FOOT HEIGHT RESTRICTION.

Dunkerley: ADDING WHAT?

Goodman: 40-FOOT, WHICH IS CONSISTENT WITH THE REST.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM TO APPROVE ON THIRD READING TRACT 163-A, THE HANCOCK NEIGHBORHOOD PLANNING AREA, WHAT WAS APPROVED ON SECOND READING, THE CS-MU-CO-NP, WITH THE ADDITION OF A 40-FOOT HEIGHT RESTRICTION. SECONDED BY COUNCILMEMBER MCCRACKEN.

WOULD THIS MOTION INCLUDE ALSO THE FUTURE LAND USE FOR THIS PROPERTY?

Mayor Wynn: THANK YOU. YES, IT WOULD.

MIXED USE IS THE STAFF RECOMMENDATION.

Mayor Wynn: THANK YOU. COMMERCIAL MIXED USE DESIGNATION ON THE FUTURE LAND USE PLAN. VALID PETITION REQUIRING SIX AFFIRMATIVE VOTES ON THIRD READING. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION FAILS ON A VOTE OF FIVE TO TWO WITH COUNCILMEMBER DUNKERLEY AND COUNCILMEMBER THOMAS VOTING NO.

Dunkerley: CAN I COME BACK AND MAKE ANOTHER MOTION NOW OR IS IT OVER, MAYOR?

Mayor Wynn: YES, I BELIEVE WE CAN ENTERTAIN A NEW MOTION.

Dunkerley: OKAY. I WOULD MOVE APPROVAL OF WHAT WE DID ON SECOND READING, EXCEPT TO MAKE THE SERVICE STATION AN ALLOWED USE AND TO PROHIBIT THE CAR WASHING. IF I CAN, JUST TO CLARIFY, COUNCILMEMBER

DUNKERLEY, SO THE FIRST LINE ITEM UNDER OUR CONDITIONAL USES THAT WAS APPROVED ON SECOND READING WHAT I CALL ALL THE AUTOMOTIVE ISSUES, AUTOMOTIVE SALES, RENTAL AND WASHING. IS IT YOUR INTENT AND STAFF, CAN WE SIMPLY ELIMINATE ONE OF THOSE AUTOMOTIVE -- THE WASHING?

YES, THAT WOULD BE NO PROBLEM. WE COULD MAKE THAT CHANGE.

Mayor Wynn: AND THEN ALSO, COUNCILMEMBER DUNKERLEY, DO YOU REMEMBER THE 40-FOOT HEIGHT RESTRICTION THAT WAS PART OF THE --

Dunkerley: YES, THAT'S FINE.

Mayor Wynn: DO YOU WANT THAT KEEP THAT IN?

Dunkerley: KEEP THAT IN THERE.

Mayor Wynn: SO MOTION BY COUNCILMEMBER DUNKERLEY TO APPROVE ON THIRD READING WHAT WAS APPROVED ON SECOND READING, THAT IS CS-CO-MU-NP, REMOVING THE CONDITIONAL DESIGNATION OF SERVICE STATION AND THERE BY MAKING IT PERMITTED, CORRECT? AND PROHIBITING AUTOMOTIVE WASHING, LEAVING THE CONDITIONAL USES OF AUTOMOTIVE RENTALS, REPAIR AND SALES. AND INCLUDING THE 40-FOOT HEIGHT RESTRICTION FOR THE PLANNING AND STAFF RECOMMENDATION. SECONDED BY COUNCILMEMBER THOMAS. FURTHER COMMENTS? AS A CLARIFICATION, MS. THOMAS, BASED ON THE PETITION, WOULD THIS MOTION REQUIRE SIX AFFIRMATIVE VOTES ON THIRD READING?

ACCORDING TO THE MOTION SHEET, YES, IT WOULD, BECAUSE THE ONLY THING THAT IS NOT BEING PROTESTED BY THE OWNER IS WHAT IS IN THE PROPERTY OWNER RECOMMENDATION.

Mayor Wynn: OKAY. THANK YOU. FURTHER COMMENTS? MOTION AND A SECOND ON THE TABLE.

Alvarez: MAYOR. SO BASICALLY WHAT THIS MOTION DOES IS

IT MAKES THE EXISTING USE PERMITTED, AND IT MAKES ONE OF THE CONDITIONAL USES PROHIBITED. OTHERWISE IT'S THE SAME MOTION THAT WE VOTED ON A SECOND AGO.

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

AYE.

Mayor Wynn: OPPOSED?

Goodman: NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF SIX TO ONE WITH THE MAYOR PRO TEM VOTING NO.

THANK YOU. MARK WALTERS WILL NOW PRESENT THE WEST UNIVERSITY PORTION OF THE COMBINED NEIGHBORHOOD PLAN.

Mayor Wynn: THANK YOU FOR ALL YOUR WORK.

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GOOD AFTERNOON, MAYOR AND COUNCIL, I'M MARK WALTER IS THE CITY OF AUSTIN NEIGHBORHOOD PLANNING DEPARTMENT. AND THE FIRST TRACT TO BE CONSIDERED FOR THE -- FIRST WE'RE GOING TO TAKE ACTION ON ITEM 55, THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN, AND THE FUTURE LAND USE MAP, AS WELL AS ITEM 57, THE WEST UNIVERSITY NEIGHBORHOOD PLAN COMBINING DISTRICT. THE FIRST TRACT IS TRACT 30. IT'S LOCATED AT THE BOTTOM OF THE PLANNING AREA. THE FUTURE LAND USE PLAN IS MULTI-FAMILY. THE EXISTING ZONING IS MULTI-FAMILY 4. AND ON FIRST AND SECOND READINGS, THE COUNCIL APPROVED MF-4-CO-NP WITH A HEIGHT LIMIT OF 40 FEET ON THIS TRACT. THERE IS -- AND WE'RE RECOMMENDING THE SAME FOR THIRD. THERE IS A VALID PETITION ON ONE OF THE TRACTS. ONE OF THE ADDRESSES WITHIN TRACT 30. THAT WOULD BE 2100 SAN GABRIEL. THE OWNER HAS SUBMITTED A VALID PETITION, AND WOULD LIKE THE ZONING TO STAY MF-4 WITH NO HEIGHT RESTRICTION, WHICH THE HEIGHT FOR MF-4 IS 60 FEET. TO APPROVE THE

FUTURE LAND USE MAP AND ZONING FOR SAN GABRIEL AS PER STAFF RECOMMENDATION REQUIRES SIX VOTES. AND TO APPROVE THE REST OF THE TRACT AND FUTURE LAND USE WOULD REQUIRE FOUR VOTES. THERE ARE REPRESENTATIVES FROM THE NEIGHBORHOOD AND FROM THE PROPERTY OWNER IF YOU HAVE ANY QUESTIONS OF THEM. IF NOT, I'D BE HAPPY TO ANSWER ANY QUESTIONS AT THIS TIME.

Mayor Wynn: THANK YOU, MR. WALTERS. SO THE VALID PETITION ON 2100 SAN GABRIEL, OWNER WANTING TO MAINTAIN THE MF-4, IS HE OR SHE ALSO AMAN AMENABLE THE CONDITIONAL OVERLAY AND THE NEIGHBORHOOD PLAN?

CORRECT. TO THE MF-4 AND THE 40-FOOT HEIGHT LIMIT.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? COMMENTS OR QUESTIONS OF ANY OF THE OWNERS OR NEIGHBORHOOD REPRESENTATIVES? IF NOT, I'LL ENTERTAIN A MOTION ON TRACT 30 IN THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA. MAYOR PRO TEM.

Goodman: MAYOR, I MAKE A MOTION TO APPROVE ON THIRD READING THE SAME AS SECOND, NEIGHBORHOOD AND -- NEIGHBORHOOD PLAN AND STAFF RECOMMENDATION, WHICH IS MF-4-CO-NP, 45-FOOT IN HEIGHT.

MAYOR PRO TEM, WOULD THAT ALSO INCLUDE TO MAKE THE FUTURE LAND USE MAP MULTI-FAMILY?

Goodman: YEAH, I ASSUMED THAT WAS A GIVEN.

Mayor Wynn: THANK YOU, MAYOR PRO TEM MOVES THAT WE APPROVE THE ZONING FOR TRACT 30 ON THIRD READING, THE SAME AS THAT APPROVED ON SECOND READING, THAT IS MF- 4-CO-MP WITH A HEIGHT LIMITATION OF 40 FEET. SECONDED BY COUNCILMEMBER THOMAS, 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 TRACT FOR CONSIDERATION FOR FUTURE LAND USE AND ZONING WOULD BE TRACT 33, AND THAT INCLUDES 1903, 1905 AND 1907 ROBBINS PLACE. THE FUTURE LAND USE DESIGNATION WOULD BE MULTI-FAMILY. EXISTING ZONING IS MULTI-FAMILY 4, AND ON SECOND AND THIRD READING COUNCIL APPROVED MF-3-NP AND STAFF IS RECOMMENDING THAT FOR THIRD READING AS WELL. THERE IS A VALID PETITION, AND THE AGENT AND REPRESENTATIVES FROM THE NEIGHBORHOOD ARE NAIBL IF YOU HAVE ANY QUESTIONS OF THEM. IF NOT, I'LL BE WILLING TO ANSWER ANY QUESTIONS AT THIS TIME.

Mayor Wynn: THANK YOU, MR. WALTERS. QUESTIONS, COUNCIL? COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION ON TRACT 33. MR. WALTERS, WOULD YOU MIND POINTING THAT OUT ON THE TRACTS ON THE MAP AS WELL?

THIS IS 33.

Mayor Wynn: THANK YOU. [PHONE RINGING] I'LL ENTERTAIN A MOTION.

Alvarez: I MOVE APPROVAL OF THE NEIGHBORHOOD PLAN STAFF RECOMMENDATION AS APPROVED ON SECOND READING.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ TO APPROVE ON THIRD READING THAT WHICH WAS APPROVED ON SECOND READING, THAT IS MF-3-NP. THIS IS FOR TRACT 33 OF THE WEST UNIVERSITY NEIGHBORHOOD PLAN FOR BOTH THE FUTURE LAND USE AS MULTI-FAMILY AND THE PARTICULAR ZONING FOR THIS TRACT.

Goodman: SECOND.

Mayor Wynn: SECONDED BY THE MAYOR PRO TEM.

Slusher: LET ME ASK A QUICK QUESTION. MR. WALTERS, TELL

ME ABOUT HOW THE COMPATIBILITY WOULD WORK AS FAR AS WHAT THAT WOULD DO TO THE DIFFERENCE BETWEEN MF-4 AND MF-3, HEIGHT IN PARTICULAR.

THE HEIGHT ON MF-4 WOULD BE ON -- WOULD BE 60 FEET, WHEREAS FOR MF-3 IT WOULD BE 40 FEET, MORE OR LESS THREE STORIES. THE COMPATIBILITY FOR FUTURE DEVELOPMENT ON TRACT 33 WOULD PROBABLY AFFECT THE NORTHERNMOST PORTION OF THE SITE. THESE ARE RECENTLY CONSTRUCTED APARTMENTS. I KNOW THAT JIM BENNETT, THE AGENT IS HERE, AND HE CAN PROBABLY ANSWER MORE SPECIFIC QUESTIONS ABOUT THE SPECIFICS OF THE SITE, BUT COMPATIBILITY WOULD REQUIRE THAT WITHIN THE FIRST 25 FEET OF THE NORTHERN SECTION OF THE SITE THAT NOTHING BE BUILT, AND THEN 25 FEET AFTER THAT IT WOULD BE -- IT WOULD BE 30 FEET OR TWO STORIES.

Slusher: AND THAT WOULD BE ON BOTH OF THEM?

THAT WOULD BE JUST AFFECTING THE NORTHERN PART OF TRACT 33.

Slusher: THAT WOULD BE ON MF-# OR MF-3?

ANY MULTI-FAMILY ZONING.

Slusher: SO YOU STILL END UP WITH THE HEIGHT DIFFERENCE BETWEEN THE TWO?

CORRECT.

Slusher: OKAY. ALL RIGHT.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? I'LL ENTERTAIN A MOTION ON TRACT 33.

WE HAVE A MOTION AND SECOND.

Mayor Wynn: I'M SORRY, THANK YOU. WE HAVE A MOTION AND A SECOND TO APPROVE THAT WHICH WE PASSED ON SECOND READING. COUNCILMEMBER ALVAREZ MADE THE MOTION, SECONDED BY THE MAYOR PRO TEM. THIS IS FOR

BOTH CHANGE IN FUTURE LAND USE TO MULTI-FAMILY IN THE MF-3-NP ZONING. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

AT THIS TIME, COUNCIL, I'D LIKE TO SKIP -- SOME INFORMATION BECAME AVAILABLE TO ME YESTERDAY. SKIP TO PAGE 4 AND I WOULD LIKE TO POSTPONE ACTION ON THE PLAN AND ON THE ZONING FOR TRACT 44, THE NEIGHBORHOOD AND THE PROPERTY OWNERS AGENTS ARE STILL IN DISCUSSION. AND MAYBE -- WE MIGHT BE ABLE TO REACH AN AGREEMENT BY THE 30TH, THOUGH BOTH THE AGENT AND REPRESENTATIVES FROM THE NEIGHBORHOOD ARE HERE TO ANSWER ANY QUESTIONS. BECAUSE TRACTS 34 AND 35 ARE LINKED TOGETHER, AND I WANTED TO KIND OF CONSIDER THEM TOGETHER.

Mayor Wynn: SO STAFF RECOMMENDATION IS POSTPONEMENT TO SEPTEMBER 30TH, 2004?

THAT IS CORRECT. GOOD IF GOOD SO MOVE.

Mayor Wynn: MOTION BY MAYOR PRO TEM TO POSTPONE -- THIS IS TRACT 44?

THAT'S CORRECT.

Mayor Wynn: 44 OF THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA. IT'S 2209 AND 2301 SHOAL CREEK, POSTPONEMENT TO SEPTEMBER 30TH, 2004, SECONDED BY COUNCILMEMBER DUNKERLEY. 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 ITEM FOR COUNCIL CONSIDERATION WOULD BE A

PORTION OF TRACT 34, AND THAT WOULD BE 11 -- 1007 WEST 22nd STREET. INFORMATION CAME TO US YESTERDAY THAT TRACT 34 AND TRACT 35, WHICH IS AT THE TOP OF PAGE 5, THEY ARE PART OF A UNIFIED SITE DEVELOPMENT. AND WE DIDN'T KNOW THIS AT THE TIME WE MADE OUR RECOMMENDATIONS. AND WITH THIS NEW INFORMATION, STAFF WOULD RECOMMEND BOTH THE SAME ZONING FOR TRACTS 35 AND 34 THAT WOULD BE MF-4-CO-NP WITH A HEIGHT LIMIT OF 40 FEET. I GOT THIS INFORMATION LATE YESTERDAY AFTERNOON, AND I SAW THE PLAT JUST THIS AFTERNOON, INDICATING THAT THEY'RE UNIFIED AS A SINGLE PIECE OF LAND.

Mayor Wynn: SO THAT IS STAFF RECOMMENDATION.

YES. AND REPRESENTATIVES FROM THE NEIGHBORHOOD AND THE AGENT'S OWNER ARE HERE IF YOU HAVE ANY QUESTIONS. IF NOT, I'LL BE HAPPY TO ANSWER ANY QUESTIONS AT THIS TIME.

Mayor Wynn: ONE QUESTION IS ON MY MOTION SHEET TRACT 35, ALTHOUGH THAT'S THE SAME ZONING THAT YOU JUST OUTLINED SHOWS THIS AS A VALID PETITION.

YES. IT WOULD STILL REQUIRE SIX VOTES FOR ANYTHING OTHER THAN MF-4-NP.

Mayor Wynn: AND THE SAME THING FOR A PORTION OF TRACT 34. SO A VALID PETITION, EVEN WITH THIS CHANGE IN ZONING TO MF-4-CO-NP, THERE'S STILL A VALID PE... PETITION?

THAT'S CORRECT.

Mayor Wynn: QUESTIONS OF STAFF? COUNCILMEMBER SLUSHER.

Slusher: THANK YOU. THE NEIGHBORHOOD AND THE APPLICANT ARE HERE, BUT ARE THEY IN AGREEMENT?

I FOUND THIS OUT QUITE LITERALLY -- I HAVEN'T HAD TIME TO COMMUNICATE WITH THE NEIGHBORHOOD ABOUT THIS.

Slusher: SO REPEAT THE INFORMATION YOU FOUND OUT.

THAT IT WAS PART OF A UNIFIED SITE PLAN. THE AGENT IS HERE AND HE CAN ANSWER QUESTIONS TO THAT. BUT AS SUCH WE DIDN'T HAVE -- WE DIDN'T KNOW THIS WHEN WE MADE OUR INITIAL RECOMMENDATION, AND IT'S NOT -- IT'S NOT COMMON PRACTICE FOR A UNIFIED SITE PLAN TO SPLIT THE ZONING UP. WITH THIS NEW INFORMATION BECOMING AVAILABLE TO US, THAT'S WHY WE'RE DOING IT.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER THOMAS?

Thomas: NO ONE IS HERE FROM THE NEIGHBORHOOD?

THERE ARE SEVERAL FOLKS HERE FROM THE
NEIGHBORHOOD AS WELL AS THE PROPERTY OWNER.

Thomas: I FIGURED THERE WAS.

Mayor Wynn: SPEAK NOW OR FOREVER HOLD..... HOLD YOUR
PIECE. WELCOME.

I'M BARBARA BRIDGES, COORDINATOR OF WEST UNIVERSITY
NEIGHBORHOOD ASSOCIATION. I THINK I'VE WRITTEN YOU
ALL BEFORE. THE HOUSE AT 1007 WEST 22nd IS A SMALL
DUPLEX WHICH IS ON THE 1984 HISTORICAL LIST OF
PROPERTIES. ALSO RIGHT ACROSS FROM THESE
PROPERTIES ARE A FULL ROW OF HOUSES BUILT IN THE
1920'S AND 30'S, ALL OF WHICH ARE ALSO IN THE 1984
HISTORICAL PROPERTIES LIST. AND WE WOULD LIKE TO
KEEP THOSE. WE'RE LOOKING AT DOING AN HISTORICAL
DISTRICT IN OUR NEIGHBORHOOD. I HAVE IN FACT -- IF
YOU'RE INTERESTED, I HAVE SOME PICTURES OF THAT AREA
THAT I CAN PASS ALONG TO YOU ALL.

I HAVE A QUESTION. IS THERE A SITE PLAN FOR A PROJECT,
A CONSTRUCTION PROJECT ON THAT?

THE APPLICANT'S AGENT CAN SPEAK MORE DIRECTLY TO
THAT.

..

[INAUDIBLE - NO MIC].

Mayor Wynn: WITH ALL DUE RESPECT, LET'S HAVE COUNCIL ASK QUESTIONS OF THE APPLICANT. THAT WOULD BE ONE OF THEM. THE NEIGHBORS STILL HAVE THE PODIUM.

WE ALSO OBJECT TO ANYTHING OVER 40 FEET, BECAUSE THAT IS OUR BORDER WITH THE UNO, STEPPING DOWN TO 40 FEET ON SAN GABRIEL. AND WE DO NOT THINK IT APPROPRIATE THAT ANYTHING IN OUR NEIGHBORHOOD BE ABOVE THAT. STICKING UP JUST -- IT'S RIGHT THERE IN THE SORT OF HEART OF THE BEGINNING OF OUR NEIGHBORHOOD. WE'RE ASKING THEM TO STEP DOWN IN THAT AREA THAT'S MORE DENSE IN INTENSITIES, I DON'T THINK THEY OUGHT TO BE ALLOWED TO GO ABOVE IN A IN OUR NEIGHBORHOOD, WHICH WE'RE SUPPOSED TO BE PRESERVING FOR SINGLE-FAMILY.

Mayor Wynn: HENCE THE PROPOSED HEIGHT LIMITATION OF 40 FEET.

YES.

Mayor Wynn: MAYOR PRO TEM.

Goodman: I WAS JUST TRYING TO POINT OUT THAT'S WHAT STAFF SAID, THERE WAS NO HEIGHT.

Mayor Wynn: ADDITIONAL QUESTIONS OF THE NEIGHBORS, COUNCIL? COUNCILMEMBER THOMAS.

Thomas: ON CLARIFYING THE HEIGHT. IS THAT ON TRACT 34?

WELL, THE NEW STAFF RECOMMENDATION WOULD BE A HEIGHT LIMIT OF 40 FEET ON THAT SITE AS WELL AS -- IT WOULD MIRROR WHAT WE'RE RECOMMENDING FOR TRACT 35.

Slusher: WHAT'S THE PRINCIPLE BEHIND, YOU WOULD HAVE A DIFFERENT ZONING RECOMMENDATION THAN OTHERWISE?

THE SITE PLAN WAS FILED AS A UNIFIED SITE PLAN UNDER MF-4 ZONING AND MF-4 STANDARDS.

Slusher: BUT THIS IS ABOUT WHAT THE ZONING WE THINK IS APPROPRIATE.

THAT IS CORRECT FOR THAT ONE SITE.

Slusher: SO WHY WOULD IT CHANGE WHAT'S RECOMMENDED BY THE STAFF DEPENDING ON WHETHER IT'S A UNIFIED APPLICATION OR NOT.

COUNCIL, WHEN A SITE PLAN IS SUBMITTED AS ONE, IT'S BASICALLY FUNCTIONING AS ONE SITE WITH DIFFERENT SITE DEVELOPMENT REGULATIONS. THAT WOULD BE THE CONCERN TO KEEP IT ALL CONSISTENT. BUT IF COUNCIL NEEDS MORE INFORMATION, WE CAN CERTAINLY DELAY IT AND COME BACK WITH MORE DETAILED INFORMATION AT THE END OF SEPTEMBER. BECAUSE THEY'RE TWO SMALL TRACTS, SO IT WAS COMBINED, AND THE DEVELOPMENT, THE SITE AREA, THE CALCULATIONS WOULD HAVE BEEN BASED ON THE TOTAL LAND AREA. YOU SEE THAT IT'S TIED TOGETHER THROUGH THE SITE PLAN THAT'S BEEN APPROVED THROUGH THE PERMITTING PROCESS. THAT'S HOW THEY WERE TIED TOGETHER, AS TWO SITES. SO THEY COULD NOT BE DEVELOPED SEPARATELY WITHOUT AMENDING THAT COVENANT.

Slusher: I UNDERSTAND WHAT YOU'RE SAYING. IF WE CAN AVOID DELAYING IT, THAT WOULD BE GOOD, BUT LET ME ASK THE NEIGHBORHOOD REPRESENTATIVES. SO ARE YOU JUST HEARING ABOUT THIS RIGHT NOW?

YES. THIS IS THE FIRST TIME WE'VE HEARD ABOUT IT.

Slusher: THAT DOES SEEM LIKE QUITE A SURPRISE TO SPRING ON THE NEIGHBORHOOD. I WOULD SAY LET'S PUT IT OFF UNTIL THE 30TH.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: I HAVE JUST ONE QUESTION OF THE NEIGHBORHOOD. IS THERE A DUPLEX OR SOME KIND OF

RENTAL UNIT ON THERE NOW?

YEAH, I BELIEVE IT'S ABOUT THE LAST PICTURE IN THAT BATCH.

Dunkerley: OKAY. AND DO YOU THINK THAT IN THE LONG RUN THIS PARTICULAR UNIT WILL ALSO END UP BEING HISTORIC OR DO YOU THINK IT'S JUST THE ONES ACROSS THE STREET?

THIS ONE WAS ON THE LIST, BUT I DON'T KNOW IF I HAVE --

Dunkerley: THAT'S FINE. IF WE DELAY IT, WE'LL HAVE A CHANCE TO GO OUT AND LOOK AT IT.

IT WAS NOT A PRIORITY TWO OR ONE ON THAT.

WE WOULD CERTAINLY NOT PARTICULARLY WANT TO SEE IT GO MF.

Mayor Wynn: WE'VE HEARD FROM THE NEIGHBORHOOD. CAN YOU SPEAK BRIEFLY -- ALTHOUGH IT SEEMS THERE LIKELY WILL BE SUPPORT FOR A POSTPONEMENT.

THANK YOU, MAYOR AND MEMBERS OF COUNCIL. I'M REPRESENTING THE OWNERS OF THE PROPERTY. I THINK THIS GOES BEYOND A SITE PLAN ISSUE. IT'S A SUBDIVISION ISSUE AS WELL. THE SUBDIVISION FOR THIS TRACT, THE LOTS RUN EAST-WEST. YOU'RE TAKING A ZONING LINE DOWN THE MIDDLE OF CURRENTLY SUBDIVIDED TRACTS, SO YOU'RE CREATING AN ECONOMIC UNIT OUT OF A CURRENTLY -- THREE CURRENTLY SUBDIVIDED LOTS. PROPER PLANNING PRINCIPLES WOULD SAY THAT YOU WOULD ZONE THE ENTIRE SUBDIVIDED LOT A CERTAIN ZONING DISTRICT. TO ME IT GOES BEYOND A SITE PLAN ISSUE, MORE OF A SUBDIVISION ISSUE. THE ACTION OF HAVING SINGLE-FAMILY ZONING ON THIS TRACT FORCES THIS PROPERTY TO GO THROUGH ANOTHER SUBDIVISION.

Slusher: MAYOR, I THINK THAT'S A VALID POINT. IT JUST CAME TO US A FEW MOMENTS AGO TOO. I THINK THE NEIGHBORS DESERVE THE RIGHT TO ABSORB THAT AND SEE WHAT THE IMPLICATIONS WOULD BE FOR FUTURE DEVELOPMENT, THE

POTENTIAL FOR FUTURE DEVELOPMENT. I JUST THINK IT WOULD BE APPROPRIATE TO PUT IT OFF UNTIL THE NEXT MEETING EVEN THOUGH I WOULD LIKE TO GET ABSOLUTELY AS MANY OF THESE CASES OUT OF THE WAY AS POSSIBLE AND NOT SEE THEM AGAIN.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER TO POSTPONE PORTION OF TRACT 34 AND TRACT 35 OF THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA TO SEPTEMBER 30TH, 2004.

Thomas: I'LL SECOND.

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

AYE.

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

THE NEXT TRACT FOR COUNCIL CONSIDERATION IS TRACT 36, 1916, 1918 ROBBINS PLACE AND 1103 WEST 22nd STREET. ON FIRST READING -- THE EXISTING ZONING IS MULTI-FAMILY, BUT ON FIRST AND SECOND READINGS, THE COUNCIL APPROVED SF-3-CO-NP WITH A HEIGHT LIMIT OF 30 FEET. AFTER DISCUSSIONS WITH THE PROPERTY OWNER OF 1916 AND 1918 ROBBINS PLACE, IT CAME TO OUR ATTENTION THAT THE PROPERTY IS ACTUALLY A TRIPLEX, THOUGH IT LOOKS LIKE A SINGLE-FAMILY RESIDENCE, SO -- IN OUR INITIAL REVIEW OF LAND USE IT APPEARED TO BE SINGLE-FAMILY AND NOT MULTI-FAMILY AND A TRIPLEX. AND THE NEIGHBORHOOD -- I WAS COMMUNICATING WITH THE NEIGHBORHOOD, AND THEY HAVE INDICATED TO ME THAT THERE IS SUPPORT FOR A SMALLER SCALE MULTI-FAMILY, AND THE NEIGHBORHOOD SUPPORTS AN ALTERNATIVE RECOMMENDATION FROM THE SF-3-CO-NP TO MF-1-CO-NP. WHICH WOULD LIMIT THE HEIGHT TO 30 FEET AND LIMIT THE USES TO EACH OF THOSE SITES TO 3,000 SQUARE FEET. THIS WOULD ALSO REQUIRE APPROVING MULTI-FAMILY AS INDICATED ON THE FUTURE LAND USE MAP FOR THE PLAN.

Slusher: MAYOR. SO THEN THIS IS TRACT 36, IS THAT CORRECT?

THAT'S CORRECT.

SO WHAT QULUR SAYING IT SOUND LIKE TO ME IS WHAT WE HAVE AS THE PROPERTY OWNER RECOMMENDATION THAT ON THIS SHEET THE NEIGHBORHOOD IS NOW IN AGREEMENT WITH THE PROPERTY OWNER RECOMMENDATION.

THAT IS MY UNDERSTANDING. I E-MAILED COMMUNICATION WITH MS. BRIDGES EARLIER THIS MORNING AND THE NEIGHBORHOOD SUPPORTS IT.

Slusher: AND YOU CAN SAY YES AT THE MICROPHONE JUST TO GET IT ON THE RECORD.

YES, WE HAD ACTUALLY AGREED TO THIS A COUPLE OF WEEKS BACK, BUT IT JUST WASN'T THAT WAY ON THE FIRST TWO READINGS.

Slusher: THANK YOU VERY MUCH. I WOULD MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER TO APPROVE FOR TRACT 36 OF THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA THE MULTI-FAMILY DESIGNATION ON THE FUTURE LAND USE AND ZONING ON THIRD READING OF MF-1-CO-NP WITH A HEIGHT LIMIT OF 30 FEET AND LIMIT THE RESIDENTIAL USE TO A TOTAL OF 3,000 SQUARE FEET. FOR BOTH SITES. SECONDED BY COUNCILMEMBER THOMAS. 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 TRACT FOR COUNCIL CONSIDERATION IS TRACT 40. IT'S 1230 TO 1232 WEST MARTIN LUTHER KING BOULEVARD. MARTIN LUTHER KING JUNIOR BOULEVARD. ON THE FUTURE LAND USE MAP IT IS DESIGNATED CURRENTLY AS OFFICE. THE EXISTING ZONING IS GO OR GENERAL

OFFICE. ON FIRST READING IT WAS APPROVED AS LO-NP, BUT ON SECOND READING G.O. WAS APPROVED BY COUNCIL. STAFF RECOMMENDS GO-NP TO REMAIN ON THE TRACT, AND THE PROPERTY OWNER WOULD LIKE A MIXED USE COMBINING DISTRICT PUT ON THE ZONING. THERE IS NOT A VALID PETITION BECAUSE WE'RE NOT CHANGING THE ZONING, BUT THE PROPERTY OWNER'S AGENT HAS REQUESTED THE MIXED USE COMBINING DISTRICT, THOUGH IT HAS BEEN INDICATED TO ME THAT BOTH THE WEST UNIVERSITY AND JUDGES' HILLS NEIGHBORHOOD ARE BOTH OPPOSED TO MU ON THIS TRACT. THE REPRESENTATIVES FOR THE PROPERTY OWNER AND THE NEIGHBORHOOD ARE AVAILABLE FOR QUESTIONS. IF NOT, I'D BE HAPPY TO ANSWER ANY QUESTIONS AT THIS TIME.

Mayor Wynn: QUESTIONS OF MR. WALTERS OR ANYBODY ELSE, COUNCIL? MAYOR PRO TEM.

Goodman: LET ME ASK YOU, SINCE AT THE BEGINNING OF THIS PROPERTY THE PROGRESSIVE MOVE WAS TO BE ABLE TO ADD MU SO THAT THERE WAS ALWAYS THE POTENTIAL FOR RESIDENTIAL THAT WAS COMPATIBLE WITH EXISTING NEIGHBORHOODS AND ALSO MADE A BUFFER OR A GRADUATED ENTRY THAT WAS IN ITSELF A BUFFER. CAN YOU TELL ME WHAT THE RATIONALE IS FOR NOT ALLOWING MU?

WELL, THERE WAS A CONCERN THAT THIS AREA OVER HERE REMAIN AS A QUIET -- TRY TO KEEP THIS PART OF THE NEIGHBORHOOD QUIET AND NOT ALLOW MULTI-FAMILY. THE MULTI-FAMILY FOR MULTI-FAMILY AND WE'RE NOT RECOMMENDED MIXED USE UNTIL FURTHER UP LAMAR. THERE WAS A CONCERN EXPRESSED BY NEIGHBORHOOD FOLK THAT APARTMENTS THERE -- THAT THEY WOULD BE SURROUNDED ON ALL SIDES BY APARTMENTS AND THEY WOULD WANT SOME AREA OF THE NEIGHBORHOOD TO BE QUIETER. THERE ARE FOLKS WHEN FROM THE NEIGHBORHOOD WHO COULD SPEAK TO THAT.

I'M ACTUALLY ON OUR PART QUIET BECAUSE IT'S BETWEEN JUDGES' HILL AND WEST UNIVERSITY.

MOST OF MLK DOWN SAN GABRIEL ON OUR SIDE IS PRETTY

MUCH A BLUFF. SO NOTHING IS ACTUALLY BUILT ON MLK AS IT GOES DOWN THAT HILL. IN FACT, EVEN AT SAN GABRIEL I DON'T THINK ANYTHING FACES IT. AND THEN RIGHT ACROSS FROM US WE HAVE JUDGE'S HILL. AND WHAT WE THOUGHT IS THAT THOSE PROPERTIES -- IF HE PUT SOMETHING ON TOP OF THIS PROPERTY, IT WOULD PRETTY MUCH BE RIGHT AT THE LEVEL WHERE IT WOULD IMPACT THE PROPERTIES THAT ARE ON CLIFF. AND ALSO THERE'S ONE ON DAVID THAT OVERLOOKS IT. AND THESE ARE THE PROPERTIES ON CLIFF AND DAVID THAT IT WOULD IMPACT.

WE HAVE IT ON THAT AREA BECAUSE MY NEIGHBORHOOD IS PROBABLY THE CLOSEST TO UNO EXCEPT PERHAPS MAYBE SHOAL CREST, EXCEPT AS FAR AS HIGH DENSITY IS GOING. AND WE ARE PUTTING UP WITH A WHOLE LOT MORE DENSITY TO OUR EAST AND WE WOULD JUST AS SOON NOT BE SQUASHED BASICALLY BETWEEN THE DENSITY ALSO TO OUR WEST. THERE'S NOT MUCH OF US THEREMENT WE'RE ONLY ABOUT THREE BLOCKS SQUARE AND IT'S NOT GOING TO TAKE MUCH TO ABSOLUTELY SQUEEZE OUT THE NEIGHBORHOOD.

Mayor Wynn: QUESTIONS, COMMENTS? COUNCILMEMBER SLUSHER.

Slusher: MAYOR, I WOULD MOVE --

CAN I SAY SOMETHING, PLEASE? I'M FROM JUDGES' HILL AND I LIVE ON VANCE CIRCLE RIGHT ACROSS FROM DAVID STREET. WE'RE RIGHT AT THE VERY CREST OF THE HILL AS YOU CLIMB UP MLK. THE BOTTOM LINE IS WE ARE CONSTANTLY HAVING A PROBLEM WITH PEOPLE GOING UP AND DOWN THESE STREETS VERY QUICKLY. IT'S A BLIND SPOT FOR US TO GET OUT OF THAT AREA. WE'VE HAD MIRRORS THAT LASTED TWO MINUTES. WE ALL HAD TO STOP AN 18-WHEELER. THERE'S NO SIGNS TO TELL 18-WHEELERS YOU CAN'T GET DOWN MLK, AND THEY GET TO THAT HILL AND THEN THEY HAVE TO BACK UP. AND THERE'S NO WAY OF GETTING OUT OF THERE. WE HAVE A TRAFFIC PROBLEM OF PEOPLE GETTING IN AND OUT, AND WE DON'T NEED TO GET ANY MORE TRAFFIC IN THAT LITTLE TEENY-TINY AREA. IT'S A BLIND SPOT, IT'S A BAD SPOT, AND IT DOES NOT NEED TO HAVE ANY MORE TRAFFIC. WE'RE GOING TO HAVE

ENOUGH PROBLEMS BECAUSE THERE'S NO MORE ACCESS OUT OF THE AREA THAT YOU ARE PUTTING MORE AND MORE PEOPLE IN. YOU'VE STILL GOT ONLY MLK AND YOU'VE ONLY GOT 24TH STREET TO GET OUT OF THERE. IF WE COULD -- IN THAT LITTLE BITTY, DOWNHILL BLIND SPOT, IT'S REALLY GOING TO ASK FOR AN ACCIDENT.

Mayor Wynn: FAIR ENOUGH. MA'AM, COULD YOU PLEASE IDENTIFY YOURSELF FOR THE RECORD.

SUE HARRIS FROM VAN CIRCLE, JUDGES' HILL.

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: MAYOR, I WOULD MOVE FOR THE STAFF RECOMMENDATION AND THE SAME THING WE VOTED FOR ON SECOND READING, GO-NP. I WAS CONVINCED BY SIMILAR ARGUMENTS AT PREVIOUS HEARINGS.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE ON TRACT 40 OF THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA WHAT WAS APPROVED ON SECOND READING, WHICH IS THE FUTURE LAND USE DESIGNATION OF OFFICE AND THE ZONING ON THIRD READING OF GO-NP. 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 TRACT FOR COUNCIL CONSIDERATION IS TRACT 49. THAT WOULD BE 2307 AND 2305 LONGVIEW. THERE IS A VALID PETITION ON 2307 LONGVIEW. THE FUTURE LAND USE PLAN DESIGNATES IT AS A SINGLE-FAMILY. THE EXISTING ZONING IS MF-3. AND THE COUNCIL APPROVED ON FIRST AND SECOND READING SF-3-CO-NP WITH A HEIGHT LIMIT OF 30 FEET. THE PROPERTY OWNER SAID HE WOULD BE WILLING TO ACCEPT MF-1-NP. I DON'T KNOW IF MR. CONNALLY IS HERE THIS AFTERNOON, BUT STAFF STILL RECOMMENDS THE SF-3 FOR THE ENTIRE TRACT, BOTH THE

ADDRESSES. AND THERE ARE REPRESENTATIVES FROM THE NEIGHBORHOOD. AND I DON'T KNOW IF MR. CONNALLY IS HERE. IF NOT, I'D BE HAPPY TO ANSWER ANY QUESTIONS AT THIS TIME.

Mayor Wynn: THANK YOU, MR. WALTERS. THANK YOU. QUESTIONS FOR MR. WALTERS? COUNCIL? COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION FOR TRACT 49. 2307 LONGVIEW AND 2305 LONGVIEW. NOTING THAT WE HAVE A VALID PETITION ON ONE OF THE TWO ADDRESSES.

CAN I PASS SOME PICTURES, PLEASE? I HATE TO HAVE MADE THESE AND NOT USE THEM.

Mayor Wynn: COUNCIL, IF YOU HESITATE, WE'RE LOST. [LAUGHTER] YES, MA'AM. COUNCILMEMBER ALVAREZ?

Alvarez: I'LL MOVE APPROVAL OF WHAT WE APPROVED ON SECOND READING, WHICH IS SINGLE-FAMILY ON THE LAND USE, SF-3-CO-NP, WITH A HEIGHT LIMIT OF 30 FEET ON THE ZONING.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY THE MAYOR PRO TEM TO APPROVE BOTH THE FUTURE LAND USE DESIGNATION OF SINGLE-FAMILY AS WELL AS THE ZONING ON THIRD READING OF SF-3-CO-NP WITH A HEIGHT LIMITATION OF 30 FEET. THIS IS FOR BOTH 2305 AND 2307 LONGVIEW. 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 TRACT FOR COUNCIL CONSIDERATION IS TRACT 52, 1006 WEST 22nd STREET. IT'S CURRENTLY A FUTURE LAND USE MAP THAT WOULD REQUIRE MULTI-FAMILY. THE CURRENT ZONING IS MF-3. THE CURRENT USE IS A SINGLE-FAMILY OR A DUPLEX USE. COUNCIL APPROVED ON FIRST AND SECOND READING SF-3-CO-NP WITH A HEIGHT LIMIT OF 30 FEET AND THAT IS WHAT STAFF IS RECOMMENDING FOR THIRD READING. THERE IS A VALID PETITION ON THE

PROPERTY AND THE REPRESENTATIVES FROM THE NEIGHBORHOOD AND THE PROPERTY OWNER ARE HERE IF YOU HAVE ANY QUESTIONS OF THEM. IF NOT, I'LL BE WILLING TO ANSWER ANY QUESTIONS AT THIS TIME.

Mayor Wynn: SO MR. WALTERS, IT SEEMS TO ME THAT THE OWNERS, THROUGH THE VALID PETITION, THE OWNER IS REQUESTING AN MF-4 DESIGNATION.

THAT IS CURRENTLY THERE.

Mayor Wynn: NEIGHBORHOOD PLANNING DES DESIGNATION OF THE EXISTING ZONING.

YES.

Mayor Wynn: QUESTIONS, COUNCIL? THIS IS TRACT 52,.... 521006 WEST 22nd STREET.

Thomas: LOOKING AT TRACT 52 AND OART TRACT THAT WE POSTPONED, THAT'S ACROSS THE STREET, AM I RIGHT?

THAT IS CORRECT, COUNCILMEMBER.

Thomas: IF WE COME BACK ON THE 30TH AND THE NEIGHBORS -- IT'S OBVIOUS THE NEIGHBORS STILL WANT IT TO STAY SF-3.

ANYONE WANT TO ASK ME A QUESTION? CAN I SPEAK?

Thomas: NO. YES, I'LL ASK YOU A QUESTION, BUT LET ME ASK YOU THIS. IF YOU'RE GOING TO SIT DOWN WITH THE OTHER OWNER ON TRACT 34, WHICH IS RIGHT ACROSS THE STREET --

RIGHT. BUT THIS IS RIGHT IN THE MIDDLE OF ALL OF THOSE HOUSES ON 22nd STREET THAT I PASSED THE PICTURES ON. AND IT ONE OF THOSE HOUSES ON WEST 22nd STREET THAT I PASSED THE PICTURES ON THAT ARE ALL IN A ROW, THAT ARE ALL ZONED HISTORICAL. THERE'S FIVE OF THEM. THIS WOULD POP UP RIGHT IN THE MIDDLE OF ALL OF THOSE SF-3 HOUSES, BE ONE MF 4 STICKING UP WITHIN SINGLE-FAMILY.

Mayor Wynn: COULD YOU IDENTIFY THE TRACT ON THE MAP?

THIS IS THE BLOCK OF HOMES I REFERENCED AS BEING
ACROSS THE STREET FROM THAT OTHER HOUSE.

AND I DID A LITTLE ANALYSIS OF THIS, AND IF THERE WAS A
SINGLE-FAMILY ACROSS THE STREET, THE EFFECTS ON
TRACT 34 OR 35 IF THEY STAYED MULTI-FAMILY WOULD BE
NEGLIGIBLE. IT WOULD AFFECT POSSIBLY THE FIRST 40 FEET
OF THE SITE. WOULDN'T HAVE AN OVERWHELMING EFFECT
ON THE SITE. BECAUSE OF THE WIDTH OF THE STREET. SO IT
WOULDN'T AFFECT WHAT COULD HAPPEN ON TRACTS 34
AND 35 IN THE FUTURE.

Thomas: LET ME ASK YOU THIS: THE PREVIOUS GENTLEMEN
WAS -- THE ONE THAT IS REPRESENTING THE OWNER HE
BROUGHT UP SOMETHING ABOUT THE SUB DISTRICTS AND
ALL THAT. IF YOU FOUND OUT THAT WE DO HAVE SOME
PROBLEMS THERE, AND IF WE PASS THIS ONE FOR SF-3-CO-
NP, BUT YOU FOUND WE CAN ALLOW THEM TO DO THE MF
ON THE OTHER ONE ACROSS THE STREET, HOW DOES THAT
EFFECT IT?

I DON'T BELIEVE IT CURRENTLY IS, BUT IT COULD HAVE AN
EFFECT. BUT I THINK THAT WAS THE ONLY PROPERTY ON
WEST 22nd STREET THAT IS OWNED BY MR. GILL. IT'S THE
ONLY ONE I RECEIVED A PETITION ON. SO APPARENTLY IT'S
THE ONLY PROPERTY THERE, AND IT WOULDN'T BE -- IT WAS
SUBDIVIDE ODD A SINGLE LOT, THEN THEY WOULD HAVE A
MUCH LARGER VALID PETITION THAN CURRENTLY EXISTS.

Thomas: OKAY.

[INAUDIBLE - NO MIC].

Thomas: MAYOR?

Mayor Wynn: COUNCILMEMBER THOMAS.

Thomas: I WAS JUST TELLING HER -- NO, MA'AM, I WAS
TELLING YOU TO GO TO THE MIC. YOU WERE EXPLAINING
SOMETHING TO ME.

YES. THAT'S AN EXAMPLE OF ONE OF MR. GILL'S MF-4 PROPERTIES WHICH COULD EASILY END UP IN THE MIDDLE OF THAT BLOCK. HE SEVERAL PROPERTIES, I BELIEVE, IN ALL OF OUR NEIGHBORHOODS THAT LOOK VERY MUCH LIKE THAT.

Thomas: OKAY. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? WE'RE ON TRACT 52 IN THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA. I'LL ENTERTAIN A MOTION.

McCracken: I'LL GO WITH THE STAFF RECOMMENDATION ON SECOND READING.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN TO APPROVE BOTH THE FUTURE LAND USE DESIGNATION OF MULTI-FAMILY AND --

IT WOULD BE SF-3.

Mayor Wynn: I'M READING OFF MY --

YEAH. THAT'S A MISTAKE. I APOLOGIZE. IT SHOULD BE SINGLE-FAMILY.

Mayor Wynn: THANK YOU. MOTION MADE BY COUNCILMEMBER MCCRACKEN TO APPROVE FOR TRACT 52, 10 OF WEST 22nd STREET, THE FUTURE LAND USE DESIGNATION OF SINGLE-FAMILY AND ZONING ON THIRD READING OF WHAT WAS APPROVED ON SECOND READING, THAT IS SF-3-CO-NP WITH A HEIGHT LIMITATION OF 30 FEET.

Thomas: I SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER THOMAS. A VALID PETITION REQUIRING SIX AFFIRMATIVE VOTES ON THIRD READING. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

THE NEXT TRACT FOR COUNCIL CONSIDERATION IS TRACT 60. THAT CONSISTS OF 910, 912-914, WEST 22nd STREET. THE

CURRENT DESIGNATION IS MIXED USE AND THIS WOULD FALL UNDER THE UNIVERSITY NEIGHBORHOOD OVERLAY. THE EXISTING ZONING ON THIS TRACT IS MF-4. THE COUNCIL APPROVED ON FIRST AND SECOND READING, MF-4-CO-NP WITH A LIMIT OF 45 FEET. THE STAFF IS RECOMMENDING THAT AGAIN FOR THIRD READING. THE PROPERTY OWNER WOULD LIKE IT TO REMAIN MF-4 WITH NO RESTRICTIONS. THERE IS A VALID PETITION AND THAT WOULD REQUIRE SIX VOTES FOR 912 WEST STWEKD AND A HALF STREET AND FOUR FOR 910, 914 WEST 22nd AND A HALF STREET. AGAIN, THERE'S REPRESENTATIVES FROM THE NEIGHBORHOOD AND THE PROPERTY OWNER ARE HERE TO ANSWER ANY QUESTIONS. IF NOT, I'LL BE HAPPY TO ANSWER ANY QUESTIONS AT THIS TIME.

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL? COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION ON TRACT 60 IN THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA.

Thomas: MAYOR, I MOVE THE SAME AS FIRST AND SECOND READING, MF-4-CO-NP, HEIGHT LIMIT 45.

Slusher: SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER SLUSHER TO APPROVE BOTH THE FUTURE LAND USE DESIGNATION OF MIXED USE AS WELL AS THE ZONING ON THIRD READING MF-4-CO-NP WITH A 45-FOOT HEIGHT LIMITATION. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THE NEXT TRACT FOR COUNCIL CONSIDERATION IS TRACT 80-A. AND I HAVE RECEIVED A -- I HAVE RECEIVED A LETTER FROM ONE OF THE STAKEHOLDERS RIGHT ADJACENT TO 80-A, AND RECOMMENDING WHAT THE PROPERTY OWNER IS RECOMMENDING, WHICH IS IN CONTRADICTION TO WHAT THE NEIGHBORHOOD STAFF IS RECOMMENDING. WE'RE PASSING THAT OUT. THE EXISTING ZONING IS GENERAL

OFFICE. AND ON FIRST AND SECOND READING THE COUNCIL APPROVED GENERAL OFFICE NP AND ALLOWING THE NEIGHBORHOOD MIXED USE BUILDING. AND STAFF IS RECOMMENDING GO-NP. PROPERTY OWNER WOULD LIKE CS-MU-NP AND ALLOWED THE MIXED USE BUILDING. THERE IS NOT A VALID PETITION. AND JUST TO POINT OUT, IF YOU WERE TO LOOK ON THIS MAP, I'LL SHOW YOU ON THE LARGE MAP, THIS MAP AS WELL AS THE OTHER TRACTS REFERENCED IN THE LETTER FALL WITHIN THE HIGH DENSITY INNER WEST CAMPUS DISTRICT OF THE UNIVERSITY NEIGHBORHOOD OVERLAY.

Mayor Wynn: QUESTIONS OF STAFF?

AND THE REPRESENTATIVES FROM THE NEIGHBORHOOD AND THE PROPERTY OWNERS FOR ALL OF THE TRACTS IN QUESTION ARE IN ATTENDANCE AND AVAILABLE FOR QUESTIONS. AND IF YOU HAVE ANY QUESTIONS OF ME, I'LL BE HAPPY TO ANSWER THEM RIGHT NOW.

Mayor Wynn: QUESTIONS, COMMENTS, COUNCIL.

Dunkerley: WHAT IS THE CURRENT STAFF RELIGIOUS?

THE CURRENT STAFF RECOMMENDATION IS TO ALLOW THE GENERAL OFFICE AND TO ALLOW ALSO THE NEIGHBORHOOD MIXED USE BUILDING SPECIAL USE ON THE SITE, WHICH IS -- WHICH IF YOU'RE GOING TO HAVE MIXED USE ON SITE, THE NEIGHBORHOOD MIXED USE BUILDING SAYS YOU MUST HAVE GROUND LEVEL COMMERCIAL WHEREAS AT THE SAME TIME YOU HAVE UPPER STORY RESIDENTIAL. THE MU ALLOWS EITHER OR OR BOTH.

Mayor Wynn: MR. MCHONE.

MAYOR, MEMBERS OF COUNCIL, MIKE MCHONE REPRESENTING UNIVERSITY AREA PARTNERS. WHAT WE'RE TRYING TO DO IN THE OVERLAY DISTRICT IS CREATE INCENTIVES FOR PEDESTRIAN, WIDE PEDESTRIAN SIDEWALKS. AND WHAT WE HAVE OPPOSED THROUGHOUT THE DISTRICT IS ALLOWING MU'S TO COME IN WHERE PEOPLE CAN THEN HAVE THEIR ZONING AND NOT HAVE TO OPT INTO UNO AND BUILD THE SIDEWALK IMPROVEMENTS

THAT WE'RE WANTING. UNDER THE UNO REGULATIONS, 25-2-754, REGULATIONS, IN A NON-REGULATION ZONING BASE DISTRICT, RESIDENTIAL USES ARE PERMITTED. THAT'S IN THE UNO. MAKE THESE FOLKS COME UNDER UNO AND NOT ESCAPE THE REQUIREMENTS OF THE UNO REWARD DISTRICT WHICH SAYS YOU GET TO BUILD HIGHER DENSITY, BUT YOU'VE GOT TO PUT IN THE SIDEWALKS, YOU'VE GOT TO COMPLY. THIS IS ALSO ALONG THAT 23rd STREET CORRIDOR, WHICH THIS COUNCIL HAS FUNDED A PROGRAM TO WIDEN THE SIDEWALKS AND REMOVE SOME OF THE SURFACE PARKING, SO WE WOULD URGE THE COUNCIL TO GO WITH THE UNO GUIDELINES AND NOT GIVE OUT MU OVERLAYS ON ANY TRACT IN THE AREA. EVERYBODY ELSE HAS AGREED TO GO ALONG AND PUT IN THE SIDEWALKS. EVERYONE SHOULD HAVE TO DO IT. OTHERWISE WE'LL END UP WITH GAPS IN THE PEDESTRIAN TRANSPORTATION SYSTEM. THANK YOU.
[ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

80 D WAS APPROVED BY COUNCIL -- I DON'T REMEMBER, APPROVED LAST WEEK, IT WAS AN UNCONTESTED TRACT, HAD PASSED. I THINK THE LETTER FROM -- FROM DON WUCASH HERE EXCLUDED THEM ALL NOT KNOWING THAT THAT AS WELL AS 2301 RIO GRANDE HAD BEEN PASSED EN MASSE BY THE COUNCIL AT THIRD READING LAST WEEK.

Dunkerly: MY QUESTION IS LAST WEEK WE ADDED THE M.U. TO THAT PARTICULAR TRACT, DIDN'T WE?

NO, WE DID NOT.

Dunkerly: DID NOT. OKAY.

Slusher: MAYOR, IF -- IF WE HAVE SOMETHING WITH AN ALTERNATIVE VIEWPOINT TO MR. MCHONE'S IT WOULD BE APPROPRIATE TO HEAR FROM THEM, I THINK.

GOOD EVENING, MY NAME IS [INDISCERNIBLE], ONE OF THE PROPERTY OWNERS AT 2309 AND 2301 RIO GRANDE. THE PROBLEM WITH HAVING SOME OF THOSE LOTS ARE SMALL LOTS UNDER 7,000 SQUARE FEET. IF YOU WANT TO BE ABLE TO ADD SOME KIND OF AN M.U. USE TO WHAT YOU HAVE NOW BUT NOT BE FORCED INTO AN ASSEMBLY TYPE OF SITUATION TO WHERE YOU COULD BE ODDER TO OTHER

TRACTS SO THAT YOU COULD BUILD SOMETHING THAT COULD BE PART OF THE LARGER PLAN AND ADOPT THE UNO, THE BENEFITS THAT COME UNDER THE UNO PLAN, THEN YOU ARE STUCK WITH WHAT YOU HAVE. IF THE THOUGHT IS THAT WE WANT A NEIGHBORHOOD WHERE YOU HAVE PEOPLE LIVE WHERE THEY WORK OR LIVE WHERE THEY SHOP, WHAT HAVE YOU, WHAT DO YOU DO WITH THE EXISTING PROPERTIES THAT ARE TOO SMALL TO BE PART OF SOMETHING LARGER? SO YOU END UP GETTING STUCK WITH WHAT YOU GOT AND YOU CAN'T -- YOU CAN'T ADD AN M.U. TO IT. NOW, I BELIEVE THE -- THE WIDE SIDEWALKS, NOBODY IS AGAINST THAT. WE ARE NOT AGAINST THAT. BUT YOU CAN ONLY DO THAT IF YOU ARE, I BELIEVE, FLYING FOR A NEW SITE PLAN OR IT'S A NEW PROJECT, WHAT HAVE YOU, BUT IF YOU HAVE A TWO STORY 1920, 1930 HOUSE BEING USED AS G.R., RESIDENTIAL, YOU WANTED TO BE ABLE TO ADD THE M.U. ELEMENT, UNDER WHAT YOU ALL ARE LOOKING AT, THE WAY IT STANDS RIGHT NOW, YOU ARE UNABLE TO DO THAT. I BELIEVE EVERYBODY, THREE OUT OF THE SIX LOTS ON RIO GRANDE WANT TO ADD M.U. THE WUCASH TRACT AND THE FRATERNITY THAT FRONTS ON NUECES FROM 23rd TO 24th THEY HAVE THE SAME WISH. THEN LATER ON WE ALL WOULD WANT TO OPT INTO UNO IF WE ARE ABLE TO DO SO. BUT AGAIN IF YOU HAVE GOT A SMALL LOT, YOU ARE JUST -- YOU ARE KIND OF STUCK WITH WHAT YOU HAVE, YOU CAN'T ADOPT THE UNO ORDINANCE OR WHAT COMES WITH IT. SO THE IDEA IS TO BE ABLE TO HAVE AN M.U. ELEMENT AND BE FLEXIBLE ENOUGH WHERE YOU CAN ESTABLISH MORE OF A MIXED USE, MORE PEDESTRIAN, SO ON, SO FORTH. THAT'S THE ONLY REASON THAT WE ARE ASKING FOR IT. NOT TO OPT OUT AND NOT HAVE TO DO SIDEWALKS AND LANDSCAPING, THINGS LIKE THAT. IT'S JUST FOR THE SAKE OF THE SMALL, SMALL LOT PROPERTIES.

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS, COUNCIL? COUNCILMEMBER MCCRACKEN?

McCracken: [INDISCERNIBLE] CAN YOU GIVE US SOME SENSE OF THE FEASIBILITY OF ACTUALLY DOING THE UNO PROJECT ON THIS LOT OF 80 A.

IT'S 7,000 SQUARE FEET. IT WOULD PROBABLY BE NOT A VERY LARGE PROJECT. PROBABLY HAVE ISSUES OF TRYING

TO PARK IT IN A STRUCTURED PARKING FACILITY ON SUCH A SMALL LOT. BUT I THINK THAT WOULD BE YOUR BIGGEST DETRIMENT ON THAT. I THINK THAT YOU WOULD NEED CONSIDERABLY MORE -- NOT CONSIDERABLY, BUT A LARGER LOT THAN 7,000 SQUARE FEET TO BUILD A INSTRUCT TEENAGERED PARK -- STRUCTURED PARKING FACILITY, BUT I'M NOT AN ARCHITECT, THAT WOULD BE MY GUT REACTION TO THAT QUESTION.

COUNCILMEMBER, IF I COULD ATTEMPT TO DO THAT, SORRY. MY NAME IS AGAIN MIKE MCHONE, I ALSO OWN PROPERTY THAT IS IN THE UNO, BUT ONLY IN THE 60-FOOT ZONE. THE WAY THE UNO IS DESIGNED, YOU CAN HAVE OFFSITE PARKING AS WELL. THERE ARE PARKING FACILITIES BEING PLANNED WITHIN A BLOCK OF THIS SITE. BOTH BY THE UNIVERSITY CO-OP, BOOK STORE, BY THE UNIVERSITY OF TEXAS AT 23rd AND SEANTD. THEY -- AND SAN ANTONIO. THEY FALL WITHIN THE AREA THAT WOULD BE ALLOWED FOR PARKING. AGAIN, WE ARE NOT TRYING TO RESTRICT USES UNDER UNO OR THE REDEVELOPMENT UNDER UNO. WHAT WE ARE TRYING TO DO IS MAKE SURE THAT PEOPLE PUT IN THE SIDEWALKS. IF THEY WANT A ZONING CASE SEPARATE AND APART FROM THE OVERLAY, WE SHOULD PULL THOSE CASES OUT AND GET INTO A RESTRICTIVE COVENANT THAT WOULD -- THAT WOULD REQUIRE THEM TO PUT IN THE SIDEWALKS LIKE WE HAVE DONE WITH NOT ONLY EVERY CHURCH THAT'S WANTING TO REDEVELOP IN THE AREA, SUCH AS HILLEL, WHICH IS UNDER CONSTRUCTION NOW, EVEN THE CO-OP THAT HAD BURNED DOWN AND REBUILT WHEN THEY CAME BACK, WE SAID ALL RIGHT, BUILD THE WIDER SIDEWALKS. EVERYBODY HAS AGREED TO DO THAT. WE HAVE DONE THAT THROUGH RESTRICTIVE COVENANTS. WHAT WE ARE TRYING TO DO WITH THE UNO OVERLAY IS GET OUT OF THE RESTRICTIVE COVENANT BUSINESS AND GET INTO HERE'S THE RULES, BUILD THE SIDEWALKS. THAT'S ALL WE'RE TRYING TO DO.

McCracken: IF I UNDERSTAND YOU CORRECTLY, THE GENERAL OFFICE THEN IT ALLOWS MIXED USE ANYWAY?

RIGHT, AS LONG AS YOU OPT INTO UNO. THE ONLY OPT IN PROVISION WOULD BE TO ADD THE SIDEWALKS AS LONG AS

YOU ARE AT A CERTAIN SIZE.

THE NEIGHBORHOOD MIXED USE BUILDING IS ALSO BEING RECOMMENDED FOR THAT SITE, WHICH IS A SPECIAL IN FILL TOOL FOR THE NEIGHBORHOOD PLAN THAT'S AVAILABLE THROUGH THE NEIGHBORHOOD PLANNING PROCESS.

THAT'S FINE. JUST GET SIDEWALKS.

McCracken: SO THE NEIGHBORHOOD PREFERENCE THEN IS THE GU-N.P. TO BE PASSED ON SECOND READING?

THAT WAS PASSED ON SECOND READING. ON THIRD READING WE ARE READING G.O.-N.P. TO ALLOW THE MIX -- AND ALLOW THE MIXED USE BUILDING.

AS LONG AS WE DO THE SIDEWALKS.

McCracken: THAT WILL GET US THE SIDEWALKS, MR. WALTERS?

THE G.O. BASH ARE-N.P. WOULD NOT GET THE SIDEWALKS, YOU WOULD HAVE TO BUILD IT UNDER THE AUSPICES OF THE UNIVERSITY NEIGHBORHOOD OVERLAY OR SIGN A RESTRICTIVE COVENANT.

McCracken: IN OTHER WORDS THE OVERLAY OR A RESTRICTIVE COVENANT TO GET IT?

WE WOULD PREFER NOT TO BE IN THE RESTRICTIVE COVENANT BUSINESS, BUT --

McCracken: I MOVE APPROVAL OF G.O.-N.P. AS PASSED ON SECOND READING.

Dunkerly: THIS IS --

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN. TO SHOW THE FUTURE LAND USE OF TRACT 80 A AS HIGH DENSITY MIXED USE. TO APPROVE THE ZONING ON THIRD READING G.O.-N.P. ALLOWING MIXED USE BUILDING. JUST A SECOND.

Goodman: I WILL SECOND FOR DISCUSSION.

Mayor Wynn: THANK YOU, MAYOR PRO TEM.

Goodman: CAN I ASK HOW YOU CODIFY THAT? YOU DON'T PUT M.U. BUT YOU AND YOU ALLOW MIXED USE BUILDING. HOW DO YOU PUT THAT ON A CODE MAP.

YOU REFER TO THE -- THAT AREA FALLS WITHIN THE 175-FOOT INNER WEST CAMPUS DISTRICT OF THE UNIVERSITY OVERLAY. RIGHT IN HERE. AND ON THE LARGER FUTURE LAND USE MAP, IT INDICATES THAT THE HIGH DENSITY IN THIS AREA WOULD BE IMPLEMENTED THROUGH THE UNIVERSITY NEIGHBORHOOD OVERLAY. I DON'T HAVE THAT MAP WITH ME, BUT THAT'S WHAT WAS APPROVED BY COUNCIL WITH THE CALLOUT BOX SAYING THIS AREA, HIGH DENSITY MIXED USE WILL BE IMPLEMENTED THROUGH THE UNIVERSITY NEIGHBORHOOD OVERLAY.

Goodman: OKAY. AFTER ALL OF THIS IS DONE, WHEN SOMEBODY GOES TO -- TO THAT AREA OR ONE TRACT WITHIN THAT AREA, AND ESPECIALLY IF AMANDA IS WORKING AND EVERYTHING, WHEN THEY PULL UP THAT PROPERTY, THAT'S WHAT IT WILL SAY ON THE ZONING MAP? WHAT IF YOU DON'T ASK FOR THAT? WILL IT COME UP ANYWAY SO THAT ANYBODY WHO LOOKS AT IT WILL KNOW.

IF THEY WERE TO REFERENCE THE ZONING, THEY WOULD SEE IT AT THE G.O.-N.P. IF THAT IS WHAT COUNCIL APPROVES, BUT THROUGH THE NEIGHBORHOOD PLAN THAT DEPOSITION THAT IT'S THAT AREA WHERE PEOPLE HAVE AGREED TO THAT THIS IS APPROPRIATE FOR HIGH DENSITY, THAT THEY WOULD HAVE A REFERENCE THE FUTURE LAND USE MAP TO KNOW THIS IS PART OF -- I'M SURE AMANDA WILL HAVE THE UNIVERSITY NEIGHBORHOOD OVERLAY IN IT WHEN IT GETS UP AND RUNNING COMPLETELY.

Goodman: MAYBE BETWEEN NOW AND THEN AS WE ARE LOOKING AT HOW TO MODIFY AND REVISE THE CODE, WE NEED TO LOOK AT WAYS THAT EVERYTHING THAT APPLIES TO A PROPERTY IS SOMEHOW CODIFIED AND EASILY UNDERSTOOD MANNER AND COMES UP WITH ONE HIT.

Glasgo: THE REASON I CAME UP HERE MAYOR PRO TEM IS TO TELL YOU YES WE ARE DOOLG DOING THAT TODAY, THAT'S HOW BUILDING PERMITS ARE ISSUED. AS COUNCIL APPROVES EVERY PLAN AND REZONINGS, EVEN WITHOUT [INDISCERNIBLE], TODAY AS YOU APPROVED WE HAVE THE MAPS, WHEN YOU CLICK ON IT, ZOOM ON IT, WE HAVE ALL OF THIS POPULATED INTO THE SYSTEM WHERE IT GIVES YOU THE ORDINANCE BY TRACT SO THAT YOU KNOW IF YOU HAVE A MIXED BEING IT'S ALL THERE. SO ONCE YOU FINISH ALL OF THAT, WE WILL LOAD IT INTO THE SYSTEM AND WE HAVE CREATED A SPECIAL TOOL THAT THE DEVELOPMENT PERMIT FOLKS ARE ABLE TO USE.

Goodman: SO YOU WOULDN'T HAVE TO MAKE A SEPARATE TRIP INTO NEIGHBORHOOD PLAN TO FIND OUT THAT THERE WAS.

Glasgo: NO. AFTER YOU FIB THE PLANS, WE DO THE TRILINGUAL AND ALSO POPULATE THE INFORMATION SO WHEN YOU PUT IT ALL UP IT HAS THAT INFORMATION.

Goodman: THEN PEOPLE ALSO WILL BE ABLE TO GO TO A DEFINITION FOR MIXED USE BUILDING AS OPPOSED TO MIXED USE AND THE ZONING?

CORRECT. BECAUSE PERMITS ARE BEING ISSUED TODAY FOR OTHER PARTS OF THE CITY WHERE THAT HAS OCCURRED WITH THE MIXED USE BUILDING. A GOOD EXAMPLE WOULD BE [INDISCERNIBLE] ON PEDERNALES STREET IN EAST AUSTIN, WHERE HE HAD A MIXED USE BUILDING AND THAT'S -- HE HAS A PERMIT AND THE BUILDINGS ARE RIGHT NOW PRETTY MUCH ALL SOLD.

Goodman: THANKS.

Mayor Wynn: WE HAVE A MOTION AND A SECOND TO APPROVE ON TRACT 80 A, BOTH THE FUTURE LAND USE DESIGNATION AND ZONING ON THIRD READING.

Dunkerly: MAYOR?

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: THIS IS ONE I DIDN'T STUDY CAREFULLY BECAUSE I DIDN'T KNOW WHAT THE ISSUES WERE. WHAT I WOULD LIKE TO DO IS HAVE SOME TIME TO FIGURE OUT WITH MR. MCHONE AND MAYBE THE OWNER EXACTLY WHAT THE UNO RESTRICTIONS WOULD DO TO THIS PARTICULAR SMALL PIECE OF PROPERTY. THERE ARE OTHER REGULATIONS IN UNO. IT MAY ADD SO MUCH COST THAT HE CAN'T DEVELOP THIS. IF COUNCIL WOULD CONSIDER IT, I WOULD LIKE TO POSTPONE THIS UNTIL I CAN GET WITH BOTH THE OWNER AND REPRESENTATIVE FROM UNO SO I UNDERSTAND WHAT WE ARE DOING. I DIDN'T UNDERSTAND LIKE MAYOR PRO TEM WHAT ALLOWED MIXED USE BUILDING MEANT UNDER THIS G.O.-N.P. AND SO -- SO IF YOU ALL DON'T MIND IF WE COULD PULL THIS ONE OUT AND -- HELP ME UNDERSTAND IT I WOULD APPRECIATE IT. I DON'T WANT TO INADVERTENTLY MAKE IT MORE DIFFICULT TO HAVE ADDITIONAL HOUSING UNITS THERE. WHEN WHAT WE ARE REALLY TRYING TO DO IN THAT AREA IS GET MORE DENSITY. IF YOU ALL WOULD CONSIDER A WEEK, A POSTPONEMENT THAT MAYBE MAYOR PRO TEM IF YOU WOULD BE -- MAYBE YOU UNDERSTAND IT, BUT I DON'T, MAYBE WE COULD LOOK AT IT TO SEE WHAT THE SMALL SITES, HOW THEY ARE IMPACTED.

Mayor Wynn: COUNCILMEMBER MCCRACKEN AMENDS HIS MOTION TO NOW BE A POSTPONEMENT TO TRACT 80 A TO SEPTEMBER 30th, 2004, SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. FOLKS THAT TAKES US TO A GOOD BREAK POINT FOR OUR 5:30 LIVE MUSIC AND PROCLAMATIONS. WE WILL BE BACK AS SOON AS WE FINISH THAT. I WILL SAY WHILE WE ARE DOING THE LIVE MUSIC AND PROCLAMATIONS THE COUNCIL WILL BE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.072 OF THE OPEN MEETINGS ACT TO DISCUSS OPEN SPACE ACQUISITION UNDER PROPOSITION 2, WE ARE NOW IN CLOSED SESSION. AND BREAKING FOR LIVE MUSIC AND PROCLAMATIONS. THANK YOU.

Mayor Wynn: FOLKS, IF I CAN HAVE YOUR ATTENTION, QUIET,

PLEASE. TIME FOR OUR LIVE MUSIC SEGMENT OF THE AUSTIN CITY COUNCIL MEETING, THIS IS GOING TO BE ENTERTAINING FOR US. WE ARE WELCOMING GUSTAVO RODRIGUEZ, A NATIVE TEXAN AND ONE OF NINE CHILDREN RAISED BY A SINGLE MOM. HE WAS THE MUSICAL CHILD AND GOT ALL OF THE GOOD LUCKS. ALWAYS DREAMING ABOUT POETRY TO BE TURNED INTO LYRICS AS A CHILD, GAZING UP AT THE STARS IN EL PASO. HE FIRST WAS INTRODUCED TO THE GUITAR AS A STUDENT AT UTEP, HE HAS BEEN PERFORMING IN AND AROUND AUSTIN NOW FOR 10 YEARS, PLEASE JOIN ME IN WELCOMING GUSTAVO RODRIGUEZ AND HIS BAND. [APPLAUSE] [(music) MUSIC PLAYING (music)(music)] SANG SANG..... [(music) SINGING (music)(music)] [(music) Singing (music)(music)] [(music) MUSIC PLAYING (music)(music)] [(music) MUSIC PLAYING (music)(music)] [APPLAUSE]

SO PLEASE INTRODUCE THE REST OF YOUR BAND FOR US.

OKAY. THOMAS BAKER, BAKER, BAKER, LIKE BOB BAKER, THEN FRANKIE HERNANDEZ ON THE TRUMPET.

BORN AND RAISED IN AUSTIN, TEXAS.

THEN JOE ON THE BASS FROM DALLAS, TEXAS, PAUL [INDISCERNIBLE] FROM SAN JUAN, THE VALLEY. [APPLAUSE]

TELLS US WHERE WE CAN WE HEAR GUSTAVO RODRIGUEZ SOON.

WE ARE PLAYING TONIGHT FROM 7:00 TO 10:00 AT FRAN'S HAMBURGERS, FOR FIRST THURSDAY, WE HAVE BEEN THERE THE PAST FOUR FIRST THURSDAYS, FREE, OPEN TO THE PUBLIC, IT'S GREAT. SOUTH AUSTIN. EVERY FRIDAY AT LA COPPA, EVERY FRIDAY, EVERY OTHER SATURDAY AT NUEVO LAREDO I CAN'T LEON, CHECK OUT MY WEBSITE www.gustavoRodriguezband.com AT YOUR MUSICAL SERVICE.

BEFORE YOU GET AWAY WE HAVE AN OFFICIAL PROCLAMATION THAT READS BE IT KNOWN WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC, CULTURAL DIVERSITY, WHEREAS THE

DEDICATED EFFORTS OF ARTISTS FURTHER AUSTIN AT THE MUSIC CAPITAL OF THE WORLD, WRB WHEREBY I WILL WYNN CALL IT GUSTAVO RODRIGUEZ DAY IN AUSTIN AND CALL ON ALL CITIZENS TO JOIN ME IN RECOGNIZING THIS GREAT TALENT. [CHEERS & APPLAUSE]

CATCH Y'ALL LATER, THANK YOU. [APPLAUSE]

Mayor Wynn: OKAY, OUR FIRST PROCLAMATION TODAY IS ABOUT WORLD ENERGY WEEK, WE ARE JOINED BY TWO OF OUR FINE AUSTIN ENERGY EMPLOYEES WHO ARE GOING TO TELL US ABOUT THIS. I'LL TELL YOU THAT IN ADDITION TO THE RASHABLE SERIES OF CONFERENCE -- REMARKABLE SERIES OF CONFERENCES WE HAVE ATTRACTED THIS WEEK, AUSTIN THE LAST 15 MONTHS OR SO HAVE ATTRACTED SOME OF THE PREMIER CONFERENCES ON ENERGY, INCLUDING THE NATIONAL SOLAR PANEL CONFERENCE, NATIONAL WIND POWER ASSOCIATION CONFERENCE, WE POSTED A U.S. MEXICAN BORDER ENERGY CONFERENCE AND IN PROCLAMATION IS -- THIS PROCLAMATION IS ABOUT WORLD ENERGY WEEK. KARL AND CLIFF WILL -- CAROL AND CLIFF WILL TELL US ABOUT IMPORTANT AND FUN THINGS HAPPENING THIS WEEK. THE PROCLAMATION READS: BE IT KNOWN WHEREAS AUSTIN'S COMMITMENT TO THE ENVIRONMENT IS A COMMUNITY PRIORITY REFLECTED BY AUSTIN'S LEADERSHIP IN PROMOTING ENERGY EFFICIENCY AND RENEWABLE ENERGY PROGRAMS, WHEREAS AUSTIN'S COMMITMENT TO CLEAN ENERGY HAS HELPED TO ATTRACT MAIN ENERGY EVENTS TO OUR CITY FOR SHARING IDEAS, KNOWLEDGE, EXPERIENCES REGARDING THE CHALLENGES FACING OUR ENERGY FUTURE, WHEREAS THE CITY OF AUSTIN IS PLEASED TO BE HOSTING THE 27th WORLD ENERGY ENGINEERING CONFERENCE, THE FIFTH ANNUAL COMBINED HEAT AND POWER ROAD MAP WORKSHOP, AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S TEXAS E.P.A. GREEN POWER PARTNERS LUNCHEON. NOW, THEREFORE, I WELL WIN, MAYOR OF THE -- THEREFORE I WILL WYNN DO HERE BY PROCLAIM THE 26th AS WORLD ENERGY WEEK AND I WOULD LIKE FOR CAROL OR CLIFF TO TALK TO US, THEY HAVE WORKED REALLY HARD TO ATTRACT THE WORLD CONFERENCE HERE IN ADDITION TO THESE OTHER GREATER EVENT. CAROL, PERHAPS, TALK TO US ABOUT AUSTIN HOSTING THESE GREAT ENERGY

CONFERENCES.

I WILL DEFER TO CLIFF.

Mayor Wynn: CLIFF.

OKAY. THANK YOU, MAYOR WYNN. YES, WE ARE VERY EXCITED TO HAVE THE UNITED STATES COMBINED HEAT AND POWER ASSOCIATION CHOOSE AUSTIN, TEXAS FOR THEIR ANNUAL ROAD MAPPING WORKSHOP. IT'S BEEN TO OTHER CITIES LIKE LOS ANGELES, NEW YORK, AND SO WE ARE RIGHT IN THERE WITH THEM, THEN ESPECIALLY PLEASED THAT THE ASSOCIATION OF ENERGY ENGINEERS HAVE CHOSEN TO MOVE AFTER 26 YEARS IN ATLANTA, GEORGIA, THE WORLD ENERGY ENGINEERING CONGRESS TO AUSTIN, TEXAS. THAT'S QUITE A FEAT, YOU KNOW, FOR US TO BE RECOGNIZED. ACTUALLY IN THE WORLD ARENA FOR ENERGY. I THINK BEYOND ALL OF THIS, NAMING THIS AS WORLD ENERGY WEEK IS OUR SIGNAL TO THE REST OF THE WORLD THAT AUSTIN, TEXAS AND AUSTIN ENERGY ARE LEADING THE WAY IN DEVELOPMENT OF THE -- MAKING AUSTIN THE CLEAN ENERGY CAPITAL OF THE WORLD, WHICH WE ASPIRE TO DO. SO THAT WILL BE THE LAST WEEK DURING SEPTEMBER, THE 20th THROUGH THE 25th, AND WHEN YOU SEE A BUNCH OF ENGINEERS WALKING AROUND WITH THEIR CALCULATORS LOOKING FOR CLEAN ENERGY SOLUTIONS TELL THEM WELCOME TO AUSTIN. WE ARE PLEASED TO HAVE THIS COME THIS YEAR, HOPE THEY RETURN AGAIN NEXT YEAR. SO --

Mayor Wynn: FOLKS, PLEASE JOIN ME IN CONGRATULATING AUSTIN ENERGY FOR FINE WORK. [APPLAUSE].....
WHEREAS,.

Mayor Wynn: WE HAVE A NUMBER OF GROUPS HERE TO BE RECOGNIZED. THIS NEXT OPERATION IS ABOUT THE WEEK OF PREPAREDNESS AND REMEMBRANCE, WE ARE JOINED BY CHIEF OF OUR EMERGENCY RESPONDERS, BUILDING OWNERS AND MANAGERS ASSOCIATION, BOMA OF AUSTIN, OTHERS. THE PROCLAMATION READS BE IT KNOWN WHEREAS OPERATION PREPAREDNESS IS AN EFFORT BY THE CITY'S OFFICE OF EMERGENCY MANAGEMENT, THE CENTRAL TEXAS CITIZEN CORE COUNCIL AND THE AUSTIN

BUILDING, MANAGERS AND OWNERS ASSOCIATION OF ,
BOMA, TO ENGAGE CITIZENS IN EMERGENCY
PREPAREDNESS. WHEREAS THE WEEK'S EVENTS WILL
PROVIDE LOCAL AUSTINITES LOCAL BUSINESS
OPPORTUNITIES TO LEARN MORE ABOUT PREPARING FOR
EMERGENCIES, TO GET AN EMERGENCY SUPPLY KIT, TO
ESTABLISH A FAMILY COMMUNICATIONS PLAN, AND TO
BECOME BETTER AWARE OF THREATS THAT MAY IMPACT
OUR COMMUNITY. AND WHEREAS DURING THE WEEK THAT
ENCOMPASSES THE ANNIVERSARY OF THE 9/11 TRAGEDY IT
IS MOST APPROPRIATE THAT AUSTINITES REMEMBER
EMERGENCY RESPONDERS WHO KEEP OUR CITY SAFE AND
PREPARED FOR EMERGENCY. THEREFORE, I, WILL WYNN,,
MAYOR OF THE CITY OF AUSTIN, TEXAS DO HERE BY
PROCLAIM THE WEEK OF SEPTEMBER 6th THROUGH 12th AS
EMERGENCY PREPAREDNESS WEEK AND WOULD ASK STEVE
TO SAY A FEW WORDS.

