

Closed Caption Log, Council Meeting, 10/21/04

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Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP ITEMS 39, 40, 41 AND 43. NO DECISIONS WERE MADE. AT THIS TIME WE'LL GO TO OUR NOON CITIZEN COMMUNICATIONS. I APOLOGIZE FOR RUNNING LATE. OUR FIRST SPEAKER IS MR. STEVE ROSS. WELCOME, MR. ROSS. YOU WILL HAVE THREE MINUTES.

THANK YOU, THANK YOU, COUNCIL. MY NAME IS STEVE ROSS. THANK YOU FOR THE OPPORTUNITY TO ADDRESS THIS COUNCIL. I AM COMMUNICATIONS DIRECTOR FOR TEXANS STANDING TALL. WE ARE A STATEWIDE NONPROFIT COALITION THAT WORKS AGAINST UNDERAGE ALCOHOL ABUSE AND SUBSTANCE ABUSE. WE PROVIDE RESOURCES TO COMMUNITIES TRY TO REDUCE SUBSTANCE ABUSE. FIRST OF ALL, AS I SAID, THANK YOU FOR THE OPPORTUNITY TO SPEAK. RECENTLY THE NATIONAL ACADEMY OF SCIENCES DID A STUDY CALLED REDUCING UNDERAGE DRINKING. THIS RESEARCH LOOKED AT DRAMATIC CONSEQUENCES OF UNDERAGE ALCOHOL USE AND WAYS TO ADDRESS THE PROBLEM. TWO EFFECTIVE METHODS WERE REDUCING ACCESS AND APPEAL. NOW, THREE AREAS IN AUSTIN HAVE RECENTLY BEEN IN THE PUBLIC NEWS AS THEY'VE ATTEMPTED TO REAS ALCOHOL-RELATED PROBLEMS. THE SIXTH STREET ENTERTAINMENT DISTRICT IS LOOKING FOR WAYS TO KEEP ITS ATTRACTION AS A UNIQUE DESTINATION WHILE ALSO CLEANING UP THE PROBLEMS ATTENDANT WITH ALCOHOL ABUSE. WE WOULD LIKE TO COMMEND THE CITY COUNCIL FOR CREATING THE SIXTH

STREET PUBLIC IMPROVEMENT DISTRICT TO HELP ADDRESS THESE MATTERS. SOUTH CONGRESS NEIGHBORHOOD ASSOCIATION, SUCH HAVE ALSO VOICED VOICE CONCERNS ABOUT FIRST THURSDAY AND OTHER FESTIVALS AND SOME OF THE PROBLEMS WITH ALCOHOL ABUSE, SUCH AS PARKING VIOLATIONS IN NEIGHBORHOODS, NOISE, TRASH AND ABUSING ALCOHOL. U.T. AUSTIN WAS RECENTLY RECOGNIZED AS ONE OF THE TOP 10 PARTY SCHOOLS IN THE NATION. THAT'S A DISTURBING DISTINCTION, ESPECIALLY WHEN YOU TAKE INTO ACCOUNT THAT FIVE STUDENTS HAVE LOST THEIR LIVES TO ALCOHOL POISONING IN THE LAST MONTH. COMMON SENSE DICTATES THAT WITH MORE OUTLETS AND EASIER OUTLETS TO ALCOHOL, THERE ARE MORE CHANCES FOR ALCOHOL PROBLEMS. NOW SCIENCE IS HANDING US EVIDENCE TO BACK UP THAT PERCEPTION. THE DEPARTMENT OF EPIDEMIOLOGY AT TEXAS A&M CONDUCTED A STUDY TO EXAMINE THE RELATIONSHIP BETWEEN ALCOHOL OUTLET AND VIOLENT CRIMES IN NEIGHBORHOODS. THEY CHOSE AREAS OF SAN ANTONIO AND AUSTIN FOR THIS SURVEY. EACH TYPE OF ANALYSIS SHOWED THAT THOSE AREAS WITH HIGH ALCOHOL DENSITY EXPERIENCED MORE VIOLENT CRIME THAN THE LOW DENSITY AREAS AFTER CONTROLLING THE NEIGHBORHOOD'S SOCIAL STRUCTURE. IN THE MULTIVARIANT REGRESSION ANALYSIS, ALCOHOL OUTLET DENSITIES EXPLAINED CLOSE TO 59% OF THE VARIABILITY AND VIOLENT CRIMES ACROSS THE BLOCK GROUPS IN AUSTIN. MORE THAN ANY OTHER OF THE OTHER VARIABLES IN THE NEIGHBORHOOD STRUCTURES. THE REPORT CONCLUDED THAT THE FINDINGS SHOW A CLEAR ASSOCIATION BETWEEN ALCOHOL OUTLET AND VIOLENCE AND SUGGESTED THAT THE ISSUES OF AVAILABILITY AND ACCESS ARE FUNDAMENTAL TO THE PREVENTION OF ALCOHOL RELATED PROBLEMS WITHIN COMMUNITIES. AGAIN, TST MEMBERS WOULD LIKE TO COMMEND THE EFFORTS OF THE AUSTIN POLICE DEPARTMENT AND OTHER ORGANIZATIONS SUCH AS THE TABC FOR THEIR EFFORTS TO REDUCE UNDERAGE ALCOHOL ABUSE THROUGH SUCH TOOLS AND COMPLIANCE CHECKS, MINOR STING OPERATIONS AND FAKE ID SCREENING. WE'LL BE HAPPY TO PASS ALONG ANY OTHER EVIDENCE BASED RESEARCH AND ADDRESS THIS PROBLEM WATER AND WASTEWATER IT

BECOMES VAINL AND WE THANK YOU FOR YOUR TIME AND YOUR CONSIDERATION.

THANK YOU, MR. ROSS AND FOR ALL YOUR WORK. JAKE BILLINGSLEY. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY JEANNIE RAMIREZ.

THANK YOU, MAYOR AND COUNCIL. FIRST OF ALL, MAYOR, WE SHOULD ALL THANK YOU FOR YOUR VERY WONDERFULLY HUMOROUS RETELLING OF TEXAS HISTORY AND THE STORY OF ANGELINA EVERLY AT HER STATUE LAST MONTH. I THINK THAT BOTH SHE AND I HAVE AN AFFINITY FOR LOOSE CANNONS, AND TO MAKE MATTERS WORSE, I WAS BORN ON SAM HOUSTON'S BIRTHDAY. SO YOU'LL UNDERSTAND, MAYOR, WHY I QUOTE YOUR QUOTE OF SAM HOUSTON WHEN I SAY THAT I FEEL THAT SOME CIVIL SERVANTS ARE UNPRODUCTIVE AND, DAMN IT, WHOLLY INEPT AT DEALING WITH ACTUAL CHALLENGES OF THE DAY. MAYOR AND COUNCIL, IN SEVEN WEEKS SINCE I HAVE BROUGHT YOU SIX CONCERNS TO YOU, NO REAL ACTION HAS HAPPENED, AND IN SOME CASES REALLY NO COMMUNICATION AT ALL. THERE'S BEEN NO REAL ACTION ON THE SIDEWALK THAT WAS WAIVERED, AND ADMINISTRATIVE WAIVERS OF SIDEWALKS, REALLY NO ACTION ON THE BUS TURNOUT ON WHOLE FOODS. REALLY NO ACTION ON THE LOSS OF LOW INCOME HOUSING IN CLARKSVILLE. REALLY NO ACTION ON THE (INDISCERNIBLE). REALLY NO ACTION ON MY AUSTIN HOUSING CORPORATION LOAN AND REALLY A DISASTER WITH THE NEIGHBORHOOD PLAN TEAM PROCESS. MAYOR AND COUNCIL, WE SHOULD NOTE SADLY THE ARREST OF PRIEST GERARD JUSTICE IN HAITI WHILE FEEDING ORPHANS, WHILE BEING SUPPORTED BY THE U.S. WHO HAVE TOPPLED THE DEMOCRATIC REGIME. I KNOW THE FEELING OF SOME OF THEM IN HAITI BECAUSE ON JUNE 19TH, 2004, ON JUNETEENTH, I WAS FAIRLY AND DEMOCRATICALLY ELECTED AS THE CHAIR OF THE NEIGHBORHOOD ASSOCIATION AFTER SERVING AS CO-CHAIR AS AN AD HOC TEAM, YET CITY STAFF AND A FEW IN MY NEIGHBORHOOD HAVE REALLY ATTEMPTED A COUPE. AND IN AN ATTEMPT TO GET SOME ANSWERS TO THE NEIGHBORHOOD PLAN DISASTER, I HAVE FILED CAF AND PUBLIC INFORMATION REQUESTS WITH -- WHEN THE CITY MANAGER FAILED TO RESPOND TO MY REQUEST FOR THAT

INFORMATION. THE RESPONSE I RECEIVED TO MY CAF YESTERDAY FROM THE DIRECTOR OF NEIGHBORHOOD PLANNING AND ZONING FAILS TO ANSWER THE QUESTION ASKED, AND AGAIN MISREPRESENTS THE FACTS IN THE MATTER, SO I WOULD ASK YOU, MAYOR AND COUNCIL, TODAY FOR A LIST OF ANSWERS TO MY QUESTIONS. I WOULD LIKE SOME QUESTIONS ASKED. [BUZZER SOUNDS] JUST A MOMENT, PLEASE, MAYOR. I WOULD ASK THAT THE MAYOR AND COUNCIL ALSO ASK THE CITY MANAGER WHY SHE HAS NOT RESPONDED TO MY CERTIFIED LETTER OF AUGUST THE 30TH WHICH ASKS ABOUT STAFF CONDUCT AND REGARDS MY MISTREATMENT AS A DISABLED PERSON AND ALSO WHY THE MANAGER OF THE NEIGHBORHOOD PLAN PROGRAM SPOKE FALSELY TO THE CLARKSVILLE COMMUNITY DEVELOPMENT CORPORATION. THERE ARE OTHER QUESTIONS I WOULD HOPE TODAY THAT YOU WILL ASK, SOME OF ME AND SOME OF STAFF, I WOULD HOPE, MAYOR. AND SINCE FUNDS FROM -- SINCE ONE OF THOSE QUESTIONS ARE FUNDS THAT WERE TAKEN FROM THE HASKELL HOUSE BLACK HISTORY PROJECT, I WOULD POINT OUT TO YOU THAT WE'VE BEGUN WORK ON THAT PROJECT ALREADY AND SOME OF THOSE FOLKS WERE TO GO -- FUNDS WERE TO GO FOR PICNIC TABLE AND BENCHES AT THAT SITE. AND THE VOLUNTEERS WHO HAVE BEEN WORKING THERE WOULD TRULY APPRECIATE A COUPLE OF PICNIC TABLES AND SOME BENCHES IF THERE'S ANY WAY THAT WE CAN GET THEM OVER THERE SEPARATE FROM ALL THE CONTENTIOUSNESS THAT'S GOING ON. THERE HAVE BEEN SOME PEOPLE WHO HAVE REALLY BEEN WORKING HARD OVER THERE, AND THEY WOULD APPRECIATE THAT, MAYOR. I WOULD ENCOURAGE EVERYONE TO VOTE. I WOULD ENCOURAGE YOU TO HONOR DEMOCRACY BY HONORING THE NEIGHBORHOOD PLAN ELECTION ON JUNE 19TH, AND PLEASE HELP HEAL THE WOUNDS AND THE DEVASTATION IN MY NEIGHBORHOOD BY HELPING US MOVE FORWARD WITH SOME OF OUR POSITIVE PROJECTS LIKE THE HASKELL HOUSE AND THE SOLER PAVILION AT CLARKSVILLE PARK. THANK YOU, MAYOR.

CITY MANAGER?

COUNCIL, I DON'T HAVE IT IN YOUR PACKET THIS COUNCIL MEETING, BUT IN YOUR PACKET LAST COUNCIL MEETING

YOU HAD A COPY OF THE RESPONSE THAT WE GAVE, THE RESPONSE WAS NOT SIGNED BY ME, IT WAS DONE ON MY BEHALF TO THE CERTIFIED LETTER, AND I CAN GET ANOTHER COPY FOR EACH OF YOU ALL, THAT TRIED TO ADDRESS EACH OF THE CONCERNS. AND AS I SAID LAST TIME, WHAT THE ASSISTANT CITY MANAGER OVER THIS AREA IS DOING IS WE ARE HIRING TWO OF THE VERY BEST MEDIATORS IN TOWN WHO ARE GOING TO GO AND TRY TO SEE WHAT WE CAN DO TO RESOLVE SOME OF THE ISSUES BETWEEN THE NEIGHBORS IN THIS AREA AND SEE IF WE CAN FIND A WAY TO MOVE FORWARD. >>

Mayor Wynn: THANK YOU, CITY MANAGER. JEANNIE RAMIREZ. WELCOME, MS. RAMIREZ. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY CRYSTAL RAMIREZ.

UNFORTUNATELY IT'S TALK AND NO ACTION, MAYOR.

MAYOR, MY DAUGHTER'S CRYSTAL. SHE'S GIVEN ME HER THREE MINUTES.

WITHOUT OBJECTION, COUNCIL, GO AHEAD, MA'AM.

HELLO, COUNCIL, MAYOR, CITY MANAGER. I'M HERE TO TALK ABOUT THREE ISSUES THAT ARE REALLY IMPORTANT TO ME. THE FIRST ONE, THE TELECOMMUNICATIONS MEETING THAT HAPPENED ABOUT TWO MONTHS AGO. THE SECOND ONE IS ABOUT THE CITY AND GOVERNMENT OFFICIALS BEING INACCESSIBLE TO THE PEOPLE. THIRD IS CITIZENS COMMUNICATION PROCESS. THIS PROCESS RIGHT HERE. AND I'LL TRY TO BE QUICK. TWO MONTHS AGO I WENT TO TELECOMMUNICATIONS MEETING THAT WAS WITH THE AUSTIN MUSIC COMMISSION, AND IT WAS REALLY ROWDY. IT GOT OUT OF HAND. I'VE WONDERED WHY IT HASN'T BEEN AIRED ON THE CHANNEL THAT THEY AIR THESE MEETINGS ON BECAUSE THE PEOPLE OF AUSTIN NEED TO SEE WHAT HAPPENED IN THAT MEETING. IMMEDIATELY AFTER THAT MEETING, I WAS SO UPSET THAT I CALLED COUNCILMEMBER ALVAREZ AND MANY OTHER COUNCILMEMBERS ON HERE. SOME CALLED ME BACK, SOME DIDN'T. BUT AT THAT MEETING THE PEOPLE THAT WERE ON THE AUSTIN MUSIC COMMISSION AND OTHER PEOPLE THAT WERE ON THE -- THEY WERE ON THE COMMISSION. I'M NOT REALLY SURE

WHO THEY WERE BECAUSE THEY WERE NOT IDENTIFIABLE. THEY DIDN'T HAVE THEIR NAMES IN FRONT OF THEM TO LET YOU KNOW AS A CITIZEN TO KNOW WHO THEY WERE. SOME OF THE PEOPLE ON THE AUSTIN MUSIC COMMISSION WERE IDENTIFIED AND I ONLY KNOW BECAUSE I'VE BEEN DOING MUSIC FOR MANY YEARS SO I KNEW SOME OF THEM. IT GOT ROWDY, INTENT, NO MICROPHONES, ABSOLUTELY UNACCEPTABLE. AND THEN WHAT HAPPENED WAS, YOU KNOW, ONE OF THE WOMEN, HER NAME WAS NATALIE ZOE, WHO SAID SHE'S BEEN ON THE AUSTIN MUSIC COMMISSION FOR SIX OR SEVEN YEARS, STOOD UP, GOT HER PAPERWORK -- BECAUSE BEGUN IT WAS REALLY ROWDY -- SLAMMED THEM ON THE TABLE IN FRONT OF HER AND SAID, I'M SUPPORTING THE AUSTIN MUSICIANS, AND I THINK ALL OF Y'ALL ARE CRAZY. I TOOK THAT REALLY PERSONALLY BECAUSE I FELT LIKE SHE WAS SAYING EVERYONE THAT HAD SIGNED UP TO SPEAK OUT AT THAT MEETING WAS CRAZY BECAUSE WE DIDN'T AGREE WITH HER? I DON'T EVEN UNDERSTAND THAT. ANYWAY, WHAT REALLY SCARED ME IS SHE ALSO SAID SHE WAS ON THE BOARD OF THE GRAMMY COMMISSION. I DIDN'T GET THAT. WHEN I TRIED TO CALL THE COUNCILMEMBERS, I OPENED UP THE BOOK, I WANTED TO TALK TO COUNCILMEMBER ALVAREZ BECAUSE HE'S A MEXICAN-AMERICAN, I'M A MEXICAN-AMERICAN, HE'S SUPPOSED TO BE MY ADVOCATE. AND I CALLED HIM, GOT HUNG UP ON BECAUSE BASICALLY HIS ASSISTANT SAID -- SHE SAID WHAT'S THE TOPIC AND I SAID TELECOMMUNICATIONS MEETING I JUST ATTENDED LAST NIGHT. AND SHE SAID, I NEED YOU TO GO IN MORE DETAIL. AND I SAID NO, I'M TALKING TO COUNCILMEMBER ALVAREZ ABOUT THE ISSUE, NOT YOU. YOU'RE NOT THE ONE I ELECTED. AND SHE HUNG UP ME. ON I E-MAILED ALVAREZ, HE DIDN'T E-MAIL ME BACK. IMMEDIATELY FOUND OUT WHO THE SUBCOMMITTEE PEOPLE WERE, WHICH WAS JACKIE GOODMAN, SHE DIDN'T CALL ME BACK, BETTY DUNKERLEY, THANK YOU FOR CALLING ME BACK. TWO OTHER GENTLEMEN CALLED ME BACK WHO WERE NOT EVEN ON THE COMMISSION. SO THE PEOPLE WHO WERE TALKING ABOUT INACCESSIBILITY, YOU'RE NOT ROCK STARS. I WISH I WAS. THAT'S WHAT I'VE BEEN DOING NO 20 YEARS. BUT YOU'RE INACCESSIBLE. YOU'RE OUT OF TOUCH JUST LIKE PRESIDENT BUSH IS OUT OF TOUCH, JUST LIKE ME. I'M

TRYING TO KEEP MY HOUSE RIGHT NOW, OVERDRAWN ON CHECKING ACCOUNTS BECAUSE OF BASICS LIKE MILK, EGGS AND GAS. I DON'T UNDERSTAND THIS. I'M SO DISAPPOINTED IN MY GOVERNMENT AND CITY OFFICIALS. WHEN PRESIDENT BUSH WAS THE GOVERNOR, I HAD A PROBLEM WITH D.P.S. AND THEY SAID THE GOVERNOR RUNS THE D.P.S. OFFICE. DIDN'T GET AN ANSWER FROM HIM, GOT HIS ASSISTANT TAKELIKE WHEN I CALLED TOBY FUTRELL'S ASSISTANT, SHE'S VERY KIND, SENT A LETTER. IF I HAVE AN ISSUE ABOUT AUSTIN, YOU KNOW, SOMETHING GOING ON IN AUSTIN THAT I'M A CITIZEN, I'M PAYING TAXES, I EXPECT -- I DON'T CARE IF IT TAKES YOU A WEEK TO CALL ME BACK, I EXPECT TO HEAR FROM YOU GUYS BECAUSE, YOU KNOW, I HEAR THIS FROM SO MANY CITIZENS. THAT'S WHY SO MANY PEOPLE ARE SICK OF THE CITY GOVERNMENT AND THE CITY OFFICIALS, GOVERNMENT AS A WHOLE. IT'S GOTTEN OUT OF CONTROL. IF Y'ALL DON'T WANT TO ADMIT IT, YOU'RE OUT OF TOUCH. AND WHEN PRESIDENT BUSH WAS ASKED THAT QUESTION, I'VE BEEN WATCHING ALL THE DEBATES WHEN THEY ASKED HIM, DO YOU KNOW THREE THINGS YOU THINK YOU MADE A MISTAKE ON, HE ACTED TONGUE TIED, LIKE HE COULDN'T SAY ONE THING? WHY DON'T THEY INTERVIEW PEOPLE LIKE ME ON CNN AND FOX AND ALL THE NETWORKS. YOU ONLY SEE THE CORRESPONDENTS DEBATING EACH OTHER, ALL THE PEOPLE WHO ARE EDUCATED WITH PH.D.'S IN ECONOMICS AND ETCETERA, THEY'RE OUT OF TOUCH. I PRAY THAT PRESIDENT BUSH DIDN'T WIN. I THINK HE'S ARROGANT, RIDICULOUS, OUT OF TOUCH. I JUST DIDN'T UNDERSTAND. BUT IT TRICKLES DOWN, DOESN'T IT TO THE CITY OFFICIALS BECAUSE HE DIDN'T CALL ME BACK WHEN HE WAS GOVERNOR, THEN THE CITY OFFICIALS THAT I WANTED TO KNOW WHAT WAS GOING ON, SO I CALLED THE EXECUTIVE DIRECTOR OF ACTV, HE DIDN'T CALL ME BACK. ANOTHER MEXICAN-AMERICAN WHO IS SUPPOSED TO BE MY ADVOCATE, REPRESENTING ME. IT'S REAL UPSETTING. I TOOK OFF WORK TO BE HERE. I HAVE TO WORK THIS EVENING NOW TO MAKE UP FOR IT. WHY? I CAN'T GET A PHONE CALL BACK. THESE ARE REAL GRIEVANCES. IT MAKES ME EMOTIONAL RIGHT NOW BECAUSE YOU ALWAYS DO THIS. I MEAN, I DON'T UNDERSTAND. I DON'T UNDERSTAND WHY YOU GUYS CAN'T CALL PEOPLE BACK. I HAVE A REAL GRIEVANCE. IT'S REAL. I'M HERE NOT SPEAKING AND JUST

TALKING, YOU KNOW. THESE THINGS ARE AFFECTING ME. AND ANOTHER THING THAT THE CITIZENS COMMUNICATION, WHEN I CALLED TO SPEAK OUT TODAY, THEY SAID THERE WERE ONLY 10 10 SPOTS. YES, ONLY FIVE PEOPLE SPOKE OUT, BUT I ASKED THE CITY, THEY CALL IT A RESEARCH DEPARTMENT HERE, AND I SAID, WHO MADE THIS RULE, ONLY 10 PEOPLE COULD SPEAK OUT? AND THEY SAID WE'LL LOOK IT UP FOR YOU. THEY CALLED ME BACK -- THOSE PEOPLE CALL ME BACK FROM THE CITY. EVIDENTLY IN 1979 WHEN THE MAYOR WAS CAROL RYLANDER IT WAS AN ADMINISTRATIVE DECISION, NOT THE PEOPLE FOR 10 SPOTS. I ASKED HOW MANY DID THE GOVERNMENT SAY WERE LIVING HERE IN AUSTIN? THEY SAID 330,000. THERE'S 6 690,000. 10 SPOTS? TRIPLE PEOPLE? I DON'T CARE IF TWO PEOPLE SIGNED UP, WE NEED TO HAVE THE OPPORTUNITY TO HAVE 15, 20. WHAT IF 20 PEOPLE NEEDED TO SPEAK UP TODAY. IT TOOK TWO WEEKS TO EVEN COME OUT TODAY.

Mayor Wynn: THANK YOU, MS. RAMIREZ. MARK WEAVER? WELCOME, SIR. YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR AND COUNCIL. I HAVE SOME DOCUMENTS I'D LIKE FOR Y'ALL TO HAVE IF I CAN HAND THESE TO YOU.

Mayor Wynn: PLEASE DO.

I'M A PASTOR IN THE SOUTH AUSTIN AREA, BEEN IN AUSTIN SINCE 1975. AND TODAY I WANT TO BRING BACK SOME ISSUES THAT I ADDRESSED BACK IN THE '80'S IN REGARD TO PUBLIC HEALTH ISSUES. YOU HOLD IN YOUR HANDS AN ADULT ARCADE ORDINANCE THAT WAS PASSED HERE BACK IN THE LATE '80'S AND HAS BEEN UPDATED SINCE. IF THIS ORDINANCE WAS ENFORCED, THIS PUBLIC ELIMINATEHEALTHISSUE THAT I'M TALKING TODAY WOULD NOT EXIST IN THE FORM THAT IT DOES RIGHT NOW AND IS A DANGEROUS SITUATION HERE IN THE CITY OF AUSTIN. SO QUICKLY WITH A SHORT AMOUNT OF TIME, LET ME JUST TELL YOU THAT JUST RECENTLY I'VE ENTERED INTO TWO ADULT BUSINESSES TO OBSERVE THE SITUATION IN WHAT'S CALLED THE ARCADE SECTION. ONE OF THEM SPECIFICALLY WAS AUSTIN SIX ON THOMPSON LANE, HAS APPROXIMATELY 12 OF THESE ARCADE BOOTHS. THIS STORY IS OPEN -- THIS

STORE IS OPEN 24 HOURS A DAY. IS USED ALL DAY LONG. WHEN I WALKED IN, THERE WERE APPROXIMATELY SIX MEN CRUISING IN THE HALLWAY. I STEPPED INTO A BOOTH, BOOTH NUMBER 8. WHEN I WALKED INTO THAT BOOTH, AGAIN THEY'RE NOT -- AS YOU READ THIS, THEY'RE NOT SUPPOSED TO HAVE DOORS ON BOOTH. THERE WAS A DOOR ON THE BOOTH. THEY'RE NOT SUPPOSED TO BE ANY TYPE OF CONSTRUCTION THAT WOULD BLOCK BEYOND THE DOOR AS WELL. THERE WAS A WALL THAT YOU HAD TO STEP AROUND. AS I STEPPED AROUND THAT WALL WHERE THERE'S SUPPOSED TO BE A VIDEO BOOTH, A SCREEN OR A VIDEO MACHINE, WHEN YOU PUT A TOKEN IN, THERE WAS A MAN STANDING IN THAT CORNER OF THAT BOOTH WAITING FOR SEXUAL ACTIVITY. HE WAS TOTALLY NAKED STANDING IN THAT STORE. I LEFT AND WENT TO THE MANAGER'S DESK OUT FRONT AND COMPLAINED, CALLED THE POLICE, FILED A REPORT WITH THE AUSTIN CITY POLICE DEPARTMENT. WENT TO ANOTHER STORE, CALLED THE NEW VIDEO ON I-35. THIS PARTICULAR STORE HAS OVER 21 OF THESE BOOTHS. THEY OPERATE 24 HOURS A DAY. IN THIS STORE THERE ARE OVER 25 INDIVIDUALS IN THE STORE UPSTAIRS AND DOWNSTAIRS CRUISING. THERE'S NO VERBAL COMMUNICATION GOING ON. THIS IS A VIR RITUALISTIC BEHAVIOR. PEOPLE FOLLOW EACH OTHER INTO BOOTHS. I HAD AN INDIVIDUAL FOLLOW ME INTO A BOOTH. I TOLD HIM TO PLEASE LEAVE, I LEFT THE STORE. I CAME TO YOU, THE CITY COUNCIL, TO TALK -- I'VE ALREADY TALKED TO THE CITY HEALTH DEPARTMENT ABOUT THIS ISSUE TO SHARE WITH THEM THE CRISIS THAT EXISTS. I'VE TALKED WITH AND LEFT INFORMATION WITH OUR POLICE CHIEF, BUT I'M ASKING YOU THE CITY COUNCIL TO PLEASE TAKE SERIOUS ACTION. THERE ARE MORE THAN 15 BUSINESSES LIKE THIS IN THE CITY OF AUSTIN ALONE, AND ON AN AVERAGE SOME HAVE MORE THAN, SOME HAVE LESS THAN, BUT ON AVERAGE 15 BOOTHS PER STORE. THERE IS AN AVERAGE OF 50 SEX ACTS PER DAY IN EACH STORE. [BUZZER SOUNDS] IN THOSE STORES. IF THERE WERE JUST 15, THERE'S ON AN AVERAGE DAY IN AUSTIN 750 SEX ACTS. PER WEEK THERE'S 1750 SEX ACTS. PER MONTH ABOUT 7,000. A TOTAL OF OVER 84,000. MANY OF THESE ARE REPEAT SEX ACTS THAT ARE OCCURRING IN THIS BUSINESS. MANY OF THEM ARE GOING HOME TO WIVES WHO ARE UNSUSPECTING OF THEIR HUSBAND'S BEHAVIORS OR THEIR

MATE'S BEHAVIOR. I WOULD SIMPLY ASK YOU TO PLEASE INVESTIGATE THIS IMMEDIATELY. WE INVEST A LOT OF MONEY INTO SAFE SEX ACTIVITY THROUGH AIDS SERVICES OF AUSTIN AND OTHER OUTLETS AND YET THIS GOES ON UNCHECKED. I WOULD ASK YOU TO DO THREE THINGS TODAY. IMMEDIATELY ORDER THESE SHOPS TO SHUT DOWN THIS ASPECT OF THEIR BUSINESS UNTIL THEY COME INTO COMPLIANCE WITH THIS EXISTING ORDINANCE. HAVE POLICE AND HEALTH ENFORCEMENT -- HAVE POLICE AND HEALTH DEPARTMENTS ENFORCE LAWS AND ORDINANCES THAT PROTECT THE PUBLIC HEALTH. AND FINE EACH ESTABLISHMENT IN VIOLATION THAT IS CURRENTLY NOT IN COMPLIANCE WITH THIS ORDINANCE. THANK YOU FOR YOUR TIME TODAY.

Mayor Wynn: THANK YOU, MR. WEAVER. WE HAVE ORDINANCES FOR A REASON, AND I'M SURE WE'LL TALK ABOUT ENFORCEMENT. THANK YOU, SIR. COUNCIL, THAT'S ALL OF OUR CITIZENS WHO HAVE SIGNED UP FOR GENERAL CITIZEN COMMUNICATION. WE DON'T HAVE ACTION ITEMS UNTIL AFTER OUR 2:00 O'CLOCK BRIEFING. ACTUALLY, I TAKE THAT BACK, EARLIER IN CLOSED SESSION WE TOOK UP ITEM NUMBER 43 REGARDING REAL ESTATE MATTERS, SPECIFICALLY OUR OPEN SPACE PROJECTS. WE HAD DELAYED ACTION ON ITEM NUMBER 12 UNTIL WE HEARD THAT DISCUSSION IN CLOSED SESSION AND ITEM NUMBER 44, AN ACTION ITEM THAT RELATES TO THAT NUMBER 43 EXECUTIVE SESSION ITEM. SO WITH THAT PERHAPS A QUICK BRIEF PRESENTATION FROM STAFF ON POSTED ACTION ITEMS 12 AND 44. WELCOME MS. PLUMBER.

TODAY THE CITY OF AUSTIN HAS PREVIOUSLY ACKNOWLEDGED THAT WE ARE SENDING FEDERAL MONEY THAT WE'VE BEEN AWARDED UNDER A GRANT FROM THE NRCS, WHICH IS FOR FARM AND RANCH LAND PROTECTION, AND WE'VE ALSO HAD A GIFT, A CHARITABLE GIFT OF 300,000, AND WITH THOSE FUNDS WE ARE BUYING TWO CONSERVATION EASEMENTS ON APPROXIMATELY 755 ACRES IN HAYS COUNTY JUST SOUTH OF FARM TO MARKET 967. OUR CONSERVATION PARTNERS ANNE SWEPEY ASHMAN WILL BE BUYING 245 ACRES AND WE WILL BE BUYING A CONSERVATION EASEMENT FROM HER AND SCOTT AND JENNY NESTER WILL ACCOMPLISH 510 ACRES WITH THE

CONSERVATION EASEMENT ON IT. THESE HELP US HAVE 643 ACRES IN ONE BLOCK. THIS IS THE SECOND YEAR THE CITY OF AUSTIN HAS BEEN A RECIPIENT OF THESE GRANT FUNDS. AND THE TOTAL CONSERVATION EASEMENT FALL FOR THESE TRACTS IS JUST A LITTLE BIT OVER 3.8, AND THE CITY WILL BE SPENDING 4,349,000. THERE'S SOME CHANGE ON THAT AND I CAN'T REMEMBER THAT NUMBER, BUT THAT WILL ACCOMPLISH THESE TWO TRANSACTIONS. AND WE FEEL THAT THESE ARE IMPORTANT CONSERVATION EASEMENTS IN AN IMPORTANT AREA IN THE BARTON SPRINGS RECHARGE ZONE.

THANK YOU, MS. PLUMBER. AGREED, PARTICULARLY WHEN CITIZENS SEE THESE TWO TRACTS IN THE CONTEXT OF THE LARGER AMOUNT OF LAND PURCHASES, CARVEVATION EASEMENTS AND OTHER PARTNERS WHO HAVE BEEN HELPING US, IT'S A PRETTY IMPRESSIVE STORY AND ALSO IT HIGHLIGHTS WITH JUST A LITTLE BIT MORE EFFORT, A LITTLE BIT MORE CONTINUED MOMENTUM WE CAN HAVE A PRETTY REMARKABLE IMPACT ENVIRONMENTALLY OVER THE RECHARGE ZONE. FURTHER QUESTIONS OF -- >>

SLUSHER: MAYOR, I AGREE WITH THAT AND ALONG THOSE LINES CAN WE GET MS. PLUMBER TO POINT TO THE MAP AND TO OTHER CITY PROPERTY?

THIS PARTICULAR AREA, DARK GREEN, IS 26 HUNDRED ACRES IN FEE OWNED BY THE CITY OF AUSTIN. WE'VE CLOSED ON SORT OF THE PINK-PURPLE PIECES. THOSE ARE TWO OTHER CONSERVATION EASEMENTS. WE CLOSED THIS LAST YEAR ON 862 ACRES WITH MS. ASHMAN. SO THE 755 COMPLETES THAT PARTICULAR BLOCK FROM 967 DOWN TO FM 150.

Slusher: THANK YOU, MS. PLUMBER. GOOD WORK.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS OF STAFF, COUNCIL? IF NOT, I'LL ENTERTAIN A COMBINED MOTION ON ITEMS NUMBER 12 AND 44. MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE ITEMS 12 AND 44 RELATED TO THIS OPEN SPACE PROJECT. 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.

Mayor Wynn: THANK YOU, MS. PLUMBER. SO COUNCIL, WITH THAT, WE NOW DON'T HAVE ACTION ITEMS UNTIL AT LEAST AFTER OUR 2:00 O'CLOCK BRIEFING ON THE URBAN COMMUTER RAIL PROJECT. SO WITH THAT WE'LL GO BACK INTO CLOSED SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT. WE WILL DISCUSS AGENDA ITEM 56 RELATED TO THE LAWSUIT CITY OF SUNSET VALLEY, ET AL, VERSUS THE CITY OF AUSTIN ET AL, AND REAL ESTATE MATTERS RELATED TO ITEM NUMBER 42 REGARDING THE MUELLER -- FORMER MUELLER AIRPORT SITE. WE ARE NOW IN CLOSED SESSION. THANK YOU. TEST TEST TEST

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP ONE REAL ESTATE MATTER, ITEM 42, RELATED TO THE MUELLER AIRPORT TRACT. ALSO GOT PRIVATE CONSULTATION WITH OUR ATTORNEY ON ITEM 56 RELATED TO THE CITY OF AUSTIN ET AL VERSUS THE CITY OF SUNSET VALLEY, ET AL. NO DECISIONS WERE MADE ON EITHER CASE. NOW, BACK IN OPEN SESSION AND WE WILL GO TO OUR 2:00 TIME CERTAIN, WHICH IS A BRIEFING, A PRESENTATION BY CAPITAL METRO ON THE ALL SYSTEMS GO LONG-RANGE TRANSIT PLAN. I WILL SAY THAT ITEM NO. 36 WILL BE TAKEN OFF THE AGENDA TODAY. WE WILL NOT TAKE ACTION ON ITEM 36. WE ARE HERE FOR INFORMATION PURPOSES FOR CAPITAL METRO'S STAFF TO PRESENT A PLAN THAT'S OF GREAT INTEREST TO OUR CITIZENS, WELCOME MR. FRED GILLIAM PRESIDENT OF CAPITAL METRO.

THANK YOU, MR. MAYOR, GOOD AFTERNOON, THANK ALL OF YOU FOR ALLOWING US TO PRESENT CAPITAL METRO'S LONG RANGE TRANSIT PLAN. I KNOW THAT MANY OF YOU HAVE PARTICIPATED IN OUR COMMUNITY OUTREACH

PROCESS. WE APPRECIATE THE ONGOING SUPPORT WE HAVE RECEIVED FROM THE CITY STAFF. NOT ONLY ON A DAY-TO-DAY BASIS, BUT ALSO WORKING WITH CITIZENS ON OUR BEHALF. IT IS A GREAT PARTNERSHIP THAT BEGAN RIGHT HERE IN THESE COUNCIL CHAMBERS, WITH COUNCILMEMBERS DARYL SLUSHER AND DANNY THOMAS, WHO SERVED THE PUBLIC NOT ONLY HERE AS COUNCILMEMBERS, BUT ALSO CAPITAL METRO BOARD MEMBERS. I WANT TO THANK YOU BOTH FOR YOUR SERVICE. ALSO, WE ARE JOINED TODAY BY LEE WALKER, THE CHAIRMAN OF THE BOARD OF DIRECTORS, CHAIRMAN WALKER WILL HAVE A FEW COMMENTS FOR YOU AT THE END OF THE PRESENTATION. CAPITAL METRO HELD 21 COMMUNITY-WIDE OPEN HOUSES AND WORKSHOPS THROUGHOUT THE CENTRAL TEXAS AREA TO INVOLVE THE PUBLIC IN THE DEVELOPMENT OF THIS PLAN. THE PLAN THAT EMERGED AND WAS APPROVED BY THE BOARD OF DIRECTORS IS TRULY THE COMMUNITY'S PLAN. TOGETHER, WITH YOUR SUPPORT, I BELIEVE PUBLIC TRANSPORTATION WILL MAKE A DIFFERENCE AND IMPROVE THE QUALITY OF LIFE IN AUSTIN. MAYOR WYNN, I WANT TO PERSONALLY THANK YOU FOR YOUR COMMITMENT TO CAPITAL METRO. WE APPRECIATE YOUR DEDICATION TO OUR EFFORTS AND AS AN ADVOCATE FOR SENSIBLE TRANSPORTATION SOLUTION FOR OUR COMMUNITY. I WILL NOW TURN THE PROGRAM OVER TO RICK LAMEDE VICE-PRESIDENT OF COMMUNICATIONS WHO WILL GIVE YOU A BRIEF UPDATE ON THE LONG RANGE PLAN.

THANK YOU. WELCOME.

THANK YOU, MAYOR, MEMBERS OF THE COUNCIL. GLAD TO BE HERE, WE WILL HAVE A BRIEF PRESENTATION, ABOUT 15 MINUTES OR SO GIVING YOU AN OVERVIEW OF THE PLAN AND CHAIRMAN WALKER HAS SOME REMARKS, WE WILL BE GLAD TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE ABOUT OUR LONG-RANGE PLAN. AS YOU KNOW, THE AUSTIN SYSTEMS GO LONG RANGE TRANSIT PLAN HAS BEEN A TOPIC OF DISCUSSION NOT ONLY IN THE COMMUNITY, BUT CERTAINLY FOR THOSE OF US WORKING WITH CAPITAL METRO. SPECIFICALLY WE WOULD LIKE TO TALK TO YOU ABOUT THAT PLAN TODAY, THE DOWNTOWN NORTHWEST LINE AND THE REFERENDUM CALLED ASSOCIATED WITH

THAT LINE. THE FACTS ARE THIS, THAT THE AUSTIN AREA'S POPULATION IS EXPECTED TO DOUBLE. THE NEXT 25 YEARS. ALSO, OUR ROADS HAVE EARNED THE REPUTATION AS BEING THE MOST CONGESTIONED IN THE NATION FOR A CITY OUR SIZE. SO WE HAVE BEEN WORKING WITH THOSE FACTS IN MIND TO -- TO TALK TO CITIZENS TO DEVELOP A PLAN TO ADDRESS THOSE CHALLENGING FACTS. CREATING LONG-RANGE TRANSIT SYSTEM PLAN BEGAN IN MAY THROUGH AUGUST, ALONG WITH COMMUNITY OUTPUT -- INPUT RATHER TO PROVIDE COMMENTS FROM 8,000 CITIZENS, ELECTED OFFICIALS, ALL HELPED US TO DECIDE WHAT THE LONG RANGE TRANSIT PLAN WOULD ULTIMATELY LOOK LIKE. WE HEARD FROM CITIZENS THEY WANT TO KEEP COSTS LOW, MAKE SURE THAT THE VEHICLES ARE CONNECTED, EAST-WEST CONNECTIVITY WAS A BIG TOPIC FOR THEM. ACCESSIBLE TO ADDRESS REGIONAL CORRECT ACTIVITY. SO THE BOARD APPROVED A PLAN ON AUGUST 30th, ADOPTING THE LONG RANGE TRANSIT SYSTEM PLAN WHICH WOULD BE ULTIMATELY [INDISCERNIBLE] CAMPO AS REQUIRED BY FEDERAL LAW TO QUALIFY FOR FEDERAL FUNDING. ALSO IN THAT ACTION THEY CALLED FOR REFERENDUM ON NOVEMBER 2nd ON THE URBAN COMMUTER RAIL LINE AND DIRECTED STAFF TO STUDY FUTURE CONNECTIONS ON HOW THAT SYSTEM MIGHT BE EXTENDED IN THE FUTURE AS PART OF THE NEXT PHASE OF THE STARTER LINE. SO THE ALL SYSTEMS GO PLAN INCLUDES SEVERAL LAYERS. BUILT ON THE BACKBONE OF CAPITAL METRO'S PUBLIC TRANSPORTATION SYSTEM LOCAL BUS SERVICE. INCLUDES EXPRESS BUS, RAPID BUS, COMMUTER RAIL, REGIONAL SERVICE, URBAN SERVICE, SIX CLARITY SERVICES THAT CONNECT ALL OF THOSE ELEMENTS TO WORK TOGETHER AS A SYSTEM. A BIT ABOUT EACH OF THOSE LAYERS. WHEN IT COMES TO EXPRESS AND LOCAL BUS SERVICE, WE ARE LOOKING AT HIGH SPEED EXPRESS BUS SERVICE BEING ADDED OVER TIME. AGAIN THIS PLAN LOOKS AT THE OPPORTUNITIES TO PROVIDE TRANSPORTATION SOLUTIONS IN THE LONG RANGE, 25 YEARS INTO OUR FUTURE. PARK AND RIDE LOCATIONS ARE CURRENTLY BEING BUILT AND WILL BE PLANNED FOR THE FUTURE FOR AREAS AS FAR AS OAK HILL, 620, SOUTH MOPAC. THERE WILL BE INCREASED LOCAL BUS SERVICE, CROSS TOWN ROUTES, ESSENTIALLY ALMOST DOUBLING THE BUS SERVICE OVER THE NEXT 25

YEARS. WE'LL HAVE ROUTES TO CONNECT THE BUS AND RAIL AND CITIZENS SAID THEY WANT US TO LOOK INTO THE FUTURE, INTO AREAS SUCH AS DRIPPING SPRINGS AND BASTROP. RAPID BUS IS A NEW TECHNOLOGY TO AUSTIN, BUT NOT NEW TO THE TRANS SILT INDUSTRY. IT IS ALSO IN OUR LONG-RANGE PLAN. SIMPLY HIGH SPEED, HIGH TECH BUSES THAT ALLOW THEM TO GET TO THE DESTINATIONS MORE QUICKLY. THEY ESSENTIALLY COMMUNICATE TO THE TRAFFIC LIGHTS IN FRONT OF THEM. TRAFFIC SIGNAL PRIORITY IS THE TERMINOLOGY THAT BASICALLY MEANS THAT THEY KEEP THE GREEN LIGHTS GREEN LONGER, ALLOWING THE BUS TO ARRIVE AS DESTINATION MORE QUICKLY. IN OTHER CITIES SUCH AS LOS ANGELES, THEY HAVE INCREASED THEIR ARRIVAL TIME BY 20 TO 30% USING THIS TECHNOLOGY. IT WOULD NOT BE ON -- ON DESIGNATED ROADS, BUT IN CURRENT TRAFFIC AND CURRENT LANES THAT AUSTIN HAS THAT INCLUDES SOME 133 MILES OF RAPID BUS ACROSS THE AREA SERVING AUSTIN- BERGSTROM INTERNATIONAL AIRPORT, CAPITOL COMPLEX, CENTRAL BUSINESS DISTRICT, U.T., BEYOND. AN ITEM OF CONCERN TO THE CITIZENS AND WHICH IS ALSO ON THE REFERENDUM, REQUIRED BY LAW, STATE LEGISLATURE TO ASK CITIZENS FOR PERMISSION TO PROVIDE COMMUTER RAIL URBAN SERVICE. ESSENTIALLY OPERATES ON EXISTING FREIGHT LINES OWNED BY CAPITAL METRO. MANY FOLKS DON'T KNOW THAT CAPITAL METRO OPERATES A FREIGHT SYSTEM FROM LLANO TO GIDDINGS AND HAS AN OPPORTUNITY NOW TO PROVIDE PASSENGER RAIL ON 32 MILES WORTH FROM LEANDER TO DOWNTOWN. SERVING AREAS REALLY IN THE NORTHWEST PART OF OUR CITY, EAST AND CENTRAL AUSTIN, WITH NINE STOPS, EIGHT OF THEM WITHIN A CENTRAL CITY. FIVE OF THEM WITHIN THE CENTRAL CITY OF THOSE NINE STOPS. DESIGNED TO BE FULLY ACCESSIBLE. CITIZEN INPUT RESULTED IN ADDING FIVE STATIONS TO THE PLAN FROM OUR ORIGINAL PLAN. OF COURSE WE ARE REQUIRED TO SEEK VOTER APPROVAL ON NOVEMBER 2nd REFERENDUM. MANY CITIZENS LIKE TO KNOW WHAT'S THE DIFFERENCE BETWEEN A PLAN THAT INCLUDED LIGHT RAIL A FEW YEARS AGO AND COMMUTER RAIL. SIMPLY PUT, COMMUTER RAIL WILL BE ITEM ON THE BALLOT ON NOVEMBER 2nd, LIGHT RAIL WILL NOT BE. THERE'S ALSO DIFFERENCES IN RUNNING

CHARACTERISTICS, VEHICLES, COSTS, FREQUENCY OF STATION SPACE. WHEN IT COMES DOWN TO RUNNING CHARACTERISTICS, LIGHT RAIL GENERALLY OPERATES IN THE STREET. ARE IN THE WEST LINE USES EXISTING RAIL WOULD NOT BE IN THE STREET WITH THE EXCEPTION OF A FEW BLOCKS DOWNTOWN. COMMUTER RAIL VEHICLE THAT'S WE ARE LOOKING AT ARE SELF PROPELLED. NOT POWERED BY OVERHEAD WIRES AS OFTEN IS THE CASE LIGHT RAIL. A BIG DIFFERENCE IS THE COST BETWEEN THE PROGRAMS. DOWNTOWN NORTHWEST LINE WOULD BE APPROXIMATELY \$2 MILLION PER MILE. COMPARED TO LIGHT RAIL, APPROXIMATELY \$50 MILLION PER MILE, THAT'S A CONSERVATIVE ESTIMATE BY MANY COUNTS. ALSO THE DIFFERENCE IN THESE TWO SERVICES REALLY ADDRESSED FREQUENCY OF SERVICE, ACTUALLY THE DISTANCE BETWEEN STATIONS. COMMUTER RAIL PRIMARILY OPERATES DURING PEAK HOUR, FEWER STATIONS, LIGHT RAIL OPERATES ALMOST 24/7 WITH CORE STATIONS IN THE URBAN AREAS. THE URBAN RAIL SYSTEM ACTUALLY BEGINS AN OPPORTUNITY FOR CAPITAL METRO AND THE CITIZENS TO LOOK BEYOND JUST ONE RAIL LINE TO CONNECT ULTIMATELY TO OTHER REGIONAL RAIL SERVICE. THE LINES ON THIS MAP ARE NOT CONTROLLED OR OPERATED BY CAPITAL METRO, BUT SIMPLY DO PROVIDE SERVICE IN THE FUTURE, FUTURE CONNECTIVITY MAY REQUIRE A REFERENDUM, NOT CURRENTLY ON THE REFERENDUM. THE LINE TO THE EAST SIDE OF THIS MAP IS WHAT YOU KNOW AS MOPAC. SERVING ESSENTIALLY, PROVIDING REGIONAL RAIL SERVICE FROM GEORGETOWN ON -- DOWN TO SAN MARCOS ON TO SAN ANTONIO. AND ALSO THE ABANDONED MOKAN CORRIDOR ON THE EAST SIDE OF AUSTIN WOULD PROVIDE THE SERVICE IN THE FUTURE AS WELL. THIS QUARTER IS PRESERVED BY TEXDOT FOR FUTURE TRANSPORTATION SERVICES, THE MOPAC CORRIDOR IS BEING ADDRESSED AS A POSSIBLY FUTURE NEEDS FOR THE AUSTIN -- BY THE AUSTIN-SAN ANTONIO COMMUTER RAIL DISTRICT. CAPITAL METRO WITH WOULD WORK WITH THOSE ENTITIES TO EVENTUALLY FIND A WAY TO POSSIBLY CONNECT TO THOSE LINES IN THE FUTURE. CITIZEN INPUT ACTUALLY [INDISCERNIBLE] CAPITAL METRO LINE TO THE EAST, PROVIDE SERVICE IN THE FUTURE ON TO MANOR AND ELGIN. CITIZENS DO WANT TO KNOW WHAT HAPPENS WHEN YOU

GET DOWNTOWN ON THE DOWNTOWN NORTHWEST LINE, WE ADDED TO OUR MAP, SIX LATER CIRCULATOR ZONES. CIRCULATION AREAS AROUND MUELLER, U.T., HIGHLAND MALL, PALMER, GATEWAY PICKLE RESEARCH AREA ON THE NORTH SIDE OF TOWN WOULD ALL BE SERVED BY THE SIX CIRCULATOR ZONES THAT ALLOW US TO USE LOCAL BUS SERVICE OR FUTURE RAPID BUS SERVICE TO CONNECT TO THE LINE. BUSES WOULD THEN IN THESE ZONES, IN PARTICULAR DOWNTOWN, BE WAITING TO MEET RIG PASSENGERS TO TAKE THEM TO THEIR FINAL DESTINATION. THE HIGH FREQUENCY SHUTTLE SERVICE PICTURED HERE FOR THE DOWNTOWN AREA. THE LARGER PICTURE SHOWS HOW THERE MIGHT BE A STATION LITERALLY IN THE MIDDLE OF THE STREET WITH THE DOWNTOWN AREA, YOU CAN SEE HOW THE BUSES WOULD BE LINED UP. A SHORT WALK ACROSS A SMALL PLATFORM TO THE CAPITAL COMPLEX DOWNTOWN, BEYOND, WITHIN A FEW MINUTES GETTING PASSENGERS TO THEIR FINAL DESTINATION. A BIT MORE ABOUT THE DOWNTOWN NORTHWEST LINE. SIMPLY PUT, IF THE REFERENDUM PASSES, CAPITAL METRO WILL BE PERMITTED TO CARRY PEOPLE ON OUR EXISTING 32 MILES OF TRACK. COULD BE UP AND OPERATING BY 2008 RESIDING THAT SERVICE FROM DOWNTOWN AUSTIN TO THE NORTH SIDE WITH THE NINE STOPS AND HIGH FREQUENCY SHUTTLE CIRCULATORS. NINE STATIONS BEGINS FROM THE CONVENTION CENTER, PLAZA SALTILLO PLAZA, MARTIN LUTHER KING, JR. SERVING HIGHLAND MALL, LAMAR BOULEVARD NEAR JUSTIN LANE, U.T. PICKLE NEAR BRAKER, HOWARD LANE, EXIST BEING NORTHWEST PARK AND RIDE WHERE WE HAVE BUS SERVICE ADJACENT TO THE LINE NOW, FUTURE LEANDER PARK AND RIDE CURRENTLY IN THE PROCESS OF BEING CONSTRUCTED. WE ARE ASKED BY THE BOARD IF -- IF THIS REFERENDUM IS SUCCESSFUL TO INITIATE STUDIES FOR FUTURE EXTENSIONS OF THE DOWNTOWN NORTHWEST LINE. YOU SEE THESE IN THESE CIRCULATION AREAS. WE WOULD BE REQUIRED BY FEDERAL LAW TO APPLY FOR FEDERAL FUNDING AND RECEIVE IT TO STUDY THE BEST POSSIBLE ALTERNATIVE, WHETHER IT'S EXTENDING THE LINE ACROSS TOWN TO AREAS SUCH AS SEAHOLM, PROVIDING OTHER SERVICE SUCH AS OTHER RAIL SERVICES, STREET CARS THAT CITIZENS HAVE ASKED US ABOUT. INITIALLY IN THE FIRST PHASE, THERE WOULD BE

DEDICATED SHUTTLE ROUTES AND LOCAL BUS SERVICE PROVIDING SERVICE AND CONNECTIVITY TO THE SIX CLARITY ZONES. IF THE REFERENDUM IS SUCCESSFUL, CITIZEN ADVISORY BOARDS TO LOOK FOR FUTURE SERVICE AND CONNECTIVITY BEYOND OUR LINE. CRITERIA THAT WILL BE USED BY PLANNERS AND DESIGNERS THAT WOULD ALLOW THEM TO BE COMPATIBLE WITH NEIGHBORHOODS. BUT THAT COMPATIBLE REALLY IN THEIR LEVEL OF SERVICE. HYBRID STYLE OF VEHICLE THAT CAN SERVE BOTH THE CHARACTERISTICS OF LIGHT RAIL AND COMMUTER RAIL ESSENTIALLY, BUT PROVIDES FOR A SELF PROPOSED VEHICLE THAT'S ENVIRONMENTALLY FRIENDLY, QUIET IN OPERATION. THE NATION OF OUR LINE ALLOWS THIS KIND OF VEHICLE TO BE WHY IDEAL FOR THIS KIND OF SERVICE, MANUFACTURERS THAT HAVE BEEN CONSIDERED AS A POSSIBLE EXAMPLE OF THESE VEHICLES ACROSS THE UNITED STATES. INITIALLY THERE WOULD BE SIX TRAINS SEATING UP TO 150 PASSENGERS, TWO TO THREE CARS PER TRAIN. NEXT WE WILL HAVE SOME CLIPS SHOWING YOU SOME OTHER VEHICLES IN ACTION ACROSS THE UNITED STATES. THE TOP TRAIN HERE, THE RED TRAIN IS CALLED THE O TRAIN, IN SERVICE IN OTTAWA, CANADA. PROVIDING SERVICE TO THEIR LIGHT RAIL SYSTEM. THE BOTTOM VEHICLE IS AN EXAMPLE OF A VEHICLE CALLED THE [INDISCERNIBLE] CAR CURRENTLY IN SERVICE IN NEW JERSEY. HERE IS THE O TRAIN OPERATION. [SOUNDS OF TRAIN]]

AND THIS IS THE NEW JERSEY STADLER CAR. CURRENTLY IN SERVICE IN THEIR EXISTING [INDISCERNIBLE] [SOUNDS OF TRAIN]

SO YOU CAN SEE THE DIFFERENCE IN THE CHARACTERISTICS BETWEEN CLASSIC LOCOMOTIVES, LARGE-SCALE VEHICLES THAT WOULD BE CONSIDERED FOR THE LINE AS TO HOW IT RECEIVERS THE AUSTIN AREA. SERVES THE AUSTIN AREA, QUESTIONS ABOUT ENVIRONMENTAL CONSIDERATION ON THE DOWNTOWN NORTHWEST LINE. THE VEHICLES WILL BE REQUIRED TO MEET OR EXCEED ALL E.P.A. STANDARDS. THE STANDARD VEHICLE WHICH WE SHOWED YOU IN THAT CLIP JUST A MOMENT AGO IS CURRENTLY IN OPERATION IN NEW JERSEY AND HAS EXCITED ALL THE EMISSIONS REQUIREMENTS OF

THE E.P.A. THIS IS A CHART, WE WILL GO INTO -- WON'T GO INTO DETAILS FOR YOU HERE, BUT ESSENTIALLY A STUDY CONNECTED BY NEW JERSEY TRANSIT WHO TESTED THESE VEHICLE, COMPARING THEM TO PARTICULAR CRITERIA FOR THE E.P.A. AGAIN, I WON'T GO THROUGH ALL OF THE COLUMNS WITH YOU, THE IMPORTANT COLUMN WAS THE ONE ON THE FAR RIGHT. NUMBERS IN YELLOW ESSENTIALLY SHOW UNDER ALL CURRENT STANDARDS, THAT PARTICULAR VEHICLE WAS BELOW THE MAXIMUM ALLOWED BY 12, 73%, 69%, 70% IN AREAS SUCH AS CARBON MONOXIDE AND PARTICULATE MATTER. INITIALLY THE SERVICE WOULD BE OFFERED IN MORNING AND EVENING RUSH HOURS WITH MIDDAY SERVICE ADDED AS THE LINE MATURES IN THE SHORT TERM. FREQUENCY ABOUT EVERY 30 MINUTES. ESTIMATED TRAVEL TIME FOR LEANDER TO DOWNTOWN APPROXIMATELY 50 MINUTES. RIDERSHIP STUDIES INDICATE THAT THE RIDER SHIP WOULD INCREASE AS SERVICES IN THE REGION GROWS. IN FACT THE OVERALL TRANSIT SYSTEM INCREASES WITH THE ADDITION OF RAIL. AVERAGE DAILY RIDERSHIP WOULD BE PROJECTED TO BE ABOUT 17,000 BY THE YEAR 2025. THE CURRENT AVERAGE RIDERSHIP IS ABOUT 1700, WE WOULD MEET OR EXCEED THAT LEVEL IN THE FIRST INITIAL YEARS OF OPERATION. SAFETY AND TRAFFIC DISRUPTION ARE A CONCERN OF THE PLAN. THERE ARE 73 AT GRADE CROSSINGS FOR THE DOWNTOWN NORTHWEST LINE TOTALLY. OF THOSE 12 OF THEM ARE MAJOR ROADS. 53 ARE SECONDARY ROADS. 20 ARE PRIVATE DRIVES. THE VEHICLES WOULD BE -- WOULD BE 100% COMPLIANCE WITH FEDERAL RAILROAD ADMINISTRATION REQUIREMENTS, CAPITAL METRO BECAUSE WE HAVE BEEN PROVIDING FREIGHT SERVICE HAS BEEN INSTALLING WHAT THEY CALL QUAD GATES AT KEY CROSSINGS, PREVENT CARS FROM TRAFFIC, FROM GOING AROUND THE GATES, TO PREVENT, ALLOW US TO NOT BLOW HORNS IN SOME OF THE NEIGHBORHOODS WHERE OUR RAIL PASSES THROUGH. OUR SAFETY RECORD HAS BEEN -- INDICATING THAT THERE'S -- THERE'S FOUR AT GRADE ACCIDENTS IN THE LAST THREE YEARS, NONE RESULTING IN SERIOUS INJURIES. TO THE POINT ABOUT TRAFFIC DISRUPTION, THESE TRAINS BECAUSE OF THEIR SIZE, 150 FEET WOULD ESSENTIALLY CROSS THROUGH AN INTERSECTION IN ABOUT 40 SECOND OR SO TO PASS THOSE

GATED INTERSECTIONS. OFTEN LESS TIME IN -- IN TRAFFIC THAN MAYBE MANY OF OUR STOP LIGHTS ARE ACROSS AUSTIN. FUTURE IMPROVEMENTS WOULD BE SUBJECT TO BOARD APPROVAL, REALIGNING THE TRACKS TO PROVIDE MORE -- MORE -- SHORTER DISTANCE OF SERVICE. ADDITIONAL STATIONS IN THE FUTURE, BASED ON RIDERSHIP GROWTH. MAINTENANCE FACILITY, SOMETHING CALLED SIGNALIZATION, WHICH IS ESSENTIALLY LIKE AIR TRAFFIC CONTROL FOR TRAINS AS YOU ADD MORE TRAINS TO THE TRACK. ENHANCED CIRCULATOR SERVICES ENHANCED POTENTIAL SERVICES IN THE FUTURE. CAPITAL EXPENSES TO START THE OPERATION, ABOUT \$60 MILLION FOR TRACK IMPROVEMENT. MAINTENANCE FACILITY PRIMARILY MUCH OF THE COST GOING TOWARDS STATIONS, ANNUAL OPERATING COSTS ARE ABOUT \$5 MILLION, THAT DOES INCLUDE LEASE PURCHASE OF VEHICLES AND OPERATING COST DETERMINED BY THOSE FREQUENCY OF SERVICE.

CAPITAL METRO WILL USE OUR EXISTING SALES TAX, FAIR REVENUES, AVAILABLE FEDERAL MATCHING GRANTS TO PROVIDE FOR THE FUNDING OF THE LINE. THERE WOULD BE NO NEW TAXES, NO BONDING REQUIRED OR DEBT. THIS CHART BREAKS DOWN HOW THAT IS BROKEN OUT FOR THE \$60 MILLION. HALF OF IT COMING APPROXIMATELY FROM EXISTING SALES TAX AND REVENUE THE REMAINDER FROM MATCHING GRANTS IS AVAILABLE. THIS SLIDE SHOWS HOW WE'LL USE OUR FUNDS AND THE SOURCE OF FUND HAVING THE LONG HAUL FOR THE ENTIRE LONG-RANGE PLAN. YOU MIGHT NOTICE ON THE RIGHT THAT -- THAT WE ARE APPROACHING MORE THAN THREE QUARTERS SERVING BUS SERVICE. THE CURRENT PLAN WOULD BE FOR THE BOARD TO ALLOCATE A PORTION OF THAT PENNY SALES TAX, NOW GOING TO MOBILITY PROJECTS TO A FOR TRANSIT ON RAIL. WHAT ABOUT EVALUATING OUR PERFORMANCE. HOW DO WE KNOW THAT THE LINE IS GOING TO BE MEETING CITIZENS NEEDS. SAMPLE CRITERIA ARE USED AS INDUSTRY STANDARDS IN A TRANSIT INDUSTRY INCLUDE EVALUATING RIDERSHIP SAFETY, WHETHER ON TIME, BUDGET, MAINTENANCE COST AND TRENDS AND OF COURSE HEARING FROM CUSTOMERS. THIS KIND OF ACTIVITY IS DONE ON A REGULAR BASIS TO EVALUATE THE BUS SERVICE

AND WOULD ALSO BE APPLIED TO THE RAIL SERVICE. IN ORDER TO QUALIFY FOR FEDERAL FUNDING, THERE'S STRINGENT GUIDELINES THAT THE FTA ASKS FOR US TO INDICATE THIS WILL BE BENEFICIAL TO THE COMMUNITY. EVALUATING EACH OF THE ALTERNATIVES IN THE CORRIDOR TO FIND THE ONE THAT BEST SERVES THE NEEDS, DEMONSTRATING COST EFFECTIVENESS, ESTIMATING RIDERSHIP OVER 20 YEARS, ABILITY TO FUND THE PROJECT AND ALSO LAND USE, ECONOMIC AND ENVIRONMENTAL CONSIDERATIONS AS PART OF OUR ACCOUNTABILITY TO EVEN QUALIFY FOR FEDERAL FUNDING. SO WHAT'S IN THE BALLOT? BY STATE LAW IT'S A SIMPLE SENTENCE THAT SIMPLY SAYS THE OPERATION OF A FIXED RAIL SYSTEM, BY CAPITAL METRO TRANSPORTATION AUTHORITY, WE ARE ALSO REQUIRED TO POST A NOTICE OF ELECTION LANGUAGE WHICH I WON'T READ TO YOU HERE, BUT ESSENTIALLY SUMMARIZES WHAT I JUST SPENT A FEW MINUTES TELLING YOU HERE IN THE POWERPOINT DESCRIBING THE COMMUTER RAIL LINE IN THE CONTEXT OF THE ALL SYSTEMS GO PLAN. THE REFERENDUM DOES NOT ALLOW CAPITAL METRO TO INCREASE TAXES, DOESN'T REQUIRE EXTENSIVE CONSTRUCTION, DISRUPTIVE TO TRAFFIC FLOW AND DOES NOT PROVIDE FOR SERVICE OUTSIDE OF OUR CURRENT SERVICE AREA. SO THIS IS A LOOK AT HOW THE LONG-RANGE PLAN SERVES OUR NEEDS OVER TIME. I BELIEVE MR. WALKER HAS SOME CLOSING REMARKS TO ADDRESS AND WE'LL BE GLAD TO ANSWER ANY QUESTIONS THAT HE MAY HAVE.

THANK YOU MR. LEE. WELCOME, MR. WALKER.

THANK YOU MR. MAYOR. THANK ALL SEVEN OF YOU AS GREAT LEADERSHIP IN THE CITY. AS A CITIZEN I VERY MUCH APPRECIATE IT. I AM HERE TO SPEAK RIGHT NOW NOT AS THE CHAIR OF CAPITAL METRO, BUT AS A CITIZEN. I THINK THAT I CAN SPEAK MY PIECE MORE DIRECTLY AS A CITIZEN THAN I CAN IF I HAVE MY CAPITAL METRO HAT ON. FIRST OF ALL AS A CITIZEN I WANT TO GIVE SPECIAL THANKS TO YOU, MAYOR, FOR YOUR LEADERSHIP. THE TOPICS OF COMMUNITY THAT THIS FALLS UPON, I KNOW HAVE BEEN LIFE-LONG INTEREST OF YOURS, YOU HAVE SHOWN LEADERSHIP FOR A LONG TIME, I WANT TO THANK YOU PERSONALLY FOR ALL THAT YOU HAVE DONE FOR THIS

COMMUNITY. WELL BEFORE THE TIME THAT YOU WERE MAYOR, BUT THOUSAND THAT YOU ARE MAYOR, THANK YOU DIRECTLY.

THANK YOU.

I WANT TO IN PARTICULAR THANK ALSO COUNCILMEMBERS THOMAS AND SLUSHER, BOTH OF THESE INDIVIDUALS SERVE ON OUR BOARD. I KNOW HOW MUCH SERVICE THEY HAVE GIVEN. I DON'T KNOW HOW THEY FIND THE TIME TO DO THE DOUBLE, TRIPLE, GUADALUPE QUADRUPLE DUTY THAT THEY DO. I CAN CERTAINLY TELL EVERYONE WHO MAY BE WATCHING THIS THAT THESE TWO MEN DO REMARKABLE SERVICE, NOT ONLY ON THE CITY COUNCIL BUT ON THE CAPITAL METRO BOARD AND I THANK THEM FOR THAT. I WOULD LIKE TO MAKE THREE QUICK POINTS AND THEN HUSH. THE FIRST ONE, IT'S IMPOSSIBLE FOR ME TO BELIEVE AS A CITIZEN, ANY GREAT CITY, ANY GREAT REGION GOING FORWARD, THINKING MULTI-GENERAL NATIONALLY OVER THE NEXT 50 OR 60 YEARS, IT'S IMPOSSIBLE IF IT'S NOT MULTI-MODAL, GOES ROADS ALONG. I THINK IT'S A STRATEGIC CHOICE, I AS A CITIZEN OBVIOUSLY BELIEVE IN THIS OR I WOULDN'T BE SPENDING MY TIME WHERE I AM. THE SECOND POINT THAT I WOULD LIKE TO MAKE IS THAT THERE IS A REMARKABLE ENDEAVOR CALLED ENVISION CENTRAL TEXAS UNDERWAY. AND THE PRELIMINARY RESULTS OF THAT ARE NOW AVAILABLE. WHAT THEY HAVE SAID THAT IS THE VAST MAJORITY OF OUR CITIZENRY DO NOT WANT BUSINESS AS USUAL. IN FACT AS BETWEEN SCENARIO A, BUSINESS AS USUAL, KEEP ON DOING WHAT WE ARE DOING, SCENARIO D, WHERE WE TAKE ADVANTAGE OF SUCH THINGS AS OUR RAIL ASSETS, THAT THERE IS SOMETHING ON THE ORDER OF 400 SQUARE MILES OF GREEN SPACE THAT WOULD BE CLEAR CUT OVER THE NEXT 25 YEARS. IF WE JUST KEEP DOING WHAT WE'RE DOING. THE QUESTION THAT I WOULD POSE IS IN THE PAST, WE'VE HAD A PROPENSITY AS A CITY TO -- TO THINK AND TO TALK AND TO THINK AND TALK BUT ACTION HAS NEVER BEEN OUR STRONG SUIT NECESSARILY. IN FACT I CAN REMEMBER THE AUSTIN TOMORROW PLAN, WHICH -- WHICH WAS A BEAUTIFUL PIECE OF WORK, SAT ON THE SHELF FOR 25 YEARS. WE NOW HAVE THE ENVISION CENTRAL TEXAS WORK PRODUCT. I SPEAKING AS A CITIZEN BELIEVE THAT THE

MOST POWERFUL LEVER THAT WE COULD PULL TO MAKE THAT PLAN A REALITY WOULD BE THIS -- THIS RAIL VOTE ON THE SECOND. THIS RAIL SYSTEM. THE FINAL THING THAT I WOULD SAY IS THAT -- THAT MANY OF YOU KNOW THAT I TEACH, I TEACH A COURSE CALLED COMMUNITY IN PLACE. MY PRIMARY MOTIVATION HERE IS I BELIEVE THIS WILL ENHANCE COMMUNITY. THE CREATION OF WALKABLE COMMUNITIES AROUND EACH OF THESE STATIONS WILL BE A TREMENDOUS BOONE TO OUR LIFE, THE QUALITY OF OUR LIFE HERE. AND WHEN I COMBINE THAT WITH THE ENVIRONMENTAL ISSUES AND IMPLICATIONS, I AS A CITIZEN BACK THIS VERY MUCH. FORGIVE THOSE PROSTHELETIZEING WORDS, BUT WHEN I SIGNED ON I DIDN'T SURRENDER MY RIGHTS TO SPEAK AS A CITIZEN BUT I HAVE DONE SO AND I THANK ALL OF YOU.

