

## Closed Caption Log, Council Meeting, 11/04/04

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THE ENTIRE COUNCIL, CITY MANAGER, AND A VERY IMPRESSIVE SHOW OF THE AUSTIN POLICE DEPARTMENT INCLUDING THE CITY OF AUSTIN EXTENDED FAMILY? GEORGETOWN THIS MORNING FOR THE FUNERAL OF AUSTIN POLICE OFFICER AMY DONOVAN. WE WERE THERE WITH AMY'S HUSBAND TERRI AND HER FOUR CHILDREN AS WE PAID OUR LAST RESPECTS TO OFFICER DONOVAN. IN LIEU OF AN OPENING IN VEHICLE OCCASION, I WOULD LIKE TO ASK YOU TO JOIN ME IN A MOMENT OF SILENCE FOR AUSTIN POLICE OFFICER AMY DONOVAN.

THANK YOU VERY MUCH, OUR CONDOLENCES TO THE ENTIRE FAMILY. WE KNOW THAT THE CITY OF AUSTIN EXTENDED FAMILY, THE AUSTIN POLICE DEPARTMENT, THE AUSTIN POLICE ASSOCIATION WILL CONTINUE TO BE THERE FOR OFFICER DONOVAN'S FAMILY. COUNCIL, WITHOUT OBJECTION, I THOUGHT PERHAPS THE ORDER WOULD BE LET'S TAKE OUR GENERAL CITIZENS COMMUNICATIONS THAT WE NORMALLY TAKE UP AT NOON AND GO THROUGH THOSE TEN CITIZENS AND THEN WE'LL TAKE UP OUR CONSENT AGENDA SOME OF THE WITH THAT, I TRUST WE ATTEMPTED TO CONTACT ALL OF THE FOLKS WHO SIGNED UP FOR CITIZEN COMMUNICATION TO WARN THEM WE WOULD LIKELY BE AN HOUR LATER THAN USUAL. AT THIS TIME WE WILL CALL UP OUR FIRST CITIZEN, MRS. PHILLIP A. DICK. IS MRS. DICK HERE? WE'LL HOLD HER SPOT FOR A MINUTE OR TWO. HOW ABOUT ICY WATT? ICY WATT? JEAN FER JENNIFER

MCPHAIL. YOU'LL HAVE THREE MINUTES.

THANK YOU, MAYOR. AS PART OF WHAT I WANTED TO DO TODAY, I ALSO HAVE A TAPE TO SHOW Y'ALL, BUT I'M HERE TODAY IN REGARD TO THE POLLING PLACES FOR MUNICIPAL ELECTION COMING UP IN MAY. I'VE SEEN YOU DO A PRESS CONFERENCE WITH THE MAYOR'S COMMITTEE, MAYOR, BACK IN SEPTEMBER, AND FOLKS AT THAT NEWS CONFERENCE DIDN'T KNOW OF ANY LOCATIONS THAT WERE INACCESSIBLE. WELL, WE DID A SMALL SURVEY FOR THE NOVEMBER ELECTION AND WE FOUND 30% -- 36% OF THE POLLING PLACES THAT WE SURVEYED WERE INACCESSIBLE. SO I WANTED TO DROP THAT INFORMATION OFF WITH YOU AND LET YOU KNOW THAT WE'VE HAD A HISTORY OF PROBLEMS WITH ACCESSIBILITY TO THE POLLS SINCE LIKE '94. WE'VE GONE AROUND AND AROUND ABOUT IT, AND THIS YEAR IN CELEBRATION OF THE A.D.A. FOR THE 14th ANNIVERSARY, WE SUED THE COUNTY FOR ACCESSIBILITY TO THE POLLING PLACES AND WE WOULD LIKE Y'ALL'S HELP TO SETTLE THE LAWSUIT AND ACTUALLY GET POLLING PLACES TO BECOME ACCESSIBLE. AND I DON'T KNOW IF IT'S POSSIBLE, BUT I'VE GOT LIKE FOOTAGE OF A -- OF A PRESS CONFERENCE THAT WE DID OUTSIDE THE POLLING PLACE IN 2000. BECAUSE THE POLLING PLACE IS INACCESSIBLE AND IT'S IN MY PRECINCT AND IT WAS UP THREE STEPS AND THAT IS IF YOU COULD GET UP THE SLOPE OF THE HILL, SOY JUST WANTED TO LET YOU GUYS KNOW AND GIVE YOU A SENSE OF THE HISTORY BECAUSE IT'S GONE ON FOR A LONG TIME AND IT'S BEEN FEDERAL, LOCAL AND STATE ELECTIONS, SO IT'S SOMETHING THAT WE NEED TO ADDRESS. BIG TIME.

THANK YOU, MS. MCPHAIL. WE DEFINITELY WOULD LIKE TO GET A COPY OF YOUR LIST ABOUT THE INACCESSIBLE.

OKAY, I'VE GOT THAT FOR YOU TODAY. AND I'VE ALSO GOT THE LAWSUIT.

THANK YOU. I THINK MR. CHAPA IS TRYING TO KEY UP YOUR VIDEO AND WE'LL GIVE IT A COUPLE OF MINUTES.

TODAY AS EXPECTED, BUT THERE ARE SOME VOTERS HERE IN TRAVIS COUNTY WHAT SAID THE ELECTION OFFICIALS ARE NOT MAKING GETTING TO THE POLLS EASY AND

ACCESSIBLE FOR EVERYONE. ADAPT HELD A NEWS CONFERENCE IN SOUTHEAST AUSTIN, THAT DISABILITY RIGHTS GROUP CLAIMS THAT TRAVIS COUNTY ELECTION OFFICIALS ARE VIOLATING STATE AND FEDERAL ELECTION LAWS.

THE RIGHT TO VOTE IS A VERY BASIC AMERICAN RIGHT AND IT'S RIDICULOUS THAT TRAVIS COUNTY, WHICH PRIDES ITSELF ON BEING SO FORWARD-THINKING, DOESN'T BOTHER TO MAKE ANY OF THEIR POLLING PLACES ACCESSIBLE AFTER ALL OF THESE YEARS.

ADAPT MEMBERS SAY THAT THEY HAVE MET WITH ELECTION OFFICIALS FOR THE PAST THREE YEARS...

WHAT WOULD BE GOOD IS IF YOU GUYS COULD ENCOURAGE THE COUNTY STAFF TO SIT DOWN WITH US AND TALK ABOUT SETTling THE LAWSUIT, BECAUSE IT'S RIDICULOUS THAT WE'VE HAD TO WORK ON THIS FOR TEN YEARS AND WE HAVEN'T GOTTEN ANY FURTHER THAN WE HAVE, SO ANY KIND OF INSPIRATION YOU COULD PROVIDE, SINCE YOU CONTRACT WITH THEM, YOU'RE ALSO LIBEL IF THEY SCREW UP THE NEXT ONE AND I DON'T WANT YOU GUYS TO GET CAUGHT IN THE FRAY BECAUSE YOU HAVE BEEN SO RESPONSIVE TO ACCESSIBILITY ISSUES.

THANK YOU, MS. MCPHAIL, AND OUR CITY CLERK'S OFFICE WILL IN FACT FOLLOW-UP AND...

IT WOULD BE GRET IF WE COULD HAVE A JOINT MEETING TOGETHER, THAT WOULD BE VERY HELPFUL, BECAUSE I KNOW HOW SUPPORTIVE YOU GUYS ARE ABOUT ACCESSIBILITY AND I THINK THAT THE COUNTY NEEDS TO UNDERSTAND THAT FIRSTHAND AS WELL.

ALL RIGHT. THANK YOU, MS. MCPHAIL. OUR NEXT SPEAKER IS FELIX BRIONES.

THE BOYS WERE GOING TO COME, BUT I THINK BECAUSE OF THE SCHEDULING CHANGES, I THINK THEY PROBABLY HAD PROBLEM WITH TRANSPORTATION. THANK YOU, THOUGH.

OKAY, THANK YOU.

WE SWITCHED IT IN IN PLENTY OF TIME.

THANK YOU.

THANK YOU, MS. MCPHAIL.

EARLIER WE HAD CALLED MRS. PHILLIP DICK. WELCOME, MA'AM, WOULD YOU LIKE TO ADDRESS US? YOU'LL HAVE -- YOU'LL HAVE THREE MINUTES.

ALL RIGHT. GOOD EVENING. MY NAME IS MRS. PHILLIP A. DICK AND I AM HERE WITH THE ISSUE OF OUR -- SOME OF THE OFFICERS THAT HAVE PLACED ALLEGATIONS ON MY CRIMINAL RECORD THAT I HAVEN'T EVER COMMITTED, AND I WOULD LIKE TO HAVE THESE ALLEGATIONS ADDRESSED BECAUSE I WOULD LIKE TO SEE THESE ALLEGATIONS EXPUNGEED FROM MY RECORD IN WHICH I NEVER COMMITTED THEM, AND I WOULD ALSO LIKE TO SEE ABOUT IF SOMEONE COULD HELP ME FROM THE CITY OF AUSTIN. GET MY DRIVING RECORD ALL STRAIGHTENED OUT WHERE I WASN'T THE CULPRIT OF THESE ACCIDENTS THAT WERE FILED ON ME THROUGH THE POLICE, YOU KNOW, DEPARTMENT FROM THE OFFICERS, AND I WAS PROVEN IN A COURT OF LAW THAT I WASN'T RESPONSIBLE, YOU KNOW, FOR THESE ACCIDENT, BUT YET STILL MY LICENSE HAS BEEN TAKEN FROM ME AS A -- LOOK LIKE A PUNISHMENT, YOU KNOW, TO USE ME. AND I HAVE BEEN FIGHTING WITH THIS. I HAVE BEEN GOING -- EVEN WHEN MR. KURT WATSON WAS IN OFFICE I WAS ADDRESSING THIS SAME PROBLEM AND ISSUE. I HAVE BEEN WORKING WITH THIS TRYING TO OBTAIN MY LICENSE. NOW THEY HAVE INDEFINITE SUSPENSION ON MY LICENSE. AND I'M A DISABLED PERSON. I REALLY DO NEED MY, YOU KNOW, MY DRIVER'S LICENSE SO THAT I CAN DRIVE MY CAR TO GET AROUND. AND IT'S JUST -- IT'S JUST FRIGHTENING THAT THINGS LIKE THIS CAN HAPPEN, YOU KNOW, FROM OFFICERS. YOU WOULDN'T EXPECT THAT -- NOW, ALL OFFICERS, I'M NOT TALKING ABOUT -- WE HAVE SOME BEAUTIFUL GOOD OFFICERS. DO NOT MISUNDERSTAND ME. I'M JUST TALKING ABOUT THE ONES THAT HAVE -- DID MY RECORD AND HAVE DONE THINGS TO ME, TO HARM ME. SO I WOULD APPRECIATE IT IF WE COULD

INVESTIGATE IN THIS, CHECK INTO IT. I WOULD LOVE TO GET MY RECORD EXPUNGEED AND GET ALL OF THAT CLEAN AS IT WAS, I WOULD APPRECIATE THE LICENSE BACK IN WHICH I WASN'T THE CULPRIT OF IT. WHEN MS. TOBY WAS IN OFFICE, SHE WAS ASSISTANT MANAGER, I TRIED TO GET IN CONTACT WITH MS. LUT TREL, YOU KNOW, AT THAT TIME SHE WAS THE ASSISTANT CITY MANAGER. I REALLY HAVE BEEN TRYING TO GET THIS ALL, YOU KNOW, CLEARED UP. SO IF YOU ALL COULD PLEASE HELP ME IN THIS AREA IN GETTING MY RECORD, YOU KNOW, CLEARED, I SURE WOULD APPRECIATE IT. PLUS I TALKED WITH MR. THOMAS AT HIS OFFICE. I HAVE BEEN TO HIM AND... [BUZZER SOUNDING] ... I DID GET SOME ASSISTANCE TO HIM ABOUT THOSE TICKETS. THANK YOU, MR. THOMAS. THAT WAS TAKEN CARE OF. SO IF I COULD JUST GET THAT TAKEN CARE OF I WOULD APPRECIATE IT.

MS. DICK, WHAT I'LL DO IS RUDY GARZA, SINCE WE'RE ALL HERE IN THE SAME ROOM, HOOK UP WHILE YOU'RE HERE, RUDY GARZA IS OUR ASSISTANT CITY MANAGER OVER PUBLIC SAFETY. I CAN'T GUARANTY YOU NOT KNOWING THE DETAILS OF YOUR SITUATION, I'LL ASK HIM TO HOOK UP WITH HIM RIGHT NOW AND WE'LL SEE WHAT WE CAN DO.

I SURE APPRECIATE IT. THANK YOU, MRS. DICK.

ICY WATT. I HAD CALLED EARLIER.

SHE'S NOT GOING TO BE ABLE TO MAKE IT. SHE CALLED ME TO LET ME KNOW, SO SHE WON'T BE ABLE TO MAKE IT. I TOLD HER SHE SHOULD CALL YOU ALL TOO.

THANK YOU.

AKWASI EVAFS? WELCOME, MR. EVANS, YOU'LL HAVE THREE MINUTES AND WILL BE FOLLOWED BY WILLIAM DAVID PLASKY.

THANK YOU. GOOD AFTERNOON, MAYOR, CITY MANAGER, COUNCILMEMBERS PRESENT, APOLOGIZE FOR MY VOICE. I WAS -- BEING CHEERING ON THE ELECTION RESULTS. AM GLAD THAT IT'S OVER. BUT I WANTED TO COME TODAY TO ASK YOU ALL TO ASK SOME QUESTIONS WHEN YOU GET THE ANSWERS ABOUT MAJOR DISPARITIES WE HAVE IN AUSTIN

BETWEEN THE MINORITY AND THE MAJORITY COMMUNITIES. PARTICULARLY, I KNOW WHAT CAN OR THIS COUNCIL DO TO ADDRESS THE DISPARITIES IN INCOME, EDUCATION, EMPLOYMENT, BETWEEN WHITES, AFRICAN AMERICANS, LATINOS AND OTHERS IN AUSTIN. NATIONALLY THE HOUSEHOLD INCOME OF WHITES IS 13 TIMES GREATER THAT OF LATINOS AND 14 TIMES GREATER THAN THAT OF BLACKS. WHAT IS THE PORTION OF DISCREPANCY IN AUSTIN? IS IT GREATER? IS IT LESSER? IS IT THE SAME? AND WHAT WILL THIS COUNCIL DO TO TRY TO BRIDGE THAT GAP? AS WE GO WITH HEALTH CARE, HOW MANY AUSTIN CITIZENS ARE WITHOUT HEALTH CARE? OF THOSE CITIZENS HOW MANY ARE WHITE, HOW MANY ARE BLACK, HOW MANY ARE LATINO, HOW MANY ARE OTHERS? WHAT WILL THE COUNCIL DO TO ADDRESS THE DISPARITIES IN HEALTH CARE IN OUR COMMUNITY AMONG CITIZENS WHO HAVE WORKED EVERY DAY AND CAN'T AFFORD TO HAVE ADEQUATE HEALTH CARE? AS REGARDS EMPLOYMENT, HOW MANY AUSTINITES AREN'T EMPLOYED? HOW MANY ARE BLACK? HOW MANY ARE WHITE? HOW MANY ARE LATINOS? HOW MANY ARE OTHERS, AFRICAN AMERICAN? HOW MANY WORK FOR THE CITY OF AUSTIN, AND THE SAME THING, HOW MANY ARE BLACK, BROWN, WHITE, LATINO, AND MORE IMPORTANTLY, HOW MANY ARE IN MANAGEMENT POSITIONS? OVER THE LAST FIVE YEARS MANY OF US HAVE SEEN EVIDENCE THAT THE NUMBER OF AFRICAN AMERICANS PARTICULARLY IN MANAGEMENT POSITIONS HAS DECREASED DRAMATICALLY AND WE WOULD LIKE TO KNOW WHAT IS THE NUMBER OF AFRICAN AMERICANS IN MANAGEMENT POSITIONS IN THE CITY OF AUSTIN TODAY COMPARED TO 1999 AS REGARDS TO EDUCATION WHAT IS THIS COUNCIL DOING TO WORK WITH AISD TO ADDRESS THE DROPOUT RATES IN OUR SCHOOL AS WELL AS CRIME IN OUR SCHOOL, AND WHAT DOES THIS COUNCIL KNOW ABOUT THE PERCENTAGE OF STUDENTS WHO ARE DROPPING OUT, THE NUMBER WHO ARE AFRICAN AMERICAN, NUMBER WHO ARE HISPANIC, NUMBER WHO ARE WHITE, AND THE NUMBER WHO ARE OTHERS. AND FINALLY, AS REGARDS INCARCERATION, HOW MANY PEOPLE DO WE HAVE IN OUR JAIL SYSTEMS TODAY? WHAT PERCENTAGE ARE WHITE, BLACK... [BUZZER SOUNDING] ... LATINO AND OTHERS? HOW MANY HALFWAY HOUSES DO WE HAVE IN AUSTIN AND WHAT IS THEIR POPULATION? AND IN CLOSING,

SINCE MY THREE MINUTES ARE UP, IN YOUR OPINION WHAT WOULD THE DECRIMINALIZATION OF MARIJUANA POSSESSION DO TO AFFECT THE INCARCERATION RATE AND THE CRIME RATE IN AUSTIN, TEXAS? I BROUGHT COPIES OF THESE QUESTIONS THAT I'LL BE GLAD TO LEAVE WITH YOU.

PLEASE DO, MR. EVANS AND SOME OF THOSE STATS WE ACTUALLY TRACK ON A REGULAR BASIS, OUR CITY MANAGER HAS A -- DOES A GOOD JOB OF TRACKING HER PARTICULAR WORKFORCE. SOME OF THE ISSUES I THINK WOULD TAKE US A LOT OF TIME TO RESEARCH YOUR ANSWER, BUT IF YOU COULD LEAVE THE QUESTIONS...

I'LL LEAVE THEM WITH STAFF.

-- WE'LL ANSWER THEM AS QUICK AS WE CAN.

I'LL APPRECIATE ANY ANSWERS WHEN YOU CAN GET THEM, WHETHER THEY COME AT ONE TIME, ALL AT ONCE OR --

WE GET YOU THE CITY WORKFORCE THAT IS DONE IMMEDIATELY AND TRACKED ON A QUARTERLY BASIS. THE SHORT ANSWER IS THE DEMOGRAPHICS OF AFRICAN AMERICANS IN ALL LEVELS AT ALL CATEGORIES MIRROR THE POPULATION INCLUDING MANAGEMENT AND PROFESSIONAL CATEGORIES. I WILL HAVE TO CHECK TO COMPARE TO 1999. YOU WILL FIND THAT OUR WORKFORCE IS SMALLER TODAY THAN IT WAS IN 1999. SO I'M GOING TO HAVE TO FACTOR THAT IN BECAUSE WITH THREE YEARS OF CUTTING POSITIONS, ALL OF OUR CATEGORIES AND ALL OF OUR WORKFORCE IS SMALLER, BUT THE DEMOGRAPHICS ARE GREATER IN EVERY CATEGORY THAN REFLECTED IN THE POPULATION AND I WILL GET YOU THOSE STATS.

