

## Closed Caption Log, Council Meeting, 09/30/04

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THIS ARE SEVERAL OF THEM. ON ITEM NO. 7, WE SHOULD ADD THE PHRASE MANAGE, COMMA, PROGRAM, COMMA, AND STRIKE THE REFERENCE "THE CITIES" REPOLICE THAT WITH "A FULL-TIME." SUMMARY WILL BE ITEM NO. 7, AUTHORIZE NEGOTIATIONS AND EXECUTION OF A CONTRACT WITH AUSTIN MUSIC PARTNERS, INC., TO MANAGE, PROGRAM, AND OPERATE THE CITY'S DESIGNEE, A FULL -- AS THE CITY'S DESIGNEE, A FULL-TIME CHANNEL FOR THE EXHIBITION OF PROGRAMMING CONCERNING AUSTIN MUSIC. ON ITEM NO. 21, WE SHOULD ADD THE REFERENCE THE SELECTED MASTER DEVELOPER, CATELLUS DEVELOPMENT CORPORATION IS REQUIRED TO FUND LEGAL COSTS ASSOCIATED WITH THE NEGOTIATION OF THE MASTER DEVELOPMENT AGREEMENT FOR THE REDEVELOPMENT OF FORMER ROBERT MUELLER, MUNICIPAL AIRPORT, RMMA, THIS CONTRACT AMENDMENT WILL BE ENCUMBERED IN THE CITY'S RMMA REIMBURSEMENT FUND. QUARTERLY DEPOSITS ARE MADE BY CATELLUS INTO THIS FUND TO REIMBURSE NEGOTIATION EXPENSES BASED ON ACTUAL COSTS. WE WILL STRIKE THE PHRASE FUNDING IN THE AMOUNT OF \$250,000 IS AVAILABLE IN THE FISCAL YEAR '03-'04 APPROVED OPERATING BUDGET OF THE ECONOMIC GROWTH AND REDEVELOPMENT SERVICES OFFICE. THERE IS NO ANTICIPATED FISCAL IMPACT. A FISCAL NOTE IS NOT REQUIRED. AGAIN THAT LAST PHRASE IS STRICKEN. ITEM NO. 21 IS ALSO RELATED TO ITEM NO. 80. ON ITEM NO. 65, WE WILL SHOW MYSELF AND COUNCILMEMBER DUNKERLY AS ADDITIONAL CO-

SPONSORS. ITEM NO. 66, WE WILL SHOW MAYOR PRO TEM GOODMAN AND COUNCILMEMBER ALVAREZ AS ADDITIONAL CO-SPONSORS. ITEM NO. 70 WHICH IS TO SET A PUBLIC HEARING. WE ARE GOING TO CHANGE THE SUGGESTED DAYLIGHT AND TIME FROM OCTOBER 7th TO OCTOBER 21st, 2004, 6:00 P.M., HERE IN THE LCRA BOARD ROOM. ON OUR AUSTIN HOUSING AND FINANCE CORPORATION AGENDA 1, AHFC 1, WE ACTUALLY WILL BE APPROVING THE MINUTES OF THE AUGUST 26th, 2004 MEETING AND THE SEPTEMBER 13th, 2004 BOARD MEETING OF AHFC. ON ITEM NO. 84, WE SHOULD STRIKE THE REFERENCE "IN THE WEST UNIVERSITY NEIGHBORHOOD PLAN AREA" AND ON ITEM NO. 106 OUR ADDENDUM WE SHOULD CORRECT THE ADDRESS STRIKING 3604 HAMPTON ROAD AND REPLACE THAT WITH 3407 HAMPTON ROAD. AND ALSO CLUE ME AS AN ADDITIONAL CO-SPONSOR TO COUNCILMEMBER DUNKERLY. OKAY, SO THOSE ARE OUR CHANGES AND CORRECTIONS. THE ITEMS THAT ARE PULLED FOR DISCUSSION OFF THE CONSENT AGENDA, SO FAR, ITEM NO. 7 RELATED TO THE AUSTIN MUSIC PARTNERS, INC. CONTRACT. ITEM NO. 23, RELATED TO THE AUSTIN REVITALIZATION AUTHORITY AND ITEM NO. 106 OUR ADDENDUM, WHICH IS ACTUALLY RELATED TO A ZONING CASE THAT WILL BE TAKEN UP AFTER 4:00 P.M. SO, COUNCIL, CURRENTLY ITEMS NUMBER 723, AND 106, ARE PULLED OFF THE CONSENT AGENDA AS IS ITEM NO. 37, WHICH IS RELATED TO THE BERGSTROM AIRPORT PARKING GARAGE ISSUE, WE ARE GOING TO TAKE THAT UP IN EXECUTIVE SESSION PRIOR TO TAKING ACTION ON THAT POSTED ITEM. PULLED ITEMS THEN ARE ITEMS NUMBER 7, ITEM 23, ITEM 3637 AND ITEM 106 THE ADDENDUM. ARE THERE ANY -- ADDITIONAL ITEMS TO BE PULLED OR ADDED BACK TO THE CONSENT AGENDA? NONRESPONSIVE ITEM NO. 7, 23, 27, 106. MAYOR PRO TEM? YOU WOULD LIKE TO PULL ITEM NO. 93? 7, 23, 37, 106. ACTUALLY, ITEM NO. -- THAT IS ONE OF THE ZONING CASES THAT WE WILL TAKE UP AFTER THE 4:00 TIME CERTAIN.

Goodman: I'M SORRY. ANY FURTHER ITEMS TO BE PULLED OFF THE CONSENT AGENDA OR TO BE ADDED BACK? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. -- HEARING NONE THEN, LET ME READ WHAT I BELIEVE TO BE THE CONSENT AGENDA NUMERICALLY. BEAR WITH ME. ITEM

NO. 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, --  
MS. BROWN WE ARE SHOWING 21 AS NOT BEING ON THE  
CONSENT AGENDA.

Clerk Brown: IT IS.

Mayor Wynn: OKAY, 21 IS ON THE CONSENT AGENDA PER  
CHANGES AND CORRECTION, 22, 24, 25, 26, 27, 28, 29, 30, 31,  
32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50,  
51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64 ARE OUR  
APPOINTMENTS TO OUR BOARDS AND COMMISSIONS. I WILL  
READ THOSE INTO THE RECORD NOW. TO THE AIRPORT  
ADVISORY COMMISSION, HANNAH RITTERING IS A  
CONSENSUS REAPPOINTMENT. TO THE ANIMAL ADVISORY  
COMMISSION, JAN FULTON IS MAYOR PRO TEM GOODMAN'S  
REAPPOINTMENT. AMY ANN CASPERSON IS MY  
APPOINTMENT. KATHY OLIVE REPRESENTING THE TRAVIS  
COUNTY COMMISSIONERS IS A CONSENSUS  
REAPPOINTMENT. TO OUR COMMISSION ON IMMIGRANT  
AFFAIRS, LEO ANCHODO SORRY IS MISPRONOUNCED THAT,  
CONSENSUS REAPPOINTMENT. DOWNTOWN COMMISSION,  
ANDREW CLEMENTS IS THE URBAN TRANSPORTATION  
REPRESENTATIVE, A CONSENSUS REAPPOINTMENT AND  
CHRIS RILEY IS THE PLANNING COMMISSION  
REPRESENTATIVE AGAIN A CONSENSUS REAPPOINTMENT.  
TO THE ELECTORAL BOARD, STEVEN PAMACOL  
COUNCILMEMBER MCCRACKEN'S REAPPOINTMENT. AND  
MECHANICAL PLUMBING AND SOLAR BOARD, GERALDO  
GARZA A CONSENSUS REAPPOINTMENT. MENTAL HEALTH  
MENTAL RETARDATION CENTER, ROBERT CHAPA JUNIOR A  
CONSENSUS APPOINTMENT. TONY ENGLIS A CONSENSUS  
REAPPOINTMENT. CAROL BEAR RON IS COUNCILMEMBER  
MCCRACKEN'S REAPPOINTMENT. THOSE ARE THE  
APPOINTMENTS THAT WILL BE FOR THE RECORD ITEM NO. 64  
ON THE CONSENT AGENDA. TIPPING ON WITH THE CONSENT  
AGENDA, ITEM 65 PER CHANGES AND CORRECTION, ITEM 66  
PER CHANGES AND CORRECTION, 67, 68, 69, 70, PER  
CHANGES AND CORRECTION, 71, AND 72. COUNCIL, THAT'S  
THE CONSENT AGENDA, I'LL ENTERTAIN A MOTION.

Thomas: SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS.

SECONDED BY THE MAYOR PRO TEM TO -- TO APPROVE THE  
CONSENT AGENDA AS READ.

Alvarez: MAYOR?

Mayor Wynn: COMMENTS, COUNCILMEMBER ALVAREZ?

Alvarez: I WAS HOPING TO MAYBE POSTPONE THE APPROVAL  
OF THE MINUTES FROM SEPTEMBER THE 2nd, BECAUSE I  
THINK THERE'S A -- A QUESTION ABOUT WHETHER --  
WHETHER RELATING TO THE UNO PART OF THAT IN THE  
UNITS AND WHETHER WHAT'S IN THE MINUTES ACCURATELY  
REFLECTS WHAT COUNCIL VOTED ON. JUST TO GIVE US A  
WEEK TO LOOK AT THAT AND CLARIFY THE LANGUAGE. I'M  
READING THE TRANSCRIPT, IT'S KIND OF HARD TO -- TO  
DECIPHER EXACTLY WHAT -- WHAT TRANSPIRED. BUT  
WHAT'S IN THE MINUTES IS DIFFERENT FROM WHAT I RECALL  
HAPPENING AND SO I WOULD RATHER TAKE A WEEK OR SO  
JUST TO MAKE SURE THAT IT'S ACCURATE. AS A FRIENDLY  
AMENDMENT I WOULD MOVE THAT WE POSTPONE THE  
MINUTES FOR FROM THE SEPTEMBER 2nd MEETING.

Mayor Wynn: DO YOU ACCEPT THAT'S AS A FRIENDLY TO  
POSTPONE APPROVAL OF ONLY THE SEPTEMBER 2nd  
MINUTES OF THE MEETING?

Thomas: YES, SIR, NO PROBLEM.

Mayor Wynn: MAYOR PRO TEM? THANK YOU, MS. BROWN WE  
WILL NOT APPROVE THE MINUTES FOR SEPTEMBER 2nd.  
FURTHER COMMENTS? ON THE CONSENT AGENDA? I WILL  
SAY ON ITEM NO. 6, WE ARE APPROVING -- THERE'S A GOOD  
ARTICLE IN THE NEWSPAPER THIS MORNING, WE ARE  
APPROVING A MODEST, I THINK AN IMPROVEMENT, A  
CHANGE TO THE TRIANGLE DEVELOPMENT PLAN AND AFTER  
THIS HOPEFUL APPROVAL BY THE COUNCIL, THEN I WILL -- I  
SIT ON A REVIEW PANEL WITH SOME STATE OFFICIALS WHO  
WILL THEN FORMALLY, HOPEFULLY, APPROVE THIS CHANGE  
TO A PLAN THAT'S BEEN LONG IN THE MAKING, IT'S A GOOD  
AMENDMENT, IT WILL KEEP THE CONSTRUCTION MOVING  
FORWARD ON A PROJECT THAT'S LONG AWAITED, LONG  
OVERDUE AND WILL BE A NEEDED BENEFIT TO -- TO  
CENTRAL AUSTIN, REALLY TO OUR ENTIRE CITY. I COMMEND

THE STAFF WHO HAS WORKED SO HARD ON KEEPING THAT PLAN MOVING FORWARD AND HELPING WITH THAT AMENDMENT. FURTHER COMMENTS ON THE CONSENT AGENDA?

Thomas: YES, I WANT TO COMMEND STAFF, PARK BOARDS AND THE GREAT CITIZENS OF THE SAINT JOHN AREA FOR WORKING REAL HARD TO NAMING THE RECREATION CENTER AT SAINT JOHN'S TO MS. BROWN, MS. BROWN WAS A LEGEND, SOMEONE THAT WORKED REAL HARD IN THE COMMUNITY. DID A LOT OF POSITIVE THINGS IN THE COMMUNITY. NOT JUST SAINT JOHN AREA BUT IN THE CITY OF AUSTIN. AND I WANT TO COMMEND STAFF AND THE PEOPLE THAT ARE REPRESENTING MS. BROWN TODAY. AND IT'S THE LOCATION WILL BE 7500 BLESSING AVENUE, SAINT JOHN COMMUNITY CENTER IS THE NAME, THE RECREATION CENTER WITHIN THE COMMUNITY CENTER AS VIRGINIA L. BROWN. I WOULD LIKE TO SAY THIS TO THE FAMILY, GOD BLESS YOU AND GOD KEEP YOU. THANK YOU FOR KEEPING UP YOUR MOTHER'S LEGACY, THANK YOU.

Mayor Wynn: ACTUALLY, COUNCIL, WITHOUT OBJECTION WE DO HAVE A COUPLE OF FOLKS HERE THAT WOULD LIKE TO ADDRESS US REGARDING THIS ITEM, GINA SAENZ, WELCOME, YOU WILL HAVE THREE MINUTES FOLLOWED BY REVEREND RAY HENDRICKS.

GOOD MORNING, MAYOR, CITY COUNCIL MEMBERS. I HAVE BEEN ASKED TO READ A STATEMENT PREPARED BY THE PRESIDENT OF THE SAINT JOHN'S RECREATION CENTER ADVISORY BOARD, MS. PATRICIA CALHOUN IN FAVOR OF THE RENAMING OF THE FACILITY AFTER MS. BROWN. AS A STRUGGLING SINGLE PARENT, AND MOM, MRS. BROWN INTRODUCED ME TO THE IMPORTANCE OF EMPOWERING A COMMUNITY. ][MRS. BROWN, ALONG WITH OTHER COMMUNITY REPRESENTATIVES, WERE INSTRUMENTAL IN THE ENSURING OF THE VISION OF THE BUILDING OF THE SITE, SAINT JOHN COMMUNITY CENTER. THIS CENTER SITS IN THE HEART OF SAINT JOHN'S OFFERING SERVICES FOUND -- ACTUALLY, INCLUDING IMMUNIZATIONS, ALL THE WAY FROM -- FROM SHOTS TO TOTS TO RECREATION PROGRAMS FOR YOUTH. IN ADDITION TO THAT, A SCHOOL, AN ELEMENTARY SCHOOL, J.J. PICKLE ELEMENTARY SCHOOL, A

PUBLIC LIBRARY AND MANY MORE SERVICES TO FAMILIES IN THE IMMEDIATE COMMUNITY AS WELL AS ALL OF AUSTIN. MRS. BROWN WILLINGLY SERVED THE COMMUNITY DAY AND NIGHT ASSISTING OTHERS WITH FUNDS TO PAY THEIR UTILITY BILLS, HOUSING ASSISTANCE, CLOTHING, FOOD, AND MANY MORE. OTHER REQUESTS THAT PEOPLE CAME TO HER AND SHE ACTUALLY PAID FOR OUT OF HER OWN POCKET. MRS. BROWN IS NOW DECEASED AND IN HER MEMORY OF ENDLESS HOURS OF SERVICE, THE RENAMING OF THE SAINT JOHN RECREATION CENTER TO VIRGINIA L. BROWN WOULD BE AWESOME. PLEASE SUPPORT US AS WE GIVE HONOR TO AN INDIVIDUAL THAT IS WELL DESERVING. I THANK YOU IN ADVANCE, SINCERELY, PATRICIA A. CALHOUN, PRESIDENT, SAINT JOHN'S RECREATION CENTER ADVISORY BOARD. THANK YOU.

Mayor Wynn: THANK YOU, MS. SAENZ. REVEREND RAY HENDRICKS. WELCOME, SIR.

THANK YOU.

MAYOR, COUNCILMEMBERS, AND ALL THAT ARE PRESENT, THIS IS A HAPPY DAY IN THE SMALL COMMUNITY IN NORTHEAST AUSTIN TO HAVE A CONSIDERATION FOR NAMING A -- A RECREATION CENTER FOR ONE OF OUR WAR HORSES. AND SOME 10 YEARS AGO, THE VISION, WE RECEIVED A VISION FOR SAINT JOHN'S IN THE BUILDING OF A MULTI-PURPOSE CENTER THERE IN SAINT JOHN'S. AND -- AND SHE SERVED TO HELP BRING THAT VISION TO COMPLETION. AND SHE PASSED MORE THAN A YEAR AGO NOW. AND SHE WAS THE ONE PERSON THAT COULD PROBABLY GO ON ANY PORCH AND WALK INTO ANY HOUSE BECAUSE SHE HAD BEEN THERE BEFORE, EITHER SERVING OR BRINGING FOOD OR COUNSELING. HER WORK HOUR WENT BEYOND THE EIGHT HOURS THAT SHE WAS ALLOTTED HERE AT THE CITY OF AUSTIN. AND THOSE OF US THAT LIVED OUT THERE ARE VERY APPRECIATIVE OF WHAT SHE SHARED. OFTENTIMES LEAVING HER FAMILY TO COME OUT AND SERVE OUR COMMUNITY. SO TODAY HONORING HER IS A BIG THING FOR US. AND REALLY IT SHOULD BE A BIG THING FOR THE CITIZENS OF AUSTIN. BECAUSE WHEN YOU REALLY LOOK AT HER RECORD, IF YOU GO BACK AND LOOK AT IT. YOU'LL SEE HOW SHE SERVED NOT JUST SAINT JOHN'S, BUT

THAT COMMUNITY CENTER SERVED THE CITIZENS OF AUSTIN GREATLY. SO WE WANT TO THANK YOU ALL FOR YOUR CONSIDERATION. WE HAVE ONE MEMBER OF THE FAMILY THAT'S REPRESENTING EVERYBODY ELSE THAT'S AT WORK. BUT SHAUN IS HERE REPRESENTING THE FAMILY. THEY GIVE THEIR THANKS FOR YOUR CONSIDERATION IN NAMING IT AFTER THEIR MOTHER AND THE OTHER THING I WANT TO GIVE THANKS IS TO THE PARKS BOARD. WE DID HAVE SOME -- SOME OPPOSITION TO THE NAMING WITHIN THE COMMUNITY ITSELF. AND THEY WERE PATIENT WITH US AND LET US GET TOGETHER AND TALK AND IRON THINGS OUT AND GET A GOOD UNDERSTANDING, SO WE WANT TO COMMEND THEN, GINA SAENZ AND THE PARK BOARD FOR BEING PATIENT WITH US SO THAT WE COULD DO SOMETHING THAT'S VERY WORTHY, DO SOMETHING THAT'S VERY WORTHY OF HAVING OUT IN SAINT JOHN'S. AGAIN, I JUST WANT TO SAY TO YOU ALL, THANK YOU FOR YOUR CONSIDERATION. AND WE ARE HOPING THAT YOU WILL CONSIDER AND NAME THE -- THE RECREATION CENTER AFTER MS. VIRGINIA BROWN. THANKS.

THANK YOU REVEREND HENDRICKS, AGAIN THIS ITEM IS ON THE CONSENT AGENDA. SO HERE IN A FEW SECONDS I THINK WE WILL APPROVE THIS UNANIMOUSLY. FURTHER COMMENTS ON THE CONSENT AGENDA? AS READ?

Thomas: ONE MORE COMMENT.

Mayor Wynn: COUNCILMEMBER THOMAS.

Thomas: I REALLY APPRECIATE THE MAYOR AND THE COUNCIL FOR SUPPORTING THIS ITEM BECAUSE IT MIGHT -- REVEREND HENDRICKS WAS SAYING, IT'S BEEN A YEAR PLUS, BUT I THANK YOU FOR YOUR PATIENTS AND I APPRECIATE YOUR SUPPORT TODAY.

Mayor Wynn: AGREED. MOTION AND SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCIL, I WAS REMISS THAT I DIDN'T READ INTO THE RECORD OR JUST ANNOUNCE OUR TIME CERTAIN ITEMS FOR TODAY. NOW THAT WE HAVE APPROVED THE CONSENT AGENDA, AT NOON WE WILL BREAK FOR THE GENERAL CITIZEN COMMUNICATIONS, AT 2:00 WE WILL HAVE BOND SALES, A SALE THAT SHOWS UP AS ITEM NO. 83 ON TODAY'S AGENDA. 3:00 WE HAVE OUR BOARD MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION. FOUR ITEMS ON THE AHFC AGENDA TODAY. 4:00 WE BREAK FOR OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. THOSE SHOW ON TODAY'S AGENDA AS ITEMS 84 THROUGH 93. ZONING CASES Z-1 THROUGH Z-8. AT 5:30 WE HAVE LIVE MUSIC AND PROCLAMATIONS, AT 6:00 OUR PUBLIC HEARINGS, POSSIBLE ACTION, WE HAVE 11 ITEMS, ITEMS 94 THROUGH 105 ON TONIGHT'S 6:00 AGENDA. OKAY, THANK YOU VERY MUCH. COUNCIL, WE HAVE A HANDFUL OF PULLED ITEMS. LET'S TAKE THEM IN SEQUENCE WITHOUT OBJECTION. ITEM NO. 7, RELATED TO THE CONTRACT WITH THE AUSTIN MUSIC PARTNERS. WE HAVE A COUPLE OF FOLKS WHO HAVE SIGNED UP WISHING TO SPEAK. I THINK SOME PEOPLE ARE HERE IN THE AUDIENCE PROBABLY TO ANSWER QUESTIONS IF NEED BE. WITH THAT, I WILL RECOGNIZE COUNCILMEMBER ALVAREZ, WHO I BELIEVE TECHNICALLY PULLED THE ITEM. I HAD LEGAL QUESTIONS PERTAINING TO SOME OF THE CONTRACT LANGUAGE. I THINK FOR MY QUESTIONS IT MAY ENTAIL A DISCUSSION IN EXECUTIVE SESSION. I DON'T KNOW IF IT WOULD BE APPROPRIATE TO HEAR FROM SPEAKERS NOW OR AFTER THE EXECUTIVE SESSION. IT MIGHT BE MORE EFFICIENT TO HEAR FROM FOLKS NOW. BUT I WILL LEAVE THAT TO --

Mayor Wynn: YES, COUNCILMEMBER. I AGREE. SEEMS TO ME WE HAVE A COUPLE OF FOLKS SIGNED UP WISHING TO SPEAK, THERE ARE FOLKS THAT CAN ANSWER QUESTIONS. WE WILL AT LEAST HEAR FROM THEM WHILE THEY'RE HERE, THEY CAN GO ON THEIR WAIT IF THEY DON'T WANT TO WAIT IF THIS NEEDS TO GO INTO EXECUTIVE SESSION. WITHOUT OBJECTION, LET'S TAKE A COUPLE OF SPEAKERS. FIRST SIGNED UP SPEAKER IS GARY JOHNSON, SIGNED UP WISHING TO SPEAK, AGAINST. WELCOME, MR. JOHNSON,



THREE MINUTES.

THANK YOU, MAYOR. I'M NOT NECESSARILY AGAINST THE OVERALL PROPOSAL. I THINK I HAVE SOMETHING THAT MIGHT BE BETTER. THE AUSTIN MUSIC PARTNERS WANTS TO TRY SOMETHING LIKE THE AUSTIN MUSIC NETWORK, BUT AS A PRIVATE PROFIT MAKING BUSINESS WITHOUT ANY TAXPAYER SUBSIDY. THAT IS A GOOD IDEA AND THE AUSTIN MUSIC PARTNERS SHOULD BE GIVEN A CHANCE. UNFORTUNATELY THE AUSTIN MUSIC PARTNERS OPERATION AS SAID IN PUBLIC HEARINGS IN RECENT WEEKS THAT IT IS NOT READY TO TAKE OVER CHANNEL 15 ON OCTOBER 1st. THE COMPANY PROMISES IT WILL BE READY IN A FEW MONTHS, BUT WHAT SHOULD HAPPEN TO CHANNEL 15 IN THE INTERIM? WHAT PROGRAMMING WILL AMN PUT ON CHANNEL 15 DURING THAT TIME? THE AUSTIN MUSIC NETWORK HAS VIRTUALLY STOPPED PRODUCING NEW SHOWS BECAUSE IT SPENT ITS BUDGET IN 10 MONTHS INSTEAD OF 12 MONTHS AND THE CITY APPARENTLY HAS A PLAN TO SHOW AMN RERUN, CALLED THE ARCHIVES. WELL, THIS RAISES QUESTIONS ABOUT WHETHER THE CITY GOVERNMENT IS MEETING ITS UTILIZATION REQUIREMENT IN THE CABLE FRANCHISE CONTRACT FOR A MINIMUM AMOUNT OF NON-REPEAT PROGRAMMING ON CHANNEL 15 EVERY DAY. YES, THE CABLE COMPANIES SHOULD PAY COMPENSATION FOR THE USE OF AN EASEMENT ACROSS PUBLIC PROPERTY AND THE CABLE COMPANIES ARE PAYING THAT COMPENSATION RIGHT NOW. IT IS UNNECESSARY FOR THE CITY GOVERNMENT TO FIND SOME WAY TO HOLD ON TO CHANNEL 15 AND KEEP THE AUSTIN MUSIC NETWORK LIMPING ALONG FOR A FEW MORE MONTHS. HERE IS WHAT I THINK SHOULD BE DONE. FIRST, YOU SHOULD CLOSE DOWN THE AUSTIN MUSIC NETWORK NOW AND DO NOT EXTEND THE CONTRACT WITH AUSTIN COMMUNITY TELEVISION TO RUN AMN. SECOND, GIVE CABLE CHANNEL 15 BACK TO THE CABLE COMPANIES. THIRD, LET THE CABLE COMPANIES DECIDE FOR THEMSELVES WHETHER THEY WANT TO CARRY THE AUSTIN MUSIC PARTNERS WHEN THE AMP CHANNEL IS READY. THIS APPROACH WILL PUT A STOP TO THE AUSTIN MUSIC NETWORK FAILURE ONCE AND FOR ALL. IT WOULD END THE UNPOPULAR MERGER OF ACTV AND AMN AND IT SHOULD MAKE THE CABLE COMPANIES HAPPY. BEST OF ALL,

IT WOULD PREVENT SEVERAL MORE MONTHS OF POLITICAL WRANGLING OVER A CITY GOVERNMENT CONTRACT WITH THE AUSTIN MUSIC PARTNERS. THE CABLE COMPANIES SHOULD NEGOTIATE DIRECTLY WITH THE AUSTIN MUSIC PARTNERS. THERE IS NO REASON FOR THE CITY COUNCIL, THE CITY STAFF OR THE AUSTIN MUSIC COMMISSION TO BE INVOLVED. IF GRANDE CABLE DOES NOT WANT TO CARRY THE AMP CHANNEL, THEN GRANDE NOT THE GOVERNMENT SHOULD MAKE THAT DECISION. IF TIME WARNER WANTS TO COVER AMP, TIME WARNER SHOULD REACH AN AGREEMENT DIRECTLY WITH AMP WITHOUT POLITICAL INTERFERENCE. THANK YOU.

THANK YOU, NEXT SPEAKER IS NATALIE ZOE. WOULD LIKE TO SPEAK IN FAVOR, WELCOME, NATALIE. YOU HAVE THREE MINUTES.

THANK YOU, GOOD MORNING, EVERYBODY. I'M THE VICE CHAIR AND SENIOR MEMBER OF THE AUSTIN MUSIC COMMISSION. I ALSO SERVE ON THE BOARD OF GOVERNORS FOR TEXAS GRAMMY ORGANIZATION, SO I'M VERY INVOLVED IN A LOT OF MUSIC IRS. I'M ALSO A PROFESSIONAL MUSICIAN. I'M THE ONLY PROFESSIONAL MUSICIAN ON THE MUSIC COMMISSION. I WANT TO SAY FIRST OF ALL THANK YOU BECAUSE I THINK THAT COUNCIL'S COMMITMENT TO TRYING TO MAKE AMN WORK WAS AN EXTREMELY WE ARE THESE ENDEAVOR AND -- WORTHY ENDEAVOR, IT CERTAINLY COULD HAVE COME OUT BETTER AT TIMES, BUT AS A MUSICIAN I WANT TO SAY HOW MUCH I APPRECIATE THE ACKNOWLEDGMENT OF HOW IMPORTANT OUR PROFESSION IS TO THE WELL-BEING OF AUSTIN. AND I ALSO WOULD LIKE TO ENCOURAGE YOU TO VOTE FOR AMP GETTING THE CONTRACT WITH THE CITY. I THINK THAT THE CITY HAS PUT IN PLENTY OF MONEY AND COMMITMENT IN ITS TIME TO ALLOW PRIVATE ENTERPRISE TO PAY FOR IT INSTEAD OF THE CITY PAYING FOR IT. I THINK THAT IT'S A GREAT IDEA. I ALSO, FROM MY POSITION ON THE MUSIC COMMISSION, HAVE HAD AN OPPORTUNITY TO BE PRETTY INTIMATELY INFORMED ABOUT THE CONTRACT AND I BELIEVE THAT IT -- THAT IT HAS BEEN UNFORTUNATE THAT IT HAS TURNED INTO SUCH A DIVISIVE ISSUE IN THE COMMUNITY BECAUSE I THINK IT WOULD ABSOLUTELY BE THE BEST THING THAT COULD HAPPEN TO THE MUSIC COMMUNITY AND WOULD CONTINUE

THE SPIRIT OF THE ORIGINAL INTENTION OF AMN, WHICH IS TO BE AS AN ECONOMIC DEVELOPMENT TOOL FOR THE CITY TO BRING IN TOURIST DOLLARS AND ENHANCE ITS REPUTATION AS A MUSIC CENTER. I UNFORTUNATELY HAVE HAD TO DISAGREE WITH MY FELLOW COMMISSIONERS WHICH IS A VERY UNCOMFORTABLE POSITION FOR ME. BECAUSE WE ARE USUALLY IN TREMENDOUS AGREEMENT ABOUT THINGS, BUT I FEEL THAT IT IS COUNCIL'S AND CITY STAFF'S JOB TO DEAL WITH THE THE MINUTAE OF THE CONTRACT AND NOT THE MUSIC COMMISSIONS. I WOULD LIKE TO ENCOURAGE YOU TO WORK THAT OUT. I WANTED TO SAY AS A CITIZEN THAT I'M HIGHLY IN SUPPORT OF THIS. I THINK IT WOULD BE THE BEST SOLUTION TO THE SITUATION. I APPRECIATE YOUR CONSIDERING IT.

Mayor Wynn: THANK YOU, MA'AM. COUNCIL, THAT'S ALL OF THE CITIZENS WHO HAVE SIGNED UP WISHING TO SPEAK ON ITEM NO. 7. I BELIEVE THE FOLKS WITH AMP ARE HERE THAT OBVIOUSLY COULD ANSWER QUESTIONS IF COUNCIL HAS THEM. ADDITIONAL COMMENTS? QUESTIONS?

Goodman: YES, MAYOR. I HAD ASKED FOR SOME COMPARISON OF LANGUAGE CHANGES IN THE FINAL PROPOSAL BEFORE US. AND I DON'T KNOW WHETHER THAT GOT LOST IN THE E-MAIL OR IF WE HAVE IT?

MAYOR PRO TEM, I THOUGHT THAT I HAD ADDRESSED IN THE E-MAIL THAT I SENT OUT THE ISSUE THAT YOU BROUGHT UP BECAUSE THERE WERE TWO ISSUES, ONE WAS THE AREA OF HOW WE DEFINE THE LOCAL AREA. AND IT SIMPLY COMES DOWN TO WHAT WE HAVE GOT IN THE CONTRACT NOW IS THE AREA OF THE MARKET, DOMINANT MARKET AREA. VERSUS THE DISCUSSION THAT WE HAD IN THE EXECUTIVE SESSION WHICH WAS THE STANDARD METROPOLITAN STATISTICAL AREA. THE DIFFERENCE COMES DOWN TO THE SMSA, WHICH IS NOW ACCORDING TO RYAN ROBINSON ACTUALLY AN MSA, THAT'S THE REFERENCE TO IT. IT'S FIVE COUNTIES. AND THE DEFINITION THAT WE HAVE IN THEIR NOW -- IN THERE NOW INCLUDES 12 COUNTIES. SO THE DEFINITION THAT'S IN THERE NOW WOULD PICK UP, FOR EXAMPLE, THE CITY OF FREDERICKSBURG AND GILLESPIE COUNTY WHEREAS THE DEFINITION OF MSA WOULD NOT.

Goodman: WELL, IT WAS MY REMEMBRANCE THAT WE WERE TRYING TO KEEP IT PRETTY TIGHT IN THE SUBCOMMITTEE. SO -- NOW WE HAVE LOOSENED THAT BACK UP AGAIN? SO IS THAT HOW THE NEW PERFORMANCES WILL BE DEFINED? THE 12 COUNTY AREA RATHER THAN THE FIVE WHICH WAS EXACTLY THE OPPOSITE OF WHAT THE SUBCOMMITTEE WAS TRYING TO DO AS I RECALL.

THE AREA THAT'S INCLUDED IN THE DEFINITION NOW IS THE AREA IN WHICH THE CITY OR AMP UNDER THIS CONTRACT WILL IMMEDIATELY BE ABLE TO EXPAND TO AND INCLUDES ALL OF THOSE AREAS ARE -- ARE CHUD IN -- LET ME SEE IF I CAN -- INCLUDED IN, LET ME SEE IF I CAN -- SORRY I GAVE MY COPY OF THE CONTRACT TO DAVID. THIS IS WHAT IS CONSIDERED THE AUSTIN DESIGNATED MARKET AREA. INCLUDES TRAVIS, HAYS, WILLIAMSON, BASTROP, ... LLANO AND BURNET COUNTIES. IT DOES NOT INCLUDE THE SAN ANTONIO MARKET OR BEXAR COUNTY.

Goodman: ONE OF THE OTHER SUBCOMMITTEE MEMBERS CAN WEIGH IN ON THAT. THE OTHER THING, WELL, THERE'S ONE LEGAL QUESTION THAT I NEED TO ASK DAVID. BUT THE OTHER THING IS THERE ARE A LOT OF REFERENCES THAT ARE JUST DESIGNATED BY LETTER. AND I THINK WE FEED TO WRITE EVERYTHING -- WE NEED TO WRITE EVERYTHING OUT LIKE A.D.I. AND TWEAN, WHAT IS THAT?

IT'S TIME WANTER ENTERTAINMENT SOMETHING -- TIME WARNER ENTERTAINMENT SOMETHING NETWORK. I EXPANDED THAT IN THE SECTION THAT YOU REFERRED TO. IN THE VERSION OF THE CONTRACT THAT I SENT OUT.

Goodman: ABI? ADI?

THAT HAS BEEN REMOVED, THAT WAS THE AREA OF DOMINANT INFLUENCE AND THAT HAS BEEN REPLACED BY THE DESIGNATED MARKET AREA.

Goodman: OKAY. OKAY. YOU ARE SAYING HE SAID THERE WAS A CHANGE ABOUT PERFORMANCES VERSUS HOURS.

YES. COUNCILMEMBER, THAT WAS -- AS I SAID IN THE E-MAIL, FROM THE VERY BEGINNING WHEN WE STARTED DRAFTING

THE CONTRACT, THERE WAS A SORT OF A CONFUSION BETWEEN VIDEOS, THE USE OF THE TERM VIDEOS AND THE USE OF THE TERM HOURS. AND SO AUSTIN MUSIC PARTNERS IS REQUESTING THAT WE SIMPLY REPLACE BOTH OF THOSE IN THE APPROPRIATE CONTRACT LANGUAGE WITH PERFORMANCES BECAUSE THOSE CAN BE -- THOSE CAN BE SEGMENTS OF ANY LENGTH. OF VARYING LENGTH. THE -- THE COMMITMENT IS STILL THERE TO -- TO PRODUCE INITIALLY IN THE -- IN THE INITIAL YEAR OF THE CONTRACT, FIVE TO SIX OF THOSE AND THEN IN SUBSEQUENT YEARS AFTER THAT START-UP YEAR, 10 PER YEAR FOR AN ANNUAL CONTRIBUTION TO THE ARCHIVES IN THE FIRST YEAR OF 300 PERFORMANCES, AND IN SUBSEQUENT YEARS OF 500 PERFORMANCES.

Goodman: OKAY. AND YOU MENTIONED THAT THERE MIGHT BE ONE MORE CHANGE, DID THAT -- WAS THERE ONE MORE CHANGE?

NO.

OKAY. AND RELATIVE TO THE -- TO THE NUMBER OF PERFORMANCES IN THOSE LOCAL PERFORMANCES WILL BE MUSICIANS OR GROUPS THAT ARE OUT OF THE 12 COUNTY AREA AS OPPOSED TO THE IMMEDIATE AUSTIN AREA.

THAT'S CORRECT.

Goodman: OKAY, THAT'S ONE THAT I HAVE A LITTLE DIFFICULTY WITH BECAUSE -- BECAUSE THIS IS TO ENHANCE OUR ECONOMIC DEVELOPMENT AND ALTHOUGH I KNOW GOOD MUSICIANS COME FROM AROUND THERE, I'M THINKING THEY SHOULD HEAD CLOSER TO US BEFORE WE USE OUR RESOURCES. I'M WILLING TO THINK ABOUT THAT. YOU KNOW, IT'S -- IT'S STARTING TO GET REAL TEXASY AS OPPOSED TO AUSTINY AND I THINK TEXAS OUGHT TO BE NEGOTIATE WITH TIME WARNER IF THEY WANT A TEXAS NETWORK. WITH THAT I NEED TO JUST ASK ONE QUESTION OF LEGAL. RELATIVE TO THE FUTURE POSSIBLE INVESTORS IN AMP, IF TIME WARNER ITSELF WERE TO BE AN OFFICIAL INVESTOR, AND ANY SORT OF -- OF CHANGE IN SETUP, IN ORGANIZATION OF AMP WERE TO HAPPEN, OR IF AMP WERE TO FAIL, WAS TO FAIL -- IF AMP WAS TO FAIL OR IF ANY KIND

OF REALIGNMENT OF PARTNERS WAS TO TAKE PLACE, WOULD THAT MEAN THAT TIME WARNER COULD CONCEIVABLY BE THEN IN ESSENCE AMP AND HAVE A LEGAL CLAIM BEYOND A MANAGEMENT OF CHANNEL 15 CLAIM IF THEY CHOSE TO PUT SOMETHING FORWARD?

YES, MAYOR PRO TEM. I WILL ASK SONNY HOOD TO ADDRESS THAT QUESTION.

THANK YOU, DAVID. MAYOR PRO TEM, THERE'S A PROVISION IN THE CONTRACT THAT TALKS ABOUT THE CHANGE IN MANAGEMENT. AND BASICALLY THE -- THE CONTRACT THAT WE ARE ENTERING INTO IS PREMISED ON THE FACT THAT MS. WADINGER WILL PLAY A PROMINENT ROLE IN THE DEVELOPMENT OF THE NETWORK AND THE CORPORATION. AND THERE IS A PROVISION IN HERE WHERE ANY CHANGE IN THAT MANAGEMENT REQUIRES -- REQUIRES THAT -- THAT THE CORPORATION REPORT THAT BACK TO THE CITY. AND IF I CAN FIND THE PROVISION IN HERE. I DON'T KNOW --

MAYOR PRO TEM, AS I UNDERSTAND, I THINK THE REAL POINT OF YOUR QUESTION IS CAN TIME WARNER JUST STEP IN.

BASICALLY, IF -- FOR RIGHT NOW, MS. WADLINGER IS THE SOLE OWNER OF THE ORGANIZATION AS WE UNDERSTAND IT. IF FOR ANY REASON THAT SHE DIVESTS HERSELF OF THE SHARES IN THAT CORPORATION OR OF THE MANAGING CONTROL OF CHANNEL OPERATIONS THEN THE -- THEN THE MUSIC PARTNERS ARE REQUIRED TO NOTIFY THE CITY IMMEDIATELY. AT THAT POINT IN TIME, AMP IS REQUIRED TO SUBMIT A PROPOSED OPERATING PLAN, IF IT DIFFERS FROM THE ONE THAT IS IN PLACE AT THAT TIME. THEY HAVE TO DO THAT WITHIN 21 DAYS. IF THE NEW -- IF THE PROPOSED NEW PLAN IS REASONABLY ACCEPTABLE TO THE CITY, THEN THE CITY WILL APPROVE THE MANAGEMENT CHANGE WITHIN 30 DAYS. IF THE CITY DOESN'T APPROVE THE MANAGEMENT CHANGE, AMP WILL CONTINUE TO SUBMIT REVISED PLANS AND PROPOSE NEW MANAGERS UNTIL APPROVED BY THE CITY. AMP CANNOT ASSIGN ITS INTERESTS IN THE CONTRACT TO ANOTHER PARTY WITHOUT THE PRIOR WRITTEN APPROVAL OF THE CITY COUNCIL. IT DOES SAY THAT SUCH PERMISSION SHALL NOT BE UNREASONABLY

WITHHELD. SO WE'VE GOT TWO THINGS GOING HERE. WE'VE GOT WHETHER OR NOT MS. WADLINGER STAYS IN CREATIVE CONTROL OF THE CORPORATION AND WHETHER OR NOT SHE MAINTAINS HER SHARES IN THE CORPORATION. BOTH OF THOSE SITUATIONS, IF SHE DECIDES TO -- TO LEAVE, EITHER ONE OF THOSE RESPONSIBILITIES OR DIVEST HERSELF OF THOSE SHARES, SECTION 15 OF THE CONTRACT REQUIRES THAT -- THAT WE -- THAT THE CITY BE NOTIFIED AND GIVEN THE OPPORTUNITY TO APPROVE ANY FUTURE MANAGEMENT PLAN. PART OF THAT MANAGEMENT PLAN WOULD BE LISTING WHO WOULD BE BUYING THE SHARES FROM MS. WADLINGERS, IF YOUR SCENARIO IF TIME WARNER CABLE WERE ACQUIRING THOSE SHARES, THEN THE -- THEN THAT WOULD BE REPORTED TO THE CITY. AND AGAIN IN THE SALE OF THE SHARES CHANGES THE CONTROL AND THE OWNERSHIP, THE CITY GETS THE RIGHT TO -- TO APPROVE OR DISAPPROVE OF THAT.

SO IN ESSENCE IT REQUIRES A MUTUAL AGREEMENT?

IT DOES.

EXCEPT FOR THE LEGAL LEGALESE AT THE END. SO CAN YOU GIVE ME A TYPICAL DEFINITION OF UNREASONABLY WITHHELD?

WELL, FOR EXAMPLE, IF THE CITY WERE TO -- TO TAKE A LOOK AT THE PROPOSED OPERATING PLAN AND FOR -- FOR WHATEVER REASON WE -- THE CITY DETERMINED THAT THERE WAS A CLEAR CONFLICT OF INTEREST BETWEEN THE OPERATION OF THE FRANCHISE HERE IN AUSTIN AND THE OPERATION OF AMP, THEN I WOULD THINK THAT THAT WOULD BE A -- A REASON THAT THE APPROVAL COULD BE WITHHELD AND WOULD IT MEET -- IT WOULD MEET THE CITY'S BURDEN THAT WE ARE NOT WITHHOLDING IT JUST SIMPLY BECAUSE WE WANT TO WITHHOLD PERMISSION, BUT WE GOT A REALLY GOOD REASON.

OKAY. WOULD ANY KIND OF OPERATIONAL FORMAT ISSUES QUALIFY AS UNREASONABLY WITHHELD IF THAT WAS PART OF THE REASON FOR THE CHANGE?

WELL, IN THIS PROVISION RIGHT HERE, WE DO GET THE --

THE CITY DOES HAVE THE OPPORTUNITY TO APPROVE THE OPERATIONS PLAN. AND IF WE DON'T APPROVE THE OPERATIONS PLAN THE PROVISION REQUIRE THAT'S THEY CONTINUE TO SUBMIT REVISIONS TO THE OPERATIONS PLAN UNTIL THERE IS -- THERE IS SOMETHING THERE THAT -- UNTIL SOMETHING IN THE OPERATIONS PLAN MEETS THE -- MEETS THE OBJECTIONS OF THE CITY.

OKAY. DOES FORMAT COME UNDER OPERATIONS? ANY CHANGE IN -- IN DEFINITION?

I'M SORRY, MAYOR PRO TEM.

Goodman: DOES FORMAT OR ANY CHANGE IN ANY OF THE DEFINITIONS HERE DOES THAT COME UNDER OPERATIONS?

IT WOULD BE A CHANGE IN THE MATERIAL TERMS OF THE CONTRACT. AND AS WE HAVE DEFINED IN THE FRONT PART OF THE CONTRACT, ANY CHANGE IN THE MATERIAL TERMS OF THE CONTRACT CONSTITUTES A DEFAULT.

Goodman: CAN YOU GIVE ME A COUPLE OF EXAMPLES OF IMMATERIAL CHANGES.

WELL, AS WE HAVE IT DEFINED HERE IN THE CONTRACT, WE WANTED TO MAKE IT VERY CLEAR THE TERMS OF THE CONTRACT THAT -- THAT WE -- THAT THE CITY CONSIDERED TO BE THINGS THAT SHOULD NOT BE -- SHOULD NOT BE CHANGED WITHOUT -- WITHOUT VERY, VERY GOOD REASONS AND WITHOUT DISCUSSION WITH THE CITY. SO BY MATERIAL TERMS, WE HAVE SET FORTH IN THE DEFINITIONS A SERIES OF SECTIONS THAT WILL TRIGGER, THAT ANY CHANGE IN THE PROVISIONS OF THAT SECTION, OF SECTIONS 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, BASICALLY 13 THROUGH 16, ANY CHANGE IN THE REQUIREMENTS IN 3 THROUGH 16 WOULD CONSTITUTE A CHANGE IN THE MATERIAL TERMS. THAT WOULD TRIGGER THEN THE RIGHT FOR THE CITY TO DEFAULT THE CONTRACT.

Goodman: OKAY. MY QUESTION REALLY IS FOR CONNIE THEN. WITHIN THE OPERATIONS, ANYTHING THAT'S NOT LISTED IN HERE WOULD BE IMMATERIAL CHANGE AS FAR AS WE KNOW AT THIS MOMENT. SO FORMAT WOULD BE ONE OF THOSE,



RIGHT?

WELL, WHEN YOU SAY FORMAT, WE'VE MADE A -- A STRONG PROGRAMMING COMMITMENT AND PROGRAMMING IS FORMAT FROM MY UNDERSTANDING, YES, WE HAVE MADE THAT COMMITMENT AND THAT WOULD BE A REASON FOR DEFAULT IF THAT PROGRAMMING COMMITMENT IS NOT MET.

OKAY. THAT'S -- WELL, THAT'S OKAY. I CAN FIGURE THIS ONE OUT MYSELF, THAT'S OKAY. THANKS.

I BELIEVE IT'S TIED DOWN PRETTY TIGHTLY, THAT WE HAVE MADE A VERY STRONG PROGRAMMING COMMITMENT FOR LOCAL MUSIC ARTS, FILM AND ENTERTAINMENT. THAT IS THE PRIMARY CRITERIA OF THE CONTRACT.

Goodman: YEAH, I WAS NOT TALKING ABOUT SPECIFICS LIKE THAT AS MUCH AS I WAS TALKING ABOUT TYPE OF FORMAT FOR -- FOR BROADCAST. BUT THAT WOULD BE YOUR PURVIEW AND NOT ANYTHING IN THIS CONTRACT.

AND WHAT DO YOU MEAN BY TYPE OF FORMAT?

Goodman: OH, AN EASY TO IDENTIFY ONE IS WHEN WE'RE TALKING ABOUT IN ANOTHER VENUES LIKE BLOCK PROGRAMMING, CAN'T THINK OF ANY OTHER JARGON RIGHT NOW. BUT HOW YOU BROADCAST, HOW YOU SET UP YOUR PROGRAMS, YOUR VJ'S, WHATEVER, THAT'S ALL UNDER YOUR PURVIEW, RIGHT?

YES.

Goodman: OKAY, THANKS, MAYOR.

THANK YOU, MAYOR PRO TEM. FURTHER COMMENTS? QUESTIONS?

Thomas: MAYOR?

Mayor Wynn: COUNCILMEMBER THOMAS?

Thomas: I REALLY COMMEND THE SUBCOMMITTEE FOR DOING, BUT NOT THAT I'M NOT SUPPORTIVE OF A LOT OF

THIS INFORMATION I HAVEN'T HAD AN OPPORTUNITY TO GO THROUGH. SEEING THAT I JUST GOT IT AT 3:52 YESTERDAY EVENING. COULD WE POSTPONE A LITTLE BIT FOR LATER THIS EVENING SO I CAN GO THROUGH SOME OF THIS. AND BE MORE COMFORTABLE IN VOTING ON THIS. A LITTLE BIT MORE. SO I'M ASKING FOR -- I'M ASKING FOR POSTPONEMENT UNTIL LATER ON THIS AFTERNOON PROBABLY. CAN WE -- GIVE ME AT LEAST 30 MINUTES AFTER I GET BACK.

Mayor Wynn: COUNCIL, WE HAVE A REQUEST BY COUNCILMEMBER THOMAS TO DELAY ACTION ON ITEM NO. 7, LET'S SEE, WE'LL HAVE -- WE'LL HAVE CITIZEN COMMUNICATION BEGINNING AT NOON, WE WILL BE IN EXECUTIVE SESSION EARLY AFTERNOON, COUNCILMEMBER THOMAS, PERHAPS TAKING THIS ITEM UP JUST PRIOR TO SAY OUR ZONING HEARINGS? SO MID TO LATE AFTERNOON?

Thomas: ONCE WE COME BACK AFTER OUR FIRST EXECUTIVE SESSION, I THINK THAT I WILL BE OKAY.

Mayor Wynn: OKAY.

Thomas: I DON'T THINK WE HAVE TO WAIT THAT LONG, UNLESS WE ARE GOING TO GO THAT LONG IN EXECUTIVE SESSION.

Mayor Wynn: OKAY. SO WITH ITEM -- WITHOUT OBJECTION COUNCIL, COUNCILMEMBER THOMAS PREFERS TO TABLE THIS ACTION, APOLOGIZE FOR FOLKS WHO ARE HERE, THAT WOULD LIKE TO SEE US DISCUSS THIS. BUT I WOULD LIKE TO DEFER TO THE COUNCILMEMBER'S REQUEST.

Alvarez: MAYOR? I DID WANT TO ASK SOME -- SOME LEGAL-RELATED QUESTIONS IN EXECUTIVE SESSION. SO JUST FOLKS KNOW THAT I THINK EITHER WAY WE WOULD BE DELIBERATING BEFORE ACTUALLY TAKING ACTION.

Mayor Wynn: ALL RIGHT. OKAY. COUNCIL, WITHOUT OBJECTION HERE IN A FEW MINUTES WE WILL ADD ITEM NO. 7 TO OUR EXECUTIVE SESSION SCRIPT. AND HOPEFULLY WE WILL TAKE ACTION ON THAT ITEM THIS AFTERNOON.

DID YOU WANT ME TO ADDRESS MAYOR PRO TEM'S QUESTION ABOUT THE MARKET AREA? IF NOT THAT'S FINE.

Goodman: I DON'T REALLY HAVE A QUESTION ABOUT IT.

OKAY. THAT'S THE DESIGNATED MARKET AREA IS JUST THAT'S HOW THE AUSTIN TELEVISION MARKET IS DESIGNATED FOR ALL OF THE TELEVISION STATIONS HERE IN AUSTIN. SO THAT'S HOW WE ARRIVED AT THAT.

Goodman: RIGHT. THE ONLY THING THAT I WAS COMMENTING ON WAS THE RELATIVITY OF LOCAL ARTISTS WITH THE ONE DEFINITION THAT THE SUBCOMMITTEE CAME UP WITH AND THE MARKET AREA, WHICH IS SLIGHTLY LARGER AND DIFFERENT AND NOT AUSTIN. IT'S AROUND AUSTIN.

OKAY.

THANK YOU, MA'AM. OKAY, COUNCIL, WE WILL TABLE ITEM NO. 7, TAKE UP BOTH IN EXECUTIVE SESSION AND OPEN DISCUSSION LATER THIS AFTERNOON. THAT TAKES US TO ITEM NO. 23, COUNCIL, RELATED TO THE AUSTIN REVITALIZATION AUTHORITY. I BELIEVE THIS ITEM WAS PULLED BY COUNCILMEMBER SLUSHER. I THINK STAFF IS HERE, AVAILABLE FOR QUESTIONS. COUNCILMEMBER SLUSHER?

Slusher: COUNCILMEMBER THOMAS, DID YOU WANT TO -- I THINK HE NEED TO GO TO AN EVENT.

Mayor Wynn: THAT'S RIGHT, I APOLOGIZE. IN DEFERENCE -- COUNCILMEMBER THOMAS WILL BE OFF THE DAIS FOR A LITTLE WHILE HERE LATE THIS MORNING, EARLY AFTERNOON, SO WE WILL TAKE UP ITEM NO. 23 AFTER COUNCILMEMBER THOMAS RETURNS.

Slusher: THAT'S -- WHAT HE WAS SUGGESTING WAS AFTER CITIZENS COMMUNICATION.

Mayor Wynn: YES, SIR, OKAY. SO WE'LL DELAY TAKING UP DISCUSSION ON ITEM NO. 23. SO WITH THAT IN MIND, THE ONLY TWO ITEMS THAT WE HAVE PULLED OFF THE CONSENT AGENDA, ONE IS TO BE TAKEN UP AFTER A ZONING CASE,

AND THE OTHER RELATES TO EXECUTIVE SESSION ITEM. SO -- WITH THAT THE COUNCIL WILL NOW GO INTO EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO TAKE UP POTENTIALLY ITEMS NUMBER 7 RELATED TO THE AUSTIN MUSIC PARTNERS, INCORPORATED CONTRACT, ITEM 37, RELATED TO PROFESSIONAL SERVICES AGREEMENT WHICH RELATES TO THE AUSTIN-BERGSTROM INTERNATIONAL AIRPORT PARKING GARAGE, ITEM 75, RELATED TO RYAN-O EXCAVATING INC. VERSUS THE CITY OF AUSTIN, ITEM NO. 76, JANE DOE VERSUS FREDDIE URIAS AND THE CITY OF AUSTIN. ITEM 79 RELATED TO COLLECTIVE BARGAINING WITH THE FIREFIGHTERS. WE ARE NOW IN CLOSED SESSION. I ANTICIPATE US COMING BACK FOR INTO OPEN SESSION FOR OUR NOON CITIZEN COMMUNICATION. THANK YOU.

Mayor Wynn: WE'RE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP ITEM NUMBER... OKAY. ONE MORE TIME. WE'RE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP ONLY ITEM NUMBER 7 RELATED TO THE AUSTIN MUSIC PARTNERS, INC., CONTRACT. NO DECISIONS WERE MADE. AT THIS TIME WE'LL TAKE UP OUR NOON CITIZEN COMMUNICATIONS. WE HAVE 10 CITIZENS WISHING TO ADDRESS US, WHICH IS THE MAXIMUM. THE FIRST SPEAKER IS MEGAN MEISENBACH. SORRY IF I'M MISPRONOUNCING THAT. WELCOME. YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY JAKE BILLINGSLEY.

THANK YOU, MAYOR, MAYOR PRO TEM, COUNCILS. THANK YOU FOR YOUR SERVICE TO AUSTIN. I REALLY APPRECIATE IT AND I KNOW ALL OF US DO. I AM MEGAN MEISENBACH, A MEMBER OF JUDGES' HILL NEIGHBORHOOD ASSOCIATION. TWO NEIGHBORHOOD ASSOCIATIONS WISH TO KEEP THE PRESENT ZONING OF G.O. AT THE 1230 BLOCK OF WEST MLK, WHICH IS LAMAR AT MLK, OTHERWISE KNOWN AS TRACT 40. AND I HAVE SOME MAPS OF THE ZONING, AND YOU'RE PROBABLY VERY FAMILIAR WITH IT. ALSO A PICTURE OF PART OF THE TREES THAT'S LEFT ON THE PROPERTY. THE TWO NEIGHBORHOOD ASSOCIATIONS ARE JUDGES' HILL AND WEST UNIVERSITY NEIGHBORHOOD ASSOCIATIONS THAT ARE CONCERNED WITH THIS TODAY. AND THE POSITION OF JUDGES' HILL NEIGHBORHOOD IS TO KEEP THE G.O. ZONING THAT WILL SUPPORT THE NEIGHBORHOOD PLANNING

PROCESS. AND WE WOULD LIKE TO FEEL THAT WE ARE SECURE IN OUR NEGOTIATIONS WITH DEVELOPERS. THE RELATIVE NIGHTTIME CALM OF THE G.O. OFFICE BUILDING IS PREFERRED BY THE NEIGHBORS ON THE BLUFF, WHICH INCLUDES OUR NEIGHBORS ON VANCE CIRCLE, WHICH IS ON THE SOUTH SIDE OF MLK, AS WELL AS THE NEIGHBORS ON ROBIN'S PLACE, CLIFF STREET, ETCETERA, FROM THE WEST UNIVERSITY NEIGHBORHOOD. THEY'RE WORRIED ABOUT THE THREAT OF NOISE FROM BUSY APARTMENTS AND THE FUTURE OF AN UNSIGHTLY VIEW FROM THEIR SINGLE-FAMILY DWELLING WHICH NOW LOOKS OVER THE BLUFF. SO THESE TWO REASONS LEAD US TO OPPOSE A CHANGE OF THE ZONING. WE HAD LIKE TO LEAVE IT AS G.O. AND THE SECOND ISSUE AND FINAL ISSUE IS THAT THERE WAS A MAGNIFICENT LIVE OAK TREE ON THE PROPERTY. I HAVE SAID THERE WERE THREE TRUNKS, BUT APPARENTLY THERE ARE FOUR, THERE WERE FOUR. AND IT WAS CUT DOWN WITH PERMISSION IT LOOKS LIKE TO CUT DOWN TWO ON THE PREMISE MISS. SO THE OFFICIAL MEASUREMENT OF THE TREE IS 48 INCHES. IT WAS A VERY LARGE OAK TREE, THE LARGEST TRUNK AT THE BASE WAS MEASURED ABOUT 39 BY 21. SO WE JUST WANT TO MAKE SURE THAT THE BUILDING PERMIT IS TIED TO REPLACEMENT OF THIS TREE BY TREES AS CAN BE DONE IN THE BUILDING PERMIT. AND THAT'S ALL I HAVE TO SAY. I APPRECIATE YOUR TIME AND THANK YOU FOR LOOKING AND LISTENING.

Mayor Wynn: THANK YOU, MEAGAN. MR. JAKE BILLINGSLEY. WELCOME, SIR. YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY BEAU HARRIS.

THANK YOU, MAYOR, COUNCIL. IT WAS A MONTH AGO THAT I CAME BEFORE YOU AND BROUGHT SOME CONCERNS TO YOU. AND SINCE THAT TIME A NUMBER OF PEOPLE IN MY NEIGHBORHOOD HAVE COME TO YOU AND MET WITH YOU AS COUNCIL AND MET WITH CITY STAFF OVER PARTICULARLY ONE OF THE ISSUES THAT I PRESENTED TO YOU LAST TIME, THE NEIGHBORHOOD PLANNING ISSUE. I'VE ALSO MET WITH ASSISTANT CITY MANAGER LAURA HUFFMAN OVER THIS ISSUE, AND THE ISSUES -- OTHER ISSUES I BROUGHT TO COUNCIL LAST TIME. I RECEIVED A LETTER FROM HER, AND I THINK THAT IN SOME WAYS SHE'S TRIED TO ENGAGE IN A POPULAR POLITICAL PLOY OF DECLARING THE MISSION

ACCOMPLISHED BEFORE THE WORK HAS BEEN ACCOMPLISHED ON FINISHING THE MISSION. AND AN EXAMPLE OF THIS IS MY CONCERN ABOUT THE LOSS OF A THIRD OF THE LOW INCOME HOUSING AND A THIRD OF THE BLACK POPULATION IN CLARKSVILLE. MS. HUFFMAN SAYS THAT THAT WAS DONE ACCORDING TO LOW RULES, THE LOW INCOME UNITS WERE REMOVED ACCORDING TO HUD RULES. YOU KNOW, MAYOR, THE AGREEMENT, THE SETTLEMENT AGREEMENT THAT WAS ARRIVED AT THERE WAS DONE OVER THE OBJECTIONS OF THE NEIGHBORHOOD. IT WAS DONE OVER -- IN SPITE OF THE FACT THAT THE NEIGHBORHOOD HAD TRIED TO JOIN THE CITY SUIT. IT WAS DONE DESPITE THE FACT THAT THE CITY HAD ALREADY DECLARED THE FORMER CLARKSVILLE BOARD UNTRUSTWORTHY OF DOING BUSINESS WITH THE CITY. AND SO THE CITY SETTLED THE SUIT OVER ALL THESE OBJECTIONS, AND EVEN THOUGH WE HAD IMPEACHED THE PRESIDENT, -- AND WHEN THAT SUIT WAS SETTLED, WHAT ULTIMATELY HAPPENED, AND YOU CAN LOOK AT THE RECEIVER'S REPORT AND THE ULTIMATELY ELECTION THAT WAS HELD AND THE REFORM BOARD THAT'S HAPPENED, MONEY DISAPPEARED. SO WHEN ATTORNEYS KNOWINGLY I BELIEVE R. ENTER INTO AN AGREEMENT AND THEY'VE BEEN WARNED THAT FRAUD OR MISREPRESENTATION OR FUNDS, MISAPPROPRIATION OF FUNDS AND OTHER THINGS IS POSSIBLE AND THEY DO IT ANYWAY AND THE FRAUD HAPPENS, I MEAN, THAT'S -- YOU KNOW, THAT'S A CRIME. THAT'S A VIOLATION OF OUR RULES AND IT'S A LOSS OF A THIRD OF THE BLACK POPULATION AND A THIRD OF THE LOW INCOME HOUSING IN CLARKSVILLE. SO WE'VE GOT A LOT OF WORK TO DO THERE, MAYOR. THAT SITUATION HASN'T BEEN RESOLVED. NOW, I HAVE -- AFTER I CAME UP HERE LAST TIME, MS. GLASGO MADE A NUMBER OF REMARKS AND USED MY NAME AND TRIED TO TAKE ANOTHER POLITICAL TACTIC OF BASICALLY SINGLING ME OUT AS AN INDIVIDUAL AND ALLUDING TO A LOT OF THINGS THAT HAD HAPPENED AS PURELY MY WORK AND NOT THE WORK OF A TEAM OF MANY OTHERS. AND SHE ATTRIBUTED CONFUSION OVER THE NEIGHBORHOOD PLANNING PROCESS TO ME. YOUR STAFF, MAYOR, TOLD ME THAT SHE GIVES ME TOO MUCH CREDIT OVER THAT. YOU KNOW, THAT'S -- AND SHE DOES. I'M NOT RESPONSIBLE FOR THE CONFUSION OVER THIS ISSUE. [

BUZZER SOUNDS ]. SO -- I'LL JUST FINISH UP BY SAYING THE CITY MANAGER DID RECEIVE A LETTER FROM ME, A CERTIFIED LETTER A MONTH AGO. SHE HASN'T RESPONDED TO IT. WHAT THE CITY MANAGER AND MS. GLASGO HAVE NOT TOLD YOU IS THAT IN MAY A MEETING -- LAST YEAR, A YEAR AGO WE MET AS A NEIGHBORHOOD PLANNING TEAM AND BEEN WORKING SINCE THEN. SO -- I JUST STARTED DOING IT THIS SPRING. IT WAS AN ONGOING PROCESS SINCE A YEAR AGO. AND THE QUESTION I'VE ASKED THE CITY COUNCIL AND THROUGH A CITIZEN'S REQUEST, IS HOW IS IT THAT LAST SUMMER, A YEAR AGO, WHEN WE WERE OPERATING AS THIS NEIGHBORHOOD PLAN TEAM AND ALLOCATING \$20,000 OF NEIGHBORHOOD ENHANCEMENT GRANT MONEY, THAT NONE OF THIS WAS OKAY THEN. AND WHEN WE ALLOCATED \$2,000 TO THE HASKELL HOUSE BLACK HISTORY PROJECT, HOW WAS IT THE AWANA NEIGHBORHOOD, THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION WAS ABLE TO TAKE AWAY \$2,000 THAT THE NEIGHBORHOOD PLANNING TEAM HAD ALLOCATED TO THE HASKELL HOUSE AND AWARD IT TO AN AWANA PROJECT? NOW, THE CHAIR OF AWANNA TRIED TO STOP THE MEETING BY SAYING IT WAS AN AWANA AFFAIR. AND IT'S NOT AN OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION AFFAIR, IT'S A NEIGHBORHOOD PLANNING TEAM AFFAIR. THERE WAS A MEETING CALLED ON JUNE THE 19TH. THE CITY ASKED ME IF IT WAS POSSIBLE TO POSTPONE THAT MEETING. NOTICE HAD BEEN PRINTED IN THE AWANA OWL, THE CLARKSVILLE GOLD DOLLAR. [ BUZZER SOUNDS ]. AND IT WAS IMPOSSIBLE FOUR DAYS BEFORE THE MEETING TO POSTPONE IT. SO I THANK YOU FOR YOUR INDULGENCE, MAYOR. THESE ARE GRAVE ISSUES. THEY HAVEN'T BEEN SETTLED YET. THERE'S BEEN AN ARTICLE IN THE STATESMAN ABOUT THIS, AND I THINK IT'S TIME TO UPHOLD DEMOCRACY, THE BYLAWS WE'VE ACCEPTED AS A NEIGHBORHOOD, THE PEOPLE WHO HAVE BEEN ELECTED, AND THE MEETING ON JUNE 26TH WAS A MEETING OF 27 PEOPLE WHO HAVE WORKED TOGETHER IN OUR NEIGHBORHOOD IN OLD WEST AUSTIN AND IN CLARKSVILLE. IF YOU COMPARE THE JUNE 19TH MEETING TO THE AUGUST 10th MEETING THAT THE CITY IS GIVING VALIDITY TO, IT'S LIKE COMPARING THE JUNE 19TH MEETING WAS THE EPITOMY OF A PERFECT NEIGHBORHOOD MEETING. WE WENT THROUGH THE BYLAWS, EVERYBODY

GOT TO DISCUSS THINGS. WE ADDRESSED PEOPLE'S CONCERNS. AND WE ADOPTED BYLAWS. WE ELECTED OFFICERS. THE AUGUST 10th MEETING WAS A DOG AND PONY SHOW. I GOT HECK HE HELED. CITY STAFF COULDN'T CONTROL THE MEETINGS. AND PEOPLE WHO MADE REMARKS ABOUT MY DISABILITY BEFORE THAT HAD THEIR SPOUSES IN THE FRONT ROW HECK WILLING ME AT THAT MEETING. THAT'S DISGUSTING, MAYOR. THAT'S A DISGUSTING DISPLAY OF DEMOCRACY. THANK YOU FOR YOUR INDULGENCE.

Mayor Wynn: THANK YOU. CITY MANAGER?

Futrell: COUNCIL, IN YOUR BACKUP, AS YOU KNOW, THERE HAVE BEEN SOME VERY EMOTIONAL ISSUES SURROUNDING THIS. IN YOUR BACKUP YOU HAVE A COPY, I BELIEVE, OF THE AUGUST 30TH CERTIFIED LETTER FROM MR. BILLINGSLEY, AND YOU ALSO HAVE A COPY OF THE RESPONSE THAT WAS SENT. IT'S A FIVE-PAGE RESPONSE. BUT MORE IMPORTANTLY, WE ARE AND HAVE ENGAGED PROFESSIONAL MEDIATORS TO HELP US TRY TO RESOLVE THIS AND A HOST OF ISSUES IN THIS NEIGHBORHOOD AND ONE OTHER WHERE WE HAVE HAD A NUMBER OF UNRESOLVED ISSUES THAT CONTINUE TO BREW. AND WE'RE JUST GOING TO SEE IF WE CAN GET TO RESOLUTION AND SEE HOW WE MOVE FORWARD.

Mayor Wynn: THANK YOU, CITY MANAGER AND MR. BILLINGSLEY. BEAU HARRIS, WELCOME, SIR. YOU HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY PAUL BOND.