THANK YOU VERY MUCH, MAYOR WYNN. I'M ACTUALLY
GOING TO INTRODUCE THREE PEOPLE THAT ARE GOING TO
MAKE SOME QUICK REMARKS ABOUT THIS. BUT CERTAINLY
NEXT WEEK IS -- MARKS THE THIRD ANNIVERSARY OF
SEPTEMBER 11TH AND THOSE MEMORIES ARE STILL VIVID IN
EVERYBODY'S MIND. WE CERTAINLY IN EMERGENCY
MANAGEMENT AND EMERGENCY SERVICES COMMUNITIES
CONTINUE TO BE CONCERNED ABOUT TERRORISM AND
CONTINUE TO PREPARE FOR IT. NOT ONLY A CONCERN JUST
IN THE UNITED STATES, BUT AS THE EVENTS OF A COUPLE
WEEKS ILLUSTRATE RIGHT HERE IN AUSTIN, TEXAS. THIS IS
ACTUALLY KIND OF A TWO PART PROCLAMATION, ONE A
RECOGNITION AND REMEMBRANCE OF THE VICTIMS OF
SEPTEMBER 11TH, THE FOLKS THAT LOST THEIR LIVES. NOT
JUST THE VICTIMS, SEVERAL HUNDRED EMERGENCY
RESPONDERS AND PUBLIC SAFETY PERSONNEL. SO I WOULD
LIKE TO ASK ASSISTANT FIRE CHIEF PAUL MALL DID A
IN.....MALDANADO FOLLOWED BY DAVID LURIE,
DIRECTOR OF AUSTIN TRAVIS COUNTY HEALTH AND HUMAN
SERVICES DEPARTMENT.

GOOD NEWSPAPER, I'M PLEASED TO ACCEPT THIS -- GOOD
AFTERNOON, I'M PLEASED TO ACCEPT THIS PROCLAMATION
ON BEHALF OF THE FIREFIGHTERS AND ALL OF THE OTHER
PUBLIC SAFETY PARTNERS THAT WE HAVE. THE

PRESERVATION OF LIFE AND PROPERTY IS OUR CENTRAL MISSION AND WE AIM TO DO THIS BY PROVIDING COMPREHENSIVE SAFETY SERVICES AND ONE OF THE THINGS THAT WE HAVE ADDED TO THAT LIST OF SERVICE IS PROTECTION OF OUR HOMELAND. I'M PROUD TO ANNOUNCE TODAY THAT AUSTIN, BOTH PRIVATE AND PUBLIC AGENCIES HAVE WORKED HARD TOGETHER OVER THE LAST THREE YEARS SINCE THE WAR ON TERROR HAS BEGUN TO BE PREPARED. ON THIS OCCASION, IT GIVES US A TIME TO REFLECT AND PAUSE AND TO RECOGNIZE THE GOOD EFFORTS THAT WE HAVE MADE FOR THE EFFORTS IN HOMELAND PROTECTION. I'M PROUD TO SAY THAT WE HAVE TAKEN EXTRAORDINARY MEASURES TO TRAIN AND EQUIP OUR AGENCIES TO HANDLE EXPLOSIVES, CHEMICAL, BIOLOGICAL, RADIOLOGICAL AND NUCLEAR ACTS OF TERROR. TODAY I'M PROUD TO TELL YOU THAT IN AUSTIN WE HAVE HAD SUCCESS IN PROTECTING OUR HOMELAND. BUT AS WE MOVE INTO THE FUTURE, I DO WANT TO LET YOU KNOW THAT WE ARE COMMITTED BECAUSE THIS WAR IS LONG-TERM AND THE -- AND THE PREPAREDNESS CONTINUES. AND BECAUSE OUR COMMUNITY RELIES ON PUBLIC SAFETY FOR THEIR PROTECTION, THE CITY OF AUSTIN PUBLIC SAFETY AGENCIES AND OUR PARTNERS IN PUBLIC SAFETY ARE HERE TO TELL YOU THAT WE ARE COMMITTED TO OUR SAFETY. AUSTIN FIREFIGHTERS ARE PROUD TO BE ACCEPTING OF THIS PROCLAMATION. THANK YOU. [APPLAUSE]

HELLO, I'M DAVID LURIE, THE DIRECTOR OF HEALTH AND HUMAN SERVICES FOR AUSTIN/TRAVIS COUNTY. AND I, TOO, WOULD LIKE TO ACKNOWLEDGE THE HARD WORK THAT HAS BEEN TAKING PLACE AMONG YOUR WORKERS WITHIN YOUR LOCAL HEALTH DEPARTMENT. THERE'S A VERY IMPORTANT ROLE FOR PUBLIC HEALTH AS IT RELATES TO EMERGENCY PREPAREDNESS. AND A GREAT DEAL OF ENHANCEMENTS HAVE BEEN OCCURRING OVER THE LAST FEW YEARS, PARTICULARLY AS IT RELATES TO OUR ROLE OF PROTECTING THE COMMUNITY FROM INFECTIOUS DISEASES, POTENTIAL EPIDEMICS AN ENVIRONMENTAL HARES. OUR PARTNERSHIP WITH -- HAZARDS. OUR PARTNERSHIP WITH PUBLIC SAFETY AND EMERGENCY MANAGEMENT HAS BEEN GREATLY IMPROVED, BENEFITING OUR COMMUNITY ON A

DAILY BASIS. ALSO A MUCH CLOSER WORKING RELATIONSHIP WITH THE STATE AND FEDERAL PUBLIC HEALTH AGENCIES, SHARING INFORMATION MUCH MORE QUICKLY AND AGAIN OVERALL AS I SAY, THIS BENEFITS OUR COMMUNITY EVERY DAY FROM VARIOUS POTENTIAL DISEASE OUTBREAKS. SO I'M VERY PROUD OF THE STAFF WITHIN YOUR LOCAL HEALTH DEPARTMENT. THEY HAVE REALLY STEPPED UP, DOING AN OUTSTANDING JOB AND WE ARE VERY PLEASED TO BE PART OF THE PUBLIC SAFETY PARTNERSHIP IN THIS OVERALL EFFORT. THANK YOU. [APPLAUSE]

THE LOCAL BUSINESS COMMUNITY IS SPONSORING SEVERAL PREPAREDNESS ACTIVITIES, INCLUDING A WORKSHOP, TRAINING SESSION NEXT WEEK, AND SOME OTHER OBSERVANCES OF SEPTEMBER 11TH. SO WE HAVE WITH US THE PRESIDENT OF THE AUSTIN CHAPTER OF THE BUILDING OWNERS AND MANAGERS ASSOCIATION CARISSA JOHNSON TO MAKE SOME REMARKS.

THANK YOU, BOMA AUSTIN FEELS THAT IT'S PARTICULARLY IMPORTANT TO KEEP SEPTEMBER 11TH 2001 IN THE PUBLIC'S CONSCIOUSNESS. OPERATION PREPAREDNESS IS OUR WAY OF KEEPING AWARENESS FRONT AND CENTER IN THE PUBLIC'S MIND WHILE HONORING THOSE WHO KEEP US SAFE ON A DAILY BASIS. A FEW OF THE ACTIVITIES THAT WE HAVE LINED OUT FOR NEXT WEEK, ON WEDNESDAY, THE TRAVIS COUNTY LOCAL EMERGENCY PLANNING COMMITTEE WILL PRESENT ITS ANNUAL AUSTIN AREA EMERGENCY PREPAREDNESS CONFERENCE ON WEDNESDAY, SEPTEMBER THE 8th. ON THURSDAY, SEPTEMBER THE 9th WE WILL HAVE A DEMONSTRATION BY THE AUSTIN POLICE DEPARTMENT BOMB SQUAD AT 301 CONGRESS FROM 11:00 TO 1:00. ON FRIDAY, SEPTEMBER THE 10th, WE WILL BE HANDING OUT A AS BUILDING MANAGERS CARDS AND PINS TO ALL OF OUR TENANTS AND OUR VARIOUS BUILDINGS AROUND AUSTIN, AS WELL AS THERE WILL BE A FIRE DRILL AND COMPLETE EVACUATION OF THE CHASE BANK TOWER AT 10:30 WITH -- WITH THE -- WITH THE RESPONSE BY THE AUSTIN FIRE DEPARTMENT. FOLLOW WOULD BY A SHORT CEREMONY TO REPRESENTATIVES FROM THE FIRE DEPARTMENT, POLICE AND E.M.S. AND THEN AT SUNDOWN, AS WE HAVE DONE IN PREVIOUS YEARS, ALL THE LIGHTS ON

THE DOWNTOWN BUILDING, THE TOP TWO FLOORS WILL GO OFF, EXCEPT FOR THE TOP TWO FLOORS AS WELL AS THE CAPITOL. SO THESE ARE A FEW OF THE ACTIVITIES THAT WE HAVE PLANNED. AND WE HAVE LEFT YOU GUYS PINS AND HOPE THAT YOU WILL SHOW YOUR SUPPORT. THANKS. [APPLAUSE]

FOLKS, OBVIOUSLY THE REMEMBRANCE PART OF THIS IS VERY SOLEMN, BUT WE SHOULD ALL SHOW OUR APPRECIATION AND OUR EXCITEMENT FOR SOME REMARKABLE INTERAGENCY COORDINATION WHEN IT COMES TO THE PREPAREDNESS FOR OUR CITY. SO PLEASE JOIN ME IN CONGRATULATING ALL OF THE FOLKS INVOLVED WITH THIS -- WITH THIS REMEMBRANCE AND PREPAREDNESS WEEK. THANK YOU. [APPLAUSE]

Mayor Wynn: WE ARE DOING SEVERAL PROCLAMATIONS HERE FOR THIS NEXT MONTH, WE DON'T HAVE ANOTHER CITY COUNCIL MEETING GENETICALLY UNTIL SEPTEMBER 30th. BETWEEN NOW AND THEN WE'LL BE HAVING OUR BUDGET HEARING AND APPROVAL, WE ARE TRYING TO GET SEVERAL OF THESE IMPORTANT PROCLAMATIONS ACKNOWLEDGED PRIOR TO THEIR OCCURRENCE. THIS NEXT ONE RELATES TO DELOITTE'S IMPACT DAY, OCTOBER 8th 2004. THE PROCLAMATION READS BE IT KNOWN WHEREAS DELOITTE AND TOUCHE, U.S.A., LLP, IS A LEADING CORPORATE CITIZEN OF AUSTIN AND BELIEVES COMMUNITY INVOLVEMENT IS A BUSINESS IMPERATIVE. WHEREAS NEARLY 30,000 PEOPLE AND MORE THAN 100 DELOITTE LOCATIONS NATIONWIDE WILL PARTICIPATE IN A NATIONAL DAY OF VOLUNTEER SERVICE WITHIN THEIR COMMUNITIES. MORE THAN 150 EMPLOYEES OF THE DELOITTE AUSTIN OFFICE WILL INVEST THEIR ENERGY IN A PARK CLEANUP. AND WHEREAS IN COORDINATION WITH KEEP AUSTIN BEAUTIFUL, THE CITY'S PARKS AND RECREATION DEPARTMENT, DELOITTE EMPLOYEES WILL SPEND THE DAY MAKING A POSITIVE IMPACT ON THE 22-ACRE MAYFIELD NATURE PRESERVE NEAR WEST AUSTIN. THEREFORE, I WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM OCTOBER 8th, 2004 AS DELOITTE IMPACT DAY IN AUSTIN AND ASK MS. AMY CHRONIS TO SPEAK BRIEFLY ABOUT THE EVENT. PLEASE JOIN ME IN SHOWING OUR APPRECIATION FOR DELOITTE IN THIS GREAT VOLUNTEER

EFFORT. AMY?

THANK YOU, MAYOR WYNN. IMPACT DAY REINFORCES DELOITTE'S OVERALL COMMITMENT TO COMMUNITY INVOLVEMENT. IT'S A NATIONAL PROGRAM, AS THE MAYOR MENTIONED, WITH NEARLY 30,000 DELOITTE PEOPLE ACROSS THE UNITED STATES AND OVER 100 LOCATIONS. CHOOSING -- CHOOSING TO SET ASIDE AND BE ENCOURAGED BY DELOITTE TO SET ASIDE CLIENT WORK AND VOLUNTEER THEIR TIME ON BEHALF OF ORGANIZATIONS, NON-PROFIT ORGANIZATIONS WORKING TO ADDRESS SOCIAL ISSUES AND ISSUES IN THEIR COMMUNITIES. IT'S A GREAT EXAMPLE OF THE VOLUNTEER SERVICE THAT WE PROVIDE TO OUR COMMUNITIES THROUGHOUT THE YEAR. WE SINCERELY BELIEVE THAT CORPORATE COMMUNITY INVOLVEMENT PROGRAMS SUCH AS WORKPLACE VOLUNTEERISM ARE A BUSINESS IMPERATIVE. WE HAVE DISCOVERED HERE IN AUSTIN THAT PEOPLE WANT TO WORK FOR COMPANIES THAT SUPPORT THEIR COMMUNITIES. AS AN ORGANIZATION WHOSE STRENGTH IS BUILT ON TEAMWORK, FOSTERING THE CONNECTION BETWEEN OUR PEOPLE AND BETWEEN OUR PEOPLE AND THEIR COMMUNITIES IS A HIGH PRIORITY FOR US. ON BEHALF OF DELOITTE AND MY NEARLY 150 TEAM MEMBERS WHO WILL BE PARTICIPATING, THANK YOU VERY MUCH FOR THE PROCLAMATION. I CAN'T WAIT TO SHARE IT WITH MY TEAM, WE ARE EXCITED ABOUT OUR POSITIVE IMPACT ON THE MAYFIELD NATURE PRESERVE. THANK YOU. CHAP CLAP.....[APPLAUSE]

Mayor Wynn: THE CITY COUNCIL MEETING WILL RESUME AFTER A SHORT BREAK, THANK YOU VERY MUCH.

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK THE MEETING OF THE AUSTIN CITY COUNCIL. WE ARE ALSO OUT OF EXECUTIVE SESSION WHERE WE TOOK UP ITEM 50 UNDER SECTION 551.072, OF THE OPEN MEETINGS ACT. NO DECISIONS WERE MADE. LET'S SEE, MR. WALTERS, I BELIEVE WE WERE WORKING OUR WAY THROUGH THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA MOTION SHEET.

THAT IS CORRECT, MAYOR.

Mayor Wynn: AND JUST POSTPONED TRACT NUMBER 80 A.

TO 9/30. SEPTEMBER 30th.

Mayor Wynn: SEPTEMBER 30th, CORRECT.

THE NEXT TRACT FOR COUNCIL CONSIDERATION WOULD BE TRACT 81, 23... 2300 AND 2306 NUECES, THE FUTURE LAND USE PLAN CALLS FOR HIGH DENSITY MIXED USE. THE EXISTING ZONING IS C.S. ON 2306 NUECES AND M.F. ON 2300 NUECES. THERE WAS A MIX UP BETWEEN P.C. AND COUNCIL'S FIRST READING THAT THE P.C. APPROVED C.S.-M.U. N.P. AND COUNCIL GOT A MIX UP IN PREPARING THE ORDINANCE APPROVED C.S.-N.P. AND THE SAME ON THE SECOND READING. WE INADVERTENTLY LEFT THIS OUT. THE PROPERTY OWNERS FOR BOTH OF THESE ARE IN SUPPORT OF THE ZONING CHANGE AND STAFF RECOMMENDATION IS C.S.-M.U.-N.P. AND PROPERTY OWNERS AGENTS AND REPRESENTATIVES OF THE NEIGHBORHOOD ARE AVAILABLE FOR QUESTIONS IF NOT I'M AVAILABLE FOR ANY QUESTIONS AT THIS TIME.

Mayor Wynn: I'M SORRY, BOTH IN AGREEMENT WITH THIS --

THAT'S CORRECT.

Mayor Wynn: I'LL ENTERTAIN A MOTION ON TRACT 81.

Alvarez: I HAD A QUESTION.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: THIS BEING JUST BEHIND TRACT 81 OR 80 A, SO WHY WOULD HE GO FOR THE -- WE GO FOR THE M.U. ON THIS ONE AND NOT ON THE ONE WE JUST POSTPONED UNTIL SEPTEMBER 30th?

CURRENTLY THE ENTIRETY OF THE BLOCK IS VACANT. AND THEY WOULD OFFER FOR MULTITUDE OF DIFFERENT REDEVELOPMENT POSSIBILITIES. THIS BLOCK FROM 24th TO 23rd THE ALLEY TO NUECES IS COMPLETEDLY -- NO

STRUCTURES ON THE LOT AT THIS TIME. ON THE WHOLE
BLOCK AT THIS TIME.

Alvarez: I KNOW, BUT WE HEARD MR. MCHONE GIVE HIS
SPEECH ABOUT HOW WE WOULD LIKE EVERYONE TO OPT
INTO UNO. DOESN'T THIS FOREGO THAT PROPERTY OWNER -
-

NOT NECESSARILY. SNOOFL IT COULD CREATE --

IT COULD CREATE A DISEND SENT ACTIVE, BUT NOT --
DISINCENTIVE BUT NOT NECESSARILY SO.

Alvarez: MR. McHONE DO YOU WANT TO ADDRESS THAT? I
DON'T UNDERSTAND WHY THERE WOULD BE A DIFFERENT
WAY OF APPROACHING THESE TWO TRACTS.

THANK YOU MAYOR AND COUNCIL, I'M JERRY HARRIS,
REPRESENTING ONE OF THE OWNERS OF MOST OF --
PARCEL 81. AS IS POINTED OUT IT IS A VACANT TRACT. WE
HAVE AGREED THAT WE WILL DO THE SIDEWALKS WHETHER
WE OPT INTO UNO OR NOT. AND WE HAVE AGREED WITH
UNIVERSITY PARTNERS TO DO THAT. AND GIVEN THE FACT
THAT IT'S A VACANT TRACT, WE DO NOT HAVE ANY ISSUES
OF UNO'S IMPACT ON EXISTING SMALL STRUCTURES OR
WHAT HAVE YOU. WE ARE -- WE ARE REQUESTING THAT WE
CONTINUE WITH THE PLANNING COMMISSION
RECOMMENDATION AND THE RECOMMENDATION THAT WAS
SUPPOSED TO COME TO COUNCIL THAT WAS JUST
INADVERTENT THAT IT DIDN'T. AND WE WOULD RECOMMEND
THAT WE OBTAIN THE C.S.-M.U.-N.P. IN PLACE OF THE
EXISTING C.S. AND M.F. 4.

Alvarez: OKAY. BUT IT WOULD BE LIMITED TO THE 60-FOOT
HEIGHT.

IF THEY CHOSE TO DEVELOP UNDER THE C.S.-M.U. SITE
DEVELOPMENT STANDARDS. BUT THEY ALSO -- IT WOULD BE
AVAILABLE IF THEY WANTED TO DEVELOP UNDER THE UNO
SITE DEVELOPMENT STANDARDS THEY WOULD HAVE THAT
OPTION AS WELL.

OF COURSE THANK YOU. OKAY, THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? IF NOT I'LL ENTERTAIN A MOTION ON TRACT 81 IN THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA.

Dunkerly: I MOVE APPROVAL OF THE CURRENT STAFF RECOMMENDATIONS ON THOSE TRACTS.

MOTION MADE BY COUNCILMEMBER DUNKERLY TO APPROVE THE FUTURE LAND USE DESIGNATION OF HIGH DENSITY MIXED USE AS WELL AS THE NEW STAFF RECOMMENDATION OF C.S.-M.U.-N.P. ON THIRD READING.

SECOND.

SECONDED BY COUNCILMEMBER MCCRACKEN. 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 COUNCIL CONSIDERATION IS TRACT 90 A, 1112 WEST 24th STREET. THE FUTURE LAND USE PLAN DESIGNATE THE SITE AS MULTI-FAMILY, THE EXISTING IS MULTI-FAMILY 4, APPROVED FIRST AND SECOND WAS MANUFACTURE 4 C.O. N.P. WITH A LIMIT OF 40 FEET, STAFF IS RECOMMENDING THAT BE APPROVED ON THIRD READING AS WELL. THE PROPERTY OWNER WANTS NO ZONING CHANGES TO THEIR PROPERTY, WISHES TO REMAIN IN M.F. 4 N.P. THERE IS A VALID PETITION AND WOULD REQUIRE SIX VOTES TO OVERTURN THE PETITION. ALSO THAT THIS PROPERTY IS INCLUDED IN THE UNIVERSITY NEIGHBORHOOD -- PROPOSED UNIVERSITY NEIGHBORHOOD OVERLAY AT A HEIGHT LIMIT OF 40 FEET WHICH WOULD ALLOW THEM EVEN WITH THE SAME HEIGHT RESTRICTIONS WOULD ALLOW THEM SIGNIFICANT REDEVELOPMENT POTENTIAL ON THEIR SITE.

Mayor Wynn: QUESTIONS OF STAFF, COMMENTS? HEARING NONE I'LL ENTERTAIN A MOTION ON TRACT 99 A.

Alvarez: MAYOR, I MOVE APPROVAL OF M.F. 4 C.O.-N.P. WITH LIMITING THE HEIGHT TO 40 FEET AS PASSED ON SECOND READING.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ. SECONDED BY THE MAYOR PRO TEM TO CHANGE -- TO SHOW THE FUTURE LAND USE DESIGNATION AS MULTI-FAMILY AND TO -- TO ZONE ON THIRD READING FOR TRACT 99 A, TO M.F. 4 C.O.-N.P. WITH A HEIGHT LIMITATION OF 40 FEET. REQUIRING SIX AFFIRMATIVE VOTES ON THIRD READING. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION MOTION 7-0.

THE NEXT TRACT FOR CONSIDERATION IS TRACT 133 A, 22802, 04, 06, 08 SAN PEDRO STREET. THE CURRENT LAND USE PLAN CURRENTLY STATES IT TO BE IMAGINE. THE EXISTING ZONING -- CURRENTLY MULTI-FAMILY, EXISTING ZONING IS SINGLE FAMILY 3. P.C. AND COUNCIL APPROVED ON FIRST READING S.F. 4 N.P., SECOND READING CHANGED TO M.F. 2. THE STAFF RECOMMENDATION THAT IS INCORRECT. IT SHOULD SAY M.F. 2 N.P. HOWEVER THE NEIGHBORHOOD HAS OFFERED AN ALTERNATIVE RECOMMENDATION AND IS SUPPORTIVE OF THIS. AND THEIR RECOMMENDATION WOULD BE M.F. 2 FOR 2802 AND 2804 SAN PEDRO. THAT PROPERTY IS OWNED BY THE POWELL AND FISH FAMILY TO ALLOW SINGLE FAMILY FOR 2806 AND 2808. THE NEIGHBORHOOD INFORMED ME AT AT SOME POINT FORMER PRESIDENT LYNDON BAINES JOHNSON LIVED AT 2808 FOR SEVERAL YEARS AND THAT THE PROPERTY OWNERS MIGHT BE INTERESTED IN PRESERVING IT IF IT IS DEEMED TO BE A HISTORICALLY SIGNIFICANT STRUCTURE. SO ...

Mayor Wynn: WE JUST HEARD COUNCILMEMBER MCCRACKEN AND SLUSHER USED TO BE LIVE OVER THERE SOMEONE, TOO [LAUGHTER]

THAT WOULD BE MORE THAN ENOUGH FOR HISTORICAL DESIGNATION. I'M SORRY, MR. WALTERS, SO IS THE -- IS THE

PROPERTY OWNER --

THE PROPERTY OWNERS ARE IN AGREEMENT, AS WELL AS THE NEIGHBORHOOD AND THEY -- ACTUALLY THE NEIGHBORHOOD DID OFFER THIS UP AFTER SPEAKING WITH THE PROPERTY OWNERS OF 2806 AND 2808, WHO WERE -- WHO WERE FAIRLY, MY UNDERSTANDING, WERE AMBIVALENT ABOUT THE ZONING CHANGE AND WOULD BE CONTENT TO STAY WITH SINGLE FAMILY. THERE ARE REPRESENTATIVES FROM BOTH PARTIES ARE HERE, IF YOU HAVE ANY QUESTIONS OF THEM, IF NOT I WOULD BE WILLING TO ANSWER ANY QUESTIONS AT THIS TIME.

Mayor Wynn: QUESTIONS OF MR. WALTERS, COMMENTS? IF NOT I'LL ENTERTAIN A MOTION ON TRACT 133 A.

Goodman: MAYOR? I WILL MOVE THE ALTERNATIVE RECOMMENDATION 2802 AND 2804 TO M.F. 2 N.P. AND 2806 AND 2808 TO S.F. 3 C.O. N.P. WITH A 30-FOOT HEIGHT LIMIT. AND MULTI-FAMILY FOR 2802 AND 2804 ON THE FUTURE LAND USE PLAN, SINGLE FAMILY, FOR 2806 AND 2808 SAN PEDRO.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM THAT I'LL SECOND. THE ALTERNATIVE RECOMMENDATION, BOTH THE DESIGNATION ON THE FUTURE LAND USE OF MULTI-FAMILY AND THE ZONING ON THIRD READING OF M.F. 2 N.P. FOR 2802 AND 2804 SAN PEDRO AND THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY AND THE CORRESPONDING ZONING ON THIRD READING OF S.F. 3 C.O. N.P. WITH A 30-FOOT HEIGHT LIMITATION FOR 2806 AND 2808 SAN PEDRO. 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 COUNCIL CONSIDERATION IS TRACT 148 A, 2829 SALADO. OTHERWISE KNOWN AS JUNIOR'S BEER AND WINE. THE FUTURE LAND USE PLAN HAS THIS AS OFFICE MIXED USE. THE CURRENT ZONING IS C.S. THE P.C. AND COUNCIL APPROVED ON FIRST READING L.O.-M.U.-C.O.-N.P. AND THE PROHIBITION, THE CONDITIONAL OVERLAY WOULD

PROHIBIT MEDICAL OFFICES. THE SECOND READING WAS APPROVED THE SAME, ON THIRD READING THE STAFF RECOMMENDS THE L.O.-M.U.-C.O.-N.P. AS WELL WITH THE SAME CONDITIONS. THE PROPERTY OWNER WOULD LIKE THE PROPERTY TO STAY C.S. N.P. HE DOES HAVE A VALID PETITION. CURRENTLY THE SITE IS A NON-CONFORMING GRANDFATHERED USE AND WOULD NEED TO HAVE C.S. 1 N.P. TO BE CONFORMING WITH THE PROPOSED ZONING, BUT CURRENTLY IT IS A NON-CONFORMING USE.

Alvarez: MAYOR? I HAVE QUESTIONS ON THIS ONE. I THINK I MENTIONED THIS LAST TIME. BUT WHEN WE VOTED ON SECOND READING THIS PARTICULAR PROPERTY WAS LABELED AS TRACT 148, NOT 148 A. AND SO IT SHOWED TRACT 148, BUT IT HAD OWNER JOHN ZAMORA, USE JUNIOR'S, THE ADD, SO ON THAT READING WE ACTUALLY VOTED FOR TRACT 148 AT LEAST C.S. WITH CONDITIONS, ET CETERA. SO NOW IT'S COME BACK FOR THIRD READING AND I BELIEVE WE HAVEN'T ACTED ON 148 BECAUSE I THINK WE EXEMPTED -- WE ACCEPTED IT LAST TIME WHEN WE APPROVED THE WHOLE PLAN.

THE --

Alvarez: SO THERE MAY BE AN ISSUE WITH 148.

MY UNDERSTANDING THAT 148 WAS APPROVED ON THIRD READING. IT WAS THE SPILLOVER PARKING FOR BREED'S. THAT WAS DONE IN THE INITIAL MOTION OF THE LARGE BLOCK OF NON-CONTESTED TRACTS. AND THAT IN THAT -- IN THE MOTION COUNCIL ACCEPTED 148 A -- EXCEPTED 148 A FROM THAT.

I WENT BACK TO LOOK AT THE MAIN MOTION. IT EXCEPTED 148 AND 148 A. SO YOU MAY WANT TO LOOK AT THAT. WE MIGHT NOT HAVE VOTED.

OKAY. WE COULD POSTPONE THIS AND I COULD RESEARCH THAT AND POST THAT TO THE 30th OF SEPTEMBER.

Alvarez: I THINK THAT'S 148 BECAUSE THE WAY IT AFTERS 148 A IS THAT THIS -- AFFECTS 148 A IS THAT THIS GENTLEMEN GAVE ME A CALL, SAID WHAT IS MY PROPERTY BEING ZONED

SO HE COULD COMPARE THAT WITH THE CURRENT USES. I TOLD HIM ACCORDING TO THIS PAPER HERE IT SAYS WE VOTED 6-0 WITH SOMEBODY OFF THE DAIS, I TOLD HIM WELL YOU ARE GETTING C.S. M.U. C.O. N.P. AND SO NOW ON THIRD READING WE HAVE A SHEET THAT SAYS FOR THAT PROPERTY 2829 SALADO, THIS OWNER THIS USE, NOW WE ARE -- HE'S REALLY GETTING L.O. -- L.O.-M.U.-C.O.-N.P. SO SO -- AGAIN MY ASSUMPTION WHEN WE VOTED ON SECOND READING IS THAT HE WAS GETTING C.S. M.U. C.O. N.P. AND THAT'S WHAT I COMMUNICATED TO HIM. I WAS GOING TO TRY TO AT LEAST GIVE HIM AN OPPORTUNITY TO HAVE, YOU KNOW, A COUPLE OF MINUTES TO SAY SOMETHING BECAUSE AT LEAST I WAS UNDER THE WRONG IMPRESSION OF WHAT WE HAD VOTED ON TO MAKE SURE THAT -- THE COUPLE AGAIN HAS THE FULL INFORMATION IN THIS PARTICULAR CASE, SO I I -- I THINK MR. ZAMORA IS HERE IF HE WOULD LIKE TO SPEAK. I SUPPOSE HE DOESN'T HAVE TO, BUT GIVE HIM THAT OPPORTUNITY. IF HE WOULD LIKE.

Mayor Wynn: WELCOME, MR. ZAMORA.

HOWDY, JOHN ZAMORA, THANK YOU. I AGREE WITH MR. WALTERS THAT ESSENTIALLY THE PROPERTY WILL STAY THE SAME, REMAIN THE SAME, NON-CONFORMING USE OR WHATEVER AND EFFECTIVELY THE ONLY CHANGE IS GOING TO BE IN THE VALUE OF THE PROPERTY ITSELF, YOU KNOW, FOR THE -- FOR THE CHANGE IN ZONING. THEREBY CONDEMNING VALUE THAT I'VE PAID FOR, PROPERTY TAXES THAT I'VE PAID FOR FOR 15 YEARS. IT'S C.S., IT'S BEEN C.S. FOR 70 YEARS, IT'S GOT AN EASEMENT RUNNING AS CROIX IT. IT'S BEEN -- ACROSS IT. BEEN PERFORMING COMMERCIAL SERVICES FOR AT LEAST 30 YEARS. THE STORE THAT I HAVE ON THERE HAS BEEN THERE 22 YEARS. THERE'S REALLY NO REASONABLE REASON WHY HIS ARGUMENT APPLIES TO MY PROPERTY. YOU KNOW, JUST TRY TO KEEP IT AT C.S. THANK YOU.

Alvarez: THANK YOU, MR. ZAMORA.

WELL, WE COULD -- EITHER TAKE COUNCIL ACTION ON THIS OR POSTPONE UNTIL THE 30th AND WE CAN LOOK INTO THAT AND TRY TO CLARIFY IT. BUT ACCORDING TO THE MINUTES ON 148 WAS -- WAS IDENTIFIED AT SECOND READING AS THE

SPILLOVER PARKING FOR BREED'S AND COUNCIL APPROVED
148 AS THE C.S. C.O. N.P. WITH A LIST OF PROHIBITED USES.

Alvarez: COULD BE IF IT WAS ON THE UNCONTESTED
PORTION.

THAT IS CORRECT.

Alvarez: BUT IT WASN'T IN THE MAIN MOTION.

IT WAS IN THE SECOND BLOCK OF MOTIONS.

Alvarez: OKAY.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?

Alvarez:, ACTUALLY WHAT I WAS GOING TO PROPOSE ON THIS
PARTICULAR ONE IS IF, YOU KNOW, WE MIGHT CONSIDER,
YOU KNOW, BECAUSE THERE'S TWO STRUCTURES ON THIS
SITE IF I UNDERSTAND IT CORRECTLY, THAT IT'S BEING -- SO
ONE IS I THINK A SINGLE FAMILY HOME AND ONE IS A
COMMERCIAL OR RETAIL SPACE. SO -- SO TO SEE IF WE
COULDN'T AT LEAST ZONE THE FOOTPRINT OF THE EXISTING
RETAIL SPACE AS -- AS G.R. OR ALREADY L.R. AND MAYBE
COME BACK WHICH I DON'T THINK WE CAN DO ON THIS
PARTICULAR -- YOU KNOW TONIGHT, TAKE ACTION TONIGHT,
SO -- THAT'S SOMETHING THAT I WANTED TO SUGGEST AND
MAYBE GET FEEDBACK ON. AND IF THERE'S SOME -- IF
THERE'S SOME INTEREST IN THAT, AGAIN MAYBE
POSTPONING IT AND BRINGING IT BACK WITH THAT
PARTICULAR INFORMATION.

IN ORDER TO DO THAT, YOU WOULD NEED A SURVEY AND
FIELD NOTES IN ORDER FOR US TO IDENTIFY SPECIFICALLY
WHERE THAT STRUCTURE LIES ON THE PROPERTY.

WHO WOULD BEAR THE COST OF THAT, WOULD IT BE THE
PROPERTY OWNER.

OKAY. LET ME ASK MR. ZAMORA IF HE WOULD LIKE TO --
STEP UP, I WANTED TO --

Mayor Wynn: WE ARE TRYING TO SPEND SOME MONEY FOR

YOU, MR. ZAMORA.

Alvarez: AS YOU KNOW YOUR PROPERTY IS CURRENTLY, AT LEAST ACCORDING TO THE NEIGHBORHOOD PLAN, SLATED TO BE A -- DOWN ZONE..... ZONED TO L.O. OFFICE MIXED USE ZONING BASICALLY WITH CONDITIONS. SO WHAT WE HAVE DONE IN OTHER CASES IN THE PAST WHEN YOU HAVE AN EXISTING RETAIL USE, BUT OBVIOUSLY WITH THE PREFERRED ZONING BEING OFFICE IS YOU JUST ZONE THE ACTUAL BUILDING ITSELF AS RETAIL AND BUT THE UNDERLYING ZONING IS OFFICE. SO THE OTHER STRUCTURE, THE SINGLE FAMILY HOME IN THERE WOULD BE ZONED AS OFFICE. WHAT THE GENTLEMAN WAS TELLING ME IS THAT IN ORDER TO DO THAT WE NEED TO HAVE -- TO HAVE THE FIELD NOTES WHICH MEANS SOMEBODY WOULD HAVE TO GO OUT AND SURVEY IT, THAT THAT COST WOULD HAVE TO BE BORNE BY THE OWNER BASICALLY IF -- IF THAT WAS -- IF THAT WAS -- AGAIN, IS THAT SOMETHING -- IF THAT'S SOMETHING THAT WE COULD ACTUALLY CONSIDER. I JUST WAS GOING TO ASK WHAT YOUR THOUGHTS WERE ON THAT, IF YOU WOULD RATHER JUST US VOTE UP OR DOWN ON THIS PARTICULAR MOTION NOW OR -- BECAUSE IF -- IF YOU DON'T THINK YOU'LL BE ABLE TO DO THAT BEFORE -- BEFORE YOU KNOW THE NEXT TIME THE COUNCIL CONSIDERS IT, THEN IT MIGHT BE JUST WORTH US TAKING A VOTE ON THIS NOW.

I UNDERSTAND WHAT YOU ARE SAYING, I APPRECIATE THE OPPORTUNITY TO ADDRESS THE ISSUE IN TIME. G.R.-L.O. LISTING WOULD BE FINE WITH ME. THE ONLY PROBLEM THAT I HAVE WITH THAT MIGHT BE THE TIME CONSTRAINT OF GETTING IT DONE BY THE 30th. AT THE END OF MY SEASON AND IF I COULD HAVE UNTIL LIKE NOVEMBER OR SOMETHING TO REALLY FINISH THIS THING UP THAT WOULD BE MORE AMENABLE TO MY TIME SCHEDULE.

Alvarez: SO YOU ARE THINKING THAT YOU COULD GET THAT SURVEY DONE OR --

CERTAINLY.

Alvarez: BECAUSE WE WOULD HAVE TO DO THE SURVEY OF THE BUILDING IF WE WERE GOING TO JUST ZONE THE

BUILDING ITSELF AS GROUP AS A GOOD -- YOU KNOW, AS A G.R. USE.

AS LONG AS NOTHING BEYOND WHAT I DO FOR THE BANK, I COULD GET THAT DONE.

MR. ZAMORA, WE COULD INSTRUCT YOU WITH SPECIFICALLY WHAT YOU NEED TO SUPPLY TO US, THE EXACT INFORMATION THAT WE NEED.

VERY GOOD, THANK YOU.

Alvarez: OKAY.

Slusher: I'M GOING TO DECIDE THIS CASE BASED ON THE APPROPRIATE LAND USE. BUT I WAS CURIOUS, I GET A LOT OF, ONE PARTICULAR NEIGHBOR OF YOURS THAT HAS CONTACTED MY OFFICE MANY TIMES, I THINK YOU ALL HAD A COURT FIGHT, TOO, THAT -- THAT HE -- YOUR MACHINERIES KEEPS HIM FROM BEING ABLE TO SLEEP AT NIGHT. COULD YOU COMMENT ON THAT FOR ME? BECAUSE I THINK THAT YOU HAVE BEEN CITED FOR THAT BY THE CITY AND THAT WAS UPHOLD IN COURT IS MY UNDERSTANDING.

I SUGGEST THAT HE SEE A PSYCHOLOGIST. FOR SLEEPING DISORDERS. THE MACHINES AREN'T ON.

Slusher: I DIDN'T HEAR -- I HEARD THE PART ABOUT THE PSYCHOLOGIST.

THE MACHINE HAS BEEN GONE FOR A YEAR. BUT -- I BUILT A NICE PLANT OUT OF TOWN, I'M DONE WITH IT.

Slusher: THAT'S NOT HAPPENING ANYMORE.

Slusher: NOT AT ALL. I HEARD THE FIRST PART. OKAY. THANK YOU.

FURTHER COMMENTS, QUESTIONS, TRACT 148 A. IF NOT I'LL ENTERTAIN A MOTION.

Alvarez: WELL, MAYOR IF THERE'S NO OTHER DISCUSSION, I WOULD PROPOSE THAT WE POSTPONE UNTIL -- UNTIL

OCTOBER 7th MEETING.

SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER THOMAS TO POSTPONE TRACT 148 A IN THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA TO OCTOBER 7th, 2004. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

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

THE NEXT TRACT IS TRACT 201, 711 WEST 32nd STREET. IT'S THE BUCKINGHAM SQUARE APARTMENTS, ON THE MAP IT'S THE BIG WHITE BLOCK IN THE MIDDLE OF THE NEIGHBORHOOD. FUTURE LAND USE HAS THAT AS MULTI-FAMILY. ON SECOND READING AND SECOND READING IT WAS APPROVED [INDISCERNIBLE] STAFF IS RECOMMENDING THAT FOR THIRD READING. THE PROPERTY OWNER WISHES HIS PROPERTY TO REMAIN AT M.F. 4, THERE IS A VALID PETITION AND WOULD TAKE SIX VOTES TO OVERTURN THE PETITION. I DON'T THINK THE PROPERTY OWNER IS IN ATTENDANCE AS HE LIVES IN CALIFORNIA. BUT THERE ARE REPRESENTATIVES FROM THE NEIGHBORHOOD IF YOU HAVE ANY QUESTIONS FOR THEM, IF NOT I'LL BE HAPPY TO ANSWER ANY QUESTIONS AT THIS TIME.

QUESTIONS OF STAFF, COMMENTS? IF NOT I'LL ENTERTAIN A MOTION ON TRACT 201. MAYOR I MOVE ON TRACT 201, THE MULTI-FAMILY M 3, C.O. N.P., LIMIT THE HEIGHT TO 35.

SECOND.

MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY THE MAYOR PRO TEM. ON TRACT 201 TO SHOW THE FUTURE LAND USE DESIGNATION AS MULTI-FAMILY AND TO STONE ON THIRD READING -- TO ZONE ON THIRD READING THAT WHICH WE DID ON SECOND READING, M.F. 3 C.O. N.P. WITH A HEIGHT LIMITATION OF 35 FEET. 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 A PORTION OF TRACT 204, THAT WOULD BE 3106 KING STREET AND 3105 KINGS LANE, 3102 KINGS STREET AND 3100 KINGS STREET. THE FUTURE LAND USE OF THIS IS INDICATED AS SINGLE FAMILY. THE EXISTING ZONING IS FAMILY 2. ON FIRST APPROVAL [INDISCERNIBLE] HEIGHT LIMIT OF 30 FEET. STAFF IS RECOMMEND THANK FOR THE SECOND READING. THE PROPERTY OWNER WISHES THE PROPERTY TO REMAIN AT M.F. 2 THERE IS A VALID PETITION. THE PROPERTY OWNER IS HERE AS WELL AS REPRESENTATIVES FROM THE NEIGHBORHOOD IF YOU HAVE ANY QUESTIONS OF THEM. IF NOT I'M WILLING TO ANSWER ANY QUESTIONS AT THIS TIME.

Mayor Wynn: COMMENTS, QUESTIONS, COUNCIL? FORCE.....PORTION OF TRACT 204. IF NOT I'LL ENTERTAIN A MOTION.

Alvarez: MAYOR, I'LL MOVE SINGLE FAMILY ON THE FUTURE LAND USE PLAN AND S.F. 3 CONP WITH A HEIGHT LIMIT OF 30 FEET AS APPROVED FOR THIRD READING AS WE HAD PREVIOUSLY APPROVED ON SECOND READING.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ. SECONDED BY COUNCILMEMBER MCCRACKEN. TO SHOW THE FUTURE LAND USE AS SINGLE FAMILY, AND THE ZONING ON THIRD READING S.F. 3 CO N.P. WITH A HEIGHT LIMIT NATION OF 30 FEET. A -- HEIGHT LIMIT NATION OF 30 FEET. LIMITATION. REQUIRES 6 VOTES.

Goodman: MAYOR, THIS ONE IS VERY DIFFICULT FOR ME. THE M.F. 2 THAT EXISTS LOOKS LIKE IT MIGHT BE IMPOSSIBLE TO ACTUALLY IMPLEMENT. ON THE OTHER HAND I DISAGREE WITH THE NEIGHBORHOOD ON S.F. 3 THERE AS WELL. AND I KNOW THAT THEY VERY STRONGLY SUPPORT THAT S.F. 3 OR S.F., SO I'M KIND OF IN A TORN SITUATION HERE. WHERE I ACTUALLY DON'T THINK EITHER ONE OF THE CHOICES HERE WOULD BE THE ONE THAT WOULD BE BEST. BUT SINCE I DON'T HAVE AN ANSWER EITHER, THAT ANYBODY WOULD GO FOR THAT WOULD BRING CONSENSUS TO THE SITUATION,

IT'S NOT REALLY HELPFUL. I DON'T KNOW IF ANY COMPROMISE IS POSSIBLE JUDGING BY THE NOTE FROM STAFF. I THINK THEY'VE TALKED ABOUT IT. I DON'T UNDERSTAND WHY NO COMPROMISE IS POSSIBLE. I'M NOT ABLE TO RELATE TO THIS ONE AT ALL. SO I'M NOT EVEN SURE WHAT I'M GOING TO DO HERE, IF SOMEBODY MAKES A MOTION, I'M JUST REALLY -- JUST REALLY TOTALLY AT SEA ON THIS ONE. I CAN'T -- I CAN'T FULLY RELATE TO ANYTHING THAT I'VE SEEN ON THE TABLE FOR THIS ONE.

Mayor Wynn: PERHAPS THE OWNER OR AGENT, MR. AHRENS IS HERE, MAYBE YOU CAN COMMENT ABOUT THE LACK OF DEVELOPABILITY UNDER M.F. 2.

IRAND COUNCILMEMBERS, MY -- MAYOR AND COUNCILMEMBERS, MY NAME IS ROD AHRENS, MY SISTER AND BROTHER OWNS THESE PROPERTY, MY BROTHER ALSO 3104 KING STREET WHICH IS NOT A PART OF THIS. THAT WAS BOUGHT IN '85 WHEN IT WAS SUBSTANDARD AND HAD PREVIOUSLY BEEN ROLLED BACK ZONING-WISE TO S.F. 2. HE BROUGHT IT AND BROUGHT IT BACK TO STANDARD AND THEN DOCTOR LEGGET OPENS 3106 AND 3105 105. 3105 BEING KINGS LANE. I THINK THE NEIGHBORHOOD WILL DEGREE, UNDER THE PRESENT STRUCTURE, 3104 KING STREET, BECAUSE IT IS ZONED S.F. 2, MAKES COMPATIBILITY STANDARDS TO WHERE WE CANNOT DEVELOP IT ANY HIGHER THAN S.F. 3 AT THIS TIME ANYWAY. UNTIL WE COME WITH A NEW PROJECT THAT -- THAT REZONES 3104. AND SO REALISTICALLY, THEY HAVE A HOLD OR AN ASSURANCE THAT IT WILL NOT BE DEVELOPED AS M.F. 2 UNTIL SUCH TIME AS 3104 IS REZONED. THAT'S WHY -- YOU KNOW, IF WE DO COME WITH A REASONABLE PLAN IN THE FUTURE, WE HAVE - - WE HAVE ACCUMULATED THIS PROPERTY OVER YEARS, AND IT WOULD HAVE TO BE APPROVED BY CITY COUNCIL ANYWAY TO -- TO UTILIZE THAT ZONING, THEREFORE IT'S EASIER OBVIOUSLY FOR US IN THE FUTURE IF WE CAN EVER BRING SOMETHING BACK THAT IS -- THAT IS REASONABLE TO REZONE ONE TRACT ALONG WITH THAT RE-- THAT DEVELOPMENT RATHER THAN FIVE TRACTS. AND THAT -- THAT'S BASICALLY THE -- THE DIFFERENCE I THINK, ISN'T IT, LAURA? [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] WILL DEVELOPABLE AREA THAT YOU'RE LEFT WITH IS A LITTLE TINY FLAG-SHAPED AREA. IN THE COURSE

OF OUR MEETINGS AND CONVERSATIONS WITH VARIOUS COUNCILMEMBERS AND COUNCIL AIDE, WE HAVE INDICATED THAT WE ARE HAPPY TO WORK WITH THESE PROPERTY OWNERS IF THEY COME TO US WITH A SPECIFIC PROJECT IN THE FUTURE. AND WE ARE HAPPY TO CONSIDER THE POSSIBILITY OF REZONING AT THAT TIME. I THINK IT'S EASIER FOR US TO DO IN THE CONTEXT OF A REAL PROJECT RATHER THAN IN THE REAL CONTEXT OF AN ABSTRACTION. IS THAT HELPFUL TO YOU? ARE THERE OTHER QUESTIONS I CAN ANSWER FOR YOU?

Mayor Wynn: MAYOR PRO TEM.

Goodman: THAT GIVES ME SOME INSIGHT, BUT NO, IT DIDN'T HELP. [LAUGHTER]

THANKS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE ON THIRD READING WHAT WAS DONE ON SECOND READING, SF-CO-NP. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

Thomas: NO.

Mayor Wynn:.

.....: I'M ABSTAINING.

Mayor Wynn: MOTION FAILS ON A VOTE OF 5-1-1, COUNCILMEMBER THOMAS ET VOTING NO AND THE MAYOR PRO TEM NOT VOTING.

Goodman: SHOULD WE POSTPONE THIS ONE AS WELL THEN?

Slusher: REALLY THE REASON I VOTED YES IS BECAUSE WE'RE DOING THE IEWN UNO WITH THE HIGH DENSITY AND I FELT THIS WAS AN APPROPRIATE AREA FOR SINGLE-FAMILY.

MAYBE I CAN GET ANOTHER SHOT -- GET ANOTHER SHOT AT MAKING THAT CASE OR TRY TO WORK SOMETHING ELSE OUT. BUT I'D RATHER FOR IT NOT TO DIE RIGHT NOW. SO MOVE TO POSTPONE THE NEXT MEETING, WHICH IS THE 30TH, IS THAT RIGHT?

MOTION MADE BY COUNCILMEMBER SLUSHER TO POSTPONE THAT PORTION OF TRACT 204 IN THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA TO SEPTEMBER 30TH, 2004. 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. THE NEXT TRACT FOR COUNCIL CONSIDERATION IS A PORTION OF TRACT 1019, THAT BEING 2833 AND 2831. THE FUTURE LAND USE PLAN INDICATES THIS IS SINGLE-FAMILY. THE EXISTING ZONING OF SINGLE-FAMILY. COUNCIL APPROVED ON FIRST AND SECOND READING SF-3-CO-NP, THE HEIGHT LIMIT OF 30 FEET. THE SAME IS FOR THE STAFF RECOMMENDATION FOR THIS READING. AND THE PROPERTY OWNER DOESN'T WANT THE HEIGHT REDUCTION ON THAT AND HE DOES HAVE A VALID PETITION. THE PROPERTY OWNER'S AGENT AND REPRESENTATIVES FROM THE NEIGHBORHOOD ARE HERE IF YOU HAVE ANY QUESTIONS OF THEM. IF NOT, I'LL BE HAPPY TO ANSWER ANY QUESTIONS AT THIS TIME.

Mayor Wynn: ANY QUESTIONS OF STAFF, COUNCIL, COMMENTS? AGAIN, THE VALID PETITION --

REQUIRES SIX VOTES.

Mayor Wynn: BUT ONLY TARGETED TO THE HEIGHT LIMITATION OF 30 FEET. OTHERWISE SF-3 HAS A 35-FOOT HEIGHT LIMITATION.

AND POSSIBLY YOU COULD BUILD TWO 40 FEET BECAUSE OF THE WAY THE HEIGHT OF THE HOUSE IS MEASURED.

Mayor Wynn: RIGHT. THAT BEGS THE QUESTION THEN WHEN

WE HAVE A HEIGHT LIMITATION OF 30 FEET, DOES THAT MEAN WOULD COULD TECHNICALLY BE ABLE TO BUILD TO 35 BASED ON PITCHES OF ROOFS AND WHERE ON THE SITE IT'S MEASURED FROM, ETCETERA?

THAT IS CORRECT.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS, COMMENTS? I'LL ENTERTAIN A MOTION ON TRACT -- A PORTION OF TRACT 1019. MAYOR PRO TEM.

Goodman: I'LL MOVE SF-3-CO-NP WITH A LIMITED HEIGHT OF 30 FEET AND SINGLE-FAMILY ON THE FUTURE LAND USE PLAN.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM TO SHOW AS FUTURE LAND USE OF SINGLE-FAMILY AND APPROVE ON THIRD READING THAT WHICH WE DID ON SECOND SF-3-CO-NP, VALID PETITION REQUIRING A MAJORITY.....VOTE OF 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.

THE NEXT TRACT FOR CONSIDERATION IS TRACT 236, KNOWN AS 3201 NORTH LAMAR. FUTURE LAND USE PLAN INDICATES IT AS MIXED USE. THE EXISTING ZONING IS CS. AT FIRST READING COUNCIL APPROVED CS-CO-NP. BEFORE YOU THERE'S THAT LIST OF CONDITIONAL AND PROHIBITED USES AND BUILDING CONSTRAINTS. ON SECOND READING COUNCIL APPROVED THE SAME EXCEPT REMOVED AUTOMOTIVE REPAIR, AUTOMOTIVE RENTAL AND AUTOMOTIVE SALES FROM THE PROHIBITED TO THE PERMITTED USE COLUMN. STAFF IS RECOMMENDING THE SAME AS APPROVED ON SECOND READING WITH THE ADDITION OF SERVICE STATION BEING NO LONGER A CONDITIONAL, BUT A PERMITTED USE. FROM MY UNDERSTANDING FROM THE PROPERTY OWNER'S AGENT, MS. MEAD, THAT THEY ARE AGREEABLE TO THIS AND LEAVING AUTOMOTIVE WASHING AS A PROHIBITED USE,

THOUGH THERE STILL IS A VALID PETITION REQUIRING SIX VOTES, THE PROPERTY OWNER IS IN AGREEMENT TO LEAVE AUTOMOTIVE WASHING IN THE PROHIBITED USE COLUMN, BUT HAS NOT HAD TIME TO OFFICIALLY SUBMIT A -- TO RECALL THEIR VALID PETITION. SO IT WOULD REQUIRE SIX VOTES STILL.

Mayor Wynn: BUT THE SPIRIT OF THIS IS THAT THE PROPERTY OWNER IS NO LONGER IN OPPOSITION TO WHAT IS THE STAFF RECOMMENDATION ON THIRD READING.

THAT IS MY UNDERSTANDING, YES.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS, COMMENTS?

Slusher: I'D MOVE THE STAFF RECOMMENDATION ON THIRD READING.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER THAT I'LL SECOND, SHOWING THE FUTURE LAND USE OF TRACT 236 AS MIXED USE, AND APPROVE ON THIRD READING STAFF RECOMMENDATION OF CS-CO-NP, REMOVING AUTOMOTIVE REPAIR, AUTOMOTIVE RENTAL AND AUTOMOTIVE SALES FROM THE PROHIBITED TO THE PERMITTED USE AS WELL AS REMOVING SERVICE STATION FROM CONDITIONAL USE TO A PERMITTED ONE.

Slusher: I'M SORRY, WHAT DID WE MOVE FROM PROHIBITED?

ON SECOND READING THOSE WERE REMOVED. ON THIRD READING IT WOULD JUST BE REMOVING SERVICE STATION FROM CONDITION TO PERMITTED. AUTOMOTIVE USES WERE APPROVED BY COUNCIL ON SECOND READING.

Slusher: BUT NOT WASHING.

BUT NOT WASHING.

Mayor Wynn: MOTION AND A SECOND ON THE TABLE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

COUNCIL, THE NEXT ITEM ON HERE, IT ISN'T A MOTION OR A CONTESTED TRACT. WE RECEIVED A REQUEST FROM THE PROPERTY OWNER SEVERAL HOURS BEFORE LAST THURSDAY'S COUNCIL MEETING ASKING THAT COUNCIL RECONSIDER 2301 RIO GRANDE STREET, WHICH WAS ALSO REFERENCED IN THE LETTER BY DON WUKASH TO GO FROM MF-4-NP, WHICH COUNCIL APPROVED LAST THURSDAY, SO CS-CO-NP. AT THIS TIME IT WOULD REQUIRE COUNCIL TO GO AND INSTIGATE -- HAVE STAFF GO AND RENOTICE AND INSTIGATE A ZONING CHANGE. WE WOULD HAVE TO GO THROUGH THE PC TO BRING THE CASE BACK TO YOU WHEN THE TIME CAME. I WAS JUST INFORMED THE PERSON WHO SUBMITTED THE REQUEST THAT I WOULD PRESENT IT TO COUNCIL FOR THEIR CONSIDERATION. SO THE MOTION WOULD EITHER -- WOULD BE TO INSTRUCT STAFF TO INSTIGATE THE ZONING CASE OR DO NOTHING AND THE ZONING WOULD STAY AS MF-4.

Mayor Wynn: MAYOR PRO TEM.

Goodman: I'M SORRY, MARK. COULD YOU GO THROUGH THAT ONE MORE TIME?

PRIOR TO LAST THURSDAY'S COUNCIL MEETING I RECEIVED THIS REQUEST FOR THE PROPERTY TO BE CONSIDERED AT 2301 TO BE CONSIDERED FOR CS-MU, WHICH IT WAS NOT AND IT WAS NOT APPROVED IN THE PLAN AS SUCH, BUT THE PROPERTY OWNER SUBMITTED A LETTER ASKING THAT COUNCIL RECONSIDER THAT AT THE TIME. BUT SINCE IT WAS NOT NOTICED, NO ZONING CHANGE OCCURRED ON HERE, IT WOULD REQUIRE COUNCIL TO INSTRUCT STAFF TO INSTIGATE A ZONING CASE TO CHANGE THIS.

Goodman: WELL, AND EVEN HAD YOU KNOWN IN TIME, SINCE ALL THE NOTIFICATION WAS FOR MF MAX, WE WOULDN'T HAVE BEEN ABLE TO DO IT IN THIS PROCESS, RIGHT?

THAT IS CORRECT. AND ON THE MAP A -- ON THE LARGE MAP, THE BOX INDICATES WHERE THAT PROPERTY IS.

Goodman: MAYOR, FOR ME THAT REMAINS SOMETHING THAT IN ORDER TO BE LEGAL HAS TO GO THROUGH ITS OWN ADDITIONAL PROCESS. WE HAVEN'T PROVIDED FOR IT IN

THIS ONE. SO THE REQUEST I DON'T THINK IS SOMETHING THAT WE CAN -- I MEAN, WE COULD HEAR SOMEBODY SPEAK ON IT, BUT WE COULDN'T DO ANYTHING ABOUT IT IN ANY CASE AT THIS MOMENT IN THIS PROCESS.

Mayor Wynn: MS. THOMAS? DO YOU CONCUR WITH THAT?

YES, MAYOR.

Mayor Wynn: SO COUNCIL, WITHOUT OBJECTION, I GUESS HEARING NO MOTION, NO ACTION WILL BE TAKEN ON NO TRACT NUMBER. [LAUGHTER]

2301 RIO GRANDE.

Mayor Wynn: 2301 RIO GRANDE. THANK YOU.

Goodman: WELL, I WOULD OFFER A MOTION ON THAT.

Mayor Wynn: MAYOR PRO TEM.

Goodman: TO APPROVE ON THIRD READING MF-4, NEIGHBORHOOD PLAN, WITH HIGH DENSITY MIXED USE -- WAIT. IS THAT INCORRECT? HIGH DENSITY MIXED USE? IT SHOULD JUST SAY MULTI-FAMILY, RIGHT?

AGAIN BECAUSE THAT FALLS WITHIN THE HIGH DENSITY DISTRICT OF THE PROPOSED UNIVERSITY NEIGHBORHOOD OVERLAY, THAT IT WOULD. AND THAT'S HOW WE INDICATED IT ON THE FUTURE LAND USE MAP BECAUSE THAT WOULD BE IN THE INNER WEST CAMPUS DISTRICT.

Goodman: OKAY. MF-4-NP WITH FUTURE LAND USE PLAN ON DESIGNATION OF HIGH DENSITY MIXED USE.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM ON 2301 RIO GRANDE, SHOW THE FUTURE LAND USE AS HIGH DENSITY MIXED USE, AND TO APPROVE THE ZONING ON THIRD READING AS MF-4 --

THE ZONING WAS APPROVED ON THIRD READING. I'M SORRY I WASN'T CLEAR. THIS IS SIMPLY WHETHER OR NOT COUNCIL IS CHOOSING TO DIRECT STAFF TO START -- TO BEGIN TO

REZONE THIS PROPERTY. I APOLOGIZE FOR THE
CONFUSION.

Goodman: OKAY. NEVER MIND. THAT'S A DEFECT TOW
AMENDMENT TO THE PLAN. AND HAVING GONE THROUGH
ALL THE ANG ITS TO GET TO THIS POINT, I'M NOT READY TO
START ASKING FOR AN AMENDMENT. ANGST. SO JUST
RERACE EVERYTHING I JUST -- ERASE EVERYTHING I JUST
SAID.

Mayor Wynn: SO I WAS RIGHT THE FIRST TIME, NO MOTION.

THAT'S CORRECT, MAYOR. THAT CONCLUDES THE --

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: THERE'S A GENTLEMAN HERE FROM 2307 LONGVIEW
THAT I DON'T THINK HAS GOTTEN TO SPEAK TO US BEFORE,
AND I'M NOT SURE WHETHER IT WOULD CHANGE THAT OR
NOT, BUT I THOUGHT IT WOULD BE APPROPRIATE TO LET HIM
TALK TO US ABOUT IT, AND THEN THAT WOULD BE THE LAST
CASE. I'M SORRY, THAT'S NUMBER 49, 2307 LONGVIEW ON
PAGE 6.

MR. CONNALLY WAS HERE, BUT I DO NOT --

Slusher: DID HE LEAVE AGAIN?

HERE HE IS.

Goodman: MAYOR, CAN I ASK COUNCIL ALONG THE LINES OF
WHAT COUNCILMEMBER SLUSHER JUST ASKED, THAT ON
TRACT NUMBER 40 THAT WE ALSO MAKE SURE WE PROVIDE
OPPORTUNITY THAT EVERYONE WHO HAD WANTED TO
SPEAK DOES IN FACT GET THEIR TURN AT THE MIC. I THINK
THEY ALSO WERE MAYBE NOT NOTICEABLE AS WE WERE
TRYING TO GIVE EVERYBODY A FAIR MOMENT TO TALK TO
US. AND SO ALONG THE LINES OF TRACT 49, MAYBE WE'D
ALSO AGREE TO LET HIM SPEAK ON TRACT 40.

Mayor Wynn: COUNCIL, WITHOUT OBJECTION, LET'S HEAR
FROM MR. CONNALLY, WHO IS TO ADDRESS ITEM NUMBER --

TRACT NUMBER 49, 2307 LONGVIEW. WELCOME, SIR.

THANK YOU, MAYOR, THANK YOU, CITY COUNCIL. EIGHT MONTHS AGO MY FAMILY INVITED A CONTRACTOR OVER TO OUR SITE THERE, AND WE ASKED HIM HOW WE COULD ADD SCAIRJ SQUARE FOOTAGE TO OUR PROPERTY. CURRENTLY WE ONLY HAVE AN 1100 SQUARE FOOT FOOTPRINT ON AN 8800 SQUARE FOOT LOT, WHICH IS ABOUT 13%. HE LOOKED AT THE DUPLEX AND HIS RECOMMENDATION WAS ACTUALLY THAT WE'D BE BETTER OFF MONEYWISE TO KNOCK THE THING DOWN, TAKE ADVANTAGE OF MF-3 ZONING AND BUILD AN APARTMENT COMPLEX. SO MY FAMILY LEAVES IS UP TO ME TO MAKE THE FINAL DECISION BECAUSE I'M AN ARCHITECT AND IT COULD BE MY INTEREST, TO KNOCK IT DOWN AND-MILLION-DOLLAR SOME FANCY, MODERNIST PIECE, PUT IT IN MY PORTFOLIO, MOVE TO NEW YORK CITY AND HAVE A GREAT TIME. HOWEVER, I'M ACTUALLY A PRESERVATIONIST AT HEART. SO I MADE THE KIND OF FINAL DECISION ON IT AND DECIDED THAT I'D RATHER SEE THE DUPLEX THAT WAS BUILT IN 1940 KEPT, AND THAT WE TAKE ADVANTAGE OF THE MULTI-FAMILY ZONING TO INCREASE SQUARE FOOTAGE BY BUILDING A STRUCTURE IN THE BACK BECAUSE THE LOT IS SO LONG AND LARGE. SO THAT IS WHY I'M HERE TODAY, BECAUSE AS PROPOSED THE SF-3 ZONING CHANGE TO THE SF-3 ZONING CHANGE, AND I APPRECIATE THE CHANCE TO SPEAK TO YOU BECAUSE I WOULD LIKE TO BE ABLE TO PRESERVE THE BUILDING BECAUSE AS I SAID, I'M A PRESERVATIONIST AT HEART. WE ONLY -- SF-3 IS ALLOWED 40% IMPERVIOUS COVER. WE'RE ONLY USING 11%. THAT MEANS WE COULD PUT THREE TIMES AS MUCH, BUT THAT'S NOT WHAT I'M HERE FOR. I WANT TO KEEP THE STRUCTURE IN THE FRONT AS WELL AS ADD BY NOT HAVING TO TOUCH THE ORIGINAL STRUCTURE. WE'VE CURRENTLY PUT IN \$30,000 SINCE THEN IN RESTORING IT, AND WE'RE CONSIDERING PUTTING \$10,000 MORE; HOWEVER, AT THIS POINT IF IT CHANGES SF-3, OUR OWN FINANCIAL AND FAMILY INTERESTS WOULD BE TO KNOCK DOWN THE ORIGINAL STRUCTURE AND JUST START FROM SCRATCH AND THEN I CAN PUT SOMETHING IN MY PORTFOLIO. HOWEVER, CONSIDERING WE HAVE INVESTED SOME MONEY INTO IT ALREADY AND THAT I WOULD LIKE TO KEEP THE STRUCTURE, I WOULD REQUEST THAT THE CITY CONSIDER A

MULTI-FAMILY ZONING, WHICH WOULD ALLOW US TO DO SO. AND IN THE PETITION WE ASKED FOR MF-2. SINCE THEN I'VE SAID MF-1 WOULD WORK AS WELL. AND THAT'S ALL I ASK IS THAT YOU CONSIDER ALLOWING US TO HAVE THE MF-1 ZONING SO THAT WE COULD HAVE THAT ORIGINAL STRUCTURE THERE. AND NOW I KNOW THERE'S CONCERNS FOR OTHER THINGS, BUT WE'RE WILLING TO WORK WITH THE NEIGHBORHOOD ON THAT. BUT ANYWAY, I HOPE YOU CAN CONSIDER THIS.

Mayor Wynn: THANK YOU, MR. CONNALLY.

Slusher: DO WE HAVE ANYONE FROM THE NEIGHBORHOOD STILL HERE?

ARE YOU KIDDING? [LAUGHTER]

Slusher: JUST CHECKING. I WAS JUST GOING TO LET YOU GIVE YOUR OPINION. SO WHAT'S THE THINKING. WOULD YOU BE WILLING TO WORK WITH THEM?

I GUESS IF WE WERE GUARANTEED THAT THAT'S ALL THAT WOULD BE BUILT AND THAT THAT WOULD BE RESTORED AND THAT THOSE THREE -- WHAT'S THERE NOW WOULD REMAIN AS IS, WE WOULDN'T HAVE ANY PROBLEM WITH IT. BUT I DON'T -- I HAVEN'T SEEN A SITE PLAN OR ANYTHING.

RIGHT. I'M NOT GOING TO ASK YOU TO DECIDE RIGHT HERE ON THE SPOT. DID YOU NOT -- WERE YOU NOT AWARE OF THIS UNTIL RECENTLY OR HAVE YOU PARTICIPATED IN THIS?

I HAVE BEEN AWARE OF IT ONLY SINCE I BELIEVE APRIL, SO BECAUSE OF MY PARTICIPATION IN THE NORTH UNIVERSITY NEIGHBORHOOD ASSOCIATION WITH SIDEWALKS AND SUCH. WE WEREN'T CONTACTED BY MS. BRIDGES OR ANYONE IN THE NEIGHBORHOOD SPECIFICALLY REGARDING THIS ISSUE, WHICH IS SOMETHING I'M NOT TOO HAPPY ABOUT.

Slusher: YOU PROBABLY WOULD HAVE GOT A NOTICE.

WE DID FROM THE CITY.

Slusher: WHAT I WOULD SUGGEST, IT SOUNDS LIKE

SOMETHING COULD BE WORKED OUT. WHY DON'T WE RECONSIDER THIS, POSTPONING IT TO THE 30TH AND LET THE NEIGHBORS GET TOGETHER AND SEE IF THEY CAN WORK SOMETHING OUT. BECAUSE LEGALLY, TECH LIKELY -- TECHNICALLY THAT WOULD BE POSSIBLE. IT SOUNDS LIKE THAT'S WHAT HE'S OFFERING.

I DID WRITE A LETTER TO MS. BRIDGES.

WE DID GET A LETTER, BUT IT TOTALLY CONCERNED HOW LONG THEY WERE GOING TO KEEP THE FRONT HOUSE. IT DIDN'T MENTION ANY PLANS FOR AN MF.

Slusher: LET'S GO AHEAD AND PUT THIS PARTICULAR CASE OFF UNTIL THE 30TH AND Y'ALL CAN MEET IN THE MEANTIME AND SEE IF YOU CAN WORK SOMETHING OUT. AND OUR STAFF CAN BE OF ASSISTANCE AS WELL.

WE WOULD BE HAPPY TO FACILITATE ANY MEETING BETWEEN THE TWO GROUPS.

Slusher: LET'S RECONSIDER.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER TO RECONSIDER TRACT -- PREVIOUS VOTE ON TRACT 49 IN THE WEST UNIVERSITY PLANNING AREA AND TO POSTPONE ACTION TO SEPTEMBER 30TH, 2004. SECONDED BY COUNCILMEMBER THOMAS. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

Alvarez: I DID HAVE A QUESTION ON THAT, MAYOR.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: BASED ON WHAT HE'S DOING, COULD IT NOT ALSO WORK WITH SF-6, THAT YOU MAINTAIN THE SINGLE-FAMILY? THAT'S JUST SOMETHING FOR THEM TO CONSIDER IN

COMING FORWARD.

WE'LL LOOK AT THE DIFFERENT PERMANENT TATIONS IN
WHAT ZONING WHAT MIGHT BE ADEQUATE AND
APPROPRIATE TO REACH EVERYBODY'S GOALS.

Mayor Wynn: THANK YOU, MR. WALTERS. I BELIEVE MAYOR
PRO TEM BROUGHT UP ANOTHER TRACT WHERE PERHAPS
THE OWNER FEELS LIKE WE DIDN'T HEAR THE REST OF THE
STORY. TRACT 40. IS MR. (INDISCERNIBLE) STILL HERE? THIS
IS TRACT 40, 1230, 1232 WEST MLK.

THANK YOU, MAYOR, COUNCIL MEMBERS. MY NAME IS
(INDISCERNIBLE). I'M THE OWNER OF THE PROPERTY. I'D LIKE
TO BE A LITTLE BIT BETTER PREPARED, BUT I DIDN'T KNOW
THAT I WOULD HAVE THE CHOICE TO TALK TONIGHT. I HAD
TRIED TO SET SOMETHING UP WITH THE NEIGHBORS. I TOLD
THEM WHAT OUR PLANS ARE FOR THE PROPERTY. THEY
CAME BACK WITH A LIST OF QUESTIONS, WHICH HAPPENED
TO BE THE PAST WEEK OR SO, 10 DAYS WHERE WE'RE
INVOLVED. MY OFFICE DOES A LOT OF THE LEASING FOR
THE UNIVERSITY STUDENTS, SO WE HAD A VERY, VERY BUSY
WEEK. I COULDN'T GET EVERYTHING THAT THE NEIGHBORS
HAVE ASKED FOR. IF IT'S ALL POSSIBLE TO GET A
POSTPONEMENT SO THAT I CAN MEET WITH THE
NEIGHBORS, EXPLAIN TO THEM THE PLANS THAT WE HAVE,
SHOW THEM THE PLANS THAT WE HAVE FOR THE BUILDING.
WE HAVE A VALID, ACTIVE SITE PLAN PERMIT. WE'RE NOT
CHANGING THE BUILDING SIZE. WE WERE PERMITTED AT
ONE TIME, BUT STOPPED -- DECIDED NOT TO GO FORWARD
WITH THE CONSTRUCTION DUE TO THE DOWNTURN IN THE
MARKET. WE ALREADY HAD AN MU ELEMENT BY VIRTUE OF
HAVING THE ACCESSORY USE ON THE THIRD FLOOR OF THE
BUILDING. THE FOOTPRINT IS 4,000 SQUARE FEET. I WOULD
LIKE TO BE ABLE TO ADD MORE OF AN MU MIX RESIDENTIAL
IN THE BUILDING DUE TO WHERE THE PROPERTY IS
LOCATED. I BELIEVE THAT THE NEIGHBORS' CONCERN
REGARDING NOISE COMING FROM PEOPLE OCCUPYING THE
BUILDING CAN EASILY BE -- I DON'T THINK THAT THAT'S
GOING TO BE THE CASE. THAT BUILDING WILL BE A BUFFER
AGAINST TRAFFIC COMING FROM MLK AND LAMAR. AT MOST
EVEN IF THE ENTIRE BUILDING WAS RESIDENTIAL USE, WE
MAY HAVE EIGHT, MAYBE NINE UNITS DUE TO THE SMALL

FOOTPRINT OF THE BUILDING. I THINK IT WOULD BE A WONDERFUL ADDITION AT THAT CORNER OF MLK AND LAMAR. I REALLY WOULD LIKE THE OPPORTUNITY TO SHOW THEM THE PLANS. WE'RE GOING TO BUILD THE BUILDING REGARDLESS WHETHER WE MAINTAIN THE GO OR END UP WITH A GO-MU. I JUST THINK IT'S A PERFECT LOCATION TO HAVE A MIXED USE RESIDENTIAL AND OFFICE. AND IF I HAVE THE OPPORTUNITY OF GETTING A POSTPONEMENT AND MEETING WITH THEM, I'D LIKE TO DO THAT.

Mayor Wynn: THANK YOU. COMMENTS? MAYOR PRO TEM?

Goodman: JUST FOR CLARIFICATION, YOU ACTUALLY DIDN'T HAVE A CHOICE TO SPEAK TONIGHT, BUT IT WAS KIND OF A SPECIAL THING. BUT THERE SEEMED TO BE SOME MISCOMMUNICATION ABOUT IT IN THE ORIGINAL EVENING THAT WE CONSIDERED THINGS, AND UNLESS I'M MIXING UP MY CASES, WHICH IS ENTIRELY POSSIBLE, SOMEBODY THOUGHT THAT THEY SHOULD BE HERE FOR RESOURCE, BUT NOT OFFER -- DIDN'T REALIZE THAT THAT WAS THE TIME TO OFFER COMMENTS. SO THAT'S THE REASON I THOUGHT TO BE FAIR, WE SHOULD OFFER TO EVERYONE WHO THOUGHT THAT THEY HAD BEEN LEFT OUT AND NOT LISTENED TO. SO -- NOW, I DID ASK QUESTIONS FROM THE NEIGHBORHOOD ABOUT THIS ONE. I THINK IT WAS THIS ONE. ABOUT THE MU. AND THAT'S WHEN THE NEIGHBORHOOD SAID THAT THEY WANTED TO KEEP MLK QUIET RIGHT THERE THE. AND I GUESS OFFICE, EVEN WITH SMALL RESIDENTIAL NUMBERS, SOUNDS NOISY. OKAY. THIS IS ANOTHER ONE WHERE I'M ON SOME OTHER PAGE AND I'M NOT RELATING. I DON'T KNOW. IF COUNCIL -- LET ME ASK THE NEIGHBORHOOD SOMETHING.

BARBARA BRIDGES, WEST UNIVERSITY.

Goodman: I REMEMBER. THE ISSUE OF SITE PLAN, APPROVED SITE PLANS IS A LITTLE BOTHER SOME BECAUSE IT'S LIKE A PROJECT THAT YOU MOVE INTO. SO HAVE YOU ALL GOTTEN TO SEE WHAT IT WAS HE PLANNED? IS IT THE KIND OF MIXED USE RESIDENTIAL THAT YOU THOUGHT WOULD BE INTRUSIVE AND WOULD CHANGE THE FLAVOR?

WE MET A YEAR AGO WITH THE NEIGHBORHOOD GROUP

THAT WAS DOWN ON LAMAR. AT THAT POINT IT WAS PRETTY STRONGLY REFLECTED FROM EVERYONE THAT WAS FROM OUR NEIGHBORHOOD THAT WE DID NOT WANT MIXED USE ON THAT PROPERTY BECAUSE OF THE NOISE PROBLEMS. WE DON'T REALLY NOTICE THE LAMAR THAT MUCH. IT'S SORT OF WHITE NOISE. YOU DO NOTICE KIDS YELLING FROM A DIRECTION. I HAVE COMMUNICATED THROUGH SEVERAL PEOPLE I KEPT HEARING MR. ISA WANTS TO MEET WITH THE NEIGHBORHOOD. ALL HE HAS TO DO IS SEND AN US E-MAIL THAT HE WANTS TO MEET. I GOT IT A WEEK AGO FRIDAY RIGHT BEFORE OUR LAST MEETING, WHEREBY I IMMEDIATELY SENT BACK SOME QUESTIONS THAT WE WANTED BECAUSE WE HAVEN'T SEEN ANYTHING. THE TYPE OF QUESTIONS YOU WOULD WANT TO KNOW ABOUT EXACTLY WHAT WAS BEING PLANNED. AND ASK HIM -- I TOLD HIM TIME IS TIGHT. WE HAD THREE DAYS. IF HE COULD GIVE ME AN ANSWER MAYBE BY MONDAY WE WOULD TRY TO GET SOMETHING TOGETHER BY TUESDAY OR WEDNESDAY BEFORE WE MET HERE. AS YOU HEARD, HE WAS TOO BUSY TO DO THAT. SO WE HAVEN'T ACTUALLY SEEN ANYTHING, BUT PRETTY MUCH ALL ALONG, NO MATTER WHAT WE SEE, WE'RE GOING TO OBJECT TO MIXED USE BECAUSE NO MATTER HOW NICE IT LOOKS, WE STILL THINK IT'S GOING TO BE NOISY.

Goodman: WELL, I THINK THAT DEPENDS ON NUMBERS, RIGHT, NUMBER OF UNITS?

WELL, CONSIDERING THAT YOU CAN PUT SIX PEOPLE IN EACH UNIT, IT WOULDN'T TAKE MUCH MORE THAN SIX PEOPLE TO AFFECT THE PEOPLE ON THE CLIFF ABOVE RIGHT NEXT TO IT.

Goodman: WELL, PUTTING SIX PEOPLE IN A UNIT --

WE HAD SOME HOUSES WITH SIX PEOPLE THAT AFFECT US GREATLY.