I LOOK FORWARD TO SEEING THEM. THANK YOU.

THANK YOU, MR. EVANS, WILLIAM DAVID PALACE SKI? WILLIAM DAVID PALACE SKI? WE'LL HOLD HIS SPOT FOR A FEW MINUTES. PAT JOHNSON? PAT JOHNSON. SID GALINDO, WELCOME SIR, YOU'LL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY JOHN NYFELER.

GOOD AFTERNOON, MR. MAYOR, AND COUNCILMEMBERS. MY

NAME IS SID GAL GALINDO AND I'M HERE TODAY TO SPEAK IN FAVOR OF THE PROPOSED CHANGES TO THE PUBLIC ORDINANCES THAT YOU WILL BE REVIEWING LATER TODAY ON YOUR AGENDA, AND MORE SPECIFICALLY TO REQUEST THE KREAGZ OF A 24-HOUR NO PANHANDLING ZONE IN OUR CBD. AS SOME OF YOU KNOW, I SERVE ON THE PLANNING COMMISSION. I'M ON THE BOARD OF DIRECTORS OF KIOTES OF AUSTIN AND ALSO PRESIDENT OF 0 AUSTIN DOWNTOWN NEIGHBORHOOD ASSOCIATION, BUT I'M REALLY HERE TODAY TO SPEAK TO YOU AS A PRIVATE CITIZEN AND ASSISTANT A RESIDENT OF DOWNTOWN AUSTIN. MY FRONT YARD IS A DOWNTOWN SIDEWALK AND MY BACK YARD IS A CITY ALLEY AND LIKE EVERY OTHER AUSTINITE, I'M VERY CONCERNED ABOUT WHAT HAPPENS IN MY FRONT YARD AND IN MY BACK YARDMENT . I ALSO UNDERSTAND THAT THESE ARE VERY COMPLEX ISSUES THAT WE'RE GOING TO BE ADDRESSING. AND DANA, THE DOWNTOWN AUSTIN NEIGHBORHOOD ASSOCIATION HAS BEEN WORKING ON THESE FOR SEVERAL YEARS. IN FACT YOU'LL RECALL A GROUP OF US CAME AND VISITED WITH YOU INDIVIDUALLY ABOUT OUR CONCERNS, PARTICULARLY THE PANHANDLING CONCERN LAST YEAR, AND WE ARE VERY PLEASED THAT THESE ISSUES ARE RECEIVING THE ATTENTION THAT WE THINK THEY DESERVE. I'M HERE OFFICIALLY, THOUGH, TO PRESENT A LETTER FROM DANA'S LEADERSHIP SIGNED BY OUR PRESIDENT, MR. CRAIG NASSO, AND I WOULD LIKE TO TAKE A MINUTE TO READ THAT LETTER INTO THE RECORD FOR YOU AND YOU SHOULD HAVE A COPY OF IT IN FRONT OF YOU, HONORABLE MAYOR AND CITY COUNCIL MEMBERS, THE DOWNTOWN AUSTIN NEIGHBORHOOD ASSOCIATION ENTHUSIASTICALLY SURPRISE PORTS THE SPIRIT OF THE CHANGES TO THE CITY'S PUBLIC ORDER ORDINANCES AS PROPOSED BY CITY STAFF. WE UNDERSTAND THAT THE SPECIFIC LANGUAGE REMAINS TO BE DRAFTED AND APPROVED. WE URGE COUNCIL, HOWEVER, TO CONSIDER THE ADDITIONAL MEASURE OF DECLARING THE CBD A NO PANHANDLING ZONE AT ALL TIMES. SEVERAL OTHER CITIES HAVE CREATED SIMILAR NO PANHANDLING ZONES IN THEIR CBD'S AND/OR PEDESTRIAN AREAS. THESE CITIES INCLUDE LAS VEGAS, NEVADA. JACKSONVILLE, FLORIDA. AND OUR NEIGHBORING CITIES OF DALLAS AND SAN ANTONIO. NO PANHANDLING ORDINANCES HAVE WITH STOOD LEGAL CHALLENGES BY



INVOKING THE LEGITIMATE LEGAL INTEREST OF THE CITY TO ENSURE THE SECURITY AND CONVENIENCE OF ITS CITIZENS. THIS INFORMATION IS DERIVED FROM THE RECENTLY PUBLISH SURVEY OF COMPARABLE COMMISSIONED BY THE DOWN AUSTIN COMMUNITY COURT AND THE DOWNTOWN PUBLIC ALLIANCE. THIS IS A COPY THAF PUBLIC. DANA CURRENT LIST COUNTS AS OVER 800 ACTIVE MEMBERS. WE ARE COMPASSIONATE COMMUNITY THAT HAS EMBRACED THE PRESENCE AND ACTIVELY SUPPORTS THE SOCIAL SERVICE PROVIDERS IN OUR NEIGHBORHOOD. [BUZZER SOUNDING]

I'LL CONCLUDE THERE. YOU CAN READ THE REST OF THE LETTER AND I WILL ALSO LIKE TO STATE THAT I HAVE BEEN ASKED BY THE BOARD OF DIRECTORS OF KIOTES OF AUSTIN TO INFORM YOU THE BOARD IS LOOKING FAVORABLY ON THESE CHANGES AND WITHIN THE NEXT FEW DAYS WE SHOULD HAVE A LETTER WITH OUR OFFICIAL STATEMENT OF SUPPORT. THANK YOU.

THANK YOU, MR. GALINDO. OUR NEXT SPEAKER IS JOHN NYFELER. JOHNIFY FELLER. NYFELER. AND AGAIN ONE LAST TIME. WILLIAM DAVID PALACE SKI? PAT JOHNSON? OR JOHN NYFELER. COUNCIL, THAT IS ALL THE CITIZENS WHO SIGNED UP FOR OUR GENERAL CITIZEN COMMUNICATION, SO WITHOUT OBJECTION, WE'LL NOW GO TO OUR CONSENT AGENDA. ACTUALLY, I TAKE THAT BACK. I SHOULD READ OUR CHANGES AND CORRECTIONS. THEN GET TO THE CONSENT AGENDA. WE HAVE A NUMBER OF CHANGES TO THIS WEEK'S POSTED COUNCIL AGENDA. THEY ARE AS FOLLOWS: ITEM NUMBER 9 IS TO BE POSTPONED TO NOVEMBER 18th. 2004. ITEM NUMBER 54, IT SHOULD BE NOTED THAT MAYOR PRO TEM JACQUE GOODMAN IS AN ADDITIONAL SPONSOR. ITEM 55, NOTED THAT COUNCILMEMBER McCRACKEN IS AN ADDITIONAL COSPONSOR. WE SHOULD NOTE THAT ON ITEM NUMBER 27, THE SUGGESTED LOCATION FOR THE PUBLIC HEARING IS HERE AT THE LCRA HANCOCK BUILDING. ON ITEM 29 WE SHOULD STRIKE THE PHRASE "TO RECEIVE COMMENT REGARDING A PROPOSED ORDINANCE TO AMEND" AND INSERT THE PHRASE "TO CONSIDER AN ORDINANCE AMENDING." THIS IS RELATED TO THE MIXED-USE COMBINING DISTRICT. ON ITEM NUMBER 31, WE WILL CHANGE THE SUGGESTED DATE AND TIME OF THE PUBLIC

HEARING FROM NOVEMBER 18th TO DECEMBER SECOND, 2004, AT 6 P.M., HERE IN THE LCRA HANCOCK BUILDING. ITEM NUMBER 33 IS TO BE POSTPONED UNTIL NOVEMBER 18th, 2004, AS IS ITEM NUMBER 34, POSTPONED UNTIL NOVEMBER 18th, 2004. FOR OUR TIME CERTAINS TODAY, ALTHOUGH WE'RE -- THIS IS A -- A AN ALTERED SCHEDULE BECAUSE OF OUR FUNERAL THIS MORNING, SOME TIME SHORTLY AFTER 2 P.M. WE'LL TAKE UP OUR BRIEFING THAT SHOW AS ITEM NUMBER 38 IN THIS WORK'S AGENDA REGARDING OUR PUBLIC ORDER ORDINANCES. AT 3:00 WE WILL HAVE OUR BOARD OF DIRECTORS MEETINGS OF THE AUSTIN HOUSING FINANCE CORPORATION. THOSE ITEMS SHOW AS -- ON THIS AGENDA AS AAHFC 1 AND 2. AT 4:00 WE HAVE OUR ZONING HEARINGS AND APPROVE OF ORDINANCE AND RESTRICTIVE COVENANTS ITEMS 39 THROUGH 47. I'LL ANNOUNCE NOW THAT THE STAFF WILL BE REQUESTING AT 4:00 THAT WE POSTPONE ITEM Z 14 WHICH IS THE AVERY RANCH ZONING CASE TO NOVEMBER 18th, 2004, AND TO POSTPONE ITEM Z 15 THROUGH Z 18, THE CHAMPION TRACKS TO DECEMBER 2ND, 2004. AT 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS. AT 6 P.M. WE HAVE OUR PUBLIC HEARINGS AND POSSIBLE AXES. THOSE SHOW AS AGENDA ITEMS 48 THROUGH 52. AND AT 6 P.M. BE WE ALSO HAVE A TIME CERTAIN AGENDA ITEM NUMBER 53. THOSE ARE OUR CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. SO FAR COUNCIL I BELIEVE THE ONLY ITEM THAT HAS BEEN PULLED OFF THE CONSENT AGENDA IS ITEM NUMBER 25 RELATED TO OUR NEIGHBORHOOD PLANNING PROCESS. SO WITH THAT I'LL CALL -- ARE THERE ANY OTHER ITEMS TO BE PULLED FROM THE CONSENT AGENDA? HEARING NONE, THEN I WILL READ WHAT I BELIEVE TO BE THIS WEEK'S CONSENT AGENDA NUMERICALLY. ITEM 1, 2, 3, 4, 5, 6, 7, 8, 9, FOR CHANGES AND CORRECTIONS TO BE POSTPONED TO NOVEMBER 18th, 2004. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26 AND 27 FOR CHANGES AND CORRECTION, 28 FOR CHANGES AND CORRECTIONS, 30, 31 FOR CHANGES AND CORRECTIONS. I BELIEVE THAT IS IT. I BELIEVE THE FOLLOWING ITEMS ARE EXECUTIVE SESSION ITEMS. SO 31 WILL BE OUR LAST ITEM ON THE CONSENT AGENDA.

THANK YOU, MAYOR.

COUNCILMEMBER THOMAS.

JUST THE BOARDS AND COMMISSIONS, YOU DIDN'T READ.

AHH, THANK YOU.

YOU'RE WELCOME, SIR.

ITEM NUMBER 23, COUNCIL, IS OUR BOARDS AND COMMISSIONS, I'LL READ THOSE INTO THE RECORD THIS WEEK. TO OUR COMMISSION ON IMMIGRANT AFFAIRS, ELAINE QUINN IS A CONSENSUS REAPPOINTMENT TO OUR ETHICS REVIEW COMMISSION. MYNA BREEZE IS MAYOR PRO TEM'S NOMINATION AND RONNY JONES IS COUNCILMEMBER THOMAS'S NOMINATION. TO OUR MBE/WBE ADVISORY COMMITTEE, ADRIAN NEELY IS A CONSENSUS REAPPOINTMENT, TO THE URBAN FORRESTRY BOARD MARY ENGLE IS COUNCILMEMBER THOMAS'S APPOINTMENT. SO IN ADDITION TO ITEMS 31, BE ON IF CONSENT AGENDA, OUR ADDENDUM ITEMS, ITEMS 54 PER CHANGES AND CORRECTS, AND 55 PER CHANGES AND CORRECTION, WILL ALSO BE ON THE CONSENT AGENDA.

MAYOR, DID YOU INCLUDE ITEM 33 AND 34 WHICH ARE EXECUTIVE SESSION ITEMS THAT WERE POSTPONED?

I'M SORRY. THE QUESTION IS...

ITEM 33 AND 34, WHICH ARE EXECUTIVE SESSION ITEMS THAT WERE POSTPONED.

THANK YOU, SO COUNCIL SO IN ADDITION TO THE -- ON THE CONSENT AGENDA, ITEM 33 AND 34, WHICH WERE SHOWN AS POTENTIAL EXECUTIVE SESSION ITEMS WILL NOW BE POSTPONED TO NOVEMBER 18th, 2004. SO AGAIN, COUNCIL SUMMARY IS THE ONLY PULLED ITEM OFF THE CONSENT AGENDA IS ITEM NUMBER 25, PULLED BY COUNCILMEMBER SLUSHER REGARDING OUR NEIGHBORHOOD PLANNING PROCESS. ALL OTHER APPROVALS AND POSTPONEMENTS REMAIN ON THE CONSENT AGENDA AS READ. I'LL ENTERTAIN A MOTION.

MOTION MADE BY COUNCILMEMBER DUNK EARLY,

SECONDED BY COUNCILMEMBER ALVAREZ TO APPROVE THE  
CONSENT AGENDA AS READ. FURTHER COMMENTS? WINN  
WE HAVE A FEW -- A COUPLE OF CITIZENS WHO SIGNED UP  
OFFERING QUESTION TO ANSWER QUESTIONS IF THE  
COUNCIL HAD ANY. CAROL JOSEPH WITH TRAVIS COUNTY ON  
ITEM 22. FURTHER COMMENTS ON THE CONSENT AGENDA  
AS READ? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY  
AYE. AYE, OPPOSED? MOTION PASSES ON A VOTE OF 5-0  
WITH THE MAYOR PRO TEM AND COUNCILMEMBER  
McCRACKEN TEMPORARILY OFF THE DAIS.

Mayor Wynn: EARLIER FOR YOUR CITIZEN COMMUNICATION I  
HAD CALLED MR. PAT JOHNSON WHO WASN'T HERE, BUT MR.  
JOHNSON HAS ARRIVED, WITHOUT OBJECTION WE'LL HAVE  
THREE MINUTES.

I WAS AT THE FUNERAL. I COULDN'T GET OUT OF THE  
FUNERAL PROCESSION. FIRST OF ALL, I WOULD LIKE TO SAY  
THE CITY HAS GOT THEM A FABULOUS TOO OUT THERE AT  
SEA TECH -- THE POLICE DEPARTMENT HAS TECHNOLOGY  
AND WHEN THE TECHNOLOGY EMPLOYEES TO BE 100%  
CAPABILITY IT WILL PROTECT OUR POLICE OFFICERS AND  
SERVE OUR CITIZENS VERY, VERY, VERY WELL. I WAS QUITE  
IMPRESSED WITH THE FACILITY THAT I VISITED YESTERDAY.  
ALTHOUGH I HAVE A FEW CONCERNS, I ASK MR. COLLINS  
AND I DON'T REMEMBER THE GENTLEMAN'S NAME, THE  
COMMUNICATION SUPERVISOR OUT THERE AT C TECH IS  
WHY IS IT THAT -- I'M NOT THE ONLY ONE THAT SEES -- THAT  
IS EXPERIENCING THESE DIFFICULTIES WHEN WE CALL 311,  
HAVING TO WAIT ON HOLD FOR 15, 20 MINUTE, YOU KNOW,  
BECAUSE SOMETIMES WHENEVER -- AT LEAST WHEN I CALL  
311 AND 911 QUITE A BIT, AND YOU'RE ON HOLD FOR 15 OR  
20 MINUTES AND I ASKED THEM WHY IS THIS? SAID, WELL,  
WE'VE GOT A LITTLE STAFFING PROBLEM UP HERE. NOW, OF  
COURSE THERE'S BEEN SOME PROBLEMS UP THERE WITH  
THE SOFTWARE, BUT IT'S A TECHNOLOGY SHOCK TO CITY  
EMPLOYEES THAT'S NEVER HAD THIS TYPE OF  
ENVIRONMENT TO WORK IN. I'M SURE THAT IT ALL COME  
ALONG, I'LL GIVE MR. COLIN AS GREAT DEAL OF CREDIT IN  
GETTING THIS WHOLE PROGRAM COMPLETED. IT'S NOT  
COMPLETED YET, BUT IT WILL BE SOON. SECONDLY, Y'ALL, I  
TALKED TO DAVID ACUNA IN BILLING SERVICES AND I'VE GOT  
A PROBLEM DOWN THERE WITH THE PARKING UNDERNEATH

THE BRIDGES WITH CENTRAL PARKING. I'VE CALLED HIM. I'VE COMPLAINED TO THE POLICE DEPARTMENT ABOUT CENTRAL PARKING PARKING VEHICLES RIGHT ON TOP OF THE HANDICAP RAMPS AND THE WALKWAYS AT THE INTERSECTIONS. TAKE FOR INSTANCE ON A FRIDAY NIGHT AROUND 1:30 PEOPLE HAVE TO WALK INTO A MOVING LANE OF TRAFFIC TO GET OUT OF THOSE PARKING LOTS UNDERNEITHER THE BRIDGES. WHY SHOULD WE HAVE TO TAKE -- WHY ARE VENDORS ALLOWED TO GET AWAY WITH THE THINGS THEY DO. JUST LIKE THE VALET PARKING PEOPLE IN THE DOWNTOWN ENTERTAINMENT DISTRICT. I TALKED TO THE PEOPLE WHO ISSUE THE VIOLATES, THEY WENT DOWN THERE AND ISSUED VIOLATIONS, THEY ARE SUPPOSED TO DROP SOMEBODY OUT AND THEN TAKE THEIR CAR TO A LOCATION, A SERIOUS PROBLEM ON 4th STREET BETWEEN SLAY VAC KA AND COLORADO, WHEN YOU HAVE THE VALETS IN FRONT OF LUDWIG'S, AND THE BAR ON THE CORNER, THE VALET SPACES ARE FULL, NO ONE IN THE CARS, POO (T) PEOPLE PULL UP, UNLOAD IN THE STREET. AGAIN, I KNOW -- I UNDERSTAND WE DON'T HAVE THE RESOURCES BECAUSE THE BUDGET GOT TRIMMED SO MUCH, I DON'T THINK A LOT OF THINGS GOT CUT. THE PUBLIC SURE DON'T APPRECIATE IT, AND THE FACTOR OF THE MATTER, MAYOR WINN, YOU TOLD ME ABOUT A MONTH AGO THAT DUE TO THE BUDGET CONSTRAINTS WE'RE GOING TO HAVE TO CLOSE THE RECREATIONS CENTERS ON THE WEEKEND, THE WHOLE PURPOSE OF OPENING THE RECREATION CENTERS IS TO GIVE THE KIDS SOMETHING TO DO SO THEY WON'T GO OUT THERE AND COMMIT CRIME. I WOULD LIKE FOR THIS COUNCIL TO ASK THE STAFF TO RESPOND TO THE PUBLIC ON HOW THEY'RE GOING TO CONTROL CENTRAL PARKING AND VALET -- VALET PERMIT HOLDERS IN THE DOWNTOWN DISTRICT.