Mayor Wynn: WELL DONE, THANK YOU, MR. WALKER, FOR ALL YOU DO. MR. LA MEADE, YOU TOUCHED ON IT, BUT IT MIGHT HELP ALL OF US TO UNDERSTAND IT A LITTLE MORE IN DEPTH. SORT OF THE PUBLIC PROCESS THAT CAPITAL METRO WENT THROUGH IN ORDER TO GET TO WHERE YOU ARE TODAY. CAN YOU TAKE US BACK A YEAR OR MORE AND HELP US REMEMBER TO UNDERSTAND THE VETTING, YOU KNOW, PUBLICLY THAT OCCURRED AS ULTIMATELY THE BOARD THEN MADE A DECISION TO BRING FORWARD THIS PLAN.

YES, SIR, YES, SIR. THE PLANNERS AT CAPITAL METRO ARE WORKING WITH THE DIRECTION OF THE BOARD LAST YEAR BEGAN EVALUATING OPTIONS, IN PART IN RESPONSE AS CHAIRMAN WALKER INDICATED TO THE ENVISION CENTRAL TEXAS PROCESS THAT BEGAN THE PROCESS FOR US ESSENTIALLY TO IMPLEMENT THE TACTICAL SIDES OF THE STRATEGY, THE LONG RANGE VISION THAT ECT STARTED. AS PLANNERS LOOKED AT THE OPPORTUNITIES TO USE EXISTING FREIGHT TRACKS FOR PASSENGER RAIL SERVICE, THE COMMUTER RAIL PROPOSAL BECAME A PART OF WHAT WE WENT TO CITIZENS FOR. IN A PRELIMINARY WAY LAST FALL. IN EARNEST IN MAY WE CONDUCTED WORKSHOPS THROUGHOUT THE AREA, OPEN HOUSES, ASKED CITIZENS TO TELL US WHAT THEY LIKED, DIDN'T LIKE, WHERE THE LINES COULD GO, WHAT THE LINES SHOULDN'T DO. NOT ONLY FOR THE DOWNTOWN NORTHWEST LINE, BUT FOR THE

ENTIRE PLAN TOGETHER TO WORK TOGETHER AS A SYSTEM. CITIZENS SAID WE WANT TO SEE MORE RAPID BUS, THAT WAS THE MOST DRAMATIC CHANGE THAT OCCURRED IN THIS PLAN IN TERMS OF CITIZEN INPUT. WE ALSO HEARD THAT THEY WANT MORE EXTENSIONS AND SERVICE TO OUR EXPRESS BUS SERVICE OUTSIDE OF TOWN. THEY DID SPEND A GREAT DEAL OF TIME TELLING US ABOUT THE NORTHWEST LINE, WHERE THE STATIONS COULD GO, TALK TO US A LOT ABOUT TRANSIT ORIENTED DEVELOPMENT. THAT INPUT THEM WAS COMPILED FROM 8,000 CITIZENS PROVIDED END PUT THROUGH DATA -- INPUT THROUGH DATA CARDS, MEETINGS, ONLINE SURVEYS, [INDISCERNIBLE], RESULT IN THIS ONE OF THE LARGEST PUBLIC OUTREACH EFFORTS THAT WE ARE AWARE OF IN OUR AREA TO ULTIMATELY ADOPT THOSE PLANS AND INCORPORATE THEM INTO THIS PLAN WHICH IS NOW THE COMMUNITY'S PLAN. THAT'S WHAT THE BOARD APPROVED THEN IN AUGUST, BASED ON THAT CITIZEN INPUT, SIGNIFICANT CHANGES MADE AS A RESULT OF THAT CITIZEN INPUT. FROM THAT PROCESS WE HAVE BEEN SINCE THEN MEETING AT THE REQUEST OF MANY CITIZENS ACROSS OUR AREA IN THE LAST MONTH APPROACHING NEARLY FIVE TO 600 DIFFERENT PEOPLE, GROUPS HAVE ASKED US TO MEET WITH THEM ON THE ORDER OF 30 TO 40 DIFFERENT CITIZEN AND CIVIC GROUPS. NOW EDUCATING THEM AS TO WHAT THE FINAL PLAN IS AND THAT'S WHAT YOU HAVE SEEN BEFORE YOU TODAY.

THANK YOU VERY MUCH. I THINK IT'S IMPORTANT FOR CITIZENS TO UNDERSTAND THAT -- THAT HOW LONG A PROCESS THIS HAS BEEN VOTED, IF NOT -- INPUT THAT YOU ALL HAVE RECEIVED FROM CITIZENS THROUGHOUT THE SERVICE, REALLY THROUGHOUT THE REGION. IT'S -- IT'S IMPRESSIVE AMOUNT OF -- AMOUNT OF MATERIAL, YES, SIR, WE'VE BEEN BUSINESS.

THANK YOU, MR. LA MEADE. QUESTIONS COUNCIL, COMMENTS?

Mayor Wynn: I WILL SAY WE WERE BEING CAREFUL TODAY TO HAVE AN INFORMATION ONLY PRESENTATION. I THINK INDIVIDUALLY MANY OF US ARE -- ARE DOING A NUMBER OF THINGS, BUT -- BUT THIS BRIEFING I THINK IS VERY IMPORTANT FOR THE CITIZENS TO BE ABLE TO SEE, RELY ON

FOR THE INFORMATION THAT THEY NEED BEFORE HOPING CASTING A VOTE IN NOVEMBER.

THANK YOU VERY MUCH FOR YOUR TIME AND ATTENTION, I BELIEVE THAT WE HAVE GIVEN YOU SOME MATERIALS, OUR OVERALL TRANSIT PLAN BROCHURE. QUESTIONS AND ANSWERS THAT YOU MAY BE INTERESTED TO REVIEW THAT DO ADDRESS CITIZEN CONCERNS RAISED IN THE PAST FEW MONTHS, POINTS YOUR ATTENTION TO THOSE DOCUMENTS AS WELL.

LASTLY, HOW CAN CITIZENS, I PRESUME THERE'S A WEBSITE, OTHER WAYS FOLKS CAN PULL UP DIFFERENT PIECES OF INFORMATION.

Www.capitalMetro.org, CLICK ON THE ALL SYSTEMS GO LINK. Wwww.CAP metro.org. WE WILL BE GLAD TO PROVIDE A BRIEFING TO CITIZENS AS WELL. 474-1200.

THANK YOU, AGAIN, COUNCIL, QUESTIONS, COMMENTS? IF NOT, THANK YOU ALL VERY MUCH FOR THE TIME AND EFFORT OF THIS PRESENTATION.

Alvarez: MAYOR? BEFORE WE BREAK, I'VE HAD MY QUESTIONS ANSWERED ON NUMBER 15. I THINK THAT'S THE ITEM. IS IT 15?

Mayor Wynn: CORRECT.

Alvarez: SO I CAN GO AHEAD AND JUST MOVE THAT WE APPROVE THAT ITEM.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ TO APPROVE ITEM NO. 15, THAT WAS DELAYED EARLIER. I'LL SECOND THAT. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU VERY MUCH. COUNCIL, WITHOUT OBJECTION, JENNIFER GAIL HAD SIGNED UP TO SPEAK ON ITEM NO. 36. MS. GALE, WE HAVE ACTUALLY REMOVED THAT ITEM FROM THE

AGENDA TODAY. WE SIMPLY HAD A BRIEFING, BUT WITHOUT OBJECTION, COUNCIL, LET'S WELCOME JENNIFER GALE, YOU WILL HAVE FLEETHREE MINUTES.

THANK YOU MAYOR WYNN, COUNCILMEMBERS. CITY MANAGER TOBY FUTRELL. I -- I ENJOYED THAT COMMERCIAL FOR THE LIGHT RAIL SYSTEM. THE -- WHAT'S NOT SPOKEN OUT ON THE ADD VERMONT -- PAGE ADVERTISEMENT ON PAGE 25 OF THE AUSTIN CHRONICLE IS THAT THIS IS A STARTER LIGHT RAIL, WHICH IS RIGHT HERE IN THE ORDER FOR THE ELECTION, SO THIS IS -- THIS IS NOT JUST \$60 MILLION WE ARE SPEAKING OF. THIS IS BILLIONS OF DOLLARS. WE SPENT SEVERAL BILLION UP IN DOLLARS SETTING UP THE LIGHT RAIL AND COMMUTER RAIL. THE -- THIS IS NOT COMMUTER RAIL. IT ONLY GOES TO ONE OTHER CITY. THESE ENGINES, DIESEL ENGINES POLLUTE. THEY ARE NOT THE CLEAN AIR ELECTRIC ONES THAT WE KNOW OF. THEY TALK ABOUT RAPID BUSES WHICH COULD BE DANGEROUS IF THEY ARE TALKING ABOUT FASTER THAN THE SPEED LIMIT. THROUGH THE ORDER BY THE CAPITAL METRO BOARD THAT SET THIS LIGHT RAIL UP. IF YOU LOOK AT DOWNTOWN DALLAS, IT LOOKS LIKE RAIL YARD AS YOU LOOK DOWN THERE, THE BEAUTY AND AESTHETIC LANDSCAPE NATURE IS GONE. YOU -- THEY ARE USING OUR MONEY AGAINST OUR BETTER JUDGMENT FOR THIS LIGHT RAIL PLAN. IT'S LIKE STABBING SOMEBODY. ONCE YOU PUT THE KNIFE IN, YOU KNOW, YOU ARE GOING TO WORK IT ALL THE WAY ON IN THROUGH THE PASSING YEARS. WITH OUR MONEY. IT WILL TAKE THREE TO FIVE TRANSFERS. PEOPLE KNOW IF YOU TAKE ONE TRANSFER YOU CAN TAKE AN HOUR, HOUR AND A HALF. BUT WITH A LIGHT RAIL TRAIN THAT'S NOWHERE NEAR DOWNTOWN, IT'S DOWN IN THE SOUTHEAST CORNER, AT THE CONVENTION CENTER EVERYONE IS GOING TO HAVE TO WALK OR TRANSIT TO IT. IT'S NOT IN THE CAPITOL COMPLEX, NOWHERE NEAR THERE. NOWHERE NEAR THE CHAMBER OF COMMERCE, KIRK WATSON'S HOPE. SO WE HAVE MORE DEGREES OF SEPARATION. WE HAVE EVERY SINGLE ONE OF THESE GROUPS IS EITHER ALLEVIATED OR CLOSELY AFFILIATED WITH THE CHAMBER OF COMMERCE EXCEPT FOR THE OBVIOUS ONES LIKE THE BICYCLE COALITION. IT DOESN'T SAY THAT IT'S A STARTER LINE TO OPEN OUR

POCKETBOOKS. IT SHOWS BIKE LANES, BUT IT DOESN'T SHOW A PLACE TO RIDE A BIKE. IT DOESN'T SHOW ITS DIESEL. THIS RESOLUTION PUT EACH MEMBERS APPROVES, IS IN BED WITH THE CHAMBER. THIS PROVES IT. PEOPLE OF AUSTIN ALREADY CAN'T AFFORD TAXES, LOOK AT ALL OF THE BUSINESSES WE LOST, THE HUNDREDS OF FORECLOSURES THAT WE HAVE EVERY MONTH. THIS WILL ALLOW FOR GENTRIFICATION AND THAT'S WHY THE REAL ESTATE COUNCIL OF AUSTIN IS BACKING THIS. I'M AGAINST LIGHT RAIL. IT -- BECAUSE IT DOESN'T -- IT'S NOT IN OUR COMMUNITY. VERY FEW PEOPLE BENEFIT BY THIS AND ONCE YOU START IT, THIS -- THIS GROUP WON'T STOP. [BUZZER SOUNDING] LET'S NOT TURN INTO NEW YORK CITY. LET'S KEEP AUSTIN AUSTIN, THANK YOU, MAYOR.

Mayor Wynn: THANK YOU, MS. GALE. COUNCIL, THAT WAS AGAIN VERDICT GALE WAS THE ONLY CITIZEN SIGNED UP ON AGENDA ITEM 36 EVEN THOUGH IT HAS BEEN REMOVED. WITH THAT, COUNCIL, WE HAVE NO MORE ACTION ITEMS BEFORE OUR 4:00 ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. I BELIEVE WE HAVE COMPLETED ALL OF OUR EXECUTIVE SESSION ITEMS FOR THE DAY. SO WITH THAT, WE WILL NOW BE IN RECESS UNTIL 4:00 P.M. THANK YOU.

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THE MEETING OF THE AUSTIN CITY COUNCIL. IT'S NOW FIVE MINUTES AFTER FOUR P.M. TIME NOW FOR US TO TAKE UP THE ZONING ORDINANCES AND APPROVAL OF RESTRICTIVE COVENANTS. I'LL RECOGNIZE MS. ALICE GLASGO.

GOOD AFTERNOON. ALICE GLASGO, DIRECTOR OF NEIGHBORHOOD PLAN AND ZONING DEPARTMENT. I'LL PAUSE A MINUTE FOR EVERYONE TO SETTLE DOWN.

Mayor Wynn: FOLKS, IF YOU COULD HOLD YOUR CONVERSATIONS DOWN, WE'LL GET STARTED. THANK YOU.

OKAY, MAYOR AND COUNCILMEMBERS. OUR ZONING CASES FOR TODAY ARE AS FOLLOWS: FIRST SEGMENT OF THE ZONING CASES RELATE TO THOSE THAT ARE ON FOR SECOND AND THIRD READING, WHICH ARE ITEMS 46, 47 AND

48. THOSE ARE ITEMS UP FOR DISCUSSION, SO WE'LL COME BACK TO THEM LATER. MAYOR, THE ITEMS THAT ARE UNDER THE FIRST SEGMENT OF THE ORDINANCE REQUIRE DISCUSSION, SO I'M GOING TO MOVE ON TO THE ITEMS UNDER THE 4:00 O'CLOCK PUBLIC HEARINGS. STARTING OFF WITH ITEMS IN THE CATEGORY, ITEMS Z-1 THROUGH 8 PERTAIN TO THE RAINY STREET REZONING CASES, AND THOSE WILL BE DELAYED UNTIL 6:00 O'CLOCK TO BE HEARD WITH THE PROPOSED AMENDMENTS TO THE PROPOSED RAINY STREET OVERLAY DISTRICT. AND WE'LL PICK UP AT ITEM NUMBER Z-9, WHICH IS CASE NUMBER C-14-04-0102, THE ESKEEW PLACE COMMERCIAL, LOCATED AT 3512 THROUGH 3610 SOUTH LAMAR. THE EXISTING ZONING IS SINGLE-FAMILY 2 AND THE APPLICANT IS SEEKING A CHANGE TO CS-MU, WHICH STANDS FOR GENERAL COMMERCIAL SERVICES WITH A MIXED USE COMBINING DISTRICT. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT GR-MU-CO STEDZ. THE APPLICANT ACCEPTS THAT RECOMMENDATION AND IS CASE IT READY FOR ALL THREE READINGS. ITEM Z-10, C-14-04-117, THIS CASE IS LOCATED AT 509- RADAM LANE. THE APPLICANT IS SEEKING A CHANGE TO GR-CO, WHICH STANDS FOR COMMUNITY FEDERAL CONDITIONAL OVERLAY. THE PLANNING COMMISSION IS RECOMMENDING THE APPLICANT'S REQUEST WITH A CONDITIONAL OVERLAY. THIS CASE IS READY FOR ALL THREE REEZINGS. ITEM NUMBER Z-11, CASE NUMBER C-14-04-0075, SOUTH PARK MEADOWS. THIS CASE IS LOCATED AT 9600 SOUTH IH-35 SERVICE ROAD SOUTHBOUND. THE EXISTING ZONING IS LIMITED OFFICE WITH A CONDITIONAL OVERLAY, AND CS-1 WHICH STANDS FOR COMMERCIAL LIQUOR SALES. THE APPLICANT IS SEEKING TO CHANGE THOSE TWO DISTRICTS TO GR-CO. THAT REQUEST HAS BEEN RECOMMENDED BY THE ZONING AND PLATTING COMMISSION. THIS CASE IS READY FOR ALL LEE READINGS. ITEM NUMBER Z-12, C-14--99-129. THIS IS A RESTRICTIVE COVENANT AMENDMENT WHICH IS RELATED TO AN ITEM NUMBER Z-11. IT IS NO LONGER NEEDED SINCE THE PROPOSED ZONING IS IN CONFLICT WITH A PREVIOUS ZONING, SO THE COVENANT NEEDS TO BE TERMINATED. THAT TERMINATION REQUEST IS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION. AND THIS SIMPLY REQUIRES YOUR APPROVAL SINCE IT'S A RESTRICTIVE

COVENANT AND NOT A ZONING CHANGE. ITEM NUMBER Z-13, C-14-04-94, JANSON TRACT, LOCATED AT 9808 SOUTH I-35 SERVICE ROAD SOUTHBOUND. THE EXISTING ZONING IS CS-CO, COMMERCIAL SERVICES WITH A CONDITIONAL OVERLAY. THE APPLICANT IS SEEKING TO KEEP THE SAME ZONING, BUT MODIFY SOME OF THE CONDITIONAL OVERLAY ITEMS. THAT REQUEST HAS BEEN RECOMMENDED BY THE ZONING AND PLATTING COMMISSION. THIS CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-14, C-14-04-30, TIME INSURANCE, INC., LOCATED AT 1405 AND 1411 EAST RIVERSIDE DRIVE. THE APPLICANT HAS REQUESTED A POSTPONEMENT TO OCTOBER THE SECOND. THIS IS THE APPLICANT'S FIRST REQUEST. -- NOVEMBER THE SECOND, I APOLOGIZE FOR THAT. I'M GOING TO CORRECT MYSELF AGAIN. ON Z-14 IT'S NOVEMBER THE FOURTH. NOVEMBER THE SECOND IS ELECTION DAY, TUESDAY. ITEM NUMBER Z-15, CASE C-14-04-119. THIS CASE IS LOCATED AT 2304 WEST PARMER LANE. THE APPLICANT IS SEEKING A CHANGE FROM NEIGHBORHOOD OFFICE TO LR, NEIGHBORHOOD COMMERCIAL. THAT REQUEST IS RECOMMENDED TO YOU BY THE ZONING AND PLATTING COMMISSION. THIS CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-16, C-14-04-122, THIS CASE IS LOCATED AT 1111 WEST SEVENTH STREET, THE APPLICANT IS SEEKING A CHANGE FROM MULTI-FAMILY-4 NEIGHBORHOOD PLAN TO SINGLE-FAMILY 3 WITH A NEIGHBORHOOD COMBINING DISTRICT FOR TRACT 1. AND FOR TRACT 2 THE APPLICANT IS REQUESTING SINGLE-FAMILY 5 WITH AN NP COMBINING DISTRICT. THIS IS IN THE OLD WEST AUSTIN NEIGHBORHOOD PLANNING AREA. THE PLANNING COMMISSION HAS RECOMMENDED THE APPLICANT'S REQUEST AND THIS CASE IS READY FOR FIRST READING. ITEM NUMBER Z 17, C-14-04-135, THE PROPERTY IS LOCATED AT 300 NORTH LAMAR BOULEVARD. THE APPLICANT IS SEEKING A CHANGE FROM LI-CO-NP TO LI-PDA-NP. THE APPLICANT IS SEEKING TO CONSTRUCT SOME MULTI-FAMILY USE AND THAT IS CONSISTENT WITH THE NEIGHBORHOOD PLAN AND IT DOES NOT REQUIRE A PLAN AMENDMENT. THE REQUEST HAS BEEN RECOMMENDED BY THE PLANNING COMMISSION AND IS SUPPORTED BY THE NEIGHBORHOOD IN THE AREA. THIS CASE IS READY FOR FIRST READING ONLY. ITEM NUMBER Z-18, CASE C-14-04112, WILLIAMSON SQUARE, LOCATED AT 10,700

ANDERSON ANDERSON MILL ROAD. THE EXISTING ZONING IS INTERIM RURAL RESIDENTIAL. THE REQUEST IS FOR GR, COMMUNITY COMMERCIAL. THE ZONING AND PLATTING COMMISSION RECOMMENDS THE APPLICANT'S REQUEST WITH A CONDITIONAL OVERLAY. THIS CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-19, CASE C-14-04-120, TECH RIDGE, LOCATED AT 710, 810 AND 820 WEST HOWARD LANE. THE APPLICANT IS SEEKING A CHANGE FROM INTERIM LI TO PERMANENT LI. THE COMMISSION RECOMMENDED THE REQUEST WITH A CONDITIONAL OVERLAY AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-20, CASE C-14-04-137, ESTATES OF CANYON CREEK. THE APPLICANT IS SEEKING A CHANGE FOR PROPERTY LOCATED AT KNIFE 01 RM 620 NORTH. THE CHANGE IS FROM INTERIM RURAL RESIDENTIAL TO MULTI-FAMILY 1. THE COMMISSION RECOMMENDS THAT REQUEST AND IT'S READY FOR FIRST READING. ITEM NUMBER Z-21, STAFF IS REQUESTING A POSTPONEMENT TO NOVEMBER THE 18th IN ORDER TO BRING THIS CASE BACK WITH A COMPANION CASE ON THAT DATE. ITEM NUMBER Z-22 IS GOING TO BE A BRIEF DISCUSSION TO RESPOND TO SOME QUESTIONS YOU HAD AT YOUR LAST PUBLIC HEARING. WE'LL COME BACK TO THAT. ITEM NUMBER Z-23, CASE C-14-04-133, LAMAR ZONING CASE. THIS CASE IS LOCATED AT 11800 NORTH LAMAR BOULEVARD, AND THIS CASE WILL BE A DISCUSSION ITEM. WE'LL COME BACK TO IT LATER. ITEM NUMBER Z-24, C-14-04-101 SOUTH LAMAR BOULEVARD EVERGREEN. THE NEIGHBORHOOD ASSOCIATION WOULD LIKE A POSTPONEMENT TO NOVEMBER THE 18th. THIS IS THE NEIGHBORHOOD'S FIRST REQUEST. MAYOR, THAT CONCLUDES MY PRESENTATION ON THE 4:00 O'CLOCK PUBLIC HEARINGS AND ZONING CASES.

Mayor Wynn: THANK YOU, MS. GLASGO. SO COUNCIL, OUR CONSENT AGENDA FOR OUR PUBLIC HEARING ZONING CASES WILL BE CASE Z-9 APPROVED ON ALL THREE READINGS. Z-10 ALL THREE READINGS. Z-11 THREE READINGS. ITEM Z-12 ACTUALLY WILL BE TO TERMINATE THE RESTRICTIVE COVENANT.

THAT'S CORRECT.

Mayor Wynn: ITEM Z-13 APPROVED ON THREE READINGS. Z-14 PROPOSED UNTIL NOVEMBER FOURTH, 2004. Z-15 APPROVED

ON ALL THREE READINGS. Z-16 APPROVAL ON FIRST READING ONLY. Z-17 APPROVED ON FIRST READING ONLY. Z-18 APPROVED ON THREE READINGS. Z-19 APPROVED ON THREE READINGS. Z-20 APPROVED ON FIRST READING ONLY. AND Z-21 TO BE POSTPONED TO NOVEMBER 18th, 2004. AND Z-24 TO BE POSTPONED TO NOVEMBER 18th, 2004. I'LL ENTERTAIN A MOTION.

Slusher: MAYOR? I'LL WAIT UNTIL AFTER THERE'S A MOTION.

Mayor Wynn: MOTION BY THE MAYOR PRO TEM TO APPROVE THE CONSENT AGENDA AS READ.

SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER DUNKERLEY. THAT MOTION INCLUDES CLOSING THE PUBLIC HEARING. AND APPROVE THE CONSENT AGENDA AS READ. COUNCILMEMBER SLUSHER.

Slusher: ON Z-9, THIS IS A TRACT THAT IS PART OF IT IS IN THE BARTON SPRINGS ZONE AND BACKS UP TO BARTON CREEK. THE PROPOSAL, I DON'T HAVE A SPECIFIC PROPOSAL, BUT THE APPLICANTS ARE SAYING THEY WANT TO BUILD IT ON THE FRONT PART OF THE PROPERTY THAT'S AWAY FROM THE CREEK, BUT I WOULD LIKE TO TAKE ANOTHER READING TO TAKE SURE TO CODIFY THAT AND SO TO PROTECT THE GREENBELT IN THAT AREA. AND THEN ON Z-10, I WOULD LIKE TO HAVE ONE MORE WEEK TO LOOK AT THIS. I DIDN'T GET TO AND I APOLOGIZE, BUT IF I COULD HAVE JUST A WEEK TO TAKE A LOOK AT THAT ONE, SO Z-9 AND Z 10 AS FIRST READING.

Mayor Wynn: SO COUNCILMEMBER, YOUR REQUEST IS Z-10 IS TO DO FIRST READING ONLY OR TO POSTPONE FOR A WEEK?

JUST FIRST READING.

Mayor Wynn: SO WOULD YOU CONSIDER THAT A FRIENDLY AMENDMENT TO CHANGE THE APPROVAL ON CASE Z-9 AND Z-10 TO FIRST READING ONLY?

YES.

Mayor Wynn: SO BE IT. FURTHER COMMENTS? WE HAVE A MOTION AND A SECOND ON THE TABLE TO CLOSE THE PUBLIC HEARING AND APPROVE THE CONSENT AGENDA AS READ AND AMENDED. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] >> PROPOSED AMENDMENTS TO THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN FOR THE WEST UNIVERSITY AREA FOLLOWED BY THE ZONINGS FOR THOSE PLAN AMENDMENTS. SO I WILL START WITH -- WITH ITEMS 46 AND 47. THE FIRST ITEM ON THE MOTION SHEET IS TRACT 2104 A, 3403 HAMPTON ROAD, A SINGLE FAMILY ON THE FUTURE LAND USE IS THE PROPOSED USE, EXISTING ZONING IS SF-2-CO, PROPOSED -- ON FIRST READING CITY COUNCIL APPROVED SF-2 CO-NP WITH A NUMBER OF RESTRICTIONS ON SECOND READING AGAIN SAME, THE STAFF RECOMMENDATION IS AGAIN TO APPROVE WHAT THE COUNCIL APPROVED ON FIRST READING, SF-2 CO-NP, WHICH INCLUDES A HEIGHT LIMIT OF 30 FEET OR TWO STORIES, DRIVEWAY WIDTH AND GARAGE SETBACK RESTRICTIONS, INCLUDING MAXIMUM WIDTH OF THE FRONT YARD DRIVEWAY 12 FEET, STREET SIDE 18 FEET, SETBACK FOR A PARKING STRUCTURE 60 FEET, CIRCULAR DRIVEWAY IS PROHIBITED ON LOTS LESS THAN 100 FEET IN WIDTH. ALSO INCLUDES IMPERVIOUS COVER AND PARKING PLACEMENT, GARAGE PLACEMENT FRONT AND SIDE YARD WORKING RESTRICTIONS AS -- SIDE YARD RESTRICTIONS -- ... THE PROPERTY OWNER AND SOME OF THE ADJOINING RESIDENTS AND NEIGHBORHOOD ASSOCIATION FOR THE HANCOCK AREA HAVE SUPPORTED AN ALTERNATE RECOMMENDATION THAT YOU SEE UNDER PROPERTY OWNER RECOMMENDATION. THAT IS AGAIN SF-2 CO-NP, THE DIFFERENCE IS WITH THIS PROPOSAL IS THAT HEIGHT WOULD BE LIMITED TO 16 FEET FOR ONE STORY, OR 10 FEET AS MEASURED AT THE EAVE, ACCESS FROM ANY OTHER LOT THROUGH THIS LOT TO HAMPTON ROAD WOULD BE PROHIBITED. MAXIMUM GROSS FLOOR AREA WOULD BE 1250

SQUARE FEET. FOR TRACT 2104 B, 3407 HAMPTON ROAD THE SAME CONDITIONS APPLY. WE HAVE THE SAME ALTERNATE RECOMMENDATION FROM THE NEIGHBORHOOD ASSOCIATION AND THE PROPERTY OWNER. FROM TRACT 2104 C, THAT INCLUDES 3405 HAMPTON ROAD, 3406 RED RIVER STREET. THE FUTURE LAND USE PROPOSED FUTURE LAND USE IS SINGLE FAMILY. EXISTING ZONING IS SF-3. FIRST READING THE COUNCIL APPROVED SF-2 CO-NP WITH A HEIGHT RESTRICTION OF 30 FEET OR TWO STORIES. THE SAME DRIVEWAY WIDTH AND GARAGE SETBACK RESTRICTIONS THAT I PREVIOUSLY DESCRIBED, IMPERVIOUS COVER AND PARKING PLACEMENT, GARAGE PLACEMENT, FRONT AND SIDE YARD PARKING RESTRICTIONS [INDISCERNIBLE] SMALL LOT AMNESTY, THE COUNCIL APPROVED THE SAME ZONING ON SECOND READING. THE STAFF RECOMMENDATION IS AGAIN TO APPROVE SF-2 CO-NP AS APPROVED ON FIRST READING AND THE NEIGHBORHOOD ASSOCIATION AND THE PROPERTY OWNER HAVE AN ALTERNATE RECOMMENDATION OF M.F. 6 CO-NP. THE BUILDING COVER SET BACKS AND USES WOULD BE THE SAME AS SF-2. THEY WOULD TRYING TO LIMIT THE IMPERVIOUS COVER TO 76%, WHICH IS IN ADDITION, IT'S NOT LISTED ON YOUR MOTION SHEET. I WANTED TO CALL ATTENTION TO THAT. STANDARD IMPERVIOUS COVER FOR M.F. 6 IS 80%. HEIGHT WOULD BE LIMITED TO 30 FEET OR TWO STORIES. VEHICULAR ACCESS TO HAMPTON ROAD WOULD BE PROHIBITED, CIRCUMSTANCE COLLAR DRIVEWAYS ON LOTS LESS THAN 100 FEET IN WIDTH WOULD BE PROHIBITED. THE FRONT YARD SETBACK FOR PARKING STRUCTURES WOULD BE 60 FEET, INCLUDE ALSO THE IMPERVIOUS COVER PARKING PLACEMENT, GARAGE PLACEMENT, FRONTS AND SIDE YARD PARKING RESTRICTIONS AS IN THE REST OF THE NEIGHBORHOOD PLANNING AREA AND SMALL LOT AMNESTY. WE DO HAVE A PETITION THAT INCLUDES ALL FOUR OF THESE PROPERTIES, YOU SHOULD HAVE RECEIVED THAT ON THE DAIS. THE PETITION STATES THAT THE PROPERTY OWNER PROTESTS ANY ZONING OTHER THAN SF-2, SF-2 CO-NP, SF-3, SF-3 CO-NP, MF 6 OR MF 6 CO-NP. SO ANY ZONING OTHER THAN THOSE SIX THAT I NAMED WOULD REQUIRE A SUPER MAJORITY VOTE.

SO ALL OF THE -- BOTH THE STAFF RECOMMENDATION AND THE NEIGHBORHOOD PROPERTY OWNER ALTERNATE RECOMMENDATION WERE ALL -- ALL IN AGREEMENT TO SUCH THAT THE VALID PETITION IS IRRELEVANT FOR THOSE POTENTIAL ZONING MOTIONS?

THAT'S CORRECT. IF EITHER THE STAFF RECOMMENDATION OR THE PROPERTY OWNER RECOMMENDATION IS APPROVED, IT WOULD -- RIGHT. I'M AVAILABLE FOR ANY OTHER QUESTIONS THAT YOU HAVE ABOUT THAT. THAT CONCLUDES MY PRESENTATION FOR THE HANCOCK TRACTS.

Mayor Wynn: THANK YOU, MS. SCHUTER, QUESTIONS, COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION. COUNCILMEMBER DUNKERLY?

Dunkerly: WELL, ON THESE THREE ACTIONS, ON THESE THREE LOTS, I WOULD LIKE TO MOVE APPROVAL OF THE AGREEMENT THAT HAS BEEN REACHED BETWEEN THE PROPERTY OWNER, THE NEIGHBORHOOD ASSOCIATION AND SOME OF THE NEIGHBORS, AS YOU'VE IDENTIFIED, INCLUDING THE RESTRICTIVE COVENANTS, ET CETERA. THE PRIVATE THINGS.

THAT AGREEMENT ALSO INCLUDES A PUBLIC RESTRICTIVE COVENANT THAT IS A ROLLBACK FROM M.F. 6 [MULTIPLE VOICES]

Dunkerly: AS WELL WITH THE ROLLBACK TO SF-2. THAT WOULD BE THE MOTION ON THIS, AFTER THIS IS CONSIDERED MAYOR I HAVE ANOTHER MOTION THAT I WOULD LIKE TO MAKE REGARDING SOME PROPERTY THAT'S ABUTTING THAT.

Mayor Wynn: OKAY. MOTION BY COUNCILMEMBER DUNKERLY TO APPROVE ON THREE READINGS, THIS IS ESSENTIALLY A COMBINED MOTION FOR ALL THREE SUBJECT TRACTS, TRACT 2104 A, 2104 B, 2104 C TO APPROVE ON THIRD READING WHAT WAS OUTLINED AS THE ALTERNATIVE RECOMMENDATION. SECONDED BY MAYOR PRO TEM. THAT INCLUDES BOTH THE PLANNED DESIGNATION OF SINGLE FAMILY FOR FUTURE LAND USE AND THE ZONING. THANK

YOU.

THAT'S RIGHT.

Slusher: IS THIS THE COMPROMISE WHERE THE THREE LOTS ARE ABLE TO BUILD A STRUCTURE IN THEIR BACK YARD AS A BUFFER?

WELL, THAT'S GOING TO BE A -- A -- THAT CAN'T BE -- I DON'T THINK THAT CAN BE --

Slusher: NOT PART OF THE MOTION.

Dunkerly: SO I WILL DO THE SECOND MOTION.

Slusher: I'LL WAIT THEN.

Mayor Wynn: THANK YOU, FURTHER COMMENTS, QUESTIONS? BEFORE I CALL FOR THE VOTE, MS. CHUTEER, WHAT COUNCILMEMBER SLUSHER AND COUNCILMEMBER DUNKERLY ARE REFERRING TO, I BELIEVE COUNCIL WILL DIRECT STAFF TO INITIATE A ZONING CASE ON A NEIGHBORING -- ADJACENT PROPERTY OR PROPERTIES THAT DOESN'T NEED TO BE OUTLINED IN ANY WAY IN THIS MOTION?

Dunkerly: I COULD JUST DO A SECOND --

THE MOTION CAN INCLUDE THAT, BUT IT DOES NOT NEED TO BE INCLUDED IN THE ORDINANCE. JUST AN INSTRUCTION TO STAFF TO -- TO BEGIN THAT --

Dunkerly: LET ME AMEND THAT MOTION TO -- I SECOND -- I ASK THE STAFF TO INITIATE A PLAN CHANGE AND A ZONING CHANGE RUNNING FROM THE AREA WHERE THE WALL SEPARATES THE PROPERTY EAST TO RED RIVER. NOT ALL OF THOSE PROPERTIES MAY CHOOSE TO BE REZONED, BUT THOSE -- BUT THOSE THAT DO I WOULD LIKE YOU TO INITIATE A CASE AND THEN BRING IT BACK FOR CONSIDERATION AS SOON AS YOU CAN.

SO THAT WOULD BE PROPERTIES ALONG HARRIS AVENUE.

THREE BLOCKS FROM WHERE THE WALL GOES IN BACK EAST TOWARD RED RIVER. AGAIN THERE MAY BE SOME OWNERS AND -- AT SOME OF THOSE PROPERTIES THAT DON'T WANT TO HAVE THE ZONING CHANGED. IF THAT'S THE CASE, DON'T BRING THOSE BACK. BUT AT LEAST LOOK AT ALL -- I THINK THERE ARE THREE LOTS THERE. LOOK AT THOSE. AND THEN THAT CAN COME BACK AND -- AND BE A SEPARATE ACTION ITEM IN THE FUTURE WITH COUNCIL.

THE PROPOSED ZONING FOR THAT ZONING FOR STAFF TO INITIATE.

Dunkerly: WELL, WHAT I WOULD LIKE THE ZONING I WOULD LIKE TO HAVE WHATEVER IT TAKES TO GET A SMALL GARAGE APARTMENT BUFFER BETWEEN THAT AND I'LL LEAVE THAT TO THE STAFF'S DISCRETION TO -- TO WORK THAT THROUGH.

THAT WOULD BE SF-3.

Dunkerly: HOW LONG WILL IT TAKE TO DO THAT?

USUALLY WE SAY ABOUT THREE MONTHS FOR A ZONING CASE, FOR THE ENTIRE CONCLUSION, FOR THE ENTIRE PROCESS.

Dunkerly: I SEE WHAT YOU'RE SAYING, OKAY.

MAYOR AND COUNCIL, WHAT I NEED TO CLARIFY ON THAT, THAT THAT IS AN INSTRUCTION TO STAFF AND THAT THE ACTUAL MOTION, THE ACTION THAT YOU ARE POSTED TO TAKE TONIGHT IS ON THE NEIGHBORHOOD PLAN AND THE ZONING AND THIS IS A DIRECTION TO STAFF AND INSTRUCTION TO STAFF TO BRING THOSE --

Dunkerly: THAT'S TRUE. SO I DON'T NEED TO CHANGE MY MOTION, I JUST NEED TO ADD THE SUGGESTION.

THAT'S EXACTLY RIGHT.

IF THE CHANGE WERE SIMPLY FROM -- FROM SF-2 CO TO SF-3 [INDISCERNIBLE] THAT WOULD NOT REQUIRE A PLAN

AMENDMENT, BECAUSE IT'S STILL SINGLE FAMILY.

Dunkerly: I WILL LEAVE THAT TO THE STAFF DISCRETION.
COME BACK WITH THE -- WITH THE THING THAT
ACCOMPLISHED THAT THAT DOES -- TAKES THE LEAST
AMOUNT OF ACTION, HOW'S THAT?

OKAY.

THANK YOU, COUNCILMEMBERS. SO WE HAVE A MOTION AND
A SECOND ON THE TABLE TO APPROVE THE ALTERNATE
RECOMMENDATION FOR TRACTS 2104 A, B AND C, FURTHER
COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE
SAY AYE.

AYE.

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

MARK WALTERS WILL NOW PRESENT THE WEST UNIVERSITY
TRACTS FOR ITEMS 46 AND 48.

GOOD AFTERNOON, MAYOR AND COUNCIL, I'M MARK
WALTERS WITH THE CITY OF AUSTIN'S NEIGHBORHOOD
PLANNING AND ZONING DEPARTMENT. ONE OF -- AGENDA
ITEMS 46 AND 48. 46 IS TO AMEND THE CENTRAL AUSTIN
COMBINED NEIGHBORHOOD PLAN AND AGENDA ITEM 48
WOULD BE THE ZONING CASE TO -- TO IMPLEMENT THE
FUTURE LAND USE DESIGNATION. THE FIRST ITEM FOR
CONSIDERATION WOULD BE TRACT 80 A, THERE HAS BEEN A
PROPERTY OWNER'S AGENT REQUEST TO POSTPONE THIS
UNTIL THE SECOND OF DECEMBER, 2004. AND I WILL BE
HAPPY TO ANSWER ANY QUESTIONS AT THIS TIME.

Mayor Wynn: I GUESS THE BEGS THE QUESTION, MR.
WALTERS, HAVE THERE BEEN POSTPONEMENT REQUESTS
BEFORE ON THIS INDIVIDUAL CASE?

FROM DIFFERENT PARTIES, BUT NOT FROM THE PROPERTY
OWNER TO DATE.

Mayor Wynn: OKAY. COUNCIL, WE HAVE A -- WE HAVE A

REQUEST TO POSTPONE ACTION ON TRACT 80 A, WITHIN THE WEST UNIVERSITY NEIGHBORHOOD PLAN. SO DECEMBER --

DECEMBER 2nd.

2004.

COUNCILMEMBER ALVAREZ?

Alvarez: WHY IS IT SUCH A LONG DELAY? JUST DELAYED FOR A WEEK OR TWO, SO -- SO I MEAN WHAT IS STAFF'S POSITION ON THIS? MY UNDERSTANDING IS THAT THE NEIGHBORHOOD AND THE PROPERTY OWNER'S AGENT ARE IN DISCUSSIONS TO TRY TO FIGURE OUT A COMPROMISE. EXCUSE ME, ON THIS TRACT. MICHAEL MEADE THE AGENT FOR THE OWNER IS HERE, SHE CAN ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE OF THE SPECIFIC NEGOTIATIONS.

Alvarez: YEAH, IF YOU COULD. MAYBE MIKHAIL AND SOMEONE FROM THE NEIGHBORHOOD TALK ABOUT SUCH A SMALL TRACT.

I ACTUALLY AMAZING DON'T KNOW IF ANYBODY FROM THE -- AMAZINGLY FOR THE FIRST TIME IN LIKE SIX MONTHS, I DON'T KNOW IF ANYONE FROM THE NEIGHBORHOOD IS HERE. I'M RECENTING THE PROPERTY OWNER OF TRACT 80 A. AND WE HAVE BEEN MEETING WITH THE UNIVERSITY AREA PARTNERS. THEY ORIGINAL NAMLY, THIS PROPERTY OWNER ASKED FOR MIXED USE ZONING, UNIVERSITY AIR PARTNERS OPPOSED THAT SAYING OPT INTO UNO IF YOU WANT MIXED USE. SO WE FOUND THAT THERE'S SOME BARRIERS WITHIN UNO THAT MAY PREVENT US FROM BEING ABLE TO DO THAT AND WE ARE TRYING TO WORK THROUGH THOSE AND UNDERSTAND WHAT EXACTLY IT IS THAT THE ORDINANCE WILL AND WILL NOT PERMIT THIS PROPERTY TO DO. AND WHETHER A ZONING CASE IS EVEN NECESSARY. BECAUSE WE THINK WORKING WITH CITY LEGAL AND WORKING WITH THE TWO GROUPS, THAT MAY TAKE SOME TIME. WE DECIDED TO DELAY THE CASE FOR -- FOR A LENGTHY AMOUNT OF TIME TO -- TO MAKE SURE THAT WE CROSS EVERY T AND DOT EVERY I BEFORE WE BRING BACK A ZONING CASE THAT HOPEFULLY WILL BE NECESSARY. WHY --

Alvarez: SO WHY TO DECEMBER? THAT SEEMS LIKE AN AWFUL LONG TIME CONSIDERING THAT WE HAVE BEEN GOING THROUGH THIS PLAN FOR -- FOR FIVE MONTHS NOW OR SOMETHING LIKE THAT. AT LEAST AT THE COUNCIL LEVEL. BUT MUCH LONGER BEFORE THEN.

WE ARE TALKING ABOUT WHETHER -- THERE'S SOME DISCUSSION ABOUT WHETHER CERTAIN ITEMS THAT WERE INTENDED TO BE INCLUDED IN THE UNO ORDINANCE WERE ACTUALLY -- ACTUALLY GOT INTO THE FINAL DOCUMENT. IF THE ORDINANCE SHOULD NEED TO BE AMENDED, IF THAT WERE ACTUALLY THE INTENT, THAT'S GOING TO TAKE THE STAFF AND -- AND THE LEGAL DEPARTMENT PLANNING COMMISSION AND COUNCIL SOME TIME, JUST TO WORK IT BACK THROUGH THE PROCESS. IF IT IS ACTUALLY SOMETHING THAT WILL NEED TO BE AMENDED, IT CAN'T BE AMENDED JUST BY, YOU KNOW, ADMINISTRATIVE ACTION. IT WOULD HAVE TO ACTUALLY GO BACK THROUGH THE PROCESS, BACK THROUGH THE ORDINANCE, THROUGH A NORMAL ORDINANCE AMENDMENT PROCESS. AND IF THAT -- IF THAT IS ONE OF THE POTENTIAL OPTIONS THAT'S ON THE TABLE. AND IF THAT IS AN OPTION, WE WANTED TO ALLOW ENOUGH TIME FOR THAT TO HAPPEN. WE CONSIDERED THAT WITH THE THANKSGIVING HOLIDAY, TAKING UP A WEEK OF NOVEMBER. WE REALLY WERE ONLY TALKING ABOUT FOUR WEEKS, QUITE HONESTLY. BECAUSE WE WERE GOING TO LOSE THAT WEEK OF THANKSGIVING IN NOVEMBER. AND WE THOUGHT THAT WAS ACTUALLY MAYBE A LITTLE BIT CONSERVATIVE.

Alvarez: IS THERE ANYONE FROM THE NEIGHBORHOOD HERE? McHONE, THE REPRESENTATIVE DEALING WITH THE STAFF, HE SUPPORTS THIS POSTPONEMENT REQUEST FROM MS. MEADE.

COUNCILMEMBER ALVAREZ, WE HAVE BEEN WORKING WITH MR. McHONE, MR. MCGINNIS, MR. NIAS, MR. HARDIN AND THE UNIVERSITY AREA PARTNERS BOARD OF DIRECTORS. SO I THINK EVERYBODY IS IN THE LOOP. I RECEIVED AN E-MAIL. I THOUGHT STAFF HAD A COPY OF IT. I RECEIVED AN E-MAIL FROM UNIVERSITY AREA PARTNERS CONFIRMING THAT WE WERE OKAY WITH THE DECEMBER 2nd POSTPONEMENT. SO I

THINK THAT THEY ARE ON BOARD.

JUST DIDN'T SEEM LIKE THERE WERE TOO MANY OPTIONS
HERE.

COUNCIL, I'LL SPEAK FOR THE NEIGHBORHOOD.

WELCOME. I JUST SPOKE WITH MR. MCGINNIS -- I'M MARY
GAY MAXWELL FROM NORTH UNIVERSITY NEIGHBORHOOD
ASSOCIATION. I JUST SPOKE WITH MR. MCGINNIS, HE SAID
THAT THEY WERE IN AGREEMENT WITH WHAT MS. MEADE
HAS JUST SAID ABOUT THE POSTPONEMENT. THEY ARE
TRYING TO MAKE UNO WORK. AND IT WILL PROBABLY TAKE
THEM THAT LONG TO GET THAT STRAIGHT. THAT'S THE
NEIGHBORHOOD POSITION.

Alvarez: SURPRISED THAT WE WOULD NEED TO TAKE UP
ANOTHER ITEM AGAIN -- THANK YOU. COUNCIL, I'LL
ENTERTAIN A MOTION TO POSTPONE TRACT 80 A UNTIL
DECEMBER 2nd, 2004.

SO NEW.

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

AYE.

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

THE NEXT ITEM FOR CONSIDERATION UNDER AGENDA ITEMS
46 AND 48, WOULD BE TRACT 148 A, 2829 SALADO. EXISTING
ZONING IS C.S., P.C. AND COUNCIL APPROVE ODD FIRST
READING L.O.-MU TO LIMIT THE HEIGHT TO 35 FEET AND
PROHIBIT MEDICAL OFFICES. ON SECOND READING THE --
THE COUNCIL APPROVED THE SAME FIRST AND THE STAFF
RECOMMENDATION FOR THIRD READING WAS THE SAME. WE
HAVE MET ON -- ON A COUPLE OF OCCASIONS TRYING TO
RESOLVE THESE DIFFERENT TRACTS WITH ISSUES. ON THIS
ONE, WE DID MEET AND WE CAME UP WITH THE PROPOSAL
THAT WAS OFFERED TO COUNCIL LAST TIME. BUT COUNCIL

DECIDED TO POSTPONE THIS TRACT TO TODAY. AND AT THAT TIME STAFF HAD COME UP WITH AN ALTERNATIVE SUGGESTION WHICH WOULD ALLOW THE GR-MU-CO-NP LIMIT THE HEIGHT TO 30 FEET FOR THE REAR 70 FEET AND -- AND L.O.-MU AND LIMIT THE HEIGHT TO 30 FEET AND NO MEDICAL OFFICES ON THE FRONT PORTION REMAINDER OF THE TRACT. IN THE BACKUP THAT I GAVE YOU, THIS IS A -- THIS IS A MEASUREMENT BASED ON A SURVEY OF THE SITE THAT MR. ZAMORA PROVIDED US AND THE LETTER A THERE SHOWS WHERE THAT 70-FOOT LINE WOULD FALL IN RELATION TO THE REST OF THE PROPERTY AND WHEN I LOOKED AT THIS SURVEY I SAW ON THIS IT SAYS COOLER AND FREEZER, WHICH TO ME INDICATES SOME FORM OF COMMERCIAL USE IN RELATION TO THE BEER AND WINE SALES AT THE REAR END OF THE PROPERTY. THAT'S WHERE THAT ORIGINAL 70-FOOT CAME FROM. BECAUSE SUBSEQUENT TO THAT, ANOTHER PROPOSAL HAS BEEN OFFERED UP FROM SOMEONE, MIKE ALEXANDER IN THE NEIGHBORHOOD, AND THIS PROPOSAL HE SUGGESTED WOULD ALLOW THE GR-MU-CO FOR THE REAR 50 FEET OF THE TRACT AND THE REST OF THE PROPERTY WOULD BE 30, WOULD BE SF-3 CO-NP WITH A HEIGHT LIMIT OF 30 FEET. THIS ACTUALLY JIVES WITH HOW THE PROPERTY IS LISTED FOR HOMESTEAD EXEMPTION IN TRAVIS COUNTY CENTRAL APPRAISAL DISTRICT. DEPENDING ON WHICH SCENARIO YOU DECIDE TO CHOOSE, THE ATTENDANT LAND USES FOR THE -- ONE WOULD BE THE L.O.-MU THAT STAFF IS RECOMMENDING, BUT THAT THE ALTERNATIVE RECOMMENDATIONS, THE REAR 70 FEET WOULD ALSO BE DESIGNATED COMMERCIAL MIXED USE AND THE FRONT 60%, 60 FEET WOULD BE DESIGNATED OFFICE MIXED USE AND FOR THE SECOND PROPOSAL IT WOULD BE LAND USE DESIGNATION WOULD BE COMMERCIAL MIXED USE FOR THE REAR 50 FEET AND -- AND SF-3 CO-NP WOULD BE -- THAT WOULD BE SINGLE FAMILY FOR THE REMAINDER OF THE TRACT. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS AT THIS TIME. THERE'S -- THERE ARE REPRESENTATIVES FROM THE NEIGHBORHOOD PRESENT IF YOU HAVE ANY QUESTIONS OF THEM.

THANK YOU, MR. WALTERS. QUESTIONS? COUNCIL?
COMMENTS? 7 COUNCILMEMBER SLUSHER?

Slusher: YEAH, I SUPPORT MR. ALEXANDER'S PROPOSAL FOR THE -- THAT MR. WALTERS JUST DESCRIBED. I -- I WOULD -- CAN WE OWE OVER WE CAN DO THAT, WOULD YOU NEED TO PROHIBIT THE MEDICAL OFFICES UNDER THAT BECAUSE THAT WOULDN'T BE PERMITTED USE ANYWAY UNDER THE -- IF IT WAS LR, IS THAT RIGHT?

FOR UNDER WHAT THE PROPOSAL THAT MR. ALEXANDER BROUGHT FORWARD, IT WOULD -- THEY WOULD NOT HAVE TO LIMIT ANY MEDICAL OFFICE USES IF YOU WERE TO CHOOSE, BUT THE HEIGHT WOULD BE LIMITED TO 30 FEET ON THE REAR 50 FEET OF THE PROPERTY.

Slusher: NORMALLY, IF WE'VE DONE LR, THAT'S RIGHT ADJACENT TO SINGLE FAMILY LIKE THIS, AS A MATTER OF FACT THIS ONE IS REALLY THE BACK YARD, I THINK, WHAT KIND OF USES HAVE WE -- HAVE THE NEIGHBORHOOD PLANS PROHIBITED UNDER LR? HAS THAT BEEN A TRADITION TO DO THAT?

MOST OF THE USES PROHIBITED THROUGH THE CONDITIONAL OVERLAYS AND THE NEIGHBORHOOD PLANS ARE SPECIFICALLY THOSE ASSOCIATED WITH C.S. AND TO A LESSER DEGREE TO GR WHEN THEY ABUT SINGLE FAMILY LIKE THIS. MOST OF THE TIME IS C.S. ZONING THAT WE ADJUST THROUGH CONDITIONAL OVERLAYS.

I WANT TO MAKE SURE THAT WE ARE NOW ALLOWING -- WE ARE NOT ALLOWING SOMETHING ON THERE THAT'S NOT ALLOWED IN OTHER LR'S THAT ARE ADJACENT. MS. SHOOTER SEEMS TO HAVE SOMETHING TO OFFER ON THAT. MEDICAL OFFICES WOULD BE ALLOWED UNDER GR, BUT NOT UNDER LR. >>

WE'RE CHECKING ON THAT.

Slusher: THAT'S FINE.

IN LR ZONING, THE -- THE MEDICAL OFFICES OVER 5,000 SQUARE FEET ARE CONDITIONAL WHEREAS THE MEDICAL OFFICES UNDER 5,000 SQUARE FEET ARE PERMITTED. BUT THIS SMALL COMMERCIAL AREA I DON'T THINK THERE'S 5,000 SQUARE FEET TO -- SO THAT WOULD BE KIND OF A MOOT

POINT.

Slusher: PROBABLY. I GUESS THERE'S NOTHING REALLY ADJACENT TO IT THAT WOULD ADD ON BECAUSE IT'S ACROSS THE ALLEY THERE. SO WHAT ABOUT MY QUESTION ABOUT -- WOULD THIS BE -- IF IT WAS LR, WOULD THAT BE SIMILAR TREATMENT TO OTHER PROPERTIES IN THE NEIGHBORHOOD PLAN IF WE DIDN'T PUT ANY RESTRICTIONS ON USE OTHER THAN ANYTHING UNDER THAT ZONING CATEGORY WOULD BE OKAY.

I DO BELIEVE SO. ACROSS THE STREET, WE LIMITED A LOT OF THE C.S. ZONED PROPERTIES BASICALLY DOWN TO LR. EXCEPT ALLOWING FOR THE MORE GENEROUS SITE DEVELOPMENT STANDARDS ALLOWED UNDER C.S. --

Slusher: SO YOU LIMITED THE C.S. BUT NOT THE LR?

NO, COUNCILMEMBER. THAT CONSISTENT, MS. GLASGO, DO YOU REMEMBER? OKAY. I WOULD MOVE THEN, MR. ALEXANDER'S PROPOSAL, WHICH IS LR -- LET'S SEE, ON THE REAR 50 BY 50, AND SF-3 ON THE REST. IS THAT WHAT YOU HAVE, MR. WALTERS?

WELL, I ADDED MU TO THE LR IN CASE THAT AREA WAS EVER TO BE A RESIDENTIAL USE OR EXTEND THE HOUSE INTO THAT SITE.

THAT'S BASICALLY WHAT THAT WOULD DO WOULD ALLOW IT TO BE RESIDENTIAL WHICH WOULD BE CONSISTENT WITH THE NEIGHBORHOOD. OKAY. DOES THAT WORK WITH YOU, MR. ALEXANDER? OKAY. THAT'S WHAT I WOULD PROPOSE. MOTION BY COUNCILMEMBER SLUSHER TO -- I DON'T KNOW HOW TO DO THIS. ON THIRD READING CHANGE THE ZONING TO LR-MU-CO-NP ON THE REAR 50 FEET OF THE TRACT, WITH A HEIGHT LIMITATION OF 30 FEET, AND SF-3 CO-NP ALSO AT THE HEIGHT LIMITATION OF 30 FEET ON THE REMAINDER OF THE TRACT AND TO SHOW THE DESIGNATION AS --

COMMERCIAL MIXED USE FOR THE REAR 50 FEET AND SINGLE FAMILY FOR THE REMAINDER OF THE TRACT.

OKAY.

Mayor Wynn: MOTION ON THE TABLE.

SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER MCCracken.
FURTHER COMMENTS? QUESTIONS? MR. WALTERS, THIS
WILL REQUIRE SIX VOTES.

THIS WILL REQUIRE SIX VOTES, THERE IS A VALID PETITION
ON THE SITE.

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

AYE.

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

THAT CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU, MR. WALTERS. AND MS. CHUTER.

Guernsey: MAYOR AND COUNCIL, GREG GUERNSEY,
NEIGHBORHOOD ZONING AND PLANNING DEPARTMENT. 22,,
HIGHLAND COMBINED NEIGHBORHOOD PLAN REZONING
REQUEST LOCATED AT 6208 BURN STREET. THIS IS A
REZONING FROM M.F. 3-NP TO GR-MU-CO-NP
RECOMMENDED BY THE PLANNING COMMISSION FOR GR-
MU-CO-NP AND STAFF. IT WOULD BE IN ACCORDANCE WITH
THE ADOPTED FUTURE LAND USE MAP FOR THIS AREA. AT
THE LAST MEETING THE PUBLIC HEARING WAS CLOSED BUT
COUNCIL DID ASK SOME SPECIFIC QUESTIONS REGARDING
THIS PROPERTY. I WOULD LIKE TO GO THROUGH JUST A
COUPLE OF QUICK THINGS. THE PROPERTY ITSELF IS
LOCATED ON BURN STREET AND IS BEHIND A TRACT THAT IS
CURRENTLY ZONED C.S.-MU-CO-NP. THE PROPERTY
ADJOINING THIS TRACT TO THE NORTH IS EXISTING GR-MU-
CO-NP. A QUESTION AROSE AT THE LAST HEARING ABOUT
WHAT WAS THE -- THE PROPOSED FUTURE LAND USE MAP
FOR THIS TRACT AND THE ADJACENT TRACT AT THE TIME
THE ZONING WAS GRANTED TO THE NORTH. AND THE PLAN

WAS ADOPTED. THIS IS A COPY OF THE DRAFT PLAN THAT WAS BROUGHT BEFORE YOU ORIGINALLY. WHERE IT WAS RECOMMENDED BY THE COMMISSION, NEIGHBORHOOD PLANNING TEAM, STAFF, THAT THIS PARTICULAR TRACT AND THE TRACT TO THE NORTH AS IT WAS ZONED GR-MU-CO-NP ACTUALLY BE DESIGNATED AS MULTI-FAMILY. HOWEVER, THE ACTUAL PLAN THAT WAS ADOPTED BY COUNCIL, AFTER DISCUSSING WITH THE PROPERTY OWNER'S AGENT, AMENDED THE MAP FROM WHAT WAS PROPOSED AS MULTI-FAMILY AND ADOPTED MIXED USE FOR THIS TRACT. AND THE BROWN TRACT JUST BELOW THE SMALL ARROW, WHICH I'M POINTING TO, AND THIS SUBJECT PROPERTY WERE BOTH DESIGNATED AT THE NEIGHBORHOOD PLANNING PROCESS TIME AS MIXED USE, COMMERCIAL MIXED USE. AT THEIR LAST MEETING, COUNCIL ASKED COULD THIS PROPERTY BE DEVELOPED, WHERE THERE WERE TECHNICAL DIFFICULTIES DEVELOPING THE PROPERTY, IF ACCESS WERE LIMITED TO BURNS STREET TO ONLY EMERGENCY ACCESS AFTER CONFERRING WITH GEORGE ZAPALAC AND TAKING IN -- INTO CONSIDERATION THAT THE PROPERTY DIRECTLY TO THE SOUTH OF THE SUBJECT TRACT IS DEVELOPED WITH A SINGLE FAMILY HOME AND COMPATIBILITY STANDARDS. THERE IS AN AREA IN WHICH -- IN WHICH WE CALCULATED GETTING AN EMERGENCY IN SUCH AS A FIRE TRUCK, GET ALL THE WAY TO THE REAR OF THE PROPERTY, STILL BE ABLE TO TURN AROUND AND EXIT THE PROPERTY THROUGH THE FRONT, WITHOUT NEEDING TO EXIT TO ON TO BURNS IN CASE OF A FIRE. AND STILL RESPECTING THE 25-FOOT COMPATIBILITY SETBACK. THIS ALSO COULD BE SAID OF A LARGER TRUCK IF IT NEEDS TO COME IN, MAKE DELIVERIES OF SOME KIND ON TO THE PROPERTY. THE APPLICANT'S AGENT, MR. JIM BENNETT, WAS ASKED ALSO TO BRING YOU DIFFERENT SCENARIOS FOR DEVELOPMENT OF THE PROPERTY, THE SCENARIOS THAT I THINK THAT HE WOULD LIKE TO PRESENT TO YOU ILLUSTRATES SOME REDEVELOPMENT, STAFF WHEN WE MADE OUR -- OUR REVIEW OF THE TECHNICAL I GUESS CIRCUMSTANCES THAT WOULD BE INVOLVED TO GET A LARGE TRUCK IN AND OUT, FIRE TRUCK IN AND OUT, DEALT WITH THE BUILDINGS AS THEY EXIST TODAY ON THE PROPERTY. IF COUNCIL WISHES TO GO FORWARD AND APPROVE THE ZONING IT WOULD BE IN CONFORMANCE WITH THE PLAN. IF IT WAS TO REMAIN M.F.

3 ACTUALLY IT WOULD BE IN CONFLICT WITH THE ADOPTED FUTURE LAND USE MAP FOR THIS PROPERTY. STAFF WOULD ASK THAT STAFF BE DIRECTED TO AMEND THE PLAN IF THAT IS YOUR DECISION. THERE ARE REPRESENTING FROM THE NEIGHBORHOOD HERE AND THE EXHIBITS THAT YOU HAVE BEFORE YOU THAT HAS A SMALL AERIAL AND SOME OF THE ALTERNATIVES, STAFF RECEIVED THOSE TODAY, MR. JIM BENNETT IT PREPARED TO GO THROUGH THOSE. I BELIEVE THERE ARE REPRESENTATIVES, I BELIEVE TWO OR THREE HERE THAT ARE PREPARED TO -- TO SPEAK TO THOSE DIFFERENT ALTERNATIVES AND THEIR FEELINGS ABOUT THOSE. IF YOU HAVE ANY QUESTIONS, I WILL BE MORE THAN HAPPY TO ANSWER THEM AT THIS TIME. WITH THAT I'LL PAUSE.

Mayor Wynn: MR. GUERNSEY, I SUSPECT COUNCIL WILL IN FACT HAVE AT LEAST QUESTIONS, BUT -- OF SEVERAL PEOPLE IN THIS CASE. TECHNICAL QUESTION IS DIDN'T WE HAVE A PUBLIC HEARING ON THIS CASE EARLIER TECHNICALLY.

YES, WE HAD A PUBLIC HEARING. THE WESTBOUND HEARING WAS CLOSED -- THE PUBLIC HEARING WAS CLOSED BUT YOU ASKED THE APPLICANT TO COME FORWARD AND BRING FORWARD ALTERNATIVES AND ASKED STAFF TECHNICAL QUESTIONS. THIS WAS INADVERTENTLY PROBABLY PLACED UNDER THE Z ITEMS EVEN THOUGH THE PUBLIC HEARING HAS BEEN CLOSED YOUR BACKUP DOES REFLECT THAT.

Mayor Wynn: MY TECHNICAL LEGAL QUESTION THEN OF THE CITY ATTORNEY'S OFFICE IS THAT THE AGENDA POSTING SAID TO CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE.

WE NEED TO GO THROUGH THE FORMAL PROCESS OF CONDUCTING A HEARING KNOWING THAT THERE'S FOUR FOLKS HERE SIGNED UP WHO -- WHO LIKELY WILL ANSWER A BUNCH OF QUESTIONS OF COUNCIL. BUT I WANT TO MAKE SURE THAT I DO THIS CORRECTLY.

COUNCIL, YOU HAVE DISCRETION UNDER YOUR RULES TO -- TO CONTINUE A PUBLIC HEARING THAT IS TO GO ON AHEAD AND ACCEPT TESTIMONY, YOU ALSO HAVE DISCRETION

UNDER YOUR RULES TO -- TO RECOGNIZING THAT YOU HAD CLOSED THE PUBLIC HEARING IN THE PREVIOUS -- PREVIOUS -- THE MEETING AND YOU HAVE DISCRETION UNDER YOUR RULES NOT TO ALLOW TESTIMONY, YOU CAN RECOGNIZE THAT THAT PUBLIC HEARING WAS CLOSED AND IN FACT AT THIS POINT YOU COULD ACTUALLY CONSIDER THIS A CHANGE IN CORRECTION TO THIS PORTION OF YOUR AGENDA TO REFLECT THAT THE PUBLIC HEARING HAD BEEN CLOSED. YOU ARE NOT OBLIGATED TO REOPEN THIS PUBLIC HEARING WITH THIS -- WITH THE POSTING. HOWEVER, YOU CAN ENTERTAIN COMMENTS FROM THE PUBLIC IF YOU WISH.

THANK YOU, MS. TERRY, COUNCIL, WITHOUT OBJECTION, KNOWING THAT WE HAVE TWO NEBRASKAS, TEX MITCHELL AND DAN HEMMINGSON WHO ARE HERE, I EXPECT WE WILL ASK QUESTIONS OF THEM IN A FEW MINUTES, MR. JIM BENNETT IS HERE REPRESENTING THE PROPERTY OWNERS, WITHOUT OBJECTION LET'S CONSIDER A PUBLIC HEARING TO HAVE BEEN CLOSED IN OUR LAST HEARING, I WILL JUST ENTERTAIN QUESTIONS AND COMMENTS FROM COUNCIL NOW. I WOULD I GUESS LIKE TO HAVE -- EITHER MR. BENNETT OR THE LAND PLANNER JUST -- JUST BRIEFLY THE - - THE SCENARIOS THAT WE HAVE HERE FROM N FRONT OF US.

MAYOR AND COUNCIL, I'M JIM BENNETT, HERE TONIGHT ON BEHALF OF MR. McWILLIAMS, AT LAST MEETING AS MR. GUERNSEY INDICATED COUNCIL HAD A DESIRE TO SEE SOME OF THE BUILDING CONSTRAINTS OR DEVELOPMENT CONSTRAINTS THAT WOULD EXIST ON THIS SITE. THIS IS THE AREA THAT SHOWS APARTMENTS HERE, APARTMENTS HERE, APARTMENTS HERE. THIS -- THIS PROPERTY ADJACENT TO THE SOUTH OF THE TRACT IN QUESTION IS ZONED M.F. 3 I BELIEVE, BUT IS DEVELOPED SINGLE FAMILY. JUST BRIEFLY, AND -- IF YOU CAN SEE HERE, COUNCIL, THESE ARE SOME OLD WAREHOUSE BUILDINGS THAT WE ARE PROPOSING TO TEAR DOWN, WHICH IS APPROXIMATELY 4400 SQUARE FEET OF EXISTING WAREHOUSE. AND IN ITS STEAD, UNDER THIS PLAN, WHICH IS A PLAN THAT WE WOULD PROPOSE, WOULD BUILD 3213 SQUARE FEET AND INSTEAD OF THE 45 THAT WAS CURRENTLY THERE. THAT PLAN ALSO SHOWS YOU THE COMPATIBILITY SETBACKS HERE AS WELL AS A SETBACK FOR THE DETENTION AND

WATER QUALITY PONDS THAT WOULD HAVE TO OCCUR HERE. IT SHOWS YOU A -- A CONTROLLED ACCESS, WHICH WILL BE ONE OF THOSE PUNCH NUMBERS WHEN YOU LEAVE. SO -- SO A LOT OF THE TRAFFIC WILL BE GOING BACK ON TO LAMAR, SOME OF THE TRAFFIC COULD EXIT HERE. EITHER GO UP TO LAMAR PLACE OR DOWN TO DENSON STREET. THIS PLAN MEETS THE PARKING REQUIREMENT FOR THE PROPOSED DEVELOPMENT AS WELL AS THE OTHER ORDINANCE REQUIREMENTS AND KEEP IN MIND THIS IS A 3200 SQUARE FOOT BUILDING, ECONOMICALLY TO BUILD ALL OF THIS WE HAVE TO HAVE A FEASIBLE PROJECT. ANOTHER SCENARIO TO THE DEVELOPMENT CONSTRAINTS, BECAUSE THESE LOTS ARE 50 FEET WIDE BY ABOUT 45 FEET 45 -- BY ABOUT 450 FEET DEEP. THIS PLAN AFFORDS YOU DETENTION POND, COMPATIBILITY SETBACKS. HOWEVER THIS PARKING DOES REQUIRE A WAY IN AND A SEPARATE WAY OUT. THAT WOULD MEAN THAT 100% OF THE PARKING WOULD HAVE TO EXIT ON TO BURNS STREET, WHICH IS NOT A PLAN THAT WE WOULD PROPOSE. THIS BUILDING NOW IS REDUCED UNDER THIS SCENARIO TO 1600 SQUARE FEET, ROUND NUMBERS, INSTEAD OF THE 3200 THAT ARE ORIGINALLY PROPOSED. THIS IS ANOTHER PLAN AND -- IN LOOKING AT WHICH BASICALLY NOW THE BUILDING IS REDUCED TO 1250 SQUARE FEET AND THE PARKING IS IN COMPLIANCE WITH THE ORDINANCE REQUIREMENTS. IT DOESN'T PROVIDE ANY ACCESS TO BURNS STREET. HOWEVER, IT DOES REQUIRE THIS TURN AROUND FOR THE FIRE DEPARTMENT AND THAT WAS SOME OF THE QUESTIONS THAT WE ASKED BEFORE, THE LAST HEARING, ABOUT THE -- ABOUT THE COMMERCIAL ACCESS AND EMERGENCY ACCESS. THIS DOES NOT AFFORD ANY PLAN, ANY ACCESS TO BURNS STREET. HOWEVER, NOW OUR PROJECT HAS BEEN REDUCED BY TWO-THIRDS. ADDITIONALLY, THIS TURN AROUND WOULD HAVE TO BE LOCATED SO THAT A PORTION OF IT WOULD COME INTO THE COMPATIBILITY SETBACK, WHICH THE ORDINANCE DOESN'T ALLOW. AND IN REFERENCE TO A COMMENT THAT MR. GUERNSEY MADE TO YOU ABOUT HAVING THIS TURN AROUND IN ORDER TO GET AWAY FROM THIS COMPATIBILITY SETBACK, THE TURN AROUND WOULD HAVE TO BE UP HERE. IF YOU MADE THE TURN AROUND UP HERE TOWARD THE CENTER OF THE LOT, IF YOU WILL. UP HERE, THEN THIS DOESN'T HAPPEN. SO WE LOSE THESE PARKING SPACES AS

WELL. THE PHYSICAL CONSTRAINT ON THE SITE IS THE -- IS THE NARROW 50-FOOT DEPTHS OF THESE LOTS AND THE 430 AND TRIED TO MAKE AN ECONOMICALLY VIABLE PROJECT AND CERTAINLY TO GO THROUGH ALL OF THESE IMPROVEMENTS FOR 1200 SQUARE FEET, THE NUMBERS JUST DON'T WORK. QUITE FRANKLY. WITH THE PLAN THAT -- THAT I PRESENTED TO YOU FIRST WITH THE REPLACEMENT OF 3200 SQUARE FEET. THE CONTROLLED ACCESS HERE. IF YOU VISIT ONE OF THESE SHOPS, IT'S KIND OF LIKE WHEN YOU GET THE SERVICE STATION, YOU GET A WAR CASH, THEY GIVE YOU A CODE NUMBER, YOU PUT THE CODE NUMBER IN. THEN YOU COULD LEAVE THIS WAY. MORE THAN LIKELY, THE MAJORITY OF THE TRAFFIC WILL HEAD BACK OUT TOWARD LAMAR. THIS WILL PREVENT THE CUT THROUGH TRAFFIC THAT SEEMS TO BE OF CONCERN. I WILL BE AVAILABLE SHOULD YOU HAVE ANY ADDITIONAL QUESTIONS.