Goodman: I GUESS ANY HOUSE CAN HAVE SIX PEOPLE IN IT AND YOU CAN'T REALLY REGULATE THAT, BUT THERE MAY BE OTHER WAYS TO REGULARLY REGULATE --

AND AGAIN, WE DON'T WANT TO BE RINGED BY PEOPLE

LIVING ON ALL SIDES OF US WITH MIXED USE SINCE WE'RE GOING TO HAVE IT. THAT WAS PART OF UNO AND OUR AGREEING TO HAVING AS MUCH DENSITY AS WE ARE GOING TO HAVE BETWEEN US AND THE DRAG IS THAT WE WOULD NOT HAVE IT DOWN THERE ON THE OTHER SIDE OF IT BECAUSE THAT DOES SORT OF BOX US IN AND SCWURN..... SCWUSH US IN.

JUST IN THE INTEREST OF THE PERCEPTIONS OF FAIRNESS, WOULD IT BE REALLY BAD TO THROW THIS ONE IN WITH THE OTHER SEPTEMBER 30TH ONES JUST SO HE CAN SHOW YOU?

NO, YOU MIGHT AS WELL.

Goodman: THAT WAY HE CAN SHOW YOU THE PLANS?

RIGHT. BUT WE WILL NEED TO GET SOME INFORMATION FROM HIM AT A TIME WE NEED IT.

Goodman: GREAT. THANK YOU. THANK YOU SO MUCH. THEN MY MOTION WOULD BE, MAYOR, TO RECONSIDER AND POSTPONE UNTIL SEPTEMBER THE 30TH ON TRACT 40.

Thomas: SECOND.

Slusher: MAYOR? I JUST WANT TO SAY I'LL VOTE FOR THE MOTION SO THERE CAN BE SOME DISCUSSION, BUT I JUST WANTED TO SAY I WILL BE HIGHLY UNLIKELY TO GO TO THE MIXED USE ON THE SOUTH SIDE OF MARTIN LUTHER KING HERE.

Mayor Wynn: NORTH SIDE.

Slusher: STILL AT THIS PARTICULAR CORNER DOWN HERE.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER THOMAS, MOTION TO RECONSIDER TRACT NUMBER 40, 1230, 1232 WEST MLK AND THE POSTPONE THE CONSIDERATION TO SEPTEMBER 30TH, 2004. FURTHER COMMENTS, MAYOR PRO TEM?

...

GOODMAN: YES, MAYOR. I'M NOT TRYING TO GET ANYBODY TO CHANGE THEIR VOTE. THIS I THINK IS A PERCEPTION OF FAIRNESS AND I WANT TO MAKE SURE THAT WE ADHERE TO EVERYTHING WE CAN TO MAKE SURE THAT EVERYBODY GETS THEIR -- WHAT THEY THINK IS A FAIR TIME TO TALK TO THE NEIGHBORHOOD OR WHOMEVER.

Slusher: I UNDERSTAND. I'LL GO BACK AND TAKE ANOTHER LOOK AT IT MYSELF.

MAYOR PRO TEM, WE WOULD BE HAPPY TO FACILITATE ANY MEETING BETWEEN MR. ISA AND THE NEIGHBORHOOD GROUP.

Goodman: THAT WOULD BE GREAT, THANKS.

Mayor Wynn: FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

THAT NOW CONCLUDES MY PRESENTATION FOR THIRD READING, ITEMS 55 AND 57. WHICH BRINGS US NOW TO AGENDA NUMB 58.

Mayor Wynn: AFRAID OF THAT. THAT....

THAT WOULD BE THIRD READING OF THE UNIVERSITY NEIGHBORHOOD OVERLAY.

OKAY. BEFORE I BEGIN MY PRESENTATION, I WAS ASKED BY PLANNING COMMISSIONER GALINDO TO NOTE THAT THERE'S E-MAILS SENT TO ME AND TO COUNCIL, HE WOULD LIKE TO INCLUDE THOSE AS INDICATING HIS AND MR. HOLLAND'S SUPPORT FOR THE CAR SHARE PROVISION OF UNO AND THAT'S THE YELLOW SHEETS IN YOUR BACKUP.

Mayor Wynn: THANK YOU, MR. WALTERS.

OKAY. THIS WOULD BE THIRD READING FOR THE UNIVERSITY NEIGHBORHOOD OVERLAY. THE FIRST MOTION WOULD BE TO APPROVE ALL THAT WAS APPROVED ON SECOND AND

FIRST READING, EXCEPT THE FOLLOWING FEE MOTIONS -- FIVE MOTIONS, THE FOLLOWING DIFFERENT ASPECTS OF THE ORDINANCE. THE FIRST ONE HAS TO DEAL WITH SETBACKS. AND THIS ELEMENT IS BEING RECOMMENDED FOR THIRD READING. IT WAS PART OF THE DESIGN GUIDELINES, BUT WAS LEFT OUT OF THE FIRST AND THIRD READINGS OF THE ORDINANCE. THE PROVISION WOULD ALLOW FOR AND RECOGNIZE THE DISTINCT COMMERCIAL CORRIDORS IN THE OVERLAY DISTRICT, SPECIFICALLY GUADALUPE SECTIONS OF MLK AS WELL AS 24TH STREET. AND THAT WOULD REQUIRE FOUR VOTES OF COUNCIL TO INCLUDE ANY ORDINANCE AT THIRD READING. OKAY. THE NEXT MOTION HAS TO DEAL WITH SET BACKS. AND COUNCIL APPROVED THIS ON SECOND READING, BUT ON REFLECTION AND LOOKING AT IT, TO AVOID THE SITUATION OF UNINTENDED SEQUENCES, WHAT WE'RE RECOMMENDING FOR THIRD IS TO REMOVE SECTIONS ONE AND TWO AND JUST SAY BUILDING MUST BE AT LEAST 12 FEET FROM THE FRONT OF THE ADJACENT STREET. THE NEXT ONE HAS TO DO WITH STREET SCAPES IMPROVEMENTS. THE COUNCIL MAY REMEMBER THERE ARE A NUMBER OF SMALL RIGHT-OF-WAY STREETS WITHIN THE CONFINES OF THE OVERLAY DISTRICT. SALADO STREET IS ONE OF THOSE, AND WE'RE RECOMMENDING THAT BE INCLUDED WITH THE OTHER NARROW STREETS FOR -- THAT WOULD REQUIRE NARROWER SIDEWALKS. OKAY. THE NEXT PROVISION WOULD BE -- DEALS WITH AFFORDABLE HOUSING. AND AT FIRST READING -- I MEAN, SECOND READING, COUNCIL HAD A FEE IN LIEU OF PAYMENT OF 20 CENTS IF SOMEBODY WANTED NOT TO PROVIDE 50% -- 10% OF THEIR UNITS AT 50% LOCAL MFI, MEDIAN FAMILY INCOME. STAFF FOR THIRD READING RECOMMENDS THAT THIS PAYMENT GO UP TO 40% -- TO 40 CENTS. [LAUGHTER] NOT 40%. IT'S BEEN A LONG NIGHT. THE LAST ONE HAS TO DO WITH PARKING REQUIREMENTS FOR THE DISTRICT. AND THIS IS -- THIS ISSUE WAS GIVEN TO US BY THE CAN PACK ADVISORY GROUP, AND THIS ONE WOULD REMOVE THE NECESSITY OF PROPERTIES PARTICULARLY ALONG GUADALUPE FROM GOING TO THE BOARD OF ADJUSTMENT TO APPLY FOR VARIANCE TO THE PARKING REQUIREMENTS EVERY TIME A RETAIL SPACE HAS A CHANGE OF USE SAY FROM A RETAIL TO RESTAURANT. AND THE CURRENT REQUIREMENTS CAN

DELAY BUSINESSES FROM OPENING TWO OR THREE MONTHS AS THEY WAIT TO GET ON THE BOA AGENDA. AND ACCORDING TO THE PEOPLE WE SPOKE WITH IN THE AREA, THEY'RE GRANTED ALL THE TIME, BUT JUST THAT LAG TIME CAN BE A DRAIN ON BUSINESS. AND THAT'S THE END OF MY PRESENTATION. I'D BE HAPPY TO ANSWER ANY QUESTIONS AT THIS TIME.

Dunkerley: MAYOR?

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: I UNDERSTAND, MARK, THAT THERE IS A COMPROMISE PROPOSAL ON THE HEIGHT AREA IN THE UNO PLAN. CAN YOU OR ONE OF THE NEIGHBORHOOD FOLKS, COULD YOU GO OVER THAT WITH US? BECAUSE IT HAS SOME INTRIGUING ELEMENTS THAT I THINK WILL PROMOTE MORE OF THE MORE AFFORDABLE UNITS. SO I WOULD BE INTERESTED IN HEARING THAT.

Mayor Wynn: THANK YOU, MR. MCHONE.

MAYOR AND MEMBERS OF COUNCIL, MY NAME IS MIKE MCHONE. WHAT WE'VE WORKED OUT, I BELIEVE, IS A COMPROMISE ON THE PARTICULAR TRACTS OF LAND NORTH OF 24TH STREET AND THE PEARL STREET AREA IS TO AMEND THE CHAPTER 25-2765, THE AFFORDABLE HOUSING PROVISION, ADD A D PROVISION, WHICH WAS SAY IN THE OUTER WEST CAMPUS UNO SUB DISTRICTS, DISTRICT WHERE THE HEIGHT IS 50 FEET OR ABOVE, THE HEIGHT OF A BUILDING PROJECT MAY BE INCREASED 15... 15 FEET ABOVE THE ALLOWED HEIGHT PROVIDED THAT ALL UNO DESIGN GUIDELINES ARE FOLLOWED AND THE BUILDING PROJECT PROVIDES BOTH 10% OF THE HOUSING UNITS AND 80% OF THE MEDIAN INCOME AND 10% OF THE HOUSING UNITS AT 50% OF THE MEDIAN INCOME AS DETERMINED BY THE NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT. WE WOULD ALSO NEED TO ADD IN SECTION 25-2-756 -- I MEAN 765 -- 756, I'M SORRY, THE HEIGHT AREA, ADD EXCEPT AS PROVIDED IN 25-2-765-D, WHICH IS THIS PROVISION. THAT WOULD ALLOW US TO ADD 15 FEET OF HEIGHT. THAT WOULD SOLVE THE PROBLEM THAT HAS PLAGUED THIS PARTICULAR TWO-BLOCK TRACT. AND WE

WOULD ALSO HAVE TO ACCEPT THE MAP THAT'S DOWN IN FRONT OF ME, WHICH WAS THE MAP THAT WAS APPROVED BY COUNCIL ON FIRST READING. I BELIEVE ALL OF THE PROPERTY OWNERS THAT ARE INVOLVED IN THAT ARE HERE AND HAVE AGREED TO THIS COMPROMISE AND ASKED THAT I MAKE THE PRESENTATION ON IT AS TO THE AMENDMENT. I'D BE HAPPY TO ANSWER ANY QUESTIONS. THANK YOU.

Mayor Wynn: QUESTIONS, COMMENTS? COUNCILMEMBER DUNKERLEY.

Dunkerley: I THINK WHAT THIS PROPOSAL MAY DO IS ACTUALLY GET SOME AFFORDABLE HOUSING AT BELOW 50% OF MEDIAN FAMILY INCOME. IN THE PROPOSALS WE WERE CONSIDERING BEFORE, EVEN THOUGH THERE ARE SOME OPT OUT PROVISIONS FOR THAT ELEMENT, AND I THINK MOST PEOPLE WOULD CHOOSE TO DO THAT, IF THEY HAVE THE CARROT OF GETTING AN EXTRA 15 FEET OR AN EXTRA FLOOR, THEY MIGHT ACTUALLY CONSIDER DEVELOPING THOSE THAT ARE UNDER 50% OF MEDIAN FAMILY INCOME. SO I THINK THAT WAS THE INTRIGUING ELEMENT OF THIS. THOSE ARE MY COMMENTS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? SO MR. WALTERS, BASED ON THIS -- I MEAN, WHERE WOULD THIS FALL ON OUR MOTION SHEET?

IT WOULD BE I GUESS A SUBSET OF AFFORDABLE HOUSING. AND I THINK WE HAVE -- I THINK WE HAVE SUFFICIENT DIRECTION THAT WE COULD PROVIDE THIS INFORMATION TO THE LEGAL STAFF AND THEY COULD PLUG IT IN TO ITS APPROPRIATE SECTION IN THE ORDINANCE. [LAUGHTER] I DON'T THINK WE HAVE TO ASSIGN IT A PARTICULAR LOCATION.

Mayor Wynn: FAIR ENOUGH. FURTHER COMMENTS? MAYOR PRO TEM.

Goodman: I JUST WANTED TO MAKE SURE, IT'S AMAZING TO ME THAT THIS IS AN AGREED UPON -- I MEAN, NOT THAT I'M GRIPING ABOUT IT, BUT YOU SEE SOME OF THE FOLKS OUT THERE AND NOBODY OPPOSES US NOW. EVERYBODY IS

OKAY WITH THIS?

Mayor Wynn: I THINK WE'VE PUT THEM INTO SUBMISSION. [LAUGHTER]

Goodman: NOBODY OPPOSES IT?

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER ALVAREZ.

Alvarez: SO WHICH TWO BLOCK AREAS. DOES THIS AFFECT THE HOUSE OF TUTORS? THAT IS THAT WHAT WE'RE TALKING ABOUT?

I THINK IT AFFECTS EVERYTHING IN THAT UNIT.

EVERYTHING IN THIS PATCHWORK OF FALL LOOKING COLORS OVER HERE WOULD BE AFFECTED. THIS DARK BROWN WOULD NOT BE AFFECTED, NOR WOULD GUADALUPE, THE D HERE AND THE D ON YOUR MAP, AS WELL AS THE DOBIE DISTRICTS WOULD NOT BE AFFECTED.

Alvarez: OKAY. SO THEN -- SO BASED ON -- I'D RATHER SEE IF I UNDERSTAND IT WITHOUT ANYONE. BECAUSE THEN I MIGHT CONFUSE YOU. SO ANYONE IN THOSE -- IN THOSE AREAS COULD INCREASE THEIR HEIGHT, WHATEVER THAT HAPPENS TO BE, BY 15 FEET, BY A FLOOR, IF THEY COMMIT TO THESE REQUIREMENTS OR PARAMETERS.

THAT'S WHY -- I READ IT THE SAME WAY.

Alvarez: SO IN TERMS OF THE TRACT FOR THE HOUSE OF TUTORS, THEY'RE IN THE 75-FOOT ZONE, SO THEY COULD -- IF THEY MAKE THESE IMPROVEMENTS, THEY COULD GO UP A BIT HIGHER.

TO 90 FEET. AND TRANSVERSELY -- ADDITIONALLY, THOSE IN THE YELLOW OR THE LIGHT YELLOW, THE 90 FEET COULD GO TO 105 IF THEY SO CHOSE.

Alvarez: OKAY. I JUST WANTED TO MAKE SURE I UNDERSTOOD THE MOTION.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? SO WALK US THROUGH THIS MOTION SHEET, MR. WALTERS.

OKAY. HAS COUNCIL CHOSE TO INCLUDE THAT AS AN AMENDMENT? I HAVEN'T HEARD IT.

Mayor Wynn: I HAVEN'T HEARD MUCH OBJECTION. COUNCILMEMBER SLUSHER.

Slusher: I WAS JUST WONDERING AT THIS POINT WHAT WOULD WE AMEND IT TO. DO WE HAVE A MOTION ON THE FLOOR?

Dunkerley: I'LL MAKE A MOTION.

THE FIRST MOTION WOULD BE TO APPROVE THE UNIVERSITY NEIGHBORHOOD OVERLAY ON THIRD READING AS APPROVED ON SECOND WITH THE FOLLOWING CHANGES. AND I GUESS WE WOULD NEED TO ADD TO THE FOLLOWING CHANGES THE AMENDMENT PROPOSED BY MR. MCHONE. AND SO WE COULD -- THAT WOULD BE -- THAT WOULD BE MOTION 7 NOW. MAYOR MATURE SOUND LIKE WE'LL TAKE A MOTION, WHICH IS ESSENTIALLY YOU SHOW AS MOTION NUMBER 1 TO APPROVE ON THIRD READING, WITH THE FOLLOWING ISSUES. AND THEN WE'LL HAVE -- WE'LL GO AHEAD AND HOLD THAT MOTION WHILE WE DISCUSS THESE SIX ADDITIONAL SUB MOTIONS OR ISSUES.

AND I GUESS THE EIGHTH MOTION WOULD BE TO APPROVE WHAT COUNCIL APPROVED ON FIRST READING, WHICH WOULD BE THE MAP TO THE LEFT, ON THE MAP THAT YOU HAVE BEFORE YOU AND THIS LARGER MAP HERE. IT WOULD MOVE THE DISTRICTS BACK TO THIS AS OPPOSED TO WHERE THEY ARE ON THIS ONE. IF COUNCIL SO CHOOSES TO MOVE THOSE.

Alvarez: MAYOR? I MOVE THAT WE APPROVE THE UNIVERSITY NEIGHBORHOOD OVERLAY WITH THE CHANGES MADE ON SECOND READING, WITH THE EXCEPTION THAT WE WILL BE APPROVING THE MAP THAT WE APPROVED ON FIRST READING VERSUS THE ONE APPROVED ON SECOND. AND THEN WE CAN COME BACK AND AMEND THESE THINGS ON

THAT MOTION. IF I CAN GET A SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER ALVAREZ, SECONDED BY THE MAYOR PRO TEM TO APPROVE THE UNIVERSITY NEIGHBORHOOD OVERLAY ON THIRD READING AS APPROVED ON SECOND READING, WITH SOME EXCEPTIONS OR ADDITIONS THAT WE'LL TALK ABOUT HERE IN A SECOND. AND WE WILL BE APPROVING THE MAP THAT WAS APPROVED ON FIRST READING.

Dunkerley: AND THESE CHANGES ON THIS.

Mayor Wynn: I THINK WE'LL GET TO THAT. WE HAVE A MOTION AND A SECOND. NOW FURTHER COMMENTS? AND THE FIRST SERIES OF COMMENTS SHOULD BE REGARDING WHAT WAS ITEMIZED AS NUMBER TWO, WHICH ARE SET BACK COMMENTS.

AGAIN, THAT WOULD REQUIRE FOUR VOTES OF COUNCIL TO APPROVE THIS INCLUSION INTO THE ORDINANCE. IS THAT CORRECT, DEBRA?

Mayor Wynn: SO COUNCILMEMBER ALVAREZ, DO YOU CONSIDER A FRIENDLY AMENDMENT TO YOUR MAIN MOTION TO APPROVE ON THIRD READING THIS SETBACK LANGUAGE PROPOSED BY STAFF THAT WAS NOT INCLUDED ON FIRST AND SECOND READING.

Alvarez: YES, MAYOR.

Mayor Wynn: AND MAYOR PRO TEM?

Goodman: YES.

Mayor Wynn: AGAIN, FOR THE RECORD, THE SETBACK THAT WAS NOT APPROVED ON SECOND AND FIRST READING WILL BE A BUILDING UNDER 60 FEET IN HEIGHT ALONG THE FOLLOWING CORRIDORS THAT IS BUILT UNDER THE PROVISIONS OF THE UNIVERSITY NEIGHBORHOOD OVERLAY DOES NOT HAVE TO COMPLY WITH THE PROVISION B-1 THAT REQUIRES THAT THE LOCAL USES, TYPES OF COMMERCIAL AND CIVIC USES ALLOW UNDER THE UNO MAY NOT OCCUPY MORE THAN 20% OF THE SITE. AND THOSE THREE AREAS

ARE GUADALUPE STREET BETWEEN MLK BOULEVARD AND 29TH STREET, MLK BOULEVARD BETWEEN GUADALUPE STREET AND RIO GRANDE. AND 24TH STREET BETWEEN GUADALUPE AND RIO GRANDE. SO IT SOUNDS LIKE WITHOUT OBJECTION WE MOVE TO THE NEXT ITEM.

OKAY. THAT WOULD BE THREE, AND THAT WOULD HAVE TO DEAL WITH REMOVING ITEMS -- SUP PARAGRAPHS ONE AND TWO THAT WERE APPROVED ON FIRST READING. AND BY DOING THIS WE WOULD ENSURE THAT ALONG THESE CORRIDORS THAT A MINIMUM OF 12-FOOT WIDE SIDEWALKS WOULD BE BUILT. IS THAT CORRECT?

Mayor Wynn: LOOKS LIKE TO ME THAT ALL WE'RE DOING IS NOTE THAT ON THIRD READING, NOTE THAT A BUILDING MUST BE AT LEAST 12 FEET FROM THE FRONT FACE OF THE CURB OF THE ADJACENT STREET.

THAT'S CORRECT.

Mayor Wynn: SO ITEMS ONE AND TWO REMAIN.

WOULD BE REMOVED ON THIRD READING.

Mayor Wynn: OKAY. COUNCILMEMBER ALVAREZ, DO YOU CONSIDER THAT A FRIENDLY AMENDMENT? THAT IS REMOVING SECTIONS ONE AND TWO TO ENSURE THE NEW SIDEWALKS IN THESE AREAS WILL BE A MINIMUM OF 12 FEET WIDE.

Alvarez: YES, MAYOR.

Mayor Wynn: MAYOR PRO TEM?

Goodman: YES. IN FACT, MAYOR, FOR ME AS A SECONDER, I CONSIDER ALL OF THESE FRIENDLY, ALL THREE PAGES.

Mayor Wynn: OBJECTION, COUNCIL? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. NONE, -- HEARING NONE, LET'S MOVE ON. THE ISSUE REGARDING STREET SCAPE IMPROVEMENTS.

AND THAT WOULD JUST INCLUDE SAY LAY DOUGH STREET

TO THIS -- SALADO STREET TO THIS LIST OF STREETS. IT WAS IDENTIFIED LATE IN THE PROCESS AND WE WANTED TO GET IT IN AND MAKE SURE WE DIDN'T HAVE TO COME BACK AND AMEND THIS.

Mayor Wynn: COUNCILMEMBER ALVAREZ, FRIENDLY AMENDMENT?

Alvarez: YES.

Mayor Wynn: MAYOR PRO TEM AGREES. OBJECTION, COUNCIL? HEARING NONE, LET'S MOVE ON. AFFORDABLE HOUSING.

THIS WOULD JUST INCREASE THE BUYOUT PROVISION FOR PROVIDING HOUSING AT 50% MFI, INCREASE IT FROM 40 -- FROM 20 TO 40% -- 40-CENT. 40 CENTS. THANK YOU.

Alvarez: MAYOR, ON THIS ONE I HAVE AN AMENDMENT I WOULD CONSIDER IF I COULD MAKE IT, ALTHOUGH I CAN'T BECAUSE I'M THE MAKER OF THE MOTION. BUT Y'ALL SHOULD HAVE IN YOUR BACKUP A YELLOW SHEET OF PAPER THAT SAYS AGENDA QUESTIONS AND RESPONSES FOR ITEM 57 THAT ACTUALLY HAS THE LANGUAGE THAT I HAD -- THAT COULD BE -- THAT I WOULD PROPOSING INCORPORATED INTO THE ORDINANCE, BUT THAT WOULD CHANGE THE LANGUAGE THAT IS -- THAT WAS APPROVED ON SECOND READING PERTAINING TO THE AFFORDABLE HOUSING. THE AFFORDABLE HOUSING REQUIREMENT OF UNO. AND SO I SEE MR. HILGERS UP THERE, BUT I CAN SET IT UP HERE.

Mayor Wynn: IF YOU WOULDN'T MIND, COUNCILMEMBER, JUST OUTLINE SORT OF THE MAJOR COMPONENTS OF THAT AND PERHAPS SOMEBODY WILL MAKE THAT MOTION AS FRIENDLY.

Alvarez: WELL, BASICALLY IT -- YOU SHOULD HAVE RECEIVED A MEMO IN THE E-MAIL EARLIER, I THINK PROBABLY LAST WEEK, OUTLINING SOME OF THE RATIONALE BEHIND THIS. BUT BASICALLY IT KIND OF CHANGES THE STRUCTURE OF THAT AFFORDABLE HOUSING PROVISION SO THAT YOU HAVE A REQUIRED 10% OF HOUSING TO BE BUILT AT 80% MFI. THAT YOU THEN HAVE A SECOND 10%, AN ADDITIONAL 10% OF

HOUSING TO BE BUILT AT 80% MFI WITH AN OPT OUT PROVISION. AND SO THAT NUMBER OR THAT FEE IS WHAT IS LISTED IN THE MOTION STREET AS 40 CENTS FOR EACH SQUARE FOOT OF GROSS AIR CONDITIONED FLOOR AREA. AND THEN THE THIRD ELEMENT OF THE ORDINANCE WAS TO ACTUALLY PROVIDE AN INCENTIVE TO REDUCE HOUSING AT -
- PRODUCE HOUSING AT 50% MFI AND SO SUCH THAT IF SOMEONE WERE TO DO THAT, PROVIDE 10% OF THE UNITS AT 50% MFI, THEY WOULD GET A REDUCTION IN THE PARKING REQUIREMENT UNDER UNO. SO JUST AGAIN JUST PROVIDING AN INCENTIVE FOR THAT ACTUALLY TO BE BUILT BECAUSE, AGAIN, MY FEAR IS THAT IF WE -- IF WE ASK THE REQUIREMENT TO BE 50% -- 10% AT 50% MFI WITH THE OPTOUT PROVISION, THEN EVERYONE WILL OPT OUT AND WE'LL NEVER GET ANY AT 50% MFI UNLESS WE ACTUALLY PROVIDE AN INCENTIVE THAT IN THIS CASE THE INCENTIVE BEING A REDUCTION IN THE PARKING REQUIREMENT. BUT SINCE THEN I THINK -- THAT THAT WAS THE PROPOSAL OUTLINED, AND THAT'S ACTUALLY IN THIS SHEET THAT WAS -
- THAT WAS DISTRIBUTED, BUT I THINK SINCE THEN THE DISCUSSION WAS THAT ON THAT SECOND REQUIREMENT FOR PROVIDING 10% OF THE UNITS AT 80% OF MFI THAT THAT WAS SO CLOSE TO MARKET RATE THAT WE MAY NOT ACTUALLY GET ANY FUNDS DEPOSITED INTO THE TRUST FUND. SO THERE WAS AN INTEREST IN MAYBE MOVING THAT DOWN FROM 80% TO TO A LOWER PERCENTAGE, IN THIS CASE MAYBE BEING 65%. SO DID YOU WANT TO ADDRESS THAT?

I'M PAUL HILGERS WITH NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT. AND I THINK THAT, ONE, IT'S IMPORTANT TO RECOGNIZE JUST FOR A SECOND FROM MY PERSPECTIVE JUST THE MAGNITUDE OF THE COMMITMENT THAT'S BEEN SHOWN BY THIS COMMUNITY AND THIS COUNCIL TO TRY TO ADDRESS THE ISSUE OF AFFORDABLE HOUSING. AND I KNOW THAT THAT'S THE SPIRIT IN WHICH THIS AMENDMENT IS ALSO BEING PROPOSED. AND THE CAVEAT I GUESS WAS THAT IF YOU WERE ABLE TO TAKE THAT SECOND 10% TIER AND LOWER IT TO ESSENTIALLY 65%, THEN YOU WOULD ENSURE THAT SOME MORE DOLLARS WOULD GO INTO ANOTHER COMPONENT OF THIS, WHICH WE'RE VERY EXCITED ABOUT, WHICH IS THE TRUST FUND

COMPONENT, BY PROVIDING AN INCENTIVE TO FOLKS TO CREATE MORE HOUSING AT 65%. THE PACKAGE OF THIS -- OF THIS INCENTIVE PROGRAM IS WHAT IS IMPORTANT TO MAKE IT WORK. ONE OF THE OTHER PROVISIONS THAT I WAS JUST MENTIONED TO ME WAS WHETHER OR NOT THIS IS INTENDED TO BE GROSS CONDITIONED SPACE OR WHETHER IT'S NET RENTABLE SPACE AT THE 40 CENTS PER SQUARE FOOT. AND I WAS ASKED FOR A CLARIFICATION ON THAT. BUT THE CONCEPT HERE IS THAT BY PROVIDING AN INCENTIVE THAT IS NOT -- THAT SECOND 10% THAT IS NOT AS LOW AS 50%, BY HAVING AN EXTRA INCENTIVE AT 50% AND LOWER THAN 80%, THEN WE'RE TRYING TO PROVIDE THIS FRAMEWORK WHERE WE WOULD PROVIDE AN OPPORTUNITY FOR MORE HOUSING AT 65% WITHOUT AN OPT OUT FEE, AND AT THE SAME TIME PROVIDE SOME MORE POTENTIAL REVENUE FOR A HOUSING TRUST FUND, WHICH ONE OF THE COMPONENTS OF THIS IS WORKING MORE CLOSELY WITH THE CO-OPENS AND CREATING ADDITIONAL COOPERATIVE HOUSING THAT IS TRULY AFFORDABLE FOR STUDENTS AND MULTIPLYING THE NUMBER OF UNITS WE HAVE IN THIS AREA, WHICH IS A VERY UNIQUE AREA IN THE CITY, AND THIS CALLS FOR SUCH A UNIQUE INCENTIVE PACKAGE. SO I HOPE THAT I GUESS -- I GUESS THEN THE QUESTION IS FROM OUR PERSPECTIVE, 65% FOR THE SECOND 10% WOULD BE AN EFFECTIVE AMENDMENT THAT WOULD PROVIDE SOME ADDITIONAL BENEFITS TO THE RECOMMENDATION.

Alvarez: AND THEN IN TERMS OF THE SQUARE FOOTAGE, HOW WE DESIGNATE THE SQUARE FOOTAGE, WHAT IS THE CORRECT LANGUAGE?

I UNDERSTAND THAT IT'S NET RENTABLE SQUARE FOOTAGE IS THE AGREEMENT SO THAT WE DON'T HAVE 40 CENTS A SQUARE FOOT CHARGED FOR HALLWAYS AND COMMON AREAS OF COMMUNITY ROOMS.

Alvarez: OKAY. SO THAT'S -- AND STAFF HAS A DEFINITION FOR WHAT THAT IS, I ASSUME?

YES, SIR.

Alvarez: THERE'S A REGULATION SOMEWHERE?

DEBRA, CAN WE BE CLEAR ABOUT THAT?

YES. PAUL, ARE YOU SAYING THAT JUST FOR --

FOR THE OPTOUT PROVISION WHAT I'M SAYING IS THAT THE 40 CENTS A SQUARE FOOT WOULD BE BASED ON THE NET RENTABLE SQUARE FOOTAGE.

SO WE WOULD CHANGE THAT FROM GROSS AIR CONDITIONED FLOOR AREA.

NET RENTABLE FLOOR AREA?

IF THAT'S THE COUNCIL'S DESIRE. THAT'S WHAT I UNDERSTAND IT. THE CLARIFICATION WAS BEING ASKED, IF THAT WAS WHAT WAS BEING DESIRED.

I'M SORRY, COUNCILMEMBER, IS THAT THE MOTION, NET RENTABLE FLOOR AREA.

Alvarez: WE... WELL, WE WILL HAVE TO CONTAINING IT IF THAT'S WHAT IT IS. MAYBE SOMEONE CAN SPEAK TO HOW BIG OF A DIFFERENCE IT IS TO GO FROM GROSS TO NET. BUT I ASSUME NET RENTABLE MEANS THE ACTUAL LIVING UNIT SQUARE FOOTAGE OCCUPIED BY THE LIVING UNIT THEMSELVES AND NOT THE HALLWAYS AND --

WHAT I'M AFRAID WHAT MIGHT HAPPEN, COUNCILMEMBER, IS THAT IF WE DON'T DO IT THAT WAY WE MIGHT END UP WITH A LOT OF NON-AIR CONDITIONED HALLWAYS AND DIFFERENT KINDS OF CONSTRUCTION TECHNIQUES THAT WOULDN'T LEND THEMSELVES AS WELL TO BEING THE SMART HOUSING PROGRAM THAT WE WOULD LIKE IT TO BE. AND THEY WOULD -- WE BELIEVE THAT THIS WOULD BE A WAY OF MAKING SURE THAT WE GET THE MAXIMUM PARTICIPATION OF DOLLARS INTO THE PROGRAM FROM THOSE PROVIDERS OF HOUSING THAT WOULD BE AT MORE MARKET RATE AND GET THE MAXIMUM FLEXIBILITY TO THOSE PROVIDERS THAT ARE GOING TO BE AT THE BELOW MARKET RATE BASED ON THEIR LAND HOLDINGS AS THEY EXIST. SO WE WOULD HOPE THAT YOU WOULD GO WITH THE NET RENTABLE AS OPPOSED TO

THE GROSS AIR CONDITIONED SPACE BECAUSE AS YOU GO UP, YOU HAVE TO -- THERE ARE MORE HALLWAYS THAT ARE ENCLOSED, AND THAT -- THAT DOESN'T HAVE MUCH EFFECT WHEN WE HAVE THESE SMALLER BUILDINGS, BUT AS WE GO UP AND HAVE BIGGER BUILDINGS, IT WOULD HAVE A BIGGER EFFECT, SO WE WOULD APPRECIATE THAT AMENDMENT.

Alvarez: THANK YOU. SORRY, MAYOR. AND THEN THE LAST ISSUE I THINK THAT -- AT LEAST A COUPLE OF COUNCILMEMBERS HAD EXPRESSED WAS AN INTEREST IN MOVING THAT 40-CENT FIGURE TO 50 CENTS. AND SO I THINK THAT WHAT WE HAVE BEFORE US HERE IS IF ALL OF US AGREE ON THOSE NUMBERS, THEN WE CAN ENTERTAIN THAT MOTION AND I CAN -- BECAUSE I THINK THE AMENDMENT TO THE MOTION THAT'S ON THE TABLE WOULD BE TO PASS WHAT'S ON THIS SHEET IN OUR BACKUP THAT'S LABELED SECTION 25-2-765, AFFORDABLE HOUSING, WITH THE CHANGES THAT ON A-2, THE PERCENTAGE WOULD BE 65 INSTEAD OF 80. ON B, THAT IT WOULD BE 50 CENTS FOR EACH SQUARE FOOT OF NET RENTABLE FLOOR AREA. AND THOSE -- AND THAT WOULD BE THE AMENDMENT IF SOMEBODY WOULD LIKE TO OFFER THAT.

AND THAT WOULD BE GROSS AIR CONDITIONED FLOOR AREA, BUT WOULD BE NET RENTABLE FLOOR AREA?

Alvarez: I READ IT AS -- SO IT WOULD READ 50 CENTS FOR EACH SQUARE FOOT OF NET RENTABLE FLOOR AREA. IN THE MULTI-FAMILY RESIDENTIAL USE DEVELOPMENT.

Goodman: AREN'T YOU ALLOWED TO AMEND YOUR OWN MOTION?

Alvarez: I DON'T..... I DON'T KNOW.

Mayor Wynn: I THINK WE CAN ACCEPT THAT, YES. THIS IS AN ADDITIONAL AMENDMENT TO THE MAIN MOTION BY COUNCILMEMBER ALVAREZ, SECONDED BY THE MAYOR PRO TEM.

Alvarez: I WOULD BASICALLY REPLACE THE FIFTH MOTION ON THE SHEET. AND THEN RELATED TO THIS IS -- BECAUSE AS YOU KNOW, THE CURRENT MOTION INCLUDES A PROVISION

THAT ALLOWS YOU TO REDUCE THE PARKING REQUIREMENT IF YOU HAVE A CAR SHARING PROGRAM. AND THEN THE PROVISION WE JUST ADDED TO THE AFFORDABLE HOUSING PART ALLOWS YOU TO REDUCE THE PARKING REQUIREMENT IF YOU PROVIDE MORE AFFORDABLE HOUSING, BUT THE SECOND PROVISION WOULD SET THE FLOOR AT 40% SO THAT YOU CAN'T GO FROM 60 TO 40 TO 20. BUT 40 IS THE LOWEST YOU CAN GO IN TERMS OF A REDUCED PARKING REQUIREMENT. AND SO THAT IS ALSO IN THE BACKUP HERE LISTED AS SECTION 25-6-601, PARKING REQUIREMENTS FOR UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT. SO I WOULD PROPOSE THAT, AGAIN, SO YOU SET A FLOOR OF 40% ON THE PARKING REDUCTION.

Mayor Wynn: IF YOU DON'T MIND, COUNCILMEMBER, LET'S SLIGHTLY BIFURCATE AND LET'S MAKE SURE WE HAVE NO OBJECTION FROM COUNCIL ON COUNCILMEMBER ALVAREZ'S AMENDMENT TO HIS MOTION REGARDING THE MAKEUP OF THE AFFORDABLE HOUSING COMPONENT. LET'S MAKE SURE WE'RE COMFORTABLE WITH IT. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] HIGHER MARKET, HIGHER RENT PLACES.

COUNCILMEMBER, I -- I FIRMLY BELIEVE THAT -- THAT THIS PLAN WILL ALLOW US TO HAVE MORE AFFORDABLE UNITS AS A RESULT OF SEVERAL DIFFERENT COMPONENTS TO THIS PLAN. ONE OF THOSE IS IT IS AN ENHANCEMENT TO OUR SMART HOUSING PROGRAM. THE SMART HOUSING PROGRAM AS IT EXISTS PROVIDES ADDITIONAL ENHANCEMENTS, LONGER TERM AFFORDABILITY THAN JUST OUR SMART HOUSING PROGRAM PROVIDES. THE REAL PRIMARY REASON, I THINK, THOUGH, IT REDUCES BARRIERS TO REDEVELOPMENT OF PROPERTY THAT EXISTS IN THIS NEIGHBORHOOD THAT WILL NOW BE ABLE TO BE REDEVELOPED WITH SOME OF THESE ENTITLEMENTS. I DON'T BELIEVE THAT EVERYBODY WILL DEVELOP TO THE MAXIMUM ALLOWABLE HEIGHT OR DENSITY. BUT I DO BELIEVE SOME FOLKS WILL REDEVELOP PROPERTY THAT HAVE BEEN WAITING TO REDEVELOP EVEN AT AN AFFORDABLE RATE, PARTICULARLY AND FROM MY PERSPECTIVE, THE MOST EFFECTIVE PRODUCER OF AFFORDABLE HOUSING AT LEAST IN THE OUTSET WILL BE THE WORK OF THE COOPERATIVES, THE CO-OPS WHO HAVE

BEEN IN THIS AREA FOR A LONG TIME THAT PROVIDE AFFORDABLE HOUSING AND OUR ABILITY TO HELP PROVIDE AN INCENTIVE TO THEM THROUGH THIS PARKING REDUCTION AND THE POTENTIAL OF SOME SUPPLEMENT FUNDING THROUGH THE TRUST FUND TO HELP PROVIDE SOME ADDITIONAL INCENTIVE AND SOME ADDITIONAL GAP FINANCING FOR THEM. I ALSO BELIEVE THAT THE INCREASE IN HOUSING SUPPLY WILL CREATE PRESSURE AT LEAST AGAIN IN THE INTERIM, THE INCREASED NUMBER OF UNITS WILL INCREASE PRESSURE TO LOWER SOME OF THE RENTS OF THE EXISTING HOUSING STOCK BECAUSE THE QUALITY WILL GROW UP IN SOME AREAS AND SO COMPETITION WILL INCREASE, I THINK WHEN COMPETITION INCREASES SOME OF THE PRICE WILL GO DOWN. I THINK THERE'S ONE OTHER COMPONENT THAT NEEDS TO BE MENTIONED WHICH IS THE IMPACT OF THE DENSITY THAT YOU ARE TALKING ABOUT IN THIS URBAN AREA AND THE RELIEF THAT IT COULD PROVIDE TO OTHER AREAS OF THE CITY THAT ARE HAVING TO BEAR THE BURR -- THE BURDEN OF HAVING TO HOUSE THE STUDENTS IN THIS PARTICULAR NEIGHBORHOOD. SO ALL OF THOSE FACTORS PUT TOGETHER, I THINK, WITHOUT TRYING TO PROJECT A CERTAIN NUMBER OF UNITS, I THINK THAT -- THAT OUR BEST GUESS, OUR BEST ESTIMATES, OUR BEST ANALYSIS IS THAT WE BELIEVE THAT WE WILL CREATE MORE AFFORDABLE HOUSING AS A RESULT OF THIS PACKAGE OF INCENTIVES THAN WE WOULD IF WE DID NOT PASS THIS PACKAGE OF INCENTIVES. MAINLY, YOU MENTIONED A NUMBER OF FACTORS, I APPRECIATE THAT. BUT PROBABLY THE LARGEST NUMBER OF UNITS THAT YOU EXPECT WOULD BE ON THE CO-OPS GETTING TO -- IN THE SHORT TERM, TO BUILD PROPERTY THAT THEY HAVE ON NOW, ALSO TO REDEVELOP ON PROPERTIES THAT THEY HAVE BEEN WAITING TO REDEVELOP ON NOW, THEY WILL HAVE SOME ADDITIONAL DENSITY ON SOME OF THOSE, I DON'T KNOW THAT THEY WILL HAVE ADDITIONAL DENSITY ON ALL OF THEM, YET, BUT I BELIEVE THAT OUR ESTIMATES ARE FROM THEM THAT THEY -- THAT THEY WILL GO TO AS MANY AS 2,000 UNITS. I HATE TO PROJECT EXACTLY A NUMBER OF UNITS, BUT OUR ESTIMATE IS THAT WORKING WITH THEM WE WILL BE ABLE TO CREATE A SUBSTANTIAL INCREASE IN THE AFFORDABLE HOUSING STOCK THAT EXISTS ON THAT

PROPERTY. IN THAT NEIGHBORHOOD.

Slusher: THANK YOU, MR. HILGERS, I APPRECIATE THAT. IT HAS BEEN COMFORTING FOR ME TO SEE THE CO-OPS INVOLVED IN SUPPORTING THIS, THANKS.

THANK YOU, COUNCILMEMBERS. COUNCIL WITHOUT OBJECTION WE ARE ESSENTIALLY IN AGREEMENT WITH THE AMENDED AFFORDABLE HOUSING COMPONENT OF THE UNIVERSITY NEIGHBORHOOD OVERLAY. COUNCILMEMBER ALVAREZ HAD JUST OUTLINED HIS AMENDMENT REGARDING THE -- THE PARKING REQUIREMENTS WITHIN THE UNIVERSITY NEIGHBORHOOD OVERLAY. AND AGAIN JUST FOR MY CLARIFICATION, SO -- SO -- SO ESSENTIALLY WE DID NOT INCLUDE ON THE SECOND READING WHAT I WOULD CALL THE EXEMPTION OF THE COMMERCIAL CORRIDORS, CORRECT? SO WE NEED TO INCLUDE THAT. DOES COUNCILMEMBER ALVAREZ'S PARKING REQUIREMENT CONFLICT WITH THIS OR SIMPLY ADD TO IT? HIS PARKING REQUIREMENT WAS RELATED TO THE AFFORDABLE HOUSING COMPONENT OF PEOPLE [INDISCERNIBLE] IN ADDITION TO THAT, STAFF IS RECOMMENDING --

I THINK COUNCILMEMBER ALVAREZ, FOR PARKING, OR FOR -- PARKING.

THE -- COUNCIL APPROVED 60% FOR PARKING ON SECOND READING, 40% FOR SOMEBODY -- 40% OF REQUIRED IF SOMEBODY HAS A CAR SHARE PROGRAM AND MY UNDERSTANDING IS THAT THIS -- THIS -- THIS AMENDMENT TO THAT WOULD BE AN INCLUSION INTO THE ORDINANCE WOULD ALSO IF YOU PROVIDE AN ADDITIONAL 10%, 50% WE COULD REDUCE YOUR PARKING DOWN TO THAT AS IF YOU HAD A CAR SHARE PROGRAM BUT NO LOWER, SO THAT WOULD BE AFFECTED MOSTLY -- AFFECTING MOSTLY THE RESIDENTIAL PROPERTY, HAD A LITTLE EFFECT ON --

SO IN ADDITION TO THAT MATRIX WITHIN THE AFFORDABLE HOUSING COMPONENT OF THE OVERLAY, STAFF IS ALSO RECOMMENDING THAT WE HAVE A -- THAT OFF STREET PARKING NOT BE REQUIRED FOR COMMERCIAL USE IF THE USE IS LOCATED ON A SITE WITH FRONTAGE ALONG ONE OF

THE FOLLOWING COMMERCIAL CORRIDORS.

OKAY, THAT WOULD BE -- YES, THAT IS CORRECT.

ADD THAT AS D?

UH-HUH.

BUT THAT WOULD BE THE -- THE BEST WAY TO DO THIS,
BECAUSE THEY ARE BOTH LABELED SECTION 25-6 --

I THINK WE HAVE SUFFICIENT DIRECTION TO INCLUDE THIS
IN THE THIRD READING. AS LONG AS WE HAVE THE GENERAL
INTENT THERE, WE CAN -- WE CAN GIVE IT TO THE -- TO THE
LAW DEPARTMENT AND THEY CAN PUT IN THE APPROPRIATE
SPACES IN THE ORDINANCE. SO I THINK WE SHOULD FOCUS
ON INTENT AND WHAT YOU WANT IN THERE AND THE LAW
DEPARTMENT CAN FIGURE OUT THE REST.

I GUESS --

THIS IS FINAL READING.

SO COUNCIL THE STAFF RECOMMENDATION IS ALSO THE --
THE NON-REQUIREMENT OF OFFSTREET PARKING FOR THE
COMMERCIAL CORRIDORS THAT BEING GUADALUPE
BETWEEN MLK, JUNIOR BOULEVARD AND WEST 29th STREET
AND WEST 24th STREET BETWEEN GUADALUPE AND RIO
GRANDE. SO WITHOUT OBJECTION, I THINK COUNCILMEMBER
ALVAREZ WILL CONSIDER THAT A FRIENDLY AMENDMENT.

YES.

IN ADDITION TO HIS AMENDMENTS.

ALSO BY THE MAYOR PRO TEM. LASTLY, TO THE -- TO THE
AMENDMENT OUTLINED EARLIER BY MR. Mc HONE, YES --

Alvarez: THIS ONE WOULD ALSO BE -- THIS HASN'T ALREADY
BEEN AMENDED?

Mayor Wynn: I DON'T THINK SO. THIS WOULD BE THE

APPROPRIATE TIME TO ACCEPT THIS AS PART OF THIS --

YES.

SERIES OF AMENDMENTS OF THE OVERLAY.

YES.

YOU WANT TO -- ME TO JUST READ THIS INTO THE RECORD?

I THINK, AGAIN, WE HAVE SUFFICIENT DIRECTION TO CAPTURE THE INTENT OF WHAT YOU WOULD LIKE TO [INDISCERNIBLE] IN THE ORDINANCE.

AGAIN, THIS IS THE AMENDMENT AS PROPOSED, AS READ BY MR. McHONE, ACKNOWLEDGED BY MANY OF THE PROPERTY OWNERS HERE IN THE ROOM. I THINK LEGAL STAFF CERTAINLY HAS THE DIRECTION TO INCLUDE THIS AS PART OF THE SERIES OF AMENDMENTS.

YES, WE DO. SO, COUNCIL, THAT BRINGS US BACK TO OUR MAIN MOTION BY COUNCILMEMBER ALVAREZ, SECONDED BY THE MAYOR PRO TEM TO ADOPT ON THIRD READING.

ALSO TO CHANGE -- DID THAT INCLUDE THAT LAST ONE, INCLUDE THE MAP.

Mayor Wynn: RIGHT. TO ADOPT ON THIRD READING THIS UNIVERSITY NEIGHBORHOOD OVERLAY, REMINDING THAT WE ARE GOING BACK TO THE MAP DEPOSITION NATION, FOR FIRST READING, THAT SHOWN ON THE LEFT. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0 ON THIRD READING. [APPLAUSE] THANK YOU ALL VERY MUCH.

Mayor Wynn: IF WE CAN GIVE THE CROWD A MOMENT OR TWO TO CLEAR THE ROOM IF NEED BE. MR. WALTERS, ITEM NO. 59 IS TECHNICALLY THE ZONING CASE FOR THE HOUSE OF TUTOR. THE FACT THAT WE I THINK ADDRESSED THE -- THE

BULK OF THAT AS PARTS OF THE OVERLAY THAT WE JUST AMENDED --

THE ZONING CASE HASN'T BEEN FORMALLY WITHDRAWN. I ASSUME --

MAYOR, JOHN JOSEPH REPRESENTING THE HOUSE OF TUTORS, CAN WE POSTPONE THAT JUST TO GIVE US A CHANCE TO READ THE ORDINANCE, ONCE WE'VE READ IT, IT SAYS WHAT IT SAYS, WE CAN WITHDRAW IT? NO?

Mayor Wynn: IF YOU CAN, EXPLAIN THE DYNAMICS HERE, PERHAPS THE ISSUE IS WITH THE OVERLAY YOUR CLIENT MAY NOT NEED A ZONING CHANGE AT ALL.

I THINK IT'S MOOT ANYWAY. I JUST WANTED A CHANCE TO READ THE ORDINANCE.

Slusher: SO JUST TABLE IT FOR NOW?

Mayor Wynn: I THINK -- MY GUESS IS HE WILL WANT TO ACTUALLY READ THE ORDINANCE.

Slusher: I SEE WHAT YOU MEAN. SO SEPTEMBER 30th.

THAT WOULD BE FINE.

Slusher: SO MOVE POSTPONE TO SEPTEMBER 30th..... 30th.

MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER MCCracken TO POSTPONE ITEM NO. 59 THE HOUSE OF TUTORS ZONING CASE, SEPTEMBER 30th, 2004. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER DUNKERLY TEMPORARILY OFF THE DAIS. HERE SHE IS. MAKE THAT 7-20. OKAY. COUNCIL, SO THIS TAKES US BACK TO -- TO ITEM NO. 62, TEACH MR. LARK KIN TO BE HERE AT 4:30 INSTEAD. ITEM NO. 62 IS THE BRODIE 31 ZONING CASE. THAT WE BEGAN DISCUSSING A FEW HOURS

AGO. WE WELCOME A BRIEF PRESENTATION.

MAYOR AND COUNCIL, GREG GUERNSEY, THE NEXT ITEM, ITEM 62 IS A PROPOSED P.U.D., CASE C 814-04-0024 IN THE 9600 BLOCK OF BRODIE LANE. AT YOUR SECOND READING, WE HAVE PREPARED AN ORDINANCE FOR YOU TO -- TO HAVE BEFORE YOU AND WE ALSO HAVE A FIRST READING VERSION OF THE ORDINANCE, WE WOULD LIKE TO PASS THOSE OUT AT THIS TIME. AT SECOND READING, THE COUNCIL APPROVED A P.U.D. THAT HAD FIVE TRACTS OF LAND, I'M GOING TO SPEAK TO EACH OF THESE. JUST TO ORIENT YOU AGAIN, THIS IS BRODIE LANE, DAVIS, DEER AS IT EXISTS, CHERRY CREEK NEIGHBORHOOD, BLOWING SINK, TRAVIS PROPERTIES, SLAUGHTER LANE, FURTHER TO THE SOUTH. AT SECOND READING COUPLE APPROVED USES SIMILAR TO G.R. [INDISCERNIBLE] CERTAIN AUTOMOTIVE USES, STILL ALLOWING A SINGLE AUTOMOTIVE REPAIR USE. ALLOWING BUILDINGS, UP TO 45 FEET OR FOUR STORIES, FOR MIXED USE, ALSO PROHIBITING OFF STREET PARKING IN THE YARD BETWEEN THE BUILDING AND THE STREET LINE, PROHIBITING DRIVE-IN SERVICES AND ACCESSORY USE AND PROVIDING A FRONT YARD SETBACK AT 10 FEET. TRACT 2 AND TRACT 5 WOULD BE CONSERVATION EASEMENTS ALLOWING FOR REIRRIGATION OF WATER QUALITY OR DETENTION WATER. AND TRACT 3, WHICH IS ALONG BRODIE LANE, OPPOSITE THE CHERRY CREEK NEIGHBORHOOD WOULD BE ALLOWED FOR L.R. M.U. USES, BEING HEIGHTS OF TWO STORIES OR 30 FEET IN HEIGHT, WOULD ALLOW A GENERAL RESTAURANT, WOULD ALSO PROHIBIT AGAIN THE DRIVE-THROUGH OR DRIVE-IN SERVICE, THAT WOULD BE LIKE A DRIVE-THROUGH WINDOW TYPE OF USE, ALSO PROHIBITING MOST OF THE AUTOMOTIVE RELATED USES, STILL ALLOWING A SINGLE AUTOMOTIVE REPAIR USE. AND THEN ALSO ALLOWING FOR MIXED USE. TRACT 4, TO THE REAR AND TO THE WEST NEAR -- NEXT TO THE CITY OF AUSTIN PRESERVE TRACT, THAT WOULD ALLOW FOR LR-M.U. USES, ALSO ALLOW FOR GENERAL RESTAURANT. THIS SITE WOULD ALSO ALLOW FOR CONVENIENCE STORAGE, WHICH IS KIND OF LIKE A MINI WAREHOUSE TYPE OF USE. IT WOULD ALLOW BUILDING HEIGHTS OF 40 FEET. OR FOUR STORIES. AND SO -- SO THIS IS THE GENERAL CONCEPT THAT THE NEIGHBORHOOD PROPOSED, THERE WAS SOME -- SOME

SLIGHT TWEAKING, AND AT SECOND READING I THINK COUNCIL HAD A DISCUSSION OVER -- OVER -- IF THERE WOULD BE AN AUTOMOTIVE REPAIR USE OR NOT. AND IF SO, WHERE. AND WE KIND OF LEFT IT AT THAT AND STAFF DRAFTED AN ORDINANCE. THE APPLICANT'S AGENT PAUL LINEHAN ACTUALLY DRAFTED A PROPOSAL OF THIS, BUT THIS PROPOSAL IS NOT SUPPORTED BY THE APPLICANT IN ANY WAY, SHAPE OR FORM. MR. BILL WALTERS HAS SPOKEN WITH ME AND MS. PAUL LINEHAN -- MR. PAUL LINEHAN HAS SPOKEN WITH ME TO SHOW WHAT WOULD BE PROPOSED UNDER THE SECOND READING PROVISION. THEY STILL PREFER THE FIRST READING VERSION, WHICH IS THIS VERSION, AND YOU HAVE BOTH VERSIONS OF THE ORDINANCE ON THE DAIS BEFORE YOU. THE ONE THAT WAS PROPOSED ON FIRST READING AND THE ONE THAT WAS -- APPROVED ON FIRST READING AND THE ONE APPROVED ON SECOND READING. THE SECOND READING VERSION IS THE ONE THAT THE NEIGHBORHOOD MOST CLOSELY RESEMBLES WHAT THE NEIGHBORHOOD WOULD LIKE. THE FIRST READING VERSION IS WHAT THE APPLICANT WOULD LIKE. THIS VERSION CALLS OUT SEVEN TRACTS OF LAND, TRACTS 2 AND 7 ARE STILL THE SAME, WHERE THE LOCATION, GENERAL SIZE, CONSERVATION EASE. MENT TRACT 1 IS ALLOWING FOR MOSTLY GRR TYPE USES, TRACTS 3 WOULD ALLOW THE SING SINGLE AUTOMOTIVE RELATED USE, TRACTS 4, 5, 6, WOULD ALLOW FOR SIMILAR G.R. USES, LIMITED TO A SINGLE RESTAURANT AT THE LAST MEETING. ACTUALLY, MORE THAN ONE GENERAL RESTAURANT, BUT A SINGLE DRIVE-IN TYPE OF RESTAURANT. THINK THERE WAS SOME MOVEMENT BY THE OWNER OF THE PROPERTY, MR. WALTERS AND PAUL LINEHAN IN THE AGREEMENT THAT THERE WOULD NOT BE A DRIVE-IN SERVICE POSSIBLY AT THAT TIME. I DON'T KNOW IF THAT CARD IS STILL ON THE TABLE. I KNOW IT'S STILL ON THE TABLE WITH THIS FIRST READING, THAT'S NOT REFLECTED IN THE ORDINANCE OR ON THE P.U.D. LAND PLAN THAT ALL BUILDINGS WOULD BE LIMITED TO NO MORE THAN TWO STORIES OF THIS PLAN AND NO SINGLE FOOTPRINT WOULD BE GREATER, NOT SINGER FOOTPRINT, NO SINGLE BUILDING WOULD BE GREATER THAN 40,000 SQUARE FEET ON THIS PLAN. LET ME POINT OUT ONE MORE THING ON THE OTHER ONE. THE NEIGHBORHOOD UNDER THIS PLAN WOULD NOT OBJECT AND THE PLAN

SUGGESTS THAT YOU CAN HAVE UP TO 50,000, WHICH -- 50,000 SQUARE FEET OF RETAIL. SO -- SO THOSE ARE THE PRIMARY DIFFERENCES BETWEEN THE TWO. IT MIGHT BE BEST THAT I STOP MY PRESENTATION AND ADDRESS QUESTIONS THAT YOU MAY HAVE. THERE CAN BE MINOR CHANGES THAT I HAVE -- PROBABLY MADE TO EITHER ORDINANCE THAT COULD BE APPROVED ON THIRD READING TODAY. THE CONSERVATION EASEMENTS AND THOSE ITEMS THAT RELATED TO INTEGRATED PEST MANAGEMENT, NATIVE PLANTS, NO COAL BASED TARS, THOSE THINGS HAVE ALREADY BEEN TAKEN CARE OF. I THINK I'LL STOP AT THAT POINT. THERE ARE AT LEAST THREE REPRESENTATIVES HERE FROM THE CHERRY CREEK NEIGHBORHOOD. AND MR. WALTERS, THE OWNER, AND OTHERS ARE HERE, PAUL LINEHAN, TO ADDRESS THE APPLICANT'S POSITION. AND WITH THAT I'LL -- I'LL ANSWER ANY QUESTIONS THAT YOU MAY HAVE.

THANK YOU, MR. GUERNSEY. QUESTIONS, COMMENTS? COUNCIL? AGAIN, YOU DO HAVE -- BOTH THE APPLICANT, HIS AGENT AND A HANDFUL OF NEIGHBORS AVAILABLE FOR QUESTIONS. COUNCILMEMBER SLUSHER?

Slusher: I'LL START IT OFF. MR. GUERNSEY, WE HAD HEARD LAST WEEK THAT PERHAPS THE NEIGHBORS' PLAN CALLED FOR MORE IMPERVIOUS COVER THAN WAS FEATURED IN THE FIRST ONE AND THE FIRST ONE WAS S.O.S. COMPLIANT. IS THAT -- IS THAT THE CASE, AT LEAST WITH -- WITH WHAT RESULTED FROM LAST WEEK. DID THAT INCREASE THE IMPERVIOUS COVER?

Guernsey: WELL, I COULD NOT SPEAK TO THAT. BOTH PLANS WOULD BE SUBJECT TO S.O.S. AND WOULD BE REQUIRED TO COMPLY. I THINK MR. LINEHAN HAS DONE SOME INITIAL ANALYSIS OF THE SECOND READING VERSION, AND HAS SOME -- SOME INDICATION I THINK THAT HE SHARED WITH STAFF, I DON'T HAVE THE DETAILS, BUT IT MAY REQUIRE ADDITIONAL IMPERVIOUS COVER TO REALLY BE DESIGNED THAT WAY. AND PROBABLY ALLOW HIM TO ADDRESS THAT IF YOU HAD -- IF YOU HAD MORE PARTICULAR QUESTIONS.

SURE. WELCOME, MR. LINEHAN. MY NAME IS PAUL LINEHAN, HERE REPRESENTING WALTER -- SOUTHWEST. THE PLAN

THAT WE HAD ORIGINALLY GIVEN BY THE NEIGHBORHOOD WAS 2.75 ACRES [INDISCERNIBLE] IMPERVIOUS COVER. SINCE LAST WEEK WE HAVE GONE BACK AND ANALYZED IT, WE HAVE MADE IT WORK SO THAT THE IMPERVIOUS COVER WOULD WORK, BUT THE DRAWING THAT YOU SEE THAT'S THE NEW URBANISM TYPE OF THING HAS HALF THE BUILDINGS THAT THE DRAWING HAD ON IT THAT YOU SAW LAST WEEK THAT THE NEIGHBORS SHOWED UP. AND IT ALSO MADE US HAVE TO LOOK AT THE WATER QUALITY PONDS COMPLETELY DIFFERENT, INSTEAD OF BEING ABLE TO PUT ALL OF THE WATER QUALITY PONDS TO THE BACK AND KEEPING THEM OFF THE CONSERVATION EASEMENTS WE'VE HAD TO MOVE THE WATER QUALITY PONDS IN SOME OF THE CONCEPTUAL SCENARIOS, CONCEPTUAL SCENARIO I LOOKED AT ACCORDING TO THE SECOND READING AND HAD TO PUT THOSE UP ON THE ROAD. SO IF YOU GET THIS IMAGE OF TWO STORY BUILDINGS ALL ON THE FRONT OF THE ROAD, WITH ZERO SETBACK, IN A FOUR-STORY CONVENIENCE STORE BACK BEHIND IT, THAT'S NOT WHAT YOU ARE GOING TO GET. YOU ARE GOING TO GET TWO RESTAURANTS UP ON THE FRONT OF THE ROAD WITH A WATER QUALITY POND THAT WE HAVE BEEN ABLE TO SITE. WE HAVE BEEN VERY CONCERNED ABOUT THE VARIANCES THAT MAY COME TO S.O.S. BECAUSE WE MAY HAVE TO ENCROACH UPON THE CONSERVATION EASEMENTS THAT HAVE ALREADY BEEN DRAFTED TO DO WATER QUALITY AND DETENTION. BECAUSE OF THE -- BECAUSE OF THE AWKWARDNESS OF HOW THE SITE PLAN -- YOU ACTUALLY WOULD HAVE AUTOMOTIVE, A BIG OPEN SPACE WITH A WATER QUALITY POND IN IT. AND THEN -- TWO RESTAURANTS UP BY THE ROAD, WHICH IS NOT WHAT'S REALLY BEEN PORTRAYED. WHAT WAS PORTRAYED WERE TWO STORY BUILDINGS ALL ALONG THE FRONT, THERE WAS NOT ENOUGH ROOM TO MEET THOSE IMPERVIOUS COVERS SO WE HAD TO REDUCE THE NUMBER OF BUILDINGS CONSIDERABLY. SO YOU CAME IN WITH THE PLAN THAT COMPLIED WITH S.O.S. AND YOU HAD -- YOU HAD UNANIMOUS RECOMMENDATION FROM THE ENVIRONMENTAL BOARD. BUT YOU ARE SAYING THAT UNDER THE PLAN APPROVED ON SECOND READING THAT -- THAT YOU MIGHT -- YOU HAVE TO REARRANGE THINGS IN SUCH A WAY AND TO GET THE SAME LEVEL OF DEVELOPMENT YOU HAVE TO --

YOU MIGHT BE COUNCIL HERE ASKING FOR VARIANCES FROM S.O.S.

YES, YOU MIGHT HAVE TO COME IN AND ALSO ASK FOR A CHANGE IN THE CONSERVATION EASEMENTS BECAUSE WITH THE ENVIRONMENTAL BOARD MOTION WE HAD SAID THAT WE WOULD ONLY REIRRIGATE IN THOSE CONSERVATION EASEMENTS WHICH IS APPROXIMATELY 15 ACRES. BECAUSE WE CAN'T PUT ALL OF THE -- PUT ALL OF THE WATER QUALITY AND DETENTION AT THE BACK OF THE SITE, KIND OF CO-MINGLE THOSE TOGETHER, RUN THEM FLUIDLY BACK TO THE SITE TO THE REIRRIGATION SPOTS. YOU NOW HAVE THEM IN FRONT AND BEHIND THE BUILDINGS, SO IT TAKES MORE AREA TO GET YOUR WATER QUALITY AND STORM WATER WORKING AND YOU MAY HAVE TO ENCROACH INTO THE -- INTO THE -- INTO THE CONSERVATION EASEMENTS. THAT'S WHY WE -- WHY WE HAVE BEEN HAVING A VERY DIFFICULT TIME WITH WHAT WAS MOTIONED FOR LAST WEEK BECAUSE WE DON'T KNOW WHAT KIND OF VARIANCES WE ARE GOING TO HAVE TO ASK FOR S.O.S. AND WE KNOW WITH THE FIRST READING THAT WE DON'T HAVE TO ASK FOR ANY VARIANCES TO S.O.S. AND WE CAN MEET ALL OF THE REQUIREMENTS THAT THE ENVIRONMENTAL BOARD HAD FOR US.

Slusher: OKAY. SO HOW MUCH DO YOU THINK THAT YOU WOULD HAVE TO REDUCE THE AMOUNT OF -- THE AMOUNT OF DEVELOPMENT, FITTING UNDER THE S.O.S. PROPOSAL, THAT -- THAT YOU CAME HERE FIRST READING WITH, HOW MUCH WOULD YOU HAVE TO REDUCE IT? DO YOU THINK, TO MEET THIS, WITHOUT VARIANCES?

WELL, WE -- WE WOULD HAVE TO -- WE WOULD -- BEFORE THE -- THE SCHEME THAT THE NEIGHBORHOOD SHOWED YOU WAS 2.75-ACRES OVER IMPERVIOUS COVER. SO WHAT YOU SAW LAST WEEK WAS WELL BEYOND WHAT THE S.O.S. ALLOWED BY 35%.

Slusher: OKAY.

SO IT WAS OVER 35%. SO WE'VE HAD TO REDUCE THE BUILDINGS AND THEN WE JUST DON'T KNOW HOW YOU COULD DO THE WATER QUALITY AND MITIGATION BECAUSE

AS YOU KNOW THE S.O.S. ORDINANCE IS VERY DIFFICULT TO CAPTURE THE WATER WITH THE DETENTION AND THEN CAPTURE IT AND THEN REIRRIGATE IT ON TO THE SITE. IT'S NOT SOMETHING WHERE YOU CAN JUST KIND OF JUMP AROUND FROM POND TO POND AND DO THAT. SO THERE MAY BE THE POSSIBILITY, WE BELIEVE THERE'S -- WE DEFINITELY BELIEVE THERE WOULD BE A VARIANCE TO S.O.S. IN THE SENSE THAT WE WOULD HAVE TO -- TO CHANGE THE AGREEMENT THAT WE MADE WITH THE ENVIRONMENTAL STAFF AND PROBABLY HAVE TO ENCROACH ON THE CONSERVATION EASEMENTS FOR WATER QUALITY AND DETENTION.

Slusher: OKAY. MR. MURPHY, COULD I GET YOU TO COME UP FOR A MINUTE. HAVE YOU -- HAVE YOU BEEN ABLE TO -- THE COUNCIL ALTERED THIS PROPOSAL DRAMATICALLY ON SECOND READING. I GUESS. AND SO I'M WONDERING IF YOU'VE HAD AN OPPORTUNITY TO LOOK AT IT TO BE ABLE TO SEE IF YOU AGREE WITH MR. LINEHAN'S ASSESSMENT ABOUT WHAT IT WOULD TAKE TO COMPLY WITH S.O.S. UNDER THE NEW CONFIGURATION.

NO, I HAVE NOT HAD A CHANCE TO -- TO SIT DOWN WITH MR. LINEHAN ON THAT AT THIS TIME.

Slusher: OKAY. LET ME -- WOULD IT BE FAIR TO SAY, SAY ALONG THE LINES OF -- THAT IT WOULD BE DIFFICULT FOR THEM TO -- SINCE SO MANY CHANGES WERE MADE ON THE DAIS LAST WEEK, THAT IT WOULD BE DIFFICULT TO -- FOR THEM TO IN A WEEK DO THE KIND OF ENGINEERING TO FIGURE OUT WHAT THEY WOULD NEED TO DO UNDER THIS NEW CONFIGURATION?

WELL, THIS TIME AT THE CONCEPTUAL PLAN STAGE, IT'S LARGELY A PLANNING ISSUE AND IN TERMS OF THE KINDS OF THINGS MR. LINEHAN TYPICALLY DOES. GREG, I THINK SAID IT BEST EARLIER, OBVIOUSLY THIS P.U.D. IS SUPPOSED TO COMPLY WITH S.O.S. THE USES, WHATEVER THAT MIX OF USES IS ON THE SITE, COLLECTIVELY, HAS TO BE AT THE S.O.S. MAXIMUM OR LESS THAN THE MAXIMUM IMPERVIOUS COVER UNDER S.O.S. WHICH IN THIS CASE IS 25% OF THE NET SITE. SO -- SO I WOULD ASSUME THAT WHAT MR. LINEHAN IS TALKING ABOUT IS THAT HE'S TRIED TO LAY THIS

OUT AND THAT THE -- THE PROPOSAL APPEARS -- IN ORDER TO MAKE IT WORK FOR -- FOR MR. WALTERS, IT WOULD HAVE TO HAVE MORE IMPERVIOUS COVER THAN S.O.S. BASED ON THIS CHANGE IN THE USES THAT THEY ORIGINALLY PROPOSED. I DID WORK WITH THEM CLOSELY ON THE ORIGINAL PLAN AND -- AND FELT CONFIDENT THAT THAT COULD BE ACCOMPLISHED IN COMPLIANCE WITH S.O.S. BUT AS I SAID, I HAVE NOT HAD AN OPPORTUNITY TO STUDY THIS ONE AND I WOULD ASK MR. LINEHAN TO RESPOND TO YOUR QUESTION OF WHETHER OR NOT -- HOW QUICKLY THAT COULD BE ACCOMPLISHED IN A MANNER THAT I COULD LOOK AT IT WITH HIM. OF COURSE I WOULD LIKE TO INVOLVE GREG GUERNSEY, WE WOULD HAVE TO LOOK AT IT TOGETHER TO SEE IF WE AGREE THAT IT COULD CONCEPTUALLY WORK UNDER S.O.S.

OKAY. ALTHOUGH THIS HAS BEEN DELAYED A LOT ALREADY, BUT I WOULDN'T MIND I GUESS HEARING THE ANSWER TO THAT QUESTION.

GOOD EVENING MR. WALTERS.

MAYOR, CITY MANAGER. APOLOGIZE, I WAS UNAVAILABLE LAST THURSDAY. I GAVE LENGTHY NOTICE OF THAT. AND MY WIFE'S BIRTHDAY DID WORK OUT JUST FINE.

GLAD TO HEAR THAT. HE DIDN'T SAY THE NUMBER THIS TIME.

Mayor Wynn: I'M SURE SHE APPRECIATE THAT'S.

THANK YOU. I WOULD LIKE TO MAKE A COUPLE OF COMMENTS, SHORT ONES THAT MAY HELP THE ENTIRE EXERCISE THIS EVENING. FIRST, I AM A HUGE PROPONENT OF THE MAIN STREET CONCEPT IN TRADITIONAL NEIGHBORHOOD DESIGN ELEMENTS AS EACH OF YOU ARE AWARE, THE PROJECT THAT I'M DOING AT THE SOUTHERN EDGE OF THE CITY, THE CITY WAY AT DOUBLE CREEK VILLAGE PROMISE IS A PETER CALTHORP DESIGN, MAIN STREET PRODUCT, THAT IS MIXED USE IN FORM, BOTH RESIDENTIAL AND COMMERCIAL APPLICATIONS. THE LARGE PROJECT THAT I'M DOING OVER IN BASTROP IS A -- IS A T AND D DESIGN ON 750 ACRES THAT INCORPORATES BETTER THAN A THOUSAND RESIDENTIAL LOTS AND -- AND SO I'M

VERY COMFORTABLE WITH THE -- WITH WHAT THE NEIGHBORHOOD DESIGNED ON MY PROPERTY. BUT THERE'S TWO -- TWO HUGE DIFFERENCES. FIRST, THE CITY WAY PROJECT, THE SOUTHERN EDGE OF THE CITY ON I-35 AS WELL AS BASTROP DO FOR THE HAVE IMPERVIOUS COVER LIMITATIONS, OF ANY CONSEQUENCE. IN THIS PARTICULAR CASE, WE ARE WORKING ON A TRACT THAT'S ONLY 511 FEET DEEP, WHEN YOU TAKE IT'S JUST COMMON SENSE WHEN YOU TAKE AND MOVE BUILDING FOOTPRINTS TO THE REAR OF THE PROPERTY YOU ARE OBVIOUSLY ADDING MORE MOVEMENT AND BY ADDING MORE PAVEMENT YOU ARE INCREASING IMPERVIOUS COVER.

Slusher: WHY ARE YOU ADDING MORE PAVEMENT IF YOU ARE MOVING IT TO THE BACK [MULTIPLE VOICES]

BUILDING TO THE BACK, YOU ARE GOING TO ADD MORE PAVEMENT JUST TO GET TO THE BUILDING. JUST THE COMMON DRIVES THEMSELVES ADD MORE PAVEMENT. WHAT I WOULD LIKE TO SAY HERE IS THAT -- THAT I FEEL LIKE THAT WHAT YOU APPROVED ON FIRST READING IS IN THE BEST INTERESTS OF THE PROJECT OF THE INTENT OF S.O.S., OF THE INTENT OF THE ENVIRONMENTAL BOARD, WHICH DID NOT -- NEVER -- DIDN'T SEE OPTION 2 FROM LAST THURSDAY AND THAT THE BORINGS THAT WE DID SPECIFICALLY FOR THE SITE ADDRESS THE LOCATION OF THE AUTOMOTIVE, THE -- THE -- THE PERMITTED USES, IF YOU WILL, WERE WORKED ON HEAVILY WITH MR. GUERNSEY AND -- AND PAT MURPHY. IN MY OPINION, LAND USE AND TRAFFIC ARE NOT THE ISSUES HERE. THIS IS A ZONING CASE, IT'S ALL BEEN AGREED TO. JUST ABOUT THE ALIGNMENT. WHERE THESE ARE GOING. I WOULD LIKE TO OFFER TO THE NEIGHBORHOOD OVER AND ABOVE REMOVING THE -- THE -- ANY DRIVE THROUGH, ANY FAST FOOD, AS PART OF THIS, BUT ALSO TO CONTINUE WITH THE LIMITATION OF TWO STORY. I -- I -- IT CAME BACK TO ME WITH A FOUR-STORY PROJECT. I HAVE NO INTENTION OF DOING A FOUR-STORY PROJECT HERE, I WOULDN'T THINK THAT WOULD BE IN THE BEST INTERESTS OF THE NEIGHBORHOOD. THE 40,000 SQUARE FOOT BUILDING FOOTPRINT IS CONSISTENT AND MORE THAN ADEQUATE AND FOR THEIR OFFER TO INCREASE TO 50,000 SQUARE FEET IS UNNECESSARY. SOMETHING THAT I WOULD NOT PURSUE. I

WOULD LIKE TO BE ABLE TO WORK WITH THIS
NEIGHBORHOOD GROUP IN THE SITE DEVELOPMENT PERMIT
PHASE, WHICH IS WHERE DESIGN ISSUES COME INTO PLAY.
AND LOOK AT ALL OF MY PROPERTIES, NOT JUST THE
PROPERTIES HERE IN THE BRODIE 31, BUT LOOK AT OTHER
PROPERTIES AND INTEGRATE NEW URBANISM DESIGN
WHenever IT MAKES SENSE TO STAY WITHIN THE
IMPERVIOUS COVER LIMITATIONS SO I'M NOT HERE AS A
RESULT OF THE DESIGNING THAT TOOK PLACE FROM THE
DAIS LAST THURSDAY THAT I'M BACK HERE WITH EVERY
SINGLE SITE DEVELOPMENT PERMIT APPLICATION SAYING
AS A RESULT OF WHAT YOU DID HERE, I'M HERE FOR THIS
VARIANCE REQUEST. I HAVE A LOT OF ENVIRONMENTAL
FRIENDS AND REPUTATION OUT THERE AND THAT WOULD BE
VERY DISTURBING TO THEM AND I JUST DO NOT WANT TO BE
PUT IN THAT POSITION AND I THINK THAT I CAN WORK WITH
THIS NEIGHBORHOOD GIVEN EVERYTHING ELSE THAT I HAVE
DONE ON BRODIE LANE AND EVERYTHING ELSE THAT I AM
DOING THROUGHOUT THE CITY AND MAKE THEM
COMFORTABLE WITH THE END RESULT.

THANK YOU, MR. WALTERS.

Slusher: MAYOR, THEY WERE RESPONDING TO QUESTIONS,
BUT WE HAVE HEARD EXTENSIVELY FROM THE APPLICANTS,
I GUESS WE SHOULD HEAR A LITTLE BIT FROM THE
NEIGHBORHOOD. BUT WHAT I DON'T WANT TO DO, I REALIZE
I'M THE ONE THAT'S BEEN ASKING THE QUESTIONS SO FAR,
BUT I WOULD LIKE TO NOT HAVE THIS DRAG OUT A LONG
TIME LIKE IT DID LAST WEEK, THAT WOULD BE MY DESIRE.
ANYBODY ELSE HAVE ANY QUESTION THAT'S THEY WANT TO
ASK THE NEIGHBORHOOD OR SHOULD WE JUST LET THEM
COME UP AND GIVE THEIR PIECE?

Mayor Wynn: QUESTIONS, COMMENTS? IF NOT, MR. LARKKIN.

YOU LOOK LIKE YOU ARE GETTING OUT A MAP, GETTING
READY TO DO A PRESENTATION.

NO. I JUST -- [INDISCERNIBLE]

Slusher: OKAY.