THANK YOU, COUNCIL. THANK YOU, EVERYBODY. I GUESS THE FIRST IRONY OF TONIGHT IS THAT -- OR OF TODAY IS THAT I'M PHILOSOPHICALLY OPPOSED TO ANY JOE CITIZEN BEING ABLE TO BEND THE EAR OF THE ENTIRE CITY. I BELIEVE THAT YOU SHOULD HAVE A REPRESENTATIVE AND IF THAT PERSON SPEAKS FOR YOU, BUT -- THAT LEADS INTO WHAT I AM, AND I'M AN ACTV PRODUCER, AND I HAVE A SERIES. WE MAINLY TALK ABOUT REFORMS OF ANY KIND, BUT MAINLY REPRESENTATION REFORM. SO THAT'S WHY WHEN I GOT AN E-MAIL FROM ACTV THAT WE WERE GOING TO HAVE A MEETING ABOUT HOW TO ELECT A PRODUCER ADVISORY COMMITTEE THAT I WAS REAL EXCITED. THIS IS A



DREAM THAT I'VE HAD FOR SEVEN YEARS, PRODUCER CONGRESS, SOME KIND OF REPRESENTATIVE BODY. AND WE COULD TALK ABOUT MY LITTLE REFORM IDEAS. BUT WE WENT TO THE MEETING AND ESSENTIALLY THAT'S THE PURPOSE. THE MAIN POINT I WANT TO MAKE IS THAT THERE'S A GROUP CALLING ITSELF THE PRODUCER ADVISORY COMMITTEE, BUT THEY ONLY REPRESENT SIX PERCENT OF THE PEOPLE. AND 94% OF THE PRODUCERS. BUT 94% OF THE PRODUCERS WERE NOT ALLOWED IN THE ELECTION. AND IT HAPPENED WITH -- IT WAS AN OFFICIAL MEETING WITH THE EXECUTIVE DIRECTOR WITH AN AGENDA, AND EVERYTHING WAS GOING ALONG FINE. WE WERE DISCUSSING VOTING METHODS AND THE FIRST AGENDA ITEM. THEN THE -- THEN IT BECAME MORE DO WE WANT TO VOTE TONIGHT? THERE'S A DISCLAIMER FOR DIFFERENT THINGS. AND SOMEONE ANNOUNCED THEMSELF FACILITATOR AND THEN ANNOUNCED THAT THERE'S AN ELECTION. WE'RE GOING TO VOTE NOW ON WHETHER WE'RE VOTING TONIGHT. SO -- THEN WE VOTED AND MOST PEOPLE IN THE ROOM, ABOUT 30 PRODUCERS, VOTED TO -- THEMSELVES TO BE THE ONLY ONES ALLOWED TO ELECT THE PRODUCER ADVISORY COMMITTEE. SO THAT'S HOW IT BEGAN. SO THE PEOPLE THAT ARE SAYING THEY'RE MEMBERS OF THE PRODUCER ADVISORY COMMITTEE, THEY VOTED THEMSELVES IN. 30 OF THEMSELVES VOTED NINE MEMBERS IN. AND THEY REPRESENT REALLY ONLY THEMSELVES. ONLY 60% OF THE PRODUCERS WERE EVEN INVITED TO THE MEETING BECAUSE 40% DON'T HAVE E-MAILS WITH ACTV. AND SO IT WAS A TRAGEDY FOR REPRESENTATION. THEY'RE CLAIMING THAT THEIR ONLY INTERIM FOR FIVE -- THAT THEY'RE ONLY INTERIM FOR FIVE MONTHS, BUT ORIGINALLY WE HAD SCHEDULED TWO OR THREE WEEKS. WE WERE THINKING OF ELECTIONS TWO OR THREE WEEKS AWAY. AND THEN ALL OF A SUDDEN THEY'RE ELECTED AND THEY HAVE POWER AND THEN THEY DECIDED THAT THEY'RE GOING TO GO FOR FIVE MONTHS. BASICALLY THEY REPRESENT THE FREE SPEECHERS. YOU KNOW, THERE'S EVERY KIND OF PRODUCER AT ACTV, AND SO IT WOULD BE DIFFICULT TO GET A REPRESENTATIVE BODY, BUT JUST SO YOU KNOW, THEY REPRESENT MAINLY JUST THE FREE SPEECHERS THAT ARE CONCERNED ABOUT THIS. [ BUZZER SOUNDS ] ALL RIGHT. THANKS VERY MUCH FOR MY

TIME.

Mayor Wynn: THANK YOU, MR. HARRIS. PAUL BOND?  
WELCOME, PAUL. YOU WILL HAVE THREE MINUTES. YOU WILL  
BE FOLLOWED BY PAT JOHNSON.

ALL RIGHT. THANK YOU. IT'S AN HONOR TO BE HERE AND I  
WANTED TO INTRODUCE TONY GONZALES, ALICE NIXON.  
WE'RE HERE FROM AMERICAN YOUTH WORKS AND WE  
REPRESENT A NEW PROGRAM CALLED ART CORPS. AND  
RICHARD ALLOWS ME TO DESIGN NEW PROGRAMS. I WANT  
TO ROLL A VIDEO FOR YOU AND SHOW YOU ONE OF OUR  
NEWEST ONES.

Mayor Wynn: PLEASE DO.

IT WAS A FIELD TRIP TO DO COMMUNITY SERVICE. THEY  
SHOW US HOW STUDENTS AT A CHARTER SCHOOL GOT  
THEIR HANDS DIRTY AT ZILKER PARK.

NOT EXACTLY YOUR TYPICAL SCHOOL SUPPLIES. BROOMS,  
RAGS, SCRUB BRUSHES: IT'S NOT YOUR TYPICAL FIELD TRIP  
EITHER. (INDISCERNIBLE).

THESE STUDENTS ARE FROM AMERICAN YOUTH WORKS, A  
CHARTER HIGH SCHOOL IN DOWNTOWN AUSTIN. THEY'RE  
SCRUBBING BOOKS INSTEAD OF READING THEM.  
(INDISCERNIBLE).

ART STUDENTS ARE SWEEPING UP PHILOSOPHERS ROCK IN  
BUILDER PARK. IT'S AN ART, HISTORY AND PRESERVATION  
LESSON WRAPPED INTO ONE.

WE LEARN ABOUT CLEANING AND TAKING CARE OF AND  
LEARN THE HISTORY OF ACTUAL ART AND WHO IT WAS MADE  
BY AND WHAT IT REPRESENTS. HAVE A DISCUSSION OF  
WHAT IT MEANS TO PEOPLE.

THE STUDENTS ARE TRAINED IN HOW TO MAINTAIN BRONZE  
STATUES. THIS KINDS OF HANDS ON LEARNING IS WHAT THE  
SCHOOL SPECIALIZES IN. THAT AND COMMUNITY  
INVOLVEMENT.

THEY ARE DOING THEIR ART CORPS ACTIVITY, SUCH AS WORKING AS PHILOSOPHER'S ROCK. THEY ARE GIVING BACK TO COMMUNITY. THEY'RE INVOLVED IN THEIR COMMUNITY.

WHEN THEY'RE DONE SCRUBBING AND SHINING, THE STUDENTS DOCUMENT THE CONDITION OF THE ARTWORK AND SUBMIT A REPORT TO THE CITY. (INDISCERNIBLE).

TO JUST READ A BOOK AND BE IN A CLASS IS OKAY, BUT THIS IS KIND OF OUR RESEARCH AND GET TO WRITE A PAPER ON IT. YOU GET TO LEARN IT AND LIVE IT.

AND EVEN THOUGH THESE LESSONS REQUIRE A LITTLE MUST SELL, STUDENTS -- MUSCLE, STUDENTS LIKE IT THAT WAY.

IT'S BRING BRINGING ART BLACK TO AUSTIN.

ABOUT 750 STUDENTS GO TO AMERICAN YOUTH WORKS IN AUSTIN. IN ADDITION TO THAT THERE IS A DPIPEWRT CAREER CORPS, ENVIRONMENTAL TRACT AND A GREEN BUILDING PROGRAM.

ALL RIGHT. THERE YOU HAVE IT. THAT'S ART CORPS. IT'S FAIRLY NEW. WE'VE BEEN DOING IT FOR ABOUT A YEAR. WE MANAGED TO BRING IN OVER \$5,000 FROM A PELL FOUNDATION OUT OF HOUSTON TO HELP FUND THAT PROGRAM. WITHOUT US WE KNOW THAT ART IN PUBLIC PLACES IN THE CITY MAY NOT BE ABLE TO CARE FOR A LOT OF ART. WE'RE RESTORING WORKS. LIKE PHILOSOPHER'S ROCK WE FOUND SOME TERRIBLE THINGS THAT HAPPENED THERE, LIKE GUM AND NAIL POLISH, CRAYONS AND ALL KINDS OF STUFF. I HAVE A PIECE, I'M A PROFESSIONAL SCULPTURE AND I HAVE A PIECE IN THE CITY'S ART COLLECTION. [ BUZZER SOUNDS ] THANK YOU FOR YOUR TIME.

THANK YOU.

Mayor Wynn: I WILL SAY IT'S A GOOD LEAD IN, THE SAME GROUP THAT GIFTED TO THE CITY OF AUSTIN THE PHILOSOPHER'S ROCK STATUE, A BELOVED PIECE OF PUBLIC ART, A GROUP CALLED CAPITAL AREA STATUE AREA. IT WAS

A QUARTER OF A-MILLION-DOLLAR GIFT TO OUR CITIZENS BY THEM. THEIR SECOND PROJECT WAS JUST UNVEILED THIS PAST SUNDAY ON CONGRESS AVENUE BETWEEN SIXTH AND SEVENTH STREET ON THE WEST SIDEWALK, A STATUE OF ANGELINA EVERLY, A LADY CANNONIER WHO HELPED TO SAVE THE CITY IN 1842. AND I ENCOURAGE YOU TO GO BY AND LOOK AT THAT SECOND GIFTED PIECE OF PUBLIC ART, APPROXIMATELY A 400,000-DOLLAR BRONZE SCULPTOR GIFTED TO OUR CITIZENS THIS SUNDAY EVENING. AND I SUSPECT THAT AMERICAN YOUTH WORKS AND THE ART CORPS CAN HELP US WITH THAT ONE AS WELL. IT'S A SPECTACULAR PIECE OF ART. MY GUESS IS THE TRAFFIC COUNT THERE ON CONGRESS AVENUE, THE GOOD NEWS IS A LOT OF PEOPLE WILL SEE THAT PIECE OF WORK, WILL LEARN ABOUT WHO SHE WAS, WILL START APPRECIATING ABOUT OUR LACK OF PUBLIC ART STATUES IN THIS TOWN AND CALL FOR MORE. BUT ALSO BECAUSE OF THAT TRAFFIC COUNT, LIKELY WE'LL NEED TO CONTINUE A PRETTY AGGRESSIVE MAINTENANCE PROGRAM FOR THAT PIECE. SO THANK YOU VERY MUCH. MR. PAT JOHNSON, WELCOME.

GOOD DAY. I COME TO YOU TO ADDRESS THE FOLLOWING ISSUES: I THINK WE CAN ADDRESS THE ISSUES AS FAR AS THE TOWING COMPANIES RIPPING OFF THE COMPANY IN TWO SIMPLE FASHIONS. NUMBER ONE YOU CAN BRING THE WRKER ORDINANCE BACK UP HERE TO COUNCIL AND REWRITE IT AS SOON AS POSSIBLE. NUMBER TWO, I TALKED TO CHANNEL 6 AND I'VE TALKED TO THE IMMIGRATION RESOURCE UNIT WITH A.P.D., AND THEY'RE DOING THEIR BEST TO EDUCATE THE HISPANIC COMMUNITY. ALSO AT THE HISPANIC CHAMBER OF COMMERCE MEETING THAT WAS AT THE CONVENTION STRO TWO EEKZ AGO I HEARD THE SAME THING FROM ALL OVER STATE AND ALL OVER THE COUNTRY. THE HISPANIC COMMUNITY IS BEING TARGETED BY TOWING COMPANIES. AND BECAUSE OF PREEXEMPTION THERE'S REALLY NOTHING THAT CAN BE DONE TO THEM. SO WHAT I'D LIKE TO ASK THE COUNCIL TO DO IS ASK THE STAFF TO CREATE A POWERPOINT ON CHANNEL 6 TO RUN ON ROTATION THAT WILL SHOW IN PICTURES ON WHAT STAGE IF THEY CATCH A TOW TRUCK DRIVER IN A PARKING LOT, ONE IN SPANISH AND ONE IN ENGLISH. LIKE IF YOU CATCH ONE BACKED UP TO YOUR CAR, IT'S \$15, NOT \$150. OR IF YOU

CATCH A TOW TRUCK DRIVER IN THIS STAGE, HE'S HOOKED UP TO THE CAR, BUT HE'S NOT READY TO LEAVE THE PARKING LOT. IT'S STILL \$15, NOT \$25. OR -- THE PUBLIC NEEDS TO KNOW THE TOW TRUCK DRIVER HAVE TO GIVE THEM 30 MINUTES TO GET THE MONEY. BUT THEY DON'T. THE TOW TRUCK DRIVER TELLS THEM I'LL GO OUT HERE IN THE STREET TO FREE UP THE PARKING LOT. AND AS SOON AS THEY DO THAT AND THE PEOPLE COULD COM OUT THERE TO GIVE HIM THE MONEY, THEY SAY IT'S \$100. YOU KNOW, THIS IS REALLY RIDICULOUS. BUT THE POLICE DEPARTMENT IS DOING A GREAT JOB. THEY'RE DOING BETTER THAN WHAT THEY WERE DOING, BUT THEY'RE DOING EVEN BETTER NOW BECAUSE THEY ARE -- TIRE TIRED -- -- THEY'RE TIRED. THEY CAN'T ENFORCE THE TOWING STATUTE, BUT EVERY TIME THEY HIT THE STREETS, THEY CAN CHECK THEM FOR WARRANTS, TRUCK SAFETY, INSURANCE, ETCETERA, ETCETERA, ETCETERA. WE'VE GOT TOW TRUCKS THAT ARE TOWING CARS OUT OF THE PUBLIC STREET. IT'S TERRIBLE. ALL RIGHT. ON A MEMORANDUM DATED AUGUST 25TH, WHICH I GOT A LATE COPY OF IT FROM RUDY GARZA, WITH THE ISSUES I RAISED THE FIRST SIX MONTHS OF JANUARY. ONE WAS ASSURED TOWING TOLD STAFF THAT ALL THEIR DRIVERS WERE EMPLOYEES. YET STAFF DID NOTHING TO CONFIRM THIS OTHER THAN TO TAKE THEIR WORD. ASSURED OUT RIGHT LIED ABOUT THAT BECAUSE I'VE GOT FOUR DRIVERS THAT USED TO WORK FOR THEM. [ BUZZER SOUNDS ] -- AND ONE OF THEM THAT WORKS FOR THEM CURRENTLY, THEY GET A 1099. I'M GOING TO FINISH UP RIGHT QUICK, SIR.

Mayor Wynn: FAIR ENOUGH.

ALSO ACCORDING TO THE STATE COMPTROLLER, ASSURED TOWING, INC. DOES NOT HAVE A SALES AND USE TAX PERMIT, YET THEY'RE COLLECTING SALES TAX FROM THE PUBLIC AND NOT PAYING IT. THAT'S SALES TAX DOLLARS WE'RE LOSING IN THE CITY, YET THEY'RE A CONTRACTOR FOR THE CITY. NOW, THE ATTORNEY GENERAL'S CONSUMER PROTECTION DIVISION SAID THEY WOULD PROVIDE THE CITY THE CONSUMER COMPLAINT FORMS IN ENGLISH AND SPANISH. THERE'S TWO FORMS. NOW, A.P.D. GIVES MOTORISTS INVOLVED IN COLLISIONS A BLUE FORM THAT'S ISSUED BY D.P.S. AND PROVIDED BY D.P.S. AT NO COST TO

THE CITY. SO WHEN OUR OFFICERS GO OUT ON THE SCENE AND SOMEBODY REPORTS THEIR CAR MISSING, INSTEAD OF REFERRING THEM TO DETECTIVE HANDLYNN, INSTEAD OF SENDING THEM TO THE JP, THESE COMPLAINTS WESTBOUND FILED WITH THE CONSUMER PROTECTION DIVISION OF THE ATTORNEY GENERAL. THAT DOESN'T REQUIRE ANY CITY RESOURCES OTHER THAN HANDING THE VICTIM THE COMPLAINT FORM. AND LET THE STATE FOLLOW UP WITH IT. AND THE STATE SAID THEY WOULD DO IT. I HAVE AN E-MAIL RIGHT HERE FROM PEDRO PEREZ, THE ASSISTANT ATTORNEY GENERAL, THAT SAID IF THE CITY WOULD ONLY CONTACT THEM, THEY WOULD PROVIDE Y'ALL WITH FORMS TO GET THIS GOING. LET'S DO SOMETHING FOR THE CITIZENS. I WANT TO THANK Y'ALL FOR PASSING THAT CITY BUDGET BECAUSE THAT HOSPITAL DISTRICT MEANS A WHOLE LOT TO ME. IT'S GOING TO KEEP ME ALIVE ANOTHER 15 YEARS, GIVE ME AN OPPORTUNITY TO COME UP HERE AND KEEP VISITING YOU FOLKS. [ LAUGHTER ]

Mayor Wynn: FAIR ENOUGH, MR. JOHNSON.

I'VE GOT ONE OTHER THING AND I'LL GET AWAY FROM Y'ALL.

Mayor Wynn: PLEASE CONCLUDE. YOUR THREE MINUTES ARE UP. OTHER CITIZENS ARE WAITING.

CAROL VANCE IN RISK MANAGEMENT TOLD ME THE ISSUE REGARDING SOUTH SIDE WRECKER GOING 28 MONTHS ON THE CONTRACT WITHOUT MAINTAINING WORKER'S COMPENSATION. THEY SAVE A MILLION DOLLARS IN PREMIUM WAS A DEAD ISSUE. BUT THE PUBLIC INTEGRITY UNIT OF THE DISTRICT ATTORNEY'S OFFICE DOESN'T SEE IT THAT WAY, AND THAT CRIMINAL COMPLAINT HAS BEEN FILED WITH THEM AND WE'LL JUST HAVE TO LET THE GRAND JURY DECIDE WHAT, IF ANYTHING, ANYTHING CRIMINALLY WENT WRONG DURING THAT TIME.

Mayor Wynn: THANK YOU.

LET ME JUST STATE THAT I AM A TAXPAYER AND NOT A RENTER, AND WE ARE BLESSED TO HAVE A POLICE DEPARTMENT SUCH AS THE AUSTIN POLICE DEPARTMENT

PROTECTING OUR CITIZENS. THANK YOU.

Mayor Wynn: THANK YOU, MR. JOHNSON. AGREED. JENNIFER GALE. WELCOME. YOU WILL BE FOLLOWED BY RICHARD TROXELL.

THANK YOU, MAYOR WYNN. HI AUSTIN, IT'S AUTUMN AND THE SMELL OF FREEDOM IS IN THE AIR. CAN YOU SMELL IT? WE STILL HAVE TIME TO TURN IN THE REGISTRATION FORMS UNTIL OCTOBER SECOND, NOT OCTOBER FOURTH. YOU ONLY HAVE 30 DAYS PRIOR TO THE NOVEMBER SECOND ELECTION. CITY MANAGER TOBY FUTRELL, MAYOR WYNN, COUNCILMEMBERS, I'M JENNIFER GALE AND IN NEARLY A YEAR AND A HALF I HAVE FAILED TO MEET THE REQUIREMENTS THREE TIMES TO BECOME A CANDIDATE FOR DISTRICT 10 IN THE UNITED STATES CONGRESS. IN NORTH TRAVIS COUNTY. I APOLOGIZE TO ALL OF THOSE WHO HAVE SUPPORTED ME. AND MAY NOW CONSIDER THE OTHER CANDIDATES. THE ONLY DEMOCRAT RUNNING IN DISTRICT 10. I WANTED TO BE A MEMBER OF THE HOUSE OF REPRESENTATIVES, SO THIS IS VERY PAINFUL. THIS COMING NOVEMBER -- (INDISCERNIBLE) ALONG WITH CONGRESSMAN DOGETT THAT ARE THE NEXT MEMBERS OF THE HOUSE OF REPRESENTATIVES, I HOPE TO MAKE THAT TRIP TO WASHINGTON, D.C. OUR COMMUTER RAIL LOOKS EXACTLY LIKE LIGHT RAIL. WHICH IS SEVERAL BILLION DOLLARS TO PUT UP AND OPERATE. TO CALL IT COMMUTER RAIL IS TO BE DISHONEST. THE RADIO COMMERCIAL STATES THAT EIGHT OR NINE STOPS ARE HERE IN THE CITY OF AUSTIN, WHICH WOULD MAKE IT LIGHT RAIL, NOT MOVING FROM ONE CITY TO THE NEXT, BUT RIGHT HERE IN AUSTIN. OVER THE LAST SEVERAL YEARS, OUR CHAMBER OF COMMERCE HAS GOTTEN EVERYTHING IT WANTS A BRAND NEW CITY HALL, CIVIC CENTER, PERFORMING ARTS, BEAUTIFUL BRAND NEW PERFORMING ARTS BUILDING, AND AISD PERFORMING ARTS THAT WILL BE BUILT NEAR MCCALLUM HIGH SCHOOL. WE STILL HAVE ROBIN HOOD, SO OUR CHILDREN AREN'T GETTING THE MONEY THEY NEED. IN MY HOMETOWN IT'S \$12,900. HERE A STUDENT ITSELF THOUSAND DOLLARS LESS. 42,000 FOR A STARTING POLICE OFFICER. AND WE NEED TO BE SAVING OUR MONEY AND USING IT FOR OTHER THINGS. I'M ALSO SAYING THAT WE NEED TO LOOK AT THIS UPCOMING ELECTION, THE REPUBLICANS AND PRESIDENT

BUSH WERE GIVEN PERMISSION TO FIND WEAPONS OF MASS DESTRUCTION BY UN RESOLUTION, NOT TO LIBERATE THE PEOPLE OF IRAQ FROM THEIR LIVES AND TO CAUSE THE INSURGENTS -- OR TO CALL THE PATRIOTS INSURGENTS. WE HAVE NO BUSINESS BEING THERE. THANK YOU, MAYOR, CITY COUNCIL.

Mayor Wynn: THANK YOU, JENNIFER. RICHARD TROXELL, WELCOME, SIR. YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY DON TONER.

THANK YOU, MR. MAYOR AND COUNCIL, MY NAME IS RICHARD TROXELL. I'M PRESIDENT OF HOUSE THE HOMELESS. THERE IS NO SINGLE WAY OF DESCRIBING A HOMELESS CITIZENS, THEY INCLUDE SINGLE WOMEN, SINGLE MEN, FAMILIES. THEY ARE WHITE, AFRICAN-AMERICAN, HISPANIC, ASIAN AND NATIVE AMERICAN. THEY ARE REFUGEES, PAROLEES, RUNAWAYS AND CHILDREN. VIETNAM VETERANS AND OTHER TRAUMATIZED INDIVIDUALS. THEY LIVE IN OUR CITY, SUBURBS AND RURAL AREAS. THEY'REALCOHOLICS -- SOME SUFFER FROM ALL THREE. SOME ARE VICTIMS OF DOMESTIC VIOLENCE, SOME HAVE HAD AN IMMEDIATE ECONOMIC CRISIS. ALL SUFFER ECONOMIC INEFFICIENCY. TODAY'S HOMELESS ARE YOUNGER WITH AN AVERAGE AGE IN THE LOWER TO MID 30'S. MINORITIES ARE OVER REPRESENTED, BEING HALF OF THE HOMELESS POPULATION. THE HOMELESS DIE SOME 20 YEARS EARLIER THAN THE REST OF US. LAST YEAR HOUSE THE HOMELESS BURIED 61 CITIZENS IN AUSTIN. ONE-THIRD ARE VETERANS. 23% OF THE HOMELESS ARE FAMILIES. BUT THE LARGEST GROUP IS STILL SINGLE, UNATTACHED MEN WITH MULTIPLE PROBLEMS. HALF HAVE NEVER BEEN MARRIED, BUT THE OTHER HALF HAVE BEEN HEADS OF HOUSEHOLDS. THE MAJORITY CLAIM TO HAVE NO FAMILY RELATIONSHIPS OR FRIENDS. 40% OF THE HOMELESS HAVE SIGNIFICANT ALCOHOL PROBLEMS. 20% ARE ADDICTED TO DRUGS. AT LEAST ONE-THIRD OF THE HOMELESS SUFFER FROM SEVERE AND PERSISTENT, CHRONIC PSYCHIATRIC DISORDERS SUCH AS SCHIZOPHRENIA AND BIPOLAR DISORDER. SOME 20% OF THEM EVENTUALLY COMMIT SUICIDE. ONE-THIRD OF THE HOMELESS HAVE BEEN UNEMPLOYED FOR MORE THAN TWO YEARS. STATISTICALLY 10 TO 20% ARE TEMPORARILY HOMELESS HOUSE OF A



CRISIS. ONE-THIRD ARE ESPECIALLY ESPECIALLY SODICLY HOMELESS, DRIFTING IN AND OUT, BUT ONE HALF OF ALL HOMELESS ARE CHRONICALLY HOMELESS BECAUSE OF THEIR DISABILITIES AND LACK OF LIVING WAGES. OF THESE, 50% HAVE BEEN HOMELESS FOR A YEAR OR MORE. 20% FOR MORE THAN FOUR YEARS. THE VAST MAJORITY OF THE HOMELESS PEOPLE ARE LONG-TERM RESIDENTS OF THE CITY OF AUSTIN. CITY COUNTY HEALTH DEPARTMENT ESTIMATES THAT THERE ARE AT LEAST 4,000 HOMELESS CITIZENS IN THE CITY OF AUSTIN. WE HAVE 500 EMERGENCY SHELTER BEDS TO MEET THOSE NEEDS. THEY NEED HEALTH CARE, AFFORDABLE HOUSING, LIVEABLE INCOMES, INCLUDING WAGES THAT PAY A LIVING WAGE. THESE ARE OUR FELLOW AUSTINITES. WE DO NOT NEED TO BE CREATING MORE LAWS TO FURTHER CRIMINALIZE THEIR SITUATION. THANK YOU.

Mayor Wynn: THANK YOU, MR. TROXELL. DON TONER, WHO WILL BE FOLLOWED BY LATIFAH TAORMINA.

MAYOR WYNN, MAYOR PRO TEM GOODMAN, COUNCILMEMBERS. I'M DON TONER, PRODUCER OF ARTISTIC PLAYHOUSE, A PROFESSIONAL THEATER COMPANY ESTABLISHED IN 2,000 BY OVER 30 AUSTIN ARTISTS WHO HAVE WORKED TOGETHER FOR AT LEAST THE PAST 15 TO 16 YEARS AT LIVE OAK AND THE STATE THEATER AND NOW AUSTIN PLAYHOUSE. AS A GROUP WE WERE FIRST ABLE TO PLAY FOR -- LIE FOR FUNDING FROM THE BED TAX FUNDING IN 2001 AND RECEIVED \$4,300. THE FOLLOWING YEAR WE WERE RECOMMENDING FOR 12,500. ONE OF THE FEW ARTS GROUPS RECOMMENDED FOR AN INCREASE THAT YEAR. INSTEAD OF RECEIVING THIS INCREASE, FUNDING WAS FROZEN BY COUNCIL. FOR THREE YEARS WE HAVE RECEIVED LESS THAN \$5,000. DURING THAT TIME WE HAVE GROWN TO ONE OF AUSTIN'S LARGEST ARTS ORGANIZATION, ENJOYING -- EMPLOYING MORE PROFESSIONAL AUSTIN ACTORS ANNUALLY THAN ANY OTHER THEATER COMPANY AND RUNNING OUR OWN TWO-VENUE PERFORMANCE FACILITY, WHICH WE BUILT WITH OUR OWN HANDS. AND WHICH IS USED YEAR-ROUND BY OURSELVES AND BY OTHER ARTS ORGANIZATIONS. OUR SUBSCRIPTION BASE IS GROWING FROM ZERO TO 1400 IN THE LAST FOUR YEARS, AND OUR ANNUAL ATTENDANCE IS

OVER 10,000. THIS YEAR AFTER PATIENTLY WAITING THROUGH THE FUNDING FREEZE, WE WERE RECOMMENDING FOR \$28,000. WHILE THIS INCREASE WOULD NOT HAVE MADE UP FOR THE TWO YEARS OF GETTING BY WITH VERY SMALL FUNDING ALLOCATIONS, WE FELT IT WAS A STEP IN THE RIGHT DIRECTION. THE DECISION BY COUNCIL TO IMPOSE A 10% CAP ON FUNDING INCREASES, A PROPOSAL WHICH HAD ALREADY BEEN REJECTED BY COUNCIL, IS A DEVASTATING BLOW TO AN ORGANIZATION WITH SUCH A STRONG POTENTIAL FOR GROWTH AND A PROVEN RECORD OF SUCCESS. WITH THE 10% CAP IT WOULD TAKE OVER 10 YEARS FOR US TO REACH THE 12,500-DOLLAR ALLOCATION FOR WHICH WE WERE RECOMMENDING TWO YEARS AGO. IT WOULD TAKE 20 YEARS FOR US TO REACH THE 28,000-DOLLAR ALLOCATION FOR WHICH WE WERE RECOMMENDED THIS YEAR. WE ARE NOT ALONE IN FEELING THE STING OF THIS DECISION TO ALTER FUNDING RECOMMENDATIONS. DUE TO THE 10% CAP, FIVE MAJOR GROUPS WHO HAVE EXPERIENCED SIGNIFICANT GROWTH DURING THE FREEZE, SAW THEIR RECOMMENDED FUNDING REDUCED BY A TOTAL OF \$110,000. ON THE OTHER SIDE, SIX GROUPS, SOME OF WHOM SCORED LOWER, HAVE RECEIVED AN ADDITIONAL 15,000 EACH FOR A TOTAL OF \$90,000. THIS SHIFTING OF THE FUNDS IS DEMORALIZING FOR THOSE WHO HAVE WORKED VERY HARD, WAITED THROUGH A TWO-YEAR FUNDING FREEZE, PLAYED BY THE RULES IN THE LATEST FUNDING PROCESS. THE GOOD NEWS IS JUST AS IT WAS IN YOUR POWER TO ALTER THE RECOMMENDATIONS, IT IS IN YOUR POWER, AND I BELIEVE IT IS YOUR OBLIGATION, TO MAKE EVERY EFFORT TO REPAIR THE DAMAGE NOW. PLEASE DO NOT ASK US TO WAIT ANOTHER YEAR IN THE HOPE THAT NEXT YEAR WE WILL FINALLY GET -- WE'LL FINALLY GET IT RIGHT. OUR PATRONS, OUR ARTISTS AND ALL THOSE WHO -- [ BUZZER SOUNDS ] OUR PATRONS, OUR -- ONE SENTENCE. OUR PATRONS, ARTISTS AND ALL THOSE WHO DESIRE AUSTIN TO REACH ITS FULL POTENTIAL AS AN ARTISTIC COMMUNITY ON PAR WITH THE BEST IN THE NATION DESERVE BETTER. I KNOW YOU CAN DO BETTER. THANK YOU. [ APPLAUSE ]

Mayor Wynn: THANK YOU, MR. TONER. LATIFAH TAORMINA. WELCOME. YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR. THANK YOU, COUNCIL. MY NAME IS LATIFAH TAORMINA. I'M WITH AUSTIN CIRCLE OF THEATERS. WE'RE A NONPROFIT PERFORMING ARTS SERVICE ORGANIZATION, OVER 130 PERFORMING ARTS ORGANIZATIONS ARE MEMBERS OF AUSTIN CIRCLE OF THEATERS, AS ARE SEVERAL HUNDRED, MAYBE 7, 800 INDIVIDUAL MEMBERS. I SECOND EVERYTHING THAT DON TONER JUST SAID. WE HAVE BEEN PART OF A PROCESS THAT HAS INDEED BEEN FROZEN SINCE 2001 FUNDING. OUR OWN ORGANIZATION WAS ALSO AFFECTED JUST AS DON'S ORGANIZATION WAS AFFECTED. WE WERE FROZEN DESPITE RECOMMENDATIONS IN 2001 AT THAT 70% ACROSS THE BOARD FUNDING THAT HAPPENED THEN. THE FREEZE HAS BEEN IMPOSED A SECOND YEAR AND A THIRD YEAR NOW. CAPS ARE NOT THE WAY TO GROW THE ARTS. THIS IS A NO GROWTH PROGRAM. WE'RE NOT HERE TO -- WHAT I'M REALLY DISAPPOINTED IN MORE THAN ANYTHING, AND I REALLY WANT TO THANK MAYOR WYNN FOR NOT VOTING TO DO THIS. I REALLY THANK YOU. I THINK THAT TOOK A LOT OF COURAGE. AND I'M REALLY DISAPPOINTED IN MY MY MANY FRIENDS IN COUNCIL WHO DID VOTE TO CHANGE THE SYSTEM. I RECOGNIZE THAT THERE WERE FAULTS IN THE SYSTEM AND I THINK YOU WERE RIGHT IN IDENTIFYING THE FAULTS, BUT BY YOU ACTING TO SOLVE THE PROBLEMS, RATHER THAN TURNING IT BACK TO THE ARTS COMMISSION, I THINK YOU EXACERBATED THE PROBLEM. AND IF YOU HAD TURNED IT BACK TO THE ARTS COMMISSION, I THINK WE WOULD HAVE HAD A SITUATION CHFTS NOT POLITICAL. BY YOUR ACTING AS YOU DID, EVEN THOUGH IT WAS WITH VERY GOOD INTENTIONS AND YOU DID INDEED RECOGNIZE SOME SERIOUS FLAWS IN THE FORMULAS, IT OPENS IT UP TO PEOPLE THINKING THAT YOU ACTED FOR POLITICAL REASONS. I THINK THE SYSTEM WITH CAPS ON IT HAS FORCED US TO RECOMMEND AND ENCOURAGE MEDIOCRITY. ALL YOU HAVE TO DO SO GET FUNDING IS TO BE IN THE SYSTEM. I DON'T THINK IT WOULD FUND A ROAD CONTRACTOR THAT WAY. WELL, YOU GOT \$100,000 LAST YEAR. LET'S GIVE HIM 110,000 THIS YEAR. WHAT IS HE FIXING? I DON'T KNOW. BUT HE GOT IT LAST YEAR. THAT DOESN'T MAKE ANY SENSE. THAT'S A KIND OF KEEP AUSTIN WEIRD THING. WE OURSELVES, I NOTICE -- I COMPLIMENT THE RECOMMENDATION THAT GROUPS THAT GOT THREE

PERCENT LOWER IN THE SYSTEM THAN LAST YEAR WOULD GET \$10,000 MORE. WE GOT 29.4% LOWER, SO IF WE HAD SCORED WORSE ON OUR APPLICATION, WE WOULD HAVE GOTTEN MORE MONEY. YEAH, ANOTHER KEEP AUSTIN WEIRD. BEYOND THAT, THE REAL PROBLEM IS THERE ISN'T ENOUGH MONEY IN THE POT. AND COUNCIL WISELY PUT ARTS FUNDING AND ECONOMIC GROWTH AND REDEVELOPMENT SERVICES, AND WE HAVE NOT MOVED FORWARD TO GROW THE POT IN ECONOMIC GROWTH AND REDEVELOPMENT SERVICES. AND WE NEED TO DO THAT. WE NEED TO ADD INCENTIVES FOR LANDLORDS TO GIVE SPACE TO NONPROFIT ARTS GROUPS. WE NEED TO ROUND OUT THE DOLLAR ON A UTILITY BILL. [ BUZZER SOUNDS ] WE NEED TO GROW THE POND. THANK YOU. [ APPLAUSE ]

Mayor Wynn: THANK YOU. JOSE QUINTERO. JOSE? JOSE COULDN'T JOIN US TODAY. COUNCIL, THAT'S ALL THE CITIZENS WHO SIGNED UP FOR GENERAL CITIZENS COMMUNICATION. HAVING NO OTHER TIME CERTAIN ITEMS -- COUNCILMEMBER ALVAREZ?

Alvarez: JUST A QUICK COMMENT. I THINK THEY HEARD MY SPIEL AT THE AUSTIN ARTS COMMISSION A COUPLE OF WEEKS AGO WHERE WE TALKED ABOUT THIS AND THE NEED FOR THE CHANGES AND THE FACT THAT THERE WERE SOME LIMITATIONS TO THE PROS THAT I THINK NONE OF US HAD REALLY ENVISIONED AS TO THE ACTUAL IMPACT OF THE SYSTEM AS ORIGINALLY DEvised. BUT REALLY I THINK -- WE KEEP TALKING ABOUT THAT CERTAIN GROUPS MAY HAVE SCORED WORSE, BUT THEY -- THEY'RE NOT SCORING WORSE. MOST OF THE GROUPS RECEIVED PRETTY HIGH MARKS BECAUSE ANYONE RECEIVING A SCORE OF 70 OR BELOW DIDN'T GET ANY FUNDING. THAT WAS THE CUTOFF. YOU HAD TO SCORE AT LEAST A 70 OR ABOVE. AND THE STORY IN THE STATESMAN THAT RAN A WEEK OR SO AGO ACTUALLY HIGHLIGHTED ABOUT EIGHT GROUPS AND HOW THEY WERE AFFECTED. AND I THOUGHT THAT THE INTERESTING POINT ABOUT THAT IS THAT ALL OF THOSE GROUPS SCORED -- THEIR APPLICATIONS SCORED GREATER THAN 90, BUT SOME GROUPS HAD THEIR FUNDING DOUBLED OR TRIPLED, SOME GROUPS HAD THEIR FUNDING SLASHED IN HALF. AND SO, AGAIN, IF GROUPS ARE GETTING SIMILAR SCORES, THEN WHY ARE THEY BEING TREATED SO

DIFFERENTLY IN THE ALLOCATIONS? AND AGAIN, THAT REALLY AGAIN AS YOU WERE SAYING, JUST POINTS TO THE FACT THAT THERE ARE SOME LIMITATIONS IN THE FORMULA OR IN THE SYSTEM THAT WE DEvised. AND I CERTAINLY HOPE WE CAN FOCUS ON HOW TO FIX THAT FOR NEXT TIME. AND I DON'T KNOW THAT THERE ARE ANY INTERIM THINGS WE CAN DO TO ADDRESS SOME OF THE UNIQUE SITUATIONS, BUT I DO THINK -- OBVIOUSLY I SUPPORT THE VOTE THAT I MADE, BUT IT WAS ONE OF THOSE THINGS THAT IT JUST CAME UP ON US, CAME UP ON THE ARTS COMMISSION AND THEY DIDN'T HAVE VERY MUCH TIME TO RECOMMEND ANY ALTERNATIVES. AND WE HAD A WHOLE WEEK TO LOOK AT THAT, SO WE HAD A LIMITED AMOUNT OF TIME TO COME UP WITH ALTERNATIVES AS WELL. HOPEFULLY WITH MORE TIME WE CAN BE MORE CREATIVE AND DO SOMETHING THAT HAS MORE SUPPORT IN THE BROADER COMMUNITY. BUT I DO WANT TO THANK Y'ALL FOR COMING OUT AND I HOPE YOU CONTINUE TO PARTICIPATE IN THIS ONGOING EVOLUTION OF THIS PROCESS.

Mayor Wynn: THANK YOU, COUNCILMEMBER ALVAREZ. I'LL SAY AS THE LONE DISSENTING VOTE ON THIS ISSUE, A FEW WEEKS AGO IT SEEMS TO ME THAT ARTS FUNDING SHOULDN'T BE ARTS WELFARE. AND THAT ARTS FUNDING SHOULD BE CONSIDERED AN INVESTMENT OF PRETTY PRECIOUS CITY RESOURCES, WHETHER THEY'RE BED TAX OR PROPERTY TAX, INTO OUR ARTS COMMUNITY. WE'VE HEARD SOME -- YOU KNOW, JUST TROUBLING STORIES ABOUT THE NET RESULTS OF HAVING REALLY HAD A TWO AND A HALF YEAR FREEZE ON THE PROCESS. DURING THAT TIME THERE WAS A REMARKABLE -- WE'VE ALL RECOGNIZED THAT WE HAVE TO ADDRESS IT AND FIX WHAT HAD BEEN SEEMINGLY AN ANNUALLY BROKEN SYSTEM. FOR OVER TWO YEARS A PRETTY REMARKABLY DIVERSE, LARGE GROUP OF ARTS FOLKS CAME TOGETHER AND CREATED ULTIMATELY THE PROCESS THAT THEN CAME TO US THIS YEAR. I SORT OF HEARD LOUD AND CLEAR DURING THAT PROCESS THAT THEY WERE SCARED, BUT IT SEEMED TO ME THEY WERE MORE SCARED -- THEY WERE SCARED OF A NEW PROCESS. THEY WERE SCARED OF THE FACT WE WERE GOING TO GET AWAY ARTS FUNDING AS ARTS WELFARE AND GOING INTO A PROCESS LOOKING AT ARTS FUNDING AS INVESTMENT. AND

THAT'S A CHANGE OF ROUTINE. AND THAT SCARED PEOPLE. I READ THAT THEY WERE MORE SCARED, HOWEVER, OF COUNCIL OR THE PROCESS OF A COUNCIL TAKING ACTION SEEMINGLY UNILATERALLY. THE ONE SILVER LINING OF THIS TWO-YEAR FREEZE IN THIS PROCESS WAS THE FACT THAT THE ARTS COMMUNITY CAME TOGETHER. AND BROUGHT FORTH A PROCESS THAT WE THEN COULD ACCEPT AND HONESTLY TRY TO IMPROVE ON AS WE GO ABOUT OUR ANNUAL LIVES. AND SO I WAS DISAPPOINTED IN THE MESSAGE THAT WAS DELIVERED THAT SENDS A SIGNAL THAT THIS ISN'T ABOUT INVESTMENTS, IT'S ABOUT CONTINUITY, IT'S ABOUT AN ONGOING SERIES OF FRIENDS OF ALL OF OURS. AND I'M SORRY TO HAVE TO PUT IT IN THIS CONTEXT, BUT IT SEEMS TO ME THAT FOR THE COMMUNITY TO BE WELL SERVED, WELL SERVED WITH THE INVESTMENT OF PRECIOUS CITY DOLLARS, WE AS A COUNCIL HAVE TO BE ABLE TO LOOK OUR FRIENDS IN THE EYE -- AND I HAD VERY CLOSE FRIENDS ON BOTH SIDES OF THE MAP, ALL THREE SIDES, INCLUDING THE CENTER, AND WE HAVE TO BE ABLE TO LOOK THEM IN THE EYE AND SAY I'M SORRY, YOU'RE GOING TO GET LESS CITY DOLLARS THIS YEAR THAN YOU GOT LAST YEAR BECAUSE OF OUR WANTING TO LOOK AT THIS AS INVESTMENTS, NOT AS A CONTINUUM OF SORT OF AN ARTS WELFARE MENTALITY. AND MY HOPE IS THAT AS PART OF THE AMENDMENTS THAT WERE MADE THAT WE CONSIDER THIS TO BE, YOU KNOW, THE -- THE LAST TIME WE DO THAT. WE'LL CONSIDER THIS TO BE THE MESSAGE THAT NOW THERE'S A YEAR TO FIGURE OUT HOW ARTS GROUPS CAN UNDERSTAND WHAT THE MATH IS GOING TO BE PRIOR TO THE PANEL DISCUSSIONS. THE FEEDBACK THAT I'VE PERSONALLY GOTTEN FROM PANEL MEMBERS IS THAT THEY'RE VERY DISAPPOINTED TO HAVE SPENT SO MUCH OF THEIR TIME AND EFFORT TO ACTUALLY SIT DOWN IN AN OBJECTIVE, PROFESSIONAL WAY AND SCORING GROUPS IN ORDER FOR US TO LOOK AT THIS AS AN INVESTMENT RATHER THAN THE FACT THAT YOU'RE ALREADY IN THE CUE, SO WE'RE JUST GOING TO KEEP YOU IN THE QUEUE IN SLIGHTLY VARYING DEGREES FROM YEAR TO YEAR. MY HOPE IS THAT WE'LL TAKE THIS OPPORTUNITY NOW TO CREATE THE SYSTEM, IMPROVE THE SYSTEM THAT KEEPS THE ARTS COMMUNITY TOGETHER, WHICH IS WHAT I SAW THE LAST TWO YEARS, AND NOT ENCOURAGE INDIVIDUAL

LOBBYING, NOT ENCOURAGE PEOPLE TO THINK THAT IT'S ABOUT INDIVIDUAL GROUPS RATHER THAN A COLLECTIVE AS A WHOLE, A COLLECTIVE OF INVESTMENTS OF PRECIOUS COMMUNITY DOLLARS INTO GROWING WHAT CLEARLY NEEDS TO BE PART OF THE ONGOING INFRASTRUCTURE, ECONOMIC OR OTHERWISE, IN THIS COMMUNITY. SO THANK YOU ALL VERY MUCH. [ APPLAUSE ] COUNCIL, WITH THAT, WE HAVE NO MORE TIME CERTAINS OR DISCUSSION ITEMS TO TAKE UP -- MAYOR PRO TEM?

Goodman: JUST AS A PASSING COMMENT, I THINK ON THE CULTURAL A ARTS FUNDING, THE REASON THAT WE BEGAN THE REVAMP IN THE FIRST PLACE IS SO THAT THERE WOULD BE A PROCESS THAT WAS TRUSTED BY ALL. THAT WAS UNDERSTANDABLE. AND CONTRIBUTED TO A LARGER OVERALL CONCEPT, SOME OF IT HAVING TO DO WITH ECONOMIC DEVELOPMENT IN ARTS AND CREATIVE INDUSTRY. THIS IS ONE COMPONENT, THE ACTUAL CULTURAL ARTS FUNDING PROCESS ITSELF. THE FORMULA WAS NOT UNDERSTANDABLE TO TOO MANY PEOPLE. AND THAT'S SOMETHING THAT THE COMMISSION AND AD HOC ARTS ADVOCATES AND ARTISTS ARE GOING TO WORK ON, I'M SURE, IN THE COMING YEAR. BUT THAT WAS ONE OF THE BIGGEST HURDLES TO OVERCOME. WHEN THERE'S A FORMULA THAT'S SO COMPLEX YOU CAN'T EXPLAIN IT TO ANYBODY WHO DOESN'T HAVE A MATH DEGREE OR AN ALGEBRA DEGREE, THEN YOU KNOW THERE'S SOME WORK TO BE DONE. AND THAT HAPPENED UP HERE TOO. SO ALTHOUGH IT'S EASY, I THINK, AND FLIP, TO SAY EVERYTHING WAS SO MUCH BETTER UNTIL A COUNCILMEMBER OR TWO TOOK A HAND IN IT, I DON'T THINK IT'S ACCURATE IN THIS CASE. AND I KNOW THAT WE'LL BE INTERESTED IN TRYING TO TWEAK WHATEVER NEEDS TO BE TWEAKED IN THE COMING YEAR. BUT WE'VE BEEN WAITING FOR A NEW PROCESS FOR MAY SOME YEARS, AND THIS YEAR IT WASN'T QUITE SETTLED OUT IN A TO BE TRUSTWORTHY FOR ALL.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. ACTUALLY, COUNCIL, PERHAPS BEFORE WE GO BACK INTO CLOSED SESSION, IN OUR PREVIOUS EXECUTIVE SESSION THE ONLY ITEM WE TOOK UP WAS THE CONTRACT WITH AUSTIN MUSIC PARTNERS, INC., ALTHOUGH NO DECISIONS WERE MADE, MY

INSTINCT IS THAT COUNCIL MAY BE PREPARED TO TAKE ACTION NOW. SO WITHOUT OBJECTION, LET'S CALL UP ITEM NUMBER 7, WHICH WE HAD TABLED EARLIER AT COUNCILMEMBER ALVAREZ AND THOMAS' REQUEST. ITEM NUMBER 7 RELATES TO OUR CONTRACT WITH THE AUSTIN MUSIC PARTNERS, INC. I'D WELCOME ANY COMMENTS OR QUESTIONS OR A MOTION.

Alvarez: I BELIEVE WE WERE WAITING FOR THE REVISED DRAFT. I DON'T KNOW IF THAT'S BEEN DISTRIBUTED.

WE DO NOT HAVE A REVISED DRAFT. I DIDN'T UNDERSTAND THAT THAT WAS OUR DIRECTION. WE HAVE DISCUSSED ALL OF THE CHANGES THAT WE WENT OVER IN EXECUTIVE SESSION WITH AUSTIN MUSIC PARTNERS, AND THEY'RE AMENABLE MAKING THESE CHANGES.

COULD WE MAYBE JUST READ THE REVISED LANGUAGE? WE HAVE IT NOTED, AND I THINK THAT WOULD PROBABLY COVER US FOR THE RECORD.

Goodman: MAYOR, COULD I ASK SOMETHING BEFORE JOHN SPEAKS, AND THE CITY MANAGER TOO? THERE ARE A LOT OF PEOPLE INTERESTED IN THE COMPONENTS OF THIS CONTRACT. WE DON'T HAVE A REVISED -- A WRITTEN, REVISED COPY?

SARAH JUST TOLD ME THAT SONNY IS WORKING ON IT IN THE BACK.

Goodman: OKAY.

[INAUDIBLE - NO MIC].

Goodman: ARE YOU FAR AWAY FROM BEING ABLE TO HAVE COPIES FOR INTERESTED CITIZENS TO TAKE?

[INAUDIBLE - NO MIC].

Mayor Wynn: PERHAPS I JUMPED THE GUN. SO ACTUALLY COUNCIL, WITHOUT OBJECTION, WE'LL CONTINUE TO HAVE ITEM NUMBER 7 TABLED AND WE'LL TAKE IT UP HERE IN A FEW MINUTES. BUT SINCE WE HAVE NO DISCUSSION ITEMS



BEFORE A TIME CERTAIN BOND SALE, WITHOUT OBJECTION WE'LL GO BACK INTO CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY ITEMS 37, RELATED TO OUR AIRPORT PARKING GARAGE, 75 RELATED TO RYAN-O EXCAVATING INC. VERSUS THE CITY OF AUSTIN. 76 RELATED TO IFB AND JANE DOE VERSUS THE CITY OF AUSTIN. AND ITEM NUMBER 79 RELATED TO COLLECTIVE BARGAINING WITH OUR FIREFIGHTERS.

Thomas: MAYOR, IF YOU DON'T MIND, I WOULD HATE FOR SOMEBODY ON ITEM 23 TO -- IF I'M BACK AND I'M READY -- I DON'T KNOW HOW LONG IT WOULD TAKE US. TO TAKE CARE OF 23.

Mayor Wynn: WE HAD A COUPLE OF CITIZENS WHO SIGNED UP EARLIER ON ITEM 23. I DON'T SEE THEM IN THE AUDIENCE. COUNCIL, SO WITHOUT OBJECTION, WE WILL REMAIN IN OPEN SESSION AND TRY TO GET THROUGH ITEM NUMBER 23. THIS IS AN ITEM THAT WAS PULLED BY COUNCILMEMBER SLUSHER RELATED TO THE AUSTIN REVITALIZATION AUTHORITY PROPOSED CONTRACT.

THANK YOU VERY MUCH. I'M PAUL HILGERS, DIRECTOR OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT. ITEM NUMBER 23 TODAY IS TO AUTHORIZE THE NEGOTIATION AND EXECUTION OF A 12-MONTH CONTRACT WITH THE AUSTIN REVITALIZATION AUTHORITY FOR OPERATIONAL EXPENSES TO CONTINUE IMPLEMENTATION OF THE EAST 11th AND EAST 12TH STREET REDEVELOPMENT PROGRAM IN AN AMOUNT NOT TO EXCEED \$275,000, CONTINGENT UPON RECEIPT OF A FINAL AND APPROVED AUDIT FOR THE PREVIOUS FISCAL YEAR, INCLUDING FOUR ONE-YEAR CONTRACT EXTENSIONS IN AN AMOUNT NOT TO EXCEED \$275,000 FOR YEAR TWO. \$250,000 FOR YEAR THREE AND \$225,000 FOR YEAR FOUR. AND \$125,000 FOR YEAR FIVE FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,150,000. THE ROLE UNDER THIS NEW AGREEMENT, WHICH IS TO CONTINUE TO FACILITATE THE COORDINATION AND IMPLEMENTATION OF EAST 11th AND 12TH STREETS, COMMUNITY REDEVELOPMENT PLAN, AS AMENDED AND IN ACCORDANCE WITH THE ACQUISITION DEVELOPMENT AND LOAN AGREEMENT APPROVED BY THE CITY COUNCIL ON

DECEMBER 16TH, 1999, AS AMENDED. ARA'S ROLE BEGIN IS TO CONTINUE MARKETING DEVELOPMENT OPPORTUNITIES FOR THE REDEVELOPMENT AREA. CONTINUE TO FACILITATE A COMPETITIVE PROCESS TO SELECT DEVELOPERS TO PURCHASE AND DEVELOP PROPERTIES IN THE REDEVELOPMENT AREA. BEGIN THE HISTORICAL RENOVATION OF A PROPERTY LOCATED AT 11:54 LYDIA STREET BY DECEMBER 34 AND COMPLETE THE RENOVATION BY DECEMBER 2005. THIS PROJECT WAS DELAYED LAST YEAR AND WILL BE A CARRYOVER INTO 2005-2006. IMPLEMENT THE REDEVELOPMENT OF THE EAST 11th -- EAST 12TH STREET COMMERCIAL CORE BETWEEN THE SPRKSS OF SELENA AND PAQUITO AS A MEANS OF THE ROSEWOOD AND CHESTNUT NEIGHBORHOOD PLANS AND TO CONTINUE THE IMPLEMENTATION OF A STRATEGY STRATEGIC PLAN FOR 2004 THROUGH 2009 THAT PREPARES THE ARA FOR ECONOMIC SELF-SUFFICIENCY BY SEPTEMBER 30TH, 2009. COUNCIL, STAFF BRINGS THIS ACTION BEFORE YOU AFTER MUCH WORK WITH ARA WITH REGARD TO STRATEGIC PLANNING. WE ARE NOW AS YOU KNOW IN OUR LITTLE OFFICE BUILDING OF STREET AND JONES AND IN THE NEIGHBORHOOD AND ARE SEEING THE BENEFITS OF THE INVESTMENTS THAT WE'VE MADE IN THE PAST YEARS WITH ARA. THE OBJECTIVE OF THIS PARTNERSHIP WAS TO CREATE A SELF-SUFFICIENT AUSTIN REVITALIZATION AUTHORITY. AND WE RECOGNIZE IT MAY HAVE TAKEN US A LITTLE LONGER TO GET TO THAT PLACE THAN WE WOULD HAVE LIKED, BUT WE BELIEVE THAT WITH THIS PLAN IN FRONT OF US THAT WE'RE PRESENTING FOR YOU TODAY THAT WE HAVE A PLAN THAT WILL OFFER STABILITY, SUSTAINABILITY TO THE AUSTIN REVITALIZATION AUTHORITY AND THE SUCCESS THAT YOU'VE BEEN DIRECTING US TO PROVIDE IN THIS NEIGHBORHOOD. SO WITH THAT I'D BE GLAD TO -- I GUESS IT'S -- WE SHOULD LET FOLKS SPEAK AT THIS POINT. IF THERE'S ANY QUESTIONS I'LL BE GLAD TO TRY TO RESPOND.

Goodman: THANK YOU, MR. HILGERS. COUNCILMEMBER, DID YOU WANT TO GO --

Slusher: I'M GOING TO HAVE SOME QUESTIONS. I DON'T SEE MR. MARSHAL HERE, THOUGH, SO I'LL JUST WAIT UNTIL HE

GETS HERE. AND PERHAPS WE CAN TAKE THE SPEAKERS.

Goodman: OKAY. WE HAVE ONLY TWO. ERIC SHROPSSHIRE AND GORDON KITSALL. SO I GUESS WE'LL GO AHEAD AND -- GO AHEAD.

THANK YOU. I'M ERIC SHROPSHIRE AND I'VE BEEN A CITIZEN OF EAST AUSTIN FOR ABOUT 40 YEARS OF MY LIFE. ONE OF THE CONCERNS THAT I HAD WITH THE ECONOMIC DEVELOPMENT ALONG THE 11th AND 12TH STREET CORRIDOR HAS TO DO WITH THE PARTICIPATION BY THE COMMUNITY DEVELOPMENT CORPORATION, ARA, AND THE EMINENT DOMAIN PROCESS. I'M CONCERNED ABOUT PART OF THE STRATEGIC PLAN IS PARTICIPATING, WHETHER IT'S DIRECT OR INDIRECT, IN THE EMINENT DOMAIN PROCESS. IN CONJUNCTION WITH THE URBAN (INDISCERNIBLE) AGENCY. FOR EXAMPLE, THERE ARE TWO PROPERTIES ALONG THE 11th STREET CORRIDOR RIGHT NOW, WHICH IS 912 AND 9 FOWRP EAST 11th STREET. THE PROPERTY HAS BEEN OWNED BY A FAMILY -- THIS FAMILY FOR OVER 125 YEARS. AND ONE OF OUR CONCERNS IS AS YOU DO ECONOMIC DEVELOPMENT WITH RESPECT TO THE 11TH AND 12TH STREET CORRIDOR, THEY SHOULD BE ABLE -- YOU SHOULD BE ABLE TO PROVIDE THE PROPERTY OWNERS THE FIRST OPTION TO BRING THAT PROPERTY IN COMPLIANCE WITH THE COMMUNITY REDEVELOPMENT PLAN PRIOR TO TAKING ANY ACTION WITH RESPECT TO EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT REASONS. AND I'M TRYING TO BRING THIS TO THE ATTENTION -- AND I'M NOT SAYING THAT ARA HAS ANY DIRECT INVOLVEMENT. THIS IS -- (INDISCERNIBLE). WHEN YOU HAVE THE GROUPS THAT WORK IN CONJUNCTION TO TRY TO BE THE ECONOMIC STIMULUS FOR THE 11th AND 12TH STREET CORRIDOR. AND ONE OF THE CONCERNS AND CONTINUED FUNDING IS BETTER DEFINING THE MISSION. AND IT'S NOT JUST MY CONCERN, IT'S THE COMMUNITY'S CONCERN THAT WE'RE TAKING ACTION AGAINST INDIVIDUAL PROPERTY OWNERS IN THE AREA AND THEY FEEL LIKE THEY'RE NOT GETTING A FAIR MARKET VALUE. FOR EXAMPLE, THEY HAVE AN ASSESSMENT THAT CAME WITH THE TOTAL VALUE ON THE TWO LOTS BETWEEN THE CITY OF AUSTIN AND ITS APPRAISERS AT 1 80,000. WELL, THE BONA FIDE BUYER IN HERE WHO IS WILLING TO BRING THE PROPERTY IN

COMPLIANCE IN ACCORDANCE WITH COMMUNITY REDEVELOPMENT PLAN, AND HE'S OFFERED 300,000. SO I THOUGHT THE MISSION AND THE GOAL FOR THE REVITALIZATION WAS TO CREATE JOBS, BUSINESS OPPORTUNITIES, AND WORK FOR THE LOCAL RESIDENTS. SO I HAVE THIS CONCERN AS WE TALK ABOUT ADDITIONAL FUNDING FOR A COMMUNITY DEVELOPMENT CORPORATION WITH RESPECT TO ECONOMIC DEVELOPMENT -- AND WE WANT A WIN-WIN SITUATION. WE DON'T WANT TO TAKE THE PROPERTY OFF THE TAX ROLL FOR ANY PERIOD OF TIME. AND WE WANT THE PARTICIPATION FOR PRIVATE ENTERPRISE TO HELP WITH THE STIMULUS PACKAGE. [ BUZZER SOUNDS ]. THANK YOU.

Mayor Wynn: THANK YOU. I APOLOGIZE FOR STEPPING OFF THE DAIS. GORDON KITSALL SIGNED UP NOT WISHING TO SPEAK, BUT WAS AVAILABLE TO ANSWER QUESTIONS. COUNCIL, THAT'S ALL THE CITIZENS WHO SIGNED UP ON ITEM NUMBER 23. QUESTIONS OF STAFF, COMMENTS?

WE HAVE THE CHAIRMAN OF THE AUSTIN REVITALIZATION AUTHORITY IS HERE. I KNOW MR. MARSHAL WILL BE HERE MOMENTARILY.

Slusher: WE TOOK THE ITEM UP NOW AT COUNCILMEMBER THOMAS' REQUEST THAT WE WOULDN'T HAVE TO KEEP ANYBODY HERE LONGER THAN WE NEEDED TO, BUT WE DON'T HAVE FOLKS HERE THAT NEED TO BE HERE, SO MAYBE WE NEED TO PUT IT OFF UNTIL AFTER THE EXECUTIVE SESSION.

Mayor Wynn: COUNCILMEMBER THOMAS?

Thomas: I THINK THE COUNCILMEMBER HAD A QUESTION OR TWO FOR MR. MARSHALS AND I THINK THE QUESTIONS ARE VERY IMPORTANT AND SO I THINK WE NEED TO -- I THINK PEOPLE HAD AN OPPORTUNITY TO SPEAK IF THEY WANTED TO WAIT, IF NOT, FINE. I GUESS WHEN WE COME BACK OUT AGAIN, WE'LL TRY IT AGAIN. IF YOU DON'T MIND.

Mayor Wynn: OKAY. SO WITHOUT OBJECTION THEN, COUNCIL, WE WILL TABLE ITEM NUMBER 23 UNTIL AFTER EXECUTIVE SESSION, PERHAPS NEAR OUR AHFS MEETING AT 3:00

O'CLOCK AND/OR OUR BOARD BOND SALES AT 2:00 O'CLOCK. BECAUSE WE HAVE A NUMBER OF ITEMS TO STILL TAKE UP IN EXECUTIVE SESSION. SO WITH THAT WE WILL NOW GO INTO CLOSED SECTION UNDER 551.071 UNDER THE OPEN MEETINGS ACT AND POTENTIALLY DISCUSS ITEMS 77, 75, 76 AND 79. WE'RE IN CLOSED SESSION NOW. I ANTICIPATE IN AN HOUR OR SO TO COME BACK INTO OPEN SESSION FOR OUR BOND SALES, TAKE UP REVIEW AND POTENTIAL ACTION ON ITEM NUMBER 7, TAKE UP ITEM NUMBER 23, WHICH HAS BEEN TABLED AND THEN HAVE OUR AHFS BOARD MEETING. WE'RE NOW IN CLOSED SESSION.

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IN CLOSED SESSION WE TOOK UP ITEMS 37 RELATED TO THE -- TO THE AIRPORT PARKING GARAGE, 75 RELATED TO RYAN-O EXCAVATING INC. VERSUS THE CITY OF AUSTIN, 7 OF 79 REGARDING COLLECTIVE BARGAINING WITH OUR FIREFIGHTERS. EARLIER ITEM NO. 7 RELATED TO THE AUSTIN MUSIC PARTNERS INC. CONTRACT THAT WE TABLED DISCUSSION ON EARLIER. WITH THAT IN MIND I WOULD LIKE TO CALL BACK UP ITEM NO. 7. WELCOME MR. JOHN STEVENS.

MAYOR, WE'RE PASSING OUT TO YOU COPIES OF THE REVISED CONTRACT AND I WILL BE HAPPY TO WALK YOU THROUGH THE CHANGES THAT WE MADE TO THAT CONTRACT.

Mayor Wynn: PLEASE DO.

SHALL I DO THAT, MAYOR? ON PAGE 1, UNDER THE THIRD OR THE SECOND WHEREAS, RATHER, WE EXTENDED THE DEFINITION TO INCLUDE LOCAL MUSIC, LOCAL MUSICIANS AND LOCAL MUSIC VENUES. ON PAGE 3 OF THE CONTRACT, WE REVISED THE DEFINITION OF LOCAL AREA, SO I WILL READ YOU THE REVISED DEFINITION, LOCAL AREA MEANS THE AUSTIN DESIGNATED MARKET AREA FOR THE AUSTIN BROADCAST MARKET. AS DEFINED AS OF THE EXECUTION DATE OF THAT CONTRACT AND INCLUDES THE FOLLOWING COUNTIES, TRAVIS, HAYS, ... BLANCO, GILLESPIE, MAIN NO, BURNET. IT DOES NOT INCLUDE THE SAN ANTONIO DESIGNATED MARKET AREA, WHICH IS ALSO LISTED ON

EXHIBIT C. WE REVISED DEFINITION OF LOCAL ARTISTS WHICH MEANS LOCAL ARTISTS MEANS ANYONE WHO LIVES OR PERFORMS IN VENUES LOCATED IN AUSTIN'S DESIGNATED MARKET AREA. WE ADDED A DEFINITION FOR LOCAL ENTERTAIN WHICH READS AS FOLLOWS, LOCAL ENTERTAIN MEANS MUSICAL PERFORMANCES AND OTHER ARTS RELATED ACTIVITIES OCCURRING IN THE LOCAL AREA. WE ALSO ADDED A DEFINITION FOR LOCAL MUSIC, WHICH MEANS LOCAL MUSIC MEANS, WHICH IS LOCAL MUSIC MEANS A MUSICAL PERFORMANCE BY A LOCAL ARTIST. THE NEXT CHANGE THAT WE MADE TO THE CONTRACT IS ON PAGE 7, UNDER SECTION 569 CONTRACT PROGRAMMING. SECTION 5 OF THE CONTRACT PROGRAMMING. WE ADDED A SENTENCE AT THE END OF THE LAST PARAGRAPH OF SECTION 5 WHICH READS AMP SHALL GRANT TO THE CITY AN OPPORTUNITY TO REVIEW AND COMMENT ON THE WORDING OF ALL STANDARD LICENSES WHICH AUTHORIZE THE REPRODUCTION AND PERFORMANCE OF THE RECORDING. THIS IS TO GIVE THE CITY ASSURANCE THAT -- THAT WHEN AMP DOES A PERFORMANCE WITH A LOCAL MUSICIAN, THAT IT'S CLEAR THAT THE -- THAT THAT MUSICIAN HAS AS SEPTEMBERED TO A -- AS SENTED TO A COPY OF THE PERFORMANCE BEING IN THE CITY'S ARCHIVES AND THEN AVAILABLE FOR THE CITY'S USE SUBSEQUENTLY. ASSENTED. AVAILABLE LOCALLY IF IT'S AIRED LOCALLY ON THE MUSIC CHANNEL. THEN ON PAGE 9, WE CLARIFIED THE PAYMENT TO ACTV. AND SO THE PROVISION THAT RELATES TO THAT PAYMENT NOW READS: THIS SUPPORT WILL INCLUDE \$100,000 PRORATED 12 MONTH GREAT TO ACTV TO BEGIN WITHIN 150 DAYS OF CONTRACT EXECUTION OR NO LATER THAN 30 DAYS AFTER AMP ASSUMES CONTROL OF THE CHANNEL, WHICHEVER IS EARLIER. AND THEN -- THEN UNDER SECTION 15, CORPORATE OWNERSHIP AND CONTROL, IN THE SECTION THAT DISCUSSES IF THERE ARE CHANGES TO MANAGEMENT OR TO THE PROPOSED OPERATING PLAN, WE ADDED A SENTENCE THAT READS IF THE CITY AND AMP DO NOT AGREE ON A REVISED PLAN WITHIN 90 DAYS AFTER RECEIVING NOTICE IN THE CHANGE OF OWNERSHIP OR CONTROL OF AMP, THE CITY MAY DECLARE THE CONTRACT IN DEFAULT. THEN I BELIEVE THE LAST CHANGE IS IN SECTION 19, DELIVERY AND DISTRIBUTION OF VIDEOS, 19 E 5, WHICH NOW READS AS

FOLLOWS: WE INSERTED A LIMITATION RELATING TO THE START-UP DATE FOR AMP AND SO THIS PROVISION NOW READS AS FOLLOWS: A CABLE OPERATOR'S CARRIAGE OF NETWORK AS PROVIDED BY AMP UNDER THIS AGREEMENT ON ITS SYSTEMS, PURSUANT TO AN AGREEMENT WITH AMP WILL BE DEEMED TO SATISFY THE CABLE OPERATOR'S OBLIGATIONS UNDER ITS FRANCHISE WITH RESPECT TO CARRIAGE OF THE MUSIC CHANNEL REQUIRED TO BE CARRIED UNDER SUCH FRANCHISE, PROVIDED, HOWEVER, THAT CABLE OPERATORS WHO DO NOT REACH AN AGREEMENT WITH AMP BY FEBRUARY THE FIRST OF 2005 ARE NOT REQUIRED TO CARRY A NETWORK. AND THOSE WERE THE CHANGES THAT WE MADE.

THANK YOU, MR. STEVENS. AUSTIN MUSIC PARTNERS INC. ARE IN AGREEMENT WITH ALL OF THESE CHANGES.

YES, THEY ARE, MAYOR.

COMMENTS, QUESTIONS? COUNCIL. MAYOR PRO TEM?

ONE COMMENT, MAYOR. THE LANGUAGE OF THIS -- OF THIS AGENDA ITEM READS: GOR NEGOTIATION AND EXECUTION OF A -- NEGOTIATION AND EXECUTION OF A CONTRACT. SINCE THIS CONTRACT IS FOR A LENGTH OF TIME THAT'S A LITTLE LENGTHIER THAN WE NORMALLY DO FOR THE MANAGEMENT OF THIS CHANNEL, I WOULD LIKE TO -- TO HAVE AS A PART OF THE MOTION FOR WHOMEVER MAKES THAT MOTION THAT THE CONTRACT NOT BE [INDISCERNIBLE] UNTIL AFTER THE FINAL, FINAL, FINAL WRITTEN VERSION IF IT'S THIS THAT'S GREAT, THEN WE WILL JUST LOOK AT THE SAME THING AGAIN. BUT IF THERE'S ANY CHANGE AT ALL, THAT IT BE RUN PAST THE MEMBERS OF THE TELECOMMUNICATION SUBCOMMITTEE AND ANY OTHER COUNCILMEMBER BEFORE IT'S ACTUALLY GOT OUR NAME ON THE DOTTED LINE.