WHAT ABOUT EMERGENCY VEHICLE ACCESS UNDER THIS PLAN.

THEY WOULD HAVE THE LOCK BOX TO GET IN FROM EITHER SIDE IF HE WANTED TO. IF THERE WAS A FIRE HERE, THEY NEEDED TO HAVE EMERGENCY ACCESS ENTRY AS WELL AS INTERESTING THROUGH LAMAR.

WALKING THROUGH THE SPECIFICS, SO HOW -- LET ME TELL YOU A LOCK BOX, THE GET OUT OF THE VEHICLE, GO FIND A KEY AND --

EITHER --

THERE'S A COUPLE OF METHODS FOR THAT, MAYOR. AS I UNDERSTAND IT. THEY WOULD EITHER HAVE A KEY TO IT, THEY WOULD HAVE A COMBINATION TO THE PAD THAT WOULD OPEN THE GATES UP FROM THE ENTRY, FROM THE EXIT SITE. THE -- THE PAD WILL ONLY WORK FOR THE CUSTOMERS AS THEY LEAVE THIS SIDE. NOT COMING IN THIS WAY.

BUT -- BUT ESSENTIALLY ANY DRIVER, I MEAN, AUSTIN TRAVIS COUNTY E.M.S. PARAMEDIC DRIVING AN AMBULANCE

--

THEY WILL BE ABLE TO HAVE OPTIONS TO GO EITHER WAY THEY NEED TO.

BECAUSE THEY ARE GOING TO KNOW THE COMBINATION? HOW PRACTICAL IS THAT, THAT THEY --

IT'S SIMILAR TO YOUR FIRE ALARM SYSTEMS. THAT YOU HAVE THAT NOTIFIES THE FIRE DEPARTMENT IN TALLER BUILDINGS THAT THERE'S SOMETHING HERE AND THEY NEED TO GET THERE. THIS IS AN ALARM -- THIS ENTRY SYSTEM TO THE SITE PLAN PROCESS WOULD HAVE TO GUARANTEE THEM ACCESS TO THIS SITE AS WELL.

OKAY.

THIS MIGHT BE A QUESTION FOR MR. GUERNSEY. THE -- THE COMPATIBILITY STANDARDS, ARE THEY TRIGGERED BY THE ZONING, THE M.F. ZONING ON THE TRACT NEXT DOOR OR IS IT TRIGGERED BY THE ACTUAL STRUCTURE WHICH APPEARS TO BE A SINGLE FAMILY --

THE LATTER. THERE'S AN EXISTING SINGLE FAMILY HOME ON THE PROPERTY, THAT'S CURRENTLY ZONED MULTI-FAMILY. AND THAT WOULD TRIGGER COMPATIBILITY ON THIS SUBJECT PARCEL.

Mayor Wynn: SO EVEN THOUGH IT EXISTS ON MULTI-FAMILY 3, THE ACTUAL USE ON THE GROUND TRIGGERS THE COMPATIBILITY.

THAT'S CORRECT.

Mayor Wynn: OKAY. THANK YOU.

MAYOR, IF I CAN, JUST WRAPPING UP ON THAT, IF THIS TRACT WERE ZONED M.F., THE LOWER TRACT ITSELF IS NOT BIG ENOUGH. IT'S 6900 SQUARE FEET. I BELIEVE. 6950 SQUARE FEET FOR THAT 50 BY 135 TRACT. RIGHT HERE. IF THAT WERE ZONED M.F., THEN WE COULDN'T USE IT FOR PARKING. VIRTUALLY WOULD JUST BE SITTING THERE AS NON-USABLE COMMERCIAL TYPE OF PROPERTY. YOU

COULDN'T -- ON THAT SIZE TRACT YOU COULD BUILD A SINGLE FAMILY HOUSE. I BELIEVE A DUPLEX WOULD REQUIRE 7,000 SQUARE FEET.

Mayor Wynn: THANK YOU, FURTHER QUESTIONS, COMMENTS? MR. GUERNSEY, CAN YOU WALK ME THROUGH ONE MORE TIME, SO THE COMBINED 100 FEET FRONTAGE ON BURNS, ALL OWNED BY THE SAME PROPERTY OWNER, WHAT ACTION DID WE TAKE FROM LAND USE PERSPECTIVE, WHAT DID WE DESIGNATE THE FUTURE LAND USE PLAN?

THE SUBJECT PROPERTY THAT'S BEFORE YOU TODAY, CURRENTLY ZONED MULTI-FAMILY, THAT WAS -- THAT WAS APPROVED FOR MIXED USE, IN THE FUTURE LAND USE MAP, PROPERTY TO THE NORTH, GR, MU, CO-NP WAS ALSO DESIGNATED AS -- AS COMMERCIAL MIXED USE IN THE FUTURE LAND USE MAP. AT THE TIME WHEN WE ADOPTED THE NEIGHBORHOOD PLAN FOR THIS AREA, THE PROPERTY TO THE NORTH WAS REZONED TO GR-MU-CO-NP. HOWEVER THIS PROPERTY WAS NOT IDENTIFIED, THE SUBJECT TRACT WASN'T IDENTIFIED FOR UPZONING AT THAT TIME. AFTER THE PLAN WAS ADOPTED, STAFF INITIATED A REZONING REQUEST TO MATCH THE PLAN. THAT'S WHAT YOU HAVE BEFORE YOU. THE MAJORITY OF THE PROPERTY THAT MR. BENNETT WAS ACTUALLY SHOWING YOU IS NOT SUBJECT TO THE REZONING REQUESTS TODAY. THAT'S ONLY VERY SMALL PORTION WHICH IS M.F. 3 PORTION OF THE PROPERTY. THE EXHIBIT TO MY RIGHT, INDICATES JUST THE AREA THAT -- THAT IS BEING PROPOSED FOR REZONING AND THE EXHIBITS THAT YOU HAVE BEEN SEEING HAVE TAKEN IN THE PROPERTY TO THE NORTH, ZONED GR-MU-CO, THEN TAKE THAT'S WHOLE AREA WHICH IS -- WHICH IS APPROXIMATELY THE TWO LOTS THAT ARE 54 FEET WIDE, APPROXIMATELY, AND THEN GOING THE DISTANCE ALL THE WAY TO LAMAR ABOUT 439 FEET. BUT IT'S A VERY SMALL AREA THAT'S -- THAT YOU ARE CONSIDERING TODAY F. THERE WERE AGREEMENTS THAT MR. BENNETT WOULD LIKE TO OFFER REGARDING JOINT ACCESS AGREEMENTS OR LIMITING ACCESS TO THE PROPERTY IN GENERAL, WE PROBABLY WOULD HAVE TO WORK WITH HIM REGARDING A RESTRICTIVE COVENANT, WE CANNOT PLACE CONDITIONS ON THE PROPERTY THAT'S NOT BEFORE YOU TODAY AS FAR AS ZONING CONDITIONS, RESTRICTING ACCESS, BECAUSE

THOSE ARE NOT THE SUBJECT OF THIS PUBLIC HEARING OR THE PUBLIC HEARING THAT WE HAD IN THE REQUEST BEFORE YOU.

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

Slusher: WHAT'S THE NEIGHBOR'S COMMENTS ON THE PROPOSALS MR. BENNETT LAID OUT THERE?

Mayor Wynn: MR. MITCHELL, WELCOME.

THANK YOU. SORRY WE KIND OF CAME PREPARED TO SPEAK. I THINK YOU REMEMBER I CAME TO YOUR OFFICE TO FIND OUT IF IT WAS OPEN, THEY TOLD US IT WAS. HOWEVER, WE JUST RECEIVED THESE TODAY, SO WE'VE HAD NO OPPORTUNITY TO TAKE THIS TO THE NEIGHBORS, I MEAN, WE'RE NEIGHBORS, BUT WE'RE MERELY REPRESENTATIVES OF THE REST OF THE NEIGHBORS. SO IN FACT THESE WERE NOT EVEN GIVEN TO US. THEY WERE GIVEN TO THE CITY AND THE CITY GAVE THEM TO US TODAY, THEY SAID THEY JUST RECEIVED THEM TODAY, TOO. WE HAVEN'T REALLY HAD TIME TO DIGEST THEM. WE DON'T NECESSARILY -- THE EXHIBITS ESPECIALLY THE EXHIBIT D, I THINK, YEAH, EXHIBIT D IS -- IS -- IS OUR WORST FEAR.

OUR MAIN ISSUE WITH THIS IS THAT THROUGH A YEAR-LONG NEIGHBORHOOD PLANNING PROCESS, THIS WAS PROPOSED BY -- BY CITY PLANNING AND ACCEPTED BY THE NEIGHBORHOOD TO BE M.F. THE PROPERTY NORTH THAT IS NOW GR WAS SF-AND INTENDED TO BE MOVED UP TO M.F. ALL OF THE PROPERTIES ALONG THAT -- ALONG THAT EAST SIDE OF -- OR WEST SIDE OF BURNS WERE BUMPED UP FROM SF TO M.F. WITH THE EXCEPTION OF ONES THAT WERE ALREADY MF SO IT WAS NOT SPOT ZONING, IT WAS DONE THE WAY CITY PLANNING PREFERRED. NO SPOT ZONING. THEN -- I -- WE DID NOT OPPOSE IT WHEN IT CAME FOR RATIFICATION OF THE NEIGHBORHOOD PLAN BECAUSE WE DID NOT UNDERSTAND WHAT WAS BEING PRESENTED AND WE DIDN'T CATCH IT AND CITY STAFF APPARENTLY DIDN'T CATCH IT BECAUSE IN CITY STAFF'S OWN WORDS, THEY DESCRIBE THIS AS -- AS A -- AS COMMERCIAL ZONING ON A RESIDENTIAL STREET THAT SETS A PRECEDENCE THAT

COULD DAMAGE THE RESIDENTIAL FABRIC, I LIKE SAYING THAT, IT SOUND VERY TECHNICAL, DAMAGE THE RESIDENTIAL FABRIC OF THE CITY OF AUSTIN AS A WHOLE AND THAT THIS IS -- THIS CASE OF COMMERCIAL ZONING IN THE MIDDLE OF A NEIGHBORHOOD STREET IS EXACTLY THE SITUATION THAT THE NEIGHBORHOOD PLANNING PROCESS SEEKS TO FIX. I THINK -- I THINK THE NEIGHBORHOOD FELL DOWN ON THE JOB. WE SHOULD HAVE CAUGHT ON TO WHAT WAS GOING ON BUT, YOU KNOW, WE'RE NOT -- WE DON'T KNOW HOW THESE PROCESSES WORK, SO WE ARE JUST DOING THE BEST WE CAN KEEPING UP. THIS WAS PROPOSED UPZONING TO M.F. BY CITY PLANNING. WE -- WE WITH SOME CONCERNS WENT AHEAD AND SAID, YEAH, OKAY, WE THINK THAT MAKES SENSE TO GO AHEAD AND UPZONE IT TO M.F. TO ACT AS A BUFFER BETWEEN THE COMMERCIAL AND SINGLE FAMILY RESIDENCE. THEN WHILE OUR BACK IS TURNED, IT GETS UPZONED ALL THE WAY TO GR. NOW THEY ARE SAYING HEY WE NEED TO FIX THIS, WE NEED TO FIX IT BECAUSE IT'S ALL OUT OF SYNC, OUT OF KILL THE KILTER, THE REASON IT IS IS BECAUSE THAT WASN'T SUPPOSED TO BE GR. THAT'S WHY IT DOESN'T FIT.

COUNCILMEMBER SLUSHER?

ACTUALLY, I THINK MR. MITCHELL HAS A POINT THERE. BECAUSE MY UNDERSTANDING OF IT IS THAT IT WAS SF-3 BEFORE THE NEIGHBORHOOD PLAN AND MR. BENNETT CONVINCED THE COUNCIL TO GO UP TO GR ON THAT ONE TRACT AND I THINK IT WAS M.F. 3 -- IT WAS M.F. 3 ALREADY ON THE ADJACENT TRACT, CORRECT, THE ONE TRYING TO GET CHANGED TO GR NOW.

THAT'S CORRECT. THE PROPERTY BEFORE THE NEIGHBORHOOD PLANNING PROCESS, THIS PROPERTY WAS ZONED ONE M.F. 3 AND DID NOT CHANGE. THE TRACT TO THE NORTH THAT IS NOW GR MU CO-NP WAS PREVIOUSLY SF-3.

I HAVE GIVE MR. BENNETT A CHANCE TO COMMENT ON THIS. SEEMS TO ME IF HE'S SAYING WE HAVE THE M.F. 3 WE WON'T BE ABLE TO DO ANYTHING. BUT IT WAS THERE BEFORE SO THAT'S NOT A CHANGE AND THEN ACTUALLY SEEKING AN UPZONING ON THAT AND THEN HE ALREADY GOT AN

UPZONING FROM SF-3 BEYOND WHAT THE NEIGHBORHOOD WAS PLANNING WHICH WAS M.F. 3 UP TO GR-MU.

IF IT WENT TO M.F. LIKE IT WAS SUPPOSED TO THEN THEY WOULD HAVE PLENTY OF M.F. SPACE TO DO M.F. PROPERTY ON IT. ALSO KEEP IN MIND THIS IS A 25 YEAR PLAN OR SOMETHING. I MEAN, WE HAVE NO INTENT OF TEARING DOWN OUR, YOU KNOW, FAMILY HOMES TO BUILD SOMETHING HIGHER DENSITY RIGHT NOW. THE ONLY REASON WE WENT ALONG WITH CITY PLANNING'S PROPOSAL TO STRIP THAT MULTI-FAMILY HIGHER DENSITY WAS LOOKING TO THE FUTURE. THAT IN THE FUTURE IT WAS GOING TO BE HIGHER DENSITY RESIDENTIAL.

OKAY. WOULD YOU SHOW ME, YOU SAID SCENARIO D WAS YOUR WORST NIGHTMARE. I DON'T THINK MR. BENNETT WOULD MIND IF HE COULD PUT THAT MAP UP THERE SO I CAN LOOK AT THAT. HERE HE COMES.

YOU CAN GRAB THIS MICROPHONE HERE. EITHER ONE.

I THINK SO, YEAH. SOUNDS LIKE THAT WORKS.

TESTING.

THE -- THIS ONE IS OUR -- OUR WORST FEAR BECAUSE THIS ONE EXHIBITS EXACTLY WHAT WE MENTIONED LAST TIME IN OUR -- IN OUR PRESENTATIONS. THAT WE DID NOT KNOW WHAT THEIR PLAN WAS, BUT OUR WORST FEAR WAS THAT THEY WERE PLANNING TO PUT PARKING, THAT DIRECTED TRAFFIC SO THAT THEY COULD NOT GO BACK OUT LAMAR, THAT EVERYBODY EXITING CAME OUT BURNET. THE PROBLEM WITH THIS IS THIS IS NOT A CASE WHERE THIS IS ON THE EDGE OF A NEIGHBORHOOD. THIS IS NOT THE ENTRANCE TO A NEIGHBORHOOD. THIS IS NOT A MAJOR ARTERIAL RIGHT UP HERE AGAINST IT WHERE THEY TURN OUT AND HIT IT. THERE'S RESIDENTIAL HERE, HERE, HERE, ACROSS THE STREET, THIS IS TRAFFIC COMING OUT RIGHT SMACK IN THE MIDDLE OF OUR NEIGHBORHOOD.

Slusher: LET ME ASK YOU THIS. SUPPOSE THE TRAFFIC DOESN'T COME OUT ON TO BURNS, BUT IT WENT -- IT WENT BACK THAT FAR OR ALMOST THAT FAR. PARKING --

[MULTIPLE VOICES]

I THINK WHAT YOU ARE MENTIONING IS -- THIS IS ANOTHER ONE WHERE WE ARE CONCERNED ABOUT THAT DRIVEWAY ACCESS. TO THE MIDDLE. YOU MEAN SOMETHING LIKE THIS? WHERE IT STOPS IT.

Slusher: YES.

IF THAT'S THE BEST THAT WE CAN GET, THEN WE'LL TAKE THAT. WE REALLY HONESTLY IF YOU LOOK AT THE -- THEY HAVE THIS. ALL THIS RESIDENTIAL HERE, ALL OF THIS RESIDENTIAL HERE, WHERE THIS TRAFFIC IS GOING TO EXIT TO, YOU CAN SORT OF TELL, YOU SEE THIS STREET HERE WHERE IT HAS THE HIGHER DENSITY RESIDENTIAL, SEE HOW IT'S WIDER THAN RIGHT HERE, ALMOST BY 25%. THIS UNFORTUNATELY WITH NO SIDEWALKS, IS A MAJOR ARTERIAL FOR PEDESTRIAN TRAFFIC WITH NO SIDEWALKS AND PARKING, PARKED CARS ON THE SIDE OF THE STREET FOR CHILDREN TO GET TO SCHOOL, WHICH IS JUST DOWN THE BLOCK THIS WAY. AN ELEMENTARY SCHOOL, THEY WALKED THAT WAY. ALSO TO GET TO THE BUS STOP. UP HERE AT THIS CORNER. THE BUS STOP RIGHT HERE. AND -- AND THIS IS A -- A MAJOR -- THERE'S CONSTANTLY FOOT TRAFFIC ON THE STREET. WITH THE ADDITION OF THE PARKED CARS ON THE SIDE, WHEN A CAR IS PARKED ON EITHER SIDE, THERE'S BARELY ENOUGH ROOM TO DRIVE DOWN THE CENTER AND -- AND SO WE THINK THIS TRAFFIC IS JUST A HORRIBLE IDEA. WE ALSO, THOUGH, THINK THAT THIS REALLY SHOULD BE, THIS SHOULD BE THE RESIDENT RESIDENTIAL THAT WAS ORIGINAL INTENDED BECAUSE ANOTHER CONCERN THAT WE HAVE, OBVIOUSLY NOT AS --, YOU KNOW, FEROCIOUS AND FEAR SOME AS THE TRAFFIC IS THAT WE HAVE ALL OF THESE RESIDENCES HERE WHEN WE GO YOUOUT OUR FRONT DOOR, ARE WE GOING TO BE LOOKING AT SOMETHING UNATTRACTIVE. NOW, THIS -- THIS PROPOSAL THAT DOES BLOCK THE TRAFFIC, IT HAS A POND THINGS LIKE THAT, THAT SOUNDS GOOD IN THEORY. BUT I JUST AM NOT SURE ABOUT THE -- I'M NOT SURE IF THAT'S WHAT WE ARE GOING TO END UP IT.

THANK YOU.

LET ME GET MR. BENNETT BACK UP HERE FOR A SECOND.
GO AHEAD.

ONE LAST THING IF YOU ASKED CITY PLANNING THEY
ALREADY CHECKED WITH THE FIRE DEPARTMENT, THEY
DON'T NEED ACCESS TO BURNS.

IS THAT ACCURATE?

WHAT I SAID EARLIER IS THAT THEY SHOULD NEGOTIATE
WITHIN THE EXISTING PROPERTY, RESPECT THE
COMPATIBILITY SETBACK AND ACCESS WOULD NOT BE
REQUIRED TO BURNS IN ORDER TO TURN A FIRE TRUCK
AROUND IF THERE WERE OTHER PROPERTY AND STILL GET
OUT BASED ON THE EXISTING CONDITIONS THAT EXIST ON
THE SITE. THE OWNER HAS A DESIRE TO REMODEL, ADD
SOME BUILDINGS, CHANGE USES WHICH MAY REQUIRE
MORE PARKING AND I THINK THESE DRAWINGS THAT MR.
BENNETT REPRESENTED AND SHOWED REQUIRE MORE
PARKING THAN THAT WOULD EXIST TODAY.

OKAY.

MR. BENNETT, SO -- SO I FIRST OF ALL WANT TO MAKE SURE
THAT -- THAT CERTAINLY WANT THIS EXISTING LOCAL
BUSINESS TO HAVE ENOUGH PARKING AND WOULDN'T WANT
TO DAMAGE THAT THROUGH ANY ACTION WE WOULD TAKE.
BUT AT THE SAME TIME, IT APPEARS TO ME, I WAS JUST OUT
THERE LOOKING AT THE PROPERTY DURING THE 3:00 BREAK,
THAT WE MANAGED TO GET, IT DOES SEEM LIKE THIS GR
WOULD BE TOO FAR BACK IN THE NEIGHBORHOOD TO ME.
SO -- SO WHAT -- I GUESS FIRST OF ALL, THIS IS -- YOU ARE
TALKING ABOUT A NEW PROPOSAL, NOT -- NOT FOR THE
EXISTING BUSINESS. RIGHT? YOU ARE TALKING ABOUT
DOING SOMETHING DIFFERENT HERE?

COUNCILMEMBER SLUSHER, WHAT WE ARE PROPOSING TO
DO HERE IS WE INDICATED TO YOU DURING THE PUBLIC
HEARINGS FOR THE NEIGHBORHOOD PLAN IS THAT MR.
McWILLIAMS IS PROPOSING AN INTERIOR DESIGN CENTER,
HIS BUSINESS HERE OF A.B.C. BLIND AND DRAPERY WE
EXPECT THAT THE PROPOSED ADDITION WILL BE USED BY
THOSE KINDS OF BUSINESS THAT WILL COMPLIMENT IT. IF

YOU NEED YOUR KITCHEN REDESIGNED THERE WILL BE AN INTERIOR DESIGNER TO DESIGN A KITCHEN. IF YOU NEED SOME NEW SELECTION OF WATER FIXTURES FOR YOUR KITCHEN, THAT MIGHT OCCUR OVER HERE. OR ADDITIONALLY INTO THIS BUILDING. THERE IS THE 4 -- 4400 SQUARE FOOT OF WAREHOUSING THERE NOW THAT WILL BE DISPLACED BY THE PROPOSED 3300 SQUARE FEET ROUND NUMBERS. WHICH WILL BE OCCUPIED BY THOSE INTERIOR DESIGN KIND OF BUSINESSES. IN ADDITION TO KEEPING HIS EXISTING BUSINESS. I WOULD POINT OUT TO YOU, IF YOU ALLOW ME, COUNCIL.

Slusher: SURE.

TEX INDICATED TO YOU THAT SOMEHOW I BACK DOORED THIS THROUGH TO COUNCIL. WE HAD THREE PUBLIC HEARINGS ON THIS, THIS WAS ON THE OVERHEAD PROJECTOR DURING MY PRESENTATION FOR I THINK ABOUT 45 MINUTES OR LONGER THAT WE DISCUSSED MY CLIENTS PLAN TO DO THIS INTERIOR DESIGN CENTER. SO I WOULD LIKE TO OFFER TO YOU THAT THAT THERE WAS NO COVERT ACTION ON MY PART, CERTAINLY NOT COUNCIL'S IN THIS PUBLIC HEARING THAT WE DAKOTABACK DOORED OR SLID THIS THROUGH. WE HAD AN EXTENSIVE --

I THINK IT WAS THE OVERALL NEIGHBORHOOD PLAN WHERE YOU MANAGED TO GET THE UPZONING RATHER THAN BRINGING IN A SEPARATE CASE. I'M NOT SAYING THAT YOU BACK DOORED ANYTHING. BUT THAT DESCRIPTION I JUST GAVE IS CORRECT, ISN'T IT?

THIS CASE ORIGINALLY WAS SHOWN TO BE AT THAT TIME AS MR. GUERNSEY INDICATED TO YOU TO BE M.F. ZONINGS. AT THOSE PUBLIC HEARINGS WE DISCUSSED IT, OUR PLANS AS WELL AS ACCESS TO COUNCIL. COUNCIL ELECTED TO ZONE THIS NORTHERN TRACT. NOT WHERE YOU TONIGHT, THIS NORTHERN PART TO GR AND DIRECTED STAFF BECAUSE MR. BLOCK TOLD YOU THAT THIS WASN'T POSTED PROPERLY, AND COUNCIL WOULD HAVE TO INITIATE A CASE, ZONING CHANGE CASE WHICH COUNCIL DID, TO REZONE THIS TO GR, ADOPTED THE FUTURE LAND USE MAP SHOWING AT GR AND SO WHEN THIS NOTICE WENT OUT TO REZONE THIS PORTION

TO GR, IS WHEN --

Slusher: RIGHT.

WHEN WE MET WITH THE NEIGHBORHOODS TO TRY TO
MITIGATE SOME OF THEIR CONCERNS.

Slusher: YOU'RE RIGHT. I REMEMBER THAT. I'M AFRAID WE
MIGHT HAVE MADE A MISTAKE. IT WAS AN UP ZONING
DURING THE NEIGHBORHOOD PLAN.

CHECK WITH MR. SLAP LACK. ZAPALAC. 450 FEET DEEP THE
FIRE DEPARTMENT HAS TO HAVE ACCESS OR THE
COMAIBILITYS TO TURN THAT TRUCK AROUND. EITHER THEY
GO THROUGH OR COME THROUGH OR THERE HAS TO BE A
TURN AROUND. BECAUSE OF M.F. ZONING HERE YOU ARE
NOT ABLE TO PUT THE TURN AROUND UNTIL YOU GET TO
THE CENTER OF THE SITE. IF YOU PUT IT HERE IN THE
CENTER OF THE SITE THAT MEANS THE PROJECT IS GOING
TO BE REDUCED DOWN TO 1200 SQUARE FEET. THIS PLAN
RIGHT HERE. I CAN CERTAINLY TELL YOU ECONOMICALLY
YOU CAN'T GO IN AND PAVE ALL OF THIS PARKING LOT AND
EVERYTHING AND MEET THE CODE REQUIREMENTS FOR
RETENTION AND WATER QUALITY FOR 1200 SQUARE FEET OF
BUILDING. MR. McWILLIAMS IS NOT IN THE MULTI-FAMILY
BUSINESS, HE'S IN THE BLIND AND DRAPERY BUSINESS FOR
50 YEARS.

Slusher: I'M SYMPATHETIC TO THAT. AT THE SAME TIME
THERE'S A NEIGHBORHOOD BACK THERE THAT JUST SEEMS
LIKE THIS GR IS GOING TO BE TOO DEEP INTO THAT
NEIGHBORHOOD. IT'S A NEIGHBORHOOD THAT'S NOT JUST
BEING A NIMBY, THEY SUPPORTED EVEN BROUGHT TO US
MULTI-FAMILY ZONING ALL ALONG BURNS STREET.

COUNCILMEMBER IF YOU PUT MULTI-FAMILY HERE, SAY THIS
WHOLE BACK SIDE IS MULTI-FAMILY, GUESS WHAT STREET
THEY ARE GOING TO EXIT ON TO?

Slusher: I UNDERSTAND. THAT'S WHAT I AM SAYING --

100% ON BURNS STREET. ALL THE TRAFFIC IS GOING TO
COME TO HERE. BECAUSE THE COMMERCIAL TRAFFIC IS

GOING TO HAVE TO BE DEVELOPED UP HERE. SO ALL OF THE MULTI-FAMILY THAT YOU COULD GET IN HERE IS GOING TO EXIT ON TO BURPS, IF SOMEONE WERE -- ON TO BURNS IF SOMEONE WERE WANTING TO BUILD MULTI-FAMILIES. THESE TWO ADJOINING MULTI-FAMILIES ARE NOT CLASS A PROPERTIES EITHER SO YOU ARE NOT GOING TO GET PERHAPS CLASS A APARTMENTS HERE EITHER.

Slusher: I UNDERSTAND WHAT YOU ARE SAYING. BUT THEY DID -- THAT IS FAIRLY UNUSUAL FOR A NEIGHBORHOOD TO RECOMMEND THAT SORT OF A MULTI-FAMILY IN THAT SORT OF A LOCATION. ALL RIGHT. WELL, I'M NOT SURE QUITE WHAT TO DO ON THIS ONE. I DO -- IT DOES BOTHER ME THAT THE NEIGHBORHOOD HASN'T HAD ANY OPPORTUNITY TO LOOK OVER THOSE PROPOSALS IF WE ARE SUPPOSED TO VOTE ON ONE OF THOSE TONIGHT. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER ALVAREZ? THANKS, MAYOR? I -- I APPRECIATE ALL OF THE ADDITIONAL ATTENTION ON THIS. I DO REMEMBER THE DISCUSSION ABOUT THIS DURING THE -- DURING THE NEIGHBORHOOD PLANNING PROCESS. BUT -- BUT I THINK TO RESPECT AT LEAST WHAT WAS DONE INITIALLY BY THE COUNCIL IS TO SUPPORT THIS ZONING CHANGE BUT PROHIBITING ACCESS TO BURNS. SO THAT'S NOT PART OF THIS CASE SO I GUESS THAT WOULD BE SOMETHING THAT -- THAT THE -- THAT WOULD HAVE TO BE WORKED OUT BETWEEN THE PROPERTY OWNER AND THE NEIGHBORHOOD. SO AT LEAST FROM MY POINT OF VIEW BARRING THAT, I PROBABLY CAN'T SUPPORT THIS PARTICULAR CHANGE. BUT I DON'T KNOW IF THAT'S SOMETHING THAT'S EVEN -- EVEN SOMETHING THAT THE PROPERTY OWNER WOULD CONSIDER. I DON'T KNOW IF THEY WANT TO SPEAK TO THAT, BUT THAT'S WHERE I'M FALLING ON THIS IN ORDER TO -- IN ORDER TO AT LEAST, YOU KNOW, ADDRESS SOME OF THE NEIGHBORHOOD CONCERNS ABOUT TRAFFIC AND ACCESS ON BURNS STREET, BUT ALSO TO TRY TO PROVIDE A LITTLE MORE COMMERCIAL SPACE, YOU KNOW, FOR -- FOR THIS PARTICULAR BUSINESS, THAT IS SMALL BUSINESS THAT'S TRYING TO EXPAND SOMEWHAT. MR. BENNETT? >>

COUNCILMEMBER ALVAREZ, WE HAVE MET WITH THE NEIGHBORHOOD FOLKS, DAN AND TEX AND ONE OTHER, WE HAD A DIALOGUE, WE DID AGREE TO DO SOME THINGS TO

TRY TO MITIGATE THEIR CONCERNS SUCH AS PUTTING SOME INTERNAL SPEED HUMPS ON OUR PARKING AREA TO DISCOURAGE ANYBODY WITH THE -- WITH THE PUNCH ACCESS WHERE YOU HAVE TO -- ACTUALLY STOP AND PUNCH IT, GET A CODE TO PUT IN ONCE YOU VISIT OUR SITE TO LEAVE THAT WAY. PROBABLY MOST PEOPLE ARE GOING TO TURN AND COME OUT LAMAR RATHER THAN GO THROUGH HAS PROCESS OF DO -- THAT PROCESS OF DOING THAT. WE CAN CONTINUE TO TRY TO WORK WITH THEM TO SEE WHAT WE CAN DO TO ELIMINATE AS MUCH AS OF THEIR CONCERNS AS POSSIBLE AND STILL TO GET US AN ECONOMICALLY VIABLE PROJECT. WE DON'T HAVE ANY PROBLEMS IN CONTINUING TO TRY TO DO THAT WITH THEM.

Slusher: GIVE THEM THREE OR FOUR MORE WEEKS
[LAUGHTER]

Alvarez: I DON'T KNOW. IF THIS IS SOMETHING THAT MAYBE -- PLM TEX, I CAN'T THINK OF YOUR LAST NAME. MR. MITCHELL. [LAUGHTER] IS THIS SOMETHING THAT -- THAT -- OBVIOUSLY SEEMS TO ME THAT -- THAT, YOU KNOW, OTHER THAN JUST LEAVING IT MF 3 AND THE NEIGHBORHOOD WOULD BE SATISFIED BY LIMITING ACCESS ALTOGETHER ON BURNS, I THINK THAT WHAT MR. BURNET WAS SUGGESTING -- MR. BENNETT WAS SUGGESTING IF THERE'S KIND OF CONTROLLED ACCESS IS THERE A POSSIBILITY THAT THE NEIGHBORHOOD MIGHT AGREE TO SOME KIND OF CONTROLLED ACCESS. I DON'T KNOW, AGAIN, THAT'S SOMETHING THAT YOU HAVE CONSIDERED IN THE LAST FEW WEEKS THAT WE'VE HAD BETWEEN -- BETWEEN MEETINGS AND -- WHETHER IT'S WORTH DELAYING OR MAYBE DOING JUST ONE READING AND THEN SEEING IF THERE IS AN AGREEMENT ON ACCESS THAT CAN BE REACHED BETWEEN THE NEIGHBORHOOD AND THE PROPERTY OWNER.

IT'S HARD TO SAY. THE -- I REALLY WOULD HAVE TO TALK TO THE -- TO GO BACK TO THE NEIGHBORS. WE -- IN FACT WE HAD MORE PEOPLE THAT WERE COMING TO SPEAK BECAUSE WE WERE TOLD THAT IT WAS -- IT WAS STILL PUBLIC AND -- AND WE THOUGHT 20, 22 CAME AFTER ONE THROUGH 21. SO -- SO WE WERE ALL PRETTY SURPRISED WHEN WE WERE UP SECOND.

Mayor Wynn: BE CAREFUL WHAT YOU WISH FOR.

WANTED TO GET OUT EARLY, HUH? I REALLY -- IT'S HARD TO SAY WITHOUT GOING AND TALKING TO THE NEIGHBORS BECAUSE WE REALLY STRONGLY FEEL THAT THIS -- THAT WE DID GIVE A LOT DURING -- YOU KNOW, THEY TALK ABOUT THREE MEETINGS. WELL, WE WENT TO I DON'T KNOW HOW MANY MEETINGS OVER THE COURSE OF A YEAR. AND THIS -- IT WAS NOT AN EASY PROCESS. THE NEIGHBORHOOD PLANNING PROCESS I'M SURE YOU'RE AS MUCH FAMILIAR WITH IT AS I AM.

Slusher: I AGREE IT'S NOT EASY.

WE AGREED TO UPZONING A LOT OF -- A LOT OF PROPERTY IN OUR NEIGHBORHOOD DOING IT WITHOUT SPOT ZONING AND THIS BASICALLY GOES AGAINST EVERYTHING THAT THE CITY PLANNING TOLD US THAT WE DON'T WANT TO DO. THERE WERE SEVERAL CASES WE THOUGHT SPOT ZONING MIGHT WORK HERE OR THERE, THEY SAID ABSOLUTELY NOT, THIS IS NOT THE WAY WE DO CITY, DO NEIGHBORHOOD PLANNING. THEN IT ENDED UP GETTING TURNED SIDEWAYS THERE AT THE END.

Slusher: MAYOR, GO AHEAD COUNCILMEMBER.

Alvarez: I WAS GOING TO ASK MR. GUERNSEY. BUT --

Slusher: GO AHEAD. I'LL WAIT.

Alvarez: YOU HAD MENTIONED EARLIER IN TERM OF THE ACCESS ISSUE ON BURNS, IS THAT SOMETHING -- EVEN THOUGH THAT'S NOT PART OF THIS PARTICULAR CASE, YOU KNOW THAT THE CITY COULD -- COULD -- WE COULD MOVE FORWARD AND HAVE SOME KIND OF AGREEMENT ON ACCESS WITH -- WITH PROPERTY OWNER THAT -- THAT COULD BE DONE WITH A RESTRICTIVE COVENANT OR IS THAT THE KIND OF RESTRICTIVE COVENANT THAT NEEDS TO BE DONE THROUGH A NEIGHBORHOOD ASSOCIATION OR HOMEOWNERS ASSOCIATION?

THE PROPERTY OWNER COULD OFFER WITH THEIR OWN FREE WILL, A RESTRICTIVE COVENANT THAT WOULD

PROHIBIT ACCESS TO BURNS OR LIMITED ACCESS, OFFER THAT TO THE CITY. IT WOULD BE A GESTURE FROM THEM. NOT SOMETHING THAT WE COULD REQUEST. WE COULD CERTAINLY PROHIBIT ACCESS ON THE SUBJECT TRACT TO BURNS. BUT I WOULD HAVE TO ASK -- ASK MR. BENEFIT IF HE WOULD BE WILLING TO AFTER SPEAKING WITH HIS CLIENT TO SEE IF THERE'S SUCH AN OFFER THAT THEY WOULD LIKE TO MAKE. THAT'S SOMETHING CERTAINLY TO SOMETHING. I ALSO WANT TO REMIND COUNCIL THAT THERE IS A VALID PETITION ON THE PROPERTY AGAINST THE REZONING FROM OR TO THE GR-MU CO-NP SO IF YOU WOULD CONSIDER THREE READINGS TODAY IT WOULD REQUIRE SIX OUT OF SEVEN VOTES.

THANK YOU. I WAS HOPING TO FIND SOMETHING TO MAKE THIS DECISION EASIER.

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

Goodman: NOT KNOWING WHAT EXACTLY WE ARE GOING TO DO, I WOULD STILL AT SOME TIME OR ANOTHER LIKE TO KNOW WHAT THE NEIGHBORHOOD HAD CONSIDERED AND WHAT STAFF THEN DEEP SIXED BY SAYING THAT IT WAS SPOT ZONING AND NO, NO, NO, WE DON'T DO THAT. BECAUSE NEIGHBORHOOD PLANNING WAS SUPPOSED TO TAILOR MAKE WHAT A NEIGHBORHOOD WANTED TO BE. TRADITIONAL SPOT ZONING WASN'T NECESSARILY PROHIBITED. IF IT ACTUALLY WORKED WITH WHAT THE NEIGHBORHOOD SAW AS VIABLE.

Guernsey: I'M NOT AWARE OF THE PARTICULAR ISSUES AS FAR AS ZONING. I BELIEVE WHEN THIS WAS BROUGHT ORIGINALLY THERE WAS CONSENSUS REGARDING THIS PROPERTY AND THE PROPERTY NEXT DOOR TO BE MULTI-FAMILY AND THEN THROUGH THE PUBLIC HEARING PROCESS AT COUNCIL THAT DECISION WAS CHANGED, THE FUTURE LAND USE MAP FROM THE ORIGINAL RECOMMENDATION. OF A MULTI-FAMILY.

I WOULDN'T MIND HEARING THE DETAILS FROM THE PLANNERS INVOLVED. NOT AT THIS TIME HOWEVER.

Mayor Wynn: THANK YOU. COUNCILMEMBER SLUSHER I SENSED THAT YOU WERE ABOUT TO MAKE A MOTION EARLIER.

Slusher: PRETTY GOOD, MAYOR, I WASN'T EVEN SURE IF I WAS MYSELF. [LAUGHTER] ALL RIGHT. LET'S POSTPONE THIS TO NOVEMBER 4th AND GIVE THE NEIGHBORS AND MR. BENNETT AND THE APPLICANT TIME TO LOOK OVER THOSE -- GIVE THE NEIGHBORS TIME TO LOOK OVER THOSE PROPOSALS AND MAYBE MAKE SOME COUNTER OFFERS TO MR. BENNETT. I JUST ASKED EVERYBODY TO KEEP IN MIND THE SITUATION HERE WE HAVE I GUESS A FAIRLY UNUSUAL SITUATION WITH THESE NARROW LOTS GOING ALL THE WAY BACK TO THE RESIDENTIAL STREET. PROBABLY WOULD LIKE TO GO SUPPORT THE LOCAL SMALL BUSINESS HERE. AT THE SAME TIME WE HAVE A NEIGHBORHOOD THAT WHERE I WOULD THINK THIS GR IS TOO DEEP. I WOULD JUST THINK IT WAS TOO DEEP INTO THE NEIGHBORHOOD WITHOUT SOME SORT OF A -- OF A MITIGATING AGREEMENT. SO I WOULD JUST ASK YOU TO TRY TO COME UP WITH SOME SORT OF AN AGREEMENT WHERE EVERYBODY CAN -- CAN LIVE WITH IT. IN THE NEXT COUPLE OF WEEKS. THAT WOULD BE MY MOTION.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER.

Thomas: SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER THOMAS TO POSTPONE TO CLOSE THE PUBLIC HEARING AND POSTPONE ACTION ON ZONING CASE Z-22 TO NOVEMBER 4th, 2004.

Thomas: MAYOR, IF YOU DON'T MIND, IF WE CAN GET STAFF, MR. GUERNSEY, TO VERIFY WHAT THE FIRE DEPARTMENT SAID. BECAUSE I DON'T KNOW -- I DIDN'T -- WHEN YOU -- WHEN THE QUESTION WAS ASKED ABOUT THAT NEEDING TO GO OUT ON BURNS, I DIDN'T GET A CLARIFICATION OF THAT.

WE CAN CLARIFY THAT WITH THE FIRE DEPARTMENT AS WELL.

Thomas: THANK YOU.

Guernsey: STAFF WILL COMMIT TO PUTTING THIS AS A NUMBERED ITEM, NOT UNDER THE Z ITEM WHEN IT COMES BACK.

THANK YOU, MR. GUERNSEY. MOTION AND SECOND ON THE TABLE TO POSTPONE Z-22 TO NOVEMBER 4th, 2004. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. COUNCIL, THAT TAKES US TO OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS, AT THIS TIME WE WILL RECESS THE AUSTIN CITY COUNCIL. THANK YOU. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] . >> >>

Mayor Wynn: OKAY. FOLKS, IF I COULD HAVE YOUR ATTENTION, WELCOME TO OUR LIVE MUSIC GIG AT THE WEEKLY AUSTIN CITY COUNCIL MEETING. JOINING US TODAY, THIS WEEK, IS SAM SHEPHERD. [APPLAUSE] SAM WAS BORN IN TEXAS, RAISED IN LOUISIANA. HE'S BEEN IN THE MUSIC BUSINESS IN ONE FORM OR FASHION ALL OF HIS LIFE, SINGER, SONG WRITER, GUITAR PLAYER. HIS STYLE RANGES FROM TEXAS COUNTRY TO LOUISIANA BLUES, AND WE'RE HERE TO WELCOME SAM SHEPHERD. SAM?

THANK YOU, MAYOR. [APPLAUSE] YOU FOLKS AT HOME IN THE HILL COUNTRY A FEW YEARS BACK HAD MR. JOHNNIE GIMBLE COME AND PLAY THIS ON THE FIDDLE FOR ME. IT'S CALLED THE HILL COUNTRY COUNTRY. (music) GOING TO BUILD ME A HOME IN THE HILL COUNTRY WITH A BIG OLD PORCH WE CAN PICK AND SING. (music) AND I'LL HAVE A LITTLE WOMAN STANDING BY MY SIDE, AND I'M LIVING IN HEAVEN BEFORE I DIE. (music) HEAR THE WHIPPER WILL SING THEIR MORNING SONG. HEAR THE MOCKING BIRDS TRY TO SING ALONG. (music) AND IT MAKES A LITTLE PIECE OF HEAVEN BEFORE MY EYES. (music) AND THE SUN COMES UP AND THE SUN GOES DOWN. (music) AND THE MOON COMES UP AND THE STARS COME OUT. NOTE I LOVE TEXAS FROM THE T DOWN TO THE S. I LOVE LIVING IN THE HILL COUNTRY THE BEST. (music) AND THE SUN COMES UP AND THE SUN GOES DOWN. (music) AND THE MOON COMES UP AND THE

STARS COME OUT. (music) I LOVE TEXAS FROM THE T DOWN TO THE S. (music) I LOVE LIVING IN THE HILL COUNTRY THE BEST. (music) SO WE BUILT US A HOME IN THE HILL COUNTRY AND LISTENED TO THE WATERS RUNNING DOWN THE CREEK. (music) WATCHING ALL THE RAINBOWS AND EATING APPLE PIE, AND I'M A LIVING IN HEAVEN BEFORE I DIE. (music) LIVING IN HEAVEN BEFORE I DIE(music)(music). TEXAS, HILL COUNTRY, THANK YOU VERY MUCH. [APPLAUSE]

Mayor Wynn: SO SAM, TELL US WHERE WE CAN HEAR YOU NEXT.

TOMORROW I'M PLAYING AT A RESTAURANT IN LAKEWAY CALLED THE THAI SPICE. AND THE 29TH, I THINK IT IS, I'M PLAYING AT CHILI'S ON BEAUTIFUL LAKE TRAVIS. CHECK ME OUT AT SAM SHEPHERD.COM. THANK YOU VERY MUCH.

Mayor Wynn: BEFORE YOU GET AWAY -- BEFORE HE GETS AWAY WE HAVE AN OFFICIAL PROCLAMATION THAT READS, BE IT KNOWN WHEREAS THAT THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS THE DEDICATED EFFORTS OF ARTISTS FURTHER AUSTIN'S STATUS AS THE LIVE MUSIC CAPITOL OF THE WORLD, NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HEAR BY PROCLAIM TODAY, OCTOBER 21st, 2004, AS SAM SHEPHERD DAY IN AUSTIN AND CALL ON ALL CITIZENS IN JOINING ME IN CONGRATULATING HIM. [APPLAUSE] WE GAVE SAM SIX HOURS LEFT IN HIS DAY ON PURPOSE. [LAUGHTER]

Mayor Wynn: OUR FIRST PROCLAMATION THIS WEEK IS REGARDING ARCHIVES WEEK. I WANT TO POINT OUT THAT BEFORE WE HEAR FROM APRIL NORRIS, WE HAVE A NEW STATUE ON CONGRESS AVENUE BETWEEN SIXTH AND SEVENTH STREET ON THE WEST SIDE OF THE SIDEWALK AND IT'S A STATUE OF ANGELINA EVERLY, WHO WAS A FAMOUS AUSTINITE. ULTIMATELY SAVED THE CAPITOL STATUS OF AUSTIN BY PROTECTING AND SAVING THE TEXAS NATIONAL ARCHIVES, WHICH AT THE TIME WERE HELD HERE IN AUSTIN. BUT THEN PRESIDENT SAM HOUSTON WANTED TO MOVE THEM BACK TO HIS NAME SAKE CITY, HOUSTON. AND

SO IT WAS FUN FOR US TO UNVEIL A GREAT PIECE OF PUBLIC STATUE TO ANGELINA EVERLY AND OF COURSE WE NOW GET TO PROCLAIM THIS ARREST ARCHIVES WEEK. THE PROCLAMATION READS, ARE IT KNOWN WHEREAS THE SOCIETY OF AMERICAN ARCHIVIST, U.T. STUDENT CHAPTER, HOST ARCHIVES WEEK EACH YEAR TO BRING RECOGNITION TO THE ROLE THAT ARCHIVES PLAY IN OUR DAILY LIVES AND IN THE WORLD AT LARGE. AND WHEREAS THEIR THEME THIS YEAR IS GOVERNMENT RECORDS, SECRECY AND ACCESS, AND THE WORKSHOPS WILL EXAMINE THE ROLE THAT RECORDS PLAY IN THE POLITICAL PROCESS IN ALL LEVELS OF GOVERNMENT AND WHEREAS PROFESSIONALS FROM THE AUSTIN HISTORY CENTER AND PRESERVATION, CONSERVATION AND ARCHIVE STUDENTS WILL AID AUSTINITES IN THE MAINTENANCE OF THEIR PERSONAL DOCUMENTS, PHOTOGRAPHS AND THE LIKE DURING ARCHIVES CLINIC ON SATURDAY, NOVEMBER 6TH. NOW THEREFORE I, WILL WYNN, MARY OF THE CITY OF AUSTIN, TEXAS, DO HEAR BY PROCLAIM OCTOBER 31st THROUGH NOVEMBER 6TH, 2004 AS ARCHIVES WEEK AND ASK APRIL NORRIS TO COME SAY A FEW WORDS ABOUT THE WEEK. APRIL? [APPLAUSE]

ON BEHALF OF THE SOCIETY OF AMERICAN ARCHIVISTS, UNIVERSITY OF TEXAS STUDENT CHAPTER, THE AUSTIN HISTORY CENTER AND DR. DAVID GRASSY, I THANK YOU VERY MUCH FOR THIS PROCLAMATION. BASICALLY WE WOULD ENCOURAGE EVERYONE TO CELEBRATE ARCHIVES WEEK BY ATTENDING THE EVENTS THAT ARE SCHEDULED ON NOVEMBER FIRST THROUGH NOVEMBER 6TH. WE WILL BASICALLY HOST A SPEAKER SERIES AND THEN CONCLUDE WITH THE ARCHIVES CLINIC, WHICH WILL BE SATURDAY, NOVEMBER THE 6TH AT THE AUSTIN HISTORY CENTER FROM 1:00 TO 5:00 O'CLOCK. WE LOOK FORWARD TO SEEING ALL OF Y'ALL. THANK YOU VERY MUCH. [APPLAUSE]

Mayor Wynn: THE NEXT ITEM IS ACTUALLY A SERIES OF SEVERAL CERTIFICATES OF APPRECIATION FOR FOLKS WHO HAVE BEEN VERY SUPPORTIVE OF THE ST. JOHN'S FOOD PANTRY. AND THESE ARE THE THREE SIGNIFICANT CONTRIBUTORS. THEY ARE ROUND ROCK SERTOMA, THE EPISCOPAL CHURCH OF THE RESURRECTION AND THE NEW ZION MISSIONARY BAPTIST CHURCH. I CAN READ EACH OF

THEM, THEY'RE SLIGHTLY DIFFERENT DESCRIBING THE DIFFERENCE THESE FOLKS AND FRIENDS MAKE SERVING THE ST. JOHN'S FOOD PANTRY. THE CERTIFICATE OF APPRECIATION READS FOR ROUND ROCK CERTIFY SERTOMA, FOR THEIR GENEROUS SUPPORT FOR THE ST. JOHN'S FOOD PANTRY, ROUND ROCK SERTOMA IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. THEY HAVE DONATED MORE THAN \$3,000 TO FINANCE FOOD PURCHASES OVER THE PAST 10 YEARS, ENABLING THE COMMUNITY CENTER TO ENSURE THAT BASIC NEEDS ARE MET FOR LOW INCOME FAMILIES IN THE NORTH AUSTIN AREA. SPECIAL RECOGNITION GOES TO DOT GILL, CHAIRMAN OF THE BOARD AND CHRIS GOT, PAST SPONSORSHIP ARE VICE-PRESIDENT. IT IS ISSUED FOR THE EXTRAORDINARY EFFORTS THIS FIRST DAY OF OCTOBER, 2004, BY THE ENTIRE AUSTIN CITY COUNCIL, SIGNED BY ME, MAYOR WILL WYNN, ROUND ROCK SERTOMA. PLEASE JOIN ME IN CONGRATULATING THEM. [APPLAUSE] AND THE NEXT CERTIFICATE, SIMILAR CERTIFICATE FOR THIS GREAT WORK FOR THE ST. JOHN'S COMMUNITY REALLY BENEFITS FROM THIS EFFORT IS FOR THE EPISCOPAL CHURCH OF THE RES OCCUR RECOLLECTION, AND IT READS FOR THE PARTICIPATION OF THE ST. JOHN'S CENTER. THEY ARE DESERVING OF PUBLIC ACLIM AND RECOGNITION. CHURCH MEMBERS HAVE PROVIDED REGULAR DONATIONS OF FOOD AND CLOTHING TO ST. JOHN'S, IN ADDITION THEY CO-SPONSORED A FUND-RAISER WITH ANOTHER CHURCH RAISING MORE THAN A THOUSAND DOLLARS TO ASSIST LOW INCOME FAMILIES DURING TIMES OF CRISIS. SPECIAL RECOGNITION GOES TO JIM HEATH, WOODY LEDMAN, WILLIE TOLL VER AND REVEREND JAMES STOCKTON ON FOR THEIR EFFORTS ON BEHALF OF THE ST. JOHN'S COMMUNITY CENTER. PLEASE JOIN ME IN CON GRATE LATING AND THANKING THE EPISCOPAL CHURCH OF THE RESURRECTION. [APPLAUSE] AND LAST, SU BERNL NOT LEAST, THE NEW ZION MISSIONARY BAPTIST CHURCH. THE CERTIFICATE OF APPRECIATION FOR THEIR GENEROUS SUPPORT OF THE ST. JOHN'S EMERGENCY FOOD PANTRY, NEW ZION MISSIONARY BAPTIST CHURCH IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. CHURCH MEMBERS HAVE PROVIDED REGULAR DONATIONS OF FOOD FOR THE PANTRY TO ENABLE ST. JOHN'S TO ASSIST LOW INCOME FAMILIES IN THE

NORTH AUSTIN AREA IN THEIR TIMES OF CRAISES. WE JOIN THE COMMUNITY CENTER ADVISORY BOARD IN RECOGNIZING REVEREND ERIC WHITE SENIOR AND THE MISSION DEPARTMENT OF THE CHURCH FOR THEIR EXCEPTIONAL EFFORTS ON BEHALF OF SAINT JOHN. AGAIN, THIS CERTIFICATE OF APPRECIATION SIGNED THE 21st DAY OF OCTOBER, 2004 BY THE ENTIRE AUSTIN CITY COUNCIL PRESENTED HERE AND I'M PLEASED TO BE CONGRATULATING NEW ZION MISSIONARY BAPTIST CHURCH. [APPLAUSE] WE HAVE A FEW WORDS BY OUR GUESTS.

THANK YOU, MR. MAYOR, FOR THE ROUND ROCK CLUB, I DO ACCEPT THIS ON BEHALF OF THE TWO SERTOMAS. THEY WERE UNABLE TO BE HERE, BUT WILL BE GREATLY APPRECIATED. WE'LL BE IN ROUND ROCK AND WE SERVE MOST OF RAILROAD ROUND ROCK, BUT CERTAINLY NOT LIMITED TO IT. AND WE'VE WORKED LOTS WITH THE AUSTIN SERTOMA CLUBS IN MAKING A BETTER PLACE FOR EVERYONE. THANK YOU. CLAB CLAB[APPLAUSE]

MR. MAYOR AND CITY COUNCILMEMBERS, WE'RE HONORED AND PLEASED TO ACCEPT THIS RECOGNITION OF REETION APPRECIATION FOR THE GOOD PEOPLE THAT COMPRISE THE GOOD PEOPLE OF FAITH OF THE CHURCH. WE'RE HONORED AND PRIVILEGED TO SERVE THOSE MOST IN NEED AND TO OFFER THEM OUR STRENGTH AND MOST OF ALL TO OUR EFFORTS TO HELP EVERYONE AND ANYONE TO FIND WITHIN THEM THAT WHICH GOD HAS PLACED THERE THAT THEY MAY GO ON TO SHARE AS WE HOPE TO SHARE WITH THEM. THANK YOU. [APPLAUSE]

FIRST OF ALL, I'D LIKE TO GIVE THANKS TO GOD FROM WHOM ALL BLESSINGS FLOW. TO THE MAYOR OF OUR GREAT CITY, MAYOR WILL WYNN AND ALL PERSONS AT THE ST. JOHN'S COMMUNITY CENTER. WE THANK YOU GUYS FROM THE BOTTOM OF OUR HEARTS FOR ACKNOWLEDGING THE WORK THAT WE DO. AND WE BELIEVE THAT WE SHOULD DO WHAT WE DO BECAUSE OF THE GREAT LOVE THAT WE HAVE FOR GOOD AND TO BE ABLE TO GIVE BACK TO THOSE THAT ARE LESS FORTUNATE THAN WE ARE. AND WE THANK YOU AGAIN FROM THE BOTTOM OF OUR HEARTS. [APPLAUSE]

I'M BEING JOINED BY THE CITY MANAGER TOBY FUTRELL AND

OUR ACTING PARKS DIRECTOR WARREN STRUSS. THIS NEXT PROCLAMATION IS ACTUALLY A CERTIFICATE OF CONGRATULATIONS, AND SADLY THERE WASN'T A WHOLE LOT OF PRESS ABOUT THIS THIS WEEK, BUT OUR PARKS DEPARTMENT RECEIVED A NATIONAL GOLD MEDAL AWARD IN THE LARGEST POSSIBLE CATEGORY, ESSENTIALLY DECLARING THE AUSTIN PARKS AND RECREATION DEPARTMENT THE FINEST PARKS AND REC DEPARTMENT IN THE COUNTRY. [APPLAUSE] SO IF I COULD, I'LL QUICKLY READ THE CERTIFICATE OF CONGRATULATIONS AND ASK THE CITY MANAGER TOBY FUTRELL TO SAY A FEW WORDS AND INTRODUCE WARREN. THIS SAYS THE CITY OF AUSTIN CERTIFICATE OF CONGRATULATIONS FOR HAVING RECEIVED THE NATIONAL GOLD MEDAL AWARD CLASS ONE NAMING IT THE MOST OUTSTANDING PARKS AND RECREATION DEPARTMENT IN THE NATION. THE AUSTIN PARKS AND RECREATION DEPARTMENT IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. THE AWARD GIVEN IN PARTNERSHIP WITH THE AMERICAN ACADEMY FOR PARK AND RECREATION ADMINISTRATION RECOGNIZES EXCELLENCE IN THE FIELD OF PARKS AND RECREATION MANAGEMENT. THIS HONOR IS NOT ONLY A TESTAMENT TO THE COMMITMENT AND DEDICATION OF THE DEPARTMENT'S EMPLOYEES, BUT ALSO TO THE VALUABLE SUPPORT OF THE CITY MANAGER, PARKS BOARD MEMBERS AND THE ENTIRE CITIZENRY OF AUSTIN. MORE IMPORTANTLY, THIS AWARD REFLECTS THE VALUE AUSTINITES PLACE ON OUR PARKS AND RECREATION FACILITIES AND THE PROGRAMS. THIS CERTIFICATE IS ISSUED IN ACKNOWLEDGMENT OF THIS OUTSTANDING ACHIEVEMENT THIS 21st DAY OF OCTOBER BY THE ENTIRE AUSTIN CITY COUNCIL, SIGNED BY ME, MAYOR WILL WYNN, AND BEFORE TOBY SPEAKS, I'D JUST LIKE TO SAY THAT PERHAPS IN NO OTHER CITY DEPARTMENT DO YOU WITNESS THE CITIZENS' INVOLVEMENT AND DEDICATION TO OUR COMMUNITY THAN IN OUR PARKS DEPARTMENT. WITH THESE LAST FEW YEARS OF BUDGET CHALLENGES, WE'VE ALSO REDUCED THE NUMBER OF EMPLOYEES AND THE BUDGET OF OUR PARKS DEPARTMENT, AND OUR CITIZENS HAVE STEPPED UP AND WORKED ALONGSIDE WITH OUR GREAT CITY EMPLOYEES FROM SORT OF THE STRUCTURE AL SUPPORT OF OUR PARKS BOARD FROM DOWN AND TO JUST NEIGHBORS

CHIPPING IN WITH THIS GREAT DEPARTMENT. SO I -- SO I WOULD LIKE TO SAY THANK YOU TO SO MANY CITIZENS WHO HAVE STEPPED UP AND MADE OUR PARKS DEPARTMENT PERHAPS DISPROPORTION NATIONALLY SYMBOLIC OF THIS GREAT COMMUNITY WE LIVE IN. SO PLEASE HELP ME IN WELCOMING TOBY FUTRELL. [APPLAUSE]

NOW, MAYOR, I'D LIKE YOU TO HOLD THAT AWARD, JUST HOLD IT FOR A MOMENT. FIRST OF ALL, IT'S SO HEAVY YOU WILL ALMOST FALL OVER. THIS IS REALLY AN ASTONISHING THING. THIS IS THE OLYMPICS OF AWARDS FOR PARK SYSTEMS. THIS MAKES US THE FINEST PARK SYSTEM IN THE NATION. ISN'T THAT SOMETHING? [APPLAUSE] WHAT MAKES THIS PARTICULARLY ASTONISHING IS WE'VE HAD THREE VERY TOUGH YEARS, AND NO DEPARTMENT TOOK CUTS HARDER THAN OUR PARKS DEPARTMENT DID. AND YET DESPITE IT AND IN FACT THIS AWARD PARTICULARLY ACKNOWLEDGES HOW OUR SYSTEM HANDLED THOSE CUTS, AND THEY HANDLED IT THROUGH INNOVATIVE WAYS OF DELIVERING SERVICES AND THROUGH EXTRAORDINARY PARTNERSHIPS WITH CITIZENS AND VOLUNTEERS IN OUR COMMUNITY. SO ANY PARKS EMPLOYEES I HAVE OUT THERE, THERE WE GO [APPLAUSE] WAY TO GO. AND DO WE HAVE ANY OF OUR PARK VOLUNTEERS, OUR PARK CITIZENS HERE THAT HAVE HELPED US? ANYBODY OUT HERE? OH, COME ON. EVERYBODY. THERE WE GO. [APPLAUSE] THIS IS SOMETHING TO BE SO PROUD OF. AN EXTRAORDINARY ACCOMPLISHMENT. AND WITH THAT OUR AUSTIN PARKS DIRECTOR, WARREN STRUSS. THANK YOU ALL. [APPLAUSE]

WOW. HOW IN THE WORLD DO YOU FOLLOW THE MAYOR AND THE CITY MANAGER? IT'S GOING TO BE TOUGH ON ME. BUT WHAT I WANTED TO DO IS LET YOU KNOW THAT BACK IN MARCH I WAS STANDING AT THIS SAME PODIUM, AND WE WERE TALKING AT THAT TIME ABOUT JUST RECEIVING THE TEXAS RECREATION AND PARK SOCIETY GOLD MEDAL AWARD FOR BEING THE BEST PARKS AND RECREATION DEPARTMENT IN THE STATE. AND AT THAT POINT, EVEN THOUGH WE'VE HAD ADVERSITY, EVEN THOUGH WE'VE HAD BUDGET CUTS, WE SAID, LET'S GO FOR THE BIG ONE. LET'S GO FOR THE GOLD MEDAL AWARD TO BE THE BEST PARKS AND REC DEPARTMENT IN THE COUNTRY. SO WE ALL LOADED UP AND SAID DO WE WANT TO GO FOR IT? WE DID.

AND WE WENT AFTER THAT AWARD WITH GUS TOW AND ZEST AND WE WRITE THAT AWARD BACK TO YOU, THE CITIZENS OF AUSTIN. THANK YOU VR MUCH FOR EVERYTHING YOU DO. [APPLAUSE]

Mayor Wynn: AND IN A RELATED PROCLAMATION, WE ARE GOING TO HAVE A PROCLAMATION ABOUT ARBOR DAY. JAY?

THIS PROCLAMATION READS, WHEREAS TREES REDUCE EROSION, CUT HEATING AND COOLING COSTS, MODERATE THE TEMPERATURE, CLEAN THE AIR, PRODUCE OXYGEN AND PROVIDE HABITAT FOR WILDLIFE. WHEREAS TREES ARE ALSO A RENEWABLE RESOURCE GIVING US PAPER AND WOOD, WHILE ALSO INCREASING PROPERTY VALUES AND BEAUTY FIEG OUR COMMUNITY. WHEREAS I URGE ALL CITIZENS TO SUPPORT AND PROTECT OUR TREES AND WOODLANDS AND TO PLANT TREES TO GLAD ENTHE HEART AND PROMOTE THE WG BEING OF THIS AND FUTURE GENERATIONS. DURING THIS 114TH CELEBRATION OF ARBOR DAY IN TEXAS. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM OCTOBER 23rd, 2004, AS ARBOR DAY IN AUSTIN, AND ASK MR. JAY -- JAY CULVER TO COME SAY A FEW WORDS ABOUT OUR EFFORTS IN AUSTIN AND HOW YOU CAN CHIP IN ON ARBOR DAY HERE IN AUSTIN. JAY? [APPLAUSE]

I WOULD JUST LIKE TO THANK MAYOR WYNN FOR THIS ARBOR DAY PROCLAMATION. THIS WILL BE THE SECOND YEAR THAT WE'VE CELEBRATED ARBOR DAY IN OCTOBER HERE IN AUSTIN. BY OBSERVING THE NATIONAL ARBOR DAY ON THE LAST FRIDAY OF APRIL, WE FELT WE WERE SENDING OUT THE WRONG MESSAGE ABOUT WHEN TO PLANT TREES IN AUSTIN AND THE SURROUNDING AREA. OUR TREE PLANTING SEASON HERE IS FROM OCTOBER TO MARCH. THIS ENSURES GOOD TREE HEALTH AND SURVIVAL. WE ARE HAVING A PUBLIC TREE PLANTING THIS SATURDAY, THE 23rd, AT PAN AM PARK AND RECREATION CENTER, LOCATED AT EAST THIRD AND CHICON STREETS. WE WILL BE DEDICATING THIS PLANNING TO OUR FALLEN SOLDIERS IN IRAQ AND AFGAHANISTAN. I ENCOURAGE EVERYONE WHO CAN ATTEND TO PLEASE COME OUT. THANK YOU VERY MUCH. [APPLAUSE]

Mayor Wynn: I'M GOING TO ASK COUNCILMEMBER BRUCETER MCCracken TO ISSUE THE NEXT PROCLAMATION. BRUCETER?

McCracken: NOW WE WILL HAVE THE VOLUNTEER OF THE MONTH THROUGH THE UNITED WAY, THE REAL GIVERS OF OUR COMMUNITY. SO THE VOLUNTEERS OF THE MONTH, FIRST I PRESENT THE AWARD TO LOIS BILINGUALBOROUGH - - BILBOROUGH. AND DID -- LOIS IS THE VOLUNTEER OF THE MONTH FOR SEPTEMBER. AND SO WE WANTED TO HAVE A LITTLE PRESENTATION BY ANNE STAFF FORD OF AMD TO TELL US ABOUT LOIS AND ABOUT THE VOLUNTEER OF THE MONTH AWARD.