GOOD EVENING, MAYOR, COUNCILMEMBERS. CITY MANAGER. MY NAME IS JOHN LARKIN, I'M WITH THE CHERRY CREEK ON BRODIE ASSOCIATION. I'M JOINED HERE BY OUR ASSOCIATION PRESIDENT, PHIL BROWN AND ONE OF OUR BOARD MEMBERS, COLTON SMITH. WE ALSO HAVE SOME SUPPORT OVER HERE FROM OHEN, BRUCE AND KIM. GIVING US THAT COURAGE. WHAT I WANTED TO POINT OUT WAS OUR -- OUR LAYOUT, OUR LAND USE THAT WE GAVE YOU THAT I BASICALLY I SEPTEMBER YOU IN AN E-MAIL -- SENT YOU IN AN E-MAIL WITHDRAWN OUT TRACT 1 HAS A FWVMENT R. USE, TRACT 3 HAS AN LR USE, TRACT 4 CS USE, THOSE ZONING CLASSIFICATIONS WERE DERIVED FROM THE VISUAL CONCEPT MODEL. WHAT WE HAVE SEEN OVER HERE IS TAKING THAT VISUAL CONCEPT MODEL, APPLYING SOME ACREAGES TO IT AND SAYING IT MAY NOT WORK. OUR ARCHITECTS JUST TALKED WITH THEM THIS AFTERNOON, THEY HAVE ASSURED US THAT IT WILL WORK, IT WILL NOT BE A VARIANCE ORIENTED PROJECT, AND THEY ARE WILLING TO SPEND THE TIME TO PROVIDE THAT ASSURANCE TO THE COUNCIL. WE FEEL WE HAVE COME A VERY LONG WAY AS A COALITION OF NEIGHBORS, WE HAVE AGREED TO -- TO THE ZONING CLASSIFICATIONS AS WE SUBMITTED THEM TO YOU, OUR ARCHITECTS WHO ARE REAL CERTIFIED, LICENSED ARCHITECTS HAVE ASSURED US THAT BASED ON WHAT WE HAVE TOLD THEM, BASED ON WHAT THE APPLICANTS PROVIDED US, AS FAR AS FOOTPRINTS FOR USE, THAT THIS WILL WORK. AS YOU KNOW THEY ARE WELL-KNOWN ARCHITECTS. SO BEYOND THAT, I DON'T KNOW HOW TO ALLAY YOUR CONCERNS. I APPRECIATE THAT MR. WALTERS IS WILLING TO WORK WITH US ON OUR MAIN STREET CONCEPT. WE ARE HOPING THAT WE CAN ACTUALLY -- I GUESS BUILD WHAT WE ARE TALKING ABOUT HERE. WITH HIM, IT'S A COMMUNITY THAT WE ARE REALLY LOOKING FORWARD TO. I KNOW ITS DIFFERENT TO GET YOUR MIND AROUND, FORM BASED ZONING RATHER THAN COMING IN AND SAYING WE ARE GOING TO DO ZONING AND THEN WE WILL JUST PLOP WHATEVER STRUCTURE DOWN THAT YOU MAY HAVE. BUT OUR ARCHITECTS HAVE ASSURED US THAT THE CONNECTIVITY WON'T MEAN ANY MORE PAVEMENT, AND THAT IT WILL WORK OUT. I GUESS THAT'S WHAT I CAN GIVE YOU.

QUESTIONS? COUNCILMEMBER MCCRACKEN?

McCracken: I FIRST WANTED TO CLEAR UP A MISCONCEPTION THAT KEEPS GETTING REPEATED. THAT WE DID DESIGN WORK LAST WEEK. WE DID NOT DO ANY DESIGN, ANY PLANNING, WE DID TWO THINGS, SETBACKS, USES. WHAT I'M TRYING TO FIGURE OUT, DESIGN STUFF LIKE MATERIALS, WINDOW TREATMENT, SIGNAGE, WE DON'T DO ANY OF THAT. ALL WE DID WAS SETBACKS AND USES LAST WEEK. WHAT HAS PROMPTED THIS IS THAT IT IS VERY IMPORTANT ON THE COUNCIL THAT THE DEVELOPERS AND NEIGHBORHOODS WORK TOGETHER TO BUILD CONSENSUS. SO ONE OF THE THINGS THAT I WANT TO FIND OUT IS ONE OF THE THINGS THAT THE NEIGHBORHOOD HAS EXPRESSED FROM A SETBACK CONCEPT IS THE -- THAT THE BUILDING SETBACK WOULD BE BROUGHT WITH THE PARKING BEHIND AND THE USES IN FRONT. AND SO I GUESS IN SOME SENSE FROM THE DEVELOPERS THAT IF -- IF -- WHY THAT -- WHY THAT WOULD BE A PROBLEM. OR IF IT WOULD BE.

COUNCIL, I HAVE SEEN THE TAPE, I WASN'T HERE LAST THURSDAY. I HAVE SEEN LOTS OF E-MAILS ABOUT WHAT HAPPENED LAST THURSDAY IN THE PUBLIC'S EYES. CLEARLY THE CONFIGURATION OF THE ZONING RECOMMENDATION THAT THE STAFF RECOMMENDED THAT THE ENVIRONMENTAL BOARD APPROVED 8-0 THAT THE DISCOUNTS APPROVED 6-0 ON FIRST READING WAS SCRUTINIZED AND ADJUSTED. TO ME THAT IS DESIGN. I AGREE THAT ARCHITECTURAL SKINS, ROOF ELEMENTS, WINDOW TREATMENTS, THOSE DEAL WITH ARCHITECTS. WHAT WE ARE TALKING ABOUT HERE ARE MORE CIVIL ENGINEERING FUNCTIONS, TO DRAINAGE ON THE SITE AND AS EVERYONE KNOWS THERE HAS BEEN -- HAS BEEN EXTENSIVE WORK IN THE ENVIRONMENTAL FOOTPRINT. JUST -- AND TO ANSWER YOUR QUESTION ABOUT BUILDINGS IN FRONT WITH PARKING IN THE REAR, I BELIEVE THAT YOU ARE AWARE OF MY EXPERIENCE THROUGHOUT THE BRODIE LANE CORRIDOR. I HAVE HAD DISCUSSIONS WITH SOME OTHER POTENTIAL USERS FOR BRODIE LANE, UNDER NO CIRCUMSTANCES WOULD THEY -- THEY BE IN FAVOR OF THAT IN A FREESTANDING FORMAT. AGAIN I'M A HUMAN PROPONENT AT DESIGN STANDARDS, I'M A LEADER AND A PIONEER IN THAT EFFORT WITH THESE PROJECTS THAT I'M

DOING RIGHT NOW BUT WITH 510 FEET OF DEPTH ON BRODIE LANE, I DON'T BELIEVE IT'S THE PROPER COURSE.

THAT'S A TOTALLY DIFFERENT CONSIDERATION, THOUGH. FROM WHAT YOU BROUGHT UP EARLIER. YOU SAID EARLIER THAT -- THAT WHAT WAS SUGGESTED WOULD -- WOULD CAUSE DEVIATION FROM THE S.O.S. COMPLIANT PLAN THAT YOU BROUGHT FORWARD. IT SOUNDED LIKE ACTUALLY ON THE QUESTION OF WHETHER THE BUILDING IN FRONT OR THE PARKING LOT IS IN FRONT, THAT'S MORE A QUESTION OF WHETHER SOME TENANTS WOULD CHOOSE TO LOCATE THERE AS OPPOSED TO AN ENVIRONMENTAL ISSUE, IS THAT RIGHT?

THAT IS CORRECT. TO THE BEST OF MY KNOWLEDGE, THAT IS NOT REQUIRED IN THE LAND DEVELOPMENT CODE, AGAIN I'M LOOKING TO DO A NO VARIANCE PLAN SPECIFIC TO THE CODE, BOTH IN S.O.S., IMPERVIOUS COVER LIMITS AS WELL AS THE BALANCE OF THE CRITERIA OF THE CODE [MULTIPLE VOICES]

McCracken: I JUST WANTED TO CLEAR UP TO MAKE SURE THAT EVERYBODY IS ON THE SAME PAGE, WE HAVE TRIED TO WORK ON CONSENSUS, DID YOU ALL TALK THIS WEEK?

ACTUALLY, I -- I E-MAILED BOTH MR. WALTERS AND MR. LINEHAN BECAUSE WE WERE AFRAID WE WOULD GET TO THE DAIS TONIGHT AT THIS POINT AND WE DID NOT GET A RESPONSE FROM THEM. BUT GERARD KINNEY ACTUALLY INSISTED THAT WE TRY AND GET SOMETHING GOING BECAUSE HE -- HE ACTUALLY HAD LINED UP A CIVIL ENGINEER TO ADDRESS SOME OF THE DRAINAGE AND SETBACK AND RETENTION ISSUES. THAT MR. LINEHAN BROUGHT UP LAST WEEK. SO WE WERE TOTALLY PREPARED TO MEET WITH THEM THIS WEEK TO TRY TO ADDRESS SOME OF THOSE CONCERNS.

I DIDN'T GET THE E-MAIL. FOR LAST NIGHT, WE ALL HAD PREVIOUS COMMITMENTS, BUT I HAVE BEEN LOOKING AT THIS, I HAVE BEEN DOING SITE PLANS FOR 25 YEARS, I'M A REGISTERED LANDSCAPE ARCHITECT AND I CAN TELL YOU FROM A CIVIL -- I'M NOT A CIVIL ENGINEER, BUT I WORK WITH CIVIL ENGINEERS ON A DAILY BASIS. I CAN TELL YOU THAT

BECAUSE THE ADDITIONAL DRIVEWAYS AND HAVING TO MOVE THE PONDS AWAY FROM ONE ANOTHER, THERE'S MUCH MORE STORM DRAINAGE REQUIRED, THERE'S MUCH MORE AIR THAT NEEDED TO BE SET ASIDE FOR THE -- TO MEET THE DRAINAGE REQUIREMENTS, AND THEREFORE IT'S MORE -- IT'S LESS ECONOMICAL PLAN TO DEVELOP.

THAT'S --

McCracken: SOME IS IN FRONT AND SOME IS IN THE REAR.

WE WENT AHEAD AND CHANGED THE P.U.D. DOCUMENT TO TRY TO REFLECT. WHAT THEY HAVE DONE IS INSTEAD OF BEING ABLE TO COME IN LIKE WE ALL ARE SO USED TO DOING, HAVING LOTS BASICALLY PERPENDICULAR TO THE ROADWAY, THEY COME IN AND RUN A LOT LINE OR A ZONING LINE 240 FEET BACK FROM THE PROPERTY LINE WHICH MAKES IT VERY DIFFICULT TO COME BACK IN AND FEE SELL THOSE PROPERTIES BECAUSE YOU HAVE OVERLAPPING USES, IN SOME CASES BETWEEN TRACT 3 AND 4 AND THEN SOME CASES YOU CANNOT PUT THE USE UP NEAR THE ROAD BECAUSE YOU HAVE GOT SO FAR TO THE BACK. THEN YOU HAVE TWO STORY WITH FOUR STORY BEHIND IT, WHICH I DON'T THINK, I WOULD MUCH RATHER SEE A ONE STORY WITH A TWO STORY BEHIND IT BECAUSE IT HAS MUCH MORE OF A HUMAN SCALE TO IT. AND THAT'S WHY -- I MEAN WE DILIGENTLY WORKED ALL WEEK. IT'S NOT A MATTER OF NOT BEING ABLE TO MEET WITH THE NEIGHBORHOOD. WE KNEW -
-

McCracken: I KNOW [MULTIPLE VOICES]

WE HAVE WORKED VERY HARD ALL WEEK TRYING TO MAKE IT WORK.

McCracken: I WANTED TO STRESS HOW IMPORTANT IT IS UP HERE THAT THE DEVELOPERS AND NEIGHBORHOODS WORK TOGETHER BECAUSE THEY ARE THE FOLKS WHO STILL LIVE HERE AFTER IT'S ALL DONE.

WE WILL.

McCracken: LIVING [MULTIPLE VOICES]

YES, WE WILL.

Alvarez: I HAD A QUESTION FOR MR. MURPHY. EAR THE APPLICANT TALKED ABOUT THEY TRIED TO IMPLEMENT -- I DON'T KNOW IF THIS PROPOSAL OR ACTUALLY WHAT'S ON THE ZONING MAP, BUT BASICALLY THEY ARE GOING TO HAVE TO REQUEST VARIANCES TO S.O.S. AND SO -- SO WHAT EXACTLY DOES THAT MEAN? DOES THAT MEAN THEY HAVE TO GO TO -- TO A BOARD TO GET APPROVAL, TO COME TO US TO GET APPROVAL AND -- BECAUSE I ASSUME IF THEY HAVE A TRACT OF LAND WITH THE ZONING ON IT, THAT THEN THAT'S THEIR REQUIREMENTS AND THAT'S THE REQUIREMENT THAT THEY HAVE TO -- TO OPERATE UNDER. SO -- SO WHEN THEY TALK ABOUT VARIANCES, DOES THAT MEAN THAT THEY ARE GOING TO COME BACK WITH ANOTHER APPLICATION TO THE COUNCIL? TO SEEK THOSE VARIANCES OR --?

LET ME TRY TO GIVE YOU MY PERSPECTIVE ON THAT. AS I SAID PREVIOUSLY, THIS SITE IS SUPPOSED TO COMPLY WITH S.O.S. IF THEY WERE PROPOSING AN EXCEPTION FOR S.O.S., TYPICALLY WHAT YOU WOULD BE SEEING IS THAT IN THE P.U.D. ORDINANCE ITSELF WHERE THEY WOULD BE ASKING FOR THE SITE DEVELOPMENT STANDARDS TO DEVIATE FROM S.O.S. YOU ALL HAVE SEEN THAT IN THE PAST. BUT IN THIS CASE THAT IS NOT WHAT THEY ARE PROPOSING TO DO. THE ISSUE OF VARIANCES, IT REALLY WOULD NOT BE A VARIANCE, IT WOULD BE A SITE DEVELOPMENT STANDARD IN MY OPINION. SO WHAT YOU WOULD LIKELY SEE IN THE FUTURE, IF THEY WANTED TO REQUEST SOMETHING THAT WOULD NOT COMPLY FULLY WITH S.O.S. WOULD BE A REVISION TO THE P.U.D. THAT WOULD THEN COME BACK TO YOU WITH -- WITH SITE DEVELOPMENT STANDARDS THAT WOULD BE -- REQUEST AN EXCEPTION TO S.O.S. SO THE OTHER THING THAT I'LL SAY ABOUT THIS IS THAT FOR ME THE ISSUE WOULD APPEAR TO BE MORE OF WHETHER THE PROJECT IS VIABLE FROM -- FROM MR. WALTERS. I DO BELIEVE THAT -- THAT THE PROJECT WOULD HAVE TO REQUIRE -- COMPLY WITH S.O.S. THERE MAY BE SOME DRAINAGE ISSUES WHICH WOULD RELATE TO THE CONSERVATION EASEMENTS, THOSE ARE NOT S.O.S.

MANDATED CONSERVATION EASEMENTS, THOSE ARE THINGS THAT WE NEGOTIATED WITH THE P.U.D. IN ORDER TO PROVIDE AND AFFORD BETTER PROTECTION FOR THE BLOWING SINK TRACT, TRYING TO BUFFER, IF YOU WILL, THE -- THAT PRESERVE FROM THE DEVELOPMENT. SO -- SO WHEN I -- WHEN COUNCILMEMBER SLUSHER ASKED EARLIER ABOUT -- ABOUT THIS SAME ISSUE, THERE'S NO QUESTION THIS PROJECT WOULD HAVE TO MEET S.O.S. I THINK WHAT YOU ARE HEARING FROM THE APPLICANT IS BASED ON THEIR ANALYSIS OF THE ALTERNATIVE PLAN, LAND USE PLAN LOOKING AT IT THEY CANNOT MAKE IT WORK WITH THOSE USES AND THE AMOUNT OF IMPERVIOUS COVER THAT THEY WOULD HAVE TO BUILD AND WOULD HAVE TO -- TO -- IN ORDER TO MAKE IT VIABLE WOULD HAVE TO REQUEST EXCEPTIONS TO S.O.S. THAT'S MY INTERPRETATION OF WHAT [INDISCERNIBLE]

Alvarez: MY POINT WAS IF THEY DO COME FORWARD WITH ANY VARIANCES THIS SAME BODY WILL HAVE AN OPPORTUNITY TO CONSIDER THOSE VARIANCES AS WELL.

ABSOLUTELY. BECAUSE IT WOULD BE A REVISION TO THEIR ZONING WHICH WOULD COME BACK TO YOU. AS PART OF THAT P.U.D.

Alvarez: I'D YIELD, MAYOR.

Mayor Wynn: COUNCILMEMBER SLUSHER?

Slusher: I WOULD AGREE IT WOULD HAVE BEEN BETTER WORK DONE WITH THE NEIGHBORHOOD I SUPPOSE. BUT I THINK THIS IS JUST ONE WHERE WE ARE GOING TO HAVE TO MAKE THE DECISION AS TO -- THAT'S WHAT IT'S COMING DOWN TO. AND -- I'M GOING TO SUGGEST WE APPROVE WHAT WAS APPROVED ON FIRST READING, BUT PROHIBIT THE FAST FOOD AND DRIVE THROUGH -- I THINK MR. GUERNSEY IT WOULD JUST BE DRIVE-THROUGHS PERIOD OR DO WE HAVE TO SAY FAST FOOD AND DRIVE THROUGHS?

WELL, WE -- WE HAVE SINCE DELETED THE DRIVE-IN FAST FOOD RESTAURANT. WHAT WE WOULD BE PROPER HINGT IS THE -- PROHIBITING IS THE DRIVE-IN SERVICE AS AN ACCESSORY TO ANY RESTAURANT. THAT WAY WHETHER IT'S

A GENERAL RESTAURANT OR LIMITED RESTAURANT, ANY KIND OF RESTAURANT, IT WOULD BE PROHIBITED FROM HAVING SERVICE TO A VEHICLE. WHETHER IT'S SIMILAR TO LIKE A SONIC WHERE THEY BRING THE FOOD TO YOU OR YOU DRIVE UP TO A WINDOW.

I THINK THAT I HEARD MR. WALTERS SAY HE WAS FINE WITH NO DRIVE THROUGHS AT ALL. I WOULDN'T WANT TO HINDER OTHER BUSINESSES BESIDES FOOD THAT HAVE DRIVE THROUGHS.

WE COULD PROHIBIT DRIVE IN SERVICES AS AN ACCESSORY TO ALL USES, ALSO GO TO A DRUG STORE OR A -- A BANK OR SOMETHING ALONG THAT LINE.

Slusher: OKAY. I WOULD GIVE THE APPLICANT A CHANCE TO COMMENT ON THAT. WHATEVER YOU CALL IT, WE DID A LOT OF CHANGES LAST WEEK TO THE ORDINANCE. I DON'T THINK THERE'S NOTHING ON THE SURFACE OF IT THAT'S WRONG WITH THAT. BUT IT'S REALLY NOT CLEAR WHAT WOULD BE ABLE TO BE DONE, TO THE TO ME ANYWAY, WHAT WOULD BE ABLE TO BE DONE ON THE TRACT AFTER -- AFTER THAT PARTICULAR MOTION THAT WAS PASSED ON SECOND READING. AND SO TO ME I THINK THAT AFTER ALL OF THE BACK AND FORTH I WOULD GO BACK AND DEPEND ON OUR ENVIRONMENTAL BOARD, WHICH MADE A UNANIMOUS RECOMMENDATION FOR THE FIRST READING PROPOSAL. MR. LINEHAN DID YOU WANT TO COMMENT ON THE DRIVE THROUGH THING.

WHEN WE WERE TALKING ABOUT DRIVE THROUGHS, WE REALLY ONLY HAVE BEEN TALKING ABOUT RESTAURANT TYPE USES. WE DON'T HAVE ANY INTENTION, BUT IF THERE WAS A BANK OR SOMETHING, WE ARE NOT PLANNING IT RIGHT NOW, BUT THAT IS A USE THAT'S ALLOWED. WHEN WE HAVE TALKED TO THE NEIGHBORHOOD, IT'S ALWAYS BEEN NO DRIVE THROUGH RESTAURANT TYPE OF USES.

Slusher: I GUESS THAT'S WHAT I HAVE HEARD DISCUSSED. LET'S MAKE THE DRIVE THROUGH RESTAURANTS BUT THE BANK WOULD NOT -- WOULD BE JUST DURING THE DAY, NOT AS MUCH TRAFFIC AS THEY DON'T HAVE THE LOUD SPEAKER AND THEN THE OTHER THING THAT I CAN THINK OF IS A

PHARMACY AND I THINK DRIVE-THROUGH PHARMACY CAN BE FAIRLY GOOD IF YOU ARE SICK AND DON'T WANT TO GO IN -- TO GO IN AND GET YOUR MEDICINE.

THAT MIGHT BE SOMETHING THAT COULD BE DONE DOWNTOWN BRODIE OVER BY, YOU KNOW, THE CORNER.

Slusher: I GUESS I SHOULDN'T SAY PHARMACY WITH THE CASE THAT WE HAVE COMING UP NEXT. BUT SO THAT WOULD BE MY MOTION.

[INDISCERNIBLE]

Mayor Wynn: MOTION ON THE TABLE FROM COUNCILMEMBER SLUSHER TO APPROVE ON THIRD READING, THE ORDINANCE THAT WAS PASSED ON FIRST READING WITH THE PROHIBITION OF DRIVE-IN SERVICE AS AN ACCESS SORRY TO RESTAURANT USES.

SECOND THAT.

SECONDED BY COUNCILMEMBER DUNKERLY.

HAVE AN ADDITION --

YES, MA'AM?

I WOULD LIKE TO ALSO INCORPORATE IN THE MOTION THE DIRECTION OR A PLEA FOR THE OWNERS TO CONTINUE TO WORK WITH THE NEIGHBORHOOD AND THE SITE DEVELOPMENT PLAN AND TO INCORPORATE AS MANY OF THE THINGS THAT THEY WOULD LIKE TO SEE THERE AS POSSIBLE ONCE YOU ACTUALLY GET IT -- YOU KNOW LAID OUT AND ENGINEERED. BUT I THINK THERE'S A LOT OF THINGS THAT YOU CAN DO TO -- TO MEET THEIR NEEDS AND TO -- TO MEET THEIR GOALS. BUT PERHAPS THIS IS JUST NOT THE RIGHT TIME TO DO IT. BUT I WOULD EXPECT THAT YOU WOULD DO THAT AT THE APPROPRIATE TIME, THE SITE PLAN DEVELOPMENT. AT LEAST -- AT LEAST TALK TO THEM AND WORK OUT WHAT YOU CAN.

WE PLAN ON DOING THAT. WE WILL CONTINUE TO WORK WITH THE NEIGHBORHOOD AND THE SITE DEVELOPMENT

PROCESS AND TRY TO INCORPORATE THE IDEAS THAT WE HAVE BEEN TALKING ABOUT.

THANK YOU.

AND WE ALSO WOULD LIKE TO REITERATE THAT THESE BUILDINGS ARE LIMITED TO TWO STORIES, IN HEIGHT WITH THIS FIRST READING, THAT WE HAVE LIMITED THE PADS TO NO MORE THAN 40,000 SQUARE FEET.

Slusher: MAYOR, I WOULD ACCEPT THAT AS A FRIENDLY AMENDMENT AND CERTAINLY ENCOURAGE MR. LINEHAN, MR. WALTERS TO WORK WITH THE NEIGHBORS IN A COOPERATIVE SPIRIT, TRY TO WIN THEM OVER WHERE THEY'LL JUST LOVE THIS DEVELOPMENT ONCE IT GETS UP THERE.

Mayor Wynn: MR. GUERNSEY, WAS THAT ALREADY IN THE ORDINANCE ON FIRST READING.

NO. COUNCIL BY THAT AMENDMENT WE COULD -- IT WILL ADD TO THE ORDINANCE A TWO STORY LIMITATION FOR ALL BUILDINGS, THE 40,000 GROSS SQUARE FOOT LIMITATION AS WELL.

YES, I WOULD ACCEPT THAT. IS THAT -- IS THAT -- I WOULD JUST ADD THAT TO MY MOTION.

COUNCILMEMBER DUNKERLY, YOU ACCEPT THAT?

YES.

COUNCIL, WE HAVE A MOTION AND A SECOND ON THE TAIL. FURTHER COMMENTS? QUESTIONS? COUNCILMEMBER ALVAREZ?

Alvarez: REALLY MORE -- I GUESS A QUESTION FOR MR. LARKIN ABOUT THE USES BECAUSE IT SEEMS LIKE -- SEEMED LIKE THIS PROCESS HERE THAT YOU ALL WENT THROUGH -- - IT PERMITTED YOU ALL TO INCLUDE CERTAIN USES THAT OTHERWISE YOU MAY NOT HAVE AGREED TO IN A ZONING -- IN THE ZONING CASE THAT WAS PROPOSED. SO -- SO I THINK YOU ALL EXPRESSED RESERVATIONS ABOUT THE FAST

FOOD, THE STORAGE AND AUTOMOTIVE. SO -- SO YOU WENT THROUGH THIS PROCESS AND FOUND A WAY TO TRY TO -- TO TRY TO -- BE ABLE TO ACCEPT THOSE PARTICULAR USES. AND -- AND BUT -- BUT I GUESS BASED ON WHAT IS BEING CONSIDERED AND I GUESS YOU ALL WOULD NOT BE SUPPORTIVE OF THAT, I ASSUME?

I -- ACTUALLY, NO, BECAUSE WE ARE GOING RIGHT BACK TO THE PAD SITE, PAD SITE, PAD SITE DEVELOPMENT YOU'VE GOT COMMERCIAL STORAGE, FRONTING OUR NEIGHBORHOOD. YOU'VE GOT AN AUTOMOTIVE USE FRONTING OUR NEIGHBORHOOD. WE WORKED REALLY HARD, WE PUT IN A LOT OF HOURS. I KNOW THAT MR. WALTERS AND MR. LINEHAN PUT IN A LOT OF HOURS, TOO. BUT IT'S WHAT THEY DO FOR A LIVING. WE ALL HAVE OUR REAL LIVES, WE ARE REAL PEOPLE EVEN THOUGH WE APPEAR DOWN HERE QUITE A BIT. AND, YOU KNOW, WE'VE PUT A LOT OF SWEAT AND WE'VE GOT SWEAT EQUITY HERE. WE THOUGHT WE WERE DOING FOR OURSELVES WHAT THE CITY HASN'T BEEN ABLE TO DO YET BECAUSE OF JUST REALISTIC FISCAL CONSTRAINTS. WE DON'T HAVE ENOUGH PLANNING RESOURCES TO BE ABLE TO GET TO US YET. WE KNOW THAT WE ARE ON THE HORIZON. BUT SO -- SO WE SCROUNGED UP AS MUCH MONEY AS WE COULD, WE CONDUCTED OUR OUR PLANNING EFFORT. WE THOUGHT THAT WE MOVED SIX NEIGHBORHOODS TO NEIGHBORHOOD - - TWO NEIGHBORHOOD ASSOCIATIONS TO THE MIDDLE ON THIS. WE ARE NOT SAYING NO, NO, NO. WE ARE SAYING YES, HOW ABOUT WE DO IT THIS WAY. WE ARE ALLOWING THE USES THAT THEY ARE REQUESTING. OUR ARCHITECTS ARE TELLING US THAT IT CAN BE DONE IN THE WAY WE HAVE PROMOTED IT. SO -- SO WHILE WE'RE AT THE COUNCIL'S DISCRETION, IF WE GO BACK TO THE ORIGINAL FOOTPRINT, THEN OUR ORIGINAL COALITION OF NEIGHBORS WOULD BE RIGHT BACK TO WHERE THEY STARTED, WHICH IS THEY DON'T WANT COMMERCIAL STORAGE FRONTING BRODIE, THEY DON'T WANT AUTOMOTIVE FRONTING BRODIE, THEY DON'T WANT FAST FOOD. AND SO THAT PUTS US FURTHER APART -- THAN WE MIGHT OTHERWISE BE.

THANK YOU, MR. LARKIN. REALLY I THINK JUST LOOKING AT WHAT THIS ALTERNATIVE ZONING SKIN DOES HERE, AGAIN FOR ME IT REALLY DOES FUNDAMENTALLY ADDRESS THE

USES, IT SAYS YOU ARE GOING TO HAVE STORAGE, PUT IT IN THE REAR OF THE -- OF THE TRACT, IF YOU ARE GOING TO HAVE AUTOMOTIVE, YOU KNOW, PUT IT PERSONALLY I THINK IT SHOULD GO ON TRACT 1. ALTHOUGH I GUESS I WAS OPEN ACCORDING TO WHAT WAS DONE LAST TIME. BUT WE ARE FUNDAMENTALLY DEALING WITH USES HERE. BECAUSE PERSONALLY, IF YOU LOOK AT -- IF YOU LOOK AT BRODIE LANE, YOU WILL SEE THAT YOU MAINLY HAVE L.R. UP AND DOWN BRODIE LANE EXCEPT AT THE INTERSECTIONS WHERE YOU HAVE G.R. I REALLY DO THINK THAT COMING AROUND TO SUPPORTING A COUPLE OF G.R. AND CS USES IS -- YOU KNOW IS -- IS GIVING SOMETHING BECAUSE I THINK REALLY YOU KNOW WHAT'S MOST APPROPRIATE HERE IS L.R. BASED ON WHERE THIS PARTICULAR TRACT IS SITUATED. AND SO -- SO -- SO REALLY I MEAN THAT'S ALL, THAT'S THE COMMENT THAT I WOULD MAKE IN TERMS OF -- IN MATERIALS OF, YOU KNOW, LOOKING AT THE PROPOSAL AND LOOKING AT THE USES THAT ARE BEING REQUESTED AND WHAT WOULD MAKE AT LEAST MYSELF COMFORTABLE OBVIOUSLY SEEM LIKE SOME OF THE NEIGHBORS MORE COMFORTABLE WITH THE USES BUT OBVIOUSLY THERE'S NO MEETING OF THE MINDS AND I THINK WHEN YOU LOOK AT BRODIE LANE, SORT OF AS A CORRIDOR AND HOW -- HOW LAND USE IS TREATED ALONG THAT CORRIDOR, THEN REALLY ALL OF THIS SHOULD BE L.R. EXCEPT THE CORNER OF DAVIS AND -- AND DEER IN THAT VICINITY OVER THERE. SO I DON'T -- I'M NOT GOING TO BE SUPPORTING THIS PARTICULAR MOTION.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENT?

McCracken: MAYOR? YEAH, I'M -- I'M NOT GOING TO BE SUPPORTING THIS AS WELL. AND -- THE REASON WHY I THINK THAT WE DO HAVE AN OBLIGATION AS A COUNCIL TO - - TO MAKE SURE THAT WE ACT IN THE PUBLIC INTEREST. AND I BELIEVE THAT -- I BELIEVE THAT NEIGHBORHOODS, THE DEVELOPERS HAVE AN OBLIGATION TO WORK WITH THE NEIGHBORHOOD AND -- AND FOR INSTANCE THIS NEIGHBORHOOD COLLECTED MONEY, WENT AND PASSED THE HAT AROUND AND THEY SPENT ALL DAY ON A SATURDAY WORKING HARD, THEY HIRED A PROFESSIONAL ARCHITECT AND -- AND THEN WHAT CAME OUT OF THAT WAS

A PLAN THAT REFLECTED THE VALUES OF THAT NEIGHBORHOOD ABOUT WHERE -- REMEMBER THIS DEVELOPMENT IS THE DEVELOPMENT THAT EVERY HOUSE IN THIS NEIGHBORHOOD WILL SEE WHEN THEY LEAVE THEIR NEIGHBORHOOD ON TO BRODIE, WHAT YOU SEE WHEN YOU LEAVE THIS CHERRY CREEK ON TO BRODIE. THEY DON'T WANT A TYPICAL DEVELOPMENT WITH A BIG PARKING LOT IN FRONT OF IT, THAT IS -- THAT'S SOMETHING THE COUNCIL SHOULD BE BACKING UP THE NEIGHBORHOOD INSTEAD OF STIFF ARMING THEM. LET'S COMPARE THIS TO THE SOUTHWEST MARKETPLACE P.U.D., WHICH I DIDN'T VOTE FOR ON ENVIRONMENTAL AND LAND USE REASONS. BUT I'LL SAY THIS: THE DEVELOPER DID AN OUTSTANDING JOB OF WORKING THE -- WITH THE NEIGHBORHOOD. THEY WORKED TOGETHER ON THE SITE DEVELOPMENT PLAN THE NEIGHBORHOOD ARE STRONGLY IN FAVOR OF THIS BECAUSE OF A RESULT. THIS COMMUNICATION HAS NOT HAPPENED IN THIS CASE. I KNOW IN MY NEIGHBORHOOD WITH MY PROPERTY VALUES THAT I WOULD NOT WANT TO PULL UP AND SEE A GIANT STORAGE UNIT IN A -- IN -- AND AN AUTO SHOP. I THINK THAT I'M REALLY DISAPPOINTED, REALLY DISAPPOINTED IN THE LACK OF COOPERATION ON THIS CASE. I EXPECTED MORE, I REALLY DID. I THINK THAT IT'S IMPORTANT THAT COUNCIL STANDS UP FOR A NEIGHBORHOOD THAT WORKS THIS HARD, PROTECT THEIR PROPERTY VALUES AND PROTECT -- YOU KNOW THEIR OWN VISION OF WHERE THEY LIVE. WE HAVE THE SUPPORT OF OHAN BACKING UP CHERRY CREEK, I HOPE THAT WE WILL GET A BETTER RESULT AND SITE PLAN THAN WE'VE HAD SO FAR.

Mayor Wynn: FURTHER COMMENTS? QUESTIONS? MAYOR PRO TEM?

Goodman: NO COMMENT. I DIDN'T CATCH THE LAST THING THAT COUNCILMEMBER MCCRACKEN SAID. I HEARD SITE PLAN, BUT I DIDN'T HEAR WHAT WENT WITH THAT.

I HOPED THAT THEY WOULD BE BETTER WORKING TOGETHER AT THE SITE PLAN PHASE THAN THERE HAS BEEN SO FAR.

Mayor Wynn: FURTHER COMMENTS? A MOTION AND A

SECOND ON THE TABLE. ALL IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 4-3 WITH COUNCILMEMBERS ALVAREZ, MCCracken AND THE MAYOR PRO TEM VOTING NO. COUNCIL, WITHOUT OBJECTION, WE HAVE A -- WE HAVE A NUMBER OF -- A NUMBER OF PUBLIC HEARINGS THAT HAVE NO SPEAKERS SIGNED UP. AND WE CAN KNOCK OUT A NUMBER OF THESE ISSUES BEFORE WE TAKE UP TWO LIKELY LENGTHY ZONING CASES. SO AT THIS TIME, IF WE COULD TAKE UP ITEM NO. 63. WHICH IS CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE ESTABLISHING RATES FOR BASIC CABLE SERVICE, EQUIPMENT AND INSTALLATION SERVICES FOR TIME WANNER ENTERTAINMENT ADVANCED NEWHOUSE PARTNERSHIP KNOWN AS TIME WARNER HEARING REGARDING THE RATES THAT WERE APPROVED RECENTLY BY THE -- BY THE COUNCIL COMMITTEE ON TELECOMMUNICATIONS AND INFRASTRUCTURE. DO -- STAFF PRESENTATION, ONE PERSON SIGNED UP, THIS IS A REPRESENTATIVE FROM TIME WARNER WHO CAN ANSWER QUESTIONS IF WE HAVE THEM, COUNCIL.

THE REVIEW INDICATED THAT THE RATES FOR INSTALLATION AND EQUIPMENT WERE FOUND TO BE REASONABLE AND THEREFORE NO COUNCIL ACTION IS NECESSARY. AND BECAUSE WE AND TIME WARNER ARE IN DISAGREE ON THE THE APPLICABLE RULES AND REGULATIONS THAT PERTAIN TO THE CALCULATION OF THE BASIC SERVICE TIER RATE UNDER THE FILING WETHS THAT THEY -- METHODS THAT THEY OPTED TO USE, WE DID EACH REACH AN AGREEMENT WITH TIME WARNER TO FREEZE THE OPERATOR RATE, THE \$10.50 UNTIL JUNE OF 2006, THEN USE THE SAME RATE, THE \$10.50 AS THE MAXIMUM PERMITTED RATE AS A TRUE UP RATE IN THEIR NEXT FILING, WHICH WOULD BE OCTOBER OF 2005. WE DID HAVE A COUNCIL COMMITTEE FOR TELECOMMUNICATIONS. THEY ADOPTED STAFF'S RECOMMENDATION TO ENTER INTO THIS AGREEMENT WITH TIME WARNER. AND STAFF IS SEEKING FULL COUNCIL'S APPROVAL OF THE ORDINANCE TO ENTER INTO AN AGREEMENT WITH TIME WARNER TO ESTABLISH THE BASIC CABLE RATES. THAT CONCLUDES MY PRESENTATION. ANY

QUESTIONS?

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? GREATLY APPRECIATE THE TELECOMMUNICATION INFRASTRUCTURE SUBCOMMITTEE TAKING ON THIS ISSUE. WE HAVE ONE PERSON SIGNED UP. LYDIA GRAZ FROM TIME WARNER ONLY WISHING TO SPEAK IF COUNCIL HAS QUESTIONS. NO OTHER CITIZENS WISHING TO BE HEARD ON THIS PUBLIC HEARING, ITEM NUMBER 63. I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING AS WELL AS APPROVE THE ORDINANCE.

Goodman: SO MOVE, MAYOR.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER ALVAREZ TO CLOSE THE PUBLIC HEARING AND APPROVE THIS ORDINANCE AS POSTED. FURTHER COMMENTS?

Goodman: IF I COULD, MAYOR, JUST TWO.... TO THANK STAFF AND TO THANK OUR CONSULTANTS WHO ARE FORMER STAFF. IT GOT TOO KNOWLEDGEABLE FOR US TO BE ABLE TO HOLD ON TO HIM. THIS IS ONE OF THE CLEAREST EXPLANATIONS I THINK I'VE EVER SEEN. IT'S VERY COMPLICATED AND COMPLEX GIVEN THE VARYING LEGISLATIVE INITIATIVES THAT HAPPEN AT STATE AND FEDERAL -- [PHONE RINGING]. GOOD, IT'S NOT MINE. AND THIS IS ONE OF THE EASIEST I THINK TO -- EXPLANATIONS TO READ, UNDERSTAND AND SUPPORT. SO I WANTED TO THANK EVERYBODY INVOLVED FOR THAT BECAUSE IT'S PRETTY HARD TO MAKE THIS UNDERSTANDABLE.

Mayor Wynn: AGREED, THANK YOU. MOTION AND A SECOND ON THE TABLE TO APPROVE THE ORDINANCE. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH COUNCILMEMBER SLUSHER OFF THE DAIS. THANK YOU ALL. MR. LUKENS, NUMBER 64, CONDUCT A PUBLIC HEARING FOR FULL PURPOSE ANNEXATION OF

ANDERSON MILL ROAD RIGHT-OF-WAY. NO CITIZENS HAVE SIGNED UP WISHING TO SPEAK.

THIS IS THE SECOND OF TWO PUBLIC HEARINGS REGARDING THE ANNEXATION OF THIS ANDERSON MILL ROAD EXTENSION. AT THIS TIME THE ANNEXATION ORDINANCE IS TENTATIVELY SCHEDULED FOR SEPTEMBER 30TH. THE PROPOSED ANNEXATION IS ANDERSON MILL RIGHT-OF-WAY ALONG THE NORTHERN EDGE OF THE MOTOROLA CAMPUS ON THE EAST SIDE OF PARMER LANE. AS YOU REMEMBER IN 1998 WE ENTERED INTO AN AGREEMENT TO PROVIDE MOTOROLA CERTAIN INCENTIVES TO LOCATE HERE. ONE OF THEM WAS TO REIMBURSE THEM FOR THE CONSTRUCTION OF PART OF THIS RIGHT-OF-WAY, PART OF THIS ROAD. ONE OF THE REQUIREMENTS WAS THAT THE ROAD BE INSPECTED AND APPROVED FOR ACCEPTANCE FOR MAINTENANCE. IT TURNS OUT THAT IT WAS DISCOVERED AT THE LAST MINUTE THE ROAD WAS NOT INSIDE THE CITY LIMITS AND NOW WE'RE ANNEXING THE RIGHT-OF-WAY SO WE CAN ESPECIALLY BURS THEM. 7.93 ACRES EAST OF PARMER LANE. WE PREPARED A SERVICE PLAN WHICH I HAVE. ESSENTIALLY WE'LL GO AHEAD AND PROVIDE THE SAME LEVEL OF SERVICE WE PROVIDE OTHER RIGHTS OF WAY INSIDE OF THE CITY LIMITS. THAT CONCLUDES THE PRESENTATION OF THE ANDERSON MILL ROAD RIGHT-OF-WAY ANNEXATION.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? ARE THERE ANY CITIZENS WISHING TO BE HEARD ON THIS PUBLIC HEARING, ITEM FB 64, TO CONDUCT A PUBLIC HEARING REGARDING THE FULL PURPOSE ANNEXATION OF THE ANDERSON MILL ROAD RIGHT-OF-WAY? THANK YOU. I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE 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. COUNCIL, WE CAN QUICKLY TAKE UP ITEM NUMBER 65 AND 66. AGAIN, ONLY ONE CITIZEN SIGNED UP FOR EITHER OF THOSE TWO. ITEM NUMBER 65, TO CONDUCT

A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED RATE FEE INCREASE OF THE DRAINAGE FEE OF THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT. WELCOME MR. GARZA.

GOOD EVENING, MAYOR AND COUNCIL, RUDY GARZA, BUDGET OFFICER. WE HAD A FULL BUDGET PRESENTATION LAST WEEK ON THE WATERSHED DEVELOPMENT AND REVIEW DEPARTMENT. TODAY WE ARE HAVING A PUBLIC HEARING ON THE PROPOSED RATE INCREASE FOR DRAINAGE. THE RESIDENTIAL RATE IS PROPOSED FOR A SEVEN PERCENT RATE INCREASE, FROM \$6.30 TO \$6.74 PER MONTH. COMMERCIAL RATE IS 22.8% INCREASE, 120.41 TO 147.92.

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL? IF NOT, AT THIS TIME WE'D LIKE TO CALL UP MR. HOWARD BLETT. HE SIGNED UP WISHING TO SPEAK, AGAINST THIS ITEM NUMBER 65. HOUR BLATT. WE'LL NOTE FOR THE RECORD THAT MR. BLATT IS OPPOSED ON ITEM 65. ARE THERE ANY OTHER CITIZENS WISHING TO BE HEARD ON THIS PUBLIC HEARING OFFICE.....? IF NOT, COUNCIL, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER MCCracken. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH COUNCILMEMBER ALVAREZ TEMPORARILY OFF THE DIAS. ITEM NUMBER 66, CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED RATE AND FEE CHANGES TO THE SOLID WASTE SERVICES DEPARTMENT AS PART OF THE FISCAL YEAR '04-2005 BUDGET. WELCOME MR. GARZA.

MAYOR AND COUNCIL, TODAY YOU HEARD A FULL PRESENTATION ON THE SOLID WASTE DEPARTMENT. PER ORDINANCE WE ARE REQUIRED FOR ANY FEE OR RATE CHANGES IN THE SOLID WASTE DEPARTMENT FOR A PUBLIC HEARING. THERE IS NO RATE INCREASE FOR THE PRESENT ANTI-LITTER FEES. WE HAVE A SERIES OF NEW FEES AND

MINOR INCREASES THROUGHOUT THE DEPARTMENT. SOME OF THE HIGHLIGHT ON THE FEES ARE AN INCREASE TO EXISTING FEES FOR HAULING SERVICES FOR SPECIAL COLLECTIONS, OUT OF CYCLE BRUSH COLLECTIONS. IN ADDITION, WE DO HAVE A NEW FEE TO ALLOW OUR CUSTOMERS TO BE ABLE TO AT OUR LANDFILL DEPOSIT LARGE TIRES, LARGE SHREDDED TIRES, AND WE HAVE ALSO A COMMERCIAL OH HOUSEHOLD HAZARDOUS PICKUP FEE TO ALLOW OUR DEPARTMENT TO BE ABLE TO SERVE OUR SMALL BUSINESSES BY PICKING UP HOUSEHOLD HAZARDOUS WASTE AT SMALL BUSINESSES.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? THERE ARE NO CITIZENS SIGNED UP WISHING TO SPEAK ON ITEM NUMBER 66. AGAIN, ANY CITIZENS WISHING TO BE HEARD ON THIS ITEM RADING OUR SOLID WASTE DEPARTMENT RATE FEE SCHEDULE? HEARING NONE, COUNCIL, I'LL ENTERTAIN A MOTION TO CLOSE THIS PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER THOMAS. SECONDED BY COUNCILMEMBER DUNKERLEY TO CLOSE THE PUBLIC HEARING. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH COUNCILMEMBER ALVAREZ OFF THE DAIS. OKAY. THANK YOU ALL VERY MUCH. THAT WILL ENABLE US TO GET A FEW OF THESE PUBLIC HEARINGS DONE AND SOME FOLKS SENT HOME BEFORE WE TAKE UP THE CONTESTED ZONING CASES. SO WITH THAT, COUNCIL, WITHOUT OBJECTION WE'LL GO BACK TO OUR PUBLIC HEARING ZONING CASES. WE HAVE THREE CONTESTED CASES, Z-1 AND Z-2, WHICH I THINK WILL BE HEARD TOGETHER. WE HAVE APPROXIMATELY 15 FOLKS SIGNED UP LIKELY ON BOTH CASES. WE HAVE ONE PERSON SIGNED UP FOR ITEM NUMBER Z-89 AND THEN WE HAVE THE WALGREEN'S CASE, Z-11, 181 PEOPLE SIGNED UP WISHING TO SPEAK. WHY DON'T WE TAKE UP Z-9. WE ONLY HAVE ONE PERSON HERE FOR THAT. WELCOME MR. GREG GUERNSEY.

MAYOR AND COUNCIL, GREG GUERNSEY, NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. OUR NEXT CASE IS Z-

9 CIALTION CASE C-14-04-0071. THIS IS A REZONING REQUEST LOCATED AT 8423 STATE HIGHWAY 71 WEST. THIS IS JUST WEST OF THE Y. THE ZONING REQUEST IS FROM RR, RURAL RESIDENTIAL, TO LR-CO. AND THE ZONING AND PLANNING COMMISSION RECOMMENDED LO-CO. THIS REQUEST IS ACTUALLY A CITY OF AUSTIN INITIATED REQUEST. I HAVE WORKED WITH THE PROPERTY OWNER AND DONE EXTENSIVE RESEARCH IN THIS PARTICULAR PROPERTY, AND BACK IN THE 1980'S, THE OWNER DID ALL IN HIS POWER TO BRING HIS PROPERTY IN AND GET IT REZONED TO AN OFFICE ZONING CATEGORY. SOMEWHERE ALONG THE LINE A COULD HAVE.....COVENANT WAS EITHER MISPLACED AND THE FINAL ORDINANCE READING DID NOT OCCUR. THEY RECEIVED FIRST READING OF LO OFFICE ON THIS PROPERTY. TIME HAS PASSED, THE ECONOMY WENT THROUGH SOME CYCLES AND THE OWNER CAME BACK AND ASKED COULD WE REINITIATE THIS CASE TO TRY AND FINALIZE IT. STAFF REQUESTED THE PLANNING COMMISSION TO INITIATE THE CASE. WE STARTED THE CASE IN 2002 AT THE REQUEST OF THE PLANNING COMMISSION. AND THEN WE DETERMINED THE PROPERTY WAS LOCATED IN THE 100 YEAR FLOODPLAIN. THE CITY OF AUSTIN WAS IN THE PROCESS OF GOING THROUGH THE WILLIAMS CREEK FLOODPLAIN STUDY, HAD CONSTRUCTED A LARGE REGIONAL DETENTION POND UPSTREAM FROM THIS SITE, AND WE AGAIN BROUGHT IT BACK BEFORE THE COMMISSION, THE ZONING AND PLATTING COMMISSION THIS TIME, AND THEY AGREED TO INITIATE IT. THE OWNER DID MAKE A REQUEST BECAUSE OF DIFFERENT MARKET CHANGES THAT HE SAW, AND ASKED IF THE CITY COULD INITIATE AN LR SO DIFFERENT BOARDS AND COMMISSIONS AND THE CITY COUNCIL COULD CONSIDER LR ZONING. SO WE ACTUALLY HAVE NOTICED ON BEHALF OF THE PROPERTY OWNER THEIR REQUEST FOR LR ZONING, INITIATED THE CASE. STAFF MET WITH THE OWNER AND STILL DISCUSSED OUR RECOMMENDATION THAT WE HAD EARLIER OF LO. THE ZONING AND PLATTING COMMISSION UPHOLD THE STAFF RECOMMENDATION OF LO-CO WITH A TRIP LIMITATION OF 2,000 TRIPS PER DAY. AND WE KNOW OF A NEIGHBORHOOD ASSOCIATION THAT'S OPPOSED TO THE LR, BUT DOES NOT OBJECT TO THE LO. AND THE APPLICANT'S AGENT AND THE OWNER ARE HERE TODAY TO SPEAK IN FAVOR OF THE CASE.

IF YOU HAVE ANY OTHER QUESTIONS, I'D BE MORE THAN HAPPY TO ANSWER THEM AT THIS TIME.

Mayor Wynn: THANK YOU. ACTUALLY, WITHOUT OBJECTION, COUNCIL, SINCE THIS IS A CITY OF AUSTIN APPLICANT, LET'S CONSIDER MR. GUERNSEY'S PRESENTATION TO BE THAT OF THE APPLICANT, AND WE NORMALLY NOW HEAR FROM FOLKS WHO ARE IN FAVOR OF THE ZONING CASE. WE HAVE NO CITIZENS SIGNED UP IN FAVOR. AND THEN WE HEAR FROM CITIZENS IN OPPOSITION. WE HAVE ONE PERSON SIGNED UP. ELEANOR ROTHOFF. WELCOME. THANK YOU FOR YOUR PATIENCE. YOU SIGNED UP WISHING TO SPEAK, AGAINST. AND YOU'LL HAVE THREE MINUTES.

GOOD EVENING, MAYOR AND MEMBERS OF THE COUNCIL. MY NAME IS ELEANOR ROTHOFF. I'M THE PRESIDENT OF THE VALLEY VIEW HOMEOWNERS ASSOCIATION. AND AS SUCH I REPRESENT 68 OWNERS OF INDIVIDUAL CONDOMINIUMS IN A COMPLEX WHICH IS ALMOST DIRECTLY BEHIND THE SUBJECT PROPERTY. WE BELIEVE, TO PUT IT SIMPLY, THAT THE PLAN PLAN AND THE CITY STAFF REACHED A VERY GOOD PROMISE BETWEEN THE NEEDS OF THE PROPERTY OWNER TO DEVELOP AND MAKE GOOD USE OF HIS PROPERTY AND MAKE IT PROFITABLE AND PRODUCTIVE FOR HIM, AND THE NEEDS OF THE ADJACENT AREA, WHICH IS ALMOST OVERWHELMINGLY RESIDENTIAL PROPERTY, TO MAINTAIN ITS RESIDENTIAL CHARACTER AND TO PROTECT THE ENVIRONMENT ALONG WILLIAMSON CREEK. WE THINK THE LO CLASSIFICATION, WHILE IT'S NOT SOMETHING THAT A RESIDENTIAL NEIGHBORHOOD LIKES TO HAVE IMMEDIATELY ADJACENT TO IT, IT'S A PERFECTLY REASONABLE USE. THE LR WE THINK WOULD BE DESTRUCTIVE OF THE SURROUNDING NEIGHBORHOOD. SO IF YOU HAVE QUESTIONS, I'D BE GLAD TO ANSWER.

Mayor Wynn: THANK YOU. QUESTIONS? THANK YOU, MA'AM. COUNCIL, THAT'S ALL THE CITIZENS SIGNED UP WISHING TO SPEAK IN OPPOSITION TO THIS CASE. AT THIS TIME WE'LL HEAR A THREE-MINUTE REBUTTAL. PERHAPS IF THE OWNER AND OR HIS AGENT -- I SEE A CARD COMING. SO CARL CONNALLY, WELCOME, SIR. SO ARE YOU THE OWNER OR THE OWNER'S AGENT?

I'M THE OWNER'S AGENT.

Mayor Wynn: WELL, IF YOU DON'T MIND, WHY DON'T WE CONSIDER YOU COULD HAVE A THREE-MINUTE REBUTTAL TO WHAT WE JUST HEARD AND PROBABLY BE AVAILABLE TO QUESTIONS FROM COUNCIL. WELCOME.

OKAY. MAYOR, MEMBERS OF COUNCIL, MY NAME IS CARL CONNALLY. I REPRESENT THE OWNER OF THIS PROPERTY. AGAIN, THE ZONING ON THIS PARTICULAR CASE, WE'VE REQUESTED THAT INSTEAD OF THE LO THAT WAS ORIGINALLY DONE IN THE OAK HILL STUDY 20 YEARS AGO, INSTEAD OF BEING LO, WE'RE REQUESTING LR. THAT REQUEST IS BASED ON TWO PARTICULAR ISSUES. NUMBER ONE, WITH THE DOWNTURN OF THE DOT-COM INDUSTRY, THERE'S A LOT OF OPEN OFFICE SPACE IN AUSTIN, AND EVEN IN THE SOUTHWEST AREA. AND THEREFORE ZONING LO ON THIS PROPERTY WOULD NOT BE SOMETHING THAT WE COULD TENTATIVELY USE VERY SOON. THE OTHER ISSUE IS THAT THE PROPERTY IS IN AN AREA WHERE THE 290/71 INTERCHANGE IS BEING CONSTRUCTED AND THERE'S A LOT OF LOCAL RETAIL USES THAT ARE BEING DISPLACED BY THAT CONSTRUCTION, AND IT'S THE OWNER'S DESIRE TO HELP PROVIDE A SPACE FOR SOME OF THOSE PEOPLE TO JUST RELOCATE THEIR BUSINESSES IN THE IMMEDIATE AREA WHERE THEY WERE PREVIOUSLY LOCATED. SO AGAIN, THAT WOULD BE A GOOD REASON FOR SUPPORTING THE LR. I'D BE GLAD TO ANSWER ANY QUESTIONS YOU MIGHT HAVE. ONE THING ABOUT THIS PARTICULAR PIECE OF PROPERTY IS ADJOINING ANOTHER TRACT OF LAND THAT IS ZONED LR AND WOULD BASICALLY BE JUST AN EXTENSION OF THAT ADJOINING PIECE OF PROPERTY TO THE EAST. I'D BE GLAD TO ANSWER ANY QUESTIONS YOU MIGHT HAVE ON BEHALF OF THE OWNER.

Mayor Wynn: THANK YOU, MR. CONNALLY. QUESTIONS OF THE AGENT, COUNCIL? THANK YOU, SIR. COUNCILMEMBER MCCRACKEN.

McCracken: MR. CONNALLY? I'M GOING TO GET A SENSE THEN. HOW CLOSE IS THE PROPERTY OF YOUR CLIENT'S FROM THE PROPERTY THAT'S BEEN CONDEMNED WITH THE

ROAD CONSTRUCTION?

AGAIN, OUR PROPERTY IS ALONG 71. THE INTERCHANGE IMPROVEMENTS ARE GOING TO BE AT 71/290, THE INTERCHANGE, AND WILL EXTEND ALONG 71 PROBABLY HALF A MILE. AND OUR PROPERTY IS ONLY ABOUT A MILE OR SO DOWN THE ROAD, SO IT'S IN CLOSE PROXIMITY TO THE HIGHWAY 71 INTERCHANGE.

McCracken: CAN YOU TELL US ABOUT WHAT KIND OF EFFORT HAS BEEN MADE TO WORK BETWEEN Y'ALL AND THE NEIGHBORHOOD TO GET SOME KIND OF CONSENSUS ON THIS ISSUE?

WE'VE HAD SOME MINIMAL CONVERSATIONS WITH THE ADJOINING PROPERTY OWNERS. WE HAVE TWO LETTERS IN SUPPORT OF THE LR ZONING. THERE'S ONE LADY, I BELIEVE, THAT LIVES CATTY-CORNER TO THE SOUTHEAST OF OUR TRACT THAT INDICATED THAT THERE WAS A CONCERN ABOUT THE BUFFER BETWEEN OUR PROPERTY. THE BACK PORTION OF THE PROPERTY IS WILLIAMSON CREEK PROPER AND HAS A LOT OF VEGETATION. AND JUST THROUGH THE CITY'S COMPATIBILITY STANDARDS, WE'LL HAVE TO PROVIDE CERTAIN PROTECTIONS BETWEEN THE COMMERCIAL DEVELOPMENT, WHETHER IT BE SETBACKS, LIGHTING, ETCETERA. , TO THAT ADJOINING PROPERTY OWNER.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? MR. GUERNSEY, REMIND US THE ACTION BY THE ZONING AND PLATTING COMMISSION.

THE ZONING AND PLATTING COMMISSION RECOMMENDED LO-CO ZONING WITH A VEHICLE TRIP LIMITATION OF 2,000. AND AGAIN, THIS IS ONLY READY FOR FIRST READING ON WHATEVER ACTION THAT YOU TAKE, IF IT'S EITHER LR OR LO OR SOME OTHER CATEGORY.

Mayor Wynn: AND WHAT IS STAFF RECOMMENDATION?

STAFF RECOMMENDS ALSO LO-CO ZONING, WITH A TRIP LIMITATION OF 2,000 TRIPS.

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS?

COUNCILMEMBER SLUSHER.

Slusher: MR. GUERNSEY , WHY LO WHEN YOU'VE GOT LR IS BY THE ENTRANCE TO THE NEIGHBORHOOD. AND THEN AN LO BACK FURTHER, I GUESS, FURTHER BACK ALSO 71 THERE'S AN LO, BUT RIGHT WHERE YOU TURN IN ITS LR ON EACH SIDE OF THE ROAD LEADING INTO THE NEIGHBORHOOD. AND THEN A LITTLE FURTHER DOWN FACING THE HIGHWAY AND NOT ON THE EDGE OF THE NEIGHBORHOOD THAT YOU WOULD RECOMMEND LO. EXPLAIN THAT TO ME.

WELL, STAFF RECOMMENDED LO LOOKING AT THE ADJACENT USES AND FELT THERE WAS A SUFFICIENT AMOUNT OF RETAIL USES, LR TYPE USES, IN THE AREA. WE DO HAVE A GREAT DEAL OF RETAIL AT THE INTERSECTION, AS MENTIONED EARLIER, AT THE Y, HIGHWAY 290. THERE ARE TWO GROCERY STORES, SEVERAL RESTAURANTS. WE THINK THERE'S ADEQUATE SERVICE IN THE IMMEDIATE VICINITY OF THIS PROPERTY TO SERVE SORT OF THE NEIGHBORHOOD NEIGHBORHOOD NEEDS. THERE IS A GAS STATION CONVENIENCE STORE AT FLETCHER AT HIGHWAY 71 RIGHT NOW. IT'S A SHELL GAS STATION/CONVENIENCE STORE THAT SERVES THIS AREA. THERE'S AN UNDEVELOPED TRACT OF LR, WHICH IS THE SOUTHEAST CORNER. AND CURRENTLY I BELIEVE ON THE SOUTH SIDE ADJACENT TO THIS PROPERTY ARE SOME OFFICES THAT USED TO BE A VET CLINIC AND I THINK A SATELLITE TELEVISION STORE. SO WE THINK THERE'S ADEQUATE AMOUNT OF LR IN THE AREA. AND AS BEING CONSISTENT WITH THE ORIGINAL OAK HILL STUDY AND THE LAND USES THAT HAVE PRETTY MUCH CAME FROM THAT AND WERE ZONED THROUGH TIME THAT HAVE NOT CHANGED DRASTICALLY IN THIS AREA, WE THINK LO IS STILL APPROPRIATE FOR THIS TRACT AND FURTHER TO THE EAST.

Slusher: I'M LOOKING AT THE ZONING MAP HERE, AND IT'S MF-1 TO THE -- I GUESS THAT'S THE SOUTHEAST. AND THEN THERE'S A TRACT DIRECTLY BEHIND THAT, BASICALLY THE SAME WIDTH AS THE SUBJECT TRACT. IT DOESN'T HAVE A CATEGORY ON THAT. WHAT'S THE ZONING ON THAT ONE?

ARE YOU TALKING ABOUT DIRECTLY TO THE SOUTH?

Slusher: YES.

THAT TRACT IS CURRENTLY ZONED SF-1.

Slusher: IS THAT A SINGLE-FAMILY HOME ON IT?

IT'S MY UNDERSTANDING THERE'S A SINGLE-FAMILY HOME
THAT PROPERTY. TO THE WEST IT'S ZONED IT LOOKS LIKE
MF 1 AND IT'S UNDEVELOPED. CURRENTLY ACROSS THE
STREET WE HAVE A PROPERTY OWNER WHO HAS
REQUESTED LO ZONE.

Slusher: REQUESTED LO? THAT'S THE ONE THAT'S RR NOW?

THAT'S RIGHT. THE APPLICANT AMENDED THEIR
APPLICATION TO REQUEST LO ZONING. LO-MU ZONING ON
THAT PROPERTY.

Slusher: AND MR. CONNALLY, IS THERE A PROPOSED USE?

A PROPOSED USE ON OUR TRACT?

YES.

WE HAVE NONE AT THIS POINT IN TIME. WE'RE JUST SETTING
IT UP FOR MARKET.

Slusher: OKAY. THAT'S ALL I HAVE RIGHT NOW.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? ITEM Z-9,
STAFF IS READY FOR FIRST READING. I'LL ENTERTAIN A
MOTION. MAYOR PRO TEM.

Goodman: FOR FIRST READING ONLY, I WOULD MAKE THE
MOTION FOR LO FOR FIRST READING ONLY. THE REASON IS I
THINK THAT THERE COULD BE SOME LR USES, BUT I DO NOT
HAVE A CODE BOOK IN FRONT OF ME. AND I THINK WHAT THE
NEIGHBORHOOD NEEDS TO BE ABLE TO LOOK AT TOO IS
WHAT CAN PROHIBIT, WHICH IS PERFECTLY LEGITIMATE.
AND WHEN YOU'RE LOOKING TO SEE WHAT USES YOU DO
THINK ARE APPROPRIATE AND COMPATIBLE WITH YOUR

NEIGHBORHOOD, THEY DON'T NECESSARILY FALL INTO THE USE CATEGORY YOU MIGHT EXPECT. THEY MIGHT BE AN LO, THEY MIGHT BE AN LR. SO I'D LIKE TO PURSUE THE POSSIBILITY. AND GREG OR SOMEONE COULD MAYBE FACILITATE GETTING TOGETHER AND FINDING OUT WHAT THE CODE ALLOWS. AND I GUESS I'VE GOT THE CODE IN THE OFFICE SO I CAN LOOK IT UP, BUT IT MAY BE HARDER FOR OTHER PEOPLE.

I CAN GET WITH THE ASSOCIATION REPRESENTATIVES THIS EVENING AND GET HER A LIST OF THE USES THAT ARE PERMITTED IN LR AND LO SO THEY CAN SEE A COMPARISON. A CLARIFICATION ON YOUR MOTION THAT INCLUDES THE CONDITIONAL OVERLAY LIMITING THE PROPERTY TO 2,000 TRIPS PER DAY?

...

GOODMAN: YES.

THANK YOU.

Mayor Wynn: MOTION BY MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING ON Z-9, APPROVE ON FIRST READING ONLY. STAFF AND ZONING AND PLATTING COMMISSION RECOMMENDATION OF LO-CO WITH A 2,000 TRIP LIMITATION. I'LL SECOND THAT.

Slusher: MAYOR? LIKE THE MAYOR PRO TEM, I'M GOING TO VOTE FOR THE LO ON FIRST READING, BUT I WOULD BE WILLING TO CONSIDER LR, BUT I THINK WE NEED TO LOOK AT SOME OF THE USES AND PERHAPS PROHIBIT SOME OF THEM. I WOULDN'T WANT TO SEE A GAS STATION, STILL ANOTHER GAS STATION OVER THE AQUIFER AREA HERE, BUT IF WE COULD WORK WITH THE NEIGHBORHOOD ON THE -- BETWEEN NOW AND THE SECOND READING, PERHAPS WE COULD WORK OUT THE LR USE ON THERE.

Thomas: MAYOR, ALSO, YOU HAVE ON YOUR MAP HERE, YOU HAVE AN LR THAT'S UNDEVELOPED. YOU HAVE THE ONE BEHIND THE APPLICANT'S PROPERTY, WHICH IS RR. AND I WOULD BE WILLING TO DO THIS FIRST READING ALSO BECAUSE LR, LR, THEN YOU HAVE ONE NEXT TO IT THAT LIKE

YOU SAID IS AN OFFICE PLACE. A CHURCH? AND I WOULD LIKE TO SEE -- HEAR MORE FROM THE NEIGHBORS ABOUT -- YOU HAVE LR HERE THAT'S ALLOWED TO BE UNDEVELOPED. SO I DON'T UNDERSTAND WHY -- AND THAT'S JUST ACROSS THE STREET.

YES. THE PROPERTY ACROSS THE STREET AND IMMEDIATELY TO THE WEST.

Thomas: ALL RIGHT? THANK YOU. I JUST NEED -- LIKE MAYOR PRO TEM AND COUNCILMEMBER SLUSHER, I'D LIKE TO SEE WHAT THE NEIGHBORS ARE SAYING ON FIRST READING.

Mayor Wynn: FURTHER COMMENT? MOTION AND A SECOND ON THE TABLE TO APPROVE FIRST READING ONLY STAFF AND ZAP RECOMMENDATION LO-CO. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON FIRST READING ON A VOTE OF SEVEN TO ZERO. OKAY. COUNCIL, MOVING RIGHT ALONG, TAKES US TO ZONING CASES Z-1 AND Z-2. THAT I WAS LED TO BELIEVE PERHAPS COULD BE TAKEN UP SIMULTANEOUSLY? GOOD. WE'LL GET A BRIEF PRESENTATION FROM STAFF AND THEN HAVE A FIVE-MINUTE PRESENTATION FROM THE APPLICANT.

IN THE SPIRIT OF MOTION SHEETS, WE'RE PASSING ONE MORE FOR THE EVENING. RICARDO SOLIS WITH NEIGHBORHOOD.....NEIGHBORHOOD PLANNING AND ZONING. I'LL BE GIVING A BRIEF SUMMARY ON ITEM Z-1 AND Z-2. Z-1 IS A REQUEST TO AMEND THE NORTH LOOP NEIGHBORHOOD PLAN FUTURE LAND USE PLAN AS IT RELATES TO ITEM Z-2, A REQUEST TO REZONE PROPERTIES AT 0, 100, 102 AND 104 EAST 51st STREET. Z-1 IS A REQUEST BY THE NORTH LOOP NEIGHBORHOOD PLANNING TEAM TO AMEND THE NORTH LOOP FUTURE LAND USE PLAN FOR PROPERTIES KNOWN, AS I STATED, AS ZERO, 100, 102 AND 104 EAST 51st STREET FROM SINGLE-FAMILY RESIDENTIAL TO COMMERCIAL MIXED USE. THE LAND USE COLOR WOULD BE CHANGED FROM YELLOW, SINGLE-FAMILY RESIDENTIAL, TO BROWN, SIGNIFYING COMMERCIAL MIXED USES. THE

PLANNING COMMISSION FORWARDED THIS CASE WITHOUT A RECOMMENDATION ON MAY 11th, 2004. STAFF DID NOT RECOMMEND COMMERCIAL MIXED USE FOR THESE PROPERTIES, BUT RECOMMENDED A HIGHER DENSITY SINGLE-FAMILY RESIDENTIAL USE. THIS PLAN AMENDMENT WAS A DIFFICULT ONE FOR CITY STAFF FOR SEVERAL REASONS. ONE OF THE -- ONE OF THE ELEMENTS THAT STAFF LOOKS AT IN THE NEIGHBORHOOD PLAN IS STAFF DOES ACKNOWLEDGE THE SPIRIT OF THE PLAN AND THE VISION OF THE NORTH LOOP NEIGHBORHOOD PLAN THAT SUPPORTS MORE MIXED USES THROUGHOUT THE NEIGHBORHOOD. HOWEVER, THIS PORTION OF 51st STREET IS NOT A GOOD LOCATION FOR COMMERCIAL MIXED USE. THE SUBJECT PROPERTY IS DEEP IN ITS CONFIGURATION, AND IT STRETCHES DEEP INTO THE BLOCK OF SINGLE-FAMILY LOTS. SPECIFICALLY THE EAST SIDE OF THE TRACT SHARES, PROPERTY LINES WITH SIX SINGLE-FAMILY HOMES, AND TO THE REAR OF THE PROPERTY. THE TRACT ALSO FACES SINGLE-FAMILY HOUSING IN FRONT OF THE PROPERTY ON 51st STREET. 51st STREET IS A TWO-LANE ROADWAY WITH NO OFF STREET PARKING AS WELL. -- ON STREET PARKING AS WELL. THE TRACT IS LOCATED ON -- IN THE NEIGHBORHOOD. IT SEPARATES FROM A HILL -- ON A HILL. WHERE THE SINGLE-FAMILY RESIDENCES ARE LOCATED ON THE UPPER HIGHER ELEVATION AS IT MOVES DOWN TOWARDS LAMAR, SO THERE IS A VISUAL SEPARATION BETWEEN THE SINGLE-FAMILY RESIDENTIAL AND THE STATE PROPERTY JUST MOVING WEST. I WILL NOW PRESENT ITEM Z-2, WHICH IS ZONING CASE C-14-40015, KNOWN AS 0, 100, 102 AND 104 EAST 51st STREET. THIS IS ITEM Z-2. THE AGENT IS NORTH FIELD DESIGN ASSOCIATION, AND THE OWNER IS MR. MIKE RHODES. THE ZONING REQUEST IS FROM SF-3 SINGLE-FAMILY RESIDENTIAL TO LR-MU-CO-NP, WHICH IS NEIGHBORHOOD COMMERCIAL MIXED USE WITH A CONDITIONAL OVERLAY AND NEIGHBORHOOD PLAN. THE CASE LIKE I SAID WAS FORWARDED TO COUNCIL WITH NO PLANNING COMMISSION RECOMMENDATION, AND AFTER THE COMMISSION'S CONSIDERATION OF THE CASE, THE PROPERTY OWNER AMENDED LITTLE ARE WILLING..... ITS THINKING ON THE ZONING AND HAS BEEN WORKING WITH THE ADJACENT PROPERTY OWNERS TO BE WORKING ON AN AGREEMENT. STAFF IS SUPPORTIVE AND

RECOMMENDS THAT AGREEMENT, WHICH IS THE SF-5-NP. LET ME POINT OUT THAT THERE IS A VALID PETITION TR THE ADJACENT PROPERTY OWNERS, THE 300-FOOT PROPERTY OWNERS. IT'S A VALID PETITION OF ABOUT 43.54%. AND THE AGREEMENT THAT THEY'VE COME UP WITH, WHICH IS THE PROPERTY OWNER AND THE ADJACENT RESIDENTS, LIKE I SAID, IT'S THE SF-5-CO-NP WITH THE FOLLOWING RESTRICTIONS AND IT LIMITS THE HEIGHT RESTRICTIONS TO 35 FEET. IT LIMITS THE THIRD FLOOR OF ANY RESIDENTIAL DEVELOPMENT TO 600 SQUARE FEET WITH NO BALCONIES ON THE EAST AND NORTH SIDES OF THE PROPERTY. THERE'S A 15-FOOT BUILDING SET BACK FROM THE NORTH AND EAST SIDE OF THE PROPERTY AS WELL. A PROHIBITION OF DUPLEXES AND SECONDARY APARTMENTS AND A PRIVATE AGREEMENT TO LIMIT THE NUMBER OF BEDROOMS PER UNIT TO A MAXIMUM OF FOUR. OTHER AGREEMENTS THAT HAVE -- THAT ARE PLACED IN THIS AGREEMENT WAS ONE PARKING SPACE PER BEDROOM, PRIVACY FENCE, AND A MAXIMUM OF 10 UNITS ON THIS DEVELOPMENT. ALSO THEY WOULD LIKE TO SEE THAT 50% OF THE UNITS MUST BE LISTED FOR SALE FOR AT LEAST NINE MONTHS, AND THAT 50% OF THE REMAINING UNITS BE LEASED AT LEAST FOR SIX MONTHS. AND THE PROPERTY OWNER AND THE ADJACENT PROPERTY OWNERS ARE IN AGREEMENT WITH THIS. THAT CONCLUDES MY PRESENTATION, MAYOR.

Mayor Wynn: THANK YOU. SO AT THIS TIME WE'LL HEAR A FIVE-MINUTE PRESENTATION FROM THE APPLICANT ON Z-2, WHICH IS NORTH FIELD DESIGN ASSOCIATES. IS THE APPLICANT HERE?

MAYOR, I'M HERE, BUT THE OWNER IS HERE IF YOU WOULD TO REFER TO HIM.

HELLO, COUNCIL, MIKE RODZ. WHEN WE -- RODE. WHEN WE PURCHASED THIS PROPERTY WE HAD NO INTENTION FOR THE ZONING. WE KNEW, AS I WAS A RESIDENT OF THE NEIGHBORHOOD, THAT THE NEIGHBORHOOD WAS UNDERGOING A NEIGHBORHOOD PLANNING PROCESS. IN LIEU OF THIS, WE CONTACTED THE CITY TO FIND OUT WHO WE SHOULD TALK TO IN THE NEIGHBORHOOD ABOUT WHAT WOULD BE AN IDEAL USE FOR THIS PROPERTY. WE DID THAT AND WE MET WITH SEVERAL OF THE FOLKS WHO WORKED

ON THE NEIGHBORHOOD PLAN, SOME OF WHOM ARE HERE TONIGHT, TO TALK ABOUT WHAT WOULD BE IDEAL FOR THIS PROPERTY. WE TALKED ABOUT SINGLE-FAMILY, MULTI-FAMILY, COMMERCIAL, MIXED USE, ETCETERA. WITHOUT A DOUBT, AS YOU'LL HEAR TONIGHT, ALMOST ALL OF THOSE FOLKS HAD RECOMMENDED THAT WE PURSUE MIXED USE ZONING, WHICH WE DID. WE FIRST APPLIED FOR THIS CHANGE BACK IN THE SUMMER OF 2002, AND WERE MET WITH RELUCTANCE BY STAFF TO AMEND A VERY RECENTLY ADOPTED NEIGHBORHOOD PLAN. WE WERE ALSO MET WITH SEVERE OPPOSITION BY NEIGHBORS WITH A VALID PETITION OPPOSED TO ANY COMMERCIAL DEVELOPMENT. WE DISCUSSED CONDITIONAL OVERLAYS AND STILL FOUND NO RESOUNDING SUPPORT FROM NEIGHBORS OR STAFF, AND DECIDED TO ABANDON THE CASE, WAIT FOR ONE YEAR FOR THE MORATORIUM TO PASS ON AMENDING NEIGHBORHOOD PLANS IN HOPES THAT WE COULD CONVINCE NEARBY PROPERTY OWNERS THAT LR-MU WAS THE PROPER AND REASONABLE DEVELOPMENT OF THE PROPERTY. WE STARTED DOWN THAT ROAD AGAIN, BEGINNING OF LAST SUMMER, AND FOUND THE SITUATION ALMOST EXACTLY THE SAME. NO SUPPORT FROM THE PLANNING TEAM AND NO SUPPORT FROM CITY STAFF OR THE NEARBY NEIGHBORS. WE TOOK THE CASE TO PLANNING COMMISSION AND LOST ON A VOTE OF THREE TO FOUR. THIS IS THE COMPROMISE THAT WE'VE REACHED WITH THE NEIGHBORS TODAY. THIS CURRENT PROPOSAL WE FEEL IS REASONABLE COMPROMISE THAT MAKES EVERYONE HAPPY, AND WE WOULD BE PLEASED IF YOU WOULD SUPPORT THAT THIS EVENING. AND I'D BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.

Mayor Wynn: THANK YOU, MR. RHODES. PLEASE BE SURE TO SIGN UP A CARD. WE NEED TO HAVE THIS FOR THE PUBLIC HEARING.

OKAY.

Mayor Wynn: OKAY. SO AT THIS TIME WE'LL HEAR FROM FOLKS WHO ARE IN FAVOR OF THE ZONING CASE. AND WHAT I'M DOING IS COMBINING THE CARDS FROM THE Z-1 AND Z-2, SPLITTING THEM UP INTO FOR AND AGAINST. AND -- INTO FOR AND AGAINST. AND IT LOOKS LIKE OUR FIRST SPEAKER

IN FAVOR WILL BE TERRY SPERRY. IS TERRY HERE? I'M SORRY, NOT WISHING TO SPEAK, IN FAVOR. MATT HOLLAND? WELCOME, MATT. HANG ON ONE SECOND. LET'S SEE. IS JACK HALLSON HERE? JACK HALLSON? HOW ABOUT DON SMITH? WELCOME, DON... LAURA STONE. HI, LAURA. HENRY STONE? HELLO, HENRY. LAURA STONE, WE ALREADY WILL LAURA STONE. JAN SUE WARD.

SHE HAD TO LEAVE.

Mayor Wynn: SO MR. HOLLAND, YOU WILL HAVE UP TO 12 MINUTES IF YOU NEED IT.