I DON'T SEE THAT AS A PROBLEM, MAYOR PRO TEM, WHAT WE CAN DO IS IF THERE ARE ANY LANGUAGE CHANGES, WE WILL -- WE WILL RUN IT PAST THE COUNCIL BEFORE WE EXECUTE. IF WE CAN KEEP THE NEGOTIATE AND EXECUTE LANGUAGE IN THE ITEM, THEN WE ARE GOOD TO GO.

THEN IF WE COULD GET A COPY OF THE SIGNED CONTRACT AFTER.

Futrell: ABSOLUTELY.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT I'LL ENTERTAIN A MOTION. ITEM NO. 7.

I'LL MOVE APPROVAL OF -- FOR THE CONTRACT WITH THE AUSTIN MUSIC PARTNERS, FOR THE OPERATION OF CHANNEL 15.

MOTION MADE BY COUNCILMEMBER DUNKERLY TO APPROVE NEGOTIATION, EXECUTION OF THE AMENDED AUSTIN MUSIC CHANNEL OPERATING AGREEMENT. WITH AMP, INC. SECONDED BY COUNCILMEMBER ALVAREZ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU. COUNCIL, WE HAD ALSO -- TELL YOU WHAT, MR. -- MR. -- WE CAN PROBABLY TAKE UP THE BOND SALES VERY QUICKLY, CORRECT. OKAY, THEN WITHOUT OBJECTION, COUNCIL, LET'S GO TO OUR 2:00 TIME CERTAIN BOND SALES.

GOOD AFTERNOON, MAYOR AND COUNCIL, I'M BILL NEWMAN WITH PUBLIC FINANCIAL MANAGEMENT. CHRIS ALLEN IS MANNING OUT A BOOKLET FOR YOU, WE WILL GO THROUGH THIS SALE RATHER QUICKLY. THE ITEM ON THE AGENDA IS A \$165,145,000 WATER AND WASTEWATER SEWER SYSTEM REVENUE REFUNDING BOND SERIOUS 2004 A. THIS IS SERIOUS 2004 A. IT'S A REFUNDING BOND, BUT A LONG-TERM TAKEOUT OF OUTSTANDING COMMERCIAL PAPER, APPROXIMATELY \$175 MILLION. IN FACT OF COMMERCIAL PAPER. ON PAGE 3 YOU'LL SEE SOME OF THE PLAYERS ON THIS TRANSACTION, THIS WAS A NEGOTIATED DEAL. THE LEAD UNDERWRITER WAS GOLDMAN-SACKS AND COMPANY, TERRY THORNTON AND RICHARD RAMIREZ IS HERE FROM GOLDMAN SACKS. THEIR UNDERWRITERS COUNSEL IS HERE. AND [INDISCERNIBLE] FROM FULBRIGHT AND JAWORSKI IS HERE AS WELL. WE HAD A GOOD MARKET ON TUESDAY.



[INDISCERNIBLE] ON WEDNESDAY. THE 10 YEAR TREASURY MOVED FROM A 397 TO A 409 IN A PERIOD OF AN HOUR OR TWO. IT LOOKED SOMEWHAT UGLY. AS IT TURNS OUT TAX EXEMPTS RESISTED THE WEAK SIGNALS FROM THE TREASURY MARKET PRETTY WELL. PART OF THE PROPER BE WAS RELATIVELY SOFT QUARTER FOR CONSUMER SPENDING. PAGE 5 IS THE CONTINUATION OF THAT GENERAL MARKET UPDATE. IT TALKS ABOUT YOUR DEAL, THE AUSTIN DEAL WHEN IT WENT TO MARKET. TALKED ABOUT REPRISING THE 10 THROUGH 17S AND MAKING A COUPLE OF THEM NON-CALLABLE. IF YOU LOOK AT PAGE 6, GIVES YOU JUST A GRAPH OF WHERE THE REVENUE BOND INDEX AND THE 30 YEAR TREASURY HAS BEEN. IT'S BEEN STARTED DOWN SOME JUST YESTERDAY, TICKED UP SOME. BASICALLY THE 30 YEAR REVENUE BOND INDEX IS A 497 AND THE 30 YEAR TREASURY IS AT 486. PAGE 7 YOU WILL SEE WHO YOU WERE COMPETING WITH IN THE MARK, A COUPLE OF LARGE DEALS DURING THE WEEK, NEW JERSEY TRANSPORTATION FUND AND NEW YORK THROUGH WAY AUTHORITY BACK IN THE MARKET. YOU WEREN'T THE BIGGEST DEAL BY FAR. THOSE WERE BIGGER THAN YOU ARE. TO GIVE YOU AN IDEA OF HOW YOU FARED, IF YOU TAKE A LOOK AT PAGE 8, YOU WILL SEE SOME OF THE COMPARABLES, WATER SYSTEM REVENUE BONDS SOLD THE SAME DAY, RESERVE ACCOUNTING M.U.D. NUMBER 26 SOLD EARLIER IN THE MONTH CITY OF COLORADO SPRINGS SOLD. I GUESS THAT I WOULD LIKE TO SPEND JUST AGENTS TIME ON PAGE -- A LITTLE TIME ON PAGE 9. YOU CAN SEE THE STRUCTURE HERE, 5% COUPONS ON THIS TRANSACTION. THE YIELDS IN FACT GO FROM 2.10% TO 4.7% SPEAKERS AND 4.7% -- 4.7% AND RATINGS AT THE BOTTOM. THIS IS A WATER AND WASTEWATER STAND ALONE CREDIT. YOU HAVE SEEN ME TALK ABOUT COMBINED UTILITY SYSTEMS BONDS, HOW THE COMBINED WATER AND WASTEWATER AND ELECTRIC SYSTEM ARE SUCH A VERY GOOD CREDIT. I SHOULD POINT OUT THAT STANDARD AND POORS UPGRADED THE WATER AND WASTEWATER UTILITY ON ITS OWN THIS LAST TIME FROM AN A MINUS TO AN A, CITING KUDOS, IF YOU WOULD, TO YOU FOR YOUR LONG-TERM WATER SUPPLY CONTRACT AND HOW YOU HAD GOTTEN AHEAD OF MOST CITIES IN THE STATE WITH THE LONG TERM WATER SUPPLY CONTRACT. ALSO CITING MANAGEMENT'S WILLINGNESS TO JUFERT

RATES TO HELP -- ADJUST RATES TO HELP FUND THE LONG-TERM C.I.P. CHRIS LIPPY, SOME OTHERS HAD DINNER WITH THOSE FOLKS, TALKED ABOUT THE UTILITY AS A WHOLE. I THINK THEY BRING A UNIQUE PERSPECTIVE TO THE WATER AND WASTEWATER UTILITIES AND THEIR CREDITS. THEY WALKED AWAY WITH SAYING AUSTIN WAS A STRONG, HAD VERY STRONG CREDIT FUNDAMENTALS AS FAR AS WATER AND WASTEWATER UTILITY. I'LL END MY LONGWINDED TALK BY SAYING CHRIS LIPPY, DAVE ANDERS AND OTHERS HAVE DONE AN EXCELLENT JOB OVER THERE TALKING TO THESE PEOPLE OVER AND OVER AND OVER AND BEATING INTO THEIR HEADS HOW GOOD WE ARE. ESSENTIAL PAID OFF, WE APPRECIATE THEIR EFFORTS. AT THE END OF THE DAY THE CITY RECEIVED A DARNED GOOD TRUE ENTER COST, 4.43%, WE THINK THAT IT'S AT OR BELOW MARKET. A DARNED GOOD RATE, WE RECOMMEND APPROVAL.

THANK YOU, MR. NEWMAN. COMMENTS, QUESTIONS OF COUNCIL? IF NOT I'LL ENTERTAIN A MOTION ON ITEM NO. 83, WATER AND WASTEWATER REFINANCING SALE. REFUNDING.

MOVE APPROVAL.

SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER SLUSHER TO APPROVE THE BOND SALE ITEM NO. 83. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU AGAIN, CONGRATULATIONS.

THANK YOU ALL VERY MUCH. COUNCIL, BEFORE WE GO TO OUR AHFC WE ESSENTIALLY TABLED DISCUSSION ON ITEM NO. 23, WHICH RELATED TO THE AUSTIN REVITALIZATION AUTHORITY PROPOSED AGREEMENT. WE HAD HEARD FROM A COUPLE OF CITIZENS. ABOUT -- ABOUT THIS ISSUE. MEANWHILE JEANETTE PEYTON SIGNED UP TO SPEAK NOT -- NOT NOT, IN FAVOR. NOT WISHING TO SPEAK IN FAVOR.

WELCOME BACK, MR. PAUL HILGERS WHO ORIGINALLY PRESENTED THIS CASE TO US. I WILL ENTERTAIN ANY COMMENTS, QUESTIONS. COUNCILMEMBER SLUSHER?

Slusher: THIS IS THE ARA ITEM. TRIVIALED TO GO TO THE -- TO THE PRIVILEGED TO GO TO THE RIBBON CUTTING FOR THE TWO NEW BUILDINGS WHICH IS JUST GREAT ACCOMPLISHMENT. THAT THEY ARE THERE. AFTER SO MANY YEARS, WIDE RANGE OF PEOPLE, WORKING TO -- TO REVITALIZE THE AREA. AND BUT I DID HAPPEN TO -- IT WAS SET UP ON THE STREET THERE RIGHT OFF OF 11th STREET, I WENT AROUND THE CORNER ON TO 11th STREET DURING THE CEREMONY AND I ENDED UP GOING INTO THE VICTORY GRILL, A PLACE I'VE BEEN A FEW TIMES, AN HISTORIC AFRICAN-AMERICAN BUSINESS THAT HAS BEEN REVIVED TO A CERTAIN EXTENT OVER THE LAST FEW YEARS. IT'S CALLED THE VICTORY GRILL BECAUSE IT WAS FOUNDED RIGHT AFTER WORLD WAR II. THE VICTORY OF THE UNITED STATES AND ALLIES IN WORLD WAR II. A LOT OF AFRICAN-AMERICAN, NIGHTCLUB, SOLDIERS, FORMER SOLDIERS WOULD GO THERE. THERE'S PICTURES THAT ATTEST TO THAT. YOU CAN SEE THE KIND OF THINGS THAT, THE FUN THAT PEOPLE HAD IN THAT ERA, JUST LIKE WE LIKE TO NOW. BUT THE SITUATION WITH THE VICTORY GRILL RIGHT NOW, I'M USING THIS AS AN EXAMPLE OF MY BROADER POINTS, BUT THE SITUATION THERE THAT I SAW WHILE THE BUILDING -- OPENING OF THE BUILDING WAS BEING CELEBRATED. IN THE LITERALLY IN THE SHADOW OF THOSE BUILDINGS THE GRIM HAS A ROOF THAT LEAK, IT'S NOT JUST LEAKY, THEY HAD A BIG TARP ON THE CEILING WHEN THERE'S AN EVENTD IT RAIN -- EVENT OF RAIN THEY HAVE TO ROUTE IT OVER TRY TO GET IT OVER TO THE DOORWAY INSTEAD OF ON THE DIVANS OR CLIENTS OR PEOPLE THERE. THEY HAVE A LOT OF PROBLEMS GETTING UP TO CODE. THAT NEEDS SOME INVESTMENT, TOO. MY THOUGHT WAS WHILE THE ARA WANTED THIS PRIME -- ONE OF ITS PRIMARY GOALS AND CHARGES IS TO AID AFRICAN-AMERICAN BUSINESS, AND THIS PARTICULAR -- IN THIS PARTICULAR AREA, 11th AND 12th STREET. AND SO IN THIS CASE, NOT VERY MUCH, IF ANYTHING, HAS HAPPENED. SO THAT CONCERNS ME DEEPLY. THEN I RAN INTO MR. SHOPSURE WHEN I WENT OUTSIDE THEN, HE TALKED EARLIER ABOUT THE SITUATION

HIS CONCERN WHICH IS SEPARATE, BUT I THINK A VALID CONCERN AS WELL ABOUT THE AMOUNT OF MONEY THAT'S BEING PAID TO FOLKS THAT OWN PROPERTY, HAVE OWNED PROPERTY IN THE AREA THAT ARE GETTING MOVED OUT OR GETTING THE PROPERTIES CONDEMNED. SO I DID HAVE MR. MARSHAL FROM THE ARA COME IN AND TALK TO ME AND-- AND PROPER PRIOR TORE OF THE VICTORY GRILL. PROPRIETOR. I FEEL LIKE, MR. MARSHAL CAN SPEAK TO IT, BUT I FEEL LIKE NOW THAT SOMETHING IS GOING TO HAPPEN WITH THAT. FRANKLY IT'S GOING TO TAKE EFFORT ON BOTH SIDES, I DON'T MEAN TO PUT ALL OF THE RESPONSIBILITY FOR SOMETHING HAPPENING JUST ALL IN THE ARA'S LAP. BUT I THINK THAT IT'S -- IT'S GOING TO TAKE A STRONG EFFORT FROM THE ARA, GOING TO TAKE SOME STRONG EFFORT FROM THE FOLKS THAT ARE OWNING IT AND MANAGING THE VICTORY GRILL AS WELL. BUT TO ME THIS IS A REAL INDICATOR OF WHAT -- OF WHAT NEEDS TO HAPPEN, WHAT THE GRI -- ONE OF THE GREAT THINGS ABOUT THIS AREA IS A LINK TO THE PAST AND TO THE HISTORY OF THE AREA. AND I'LL -- MY -- I'LL JUDGE THIS OR -- IN LARGE PART, NOT ENTIRELY, BUT HOW THAT -- HOW THAT BUSINESS GOES, HOW SMALL BUSINESS IN THE AREA THRIVES BECAUSE I THINK THAT IS JUST A CRITICAL PART OF THIS. CERTAINLY WHY I'VE ALWAYS SUPPORTED IT. AND SO I WOULD LIKE MR. MARSHAL IN MAINTAIN TO COME UP. ANOTHER THING THAT I WANTED TO MENTION WAS THAT AT THE CELEBRATION, IT WAS -- THERE WAS SOME DISCUSSION, STILL AMAZINGLY TO ME, MAYBE -- I HOPE THIS WON'T BE TIRESOME TO ANYBODY, BUT STILL QUESTIONING THE CITY'S COMMITMENT TO THIS PROJECT AND TO ME THAT'S JUST A -- A RHETORIC, REALLY, WHICH I'M NOT SURE WHAT PURPOSE IT SERVES. BUT SINCE THAT'S OUT THERE, I WOULD LIKE FOR, ALONG WITH MR. HILGERS, TO GO THROUGH SOME OF THE CITY'S INVESTMENT IN THIS AREA, INCLUDING THE -- HIS OFFICE IS NOW LOCATED IN THE BUILDING, ONE OF THE TWO BUILDINGS. FRANKLY AT A RENT THAT IS COMPARABLE TO OR EVEN MORE THAN SOME OF THE MOST EXPENSIVE OFFICE SPACE DOWNTOWN. AND THE REASON WHY THE CITY IS DOING THAT IS IN ORDER TO PLAY A BIG PART IN MAKING THIS PROJECT AND THIS REVITALIZATION WORK AFTER 40 YEARS OF REVITALIZATION EFFORTS NOT WORKING ON THIS STREET, IN THIS AREA. ANOTHER THING

BEFORE I FORGET THAT. ALSO ON THIS NEXT ONE, WE ARE LOOKING AT 12th STREET, MR. MARSHAL HAS ASSURED ME THAT GOODS THERE'S GOING TO BE A STRONG EFFORT ON 12th STREET IN THIS SPACE OF THE ARA. LET'S GO OVER JUST QUICKLY SOME OF THE FUNDS COMING THROUGH THE CITY WE'VE HAD -- THERE'S A 9 MILLION DOLLAR 108 LOAN. TO SUPPORT THE BUILDINGS.

YES, SIR, THAT'S CORRECT. AND OTHER REVITALIZATION EFFORTS. THAT'S CORRECT. SECTION 108 LOAN THAT WAS SECURED SEVERAL YEARS AGO THROUGH OUR OFFICES AND WORK OF AN PLANNING EFFORTS OF THE COMMUNITY AND ARA, THAT HAS SUPPORTED BOTH THE FINANCING GUARANTEEING IN THE FINANCING, THE STREET AND JONES AND SNELL BUILDING, ALSO LAND ACQUISITION, HISTORIC PRESERVATION AND [INDISCERNIBLE] ACTIVITIES NECESSARY TO GO FORWARD WITH THOSE TWO BUILDINGS.

Slusher: THEN OF COURSE THIS LOAN IS NOT A FORGIVABLE LOAN.

THAT'S CORRECT, THAT'S EXACTLY RIGHT. THE PURPOSE OF THIS LOAN, PARTICULARLY IS TO STIMULATE PRIVATE SECTOR INVESTMENT AND -- IN THIS CORRIDOR. SO THAT'S -- THAT'S WHAT THE SECTION 108 LOANS WERE ABOUT. AND THAT'S HOW THIS IS STRUCTURED. SO THIS WILL BE REPAYED TO THE CITY.

Slusher: IT WILL BE REPAYED TO THE CITY. WILL THE RENTAL FUNDS THAT THE CITY --

THEY WILL BE HELPFUL IN THAT REPAYMENT, YES, SIR, THAT'S CORRECT.

Slusher: OKAY. WILL THAT BE ENOUGH -- ALSO HELP TO REPAY BACK THE PRIVATE --

YES, SIR, THAT'S CORRECT.

Slusher: LEVERAGED THROUGH THIS.

YES, SIR, THAT'S CORRECT.

Slusher: THAT WILL BE A PRETTY SIGNIFICANT PORTION OF PAYING THAT BACK, RIGHT?

YES, SIR, THAT IS CORRECT.

Slusher: OKAY, THEN WE HAVE \$4 MILLION IN CDBG FUNDS.

SINCE 1991, WE HAVE BEEN SUPPORTING -- SINCE 1996 WE HAVE BEEN SUPPORTING THE WORK OF THE AUSTIN REVITALIZATION AUTHORITY. WHEN YOU ADD ACQUISITION AND DEMOLITION EFFORTS, HISTORIC PRESERVATION EFFORTS TOGETHER WITH THE SUPPORT ADMINISTRATIVE EFFORTS OF ARA, OVER THAT ALMOST -- WELL THAT NINE YEAR PERIOD AT THIS POINT, ALL OF THOSE FUNDS ADDED UP TOGETHER TO ABOUT 4,033,000 FUNDS THAT IS WHAT IS IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FROM THAT PROGRAM.

THAT ADDS UP TO BETWEEN THOSE 2, 15.9 MILLION, OF COURSE AUSTIN ENERGY, ABOUT HALF A MILLION. ABOUT THREE QUARTER OF A MILLION IN.

YES, SIR. OTHER THINGS, AUSTIN ENERGY BURIED THE ELECTRIC LINES FOR 523,000. ONE THAT IS ALSO IMPORTANT WITH REGARD TO THE ELECTRICAL LINES THAT FITS WITH THAT IS ARA WENT TO CAPITAL METRO AND GOT A MILLION DOLLAR LOAN FOR SECRET SCAPING THAT I DIDN'T PUT ON HERE, BUT THAT'S NOT CITY DOLLARS, BUT THAT IS SOME MORE OUTSIDE FUNDING THAT THEY SECURED FOR THAT. THEN WE BURIED THE CONDUITS FOR THE BENEFIT OF THE BUILDINGS IN THAT AREA. THERE WAS SOME WATER AND WASTEWATER INVESTMENTS AND INFRASTRUCTURE TO A TUNE OF ABOUT \$1.2 MILLION. SO THAT THE -- SO THAT THE INVESTMENT OR THE -- IN THE INFRASTRUCTURE OF THE AREA WAS ABOUT \$1.9 MILLION. AGAIN, ALL DESIGNED WITH THE ASSISTANCE AND PARTNERSHIP OF WHAT THE PLANS FOR THAT REDEVELOPMENT AREA HAVE CALL CALLED FOR.

OF COURSE BURYING ELECTRIC LINES, THAT'S SOMETHING THAT A LOT OF NEIGHBORHOODS ARE ASKING THE CITY TO DO.

YES, THAT'S CORRECT.

Slusher: I THINK THE FIGURE THAT I WAS GIVEN, IF WE WERE TO BURY THE ELECTRIC LINES ALL OVER TOWN, THAT WOULD COST MORE THAN THE UTILITY IS WORTH TODAY. OR IS IT MORE THAN THE ANNUAL BUDGET I THINK IT IS.

PROBABLY MORE THAN BOTH OF THOSE PUT TOGETHER.

Slusher: THERE YOU GO, THAT'S THE FIGURE THAT I WAS LOOKING FOR. [LAUGHTER] OF COURSE THERE'S THE WATER AND WASTEWATER, 1.2 MILLION. I THINK THAT WOULD HAPPEN EVENTUALLY ANYWAY.

THAT'S ABSOLUTELY CORRECT.

Slusher: COUNCILMEMBER THOMAS AND I AFTER A VISIT FROM THE ARA A FEW YEARS AGO, PUT THAT UP, MOVED THAT UP TO THE FRONT OF THE LINE TO MAKE THAT HAPPEN. BECAUSE LIKE A LOT OF THIS STUFF THAT WAS OVERDUE, THE RIGHT THING FOR THE CITY GOVERNMENT TO DO. I JUST WANTED TO MAKE THAT CLEAR SINCE THERE STILL SEEMS TO BE SOME QUESTIONS, WHERE THE CITY IS -- WHETHER THE CITY IS COMMITTED TO THE PROJECT OR NOT. I WOULD SAY CERTAINLY THAT LEVEL OF INVESTMENT, THAT LEVEL OF PAYING, RENTING THE PROPERTY, A BIG PART OF THE PROPERTY WOULD CERTAINLY AT LEAST TO ME SHOW THAT -- MS. MARSH, COULD YOU COME UP FOR A SECOND AND TALK TO US ABOUT THE WAY THE ARA, IF YOU THINK THAT IT'S HELPING SMALL BUSINESS IN PARTICULAR, SMALL AFRICAN-AMERICAN BUSINESS, IF SO HOW? THEN WE WILL GET SPECIFICALLY A LITTLE BIT INTO THE VICTORY GRILL SITUATION, I WOULD APPRECIATE IT.

SURE, GOOD AFTERNOON. YOU HAD -- WELL, WITH RESPECT TO HOW WE ARE TRYING TO HELP SMALL BUSINESSES IN GENERAL, IF YOU LOOK AT 11th STREET FROM THE INCEPTION OF ARA, EVERY SINGLE BLOCK BETWEEN BRANCH AND NAVASOTA HAS HAD AN IMPROVEMENT. EITHER THE BUSINESS HAS EXPANDED, A NEW BUSINESS HAS OPENED OR A BUSINESS HAS PRODUCED SPRUCED UP ALONG THAT SPINE. NO BLOCK THAT HASN'T HAPPENED ON WITH THE EXCEPTION OF THE BLOCK WHERE THE VICTORY

GRILL IS. THAT IS THE AREA WE STARTED WORKING ON IN 2003. WE WORKED WITH THE OWNER OF THE VICTORY -- THE OWNERS OF THE VICTORY GRILL AND AGREED THAT WE WOULD ON OUR OWNING OUT AND TRY TO RAISE MONEY TO BEGIN TO REHAB THAT BUILDING. WE RAISED ABOUT \$10,000. WE HAVE -- WE HAVE TEN THOUSAND DOLLARS THAT CAN BE CONTRIBUTED TO THEIR REHAB. WE HAVE ALSO SPENT ABOUT \$5,000 IN SOFT COST, ARCHITECTURAL AND ENGINEERING, TO, ONE, DO A STATEMENT OF PROBABLE COSTS OF WHAT IT COULD COST TO REHAB THE BUILDING. SECONDLY TO DO -- TO LOOK AT THEIR VUKT RAL ISSUES AND -- STRUCTURAL ISSUES AND TO DETERMINE WHAT HAS TO BE DONE IN ORDER TO EXPAND THE BUILDING THE WAY THEY WANT. AND WE HAVE ALSO AGREED TO DO THE GRANT APPLICATIONS NECESSARY FOR THEM TO SECURE MONEY FROM THE CITY AND FOR HISTORIC PRESERVATION DOLLARS. IF THEY WANT US TO, WE AGREED THAT WE WOULD PROJECT MANAGE THE CONSTRUCTION. IT'S UP TO THEM. WE ARE READY AT THIS POINT TO TURN THAT INFORMATION OVER TO THEM. ONCE WE HELP THEM GET A BUSINESS PLAN TOGETHER. THE DELAY IN THE LAST YEAR OR SO HAS BEEN HAVING A BUSINESS PLAN THAT WOULD ALLOW US TO -- WOULD ALLOW THEM TO, ONE, GET A FACADE PROGRAM MONEY AND SECONDLY TO GET MONEY FROM EITHER A BANK OR THE NEIGHBORHOOD COMMERCIAL MANAGEMENT LOAN PROGRAM TO SHOW THAT THEY COULD BE AN ONGOING CONCERN. WE ESTIMATE THAT THEY WOULD NEED ABOUT 300,000, THEY ESTIMATE THEY WOULD NEED ABOUT 500,000 IN TOTAL IN ORDER TO PRESENT THEIR BUSINESS THE WAY THEY WANT IT TO BE.

Slusher: YOU THINK THAT IS AN INITIAL INVESTMENT WHICH THEY THINK WOULD BE PAID BACK THROUGH THE OPERATION OF THE BUSINESS? I REALIZE THAT QUESTION SHOULD ALSO BE DIRECTED TO THEM AS YESTERDAY.

I GUESS IF YOU ASKED WHAT OUR HELP HAS BEEN TO THEM TO THIS POINT, WE HAVE RAISED \$10,000 IN CASH THAT GO TOWARDS THEIR CONSTRUCTION OR REHAB. SECONDLY, WE PROVIDED THEM ARCHITECTURAL AND ENGINEERING SERVICES THAT THEY CAN USE AS A BASIS FOR CONSTRUCTION DRAWINGS TO GO OUT AND GET A LOAN FROM SOME OTHER ENTITY. THIRD, WE HAVE OFFERED



THEM PROJECT MANAGEMENT SERVICES THAT THEY WANT THOSE AND, FOURTH, WE HAVE -- WE HAVE AGREED TO PROVIDE THEM WITH A BUSINESS PLAN OR TECHNICAL ASSISTANCE TO ACHIEVE A BUSINESS PLAN THROUGH BIG AUSTIN.

I WAS GOING TO ASK YOU THROUGH BIG.

YES.

AND YOU SAID SORRY WE TALKED AT THE SAME TIME THERE.

I SAID NO WE HAVE CHANGED WITH BIG TO PROVIDE THAT BUSINESS PLAN FOR THEM. WE ARRANGED THAT YESTERDAY AFTER MEETING.

Slusher: OKAY. GREAT. THEN PARKING?

WELL, THERE'S A -- WE HAVE BUILT A -- A 175 SPACE PARKING LOT DIRECTLY ACROSS THE STREET FROM THE VICTORY GRILL. THE WAY IT WAS DESIGNED IS AFTER HOURS ANY BUSINESS IN THE AREA CAN USE IT. SO ON THE FIRST DECK THERE ARE ABOUT 90 SPACES WITHIN 40 FEET OF THEIR ESTABLISHMENT. THERE'S NO CHARGE FOR IT. THEY CAN USE IT. WE MAINTAIN IT. IF FOR SOME REASON, WELL, WE HOPE -- HOPEFULLY WE WILL HAVE A PROBLEM, THAT IS THEY WILL BE VERY SUCCESSFUL AND THE RESTAURANTS WILL BE VERY SUCCESSFUL, THAT UPPER DECK WON'T BE ENOUGH. IN THAT CASE WE CAN OPEN THE BOTTOM DECK UP, PEOPLE CAN USE THAT, ALSO. IN ADDITION THE CITY HAS PROVIDED A -- AN AGREEMENT TO CREATE ANOTHER 40 PARKING SPACES IN THE NEXT BLOCK, 35 PARKING SPACES IN THE NEXT BLACK THAT'S COMMUNITY PARKING -- BLOCK THAT'S COMMUNITY PARKING WHICH WE HOPE TO BEGIN WORKING CONSTRUCTION ON IN THE NEXT YEAR.

I APPRECIATE YOUR ATTENTION TO THOSE MATTERS.

SURE.

COULD YOU ADDRESS MR. SHOPSHIRES CONCERNS ABOUT

THE PROPERTY TO THE WEST OF THE BUILDINGS.

WELL, ACTUALLY THOSE ARE NOT ISSUES THAT ARA IS INVOLVED IN. THAT IS URBAN RENEWAL AGENCY AND NEIGHBORHOOD HOUSING. WE DIDN'T ASK TO HAVE THE PROPERTY CONDEMNED. WE HAD NO CONDEMNATION POWER. WE ARE NOT TRYING TO BUY THE PROPERTY. IF IN FACT IT IS SECURED, BY THE URBAN RENEWAL AGENCY, OUR CONTRACT WITH THEM IS THAT WE WOULD SECURE A DEVELOPER FOR THAT PROPERTY. NOT THAT WE WOULD NECESSARILY BE THE DEVELOPER. SO -- I THINK PART OF WHAT WE HAVE BEEN ASKED TO DO, WE HAVE TRIED DO OVER THE LAST YEAR IS PROVIDE ADVICE TO -- LAST COUPLE OF YEARS IS PROVIDE ADVICE TO PROPERTY OWNERS ABOUT HOW THE PROCESS WORKS. INCLUDING [INDISCERNIBLE] WE HAVE DONE THAT. WE BEGAN TALKING TO THEM BEFORE THEY EVEN CAME TO THE CITY I MEAN THE URBAN RENEWAL AGENCY, ASKED THEM TO BUY THEIR LAND. WE TOLD THEM WHAT THAT WOULDNT TAIL. ONCE THE CITY END GAINED OR YOU WERE BAN RENEWAL AGENCY ENGAGED IN THAT PROCESS THERE WAS REALLY NO TURNING BACK. YOU URBAN RENEWAL AGENCY WOULD MAKE THAT OFFER UNDER THE EMINENT DOMAIN. WE HAVE CONTINUED TO HELP AND FACTS, HE'S ASKED US HOW MUCH LAND COST PER SQUARE FOOT, SALES, COMPAREABLES. WE PROVIDED HIM THAT INFORMATION. BUT WE ARE IN A SITUATION WHERE WE CAN ONLY PROVIDE ADVICE AND NOT BE AN ADVOCATE AGAINST THE CITY BECAUSE OUR CONTRACT DOESN'T ALLOW TO US DO THAT EITHER.

Slusher: DID YOU SAY ASKED, GOT THE BALL ROLLING TO CONDEMN THE PROPERTY.

ONE OF THE HEIRS CAME TO US, ARA, ASKED HOW WE COULD EXPEDITE THE PROCESS OF THE URBAN RENEWAL AGENCY BUYING THEIR LAND BECAUSE THEY HAD SENT AN OFFER FORWARD, IT WAS TAKING TOO LONG TO GET AN ANSWER IN THEIR MIND. WE WANTED TO ADVISE THEM HOW THE PROCESS WORKED AND SECONDLY PUT THEM IN CONTACT WITH THE STAFF OF THE URBAN RENEWAL AGENCY AND HELPED BROKER GETTING THEM ON AN EARLIER AGENCY TO HAVE THAT ISSUE LOOKED AT. OTHER

THAN THAT WE'VE HAD NO INVOLVEMENT.

THE PROPERTY OWNER THEMSELVES WANTED THE  
PROPERTY TURNED OVER OR.

YES.

OR SOLD.

WELL, YOU HAVE TO REMEMBER THERE ARE LIKE 12 OR 14  
HEIRS. ONE OF THE HEIRS WANTED THAT.

Slusher: OKAY.

AT LEAST ONE.

Slusher: OKAY. WELL, THANK YOU, THAT'S ALL OF THE  
QUESTIONS THAT I HAVE FOR YOU MR. MARSHAL, THANK  
YOU. MR. HILGERS CAN ADDRESS THAT.

GOOD I COULD, JUST ADD TO THAT. I THINK IT'S IMPORTANT  
TO CLARIFY. BYRON DID A GREAT JOB OF CLARIFYING IT. I  
WANT TO BE CLEAR IN GENERAL HOW THIS PROCESS  
WORKS. JUST TO BE CLEAR THAT WHEN THIS PROCESS  
BEGINS AS BYRON DESCRIBES IT AND THE URBAN RENEWAL  
AGENCY IS INVOLVED, IN ACQUIRING PROPERTY UNDER THE  
THREAT OF IMMINENT DOMAIN, SEVERAL TECHNICAL LEGAL  
REQUIREMENTS KICK IN. THAT ESSENTIALLY TAKE -- WHERE  
THE UNIFORM RELOCATION ACT AT THE FEDERAL LEVEL  
TAKES PRECEDENCE OVER OUR INVOLVEMENT IN  
NEGOTIATING A FAIR AND EQUITABLE PRICE FOR WHATEVER  
FAMILY IS INVOLVED. AND ESSENTIALLY THAT IS HANDLED  
THROUGH AN AGREEMENT WE HAVE WITH THE PUBLIC  
WORKS DEPARTMENT. AND THAT PROCESS IS MANAGED  
THROUGH THE URBAN RENEWAL AGENCY. OUR STAFF IS  
THE STAFF IN THE URBAN RENEWAL AGENCY. BUT THAT  
IMMINENT DOMAIN AUTHORITY DOES REST WITH THE URBAN  
RENEWAL AGENCY NOT WITH THE ARA, IT IS A THREE PARTY  
AGREEMENT THAT THIS REVITALIZATION EFFORT IS BEING  
DEVELOPED UNDER. AND IT IS THE CITY OF AUSTIN, THE  
URBAN RENEWAL AREA AND THE AUSTIN REVITALIZATION  
AUTHORITY. THE REVITALIZATION AUTHORITY IS  
RESPONSIBLE FOR ACTUALLY DEVELOPMENT PROPOSALS

AND DEVELOPING PROPERTY. BUT NOT CONDEMNING PROPERTY OR NEGOTIATING FOR THE PRICE OF THAT PROPERTY SO THAT IS -- THAT ACE DISTINCTION. IF WE CAN PROVIDE MORE CLARIFICATION ON THAT, WE WOULD BE GLAD TO DO IS THAT.

AT WHAT POINT DID THIS ONE SWITCH OVER FROM AT LEAST ONE OF THE HEIRS LIKE MR. MARSHAL SAID WAS PURSUANT, SOUNDS LIKE A PURCHASE FROM THE URBAN RENEWAL AUTHORITY AND THEN IT TURNED INTO AN IMMINENT DOMAIN CASE?

I THINK THAT AS I UNDERSTAND THIS PARTICULAR CASE, I WANT TO BE CAREFUL THAT I'M NOT TALKING TOO MUCH ABOUT THE SPECIFIC UNSTANCE OF A CASE THAT MAY BE APPEALED. BUT MY UNDERSTANDING IS AN OFFER WAS MADE THAT WAS DEEMED BY SOME OF THE HAIRS TO BE UNACCEPT -- SOME OF THE HEIRS TO BE UNACCEPTABLE. IN THAT TRANSACTION YOU THEN HAVE TO ASSESS WHAT THE FAIR MARKET VALUE OF THE PROPERTY IS AND WHAT WE ARE WILLING TO OFFER UNDER THE REFRESH MY MEMORIES OF THE UNIFORM RELOCATION ACT F. THAT'S NOT ACCEPTABLE THEN YOUR COURSE OF ACTION IS TO THEN SAY THIS IS THE AMOUNT OF MONEY THAT WE CAN PAY FOR YOU FOR THIS, THAT'S ALL THAT WE CAN PAY YOU FOR THIS, THAT ESSENTIALLY KICKS IN THE CONDEMNATION PROCESS. IS THAT AN ACCURATE WAY TO DESCRIBE IT, JIM?

OF COURSE, IN THIS ITEM, MR. SHOPSHIRE APPROPRIATELY THOUGHT THIS WAS AN OPPORTUNITY TO DISCUSS THE ITEM, BUT THIS VOTE HERE TODAY DOESN'T AFFECT THIS ONE WAY OR ANOTHER.

NO, SIR. NOTHING TO DO WITH THIS ACTION TODAY.

OKAY.

LET ME JUST ASK DOES THAT RAISE -- ANY QUESTIONS ON MR. SHOPSHIRES PART THAT YOU WOULD LIKE TO ASK SINCE IT'S BEEN A WHILE SINCE HE GOT TO SPEAK?

[INAUDIBLE - NO MIC]

MY CONCERN IS, YOU KNOW, HOW DO WE CORRECT IT? YOU KNOW, AT THIS PARTICULAR POINT. AND THE THING IS THAT IS THERE A WAY AT THIS PARTICULAR POINT TO ALLOW THE PROPERTY OWNERS, WHICH I HAVE UNANIMOUSLY -- WANT TO DEVELOP THEIR PROPERTY OR SELL THEIR PROPERTY IN ACCORDANCE WITH THE COMMUNITY REDEVELOPMENT PLAN. THAT'S THE POINT THAT I'M AT RIGHT NOW. AND THE REASON IT'S TIED INTO THE ARA, BECAUSE I LOOK AT THEM AS BEING THE ONES WHO OVERSEE THE REDEVELOPMENT OF BOTH 11th AND 12th STREET AND BEING AN ADVOCATE ON BEHALF OF THE PROPERTY OWNERS WHICH HAS BEEN IN THE FAMILY FOR 125 YEARS. MY QUESTION IS CAN WE TAKE CORRECTIVE ACTION AT THIS PARTICULAR POINT TO ALLOW THEM TO -- TO DEVELOP THE PROPERTY IN ACCORDANCE WITH THE COMMUNITY REDEVELOPMENT PLAN. PUT EVERYBODY IN A WIN-WIN SITUATION, WHICH WILL BE THE CITY AS WELL AS THE PROPERTY OWNERS.

OKAY. THANK YOU. I KNOW THAT YOU -- YOU MET THE CITY MANAGER ALSO IN COURT, SO IF SOMEBODY WANTS TO ADD THAT HERE OR IF YOU WANT TO DO IT PRIVATELY, EITHER WAY WOULD BE FINE WITH ME.

ACTUALLY, I THINK IF WE GO ANY FURTHER THAN THIS, WE NEED TO GO INTO EXECUTIVE SESSION AT THIS POINT, COUNCILMEMBER.

Slusher: I WAS SENSING THAT. WELL, THAT'S ALL THE QUESTIONS THAT I HAVE, MAYOR.

THANK YOU, COUNCILMEMBER. I APPRECIATE YOU POINTING OUT OUT OF THE CITY OF AUSTIN'S INVESTMENTS, BUT WE'VE -- WE SORT OF BRUSHED OVER CAPITAL METRO'S INVOLVEMENT, TOO. AND I WANT TO THANK COUNCILMEMBER THOMAS AND YOU AS OUR CAPITAL METRO BOARD MEMBERS. I THINK CAPITAL METRO'S PARTNERSHIP OVER THERE WITH ARA HAS PROVEN TO BE VERY FRUITFUL AND I THINK LONG-TERM CAPITAL METRO'S LONG-TERM PRESENCE IN AND AROUND EAST AUSTIN WILL BE A SIGNIFICANT BENEFIT TO OUR -- ALL OF OUR REVITALIZATION EFFORTS IN THAT CORRIDOR. FURTHER COMMENTS, QUESTIONS?

Thomas: YES.

Mayor Wynn: COUNCILMEMBER THOMAS?

Thomas: JUST BEFORE I MAKE A MOTION BECAUSE SOME OF OF THE THINGS THAT COUNCILMEMBER SLUSHER BROUGHT OUT I HAD A MEETING WITH MR. MARSHAL BRIEFLY ABOUT THAT AND THE PERSON ALSO THAT WAS CONCERNED ABOUT THE VICTORY GRILL. I HAD VERY MUCH CONFIDENCE IN -- IN MR. MARSHAL AND THE BOARD OF TAKING CARE OF WHAT NEEDS TO BE TAKEN CARE OF TO TRY TO HELP THAT PARTICULAR PERSON. BUT COUNCILMEMBER SLUSHER IS CORRECT. AND I EVEN SAID THIS, TOO. ALL OF THE BEAUTIFUL THINGS THAT WE HAVE DONE. LOOK LIKE VICTORY GRILL WAS JUST SITTING THERE. IT WAS CONCERN TO ME. BUT AFTER LISTENING TO BOTH PARTIES, I KNOW THAT WE CAN REACH THE -- THE GOALS THAT WE REALLY WANT TO REACH TO MAKE SURE THAT VICTORY GRILL IS BROUGHT TO THE -- IT HAS TO WORK ON BOTH SIDES. AND SO I'M LOOKING FORWARD TO THAT. I DID SAY WHEN THEY HAD THE RIBBON CUTTING, THERE WAS A GREAT DAY. BUT I ALSO TOLD EVERYBODY THAT WAS OUT THERE THE PLACES THAT I SEE THAT I WANT TO CONTINUE TO SEE IN THE COMMUNITY AND I -- I MADE IT VERY CLEAR THAT WE HAVEN'T ARRIVED YET. STILL GOT A LOT MORE WORK TO DO. COUNCILMEMBER ALVAREZ AND I ARE LOOKING AT SOMETHING THAT WOULD HELP -- THAT WOULD HELP ALSO REVITAL THE AREA BUT MAKE SURE THAT IT STAYS LIKE IT IS. MAKE SURE THAT GENTRIFICATION IS SOMETHING THAT EVEN THE CITY STAFF REALIZES IS OCCURRING. IT'S A IMPORTANT POSITIVE AND A NEGATIVE TO THAT, WE WANT TO MAKE SURE BECAUSE THERE ARE A LOT OF PEOPLE THAT WORKED REAL HARD IN THAT GENERAL AREA, STILL LIVING IN THAT GENERAL AREA THAT WANT TO LIVE. I THINK IT'S ON PART OF OUR PART AS A CITY TO DO WHAT WE CAN. SOME -- SOME OF THE THINGS IN GET INDICATION OUR HANDS ARE TIED. BUT THERE ARE SOME THINGS THAT WE CAN INITIATE AND HOPEFULLY WITH -- WITH COUNCILMEMBER ALVAREZ, WE HOPE THAT WE CAN STIMULATE THAT. TO HELP MAKE SURE THAT WE CAN PRESERVE SOME OF THE ONE THAT'S ARE STILL IN THE NEIGHBORHOOD, THAT HAVE WORKED HARD TO BE THERE. I'M LOOKING FORWARD TO THE BUSINESS LIKE VICTORY

GRILL, OTHER AFRICAN AMERICAN MINORITY GROUP BUSINESSES THAT ARE ON 11th STREET AND 12 STREET IN THE NEAR FUTURE TO COME UP TO THE PAR THAT -- WHERE THE COMMUNITY HAS ALWAYS BEEN LOOKING TO. I COMMEND ARA AND THE BOARD AND I HAVE CONFIDENCE IN MR. MARSHAL AND THE BOARD, DR. URDY, THE REST OF THEM, THE GROUP THAT WE WILL GET WHERE WE NEED TO CONTINUE TO GO. I'M VERY SUPPORTIVE IN THIS ITEM. IF ANYBODY ELSE MAKES A MOTION THAT WE -- THAT WE ACCEPT THIS -- THIS ITEM NO. 23.

SECOND.

MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER SLUSHER TO APPROVE ITEM NO. 23.  
COUNCILMEMBER ALVAREZ?

JUST TO BUILD ON WHAT COUNCILMEMBER SLUSHER AND THOMAS SAID, YOU KNOW, CERTAINLY WANT TO COMMEND ARA FOR ALL THEIR SUCCESS, ALL OF THE STAFF AND BOARD AND ALSO OUR OWN STAFF THAT HAS WORKED A LONG, LONG -- LONG, LONG HOURS IN -- AND MANY, MANY YEARS ON THIS PARTICULAR PROJECT AND IT'S VERY IMPRESSIVE INVESTMENT AND OUTCOME. I THINK FOR EVERYONE AND -- AND BUT YOU KNOW I ALWAYS LOOK TO THE FUTURE, WHAT'S NEXT. AND CERTAINLY I THINK NOW THAT WE HAVE A GOOD SUCCESS STORY UNDER OUR BELT, COUNCILMEMBER THOMAS MENTIONED THE ISSUE, GENTRIFICATION, I HOPE IN THE NEAR FUTURE WE ARE GOING TO HAVE A VERY HEALTHY DISCUSSION ABOUT STRATEGIES WE ARE PUTTING FORWARD TO TRY TO ADDRESS THAT SITUATION. BUT ALSO THE -- THE ISSUE THAT -- THAT COUNCILMEMBER SLUSHER BROUGHT UP ABOUT HOW DO WE HELP THE EXISTING BUSINESSES AND ARE THERE WAYS WE CAN WORK TOGETHER TO TRY TO BE MORE EFFECTIVE THAN N THAT REGARD BECAUSE WE HAVE ALL BEEN SO FOCUSED ON HOW DO WE GET THE INFRASTRUCTURE TO THE LEVEL THAT IT NEEDS TO BE SO THAT IT COULD SUPPORT THIS DEVELOPMENT THAT EVERYONE WOULD LIKE TO SEE. I THINK NOW THAT -- AGAIN NOW THAT WE HAVE THAT TO BE ABLE TO POINT TO AS A -- AS A SUCCESS AND STARTING TO LOOK TO THE FUTURE AND FIGURE OUT WHAT ELSE NEEDS TO BE DONE. AND

CERTAINLY I WANT TO WORK PROACTIVELY WITH -- WITH EVERYONE INVOLVED HERE TO -- TO IDENTIFY SOME SOLUTIONS. BUT -- BUT ANYWAY CONGRATULATIONS TO EVERYONE AND LOOK FORWARD AGAIN TO -- TO A -- SOME MORE GREAT NEWS IN THE FUTURE.

THANK YOU, FURTHER COMMENTS? MOTION AND SECOND ON THE TABLE TO APPROVE ITEM NO. 23. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU VERY MUCH. COUNCIL, THAT TAKE US TO OUR 3:00 POSTED MEETING OF THE BOARD OF DIRECTORS OF THE AUSTIN HOUSING AND FINANCE CORPORATION. SO WITH THAT, WE WILL NOW RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL AND CALL TO ORDER THIS MEETING OF THE AHFC BOARD OF DIRECTORS, WELCOME, MR. PAUL HILGERS. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

THANK YOU. AGENCY ITEM NUMBER 2 IS OUR ANNUAL INDUCEMENT RESOLUTIONS PROCESS. THIS IS THE OPPORTUNITY FOR US TO BEGIN PLANNING FOR SECURING THE LOTTERY -- THE OPPORTUNITIES BEFORE US IN THE LOTTERY. AND ON THIS PARTICULAR OCCASION THIS YEAR WE ARE ASKING YOU IN AHFC ITEM NUMBER 2 TO AUTHORIZE THE INDUCEMENT RESOLUTIONS AUTHORIZING THE SUBMISSION OF APPLICATIONS TO THE TEXAS BOND REVIEW BOARD FOR BOND AUTHORITY UNDER THE STATE'S ANNUAL MULTI-FAMILY PRIVATE ACTIVITY VOLUME CAP FOR THE LOYOLA PARK APARTMENTS, A 248 UNIT COMPLEX TO BE BUILT AT 6100 LOYOLA LANE, SPONSORED BY CHRIS DISHINGER OF LOUISVILLE, KENTUCKY, IN AN AMOUNT NOT TO EXCEED \$15 MILLION. THE INTERPORT MEADOWS APARTMENTS, A 250 UNIT COMPLEX TO BE BUILT IN THE 1100 BLOCK OF FALLWELL LANE, SPONSORED BY SOUTHWEST HOUSING DEVELOPMENT CORPORATION IN AN AMOUNT NOT TO EXCEED \$15 MILLION. AND THE FALLWELL MEADOWS APARTMENTS, A 250 UNIT COMPLEX TO BE BUILT IN THE 1100 BLOCK OF FALLWELL LANE RESPONDED BY THE SOUTHWEST HOUSING DEVELOPMENT COMPANY IN AN AMOUNT NOT TO



EXCEED \$15 MILLION. SINCE 1982, THE AGENCY HAS ISSUED A SERIES OF MULTI-FAMILY REVIEW BONDS TOTALING \$212 MILLION. THESE BONDS HAVE FINANCED 31 MULTI-FAMILY PROPERTIES, CREATING 6,252 LOW AND MODERATE INCOME LEVEL UNITS. THE AHFC BOARD WILL HAVE TWO ADDITIONAL OPPORTUNITIES TO REVIEW THESE PROJECTS BEFORE THE BONDS ARE ISSUED IF THEY SHOULD BE SUCCESSFUL IN SECURING THE LOTTERY. THE REASON YOU HAVE TWO PROPERTIES IN THE SAME -- WITH THE SAME ADDRESS IS SO THAT YOU WILL HAVE ONE OPPORTUNITY TO SECURE THE LOTTERY. THEY CERTAINLY WILL NOT BE BUILDING 2 PROPERTIES AT THE SAME LOCATION. AND IT'S IMPORTANT TO MENTION THAT THESE ARE NOT RECOURSE -- NON-RECOURSE BONDS AND FULL CREDIT OF THE HOUSING FINANCE CORPORATION IS NOT PLEDGED TO REPAY THE BONDS. THIS GIVES US AN OPPORTUNITY TO PUT OUR HAT INTO THE RING. WITH THAT I WILL ASK FOR APPROVAL OF AHFC ITEM NUMBER 2.

Mayor Wynn: THANK YOU. A COUPLE OF QUESTIONS. THE FACT THAT ALL THREE ARE \$15 MILLION. THAT APPLIES THAT THAT'S THE MAXIMUM THAT CAN BE REQUESTED?

YES, SIR, THAT WOULD BE CORRECT.

Mayor Wynn: AND HOW IS IT THAT -- DO WE PLAY ANY ROLE IN SORT OF ADVERTISING THIS ANNUAL PROCESS?

YES, SIR, WE DO. AND WE DO TAKE OUT -- WE DO TAKE OUT ADVERTISEMENTS AND LET PEOPLE KNOW THROUGH BOTH THE TEXAS ASSOCIATION OF LOCAL HOUSING FINANCE AGENCIES, THROUGH PUBLIC PROCESSES TO LET FOLKS KNOW THAT THEY HAVE THE OPPORTUNITY TO PARTICIPATE. AND IT IS -- THE INDUSTRY IS WELL AWARE OF THIS TIME COMING UP EVERY YEAR.

Mayor Wynn: DOES HAVING ONLY THREE SUBMITTED FOR THIS ANNUAL LOTTERY SEEM LOW TO YOU?

ACTUALLY, IT IS AN INDICATION THAT THE MARKET MAY BE COMING BACK A LITTLE BIT. LAST YEAR WE ONLY HAD ONE. BUT IN PREVIOUS YEARS, MAYOR, WE'VE HAD MANY MORE APPLICATIONS. AT ONE TIME I THINK WE HAD 12 ONE YEAR.

SO THERE HAS BEEN MANY MORE APPLICATIONS IN THE PAST. THE MARKET IS STILL SOMEWHAT A RISK AND PERCEIVED THAT WAY AND PERCEIVED THAT WE HAVE SOME OCCUPANCY. WE NEED TO GET MORE UNITS FILLED UP BEFORE THE MARKET IS WILLING TO INVEST IN MORE UNITS. BUT YES, SIR, COMPARED TO WHAT USED TO HAPPEN PREVIOUSLY, THIS IS MUCH LOWER IN THE NUMBER OF APPLICATIONS THAT WE USED TO BRING BEFORE YOU IN THESE KIND OF -- IN THIS PARTICULAR ACTION.

Mayor Wynn: AND IT ALSO SEEMS TO ME THAT SO OUR LEVEL OF SCRUTINY, IF YOU WILL, IS QUITE LOW ON THIS ROUND. THAT IS, WE'RE TRYING TO ENCOURAGE AS MANY POTENTIAL DEVELOPMENT PARTNERS AS POSSIBLE TO EVEN GET INTO THIS TO BEGIN WITH.

THAT IS ABSOLUTELY CORRECT.

Mayor Wynn: TO THE EXTENT THAT ONE OR MORE OF THESE PROJECTS WERE TO BEGIN TO HOPEFULLY GET THIS STATE APPROVAL, WE STILL HAVE SCRUTINY -- WE CERTAINLY STILL HAVE OUR TYPICAL DEVELOPMENT REVIEW PROCESS, JUST SORT OF ENCOURAGE BEST PRACTICES TO MAXIMIZE THE UNITS WHILE AT THE SAME TIME --

WE WOULD REQUIRE THE UNITS TO MEET THE SMART HOUSING GUIDELINES OF THE CITY OF AUSTIN. THEY WOULD HAVE TO GO THROUGH THE NEIGHBORHOOD APPROVAL PROCESSES AND SECURE THE ZONING. AND EXACTLY AS YOU SAID, AND THE DEVELOPMENT OF THE INSPECTION PROCESS AS WELL AS SO YOUR CITY COUNCIL HAS TO GIVE YOU THE CHANCE TO DO THAT. FROM A FINANCE CORPORATION STANDPOINT, IT IS IMPORTANT, THOUGH, THAT YOU RECOGNIZE THAT YOU ALSO HAVE THE OPPORTUNITY TO REVIEW THIS TWICE AND MAKE ANY ADDITIONAL RECOMMENDATIONS TO THE DEVELOPMENT BEFORE YOU WOULD WANT TO ISSUE THE BONDS. SO YOU DO HAVE ANOTHER OPPORTUNITY TO SCRUTINIZE THESE DEVELOPMENTS, WHICH COULD GET THE OPPORTUNITY TO SECURE THE EQUITY THAT IS OFFERED FOR THE BOND REVIEW BOARD PROCESS.

Mayor Wynn: THANK YOU, MR. HILGERS. FURTHER

QUESTIONS OF STAFF, BOARD MEMBERS? IF NOT, I'LL ENTERTAIN A MOTION ON AHFC 2. >>

Thomas: SO MOVE.

Mayor Wynn: MOTION MADE BY BOARD MEMBER THOMAS AND SECONDED BY BOARD MEMBER DUNKERLEY FOR AHFC ITEM 2. ANY COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. ALL IN FAVOR? OPPOSED? MOTION PASS OZ A VOTE OF SEVEN TO ZERO.

THANK YOU. AHFC ITEM NUMBER 3 IS TO APPROVE A RESOLUTION AMENDING THE AUSTIN HOUSING FINANCE CORPORATION 2004-2005 GRANT OPERATING BUDGET AS SET FORTH IN EXHIBIT A TO AUSTIN HOUSING FINANCE CORPORATION RESOLUTION NUMBER 040913-1 TO CREATE A NEW SOURCE OF FUNDS PROGRAM INCOME SALES PROCEEDS LINE ITEM ENTITLED HOME-MATCH IN THE AMOUNT OF \$933,577 FOR A PROGRAM INCOME SALES PROCEEDS BUDGET TOTAL OF \$3,079,652, AND TO CREATE A NEW USE OF FUNDS HOME OWNERSHIP DEVELOPMENT ACQUISITION AND DEVELOPMENT LINE ITEM ENTITLED HOME-MATCH IN THE AMOUNT OF \$933,577 FOR AN ACQUISITION AND DEVELOPMENT BUDGET OF \$4,714,273. IN GENERAL, LET ME SAY THAT BASICALLY THIS AUTHORIZES US TO SPEND MONEY THAT WE'RE GENERATING FROM PREVIOUS ACTIVITIES. THAT'S THE SIMPLE WAY TO UNDERSTAND WHAT WE'RE DOING. BUT SPECIFICALLY, THIS PARTICULAR TRANSACTION IS AN IMPORTANT ONE IN THAT IT IS IN SUPPORT OF THE NEIGHBORHOOD HOUSING SERVICES INCORPORATED, A NONPROFIT COMMUNITY HOUSING PROVIDER THAT'S FOCUSED ITS EFFORTS ORIGINALLY IN THE ST. JOHN'S NEIGHBORHOOD. IT IS GENERATED THE \$933,577 IN HOPE 3 PROGRAM INCOME FROM THE CONSTRUCTION AND SALE OF 12 HOMES. AND AS REQUIRED PER AN AGREEMENT WITH THE CITY OF AUSTIN AND THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, NHS HAS PROVIDED THAT MONEY BACK TO THE CITY OF AUSTIN AS INCOME AND WILL HAVE THE USE OF FUNDS FOR DEVELOPMENT OF FUTURE HOMES FOR LOW INCOME FAMILIES, INCLUDING THE ACQUISITION OF FOUR LOTS AND THE CONSTRUCTION OF FOUR SINGLE-FAMILY HOMES OUTSIDE OF THE ST. JOHN'S AREA IN THE HERITAGE

VILLAGE SUBDIVISION, SO THEY'RE BRANCHING OUT. THIS IS A NONPROFIT THAT WE'RE EXTREMELY PROUD TO HAVE A PARTNERSHIP WITH, AND THE MODEL THAT WE HAVE HERE WITH NHS WE BELIEVE IS ONE THAT WE CAN USE WITH OTHER NONPROFITS AS WE WORK WITH OUR CAPACITY DEVELOPMENT PROGRAM TO ALLOW THEM TO HAVE THE BENEFITS IN A STRUCTURED WAY WITH THE PROGRAM INCOME THAT THEY HAVE. ALL OF THIS IS LINED OUT IN OUR FIVE-YEAR CONSOLIDATED PLAN, WHICH IS APPROVED AND WILL HELP US ACHIEVE OUR GOAL. SO WE'RE EXCITED ABOUT BRINGING THIS OPPORTUNITY BEFORE YOU.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS OF STAFF, BOARD MEMBERS? IF NOT, I'LL ENTERTAIN A MOTION ON AHFC-3.

Dunkerley: SO MOVE.

Mayor Wynn: MOTION MADE BY BOARD MEMBER THOMAS, SECONDED BY BOARD MEMBER DUNKERLEY TO APPROVE AHFC 3 AS PRESENTED FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

FINALLY, COUNCIL, FOR TODAY, AHFC ITEM NUMBER 4 IS RELATED TO THE ITEM YOU TOOK UP AS A CITY COUNCIL AS ITEM 24, AND THAT IS TO AUTHORIZE THE NEGOTIATION AND EXECUTION OF A ONE-YEAR SERVICE AGREEMENT WITH THE CITY OF AUSTIN IN AN AMOUNT NOT TO EXCEED \$13,574,670 TO FUND AHFC'S MANAGEMENT AND OPERATION OF VARIOUS CITY HOUSING PROGRAMS IN FISCAL YEAR 2004-2005, INCLUDING OUR TENANT BASED RENTAL ASSISTANCE, RENTAL HOUSING DEVELOPMENT ASSISTANCE, ARCHITECTURAL BARRIER REMOVAL, RENTAL, HOME BUYER LENDING ASSISTANCE PROGRAM. ACQUISITION AND DEVELOPMENT. THE ARCHITECTURAL BARRIER REMOVAL FOR HOMEOWNERS, EMERGENCY HOME REPAIR, HOMEOWNER MODERATE REHABILITATION PROGRAM, AND THE MATERIALS GRANT PROGRAMS, ALL PROGRAMS LINED

IN THE CONSOLIDATED PLAN THAT HAVE COME BEFORE YOU NOW SEVERAL TIMES. AND THIS IS JUST THE AUTHORIZATION OF THE CONTRACT BETWEEN THE CITY AND AHFC TO LET US GO FORWARD WITH THOSE PROGRAMS DURING THIS NEXT YEAR. >>

Mayor Wynn: AND OUR NOTATION HERE, MR. HILGERS, SHOWS THAT THIS IS RELATED TO THE CITY COUNCIL AGENDA ITEM 24.

YES, SIR, WHICH WAS -- WAS APPROVED ON THE CONSENT AGENDA, THAT'S CORRECT, SIR.

Mayor Wynn: THANK YOU. QUESTIONS, BOARD MEMBERS? COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION ON AHFC 4. MOTION MADE BY BOARD MEMBER ALVAREZ, SECONDED BY VICE-PRESIDENT GOODMAN. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU VERY MUCH. THAT'S ALL THE BUSINESS BEFORE THE FINANCE CORPORATION TODAY.

Mayor Wynn: THANK YOU, MR. HILGERS. WITHOUT OBJECTION, BOARD, WE'LL NOW ADJOURN THIS MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION, CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL.

Goodman: MAYOR? BEFORE WE LEAVE THESE PARTICULAR ISSUES ALTOGETHER RELATIVE TO 23 AND 24 AS WELL -- GOSH, SORRY, RAGWEED, I GUESS. I FORGOT TO MENTION AND CERTAINLY SHOULD HAVE THAT WE HAVEN'T CELEBRATED THIS YET IN AN OFFICIAL EVENT, BUT RELATIVE TO 11th STREET REVITALIZATION AND COMMUNITY INVESTMENT, THAT AREA IS WI-FI. IT IS A HOT SPOT. AND THE PLAZA SALTILLO THAT WILL ALSO CELEBRATE, THERE'S COMMUNITY INVESTMENT, SO IT DOESN'T NECESSARILY SHOW UP IN ONE ITEM FOR OUR AGENDA, BUT IT'S SOMETHING TO CELEBRATE. SO EVERYBODY IS INVITED

WHEN THAT DAY COMES UP, OF COURSE.

Mayor Wynn: THANK YOU. I SAW A SIGN THE OTHER DAY THAT SAID WE'VE ALWAYS BEEN A HOT SPOT. [ LAUGHTER ]

Goodman: YEAH. GOT TO LOOK FOR IT.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. SO COUNCIL, LET'S SEE. WE HAVE TAKEN UP ALL OF OUR DISCUSSION ITEMS PRIOR TO OUR 4:00 O'CLOCK ZONING HEARINGS WITH A COUPLE OF EXCEPTIONS. LET'S SEE. EARLIER WE -- IN EXECUTIVE SESSION WE TOOK UP ITEM NUMBER 37 RELATED TO AIRPORT PARKING GARAGE ISSUES. NO DECISIONS WERE MADE IN EXECUTIVE SESSION. SO AT THIS TIME IF STAFF IS READY, PERHAPS WE COULD TAKE UP ITEM NUMBER 37 TO CONSIDER ACTION. IF STAFF IS READY, PERHAPS A BRIEF PRESENTATION ON THE REQUEST FOR ITEM 37.

MAYOR AND COUNCIL, THIS IS A REQUEST TO HIRE AN ENGINEERING FIRM TO ASSIST A LAW FIRM THAT WE'VE HIRED TO REVIEW AND POTENTIALLY PREPARE FOR A LAWSUIT THAT WE MAY GET INVOLVED WITH RELATIVE TO THE PARKING GARAGE.

Mayor Wynn: THANK YOU, MR. SMITH. COUNCIL, QUESTIONS OF STAFF OR COMMENTS? WE HAVE A COUPLE OF FOLKS WHO HAVE SIGNED UP WISHING TO SPEAK RELATED TO THIS ITEM. OUR FIRST CARD IS FROM DIANA CASS TA ANYWAY DA -- CASTANEDA. OKAY. WE'LL TAKE UP HANNAH RITTERING FIRST. WELCOME. YOU WILL HAVE THREE MINUTES. THIS IS ITEM NUMBER 37. YOU WILL BE FOLLOWED BY HANNAH RITTERING.

FOR ALL MY MANY YEARS OF SERVICE I ONLY GET THREE MINUTES? COUNCILMEMBERS, I'M DIANA CASTANEDA, AND I'M HERE TO TALK TO YOU A LITTLE BIT ABOUT THE PARKING GARAGE STRUCTURE. I WAS ON THE -- I WAS ON THAT ONE TOO, BUT I WAS ON THE AIRPORT ADVISORY BOARD FROM '97 TO I THINK ABOUT 2001, 2002. AND THE BOARD HAD DISCOVERED SOME CRACKS IN THE PARKING GARAGE, AND IN FACT, MAYOR WYNN, WHEN WE MET WITH YOU IMMEDIATELY AFTER YOU WERE ELECTED, LEONARD, LIONS,

MYSELF AND HANNAH SPOKE TO YOU AND OF COURSE ALL THE OTHER COUNCILMEMBERS ABOUT SOME OF THE ISSUES. I'M A LITTLE OUT OF BREATH, REGARDING THE PARKING GARAGE STRUCTURE BECAUSE WE SAW THE CRACKS, WE SAW THE JOINTS HAVING THESE HUGE AND WIDE GAPS. AND WE WERE CONCERNED ALSO BECAUSE THERE WAS MOVEMENT IN THE SLAB. SO WE BROUGHT THIS TO YOU, WE BROUGHT THIS TO THE STAFF, AND STAFF JUST BRUSHED US OFF, SAYING WE DON'T KNOW ANYTHING, WE WERE I GUESS INCORPORATE, WE WERE NOT ENGINEERS, THEREFORE IT'S OKAY. AND THEN THEY STARTED FILLING IT WITH SOME SORT OF A FOAMY RUBBER THING. SO AS -- CONSEQUENTLY, IMMEDIATELY AFTER THAT SITUATION, WE WERE TOLD OUR SERVICES WERE NO LONGER NEEDED IN THE WAY THAT THE COUNCIL ESTABLISHED A NEW ORDINANCE TO RECODIFY AND SELECT MEMBERS AS SOMEWHAT EXPERTS IN THEIR AREA TO SERVE ON THIS AIRPORT ADVISORY BOARD. AND THAT WAS BECAUSE WE HAD RAISED THE IRE OF CHUCK GRIFFEN AND JOHN ALMOND WHO REFUSED TO LISTEN TO US ON SOME VERY RELEVANT ISSUES THAT WERE COMMON SENSE THINGS THAT WE NOTICED, WHETHER IT WAS THE TERMINAL ITSELF, WHETHER IT WAS THE GATES, WHETHER IT WAS THE PARKING GARAGE. AS CITIZENS WE WERE VERY CONCERNED. WE HAD NOTHING TO GAIN. NONE OF US WORKED FOR THE CITY, NONE OF US WERE WAITING FOR HUGE PROMINENT APPOINTMENTS, AND THERE WAS NO MONEY. BUT WE WERE LEFT TO DO OTHER THINGS AND HANNAH WAS THE ONLY ONE THAT WAS LEFT. SO WHAT I'M HERE TO DO TODAY IS TO SHAKE MY FINGER AT YOU AND TELL YOU WE TOLD YOU SO ABOUT THESE ISSUES REGARDING THE PARKING GARAGE. WE'VE TOLD YOU SO ABOUT A LOT OF OTHER THINGS. AND I WISH THAT YOU WOULD PAY CLOSE ATTENTION TO WHEN CITIZENS WHO HAVE ABSOLUTELY NOTHING TO GAIN AND EVERYTHING TO GIVE AS PUBLIC SERVANTS DO SO TO YOU, HANNAH IS GOING TO TALK TO YOU ABOUT THIS A LITTLE BIT MORE, BUT I WANT TO SAY THAT THERE WILL MOST LIKELY WILL HAVE TO BE MILLIONS OF DOLLARS OF REMEDIATION DONE ASIDE FROM THE FACT THAT YOU'RE DOING THIS 300,000-DOLLAR STUDY. AND HAD WE DONE THIS BACK WHEN WE KNEW THAT THERE WAS A WARRANTY GUARANTEE ON THE PARKING

GARAGE, WE WOULD BE SAVING THESE \$300,000 AND MAYBE ANY OF THE REMEDIATION THAT WILL COST OUT OF THE AIRPORT FUND FOR US TO PAY ALL OF THAT TO FIX IT. AND THAT'S WHERE I AM AND HERE'S YOUR FINGER SHAKING, AND THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. HANNAH RITTERING. WELCOME. YOU WILL HAVE THREE MINUTES.