Mayor Wynn: THANK YOU, MR. JOHNSON, FOR THE RECORD, IT'S OUR BRANCH LIBRARIES THAT REMAIN CLOSED ON WEEKENDS, BUT THANK YOU, SIR. COUNCIL, WE HAVE THE ONE DISCUSSION ITEM, ITEM NUMBER 25, I WOULD PREFER AND HOLD THAT DISCUSSION FOR WHEN THE MAYOR PRO TEM IS -- IS HERE, SO WITHOUT OBJECTION, AND WE DON'T HAVE ANOTHER BRIEFING BEFORE OUR 2:00 PUBLIC ORDER BRIEFINGS, SO THAT WILL GO INTO CLOSED SESSION FOR

PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY AGENDA ITEMS 32 RELATED TO THE RELOCATION OF A WASTEWATER LINE IN THE 300 BLOCK OF WATTS SHIELD ROAD AND ITEM 35, ANTICIPATED LEGISLATION ISSUES IN THE TEXAS 79th LEGISLATIVE SESSION. WHILE IN CLOSED SESSION WE MAY ALSO TALK ABOUT REAL ESTATE MARRIES UNDER SECTION 551.072 OF THE OPEN MEETINGS ACT, ITEM NUMBER 36 RELATES TO THE MILLER AIRPORT TRACT. WE ARE NOW IN CLOSED SESSION. THANK YOU.

WE ARE OUT OF CLOSED SESSION. WE TOOK UP DISCUSSION ON ITEM NUMBER 36 RELATED TO THE SALE OF THE MUELLER AIRPORT TRACT. NO DECISIONS WERE MADE. WE ARE NOW BACK IN OPEN SESSION. WE'RE RUNNING A FEW MINUTES BEHIND. WE APPRECIATE EVERYBODY'S PATIENCE TODAY. WE'LL NOW GO THE OUR 2:00 BRIEFINGS SHOWN AS ITEM NUMBER 38 ON THIS WEEK'S AGENDA THAT WE GENERICALLY REFER TO AS THE QUALITY OF LIFE ORDINANCES. AND WE'LL WELCOME MR. RUDY GARZA.

GOOD AFTERNOON, MAYOR AND COUNCIL. BEFORE I GET STARTED TODAY, I DO WANT OUR ATTORNEY, JENNIFER GILCHRIST, AND I'M LOOKING -R FOR HER THIS THE AUDIENCE. SHE IS GOING TO PROVIDE A BRIEF OVERVIEW, SOME OF THE QUESTIONS THAT HAVE ARISEN AND I'LL GO OVER THE ACTUAL DETAILS OF THE SURVEY AND THINGS WE'RE GOING TO BE DISCUSSING TODAY.

Mayor Wynn: THANK YOU, MR. GARZA.

ACTUALLY FOR THE SAKE OF TIME, WE'LL JUST REVERSE THE ORDER AND I'LL HAVE HER GO AFTERWARDS OR LET HER INTERRUPT ONCE WE GET STARTED. WHAT WE WILL DO TODAY, MAYOR AND COUNCIL, WE WILL BE GOING THROUGH A SUMMARY OF THE SURVEY, TOUCH ON SOME OF THE HIGHLIGHTS WE'VE FOUND WORKING WITH THE OTHER CITIES AND THE RESEARCH THAT WAS DONE. THEN WE'RE GOING TO FOCUS DIRECTLY ON THE CITY OF AUSTIN, OUR CURRENT ORDINANCES THAT ARE IN PLAGUES AND SPECIFICALLY ON -- PLACE AND SPECIFICALLY ON FOUR ITEMS THAT HAVE BEEN GENERALLY TERMED THE QUALITY

OF LIFE ORDINANCES DEALING WITH CAMPING AND SLEEPING IN PUBLIC, AGGRESSIVE SOLICITATION, CITING OR LYING ON A SIDEWALK, AND ROADSIDE SOLICITATION. AFTER THAT, WE'LL GO OVER OUR SPECIFIC ORDINANCES -- I'M SORRY, WE WILL GO OVER SOME OF THE SERVICES THAT WE CURRENTLY PROVIDE TO SOME OF OUR HOMELESS POPULATION. AND AT THE END WE'LL ASK YOU FOR SOME DIRECTION AND WHERE WE GO FROM HERE. THE SURVEY WAS CONDUCTED BY ON SOUTH SIDE CONSULTANT AND THAT WAS -- OUTSIDE CONSULTANT AND THAT WAS BASICALLY BASED ON THE DOWNTOWN AUSTIN COMMUNITY COURT AND OUR DOWNTOWN AUSTIN ALLIANCE. THERE HAD BEEN SEVERAL ISSUES AND CONCERNS RAISED REGARDING THE QUALITY OF LIFE ORDINANCES. IT HAD BEEN FOUR YEARS SINCE WE HAD LAST ADDRESSED THIS ISSUE. AND THAT WAS THE CATALYST FOR DOING THE ACTUAL SURVEY. THE SURVEY CONSISTED OF AN ANALYSIS OF 38 DIFFERENT CITIES OR AREAS COVERING 20 STATES. THE SURVEY COVERED VARIOUS QUALITY OF LIFE ISSUES, BUT MORE SPECIFICALLY ADDRESSED ISSUES SUCH AS CAMPING, SOLICITING AND SITTING ON PUBLIC SIDEWALKS. AND WE TOOK THAT INFORMATION, COMPARED IT TO WHAT WE CURRENTLY HAD IN PLACE AND WITH THAT POINT WE'LL GET TO THE FURTHER PART OF OUR PRESENTATION WHERE YOU WILL SEE SOME OF THE IDEAS FOR COUNCIL CONSIDERATION. SOME OF THE THINGS THAT WE FOUND IN OUR SURVEY IS THAT MOST CITIES THROUGHOUT THE STATE HAVE A -- THEY DIFFERENTIATE BETWEEN THE DEFINITION OF SOLICITATION BETWEEN AGGRESSIVE SOLICITATION AND NON-AGGRESSIVE OR JUST SOLICITATION. VERY SIMPLY PUT, AGGRESSIVE SOLICITATION BEING THOSE ACTIONS THAT ARE INTIMIDATING OR WOULD CAUSE A REASONABLE PERSON TO BE AFRAID FOR THEIR PERSONAL SAFETY. AS YOU KNOW, OUR CURRENT ORDINANCE ALSO ADDRESSES SOLICITATION ON OR AROUND A H.E.M. OR -- A.T.M. OR FINANCIAL CENTER AND THOSE POLICIES ALSO VARIED THROUGHOUT CITIES IN THE COUNTRY. IN AUSTIN, I BELIEVE IT'S 25 FEET, ANYWHERE NEAR 25 FEET OF AN ATM IS PROHIBITED IN THE CITY OF AUSTIN AND THAT VARIES IN OTHER CITIES. THERE'S ALSO A DIFFERENCE AMONG CITIES ON HOW THEY TREAT SOLICITATION REGARDING MOTORISTS AND PEDESTRIANS.

FOR INSTANCE, IN SAN ANTONIO, THEY PROHIBIT PEDESTRIANS FROM STANDING ON MEDIANS FOR SOLICITATION, AND IN AUSTIN THAT'S CURRENTLY NOT SOMETHING THAT WE COVER. OTHER THINGS THAT WE FIND IN OUR SURVEY WAS HOW CITIES DEFINE CAMPING. IF YOU READ OUR CURRENT ORDINANCE, IT'S VERY SPECIFIC ON A DEFINITION OF CAMPING. BASICALLY IF SOMEBODY IS MAKING LIVING ACCOMMODATIONS IN A PUBLIC AREA, WE CONSIDER IT CAMPING. MANY CITIES USE THAT GENERAL TERM OF CAMPING WITHOUT DEFINING IT. SLEEPING IN PUBLIC AREAS, AGAIN, IS NOT A CURRENT PROHIBITION IN THE CITY OF AUSTIN. WE DID FIND SOME CITIES THAT DO HAVE ORDINANCES THAT PROHIBIT SLEEPING IN CERTAIN AREAS. WE ALSO FOUND THROUGHOUT OUR SURVEY THAT MANY CITIES DO HAVE ORDINANCES IN PLACE DEALING WITH SITTING OR LYING OR BASICALLY CAUSING AN OBSTRUCTION ON A PEDESTRIAN SIDEWALK AND THOSE ARE ALSO TREATED VERY DIFFERENTLY THROUGHOUT CITIES. BASICALLY WHAT WE FOUND IS THAT THERE IS JUST FROM CITY TO CITY A BIG VARIATION ON THESE QUALITY OF LIFE ORDINANCES. WHAT WE FOUND IN THE INFORMATION THAT WE PRESENTED, AND THERE'S A 70-PAGE DOCUMENT THAT WE SENT TO COUNCIL A FEW WEEKS BACK. WHAT WE TRIED TO DEVELOP TODAY BASED ON THE CONCERNS THAT HAD BEEN RAISED PREVIOUSLY WAS ITEMS FOR COUNCIL CONSIDERATION OR MOSTLY FOR DISCUSSION. AND I DO WANT TO CLARIFY THAT, AND BEFORE I GO ON, I'M GOING TO ALLOW JENNIFER TO GIVE YOU A BASIS FOR THAT, BUT I WANT TO CLARIFY FOR THE PUBLIC HERE TODAY AND THOSE WATCHING AT HOME, TODAY THERE WILL NOT BE ANY ACTIONS TAKEN ON ANY OF OUR ACTIONS OR ORDINANCES. THE PURPOSE IS JUST TO PROVIDE INFORMATION TO THE COUNCIL AND THEN AT THE END OF THE MEETING OR AT SOME POINT IN TIME THE COUNCIL WILL GIVE US DIRECTION. BUT THERE WILL BE ABSOLUTELY NO -- WE WILL NOT BE ASKING COUNCIL TO TAKE ANY ACTION ON ANY ORDINANCES TODAY. AND BEFORE I PROCEED,LY ALLOW JENNIFER TO BRIEF YOU ON SOME OF THE ISSUES.

MAYOR AND COUNCILMEMBERS, I'M JUST GOING TO GIVE YOU A BRIEF OVERVIEW OF THE LEGAL BAY SOCIAL SECURITY FOR MR. -- BASIS FOR MR. GARZA'S DISCUSSION.



ANY DISCUSSION IS PROBABLY BEST LEFT FOR EXECUTIVE SESSION SINCE IT WOULD RELATE TO LEGAL ADVICE. THESE ORDINANCES ARE SUBJECT TO CONSTITUTIONAL SCRUTINY. THERE IS RESTRAINT ON THE GOVERNMENT'S ABILITY TO REGULATE EXPRESSIVE ACTION, SPEECH AND ASSEMBLY ARE BOTH OBVIOUSLY EXPRESSIVE ACTION. THE ORDINANCES RELATED TO THESE ACTIVITIES THAT WE CURRENTLY HAVE IN PLACE WERE VERY CAREFULLY DRAFTED. THE LEGAL STANDARD THAT WE LOOK AT IS THE RESTRICTION MUST BE RATIONALLY RELATED TO A COMPELLING GOVERNMENTAL INTEREST AND NARROWLY DRAWN TO FURTHER THAT INTEREST. GENERALLY IN THESE SITUATIONS THE RESTRICTION HAS TO BE THE LEAST RESTRICTIVE REGULATION -- RESTRICTIVE REGULATION AVAILABLE. THAT'S NOT ALWAYS TRUE, BUT SURELY IT IS. IF IT IS A SPEECH ISSUE, THE REGULATION MUST ALSO ALLOW ALTERNATE AVENUES OF COMMUNICATION BE AVAILABLE. THE STANDARD OF REVIEW IS STRICT SCRUTINY AND WHAT THE COURTS LOOK AT IS THE PLACE AND MANNER IN WHICH THE RESTRICTIONS APPLY. EXAMPLES THAT ARE RELEVANT TO THE ORDINANCES THAT ARE BEING DISCUSSED TODAY ARE, FOR EXAMPLE, BEGGING. IT'S BEEN FOUND TO BE A SPEECH ISSUE. WHETHER IT'S WALKING UP TO SOMEONE AND TALKING TO THEM, HOLDING UP A SIGN, OR ONE COURT ACTUALLY FOUND JUST SOMEONE SITTING ON THE STREET WITH THEIR HANDS HELD OUT IS PASSIVE COMMUNICATION. SO THAT IS CONSIDERED EXPRESSIVE. THIS BEHAVIOR CAN BE REGULATED. BASED ON LEGITIMATE GOVERNMENT INTERESTS INCLUDING HEALTH AND SAFETY ISSUES. SLEEPING IS ANOTHER AREA THAT CAN BE REGULATED, BUT IT HAS BEEN FOUND TO BE A FUNDAMENTAL LIFE FUNCTION SO IT CAN'T BE CRIMINALIZED UNLESS THERE ARE ALTERNATIVE AREAS IN WHICH THAT ACTIVITY CAN TAKE PLACE. OUR CURRENT CITY ORDINANCES ARE PRETTY MUCH STATE OF THE ART. THEY WERE DRAFTED BASED ON JUDICIALLY TESTED MODELS DEVELOPED BY OTHER CITIES. OUR CAMPING IN PUBLIC AREAS REGULATES SETTING UP A HABITATION. IT'S A PUBLIC SAFETY -- OR A PUBLIC HEALTH CONCERN. THE AGGRESSIVE SOLICITATION PROHIBITS, IN PART, THE MANNER IN WHICH PEOPLE CAN SOLICIT, BUT ALSO CERTAIN AREAS. FOR EXAMPLE, AROUND AN A.T.M. MACHINE WHERE SOMEONE

WOULD FEEL LESS SECURE BECAUSE THEY HAVE CASH IN THEIR HAND. THE RESTRICTION ON SITTING OR LYING DOWN IN PUBLIC IS LIMITED IN AREA. IT'S LIMITED TO THE DOWNTOWN AREA. AND AGAIN, THAT'S A PUBLIC SAFETY REGULATION THAT THE COURTS WILL HAVE FOUND TO BE APPROPRIATE. AND FINALLY, THE SOLICITATION BETWEEN A OCCUPANT OF A MOTOR VEHICLE AND A PEDESTRIAN, THAT'S A TRAFFIC SAFETY ISSUE. AND THAT'S -- THE PIECE WE HAVE CURRENTLY IN PLACE WAS DEVELOPED WHEN WE HAD THE OLD DAY LABOR SITE. AND THERE WERE SIGNIFICANT TRAFFIC CONCERNS CREATED BY THAT. THE IMPORTANT THING ABOUT ANY REGULATION LIKE THAT IS IT HAS TO BE CONTENT NEUTRAL IN TERMS OF ITS APPLICATION. SO, FOR EXAMPLE, IF WE BAN SOLICITATION, IT'S ALL SOLICITATION. IT'S IN THE AREA THAT THE BAN APPLIES. IT APPLIES EQUALLY TO THE SALVATION ARMY SANTA AND THE PERSON WITH THE SIGN. IT APPLIES EQUALLY TO EVERYONE. THERE DO REMAIN SOME CHOICES IN TERMS OF AMENDMENTS TO OUR CURRENT ORDINANCES. THEY CAN BE FINE-TUNED AND STILL BE ENTIRELY CONSISTENT WITH THE CONSTITUTIONAL RESTRAINTS. AND AGAIN, I WOULD SAY IF THERE ARE SPECIFIC LEGAL QUESTIONS ABOUT PROPOSED AMENDMENTS THAT WE WOULD RECOMMEND THOSE BE DISCUSSED IN EXECUTIVE SESSION. THANK YOU.

Mayor Wynn: QUESTIONS OR COMMENTS?

Thomas: YOU SAID SOMETHING ABOUT SPECIFIC DOWNTOWN AREA. EXPLAIN THAT AGAIN.

THE WAY OUR CURRENT ORDINANCE THAT RESTRICTS SITTING OR LYING DOWN ON PUBLIC SIDEWALKS, IT'S SPECIFICALLY LIMITED TO THE DOWNTOWN BUSINESS AREA. SO THAT CERTAIN BEHAVIORS ARE RESTRICTED IN A LIMITED AREA, BUT OUTSIDE OF THAT AREA THEY ARE NOT RESTRICTED.

Thomas: OKAY. IS THAT CONSTITUTIONAL RIGHT TO DO THAT JUST IN A CERTAIN AREA AND WE HAVE PROBLEMS ALL OVER THE CITY? I DON'T UNDERSTAND THAT. MAYBE THAT'S EXECUTIVE SESSION TOO. I DON'T KNOW. SEE WHAT I'M SAYING IN WE HAVE ONE IN DOWNTOWN, BUT YOU'VE GOT

THE SAME PROBLEM ALL OVER THE CITY IN CERTAIN AREAS. THERE MIGHT BE MORE DOWNTOWN. HOW DO WE GET AWAY FROM JUST PUTTING IT IN ONE AREA OF THE CITY.

WHAT THE COURTS HAVE FOUND IS THAT A CITY-WIDE BAN OF PROTECTED ACTIVITY WHERE THERE IS NO ALTERNATE AVENUE FOR FOLKS TO SIT OR COMMUNICATE, IT DOESN'T PASS THE CONSTITUTIONAL BAR. IF CERTAIN NEIGHBORHOODS HAVE -- ARE REGULATED BUT THERE ARE OTHER AREAS WITHIN THE MUNICIPALITY WHERE THE BEHAVIOR CAN OCCUR, IT'S LIKELY THAT THOSE WOULD PASS SCRUTINY.

Mayor Wynn: COUNCILMEMBER McCracken.

McCracken: JENNIFER, YOU SAID THE COURTS FOUND THAT BEGGING CAN BE LIMITED. WHAT ARE THE PARAMETERS?

I WOULD RECOMMEND THAT A QUESTION THAT DETAILED BE ADDRESSED MORE IN EXECUTIVE SESSION.

McCracken: ABOUT WHAT OTHER CITIES' ORDINANCES ARE? WHAT'S BEEN UPHELD IN THE COURTS?

I DON'T -- I'M NOT AS FAMILIAR WITH THE REPORT THAT LOOKED AT OTHER CITIES' ORDINANCES AS I AM WITH OUR OWN ORDINANCE SO I'M NOT THE APPROPRIATE PERSON TO ADDRESS THAT PARTICULAR ISSUE. I CAN TELL YOU THAT CITY-WIDE BANS HAVE BEEN OVERTURNED BY COURTS, BUT AN ORDINANCE SUCH AS OURS WHICH LIMITS THE BEHAVIOR TO A PARTICULAR AREA OR TO A PARTICULAR TIME HAVE BEEN UPHELD. WHAT ABOUT LIMITS IN CONDUCT? WHAT ARE THE GENERAL LEGAL PARAMETERS THE COURTS HAVE SET UP?