THANK YOU. GOOD EVENING, MAYOR AND MEMBERS OF COUNCIL. MY NAME IS MATT HOLLAND AND I SERVE AS THE CHAIR OF THE NORTH LOOP NEIGHBORHOOD PLANNING TEAM DURING THE TEAM'S DELIBERATIONS ON THIS CASE. A MONTH AGO I STEPPED DOWN AS CHAIR WHEN I WAS APPOINTED BY YOU TO SERVE ON THE PLANNING COMMISSION, AND I COME TONIGHT TO SPEAK ON BEHALF OF THE PROPOSED MIXED USE DEVELOPMENT. GOAL NUMBER ONE, ENCOURAGE COMPACT AND HUMAN SCALE LAND USE. OBJECTIVE NUMBER ONE, CREATE A VIBRANT MIXED USE NEIGHBORHOOD THAT INCLUDES MIXED USE BUILDINGS AND RESIDENTIAL AND OFFICE SPACE, ABOVE GROUND FLOOR RETAIL. OBJECTIVE 1.2, PROMOTE COMMERCIAL AND RESIDENTIAL INFILL THAT SUPPORTS AND ENHANCES THE CHARACTER OF THE NEIGHBORHOOD. THESE ARE THE VERY FIRST GOALS AND OBJECTIVES OF OUR NEIGHBORHOOD, AND THIS MIXED USE PROPOSAL HITS THE BULL'S-EYE OF THE TARGET. AND SO TONIGHT WE SHOULD BE CELEBRATING. THE COUNCIL SHOULD BE CONGRATULATING THE DEVELOPER, NEIGHBORHOOD PLANNING TEAM, NEARBY NEIGHBORS AND PLANNING STAFF ALIKE ON REACHING A CONSENSUS TO BUILD A MIXED USE INFILL PROJECT TO IMPROVE AND MAKE MORE VIBRANT OUR NEIGHBORHOOD. WE SHOULD BE CELEBRATING THE FIRST TRUE FULFILLMENT SET UP BUT THE NORTH LOOP NEIGHBORHOOD PLAN AFTER FOUR YEARS OF HARD WORK AND DISCUSSION BY OUR COMMUNITY. YOU ON THE CITY COUNCIL ITSELF SHOULD BE COMMENDING YOUR OWN HARD WORK FOR THE SUCCESSFUL NEIGHBORHOOD PLANNING PROCESS. WE SHOULD BE CONGRATULATING THE

DEVELOPER FOR TAKING A RISK AND PROPOSING MIXED USE HERE, SOMETHING THAT WOULD GIVE BACK TO EVERYONE, EVEN THOUGH THE ROAD WAS HARDER AND LONGER AND THE PAY BACK WAS MORE UNCERTAIN AND PROBABLY LESS LUCRATIVE. WE SHOULD BE CELEBRATING AND SHARING WITH OTHERS A MIXED USE DESIGN THAT APREEFZ THE RIGHT LEVEL OF INTENSE ACTIVE, COMPLICATING THE SINGLE-FAMILY NEIGHBORS AND GIVING THEM NEW AND BETTER CHOICES. WE SHOULD BE CELEBRATING A DEVELOPMENT WHICH ACTIVELY SEEKS TO TAKE BACK 51st STREET FOR PEDESTRIANS AND GIVES MOTORISTS A REASON TO SLOW DOWN AND RESPECT OUR COMMUNITY. WE SHOULD BE TALKING ABOUT HOW LESS IS MORE IN THIS CREATIVE PROPOSAL OFFERS HIGHER DENSITY AND LESS INTENSITY AT THE SAME TIME INSTEAD OF BOILER PLATE SINGLE-FAMILY WITH 10 UNITS AND 30 BEDROOMS, THE DEVELOPER PROVIDED MODEST RETAIL SPACE, ABOUT 2500 2500 SQUARE FEET, AND OFFICE SPACE, ABOUT 5,000, ALONG WITH 12 RESIDENTIAL UNITS AND ONLY 20 BEDROOMS. WE SHOULD BE ECSTATIC THAT THE DEVELOPER AGREED TO BUILD A SIDEWALK ALONG THE NORTH SIDE OF 51st STREET, NOTICELYBLY MISSING IN THIS ARTERIAL AND THE NUMBER ONE PRIORITY, SIDEWALK, IN OUR NEIGHBORHOOD, AN UNLIKELY TO BE BUILT IN THE NEAR FUTURE DUE TO THE CITY'S FINANCIAL CONSTRAINTS. THE NEIGHBORS SHOULD BE LAUDING THE 50-FOOT SET SETBACKS FROM THEIR FENCES TO THE BUILDINGS. SINCE THE DEVELOPER'S ASKED FOR NO PARKING VARIANCES, THE OVERFLOW PARKING FOR THIS DEVELOPMENT WOULD ACTUALLY REPRESENT AN IMPROVEMENT OVER THE SF SCENARIOS. AND WE SHOULD BE ABLE TO PROUDLY POINT TO THIS AS OUR NEIGHBORHOOD'S FIRST STEP TOWARDS PRELIZING THE FIRST STEP OF ENVISION CENTRAL TEXAS. SO EVERYBODY SHOULD BE CELEBRATING. BUT WE'RE NOT CELEBRATING. INSTEAD, WE'RE ALL SCRATCHING OUR HEADS WONDERING HOW IN THE WORLD WE'RE SOMEHOW VOTING TO APPROVE SF-5 TOWNHOMES IN LIEU OF THE MIXED USE. WE'RE ALL WONDERING WHY THE WILL OF 25 PLUS -- THE 25 PLUS MEMBER PLANNING TEAM HAD UNANIMOUS SUPPORT IS ULTIMATELY REPLACED BY AN AGREEMENT ESSENTIALLY NEGOTIATED BY A HANDFUL OF INDIVIDUALS AND THE DEVELOPER. WE'RE ALL WONDERING

WHY THE CITY STAFF DETERMINED THAT LR-MU, WHICH IS NEIGHBORHOOD COMMERCIAL MIXED USE, IS INCOMPATIBLE WITH SF, SINGLE-FAMILY NEIGHBORHOODS. IF TRUE, THIS SURE PUTS A DUMPER ON OUR PLANS TO IMPLEMENT THE ENVISION CENTRAL TEXAS PLAN AND CERTAINLY FLIES IN THE FACE OF OUR OWN NORTH LOOP NEIGHBORHOOD PLAN VISION. WE'RE WONDERING HOW THE VALID PE... PETITION PROCESS COULD BE HELD AS VALID WHEN A SIGNED MAJORITY OF THE SIGNERS ATTENDED NO MEETINGS AT WHICH BOTH SIDES OF THE ISSUE WERE DISCUSSED. AND PLEASE DO NOT BELIEVE THAT THIS VALID PETITION DID NOT HAVE AN IMPACT ON BOTH THE PLANNING COMMISSION AND THE DEVELOPER. AND IT CONTINUES TO AFFECT US TONIGHT. AND WE'RE WONDERING IF THE NEIGHBORS REALLY HAVE A CLEAR IDEA OF THE VARIOUS OPTIONS BEFORE THEM. I'M SURE THOUSAND THAT I'VE SAID THIS THEY'LL RESPOND OF COURSE WE DO, BUT I THINK THE EVIDENCE POINTS TO THE CONTRARY. RIGHT UP TO THE END GAME OF THE PRIVATE AGREEMENT FOR SF-5, THE OPPOSITION LEADER TOLD ME THAT WOULD BE SEEKING 60 BEDROOMS ON THIS SITE, A PHYSICAL I AM POAKT AND AN UNLIKELY CONCLUSION FROM ANYBODY WHO HAD ACTUALLY INTERACTED WITH THE PROJECT AND STUDIED THE DESIGN. BUT THE OPPOSITION WAS NEVER ABOUT AN ACTUAL PLAN OR THE REALITIES OF DESIGN POSSIBILITIES OR IMPOSSIBILITIES. IT WAS ABOUT THE IDEA OF COMMERCIAL ACTIVITY VERY BROADLY DEFINED. WE UNDERSTAND THAT NEIGHBORS WERE TOLD WHO SIGNED PETITION THAT IT ALLOWED FAST FOOD RESTAURANT AND CONVENIENCE STORE, BOTH TOTALLY DISALLOWED. AFTER TWO YEARS OF CONSIDERATE AND SERIOUS MINDED MEETINGS WITH DECISIONS BASED ON CONSENSUS PROCESS TO DEVELOP OUR PLAN, WE ON THE PLANNING TEAM FOUND OURSELVES IN A COMPLETELY DIFFERENT WORLD, A WORLD OF SHOUTING AND INTERPRETATIONS, THREATS AND ACCUSATIONS. BUT DETAILS IN THE MIXED USE PROPOSAL WERE NEVER SERIOUSLY CONSIDERED OR DISCUSSED AT OUR MEETINGS. INSTEAD WE WERE DEBATING WHETHER A MEETING WAS LEGAL OR WHETHER OR NOT THE PLANNING TEAM WAS COL LEWDING WITH THE DEVELOPER. NO OTHER EXPLANATION IT WAS TOLD TO US TO BE GIVEN FOR SUPPORT OF THIS PROJECT. ONE

OPPOSITION LEADER REPEATEDLY TOLD THE PLANNING COMMISSION THAT THE NEIGHBORHOOD'S PLANNING TEAM'S OPINION AND SUPPORT SHOULD BE DISCOUNTED. ONLY THE USE OF THE NEARBY NEIGHBORS SHOULD COUNT. WE WERE SUPPORTING A PROPOSAL IT WAS SAID THAT WOULD DESTROY A NEIGHBORHOOD, PROPERTY VALUES WOULD PLUNGE. WE WERE TOLD THAT WE, A GROUP OF CITIZENS OFFERING NONBINDING OPINIONS AT THE REQUEST OF PLANNING COMMISSION AND COUNCIL, WOULD BE HELD LIABLE FOR THE CERTAIN DEATHS RESULTING FROM A COMMERCIAL DEVELOPMENT. SO WE ON THE PLANNING TEAM ARE APPARENTLY NOW STANDING ON THE SIDELINES AS THESE FINAL DECISIONS ARE MADE. WE HAVE INDEED BEEN DISCOUNTED. AND I STRONGLY BELIEVE THAT ALL OF THE LESSONS -- THESE LESSONS ARE THE WRONG LESSONS TO BE TAUGHT FROM THIS CASE. NUMBER ONE THAT THE WILL OF THE NEIGHBORHOOD PLANNING IS IRRELEVANT. IT CAN BE OVERRIDDEN AND SUBSTITUTED BY AN AGREEMENT BETWEEN A HANDFUL OF INDIVIDUALS WITH NO COMMUNITY INPUT. DON'T BOTHER TO PARTICIPATE IN THE NEIGHBORHOOD PLANNING PROCESS AS YOUR INPUT WILL LIKELY BE IGNORED. NUMBER TWO, THAT A VALID PETITION IS ALL POWERFUL AND NEED NOT BE FOLLOWED BY INDIVIDUAL WHO HAVE ACCESS TO ALL SIDES OF THE ISSUE. NUMBER THREE, THAT THE CITY STAFF WILL IGNORE THE VISION STATEMENT OF AN NEIGHBORHOOD AND INSIST THAT ALL TYPES OF COMMERCIAL DEVELOPMENT ARE INCOMPATIBLE WITH SINGLE-FAMILY RESIDENTIAL. NUMBER FOUR, THAT THE DEVELOPER SHOULD JUST STICK WITH A STANDARD OPERATING PROCEDURE AND CONTINUE TO CRANK OUT CONVENTIONAL PROJECTS. STICK YOUR NECK OUT AND YOU'LL LOSE IT. NUMBER 5, THAT A DEVELOPMENT WITH A SINGLE DRIVE UP THE MIDDLE WITH 10 TOWNHOMES OFF OF IT IN TOTAL ISOLATION FROM THE ADJACENT COMMUNITY IS SOMEHOW PREFERABLE TO A MIXED USE DEVELOPMENT OF SIMILAR OR LOWER HEIGHT, GREATER SETBACKS WITH A WELCOME INTERACTION WITH THE NEIGHBORHOOD AND WILL CREATE A STREET PRESENCE CAPABLE OF ACTUALLY IMPROVING THE PROSPECTS FOR PEDESTRIANS ON A DIFFICULT ROADWAY. AND NUMBER 6, THAT ANY MOVEMENT TOWARD ENVISION CENTRAL TEXAS STYLE INFILL WILL TAKE PLACE IN ANOTHER COMMUNITY

BESIDES AUSTIN, TEXAS. I HAVE TO SAY FRANKLY IF WE CAN'T GET A MIXED USE NEIGHBORHOOD COMMERCIAL PROJECT ON LESS THAN AN ACRE ON AN ARTERIAL WITH A TEXTBOOK CAPABILITY WITH SURROUNDING LAND USES IN THE NORTH LOOP PLANNING AREA WHICH STRONGLY SUPPORT INFILL AND MIXED USE, I'M DUBIOUS ABOUT PROS..... PROSPECTS IN OTHER PARTS OF THE CITY. I'M NOT EVEN SURE AT THIS POINT WHAT'S POSSIBLE. AT ONE STAGE, CITY STAFF OFFERED TO SUPPORT LO-MU, ALTHOUGH NO ONE HAD ASKED FOR THIS OR APPEARED TO WANT IT. BUT THEY WANTED TO REZONE ALL PROPERTIES FROM THIS POINT EAST TO DUVAL STREET, WHICH ALSO LO-MU, WHICH WOULD HAVE CAUSED A FIRE STORM. AND I KNOW THAT I PERSONALLY WOULD NOT HAVE SUPPORTED IT. IT WAS ILLOGICAL GIVEN THAT THE THE ORIENTATION OF THE OTHER LOTS IN THIS AREA AND WAS BASED ON A LITERAL INTERPRETATION OF THE NEED TO HAVE UNIFORM BLOCKS OF ZONING. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] I GREATLY THANK YOU FOR YOUR TIME AND ATTENTION, I'M NOT SURE WHERE I AM ON THE TIME. IS THIS -- IS THIS TIME LEFT HERE?

Mayor Wynn: THAT'S THE TIME LEFT. DO US A BIG FAVOR BY NOT USING IT ALL, CURRY A BIG FAVOR.

THAT'S RIGHT. [LAUGHTER] I. WANTED TO NOTE ONE THING. 51st STREET WAS NOT A CORRIDOR THAT WE LOOKED AT IN THE NEIGHBORHOOD, WE LOOKED AT NORTH LOOP, KOENIG, AIRPORT, LAMAR, I-35. AND 51st STREET IS ALSO ON THE BORDER WITH -- WITH HYDE PARK AND SO IT IS -- IN A WAY IT FELL THROUGH THE CRACKS, WE HAD GONE TO 40 SOMETHING MEETINGS, I THINK WE WERE PRETTY TIRED AND WORN OUT AT THE END OF THE PROCESS. I WISH WE HAD A CHANCE TO LOOK AT 51st STREET, FRANKLY THERE'S PROBABLY VERY FEW PROPERTIES BETWEEN AIRPLANE AND LAMAR THAT WOULD PROBABLY BE REZONE. THIS IS A VERY UNIQUE PROPERTY. ONE OF THE FEW THAT ACTUALLY IN THAT AREA IS ORIENTED TOWARD THE ROADWAY, SERVES AS A GATEWAY TO THE NEIGHBORHOOD. IT'S GOT THE CEMETERY THERE, IT'S GOT THE -- THE TEXAS, WHAT IS IT? THE PARKS AND WILDLIFE DEPO ACROSS THE STREET. SO AS YOU COME UP THAT HILL, THIS WOULD BE A STRIKING FEATURE TO THIS SPOT. I THINK IT'S REALLY INCUMBENT

UPON WE, AS AS A COMMUNITY, TO SEIZE THE OPPORTUNITY ON A UNIQUE SITE LIKE THIS. THERE ARE VERY FEW OPPORTUNITIES LEFT IN OUR NEIGHBORHOOD FOR THIS KIND OF CREATIVE IN FILL. WE REALLY APPRECIATE YOUR SUPPORT ON THIS. SO -- SO OBVIOUSLY I'M VERY MUCH OPEN TO ANY QUESTIONS YOU MAY HAVE AT THIS POINT.

THANK YOU, MR. HOLLAND. QUESTIONS FOR MR. HOLLAND? THANK YOU, SIR. NEXT SPEAKER IN FAVOR IS MARTHA KAY WARD. SIGNED UP WISHING TO SPEAK, IN FAVOR OF MIXED USE. GREG MADISON, WELCOME, GREG, THREE MINUTES. YOU WILL BE FOLLOWED BY KRISTEN BARTLE.

GOOD EVENING, I WANT TO SUPPORT THE APPLICANT'S PROPOSAL TO PUT THIS MIXED USE PROJECT IN. I THINK -- I THINK IT'S A GOOD EMBODIMENT OF THE VISION OF THE NEIGHBORHOOD PLAN AND I THINK IT HAS A -- IT HAS A GREAT OPPORTUNITY TO -- TO ADDRESS SOME OF THE TRAFFIC ISSUES THAT SOME OF THE OPPONENTS MIGHT BRING UP. IT IS SORT OF A GATEWAY, THERE'S NOTHING MUCH COMING BETWEEN THE INTRAMURAL FIELDS ON 51st STREET THERE UNTIL THEY ACTUALLY HIT THE S.F. 3 HOUSES, I THINK AN ACTIVITY NOTE WITH PRESENCE, WITH PEDESTRIANS PERHAPS USING WHATEVER RETAIL SERVICES ON THE BOTTOM WOULD SLOW DOWN TRAFFIC. I KNOW AS A DRIVER THERE'S A BIT OF A -- OF AN -- I GUESS THAT YOU COULD CALL A TUNNELING EFFECT OF TRAFFIC THERE THAT NOTHING TO LOOK AT VISUALLY. SO -- SO AS AS MATT POINTED OUT HAVING A BUILDING LIKE THIS, A PROPERTY LIKE THIS WOULD PROBABLY WORK IN OUR FAVOR. IT DOES EMBODY THE VISION OF THE NEIGHBORHOOD PLAN BY -- BY PROVIDING PEDESTRIAN ACTIVITY. CONSIDER IT, WE APPRECIATE IT.

THANK YOU, MR. MADZSON, CHRISTIAN BATTER TELL. I BELIEVE IT IS. FOLLOWED BY PATRICK [INDISCERNIBLE]

GOOD EVENING, MY NAME IS KIRSTIN BAR TELL, I HAVE BEEN A NEIGHBORHOOD OF NORTH LOOP NEIGHBORHOOD PLANNING TEAM ALMOST SINCE ITS LOCATION. I AM SUPPORTING THE [INDISCERNIBLE] FOR 51st STREET. THE PLANNING TEAM HAS BEEN ACCUSED OF BEING NAIVE,

GULLIBLE, IN THE DEVELOPERS POCKET HAVING SOME SECRET AGENDA FOR SUPPORTING LR MU WHEN REALLY ALL WE DID WAS LOOK AT THE NEIGHBORHOOD PLAN TO DECIDE IF THIS TYPE OF ZONING WOULD ENABLE OUR NEIGHBORHOOD TO REACH ITS GOAL OF BECOMING "A VIBRANT MIXED USE NEIGHBORHOOD" WHERE COMMERCIAL AND RESIDENT.....RESIDENTIAL USES ARE COMBINED IN A WAY THAT CREATES AN INTERESTING STREET SCAPES OF QUOTE. THAT'S DIRECTLY FROM OUR NEIGHBORHOOD PLAN. SURVEYS, DURING THE NEIGHBORHOOD PLANNING PROCESS MADE IT CLEAR THAT RESIDENTS WANTED A MIXED USE NEIGHBORHOOD. AS IT WOULD PROVIDE ALL THE FUNCTIONS OF DAILY LIFE WITHIN WALKING DISTANCE. SO THE NEIGHBORHOOD CREATES A VISION PLAN THAT OUTLINES THEIR INTENT TO CREATE MIXED USE. LR-MU ZONING CERTAINLY SEEMS CONSISTENT WITH THAT NEIGHBORHOOD PLAN. FOR THIS SITE SPECIFICALLY, THE PLANNING TEAM THINKS LR-MU ZONING IS DESIRABLE. WE HAVE BEEN GIVEN THE OPPORTUNITY TO PLAN FOR THE FUTURE. WITH THE TRAPG TRIANGLE DEVELOPMENT UNDERWAY AND PLANS FOR MUELLER AIRPORT SITE BEING DISCUSSED IT'S UNREALISTIC TO EXPECT THAT 51 STREET ALREADY KEYS NEEDED AN ARTERIAL ISN'T GOING TO BE IMPACTED. LR-MU ZONING IS MORE APPROPRIATE FOR THIS TYPE OF ROAD THAN A RESIDENTIAL ZONING CATEGORY, ESPECIALLY IF TRAFFIC ALONG THIS ROAD IS EXPECTED TO INCREASE. WHY WOULD WE NOT SUPPORT A PROJECT THAT EMBRACES 51st STREET WITH ITS ORIENTATION? AND TAKES IT BACK FOR PEDESTRIANS. RATHER THAN ONE, WHICH IS INWARDLY FOCUSED CAR ORIENTED AND GIVES LITTLE TO THE COMMUNITY. ONE OF THE COMMISSIONERS AT THE PLANNING COMMISSION HEARING MADE A POINT ABOUT THE ENVISION CENTRAL TEXAS PLAN. THAT IF WE DON'T WANT OUR ROADWAYS CLOGGED WITH VEHICLES AS PEOPLE COMMUTE FROM BEDROOM COMMUNITIES OUTSIDE OF AUSTIN'S URBAN NEIGHBORHOODS, THEN WE NEED TO INCREASE RESIDENTIAL DENSITIES WITHIN OUR AUSTIN. BUT IT ISN'T ENOUGH TO SIMPLY INCREASE RESIDENTIAL DENSITY. WHY WOULD WE MOVE INTO THE URBAN CORE, PAY MORE FOR OUR PROPERTY, MORE ON PROPERTY TAXES, BUY AN OLDER HOUSE THAT REQUIRES A LOT OF MONEY TO MAINTAIN WHEN WE DON'T HAVE ANY MORE

CONVENIENCES OR SERVICES THAN IF WE HAD PURCHASE
ADD NEW HOME OUTSIDE OF THE CITY LIMITS? WE MOVE
INTO THESE URBAN NEIGHBORHOODS PARTLY FOR THEIR
CHARACTER, BUT ALSO SO WE CAN BIKE, WALK OR SPEND
LESS TIME DRIVING IN OUR CAR TO WORK. OUR CHILDREN
CAN WALK TO SCHOOL, SO WE CAN BICYCLE TO THE POST
OFFICE OR THE BANK OTHER THE GROCERY STORE. SO -- SO
IS THAT MY TIME? THE CITY COUNCIL CAN LOOK AT THE
NORTH LOOP PLAN AND SEE A REQUEST FOR REZONING
THAT'S CONSISTENT WITH THAT PLAN. WE URGE THAT YOU
SUPPORT OUR NEIGHBORHOOD PLAN.

Mayor Wynn: THANK YOU, PATRICK GETS? SORRY IF I AM
MISPRONOUNCING THAT.

YOU PRONOUNCE IT VERY WELL.

FOLLOWED BY JAY REDDY.

I WANT TO REITERATE THE PROCESS RIGHT NOW IS PRETTY
BADLY BROKEN. AND WHAT I WANT TO SAY, I WASN'T A BIG
FAN OF NEIGHBORHOOD PLANNING WHEN IT WAS
PROPOSED. BUT IF WE ARE GOING TO DO NEIGHBORHOOD
PLANNING THEN PLEASE LET'S DO NEIGHBORHOOD
PLANNING. PLEASE DON'T BE THE RONALD REAGAN CITY
COUNCIL. I'M NOT SAYING THAT YOU ARE, JUST DON'T BE
THAT AND FOR PEOPLE THAT ARE GOOD FRIEND RONALD
REAGAN, THIS IS A WELL KNOWN FACT, THE LAST PERSON
TAKE TALKED TO HIM, THAT WAS THE IDEA THAT HE WENT
WITH, ALWAYS CONSTANT FIGHTS ABOUT WHO WAS GOING
TO BE THE LAST PERSON THAT GOT TO TALK TO RAN THAT
REAGAN, THAT WOULD BE THE WHIED THAT WENT
FORWARD. ONE OF THEIR BIG ISSUES IS GOING TO BE
TRAFFIC. I'VE BEEN ON THE URBAN TRANSPORTATION
COMMISSION FOR FIVE YEARS, I THINK THAT I HAVE EARNED
THE RIGHT TO SAY A FEW SYLLABLES ABOUT TRAFFIC, ON
AT LEAST THREE OCCASIONS I VERY CAREFULLY EXPLAINED
WE HAD MEETINGS WHERE WE TALKED ABOUT THIS
PROJECT? AND I -- I WENT TO GREAT PAINS -- ONE OF THE
COMPLAINTS OF THE NEAR NEIGHBORS IS ALREADY TRAFFIC
PROBLEMS ON THE STREET, ANY KIND OF COMMERCIAL
USES IS GOING TO CREATE ADDITIONAL TRAFFIC PROBLEMS.
WHAT I EXPLAINED TO THEM, THE POSITION OF THE

NEIGHBORHOOD PLANNING TEAM IS ONCE THE MUELLER PROJECT GETS BUILT OUT AUTOMATIC THE VERY TOP OF 51st STREET, THEIR TRAFFIC PROBLEMS ARE GOING TO GET WORSE. THE ONLY WAY THEY ARE EVER GOING TO GET ANY KIND OF A TRAFFIC CONTROL DEVICE AT THE TOP OF THAT HILL, WHICH IS QUITE A DANGEROUS LOCATION, IS IF THEY MEET THE WARRANTS. THIS IS SOMETHING THAT I GUESS YOU PROBABLY KNOW ABOUT, YOU HAVE HEARD ABOUT IT BEFORE. BUT YOU HAVE TO MEET CERTAIN WARRANTS TO GET SOME KIND OF TRAFFIC CONTROL DEVICE. THE ONLY WAY THAT THEY WOULD EVER MEET THE WASHINGTON AT THAT LOCATION IS IF THERE'S SOME KIND OF PEDESTRIAN ATTRACTER. THAT WAS THE REASONING FOR THE NEIGHBORHOOD PLANNING TEAM FOR SUPPORTING SOME KIND OF A USE THERE, SOMETHING LIKE A NEW WORLD DELI, SOMETHING LIKE THAT THAT WOULD CREATE A PEDESTRIAN ATTRACTION IN THE NEIGHBORHOOD, WE MIGHT GET A WARRANT, MIGHT GET A STOP SIGN, THAT MIGHT BE A PLACE. IS THIS THE BEST LOCATION FOR A COMMERCIAL USE? NO, ABSOLUTELY NOT. BUT THE POSITION OF THE PLANNING TEAM WAS THAT THIS PROPOSAL, THE LR-MU PROPOSAL WAS THE BEST POSSIBLE USE FOR THIS PARCEL. NOT THE BEST LOCATION FOR SOMETHING COMMERCIAL, BUT IT IS THE BEST USE FOR THIS PARCEL. THAT'S WHY WE VOTED THIS WAY. NOW, I LIKE THE NEAR NEIGHBORS, I THINK THEY ARE INTERESTING, ENGAGING PEOPLE, BUT WE WOULD HAVE THESE DISCUSSIONS AND WE WOULD COME BACK AND THEY WOULD NEVER -- THEIR POSITIONS NEVER CHANGED. I WOULD EXPLAIN THIS TRAFFIC THING TO THEM. THEY WOULD COME BACK WITH EXACTLY THE SAME TRAFFIC THINGS THAT YOU ARE GOING TO HEAR ABOUT AGAIN TONIGHT. I DON'T COMPLETELY UNDERSTAND THAT. I'M GOING TO STOP THERE, IF WE ARE GOING TO DO NEIGHBORHOOD PLANNING, THINK IN THE LARGER SCALE. PLAN CITY WIDE, WE SHOULD PLAN AT A NEIGHBORHOOD LEVEL, THINK ABOUT WHAT'S GOING FOR THE CITY AS A HOLE, NOT NECESSARILY WHAT'S GOOD FOR ONE PERSON, SOMETHING LIKE THAT. THANK YOU. A LOT OF THINKING THAT WENT INTO THE NEIGHBORHOOD PLAN IS -- I'M GOING TO PLUG THIS BOOK. I THINK THIS IS A GREAT BOOK, CITY COMFORTS, KIND OF OUR THINKING WHEN WE DESIGNED OUR NEIGHBORHOOD PLAN, TALKS ABOUT URBAN VILLAGES,

STUFF LIKE THIS I HIGHLY RECOMMEND. ANYONE WHO HASN'T READ IT, IT'S SHORT, INEXPENSIVE, FUN TO READ.

HI, I'M SHEA REDDY, I HAVE A COLD, I WILL KEEP THIS BRIEF, I THINK MY FELLOW COMMISSIONER MATT HOLLAND COVERED ALL OF THE POINTS. I WAS THE PRESIDENT OF THE NEIGHBORHOOD ASSOCIATION WHEN WE VOTED ON THIS PROJECT. THE ENTIRE NEIGHBORHOOD OVERWHELMING VOTED FOR LR-MU, WANTED YOU TO KNOW THAT, THANK YOU FOR YOUR TIME.

THANK YOU, BILL YODER, WELCOME, SIR, THREE MINUTES.

I WAS THE -- THE CHAIR OF THE NORTH LOOP PLANNING TEAM WHEN THE PLAN WAS GIVEN ITS SECOND AND THIRD READING HERE IN MAY, 2002. I JUST WANTED TO SPEAK ABOUT THE PROCESS. I FELT REAL BAD WHEN MICHAEL RHOADES WROTE TO ME A COUPLE OF WEEKS AGO SAYING, BILL, I FEEL LIKE I LET THE TEAM DOWN. I RESPONDED, MIKE, YOU DIDN'T LET THE TEAM DOWN. YOU ARE PROGRESSIVE, A DEVELOPER, YOU HAVE WORKED WITH US FOR TWO YEARS, IT'S NOT YOUR FAULT. AND I FEEL AS THOUGH THE NEIGHBORHOOD TEAM, HAVING -- HAVING DISCUSSED THIS IN DEPTH AND HAD TWO FORMAL VOTES ON IT, EACH TIME UNANIMOUS -- NO, ACTUALLY, ONE PERSON VOTED AGAINST IT. IT'S BEEN SHOWN CONSISTENTLY AND SOLIDLY THAT WE ARE BEHIND THE PROPOSAL FOR LR-MU, MICHAEL I HOPE YOU GET THE CHANCE TO BUILD. THANK YOU.

THANK YOU, MR. YODER, COUNCIL I SAW -- THAT'S ALL OF THE FOLKS SIGNED UP IN FAVOR. WE WILL NOW HEAR FROM FOLKS WISHING TO STATE THEIR OPPOSITION, FIRST SPEAKER IS LISA HOFFMAN. WELCOME, MS. HOFFMAN YOU WILL HAVE THREE MINUTES, FOLLOWED BY DAVID HOFFMAN.

GOOD EVENING, THIS HAS BEEN A REALLY LONG AND DIFFICULT PROCESS FOR US. AND ALTHOUGH WE HAVE BEEN IN COMPLETE DISAGREEMENT ON THIS ISSUE, I DON'T THINK THAT THE PLANNING TEAM ARE BAD PEOPLE, BUT THEY HAVE NOT LISTENED ON THIS ISSUE AND I KNOW THEY FEEL LEFT OUT BECAUSE OF THE -- THEY WEREN'T INCLUDE UNDERSTAND THE COMPROMISE, BUT THEY WANTED TO -- INCLUDED IN THE COMPROMISE BUT THEY WANTED TO PUSH

THE COMMERCIAL USE WHILE WE WERE DISCUSSING A COMPROMISE SO WE DID LEAVE THEM OUT BECAUSE THAT WAS -- WE REALLY DO FEAR, AS MR. GETZ SAID THAT THE COMMERCIAL USE IS GOING TO REALLY EXACERBATE THE PROBLEM THAT ALREADY EXISTS. THAT IS WHAT MADE 342 SIGN A PETITION THAT ARE SURROUNDING NEIGHBORS, SIGN A PETITION TO SAY THEY WANTED IT TO STAY RESIDENTIAL. OH, THANK YOU. JUST THREW ME OFF, I HAVE NO IDEA WHERE I WAS. ALTHOUGH MOST OF THE PEOPLE WHO SIGNED THE PETITION DID NOT ATTEND MEETINGS, THEY ONLY -- AND THEY ONLY HEARD ONE SIDE, WHICH IS MY SIDE, THE PEOPLE WHO WERE AT THE MEETINGS DIDN'T HEAR TWO SIDES. THEY ONLY HEARD THE -- THE -- THE PRESENTATION BY MR. SMITH BEFORE THEY VOTED TO SUPPORT THE LR-MU. ANOTHER THING THAT I WOULD LIKE TO POINT OUT IS THAT PEOPLE ON THE PLANNING TEAM HAVE -- HAVE -- NONE OF THEM WILL HAVE -- WILL BE GREATLY EXACTED BY THIS BECAUSE THEY DON'T LIVE WITHIN A QUARTER OF A MILE. I DON'T BELIEVE ANY OF THEM LIVE WITHIN A QUARTER OF A MILE OF THIS. AND WE HAVE AGREED ON THIS. WE HAVE GOT A COMPROMISE, WE HAVE WORKED REALLY HARD TO DO THAT AND I THINK THAT THE COUNCIL SHOULD REALLY SUPPORT IT. IT DESIGNATES IN FILL WHERE YOU NEED IT AND WITHOUT EXACERBATING THE TRAFFIC THAT ALREADY EXISTS THERE. IT'S -- IT'S -- THE CITED LINE, IT'S VERY DIFFICULT -- THE SIGHT LINE IS VERY DIFFICULT BECAUSE OF THE HILL, A BLIND CURVE, THREE ODD INTERSECTIONS RIGHT THERE. IF PEOPLE AREN'T GOING 50, IT'S BECAUSE THEY'VE HAD TO STOP BECAUSE WHEN TRAFFIC BACKS UP TO THAT LOCATION FROM THE FIVE-WAY STOP SIGN IT'S -- IT'S JUST A CRAZY MIX TO ADD PEDESTRIANS INTO. I DO LOVE THE IDEA OF MIXED USE IN OUR NEIGHBORHOOD, BUT THAT'S WHAT THEY HAVE DESIGNATED THE WHOLE OF NORTH LOOP AS LR CASH MU OR AS MIX THE USE, EXCUSE ME, THAT IS JUST TWO BLOCKS AWAY. TWO BLOCKS TO THE WEST OR EXCUSE ME THE EAST WE HAVE COMMERCIAL USE THERE. IT'S NOT LIKE WE DON'T WANT COMMERCIAL USE, BUT WE WANT TO BE ABLE TO HAVE A SAY WHERE IT IS. THAT'S ALL THAT I HAVE TO SAY, THANKS VERY MUCH. THANK YOU, DAVID HOFFMAN.

YOU WILL HAVE THREE MANUSCRIPT. FOLLOWED BY --

THREE MINUTES, FOLLOWED BY CHRIS GAMBLE.

I JUST WANTED TO STATE MY SUPPORT OF THE S.F. 5 COMPROMISE WHICH HAS I NOTICE THE SUPPORT OF THE CITY STAFF, THE NEIGHBORS THAT LIVE NEARBY AND ALSO THE OWNER OF THE PROPERTY. I JUST WANT TO MAKE THE POINT AND RESTATE, I WAS SO HAPPY TO MOVE TO THAT NEIGHBORHOOD, ENJOY LIVING THERE, WE HAVE WITHIN -- I LIVE LESS THAN 300 FEET FROM THE PROPERTY IN QUESTION. I ALSO LIVE JUST WITHIN A FEW BLOCKS OF -- OF RETAIL AND COMMERCIAL ZONING AT 53rd AND F, 53rd AND G, 51st AND DUVAL, EASY WALKING DISTANCE TO THE NEW TRIANGLE TO THE HYDE PARK COMMERCIAL AREA AND EVERY -- EVERY DIRECTION. AND I WOULD ALSO POINT OUT THAT THIS SITE JUST SEEMS LIKE -- SEEMS LIKE A REAL I GUESS KIND OF BONE HEAD LOCATION TO MAKE -- TO MAKE RETAIL OR COMMERCIAL BECAUSE IT'S MID BLOCK, IT'S ON A BLIND CORNER AND THE CITY STAFF POINTED OUT IT IS EITHER BORDERING OR VERY CLOSE TO A VERY LARGE NUMBER OF S.F. 3 LOTS. SO IT REALLY DOES -- DOES FIT INTO -- IT'S VERY AWKWARD PLACE TO FIT IN LR-MU. AND SO I WOULD JUST LIKE TO SAY I DO LIKE LIVING IN A MIXED USE NEIGHBORHOOD, I DO LIVE IN A MIXED USE NEIGHBORHOOD WITHIN EASY WALKING DISTANCE IN EVERY DIRECTION, IT SEEMS LIKE A REALLY ODD PLACE TO -- TO ADD MORE RETAIL. FINALLY, I DON'T KNOW, I JUST -- THE FIRST SPEAKER IN SUPPORT, THE FIRST MATT HOLLAND KIND OF IMPLIED THAT THE NEIGHBORS WHO SIGNED THE PETITION WERE ILL INFORMED OR SO. I JUST FIND THAT -- I JUST FIND THAT KIND OF INSULTING BECAUSE I DON'T THINK THERE'S ANY BASIS TO THAT STATEMENT AND I THINK WE ARE VERY WELL INFORMED AND KNOW EXACTLY WHAT'S GOING ON. THAT'S REALLY ALL THAT I HAVE TO SAY.

Mayor Wynn: THANK YOU, MR. HOW FAR MAN. SAM HANSON, NOT WISHING TO SPEAK, AGAINST. CHRIS GAMBLE. WE WILL, 3 MINUTES, FOLLOWED BY DAVID ALBERT WHO WILL BE FOLLOWED BY MYA GAMBLE. SCOOT YOU ALL UP.

GOOD EVENING, MAYOR, GOOD EVENING COUNCILMEMBERS. THANKS FOR YOUR ATTENTION TO THIS ISSUE THIS EVENING. I'M HERE TO SUPPORT THE COMPROMISE OF S.F. 5 AND AGAINST THE LR-MU POTENTIAL

REZONING. I WOULD LIKE TO REITERATE WHAT SOME OF OUR OTHER FELLOW NEIGHBORHOOD MEMBERS HAVE SAID THAT WE HAVE BASICALLY THE HYDE PARK NEIGHBORHOOD ASSOCIATION THAT SUPPORTS THE S.F. 5, THE CITY STAFF THAT SUPPORTS THE S.F. 5, THE AFFECTED PROPERTY OWNERS WITHIN 300 FEET WHO SUPPORT THE S.F. 5, AND THE DEVELOPER SUPPORTS AN S.F. 5.. 5 CHANGE. THE ONLY PEOPLE WHO ARE ON THE LR-MU AND REFUSE TO COMPROMISE IN ANY WAY, SHAPE OR FORM IS THE NEIGHBORHOOD PLANNING TEAM. WE -- THE AFFECTED NEIGHBORHOOD, AFFECTED NEIGHBORS TO THE PROPERTY BELIEVE THAT PEOPLE CAN RESPECTFULLY DISAGREE AND HAVE DIFFERENT OPINIONS WHAT THE BEST USE FOR DIFFERENT PLOTS OF LAND ARE. IT DOES NOT APPEAR THAT THE NEIGHBORHOOD PLANNING TEAM SHARES THAT FEELING. THEY BASICALLY SAY WE ARE RIGHT, THE CITY STAFF IS WRONG, YOU ARE WRONG, THE HYDE PARK NEIGHBORHOOD ASSOCIATION IS WRONG, AND THE DEVELOPER IS WRONG FOR -- FOR SUPPORTING IT. SO I WOULD LIKE TO ASK FOR YOUR SUPPORT TO SUPPORT THE S.F. 5 COMPROMISE TONIGHT. WHICH SATISFIES THE -- THE GREATEST NUMBER OF PEOPLE AND PROVIDES FOR THE BEST USE OF THAT LAND, AT LEAST IN OUR OPINION. THANK YOU.

Mayor Wynn: THANK YOU, MR. GAMBLE. DAVID ALBERT. WELCOME, DAVID. YOU WILL HAVE THREE MINUTES.

YES, I'LL BE BRIEF. I OWN THE PROPERTY AT 5101 AVENUE F, I'M AGAINST THE LR-MU ZONING. I SIGNED THE THING FOR S.F. 5. I DON'T REALLY UNDERSTAND WHY WE ARE HAVING THIS MEETING RIGHT NOW BECAUSE WE HAVE AN AGREEMENT WITH THE DEVELOPER. THE IMMEDIATE NEIGHBORS ARE READY TO -- FOR S.F. 5 TO MOVE ON. I -- I FIND MR. HOLLAND'S REMARKS PRETTY INSULTING. I JUST WANT TO VOICE MY OPPOSITION TO LR-MU, MY -- MY -- I'M FOR THE S.F. 5 AGREEMENT THAT WE HAVE MADE WITH THE DEVELOPER. THANK YOU.

Mayor Wynn: THANK YOU, MR. ALBERT. MYA GAMBLE. WELCOME, MA'AM, THREE MINUTES FOLLOWED BY GLEN COLEMAN.

GOOD EVENING. I WOULD LIKE TO START JUST BY EXPLAINING THAT WE DID NOT HAVE THE MANY PEOPLE ON THE PETITION, THE IMMEDIATE NEIGHBORS AND THE FURTHER AWAY NEIGHBORS, BUT STILL NEIGHBORS WHO ARE CONCERNED SHOW UP TONIGHT BECAUSE OUR UNDERSTANDING WAS THAT YOU COULDN'T VOTE FOR LR-MU BECAUSE OF THE COMPROMISE AND BECAUSE THE DEVELOPER HAS AMENDED HIS ZONING AMENDMENT REQUEST TO S.F. 5. I UNDERSTAND NOW THAT THAT IS NOT CORRECT. AND SO I WANT TO MAKE IT CLEAR THAT WE DID NOT COME PREPARED TO MAKE A PRESENTATION AGAINST LR-MU TONIGHT. THEREFORE, SHOULD YOU DECIDE TO VOTE IN FAVOR OF THAT, WE ASK THAT YOU KEEP THE PUBLIC MEETING OPEN FOR THE SECOND READING BECAUSE I CAN GUARANTEE YOU THERE WILL BE MANY MORE PEOPLE HERE AS THERE WERE AT THE PLANNING COMMISSION. WITH THAT ASIDE, I WOULD JUST LIKE TO QUICKLY ADDRESS A FEW POINTS. THE NEIGHBORHOOD PLAN, THE FUTURE LAND USE MAP, HAD THIS PIECE OF PROPERTY AS SINGLE FAMILY. IN FACT I THINK IT HAS IT AS SINGLE FAMILY 3. SO WE ARE IN FAVOR OF A CHANGE TONIGHT TO THE SINGLE FAMILY 5. WITH OUR CONDITIONAL OVERLAY. I UNDERSTAND THE POINT THAT OUR NEIGHBORHOOD PLAN'S GOALS AND ASPIRATIONS ARE FOR MIXED USE. IN FACT I THINK WE ALREADY HAVE MIXED USE. AS WAS MENTIONED BY ONE OF MY NEIGHBORS, FROM WHERE WE LIVE, I CAN WALK TWO BLOCKS TO THE NORTH OR TWO BLOCKS TO THE EAST TO -- TO COMMERCIAL NEIGHBORHOODS, SCALE, FRIENDLY RETAIL, I CAN WALK LESS THAN A BLOCK -- THAN A MILE TO THE WEST AND APPROXIMATELY A MILE, MAYBE A LITTLE BIT LESS TO THE SOUTH AND MEET THE SAME THING. WE REALLY DON'T THINK THAT THERE'S A NEED FOR MORE AND FOR A BUNCH OF REASONS, WE THINK THIS IS A VERY POOR LOCATION FOR COMMERCIAL. I ALSO HAVE TO SAY THAT I AM -- THAT I AM EXTREMELY OFFENDED BY VEILED ACCUSATIONS ABOUT THE PETITION BY INSULTS TO THE INTELLIGENCE AND UNDERSTANDING OF THOSE OF US WHO SIGNED THE PETITION. AND I'M ALSO -- I TAKE OFFENSE AT THE CHARACTERIZATION OF THE PLANNING TEAM MEETINGS AS OPEN PLACES WHERE BOTH SIDES COULD BE HEARD. HAD ANY OF MY NEIGHBORS ATTENDED A PLANNING TEAM

MEETING, THEY WOULD HAVE MET WITH THE SAME EXACT RECEPTION I DID. I BELIEVE. WHICH IS TO HAVE -- I WAS TOLD REPEATEDLY THAT MY OPINION WAS WRONG, THAT I DID NOT KNOW WHAT I WANTED AND THAT I WANTED SOMETHING ELSE INSTEAD. AS YOU CAN IMAGINE THAT WAS INSULTING IN ITSELF. I KNOW THAT I'M GOING TO RUN OUT OF TIME. I JUST WANTED TO -- I REALLY TELL YOU GUYS JUST VERY QUICKLY THE COMPROMISE WE THINK IS A WONDERFUL OPPORTUNITY. IF WE HAD COME IN SAYING WE JUST WANT S.F. 3, WHICH IS HOW WE STARTED, THE DEVELOPER WOULD BE LEFT WITH VERY FEW CHOICES ON WHAT TO BUILD, HE WOULD BE FORCED TO BUILD LARGE DUPLEXES IN A SORT OF UNATTRACTIVE FLAG LOT MANNER. WE WORKED VERY HARD WITH HIM TO COME UP WITH AN AGREEMENT TO MAKE ALL A OF US HAPPY. WE HOPE IF YOU HAVE QUESTIONS YOU WILL ASK ONE OF US ABOUT IT. WE THINK THAT THE COMPROMISE IS AN EXCELLENT SOLUTION AND WE WORKED VERY HARD ON IT.

Mayor Wynn: THANK YOU MS. GAMBLE, GLEN COLEMAN, WELCOME, 3 MINUTES.

GOOD EVENING, MY NAME IS GLEN COLEMAN THE PRESIDENT OF THE HYDE PARK NEIGHBORHOOD ASSOCIATION AND NEIGHBORS IN OPPOSITION TO TONIGHT'S BUSINESS ASKED ME TO COME DOWN AND REITERATE HYDE PARK'S POSITION. I'M NOT SURE THAT IT'S RELEVANT, BUT I'M CERTAINLY GOING TO PAY THEM THE COURTESY OF RETURNING THAT. AS I RECALL ABOUT 8 OR 9 MONTHS AGO WHEN HYDE PARK WAS BEING APPROACHED AND ASKED TO BECOME A PARTY TO THIS. THERE WAS A GREAT DEAL OF CONFIDENCE AMONG THE LEADERSHIP AT THAT TIME THAT THE NEIGHBORS, DEVELOPER, PLANNING TEAM COULD WORK IT OUT QUITE WELL. WHAT I INTERPRET AS AN ATTEMPT TO DISENGAGE FROM THIS PROCESS THE NEIGHBORS SIMPLY VOTED TO SUPPORT STAFF, CITY STAFF'S RECOMMENDATION, CONFIDENT THAT IT WOULD ALL BE IN GOOD HANDS. SO -- APPARENTLY THIS IS NOW APPARENTLY THIS IS NO RELEVANT, CITY STAFF'S RECOMMENDATION IS WHAT'S BEFORE YOU TONIGHT. SO THAT WAS THE POSITION OF HYDE PARK AND IF THAT'S THE BEST THAT WE CAN DO, THEN HYDE PARK WOULD -- WOULD SAY TO -- AS WE VOTED TO DO, REITERATE TO SUPPORT THE

S.F. 5. DO YOU ALL HAVE ANY QUESTIONS? THANK YOU.

Mayor Wynn: THANK YOU, MR. COLEMAN. COUNCIL, THAT'S ALL OF THE FOLKS SIGNED UP IN OPPOSITION TO THIS ZONING CASE. THIS -- RATS. THERE BEING -- IT BEING PAST 10:00 I WILL ENTERTAIN A MOTION TO WAIVE THE COUNCIL RULES TO CONTINUE THE PUBLIC COUNCIL MEETING.

Thomas: SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER MCCrackEN. ALL THOSE IF FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? I THINK WE HAVE -- WE HAVE AN AGREEMENT BY BOTH PARTIES. I THINK WE HAVE AN AGREEMENT WE BOTH PARTIES TO POSTPONE 68 FOR ANOTHER MONTH, I GUESS IT WOULD BE SEPTEMBER 30th. SO IF WE COULD DO THAT AND GET THEM OUT OF HERE I WOULD SO MOVE.

Slusher: MOTION BY COUNCILMEMBER SLUSHER TO POSTPONE ITEM NO. 68 UNTIL SEPTEMBER 30th. THAT WILL BE A FUN MEETING.

Slusher: IS THAT --

OCTOBER 7th.

Slusher: HOW ABOUT OCTOBER 7th.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER. SECONDED BY COUNCILMEMBER MCCrackEN TO POSTPONE ITEM NO. 68 TO OCTOBER 7th, 2004. ALL IN FAVOR?

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THAT CONCLUDES ALL FOLKS SIGNED UP IN OPPOSITION, A 3 MINUTE REBUTTAL FROM THE OPENER, MR. MICHAEL

RHOADES. YOU WILL HAVE THREE MINUTES.

THANK I,. YOU, MAYOR, I'M NOT SURE WHAT I AM REBUTTING, MAYBE I CAN GIVE HISTORY AND GUIDANCE TO LET YOU KNOW WHY WE ARE WHERE WE ARE. WHEN WE -- WHEN WE WENT TO THE PLANNING COMMISSION AND LOST, MEAT HOLLAND E-MAILED ME AND THE GIST OF THE E-MAILS IS -- IT WAS BASICALLY THAT -- THAT MIKE, YOU AND DON NEED TO WORK HARD TO COME TO A COMPROMISE WITH THESE NEIGHBORS, YOU NEED TO WORK A MORE CONCRETE PLANS. AND THEN WE WILL GIVE YOU SUPPORT. IF YOU DON'T DO THOSE THINGS, DON'T EXPECT SUPPORT FROM THE PLANNING TEAM WHEN YOU GO TO COUNCIL. WITH THAT, AND IN THE FACE OF THE VALID PETITION, YOU KNOW I TALKED WITH DON WHO HAD BEEN HELPING US WITH THIS CASE, GETTING US -- GIVEN AS I WAS IN HOUSTON, I CAN'T DO A LOT OF THE THINGS THAT MEAT WAS ASKING. -- THAT MATT WAS ASKING. WE DECIDED REALLY WE DIDN'T THINK A LOT OF THAT WOULD GET US ANYWHERE QUITE HONESTLY WITH THE NEARBY PROPERTY OWNERS. IN LIEU OF THIS. I BEGAN TALKING WITH THE PROPERTY OWNERS AND WORKED UP AN AGREEMENT THAT WE THINK IS GREAT. PROVIDES FOR REASONABLE DEVELOPMENT OF THE PROPERTY. SOMETHING THAT MAKES MOST EVERYBODY HAPPY. IN HINDSIGHT I THINK MATT AND I BOTH PROBABLY REGRET THAT. BUT WE ARE WHERE WE ARE. I THINK THAT GIVEN THAT -- THAT AS MYA SAID WE HAVE WORKED HARD, TO GET THIS AGREEMENT TOGETHER, WHICH WE ARE ALL VERY HAPPY WITH, I THINK THERE'S SOME LEVEL OF FUNDAMENTAL FAIRNESS THAT IS DUE TO THEM IN THE EVENT THAT COUNCIL WANTS TO SUPPORT LR-MU, THAT'S SOMETHING THAT WE MIGHT HAVE TO CONSIDER.

Mayor Wynn: THANK YOU, QUESTIONS, COMMENTS.

Slusher: I'M NOT SURE I UNDERSTOOD THAT, SIR. ARE YOU SAYING THAT -- ARE YOU -- ARE YOU THEN LEANING TOWARDS THE SINGLE FAMILY USE FOR YOURSELF OR -- IS THAT WHAT YOU MEAN BY THE FUNDAMENTAL FAIRNESS?

THE EXPECTATION FROM THE NEARBY OWNERS, THAT WE WOULD END UP WITH S.F. 5, AND I HAVE -- WHEN I ENTERED INTO THAT AGREEMENT WITH THEM HAD NOT EXPECTED

THAT WE WOULD HAVE THE RESOUNDING SUPPORT THAT WE HAVE FROM THE PLANNING TEAM TONIGHT. DOWN HERE. SOMEWHAT BEGGING FOR LR-MU. GRANTED LR-MU WAS ALWAYS -- IT WAS OUR PREFERENCE, SOMEWHAT -- SOMEWHAT GUIDED BY THE PLANNING TEAM'S INITIAL RECOMMENDATION, WAY BACK WHEN WE FIRST MET WITH THEM. BUT LIKE I SAID I THINK IT'S UNFAIR TO THE NEIGHBOR THAT'S WE HAVE WORKED THROUGH THE COMPROMISE WITH. IF COUNCIL IS WANTING TO SUPPORT AND ENDORSE THE MIXED USE ZONING, THAT'S SOMETHING THAT I WOULD LIKE TO TALK WITH MY PARTNERS, THE NEARBY PROPERTY OPENERS AND THE PLANNING TEAM, IF THAT'S HOW COUNCIL WANTS TO PURSUE.

Slusher: OKAY. IT DOES SEEM LIKE YOU ARE TRYING VERY, VERY HARD TO BE FAIR.

VERY HARD TO BE FAIR. IT'S BEEN A VERY LONG ROAD.

Slusher: SOUNDS LIKE IT. FURTHER COMMENTS, QUESTIONS? IF NOT I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING ON Z-1 AND 2. ANY DISCUSSION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? PUBLIC HEARING IS CLOSE ODD A VOTE OF 7-0. QUESTIONS? STAFF? NEIGHBORS? APPLICANTS? COMMENTS?

MAYOR AND COUNCIL, WHAT I HAVE PASSED OUT IS JUST A MOTION SHEET, THE TOP PORTION OF IT IS JUST A CASE SUMMARY OF -- YOU CAN SEE THE DIFFERENT COLUMNS AND THE DIFFERENT RECOMMENDATIONS AND THE LOWER BOX TALKS ABOUT THE -- SPEAKS TO THE MOTIONS, A WITH THE COMPROMISE AND B WITH THE NEIGHBORHOOD PLANNING TEAM'S RECOMMENDATION.

Mayor Wynn: WHAT YOU ARE SHOWING IS STAFF ISN'T READY FOR THIRD READINGS SHOULD COUNCIL VOTE ON THE SECOND OR B MOTION?

MAYOR, WHAT WE DO HAVE PREPARED, WE DO HAVE AN

ORDINANCE OUTLINING THE COMPROMISE IF THE COUNCIL WISHES TO GO WITH A. WE COULD GO WITH ALL THREE READINGS, HOWEVER, IT IS -- IT IS STILL A VALID PETITION AND WE WOULD NEED SIX VOTES FOR 4 A, BUT WE TOO HAVE AN ORDINANCE READY TO GO. IF -- IF THE COUNCIL CHOSE TO GO WITH B, WE DO NOT HAVE AN AROUND PREPARED SO WE COULD GO FIRST READING ONLY ON -- ON B.

Mayor Wynn: YOU ARE SAYING THERE'S A VALID PETITION EVEN AGAINST THE A MOTION, THE S.F. 5 CO-NP.

BECAUSE THE ADJACENT PROPERTY OWNERS HAVE NOT WITHDRAWN THEIR VALID PETITION AND THE COMPROMISE WAS REACHED DURING THIS PROCESS, THAT -- THAT WE STILL HAVE A VALID PETITION IN OUR BOOKS.

THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? MAYOR PRO TEM?

Goodman: MAY I ASK WHY THE VALID PETITION IS STILL IN PLACE IF THEY HAVE REACHED A COMPROMISE?

MAYOR PRO TEM, I THINK BECAUSE WE HAVE NOT GOTTEN ANYTHING IN WRITING FROM THE TEAM OR FROM THE ADJACENT PROPERTY OWNERS WITHDRAWING THAT VALID PETITION, ALL THAT WE'VE KNOWN THAT THEY HAVE REACHED THIS COMPROMISE BUT WE HAVE NOT SEEN ANYTHING IN WRITING TO THE CONTRARY.

Goodman: OKAY. I'M PROBABLY ASKING THE WRONG QUESTION [INDISCERNIBLE]

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?

Alvarez: THANKS, MAYOR. I HAD A QUESTION MAYBE FROM STAFF ABOUT THE S.F. 5 PROPOSAL. NOW, IS THERE A UNIT RESTRICTION ON THAT AS WELL? OR IS IT JUST THE RESTRICTION AS LISTED ON HERE? MAXIMUM --

FOR THE S.F. 5? THERE -- THE COMPROMISE IS THAT, YES,

THE MAXIMUM OF 10 UNITS WOULD BE BUILT ON THAT PROPERTY.

Alvarez: IS THAT ACTUALLY STATED SOMEWHERE OR IS THAT WHAT WOULD HAPPEN --

ACTUALLY, THAT -- THAT IS CONSISTENT WITH THE RESTRICTIONS OF THE S.F. 5 ANYWAY. BUT THAT WAS SOMETHING THAT THEY ALSO STATED IN THEIR AGREEMENT.

UNDER S.F. 3 DO WE KNOW WHAT WOULD BE, HOW MANY UNITS COULD BE DEVELOPED?

UNDER THE S.F. 3 THE MINIMUM LOT SIZE IS 5750, AND THEY HAVE A LITTLE SHY OF AN ACRE. ON -- COMBINING ALL FOUR PROPERTIES. SO -- SO --

8 PER ACRE?

JUST SHY OF AN ACRE. I THINK IT'S .95.

Alvarez: BUT THE NUMBER OF UNITS IN S.F. 3 IS ABOUT 8 AN ACRE; IS THAT RIGHT?

Guernsey: YOU ARE PROBABLY LOOKING AT ABOUT SIX UNITS PER ACRE. JUST FOR INFORMATION, THE NEIGHBORHOOD REPRESENTATIVE TOLD ME THAT THE REASON WHY THE PETITION HAS NOT BEEN WITHDRAWN IS BECAUSE THERE'S STILL A POSSIBILITY OF LR-MU CO-N.P. AND THAT THE PETITION AS WRITTEN WOULD COVER BOTH SITUATIONS BUT SINCE THAT'S STILL A POSSIBILITY, THEY HAVE NOT WITHDRAWN THAT. IF IT WAS FORMERLY WITHDRAWN AND THERE WERE NO -- THERE WAS NO ISSUE ABOUT IT, THEY WOULD BE MORE THAN HAPPY TO GO BACK AND GET ALL OF THOSE SIGNATURES TO CHANGE THE POSITIVE OR MODIFY OR REMOVE IT IN ACCORDANCE WITH THE COMPROMISE. THE MAJORITY I GUESS OF THE ADJACENT PROPERTY OWNERS BASED ON WHAT I HAVE BEEN TOLD HAVE AGREED TO THE COMPROMISE POSITION. BUT SO LONG AS THE OTHER POSSIBILITY EXISTS THEY WILL NOT TAKE THEIR NAMES OFF THE PETITION. THANK YOU, MR. GUERNSEY, I ALSO HAD A QUESTION OF MR. HOLLAND OR WHOEVER IS

THE HEAD OF THE PLANNING TEAM.

LET ME QUESTION BY SAYING IN LOOKING AT THE PROPOSALS, SEEMS LIKE I MEAN I'M HAVING SOME CONCERNS ON ACTUALLY EITHER PROPOSAL TO TELL YOU THE TRUTH. BECAUSE YOU HAVE IN ONE CASE OBVIOUSLY AN AREA SURROUNDED BY S.F. 3. BEING PROPOSED FOR S.F. 5 ALTHOUGH WITH A LOT OF RESTRICTIONS. THEN WE HAVE THE NEIGHBORHOOD TEAM THAT I WILL ASK YOU JUST TO EXPLAIN Y'ALL'S REASONING ON THIS. BUT -- BUT ASKING FOR LR-MU IN WHAT WOULD BE SORT OF A SEA OF S.F. 3 WHICH -- WHICH TYPICALLY IN THESE NEIGHBORHOOD PLANS WE SEE FOLKS TRYING TO MAINTAIN THE CHARACTER OF THESE SINGLE FAMILY NEIGHBORHOODS AND SO IT SEEMS KIND OF ODD TO ME THAT -- THAT ALONG THIS STRETCH WHERE THERE IS NO COMMERCIAL EXCEPT ON DUVAL AND 51st, ALL OF A SUDDEN WE TRY TO PUT IN THERE AN LR-MU. SEEMS TO ME LIKE S.F. 3 IS THE MOST APPROPRIATE ZONING FOR THIS PARTICULAR TRACT, BUT I'M TRYING TO UNDERSTAND WHERE THE NEIGHBORHOOD TEAM WAS COMING FROM.

AGAIN, I THINK THE VISION STATEMENT AND THE -- AND OUR PLANNING DOCUMENTS SHOWS AGAIN AND AGAIN THAT WE ARE SUPPORTING AN -- A RATHER ECLECTIC AND MIXED USE KIND OF LAND PATTERN. AND WE ACTUALLY, WE DID NOT COME INTO THIS -- I WAS ACTUALLY SKEPTICAL WHEN THIS FIRST CAME IN. I LOOKED AT IT AND THOUGHT -- ACTUALLY I USED TO LIVE BELOW THIS SITE. REPRESENTED A HOME AT WALLER CREEK AND 51st FOR FOUR OR FIVE YEARS. AND SO I WAS A LITTLE BIT SKEPTICAL AT FIRST. I THINK THE PLANNING TEAM ACTUALLY WENT THROUGH QUITE A NUMBER OF MONTHS OF DELIBERATION ON THIS, THREE MONTHS OF DELIBERATION BEFORE WE REACHED OUR CONCLUSION. BUT I THINK WE FELT THAT THE PROPOSAL ITSELF WAS HAND CRAFTED FOR THIS -- FOR THIS SITE. IT'S A MODEST SITEMENT AGAIN A LITTLE BIT LESS THAN AN ACRE. WE WERE GOING TO BE ABLE TO HAVE THE KINDS OF SETBACKS, THE KINDS OF SCREENING, ET CETERA, THAT WE WOULD NEED TO -- TO MAKE SURE THAT THIS WASN'T GOING TO OVERWHELM THE ADJACENT SITES. I THINK A LOT OF US WERE THINKING GOSH WHY WOULD SOMEONE WANT TO LIVE FIVE FEET AWAY -- THE ORIGINAL OPPOSITION WAS

INSISTING ON S.F. 3. WE WERE THINKING THIS WAS GOING TO PROVIDE SOMETHING THAT WAS GOING TO BE FURTHER BACK, IT WAS GOING TO BE SOMETHING THAT WOULD BE AGAIN WITHIN WALKING DISTANCE, ET CETERA. I THINK THERE'S GOING TO BE SOME DIFFERENT PHILOSOPHIES OF PLANNING, SOME PEOPLE REALLY WANT A LITERAL SORT OF EVERYTHING ALONG THIS WHOLE CORRIDOR HAS GOT TO FIT WITHIN X, YZ. I THINK WE ARE LOOKING FOR A MORE ORGANIC KIND OF PLAN IN THE NORTH LOOP PLAN. NOT WILLY NILLY. THIS IS -- THIS WAS A VERY SPECIAL SITE. I WAS NOT GOING TO SUPPORT THIS LAND USE AGAIN WHEN THE CITY STAFF INITIALLY SAID DO YOU WANT TO DO THIS BETWEEN THIS SITE ALL THE WAY OVER TO DUVAL. I DON'T THINK THAT WAS APPROPRIATE. LOTS FACING AVENUE F, G, H, THAT WAS NOT A GOOD CALL. WHILE I'M UP HERE, I REALLY DO WANT TO APOLOGIZE IF I OFFENDED ANYBODY'S INTELLIGENCE ON THE OPPOSITION. I FOUND OUT THEY WERE EXTREMELY INTELLIGENT AND I KNOW THAT THEY WORKED HARD AND THOUGHT THESE ISSUES THROUGH AND IT WAS NOT MY INTENTION TO SAY I THINK WE WERE -- THERE WERE FUNDAMENTAL DISAGREEMENTS ABOUT WHAT WE THOUGHT WAS GOING TO OCCUR AT THIS SITE. AND I KNOW THAT LED TO SOME CONSIDERABLE TENSION AND I THINK I WOULD LIKE TO SEE SOME WAY OF -- OF -- WE WEREN'T -- AS FAR AS US NOT COM....COMPROMISING, I THINK THERE WAS A LOT OF ROOM FOR NO, LO, DISCUSSIONS VERY BRIEF BUT THE DIALOGUE WAS VERY MINIMAL IN THIS CASE, WE REALLY DIDN'T I GUESS EVERYBODY IS GOING TO DISAGREE. I FELT LIKE WE WERE VERY OPEN AND WANTED TO TALK, WANTED TO DISCUSS IT AND THE DETAILS OF THIS CASE SIMPLY WERE NOT APPARENTLY VERY -- VERY WELCOME IN THE DISCUSSION. SO --

OKAY THIS QUESTION FOR, COUPLE MORE QUESTIONS FOR STAFF. ON THE -- ON THE MU PART OF -- OF THE LR-MU PROPOSAL, THEN -- THEN WHAT KIND OF DENSITY DOES THAT PERMIT? BECAUSE I KNOW THE MU ALLOWS, YOU KNOW, IN SOME CASES EVEN SOME MULTI-FAMILY TYPE OF RESIDENTIAL DEVELOPMENT. SO WHAT -- WHAT -- IS THERE ANY OTHER RESTRICTIONS ATTACHED TO THE MU OR THE COMBINATION OF THE COMMERCIAL AND RESIDENTIAL

ZONING?

COUNCILMEMBER, WELL THE BASE ZONING WHICH IS LR WOULD GIVE YOU THE SITE DEVELOPMENT STANDARDS FOR THAT. THE MU YOU COULD BUILD A NUMBER OF -- A NUMBER OF USES. SINGLE FAMILY, MULTI-FAMILY, DUPLEX, GROUP RESIDENTIAL, GROUP HOME FOR INSTANCE, ALL OF THOSE USES. THE -- THE LR AGAIN HAS A MINIMUM LOT SIZE SIMILAR TO S.F. 3 WHICH IS 5750. THE IMPERVIOUS COVER LIMITS ARE -- IT'S DIFFERENT WITH THE LR GIVES YOU A HIGHER IMPERVIOUS COVER, 55% VERSUS 45% WITH WHAT THEY HAVE NOW WITH THE S.F. 3. SO THE S.F. 5 WOULD -- I'M SORRY, I MISQUOTED. THE S.F. 5 WOULD GIVE YOU THE [INDISCERNIBLE] IMPERVIOUS COVER ... [INDISCERNIBLE] THAT'S ANOTHER BIG DIFFERENCE WITH THE LR-MU.

SURE. THEN -- THEN CAN WE COULD MULTI-FAMILY ZONING?

WITH THE LR-MU. YES, THEY COULD WITH THE MU, YES.

WHAT WOULD THE HEIGHT BE UNDER LR VERSUS UNDER S.F. 5? WE ARE TALKING 50 WITH THE LR, ACTUALLY IT THE SAME. THE SF 5 WOULD GIVE YOU 40 FEET. I'M SORRY.

Alvarez: WHAT WAS THIS NOTICED FOR? BECAUSE THERE WAS A NOTICE FOR -- FOR S.F. 5.

THAT'S RIGHT.

THEN WOULD WE EVEN HAVE THE OPTION OF DOING SOMETHING THAT'S MORE INTENSE THAN WHAT THE PROJECT, WAS NOTICED FOR?

THE PROJECT WAS -- WAS NOTICED FOR THE LR-MU-CO-NP AND IT WENT TO PLANNING COMMISSION LIKE I SAID IN MAY AND THE -- THE AMENDED AGREEMENT CAME IN JUNE, SO IT WAS AFTER THE PLANNING COMMISSION'S RECOMMENDATION -- AFTER IT WENT TO PLANNING COMMISSION.

Alvarez: SO THEN IT DID START OFF AS THE MIXED USE PROJECT. SINCE ACTUALLY EVEN AFTER PLANNING COMMISSION CONSIDERED IT, ANOTHER -- ANOTHER

AGREEMENT WAS -- WAS STRUCK WITH THESE NEIGHBORS HERE.

THAT'S CORRECT.

OKAY. THANK YOU.

FURTHER COMMENTS, QUESTIONS? IF NOT I'LL ENTERTAIN A MOTION. MOTION. CLOSED THE PUBLIC HEARING ON Z-1 AND Z-2. YES, WE CLOSED THE PUBLIC HEARINGS, NOW IT'S JUST A MATTER OF -- OF PERHAPS AMENDING THE FUTURE LAND USE PLAN, Z-1 AND THE ZONING OF THIS TRACT ON Z-2. MAYOR PRO TEM?

Goodman: I'LL MOVE S.F. 5 CO-NP WITH A COMMENT IF ANYBODY SECONDS THAT. FOR ALL THREE READINGS.

SECOND.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER MCCracken TO APPROVE ON THREE READINGS, S.F. 5-CO-N.P. PER STAFF RECOMMENDATION. MAYOR PRO TEM.

Goodman: IT'S AN INTERESTING SITUATION WHERE YOU HAVE A NEIGHBORHOOD SO GOOD THAT THERE ARE TWO FACTIONS BOTH BREAKING OUT OF THE ON BOX IN DIFFERENT WAYS. I APPRECIATE THE VISION OF THE PLANNING TEAM BECAUSE WHEN THERE IS OPPORTUNITY, NOT ALL NEIGHBORHOOD WILL TAKE IT. ON THE OTHER HAND, TO COME TOGETHER AND BE IN SUPPORT OF S.F. 5 IS EQUALLY UNHEARD OF. IN THESE DAYS. SO BECAUSE SINGLE FAMILY WAS IN THE PLAN ALREADY, AND BECAUSE THERE IS A -- THERE IS A NOTABLE COMMITMENT I THINK IN THIS NEIGHBORHOOD TO MOVE FORWARD AND BE PROGRESSIVE AND AT THIS MOMENT CERTAIN FOLKS LOOK MORE PROGRESSIVE IN A DIFFERENT WAY FROM OTHER FOLKS WHO ARE LOOKING IN A RESIDENTIAL -- INTO A RESIDENTIAL APPROACH, I REALLY THINK THAT NOBODY IS IN TROUBLE HERE. AND I THINK THAT THE PLANNERS, THE URBAN PLANNERS WITH SUSTAINABILITY ON THEIR MINDS FOR THEIR NEIGHBORHOOD ARE -- ARE PRETTY RIFE IN THIS NEIGHBORHOOD WHICH IS SOMETHING GOOD FOR AUSTIN.

SO I HOPE THAT YOU ALL ARE ABLE TO EMBRACE EACH OTHER AGAIN BECAUSE THEY ARE BOTH GOOD IDEAS. I ACTUALLY THINK THAT THE RETAIL COULD WORK WITH A LITTLE ROUNDING OFF OF THE EDGES. BUT S.F. 5 IS ALSO JUST ASTOUNDINGLY PROGRESSIVE. SO I WILL GO FOR WHAT ALREADY FITS AND DOESN'T NEED AMENDMENT. BUT HOPEFULLY MAKING IT VERY CLEAR THAT -- THAT WHAT A GREAT NEIGHBORHOOD YOU ALL HAVE. THIS IS THE KIND OF PROBLEM I DON'T MIND HAVING.

McCracken: I'M THINKING THE SAME THING. IT'S PRETTY RARE, ONE OF THE DISAPPOINTING THINGS ABOUT A LOT OF ZONING CASES, A LOT OF TIMES YOU FEEL LIKE YOU ARE STUCK BETWEEN TWO UNSATISFACTORY CHOICES, IT'S REALLY UNUSUAL TO HAVE TWO GREAT CHOICES. EITHER ONE OF THESE PROPOSALS WILL -- WILL GET US TO ENVISION CENTRAL TEXAS. I'M A HUGE BELIEVER IN HAVING THE -- IN HAVING THE GROUND FLOOR RETAIL MIXED USE, BUT WHAT WE REALLY NEED MORE THAN ANYTHING IS A BLOCK SYSTEM DENSITY. SO THE NEIGHBORHOOD IS -- WE HAVE TWO PROPOSALS. YOU KNOW, DENSITY WITHIN A BLOCK SYSTEM OR GROUND FLOOR RETAIL. EITHER ONE IS A GREAT PROPOSAL. AND SO THIS IS A GOOD PLANNING ALL AROUND AND SO I SHARE WITH -- THE MAYOR PRO TEM'S GREAT PLEASURE IN HEARING FROM THE TEAM TONIGHT. FURTHER COMMENTS?

Slusher: WELL, I -- REALLY HATE TO TURN DOWN FOLKS THAT ARE TRYING TO GET COMMERCIAL ON SORT OF A NEIGHBORHOOD, I DON'T KNOW WHAT THE OFFICIAL NAME IS COLLECTOR ARTERIAL THAT CUTS THROUGH. BUT I THINK IT DOESN'T HAVE THE SUPPORT ON THE COUNCIL RIGHT NOW. AND IT'S IN THE MID BLOCK. I THINK THAT HURT, TOO. BUT -- BUT I JUST REALLY WANT TO COMMEND FOLKS HERE WHO ARE THAT WILLING TO TRY TO DO SOMETHING INNOVATIVE AND LOOKS LIKE IT'S NOT GOING TO WORK OUT. I'LL VOTE WITH THE -- I'LL VOTE WITH WHAT I THINK IS THE REST OF THE COUNCIL, BUT I WANT TO -- I REALLY HOPE THE NEIGHBORS CAN GET BACK TOGETHER AND WON'T HAVE ANY BITTERNESS OVER THIS BECAUSE I THINK YOU ARE LIKE, MAYOR PRO TEM SAID, I DON'T THINK I CAN SAY IT AS WELL AS SHE DID ESPECIALLY THIS LATE AT NIGHT. BUT I THINK THAT YOU ARE BOTH TRYING TO DO SOMETHING

GOOD THINGS THAT ARE PRETTY PROGRESSIVE. I WILL JUST LEAVE IT AT THAT. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? TECHNICAL QUESTION FOR STAFF. SO BECAUSE THE VALID PETITION HASN'T BEEN WITHDRAWN TECHNICALLY, IF THERE AREN'T SIX VOTES IN THE AFFIRMATIVE FOR THIS MOTION, KNOWING THAT IN THEORY IF THIS CAME BACK IN A WEEK OR CAME BACK AT THE NEXT MEETING THAT VALID PETITION LIKELY WOULD GO AWAY, AND FOUR VOTES WOULD APPROVE S.F. 5, WHAT HAPPENS TONIGHT?

WE COULD -- WE COULD OFFER IF THE COUNCIL DESIRES TO GO WITH MOTION 1 THEN TO GO FIRST READING AND WE WOULD NEED FOUR VOTES FOR THAT MOTION. TO PASS.

Mayor Wynn: I'M INSTRUCTED THAT THE MOTION ON THE TABLE IS FOR THREE DOLLARS, ALL FOR THIRD READING, ALL THREE READINGS, IF IT DOESN'T HAVE SIX VOTES WE WILL CONSIDER IT PASSED ON FIRST READING ONLY AS LONG AS THERE WERE FOUR VOTES IN THE AFFIRMATIVE. OKAY. FURTHER QUESTIONS, COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: THANKS, MAYOR. JUST HAVING A -- HAVING PONDERED IT A LITTLE BIT, I MEAN, I -- I THINK THAT I -- I'M A LITTLE MORE UNCOMFORTABLE INTRODUCING THE COMMERCIAL ZONING ON TO THIS SITE GIVEN WHAT'S AROUND THERE, LIKE I SAID I WASN'T REAL THRILLED ABOUT THE DENSITY, EITHER. ON THE S.F. 5. AND WISH -- WISH MAYBE WE COULD HAVE TALKED ABOUT IT IN THOSE TERMS MORE SO MYSELF. BUT SINCE I THINK SINGLE FAMILY IS ACTUALLY MORE APPROPRIATE ZONING CATEGORY FOR THIS SITE I'M GOING TO GO AHEAD AND SUPPORT THE MOTION.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS, MOTION AND SECOND ON THE TABLE TO APPROVE ON ALL THREE READINGS S.F. 5 CO-NP. ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THAT LEAVES US WITH ZONING CASES 11, THE WALL GREEN'S CASE.

Gurensey:: MAYOR, I'LL WAIT JUST A LITTLE BIT. A LOT OF PEOPLE SEEM TO BE WALKING INTO THE CHAMBERS.

Mayor Wynn: FAIR ENOUGH.

WELCOME, EVERYBODY, THANK YOU FOR YOUR PATIENCE.

GREG GUERNSEY PLANNING AND NEIGHBORHOOD ZONING DEPARTMENT. OUR LAST ZONING ITEM THIS EVENING IS Z-11, C14-04-60, THE REZONING REQUEST AT 2409 SOUTH LAMAR BOULEVARD AND ZERO BLUE BONNET LANE. A REZONING REQUEST FROM CS AND F 3 TO LR FOR TRACT 1 AND LO FOR TRACT TWO, APPROXIMATELY 2.18 ACRES OF LAND. THE APPLICANT IS MR. GENE PAYNE AND THE AGENT IS ... AND MIRACLE HAUSSMAN IS THEIR AGENT REPRESENTING THEM. STAFF REST RECOMMENDATION OF LR-CO FOR TRACT 1, LO - - OWE THE STAFF AMENDED ITS RECOMMENDATION IN JUNE BECAUSE ORIGINALLY THE COMMISSION WHEN RECOMMENDED INCLUDED THE CONDITIONS THAT RELATED TO TRAFFIC TO BE PART OF A CONDITIONAL OVERLAY. THAT NEEDED TO BE A RESTRICTIVE COVENANT. SINCE THAT TIME THE APPLICANT HAS COME FORWARD WITH ADDITIONAL DECLARATION AND AGREEMENT REGARDING ROAD CONSTRUCTION BECAUSE THERE WAS A CONCERN RAISED AT THE ZONING AND PLATTING COMMISSION WHETHER OR NOT THE IMPROVEMENTS THAT WOULD BE NEEDED TO BLUEBONNET WOULD BE COMPLETED PRIOR TO ANY OPENING OF THE USE ON THE PROPERTY. AND SO THAT HAS BEEN EXECUTED AND THAT IS PART OF THE BACKUP MATERIAL. THERE ARE A CONSIDERABLE NUMBER OF PEOPLE IN FAVOR AND IN SUPPORT AND IN OPPOSITION, ALSO TO THIS REQUEST. WE DID HAVE A PETITION THAT WAS SUBMITTED AND IT WAS FOUND TO BE NOT VALID TO REQUIRE THE SIX OUT OF SEVEN VOTE OF THE CITY COUNCIL. UFBD....YOU SHOULD HAVE IT ON THE DAIS. CAME OUT TO BE APPROXIMATELY 2.23% LANDOWNERS THAT ARE WITHIN 200 FEET THAT SIGNED THE PETITION. THERE ARE SOME LETTERS ALSO IN -- ADDITIONALLY IN SUPPORT AND IN

OPPOSITION THAT ARE IN YOUR BACKUP. I THINK WITH THAT I WILL PAUSE AND LET YOU CONSIDER THE DIFFERENT SPEAKERS IF YOU HAVE ANY STAFF QUESTIONS, I'LL BE MORE THAN HAPPY TO ANSWER THEM. I BELIEVE GEORGE ZAPALAC IS HERE, ALSO, TO ADDRESS THE CONCERNS THAT YOU MAY HAVE REGARDING TRAFFIC AND I UNDERSTAND THE APPLICANT HAS A POWERPOINT PRESENTATION THAT THEY WOULD LIKE TO GIVE YOU THAT WILL PROBABLY GIVE A NICE OVERVIEW OF WHAT THEY ARE ASKING FOR.

Mayor Wynn: THANK YOU, MR. GUERNSEY. FOLKS, HOW WE NORMALLY DO THIS IS A FIVE MINUTE PRESENTATION BY THE APPLICANT FOLLOWED BY FOLKS SIGNED UP WISHING TO SPEAK IN FAVOR OF THE ZONING CASE, THEN WE HEAR FROM FOLKS IN OPPOSITION, THEN GIVE THE APPLICANT A ONE-TIME THREE MINUTE REBUTTAL. COUNCIL OF COURSE HAS THE PREROGATIVE TO ASK QUESTIONS OF ANYONE THROUGHOUT THE HEARING. OFTENTIMES THERE'S SIGNIFICANT QUESTIONS ASKED FOLLOWING THE REBUTTAL. MR. DRENER ARE YOU THE APPLICANT'S AGENT?

YES.

HOW LONG IS YOUR POWERPOINT.

DO I HAVE A LITTLE TIME ASSIGNED?

Mayor Wynn: WELL, I HATE BREAKING THE -- A NUMBER OF FOLKS SIGNED UP WISHING TO DONATE TIME TO YOU. IT'S ABOUT 10 MINUTES. I CAN RACE IF YOU WOULD LIKE ME TO.