GOOD AFTERNOON, CITY COUNCIL. MY NAME IS HANNAH RITTERING AND YOU KNOW I'M THE CHAIR OF THE AIRPORT ADVISORY COMMISSION. AND I DO WANT TO TELL YOU THAT EVEN THOUGH THIS IS AN ITEM THAT DID NOT COME BEFORE THE BOARD, THERE WAS NOT A -- THAT ANYTHING LIKE THIS WAS COMING UP AT OUR NEXT MEETING, WHICH WAS THREE WEEKS AGO. CERTAINLY THE MONEY NEEDS TO BE SPENT, BECAUSE AS DIANA POINTED OUT, AS I SAID IN MY E-MAIL TO ALL OF YOU YESTERDAY, THESE WERE THINGS THAT I'VE BEEN TRYING TO BRING TO EVERYONE'S ATTENTION FOR FIVE YEARS. IT MISS MISS TAPHIZE ME. WHEN Y'ALL FIRST SENT JIM TO AIRPORT THERE WAS IMMEDIATE HOSTILITY BECAUSE HE CAME THERE WITH A CULTURE OF HOSTILITY FROM HIS PREDECESSORS, SO HE NEVER GOT TO FIND OUT WHAT A REASONABLE AND PRETTY NICE PERSON I AM. I AM VERY CONCERNED. THERE HAVE BEEN CONTINUOUS THINGS LIKE THIS. I JUST WANT YOU TO KNOW THAT IN TERMS OF THE OTHER COMMISSION MEMBERS WITH WHOM I'VE HAD CONTACT IN THE LAST A LITTLE BIT OVER 24 HOURS SINCE THIS STORY HIT THE AMERICAN-STATESMAN YESTERDAY MORNING, THAT THEY ALSO HAVE NO RECOLLECTION WHATSOEVER OF THIS ITEM OR ANYTHING HAVING TO DO WITH THE PARKING GARAGE IN FIXING THE PARKING GARAGE OR AN ADMISSION THAT THERE WERE PROBLEMS WITH THE PARKING GARAGE EVER HAVING BEEN GIVEN TO THE AIRPORT ADVISORY COMMISSION. SO WE NEED TO DO THIS. I JUST HOPE IT'S NOT GOING TO COST THE CITIZENS OF AUSTIN MILLIONS AND MILLIONS OF DOLLARS, EITHER OUT OF GENERAL REVENUE OR OUT OF THEIR POCKETS BY INCREASED PARKING FEES OR WHO KNOWS WHAT STAFF IS NOW GOING TO RECOMMEND SO THAT THE CITIZENS OF AUSTIN ARE GOING TO HAVE TO PAY FOR THE MISTAKE THAT WAS MADE BY THE CONTRACTOR AND BY VERY HIGH EMPLOYEES ON THE CITY STAFF. SO YEAH, LET'S GET ON



WITH IT, LET'S FIX THIS. I'M JUST GLAD THE THING DIDN'T COLLAPSE. THANK YOU.

Mayor Wynn: THANK YOU, MS. RITTERING.

Futrell: COUNCIL, IF YOU WOULD INDULGE ME BECAUSE WE OBVIOUSLY HAVE SOME MISUNDERSTANDING HERE AND I WOULD LIKE TO AT LEAST GET SOME OF THIS ON THE RECORD. YOU HAVE BEEN FULLY BRIEFED IN EXECUTIVE SESSION. THERE IS A LIMIT TO WHAT WE CAN TALK ABOUT HERE PUBLICLY, BUT AT LEAST TO HELP TALK TO THE MISUNDERSTANDING OF WHICH PROBLEM WE ARE ADDRESSING HERE, DAVE, COULD YOU TRY TO SHED SOME LIGHT ON THAT?

DAVID PETERSON, ASSISTANT ATTORNEY GENERAL. THE PROBLEMS THAT MS. RITTERING ARE REFERRING TO PRIMARILY RELATE TO SOMETHING CALLED EXPANSION JOINT. AND IT IS A FUNCTION OF THE WAY THE GARAGE WAS DESIGNED AS A SERIES OF 10 CONCRETE STRUCTURES, EACH OF THOSE CONCRETE STRUCTURES ARE CONNECTED BY WHAT ARE REFERRED TO AS EXPANSION JOINTS. THIS IS A COMPLETELY DIFFERENT ISSUE. IT IS A COMPLETELY DIFFERENT TOPIC THAN THE PROBLEMS THAT WE WERE DISCUSSING AND HAVE BRIEFED YOU ON EARLIER. THE EXPANSION JOINTS ARE NOT PART OF THIS STUDY THAT WE ARE ASKING YOU TO PROCEED FORWARD AND ARE NOT PART OF THE PROBLEMS THAT WE ARE SEEKING TO ADDRESS. OUR ENGINEERING STAFF IS NO LONGER HERE, BUT IT IS MY UNDERSTANDING THAT THEY BELIEVE THAT THE EXPANSION JOINT ISSUES, AGAIN, WHICH IS CONNECTIONS BETWEEN THE VARIOUS CONCRETE STRUCTURES, WHICH ARE SUPPOSED TO BE ABLE TO MOVE INDEPENDENTLY, AND THEREFORE THEY WILL BE -- THERE WILL BE MOVEMENT BETWEEN THOSE TWO STRUCTURES, AND I AM TOLD THERE'S SUPPOSED TO BE. THAT THOSE ISSUES ARE NOT A SAFETY CONCERN AND THAT THEY ARE -- AND THEY ARE ADDRESSED AND ARE BEING MONITORED. BUT THE ISSUES THAT MS. RITTERING IS REFERRING TO PRIMARILY RELATE TO EXPANSION JOINTS AND NOT THE PROBLEMS THAT WE PERCEIVED AND WE'RE PROCEEDING AND RECOMMENDING THIS STUDY TO ADDRESS.

Futrell: AND IF YOU'LL DO ME A FAVOR, AND I KNOW THAT WE ARE NOT ABLE TO GIVE THE ADVISORY BOARD THE KIND OF BRIEFING BECAUSE OF OUR LITIGATION ISSUES ON THIS ISSUE, BUT AT LEAST ON THE EXPANSION JOINT ISSUE, SO THAT SOME OF THE CONFUSION CAN BE CORRECTED AT THE NEXT ADVISORY BOARD, I'D APPRECIATE SOME DISCUSSION FOR THE ADVISORY BOARD ON THE EXPANSION JOINT ISSUE SO THEY UNDERSTAND WHAT THAT IS.

WE WILL BE SURE TO HAVE THE ENGINEERING STAFF PRESENT TO BE ABLE TO ADDRESS THAT.

Futrell: THANKS.

Mayor Wynn: THANK YOU, CITY MANAGER. COMMENTS, COUNCIL, QUESTIONS OF STAFF? WE RECEIVED A DETAILED BRIEFING IN EXECUTIVE SESSION AND A SUMMARY BRIEFING HERE IN OPEN SESSION ON ITEM NUMBER 37. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE ITEM NUMBER 37. FURTHER COMMENTS?

Thomas: JUST ONE COMMENT, IF YOU DON'T MIND. I APPRECIATE THE CITY MANAGER EXPLAINING THE LEGALITY OF WHAT WE CAN DO, BUT I DO BELIEVE -- I FEEL THAT THE ADVISORY BOARD THAT WE DO HAVE OUT THERE SHOULD BE -- WHAT INFORMATION -- I'M NOT SAYING THAT YOU'RE NOT DOING THAT, BUT MAKE SURE YOU KEEP THEM ABREAST OF WHAT WE CAN GIVE THEM AND ANYTHING THAT'S GOING ON IN THE AIRPORT, AIRPORT ISSUES. AND I APPRECIATE THE CITY MANAGER EXPLAINING THAT. AND I HOPE THAT IF THERE'S ANY OTHER QUESTIONS THAT WE'D ADDRESS THOSE ISSUES. I SEE THEIR HEADS KEEP GOING BACK. SO IF YOU WOULD DO THAT AFTER THE MEETING, AFTER THIS VOTE, PLEASE. THANK YOU.

Futrell: I GUESS, COUNCILMEMBER, I DO WANT TO BE CLEAR, THERE ARE THINGS THAT WE DO NOT IN LITIGATION --

Thomas: I UNDERSTAND THAT VERY MUCH. YOU MADE THAT VERY CLEAR. I UNDERSTOOD THAT. BUT IF THERE'S SOMETHING WE CAN ANSWER TODAY THAT'S NOT PART OF

THE LITIGATION.

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

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. WITH THE MAYOR PRO TEM -- MOTION PASS OR A VOTE OF SIX TO ZERO WITH THE MAYOR PRO TEM TEMPORARILY OFF THE Dais. COUNCIL, EARLIER IN EXECUTIVE SESSION WE TOOK UP ITEM NUMBER 79, WHICH WAS RELATED TO COLLECTIVE BARGAINING WITH OUR AUSTIN ASSOCIATION OF PROFESSIONAL FIREFIGHTERS WE HAVE A POSTED ACTION ITEM, WHICH IS ITEM NUMBER 82 REGARDING THE APPROVAL OF A RESOLUTION REORDINING THE AUSTIN ASSOCIATION OF PROFESSIONAL FIREFIGHTERS, LOCAL 9 SURVIVE OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS AS THE EXCLUSIVE BARGAINING AGENT FOR AUSTIN FIRE DEPARTMENT FIREFIGHTERS FOR LEKT ACTIVE BAR ON -- COLLECTIVE BARGAINING AND DIDDECLARING THAT COLLECTIVE BARGAINING IS IN EFFECT FOR AUSTIN FIREFIGHTERS. AND WITH THAT I DON'T KNOW IF IT NEEDS SORT OF A FURTHER EXPLANATION. I KNOW WE HAVE THE PRESIDENT OF OUR LOCAL, MR. MIKE MARTINEZ IS HERE. MIKE, WOULD YOU LIKE TO ADDRESS THE COUNCIL? WELCOME.

THANK YOU, MAYOR AND COUNCIL, CITY MANAGER. APPRECIATE THE OPPORTUNITY TO SAY A FEW WORDS. I WANT TO THANK YOU GUYS FOR DOING THIS TODAY. IT'S REALLY IMPORTANT TO THE FIREFIGHTERS THAT WE NOW TAKE THIS -- WHAT WE WE BELIEVE IS A FORWARD MOVEMENT IN BEING ABLE TO SIT DOWN AND DISCUSS THE MATTERS THAT ARE REALLY IMPORTANT TO US AS FIREFIGHTERS. AND I BELIEVE THAT THROUGH EFFECTIVE AND OPEN COMMUNICATION AND GOOD DIALOGUE WE CAN CONTINUE TO IMPROVE THE FIRE DEPARTMENT. WE ALL BELIEVE VERY STRONGLY THAT WE HAVE ONE OF THE BEST FIRE DEPARTMENTS IN THE COUNTRY AND IN THE STATE OF TEXAS, AND WE WANT TO CONTINUE TO IMPROVE UPON THAT. AND WE'VE ALREADY MADE SIGNIFICANT PROGRESS.

WE'VE BEEN NEGOTIATING FOR THE LAST THREE WEEKS, AND WE FEEL VERY POSITIVE ABOUT THOSE THREE MEETINGS, AND I JUST WANT TO THANK YOU ALL FOR YOUR ACTION TODAY. APPRECIATE IT.

Mayor Wynn: THANK YOU FOR BEING HERE, FOR WHAT YOU DO FOR THE LOCAL. COMMENTS, COUNCIL? QUESTIONS? COUNCILMEMBER THOMAS.

Thomas: COULD MR. MARTINEZ COME BACK UP? LIKE THE MAYOR SAID AND THE COUNCIL, I WANT TO COMMEND YOU ON WHAT YOU'RE DOING. BUT WE KNOW THERE ARE SOME AREAS IN THE FIRE DEPARTMENT THAT WE'RE LOOKING FORWARD IN THE PROCESS, THAT YOU ALL HAVE AN OPEN HEART AND MIND TO WHAT WE NEED TO DO, AND WHEN IT COMES TO DIVERSE FIEG OUR DEPARTMENT.

ABSOLUTELY. AND I HOPE THAT YOU ARE BEING BRIEFED ON OUR CURRENT NEGOTIATIONS BECAUSE I THINK THAT YOU WILL BE PLEASANTLY ENLIGHTENED ABOUT THE POSITION THAT WE'VE TAKEN AND THE PROGRESS THAT WE'RE TRYING TO MAKE.

Thomas: THE REASON WHY I SAY THAT, MR. MARTINEZ, I HAD AN OPPORTUNITY TO SPEAK TO SOME YOUNG PEOPLE ON SATURDAY WITH PASSING THE TORCH, AND LIKE THE CITY MANAGER IS TALKING ABOUT DIVERSIFYING THE DEPARTMENT, HOW IMPORTANT IT IS, ALSO WHEN YOU SAY PASSING THE TORCH, SOMETHING THAT I BELIEVE IN A LEGACY FOR THIS GREAT FIRE DEPARTMENT THAT WE DO HAVE. WHEN YOU SAY FAMILY, THAT MEANS EVERYBODY'S A PART OF THAT FAMILY. WE NEED TO MAKE THAT FAMILY LARGER AND MORE DIVERSIFIED AND WE NEED TO ALL WORK TOGETHER. I MADE IT CLEAR TO THE CHIEF OVER THERE AND TO THE FIREFIGHTERS.

ABSOLUTELY, SIR.

Thomas: THANK YOU.

THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER

COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 82.

Thomas: SO MOVE, MAYOR.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS. SECONDED BY COUNCILMEMBER MCCracken TO APPROVE ITEM NUMBER 82, OUR RESOLUTION REGARDING COLLECTIVE BARGAINING IN OUR LOCAL CHAPTER OF THE AUSTIN ASSOCIATION OF PROFESSIONAL FIREFIGHTERS. 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, I BELIEVE THAT'S ALL OF OUR ACTION ITEMS UNTIL OUR 4:00 O'CLOCK TIME CERTAIN ZONING HEARINGS, SO WITH THAT WE'LL GO BACK INTO CLOSED SESSION UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT -- YES, THANK YOU. WE'LL DISCUSS THE REMAINING ITEM ON OUR EXECUTIVE SESSION AGENDA, WHICH IS ITEM NUMBER 76 RELATED TO IFB AND JANE DOE VERSUS FREDDIE URIAS AND THE CITY OF AUSTIN. WE ARE NOW IN CLOSED SESSION.

77 WAS WITHDRAWN OFF THE EXECUTIVE SESSION AGENDA. WITHDRAWN, ITEM 78 IS POSTPONED TO OCTOBER 7th. SO WE DID NOT TAKE UP ITEM 78 IN EXECUTIVE SESSION. AND ITEM NO. 80 HAS ALSO BEEN WITHDRAWN. AS I MENTIONED EARLIER, WE TOOK UP ITEM NO. 76 IN EXECUTIVE SESSION, NO DECISIONS WERE MADE. BUT WE GOT BACKGROUND INTO THIS CASE. WITH NO OBJECTION WE WILL TAKE UP ITEM NO. 81, WHICH IS THE POSTED ACTION ITEM PROPOSED SETTLEMENT RELATED TO THIS CASE. I'LL -- I'LL WELCOME A PRESENTATION FROM THE CITY ATTORNEY'S OFFICE.

THANK YOU MAYOR AND COUNCIL. ROBIN SANDERS ON BEHALF OF THE CITY OF AUSTIN, REQUEST APPROVAL OF A LAWSUIT ENTITLED JANE DOE VERSUS FRED URIAS IN THE CITY OF AUSTIN. IN THE AMOUNT OF \$650,000. QUESTIONS OF STAFF, COUNCIL? COMMENTS? IF NOT I'LL ENTERTAIN A

MOTION ON ITEM NO. 81.

MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCracken TO APPROVE ITEM -- THE SETTLEMENT, ITEM NO. 81.

Goodman: SECOND.

Mayor Wynn: SECONDED BY THE MAYOR PRO TEM? FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0 ON ITEM NO. 81. THANK YOU. OKAY. COUNCIL, CROWD, THAT TAKES US TO OUR 4:00 ZONING HEARING AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. WELCOME MS. ALICE GLASGO.

GOOD AFTERNOON, MAYOR AND COUNCILMEMBERS. ALICE GLASGO, DIRECTOR OF NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. OUR ZONINGS CASES FOR TODAY ARE AS FOLLOWS. ITEM NO. 84, 85, 86, AND 87 WILL BE DISCUSSION. THESE ARE THE CASES WHERE THE PUBLIC HEARING HAS BEEN CLOSED AND THE ITEMS ARE ON FOR YOU TO CONSIDER SECOND AND THIRD READINGS. ITEM NUMBER 88, C14-04-98 BURNET CROSSING, LOCATED AT 5320 BURNET ROAD. THE APPLICANT IS SEEKING A CHANGE FROM C.S. TO C.S. 1 WHICH ALLOWS LIQUOR SALES. YOU HAVE APPROVED THIS PREVIOUSLY AND THE CASE IS READY FOR SECOND AND THIRD READINGS. ITEM NO. 89, C14-03-125, THE WAGNER TRACT LOCATED AT 14409 NORTH HAY SERVICE ROAD. THE APPLICANT IS REQUESTING A POSTPONEMENT TO DECEMBER THE 2nd, IN ORDER TO CONTINUE WORKING WITH TEXDOT ON -- ON DEDICATING DRAINAGE EASEMENT. ITEM NO. 90 WILL BE A DISCUSSION. SO IS 91, 92, AND 93. MAYOR, THAT CONCLUDES THE CONSENT ITEMS UNDER THIS PORTION OF OUR AGENDA.

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

CONSENT AGENDA FOR OUR ZONING CASES WHERE WE HAVE ALREADY CLOSED THE PUBLIC HEARING WILL BE ITEM NO. 88 ON SECOND AND THIRD READING, AND ITEM NO. 89 TO BE POSTPONED TO DECEMBER 7th, 2004. I'LL ENTERTAIN A MOTION. MOTION MADE BY THE MAYOR PRO TEM, I WILL SECOND TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

Glasgo: MAYOR THAT TAKE US TO THE 4:00 PUBLIC HEARINGS. I'LL OFFER ITEMS FOR CONSENT, Z-1, C14-04- 105-8708 CONGRESS AVENUE IS THE PROJECT, THE ADDRESS IS 8706 AND 8707 SOUTH CONGRESS AVENUE, THE PROPERTY IS CURRENTLY ZONED DR WHICH STANDS FOR DEVELOPMENT RESERVE. THE APPLICANT IS SEEKING A CHANGE TO DR AND TO C.S., WHICH STANDS FOR COMMERCIAL SERVICES, THE ZONING AND PLATTING COMMISSION HAS RECOMMENDED THAT REQUEST. AND HAS ADDED A CONDITIONAL OVERLAY. AND THE CASE IS READY FOR ALL THIRD READINGS FOR C.S.-CO. ITEM NO. Z-2, C14-04-10 SOUTH FIRST MIXED USE, PROPERTY LOCATED AT 2906 AND 2908 SOUTH FIRST STREET. THE EXISTING ZONING IS L.R., NEIGHBORHOOD COMMERCIAL ZONING, AND ALSO G.R., COMMUNITY COMMERCIAL, THE APPLICANT IS SEEKING A CHANGE TO G.R.-MU, THE ZONING AND PLATTING COMMISSION RECOMMENDS G.R.-MU-CO, THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-3, C14-04-74, ONION CREEK COMMERCIAL PARK, LOCATED AT 11301 SOUTH I-35. THE EXISTING ZONING IS INTERIM RURAL RESIDENTIAL, THE APPLICANT IS REQUESTING G.R. FOR TRACT 1, C.S. 1 FOR TRACT 2 AND S.F. 6 FOR TRACT 3. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT THE APPLICANT'S REQUEST AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-4, C14-04-123, THE PROPERTY IS LOCATED AT 5524 U.S. HIGHWAY 290 WEST, THE EXISTING ZONING IS DEVELOPMENT RESERVE, AND THE APPLICANT IS REQUESTING C.S., COMMERCIAL SERVICES, TO WHICH THE PLANNING COMMISSION RECOMMENDED AND ADDED A CONDITIONAL OVERLAY AND

THE CASE IS READY FOR FIRST READING ONLY. CASE Z-5, C14-04-121, THE CASE IS LOCATED AT 13945 U.S. HIGHWAY 183 NORTH, THE EXISTING ZONING IS G.R. AND DEVELOPMENT RESERVE AND THE APPLICANT IS REQUESTING G.R. ZONING, THAT CASE IS BEING RECOMMENDED BY THE ZONING AND PLATTING COMMISSION AND THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-6, C14-03-LOCATED AT 3512 THROUGH 3610 SOUTH LAMAR BOULEVARD, THE APPLICANT IS REQUESTING A POSTPONEMENT TO OCTOBER THE 21st, THIS IS THE APPLICANT'S FIRST REQUEST. ITEMS Z-7 AND 8 WILL BE DISCUSSION, MAYOR, SO THAT CONCLUDES MY PRESENTATION OF THE CONSENT ITEMS UNDER THE 4:00 PUBLIC HEARINGS.

THANK YOU, MS. GLASGO. COUNCIL, THE -- THE CONSENT AGENDA ON OUR ZONING CASES WILL BE, ITEM Z-1, ON ALL THREE READINGS, Z-2, THREE READINGS, Z-3, THREE READINGS, Z-4, FIRST READ ONLY, Z-5 PRIVILEGE ON ALL THIRD READINGS, Z-6 TO BE POSTPONED TO OCTOBER 21st, 2004. I'LL ENTERTAIN A MOTION.

Thomas: MOVE APPROVAL, MAYOR.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY THE MAYOR PRO TEM TO CLOSE THESE PUBLIC HEARINGS AND APPROVE THE CONSENT AGENDA AS READ.

Slusher: I HAVE A QUESTION, MAYOR.

Mayor Wynn: COUNCILMEMBER SLUSHER?

Slusher: ON Z-4 IT SAID IN THE BACKUP THAT IT'S SUBJECT TO THE SAVE OUR SPRINGS ORDINANCE, BUT I UNDERSTAND THAT THE APPLICANT'S REPRESENTATIVE IS SAYING THAT'S NOT THE CASE. LIKE -- I WOULD LIKE TO GET THAT STRAIGHTENED OUT.

WELL, ON Z-4 MY UNDERSTANDING IS THAT ASSESSMENT WOULD REALLY BE MADE AT THE TIME OF DEVELOPMENT. AT THIS POINT AN APPLICATION HAS BEEN SUBMITTED, UNLESS HE HAS INFORMATION THAT WE ARE NOT AWARE OF. BUT



THAT ASSESSMENT AS TO WHETHER HE IS GRANDFATHERED WOULD BE DETERMINED -- UNLESS MR. PAT MURPHY KNOWS, WE CAN TABLE IT AND VERIFY THAT.

Slusher: YEAH, COULD WE PULL THAT ONE OFF THEN? COUNCILMEMBER THOMAS DO YOU CONSIDER IT A FRIENDLY AMENDMENT TO REMOVE ITEM Z-4 OFF THE CONSENT AGENDA? MAYOR PRO TEM? OKAY, SO COUNCIL, ITEM Z-4 WILL BE A DISCUSSION ITEM AS WELL. FURTHER COMMENTS ON THE CONSENT AGENDA MOTION AND SECOND? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

Glasgo: MAYOR, THAT TAKES US BACK TO THOSE CASES WHERE THE PUBLIC HEARING HAS BEEN CLOSED, ITEMS 84, 85, 86, WHICH RELATE TO THE WEST UNIVERSITY AND HANCOCK REZONINGS. AND MARKS WALTERS -- MARK WALLERS WILL WALK YOU THROUGH, JACKIE SCHUTER WILL HANDLE THE HANCOCK. THANK YOU.

GOOD AFTERNOON, MAYOR AND COUNCIL, I'M MARK WALTERS FROM THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT, TODAY I WILL BE PRESENTING ITEMS 84 AND 85. 84 IS TO AMEND THE CENTRAL AUSTIN NEIGHBORHOOD PLAN FUTURE LAND USE MAP ON THE TRACTS RELATED TO THE REZONINGS OF ITEM 85. FOR A PORTION OF TRACT 34, 1007 WEST 22nd STREET, THERE HAS BEEN A NEIGHBORHOOD AND PROPERTY OWNER REQUEST TO POSTPONE THAT ITEM TO 12-2-04. AS WELL AS FOR TRACT 35, I MEAN 1919 ROBBINS PLACE.

Mayor Wynn: SO COUNCIL WITHOUT OBJECTION THEN, WE COULD PERHAPS SEND A FEW PEOPLE HOME EARLY. I WILL ENTERTAIN A MOTION ON PORTION OF TRACT 34 AND TRACT 35, THIS IS THE WEST UNIVERSITY NEIGHBORHOOD PLAN, POSTED ITEMS 84 AND 85 TO POSTPONE THOSE TWO CASES TO DECEMBER 2nd, 2004.

Goodman: SO MOVE, MAYOR.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM, I'LL SECOND. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THE NEXT TRACT FOR DISCUSS IS TRACT 40, 1230 AND 1232 WEST MARTIN LUTHER KING, JR. BOULEVARD. THERE HAS BEEN A ONE-WEEK POSTPONEMENT REQUEST FOR AN ADJACENT PROPERTY OWNER AND THE AGENT OF THE PROPERTY OWNER HAS REQUESTED A POSTPONEMENT ON THIS UNTIL 12 -- UNTIL NEXT THURSDAY. STAFF DOESN'T NECESSARILY SUPPORT THIS REQUEST FOR POSTPONEMENT. THIS ITEM HAS BEEN DISCUSSED AT LENGTH FOR WELL OVER A YEAR. AND FROM THE VERY BEGINNING NO -- NEITHER SIDE HAS BEEN ABLE TO COME TO AN AGREEMENT ON THIS.

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: ON THIS PARTICULAR ITEM, AM I ON? I THINK I SAW ON THURSDAY THAT THERE WAS NOW A VALID SITE PLAN APPROVED FOR THIS SITE; IS THAT CORRECT?

YES. THAT IS, COUNCILMEMBER. GEORGE ZAPALAC FROM WATERSHED PROTECTION COULD ANSWER ANY SPECIFIC QUESTION ABOUTS THE SITE PLAN IF YOU HAVE ANY --

Dunkerly: I JUST WANTED TO MAKE SURE, AS FAR AS I KNOW, THAT THAT SITE PLAN WAS CORRECTED AND APPROVED ON THURSDAY; IS THAT CORRECT, GEORGE?

YES, COUNCILMEMBER, NOT ALL -- ALL OF THE PAPER HASN'T BEEN PROCESSED YET, BUT THE CHANGES THAT THE APPLICANT PROPOSED HAVE BEEN APPROVED.

Dunkerly: OKAY. MY CONCERN HERE, MARK, IS THAT -- IS THAT WITH THIS APPROVED SITE PLAN, THIS IS A FOUR-

STORY BUILDING. THE -- THE ONE FLOOR FOR PARKING, TWO FLOORS FOR OFFICES AND ONE FLOOR OF THAT INCIDENTAL RESIDENTIAL 4,000 SQUARE FOOT AREA. I'M CONCERNED -- YOU KNOW, I THINK THERE'S SOME ABILITY, HOPEFULLY, FOR THE OWNER TO CONSIDER REDUCING THE HEIGHT OF THAT BUILDING. I THINK IT IS A VERY TALL BUILDING. I MEAN IT'S NOT TALL, BUT IT'S A TALL BUILDING IN THAT PARTICULAR LOCATION BECAUSE THERE'S A BEAUTIFUL HILL BEHIND IT, ET CETERA. SO IF WE ARE TO POSTPONE IT FOR A LITTLE BIT, I WOULD ENCOURAGE THE PROPERTY OWNER AND THAT NEIGHBORHOOD TO GET TOGETHER ONE MORE TIME AND CONSIDER IF THERE'S NOT SOME KIND OF TRADEOFF BETWEEN A HEIGHT AND A USE AND IF THERE'S NOT, SO BE IT. BUT I KNOW THAT WITH THE SITE PLAN THAT IS JUST NOW BEING APPROVED, THAT THAT FOUR FOOT HEIGHT WILL BE THERE. SO SINCE THAT IS A RELATIVELY NEW UPDATE OF THAT, I THINK THAT IT WOULD WARRANT MAYBE A SHORT POSTPONEMENT TO SEE IF THERE'S ANY MOVEMENT ON EITHER SIDE.

ALSO, COUNCIL, JUST A LITTLE EXTRA, WE HAD A VALID PETITION VALIDATED THIS AFTERNOON, SO THE SURROUNDING PROPERTY OWNERS HAVE FILED A PETITION TO OPPOSE ANY ZONING CHANGE AROUND THAT PROPERTY.

Dunkerly: WELL, I MEAN --

WE CAN POSTPONE IT FOR TWO OR THREE WEEKS TO SEE IF WE CAN --

Dunkerly: YOU MAY NOT AT ALL BE SUITABLE. BUT THE HEIGHT ISN'T REAL SUITABLE, EITHER. SO MAYBE BETWEEN THE TWO OF THOSE, THERE COULD BE SOME MUTUAL AGREEMENT THAT'S OF BENEFIT TO BOTH PARTIES. IF NOT WE'LL JUST VOTE ON IT. OKAY?

Slusher: NEIGHBORHOOD ORGANIZATION ON THAT?

JIM?

COUNCIL, I'M JIM [INDISCERNIBLE] WITH THE WEST UNIVERSITY NEIGHBORHOOD ASSOCIATION, WHICH IS THE NEIGHBORHOOD THAT BORDERS ON THIS PROPERTY. AS

MR. WALTERS HAS SAID, WE HAVE BEEN WORKING FOR A LONG TIME TRYING TO SEE IF THERE'S ANY COMMON GROUND FOR A COMPROMISE ON THIS PROPERTY AND IT LOOKS TO ME LIKE THE CHANCES ARE SLIM TO NONE AT THIS POINT. IF WE ARE GOING TO POSTPONE IT, I WOULD ASK THAT THE COUNCIL POSTPONE IT FOR NO MORE THAN ONE WEEK. I'LL SIT DOWN ONE MORE TIME AND SEE IF THERE IS SOME COMMON GROUND THAT WE CAN COME TO REGARDING COUNCILMEMBER DUNKERLY'S SUGGESTION THAT MAYBE WE CAN TRADEOFF SOME HEIGHT FOR SOME USAGE. I HAVE TO TELL YOU I'M NOT OPTIMISTIC, BUT WE'LL TRY. BUT I WOULD HOPE THAT WE WOULDN'T HAVE TO TRY MORE THAN ONE MORE WEEK IF WE DO. THAT WOULD BE THE NEIGHBORHOOD'S POSITION ON THIS ISSUE.

Dunkerly: I THINK I'M GOING TO OWE YOU A BIG STEAK DINNER.

YOU CAN BET I'LL TAKE IT. JUST LET ME KNOW WHEN.

I'LL CALL YOU, THANK YOU.

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

YOU MIGHT ASK THEM IF THEY ARE AGREEABLE TO CONSIDERING -- TO CONSIDERING --

COUNCILMEMBERS, MY NAME IS MICHAEL MEADE, I DID WANT COUNCIL TO KNOW THAT OUR FIRM ACTUALLY WAS BROUGHT INTO THIS PROJECT JUST THIS WEEK. TO TRY TO SEE IF THERE IS SOME KIND OF A COMPROMISE POSSIBLE AND -- AND THE OPPORTUNITY THAT I'VE HAD TO LOOK AT IT, I ACTUALLY THINK THERE IS. I THINK THERE ARE SOME OPTIONS WITH RESPECT TO THE HEIGHT OF THE EXISTING APPROVED STRUCTURE AND I THINK THAT GIVEN THE CONCERNS THAT I'VE HEARD FROM THE NEIGHBORHOOD, I ACTUALLY THINK THAT BETWEEN THE EFFORTS OF MR. DAMERON AND US WE CAN PROBABLY COME TO SOME COMPROMISE. I THINK A WEEK IS PUSHING IT, BUT BY THE SAME TOKEN I UNDERSTAND EVERYBODY'S DESIRE TO GET THESE THINGS OFF THEIR DESKS, WE CAN MAKE THAT

WORK IF THAT'S THE COUNCIL'S DESIRE.

ON SECOND READING WE APPROVED GO-N.P. SINCE THEN  
NOW THE NEIGHBORS HAVE FILED A VALID PETITION?

THEY HAVE FILED A VALID PETITION -- WELL, THE APPLICANT  
I MEAN THE PROPERTY OWNER WISHES TO HAVE A MIXED  
USE COMBINING DISTRICT TO ENABLE HIM TO BUILD  
APARTMENTS AND/OR OFFICES ON THIS SITE AND THE  
NEIGHBORHOOD HAS FILED A PETITION FOR ANY ZONING  
CHANGE OTHER THAN G.O. WHICH IS WHAT'S CURRENTLY  
WHAT IT IS.

Mayor Wynn: ALL RIGHT. OKAY. THANK YOU. QUESTIONS?

[INDISCERNIBLE]

Mayor Wynn: IF A COUNCILMEMBER ASKS A QUESTION OF  
YOU, YES, MA'AM.

Dunkerly: I WOULD LIKE TO KNOW -- [LAUGHTER] HOW IS  
THAT, CAN YOU TELL ME WHAT YOU WERE GOING TO SAY?

Mayor Wynn: YES, MA'AM, IT USUALLY DOESN'T TAKE LONG.  
WHY DON'T YOU APPROACH. [LAUGHTER]

[INAUDIBLE - NO MIC]

Mayor Wynn: THAT'S OKAY.

I THINK THAT I HAVE SOMETHING TO SAY BECAUSE I'M THE  
CLOSEST NEIGHBOR TO THIS PROJECT. ALL RIGHT. THAT'S A  
GOOD REASON. I WILL BE -- WE WILL BE THE MOST  
AFFECTED ONE BY WHATEVER IS GOING ON THERE. I ALSO  
HAVE ANOTHER SOMETHING IN COMMON WITH MR.  
[INDISCERNIBLE], WE ARE BOTH FOREIGNER, WE HAVE AN  
ACCENT. AND THEN WE CAME TO THIS COUNTRY TO ENJOY  
IT AND WE HAVE BEEN VERY LUCKY HERE. I THINK NOW WE  
SHOULD BE READY TO GIVE BACK. ALL RIGHT. I HAVE A  
PROPOSAL FIRST FOR MR. [INDISCERNIBLE] FOR YOU TO  
CONSIDER. TO PLAN BACK AN OAK TREE THAT IS 350 YEARS  
OLD AND IN THE SPACE THAT HE IS BETWEEN THE TREE  
NOW AND MLK, HE CAN BUILD THE MU BUILDING WHATEVER

HE WANTS TO DO. BECAUSE THAT TREE IF PLANTED IT WOULD REPLACE SOMETHING THAT THIS -- THIS NATURE, THIS CITY HAS -- THAT MAY BE POSSIBLE THEN I HAVE TO SAY THAT I'M SO GRATEFUL TO YOU TO TALK ABOUT THE HEIGHT. I WENT WITH HIM TO SEE HIS SIGHT. I INVITED HIM TO SEE IN MY HOUSE, TO SEE WHY I'M SO APPREHENSIVE. IF HE BUILDS ANYTHING THAT IS VERY HIGH, IT WILL BE ABSOLUTELY DISASTER FOR OUR HOUSE. AND HE HAS PROMISED ME THAT HE WOULDN'T BE HIGHER THAN 42 FEET HIGH. BUT HE SAYS THAT G.O. ALLOWS HIM TO GO 60 OR 65 HIGH. SO THAT'S PRETTY -- PRETTY THREATENING IF G.O. ALLOWS HIM TO GO TO THAT HEIGHT. PRETTY THREATENING TO ME, TO US, TO MY HUSBAND AND I. OUR HOUSE WAS DESIGNED TO ENJOY THIS OPEN SOMETHING THERE, OPEN VIEW, WHATEVER. I BROUGHT HIM OVER AND HE SAW THE CITY FROM MY HOUSE. ALL RIGHT. SO I HAVE BEEN HERE, I DON'T KNOW HOW MANY TIMES, THAT'S WHAT I'M TALKING NOW BECAUSE -- BECAUSE THERE ARE SO MANY TIMES TRYING TO REACH A CONCLUSION TO -- WE HAVE BEEN NERVOUS FOR YEARS ABOUT WHAT IS GOING ON THERE. NOW, SOMETHING IS BEING BUILT THERE. BECAUSE THE TRACKS ARE THERE, THE MACHINES ARE THERE. HOW CAN THAT BE? SO -- SO TO SUMMARIZE THAT THING, MY PROPOSAL IS A COMPROMISE TO REPLANT THE TREE AND TO BUILD AN MU OR TO JUST GO VERY LOW. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MA'AM. FURTHER QUESTIONS, COMMENTS? COUNCILMEMBER DUNKERLY WERE YOU ESSENTIALLY MOVING FOR POSTPONEMENT?

Dunkerly: I WOULD MAKE A MOTION TO POSTPONE THIS FOR A WEEK. AND IN HOPE THAT'S THERE CAN BE SOME AGREEMENT BETWEEN THE NEIGHBORS AND THE OWNER. IF NOT, JUST BRING IT BACK AND WE'LL VOTE ON IT.

STAFF -- AS STAFF WE CAN ARRANGE A MEETING IN OUR OFFS NEXT WEEK TO TAKE ONE MORE SHOT AT THIS, TO SEE IF WE CAN COME TO A COMPROMISE.

Dunkerly: APPRECIATE THAT.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY,

SECONDED BY COUNCILMEMBER MCCRACKEN TO  
POSTPONE TRACT 40 OF THE WEST UNIVERSITY ITEM 84 AND  
85 FOR ONE WEEK TO OCTOBER 7th, 2004. FURTHER  
COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE  
SAY AYE.

AYE.

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

THE NEXT ITEM FOR DISCUSSION IS ON PAGE 2, IT'S TRACT  
44 AND THE NEIGHBORHOOD AND THE PROPERTY OWNER'S  
AGENT HAVE REQUESTED A POSTPONEMENT UNTIL NEXT  
THURSDAY. THERE IS SOME PAPERWORK THAT THEY ARE  
STILL TRYING TO WORK OUT AND THEY SHOULD HAVE IT  
READY BY THEN AND THEY HAVE ASKED FOR A  
POSTPONEMENT TO 10-7 NEXT THURSDAY. IF YOU HAVE ANY  
QUESTIONS I WILL BE HAPPY TO ANSWER THEM AT THIS  
TIME.

Mayor Wynn: MR. WALTERS IS THAT FOR BOTH 2209 SHOAL  
CREEK AND 2301.

THAT IS CORRECT, MAYOR.

COUNCIL, WE HAVE A JOINT REQUEST TO POSTPONE TRACT  
44 OF THE WEST UNIVERSITY PLAN FOR ONE WEEK TO  
OCTOBER 7th, 2004.

SO MOVED.

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

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. KEEP  
WAITING FOR THE CROWD TO THIN OUT, BUT IT'S NOT. NOT  
WORKING.

THE NEXT ITEM TO DISCUSSION IS TRACT 49, THAT WILL BE

2307 AND 2305 LONGVIEW, THE NEIGHBORHOOD HAS ASKED FOR A POSTPONEMENT UNTIL 10-7. THE PROPERTY OWNER FOR 2305, MR. JOHN JENKINS, I HAVE BEEN INFORMED IS HERE, WE WOULD LIKE TO SPEAK. HE HAS TRAVELED FROM OUT OF STATE, HERE IN TOWN TODAY ONLY. I HAVE NOT MET MR. JENKINS PERSONALLY, SO I DON'T RECOGNIZE HIM. BUT HE WOULD LIKE TO HAVE A MOMENT TO QUESTION -- ANSWER ANY QUESTIONS OF THE COUNCIL IF IT IS THE COUNCIL'S DESIRE AND IF NOT I WOULD BE HAPPY TO ANSWER ANY QUESTIONS AT THIS TIME.

Mayor Wynn: THANK YOU MR. WALTERS. WELCOME MR. JENKINS, WITHOUT OBJECTION, COUNCIL --

I'M GREAT WITH A POSTPONEMENT ON THIS. I'M COMING INTO THIS REAL LATE AND AM HAVING A HARD TIME UNDERSTANDING A LOT OF WHAT'S GOING ON. SO I WOULD LOVE TO HAVE A CHANCE TO MEET WITH THE NEIGHBORHOOD ASSOCIATION BEFORE -- SO --

Mayor Wynn: A POSTPONEMENT WOULDN'T BE INCONVENIENT FOR YOU?

NO, IT WOULDN'T.

Mayor Wynn: COUNCIL, WE HAVE A -- WE HAVE A MUTUAL REQUEST TO POSTPONE TRACT 49 FOR ONE WEEK UNTIL OCTOBER 7th, 2004.

Goodman: SO MOVED.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER THOMAS. FURTHER COMMENTS? ALL IN FAVOR.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. -- MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER SLUSHER OFF THE TIE I CAN'T SAY. THE -- AFTER THE DAIS. NEXT ITEM IS TRACT 80 A, A NEIGHBORHOOD REQUEST TO POSTPONE IT UNTIL 10-7, NEXT THURSDAY. I DON'T KNOW IF THE -- I THINK THE PROPERTY OWNER IS IN AGREEMENT AS



WELL. SOP POSTPONEMENT REQUEST UNTIL NEXT THURSDAY, IF YOU HAVE ANY QUESTIONS I WOULD BE HAPPY TO ANSWER THEM AT THIS TIME.

Mayor Wynn: QUESTIONS, COUNCIL, COMMENTS?

Goodman: SO MOVED.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER THOMAS TO POSTPONE TRACT 80 A TO OCTOBER 7th, 2004. ALL IN FAVOR.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER SLUSHER OFF THE DAIS.

THE NEXT ITEM TO DISCUSSION IS THE PORTION OF TRACT 204 AND -- THERE IS NOT A REQUEST FOR POSTPONEMENT THAT I'M AT WEAR OF. [LAUGHTER] WE MET WITH THE PROPERTY OWNERS AND THE NEIGHBORHOOD AND STAFF LAST THURSDAY TO SEE IF WE COULD COME UP WITH A COMPROMISE. WE DID COME UP WITH A TENTATIVE ONE SPELLED OUT IN THE COMMENTS SECTION OF YOUR MOTION SHEET FOR S.F. 5 AND WITH CERTAIN LIMITS ON HEIGHT AND DENSITY. ONE OF THE -- ONE OF THE POINTS THAT BECAME THE STICKING POINT TO THIS WAS THERE ARE THREE VICTORIAN ERA OR VICTORIAN STYLE COTTAGES ALONG KING STREET THAT THE NEIGHBORHOOD WANTED PRESERVED AND -- IN THE EVENT OF ANY REDEVELOPMENT SCHEME, BUT THE PROPERTY OWNER AT THIS TIME COULD NOT AGREE OR GUARANTEE THAT THAT COULD BE ACCOMPLISHED. BOTH REPRESENTATIVES FROM THE NEIGHBORHOOD AS WELL AS THE PROPERTY OWNER ARE HERE, IF YOU HAVE ANY QUESTIONS OF THEM. IF NOT, I WOULD BE HAPPY TO ANSWER ANY QUESTIONS AT THIS TIME.

Mayor Wynn: BEFORE -- MR. WALTERS, REMIND US. ON SECOND READING --

YOU APPROVED SINGLE FAMILY 3 WITH A HEIGHT LIMIT OF 30 FEET. SINCE THE COMPROMISE WAS NOT -- COULD NOT

COME TO AN AGREEMENT, STAFF IS STILL RECOMMENDING THE SINGLE FAMILY 3 WITH A HEIGHT LIMIT OF 30 FEET FOR THIRD READING.

Mayor Wynn: TECHNICALLY THERE'S A VALID PETITION BY THE OPENER ON ALL THREE TRACTS.

THAT IS CORRECT.

Mayor Wynn: SO EACH OF THESE --

EACH ADDRESS.

Mayor Wynn: EACH ADDRESS WOULD TAKE A SIX VOTE MAJORITY. MAYOR PRO TEM?

Goodman: WOULD IT BE POSSIBLE TO HAVE A ONE-MINUTE COMMENT FROM THE TWO SIDES OF THIS COMPROMISE THAT DIDN'T MAKE IT? I'M INTERESTED -- I HAD HEARD ABOUT THE PRESERVATION OF THE COTTAGES AND IT SOUNDED MORE LIKE PERPETUITY TO ME FROM WHAT I HEARD THIRD HAND, WHICH WOULD BE IMPOSSIBLE TO GUARANTEE. I WANTED TO HEAR ABOUT THAT.

Mayor Wynn: I WOULD AGREE. COULD WE HEAR PERHAPS FROM EITHER SIDE SOME.

MY NAME IS MIKIL GRIMES, PRESIDENT OF THE HERITAGE NEIGHBORHOOD ASSOCIATION. I CAN DESCRIBE THE PROPOSAL THAT'S BEFORE US RIGHT NOW. ACTUALLY FIVE LOTS TOGETHER THAT ARE BEING REPRESENTED BY THIS -- BY MR. AIR REASONS. THE MIDDLE ONE ZONED SINGLE FAMILY S.F. 3, THAT ONE THE PLAN IS ALREADY INCLUDED FOR THAT. FOUR PROPERTIES, TWO ON EITHER SIDE OF THE SINGLE FAMILY CASE, THAT ARE CURRENTLY ZONED M.F. 2, STAFF'S RECOMMENDATION IS TO ROLL THOSE BACK TO S.F. 3, WE MET WITH MR. AHRENS TO COME TO AN AT ARRANGEMENT, A VALID PETITION ON THE FOUR PROPERTIES WHERE ROLL BACK IS BEING CONSIDERED. WE IN THE NEIGHBORHOOD HAD ALSO THROWN OUT THE IDEA THAT WE WOULD BE WILLING TO -- TO CONSIDER AN UP ZONING OF THE MIDDLE S.F. 3 LOT IN EXCHANGE FOR AN AGREEMENT TO PROTECT THOSE COTTAGES. NOW, THAT

WE HAVE BEEN INFORMED BY STAFF SINCE THEN WOULD ACTUALLY REQUIRE A BRAND NEW ZONING CASE THAT WOULD HAVE TO BE INITIATED FROM THE BEGINNING, GO BACK THROUGH PLANNING COMMISSION AND THEN COME BACK TO THE COUNCIL. SO WHAT WE IN THE NEIGHBORHOOD WOULD LIKE TO DO, ACTUALLY, IS GET A DECISION ON THE -- ON THE FOUR CONTESTED PROPERTIES AND WE WOULD BE WILLING TO ACCEPT THE COMPROMISE AT THIS POINT OF S.F. 5 AND THEN IF NECESSARY WE CAN ALWAYS COME BACK TO THE TABLE, WE ARE VERY WILLING TO CONTINUE TO WORK WITH THE OWNER TO EXPLORE AN ADDITIONAL AGREEMENT WHERE HE CAN IMPROVE THE DEVELOPABILITY OF THE ENTIRE FIVE LOT SEQUENCE BY REQUESTING AN UPZONING OF THE MIDDLE PROPERTY IN EXCHANGE FOR SOME AGREEMENTS THAT WE WOULD ASK FOR IN EXCHANGE TO PRESERVE THOSE COTTAGES. SO THE RESERVATION OF THE COTTAGES ISN'T NECESSARILY ON THE TABLE WITH THIS. IF WE COULD GET A DECISION, THE NEIGHBORHOOD WOULD ACTUALLY BE WILLING TO CONCLUDE THIS TRACT OF THE NEIGHBORHOOD PLAN AND WOULD BE WILLING TO COMPROMISE WITH S.F. 5 ON THE FOUR CONTESTED PROPERTIES, THEN WE WOULD BE MORE THAN WILLING, ONCE THIS IS CONCLUDED TO CONTINUE WORKING WITH THE OWNER TOWARD ANY ADDITIONAL COMPROMISES THAT WOULD BE NEEDED TO -- TO LIKE WE DO WITH ANY PROPERTY OWNER WHO WANTS TO COME TO US WITH A PROPOSAL FOR DEVELOPMENTS IN THE NEIGHBORHOOD. I WOULD BE HAPPY TO ANSWER ANY ADDITIONAL QUESTIONS.

THANK YOU, MR. GRIMES, QUESTIONS. THANK YOU, SIR? MR. AHRENS?

FROM THE OTHER SIDE OF THE DESK, THE INITIAL PROPOSAL AS HE STATED WAS FOR ALL FIVE PROPERTIES TO BE S.F. 5 PROVIDED THAT THE EXISTING STRUCTURES REMAINED. OBVIOUSLY, THAT'S -- THAT'S DOWN ZONING TO MF 2 AND IT WOULD BE UPZONING TO ONE MIDDLE PROPERTY. THAT WAS AN ADVANTAGE TO ME BECAUSE THEN I KNEW EXACTLY WHAT WE COULD DO, EVEN THOUGH IT REDUCES THE -- THE NUMBER OF UNITS BY SOME 50%, IF I WERE EVER TO GET M.F. 2 ON THAT MIDDLE TRACT. SO THAT WAS TO ME A COMPROMISE AND ONE THAT WOULD GIVE

THE NEIGHBORHOOD WHAT THEY WANTED WAS PRIMARILY SINGLE FAMILY RESIDENCES IN THEIR NEIGHBORHOOD RATHER THAN M.F. IN THE FUTURE. BUT I -- I CAN'T GUARANTEE, I DON'T KNOW THE ECONOMICS OF SAVINGS THOSE HOUSES. IF AT THE TIME WE DO SOMETHING, THEY ARE ZONED HISTORIC OR THEY ARE OF SOME WORTH BY SOME ORGANIZATION THAT SAYS THEY ARE OF THAT VALUE. BUT TO REMODEL AND SELL A 40-YEAR-OLD HOUSE THAT'S BEEN A RENT HOUSE FOR ABOUT 30 YEARS IS MUCH DIFFERENT THAN GOING IN AND BUILDING A NEW STRUCTURE. SO ECONOMICALLY, I CAN'T FORETELL WHETHER THAT'S A POSSIBILITY OR NOT. ALSO, IF THERE IS AN ACCIDENT, WHAT DOES THAT DO TO THE AGREEMENT? IF I'M UNABLE TO DELIVER THOSE THREE, AND IT WAS FIVE, BUT NOW IT'S THREE PROPERTIES? SO TO ME A FAIR COMPROMISE IS S.F. 5 FOR ALL FIVE PROPERTIES, I WOULD BE WILLING TO -- TO ACCEPT A DOWN ZONING ON FOUR THAT ARE M.F. 2 TO GET S.F. 5 FOR ALL FIVE AND THAT WOULD TAKE INITIATING A NEW ZONING CASE FOR THE MIDDLE ONE. BASICALLY, IT'S -- IT'S WHO HAS GOT -- WHO WANTS TO FINALIZE IT TODAY. IF I DOWN ZONE OR ACCEPT THE DOWN ZONING ON THE FOUR AND THEN COME BACK AND ASK FOR UPZONING ON THE OTHER, AND THERE ARE PROVISIONS THAT I HAVE TO KEEP ALL OF THOSE UNITS, WE NEED TO FIGURE -- IF THAT'S THE PROVISION, I CAN'T LIVE WITH THAT. I CAN LIVE WITH S.F. 5 ON ALL OF THEM PROVIDED WE COULD DO THAT. AND THAT WAS -- THAT WAS MY UNDERSTANDING. THAT'S WHAT I CAN DO AND I APPRECIATE YOUR TIME.

THANK YOU, MR. AHRENS. FURTHER -- MR. AHRENS, IT SEEMS TO ME ALSO WHAT I -- I THINK WHAT I HEARD MR. GRIMES MENTION A PART OF THIS COMPROMISE ALSO WOULD LIKELY ENTAIL SOME OTHER PERHAPS COMPATIBILITY STANDARDS, SOME OTHER ISSUES THAT MIGHT PERHAPS MITIGATE, YOU KNOW A BLOCK OF S.F. 5 ADJACENT TO WHAT PROBABLY IS SOME some.F. 3 TRACTS. SO HAVE -- HAVE YOU HAD A CHANCE TO ANALYZE WHAT WOULD BE THE COMBINED S.F. 5 TRACT.

YES, SIR THEY DID THAT FOR ME. THAT WAS PRESENTED LAST WEEK. SO INSTEAD OF FIVE HOUSE, I CAN GET 8 HOUSES ON THOSE FIVE LOTS. THERE IS NO -- SUPPOSEDLY

NO COMPATIBILITY ON S.F. 5 WHICH WAS THEIR FIRST -- THEY OFFERED THAT. SO -- SO I THINK THAT THE -- WHAT THEIR -- IF I'M NOT MISTAKEN THE STICKING POINT IS WHETHER I CAN KEEP THOSE THREE HOUSES ON -- ON KING STREET IN PERPETUITY. AND WE KNOW HOW MANY UNITS COMPARED TO THE S.F. 2, WE HAVE SPENT QUITE A BIT OF TIME. I'M GIVING UP QUITE A BIT OF DENSE DENSITY FOR A CERTAINTY OF BEING ABLE TO DO SOMETHING ON THOSE FIVE LOTS AT AN S.F. 5, WHICH WOULD BE APPROXIMATELY EIGHT UNITS INSTEAD OF IF I GOT M.F. 2 ON ALL OF IT, IT WOULD BE 22 UNITS -- ON ALL OF IT, IT WOULD BE 22 UNITS. I THINK BOTH SIDES KNOW WHERE WE ARE. IT'S JUST THE FACT THAT I DON'T KNOW THE VALUE OF THOSE THREE RESIDENCES, WHEN WE ACTUALLY DEVELOPED IT. AND WHETHER I CAN SAVE THEM.

Mayor Wynn: THANK YOU. DO YOU WANT TO VERIFY ANYTHING OR --

I MIGHT ADD THAT MR. AHREN AND I SPENT A WHILE ON THE PHONE EARLIER TODAY. I CERTAINLY UNDERSTAND THE YOUR TANTIES IF HE COULD ... BASED ON THAT, OUR VIEW AS A NEIGHBORHOOD IS THAT LET'S GO AHEAD AND REACH A COMPROMISE ON THE FOUR CONTESTED PROPERTIES. I KNOW MR. AHRENS MAY NOT BE ABLE TO ACCEPT THAT BECAUSE IT'S A DOWN ZONING, IF WE CAN GET THAT SQUARED AWAY, IT'S CONSISTENT WITH THE OVERALL DESIGN PRINCIPLES, PROTECTING WHAT IS VERY MUCH THE CORE OF THE HERITAGE NEIGHBORHOOD ASSOCIATION, PROTECTING THE SINGLE FAMILY ZONING THERE. THEN IF WE CAN CERTAINLY CONTINUE TALKING ABOUT NEW ZONING CASE ON THAT CENTRAL PROPERTY THAT WOULD INVOLVE AN UP ZONING IN EXCHANGE FOR PROTECTING THE COTTAGES. WE SEE LESS OF A NEED TO COUPLE THOSE TOGETHER AT THIS POINT. LET'S GO AHEAD AND LET THE NEIGHBORHOOD PLANNING PROCESS CONCLUDE YOU KNOW IT'S A TWO AND A HALF YEARS PROCESS GOING ON. WE WOULD RATHER NOT TRY IT TO A BRAND NEW ZONING CASE THAT HAS TO START OVER FROM THE BEGINNING, ESPECIALLY IF WE CAN GET THE LION'S SHARE OF THE COMPROMISE SQUARED AWAY TODAY WITH AN S.F. 5 ON THE FOUR CONTESTED PROPERTIES.

Mayor Wynn: THANK YOU.

I HAVE AN IDEA. WHY DON'T WE GO AHEAD ON AS I THINK BOTH -- BOTH INTERESTED PARTIES ARE SAYING, S.F. 5, CO-N.P., AT THE SAME TIME INSTRUCT CITY STAFF TO GO AHEAD AND -- AND RESEARCH WHETHER IT'S APPROPRIATE TO -- TO INITIATE HISTORIC ZONING FOR THE COTTAGES. IF LITTLE, WE CAN GO AHEAD AND GET THAT ON IT'S WAY. AT THE SAME TIME, GIVES MR. AHRENS TIME TO LOOK INTO THE ECONOMICS OF IT.

IF IT'S S.F. 5 CO N.P. WHAT DOES THAT DO FOR THE VALID PETITION.

IT WOULD STILL REQUIRE SICK VOTES FOR EACH OF THE THREE -- SIX VOTES FOR EACH OF THE THREE ADDRESSES, DIFFERENT PROPERTY OWNERS FOR EACH ONE.

MARK, WHICH IS THE PROPERTY THAT IS THE UPZONING THAT WOULD HAVE TO COME BACK THROUGH.

IT'S NOT LISTED HERE, IT WOULD BE 3104 KING STREET. IT WAS NOT PART OF THIS TRACT, IT WAS ALREADY SINGLE FAMILY.

THAT'S NOT PART OF THE MOTION, EITHER.

RIGHT. I UNDERSTAND THAT. I JUST WANTED TO MAKE SURE THAT -- THAT THE S.F. 5 THAT WE ARE TALKING ABOUT IS NOT -- DOES THAT ADDRESS THAT TRACT.

THAT IS CORRECT.

COUNCILMEMBER SLUSHER.

MAYOR PRO TEM, DID YOU SAY AS THE STAFF LOOK AT THE HISTORIC ZONING, BECAUSE -- ARE WE SENDING IT TO THE COMMISSION.

NO, I WAS ASKING STAFF.

I WOULD AGREE WITH THAT, I WOULDN'T WANT TO SEND THE

LANDOWNER TO ANOTHER REASON VIEW.

YEAH, NO, I HAVE NO IDEA IF IT'S APPROPRIATE TO DO THAT.  
I THOUGHT STEVEN WOULD TELL US.

AND --

MAYOR PRO TEM, ON THE -- JUST SO WE CAN UNDERSTAND  
YOUR INTENT ON THE HISTORIC PRESERVATION  
INVESTIGATION, ONCE WE INVESTIGATE AND DETERMINE  
WHETHER IT'S APPROPRIATE OR NOT, THEN -- THEN WHAT --  
WHAT WOULD YOU WANT US TO DO ONCE WE DETERMINE  
THAT.

LET COUNCIL KNOW.

Goodman: JUST SEND A MEMORANDUM.

Goodman: SO WE CAN BRING THE APPROPRIATE PARTIES  
BACK TOGETHER AND TALK ABOUT WHAT THE OPTIONS ARE.  
AND THE NEIGHBORHOOD WOULD LIKE TO DO AND I THINK  
MR. AHRENS WOULD HAVE MORE INFORMATION BY THEN,  
HAVE SOME PRODUCTIVE CONVERSATIONS ABOUT OUR  
FUTURE OPTION.

THANK YOU. FOR CLARIFICATION WORKS THAT BE ALL OF  
THE HOUSES INCLUDING THE S.F. 3 ZONED ONE CURRENTLY  
NOT FOR DISCUSSION TODAY TO BE INVESTIGATED AS WELL,  
3100 THROUGH 3106 KING STREET.

YES, ALL OF THE COTTAGES. FOR THE MAYOR PRO TEM'S  
MOTION, YOU WOULD HAVE TO RECOMMEND HEIGHT  
DENSITY SINGLE FAMILY FOR EACH OF THESE THREE  
ADDRESSES AS WELL AS THE S.F. CO-N.P., THE HEIGHT LIMIT  
OF 30 FEET.

HEIGHT LIMIT OF 30 FEET, MAXIMUM OF 8 UNITS, RIGHT?

MOTION ON THE TABLE BY MAYOR PRO TEM TO CHANGE THE  
LAND USE DESIGNATION TO HIGH DENSITY SINGLE FAMILY,  
THIS IS FOR A PORTION OF TRACT 204, 3100 THROUGH 3106  
KING STREET. AND TO CHANGE -- TO APPROVE ON THIRD  
READING ZONING S.F. 5 CO-N.P. HEIGHT LIMIT TIGHTENING

OF 30 FEET, MAXIMUM OF 8 UNITS. I'D SECOND THAT.  
FURTHER COMMENTS? ANY QUESTIONS? HEARING NONE,  
ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. IS  
THAT JACK -- JACKIE SCHUTER WILL NOW PRESENT THE  
REMAINING TRACT.

LET ME SET THIS DOWN.

GOOD EVENING, MY NAME IS JACKIE SHUTER WITH THE  
NEIGHBORHOOD ZONING AND PLANNING DEPARTMENT. I  
WILL PRESENT THE REMAINING TRACTS IN THE HANCOCK  
NEIGHBORHOOD PLAN COMBINING DISTRICT THAT IS  
FORMERLY CALLED 2401 A, NOW DIVIDED INTO THREE  
TRACTS, 2104 A AND 2104 B, WHICH CURRENTLY ZONED S.F.  
2 CO N.P. AND 2104 C, CURRENTLY ZONED S.F. 3. WE HAVE A  
PETITION FROM THE PROPERTY OWNER THAT ADDRESSES  
THREE OF THE PROPERTIES, THE FOURTH PROPERTY IS  
LISTED BUT HAS AN INCORRECT ADDRESS. WE HAVEN'T HAD  
AN OPPORTUNITY TO VALIDATE THIS PETITION. HOWEVER  
THE OWNERS AGENT HAS INDICATED THAT THE OWNER WILL  
BE WILLING TO WITHDRAW THE PETITION IF COUNCIL WERE -  
- WERE TO SUPPORT THE AGREEMENT THAT THE  
NEIGHBORHOOD AND THE PROPERTY OWNER HAVE COME  
TO. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

FOR 34085 HAMPTON ROAD AND 3406 RED RIVER STREET,  
THE NEIGHBORHOOD AND THE PROPERTY OWNER HAVE  
AGREED TO MF 6-NO-NP. THE RESTRICTING BUILDING COVER  
SETBACKS AND USES TO THE SAME AS SF-2, BUT  
IMPERVIOUS COVER WOULD BE THAT OF MF-6. THE HEIGHT  
WOULD BE LIMITED TO 30 FEET OR TWO STORIES.  
VEHICULAR ACCESS TO HAMPTON ROAD WOULD BE  
PROHIBITED. CIRCULAR DRIVEWAYS WOULD BE PROHIBITED  
IN LOTS LESS THAN 100 FEET IN WIDTH AND THE FRONT  
YARD SET BACK FOR A PARKING STRUCTURE WOULD BE 60  
FEET LIKE IN THE REST OF A NEIGHBORHOOD AND IT WOULD  
INCLUDE THE STANDARD IMPERVIOUS COVER PARKING  
PLACEMENT, GARAGE PLACEMENT AND FRONT AND SIDE  
YARD PARKING RESTRICTIONS IN THE NEIGHBORHOOD



PLANNING AREA AND SMALL LOT AMNESTY. AND THAT CONCLUDES THE NEIGHBORHOOD PLAN AND STAFF RECOMMENDATION. I'D BE HAPPY TO ANSWER ANY QUESTIONS. COMMENTS? QUESTIONS OF STAFF? COUNCILMEMBER MCCRACKEN. >>

McCracken: IT'S MY UNDERSTANDING THERE MAY NOT BE A COMPLETE AGREEMENT HERE. AND I WONDERED, MS. CHUTEER, IF YOU COULD GIVE ME BACKGROUND OF WHERE THAT STANDS.

YES. I MET WITH SEVERAL NEARBY NEIGHBORS ABOUT TWO WEEKS AGO AND WE DEVELOPED THIS PROPOSAL AND WORKED OUT A FEW DETAILS SINCE THEN. TODAY I'VE LEARNED THAT THERE ARE A FEW OTHER ADJACENT PROPERTY OWNERS WHO WEREN'T INVOLVED IN THAT DISCUSSION WHO ARE NOT -- WHO DO NOT AGREE WITH THIS RECOMMENDATION. AND SUPPORT SF-1 I THINK IS THE RECOMMENDATION THAT I HAVE HEARD.

McCracken: COULD YOU GIVE US BACKGROUND ON WHERE YOU ARE?

THANK YOU, COUNCILMEMBER, MAYOR, MAYOR PRO TEM. I'M HERE REPRESENTING NOT ONLY MYSELF. MY NAME IS EUGENE ZEPULDA, BUT ALSO OTHER PROPERTY OWNERS ON HARRIS AND MYSELF AND MY PARTNER AND JOHN SHULAE, WHO ACTUALLY LIVES ON HAMPTON JUST ACROSS THE STREET FROM THE COTTAGES. SO THE CRUMB'S, THE McCULLEN'S AND I ARE ON THE RED RIVER SIDE AND IT HAD NEVER BEEN INCLUDED IN THIS COMPROMISE. AND EVEN MR. SHELAE, WHO IS DIRECTLY ACROSS THE STREET FROM THE COTTAGES HAD NEVER BEEN INCLUDED IN THIS COMPROMISE. SO IT CERTAINLY WOULD BE STRETCHING IT TO SAY A NEIGHBORHOOD PROPOSED PLAN. >>I'D LIKE TO SAY THAT WE PROPOSE A COMPROMISE FOR A COUPLE OF REASONS. ONE THAT WAS WITHOUT ANY INPUT FROM THE REST OF US. AND SECONDLY IT COMPOUNDS OUR CONCERNS ABOUT SAFETY. THIS MORNING THEIR SAFETY EMERGENCY VEHICLES COULD NOT GET INTO THE PROPERTY FOR THE TWO HOUSES THAT EXIST TODAY. AND THERE'S A BOTTLENECK OF THE VEHICULAR TRAFFIC FOR THE TENANTS THAT EXIST. THESE ARE DIRECTLY BEHIND MY

HOUSE AND MY TWO NEIGHBORS. THIS MORNING THERE WERE CARS BACK THERE BLOCKING THE DRIVE. THESE ARE GREAT COLLEGE KIDS, I'VE MET SEVERAL OF THEM, BUT IT WAS SUGGESTED IF WE PAINTED STRIPES THEY WOULD PARK WHERE THEY'RE SUPPOSED TO. WELL, THERE'S NOT AMPLE PARKING. AND COMING FROM THE UNIVERSITY OF TEXAS WHERE MOM AND DAD HAVE TO PAY 25 AND 50-DOLLAR TICKETS FOR KIDS WHO DON'T PARK WHERE THEY'RE SUPPOSED TO, I CAN TELL YOU THAT THAT ISN'T ALWAYS THE FIRST CONCERN. I DON'T THINK THERE WOULD BE TICKETS HERE. OUR GREATEST CONCERN IS ABOUT PUBLIC SAFETY BECAUSE EMERGENCY VEHICLES CAN'T GET BACK THERE IF THERE WAS A FIRE AND THIS FIRE THREATENS OUR OWN PROPERTIES AND THE SAFETY OF OUR FAMILY. ALSO IF THERE'S A NEED FOR AMBULANCES. THERE'S NO WAY THEY CAN GET BACK TO THE SECOND HOUSE. THEY CAN'T GET VERY FAR BACK INTO THE FIRST HOUSE. I WILL COMMENT ON THE FACT THAT THESE ARE SUPPOSED TO BE SINGLE-FAMILY RESIDENCES. THAT WOULD BE A STRETCH. THEY'RE REALLY DORMITORIES. THEY HAVE HOUSE MANAGERS IN EACH. THEY'RE LEASED OUT BY THE ROOM. THE PROPERTY OWNER SAYS NO MORE THAN SIX PEOPLE LIVE IN THOSE PROPERTIES, BUT ONE OF THE TENANTS, ONE OF THE YOUNG ASIAN MEN THAT LIVE IN THE SECOND HOUSE, HAS TOLD ME OTHERWISE. I BELIEVE IT THREATENS THE SAFETY OF OUR NEIGHBORHOOD. WE HAVE TRIED AND TRIED AGAIN. I UNDERSTAND SOME OF MY NEIGHBORS AT THE FAR END OF THE PROPERTY ON HAMPTON NOT WANTING TRAFFIC TO EXIT ON THEIR ROAD. WE DON'T WANT IT EXITING ON ANY ROAD, BUT IF THAT WAS NECESSARY IN ORDER TO INCREASE THE SAFETY FOR THE ENTIRE NEIGHBORHOOD, AND PARTICULARLY FOR THE STUDENT TENANTS, THEN THAT TRUMPS OUR OWN INDIVIDUAL CONCERNS. THESE STRUCTURES, WHICH ARE REALLY DORMITORIES, AND WHICH EXPLOIT SINGLE-FAMILY ORDINANCES, PEOPLE MOVED IN BEFORE THEIR CERTIFICATES OF OCCUPANCY -- THERE ARE TEMPORARY CERTIFICATES OF OCCUPANCY TODAY, BUT THERE ARE STILL VIOLATIONS OF BUILDING CODES. THIS JUST WASN'T BUILT NOR DO WE BELIEVE IT WILL BE MANAGED IN A MANNER THAT'S COMPATIBLE WITH THE NEIGHBORHOOD OR THE SAFETY OF THESE STUDENTS. OUR ONLY STRATEGY

LEFT IS WE ASK THAT YOU DOWN ZONE THESE LOTS TO SF-1, WHICH WOULD PREVENT FURTHER SUBDIVIDING AND GREATER DENSITY FOR AN ALREADY UNSUSTAINABLE SITUATION. THANK YOU. >>

McCracken: MS. BEAD, DO YOU HAVE ANY INFORMATION FROM THE PROPERTY OWNER'S PERSPECTIVE, AND I GUESS MS. MCGRAW AS WELL?