THE ORDINANCE THAT WE HAVE WHICH IS BASED ON CASE LAW SPECIFICALLY PROHIBITS AGGRESSIVE BEHAVIOR BECAUSE THAT -- THE LEGITIMATE PUBLIC INTEREST THERE IS PERSONAL FEAR, AN INDIVIDUAL'S FEAR OF BEING ACCOSTED. SO THAT'S AN ACCEPTABLE LIMITATION. WE ALSO LIMIT IT AT BUS STOPS. THERE'S A CASE OUT OF NEW YORK CITY THAT SAID WHEN YOU ARE WAITING IN A TRANSIT AREA, YOU ARE SORT OF A CAPTIVE AUDIENCE. SO YOU CAN

LIMIT SOLICITATION IN THOSE AREAS BECAUSE THE FOLKS BEING SOLICITED CAN'T GET AWAY. SIMILARLY, THE BAN THAT WE CURRENTLY HAVE IN PLACE NOW THAT RELATES TO THE ENTRANCES OF BANKS OR A.T.M. MACHINES, THAT RESTRICTION HAS BEEN UPHELD BECAUSE, AGAIN, IT'S PUBLIC SAFETY. FOLKS FEEL MORE THREATENED WHEN THEY'VE JUST GOTTEN CASH. SO THOSE RESTRICTIONS THAT WE HAVE IN PLACE NOW, EACH OF THOSE HAS BEEN UPHELD BY A COURT.

McCracken: WHAT OTHER LIMITS HAVE BEEN UPHELD BY THE COURTS? I THINK ONE OF THE THINGS WE'RE TRYING TO FIND OUT WHAT DID THE COURT SAY ARE THE GENERAL LIMITS OF WHAT COULD BE DONE?

THAT'S A VERY FACT-SPECIFIC DETERMINATION. OUR ORDINANCES WHEN IT WAS DRAFTED TOOK INTO ACCOUNT ALL OF THE RESTRICTIONS THAT HAD BEEN APPROVED AT THAT TIME.

McCracken: SO THE BASIC ISSUES IN OUR -- KIND OF A CAPTIVE AUDIENCE LIMITATION SUCH AS PERHAPS OUTDOOR CAFES, BUS STOPS, THE COMMUTER RAIL STATIONS AND ACTUALLY ON BUSES AND TRAINS AS WELL, I ASSUME.

YES CONFERENCE .

McCracken: AND THEN ANOTHER LIMITATION CATEGORY WOULD BE A PUBLIC SAFETY CATEGORY WHERE THERE'S SOME ISSUE OF SAFETY BY AN A.T.M.?

RIGHT. BY AN ATM -- THAT'S THE ONLY ONE WHERE I'M AWARE OF A JUDICIAL CASE THAT SUPPORTS IT.

McCracken: WHAT ABOUT AT NIGHT? LIKE A DARKNESS ISSUE, FOR INSTANCE.

THERE ARE TIME AND PLACE REGULATIONS THAT HAVE FOUND THAT -- I DON'T KNOW THAT THERE'S ONE SPECIFICALLY THAT TALKS ABOUT AT NIGHTTIME, BUT THERE'S CERTAINLY A LEGITIMATE ARGUMENT COULD BE

MADE.

McCracken: OKAY. IN ADDITION TO CAPTIVE AUDIENCE, PUBLIC SAFETY, ARE THERE ANY OTHER GENERAL CATEGORIES THE COURTS HAVE CITED OR EITHER DISAPPROVED OR APPROVED WHEN IT COMES TO BEGGING?

THEY'VE DISAPPROVED CITY-WIDE BANS. THEY'VE DISAPPROVED CONTENT-SPECIFIC BANS SAYING THAT IF YOU ARE BEGGING FOR YOUR OWN PERSONAL SUSTINENCE, YOU CAN'T IDENTIFY, BUT IF YOU ARE SOLICITING FOR A CHARITY, YOU CAN. THOSE HAVE BEEN BANNED. IT HAS TO BE CONTENT NEUTRAL. IT HAS TO APPLY TO EVERYONE EQUALLY.

WHAT -- ANYTHING ELSE? ANY OTHER GENERAL CATEGORIES?

NO. WHAT THE COURTS LOOK AT IS HOW FACIALLY NEUTRAL THE RESTRICTIONS ARE.

McCracken: OKAY. SO THEN, LIKE, SOLICITATION ON ROADS, WHEN YOU SAY IT'S CONTENT NEUTRAL, SORT OF APPLIED LIKE, SAY, IF THE FIREFIGHTERS ARE ON THE SIDE OF THE ROAD COLLECTING CHANGE, WE WOULD HAVE TO PROHIBIT THAT AS WELL?

THAT'S CORRECT.

McCracken: WOULD IT APPLY TO TOLL BOOTHS?

NO.

McCracken: I'M JUST KIDDING. [LAUGHTER]

THANK YOU.

Mayor Wynn: FURTHER SMART ALEC QUESTIONS OR --  
[LAUGHTER]

Mayor Wynn: JUST KIDDING.

COUNCILMEMBER McCracken, WHAT I CAN TELL YOU

THROUGH OUR SURVEY, ONE OF THE THINGS WE FOUND IS THAT MANY OF THE ORDINANCES THAT ARE IN PLACE IN OTHER CITIES HAVE ACTUALLY NOT BEEN CHALLENGED, AND SO THAT'S WHY IT'S DIFFICULT FOR US TO SAY WHAT'S BEEN HELD UP BECAUSE THEY HAVEN'T BEEN FORMALLY CHALLENGED. SOME HAVE, BUT MANY OF THEM HAVEN'T. I'M NOT SURE IF THIS IS EXACTLY WHAT YOU ARE LOOKING FOR, BUT, FOR INSTANCE, IN SAN ANTONIO THERE'S A COMPLETE PROHIBITION OF SOLICITATION ANYWHERE ON THE RIVERWALK. IN DALLAS, THE CONVENTION CENTER AND REUNION ARENA IS AN AREA THAT THERE IS NO SOLICITATION PERMITTED ANYWHERE NEAR THAT AREA. SO I THINK THAT KIND OF ADDRESSED ONE OF THE QUESTIONS THAT YOU HAD. I'M GOING TO GO VERY QUICKLY NOW THROUGH SOME OF THE -- KIND OF COMPARING OUR CURRENT ORDINANCES THAT ARE IN PLACE AND SOME OF THE ITEMS, ADDITIONAL INFORMATION THAT WE HAVE COMPILED BASED ON THE DATA THAT WE'VE GOTTEN FOR COUNCIL TO CONSIDER EITHER THIS OR A VERSION OF THIS. WE'LL START WITH OUR CAMPING AND SLEEPING ORDINANCE. CURRENTLY THE ORDINANCE IN PLACE FOR THE CITY OF AUSTIN IDENTIFIES CAMPING AS CERTAIN CRITERIA HAVE TO BE MET. FOR INSTANCE, STORING PERSONAL BELONGINGS, SETTING UP A TENT, STARTING ON A CAMP FIRE, DIGGING IN THE EARTH, AND IT ALSO CAN BASICALLY LIVING ACCOMMODATIONS WHICH CAN CARRY OVER TO PARKING LOTS, AND THAT WOULD COVER SOMEBODY LIVING OUT OF A VEHICLE. THAT WOULD BE CONSIDERED CAMPING. SO CAMPING IS CURRENTLY PROHIBITED IN OUR ORDINANCE CITY-WIDE. WHAT OUR CURRENT ORDINANCES NOW PROHIBIT IS THE ACTIVITY OF SLEEPING. ONE OF THE THINGS THAT THE COUNCIL COULD CONSIDER FOR FURTHER DISCUSSION IS A PROHIBITION ON SLEEPING IN CERTAIN AREAS. WHAT YOU SEE BEFORE YOU IS AN IDEA FOR PROHIBITING SLEEPING IN THE CENTRAL BUSINESS DISTRICT. AND I BELIEVE THAT BASICALLY IS WEST ON LAMAR, EAST ON I-35, NORTH ON 29th AND SOUTH ON CESAR CHAVEZ. THAT WOULD BE THE AREA WHERE IF THIS WERE IN PLACE, SLEEPING WOULD BE A PROHIBITED ACTIVITY. ONE OF THE THINGS THAT -- AND I'M GOING TO TALK MORE ABOUT THIS AT THE END OF THE PRESENTATION. ONE OF THE THINGS THAT IS DIFFERENT

TODAY THAN FOUR YEARS AGO IS THAT NOW THERE HAS BEEN -- THE DOWNTOWN ARCH IS IN PLACE FOR AN ALTERNATIVE FOR INDIVIDUALS TO GO TO DURING THE DAY OR AT NIGHTTIME FOR SLEEPING. SO THAT IS THE FIRST ORDINANCE THAT WE WERE ADDRESSING IS THE CAMPING AND SLEEPING IN PUBLIC ORDINANCE. THE NEXT AREA IS SOLICITATION, AGGRESSIVE SOLICITATION. I BELIEVE JENNIFER COVERED THIS. BASICALLY OUR CURRENT ORDINANCE DOES PROHIBIT AGGRESSIVE SOLICITATION CITY-WIDE. ANYWHERE IN THE CITY THAT SOMEBODY FEELS THAT THEY WERE BEING INTIMIDATED, AND IT COULD BE SEVERAL ACTIONS. SOMEBODY FOLLOWING AN INDIVIDUAL, CALLING OUT TO THE INDIVIDUAL OVER AND OVER, ESPECIALLY AFTER BEING ASKED TO STOP, OR CONFRONTING AN INDIVIDUAL. THAT KIND OF ACTIVITY, AGGRESSIVE SOLICITATION, IS CURRENTLY PROHIBITED CITY-WIDE. AND AGAIN, THE NON-AGGRESSIVE OR MORE PASSIVE SOLICITATION IS CURRENTLY PROHIBITED NEAR AN A.T.M. FACILITY, AT A BUS STOP AND THOSE OTHER AREAS WE TALKED ABOUT. ONE OF THE ITEMS FOR COUNCIL CONSIDERATION OR, AGAIN, TO BEGIN DISCUSSION, WOULD BE TO PROHIBIT ALL TYPES OF SOLICITATION CITY-WIDE FROM 7:00 P.M. TO 7:00 A.M. BASICALLY IN THE AREAS THAT WOULD BE MORE -- SOMEWHAT DUSK TO DAWN WHERE PEOPLE COULD FEEL THAT THEIR SAFETY IS BEING COMPROMISED IN THE DARK. AND SO THAT WOULD BE SOMETHING FOR CONSIDERATION, TO PROHIBIT NOT NECESSARILY AGGRESSIVE SOLICITATION, BUT ANY TYPE OF SOLICITATION FROM THOSE HOURS, 7:00 P.M. TO 7:00 A.M. AND ALSO BASICALLY 24 HOURS A DAY ANYWHERE NEAR A SCHOOL OR CHILD CARE FACILITY, AND THAT WOULD BE BASED ON THE PUBLIC SAFETY OF THE CHILDREN THAT WOULD BE IN A SCHOOL AREA. THE THIRD ORDINANCE DEALS WITH SITTING OR LYING DOWN ON A PUBLIC SIDEWALK. THE CURRENT ORDINANCE VERY SIMPLY PROHIBITS AN INDIVIDUAL OR INDIVIDUALS FROM BLOCKING A SIDEWALK OR BASICALLY MAKING AN INDIVIDUAL OR A PEDESTRIAN HAVE TO TAKE EVASIVE ACTION FROM BEING ABLE TO PROCEED ON THE SIDEWALK. SOMETHING FOR CONSIDERATION OR FURTHER DISCUSSION COULD BE TO MAKE IT AN OFFENSE TO ALLOW ANY TYPE OF SITTING OR LYING DOWN ON ANY SIDEWALK WITHIN THE DOWNTOWN

BUSINESS AREA. REGARDLESS OF WHETHER THERE IS AN OBSTRUCTION, REGARDLESS OF WHETHER THE PEDESTRIAN HAS TO TAKE A VASE I HAVE ACTION TO PROCEED -- A VASE I HAVE ACTION TO PROCEED. THE FINAL ORDINANCE IS ROADSIDE SOLICITATION. THE CURRENT SOLICITATION -- I'M SORRY, THE CURRENT ORDINANCE PROHIBITS SOLICITATION BETWEEN A PEDESTRIAN AND AN OCCUPANT OF A VEHICLE AND VICE VERSA, BUT IT IS LIMITED TO CERTAIN AREAS. THE CENTRAL BUSINESS DISTRICT, THE DAY LABOR AREA, AND A COUPLE OF OTHER SMALL AREAS NEAR THE DOWNTOWN AREA. ONE OF THE ITEMS FOR, AGAIN, FURTHER DISCUSSION OR POTENTIAL CONSIDERATION, WOULD BE TO ELIMINATE THE AREA RESTRICTIONS AND BASICALLY MAKE IT AN OFFENSE FOR ANY TYPE OF SOLICITATION, ROADSIDE SOLICITATION, CITY-WIDE. YOU KNOW, ONE OF THE THINGS THAT I DO WANT TO CLARIFY NOW BECAUSE I THINK THERE COULD BE SOME CONFUSION IS THAT STATE LAW CURRENTLY PROHIBITS SOLICITATION FROM A ROADWAY. IT IS NOT A LEGAL ACTION TO STAND ON THE STREET AND BE SOLICITING. THE TRICKY PART IS, YOU KNOW, TO GET TO THE MEDIAN, BASICALLY YOU HAVE TO CROSS THE ROADWAY. SO IT'S BASED ON A PUBLIC SAFETY ISSUE. AND WHAT WE WOULD PROPOSE, AGAIN, WOULD BE SOLICITATION, INCLUDING THE MEDIANS, CITY-WIDE ON ROADSIDE SOLICITATION. I WANT TO MOVE ON NOW VERY QUICKLY TO COVER SOME OF THE SERVICES THAT WE PROVIDED THAT THE CITY OF AUSTIN, TRAVIS COUNTY AREA PROVIDES. AND I DO WANT TO PREFACE THIS BECAUSE I THINK EVERYBODY ACKNOWLEDGES THAT THE DEMAND AND THE NEED FOR SERVICES IS MUCH GREATER THAN WE CAN PROVIDE. AND I KNOW WE'RE NOT ALONE NATIONWIDE IN THAT AREA. BUT IN THE CITY OF AUSTIN, YOU DO NEED TO KNOW THAT WE CURRENTLY PROVIDE APPROXIMATELY 1481 BEDS FOR SHELTER AND HOUSING FOR INDIVIDUALS, EITHER INDIVIDUALS ALONE OR PEOPLE IN FAMILIES. AND YOU CAN SEE THE BREAKDOWN THERE. THE CITY OF AUSTIN FUNDS 100% OF THE EMERGENCY SHELTER BEDS, BASICALLY 661. AND THEN WE ALSO PROVIDE FUNDING UP TO ABOUT 60% OVER THE TRANSITIONAL HOUSING FUNDING AND ABOUT 30% OF THE PERMANENT SUPPORTIVE HOUSING. AND YOU CAN SEE THOSE ARE -- THERE'S STILL AN UNMET NEED FOR -- AFTER YOU



CONSIDER WHAT WE DO PROVIDE. THE SERVICES THAT WE PROVIDE IN THE CITY OF AUSTIN -- WITHIN THE CITY OF AUSTIN AND SOME OF THE AGENCIES IN OUR AREA VARY, AND THE OPENING OF THE ARCH, AGAIN, EXPANDED MANY OF THE SERVICES THAT WE'RE ABLE TO PROVIDE. CASE MANAGEMENT, VARIOUS TYPES OF TRAINING, LIFE SKILLS TRAINING, JOB TRAINING. WE PROVIDE BASIC HEALTH CARE TO MANY OF THE POPULATION, THE HOMELESS POPULATION. THERE'S CHILD CARE SERVICES THAT WE PROVIDE WHILE PEOPLE ARE TRYING TO -- LOOKING FOR A JOB OR WORKING. THE HEALTH DEPARTMENT, THE CURRENT BUDGET INCLUDES JUST UNDER \$5 MILLION, AND THIS IS ABOUT AN ANNUAL AMOUNT THAT THE CITY OF AUSTIN DIRECTLY FUNDS FOR THOSE SERVICES THAT YOU SEE THERE, THE HOMELESS -- THE SOCIAL SERVICE CONTRACTS, JUST UNDER 4 MILLION. WE ALSO PROVIDE FUNDING TO THE -- THE COUNTY ALSO PROVIDES ABOUT \$700,000 FOR SOCIAL SERVICE CONTRACTS. THE ARCH. THE ANNUAL MAINTENANCE AND UTILITIES IS ABOUT \$120,000. AND THEN THE ADMINISTRATION OF THE ARCH IS ABOUT 164,000. AND THIS DOES NOT INCLUDE SOME OF THE FIXED CAPITAL COSTS THAT WE'VE PREVIOUSLY INVESTED WHICH HAS BEEN IN THE SEVERAL MILLION DOLLAR RANGE SPECIFICALLY WITH THE ARCH AND THE OTHER SERVICES THAT WE'VE PROVIDED. AT THIS POINT THIS CONCLUSION OUR PRESENTATION, COUNCIL, AND WE'RE AT A POINT TO RECEIVE FEEDBACK OR AT SOME POINT LATER ON ON HOW TO PROCEED. JUST TO REITERATE, WE ARE NOT ASKING COUNCIL TO TAKE OBJECTION ANY ORDINANCE BUT JUST PROVIDE STAFF DIRECTION OR FURTHER DISCUSSION.

Mayor Wynn: THANK YOU, MR. GARZA. A COUPLE QUESTIONS. ONE, YOUR SLIDE THAT RELATES TO SITTING OR LYING DOWN ON THE SIDEWALK, AND SO THE IDEA OR SUGGESTION ON A POTENTIAL AMENDMENT IS TO SIMPLY MAKE IT AN OFFENSE TO DO THIS; WHEREAS UP ABOVE IS IT THAT OUR CURRENT ORDINANCE IS IT THAT -- I GUESS INTERPRETED THAT IF IT DOESN'T FULLY OBSTRUCT A SIDEWALK, THEN IT'S NOT APPLICABLE.

THAT'S CORRECT.

Mayor Wynn: OKAY.

AND MAYOR, THAT WAS ACTUALLY A CHANGE THAT WAS MADE WHEN IT WAS ORIGINALLY BROUGHT TO YOU. THERE WERE A LOT OF ADJUSTMENTS. THE COUNCIL HAD A GREAT DEAL OF DISCUSSION AND CHANGES WERE MADE TO THIS ORDINANCE WHEN IT WAS ORIGINALLY BROUGHT. BUT THE WAY IT IS STRUCTURED NOW, IF THE ACT IS NOT FULLY OBSTRUCTING THE SIDEWALKS AND THERE'S -- THEN THERE'S NOT AN OFFENSE. AND WHEN THEY COME ACROSS THOSE ACTIVITIES, THE OBJECTIVE ALWAYS IS TO ASK PEOPLE TO MOVE ON, TO KEEP THEM SAFE. AND I CAN'T SAY FOR CERTAIN, BUT ODDS ARE THAT WE ARE NOT GOING TO BE ARRESTING PEOPLE FOR STANDING ON THE STREET. AGAIN, THE OBJECTIVE IS TO KEEP THEM SAFE AND ASK THEM TO JUST MOVE ON.