Mayor Wynn: WITHOUT OBJECTION, I HAVE GONE THROUGH THE 188 CARDS, DOZENS OF THEM OFFERED TIME TO MR. DRENNER, WITHOUT OBJECTION MY GUESS IS THE POWERPOINT PRESENTATION WILL AT LEAST GET A LOT OF INFORMATION ON THE TABLE EARLY. THOSE FOLKS WHO OFFERED TO GIVE TIME I WILL SIMPLY READ THEIR NAMES INTO THE RECORD, I THINK THAT WILL GET US OFF TO THE MOST INFORMATIVE QUICK START THAT WE CAN. WITHOUT OBJECTION, UNLESS IT RUNS MUCH LONGER THAN 10 MINUTES, WE WILL HAVE AN APPLICANT POWERPOINT PRESENTATION.

THANK YOU, MAYOR. MAYOR PRO TEM, COUNCILMEMBERS, I'M STEVE DRENNER SPEAKING ON BEHALF OF THE APPLICANT. THIS CASE OR THIS PROPERTY WILL BE FAMILIAR TO YOU BECAUSE THERE WAS A ZONING CASE IN 2003 THAT CAME TO YOU GENERALLY PROPOSING A WALLGREEN'S IN THIS LOCATION AND IT -- IT WAS NOT APPROVED IN 2003. WHEN I GOT INVOLVED, IN -- IN THIS YEAR, WE -- WE -- I TRIED TO DO AS GOOD OF A JOB AS I COULD IN UNDERSTANDING WHAT THE ISSUES WERE WITH THE NEIGHBORHOOD. AT -- WITH RESPECT TO THE ORIGINAL CASE. AND THESE WERE THE FOUR ISSUES THAT -- THAT I FELT WERE THE MAJOR ISSUES THAT -- THAT HAD KEPT THE -- THE DEVELOPER AND THE NEIGHBORHOOD FROM BEING ON THE SAME PAGE. CERTAINLY TRAFFIC WAS -- WAS MAYBE THE PRIMARY ISSUE. AND IN PARTICULAR ACCESS ON TO BLUEBONNET LANE. OTHER ISSUES WERE PEDESTRIAN ACCESS AND SAFETY, IMPACT ON LOCAL RETAILERS, AND THE ZONING CLASSIFICATION ITSELF AND IN PARTICULAR HOW FAR BACK IN TOWARD THE NEIGHBORHOOD THAT IT WENT. I FELT LIKE AFTER TALKING WITH THE NEIGHBORS AND WITH MY CLIENT, WITH THE CITY, THAT -- THAT WE SHOULD BE ABLE TO GET TO A POINT WHERE WE HAD SATISFIED ALL OF THE NEIGHBORHOOD CONCERNS. I WOULD SAY FROM BOTH SIDES THAT -- THAT THERE WAS A -- THERE WAS A LARGE EFFORT TO DO THAT. WE WERE NOT ABLE TO DO THAT ACROSS THE BOARD. I THINK AS IS INDICATED IN THE AUDIENCE, WE HAVE A SPLIT IN THE NEIGHBORHOOD IN TERMS OF SUPPORT AND NON-SUPPORT. AND I WOULD LIKE TO DESCRIBE TO YOU WHAT WE HAVE DONE TO TRY TO TAKE CARE OF THOSE ISSUES. WITH REGARD TO TRAFFIC ISSUES, WE REALLY LOOKED AT EACH AND EVERY INDIVIDUAL ISSUE, BOTH FROM THE PERSPECTIVE OF SAFETY AND WITH REGARD TO FUNCTION. MAYBE THE PRIMARY THING IS TO UNDERSTAND BLUEBONNET AS IT EXISTS TODAY. THE ROAD THAT YOU SEE IS A MEANDERING 18-FOOT PIECE OF PAVEMENT THAT IS POORLY ALIGNED WITH THE PART OF BLUEBONNET THAT EXTENDS ACROSS LAMAR. IT HAS A SMALL MOUTH ON LAMAR, DIFFICULT TURNING MOVEMENT IN ALMOST ANY DIRECTION. WHAT YOU SEE WITH THIS AERIAL IS THE IMPACT OF THAT POOR LEGITIMATE WITH -- ALIGNMENT WITH CARS TRYING TO CROSS LAMAR IN EITHER DIRECTION. THE OTHER

THING THAT YOU WOULD NOTE IN THIS NEXT PICTURE IS LOOKING FROM THAT INTERSECTION BACK UP THE MILL TO THE SOUTH, YOU HAVE A SITE DISTANCE PROBLEM WHICH IS EVIDENT FROM THAT PICTURE. YOU HAVE GOT A HILL. YOU HAVE GOT CARS FROM THE EXISTING MARIA'S PARKING LOT THAT ARE PARKED IN THE SITE LINE. SIGHT LINE AND IT'S A DANGEROUS MANEUVER. THE THIRD THING THAT I WOULD HAVE YOU UNDERSTAND IS THAT THAT'S TWO LANES. ONE LANE GOING EAST, ONE LANE GOING WEST. THE LANE WITH REGARD TO WESTBOUND TRAFFIC SERVES THREE FUNCTION, LEFT TURN, STRAIGHT THROUGH, RIGHT TURN. THE IMPACT OF THAT, YOU CAN SEE THAT TURNING MOVEMENT, THE CAR IN THE RED HAS JUST MADE A LEFT, YOU SEE THE STRAIGHT THROUGH MOVE, WHAT THAT RESULTS IN IS -- IS A LOT OF STACKING AT THAT INTERSECTION, PARTICULARLY IN THE AM PEAK. IT JUST DOESN'T EMPTY OUT VERY QUICKLY. AGAIN, YOU HAVE ONLY GOT ONE WESTBOUND LANE SERVING THOSE THREE FUNCTIONS. OUR GOAL IN LOOKING AT THE TRAFFIC ISSUES WAS TO RESOLVE THE SAFETY ISSUES, TO MAKE THE INTERSECTION AND THAT'S -- THAT SECTION OF THE STREET FUNCTION MORE EFFICIENTLY. AND TO MAKE SURE THAT WE HANDLED ANY ADDITIONAL TRAFFIC, THAT THIS DEVELOPMENT WOULD BRING, IN AN EFFICIENT AND SAFETY MANNER AND ALSO TO MAKE SURE THAT WE DIDN'T CREATE ANY ADDITIONAL TRAFFIC TO THE EAST OF OUR SITE. IN MY OPINION, WE SUCCEEDED IN ALL -- IN ALL ASPECTS. THE -- AGAIN THAT'S THE STACKING. THE PART THAT WE FOCUSED ON, OF COURSE, WAS THE DISTANCE BETWEEN THE ACCESS POINT AND THE -- AND LAMAR. AND WE -- WE TRIED GIVE YOU A SIDE BY SIDE COMPARISON TO HELP YOU UNDERSTAND HOW THAT PORTION OF BLUEBONNET WOULD LOOK AFTER WE HAD -- HAD MADE OUR IMPROVEMENTS VERSUS HOW IT LOOKS TODAY. IN LOOKING AT A CLOSEUP OF THAT, YOU SEE A REMARKABLE DIFFERENCE. FIRST OF ALL WITH RESPECT TO THE ALIGNMENT. WE HAVE STRAIGHTENED OUT THE ROAD, WIDENED THE PAVEMENT, WE HAVE WIDENED THE MOUTH AND REORIENTED THE MOUTH OF IT AT -- AT LAMAR. IT'S A FAR DIFFERENT INTERSECTION, A MUCH SAFER INTERSECTION THAN EXISTS TODAY. THE OTHER THING THAT YOU'LL NOTE FOR WESTBOUND TRAFFIC AT THE MOUTH AT LAMAR, WE HAVE

ADDED A LANE. THAT'S A DEDICATED LEFT TURN LANE, WHICH WOULD HAVE THE BIGGEST IMPACT ON RESOLVING THAT STACKING FUNCTION THAT YOU JUST SAW IN THE PRIOR PICTURE. THE -- THE OTHER THINGS THAT WE HAVE DONE, OFFERED TO DO, RESTRIPING THE -- THE LANE THAT IS EASTBOUND ON THE OTHER SIDE OF LAMAR TO ALLOW FOR DUAL LEFT TURNS TO IMPROVE THE EFFICIENCY OF THE INTERSECTION. WE HAVE WIDENED THE WIDTH, THE EXPANDED THE WIDTH ON LAMAR TO ALLOW FOR A MORE RELAXED RIGHT TURNING MOVEMENT. MAYBE MORE IMPORTANTLY, SOMETHING THAT I THINK IS IN SOME DEGREE MISUNDERSTOOD WE HAVE RESTRICTED RIGHT TURNS FOR PEOPLE LEAVING THE PROJECT AND WE WOULD NOT BE ALLOWING FOLKS TO TURN TO THE RIGHT. WHAT WE HAD PROPOSED TO DO WAS TO DO THAT BY PAINTING THE RESTRICTION ON THE DRIVEWAY AND PUTTING A SIGN UP. WE WERE DISCUSSING WITH THE NEIGHBORHOOD EARLIER TODAY THE POSSIBILITY OF ACTUALLY BUILDING A PHYSICAL BARRIER TO KEEP THAT FROM HAPPENING. IF THAT'S WHAT THE COWBOY COUNCIL WOULD LIKE FOR US TO DO, IF THAT'S WHAT THE NEIGHBORHOOD WOULD LIKE FOR US TO DO, WE'LL BE HAPPY TO DO THAT. WE WANT TO MAKE SURE THAT THERE'S NOT A SINGLE CAR LEAVING OUR PROJECT THAT GOES BACK INTO THE NEIGHBORHOOD IF THAT IS IN FACT THEIR PRIMARY ISSUE. I KNOW CUT THROUGH TRAFFIC HAS BEEN DISCUSSED A LOT. I THINK WITH THAT IN PLACE I CAN'T CONCEIVE OF HOW A SINGLE CAR COULD CUT THROUGH THAT NEIGHBORHOOD. THE OTHER THINGS THAT WE HAVE DONE INCLUDE STREET REFLECTORS. THE -- THE EXPANSION OF THE LAMAR ACCESS POINT TO MAKE IT MORE ACCOMMODATING. ADDING A SPEED LIMIT SIGN ON BLUEBONNET. BUT MAYBE MOST IMPORTANTLY, INSTEAD OF JUST PAYING A PERCENTAGE OF FISCAL INTO THE POT AND WAITING FOR THOSE IMPROVEMENTS TO BE BUILT IN THE FUTURE, THIS DEVELOPER HAS OFFERED TO PAY 100% OF THOSE COSTS AND TO MAKE SURE THAT THAT'S DONE AT THE OUTSET OF THE PROJECT. THIS PICTURE HELPS YOU UNDERSTAND THE WAY LAMAR FUNCTIONS. THERE'S BEEN A LOT OF DISCUSSION ABOUT ACCESS ON TO BLUEBONNET AND WHY COULDN'T THE PROJECT EMPTY JUST ON TO LAMAR. IN MY OPINION, THAT WOULD BE THE MOST UNSAFE THING THAT WE COULD DO SENDING TRAFFIC OUT TO MAKE

A LEFT TURN AT AN UNSIGNALIZED POINT WOULD BE FOOLISH IN MY OPINION. ALL OF THE DOTS THAT YOU SEE ON THAT PICTURE REFLECT BUSINESSES THAT ARE CURRENTLY OPEN TODAY THAT HAVE ACCESS BOTH ON TO LAMAR AND ON TO A SIDE STREET. ONLY THE ONES IN BLUE HAVE ACCESS ON THAT -- ON TO TWO ARTERIALS. THESE ARE THE BUSINESSES. THESE ARE THE BUSINESSES THAT PRESENTLY FUNCTION IN THAT -- IN EXACTLY THAT MANNER. I DON'T THINK IT'S FAIR TO SAY THAT IT'S PROBLEMATIC TO HAVE ACCESS ON TO SOME SORT OF A NEIGHBORHOOD COLLECTOR AS WELL AS ACCESS ON TO THE ARTERIAL IN FACT THAT'S GOOD PLANNING. IT FUNCTIONS BETTER THAT WAY. AND IT DOESN'T NECESSARILY DRAW TRAFFIC BACK INTO THE NEIGHBORHOOD BECAUSE OF THAT. ONE OF THE THINGS THAT WE WANTED TO ACCOMPLISH WAS TO INCREASE THE SAFETY FOR PEDESTRIANS. WHEN YOU LOOK AT THAT INTERSECTION, ONE OF THE THINGS THAT YOU SEE VERY CLEARLY IS THERE'S NO PLACE FOR A PEDESTRIAN. THAT MAY BE SOME SORT OF A -- OF A VEHICULAR ROUTE. IT IS CERTAINLY TODAY NO PLACE FOR A PEDESTRIAN. WHAT WE HAVE DONE WITH OUR PROPOSAL, THOUGH, IS TO ADD SIDEWALKS, THE LENGTH OF OUR PROPERTY ON BOTH SIDES OF THE ROAD, GREATLY INCREASING PEDESTRIAN SAFETY. WE HAVE BEEN HAVING CONVERSATIONS WITH THE PROPERTY OWNERS THAT LIE TO THE EAST ABOUT THE POSSIBILITY OF EXTENDING THE SIDEWALK ON THE SOUTH SIDE OF THE ROAD ALL THE WAY TO DEL QUERTO. I THINK THAT -- THAT WE ARE VERY LIKELY TO BE ABLE TO BE ABLE TO DO THAT. YOU SEE THIS IS ANOTHER VIEW OF BLUEBONNET. AGAIN EVEN EARLY ON A SUNDAY MORNING, WITHOUT A LOT OF TRAFFIC, IT'S NOT A GOOD PLACE TODAY FOR PEDESTRIANS. LET ME MENTION QUICKLY, ONE OF THE OTHER THINGS THAT WAS A -- THAT WAS A PROBLEM I THINK WITH THE PRIOR PROPOSAL IS THAT IT HAD A NEGATIVE IMPACT ON LOCAL RETAILERS. BECAUSE OF ITS LOCATION IT -- IT WOULD HAVE CAUSED THE REMOVAL OF THE WIRELESS TOYZ BUILDING. MARIA'S OF COURSE WAS NOT IMPACTED BY THAT PRIOR PROPOSAL, BUT AGAIN BEING ON A RELATIVELY SHORT-TERM LEASE IT DID NOT ENHANCE HER ABILITY. ONE OF THE THINGS THAT WE DID WAS TO RECONFIGURE THE SITE SO THAT THE WIRELESS TOYZ BUILDING REMAINS. WE WERE GOING TO BE ABLE TO BECAUSE OF WHAT WE ARE

DOING CREATE A PLACE FOR MARIA IN A PLACE WHERE SHE WILL BE ABLE TO DO HER BUSINESS FOR YEARS TO COME. YOU SEE HER EXISTING STORE, THE LOCATION FOR HER WOULD BE IN THIS QUADRANT AFTER THE WALGREEN'S IS BUILT AND YOU CAN SEE VISUALLY HER STORE IN THAT LOCATION. SO LET ME -- MAYOR, I APPRECIATE THE -- THE TIME. THE ONLY OTHER THING THAT I WOULD MENTION WOULD BE THE ZONING CLASSIFICATION ITSELF AND THE CHANGE. WE -- THIS IS THE ORIGINAL ZONING CLASSIFICATION THAT YOU SAW IN 2003. IT WAS A G.R. CLASSIFICATION, AS YOU CAN SEE MOVES WELL BACK INTO THE NEIGHBORHOOD. WHAT WE HAVE PROPOSED IS SOMETHING THAT LOOKS LIKE THAT. IT'S LR, IT'S FOOTPRINT ZONED SO THAT THERE IS SOME CERTAINTY AS TO WHERE THE BUILDING WILL BE. THAT'S LO BEHIND IT. TO PROVIDE THE PARKING. YOU WILL NOTE THAT IT IS MUCH CLOSER TO - - TO LAMAR, DOES NOT EXTEND NEAR AS FAR BACK INTO THE NEIGHBORHOOD. THAT'S WHAT IT LOOKS LIKE IN CLOSEUP. AND YOU WILL NOTE THAT -- THAT IN THIS AREA WE ARE ACTUALLY DOWN ZONING THE CS ZONING. PRESENTLY, THAT LINE EXTENDS STRAIGHT ACROSS WHERE YOU HAVE CS IN THAT LOCATION. ONE OF THE THINGS THAT I KNOW THAT SOME OF YOU HAVE BEEN CONCERNED ABOUT OVER THE YEARS, I HAVE -- I CERTAINLY KNOW IT WAS A BIG ISSUE AT THE ZONING AND PLATTING COMMISSION IS TO REDUCE THE AMOUNT OF CS. WE WILL ACTUALLY BE DOWN ZONING THAT QUADRANT OF CS. LET ME STOP THERE. AND OBVIOUSLY I WILL BE HAPPY TO ANSWER ANY QUESTIONS AND I'LL -- I'LL TURN IT OVER TO SOME OF THE OTHER SPEAKERS.

Mayor Wynn: THANK YOU, MR. DRENNER, KEEPING IT RELATIVELY SHORT AND A LOT OF GOOD INFORMATION. I WILL GO TO FOLKS WHO HAVE SIGNED UP IN FAVOR OF THE ZONING CASE, MANY OF THEM NOT WISHING TO SPEAK, LUCKILY. JAN BROWN NOT WISHING TO SPEAK IN FAVOR. JOHN SORRY JUST CAN'T READ, LOOKS LIKE THUNE, NOT WISHING TO SPEAK IN FAVOR. ANN BUTLER IN FAVOR, MELISSA [INDISCERNIBLE] IN FAVOR, AMANDA WHEATLY, IN FAVOR, LOU ANNE DUNN IN FAVOR, MICHELLE HOUSEMAN IN FAVOR, CHRIS STERN IN FAVOR, TIM WEAVER IN FAVOR, ANGLE CAME CHAVEZ IN FAVOR, NANCY PORTER IN FAVOR,

DOUGLAS STOCKNER IN FAVOR, LADIVA GONZALEZ IN FAVOR, RYAN ERYAN IN FAVOR, RUSSELL BERGMAN IN FAVOR, CHANCE TERRYIAN IN FAVOR, OLIVIA WEEKLY IN FAVOR, ALBERT AL LENEZ IN FAVOR, BILL COACHWELP IN FAVOR, JIM MEREDITH IN FAVOR, SILVER GARZA IN FAVOR, MIKE MARCH FEE IN FAVOR AND DEAN SMITH IN FAVOR, THERESA MATHIAS IN FAVOR, NATALIE FINSTOOD IN FAVOR, SHANNON CURLY IN FAVOR, RENEE PHILLIPS IN FAVOR, BRYAN PHILLIPS IN FAVOR, JUDITH DESSO IN FAVOR, BARBARA STANLEY IN FAVOR, BRIDGETTE PAIN IN FAVOR, GENE PAIN WISHING TO SPEAK. WOULD YOU LIKE TO SPEAK, SIR? WELCOME, YOU WILL HAVE THREE MINUTES. APPROACH EITHER PODIUM. MEANWHILE I'LL KEEP READING. GARY BILL BERRY IN FAVOR, GARY CONSTRUE HALL, JOHN [INDISCERNIBLE] IN FAVOR, STEVE HALL IN FAVOR, ROB GUTIERREZ IN FAVOR, BRYAN O'HAIR IN FAVOR, CYNTHIA TAYLOR IN FAVOR, MICHAEL BOWER IN FAVOR, JOHNNY CARTER JUNIOR IN FAVOR, WELCOME, 3 MINUTES.

THANK YOU MAYOR WYNN, MAYOR PRO TEM, COUNCILMEMBERS. THIS PROPERTY HAS BEEN IN MY FAMILY 52 YEARS, WE OPENED OUR TRAILER PARK IN 1953. FOR SEVERAL DECADE IT WAS A VERY SUCCESSFUL BUSINESS. UNFORTUNATELY IT'S REACHING THE END OF ITS ECONOMIC LIFE, STATE OF DECLINE OVER THE PAST FEW YEARS. I BELIEVE THIS PLAN WILL BE A TREMENDOUS AESTHETIC, THEY HAVE WORKED OUT THE -- TRIED TO WORK WITH THE NEIGHBORHOOD TO WORK OUT ANY DIFFERENCES, MARIA, I HAVE BEEN DEALING WITH MARIA FOR I GUESS CLOSE TO 10 YEARS, WE'VE HAD SOME THRILLS, UPS AND DOWNS, FROM A LITTLE TRAILER SHE HAS ONE OF THE MOST SUCCESSFUL BUSINESSES IN TOWN NOW I BELIEVE. I'M EXCITED ABOUT HER GOING FROM A TENANT TO A PROPERTY OWNER, BUSINESS OWNER, I THINK IT'S A GREAT THING FOR HER. AS A LAST POINT, I WOULD LIKE TO MENTION THAT THE REMAINING TWO ACRES I HAVE THAT -- THAT ADJOIN THIS PROPERTY TO THE EAST, WILL MAINTAIN CONTACT WITH LAMAR BOULEVARD. FOR ANY FUTURE DEVELOPMENT. THAT'S ALL THAT I HAVE, THANK YOU FOR YOUR TIME. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

... SEVERAL OF THE MEETINGS WITH WALLGREEN'S AND THE NEIGHBORHOOD ASSOCIATION, I APPRAWD THE EFFORT

THAT BOTH SIDES HAVE PUT IN TO TRY TO MAKE THIS A WIN-WIN. I THINK THE PLAN LOOKS VERY GOOD. IT INCLUDES BLUEBONNET VERY MUCH. IT LOCATES A BUSINESS THAT IS GOING TO BE VERY ATTRACTIVE ON THE PROPERTY. IT'S A BIRD IT'S PROPOSAL THAT WILL BRING ECONOMIC DEVELOPMENT TO BLUEBONNET AND THAT IS DIFFERENT FROM WHAT IS THERE TODAY AND THE IMPROVEMENTS FOR THE PEDESTRIANS AND FOR THE TRAFFIC ARE SOMETHING WE SHOULD TAKE ADVANTAGE OF AN ACCEPT THIS PROPOSAL AND WE SUPPORT IT. EVEN THOUGH THE CONSTRUCTION MAY BE A LITTLE DUSTY FOR AWHILE FOR OUR ESTABLISHMENT, I THINK THE OVERALL EFFECT AFTER IT'S SAID AND DONE WILL BE POSITIVE. THANK YOU, SIR.

THANK YOU, MR. HADLEY, BRUSH CASH, JR.? BRUCE CASH SIGNED UP WISHING TO SPEAK IN FAVOR. JOE DAVIS? WELCOME, SIR, WOULD YOU LIKE TO SPEAK? YOU CAN APPROACH EITHER PODIUM. CARSON ONNAE DIDN'T SIGN UP WHETHER SHE WANTED TO SPEAK OR NOT. OR HE. IN FAVOR. ADELL BUNDE IN FAVOR. MR. CARLOS, YOU'LL BE FOLLOWED BY MIKE CRUZ.

MR. MAYOR, COUNCIL, CITY MANAGER, FELLOW CITIZENS OF AUSTIN, MY NAME IS JOE DAVIS, I'VE LIVED IN AUSTIN FOR 16 YEARS SO FAR. I INTEND TO LIVE HERE FOR THE REST OF MY LIFE, OR UNTIL I VOTE REPUBLICAN, WHICHEVER OCCURS FIRST. [LAUGHTER] I FIRST WOULD LIKE TO SAY GOD BLESS YOU AND YOUR STAFF ON THE JOB THAT YOU DO EVERY DAY. BEING IN THE HOME CONSTRUCTION BUSINESS IN AUSTIN FOR 16 YEARS, I HAVE AN IDEA WHAT YOU MUST GO THROUGH IN ORDER TO GUIDE AUSTIN THROUGH ITS INEVITABLE COURSE OF CHANGE. THE FINE LINE BETWEEN PROGRESSIVE CHANGE AND CHANGE JUST FOR THE SAKE OF CHANGE IS A DELICATE AND SOMETIMES TEDIOUS PROCESS AS WE'VE SEEN TONIGHT. MY COMPLIMENTS TO YOU ALL. RECENTLY MY COMPANY HAS HAD THE PRIVILEGE TO PARTICIPATE IN THE REMODEL OF THE PEACE MANSION UP ON NILES ROAD BY THE FAITH NEWHOUSE CONSTRUCTION COMPANY. HOW DOES ONE SEGUE FROM THE EXGOVERNOR'S MANSION TO A TACO STAND ON SOUTH LAMAR? QUITE SIMPLY, IT'S A SENSE OF PLACE, WITHOUT THE PEOPLE WHO POPULATED THE PEACE MANSION, THE GOVERNOR, THE STATESMEN, THE HISTORIC PEOPLE OF

AUSTIN, THE PEACE MANSION WOULD BE ANOTHER WHITE HOUSE ON THE HILL IN WEST AUSTIN. PEOPLE THAT POPULATE MARIA'S, AND THEY ARE SOME STRANGE ONES, THE DIRT DANCERS, THE HIPPIES, THE YUPPIES, THE MILLIONAIRES AND A OCCASIONAL YANKEE OR TWO CREATE A SENSE OF PLACE IN SOUTH AUSTIN. THOSE OF US WHO GATHER EVERY UNDAY MORNING UNDER THE TREE COVERING THE PATIOS OF MARIA'S, COME TOGETHER TO CREATE A SENSE THAT IS VITAL TO THE SPIRIT THAT IS AUSTIN TEXAS. YOU AS A GUIDING HAN HAVE THE OPPORTUNITY TO CREATE A MODEL FOR PROGRESSIVE CHANGE THAT UNITS A CORPORATION WITH A CIVIC HEART AND A TENACIOUS TENANT WITH AN EVEN BIGGER HEART IN A UNION THAT COULD BE SHOWCASED AS A VEHICLE FOR FUTURE AUSTIN. A LOT OF TIME IT IS DIFFICULT TO SEE WHAT WINNING LOOKS LIKE. HERE IT IS CLEAR. IS IT GOOD FOR WALL GREEN'S, YES. IS IT GOOD FOR MARIA'S? YES. IS IT GOOD FOR AUSTIN? HELL, YES. THANKS FOR YOUR TIME, COME SEE US.

THANK YOU, MR. DAVIS, MIKE CRUZ, WELCOME MIKE, YOU HAVE SOME FOLKS WANTING TO DONATE TIME TO YOU, LOOKS LIKE LIVIAN FERNANDEZ STILL HERE? VIVIANA? WELCOME, HOW ABOUT MONDRAGON VILLERREAL? SORRY FOR MISPRONOUNCING THAT. MR. CRUZ, IF NEED BE, YOU'LL HAVE UP TO NINE MINUTES.

THANK YOU, AND I APPRECIATE YOU SAYING MY NAME PROPERLY, A LOT OF PEOPLE DON'T GET THAT, IT'S DUTCH. BELIEVE IT OR NOT. MY GRANDMOTHER IS DUTCH.

I LEARNED THAT MY THIRD YEAR AT A&M [LAUGHTER]

UH-OH. NOW I KNOW WHAT I'M UP AGAINST HERE. I APPRECIATE YOU GUY, I ADMIRE YOUR TENACITY AND ENDURANCE, I COULDN'T SIT IN THOSE SEATS FOR 6 OR 7 HOURS.

6 OR 7?

I MOVED FROM HOUSTON BECAUSE OF AUSTIN'S HEART AN AFTER A LITTLE WHILE I REALIZE AUSTIN HAS MANY HEARTS. MANY. I MET FRANK WILSON, A LITTLE PLACE CALLED

ARMADILLOS. THE LAST TIME I SAT IN FRONT OF A CITY COUNCIL WAS TALKING TO A MAYOR CAROL -- I DON'T KNOW WHAT HER LAST NAME IS, SHE'S BEEN AROUND, SO THIS WAS WITH REGARD TO RENEWING A LEASE ON THE CITY ARMORY WHICH DIDN'T HAPPEN AND ARMADILLO WAS DEAD. I WAS SO BROKEN HEARTED I MOVED TO SAN FRANCISCO FOR A YEARMENT WHEN I CAME BACK, THE FIRST NIGHT I CAME BACK I DECIDED I NEEDED TO EAT BEFORE I GO TO MY BUDDY'S HOUSE IN SOUTH AUSTIN, LET'S GO TO THE THE WENDY'S THERE AT BARTON SPRINGS WHERE IT COMES IN TO LAMAR. LET'S HAVE A DRINK OF SPLIT RAIL. IF I TURNED AROUND AND SAW THERE WAS A SPLIT RAIL, IT'S GONE. HERE IS ANOTHER HEART, YOU HAVE THE PLANNING COMMISSION OR YOU HAVE THE NEIGHBORHOOD ASSOCIATION SAYING THIS ISN'T ABOUT MARIA'S, IT'S ABOUT WALGREENS, I'M NOT A BIG MAJOR FAN OF WALGREEN'S UNTIL VERY RECENTLY WHEN I FOUND OUT THEIR WILLINGNESS TO DO SOMETHING TRULY UNIQUE. I MEAN PAYING FOR THAT ROAD, PAYING FOR IMPROVEMENTS ON BLUEBONNET 100%. IT'S UNHEARD OF. CREATING A NEW MARIA'S WITH FUNKY ARCHITECTURE -- I DON'T KNOW IF THERE'S A DEGREE IN FUNKY ARCHITECTURE, BUT CREATING A NEW MARIA'S SO SHE CAN HAVE A PERMANENT HOME. THE NEIGHBORHOOD ASSOCIATIONS I WAS TALKING TO SAID, WELL, SHE'S GOT A 7 YEAR IRON CLAD LEASE. WHO WANTS TO PAY OUT 7 YEARS AND GET NOTHING OUT OF IT AT THE END OF IT. HERE IS A CHANCE FOR THIS WOMAN, AND I'VE MET HER, I KNOW HER NOW, TO HAVE HER OWN PLACE. MARIA'S ISN'T JUST A RESTAURANT, IT REALLY IS THE HEART OF THE COMMUNITY. AS FOR ME I'VE LIVED IN THAT NEIGHBORHOOD AREA FOR FIFTY OUT OF 32 CAREERS HERE IN AUSTIN AND EVE LIVED ALL AROUND THAT AREA. I'VE EVEN GONE SO FAR AS YES, AN OLD HIPPI LIVING IN A VAN DOWN BY THE RIVER UP FROM BARTON SPRINGS, THAT'S WHEN YOU COULD GET AWAY WITH IT BACK IN THE MID '70s. WE NEED THIS PLACE. IT'S HOME TO ME. I HAVE NO VESTED INTEREST. I HAVE NO PROPERTY. I LIVE IN A SMALL APARTMENT FIVE BLOCKS UP BLUEBONNET LANE ACROSS THE STREET FROM THE ZOKER PARK ELEMENTARY. I'M NOT REALLY FOND OF THE IDEA OF A 24 HOUR WALGREEN'S PERSONALLY, BUT THEN I THINK OF THE TWO LITTLE OLD LADIES WHO LIVE IN MY APARTMENT COMPLEX WHO HAVE

TO TAKE A BUS, TAKE MULTIPLE TRANSFERS TO GET THEIR MEDS. HERE THEY CAN TAKE A SMALL RIDE, COURTESY OF A TENANT OR A BUS DOWN THE ROAD TO GET THEIR MEDS, SO THAT IS A CONCERN. IT TEMPERS MY MOOD ON THAT. PEOPLE ARE CONCERNED ABOUT THE ACCESS TO BLUEBONNET OR WHATNOT, I MEAN THEY'RE GOING TO IMPROVE IT, THEY'RE GOING TO FORCE US TO TAKE A LEFT. IF PEOPLE WANT TO GO DOWN BLUEBONNET BACK TO DELCORDO, THEY'RE GOING TO HAVE TO DO IT LIKE THEY DO NOW. I DON'T SEE THE PROBLEM. I HEARD A LADY OUTSIDE EARLIER TODAY SPEAKING HOW SHE'S CONCERNED ABOUT THE 24 HOUR ASPECT BECAUSE HER KIDS GO TO SCHOOL AND THEY'RE WORRIED ABOUT THAT, WELL, I DON'T THINK WE HAVE GRAVE YARD SHIFTS AT AISD FOR SCHOOL, SO I DON'T KNOW WHERE THAT COMMENT CAME FROM. THERE ARE THOSE THAT SAY WE SHOULDN'T HAVE HAD THIS. IT'S NOT GOING TO BE PRETTY. I THINK WE'RE GOING TO HAVE THE PRETTIEST WALGREENS IN THE UNITED STATES. THEY REALLY HAVE GONE OUT AND CHANGED THEIR DESIGN AND MADE IT A BIT ORGANIC TO FIT THE NEIGHBORHOOD. THEY'RE TRYING THEIR BEST. I THINK IT'S A UNIQUE SITUATION AND YOU CAN'T LET IT GO. YOU GUYS HAVE TO -- THIS IS SETTING A PRECEDENT FOR A COMPANY TO COME ON IN AND BUILD A PLACE THAT IS THE HEART, BUILD HEART THERE MARIA CAN HAVE HER OWN PERMANENT HOME AND NOT HAVE TO WORRY ABOUT LEASES ANYMORE. THE OWNER OF THE PROPERTY THERE THAT'S THE TRAILER HOMES NOT HAVING TO WORRY ANYMORE AND WALL GREAT NUMBER'S GET THEIR PLACE AND I MEAN, I BOUGHT THESE SHADES AT WALL GREAT NUMBER'S, I DO HOP AT THE BIG BOXES ALTHOUGH I'M NOT REALLY FOND OF THEM AND IT'S HARD. I'M MISSING IT. I DON'T WANT TO LEAVE AUSTIN. MARIA'S IS KIND OF IMPORTANT. THERE ARE THOSE THAT SAY YOU CAN'T PUT MARIA'S, IT'S A SEPARATE ISSUE. NO, IT'S NOT. THE PEOPLE THAT OPPOSED THIS BEFORE, THEY WANT HER OUT ON THE STREET. I MEAN THEY WOULD WANT HER OUT ON THE STREET. BY VOTING THIS IN YOU'RE NOT ONLY SAVING A PART OF THE NEIGHBORHOOD AND MY LITTLE MICROCOSM, MY PART REALLY WANT MARIA'S THERE AND WANT WALGREEN'S THERE, YOU'RE SETTING A PRECEDENT FOR COMPANIES TO COME IN AND WORK WITH US, NOT ANTAGONIZE US, BUT WORK WITH US INCH I CAN'T

BELIEVE I'M STANDING UP HERE SUPPORTING A BIG COMPANY, BECAUSE I'M BASICALLY, YEP, I'M AN OLD HIPPI IN SOUTH AUSTIN, BUT I LIKE IT, I LIKE WHAT'S HAPPENING. I EVEN LIKE THE NEW IMPROVEMENTS AND I HAVEN'T HEARD ANY REAL GENUINE ARGUMENT REGARDING NOT HAVING IT THERE. I HAVEN'T. I HAVE HEARD -- THERE ARE A FEW PEOPLE HERE THAT ARE GOING TO GET UP AND SAY NO. I SEE ALL NEW FACES. I SEE A FEW OLD FACES. I UNDERSTAND THE LAST MEETING WHICH I WASN'T AT, EVERYTHING WAS GOING TO BE PROPOSED AND VOTED ON, ALL OF A SUDDEN THERE'S A TRUMP CARD PLAYED. THESE PEOPLE DON'T REPRESENT ME, DON'T REPRESENT ANYBODY MY APARTMENT COMPLEX. IT'S MY LITTLE MICRO COSM, IT'S REALLY THE ONLY OPINION I HAVE. WHEN 15 OR 16 PEOPLE OUT OF AN APARTMENT COMPLEX FIVE BLOCKS DOWN FROM THIS BLOCK WANT MARIA'S THERE, I CAN'T SAY I HAVE TO REPRESENT THEM OR I CAN REPRESENT THEM, BUT WHAT DO YOU THINK? ANYWAY, PLEASE VOTE THIS IN. IT'S NOT JUST MARIA'S AND A WALGREEN'S, IT IS SETTING A PRECEDENT FOR BIG COMPANIES TO WORK WITH CITY COUNCIL, TO WORK WITH OTHER CITY COUNCIL PLANNERS AND MAKING THINGS RIGHT. THANK YOU VERY MUCH.

THANK YOU, MR. CRUZ. LET'S SEE, THE NEXT SPEAKER WILL BE RICHARD MATHIAS. GO THROUGH A FEW CARDS. DAVID HILL IN FAVOR. MICHAEL MUELLER IN FAVOR, STEPHANIE IN FAVOR. JACK IN FAVOR. KATHY KELLY IN FAVOR. DR. PEGGY WELLY IN FAVOR. MELISSA MILLER IN FAVOR. WELCOME, YOU'LL HAVE THREE MINUTES.

GOOD EVENING, MAYOR, I WAS GOING TO SAY MAYOR PRO TEM tem AND COUNCILMEMBERS, SHE CAN PROBABLY HEAR ME, GOOD EVENING, MAYOR PRO TEM.

WHEN COUNCILMEMBERS LEAVE THE DAIS AND GO IN THE BACK THERE'S TELEVISION AN AUDIO BACK THERE, SO EVERYTHING IS SEEN AND HEARD, SO DON'T BE OFFENDED IF COUNCILMEMBERS HAVE TO LEAVE THE DAIS FOR A FEW MINUTES.

I'M A RESIDENT OF THIS AREA AND I SUPPORT THIS PROJECT. I TRAVEL THIS SECTION OF SOUTH LAMAR AN BLUEBONNET VIRTUALLY EVERY DAY. MY SUPPORT FOR

THIS PROJECT IS BASED ON THE POSITIVE IMPACT IT WILL HAVE ON THIS PARTICULAR AREA, SOUTH LAMAR. AS YOU KNOW, THIS AREA HAS BEEN NEGLECTED FOR MANY YEARS WITH THE EXCEPTION OF OWNING A FEW QUALITY DEVELOPS. CONCRETE FROM CURB TO BUILDING FACE, MINIMUM BUILDING SETBACKS AND LANDSCAPING AND NUMEROUS CURB CUTS ACCURATELY DEFINE THIS PARTICULAR -- OR IF EXISTING DEVELOPMENTS ALONG THIS PARTICULAR AREA OF SOUTH LAMAR. THE EXISTING DEVELOPMENT ON THIS PROPERTY HAS A NUMBER OF UNDESIRABLE CONSEQUENCES FOR BOTH EXISTING RESIDENCES AND THE ENVIRONMENT. AND THE REDEVELOPMENT OF THIS SITE WILL ONLY SERVE TO ENHANCE THE COMMUNITY. THIS IS A PROJECT THAT IS DOING MORE THAN JUST MITIGATING ITS OWN IMPACTS ON THE AREA. IT IS MAKING IMPROVEMENTS TO AREAS THAT GO BEYOND ITS BOUNDARIES AND THE MINIMUM GOVERNMENTAL REGULATIONS. THIS TYPE OF DEVELOPMENT SHOULD BE ENCOURAGED. I ALSO HAVE A SPECIAL INTEREST IN THE PRESERVATION OF MARIA'S. MARIA'S STORY IS THE EPITOME OF THE AMERICAN DREAM. SHE CAME TO THIS COUNTRY AND THIS CITY WITH NOTHING BUT A HARD WORK ETHIC AND A DESIRE TO SUCCEED. FROM WHICH AUSTIN HAS BENEFITTED GREATLY. AUSTIN IN TURN CAN SHOW THEIR APPRECIATION AND SUPPORT BY APPROVING THIS PROJECT. THANK YOU.

THANK YOU, MR. MATHIAS, THE NEXT SPEAKER WILL BE CINDY FARIS, WELCOME, YOU'LL HAVE THREE MINUTES, YOU WILL BE FOLLOWED BY FERNANDO ZET ZETTA.

I'VE LIVED IN THIS AREA 78704 FOR OVER 20 YEAR, I LOVE THIS NEIGHBORHOOD. I WANT TO SEE IT CLEANED UP. THIS IS A PRIME TIME TO BE ABLE TO TAKE AND DEVELOP THIS WITH BEAUTIFUL LANDSCAPE, GREAT SIDEWALKS, SAFER, AND IT'S AN OPPORTUNITY FOR US TO CLEANUP A CERTAIN AREA THAT HAS CAUSED MAJOR PROBLEMS, HEALTH ISSUES, CRIME ISSUES, TO THE POINT OF DRUG DEALING, CHILD MOLE LESSATION -- MOLESTATION, RAPE, WE'RE TAKING AN OPPORTUNITY FOR SOMEONE TO COME IN AND DEVELOP THIS INTO A BEAUTIFUL LANDSCAPED ENVIRONMENT THAT HELPS OUR COMMUNE, PROVIDES CLEAN LIVING TO OUR COMMUNE, GETS AWAY WITH SOME

OF THE TRASH AND THAT IS INFILTRATING OUR WHOLE NEIGHBORHOOD. I WOULD LIKE TO TAKE THIS OPPORTUNITY TO SAY IT WILL BE WONDERFUL FOR US TO BE ABLE TO TAKE AN WORK WITH CORPORATE AMERICA ALONG WITH DID INDIVIDUALS TO NOT ONLY CLEANUP BUT BEAUTIFY A VERY SPECIAL PART OF AUSTIN. I'VE KNOWN MARIA FOR 20 YEARS, SHE WORKS VERY, VERY HARD, SHE PAYS HER TAXES, SHE PAYS A LOT OF TAXES TO THE CITY THROUGH HER BUSINESS. I THINK IT'S VERY IMPORTANT FOR US TO SUPPORT HER. THANK YOU.

THANK YOU, MS. FARIS. FERNANDO ZETTA, SORRY IF I'M MISPRONOUNCING THAT. FERNANDO, YOU'LL BE FOLLOWED BY MARIA.

THANK YOU VERY MUCH. FOR ME I'M GOING TO SPEAK A LITTLE DIFFERENT. I'M GOING TO TALK ABOUT THE FINANCIAL DEALS ABOUT TACO EXPRESS. FOR ME IT'S VERY IMPORTANT TO MAKE THIS POINT. WHEN YOU HAVE A VERY SUCCESSFUL LITTLE RESTAURANT LIKE THIS ONE, EVERYBODY PROBABLY THINKS YOU MAKE A LOT OF MONEY. FIRST OF ALL, MARIA, SHE'S SO GENEROUS WITH EVERYBODY AT THE RESTAURANT, I MAKE VERY GOOD MONEY AND EVERY SINGLE PERSON THERE MAKES GOOD, GOOD MONEY. AND WE MAKE GOOD MONEY BECAUSE HER BUSINESS IS HEALTHY BECAUSE SHE PAY A VERY, VERY GOOD RENT AND SHE PAY, LET'S SEE, WITH HER HEART SHE'S HELPED US ALL THE TIME, SO WE REALLY WANT TO WORK FOR HER AND WE DO THE BEST WE CAN. IF WE'RE NOT ABLE TO DO THIS RIGHT NOW, AND LET'S SAY IN 6 YEARS WE'RE GOING TO MOVE TO ANOTHER PLACE, THE ODDS FOR TACO EXPRESS ARE NOT GOING TO BE HUGE, BECAUSE WE'RE GOING TO PAY AN INCREDIBLE RENT ANYWHERE WE GO AND PROBABLY ANYWHERE IN SOUTH AUSTIN WHICH IS SO IMPORTANT. I THINK TACO EXPRESS RIGHT NOW, MORE THAN A RESTAURANT, IT'S A LITTLE VERY IMPORTANT PIECE OF AUSTIN WHICH WE ARE READY IN PROGRAMS NATIONWIDE, FOOD NETWORK, FOR THE LAST FEW YEARS WE'VE HAD LITTLE AND MORE ADVERTISING. A LOT OF PEOPLE IF OUTSIDE OF AUSTIN CAME OVER AND TAY GO TO THAT LITTLE PLACE ON SUNDAYS AND THEY REALLY ENJOY. WHAT CAN I SAY ABOUT WALGREEN'S? THEY SEEM LIKE THEY WANT TO WORK WITH THE LITTLE GUYS AND THIS

DOES NOT HAPPEN VERY OFTEN. I THINK WE HAVE AN INCREDIBLE TUNE FOR WORK TOGETHER WITH ALL THE NEIGHBORHOOD ASSOCIATION, WITH A LOT OF THOSE ARE MY FRIENDS, WE'RE NEIGHBORS, I LIVE THERE, MARIA LIVES THERE. I HAVE A FEELING IF THIS THING PASSED THEY'RE GOING TO THINK PROBABLY IN THE FUTURE SAY, YOU KNOW WHAT, MAYBE WASN'T THE PERFECT PROGRAM, MAYBE WASN'T THE PERFECT DEAL, BUT IT WORKS GREAT, SO HOPEFULLY IN THE FUTURE MORE BIG BIG CORPORATIONS IN SMALL PLACES THAT CAN WORK TOGETHER AND HAVE SOMETHING SO SPECIAL THEY CALL SOUTH AUSTIN, 78704.

THANK YOU. MARIA CARBOLON. HANG ON, IS JACQUE GRI FIFTY HERE? HOW ABOUT JACK PARR? HOW ABOUT DONALD WOLF. MARIA, YOU'LL HAVE UP TO 3 MINUTES, WELCOME, MA'AM.

THANK YOU, CITY COUNCIL MEMBERS, I'M GOING TO LET THE REST OF THE PEOPLE TALK ABOUT THE TRAFFIC AND THE WALGREEN'S AND ALL THAT, I'M GOING TO TRY TO -- I'M NOT TRYING. I WILL SPEAK FOR MYSELF RIGHT NOW. I'M VERY SCARED AND I USUALLY DON'T GET SCARED. I FEEL A LOT OF MANIPULATION AND THAT'S WHAT SCARES ME, THIS PROPERTY HAS BEEN FOR SALE FOR THREE YEARS AND IT HASN'T BEEN MY EXPERIENCE THAT I'M GOING TO BE OKAY NO MATTER WHAT. THE FIRST PEOPLE THAT TRIED TO BUY THIS PROPERTY OFFER ME \$20,000 AND A PICKUP TRUCK TO MOVE. THAT WOULDN'T HAVE DONE ME VERY GOOD. SO FOR THE NEIGHBORHOOD ASSOCIATION, PEOPLE DO ASSUME THAT NO MATTER WHAT I'M GOING TO BE OKAY, THEY DON'T HAVE A CRYSTAL BALL AND THIS IS HOW I MAKE A LIVING AND ANYBODY IN MY SHOES WILL DEFEND, YOU KNOW, THEY'RE NOT STANDING IN MY SHOES, IT'S NOT THEIR BUSINESS. MANY OF THEM DON'T OWN THEIR OWN BUSINESS. AND HAVEN'T BEEN ABLE TO CONCENTRATE ON MY BUSINESS AND PROBABLY SHOULD HAVE LISTENED TO MY MOTHER AND MARRIED A RICH MAN, BECAUSE I KNEW THAT MAKING TACOS WAS GOING TO BE SO HARD, BELIEVE ME, I WOULD HAVE DONE THAT. [LAUGHTER] I STARTED MY BUSINESS WITH GETTING AN EXTENSION ON MY TAXES AND BY MYSELF AND NOT KNOWING HOW TO COOK. OKAY? RIGHT NOW I EMPLOYEE 20 PEOPLE AND I CAN MAKE TEN TACOS ALL AT ONCE, I'M IMPROVING. I WANT TO KEEP IT. YES, I

HAVE FIVE, SIX MORE YEARS OF A LEASE, BUT YOU KNOW WHAT, IF THESE GUYS LEAVE, THEY HAVE TRIED TO PLEASE ME IN THE NEIGHBORHOOD ASSOCIATION, IF THEY LEAVE I DON'T HAVE ANY GUARANTY LIKE THE NEIGHBORHOOD ASSOCIATION SEEMS TO KNOW FOR CERTAIN AND IF YOU DON'T BELIEVE MY WORDS, READ THE CHRONICLE RIGHT NOW. OH, MARIA IS TAKEN CARE OF NO MATTER WHAT. THAT IS NOT TRUE. THANK YOU FOR YOUR TIME. I KNOW IT'S NOT ABOUT ME AND I USUALLY DON'T SHAKE WHEN I TALK, BUT RIGHT NOW I'M VERY AFRAID, AND DON'T -- AND PAY ATTENTION TO ME. DON'T LEAVE ME ALONE ON THIS ONE, BE FAIR, I'M GOING TO LET GO AND LET GOD AND IN THIS CASE THE CITY COUNCIL. SO THANK YOU. [APPLAUSE]

THANK YOU. YOU'LL BE FOLLOWED BY DAVID DARR, WHILE DAVID APPROACHES THE PODIUM, I'LL GET TO A FEW MORE CARDS. RYAN IN FAVOR. ERNESTO IN FAVOR. TARA SMITH IN FAVOR. ALVERO IN FAVOR. SORRY, I'M MISPRONOUNCING ALL OF THESE. COBY IN FAVOR, DEBBIE BRAND IN FAVOR. EDWARD COLEMAN IN FAVOR. BLAIR LYLES IN FAVOR. ROBBIN RATHER IN FAVOR. DALE PETERSON IN FAVOR. PAULA MAY IN FAVOR. WELCOME, DAVID DARR. HANG ON ONE SECOND. IS JASON LYNNEHAN HERE. CAROLYN MONROE, DAVID, YOU'LL HAVE UP TO NINE MINUTES IF YOU NEED THEM.

SHOULDN'T TAKE THAT LONG, MAYOR, MAYOR PRO TEM AN COUNCILMEMBERS, THANK YOU FOR YOUR TIME, I'M GOING TO TAKE A DIFFERENT ROUTE, TALK ABOUT SOME OF THE ISSUES THAT CAME UP WHEN WE MET WITH THE ASSOCIATION AND ONE OF THOSE IS FLOOD CONTROL. I'VE HAD THE OPPORTUNITY TO WORK WITH THE NEIGHBORHOOD AND WORK WITH THE NEIGHBORS AND I'M THE DEVELOPER THAT IS TRYING TO PULL THIS OFF AND WORK TOGETHER WITH EVERYBODY HERE TONIGHT. SO WE DECIDED TO FIND OUT WHAT IS THE PROBLEM. SO WE LOOKED AT IS WHERE ARE THE PROBLEMS IN THE FLOODING AND HOW IS THIS AFFECTING THE NEIGHBORHOOD? SO WHAT IS THE PROBLEM? IF WE LOOK HERE, AND PLAY LIKE THIS IS THE BIG FUNNEL, THIS AREA REPRESENTS THE DRAINAGE AREA THAT FINDS ITS WAY TO ONE POINT BASICALLY RIGHT HERE AT INLET, RIGHT AT THIS POINT, AND THEN FROM THAT POINT THIS WATER DRAINS FROM IN

BETWEEN THE HOUSES, THE CAR LOT, MULTIFAMILY, ENDS UP RIGHT HERE, AND THEN WHEN IT ENDS UP AS DELCURTO BEGINS TO RECEIVE WATER IN A SOURCELY DIRECTION AND THEN FLOWING IN A NORTHERLY DIRECTION DOWN DELCURTO THIS WAY. NOT LIKE ANY OTHER FUNNEL, IF YOU PUT IN TOO MUCH WATER, WHAT IS GOING TO HAPPEN WITH THE WATER? IT'S GOING TO OVERFLOW AND WHEN IT OVERFLOWS OUT OF THESE PIPES IT GETS TO BE SURFACE WATER AND WHEN IT'S CHANNELLED DOWN THIS DRAINAGE EASEMENT, CHANNELLED BETWEEN HOME, SO THESE PICTURES RIGHT HERE REPRESENTS WHAT HAPPENS WHEN ALL THOSE WATERS COME TOGETHER. THIS IS AT DELCURTO AT THE LOW POINT. AS YOU CAN SEE, THAT'S A PRETTY BIG PROBLEM, SO WE TRY TO LOOK AND SAY, WELL, WHAT ARE THE PRECAUTIONS, WHAT HAVE PEOPLE DONE TO DEAL WITH THIS? YOU CAN SEE THIS DRAINAGE INLET RIGHT HERE, THE HOLE WAS KNOCKED INTO THE BACK OF THE DRAINAGE DITCH. THIS IS A TWO TEN-FOOT DRAINAGE INLETS THERE, MAKE IT 20 FEET, THE CITY OPENED THAT UP TO HELP THE WATER AS IT BUILT UP INSIDE TO FLOW THROUGH THAT HOLE SO IT COULD GET ON AND SURFACE DRAIN. IT'S A LITTLE HARDER TO TELL BY THIS PICTURE RIGHT HERE, BUT WHAT YOU SEE IS THE FAMILY HAS BUILT UP A 2-FOOT BURM NEAR THEIR HOUSE IN ORDER TO CHANNEL THAT WATER AWAY FROM THEIR HOME AND YOU'LL SEE AT THAT PICTURE IN A SECOND WHERE YOU SEE THIS FAMILY HAS PUT A WIRE UNDERNEATH THE FENCE TO LET THE WATER CONTINUE ON. THIS AREA RIGHT HERE. THIS AREA WOULD CONTINUE ON STRAIGHT DOWN THROUGH THE NEIGHBORHOOD, PART OF WHICH UNDERNEATH THE PIPE, PART OF WHICH ON THE SURFACE AN FIND ITS WAY DOWN TO KINNEY. THIS IS A 5 BY 6 STORM DRAIN THAT IS IN A HOUSE IN THE BACK YARDS THAT BEING RECEIVED AGAIN BY WATER JUST FLOWING THROUGH THE BACK YARDS AN BETWEEN THE..... AND BETWEEN THE HOME, BRINGING DIRT AND DEBRIS IN THIS PARTICULAR RESIDENCE, IT CLOGS UP, SURFACE DRAIN ON EITHER SIDE OF THIS FENCE. SOME WATER COMES IN THIS WAY, SOME WATER COMES IN THE OTHER SIDE OF THIS FENCE. THIS IS THE NEIGHBOR ADJACENT TO THE NORTH OF THE DRAINAGE INLET YOU JUST SAW. THE DUPLEX, SO YOU SEE A FENCE SEPARATED, TWO DECKS THAT ARE BUILT UP, SO LITERALLY WHEN YOU

STEP OFF YOUR DECK, YOU'RE STEPPING DOWN INTO YOUR HOME, AND AGAIN, THAT WAS THERE DESIGNED TO CHANNEL THE WATER BACK INTO THE DRAINAGE INLETS THERE ON DELCURTO. OKAY. SO WHAT ARE WE DOING? WELL, WE TRIED TO LISTEN TO THE ASSOCIATION AND THEY HAD SOME GOOD IDEAS. WELL, ONE OF THE THINGS THAT WE'VE DONE IS WE'RE BUILDING A POND THAT'S TWO TIMES THE SIZE OF WHAT WOULD BE REQUIRED FOR US TO DO ON OUR SITE, AND SO THAT NOT ONLY COLLECTS OUR WATER, MARIA'S WATER, BUT IT ALSO COLLECTS THE WATER RUNOFF THAT COMES OFF OF MASO RANCHO. WHAT THIS EXHIBIT SHOW, THE WATER TODAY, THE PIPE THAT EXISTS IN GREAT NUMBER, THERE'S A BREAK IN THE PIPE, IT SURFACE DRAINS, ALL OF IT EVENTUALLY IS INTENDED TO GET HERE, WHAT WE WILL DO IS COLLECT THE STORM WATER RUNOFF HERE, BRING IT INTO THIS DETENTION POND WHICH IS TWICE THE SIZE OF WHAT WE NEED TO DO TO HELP MITIGATE SOME OF THOSE PROBLEMS, THEN CHANNEL THAT TO THE EXISTING DRAIN INLET HERE. ANOTHER THING THAT WE TALKED ABOUT DOING THAT WE MET WITH THE NEIGHBORHOOD IS ALONG LAMAR YOU HAVE INLETS THAT ARE UNDER SIZED RELATIVE TO THE PROFILE IN THE STREET, AND THEY HAVE ASKED COULD WE BE WILLING TO UPSIZE THOUGH INLETS IN THE OPENING AS WELL AS THE WIDTH AND WE SAID ALL ALONG AT THAT AREA IN FRONT OF OUR SIGHT, ALONG THOSE INLETS, THAT WE WOULD BE HAPPY TO DO THAT SO WE CAN GET THE WATER OFF OF THE STREET INTO THE INLES AND CHANNEL THE WATER, BECAUSE AS IT COMES THEN DOWN LAMAR, THE LAST THING THAT WE'RE DOING IS YOU'VE HEARD ABOUT THE IMPROVEMENTS TO BLUEBONNET, ONE OF THE MAIN THINGS THAT WE CAN HELP THERE RELATIVE TO DISRAINAGE IS THAT -- DRAINAGE, IS THAT WHEN WE CURB AN GUTTER BOTH SIDES OF THIS STREET, A LOT OF THE NEIGHBORS TALKED ABOUT AS THAT WATER COMES DOWN LAMAR, THERE'S NOTHING TO STOP IT. IT'S TILTED FROM ACROSS THE STREET AND IT MAKES THIS EARN CORNER. WHAT DOESN'T MAKE IT DOWN BLUEBONNET HERE FLIES THROUGH THIS CORNER LOT RIGHT THROUGH AND ALREADY SURFACE WATER WITH NO OPPORTUNITY TO GET IN AN INLET. SO WITH THIS CURB AND GUTTER SYSTEM THAT WE'LL PUT ON BOTH SIDES OF BLUEBONNET, WE THINK THAT

WILL BE A THIRD WAY TO HELP CHANNEL THE WATER DOWN THE CURB INTO AN IMPROVED INLET OF WHICH WE'LL IMPROVE THIS THAT WILL HELP GET THIS WATER THROUGH THE SYSTEM, INTO THE PIPES, OFF OF THE SURFACE, AND CERTAINLY DETENTION POND THAT IS 200% LARGER THAN WE NEED TO WILL HELP THE TIMING OF THAT RELEASE OF WATER. SO WE'RE NOT FULLY SOLVING THE PROBLEM. WE CAN'T TAKE CARE OF EVERYTHING THAT YOU SAW ON THOSE PICTURES BEFORE YOU. BUT WE'RE DOING EVERYTHING WE CAN TO LISTEN TO THE NEIGHBORHOOD, TO LISTEN TO THE NEIGHBORS. I'VE METAPHOR A GOOD WHILE -- MET FOR A GOOD WHILE WITH THE FOLKS ON THAT STREET AND ASKED THEM WHAT THE PROBLEMS ARE AND AGAIN, WE'LL TRY TO HELP MINIMIZE THAT, WE'RE NOT HERE TO SOLVE IT. IT'S BEEN AN ISSUE. THERE ARE PEOPLE IN THIS ROOM SEVERELY IMPACTED BY IT. WE THINK WE'RE DOING SOMETHING THAT IS IMPORTANT BECAUSE IT'S NOT JUST ABOUT ALL OF THESE THINGS THAT YOU'VE HEARD ABOUT TONIGHT, THERE ARE PEOPLE WHO HAVE SOME REAL ISSUES AND WE'RE TRYING TO HELP THEM. THANK YOU VERY MUCH.

THANK YOU, MR. DARR. BECKY HESTON? HI, BECKY, AS YOU APPROACH THE PODIUM, I'LL GET THROUGH A FEW MORE CARDS. JOSE VASQUEZ IN FAVOR, ALEJANDRO MENDOZA IN FAVOR. AND THELMA IN FAVOR. LORETTA IN FAVOR. RANDI LOPES IN FAVOR. SHERRY MOORE IN FAVOR. RODRIGUEZ WHO PLAYED AT CITY COUNCIL TONIGHT AT 5 CLIEB 30, IN FAVOR. BECKY HESTON, WELCOME.

I'M A 30 YEAR RESIDENT OF AUSTIN AND A 23 YEAR AND CURRENT RESIDENT OF THE ZILKER BARTON HILLS NEIGHBORHOOD. I OWN A PROPERTY 150-YARDS FROM THIS PROPOSED DEVELOPMENT. I'M A 3 AND A HALF YEAR CANCER SURVIVOR AND THAT EXPERIENCE HAS MADE ME REALIZE HOW IMPORTANT IT IS TO HAVE ACCESS TO PRESCRIPTION DRUGS EASILY ACCESSIBLE ON A DRIVE THROUGH BASIS AS WELL AS CLOSE TO YOU IN THE NEIGHBORHOOD. THERE'S TIMES WHEN YOU GO THROUGH CHEMOTHERAPY THAT YOU'RE TOO TIRED TO GET OUT OF YOUR CAR. WE HAVE AN AGING POPULATION. WE HAVE A LOT OF SMALL KIDS, IT'S A GREAT THING TO HAVE CLOSE TO THE BARTON HILLS NEIGHBORHOOD. ADDITIONALLY I THINK

THE PROJECT ASSIGNED WILL POSITIVELY IMPACT THE TRAFFIC. AS I'VE SAID I LIVED IN THE NEIGHBORHOOD FOR 230.... 23 YEARS. I THINK THIS WILL BE A DEFINITE IMPROVEMENT. THIRDLY, I RECOGNIZE I LIVE IN AN URBAN DEVELOPMENT. I RECOGNIZE THERE'S GOING TO BE DEVELOP IN THAT ENVIRONMENT. I DON'T WANT TO LIVE IN LLANO, I LIKE LIVING IN AUSTIN. I LIKE THE ACCESS, I LIKE TO BE ABLE TO WALK TO A STORE FROM MY NEIGHBORHOOD. I THINK THAT IS GREAT. I'M VERY MUCH IN FAVOR OF THIS. THANK YOU VERY MUCH.

THANK YOU, MS. HESTON. CONGRATULATIONS. ALLISON BARNWELL. HELLO, ALLISON, YOU'LL HAVE THREE MINUTES AND BE FOLLOWED BY MARK PEAKS.

MY NAME IS ALLISON BARNWELL AND I'M A HOMEOWNER IN THE NEIGHBORHOOD, I'M IN FAVOR OF THE WALGREEN'S DEVELOPMENT. I THINK IT WILL BE SO MUCH FOR THE NEIGHBORHOOD ON AN AESTHETIC BASIS. THAT PART OF SOUTH LAMAR IS RUN DOWN, WALGREEN'S IS COMING IN, GOING TO BUILD A BEAUTIFUL STORE, AS WELL AS HELP OUT MARIA WITH A NEW STORE. I THINK THERE'S ANOTHER ISSUE. TRAFFIC GOING IN THROUGH THE NEIGHBORHOODS, I UNDERSTAND IS A VALID CONCERN, I LIVE IN THE NEIGHBORHOOD, I'M CONCERNED WITH IT AS WELL, BUT I REALLY DON'T SEE THAT AS BEING AN ISSUE HERE, BECAUSE IT IS SERVING AN EXISTING CLIENT BASE AND THEY'RE NOT CREATING -- IT'S NOT A NEW STORE, THEY'RE NOT BRINGING MORE PEOPLE INTO THE AREA, SO I'D WELCOME WALGREEN'S AND I WOULD ENCOURAGE YOU TO VOTE YES.

THANK YOU, MS. BARNWELL. MARK PEAKS? HELLO PARK, YOU'LL HAVE 3 MINUTES, YOU WILL BE FOLLOWED BY MICHAEL DOOR.

GOOD EVENING, COUNCIL AN MAYOR, I WILL KEEP THIS SHORT AND SWEET, I'VE BEEN IN THE NEIGHBORHOOD FOR 16 YEARS, I AM A CUSTOMER OF MARIA'S AND WALGREEN'S AND THIS WILL MAKE EASIER ACCESS TO THE NEIGHBORHOOD FOR WHAT WALGREEN'S IS DOING TO LAMAR, AND IF I EVER OVERCOME ACID INDIGESTION DUE TO MARIA'S RESTAURANT I CAN ALWAYS SKIP ACROSS THE

PARKING LOT TO WALGREEN'S TO GET MY ROLAIDS. THANK YOU. [LAUGHTER].

ALL RIGHT, MICHAEL DOOR. WELCOME, MICHAEL. YOU'LL HAVE 3 MINUTE, BE FOLLOWED BY LINDA LUTHER.

APPRECIATE YOU STAYING UP SO LATE, AS USUAL. I HAVE BEEN A MEMBER OF THE CITY FOR 30-PLUS YEARS MYSELF AND I'VE SEEN THIS SPECIFIC AREA OVER A PERIOD OF TIME BADLY IN NEED OF SIGNIFICANT INCREASE IN THE AMOUNT OF IMPROVEMENT THAT IS GOING IN. I'VE ALSO BEEN THE REAL ESTATE AGENT REPRESENTING THEPLEGIC FOR THE SALE OF THIS PROPERTY FOR THREE YEARS NOW AND HAVE BEEN INTIMATELY AWARE OF THE VARIOUS DIFFERENT APPLICATIONS THAT WERE CONTRACTED AND INTENDED FOR THIS PROJECT. OF ALL OF THE VARIOUS DIFFERENT APPLICATIONS THAT HAVE BEEN PRESENTED IN THE PAST, NONE OF THEM HAD APPEALED TO ME IN ANY STRETCH OF THE IMAGINATION. AS OPPOSED TO WHERE THEY -- THEY ARE NOW IN THEIR APPLICATION FOR BEFORE YOU HEAR, I AM NOW IN NEGOTIATIONS FOR THE PURCHASE OF A PIECE OF PROPERTY IN THAT VERY NEIGHBORHOOD BECAUSE OF THE IMPROVEMENTS THAT I AM SEEING HAPPENING IN THIS DEVELOPMENT AS WELL AS THE NEIGHBORHOODS ASSOCIATED IN THE CONTRACTUALLY ADJACENT TO THAT. SO UNDER THE CIRCUMSTANCES, CONSIDERING THE ALTERNATIVES THAT I HAVE SEEN AND HEARD, SPEAK OF AND BEEN DEALING WITH IN THE LAST THREE YEARS, PLUS SEEING IN THE LAST 20 AN 30 YEARS IN THAT AREA, THIS IS DEFINITELY A MOST APPEALING OF ALL OF THEM THAT I'VE HAD ANY LUCK IN BEING ASSOCIATED WITH, AND I VERY MUCH WOULD LIKE Y'ALL TO CONSIDER ALL OF THE APPLICATIONS AND THE IMPROVEMENTS THAT ARE BEING MADE AND OVERSEEN BY THE WALL GREAT.....WALGREEN'S ESPECIALLY. PLEASE VOTE IN FAVOR OF. HAPPY TO ANSWER ANY QUESTIONS IF YOU HAVE ANY.

THANK YOU, MR. DOOR. ARE YOU RELATED TO MARY?

I WISH.

ALL RIGHT.

DID YOU SAY SOMETHING ABOUT HIM GETTING MARRIED?

LINDA WALL LOU TER, YOU'LL HAVE 3 MINUTES FOLLOWED BY CARL NEWSOME.

THANK YOU, COUNCIL PEOPLE, AND RESIDENTS OF THE NEIGHBORHOOD, I'M LINDA WALL LUTHER, I HEARD ABOUT THIS MEETING PROBABLY YESTERDAY, I GOT ON AN AIRPLANE, I LIVE IN SALT LAKE CITY NOW. MY FAMILY WAS ONE OF THE FIRST CHIEP..... CHINESE FAMILIES HERE IN AUSTIN BUT I THOUGHT THIS WAS IMPORTANT ENOUGH TO COME AND I'M VERY GLAD I DID, BECAUSE I'VE GOTTEN TO MEET WITH THE WALGREEN'S PEOPLE AND MORE IMPORTANTLY I GOT TO MEET THE NEIGHBORS IN THIS NEIGHBORHOOD, I LIKED THEM SO MUCH I'M THINKING OF THAT'S WHERE I WANT TO LIVE. IT'S -- IT'S JUST GREAT. MY SISTER AND I OWNED THE 2.6-ACRES THAT'S BEHIND WALGREEN'S, AND THE ACREAGE BEHIND WALL GREAT NUMBER'S TOTALS -- WALGREEN'S TOTALS JUST ABOUT FIVE ACRES OR COULD BE 6-ACRES DEPENDING, BUT THAT IS A VERY LARGE BUFFER THAT COULD BE VERY NICELY DEVELOPED BEHIND WALGREEN'S. WE ARE THE BUFFER BETWEEN LAMAR, WALGREEN'S RETAIL AND THE NEIGHBORHOOD. WE ARE PART OF THAT NEIGHBORHOOD, AND MY -- I THINK I MENTIONED THAT MY FATHER BOUGHT THIS 30 YEARS AGO AND NOW WE WOULD LIKE TO DEVELOP IT AND COMING HERE TODAY I FIND THAT WHAT WE WANT TO DO, AND I SHOULD MENTION, I AM A LAND DEVELOPER. I HAVE A MASTER PLANNED COMMUNITY IN UTAH. I HAVE RESIDENTIAL AND COMMERCIAL PROJECTS IN ARIZONA. AND THE TREND IN MAJOR CITIES IS THE WORK LIVING SPACE, AND THAT IS SOMETHING THAT MY SISTER AND I WOULD LIKE TO DO. LIKE MICHAEL SAID, WE'VE HAD SEVERAL OFFERS ON OUR LAND. I HAVE NEVER HAD A BUYER WHO WOULD DO SO MUCH TO IMPROVE THE NEIGHBORHOOD AND THE WHOLE ENVIRONMENT AND WOULD WORK WITH US AND NOT JUST BE CONCERNED ABOUT THE MONEY. BELIEVE ME, THEY HAVE SPENT HUNDREDS OF THOUSANDS OF DOLLARS AND THAT RETENTION POND, WHEN I HEARD ABOUT THAT, I'M VERY SURPRISED THEY WOULD DO ALL OF THAT. JUST SO HAPPENS THAT ONE OF MY PARTNERS DEALS WITH

WALGREEN'S AND THEY ARE A COMPANY THAT DOES WHAT THEY SAY THEY'RE GOING TO DO. SO I LOOKED AT THE PLANS AND THE WIDENING OF BLUEBONNET AND THE ACCESS FROM BLUEBONNET, AND IF THAT ACCESS WERE DENIED, I THINK IT WOULD BE VERY UNSAFE, THAT CORNER IS A NATURAL FOR CIRCULATION AROUND THE CORNER BECAUSE OF THE TRAFFIC LIGHT, AND IF THAT ACCESS IS DENIED, THAT'S GOING TO HURT MY SISTER'S AND MY PROPERTY BECAUSE WE NEED THE BLUEBONNET ACCESS.

PLEASE CONCLUDE, MS. LUTHER.

PLEASE CONCLUDE? I WILL. IF WE DON'T HAVE THAT, OUR TRAFFIC IS GOING TO HAVE TO DUMP OUT ON D E L CURTO. SO I WILL CONCLUDE IF WE HAD A CHOICE OF THE NEIGHBOR WE WOULD JUAN, WE WOULD WANT WALGREEN'S BECAUSE WE WANT TO DEVELOPMENT THAT INTO A WORK LIVING SPACE.

CARL NEWSOME WILL BE FOLLOWED BY STEVE LOOKS LIKE LUES.

I'M CARL NEWSOM, I'M A 33 YEAR RESIDENT OF BARTON HILL, FORMER PRESIDENT OF BARTON HILLS, THERE'S NOT MUCH ELSE TO BE SAID. A LOT OF GOOD COMMON SENSE COMMENTS TONIGHT AND I HOPE YOU'VE TAKEN IT IN. SO IN THE INTEREST OF SHORTNESS, I URGE YOU TO USE COMMON SENSE AND APPROVE THIS TONIGHT.

THANK YOU, MR. NEWSOME. STEVE, CAN'T READ THE LAST NAME.

LUCAS.

YOU NEED TO -- NOT THAT LATE, STEVE.

I DON'T WRITE VERY WELL.

FOLLOW BID PAISLEY ROBINSON.

AS SOMEBODY HAS ALREADY SAID, THIS IS A WALGREEN'S THAT IS RELOCATING SO I DON'T BELIEVE I'LL SEE ANYMORE NEIGHBORHOOD TRACK, ANYMORE CAR TRAFFIC IN MY

AREA, WALL GREEN'S IS GOING OUT OF THE WAY TO REDEVELOP THE INTERSECTION WHICH IS THE WHOLE PROBLEM WITH THIS DEVELOP. THEY'RE GOING TO SUPPORT AN EXISTING BUSINESS AT THE MUSIC VENUE, WHICH IS WHAT AUSTIN IS. I CAN'T SEE ANY PROBLEM WITH THIS GOING THROUGH AND I'M JUST ALL IN FAVOR OF THIS. WITH MARIA'S, IT'S JUST -- I DON'T SEE WHERE IT'S AN ISSUE. THANKS.

THANK YOU, SIR. PAISLEY ROBERTSON, JUANING TO.....-- WANTING TO SPEAK IF I'M STILL HERE, IN FAVOR. IS SHE? PAISLEY ROBERTSON, IN FAVOR. THOMAS BAKERBERG. WOULD YOU LIKE TO SPEAK, SIR? EITHER PODIUM, YOU'LL BE FOLLOWED BY ROBERT MCCOY, FOLLOWED BY RICH ZABRANAK.

I'M A PARTNER IN BAKERBERG AND WALL. MY OFFICE IS ACTUALLY FACING IT AND I LOOK OUT THE WINDOW AND SEE THE EXISTING TRAFFIC PROBLEMS THAT ARE THERE NOW, I'VE WITNESSED MULTIPLE ACCIDENTS FROM THE LAST TWO YEARS I'VE BEEN THERE. MY WIFE IS DR. BAKERBERG AND SHE OWNS A SOUTH LAMAR FAMILY PRACTICE, I WANT Y'ALL TO KNOW WE'RE VERY MUCH IN FAVOR OF THE DEVELOPMENT AND ENCOURAGE YOU TO VOTE YES ON IT. WE'RE VERY EXCITED ABOUT IT. THANK YOU VERY MUCH.

THANK YOU, SIR. ROGER MCCOY, SIGNED UP WISHING TO SPEAK IN FAVOR. RICH ZABRANAK.

CORRECT.

OH, GOOD, YOU'LL BE FOLLOWED BY DOUGLAS OLNICKSON.

THANK YOU, BEAR WITH ME, I'M A LITTLE TIRED TODAY. JUST PURCHASED A HOME IN THIS NEIGHBORHOOD. JUST THIS MORNING AN SPENT THE DAY MOVING IN. I'M LESS THAN A THOUSAND FEET FROM THE PROPOSED DEVELOPMENT. AND I ONLY LEARNED OF THE SITUATION SIX DAYS AGO. SINCE THAT TIME I SPENT TIME WITH THE DEVELOPERS AND THE NEIGHBORHOOD ASSOCIATION TO GET INFORMATION. I UNDERSTAND THEIR CONCERNS AND OBJECTIVES AND FOR MYSELF AS THE FATHER OF TWO SMALL CHILDREN, THE CONVENIENCE OF A 24 HOUR PHARMACY TWO BLOCKS

AWAY IS OBVIOUS, BUT I ALSO LIKE THE IDEA OF BEING AT A
WALK TO A LOCAL STORE. HOWEVER NOTHING IS FREE AND
THERE'S A COST. IN THIS CASE THE COST IS TRAFFIC. SO
WHAT I SET OUT TO DO IS FIND SOME REAL INFORMATION
ABOUT WHAT WOULD THE IMPACT BE. I FOUND A
REPRESENTATIVE WALGREEN'S ON THE CORNER OF TWO
FOUR-LANE ROADS AND ACTUALLY MEASURED TRAFFIC AT
THE BUSIEST TIME FOR ONE HOUR. WHAT I FOUND WAS 104
CARS WENT IN AND OUT OF THAT STORE, 25 USED THE
DRIVE THROUGH, 79 PARKED AND SHOPPED. NOW, TO
UNDERSTAND THE RELATIVITY OF THIS, I CONTACTED
WALGREEN'S AND THEY TOLD ME THAT THE STORE THAT I
HAD SELECTED COMPARED TO THE OTHER 36 STORES IN
AUSTIN WOULD MAKE IT NUMBER ONE ALMOST TWICE AS
MUCH AS THE NUMBER ONE STORE IN AUSTIN TODAY. SO
THE TRAFFIC THAT I MEASURED WOULD BE DOUBLE -- MOST
LIKELY DOUBLE THAT WHICH WE WOULD SEE. TO BRING THIS
TO THE LOCAL NEIGHBORHOOD, WHAT THAT REALLY MEANS
IS IF WE ASSUME THE WORST CASE, THAT 100% OF THE
CARS IN THAT ONE HOUR GOES OUT ON TO BLUEBONNET,
THAT MEANS EVERY CHANGE OF THE LIGHT WE WOULD SEE
THREE TO FOUR CARS IF EVERY SINGLE CAR EXITED. IF WE
ASSUME 50% OF THE CARS GO TO THE LIGHT, AT THAT
MEANS 1 TO 2 CARS. SO FOR MY SAKE, TO WRAP THIS UP, I'M
WILLING TO PAY THE COST OF HAVING ONE TO TWO EXTRA
CARS AT EVERY CYCLE OF OF THE LIGHT AT
BLUEBONNET..... BLUEBONNET FOR THE BENEFITS MY
FAMILY WILL RECEIVE. THANK YOU.

SORRY. DOUGLAS, YOU'LL HAVE 3 MINUTES FOLLOWED BY
NELDA DELALLANA.