COUNCILMEMBER, I DO. I APPRECIATE HAVING THE OPPORTUNITY TO SPEAK. MY NAME IS MILK COAL MOOED AND I REPRESENT THE OWNER OF THIS PROPERTY. I WISH THIS WERE A COURT OF LAW BECAUSE I'D BE OBJECTING ALL OVER THE PLACE BECAUSE WE'RE TALKING ABOUT HEARSAY AND THINGS THAT ARE IRRELEVANT. FIRST AND FOREMOST, THERE ARE NOT -- I DON'T CARE WHO HE TALKED TO -- I THINK HE SAID FOR 14 PEOPLE LIVING ON THE PROPERTY. IT'S NOT THE CASE. WE HAVE LEASES TO SHOW THAT THAT IS PROHIBITED BY THE LEASE. AND SO WHOMEVER THE STUDENT IS HE SAYS HE TALKED TO AND SAID THAT'S THE CASE, IT'S NOT THE CASE. LET ME ADDRESS WHERE THEIR PROPERTIES WEREN'T INCLUDED. IN GOOD FAITH -- WE WEREN'T TRYING TO EXCLUDE THEM, BUT THIS AGREEMENT WAS INITIATED TO ADDRESS SOME VERY SPECIFIC OBJECTIONS MADE BY TWO PROPERTY OWNERS TO A SUBDIVISION THAT WAS PENDING WITH THE CITY OF AUSTIN. A LEGAL ISSUE WAS RAISED BY THOSE TWO PROPERTY OWNERS CONCERNING COMPLIANCE WITH A RESTRICTIVE COVENANT THAT HAD BEEN PREVIOUSLY FILED ON THE PROPERTY AND WHAT WOULD CONSTITUTE COMPLIANCE. SO WE WENT TO THOSE PROPERTY OWNERS WHO HAD REGISTERED AN OBJECTION TO SAY THAT WE UNDERSTAND YOUR OBJECTION, WHAT CAN WE DO TO TRY TO ADDRESS YOUR OBJECTION AND WORK THIS OUT? IT WASN'T A MATTER OF TRYING TO EXCLUDE ANYBODY IN THE NEIGHBORHOOD, IT WAS A MATTER OF TRYING TO ADDRESS THE OBJECTIONS THAT HAD BEEN NOTED BY TWO PROPERTY OWNERS. LET ME SAY THAT IT WAS -- NOBODY BELIEVES THAT IT WAS IMPORTANT OR NECESSARY TO INCLUDE THESE ADJACENT PROPERTY OWNERS BECAUSE THE AGREEMENT THAT THEIR NEIGHBORS HAVE NEGOTIATED WITH US DOES NOT ADD A THIRD BUILDING. THE THIRD BUILDING IS A COMPONENT OF THIS PROPERTY,

AN ELEMENT OF THIS PROPERTY THAT WILL HAPPEN REGARDLESS IF THE ZONING -- GIVEN THAT WE CAN DO THAT AND COMPLY WITH THE CITY OF AUSTIN CODES. SO THE NEIGHBORS DID NOT NEGOTIATE TO PUT A THIRD BUILDING THERE THAT THE AFFECT MR. ZEPULVEDA'S PROPERTY. ALL THEY NEGOTIATED WAS AN AGREEMENT THAT WOULD PRESERVE THE HISTORIC COTTAGES THAT YOU ALL WILL REMEMBER WE TALKED FOR PROBABLY TWO YEARS ABOUT, AND MR. SZEPULVEDA HIMSELF SAID HE FELT STRONGLY THEY NEEDED TO BE PRESERVED. AND IN THIS AGREEMENT THE OWNER HAS AGREED TO NEVER TAKE THOSE COTTAGES OUT, TO KEEP THEM MAINTAINED AS IF THEY WERE HISTORIC PROPERTIES, AND TO BLOCK ACCESS FROM WHAT MR. ZEPULVEDA IS CALLING STUDENT HOUSING TO HAMPTON ROAD, WHICH IS A TINY NEIGHBORHOOD STREET. RED RIVER, HOWEVER, IS A MAJOR ARTERIAL, AND IT IS MOST APPROPRIATE FOR TRAFFIC TO EXIT FROM THIS PROPERTY TO RED RIVER. I APOLOGIZE FOR DOING THIS AND NOT HAVE EXHIBITS, BUT I DO HAVE PAPER EXHIBITS I WOULD LIKE TO PASS OUT THAT -- LET ME HAND THEM OUT TO YOU FIRST. >

THE FIRST IS THE LAYOUT OF THE THREE STRUCTURES THAT WILL BE ON THE PROPERTY. THE STRUCTURE TO THE EAST AND THE STRUCTURE TO THE WEST ARE ALREADY EXISTING. THE PROPOSAL IS TO ADD THE THIRD STRUCTURE IN THE CENTER OF THE PROPERTY. THE NEXT PAGE SHOWS YOU WHAT'S ALREADY EXISTING ON THE PROPERTY, SO YOU CAN GET A PERSPECTIVE WITH RESPECT TO WHERE THOSE BUILDINGS ARE LOCATED. AND THE LAST PAGE SHOWS THE SUBJECT PROPERTY HIGHLIGHTED IN PINK, AND THEN SHOWS IN A BLUE LINE WHERE CARS WOULD GO IF THEY ACCESSED ON TO HAMPTON. AND THE IRONIC THING ABOUT THIS DISCUSSION IS THE MOST LIKELY PATH FOR THOSE CARS TO GO, BECAUSE HAMPTON DOESN'T REALLY LEAD ANYWHERE, IS FROM HAMPTON RIGHT DOWN MR. ZEPULDVEDA'S STREET. RED RIVER IS THE ONLY MAIN STREET PEOPLE WOULD BE TRYING TO GET TO. IF THEY WENT DOWN HAMPTON THEY WOULD BE WEAVING THROUGH THE NEIGHBORHOOD AND THERE'S NOT A GOOD WAY TO DO THAT WHEN YOU CAN EASILY ACCESS RED RIVER. SO I THINK IF YOU LOOK AT THIS PROPERTY LIKE IT'S

A THROUGH LOT, IT REALLY MAKES THE MOST EXPENSE FOR THIS -- SENSE FOR THIS DEVELOPMENT TO EXIT, NOT WEAVE BETWEEN THE COTTAGES THROUGH THE STREET, BUT TO EXIT ON TO RED RIVER AND RATHER THAN ON A RESIDENTIAL STREET. SO THAT'S WHERE WE ARE AND WE SPENT ABOUT EIGHT MONTHS WITH THESE TWO PROPERTY OWNERS, SHANNON AND GAY RATLIFF -- I GUESS FOUR PROPERTY OWNERS. SHANNON AND GAY RATLIFF AND KAREN AND DAVID ANDERSON TRYING TO NEGOTIATE SOMETHING THAT THEY FELT PROTECTED THEIR PROPERTY VALUES BY LEAVING THOSE COTTAGES IN PLACE RATHER THAN CONSTRUCTING SOMETHING NEW ON THOSE LOTS. AND I'VE GOT THOSE AGREEMENTS IN PLACE. WE AGREED TO HAVE THOSE READY TO DELIVER TO THE CITY ATTORNEY TO RECORD AS OF TONIGHT'S HEARING, AND WE HAVE THOSE. AND MS. MCGRAW IS HERE ON BEHALF OF THOSE PROPERTY OWNERS IF YOU HAVE QUESTIONS OF THEM.

McCracken: I'D LIKE TO GET THE PERSPECTIVE OF MS. MCGRAW, PROFESSOR ANDERSON --

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: CAN I ASK A QUESTION OF YOU BEFORE YOU SIT DOWN? IS THIS JUST THAT FIRST -- WHERE ARE THE CALCASIEU COTTAGE OZ THIS?

THEY ARE NOT SHOWN ON THERE. IF YOU SEE THAT FLAG THAT GOES OUT TO THE WEST, THE COTTAGES ARE ON EITHER SIDE OF THAT FLAG. SO ON THAT SAME EXHIBIT THAT YOU WERE JUST LOOKING AT, THAT SHOWS A NEW PART OF THE DEVELOPMENT.

Dunkerley: THEY'RE OVER HERE.

CORRECT.

Dunkerley: MY QUESTION TO YOU IS THAT THIS WHOLE THING IS ZONED SF-1. HOW MANY BUILDINGS COULD YOU GET ON THERE. AND HOW WOULD YOU HAVE TO EXIT THEM AND WOULD YOU HAVE TO TEAR DOWN THE COT COTTAGES TO DO IT?

YOU KNOW, WE HADN'T REALLY THOUGHT OF AN SF-1 PLAN, BUT I THINK THAT YOU -- TO ACCESS -- WE WOULD ABSOLUTELY RECONFIGURE THE SITE IF THAT HAPPENED. I FEEL SURE OF THAT. BUT I THINK THAT THAT WOULD MAKE THE COTTAGES NONCONFORMING, BUT WOULD PROBABLY MEAN YOU WOULD ONLY BE ABLE TO BUILD -- YOU WOULD HAVE TO EITHER RECONFIGURE THE EXISTING TRACTS OR WOULDN'T BE ABLE TO BUILD THE ADDITIONAL DEVELOPMENT ON THE PROPERTY. UNLESS YOU COULD ALWAYS TEAR DOWN ONE OF THE CALCASIEU HOUSES AND CONSTRUCT ON THOSE LOTS.

Dunkerley: THAT'S WHAT I'M SAYING. YOU MIGHT NOT BE ABLE TO GET THE THIRD HOUSE HERE, BUT IF YOU TORE DOWN THE CALCASIEU, YOU WOULD PUT THERE. THAT'S WHAT I NEEDED TO KNOW, WHERE THEY WERE ON THIS MAP. AND THEY'RE OUT HERE IN THE WHITE SPACE.

WE'VE GOT A BAD SITUATION HERE AND WE KNOW IT, AND THIS IS NOT A PERFECT SOLUTION, BY ANY MEANS. THE REASON WE HAVE A BAD SITUATION IS BECAUSE THE DEVELOPER CAME IN AND BOUGHT TWO LOTS, TURNED THEM INTO FOUR LOTS, STARTED BUILDING THESE STUDENT HOUSES, NOW WANTS TO BUILD FIVE OF THEM. SO WE FROM THE VERY BEGINNING KNEW THAT WE WERE TRYING TO MAKE A BAD SITUATION LESS BAD. IT'S NOT A VERY SATISFACTORY SOLUTION. THE BEST SOLUTION WOULD BE TO GET THESE OUT OF HERE, GET THESE SIX BEDROOM HOUSES THAT HAVE ALREADY BEEN BUILT OUT OF THERE. BUT WE'VE NEVER BEEN ABLE TO COME UP WITH ANY WAY TO DO THAT. WE'VE TALKED TO MEMBERS OF THE CITY COUNCIL. WE'VE TALKED TO I THINK EVERYBODY ON THE CITY STAFF WHO COULD POSSIBLY HAVE ANY IDEAS ABOUT THIS. THIS HAS BEEN THE BEST SOLUTION WE COULD COME UP WITH. NOW, SHANNON RATLIFF IS IN OKLAHOMA TAKING DEPOSITIONS TODAY, AND GAY IS IN LOUISVILLE ATTENDING A NATIONAL TRUST MEETING. I HAVE TALKED TO THEM. THEY'RE IN AGREEMENT WITH THE AGREEMENT THAT WE'VE REACHED WITH MIKAEL. JUST IN SUMMARY, WHAT THE AGREEMENT WILL DO IS INSTEAD OF HAVING FIVE STRUCTURES WITH SIX BEDROOMS EACH, THEY'LL END UP IF THEY'RE ABLE TO CONTINUE WITH THE SUBDIVISION PLAN THEY HAVE, THEY'LL END UP WITH THREE STRUCTURES OF

SIX BEDROOMS, WE'LL PRESERVE THE TWO COTTAGES. THEY WILL BE EXPANDED NO MORE THAN ONE BEDROOM IN EACH OF THE TWO COTTAGES. THAT IS NOT ONE PER UNIT, BUT ONE PER COTTAGE. SO INSTEAD OF HAVING ON THOSE TWO HAMPTON LOTS, INSTEAD OF HAVING 12 BEDROOMS, WE'LL HAVE SIX. NOT GREAT, BUT THAT'S THE BEST WE COULD DO. NOW, SO FAR AS THE THREE RED RIVER LOTS ARE CONCERNED, WE HAVE NO LEVERAGE WHATEVER ON THOSE BECAUSE THEY CAN -- IF WE DON'T ARRANGE -- REACH SOME ARRANGEMENT WITH THEM, WHAT THEY'LL DO IS TEAR DOWN THE EXISTING COTTAGES, RESUBDIVIDE IN ACCORDANCE WITH THE COVENANT THAT THEY ADOPTED TWO YEARS AGO. ONCE THAT'S DONE THEN THEY CAN RESUBDIVIDE AGAIN INTO FIVE LOTS AND GET THE FIVE, SIX BEDROOM HOUSES THEY WANTED. SO THAT'S WHAT WE'RE TRYING TO PREVENT. WE THINK IT'S A LESSER EVIL THAN WHAT WE WERE CONFRONTED WITH. IF ANYBODY ELSE HAS A BETTER IDEA OF HOW TO ACCOMPLISH THIS, WE'RE CERTAINLY OPEN TO IT.

Mayor Wynn: QUESTIONS, COUNCIL? COUNCILMEMBER DUNKERLEY.

Dunkerley: I THINK POSSIBLY ONE OF THE -- I DON'T KNOW HOW THE COMMUNICATION OCCURRED. I KNOW EARLY ON MR. ZEPULVEDA AND THE RATLIFFS WERE WORKING TOGETHER ON ANOTHER DECISION, WHICH WAS THE PURCHASE OF THE LAND. AND THEN OVER THE SUMMER, AS VACATIONS HAPPENED AND STUFF LIKE THAT, I THINK THE MISCOMMUNICATION PERHAPS STARTED THERE AND NONE OF US WERE REALLY AWARE OF THE FACT THAT NOT EVERYBODY WAS BEING KEPT UP TO SPEED. THAT'S THE BEST I CAN COME UP WITH BECAUSE I DON'T THINK ANYBODY INTENTIONALLY WAS TRYING TO KEEP ANYTHING OUT OF THE LOOP.

LET ME JUST SAY ON THAT SCORE THAT ALL ALONG WE'VE KEPT DON LARSON, THE PRESIDENT OF THE HANCOCK NEIGHBORHOOD ASSOCIATION INFORMED, AND HE'S BEEN REPORTING TO THE NEIGHBORHOOD ASSOCIATION AT EVERY MEETING THEY'VE HAD, SO THERE'S BEEN PLENTY OF OPPORTUNITY FOR ANYBODY TO WEIGH IN WHO WANTED

TO. NONE OF THIS HAS BEEN SECRET. THANK YOU.

Mayor Wynn: THANK YOU, SIR.

I'D LIKE TO CORRECT A COUPLE OF THINGS. ONE IS I DIDN'T SAY THERE WERE 14 STUDENTS LIVING THERE. I SAID THERE WERE 14 CARS THERE THIS MORNING AT 7:30 AND THAT ONE OF THE STUDENTS IN ONE OF THE HOME TOLD ME THERE WERE MORE THAN SIX STUDENTS LIVING THERE. WE'RE TALKING ABOUT INCREASING THE IMPERVIOUS COVER LIMITS IN THE TWO LOTS THAT EXIST -- AND THE TWO LOTS THAT EXIST TODAY WILL BE THREE, THAT DIRECTLY JOIN THE LOTS THAT I REPRESENT AND THAT DON'T -- THAT DON AND GAY AND SHANNON DON'T ABUT UP TO. I HAVE ANIMOSITY TOWARDS THEM AND I APPRECIATE THAT THEY HAVE CONTINUED TO TRY TO WORK SOMETHING OUT. I THINK THERE'S BEEN A DIVIDE AND CONQUER STRATEGY FOR A LONG TIME ON BEHALF OF THE OTHER PARTY, AND I HOPE NOT TO LET THAT IMPACT OUR RELATIONSHIPS. COUNCILMEMBER DUNKERLEY, AS YOU WELL POINTED OUT, PROFESSOR ANDERSON TALKED ABOUT THERE WOULD BE FIVE HOMES OTHERWISE. I DON'T BELIEVE THAT'S TRUE BECAUSE OF THE DRAINAGE EASEMENT THAT EXISTS ON THE HAMPTON. AND SECONDLY, THE ALTERNATIVE IS INSTEAD OF THREE OF THESE PRIVATE DORMITORIES DIRECTLY BEHIND OUR HOUSE ON TWO OF THE LOTS THAT EXIST, SF-1 WOULD LIMIT THAT TO THREE OVER THE ENTIRE WORK SPACE. AND AND THAT'S A MUCH BETTER SOLUTION THAN EVEN THE COMPROMISE PROPOSES. AND AS MS. MEAD NOTED, ALLOWING TRAFFIC TO GO OUT HAMPTON ISN'T IN MY BEST INTEREST. I NEVER SAID IT WAS. I BELIEVE IT'S AN ISSUE OF SAFETY. I'M BETTER OFF IF THEY ONLY GO TO RED RIVER. AND IF I DIDN'T CARE ABOUT THE SAFETY OF STUDENTS WHO STEVEN AND I HAVE SPENT YEARS DEDICATING OUR LIFE TO, I PROBABLY WOULD VOTE IN MY OWN INTEREST RATHER THAN ALLOW THEM TO COME DOWN MY STREET. THANK YOU.

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS? SO REMIND ME, MS. SHOOTER, WE ARE ON TRACT 2104-A, B AND C?

THAT'S CORRECT. AND YOU MAY WISH TO TAKE INDIVIDUAL



MOTIONS ON EACH OF THESE.

McCracken: MAYOR, I HAVE A QUESTION. WE'VE HAD AN OPPORTUNITY TO HEAR ALL THIS. I GUESS I'M TRYING TO SORT THROUGH, I KNOW WE ALL ARE, WHAT ARE OUR OPTIONS ABOUT WHAT WOULD HAPPEN WITH THE VARIOUS ZONING CATEGORIES.

WITH SF-1 AS MR. ZEPULVEDA AND MS. MEAD AS WELL, IF THE COTTAGES WERE PRESERVED THEN THERE COULD NOT BE A LARGE HOUSE BUILT. IF THE COTTAGES WERE TORN DOWN THEN THE PROPERTIES COULD BE RESUBDIVIDED INTO THREE LOTS AND A THIRD HOUSE BUILT WHERE THE COTTAGES ARE CURRENTLY LOCATED. THE CURRENT PROPOSAL IS THAT YOU SEE IN YOUR NEIGHBORHOOD PLAN STAFF RECOMMENDATION, WOULD ALLOW THREE HOUSES AND THE TWO COTTAGES TO BE BUILT.

McCracken: AND IF THEY -- SO IF THEY DID SF-1 FOR THE ENTIRE AREA, IT WOULD -- WHAT IF THEY DID SF-1 ONLY ON THE 21 OWE 2104-C. ARE THOSE THE TWO COTTAGES?

2104-C IS THE TWO LARGER HOUSES. THE COTTAGES ARE A AND B.

McCracken: YEAH, THEY ONLY DID SF-1 ON 2104-C AND KEPT IT AT SF-2 AND THE OTHER TWO TRACTS, THAT WOULD BE THE RESULT THERE?

ONE OF THE LOTS WOULD BE NONCONFORMING BECAUSE IT DOESN'T MEET THE MINIMUM LOT SIZE. THE OTHER LOT WOULD BE CONFORMING AND YOU COULDN'T BUILD A THIRD HOUSE. THEY WOULD HAVE TO STICK WITH THE TWO HOUSES THAT THEY HAVE NOW. BUT I BELIEVE THERE IS ENOUGH LOT AREA -- YEAH. BETWEEN THOSE TWO LOTS IF IT WERE RESUBDIVIDED, YEAH, THEY COULD STILL ONLY BUILD TWO HOUSES IN ANY SCENARIO.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?

McCracken: MAYOR, I THINK THAT THE FACT THAT IT WOULD BE HELPFUL -- I KNOW THE PARTIES HAVE ALL WORKED EXTREMELY HARD TO REACH AN AGREEMENT ON THIS, AND

GIVEN THE FACT THAT WE HAVE POSTPONED SEVERAL CASES ALREADY TODAY AND THAT IT APPEARS THAT THROUGH NOTHING MALICIOUS, BUT QUITE A FEW NEIGHBORS WHO ARE IMPACTED BY THIS ZONING DECISION HAVE NOT BEEN PART OF THIS PROCESS IN THE LAST FEW WEEKS, AND I THINK IT WOULD BE HELPFUL IF WE GAVE THEM A WEEK TO WORK TOGETHER AND SEE IF THEY COULD GET TO SOME COMMON GROUND. AND THEY MAY REACH THE SAME CONCLUSION THAT THE TWO PROPERTY OWNERS AND THE AGENT HAVE ALREADY REACHED. SO I'LL MOVE TO POSTPONE FOR ONE WEEK.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCrackEN, SECONDED BY THE MAYOR PRO TEM TO POSTPONE TRACTS 2104-A, B AND C IN THE HANCOCK NEIGHBORHOOD PLAN FOR ONE WEEK TO OCTOBER 7, 2004. COUNCILMEMBER SLUSHER.

Slusher: IT'S JUST THAT WE'VE POSTPONED SEVERAL CASES TILL NEXT WEEK, AND SO I'M CONCERNED THAT WE'RE GOING TO BE GOING THROUGH EXACTLY THE SAME EXERCISE NEXT WEEK THAT WE'RE GOING THROUGH RIGHT NOW. AND EVEN THOUGH I'D LIKE TO GET ALL OF THEM OVER JUST AS ABSOLUTELY SOON AS POSSIBLE, COULD WE DO THIS ONE TO THE NEXT MEETING AFTER THAT INSTEAD OF THE SEVENTH?

THE NEXT MEETING WOULD BE OCTOBER 21st.

McCracken: THAT'S FINE WITH ME.

Mayor Wynn: MAYOR PRO TEM. MOTION AND A SECOND ON THE TABLE TO POSTPONE THIS CASE TO OCTOBER 21st, 2004. FURTHER COMMENTS?

WOULD THAT BE POSTPONING ACTION ON THE ZONING AS WELL AS THE PLAN? THE RECOMMENDATION FOR THE NEIGHBORHOOD PLAN IS SINGLE-FAMILY.

Mayor Wynn: IT'S TOGETHER. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THAT CONCLUDES THE ZONING AND FUTURE LAND USE FOR THE CENTRAL AUSTIN INTIEND NEIGHBORHOOD PLAN.

Goodman: NO, WE NEED TO GO BACK.

Mayor Wynn: THANK YOU. MAYOR PRO TEM, WE WANT TO GO BACK, COUNCIL, WITHOUT OBJECTION, AND JUST CLARIFY THE ACTION OF MAYOR PRO TEM'S MOTION AND MY SECOND IN THE WEST UNIVERSITY CASE, THOSE TRACTS ALONG THE 3100 BLOCK OF KING STREET. AND I'LL RECOGNIZE THE MAYOR PRO TEM.

Goodman: JUST A CLARIFICATION, ALTHOUGH WE'RE TALKING ABOUT FIVE LOTS AND THREE COTTAGES, THERE ARE ONLY FOUR ON THIS SHEET. THEREFORE TO MAKE IT VERY CLEAR, THE MIDDLE LOT NEEDS TO BE -- IN ORDER TO BE PART OF THE SF-5, NEEDS TO HAVE A REZONING INITIATED IN THAT -- WASN'T UNDERSTOOD, BUT NOT SPECIFICALLY MENTIONED ACTION THAT WE'RE ALSO ASKING STAFF TO INITIATE FOR US, AND THAT WOULD BE REZONING AND PLAN AMENDMENT FOR THE MIDDLE LOT.

Mayor Wynn: COUNCIL, WITHOUT OBJECTION, WE JUST CLARIFIED THAT THE COUNCIL INSTRUCTS STAFF TO INSTIGATE THE REZONING AND PLAN AMENDMENT TO DESIGNATE 3401 KING STREET AS HIGH DENSITY, SF-5, CO-NP. WITHOUT OBJECTION. THANK YOU ALL VERY MUCH.

MAYOR, COUNCIL, I'M MARK WALTERS WITH THE CITY OF AUSTIN NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. I'M HERE TO PRESENT ITEM 87.

Mayor Wynn: MR. WALTERS, RECOGNIZING THAT IT'S 5:25 AND WE'RE GOING TO SOON BREAK FOR THE LIVE MUSIC AND PROCLAMATIONS, -- THIS IS KNOWN OF THE HOUSE OF TUTORS CASE AND I THINK IT'S GOING TO TAKE US TIME TO BRING US BACK UP TO SPEED WHERE WE'VE BEEN AND MOVE US FORWARD. SO WITHOUT OBJECTION --

COUNCILMEMBER SLUSHER.

Slusher: WE MIGHT BE ABLE TO SEND A STAFF MEMBER HOME ON Z-4. I'VE GOT SOME INFORMATION ON THAT NOW.

Mayor Wynn: THEN LET'S TAKE UP ITEM Z-4.

Slusher: IF IT TAKES AWHILE, I'LL SAY LET'S TABLE IT AND BREAK. IS MR. MURPHY HERE, PAT MURPHY? MY UNDERSTANDING NOW IS THAT ON THIS ONE THE REASON THAT THERE WAS SOME CONFUSION ABOUT WHETHER IT'S SUBJECT TO S.O.S. OR NOT IS BECAUSE IT'S PART -- IT WOULD FALL UNDER A PROVISION ABOUT WHERE THE LAND HAS BEEN TAKEN FOR ROADWAY EASEMENT. DO YOU WANT TO ADDRESS THAT?

PAT MURPHY WITH WATERSHED PROTECTION AND DEVELOPMENT REVIEW. YES, WE ARE MEETING FIRST OF ALL WITH THESE APPLICANTS NEXT WEEK TO WORK THROUGH THE DETAILS, SO WE'LL HAVE A BETTER ANSWER FOR YOU ON SPECIFICALLY WHAT THEY CAN DO. BUT YES, THERE'S A PORTION OF THIS SITE THAT WAS PART OF A RIGHT-OF-WAY CONDEMNATION FOR 290 WEST THAT WAS REMOVED. THERE'S SOME REMAINING DEVELOPMENT ON THE SITE, AND THAT REMAINING DEVELOPMENT IS PROPOSED TO BE REDEVELOPED. WE'RE ALSO WORKING TO PROTECT A FEATURE THAT'S ADJACENT TO THE TRACT THAT'S A RECHARGE FEATURE. ULTIMATELY THIS IS SUBJECT TO CURRENT CODE. CURRENT CODE INCLUDES A PROVISION FOR A REPLACEMENT OF DEVELOPMENT LOSS DUE TO RIGHT-OF-WAY CONDEMNATION, AND THAT ACTUALLY WAS IN THE S.O.S. REGULATIONS THAT HAD ALLOWED FOR THAT AS WELL. SO AFTER NEXT WEEK WE'LL HAVE A BETTER IDEA OF EXACTLY WHAT SPECIFICALLY THEY'RE GOING TO BE ABLE TO BUILD ON THIS SITE. AT THIS POINT I CAN'T TELL YOU THAT EXACT NUMBER.

Slusher: OKAY. SO STAFF IS RECOMMENDING FIRST READING ON THIS? OKAY. I MEAN, I DON'T REALLY -- I DON'T WANT TO MAKE THAT MOTION, BUT IT'S PROBABLY OKAY ON FIRST READING.

Mayor Wynn: THANK YOU, COUNCILMEMBER. COUNCIL, I'LL

ENTERTAIN A MOTION ON ITEM Z-4. STAFF  
RECOMMENDATION IS FIRST READING ONLY.

Goodman: SO MOVE, MAYOR, ON FIRST READING.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM AND I'LL  
SECOND TO CLOSE THE PUBLIC HEARING ON ITEM Z-4 AND  
APPROVE ON FIRST READING ONLY. FURTHER COMMENTS?  
HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.  
OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO.  
COUNCILMEMBER MCCracken IS OFF THE DAIS. COUNCIL,  
THAT TAKES US TO OUR #K 30:00 BREAK FOR LIVE MUSIC  
AND PROCLAMATIONS. PAL LEAN ROOES IS OUR LIVE MUSIC  
TODAY. THANK YOU VERY MUCH.

Mayor Wynn: OKAY, FOLKS, IF I COULD HAVE YOUR  
ATTENTION, QUIET IN THE GALLERY, PLEASE. BIG NIGHT FOR  
US, JOINING US FOR OUR WEEKLY LIVE MUSIC CONCERT AT  
THE AUSTIN CITY COUNCIL MEETING IS PAULINE REESE. [   
APPLAUSE ]

PAULINE'S FAMILY IS STEEP UNDERSTAND RODEO AND  
MUSIC WITH COUNTRY, BLUE GRASS, SPANISH, BIG BAND  
SOUNDS THRIVING IN HER FAMILY HOME. THE FAMILY  
MOVED TO AUSTIN WHEN PAULINE WAS 14, THANKS TO  
AUSTIN SHE'S BEEN INTRODUCED TO LOTS OF OTHER  
STYLES OF MUSIC, BUT COUNTRY REMAINS HER PASSION,  
SHE'S DEVELOPED INTO A FABULOUS ARTIST AND SONG  
WRITER, PLEASE JOIN ME IN WELCOMING PAULINE REESE. [   
APPLAUSE ]

THANK YOU. THANK YOU, I JUST WANT TO SAY THAT I COME  
FROM A LITTLE TOWN OUT IN EAST TEXAS CALLED  
PITTSBURGH, TEXAS. AND WHEN I MOVED TO AUSTIN, I  
THOUGHT IT WAS NEW YORK CITY, THE BUILDINGS WERE SO  
BIG. [LAUGHTER] AND FOR ME TO HAVE A DAY ALL TO  
MYSELF, I'M JUST -- I'M THRILLED TO BE -- TO HAVE THIS  
HONOR BE BESTOWED UPON ME. THANK YOU SO MUCH. [   
APPLAUSE ]

HOW MANY TEXANS DO WE HAVE HERE IN THE AUDIENCE?

[ APPLAUSE ]

A FEW? ALL RIGHT. I'M GOING TO DO A SPECIAL SONG FOR  
Y'ALL. [ (music) MUSIC PLAYING (music)(music) ] [ (music)  
SINGING (music)(music) ] [ (music) SINGING (music)(music) ] [  
(music) MUSIC PLAYING (music)(music) ] [ APPLAUSE ]

THANK YOU. THANK YOU.

SO PAULINE, TELL US WHERE CAN WE HEAR YOU NEXT, HOW  
TO BUY YOUR CD, DO YOU HAVE A WEBSITE, WHAT'S THE  
DEAL? ALL OF THE ABOVE.

WELL, I DO HAVE A WEBSITE. [LAUGHTER] WILL YOU BE MY  
PROMOTER. YOU'RE SO GOOD AT THIS. I DO HAVE A  
WEBSITE, [www.paulineReese.com](http://www.paulineReese.com). WE PLAY ALL OVER THE  
STATE, IN THE WORDS OF MY GOOD FRIEND SAM AND BOB,  
PAULINE REESE IS EVERYWHERE, AT LEAST I TRY TO BE.

GOOD FOR YOU.

THE WEBSITE IS THE BEST PLACE TO GO. WE HAVE A BRAND  
NEW ALBUM, DOING VERY WELL FOR US OUT ON THE RADIO  
CAMPAIGN. SO PLEASE GO OUT AND PICK UP A COPY AT  
WATERLOO RECORDS OR CAVENDER'S BOOT CITY.

BEFORE YOU GET AWAY, PROCLAMATION READS BE IT  
KNOWN WHEREAS THE LOCAL MUSIC COMMUNITY MAKES  
MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF  
AUSTIN'S SOCIAL, ECONOMIC AND CONSULT CENTRAL  
DIVERSITY, WHEREAS THE DEDICATED EFFORTS FURTHER  
AUSTIN'S STATUS AT THE LIVE MUSIC CAPITOL OF THE  
WORLD, THEREFORE I WILL WYNN DO I, MAYOR WILL WYNN,  
DO HEREBY DECLARE TODAY AS PAULINE REESE DAY IN  
AUSTIN, TEXAS, CALL ON ALL CITIZENS TO JOIN ME IN  
CONGRATULATING THIS GREAT TALENT. [ APPLAUSE ]

THANK YOU.

I THOUGHT I WAS GOING TO GET A KEY THAT WOULD OPEN A  
BANK OR SOMETHING. [LAUGHTER]

Mayor Wynn: WELL YOU ONLY HAVE SIX HOURS LEFT IN YOUR

DAY, SO --

EVERYBODY BRAID YOUR HAIR, LET'S GO DRINK SOME TEQUILA. THANK YOU SO MUCH. APPRECIATE IT. [ APPLAUSE ]

Mayor Wynn: FOR OUR FIRST PROCLAMATION, I'M BEING JOINED BY JUAN GARZA OF AUSTIN ENERGY AND SANDRA CRAYTON OF THE PUBLIC WORKS DEPARTMENT. IT REGARDING THE CITY OF AUSTIN'S COMBINED CHARITY CAMPAIGN KICKOFF. THOUSANDS OF CITY EMPLOYEES PULL TOGETHER EACH YEAR AT THIS TIME FOR OUR COMBINED SCHEARTS AND THE -- CHARITIES AND THE CITY OF AUSTIN EMPLOYEES DO A REMARKABLE JOB FOR COMMUNITY ORGANIZATIONS AND EFFORTS ACROSS THIS CITY. THE PROCLAMATION READS: BE IT KNOWN WHEREAS CHARITIES PROVIDE A VEHICLE THROUGH WHICH CONTRIBUTORS, VOLUNTEERS AND COMMUNITY AGENCIES CAN WORK TOGETHER TO SUPPORT A COMPREHENSIVE ARRAY OF HEALTH, EDUCATION, AND SERVICE PROGRAMS FOR -- FOR THE CENTRAL TEXAS COMMUNITY. AND WHEREAS THE CITY OF AUSTIN COMBINED CHARITIES CAMPAIGN HAS RAISED MORE THAN \$510,000 FOR THE COMMUNITY -- \$55,010,000 -- THEREFORE I WILL WYNN, MAYOR OF THE AUSTIN, TEXAS DO HERE BY PROCLAIM THIS AS CITY OF AUSTIN COMBINED CHARITIES CAMPAIGN DAY IN AUSTIN, \$5,010,000. I WOULD LIKE FOR THEM TO TELL YOU A LITTLE BIT ABOUT HOW THE INFRASTRUCTURE OF YOUR CITY, YOUR CITY EMPLOYEES, THE FINEST FOLKS THAT I'VE WORKED WITH PULL TOGETHER FOR THE BETTERMENT OF THIS COMMUNITY, JUAN?

THANK YOU, MAYOR. THIS YEAR I HAVE THE HONOR OF HEADING UP THE EFFORT, SANDRA CRAYTON HAS ASSISTED ME IN HER ROLE AS CO-CHAIR SHE WILL THEN SUCCESS KEYED ME NEXT YEAR, LEAD NEXT YEAR'S DRIVE. EVERY YEAR THE CITY OF AUSTIN EMPLOYEES GET TOGETHER THROUGH THEIR PAYROLL CONTRIBUTIONS OR THROUGH FUNDRAISING EVENTS AND RAISE A CONSIDERABLE AMOUNT OF MONEY AS THE MAYOR INDICATED FOR THE RESIDENTS OF CENTRAL TEXAS AND SPECIFIC NON-PROFIT ORGANIZATIONS THAT THEY MAY THEMSELVES SELECT. I'M VERY PROUD TO BE HEADING UP THIS YEAR'S PROGRAM, I'M

ENCOURAGING ALL DIRECTORS AND ALL EXECUTIVES TO BE INVOLVED AS LEADERSHIP GIVERS OF THIS YEAR AND AGAIN LEADING A VERY SUCCESSFUL CITY OF AUSTIN CAMPAIGN. SONDRA?

THANK YOU, I'M ALSO HONORED TO BE THE CO-CHAIR THIS YEAR OF THE CITY'S COMBINED CHARITIES CAMPAIGN. IT'S REALLY EXCITING TO BE KICKING IT OFF THIS YEAR. I THINK MORALE IS A LITTLE BIT BETTER FOR THE CITY EMPLOYEES GETTING A RAISE FOR THE FIRST TIME IN TWO YEARS. CITY EMPLOYEES HAVE BEEN VERY GENEROUS GIVERS AS THE MAYOR STATED OVER THE PAST 12 YEARS, CITY EMPLOYEES HAVE CONTRIBUTED OVER \$5 MILLION TO THIS COMMUNITY. SO THE COMMUNITY RELIES -- [ APPLAUSE ] ON THE CITY EMPLOYEES. AND THIS YEAR WE HAVE A GOAL OF \$775,000. AND WE ARE WELL ON OUR WAY TO GETTING THERE. EMPLOYEES ARE ABLE TO PARTICIPATE IN WHATEVER -- IN WHATEVER WAY THEY WOULD LIKE TO. THERE ARE 12 FEDERATIONS AND OVER 400 DIFFERENT CHARITIES. MANY EMPLOYEES WILL BE CHOOSING TO GIVE THE SPECIAL LEADERSHIP GIFT, WHICH IS A THOUSAND DOLLARS, AND THAT GOES A VERY LONG WAY TOWARDS ASSISTING THE COMMUNITY. AND WE WANT TO THANK EVERYONE IN THE CITY FOR THE -- FOR THE CHARITY CAMPAIGN CONTRIBUTIONS THAT THEY MAKE AT THIS TIME AND THAT THEY WILL BE MAKING OVER THE NEXT MONTH. AND ENCOURAGE EVERYONE TO LEND A HAND AND MAKE A DIFFERENCE. THANK YOU. [ APPLAUSE ] WE DO, WE ALSO HAVE A PINTO GIVE TO THE MAYOR TODAY. SO IT'S A -- 80'S CAMPAIGN PIN. IT'S A CAMPAIGN PIN. GOOD LOOKING PEN, OUR NEXT PROCLAMATION IS HERB AWARENESS MONTH, I'M JOINED BY CINDY BOIL AND FRIENDS, CINDY IS GOING TO SPEAK TO US IN A SECOND. THE PROCLAMATION READS BE IT KNOWN WHEREAS SINCE 1983 THE AUSTIN HERB SOCIETY HAS BEEN EDUCATING THE PUBLIC ABOUT THE BENEFITS OF HERBS TO IMPROVE HEALTH AND WELL-BEING, ENCOURAGING THE GROWTH AND USE OF HERBS AND PROVIDING SUPPORT IN COMMUNITY GARDENS, LIBRARIES, OTHER COMMUNITY PROJECTS. WHEREAS THE HERB SOCIETY IS ACTIVE IN THE AUSTIN AREA GARDEN COUNCIL AND MAINTAINS AND SUPPORTS HERB GARDENS AT MAYFIELD GARDEN AND ZILKER BOTANICAL GARDEN. WE



ARE LEASED TO THANK THE MEMBERS OF THE AUSTIN HERB SOCIETY OF THEIR CONTRIBUTIONS OF A NEW NATIVE TEXAS HERB GARDEN EXTENDING THE CURRENT HERB GARDEN AT ZILKER. I, MAYOR WILL WYNN, DO HEREBY DECLARE OCTOBER 2004 AS HERB AWARENESS MONTH AND CALL ON CINDY BOYLE TO TELL US ABOUT HER ORGANIZATION, BENEFITS OF HERBS, PLEASE JOIN ME IN THANKING AND CONGRATULATING CINDY. [ APPLAUSE ]

THANK YOU, MAYOR WYNN AND CITY COUNCIL FOR THE PROCLAMATION. WE ARE EXCITED ABOUT OCTOBER AS HERB AWARENESS MONTH. WE LOOK FORWARD TO THE MANY HERBAL ACTIVITIES TAKING PLACE THROUGHOUT OUR COMMUNITY. THE MONTH BEGINS WITH THE WESTLAKE FARMERS MARKET TEAMING UP WITH AUSTIN HERB SOCIETY TO DO HERB FEST, IT'S SATURDAY, OCTOBER 2nd 2nd. WE THANK PAMELA BOYER FOR DEDICATED THIS EVENT TO THE HERB SOCIETY WHICH ULTIMATELY ASSISTS US IN OUR GOAL TO PROVIDE THE CITY WITH THIS NEW NATIVE TEXAS HERB GARDEN. IT'S AN EXTENSION TO OUR CURRENT GARDEN AT ZILKER BOTANICAL. WE HAVE SO MANY WONDERFUL EVENTS IN OCTOBER. THERE ARE TOO MANY TO MENTION. PLEASE REFER TO OUR WEBSITE IT'S [www.austinherbsociety.org](http://www.austinherbsociety.org). YOU WILL LEARN SO MUCH ABOUT HERBS FROM OUR WEBSITE. WE ESPECIALLY WANT TO PROMOTE OUR SPONSOR MEMBERS, WHO OFFER HERBS, HERBAL PRODUCT, HERB RELATED SERVICES. THROUGHOUT CENTRAL TEXAS. PLEASE BE SURE TO VISIT THESE WONDERFUL BUSINESSES. AND -- BECAUSE THEY ARE AMAZING BUSINESSES. WE ARE EXCITED ABOUT THIS -- THIS NEW NATIVE TEXAS HERB GARDEN. AND WE THANK ALL OF THE HERB STUDY MEMBERS FOR THEIR HARD WORK AND DEDICATION, SPECIAL THANKS TO OUR PAST PRESIDENT MICHELLE WHO COULD NOT BE HERE AND HE WILL ELOISE DAUGHTERTY WHO PLANNED THE GROUND BREAKING. WE ALSO THANK ALL OF THE HERB SOCIETY BOARD MEMBERS, COMMITTEE CHAIRS AND MEMBERS WHO HAVE WORKED VERY HARD TO OFFER THE AMAZING YEAR WE HAVE PLANNED. IT'S JUST AN AMAZING GROUP. OUR LIST SO LONG WE WOULD BE HERE FOR ANOTHER 30 MINUTES. WE ALL APPRECIATE EACH AND EVERY ONE OF YOU AND WE ALSO THANK THE STAFF AT ZILKER BOTANICAL GARDENS, PHIL,

JOYCE, THE AUSTIN AREA GARDEN COUNCIL AND JUST THE CITY OF AUSTIN AND THOSE OF YOU WHO HELPED PROMOTE OUR EFFORT TO DO OUTREACH TO THE COMMUNITY. THANK YOU. [ APPLAUSE ]

THIS NEXT PROCLAMATION IS REGARDING VISUAL ARTS MONTH HERE IN AUSTIN. I'M JOINED BY A BUNCH OF VISUAL ARTISTS. THE PROCLAMATION READS: BE IT KNOWN WHEREAS THE MISSION OF VISUAL ARTS UNION FIGHTED OF AUSTIN IS TO PROMOTE OUR CITY AS A NATIONAL VISUAL ARTS CENTER AS WELL AS TO ENCOURAGE COLLABORATIONS BETWEEN ARTISTS AND OUR COMMUNITY. WHEREAS VU AUSTIN HAS SET UP A DYNAMIC STATE CAPITOL ART EXHIBIT WHICH FEATURES THE DISPLAYS OF CREATIVE WORKS AND ALLOWS CITIZENS TO END GAUGE IN INTERACTIVE ACT AND LEARN ABOUT THE VARIOUS MEMBERS ORGANIZATIONS. CELEBRATE THE CULTURAL ENRICHMENT BY ATTENDING THE MONTH-LONG EXHIBITS AT THE STATE CAPITOL AND THEIR LOCATIONS AROUND AUSTIN. NOW THEREFORE I WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HERE BY PROCLAIM OCTOBER 2004 AS VISUAL ARTS MONTH IN AUSTIN AND ASK DONNA TO COME UP AND SAY A FEW WORDS ABOUT ALL OF THE OPPORTUNITIES THAT WE'LL HAVE TO SEE OUR VISUAL ARTS THROUGHOUT AUSTIN, OF COURSE CELEBRATE WITH A GREAT EXHIBIT AT THE STATE CAPITOL. DONNA?

THANK YOU, MAYOR WYNN. THANK YOU. [ APPLAUSE ]

THANK YOU, COUNCILMEMBERS, ALL OF OUR COMMUNITY. VU AUSTIN TOGETHER WITH THIS GROWING NUMBER OF VISUAL ARTS ORGANIZATIONS MEMBERS REPRESENTING OVER 3,000 INDIVIDUAL ARTISTS ARE PLEASED TO ACCEPT THIS PROCLAMATION. FOR VISUAL ARTS MONTH IN AUSTIN THIS OCTOBER. THIS IS OUR FOURTH ANNUAL SELL BREAKING, WE ARE REALLY THRILLED TO HAVE GONE THIS FAR WITH IT. OUR MEMBERS HAVE BEEN WORKING HARD THIS YEAR TO PROVIDE BOTH THE VISITOR AND AUSTINITES WITH A WIDE VARIETY OF VISUAL ARTS EXPERIENCE FOR THE UPCOMING MONTH OF OCTOBER. DURING THE MONTH, THE STATE CAPITOL WILL HOST FOUR WEEKLY EXHIBITS, SO GO EVERY WEEK. IN THE LOWER ROTUNDA OF THE STATE CAPITOL. THAT EXHIBIT SHOWCASES TO 20,000 VISITORS

MONTHLY THAT -- OF PEOPLE WHO GO THROUGH OUR STATE CAPITOL, PLEASE BE ONE OF THOSE. AND ALL OF AUSTIN IS INVITED TO SEE THIS BODY OF WORK. ADDITIONALLY THERE WILL BE HUNDREDS OF OTHER VENUES, GALLERIES, STUDIOS AND MUSEUMS INVOLVED IN THE CELEBRATION OF THE VISUAL ARTS. MOST VENUES HAVE FREE ADMISSION. YEA. OUR BROCHURE, WHICH LOOKS LIKE THIS, GIVES THE DETAILS OF THESE EVENTS AND ARE AVAILABLE THROUGHOUT THE CITY OR BY REQUEST AT OUR WEBSITE, WHICH IS [www.VUAustin.com](http://www.VUAustin.com). OUR MEMBER ARTISTS ARE READY AND WILLING -- WITH WILLING HANDS AND OPEN HEARTS AND CREATIVE MINDS. THEY DONATE THEIR TIME AND RESOURCES TO PUT AUSTIN ON THE NATIONAL MAP AS AN ARTS DECEMBER NCAA. VU AUSTIN'S GOAL IS TRULY TO RIVAL SANTA FE, NEW YORK AND OTHER CITY WAS A TRADITION OF BUYING ART. OUR MEMBERS ATTRACT PEOPLE TO AUSTIN TO BUY ART, FINE EXHIBITS, OPEN STUDIO TOURS, DEMONSTRATIONS, FREE VENUES FOR THE WHOLE FAMILY ALL YEAR LONG. VIEW AUSTIN IS ACTIVELY PARTNERING WITH OUR COMMUNITY TO ENTICE AUSTIN BUSINESSES AND FAMILIES TO LIKEWISE INVEST AND SUPPORT LOCAL ARTISTS FIRST. ON BEHALF OF MY COLLEAGUES, I WANT TO THANK THE CITY OF AUSTIN COUNCIL AND YOURSELF, MAYOR WYNN, FOR YOUR WILLINGNESS TO SUPPORT THESE LOCAL ARTISTS WITH A TOKEN OF OUR OWN APPRECIATION. SO WE HAVE FOR YOU A LIMITED EDITION POSTER AND T-SHIRT BY A LOCAL ARTIST LISA MARIE WHO HAS DESIGNED THAT FOR US, WE HAVE ONE FOR ALL OF THE COUNCILMEMBERS AS WELL. WE HAVE POSTERS AROUND TOWN AND I WOULD ALSO LIKE YOU TO MEET SOME OF THE OTHER REPRESENTATIVES OF OUR ORGANIZATIONS THAT ARE MAKING THIS HAPPEN JUST TO GET A SENSE OF SOME OF THE DIVERSITY OF THE GROUPS THAT WE HAVE.

MY NAME IS SIDRA MYERS REPRESENTATING THE CREATIVE ARTISTS SOCIETY. THIS MONTH WE WILL HAVE OUR JURIED ART SHOW AT THE A.C.C. PINNACLE, IN DECEMBER AT THE BASS CONCERT HALL.

I'M GRETTA HERZOG, CAPITAL ARTS SOCIETY THE OLDEST ORGANIZATION HERE IN AUSTIN, ESTABLISHED IN 1967, WE HAVE THE FIRST WEEK AT THE CAPITOL. A LOT OF OUR

MEMBERS ARE GOING TO BE IN ARTIST HARVEST WHICH IS [INDISCERNIBLE] NOW. PLEASE GET OUT AND GO.

I'M APRIL SULLIVAN WITH VSA ARTS OF TEXAS, WE SUPPORT ARTISTS WITH DISABILITIES AND WE'LL BE AT THE CAPITOL THE THIRD WEEK AND WE ALSO HAVE ART AT THE AIRPORT STARTING IN NOVEMBER.

I'M LISA MARIE CAB L.A. ETTI, MULTI-MEDIA ARTIST, MULTI-MEDIA FILM MAKER, DESIGNED THE POSTERS AND T-SHIRTS AND DELIGHTED TO BE A PART OF THE PROCESS.

TIPS ON ARTS, AN ARTS BASED SERVICE ORGANIZATIONS HELPING LOCAL ARTISTS BE BETTER BUSINESS PEOPLE. THANK YOU AGAIN, ENJOY ON BEHALF OF VU AUSTIN, BE CREATIVE, AUSTIN. [ APPLAUSE ]

Goodman: OKAY. I THINK IS DAVID GOING TO ACCEPT THIS? YEAH. THIS NEXT PROCLAMATION IS TO LET IT BE KNOWN THAT WHEREAS VACCINES ARE AMONG THE 20th CENTURY'S MOST SUCCESSFUL AND COST EFFECTIVE PUBLIC HEALTH TOOLS AVAILABLE, FOR PREVENTING DISEASE AND DEATH, AND WHEREAS EVERY YEAR TENS OF THOUSANDS OF ADULTS IN THE UNITED STATES DIE FROM VACCINE PREVENTABLE DISEASES OR THEIR COMPLICATIONS AND WHEREAS IN KEEPING WITH THIS WEEK'S THEME, IMMUNIZATION, BUILDING A PATH TO A HEALTHY TOMORROW, WE ENCOURAGE ALL CITIZENS TO ASK A HEALTH PROFESSIONAL ABOUT IMMUNIZATIONS AND TO AVAIL THEMSELVES OF THEIR LIFE SAVING BENEFITS. NOW THEREFORE WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DOES HERE BY PROCLAIM SEPTEMBER 26th THROUGH OCTOBER THE 2nd IN THE YEAR 2004 AS ADULT IMMUNIZATION AWARENESS EVENING IN AUSTIN. AND SIGNED, SEALED, BY THE MAYOR OF AUSTIN, WILL WYNN, DELIVERED TO OUR DIRECTOR OF HEALTH AND HUMAN SERVICES WHO WORKS VERY HARD IN THIS AND OTHER LIFE SAVING INITIATIVES FOR US, DAVID LURIE. THANKS, DAVID.

THANK YOU. [ APPLAUSE ]

THANK YOU, MAYOR PRO TEM, I REALLY APPRECIATE THIS OPERATION AND WANT TO -- THIS PROCLAMATION AND

WANT TO MAKE SURE THAT THE COMMUNITIES IS AWARE, WE THINK OF IMMUNIZATIONS, YOUNG PEOPLE AND CHILDREN, WHICH OBVIOUSLY IS VERY IMPORTANT, BUT ALSO ADULTS NEED TO BE PROPERLY IMMUNIZED AND NEED TO KEEP TRACK OF THEIR IMMUNIZATIONS THROUGHOUT THEIR LIFETIME. AND I WANT TO ACKNOWLEDGE SOME OF THE STAFF PEOPLE FROM HEALTH AND HUMAN SERVICES, ALLAN TREVINO, KATHY HARKINS, SHELLY PURSER, ALL ACTIVELY INVOLVED IN THIS EFFORT. THIS HE IS VERY TIMELY THAT THIS RECOGNITION OCCURS THIS WEEK BECAUSE OF COURSE FLU SEASON IS COMING UP HERE VERY QUICKLY, WE ARE ACTIVELY ENGAGED ALREADY IN TERMS OF PROVIDING FLU VACCINATIONS, WORKING WITH OUR SENIOR CENTERS IN THE RBJ HIGH RISE, ALREADY VACCINATED 788 SENIORS THANKS TO THE WORK OF OUR GREAT STAFF AND THE OTHER PEOPLE SUPPORTING THEM AND BEGINNING NEXT WEEK, WE WILL BE HAVING FLU CLINICS AT OUR NEIGHBORHOOD CENTERS THROUGHOUT THE CITY AND I WOULD ENCOURAGE EVERYONE TO EITHER CALL 311 OR 211 TO GET INFORMATION ABOUT THOSE FLU CLINICS OR GO TO THE CITY OF AUSTIN WEBSITE OR THE WEBSITE AUSTIN FLU FIGHT.COM. ANYTHING ELSE, LYNN? THANK YOU VERY MUCH. THANK YOU, MAYOR PRO TEM. [ APPLAUSE ]

Thomas: GOOD EVENING TO EVERYONE, IT IS A PRIVILEGE AND HONOR FOR ME TO PRESENT THIS OPERATION PROCLAMATION TO A FOUNDATION THAT HAS BEEN SHOWN TO BE VERY PRODUCTIVE IN THE COMMUNITY, WHICH GIVES HOPE TO PEOPLE THAT -- THAT HAVE BEEN INCARCERATED AN OPPORTUNITY TO GET BACK OUT INTO SOCIETY. I'LL ASK BEN IF HE WILL COME FORWARD. THE PROCLAMATION READS AS FOLLOWS BE IT KNOWN WHEREAS THE PUSHUP FOUNDATION AND CORPORATION SERVES OUR CITY BY PROVIDING HOUSING, SUBSTANCE ABUSE TREATMENT AND JOB TRAINING TO THE HOMELESS, MOTHERS WITH DEPENDENT CHILDREN AND THOSE COMING OUT OF JAIL, AND WHEREAS PUSHUP IS JOINING WITH THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN RESOURCES, HUMAN SERVICES DURING THIS SPECIAL MONTH TO CELEBRATE PEOPLE IN RECOVERY WHO ARE LIVING HELTSHEALTHY AND PRODUCTIVE LIVES IN AUSTIN.

WHEREAS IN KEEPING WITH THIS YEAR'S THEME, WE CONGRATULATE THE INDIVIDUAL WHO ARE OVERCOMING CHALLENGES AND SALUTE PUSHUP FOR THE ASSISTANCE IT PROVIDES FOR THEIR SUCCESS. NOW THEREFORE WILL WYNN MAYOR OF THE CITY OF AUSTIN DO HERE BY PROCLAIM SEPTEMBER 2004 AS THE 15th ANNUAL NATIONAL ALCOHOL AND DRUG RECOVERY MONTH. I PRESENT THIS TO BEN AND HOW DO YOU PRONOUNCE YOUR LAST NAME?

OGBODIEGWU.

ALL RIGHT. [ APPLAUSE ]

THANK YOU, COUNCILMEMBER DANNY THOMAS. MY NAME IS BEN OGBODIEGWU. I'M HIGHLY DELIGHTED TO BE HERE TONIGHT. TO TALK TO THE CITY OF AUSTIN, AND THE CITY COUNCIL. I APPRECIATE EVERY ONE OF YOU GIVING US THE OPPORTUNITY TO BE HERE. WE ARE HERE TO CELEBRATE 15th ANNUAL NATIONAL ALCOHOL AND DRUG RECOVERY MONTH. AS YOU KNOW, THIS IS A VERY SERIOUS PROBLEM IN OUR COMMUNITY. BECAUSE THE STATE OF TEXAS, \$25.9 BILLION, IT COSTS THE STATE OF STATE \$25.9 BILLION IN ALCOHOL RELATED PROBLEMS. AND I JUST WANT TO TAKE THIS OPPORTUNITY TO TELL YOU PUSHUP FOUNDATION. WE HAVE BEEN IN THE COMMUNITY SINCE 1995. WE HAVE BEEN THERE WITH THE COMMUNITY. WE WORKED VERY CLOSELY WITH THE COMMUNITY. WE FOUGHT DRUG DEALERS. AND WE HAVE BEEN IN THE TRENCH FIGHTING THIS DISEASE AND I'M ALSO HIGHLY DELIGHTED TO INTRODUCE MY COLLEAGUES, AND CLIENTS OF PUSHUP FOUNDATION WHO ARE HERE AND I WANT TO LET YOU KNOW THAT PUSHUP IS MAKING A TREMENDOUS IMPACT INTO OUR SOCIETY. AND WE ARE ASKING YOU TO HELP US TO CONTINUE TO DO THIS WORK. WHAT PUSHUP DOES IS TO PROVIDE TRANSITIONAL HOUSING, SUBSTANCE ABUSE TREATMENT SERVICES, CASE MANAGEMENT, TO HOMELESS INDIVIDUALS, PEOPLE COMING OUT OF JAIL AND PRISONS, AND WE ARE THERE 24 HOURS. AND WE THANK THE CITY COUNCIL VERY MUCH. WE APPRECIATE YOU. AND WE WANT THE COUNCIL TO HELP US TO CONTINUE TO PROVIDE SERVICES ON WHAT WE DO BEST. WE CANNOT DO THIS ALONE. AND WE ARE HIGHLY, HIGHLY PROUD TO BE FROM THE CITY OF AUSTIN. THANK YOU VERY

MUCH. [ APPLAUSE ]

Mayor Wynn: THIS LAST ACT HERE DURING OUR PROCLAMATIONS IS A VERY DIFFICULT ONE FOR US. THE AUSTIN AREA HAS LOST SEVERAL OF ITS SONS IN IRAQ BUT THIS MONTH WE AS THE CITY OF AUSTIN FAMILY SUFFERED OUR FIRST ONE WITH THE LOSS OF NICK PEREZ FROM AUSTIN HIGH SCHOOL IN THE CLASS OF 2003. SO AT THIS TIME I WOULD LIKE TO, IN CONJUNCTION WITH MY ENTIRE CITY COUNCIL, COLLEAGUES, THE CITY MANAGER, PRESENT THIS DISTINGUISHED SERVICE AWARD IN MEMORIAM. IT READS FOR HAVING BEEN A LOVING, DEVOTED SON, BROTHER AND FRIEND, FOR HAVING BEEN AN OUTSTANDING HONORABLE CITIZEN OF OUR CITY, FOR HAVING SERVED OUR COUNTRY AS A UNITED STATES MARINE, A PRIORITY IN HIS LIFE FROM THE AGE OF NINE, ABOVE ALL FOR HAVING GIVEN HIS LIFE FOR THE CAUSE OF FREEDOM, LANCE CORPORAL NICHOLAS PEREZ WAS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. THIS CERTIFICATE IS PRESENTED IN HONOR OF HIS SHORT BUT EXEMPLARY LIFE, CORPORAL PEREZ WAS TRULY A CREDIT TO HIS FAMILY, HIS FRIENDS, HIS FELLOW AUSTINITES AND TO HIS BROTHER AND SISTER MARINES. IT IS WITH PRIDE, YET WITH PROFOUND SORROW THAT THIS CERTIFICATE IS PRESENTED THIS 30th DAY, OF SEPTEMBER, IN THE YEAR OF 2004, SIGNED BY ME, BUT ON BEHALF OF THE AUSTIN CITY COUNCIL, NICK'S MOTHER WORKS IN OUR HUMAN RESOURCES DEPARTMENT AND IT IS WITH GREAT SORROW BUT PRIDE THAT WE PRESENT HER AND NICK'S DAD WITH THIS DISTINGUISHED SERVICE AWARD AND THE CITY MANAGER WOULD LIKE TO PRESENT SOME FLOWERS TO MS. PEREZ. [ APPLAUSE ]

MAYOR WYNN, DISTINGUISHED COUNCILMEMBERS, ON BEHALF OF MY FAMILY, I WANT TO THANK YOU -- FOR HONORING OUR SON NICHOLAS. IT'S BEEN A DIFFICULT TIME FOR ALL OF US. BUT WE ARE CONCENTRATING ON THE CELEBRATION OF NICHOLAS'S LIFE AND THE MANNER IN WHICH HE LIVED IT. HONORS SUCH AS THIS ISSUED BY PEOPLE LIKE YOU WHO CARE HELPS TO KEEP HIS MEMORY ALIVE. THANK YOU. THANK YOU. [ APPLAUSE ]

Mayor Wynn: WE ARE GOING TO TAKE A SHORT BREAK, WE

WILL RECONVENE THE CITY COUNCIL MEETING IN A FEW MINUTES. THANK YOU VERY MUCH. SFT.,.

Mayor Wynn: I APPRECIATE YOUR PATIENCE. I BELIEVE WE WERE ABOUT TO TAKE UP ITEM NO. 87. KNOWN AS THE HOUSE OF TUTORS PRIOR TO OUR BREAK. MS. GLASGO?

Glasgo: MAYOR, EXCUSE ME, MAYOR, BEFORE WE GET TO HOUSE OF TUTORS, IF IT'S AT ALL POSSIBLE, WE HAVE A REQUEST FOR POSTPONEMENT. SO WE CAN GET RID OF A FEW PEOPLE. SORRY, I MEAN -- SO THEY CAN GO HOME EARLY. NOT GET RID OF THEM, NOT IN A BAD WAY, GOOD WAY.

Mayor Wynn: WE UNDERSTOOD.

ITEM Z-8, C14-04-458, THE SARAH CLUB EXTENSION, THE APPLICANT HAS REQUESTED A POSTPONEMENT TO NOVEMBER THE 18th, THIS IS A DISCUSSION HE HAD WITH THE NEIGHBORHOOD DURING THE BREAK AND BOTH PARTIES AGREE TO THE POSTPONEMENT, SO THEY CAN CONTINUE TO NEGOTIATE.

Mayor Wynn: THANK YOU, MS. GLASGO. COUNCIL, WITH THAT I'LL ENTERTAIN A MOTION TO POSTPONE ITEM Z-8, POSTPONE THE ACTUAL PUBLIC HEARING OF ITEM Z-8 TO NOVEMBER 18th, 2004. MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER DUNKERLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 5-0 WITH COUNCILMEMBERS ALVAREZ AND THOMAS OFF THE DAIS. I WILL REMIND FOLKS THAT -- 10 FOLKS WHO SIGNED CARDS ON Z-8, I WOULD SUGGEST THAT YOU COME BACK IN ON THE 11th -- 18th OF NOVEMBER SIGN UP AGAIN.

THANK YOU.

MR. WALTERS WILL CONTINUE WITH THE HOUSE OF TUTORS. ITEM NO. 87. MAYOR AND COUNCIL, I'M MIKE WALTERS WITH



THE PLANNING AND ZONING DEPARTMENT. ITEM NO. 87, ZONING CASE C14-03-0049, OFFERING UP FOR SECOND AND THIRD READING. THE PROPOSAL IS TO GO FROM G.O.-MU TO -- IT SAYS IN THE PACKUP TO C.S.-MU BUT BACK ON JULY 29th, IN THIS YELLOW SHEET THAT THE COUNCIL IS GETTING, THE AGENT AT THE TIME ASKED THAT THE PROPERTY BE REZONED TO GR-MU INSTEAD OF THE C.S.-MU. AND SINCE THIS IS NOW WITHIN THE BOUNDARIES OF AN ADOPTED NEIGHBORHOOD PLAN, IT WOULD BE GR-MU-CO-M.F. 6-NP. CON OPPORTUNITY WITH THIS ZONING CASE, THE CITY NEIGHBORHOOD PLANNING STAFF WAS DEVELOPING THE UNIVERSITY NEIGHBORHOOD OVERLAY, THE PROPERTY OWNER AND THEIR AGENTS WENT AHEAD WITH THIS ZONING CASE PRIOR TO THE COMPLETION AND ADOPTION BY COUNCIL ON SEPTEMBER 2nd OF THIS -- OF THE UNIVERSITY NEIGHBORHOOD OVERLAY. I WOULD LIKE TO GO OVER REALLY BRIEFLY A -- COMPARE AND CONTRAST BETWEEN THE ZONING THAT THEY ARE REQUESTING AND WHAT THEY WOULD BE ALLOWED UNDER THE NEIGHBORHOOD OVER-- UNIVERSITY NEIGHBORHOOD OVERLAY. UNDER THE -- THE REQUESTED ZONING THEY WERE TO BE ALLOWED TO A HEIGHT OF 90 FEET FOR THE PREPONDERANCE OF THE SITE WITH THE FIRST 75 FEET NORTH OF 24th STREET LIMITED TO 40% IN HEIGHT. UNDER UNO UP TO 75 FEET AND THEY COULD ADD AN EXTRA FEET OR ONE STORY IF FOR A PERIOD OF 15 YEARS 10% OF THE UNITS ARE AFFORDABLE TO THOSE INDIVIDUALS MAKING 65% OF LOCAL MEDIAN FAMILY INCOME. UNDER THE REQUESTED ZONING THEY WOULD BE LIMITED TO A 75% IMPERVIOUS COVER AND UNDER THE UNO THEY WOULD BE ALLOWED 90% BUILDING COVERAGE. UNDER THE REQUESTED ZONING THEY WOULD BE ALLOWED TO 90% FOR A TOTAL IMPERVIOUS COVER AND UNDER THE UNO IT WOULD BE ALLOWED AT 90% TOTAL IMPERVIOUS COVER. UNDER THE REQUESTED ZONING AND THE CONDITIONS PLACED BY THE PLANNING COMMISSION, THEY WOULD BE REDUCED, FRONT SETBACK WOULD BE REQUIRED TO BE 15 FEET. UNDER THE NEIGHBORHOOD, UNIVERSITY NEIGHBORHOOD OVERLAY, THEIR BUILDING SET BACK LINE COULD BE 12 FEET FROM THE FACE OF THE CURB OR AT THE PROPERTY LINE, WHICHEVER IS GREATER. AND IF THEY WISHED TO ADD AN OPEN SPACE FOR A PLAZA THEY COULD ADD THAT SETBACK TO -- UP TO 45 FEET. THE SIDE

STREET YARD SETBACK WOULD BE 15 FEET, SAY IT'S THE FRONT AND FOR THE SIDE STREET YARD FOR THE UNIVERSITY OVERLAY IT WOULD BE THE SAME AS FOR THE FRONT SETBACK. DESIGN REQUIREMENTS, UNDER THE REQUIRED -- UNDER THEIR REQUESTED ZONING THEY WOULD NOT BE HELD TO THE DESIGN GUIDELINES OF THE UNIVERSITY NEIGHBORHOOD OVERLAY. AND SOME OF THESE WOULD INCLUDE IMPROVEMENTS TO THE SIDEWALK, REQUIRED STREET TREES, PEDESTRIAN ORIENTED LIGHTING AND THE ADHERENCE TO THE DESIGN GUIDELINES WHICH WOULD DICTATE SUCH ELEMENTS AS FIRST STORY DESIGN AND PARKING GARAGE DESIGN. ALSO UNDER THE REQUESTED ZONING THEY WOULD NOT BE ALLOWED TO HAVE -- NOT REQUIRED TO HAVE ANY AFFORDABLE HOUSING AND UNDER WHAT COUNCIL PASSED ON SEPTEMBER 2nd, THEY WOULD BE -- THEY WERE TO DEVELOP UNDER THE UNO THEY WOULD HAVE TO HAVE 10% OF THE UNITS WOULD BE AFFORDABLE TO THOSE FOLKS MAKING 08% LOCAL MEDIAN FAMILY INCOME AND TO PEOPLE MAKING 65%, 10% WOULD BE FOR 65% LOCAL MEDIAN FAMILY INCOME WITH A POSSIBLE BUY OUT OF 50% PER RENTABLE FOOT IF THEY DID NOT OR CHOSE NOT TO PROVIDE THAT 60-FOOT, THAT 10% HOUSING TO THOSE INDIVIDUALS MAKING 65% IN THE MEDIAN FAMILY INCOME. AND I WOULD BE HAPPY TO ANSWER ANY QUESTIONS AT THIS TIME. THERE'S A REPRESENTATIVE FOR THE PROPERTY OWNER HERE, IF YOU HAVE ANY QUESTIONS. IF NOT I WOULD ANSWER ANY QUESTION GOES AT THIS TIME.

THANK YOU, MR. WALTERS. QUESTIONS OF STAFF?

ONE THING I FORGOT TO ADD, MAYOR. THAT THERE IS A VALID PETITION, IT REQUIRES SIX VOTES TO PASS THE -- TO PASS THE REQUESTED ZONING OF THE APPLICANT THE FWR-MU-CO-M.F. 6-NP.

THANK YOU. COUNCIL, QUESTIONS? OF STAFF? ANYBODY ELSE? COMMENTS? IF NOT I'LL ENTERTAIN THE MOTION ON ITEM NO. 87.

MR. HOLLAND IS HERE AND WOULD LIKE TO READ A STATEMENT FROM THE --

THANK YOU.

WELCOME, SIR.