THANK YOU, COUNCILMEMBER. LOIS BILBOROUGH IS KNOWN AT HER AGENCY, WHICH IS CARITAS, AS WONDER WOMAN. AND THERE'S LITTLE WONDER WHY. SHE STARTED OUT AS A VOLUNTEER WITH THE GOLF TOURNAMENT. THAT WASN'T ENOUGH. SHE GOT INVOLVED IN CLIENT SERVICES WITH THE REFUGEE CLIENTS. HER SPANISH WASN'T STRONG ENOUGH, SO GUESS WHAT, SHE WENT AND BUSHD UP ON HER SPANISH. SHE HAS ORGANIZED FOOD DRIVES, SHE HAS PUT TOGETHER BROCHURES, NEWS LETTERS, ANYTHING TO DO WITH GRAPHICS, SHE'S TAUGHT HERSELF TO DO IF AND SHE'S DONE IT BEAUTIFULLY. WHEN SHE SEES A NEED, SHE SPEAKS UP AND MAKES POSITIVE, CONSTRUCTIVE SUGGESTIONS. SHE IS TRULY A MEMBER OF THE TEAM OVER THERE. AND CARITAS CAN'T SAY ENOUGH GOOD THINGS ABOUT HER. WE KNOW WHY. SHE'S BEEN VOLUNTEERING WITH THEM THREE YEARS NOW. SHE PUTS IN OVER 30 HOURS A MONTH. AND THEY SAY THAT SOME DAYS THEY LOOK AT HER AND GO, LOIS, GO HOME. YOU'VE BEEN HERE LONG ENOUGH. YOU'VE DONE EVERYTHING YOU CAN DO TODAY. BUT SHE ALSO UNDERSTANDS THAT NOT ONLY TO TAKE CARE OF OTHER PEOPLE SHE HAS TO TAKE CARE OF HERSELF. SO SHE'S PART OF A CARING COMMUNITY AT CARITAS THAT NOT ONLY NURTURES OUR COMMUNITY, BUT NURTURES EACH OTHER. I'M VERY PROUD TO BE ABLE TO JOIN THE VOLUNTEER CENTER ADVISORY BOARD AND UNITED WAY CAPITAL AREA TO RECOGNIZE LOIS BILBOROUGH TODAY. [APPLAUSE]

McCracken: LOIS, IF YOU WOULDN'T MIND TELLING US A

LITTLE BIT ABOUT HOW YOU BECAME A VOLUNTEER AND A LITTLE MORE ABOUT YOURSELF. EVERYBODY'S GREATEST FEAR THEY SAY IS PUBLIC SPEAKING, SO NOT PUTTING YOU ON THE SPOT. [LAUGHTER]

WELL, WHEN I RETIRED FROM WORKING FOR THE STATE, I FIGURED THAT I HAD SOME TIME TO PAY BACK A LITTLE BIT BECAUSE I'VE BEEN FORTUNATE IN MY LIFE. AND SO I CALLED UP AND I'VE BEEN VOLUNTEERING FOR CARITAS. AND I'VE BEEN VERY GRATEFUL FOR THE OPPORTUNITY TO DO THAT BECAUSE, WELL, SERVING IS ITS OWN REWARD, I THINK, BUT ALSO I'VE HAD SOME FUN, I'VE LEARNED A LOT, I'VE MET SOME INTERESTING PEOPLE AND I'VE MADE SOME GOOD FRIENDS. [APPLAUSE]

McCracken: SO NOW I'LL DO THE EASY PART. LOIS DID THE HARD PART. THIS IS TO READ THE PROCLAMATION. AND THIS IS A CERTIFICATE OF CONGRATULATIONS FOR HAVING BEEN LEKTED BY THE UNITED WAY CAPITAL AREA AS THE SEPTEMBER 2004 VOLUNTEER OF THE MONTH. LOIS BILBOROUGH IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. CARITAS HAS ENJOYED LOIS' ASSISTANCE FOR THREE YEARS. NOT ONLY IS SHE THOROUGH AND PROFESSIONAL, SHE'S WILLING TO LEARN NEW SKILLS, LIKE IMPROVING HER SPANISH IN ORDER TO SERVE CLIENTS MORE EFFECTIVELY. SHE HAS USED HER WRITING TO PRODUCE BROCHURES AND NEWS LETTERS, REPORTS FOR CARITAS. WE'RE PLOASED TO JOIN WITH CARITAS AND UNITED WAY IN RECOGNIZING AND THANKING LOIS BILBOROUGH FOR HERSELFLESSNESS AND DEDICATION WITH THIS CERTIFICATE PRESENTED THE 21st DAY OF OCTOBER, 2004, FROM THE CITY COUNCIL OF AUSTIN, TEXAS, WILL WYNN, MAYOR. LOIS, CONGRATULATIONS. NOW WE HAVE THE VOLUNTEER OF THE MONTH FOR OCTOBER, AND THAT'S LINDA HARDY, SO LINDA, COULD YOU COME UP? AND WE'LL HAVE ANNE TELL US AGAIN A LITTLE ABOUT LINDA AND LINDA, I'M GOING TO PREP YOU NOW, YOU'RE GOING TO SPEAK AFTER THAT.

BRIEFLY.

LINDA HARDY IS A VOLUNTEER WITH (INDISCERNIBLE) IN SOUTH AUSTIN, AND SERVES THEIR CLINIC, WHICH IS

PRIMARILY A NEO NATAL CLINIC IN VERY IMPORTANT AND UNIQUE WAYS. SHE RUNS THE FRONT OFFICE, SHE MAKES THE CLIENTS FEEL WELCOME. SHE SPEAKS TO THEM IN THEIR LANGUAGE. MOST OF THE CLIENTS ARE HISPANIC. SHE WELCOMES THEM WITH OPEN ARMS AND MAKES THIS A SAFE PLACE FOR THEM, MAKES THEM FEEL LIKE THIS IS A CLINIC THAT IS NOT ONLY SERVING THEIR PHYSICAL NEEDS, BUT IS ALSO SERVING THEIR SPIRITUAL NEED AND THEIR EMOTIONAL NEEDS. AND SHE MAKES SURE THEY UNDERSTAND ON THEIR OWN TERMS THE TREATMENT AND CARE THAT THEY ARE GIVING -- ARE BEING GIVEN SO THAT THEY CAN CARE FOR THEIR CHILDREN, THEIR FAMILIES AND THEMSELVES. SHE'S BEEN THERE FOUR YEARS NOW, SHE'S THERE THREE AND A HALF DAYS A WEEK. SHE'S JOINED TODAY BY HER HUSBAND DAN, WHO IS A PATHOLOGIST HERE IN TOWN AND ALSO UNDERSTANDS THE CRITICAL ROLE THAT LINDA PLAYS AT THE CLINIC. AND I'M VERY HONORED ON BEHALF OF THE UNITED WAY AND THE VOLUNTEER CENTER BOARD TO RECOGNIZE HER SERVICE IN THIS COMMUNITY. [APPLAUSE]

I DON'T KNOW WHO THIS IMPRESSIVE PERSON IS YOU'RE TALKING ABOUT, BECAUSE I GO TO HAVE FUN. [LAUGHTER] AND LET'S SEE IF I CAN GET AN AWARD FOR DOING SOMETHING HARD. I WOULDN'T SPEND THAT MUCH TIME AROUND GROUCHY PEOPLE, I TELL YOU THAT. I'D LIKE TO PUT THE FOCUS ON THE CLINIC ITSELF. THE CLINIC OPERATES ACCORDING TO THE PRINCIPLES OF (SPEAKING SPANISH) QUALITY IN WARMTH. AND THAT'S REALLY THE WAY IT FUNCTIONS ON A DAY-TO-DAY BASIS. THE PERSON WHO SETS THE TONE AND DOES THE HEAVY LIFTING DAY IN AND DAY OUT IS THE CLINIC DIRECTOR, RUTH ANNE HERRERA. OTHER PEOPLE IN THE CLINIC FOLLOW THROUGH, WE'RE ALL ON THE SAME PAGE. THERE'S A SENSE OF WARMTH. OUR NURSE, OUR MANAGER, OUR WORKERS IN RECEPTION, IT'S A WONDERFUL PLACE TO VOLUNTEER. SO I GO THERE TO HAVE FUN AND I'M GRATEFUL FOR THE RECOGNITION, BUT IT'S REALLY PURE SELF-INTEREST, I ASSURE YOU. [APPLAUSE]

McCracken: AND I JUST WANTED TO SAY, WE'RE VERY FAMILIAR WITH (INDISCERNIBLE) BECAUSE MY WIFE HAS SERVED AS A VOLUNTEER THERE. WHAT HAS REALLY

IMPRESSED ME SO MUCH IS NOT JUST THE SERVICE THAT THEY PROVIDE THE COMMUNITY, BUT IF YOU THINK ABOUT THIS, THE BIG COMPONENT IS EDUCATION, ENGLISH AS A SECOND LANGUAGE, TRAINING AND OTHER FRIENDS OF EDUCATION TO HELP FOLKS GET INTEGRATED INTO AUSTIN'S COMMUNITY. AND YET THESE ARE THE CLIENTS OF THIS CLINIC TYPICALLY WORKING A FULL DAY, SOMETIMES HAVING TWO JOBS, BUT THEY COME THERE AND THEY'LL SPEND THEIR EVENINGS ALSO GOING TO SCHOOL. THESE ARE THINGS THAT THIS IS AS WELL IN YOUR PERSONAL LIFE THAT IS A TOUGH LOAD TO CARRY PERSONALLY AND IT SHOWS THE DEDICATION OF ALL THE CLIENTS, BUT ALSO THE GREAT STAFF THERE THAT MAKE IT REALLY SUCH AN IMPORTANT PART OF OUR COMMUNITY. AND SO IT WOULDN'T BE POSSIBLE WITHOUT LINDA AND ALL THE OTHER GREAT FOLKS AT (INDISCERNIBLE). SO I'M GOING TO READ THIS CERTIFICATE OF CONGRATULATIONS NOW. THIS IS FOR HAVING BEEN SELECTED BY THE UNITED WAY CAPITAL AREA AS THE OCTOBER 2004 VOLUNTEER OF THE MONTH. LINDA HARDY IS DISPENSING OF PUBLIC ACCLAIM AND RECOGNITION. SERVING AS AN INTERPRETER AND WORKER OF ALL TRADES, SHE VOLUNTEERED FOUR YEARS AGO. HER HOURS AT THE CLINIC ARE SO REGULAR AND SUBSTANTIAL THAT THEY'VE BEEN ABLE TO INCREASE THE NUMBER OF PATIENTS SEEN WITH NO EXTRA SALARY COSTS. SHE'S SUCH A GREAT INTERPRETER, THE CLINIC HAS BEEN ABLE TO UTILIZE MORE NON-SPANISH SPEAKING MEDICAL PERSONNEL. AND LINDA -- (INDISCERNIBLE) AND THE REACH OUT AND READ PROGRAM. WE ARE PLEASED TO HONOR LINDA HARDY FOR HER DEDICATION, HER AVAILABILITY, HER FORTITUDE IN SPANISH AND HER HELP FOR THE SPANISH POPULATION WITH THIS CERTIFICATE PRESENTED THE 21st DAY OF OCTOBER IN THE YEAR 2004 FROM THE CITY COUNCIL OF AUSTIN, TEXAS AND WILL LYNN, MAYOR. CONGRATULATIONS. [APPLAUSE] WE DID THE VOLUNTEER -- RECOGNIZED THE VOLUNTEER OF THE MONTH. WE GET THE EASY PART. AND IF YOU WANT TO VOLUNTEER, ONE EASY THING TO DO IS TO CONTACT THE CAPITAL AREA UNITED WAY, AND THAT IS I BELIEVE IT'S UNITED WAY CAPITAL AREA.ORG OR IS IT EXACTLY OPPOSITE?

[INAUDIBLE] YOU CAN NOW GO ONLINE TO VOLUNTEERAUSTIN.ORG AND FIND HUNDREDS OF OPPORTUNITIES FROM (INDISCERNIBLE) TO THE AUSTIN HISTORY CENTER.

SO THERE'S NO EXCUSE NOW. VOLUNTEER AUSTIN.ORG. THE STATE OF TEXAS VOTED TO SECEDE FROM THE UNITED STATES UNION, AUSTIN VOTED TO SECEDE FROM TEXAS, AND WE HAVE BEEN MARCHING TO OUR OWN DRUMMER HERE EVER SINCE. AND LINDA AND LOIS ARE WHAT MAKES AUSTIN SUCH A DIFFERENT AND SPECIAL AND COMPASSIONATE CENTER AND THE GREATEST PLACE TO LIVE IN THE COUNTRY. SO THANK YOU TO ALL OF YOU WHO GIVE SO MUCH TO THE COMMUNITY. AND IF YOU'RE WATCHING, VOLUNTEERAUSTIN.ORG. [APPLAUSE]

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL AT 6:15 P.M. APPRECIATE YOUR PATIENCE. COUNCIL, WE HAVE JUST CONCLUDED THE ZONING CASE Z-22. THAT LEAVES US WITH ONE MORE ZONING CASE, Z-23. AND I'LL WELCOME MS. ALICE GLASGO.

OKAY, I'LL GET BACK ON. MAYOR AND COUNCILMEMBERS, WE'RE GOING TO CONTINUE WITH OUR ZONING CASES. BACK TO ITEM SKI TWAE, CASE C-14-04-133, LAMAR ZONING. THIS PROPERTY IS LOCATED 11800 NORTH LAMAR BOULEVARD. THE PROPERTY IS CURRENTLY ZONED DEVELOPMENT RESERVE. AND LIMITED OFFICE DISTRICT. AND THE APPLICANT'S REQUESTING A CHANGE TO GR ZONING, WHICH STANDS FOR COMMUNITY COMMERCIAL. THE APPLICANT HAS DIVIDED THE PROPERTY INTO TWO -- RATHER, IT HAS A TRACT 1 AND TRACT 2. AND I WANTED TO GIVE YOU A BRIEF OVERVIEW OF THIS PARTICULAR CASE. IT FALLS WITHIN AN AREA THAT YOU'VE PROBABLY HEARD BEFORE, CALLED THE NORTH LAMAR AREA STUDY, WHICH WAS ADOPTED BY COUNCIL WITH REZONINGS IN 1985. AND THIS IS WAY BACK THEN, THIS WAS BEFORE THE NEIGHBORHOOD PLANNING PROCESS WHERE SOME AREA STUDIES WERE CONDUCTED, LAND USES WITH REZONINGS CAME THROUGH, AND OBVIOUSLY OVER THE YEARS THINGS HAVE HAPPENED, CHANGED, PARTICULARLY IN THIS PARTICULAR AREA. THE NORTH LAMAR AREA STUDY LOOKED AT TRYING TO KEEP

OFFICE USES, OFFICE ZONING IN THE AREA TO HELP CLEAN UP WHAT USED TO BE MAINLY TRACTS THAT HAD A LOT OF INDUSTRIAL USES AND OPEN STORAGE TYPE OF PROJECTS, AND THE ZONING WAS SUPPOSED TO OVER TIME IF SERVICE ZONED OFFICE, WAREHOUSE, TO ENCOURAGE SOME OF THOSE USES. HOWEVER, THIS PARTICULAR TRACT HAS SOME COMMERCIAL USES, LIKE A RESTAURANT AND OFFICE USES THAT NEED OR REQUIRE GR ZONING, SO THIS PARTICULAR TRACT WAS NEVER REZONED THROUGH THE STUDY, BUT TO THE NORTH YOU HAVE OFFICE ZONING AND TO THE SOUTH YOU HAVE OFFICE ZONING. THERE'S A LOT TRACT -- THERE'S A LITTLE TRACT THAT IS WITHIN PART OF THE SUBJECT TRACT THAT WAS ZONED TO GR ZONING IN 2003 FOR RESTAURANT THAT IS PART OF THE OVERALL SITE, BUT IS NOT PART OF THE REZONING. AND I WILL JUST GO TO THE MAP RIGHT NOW TO GIVE YOU AN OVERVIEW. HOPEFULLY YOU CAN SEE THROUGH THIS AREA. THIS IS PART OF WHAT IS THE NORTH LAMAR AREA STUDY. YOU CAN SEE WHERE YOU HAVE A LOT OF OFFICE AND LO, KIND OF A PATTERN OF WHAT THE NEIGHBORHOOD WAS LOOKING FOR. THIS PARTICULAR TRACT IS ZONED GR IN THE -- DR IN THE FRONT AND DR IN THE BACK. THIS IS THE GR THAT WAS APPROVED IN 1993. THE APPLICANT IS PROPOSING A GR ZONING FOR TRACT 1 WITH A CONDITIONAL OVERLAY THAT MIRRORS THIS TRACT TO THE SOUTH. THAT WOULD BE THE STAFF RECOMMENDATION. AND TO THE REAR FOR TRACT 2, THE RECOMMENDATION IS FOR LO ZONING WITH A CONDITIONAL OVERLAY. THE ZONING AND PLAT IS COMMISSION ADOPTED THE STAFF RECOMMENDATION OF GR-CO ZONING FOR TRACT 1, AND FOR TRACT 2 LO-CO ALSO. THE COMMISSION ALSO MODIFIED THE STAFF RECOMMENDATION FOR TRACT 1 BY LIMITING IT TO LR SITE DEVELOPMENT REGULATIONS AND ALSO ALLOWED THE APPLICANT TO HAVE SIX MORE USES AS ALLOWED USES INSTEAD OF LEAVING IT IN THE PROHIBITED CONDITIONAL OVERLAY. SO THEY MODIFIED THE STAFF RECOMMENDATION TWO WAYS FOR TRACT ONE. THEY GAVE IT GR-CO ARE LR REGULATIONS, AND ON THE LIST OF PROHIBITED USES, AS FOR PROHIBITED USES, THE FOLLOWING USES, WHICH ARE BUSINESS AND TRADE SCHOOL, GENERAL RETAIL SALES GENERAL, BUSINESS SUPPORT SERVICES, CONSUMER REPAIR SERVICES,

FINANCIAL SERVICES AND PET SERVICES. THOSE SIX USES ARE REALLY WHAT THE APPLICANT WOULD LIKE TO BE ADDED BACK AS PERMITTED USES, HENCE THE DIFFERENCE BETWEEN THE STAFF RECOMMENDATION AND THAT OF THE COMMISSION. YOU JUST READ THE SIX USES THAT THEY PUT BACK IN THE LR SITE DEVELOPMENT REGULATIONS. I WILL PAUSE HERE AND LET THE APPLICANT GIVE YOU A LITTLE BIT MORE DETAILED INFORMATION ABOUT THE CASE, AND I'LL BE ABLE TO RESPOND TO QUESTIONS THEREAFTER AND HEAR FROM SPEAKERS WHO HAVE SIGNED UP TO SPEAK ON THE CASE.

Mayor Wynn: THANK YOU, MS. GLASGO. AS A REMINDER, WE HAVE A FIVE-MINUTE PRESENTATION BY THE POLITIC, WHICH IS THEN FOLLOWED BY FOLKS WANTING TO SPEAK IN FAVOR OF THE ZONING CASE, FOLLOWED BY CITIZENS SIGNED UP TO SPEAK IN OPPOSITION. THEN THE APPLICANT AND/OR THEIR AGENT CAN HAVE A THREE MINUTE REBUTTAL. WELCOME, MS. CROCKER, YOU HAVE FIVE MINUTES.

THANK YOU. GOOD AFTERNOON, LADIES AND GENTLEMEN OF THE COUNCIL, I'M SARAH CROCKER ON BEHALF OF THE PROPERTY OWNER ON THIS TRACT. THE OWNER HAS OWNED THIS TRACT FOR APPROXIMATELY NINE YEARS. HE PURCHASED IT WITH THE CURRENT ZONING ON IT, AND THERE WASN'T A PROBLEM WITH HIS BANK OR WITH HIS FINANCING. THE PROPERTY HAS BEEN UP FOR SALE, AND IT IS UNDER CONTRACT TO BE PURCHASED. THE CURRENT LENDER -- THE REASON I'M HERE TONIGHT IS NOT THAT WE WANT TO BUILD ANYTHING OR THAT WE'RE PROPOSING ANY DEVELOPMENT, BUT THE CURRENT PROSPECTIVE BUYER'S LENDER WILL NOT FINANCE THE PROPERTY WITHOUT THE CORRECT ZONING IN PLACE. AND THIS IS PRETTY STANDARD OPERATING PROCEDURE FOR MOST BANKERS. THEY WANT THE ZONING TO MATCH THE USES, IRREGARDLESS IF YOU EXPLAIN TO THEM THAT THE USES THAT ARE THERE ARE EXISTING AND NONCONFORMING. SO WHAT WE'RE HERE FOR TONIGHT BASICALLY IS TO GET THE PROPERTY REZONED TO CONFORM WITH WHAT IS ON THE GROUND AND HAS BEEN ON THE GROUND PRIOR TO EIGHT THE ADOPTION OF THE NORTH LAMAR AREA STUDY. THERE IS A VALID PETITION FILED AGAINST THIS CASE. IT CAME IN -- I GUESS IT CAME IN LATE TUESDAY AFTERNOON. I DID WANT TO BRING

THAT UP. AND IT IS A 27.33%. THIS PARTICULAR TRACT, I LEFT A HANDOUT FOR ALL OF YOU UP THERE. YOU CAN SEE THAT THE SHOPPING CENTER IS A SERIES OF LITTLE SMALL BUILDINGS THAT ARE BUILT SORT OF IN A SEMI CIRCLE AND THAT'S A NUMBER OF DIFFERENT USES THAT ARE THERE. IT'S A VERY NICE SORT OF NEIGHBORHOOD, LOCAL SHOPPING CENTER THAT SERVES THE COMMUNITY'S NEEDS. THE NEIGHBORHOOD THEMSELVES MEET OVER THERE AT ONE OF THE RESTAURANTS, THE NEIGHBORHOOD ASSOCIATION. THERE ARE A VARIETY OF USES THIS THERE. THERE'S ONE USE IN THERE, WHICH IS MONUMENT SALES, WHICH REQUIRES CS ZONING THAT WE SIMPLY CANNOT GET INTO CONFORMANCE. AND WHEN THAT USE CEASES OUT THERE, IT WON'T BE REPLACED. EVERYTHING ELSE THAT'S IN THE CENTER IS GR. YOU'LL NOTE WHAT I HAVE HERE, THE NEIGHBORS ARE -- ONE OF THEIR CONCERNS IS THAT THEY DON'T FEEL THAT GR ZONING IS APPROPRIATE ADJACENT TO A SINGLE-FAMILY NEIGHBORHOOD. WHAT YOU'LL NOTICE IS THERE'S A CREEK BEHIND HERE. THERE IS NO RECOGNIZED FLOODPLAIN, BUT THERE IS A CREEK AND IT IS A MAJOR WATERWAY BECAUSE OF THIS UPSTREAM DRAINAGE AREA. BECAUSE WE DO HAVE A CREEK ON THE BACK, IF THIS PROPERTY WAS EVER REDEVELOPED, CURRENT RULES WOULD COME INTO EFFECT. THIS TRACT DOES NOT HAVE SUBDIVISION, SO IT'S NOT PERMITTED TO HAVE A 1704. AND WHAT YOU'RE SEEING ON HERE IS THAT THERE WOULD BE A CRITICAL WATER QUALITY ZONE THAT WOULD BE A MINIMUM OF 200 FEET OFF OF THE CREEK. AND THEN THE TRANSITION ZONE WOULD BE A MAXIMUM OF ANOTHER 300 FEET ON TOP OF THAT. SO THERE IS NO DEVELOPMENT PERMITTED IN THE CRITICAL WATER QUALITY ZONE. SO WHAT THAT BASICALLY CONSTITUTES IS A 200-FOOT BUFFER. THE 300 FEET FOR THE WATER QUALITY TRANSITION ZONE PERMITS 30% IMPERVIOUS COVER, AND YOU ARE ALLOWED TO PUT YOUR STRUCTURAL CONTROLS IN THERE. SO IN ESSENCE WHAT YOU HAVE IS A 200-FOOT NO BUILD BUFFER BY STRIERMENTAL CONCERNS SHOULD THIS TRACT BE REDEVELOPED AND THE 300-FOOT BUFFER ONLY PERMITS 30% IMPERVIOUS COVER. SO WE AREN'T PUTTING ANYTHING AND WE COULDN'T PUT ANYTHING ADJACENT TO A SINGLE-FAMILY NEIGHBORHOOD. ADDITIONALLY, WE HAVE AGREED WITH STAFF AND WITH THE ZAPCO RECOMMENDATION THAT THE

REAR OF THIS TRACT BE ZONED LO. IT IS NOT GOING TO IF YOU APPROVE WHAT HAS BEEN RECOMMENDED SO FAR, IT WILL NOT BE ZONED GR, IT WOULD BE ZONED LO. THAT CONCLUDES MY PRESENTATION. THANK YOU.

Mayor Wynn: THANK YOU, MS. CROCKER. AND ALSO FORGIVING US SOME TIME BACK. WE HAVE NO CITIZENS SIGNED UP WISHING TO SPEAK IN FAVOR OF THE ZONING CASE, I JUST WANT TO CONFIRM THAT. ARE THERE ANY CITIZENS HERE WISHING TO SPEAK IN FAVOR OF THE ZONING CASE? IF NOT, THEN WE'LL GO TO THE FOLKS SIGNED UP IN OPPOSITION. WAYNE TOBIAS, WELCOME. YOU HAVE A NUMBER OF FOLKS WISHING TO DID HE NATE TIME TO YOU. IS SANDY HERE? HOW ARE YOU? MARGARET JOINER, HELLO MARGARET. IT LOOKS LIKE LORETTA AMSTER? BONNIE TWIGWELL. OKAY. SO WAYNE, THAT MAXES YOU OUT AT 15 MINUTES IF YOU NEED IT. AND THESE OTHER FOLKS, DORSEY TWIDWELL, TIM CLARK, MIKE (INDISCERNIBLE), OUR RULES ARE THAT FOUR DONATIONS OF THREE MINUTES APIECE IS OUR MAXIMUM. SO IF YOU WANT TO SPEAK AFTER WAYNE SPEAKS, YOU'RE WELCOME TO DO SO. WELCOME. YOU WILL HAVE 15 MINUTES.

MAYOR WYNN, COUNCILMEMBERS, THANK YOU. AS HE SAID, I'M WAYNE TOBIAS, PRESIDENT OF THE NEIGHBORHOOD ASSOCIATION OF WALNUT CREEK. I'M GOING TO READ, THAT WAY I CAN COVER ALL THE POINTS THAT I WANT AND IT WILL TAKE LESS TIME. THE WALNUT CREEK NEIGHBORHOOD ASSOCIATION, ALONG WITH NORTH PARK ESTATES NEIGHBORHOOD ASSOCIATION, ARE AGAINST THE REZONING OF THIS PROPERTY BECAUSE GR IS NOT COMPATIBLE WITH THE ADJACENT SF 1 AND SF 2 PROPERTIES AND IT GOES AGAINST THE RECOMMENDATIONS OF THE NORTH LAMAR STUDY. THE NATURAL REACTION FROM A PERSON NOT FAMILIAR WITH THIS AREA OF NORTH LAMAR OR THE NORTH LAMAR STUDY WOULD BE TO ALLOW THIS ZONING CHANGE. AFTER ALL THE BUSINESSES ON THE APPLICANT'S PROPERTY HAVE BEEN THERE FOR MANY YEARS AND LAMAR IS CONSIDERED A MAJOR FOUR-LANE ARTERIAL ROADWAY. A LITTLE HISTORY. THE RAPID, VIRTUALLY UNRESTRICTED RISE OF BUSINESSES ALONG LAMAR ENCROACHING ON THESE NEIGHBORHOODS ESTABLISHED BETWEEN THE LATE 50'S AND EARLY 70'S

SPURRED NEIGHBORS TO GET TOGETHER WITH CITY PLANNERS AND COME UP WITH A PLAN FOR THE AREA. OUR NEIGHBORHOOD PLAN, THE NORTH LAMAR STUDY, WAS APPROVED BY CITY COUNCIL UPON ITS COMPLETION. THE PROPERTIES ALONG LAMAR BACK INTO THE RESIDENT PROPERTIES WERE ZONED LO. THE EXCEPTION WAS A PORTION OF THE PROPERTY UNDER CONSIDERATION IN THIS ZONING REQUEST, WHICH WAS ZONED DR. THE EXISTING BUSINESSES WERE GRANDFATHERED. THE BUILDINGS FOR THE BUSINESSES WERE BROUGHT ON TO THE LOT JUST BEFORE THE NORTH LAMAR STUDY WAS APPROVED BY COUNCIL. SO THE ACTUAL PRO PRIOR TORZ MAY HAVE CHANGED, THE GENERAL TYPE OF BUSINESSES IN THE BUILDINGS HAVE STAYED THE SAME SINCE THE STUDY. THE STUDY AUTHORS HAD A VISION FOR THIS SECTION OF LAMAR. THE VISION WAS SIMILAR TO WHAT COULD BE FOUND ALONG BRAKER BETWEEN LAMAR AND METRIC. BRAKER IS A MAJOR SIX LANE ARTERIAL ROADWAY. HERE BUSINESSES ARE GR AT THE MAJOR INTERSECTIONS OF BRAKER AND METRIC ALONG WITH SEVERAL ACRES OF LO NEAR METRIC. BETWEEN THESE INTERSECTIONS ARE A FIRE DEPARTMENT, CREDIT UNION, SF-3 HOUSING A POST OFFICE, A CHURCH AND A SCHOOL. THIS IS WHAT WE WOULD LIKE TO SEE ALONG NORTH LAMAR. ALTHOUGH THE NORTH LAMAR STUDY HAS BEEN AROUND FOR A WHILE, IT HAS BEEN ONLY WITHIN THE LAST SIX YEARS WE HAVE SEEN MANY OF THE DESIRED ACTIVITIES PURCHASED AND BUILT ALONG THIS SECTION OF LAMAR. APARTMENTS HAVE BEEN BUILT NORTH OF THE NEIGHBORHOOD. BRENTWOOD CHRISTIAN SCHOOL HAS EXPANDED. NYOF CHARTER SCHOOL HAS BEEN BUILT AND IS LOOKING TO EXPAND. THE NORTH AUSTIN MUSLIM CENTER HAS ESTABLISHED ITSELF AND IS CURRENTLY BUILDING A MOSQUE. THIS MOSQUE IS LOCATED ON THE PROPERTY ON YOUR MAP THAT'S ZONED WLO. THE CHINESE TEMPLE AND THE ORACLE COMPUTER HUB WITH OFFICES HAVE BEEN BUILT, AN FCC TELEPHONE HUB HAS EXPANDED BUSINESSES INTO PROPERTY JUST NORTH OF ITS CURRENT FACILITY. PROPERTIES THAT SEVERAL YEARS AGO WAS PROTESTED WHEN AN ADULT BUSINESS ATTEMPTED TO MOVE IN IS NOW OFFICE SPACE, AS IS THE PROPERTY ON EACH SIDE OF THIS LOT. THE POINT THAT I AM TRYING TO GET AT IS THE NORTH LAMAR STUDY IS

WORKING. BUSINESSES ARE DEVELOPING WHERE THE PLAN INDICATED THEY SHOULD, AND THE TYPE OF ESTABLISHMENTS THAT SHOULD BE NEAR A NEIGHBORHOOD ARE RECOGNIZING THE AREA AND MOVING IN. GRANDFATHERED BUSINESSES THAT HAVE EXISTED SINCE THE NORTH LAMAR STUDY WAS ACCEPTED ARE JUST BEGINNING TO SHUT DOWN AND MOVE FROM THE AREA. NOW IS NOT THE TIME TO GIVE UP ON THE PLANS FOR THIS AREA. IF APPROVAL OF THIS ZONING CHANGE TO GR IS ALLOWED AT THIS TIME, WE FEAR OTHER LOTS WITH GRANDFATHERED BUSINESSES WILL APPLY FOR AND BE GRANTED A ZONING CHANGE. AND THE DESIRED CHANGES WE ARE STILL SEEKING TO GET IN THIS NEIGHBORHOOD WILL COME TO A SCREECHING HALT. WE'LL BE RIGHT BACK TO WHERE WE WERE BEFORE THE NORTH LAMAR STUDY WAS ESTABLISHED. THIS SECTION OF LAMAR WILL START TO TAKE ON THE LOOK, TRAFFIC AND OTHER UNDESIRABLE CHARACTERISTICS THAT CAN BE FOUND ON LAMAR JUST SOUTH OF BRAKER. THE BUSINESSES THAT ARE CURRENTLY ON THE PROPERTY ARE NOT IN JEOPARDY OF ZONE VIOLATIONS BECAUSE THEY ARE GRANDFATHERED AND THE CURRENT PRO PRIETORS DO NOT PLAN TO LEAVE ANY TIME SOON. THERE IS NO REAL REASON AT THIS TIME TO CHANGE THE ZONING IF THE APPLICANT IS IN FACT ONLY REZONING TO BRING THE PROPERTY INTO COMPLIANCE WITH THE NESSS ON THE PROPERTY. THE BUSINESSES ON THE PROPERTY. CHANGING ZONE IS JUST TO ALLOW GRANDFATHERED BUSINESSES TO BECOME COMPLIANT DEFEATS OF PURPOSE OF GRANDFATHERING. THE GRANDFATHER CLAUSE WAS INTENDED TO PROTECT THE PROPERTY OWNER WHO MAY HAVE INVESTED TIME AND MONEY TO DEVELOP THE PROPERTY BY GIVING HIM TIME TO RECOVER HIS INVESTMENT. IT WAS NOT INTENDED TO BE PUT IN PLACE TO OUTLIVE THE PLANNERS AND COUNCILMEMBERS SO THAT AT A LATER DATE THEY COULD BE REZONED TO THE LEVEL OF THE BUSINESSES THAT WERE ORIGINALLY GRANDFATHERED. THE WALNUT CREEK NEIGHBORHOOD BOARD AND NORTH LOOP PARK ESTATES NEIGHBORHOODS RESPECTIVELY REQUEST YOU CONSIDER THIS SPECULATIVE ZONING CHANGE UNNECESSARY AND DENY THE CHANGE. ON A PERSONAL NOTE, I WAS DOING SOME RESEARCH ON THIS AND FOUND A LOT OF

INTERESTING THINGS. I WOULD LIKE TO COMMEND THE PLANNERS ON THEIR RECOMMENDATION TO SPLIT THE LOT WITH LO BUFFER AND GR WITH THE RESTRICTIVE OVERLAY. THE LO BUFFER WOULD SATISFY THE NEED FOR A BUFFER BETWEEN THE NEIGHBORHOOD LOTS AND THE GR ZONING; HOWEVER, THIS DOES NOT TAKE INTO ACCOUNT THE NEIGHBORHOOD THAT BACKS UP TO LAMAR RIGHT ACROSS THE STREET. IT ALSO DOES NOT TAKE INTO ACCOUNT HOW TO LIMIT THE DOMINO EFFECT HAS PROPERTIES AROUND THIS LOT AND ACROSS LAMAR TRY TO REZONE TO GR OR HIGHER USING THE SAME REASONING AS THIS APPLICANT. IT IS TRUE THAT THERE HAVE BEEN EXCEPTIONS TO ZONING WITHIN THE NORTH LAMAR STUDY AREA. EACH TIME, HOWEVER, THE APPLICANT HAS WORKED WITH THE NEIGHBORHOODS. BY THE TIME THE ZONING ISSUES HIT CITY COUNCIL, WHILE THEY MAY NOT BE IN COMPLETE AGREEMENT, WE HAVE AT LEAST NEGOTIATED SOME TERMS AND KNOW THE PLANS AND FUTURE VISIONS OF THE PROPERTY. SUCH IS THE CASE THIS YEAR WITH THE FOOTPRINT REZONING OF RUFUS'S, THE GR-CO THAT THEY DISCUSSED TONIGHT THAT THEY'RE TRYING TO USE AS AN EXAMPLE OF WHY WE SHOULD MATCH THE TWO PROPERTIES. IN 2000, WE HAD REZONING OF A COMPUTER OFFICE BUILDING AND THEN NORTH WITH THE APARTMENT COMPLEX. IT HAS NOT BEEN THE CASE WITH THIS APPLICANT. WHEN WE INVITED THE APPLICANT TO MEET WITH OUR BOARD PRIOR TO THE ZONING AND PLATTING MEETING, IT WAS IMPLIED THE APPLICANT DID NOT WANT TO PLIMENT THE ZONING WITH ANY CONDITIONS. BY THE TIME IT GOT TO ZAP AND THE PLANNERS' RECOMMENDATION WAS PUT FORWARD, THE APPLICANT WAS WILLING TO BEND WITH SOME OF THE EXCEPTIONS TO THE CONDITIONS. OUR PROBLEM IS IT APPEARS TO BE A CASE OF SPECULATIVE REZONING SINCE THERE HAS BEEN NO INDICATION THAT THE APPLICANT HAS ANY INTEREST IN MAINTAINING THE INTEGRITY OF THE NEIGHBORHOOD SURROUNDING THE PROPERTY. CONCERNS THAT BUSINESSES IN GR ZONING INCLUDE CONSUMER CONVENIENT SERVICES, GENERAL RETAIL SERVICE CONVENIENCE THAT OPERATE 24-HOUR BUSINESSES OR INDOOR ENTERTAINMENT THAT MAY OPERATE WELL PAST MIDNIGHT. WITH THESE BUSINESSES WE HAVE THE POTENTIAL FOR NOT ONLY HIGH INTENSITY

PARKING ILLUMINATION, BUT TRAFFIC AND LESS THAN DESIRABLE CLIENTELE LOADING AROUND THE NEIGHBORHOOD AFTER BUSINESS HOURS, ROUGHLY 10:00 P.M. GENERAL RETAIL SALES, GENERAL, ALLOW BOX STORE TYPE BUSINESSES THAT USUALLY REQUIRE LARGE TRUCK DELIVERIES. OUR NEIGHBORHOOD HAD A GRANDFATHERED CARPET DISTRIBUTOR SALES BUSINESS BUILDING THAT IS NOW OFFICE SPACE. THE DELIVERY TRUCKS WOULD SHOW UP AFTER A LONG HAUL EARLY IN THE MORNING WITH THE CARPETS, PARK NEAR THE BUILDING ACROSS FROM A NEIGHBOR AND IDLE UNTIL SOMEONE SHOWED UP TO UNLOAD. NORTH LAMAR IS NOT SET UP TO HANDLE 18-WHEELERS. TURNING INTO THESE LOTS DURING THE DAY. WE HAD A GRANDFATHERED BUSINESS NORTH OF THE NEIGHBORHOOD THAT TAKES FLATBED TRUCK DELIVERIES. LAMAR GETS BLOCKED WHILE THE TRUCKS BACK INTO THE LOADING AREA. I CAN GO ON ABOUT OTHER SPECIFIC BUSINESSES THAT WOULD BE DETRIMENTAL IN A GR ZONING. I'M NOT IMPLYING THAT ALL GR BUSINESSES ARE DETRIMENTAL TO THIS AREA. BUT THE NEIGHBORHOOD PROPERTY OWNERS WOULD LIKE SOME INDICATION THAT THE APPLICANT APPRECIATES THIS WAS A SUBURBAN NEIGHBORHOOD OF AUSTIN BEFORE THE BUSINESSES MOVED IN. THE NEIGHBORS HAVE RESPECTED THE GRANDFATHERED BUSINESSES ALONG LAMAR, BUT THAT DOES NOT MEAN THAT WE AGREE THEY BELONG THIS CLOSE TO A NEIGHBORHOOD. THE LOTS ALONG LAMAR SHOULD NOT BE TREATED AS JUST ANOTHER BUSINESS AREA ALONG A MAJOR ROADWAY. ON THE GROUNDS THAT THE APPLICANT HAS NOT INDICATED ANY FUTURE VISION FOR THIS AREA, AND YET WANTS TO REZONE TO WHATMETS TO SPECULATIVE ZONING, I REQUEST REZONING BE DENIED AT THIS TIME. A LITTLE HISTORICAL NOTE, THE MAJORITY OF BUSINESSES ESTABLISHED WERE ESTABLISHED BETWEEN 1975 AND 1986. THE BUSINESSES THAT ARE ON THIS CURRENT LOT WERE PUT ON THE LOT IN 1986. THE BUILDINGS THAT ARE THERE RIGHT NOW. JUST AS THE NORTH LAMAR STUDY WAS SIGNED OFF ON BY CITY COUNCIL. THANK YOU.

Mayor Wynn: THANK YOU. JUST AS A REMINDER, FOLKS, WHEN WE STEP OFF THE DIAS, WE HAVE AUDIO AND VIDEO

IN THE BACK, SO WE HEAR ALL THE TESTIMONY. SOME ADDITIONAL FOLKS HAVE SIGNED UP IN OPPOSITION TO THE ZONING CASE, AND WERE OFFERING TO DONATE TIME TO MR. TOBIAS, BUT OUR RULES DON'T ALLOW FOR FOR THAT. DOROTHY TWIDWELL, WOULD YOU LIKE TO SPEAK OR JUST BE SHOWN IN OPPOSITION? THANK YOU. TIM CLARK? WE WILL SHOW TIM AS IN OPPOSITION. MIKE COLBASON, SIGNED UP WISHING TO DONATE TIME TO MR. TOBIAS, IN OPPOSITION. AND MELISSA GUTHRY. WOULD YOU LIKE TO ADDRESS THE COUNCIL? WELCOME. YOU WILL HAVE THREE MINUTES.

GOOD EVENING, MR. MAYOR AND COUNCILMEMBERS, MY NAME IS MELISSA GUTHRY AND I LIVE AT 1111 EUBANK DRIVE IMMEDIATELY TO THE WEST OF THE PROPERTY IN QUESTION. I UNDERSTAND THAT THE APPLICANT HAS THE RIGHT TO USE THEIR PROPERTY, BUT THE USE OF THAT PROPERTY DIRECTLY IMPACTS MY PROPERTY, MY FAMILY'S QUALITY OF LIFE AND THOSE OF MY RESIDENTIAL NEIGHBORS. THE PRINCIPAL REASON MY HUSBAND AND I BOUGHT OUR HOME 10 YEARS AGO WAS THE UNIQUE SETTING THAT THERE IS IN THE NORTH PARK ESTATES. IT'S VERY WOOD LAKE AND QUIET, BUT IT'S IN THE HEART OF NORTH AUSTIN. WE'VE MADE SIGNIFICANT IMPROVEMENTS TO OUR PROPERTY JUST THIS YEAR AFTER COMING TO THE DECISION THAT WE CAN'T REPRESENT REPLICATE THE SETTING THAT WE HAVE WHILE STILL MAINTAINING WITHIN A REASONABLE COMMUTING DISTANCE TO DOWNTOWN, WE'VE CHOSEN TO STAY HERE. WE'RE COMMITTED TO STAYING IN THE NEIGHBORHOOD. AND MY FAMILY IS NOT UNIQUE. THERE'S PLENTY OF LONG TIME PROPERTY OWNERS THERE, ALL OF WHOM HOUSES ARE DESIGNED TO TAKE SIGNIFICANT WINDOWS, DECKS AND BALCONES TO TAKE ADVANTAGE OF THE NATURAL SETTING AND THE NEARBY CREEK AND WOODS. VIRTUALLY NO COMPLAINTS ABOUT THE CURRENT BUSINESSES THAT ARE ON THE PROPERTY, HOWEVER EVERYTHING I'VE HEARD THROUGHOUT THE VARIOUS MEETINGS IN THIS PROCESS IS THAT THE REQUESTED CHANGE IS BEING MADE NOT REALLY TO BRING THE BUSINESSES INTO COMPLIANCE, BUT TO ALLOW ADDITIONAL DEVELOPMENT IN THE FUTURE. AS I SAID, I'M COMMITTED TO THIS AND I'M CONCERNED ABOUT WHAT'S GOING TO HAPPEN

FROM THE LONG-TERM IMMEDIATELY BEHIND MY HOUSE. THE CURRENT BUSINESSES RESEMBLE HOUSES, AND I'M CONCERNED THAT WITH THE GR DESIGNATION THAT THAT CHARACTER COULD BE REPLACED BY YET ANOTHER STRIP MALL. THE CURRENT BUSINESSES, WITH THE EXCEPTION OF THE RESTAURANT, KEEP STANDARD BUSINESS HOURS, WHICH LIMITS THEIR IMPACT ON MY FAMILY'S PRIME TIME IN OUR HOME. MY SPECIFIC CONCERNS WITH THE REQUESTED CHANGE IS THAT A GR DESIGNATION COULD MEAN 24 HOUR ACCESS, ASSOCIATED NOISE AND LIGHT POLLUTION AND DISRUPTION AND DRIVE-THROUGH CAME UP SEVERAL TIMES, AND THAT EVEN MAKES ME EVEN MORE CONCERNED. THIS YEAR OUR DESIGNATION LEAVES OPEN A HOST OF BUSINESS USES THAT GIVE ME CONCERN FOR THE HEALTH AND SAFETY OF MY FAMILY, AS THE MOTHER OF A SMALL CHILD EVEN MORE SO AND THE CONCERN OF THE WATER QUALITY AND THE ENVIRONMENT ON THIS TRACT. WITH THE SETBACK THE APPLICANTS AGENT HAS DESCRIBED, THERE'S STILL NOTHING TO ADDRESS THE PROTECTION OF WILDLIFE, SPECIFICALLY A HERD OF DEER THAT LIVE IN THE WOODS THAT ARE ON THE PROPERTY IN QUESTION. IT'S BEEN SOMETHING THAT WATER QUALITY WOULD PREVENT THE DEVELOPMENT OF THE BACK OF THE PROPERTY, BUT IN THE COURSE OF TIME THAT I'VE OWNED MY HOUSE, THERE HAVE BEEN THREE HOMES THAT HAVE BEEN CONSTRUCTED WELL WITHIN THE 200 FEET SUPPOSED PROTECTION, AND I DON'T KNOW ABOUT ALL THESE RULES AND REGULATIONS, BUT I SEEM TO HAVE FIRST HAND EVIDENCE THAT THERE IS BUILDING THAT DOES OCCUR WITHIN THAT 200 FEET SUPPOSED SET BACK. AND IT'S NOT JUST AN ISSUE OF PROXIMITY. THE SIDE OF THE CREEK THAT I LIVE ON IS SLIGHTLY HIGHER ELEVATED THAN THE BUSINESS SIDE OF THE CREEK. AND THE FACT THAT THEY HAVE TWO-STORY HOUSES, I HAVE TO WONDER LITERALLY WOULD MY SON BE LOOKING OUT HIS BEDROOM WINDOW AND BE ABLE TO SEE. AS A MOTHER AND HOMEOWNER I HAVE TO EXPRESS MY STRONG CONCERNS ABOUT WHAT A ZONING CHANGE COULD MEAN TO MY PROPERTY. [BUZZER SOUNDS] I REQUEST THAT YOU ACKNOWLEDGE THE OPPOSITION OF MYSELF AND MY RESIDENTIAL NEIGHBORS AND ASK YOU TO VOTE NO TO THIS ZONING CHANGE. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. COUNCIL, THAT'S ALL THE CITIZENS WHO HAVE SIGNED UP IN OPEN OPPOSITION TO THE ZONING CASE. WE NOW HAVE A THREE MINUTE REBUTTAL FROM THE AGENT.

THANK YOU, MEMBERS OF COUNCIL. SARAH CROCKER HERE AGAIN. THIS PROPERTY WAS -- WHEN IT WAS ANNEXED IN, IT WAS ZONED GR. AND PROPERTIES AND BUSINESSES CAN EXIST WITHIN AN INTERIM ZONING CLASSIFICATION, BUT THE PURPOSE OF THE ANNEXATION, THE PURPOSE FOR PUTTING DR OR LO ON A TRACT IS NOT SO THAT YOU CAN CONTINUE TO SIT THERE AND OPERATE, BUT THAT SOONER OR LATER YOU WILL BRING YOUR LAND USE IN FOR CONSIDERATION BY THE GOVERNING BODY. THAT'S WHY WE USE INTERIM ZONING CLASSIFICATIONS. IF THE PROSPECTIVE BUYER'S BANKER DID NOT WANT TO BE ASSURED THAT THE CONTINUED BUSINESSES CAN CONTINUE TO OPERATE THERE, I WOULDN'T BE STANDING HERE TONIGHT. COULD THIS PROPERTY BE REDEVELOPED? SURE IT COULD. BUT IT WOULD HAVE TO BE REDEVELOPED UNDER CURRENT RULES AND REGULATIONS, WHICH WOULD MEAN THAT YOU WOULD HAVE TO TEAR DOWN WHAT'S THERE, COME IN INTO A VERY SMALL NET SITE AREA, COMPLETELY PAVE IT, PUT IN STRUCTURAL CONTROLS AND WATER QUALITY PONDS. IT WOULD BE A VERY EXPENSIVE PROPOSITION. I'M CERTAINLY NOT SAYING THAT COULDN'T HAPPEN. I THINK THAT WHAT WE'VE DONE, WE TAKE ISSUE WITH SOME OF THE THINGS ABOUT TOBIAS SAID WITH REGARD TO USES. ENTERTAINMENT IS A PROHIBITED USE. WE HAVE A PROHIBITED -- I DON'T KNOW IF YOU HAVE THIS LIST IN YOUR BACKUP, BUT WE PROHIBITED A LOT OF THE USES, AND A LOT THAT WAS DISCUSSED IN THE NORTH LAMAR AREA STUDY, THAT WERE -- ALL THE AUTOMOTIVE USES, AUTOMOTIVE WASHING, RENTAL, CONVENIENCE, ANY KIND OF CONVENIENCE STORE IS NOT PERMITTED. SO CONVENIENCE RETAIL IS NOT ALLOWED. I'D BE HAPPY TO AGREE TO A CONDITION I CAN'T OPERATE A 24 HOUR BUSINESS THERE. THAT'S NOT THE INTENT HERE. IT'S A VERY SMALL, SORT OF NEIGHBORHOOD ORIENTED SHOPPING CENTER THAT IS VERY STABLE AND HAS PROVIDED SERVICES TO ALL THE PEOPLE THAT LIVE AROUND HERE. AND FOR IT TO CONTINUE TO STAY THERE

AND CONTINUE TO OPERATE AND BE VIABLE I THINK IS ONLY REASONABLE THAT THEY BE GIVEN THE SAME CONSIDERATION THAT ANY OTHER PROPERTY THAT'S ANNEXED INTO THE CITY OF AUSTIN. THAT'S WHAT THIS PROCESS IS ALL ABOUT. WITH REGARD TO PEOPLE BUILDING A HOUSE IN THE CRITICAL WATER QUALITY ZONE, THEY CAN DO THAT ON RESIDENTIAL LOTS BECAUSE THEIR SUBDIVISION IS -- WAS PLATTED PRIOR TO ANY OF THE CURRENT RULES AND REGULATIONS AND THE RESIDENTIAL SUBDIVISION BEHIND US IS NOT SUBJECT TO ANY 200-FOOT SET BACK OFF OF THE CREEK. RESIDENTIAL LOTS AREN'T IF THEY WERE PLATTED PRIOR TO 1984, THEY'RE NOT SUBJECT TO ENVIRONMENTAL REGULATIONS. THEY CAN BUILD RIGHT UP ON THE BANK OF THAT CREEK. AS A COMMERCIAL PROPERTY WE AREN'T GIVEN THAT LUXURY. THAT 200 FEET IS ABSOLUTELY SET IN ZONE. THIS IS FIRST READING. IF ANYBODY HAS ANY QUESTIONS ON THAT, I DON'T KNOW IF MR. MEASURETY IS HERE OR NOT, BUT I KNOW HE COULD ADDRESS THAT ISSUE. THIS IS NOT A CASE OF AN APPLICANT COMING IN AND SAYING, HERE'S A PROJECT THAT I WANT TO BUILD. WE'RE TALKING ABOUT AN EXISTING USE THAT'S THERE, THERE'S BEEN THERE, THAT WILL CONTINUE TO BE THERE, AND THIS IS BASICALLY LIKE ANY OTHER CASE WHERE YOU HAVE INTERIM ZONING. THE NORTH LAMAR AREA STUDY -- [BUZZER SOUNDS] I'LL STOP THERE. THANK YOU.

Mayor Wynn: PLEASE CONCLUDE.

I BEG YOUR PARDON?

Mayor Wynn: YOU CAN CONCLUDE YOUR THOUGHTS.

IF THIS WAS A VACANT PIECE OF PROPERTY AND THERE WAS NO DEVELOPMENT ON IT BECAUSE OF WHERE IT IS LOCATED, I WOULDN'T BE COMING IN AND REQUESTING GR. THANK YOU.

Mayor Wynn: THANK YOU, MS. CROCKER. COUNCIL, THAT CONCLUDES THE FORMAL PUBLIC HEARING PROCESS FOR ZONING CASE Z-23. I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY THE MAYOR PRO TEM. I'LL SECOND THAT. FURTHER COMMENTS? HEARING NONE,

ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? THE PUBLIC HEARING CLOSES ON A VOTE OF SEVEN TO ZERO. QUESTIONS, COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION. JUST CONFIRMING MR. GUERNSEY, WE HAVE A VALID PETITION ON THIS TRACT? OKAY. STAFF IS READY FOR FIRST READING ONLY REGARDLESS?

THAT'S CORRECT.

Mayor Wynn: MAYOR PRO TEM?

Goodman: I HADN'T DECIDED IF I HAD SOMETHING TO SAY. NO, I DON'T HAVE A MOTION.

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL, OR THE APPLICANT OR NEIGHBORS?

Goodman: I DO HAVE A COMMENT, MAYOR? THIS IS A VERY STRANGE SITUATION. THERE WAS A DEFINITE NEED FOR THAT STUDY BECOME BEFORE WE HAD NEIGHBORHOOD PLANNING. AND THE GOALS WERE TO STOP A TREND THAT WAS DEFINITELY DESTRUCTIVE TO THE AREA, THAT WAS UNORGANIZED JUST BASED ON SPECULATIVE MARKET EXPECTATIONS. BUT THIS I DON'T THINK IS SPECULATIVE EITHER. IT HAS TO DO WITH BANKING AND BEING ABLE TO SELL YOUR PROPERTY, WHICH MOST PEOPLE BUY THINKING THAT THE EXISTING USES ARE ALLOWED AND NOT GOING MUCH BEYOND THAT. SO POSSIBLY THERE'S AN ANSWER TO THIS, BUT IT WOULD TAKE A LITTLE WORK, IT WOULD TAKE A LITTLE STUDY FOR SOMETHING CLOSER TO A WIN-WIN, AND I DON'T KNOW WHAT IT IS RIGHT NOW.

Mayor Wynn: UNDERSTOOD. FURTHER COMMENTS? QUESTIONS OF STAFF? OR ANYBODY ELSE? COUNCILMEMBER MCCRACKEN.

McCracken: I JUST WANTED TO GET FROM MS. GLASGO, IN READING BACKUP, CAN YOU GIVE ME -- REFRESH ME ON WHERE IS THE DIVIDING LINE BETWEEN TRACT 1 AND TRACT

2, HOW IT'S ORIENTED?

THE DIVIDING LINE BETWEEN TRACTS 1 AND 2 IS -- I'LL GET TO THE MAP TO POINT TO IT. IT'S APPROXIMATELY 400 FEET FROM THE FRONT, AND I'LL JUST NEED TO POINT IT OUT TO YOU. FROM HERE, FROM LAMAR BOULEVARD ALL THE WAY BACK TO THE LO, THAT WOULD BE THE DIVIDE BE LINE BETWEEN TRACTS 1 AND 2. TRACT 1 WOULD BE THE GR-CO TRACT. TRACT 2 2 WOULD BE THE LO LIMITED OFFICE CLOSER TO THE SINGLE-FAMILY 2. THE LO ZONING IS SUPPORTED BY THE NEIGHBORHOOD. THEY PREFER LO ZONING FOR BOTH TRACTS ONE AND TWO AND THE STAFF RECOMMENDATION WAS BASED ON CAPTURING THE USES THAT MEET THE GR ZONING WITH THE EXCEPTION OF ONE USE, THE MONUMENT SALES REQUIRE CS ZONING AND OBVIOUSLY IT WILL REMAIN THAT -- THAT USE WILL REMAIN NONCONFORMING, BUT OART BUILDINGS WILL BECOME CONFORMING. I WOULD LIKE TO CLARIFY THAT MR. TOBIAS WAS CORRECT THAT IN OUR ZONING ORDINANCE DWOA HAVE A PROVISION THAT RECOGNIZES USES THAT ARE ANNEXED AND EXISTING, THAT THEY BECOME NONCONFORMING THAT IT THEREFORE DOES NOT KICK THEM INTO ILLEGAL STATUS. IT RECOGNIZED THAT THE USE IS EXISTING, THEY CAN CONTINUE TO OPERATE IN THAT MODE WITHOUT SEEKING A ZONING CHANGE; HOWEVER, WHILE WE DID ISSUE LETTERS TO FINANCIAL INSTITUTIONS TO THAT EXTENT, EXTENDING LIEWTIONS ARE -- LENDING INSTITUTIONS ARE STILL NOT COMFORTABLE WITH THAT ZONING. AS THE MAYOR PRO TEM INDICATED, THAT THE INTENT WAS OBVIOUSLY TO CREATE A FRAMEWORK FOR THE FUTURE AS TO HOW DEVELOPMENT SHOULD EVOLVE INTO THE FUTURE, AND WE'RE HERE 19 YEARS LATER AND IT'S BEGINNING TO CHANGE, THE TRACTS THAT WERE LEFT DEVELOPMENT RESERVE WERE LEFT THAT WAY FOR A REASON. DEVELOPMENT RESERVE INDICATES THAT AT THAT POINT IT WAS DIFFICULT TO DETERMINE WHAT THAT PROPERTY OUGHT TO BE ZONED, AND I GUESS IN THIS PARTICULAR CASE YOU HAD CONSUMER CONVENIENCE AND SOME GR AND POSSIBLY LIMITED OFFICE, BUT ALL THESE THREE DISTRICTS WERE NEEDED TO ACCOMMODATE THESE USES. HOWEVER, THE DEVELOPMENT RESERVE FOR THOSE PROPERTIES SIGNIFY A TIME WHEN THERE'S A CLEARER

INDICATION OF WHAT MIGHT PROBABLY BE DEVELOPED THERE THAN THE REZONINGS REQUESTED TO ADDRESS THAT. BUT IN THIS CASE MS. CLARK HAD INDICATED -- MS. CROCKER INDICATED THE NEED FOR THE CHANGE IS BECAUSE THE LENDING INSTITUTION WILL NOT LEND MONEY TO FINANCE THE PURCHASE OF THE PROPERTY WITHOUT GETTING SOME PERMANENT ZONING. DEVELOPMENT RESERVE IS NOT PERMANENT ZONING. JUST WANTED TO CLARIFY THAT, WHY THAT PARTICULAR TRACT WITHIN EVERYTHING ELSE THAT WAS ZONED DID NOT GET ZONED PERMANENTLY TO SOMETHING DIFFERENT. COUNCILMEMBER MCCrackEN, DOES THAT HELP ANSWER YOUR QUESTION?

McCracken: IT DOES. SO I UNDERSTAND, THE NEXT PROPERTY TO THE SOUTH IS ZONED WHAT?

SOUTH HERE?

McCracken: YEAH.

THIS IS ALL LIMITED OFFICE, LO. THIS IS ALL LO. DOWN HERE AND LO TO THIS POINT. WLO-WAREHOUSE, LIMITED OFFICE TO THE NORTH AND THEN N.O. SO THAT LO GOES ALL THE WAY UP TO HERE.

McCracken: I WAS LOOKING AT THE DOCUMENTS AND IT INDICATES TO THE EAST IS LO, TO THE SOUTH IS GR AND LO?

THE GO WOULD BE THIS LITTLE TRACT THAT WAS ORIGINALLY -- AS THIS CASE WAS FILED, IT INCLUDED THIS LITTLE TRACT, BUT THE APPLICANT CARVED IT OUT BECAUSE IT DOES NOT NEED A REZONING CHANGE. IT'S ALREADY ZONED GR. IT'S ALREADY AN EXISTING RESTAURANT. THAT'S THE GR THAT IS BEING REFERRED TO IN THE STAFF RECOMMENDATION.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: [INAUDIBLE - NO MIC].

YOUR MICROPHONE IS NOT ON, COUNCILMEMBER

DUNKERLEY. IT'S NOT REGISTERING.

Dunkerley: I WILL TRY IT AGAIN.

WE CAN HEAR YOU NOW.

Dunkerley: I'D MAKE A MOTION ON FIRST READING FOR THE STAFF RECOMMENDATION, RECOGNIZING THIS IS A LITTLE COMPLICATED AND WE CAN TAKE A LOOK AT IT NEXT WEEK OR PERHAPS THE WEEK AFTER.

Mayor Wynn: MOTION BY COUNCILMEMBER DUNKERLEY TO MOVE APPROVAL ON FIRST READING ONLY OF STAFF RECOMMENDATION.

SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER MCCRACKEN. I BELIEVE STAFF RECOMMENDATION DIFFERED SLIGHTLY FROM THE ZONING AND PLATTING COMMISSION.

CORRECT. I'LL GIVE YOU BOTH IF YOU WOULD LIKE TO HEAR BOTH, IF COUNCIL PREFERS. THE STAFF RECOMMENDATION IS TO ZONE TRACT 1, WHICH IS THE ONE THAT IS -- THAT FRONTS ON LAMAR BOULEVARD TO GR-CO, WITH A PROHIBITION OF THE USES THAT ARE LISTED IN THE BACKUP. AND FOR TRACT 2 TO ZONE THAT LIMITED OFFICE WITH A CONDITIONAL OVERLAY, AND THAT CONDITIONAL OVERLAY FOR TRACT 2 LIMITS THE TRIP GENERATION IN COMBINATION WITH TRACT 1 TO 2,000 TRIPS PER DAY, AND THE GR ZONING PROHIBITS THE USES THAT ARE RELATED TO THAT DISTRICT. NOW, WHAT THE PLANNING COMMISSION DID IN ADDITION TO OUR RECOMMENDATION, THEY SIMPLY REMOVED SIX USES FROM A PROHIBITED LIST AND ALLOWED THOSE USES. AND I CALLED THOSE USES OUT EARLIER. AND I CAN REPEAT THEM IF YOU'D LIKE TO. AND THEY ALSO ADDED ONE OTHER CONDITION WHICH LIMITS SITE DEVELOPMENT CENTERS TO THE LR DISTRICT FOR TRACT 1. DOES THAT HELP? DOES THAT HELP CLARIFY THE DISTINCTION?

Mayor Wynn: I BELIEVE THAT HELPS, YES. COUNCILMEMBER

ALVAREZ?

Alvarez: AND THE REASON GR IS REQUIRED IS BECAUSE IT'S EXISTING BUSINESSES AND IT REQUIRED GR TO BE LEGAL AND CONFORMING.

YES, ALL QUIEWSES EXCEPT ONE, THE MONUMENT SALES, FALLS UNDER THE CS PROVISION.

HOW MANY USES ARE THERE TOTAL?

WELL, GENERALLY YOU HAVE TWO OFFICE USES ON THE SIDE AND AN AUTO INSURANCE COMPANY. AND ONE VACANT BUILDING AND THE MONUMENT SALES.

Alvarez: AND THOSE ALL DO REQUIRE THE GR AND CAN'T BE DONE UNDER LR?

CORRECT. THEY PRETTY MUCH -- OFFICE USES COULD BE OBVIOUSLY CAN BE CONDUCTED, BURR THEY'RE ALL ON ONE SITE THERE. THEY'RE NOT LIKE ONE BIG STRIP CENTER. THAT'S WHY ONE CATEGORY --

Alvarez: THOSE USES ARE ALLOWED UNDER DR, THAT'S WHY THEY WERE ABLE TO ALLOW TO DEVELOP?

DEVELOPMENT RESERVE IS REALLY FOR THE MINIMUM SITE AREA IS 10 ACRES AND IT ALLOWS FOR RESIDENTIAL DEVELOPMENT. IT DOES NOT ALLOW ANY OTHER COMMERCIAL USES. THAT DISTRICT WAS INTRODUCED TO ALLOW FOR USES WHERE IT WASN'T CLEAR WHAT OTHER ZONING DESIGNATION TO GIVE IT, THEREFORE DEVELOPMENT RESERVE WAS A HOLDING PATTERN UNTIL SUCH A TIME THAT THERE WAS A CLEAR INDICATION OF WHAT SOMEONE MIGHT WANT TO DEVELOP AT THAT TIME. SO IT'S REALLY JUST A HOLDING PATTERN, DEVELOPMENT RESERVE, IT'S INDEED JUST A RESERVE ZONE UNTIL THERE'S MORE SPECIFICITY AS TO WHAT IS PROPOSED FOR DEVELOPMENT.

Alvarez: SO THE EXISTING STRUCTURES WERE ZONED DEVELOPMENT -- WERE DEVELOPED BEFORE THERE WAS A

DR DESIGNATION FOR THEM.

THEY WERE ANNEXED WITH THEM IN EXISTENCE. WHEN WE DID THE NORTH LAMAR STUDY WITH THE AN NETIONIZATION AND THE REZONING, THE TRACTS THAT WERE NOT ZONED TO ANY OF THE ZONING CATEGORIES SPECIFICALLY TO THE NORTH WERE LEFT DEVELOPMENT RESERVE, ALTHOUGH NOT TOO MANY OF THEM WHERE THAT OCCURRED.

Alvarez: THEN THE OTHER TRACTS ARE ZONED LO EXCEPT WITH THE EXCEPTION OF THE GR, THE RESTAURANT?

THAT'S CORRECT.

Alvarez: THOSE ARE USED AS LO CURRENTLY?

SOME OF THEM ACTUALLY ARE NOT. YOU CAN SEE TO THE NORTH YOU HAVE CONSTRUCTION SALES AND SERVICES WHICH REQUIRE CS. YOU HAVE A LOUNGE WHICH REQUIRES CS-1. THE MAJORITY OF THE USES IN THE NORTH LAMAR AREA STUDY PRETTY MUCH REQUIRED EITHER LI ZONING OR CS AT THE TIME WE DID THE STUDY. AND AS THE MAYOR PRO TEM INDICATED, THE ANALYSIS, AND I THINK SHE WAS ON THE PLANNING COMMISSION THEN, WOULD HAVE ACTED ON THIS, THAT THE LAND USE PATTERN AT THE TIME WAS JUST A LOT OF CONSTRUCTION SALES TYPES OF SERVICES, OPEN STORAGE AND JUNK YARDS. THERE WERE A LOT OF JUNK YARDS THAT REQUIRED LI. SO THEY WANTED CLEANUP ON THE LAND. SO THE GOALS OF THE STUDY AND THE PLAN WERE TO COME UP WITH MORE -- SOME LESS INDUSTRIAL, OPEN TYPE OF USES IN THAT NATURE.

Alvarez: AGAIN, THOSE WERE ZONED SOMETHING OTHER THAN WHAT THE CURRENT USE WAS AT THE TIME? WHEN THE NORTH LAMAR STUDY WAS DONE?

MOST OF THEM WERE. IN SOME CASES, LIKE THE WCLO, THAT ZONING DISTRICT WAS CREATED WHEN THIS STUDY WAS CREATED. BECAUSE WE FOUND THAT A LOT OF THE USES THAT WERE ACCEPTABLE TO THE NEIGHBORHOOD WERE OFFICE WAREHOUSE. THAT YOU HAD A WAREHOUSE IN THE BACK AND AN OFFICE IN FRONT. SO IF THE ZONING DISTRICT WAS INTRODUCED THROUGH THE STUDY TO HELP

ACCOMMODATE SOME OF THE USES THAT HAD -- THAT THE NEIGHBORHOOD WANTED TO HAVE A FEEL OF AN OFFICE LOOK FROM THE FRONT AND THEREFORE THAT'S WHY IT'S CALLED OFFICE WAREHOUSE, OFFICE IN FRONT AND THEN WAREHOUSE IN THE REAR. BUT THIS PARTICULAR TRACT OBVIOUSLY, THE ENTIRE AREA YOU CAN SEE WAS LEFT ALONE BECAUSE OF THE DIFFICULTY OF WHAT'S REALLY GIVEN AT THAT TIME.

Alvarez: FINALLY UNDER -- DIFFERENTIATING BETWEEN STAFF AND THE ZONING AND PLATTING COMMISSION, IS THAT WHO MADE THE RECOMMENDATION?

CORRECT.

Alvarez: AND THE SIX USES THAT UNDER STAFF RECOMMENDATION WOULD HAVE BEEN PROHIBITED?

CORRECT.

Alvarez: AND THAT WAS -- AND THAT UNDER -- ZAP WOULD BE PERMITTED?

THAT'S CORRECT.

Alvarez: THAT'S ONE OF THE DIFFNS.

CORRECT. AND ALSO LIMITING THE GR TO SITE DEVELOPMENT REGULATION. SO IMPERVIOUS COVER, YOUR HEIGHT AND SETBACKS WOULD BE UNDER LR AND NOT GR.

Alvarez: AND THAT WOULD -- WHAT WOULD THAT DO TO THIS, JUST LIMIT THE AMOUNT OF IMPERVIOUS COVER AND THE HEIGHTS?

THAT'S CORRECT.

Alvarez: AND WHAT IS THE DIFFERENCE?

THE DIFFERENCE IN THE LR SITE DEVELOPMENT REGULATIONS ARE UNDER LR YOUR IMPERVIOUS COVER IS 80%, WHEREAS GR IT WOULD BE 90%. AND THE HEIGHT UNDER LR WOULD BE 40 FEET, WHEREAS GR IS 60 FEET. AND

YOUR SET BACKS ALSO VARY THAT ARE UNDER GR ZONING YOUR FRONT SET BACK IS 10 FEET, WHEREAS LR IS 25 FEET. SO YOU DO HAVE -- YOUR LR IS MORE NEIGHBOR ORIENTED AS FAR AS THE STANDARDS GO. SO IT GIVES IT -- IT SUPPLIES MORE PROTECTION WITH THE STANDARDS.

Alvarez: THAT REALLY WOULDN'T PROTECT US BECAUSE ONLY ABOUT A THIRD OF IT IS CURRENTLY DEVELOPED?