I DIDN'T KNOW IF THE SPEAKING ORDER HAD ANYTHING TO
DO WITH THE COLOR OF SHARE, GOT ALL THE PEACH-
COLORED SHIRTS IN A ROW. ANYWAY, MY NAME IS
DOUGLAS, I'VE LIVED AND OWNED PROPERTY IN SOUTH
AUSTIN THE LAST 16 YEARS. I'M A SMALL BUSINESS OWNER
AND MY OFFICE IS DIRECTLY ACROSS LAMAR BOULEVARD
FROM WHERE MARIA'S WILL END UP WHEN THIS IS
APPROVED SO I'M RIGHT NEXT TO DR. BAKERBERG THERE
ON THE CORNER OF LA CASAT LANE OWNER OF MY OFFICE,
FORTUNATELY IS MY WIFE, JODI BENSON AND I'M HERE ON
HER BEHALF AS WELL. IN ADDITION TO MY BUSINESS OFFICE,

WE OWN A HOME JUST SIX BLOCKS AWAY AND A SMALL RENTAL PROPERTY IN THE NEIGHBORHOOD. LIKE MANY OF THE NEIGHBORS DO QUITE FREQUENTLY, I WOULD INVITE YOU TO COME AND TAKE A WALK DOWN SOUTH LAMAR REGARD SOME TIME. ALL THE WAY FROM THE RIVER TO BEN WHITE YOU WILL SEE NEW SMALL BUSINESSES, BOTH OFFICES AND RETAIL THAT HAVE SPRUNG UP AT MANY LOCATIONS ALONG THE BOULEVARD IN THE LAST TWO TO THREE YEARS. DEVELOPMENT AT THE TWO ENDS NEAR THE RIVER AND NEAR BEN WHITE IS WELL ESTABLISHED. MUCH OF THE HEART OF THE STREET CENTERED NEAR OLTORF INTENTION HAS LACKED DEVELOPMENT UNTIL THESE LAST FEW YEARS. WE TO YOU HAVE FEW EMPTY BUILDINGS AND MANY FORMER DILAPIDATED STRUCTURES ARE BEING REVITALIZED. WE ARE SO HAPPY TO' THIS HAPPENING. WALGREEN'S IS A GREAT ASSET TO THIS NEIGHBORHOOD AND IS WELL USED BY ALL OF US. THIS NEW LOCATION WILL ALLOW THEM TO BETTER SERVE THE NEIGHBORS. WE SEE THIS PROJECT AS THE LATEST AND GREATEST IMPROVEMENT IN THE COMMERCIAL DISTRICT OF OUR NEIGHBORHOOD. THAT OUTLET ON TO BLUEBONNET IS CRUCIAL TO IMPROVING TRAFFIC SAFETY. PATRONS OF MARIA'S, LIKE MY WIFE AND I AND OUR TWO CHILDREN, WAITING TO TURN SOUTH ON LAMAR WHEN EXITING MARIA'S CURRENTLY HAVE TO WAIT THROUGH LONG LINES OF NORTHBOUND LAMAR TRAFFIC AND ONCE WE GET TIRED OF WAITING FOR A BREAK IN THE TRAFFIC, WE END UP TURNING NORTH AND THEN MOVE OUR WAY TO THE CENTER AND THEN MAKE A U-TURN AND TURN BACK SOUTH OR TURN AROUND THE NEIGHBORHOOD AND GO AROUND THE BLOCK AND THEN COME BACK OUT AND MAKE THAT SOUTHBOUND TURN. THIS SOLVES ALL OF THOSE PROBLEMS. IT DOES NOT CREATE PROBLEM, IT SOLVES PROBLEMS. IN CLOSING, LET ME SAY THAT I'M GLAD YOU VOTED DOWN ALL OF THE PRIOR ZONING APPLICATIONS FOR THIS TRACT. BECAUSE DOING SO ALLOWED WALGREEN'S, MARIA, MOST OF THE NEIGHBOR, THE CITY STAFF, REALLY ALL OF US, TO FIND THIS CURRENT FABULOUS SOLUTION. WE FULLY SUPPORT THIS UNUSUALLY INNOVATIVE DEVELOPMENT, PLEASE VOTE TO APPROVE THIS APPLICATION. THANK YOU.

THANK YOU. NELDA DELALLATA.

I CAN'T READ THE LAST LETTER, THANK YOU.

THANK YOU, ALL COUNCILMEMBERS, GOOD EVENING TO EVERYBODY. I HAVE A STRAWN ON SOUTH CONGRESS AVENUE, AND I'M HERE IN SUPPORT OF MARIA, I THINK IT'S VERY SIMPLE. SHE COMES FROM A LATIN AMERICAN COUNTRY. I DO TOO. I CAME HERE WITHOUT A PENNY IN MY POCKET. I PROBABLY HAD 50-CENTS MY POCKET, AS I KNOW SHE DID TOO. I'VE BEEN WORKING VERY HARD LAST TEN YEARS IN MY BUSINESS, AS SHE HAS. IF SOMETHING LIKE THIS WERE HAPPENING TO ME ON SOUTH CONGRESS AVENUE, I WOULD HOPE ALL MY CUSTOMERS WOULD COME IN MY SUPPORT AS WELL. I HAVE HELPED THE CITY WITH BEAUTIFYING SOUTH CONGRESS AVENUE AND I THINK YOU HAVE SEEN HOW MUCH SOUTH CONGRESS AVENUE HAS CHANGED. THERE'S BEEN MANY WRITEUPS ON IT AND IT..... AND IT'S BEEN CHANGING OVER TIME. IT'S A POSITIVE CHANGE. THINK SOUTH LAMAR HAS ENCOUNTERED PROBLEMS SIMILAR TO WHAT I SAW TEN YEARS AGO. PROSTITUTION, DRUGS, SIMILAR THINGS LIKE THAT. AND I THINK THAT -- I DON'T KNOW VERY MUCH ABOUT THE PLAN, I JUST KIND OF STEPPED INTO IT BY READING ABOUT IT AN THINKING I NEED TO GO SUPPORT THIS FRIEND, AND I BELIEVE THAT THE PROJECT THAT WALGREEN'S IS WORKING WITH IS A VERY PARTLY SUNNY ACTIVITY ONE, I LOVE WHAT THEY'RE TRYING TO DO TO THE NEIGHBORHOOD. I THINK THERE'S A VERY HORRIBLE EXISTENCE WITH ALL OF THIS FLOODING. I'M SURPRISED NOTHING HAS BEEN DONE BEFORE TO HELP THAT. IF THEY'RE WILLING TO WORK ON ALL OF THESE ISSUES WITH THE NEIGHBORS, I THINK IT'S A WIN-WIN SITUATION, ALL THE WAY AROUND, FOR MARIA, FOR WALGREEN'S AND FOR THE NEIGHBORHOOD AS WELL. SO I JUST WANTED TO SAY PLEASE SUPPORT THE PROJECT OF MARIA AND WALGREEN'S AND THE NEIGHBORHOOD, I'M SURE IT'S GOING TO BE A WONDERFUL, WONDERFUL RESULT. I THANK YOU FOR YOUR TIME.

THANK YOU MS. DELALATTA. CONTINUING ON WITH FOLKS NOT WISHING TO SPEAK IN FAVOR. ROBERT THURSDAY MON, CURTIS DAWSON, CHRIS MUNCHLER, ADAM DERK, COLE EDWARDS, MICHAEL PINSKY. MARTHA KAY WARD, LAURA STONE, JAIME VARA, DUB DETERRICK, SHIELA DETERRICK, TC SHE'LLY, DELEON. A COUPLE OF FOLKS DIDN'T SAY

WHETHER THEY WERE FOR OR AGAINST. KEITH SHAUNSEY, SIGNED A CARD DIDN'T SAY FOR OR AGAINST. SALLY MERIT, SIGNED UP WISHING TO SPEAK, ARE YOU FOR OR AGAINST?

[INAUDIBLE]

YOU CAN GO FIRST, COUNCIL HAS ALL THE FOLKS SIGNED UP IN FAVOR OF THIS ZONING CASE. WE'LL TAKE UP THOSE FOLKS WISHING TO SPEAK IN OPPOSITION, SALLY MERIT. YOU'LL HAVE 3 MINUTES AND FOLLOWED BY BARBARA WHITE WHO WILL BE FOLLOWED BY JEFF JACK.

THANK YOU, GOOD EVENING, OR IS IT MORE GOOD MORNING. MY NAME IS SALLY MERIT AND I'M OPPOSED TO THE WALGREEN'S ZONING. I LIVE WITHIN 3 BLOCKS OF MARIA'S FOR THE LAST 11 YEARS, TOO OFTEN TO COUNSEL MY HUSBAND AND MYSELF HAVE CHOSEN OUR ESTABLISHMENT OVER OTHER, WHAT YOU MIGHT HAVE HEARD EARLIER THIS EVENING, WE ARE PEDESTRIANS ON BLUEBONNET, THAT IS ONE OF OUR PLEASURES IS THE FACT IT'S A WALKABLE STREET AT LEAST AT THIS TIME. IN FACT, OUR APPRECIATION OF THIS NEIGHBORHOOD RUNS SO DEEP THAT WE HAVE CHOSEN TO MAINTAIN OUR ADDRESS EVEN AFTER A SERIES OF HIGH TECH LAYOFFS AND LATER PLANT CLOSURES. THE DRASTIC IMPACT OF THIS ZONING CHANGE WILL HAVE ON OUR DISTINCT ACTIVITY SOUTH AUSTIN AM... AMBIENCE HAS ENERGIZED ME TO ATTEND MY VERY FIRST COUNCIL MEETING. FIRST AN FOREMOST RELOCATING A LARGER WALGREEN'S WITHIN A RESIDENTIAL SETTING BRINGS NO APPRECIABLE SERVICES IN MY ESTIMATION. THE CURRENT WALGREEN'S LOCATION IS ONLY ONE MILE FROM OUR HOMES. IT IS IN A -- IT IS LESS THAN ONE MILE FROM OUR HOE, IN AN ESTABLISHED RETAIL CENTER, WITH CENTRALIZED PARKING THAT IS NICELY SITUATED BETWEEN TWO MAJOR ROADWAYS, MANCHAK AND LAMAR. SADLY, THE MOTIVATION FOR THIS MOVE AS A STAND-ALONE BUILDING IS PART OF WALL GREAT NUMBER'S CORPORATE MASTER PLAN TO SQUEEZE OUT ADDITIONAL 5% IN YEARLY PROFIT AS THIS WAS REPORTED SEVERAL MONTHS AGO IN BUSINESS WEEK. OUR HOME VALUES SHOULD NOT BE COMPROMISED TO BENEFIT ONE MORE EXCESSIVELY COMPENSATED C.E.O. INSTEAD, I'M ASKING THE COUNCIL TO REJECT THIS ZONING CHANGE SO THAT

THIS KEY PIECE OF LAND CAN BE INCLUDED IN THE COMPREHENSIVE NEIGHBORHOOD PLANNING PROCESS THAT IS SCHEDULED IN THE NEXT SEVERAL MONTHS. THE HOPE IS TO GROW ADDITIONAL RETAIL ESTABLISHMENTS LIKE MARIAS WHICH ARE JUST BEGINNING TO MULTIPLY ALONG SOUTH LAMAR RATHER THAN LETTING THIS STREET BECOME ONE MORE VICTIM TO BIG BOX BLIGHT.

BARBARA WHITE SIGNED UP WISHING TO SPEAK AGAINST. I HAVE LIVED IN THE NEIGHBORHOOD FOR 17 YEARS, TO BUILD A WALLGREN'S SUPER STORE ON THIS CORNER IS INAPPROPRIATE USE FOR THIS LAND. I WOULD LIKE TO SEE IT ZONED MIXED USE RESIDENTIAL. MR. JEFF JACK, WELCOME SIR, YOU'LL HAVE 3 MINUTES, FOLLOWED BY CATHEDRAL LOAN SHAW.

-- KATHLEEN SHAW. MAYOR PRO TEM, MEMBERS OF COUNCIL, THANK FOR THIS OPPORTUNITY. HOW MANY PEOPLE ARE HERE TO SAVE MARIA'S? MOST OF THE SPEAKERS TONIGHT ARE HERE TO SAVE MARIA'S, WHAT WE'RE LOOKING AT IS A SITUATION OF A TROJAN HORSE, WHILE WE'RE TALKING ABOUT SAVING MARIA'S, THE REAL ISSUE HERE IS WALGREEN'S, IF YOU LOOK AT THIS SITUATION FROM THE POINT OF VIEW OF DEVELOPING SOUTH LAMAR OVER A LONG PERIOD OF TIME, WHAT IS THE BEST THING WE CAN DO FOR SOUTH LAMAR? WE HEARD ABOUT KEEPING SOME OF THE LOCAL CHARACTER AND I CERTAINLY BELIEVE THAT IS TRUE. THE NEIGHBORHOOD ASSOCIATION HAS VOTED AGAINST THIS AND THERE'S A LETTER IN YOUR BACKUP AND THERE'S A VERY PARTICULAR REASON FOR THAT, IF YOU LOOK AT THIS MAP OVER TO MY RIGHT HERE, ALL OF THE MARIA'S DOWN HERE IN THE PURPLE, ALL OF THE OTHER BLUE ARROWS ARE SITES THAT ARE ARTERIALS AND NEIGHBORHOOD COLLECTORS COMING TOGETHER. THERE'S OVER A DOZEN OF THEM ON THE WEST SIDE OF LAMAR IN MY NEIGHBORHOOD. SOME OF THOSE INTEKS HAVE PLANET K. SOME OF THEM HAVE MR. NATURAL, SOME OF THEM HAVE A BOOT STORE. ALL A PART OF THE CHARACTER OF SOUTH LAMAR. WHAT WE'RE SEEING HERE IS THE FACT THAT WALLGREN'S HAS ENOUGH INCOME POTENTIAL FOR THIS SITE TO BE ABLE TO PAY TO HAVE MARIA BUILD A NEW BUILDING FOR HERSELF, BUT ALL OF THESE OTHER SITES, ALL OF THESE OTHER BUSINESSES ON

SOUTH LAMAR, HOW MANY CORPORATE PEOPLE ARE GOING TO COME IN AND SAY TO THEM, LOOK, WOULD YOU JUST MOVE ASIDE AND LET ME BUILD YOU ANOTHER BUILDING SO WE CAN COME IN AND BUILD YOURS? YOU KNOW, A HOME DEPOT BEGETS A LOWES, A WALGREEN'S BEGETS AN ECKERDS, WHAT WE HAVE IS AN ISSUE OF SETTING A PRECEDENT WITH NEIGHBORHOOD CORNER STREETS WITH NEIGHBORHOOD COLLECTORS BEING HAVE YOU KNOWN REASONABLE TO PEOPLE COMING IN AND TRYING TO CAPITALIZE ON WHAT IS HAPPENING ON SOUTH LAMAR. THE FACT WHAT THE DEVELOPER CAN SPEND ENNO, MA'AM MOUSE APARTMENTS OF MONEY, SOMEBODY SAID HUNDREDS OF THOUSANDS OF DOLLARS ALREADY TO DO EXTRA DRAINAGE, TO HIRE CONSULTANTS TO GO OUT AND CANVAS THE NEIGHBORHOOD AND BRING PEOPLE THIS IS INDICATIVE OF HOW MUCH MONEY WE'RE TALKING ABOUT THIS POTENTIAL SITE CAN GENERATE FOR THIS CORPORATION. MAKE IT VERY CLEAR, WE'RE NOT TALKING ABOUT LOSING MARIA'S. THIS IS AN ARTICLE FROM THE NEW YORK TIMES THAT WAS IN THE AUSTIN AMERICAN STATESMAN LAST WEEK TALKING ABOUT DOING MIXED USE, NONE OF US IN OPPOSITION TO THIS ZONING CASE WANT TO LOSE MOREY I CAN'T'S, BUT WE WANT A DEVELOPMENT ON THIS PROPERTY THAT IS APPROPRIATE FOR SOUTH AUSTIN'S FUTURE. WHAT WE CAN DO IS WE CAN REDESIGN THIS PROJECT TO DO A COUPLE OF THINGS. YOU KNOW, THE SOUTH LAMAR CORRIDOR IS ONE UNDER A LOT OF PRESSURE AND WE THANK THE COUNCIL COMING AND REAFFIRMING DESIGNATING IT A MAD 4 INSTEAD OF A MAD 6. [BUZZER SOUNDING] WHAT WE WOULD LIKE YOU TO DO IS TELL THE DEVELOPER TO MOVE THAT BUILDING UP CLOSE TO THE ROAD, MAKE IT MIXED USE, BRING IN SOME RESIDENTIAL, PROVIDE MARIA SPACE, ALL OF THESE THINGS ARE ACCOMPLISHABLE, BUT THE ONLY THING THEY HAVE TO GIVE UP IS THEIR COOKIE CUTTER APPROACH TO THAT BUILDING SITE.

PLEASE CONCLUDE, MR. JACK.

I'LL LEAVE YOU WITH THIS. CAP METRO JUST THIS WEEK APPROVED A REFERENDUM TO GO TO THE VOTERS THAT INCLUDES BUS RAPID TRANSIT DOWN SOUTH LAMAR, BUS RAPID TRANSIT THAT DEPENDS HEAVILY ON BEING ABLE TO

HAVE THE RIDERSHIP ALONG THESE CORRIDORS, ONE USE WALL -- WALGREENS DOES NOT SUPPORT THAT METROPOLITAN PLAN YAO THANK YOU, MR. JACK. NEXT SPEAKER IS KATHLEEN SHAW. YOU'LL BE FOLLOWED BY ROSANNE LOOKS LIKE SAM COLLEY. (ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS...)

Mayor Wynn: THANK YOU, MS. SHAW, ROSE SCENE LOOKS LIKE SAMCOLLIE. SORRY IF IS MISPRONOUNCED THAT. FOLLOWED BY DON EWALT. WELCOME, 3 MINUTES.

HI, I'M ROSE ANN SACKLY, THE [INDISCERNIBLE] LADY. I WOULD LIKE TO TAKE A MINUTE TO SAY THAT IT'S VERY UNPLEASANT LIVING WITH THE CONDITIONS OF THE FLOODING THAT WE DO HAVE IN THAT AREA. I WOULD LIKE TO URGE THE COUNCIL TO CONSIDER THE FACT THAT THAT NEEDS TO BE ADDRESSED PRIMARILY BEFORE ANY ADDITIONAL DEVELOPMENT IS ALLOWED IN THE AREA. THEY ARE TALKING ABOUT MORE INLETS ON LAMAR, WHICH IS PROBABLY A GOOD THING. ABOUT -- THE CURRENT BEHIND THAT WE ARE COMING THROUGH THERE WON'T ACCEPT ANY MORE WATER. WHEN WE HAVE HEAVY RAINS WE HAVE WATER THAT COMES NOT ONLY OVER THE TOP OF THE SEPTIC LINE, BUT ALSO BULBS OUT ACROSS THE STREET FROM US BECAUSE THE STORM SEWER IS FILLED TO CAPACITY AND SO PUTTING MORE INLETS IN ON LAMAR IS ONLY GOING TO HURT THE SITUATION IN THAT AREA AND NOT HELP IT IN ANY WAY. I JUST HOPE THAT THEY TAKE THAT INTO CONSIDERATION, THANK YOU.

Mayor Wynn: THANK YOU. DON EWALT, YOU WILL HAVE 3 MANUSCRIPT.

MAYOR AND COUNCILMEMBERS THANKS FOR LETTING ME SPEAK. THE DEVELOPER DAVID DOOR AND HIS TEAM OF CONSULTANT HAVE BUN AN EXCEL LEAPT JOB OF WORKING WITH OUR NEIGHBORHOOD ASSOCIATION TO TRY TO SECURE A CONSENSUS ON HOW THIS PROPERTY SHOULD BE DEVELOPED. AND WHAT ZONING CHANGES WILL BE NEEDED. WE HAVE MADE SOME PROGRESS, BUT NOT ENOUGH. I BELIEVE THE COUNCIL SHOULD REJECT THIS REDESIGNED SITE PLAN AS WELL. WHY? FIRST, FOREMOST, FUNDAMENTALLY THE DEVELOPER DOWN PLAYS THE FACT

THAT TRAFFIC WILL INCREASE DRAMATICALLY ON TO BLUEBONNET. TWO, WALGREEN'S BRINGS NOTHING TO THE TABLE FOR OUR NEIGHBORHOOD THAT IS WORTH THE TRADEOFFS INVOLVED. WE ALREADY HAVE A WALGREEN'S ON SOUTH LAMAR THAT IS INTEGRATED INTO THE NEIGHBORHOOD. THE CURRENT PROPOSAL WOULD DOMINATE THE NEIGHBORHOOD THROUGH INCREASED TRAFFIC, 24 HOURS A DAY, DRIVE-THROUGH WIN COMPANIES FURTHER AGGRAVATING -- WINDOWS FURTHER AGGRAVATING AUSTIN'S OZONE PROBLEMS AND AN INAPPROPRIATE SUBURBAN BIG BOX COOKIE CUTTER DESIGN THAT WILL DICTATE FUTURE DEVELOPMENT IN SURROUNDING PROPERTIES. WALGREEN'S IS NOT SAVING TACO EXPRESS. THAT IS A RED HERRING. TACO EXPRESS IS GOING TO BE THERE FOR THE A LEAST ANOTHER FIVE OR SIX YEARS. WHAT'S CALL GREENS GOING TO DO? WALGREEN'S GOING TO DO? SHUT DOWN THEIR STORE AND TAKE THEIR BUSINESS ELSEWHERE. I DON'T THINK SO. ALTERNATIVELY THE DEVELOPER AT THE BEHEST OF THE CITY COUNCIL CAN IMPRESS UPON CORPORATE WALGREEN'S THAT IF THEY WANT TO OPEN A NEW STORE IN SOUTH AUSTIN, THEY WILL NEED A PROPOSAL THAT FAVORS INTEGRATION, NOT SUBUGATION AND DOMINATION. THEY WILL NEED A DESIGN IN KEEPING WITH LOCAL SENSIBILITIES. A PLAN THAT VALUES DIVERSITY, UNIQUENESS OF CHARACTER AND PRESERVATION OF NEIGHBORHOOD AND COMMUNITY. AND MOST IMPORTANTLY, A DESIGN THAT DOES NOT REQUIRE ACCESS TO BLUEBONNET. IN SHORT, SOMETHING NICE IN MY BACK YARD. WALGREEN'S VISION OF UNIVERSAL SAMENESS AND BLANDNESS THAT COMES FROM STAMPING OUT ONE STORE AFTER ANOTHER SIMPLY BECAUSE IT JUST MAKES THE MOST ECONOMIC SENSE SHOULD NOT BE A VIABLE OPTION AT THIS LOCATION. SOUTH AUSTIN ISN'T AND SHOULDN'T BE EVERYWHERE AMERICA. TODAY'S SPUSH BAN WALGREEN'S DESIGN IS SUBURBAN WALGREEN'S DESIGN IS PLAINLY WRONG AT THIS SITE. IT WOULD DEVASTATE BOTH SOUTH LAMAR'S AND ZILKER NEIGHBOR'S OPTIONS FOR PLANNING JUST MONTHS AWAY. PLEASE PROVIDE AN EXAMPLE TONIGHT AND VOTE NOT HERE, NOT NOW, THANK YOU.

THANK YOU, DOWN. CC LONG, WELCOME, MA'AM. YOU HAVE

FOLKS WANTING TO DONATE TIME TO YOU. IS OMALIKA LIP
HERE? HOW ARE YOU? LELA PERRY, HI, SO MS. LONG, NINE
MINUTES IF YOU NEED IT. [INAUDIBLE - NO MIC]

WHERE IS THE CAMERA?

Mayor Wynn: THEY'RE ALL OVER THE PLACE.

[INAUDIBLE - NO MIC]

RIGHT THERE.

WHERE?

WHERE YOU ARE, THAT'S GOOD.

OKAY. I WANTED TO -- VERY PRECIOUS OPPORTUNITY TO
THANK COUNCILMAN. I IMAGINE MYSELF ON JULY 28th, YOU
WERE ALL UPSTAIRS AT THE A.C.C. PARKING LOT, WHEN I
LEFT YOU WERE STILL THERE. AND I HAND DELIVERED THE
LETTER AND I HOPE THAT YOU HAVE SEEN IT. TODAY, I
WATCH YOU, GOD, I DON'T KNOW IF I CAN DO THIS AND I
REALLY THANK YOU FOR SITTING THERE LISTENING TO
EVERYBODY ELSE'S PROBLEMS. THANK YOU. GOD BLESS
YOU. MY LLTD IS..... LANDLORD IS HERE, MR. DOYLE IS
HERE, WE WERE TALKING -- WALKING IN OUR TRAILER PARK,
I STOPPED AND TALKED TO THEM. I ASKED MR. PAYNE IF HE
WAS IN A HURRY, NEEDED SOME MONEY, BECAUSE I WILL
TAKE IT FOR CONSIDERATION AND HE SAID NO, HE WASN'T
OWING ANY MONEY, HE WANTED TO RETIRE BECAUSE HE IS
A NATIONAL GUARD. I WANT TO SALUTE HIM. HE'S A
NATIONAL GUARD, GOING TO RETIRE IN 70 DAYS AND HE
DOESN'T OWE ANY MONEY, HE DOESN'T REALLY NEED THE
MONEY IN A HURRY, JUST WANT TO GET THE PARK OFF HIS
BACK. AND I JUST FEEL IF HE WILL JUST NOT WANT TO JUMP
ON IT, MAYBE WE JUST -- HE JUST WAIT, TWO OR THREE
YEARS DOWN THE ROAD MAYBE HE CAN GET DOUBLE THE
MONEY, YOU KNOW? YOU JUST NEVER KNOW. MR. DOYLE
MIGHT SELL FOR DOUBLE AND GET A LOT MORE
COMMISSION. YOU KNOW? THAT'S ONE OF MY
CONSIDERATIONS I WANT TO REPORT TO YOU. AND THE
SECOND ONE FOR SURE I WANT TO SPEAK DIRECTLY TO
MARIA. AND SHE HAS BEEN A SISTER, IN MY VERY DEAR

NEIGHBOR. AND YOU ARE THE QUEEN OF TACO! YOU KNOW?
AND I WROTE THIS -- THIS RADIO COMMERCIAL FOR YOU,
JULY 23rd, 23rd, '02. IT GOES LIKE: TACO XPRESS MAMMA
MARIA, OKAY. COME TO SOUTH LAMAR. SHE GOT THE REAL
SALSA, MEET DIGGERS DIGS IT, VEGGIE LOVERS LOVES IT,
EVERYBODY LOVES THE INGREDIENTS, TACO XPRESS
MAMMA MARIA. MARIA, MARIA, MARIA, SHE GOT THE LIVE
MUSIC, JAZZ TUESDAY, OPEN MIC THURSDAY, ATHERTON
FRIDAY NIGHTS AND SUNDAY BRUNCH, GOSPEL WILL ROCK
THE HOUSE, TACO XPRESS MAMMA MARIA. (music)(music)
TACO XPRESS MARIA, FOREVER! (music)(music) [APPLAUSE]
YEAH! I TOLD YOU I WROTE THIS FOR YOU, YEAH! ANYWAY
SHE WILL LISTEN TO THE TAPE. I WAS SINGING THROUGH
THE WHOLE THING, I WASN'T DOING A RAP. [LAUGHTER] BUT I
FORGOT AT HOME -- I FORGOT THE TUNE ALREADY. BUT I
HAVE THE RECORDING. OKAY. OKAY. DID THIS, I DID THIS. I'M
SORRY. [LAUGHTER] I'M LOSING MY PAGES. MARIA, WHERE
ARE YOU? OKAY, RIGHT HERE. THREE YEARS I HAVE BEEN
HERE HER NEIGHBORHOOD. AND I WANTED TO TELL YOU I'M
THE BEST NEIGHBOR THAT YOU COULD EVER HAVE. YOU
KNOW? I PICK UP ALL OF THE GARBAGE AROUND MY ENTIRE --
GARBAGE AROUND THE ENTIRE MARIA PARKING LOT
OUTSIDE, I TRY TO GROW A ROCK GARDEN. I REALLY WANT
TO GROW A COMMUNITY GARDEN RIGHT THERE. EVERY TIME
SOME CAR RUNS OVER, YOU KNOW,? AND EVERYONE HERE
IN THE ROOM AND EVERYONE IN FRONT OF THE TV, THERE'S
NOT ONE PERSON CAN EVER SAID I EVER COMPLAINED OR I
EVER BRAGGED BECAUSE WHENEVER IT RAINS OR WINDY,
ALL OF THE GARBAGE BLOWS TO MY PLACE. I'M FOUR FEET
DOWN IN THE COVE. BUT I NEVER COMPLAINED. AND
BECAUSE I LOVE HER MUSIC. RIGHT NEXT DOOR, I DANCE IN
THE MOON, YOU KNOW, EVERY NIGHT LIVE MUSIC. I LOVE TO
BE YOUR NEIGHBOR. AND BUT YOU KNOW WHAT MARIA, ALL
OF THE PEOPLE HERE, YOU ARE NOT THINKING, JUST CLOSE
YOUR EYES, I WANT TO GIVE YOU A PICTURE, OKAY? CLOSE
YOUR EYES. IT TOOK 51 YEARS FROM 1953 TO GET OUR
HABITAT LIKE MARIA'S. WHAT MAKE MARIA'S SO SPECIAL IS
BECAUSE ALL OF THESE TREES, YOU JUST SAW WHAT WE
HAD, SHOW ALL OF THOSE GREEN TREES, IT'S GOING TO BE
GONE. IMAGINE THAT SPOT EMPTY. NO MORE GREENS. DO
YOU REMEMBER THE PICTURES THEY SHOW IN BETWEEN
THE BLUEPRINTS? ALL THAT GREEN IS GOING TO BE GONE.

THERE WILL BE 80 TREES ON ONE SIDE OF WALGREEN'S PARKING LOT. 50 TREES ON THE OTHER SIDE OF MARIA'S PARKING LOT. BUT YOU KNOW THERE'S -- WE INVITED ARBORISTS TO WALK THROUGH THE WHOLE THING, LENA'S PERRY'S FRIEND, HE WAS VERY UPSET. HE SAID THERE ARE 40 TREES, HE WILL NEVER CUT DOWN, HE WON'T CUT IT DOWN, 40 TREES, VERY UPSET. HE COULDN'T MAKE IT TONIGHT. AND YOU KNOW IF YOU BELIEVE IN KARMA, TREES ARE LIVE, THEY HAVE -- IN THE 60s THEY USE METER, THEY MEASURED IF SOMEONE HAD CUT TREES DOWN, WALKING IN THE ROOM, THAT PERSON WHO CUT IT, THAT METER WILL MOVE. THEY KNOW WHO CUT THEIR TREE DOWN. OKAY, MARIA. YOU KNOW IF YOU -- YOU ARE THE QUEEN, YOU HOLD THE CARDS FOR SIX AND A HALF YEARS MORE, MARIA? YOU KNOW ANYTHING CAN HAPPEN. SOMEBODY CAN COME ALONG AND SAY MARIA I OFFER YOU \$5 MILLION. YOU KNOW? AND YOU CAN GET YOURSELF ANYWHERE DOWN SOUTH AUSTIN. YOU WILL HAVE A NEIGHBOR. WALGREEN'S IS NOT YOUR BEST CHOICE OF NEIGHBOR. NOW I REALLY WANT YOU TO CLOSE YOUR EYES, IMAGINE ALL 130 TREES ARE GONE. AND THERE'S THAT NEW TAR SMELL. WALGREEN'S 24 HOURS. ANY MINUTE YOU ARE OPEN MARIA, WALGREEN HAS CAR DRIVING BY ALL DAY LONG. AND A YEAR OR TWO FROM NOW, YOU WILL SAY I AM SO SORRY I LOST ALL OF MY GOOD IF YOU UNG, SHUI IS GONE, SISTER I WILL FEEL SO BAD. I'M TELLING YOU NOW, HOLD YOUR HORSES, YOUR GOOD FORTUNE WILL COME YOUR WAY. I KNOW IT, MY INSTINCT TELL ME, I KNOW IT! AND TREES KILLING, MARIA ONCE YOU TURN YOUR MIND AROUND, AFRAID OF WHAT'S GOING TO HAPPEN SIX AND A HALF YEARS DOWN THE ROAD, ALL YOUR FORTUNE WILL CHANGE. ALL YOUR LUCK WILL CHANGE, I GUARANTEE YOU. AND -- AND -- NOW I'M GOING TO TALK ABOUT WALGREEN'S REAL QUICK. WALGREEN'S WAS THE FIRST -- IN 1901 FIRST BUILT BY MR. CHARLES R. WALGREEN. AND THEY INVENTED IN 1920 THEY INVENTED MILK SHAKE, WALGREEN ACTUALLY INVENTED MILK SHAKE. THEY HAVE A PROJECT OF 2010 THEY WANT TO BUILD 7,000 OF THEM. SO BY MARCH OF 2003 ALREADY 4,000, AT VAN NYES CALIFORNIA, SO FAR 4400 IN 44 STATES, INCLUDES PUERTO RICO. THANK THE LORD THEY ARE NOT IN HAWAII AND ALASKA YET. [BUZZER SOUNDING]

MY 12 MINUTES?

Mayor Wynn: PLEASE CONCLUDE, MS. WONG. OKAY. I CONCLUDE, WALGREEN'S IF THEY ONLY LOSE 10 TREES, THEY WILL LOSE 70,000 TREES. CLOSE TO A MILLION TREES ON THIS AMERICA, THE TREES WILL BE GONE. AND I -- I LIVE RIGHT NEXT TO MARIA'S FOR THE TWO YEARS OF MY STRESS TO DEAL WITH WALGREEN'S COMING, LOSING THESE TREES, I HAVE JUST DIAGNOSED FOR CERVICAL CANCER. AND I FEEL THAT I HAVE THE RIGHT TO BE THERE. I LIKE EVERY PIECE OF STONE THERE FROM BARTON SPRINGS. AND I NEED THIS TIME TO HEAL MYSELF. AND I'M ASKING EVERYONE IN THIS ROOM, IN FRONT OF THE TV, THAT TO -- TO PRAY FOR THE TREES AND FOR MARIA AND FOR WALGREEN'S FOR EVERYONE. THANK YOU.

Mayor Wynn: THANK YOU, MS. WONG. [APPLAUSE]

THE TREES.

Mayor Wynn: OUR NEXT SPEAKER IS OSCAR LIPCHECK. OSCAR, WELCOME, SIR.

DONATING MY TIME.

Mayor Wynn: KEVIN VINCE, LEWIS, YOU'RE RIGHT. DAY LABOR SITE YELL DAVIS. GABRIEL DAVIS. WELCOME, MR. DAVIS, UP TO SIX MINUTES PRESUMING THAT ROBERTA LEHEE, IS SHE STILL HERE? ROBERTA, SO GABRIEL UP TO SIX MINUTES. BEFORE YOU START, THOUGH, LET ME GET THROUGH SOME CARDS. JACK SPEAR NOT WISHING TO SPEAK AGAINST, DARYL THOMPSON AGAINST, COREY WALTON, SUSAN PASS COME, KATE MONTHS, RICK IVERSON, LINDA GUERRERO AGAINST, STEVEN MARSHA AGAINST, MICHAEL AGAINST, BOBBIE RIG KNEE AGAINST, SUBURBAN DESIGN HERE WILL DESTROY OUR NEIGHBORHOOD PLANNING OPTIONS AND WORSEN DEADLY TRAFFIC PROBLEMS, PLEASE VOTE NOT HERE NOT NOW. THANK YOU. LINDA -- MCNEILAGE, AGAINST. LAURA MOOREHOUSE AGAINST. JAN KING AGAINST, MARY GAY MAXWELL AGAINST. WELCOME, MR. DAVIS, YOU'LL HAVE SIX MINUTES.

THANK YOU. THANK YOU. I WOULD LIKE TO TAKE THIS -- I

WOULD LIKE TO SPEAK THIS EVENING NOT ONLY AS A PERSON WHO WILL BE SERIOUSLY IMPACTED BY THIS DECISION, BUT ALSO A PERSON FOR THIS NEIGHBORHOOD AND THE REASONS WHY I WAS DRAWN TO IT AS A PLACE TO LIVE. AS A MATTER OF RECORD, I LIVE WITHIN THE 200-FOOT PERIMETER OF THE PROPOSAL BEFORE THE COUNCIL TONIGHT AND MY FRONT YARD IS PROBABLY NO MORE THAN 75 FEET AWAY. I HAVE DONE MY SHARE TO IMPROVE THE LOOKS OF MY HOME TO MAKE IT APPEALING TO PEOPLE AS WELL AS MYSELF. I PUT MY EFFORT AND EXPENSE AND THOUGHT INTO CREATING A PLACE THAT IS BEAUTIFUL AND THAT I FEEL SAFE AND COMFORTABLE IN. THIS ISSUE BEFORE US WILL DIRECTLY AFFECT THIS NEIGHBORHOOD ON A VARIETY OF LEVELS. I WANT TO START OUT BY SAYING THAT I USE WALGREEN'S, I AM NOT AGAINST WALGREEN'S, BUT I CAN'T HELP BUT WONDER HOW UTTERLY NECESSARY IT IS TO HAVE ONE ON ALMOST EVERY MAJOR INTERSECTION OF THIS CITY SO THAT WE CAN GET PRESCRIPTIONS DAY AND NIGHT WITHOUT EVEN GETTING OUT OF THE CAR AND TO HAVE ONE JUST RIGHT UP THE STREET NO MORE THAN THREE BLOCKS AWAY ALREADY. HOW IMPORTANT IS IT THAT WE SACRIFICE OUR SAFETY AND NEIGHBORHOOD SO THAT A LITTLE MORE MONEY CAN BE REALIZED BY INSTALLING A MEGA WALGREEN'S FOR 24 HOUR DRIVE THROUGH TO HELP INCREASE CORPORATE PROFITABILITY AT OUR EXPENSE. REGRETTABLY THEY HAVE TIED MARIA'S INTO THIS AND MADE IT APPEAR THAT THE NEIGHBORHOOD IS AGAINST MARIA'S WHICH IS FAR FROM THE TRUTH AND SIMPLY NOT THE CASE. EVERYONE STATED THIS AND CONTINUES TO PATRON UNITED STATES HER. IT WAS A CLEVER POLITICAL DECISION AND MANEUVER TO DIVERT ATTENTION FROM THE REAL ISSUE WHICH IS MAINTAINING INTEGRITY AND LIVABILITY OF THIS NEIGHBORHOOD. NOT TURNING BLUEBONNET INTO A TRAFFIC ARTERY THAT FILLS WALGREEN'S. IF I WERE MARIA I WOULD WANT WALGREEN'S THEY MADE IT EXTREMELY LUCRATIVE AND TEMPTING. I CANNOT PUT ONE BUSINESS ABOVE THIS NEIGHBORHOOD THAT I HAVE MOVED INTO AND MADE MY HOME. ONCE WALGREEN'S GOES IN, THAT'S IT FOR MY HOUSE. AND THE NEIGHBORHOOD. ALTHOUGH THE FUTURE OF A BUSINESS IS ALWAYS UNCERTAIN AND NOTHING CAN BE GUARANTEED, A BUSINESS HAS THE

OPTION OF RELOCATING WHICH IS NOT POSSIBLE FOR MY HOUSE OR MY NEIGHBORHOOD. IT'S NOT APPROPRIATE TO TURN THIS LITTLE STREET INTO SOMETHING THAT IT IS NOT. IT IS NOT THE INTERSECTION OF WILLIAM CANNON AND BRODIE LANE OR WILLIAM CANNON AND CONGRESS OR STASSNEY AND SOUTH FIRST. TO CREATE AND DRAW A LEVEL OF CONGESTION AND THOROUGHFARE THE SMALL URBAN NEIGHBORHOOD WOULD BE DEVASTATING. JUST TO ALLOW A CORPORATION TO ACHIEVE A MAXIMUM LEVEL OF STAT RAGES THROUGHOUT THIS -- STAT RAGES THROUGHOUT THIS CITY. IT MY UNDERSTANDING WALGREEN'S HAS BEEN LOOKING TO ENLARGE ITS SOUTH LAMAR STORE FOR QUITE A WHILE. BECAUSE THEY HAVE NOT FOUND A SUITABLE LOCATION UP TO THIS POINT, LIKE BEN WHITE OR OLTORF, WHERE IT BELONGS, I DON'T FEEL IT'S RIGHT OR JUSTIFIABLE TO ASK US TO SACRIFICE OUR HOMES OR OUR NEIGHBORHOOD. THEY HAVE PLENTY OF PEOPLE SEARCHING FOR LOCATIONS ALL THE TIME AS WE SEE WALGREEN'S POPPING UP EVERYWHERE. THEY STILL HAVE TIME AND THEY STILL HAVE A -- HAVE A STORE A BLOCK OR TWO OFF THE STREET. LET THEM ACQUIRE A LOCATION THAT WILL ACCOMMODATE AND NOT DISTURB OR DESTROY THE FAMILY FEEL OF THE SURROUNDING AREA. I'M GLAD TO SEE SUCH SUPPORT FOR MARIA'S. IT REAFFIRMS MY SENSE THERE IS REALLY NO DANGER TO HIS PATRIOT.....PATRONAGE, MARIA'S HAS THRIVED WITHOUT WALGREEN'S, HER SURVIVAL IS NO CONTINGENT UPON HER APPROVAL OF THIS MOTION AND HOPEFULLY THOSE ISSUES WILL NOT BE CO-MINGLED AND CONFUSED. I WONDER HOW MANY PEOPLE WOULD AGREE TO HAVE A 24 HOUR WALGREEN'S IN THEIR FRONT YARD IN ORDER TO ENSURE THE CONTINUATION OF THE BUSINESS AT A SAME LOCATION? IT'S NICE TO SHOW SUPPORT BUT IF THE PRICE WERE TO BE THE SACRIFICE OF SOMETHING THAT YOU HAVE WORKED YOUR WHOLE LIFE FOR, HOW MANY PEOPLE WOULD STAND UP TO VOLUNTEER AND SAY IT WOULD BE PERFECTLY ALL RIGHT FOR THEM. I'M AFRAID THAT'S JUST WHAT IS BEING ASKED OF ME. WHAT WILL HAPPEN WHEN THE AREA BEHIND THEM COMES INTO USE AND THE TRAFFIC LEVEL HAS ALREADY BEEN PUSHED I DON'T UNDERSTAND SATURATION POINT THAT SAFETY ALLOWS. WHY NOT LOOK AT THIS AS A WHOLE DEVELOPMENT PROCESS AND

SOMETHING THAT IMPROVES AND ADDS TO OUR CITY AS A WHOLE INSTEAD OF TAKING IT PIECEMEAL SO THAT IN THE END EVERYONE LOOKS BACK IN HINDSIGHT WITH REGRET. WHAT TYPE OF CITY ARE WE TRYING TO ENVISION AND DEVELOP? ONE THAT A MEGA CORPORATION CAN COME IN AND MAKE A FEW CONCESSIONS, OFFER A FEW FINANCIAL INCENTIVES TO PARTICULAR INDIVIDUALS AND BASICALLY PUT WHAT THEY WANT WHERE THEY WANT IT IN ORDER TO MAKE THE MOST MONEY POSSIBLE. WHOEVER HAPPENS TO BE AROUND THERE, THE MOST GRAVELY AFFECTED, WELL, THAT'S JUST THE WAY IT GOES. I BELIEVE WE CAN DO BETTER THAN THAT, THAT'S WHAT I AM ASKING YOU THE CITY COUNCIL AND THE MAYOR TO DO. THANK YOU.

THANK YOU, MR. DAVIS. BOB THOMPSON. WELCOME, MR. THOMPSON. LET'S SEE. IS LINDA THOMPSON STILL HERE. WELCOME, LINDA. HOW ABOUT JACK HOWI SON. MR. THOMPSON UP TO SIX MINUTES IF YOU NEED IT.

MAYOR, CITY COUNCIL MEN, MY NAME IS BOB THOMPSON. A MEMBER OF THE SOUTH LAMAR NEIGHBORHOOD ASSOCIATION SPEAKING IN OPPOSITION TO THIS ZONING. I'M ALSO THE AUTHOR OF A NEIGHBORHOOD TRAFFIC ANALYSIS REPORT WHICH HAS BEEN RECENTLY CIRCULATED WHICH I HOPE THAT YOU'VE HAD AN OPPORTUNITY TO EXAMINE BECAUSE I WON'T BE ABLE TO BEGIN TO COVER ALL OF THAT MATERIAL IN THESE FEW MINUTES. THE TRAFFIC THREAT POSED BY WALGREEN'S WITH ACCESS TO BLUEBONNET IS THE KEY REASON FOR THE AREN'T SHALL NEIGHBORHOOD -- RESIDENTIAL NEIGHBORHOOD ASSOCIATION. THIS TRAFFIC PENETRATION ISSUE BE IT BLUEBONNET EASTWARD IS THE ELEPHANT IN THE LIVING ROOM WHEN THE APPLICANT HAS HERETOFORE SEEMED TO DOWN MY OR DISREGARD. IF BUILT AS PLANNED THIS WOULD BE THE VERY FIRST WALGREEN'S IN AUSTIN CITED AT THE INTERSECTION OF A MAJOR ARTERIAL AND A NEIGHBORHOOD COLLECTOR STREET, HERE BLUEBONNET LANE, WHICH IS PARTICULARLY VULNERABLE TO BEING USED BY CUT THROUGH TRAFFIC TO CONNECT FROM LAMAR TO BEN WHITE OR SOUTH FIFTH, SOUTH FIRST OR MANCHACA. THE BLUE BONNET DRIVEWAY WOULD PROVIDE THE OPPORTUNITY FOR WALLGREEN'S COMMERCIAL TRAFFIC TO SPILL INTO OUR NEIGHBORHOODS AND THE LAMAR CONGESTION PLUS THE PRESENCE OF BEN

WHITE AND THE OTHER ARTERIALS ON THE OTHER SIDE OF OUR NEIGHBORHOODS PROVIDE A MOTIVE FOR SOME OF THIS TRAFFIC TO CUT THROUGH OUR NEIGHBORHOOD. I MIGHT INTERJECT THIS VULNERABILITY TO THE CUT THROUGH TRAFFIC IS A LIKELY DISTINCTION FROM MANY OF THE 37 BUSINESSES MENTIONED BY MR. DRENNER AND MAKES HIS BLUE WON'T LOCATION FAIRLY UNIQUE. HOWEVER BLUEBONNET IS A DESIGNATED SAFE ROUTE TO SCHOOL FOR ZILKER ELEMENTARY. THE ACCEPTABLE TRAFFIC LEVEL IS DEEMED TO BE 1200 VEHICLES PER DAY. BY COMPARISON THE ACTUAL BLUEBONNET COUNT WAS 1432 VEHICLES PER DAY IF A FEW YEARS AGO, THIS YEAR'S TRAFFIC COUNT NOW UP TO 1921 VEHICLES PER DAY WHICH IS ALREADY 160% OF THE SAFE LEVEL. EVEN BEFORE WALGREEN'S IS BUILT. WALGREEN'S IS GOING TO GENERATE A HUGE AMOUNT OF ADDITIONAL TRAFFIC. THE ITE HANDBOOK USED FOR TRAFFIC ANALYSIS PREDICTS THAT AN AVERAGE DRIVE THROUGH PHARMACY OF THIS SIZE WILL GENERATE ABOUT 1283 TRIPS A DAY OF WHICH ABOUT HALF IS DIRECTLY CAUSED BY THE PHARMACY, AND HALF IS DIVERTED TRAFFIC THAT HAD BEEN PASSING BY AND SPONTANEOUSLY DECIDED TO STOP AT THE PHARMACY. HOWEVER, WALGREEN'S IS EVIDENTLY A FAR ABOVE AVERAGE PHARMACY IN GENERATING TRIPS. OUR NEIGHBORHOOD HAS DISCOVERED FROM WALGREEN'S OWN ELECTRONIC CASH REGISTER TALLIES IN BOTH 2003 AND 2004, WHICH HAVE BEEN CLOSELY CORROBORATED BY OUR OWN A.M. AND P.M. ON SITE TRAFFIC COUNTS, THAT THE LAMAR AND MANCHACA WALGREEN'S GENERATES APPROXIMATELY 1.9 TIMES AS MANY TRIPS PER DAY AS ARE PREDICTED BY THE I.T.E. HANDBOOK FOR AN AVERAGE STORE. GIVEN THE GOOD AGREEMENT BETWEEN THE WALGREEN'S TRANSACTION COUNTS AND OUR OWN ONSITE TRAFFIC COUNTS WE ARE CONFIDENT OF THIS TWICE AVERAGE TRAFFIC FORECAST. HOW MANY OF THIS WALGREEN'S TRAFFIC WILL ENDS UP TRAVISING EAST OF THE BLUEBONNET DRIVEWAY INTO OUR NEIGHBORHOODS? THE APPLICANT ESTIMATED ONLY ABOUT 2% OF THE TOTAL TRAFFIC OR 4% OF THE TRAFFIC EXITING ON TO BLUEBONNET WILL TRAVEL EAST OF THE DRIVEWAY. THIS AMAZING AND WE BELIEVE UNREALISTICALLY LOW ESTIMATE WAS OBTAINED BY ASSUMING, FIRST, THAT THE PRESENT

TINY BLUEBONNET SHARE OF THE TRAFFIC WILL BE COMPLETELY UNAFFECTED BY THE PRESENCE OF THE WALGREEN'S. DESPITE THE DIFFICULTY OF REENTERING LAMAR FROM THE STORE PARKING LOT AND DESPITE THE INCREASED CONGESTION OF THE TRAFFIC LIGHT INTERSECTION. SECOND, BY FURTHER ASSUMING UNREALISTICALLY THAT THERE WILL BE ABSOLUTELY ZERO NEW PASS BY TRAFFIC WHICH DIVERTS FROM LAMAR TO BLUEBONNET EAST AFTER VISITING THE WALGREENS. HOWEVER THE NEIGHBORHOOD DOCUMENTED THE TENDENCY OF THE OLD CORE OFFICE DEPO CUSTOMERS WHO ARE SIMILARLY MOTIVATED TO ESCAPE THE LAMAR CONGESTION TO THE PARK EASTWARD AT THAT PARKING LOT AT A FAR ABOVE AVERAGE RATE OF 37%. THIS LEADS US TO ESTIMATE THAT ABOUT 10 TO 15% ARE MORE -- OR MORE OF THE BLUEBONNET WALGREEN'S TRAFFIC WILL LIKELY DECIDE TO DIVERT EAST THROUGH OUR NEIGHBORHOODS IN ORDER TO AVOID TRAFFIC LIGHTS AND CONGESTION ON LAMAR. FAR ABOVE THE 2% ASSUMED BY THE APPLICANT. SOME OF THIS DIVERTED TRAFFIC WILL BE PASS BY DRIVERS WHO ONCE FINDING THEMSELVES IN THE WALGREEN'S PARKING LOT DECIDE TO TAKE A DIFFERENT EASTERLY ROUTE HOME THAN THE ROUTE THEY WOULD HAVE FOLLOWED HAD THEY NEVER STOPPED. IN EFFECT COMPLETELY NEGLECTED BY THE APPLICANT'S STUDIES. INCLUDED THIS DIVERTED TRAFFIC, WE FORECAST UP TO 500 ADDITIONAL VEHICLES PER DAY OF TRAFFIC WILL TRAVEL ON TO BLUEBONNET EAST ENTIRE NEIGHBORHOODS, RAISING THE TRAFFIC LOAD FROM 160% TO 200% OR MORE OF THE ACCEPTABLE LEVEL. WILL THE BLUEBONNET WIDENING NEAR LAMAR WHICH HAS BEEN PROPOSED BY THE APPLICANT SOLVE THESE NEIGHBORHOOD TRAFFIC PROBLEMS? NO, WE BELIEVE THAT THEY WILL NOT. THE WIDENING WILL ONLY CREATE A FUNNEL EFFECT AND THE TRAFFIC CHOKE POINT WILL JUST BE PUSHED EASTWARD INTO OUR NEIGHBORHOODS. MOREOVER OUR NEIGHBORHOODS ARE ABSOLUTELY OPPOSED TO THE NOTION THAT OUR NEIGHBORHOOD COLLECTOR STREETS SHOULD BE WIDEN AND CONVERTED INTO ARTERIALS JUST TO ACCOMMODATE TRAFFIC FROM WALLGREEN'S. INSTEAD THE WALLGREEN'S SHOULD BE RECITED AT THE ENTRANCE OF TWO EXISTING ARTERIALS

WHICH IT IS ACTUALLY DESIGNED FOR. BASED UPON OUR TRAFFIC ESTIMATES, GENERATE TRAFFIC EQUIVALENT TO SEVERAL HUNDRED APARTMENT UNITS ON THIS TRACT OF AROUND TWO ACRES. THAT IS MUCH MORE TRAFFIC THAN THE S.F. 3 ZONING THAT WE ARE LOSING WOULD PERMIT. AND MUCH MORE THAN ANY M.F. ZONING WOULD PERMIT. [BUZZER SOUNDING] IT IS INTOLERABLE THAT THIS INTENSE COMMERCIAL TRAFFIC SHOULD BE ALLOWED ACCESS TO OUR NEIGHBORHOOD COLLECTOR STREETS. AND THE NO RIGHT TURN SIGN THAT HAS BEEN PROPOSED WE BELIEVE IS JUST WISHFUL THINKING, NOT LIKELY TO BE OBEYED AND NOT ENFORCEABLE. WE WOULD ASK YOU TO PLEASE APPEAR POSE THIS ZONING REQUEST.

Mayor Wynn: THANK YOU. MR. THOMPSON, CAROL GIBBS. WISHING TO SPEAK -- IN OPPOSITION. KEVIN LEWIS, MS. GIBBS, HOW ARE YOU.

THREE MINUTES.

THANK YOU, MAYOR, COUNCILMEMBERS. I'M HAVING A REAL SUGAR LOW RIGHT NOW, SO I DON'T KNOW HOW EFFECTIVE I'M GOING TO BE HERE. [LAUGHTER] I DON'T ENVY YOU ALL'S POSITION, I HAVE ONLY BEEN HERE 8.5 HOURS. I JUST WANTED TO GOSH -- GOSH MAKE A COUPLE OF POINTS, I LIVE IN -- I'M CAROL GIBBS I LIVE IN THE SOUTH LAMAR NEIGHBORHOOD ASSOCIATION, ABOUT A MILE BACK UP THE ROAD FROM THIS PROPOSED SITE. I HAVE BEEN ACTIVELY INVOLVED IN ALL NEGOTIATIONS IN THIS PROJECT, LAST YEAR WITH -- WITH THE -- WITH THAT AGENT AND THIS YEAR WITH THE CURRENT AGENT AND HIS TEAM. I WILL DEFINITELY ADMIT THIS GROUP HAS DONE EVERYTHING THEY CAN WITHIN THEIR MEANS TO -- TO ACCOMMODATE OUR NEEDS.

I'M GOING TO THROW YOU FOR A LOOP. YOU LOOKED LIKE YOU COULD USE THAT. [LAUGHTER]

YOU ARE JUST SETTING ME UP TO EAT CHOCOLATE AND HAVE THIS BLACK STUFF BETWEEN MY TEETH WHILE I'M ON TV. I HAVE ALL OF MY FRIENDS WATCHING.

Mayor Wynn: THAT JUST USED ABOUT 30 SECONDS OF YOUR

TIME.

WAY TO GO TOBY, THANKS. [LAUGHTER] I DON'T WANT TO WORRY ANYBODY. I'M ON THE GOING TO GO INTO INSULIN SHOCK OR ANYTHING. ANYWAY, I DO WANT TO AN AND THANK THE DEVELOPER AND HIS TEAM FOR ALL OF THE TIME AND EFFORT BUT I ALSO ACKNOWLEDGE THAT IT'S BECAUSE IT IS A MAJOR INVESTMENT FOR THEM AND IT BEHOOVES THEM TO PLEASE US AND ACCOMMODATE US AND WIN US OVER. BECAUSE HAD WE AGREED TO EVERYTHING AT THE GET-GO, OVER A YEAR AGO, THEY WOULD HAVE ALREADY BEEN BUILT AND UP AND RUNNING, TACO XPRESS WOULDN'T EVEN HAVE THE DEAL THAT THEY ARE LOOKING AT NOW. YEAH, THEY WANT TO MAKE US HAPPY. BUT IT'S NOT FOR THE SAKE OF MAKING US HAPPY. I WANT TO DRAW ONE CONTRAST AND I'M KIND OF BEING GUN SHY ABOUT NOT WANTING TO -- I DON'T WANT TO LOOK LIKE THE BAD GUY HERE. WE HAVE BENT OVER BACKWARDS AGAIN ALL VOLUNTEER, NOT -- NO PAID LABOR HERE, THIS IS ALL VOLUNTEER HOURS ON TOP OF OUR REGULAR JOBS. TRYING TO BE FAIR, TRYING TO BE DIPLOMATIC, TRYING TO BE, YOU KNOW, BALANCED, ESPECIALLY AS AN OFFICER OF THE NEIGHBORHOOD ASSOCIATION, TRYING TO ACKNOWLEDGE THAT NOT EVERYONE IN THE NEIGHBORHOOD AND NOT EVEN EVERYBODY WHO IS A MEMBER OF THE NEIGHBORHOOD ASSOCIATION [BUZZER SOUNDING] -- 30 SECONDS.

Mayor Wynn: YES.

THAT NOT EVERYBODY SEES EVERYTHING THE SAME WAY, EVEN THOSE OF US WHO ARE IN OPPOSITION ARE NOT IN OPPOSITION FOR ALL OF THE SAME REASONS. BUT THE ONE CONTRAST THAT I WANT TO DRAW TONIGHT IS I THINK WHAT YOU HAVE ALREADY HEARD FROM THOSE IN OPPOSITION IS A WHOLE LOT OF FACTS, A WHOLE LOT OF NUMBERS, TIME, RESEARCH, PUT INTO REALLY LOOKING AT THIS AND LOOKING AT ALTERNATIVES TO THIS. AND MOST OF WHAT YOU HEARD FROM THE SUPPORTERS OF THIS PLAN WERE NOT ABOUT WALGREEN'S, THEY WERE ABOUT TACO XPRESS, AND IT WAS MOSTLY EMOTION. AND IT WASN'T BASED ON -- MOST OF IT, SOME OF IT WAS, BUT MOST OF IT WAS NOT BASED ON THE KIND OF INVESTMENT ON A

PERSONAL LEVEL IN TERMS OF TIME AS THE WORK OF THE NEIGHBORHOOD ASSOCIATION AND I REALIZE I PROBABLY JUST OPENED MYSELF UP TO -- TO FOLKS BEING UPSET WITH ME. I DON'T INTEND IT THAT WAY. I JUST GENUINELY FEEL LIKE WE HAVE IN GOOD FAITH DEALT WITH THE DEVELOPER AND HIS REPRESENTATIVES AND DONE OUR BEST TO -- TO TRY TO -- TO COME TO SOME KIND OF CONSENSUS.

Mayor Wynn: PLEASE CONCLUDE.

WE ARE NOT -- JUST NOT THERE YET. WE ARE ASKING THAT YOU OPPOSE THIS PLAN AS IT IS. THANK YOU AND THANK FOR THE MINUTE PATTY.

THANK YOU, OSCAR STILL HERE. CHAD HIMEL, HELLO, CHAD, DAVID DAVILA, HELLO DAVID, MARK PEARSON. HOW ABOUT JEFF STEIN BERG?

WELL, BLESS YOU [INDISCERNIBLE]

IF I JUST SHUT UP, DO I AUTOMATICALLY GET ONE OR TWO VOTES. GOOD EVENING, MAYOR, MAYOR PRO TEM, COUNCIL, I'M KEVIN LEWIS PRESIDENT OF THE SOUTH LAMAR NEIGHBORHOOD ASSOCIATION, I DO APPRECIATE YOUR TIME AND PATIENCE, THIS IS VERY IMPORTANT. I WOULD BET YOU THERE'S MORE PEOPLE SIGNED UP ON THIS PER SQUARE FOOT OF DEVELOPMENT UNDER CONSIDERATION THAN I HAVE EVER SEEN BEFORE. WE HAVE A BIT OF A PROBLEM HERE. THIS PICTURE RIGHT HERE IS WHAT WE THINK THAT DRUG STORE SHOULD LOOK LIKE TWO MILES FROM DOWNTOWN. WHAT YOU SEE PROPOSED IS NOT. BEFORE I GO INTO MY REMARKS, JUST A QUICK DIGRESSION. IN TODAY'S CHRONICLE, THE DEVELOPER'S AGENT WAS QUOTED AS SAYING A YEAR AGO THERE WAS NO MENTION OF PUTTING RESIDENTIAL ON TOP OF THE WALGREEN'S PROPOSAL. HE TOLD ME TODAY THAT THAT WAS A MISQUOTE. I HELP AND APPRECIATE THAT. TO CLARIFY THE RECORD, WE PROPOSED MIXED USE FROM OUR FIRST MEETING WITH THE DEVELOPER LAST YEAR. MR. DRENNER WAS NOT INVOLVED AT THIS POINT. THEY SAID WE DON'T DO THAT. WE SAID, OKAY, WE'LL KEEP TALKING TO YOU ON THE DETAILS BUT WE DO WANT MIXED USE. WE JUST AGREED TO

DISAGREE ABOUT THAT. WE DIDN'T KEEP BRINGING IT UP BECAUSE WHY WOULD THEY, THEY SAID IT'S NOT AN OPTION, WE ARE NOT STUPID WE CAN HEAR. SO WE HAVE BEEN CONSISTENT FROM THE BEGINNING. Z.A.P. HEARING, CITY COUNCIL, YOU WERE HERE, YOU REMEMBER REMEMBER THIS IS NOT NEW. OUR NEIGHBORHOOD ASSOCIATION AFTER HUNDREDS OF HOURS, RESEARCH, STUDY AND CONSTRUCTION, VOTED MAN HOUSELY TO OPPOSE THE WALGREEN'S PLAN FOR SOUTH LAMAR AT BLUEBONNET LANE. THE ZILKER NEIGHBORHOOD ASSOCIATION IS OPPOSED TO THIS PLAN. THE SOUTH CENTRAL NEIGHBORHOOD COMPANIES VOTED TO OPPOSE THIS PLAN. AUSTIN NEIGHBORS COUNCIL VOTED MAN UNANIMOUSLY TO OPPOSE THIS PLAN. THERE ARE OBVIOUSLY DIFFERING OPINION IN THE NEIGHBORHOOD. I STRONGLY ENCOURAGE EVERYONE TO VOICE THEIR OPINIONS BOTH IN OUR MEETINGS HERE AT COUNCIL. I THINK THEY HAVE DONE A GREAT JOB OF THAT. AT www.southLamar.org, YOU CAN SEE OUR SMILES CALLING FOR DIVERSE INPUT, FAIRNESS, RESPECT FOR EVERYONE. I THINK THAT WE HAVE ACCOMPLISHED THAT, THAT'S A GREAT GOAL. AT ITS ROOT HERE TONIGHT THE QUESTION IS PRETTY BASIC: IS THIS A GOOD PLACE FOR A HIGH TRAFFIC, 24 HOUR DOUBLE DRIVE THROUGH SINGLE USE COULD BE ANYWHERE DRUG STORE. WE SAY NO, WE MUST DO BETTER. WILL YOU HAVE ALTERNATE RECOMMENDATION, I EMPHASIZE WE ARE NOT SIMPLY OPPOSING THIS CASE, WE ARE ADVOCATING A COMPREHENSIVE PLANNING PROCESS. THAT WILL LOOK AT POTENTIAL USES IN CONTEXT OF THE SURROUNDING AREA. WE ARE ADVOCATING A BETTER VISION FOR OUR MAJOR TRANSIT CORRIDOR. WE ARE ADVOCATING SOMETHING NICE IN MY BACK YARD. WE WOULD LIKE THIS MOVEMENT TO SPREAD THROUGH THE CITY SO EVERY NEIGHBORHOOD SHOULD BE TALKING ABOUT SOMETHING NICE THAT THEY WANT IN THEIR NEIGHBORHOOD. OUR NEIGHBORHOOD WILL START THE CITY'S NEIGHBORHOOD PLANNING PROCESS IN A FEW MONTHS, WE ARE LOOKING FORWARD TO IT. THIS CASE VIFLDLY DEMONSTRATES THE PROBLEMS WITH PIECEMEAL DEVELOPMENT ABSENT OVERALL PLANNING. A MOMENT ON TACO XPRESS. AS MUCH AS WALGREEN'S HAS MADE IT SEEM SO IN EVERY NEWS STORY HAD ABOUT 10 WORDS ON

WALGREEN'S, ABOUT 20 PARAGRAPHS ON TACO XPRESS, THIS CASE IS NOT ABOUT TACO XPRESS. I LOVE TACO XPRESS. LET ME SAY THAT AGAIN, I'LL DO MY BEST MARIA'S IMPRESSION, I LOVE TACO XPRESS. I'M NOT DOING IT JUSTICE, I KNOW. MY ONLY COMPLAINT IS THAT I EAT WAY TOO MANY TACOS BECAUSE THEY ARE REALLY, REALLY GOOD. THAT'S NOT THEIR FAULT. WE SUPPORT TACO XPRESS, WE ARE GLAD THEY HAVE AN IRONCLAD LEASE ON THE SITE. THAT LEASE HAS ALREADY BROKEN AT LEAST ONE DEAL WHEN TRAMMELL CROW WOULD NOT MEET THEIR TERMS. THERE'S FOR IMMEDIATE THREAT TO TACO XPRESS. IF WALLGREEN'S IS DENIED, THE NEXT DAY AND NEXT, TACO XPRESS WILL OPEN THEIR DOORS, SELL GREAT TACOS, MAKE GREAT MONEY. THAT IS A GOOD THING. WHAT IF THE LANDS GET SOLD WITHIN THAT TIME, ANYONE SEEKING REDEVELOPMENT HAS TO OFFER THEM A DEAL. THEY ARE LOCKED IN, THEY WIN EITHER WAY. WE ARE IN FAVOR OF THAT. WALGREEN'S WANTS THIS TO BE ABOUT TACO XPRESS BECAUSE THEY ARE A POST E.R. CHILD WHOM EVERYBODY LOVES WALGREEN'S IS THE ELEPHANT IN THE BIKINI WHO THEY HOPE YOU WILL IGNORE. 4.2 OPENING PER DAY. AT THAT RATE NOITS WONDER THEY HAVE TROUBLE FINDING GOOD PLACES TO PLOP THEM DOWN REAL QUICKLY. LET'S TALK ABOUT THE REAL ISSUES, THE ELEPHANT. LAST YEAR COUNCIL HEARD AND WISELY REJECTED A SIMILAR APPLICATION AT THIS LOCATION. SOME DETAILS CHANGED BUT THE FUNDAMENTAL QUESTIONS ARE THE SAME. THIS WOULD BE THE FIRST WALGREEN'S IN AUSTIN LOCATED AT THE INTERSECTION OF A MAJOR ARTERIAL AND A BAD -- AND A NEIGHBORHOOD COLLECTOR. IT IS A BAD PRECEDENT. IT'S BAD POLICY. ALL GREENS PUBLISHED SITE CRITERIA CALLED FOR THE ENTRANCE OF TWO MAJOR ARTERIALS FOR A REASON. THEY ARE TRYING TO MAKE ONE. IF THEY INSIST ON BEING AT THIS LOCATION THE SIMPLE SOLUTION WOULD BE TO ELIMINATE THE BLUEBONNET ACCESS DRIVEWAY. THAT BLUEBONNET DRIVEWAY WOULD DUMP SEVERAL HUNDRED ADDITIONAL CAR TRIPS PER DAY ON TO A SMALL RESIDENTIAL COLLECTOR. BUT WON'T IS ALREADY OVERTAXED ALTHOUGH THE IMPROVEMENTS WOULD HELP MANAGEMENT THE TRAFFIC FOR THE WIDENED SECTION, DEVELOPED AS A LARGE DOMINO LEADING TO THE

RECLASSIFICATION OF BLUE WON'T WON'T. BLUEBONNET ... AS MORE DEVELOPMENT BEHIND THIS TRACT THAT LEAD TO ADDITIONAL TRAFFIC GENERATION EVEN MORE PRESSURE IS CREATED TO WIDEN AND RECLASSIFY NOT ONLY BLUEBONNET BUT DEL [INDISCERNIBLE] ROAD ALSO A TWO LANE RESIDENTIAL COLLECTOR WITH NO CURBS, NO GUTTERS, NO SIDEWALKS. TRAFFIC COUNTS ON THAT STREET IN 2002 WERE 1264, THEY CANNOT HANDLE OCCASIONAL TRAFFIC. OF COURSE THE DEVELOPER'S TRAFFIC STUDY ASSUMES THERE WOULD BE NO NON-RESIDENT TRIPS INTO THE NEIGHBORHOOD ALONG DEL KURDO AND CLAUSE SON. HOW DO WE KNOW? WE LIVE HERE, WE SEE IT HAPPEN DAILY, WE HAVE STUDIED IT EXTENSIVELY. TO SUMMARIZE ON TRAFFIC WE SHOULD NOT ENCOURAGE HIGH INTENSITY COMMERCIAL DEVELOPMENT THAT REQUIRES ACCESS TO RESIDENTIAL STREETS, WE MUST DO BETTER. WE THINK THE TRAFFIC ISSUE IS ENOUGH TO DECIDE THIS BUT IT'S ONE OF ONLY SEVERAL CONCERNS. IT'S SUBURBAN IN CHARACTER, THE PARKING ALONG THE SIDEWALK WHERE THE ENTRANCE SHOULD BE. LAST YEAR MAYOR WYNN CITED AS A COUNTER EXAMPLE THE WALGREEN'S AT 45th AND GUADALUPE WHICH IS BUILT RIGHT TO THE WALK WHICH THIS PLAN IS STILL NOT. IT FAILS TO BUILD THE STREET WALL PRESENCE THAT WOULD HELP PROVIDE THE CORRIDOR. ON ZONING WE PRAWRT LR AND L.O. BUT NOT IN THE BUILDING FOOTPRINT PROPOSED. THIS RUNS COMPLETELY COUNTER TO ... ZONING LANDS, IT'S CONVENIENT FOR THIS PLAN BUT BAD PRACTICE, ALSO ANY ZONING ALONG THIS CORRIDOR SHOULD INCLUDE MIXED USE, THIS ASK NOT. SOUTH LAMAR NEIGHBORHOOD ASSOCIATION HAS VOTED TO SUPPORT MIXED USE ZONING ALONG SOUTH LAMAR OUR TRANSIT CORRIDOR. THIS IS A 10 MINUTE BUS RIDE FROM DOWNTOWN AND THE BUS STOP IS RIGHT THERE. WE MUST COULD BETTER. I WANT TO COMMEND THE DEVELOPER'S TEAM FOR BEING THOUGHTFUL IN THEIR DEALINGS WITH US, THEY HAVE LISTENED AND TO EXTENT THAT IT FIT THEIR MODEL COMMITTED TO CERTAIN DETAILS. ON MAJOR ISSUES SUCH AS INSISTING ON BLUEBONNET ACCESS OR REJECT BEING MIXED USE THEY POLITELY SAID NO THANK YOU. THIS CASE IS NOT ABOUT THE DETAILS, NOT ABOUT SAVING A BUSINESS THAT SEEMS HEALTHY. I GUESS WHEN YOU GET DOWN TO

IT, THE UNFORTUNATE THING IS THIS: AS PIECES OF THE SOUTH LAMAR CORRIDOR, INDEED THE WHOLE CITY COME UP FOR REDEVELOPMENT AND THE PROPOSALS ARE STANDARD SINGLE STORY SINGLE USE SUBURBAN PLANS, THE OPPORTUNITY COST IS HUGE. WE ARE TALKING ABOUT A 75 YEAR LEASE. WE KNOW THAT WE BUILD ... ENVISION CENTRAL TEXAS CALLS FOR MORE DENSE RESIDENTIAL DEVELOPMENT IN THE CENTRAL CITY. SO WHY CAN'T WE HE SHOULD COURAGE MORE INNOVATIVE EFFICIENT USE OF ARTERIALS, WHY CAN'T WE HAVE MIXED USE WITH PATRONS OF THE BUSINESSES LIVING UPSTAIRS AND A LIVELY PEDESTRIAN SCENE. HOW ARE WE GOING TO BREAK THE PATTERN OF SPRAWL IF WE DON'T ZONE FOR RESIDENTIAL ON MAJOR TRANSIT. IF WE GET SUBURBAN STYLE COMMERCIAL ON THE RESIDENTIAL COLLECTORS AND SUPER DUPLEXES ON S.F. INSIDE THE NEIGHBORHOODS, AREN'T WE GETTING THE WORST OF BOTH WORLDS? CITY COUNCIL MEMBERS CAMPAIGN PERSUASIVELY ON THE PRINCIPLES OF NEW URBANISM AND SOUND PLANNING. THEY CANNOT MAINTAIN CREDIBILITY IF THEY VOTE TO PRE-EMPT THE MAPPING PROCESS AND FORCE SUBURBAN SPRAWL DESIGNS TWO MILES FROM DOWNTOWN. I BELIEVE THAT WE CAN AND WE MUST DO BETTER. THANK YOU VERY MUCH FOR YOUR TIME, I WILL BE HAPPY TO ANSWER ANY QUESTIONS.

Mayor Wynn: THANK YOU MR. LEWIS. MARCY ROBERTS. STILL HERE, WELCOME? HOW ABOUT WILLIAM STROTAN, MARCY UP TO SIX MINUTES IF YOU NEED IT.

MAYOR, CITY COUNCIL MEMBERS, MY NAME IS MARCY ROBERTS. I LIVE IN THE NEIGHBORHOOD. I'M ON THE COMMITTEE THAT HAS BEEN WORKING ON THIS AGENDA ITEM FOR ALMOST TWO YEARS NOW. IT IS VERY CURE..... CURIOUS TO ME LAST YEAR WHEN THIS VERY SAME PROJECT CAME UP AT CITY COUNCIL NOT ONE PERSON STEPPED UP IN SUPPORT OF WALGREEN'S. THE MOST SERIOUS REASON, WHY THIS PROJECT WAS DENIED HAS NOT BEEN ADDRESSED. AS ONE COUNCILMEMBER SAID THIS IS NOT A GOOD LOCATION FOR SUCH A HIGH TRAFFIC COMMERCIAL FACILITY. WHAT HAS CHANGED IS MARIA. LIKE SOMEONE SAID IT IS HARD TO SUPPORT WALGREEN'S BUT IT IS EASY TO SUPPORT MARIA. PERSONALLY SPEAKING THIS

PUTS ME IN THE UNCOMFORTABLE POSITION. IF I OPPOSE THIS PROJECT LIKE I HAVE, I COULD LOOK LIKE THAT I'M OPPOSING HER, SHE REALLY WANTS THIS DEAL. PERHAPS IN YOUR THAT SAME POSITION. BUT THE ISSUE IS WALGREEN'S AND THIS PARTICULAR PLAN. WE HAVE A MAJOR CORPORATION THAT WANTS TO PUT A NEW STAND ALONE BRANDED BOX STORE ONE MILE FURTHER NORTH THAN THEIR CURRENT LOCATION. THEY HAVE FOUND THAT THEY GET MORE BUSINESS WHEN THEY HAVE A STORE ON THE CORNER OF TWO MAJOR ARTERIAL ROADS. THEY CANNOT FIND THAT SITUATION, SO THEY ARE PUSHING THAT SITUATION INTO A LOCATION THAT IS NOT BIG ENOUGH FOR IT AND AT AN INTERSECTION THAT IS NOT MEANT TO ACCOMMODATE IT. THE QUALITY OF CONSULTANTS THAT HAVE BEEN HIRED FOR THIS PROJECT IS ADMIRABLE. THEY HAVE LISTENED TO US INASMUCH AS WALGREEN'S WILL ALLOW MAKE CHANGES. THEY WILL BUILD A NEW TACO XPRESS. THIS CAN'T BE THAT BAD, RIGHT? I CAN FEEL MYSELF SAYING THAT SINCE THEY HAVE MADE SOME CHANGES AND TACO XPRESS GETS A NEW SHOP, PERHAPS THIS PLAN WOULD BE OKAY? BUT WHAT AM I SAYING? SOLID REASONS HAVE BEEN PRESENTED AS TO WHY THIS IS NOT A GOOD LOCATION, FOR HIGH TRAFFIC, 24 HOUR, DOUBLE LANE COMMERCIAL FACILITY WITH BRANDED BOX DESIGN. BUT IF YOU BUY MY FRIEND A NEW STORE I'LL FORGET ABOUT THEM. I SUPPORT MIXED USE DEVELOPMENT, I WOULD LIKE TO SEE SMALL RETAIL SHOPS SIMILAR TO THE RUNS CROPPING UP ALONG SOUTH LAMAR AND RESIDENTIAL ON THIS PROPERTY WITH MARIA RIGHT IN THE MIDDLE OF IT. I BELIEVE WE HAVE AN OPPORTUNITY TO DEVELOP SOMETHING HERE THAT SUPPORTS AUSTIN'S GROWTH AND RETAINS ITS UNIQUENESS. I BELIEVE THAT WE CAN CREATE SOMETHING THAT'S PROFITABLE FOR RETAILERS, PROFITABLE FOR OUR TAX BASE AND AN ASSET TO THE NEIGHBORHOOD. I WANT SOMETHING NICE IN MY BACK YARD. THANK YOU. MARES.....

Mayor Wynn: THANK YOU, MS. ROBERTS. EDWIN MUORRO [INDISCERNIBLE] YOU WILL HAVE THREE MINUTES, FOLLOWED BY IRENE LIPCHECK.

NO PROBLEM, I WILL MAKE IT SHORT AND SWEET. I'M AT THE BOTTOM OF DEL QUERTO, I AM HERE I APPRECIATE DAVID'S

OPPORTUNITY TO SHOW PICTURES OF MY SITUATION. AND I
ASK YOU ALL FOR HELP. THANKS.

Mayor Wynn: THANK YOU.

IRENE LIP CHECK.

SHE'S GONE.

Mayor Wynn: SIGNED UP WISHING TO SPEAK, AGAINST. LEWIS
LIP CHECK.

GONE.

Mayor Wynn: AGAINST, LORRAINE ATTARTON, THREE
MINUTES FOLLOWED BY MARIA JULIAN.