HOWDY. I'M JIMMY HOLLAND, THE ARCHITECT REPRESENTING THE OWNER AND THEY WROTE A LETTER THIS AFTERNOON THAT THEY ASKED ME TO READ INTO THE RECORD. SO I'M GOING TO READ THAT, IF I COULD. LET ME GET MY GLASSES OUT. TWO THE DISTINGUISHED MEMBERS OF THE CITY COUNCIL, MAYOR WYNN, MAYOR PRO TEM GOODMAN, ALL COUNCIL MEMBERS, CASE MANAGERS, CITY LEGAL STAFF, REGARDING THE HOUSE OF TUTOR'S HOUSE OF TUTOR'S APPLICATION FILE NUMBER SO FORTH. IN THE SECOND CITY COUNCIL MEETING OF UNO THE HOUSE OF TUTOR'S WAS UNANIMOUSLY INCLUDED IN THE 90-FOOT BASE HEIGHT MATCHING OUR ORIGINAL REQUEST, WHICH WAS ALSO UNANIMOUSLY APPROVED BY THE CITY COUNCIL - - CITY PLANNING COMMISSION, EXCUSE ME. HOWEVER, AT THE THIRD READING OF UNO, WE WERE UNEXPECTEDLY REDUCED TO A BASE HEIGHT OF 75 FEET. YET AT THE SAME HEARING OTHER NEIGHBORHOOD -- OTHER NEIGHBORING PROPERTY OWNERS MAINTAIN THE 90 FEET BASE HEIGHT AND WERE EVEN ALLOWED TO ADD ANOTHER STORY IF THEY PARTICIPATED IN THE AFFORDABLE HOUSING PLAN. WE NOW FEEL THAT WE HAVE BEEN SINGLED OUT FOR DISPARITY TREATMENT AND THAT THE PROCESS PRESENTED TO US HAS BEEN EXTREMELY FLAWED, UNFAIR AND BIASED. WE THEREFORE REFUSE TO SUBJECT OURS TO FURTHER EMBARRASSMENT AND HUMILIATION THROUGH THE SYSTEM AS IT NOW EXISTS IN THE APPROVAL PROCESS. OUR ATTEMPTS TO WORK WITHIN THE SYSTEM HAVE BEEN FRUITLESS. FURTHERMORE THE SAME UNFAIRNESS WE EXPERIENCED AT THE UNO HEARING ALSO SURFACED IN THE REZONING PROCESS FOR OUR PROPERTY. WE FOUND THAT THE VALID PETITION AND THE SUPER MAJORITY RULES WORK NOT FOR THE SMALL LANDOWNERS, BUT FOR THE LARGE LANDOWNERS AND THE GOOD OLD BOYS. THUS GIVING THEM ABSOLUTE POWER OVER THE SMALL BUSINESS OWNERS TO VETO ANY PROPOSAL WHICH THEY DO NOT WANT IN THEIR NEIGHBORHOOD. EVEN THOUGH OUR REZONING APPLICATION WAS REVIEWED AND UNANIMOUSLY APPROVED BY THE PLANNING COMMISSION AND ENDORSED BY THE UAP THE APPLICATION WAS NOT

TREATED SERIOUSLY BY THE CITY COUNCIL, PROBABLY DUE TO THE FLIP FLOPPING OF THE UAP BETWEEN THE PLANNING COMMISSION HEARING AND THE CITY COUNCIL HEARING TO OPPOSE OUR PETITION. WITHOUT THE SUPPORT OF THE LARGE LANDOWNERS, WE WERE DESTINED TO FAIL. THE STATED MAJORITY -- EXCUSE ME, THE STATED MAJOR REASON FOR THE CURRENT PROCESS UNDER UNO IS TO CREATE LOW INCOME HOUSING THROUGH OPT OUT OPTIONS, HOWEVER THE ACTUAL ECONOMICS OF THE ORDINANCE DEEMS THAT PLAN TO FAIL YOUR ENSURING THAT NO -- THAT LOW INCOME HOUSING WILL BE BUILT IN THE WEST CAMPUS AREA AND THEREBY DEFEATING THE PRIMARY PURPOSE FOR THE PLAN. THE RESULT OF THE CURRENT PROCESS IS THAT THE POWERS ABROGATED TO THE UAP BY THE CITY COUNCIL ALLOW UAP TO DESIGN AND DETERMINE ALL HEIGHT RESTRICTIONS FOR THEIR BENEFIT, NOT FOR THE CITIES OR THE PUBLIC'S BENEFIT CREATING THE VERY CONFLICT OF INTEREST WHICH THE PROCESS IS SUPPOSED TO AVOID. THAT CONSULT CAN BE EASILY SEEN BY THE MEANDERING 175-FOOT HEIGHT LINE WHICH DIRECTLY MIRRORS THE LARGE PROPERTY OWNERS. FOX GUARDING THE HEN HOUSE WHICH AS ANY ACCOUNTANT KNOWS DEEMS THE SYSTEM TO LONG-TERM FAILURE. ANY SYSTEM SUCH AS THIS ONE DRAWN BY FAVORS AND FRIENDSHIPS, RELEGATES IT TO MANIPULATION, POWER BROKERING AND ULTIMATELY CORRUPTION. WHEN WE THE SMALL OWNERS HAVE QUESTIONED THE PROCESS WE HAVE BEEN TOLD THAT IT IS CONSENSUS DRIVEN. HOWEVER, THE REAL CONSENSUS IS THAT OF THE LARGE LANDOWNERS AND NOT SMALL PROPERTY OWNERS LIKE US. WE HAVE SEEN EXCUSE ME, WE HAVE NOW SEEN FIRSTHAND THE DISPARITY OF POWER BETWEEN LARGE LANDOWNERS AND OURSELVES BEFORE THE CITY COUNCIL. AND HAVE EXPERIENCED FIRSTHAND THE REPERCUSSIONS AND CIVIL RIGHTS VIOLATIONS FOR REFUSING TO COW TO YOU TO THE DEMANDS POLITICAL TO THE LARGE LANDOWNERS IN OUR AREA. THANK YOU FOR YOUR TIME HUSSEIN AND ANTONE MALIK. THANK YOU.

Mayor Wynn: THANK YOU, MR. HOLLAND. COWBOY QUESTIONS? QUESTIONS OF STAFF? OR OTHERS? COMMENTS? WE HAVE A FULL COUNCIL? LET'S SEE. I'LL

ENTERTAIN A MOTION ON ITEM NO. 87. THAT'S WHY WE WANTED TO BE ON THE CITY COUNCIL. [LAUGHTER] COUNCIL, COMMENTS, QUESTIONS? THIS IS --

Dunkerly: I'M NOT SURE WHAT --

Mayor Wynn: READY FOR 2nd AND/OR THIRD READING.

CORRECT.

THAT IS CORRECT, MAYOR.

THANK YOU. VALID PETITION REQUIRING SIX VOTES, FOR THE -- I GUESS OWNER REQUESTED ZONING. MR. WALTERS REFRESH SOME OF OUR MEMORIES, IF THE ZONING IS NOT CHANGED, ULTIMATELY THE UNIVERSITY NEIGHBORHOOD OVERLAY WOULD BE THE OPPORTUNITY TO DEVELOP THE PROPERTY.

TO THE DENSITIES THAT -- ACTUALLY UNO WOULD PROBABLY GIVE THEM GREATER DEVELOPMENT ENTITLEMENTS THAN WHAT THEY ARE REQUESTING. ALSO THEY COULD COME IN AND REQUEST ANOTHER ZONING APPLICATION FOR A LESS INTENSE ZONING DISTRICT, BUT FAILING THAT IF THEY WANTED TO REDEVELOP THE UNIVERSITY NEIGHBORHOOD OVERLAY WOULD BE THE PREVAILING ORDINANCE THAT THEY WOULD DEVELOP UNDER.

COUNCILMEMBER SLUSHER?

SO THEY COULD DEVELOP MORE UNDER UNO, WHICH IS ALREADY IN PLACE, AND WITH THE ZONING THEY HAVE CURRENTLY AND THE UNO THEY COULD DEVELOP MORE THAN WHAT THEIR -- WHAT THEY COULD DEVELOP UNDER WHAT THEY ARE REQUESTING RIGHT NOW.

FROM A PRELIMINARY ANALYSIS, YES, PARTICULARLY IF THEY AVAIL THEMSELVES OF THE OPTION WESTBOUND WITHIN THE UNIVERSITY NEIGHBORHOOD OVERLAY THAT ALLOWS AN EXTRA 15 FEET OR AN EXTRA STORY IF THEY PROVIDE X AMOUNT OF AFFORDABLE HOUSING. THEY WOULD ACTUALLY BE AT THE 90 TEETH THAT THEY WERE

REQUESTING UNDER THE ZONING REQUESTS, BUT THEY WOULD ACTUALLY HAVE GREATER DENSITY UNDER THAT.

WOULD THEY STILL HAVE MORE EVEN IF THEY DIDN'T EXERCISE THAT OPTION?

I THINK IT WOULD BE VERY -- I THINK IT WOULD BE SAFE TO SAY THAT THEY WOULD PROBABLY HAVE THE SAME OR MORE.

OKAY. SO THAT'S IF WE JUST DON'T DO ANYTHING?

THAT IS CORRECT.

OKAY.

Mayor Wynn: MR. WALTERS, IS IT -- IS IT BY NOT DOING ANYTHING OR BY DENYING THE ZONING CASE IN FRONT OF IS?

I WOULD HAVE TO -- IN FRONT OF US?

I WOULD HAVE TO -- I CAN'T -- GREG? OR ALICE GLASGO COULD ANSWER THAT QUESTION.

WELL, YOU CAN EITHER DENY IT OR IF THERE'S NO MOTION THAT'S USUALLY TANTAMOUNT TO DENIAL IF THERE'S NO ACTION, MARTY CAN CORRECT ME IF I'M WRONG, THAT'S WHAT I HAVE KNOWN IN THE PAST. IF COUNCIL DOES NOT MAKE A MOTION FOR WHATEVER REASON. GO AHEAD, MARTY?

WHAT WE HAVE IS, WE HAVE A CASE THAT HAS BEEN -- IT HAS BEEN ADOPTED ON FIRST READING, SO IF THERE IS NO MOTION THEN DOES IT NOT STAY ON THE -- IT'S STILL PENDING UNTIL THE TIME RUNS OUT AND THE -- AND YOU'LL HAVE TO HELP ME, ALICE, HOW LONG IS IT -- HOW LONG IS THE TIME BEFORE IT EXPIRES?

IT'S ONE YEAR.

IT'S ONE YEAR.

SO THE CASE WOULD BE PENDING FOR ONE YEAR IF THERE'S NO MOTION. IT COULD BE BROUGHT BACK TO COUNCIL. BUT, EXCUSE ME, WE WOULD HAVE TO GO THROUGH ALL OF THE NOTICE PROCEDURES TO BRING IT BACK BECAUSE IT WOULD NOT BE POSTPONED TO A TIME CERTAIN. SO -- SO IF THERE'S NO MOTION, IT'S PENDING FOR A YEAR. IF THERE IS A MOTION TO DENY, IT'S GONE. THAT -- THAT PASSES, THAT IS.

I WILL MOVE TO DENY, MAYOR. THE REASON WHY IS THAT WE HAVE GIVEN ALL OF THESE SAME DEVELOPMENT RIGHTS THROUGH UNO. IF WE WERE THEN TO ADOPT THE ZONING CHANGE THEY COULD DO, WHOEVER OWNED THE PROPERTY COULD DEVELOP IT WITHOUT DOING ANY OF THE THINGS THAT EVERYBODY ELSE IN UNO HAS TO. SO I WILL MOVE TO DENY THE ZONING.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCracken.

SECOND.

Mayor Wynn: TO DENY THE ZONING CASE, SECONDED BY COUNCILMEMBER ALVAREZ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: SCESS MOTION TO DENY PASSES ON A VOTE OF 7-0.

THANK YOU, MAYOR AND COUNCIL.

Glasgo: MOVING ON TO THE NEXT DISCUSSION ITEM, WHICH IS ITEM NO. 90. THIS IS CASE NUMBER C14-04-72, THE POWERHOUSE LOUNGE, WHICH IS ON FOR SECOND READING, THE REASON THAT WE HAVE IT ON FOR SECOND READING IS THAT THE -- THE PROPERTY OWNER WAS NOT FAMILIAR WITH THE PROCESS AND DID NOT SPEAK AT THE FIRST PUBLIC HEARING OF THE I WILL GIVE YOU A LITTLE HISTORY FOR THIS PROPERTY THAT IS LOCATED AT 515 PEDERNALES STREET AND 2507 EAST SIXTH STREET. THIS PARTICULAR CASE WAS PART OF THE HOLLY NEIGHBORHOOD PLAN AND REZONINGS. THE -- THE

PROCESS THAT NEIGHBORHOOD WENT THROUGH IDENTIFIED CERTAIN PROPERTIES THAT NEEDED TO BE DOWN ZONED. THIS PARTICULAR PROPERTY WAS NOT ONE OF THOSE, HOWEVER RECENTLY A FEW CITIZENS ASKED THE PLANNING COMMISSION TO CONSIDER DIRECTING STAFF TO INITIATE A ZONING ROLLBACK ON THIS PROPERTY FROM C.S. 1 MU-CO-NP WHICH WOULD ALLOW FOR LIQUOR SALES AND/OR A BAR. THE PROPERTY HAS A -- A CERTIFICATE OF OCCUPANCY FROM THE CITY TO OPERATE A BAR, ALTHOUGH IT'S NOT CURRENTLY IN USE. THE COMMISSION, WHILE THEY DIRECTED STAFF TO INITIATE A REZONING TO C.S. MU CO-NP, THE COMMISSION FAILED TO HAVE A QUORUM VOTE TO RECOMMEND -- TO FORWARD A RECOMMENDATION TO YOU ON THE DONATEDOWN ZONING THAT THEY HAD ASKED US TO INITIATE. SO YOU DO NOT HAVE A COMMISSION RECOMMENDATION ON WHETHER TO REZONE THIS PROPERTY FROM C.S. 1 MU CO-NP TO C.S. MU-CO-NP AS THEY DIRECTED US TO INITIATE. THE STAFF RECOMMENDATION IS NOT TO CHANGE THE ZONING FROM WHAT YOU ADOPTED PREVIOUSLY THROUGH THE NEIGHBORHOOD PLANNING PROCESS AND SIMPLY BECAUSE THE -- THE -- THROUGH THAT PROCESS THE RESIDENTS IDENTIFIED WHICH PROPERTIES HAVE C.S. 1 AND DECIDED WHICH OF THOSE TRACTS SHOULD BE DOWN ZONED AND THAT OCCURRED. THIS PARTICULAR ONE DID NOT GO THROUGH THAT PROCESS, WAS NOT IDENTIFIED AND WE BELIEVE THAT NOTHING HAS CHANGED IN THE AREA CIRCUMSTANCES-WISE TO REQUIRE, TO NECESSITATE THE NEED FOR A CHANGE. SO THAT'S A RECOMMENDATION WE HAVE BEFORE YOU. YOU DO NOT HAVE ONE FROM THE COMMISSION BECAUSE THEY WERE NOT ABLE TO HAVE ENOUGH VOTES WHICH -- WHICH THEY NEEDED TO FORWARD A RECOMMENDATION TO YOU. THE STAFF RECOMMENDATION IS ONE TO KEEP THE ZONING AS IS TODAY, WHICH IS C.S.-1-MENU-CO--NP. THAT CONCLUDES MY PRESENTATION, MAYOR.

THANK YOU, MS. GLASGO. QUESTIONS OF STAFF? COUNCIL? COMMENTS?

MAYOR, THE PROPERTY OWNER WOULD LIKE TO MAKE A FEW COMMENTS IF YOU DON'T MIND. THE REASON WE PUT IN FOR SECOND READING, THE OWNER WAS NOT FAMILIAR



WITH THE PROCESS OF COUNCIL AND HOW TO HANDLE A CASE THAT THEY DID NOT FILE THAT WE WERE DIRECTED TO -- TO INITIATE. THAT'S WHY THEY WANTED TO ADDRESS YOU TODAY. IF YOU CAN -- IF YOU CAN --

Mayor Wynn: WITHOUT OBJECTION, COUNCIL, LET'S HEAR FROM THE OWNER.

MAYOR AND CITY COUNCIL PEOPLE, THANK YOU FOR LETTING US SPEAK. I'M VERY NERVOUS.

Mayor Wynn: THAT'S OKAY.

I AM ASKING Y'ALL TO HELP ME TO KEEP MY RIGHTS AS A PROPERTY OWNER. MY HUSBAND AND I HAVE HAD THIS PLACE FOR 32 YEARS. AND WE HAVE RAN THE BAR, POWERHOUSE LOUNGE, FOR 23 YEARS, MY HUSBAND AND I HAVE DECIDED THAT MAYBE IT WAS TIME FOR US TO RETIRE. AND AT THIS POINT THE NEIGHBORHOOD ASSOCIATION IS NOW WANTING TO DOWN ZONE HOPING THAT THIS WOULD LET ME MAKE IT THE BAR. AND I'M AWARE THAT IF IT'S DOWN ZONED I CAN STILL RUN IT AS A BAR. WE HAVE BEEN LEASING OUR -- THIS BUILDING AND WE LEASED THE BUILDING, NOT THE BUSINESS, AND WE LIKE THE RIGHT TO CONTINUE TO BE ABLE TO DO THAT. IT IS EQUIPPED FOR A BAR, THE MAJORITY OF THE TENANTS WE'VE HAD, THAT'S WHAT THEY'VE WANTED, A BAR. AND I STILL WOULD LIKE THE OPPORTUNITY OR THE OPTION TO IF -- IF IT'S LEASED OUT AS SOMETHING ELSE, THAT I WOULD STILL HAVE THE OPPORTUNITY TO LEASE IT AS A BAR. I FEEL THAT -- I FEEL THAT OUR HOPES AND OUR DREAMS NOW BECAME THE NEIGHBORHOOD ASSOCIATION'S HOPES AND DREAMS. BECAUSE THEY WANT A BOOK STORE OR WHATEVER. ME AND MY HUSBAND, OUR PLANS AND HOPES AND DREAMS WERE TO PASS IT ON TO OUR YOUNGER BOYS AS THEY GOT OLDER AND MATURE ENOUGH AND WE STILL WOULD LIKE TO -- TO DO THIS. AND -- AND I'M ASKING FOR YOU ALL TO CONSIDER THAT -- THAT OUR RIGHTS ARE BEING TAKEN AWAY. IF THE DOWN ZONING OCCURS. MY LAST TWO ATTEMPTS, THE NEIGHBORHOOD ASSOCIATION MADE IT VERY HARD FOR THEM TO GET A PERMIT AND EVEN IF I DO GET DOWN ZONED AND LEFT WITH A -- TO BE ABLE TO RUN A BAR, THEY ARE GOING TO MAKE IT VERY DIFFICULT, I'M

GOING TO BE CORNERED TO -- TO RUN IT AS SOMETHING ELSE. TO LEASE IT OUT AS AS SOMETHING ELSE [BUZZER SOUNDING]

Mayor Wynn: OKAY. THANK YOU, MA'AM. FURTHER -- FURTHER QUESTIONS OF THE OWNER? COMMENTS? COUNCILMEMBER SLUSHER?

Slusher: THE HEARING, FIRST TIME WE ONLY HAD ONE SIDE SPEAK. NOW I GUESS THAT SIDE IS NOT HERE TONIGHT. BUT LET ME ASK YOU A QUESTION. IF YOU HAD -- COME BACK TO THE MIC, IF YOU COULD, MA'AM. I WAS WONDERING WHAT KIND OF FREQUENCY THAT YOU WOULD HAVE ON -- NOT ACCUSING YOU OF ANYTHING, FOR INFORMATIONAL PURPOSES, COULD YOU TELL ME HOW MANY POLICE CALLS, DO YOU GET MANY POLICE CALLS TO THIS BAR OR NOISE COMPLAINTS?

WELL, ABOUT THE NOISE COMPLAINTS, I'VE NEVER HEARD OF ANY. BUT THE BUILDING IS -- HAS A WAREHOUSE IN THE BACK ON THE SIDE, AND THEN THE NEW LOFTS IN FRONT. AND I FEEL THAT ANY NOISE WOULD BE YOU KNOW MUFFLED BECAUSE OF THAT. THE RAILROAD TRACK RUNS RIGHT BY IT. SO I MEAN TO ME THEY WOULD MAKE MORE NOISE.

Slusher: BUT YOU'VE NEVER HAD POLICE OFFICERS SHOW UP BECAUSE SOMEBODY WAS COMPLAINING ABOUT THE NOISE.

NO, NOT WHEN WE HAD IT, NO.

Slusher: OKAY. WELL WHAT ABOUT -- YOU ARE REPRESENTING IT TO SOMEONE ELSE THAT'S RUNNING IT NOW.

RIGHT.

Slusher: DO YOU KNOW OF ANYTHING LIKE THAT HAPPENING -  
-

NO, NOT THAT I'M AWARE OF.

Slusher: WHAT ABOUT ANY OTHER KIND OF DISTURBANCES AT THE ESTABLISHMENT THAT REQUIRED THE POLICE TO

COME, ANYTHING LIKE THAT?

NOT THAT I AM AWARE OF.

YOU AND YOUR HUSBAND RAN IT FOR HOW LONG?

23 YEARS.

Slusher: YOU WERE ON SITE, I MEAN YOU ACTUALLY MOST OF THE TIME YOU WERE THERE YOURSELF OR YOUR HUSBAND?

AT ONE TIME IT WAS MY HUSBAND AND I. AND THEN AFTER ABOUT 15 YEARS BEFORE, I DID MOST OF THE PAPERWORK AT HOME.

Slusher: OKAY. THANK YOU. YEAH, THIS -- THIS IS INFORMATION THAT WE DIDN'T THE FIRST TIME. THAT'S ALL THAT I HAVE FOR NOW.

THANK YOU, MA'AM. COUNCILMEMBER ALVAREZ?

I HAD A QUESTION. I DON'T KNOW IF IT'S FOR THE OWNER. DO YOU HAVE A TENANT CURRENTLY ON THE PROPERTY? AND THEY ARE ALREADY UP AND RUNNING? BECAUSE I KNOW THERE WAS AN ISSUE OF -- THEY HAD A CONDITIONAL -- THEY HAD A BUILDING PERMIT OR -- CERTIFICATE OF OCCUPANCY? IS THAT RIGHT?

THEY ARE STILL -- THE TENANT THAT I HAVE HAS BEEN THERE A YEAR AND A HALF AND HAS NOT BEEN ABLE TO GET THEIR BEER APPLICATION, BEER LICENSE. DUE TO THE FACT OF THE NEIGHBORHOOD ASSOCIATION.

Alvarez: THAT'S STILL UP IN THE AIR?

YES IT IS. THE PREVIOUS TENANT HAD THE SAME PROBLEM AND THEY WENT LIKE FOR NINE MONTHS, THEY WENT TO COURT. AND THE PREVIOUS TENANT HAD WON AND WHICH GLORIA MORENO HAD SPOKEN TO YOU ALL THE LAST TIME THAT HE WINDED UP TURNING OUT BEING A GOOD TENANT, HE WAS. WHICH SHE'S NOT ALLOWING THIS PERSON TO -- TO BE THERE TO PROVE HERSELF.

Alvarez: OKAY. AND SO THEY STILL ARE NOT OPERATING BECAUSE THEY ARE WAITING FOR THE TABC --

CORRECT.

Alvarez: -- PERM. THEN A QUESTION -- PERMIT. THEN A QUESTION FOR STAFF.

YES, COUNCILMAN?

I THINK LAST TIME WE -- I THINK IT WAS EXPLAINED TO US THAT BECAUSE THEY HAD ALREADY FILED FOR THEIR CERTIFICATE OF OCCUPANCY OR OBTAINED SOME KIND OF APPROVAL FROM THE CITY, THAT USE WOULD BE PERMITTED TO CONTINUE EVEN IF WE WERE NOT ABLE TO -- EVEN IF WE WERE -- IF WE WENT FORWARD WITH THE DOWN ZONING, THEY WOULD STILL BE ABLE TO OPEN, YOU KNOW, C.S. 1 USE. ASSUMING THEY GOT THE PROPER APPROVAL FROM THE TABC.

THAT'S CORRECT.

Alvarez: SO THAT'S STILL THE CASE?

THAT'S CORRECT. THAT'S STILL THE CASE.

Alvarez: OKAY. I KNOW LAST TIME I MOVED TO -- TO APPROVE THE DOWN ZONING AND, YOU KNOW, AGAIN BECAUSE OF THE CONCENTRATION OF C.S. 1 IN THIS DISTRICT I DO FEEL IT'S KIND OF -- THIS PARTICULAR OWNER IS BEING SOMEWHAT TARGETED UNFAIRLY BECAUSE NO ONE ELSE IN THE CORRIDOR IS. SO WHAT I WOULD SUGGEST IS THAT -- YOU KNOW MAYBE THAT WE POSTPONE THIS AND TRY TO MAYBE DO AN ANALYSIS OF -- OF THAT, YOU KNOW, ON THAT PARTICULAR ISSUE, THE CONCENTRATION OF THE -- OF THE C.S. 1 IN THE 6 AND 7th STREET CORRIDORS. AND JUST SEE, YOU KNOW, WHAT MIGHT BE A -- YOU KNOW A POLICY -- YOU KNOW SOME KIND OF WAY OF ADDRESSING THAT ISSUE SYSTEMATICALLY INSTEAD OF JUST TRYING TO SINGLE OUT A PARTICULAR PROPERTY OWNER. SO -- SO WITH THAT -- COULD I JUST POSTPONE INDEFINITELY UNTIL WE HAVE A CHANCE TO DO SOME ANALYSIS?

Glasgo: CORRECT. WE CAN COME BACK, THIS IS ON FOR SECOND AND THIRD READING, SECOND READING AND/OR THIRD READING BECAUSE YOU HAVE ALREADY CLOSED THE PUBLIC HEARING. WE CAN BRING IT BACK ONCE YOU HAVE CONCLUDED THE ANALYSIS, WE CAN POSTPONE IS EVIDENT R INDEFINITELY. WITH THE UNDERSTANDING THAT WE CAN COME BACK, REPORT BACK TO YOU, HOW MUCH C.S. 1 EXISTS IN THE AREA AND MAYBE CHECK WITH A.P.D. ON WHAT IF ANY PROBLEMS THEY MIGHT HAVE WITH ALL OF THEM. IS THAT WHAT YOU ARE LOOKING FOR?

JUST TO KIND OF LOOK AT, YOU KNOW, THAT -- THE ISSUE ALONG THOSE CORRIDORS MORE -- IN A MORE SYSTEMATIC WAY SO THAT WE SEE IF -- AT LEAST THAT WE CAN TRY TO APPROACH THE ISSUE FROM A POLICY POINT OF VIEW AND NOT JUST FROM THIS PARTICULAR USE BECAUSE I THINK TO A CERTAIN DEGREE THE ASSUMPTIONS THAT WERE USED TO -- TO INITIATE THIS CASE WERE ERRONEOUS IN THE SENSE THAT THE REASON I THINK THE PLANNING COMMISSION OR -- VOTED TO DOWN ZONE IS BECAUSE THEY THOUGHT THAT THE USE WAS -- HAD CEASED FOR 90 DAYS, I BELIEVE, WAS ONE OF THE RATIONALES GIVEN. THEN IT TURNS OUT OBVIOUSLY THAT WAS NOT THE CASE BECAUSE THERE HAD BEEN AN APPLICATION SUBMITTED. SO ANYWAY I THINK THERE IS AN ISSUE HERE FOR US TO LOOK AT. AGAIN I DON'T KNOW THAT -- THAT THESE FOLKS SHOULD BE SINGLED OUT SPECIFICALLY AND WOULD LIKE SOME TIME TO MAYBE LOOK AT THAT -- YOU KNOW, THOSE CORRIDORS, WHAT WE CAN DO TO -- TO MAYBE LESSEN THE IMPACT OF HAVING THAT -- THAT CONCENTRATION OF -- OF C.S. 1 USES ALONG THOSE TWO CORRIDORS IN PARTICULAR.

OKAY. WE'LL DO THAT.

Slusher: I WOULD BE WILLING TO SECOND THAT. THANK YOU, MAYOR. WAS THAT A MOTION?

YEAH, I MOVE TO POSTPONE INDEFINITELY.

I WILL SECOND. LET ME SECOND IT FOR DISCUSSION BECAUSE I WANTED TO ASK A SLIGHT MODIFICATION ON IT. BECAUSE ARE WE ASKING FOR -- FOR A -- JUST A LOOK AT WHAT ZONING IS BASICALLY A STUDY OF THE ZONING IN THE

AREA AND HOW MUCH C.S. 1 THERE IS? OKAY. SO THIS WOULDN'T BE SOMETHING ON THE NATURE OF THE -- OF THE AMOUNT OF STAFF WORK THAT WENT INTO THE EAST AUSTIN OVERLAY. THIS IS JUST MORE A REVIEW OF THE ZONING MAPS IN THE AREA. OKAY? I JUST WANTED TO MAKE SURE THAT I UNDERSTOOD.

MAYBE JUST AN ANALYSIS OF HOW MANY TRACTS ARE ZONED C.S. 1, WHICH ONES HAVE ACTIVE USES, THAT SORT OF THING. BECAUSE -- BECAUSE AGAIN I THINK THAT'S WHY THESE PARTICULAR FOLKS WERE SINGLED OUT IS BECAUSE, YOU KNOW, THERE -- THAT WAS THE IMPRESSION THAT THERE WAS NO ACTIVE USE AND -- AND THAT -- BECAUSE OF THAT YOU KNOW -- MAYBE THAT THERE ISN'T A NEED TO HAVE ANOTHER BAR IN THE NEIGHBORHOOD. BUT -- BUT AGAIN MAYBE THAT IS THE CASE. ANOTHER -- ANOTHER -- IN ANOTHER SITES ALONG THE CORRIDOR, I DON'T THINK WE HAVE A SYSTEMATIC WAY OF LOOKING AT THAT AND TRACKING YOU KNOW WHEN THE 90 DAYS STARTS, WHEN THAT 90 DAY PERIOD BEGINS AND WHEN YOU CAN DOWN ZONE SOMETHING.

Slusher: WHAT ARE THE BOUNDARIES THAT YOU ARE TALKING ABOUT?

Alvarez: I WOULD SAY DOWN TO -- PEDERNALES, ON SIXTH STREET.

WITHIN THE HOLLY.

FROM 35, 35, YEAH.

35 -- FIFTH AND 6th.

5th, 7th AND PEDERNALES, I-35.

Slusher: 7th WOULD BE DIFFERENT. I WOULD THINK WE OUGHT TO PUT SOME KIND OF -- SOME KIND OF TIME LIMIT ON IT RATHER THAN JUST MAKING IT INDEFINITELY, BECAUSE THESE FOLKS WILL JUST -- THEY WILL BE IN LIMBO. AND IN THE MEANTIME AND THEY ARE NOT USED TO OUR PROCESS REALLY. IS THAT --

TWO MONTHS OR SO?

Slusher: DOES THAT WORK FOR YOU, COUNCILMEMBER?

Alvarez: SURE, TWO MONTHS.

Slusher: SO IT WOULD BE WHERE IN THE MEANTIME THE CASE WOULD BE POERNED SO YOU WOULD HAVE THE -- POSTPONED SO YOU WOULD HAVE THE SAME SITUATION, THE SAME ZONING THAT YOU HAVE NOW, YOU WOULD CONTINUE TO OPERATE AS YOU HAVE BEEN DOING. AND THEN WE WOULD BRING BACK IN THE INFORMATION IN TWO MONTHS AND LOOK AT THAT AND CONSIDER WHETHER TO MAKE A DECISION, CAME ANYTHING THE ZONING AT THIS POINT. OKAY? THAT'S SOUNDS FINE TO ME.

Mayor Wynn: WE HAVE A MOTION AND A SECOND TO POSTPONE TO DECEMBER 2nd 2004. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: LICENSE AND THEN FOR US TO PERHAPS ACKNOWLEDGE THAT, BUT STILL JUST CONTINUE THE CASE. SO I APPRECIATE THE EFFORT, BUT I'LL VOTE AGAINST POSTPONEMENT BECAUSE MY SUBSTITUTE MOTION, IF I WERE TO BE ABLE TO MAKE A MOTION, AND I'LL BE SUPPORTIVE OF TERMINATING THIS CASE.

Slusher: WHAT ABOUT TERMINATING THE CASE AND STILL DO THE STUDY THAT COUNCILMEMBER ALVAREZ IS TALKING ABOUT? BECAUSE YOU -- I WAS SORT OF AIMING AT THE SAME THING, BUT I THINK YOURS IS CLEANER CLEARLY.

Mayor Wynn: WELL, THAT WOULD BE GOOD INFORMATION, AN THAT'S THE RATIONALE FOR WHY THIS WOULD BE BROUGHT TO US TO BEGIN WITH. SO YES, I CERTAINLY WOULDN'T OPPOSE STAFF -- I KNOW STAFF IS OVERWORKED, BUT I WOULDN'T BE OPPOSED TO GETTING INFORMATION TO SEND TO OUR PLANNING COMMISSION. BUT COUNCIL, THERE'S A MOTION AND A SECOND ON THE TABLE TO POSTPONE THIS CASE TO DECEMBER SECOND, 2004. AND WITH THE INSTRUCTION OF STAFF TO INITIATE THE STUDY OF THESE USES IN THE AREA. COUNCILMEMBER THOMAS?

Thomas: I THOUGHT YOU WERE GOING TO DO A FRIENDLY. IF THIS CASE IS EVENTUALLY TERMINATED, WOULD IT TAKE IT BACK TO THE 1?

CORRECT.

Thomas: ACROSS THE STREET WOULD BE NORTHEAST CORNER. WHAT'S THERE ON IT? WHAT'S THE STREET FROM YOUR BUSINESS, WHAT IS THAT? ANOTHER BAR, RIGHT? OKAY. ALL RIGHT. THANK YOU.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: IS SOMEONE GOING TO OFFER A FRIENDLY AMENDMENT? I'M WILLING TO OFFER TO DO THE STUDY, BUT TO DENY THE ZONING REQUEST TO CHANGE THE ZONING.

Thomas: I'LL SECOND THAT.

Slusher: ACTUALLY, EVEN THOUGH I SECONDED THE FIRST ONE, I THINK TO ME THAT'S A BETTER WAY TO GO ABOUT IT BECAUSE I DO WORRY ABOUT THE CIRCUMSTANCES UNDERWHICH THE ZONING CASE WAS BEGUN. AND IT ALSO SEEMS LIKE IT WAS PORTRAYED BY THE NEIGHBORHOOD GROUP AS IF THIS WAS AN ESTABLISHMENT THAT WAS REALLY DAMAGING TO THE NEIGHBORHOOD AND SORT OF A NUISANCE. THAT'S THE SPIRIT OF IT, I THINK, THAT WE GOT FROM THE FOLKS THAT SPOKE THAT EVENING. AND IT DOESN'T SEEM LIKE THAT'S THE CASE. MISS GLASGO, IS ANY OF THE INFORMATION THE CITY HAS THAT IS CONTRARY -- AS FAR AS ANY KIND OF NUISANCE OR ANYTHING TO THE NEIGHBORHOOD OR A HIGH CRIME AREA OR ANYTHING LIKE THAT?

I'M NOT AWARE OF THAT, BUT THEN AGAIN, WE HAVE NOT CHECKED WITH A.P.D. FOR ANY INFORMATION. THE RECORDS I HAVE DO NOT INDICATE ANY OF THAT AS HAVING BEEN THE CASE, BUT WHEN WE GO BACK AS PART OF THE REPORT THAT WE'LL BE ANALYZING OTHER AREAS, I'D LIKE TO CHECK WITH A.P.D. IF THEY HAVE ANYTHING THAT WE MAY NOT BE AWARE OF. >>



Slusher: OKAY.

Mayor Wynn: FRANKLY, IT MIGHT BE CLEANER, AND I'LL CONSIDER COUNCILMEMBER MCCracken'S MOTION AS A SUBSTITUTE MOTION TO DENY THE ZONING CASE AND TO UPSET COUNCILMEMBER ALVAREZ'S SUGGESTION OF ASKING CITY STAFF TO INITIATE THIS LAND USE STUDY. AND I BELIEVE THAT WAS SECONDED BY COUNCILMEMBER THOMAS AS A SUBSTITUTE MOTION.

Alvarez: MAYOR, IF WE COULD IN THAT STUDY ALSO -- TAKETAKING OFF OF WHAT COUNCILMEMBER SLUSHER SAID ABOUT SEEING IF -- SINCE WE HAVE MORE TIME NOW, I DON'T THINK IT NEEDS TO BE TWO MONTHS, BUT FOR THOSE ESTABLISHMENTS THAT IN THAT STONE, ALSO SEE IF WE CAN'T GET RECORDS FROM A.P.D. ABOUT ANY COMPLAINTS AND THAT SORT OF THING.

WE'LL DO THAT. IT ONLY MAKES SENSE TO DO THAT.

Mayor Wynn: WE HAVE A SUBSTITUTE MOTION AND A SECOND ON THE TABLE TO DENY THIS CASE, ITEM NUMBER 90, ALONG WITH DIRECTIONS TO STAFF. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? SUBSTITUTE MOTION PASSES ON A VOTE OF SEVEN-ZERO. THANK YOU MUCH.

MAYOR, THAT TAKES US TO ITEM NUMBER 91. AND I'M GOING TO DO A LITTLE SETTING UP HERE. MAYOR AND COUNCILMEMBERS, ITEM 91 IS CASE C-14-04-12-001, WHICH IS PART OF THE BRENTWOOD HIGHLAND NEIGHBORHOOD PLAN. AND IN THIS PARTICULAR CASE, THE NEIGHBORHOOD ASSOCIATION AND THE PROPERTY OWNER HAVE BEEN ATTEMPTING TO NEGOTIATE, BUT I HAVE REACHED AN IMPASSE -- BUT THEY HAVE REACHED AN IMPASSE AND STAFF HAS BEEN FACILITATING. A YELLOW SHEET OF PAPER HAS BEEN HANDED TO YOU, WHICH GIVES YOU A SUMMARY OF WHAT THE RECOMMENDATIONS HAVE BEEN THUS FAR FROM THE PLANNING COMMISSION, STAFF, WHAT THE OWNER IS REQUESTING AND WHAT THE APPLICANT IS

REQUESTING. AND AS SOON AS THAT IS HANDED TO YOU, I WILL GET BACK, I'LL WALK YOU THROUGH IT. THIS IS FOR TRACT 15-B FOR 5602 CLAY AVENUE. AS I INDICATED EARLIER, IN THIS PARTICULAR CASE, THE PROPERTY IS BEING REZONED FROM CS-NP WITH THE OPTIONS COUNCIL APPROVED ON SECOND READING LR-MU-CO-NP, BUT THE OWNER STILL WOULD LIKE TO REQUEST CS-MU-CO-NP. I'M GOING TO GO TO THE MAP AND WALK YOU THROUGH THAT SO YOU CAN GET A FEEL FOR IT. MAYOR AND COUNCILMEMBERS, THE YELLOW SHEET YOU HAVE IN FRONT OF YOU HAS A MAP THAT SHOWS THIS TRACT AS BEING -- THIS IS THE CASHMAN TRACT WE CALL IT. AND THE FIRST SHEET SHOWS YOU WHAT WAS RECOMMENDED. BOTH STAFF AND THE PLANNING COMMISSION RECOMMENDED GR-MU-CO-NP WITH PROHIBITED USES. THE OWNER IS REQUESTING CS-MU-CO-NP. THERE'S A LETTER THAT'S ATTACHED THAT WAS SENT TO YOU INDICATING THAT HE WOULD LIKE THE SAME CONDITIONS AS THOSE THAT WERE APPROVED FOR THE COVERT TRACT. THE COVERT TRACT IS -- AND THERE'S A MAP IN YOUR BACKUP ON THE HANDOUTS I JUST GAVE YOU THAT SHOWS YOU WHERE THE COVERT TRACT IS, WHICH IS THE ADJOINING THREE LOTS THAT GO ALL THE WAY TO ADAMS AVENUE. THE ADJOINING -- THE TRACT THAT ADJOINS THE COVERT TRACT TO THE SOUTH HAS AN EXISTING USE THAT IS A ROOFING COMPANY, WHERE THE NEIGHBORHOOD AND THE PROPERTY OWNER NEGOTIATED FOR CS-CO ALSO ON THAT PROPERTY. AND WHAT THE NEIGHBORHOOD WOULD LIKE TO SEE HERE, THOUGH, IS NO-NP, AND THEY BELIEVE THAT NO WOULD BE A BETTER TRANSITION FOR THE PROPERTIES TO THE NORTH, WHICH WERE ZONED TO CS-SF-3-NP UNDER THE PLAN AND THEN THE PROPERTIES TO THE SOUTH WERE OBVIOUSLY ZONED CS --

Mayor Wynn: I'M SORRY. THE NEIGHBORHOOD REQUEST WAS N.O. OR L.O.?

THE NEIGHBORHOOD WANTS L.O. L.O.-NP, CORRECT. COUNCIL ON SECOND READING, YOU APPROVED LR-CO-NP, WITH SEVERAL USES THAT ARE LISTED HERE THAT ARE PROHIBITED. SO WHAT YOU HAVE IN FRONT OF YOU TODAY IS -- YOUR OPTION IS TO APPROVE WHAT YOU GRANTED ON SECOND READING, WHICH WAS LO-CO-NP. THE EXISTING

USE IS AN OFFICE WAREHOUSE WHICH CAN CONTINUE TO OPERATE, EVEN WITH A DOWN ZONING. THE OWNER IS SEEKING TO MAINTAIN THE EXISTING ZONING, BUT ADDING MU WITH A CONDITIONAL OVERLAY AS HE HAS INDICATED THAT WOULD BE SIMILAR TO THE PROPERTY THAT IS ADJOINING HIS PROPERTY. I'LL JUST GIVE YOU A CHANCE TO GO THROUGH THAT. LOOKING AT THE MAP YOU HAVE NO YOUR BACKUP, IT GIVES YOU AN IDEA OF THE CASHMAN TRACT. COUNCIL, I'M JUST GOING TO CLARIFY THE DIFFERENCE BETWEEN THE COVERT APPROVAL VERSUS WHAT MR. CASHMAN'S PROPOSING. THE COVERT PROPOSAL THAT MR. CASHMAN IS REFERRING TO REQUIRED THAT A VEHICULAR ACCESS FROM THE PROPERTY SHOULD BE ALLOWED FOR THE EXISTING DEVELOPMENT; HOWEVER, UPON REDEVELOPMENT, ACCESS TO CLAY AVENUE WOULD BE PROHIBITED WHEN A SITE PLAN IS SUBMITTED FOR REDEVELOPMENT, WHICH MEANS THAT GIVEN THE FACT THAT THE COVERT PROPERTY STRADDLES ADAMS AVENUE AND COMES ALL THE WAY TO CLAY, YOU CAN EASILY OBVIOUSLY PROHIBIT ACCESS AND HAVE ALL YOUR AXE ACCESS GO TO ADAMS AND NOT CLAY. THE COVERT PROPERTY DOES NOT HAVE THE SAME SITUATION. ITS ONLY SOLE ACCESS IS TO O. TO CLAY AVENUE. SO IF YOU WERE TO PROHIBIT ACCESS AND THEN LATER ON IT'S REDEVELOPED AND HE CANNOT OBTAIN JOINT ACCESS TO ADAMS, THEN YOU'VE REALLY CREATED A PROHIBITION OF ACCESS. SO STAFF WOULD CAUTION AGAINST THAT PARTICULAR CONDITION FOR THE SUBJECT TRACT, THE CASHMAN TRACT, BECAUSE UNLIKE THE COVERT TRACT, WHICH ON YOUR MAP SHOWS YOU THAT IT'S A TRACT THAT STRALGDS ALL THE WAY FROM COVERT AN HAS FRONTAGE ON ADAMS, AT REDEVELOPMENT THE ENTIRE TRACT CAN BE REDEVELOPED WITH ALL ACCESS TO ADAMS AVENUE WITHOUT HAVING TO ASK OR OBTAIN PERMISSION FROM ANYBODY FOR ADDITIONAL ACCESS. THE CASHMAN TRACT IS -- IF IT WERE TO BE REDEVELOPED WITH A PROHIBITION OF ACCESS, WOULD CREATE AN IMPEDIMENT FOR SOMEONE AND A PROBLEM FOR US AS A CITY IF SOMEONE WERE TO DO THAT. THAT'S THE CAUTION WE WOULD OFFER REGARDING THAT PROHIBITION. COUNCIL, I'LL BE GLAD TO ANSWER ANY QUESTIONS YOU MIGHT HAVE IF YOU'VE HAD

ENOUGH CHANCE TO DIGEST THOSE DIFFERENCES.

Mayor Wynn: MORE LIKE INDIGESTION.

OR ASK ME TO REPEAT IT OR JUST WALK YOU THROUGH IT NOW THAT YOU MAY HAVE HAD A CHANCE TO LOOK AT THE MAP. I KNOW IT'S -- IT'S A LOT OF INFORMATION. WE HOPE THAT THE SUMMARY...

Mayor Wynn: MS. GLASGO, TECHNICALLY ARE WE TAKING UP THESE TWO TRACTS SEPARATELY?

YOU'RE TAKING ONE TRACT. THE TRACT IN FRONT OF YOU IS THE CASHMAN TRACT. THAT IS THE ONLY TRACT. THE OTHER TWO TRACTS ARE SHOWN FOR YOUR INFORMATION TO GIVE YOU AN IDEA OF WHAT HAPPENED ON THOSE TWO TRACTS AND THE DIFFERENCES IN THE CONDITIONS, AND WE HIGHLIGHT THE COVERT TRACT BECAUSE THE LETTER TO YOU FROM THE OWNER OF THE PROPERTY IS TO MIRROR THE CONDITIONS OF THE COVERT TRACT. AND I WANTED TO HIGHLIGHT THE LOCATION OF THE COVERT TRACT SO YOU COULD GET A FEEL FOR WHY THE VOA COVERT AND THE NEIGHBORHOOD AGREED TO PROHIBIT ACCESS TO CLAY AVENUE WHEN THE PROPERTY IS REDEVELOPED BECAUSE THE COVERT PROPERTY HAS FRONTAGE ON ADAMS AND THE CASHMAN TRACT DOES NOT.

Dunkerley: MAYOR?

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: ON THE CASHMAN TRACT, I AGREE WITH YOU. IT IS A LAND LOCKED TRACT IN THAT IT OPENS ONLY ON TO CLAY. IT'S A VERY LONG, NARROW DEVELOPMENT AND THEY ESSENTIALLY WHEN YOU LOOK AT IT, THEY LOOK LIKE A SERIES OF SMALL OFFICES ALONG THERE. AND THEY ARE ADJACENT TO THE NEIGHBORHOODS. AS I'VE SAID FROM THE BEGINNING, I DIDN'T THINK THEY WERE APPROPRIATE FOR GR OR LR, AND I THOUGHT THAT THE LO OR NEIGHBORHOOD OFFICE OR SOMETHING LIKE THAT WAS REALLY THE MORE APPROPRIATE IF WE COULD HAVE FOUND SOMETHING THAT WOULD HAVE ALLOWED THAT VERY SMALL WAREHOUSE USE. THEY HAVE A VERY TINY STORAGE

AREA NEXT TO EACH OFFICE. SO THAT'S BEEN THE DILEMMA. SO I THINK YOU'RE ABSOLUTELY CORRECT. THERE'S ONE WAY IN AND ONE WAY OUT OF THAT VERY SMALL OFFICES ALONG ONE SIDE. SO I REALLY WOULD LEAN MORE TOWARD THE NEIGHBORHOOD PROPOSAL OF THE LO.

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

Dunkerley: I WOULD MOVE APPROVAL OF THE LO ZONING ON THIS PARTICULAR TRACT ON CLAY AVENUE.

THAT WOULD BE LO-NP.

Dunkerley: LO-NP.

Mayor Wynn: AND REMIND ME, MS. GLASGO, THAT WOULD BE THIRD READING?

YES. THIS WOULD BE THIRD READING.

Mayor Wynn: WE HAVE A MOTION --

Slusher: MAYOR, I HAVE A QUESTION.

Mayor Wynn: MOTION BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER MCCrackEN TO APPROVE ON THIRD READING LO-NP FOR THE CASHMAN TRACT. THIS IS CASE NUMBER -- PART OF CASE NUMBER 91. COUNCILMEMBER SLUSHER.

Slusher: THANK YOU. MS. GLASGO, IN THE USES THAT ARE IN THERE NOW, THEY ARE LO.

OFFICE WAREHOUSE. THEY REQUIRE CS ZONING FOR OFFICE WAREHOUSES; HOWEVER, WITH A DOWN ZONING THEY CAN CONTINUE. WLO WOULD BE THE APPROPRIATE ZONING DISTRICT, BUT THAT DISTRICT IS RESTRICTIVE; HOWEVER, SINCE WE ARE GOING TO BE REWRITING OUR ZONING ORDINANCE, THIS IS ONE DISTRICT THAT WE NEED TO LOOK AT TO MAKE IT A LITTLE BIT MORE FLEXIBLE. ADJUST THE MINIMUM ACREAGE REQUIREMENT AND THE SQUARE FOOTAGE REQUIREMENT BECAUSE WHILE IT'S THE

APPROPRIATE ZONING FOR THIS LOCATION, OR LOCATIONS LIKE THIS ONE, BECAUSE OF THOSE RESTRIKES, OVER TIME WE FELT THAT WE NEEDED TO MODIFY THAT. THE OTHER OPTION WOULD BE THAT WHILE YOU'RE ZONING IT, OBVIOUSLY IF YOU CHOOSE TO ZONE IT LO, BUT IN THE FUTURE WHEN WE MODIFY THE WLO ZONING DISTRICT TO MAKE IT AMENABLE AND ACCOMMODATING TO SUCH TRACTS, THAT COULD ALSO BE A CONSIDERATION IN THE FUTURE TO CONSIDER THAT AS A ZONING SHOULD THAT BE NEEDED.

Slusher: I'M SYMPATHETIC TO THE OWNER OF THE PROPERTY ON THIS BECAUSE HE SEEMS TO BE A GOOD NEIGHBOR AND HAS BEEN PULLED INTO THIS THROUGH THE NEIGHBORHOOD PLANNING, BUT THEN WHEN IT COMES DOWN TO WHAT OUGHT TO BE THERE, I THINK THIS IS PROBABLY THE RIGHT ZONING AFTER LOOKING AT IT BECAUSE THIS THING WAS A BAD ZONING IN THE FIRST PLACE TO LET THIS COME ALL THE WAY UP INTO THE NEIGHBORHOOD LIKE THAT. SO I'M GOING TO HAVE -- I'LL SUPPORT THE MOTION.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? MOTION AND A SECOND ON THE TABLE TO APPROVE ON THIRD READING LO-NP THE CASHMAN TRACT. ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

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

MAYOR, THAT TAKES US TO ITEM NUMBER 92, THE HARRIS RANCH ZONING CASES ON FOR THIRD READING, AND MR. GUERNSEY WILL WALK YOU THROUGH WHAT HAS BEEN NEGOTIATED THUS FAR.

GOOD EVENING, MAYOR AND COUNCIL, GREG GUERNSEY WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. OUR NEXT CASE IS CASE C-14-03-0157. KNOWN AS THE HARRIS RANCH TRACT. FOR THIRD READING. THIS IS BEING BROUGHT BEFORE YOU. AS YOU MAY RECALL AT THE LAST MEETING, THE NEIGHBORHOOD WAS NOT

PRESENT AT THE TIME OF THE MEETING. THE APPLICANT AGREED TO A POSTPONEMENT. AT THAT TIME THEY HAD NOT RESOLVED THE ISSUE THAT WAS LEFT BETWEEN THE NEIGHBORHOOD ASSOCIATION OF CHERRY CREEK ON BRODIE LANE AND THE APPLICANT. AND THAT WAS WITH REGARDS TO A FENCE. I AM TOLD THAT THAT ISSUE HAS BEEN RESOLVED; HOWEVER, THE APPLICANT WOULD LIKE THE COUNCIL TO CONSIDER OR RECONSIDER DELETING A PORTION OF THE ORDINANCE THAT'S BEFORE YOU THAT WOULD PROHIBIT A DRIVE-IN SERVICE ON TRACT 1 AS IT WOULD RELATE TO A RESTAURANT USE. THAT WOULD LIKE IT TO HAVE A DRIVE-THROUGH SERVICE AVAILABLE TO A RESTAURANT ON TRACT 1. THE APPLICANT HAS ALSO INDICATED AND THEY'LL SUBSTANTIATE THIS PROBABLY IN A MINUTE THAT THEY WOULD AGREE TO LIMIT IT TO A SINGLE DRIVE-THROUGH USE AND THAT IT WOULD NOT BE LOCATED WITHIN 100 FEET OF THE INTERSECTION OF DAVIS AND BRODIE LANE. MY DISCUSSION WITH THE NEIGHBORHOOD REPRESENTATIVE, MR. JOHN LARKIN, HAS INDICATED THAT THE NEIGHBORHOOD STILL LIKES THE RECOMMENDATION THAT WAS MADE BY THE ZONING AND PLATTING COMMISSION AND IS BEFORE YOU TONIGHT, WHICH WOULD BE TO PROHIBIT A DRIVE-IN WINDOW OR DRIVE-THROUGH SERVICE ASSOCIATED WITH A RESTAURANT. SO THAT IS WHERE WE ARE AT THIS POINT. BOTH PARTIES ARE HERE TO SPEAK TO THAT ISSUE. 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: MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: AND THIS IS A QUESTION MAYBE FOR THE APPLICANT. HAVE YOU ACTUALLY ENTERED INTO A RESTRICTIVE COVENANT WITH THE NEIGHBORHOOD ASSOCIATION ON THOSE ISSUES THAT GREG HAD REFERRED TO OR IS THAT STILL --

WE HAVE. WE HAVE AGREED AND I THINK JOHN WOULD SUBSTANTIATE THAT, THAT WE'VE AGREED ON THE TERMS

OF THAT AND WE HAVE EXECUTED A RESTRICTIVE COVENANT SIGNED BY THE OWNERS, AND HAVE IT AVAILABLE.

Alvarez: AND THAT DEALT WITH --

IT DEALS WITH ALL OF THE ISSUES INVOLVING THIS STRIP OF LAND BETWEEN THE 200 FEET BETWEEN THE NEIGHBORHOOD AND THE RESIDENTIAL DEVELOPMENT PORTION OF THE TRACT.

Alvarez: THE FENCING AND IS THERE A POTENTIAL FOR TRAIL USE AT SOME POINT?

A POTENTIAL, YES. AND WE -- WE AGAIN COMMITTED TO DO WHATEVER WORKS FOR THE NEIGHBORHOOD RELATIVE TO TRAILS THAT ARE ALONG BRODIE TO ADD CONNECTIVITY FROM THE NEIGHBORHOOD TO THE SOUTH, TO THE DEVELOPMENT TO THE NORTH, THAT TO THE EXTENT IF IT REQUIRED ADDITIONAL EASEMENTS FOR AN ADDITIONAL TRAIL BESIDE THE EXISTING SIDEWALK THAT WE WOULD SUPPORT THAT AND WE'D PROVIDE OPENINGS IN A FENCE, IF THERE WAS A FENCE, TO PROMOTE CONNECTIVITY BETWEEN THE NEIGHBORHOOD. SO I THINK WE'RE IN AGREEMENT WITH ALL OF THAT.

Alvarez: SO THE LAST ISSUE IS JUST THE DRIVE-THROUGH?

YES. THE LAST ISSUE THAT I GUESS IS -- THAT I GUESS WE HAVE NOT AGREED ON IS THE DRIVE-THROUGH. WE WERE REQUESTING SUPPORT OF THE STAFF'S RECOMMENDATION ORIGINALLY, WHICH DID NOT PROHIBIT DRIVE-THROUGH. THE NEIGHBORHOOD -- AND I DON'T WANT TO SPEAK FOR THE NEIGHBORHOOD. THEY'RE WELCOME TO DO THAT, BUT I THINK THEY DON'T HAVE -- DON'T HAVE PROBLEMS WITH DRIVE-THROUGHS FOR USES LIKE BANKS, PHARMACIES, THINGS LIKE THAT. WE WERE HOPING TO ACHIEVE THE ABILITY TO HAVE -- NOT HAVING A RESTRICTION ON ONE RESTAURANT USE WITH A DRIVE-THROUGH ON THAT PART. AND WE DON'T -- WE DON'T ANTICIPATE THAT CREATING ANY MORE CURB CUTS IN THE ROAD. WE STILL WOULD ONLY HAVE ONE ACCESS ON BRODIE, SO A DRIVE-THROUGH RESTAURANT WOULD NOT ADD MORE ACCESS OR TRAFFIC.



ALSO, I KNOW THERE'S SOME CONCERN ABOUT PRECEDENT IN THE AREA FOR WHAT'S BEEN PREVIOUSLY APPROVED, AND THE TRACT IMMEDIATELY ACROSS BRODIE FROM US THAT WAS ZONED SOME TIME AGO HAS -- DOES NOT HAVE A RESTRICTION TO DRIVE-THROUGH. LET ME PUT IT ON THE BOARD AND I'LL SHOW YOU.

WE'RE SPEAKING DIRECTLY TO THIS TRACT RIGHT HERE, WHICH IS AT THE CORNER OF BRODIE AND DAVIS. THIS TRACT THAT WAS PREVIOUSLY ZONED ALLOWS DRIVE-THROUGH OF ANY KIND OF FACILITY, SO WE WOULD BE COMPATIBLE WITH WHAT'S DIRECTLY ACROSS THERE. NOW, THIS TRACT DOES NOT ALLOW DRIVE-THROUGH, THIS LITTLE SMALLER CORNER TRACT, BUT WE'VE ALL ALONG ASSUMED THAT WE WOULD ONLY HAVE ONE ENTRANCE OFF OF BRODIE, AND THAT WOULD ALIGN WITH WHAT'S CURRENTLY DEER LANE. WE WOULD HAVE ONE ACCESS TO DAVIS ON THIS SIDE AND THEN WE'D HAVE AN INTERNAL ACCESS THAT CONNECTED THE EXISTING -- THE NEW ROAD THAT WE BUILT THROUGH THIS TRACT TO THIS TRACT. SO WE'RE WILLING TO ACCEPT ANY DIRECTION FROM Y'ALL WHERE A DRIVE-THROUGH RESTAURANT COULD BE LIMITED ON THE TRACT, BUT ALL WE'RE ASKING FOR IS THE ABILITY TO HAVE ONE, AND THAT'S WHAT'S BEFORE YOU.

Alvarez: THANK YOU. MR. LARKIN, DID YOU WANT TO SPEAK TO THAT.

GOOD EVENING, MAYOR AND COUNCILMEMBERS. MY NAME IS JOHN LARKIN. I REPRESENT THE CHERRY CREEK HOMEOWNERS ASSOCIATION ON BRODIE. AND WHERE WE'RE AT RIGHT NOW AS FAR AS THE DRIVE-THROUGH FACILITIES, I'D LIKE TO MAKE IT CLEAR THAT THE RESULTS OF OUR PLANNING EFFORTS REVEAL THAT WE DON'T WANT ANY DRIVE-THROUGHS. BUT SINCE WE RECENTLY HAVE A RULING THAT DRIVE-THROUGH'S FOR A BANK AND PHARMACY WOULD BE APPROPRIATE, BUT WE LIMITED OR PREVENTED THE DRIVE-THROUGH FOR A FAST FOOD THAT THAT SOUNDED LIKE THAT WOULD BE APPROPRIATE. WE COULDN'T VERY WELL HAVE DONE ONE THING FOR BRODIE 31 AND COME BACK TWO WEEKS LATER AND NOT ALLOW THE SAME FLEXIBILITY FOR MR. WANAN. SO OUR NEIGHBORS CAME TOGETHER AND SAID WHILE WE WOULD PREFER NOT

TO HAVE ANY DRIVE-THROUGHS, WE RECOGNIZE THAT WE'VE JUST DONE THAT FOR MR. WALTERS AND WE COULDN'T VERY WELL PREVENT MR. WINAN FROM HAVING DRIVE-THROUGHS FOR A BANK OR FOR A PHARMACY OR SOMETHING LIKE THAT. NOW, IF HE'S WILLING TO SAY HE WOULD ONLY DO ONE DRIVE-THROUGH USE, PERIOD, FOR THE ENTIRE PIECE OF PROPERTY, THAT'S SOMETHING WE WOULD BE OPEN TO TALK ABOUT, MEANING ONE DRIVE-THROUGH PERIOD, MEANING THAT WOULD BE A BANK OR FAST FOOD, JUST MAKE A PARTICULAR SELECTION. MAYBE THAT'S SOMETHING I COULD ASK TAKE BACK AND DISCUSS, BUT I DON'T THINK -- I WON'T BE READY TO MAKE THAT CALL TONIGHT.

Alvarez: MR. GUERNSEY, OR MS. GLASGO, IS IT EVEN POSSIBLE TO DO THAT, SAY THE ZONING AND ONLY PERMIT ONE DRIVE-THROUGH USE?

YES, THERE IS A WAY THAT YOU CAN LIMIT THE PROPERTY TO A SINGLE DRIVE-THROUGH USE; HOWEVER, IT'S MY UNDERSTANDING IN SPEAKING WITH THE APPLICANT THAT THEY WOULD NOT ELECT TO HAVE THAT OPTION ON THE PROPERTY.

Alvarez: WELL, IF YOU COULD SPEAK TO THAT BECAUSE I JUST HEARD HIM SAY HE'S FINE HAVING --

NO. WHAT WE WERE SAYING WAS THE ABILITY TO HAVE ONE DRIVE-THROUGH RESTAURANT. WE WOULD ALSO LIKE THE ABILITY TO HAVE A DRIVE-THROUGH BANK POSSIBLY ALSO. SO WE WERE OF THE UNDERSTANDING THAT DRIVE-THROUGHS OTHER THAN RESTAURANTS WEREN'T THE ISSUE. SO...

Alvarez: OKAY. THANK YOU. NO FURTHER QUESTIONS, MAYOR.

Mayor Wynn: THANK YOU, COUNCILMEMBER.

Slusher: I HAVE ONE QUESTION. AS WAS PASSED ON FIRST READING, WHERE DOES THAT STAND AS FAR AS DRIVE-THROUGHS RIGHT NOW?

AS IT STANDS ON FIRST READING, THE COUNCIL APPROVED A PROHIBITION ON DRIVE-THROUGH SERVICE OR DRIVE-THROUGH WINDOW ASSOCIATED WITH A RESTAURANT USE. THEY'RE FREE TO HAVE A FINANCIAL SERVICE LIKE A DRIVE-THROUGH BANK OR OTHER USES.

Slusher: SOMEHOW I HEARD DIFFERENTLY YESTERDAY. THE WAY IT STANDS NOW IS CONSISTENT WITH WHAT WE PASSED ACROSS THE STREET OR IN THE SAME AREA A COUPLE OF WEEKS AGO AND IT'S CONSISTENT WITH MR. LARKIN'S POSITION.

ON BRODIE 31, WHICH IS A P.U.D. ACROSS THE STREET, I BELIEVE THAT WAS ALSO PROHIBITED A DRIVE-IN RESTAURANT.

Slusher: JUST LIKE THIS ONE.

I THINK WHAT HE WAS POINTING OUT IS THERE ARE OTHER TRACTS IN THE NEIGHBORHOOD THAT DO NOT HAVE THAT PROHIBITION AS WELL. >>

Slusher: ARE THOSE ONES WE ZONED RECENTLY?

NO. THE TRACT WAS MANY, MANY YEARS AGO, FIVE, 10 YEARS AGO.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? I'LL ENTERTAIN A MOTION ON ITEM 92. THIRD READING. COUNCILMEMBER DUNKERLEY.

Dunkerley: GREG, ON THAT PARTICULAR TRACT, WE EXCLUDE ALL DRIVE-THROUGH RESTAURANTS. SOMEHOW IN MY MIND I THOUGHT WE HAD ALLOWED FOR ONE, BUT YOU SAY NOT.

I DON'T BELIEVE SO. I THINK AT THE END THERE WAS A MOTION TO PROHIBIT THE DRIVE-THROUGH RESTAURANT.

Dunkerley: AND WE ALSO PROHIBITED ACROSS THE STREET ON THE OTHER TRACT, BRODIE 31 OR WHAT?

YES.

Dunkerley: THANK YOU.

Slusher: I THINK WE HAD A PRETTY GOOD ARRANGEMENT WORKED OUT ON THIS THE FIRST TIME WITH THE UNIT. I THINK THAT WAS FAIRLY GENEROUS OR APPROPRIATE ANYWAY. SO I WOULD JUST MOVE TO PASS IT WITH WHAT WE'VE HAD THE PREVIOUS. AND I THINK IT'S FAIR TO THE NEIGHBORHOOD IN THAT WE -- THEY WEREN'T EVEN FOR WHAT WE PASSED LAST TIME ACROSS THE STREET, BUT WE SHOULD KEEP IT CONSISTENT AS FAR AS THE DRIVE-THROUGHS, AND THAT IS TO A CERTAIN EXTENT CONSISTENT WITH THE PLANNING THAT THEY'VE BEEN DOING. SO THAT WOULD BE MY MOTION.

Mayor Wynn: SO MOTION BY COUNCILMEMBER SLUSHER TO APPROVE ITEM NUMBER 92 ON THIRD READING. SECONDED BY COUNCILMEMBER ALVAREZ. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU.

MEMBERS OF THE COUNCIL, JUST BRIEFLY, I'M JOHN HARRIS, CO-OWNER OF THE HARRIS RANCH. I WANT TO THANK THE COUNCIL AND THE PLANNING COMMISSION, THE CITY STAFF, THE CITIZENS OF AUSTIN AND MY NEIGHBORS FOR ALL PARTICIPATING IN EX-SEM PLA FIING THE -- EXEMPLIFYING THE DEMOCRATIC PROCESS IN FAIRNESS ABOUT THE RANCH. 100 YEARS -- EXCUSE ME. 50 YEARS OF TRADITION, UNINTERRUPTED BY PROGRESS, HAS BEEN MINE AND MY BROTHER'S MOTTO FOR THE RANCH. BUT WHEN WE CAME INTO THE CITY LIMITS, WE KNEW WE HAD TO START THINKING OF CHANGE. IRRESPECTIVE OF THE FINANCIAL CONSIDERATIONS, IT WILL MAKE OUR MOTHER AND DAD SO HAPPY TO LOOK DOWN FROM WHERE THEY ARE TONIGHT AND SEE THE GREEN THAT'S LEFT ON THE HARRIS RANCH. IT'S COST MY BROTHERS AND I A LOT OF MONEY, BUT LAND TRUSTEESHIP HAS BEEN OUR MOTTO. GRANTED WE'VE LET IT GROW UP IN A LOT OF CEDAR AND OUR FENCES HAVEN'T

ALWAYS BEEN THE BEST, BUT IN 1981 WE STOPPED ALL GUN HUNTING ON THE RANCH BECAUSE WE KNEW THAT BIRD SHOT ON OUR NEIGHBORS' HOUSES WAS NOT BEING A GOOD NEIGHBOR. WE'VE NEVER FILED ON A TRESPASSER. CHILDREN HAVE COME ACROSS THE RANCH, FIRES HAVE BEEN SET. WE'VE NEVER WORRIED ABOUT ANY OF IT. BECAUSE WE'VE WANTED TO BE GOOD NEIGHBORS. I DEDICATED THE BEST 40 YEARS OF MY LIFE AS A LAWYER TO DUE PROCESS, EQUAL PROTECTION AND FAIRNESS IN HEARINGS. AND I SEE AND I SEE AND I SEE THAT IT WILL GO ON AFTER ME AND THAT THE FLOWER, THE FLOWER HAS SO BLOOMED IN THIS PROCESS. I THANK ALL OF YOU, I RESPECT OUR NEIGHBORS. I BRING YOU THE GREETINGS OF MY BROTHERS DARA, MY BROTHER ROBERT, OUR NEPHEW DEAN AND ALL OF US, AND WE THANK YOU. AND WE'RE GLAD TO HAVE BEEN A PART OF THE CITY OF AUSTIN. AND WE HOPE ALL OF US WILL CONTINUE THE LAND TRUSTEESHIP CONCEPT. THANK YOU.