CORRECT. OBVIOUSLY EVEN WITH THE ZONING, ALL THE LIMITATIONS THAT THE COMMISSION PUT ON THE SITE WOULD ONLY BE PUT IN AT THE TIME OF DEVELOPMENT. FOR NOW THE USES WILL CONTINUE AS THEY ARE. THE ONLY QUESTION HERE IS THE ABILITY FOR THE OWNER TO FINANCE THE PROPERTY FROM A LENDING INSTITUTION THAT IS REQUESTING SOME PERMANENT ZONING AND NOT THE HOLDING DEVELOPMENT RESERVE ZONING THAT EXISTS TODAY.

Alvarez: GIVEN THAT, MAYOR, I WOULD OFFER A FRIENDLY AMENDMENT TO THE STAFF RECOMMENDATION, THAT WE DO LIMIT THE SITE TO THE LR DEVELOPMENT --

SITE DEVELOPMENT REGULATIONS FOR TRACT 1. JUST FOR TRACT 1.

Mayor Wynn: SO COUNCILMEMBER DUNKERLEY?

Dunkerley: I I WANTED TO ASK COUNCILMEMBER ALVAREZ IF HE COULD SAY THAT AGAIN.

COUNCILMEMBER ALVAREZ IS LOOKING AT ME. I'LL GO AHEAD AND REPEAT IT THEN.

Alvarez: BASICALLY IT'S TAKING THE SECOND RECOMMENDATION FROM PLANNING COMMISSION AND ADDING IT TO THIS MOTION.

Dunkerley: IS THIS THE ZAP.

Alvarez: AND LIMITING THE USES THEMSELVES TO SEE WHAT SHOULD BE PROHIBITED, WHAT SHOULD BE CONDITIONAL,

WHAT SHOULD BE PERMITTED.

Dunkerley: THAT'S FINE.

Mayor Wynn: SO COUNCILMEMBER DUNKERLEY AND ECONOMIC CONSIDER THAT A FRIENDLY AMENDMENT TO APPROVE ON FIRST READING ONLY THE ZONING AND PLATTING COMMISSION RECOMMENDATION. COUNCILMEMBER MCCracken. >>

ALVAREZ: I THOUGHT COUNCILMEMBER DUNKERLEY HAD SAID STAFF.

THE STAFF RECOMMENDATION YES, PLUS THE --

Mayor Wynn: THE LR SITE REGULATIONS OF TRACT 1.

CORRECT.

Mayor Wynn: AS SET OUT BY THE ZONING AND PLATTING COMMISSION. FIRST READING ONLY THAT ALLOWS STAFF TIME TO PULL BACK TOGETHER AS WELL AS THE USE STUDY THAT COUNCILMEMBER ALVAREZ REFERRED TO. FURTHER COMMENTS? MAYOR PRO TEM?

Goodman: JUST A FEW OTHER PIECES OF INFORMATION THAT WE CAN LOOK AT BETWEEN NOW AND THEN. NUMBER ONE, A COMPARISON OF EXISTING IMPERVIOUS COVER AND RELATIVE TO NEW DEVELOPMENT STANDARD OR NEW CODE REQUIREMENTS IF IT'S SUPPOSED TO BE REDEVELOPED, WHAT IMPERVIOUS COVER ACREAGE WOULD THAT BE? AND POSSIBLY THERE'S ANOTHER KIND OF OPTION, WHICH IS TO ZONE BY FOOTPRINT. DEPENDING ON WHAT THE IMPERVIOUS COVER COMPARISONS SHOW. THAT'S HARDER, BUT IT'S VERY SPECIFIC AS TO WHAT WOULD BE THERE IN THE FUTURE. SO WE CAN LOOK INTO FOOTPRINTS --

YOU CAN LOOK AT HOW MANY FOOTPRINTS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? MOTION AND A SECOND ON THE TABLE TO APPROVE ON FIRST READING ONLY. HEARING NONE, ALL THOSE IN FAVOR

PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON FIRST READING ONLY ON A VOTE OF SEVEN TO ZERO. MS. GLASGO, WHAT'S THE LIKELY TIMING OF BRINGING THIS CASE BACK?

PROBABLY TWO WEEKS, WITHIN TWO WEEKS WE CAN BRING IT BACK, SO THAT WOULD BE PROBABLY A GOOD TIME TO GET EVERYTHING TOGETHER IN TWO-WEEK.

Mayor Wynn: OKAY, THANK YOU. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] >>... CHILD CARE CENTER TO SIX OR FEWER CHILDREN. THE PROPERTY IS ZONED SF-3. THE APPLICANT IS REQUESTING APPROVAL OF A CONDITIONAL USE PERMIT WHICH WILL ALLOW FOR THE PROVISION OF DAYTIME CARE FOR MORE MORE THAN -- NO MORE THAN 20 CHILDREN, ACTUALLY PROPOSING TO CARE FOR ONLY 16 CHILDREN. ONLY MINOR CONSTRUCTION IS PROPOSED TO ADD A LOOP, DROP OFF DRIVEWAY JURY AND SIDEWALKS. STAFF RECOMMENDED THE CONDITIONAL USE PERMIT AS COMPLYING WITH CITY REGULATIONS, ZONING AND PLATTING COMMISSION INITIALLY HEARD THE CASE ON JUNE 15th OF 2004 AND APPROVED IT UNANIMOUSLY BY CONSENT. HOWEVER, BECAUSE OF -- BECAUSE A CITIZEN SIGNED IN OPPOSITION AT THE MEETING AND DID NOT GET A CHANCE TO SPEAK, THE COMMISSION RESCINDED ITS ACTION AND RECONSIDERED THE CASE ON AUGUST THE 3rd. AT THAT MEETING THE COMMISSION VOTED TO DENY THE CONDITIONAL USE PERMIT UNANIMOUSLY 8-0. UM ... THE ISSUES THAT HAVE BEEN RAISED, IF I GO OVER TO THE -- TO THE EXHIBIT. THE -- THERE IS A 100-FOOT ELECTRICAL EASEMENT WHICH CUTS ACROSS THE PROPERTY AND IS SHOWN BY THE GREEN LINES ON THIS PLAN. AND FIRST OF ALL I SHOULD OMNISCIENT YOU IT'S LOCATED AT THE INTERSECTION OF WHEELCHAIR AND SUN STRIP -- OF WILLIAM CANNON AND SUN STRIP DRIVE AT THE NORTHWEST CORNER. THE ELECTRICAL EASEMENT IS OWNED BY THE LOWER COLORADO RIVER AUTHORITY AND CONTAINS LINES FROM BOTH LCRA AND CITY OF AUSTIN, AUSTIN ENERGY. AND THE PROPOSED DUPLEX LOCATED IN THE EXISTING DUPLEX RATHER LOCATED IN THIS AREA, THE

PORTION WHICH WOULD BE USED FOR THE CHILD CARE CENTER IS THIS PORTION HERE AND THERE'S A FENCED PLAY AREA AT THE REAR WHICH ENCROACHES INTO THE ELECTRICAL EASEMENT. ACCESS TO THE PROPERTY IS BY MEANS OF A -- OF A DRIVEWAY AND COMES OFF OF SUN STRIP. THERE IS PARKING IN THE REAR AND THE -- AND THE APPLICANT IS PROPOSING TO PUT IN A CIRCULAR DROPOFF DRIVEWAY AS WELL. THE -- THE DRIVEWAY CONTINUES ON DOWN AND SERVES ABOUT FIVE OR SIX OTHER DUPLEXES IN THE SAME BLOCK. WITH REGARD TO THE ELECTRICAL EASEMENT, BOTH AUSTIN ENERGY AND LCRA DID EXPRESS SOME CONCERNS ABOUT -- ABOUT LOCATING A PLAYGROUND UNDERNEATH THE EASEMENT. BUT -- BUT THEY DID NOT RECOMMEND APPROVAL OF THE SITE PLAN AND THEY DID MEET WITH THE APPLICANT AND REQUIRED CERTAIN CONDITIONS BE PLACED ON THE SITE PLAN SUCH AS NO TREES OR PLAYGROUND EQUIPMENT TO BE LOCATED WITHIN THE EASEMENT. SOME OPPOSITION HAS ALSO BEEN RAISED BY CITIZENS WHO WERE CONCERNED ABOUT CONGESTION IN THE JOINT DRIVEWAY. THE -- THE SITE IS CURRENTLY DEVELOPED AT ABOUT 30% IMPERVIOUS COVER AND PROPOSED IMPROVEMENTS WOULD INCREASE THE TOTAL IMPERVIOUS COVER COVER TO 35% IN ORDER TO ADDRESS SOME OF THE TRAFFIC CONCERNS, WE DID DISCUSS WITH THE APPLICANT THE POSSIBILITY OF ADDING SOME ADDITIONAL PARKING SPACES AND HE EXPRESSED SOME INTEREST IN DOING THAT, HOWEVER, BECAUSE OF THE CITY'S REGULATIONS, HE WOULD BE FORCED INTO A MORE COSTLY PROCESS, BY DOING THAT HE WOULD HAVE TO HIRE AN ENGINEER TO PREPARE DRAINAGE PLAN AND PERHAPS THE -- CONSTRUCT A DETENTION POND ON THE SITE. THE COMMISSION FELT THAT THE CONDITIONAL USE PERMIT DID NOT MEET THE FINDINGS OF FACT, SPECIFICALLY THEY INDICATED THAT -- THAT THEY DID NOT FEEL IT WOULD REASONABLY PROTECT PERSONS AND PROPERTY FROM EROSION, FLOOD, FIRE, NOISE, GLARE AND SIMILAR ADVERSE EFFECTS. SPECIFICALLY THE -- THE -- THE CONCERN ABOUT THE -- ABOUT THE PLAYGROUND LOCATED UNDERNEATH THE TRANSMISSION LINES. AND SECONDLY THEY INDICATED THAT THEY FELT IT WOULD ADVERSELY AFFECT THE SAFETY OR CONVENIENCE OF VEHICULAR OR PEDESTRIAN CIRCULATION BECAUSE OF THE EFFECT ON

THE THE ADJOINING PROPERTIES AND INCREASED TRAFFIC WITHIN THE JOINT DRIVEWAY. I WOULD BE GLAD TO ANSWER ANY QUESTIONS.

THANK YOU, MR. ZAPALAC. QUESTIONS OF STAFF, COUNCIL? THE APPEAL PROCESS, THE APPELLATE GETS THE FIVE MINUTE PRESENTATION AND IN THIS CASE SHE WILL BE FOLLOWED BY FOLKS SUPPORTING HER APPEAL, THEN WE WILL HEAR FROM PEOPLE IN OPPOSITION TO HER APPEAL, THEN SHE WILL GET A THREE MINUTE REBUTTAL. I AM TOLD THAT OTHER APPELLATANT SPEAKS VERY LITTLE ENGLISH, SO WE HAVE ARRANGED FOR A TRANSLATOR FROM THE MUNICIPAL COURT TO BE HERE AS WELL. SO AT THIS TIME WE WILL -- WE WILL ASK THE APPELLATE, MS. IRMA ARRIETA, I'M SORRY IF I'M MISPRONOUNCING THAT, TO ADDRESS COUNCIL.

I'M JIM BENNETT, I HAVE ACTUALLY FILED THE APPEAL ON BEHALF OF MRS. ARITA.

Mayor Wynn: WHY DON'T YOU HAVE A FIVE MANUSCRIPT TALL SLOT, WE WILL JUST CALL ON MS. ANOTHERARRIETA --

MAYOR, COUNCIL, I'M JIM BENNETT, HIRED TONIGHT ON BEHALF OF THIS APPEAL FOR A CHILD CARE FACILITY, AS MR. ZAPALAC INDICATED TO YOU IT'S IN THE CORNER OF -- NORTHWEST CORNER OF WILLIAM CANNON AND SUNSET STRIP. THE PROPERTY IS DEVELOPED WITH A DUPLEX TYPE USE, THE OWNER OF THE DAYCARE OWNS THE FACILITY, THEY LIVE IN ONE-HALF OR LIVE IN THE DUPLEX AND HAVE THE DAYCARE THERE. THE QUESTION HERE IS NOT ONE OF WHETHER YOU CAN HAVE A DAYCARE. THE ORDINANCE DOES ALLOW YOU TO HAVE A DAYCARE AT THIS FACILITY. THERE ARE THREE KINDS OF CHILD CARE FACILITIES IN THE CODE. A LIMITED, A GENERAL AND A COMMERCIAL. THE LIMITED CHILD CARE FACILITY IS ONE THAT HAS LESS THAN SIX CHILDREN. THAT'S WHAT IS CURRENTLY BEING OPERATED AT THAT FACILITY. AND THE ECONOMIC NEEDS, THE OWNER IS DESIREROUS TO KEEP -- TO KEEP THE ORIGINAL CONDITIONAL USE PERMIT WAS FOR 16, HOWEVER THE STATE LICENSING AGENT -- AGENCY WILL ONLY LICENSE FOR 12, SO THE TOTAL NUMBER OF CHILDREN THAT WE'RE TALKING ABOUT, THE CHILD CARE FACILITY, WILL BE 12. NOT

THE 16 THAT YOU HAVE OR 14, BUT WILL BE LIMITED TO 12 UNDER THE STATE REGULATIONS. AS MR. ZAPALAC INDICATED TO YOU, THE CONDITIONAL USE PERMIT MEETS ALL OF THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE RELATIVE TO PARKING, LOADING, UNLOADING FACILITIES, SPACE REQUIREMENTS, IMPERVIOUS COVER AND ALL OF THE OTHER REQUIREMENTS OF THE CODE. IF YOU LOOK AT YOUR BACKUP MATERIAL, THIS LOT IS ON THE CORNER OF THAT -- OF THAT INTERSECTION, NONE OF THE LOTS ON WILLIAM CANNON IN THIS AREA HAVE DRIVEWAYS THAT OPEN UP INTO THE ARTERIAL STREETS. THEY ALL OPEN TO THE PRIVATE DRIVEWAYS THAT ARE BEHIND THIS BUILDINGS ALONG THIS BLOCK AND THE ADJACENT BLOCKS. BEING THE FIRST LOT ON THE CORNER, IF SOMEONE WERE GOING TO DROP CHILDREN OFF TO THIS CHILD CARE FACILITY, THERE WOULD BE NO NEED FOR THEM TO GO DOWN TO THE END OF THE BLOCK, THAT DRIVEWAY TERMINATES AT THE END OF THIS 1, 2, 5 LOTS DOWN FROM -- FROM THIS PARTICULAR LOCATION SO THERE'S NO NEED FOR ADDITIONAL TRAFFIC TO GO DOWN AND INTERFERE. THE PEOPLE WHO WILL BE DROPPING OFF THEIR CHILDREN WILL BE COMING INTO THE CIRCULAR DRIVEWAY, LETTING THE CHILDREN OFF, AND THEN GOING BACK RIGHT OUT FROM THIS SAME LOT TO THE STREET ON SUNSET STRIP. THERE WAS SOME QUESTION ABOUT THE -- ABOUT THE TRANSMISSION LINE, THAT -- THAT TRAVERSES THIS PROPERTY AS WELL AS -- AS WELL AS HALF OF SOUTH AUSTIN. THREE LOTS AWAY FROM THIS FACILITY, LITERALLY THREE LOTS AWAY, IS THE -- IS THE CHILD CARE FACILITY THAT YOU SEE HERE, WHICH IS LA PETITE ACADEMY LOCATED JUST BEHIND THE PIZZA ESTABLISHMENT ON WILLIAM CANNON. AS YOU CAN SEE FROM THESE PHOTOGRAPHS THAT I TOOK, THIS SAME TRANSMISSION LINE CROSSES THIS PROPERTY INTO THEIR PLAYGROUND AREA. RELATIVE TO THE LCRA REQUIREMENTS AND THE CITY OF AUSTIN REQUIREMENTS THIS PLAN MEETS THOSE REQUIREMENTS, THE LCRA REQUESTED NO TREES TALLER THAN 15 FEET, THE PLAYGROUND EQUIPMENT, THIS PLAN ADDRESSES THOSE ISSUES, SO -- SO WE DON'T FEEL THAT THERE WILL BE A TRAFFIC CONCERN BECAUSE OF THE CHILDREN BEING DROPPED OFF AT DIFFERENT TIMES OF THE MORNING, IT'S NOT LIKE SCHOOL WHERE EVERYBODY

HAS TO BE THERE AT 8:00. THEY ARE THERE WHEN THEIR PARENTS HAVE TO BE AT WORK, SO IT'S A -- IT'S A REVOLVING, NOT A ONE-TIME CONCENTRATED DROPOFF AND PICKUP. MOST OF THE PEOPLE WHO -- WHO HAVE CHILDREN CURRENTLY IN THE FACILITY ARE PEOPLE WHO LIVE AND WORK IN THE AREA, SO WE DON'T THINK THAT SOMEONE IS GOING TO BRING THEIR CHILD PERHAPS FROM NORTH AUSTIN TO THIS SMALL CHILD CARE FACILITY. IT'S GOING TO BE PEOPLE WHO ARE ALREADY IN THE AREA AND THEY WILL PULL INTO ON THIS FIRST LOT AND THEN EXIT BACK ON TO THE STREET FROM THIS LOT. PARDON ME. THERE WAS AN INSPECTION DONE BY THE STATE AS A REQUIREMENT. ON -- ON 9-10 OF 2004. THE INSPECTION THERE SAYS IT'S IN COMPLIANCE WITH ALL OF THE STATE REQUIREMENTS. THE ENTIRE BACK YARD IS A PLAY AREA FOR THE CHILDREN, IT'S FREE FROM HAZARDS. SO WE HAVE GOTTEN A CLEARANCE FROM THE -- FROM THE STATE LICENSING AGENCY. AND I BELIEVE THAT PRETTY WELL COVERS IT. AS INDICATED EARLIER BY MR. ZAPALAC, THE PLANNING COMMISSION ORIGINALLY DID APPROVE THIS CONDITIONAL USE PERMIT FOR THE CHILD CARE FACILITY. THE CITIZENS DID GET TO SPEAK. THEY DID REHEAR IT. THEY DID NOT ELECT TO APPROVE IT ON THE SECOND TIME AROUND. IN BOTH CASES THE STAFF DID RECOMMEND IT AS MEETING THE ORDINANCE REQUIREMENTS. I WILL BE AVAILABLE SHOULD YOU HAVE ANY QUESTIONS. THANK YOU.

Mayor Wynn: THANK YOU, MR. BENNETT. MS. IRMA ARRIETA, WELCOME. YOU WILL HAVE THREE MINUTES. [SPEAKING IN SPANISH] >

MY NAME IS -- [SPEAKING IN SPANISH]

I'M HERE BECAUSE I'M TRYING TO OPEN THE CHILD CARE. THE FIRST TIME I WENT ON JULY 15th IT WAS APPROVED. I DON'T UNDERSTAND WHY THE NEXT DAY THEY CALLED ME AND THEY TOLD ME THAT IT WASN'T APPROVED. BECAUSE IT WAS THE PERSON IN THE AUDIENCE, THAT PERSON DIDN'T TALK. THEY GAVE US THE CHANCE TO TALK TO THAT PERSON. THE LADY DIDN'T EVEN WANT TO TAKE A LOOK AT THE PLANS. SHE COMPLETELY OPPOSES TO THE PROJECT. WE HAD ANOTHER MEETING AND IT WAS DENIED. BECAUSE THESE PEOPLE FIRST THEY WERE TALKING ABOUT THE

TRAFFIC. AND THEN ON THE SECOND MEETING THEY WERE TALKING ABOUT THE [INDISCERNIBLE] I HAVE PAPERS WITH THE PARENTS' SIGNATURES WHERE THEY APPROVE EVERYTHING AND ALSO I EMPLOY ONE PERSON. THE STATE CAME BACK TO THE CHILD CARE, THE SECOND TIME, AND THE SAME PERSON REPORTED ME A SECOND TIME. BECAUSE NO THAT THE -- NOW THE TRAFFIC IS NOT A PROBLEM, NOW SHE'S TALKING ABOUT THE POWER LINES. THE STATE SAID THAT IT WAS NO PROBLEM. I HAVE -- I HAVE THE LETTERS SIGNED BY THE STATE WHERE THEY SAY THAT THERE'S NO PROBLEM. I HAVE THE PROPERTY AND I HAVE TO PAY \$5,000 IN JANUARY FOR TAXES. I HAVE A PLACE AND I CANNOT USE THAT PLACE FOR ANYTHING ELSE. I CAN ONLY ON USE IT FOR THE -- I CAN ONLY USE IT FOR THE PARKING. [BUZZER SOUNDING]

Mayor Wynn: PLEASE CONCLUDE.

I JUST WANT TO GROW. I HAVE THREE CHILDREN, AND MY CHILDREN ARE IN HIGH SCHOOL. AND I WANT MY FAMILY TO GROW AS WELL AS MY BUSINESS. THAT'S ALL.

Mayor Wynn: GRACIAS. SERGIO ARRIETA SIGNED UP, I'M NOT SURE IF HE WISHES TO SPEAK OR NOT.

[INDISCERNIBLE]

Mayor Wynn: OKAY. MR. ARRIETA ALSO IS IN FAVOR OF THE APPEAL. COUNCIL, THAT'S ALL THE CITIZENS WHO SIGNED UP IN FAVOR OF MS. ARRIETA'S APPEAL. WE WILL NOW HEAR FROM JAMES HURRY, MR. HURRY ARE YOU HERE? MR. HURRY WOULD LIKE TO SPEAK IN OPPOSITION TO THE APPEAL. WELCOME, SIR, YOU HAVE THREE MINUTES.

THANK YOU. I WILL TRY TO MAKE IT BRIEF, I'M JAMES HURRY, MY WIFE AND I DINE I CAN'T HAVE OWNED THE PROPERTY AT 318 WILLIAM CANNON WHICH MOST EVERYBODY HAS SEEN RIGHT NEXT TO THE PIZZA HUT, A LITTLE DUPLEX THERE. AT THE END OF THE PRIVATE DRIVE. YOU HAVE SEEN BY THE DOCUMENT. BUT -- BUT I ALSO HAVE SOME INFORMATION ON A LETTER THAT WAS WRITTEN BY -- BY JOSHLYNN FENWICK, HER AND HER HUSBAND OWN THE ADJACENT PROPERTIES AT 310 AND 312 WEST WILLIAM CANNON. I WOULD LIKE TO

HAVE BEEN -- THEY WOULD LOVE TO HAVE BEEN HERE BUT THEY STATED IN THE LETTER THEY WERE OUT OF TOWN ON TODAY'S DATE. SO THEY SUBMITTED THE DOCUMENTS. I'LL DISCUSS THOSE IN A BREVITY IN JUST SHORT ORDER. WE STARTED -- WE FOUND OUT ABOUT THIS LATE IN THE -- IN THE PLANNING COUNCIL AND THE -- WE FOUND OUT THAT -- THAT THEY WERE PLANNING ON -- ON RUNNING A LARGER DAYCARE OUT OF THAT FACILITY. BEING AT THE ENTRANCE OF THE -- OF THE ALLEYWAY, IT -- IT PRECLUDES OUR TENANTS FROM GETTING THROUGH THERE. IT -- IF YOU GO TO THE MAXIMUM CHILDREN, LET'S SAY 20, AND THAT'S -- THAT WOULD BE AS MANY AS 40 CARS TRANSVERSING THAT VERY SMALL INTERSECTION EVERY DAY. MAYBE MORE -- MORE TRIPS IF YOU HAVE SICK CHILDREN, YOU KNOW, HOW -- HOW IT WOULD GO. BUT -- BUT WE -- WE ORIGINALLY WERE CONCERNED ABOUT THE TRAFFIC AND THEN LOOKING AT THE PLANTS WE NOTICED THAT THE POWER LINES, THE HIGH TENSION LINES GET VERY CLOSE. ALSO AT THAT MEETING IT WAS ALSO DISCUSSED THAT THE LCRA OR THE -- THE WORKERS ON THERE HAD DROPPED THE POWER LINE THREE TIMES I THINK IN THE LAST SIX MONTHS, THOSE LINES HAVE DROPPED. REMEMBER WE HAD OUTAGES IN SOUTH AUSTIN AT THAT TIME, SO THAT'S ANOTHER CONCERN, BUT THEY ARE -- I FORGET THE RATING OF THOSE POWER LINES, BUT THEY ARE HIGH -- HIGH TENSION POWER LINES THAT TRANSVERSE THAT PROPERTY. THAT PROPERTY AS I UNDERSTAND WAS -- WAS THEY HAD A HARD TIME EVEN GETTING A PERMIT TO BUILD, ORIGINALLY HAD A SLAB THERE FOR A DUPLEX AND THAT SLAB REMAINED VACANT FOR ABOUT, I DON'T KNOW, ABOUT 10 OR 12 YEARS. SO -- SO MANY OF YOU PROBABLY HAVE SEEN THAT LOT SITTING RIGHT THERE AT THE CORNER OF SUNSET. BUT THEY -- BUT THE ONE THING THAT'S COME UP IS THE HEALTH CONCERNS OF THE POWER LINES. MS. FENWICK SENT SOME DOCUMENTATION -- [BUZZER SOUNDING] AND BRIEFLY IN THAT DOCUMENTATION THEY DESCRIBED DIFFERENT STUDIES THAT HAD BEEN DONE WORLDWIDE ABOUT THE CLOSE PROXIMITY OF POWER LINES TO CHILDREN AND THE - - THE HIGHER INCIDENCE OF LEUKEMIA IN THESE CHILDREN. SO -- SO I TRUST, I WILL -- YOU HAVE COPIES OF HER LETTER AND THE DOCUMENTATIONS. THANK YOU FOR THE

OPPORTUNITY TO SPEAK.

Mayor Wynn: THANK YOU, MR. HURRY. ANY OTHER CITIZENS WISHING TO SPEAK IN OPPOSITION TO THIS APPEAL. IF NOT, MR. BENNETT, YOU'LL HAVE A THREE MINUTE REBUTTAL.

COUNCIL, AS EXPLAINED TO YOU BEFORE, WE ARE NOT ASKING FOR 20 CHILDREN AT THIS CHILD CARE FACILITY. THE STATE WILL ONLY LICENSE US FOR 12 CHILDREN. THAT'S THE MAXIMUM THAT WE WOULD BE ABLE TO HAVE. SO THE CONDITIONAL USE PERMIT BEFORE YOU, SHOULD YOU APPROVE IT, I PRESUME THAT YOU WOULD APPROVE IT FOR 12 CHILDREN, BECAUSE THAT'S ALL THAT WE CAN HAVE ANYWAY UNDER THE STATE REGULATIONS, EVEN THOUGH YOU MAY APPROVE IT FOR 20, WE STILL CAN'T HAVE ANY MORE THAN THAT, 20, ONLY 12. THE LINES THAT WERE INDICATED TO YOU, THE LINES WERE BEING REWORKED IN -- BY LCRA CONTRACTORS AND THOSE LINES DID FALL AS A RESULT OF THE WORKING DONE ON THE LINES, IT NOT A COMMON OCCURRENCE. WHEN THEY WERE WORKING ON THEM, I PRESUME THEY DIDN'T HAVE ENOUGH TENSION SO THEY DID FALL TO THE GROUND. AS I UNDERSTAND THERE WAS NO FIRES OR PEOPLE HURT BECAUSE I THINK THE LINES WERE DEAD ANYWAY. THEY WERE UNDER -- THEY WERE WORKING ON THEM. THE SLAB THAT WAS THERE WAS SOMEBODY WANTED TO BUILD A 5,000 OR 6,000 SQUARE FOOT HOUSE AND ELECTED NOT TO, MY CLIENTS HAVE ONLY OWNED THE PROPERTY ABOUT THREE YEARS AND HAVE LIVED THERE AND -- AND ARE PROPOSING TO THE DARE. RELATIVE TO TRAFFIC, WE ARE NOT LOOKING AT 20 CHILDREN SO THEREFORE I GUESS MR. HURRY'S FIGURES WOULD BE REDUCED BY THE 12 CHILDREN INSTEAD OF THE 20. COUNCIL, I WOULD POINT OUT TO YOU AS YOU LOOK AT THAT SITE PLAN, THIS IS ON THE VERY CORNER, THE CARS WON'T HAVE TO GO DOWN THE ALLEYWAY OR THE DRIVE, IF YOU WILL, EXCEPT TO -- RIGHT OFF THE STREET RIGHT INTO THE LOT, UNLOAD THE CHILDREN AND THEN LEAVE. SO THE OCCURRENCE OF TRAFFIC BLOCKING IT UP, IF IT IS BLOCKING, IT SHOULD BE VERY MINIMAL BECAUSE THE ENTERING TRAFFIC IS OFF THE ALLEYWAY VERY QUICKLY AND SHOULD YOU HAVE A QUESTION I'LL BE AVAILABLE. THANK YOU.

THANK YOU, MR. BENNETT. COUNCIL, THAT CONCLUDES THE -- THE FORMAL APPEAL PROCESS, QUESTIONS -- COUNCILMEMBER ALVAREZ?

Alvarez: FOR MR. BENNETT. NOT IF YOU HAVE THE SITE PLAN UP THERE. COULD YOU WALK US THROUGH THAT, HOW THAT WORKS WITH THE ACCESS TO THE SITE.

THIS IS WILLIAM CANNON. THIS IS SUN STRIP DRIVE. THE -- THE ALLEYWAY, IF YOU WILL, OR DRIVINGS -- RECEIVERS ALL OF THESE SIX LOTS. IN THIS BLOCK, THEN THE SHOPPING CENTER STARTS. THE ALLEYWAY TERMINATES HERE. SO ANYBODY COMING INTO THIS SITE, IF THEY GO THAT WAY THERE'S NO WAY TO GO. THE PEOPLE WHO WOULD BE DROPPING OFF THEIR CHILDREN WOULD BE COMING IN -- IN THIS CIRCULAR DRIVE, TAKING THEIR CHILDREN INTO THE FACILITY AND THEN LEAVING AND GOING RIGHT BACK OUT. THERE'S NO NEED TO GO THIS WAY. SO ANY TRAFFIC CIRCULATION IS GOING TO BE A QUICK OCCURRENCE. COMING FROM SUNSET STRIP AND OUT. AND -- YOU KNOW, REP ACTIVELY FOR THE 12 CHILDREN WHETHER THEY BE IN 12 CARS OR SIX CARS. I THINK THE POINT IS THAT THEY COME IN, DROP OFF, AND THEN LEAVE. FROM THE SAME LOT IN WHICH THEY ENTERED AND NOT ENCUMBERING ANYONE ELSE'S LOTS.

Alvarez: WHAT'S THE OTHER STRUCTURE THAT'S SHOWN ON THERE? IS THAT A DIFFERENT LOT?

HERE?

THIS IS THE DUPLEX THAT EXIST ON THE SITE, THE TOTAL. THE DAYCARE IS IN THIS PORTION OF IT. ADJACENT TO THE -
-

Alvarez: THAT'S JUST THE DRIVEWAY. NO STRUCTURAL -- IS THAT THIS IS A DRIVEWAY AS A PART OF THE -- THE PARKING SPACES WILL OCCUR HERE. THERE'S A TENANT IN THIS PART OF THE DUPLEX AND THE -- LIVE IN THIS -- THE OTHER ANOTHERS LIVE IN THIS SECTION OF THE DUPLEX AND THE CHILD CARE IS IN THIS PORTION.

SO THE CHILD CARE SERVICES WOULD REMAIN IN THAT

PART OF THE DUPLEX.

YES, SIR.

SCANNING INTO THE --

EASTERN PORTION OR EASTERN SIDE OF THE DUPLEX, YES, SIR.

Alvarez: SO THEY ARE NOT ADDING OR EXPANDING. IT'S JUST -- THE STRUCTURE ITSELF OR THE BUILDING IT'S JUST -- THEY'LL HAVE SIX ADDITIONAL CHILDREN.

THAT'S CORRECT.

THE ONLY EXPANSION IS GOING TO BE PUTTING IN THIS CIRCULAR DRIVEWAY THAT'S REQUIRED BY CODE. FOR THE LOADING AND UNLOADING OF CHILDREN.

THEN THE REST OF THE LOT IN THE CORNER THERE, FROM -- FROM WHERE THE SITE IS, THE CORNER OF SUNSET AND WILLIAM CANNON, THAT'S JUST OPEN SPACE, THAT'S --

YES, SIR.

Alvarez: OKAY, THAT'S ALL OF THE QUESTIONS THAT I HAVE. THANK YOU, COUNCILMEMBER. FURTHER QUESTIONS, COMMENTS? COUNCILMEMBER ALVAREZ -- COUNCILMEMBER SLUSHER, SORRY?

WELL, I'M WILLING TO ASK SOMEONE -- ABOUT THE SAFETY ISSUE WITH THE -- WITH THE ELECTRIC LINES.

THIS IS THE MOST -- THE AUSTIN ENERGY QUESTION.

COUNCILMEMBER SLUSHER, I BELIEVE THERE'S A COPY OF THE LETTER --

Slusher: I'M LOOKING AT THE LETTER, MR. BENNETT. BUT I STILL HAVE SOME QUESTIONS BECAUSE IT SEEMS A LITTLE INCONCLUSIVE. THIS LETTER, IF YOU ARE TALKING ABOUT THE JUNE 24th FROM MS. FOWLER, IT DOESN'T ADDRESS THE

HEALTH ISSUES THAT WERE RAISED. MR. ICE.

COUNCIL, JEFF ICE WITH AUSTIN ENERGY. THERE IS THAT MEMO, OF COURSE, FROM MS. FOWLER OUR PUBLIC INVOLVEMENT MANAGER. IN TERMS OF THE HEALTH ISSUES THAT WERE MENTIONED, I'M NOT FAMILIAR WITH ALL OF THESE STUDIES. TALKING ABOUT HEALTH ISSUES WITH REGARDS TO THE -- TO THE CHILDREN. HOWEVER, AUSTIN ENERGY WAS CONCERNED AS IS LCRA WITH -- WITH ACTIVITIES SURROUNDING OUR EQUIPMENT AND IN THE EASEMENT THERE. WE HAVE EXPRESSED THOSE CONCERNS TO THE APPLICANT. BUT -- BUT IT IS TRUE THAT WE DID NOT GO AGAINST THE SITE PLAN RECOMMENDATIONS. WE HAVE SOME STIPULATIONS THAT WE ASKED THE APPLICANT TO MEET. AND IT'S OUR UNDERSTANDING THAT THEY WILL DO SO.

Slusher: OKAY. SO THE DEPARTMENT DID -- THE UTILITY DID CONSIDER WHETHER OR NOT TO RECOMMEND AGAINST THIS AND DECIDED WHAT, TO STAY NEUTRAL, TO NOT RECOMMEND AGAINST IT?

WE -- WE DID STAY NEUTRAL. OF COURSE WE DO HAVE THE EASEMENTS AND WE HAVE REQUESTED THAT THEY NOT PLACE CERTAIN TYPES OFF OWE.

PLAYGROUND EQUIPMENT.

AND OTHER ISSUES RELATED TO ACCESS. RESPONSIBILITIES WITH REGARDS TO CARE AND CONCERN FOR -- FOR WORKERS THAT MIGHT BE DOING ANY KIND OF ACTIVITIES THERE. WE HAVE ASKED FOR SOME SIGNAGE. THAT KIND OF STUFF. RELATED TO --

Slusher: DO YOU KNOW IF THERE ARE ANY OTHER CASES SIMILAR TO THIS? AROUND THE CITY? AND -- IN OTHER WORDS, HAS THE UTILITY HAD TO DEAL WITH THIS SORT OF A THING BEFORE?

I'M NOT PERSONALLY AWARE OF THE SITUATIONS, BUT OF COURSE THERE HAVE BEEN ENCROACHMENTS IN EASEMENTS. WE DON'T -- WE TRY TO -- TO CHECK ON OUR EASEMENTS, AS YOU KNOW, CONTINUOUS BASIS. AND THAT

WOULD BE SOMETHING THAT WE MIGHT WOULD HAVE TO DO HERE. OF COURSE WE WOULD HAVE TO GO BACK AND CHECK TO ENSURE THAT -- THAT OVER TIME PEOPLE DID IN FACT END UP ENCROACHING INTO THE EASEMENT. THAT DOES HAPPEN IN OTHER AREAS --

IT SAYS THAT LCRA IS CURRENTLY UPGRADING ITS LINES AND HAS DROPPED THE CONDUCTOR THREE TIMES DURING THE CONSTRUCTION.

THERE WERE THOSE INSTANCES.

IS THIS CONSTRUCTION STILL TAKING PLACE?

I DON'T BELIEVE SO. I THINK THAT SEGMENT OF THE LINE WAS COMPLETED. I'M NOT SURE IF LCRA'S REPRESENTATIVE IS HERE TODAY.

YES. BECAUSE I MEAN IS THAT --

THAT WAS A VERY UNUSUAL CIRCUMSTANCE.

IF IT'S DURING CONSTRUCTION, WOULD THAT BE A LIVE WIRE THAT WAS DROPPED BECAUSE IF THEY ARE WORKING ON IT IT'S PROBABLY NOT LIVE.

I DON'T BELIEVE THAT WAS A LIVE WIRE AT THE TIME. BUT OF COURSE WE DO DO MAINTENANCE WORK FROM TIME TO TIME ON LIVE WIRES.

OKAY.

AUSTIN ENERGY MOST CERTAINLY FOLLOWED UP WITH THE LCRA AND THEIR CONTRACTOR WHEN THOSE INCIDENTS OCCURRED AND PEOPLE WERE WITHOUT POWER DURING THOSE INCIDENTS.

OKAY. THANK YOU, MR. ICE.

YES, SIR.

Slusher: WELL, THIS CERTAINLY MAKES IT DIFFICULT. I MEAN, YOU DON'T WANT TO RISK THAT ON THE -- I MEAN IT'S

TOUGH. IT'S HARD TO TELL IF WE HAVE OTHER SIMILAR SITUATIONS OR NOT OR -- WHAT THE RISK IS.

Mayor Wynn: MAYOR PRO TEM?

Goodman: MAYOR. RELATIVE TO ALL OF THAT, THERE IS SOME INFORMATION THAT I WOULD LIKE IN LEADING INTO A PROPOSAL TO POSTPONE THIS FOR ONE WEEK, BECAUSE THE -- THE STUDIES ARE CONFLICTING AS TO WHETHER THERE'S HARM AND IF AUSTIN ENERGY HAS PROVISIONS FOR KEEPING CHILDREN'S PLAY AREA OUT OF THE EASEMENT, THAT WOULD -- THAT WOULD BE OF SOME COMFORT AND THERE IS ALSO THE FACT THAT -- THE HIGHER INTENSITY OF THE LINE SUPPOSEDLY THE FASTER THE CURRENT, SUPPOSEDLY THE LESSER IMPACT. IN FACT A MUCH HIGHER IMPACT ON PEOPLE PHYSICALLY IS SUPPOSED TO BE FROM YOUR REGULAR LOW LINES THAT -- THAT EVERYBODY SEES AND DON'T BOTHER YOU AS MUCH PSYCHOLOGICALLY. THEY EXIST IN THE HOLLY STREET NEIGHBORHOOD AND THERE HAVE ALWAYS BEEN CONCERNS ABOUT THAT. SO WE REALLY NEED TO -- OR I REALLY NEED TO -- TO LAY OUT THE ISSUES AND THE DISTANCES FOR THE CHILDREN. THIS IS A LITTLE BIT OF A POSSIBLE PRECEDENT SETTING CHANGE OF USE AND SO I WOULD LIKE TO LOOK INTO THAT. 12 CHILDREN, THAT'S A SMALL, NOT TOO IMPACTING CHILD CARE. NOT DAYCARE. CHILD CARE. BUT I WOULD LIKE TO SEE SOME OF THOSE STUDIES THAT WE HAVE A LOT OF INFORMATION ON AGAIN BEFORE WE DECIDE ONE WAY OR THE OTHER. MOTION MADE BY THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND POSTPONE ACTION ON THIS APPEAL, ITEM 55, FOR ONE WEEK TO OCTOBER 28th, 2004.

Slusher: SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER SLUSHER. FURTHER COMMENT?

Thomas: YES, MAYOR. WHY ARE YOU DOING THE STUDY THAT -- WHILE YOU ARE DOING THE STUDY THAT THE MAYOR PRO TEM IS ASKING, ALSO I NEED TO KNOW HAVE WE GOT ANY REPORTS, BECAUSE I KNOW THERE ARE SOME LINES CLOSE TO SOME SCHOOLS IN THE CITY LIMITS, ALSO. SO I FEED TO

KNOW HAVE WE GOT ANY COMPLAINTS SINCE THIS REPORT HAS COME FORWARD TO US TODAY.

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

AYE.

Wynn: OPPOSED? MOTION TO POSTPONE FOR ONE WEEK PASSES ON A VOTE OF 7-0.

MAYOR, THAT INFORMATION WILL BE PROVIDED BY THE ELECTRIC DEPARTMENT? OKAY.

Mayor Wynn: THANK YOU, MR. BENNETT. THANK EVERYBODY FOR THEIR PATIENCE, COUNCIL, MOST FOLKS HERE ARE WAITING FOR US TO TAKE UP THIS PUBLIC HEARING THAT WE SHOW AS ITEM 54, WHICH IS TECHNICALLY RELATED TO THE WATERFRONT OVERLAY DISTRICT. AND A SERIES OF AMENDMENTS AND POTENTIAL REGULATIONS. WE WILL TIE THAT PUBLIC HEARING, ITEM 54, WITH OUR ZONING CASES Z-1 THROUGH Z-8, OUR RAINEY STREET ZONING CASES. APPRECIATE STAFF PRESENTATION.

Slusher: MAYOR --

Mayor Wynn: FOR THOSE OF YOU SCORING AT HOME, ST. LOUIS CARDINALS BATTING IN THE FIRST, HOUSTON ALREADY HAS A ONE TO NOTHING LEAD.

Slusher: MAYOR, YOU DIDN'T GIVE ME A VERY GOOD SEGUE INTO WHAT I'M ABOUT TO SAY, MIGHT RAISE SUSPICIONS, BUT I'M GOING TO BE ABSTAINING ON THIS VOTE, THE -- SO I'LL BE LEAVING THE DAIS, BUT -- BUT SEE MY -- MY BROTHER-IN-LAWS, IN-LAWS, OWN PROPERTY AND LIVE ON RAINEY STREET. WHILE THAT'S NOT A LEGAL ACCORDING TO OUR ETHICS OFFICER IT'S NOT A LEGAL REQUIREMENT, THAT I ABSTAIN, IT'S JUST A LITTLE TOO CLOSE TO HOME AND I FEEL FOR PERCEPTION AND ETHICAL PURPOSES THAT I SHOULDN'T VOTE ON THIS ITEM SO I'LL BE OFF THE DAIS DURING THE DISCUSSION.

Goodman: MAYOR, I NEED TO TELL YOU THAT I ALSO NEED TO LEAVE A LITTLE EARLY BUT THAT I'LL BE LISTENING ON THE RADIO.

THANK YOU.

WELCOME, MS. GLASGO.

THANK YOU, MAYOR. I'M JUST GOING TO -- GOING TO DO A LITTLE INTRODUCTION ON THE RAINY ITEMS. WE DO HAVE THE ZONING CASES, Z-1 THROUGH Z-8, THEN ITEM 54, WHICH ARE THE RECOMMENDATIONS TO THE WATERFRONT OVERLAY, I'M GOING TO GIVE YOU THE KEY COMPONENTS OF THE RESOLUTION TO MOVE FORWARD. FOUR KEY AREAS, NUMBER ONE AREA HAS TO DO CAN W DELIVERABLES. YOU ASKED US TO BRING TWO THINGS TO YOU. THEY WERE TO ONE OF THE THINGS THAT YOU ASKED US TO DO WAS TO DEVELOP ZONING RECOMMENDATIONS FOR THE RAINEY STREET AREA AND NUMBER TWO YOU ASKED US TO REVIEW THE -- THE PROPOSED AND PROPOSED REVISIONS TO THE RAINY STREET SUBDISTRICT OF THE WATERFRONT OVERLAY. THOSE ARE THE DELIVERABLES, WE HAVE THOSE FOR YOU TODAY. MR. GREG GUERNSEY WILL -- WILL TALK TO YOU AND WALK THROUGH THE ZONING RECOMMENDATIONS AND GEORGE ADAMS WILL WALK YOU THROUGH THE PROPOSED REVISIONS TO THE WATERFRONT OVERLAY. THE SECOND ASPECT OF THE RESOLUTION WAS FOR US TO TAKE THE -- THE TWO DELIVERABLES TO SEVERAL BOARDS AND COMMISSIONS. YOU ASKED US TO GO TO THE FOLLOWING COMMISSION, DOWNTOWN COMMISSION, DESIGN COMMISSION, MEXICAN AMERICAN CULTURAL ADVISORY BOARD, PARKS AND RECREATION ADVISORY BOARD, HISTORIC LANDMARK COMMISSION, YOU ASKED THAT EACH OF THOSE BOARDS FORWARD A RECOMMENDATION TO THE ZONING AND PLATTING COMMISSION SO THAT THE COMMISSION WOULD PRESENT THOSE RECOMMENDATIONS TO YOU. THE THIRD ITEM YOU ASKED US TO LOOK AT WAS TO ANALYZE THE INFRASTRUCTURE WITHIN THE RAINY JURY AND PROVIDE A SUMMARY OF THE CURRENT DEVELOPMENT RESTRICTIONS WITHIN THE RAINEY STREET AREA. FINALLY YOU ASKED FOR A RECOMMENDATION REGARDING DEVELOPMENT INCENTIVES, WITHIN THAT PARTICULAR CATEGORY, YOU ASKED THAT WE LOOK AT FIVE GOALS.

NUMBER ONE, TO LOOK AT PRESERVING TREES AND THE UNIQUE AND HISTORIC CHARACTER OF THE AREA. NUMBER TWO, TO LOOK AT A STRONG MIXED INCOME RESIDENTIAL COMPONENT. WITHIN THE DEVELOPMENT. THREE, A BROAD STRENGTH FRIENDLY -- PEDESTRIAN FRIENDLY ENVIRONMENT. FOUR THE USE OF GREEN BUILDING TECHNIQUES AND FIVE THE USE OF URBAN DESIGN CRITERIA, TYPICALLY INCLUDING THE CITY'S PERFORMANCE BASED ECONOMIC INCENTIVE POLICIES. THIS IS JUST TO SUMMARIZE THOSE ASPECTS AND STAFF WILL WALK YOU THROUGH THOSE ELEMENTS OF THE PRESENTATIONS I GATT CATEGORIZED TO CAPTURE ALL OF THOSE ELEMENTS THAT I JUST COVERED. THANK YOU.

GOOD EVENING, COUNCIL, MY NAME IS GEORGE ADAMS, I'M WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. I'M GOING TO COVER THE STAFF RECOMMENDATIONS FOR THE RAINEY STREET SUBDISTRICT. JUST TO KIND OF SET THE STAGE, I WANTED TO GIVE YOU A BRIEF OVERVIEW OF THE PROCESS THAT WE'VE BEEN THROUGH. THIS MOST RECENT ROUND OF ACTIVITY ON -- ON THE RAIN FEE STREET AREA REALLY BEGAN IN MID 2003. WHEN THE DOWNTOWN COMMISSION HELD A NUMBER OF PUBLIC HEARINGS ON RAINEY STREET. THEY INVITED FEEDBACK AND INPUT FROM A VARIETY OF STAKEHOLDERS IN THE AREA. THIS RESULTED IN THE ISSUANCE OF A REPORT BY THE DOWNTOWN COMMISSION IN DECEMBER OF 2003. IN FEBRUARY OF 2004, THE COUNCIL PASSED A RESOLUTION WHICH -- WHICH MS. GLASGO JUST REVIEWED, AND IN JULY OF 2004 AN INTER DEPARTMENTAL STAFF TEAM BEGAN WORKING ON THE REPORT AND RECOMMENDATIONS THAT ARE BEFORE YOU TONIGHT. FROM AUGUST TO OCTOBER OF 2004, WE TOOK THE RECOMMENDATIONS THROUGH THE BOARDS AND COMMISSIONS THAT MS. GLASGO MENTIONED AND THEN TONIGHT OBVIOUSLY WE ARE IN FRONT OF THE COUNCIL. REAL QUICKLY, I WOULD LIKE TO ORIENT YOU TO THE AREA. I MAY HAVE TO GET THE MOBILE MIC HERE. THE -- THE AREA, THE STUDY AREA THAT WE HAVE BEEN LOOKING AT IS BOUNDED BY CESAR CHAVEZ BOULEVARD TO THE NORTH, I-35 TO THE EAST, TOWN LAKE TO THE SOUTH AND WEST AND WALLER CREEK TO THE WEST. SO THESE ARE THE BOUNDARIES. THE ENTIRE AREA

IS WITHIN THE WATERFRONT OVERLAY DISTRICT AND IT IS KNOWN AS THE RAINEY STREET SUBDISTRICT OF THE WATERFRONT OVERLAY DISTRICT. A COUPLE OF OTHER SIGNIFICANT FEATURES OF THE AREA INCLUDE THE NATIONAL REGISTER HISTORIC DISTRICT, RAINEY STREET NATIONAL REGISTER HISTORIC DISTRICT WHICH RUNS FROM DRISKILL STREET TO RIVER STREET ON BOTH SIDES OF RAINEY STREET. AND THE LOCATION FOR THE FUTURE MEXICAN AMERICAN CULTURAL CENTER, WHICH IS IN THIS AREA RIGHT HERE. JUST REAL BRIEFLY, A MENTION OF THE EXISTING ZONING APPARENT, YOU CAN PROBABLY SEE THERE'S A REAL DIVERSITY OF ZONING IN THE AREA, EVERYTHING FROM SF-3 TO CBD AND -- AND NEXT I'LL STEP INTO THE -- INTO THE STAFF RECOMMENDATIONS AND GO OVER THOSE AS BRIEFLY AS POSSIBLE. JUST A MOMENT. TO -- THERE'S A LOT OF MATERIAL HERE IN -- TO HOPEFULLY HELP IN DIGESTING THIS, I'LL BE WORKING OFF OF THIS -- OFF OF THIS TABLE THAT SAYS BOARD AND COMMISSION RECOMMENDATIONS ON STAFF PROPOSALS. IT INCLUDES THE STAFF PROPOSALS ON THE FAR LEFT AND THEN A SUMMARY OF THE BOARD AND COMMISSION RECOMMENDATIONS TO THE RIGHT OF THAT. SO THE FIRST MAJOR RECOMMENDATION IS DEALING WITH ZONING AND WE HAVE A NUMBER OF ZONING CASES THAT GREG WILL COVER IN MORE DETAIL, BUT THE GENERAL RECOMMENDATION IS TO -- TO REZONE ALL PROPERTY IN THE RAINEY STREET SUBDISTRICT THAT'S NOT CURRENTLY ZONED CBD OR DMU TO CBD. WE ARE ALSO PROPOSING A 60-FOOT BUILDING HEIGHT LIMIT WITHIN THE SUBDISTRICT THAT MAY BE EXCEEDED IF -- IF DEVELOPMENT PROJECTS DO A NUMBER OF THINGS THAT WE ARE TRYING TO PROMOTE IN ORDER TO ACHIEVE THE GOALS MENTIONED IN THE RESOLUTION. THESE THINGS ARE A GREAT -- PROVIDING GREAT STREET SCAPES, INCLUDING A RESIDENTIAL COMPONENT WITH A MINIMUM OF 30 RESIDENTIAL UNITS, 10% OF WHICH ARE AFFORDABLE AT 80% OF THE MEDIAN FAMILY INCOME, MEETING A THREE STAR GREEN BUILDING RATING AND THERE'S A COUPLE OF SITE SPECIFIC CRITERIA THAT WE HAVE ALSO INCLUDED DEALING WITH HISTORIC STRUCTURES IN THE NATIONAL REGISTER DISTRICT AND THE EXTENSION OF RED RIVER STREET SOUTH OF ITS CURRENT LOCATION. I'LL GO OVER

THOSE IN MORE DETAIL AS WE MOVE THROUGH THE RECOMMENDATIONS. IN GENERAL, WE'VE HAD A VARIETY OF RECOMMENDATIONS FOR BOARDS AND COMMISSIONS, ON THE ZONING RECOMMENDATION, THE PLANNING COMMISSION AND THE DOWNTOWN COMMISSION RECOMMENDED IN FAVOR OF THE STAFF RECOMMENDATION, THE DESIGN COMMISSION WAS GENERALLY SUPPORTIVE OF IT BUT THEY HAD A LITTLE TWIST ON THE -- ON THE APPROACH. THEY WERE PROPOSING TO LIMIT BUILDING HEIGHT BASED ON THE CURRENT ZONING AND PERMITTING A UNLIMITED F.A.R. UNDER THE DEVELOPMENT BONUS, THIS REMINDS ME THAT I NEGLECTED TO MENTION UNDER THE STAFF PROPOSAL FOR PROJECTS THAT DO MEET THOSE CRITERIA THAT I OUTLINED THE GREAT STREETS, THE GREEN BUILDING, THE AFFORDABLE HOUSING, WE ARE -- WE ARE PROPOSING A 10 TO ONE F.A.R. AS OPPOSED TO THE CURRENTLY PERMITTED F.A.R. ACCORDING TO THE CDB ZONING. SORRY I LEFT THAT OUT. BACK TO THE BOARD AND COMMISSION RECOMMENDATIONS. PRETTY MUCH THE REST OF THE BOARDS AND COMMISSIONS WITH THE EXCEPTION OF Z.A.P. EITHER DID NOT MAKE A RECOMMENDATION ON THE ZONING OR DID NOT TAKE A POSITION. Z.A.P. HAD A SERIES OF DIFFERENT RECOMMENDATIONS ON THE ZONING. FOR MOST OF THE AREA THAT'S NOT CURRENTLY ZONED CBD OR DMU, AND NOT INCLUDED IN THE -- IN THE NATIONAL REGISTER DISTRICT, THE Z.A.P. ZONING AND PLATTING COMMISSION RECOMMENDED CBD WITH A CONDITIONAL OVERLAY LIMITING HEIGHT AND F.A.R. TO DMU STANDARDS. FOR THE AREA WITHIN THE NATIONAL REGISTER DESCRIPT, THEY RECOMMENDED GR-MU-CO WITH THE CO PROHIBITING ISSUANCE OF DEMOLITION OR RELOCATION PERMITS ON THOSE STRUCTURES WITHIN THE DISTRICT. UNTIL A [INDISCERNIBLE] IS COMPLETED BY CITY STAFF. THE -- THE SECOND MAJOR RECOMMENDATION, ON PAGE 2 OF THE HANDOUT IS A -- IS A SERIES OF 13 PROPOSED AMENDMENTS TO -- TO THE RAINEY STREET SUBDISTRICT OF THE WATERFRONT OVERLAY DISTRICT. WE ARE NAMELY TRYING TO CREATE AN ACTIVE AND HUMAN SCALE PEDESTRIAN ENVIRONMENT IN THE AREA, MITIGATING THE --

BEFORE YOU GO ON TO THE NEXT ONES, THIS FIRST ONE

DEALT WITH -- HEIGHTS AND DENSE COMMUNITIES. ZONING CLASSIFICATION. SO I WAS CURIOUS, ABOUT -- ABOUT -- ABOUT -- THE PROPERTY SOUTH OF RIVER STREET, CLOSEST TO TOWN LAKE, IS THAT -- DOES THAT ALSO HAVE THE UNLIMITED HEIGHT WITH THE DENSITY BONUS OR HOW IS THAT TREATED?

WELL, THERE'S A NUMBER OF SITE SPECIFIC THINGS THAT I WOULD SPEAK TO. FOR THIS PROPERTY THAT'S CURRENTLY ZONED DMU, THE ENTITLEMENTS ARE IN PLACE, THAT'S THE RAINEY STREET APARTMENTS THAT ARE CURRENTLY UNDER CONSTRUCTION. THE REST OF THE AREA, THIS AREA IS THE EXISTING HOLIDAY INN AND TOWERS OF TOWN LAKE, HOLIDAY INN AND TOWERS OF TOWN LAKE HERE. FOR THIS TRACT HERE, IT WOULD PERMIT THE 10 TO ONE F.A.R. IF THEY PROVIDED THE -- THE CRITERIA THAT ARE REQUIRED UNDER THE DEVELOPMENT BONUS. THE --

Alvarez: EVEN THOUGH IT'S CLOSEST TO THE WATERFRONT OVERLAY, THERE'S NOTHING IN THE WATERFRONT OVERLAY THAT WOULD LIMIT THE HEIGHT?

THERE ARE TWO THINGS THAT COULD GET TO THAT. FIRST OF ALL WITHIN THE WATERFRONT OVERLAY THERE'S SOMETHING CALLED THE PRIMARY SETBACK AREA WHEN IN THE RAINEY STREET AREA IS 150 FEET FROM THE SHORELINE OF TOWN LAKE. ADDITIONALLY YOU HAVE QUITE A BIT OF PARKLAND IN THIS AREA, ADJACENT TO THE -- TO THIS PROPERTY. THE THIRD THING OR SOME OF THE WATERFRONT OVERLAY DISTRICT AMENDMENTS THAT -- THAT WE WERE JUST GETTING TO WE ARE PROPOSING SOME BUILDING STEP BACKS AND LIMIT TEXAS -- LIMITATIONS ON HEIGHT THAT WOULD MITIGATE SOME OF THAT.

I WANTED TO CLARIFY THAT BECAUSE I DIDN'T KNOW IF IT WAS TREATED DIFFERENTLY. BACK ON THE PROPOSED WATERFRONT OVERLAY AMENDMENTS, THE FIRST PROPOSAL OF TRYING TO CREATE A HUMAN SCALE PEDESTRIAN FRIENDLY ENVIRONMENT. THE SECOND IS REALLY TRYING TO GET AT THE ISSUES THAT YOU WERE RAISING, TRYING TO MITIGATE NEGATIVE EFFECTS ON PARKLAND, WATERFRONT, MEXICAN AMERICAN CULTURAL

CENTER THAT MIGHT RESULT WITH JUST STRAIGHT SBD ZONING. THE NEXT BOARD ACTUALLY HAVE THREE DIFFERENT GRAPHICS ON IT THAT ARE ILLUSTRATING SOME OF THE PROPOSED WATERFRONT OVERLAY DISTRICT AMENDMENTS AND HOPEFULLY ILLUSTRATING THE PRINCIPLES THAT WE ARE TRYING TO GET TO. FOR EXAMPLE, THE ONE ON THE -- ON THE FAR -- FAR LEFT, YOUR LEFT, ILLUSTRATES A COUPLE OF THE PROPOSED AMENDMENTS. THE FIRST ONE IS A -- IS A PROPOSED 10-FOOT FRONT BUILDING SETBACK. WHICH WOULD ALLOW ADEQUATE SPACE FOR STREET SCAPE IMPROVEMENTS, WIDE SIDEWALKS, STREET TREES, THOSE SORTS OF IMPROVEMENTS. THE SECOND PRINCIPLE THAT'S SHOWN IN THAT FIGURE IS WHAT WE CALL A LIMITED BASE WALL HEIGHT SO THAT -- SO THAT THE BUILDING AT -- AT THE -- AT THE BUILDING LINE CAN GO UP 45 FEET, IT HAS TO STEP BACK SO THAT IT -- THAT WE AVOID THE CANYON EFFECT ALONG THESE NARROW RIGHT-OF-WAYS IN THE RAINY STREET AREA. THE MIDDLE ILLUSTRATION IS OF ANOTHER PROPOSED AMENDMENT WHICH IS A -- WHICH IS A SETBACK ALONG WALLER CREEK TO ALLOW ONCE AGAIN SPACE FOR ADEQUATE STREET SCAPE IMPROVEMENTS, OUTDOOR CAFES, THOSE SORTS OF THINGS AND THEN THE THIRD ONE, THESE ARE JUST REPRESENTATIVE OF THE -- OF THE 13 PROPOSED AMENDMENTS, THIS IS -- THIS WAS REPRESENTING ONE WHERE -- WHERE WE WERE PROPOSING THAT ALL PARKING GARAGES BE ENCAPSULATED WITH SOME SORT OF OCCUPIED SPACE AND THIS -- THIS -- IN THIS CASE BASICALLY THE -- THE PARKING GARAGES WOULD BE WRAPPED SO THAT YOU DON'T HAVE THEM BUTTING UP AGAINST THE STREET AND REALLY DEADENING THE LIFE OF THE STREET THROUGHOUT THE AREA. JUST REAL QUICKLY --

COUNCILMEMBER ALVAREZ?

ON THE -- THAT MIDDLE EXAMPLE, ON WALLER CREEK, WHERE I BELIEVE THE RECOMMENDATIONS OF 30 TO 30-FOOT SETBACK FROM -- FROM THE CREEK IS THAT --

YES, FROM THE TOP OF THE BANK --

FROM THE TOP --

AND IS THAT WHAT WAS -- WHAT WAS INCLUDED AS PART OF -- WHEN THE VIGNETTE ZONING CASES CAME THROUGH, IS THAT WHAT WAS INCLUDED IN THAT OR WOULD THIS BE DIFFERENT FROM THAT?

THERE IS A SIMILAR REQUIREMENT AND I'M STRUGGLING A LITTLE BIT TO REMEMBER THE SPECIFICS OF IT. I DON'T KNOW THAT THE 30-FOOT NUMBER WAS MENTIONED. BUT THERE WAS A REQUIREMENT THAT THERE BE PEDESTRIAN ORIENTED USES ALONG WALLER CREEK AND THAT THEY DEDICATE AN EASEMENT FOR PUBLIC ACCESS ALONG THAT PORTION OF THE CREEK. ARE THERE -- ARE THERE TRACTS THAT AREN'T -- THAT WEREN'T PART OF THE VIGNETTE PROPOSAL THAT WOULD -- THAT THIS WOULD EFFECT.

I BELIEVE THERE IS ONLY ONE -- I BELIEVE IT IS THE CS TRACT HERE.

SO THAT'S -- THAT'S THE ENTIRE TRACT RIGHT THERE WHERE IT DEAD ENDS?

YES, THAT'S CORRECT.

Alvarez: ABOUT 30-FOOT WIDE, ISN'T IT? JUST JOKING.

IT'S PROBABLY MORE ON THE ORDER OF 50.

Alvarez: OKAY. THANKS.

JUST REAL QUICKLY, TRY TO REVIEW THE BOARD AND COMMISSION AHS ON THESE PROPOSED AMENDMENTS. PLANNING COMMISSION SUPPORTED ALL OF THEM. ZONING AND PLATTING COMMISSION GENERALLY CONCURRED WITH THE PLANNING COMMISSION UNLESS THE RECOMMENDATION DIFFERED WITH -- WITH THE -- WITH THE ZONING AND PLATTING COMMISSION ZONING RECOMMENDATION. THE DESIGN COMMISSION RECOMMENDED CHANGES TO A NUMBER OF THEM. BASICALLY FOR EXAMPLE IN THE CASE OF THE BASE WALL REQUIREMENT, INCREASING THE HEIGHT OF THAT FROM -- FROM 45 FEET TO 60 FEET. CHANGES IN THAT VEIN. THE

DOWNTOWN COMMISSION RECOMMENDED DELETING A NUMBER OF THEM, I THINK APPROXIMATELY EIGHT OF 13. THIS TAKES US TO THE THIRD ITEM ON THIS CHART, WHICH IS APPROXIMATELY PAGE 5 OR 6. DEALING WITH -- WITH HISTORIC RESOURCES IN THE AREA. WHEN -- WHEN STAFF LOOKED AT THE NATIONAL REGISTER OF HISTORIC DISTRICT, WE LOOKED AT A VARIETY OF -- WE LOOKED AT A NUMBER OF OPTIONS FOR ADDRESSING IT. EVERYTHING FROM -- FROM TRYING TO PRESERVE THE DISTRICT INTACT TO ALLOWING SOME SORT OF COMPLI MEN TERRI REDEVELOPMENT -- COMPLIMENT TERRI REDEVELOPMENT WITH THE EXISTING STRUCTURES TO JUST ZONING THE AREAS STRAIGHT CBD IN COMING UP WITH OUR RECOMMENDATION WE REALLY TRIED TO STRIKE A BALANCE BETWEEN THOSE TWO EXTREMES. WHAT WE CAME UP WITH IS WHAT WE'VE TERMED AN HISTORIC ENCLAVE. BASICALLY THE PROPOSAL IS TO -- TO SHRINK DOWN THE HISTORIC DISTRICT TO, AS I MENTIONED, WHAT WE ARE CALLING AN HISTORIC ENCLAVE WHERE WE WOULD CONCENTRATE THE MOST SIGNIFICANT STRUCTURES IN A SMALLER AREA. WE LOOKED AT TWO OPTIONS, ONE TO THE NORTH AT DAVIS STREET, AND ONE TO THE SOUTH AT RIVER STREET. AND EACH OF THEM HAVE PROS AND CONS, BUT THE -- IN THE END THE STAFF RECOMMENDATIONS WAS TO FOCUS ON THE RIVER STREET LOCATION FOR A VARIETY OF REASONS. AND ONE IS -- IS THE CITY DOES OWN SOME PROPERTY IN THE AREA THAT -- THAT COULD POTENTIALLY ACCOMMODATE SOME OF THE SIGNIFICANT STRUCTURES WITHIN THE HISTORIC DISTRICT. THE SECOND MAJOR REASON THAT WE FEEL LIKE THAT THE RIVER STREET LOCATION IS BENEFICIAL IS ITS -- ITS PROXIMITY TO THE MEXICAN AMERICAN CULTURAL CENTER. IT COULD REALLY SERVE AS A GATEWAY -- INTO THE CULTURAL CENTER. IT WOULD PRESERVE VIEWS TO THE FACILITY. IT COULD LOCATE POTENTIALLY COMPLIMENTARY USES IN THE STRUCTURE ALONG THAT STRETCH OF RIVER STREET. THIS HAS BEEN ONE OF THE MORE CONTROVERSIAL RECOMMENDATIONS THAT WE PUT FORWARD. THERE'S ALSO CERTAINLY A -- A PLETHORA OF ISSUES WITH IT. BUT IF THE COUNCIL DESIRES US TO LOOK FURTHER INTO THIS CONCEPT, WE WOULD EXPLORE THOSE IN THE FUTURE. AS FAR AS THE BOARD AND COMMISSION RECOMMENDATIONS,

THERE WANT A WHOLE LOT OF RECEPTIVITY TO THIS. THE HISTORIC LANDMARK COMMISSION RECOMMENDING PRESERVING THE EXISTING DISTRICT INTACT. THE SECONDARY RECOMMENDATION THAT IF THAT IS NOT AN OPTION, THEY PREFERRED THE -- THE DAVIS STREET OPTION OF THE TWO ENCLAVES, THE REASON FOR THAT PREFERENCE IS -- IS IT PERMITS MORE OF THE EXISTING STRUCTURES TO -- TO REMAIN IN PLACE, ALTHOUGH THERE ARE A NUMBER OF OTHER PROBLEMS WITH THAT. THE DESIGN COMMISSION RECOMMENDED LEAVING THE DISTRICT INTACT OR DELETING THE ENCLAVE IDEA. THEY DIDN'T FEEL IT WAS A VIABLE HISTORY HISTORIC PRESERVATION ALTERNATIVE. THE DOWNTOWN COMMISSION AND ZONING AND PLATTING COMMISSION ALSO OPPOSED IT WITH THE CAVEAT THAT IF THE COUNCIL MOVES FORWARD WITH THE ENCLAVE CONCEPT THAT IT BE SIZED TO ACCOMMODATE THE SIGNIFICANT STRUCTURES IDENTIFIED WITHIN THE DISTRICT. AND FINALLY THE PLANNING COMMISSION DID NOT TAKE A POSITION ON THIS ITEM. MOVING ON TO TRANSPORTATION RECOMMENDATIONS, THE MAJOR RECOMMENDATION THAT WE HAVE IN REGARD TO TRANSPORTATION IS TO EXTEND RED RIVER STREET SOUTH OF ITS CURRENT LOCATION AT -- WHERE IT TERMINATES AT DAVIS STREET. WE LOOKED AT TWO OPTIONS. THERE ARE PROBABLY SEVERAL OTHERS THAT MIGHT WARRANT STUDY, BUT -- BUT WE FELT LIKE THE -- THE OPTION 2, WHICH EXTENDS RED RIVER STREET APPROXIMATELY TO THE NORTHERN EDGE OF THE MEXICAN AMERICAN CULTURAL CENTER SITE AND THEN SENDS IT EAST OVER TO EAST AVENUE IS THE BEST OPTION. IT REALLY -- REALLY PROVIDES THE -- THE BEST CONNECTIVITY, WE BELIEVE, FOR THE AREA. THERE ARE -- THERE ARE OBVIOUSLY A NUMBER OF ISSUES ASSOCIATED WITH THIS. ACQUIRING THE RIGHT-OF-WAY. PAYING FOR CONSTRUCTION OF THE STREET. THIS IS ONE OF THE SITE SPECIFIC REQUIREMENTS THAT I MENTIONED EARLIER IN REGARD TO THE DEVELOPMENT BONUS SO WE ARE RECOMMENDING THAT IF -- IF PROJECTS ARE ADJACENT TO THE PROPOSED RIGHT-OF-WAY, OF THE EXTENSION OF RED RIVER, THAT THEY WOULD DEDICATE THAT RIGHT-OF-WAY IN ORDER TO -- IN ORDER TO ACCESS THE DEVELOPMENT BONUS. IN GENERAL, THERE WAS -- THERE WAS SUPPORT

PRETTY MUCH ACROSS THE BOARD FROM THE BOARD'S AND COMMISSIONS ON THIS PROPOSAL. ACTUALLY, I'M GOING TO JUMP BACK TO THIS BOARD FOR JUST A MINUTE REAL QUICKLY. WE HAD ONE RECOMMENDATION IN REGARD TO THE MEXICAN AMERICAN CULTURAL CENTER AS WE WERE LOOKING AT THE AREA. WE HAVE A -- THERE'S A NUMBER OF OTHERS THAT -- THAT TOUCH ON IT, INCLUDING THE EXTENSION OF RED RIVER AND THE -- AND THE HISTORIC ENCLAVE, BUT THE SPECIFIC ONE RELATED TO THE MAC IS A RECOMMENDATION TO EXPLORE THE FEASIBILITY OF -- OF SOME SORT OF PUBLIC/PRIVATE PARTNERSHIP ON THE SITE THAT MIGHT BE ABLE TO PROVIDE A -- A REVENUE STREAM FOR -- FOR CONSTRUCTION OR OPERATIONS AND MAINTENANCE OF THE CULTURAL CENTER AND ALSO BRING SOME -- SOME SYNERGY IN TERMS OF OTHER USES TO THAT SITE. WE HAD GENERAL SUPPORT, THE DESIGN COMMISSION DID NOT TAKE A POSITION ON THIS PROPOSAL AND DID NOT HAVE A RECOMMENDATION FROM THE MEXICAN AMERICAN CULTURAL CENTER ADVISORY BOARD. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

THAT ONE IS NO LONGER ONE OF OUR RECOMMENDATIONS. BEYOND THAT WE HAVE A NUMBER OF SPECIFIC PHYSICAL IMPROVEMENTS THAT WE'RE RECOMMENDING, INCLUDING A COMPLETION OF THE EAST SIDE OF WALLER CREEK. WE HAVE A SEGMENT ON THE WEST SIDE THAT ISN'T BUILT YET, BUT IT IS FUNDED AND WILL BE CONSTRUCTED. ON THE EAST SIDE OF WALLER CREEK, BASICALLY ALONG THE FORMER VIGNETTE SITES, WE HAVE EASEMENTS IN PLACE. WE JUST NEED TO COMPLETE THAT, THAT SEGMENT. WE'RE ALSO PROPOSING A NEW TRAIL SEGMENT ALONG THE NORTHERN PORTION OF THE MEXICAN-AMERICAN CULTURAL CENTER SITE, AND THEN A NEW BRIDGE CROSSING WALLER CREEK AT THE NORTHERN END OF THIS SECTION OF WALLER CREEK.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: I WAS FOLLOWING YOU ON THE VIGNETTE PEDESTRIAN CROSSING OR BRIDGE, AND THEN YOU POINT OUT WHERE ALONG -- IT SAYS TRAIL ALONG THE NORTHERN EDGE OF THE MAC PROPERTY?