I'M LORRAINE ATTARTON, I LIVE ABOUT A BLOCK AWAY FROM
THIS SITE ON THE OTHER SIDE OF SOUTH LAMAR. AND AS
YOU HAVE HEARD, MY NEIGHBORHOOD IS READY FOR MIXED
USE. WE ARE READY TO GET MORE PEOPLE INTO THE
NEIGHBORHOOD WITH FEWER CARS. WE ARE READY TO
TURN SOUTH LAMAR INTO A HEALTHY ENVIRONMENT FOR
SMALL BUSINESS. WE WANT TO BE ARGUING ABOUT
WHETHER THIS DEVELOP SHOULD BE THREE STORIES OR
FOUR STORIES NOT ABOUT THE -- WHETHER THE LIMESTONE
ON THE OUTSIDE OF THE BUILDING SHOULD BE A
PARTICULAR COLOR. AS YOU'VE HEARD, WE ALREADY HAVE
A SUCCESSFUL WALGREEN'S A FEW BLOCKS AWAY IN A
WELL MANAGED SHOPPING CENTER ON SOUTH LAMAR. THIS
PROPOSAL WOULD TAKE THE APPEARING CORE STORE OUT
OF THAT SHOPPING CENTER, WHICH IS OFTEN DEVASTATING
TO THE OTHER BUSINESSES IN THE CENTER. AND MOVE IT
DOWN THE STREET TO A STAND ALONE SUBURBAN BOX ON
AN INAPPROPRIATE SITE. THIS DOES NOT REPRESENT A NET
GAIN FOR THE TAX BASE OF OUR NEIGHBORHOOD. THE
TRAILER PARK SITE HAS THE POTENTIAL TO BE A MODEL
URBAN DEVELOPMENT COORDINATING HIGHER DENSITY
HOUSING, WITH HIGHER INTENSITY RETAIL AND MINIMAL
AUTOMOBILE USE. IT COULD BE A MAJOR ADDITION TO THE
TAX BASE. AND, YES, I'M A NEIGHBORHOOD ACTIVIST. I AM
TELLING YOU THIS PROPOSAL IS ZONED TOO LOW. IT
SHOULD BE HIGHER ZONING. INSTEAD THIS PROPOSAL

OFFERS THE LOWEST INTENSITY COMMERCIAL ZONING WITH THE MAXIMUM POTENTIAL CAR USE AND NO FLEXIBILITY BECAUSE OF THE FOOTPRINT ZONING, NO FLEXIBILITY FOR FUTURE DEVELOPMENT. THIS IS AN ENORMOUS LOSS FOR THE FUTURE OF SOUTH LAMAR. PLEASE SEND WALGREENS BACK TO THE DRAWING BOARD. AND I'VE -- I'VE BEEN REMINDED AT THE FIRST TIME I SAW THIS WALGREENS PROPOSAL, THE PREVIOUS WALGREEN'S PROPOSAL WAS MORE THAN TWO YEARS AGO I THINK IN CONNECTION WITH THE REZONING FOR THE NOW WIRELESS TOYZ SITE ON THE CORNER. AT THE TIME, THE AGENT ASSUMED THAT THE ZILKER NEIGHBORHOOD ASSOCIATION WAS EAGER TO GET RID OF MARIA'S. WAS EAGER TO GET RID OF THE EMPTY BUILDING ON THE CORNER, WAS EAGER TO GET RID OF THE TRAILER PARK [BUZZER SOUNDING] AND AT THE TIME THEY DIDN'T HEAR, THEY COULDN'T GRASP THAT IT WAS JUST THE OPPOSITE. AND I WOULD LIKE TO THANK THE SOUTH LAMAR NEIGHBORHOOD ASSOCIATION FOR WORKING WITH THE NEW DEVELOPER AND MAKING THEM HEAR THAT WE WANT MARIA'S, WE WANT SMALL BUSINESSES, WE WANT WIRELESS TOYZ, BUILDING TO STAY ON THE CORNER. THANK YOU.

Mayor Wynn: THANK YOU, MS. ATHERTON. MARIA JULIAN FOLLOWED BY BRYAN KING. WELCOME, MA'AM, THREE MINUTES.

GOOD EVENING, MAYOR, CITY COUNCIL MEMBERS, NEIGHBORHOOD MEMBERS. MY NAME IS MARIA. I BOUGHT MY FIRST HOUSE IN THE NEIGHBORHOOD ABOUT FOUR YEARS AGO. AND EVERY MORNING I WAKE UP AND DRIVE ALONG BLUEBONNET. I PASS THAT SITE ON LAMAR. AND HEAD TOWARD MY OFFICE WHERE I WORK DESIGNING MULTI-FAMILY AND MIXED USE DEVELOPMENTS FOR A LOCAL ARCHITECTURE FIRM. OVER THE PAST HALF CENTURY WE WATCHED OUR CITIES TAKE SHAPE, WE HAVE IDLY WATCHED HISTORY UNFOLD, AS STANDARD OIL AND GENERAL MOTORS BOUGHT OUT MUCH OF THIS COUNTRY'S PUBLIC TRANSPORTATION SYSTEMS, STREET CARS, SOLD OFF ITS INFRASTRUCTURE, SLOWLY DISMANTLED IT BIT BY BIT SO THEY COULD SELL MORE OIL AND MORE CARS. WHAT WE HAVE NOW ARE SEAS OF STRIP MALLS, BILLBOARDS, HIGHWAYS AND PARKING LOTS ALL ACROSS AMERICA. WE HAVE CITIES DESPERATELY SEEKING AND STRUGGLING TO

RESCUE THEIR URBAN CENTERS, WE ARE PERIPHERIES
STRETCHING OUT INTO OBLIVION. WE HAVE LITTLE COOKIE
CUTTER WALGREEN'S WITH THEIR PARKING LOTS OUT
FRONT THAT ARE IN OUR URBAN LANDSCAPE. WE ARE
LOSING OUR PRECIOUS SENSE OF PLACE ALL IN THE NAME
OF CORPORATE PROFIT. BUT IT'S NOT TOO LATE FOR
AUSTIN. AUSTIN IS A SPECIAL PLACE. WE CAN LEARN FROM
THESE MISTAKES. AUSTIN IS A LEADER. WE CAN SET A
PRECEDENT. WE ARE AT A CROSS ROAD. WE NEED TO MAKE
A DECISION. DO WE WANT OUR CITIES SCALED TO THE
PEDESTRIAN OR TO THE AUTOMOBILE? WE ARE NOT
AGAINST WALGREEN'S. WE WANT WALGREEN'S TO REALLY
LISTEN TO THESE CONCERNS, GO BACK TO THEIR DRAFTING
TABLE AND COME UP WITH A PLAN THAT BOTH THEY AND
THE NEIGHBORHOOD CAN REALLY BE PROUD OF. A MIXED
USE DESIGN THAT IS SUSTAINABLE, RESPONSIBLE AND
PEDESTRIAN SCALE. SOMETHING NICE IN MY BACK YARD. WE
CAN DO BETTER, PLEASE VOTE NO. WE ARE IN THE HOME
STRETCH. McCEEFER. HOW ABOUT DARREL K. ROYAL
MEMORIAL.....

I'M BRYAN KING, GOOD MORNING, THANK FOR YOU STAYING
SO LATE. I'M SURE YOU'VE HEARD THE EXPRESSION
PUTTING LIPSTICK ON A PIG. I LIKED KEVIN'S VERSION OF
PUTTING A BIKINI ON AN ELEPHANT. CUTE, CATCHES YOUR
EYE, DISTRACTS YOU FROM THE MAIN POINT. I DON'T CARE
HOW MUCH WINDOW DRESSING YOU PUT ON THIS PLACE,
IT'S STILL ABOUT THE PLACEMENT OF A BIG BOX BRANDED
ELEPHANT QUIPPED WITH A 24 HOUR CROIF THROUGH
WHICH HAPPENS TO DUMP OUT ON OUR COLLECTOR
STREET. IT'S ALSO THEIR MAIN ACCESS POINT FOR THE
DELIVERY. WHETHER THAT'S 100 OUR ONE TRUCK A WEEK,
LONG LOCATION FOR THIS -- WRONG LOCATION FOR THIS
ELEPHANT. READ WORLD NUMBERS, CASH REGISTER
CUSTOMER COUNTS ON THE EXISTING SMALLER STORE
THAT'S JUST A HALF MILE DOWN THE STREET, IT THE ONE
THAT'S SLATED TO REPLACE THIS ONE. THIS STUDY SHOWS
10 TIMES THE TRAFFIC, THE APPLICANT PREDICTS. THE
APPLICANT THINKS THAT IMPROVING A COUPLE OF 100 FEET
OF BLUEBONNET WILL MITIGATE OR EVEN SOLVE THE
PROBLEM. WHEN IT'S ONLY A BAND-AID AND DOESN'T EVEN
BEGIN TO COVER THE SCAR. WHAT HAPPENS TO ALL OF

THAT ADDITIONAL TRAFFIC FUNNELED DOWN FROM 40... 40 FEET TO 80 FEET WHEN IT FUNNELS DOWN. THE CORE FACTS OF THIS CASE ARE THE SAME AS YOU VOTED ON LAST YEAR. VOTED IT DOWN. THIS IS THE WRONG LOCATION FOR THIS TYPE OF BUSINESS. WE HAVE SEEN NO HIGH VOLUME DRIVE THROUGH STORES LIKE THIS LOCATED ON A RESIDENTIAL SIDE STREET. IT'S STILL THE WRONG LOCATION BECAUSE THIS INTERSECTION HAS AND WILL REMAIN DANGEROUS BECAUSE OF ITS OBTUSE ANGLES THAT IT INTERSECTS. THAT PART IS NOT GOING AWAY. AS THE FOCUS OF THIS CASE HAS SPUN AND SHIFTED OVER THE LAST YEAR, I HAVE OFTEN THOUGHT ABOUT THAT SCENE IN THE WIZARD OF OZ, WHERE TOTO RUNS OVER, PAY NO ATTENTION TO THE MAN BEHIND THE CURTAIN. WE HAVE TO PAY ATTENTION. IT'S OUR NEIGHBORHOOD AND WE DON'T REALLY THINK THE BIKINI. I MEAN THE ELEPHANT, BIC KEEN NO OR NOT BELONGS AT THIS LOCATION AND IT WILL HAVE A NEGATIVE IMPACT ON THOSE THAT WALK AND DRIVE.

THE NEIGHBORHOOD. ONE LAST THOUGHT FOR SOME OF YOU THAT MAY TRULY BELIEVE IN YOUR HEART OF HEARTS THAT OUR LITTLE BLUEBONNET NEEDS AN ELEPHANT SITTING ON THE CORNER, PLEASE, PLEASE, PLEASE DO NOT ALLOW THE PROPOSED DRIVEWAY ACCESS, LET THEIR CUSTOMERS, LET THEIR TRUCKS TAKE THEIR ACCESS OFF LAMAR. INGRESS, EGRESS OFF A MAD 4 NOT A RESIDENTIAL COLLECTOR STREET. I BELIEVE YOU VOTED CORRECTLY LAST YEAR, THE BASES OF THIS CASE HAVE NOT CHANGED. WE BELIEVE NUMBER ONE OBJECTION HAS NOT BEEN SOLVED, WE HAVE WINDOW DRESSING, BUT WE STILL REQUEST TO STAY OFF THE RESIDENTIAL STREET FELL ON DEAF EARS AS WELL AS MIXED USE. LET'S SAY NO TO THIS PROPOSAL, LAMAR AND THE NEIGHBORHOOD ON EITHER SIDE, ZILKER, BARTON HILLS, SOUTH LAMAR ARE JUST A COUPLE OF MONTHS AWAY FROM NEIGHBORHOOD PLANNING, CORRIDOR PLANNING FOR OVER A YEAR NOW. LET'S COME UP A BETTER PLAN FOR THIS ENTIRE SITE, NOT JUST A PIECEMEAL DEVELOPMENT WITH AN ELEPHANT TO WORK AROUND. THANK YOU.

Mayor Wynn: THANK YOU, MR. KING. CAMILLE PERRY SAID SHE MIGHT WANT TO SPEAK. YOU'VE WAITED ALL THIS TIME, MIGHT AS WELL. UP TO THREE MINUTES, FOLLOWED BY

SHARON RUSE.

I SPOKE AGAINST THIS PLAN BEFORE AND PRIMARILY BECAUSE THE BLUEBONNET ROUTE IS -- IS A ROUTE TO ZILKER ELEMENTARY SCHOOL. IT'S OUR ONLY PROTECTED LEFT-HAND TURN ON TO SOUTH LAMAR FROM A LARGE AREA AND AN AREA WHERE MORE AND MORE PEOPLE ARE MOVING INTO. THEY HAVE MADE SOME IMPROVEMENTS TO THAT LIGHT, BUT I ON -- AT THIS TIME THERE ARE TIMES WHEN I STILL SIT THROUGH TWO AND THREE LIGHTS TO GET OUT TO SOUTH LAMAR AND MAKE A LEFT-HAND TURN. I DO NOT SEE THE WIDENING OF THAT STREET JUST PIECEMEAL LIKE THAT AS A SOLUTION. I DON'T SEE HOW -- HOW IF TRAFFIC IS BACKED UP THAT IT WILL NOT SEND TRAFFIC BACK INTO OUR NEIGHBORHOOD. THAT CANNOT GET INTO THE RIGHT-HAND LANE TO GO NORTH TOWARD TOWN. I THINK THEY WILL -- WHAT THEY WILL DO IS THEY WILL GO -- THEY WILL GO BACK TO DEL CUERTO AND THROUGH OUR NEIGHBORHOODS TO DO THAT. I ALSO KNOW -- I'VE SPOKEN TO -- ABOUT THIS BEFORE ABOUT THE FLOODING IN OUR NEIGHBORHOODS. THE PROBLEM REALLY I ALSO THE STORM SEWER BEING TOO SMALL TO CARRY THE WATER. IF YOU ADD MORE IMPERVIOUS COVER YOU ARE ADDING MORE WATER TO THAT STORM SEWER THAT CAN'T CARRY IT NOW AT TIMES. UM I GUESS THOSE ARE THE TWO MAIN POINTS THAT REALLY CONCERNED ME AND I REALLY WISH THAT YOU WOULD VOTE NO. I ALSO BELIEVE THAT -- THAT -- WELL, I SEE OUR NEIGHBORHOOD PHARMACIES, THE SMALL ONES, DISAPPEARING. AND THAT'S -- THAT SADDENS ME, I THINK WE ARE BETTER OFF IF WE KNOW OUR PHARMACIST WELL. JUST AS WELL AS WE WOULD OUR FAMILY DOCTOR. AND THAT WE WOULD -- THE PHARMACIST WOULD KNOW THE PATIENT, I DON'T THINK THAT A DRIVE THROUGH REALLY -- REALLY WILL ENHANCE THAT. IT'S -- IT'S PROBABLY NOT TOO -- NOT TO OUR BETTER INTEREST IN THE END, EVEN THOUGH IT'S VERY MUCH AND IT'S FASTER. ALSO, WE HAVE WALGREEN'S AND I LIVE ON THE OTHER SIDE OF -- OF MARIA'S FROM WALGREEN'S, I WITH WALK THERE NOW, I HAVE. IT ISN'T IMPOSSIBLE. I DON'T ALWAYS, BUT IT IS -- IT IS A POSSIBILITY. I HAVE WALKED TO WALGREEN'S, 7/11, ALL THOSE BUSINESSES ALONG THERE. DOWN TO OFFICE DEPOT, ET CETERA. SO I DON'T SEE THAT THAT -- I DON'T

KNOW WHY, YOU KNOW, OTHERS COULDN'T DO IT, TOO.
THANK YOU.

Mayor Wynn: THANK YOU, MS. PERRY. SHARON RUCÉ. [ONE
MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: COUNCIL, THAT'S ALL THE FOLKS SIGNED UP IN
OPPOSITION TO THIS ZONING CASE. AT THIS TIME THE
APPLICANT WILL HAVE A ZONE THREE-MINUTE REBUTTAL.
WELCOME BACK MR. BRUNER.

THANK YOU, MAYOR. I THINK LISTENING TO THE DISCUSSION
TONIGHT, YOU CAN APPRECIATE THE DILEMMA. I HONESTLY
THINK A LOT OF FOLKS TONIGHT ARE ARGUING LAST YEAR'S
CASE AND I GUESS..... IGNORING THE CHANGES THAT
WE'VE MADE. THE FACTS ARE WE'RE TALKING ABOUT THE
BIG BOX THAT KEEPS BEING REFERRED TO AS A 14,000-FOOT
WALGREEN'S SWAILED.. SITUATED WITHIN 180 FEET OF
LAMAR, WHICH IS EXACTLY WHAT THE NEIGHBORHOOD SAID
THEY WOULD ACCEPT LAST YEAR. WE ALSO ARE IGNORING
THE TRAFFIC FACTS. I DON'T WANT TO SPEND A LOT OF TIME
ON MR. THOMPSON..... THOMPSON'S ANALYSIS, BUT LET
ME GIVE YOU A COUPLE OF HIGHLIGHTS. FIRST OF ALL, HE
BASES HIS TRAFFIC IDEAS AND COUNTS ON CASH REGISTER
RECEIPTS. HE DOESN'T MENTION THAT A WALGREEN'S HAS
FOUR CASH REGISTERS IN THEIR STORE. ASK R. SO IF I GO
TO A WALGREEN'S AND PICK UP MY MEDICINE FROM THE
PHARMACY, THEN GO BUY SOME FILM AND THEN SHOP IN
THE STORE AND BUY SOME POLITIC MIC AND OTHER THINGS
ON THE WAY OUT, MR. THOMPSON'S ANALYSIS WOULD SAY I
JUST MADE THREE TRIPS TO WALL GREEN HE'S. WITH THAT
SORT OF ANALYSIS IT'S NOT HARD TO TELL WHY YOU WOULD
COME UP WITH SOME PRETTY FUNNY NUMBERS. I WOULD
ALSO SUGGEST THAT HIS IDEA THAT THIS IS A SAFE ROUTE
TO SCHOOL IS LUDICROUS. AFTER THE 2003 CASE, THAT
NEIGHBORHOOD APPLIED TO THE STATE TO MAKE THIS A
SAFE ROUTE TO SCHOOL, ASKED FOR MONEY TO BUILD THE
EXACT SAME WALKS WE'RE PROPOSING TO BUILD. WE IN
FACT ARE OFFERING TO MAKE THIS A SAFE ROUTE TO
SCHOOL. IT CERTAINLY IS NOT THAT TODAY. AND TO SAY
THAT THIS IS THE FIRST WALGREEN'S IN THE AUSTIN
MARKET THAT HAS ACCESS ON TO SOME STREET LIKE
BLUEBONNET IS ALSO INCORRECT BY AT LEAST 15 STORES.

WHY NOT RESTRICT THE ACCESS ONLY TO LAMAR? WHEN YOU LOOK AT THIS PICTURE, I THINK IT'S FAIRLY EASY TO TELL. MANY OF THE FOLKS MENTIONING THE FACT THAT, WELL, GEE, THAT'S THE MOST UNSAFE THING THAT THEY PRESENTLY DO. REMEMBER THAT THIS SITE IN THAT LOCATION IS ALREADY ZONED CS. SO TO TURN THIS DOWN MEANS THAT YOU'RE ENCOURAGING THE EXACT SAME TYPE OF CS USE THAT I THINK FOLKS HAVE INDICATED THEY DON'T WANT TO SEE. AND I THINK IT MEANS THAT YOU'LL BE SENTENCING THOSE FOLKS WHO ARE USING THAT FACILITY TO AN UNSAFE TRAFFIC MOVEMENT. I WOULD ASK YOU TO THINK AGAIN. WHEN PEOPLE TALK ABOUT CUT THROUGH, HOW IN THE WORLD WILL THEY BE ABLE TO DO THAT IF THEY'RE RESTRICTING FROM MAKING THAT TURNING MOVEMENT? NOT ONE SINGLE CAR WILL BE ABLE TO CUT THROUGH THAT NEIGHBORHOOD IF WE MAKE THE MODIFICATIONS THAT WE'VE OFFERED TO MAKE. AGAIN, I THINK WE'RE ARGUING LAST YEAR'S CASE. I DO THINK THERE ARE FOLKS SINCERELY BRD IN THIS AREA ABOUT MIXED USE -- [BUZZER SOUNDS] -- BUT IT EASY TO PUT UP A PICTURE OF ANOTHER STORE IN AN URBAN AREA AND SAY THAT'S EXACTLY WHAT WE WANT. I THINK THERE ARE OTHERS WHO RECOGNIZE THAT GEE, THE MARKET'S NOT GOING TO ACCEPT THAT, SO IF WE SAY THAT'S WHAT WE WANT AND WE GET THE COUNCIL TO BUY THAT, THEN WHAT WE REALLY GET IS NOTHING AT ALL. AND I THINK THAT'S IN SOME CASES WHAT WE'RE HEARING TONIGHT. I THINK THERE ARE A LOT OF REASONS WHY THIS CASE SHOULD BE SUPPORTED. I WISH THAT WE WERE HERE HAND IN HAND WITH A CONSENSUS OPINION. I'LL HAND OUT TO YOU A MAP THAT SHOWS THE FOLKS WHO LIVE VERY CLOSE TO THIS, WHO ARE IN SUPPORT AND WOULD POINT OUT TO YOU AGAIN THAT THE PETITION THAT THE OPPOSITION ATTEMPTED TO FILE GARNERED EXACTLY THREE PERCENT OF THE PEOPLE IN THE PETITIONED AREA. AND I THINK YOU'LL SEE THE LARGE MAJORITY OF THE FOLKS WHO ACTUALLY LIVE CLOSE TO THIS SITE ARE VERY SUPPORTIVE OF IT. I'LL BE HAPPY TO ANSWER QUESTIONS.

Mayor Wynn: THANK YOU, MR. DRENER. COUNCIL, THAT CONCLUDES THE PUBLIC HEARING PORTION OF THIS ZONING CASE. I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC

HEARING. MOTION MADE BY THE MAYOR PRO TEM. I'LL SECOND THAT. I'LL IN FAWFER, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? THE ZONING PUBLIC HEARING IS CLOSED ON A VOTE OF SEVEN TO ZERO. QUESTIONS? COMMENTS, COUNCIL? THEN I'LL ENTERTAIN A MOTION ON ITEM Z-11. COUNCILMEMBER DUNKERLEY.

Dunkerley: I WOULD -- FIRST OF ALL, I'D LIKE TO KNOW WHAT THE STAFF RECOMMENDATION IS.

STAFF RECOMMENDED THE REQUEST, AS DID THE COMMISSION. AND IT WOULD BE SUBJECT TO THE TRANSPORTATION INFORMATION THAT'S IN YOUR BACKUP. APPLICANT HAS POSTED FISCAL, AND THERE IS AN ORDINANCE PREPARED. SO WE'RE READY TO GO FOR THREE READINGS THIS EVENING.

Dunkerley: IS THIS AN AGREEMENT WITH THE PROJECT DEVELOPER? I'M SORRY, I CAN'T HEAR YOU, GREG.

IT'S AN AGREEMENT WITH --

Dunkerley: DOES YOUR RECOMMENDATION AGREE WITH THE OWNER'S RECOMMENDATION?

THE OWNER'S REQUEST, YES, IT WOULD.

Dunkerley: YES. THEN I WOULD MOVE APPROVAL OF THE STAFF RECOMMENDATION ON ALL THREE READINGS.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY TO APPROVE STAFF AND ZONING AND PLATTING COMMISSION RECOMMENDATION ON Z-11 ON THREE READINGS.

Thomas: I'LL SECOND IT FOR DISCUSSION.

Mayor Wynn: SECONDED BY COUNCILMEMBER ALVAREZ. COUNCILMEMBER ALVAREZ.

Alvarez: A COUPLE OF QUESTIONS FOR THE APPLICANT. YOU MENTIONED THE RESTRICTION OF THE RIGHT TURN ON TO BLUEBONNET. HOW WOULD THAT BE ACCOMPLISHED? I NOTICE IN YOUR DOCUMENTS YOU PROVIDED THAT THAT IT'S KIND OF LEFT OPEN, SO I WASN'T SURE IF THAT WAS SET IN STONE OR THAT'S PART OF WHAT HAS BEEN AGREED TO.

YES, SIR. I THINK WE CAN DO THREE THINGS. ONE IS THAT WE CERTAINLY CAN PUT A SIGN UP THAT SAYS NO RIGHT TURN. WE CAN ALSO PAINT A DIRECTIONAL ARROW ON THE PAVEMENT THAT SHOWS ONLY A LEFT TURN. BUT THE THIRD THING, THE ABSOLUTE FAIL-SAFE THING THAT WE CAN DO, IS TO BUILD UP WHAT A LOT OF FOLKS IN THE TRAFFIC BUSINESS I THINK CALL A PORK CHOP, TO PUT IT ON THE GROUND TO WHERE YOU PHYSICALLY CAN'T MAKE THE TURN, TO WHERE IT ONLY ALLOWS YOU TO MAKE A LEFT TURN, AND THAT'S USED MANY PLACES AROUND THE CITY WHEN YOU ABSOLUTELY WANT TO MANDATE THAT NO ONE'S GOING TO VIOLATE THAT. IN ORDER, TO DO THAT, YOU'RE GOING TO HAVE TO DRIVE UP OVER THAT, AND THAT'S NOT AN EASY THING TO DO. SO IF WE WANT TO COMPLETELY RESTRICT ANY POSSIBILITY, I WOULD SUGGEST THAT WOULD BE THE WAY TO DO IT.

Alvarez: CERTAINLY THAT WOULD LIMIT ACCESS BY THE NEIGHBORS IF THEY WANTED TO GO TO THE PHARMACY, I GUESS. MAKE THEIR WAY BACK TO THEIR --

I BELIEVE THAT'S TRUE, YES, SIR.

Alvarez: AND THEN IN TERMS OF THE IMPROVEMENTS ON BLUEBONNET, THEY ARE EXTENDING JUST TO THE EDGE OF THE COMMERCIAL PART OR TO -- ALL THE WAY TO THE -- THE TRACT THAT'S SINGLE-FAMILY? BECAUSE IT SEEMS TO GO FURTHER DOWN TO THE ENTRYWAY.

WHAT IT DOES IS IT -- WE'RE BUILDING SIDEWALKS ALL THE WAY TO THE END OF THE PROPERTY LINE, AND AGAIN, I BELIEVE WE'LL BE ABLE ULTIMATELY TO BE ABLE TO EXTEND ALL THE WAY TO DELL CURATO. THE STREET WOULD ONLY HAVE THREE LANES TO THAT ACCESS POINT, AND THEN IT WOULD NARROW DOWN. AND WE HAVE AGREED IN ORDER TO MAKE THAT SAFE IN PARTICULAR AT NIGHT TO USE

REFLECTORS TO SHOW WHERE THE STREET NARROWS DOWN TO TWO LANES. SO THERE'S NOT GOING TO BE 10 FEET PAST THAT ACCESS POINT WHERE THERE WOULD BE THREE LANES. AND THIS, COUNCILMEMBER, WOULD BE MUCH LIKE YOU SEE AT A LOT OF STREETS WHERE YOU HAVE ADDITIONAL CAPACITY AS IT INTERSECTS THE MAJOR ARTERIAL. SO THE ONLY PLACES WHERE WE'RE HAVING THREE LANES WOULD BE BETWEEN OUR ACCESS POINT AND LAMAR.

Alvarez: OKAY. SO IS THE COMMITMENT TO DO THE SIDEWALK ALL THE WAY TO DELCURATO?

YES. OUR COMMITMENT HAS BEEN TO BUILD IT ON BOTH SIDES OF THE ROAD, FIRST OF ALL, THE LENGTH OF OUR PROPERTY. AND IF WE CAN GET PERMISSION FROM THE TWO OTHER PROPERTY OWNERS, MR. PANE DIRECTLY BEHIND US, AND THE WONG SISTERS, ONE OF WHOM SPOKE TONIGHT, THEN WE WILL BUILD IT ALL THE WAY TO DELCURDO.

Alvarez: OKAY. THANK YOU, MAYOR. I HAVE MORE COMMENTS LATER, BUT I'LL YIELD FOR MORE QUESTIONS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER SLUSHER.

Slusher: MR. DRENER, WHY IS WALGREEN'S FEELING IT NECESSARY TO CLOSE THEIR CURRENT STORE DOWN THE STREET AND MOVE TO THIS LOCATION?

I THINK TWO FACTORS. FIRST OF ALL, THEIR LEASE RUNS OUT IN THAT LOCATION IN 14 MONTHS, SO THE IDEA THAT THEY WOULD OTHERWISE BE FOREVER THERE, THEY'RE IN SOME WAYS LIKE MARIA, THAT DEPENDS ON WHETHER OR NOT THE LANDLORD WANTS THEM THERE AND WHETHER OR NOT THEY COULD AFFORD TO PAY THAT RENT. THE OTHER ISSUE IS FROM TALKING TO THEIR CUSTOMERS, AGAIN, THIS IS ALL CUSTOMER DRIVEN, THERE ARE A LOT OF FOLKS, LIKE SOME OF THE FOLKS WHO SPOKE TODAY. I THINK YOU'VE GOT A LETTER FROM AN 82-YEAR-OLD GENTLEMAN WHO COULDN'T COME TONIGHT WHO SAID I NEED A DRIVE-THROUGH. I CAN'T PARK MY CAR AND GET OUT AND GO AND

GET MY MEDICINE. AND WHAT THEY'VE FOUND IS THAT IN ORDER TO RESPOND TO THEIR CUSTOMERS, ESPECIALLY THE ONES WHO ARE IN GOOD HEALTH, THEY NEED THAT DRIVE- THROUGH.

Slusher: AND WHY NOT BUILD THE PICTURE MR. LEWIS SHOWED?

WELL, IT'S AN INTERESTING PICTURE. HONESTLY, I THINK ALL AROUND TOWN WE HEAR OVER AND OVER AGAIN, WELL, GEE, I KIND OF LIKE THE IDEA OF HAVING RETAIL ON THE BOTTOM AND MULTI-FAMILY OVER THE TOP. THE MARKET, FRANKLY, IS NOT THERE YET BECAUSE WE DON'T HAVE THE TYPE OF DENSITY THAT MAKES THAT ATTRACTIVE YET TO BUILD. THE MULTI-FAMILY DEVELOPERS -- AND I TALKED TO SO MANY OF THEM I'M BLUE IN THE FACE. THEY DON'T FEEL LIKE THAT'S AN ECONOMICALLY VIABLE SITUATION YET BECAUSE RENTS AREN'T HIGH ENOUGH TO MANDATE THAT KIND OF CONSTRUCTION. I THINK IN THIS CASE WE'VE GOT THE PERFECT OPPORTUNITY, THOUGH, TO BUILD THE MIXED USE TYPE OF PROJECT THAT I THINK MANY IN THE NEIGHBORHOOD HAVE TALKED ABOUT. BUT IT'S GOING TO BE DONE HORIZONTALLY, NOT VERTICALLY. THERE'S REALLY NO REASON THAT YOU HAVE TO HAVE THE VERTICAL MIXED USE IN MY OPINION WITHIN THE FIRST 180 FEET OFF OF LAMAR. A LOT OF FOLKS WOULD SAY, WELL, GEE, I DON'T WANT TO BE THAT CLOSE TO LAMAR. THE NOISE AND SO FORTH ON THAT TYPE OF ROADWAY WOULDN'T MAKE THAT AN IDEAL MULTI-FAMILY PLACE. BUT WE DO HAVE ALL OF THE PROPERTY BEHIND OUR PROJECT ALL THE WAY TO DELCURTO THAT IS PERFECTLY SETUP FOR MULTI-FAMILY DEVELOPMENT. IN FACT, THE LONG PROPERTY, WHICH IS THE BIGGEST SEGMENT OF THAT, IS ALREADY ZONED FOR MULTI-FAMILY DEVELOPMENT. SO I DO THINK WE WILL HAVE THAT TYPE OF MIXED USE, BUT AT LEAST AT THE OUTSET I THINK IT WILL BE MORE HORIZONTAL RATHER THAN VERTICAL.

Slusher: THAT'S ALL I HAVE FOR RIGHT NOW.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? SO WE HAVE A MOTION BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER ALVAREZ TO APPROVE

STAFF RECOMMENDATION ON THREE READINGS.
COUNCILMEMBER MCCRACKEN.

McCracken: YEAH. FIRST I WANT TO CONGRATULATE THE CONSULTANTS WHO HAVE REALLY DONE A WONDERFUL JOB IN BUILDING GOOD COMMUNITY SUPPORT. AND I WANT TO CONGRATULATE THE DEVELOPERS WHO ARE REALLY GOING ABOVE AND BEYOND WHAT'S EXPECTED FROM LOCAL DEVELOPERS. THAT'S NOT THE PROBLEM. THE PROBLEM IS WALGREEN'S. THEY ARE A BAD NATIONAL ACTOR -- THEY'RE A GOOD STORE. I LIKE SHOPPING THERE, BUT THEIR REAL ESTATE DIVISION IS A BAD NATIONAL ACTOR THAT HAS BEEN AT WAR WITH COMMUNITIES ALL OVER AMERICA. BUT THEY WILL BEND IF THE COMMUNITY STICKS TO ITS GUNS. THAT'S A SUBURBAN STORE, WHEREAS WHAT WE'RE ASKING TO VOTE ON IS AN URBAN LOCATION. AND WE SAW IN THE STATESMAN THIS PAST WEEKEND THAT, YOU KNOW, ALL THE RETAILERS ARE GOING WITH APARTMENTS ABOVE NOW. IT'S A HOT FORMAT. I SAW A BEST BUY WITH CONDOS ABOVE IT RECENTLY. IT'S -- IN FACT, THIS IS NOT EVEN THE BEST -- THIS MIGHT NOT EVEN BE THE BEST WALGREEN'S IN AUSTIN. THERE'S ONE ON 45TH AND GUADALUPE THAT THE MAYOR POINTED OUT LAST YEAR, AND THERE'S ONE MAY ROLLING WOOD WHERE ROLLING WOOD HAS HIGH STANDARDS AND THEY FELD WALGREEN'S FEET TO THE FIRE, SO WALGREEN'S COMPLIED. AND IF WE WILL HOLD WALGREEN'S TO THE FIRE, THEY'LL COME BACK WITH A GOOD DESIGN. BUT IF WE DON'T HOLD THEIR FEET TO THE FIRE, WE'RE GOING TO GET SOMETHING -- THIS SITE IS LARGER THAN ONE DOWNTOWN BLOCK. AND IT'S GOT A 14,000 SQUARE FOOT STORE AND A MASSIVE PARK LOT ON IT ON A BUS RAPID TRANSIT LINE AND YET IT'S NOT WHERE YOU CAN HAVE ANY PEDESTRIAN ACTIVITY. I THINK ONE OF THE SPEAKERS TALKED ABOUT HOW IT'S PROBABLY TURNING AUSTIN INTO ANYWHERE U.S.A. AND IT REALLY IS A PROBLEM WHERE YOU HAVE THESE MASSIVELY OVERSIZED CORNER DRUG STORES. AND THEY RUIN THE PEDESTRIAN SCENE IN THE NEIGHBORHOOD. IT'S THE CITY COUNCIL'S JOB TO LOOK AT THE BIGGER PICTURE AND NOT TO JUST VIEW ALL THESE THINGS ON A STORE BY STORE BASIS. SO IF WE'RE NOT THE ONES WHO ARE GOING TO PROTECT OUR CORE URBAN STREETS, WHO'S GOING TO DO IT? WE'VE GOT TO LOOK OUT FOR THE

BIGGER PICTURE IN TERMS OF OUR BUILT ENVIRONMENT. I'M LOOKING AT NATIONAL TRUST WEBSITE RIGHT NOW, AND THEY HAVE ALL THESE WAYS ABOUT HOW -- ACTUALLY, THEY HAVE A PHARMACY PROJECT BECAUSE OF THE PROBLEM THAT PHARMACIES IN GENERAL HAVE. THEY HAVE A PHOTO OF A WALGREEN'S THAT WAS REQUIRED TO FIT INTO THE FABRIC OF THE URBAN ENVIRONMENT. AND THEY SAY THERE THAT THEY NEED TO HAVE A SITE PLAN WHERE THE FACADE SHOULD FACE ON TO ONE OF THE PRINCIPAL STREETS AND THAT THE SETBACK OF THE BUILDING SHOULD BE CONSISTENT WITH ADJACENT BUILDINGS TRADITIONALLY BUILT AT THE SIDEWALK. YOU CAN LOOK AT NATIONAL TRUST.ORG ON THEIR DRUG STORES PROJECT. THIS IS AN OPPORTUNITY. THIS IS A GREAT LOCATION, AND THIS WOULD BE A VERY PROFITABLE LOCATION. WE'VE GOT GOOD DEVELOPERS AND A GOOD TEAM HERE, AND WE JUST NEED TO HAVE THE COURAGE OF THE COUNCIL TO STAND UP TO THIS NATIONAL RETAILER THAT DOES BOW TO COMMUNITIES THAT HOLD HIGH STANDARDS. SO THIS IS OUR TURN TO HOLD HIGH STANDARDS TONIGHT. SO UNTIL WALGREEN'S SHOWS SOME WILLINGNESS TO BEND, THEN I CANNOT SUPPORT IT.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS?

Alvarez: MAYOR. I WOULD JUST SAY, KIND OF SPEAKING TO THE MOTION I SECONDED IN TERMS OF THE PROPOSAL VERSUS NOW -- NOW VERSUS THE PROPOSAL THAT WE CONSIDERED A YEAR, YEAR AND A HALF AGO. AND THERE DEFINITELY HAS BEEN SOME IMPROVEMENT. I THINK FOLKS ACKNOWLEDGE THAT. AND REALLY CAME DOWN TO A COUPLE OF ISSUES, COUPLE OF MAIN ISSUES THAT I RECALL FROM LAST TIME TOO IS HOW FAR BACK FROM THE STREET THE DEVELOPMENT IS, THE TRAFFIC, OF COURSE, IMPROVEMENTS ON BLUEBONNET. AND THEN THE WHOLE MIXED USE QUESTION. AND SO I THINK THAT THE LAYOUT HAS BEEN IMPROVED SUCH THAT IT'S NOT AS -- IT DOESN'T ENCROACH AS MUCH INTO THE SINGLE-FAMILY ZONED LAND AS THE ORIGINAL PROPOSAL, AND IN THIS PARTICULAR CASE, SINCE LAST TIME WE WERE TALKING ABOUT THIS SORT OF ON THE CHOPPING BLOCK WAS THAT CORNER STORE, THE WIRELESS TOYZ, WHICH -- AND OBVIOUSLY

WITH THE RECONFIGURED PROPOSAL IS ABLE TO REMAIN THERE, BUT LAST TIME WE DIDN'T EVEN -- WE WEREN'T EVEN TALKING ABOUT MARIA'S BECAUSE THAT WAS ELSEWHERE ON THE TRACT OF LAND. SO I THINK THAT'S ALSO ANOTHER GOOD OPPORTUNITY TO HELP SUPPORT ANOTHER LOCAL BUSINESS. AND I DON'T THINK YOU REALLY SEE KIND OF THE LARGER RETAILERS ACTUALLY TRY TO WORK AROUND WITH THE SMALL BUSINESSES AND TRY TO HELP TO MAKE SURE YOU HAVE THAT MIX. OBVIOUSLY IT'S ALMOST LIKE ONE BIG SITE WITH THREE USERS IN THIS PARTICULAR CASE. I THINK THAT OBVIOUSLY THE IMPROVEMENTS TO BLUEBONNET ARE VERY IMPORTANT, AND I DON'T THINK WE HAVE THAT LEVEL OF IMPROVEMENT PREVIOUSLY. AND I'M NOT SURE I WANT THAT NECESSARILY -- I DON'T KNOW. I THINK THAT IF THIS DEVELOPMENT WERE TO BE APPROVED, THAT HOW WE DEAL WITH THE RIGHT-HAND TURN LANE IN TERMS OF WHAT IS CONSTRUCTED TO DO THAT SHOULD BE WORKED OUT SOMEWHAT WITH THE NEIGHBORS. AND THEN -- BUT I THINK -- AGAIN, I THINK THERE'S JUST A LOT OF IMPROVEMENTS THAT HAVE GONE ON. I THINK THE LAST THING ABOUT THE MIXED USE I THINK IS -- AND THE DENSITY ISSUE, WHICH I'VE HEARD FOLKS SAY FROM THE NEIGHBORHOOD THAT THEY'D LIKE TO SEE MIXED USE AND MORE DENSE, THIS ISN'T DENSE ENOUGH, BUT THEN THAT COMES BACK TO THE TRAFFIC ISSUE THAT ALSO SEEMS TO BE ONE OF THE MAIN CONCERNS, SO IF YOU HAVE MORE DENSITY AND MORE USES, THEN YOU'RE GOING TO HAVE MORE TRAFFIC, WHICH I THINK IS REALLY GOING TO BE COUNTER TO WHAT THE NEIGHBORHOOD WOULD LIKE TO SEE AT LEAST IN TERMS OF THAT ONE PARTICULAR ISSUE. SO THERE'S A LOT OF DIFFERENT ISSUES HERE TO WEIGH AND I APPRECIATE EVERYONE BRINGING THOSE ISSUES TO THE TABLE. BUT I THINK ON THE BALANCE I THINK THAT THERE'S THE POSITIVE ELEMENTS THAT HAVE BEEN ADDED, I THINK HAS CERTAINLY PROMPTED ME TO LEAN TOWARDS SUPPORTING THE DEVELOPMENT. BUT THANKS TO EVERYONE.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: I THINK COUNCILMEMBER ALVAREZ MENTIONED MOST OF THE THINGS THAT I WANTED. I THINK THE THINGS THAT THE NEIGHBORHOOD WANTED LAST TIME, I THINK IT MOVES IT AWAY FROM THE NEIGHBORHOOD. BUT I WOULD

REALLY ENCOURAGE YOU TO TRY TO GET THE APPROVAL OF THE OTHER OWNERS SO THAT YOU COULD EXTEND THOSE SIDEWALKS A LITTLE FURTHER DOWN. I THINK THAT WOULD BE AN ADDITIONAL SAFETY ISSUE THERE. I THINK THE DRAINAGE IMPROVEMENTS WILL REALLY HELP THIS NEIGHBORHOOD. I'VE BEEN IN THAT AREA WHEN THE RAINS HAVE COME, AND IT'S REALLY ALMOST ANYTHING WE CAN DO WOULD BE HELPFUL THERE. FROM THE LOOKS OF THIS SITE, THAT WOULD BE A REALLY GOOD IMPROVEMENT. SO FOR ALL OF THOSE REASONS, THE STREET IMPROVEMENTS, THE DRAINAGE IMPROVEMENTS, THE EXTENSION OF THE SIDEWALKS HOPEFULLY AND THE FORWARD SITE PLACEMENT, I THINK HAVE DONE A LOT TO IMPROVE THIS. MARIA'S IS JUST AN ADDED BONUS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? I HAVE A QUESTION FOR I GUESS MR. ZAPALAC, WHO HAS WAITED PATIENTLY FOR ABOUT 15 HOURS. THANK YOU, GEORGE. THE QUESTION THAT COUNCILMEMBER ALVAREZ RAISED, AND MR. DRENER I THINK ADDRESSED THE PORK CHOP ON A DRIVEWAY. AT WHAT POINT IN THE SITE PLANNING PROCESS OR APPROVAL PROCESS AND YOUR REVIEW PROCESS DOES THAT COME UP AND AT WHOSE -- AT WHOSE INSTIGATION WOULD THAT OCCUR?

IF COUNCIL PLACES THAT CONDITION UPON THE ZONING CASE, THEN THAT IS SOMETHING THAT WE COULD REQUIRE AT THE TIME OF THE SITE PLAN. AND THE APPLICANT HAS OFFERED THAT AS A CONDITION. SO IF YOU DO WANT TO ADD THAT TO THE MOTION THAT THERE WOULD BE NO RIGHT TURN ON TO BLUEBONNET EXITING FROM THE DRIVEWAY, THEN THAT IS SOMETHING THAT WE WOULD ENFORCE AT THE TIME OF THE SITE PLAN.

Mayor Wynn: BUT I GUESS MY QUESTION, SO IF HE WERE TO IMPOSE A NO RIGHT TURN LANE FROM THAT DRIVEWAY ON TO BLUEBONNET, DO YOU THEN DICTATE THAT PRODUCT? I GUESS I CAN PICTURE CASES AROUND TOWN WHERE IT'S SIMPLY ORANGE PAINT OR SOMETHING OR A SIMPLE SIGN. IF YOU WANT TO REALLY ENSURE IT WITH THIS STRUCTURAL COMPONENT...

YES, WE WOULD MAKE IT A CHANNELIZED DRIVEWAY THAT WOULD DIRECT THE TRAFFIC TOWARDS LAMAR AND PREVENT THE RIGHT TURN ON TO BLUEBONNET.

Mayor Wynn: IS THAT ACTUALLY IN THE RIGHT-OF-WAY OR IS THAT BACK OF THE PROPERTY LINE OR HOW DOES THAT WORK?

IT WOULD BE WITHIN THE RIGHT-OF-WAY.

Mayor Wynn: OKAY. THANK YOU. COUNCILMEMBER SLUSHER.

Slusher: IS THE PORK CHOP IN THERE OR NOT? [LAUGHTER]

MY THOUGHT ABOUT THE PORK CHOP, I WISH WE COULD DO A TEMPORARY ONE BECAUSE I DON'T KNOW WHETHER THE NEIGHBORHOOD, ONCE THEY GET A DRIVEWAY THERE, IF THEY WILL FIND IT INCONVENIENT IF THEY WANT TO ENTER FROM THAT SIDE. IT DEPENDS ON WHETHER THEY THINK THE MOST OVERPOWERING NEED IS TO PREVENT THE RIGHT TURN. IF THAT'S THE CASE, I'D BE HAPPY TO ADD THAT AS AN AMENDMENT TO MY MOTION. I JUST -- I DON'T KNOW SIX MONTHS DOWN THE ROAD WHETHER IT'S GOING TO BE A GOOD IDEA OR A BAD IDEA.

[INAUDIBLE - NO MIC].

Slusher: EXCUSE ME.

Dunkerley: BUT ANYWAY, I'D LIKE TO DO IT AGAIN ON -- WHY DON'T WE DO THIS. WHY DON'T WE INCLUDE IT AT THIS POINT, AND THEN GO FROM THERE.

COUNCILMEMBER, IF I COULD, ONE OTHER POSSIBILITY, AND WE'D BE HAPPY TO MAKE THIS PART OF OUR OBLIGATION, IF AT ANY POINT THE NEIGHBORHOOD WOULD LIKE FOR US TO REMOVE IT, WE'LL DO SO. AND YOU CAN MAKE THAT PART OF OUR OBLIGATION.

Dunkerley: ALL RIGHT.

Mayor Wynn: COUNCILMEMBER SLUSHER, YOU HAVE THE

FLOOR AGAIN.

Slusher: I'LL GIVE IT A SHOT. WELL, I WAS THINKING -- I HATE TO LOOK LIKE I'M TAKING CUES FROM PEOPLE HOLLERING OUT, BUT WHAT I WAS GOING TO SUGGEST IS MAYBE FIRST READING WOULD BE THE BEST WAY TO DEAL WITH THAT BECAUSE IT SEEMS A LITTLE UNCERTAIN. AND I'M NOT TRYING TO ASSURE MYSELF WHETHER I WANT THE NO RIGHT TURN OR NOT. IF THE WALGREEN'S IS GOING TO GO THERE, BECAUSE IT SEEMS LIKE IF IT'S GOING TO GO THERE, SOME OF THE PEOPLE IN THE NEIGHBORHOOD MIGHT WANT TO SHOP THERE, AND THEN THEY WOULD HAVE TO GET BACK ON THE -- TO LAMAR. THEY WOULD HAVE TO GET ON TO LAMAR AND THEN TURN TO GO BACK TO THEIR OWN NEIGHBORHOOD. BUT ON THE OTHER HAND, THEY'RE WORRIED ABOUT THE TRAFFIC COMING THROUGH. FRANKLY, I WANT TO PRESERVE MARIA'S. I THINK THAT'S A VERY SPECIAL PART OF SOUTH AUSTIN, BUT I WOULD REALLY LIKE TO HAVE A LITTLE BIT MORE TIME TO LOOK AT WHETHER THE -- WHETHER I THINK THE WALGREEN'S SHOULD GO THERE. EVEN AT THE DESIGN, HOW IT GOING TO FIT ON THAT CORNER. BECAUSE IT REALLY IS -- IT'S A NEIGHBORHOOD STREET. A LOT OF PEOPLE CUT THROUGH THERE. I'VE DONE IT ONCE OR TWICE MYSELF. BUT IT IS A NEIGHBORHOOD STREET AND IT'S NOT LIKE WHERE IT IS NOW, MANCHACA OR IF IT WAS AT OLTORF OR SOMETHING. SO TO ME I WOULD BE MORE COMFORTABLE IF WE JUST DID IT ON FIRST READING TONIGHT AND LOOKED AT IT A LITTLE LONGER. IT'S GOT A LOT OF CONFLICTING ELEMENTS AND I WANT TO PRESERVE THE LOCAL BUSINESS, I WANT TO PROTECT THAT NEIGHBORHOOD. AND AS FAR AS THE MIXED USE, I THINK COUNCILMEMBER ALVAREZ MADE A GOOD POINT THERE THAT IF WE DID MAKE IT A LOT DENSER, THEN THAT'S GOING TO CONTRIBUTE MORE TRAFFIC. SO I THINK THAT'S A LITTLE CONTRADICTORY. SO I WOULD APPRECIATE ANOTHER WEEK OR SO TO GET COMFORTABLE WITH IT.

Dunkerley: WHY DON'T I CHANGE MY MOTION TO FIRST READING, AND THEN I DON'T THINK WE HAVE ANOTHER COUNCIL MEETING UNTIL THE 30TH. AND MAYBE BY SEPTEMBER -- OF SEPTEMBER. SO MAYBE BY THEN WE COULD GET SOME PRELIMINARY -- SOME ADDITIONAL

INFORMATION. DO YOU WANT TO WAIT THAT LONG?

Slusher: WELL, I DON'T THINK -- IF WE'RE ONLY GOING TO DO FIRST READING, THAT WOULD BE THE TIME TO DO IT.

WELL, I'M TRYING TO ACCOMMODATE.

Slusher: NO. COUNCILMEMBER ALVAREZ WAS SAYING OCTOBER SEVENTH, BUT LET'S JUST DO THE 30TH, OUR NEXT MEETING.

Dunkerley: LET'S MAKE SURE THAT WE ARTICULATE ALL THE THINGS WE WANT BACK. THE PORK CHOP INFORMATION. AND I'VE FORGOTTEN WHAT ELSE YOU ADDED.

Mayor Wynn: HOW ABOUT SOME TACOS. [LAUGHTER]

Slusher: I'M SORRY?

Mayor Wynn: SORRY. IT'S LATE.

Slusher: I UNDERSTAND. THAT'S ALL I'LL ASK FOR. IF I COME UP WITH ANY MORE, I'LL ASK OUR STAFF OR THE NEIGHBORHOOD OR THE APPLICANT FOR IT IN THE MEANTIME. BUT I JUST WANT TO HAVE SOME MORE TIME TO STUDY IT MYSELF.

Mayor Wynn: SO MOTION ON THE TABLE HAS BEEN AMENDED BY COUNCILMEMBER COUNCILMEMBER DUNKERLEY TO APPROVE STAFF AND ZONING AND PLATTING RECOMMENDATION ON FIRST READING ONLY ON Z-11. IS THAT GOOD-BYE YOU, COUNCILMEMBER ALVAREZ, AS THE SECOND?

Alvarez: YES.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?

Thomas: JUST ONE, MAYOR. IN THE TIME BEFORE WE GET BACK ON SEPTEMBER THE 30TH, THE APPLICANT IS STILL AMENABLE TRYING TO WORK WITH THE NEIGHBORHOOD, JUST IN CASE THERE'S SOMETHING ELSE WE MIGHT CAN DO

BEFORE WE GET BACK?

YES, SIR, ABSOLUTELY. AND I AM HOPEFUL THAT THOSE CONVERSATIONS WILL BE PRODUCTIVE.

Thomas: OKAY. I REALLY THINK IT'S -- I'M READY TO GO HOME MYSELF. A YEAR AGO THE PROJECT WAS A LITTLE BIT DIFFERENT. I THINK IT WAS -- I THINK IT'S BEEN -- THERE'S BEEN A LOT OF IMPROVEMENTS. YOU'VE HEARD FROM A LOT OF NEIGHBORS. YOU'VE HEARD FROM SOME OF THEM THAT ARE IN FAVOR OF IT, AND SOME OF THEM ARE NOT. BUT I THINK IF WE SIT DOWN IN THE TIME WE HAVE TO SIT DOWN AND TRY TO CHANGE SOME OF THE THINGS TO TRY TO MEET SOME OF THE NEEDS OR THE ONES THAT ARE NOT THAT FAVORABLE OF THE PROJECT. I'VE GOT TO SAY THIS AND THEN I'M GOING TO BE THROUGH. A LOT OF TIMES WHEN WE SAY BUSINESSES IS NOT THAT FAVORABLE IN THE COMMUNITY, WE NEED TO BE VERY CAREFUL. I'VE NEVER KNOWN WALL GREEN TO BE THAT BAD BECAUSE I THINK EVEN JUST THE TIME WE'VE -- WE'VE DONE A CONTRACT WITH WALGREEN'S, SO I THINK WE NEED TO BE VERY CAREFUL NOT TO TRY TO DOWN -- NOT TO DOWN MY COHORT, BUT I'M SAYING WHEN WE JUMP OUT AND SAY SOME THINGS ABOUT DIFFERENT STORES OR DIFFERENT -- WAL-MART OR ETCETERA, I FEEL THAT EVERYBODY DESERVE A CHANCE TO COME IN THIS CITY, TO OPEN OPPORTUNITIES FOR SOMEONE TO WORK, JOBS, MEET THE NEEDS OF THE COMMUNITY. THERE WERE PEOPLE HERE THE OTHER DAY THAT SAID THEY NEED WALGREEN'S IN THE AREA WHERE WE'RE TRYING TO PUT THIS WALGREEN'S. I THINK IF WE WORK TOGETHER, AS WE ALWAYS HAVE IN AUSTIN, THAT WE'LL MEET THE NEEDS AND WE'LL COME TO SOME KIND OF AGREEMENT THAT EVERYBODY WILL BE PLEASED WITH. AND I WILL SUPPORT THIS ON THE FIRST READING. I WAS READY FOR ALL THREE READINGS, BUT I'LL GO WITH THE FIRST READING.

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

Goodman: IN BETWEEN NOW AND SECOND READING, THERE'S SOME THINGS I'D LIKE TO EXPLORE THAT CAME FROM COMMISSIONER MATHER. HE USED TO BE ON THE PLANNING

COMMISSION AND IS A LONG-TIME SOUTH AUSTIN NEIGHBORHOOD ACTIVIST. RELATIVE TO CERTAINLY ACCESS ON BLUEBONNET AND IMPACT THERE. AND I THINK MR. ZAPALAC IS GOING TO HAVE TO HELP ME OUT ON SOME OF THE THINGS I WANT TO ANALYZE IN BETWEEN NOW AND THEN. ALSO, THERE'S AN ISSUE OF FOOTPRINT, SQUARE FOOT FOOTPRINT, AND SOME BUFFER THAT COMMISSIONER MATHER SUGGESTED, AND I'D LIKE TO SEE WHAT KIND OF IMPACT OR POSSIBILITIES EXIST THERE.

Mayor Wynn: THANK YOU. MOTION AND A SECOND ON THE TABLE TO APPROVE ZAP RECOMMENDATION ON THE FIRST READING ONLY, Z-11. FURTHER COMMENTS? I PREDICT THAT SECOND AND THIRD READING WON'T TAKE FIVE HOURS. ALL IN FAVOR?

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON FIRST READING ON A VOTE OF SIX TO ONE WITH COUNCILMEMBER MCCracken VOTING NO. THANK YOU ALL VERY MUCH FOR YOUR PATIENCE. COUNCIL, THAT TAKES US TO ITEM NUMBER 67, WHICH IS TO CONDUCT A PUBLIC HEARING TO RECEIVING PUBLIC COMMENT ON THE PROPOSED RATE AND FEE CHANGES FOR AUSTIN WATER UTILITY AS PART OF THE '04-'05 PROPOSED BUDGET.

GO AHEAD?

Mayor Wynn: FOLKS, IF YOU WOULDN'T MIND TAKING YOUR CONVERSATIONS OUT INTO THE PUBLIC FOYER, WE HAVE ANOTHER PUBLIC HEARING TO CONDUCT. FOLKS, AGAIN, PLEASE TAKE YOUR CONVERSATIONS OUT IN THE FOYER. OR YOU CAN SIT AND ENJOY ANOTHER PUBLIC HEARING.

ONE WAY WE MIGHT EVEN CLEAR THE ROOM EVEN FASTER IS RUDY, YOU CAN START AND START DISCUSSING RATES.

LET ME TELL YOU HOW IT ALL GOT STARTED... MAYOR AND COUNCIL, RUDE RUDY GARZA, BUDGET OFFICER. YESTERDAY YOU RECEIVED A PRESENTATION ON THE AUSTIN WATER UTILITY. AND THE PUBLIC HEARING TODAY IS TO DISCUSS THE PROPOSED RATE INCREASE. THE

COMBINED SYSTEM RATE INCREASE IS 11.8%. THAT INCLUDES THE 9.2% INCREASE FOR THE WATER SERVICE AND 14.7% INCREASE FOR WASTEWATER SERVICE.

THAT WAS THE 1:30 IN THE MORNING VERSION.

Mayor Wynn: OKAY. THANK YOU. SO COUNCIL, AT THIS TIME WE'LL RECEIVE PUBLIC COMMENT ON OUR FISCAL YEAR '04-'05 RATE AND FEE CHANGES AND SCHEDULES. OUR FIRST SPEAKER IS KAREN HADDEN. WELCOME, KAREN. LET'S SEE WHO ALL HUNG AROUND WITH YOU. IS DON WOLF STILL HERE?

NO.

Mayor Wynn: JEFF JACK? SHARON REDUCE JUST LEFT. SO KAREN, YOU WILL HAVE UP TO THREE MINUTES IF YOU NEED IT.

YEAH. OUR EXTRA TIME PEOPLE WENT HOME. IT'S ONE IN THE MORNING AND WE'RE VERY GLAD THAT YOU'RE STILL HERE, AND WE'LL TRY TO HELP WORK WITH YOU TOO TO GET THROUGH QUICKLY AND MAKE SOME IMPORTANT POINTS. I'M KAREN HADDON. I'M THE DIRECTOR OF THE SEED COALITION, WHICH IS SUSTAINABLE ENERGY AND DEVELOPMENT COALITION. WE WORK STATEWIDE ON CLEAN AIR AND CLEAN ENERGY, AND WE WERE ONE OF THREE FOUNDING MEMBERS IN SOLAR AUSTIN. CLEAN AIR AND CLEAN ENERGY ARE VERY IMPORTANT BECAUSE THEY RELATE DIRECTLY TO OUR HEALTH. AND UNFORTUNATELY, TEXAS IS STILL SUFFERING FROM POLLUTION, ESPECIALLY FROM COAL BURNING POWER PLANTS. AND I HAVE VERY RELIABLE IN-DEPTH STUDIES PEER REVIEWED BY THE HARVARD SCHOOL OF PUBLIC HEALTH THAT SHOW 1100 PREMATURE DEATHS PER YEAR DUE TO COAL BURNING POWER PLANTS AND THEIR POLLUTION. THEY CREATE PARTICLES THAT GO DEEP INTO OUR LUNGS. THEY'RE HARD TO BREATHE OUT. A LOT OF TIMES THAT MEANS THAT PEOPLE END UP IN THE HOSPITAL THAT MAYBE ALREADY HAD PROBLEMS, AND THEIR LIVES CAN BE SHORTENED ON AN AVERAGE 15 YEARS. THIS IS ONE OF THE MAJOR REASONS WHY WE ARE SUCH STRONG SUPPORTERS OF CLEAN, RENEWABLE ENERGY. WITH RENEWABLE ENERGY, YOU'RE

NOT PUTTING OUT THESE SAME POLLUTANTS AND YOU ALSO HAVE A RELIABLE SOURCE OF ENERGY THAT DOESN'T CHANGE IN TERMS OF FUEL COSTS. I'D LIKE TO POINT OUT A FEW OF THE OTHER PROBLEMS IN TERMS OF POLLUTION. THESE COAL PLANTS ARE PUTTING OUT MERCURY THAT GETS INTO OUR LAKES AND GETS INTO OUR FISH, AND NOW WE HAVE WARNINGS ON SOME OF THE KIND OF FISH THAT ARE IN THE SUPER.....SUPERMARKET, SOME THAT ARE IN OUR LAKES IN TEXAS. IT'S THE BIGGER PREDATOR FISH THAT ARE THE MOST RISK. AND FOR YOUNG CHILDREN AND DEVELOPING CHILDREN, IT LITERALLY CAN MEAN BRAIN DAMAGE, PERMANENT BRAIN DAMAGE AND LEARNING DISABILITIES. WE THINK THAT IT'S TIME TO BE MOVING AWAY FROM COAL, AND WE'VE GOT RIGHT NOW 41% OF THE AUSTIN ENERGY COMING FROM COAL. SO FOR ONE THING, WE'D LIKE TO THANK YOU BECAUSE YOU'VE TAKEN SOME VERY, VERY IMPORTANT STEPS TOWARDS CLEANER AIR AND CLEANER ENERGY. WE HAVE THREE PERCENT RENEWABLES, BUT AGAIN, DEFINITELY WE'D LIKE TO SEE THAT GROW. AND WE'RE HERE TO TALK ABOUT THE BUDGET FOR RENEWABLE ENERGY. WE WOULD LIKE TO SEE INCREASES IN SOLAR, WE'D LIKE TO SEE A 15-MILLION-DOLLAR BUDGET FOR SOLAR PROJECTS, AND WE NEED TO CONTINUE THE REBATE PROGRAM, WHICH IS VERY SUCCESSFUL AT THIS POINT. WE WOULD LIKE TO ALSO SEE WIND ENERGY PURSUED MORE IN THE FUTURE. AND AGAIN YOU GUYS HAVE DONE A GREAT JOB. SOME INITIAL FIRST STEPS OUT OF AUSTIN ENERGY WITH PURCHASES OF 93 MEGAWATTS RECENTLY. NOW IS THE TIME TO GET IN ON THAT BECAUSE THE PRICES ARE GOOD NOW. GETTING IN ON THE GROUND FLOOR -- [BUZZER SOUNDS] BOTH WITH SOLAR AND WIND IS VERY IMPORTANT BECAUSE OVER TIME THE VALUE WILL INCREASE. AND IF WE DON'T GET ON BOARD NOW THEN WE CAN MISS THE BOAT AND THEN PAY FOR IT FINANCIALLY. AND I DID BRING SOME PAMPHLETS FOR YOU. AND I THANK YOU FOR LISTENING CAREFULLY AT THIS LATE HOUR.

Mayor Wynn: THANK YOU, KAREN FOR HANGING AROUND SO LONG. SUSAN SLOAN, WELCOME, SUSAN. IS JOHN POWELL STILL HERE? HOW ABOUT SALLY MERIT? SO SUSAN, YOU WILL HAVE THREE MINUTES ALSO.

THAT IS NO PROBLEM. YOU KNOW, WHEN YOU STAY UNTIL 11:30 YOU THINK THAT YOU'RE ABOUT TO GO UP HERE. IT'S NOW 1:30 AND WE APPRECIATE YOU STAYING. I'M HERE ON BEHALF OF PV NOW, AN ORGANIZATION OF SEVEN OF THE WORLD'S LEADING MANUFACTURERS OF SOLAR EQUIPMENT. THEY ARE VERY DELIGHTED THAT AUSTIN IS GETTING INTO THE SOLAR BUSINESS AND CONSIDERING AN INVESTMENT THERE. I HAVE THREE POINTS FROM AN ENERGY PERSPECTIVE. ONE, YOUR CLARIFICATION OF A LONG-TERM STUDY APPROACH TO FUNDING WILL HELP OUR ENERGY BE READY FOR AUSTIN'S EMERGENCE AS A SOLAR CITY. ENERGY POLICY AROUND THE WORLD IS DRIVING SOLAR INDUSTRY GROWTH, UNDERSTANDING POLICY GOALS AND EXPECTATIONS IS IMPORTANT TO PLANNING FOR OUR BUSINESSES. AN UNAMBIGUOUS STATEMENT FROM YOU AS TO THE LEVEL OF FUNDING FOR OVER AT LEAST THE NEXT FIVE YEARS WOULD BE A GREAT HELP TO THE INDUSTRY TO PLAN AND INVEST ACCORDINGLY IN MANUFACTURING, IN DISTRIBUTION, AND GROWTH OF THE LOCAL BUSINESSES THAT PLAY A ROLE IN GETTING SOLAR ON ROOFTOPS. THE PV INDUSTRY HAS BEEN IMPRESSED WITH AUSTIN'S SOLAR GOALS, HOWEVER THE BUDGETED FUNDING WILL GET US TO ABOUT FIVE PERCENT OF THE SOLAR GOAL BY NEXT YEAR. AT THIS LEVEL WE WILL ONLY HAVE ABOUT TWO MEGAWATTS BY 2007, FAR SHORT OF THE 15-MEGAWATT GOAL. THE INDUSTRY WOULD LIKE TO BETTER UNDERSTAND THE TIME LINES FOR PROCUREMENT. THIRD, GREEN CHOICE IS GROWN AS LARGER CUSTOMERS HAVE SIGNED ON. IN THE SAME WAY MORE SOLAR ENERGY CAN BE INSTALLED IF THE CITY'S INCENTIVES PROVIDE FOR LARGER SYSTEMS. IN FACT, COMMERCIAL PARTICIPATION RESULTS IN A MAJORITY OF ACTIVITY FOR TOP SOLAR PROGRAMS IN THE U.S. AND ABROAD. IN CONTRAST, AUSTIN'S REBATE STRUCTURE IS LIMITED TO 20 KW. WE WOULD LIKE TO SEE THE COMMERCIAL INCENTIVES RAISED TO DEVELOP A MORE DIVERSIFIED PROGRAM. PV NOW SUPPORTS AUSTIN'S SOLAR GOALS AND WANTS TO SEE A ROBUST, COMPETITIVE INDUSTRY, AND WE THANK YOU FOR YOUR INTEREST IN RENEWABLE ENERGY.

Mayor Wynn: THANK YOU, MS. SLOAN. AN MARIE JOHNSON? WELCOME. IS LAMAR ROMERO? HOW ABOUT FERNANDO

ZERA. SO YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT.

ALL RIGHT. THANK YOU. GOOD EVENING, MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS. MY NAME IS ANNE MARIE JOHNSON AND I'M THE CORDER FOR THE SOLAR AUSTIN CAMPAIGN. I'VE COME HERE TONIGHT ON BEHALF OF SOLAR AUSTIN TO TALK TO YOU ABOUT A REQUEST FOR THE 2005 BUDGET AND TOO TALK TO YOU ABOUT SOME OF THE THINGS THAT WE'VE BEEN SEEING HAPPENING IN THE COMMUNITY WITH REGARDS TO RENEWABLE ENERGY. SOLAR AUSTIN'S REQUEST FOR THE 2005 BUDGET IS THAT \$15 MILLION BE ALLOCATED TO SOLAR PROGRAMS. THAT A PLAN BE DEVELOPED FOR HOW TO MEET OUR SOLAR AND RENEWABLE ENERGY GOALS, AND THAT AUSTIN ENERGY PURCHASE MORE WIND POWER, PARTICULARLY IF THEY CAN TAKE ADVANTAGE OF AN EXPANDED PRODUCTION TAX CREDIT IN 2005. AS AN ORGANIZATION, SOLAR AUSTIN HAS BEEN VERY FOCUSED ON THE REBATE PROGRAM AS THE MEANS TO INITIATE SOLAR DEVELOPMENT IN AUSTIN, AND WE BELIEVE THAT THIS PROGRAM SHOULD CONTINUE INTO THE FUTURE. WE ALSO SUPPORT OTHER IMPORTANT PROGRAMS THAT HAVE BEEN PROPOSED, SUCH AS THE DEMONSTRATION PROJECTS FOR SCHOOLS, LIBRARIES AND COMMUNITY CENTERS AND SOLAR PROJECTS FOR THE ZERO ENERGY SUBDIVISION. IN ADDITION TO THESE PROJECTS, WE ASK THAT THE CITY CONSIDER INVESTING IN LARGE CAPITAL PROJECTS THAT MAY POSSIBLY BENEFIT FROM COUNCILMEMBER ALVAREZ OF SCALE. FOR EXAMPLE, LARGE ON SOLAR INSTALLATION ON THE CITY HALL OR THE CONVENTION CENTER. AND THE VISUAL THAT WE HAVE HERE IS OF ONE OF THESE TYPES OF PROJECTS THAT WAS DONE IN THE CONVENTION CENTER IN SAN FRANCISCO. AND AS YOU CAN SEE, AND I'LL POINT IT OUT REAL QUICK, THIS IS A 675 KILL LOW WATT -- [INAUDIBLE - NO MIC]. SO THOSE ARE THE TYPES OF PROJECTS THAT WE'RE TALKING ABOUT BY LARGE CAPITAL PROJECTS. AND PROJECTS OF THIS KIND CAN HELP US TO MEET OUR SOLAR ENERGY GOALS WHILE CREATING SOLAR INSTALLATIONS THAT ARE HIGHLY VISIBLE, PUBLICLY OWNED AND WILL HOLD A UNIQUE VALUE TO OUR UTILITY AS A DISTRIBUTED GENERATION RESOURCE. AND THERE ARE MANY MORE IDEAS COMING FROM THE

COMMUNITY AT LARGE THAT SOLAR AUSTIN WOULD LIKE TO SHARE WITH YOU. EARLIER THIS WEEK WE HOSTED THE COMMUNITY FORUM TO BRING PEOPLE TOGETHER TO TALK ABOUT OUR ENERGY SUPPLY. WE HAD A GREAT TURNOUT AND PEOPLE TALKED OPENLY ABOUT BOTH OUR COMPLIMENTS AND THE CRITICISMS WITH RESPECT TO WHERE WE ARE IN TERMS OF OUR ENERGY MIX. AND THE MEASURES THAT WE'RE TAKING TO RETAIN THE RENEWABLE ENERGY GOALS. SOME OF THE IDEAS THAT CAME OUT OF THE FORUM INCLUDED INSTALLING SOLAR PANELS TO CREATE SHADED PARKING LOTS, FINDING WAYS OF FINANCING SOLAR PROJECTS, INVESTING IN LARGE CAPITAL PROJECTS. INCORPORATING SOLAR PROJECTS INTO BUILDING CODES, INCREASING PUBLIC KNOWLEDGE AND UNDERSTANDING OF THE GREEN CHOICE ELECTRIC CITY RATE OPTION THAT OUR UTILITY PROVIDES ITS CUSTOMERS AND INCREASING OUR RENEWABLE ENERGY GOALS. IN OTHER VENUES I HAVE HEARD SUGGESTIONS THAT INCENTIVES FOR NEW BUSINESSES IN AUSTIN SHOULD BE COUPLED WITH A REQUIREMENT TO USE SOLAR PANELS OR TO ALLOW FOR CITY OWNED SOLAR INSTALLATIONS ON THE ROOFTOPS OF THESE NEW BUILDINGS. MY POINT IS NOT TO SAY THAT WE SHOULD BE DOING EVERY ONE OF THESE THINGS, BUT TO SHOW THAT THIS COMMUNITY IS FULL OF BOTH SUPPORT FOR SOLAR ENERGY AND CREATIVE WAYS TO WHICH WE CAN BECOME A CLEAN ENERGY CITY. SECONDLY, SOLAR AUSTIN REQUESTS THAT A DETAILED PLAN BE DEVELOPED FOR HOW WE WILL MEET OUR SOLAR AND RENEWABLE ENERGY GOALS. WE WILL MEET OUR FIRST RENEWABLE ENERGY GOAL THROUGH THE RECENT PURCHASE OF 93 MEGAWATTS OF WIND POWER, AND THE CITY IS CERTAINLY TO BE COMMENDED FOR THIS. HOWEVER, WE WILL NOT BE ABLE TO MEET OUR SOLAR ENERGY GOALS, THE FIRST OF WHICH IS 15 MEGAWATTS IN 2007, IN THE SAME MANNER AND STILL BE ABLE TO MEET OUR GOAL OF DEVELOPING A LOCAL SOLAR ENERGY INDUSTRY. MEETING OUR SOLAR GOALS ON A JUST IN TIME BASIS RISKS REQUIRING THAT WE BRING IN SOLAR DOLLARS AND OTHER SOLAR EXPERTS FROM OUTSIDE OF AUSTIN INSTEAD OF RELYING ON A LOCALLY BUILT BUSINESS. ON THE OTHER HAND, RAMPING UP TO MEET THE 15-MEGAWATT GOAL, SAY BY ACHIEVING THREE MEGAWATTS IN 2005, FIVE

IN 2006 AND SEVEN IN 2007, IS A GOOD WAY TO SYNCHRONIZE OUR SOLAR ENERGY GOALS WITH OUR LOCAL SOLAR INDUSTRY GOALS AND TO ASSURE THEY'RE BOTH MET. THIRDLY, NATURAL GAS PRICES HAVE HIT EVERYONE IN THE CITY. AND FOR THIS REASON AND FOR THE SAKE OF CLEAN AIR, WE WOULD LIKE TO SEE THE CITY PURCHASING MORE WIND POWER. IT'S LIKELY THAT THE PRODUCTION TAX CREDIT, THE PPC FOR WIND POWER, WILL RETURN IN 2005. AND IF AND WHEN IT DOES, WE SUGGEST THAT THE CITY PURCHASE MORE WIND BEFORE THE CREDIT EXPIRES ONCE AGAIN, WHICH MAY HAPPEN BY THE END OF 2005. THIS WAY THE CITY CAN SAVE MORE MONEY ON WIND POWER, WHICH IS ALREADY AN ECONOMICALLY FAVORABLE ENERGY RESOURCE COMPARED TO GAS POWER. AND AT THAT I'LL FINISH TONIGHT. WE HOPE THAT YOU'RE ABLE TO SUPPORT PROPOSED CHANGES TO THE AUSTIN ENERGY BUDGET, AND WE THANK YOU FOR THE EFFORT THAT YOU HAVE MADE TO MAKE AUSTIN A LEADING CLEAN ENERGY CITY. THANK YOU.

Mayor Wynn: THANK YOU, MS. JOHNSON. DARRYL THOMPSON SIGNED UP NOT WISHING TO SPEAK, IN FAVOR OF FUNDING ALTERNATIVE ENERGY USE BY AUSTIN ENERGY. JANET HUGHES? HELLO, WELCOME. YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED --

THANK YOU ALL FOR HANGING IN HERE TONIGHT WITH US. MY NAME IS JANET HUGHES. AND I WANTED TO JUST GIVE YOU A QUICK UPDATE ON HOW SOLAR INSTALLS ARE GOING WITH THE REBATE PROGRAM. BEING ONE OF THE INSTALLERS, WE GOT OFF TO A LITTLE SLOW START BECAUSE WE WERE HAVING A HARD TIME GETTING MODULES IN JULY, AND I'M GLAD TO SAY THAT THAT PROBLEM IS BEING RESOLVED. WE ARE GETTING -- WE ARE ABLE TO GET PRODUCT NOW. AND BY THE END OF SEPTEMBER MY COMPANY ALONE WILL HAVE INSTALLED 12 SYSTEMS, SO ABOUT 36 KW. IF I CONTINUE ON THAT TRACK AND I HAVE EVERY INDICATION THAT WE'LL BE ABLE TO BECAUSE OF THE MARKET AND BECAUSE OF THE INTEREST IN THE COMMUNITY AND THE NUMBER OF JOBS THAT I'M GOING OUT AND LOOKING AT AND THE ESTIMATES SITTING ON MY DESK, IT'S JUST -- IT'S A CONTINUOUS FLOW AND THERE'S A LOT OF INTEREST IN THIS COMMUNITY FOR

SOLAR. IF I CONTINUE ON THAT TRACK, I CAN EASILY SAY THAT I CAN INSTALL SIX SYSTEMS A MONTH. MY COMPANY ALONE COULD BE INSTALLING 72 SYSTEMS A YEAR, WHICH I COULD USE A MILLION DOLLARS OF REBATE MONEY IN A YEAR JUST WITH MY COMPANY ALONE. AND THERE ARE A NUMBER OF OTHER COMPANIES IN THIS CITY RIGHT NOW THAT ARE TRYING TO GROW THEIR BUSINESSES AND STAY IN SOLAR. THEY COULD DO THE SAME. SO JUST -- THAT'S JUST THE RESIDENTIAL MARKET ALONE. THAT DOESN'T INCLUDE THE SCHOOL PROJECTS OR THE LIBRARIES OR THE AUSTIN SUBDIVISION THAT'S GOING IN. THEY WANT TO PUT FOUR KILOWATTS OF SOLAR ON ALL OF THOSE HOUSES PRESENTLY I'M DOING THIS WITHOUT COMPRESSING MY EMPLOYEES' STAFF. I HAVE FIVE PEOPLE OUT IN THE FIELD, AND IF I'M TO GROW MY BUSINESS AND GO WITH THE MARKET THAT IS DEVELOPING, YOU CAN SEE THAT A LOT MORE MONEY REALLY NEEDS TO BE PUT INTO SOLAR. AND SO WITH THAT I REALLY ENCOURAGE YOU TO THINK ABOUT RAISING THE AMOUNT OF MONEY. I REALLY CONGRATULATE YOU ON WHAT YOU'VE ALREADY DONE, BUT IT'S LIKE JUST THE FIRST STEP. AND THE WHOLE POINT OF THIS WAS TO GROW A SOLAR ENERGY. AND IF I HAVE TO STAY AT THE SAME NUMBER OF EMPLOYEES JUST BECAUSE THERE'S REALLY NOT MONEY ENOUGH TO PROCEED, WE'RE NOT MEETING THAT GOAL, SO THANK YOU.

Mayor Wynn: THANK YOU, MS. HUGHES. THERE ARE SEVERAL CARDS HERE, RUSTY OSBORNE, NOT WISHING TO SPEAK, IN FAVOR OF \$15 MILLION IN 2005 FOR SOLAR AND WIND ENERGY PROGRAMS. DIXON DICK, NOT WISHING TO SPEAK, ALSO IN FAVOR OF \$15 MILLION IN '05. ERIC KAY, ALSO SUPPORTING 15 MILLION IN 2005. MELISSA MILLER, NOT WISHING TO SPEAK, IN FAVOR OF SUPPORTING THE BUDGET FOR RENEWABLE ENERGY. MARIA JULY YES OR NO, NOT WISHING TO SPEAK, IN FAVOR. WILLIAM STATISTIC TOWN, NOT WISHING TO SPEAK, IN FAVOR. DON EWALT JUNIOR, NOT WISHING TO SPEAK, IN FAVOR. KEVIN LEWIS IN FAVOR. DAVID HILL IN FAVOR. OSCAR LIPJACK, NOT WISHING TO SPEAK, SUPPORTING \$15 MILLION IN '05 FOR SOLAR PROGRAMS. PATRICK GETZ, NOT WISHING TO SPEAK, IN FAVOR. AND CHIP WOLF SIGNING UP WISHING TO SPEAK, BUT I THINK MR. WOLF WENT HOME. CHIP'S IN FAVOR OF A MAJOR PUBLICLY

OWNED SOLAR POWER PLANT IN DOWNTOWN AUSTIN. ARE THERE ANY OTHER CITIZENS THAT WISH TO BE HEARD ON THIS PUBLIC HEARING, ITEM NUMBER 67? HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER ALVAREZ TO CLOSE THE PUBLIC HEARING, ITEM NUMBER 67. ALL IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. MS. BROWN, IS THAT OUR AGENDA? COUNCILMEMBER SLUSHER MOVES THAT WE ADJOURN. SECONDED BY COUNCILMEMBER ALVAREZ. ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? THANK YOU. WE'RE ADJOURNED.

End of Council Session Closed Caption Log