Mayor Wynn: THANK YOU, MR. HARRIS. WELL SPOKEN. [ APPLAUSE ] WE CAN CALL THAT UP WITH WALL GREEN'S AND MAR -- WALL GREENS AND MARIA'S, RIGHT? [ LAUGHTER ]

MAYOR AND COUNCIL, OUR NEXT ITEM IS WALGREEN'S, CASE C-14-04-0060 AT 2409 SOUTH LAMAR BOULEVARD AND BLUEBONNET LANE, A REZONING REQUEST FROM CS, GENERAL COMMERCIAL SERVICES TO LR-CO, NEIGHBORHOOD COMMERCIAL, CONDITIONAL OVERLAY FOR TRACT ONE. AND LIMITED OFFICE ZONING FOR TRACT TWO. I GUESS I'M PLEASED TO ANNOUNCE THAT THERE'S BEEN A COMPROMISE AGREEMENT MADE BETWEEN THE NEIGHBORHOOD WALGREEN'S THIS EVENING, AND WHAT I'D LIKE TO DO IS COVER THAT AGREEMENT BRIEFLY WITH YOU. WITH THAT IF COUNCIL ALSO AGREES I THINK THIS ITEM COULD BE TAKEN ON CONSENT. IT WOULD BE MODIFIED IN THE FOLLOWING MANNER: UNDER PART 2 ON LINE 37, THIS LANGUAGE WOULD BE ALTERED TO SPEAK TO VEHICULAR ACCESS TO AND FROM THE PROPERTY ALONG BLUEBONNET LANE SHALL BE ONLY BY A LIMITED FUNCTION DRIVEWAY THAT PROHIBITS A RIGHT TURN EXIT. SO THAT WOULD PROHIBIT RIGHT TURN MOVEMENTS OFF THE PROPERTY ON TO BLUEBONNET LANE. SECOND, THAT A STORM WATER DETENTION FACILITY MUST REDUCE THE STORM WATER

RUNOFF PEAK FLOW RIGHT FOR A 10-YEAR STORM FREQUENCY EVENT AT THE POINT OF DISCHARGE FROM THE SITE TO NOT MORE THAN 50% OF THAT PRESCRIBED BY THE CITY CODE AND THE DRAINAGE CRITERIA MANUAL. THAT WOULD BE THE SECOND ITEM. THAT WOULD BE INCORPORATED INTO THE ORDINANCE AND WOULD ADDRESS SOME OF THE REPRESENTATIONS THAT WERE MADE ABOUT CAPTURING ADDITIONAL DRAINAGE OFF THE PROPERTY. THAT WAS EXPRESSED TO YOU. THIRD THAT WOULD BE ADDED TO THE ORDINANCE THAT WOULD BE SOMETHING TO THE EFFECT THAT THERE WOULD BE A PROHIBITION OF ACCESS TO BLUEBONNET STREET UNTIL THE TRANSPORTATION IMPROVEMENTS THAT ARE IN THE NEIGHBORHOOD TRAFFIC ANALYSIS -- AND THIS IS IN PART 3 -- ARE COMPLETED. IT DOESN'T SAY WHO WOULD COMPLETE THEM, IT JUST SAYS THAT THAT WOULD BE UNTIL THEY ARE COMPLETED. THE FOURTH ITEM AS PART OF THIS AGREEMENT WOULD BE THAT IT'S NOTED FOR THE RECORD AND BE PLACED IN THE CITY FILE, WHICH WE WILL DO, THAT THERE'S THREE PAGES OF STANDARDS THAT THE CITY OF WESTLAKE ACTUALLY HAS ADOPTED DEALING WITH EXTERIOR LIGHTING AND HOW IT IS PROVIDED FOR IN THE PROPERTY. THESE AREN'T CITY OF AUSTIN REGULATIONS, WE CAN'T MAKE THEM FCO, BUT THIS IS PART OF THEIR PRIVATE AGREEMENT BETWEEN THE NEIGHBORHOOD AND THE APPLICANT. WE'LL PUT THESE INTO THE FILE FOR FUTURE REFERENCE IF IT SHOULD COME UP. SO WITH THOSE FOUR ITEMS, WE WOULD OFFER THIS TO YOU ON CONSENT. IF YOU HAVE ANY QUESTIONS, I'D BE MORE THAN HAPPY TO ANSWER THEM AT THIS TIME. I KNOW THAT THERE ARE MANY PEOPLE HERE THAT PROBABLY COULD ADDRESS THESE ISSUES IF YOU HAVE ANY QUESTIONS.

Mayor Wynn: THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF, COUNCIL? COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION. WE HAVE A NUMBER OF FOLKS HERE AVAILABLE TO ANSWER QUESTIONS IF WE HAVE THEM.

Thomas: MAYOR, I MAKE A MOTION TO MOVE FOR APPROVAL ON THIRD READING.

Mayor Wynn: COUNCILMEMBER THOMAS MOVES APPROVAL ON THIRD READING, ITEM NUMBER 93 WITH THE

AGREEMENTS AS OUTLINED BY MR. GUERNSEY SECONDED BY COUNCILMEMBER COUNCILMEMBER ALVAREZ. FURTHER COMMENTS? COUNCILMEMBER SLUSHER?

Slusher: ARE WE DOING THE PORK CHOP ON THIS? [ LAUGHTER ] I'M NOT TALKING ABOUT SUPPER EITHER. THE NO RIGHT TURN THING?

THERE'S A PROVISION THAT'S IN THE AGREEMENT AND THAT WOULD BE IN YOUR ORDINANCE THAT WOULD PROHIBIT A RIGHT TURN OUT MOVEMENT FROM THE PROPERTY ON TO BLUEBONNET. IT WOULD STILL ALLOW TRAFFIC FROM THE NEIGHBORHOOD TO COME INTO THE WALGREEN'S PROPERTY, BUT PROHIBIT A RIGHT TURN MOVEMENT OUT ON TO BLUEBONNET INTO THE NEIGHBORHOOD.

Slusher: OKAY. I'M VERY FAMILIAR WITH THIS NEIGHBORHOOD AND WITH HOW PEOPLE CAN CUT THROUGH THERE TO SOUTH AUSTIN. HOWEVER I THINK ONLY SOUTH AUSTIN RESIDENTS KNOW HOW TO GET THROUGH THERE IS WHAT I'VE BEEN HEARING WHILE THIS CASE IS IN PROGRESS. AND IT'S BEEN NEGOTIATED WITH THE APPLICANT AND I GUESS I'M GOING TO GO ALONG WITH IT. I JUST WANT TO GO ON RECORD PREDICTING THAT PEOPLE ARE GOING TO COME DOWN THERE AND WANT TO TURN RIGHT AND MAYBE SOME OF THE NEIGHBORS TO GO BACK TO THE NEIGHBORHOOD AFTER THEY GO TO THE DRUGSTORE, AND THEY'RE GOING TO WANT TO KNOW WHO THOUGHT OF THIS, TO PUT THIS THING IN HERE? [ LAUGHTER ] SO I GUESS IT LOOKS LIKE IT'S GOT THE VOTES AND MAYBE IT WILL WORK. MAYBE IT'S A GOOD THING. BUT I JUST WANT TO GO ON RECORD AS BEING VERY SKEPTICAL ABOUT THAT. [ LAUGHTER ]

Dunkerley: MAYOR? COUNCILMEMBER SLUSHER, I'LL BET THEY KNOW HOW TO DO A PETITION TO GET IT REMOVED.

Slusher: I GUESS SO. THAT WOULD COME DOWN HERE?

I THINK SO. [ LAUGHTER ]

Mayor Wynn: MOTION AND A SECOND ON THE TABLE TO APPROVE ITEM NUMBER 93 WITH THE RESTRICTIONS AS OUTLINED ON SECOND AND THIRD READING. FURTHER

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

AYE.

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

Mayor Wynn: IF YOU'LL INDULGE MARIA, COUNCIL.

GUYS, YOU PUT A SMILE ON MY FACE AGAIN. I'M GOING TO GO DO WHAT I DO BEST, TACOS. THANK YOU SO MUCH. I THINK WE'LL SEE YOU IN A YEAR AND A HALF TO REMOVE THE PORK CHOP. THANK YOU SO MUCH. AND THANK YOU FOR THE NEIGHBORHOOD ASSOCIATION, THANK YOU TO EVERYBODY. THANK YOU.

Mayor Wynn: SO HOW LATE ARE YOU OPEN TONIGHT? [ LAUGHTER ]

Mayor Wynn: THANK YOU ALL. MR. GUERNSEY, WHERE ARE WE?

MAYOR, WE STILL HAVE ONE ZONING ITEM LEFT.

Mayor Wynn: Z-7.

I UNDERSTAND THERE IS A POSTPONEMENT POSSIBILITY ON A PUBLIC HEARING YOU HAVE ON AN HISTORIC ZONING?

Mayor Wynn: I'LL RECOGNIZE COUNCILMEMBER DUNKERLEY.  
>>TEM 94.

Dunkerley: ITEM 94, I'D LIKE TO HAVE THAT POSTPONED TO OCTOBER 28TH. WE HAD SENT THE HISTORIC TORS RECOMMENDATION -- TASKFORCE RECOMMENDATION BACK TO THEM FOR REVIEW. THE WHOLE BASIS OF THE RECOMMENDATIONS THEY MADE ON HISTORIC ZONING WERE BASED ON THE ABILITY TO GRANDFATHER THE EXISTING HISTORIC HOMES. WE'VE LEARNED THAT MAY NOT BE POSSIBLE, SO I THOUGHT AS A COURTESY THEY SHOULD TAKE ANOTHER LOOK AT THEIR REPORT. AND THE CHAIR NOTIFIED ME THAT THEY WOULD LIKE UNTIL AT LEAST THE



28TH TO BRING IT BACK TO COUNCIL. SO I'D LIKE IT TO BE POSTPONED TO THAT TIME.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY TO POSTPONE ITEM NUMBER 94 TO OCTOBER 28TH, 2004. ANY FURTHER COMMENTS?

Goodman: AS PART OF THE INFORMATION THAT WE RECEIVED EITHER BETWEEN NOW AND THEN OR AT THE END OF THAT TIME FRAME, I WOULD LIKE TO KNOW WHY IN VIRTUALLY EVERY OTHER AREA OF LEGAL ADVICE THE GRANDFATHERING IS ABSOLUTELY MANDATED IN THAT YOU CANNOT RETROACTIVELY INTRODUCE NEW REGULATIONS AND WHAT HAVE YOU, AND YET IN THIS PARTICULAR CONTEXT LEGAL IS SAYING THE OPPOSITE, THAT YOU CANNOT GRANDFATHER WHAT EXISTS NOW. SO I'D LIKE TO SEE WHERE THE POINTS OF LAW ARE, WHAT THE CONTEXTS ARE. I WOULD LIKE TO SEE IT WRITTEN.

MAYOR PRO TEM, WE ARE PREPARED -- IN FACT, YOU WERE SCHEDULED FOR AN EXECUTIVE SESSION ON THIS ITEM, AND WE'RE GOING TO MAKE THAT PRESENTATION IN EXECUTIVE SESSION, AND WE WILL HAVE AT THAT TIME A POWERPOINT PRESENTATION WITH ALL OF THAT LINED OUT. IF IT IS PERMISSIBLE WITH COUNCIL, WE WOULD LIKE TO PROCEED IN THAT FASHION RATHER THAN PRODUCE YOU A WRITTEN OPINION BECAUSE IT IS EXECUTIVE SESSION MATERIAL. WE CAN PROVIDE YOU WITH COPIES OF THE CONSTITUTION AND THE OTHER PROVISIONS THAT ARE OF CONCERN TO US, AND PERHAPS AFTER THAT EXECUTIVE SESSION PRESENTATION IF YOU STILL DESIRE SOMETHING IN WRITING, WE WILL BE HAPPY TO EXPLORE THAT WITH YOU DURING EXECUTIVE SESSION. IN FACT, ALONG WITH THIS WE NEED TO POSTPONE THAT EXECUTIVE SESSION ITEM THAT IS ON THE AGENDA. MAYOR, I THINK I GAVE YOU THE NUMBER ASSOCIATED WITH THAT. EXCUSE ME JUST A SECOND WHILE I DOUBLE CHICK. DOUBLE-CHECK.

ITEM 73.

I BELIEVE THAT'S CORRECT, ITEM 73. SO IF IT IS PERMISSIBLE, MAYOR PRO TEM, WHAT WE WOULD PREFER TO DO IS WE'D PREFER TO TAKE YOU INTO EXECUTIVE

SESSION AND THEN IF WE STILL NEED TO PROVIDE SOMETHING TO YOU IN WRITING, WE COULD DO -- WE CAN DISCUSS THAT AND THE EXTENT OF THE OPINION THAT YOU WISH AT THAT TIME.

Goodman: GREAT, THANK YOU. I'LL CONSIDER THAT A FRIENDLY AMENDMENT TO ADD 73.

YES, COUNCILMEMBER DUNKERLEY, CONSIDER A FRIENDLY AMENDMENT ALSO TO INCLUDE IN YOUR POSTPONEMENT TO OCTOBER 28TH ITEM NUMBER 73, THE EXECUTIVE SESSION RELATED TO ITEM 94. >>

Dunkerley: YES.

Mayor Wynn: THANK YOU. COUNCIL, WE HAVE A MOTION AND A SECOND ON THE TABLE TO POSTPONE ITEM 73 AND 94 TO OCTOBER 28TH, 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. ALSO, COUNCIL, LET'S SEE, ITEM NUMBER -- THE ADDENDUM, ITEM NUMBER RELATED TO ONE OF OUR ZONING CASES THAT WAS PROPOSED, IF I REMEMBER CORRECTLY. THE HAMPTON ROAD CASES. IF SOMEBODY COULD REMIND ME TO WHAT DATE WE POSTPONED THE HAMPTON ROAD ZONING CASES, WE COULD --

JUST A SECOND, MAYOR. LET ME DOUBLE-CHECK.

MAYOR, I BELIEVE IT'S OCTOBER 21st.

OCTOBER 21st, MAYOR.

Mayor Wynn: THANK YOU. SO COUNCILMEMBER DUNKERLEY MOVES THAT WE POSTPONE ITEM NUMBER 106 TO OCTOBER 21st OCTOBER 21st, 2004. I'LL SECOND THAT. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION TO POSTPONE PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL. OKAY, MR. GUERNSEY, ITEM Z-7.

MAYOR AND COUNCIL, ITEM Z-7 IS A ZONING PUBLIC HEARING, CASE C-14-04-0012.003 IN THE BRENTWOOD HIGHLAND COMBINED NEIGHBORHOOD PLANNING AREA. IT'S PART OF THE AREA LOCATED AT 6202 BURNS STREET. IT IS A REZONING FROM MULTI-FAMILY, MF-3, NP TO GR-MU-CO-NP, WHICH STANDS FOR COMMUNITY COMMERCIAL MIXED USE ZONING. THIS WAS RECOMMENDED TO YOU BY THE PLANNING COMMISSION FOR GR-MU-CO-NP ZONING. AND THIS IS A CITY INITIATED REQUEST THAT GREW OUT OF THE NEIGHBORHOOD PLANNING PROCESS. THE PROPERTY IS APPROXIMATELY .174 ACRES OF LAND. THERE HAS BEEN MUCH DISCUSSION BETWEEN THE PROPERTY OWNER AND THE NEIGHBORHOOD. ALSO, THE CITY STAFF HAS ORCHESTRATED MEETINGS. PROBABLY THE ONE THAT HAD THE MOST MEANING WAS PROBABLY BACK ON JULY 21st OF 2004 WITH THE PROPERTY OWNERS AND NEIGHBORS. ALTHOUGH NOT ALL THE ISSUES WERE RESOLVED AT THAT MEETING, THERE ARE SOME ITEMS THAT WERE IN AGREEMENT, AND ALTHOUGH THEY'RE NOT IN YOUR BACKUP AND PART OF THE COMMISSION'S RECOMMENDATION, IT WAS TO ALSO TO PROHIBIT GENERAL RESTAURANT, LIMITED RESTAURANT, INDOOR SPORTS AND REACTION, INDOOR ENTERTAINMENT AND RESEARCH SERVICES ON THE BACK PORTIONS OF THE PROPERTY. THE NEIGHBORHOOD AND THE PROPERTY OWNER DO DISAGREE REGARDING THE ACCESS ON THE PROPERTY. THIS IS IN ACCORDANCE WITH THE ADOPTED FUTURE LAND USE MAP FOR THIS AREA. YOU HAVE A SMALL EIGHT AND A HALF BY 11 COLOR EXHIBIT. ALSO I'D LIKE TO POINT OUT THAT THERE IS A VALID PETITION AGAINST THE REZONING OF THIS PROPERTY. I UNDERSTAND THAT JUST OVER 24%. I BELIEVE THERE ARE RESIDENTS HERE TO SPEAK TO THIS ISSUE. ALSO A REPRESENTATIVE OF THE OWNER. IF YOU HAVE ANY QUESTIONS, I'LL BE MORE THAN HAPPY TO ANSWER THEM. ALSO I HAVE A LARGER EXHIBIT OF THE BRENTWOOD NEIGHBORHOOD, HIGHLAND NEIGHBORHOOD. THAT SHOWS A GREATER AREA THAT GOES BEYOND THIS EIGHT AND A

HALF BY 11 EXHIBIT YOU HAVE.

Mayor Wynn: THANK YOU, MR. GUERNSEY. SO AT THIS TIME -- ACTUALLY, WE'LL HAVE OUR FIVE-MINUTE PRESENTATION APPROXIMATE -- THE CITY IS THE APPLICANT.

YOU CAN GO TO THOSE WHO ARE FOR THE REQUEST AND THOSE WHO ARE OPPOSED.

Mayor Wynn: THE COUNCIL WILL CONSIDER THAT TO BE THE APPLICANT'S FIVE-MINUTE PRESENTATION. WE WILL NOW TAKES TAKE FOLKS SIGNED UP IN FAVOR OF THE ZONING CASE. OF COURSE, SOME FOLKS DON'T SAY IF THEY'RE IN FAVOR OR NOT. MR. BENNETT, PERHAPS -- ARE YOU IN FAVOR OR AGAINST?

IN FAVOR, SIR.

Mayor Wynn: WOULD YOU HAPPEN TO KNOW WHETHER MR. KEN McWILLIAMS IS IN FAVOR OR AGAINST?

I BELIEVE HE'S IN FAVOR AS WELL.

Mayor Wynn: WITH THAT IN MIND WE'LL WELCOME YOU TO THE PODIUM. YOU'LL HAVE THREE MINUTES.

MAYOR AND COUNCIL, I'M JIM BENNETT AND I'VE APPEARED BEFORE YOU ON THIS CASE BACK IN MAY I BELIEVE IT WAS. THERE WAS CONSIDERABLE DISCUSSION ABOUT THIS TRACT AND THE ADJOINING TRACT. MY CLIENT AT THAT TIME STILL INTENDS TO REDEVELOP THE SITE WITH AN INTERIOR DESIGN CENTER. YOU MAY RECALL FROM THAT MEETING THERE WAS ABOUT A 30-MINUTE DISCUSSION ABOUT IT. AT THE CONCLUSION OF THAT, COUNCIL DIRECTED THE STAFF BECAUSE THERE WAS A POSTING PROBLEM, AND MR. BLOCK INFORMED THE -- INFORMED THE COUNCIL THAT THERE WAS A POSTING PROBLEM. COUNCIL INFORMED STAFF TO INITIATE A ZONING CHANGE TO GR, WHICH THEY DID. THAT CHANGE PROCESS HAS BEEN GOING THROUGH, AND WE WENT BEFORE THE PLANNING COMMISSION. THE PLANNING COMMISSION RECOMMENDED THE GR-MU-NP. AS MR. GUERNSEY INDICATED TO YOU, THE FUTURE LAND USE MAP FOR THIS NEIGHBORHOOD ASSOCIATION SHOWS THIS

PROPERTY. IT WAS ADOPTED BY COUNCIL, SHOWS THIS PROPERTY ALSO TO BE ZONED COMMERCIAL. ONCE THE INITIATED ZONING CHANGE GOT STARTED, THEN WE DID MEET WITH SOME PEOPLE IN THE NEIGHBORHOOD AND WE AGREED FROM THOSE MEETINGS TO TRY TO MITIGATE SOME OF THEIR CONCERNS. WE AGREED TO EXPAND THE -- IF YOU'LL RECALL WHEN THAT NEIGHBORHOOD PLAN WAS GOING THROUGH THERE WERE THREE CHOICES OF CONDITIONAL OVERLAYS WITH PROHIBITED LISTS. WE AGREED TO ADD TO THAT SOME USES THAT WE DIDN'T WANT AND THAT THEY DIDN'T WANT. WE ALSO AGREED TO FENCE THE PROPERTY AND PUT A CONTROL DEVICE OR A LOCKING DEVICE SO THAT IT COULD BE LOCKED UP AT NIGHT. CURRENTLY AS I UNDERSTAND SOME OF THE COMPLAINTS THAT PEOPLE PARK ON OUR PROPERTY WITHOUT OUR PERMISSION AT NIGHT. THAT WOULD ENSURE AT NIGHTTIME IT WOULD BE LOCKED AND YOU WOULDN'T HAVE ANY TRAFFIC GOING THROUGH. ADDITIONALLY THERE WAS DISCUSSION ABOUT TRAFFIC GOING THROUGH THIS SITE, CUTTING THROUGH THE NEIGHBORHOOD. I DON'T KNOW WHETHER THAT'S NEIGHBORHOOD TRAFFIC AS WE TALKED ABOUT IN THE OTHER CASE, KNOWING HOW TO GET THROUGH; HOWEVER, WE ALSO AGREED AT THAT TIME THAT WITH THE ASSOCIATION THAT WE WOULD DO SOME INTERNAL CONTROL DEVICES TO PROHIBIT OR TRY TO DISCOURAGE ANY CUT-THROUGH TRAFFIC, THOSE KIND OF ISSUES THAT WE TALKED ABOUT WERE INTERNAL SPEED HUMPS ON OUR PROPERTY BECAUSE AS I UNDERSTAND THE CITY NO LONGER USES THE SPEED HUMPS. WE WOULD PUT THOSE IN OUR PARKING LOT AND DRIVE SO THAT IT WOULD DISCOURAGE CUT-THROUGH TRAFFIC. SO NOW WE'RE AT THE POINT WHERE THE NEIGHBORHOOD LAND USE MAP AS ADOPTED SHOWING IT AS GR. AND DURING THIS PROCESS A VALID PETITION HAS SURFACED; HOWEVER, IN THOSE NEIGHBORHOOD PLAN MEETINGS WE WERE HERE -- [ BUZZER SOUNDS ] THEY WERE HERE AND WE HAD A PRETTY GOOD DISCUSSION ON IT. I WILL BE AVAILABLE SHOULD YOU HAVE ANY QUESTIONS, MAYOR.

Mayor Wynn: THANK YOU, MR. BENNETT. KEN Mc WILLIAMS. DIDN'T SIGN UP WHETHER HE WANTED TO SPEAK OR NOT OR WHETHER HE WAS FOR OR AGAINST. KEN McWILLIAMS?

[INAUDIBLE - NO MIC].

Mayor Wynn: FOR? THANK YOU, SIR. COUNCIL, THAT TAKES US TO THE FOLKS SIGN UP WISHING TO SPEAK IN OPPOSITION TO THIS CASE. DAN HEMMINGSON? SORRY IF I'M MISPRONOUNCING THAT. WELCOME, DAN. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY TEX MITCHELL.

MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, I'M DAN HEMMINGSON, I LIVE AT 614 HAMMOCK DRIVE. I'VE LIVED THERE FOR ABOUT 32 YEARS. I OWN THE PROPERTY AT 614 AND 617 HAMMOCK DRIVE, WHICH IS WITHIN THE 200-FOOT RADIUS OF MR. McWILLIAMS' PROPERTY. THE NEIGHBORHOOD HAS FILED A PETITION AGAINST THE ZONING CHANGE. IT WAS SIGNED BY THE MAJORITY OF HOMEOWNERS WITHIN 200 FEET OF 6208 BURNS STREET. THERE IS ONLY ONE HOMEOWNER WHO I WAS NOT ABLE TO MAKE CONTACT WITH WHO DID NOT SIGN THAT PETITION. SO 100% OF THE HOMEOWNERS THAT I MADE CONTACT WITH SIGNED THE PETITION. IN ADDITION, ABOUT 50 NEIGHBORS WITHIN ONE BLOCK OF 6208 BURNS STREET HAVE SIGNED THE NEIGHBORHOOD PETITION AGAINST THE NON-MF-3 ZONING OF THAT PROPERTY. THE PLANNING COMMISSION WAS IN FAVOR OF THIS CHANGE BECAUSE, ACCORDING TO COMMISSION EMPLOYEES, IT WAS REQUIRED TO DO SO. HOWEVER, I WISH TO THANK THOSE STAFF MEMBERS WHO HAVE BEEN VERY SUPPORTIVE OF THE NEIGHBORHOOD OPINION. AND IN CORRECTION TO MR. BENNETT'S STATEMENT, THE NEIGHBORHOOD PLAN ZONED THIS PROPERTY TO BE MF-3. NEIGHBORS AND HOMEOWNERS ARE MOST CONCERNED ABOUT ADDITIONAL TRAFFIC POTENTIAL ON BURNS STREET, HAMMOCK STREET, LAMAR PLACE, SHOULD THE PROPERTY BE CHANGED TO ANY CLASSIFICATION OTHER THAN MF-3. THAT WOULD ALLOW COMMERCIAL ACCESS TO BURNS STREET. WE ALREADY HAVE A SIGNIFICANT TRAFFIC PROBLEM ON THE SIDEWALKED RESIDENTIAL STREETS, INCLUDING BAD DIRECTIONAL CUT-THROUGH TRAFFIC TO AVOID THE SIGNAL AT DENSON AND LAMAR. WILEY ELEMENTARY SCHOOL IS JUST OVER A BLOCK AWAY AT DENSON AND GUADALUPE RESULTING IN PEDESTRIAN TRAFFIC OF CHILDREN WHO LIVE IN THE APARTMENT COMPLEXES WHICH BORDER BURNS

STREET FROM HAMMOCK DRIVE PAST THE INTERSECTION OF LAMAR PLACE TO THE CIRCLE AT THE END OF BURNS STREET. NEIGHBORHOOD RESIDENTS TYPICALLY USE HAMMOCK TO WALK TO LAMAR BOULEVARD TO GO TO THE CONVENIENCE STORE, BUS STOPS DUE TO THE VOLUME OF TRAFFIC ON DENSON. AT THIS TIME THERE ARE TWO CURB CUTS ON BURNS STREET AT MR. McWILLIAMS' PROPERTIES, INCLUDING ONE IN THE PARCEL WE'RE DISCUSSING TONIGHT. DELIVERY TRUCKS AND VANS TO AND FROM BUSINESSES CURRENTLY ON THESE PROPERTIES, NOT JUST THE ABC BLIND COMPANY, REGULARLY USE THESE FOR ACCESSES USING BURNS, HAMMOCK OR LAMAR PLACE AS COMMON ROUTES. IT WOULD NOT TAKE CUSTOMERS OR DELIVERY TRUCKS OF ADDITIONAL BUSINESSES PLANNED IN THIS TRACT TO DISCOVER THESE SHORTCUTS AS WELL. SHOULD THE CHANGE BE APPROVED, IT IS MY OPINION AND THAT OF MOST OF THE NEIGHBORHOOD THAT MR. McWILLIAMS BE REQUIRED TO CONSTRUCT A SOLID PRIVACY WALL ALONG THE EASEMENT OF BURNS STREET OF SUFFICIENT HEIGHT SO TO OBSTRUCT NEIGHBORHOOD VIEW OF BUILDINGS CONSTRUCTED AND REMOVE THE CURB CUTS ON BURNS STREET. [ BUZZER SOUNDS ] THE SOLUTION TO THE NEIGHBORS HAVE BEEN PROPOSED TO MR. McWILLIAMS AND THAT ONE HAS BEEN REJECTED. THANK YOU FOR YOUR TIME. MOMENT [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] BETWEEN THE COMMERCIAL ON LAMAR AND THE SF-OF THE NEIGHBORHOOD. THIS DECISION WAS NOT MADE LIGHTLY. THIS DECISION WAS MADE OVER THE COURSE OF A YEAR-LONG NEIGHBORHOOD PLANNING PROCESS. IN SPOT ZONING AND PLACES BUFFERS BETWEEN INCOMPATIBLE ZONING WERE BASIC TENANTS OF THIS PROCESS, THIS ZONING WOULD VIOLATE BOTH. WE'RE ASKING FOR M.F. 3 BECAUSE THIS IS NOT A BORDER ISSUE. THIS IS A LOT THAT HAS RESIDENTIAL ON EITHER SIDE AND ACROSS THE STREET. WE'RE NOT CONCERNED ABOUT INCREASED TRAFFIC AT THE ENTRANCE TO THE NEIGHBORHOOD, WE ARE CONCERNED ABOUT AN INCREASE OF TRAFFIC THROUGH OUR NEIGHBORHOOD. WE ARE ASKING FOR M.F. 3 BECAUSE THIS IS A NEIGHBORHOOD, WHAT ARE WE GOING TO BE LOOKING AT, A BACK OF A STRIP MALL WITH UGLY METAL DOORS AND DUMPSTERS? THIS IS A NEIGHBORHOOD WITH, YOU KNOW, A CHARACTER AND

CHARM MUCH ITS OWN LIKE ANY OTHER. I CAN'T IMAGINE HOW THIS IS GOING TO BE ATTRACTIVE. MY HOME WAS AWARDED HIGHLAND NEIGHBOR OF THE MONTH LAST YEAR FOR RENOVATIONS AND IMPROVEMENTS THAT WE MADE TO OUR PROPERTY. WITH THIS GR ZONING WE WILL BE NEXT DOOR TO A COMMERCIAL BUILDING. WE ARE ASKING FOR M.F. 3 BECAUSE STAFF HAS STATED THIS COMMERCIAL ZONING ON AREN'T SHALL STREET SETS A PRECEDENCE THAT COULD IN THEIR WORDS DAMAGE THE RESIDENTIAL FABRIC OF THE CITY OF AUSTIN AS A WHOLE. THIS IS A CASE OF COMMERCIAL ZONING IN THE MIDDLE OF A NEIGHBORHOOD STREET. IN THEIR WORDS AGAIN THIS IS EXACTLY THE SITUATION THAT THE NEIGHBORHOOD PLANNING PROCESS SEEKS TO FIX. WHY ARE WE CONSIDERING A ZONING CHANGE? THERE IS NO CONDITION THAT EXISTS THAT MAKES THIS PROPERTY REQUIRE REZONING FOR DEVELOPMENT. THIS PROPERTY IS PRIME FOR RESIDENTIAL DEVELOPMENT AS SHOWN BY SEVERAL RENTAL PROPERTIES REHABS IN THE NEIGHBORHOOD, A NEW BUILD JUST TWO DOORS DOWN. THERE'S ALSO IN MY OPINION NO SHORTAGE OF COMMERCIAL PROPERTY AVAILABLE IN AUSTIN FOR DEVELOPMENT. DEVELOPING THIS GR WOULD LEAVE WITH US NO BUFFER FROM THE COMMERCIAL AND A LANDOWNER THAT PLANS TO FUNNEL THEIR EXISTING COMMERCIAL TRAFFIC THROUGH OUR NARROW RESIDENTIAL STREETS WITH NO SIDEWALKS, STREETS WHERE CHILDREN PLAY AND WALK TO SCHOOL AND STREETS THAT ALREADY HAVE A PROBLEM WITH CUT-THROUGH TRAFFIC. THE LANDOWNER THAT AGREED TO FIVE PROHIBITED USES. DURING AN ATTEMPT TO COMPROMISE, WE FEEL THIS IS INADEQUATE. IT DOES NOT KEEP OUR NEIGHBORHOOD SAFE OR ATTRACTIVE. THE M.F. 3 WAS A COMPROMISE TO BEGIN WITH. OUR ORIGINAL INTENT WAS FOR IT TO BE SF-THROUGH THE NEIGHBORHOOD PROCESS. REGARDLESS OF THIS, WE HAVE REPEATEDLY OFFERED FURTHER COMPROMISE TO REVERSE OUR STANCE AGAINST GR FOR A RESTRICTION AGAINST COMMERCIAL ACCESS TO THE RESIDENTIAL STREET. THE LAND OWNER REPEATEDLY REFUSED THIS COMPROMISE. WHY? THE LAND OWNER HAS DECLARED NO HARDSHIP OTHER THAN THE DESIGN AND OPTIONS FOR BUILDING PLACEMENT WILL BE MORE DIFFICULT WITH NO ACCESS TO BURNS. WELL, I'M HERE TO



ATTEST THAT SOMETIMES IT'S MORE DIFFICULT TO DO THINGS RIGHT. SOMETIMES MORE DIFFICULT TO MAKE THINGS SAFE. WE ARE TELL WILLING TO COMPROMISE. WHILE WE ARE HERE ASKING YOU TO DENY THE ZONING OF GR ON THE NEIGHBORHOOD STREET, WE ACKNOWLEDGE THAT THE MOST WE MAY BE ABLE TO ACHIEVE HERE IS A HEAVILY WEIGHTED COMPROMISE. A COMPROMISE NOT FAVORING WHAT IS DESIRABLE TO THE MAJORITY. A COMPROMISE THAT FAVORS THIS SINGLE LANDOWNER, BUT AT LEAST OFFERS SOME LOCATION TO THE COMMUNITY. WE REGRETTABLY AGAIN FEEL FORCED TO OFFER THE COMPROMISE OF GR ON OUR NEIGHBORHOOD STREET IN EXCHANGE FOR NO VEHICULAR ACCESS. WE FEEL THIS COMPROMISE IS EXTREMELY ENDROUS. WE DESERVE TO BE SAFE IN OUR NEIGHBORHOODS, WE DESERVE TO BE PROTECTED FROM DANGEROUS TRAFFIC JUST AS WE ARE PROTECTED FROM DANGEROUS CRIMINALS. WE DESERVE TO BE ABLE TO SAFELY WALK DOWN THE RESIDENTIAL STREETS. WE DESERVE A SAFE ROUTE FOR THE CHILDREN TO TAKE TO SCHOOL. OUR CHILDREN DESERVE A SAFE AND ATTRACTIVE NEIGHBORHOOD TO CALL HOME. WE ARE ASKING FOR M.F. 3 ON THIS PROPERTY AS WAS SUGGESTED BY STAFF AND AGREED DID TO DURING THE NEIGHBORHOOD PLANNING PROCESS. STAFF HAS NOW REVERSED THEIR RECOMMENDATION, BUT HAS INFORMED US THAT THEY ARE BOUND TO CHANGE THEIR RECOMMENDATION TO MATCH WHAT IS IN THE FUTURE LAND USE MAP. REGARDLESS OF THEIR EDUCATED OPINION. THIS LAND WAS CHANGED TO COMMERCIAL ONLY DURING THE RATIFICATION, NEVER WAS IT EVEN DECISIONED DURING THE ENTIRE NEIGHBORHOOD LAND PLANNING YEAR-LONG THING. IT WAS ONLY DONE DURING -- AND IT WAS -- WE FEEL THAT THIS WAS BECAUSE THE LAMAR ADDRESSES WERE USED. WE WERE THERE FOR THE FIRST READING. WE ARE ALSO COUPLED WITH THE -- WITH THE BRENTWOOD NEIGHBORHOOD. AFTER THE FIRST READING, OUR NEIGHBORHOOD WENT THROUGH THE LIST, NOTHING WAS -- BUT LAMAR AND BRENTWOOD, SO WE FELT THAT WE WERE DONE. IT TURNS OUT THAT THEY WERE USING THE LAMAR ADDRESSES, NOT THE BURNS ADDRESSES THAT WE WERE FAMILIAR WITH IN OUR NEIGHBORHOOD. THAT IS WHY THERE WAS NO OPPOSITION. KEN McWILLIAMS AGENT, THE PROPERTY OWNERS AGENT

JIM BENNETT WILL TELL YOU THAT EVERYONE CLEARLY UNDERSTOOD. BUT THE FACT IS THAT WE THE NEIGHBORHOOD MISSED IT AND STAFF MISSED IT AND ULTIMATELY COMMERCIAL ZONING THAT IS SIMPLY INAPPROPRIATE FOR THIS TRACT WENT UNOPPOSED. IS THAT A WARNING OR IS THAT IT?

Mayor Wynn: THAT'S IT. YOU CAN CONCLUDE.

WE ARE ASKING FOR WE THINK THIS NEEDS TO BE READDRESSSED. SO THEY ACTUALLY THE PROPERTY NORTH OF THIS ACTUALLY WENT TO GR, BUT THE REASON WHY NOTIFICATION HAD BEEN SENT OUT ON IT WAS BECAUSE IT WAS GOING TO BE CHANGED TO M.F. DUE TO OUR PLAN. BUT SINCE NOTIFICATION THE WAY PLANNING DOES IT, THEY JUST SENT OUT A NOTIFICATION SAYING WE ARE -- TO GIVE THEMSELVES SOME LEEWAY, THEY SAY IT'S GOING TO CHANGE. IT CHANGED IT ALL THE WAY TO GR. NOW THEY ARE -- THE REASON WHY NOTIFICATION WASN'T SENT ON THIS PROPERTY WAS BECAUSE IT WAS ALREADY M.F., THAT'S WHAT THE PLAN WAS, NOW THEY ARE WANTING TO CHANGE THAT TO MATCH THE OTHER SO THAT THEY CAN BRING COMMERCIAL. IF YOU LOOK AT THE MAP, NOT JUST ABOUT BUT INTO OUR NEIGHBORHOOD. WE HAVE OTHER NEIGHBORHOODS, HIGHER DENSITY NEIGHBORS. WE ARE REALLY ASKING FOR THE M.F. 3, HOWEVER YOU CHOOSE TO GRANT THE GR, WE ASK YOU GIVE US THE PROTECTION OF FIVE AGREED UPON USES, MOST IMPORTANTLY NO ACCESS TO BURNS STREET FOR ANY PROPERTY THAT SHOULD DROP INTO THE MIDDLE OF OUR NEIGHBORHOOD STREETS.

THANK YOU, MR. MITCHELL. IS YOUR MOTHER -- DID YOUR MOTHER NAME YOUR TEX?

THAT'S MY NAME.

[INDISCERNIBLE] WISHING TO -- SIGNED UP NOT WISHING TO SPEAK BUT -- TYPICALLY WE HAVE A 3 MINUTE REBUTTAL FROM THE APPLICANT, BUT AGAIN IN THIS CASE THE CITY IS THE APPLICANT. MR. GUERNSEY, CAN YOU TRY TO HELP SUMMARIZE.

WELL, I THINK THERE WAS CONFUSION. ANIK BODET IS THE

CASE MANAGER FOR THIS ZONING CASE. TODAY UNFORTUNATELY IS HER LAST DAY, MOVING ON TO OTHER ADVENTURES. SO I APPRECIATE HER SERVICE. JUST TELL HER THAT IF SHE'S WATCHING. HE WANTED TO STATE I THINK THERE WAS CONFUSION ABOUT THE ADDRESS. IN -- MY DISCUSSIONS WITH HER INDICATED THAT THE NEIGHBORHOOD REALLY DIDN'T REALIZE WHEN THE TRACT TO THE NORTH, WHICH IS GR-MU-CO-NP CAME IN THAT THE NEIGHBORHOOD DID NOT REALIZE IT WAS A THROUGH LOT AND THAT THE DISCUSSION ON THE CONTESTED CASE REALLY DEALT WITH THE WESTERN PORTION OF THAT PROPERTY. I WOULD ALSO LIKE TO POINT OUT OUR ZONING MAPS ONLY HAVE BEEN -- BEING PROCESSED TO BE RECENTLY UPDATED, SO I WOULD ASK THAT COUNCIL REFER TO THE COLOR MAP BECAUSE IT DOES CORRECTLY REFLECT THE ZONING. ON THE EXHIBITS TO MY RIGHT, I DID CORRECT THE MAPS TO SHOW THE GR-MU-CO ZONING TO THE NORTH OF THIS PROPERTY, BUT I WOULD ASK IF YOU WOULD LOOK AT THE COLOR BECAUSE IT DOES SHOW THAT THE -- THAT THE APPROVED BY COUNCIL AND ALSO REFLECT THE CURRENT ZONING IN THE AREA. THIS WOULD BE UP ON THE DAIS.

Mayor Wynn: MR. GUERNSEY, FOR MY SAKE, SO THE -- BACKING UP, WHAT WAS THE RATIONALE FOR THE CITY? THE ZONING CHANGE, IF I'M READING THIS CORRECTLY, FROM M.F. 3-NP.

THE CITY STAFF INITIATED THE ZONING CHANGE IN ORDER TO BRING THIS PROPERTY INTO ONLY APPLIANCE WITH THE ADAPTED FUTURE LAND USE MAP. AND WITH THE DISCUSSIONS TO THE PROPERTY TO THE NORTH THE COUNCIL ADOPTED THIS PROPERTY AND THE PROPERTY TO THE NORTH AS BEING A COMMERCIAL MIXED USE. AND THAT IS THE REASON FOR THIS REQUEST BEFORE YOU. THAT'S THE REASON WHY STAFF RECOMMENDED THIS. AND IT'S MY BELIEVE THAT THE COMMISSION RECOMMENDED THIS TO YOU BECAUSE IT WOULD MATCH THE FUTURE LAND USE MAP.

THANK YOU.

Mayor Wynn: FURTHER QUESTIONS? COUNCIL?

Guernsey: MAYOR, THIS IS READY FOR THIRD READING. THE ORDINANCE IS ATTACHED. HOWEVER AT YOUR DISCRETION YOU CAN TAKE IT AT FIRST READING OR ALL THREE READINGS TODAY. IF YOU DO ELECT TO CONSIDER THREE READINGS TODAY, IT WOULD REQUIRE A SIX OUT OF SEVEN VOTE TO THE CITY COUNCIL BECAUSE WE DO HAVE A VALID PETITION ON THE PROPERTY. OF OVER 24% AGAINST THE REZONING.

Slusher: MAYOR, LET ME ASK YOU. I'M A LITTLE CONFUSED. THE NEIGHBORS ARE SAYING THAT IT WAS M.F. 3 IN THE NEIGHBORHOOD PLAN. SO IS THAT WRONG? I MEAN THAT THE CITY IS TRYING TO BRING IT TO GR TO CONFORM WITH THE PLAN?

Guernsey: WHEN THE LAND USE MAP OR THE FLUM WAS BEING CONSIDERED, WHICH THIS CASE WAS MOVING THERE --

WHAT'S A FLUUM?

A FUTURE LAND USE MAP.

Slusher: I DIDN'T KNOW IF THAT WAS A NEW ZONING CATEGORY OR WHAT.

WHEN THE FUTURE LAND USE MAP WAS BEING CONSIDERED BY COUNCIL, ALTHOUGH IT WAS RECOMMENDED TO YOU BY STAFF, NEIGHBORHOOD TO HAVE THOSE TRACTS M.F. 3 OR MULTI-FAMILY, THE COUNCIL ELECTED TO DO COMMERCIAL MIXED USE ON THESE TRACTS. AND SO ACCORDINGLY THE FUTURE LAND USE MAP WAS ADOPTED FOR THIS PROPERTY, THIS COMMERCIAL MIXED USE INSTEAD OF MULTI-FAMILY. THEN WHEN THE ZONING CASE CAME BACK TO BE BROUGHT THROUGH THE PROCESS TO -- TO BRING THIS IN ACCORDANCE WITH THE PLAN, STAFF RECOMMENDED, AND THE COMMISSION RECOMMENDED THAT THE ZONING FOR GR-MU-CO-NP TO MATCH THE ADOPTED FUTURE LAND USE HAPPEN THAT COUNCIL CHANGED. IT WOULD ALL MATCH --

Slusher: BASED ON, WHAT THE NEIGHBORHOOD PLAN?

BASED ON THE ADOPTED NEIGHBORHOOD PLAN WHICH SHOWS THE FUTURE LAND USE MAP IS COMMERCIAL MIXED USE.

Slusher: WHY DO THEY THINK IT'S M.F. 3.

WHEN THEY WORKED ON THE PLAN AND WHAT STAFF RECOMMENDED, STAFF RECOMMENDED IN THE -- AND THE NEIGHBORS AGREED THAT THIS AREA WOULD BE MULTI-FAMILY, WITH THE ADOPTION OF THE PLAN AND DISCUSSION OF THE CASE TO THE NORTH, THAT PROPERTY OWNER REQUESTED THAT THE FUTURE LAND USE MAP BE CHANGED FROM MULTI-FAMILY TO COMMERCIAL MIXED USE. AND THAT THE ZONING BE GRANTED FOR COMMERCIAL MIXED USE ON THAT PROPERTY. THIS PROPERTY WAS ALSO INCLUDED ON THE FUTURE LAND USE MAP FOR COMMERCIAL MIXED USE. SO IT CHANGED FROM WHAT THE -- FROM WHAT THE NEIGHBORHOOD AND STAFF RECOMMENDED WHEN IT WAS BROUGHT BEFORE YOU, AFTER LISTENING TO THE PROPERTY OWNER, THE COUNCIL THEN ADOPTED A DIFFERENT LAND USE DESIGNATION FOR THIS PROPERTY, WHICH WAS COMMERCIAL MIXED USE. AND THAT'S WHAT EXISTS TODAY.

OKAY. I THINK THAT MIGHT HAVE BEEN A MISTAKE. I THINK I UNDERSTAND WHAT YOU WERE SAYING NOW THAT THE NEIGHBORHOOD DIDN'T CATCH THAT AS IT WAS GOING THROUGH. OKAY. I PERSONALLY THINK THE M.F. 3 IS BETTER SO I'M GOING TO MOVE TO DENY.

Gurensey:: UM --

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY THE MAYOR PRO TEM TO --

Slusher: I'M SORRY, I'M WILLING TO HEAR WHAT --

Mayor Wynn: ROLL THE MOTION IN AWAYENCE. ABEYANCE.

IF COUNCIL ACTS FAVORABLY ON THIS, STAFF WOULD ALSO ASK THAT STAFF BE DIRECTED TO LOOK AT AMENDING THE

FUTURE LAND USE MAP, OTHERWISE YOU WOULD BE APPROVING ZONING WHICH IS CONTRARY TO THE ADOPTED FUTURE LAND USE MACHINE ON THE PROPERTY.

Slusher: IF WE ACT FAVORABLY ON THIS MOTION. >> WOULD ADD THAT THAT WE CHANGE THE FLUM TO MAKE IT CONSISTENT.

TO AMEND THE FUTURE LAND USE MAP TO MATCH THE ZONING WHICH EXISTS TODAY.

Slusher: OKAY. I WOULD ADD THAT TO MY MOTION. MAIRTS MOTION MADE BY --

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY MAYOR PRO TEM TO AMEND THE FUTURE LAND USES MAP TO ALIGN THAT WITH THE EXISTING ZONING AND TO DENY THE ZONING CASE, COUNCILMEMBER ALVAREZ?

Alvarez:.

Alvarez: I BELIEVE THE NEIGHBORHOOD FOLKS SAID THEY COULD SUPPORT THE GR WITH NO ACCESS ON TO BURNS; IS THAT CORRECT?

WE STRONGLY FEEL THAT THE M.F. 3 THAT WAS DECIDED ON THROUGH THE ENTIRE NEIGHBORHOOD PLANNING PROCESS IS THE CORRECT ZONING FOR BOTH THESE BOTH THE PROPERTY IN QUESTION AND THE PROPERTY WE ARE ASKING YOU TO DIRECT STAFF TO -- TO MOVE TO CHANGE BACK TO M.F. 3. BUT WE HAVE ALL THIS TIME STATED THAT IF WE CAN'T CONVINCE YOU OF THAT, PLEASE AT LEAST BLOCK ACCESS TO PROTECT OUR CHILDREN AND OURSELVES FROM THE TRAFFIC THAT'S GOING TO BE FUN FELLED THROUGH THERE. FUNNELED THROUGH THERE. THE WHOLE REASON HE WANTS TO HAVE THE ACCESS THROUGH THERE IS TO MAKE IT EASY FOR -- TO MAKE IT EASIER TO PUT THE BUILDINGS IN -- TRANSLATED HE WANTS TO PUT THE BUILDING ON A COLUMN EITHER SIDE, I HAVEN'T SEEN A PLAN I'LL ADMIT THAT. MY INTERPRETATION HE WANTS TO PUT BUILDINGS ALONG THE SIDE, COLUMN DOWN THE CENTER WITH THE PARKING AND ACCESS IS GOING TO BE,

IT'S GOING TO HAVE AN ENTRANCE ON LAMAR AND AN EXIT ON BURNS. BURNS IS AN EXTREMELY SMALL STREET. YOU CAN BARELY PARK A CAR ON EITHER SIDE AND GET DOWN THE MIDDLE. AND WE ALREADY HAVE A SERIOUS PROBLEM WITH CUT THROUGH TRAFFIC ON HAMMOCK, BURNS AND LAMAR PLAINS.

Slusher: I WAS BEING CONCERNED THAT WE ARE CREATING THE TYPE OF SITUATION THAT WE HAD TO DEAL WITH ON CLAY AVENUE THAT COUNCIL SAY 30 YEARS AGO CREATED. SO THAT'S -- I WOULD BE -- WELL, MS. GLASGO, IF WE COULD TALK LATER ABOUT THIS OTHER TRACT AND SEE IF WE WANT TO INITIATE SOMETHING? ON THAT? I DON'T WANT TO DO THAT JUST WITHOUT ANY FURTHER DISCUSSION OR WITHOUT DRIVING BY AND LOOKING AT IT MYSELF. BUT I THINK THAT THE MOTION THAT I MADE IS THE APPROPRIATE ONE FOR THIS PARTICULAR TRACT.

MAYOR, WOULD I ALSO HAVE A CHANCE TO RESPOND?

Mayor Wynn: YES, MR. BENNETT. IF YOU CAN BE BRIEF, PLEASE, SIR.

I'LL TRY TO BE YES, SIR. MAYOR WE DID OFFER TO TRY TO ELIMINATE THE TRAFFIC AND COMBINE THE TWO DRIVEWAYS INTO ONE. HOWEVER THE SITE ON THE M.F. IS NOT LARGE ENOUGH TO BUILD AN M.F. PROJECT. IF YOU CAN'T BUILD AN M.F. PROJECT ON THE SITE AND YOU CAN'T HAVE PARKING IN AN M.F. ZONE, THEN IT'S A USELESS PIECE OF PROPERTY. SO WE WOULD ALSO YOU TO TAKE THAT INTO CONSIDERATION IN YOUR REZONING TO M.F. AS FAR AS THE NEIGHBORHOOD PLAN, MAYOR, WE SPENT CONSIDERABLE TIME, MR. BLOCK DID A GREAT PRESENTATION IDENTIFYING TO YOU ON THE MAPS THE PROPERTIES THAT WE WERE TALKING ABOUT. I WAS HERE. I THINK THEY WERE HERE. I WAS AWAKE. I THINK THEY WERE AWAKE. THAT'S ALL I HAVE TO SAY ABOUT THAT ISSUE.

Mayor Wynn: THANK YOU, MR. BENNETT. COUNCILMEMBER ALVAREZ?

Alvarez: I REMEMBER THIS DEBATE PRETTY WELL, MR. BENNETT. YOU HAVE THOSE -- THAT ADJOINING LOT, TOO,

THAT IS ZONED GR-MU-CO-NP IS THAT CORRECT? YOUR CLIENT DOES?

YES, SIR.

Alvarez: AND THAT WAS ZONED THROUGH THE NEIGHBORHOOD PLANNING PROCESS. AND THEN THAT'S -- THAT'S THE REASON THIS CASE WAS INITIATED IS TO BRING IT INTO SOMEHOW KIND OF TRY TO -- SINCE IT'S ALL ONE PROPERTY OWNER, TRY TO GET THEM ALL TO HAVE SIMILAR TYPE OF ZONING AND AGAIN IF WE DID APPROVE THE G.R.-C.O.-MU, I'M STILL THINKING THAT THE ZONING CHANGE ALSO MAKES SENSE, BUT I DO AGREE THAT LIMITING ACCESS WOULD MAKE SENSE AS WELL. ACTUALLY I THINK, YOU KNOW, IN THE CLAY AVENUE EXAMPLE THERE WAS THAT TRACT OF LAND THAT WE APPROVED C.S. ON THAT COULD ACCESS LAMAR BUT NOT CLAY AVENUE, I THINK THIS WOULD BE KIND OF A SIMILAR SITUATION. I JUST DON'T KNOW THAT WORKS GIVEN THE CONSTRAINTS OF THE SITE. I DON'T KNOW IF YOU WANT TO SPEAK TO THAT MR. BENNETT.

THIS PARTICULAR SITE IS ABOUT A 50 BY 139. IT IS CONNECTED TO THE OWNER DOES OWN THE ADJOINING PROPERTY THAT FRONTS OUT ON LAMAR. MOST OF OUR TRAFFIC NOW ENTERS LAMAR AND LEAVES LAMAR. SAVE AND EXCEPT PERHAPS THE U.P.S. AND THE MAIL TRUCK, PROBABLY -- I CAN'T TELL YOU ALL THE TRAFFIC, BUT MOST OF IT COMES BACK OUT ON LAMAR. IN THOSE DISCUSSIONS THAT WE HAD, WE TRIED TO ADDRESS ALL OF THE CONCERNS OF THE NEIGHBORHOOD, SUCH AS TRYING TO PUT SOME KIND OF BARRIERS NOT TO ENTICE CUT-THROUGH TRAFFIC. NOT NECESSARILY OUR TRAFFIC AND DAN DID INDICATE BECAUSE HIS STREET LINES UP A LOT OF PEOPLE CUT RIGHT ON THERE. WE WERE TALKING ABOUT MOVING THE DRIVEWAY OVER AND CENTERING IT SO IT OFFSETS HAMMOCK STREET WHERE HE LIVES. ALL OF THESE THINGS WE ARE WILLING TO TRY TO ACCOMMODATE. BUT BECAUSE THE SITE IS LONG AND NARROW IT LENDS ITSELF TO BE DEVELOPED WITH AN ADDITIONAL ACCESS EVEN THOUGH IT MAY NOT BE THE PRIMARY, IF WE DO PUT THOSE IMPEDIMENTS THERE, WE THINK THAT WILL DISCOURAGE ANY CUT-THROUGH TRAFFIC.



Mayor Wynn: I HAVE A QUESTION FOR MR. GUERNSEY, I GUESS. SO, GREG, HOW IS IT -- WHEN WAS THIS PROPERTY ZONED M.F. 3? I MEAN -- YEARS AND YEARS AGO?

Guernsey: I IMAGINE IT WOULD BE YEARS AND YEARS AGO MAIRTS BUT OUR MAP SHOWS IT AND THE ZONING CASE SHOWS IT AS THE EXISTING ZONING BEING MP 3-NP. M.F. 3-NP.

THE-NP WAS RECENTLY ADDRESSED WITH BRENTWOOD NEIGHBORHOOD PLAN. MAIRTS WE WOULD HAVE HAD TO HAVE TAKEN ACTION TO ZONE -- ACTIVELY ADD THE NP ON TO THE EXISTING M.F. 3 ON THIS TRACT, CORRECT.

THE NP WOULD HAVE BEEN ADDED TO THE ENTIRE AREA, IN MANY TIMES WE HAVE CONTESTED CASES THAT COME BACK TO FINALIZE THE BASE DISTRICT ZONING. IN THIS PARTICULAR CASE, SINCE THE FUTURE LAND USE MAP WAS ADOPTED, THE ZONING IN PLACE FOR THESE OTHER TRACTS, WE HAD NOT NOTIFIED GOING THROUGH THE NEIGHBORHOOD PLANNING PROCESS FOR MORE INTENSIVE ZONING ON THIS PARTICULAR PROPERTY. SO WHAT STAFF IS DOING IS BRINGING THIS CASE FORWARD TO YOU NOW AFTER WE HAVE GIVEN NOTICE TO ADJACENT PROPERTY OWNERS WITHIN 300 FEET, ADVERTISING IN THE NEWSPAPER, PLACING SIGNS ON THE PROPERTY, OF THE CITY'S INTENT TO -- TO REZONE THE PROPERTY TO A MORE INTENSIVE DISTRICT OF GR-MU-CO-NP. THAT'S THE ONLY 7 WHY THIS CASE HAD TO WAIT UNTIL THIS EVENING TO COME FORWARD BECAUSE AT THE TIME WE WERE DOING THE NEIGHBORHOOD PLANS AND REZONING ASSOCIATED WITH THOSE CASES THIS PARTICULAR PROPERTY WAS NOT NOTIFIED FOR A MORE INTENSIVE BASED ZONING DISTRICT.

SO WHEN WE ACTIVELY ADD THE LETTERS NP ON TO AN EXISTING ZONING, THAT -- THAT'S NOT CONSIDERED, YOU KNOW, A -- A -- AN ACTIVE ZONING CASE. NOT IN THE SENSE OF CHANGING THE INTENSITY OF ZONING, BASE DISTRICT ZONING. WE HAD ALREADY NOTIFIED FOR THIS ENTIRE AREA TO HAVE AN NP. BUT NOT FOR A -- I GUESS A BASE DISTRICT CHANGE TO A MORE INTENSIVE DISTRICT. WE DID NOTIFY FOR THE NP. BUT NOT FOR THE GR WHEN WE WERE DOING THE NEIGHBORHOOD PLANNING PROCESS REZONING CASES

MAIRTS IT ALMOST SEEMS LIKE WE ZONED IT M.F. 3 NP AT THE SAME TIME WE SHOWED THE COMMERCIAL LAND USE AS BEING COMMERCIAL MIXED USE.

THAT IS CORRECT, THAT IS THE REASON WHY THE CASE IS BEING BROUGHT TO YOU TODAY SO THEY WOULD MATCH. SO -- YES, YOU DID APPROVE THE OFFICIAL LAND USE MAP FOR COMMERCIAL MIXED USE, DIRECTED TO COME BACK WITH THE CASE TO BRING BACK BEFORE YOU TO MAKE THE ZONING MATCH THE PLAN.

Mayor Wynn: SO IN THIS CASE WE DIDN'T BOTHER TO NOTIFY POTENTIAL UPZONING OF THIS OLD M.F. 3 SITE BECAUSE THE PROPOSED NEIGHBORHOOD PLAN FUTURE LAND USE CONTINUED TO SHOW THIS AS MULTI-FAMILY?

THAT'S CORRECT.

Mayor Wynn: SO IT WAS THIS COUNCIL TAKING ACTION TO CHANGE THE FUTURE LAND USE DESIGNATION FROM WHAT THE NEIGHBORHOOD PLAN SENT OUT NOTIFICATION FOR THAT THEN GOT US INTO THIS BIND OF HAVING -- WHEN WE CHANGED THAT FUTURE LAND USE DESIGNATION TO THEN INSTRUCT YOU TO COME BACK WITH THE APPROPRIATE ZONING CASE TO ALIGN THE TWO.

THAT'S CORRECT.

OKAY, THANK YOU, FURTHER COMMENTS, QUESTIONS?

Dunkerly: I HAVE ONE.

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: GREG, THE AGENT MADE THE COMMENT THAT THAT PARTICULAR PROPERTY CAN'T BE DEVELOPED AS M.F. 3. IS THAT BECAUSE OF THE SIZE OR LIMITATION?

THE SIZE IS CURRENTLY UNDER 8,000 SQUARE FEET. IT'S UNDER 8,000 SQUARE FEET. SO IT CANNOT BE DEVELOPED MULTI-FAMILY. IT COULD BE DEFINED WITH THE NEIGHBORHOODING PROPERTY. TO ACTUALLY BE DEVELOPED WITH MULTI-FAMILY. IT STILL COULD BE

DEVELOPED UNDER THE MULTI-FAMILY CLASSIFICATION WITH OTHER LAND USES. I BELIEVE THE TRACT IS OVER 7,000 SQUARE FEET. SO IT COULD BE DEVELOPED WITH A DUPLEX OR A SINGLE FAMILY HOME. OTHER CIVIC USES, A SMALL DAYCARE CENTER, SOMETHING LIKE THAT THAT MAY NOT REQUIRE THOSE MINIMUM LOT SIZES OF 8,000.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? A QUESTION FOR MR. BENEFIT NET. THE ISSUE OF -- AT THE TIME THAT COUNCIL CHANGED THE FUTURE LAND USE DESIGNATION TO COMMERCIAL MIXED USE, FOR THE TRACT GOING ALL THE WAY BACK TO BURNS, SINCE THAT TIME HAVE YOU ALL DONE SORT OF THE ANALYSES AND WHAT IS THE PROGNOSIS OF PHYSICALLY KEEPING ACCESS OFF OF BURNS? I MEAN, IS THE SITE -- DOES THIS COMBINED TWO LOTS WORK IN SUCH A WAY THAT ONLY COULD ONLY ACCESS LAMAR IN BACK?

MAYOR, THIS SITE IS -- IF YOU COMBINE IT WITH THE ADJOINING TRACT, IT FRONTS ON LAMAR. THAT WOULD GIVE YOU A TRACT THAT'S PROBABLY 50 BY 450 PLUS OR MINUS. WOULD THAT -- WITH THAT LONG SHAPE AND THE COMPATIBILITY SETBACKS THAT YOU HAVE FROM THE ADJOINING TRACTS, IT DOESN'T LEAVE YOU MUCH ROOM TO DEVELOP IT AS A SINGLE SITE. AND THE ACCESS AS WELL AS THE PARKING THAT WOULD BE REQUIRED WOULD TEND TO, UNDER THE SITE DEVELOPMENT REGULATIONS, THINK THAT YOU WOULD NEED ADDITIONAL ACCESS AT LEAST FOR EMERGENCY PURPOSES WITH THAT LONG LENT THE FIRE DEPARTMENT REQUESTS IF IT'S OVER 150 FEET LONG THAT YOU HAVE TO GET IN AND OUT OF THE SITE.

Mayor Wynn: DO YOU UNDERSTAND THIS CORRECTLY THAT THE SAME OWNER OWNS THE ADJACENT LOT TO THE -- TO THE --

TOWARD LAMAR, YES, SIR.

Mayor Wynn: TO THE NORTH THAT'S CURRENTLY ZONED GR-MU-CO--NP.

YES, SIR. IN COUNCIL WERE TO RECALL, WE WERE LOOKING AT THE TIME OF THE PRESENTATION OF THE

NEIGHBORHOOD PLAN TO DO THE INTERIOR DESIGN CENTER WHERE WE WOULD HAVE FRAME SHOPS, A.B.C. BLIND AND DRAPER AS IT'S BECOMING THERE FOR 50 YEARS, OTHER SHOPS THAT WOULD COMPLEMENT THAT TYPE OF BUSINESS ON THE TOTAL SITE.

Mayor Wynn: SO WHAT IS THE DIMENSION OF THE TOTAL PROPERTY THAT THIS OPENER OWNS?

PROBABLY, MAYOR, THINK IT'S PROBABLY GOING TO BE 100 FEET WIDE, BY 450 FEET DEEP, IF YOU WILL.

Mayor Wynn: OKAY. THANK YOU. FURTHER COMMENTS, QUESTIONS? I WILL WITH THE THE A LEASTENT CONTINUE A MOTION TO CLOSE THE PUBLIC HEARING ON ITEM NO. Z-7. MOTION MADE AND SECONDED. ALL IN FAVOR.

AYE.

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

Alvarez: ONE MORE QUESTION. DOES THE GR-MU -- THE TRARKT CURRENTLY IS ZONED GR-MU ALREADY -- DOES IT ALREADY HAVE ACCESS ON BURN, ALREADY EMPTY OUT INTO BURNS?

IT HAS ACCESS TO BURNS.

Alvarez: THAT DOES OPEN ALMOST RIGHT UP INTO HAMMOCK STREET --

THAT'S CORRECT.

OKAY.

Alvarez: THANK YOU, THE ONLY THING THAT I WOULD ADD IS JUST I -- I WOULD FEEL COMFORTABLE ZONING IT GR, WHAT'S THE GR REQUEST?

GR MU C.E.O. IF WE COULD LIMIT ACCESS ON BURNS. IF THE ADJOINING LOT OWNED BY THE SAME PERSON HAS ACCESS TO BURNS, THERE'S REALLY NO WAY OF LIMITING ACCESS

TO BURNS.

[INDISCERNIBLE]

Gurnsey: WHAT THE AGENT, MR. BENEFIT IN IT IS OFFERING IS THAT THE OWNER HAS AGREED TO LIMIT THEMSELVES TO A JOINT ACCESS DRIVEWAY, WITH THE ADJOINING LOT, TO THE NORTH. PROBABLY HAVE TO JUST TAKE THIS ITEM AT FIRST READING, IF COUNCIL WOULD LIKE TO EXPLORE THAT OPTION AND WE WOULD GET WITH OUR LAW DEPARTMENT ABOUT THE INSTRUMENT THAT WOULD BE USED TO -- TO I GUESS ENABLE A SINGLE JOINT ACCESS DRIVEWAY WITH THE PROPERTY TO THE NORTH. IF THAT'S THE COUNCIL'S DESIRE.

COUNCILMEMBER ALVAREZ, THEN YOU WOULDN'T HAVE THAT STRAIGHT ALIGNMENT WITH HAMMOCK IF YOU WERE ABLE TO MOVE IT OVER. IT WOULD BE MISALIGNED WITH HAMHAMMOCK AND DISCOURAGE THE THROUGH TRAFFIC.

Alvarez: I UNDERSTAND. WE WERE JUST TRYING TO SEE ABOUT THE IDEA OF LIMITING ACCESS ALTOGETHER FROM THE COMBINED SITE. DOESN'T LOOK LIKE THAT'S GOING TO WORK HERE.

MR. GUERNSEY, THE -- OBVIOUSLY SINCE STAFF ESSENTIALLY WAS DIRECTED BY COUNCIL IN EFFECT BY OUR DECISION ON THE FUTURE LAND USE DESIGNATION, IN FACT A COUPLE OF MONTHS AGO, IN ADDITION TO THIS -- THIS WOULD BE THE STAFF'S RECOMMENDATION WOULD BE THIS REZONING.

RIGHT. THE STAFF HAS RECOMMENDED THIS AND THE PLANNING COMMISSION HAS RECOMMENDED THE REZONING. THAT WOULD BE TO MATCH THE FUTURE LAND USE MAP.

Mayor Wynn: THANK YOU. FURTHER COMMENT? QUESTION? I'LL ENTERTAIN A MOTION ON Z-7. I'M SORRY, I GUESS WE ALREADY HAVE -- EXCUSE ME, WE HAVE A MOTION AND A SECOND ON THE TABLE ON Z-7 TO AMEND THE FUTURE LAND USE PLAN FOR THIS TRACT AND DENY THE ZONING CASE.

CITY ATTORNEY?

THAT'S A DIRECTION --

IT WOULD HAVE TO BE A DIRECTION. YOU ARE NOT POSTED TO ACTUALLY AMEND THE FUTURE LAND USE MAP AT THIS TIME. BUT YOU CAN DIRECT STAFF, YOU CAN DENY THE ZONING AND DIRECT STAFF TO GO BACK AND BRING FORWARD AN AMENDMENT TO THE FUTURE LAND USE MAP ALONG THE LINES THAT YOU WISH.

Mayor Wynn: THAT BEGS A QUESTION, I CAN'T THINK OF A CASE WHERE WE'VE GONE BACK ON ONE OF OUR NEIGHBORHOOD PLANS AND HAVE CHANGED SORT OF INDIVIDUALLY CHANGED JUST A FUTURE LAND USE DESIGNATION OF AN INDIVIDUAL TRACT. DID -- IS THE PROCESS VERY SIMILAR TO LIKE A ZONING CHANGE? WHAT'S THE SORT OF THE FORMAT AND VEHICLE WHEREBY ALL THE CITY DOES IS CHANGE A FUTURE LAND USE DESIGNATION ON THE PLAN?

Guernsey: WELL, WE WOULD ADVERTISE THE PROPOSED CHANGE, THE FUTURE LAND USE, BRING THAT BEFORE THE COMMISSION AFTER NOTIFYING STAKEHOLDERS IF THE -- IF THE NEIGHBORHOOD CONTACT TEAM, NOTIFY THEM CERTAINLY AND THAT WOULD BRING THAT FUTURE LAND USE MAP AMENDMENT BACK BEFORE THE COUNCIL. WHAT THE COUNCIL COULD DO RATHER THAN DENYING THIS REQUEST, I GUESS YOU COULD APPROVE IT ON FIRST READING, DIRECT STAFF TO BRING BACK AN AMENDMENT TO THE FUTURE LAND USE MAP, THEN WE WOULD HAVE BOTH ITEMS BEFORE YOU AT THE SAME TIME TO CONSIDER, IF YOU WERE TO DENY THE REQUEST THIS EVENING, THEN WE WOULD BRING BACK A -- AND CHANGE THE FUTURE LAND USE MAP, COUNCIL WOULD NOT HAVE THE OPPORTUNITY TO WEIGH EITHER KEEPING IT COMMERCIAL MIXED USE OR JUST CHANGING IT TO MAEMENT. BUT BY DOING PERHAPS FIRST READING TODAY AND THEN BRINGING BACK AND DIRECTING STAFF TO CHANGE TO THE FLUM, THEN YOU WOULD HAVE THE OPPORTUNITY TO REVIEW BOTH THE PLAN AND ZONING AT THE SAME TIME. AND THEN YOU COULD HEAR WITH REGARDS TO THE PLAN AMENDMENT BEFORE YOU MAKE YOUR FINAL DECISION ON THE

REZONING CHANGE. I ONLY OFFER THAT AS A SUGGESTION.

Mayor Wynn: I WAS THINKING OF SOMETHING LIKE THAT. FRANKLY, COUNCIL WITH THIS DISCUSSION AND -- YOU KNOW AN ACTION LIKE SIMILAR TO MR. GURP SEE'S SUGGESTION OF TRYING TO GO BACK NOW AND RETHINK OR REALIGN BOTH THE FUTURE LAND USE DESIGNATION AND THE ZONING CASE, FRANKLY TO ME THAT BRINGS INTO QUESTION THEN THE TRACT TO THE NORTH. I'M A PROPONENT OF SINGLE -- TO HAVE A SINGLE NARROW COMMERCIAL MIXED USE TRACT THEN BEING REMAINING RUNNING THE ENTIRE LENGTH OF A 50-FOOT WIDE LOT FROM LAMAR ALL THE WAY BACK TO BURNS. OBVIOUSLY WE HAD THIS DISCUSSION ONCE. THE NEIGHBORHOOD PLAN WAS FIRST BROUGHT TO US. COUNCILMEMBER DUNKERLY?