Mayor Wynn: BUT A POTENTIAL AMENDMENT WOULD BE TO TAKE THE ORDINANCE THAT WE HAVE THAT ORIGINALLY APPLIED TO THE SORT OF DAY LABOR SITUATION AND IF THAT'S APPLIED CITY-WIDE, THEN IN THEORY, YOU KNOW, SOMEBODY STANDING ON A -- STANDING AT THE INTERSECTION OF TWO MAJOR ROADS WOULD BE AGAINST THE LAW.

YES, SIR.

Mayor Wynn: IN YOUR ALL'S ANALYSIS OF OTHER CITIES, I GUESS YOU BOTH LOOKED AT THE -- JUST THE ORDINANCES THEY HAVE, THEN WE TRIED TO OVERLAY WHICH ONES, IF ANY, HAVE BEEN CHALLENGED AND/OR UPHOLD THROUGH THE JUDICIAL PROCESS. DID YOU ALSO HAVE ANY ANALYSIS AS TO THE -- YOU KNOW, THE PRACTICAL MEASURES ON THE GROUND; THAT IS, THE POLICING? WAS THERE A DISPROPORTIONATE POLICING LOAD ON SOME OF THE CITIES BASED ON SOME OF THE IDEAS THAT CAME FORWARD?

I CAN TELL YOU THAT BEFORE WE PUT ANYTHING DOWN, THERE WAS A LOT OF DISCUSSION WITH THE POLICE DEPARTMENT AND SEVERAL OF OUR DEPARTMENTS ON IMPLEMENTATION OF THESE ISSUES. AND A LARGE PART OF IT IS THE FACT THAT THE CITY OF AUSTIN IS A

COMPASSIONATE COMMUNITY AND THAT IS A BIG FACTOR ON ANYTHING THAT WE BRING FORWARD. SO IT'S HARD FOR US TO COMPARE OURSELVES TO SOME CITIES THAT I DON'T THINK -- AND IN MY JUDGMENT ARE NOT AS COMPASSIONATE OR CARING AS THE CITY OF AUSTIN, BUT BASICALLY BLENDING SOME OF THE ISSUES OR ACTIONS THAT OTHER CITIES HAVE TAKEN AND PUTTING THOSE INTO OUR CURRENT ENVIRONMENT HERE IN AUSTIN.

Mayor Wynn: OKAY. THANK YOU, MR. GARZA. FURTHER QUESTIONS, COMMENTS? MAYOR PRO TEM.

Goodman: CAN I ASK A QUESTION ON THE SIDEWALK. WHY WOULDN'T YOU BE MAKING IT AN ORDINANCE TO BE ON THE SIDEWALK AND TO BE HARASSING PEOPLE RATHER THAN JUST BEING ON THE SIDEWALK? AND BUSINESS HOURS AT NIGHT, FOR INSTANCE, BUSINESSES THAT ARE MUSIC VENUES, SMOKERS GO OUTSIDE. AND THEY DO ON OCCASION SIT ON THE CURB. THEY ARE NOT HARASSING ANYBODY, THEY ARE NOT IMPEDING ANYBODY'S PASSAGE, BUT THAT TOO WOULD BE AGAINST THE LAW.

YOU ARE RIGHT, COUNCILMEMBER, AND THE CURRENT ITEM ON THE SLIDE, TECHNICALLY THAT WOULD BE AGAINST THE LAW. AND AGAIN, WE'RE -- WE ARE SIMPLY PROVIDING INFORMATION TO GET FURTHER DIRECTION FROM COUNCIL. AT THIS POINT STAFF HAS NOT DEVELOPED ANY RECOMMENDATION ON HOW WE SHOULD PROCEED ON ANY OF OUR ORDINANCES.

Goodman: WELL, THE LAST TIME WE TRIED TO DO THIS, WHAT I WANTED TO DO WAS HAVE SOME SORT OF INTENT MEASURE WHERE IF SOMEONE FELT THEY WERE BEING HARASSED OR IF THE INTENT WAS TO INTIMIDATE THEM OR OTHERWISE IMPEDE THEIR PROGRESS ON PURPOSE OR BOTHER THEM IN ANY WAY, THERE SHOULD BE A WAY TO MAKE A LAW, I THOUGHT, AGAINST THAT RATHER THAN THIS BROAD BRUSH THING THAT SORT OF INEVITABLY SELECTIVE ENFORCEMENT.

IF I COULD ADDRESS THAT FROM A LEGAL PERSPECTIVE, THE SOLICITATION ORDINANCE IS -- DOES HAVE AN ATKPWREGS COMPONENT IT TO, BUT THE SITTING AND

LYING DOWN ON SIDEWALKS DOES NOT BECAUSE IT REALLY ISN'T -- IT DOESN'T EXPRESS SPEECH, FOR EXAMPLE. THERE WAS A SUPREME COURT CASE RECENTLY THAT FOUND THAT HOMELESS FOLKS COULD SET UP THEIR TENTS IN THE MALL IN WASHINGTON, D.C., BUT THEY COULDN'T ACTUALLY SLEEP IN THEM. AND THEY -- I MEAN THEY PARSED AT THAT FINALLY. SO IT REALLY IS -- IT'S NOT A CLEAR-CUT ISSUE ON WHETHER THAT REGULATION COULD BE DRAFTED OR NOT.

Goodman: WELL, WHILE YOU ARE TRYING TO HELP THE BUSINESSES AT THE SAME TIME YOU ARE CUTTING OUT THE AMBIENCE THAT MAKES IT AN OKAY AREA TO BE WALKING AROUND IN AND TO BE SOCIAL IN AND TO -- VISIT THE BUSINESSES WITHIN.

THE RESTRICTION BOTH AS IT'S WRITTEN AND AS I UNDERSTAND WHAT IS PRESENTED WOULD ALLOW PEOPLE TO SIT ON BENCHES OR BE ON SIDEWALK CAFES. IT'S JUST BLOCKING THE SIDEWALK.

Goodman: THERE ARE NOT BENCHES IN FRONT OF VERY MANY BUSINESSES.

I UNDERSTAND.

Goodman: OKAY. SO YOU ARE SAYING THERE IS NO ANSWER?

YES.

Goodman: I DON'T BELIEVE THAT.

MAYOR PRO TEM, I'LL TAKE A STAB AT THIS. I KNOW YOU REMEMBER HOW FRUSTRATING THE CONFERENCE WAS THE LAST TIME WE TRIED TO HAVE IT SO I DO THIS AT MY OWN PERIL. THE CONVERSATION THE LAST TIME WE HAD IT WAS THE DIFFICULTY IN THE DISCUSSION OF INTENT. AND YOU REMEMBER HOW CONVOLUTED THAT CONVERSATION GOT AND WE ACTUALLY HAD AN EXTENSIVE EXECUTIVE SESSION ON IT. BUT THE -- WHAT WE WERE TRYING TO DO WITH THIS EXERCISE WAS THERE WAS A GREAT DEAL OF DISCUSSION IN THE COMMUNITY ABOUT DID WE HAVE A FULL LOOK AT ALL THE DIFFERENT ENFORCEMENT TOOLS THAT COULD HELP WITH DIFFERING ISSUES IN A DOWNTOWN AREA. SO

WE SIMPLY SURVEYED BLIND TO PUTTING VALUE ON THEM WHETHER WE AGREED OR DISAGREED WITH THEM, WE SIMPLY SURVEYED TO SEE WAS THERE ANYTHING CITIES WERE DOING WE WEREN'T DOING OR THINGS WE WERE DOING THEY WEREN'T DOING AND THEN INVENTORIED. AND THE FOUR THAT HAD BEEN SUMMARIZED FOR YOU ARE CATEGORIZING FOUR THAT JUMPED OUT OUT OF THAT SURVEY THAT SOME OTHER CITIES ARE DOING THAT WE ARE NOT. NOT A VALUE JUDGMENT ON IT, WHETHER IT'S A GOOD THING OR BAD THING, BUT HERE ARE FOUR THINGS STRICTER THAN WHAT WE ARE DOING THAT SOME OTHER CITIES ARE DOING. ONE OF THOSE WAS THAT THEY HAD TAKEN A STRICTER VERSION OF THE SITTING AND LYING ON THE SIDEWALK ORDINANCE THAN OURS. AND THEN WHAT WE'RE HOPING WILL HAPPEN HERE AND IN WHATEVER FORM, IF ANY, THE COUNCIL DESIRES IS THAT THIS COMMUNITY WILL DISCUSS AND DECIDE IF ANY OF THESE HAVE VALUE FOR US OR NOT. BUT OUR ORDINANCE AS IT ENDED UP BECAUSE OF SOME OF YOUR CONCERNS ABOUT INTENT AND BEHAVIOR REQUIRED THAT THE LYING AND SITTING ON THE SIDEWALK COMPLETELY OBSTRUCT THE SIDEWALK, NOT JUST BE A BLOCK ON THE SIDEWALK BUT COMPLETELY OBSTRUCT THE SIDEWALK. SO IT REALLY -- IT DOES MEAN HERE ANY OF US, ANY OF US CAN SIT AND LIE ON OUR SIDEWALK. BUT SOME CITIES ARE USING THAT AS A TOOL IN THEIR DOWNTOWN AREA. NO VALUE JUDGMENT ON IT, NO DISCUSSION OF INTENT, JUST IT'S ONE THING THAT'S BEEN USED.

Goodman: OKAY. THE PROBLEM IS WITH PEOPLE WHO PANHANDLE, RIGHT, AGGRESSIVELY? PEOPLE WHO LAY OUT ON THE SIDEWALK NOT TO SIT AND CONVERSE WITH SOMEONE ELSE AND NOT TO COME OUT FROM A BUSINESS AND SMOKE OR ANYTHING LIKE THAT, BUT SOMEONE WHO IS SIMPLY LYING THERE AS IF THEY WERE CAMPING OUT, IN ESSENCE. RIGHT?

Mayor Wynn: MAYOR PRO TEM, YES. MANY -- THE REASON WHY WE ARE HAVING THIS DISCUSSION IS BECAUSE OF THE LEGAL LUGE OF CITIZEN DEMAND -- DELUGE OF THE PEOPLE DOWNTOWN. OFTENTIMES IT MAY BE PERSON ASLEEP PWURBLGTS IF THEY ARE NOT BLOCKING THE SIDEWALK, THE WAY OUR CURRENT ORDINANCE IS WRITTEN, THEY

STAY THERE, AND MANY OF OUR DOWNTOWN BUSINESSES, MANY OF OUR RESIDENTS DOWNTOWN AND MANY VISITORS HAVE A PROBLEM WITH THAT. TECHNICALLY THE PERSON IS NOT BEING AGGRESSIVE, THEY ARE NOT ASKING FOR MONEY. OFTENTIMES THEY ARE PASSED OUT. BUT IF THEY ARE NOT TOTALLY BLOCKING THE SIDEWALK FROM CURB TO BUILDING LINE --

Goodman: WELL, ISN'T THERE A LAW AGAINST PUBLIC INTOXICATION?

Mayor Wynn: I EXPECT THERE IS, BUT OBVIOUSLY OUR CURRENT ORDINANCES AREN'T SATISFYING A LARGE PORTION OF OUR COMMUNITY.

Goodman: WELL, AND I UNDERSTAND THAT. I JUST DON'T SEE HOW THIS ONE REALLY DOES ANYTHING EXCEPT MAKE SURE THAT VIRTUALLY NO ACTIVITY ON THE SIDEWALK IN FRONT OF A VENUE HAPPENS. WHICH IS NOT ALWAYS A BAD THING. IN FACT, IT'S PART OF SOME VENUES. LIKE -- I CAN'T REMEMBER WHAT RUDEMAYA LOCATION NOW IS CALLED. PEOPLE SIT ON STEPS WHEN THEY COME OUTSIDE AND SO THAT TOO WOULD BE AGAINST THE LAW. ANYWAY, I THINK YOU ARE TAKING AWAY SOME OF THE AMBIENCE AND THERE MUST BE A BETTER WAY. I CAN'T BELIEVE THERE'S NOT A MORE SPECIFIC WAY TO DESCRIBE THE BEHAVIOR RATHER THAN THE PHYSICAL POSITION OF SOMEBODY.

Mayor Wynn: I UNDERSTAND, AND THE REASON WHY THESE ARE COMPLICATED ISSUES AND THE REASON WHY, YOU KNOW, IT WAS DIFFICULT FOR US FOUR YEARS AGO AND IT'S BEEN A CHALLENGE REALLY FOR OUR CITY STAFF AND OTHERS TO COME UP WITH, YOU KNOW, THE DAYLIGHT TAKE THAT WE MIGHT NEED TO COMPARE AND CONTRAST AND THE PHILOSOPHICAL NATURE OF THE ARGUMENT AT TIMES AS WELL, BUT MY INNING SEUPBGT IS IF THERE IS WILL OF COUNCIL OR ENOUGH COUNCILMEMBERS TO MOVE FORWARD ON PERHAPS AMENDING THESE ORDINANCES, THAT IS SETTING A PUBLIC HEARING, HAVING SOME GOOD CLINICAL DEBATE ABOUT IT, MY GUESS IS WE WILL HEAR FROM THOSE VERY SMALL BUSINESSES WHO I UNDERSTAND WHO YOU ARE THINKING ABOUT THEIR CLIENTELE AND CUSTOMERS, AND MY GUESS IS THEY WILL BE DOWN HERE

ASKING FOR US TO DO SOMETHING TO CLEAN UP THE SIDEWALK OUTSIDE THEIR BUSINESSES. AND I THINK WE'RE GOING TO SEE THAT -- OR HEAR OF THAT AS, YOU KNOW, SOME OF US HAVE OVER THE LAST FOUR YEARS THAT FOR WHATEVER REASON OUR CURRENT ORDINANCES AREN'T HELPING THEM AS SMALL BUSINESS OWNERS, MANY IN OUR DOWNTOWN AREA. IT HAS BEGGED THE QUESTION OVER THE MONTHS IS IT A QUESTION OF OUR ORDINANCES OR IS IT AN ISSUE OF PERHAPS A LACK OF ENFORCEMENT OF OUR ORDINANCES AND/OR THE COMPLICATED NATURE OF THE INTERPRETATION, PERHAPS. AND I'M HEARING THIS THIS PRESENTATION, AND AGAIN, THE CITY MANAGER DEFINED IT PRETTY WELL AS REALLY WITHOUT JUDGMENT OR VALUE, IT'S SIMPLY THE STATS AND DATA WE HAVE RECEIVED FROM OTHER CITIES IS THAT WE'RE SEEING THAT IN FACT OUR ORDINANCES, YOU KNOW, COULD BE MUCH DIFFERENT AND COULD BE WRITTEN IN SUCH A WAY TO WHERE IT WOULD THEN BE UP TO US ON THE ENFORCEMENT SIDE. BUT RIGHT NOW I THINK WE'RE SEEING NOT MUCH ENFORCEMENT ON PUBLIC ORDER ISSUES MOSTLY IN OUR DOWNTOWN AREA THAT I AM HEARING PEOPLE ASKING FOR.

Goodman: AND WHAT I'M ASKING IS YOU'VE HEARD THEM FROM THOSE BUSINESSES THAT THEY WOULD NOT MIND -- WE WOULD HAVE TO IF NOT SELECTIVE ENFORCEMENT, START REALLY MAKING SURE PEOPLE KNEW IF WE WERE TO PASS SUCH A THING AND SO THOSE BUSINESSES WOULD NOT MIND THEIR CUSTOMERS BEING CLEARED OUT OR ARRESTED IF THEY WERE NOT WILLING TO CLEAR OUT?

Mayor Wynn: IT SEEMS TO BE A GOAL OF THIS AFTERNOON IS TO GET THOSE IDEAS OUT THERE. AND AGAIN, STAFF TECHNICALLY ISN'T PROPOSING AMENDMENTS, THEY ARE GIVING US INFORMATION AS TO IF THERE WAS THE WILL OF COUNCIL TO CONSIDER IT, EVEN, YOU KNOW, POSTING THE IDEA, HAVING A PUBLIC HEARING AND THEN GETTING THAT INPUT. BUT SEEMS TO ME THE GOAL THIS AFTERNOON IS FOR THESE IDEAS TO BE PUBLICIZED, TO HAVE HOMELESS ADVOCATES, TO HAVE DOWNTOWN BUSINESS OWNERS, VISITORS, FOLKS IN OUR VISITOR INDUSTRY, DOWNTOWN RESIDENTS, REALLY CITIZENS ACROSS TOWN TO HEAR THIS INFORMATION AND THEN ALLOW US PERHAPS AS THE POLICY MAKERS TO GAUGE THAT SORT OF REACTION AND

THAT, YOU KNOW, SERIES OF INFORMATION AND SEE IF THERE'S THE WILL TO COME FORWARD AND ADDRESS SOME OF THE ORDINANCES.

Goodman: I THINK PEOPLE WOULD BE EXPECTING SOME KIND OF ALTERNATIVE TO THIS KIND OF FLAT- OUT THING. SO IF OUR LAWYER SAYS THERE IS NO OTHER ANSWER, THEN REALLY THE ONLY WAY TO DO IT IS THIS EXTREME -- EXTREME WAY. BUT I CAN'T BELIEVE THERE IS NO OTHER ANSWER.

Mayor Wynn: WELL, I THINK THIS IS HOW WE PERHAPS GET THERE BY HAVING THIS INFORMATION BE PUT OUT OF THE PUBLIC AND HAVE AS MANY FOLKS AS PRACTICAL HEAR IT AND GIVE US SOME ADVICE.

Goodman: DANNY?

Mayor Wynn: FURTHER COMMENTS? COUNCILMEMBER SLUSHER -- I'M SORRY, COUNCILMEMBER THOMAS AND THEN DUNKERLEY.