YES. THAT IS THIS DASHED LINE HERE. AND THE IDEA IS THAT THE EXTENSION OF RED RIVER STREET WOULD COME TO APPROXIMATELY HERE, AND THERE WOULD BE A LINK TO THE TRAIL IN THIS LOCATION. SO THEN YOU COULD TIE IN TO THE WALLER CREEK TRAILER THE TOWN LAKE TRAIL. >>

ALVAREZ: AND THEN THE OTHER CROSSING FOR WALLER CREEK WOULD BE --

THIS LOCATION RIGHT HERE. THERE'S AN EXISTING ONE CURRENTLY HERE. AND PART OF THE IMPORTANCE OF THIS CROSSING IS THAT IT ALLOWS YOU TO GET UNDER CESAR CHAVEZ INSTEAD OF HAVING TO CROSS AT THE SURFACE.

THAT WRAPS UP ALL OF THE STAFF RECOMMENDATIONS. THE ONLY OTHER ITEM I HAVE TO REPORT TO YOU ON IS THE ANALYSIS OF INFRASTRUCTURE THAT WAS CONDUCTED AS PART OF THIS. WE WEREN'T ABLE TO DO AN EXTREMELY DETAILED ANALYSIS, BUT WE DO FEEL LIKE WE HAVE A GOOD SORT OF ORDER OF MAGNITUDE ESTIMATE OF WHAT WOULD BE REQUIRED TO MAKE THE AREA READY FOR REDEVELOPMENT IN TERMS OF INFRASTRUCTURE. AND IN SOME CASES WE WERE PLEASANTLY SURPRISED GIVEN THE PERCEIVED AGE OF THE INFRASTRUCTURE IN THE AREA, BUT IN GENERAL WE IDENTIFIED APPROXIMATELY TWO MILLION DOLLARS IN WATER AND WASTEWATER AND STORM WATER IMPROVEMENTS IN THE SUBDISTRICT THAT WOULD BE NEEDED FOR SOME SIGNIFICANT AMOUNT OF REDEVELOPMENT TO OCCUR. IN REGARD TO ELECTRIC, AUSTIN ENERGY SUPPLY, THERE WOULD BE A NEW SUBSTATION REQUIRED AT SOME POINT GIVEN SIGNIFICANT REDEVELOPMENT IN THE AREA, AND AUSTIN ENERGY HAS -- IS PLANNING FOR THAT AND HAS INCORPORATED THAT INTO THEIR LONG RANGE CAPITAL IMPROVEMENT PROGRAM. THE OTHER MAJOR ITEM IS THE RED RIVER EXTENSION, WHICH WE'VE IDENTIFIED APPROXIMATELY SIX MILLION DOLLARS IN COSTS ASSOCIATED WITH THAT, WHICH IS A FAIRLY STEEP PRICE TAG, BUT WATER AND WASTEWATER, STORM WATER AND ELECTRICITY, I MENTIONED I THINK WE'RE IN SURPRISINGLY GOOD SHAPE. ONE LAST ITEM, AND I'LL TURN IT OVER TO GREG, WHAT WE'RE HOPING FOR FROM THE COUNCIL TONIGHT IS DIRECTION ON THE PROPOSED WATERFRONT OVERLAY DISTRICT AMENDMENTS. IF THERE

IS INTEREST IN PURSUING THESE, THESE STILL HAVE TO GO THROUGH THE CODE AMENDMENT PROCESS, THE PUBLIC HEARINGS AT THE PLANNING COMMISSION, INTERDEPARTMENTAL STAFF REVIEW AND THEN THEY WOULD COME BACK TO THE COUNCIL. IN REGARD TO THE LONGER TERM ITEMS SUCH AS THE HISTORIC ENCLAF, THE EXTENSION OF RED RIVER, THE MAC FEASIBILITY STUDY, THOSE WOULD BE ITEMS, IF THE COUNCIL SO DESIRES, THAT WE WOULD GO AWAY AND DO ADDITIONAL WORK ON AND BRING BACK REPORTS ON THOSE. WITH THAT I'LL TURN IT OVER TO GREG FOR MORE DETAIL ON THE ZONING CASES.

Mayor Wynn: WELCOME, MR. GUERNSEY.

GOOD EVENING. GREG GUERNSEY, NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. WHAT I'D LIKE TO DO IS READ ITEM Z-1 THROUGH Z-8 INTO THE RECORD, AND THEN COVER THE CASES IN THE RECOMMENDATION. ITEM YB Z-1 IS C-14-04-78, THIS IS A RAINEY STREET ZONING TRACT 1, WHICH IS BOUNDED BY CESAR CHAVEZ STREET TO THE SOUTH, RIVER STREET TO THE NORTH, RIVER STREET AND RAINEY STREETS TO THE WEST. THIS IS A REQUEST FROM CS, GENERAL COMMERCIAL SERVICES, CDB-CO, CENTRAL BUSINESS DISTRICT CONDITIONAL OVERLAY, MF-3, WHICH IS MULTI-FAMILY MEDIUM DENSITY, AND SF-3, TO CDB ZONING. I'M GOING TO COVER THE ZONING AND PLATTING COMMISSION RECOMMENDATION IN CONTEXT WHEN I FINISH GOING THROUGH EACH OF THESE ITEMS. Z-2 IS CASE C-14-04-0079, RAINEY STREET NEIGHBORHOOD REZONING TRACT B. THIS IS A ZONING REQUEST BOUNDED BY RED RIVER STREET TO THE EAST, DAVIS STREET TO THE NORTH, RAINEY STREET TO THE WEST, DRISKILL STREET TO THE SOUTH. THIS IS A REZONING REQUEST FROM GENERAL COMMERCIAL SERVICES, CS ZONING AND FAMILY RESIDENCE DISTRICT ZONING, WHICH IS SF-3, TO CENTRAL BUSINESS DISTRICT ZONING. THE THIRD ITEM IS Z-3, C-14-04-0080, RAINEY STREET NEIGHBORHOOD REZONING TRACT C. THIS IS A REZONING REQUEST WHICH IS BOUNDED BY CESAR CHAVEZ TO THE NORTH, DRISKILL STREET TO THE SOUTH, RED RIVER TO THE WEST, EAST AVENUE OR I-35 TO THE EAST. THIS IS A REZONING REQUEST FROM GR-CO AND CENTRAL BUSINESS DISTRICT OVERRULE LAY TO CENTRAL BUSINESS DISTRICT ZONING. ITEM Z-4 IS C-14--04-0081, THE

RAINEY STREET NEIGHBORHOOD REZONING TRACT D. THIS PROPERTY BOUNDED BY DRISKILL STREET TO THE SOUTH, RAINEY STREET TO THE EAST, RIVER STREET TO THE NORTH. EAST AVENUE TO THE WEST, AND THIS IS FROM COMMERCIAL RIVER SALES, CS 1, GENERAL COMMERCIAL SERVICES, CS. COMMUNITY COMMERCIAL, GR, AND SF-3 ZONING TO CDB ZONING. ITEM Z-5 IS C-14-04-0082 OF THE RAINEY STREET NEIGHBORHOOD REZONING TRACT E. THIS IS PROPERTY BOUNDED BY RIVER STREET TO THE SOUTH. CUMMINGS STREET TO THE NORTH, RAINEY STREET TO THE EAST, AND EAST AVENUE TO THE WEST FROM GENERAL COMMERCIAL SERVICES, CS ZONING, LIMITED OFFICE DISTRICT ZONING AND FAMIL RESIDENCE SF-3 ZONING TO CENTRAL BUSINESS DISTRICT ZONING. ITEM Z-6 IS CASE C-14-04-0083, WHICH IS RAINEY STREET NEIGHBORHOOD REZONING TRACT F. THIS IS FOR PROPERTY BOUNDED BY RIVER STREET BETWEEN RAINEY AND RED RIVER STREET TO THE SOUTH, FROM FAMILY RESIDENCE DISTRICT ZONING SF SF-3 AND DOWNTOWN MIXED USE CONDITIONAL OVERLAY DMU-CO ZONING TO CENTRAL BUSINESS DISTRICT ZONING. ITEM Z-# IS C-14-04-0096, RAINEY STREET NEIGHBORHOOD REZONING, TRACT G. THIS IS BOUNDED BY IH-35 TO THE WEST, SOUTH TO ITS INTERSECTION WITH SAN MARCOS STREET, FROM GENERAL COMMERCIAL SERVICES, DOWNTOWN MIXED USE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING, COMMUNITY COMMERCIAL, GR ZONING AND FAMILY RESIDENCE SF-3 ZONING TO CDB ZONING. THE LAST ZONING CASE IS CASE NUMBER Z-8, C-14-04-0097, RAINEY STREET NEIGHBORHOOD REZONING TRACT H. THIS IS PROPERTY BOUNDED BY LAMBIE AND I-35. THIS IS FROM GENERAL COMMERCIAL SERVICES GR DISTRICT ZONING TO CENTRAL BUSINESS DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION RENDERED RECOMMENDATIONS ON ALL THESE TRACTS FOR THE REZONING. AND IN GENERAL ALTHOUGH THE REQUEST WAS TO CDB AS THE DOWNTOWN COMMISSION PROPOSED IN THEIR STUDY, AND AS THE COUNCIL RESOLUTION DIRECTED US TO CONSULT THAT, THOSE STUDIES, THE STAFF DID TWO THINGS FIRST. THE AREA THAT BELONGS TO THE CITY OF AUSTIN, WHICH IS THE MAJORITY IS P PUBLIC, WE DID NOT GO FORWARD TO REZONE THOSE PARCELLS. WE TOOK ONLY THOSE PARCELLS INTO CONSIDERATION THAT WERE PRIVATELY

HELD. AND SECOND, AS PART OF THE STAFF RECOMMENDATION AND AS THE ZONING AND PLATTING COMMISSION ALSO RECOMMENDED, THE VIGNETTE PROPERTIES THAT WERE ORIGINALLY ZONED CDB, ENCOURAGED PEDESTRIAN ORIENTED USES ALONG THE RIVER -- THE CREEK AREA, PROHIBITED DRIVE-THROUGH SERVICES, THOSE PROPERTIES BE LEFT AS CDB CURE, AND THEN THE 54 RAINEY STREET, THE D.M.U.-CO PROPERTY, WHICH IS UNDER CONSTRUCTION, APPROXIMATELY 130-FOOT TALL BUILDING, THAT ALSO BE LEFT AS IS. THE REMAINING PROPERTIES STAFF RECOMMENDED CDB ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDED FOR THOSE PARCELS OUTSIDE OF THE NATIONAL REGISTER DISTRICT, WHICH IS BETWEEN RIVER AND DRISKILL ON EITHER SIDE OF RAINEY TO THE ALLEY, THAT THOSE PARCELS TO THE NORTH OF THE RIVER AND PRIMARILY EAST AVENUE BETWEEN 35 AND EAST AVENUE, THAT THESE PARCELS BE ZONED CDB WITH A CONDITIONAL OVERLAY FOR DOWNTOWN MIXED USE SITE DEVELOPMENT STANDARDS, THAT THEY BE SUBJECT TO COMPATIBILITY, AND THAT STAFF LOOK AT COMPATIBILITY STANDARDS AND MAY ALTER THOSE STANDARDS TO BE SYMPATHETIC TO THOSE RESIDENTS THAT MAY WISH TO REMAIN. THE AREA THAT'S JUST SOUTH OF RIVER AND WOULD BE WEST OF EAST AVENUE, THAT THESE PROPERTIES WOULD JUST BE CDB ZONING AS RECOMMENDED BY STAFF, AND THEN THE AREA WHERE THE NATIONAL REGISTER DISTRICT IS, THAT THOSE PROPERTIES BE ZONED GR-MU OR COMMUNITY COMMERCIAL MIXED USE, AND THAT AS GEORGE HAD MENTIONED, THAT THERE'S A TEMPORARY MORATORIUM ON DEVELOPMENT OF THESE AREAS AND STAFF ALLOWED TIME TO STUDY THE RELEVANCE OF THOSE STRUCTURES. AND THAT WOULD BE DONE BY OUR PRESERVATION OFFICER AND BROUGHT BACK APPROXIMATELY ONE TO TWO MONTHS FROM THE TIME OF THEIR ACTION. AS I MENTIONED BEFORE, THIS COUNCIL INITIATED A ZONING CASE. STAFF DID LOOK AT THIS AREA, IN PARTICULAR THE THINGS THAT HAVE CHANGED. SINCE 1990 THERE HAVE BEEN SOME SIGNIFICANT CHANGES TO THIS AREA. JUST NORTH OF THE AREA WE'RE TALKING ABOUT, RIGHT AT B 1990 WE HAD A CONVENTION CENTER BUILT, VERY LARGE PUBLIC IMPROVEMENT STRUCTURE PUT IN, AND IT'S A RECENT

ADDITION IN THE LATER 90'S. WITH THE VIGNETTE PROPERTY IMMEDIATELY TO THE SOUTH OF THAT AREA, WE HAD OUR FIRST CDB ZONING THAT EXISTS SOUTH OF CESAR CHAVEZ NOT TOO LONG AGO WE HAD THE 54 STREET RAINEY CASE THAT INTRODUCED D.M.U. ZONING. THIS WOULD BE THE AREA THAT'S SOUTH OF RIVER. WE'VE HAD THE MAC INTRODUCED, PROPOSED EXPANSIONS TO I-35, AND SO YOU HAVE A SIGNIFICANT NUMBER OF THINGS THAT HAVE HAPPENED IN THIS NEIGHBORHOOD. THE (INDISCERNIBLE) IS NOW GONE, THE I HOP ARRIVES, BUT THESE HAVE NOT REALLY OCCURRED FOR THE LAND USES THAT MAKE UP THE CORE OF THE NEIGHBORHOOD. A LOT OF THE SINGLE-FAMILY USES THAT EXISTED IN THE EARLY 1990'S STILL EXIST TODAY WITH THE EXCEPTION OF ONE OR TWO HOUSES THAT HAVE BEEN CONSTRUCTED ALONG RAINEY STREET THAT ARE NEW. SO THERE HAS NOT BEEN A LOT OF CHANGE IN LAND USES IN THIS SIGNIFICANT AREA, BUT A LOT OF CHANGE IN ZONING WITH RESPECT TO SOME VERY SIGNIFICANT PROJECTS. THE ZONING AND PLATTING COMMISSION, WHEN THEY MADE THEIR RECOMMENDATION, IT WAS AGAIN IN LIGHT OF THE ACTIONS THAT IT WOULD BE DEALING WITH ITEMS THAT GEORGE JUST COVERED. AND SO AS THEY MADE THEIR RECOMMENDATIONS, THEY ALWAYS TEMPERED EACH OF THE RECOMMENDATIONS FOR THE DESIGN STANDARDS FOR THE HISTORIC ENCLAVE, ALL THOSE DIFFERENT THINGS. THEY WANTED COUNCIL TO MAKE SURE THAT YOU HEARD THEM WITH REGARDS TO THE BASE ZONING THAT THEY WERE SUGGESTING. AND THAT'S IN GENERAL THE CDB WITH THE D.M.U.-CO, AND THEY ALSO AS PART OF THAT, THEY DID RECOMMEND THE BONUSES WITH THE GREAT STREETS, WITH AFFORDABLE HOUSING COMPONENT, WITH SOME OF THE RIGHT-OF-WAY DEDICATIONS FOR RED RIVER STREET. THEY WERE CAREFUL NOT TO INCLUDE AS PART OF THAT RECOMMENDATION THE HISTORIC ENCLAVE AS STAFF RECOMMENDED, BUT THEY DID RECOGNIZE THE NEED TO INCREASE THE INTENSITY OF ZONING ALONG RIVER STREET -- RAINEY STREET FROM RIVER TO DRISKILL AND THAT'S WHY THEY RECOMMENDED GR-MU. THERE HAS NOT BEEN ANY PETITIONS FILED IN THIS REZONING REQUEST TO DATE. THERE'S BEEN CONSIDERABLE INTERESTS IN THE REZONING OF THESE PROPERTIES. THE MAJORITY OF PROPERTY

OWNERS HAVE VOICED OPINIONS THAT THEY WOULD LIKE TO SEE THE PROPERTY UP ZONED TO CDB STANDARDS. THIS IS THE FIRST TIME THAT A REQUEST OF THIS SIZE FOR THE RAINEY STREET AREA HAVE BEEN BROUGHT BEFORE YOU IN RECENT MEMORY. THERE HAVE BEEN, LIKE I SAID, INDIVIDUAL CASES, BUT NOTHING TO THE SCALE IN THIS AREA THAT WE HAVE BROUGHT BEFORE COUNCIL IN THE LAST 20, 30 YEARS. WITH THAT I'LL PROBABLY END MY PRESENTATION. IF YOU HAVE QUESTIONS, I'LL BE MORE THAN HAPPY TO ANSWER THEM AT THIS TIME. AND GEORGE ALSO HERE FOR ANY ASSISTANCE. AND MR. STEVE SADOWSKY IS HERE ALSO WITH NEIGHBORHOOD PLANNING AND ZONING IF THERE ARE QUESTIONS ABOUT PARTICULAR HISTORIC STRUCTURES. THANK YOU.

Mayor Wynn: THANK YOU, MR. GUERNSEY. COUNCIL, WHAT WE'RE DOING TECHNICALLY IS WE'RE GOING TO COMBINE THE PUBLIC HEARING 54 WITH ZONING CASES Z-1 THROUGH Z-8. SO WITHOUT OBJECTION, WHAT WE'LL DO IS'S OPPOSED TO HAVING A TYPICAL ZONING CASE WHERE WE HAVE AN APPLICANT AND WE TAKE CARDS IN ORDER, BOTH FOR AND AGAINST AND HAVE THE REBUTTAL, WE HAVE SO MANY FOLKS WHO HAVE SIGNED UP ZONING SORT OF SPORADICALLY, MANY HAVE SIGNED UP FOR ALL OF THE ZONING CASES AS WELL AS ITEM 54, NAB OF CITIZENS HAVE ONLY SIGNED UP FOR ITEM 54 AND NOT THE ZONING CASES, SO WITHOUT OBJECTION I'LL JUST TAKE THE CARDS IN ORDER AND JUST LET FOLKS KNOW THAT WE'RE ESSENTIALLY TALKING ABOUT THE SAME ISSUE HERE, WHETHER IT'S THE ZONING CASE OR A PUBLIC HEARING OR ISSUES RELATED TO THE OVERLAY, WE'LL ACCEPT ALL YOUR PUBLIC TESTIMONY. SO COUNCIL, UNLESS YOU HAVE SOME QUESTIONS OR COMMENTS RECOMMEND WE GO TO THE CARDS AND GET CITIZEN INPUT. AND IN NO PARTICULAR ORDER, I JUST WENT AHEAD AND PULLED 54 AND Z-1 THROUGH Z-8. WE WILL START WITH MS. LORI SNEDDON? WELCOME, MA'AM. DO YOU WANT TO COME ADDRESS AT EITHER PODIUM.

HI. I'M A RESIDENT OWNER OF THE VILLAS ON TOWN LAKE AND I SPEAK FOR MYSELF AND MY MOTHER, MY ELDERLY MOTHER AND SISTER WHO OWN AT THE TOWERS ON TOWN LAKE AND LIVE THERE. I'VE LIVED AT THE VILLAS FOR ABOUT

10 YEARS. AND MY MAIN CONCERN -- I HAVE MANY CONCERNS ABOUT ALL OF THIS, BUT IT'S THE TOTAL LACK OF A NEIGHBORHOOD PROCESS THAT INCLUDES THE PEOPLE THAT ACTUALLY LIVE DOWN THERE. I HEARD THE STATEMENT IN THIS PRESENTATION THAT IN 2003 THE DOWNTOWN COMMISSION INVITED STAKEHOLDERS TO A MEETING. THE ONLY MEETING I'VE EVER BEEN INVITED TO CONCERNING RAINEY STREET WAS COUNCILMEMBER ALVAREZ HAD A MEETING AT THE PALM SCHOOL, AND THAT WAS THE ONLY MEETING THAT MYSELF OR MY MOTHER HAD EVER BEEN INVITED TO. AND I FEEL LIKE THAT THE PEOPLE THAT LIVE AT THE TOWERS AND AT THE VILLAS INCLUDE BETWEEN 3 AND 500 PEOPLE WHO HAVE INVESTED IN THE AREA, AND WE'VE NEVER BEEN INCLUDED IN ANY KIND OF PLAN. THE PEOPLE I TALKED TO ARE VERY CONCERNED ABOUT KEEPING THE ENTERTAINMENT DISTRICT NORTH OF CESAR CHAVEZ. PEOPLE COME TO THE CONVENTION CENTER, THEY WANT TO SEE THE NATURAL PART OF AUSTIN, COME TO TOWN LAKE. THEY WANT TO GO TO THE BAR DISTRICT, GO NORTH. WE'RE VERY CONCERNED ABOUT, YOU KNOW, THE CRIME AND LOUD NIGHT MUSIC THAT WOULD OCCUR IF THE BAR DISTRICT MOVES INTO OUR NEIGHBORHOOD. I'M VERY CONCERNED WITH THE PRESERVATION OF TOWN LAKE PARK, AND THE NATURAL ELEMENTS OF WALLER CREEK. PEOPLE KEEP TALKING ABOUT HAVING A RIVER WALK ON WALLER CREEK, BUT THE RIVER WALK IS A CANAL THAT'S MAN-MADE IN SAN ANTONIO. WALLER CREEK IS A NATURAL WET LAND AREA THAT HAS NATURE. SO IF THEY BUILD BIG BUILDINGS AND CAFES ALONG WALLER CREEK, I REALLY DOUBT THAT WE WILL CONTINUE TO HAVE THE WILDLIFE IN THAT AREA THAT'S THERE NOW. I HAVE A LOT OF CONCERN ABOUT DENSITY IN THE AREA. IF YOU'RE COMING NORTH DOWN I-35 AND YOU EXIT AT CESAR CHAVEZ, THE RAMP OFF OF I-35 IS SO SHORT RIGHT NOW THAT TO GET OVER TO EXIT INTO THE NEIGHBORHOOD IS INCREDIBLY DANGEROUS. AND IF YOU KEEP PUTTING MORE AND MORE PEOPLE INTO THE AREA, I AM SURE THAT THAT RAMP WILL HAVE TO BE CLOSED. AND I DON'T KNOW WHEN -- HOW PEOPLE THAT WORK TO THE NORTH, WHICH IS MOST PEOPLE, WILL GET IN AND OUT OF THE AREA. AND I'M VERY CONCERNED ABOUT THE LOSS OF HISTORIC CHARACTER AND CHARM OF AUSTIN IN GENERAL

THAT INSTEAD OF HAVING A BEAUTIFUL PARK AND A SMALL ENCLAVE OF HOUSES AND TREES THAT WE WILL JUST HAVE A DENSITY OF HI-RISE BUILDINGS AND JUST BE A CHARACTERLESS BIG CITY WITH REALLY NOTHING SPECIAL TO OFFER THE PEOPLE ANY MORE. [BUZZER SOUNDS] AND THAT'S ALL. THIS LACK OF INCLUSION OF THE NEIGHBORHOOD, RIGHT NOW THE NEIGHBORHOOD IS ALREADY THE PEOPLE ON RAINEY STREET WHO WANT TO SELL THEIR PROPERTY AND THE PEOPLE WHO STAY THERE HAVE NOT BEEN INCLUDED IN ANYTHING THAT'S INVOLVED WITH THIS PLAN. THANK YOU.

Mayor Wynn: THANK YOU. BEATRICE FINCHER, WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY BY -- A LOT OF FOLKS WHO DON'T WANT TO SPEAK.

MAYOR, COUNCILMEMBERS, I THINK SOMETIMES IT'S GOOD TO LOOK UP FROM THE TREES SO WE CAN SEE THE FOREST OR MAYBE IT'S THE OTHER WAY AROUND. WE GET LOST IN THE DETAILS AND WE FORGET WHERE WE STARTED AND WHAT OUR ORIGINAL GOAL WAS. WE STARTED THIS BECAUSE THE DOWNTOWN COMMISSION WAS ASKED TO COME UP WITH A SOLUTION. THE PROBLEM WAS THAT THE PEOPLE WHO LIVED IN THE RAINEY STREET AREA COULD NOT SELL THEIR HOMES FOR A DECENT PRICE BECAUSE DEVELOPERS WOULD NOT BUY THE LAND BECAUSE THERE WASN'T A BIG ENOUGH HUNK OF LAND THAT THEY COULD BUY THAT THEY COULD COUNT ON BEING ABLE TO DEVELOP BECAUSE OF ALL THESE RESTRICTIONS THAT APPLIED. SO THAT IS THE PROBLEM THAT WE'RE TRYING TO FIX. AND WE'RE NOT THE ONLY ONES THAT HAVE FACED THIS PROBLEM. OTHER CITIES HAVE FACED THEM AND THEY HAVE FOUND SOLUTIONS. SO IT'S A MATTER OF TAKING OUR EYES OFF ALL OUR LITTLE BITTY PROBLEMS AND LOOKING AT THE BIGGER PICTURE AND FINDING THE SOLUTIONS THAT HAVE BEEN IMPLEMENTED IN OTHER PLACES. AND I THINK -- THERE'S A GREAT MAJORITY THAT WANTS BASICALLY THE SAME THING, A WALKABLE, PEDESTRIAN FRIENDLY, MIXED INCOME RESIDENTIAL AREA, MOSTLY RESIDENTIAL, WITH ENOUGH LITTLE SHOPS THAT CAN MAKE THE AREA FEASIBLE. SO HOW HAVE OTHER CITIES DONE THIS, WITH THE HELP OF EXPERTS FROM THE URBAN INSTITUTE, HAVE

FOUND THAT THE WAY TO DO THIS IS TO EXPEDITE THE PERMIT PROCESS TO ALLOW HIGH DENSITY. AND THREE, PROVIDE INCENTIVES FOR THOSE, QUOTE, RESTRICTIONS THAT YOU WANT. THAT'S WHAT WE SHOULD BE DOING. IF YOU'RE TRYING TO SELL SOMETHING, YOU DON'T FIRST GO OUT AND SHOW ALL THE SMALL PRINT ON THE CONTRACT. YOU TELL THEM ABOUT ALL THE GREAT BENEFITS. AND ONCE YOU HAVE A BUYER WHO IS INTERESTED, THEN YOU GO INTO ALL OF THE LITTLE RESTRICTIONS THAT THEY MUST ABIDE BY. AND THAT'S WHAT WE CAN BE DOING. WE CAN GO AHEAD AND VOTE FOR CDB ZONING AND SAY ONCE WE HAVE A DEVELOPER WHO IS INTERESTED, THEN WE CAN ASK THEM ABOUT THESE RESTRICTIONS AND PROVIDE INCENTIVES. [BUZZER SOUNDS] THANK YOU.

Mayor Wynn: THANK YOU, MS. FINCHER. ROSE BENSON SIGNED UP NOT WISHING TO SPEAK. I AM FOR CDB ZONING WITHOUT RESTRICTIONS. CAROLYN ELMHOUSEER SIGNED UP NOT WISHING TO SPEAK, FOR REZONING RAINEY CDB, BUT NO RESTRICTIONS. PATRICIA MORGAN SIGNED UP NOT WISHING TO SPEAK, FOR REZONING RAINEY STREET CDB BUT NO RESTRICTIONS. KENNETH FINCHER SIGNED UP NOT WISHING TO SPEAK, BUT IN FAVOR. REBECCA DRAKE SIGNED UP NOT WISHING TO SPEAK, I AM FOR REZONING WITHOUT RESTRICTIONS. ERIC HAYS NOT WISHING TO SPEAK, IN FAVOR OF CDB ZONING, NO RESTRICTIONS. CAROL (INDISCERNIBLE), NOT WISHING TO SPEAK, IN FAVOR OF CDB ZONING AGAINST RESTRICTIONS. THAT BRINGS UP LARRY LA VU. WELCOME. WOULD YOU LIKE TO SPEAK?

[INAUDIBLE - NO MIC].

Mayor Wynn: COME ON UP, LARRY. SUSAN, WELCOME. HOW ABOUT HOWARD MARTIN? WE WILL LOW, HOWARD. KAREN RICHARDSON? HOW ABOUT ROLLY OZ BORNE. GOOD TO SEE YOU. KEVIN ENGLISH? HELLO. SO LARRY, YOU WILL HAVE UP TO 15 MINUTES, WHICH IS THE MAXIMUM ANYWAY. AND OCCASIONALLY COUNCILMEMBERS LEAVE THE DAIS AND GO BACKSTAGE. WE'VE GOT AUDIO AND VIDEO BACK THERE, SO WE'RE HEARING THE TESTIMONY BACK BEHIND THE STAGE. WELCOME, LARRY, YOU WILL HAVE 15 MINUTES.

GOOD EVENING, COUNCILMEMBERS. MY NAME IS LARRY

LAVIEW AND I LIVE IN THE VILLAS ON TOWN LAKE CONDOMINIUMS, LOCATED AT THE INTERSECTION OF WALLER CREEK WITH TOWN LAKE. MY WIFE SEUSS AND I MOVED TO THE VILLAS TWO YEARS AGO FROM FOUR ACRES IN THE HILL COUNTRY. WE WANTED TO SIMPLIFY OUR LIVES, DOWNSIZE TO ONE CAR, AND LEAVE SUBURBAN SPRAWL AND TRAFFIC BEHIND. AND WE WERE EXCITED ABOUT EXPLORING HIGH DENSITY LIVING AND IN DYNAMIC DOWNTOWN AUSTIN. SUSAN GREW UP IN SAN ANTONIO, AND WE NEVER MISS AN OPPORTUNITY TO VISIT THE RIVER WALK, WHICH IS THAT CITY'S CROWN JEWEL. SO A BIG ATTRACTION FOR US IS TO PARTICIPATE IN AUSTIN'S LONG HELD VISION OF A RIVER WALK ON WALLER CREEK. AND THAT'S A BIG PART OF WHY I AM HERE TODAY. I AM PLANNING CHAIRMAN FOR THE VILLAS ON TOWN LAKE, REPRESENTING 55 HOMEOWNERS ON THE TAX ROLLS, MOST OF WHOM, LIKE US, CONSIDER THE VILLAS TO BE THEIR LONG-TERM HOME. I HAVE ATTENDED ALMOST ALL OF THE BOARD OF COMMISSION REZONING HEARINGS SINCE COUNCILMEMBER ALVAREZ'S INITIAL NEIGHBORHOOD HEARING ON AUGUST 17TH, PLUS NUMEROUS SIDE MEETINGS, AND I CONGRATULATE CITY STAFF FOR EXCELLENT WORK IN CREW CREATIVELY ADDRESSING COMPLEX ISSUES. THE PURPOSE OF MY PRESENTATION TODAY IS ON ONLY ONE OF THE MANY ISSUES, INCLUDING IN THE STAFF RECOMMENDATION. AND THAT IS THE CITY SHAPING IMPORTANCE OF DOWNTOWN HIGH DENSITY DEVELOPMENT. IN A FEW MOMENTS I WILL PRESENT A PROPOSED AMENDMENT TO THE STAFF REZONING PROPOSAL THAT SPECIFICALLY ENL INDICATES HIGH DENSITY. MY FIRST PROPOSAL, HOWEVER, IS TO SUGGEST ENHANCING THE IMAGERY OF OUR WALLER CREEK AND RAINEY STREET NEIGHBORHOODS BY COLLECTIVELY REFERRING TO THEM AS THE WON'T DISTRICT, FOLLOWING THE PATTERN OF ENTERTAINMENT DISTRICT, WAREHOUSE DISTRICT, SECOND STREET DISTRICT AND MARKET DISTRICT. THE COMPLEXITY OF REALIZING THE CITY'S VISION OF AN AUSTIN RIVER WALK ALMOST DENIES UNDERSTANDING. I WAS ASTONISHED TO LEARN THAT THE WEEK BEAUTIFICATION PROJECT WAS TO HAVE BEEN AUSTIN'S BICENTENNIAL GIFT TO THE NATION IN 1976. IT'S WORTH QUICKLY REVIEWING THE COMPLEXITY WHILE

SIMULTANEOUSLY HOLD THE VISION CLEARLY IN MIND. SINCE AUSTIN'S RIVER WALK WOULD BE BUILT ENTIRELY WITHIN THE WALLER CREEK FLOODPLAIN, THE WATER DIVERSIONARY SUBJECT MUST BE BUILT FIRST. BUT THAT DEPENDS ON ANTICIPATED TAX REVENUE FROM HIGH DENSITY DEVELOPMENT OF THE ADJACENT 23-ACRE RAINEY STREET NEIGHBORHOOD, WHICH WOULD SERVE AS BOND SECURITY. THE DILEMMA IS THAT WE CAN'T GET OUR RIVER WALK WITHOUT BOTH THE TUNNEL AND DENSE DEVELOPMENT. BUT HOW DO WE GET BOTH AFTER THEY'VE LOG JAMMED FOR MORE THAN A QUARTER CENTURY. THE KEY IS A UNIQUE OPPORTUNITY FOR THE AREA TO BECOME A MIXED DEVELOPMENT OF LIVING, WORKING RETAIL, DINING AND ENTERTAINMENT IN AN ATTRACTIVE, SAFE AND WALKABLE AREA. LAST MONTH I HEARD A REPRESENTATIVE OF A NATIONAL DEVELOPMENT FIRM TELL A DOWNTOWN COMMISSION THAT THIS DISTRICT IS AMONG THE MOST EXCITING URBAN DEVELOPMENT OPPORTUNITIES IN THE COUNTRY TODAY FEATURING PROXIMITY TO DOWNTOWN, TOWN LAKE, WALLER CREEK AND THE CONVENTION CENTER, PLUS SUPER HIGHWAY ACCESS. HE ECHOED CONSENSUS OPINION THAT THIS OPPORTUNITY CAN BEST BE BROUGHT TO REALITY BY A SINGLE DEVELOPER WITH A VISION AND RESOURCES TO MASTER PLAN THE ENTIRE WATERFRONT DISTRICT. THERE ARE VERY FEW URBAN DEVELOPERS WITH THE NECESSARY CREATIVITY, FINANCIAL CAPABILITY, PROVEN EXPERIENCE AND IMPECCABLE REPUTATION WHO CAN TACKLE A PROJECT OF THIS MAGNITUDE AND COMPLEXITY. WE NEED A DEVELOPER WHO CAN PRODUCE AWARD WINNING RESULTS LIKE THE BOSTON HALL DISTRICT, THE BALTIMORE HARBOR PROJECT OR THE BARCELONA WATERFRONT. WE WANT A DEVELOPER WHO CAN GIVE US A CONVENTION AND VISITOR ATTRACTION IN THE CLASS OF SAN ANTONIO, NEW ORLEANS AND SAN FRANCISCO. WE ARE NOT TALKING ABOUT SUBURBAN DEVELOPERS WHOSE PROJECTS PRODUCED SPRAWL AND SOMETIMES THREATEN THE AQUIFER AND COMMUNITY TRUST. IN THE THIRD QUARTER, CENTRAL BUILDERS STARTED A RECORD 3,667 SUBURBAN HOUSES, PUTTING STILL MORE SPRAWL PRESSURE ON THE CITY'S INFRASTRUCTURE. WE'RE TALKING TODAY ABOUT A VERY DIFFERENT SUBJECT, URBAN DEVELOPMENT, WHICH HELPS

TO PROTECT THAT ENVIRONMENT BY REDUCING SPRAWL AND WHICH ENJOYS THE SUPPORT OF ITS NEIGHBORS. AT THE VILLAS ON TOWN LAKE, OUR HOMEOWNERS WELCOME HIGH DENSITY DEVELOPMENT TO OUR NEIGHBORHOOD. WE HAVE ALREADY CHOSEN THAT LIFE-STYLE. URBAN DEVELOPERS OF THE CALIBER WE WANT HAVE REPUTATIONS THEY MUST SAFEGUARD IN ORDER TO REMAIN COMPETITIVE. SUCH DEVELOPERS WANT, INDEED INSIST ON PRODUCING BUILDINGS IN PUBLIC AREAS OF GREAT BEAUTY AND UTILITY, WILL ATTRACT CLIENTS AND MAINTAIN A HIGH LEVEL OF COMPETITIVENESS OVER THE LONG-TERM. THEY UNDERSTAND THAT THEY EXIST NOT JUST TO BUILD BUILDINGS, BUT TO CREATE PLACES THAT SATISFY PEOPLE'S DESIRES TO BE PART OF SOMETHING, TO BELONG. WE WILL NOT NEED TO CO-HEARSE TOP TIER DEVELOPERS TO DESIGN ATTRACTIVE STREETS AND PUBLIC PLAZAS WITH TREES AND FOUNTAINS OR TO EMPHASIZE ENERGY EFFICIENCY OR TO PRESERVE VIEWS OF TOWN LAKE AND THE DOWNTOWN SKYLINE OR TO MIX BUILDINGS OF MEDIUM HEIGHT AND LOWER BUILDINGS, LIKE NEW YORK'S ROCKEFELLER CENTER. THEY WILL DO ALL THAT BECAUSE THAT'S WHAT THEY NEED TO DO TO BE COMPETITIVE. WHAT WILL IT TAKE TO ATTRACT THE WORLD'S BEST URBAN DEVELOPERS. THE ANSWER THAT WE MUST PROVIDE THESE DEVELOPERS WITH AN OPPORTUNITY TO DO CREATIVE WORK, TO MAKE A FAIR PROFIT FOR THEIR STOCKHOLDERS, SO COMPLETE THE PROJECT WITHOUT UNREASONABLE DELAYS, AND TO ENHANCE THEIR REPUTATIONS WITH OUTSTANDING RESULTS. THESE SAME URBAN DEVELOPERS ARE ALSO BEING COURTED BY MAJOR CITIES AROUND THE WORLD, OFTEN WITH PUBLICLY PUBLICIZED -- SUBSIDIZED LAND AND SIMPLE DEVELOPMENT REQUIREMENTS. SO WE WILL HAVE TO COMPETE FOR THEIR ATTENTION, JUST LIKE WE HAVE COMPETED FOR SEMATECH OR MCC OR SEMICONDUCTOR PLANTS OR SOFTWARE COMPANIES. WE IN AUSTIN ALREADY KNOW HOW TO DO THAT VERY SUCCESSFULLY. MY REPRESENTATION IS THAT -- MY RECOMMENDATION IS THAT COUNCIL ASK THE DOWNTOWN COMMISSION TO PLAY A MAJOR ROLE WITH THE LANDOWNERS AND LAND PACKAGERS IN THE WATERFRONT DISTRICT TO IDENTIFY AND ATTRACT THE BEST MASTER DEVELOPERS AND TO PARTICIPATE MEANINGFULLY IN THE

EVALUATION PROCESS. THE COMMISSION REPRESENTS A WIDE RANGE OF INTERESTS IN THE DOWNTOWN AREA AND WILL BE BOTH QUALIFIED AND MOTIVATED TO REPRESENT THE CITY'S CONCERNS IN AN ADVISORY ROLE, WHILE KEEPING CITY COUNCIL ADVISED OF PROGRESS. THEN WE COMPETE FOR THE BEST DEVELOPERS BY KEEPING REQUIREMENTS SIMPLE, AVOIDING ANY COMPLEX NEGOTIATIONS TO BUY BUILDING HEIGHT WITH AMENITIES TRADE-OFF. THESE ARE HIGH RISK DISTRACTIONS THAT COULD ADD MONTHS TO MARKET DEADLINES AND MILLIONS OF DOLLARS OF INTEREST THAT MUST BE PAID FOR EITHER PROPERTY. HAVING TO BUY BUILDING HEIGHT AND DENSITY ACTUALLY COULD HAVE THE UNINTENDED CONSEQUENCE OF DISCOURAGING THE HIGH DENSITY THAT CAN BE ACHIEVED ONLY BY BUILDING UPWARD. THE IDEA OF DEVELOPMENT BONUSES DOES OFFER A VALUABLE WAY OF ENCOURAGING SPECIFIC CITY DEVELOPMENT PRIORITIES WHEN USED AFTER CDB FLOOR TO AREA RATIOS OF EIGHT TO ONE ARE REZONED INTO REALITY RATHER THAN AS TOOLS FOR DEVELOPERS TO BURN EIGHT TO ONE DENSITY. CITY STAFF CAN PROVIDE A SHOPPING LIST OF CITY DESIRED DEVELOPMENT AMENITIES SIMILAR TO THE CITY'S SMART GROWTH CRITERIA MATRIX, INCLUDING HISTORIC PRESERVATION, GREEN BUILDINGS, AFFORDABLE HOUSING, STREET SCAPES, SET BACKS, ENCAPSULATED PARKING GARAGES, TREE REPLACEMENTS AND DENSITIES ABOVE EIGHT TO ONE. THESE AND OTHER AMENITIES WOULD BE WEIGHTED TO REFLECT CITY PRIORITIES, PERMITTING THE DEVELOPER TO CHOOSE WHICH AMENITIES ARE MOST APPROPRIATE AND ECONOMICALLY VIABLE FOR THE DESIGN AND THE NEIGHBORHOOD OPPORTUNITIES AT HAND. EARNED POINTS COULD BE EXCHANGED WITH THE CITY FOR SUCH ISSUES -- ISSUES AS HEIGHT ABOVE EIGHT TO ONE, LICENSES, FEES, VARIANCES, EASEMENTS, WAIVERS, EXPEDITED INSPECTIONS AND SUCH. ENCOURAGING A MODEST NUMBER OF TALLER BUILDINGS BEYOND EIGHT TO ONE RATIOS WILL MAKE ECONOMICALLY FEASIBLE THE SPACIOUS PLAZAS AND OPEN GATHERING SPACES THAT ATTRACT FOOT TRAFFIC TO LOCAL SHOPS. AND ONLY HIGH DENSITY BUILDING CAN PROVIDE THE 2,000 TO 5,000 LOCAL POPULATION NEEDED TO MAKE AVAILABLE THE CONVENIENT STORES, GREEN GROCERS, BAKERIES, DRUG STORES,

RESTAURANTS, COFFEE SHOPS AND BEAUTY SHOPS THAT MAKE DOWNTOWN LIVING PLEASURABLE. I PERSONALLY LOOK FORWARD TO HAVING THE DILLO SHUTTLES STOPPING ON RED RIVER IN FRONT OF THE VILLAS FOR NON-AUTOMOBILE ACCESS TO WHOLE FOODS IN THE MARKETPLACE. I REALIZE THAT LOOKING AT HIGH POPULATION DENSITY IS A GOOD THING AND REQUIRES A SHIFT IN MINDSET FROM 20TH CENTURY SUBURBAN ATTITUDES. TODAY THE CITY CAN NO LONGER AFFORD THE MASSIVE INFRASTRUCTURE REQUIRED TO GROW OUTWARD. WE MUST LEARN HOW TO GROW UPWARD INSTEAD. COUNCIL'S ENDORSEMENT OF HIGH DENSITY ZONING IN THE WATERFRONT DISTRICT WILL SEND A SIGNAL TO THE CITY'S COMMITMENT TO GROWING UPWARD AND COULD A FLASH POINT THAT INEXPIRES SOLUTIONS TO MANY ISSUES LIKE THE RAINEY STREET HISTORIC DISTRICT THAT HAVE JUST SEEMED UNSOLVABLE. BUT THE CLOCK IS RUNNING OUT ON OUR LEARNING CURVE TOWARD DOWNTOWN DENSITY IN THE WATERFRONT OVERLAY DISTRICT. IF WE DON'T DO SOMETHING SOON, SOME LANDOWNERS WILL GIVE UP, LEAVING SUBSEQUENT HIGH DENSITY DEVELOPERS WITH A CHECKERBOARD PATTERN THAT WOULD BE CLUMSY AND EXPENSIVE TO DESIGN AROUND. SO HERE'S THE AMENDMENT THE VILLAS BOARD OF DIRECTORS UNANIMOUSLY PROPOSES TO CITY STAFF'S DRAFT PLAN FOR REZONING THE RAINEY STREET NEIGHBORHOOD. STEP 1, A, ZONE THE ENTIRE RAINEY STREET SUBDISTRICT OF THE WATERFRONT OVERLAY DISTRICT AS CDB, IF NOT ALREADY ZONED CDB OR CDB CURED. B, DELETE THE PROPOSED WATERFRONT OVERLAY DEVELOPMENT THAT LIMITS THE BUILDING HEIGHT TO 60 FEET ALONG WITH THE ASSOCIATED DESIGN REQUIREMENTS. C, WE RECOMMEND THAT COUNCIL TAKE THIS STEP 1 TONIGHT, IF POSSIBLE, IMMEDIATELY, ENABLING THE LENGTHY PROCESS OF IDENTIFYING AND SELECTING THE CANDIDATE MASTER DEVELOPERS. STEP 2, DIRECT CITY STAFF TO PREPARE A DIRECT INCENTIVE PACKAGE OF CITY WEIGHTED AMENITIES SIMILAR TO THE SMART GROWTH CRITERIA MATRIX FROM WHICH DEVELOPERS CAN EARN POINTS THAT CAN BE EXCHANGED FOR ADDITIONAL HEIGHT, LICENSES, FEES, VARIANCES, EASEMENTS, WAIVERS, EXPEDITED INSPECTIONS AND SUCH. B, WE RECOMMEND IS THAT STEP 2 BE COMPLETED IN 90

DAYS. SO THAT'S THE AMENDMENT. ONCE OUR HIGH DENSITY WATERFRONT DENSITY DEVELOPMENT IS UNDERWAY, THEN THE CITY CAN PRESS THE ON SWITCH FOR GETTING THE WALLER TUNNEL BUILT, WHICH WILL IN TURN MAKE POSSIBLE AUSTIN'S OWN RIVER WALK ALONG A STUNNINGLY BEAUTIFUL AND FUN TO VISIT WALLER CREEK AT TOWN LAKE. MY PLEA TO COUNCIL IS THAT WE NOT LET ANY SECONDARY ISSUES DERAIL THE CRUCIAL ISSUE OF REPLACING SUBURBAN SPRAWL WITH DOWNTOWN HIGH DENSITY. FIRST WE NAIL DOWN HIGH DENSITY, THEN WE WILL ADDRESS THE SECONDARY ISSUES OF THE HISTORIC DISTRICT AFFORDABLE HOUSING AND SUCH. AGAIN, I EMPHASIZE THAT OUR 55 HOMEOWNERS AT THE VILLAS ON TOWN LAKE WELCOME AND ENCOURAGE HIGH DENSITY DEVELOPMENT IN OUR NEIGHBORHOOD. THANK YOU.

Mayor Wynn: THANK YOU, MR. LAVIEW [APPLAUSE] ROBERT KNIGHT SIGNED UP WISHING TO SPEAK. WELCOME. YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY JOE PINELLI.

THANK YOU VERY MUCH, MAYOR, COUNCIL. THANK YOU, LARRY, YOU TOOK THE WORDS OUT OF MY MOUTH. SEVERAL YEARS AGO RICHARD HUDNUT, SENIOR RESIDENT OF THE URBAN LAND INSTITUTE WHO MANY OF YOU HAVE HEARD SPEAK ON URBAN PLANNING ISSUES, SPEAK SPO TO A MEETING IN AUSTIN ON THE TOPIC OF URBAN SPRAWL. THE SOUND BITE FROM THE SPEECH WAS YOU CAN'T BE AGAINST SPRAWL AND DENSITY AT THE SAME TIME. EVERYBODY NOW KNOWS THE EVILS OF SPRAWL, TRAFFIC CONGESTION, AIR POLLUTION, TAX BASED DETERIORATION, WASTED TIME, INFRASTRUCTURE EXPENSE AND SO FORTH. WE ALL KNOW THE ANSWER TO SPRAWL IS DENSITY. THE PROBLEM IS WHERE TO PUT THE DENSITY, WHERE IT WILL DO THE MOST GOOD AND THE LEAST DAMAGE. THE SOUTHEAST QUADRANT OF DOWNTOWN IS THE LAST AVAILABLE AMOUNT OF LAND TO BRING THE CRITICAL MASS OF RESIDENTIAL THAT WILL MAKE RETAIL WORK WITHOUT SUBSIDIES. AND THE NEIGHBORHOOD THAT WILL REMAIN, AS YOU HAVE JUST SEEN, IS IN FAVOR OF HIGH DENSITY DEVELOPMENT. WE NEED TO SEES THIS OPPORTUNITY BECAUSE THERE AREN'T MANY LIKE IT IN AUSTIN. THERE ARE TWO FUNDAMENTALLY DIFFERENT APPROACHES TO THE REDEVELOPMENT OF

RAINEY STREET. THE FIRST APPROACH, THE ONE THAT HAS BEEN SUBMITTED BY STAFF, IS TO ZONE THE AREA SO THAT IT IS LABELED CDB, BUT CAN ONLY BE USED AS CDB BY SATISFYING A NUMBER OF PRECONDITIONS, GREAT STREETS, MIXED INCOME HOUSING, GREEN BUILDER PROGRAM, ENCAPS SLATED GARAGES, HEIGHT LIMITATIONS, HISTORIC RESTORATION, SPECIFIC DESIGN FEATURES AND SO FORTH. THAT IS A FAIRLY INTIMIDATING LIST. THE SECOND APPROACH IS TO ZONE THE AREA REGULARLY ZONED CDB JUST LIKE THE WEST OF DOWNTOWN AND TO PROVIDE A PACKAGE OF INCENTIVES THAT ARE AVAILABLE FOR DEVELOPMENT THAT INCORPORATES THE WISH LIST ITEMS. BOTH APPROACHES HAVE RISKS. UNDER THE SECOND APPROACH WE RUN THE RISK THAT SOMEBODY WILL BUY SOME OF THE PROPERTY AND WILL NOT WANT OR NEED THE INCENTIVES, THEY WILL NOT BUILD THE SIDEWALKS, PLANT STREET TREES OR DO OTHER THINGS WE WANT. I CONSIDER THIS HIGHLY UNLIKELY. DEVELOPERS FACE INTENSE COMPETITION AND MAKE THEIR PROJECTS AS ATTRACTIVE AS POSSIBLE. THEY UNDERSTAND ALL OF THE CONCEPTS THAT ARE WRAPPED UP IN THE TERM, SENSE OF PLACE, AND ARE HIGHLY MOTIVATED TO BUILD THE BEST MOUSE TRAP AVAILABLE. UNDER THE STAFF APPROACH, THE RISK IS THAT THE DEVELOPERS WE ARE LOOKING FOR, THE ONES WHO HAVE THE EXPERIENCE AND FINANCIAL CAPABILITY TO DELIVER A GREAT PRODUCT, WILL BE SCARED AWAY BY THE PROSPECT OF SPENDING ALL OF THEIR TIME AND MONEY BEFORE YOU AND OTHER BOARDS AND COMMISSIONS. IT IS MUCH EASIER AND LESS RISKY FOR BIG DEVELOPERS AND THEIR WALL STREET LENDERS, MUCH LIKE THE LENDER THAT MS. CROCKER WAS HAVING TO DEAL WITH TONIGHT, WILL OPT FOR A COOKIE CUTTER DEVELOPMENT ON THE FRINGES -- [BUZZER SOUNDS] -- OUTSIDE THE JURISDICTION WHERE THEY HAVE EASIER TIME. I SUPPORT CDB WITHOUT CONDITIONS AND HOPE THAT YOU WILL INSTRUCT STAFF TO TAKE THE ITEMS THAT THEY HAVE PUT AS PRECONDITIONS TO ZONING AND CONVERT THOSE INTO PRECONDITIONS TO INCENTIVES. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. KNIGHT. JOE PINELLI. JOE, SOME FOLKS HAVE OFFERED TO DONATE TIME TO YOU. IS

JACKIE SHAWD STILL HERE? HI, HOW ARE YOU? AND CLAUDETTE LOWE? SO JOE, YOU WILL HAVE UP TO THREE MINUTES IF YOU NEED IT. -- SIX MINUTES IF YOU NEED IT.

THANK YOU, MAYOR AND COUNCILMEMBERS. I WANT TO TALK ABOUT THE BETTER MOUSE TRAP. I'VE GOT ALL KIND OF STUFF HERE I CAN READ AND I THINK I JUST WANT TO SHARE SOME THOUGHTS WITH YOU. I'M PRESIDENT OF THE HERITAGE SOCIETY OF AUSTIN, AND WE WANT TO TALK A LITTLE BIT ABOUT THE BETTER MOUSE TRAP. WE FEEL LIKE IT REALLY DOES PULL AT OUR VERY HEART STRINGS TO THINK THAT WE CAN EVEN BE CONSIDERING TO ELIMINATE A NATIONAL REGISTER HISTORIC DISTRICT. I MEAN, THAT IS INCONCEIVABLE TO US. THAT DISTRICT WAS CREATED IN 1985 BY THE NATIONAL PARKS SERVICE. IT HAS WITH VERY LITTLE OPPOSITION IN THE NEIGHBORHOOD. YOU KNOW, WHAT REALLY MAKES AUSTIN WEIRD, WE'VE GOT OUR LITTLE BUMPER STICKERS, IT'S THE PREVIOUS BATTLES THAT HAVE BEEN WON TO PRESERVE THE LITTLE WEIRD PLACES IN AUSTIN. THE INCREMENTAL ERADICATION OF OUR HERITAGE IS VERY INCREMENTAL. YOU HARDLY EVEN NOTICE IT. THOSE OF YOU FAMILIAR WITH THE VERMON BLOCK MIGHT REMEMBER THAT THERE WAS ANOTHER BLOCK THAT LOOKED JUST LIKE IT WHERE THE JOHN HENRY FAULK LIBRARY WAS. WHEN I WAS AN UNDERGRADUATE AND CAME HERE IN A POLICY CALLED URBAN REMOVAL -- EXCUSE ME, URBAN RENEWAL, THEY REMOVED THE ENTIRE REGIONAL CITY OF WATERLOO, WHICH IS NOW WATERLOO PARK, AND IS REALLY NICE, BUT THE STRUCTURES WERE ALL PRE1880. THE DRISKILL, IT JUST GOES ON AND ON. THE PARAMOUNT. BUT WE'RE ALSO INCREMENTAL ERADICATION IN THE NAME OF (INDISCERNIBLE), BUT WE ALSO ARE CREATING OUR HERITAGE AS WE STAND HERE, THE MEXICAN-AMERICAN CULTURAL CENTER, LONG OVERDUE. ERADICATION, HOW COULD -- I'M SPEAKING STRICTLY TO THE HISTORIC DISTRICT AND THE ERADICATION OF RAINEY STREET. HOW COULD THE ERADICATION OF RAINEY STREET, THE CORE OF RAINEY STREET, ELIMINATION OF THAT HERITAGE, POSSIBLY HELP THAT DEVELOPMENT. IT GETS VERY COMPLICATED BECAUSE I PERSONALLY -- IF I OWNED ONE OF THOSE STRUCTURES, AND THAT WAS MY HERITAGE, MY HERITAGE AND MY ASSET, I WOULD WANT TO RECEIVE

FULL BENEFIT FOR IT. I'VE BEEN TOLD THAT PROPERTY OWNERS HAVE BEEN PROMISED 400,000, HALF A MILLION, A MILLION DOLLARS FOR THEIR LITTLE HOUSES. I THINK THAT THE MAGIC THAT WE HAVE TO WORK IS TO FIGURE OUT A WAY TO -- IT WOULD BE MAGIC FOR THIS TO HAPPEN. TO TRY TO FIGURE OUT A WAY TO HAVE THAT PROPERTY INCORPORATED IN WHAT WE'RE TALKING ABOUT DOING AND MAINTAINING THE VERY CORE AND THE VERY MASTER PLAN OF THAT THAT COULD BE SHOPS, RESIDENTIAL IF WE WANTED. YOU KNOW, THERE ARE ONLY ABOUT 11 STRUCTURES AND THE TALK IS WELL, WE'LL MOVE SOME OF THEM DOWN TO THE END OF THE STREET TO RIVER STREET SO THAT THE CULTURAL CENTER WILL HAVE -- AND PRESERVE THAT DOWN THERE. THAT BECOMES A BUILDING ZOO, AND YES, WE WOULD BE CELEBRATING THIS BUILDING OR THAT, AND IF THE CULTURAL CENTER NEEDS SOME OF THOSE BUILDINGS FOR, YOU KNOW, TO UP THINGS FOR THEM, THAT WOULD BE GOOD, BUT IT DOESN'T PRESERVE THE HERITAGE AND THE HISTORIC FABRIC OF RAINEY STREET. AND WHAT WE'RE REALLY CONCERNED ABOUT IS THAT WE REALLY WANT DENSITY. I WANT TO SEE THE DENSITY THERE. I THINK THE PROJECT'S GOING TO BE FABULOUS. THE PROJECT WOULD REALLY BE FABULOUS IF WE CAN LEAVE THE CORE OF RAINEY STREET IN THE MIDDLE OF IT SOMEHOW. WITHOUT THAT I THINK IT'S GOING TO BE GLASS AND CONCRETE AND YES, WE HAVE TREES WITH THESE WONDERFUL LITTLE SETBACKS AND THINGS, BUT YOU'VE ELIMINATED THE FUNKY, WARM WEIRDNESS THAT COULD BE KERR BY LANE, WEST TIMER IN HOUSTON. YOU CAN NAME ANYWHERE. AND THEN YOU WOULD HAVE A CULTURAL DRAW OF WARMTH THERE THAT WOULD ADD A LOT OF PEOPLE AS A DESTINATION AREA. I REALLY DISAGREE. I DON'T THINK THAT ALL THAT GLASS AND STEEL AND CONCRETE AND PLAZAS AND PARKS ARE GOING TO ATTRACT PEOPLE DOWN THERE AT NIGHT. THE VERY DENSITY OF THEIR BUILDINGS MIGHT, BUT I'M AFRAID YOU'RE GOING END UP WITH THE CULTURAL CENTER FED BY A WHOLE LOT OF CONCRETE AND STEEL THAT'S KIND OF ABANDONED AT NIGHT. EVERY HISTORIC CLUSTER THAT WE HAVE IN TOWN THAT'S RESTAURANTS AND THINGS LIKE THAT, IF YOU LOOK, ARE HIGHLY, HIGHLY UTILIZED. SO I GUESS THAT'S THE -- THAT'S KIND OF THE SUM OF IT, HOW IN

THE WORLD CAN WE -- THE BETTER MOUSE TRAP WOULD BE ALL THAT DENSITY WITH THE TREES AND THE WARMTH OF THE HERITAGE, THE HISTORIC FABRIC OF THE CORE OF THAT STREET. SO IT'S A HARD TASK, AND I DON'T ENVY YOU THAT, AND APPRECIATE YOU LISTENING TO ALL OF US. AND I THINK EVERYBODY HERE HAS GOT THE BEST INTENTIONS IN MIND. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. BRIDGET SHEA? WELCOME, BRIDGET. YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY CRAIG NASSO.

THANK YOU, MAYOR AND COUNCIL. I WAS THINKING ABOUT THE HISTORIC NATURE OF THE QUESTION BEFORE YOU TONIGHT. ONE PIECE OF IT BEING THAT ROBERT KNIGHT AND I ARE ON THE SAME SIDE, BOTH FAVORING GREAT DENSITY IN THE DOWNTOWN. THE OTHER IS I CAN'T RECALL ANY SITUATION WHERE THE RESIDENTS, THE LANDOWNERS IN THE NEIGHBORHOOD HAVE ASKED YOU TO REZONE IT TO THE HIGHEST DENSITY POSSIBLE. AND WHERE MOST OF THE SURROUNDING NEIGHBORS ARE IN SUPPORT OF IT. AND I CAN'T THINK OF A SITUATION SIMILAR TO THIS. AND I THINK THAT THERE'S A TREMENDOUS OPPORTUNITY HERE, THERE'S MORE LAND HERE TO BE POTENTIALLY TRANSLATED INTO MAXIMUM DENSITY WITH MAXIMUM TAX BASE THAN ANYWHERE ELSE IN THE DOWNTOWN. AND THIS IS WHERE THIS KIND OF DENSITY SHOULD GO. IT'S NOT APPROPRIATE TO PUT IT IN NEIGHBORHOODS THAT WANT TO REMAIN LOW DENSITY RESIDENTIAL NEIGHBORHOODS. BUT IT IS APPROPRIATE TO PUT IT IN THE DOWNTOWN. AN EARLIER SPEAKER ALSO REFERENCED THE WALLER CREEK TUNNEL, AND I THINK THAT'S ONE OF THOSE LEGACY ISSUES FOR A COUNCIL, BUT MY UNDERSTANDING OF THE REVENUE MECHANISMS IN THE STUDY THAT WAS DONE FOR THE WALLER CREEK TUNNEL, THEY ASSUME A HIGH DENSITY CDB LEVEL OF DEVELOPMENT IN THE REVENUE THAT WOULD COME OFF OF THAT. I DON'T THINK YOU GET THERE WITH THE 60-FOOT HIGH LIMIT IN A CDB ZONING OF THIS AREA. PEOPLE CAN CHECK MY MATH ON IT, BUT IT'S MY UNDERSTANDING THAT YOU DON'T GET THE REVENUES THAT WOULD BE NEEDED TO REDO THE WALLER CREEK TUNNEL AND THAT'S THE KEY TO FREEING UP THE REMAINDER OF THIS SOUTHEAST SEGMENT OF THE

DOWNTOWN FOR REDEVELOPMENT. YOU DON'T NEED TO EXPLAIN THAT TO ANYBODY HERE. AND THERE'S A FEELING THAT I'VE HEARD OF PEOPLE WHO DO DO DEVELOPMENT FROM FOR A LIVING. I DON'T, SO I HAVE TO TAKE MY WORD OF IT. THE FEW I'VE HEARD IS THAT IF THE STAFF RECOMMENDATION FOR A 60-FOOT LIMIT GOES FORWARD, YOU WILL GET BUILDINGS AT THAT 60-FOOT HEIGHT LIMIT, WHICH I THINK TRANSLATES TO ABOUT FIVE STORIES, AND THE ANALOGY I'VE HEARD IS DEVELOPMENTS LIKE MORE WALGREEN'S OR MORE EXTENDED STAY HOTELS. TO ME THAT'S AN ENORMOUS MISSED OPPORTUNITY. THERE'S BEEN EXTENSIVE PLANNING AND MEETING GOING BY MANY OF THE RESIDENTS IN THIS AREA, AT LEAST SINCE '96. THAT'S THE LATEST ITERATION OF IT, BUT IT HAS GONE ON SINCE AT LEAST 1976. AND THE RECOMMENDATIONS HAVE GENERALLY BEEN THE SAME, AT LEAST IN THIS LATEST ITERATION, AND THAT IS PEOPLE WANT TO GET THE MAXIMUM VALUE FOR THEIR LAND. IT'S THE MAJOR ASSET THAT MOST OF THE FAMILIES DOWN THERE HAVE. ALL THE PLANNING SESSIONS, ALL THE MEETINGS HAVE GENERALLY COME OUT WITH A VERY STRONG VOTE FOR A CDB LEVEL OF REZONING FOR THE AREA. I DON'T THINK YOU GET THERE WITH THE STAFF RECOMMENDATION OF A 60-FOOT LIMIT ON IT. THANK YOU VERY MUCH. [BUZZER SOUNDS]

Mayor Wynn: THANK YOU. CRAIG NASSO. WELCOME, CRAIG. YOU WILL BE FOLLOWED BY MARIA BERN HEART.

GOOD EVENING, MAYOR AND COUNCIL. MY NAME IS CRAIG NASSO. I LIVE ON RAINEY STREET AND I'VE LIVED THERE FOR EIGHT YEARS. AND I'M ALSO AN ARCHITECT AND I WORK THERE OUT OF MY HOME. I REALLY ENJOY LIVING DOWNTOWN. I ENJOY LIVING DOWNTOWN SO MUCH, I'M THE CURRENT PRESIDENT OF THE DOWNTOWN AUSTIN NEIGHBORS ASSOCIATION. AND I ALSO SERVE ON THE DOWNTOWN COMMISSION REPRESENTING DOWNTOWN RESIDENTS. I WAS ABLE TO PARTICIPATE IN THE PROCESS THAT THE DOWNTOWN COMMISSION DID LAST YEAR. DUE ON TO MY CONFLICT OF INTEREST OF OWNING PROPERTY IN RAINEY STREET, I WOULD VERY MUCH HAVE LIKED TO HAVE PARTICIPATED IN THAT PROCESS. LET ME SPEAK A LITTLE BIT ON BEHALF OF DANA. DANA WOULD LIKE THE DOWNTOWN NEIGHBORHOOD ASSOCIATION, WOULD LIKE

FOR RAINEY STREET TO BE WELL PLANNED, LIKE FOR IT TO BE AN INTERESTING PLACE, THEY WOULD LIKE FOR IT TO BE MORE DENSE. AND THEY WOULD ALSO LIKE TO SEE RED RIVER EXTENDED. THEY REALLY FEEL THAT IT WOULD IMPROVE ACCESS AND CIRCULATION IN THE AREA, AND ALSO PROVIDE BETTER ACCESS TO THE MAC, WHICH IS GOING TO BE A CULTURAL CENTER FOR THE AREA. WE DIDN'T TAKE A POSITION ON THE ZONING. PERSONALLY I AGREE WITH THESE GOALS FOR THE AREA. I'D LIKE TO SEE MORE DENSITY IN THERE, AND OF COURSE RESIDENTIAL -- I'M SORRY, I MISSED THAT GOAL. THAT'S ONE OF OUR PRIMARY GOALS FOR THE NEIGHBORHOOD ASSOCIATION IS THAT WE WOULD LIKE TO SEE MORE RESIDENTIAL DOWNTOWN BECAUSE RESIDENTIAL DOES CREATE ONE OF THE ELEMENTS THAT MAKE A DOWNTOWN ENVIRONMENT. AND I SUPPORT ALL THESE GOALS, BUT I WOULD PERSONALLY ALSO LIKE TO SEE THE HISTORIC HOUSES REMAIN. I AGREE WITH MR. PINELLI IN TERMS OF IT WOULD CREATE A WONDERFUL CORE TO A REALLY VIBRANT MIXED USE AREA. AND BY PROVIDING, YOU KNOW, THE UNIQUENESS IN SUCH A PLACE THAT THE HISTORIC HOUSES PASS THAT AREA. IT'S FIEWN ANY, THAT WHOLE BIG AREA DOWN THERE, 20 SOMETHING ACRES, AND EVERYBODY REFERS TO TO IT AS RAINEY AREA BECAUSE IT'S THE HOUSES AND TREES THAT GIVE THE PLACE THAT SENSE OF CHARACTER. AND IT'S JUST ONE OF THE PLACES LIKE RAINEY STREET ARE ONE OF THE THINGS THAT MAKE AUSTIN COOL. AND IT WOULD BE A SHAME TO ERASE IT WITH THE CDB ZONING: THE BEST RECOMMENDATIONS I HAVE SEEN THROUGH THIS PROCESS SO FAR HAVE BEEN FROM THE ZAP. I WOULD PREFER THAT THE COUNCIL AND THE CITY OF AUSTIN WOULD HAVE GONE AHEAD AND EXECUTED THEIR CONTRACT WITH ROMA A COUPLE OF YEARS AGO. IT REALLY WAS A SHAME TO SEE THAT CONTRACT CUT BECAUSE I REALLY FEEL THAT ROMA COULD HAVE BROUGHT SOME GOOD IDEAS TO THIS PROCESS. [BUZZER SOUNDS]. LET ME FINISH UP WITH ONE SENTENCE. RAINEY STREET IS TOO IMPORTANT NOT TO HAVE CERTAINTY AND TO BE PLANNED RIGHT. IT'S TOO IMPORTANT TO THE DOWNTOWN. THANK YOU.