Dunkerly: PERHAPS, WE HAD BETTER DO THIS ONE ON FIRST READING AND TAKE -- YOU KNOW, I'M REALLY CONFUSED BY IT. TAKE A LOOK AT THIS WHOLE ISSUE. ONE OTHER QUESTION THAT I WOULD HAVE FOR GREG, I KNOW WHAT YOUR RECOMMENDATION IS NOW BECAUSE OF THE WAY THE LAND USE PLAN WAS ADOPTED. BUT WHAT WAS YOUR ORIGINAL ORIGINAL RECOMMENDATION, WASN'T IT M.F. 3.

IT WAS MULTI-FAMILY FOR THIS TRACT AND THE TRACT TO THE NORTH.

Mayor Wynn: RIGHT. THAT WOULD BE HI NEXT QUESTION. WITH A SIMILAR LEGITIMATE OR DID THE -- DID THE M.F. 3 --

Gurensey: I BELIEVE IT WAS A SIMILAR ALIGNMENT. I COULD NOT SAY FOR SURE. TALKING TO CARLOS SOLIZ THE MANAGER NEIGHBORHOOD PLANNING INDICATES IT WAS A SIMILAR ALIGNMENT. IF COUNCIL SO DESIRED YOU COULD ASK STAFF TO -- TO DIRECT STAFF TO CONSIDER A MAP AMENDMENT FOR THE FUTURE LAND USE MAP BOTH ON THIS TRACT AND THE TRACT TO THE NORTH.

Dunkerly: I WOULD LIKE TO LOOK AT ALL OF THE BACKUP DOCUMENTS AND REVIEW THEM AGAIN.

Gurensey:: ALSO DIRECT US TO INITIATE REZONING FOR THE TRACT TO THE NORTH AND WE WOULD BRING BACK BOTH

FOR RECONSIDERATION, PLAN AMENDMENT AND REZONING, YOU COULD REVIEW THEM IN CONTEXT WITH EACH OTHER. THAT WOULD ONLY BE A DIRECTION.

Mayor Wynn: THANK YOU, MR. GUERNSEY. COUNCIL, WE HAVE A MOTION AND A SECOND ON THE TABLE THAT -- THAT AS DECISIVE AS THE ACTION WOULD BE THIS EVENING, THAT SEEMS TO ME IT SETS US UP FOR A COUPLE MORE POSTINGS AND DISCUSSIONS. ON AT LEAST THE TRACT TO THE NORTH. FURTHER COMMENTS, QUESTIONS? I AM NOT -- I'M HESITANT BECAUSE I'M TRYING TO FIGURE OUT HOW TO HAVE A -- YOU KNOW THE MORE TRANSPARENT, MORE HOLISTIC ANALYSIS OF SORT OF THE FOUR DECISIONS. THE FUTURE LAND USE DESIGNATION ON BOTH OF THESE TRACTS WITH APPARENTLY OWNED BY THE SAME OWNER AND ZONING CASES. WE HAVE THE SITUATION, EITHER TO WHERE WE DON'T HAVE A POSTED ZONING CASE THAT WOULD SOMEHOW MAKE THIS MORE CONGRUENT OR WE DON'T HAVE THE POSTED LAND USE DESIGNATION CHANGE THAT WOULD MAKE THE ZONING CONSISTENT WITH THE DESIGNATION. WHERE HE SORT OF BACKED OURSELVES INTO A DISCONNECTED --

Guernsey: YOU ALSO HAVE THE OPTION OF POSTPONEMENT. IT IS A CITY INITIATED CASE, YOU COULD THINK ABOUT IT.

Slusher: ARE YOU SUGGESTING TO BRING -- HAVE THE CITY INITIATE THE ZONING CASE ON THE OTHER PROPERTY? TOO?

Mayor Wynn: I'M SUGGESTING THAT IT SEEMS LIKE EITHER WAY RIGHT NOW WE EITHER HAVE TO TALK ABOUT TRYING TO POST A ZONING CASE IN ORDER TO -- WE EITHER NEED -- WE EITHER NEED TO CHANGE THE FUTURE LAND USE DESIGNATION ON ONE TRACT TO ALIGN IT WITH THE ZONING CASE OR WE NEED TO POST A ZONING CASE TO ALIGN IT WITH OUR FUTURE LAND USE DESIGNATION. WE DON'T HAVE -- THOSE -- THEY ARE NOT ALIGNED RIGHT NOW, THEY ARE --

Slusher: YEAH, I REALIZE THAT. SEEMED LIKE COUNCILMEMBER ALVAREZ WAS OFFERING UP THE OPPORTUNITY TO DO IT AS A -- AS THE GR IF THEY COULD STOP THAT ACCESS ON TO BURNS. AND I DIDN'T SEE ANY



TAKING ON -- ANY -- THAT DIDN'T SEEM TO GET ANYWHERE. BUT THEN YOU STILL HAVE THE PROBLEM OF THE OTHER ONE EMPTYING BACK THERE. I COULD SEE IT PERHAPS BEING GR IF IT WAS -- IF THERE WAS NO ACCESS, BUT I HAVEN'T HEARD AN OFFER TO DO THAT. EVEN IF YOU WERE GOING TO DO THAT, YOU HAVE TO INITIATE THE OTHER ZONING CASE. LET ME ASK THIS. MR. GUERNSEY, WHAT WAS THE ZONING ON THE TRACT TO THE NORTH BEFORE THE NEIGHBORHOOD PLAN?

Guernsey: I BELIEVE THAT WAS M.F. 3.

NO.

Slusher: NO.

SF- IT WAS PUT UP -- CAN I TALK?

WELL, IF YOU --

Slusher: I WOULD ASK HIM A QUESTION THEN.

IT WAS SF, PRIOR AND THAT'S WHY NOTIFICATION WENT OUT FOR REZONING FOR THAT PROPERTY TO BRING IT UP TO MATCH THE M.F. RIGHT NEXT DOOR. AND THAT'S WHY ALL THE REMAINING PROPERTIES TO THE END OF THE BLOCK, THOSE WERE ALL ZONED M.F. THE WHOLE SIDE OF THE STREET WAS ZONED M.F. TO MATCH. AND THEN DURING THE RATIFICATION PROCESS THEY BROUGHT FORTH THE IDEA TO PUT -- TO SPOT ZONE RIGHT IN THE MIDDLE GR-MU AND -- WE DIDN'T CATCH IT, WE MISSED IT. STAFF MISSED IT. THE ORIGINAL STAFF RECOMMENDATION THAT WAS APPROVED BY NEIGHBORHOOD WAS M.F. ALL THE WAY DOWN AND EVERYTHING WAS NOTIFIED AND SET UP FOR THAT AND THAT'S WHY WE HAVE ONE THAT'S -- THAT WE WERE DEALING WITH NOW BECAUSE THAT COULDN'T HAVE BEEN CHANGED AT THE TIME BECAUSE IT WAS ALREADY M.F. 3. THAT WAS WHAT WE WERE GOING FOR. >> > SLUSHER: SOUNDS LIKE WE LET MR. BENNETT PERSUADE US TO UP ZONE DURING THE NEIGHBORHOOD PLAN AND LOOKING BACK I DON'T THINK THAT WAS A WISE --

Guernsey: HE IS CORRECT. THE ONE THING THAT I WOULD

ADD IS THAT THE TRACT TO THE NORTH THAT WAS ZONED SF-3 WAS ZONED SF-3 FOR ABOUT THE EASTERN TWO-THIRDS OF THE PROPERTY. AND THEN THE LAST THIRD THAT ACTUALLY FRONTED ON NORTH LAMAR WAS C.S. SO THE AREA TO THE NORTH THAT WAS REZONED FROM SINGLE FAMILY 3 TO GR-MU-CO-NP TO THE NORTH WAS ABOUT TWICE THE SIZE OF THE TRACT THAT WE ARE CONSIDERING RIGHT FOR YOU.

GRAPHIC WORKS WELL.

MAYOR, IF YOU COULD ASK ME A QUESTION MAYBE WE COULD HAVE A QUICK RESOLUTION. I DISCUSSED IT WITH MY CLIENT HE'S SAYING RATHER THAN TO GIVE UP HIS RIGHTS TO USE HIS PROPERTY FOR COMMERCIAL HE'LL AGREE HOG TIED TO THE PROHIBITED ACCESS EXCEPT FOR COMMERCIAL ACCESS. I MEAN --

Slusher: WHAT DOES THAT MEAN EXCEPT FOR COMMERCIAL ACCESS?

WELL, FIRE TRUCKS. COUNCILMEMBER SLUSHER IT'S 450 FEET LONG. IF A FIRE TRUCK --

HE DOESN'T SAY FIRE TRUCKS, YOU SAID COMMERCIAL ACCESS.

I SAID EMERGENCY ACCESS. THAT WAS WHAT I MEANT TO SAY WAS EMERGENCY ACCESS.

YOU SAID COMMERCIAL.

I'LL RETRACT THAT AND SAY EMERGENCY ACCESS. THAT'S FOR THE FIRE TRUCKS AND AMBULANCES TO GO THROUGH. IF THAT -- I BELIEVE THAT'S WHAT THE NEIGHBORHOOD SAID THAT THEY COULD LIVE WITH. THAT MAY KEEP COUNCIL FROM UNDOING THINGS THAT WERE DONE OR WHATEVER WE ARE AT NOW. IF THAT'S -- IF THAT'S AN OFFER.

Goodman: LET ME ASK HOW YOU WOULD RESTRICT IT TO EMERGENCY ACCESS WITH A CRASH GATE?

YES, MA'AM. MAYOR PRO TEM, THAT'S THE STANDARD WAY

TO DO IT, PUT CRASH GATES IN AND FIRE TRUCK JUST KNOCKS THEM OVER WHEN THEY GO THROUGH.

Goodman: OVER THE YEARS I'VE HEARD A LOT OF PROMISES ABOUT CRASH GATES. BUT TO THIS DATE I DON'T BELIEVE THAT I HAVE EVER ACTUALLY SEEN ONE GO IN. SO --

THERE'S ONE NEXT DOOR TO MY HOUSE, BUT I WOULD BE SCARED TO DRIVE A FIRE TRUCK THROUGH IT.

Goodman: WHAT DO THEY LOOK LIKE?

THEY CAN JUST SIMPLY BE BEFORE AWAY LIKE LIGHT POLES HAVE BREAK AWAY POSTS, THEY HIT WITH THE BIG BUMPERS ON THE FIRE TRUCK, IT JUST KNOCKS IT OVER. YOU SEE THE STREET LAMPS WHEN A CAR HITS IT, IT JUST BREAKS. SAME THEORY.

Guernsey: MAYOR PRO TEM, WHAT WE COULD DO IS IF YOU WERE TO CONSIDER IT ON FIRST READING THIS EVENING, THAT WOULD BE ONLY FOR EMERGENCY ACCESS, AND WE COULD BRING SOME EXAMPLES TO YOU OF WHAT COULD BE USED TO -- TO RESTRICT THE ACCESS TO EMERGENCY VEHICLES ONLY. AND THIS IS WITH THE UNDERSTANDING THAT THE ADJOINING PROPERTY TO THE NORTH IS OWNED BY THE SAME PROPERTY OWNER. AND THAT THERE WOULD BE REASONABLE ACCESS AFFORDED TO THIS TRACT THROUGH THE ADJOINING PROPERTY TO THE NORTH IF SUCH A CONDITION WERE MAINTAINED THROUGH FINAL ORDINANCE READING. I WILL DEFER TO COUNCILMEMBER SLUSHER HAVING SECONDED WHAT SEEMED LIKE A CLEAN AND LOGICAL ACTION TONIGHT. YOU KEEP -- IF HE PREFERS IT, THEN I WILL GO WITH FIRST READING ON THE OTHER ONLY IF SO.

Slusher: I WOULD BE OKAY WITH DOING THAT. I TELL YOU THERE'S A VALID PETITION ON THIS, RIGHT?

Gurnsey: THAT IS CORRECT.

Slusher: I'M GOING TO BE REAL SKEPTICAL AND PROTECTIVE OF THE NEIGHBORHOOD TO WHERE WE DON'T CREATE A -- A SITUATION LIKE ANYWHERE, ANYTHING AKIN TO WHAT WE

HAD ON CLAY AVENUE. BUT THERE'S ENOUGH UNCERTAINTY ON THIS THAT I'M OKAY WITH DOING SOMETHING ON FIRST READING. BUT THAT'S ALMOST TANTAMOUNT TO A POSTPONEMENT, WE COULD ALSO DO THAT OF COURSE. TO -- THAT MIGHT EVEN BE MORE APPROPRIATE TO TRY TO WORK SOMETHING OUT AND ACCEPT MR. BENNETT'S OFFER I MEAN EXCEPT THAT HIS OFFER IS ON THE TABLE HERE. I'M NOT GUARANTEEING IF I VOTE FOR SOMETHING ON FIRST READING, CERTAINLY NOT GUARANTEEING THAT I'M GOING TO VOTE FOR IT ON SECOND READING, HOPEFULLY IT WILL HAVE A CLEARER IDEA OF THE SITUATION AT THAT POINT. 7 I APPRECIATE THE -- YOUR APPROACH ON THAT MAYOR PRO TEM. >> > MAYOR WYNN: SO COUNCILMEMBER SLUSHER DO YOU WANT TO ARE W DRAW -- TO WITHDRAW YOUR MOTION TO DENY AND CONSTRUCT AN AMENDMENT TO THE FUTURE LAND USE DESIGNATION --

Slusher: I'M NOT GOING TO MAKE THE MOTION FOR THE OTHER ZONING, NO. WHY DON'T WE POSTPONE IT TO THE 21st?

Goodman: I SECOND THAT.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY THE MAYOR PRO TEM TO POSTPONE THIS CASE ON OCTOBER 21st, 2004. AND IF I COULD, I WOULD LIKE TO -- TO ASK CITY STAFF BOTH TO INVESTIGATE THE TECHNICALITIES OF THE RESTRICTION OF ACCESS WITH THE EXCEPTION OF EMERGENCY ACCESS TO BURNS AND MR. BENEFIT IN IT, IT MIGHT HELP THE DISCUSSION AND ANALYSIS IN OCTOBER IF YOU PERHAPS -- IF YOU WERE TO DO A SIMPLE LAND USE PLAN TO SEE HOW REALISTIC A 100-FOOT WIDE PIECE OF COMMERCIAL PROPERTY, 400 SOME ODD FEET LONG OFF LAMAR WOULD WORK FOR, YOU KNOW, FOR THE PROPERTY OWNER. FURTHER COMMENTS, DISCUSSION? MOTION AND SECOND ON THE TABLE TO POSTPONE. TO OCTOBER 21st, 2004. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU, MAYOR.

THANK YOU, MR. GUERNSEY. MS. GLASS GO, THAT ALL OF THE ZONING CASES. COUNCIL, THAT TAKES US TO OUR PUBLIC HEARINGS AND POSSIBLE ACTION. WE HAVE ALREADY POSTPONED ITEM NO. 94. THAT LEAVES US WITH A NUMBER OF HEARING ON FULL PURPOSE ANNEXATION, ITEMS 95 THROUGH 105 5. WELCOME MR. BEN LUCK LUKENS.

YES, SIR. MOST OF THESE ARE RIGHT-OF-WAYS, SO WE WILL RUN THEM THROUGH PRETTY QUICKLY. FIRST ONE OF THESE IS THE -- IS AT 290 ED BLUESTEIN RIGHT-OF-WAY. IT'S 16 ACRES OF THE SOUTHEAST CORNER, U.S. 290 EAST AND ED BLUESTEIN. THIS ANNEXATION TAKES IN, INCLUDES -- TAKES IN THE PHYSICAL INTERSECTION AND INCLUDES ONLY THE ROAD IMPROVEMENTS CURRENTLY UNDER CONSTRUCTION AND SOME ADDITIONAL RIGHT-OF-WAY. THIS IS THE FIRST OF TWO PUBLIC HEARINGS, ANOTHER PUBLIC HEARING NEXT WEEK AND THEN ACTION WILL BE TENTATIVELY SCHEDULED FOR OCTOBER 28th. I HAVE SERVICE PLANS OVER IN THE LONG TABLE TO MY LEFT. THAT CONCLUDES THE PRESENTATION ON THIS U.S. 290 ED BLUESTEIN RIGHT-OF-WAY. ESSENTIALLY TAKE OVER FROM THE COUNTY THE SERVICES THEY PROVIDE AND PROVIDE ADDITIONAL ENHANCES SERVICES NOT OTHERWISE PROVIDED. OF COURSE THIS IS RIGHT-OF-WAY.

THANK YOU, HANG ON ONE SECOND. COUNCIL, WITHOUT OBJECTION, WITH SOUND LEGAL ADVICE HERE TO MY LEFT, I BELIEVE WE CAN TAKE UP ALL OF THESE PUBLIC HEARINGS, LET MR. LUKENS GO THROUGH ALL OF THESE ESSENTIALLY RIGHT-OF-WAY TYPE PUBLIC HEARINGS, 95 THROUGH 104, 1505 IS A -- 105 IS POTENTIALLY A CONTESTED ANNEXATION HEARING WHERE WE HAVE A NUMBER OF CITIZENS SIGNED UP. DOES THAT SOUND KOSHER TO YOU?

SOUNDS GOOD TO ME.

CARRY ON.

SO THE NEXT ONE, NEXT FULL PURPOSE ANNEXATION OF ALUM ROCK RIGHT-OF-WAY. THIS IS ABOUT [INDISCERNIBLE] FEET OF THE DRIVE, CORRECTS ONE OF THOSE IN-OUT

SITUATIONS. I WILL SHOW YOU WHAT IT LOOKS LIKE. THAT'S ALUM ROCK. ADJACENT TO THE CITY ON BOTH SIDE. SO THE NEXT ONE IS THE -- IS BURLESON ROAD RIGHT-OF-WAY. THIS PICKS UP ABOUT 2100 FEET OF BURLESON ROAD. AGAIN CORRECT ONE OF THESE IN-OUT SITUATIONS. NEXT ONE OF THESE IS THE ANNEXATION OF CANYON CREEK WEST 50-FOOT STRIP AND THIS IS A -- FLIP IT OVER, YOU CAN SEE IT. TURN IT OVER. THANK YOU. AND THIS IS A 50-FOOT WIDE EMERGENCY VEHICLE DRIVEWAY. INADVERTENTLY LEFT OUT OF THE ANNEXATION CASE LAST YEAR THAT BROUGHT IN THE BALANCE OF THE AREA OF THAT WHICH IS AN APARTMENT COMPLEX. ACTUALLY A CRASH GATE AT THE END OF THIS. THE NEXT ONE IS THE FULL PURPOSE ANNEXATION OF DESSAU ROAD RIGHT-OF-WAY. FLIP THIS OVER TO TAKE A LOOK AT THAT. THIS ANNEXATION IS DUE TO THE REALIGNMENT OF DESSAU ROAD, ONLY THE SOUTHBOUND LANES OF DECEMBER SAWS CURRENTLY IN THE CITY LIMITS, THIS ANNEXATION BRINGS IN THE NORTHBOUND LANES. THE NEXT ONE WAS A -- DON'T FLIP IT OVER YET. SURE. NEXT ONE IS THE ANNEXATION OF MARKET AT WELLS BRANCH AREA. THIS AREA TURNS OUT TO BE -- PART OF A -- OF A PARKING LOT AND TURNS OUT THAT THIS PART OF THE PARKING LOT WAS ACTUALLY WELLS BRANCH MUD. WE ARE NOT ANNEXING, ALREADY POSTED BUT NOT HOLDING THIS PUBLIC HEARING. THE NEXT ONE IS THE FULL PURPOSE ANNEXATION OF THE NELSON AREA. THIS IS NOT -- LET'S DO THE RIGHTS OF WAY, THEN BACK TO NELSON. THE NEXT ONE FLIP OVER TWO MORE, ONE TWO, FULL PURPOSE ANNEXATION OF PARMER/U.S. 290 EAST RIGHT RIGHT-OF-WAY DUE TO REALIGNMENT OF PARMER LANE AT THE INTERSECTION OF PARMER AND 290 EAST ONLY THE SOUTHBOUND LANES ARE IN THE CITY LIMITS. THIS ANNEXATION BRINGS THE NORTHBOUND LANES INTO THE CITY LIMITS. FLIP OVER THAT. THE NEXT ONE. WHICH IS FULL PURPOSE ANNEXATION OF THE SOUTHWEST PARKWAY RIGHT-OF-WAY. AND THIS IS THE SITUATION WE HAVE AN IN-OUT SITUATION WHERE THE ROAD WAS BUILT ONE WAY, THE CITY LIMITS ANOTHER WAY, NOW WE ARE CORRECTING THAT SITUATION BRINGING BOTH THE LANES BACK INTO THE CITY LIMITS. THAT'S IT FOR ALL OF THOSE RIGHTS OF WAY. NOW I NEED TO GO BACK TO -- BACK TO THESE RIGHTS OF WAY. ESSENTIALLY TAKE OVER FROM THE COUNTY THE

SERVICES THEY PROVIDE, PROVIDE ADDITIONAL ENHANCED SERVICES, NOT OTHERWISE PROVIDES, OF COURSE THEY ARE RIGHTS OF WAY SO WE DO ROAD MAINTENANCE AND SERVICES. NOW WE ARE BACK TO THAT, IF -- FOR ALL OF THOSE RIGHTS OF WAY. DO YOU WANT TO CLOSE THEM OR -

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WHY DON'T YOU FINISH WITH THE NELSON AREA AND THEN THE OTHER ONE AND THEN WE'LL TAKE CARE OF ALL OF THEM.

SO THE NEXT ONE WE HAVE GOT IS THE NELSON AREA. THIS IS ABOUT 165 ACRES AND INCLUDES AN 800 LOT SINGLE FAMILY SUBDIVISION CALLED THE WOOD LANDS. AS WELL AS SOME OTHER TRACTS THAT ARE PARTIALLY INSIDE THE CITY LIMITS. IT UP THERE ALONG ON F.M. 969, YOU CAN SEE -- AND THE BALANCE OF THE OTHER TRACTS. THAT'S NELSON. FLIP IT OVER FOR THE NEXT ONE. THIS HAS SIX ACRES IN TRAVIS COUNTY. IT'S AN UNDEVELOPED OUTPARCEL WITHIN PIONEER HILL AND IT WAS BECAUSE OF THE WAY THE LEGAL DESCRIPTION WAS IMPROPERLY WRITTEN, IT WAS INADVERTENTLY LEFT OUT OF THE PIONEER HILL ANNEXATION. NOW -- SINCE IT'S NOW TOTALLY BOUNDED BY THE CITY LIMITS, WE ARE CORRECTING THAT MISTAKE THAT WE DISCOVERED DURING SOME MAPPING, WE ARE NOW PROPOSING THAT FOR ANNEXATION. AGAIN FOR ALL OF THOSE AREAS TAKE OVER FROM THE COUNTY FOR THE SERVICES THEY PROVIDE AS WELL AS PROVIDING ADDITIONAL ENHANCED SERVICES NOT OTHERWISE PROVIDED. THAT CONCLUDES MY PRESENTATION ON ALL OF THESE AREAS.

Mayor Wynn: THANK YOU, MR. LUKENS. THAT TOOK US FROM ITEMS 95 THROUGH ITEMS 104.

YES.

Mayor Wynn: THANK YOU VERY MUCH, WELL DONE. ANY CITIZENS WISHING TO BE HEARD ON THESE PUBLIC HEARINGS FOR THESE FULL PURPOSE ANNEXATIONS CASES 95 THROUGH 104? ANY CITIZENS WISHING TO BE HEARD? HEARING NONE, COUNCIL, I WILL ENTERTAIN A JOINT

MOTION TO CLOSE ALL OF THESE PUBLIC HEARINGS?

Goodman: SO MOVE, MAYOR.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM THAT I WILL SECOND TO CLOSE THE PUBLIC HEARINGS ON CASES 95 THROUGH 104. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF -- PUBLIC HEARING CLOSES ON A VOTE OF 6-0 WITH COUNCILMEMBER SLUSHER OFF THE DAIS. WATCHING THE DEBATE. [LAUGHTER] IS THAT THE NEXT CASE IS THE FULL PURPOSE ANNEXATION OF THE GREENSHORES AREA. GREENSHORES IS APPROXIMATELY 177 ACRES, LET ME GO BACK FOR A SECOND. THIS IS THE FIRST OF TWO PUBLIC HEARINGS, THERE WILL BE A SECOND PUBLIC HEARING NEXT WEEK AND ACTION WILL BE TENTATIVELY SCHEDULED FOR OCTOBER 28th. SERVICE PLANS ARE ON THE TABLE TO MY LEFT. GREENSHORES IS APPROXIMATELY 177 ACRES BETWEEN THE CITY'S EMMA LONG PARK AND THE EXISTING CITY LIMIT ALONG LAKE AUSTIN. THE AREA INCLUDES 60 PLATTED SINGLE FAMILY LOTS AND ANOTHER 66 SINGLE FAMILY LOTS WHICH RECEIVE PRELIMINARY PLAN APPROVAL. AS OF MID AUGUST THE CITY ISSUED ELECTRIC PERMITS FOR 6 HOMES IN THE ANNEXATION AREA. AND I'M SURE THAT WE HAVE ISSUED A FEW MORE SINCE THEN. HOMES UNDER CONSTRUCTION. TO THIS DATE, THE AREA HAS NO RESIDENTS. AREA IS TOTALLY WITHIN THE WASTEWATER CERTIFICATE OF CONVENIENCE AND NECESSITY HELD BY THE DEVELOPER. AND MOST OF THE AREA IS WITHIN THE WATER CC HELD BY THE DEVELOPER, AS YOU MAY KNOW THE CITY IS NOT REQUIRED TO PROVIDE UTILITY SERVICE IN AN AREA TO WHICH ANOTHER ENTITY HOLDS A CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THAT SERVICE. THE SERVICE PLAN RESIDES FOR THE EXTENSION OF FULL MUNICIPAL SERVICES TO THE AREA AT A LEVEL EQUAL TO WHAT IS PROVIDED TO SIMILARLY SITUATED AREAS IN THE BALANCE OF THE CITY. SERVICE PLAN IS DIVIDED INTO THREE SECTIONS, THE EARLY ACTION PLAN WHICH INCLUDES SERVICES SPECIFICALLY CALLED OUT IN THE



ANNEXATION STATUTE, ADDITIONAL SERVICES WHICH INCLUDE THE OTHER MUNICIPAL SERVICES WE PROVIDED THE BALANCE PROVIDED IN THE CITY AND CAPITAL IMPROVEMENTS SECTION. ACTION PLAN TO PROVIDE SERVICES [INDISCERNIBLE] FIRST ONE OF THOSE, THIS IS IN THE ORDER THEY FALL IN IN THE STATUTE, FALL INTO THE SERVICE PLAN, FIRST IS POLICE, OF COURSE A.P.D. WOULD TAKE OVER AND PROVIDE SERVICES TO THE AREA. THE CITY CURRENTLY PATROLS 2222 AND CITY PARK ROAD. IN THE IMMEDIATE VICINITY OF THE ANNEXATION AREA. AS YOU KNOW THE SOLE ACCESS TO THIS PROPERTY IS CITY PARK ROAD. THE FIRE, THE CITY WOULD LIKELY HAVE TO CONTRACT WITH ESD 4 FOR EMERGENCY FIRST RESPONDER SERVICES. AFD OF COURSE WILL ALSO RESPOND TO CALLS. E.M.S., THE CITY ALREADY IS CURRENTLY THE E.M.S. PROVIDER TO THE AREA. WE MAY HAVE TO CONTRACT THROUGH E.M.S. FIRST RESPONDER SERVICES WITH ESD 4. SOLID WASTE SERVICES, CITY PROVIDES SAME TO THE AREA UPON ANNEXATION, AT THIS TIME THERE ARE NO RESIDENTS IN THE AREA. MAINTENANCE OF WATER AND WASTEWATER FACILITIES, THE AREA IS CO-TERM NEWS WITH THE BOUNDARIES OF A PRIVATE WASTEWATER UTILITY WITH A CERTIFICATE OF CONVENIENCE AND NECESSITY, THE OWNER OF THIS SYSTEM HAS THE AUTHORITY AND RESPONSIBILITY TO OPERATE AND MAINTAIN WASTEWATER FACILITIES WITHIN THE CCN AREA. MOST OF THE PROPOSED ANNEXATION AREA LIES WITHIN THE BOUNDARIES OF ONE OR TWO CCNS WHICH ARE ALSO HELD BY THE DEVELOPER AND AGAIN THE OWNER OF THESE SYSTEMS HAVE THE AUTHORITY AND RESPONSIBILITY TO OPERATE AND MAINTAIN WATER FACILITIES WITHIN THE CCN AREA. OR TO SERVICE THE NEW DEVELOPMENT TO AREAS OUTSIDE OF THE -- TO BE PROVIDED BY THE WATER UTILITY IN ACCORDANCE WITH THE CITY'S SERVICE EXTENSION POLICY. MAINTENANCE OF THE ROADS, STREETS, ACTUAL TERMS THEY USE, MAINTENANCE AND ROADS AND STREETS INCLUDING STREET LIGHTING, STREET AND BRIDGE DIVISION OF PUBLIC WORKS DEPARTMENT WILL MAINTAIN PUBLIC STREETS, IN WHICH THE CITY HAS JURISDICTION, A VARIETY OF THINGS WHICH WE ALL KNOW THEY DO. IF NECESSARY TRANSPORTATION [INDISCERNIBLE] ALSO PROVIDE REGULATORY [INDISCERNIBLE] IN THE ANNEXATION AREA,

STREET LIGHTING TO BE MAINTAINED BY ELECTRIC UTILITY IN ACCORDANCE WITH THE CITY POLICIES. MAINTAINS OF PARKS AND SWIMMING POOLS, THERE ARE NONE OTHER THAN THE CITY PARK WHICH IS ALREADY IN THE CITY, THERE ARE NO PUBLIC RECREATION FACILITIES IN THIS ANNEXATION AREA. ANY EXISTING -- ANY PROPOSED OR EXISTING PRIVATE FACILITIES WILL CONTINUE TO BE MAINTAINED PRIVATELY. ADDITIONAL SERVICES, WATERSHED PROTECTION DEVELOPMENT REVIEW DEPARTMENT WILL CONTINUE, THAT DEPARTMENT WILL PROVIDE DRAINAGE AND MAINTENANCE SERVICE IN THE ANNEXATION AREA, AS WELL AS DRAINAGE, PLANNING AND THE RANGE OF DEVELOPMENT REVIEW WATER QUALITY AND FLOOD CONTROL SERVICES PROVIDED TO THE BALANCE OF THE AREA. LIBRARY, RESIDENTS OF THE ANNEXATION WILL BE ABLE TO UTILIZE ALL FACILITIES IN THE PUBLIC LIBRARY, THERE ARE AT THIS TIME NO RESIDENTS. AUTOMATIC HEALTH AND HUMAN SERVICES FOLLOWING ANNEXATION THE CITY TAKES OVER FROM THE COUNTY AS WELL FOR THE SERVICES THEY PROVIDE AS WELL AS PROVIDING ADDITIONAL ENHANCED SERVICES NOT OTHERWISE AVAILABLE. AUSTIN ENERGY, AUSTIN ENERGY WILL CONTINUE TO PROVIDE ELECTRIC UTILITY SERVICES TO THE AREA. WE ARE CURRENTLY THEIR PROVIDER AND ANTI-LITTER SERVICES, AUSTIN SOLID WASTE WILL PROVIDE ANTI-LITTER SERVICE TO THE ANNEXED AREA AND IT IS A FEE BASED SERVICE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

I DON'T THINK I NEED HIS TIME. I REPRESENT THE FOWLERS, WHO OWN SEVEN PARCELS IN THE IMMEDIATE AREA, BUT NOT TO BE ANNEXED. AND IN OTHER WORDS, THEY OWN PARCELS NEAR THE ANNEXATION AND ARE SERVED ALSO BY THE GREENSHORES WATER SYSTEM. THEY ON THE PART TRACTS PRESENTLY SERVED BY THAT SYSTEM AND TRACTS THAT ARE ELIGIBLE FOR THAT SERVICE. IT'S THEIR UNDERSTANDING THAT THERE HAVE BEEN MEETINGS AND NEGOTIATIONS BETWEEN THE CITY STAFF AND THE DEVELOPER AIMED TOWARD THE IDEA OF ALLOWING THE M.U.D. THAT HAS BEEN PROPOSED BY THE DEVELOPER TO PROCEED BECAUSE OF THE CONCERN THAT THE PEOPLE THAT ARE GOING TO BE LEFT OUTSIDE THE AREA ABOUT

THE VIABILITY OF THE WATER SYSTEMS IF THEY DON'T HAVE THE TAX BASE THAT THEY NEED TO SUPPORT THE RECENT IMPROVEMENTS THAT HAVE BEEN MADE TO THAT SYSTEM. THEY'RE EITHER CONCERNED THAT THE WATER SYSTEM, THE TWO WATER SYSTEMS IN THE IMMEDIATE AREA WILL NOT BE VIABLE OR THAT THE RATES WILL BE ASTRO MOM KEL IF THIS GOES FORWARD. WE'RE ASKING YOU TO ENCOURAGE THE EFFORTS MADE BY THE STAFF AND DEVELOPER TO SEE IF AN ALTERNATIVE CAN BE MADE TO THIS PRESENT ANNEXATION. >>

Mayor Wynn: THANK YOU. OUR NEXT SPEAKER IS RUSSELL EPPWRIGHT. WELCOME. IS TERRY BRAY HERE?

HE IS NOT. HE DIDN'T REALIZE THE THREE MINUTE RULE.

Mayor Wynn: YOU WILL HAVE THREE MINUTES.

BOB, ARE YOU GOING TO TALK? IF YOU'RE GOING TO TALK, THAT'S FINE. OKAY. I'M RUSSELL EPPWRIGHT. I AM THE DEVELOPER OF GREERZ ON LAKE AUSTIN -- GREENSHORES ON LAKE AUSTIN. AND I WANTED TO GIVE YOU AN OVERVIEW OF THE DETAILS OF WHAT'S GOING ON HERE SO YOU MIGHT BE ABLE TO INFLUENCE STAFF'S STANCE IN NEGOTIATIONS WITH US. THIS IS ALL OVER US TRYING TO CREATE A M.U.D., AND I NOW UNDERSTAND THAT THE CITY COUNCIL HAS MANDATED NO MORE M.U.D.'S IN THE CITY'S E.T.J. I WISH I WOULD HAVE KNOWN THAT WHEN IT STARTED BECAUSE WE NEVER WOULD HAVE STARTED THIS VENTURE. I STARTED A DEVELOPMENT OF THIS PROJECT IN THE SUMMER OF 2000. WE NOW HAVE FINAL PLAT ON PHASE ONE. WE HAVE PHASE ONE ESSENTIALLY COMPLETED WITH STREETS IN. THE ONLY WAY WE COULD DEVELOP WHAT WE'VE GOT HERE IS TO BUILD A WASTEWATER TREATMENT PLANT AND A WATER TREATMENT PLANT. WE ASKED AT MANY, MANY MEETINGS WITH THE CITY STAFF TO SERVE US WITH WATER AND WASTEWATER, WHICH THEY EMPHATICALLY SAID THERE'S NO WAY, IT WOULD BE WAY TOO EXPENSIVE TO GET US WATER AND SEWER. AFTER EXHAUSTING EVERY POSSIBLE ALTERNATIVE WE HAD, WE FINALLY DECIDED THE ONLY WAY TO DEVELOP THIS PROPERTY WAS TO BUILD OUR OWN FACILITIES. AND THE ONLY WAY TO MAKE IT WORK FINANCIALLY WAS TO GET REIMBURSED BY THOSE

FACILITIES IN SOME WAY. IN THIS WAY THE BEST WAY TO DO IT WAS WITH THE M.U.D. THROUGH THAT WE HAVE SPENT A HUGE AMOUNT OF MONEY. IT IS ALL COMMITTED TO BUILD THOSE PLANTS. THEY ARE UNDER CONSTRUCTION RIGHT NOW. WE HAVE ALSO TAKEN OVER THE CCN WHICH EXISTED THERE FOR WATER. THAT CCN, THE WATER SYSTEM IS BASICALLY MANDATED -- BAND-AIDED TOGETHER. WE HAVE UPGRADED IT TREMENDOUSLY AT THIS POINT SO FAR. WE ARE PUTTING IN A STATE-OF-THE-ART WASTEWATER TREATMENT PLANT PER THE -- THE CITY HAS REVIEWED IT, THEY'VE KNOWN WHAT WE'RE DOING ALL ALONG. AND ESSENTIALLY WHAT'S HAPPENED ONCE WE TRIED TO FORM OUR M.U.D., THEY'VE COME IN AND BLOCKED US, AND THE ANNEXATION IS THE TOOL TO STOP THAT FROM HAPPENING. WHAT THIS IS GOING TO DO IS MAKE IT EXTREMELY DIFFICULT, ACTUALLY IMPOSSIBLE FOR US TO RECOUP THE FUNDS THAT WE'VE COMMITTED AND WE'VE PAID FOR TO INSTALL THE WATER TREATMENT AND THE SEWER TREATMENT PLANT. AND THE IRONIC THING IS THAT THERE'S NO WAY THAT THE CITY WOULD BE AFTER ANNEXATION OF THIS PROPERTY HAD WE NOT INSTALLED THE PLANT. IT WOULD HAVE TO BE ALL ON-SITE SEPTIC SYSTEMS, SO WE BASICALLY CREATED THE ATTRACTION TO ANNEX US AND STOP US AND BASICALLY TAKE OVER ALL THE INFRASTRUCTURE THAT WE HAVE -- [ BUZZER SOUNDS ] -- PAID FOR AND INSTALLED AND MAKE IT TO WHERE WE REALLY CAN'T GET REIMBURSED FOR THAT. THANK YOU.

Mayor Wynn: THANK YOU. WHY DON'T YOU -- HANG AROUND. THERE MIGHT BE SOME QUESTIONS FOR YOU. ROBERT KEN FOWLER. WELCOME, SIR. YOU WILL HAVE THREE MINUTES.

THANK YOU, MR. MAYOR AND COUNCILMEMBERS. I HAVE MY FAMILY. WE WERE THE OWNERS OF THE GREENSHORES TRACT, STILL OWN A SUBSTANTIAL PORTION OF THE SUBDIVIDED LOTS. I WANT TO THANK THE COUNCIL, THE PLANNING COMMISSION AND THE HUNDREDS OF STAFF MEMBERS WHO HELPED US BRING THIS FORWARD TO THROUGH THE SUBDIVISION PROCESS. BUT I'M HERE MAINLY BECAUSE OF SERVICE, OF WATER SERVICE AND THE SEWER SERVICE, OF COURSE. WE WERE DELIGHTED THAT RUSSELL PICKED OUT THE DRIP IRRIGATION SYSTEM, WHICH IS STATE-OF-THE-ART AND IT'S BEEN GOING IN WELL. I'M

AFRAID THAT IF THEY ARE PREVENTED FROM FINANCING THESE IMPROVEMENTS THAT THE WHOLE WATER SYSTEM WILL BE SCRIMPED ON. IT WON'T BE POSSIBLE TO FIX IT THE WAY IT NEEDS TO BE FIXED. I HAVE BEEN FOR THE LAST 12 YEARS THE RESPONSIBLE PARTY FOR BOTH WATER SYSTEMS, AND I GUARANTEE YOU THAT SMALL SIZE DOES NOT PROVIDE ENOUGH INCOME TO OPERATE WATER SYSTEMS. I SERVED WITHOUT PAY AND BEFORE THAT MY BROTHER DUDLEY DID FOR 14 YEARS. BEFORE THAT MY FATHER DID. WE'VE NEVER DRAWN ANYTHING FROM IT AND HAVE HAD TO HIRE PART TIME HELP IN ORDER TO KEEP THE SYSTEM GOING. IT'S VERY IMPORTANT NOT ONLY TO THIS DEVELOPMENT, BUT TO US AND OUR PROPERTY UP THERE, BUT TO ABOUT 40 OTHER CUSTOMERS ON THE WATER SYSTEM. WE HAVE ONE WELL OPERATING AT PRESENT. MY FATHER AND MY OLDER BROTHER WHO STARTED A WELL YEARS AGO AS A BACKUP -- I'M SORRY, WE HAVE ONE WELL FOR THE OAK SHORES WATER SYSTEM AND ONE FOR THE GREENSHORES WATER SYSTEM. WE TRIED TO TIE THEM TOGETHER, AND THE TNRCC, NOW TCEQ, I THINK, PROHIBITED THAT. IT WOULD HAVE COST US ABOUT \$40,000 JUST TO GET THE ENGINEERING DONE TO TIE THEM TOGETHER TO BORROW FROM ONE SYSTEM TO ANOTHER. THE SYSTEM NEEDS HELP, AND ONE OF OUR MAJOR MOTIVATIONS IN DEALING WITH RUSSELL TO DEVELOP THE PROPERTY -- INCIDENTALLY, THIS WILL BE THE SITE OF THE PARADE OF HOMES IN OCTOBER IF WE CAN KEEP GOING FORWARD WITH IT. THERE ARE A NUMBER OF BEAUTIFUL HOMES GOING IN UP THERE AND THE NEIGHBORS ARE HAPPY. BUT IT'S REALLY ESSENTIAL THAT ENOUGH FUNDS BE PROVIDED SO THAT THE UTILITY RATES DO NOT HAVE TO BE PROHIBITIVE. ON A SMALL SYSTEM THAT'S ESPECIALLY IMPORTANT. AND EVEN WITH THE ADDITIONAL OF RUSSELL, THIS IS STILL GOING TO BE A SMALL SYSTEM. THERE NEEDS TO BE A WAY TO FINANCE IT. THE M.U.D. IS THE ONLY WAY THAT RUSSELL AND TERRY GRAY, YOU HAVE A LETTER IN YOUR FILE THERE ABOUT THIS, BUT I HOPE YOU WILL GIVE IT -- HERE'S THE THING WE NEED TO DO. WE NEED TO SLOW THIS DOWN. I THINK THEY ARE -- THEY'RE TALKING WITH STAFF ABOUT JUST AGREEING NOT TO ANNEX FOR ABOUT SEVEN OR EIGHT YEARS SO THAT THIS M.U.D. CAN BE PUT IN PLACE, THE LOTS CAN BE SOLD, THE DEBT CAN BE PAID OFF

AND THEN TURN IT OVER TO THE CITY WITH THE SERVICES UP AND RUNNING. SO I HOPE YOU'LL -- I HOPE THE STAFF WILL BE ENCOURAGED TO GO FORWARD WITH SOMETHING THAT MAKES THIS SYSTEM WORK. [ BUZZER SOUNDS ]  
THANK YOU.

Mayor Wynn: THANK YOU, MR. FOWLER. COUNCIL, THAT'S ALL THE FOLKS WHO HAVE SIGNED UP WISHING TO SPEAK ON THIS PUBLIC HEARING. DO YOU HAVE ANY COMMENTS, QUESTIONS? SO TECHNICALLY MR. LIEU KENS, THIS IS THE FIRST OF WHAT WOULD BE THREE HEARINGS. ISN'T THERE A TIME DEADLINE ONCE YOU START AN ANNEXATION PUBLIC HEARING PROCESS --

THIS IS THE FIRST OF TWO HEARINGS. ANOTHER HEARING NEXT WEEK. THEN YOU HAVE TO TAKE AT LEAST FIRST -- HAVE TO TAKE AT LEAST FIRST READING ON THE 28TH. THEN YOU'VE GOT UP TO 90 DAYS TO COMPLETE THE PROCESS. SO IT'S HEARING TODAY, HEARING NEXT WEEK, FIRST READING THE 28TH AND HAVE 90 DAYS TO COMPLETE.

Mayor Wynn: OKAY. AND THIS IS A QUESTION FOR MR. LUKENS OR SOMEBODY ELSE OF OUR WATER AND WASTEWATER STAFF. HELP ME REMEMBER AND UNDERSTAND THE ISSUES -- THE INDEPENDENT NATURE OF ANNEXATION VERSUS WATER AND WASTEWATER SERVICE. I MEAN, IT SOUNDS LIKE THE DEVELOPER HERE HAS OBVIOUSLY GONE TO A LOT OF TIME, EFFORT, MONEY AND TROUBLE, FIRST AND FOREMOST ON THE SUBDIVISION PROCESS. AND I GUESS IT SOUND LIKE HE OR SHE, THEY GOT ALL THE APPROVALS THEY NEEDED FOR A SUBDIVISION. AND IF THE CITY APPARENTLY WASN'T GOING TO SERVE WATER AND WASTEWATER, YOU KNOW, AND THERE'S A DIFFERENT SCR OUT THERE, DIFFERENT CCN OUT THERE, THEN IT SEEMS THAT THOSE ARE INDEPENDENT ISSUES FROM ANNEXATION, BUT NOW IT SOUNDS LIKE THE DEVELOPER IS QUITE NERVOUS ABOUT THE ANNEXATION AND THE TECHNICALITIES OF WHAT THAT MAY OR MAY NOT DO TO -- WHETHER OR NOT -- HOW THEY CHOOSE TO FINANCE WHAT SOUNDS LIKE WOULD BE NEEDED UTILITY INFRASTRUCTURE.

WELL, I THINK THAT HAVING BEEN DOING THIS FOR A LONG

TIME, YOU KNOW, ONE OF THE PROBLEMS WE FACED ALL THROUGH THE '80'S WAS A PROLIFERATION OF M.U.D.'S THROUGHOUT THE E.T.J. AND IT TOOK A LOT OF TIME AND EFFORT AND MONEY TO DIG OUT OF THAT HOLE. SO IN GENERAL, YOU KNOW, THE INCLINATION IS TO DENY CONSENT TO DISTRICTS AND TO DISCOURAGE THE CREATION OF DISTRICTS IN THE E.T.J. AND THE CLOSER YOU GET TO THE EXISTING CITY LIMITS, THE MORE PROBLEMATIC THE MUD BECOMES. AND ANNEXATION ESSENTIALLY WOULD INCLUDE THE CREATION OF A DISTRICT BECAUSE YOU CANNOT CREATE A DISTRICT INSIDE THE CITY LIMITS WITHOUT THE CONSENT OF THE CITY, WHEREAS WHEN YOU'RE OUTSIDE AND YOU'RE IN THE E.T.J., A PROCESS EXISTS BY WHICH A M.U.D. CAN BE CREATED OVER A CITY'S DENIAL. BACK IN AUGUST WHEN WE WENT THROUGH THE DEADLINE, THE CONSENT DEADLINE AND IN EFFECT DENIED CONSENT TO THIS DISTRICT.

BEN IF YOU WOULD ALSO TALK ABOUT THE SEQUENCE OR MAYBE CHRIS YOU WANT TO TALK ON THIS ABOUT THE FACT THAT THERE ARE CCN'S OUT THERE. THERE IS AN EXISTING CCN WHEN THE DEVELOPMENT STARTED AND THEY ADDED TO THAT A WASTEWATER CCN.

GOOD EVENING, MAYOR AND COUNCIL. MY NAME IS CHRIS LIPPY, DIRECTOR OF AUSTIN WATER UTILITY. YOU'RE RIGHT, THE CCN IS SOME WHAT -- PRETTY MUCH INDEPENDENT OF ANNEXATION. A CCN, PRIVATE UTILITY CAN EXIST INSIDE THE CITY LIMITS, SO THEN THEY HAVE THE RIGHTS, THE STATE AUTHORITY TO SERVE THAT AREA THAT'S IN THE CCN. IN THIS CASE THERE WAS AN EXISTING CCN FOR WATER THAT WAS ADDED TO, AND THERE'S AN ADDITIONAL WASTEWATER CCN I BELIEVE IN THE SUBDIVISION PLAT THE SUBDIVISION PLAT NOTES THE PLAN HAS BEEN FOR THESE PRIVATE UTILITIES TO SERVE THIS SUBDIVISION. THERE IS THE ALTERNATIVE. WE HAVE A WATER LINE AND WASTEWATER LINE ABOUT 4,000 FEET AWAY THAT IS AN ALTERNATIVE, BUT THE CCN AND THE CURRENTLY PROPOSED WASTEWATER SYSTEM AND GROUNDWATER WELL SYSTEM THAT'S PROPOSED BY THE DEVELOPERS AND THROUGH THIS PRIVATE UTILITY AND SET OF CCN'S IS CERTAINLY A VALID WAY TO SERVE THE AREA AS WELL.

Mayor Wynn: WELL, SO IF WE -- WE HAVE SET OUR SITES ON ANNEXATION BY POSTING AND HAVING THIS PUBLIC HEARING, DID WE MAKE THE EFFORT OR OFFER TO ADD TO YOUR CUSTOMER BASE BY USING THAT LINE 4,000 FEET AWAY?

WELL, AS THE SUBDIVISION PROCESS PROCEEDED, AGAIN, THE PLANS HAD BEEN FOR THIS CCN PRIVATE UTILITY TO PROVIDE THIS SERVICE, SO THERE WAS NEVER A REQUEST FOR A SERVICE EXTENSION. THIS WAS THE OPTION -- THIS WAS THE PATH THAT WAS TAKEN. AND AGAIN, IT STILL REMAINS A VALID APPROACH. I UNDERSTAND THAT FINANCING IS ONE OF THE CONCERNS AND THE ISSUES RELATING TO THE M.U.D. SO IT'S TRUE, WE ARE IN DISCUSSIONS. WE ARE TALKING ABOUT POSSIBLY SOME OTHER APPROACHES OR BEST WAY TO HANDLE THE UTILITY SERVICE, AND THERE ARE A COUPLE OF OPTIONS. PROVIDING THE FIRE FLOW, FOR EXAMPLE, IS AN ISSUE THAT CAME UP. WHETHER OR NOT THE WELLS WOULD BE ABLE TO PRODUCE ENOUGH SOURCE WATER TO PROVIDE FIRE PROTECTION, SO THAT GOT US TO LOOKING TOGETHER AT POSSIBLY AN EXTENSION OF THE LINE VERSUS ADDITIONAL WATER STORAGE FROM THE WELL SYSTEM ON-SITE. SO THERE'S SOME DISCUSSIONS GOING ON ABOUT LOOKING A LITTLE FURTHER AT SOME ALTERNATIVES.

Mayor Wynn: ACTUALLY, I HAVE SOME QUESTIONS I HAD WRITTEN DOWN. IN MR. LUKENS HE SAID WE MAY CONTRACT OUT EMERGENCY SERVICE OUT HERE, BOTH -- CERTAINLY ON FIRE WITH THE ESD?

YES, SIR.

Mayor Wynn: HOW DOES IT WORK WHEN I GUESS WE HAVE FIRE FIGHTING STANDARDS OR FIRE FLOW STANDARDS FOR FOLKS IN THE CITY, BUT THE VAST MAJORITY OF FOLKS IN THE CITY ARE OF COURSE ON OUR WATER SYSTEM. HOW DOES IT WORK WHEN WE POTENTIALLY HAVE A DIFFERENT CCN, A DIFFERENT SERVICE PROVIDER FOR WATER AND IT SOUNDS LIKE WE MIGHT BE CONTRACTING OUT EVEN FIRE PROTECTION TO SOMEBODY ELSE?

SINCE THIS IS IN OUR E.T.J. THAT IS EXACTLY WHY OUR



STANDARDS REQUIRE FIRE FLOW DESIGN STANDARDS FOR OUR WATER LINES, SO THAT WHOEVER IS DOING THE FIRE FIGHTING, WHETHER ITS CONTRACTED OUT OR THE CITY OF AUSTIN, THE SOURCE AND THE SUPPLY OF WATER AND THE HYDRANTS ARE ALL THERE TO MAKE THE -- TO PROVIDE THE FIRE FIGHTING ABILITY.

WE DO OCCASIONALLY CONTRACT FOR FIRE FIGHTING. WHENEVER THERE'S AN ESD STATION THAT'S CLOSER THAN THE NEAREST CITY STATION, WE CONTRACT WITH THE -- WITH THAT ESD, SO WE DON'T -- SO THE ANNEXATION IS NOT RESOLVED UNTIL IGNITION OF SERVICE. AND THERE'S A NUMBER OF ANNEXATIONS WHERE WE DO THAT.

Mayor Wynn: OKAY.

[INAUDIBLE - NO MIC].

Mayor Wynn: YOU MAY. FRANKLY, I'M A LITTLE CONFUSED AS TO WHAT THE ISSUES ARE.

LET ME JUST ADDRESS A COUPLE OF COMMENTS THAT THEY MADE REAL QUICK. CITY STAFF KEEPS BRINGING UP 4,000 FEET. THAT 4,000 FEET IS CROSSING COLD WATER CANYON. I BELIEVE THAT'S THE NAME OF IT. BUT IT'S CROSSING A SERIOUS CANYON, MAYBE EVEN HAVING TO GO THROUGH PART OF A LAKE TO GET TO US. THE ROUTE TO VIA CITY PARK ROAD TO GET TO US IS ALMOST FIVE MILES. SO IT'S NOT -- IT'S NOT AS EASY. THE 4,000-FOOT ROUTE ALSO CROSSES SEVERAL DIFFERENT TRACTS OF PRIVATE PROPERTY. THE FIRE FLOW IS SOMETHING THAT ONLY CAME UP WHEN THIS ANNEXATION CAME UP. OUR SUBDIVISION WAS PERMITTED WITHOUT FIRE FLOW. IT WAS KNOWN AND IT WAS PERMITTED WITHOUT FIRE FLOW THROUGH WATER AND WASTEWATER. ONLY WHEN THIS ANNEXATION CAME UP DID THEY BRING UP THE FIRE FLOW ISSUE, WHICH AT A VERY ROUGH ESTIMATE FOR US IS PROBABLY HALF A-MILLION-DOLLAR ITEM FOR US TO DO. SO ANY QUESTIONS I'D LOVE TO ANSWER.

Mayor Wynn: OKAY, THANK YOU.

Mayor Wynn: SOMEBODY HELP ME UNDERSTAND OUR TIMING

ISSUE IS. AND I GUESS -- SO THE QUESTION IS WAS THIS DEVELOPER EVEN AWARE THAT ANNEXATION WAS A REMOTE POSSIBILITY? AND IT SOUNDS LIKE THE ISSUE HERE IS WATER AND WASTEWATER SERVICE, NOT WHETHER OR NOT THESE HOUSES ARE IN THE CITY LIMITS OR NOT.

WELL, FIRST, WHEN WE GOT THE APPLICATION IN MAY, AND I VISITED WITH THEM EVEN BEFORE THAT. THAT APPLICATION FOR THE M.U.D. IN MAY. I HATE TO GET TOO INVOLVED IN THE M.U.D. I THINK IT TRIGGERED A 60 DAY REVIEW PERIOD. THAT ENDED IN JULY. WE SENT A REPORT OUT TO THEM OR STAFF RECOMMENDATION SAYING THAT THE STAFF WAS GOING TO RECOMMEND DENIAL CONSENT TO THE M.U.D. AND RECOMMEND THAT THE AREA BE ANNEXED. SO THAT WAS IN EARLY JULY.

Mayor Wynn: I'M SORRY. THE ACTION WAS CONSENT TO THE M.U.D. --

THE FIRST THING THAT HAPPENS, WHEN THEY SUBMIT AN APPLICATION FOR CONSENT TO A M.U.D., THAT TRIGGERS I WANT TO THINK A 60 OR 90 DAYS, I DON'T REMEMBER WHICH, AND AT THE CONCLUSION OF THAT PERIOD WE HAD A LITTLE GLITCH -- WE NORMALLY LIKE TO SCHEDULE A PUBLIC HEARING FOR THAT ACTION. THERE WAS A POSTING GLITCH, SO WE DIDN'T HAVE THAT HEARING, AND SO JUST BY STATUTE ESSENTIALLY WE DENIED CONSENT. A LITTLE BIT BEFORE THEN I SENT A STAFF RECOMMENDATION TO THE -- BY THE WAY, WHEN I -- I WANT TO POINT OUT THAT THIS M.U.D. APPLICATION IS PROBABLY THE FIRST ONE IN SEVEN OR EIGHT YEARS, SO WE SENT THAT OUT, SENT A STAFF REPORT TO THE DEVELOPER SAYING THAT THE STAFF WAS GOING TO RECOMMEND DENIAL CONSENT TO THE M.U.D. AND RECOMMEND THAT THE AREA BE ANNEXED. AND THAT'S EARLY JULY. AND THEN WE BEGAN MEETING ON A FAIRLY REGULAR BASIS TO DISCUSS VARIOUS ALTERNATIVES TO CREATION OF A DRIK. AND THOSE HAVE A DIFFERENT TYPE -- ARGUABLY DIFFERENT TYPES OF DISTRICTS. SO THOSE NEGOTIATIONS ARE CONTINUING. BUT AT THE SAME TIME WE'VE STARTED THIS ANNEXATION PROCESS, AND ONCE YOU START IT, THE EVENT STARTED HAPPENING IN SEQUENCE. SO YOU WANT TO -- THAT'S WHY WE'RE HAVING THE FIRST HEARING TODAY AND THE NEXT HEARING, AND

THEN WE JUST FOLLOW THE STATUTORY SEQUENCE.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: ONCE WE START THE PUBLIC HEARING, THE NEXT ONE IS NEXT WEEK AND THEN YOU HAVE THE FIRST READING ON THE 28TH. COUNCIL CAN ELECT TO STOP THIS PROCESS ANY TIME ALONG THE WAY, RIGHT?

YES. IN FACT, WE COULD ALMOST -- THERE ARE TWO OTHER WINDOWS.

Dunkerley: SO IN THE NEXT WEEK OR SO PERHAPS THE STAFF CAN GET A LITTLE BIT FURTHER ALONG IN THE NEGOTIATIONS AND COME BACK WITH THE RECOMMENDATION.

AND MAYBE I COULD ADD A COUPLE OF WORDS TO THAT. I THINK WHAT WE'RE TRYING TO DO NOW AS A CITY IS RECOGNIZE OUR INTEREST IN NOT CREATING -- ALLOWING M.U.D.'S TO BE CREATED THAT WOULD REPEAT THE PROBLEM THAT WE EXPERIENCED IN THE '90'S WHERE THERE'S A LOT THAT THE CITY TAKES ON WHEN IT DOES MAKE A DECISION TO ANNEX. WE UNDERSTAND THE DEVELOPER'S INTERESTS AND THEIR PROBLEM IN REACHING A FINANCING MECHANISM THAT HELPS PAY OFF THE EXPENSES THAT THEY'VE INCURRED IN THE WATER AND WASTEWATER UTILITIES. SO NAWRT OF OUR DISCUSSIONS RIGHT NOW IS TRYING TO MEET BOTH OF OUR INTERESTS, THEIR INTEREST IN FINANCING THE MECHANISM AND OUR INTEREST IN PREFERB PRESERVING AN AREA FOR ANNEXATION IN THE FUTURE. THAT'S THE NATURE OF THE DISCUSSIONS NOW AND MY HOPE IS NEXT WEEK WE'LL BE ABLE TO REPORT BACK TO YOU, MAYOR AND COUNCIL, ON THE SUCCESS OF THOSE NEGOTIATIONS.

Mayor Wynn: OKAY, THANK YOU. SO REMIND ME AGAIN, MR.LUKENS. SO YOU'VE ALREADY APPARENTLY DETERMINED THERE'S GOING TO BE A PUBLIC HEARING -- SO TONIGHT, NEXT WEEK AND THEN WE HAVE 90 DAYS TO DO SOMETHING?

THEN THERE WILL BE ACTION ON OCTOBER 28TH. AND

AFTER -- IF YOU ELECTED TO DO SO, YOU WOULD TAKE AT LEAST FIRST READING THE 28TH.

Mayor Wynn: THAT'S FINE. THAT'S BASED ON THE TIMING OF THE FIRST ANNEXATION PUBLIC HEARING WE'RE HAVING TONIGHT?

ACTUALLY, IT'S THE TIMING OF BOTH OF THEM. HAS TO BE SO MANY DAYS FROM THE FIRST AND SO MANY DAYS FROM THE SECOND.

[INAUDIBLE - NO MIC].

WE WOULD LIKE TO TRY TO POSTPONE NEXT WEEK BECAUSE THAT'S REALLY NOT ENOUGH TIME TO GET NEGOTIATING DONE.

LET ME TRY TO SPEAK TO THAT. DAVID LLOYD, ASSISTANT CITY ATTORNEY. THE STATUTE THAT SET UP THIS ANNEXATION PROCESS REQUIRE THAT THE ANNEXATION -- THAT YOU HAVE TWO ANNEXATION HEARINGS AND THEY OCCUR BETWEEN 10 AND 20 DAYS AFTER THE NOTICE OF THOSE ANNEXATIONS AND HEARINGS IS PUBLISHED IN THE PAPER, AND THEN YOU MUST HAVE THE FIRST READING AT LEAST THE ORDINANCE BETWEEN 20 AND 40 DAYS AFTER THOSE HEARINGS ARE HELD. IT'S A RATHER COMPLICATED FRAMEWORK TO WORK WITH AND MR. LUKENS AND HIS STAFF PUT TOGETHER A SCHEDULE BASED ON THOSE REQUIREMENTS AND THE DATES OF THE COUNCIL MEETINGS. YOU WOULD HAVE TO HAVE YOUR FIRST READING IN THE STATUTE THAT'S REFERRED TO AS THE INITIATION OF PROCEEDINGS UNDER THE CASE LAW. THAT MEANS THE FIRST READING OF THE ANNEXATION ORDINANCE. THAT OCCURS BETWEEN 20 AND 40 DAYS AFTER THE HEARINGS ARE HELD. THAT DATE IS OCTOBER THE 28TH. IT MIGHT BE POSSIBLE TO GO TO NOVEMBER THE SECOND ON THAT FIRST READING. BUT FOLLOWING THAT YOU WOULD HAVE 90 DAYS TO COMPLETE THE ANNEXATION PROCESS. BY THAT IS MEANT FINAL APPROVAL OF THE ANNEXATION ORDINANCE ON ALL THREE READINGS. AND OF COURSE, AS COUNCILMEMBER DUNKERLEY SAID, AT ANY POINT IN THAT PROCESS THE COUNCIL COULD DETERMINE TO STOP THE PROCESS, POSTPONE ACTION OR START THE

PROCESS UP AGAIN ON A DIFFERENT SCHEDULE.

Dunkerley: SO WE HAVE THE --

SO WE HAVE THE ENTIRE MONTH OF OCTOBER, PLUS  
POTENTIALLY 90 DAYS TO COMPLETE A NEGOTIATION?

CORRECT. BUT WE CAN'T -- TO ANSWER MR. EPPWRIGHT'S  
QUESTION, UNDER THE SCHEDULE WE'RE OPERATING  
UNDER NOW WE CAN'T POSTPONE NEXT WEEK'S HEARINGS.  
THERE'S NOTHING TO PROHIBIT THE COUNCIL FROM HAVING  
A FURTHER MEETING TO DISCUSS THIS, DISCUSSING IT AT  
THE OCTOBER 28TH MEETING, FOR EXAMPLE, IN FURTHER  
DETAIL.

Mayor Wynn: SO EVEN BY TAKING ACTION OF NOT CLOSING  
THIS PUBLIC HEARING TONIGHT, THAT'S IRRELEVANT  
BECAUSE WE'VE ALREADY ADVERTISED FOR A PUBLIC  
HEARING FOR NEXT WEEK.

YES, SIR.

Mayor Wynn: OKAY. SOUND LIKE THERE'S A LOT OF WORK TO  
BE DONE IN THE NEXT FEW DAYS.

MAY I APPROACH?

Mayor Wynn: YOU MAY.

ONE OF THE THINGS, IF IT COULD HELP, THE STAFF IS  
BASICALLY LIVING OUT THE COUNCIL'S MANDATE. AND IN  
OUR MOST RECENT NEGOTIATIONS, WE WERE TOLD THAT  
WE MIGHT BE ABLE TO WORK SOMETHING OUT IF IT WAS A  
M.U.D. THAT COULD HAVE BONDS PAID OFF IN SEVEN YEARS.  
I HAVEN'T SEEN THE NEW NUMBERS PAID OFF IN SEVEN  
YEARS YET. I DON'T THINK THAT IS GOING TO MAKE US VERY  
CLOSE TO BEING WHOLE ON THIS. I WOULD ASK IF POSSIBLE  
THAT IF COUNCIL COULD GIVE THEM SOME LEEWAY TO LET  
US GO TO 12 YEARS IF WE CAN SET UP A M.U.D., ISSUE  
BONDS AND HAVE 12 YEARS TO PAY THEM OFF, AND THEN  
THE CITY CAN COME IN AND ANNEX AND THEY'VE GOT A  
FULL BLOWN NEIGHBORHOOD WITH UTILITIES AND  
EVERYTHING. THAT'S WHAT WE WOULD ASK FOR. I THINK

EVERYBODY COULD BE HAPPY THAT WAY. THANK YOU.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: I DON'T THINK IT'S THE COUNCIL'S INTENTION OF PREVENTING THIS VERY NICE DEVELOPMENT FROM HAPPENING. AND I THINK IF WE GIVE OUR STAFF SOME TIME TO WORK WITH YOU OVER THE NEXT FEW WEEKS I'M SURE THEY CAN COME BACK WITH SOME KIND OF RESOLUTION THAT MEETS OUR NEEDS AND THEIR NEEDS. SO AGAIN, I'D LIKE TO REITERATE, WE CAN STOP THIS PROCESS AT ANY TIME. SO HOPEFULLY WITHIN THE NEXT MONTH OR SIX WEEKS WE CAN COME UP WITH A GOOD DECISION THAT WILL BE EQUITABLE AND GOOD FOR BOTH OF US. THAT WOULD BE MY GOAL. AND THE STAFF HAS ALL THE LEEWAY THEY NEED TO DO, AND IF THEY HAVE ANY CONCERNS THEY CAN COME TO US IN EXECUTIVE SESSION AND WE CAN HELP THEM OUT THERE. >

FURTHER COMMENTS, QUESTIONS? MAYOR PRO TEM.

Goodman: IF YOU DON'T MIND IF I ADD IN A LITTLE THERE. 12 YEARS, ESPECIALLY SITE UNSEEN AND JUST KIND OF TALKING ABOUT A DEVELOPMENT THAT WE HAVE NO DETAILS ON, I DON'T KNOW IN THE PROCESS OF GETTING A SUBDIVISION OF JUST WHO WOULD TELL YOU THAT THE CITY DOESN'T LIKE M.U.D.'S, BUT THAT'S A 15, 16 YEAR -- IT'S BEEN VIRTUALLY THE POLICY OF EVERY CITY IN THE STATE NOT TO ENCOURAGE OR HELP MORE M.U.D.'S BE CREATED BECAUSE THERE WERE HUGE DRAINS ON THE FINANCES AND RESOURCES OF EVERY SINGLE CITY THAT WAS SURROUNDED BY M.U.D.'S. SO I DOUBT IF SOMEBODY WAS SITTING AT THE CORNER DESK SAYING IF SOMEBODY LOOKS LIKE THEY'RE GOING TO DO A M.U.D., WE BETTER TELL THEM, BUT I THOUGHT IT WOULD BE GOOD FOR YOU TO KNOW THAT IT'S BEEN A LONG, LONG TIME SINCE WE'VE WELCOMED THE CREATION OF M.U.D.'S IN THE E.T.J.'S. IN THE MEANTIME, WHILE YOU ALL WERE TALKING ABOUT THE ISSUES, IN THIS COMING WEEK WE'LL BE ABLE TO GET MORE INFORMATION ABOUT WHAT YOU'VE PLANNED RIGHT NOW AND BE PREPARED, I THINK, FOR ANY DISCUSSION ISSUES THAT THE STAFF AND YOU ALL ARE GOING TO TALK ABOUT IN BETWEEN, BUT I HAVE VIRTUALLY NO INFORMATION AT

THIS TIME, AND, FOR INSTANCE, THE 12-YEAR TIME FRAME WOULD NOT BE POSSIBLE TO SAY THAT'S WHERE EVERYBODY WILL BE HAPPY BECAUSE I CAN'T SEE IT FROM HERE. AND HOPEFULLY WE'LL BE ABLE TO DISCUSS ISSUES, YOUR BOTTOM LINES AND OUR BOTTOM LINES. IF THERE IS A CONSENSUS. JUST WANTED TO PUT A LITTLE BIT OF HISTORY AND PERSPECTIVE INTO IT SO THAT YOU KNOW WHY THE REACTION TO A M.U.D. IS SUCH AS IT IS. THANKS.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER DUNKERLEY TO CLOSE THIS PUBLIC HEARING, ITEM 105. 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 -- SEVEN TO ZERO NOW. MS. BROWN, DIDN'T WE POSTPONE ITEM 106?

[INAUDIBLE - NO MIC].

Mayor Wynn: WAS THAT 105? OKAY. I'LL ENTERTAIN A MOTION TO ADJOURN THE COUNCIL MEETING. MOTION BY MAYOR PRO TEM TO ADJOURN. SECONDED BY COUNCILMEMBER THOMAS. ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? WE'RE ADJOURNED. THANK YOU.

**End of Council Session Closed Caption Log**