Thomas: THANK YOU. I'M GLAD YOU MOVED THOSE CURTAINS. THAT SUN WAS BEATING ON THAT BALD PART OF MY HEAD. [LAUGHTER] WE DEALT WITH THIS FOUR YEARS AGO AND WE ADDRESSED THE ISSUES TO A CERTAIN EXTENT. JUST LIKE MR. GARZA WAS SAYING WHAT WE HAVE DONE AS FAR AS THE ARCH AND SEVERAL AREAS OF TRYING TO HELP THE SITUATION. WHAT I WOULD LIKE THOSE FOUR CITIES OR FOUR STATES, WHEREVER YOU HAVE THE INFORMATION, I WOULD LIKE TO KNOW WHAT KIND OF HELP, WHAT KIND OF PROGRAMS DO THEY HAVE THAT HAVE HELPED THE SITUATION OF THE HOMELESS, ET CETERA. THE REASON WHY I ASK THAT, I THINK FOUR YEARS AGO I THINK DOWNTOWN HAD SOMEBODY TO COME DID A SPEECH ON HOW THEY DEALT WITH THAT. SO I NEED TO KNOW THAT IN DETAIL, WHAT DID THEY DO, BECAUSE THERE'S A REASON -- IF WE TAKE CARE OF THE DOWNTOWN AND THEY ARE STILL GOING TO MOVE OUT TO SOME OTHER PARTS OF THE CITY, WE HAVEN'T SOLVED THE PROBLEM. SO THE PROBLEM IS TO ME HOW DO WE DEAL WITH THE ISSUE. WE'RE BACK HERE AGAIN IN FOUR YEARS, AND I CAN UNDERSTAND THE DOWNTOWN BUSINESSES, I CAN UNDERSTAND THE



TOURISTS. WE WILL BE SITTING HERE LOOKING CRAZY IF WE DON'T LISTEN TO YOUR CONCERNS. BUT I ALSO WANT US TO ALSO BE ABLE TO DEAL WITH THE ISSUE THAT WE REALLY HAVE AT HAND. IN SEATTLE, WHEN WE WENT TO SEATTLE, THE QUESTION WAS ASKED FROM ME HOW MUCH MONEY DOES THE PRIVATE SECTOR PUT ON THE TABLE OR THE PUBLIC SECTOR TO TRY TO DEAL WITH SOME OF THE ISSUES. AND THEY KIND OF WENT AROUND, BUT THEY FINALLY GAVE AN ANSWER, BUT I DO COMMEND OUR DOWNTOWN PEOPLE, THEY ARE GIVING MONEY TOWARD SOME OF THE ISSUES WE'RE DEALING W THIS IS A BIG ISSUE AND THIS IS THE -- THE ECONOMICS IN THE WORLD IS DOWN, BUT THE ECONOMY IS COMING UP, BUT WE STILL GOT TO DEAL WITH THE ISSUES OF WHY PEOPLE ARE SLEEPING. I WAS LAST -- THE OTHER NIGHT WHEN WE WERE HAVING THE ELECTION, THE RETURNS, THERE WAS SEVERAL PEOPLE SLEEPING DIFFERENT AREAS DOWNTOWN. EVEN IN CITY HALL. EVEN IN THE GARAGE WHERE WE PARK. SO WE'VE GOT AN ISSUE, SO HOW CAN WE DEAL WITH THAT. AND I THINK IN THIS TIME OF LOOKING AT ALL THE ORDINANCES AND WHAT WE WANT TO TRY TO ACCOMPLISH, I THINK WE ALL NEED TO SIT DOWN AND SAY WHAT CAN WE DO, WHAT ELSE CAN WE DO INSTEAD OF BEING SO STRICT ON THE ORDINANCE AND WE'RE STILL NOT SOLVING THE PROBLEM. PUTTING THEM IN JAIL IS NOT THE ANSWER BECAUSE THEY ARE GOING TO EVENTUALLY COME OUT. WHAT CAN WE DO TO HELP. AND I KNOW WE ALL HAVE WORKED HARD TRYING TO DEAL WITH THE ISSUE OF HOMELESS, STREET PEOPLE, WHATEVER, BUT LET'S -- I WANT TO SEE FROM THOSE FOUR CITIES THAT YOU RECEIVED THE INFORMATION ON, I WANT TO SEE WHAT HAVE THEY DONE FOR THE ISSUES OF HOMELESS IN THEIR PARTICULAR CITY.

YES, COUNCILMEMBER, WE CAN PUT THAT TOGETHER.

Thomas: OKAY. THANK YOU.

Mayor Wynn: COUNCILMEMBER DUNKERLEY. DUNG TK-PBG I THINK ASSISTANT CITY MANAGER TKPWARBZ IS A WAS RIGHT -- GARZA WAS RIGHT WHEN HE SAID WE ARE A COMPASSIONATE CITY. I THINK WE HAVE A LOT OF PROGRAMS IN PLACE AND WE HAVE ACTUALLY PUT OUR DOLLARS WHERE OUR MOUTHS ARE AND WE HAVE FUNDED

A LOT OF THINGS IN AN EFFORT TO HELP THE HOMELESS POPULATION. AND I THINK DURING THIS TIME OF DISCUSSION WHAT I'M GOING TO BE LOOKING FOR IS SOME BALANCE. YOU KNOW, WE HAVE CITIZENS THAT ARE IN TROUBLE, YOU KNOW, EITHER THROUGH NO FAULT OF THEIR OWN, THROUGH CHRONIC ILLNESSES AND THINGS LIKE THAT, BUT WE ALSO HAVE DOWNTOWN BUSINESS OWNERS AND RESIDENTS WHO CALL DOWNTOWN THEIR HOME. SO WE REALLY DO NEED TO FIND A BALANCE WHERE THOSE FOLKS CAN FEEL SAFE AND COMFORTABLE AND MAKE A LIVING AND LIVE AND WHERE OUR HOMELESS POPULATION ALSO CAN RECEIVE SERVICES AND NOT BE UNDULY HARASSED. AND I THINK ONE OF THE KEY STAKEHOLDERS IN THIS IS THE -- ARE THE HOMELESS ADVOCATES THEMSELVES. I WOULD REALLY HOPE THAT THEY WOULD TAKE AN OPPORTUNITY TO LOOK AT THIS ISSUE. I GET E-MAILS FROM PEOPLE THAT ARE IMPACTED BY NEGATIVE BEHAVIOR EVERY DAY. SO THERE IS A PROBLEM. AND SO I WOULD HOPE THAT THEY WOULD COME TOGETHER AND HELP US DESIGN SOME ACTIONS OR SOME POLICIES THAT WOULD HELP RESOLVE THE ISSUES THAT ARE REAL FOR THE PEOPLE THAT LIVE AND WORK IN THE DOWNTOWN AREA. AND WHO THROUGH THEIR TAXES AS WELL AS THEIR INDIVIDUAL SUPPORT HELP WITH THIS ISSUE. SO THAT'S ONE OF THE THINGS DURING THIS TIME THAT I'M GOING TO BE LOOKING FOR TO RICHARD AND TO SOME OF THE OTHER FOLKS IS, YOU KNOW, LET'S LOOK AT THE PROBLEM AS A WHOLE AND SEE WHAT WE CAN DO TO COME UP WITH A BALANCE AND TO MAKE IT FAIR FOR EVERYBODY. AND SO I THINK WE DO NEED TO STRENGTHEN SOME OF THESE ORDINANCES, BUT I WANT TO DO IT IN A HUMANE FASHION AND IDENTITY IN A WAY THAT OFFERS SUPPORT AND OPTIONS FOR THOSE THAT NEED OUR HELP. SO THAT'S WHAT I WOULD LIKE TO HAVE SOME OF YOU HELP US WITH.

Mayor Wynn: COUNCILMEMBERS, FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER SLUSHER.

Slusher: I GUESS THIS IS FOR MR. GARZA. LET'S SAY WE WERE TO PROHIBIT SLEEPING OUTDOORS IN THE DOWNTOWN AREA AND THE -- THE SIDEWALK AND THE BUILDINGS. IF WE CAME -- IF THE POLICE OFFICERS CAME UP TO PEOPLE THAT WERE SLEEPING ON THE STREET OR

SIDEWALK, IS THERE ROOM IN THE ARCH, IN THE HOMELESS CENTER TO -- FOR ANYONE THAT WE WOULD FIND IN SUCH CIRCUMSTANCES?

THAT'S PROBABLY A DAILY ISSUE.

Slusher: I'M SORRY? WHAT IS?

I WOULD SUSPECT THAT VARIES ON A DAY BY DAY ISSUE. MY UNDERSTANDING, THOUGH, IS THAT ON A NIGHTLY BASIS, EVERY BED IS TAKEN. AND A LOT OF IT IS WEATHER RELATED. IF THE WEATHER IS GREAT OUTSIDE, THERE MAY BE MORE FOLKS WHO DECIDE TO CHOOSE TO SLEEP OUTSIDE. DURING THE DAY, THOUGH, I CAN TELL YOU DURING THE DAY THAT WE DO HAVE CAPACITY. WE CURRENTLY ARE SET UP FOR 50 BEDS DURING THE DAY FOR DAYTIME SLEEPING AND ONLY ABOUT 20 ARE BEING USED ON AVERAGE ON A DAILY BASIS. DAYTIME SLEEPING COULD PROBABLY BE ACCOMMODATED. HOWEVER, AT NIGHTTIME AT THE ARCH IT'S MORE OF A CHALLENGE.

Slusher: WHAT IS THE POLICY THERE -- I KNOW THEY HAVE OVERFLOW AREA FOR COLD NIGHTS AND OTHERS. I MEAN WHAT'S THE POLICY ON USING THAT AREA?

UNFORTUNATELY, I DO NOT KNOW WHAT THEIR POLICY IS.

Reporter: R.

Slusher: WE'RE NOT VOTING ON THIS, BUT I WOULD LIKE MORE INFORMATION ON THAT.

SO POSSIBLY ONE IDEA MIGHT BE -- ONE INTEREST MIGHT BE THAT IF AN OFFICER COMES UPON SOMEONE SLEEPING BUT THE OFFER WOULD BE TO TAKE THEM TO THE ARCH AS LONG AS THERE ARE AVAILABLE BEDS AND MAYBE WE SHOULD LOOK AT THE OVERFLOW CAPACITY TO SEE IF WE CAN UTILIZE THAT FOR THAT NEED.

Slusher: RIGHT. BECAUSE I THINK IF THERE IS A BED OR A PLACE TO SLEEP INSIDE AVAILABLE, THEN WE'RE ON A LOT STRONGER GROUND PROHIBITING IT OUTSIDE.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?  
COUNCILMEMBER McCRACKEN.

McCracken: MY QUESTION IS ALONG THE SAME LINES AS COUNCILMEMBER SLUSHER'S. BECAUSE WHAT -- WHAT I'M ASSUMING IS THAT WHAT IS DRIVING THIS IS A CONCERN FOR PUBLIC SAFETY AND A SENSE OF SAFETY BECAUSE IF THERE'S A LACK OF A SENSE OF SAFETY, THAT WILL DRIVE PEOPLE AWAY JUST AS MUCH AS IF THERE IS ACTUALLY A DANGEROUS SITUATION. DO WE KNOW WHAT THE CRIME STATISTICS ARE DOWNTOWN?

YES, YES, WE DO. I DON'T HAVE THEM HERE WITH ME.

McCracken: I DON'T HAVE MINE EITHER --

I DON'T HAVE MINE EITHER, BUT WE CAN SEND THEM TO YOU.

McCracken: I'M GOING TO ASK A QUESTION. A LOT OF THESE ARE THINGS I ASSUME WE WILL NOT KNOW THE ANSWER TO TODAY, BUT AS WE MOVE FORWARD IN THIS PROCESS, THESE ARE QUESTIONS WE WILL I BELIEVE NEED AN ANSWER TO TO HELP US FIND OUT WHAT MAYBE JUST SOMETHING THAT WE THINK NEEDS TO BE DONE VERSUS SOMETHING THAT TRULY DOES NEED TO BE DONE. AND THE SECOND IS, THE QUESTION WHAT ARE THE CRIME STATISTICS IN THE AREAS AROUND THE ARCH.

WE JUST RECENTLY PRODUCED THOSE SO I CAN GET THOSE FOR YOU FAIRLY QUICKLY. WHAT KWAOWL FIND IS -- OF COURSE THE DOWNTOWN AREA IS A SMALLER AREA, THE COMMAND IS SMALLER, AND IT HAS SPECIFIC KINDS OF CRIMES TO IT THAT YOU WON'T FIND IN THE OTHER AREA COMMAND SO THEY ARE KIND OF UNIQUE TO DOWNTOWN AREA NUMBERS. SO IN THE SAME WAY WE'RE TALKING ABOUT QUALITY OF LIFE ORDINANCES. YOU WILL SEE SOME OF THE QUALITY OF LIFE CRIMES. SAME WAY FOCUSED IN THE ENTERTAINMENT DISTRICT. P.I., PUBLIC INTOXICATION, FOR EXAMPLE, ARE GOING TO BE HIGHER, BUT WE'LL BREAK THOSE OUT FOR YOU AND GET THAT AS ONE OF THE OTHER THINGS WE'LL BRING BACK.

McCracken: AND ALONG THOSE LINES, BREAK IT DOWN BY CRIME TYPES. VIOLENT CRIME VERSUS QUALITY OF LIFE TYPES OF CRIMES. I THINK AN IMPORTANT OTHER QUESTION IS THOUGH WHO IS COMMITTING THESE OFFENSES. BECAUSE I THINK THERE IS AN ASSUMPTION THAT THEY ARE ALL BEING COMMITTED BY THE HOMELESS, BUT, YOU KNOW, WHAT I BET IS THAT WE FIND A LOT OF THESE QUALITY OF LIFE CRIMES ARE NOT COMMITTED BY THE HOMELESS. FOR INSTANCE, WHEN YOU FIND SOMEONE LYING ON A SIDEWALK, THAT IN DOWNTOWN COULD EASILY BE SOMEONE WHO HAS BEEN OUT IN THE ENTERTAINMENT DISTRICT AND MAY BE TIED TO PUBLIC INTOXICATION, BUT WE DON'T KNOW IF THESE ARE THE HOMELESS OR NOT. SO I THINK THAT WOULD BE A HELPFUL THING TO NOTE AS WE'RE TRYING TO NARROW THESE DOWN. THERE'S A -- I THINK IT ALSO WOULD BE VERY IMPORTANT TO LOOK AT WHAT OTHER CITIES AROUND THE COUNTRY HAVE DONE, IN PARTICULAR NEW YORK CITY. THERE'S A GREAT BOOK THAT I KNOW THE MAYOR HAS READ AND I'VE READ IT TOO CALLED "THE TIPPING POINT" AND PART OF THIS IS AN ANALYSIS OF WHAT HAPPENED TO CRIME RATES IN NEW YORK CITY IN THE EARLY 1990s, AND IT LOOKS AT WHY CRIME WENT DOWN, YOU KNOW, ONE-THIRD OF THE NATION'S CRIME REDUCTION IS IN NEW YORK CITY ALONE IN A COUPLE YEARS IN THE '90s. IT WAS REALLY BECAUSE THEY PAID ATTENTION TO THE QUALITY OF LIFE OFFENSES. FIRST THEIR SUBWAY SYSTEM WITH GRAFFITI AND TURNSTYLE JUMPERS, NEITHER OF WHICH ARE RELATED TO HOMELESS, THEY ARE JUST BASICALLY QUALITY OF LIFE OFFENSES MUCH WE MAY FIND IF OUR QUALITY OF LIFE PROBLEMS MAY NOT BE RELATED TO HOMELESS ISSUES, THEY MAY BE RELATED TO PUBLIC INTOXICATION. WE MAY NEED TO PUT MORE EMPHASIS ON THAT. GET MORE BANG FOR OUR BUCK. BUT THAT KIND OF STUFF IS CRITICAL TO REDUCING CRIME. DOWNTOWN IS OUR, YOU KNOW, MOST COMMERCIALY IMPORTANT AREA AS WELL AS THE SOUL OF OUR CITY. SO IT'S VERY IMPORTANT THAT WE -- THAT PEOPLE FEEL SAFE. IT IS ALSO A MORE RESIDENTIAL AREA. I WOULD ALSO LIKE ANSWERS ON WHAT HAS HAPPENED IN THE AREA AROUND THE ARCH -- I MEAN I'LL JUST SAY I THINK A LOT OF US HAVE SEEN THAT THE ENVIRONMENT IS DRAMATICALLY CHANGED ON 7th STREET BY THE INTERSTATE. AND THE POLICE

DEPARTMENT HEAD QUARTERS DEFINITELY HAS AN IMPACT ON THAT AS WELL, BUT I WOULD LIKE TO KNOW WHAT HAS HAPPENED TO PROPERTY VALUES AROUND -- SINCE THE ARCH OPENED AND AS WELL AS WHAT HAS HAPPENED TO GENERAL COMMERCIAL ACTIVITY. AND THEN I WANT TO KNOW WHAT IS THE UNMET NEED CURRENTLY FOR HOMELESS SERVICES IN THE CENTRAL BUSINESS DISTRICT. AND IN THE ENTERTAINMENT DISTRICT. LIKE COUNCILMEMBER SLUSHER, I THINK WE NEED TO KNOW WHAT THE CAPACITY OF THE ARCH IS EACH NIGHT BUT ALSO HOW MANY PEOPLE DOES THE ARCH TURN AWAY EACH NIGHT. WE KNOW THERE IS UNMET CAPACITY FOR HOMELESS SERVICES IN OUR COMMUNITY, BUT A LOT OF THOSE ARE THE WORKING POOR WHO MAY LIVE IN THEIR CAR. SO THIS IS A VERY DIFFERENT ISSUE FROM WHAT MAY MANIFEST ITSELF IN THE BUSINESS DISTRICT. AND ALSO WHAT ESTIMATE DO WE HAVE ON THE PERCENTAGES OF FOLKS, YOU KNOW, EITHER COMMITTING QUALITY OF LIFE OFFENSES OR WHO ARE HOMELESS WHO HAVE ALSO MENTAL ILLNESSES. BECAUSE I THINK THERE'S A VERY CRITICAL DISTINCTION THAT IF SOMEONE -- THAT BEING SOLICITED BY SOMEONE WITH A MENTAL ILLNESS IS A MUCH MORE DANGEROUS SITUATION OR TROUBLING SITUATION POTENTIALLY THAN JUST, YOU KNOW, SOMEONE WHO, YOU KNOW, MAY HAVE LOST HIS OR HER JOB. I THINK IT'S A DIFFERENT SITUATION. GETTING TOWARDS THE MAYOR PRO TEM ALSO, I THINK THERE IS A DIFFERENCE BETWEEN SITTING DOWN AND LYING DOWN. IF SOMEONE IS SITTING DOWN HAVING A CONVERSATION, THAT'S A DIFFERENT TYPE OF SITUATION. BUT THE BIG ISSUE AND THE FINAL THING IS THAT WE JUST NEED TO KNOW WHAT THE PROBLEM IS SO WE MAKE SURE WE'RE DOING THE RIGHT SOLUTIONS. AND SO THAT'S WHY I'M GLAD WE'RE GOING TO SPEND SEVERAL MONTHS LOOKING AT THIS ISSUE SO THAT WE DON'T JUST KIND OF ACT FROM THE GUT ABOUT THINGS WE THINK WE CALL A PROBLEM THAT MAY NOT EVEN EXIST VERSUS IGNORING A TRUE PROBLEM THAT OUR PROPOSED ORDINANCES WOULDN'T SOLVE.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: ONE LAST THING. MR. GARZA, IF YOU CHECK ON THE STATS AT THE SALVATION ARMY AS WELL, THEIR

BUILDING IS ADJACENT TO THE ARCH. AND SEE IF THEY ARE HAVING THE SAME OVERCAPACITY IN THE EVENINGS AS THE ARCH IS.

OKAY. WE CAN GET THAT.