Mayor Wynn: THANK YOU. JUAN KRESHELLE. WELCOME.

[INAUDIBLE - NO MIC].

Mayor Wynn: I'M SORRY. I'M JUMPING AHEAD. WELCOME. YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY JUAN.

OKAY. GOOD EVENING AND THANK YOU. MY NAME IS MARIA BERNHEART AND I'VE HAD THE PRIVILEGE TO LIVE ON RAINEY STREET FOR THE LAST 35 YEARS. I INITIALLY STARTED THERE AS A RENTER, AND WAS BLESSED TO BE ABLE TO BUY THE PROPERTY I'VE OWNED SINCE THAT TIME FORWARD. YES, THERE HAVE BEEN MANY MEETINGS AND MANY DISCUSSIONS, BUT THERE HAVE BEEN VERY FEW PLANS AND I AGREE IN CONCURRENCE WITH MR. NASSO, THAT THE ROMA PLAN SHOULD HAVE BEEN FOLLOWED THROUGH, BUT WE WERE DIVERTED AND DISTRACTED BY A DEVELOPER WHO APPARENTLY DIDN'T EVEN HAVE THE DECENCY TO PUT UP THE EARNEST MONEY FOR THE CONTRACTS, THE \$5,000 THAT HE PROMISED. AT ANY RATE, HE ENDED UP LEAVING THE PROJECT AND LEAVING US ALL HIGH AND DRY AND CONFUSED ABOUT WHAT WAS WHAT. I SEE WHAT YOU'RE DOING HERE AND I UNDERSTAND AND I KNOW THAT WE ASK FOR THE ZONING. I NEVER CAME ASKING FOR CDB ZONING. THERE ARE 37 ACRES IN THIS AREA THAT YOU'RE LOOKING AT WITHOUT A PLAN? NO PLAN MEANS A PLAN TO FAIL. I SEE THIS -- I FEEL THAT OUR NEIGHBORHOOD IS A HEARTBEAT OF THIS WHOLE PROJECT. AND WITHOUT THE NEIGHBORHOOD, YOU COULDN'T MAKE THE REST OF IT WORK, YET THERE IS NO PLAN FOR THIS NEIGHBORHOOD? THERE'S NO PROTECTION IN THERE? AND AS MR. LAVIEW MENTIONED, THE NEIGHBORS WILL GIVE UP AND MAY POSSIBLY BE DIVERTED TO SELL FOR WHATEVER BECAUSE PEOPLE GET TIRED OF THE BATTLE OR THE TAXES LITERALLY PUSH YOU OUT OR THE NOISE AND THE TRAFFIC PUSH YOU OUT. SO OUR NEIGHBORHOOD IS RIGHT THERE DEAD CENTER. I FEEL THAT WE'RE SACRIFICING THE NEIGHBORHOOD TO SAVE A TUNNEL, THE WALLER CREEK TUNNEL. AND FOR THE PEOPLE THAT ARE COMING BEFORE YOU AND SAYING THAT OUR TAXES ARE SO HIGH OR THE NON-RESIDENT OWNERS THAT BOUGHT THE PROPERTY AS INVESTMENT AND NEVER PLANNED TO STAY IN THAT NEIGHBORHOOD, STAYED MAYBE A COUPLE OF YEARS AND THEN LEFT. AND THAT WAS THEIR WHOLE GOAL. BUT FOR

THOSE OF US WHO BOUGHT THE HOMES AND STAYED THERE AND ARE STILL THERE, I SEE NO PLAN. I HEAR NO PLAN IN ANY OF THESE RECOMMENDATIONS, AND I CAUTION THE COUNCIL TO CONSIDER THAT THERE ARE PEOPLE THERE WHO WANTED TO STAY AND WOULD BE WILLING TO STAY, BUT WE'RE NOT -- AT THE SAME TIME WE'RE NOT GOING TO BE PUSHED OUT WITH THE HIGH TAXES, NOR ARE WE GOING TO NOT RECEIVE FULL FINANCIAL BENEFIT FOR OUR PROPERTY. AND SO WE'RE GOING TO HAVE TO WAIT TO SELL. AND IT BECOMES VERY CONVOLUTED AND YOU LISTEN TO THE PEOPLE THAT ARE THE INVESTORS AND THEY'RE THE ONES THAT ARE -- THE THAT ARE THE MACHINE BEHIND THE SCENE HERE. AND WE'RE TRYING TO PROTECT A NEIGHBORHOOD VERSUS -- I BELIEVE WE'RE SACRIFICING OUR NEIGHBORHOOD TO SAVE THE TUNNEL. IN MY OPINION THAT'S WRONG, AND WITHOUT A PLAN, YOU'RE HURTING A LOT OF PEOPLE. AND THAT NEEDS TO BE CONSIDERED. THANK YOU.

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

THAT'S THE MOST SOUTHERN PROPERTY AT THE END OF THE NEIGHBORHOOD REZONING ON TRACT NUMBER G. I'M HERE TO SUPPORT THE REZONING OF TRACT G TO CBD WITHOUT ANY RESTRICTIONS. THIS IS A SPECIALATION OF -- OF THE ENTIRE AREA. THIS TRACT G IS TOTALLY DIFFERENT THAN THE RAINEY STREET AREA BECAUSE IT ALREADY HAS THE HOLIDAY INN AND ON THE NEXT TRACT IS ALSO -- ALSO THE TOWERS OF TOWN LAKE. IT'S ONLY A MATTER OF -- OF -- OF CONFORMING TO THE CBD ZONING. OBVIOUSLY, THE -- THE IMPLEMENTING SOME OF THE CONDITIONS AND RESTRICTIONS THAT THE STAFF IS SUGGESTING, EVEN THOUGH THEY ARE VERY WELL INTENDED AND I -- I APPRECIATE VERY MUCH THE EFFORT AND THE TIME THEY HAD PUT, IT MAKES THINGS EXTREMELY COMPLICATED AND SHORT SIGHTED. LONG-TERM, IT'S -- IT'S A RESTRECIPE TO DISASTER. I BELIEVE IN THE INCENTIVES, INCENTIVES SUCH AS THE SMART GROWTH CORRIDOR THAT WAS BUILT AND THERE WAS THE SIGN -- THE MATRIX THAT MR. ADAMS KNOWS SO WELL. SO I REALLY -- I REALLY SUPPORT THE -- THE CBD ZONING WITHOUT RESTRICTIONS. THANK YOU.

THANK YOU,. ELLIOTT I ALSO SON.

[INDISCERNIBLE]

Mayor Wynn: SIGNED UP IN FAVOR OF THE ZONING, THANK YOU. CURTIS WAGNER, NOT WISHING TO SPEAK IN FAVOR. ROBERT VELASQUEZ, VASQUEZ, CAN'T QUITE READ THIS. VELASQUEZ. WELCOME, SIR, LET'S SEE, IS -- IS VICKI LOPEZ HERE? HELLO, MS. LOPEZ, MR. VASQUEZ UP TO SIX MINUTES IF YOU NEED IT. THANK YOU, GOOD EVENING MAYOR, GOOD MEANING, COUNCIL. MY NAME IS ROBERT VELASQUEZ, I RESIDE AT 95 RAINY, I HAVE LIVED THERE FOR THE PAST TWO YEARS IN THE RAINEY STREET AREA. I HAVE HEARD EVERYBODY SPEAK AND I JUST WANT TO EDUCATE YOU ON WHAT'S REALLY -- WHAT REALLY WENT ON THROUGH THE YEARS. IN 2000 WE GOT TOGETHER AS A NEIGHBORHOOD AND WE HAD SEVERAL MEETINGS. AND THAT -- THAT WAS WHEN MR. GARCIA WAS THE MAYOR. WE MET AT VARIOUS SITES. WE HAD MET AT THE HOLIDAY INN, WE INVITED THE PEOPLE FROM THE VILLAS, THE PEOPLE FROM THE TOWERS TO DISCUSS THE NEIGHBORHOOD PLAN THAT WE HAD TO PROPOSAL. AND BACK IN 2000 WE WERE PROPOSING THE CBD ZONING WITH THE MAJORITY OF THE PEOPLE IN FAVOR OF CBD ZONING BECAUSE OF THE UNCERTAINTY OF THE AREA. MY NEIGHBORS HAVE BEEN THROUGH A LOT OF POLITICAL TARNISH BECAUSE OF HISTORICAL DISTRICT, THE -- THE AREAS BUILT AROUND THERE, THE -- THE 54 RAINY THAT'S BEING BUILT NOW, THE MAC, WHEN THE CONVENTION CENTER WAS BUILT. THAT'S WHEN WE DECIDED TO SAY, TO JOIN THE CLUB AND SAY, WELL, WE'RE GOING TO FOLLOW WHAT THE CITY IS GOING TO DO. WE ARE GOING TO ALLOW DEVELOPMENT AROUND SO ONE OF THESE DAYS WE -- WE AS A NEIGHBORHOOD CAN CON JOIN EACH OTHER AND SELL FOR THE -- FOR THE BEST AND THE HIGHEST PRICE. I UNDERSTAND THE ISSUES THAT HAVE BEEN BROUGHT UP. BUT WE'VE NEVER DONE ANYTHING WITHOUT INVITING OUR NEIGHBORS. THE -- THE RECOMMENDATION THAT THE CITY DID IN FEBRUARY, I THINK IT WAS, TO PROPOSE THE ZONING CHANGE, WE MET AT PALM SQUARE AND MR. ALVAREZ WAS PRESENTS ALONG WITH ALL OF THE CITY STAFF. AND THEY EXPRESSED A CONCERN, NOT A CONCERN, BUT THEY EXPRESSED AN INTEREST OF GETTING THEIR -- THEIR HOME SHOWN FOR

THE HIGHEST AND THE BEST USE. I ALSO UNDERSTAND THAT THE -- THAT THE WALLER CREEK TUNNEL IS A BIG ASSET TO THE CITY LATER ON IN LIFE. I HOPE THAT I'M AROUND TO SEE IT. AS A MATTER OF FACT I WAS A BIG SUPPORTER OF IT WHEN THERE WAS -- WHENEVER IT WAS BEING DISCUSSED. BUT AT THE SAME TIME I UNDERSTAND THAT I -- THAT YOU KNOW THE UNCERTAINTY. THESE PEOPLE HAVE LIVED THERE, THEY DON'T KNOW WHAT TO DO WITH THEIR HOMES. AS A MATTER OF FACT, WE'VE LOST SEVERAL NEIGHBORS IN THE PAST COUPLE OF YEARS, AS A MATTER OF FACT WE JUST LOST ONE OF MY DEAR FRIENDS, MR. [INDISCERNIBLE] THIS PAST WEEK, AND THEY JUST WANT TO -- TO MAKE SURE THAT THE CITY GIVES THEM OR -- WHAT WE ARE ASKING FOR IS -- WE'RE NOT ASKING TO GIVE US ANYTHING, BUT WE ARE HOPING THAT THE CITY REALIZES THAT THE -- THE COMPLEX STAY OF WHERE WE'RE AT. I MEAN WE'RE SURROUNDED BY EVERYTHING. I RESPECT THE HISTORICAL PRESERVATION. I MEAN, MY FAMILY HAS A LOT OF HISTORY IN AUSTIN. BUT ALSO AT THE SAME TIME I REMEMBER WHEN I WAS A YOUNGER KID THAT -- THAT THEY STARTED MOVING HOUSES AROUND. WELL, IF THAT'S THE CONCERN, MOVE THE HOUSES SOMEWHERE. ANYTHING CAN BE DONE. BUT I WOULD LIKE TO SEE THE CITY MAKE A RECOMMENDATION AND VOTE ON THIS ISSUE FOR -- FOR AT LEAST FOR THE PEOPLE THAT LIVE THERE. YOU KNOW, THEY STILL HAVE A CERTAIN AMOUNT OF PEOPLE, I THINK YOU STILL HAVE ABOUT 18 PEOPLE THAT OR 18 NEIGHBORS THAT ARE STILL IN THE AREA AND THEN THE REST OF ABSENTEE LANDLORDS, BUT JUST FOR THE RESPECT OF THE PEOPLE THAT LIVE THERE, I HOPE Y'ALL SUPPORT THE REGULAR CBD WITHOUT ANY -- ANY INCENTIVES THAT -- THAT PEOPLE HAVE TO GO THROUGH. I FEEL LIKE YOU KNOW THERE'S JUST SOMETHING THAT -- THAT I RESPECT CITY -- CITY STAFF WORKING ON THIS ISSUE. AND -- AND MAKING ALL OF THESE MEETINGS BECAUSE I WAS THERE AT ALL OF THEM. AND -- AND I JUST HOPE THAT -- THAT YOU ALL SUPPORT OUR ISSUE. THANK YOU VERY MUCH FOR LISTENING.

Mayor Wynn: THANK YOU, MR. VELASQUEZ. THANK YOU. LET'S SEE, ALEX AND BERNICE ASTRA, NOT WISHING TO SPEAK, IN FAVOR OF CBD ZONING. GENE SANCHEZ. MR. SANCHEZ, YOU'LL HAVE THREE MINUTES AND YOU'LL BE FOLLOWED --

YOU ARE THE LAST SPEAKER.

COUNCILMEMBERS, GOOD EVENING. I'M HERE TO REPRESENT MY FAMILY. WE HAVE LIVED AT 93 RAINEY STREET FOR OVER 40 YEARS. AND I'VE LIVED THERE FOR A GOOD PART OF THOSE 40 PLUS YEARS. I SUPPORT OR WE SUPPORT THE CBD ZONING WITHOUT RESTRICTIONS. GOOD PART OF IT BECAUSE WE DON'T WANT TO SEE ANOTHER I-HOP GO -- ANOTHER I HOP GO UP NEAR OUR -- YOU KNOW NEAR OUR HOUSE. YOU KNOW, WE KNOW THAT THERE'S A -- THERE'S 54 RAINEY STREET, THE MAC GOING UP AND JUST FROM WHAT I HEARD TONIGHT, SEEMS LIKE THERE'S CBD ALL AROUND OUR NEIGHBORHOOD, BUT THEN THEY ARE CONSIDERING, YOU KNOW, MAYBE GR SOMETHING SMALLER SCALE IN THE MIDDLE RIGHT WHERE WE'RE AT. AND PERSONALLY I JUST DON'T THINK THAT'S A GOOD IDEA. NOT FOR US. IT'S JUST MORE OF THE SAME. I KNOW -- ANOTHER ISSUE I WANT TO TAKE UP IS THIS HISTORIC NATIONAL REGISTRY, YOU KNOW, ISSUE. YOU KNOW WE HEAR THAT YEAH WE WANT TO KEEP THESE HOUSES, WE WANT TO RESTORE THEM AND ALL OF THESE NICE BEAUTIFUL THINGS, BUT IN REALITY WHAT HAS THE HISTORIC COMMISSION OR THE HERITAGE SOCIETY ACTUALLY DONE TO KEEP SOME OF THOSE HOUSES, YOU KNOW, BEAUTIFUL? WE'VE GOT SEVERAL HOUSES ON THAT NEIGHBORHOOD RIGHT NOW THAT ARE FALLING APART. SO WHEN I HEAR THAT YEAH WE WANT TO KEEP THESE -- YOU KNOW, KEEP THESE HOUSES, YOU KNOW, OR KEEP THE HISTORIC DISTRICT INTACT, IT'S LIKE WHAT HISTORIC DISTRICT? IF YOU ARE LETTING THEM FALL APART, WHAT ARE YOU GOING TO HAVE? ALSO WHAT IF A FAMILY WANTS TO MOVE THEIR HOUSE AND IT'S CONSIDERED ONE OF THOSE HISTORIC HOUSES? THEN YOU WON'T HAVE THAT HOUSE, EITHER. SO -- SO WHERE -- WE'RE IN SUPPORT OF THAT CBD ZONING WITHOUT THE LIMITATIONS BECAUSE TO BE HONEST WITH YOU, OUR FAMILY WOULD LIKE TO MOVE AND LIKE I THINK ANYONE IN THIS HALL HERE, ANYONE THAT'S WILLING TO -- THAT WANTS TO MOVE, WANTS TO SELL THEIR PROPERTY IS GOING TO WARRANT TO ASK THE HIGHEST PRICE THAT THEY CAN FOR THAT PROPERTY. I THINK THE BEST DEAL FOR US IS TO -- TO MAYBE GET A DEVELOPER TO COME IN HERE, A FEW OF OUR NEIGHBORS TO PUT OUR PARCELS -- PUT OUR PROPERTY

TOGETHER AND MAKE A PARCEL AND ASK FOR THAT HIGH PRICE. SO -- SO I THANK YOU FOR -- FOR LETTING ME SPEAK.

Mayor Wynn: THANK YOU, MR. SANCHEZ. JANET ANDERSON SIGNED UP FOR THE WISHING TO SPEAK IN FAVOR. PIERRE SHARBINEAU NOT WISHING TO SPEAK IN FAVOR. ANYONE CITIZENS WHO WISH TO BE HEARD IN THESE HEARINGS, THE ZONING CASES OR ITEM 54? HEARING NONE, COUNCIL, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLISH HEARINGS. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER DUNKERLY TO CLOSE THE PUBLIC HEARINGS, ITEM 54 AND THE ZONING CASES Z-1 THROUGH Z-8. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION TO CLOSE THE PUBLIC HEARING PASSES ON A VOTE OF 5-0 WITH THE MAYOR PRO TEM AND COUNCILMEMBER SLUSHER OFF THE DAIS.

MAYOR, IF I MIGHT, JUST WANTED TO CLARIFY ONE OR TWO POINTS. THE -- THE DEVELOPMENT BONUS APPROACH THAT WE ARE RECOMMENDING, IF THE -- IF A PROJECT DID MEET THOSE CRITERIA IT WOULD BE -- IT WOULD BE ADMINISTRATIVELY ABLE TO ACCESS THE HIGHER F.A.R., THE HIGHER BUILDING HEIGHT. ANOTHER POINT THAT REALLY LED US DOWN THIS ROAD TO THIS APPROACH IS THAT IT WAS THE ONLY -- THE ONLY APPROACH THAT WE COULD IDENTIFY TO ADDRESS THE -- THE GOALS THAT WERE IDENTIFIED IN THE COUNCIL RESOLUTION, CREATION OF THE PEDESTRIAN FRIENDLY ENVIRONMENT, THE MIXED INCOME RESIDENTIAL COMPONENT, GREEN BUILDING, SO ON, SO FORTH. FINALLY I JUST WANTED TO EMPHASIZE THAT MANY OF THE BOARDS AND COMMISSIONS DID SUPPORT THE DEVELOPMENT BONUS APPROACH AND VIRTUALLY ALL OF THEM SUPPORTED SOME ELEMENT OF THE WATERFRONT OVERLAY DISTRICT, I MEAN -- [INDISCERNIBLE] THANK YOU.

THANK YOU, MR. ADAMS. COMMENTS, COUNCIL? QUESTIONS OF STAFF? NEIGHBORS, OWNERS? COUNCILMEMBER DUNKERLY?

Dunkerly: I WAS LOOKING DOWN TO COUNCILMEMBER ALVAREZ. THIS IS -- HAS REALLY BEEN A VERY INTERESTING PUBLIC HEARING. I THINK MANY OF YOU IDENTIFIED THE REASON THAT THE COUNCIL ASKED THIS TO BE RECONSIDERED. THAT WAS THE UNCERTAINTY. WE WERE COMPLETELY IN A STATIC CONDITION. THE OWNERS WOULDN'T SELL, THE DEVELOPERS WOULDN'T BUY, AND IT LOOKED LIKE IT WAS GOING TO GO FOREVER UNTIL ALL OF THE HOUSES FELL DOWN, WHETHER THEY WERE HISTORIC OR NOT. AND I -- COUNCILMEMBER ALVAREZ AND THE REST OF THE COUNCIL THEN ASKED FOR THE STAFF TO INITIATE THIS ZONING. THERE ARE A COUPLE OF THINGS THAT -- THAT ARE REALLY GOALS THAT I WOULD LIKE TO SEE ACHIEVED. ONE IS I DO WANT DENSITY IN THAT AREA. I THINK THAT IT'S AN APPROPRIATE PLACE FOR A VERY DENSE DEVELOPMENT. BUT I WANT A GOOD DEVELOPMENT. SOMETHING THAT IS ECLECTIC AND INCORPORATES ALL OF THE THINGS THAT YOU'VE TALKED ABOUT TONIGHT, ALL OF THE THINGS THAT WE TALK ABOUT. I WOULD LIKE TO SEE SOME VERY TALL BUILDINGS. I WOULD LIKE TO SEE SOME SMALLER BUILDINGS. BUT I THINK IF WE COULD GET WITH ONE OF THE REALLY SUPERIOR NATIONAL DEVELOPERS TO COME IN HERE, WE COULD HAVE SOMETHING THAT WOULD BE AN ASSET TO THIS COMMUNITY FOR A LONG TIME. I THINK THE OTHER THING THAT -- AS YOU LOOK AT THAT MAP, YOU SEE THAT A LOT OF THE PERIPHERAL PROPERTY IS ALREADY ZONED CBD, THOSE PROPERTIES THAT ARE IN THAT CENTER ARE REALLY WHAT WE'RE TALKING ABOUT TONIGHT. SOME OWNERS MAY NOT WANT TO SELL, THEY WON'T BE FORCED TO SELL. BUT WHAT I DON'T WANT TO DO IS A LITTLE BIT OF WHAT WE DID IN THE UNO PLAN WE DECIDED SOME PROPERTY WOULD BE 175 FEET, SOME PROPERTY WOULD BE 60 FEET. IT WAS A GREAT PLAN BUT YOU HAD NEIGHBORS THEN THAT HAD THEIR PROPERTY AUTOMATICALLY OVERNIGHT VALUED A LOT HIGHER THAN PEOPLE RIGHT NEXT DOOR. ONE OF THE GOALS IS TO MAKE SURE THAT WHATEVER WE DO, THAT THIS ENTIRE NEIGHBORHOOD STAYS THE SAME AND CAN GET THE MOST VALUE FOR THEIR MONEY THAT'S WHY I SUPPORT THE CBD WITHOUT THE HEIGHT RESTRICTIONS BECAUSE I THINK EVEN IF YOU BEGAN TO PUT THE 60-FOOT HEIGHT RESTRICTIONS THAT THE STAFF RECOMMENDS FOR VERY GOOD REASONS, IT

AUTOMATICALLY LOWERS THE VALUE, I THINK THAT YOU ARE GOING TO GET FOR YOUR PROPERTY. SO THE CBD, BECAUSE I THINK IT WILL HELP GET THESE PEOPLE THAT WANT TO SELL WHO HAVE BEEN THERE FOR SO LONG THE MAXIMUM VALUE FOR THEIR PROPERTY AND SECONDLY IT GIVES US THE DENSITY IN EXACTLY THE PLACES THAT WE NEED IT. NOW, IF WE CAN ATTRACT THIS NATIONAL DEVELOPER, HE MAY BE -- HE MAY WANT TO INCORPORATE SOME OF THE UNIQUE HOUSES. BUT HE DOES IT IN A WAY THAT MAKES THE WHOLE AREA VIBRANT AND VALUABLE AND DENSE FOR THE CITY. THE -- SO THAT'S ONE OF MY GOALS. THE SECOND GOAL WOULD BE TO ENCOURAGE THAT -- THAT WONDERFUL DEVELOPMENT TO REALLY AFFORD TO BE ABLE TO DO THE TUNNEL THAT WE WANT TO DO. TO HAVE THE -- TO HAVE THE AUSTIN RIVER WALK OR WHATEVER WE WANT TO CALL THAT. BUT I THINK THAT DOES PLAY INTO IT BECAUSE WITHOUT THAT, THAT TUNNEL PROJECT DOES BECOME LESS VIABLE. SO I THINK THAT'S A LEGITIMATE REASON. IT'S NOT THAT WE ARE SWAPPING A NEIGHBORHOOD FOR A TUNNEL, BUT WE ARE DOING SOMETHING GREAT TO AN AREA AND GETTING GREAT DENSITY AND IT'S A SIDE EFFECT WE ARE ABLE TO AFFORD THE TUNNEL. THE -- I THINK MR. -- WAS IT MR. LA BRONE WHO HAD THAT VERY ELOQUENT TALK OVER THERE. IF I COULD ADOPT YOUR PLAN RIGHT NOW, I WOULD DO IT. I HAVE ONE QUESTION, THOUGH, MAYBE SOME OF THE DEVELOPERS IN THE -- IN THE AUDIENCE CAN -- CAN TELL ME HOW THIS HAPPENS BUT I DON'T KNOW HOW WE SELECT A MASTER DEVELOPER FOR THAT AREA WHEN WE DON'T CONTROL THE PROPERTY. SO IN THE COURSE I WOULD HOPE OF THE NEXT WEEK OR SO, WE CAN TALK ABOUT THAT, HOW DO WE -- HOW CAN WE BE ASSURED OF -- I MEAN, I DON'T SEE HOW THE CITY CAN DO THAT. BUT THERE MAY BE SOMETHING I'M MISSING SINCE I'M NOT IN THAT BUSINESS. BUT AS WE GO THROUGH THESE NEXT WEEK OR SO AS WE LOOK OVER WITH -- WITH THIS ZONING THING, I'M GOING TO BE LOOKING FOR THOSE GOALS TO GET THE MOST DENSITY, TO GET THE WONDERFUL ECLECTIC LOOK, AND FIGURE OUT A WAY OF DOING THAT AND THEN GET THOSE PROPERTY OWNERS WHO HAVE BEEN VERY PATIENT WITH US FOR A LONG TIME. THOSE THAT WANT TO SELL, THE MAXIMUM AMOUNT, FOR THEIR PROPERTY SO THAT WE ARE

NOT INADVERTENTLY BEING UNFAIR TO ANY OF YOU. SO THAT'S SORT OF MY GOAL AND MY POSITION. I DON'T KNOW HOW TO GET THERE YET. BUT THAT'S WHERE I STAND.

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

Alvarez: MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: I'LL SAY A LITTLE BIT. I THINK, I DON'T KNOW IF FOLKS ARE EXPECTING US TO VOTE, BUT THERE'S BEEN CERTAINLY A REQUEST BY SEVERAL COUNCILMEMBERS TO NOT HAVE A VOTE TODAY EVEN IF IT WAS -- I THINK IT WOULD ONLY BE ON FIRST READING, I DON'T KNOW -- WE WOULD STILL BE COMING BACK FOR FURTHER CONSIDERATION, SO JUST MAKE SURE ON FOLKS -- THAT FOLKS UNDERSTAND THAT, ALTHOUGH I THINK, YOU KNOW, THE QUICKER WE HAMMER THIS OUT THE BETTER. AND YOU KNOW IT TOOK US -- PROBABLY FIVE MONTHS TO FIGURE OUT THREE TO FIVE MONTHS TO FIGURE OUT THE UNIVERSITY NEIGHBORHOOD OVERLAY AND I THINK THAT THIS SHOULDN'T TAKE NEARLY THAT LONG BECAUSE, YOU KNOW, IT WAS -- IT WAS ALMOST MODELED AFTER THAT UNO UNIVERSITY NEIGHBORHOOD OVERLAY, SO I THINK WE HAVE LEARNED SOME LESSONS, YOU KNOW, FROM THAT PROCESS THAT HOPEFULLY WILL HAVE US -- WILL HAVE THIS ZONING APPROVALS HAPPEN A LOT QUICKER THAN WHAT HAPPEN UNDERSTAND THE UNIVERSITY AREA. HAPPENED IN THE UNIVERSITY AREA. BUT I DO WANT TO THANK STAFF FOR THEIR HARD WORK AND FOR GOING OUT TO ALL OF THOSE LATE-NIGHT MEETINGS AND GETTING INPUT, YOU KNOW, ON THE PROPOSAL AND PUTTING TOGETHER WHAT I THINK IS A VERY GOOD BALANCED PROPOSAL, GIVEN YOU KNOW ALL OF THE ISSUES THAT THE COUNCIL ASKED THEM TO CONSIDER, BECAUSE THERE ARE A LOT OF ISSUES THAT ARE ASSOCIATED WITH THIS PARTICULAR PIECE OF LAND AND I DON'T THINK IT'S AS EASY AS JUST SAYING EVERYONE GETS CBD AND THAT'S IT, THAT'S MY OWN PERSONAL, YOU KNOW, THOUGHT. AND BECAUSE I THINK THERE'S A LOT THAT -- THAT WE ARE TRYING TO DO BUT -- BUT FUNDAMENTALLY, WHAT I DO IS I GO BACK TO THE PLAN THAT MANY OF YOU

TALKED ABOUT THAT WAS PREPARED BY THE NEIGHBORHOOD IN -- IN 2000, AND WHAT I SAW THERE WAS A NICE MIXED PLAN THAT DIDN'T HAVE A WHOLE BUNCH OF HIGH RISES EVERYWHERE, BUT THAT WAS MIXED, WAS MIXED USE AND WAS -- WAS -- HAD MIXED -- HEIGHTS, YOU KNOW, DIFFERENT KINDS OF THINGS AND SO I THINK THAT THAT -- FOR ME THAT'S WHAT I WOULD LIKE TO GO BACK TO. I THINK I KNOW EVERYONE IS TRYING TO FOCUS ON CBD WITH AS FEW RESTRICTIONS AS POSSIBLE, BUT I THINK THAT THERE ARE OTHER GOALS WE ARE ALSO TRYING TO ACHIEVE THROUGH THIS PROCESS THAT I THINK WE NEED TO BE SENSITIVE TO, WHICH -- WHICH YOU KNOW REPRESENT TO -- TO PROTECTING TOWN LAKE, BEING SENSITIVE ABOUT DEVELOPMENT AROUND TOWN LAKE, BEING SENSITIVE ABOUT DEVELOPMENT ALONG WALLER CREEK, AROUND THE MEXICAN AMERICAN CULTURAL CENTER. I THINK THOSE ARE SOME OF THE THINGS THAT WE HAVE TRIED TO INCORPORATE HERE AND I DO THINK THAT -- THAT THIS WOULD HELP MAKE -- YOU KNOW MAKE THE LAND MORE ATTRACTIVE FOR DEVELOPMENT. I THINK THAT'S ONE OF THE BARRIERS, HAS BEEN THAT THERE'S SO MANY PARCELS OF LAND WITH DIFFERENT KINDS OF ZONINGS, IT'S VERY DIFFICULT TO FIND SOMEONE WHO WANTS TO GO THROUGH THE ZONING PROCESS WITHOUT KNOWING OR TO PURCHASE THESE PROPERTIES WITHOUT KNOWING THEY HAVE THE ZONING TO MOVE FORWARD AND SO I THINK THAT -- AT LEAST WHAT WE DID IN UNO IS APPLICABLE HERE IN TERMS OF SAYING WELL, WE WILL AGREE TO CHANGE THE ZONING TO A HIGHER DENSITY, A HIGHER DENSITY, A HIGHER CATEGORY THAN WHAT YOU HAVE NOW, WHICH CERTAINLY IMPROVES THE VALUE OF THE PROPERTY, BUT ALSO GIVES DEPOSITION COMMUNITY BONUSES IF YOU AGREE TO DO SOME THINGS THAT ENSURE THAT THERE'S PUBLIC BENEFIT OUT OF -- OUT OF, YOU KNOW, OUT OF THE PROCESS OR OUT OF, YOU KNOW, THIS ACTION THAT THE COUNCIL IS TAKING. THERE ARE SEVERAL BARRIERS, I THINK, TO DEVELOPING IN THIS AREA AND -- AND DEVELOPING OR REALIZING THE PLAN THAT WAS DEVELOPED BY THE NEIGHBORHOOD, I THINK ZONING IS ONE OF THEM, I THINK AGAIN WE HAVE A STRONG ORDINANCE, ZONING, ZONING FOR THIS AREA THEN THAT'S GOING TO AT LEAST ALLEVIATE ONE OF THE PROBLEMS

THAT THE -- THAT THIS NEIGHBORHOOD HAS SEEN, BUT THE OTHER ONE WE ALL KNOW IS THE NEIGHBORHOOD OR THE NATIONAL HISTORIC DISTRICT I THINK THAT'S ANOTHER ISSUE THAT'S REALLY GOING TO HAVE TO BE ADDRESSED SOMEHOW, YOU KNOW, BY THE NEIGHBORHOOD AND THE PROPERTY OWNERS. BY ARTICULATING WHAT IT IS THAT -- THAT THE NEIGHBORHOOD WANTS TO SEE. BUT SO THIS ACTION ALONE WOULDN'T I THINK REMOVE ALL OF THE BARRIERS, BUT I THINK IT WOULD MAKE IT EASIER FOR -- FOR THE KIND OF REDEVELOPMENT THAT FOLKS HAVE BEEN TALKING ABOUT TO OCCUR. BUT AGAIN I THINK THAT UNO IS A GOOD MODEL TO FOLLOW. AND THAT -- THAT WE TRY TO LIMIT WHAT THE REQUIREMENTS ARE AS FOLKS HAVE BEEN SAYING TO SOME OF THOSE ISSUES THAT WERE INCLUDED, YOU KNOW, WITH THE UNIVERSITY NEIGHBORHOOD OVERLAY PERTAINING TO THE HEIGHTS, PERTAINING TO THE AFFORDABLE HOUSING REQUIREMENTS AND PERTAINING TO THE STREET SCAPES, THE DESIGN STANDARDS ALONG THE STREETS AND I THINK A LOT OF THESE OTHER THINGS THAT -- THAT ARE INCLUDED HERE CAN BE ADDRESSED IN SOME OTHER FASHION, BUT I REALLY THINK THAT -- THAT THOSE ARE SOME -- SOME THREE CORE FUNDAMENTAL ISSUES THAT I FEEL NEED TO BE ADDRESSED IN THE PROCESS OF -- OF CONSIDERING THIS REZONING PROPOSAL. AND THAT SOME OF THESE OTHER ISSUES, OTHER DESIGN ISSUES, ISSUES THAT DEFINE THE DENSITIES AND THE KINDS OF USES, THE HISTORIC ISSUES AND GREEN BUILDING THAT THERE AGAIN BE ANOTHER WAY OF -- OF TRYING TO ADDRESS THOSE MUCH LIKE WHAT WE DO DURING -- THROUGH OUR DEVELOPMENT INCENTIVE PROCESS WHERE WE -- WE TRY TO -- TO SCORE A PROJECT TO SEE WHAT KIND OF ISSUES IT -- IT ADDRESSES AND ENCOURAGE THAT THROUGH THE SCORING PROCESS THAT DOES ADDRESS THE DESIGN ISSUES, THE HISTORIC ISSUES, GREEN BUILDING AND OTHER ISSUES AND SO -- SO I'M HOPEFUL THAT AGAIN WE CAN TRY TO SEPARATE OUT WHAT NEEDS TO BE INCLUDED IN THE ZONING ORDINANCE WITH SOME OF THESE ISSUES THAT WE WANT TO ENSURE ARE INCORPORATED BUT TO FIND I THINK A, YOU KNOW, A CREATIVE WAY OF TRYING TO ENSURE THAT THESE ARE THE CONSIDERATIONS THAT THE FOLKS COMING FORWARD WITH THE DEVELOPMENT PROPOSAL INCORPORATE INTO THEIR

PLANS SO I THINK THERE'S GOING TO BE A LOT OF DISCUSSION AND A LOT OF -- A LOT OF -- OF PROPOSALS I THINK TO CONSIDER AND TO VOTE ON. BUT I THINK THIS IS A, YOU KNOW, WE'RE CLOSER I THINK THAN WE'VE EVER BEEN TO THE ZONING CHANGES THAT MANY HAVE REQUESTED AND BUT I BELIEVE THERE ARE -- YOU KNOW A LOT OF DIFFERENT ISSUES THAT ARE BEING BALANCED HERE AND THAT WE SHOULD TRY TO FIGURE OUT HOW TO IN GOOD FAITH ADDRESS THOSE ISSUES. BUT -- BUT I BELIEVE -- I DON'T KNOW IF OUR STAFF CAN MAYBE SPEAK TO THE TIMING OF WHEN THIS WOULD COME BACK AGAIN. BUT -- BUT MAYBE LET OTHER COUNCILMEMBERS SPEAK TO SOME OF THESE ISSUES AND THEN WE CAN TALK ABOUT THE TIMING OF -- OF FURTHER COUNCIL DELIBERATION ON THIS ITEM.

SO MR. GUERNSEY, TELL US HOW -- OBVIOUSLY WE WOULDN'T BE PREPARED FOR THREE READINGS TONIGHT ANYWAY. BUT WHAT IS STAFF PREPARED FOR AND WHAT WOULD BE A LIKELY HANDICAP OF -- OF IT COMING BACK.

GIVEN THE HOLIDAYS THAT WE HAVE, STAFF WOULD ESTIMATE PROBABLY THREE MONTHS TO WORK THROUGH BOARDS AND COMMISSIONS, FOR THE AMENDMENTS TO THE WATERFRONT OVERLAY, THE ZONING ORDINANCE WITH APPROVAL PROBABLY FIRST READING, MAY HAPPEN TONIGHT. WE WOULD BRING BACK SECOND AND THIRD READINGS OF THE ZONING ORDINANCE WITH -- WITH THE AMENDMENTS TO THE CODE DEALING WITH THE WATERFRONT OVERLAY DISTRICT. SO THE COUNCIL WOULD BE ABLE TO CONSIDER THREE READINGS FOR THOSE AMENDMENTS WITH SECOND AND THIRD READING OF THE ACCOMPANYING ZONING ORDINANCES. SO APPROXIMATELY THREE MINUTES.

WE MIND ME IF -- IF THAT -- IF COUNCIL WERE TO TAKE ACTIONS, YOU KNOW, RANGING FROM -- ON SORT OF ONE END OF THE SPECTRUM, CBD ZONING ON THE ENTIRE AREA WITH NO RESTRICTIONS, WHAT -- WHAT -- HOW LENGTHY AND HOW COMPLICATED AN OVERLAY AMENDMENT PROCESS WOULD THAT REQUIRE VERSUS, YOU KNOW, GOING TO AND THROUGH THE FULL SET OF RECOMMENDATIONS OF HAVING THE -- THE SIGNIFICANT SERIES OF INCENTIVES AND RESTRICTIONS AND DIFFERENT

ALMOST -- ALMOST ON A TRACT BY TRACT BASIS.

WELL THE ZONING ACTUALLY IS VERY SIMPLE TO DO IF THE INTENT IS JUST TO DO CENTRAL BUSINESS DISTRICT ZONING, WE JUST PREPARE 8 ORDINANCES TO IMPLEMENT CBD ZONING, THAT WOULD BE THE MOST I AM POLICEISTICPART. THE MORE DIFFICULT PART IS TO WORK THROUGH THE WATERFRONT OVERLAY RAINEY STREET SUBDISTRICT AMENDMENTS AND TO QUANTIFY EACH ONE OF THOSE AND BRING THOSE FORWARD TO YOU. WE WOULD WORK WITH OUR LAW DEPARTMENT AND WORK WITH THE PLANNING COMMISSION CODES IN THE SUBCOMMITTEE BRINGING THAT THROUGH AND I'M SURE THERE WOULD BE A LOT OF CITIZEN INPUT INTO EACH OF THOSE DIFFERENT PARTS. THERE CERTAINLY WAS BY THE DIFFERENT COMMISSION JUST TO GIVE INPUT. I AM SURE THE [INDISCERNIBLE] DESIGN COMMISSION, DOWNTOWN COMMISSION RECOMMENDATIONS ON HOW THOSE WOULD BE IMPLEMENTED. SO IF IT WAS ONLY ONE OR TWO THINGS, THAT MIGHT ONLY TAKE A MONTH OR TWO. IT WAS VERY FEW ITEMS OF THE SUBDISTRICT LIST. IF IT'S THE FULL RANGE, I THINK THAT YOU ARE STILL LOOKING AT THREE MONTHS.

Mayor Wynn: SO YOU ARE SUGGESTING THAT IF COUNCIL WERE TO TAKE AN ACTION TO ZONE THE ENTIRE AREA CBD WITH NO RESTRICTIONS, THERE STILL WOULD BE SUBDISTRICTS WITHIN THE OVERLAY TO DEAL WITH?

NO. IF YOU WERE TO ZONE IT JUST CBD, WE COULD PREPARE THE ORDINANCES VERY QUICKLY AND GET THOSE BACK TO YOU IF THAT'S THE INTENT OF COUNCIL.

WOULD THERE THEM NEED TO BE, OVERLAY, TOWN LAKE OVERLAY NEED TO BE ADDED AT ALL IF THAT WERE THE CASE.

IT'S COUNCIL'S DESIRE NOT TO CHANGE THE OVERLAY AS IT EXISTS, BASICALLY TO LIVE OUT ALL OF THE PEDESTRIAN ORIENTED DESIGN IMPROVEMENTS, STEP BACKS, ALL OF THOSE DIFFERENT ITEMS, THAT WOULD BE VERY SIMPLE TO DO, JUST PREPARE THE ORDINANCE AND BRING IT BACK. IF IT'S YOUR INTENT TO ADDRESS THOSE DESIGN STANDARDS

AND HAVE THOSE INCORPORATED INTO THE ORDINANCE, WITH THE ADOPTION OF CBD ZONING, THEN THAT WOULD TAKE THE FULL THREE MONTHS.

Dunkerly: MAYOR, COULD I ASK A QUESTION?

COUNCILMEMBER DUNKERLY.

Dunkerly: THIS SOMETIMES DOESN'T WORK. IN RELATION TO -- TO THE INCENTIVES, YOU KNOW, IN YOUR PROPOSAL, YOU ARE SAYING WE CAN -- WE CAN -- WE CAN GO ABOVE THE 60 FEET, GET A MUCH LARGER F.A.R. IF YOU DO CERTAIN THINGS. WOULD YOU ALSO LOOK AT BRINGING BACK, SINCE IT'S A VERY UNIQUE AREA, THE LAST ONE I THINK LEFT IN THE DOWNTOWN AREA, THE IDEA THAT I GUESS IT WAS THE DOWNTOWN COMMISSION, ONE OF THE COMMISSIONS MENTIONED, MAKING THESE THINGS INCENTIVES WHERE YOU WOULD GIVE EXPEDITED REVIEW WHICH IS A VERY VALUABLE THING FOR DEVELOPMENT TO HAVE. VERY SIMILAR TO EITHER OUR SMART HOUSING OR OUR SMART GROWTH MATRIX USED TO BE. IF YOU COULD TAKE A LOOK AT THAT AND BRING SOMETHING BACK, JUST TO SEE WHAT -- WHAT THAT WOULD LOOK LIKE AS A METHOD -- AS A DIFFERENT METHODOLOGY OF GETTING THE THINGS WE WOULD LIKE TO SEE IN THE AREA, BUT BASED ON THE INCENTIVE RATHER THAN THE -- RATHER THAN THE -- THAT TYPE OF INCENTIVE RATHER THAN THE HEIGHT INCENTIVE.

COUNCILMEMBER MCCRACKEN?

McCracken: YEAH. I HAD A QUESTION. I -- MR. GUERNSEY, EITHER YOU OR MR. ADAMS, CAN YOU REMIND US, WHAT WERE THE ITEMS THAT WERE IN THE COUNCIL RESOLUTION THAT WE PASSED EARLIER THIS YEAR?

YES. THE -- THE RESOLUTION HAD MANY PARTS TO IT. ASIDE FROM INITIATING A ZONING, GETTING SEVERAL DIFFERENT BOARD AND COMMISSION REVIEWS, THE COUNCIL REQUESTED THAT THE BOARDS AND COMMISSIONS RECOMMENDED DEVELOPMENT INCENTIVE ROAM FOR THE RAINEY STREET AREA, IT PROMOTES SEVERAL GOALS, ONE OF THESE WAS THE PRESERVATION OF TREES, THE UNIQUE HISTORIC CHARACTER OF THE AREA. NUMBER TWO WOULD

BE THE STRONG MIXED INCOME, RESIDENTIAL COMPONENT WITHIN THE DEVELOPMENT. THREE A PEDESTRIAN FRIENDLY ENVIRONMENT. FOUR THE USE OF GREEN BUILDING TECHNIQUES. AND FINALLY, FIVE, THE USE OF URBAN DESIGN CRITERION TYPICALLY INCLUDED IN THE CITY'S PERFORMANCE BASED ECONOMIC INCENTIVE POLICIES. THOSE WERE THE SPECIFIC ITEMS THAT COUNCIL RESOLVED AND DIRECTED STAFF TO LOOK AT IN CREATING OUR RECOMMENDATION.

I WANT TO MAKE SURE I RUN THESE BY THEN. THE -- THE ITEMS THAT THE COUNCIL HAS STATED THAT WE -- IN OUR PREVIOUS VOTE TO BE ACHIEVED BY THE ORDINANCE WE PASSED, IS -- IS PRESERVATION OF TREES, I HAVE IN MY NOTES PRESERVATION OF THE HISTORIC CHARACTERISTICS OF THE AREA. OF THIRD -- MIXED INCOME RESIDENTIAL, OF -- OF OPPORTUNITIES IN THE DISTRICT, PEDESTRIAN AMENITIES, GREEN BUILDING, URBAN DESIGN. IS THAT RIGHT?

YES. I KNOW I'M PARAPHRASING. CAN YOU EXPLAIN FOR US WHY THE ORDINANCE AS PRESENTED TO US ACHIEVES THESE SIX POLICY GOALS.

THE INCENTIVES PROPOSED RIGHT NOW BY STAFF ADDRESS THE PRESERVATION OF TREES AND THE PEDESTRIAN SCALE THROUGH THE GREAT STREETS PROGRAM AND THE DESIGN STANDARDS THAT ARE PART TWO OF THE -- OF THE STAFF RECOMMENDATIONS THAT GEORGE WENT THROUGH. THIS IS THE -- THE BUILDING STEP BACKS, LIMITATIONS ON THE BUILDING [INDISCERNIBLE] REQUIRING END CAPS ENCAPSULATION OF PARKING, SET BACKS. IN SPEAKING WITH THE NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT AND REVIEWING UNO ORDINANCE WE BASICALLY LIFTED OUT OF THAT THE 10%, [INDISCERNIBLE] MEDIAN INCOME COMPONENT OUT OF UNO AND PLACED THAT INTO THE BONUS PROVISION. THERE'S A MINIMUM OF 30 UNITS. ALSO THE I GUESS THE GREEN BUILDING TECHNIQUES, THAT'S WHERE WE ACTUALLY INCORPORATED THREE STAR GREEN BUILDING ON CRITERIA AS PART OF THE BONUS TO GET BEYOND THE 16, THE 10 TO ONE F.A.R. I THINK IN GENERAL THOSE ARE THE DIFFERENT THINGS STAFF PROBABLY SPENT THE MOST TIME TRYING TO

BALANCE THE -- THE DESIRE OF COUNCIL AND THE NATIONAL REGISTER DISTRICTS THERE AND TO ADDRESS THAT SITUATION SO -- SO OUR SUGGESTION THAT WE RECOMMENDED TO YOU IS BASICALLY THE -- THE ENCLAVE, HISTORIC ENCLAVE THAT WE SUGGESTED BE ALONG RIVER STREET THAT WOULD PROVIDE A GATEWAY TO THE MAC. SO THOSE ARE THE THINGS THAT WE BROUGHT TO YOU THAT WE FELT ADDRESSED YOUR CONCERNS AND -- AND STILL ACHIEVED MANY OF THE OTHER GOALS OF -- OF THIS AREA OF PRESERVATION AND PEDESTRIAN ORIENTATION.

IN -- SPEAKING OUT OF THESE SIX POLICY GOALS THAT THE COUNCIL PREVIOUSLY VOTED WE WANT TO ACHIEVE BY THE ULTIMATE ORDINANCE, IF WE DO GO WITH A PURE CBD ZONING WITHOUT RESTRICTIONS, WILL THAT PROVIDE AN OPPORTUNITY TO REQUIRE PRESERVATION OF SIGNIFICANT TREES OR REQUIRE STREET TREES?

IF STAFF WOULD FEEL IT WOULD NOT, WE COULD CERTAIN ENCOURAGE A DEVELOPER TO MAKE THOSE IMPROVEMENT. IF A MASTER DEVELOPER CAME IN, THERE WOULD BE A POSSIBILITY THAT THEY WOULD DO MANY OF THE DIFFERENT THINGS THAT WE'RE SUGGESTING. BUT THERE'S NOTHING THAT THE CITY WOULD HAVE THAT WOULD ACTUALLY REQUIRE IT, SIMPLE PLACEMENT OF CBD ZONING WOULD ALLOW SOMEONE TO DEVELOP ANY KIND OF BUILDING UNDER THE CURRENT CODES WHICH STAFF FEELS THE WATERFRONT OVERLAY STANDARDS WOULD NOT ADDRESS THE PEDESTRIAN ORIENTATION, SOME OF THE PRESERVATION ASPECT OF WHAT OUR RECOMMENDATION IS.

I WANTED TO MAKE SURE THAT I UNDERSTAND THIS CORRECTLY THEN. THE FIRST POLICY GOAL WE HAVE STATED PREVIOUSLY IS TO PRESERVE HISTORIC TREES AND ALSO I GUESS SOME INTEREST IN HAVING STREET TREES. YOU ARE TELLING ME IF WE GO CBD WITHOUT RESTRICTIONS, WE CANNOT ACHIEVE THAT POLICY GOAL, WE CANNOT GUARANTEE IT? IT WOULD HAVE TO BE THROUGH PERSUASION BASICALLY? THAT THAT'S.

THAT'S CORRECT.

THAT WOULD BE AN [INDISCERNIBLE] HISTORICALLY IN THE STATE OF TEXAS COURTS HAVE NOT ALLOWED US TO MANDATE OFF-SITE IMPROVEMENTS BEYOND THE ZONING CASE. CBD ALLOWS 100% IMPERVIOUS COVER, ZERO SETBACKS, [INDISCERNIBLE] BUILDING COVERAGE, SO THERE WOULD BE THE ABILITY OF A PROPERTY OWNER TO EITHER PAVE OR CONSTRUCT BUILDINGS OVER ALL OF THE PROPERTY.

McCracken: SO WE COULD NOT REQUIRE PRESERVATION OF TREES AND PLANTING OF STREET TREES UNDER CBD RIGHT.

WE COULD NOT REQUIRE IT.

McCracken: THEN AS FAR AS MIXED INCOME RESIDENTIAL, IN OTHER WORDS AFFORDABLE HOUSING, IF WE GO CBD, WITHOUT -- IF WE GO CBD WITH NO RESTRICTIONS, WILL WE BE ABLE TO REQUIRE AN AFFORDABLE HOUSING COMPONENT, WHICH IS ONE OF OUR POLICY GOALS THAT WE VOTED ON.

AS THE ORDINANCE STANDS NOW, NO. LIKE I SAID, WE CAN ALSO ENCOURAGE, THERE MAY BE A POSSIBILITY OF ENCOURAGING TO UTILIZE SMART HOUSING, BUT WE HAVE NOT SEEN ANY -- ANY IN THE DOWNTOWN --

I WAS GOING TO ASK HAS THE FREE MARKET PRODUCED ANY AFFORDABLE HOUSING IN DOWNTOWN?

NO. UNDER THE SMART HOUSING PROGRAM, NONE THAT I'M AWARE OF ON A PROJECT DOWNTOWN. DEFINITELY BY THE UNIVERSITY WE HAVE ENCOURAGED PROPERTY OWNERS TO PURSUE THAT WITH UNO WE CERTAINLY HAVE.

McCracken: I'M JUST ASKING ABOUT DOWNTOWN THAT'S HAPPENED ON ITS OWN. LET'S QUICKLY GET TO THESE LAST TWO THEN ABOUT PEDESTRIAN AMENITIES SUCH AS SIDEWALKS, OTHER PEDESTRIAN AMENITIES, ALSO URBAN DESIGN OF -- IF WE DO CBD WITHOUT RESTRICTIONS CAN WE REQUIRE EITHER PEDESTRIAN AMENITIES OR URBAN DESIGN?

WELL, THERE ARE SOME THINGS THAT ARE REQUIRED

BECAUSE OF THE WATERFRONT OVERLAY DISTRICT SO YOU MIGHT GET SOME PEDESTRIAN ORIENTED USES, YOU WOULD NOT NECESSARILY GET THIS DESIGN STANDARDS THAT YOU MIGHT SEE WHERE YOU ARE BUILDING STEP BACKS OR SET BACKS FROM THE CREEK ITSELF. WITH THE VIGNETTE PROJECT, WE REQUIRE PEDESTRIAN ORIENTED USES THAT WERE ALONG THE CREEK. IF YOU HAVE SOME OF THESE INTERIOR LOTS, YOU MAY NOT GET ALL OF THOSE DIFFERENT TYPES OF -- LET'S SAY NEIGHBORHOOD PROHIBITION OF DRIVE THROUGH USES, YOU KNOW, THIS -- THESE -- THE CURRENT ZONING ALLOWS FOR HOUSING, CBD ALLOWS FOR HOUSING. BUT THE DESIGN OF THAT HOUSING MAY TAKE IN A VERY DIFFERENT CONTEXT WHERE YOU HAVE BUILDINGS THAT WILL COME DIRECTLY TO THE STREET FRONTAGE AND GO STRAIGHT UP RATHER THAN SETTING BACK AND HAVING A MORE OPEN, AIRY LIFE TO THEM WITH THE STEP BACKS THAT YOU MIGHT SEE.

McCracken: LET ME ASK YOU. SIDEWALKS THEN, WOULD WE BE ABLE TO HAVE SIDEWALKS, GUARANTEE SIDEWALKS THROUGHOUT THE AREA?

Guernsey: STAFF COULD REQUIRE THROUGH SITE PLAN PROCESS THAT SIDEWALKS BE PUT IN, BUT THEY WOULD BE THE STANDARD SIDEWALKS, NOT THE WIDER SIDEWALKS THAT YOU MIGHT FIND OF A GREATER WIDTH OF 8 TO 10 TO 12 FEET. YOU ARE JUST LOOKING AT A STANDARD SIDEWALK THAT WOULD BE REQUIRED ANYWHERE IN THE CITY OF AUSTIN.

HOW WIDE IS THE STANDARD SIDEWALK.

I BELIEVE IT'S ABOUT FOUR FEET.

FOUR FEET WIDE. HOW MUCH ARE -- HOW WIDE ARE THE SIDEWALKS IN THE GREAT STREETS PROGRAM?

18 FEET.

McCracken: WHAT'S THAT?

18 FEET.

McCracken: IS THAT HOW WIDE WE ARE LOOKING AT FOR THE RAINEY STREET DISTRICT, TOO.

I'M GOING TO TURN THIS OVER TO GEORGE AND LET HIM DELVE INTO THAT.

THE SHORT ANSWER IS YES. THE -- THE IDEA IS PART OF THAT WOULD MOST LIKELY BE WITHIN THE PUBLIC RIGHT-OF-WAY AND PART OF IT WOULD BE WITHIN THAT 10-FOOT SETBACK THAT WE ARE SUGGESTING.

I SAW THE DESIGN COMMISSION HAS STRUCTURED THEIR RECOMMENDATION AS -- AS CBD, ASSUMING EACH PROJECT MEETS THESE POLICY GOALS, THAT A PERMISSIBLE WAY TO STRUCTURE AN ORDINANCE? THAT MIGHT BE A LEGAL QUESTION. I DON'T KNOW. IT'S ON THE YELLOW SHEET HERE. AND IT'S UNDER DESIGN COMMISSION, SAYS THEIR PRIMARY RECOMMENDATION IS TO ALLOW CBD ZONING WITH UNLIMITED F.A.R. ASSUMING EACH PROJECT ACHIEVES THE FOLLOWING THINGS, THEN IT LISTS THOSE. I GUESS THE QUESTION THAT I HAVE, IS THAT A PERMISSIBLE WAY, A LEGAL WAY TO STRUCTURE A ZONING ORDINANCE?

COUNCILMEMBER, I WON'T SPEAK TO THE LEGALITY, BUT THE WAY THAT I UNDERSTAND THE RECOMMENDATION, I MAY BE INTERPRETING IT WRONG, IS THAT -- THEY ARE -- IT'S A SIMILAR APPROACH TO -- TO THE DEVELOPMENT BONUS. IT IS A DEVELOPMENT BONUS APPROACH. BUT THERE -- THEY ARE TAMPING DOWN THE BUILDING HEIGHT ACTUALITY, I CAN ONLY PRESUME WITH THE GOAL OF PROVIDING MORE INCENTIVE TO DO THOSE GREAT STREETS. THE AFFORDABLE HOUSING SO THAT YOU COULD ACHIEVE THAT -- THAT GREATER BUILDING. IF A.R. AND HEIGHT.

SO HOWEVER THEY AWARDED IT, IS IT -- WAS IT AT LEAST STRUCTURED THEN AT LEAST CONCEPTUALLY AS AN ALTERNATIVE CODE GET TO KEEP YOUR EXISTING SINGLE FAMILY, THREE, FOUR, TWO, WHATEVER, YOUR ALTERNATIVE IS CBD WITH ALL OF THESE CONDITIONS; IS THAT HOW IT'S ENVISIONED?

IT SOUNDS THAT WAY, ALTHOUGH IT'S A LITTLE UNCLEAR

FROM THE EXACT LANGUAGE.

I'VE SEEN SOME DISCUSSION IN PRESENTATIONS WE HAVE RECEIVED ABOUT AN EAST-WEST BISECT EITHER AS A PEDESTRIAN PATH OR A STREET. THAT CONTEMPLATED IN THE PLAN?

IT IS CONTEMPLATED WITH THE EXTENSION OF RED RIVER AND LET ME STEP AROUND REAL QUICK. ONE -- ONE FAIRLY UNIQUE CHARACTERISTIC ABOUT THE AREA AS COMPARED TO REST OF DOWNTOWN IS THAT THE REALLY LONG BLOCKS THAT WE HAVE IN THIS AREA AS OPPOSED TO APPROXIMATELY 300-FOOT LONG BLOCKS IN THE DOWNTOWN AREA, SO -- SO ONE BENEFIT OF PUTTING THROUGH RED RIVER IS THAT IT WOULD BREAK THIS -- APPROXIMATELY 1200 -- 1200 LINEAR FOOT BLOCK INTO TWO APPROXIMATELY 600-FOOT BLOCKS.

McCracken: I'M SORRY, IS THAT GOING TO BE A STREET OR JUST A PEDESTRIAN PATH?

THIS WOULD BE PROPOSED AS A STREET UNDER THE STAFF RECOMMENDATION. THERE'S ALSO A PROPOSED AMENDMENT TO THE WATERFRONT OVERLAY DISTRICT THAT WOULD REQUIRE PEDESTRIAN PATHS FOR PROJECTS THAT ARE OVER THAT HAVE MORE THAN 500 FEET OF FRONTAGE. WHICH IF THIS STREET WAS BUILT, THERE WOULD BE FEW OF THOSE.

McCracken: WE'VE HEARD QUITE A BIT OF DISCUSSION ABOUT SOMETHING I THINK A LOT OF US ARE VERY ENTHUSIASTIC ABOUT WHICH IS THE WALLER CREEK TUNNEL. DO WE HAVE ANYONE IN HERE ON STAFF WHO KNOWS WHAT FINANCIAL ASSUMPTIONS WERE MADE ABOUT THE RAINEY STREET DEVELOPMENT THAT -- THAT THE -- I THINK OUR HOUSTON CONSULTANTS, WAS IT SPILET OR SD, I THINK IT WOULD BE HELPFUL FOR US TO KNOW, BASED ON SOME OF THE TESTIMONY THAT WE'VE HEARD TONIGHT, WHAT ASSUMPTIONS WERE MADE ABOUT -- ABOUT RAINEY STREET DEVELOPMENT IN MAKING THEIR PROJECTIONS OF THE VIABILITY OF THE WALLER CREEK TUNNEL PROJECT.

COUNCILMEMBER, WE DID LOOK AT THOSE DURING THE --

OUR INITIAL LOOK AT THE AREA. I DON'T HAVE THOSE -- THE SUMMARY THAT WE REVIEWED OF THOSE. I DO RECALL THERE WAS -- THERE WAS SOME FAIRLY SUBSTANTIAL ASSUMPTIONS IN TERMS OF DEVELOPMENT IN THE AREA. ONCE AGAIN I DON'T HAVE THOSE EXACT NUMBERS, WE COULD CERTAINLY BRING THEM BACK TO YOU. THE ONE THING THAT DOES STICK IN MY MEMORY IS -- THERE AS MUCH AS A -- THERE WAS A FAIRLY SUBSTANTIAL RETAIL COMPONENT THAT WAS -- THAT WAS ASSUMED UNDER THE FEASIBILITY ANALYSIS, I THINK THAT WAS THE ONLY ITEM THAT WE WERE -- THAT WE WERE A LITTLE CONCERNED ABOUT. THERE WAS -- IN TERMS OF SQUARE FOOTAGE OF OTHER TYPES OF DEVELOPMENT, WE DIDN'T SEE ANY -- ANY YOU KNOW ANYTHING THAT SEEMED -- OUT OF -- OUT OF WHACK. AND ONCE AGAIN, WE CAN BRING THOSE BACK TO YOU IN THE FUTURE.

COUNCILMEMBER, WE DON'T HAVE IN MY OPINION THAT HAS THAT SPECIFIC SET OF DATA HERE TONIGHT, WE CAN SURE GET THAT TO YOU, HELP YOU UNDERSTAND WHAT THE LAND USE ASSUMPTIONS WERE FOR THESE CALCULATIONS.

McCracken: I THINK THAT'S IMPORTANT IN PART BECAUSE ONE OF THE CRUCIAL THINGS IS THAT THAT IS AN ECONOMIC ANALYSIS OF WHAT THE MARKET IS THERE. RIGHT? SO WE WILL KNOW FOR INSTANCE, YOU KNOW, BECAUSE WE KNOW THAT THE CONSULTANTS TOOK A FAIRLY CONSERVATIVE APPROACH ABOUT -- ABOUT THE PROJECTED BUILDOUT IN THE RAINEY STREET -- WELL IN WHOLE AREA, SO WE WOULD KNOW FOR INSTANCE IF WE TAKE CERTAIN ACTIONS THAT IT MIGHT ONLY LEAD TO 60-FOOT BUILDINGS, WELL, THEN WE WILL NOT HAVE ACHIEVED ANY OF OUR GOALS. WHEREAS IF WE KNOW THERE'S A SIGNIFICANT MARKET THERE, THAT COULD HELP GUIDE US IN UNDERSTANDING THE VIABILITY AND CONSEQUENCES OF CERTAIN ACTIONS. DO WE HAVE -- HAS THERE BEEN -- THIS -- THIS WOULD BE FOR MR. ADAMS, PROBABLY. CAN YOU TELL ME, MR. ADAMS, HOW MUCH OF THE DOWNTOWN DEVELOPMENT HAS HAPPENED, SUCH AS STREET TREES, PARKING IN AN ENVIRONMENT WHERE THERE WERE NO STANDARDS TO REQUIRE THAT? I'M TRYING TO GET A SENSE OF WHAT THE DOWNTOWN HAS PRODUCED THROUGH A PURE FREE MARKET APPROACH. [ONE MOMENT

PLEASE FOR CHANGE IN CAPTIONERS] TEST.

BUT THAT IS A CODE REQUIREMENT, ONCE AGAIN, NOT A FREE MARKET I GUESS RESPONSE.

McCracken: IF WE DO HAVE CDB ZONING WITH RESTRICTIONS, WE'LL STILL GET FIRST FLOOR USE ENCAPSULATED FOR PARKING.

FOR FIRST FLOOR PARKING, YES.

McCracken: WHAT I'M GLEANING FROM WHAT YOU'RE TELLING ME IS THE STREET PARKING FOR STREET TREES MAY BE SO EXPENSIVE THAT IT'S NOT HAPPENING WITHOUT SOME SORT OF REIMBURSEMENT OR FINANCIAL INCENTIVES IN THE REST OF DOWNTOWN. IS THAT ACCURATE?

THAT SEEMS TO BE THE RESULT. I MEAN, WE HAVE HAD --

Mayor Wynn: EXCUSE ME, MR. ADAMS. NAME A PROJECT DOWNTOWN THAT HAS BEEN BUILT THAT THE DEVELOPER DIDN'T PUT TREES ON THE SIDEWALK. IT DOESN'T HAPPEN. WHEN SOMEBODY REMODELS A LITTLE STOREFRONT OF EXISTING DERELICT BUILDING PERHAPS THERE'S NOT THE FUNDS, BUT WHEN FOURTH AND CONGRESS GETS BUILT, WHEN ANY BUILDINGS GET BUILT IN DOWNTOWN, THE DEVELOPERS ARE SPENDING TENS IF NOT \$100 MILLION HAVING VERY STRONG VESTED INTEREST IN PLANTING TREES AND THEY GET PLANTED EVERY SINGLE TIME. [APPLAUSE] >>

McCracken: AND I GUESS WHAT I'M TRYING TO FIND OUT IS THERE ARE ALL SORTS OF AREAS OF DOWNTOWN THAT HAVE NO TREES AND HAVE RELATIVELY RECENT DEVELOPMENT, SO WHAT I'M TRYING TO FIGURE OUT IS, FOR INSTANCE, IS THE REQUIREMENT OF STREET TREES FINANCIALLY ONEROUS THAT IT SHU BE A REIMBURSEMENT FORM OR DOES THE FREE MARKET PRODUCE IT ON ITS OWN BECAUSE WE KNOW ALL UP AND DOWN DOWNTOWN THERE ARE AREAS THAT HAVE NOT HAD --

Mayor Wynn: NAME ONE. NAME A RECENT DEVELOPMENT DOWNTOWN THAT TREES WEREN'T PLANTED IN THE

SIDEWALK.

McCracken: I WALK ALL OVER DOWNTOWN AND I DON'T SEE THEM.

Mayor Wynn: THEY'RE NOT RECENT DEVELOPMENTS.

McCracken: RIGHT, MAYOR. I'M JUST TRYING TO ASK QUESTIONS RIGHT NOW, OKAY? I'M TRYING TO FIND OUT INFORMATION ABOUT --

Mayor Wynn: I'M ANSWERING YOUR QUESTION. THERE'S NOT A SINGLE DEVELOPMENT.

McCracken: I DON'T KNOW THE ANSWER.

Mayor Wynn: I KNOW DOWNTOWN PRETTY WELL. I'M ANSWERING IT. I'M SORRY, MR. ADAMS, THE QUESTIONS WERE DELIVERED TO YOU, BUT I BELIEVE YOUR ANSWER WAS INCORRECT.

MAYOR, I'M NOT SURE OF ANY OF THE GREAT STREETS IMPROVEMENTS THAT HAVE DONE IT WITHOUT SOME SORT OF FINANCIAL REIMBURSEMENT FROM THE CITY. EITHER THROUGH THE SMART GROWTH MATRIX OR THROUGH THE REVENUE.

Mayor Wynn: AND TREES GOT PLANTED EVERY SINGLE TIME.

McCracken: I GUESS I'M TRYING TO FIGURE OUT DO THE TREES GET PLANTED WITHOUT MONEY BECAUSE WE DO HAVE A CHOICE IN FRONT OF US THAT'S PRESENTED, THAT IS, NO MONEY, REQUIRE TREES OR NO MONEY DON'T REQUIRE TREES. SO OF COURSE WE TAKE THE MODEL OF NO MONEY AND DON'T REQUIRE TREES, WILL TREES GET PLANTED, FOR INSTANCE? AND I THINK THE HISTORICAL RECORD IS THAT WHEN THERE WAS NO MONEY TREES DIDN'T GET PLANTED AND NOW THAT THERE IS MONEY TREES GET PLANTED. AND THAT OPENS THE QUESTION OF, FOR INSTANCE, DO THESE PUBLIC AMENITIES GET INSTALLED BY PRIVATE DEVELOPERS WITHOUT MONEY? I MEAN, I GUESS THAT THERE'S A FAIR CASE TO BE MADE, BUT THE ANSWER IS WE DON'T KNOW. BUT ON THE PLUS SIDE, IF

IT HAPPENS ANYWAY, WHY NOT REQUIRE IT BECAUSE IT WOULD HAPPEN ANYWAY IF NOT A BURDEN. BUT I'M JUST TRYING TO FIND OUT WHAT CHOICES WE HAVE RIGHT NOW. ABOUT THE HISTORIC ENCLAVE, IS THERE A CHANCE THAT IT COULD BE REDEVELOPED PARKLAND SUCH AS HOUSTON HAS DONE WITH SAM HOUSTON PARK WHERE THEY HAVE A NUMBER OF HISTORIC HOMES THAT HAVE BEEN MOVED OVER INTO THAT PARK RIGHT ON THE EDGE OF DOWNTOWN?