Mayor Wynn: THANK YOU, COUNCILMEMBERS. FURTHER COMMENTS, QUESTIONS. COUNCILMEMBER ALVAREZ.

Alvarez: JUST A COUPLE QUESTIONS, MAYOR. ON THE AGGRESSIVE SOLICITATION SLIDE THAT WAS SHOWN, IT LISTS WHAT WE CURRENTLY HAVE IN PLACE WHICH IS ORDINANCE PROHIBITING CITY-WIDE PAN HANDLING IN A MANNER THAT IS INTIMIDATING, AND THEN THE POTENTIAL AMENDMENT IS -- SO THIS WOULD AMEND THAT ORDINANCE, BUT TO PROVIDE FURTHER SAFEGUARDS NEAR SCHOOLS AND CHILD CARE FACILITIES.

YES, COUNCILMEMBER.

Alvarez: THE CITY-WIDE PROHIBITION WOULD STILL BE IN PLACE.

THAT'S CORRECT.

Alvarez: IT'S NOT SWAPPING IT OUT, I GUESS.

WHAT YOU SEE BEFORE YOU IS BASICALLY IN ADDITION TO THE CURRENT ORDINANCE. IT WOULD NOT CHANGE THE CURRENT PROHIBITION.

BASICALLY ADDING ELEMENTS THAT COULD ALSO BE CONSIDERED ELEMENTS OF AGGRESSIVE OR SAFETY ISSUES.

Alvarez: AND THEN ON THE ROADSIDE SOLICITATION, AND YOU CAN TELL ME IF YOU THINK THIS IS AN EXECUTIVE SESSION SORT OF MATERIAL, BUT, YOU KNOW, THE POTENTIAL AMENDMENT SHOWN SAYS, YOU KNOW, ELIMINATED CITY-WIDE. BUT ARE THERE OTHER CITIES OR IS THERE -- CAN YOU JUST DO IT IN THE MEDIAN? YOU KNOW, KIND OF TAKE MORE THE SAFETY APPROACH VERSUS, YOU KNOW, AN ALL-OUT BAN, PER SE. AND WHAT ELSE? I'M JUST

WONDERING WHAT THE OPTIONS ARE THERE.

I WAS GOING TO JUMP UP AND ANSWER THAT BUT I SEE OUR ATTORNEY JUMPING UP SO I'M GOING TO WAIT.

THE WAY THE ORDINANCE IS DRAFTED NOW WHERE IT TALKS ABOUT IF YOU ARE NEAR A STREET, THAT LANGUAGE HAS BEEN TRADITIONALLY UPHELD. WHAT WE DID WAS LIMIT ITS APPLICATION TO A PARTICULAR AREA BY TAKING OUT THE DISTRICT LIMITATION AND APPLYING THIS CITYWIDE, IT EXPANDS THAT SAFETY ZONE. DOES THAT ADDRESS YOUR QUESTION?

Alvarez: BUT ARE THERE OTHER WAYS OF DOING IT? I THINK -  
-

TO GIVE AN EXAMPLE, WHAT ABOUT THE CONCEPT OF THE PERMIT?

Alvarez: REQUIRING A PERMIT OR JUST SAYING THAT IN THE MEDIAN WHEN THEY ARE IN THE IMMEDIATE FLOW OF TRAFFIC ALMOST AND IS THAT SOMEHOW DIFFERENT.

THERE'S A CASE RELATED TO PERMITTING THAT WAS STRUCK DOWN, IN PART BECAUSE THE PERMITS THEMSELVES WERE CONTENT BASED. YOU COULD SOLICIT FOR -- YOU COULD GET A PERMIT IF YOU ARE SOLICITING FOR A NON-PROFIT ORGANIZATION, BUT YOU COULDN'T GET A PERMIT TO SOLICIT FOR YOURSELF. UNDER THOSE CIRCUMSTANCES THE PERMIT PROCESS WON'T WORK. A MORE INDEPTH CONVERSATION ABOUT WHETHER PERMIT PROCESS COULD BE ADOPTED IS PROBABLY A MATTER FOR EXECUTIVE SESSION.

Alvarez: THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? I WILL SAY JUST TO SOMEWHAT SUMMARIZE OR WRAP THIS UP, IN THE MID-1990s, CITY OF AUSTIN FORMED A HOMELESS TASK FORCE THAT TRIED TO ADDRESS A NUMBER OF ISSUES SPECIFICALLY RELATED TO HOMELESSNESS IN AUSTIN, INCLUDING THE IDEA OF A FACILITY AND THEREFORE THE LOCATION OF THAT FACILITY.



IF I REMEMBER CORRECTLY, OF THE SORT OF FINAL RECOMMENDATIONS OF THAT TASK FORCE, DOWNTOWN WASN'T IDENTIFIED AS A POTENTIAL LOCATION FOR THAT SHELTER. THERE WAS TALK OF AN ORLANDO MODEL WHERE WE HAD SORT OF, FRANKLY, A RELATIVELY RURAL SUBURBAN-TYPE SETTING FOR A FACILITY, NOT UNLIKE THE ARCH. YOU KNOW, AS IT POLITICALLY MORPHED AND CAME TO THE PREVIOUS COUNCIL, THE DECISION WAS MADE TO IDENTIFY DOWNTOWN AS THE POTENTIAL LOCATION. SOMEWHAT OF A MITIGATING FACTOR WAS AS THE DOWNTOWN COMMUNITY BECAME UNDERSTANDABLY CONCERNED ABOUT LONG-TERM RAMIFICATIONS, THAT THEN BROUGHT FORWARD THE IDEA OF THE PUBLIC ORDINANCES, THAT IS HOW CAN WE PUT SOME THINGS IN PLACE THAT PERHAPS PROTECT AND MITIGATE WHAT COULD BE SOME DETRIMENTAL IMPACT ON PROPERTY VALUES DOWNTOWN, ON THE QUALITY OF LIFE DOWNTOWN, ET CETERA. SO THAT WAS SORT OF A THE ORIGINAL INSPIRATION IN PART TO THE PUBLIC ORDER ORDINANCES THAT WE DEBATED FOUR YEARS AGO. WE DID THOSE OBVIOUSLY THEN WITH ANTICIPATION OF THE ARCH BEING BUILT, YOU KNOW, DESIGNED AS IT AND SIGHTED WHERE IT HAS BEEN SIGHTED. IT -- SITED. IT SEEMS NOW THAT THE ARCH IS OPEN AND CLEARLY THE DYNAMICS HAVE CHANGED FOR BETTER OR FOR WERS FOR ANY OF THE CONSTITUENCIES BASED ON THAT FACILITY, I THINK IT'S APPROPRIATE FOR US TO HAVE THIS ANALYSIS. THAT IS, SPEND THE REALTIME AND EFFORT AND MONEY THAT CITY STAFF HAVE SPENT THESE LAST COUPLE OF MONTHS ON THIS INFORMATION.

Mayor Wynn: WE'RE BACK IN OPEN SESSION. THIS IS STILL THE MEETING OF THE AUSTIN HOUSING AND FINANCE CORPORATION. AT THIS TIME WE WILL GO TO THAT BOARD'S AGENDA AND RECOGNIZE MR. PAUL HILGERS.

I WOULD FIRST BRING BEFORE YOU ITEM NUMBER ONE WHICH IS TO APPROVE THE MINUTES OF SEPTEMBER 30th, 2004. BOARD MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn: THANK Y'ALL. ENTERTAIN A MOTION. APPROVE THE POSTED MINUTES AS PRESENTED. HAVE ANY

## COMMENTS?

HEARING NONE ALL THOSE IN FAVOR PLEASE SAY AYE.  
OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH  
COUNCILMEMBERS -- OR BOARD MEMBER SLUSHER OFF THE  
DAIS.

AHFC ITEM NUMBER TWO, MR. PRESIDENT AND BOARD,  
PLEASED TO BRING BEFORE YOU RESOLUTION WHICH  
AUTHORIZING THE ASSIGNMENT BY CAMPBELL HUG AND  
ASSOCIATIONS OF A CONTRACT FOR 6.87-ACRE TRACT OF  
LAND ON THE SOUTHSIDE OF 1900 BLOCK OF EAST 6th  
STREET. PURCHASE IN THE LAND IN AN AMOUNT NOT TO  
EXCEED \$1.95 MILLION PLUS TRANSFER COSTS IN POSITION  
OF VARIOUS EASEMENTS, RESTRICTIVE COVENANTS AND  
LICENSE AGREEMENTS ON THE LAND. EXECUTION OF A 50  
YEAR LEASE AGREEMENT WITH THE VILLAS ON 6th STREET, A  
TEXAS LIMITED PARTNERSHIP, WITH ANNUAL LEASE  
PAYMENTS NOT LESS THAN 28,131 CONTINGENT ON  
CONSTRUCTION OF 160-UNIT MULTIFAMILY LOW INCOME  
HOUSING TAX CREDIT APARTMENT COMPLEX ON THE LAND,  
EXECUTION OF A FEE SHARING AGREEMENT WITH CHA  
LIMITED, PARTNERSHIP, A TEXAS LIMITED PARTNERSHIP, TO  
PAY THE CORPORATION 25% OF ANY DEVELOPER FEE PAID  
BY THE LIMITED PARTNERSHIP, AND EXECUTION OF AN  
AGREEMENT WITH VILLAS ON 6th, NONPROFIT CORPORATION  
GENERAL PARTNER TO PROVIDE ADMINISTRATIVE STAFF  
SUPPORT AND ASSET MANAGEMENT SERVICES TO ASSIST  
THE GENERAL PARTNER WITH ITS OBLIGATION AS THE  
GENERAL PARTNER OF THE LIMITED PARTNERSHIP. \$500,000  
OF FUNDING IS AVAILABLE IN THE FISCAL YEAR 2004-2005  
AUSTIN HOUSING FINANCE CORPORATION, HOUSING TRUST  
FUND, ASSISTANCE PROGRAM BUDGET AND 1.5 MILLION  
FROM THE SALE OF A LEASEHOLD ESTATE. WITH BOARD  
APPROVAL, WHAT THIS MEANS IS THE AGREEMENTS  
ENVISION THE AHFC RECEIVING 25% OF THE ALLOWED  
DEVELOPER FEE AND SERVING AS ASSET MANAGER FOR  
THE PROJECT. THEIR AFFILIATE WOULD SERVE AS  
DEVELOPER, GUARANTOR AND CONTRACTOR ON THE  
PROJECT. NONPROFIT CORPORATION CONTROLLED BY THE  
AUSTIN HOUSING FINANCE CORPORATION WOULD SERVE AS  
THE GENERAL PARTNER IN THE TRANSACTION, TRAVIS  
COUNTY COUNTY APPRAISAL DISTRICT HAS AGREED TO

EXEMPT THE PROJECT FROM LOCAL PROPERTY TAXES WHEN THE LAND TITLE IS TRANSFERRED TO THE AUSTIN HOUSING FINANCE CORPORATION. THIS TRANSFER IN TAX VALUE -- EXEMPTION IN TAX VALUE OBVIOUSLY IS NECESSARY TO ACHIEVE THE AFFORDABILITY ON THIS PROPERTY THAT IS PROMISED. THE SITE FOR THE VILLAS ON 6th IS A 6.087-ACRE TRACT OF LAND IN THE 1900 BLOCK OF EAST 6th STREET THAT MEETS ALL ZONING REQUIREMENTS FOR PROJECT DEVELOPMENT. THE PROJECT IS -- ADOPTED BY THE CITY COUNCIL IN DECEMBER OF 2001. AT THE PRE-DEVELOPMENT STAGE THE PROJECT MEETS ALL SMART HOUSING REQUIREMENTS. ON SEPTEMBER 11, 2003, THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS BOARD APPROVED A FORWARD COMMITMENT OF 204 -- EXCUSE ME, 2,004 LOWER INCOME HOUSING TAX CREDIT FOR THE VILLAS ON 6th PROJECT. AS APPROVED BY THE AUSTIN HOUSING FINANCE CORPORATION BOARD, STAFF HAS BEEN NEGOTIATED WITH CAMPBELL HOG & ASSOCIATES USING THE ASSOCIATES OF JACKSON WALKER LAW FIRM, A LAW FIRM USED TO SYNDICATE THE LOWER TAX CREDIT AND THE LIMITED PARTNERSHIP, AND I WANT TO TAKE A SPECIAL MOMENT AND PROVIDE GREAT PERSONAL APPRECIATION AND PROFESSIONAL APPRECIATION FOR THE WORK THAT THESE ATTORNEYS HAVE DONE TO HELP US GET TO THIS STAGE TODAY. THEY WILL INCLUDE 160 APARTMENT HOME UNION PACIFICS OF WHICH 60 UNIONS WILL BE RESERVED FOR INCOMES BELOW THE MEDIAN INCOME. 76 UNITS WILL BE RESERVED FOR FAMILIES WITH YEARLY INCOMES NOT TO EXCEED 50% OF THE AREA MEDIAN INCOME, CURRENTLY \$35,550 FOR A FAMILY OF FOUR. WITH A REMAINING 24 UNITS TO BE AVAILABLE WITHOUT INCOME RESTRICTIONS AT MARKET RENTS. THE 160 UNITS WILL INCLUDE 46 ONE-BEDROOM UNITS AT 736 TO 750 SQUARE FEET. 66 TWO BEDROOM UNITS AT 901 TO 917 SQUARE FEET. AND 48 THREE-BEDROOM UNITS AT 126 TO 140 SQUARE FEET. THE PROPOSED MONTHLY RENTS RANGE FROM \$469 TO \$656 FOR ONE BEDROOM UNITS. 55 UNITS -- \$55 TO \$845 FOR TWO-BEDROOM UNITS AND \$641 TO \$950 FOR 3-BEDROOM UNITS. A MINIMUM OF 10% OF THE UNITS WILL BE ACCESSIBLE TO PERSONS WITH MOBILITY DISABILITIES AND 5% WILL BE ACCESSIBLE TO PERSONS WITH HEARING AND VISION DISABILITIES. AND THEN WE HAVE A BREAKDOWN

AND YOU HAVE IT IN YOUR BACKUP OF THE SOURCES AND USES FOR THE FUNDING FOR THIS \$17 MILLION PROJECT. THE PERFORMANCE MEASUREMENTS IS ASSOCIATED WITH THIS PROJECT ARE THAT THEY WILL DEVELOP 60 UNIONS RESERVED FOR FAMILIES WITH 40% OF THE AREA'S MEDIAN INCOME, 76 UNITS AT THE 50%, 24 UNITS AT MARKET RENT, AND DEVELOP THE PROJECT IN COMPLETE COMPLIANCE WITH SMART HOUSING STANDARDS INCLUDING THE ACCESSIBLE STANDARDS THAT I MENTIONED BEFORE. THE DEVELOPER PARTNER, CAMPBELL-HOGUE AND ASSOCIATES IS AN ORGANIZATION WE'VE BEEN WORKING WITH CLOSELY FOR THE PAST TWO AND A HALF YEAR, WE HAVE A PARTNERSHIP WITH THEM ON ANOTHER PIECE OF PROPERTY CALLED -- CALLED -- FORT BRANCH LANDING, AT 183, THANK YOU, BOARD MEMBERS, AND FORT BRANCH IS ANOTHER ONE OF THE PROPERTIES THAT THIS BOARD SUPPORTED WITH A -- WITH ADDITIONAL FUNDS IN GAP FINANCING AND IT'S BEEN A VERY SUCCESSFUL PROJECT, A VERY BEAUTIFUL PROJECT OUT OFF OF MLK AND CLOSE TO 183, YOU CAN SEE IT AS YOU'RE DRIVING DOWN 183. IT'S -- THE PARTNERSHIP THAT WE'VE HAD WITH THEM HAS BEEN -- THE NEGOTIATIONS HAVE BEEN VERY DIFFICULT, AS THEY WILL TELL YOU, BECAUSE WE HAVE TRIED VERY HARD TO SET A VERY HIGH STANDARD FOR THIS DEVELOPMENT. WE TAKE VERY SERIOUSLY AT YOUR DIRECTION THE EFFORTS TO CREATE AFFORDABLE HOUSING AS CLOSE TO THE DOWNTOWN AREA AS WE POSSIBLY CAN. AND WE'VE SET A VERY HIGH STANDARD FOR THIS DEVELOPER TO GUARANTY AN AWFUL LOT OF THINGS IN THIS DEVELOPMENT SO WE CAN BE SURE WE'VE HAVE A SUCCESSFUL INVESTMENT FOR AFFORDABLE HOUSING FOR MANY, MANY YEARS TO COME. STAFF, WE'RE VERY PROUD AND EXCITED ABOUT THIS OPPORTUNITY AND WHAT I WOULD LIKE TO DO IS ASK THE DEVELOPER REPRESENTATIVES TO COME AND MAKE A BRIEF PRESENTATION ABOUT SOME OF THE CHANGES THAT THEY HAVE MADE IN THIS DEVELOPMENT AND SOME MORE ANSWERING QUESTIONS YOU MAY HAVE ABOUT THE IMPROVEMENTS THAT THEY'VE MADE AS THEY'VE GONE THROUGH THIS PROCESS THROUGH THE CITY.

SO I'LL INTRODUCE MR. DAVID SAILING FROM CAMPBELL-HOGUE & ASSOCIATES.

WELCOME, SIR.