IT'S CERTAINLY AN IDEA THAT WE COULD LOOK AT, AND WE DID DO SOME PRELIMINARY EXAMINATION OF IT LOOKING AT THE MAC SITE. WE DON'T FEEL LIKE THERE'S PROBABLY A REAL GOOD FIT THERE. THERE HAVE BEEN SUGGESTIONS IN THE PAST OF LOOKING AT PARKLAND THAT IS CLOSER TO WALLER CREEK. THERE'S, I BELIEVE, A SITE ON THE BLUFF THAT SOME FOLKS HAVE SUGGESTED AS A GOOD OPTION. WE COULD CERTAINLY LOOK AT THAT.

McCracken: I THINK THAT WOULD BE HELPFUL IF THERE COULD BE SOME PRESENTATION FOR US IF THAT IS AN OPTION BECAUSE I DO AGREE THAT IT'S -- THAT IT WOULD BE SOMEWHAT UNFAIR IF WE'RE GOING TO TAKE THE HISTORIC ENCLAVE APPROACH THAT THERE'S GOING TO BE ABOUT EIGHT PROPERTY OWNERS WHO, SAY, GET STUCK WITH THE VIRTUE OF HAVING AN HISTORIC HOME IN THE LOT AND EVERYBODY LOSE ALL THE ECONOMIC BENEFITS, WHICH THE REST OF THE NEIGHBORHOOD WILL SHARE IN. AND IF THIS AREA IS GOING TO BECOME A GREAT ECONOMIC ENGINE, WHICH I INSEARLY HOPE IT WILL, THEN IF THAT COULD PERHAPS HELP FUND THE RELOCATION OF THESE HOMES TO AN HISTORIC ENCLAVE, MUCH AS HOUSTON HAS SHOWN IT CAN SUCCESSFULLY BE DONE WITH SAM HOUSTON PARK DOWNTOWN. THE LAST QUESTION I HAVE IS FOR PROPERTY OWNERS. HAS THERE BEEN ANY EFFORT OR INTEREST ABOUT PERHAPS CREATING A PUBLIC IMPROVEMENT DISTRICT TO HELP FUND SOME OF THESE IMPROVEMENTS AS OPPOSED TO REQUIRING INDIVIDUAL PROPERTY OWNERS TO BEAR THE COSTS AS A CONDITION FOR DEVELOPMENT.

THERE'S BEEN NO DISCUSSION OF DEVELOPING A PID.

McCracken: HERE'S WHAT I'M WRESTLING WITH. WE HAVE SIX GOALS THAT WE HAVE ESTABLISHED, POLICY GOALS IN OUR PREVIOUS VOTE. IT APPEARS FROM WHAT I'VE LEARNED THIS EVENING THAT WE WOULD NOT BE ABLE TO ACHIEVE MANY OF THESE GOALS OR PERHAPS NONE OF THE GOALS, SIX POLICY GOALS, IF WE GO CDB WITHOUT RESTRICTIONS. BUT I'M OPEN -- I DO WANT -- I WANT THIS TO WORK. AND I THINK THE COUNCIL HAS ESTABLISHED WHAT THEY ALSO ENVISION IS SO THE QUESTION IS HOW DO WE ACHIEVE THAT ULTIMATE VISION? COULD YOU GIVE US SOME SUGGESTIONS OF HOW WE COULD ACHIEVE THESE IF WE DO CDB WITHOUT RESTRICTIONS?

WELL, FRANKLY, THE THINGS THAT WE'RE TALKING ABOUT, THE TREES, WIDE SIDEWALKS, THOSE KINDS OF THINGS, WE'RE NOT TALKING ABOUT A LOT OF MONEY. DEVELOPERS AND THE ONES THAT I'VE TALKED TO SAY WE HAVE NO PROBLEM WITH THAT. WE WOULD DO THAT IN THE ABSENCE OF SOME SORT OF THING. WE'RE TALKING ABOUT INVESTING HUGE AMOUNTS OF MONEY, GOING TO DO EVERYTHING WE CAN TO MAKE IT ATTRACTIVE. THE PROBLEM IS THE ACCUMULATION OF ALL OF THESE THINGS, AND SO WHAT WE'VE GOT TO DO IS GET SOMEBODY OVER THE THRESHOLD. AND WHAT HAPPENS IT THESE PEOPLE COME IN AND THEY SAY, YOU KNOW, WE WANT TO DO SOMETHING OUT HERE. WE RECOGNIZE THE POTENTIAL AND WE'D LIKE TO DO SOMETHING. WHAT'S THE DEAL? AND WE SAY, WELL, THE DEAL IS YOU'RE GOING TO BE ABLE TO BUILD SOMETHING BUT YOU HAVE THESE HOOPS THAT YOU HAVE TO JUMP THROUGH. SO THEY SAY I'VE GOT THIS BOARD OF DIRECTORS BACK IN WHENEVER AND WIFE GOT THIS BANKER ON WALL STREET AND THIS BANKER SAYS IF YOU CAN'T FILL OUT THAT FORM AND CHECK THOSE BOXES, YOU'RE NOT GOING TO GET THE MONEY TO DO THIS. AND THE BOARD BACK WHEREVER THEY ARE WILL SAY I'VE GOT DPEETING PROJECTS AND YOU'VE GOT THE ROBERT MUELLER AIRPORT, THE BARCELONA WATERFRONT, YOU HAVE PLACES WHERE PEOPLE ARE GIVING US LAND AND INCENTIVES. SO THIS IS A MARKET DEAL. WE'VE GOT TO GET SOMEBODY TO COME DOWN AND SLUG THROUGH THIS. IT REALLY THE BRAIN DAMAGE MORE THAN THE MONEY. THEY'LL PAY THE DAMAGE, THEY JUST DON'T WANT THE

BRAIN DAMAGE. SO THAT'S WHERE WE'VE GOT TO GET TO IT. AND WE CERTAINLY -- WE THINK EVERYTHING THAT'S ON THE LIST WITH THE POSSIBLE EXCEPTION OF SOME OF THE DESIGN THINGS, WHICH MAY CREATE THINGS THAT JUST DON'T WORK. YOU MAY NOT BE ABLE TO GET PARKING GARAGES IF YOU HAVE THE KIND OF SETBACKS, BUT WITH THOSE EXCEPTIONS, WE'RE NOT TALKING ABOUT BIG IMPEDIMENTS, SO THE APPROACH WE'VE TAKEN IS LET'S HAVE AS MANY PEOPLE AS WE CAN COME TO THE DAIS AND THEN WE'VE GOT AN OPPORTUNITY TO DO WHAT THOSE PEOPLE DO IN THIS TOWN. THEY CAN COME AND VISIT WITH YOU AND THEY CAN SAY HERE'S WHAT WE'VE DONE IN THE PAST, HERE'S WHAT WE ARE, WHAT WE DO. YOU WANT STREET TREES? I'LL FILL YOU UP WITH STREET TREES. SO I HOPE THAT ANSWERS YOUR QUESTION.

McCracken: YEAH. I GUESS I HAVE A CONCERN THAT IF THEY'RE GOING TO DO IT ANYWAY ON SOME OF THESE THINGS, WHY NOT REQUIRE THAT, BUT THEN ON SOME THINGS WE MAY NOT WANT TO DO THAT, BUT I THINK WE NEED TO START WITH Y'ALL'S DECISION AND WORK BACKWARDS. AND I'M SCARED THAT WE'RE GOING TO FOCUS ON PROCESS EVEN THOUGH WE'RE NOT SURE WHERE THE PROCESS WILL GET US TO THE VISION THAT YOU HAVE A GOOD THING ON.

I THINK THE DIFFICULTY WITH STREET TREES, FOR EXAMPLE, IS YOU CAN'T REQUIRE THEM. IF YOU COULD REQUIRE THEM, IT WOULD BE GREAT. NOBODY IS GOING TO FIGHT YOU OVER THEM. THE DIFFICULTY IS STAFF IS TELLING US THAT WE DO NOT HAVE THE MECHANISM TO REQUIRE SOMEBODY TO DO SOMETHING IN THE PUBLIC RIGHT-OF-WAY. SO THAT'S THE DILEMMA.

McCracken: THAT'S WHY I THINK WHAT WE'VE DONE HERE IS WHAT WE'VE DONE IN UNO, WHICH IS CREATE A MECHANISM, WHICH IS ACTUALLY A PRETTY SUCCESSFUL MECHANISM ALL OVER THE COUNTRY AND CREATED ESSENTIALLY LIKE AN ALTERNATIVE CODE THAT'S ADMINISTRATIVELY APPROVED, NO BRAIN DAMAGE AT ALL, NO ZONING CASES TO FILE. YOU JUST SAY -- YOU CHECK THE LIST AND THERE I GO. AND IF THAT'S THE WAY IT WORKS, I TRUST THAT TPT ARE JEG AS ARE R.R. -- I TRUST THAT IT WOULD BE JUST

SUCCESSFUL IN AUSTIN AS IT HAS BEEN ANYWHERE.

THERE'S A SIGNIFICANT DIFFERENCE BETWEEN UNO AND RAINEY STREET. AND THAT IS AT THE UNIVERSITY OF TEXAS THERE IS ALMOST AN UNLIMITED DEMAND THAT IF YOU BUILD IT THEY WILL COME BECAUSE THEY HAVE TO COME. THEY DOPT HAVE TO COME TO -- DO NOT HAVE TO COME TO DOWNTOWN AUSTIN.

McCracken: I AGREE WITH COUNCILMEMBER DUNKERLEY THAT WE ALSO NEED TO LOOK AT PERHAPS ADDING FINANCIAL INCENTIVES OR SOME FEE WAIVER TYPE OF OPTION TO LOOK AT AT LEAST BECAUSE I DO THINK THAT THERE MAY BE SOME COST ISSUES AND IT BE REQUIRED WHEN THERE'S NOT DEPENDENT MARKET DEMAND LIKE THERE WAS IN WEST CAMPUS, THAT WE MIGHT NOT BE THE TEAM WE WANT UNLESS WE TAKE THAT APPROACH. I DO THINK IT'S IMPORTANT THAT WE ALSO NOT RUSH THIS, WE NEED TO GET IT RIGHT. AND SO I THINK WE'VE TAKEN AN APPROACH THAT I HAVE A LOT OF CONFIDENCE IN FROM THE UNO THAT LET'S MAKE SURE IT WORKS PROPERLY FOR THIS AND HELPS US ACHIEVE THE GOALS.

Mayor Wynn: COUNCIL, I'LL LOOK FOR A MOTION TO WAIVE THE RULES AND GO PAST 10:00 P.M. MOTION BY WHICH COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER ALVAREZ. ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ZERO. IF I COULD, THE WORD VISION WAS BROUGHT UP JUST NOW, AND EARLIER TODAY WE HAD A PRESENTATION REGARDING -- ACTUALLY IT WAS A CAPITAL METRO URBAN COMMUTER RAIL BRIEFING, BUT IN THAT WE WERE REMINDED THAT UNDER ENVISION CENTRAL TEXAS THE DELTA BETWEEN SCENARIO A AND SCENARIO B WITH A MILLION MORE PEOPLE LIVING IN THIS FIVE-COUNTY AREA IN THE NEXT 40 YEARS, THE DELTA AND THE AMOUNT OF OPEN SPACE THAT CAN BE PRESERVED WAS ABOUT 400 SQUARE MILES OVER THE FIVE-COUNTY AREA. THAT DELTA HAS ONLY EVEN BEGUN TO BE APPROACHED BY DRAMATICALLY DENSE FIING OUR EXISTING URBAN AREAS EVERY CHANCE WE GET. BUT WE'RE ALSO FINDING THAT THOSE OPPORTUNITIES TO DENSE FI ARE DRAMATICALLY FEWER AND MORE AWARE THAN WE THOUGHT THEY WOULD BE GEOGRAPHICALLY, LET ALONE POLITICALLY. AND WHETHER WE TAKE ACTION ON

FIRST READING TONIGHT OR NOT OR ASK FOR MORE, YOU KNOW, DATA, WHICH WE CLEARLY WILL NEED BEFORE WE FINALLY APPROVE THIS. IS THIS AS RARE AN OPPORTUNITY AS THIS REGION IS GOING TO HAVE TO DRAMATICALLY DENSE FI, THEREFORE EVEN BE ABLE TO CHANGE THE DYNAMIC TO HAVE -- GIVE US A FIGHTING CHANCE TO START TO REACH SOME OF THE GOALS THAT ENVISION CENTRAL TEXAS, AND THAT IS PRESERVING THE ULTIMATE QUALITY OF LIFE, OPEN SPACE, ENVIRONMENTAL PROTECTION, WHILE DENSE FIING AND WHILE INCREASING AND DRA MATT DRAMATICALLY IMPROVING THE QUALITY OF LIFE IN THOSE URBAN AREAS. THE QUALITY OF LIFE THAT CAN BE AVAILED WITH THE APPROPRIATE, WELL DONE DENSITY HERE AND THE QUALITY OF LIFE FOR A SENIOR, QUALITY OF LIFE OF A PRE-CONSIDER TEEN, QUALITY OF LIFE OF A DISABLED PERSON, IS REMARKABLE WHEN YOU HAVE THIS URBAN DEVELOPMENT. AND THIS IS AS RARE AN OPPORTUNITY AS WE'RE GOING TO HAVE, AND I WILL BE VERY UPSET AND DISAPPOINTED IF WE LOSE THIS OPPORTUNITY TO TAKE A SWATH OF OUR DOWNTOWN, A SWATH OF OUR URBAN CORE, AND NOT DENSE FI IT AS BEST AS WE CAN. SO MR. GUERNSEY, YOU'RE NOT GOING TO SAY SOMETHING?

I WAS JUST GOING TO SAY, AS I SAID BEFORE, THE ZONING ORDINANCES ARE READY IF YOU WANT TO DO FIRST READING. AND THEN ITEM 54 IS JUST TO GIVE US DIRECTION TO GO. SO IF YOU WANT TO GIVE US SOME DIRECTION, WE'LL GET GOING, AND ON THE ZONING CASES IT'S UP FOR YOU. IF YOU WANT TO DEFER ACTION TO SOME POINT IN THE FUTURE, WE CAN BRING BACK THE ZONING CASES FOR ALL THREE READINGS IN THREE MONTH OR DO FIRST READING TONIGHT AND BRING BACK SECOND AND THIRD IN THREE MONTHS. WHATEVER YOU WANT US TO DO, WE'LL GET GOING ON IT.

Mayor Wynn: UNDERSTOOD. SO ESSENTIALLY, THOUGH, THE DIRECTION THAT YOU ALL NEED ON ITEM NUMBER 54, WHICH IS DEVELOPING THE PROCESS TO AMEND, IF AND WHERE APPROPRIATE THE WATERFRONT OVERLAY, IS VERY MUCH DEPENDENT ON THE DIRECTION THAT COUNCIL WANTS TO GIVE REGARDING THE ZONING.

AND STAFF COULD INCORPORATE WHAT WE PROPOSED TO

YOU IN THE RECOMMENDATION OR THE PARTICULAR THING THAT YOU WOULD LIKE TO SEE FROM THE BOARD AND COMMISSIONS, TAKING THE INCENTIVES THAT COUNCILMEMBER DUNKERLEY SPOKE TO ABOUT EXPEDITED REVIEW, INCENTIVE PROGRAM. WE COULD TRY TO BRING BACK A PACKAGE TO THE BOARDS AND COMMISSIONS AND TO YOU. WHATEVER YOUR PLEASURE IS.

Mayor Wynn: OKAY. COUNCIL, UNFORTUNATELY, OF COURSE, WE LOST -- THE MAYOR PRO TEM HAD TO LEAVE EARLY THIS EVENING, SO WE'LL BE OPERATING ON ONLY FIVE CYLINDERS HERE.

Dunkerley: I HAVE ONE OTHER QUESTION. THERE WERE SOME OTHER BASIC THINGS THAT WE TALKED ABOUT THE TREES, THE SIDEWALKS, AND PEOPLE ARE GOING TO WANT TO DO. I KNOW WE CAN'T USE A CONDITIONAL OVERLAY BECAUSE OF THE ZONING ISSUE. COULD WE DO RESTRICTIVE COVENANTS BETWEEN LANDOWNERS AND SOMEBODY ELSE?

THE IF THE LANDOWNERS IS WILLING TO CONVEY THE RESTRICTIVE COVENANT WILLINGLY, YES, THAT CERTAINLY IS A POSSIBILITY. WE DIDN'T HAVE A MECHANISM TO REQUIRE A COVENANT TO CREATE A TREE, BUT WE COULD GET WITH DANA FOR INSTANCE, AND SEE IF THEY WANT TO ENTER INTO SOME COVENANTS WITH ALL THE PROPERTY OWNERS. WE COULD ASK THAT AND SEE IF THAT'S A POSSIBILITY.

Dunkerley: I'M NOT ADVOCATING THAT, I WAS JUST ASKING A QUESTION.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: JUST A COUPLE OF THINGS TO CLARIFY REAL QUICK. ONE WAS -- I DON'T KNOW WHO WOULD BE THE MOST APPROPRIATE, BUT ONE HAD TO DO WITH THE PARK FREE THAT WAS ORIGINALLY IN, BUT ISN'T IT ANY MORE, AND THE OTHER HAS TO DO WITH RED RIVER CONNECTION TO EAST AVENUE.

REGARDING THE PARK FEE, AFTER DISCUSSING WITH OUR

PARKS DEPARTMENT, STAFF HAS WITHDRAWN THAT AS A PROPOSAL. SOME OF THE BOARDS AND COMMISSIONS ACTUALLY TOOK MOTIONS ON -- MADE RECOMMENDATIONS. SOME DIDN'T RECOMMEND THAT PARTICULAR ITEM THAT WE'RE REMOVING ON THE TABLE BECAUSE OF SOME CERTAIN ISSUES DEALING WITH CITYWIDE -- LOOKING AT CITYWIDE. AND THE PARKS DEPARTMENT WANTED TO WORK WITH TRAVIS COUNTY BECAUSE OUR PARKLAND DEDICATION REQUIREMENTS ARE PART OF OUR SUBDIVISION REGULATION, AND GETTING A COOPERATIVE ARRANGEMENT WITH TRAVIS COUNTY AND OTHER COUNTIES, WE WANT TO MAKE SURE THAT'S ALL FLESHED OUT BEFORE WE BRING THAT BACK TO YOU.

Alvarez: DOES THAT MEAN WHATEVER OUR CURRENT REGULATIONS WOULD APPLY TO THESE DEVELOPMENTS?

CURRENTLY FOR SOMEONE TO RESUBDIVIDE PROPERTY, CREATE FOUR LOTS OR MORE, THEN A PARKLAND DEDICATION ORDINANCE WOULD BE DONE. THE MAJORITY OF THIS PROPERTY, IF NOT ALL OF IT, IS SUBDIVIDED OR CONSISTS OF LEGAL TRACTS THAT WOULD NOT REQUIRE SUBDIVISION, SO THERE WOULD BE NO FEES THAT WOULD BE REALIZED THROUGH A SUBDIVISION PROCESS BECAUSE IT WOULD BE ABSENT. THE DEVELOPER WOULD SIMPLY GO TO A SITE PLAN AND THEN GET A BUILDING PERMIT AND THEY WOULD BE ON THEIR WAY.

Alvarez: IF ALL THE TRACTS WERE REZONED THE SAME, THEY WOULDN'T HAVE TO SUBDIVIDE?

THE PROPERTIES RIGHT NOW ARE ALREADY SUBDIVIDED OR LEGAL TRACTS FOR THE MOST PART, SO THERE'S NO TRIGGER MECHANISM TO TRIGGER THE PARKLAND DEDICATION REQUIREMENT.

Alvarez: TO THEN THE -- SO A DEVELOPMENT THAT COMES FORWARD WOULDN'T HAVE TO DO ANY PARKLAND DEDICATION?

NO. OUR PARKLAND DEDICATION IS ONLY TRIGGERED BY THE SUBDIVISION PROCESS, SO IT WOULD PROCEED JUST

LIKE ANY BUILDING PROGRAM.

Alvarez: AND THE OTHER ONE WAS LIKE THE ESTIMATE FOR EXTENDING RED RIVER?

I THINK GEORGE LOOKED AT THAT ISSUE A LITTLE BIT MORE THAN I HAVE.

Alvarez: I THINK YOU MENTIONED SOMEWHERE ON THE ORDER OF SIX MILLION.

THAT'S CORRECT.

Alvarez: I WAS WONDERING IF IT'S AN EXTENSION THAT THEN GOES OFF TO EAST AVENUE OR IS IT THE EXTENSION THAT GOES ALONG THE MAC BOUNDARY AND THEN HITS RIVER STREET?

NO, IT IS THE ONE THAT EXTEND TO EAST AVENUE. THAT'S THE -- WHERE THE SIX-MILLION-DOLLAR ESTIMATE COMES FROM. WE DIDN'T ACTUALLY DO A COST ESTIMATE ON THE OTHER OPTION BECAUSE WE FELT LIKE THE EAST AVENUE VERSION WAS THE BETTER OF THE TWO.

Alvarez: BUT THEN YOU DON'T GET THE ADDITIONAL CONNECTIVITY.

THAT'S CORRECT.

Alvarez: OKAY. THOSE ARE ALL MY QUESTIONS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER QUESTIONS, COMMENTS? IF NOT, I'LL SPRIN A MOTION ON ZONING ITEMS Z-1 THROUGH Z-8 AND/OR ITEM NUMBER 54.

Alvarez: I'M CERTAINLY PREPARED TO DO FIRST READING ON STAFF RECOMMENDATION, BUT CERTAINLY I'D LIKE TO HEAR WHAT OTHER COUNCILMEMBERS ARE THINKING, WITH THE UNDERSTANDING THAT THERE'S A LOT OF RECOMMENDATIONS FROM THE BOARD AND COMMISSIONS THAT I THINK SHOULD BE INTEGRATED INTO WHAT WE INITIALLY STARTED WITH.

Mayor Wynn: COMMENTS?

Thomas: I THOUGHT THAT WAS A MOTION.

Mayor Wynn: I THINK COUNCILMEMBER ALVAREZ WAS LOOKING FOR SOME COMMENTS. HE'S PREPARED TO MAKE THE MOTION, BUT HE'S LOOKING FOR FEEDBACK.

Thomas: IF YOU DON'T MIND, MAYOR, COUNCILMEMBER ALVAREZ, WE HAVE A LOT OF WORK TO DO. I'VE LISTENED TO EVERYBODY TONIGHT, AND I KNOW WE DID SET SOME POLICIES A COUPLE OF MONTHS AGO. WE'VE GOT TO LOOK AT -- THE GENERAL HAD AN EXCELLENT POINT WHEN HE SAID INVITING PEOPLE TO THE DANCE, WE WANT TO MAKE SURE THAT WE CONTINUE TO KEEP EVERYBODY TOGETHER SO WE CAN HAVE A DANCE. YOU'VE GOT TO HAVE MUSIC, GOT TO HAVE EVERYBODY PLAYING THE RIGHT PART IN THIS SITUATION. THE MAYOR MADE A GREAT POINT, IT'S A GREAT OPPORTUNITY. AND I THINK THE OPPORTUNITY IT RIGHT HERE. AND I THINK WE SHOULD -- I DON'T THINK WE SHOULD WASTE IT, BUT I THINK WE SHOULD ALSO DO IT RIGHT. WE HAD PEOPLE SAY TONIGHT THAT THEY WANT TO POSSIBLY SELL THEIR LAND, AND YOU HAVE PEOPLE WHO WANT TO MAKE SURE THAT THE DENSITY IS DEVELOPED. SO WE HAVE A LOT OF THINGS THAT WE NEED TO WORK ON, CONTINUE TO WORK ON. YOU HAVE DIFFERENT BOARDS AND COMMISSIONS THAT HAVE MADE SOME RECOMMENDATIONS. I DON'T THINK WE SHOULD RUSH, BUT WE NEED TO BE CONSISTENT THAT WE'RE MEETING THE NEEDS OF THE PEOPLE THAT ARE LIVING THERE, PEOPLE THAT HAVE THE DESIRE TO COME TO LIVE THERE, BUT I THINK WE NEED TO WORK ON IT ALTOGETHER, AND I THINK WE CAN ACCOMPLISH THAT. BUT IT'S GOING TO TAKE SOME TIME AND SOME MEETINGS AND IT'S GOING TO TAKE SOME SACRIFICE FROM EVERYBODY TO SIT DOWN AND GET WHERE WE NEED TO GET. THAT'S MY COMMENT.

Mayor Wynn: THANK YOU, COUNCILMEMBER. I KNOW THEY WOULD LIKE FOR US TO GET AS CLOSE TO CDB ZONING WITH AS FEW RESTRICTIONS AS POSSIBLE TO ALLOW FOR THE MAXIMIZATION OF BOTH THE INFRASTRUCTURE, THE VIBRANCY, THE TAX BASE, LAND VALUES, FRANKLY, AS POSSIBLE. I THINK WE'RE GOING TO -- IN ORDER FOR THAT

TO OCCUR, THERE'S PROBABLY GOING TO HAVE TO BE A SERIES OF WELL THOUGHT OUT INCENTIVE PACKAGES AND STRUCTURES THAT ALLOW FOR THINGS TO OCCUR SOONER RATHER THAN LATER. AND FRANKLY HELP THE DEVELOPMENT COMMUNITY DO MORE RATHER THAN LESS. MY INSTINCT IS FRANKLY THERE WILL BE A NUMBER OF -- LIKE ANY SWATH OF OUR DOWNTOWN, THERE WILL BE A NUMBER OF DEVELOPERS. I DON'T KNOW HOW LIKELY IT WOULD BE THAT A SINGLE MASTER DEVELOPER STEPS UP AND IS ABLE TO CONTROL ENOUGH OF THE PROPERTY TO SERVE THAT ROLE, BUT TO THE EXTENT THAT WE HAVE THE INCENTIVES IN PLACE AND/OR JUST THE STRUCTURE IN PLACE TO ALLOW A NUMBER OF DEVELOPERS TO COME IN AND CREATE THIS VISION, THE BETTER. >>

MAYOR WYNN: COUNCILMEMBER MCCRACKEN.

McCracken: I THINK I AGREE WITH THE CONSENSUS UP HERE THAT IT'S A CONSENSUS TO TAKE A FIRST STEP IN WATER TONIGHT. I DO WANT TO MAKE SURE THAT THE STEP WE TAKE DOESN'T END UP PRODUCING THE RESULT WE'VE SEEN DOWNTOWN, LIKE SOME DRIVE-THROUGH BANKS AND FAST FOOD RESTAURANTS AND STUFF LIKE THAT WHICH THE FREE MARKET HAS PRODUCED. AND SO IN ADDITION TO PRODUCING GREAT DOWNTOWN BUILDINGS. SO I THINK THAT THE GOAL WE ALL SHARED TO MAKE A VERY DENSE AREA WITH A LOT OF RESIDENTIAL AND WITH REALLY ACHIEVE THE GOALS OF ENVISION CENTRAL TEXAS. I HAVE A VERY STRONG CONCERN THAT IF WE KIND OF SAY LET'S DO THIS WITH VIRTUALLY -- BUT THE PROCESS DOESN'T ACHIEVE OUR VISION, WE'LL END UP WITH THE FAST FOOD RESTAURANTS AND DRIVE-THROUGH BANKS AND STUFF THAT HAS COME TO DOWNTOWN THROUGH THE NORMAL OPERATION OF THINGS. AND WE'LL END UP WITH NO AFFORDABLE HOUSING. SO I THINK THERE IS -- I REALLY DO APPRECIATE COUNCILMEMBER DUNKERLEY IDENTIFYING A GREAT OPPORTUNITY, WHICH IS NOT JUST TO SLOW THE RESTRICTIONS, BUT MAYBE COME UP WITH AN OPPORTUNITY THAT I KNOW MR. KNIGHT SUGGESTED TO TO FIND THE APPROPRIATE BALANCES BETWEEN WHAT WE SHOULD INCENTIVIZE FIRST AND WHAT WE SHOULD REQUIRE. AND I THINK WE ALSO STILL LACK, IN ADDITION TO THE INCENTIVES, TWO OTHER BIG PIECES OF INFORMATION.

ONE IS WHAT'S THE FINANCIAL PROJECTION OR UNDERLINE THE STUDY TO MAKE SURE WE'RE NOT DOING SOMETHING THAT UNDERMINES THE TUNNEL PROJECT, WHICH IS A BIG PART OF THIS PLAN. AND ALSO I THINK WE REALLY HAVE TO GET SOME MORE INFORMATION ON THE POTENTIAL OF DOING AN HISTORIC ENCLAVE ON PARKLAND AS OPPOSED TO ON PRIVATE PROPERTY SO THAT WE DON'T BURDENSOME PROPERTY OWNERS DISPROPORTIONATELY. SO I THINK IT'S OKAY TO START TONIGHT, BUT WE DO HAVE SOME WORK TO GO.

Mayor Wynn: COUNCILMEMBER DUNKERLEY, THEN ALVAREZ.

Dunkerley: THE MOTION ON THE TABLE RIGHT NOW --

Mayor Wynn: WE'RE ABOUT TO GET ONE.

Dunkerley: IT'S MY POSITION THAT I WOULD RATHER WAIT A WEEK AND GET THIS INFORMATION BACK. UNLESS RATHER THAN -- AND GET A COUNCILMEMBER BACK BEFORE WE REALLY MOVE FORWARD. BUT MY POSITION IS I WANT THE CDB, AND SINCE I DON'T HAVE THE INFORMATION BACK FOR THE INCENTIVE PROGRAMS AND THINGS LIKE THAT,, I DON'T WANT TO GET SOMETHING ON THE TABLE WITHOUT ALL THE INFORMATION OUT THERE.

THE ZONING CASE WOULD BE SEPARATE FROM THE RECOMMENDATION THAT WE'RE BRINGING FORWARD.

Dunkerley: I'M SORRY, WHAT?

THE ZONING CASES WOULD BE SEPARATE FROM THE OTHER RECOMMENDATIONS THAT WE'RE BRINGING FORWARD. YOU COULD TAKE ACTION JUST ON CDB ZONING TONIGHT IF THAT'S YOUR DESIRE FOR FIRST READING, AND THEN THE SECOND PART OF THIS ARE THE INCENTIVES AND DOING THE RESEARCH ON WALLER CREEK AND WITH THE INCENTIVES CREATING THE HISTORIC ENCLAVE OUTSIDE OF THE TWO THAT ARE THAT WERE SUGGESTED BY STAFF. IT'S GOING TO TAKE A LITTLE WHILE TO GET THE RESEARCH AND GET THAT TOGETHER. SO WE CAN BRING THAT BACK IF YOU WANT SOMETHING THAT WE CAN GO BACK IN, SAY, 30 DAYS, WE CAN BRING SOMETHING BACK IN 30 DAYS. CAN I TELL

YOU WHERE WE'RE AT, AND THEN IF YOU WANT US TO KEEP ON GOING, WE CAN PROCEED THAT WAY. AND THEN WE CAN BRING THE ZONING BACK AT THE END FOR SECOND AND THIRD READING.

Dunkerley: OKAY.

BUT THAT MIGHT BE A WAY THAT YOU CAN GET SOME OF YOUR QUESTIONS ANSWERED BEFORE WE GO TOO FAR DOWN THE ROAD IF YOU WOULD LIKE TO DO THIS. THAT.

Dunkerley: SO CAN I MAKE A MOTION THEN? THIS IS COUNCILMEMBER ALVAREZ'S PROJECT, SO ARE YOU READY TO MAKE ONE, COUNCILMEMBER?

Alvarez: WELL, DID YOU SAY IT WOULD COME BACK NEXT WEEK OR NOT?

WELL, I THINK -- [OVERLAPPING SPEAKERS].

Alvarez: THE COUNCILMEMBER MAY NOT BE HERE TO ASSIST WITH THAT.

WHAT I WAS SUGGESTING IS FIRST THING WE ADDRESS THE ZONING CASES AND THEN THE ACTUAL STAFF RECOMMENDATION ON THE CHANGES OF THE CODE AND THOSE OTHER ELEMENTS. IF YOU WOULD LIKE US TO COME BACK, I'M NOT SURE IF WE CAN GET IN ONE WEEK ALL THE INFORMATION YOU'RE LOOKING FOR FOR THE POSSIBILITY OF THE FINANCIAL IMPACT, TO THE WALLER CREEK TUNNEL AND HOW THESE DIFFERENT AMENDMENTS WOULD AFFECT THAT AND CREATING HISTORIC ENCLAVE LET'S SAW OUTSIDE THE TWO AREAS THAT THE STAFF SUGGESTED OR ONE OF THE BOARDS AND COMMISSIONS. I THINK THAT MAY TAKE MORE THAN A WEEK TO GET THAT TYPE OF INFORMATION. BUT IF WE HAD, LET'S SAY, 30 DAYS, YOU'RE MEETING ON THE 18th OF NOVEMBER, WE WOULD HAVE SOME TIME TO GET BACK AND GET SOME INFORMATION TO YOU THAT MIGHT GIVE YOU THE CFERT LEVEL OF WHETHER OR NOT YOU WANT TO GO FORWARD OR NOT WITH THE INCENTIVE PACKAGE OR FORWARD WITH THE RECOMMENDATIONS TO THE WATERFRONT OVERLAY

DISTRICT.

Dunkerley: I HAVE ANOTHER QUESTION. SOMEONE MADE A RECOMMENDATION THEN FOR FIRST READING OF CDB WITHOUT RESTRICTIONS, THEN YOU COULD STILL GO AND DO YOUR RESEARCH AND COME BACK NEXT TIME, AND WE CAN EITHER GO BACK AND CHANGE THE ZONING FOR SECOND AND THIRD READING OR SECOND READING, AND THEN ADD THE RESTRICTIONS WE WANTED.

YES. YOU HAVE A LOT OF FLEXIBILITY, COUNCILMEMBER. IF YOU WERE TO APPROVE FIRST READING TODAY, WE COULD JUST ADDRESS SECOND READING AT ANOTHER DATE, THIRD READING AT THE VERY END, WHEN WE GET TO THE END WITH ALL THE DIFFERENT CHANGES TO THE CODE, OR WE COULD RESERVE SECOND AND THIRD READING AT THAT TIME. AND THEN LITERALLY YOU COULD TAKE AND LOOK AT THE STAFF RECOMMENDATIONS, LET'S SAY AFTER REVERTING BACK SOME OF THE ANSWERS TO YOUR FINANCIAL QUESTIONS, AND THEN YOU COULD SAY YES, STAFF, GO AHEAD AND MAKE THE -- PUT TOGETHER AN ORDINANCE THAT DEALS WITH SOME OF THE CHANGES TO THE WATERFRONT OVERLAY, MAYBE LEAVE SOME OF THOSE OFF OR MAYBE BRING THE ENTIRE PACKAGE BACK TO YOU. AND THEN AT THE TIME WE BRING IT BACK TO YOU, YOU WOULD HAVE THE BENEFIT OF THE BOARDS AND COMMISSIONS TO SAY, NO, PLANNING COMMISSION SAYS DON'T GO WITH 2-A, 2-B, BUT GO WITH ALL THE REST OF THEM AND THEN YOU WOULD HAVE THE BENEFIT OF THAT. I THINK ALL'S WE'RE LOOKING FOR, STAFF IS LOOKING FOR, IS YOU WANT US TO GO AHEAD WITH THE FULL PACKAGE AND THEN THE PLANNING COMMISSION CAN LOOK THROUGH THOSE AND AT A LATER DATE YOU WITH TAKE THEIR RECOMMENDATION AND INCORPORATE THAT IN WHAT YOU FINALLY DO OR MAKE THE CHANGES, THE SLIGHT ADJUSTMENTS LATER ON. BUT THEN YOU HAVE THE FULL PACKAGE BEFORE YOU. SO I GUESS ESSENTIALLY YOU COULD TAKE FIRST READING TONIGHT, WE'LL COME BACK TO YOU BY NOVEMBER 18th WITH THE QUESTIONS YOU HAD, AND THEN IF WE'RE ON THE RIGHT TRACK, WE'LL KEEP ON GOING AND DRAFTING OUR ORDINANCE AMENDMENTS AND WITH THE ADDITIONAL INCENTIVE QUESTIONS THAT YOU ASKED THIS EVENING AND LOOK AT THOSE AT THE SAME

TIME.

Dunkerley: THAT'S WHAT I'D WANT TO DO THEN.

Mayor Wynn: THEN I'LL ENTERTAIN A MOTION. I THINK COUNCILMEMBER ALVAREZ HAD ONE TEED UP.

Alvarez: MAYOR, THE ONLY THING I WOULD SAY IS THAT A LOT OF THE USES I WOULD LIKE INCLUDED IN THE ORDINANCE ARE IN THE STAFF RECOMMENDATION, AND THAT LOOKING AT IT WITH THE BOARDS AND COMMISSIONS, THEY COULD SAY LET'S PLUCK THAT OUT, LET'S PLUCK THAT OUT, VERSUS STARTING OFF AGAIN AT GROUND ZERO WITH JUST CDB AND TRYING -- AND GO BACK AND LOOK AT EVERYTHING AND FIGURE OUT WHAT NEEDS TO BE PUT BACK IN. SO I THINK THAT MAY BE MORE CONFUSING PROCESS, AT LEAST FOR MYSELF. I THINK OTHERS MIGHT -- I'M SAYING LET'S PUT THESE PROVISIONS BACK IN SO WE ALL KNOW WHAT'S IN THERE. BUT I'M MORE COMFORTABLE GOING WITH STAFF RECOMMENDATION AND AGAIN TAKING A HARD LOOK AT THESE THINGS THAT HAVE BEEN DISTRIBUTED TO US, THESE REPORTS ABOUT THE VARIOUS RECOMMENDATIONS, AND THEN AT SOME POINT WE WILL HAVE TO GO LINE AND LINE AND SAY WE DO WANT TO CHANGE THIS, WE DON'T WANT TO CHANGE THIS, MUCH LIKE WE DID WITH UNO. SO I THINK, AGAIN, IF WE HAVE -- IF WE'RE GOING TO HAVE THREE SEPARATE READINGS, AND I THINK WE'RE GOING TO HAVE AT LEAST TWO MORE SHOTS AT THIS IN TERMS OF BEGINNING TO SHAPE IT SO THAT IT GETS CLOSER TO WHAT WE'D LIKE TO SEE IN FINAL FORM.

Mayor Wynn: COUNCILMEMBER MCCRACKEN. McPECULIAR IF WE DO NOT --

McCracken: IF WE DO NOT GO FORWARD WITH STAFF RECOMMENDATION THIS EVENING, WE HAVE AN INDICATION THAT IT WILL TAKE ABOUT 90 DAYS TO GO THROUGH THE ORDINANCE AND CODE CHANGES RELATED TO SOME OF THESE STAFF RECOMMENDATIONS. IS THAT RIGHT?

RIGHT. YOUR RECOMMENDATION TONIGHT WOULD BE JUST TELLING US TO GO THROUGH THE PROCESS, THAT YOU WANT SOME CHANGES MADE TO THE CODE. THE ZONING

ORDINANCES THAT ARE ACTUALLY DONE ON FIRST READING, BUT THE ONLY THING WE'RE DOING ON ITEM 54 IS GETTING DIRECTION FROM COUNCIL TO GO WORK ON THE ORDINANCE SO WE CAN -- WITH THE BENEFITS OF THE BOARDS AND THE PLANNING COMMISSION RECOMMENDATION AND BRING THAT BACK TO YOU AS QUICKLY AS WE CAN.

McCracken: DO WE ALSO NEED TO TAKE ACTION ON 54 TO SAY PASS THAT ON FIRST READING?

THERE'S NO READING. JUST BASICALLY YOU COULD TAKE ITEM Z-1 THROUGH Z-8 AND DO THAT ON FIRST READING AND 54 JUST HAVE A MOTION TO DIRECT STAFF TO GO AHEAD WITH, I GUESS, THE STAFF RECOMMENDATION AND THOSE OTHER THINGS THAT YOU HAD MENTIONED THIS EVENING TO WORK ON FOR AMENDMENT.

IF I MIGHT, ONE THING THAT I THINK WE'VE HEARD FROM A NUMBER OF COUNCILMEMBERS IS THAT THERE'S A DESIRE TO PERHAPS PARE BACK THE RESTRICTIONS OR AT LEAST HAVE MORE OF A BALANCE BETWEEN REQUIREMENTS AND INCENTIVES. AND THAT IS SOMETHING WE COULD CERTAINLY LOOK AT, TAKE ANOTHER PASS AT THE RECOMMENDATIONS, IDENTIFY THE ONES THAT ARE THE MOST SIGNIFICANT AND MOST IMPORTANT. THERE MAY BE ONES THAT ARE A LITTLE BIT OF AN OVERREACTION OR TOO MUCH OF A REQUIREMENT, AND WE COULD BRING BACK SOME RECOMMENDATIONS ON THOSE IF THAT IS YOUR DESIRE.

Dunkerley: MAYOR?

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: I THINK WE REALLY HAVE TWO DIFFERENT APPROACHES HERE. AND THAT'S MY CONCERN. WE HAVE WE ALL WANT THE SAME THINGS. WHAT WE WANT IS NOT DIFFERENT. IN ONE CASE WE'RE USING THE ADDITIONAL HEIGHT AS THE INCENTIVE, AND IN THE OTHER CASE WE'RE USING MONETARY INCENTIVES OR SPEED OF REVIEW, THINGS THAT END UP BEING A MONETARY VALUE TO A DEVELOPER. SO AGAIN, OUR GOALS AREN'T DIFFERENT, IT'S

JUST THE METHODOLOGY THAT WE USE TO GET THERE. AND I THINK FOR THE HOMEOWNERS AND LOT OWNERS IN THAT AREA THAT IT'S MUCH BETTER TO GO -- TO GO WITHOUT THE HEIGHT RESTRICTION ON THE FRONT END ON THOSE LOTS. SO I THINK I'M GOING TO BE SUPPORTING ON AT LEAST GOING WITH THE CDB, TRYING TO GET THE INCENTIVES, AND IF NOT, COME BACK AND LOOK AT, YOU KNOW, THE STAFF ALTERNATIVE.

AND STAFF COULD BRING BACK A PROPOSAL THAT ADDRESSES BOTH OF THOSE. THERE'S NOT A REASON WE COULD BRING BACK A PROPOSAL THAT WOULD BE BASED PURELY ON THE INCENTIVE PACKAGE OR FINANCIAL IN NATURE OF SPEED AND TIME VERSUS THE HEIGHT.

Dunkerley: MY QUESTION IS DOES THE INCENTIVE PACKAGE HAVE TO GO BACK THROUGH ALL THOSE REVIEWS?

THE BEAUTY OF THIS IS YOU'RE SIMPLY GIVING US DIRECTION. SO IF YOU WOULD LIKE US TO TAKE THE TWO PATHS, WE'D WALK WITH THEM TO THE COMMISSION, GET THEIR RECOMMENDATION AND BRING THAT BACK TO YOU. THERE WOULD NOT BE NECESSARILY A NEED TO GO BACK TO THESE OTHER BOARDS AND COMMISSIONS BECAUSE THE PLANNING COMMISSION IS THE COMMISSION THAT LOOKS AT ALL THE ORDINANCES, AND WE CAN ALSO INVITE MEMBERS OF ALL THOSE DIFFERENT BOARDS AND COMILTIONS TO ATTEND -- COMMISSIONS TO ATTEND THE PLANNING COMMISSION MEETING AND THEY CAN GIVE THEIR INPUT ON THE PARTICULAR ITEM. I DON'T THINK WE'LL LOSE ANY TIME IF YOU WANTED TO GO THAT ROUTE. WE COULD HAVE THE ZONING CASES GO FIRST READING TONIGHT, IF THAT'S YOUR DESIRE, AND GIVE US DIRECTION AND WE'LL CREATE TWO PACKAGE TO BRING FORWARD TO THE PLANNING COMMISSION, ONE DEALS WITH THE INCENTIVE AND ONE DEALS WITH HEIGHT.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER ALVAREZ.

Alvarez: OKAY. HOW DID WE END UP BACK AT PLANNING COMMISSION?

THE PLANNING COMMISSION IS THE BODY --

Alvarez: THE WATERFRONT OVERLAY?

ANY TIME WE MAKE AN AMENDMENT, THE PLANNING COMMISSION IS THE SOVEREIGN, I GUESS, BOARD, IN THE CASE TO REVIEW ALL RECOMMENDATIONS TO THE LAND DEVELOPMENT CODE. AND THEN THEY WOULD OFFER THEIR RECOMMENDATION TO YOU FOR CONSIDERATION TO CHANGE THE LAND DEVELOPMENT CODE.

Alvarez: WE PROBABLY SHOULDN'T GO BACK TO PLANNING COMMISSION UNTIL AT LEAST WE'VE HAD A CHANCE TO GO THROUGH ISSUE BY ISSUE AND DECIDE WHAT IS INCORPORATED, WHAT'S NOT INCORPORATED. SO I GUESS I'M JUST A LITTLE CONFUSED ABOUT WHY WE'RE TALKING ABOUT GOING BACK TO THE PLANNING COMMISSION FOR BEFORE THE COUNCIL HAS EVEN --

Dunkerley: WE DON'T KNOW WHAT WE WANT YET, SO HOW CAN THE PLANNING COMMISSION?

AND THE ITEM BEFORE YOU IS ONLY DIRECTION TO STAFF TO GO FORWARD TO CRAFT SOME LANGUAGE THAT THEY CAN CONSIDER. WE HAVE NOT NOTIFIED ANYONE OFFICIALLY THAT THERE'S A CODE AMENDMENT, SO WE'VE NOT HAD AN OFFICIAL PUBLIC HEARING FOR THE PLANNING COMMISSION. AND BEFORE YOU TONIGHT IS NOT A SPECIFIC AMENDMENT TO CHANGE THE CODE. THEY'RE MERELY RECOMMENDATIONS OR SUGGESTIONS OF CHANGES. SO IF YOU'D LIKE TO GO FORWARD WITH THE STAFF RECOMMENDATION AND LET'S SAY WE ADDRESS THE FINANCIAL INCENTIVE, TIME PACKAGE VERSUS HEIGHT PACKAGE, THEN WE COULD ACTUALLY QUANTIFY THAT, NOTIFY THE PUBLIC, WE COULD BRING IT TO THE PLANNING COMMISSION, THEY COULD MAKE THEIR RECOMMENDATION, WE'D HAVE ANOTHER FORMAL PUBLIC HEARING BEFORE THIS COUNCIL AND THEN YOU WOULD BE ABLE TO HEAR THE PUBLIC AND THEN MAKE A RECOMMENDATION OR ACTUALLY APPROVE AN ORDINANCE THAT MAY ENACT SOME OF THOSE -- WHATEVER SUGGESTED CHANGES ARE TO THE ACTUAL CODE. SO TONIGHT IS KIND OF LIKE A DIRECTIVE TO GO

FORWARD.

Alvarez: BUT THIS IS -- WE'RE HEADING BACK THERE BECAUSE OF THE WATERFRONT OVERLAY AMENDMENTS.

THAT'S RIGHT. BECAUSE THE ACTUAL AMENDMENTS ARE LAND DEVELOPMENT CODE, AND STATE LAW AND LOCAL ORDINANCE REQUIRES US TO GO BEFORE THE PLANNING COMMISSION BEFORE WE CAN MAKE AN AMENDMENT TO THE CODE.

Mayor Wynn: AGAIN, THE OVERLAY AMENDMENTS ARE ONLY REQUIRED AS WE LAYER MORE IMPEDIMENTS ON TO THIS LAND, CORRECT? THE FEWER IMPEDIMENTS, THE FEWER HURDLES WE PUT IN FRONT OF LANDOWNERS, THEN THE LEAST AMOUNT OF -- THERE'S LESS REQUIREMENT TO GO BACK TO THE PLANNING COMMISSION TO EVEN DEAL WITH ALL THE DETAILS OF AN OVERLAY.

THERE WOULD BE FEWER THINGS FOR THEM TO CONSIDER. IF YOU ONLY MAKE THREE CHANGES IN THE CODE, THEY WOULD LOOK AT THREE AS OPPOSED TO EIGHT, BUT IT WOULD STILL GO THROUGH THE SAME PROCESS. WE WOULD STILL HAVE TO NOTIFY, HAVE A PUBLIC HEARING BEFORE THE PLANNING COMMISSION, AND THEN WE WOULD STILL HAVE TO NOTIFY AND HAVE A PUBLIC HEARING BEFORE COUNCIL. YOU GO THROUGH ONE, THREE, EIGHT OR HOWEVER MANY CHANGES TO THE LAND DEVELOPMENT CODE.

Alvarez: MAYOR, I'LL TRY SOMETHING DIFFERENT THEN. BECAUSE I STILL WOULD RATHER US GIVE SOME KIND OF -- I THINK EVERYONE WANTS TO KNOW WHAT IS THE COUNCIL GOING TO DO ON SOME OF THESE ISSUES THAT WE'VE ALL RAISED SORT OF INDIVIDUALLY, BUT NO ONE KNOWS WHAT THE COUNCIL AS A WHOLE MIGHT DO. BUT CAN WE JUST POSTPONE ANY ACTION ON IT FOR TWO WEEKS AND THEN HAVE THE FIRST READING ON NOVEMBER FOURTH, IS THAT WHAT THAT WOULD BE? AND THEN ACTUALLY -- I REALLY DON'T WANT TO WAIT UNTIL NOVEMBER 18th, UNTIL WE HAVE A DISCUSSION HERE ON THE DAIS ABOUT WE'D LIKE THOSE PROVISIONS AND WE DON'T LIKE THESE PROVISIONS, AND THEN -- SO I'D LIKE TO GET THAT ON THE RECORD AND DO IT

MORE QUICKLY THAN JUST DOING SORT OF A BLANKET TYPE ZONING TODAY AND THEN NOT TALK ABOUT IT AGAIN FOR A MONTH.

THAT'S CERTAINLY A POSSIBILITY IF YOU WANT TO POSTPONE ACTION AND THINK ABOUT WHAT WOULD YOU LIKE TO DIRECT STAFF TO DO EXACTLY ON 54, AND WE COULD HOLD BACK THE ITEMS Z-1 THROUGH Z-8 AND BRING THOSE FORWARD. THESE WOULD NOT BE PUBLIC HEARING ITEMS ON THAT DAY, WE WOULD JUST SCHEDULE THEM AND IT WOULD BE LIKE A 10:00 O'CLOCK ITEM THAT YOU WOULD CONSIDER FOR FIRST, SECOND AND THIRD READING.

Alvarez: AND ON 54, WHAT YOU REALLY NEED IS TO DIRECT STAFF TO BEGIN THE PROCESS OR CAN THAT WAIT IN UNTIL THE FOURTH AS WELL?

THAT CAN WAIT UNTIL THE FOURTH AS WELL. IF THERE'S A PARTICULAR ITEM THAT YOU DON'T WANT STAFF TO CONSIDER, AT THAT TIME WE DON'T LOOK AT THAT. AND IF THERE ARE OTHER ITEMS THAT YOU WOULD LIKE US TO GO FORWARD ON, YOU CAN TELL US AT THAT TIME.

I

Alvarez: I THINK THERE MIGHT BE, THIS CONVERSATION OR THESE VOTES BEFORE INITIATING ANY KIND OF PROCESS TO AN AMENDMENT TO THE LAND DEVELOPMENT CODE. I'LL OFFER THAT AS A SUGGESTION TO BRING THESE ITEMS BACK IN TWO WEEKS, AND IT WOULD BE Z-1 THROUGH Z-8, IS THAT CORRECT?

THAT'S CORRECT. AND THE PUBLIC HEARING IS CLOSED ON THOSE AND THEY WOULD ONLY BE OFFERED FOR THE READING.

Alvarez: AND THEN -- AND WHAT DO WE HAVE TO DO ON 54, JUST BRING IT BACK AS --

54 WOULD BE SIMPLY A DIRECTION TO STAFF.

Alvarez: WOULD WE NEED ANOTHER PUBLIC HEARING?

NO, YOU WOULD NOT NEED ANOTHER PUBLIC HEARING. THIS PUBLIC HEARING ACTUALLY WAS MORE OF A COURTESY BECAUSE ACTUALLY WE'RE JUST ENTERTAINING WHETHER OR NOT TO GIVE STAFF A DIRECTION TO GO DO A CERTAIN CODE AMENDMENT AND LOOK AT CERTAIN THINGS.

WHAT WE WILL DO, COUNCILMEMBERS, WE WOULD LITERALLY BRING BACK ITEM 54, BUT NOT AS A TO CONDUCT A PUBLIC HEARING. WE WOULD BRING BACK 54, PLUS Z-1 THROUGH Z-8 BUT NOT A Z NUMBER AS A REGULAR Z NUMBER. WE WOULD PROBABLY SCHEDULE THE WHOLE PACKAGE AT 4:00 O'CLOCK WHEN WE NORMALLY DO BECAUSE THAT'S WHEN WE NORMALLY SCHEDULE ZONING ITEMS THAT WE'VE CONSIDERED.

Alvarez: I'LL OFFER THAT AS A MOTION, MAYOR, THAT WE POSTPONE ACTION ON ITEMS Z-1 THROUGH Z-8 AND ITEM 54 UNTIL NOVEMBER THE FOURTH AND THEY'LL BE TAKEN UP AT 4:00 O'CLOCK WITH OUR OTHER ZONING ITEMS.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER DUNKERLEY -- SORRY, MS. BROWN, WE ACTUALLY CLOSED THE PUBLIC HEARING ON ALL THESE, I BELIEVE. DID WE TAKE THAT VOTE EARLIER? THANK YOU. TO POSTPONE ACTION ON ITEM Z-1 THROUGH Z-8 AND ITEM 54 UNTIL NOVEMBER 4TH, 2004. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASS ON A VOTE OF FIVE TO ZERO, WITH THE MAYOR PRO TEM AND COUNCILMEMBER SLUSHER OFF THE DAIS. MR. LIEU LIEU KENS, AT YOUR ANNEXATION PUBLIC HEARINGS, WE HAD ONE CITIZEN WHO SIGNED UP ON ITEM NUMBER 53. THE OTHER ONES HAD NO CITIZENS SIGNED UP. I DON'T KNOW IF YOU CAN TAKE THAT IN ORDER OR NOT. BY CHANCE IS WALTER WALT BROOKS STILL WITH US? OKAY.

LET'S DO THE FERGUSON FIRST THEN.

Mayor Wynn: THANK YOU.

SO THIS IS THE FIRST OF TWO PUBLIC HEARINGS. THE SECOND PUBLIC HEARING WILL BE HERE AGAIN ON OCTOBER 28TH AT 6:00 P.M. -- >>

THOMAS: MR. LUKENS, IF YOU DON'T MIND, COULD WE GET THE PEOPLE TO MOVE OUTSIDE BEFORE YOU START?

SURE.

Thomas: THANK YOU.

SO AS I WAS SAYING, ORDINANCE READING IS SCHEDULED FOR NOVEMBER 18th, AND IF IT'S APPROVED BY COUNCIL, THEN THIS FERGUSON ANNEXATION WOULD BE EFFECTIVE DECEMBER 31st. SO THAT'S THE BASIC PART ABOUT FERGUSON. LET ME SEE ABOUT THE ORDER OF THINGS. FERGUSON IS APPROXIMATELY 98.7 ACRES IN TRAVIS COUNTY. SOUTH OF U.S. 290 EAST AT THE INTERSECTION OF 290 EAST AND FERGUSON CUTOFF. IT'S A MIXED USE CUTOFF, WAREHOUSE PROJECT -- NOT PROJECT, BUT AREA. WHAT INITIATED THIS ANNEXATION WAS AN SCR THAT WAS SUBMITTED FOR REVIEW AND WE SAW IT WAS DEVELOPED AND IT WAS VIRTUALLY ALL SERVED. SO BASICALLY AS FAR AS THE SERVICE PLAN IS CONCERNED, WE WOULD GO AHEAD, TAKE OVER FROM THE COUNTY FOR THE SERVICES THEY PROVIDE AS WELL AS PROVIDING ADDITIONAL ENHANCED SERVICES NOT OTHERWISE AVAILABLE FROM THE COUNTY. THERE IS ONE OR TWO LOTS IN THIS AREA THAT ARE NOT SERVED WITH WASTEWATER, AND WE'D BE GOING AHEAD AND SERVING THEM. WE'D BE SERVING RATHER THE OCCUPIED AND SUBDIVIDED LOTS THAT ARE NOT CURRENTLY PROVIDED WITH WASTEWATER SERVICES. THE COST FOR DESIGN AND CONSTRUCTION OF THE FACILITIES, THESE WE'VE -- WE'VE SUGGESTED A SCHEDULE FOR THE IMPROVEMENTS AND THE CONSTRUCTION TO BEGIN TWO YEARS OF THE EFFECTIVE DATE OF -- FOUR AND A HALF YEARS OF THE EFFECTIVE DATE OF ANNEXATION. A LOT OF THIS, AS I SAID, DEVELOPED HERE AT FERGUSON, SO THEY WOULD HAVE -- THE PROPERTY OWNERS ON WOULD HAVE THE ACCUMULATION OF RIGHTS AND SO THE USES WOULD CONTINUE ON. TO ENCOURAGE PEOPLE TO GET

ZONING, HOWEVER, WE WOULD BE RECOMMENDING WAIVING ZONING FEE FOR THE FIRST YEAR AFTER THE EFFECTIVE DATE OF ANNEXATION. THAT COMPLETES HI FERGUSON LANE CUTOFF PRESENTATION.

Mayor Wynn: THANK YOU, MR. LUKENS. WE HAVE ONE CITIZEN SIGNED UP WISHING TO SPEAK, MR. WALTER BROOKS. WELCOME, SIR. YOU WILL HAVE THREE MINUTES.

THANK YOU. I HAVE A PIECE OF PROPERTY ON CROSS PARK -- NOT CROSS PARK, COMMERCIAL PARK DRIVE. MY CONCERN IS MY LITTLE DARK AREA NICHE OVER THERE IS BEING ANNEXED AND THE WHITE AREA AROUND IT IS NOT. I DON'T UNDERSTAND WHY THAT WOULD BE PICKED OUT OTHER THAN THAT WE'RE PRETTY MUCH COMPLETE IN OUR DEVELOPMENT, BUT THERE'S OTHER ONES IN THE VICINITY THAT I GUESS THEY DON'T HAVE CITY SERVICES AT ALL, AND THEY MIGHT BE COSTLY TO PUT IN CITY SERVICES FOR THEM. WE ALSO HAVE SOME STRIP CLUBS IN THE AREA THAT ARE NOT BEING CONSIDERED TO BE ANNEXED. IT WOULD BE NICE IF YOU TOOK OVER THE JURISDICTION AND MOVED THOSE PEOPLE OUT ALSO. IF YOU LOOK AT THAT LITTLE TRIANGLE THERE, LOOKING TO ANNEX, AND THE ORDINANCE BEING ON HIGHWAY 183 AND 290, THAT LITTLE WHITE PENINSULA OUT THERE IS GOING TO BE QUITE A COMMERCIAL ZONE OUT THERE, BUT WE'RE NOT TOUCHING THAT FOR SOME REASON AND I DON'T UNDERSTAND THAT LITTLE ANNEXATION IN THE MIDDLE OF OTHER AREAS THAT ARE NOT BEING ANNEXED THAT ARE IN THE COUNTY. INCLUDING PART OF A SUBDIVISION. THAT'S MY QUESTION. WHY ARE WE APPROACHING IT IN THIS MANNER? AND I DON'T REALLY KNOW WHAT WE'LL GAIN OUT OF BEING PART OF THE CITY AT THIS POINT.

Mayor Wynn: THANK YOU, MR. BROOKS. MR. LUKENS?

WELL, IN GENERAL, WE ANNEX PROPERTY AS UTILITIES ARE EXTENDED. AND THIS COMMERCIAL AREA HAS CITY OF AUSTIN WATER AND WASTEWATER SERVICES. WE'VE LOOKED AT THE REST OF THIS AREA, AND THE AREA BETWEEN THIS AND THE BALANCE OF THE CITY HEADING BACK EAST, WE'RE LOOKING AT AGAIN IN THE COMING YEAR FOR ANNEXATION, ESPECIALLY CONCERNED WITH SOME OF

THESE NIGHTCLUBS THAT THE GENTLEMAN MENTIONED. AND AS WE CAN ANNEX AREAS THAT HAVE SERVICES AVAILABLE, WE LIKE TO BE ABLE TO EXTEND NOT JUST SERVICES, BUT ALSO THE REGULATORY CONTROLS, AND WE SURE APPRECIATE MR. BROOKS' CONCERNS.

Mayor Wynn: OKAY, THANK YOU, MR. LUKENS.

I DON'T KNOW IF I GOT AN ANSWER WITH HIM. I'LL LOOK FURTHER INTO IT.

Mayor Wynn: I UNDERSTAND, MR. BROOKS. THANK YOU. ARE THERE ANY OTHER CITIZENS THAT WISH TO BE HEARD ON THIS PUBLIC HEARING, ITEM NUMBER 53, REGARDING THE FULL PURPOSE ANNEXATION OF THE FERGUSON CUTOFF AREA? HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THIS PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER THOMAS. I'LL SECOND. ALL IN FAVOR, PLEASE SAY AYE?

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ZERO WITH COUNCILMEMBER SLUSHER AND MAYOR PRO TEM OFF THE DAIS.

THIS BRINGS US BACK TO THE FIRST OF THESE AREAS, WHICH IS THE AVERY RANCH AREAS. THE AVERY RANCH AREAS ARE APPROXIMATELY 72.4 ACRES IN WILLIAMSON COUNTY, 168 SINGLE-FAMILY LOTS IN UNDEVELOPED ROUND ROCK ISD TRACT. THEY'RE CURRENTLY LIMITED PURPOSE ANNEXATION. THEY'RE BEING ANNEXED FULL PURPOSE IN ACCORDANCE WITH THE TERMS OF THE DEVELOPER'S REQUEST FOR LIMITED PURPOSE REGULATORY PLAN. ESSENTIALLY WE TAKE OVER FROM WILLIAMSON COUNTY FOR THE SERVICES THEY PROVIDE AS WELL AS PROVIDE ADDITIONAL ENHANCED SERVICES OTHERWISE NOT AVAILABLE FROM WILLIAMSON COUNTY. SO THAT ESSENTIALLY IS MY PRESENTATION ON AVERY. THIS IS THE AVERY RANCH P.U.D., YOU LOOK AT IT AND SEE WHAT A REMARKABLE PROJECT IT'S BEEN OVER THE LAST THREE YEARS.

Mayor Wynn: QUESTIONS, COMMENTS OF MR. LUKENS? ARE

THERE ANY CITIZENS THAT WISH TO BE HEARD ON THIS ITEM NUMBER 50, PUBLIC HEARING REGARDING THE FULL PURPOSE ANNEXATION OF THE AVERY RANCH AREAS? HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER DUNKERLEY. ALL IN FAVOR? THAT IS.

AYE.

Mayor Wynn: OPPOSED? MOTION PASS OZ A VOTE OF FIVE TO ZERO.

THIS NEXT AREA IS THE HEARING FOR THE FULL PURPOSE ANNEXATION OF PIERCE LANE, ROSS ROAD MUNICIPAL ANNEXATION PLAN AREA. AND THIS IS A SPECIAL CASE. THIS JUST MEANS THAT WE'RE FINISHING THE FIRST YEAR OF A THREE-YEAR MUNICIPAL ANNEXATION PLAN PROCESS, SO WE HAD AN INFORMATIONAL MEETING OUT IN THE NEIGHBORHOOD THE OTHER DAY. THE RESIDENTS OUT THERE WILL BE NAMING FIVE PEOPLE TO BE ON THE -- THE COMMISSIONERS COURT WILL APPOINT TO NEGOTIATE A SERVICE PLAN. WE'LL SPEND NEXT YEAR NEGOTIATE GHT SERVICE PLAN AND SOME PART AND ENDING THAT IN JUNE, AND THEN DECEMBER OF '06 THIS AREA WILL BE ANNEXED IF WE FOLLOW THE SCHEDULE SET UP BY THE ANNEXATION PLAN PROCESS. SO THIS IS THE FIRST HEARING. NEXT WEEK IS THE SECOND HEARING AND THEN, OF COURSE, COMMISSIONERS COURT APPOINTS PEOPLE. THE SERVICE PLAN IS FAIRLY STRAIGHTFORWARD. AGAIN, WE PROVIDE -- WE'LL TAKE OVER FROM TRAVIS COUNTY FOR WHAT THEY PROVIDE, PROVIDING ADDITIONAL ENHANCED SERVICE NOT OTHERWISE AVAILABLE. DISTRIBUTE THE INFORMATIONAL MEETING ON MONDAY AND I'M SURE WE'LL BE VISITING WITH THEM AGAIN. SO THAT CONCLUDES THE PIERCE LANE ROSS ROAD ANNEXATION. PRESENTATION.

Mayor Wynn: QUESTIONS, COMMENTS OF MR. LUKENS, COUNCIL? ARE THERE ANY CITIZENS THAT WISH TO BE HEARD ON THIS PUBLIC HEARING, ITEM 51, RELATED TO THE FULL PURPOSE ANNEXATION OF THE PIERCE LANE/ROSS ROAD PLAN AREA? HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY

COUNCILMEMBER THOMAS, I'LL SECOND. ALL THOSE IF FAVOR, PLEASE AAYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASS OZ A VOTE OF FIVE TO ZERO.

THIS LAST AREA IS THE COLD WATER AREAS. IT'S ABOUT 111 ACRES IN TRAVIS COUNTY SOUTHWEST OF FM 2222 AND THE INTERSECTION OF FM 2222 AND CITY PARK ROAD. IT INCLUDES ABOUT 110.6 ACRES, ABOUT 33 ACRES OF WHICH IS CURRENTLY LIMITED PURPOSE JURISDICTION. THE AREA IS PARTIALLY DEVELOPED. THERE ARE 16 SINGLE-FAMILY RESIDENCES ON IT. ESSENTIALLY WE'LL BE TAKING OVER FROM TRAVIS COUNTY FOR THE SERVICES THAT THEY CURRENTLY PROVIDE AND PROVIDE ADDITIONAL AND ENHANCED SERVICES NOT OTHERWISE AVAILABLE. AND WE'VE MET WITH SOME OF THE PROPERTY OWNERS AND MET WITH FOLKS WHO ARE DEVELOPING A CONDO PROJECT OUT THERE, AND AGAIN, WE'LL BE TAKING OVER FROM THE COUNTY FOR WHAT THEY DO, PROVIDING ADDITIONAL ENHANCED SERVICES NOT OTHERWISE AVAILABLE. SO THAT'S THE -- MY PRESENTATION FOR COLD WATER AREAS.

Mayor Wynn: QUESTIONS, COUNCIL? ARE THERE ANY CITIZENS THAT WISH TO BE HEARD ON THIS PUBLIC HEARING, ITEM NUMBER 52, THE FULL PURPOSE ANNEXATION OF THE COLD WATER AREA? HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

THE CLERK JUST POINTED OUT THAT THE FIRST OF THESE HEARINGS THAT WAS SCHEDULED FOR GOODNIGHT RANCH. THERE WAS AN ADVERTISING PROBLEM WITH GOODNIGHT RANCH, AND SO WE'LL DO THE PUBLIC HEARINGS NEXT WEEK AND THE WEEK AFTER NEXT FOR GOODNIGHT RANCH. GOODNIGHT RANCH ITSELF, SINCE IT WAS POSTED, IT WAS ADVERTISED, IT STAYED ON THE AGENDA, BUT WE'RE NOT -- THE HEARING WILL BE HELD NEXT WEEK AND I THINK NOVEMBER 4TH FOR THE SECOND ONE. OCTOBER OCTOBER 28TH AND NOVEMBER 4TH, FOR THE PEOPLE LOOKING FOR GOODNIGHT RANCH.

Mayor Wynn: THANK YOU, MR. LUKENS. ITEM NUMBER 49 WILL BE TAKEN OFF THE AGENDA. AGAIN, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING ON ITEM NUMBER 52. MOTION MADE BY COUNCILMEMBER ALVAREZMENT THAT I'LL SECOND. ALL THOSE IN FAVOR, PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ZERO. THANK YOU, MR. LUKENS. THAT'S ALL THE ITEMS ON THIS WEEK'S AGENDA, COUNCIL. I'LL ENTERTAIN A MOTION TO ADJOURN. MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER DUNKERLEY. ALL THOSE IF FAVOR, PLEASE SAY AYE. AYE. OPPOSED? WE'RE ADJOURNED. THANK YOU VERY MUCH. EYE

End of Council Session Closed Caption Log