GOOD AFTERNOON, MR. PRESIDENT, MADAM VICE-PRESIDENT AND BOARD MEMBER, MY NAME IS DAVID SAILING AND I'M A VICE-PRESIDENT WITH CAMPBELL HOGUE & ASSOCIATES AND WHAT I WOULD LIKE TO TALK ABOUT THE EVOLUTIONS OF DESIGN OF THE VILLAS ON 6th STREET. AS YOU MAY RECALL, WE FIRST CAME BEFORE THE BOARD IN JANUARY OF 2003, SEEKING APPROVAL TO APPLY FOR THE TAX CREDITS AND TO BEGIN THIS PROCESS TO END UP WHERE WE ARE TODAY. AT THAT TIME, I BELIEVE THE PRESIDENT MADE RECOMMENDATIONS THAT WE GO VISIT WITH THE AUSTIN SIGN COMMISSION TO LET THEM REVIEW WHAT OUR PROPOSAL WAS AND TO SOLICIT INPUT FROM THEM AND VARIOUS NEIGHBORHOOD ORGANIZATIONS. WE DID BEGIN THAT PROCESS BACK IN 2003 AND MET WITH THE DESIGN COMMISSION ON THREE SEPARATE OCCASIONS. AND THE END RESULT WAS THAT HE TOOK WHAT STARTED OUT TO BE MORE OF A SUBURBAN-LOOKING APARTMENT BUILDING TO WHAT IS NOW A VERY URBAN LOOKING THREE-STORY ELEVATED BUILDING THAT BLENDS IN WITH THE NEIGHBORHOOD AND HAS RECEIVED APPROVAL, IF YOU WILL, OF THE SUBCOMMITTEE OF THE AUSTIN DECISION COMMISSION AND THE DESIGN COMMISSION. I BELIEVE THERE'S A LETTER THEY HAVE WRITTEN IN YOUR POCKETS FOR REFERENCE. WHAT I ADDITIONALLY WOULD LIKE TO TALK ABOUT, SOME OF THE CHANGES THAT WERE MADE NOT ONLY FROM THE DECISION COMMISSION BUT VARIOUS NEIGHBORHOOD ORGANIZATIONS AND COLLABORATION WITH OUR PROFESSIONAL ARCHITECT, THE LANDSCAPE ARCHITECT AND THE ENGINEERS, AND DON'T MIND, I WOULD LIKE TO SHOW YOU WHAT THE END RESULT LOOKS LIKE IF YOU'RE STANDING ON THE INTERSECTION OF 6th AND ROBERT MARTINEZ STREETS. IN YOUR FACTS I BELIEVE YOU HAVE SOME MINIATURE VERSIONS OF THIS, BUT THIS SHOWS STANDING ON 6th STREET SOUTH OF ROBERT MARTINEZ STREET. [INAUDIBLE - NO MIC] THANK YOU. LOOKING AT THE BUILDINGS FACING THIS WAY, WE HAVE ON THIS CORNER ON THE CORNER OF ROBERT MARTINEZ AND 6th STREET, THE OFFICE AND COMMERCIAL AREAS OF THE PROPERTY. IT'S ALSO HOUSING THE YMCA-RUN LEARNING CENTER. THE COP SHOP, AS WE LIKE TO

CALL IT, WHICH IS AN OFFICE DEDICATED FOR THE USE OF LOCAL LAW ENFORCEMENT. THEIR UPSTAIRS WILL BE OUR OFFICES FOR CAMPBELL HOGUE & ASSOCIATES AND DOWN ON THE FIRST FLOOR WILL BE EITHER RETAIL OR OFFICE USES AND HOPEFULLY THEY WILL BE FROM LOCALLY-OWNED BUSINESSES IN THE NEIGHBORHOOD. THEN STARTING HERE, COMING TOWARD THE CENTER OF THE PROPERTY DOWN 6th STREET ARE THE RESIDENTIAL BUILDINGS THAT ARE ENTERED INTO OFF OF INTERIOR CORRIDORS AND THERE ARE UNITS THAT FACE BOTH 6th STREET AND TO THE BACK OF THE PROPERTY. ARE THERE ANY QUESTIONS ABOUT THE DESIGN AND -- AND THE PROCESSES THAT WE'VE GONE THROUGH?

WOULD YOU MIND SHOWING THE PROJECT FROM A SITE PLAN PERSPECTIVE AS WELL?

SITE PLAN?

YES.

THIS IS THIS RETAIL OFFICE CORNER. THIS WOULD BE 6th STREET AND ROBERT MARTINEZ. THE MAIN BUILDINGS RUN ALONG PARALLEL TO 6th STREET. WE'VE INCORPORATED THE GREAT STREET ESCAPE DESIGN WHICH IS ONE OF THE RECOMMENDATIONS FROM THE DESIGN COMMISSION WHERE WE HAVE WIDER SIDEWALKS, TREES THAT ARE LIT AND IRRIGATED. THERE WILL BE BENCHES, CERTAIN LANDSCAPING OUT ALONG SIXth STREET AS WELL. INTERIOR OF THE PROPERTY ARE SOME SMALLER BUILDINGS BACK HERE. THE POOL, LAUNDRY ROOM, PLAY ESCAPE, AND THEN PARKING.

I GUESS ONE OF THE SIGNIFICANT DIFFERENCES FROM THE SITE PLAN PERSPECTIVE IS THAT YOUR ORIGINAL MORE SUBURBAN MODEL HAD THE UNITS AT THE REAR OF THE PROPERTY WITH SURFACE PARKING IN FRONT ALONG...

ACTUALLY, NO. THE BUILDINGS LOOK DIFFERENT. THEY'RE 180-DEGREES FROM WHAT THEY ORIGINALLY LOOKED LIKE. THE ORIGINAL SITE LINE -- DESIGN AND LAYOUT IS VIRTUALLY IN THIS -- IN THIS SAME MANNER THAT YOU SEE IT HERE TODAY, IT'S JUST THAT THE EXTERIOR AND THE

ARCHITECTURAL RELIEF OF THOSE BUILDINGS HAS CHANGED DRAMATICALLY SINCE THE ORIGINAL CONCEPTION.

VERY GOOD. THANK YOU, SIR, FOR THE COMMENTS. COUNCILMAN ALVAREZ?

THANK YOU, MAYOR. IF YOU COULD APPOINT -- EXPLAIN AGAIN WHERE THE SITE IS BECAUSE, JUST FOR OUR FOLKS WHO MIGHT BE VIEWING IT AT HOME, BECAUSE THIS IS A SITE? CENTRAL EAST AUSTIN ON 6th STREET BETWEEN, YOU KNOW, ROBERT MARTINEZ AND IS IT CHACON, IS THAT IT?

YES, SIR.

IT'S ONE OF THE BIG VACANT TRACKS THAT WAS FORMERLY OWNED AND OPERATED BY THE RAILROAD, AND VERY SIGNIFICANT TRACT OF LAND THAT IS HOW MANY ACRES? 8-ACRES?

6.87, YES, SIR.

AND -- AND SO IT IS, YOU 6 OR 8 BLOCKS FROM IH-35?

THIS IS -- THE SITE AGAIN IS ABOUT SIX ACRE, BOUNDED BY ROBERT MARTINEZ TO THE EAST, 6th STREET TO THE NORTH, 5th STREET TO THE SOUTH AND WE DON'T QUITE GO TO CHACON ON THE WEST SIDE. IT'S ABOUT NINE-TENTHS OF A MILE FROM THE INTERSTATE. ON THE NORTHEAST CORNER FROM THE SITE IS THE UT CHARTER SCHOOL. DIRECTLY ACROSS THE STREET IS THE ZAMORA MEDICAL CENTER. THE UNITED STATES POST OFFICE. TWO BLOCKS TO THE SOUTH IS ZAVALA ELEMENTARY SCHOOL. THREE BLOCKS EAST ON 7th STREET IS THE NEW H.E.B. THAT HAS BEEN RENOVATED. HOUSTON PHILLIPS COLLEGE IS ABOUT THREE BLOCKS TO THE NORTHWEST OFF OF 7th STREET AS WELL.

AND IT IS JUST WEST OF THE NEW DEVELOPMENT, THE PEDERNALES THAT HAS JUST GONE IN.

THAT'S CORRECT. IT'S ABOUT A BLOCK CLOSER TO

DOWNTOWN THAN THE PED PEDERNALES LOTS ARE.

IT'S PRIME REAL ESTATE. REALLY I THINK IT'S A WONDERFUL -- I MEAN I GUESS WE HAVE A UNIQUE OPPORTUNITY HERE TO PROVIDE THIS LEVEL OF AFFORDABILITY, THIS NUMBER OF UNIONS, THIS LEVEL OF AFFORDABILITY, REALLY WITHIN WALKING DISTANCE OF DOWNTOWN AND CERTAINLY NOW WITH THE RAIL PASSING LAST WEEK...

ABSOLUTELY. THIS IS A ... IT WILL BE A --

THIS IS A ONE TIME EXPERIENCE WITH THIS MUCH CONTINUOUS PLAN THIS CLOSE TO DOWNTOWN AND TO BE ABLE TO PROVIDE A LEVEL OF AFFORDABILITY SO THAT THOSE FOLKS THAT LIVE CURRENTLY IN THE NEIGHBORHOOD WOULD BE ABLE TO APPLY AND QUALIFY TO LIVE THERE AS WELL.

AND IF YOU COULD, AGAIN SPEAK TO THE LEVEL OF AFFORDABILITY, IT'S 90% OF THE UNITS WILL BE PROVIDED...

85% OF THE UNITS ARE RESERVED FOR FAMILIES MAKING 50% OF THE MEDIAN FAMILY INCOME OR LESS. THE REMAINING 15% ARE NOT RENT RESTRICTED OR INCOME RESTRICTED AND WILL BE RENTED AT MARKET RATES.

AND THOSE WOULD BE THE RENTS ON THAT WOULD BE SOMEWHERE BETWEEN 4 AND \$500?

YES.

ONE MINUTE.

I'VE GOT THAT RIGHT HERE.

YEAH. AGAIN, FOR THE 50% OF MEDIAN FAMILY INCOME, THE RENTS RANGE FROM 1 BEDROOMS RANGE FROM \$535 FOR ONE BEDROOM, ONE BATH TO \$469 -- I LIKE THE OTHER CHART. SHOWED IT A LOT MORE CLEARLY. HANG ON JUST A SECOND. THIS IS A LOT BETTER. HERE IT IS. THE -- THIS IS WHAT I WAS READING BEFORE. 76 UNITS, WE RESERVE FOR YEARLY INCOMES NOT TO EXCEED 50%, AND THOSE RENTS AT 50% OF MMFI, THE DIFFERENCE IS 459 TO \$465 FOR ONE



BEDROOM UNIT, 555 TO 845 TWO BEDROOM UNIT, \$641 TO \$950 FOR THREE-BEDROOM UNITS. SO THOSE ARE THE DIFFERENT RENTAL RATES WE HAVE FOR THE DIFFERENT PROPERTIES AND THEY'RE ALL CONFIGURED AND CATEGORIZED FOR THE DIFFERENT MEDIAN INCOMES OF THE FAMILIES OR INDIVIDUALS WHO WOULD BE THERE.

SURE. AND REALLY, I MEAN THE -- THE MEDIAN FAMILY INCOME FOR THIS PROJECT THEN ALMOST OBVIOUSLY BEING CLOSER TO THE MEDIAN FAMILY INCOME FOR THE SURROUNDING NEIGHBORHOODS...

ABSOLUTELY CORRECT. THE RESEARCH, YOU KNOW, WE DID FOR THE EAST AUSTIN COMMUNITY PRESERVATION AND REVITALIZATION ZONE WHICH IS A MUCH BROADER AREA FROM MANOR ROAD TO RIVERSIDE, 183 TO IH-35 SHOWS IN THAT ZONE INCLUDES THIS AREA CLEARLY, THE MEDIAN FAMILY INCOME IS ABOUT 50%...

ABSOLUTELY RIGHT. OF MEDIAN FAMILY INCOME FOR THIS AREA, AND REALLY, YOU KNOW, WHEN WE DO OUR HOUSING, YOU KNOW, I THINK WE MIGHT HIT 60, MAYBE GET TO 50 SOMETIMES, 50%, BUT IN THIS PARTICULAR CASE, YOU KNOW, WE -- THE VAST -- 85% ARE GOING TO BE PROVIDED TO FOLKS AT 50% OF MEDIAN FAMILY INCOME AND ALSO SOME OF THOSE UNITS PROVIDED TO FAMILIES OF 40% MEDIAN INCOME AS WELL, I THINK THIS IS A VERY EXCITING PROJECT. AGAIN, I THINK IT'S A ONCE IN A LIFETIME OPPORTUNITY HERE, ESPECIALLY GIVEN, YOU KNOW, THE TREND THAT WE SEE OCCURRING, YOU KNOW, AND ALL OVER -- ALL OVER THE CITY, YOU KNOW, BUT ESPECIALLY IN THIS PART OF EAST AUSTIN, ESPECIALLY THIS CLOSE TO DOWNTOWN, AND SO JUST WANT TO COMMEND EVERYONE INVOLVED FOR MAKING THIS HAPPEN BECAUSE IT'S BEEN A LONG PROCESS AND -- AND WANT TO THANK CERTAINLY CAMPBELL HOGUE, ALL OF THEIR STAFF, AND MR. LORENZ OUT THERE TOO, WHO WAS INVOLVED AS WELL, IN REALLY SECURING THE LAND FROM THE RAILROADS WHICH I THINK NO ONE REALLY HAD BEEN SUCCESSFUL IN DOING. THERE'S TWO OR THREE SUCH TRACTS IN THIS VICINITY THAT NO ONE REALLY WANTED TO TOUCH BECAUSE YOU HAD TO DEAL WITH THE -- WITH THE RAILROADS, AND -- AND ALSO BECAUSE OF, YOU KNOW, POTENTIAL VIECIALTAL

ENVIRONMENTAL PROBLEM, WANT TO THAT'S CORRECT MR. LORENZ FOR HIS WORK AND KIND OF GOING THROUGH THAT PROCESS, BECAUSE I DON'T THINK WE WOULD BE, YOU KNOW, WHERE WE ARE WITH EITHER OF THESE PROJECTS, THE PEDERNALES PROJECT OR THIS PARTICULAR PROJECT IF SOMEONE HADN'T GONE IN THERE TO FIGURE OUT -- YOU KNOW, HOW TO ACTUALLY FREE UP THESE PARCELS FOR DEVELOPMENT, AND THAT, AGAIN, I THINK IS GOING TO MAKE THE AREA ATTRACTIVE FOR ADDITIONAL DEVELOPMENT AND -- AND MAYBE CERTAINLY INFLUENCE WHAT HAPPENS ON CAPITAL METRO'S PROPERTY TO SOME DEGREE, BUT I DON'T KNOW, IT'S A REAL GOOD OUTCOME HERE, AND AGAIN WANT TO THANK EVERYONE WHO IS INVOLVE AND WORKED THROUGH THIS PROCESS AND SECURE THE TAX CREDIT AT THE STATE LEVEL AND FIGURE OUT HOW TO MAKE IT WORK SO...

THANK YOU.

THANK YOU.

YOU'VE BEEN WATCHING THIS DEVELOP A LONG TIME, AND I WOULD LIKE, IF I COULD, ONE CERTAINLY MORE QUESTIONS, BUT I WOULD LIKE TO ASK TERRI CAMPBELL TO COME UP OF CAMPBELL HOGUE & ASSOCIATES AND HAVE ANY COMMENTS THAT HE WOULD LIKE TO MAKES A A PRINCIPLE IN THAT AND OUR PARTNER. TERRI?

THANK YOU, PAUL. MR. PRESIDENT, AND BOARD MEMBERS, TERRI CAMPBELL, CAMPBELL HOGUE & ASSOCIATES. I'VE TRULY BEEN LOOKING FOR THIS PROJECT FOR PROBABLY ABOUT 20 YEARS. WE FINALLY FOUND A PROJECT THAT HAS ALL OF THE INGREDIENTS THAT SHOULD GO INTO AN AFFORDABLE COMMUNITY AS FAR AS THE SERVICES THROUGH THE YMCA, THE MIXED INCOME WITH THE MARKET RATE UNITS AND THE TARGETING AT 40 AND 50% OF MEDIAN, THE RETAIL AND OFFICE SPACE, AND I GUESS MOST IMPORTANT A LOCATION THAT IS ON A MAJOR TRANSPORTATION CORE, SO WE FINALLY, AFTER -- AFTER BEING IN THE AFFORDABLE REALM FOR A LONG TIME FOUND THE PROPERTY THAT REALLY EMBELLISHES ALL OF THE INGREDIENTS THAT WE THINK IS IMPORTANT TO A COMMUNITY, BUT I'VE GOT TO TELL YOU, THIS IS -- THIS WAS,

WELL, BY FAR, THE MOST DIFFICULT DEAL THAT WE'VE EVER BEEN INVOLVED IN. WE'VE BEEN WORKING ON IT FOR ALMOST THREE YEARS AND THE STAFF HELD OUR FEET TO THE FIRE ON THIS DEAL AND YOU'RE LOOKING AT THE GUY THAT IS SIGNING INDEMNITIES AND GUARANTIES AND I'M WILLING TO DO IT BECAUSE I BELIEVE IN THE DEAL AND I BELIEVE IN IT BECAUSE IT'S NOT ONLY AN AFFORDABLE HOUSING COMMUNITY BUT IT'S ALSO VERY GOOD REAL ESTATE AND IT'S IN AN AREA THAT IS CHANGING EVERY DAY, IF YOU DRIVE THROUGH THERE, YOU CAN SEE IT HAPPENING, SO WE ARE JUST REAL EXCITED TO BE INVOLVED IN THIS DEAL. WE'VE GOT A GREAT PARTNER, WE'VE HAD OUR ISSUES, BUT WE'RE GOING TO GET TO THE GOAL LINE ON THIS DEAL AND EVERY ONE OF YOU, WHEN THIS THING IS DONE, CAN DRIVE BY AND BE VERY PROUD OF WHAT HAS BEEN ACCOMPLISHED ON THIS PARTICULAR PARCEL. IT'S AN AREA THAT IS GOING TO CONTINUE TO GROW AND I JUST WANT TO THANK ALL OF YOU FOR CONSIDERING THIS PARTICULAR DEVELOPMENT AND THE PARTNERSHIP THAT WE'VE -- WE'VE FORMED WITH THE HOUSING FINANCE CORP. THANK YOU.

THANK YOU, SIR. FURTHER COMMENT, QUESTIONS, BOARD? HEARING NONE, I'LL ENTERTAIN A MOTION ON AHFC TWO, COUNCILMEMBER SLUSHER, EXCUSE ME.

Slusher: OKAY. MR. HILGERS, WOULD YOU TAKE ME BACK OVER, HOW MUCH -- THE CITY'S ACTUAL INVESTMENT, TRACE OUR MONEY.

YES, SIR.

CAN YOU MOVE THAT? I CAN'T SEE YOU WHEN I'M TALKING TO YOU.

YES, SIR, I WILL TRACE OUR MONEY. MONEY.

Slusher: OKAY.

THE CITY OF AUSTIN OF COURSE HAS PROVIDED TO THE AUSTIN HOUSING FINANCE CORPORATION THROUGH THE HOUSING TRUST FUND -- FUNDS TO SUPPORT HOUSING DEVELOPMENT AND IN THIS PARTICULAR PROGRAM THE

TRUST FUND IS -- IS LIMITED TO CREATING NEW RENTAL UNITS AT OR BELOW 50% OF MEDIAN FAMILY INCOME. OUR INVESTMENT IN THIS PROJECT IS \$500,000. SO WE ARE -- WE ARE -- THAT IS THE AMOUNT OF INVESTMENT FROM THE HOUSING TRUST FUND THAT WE ARE PLACING INTO THE ACQUISITION OF THIS -- OF THIS PROPERTY, AND AS PART OF THE TRANSACTION, THE -- THE CITY WILL THEN BECOME THE OWNER -- EXCUSE ME -- THE FINANCE CORPORATION WILL THEN BECOME THE OWNER OF THE PROPERTY AND THEN WE WILL RECEIVE LEASE PAYMENTS ON THAT PROPERTY IN THE AMOUNT OF ABOUT \$28,000 A YEAR. AT THE END OF 15 YEARS, WE HAVE THE OPPORTUNITY, NOT THE REQUIREMENT, BUT THE OPPORTUNITY TO ACQUIRE THIS AS A FINANCE CORPORATION. AND SO THAT WE CAN MAINTAIN ITS AFFORDABILITY, OR IF NOT, WE WOULD END UP AT THE END OF A 50-YEAR LEASE PERIOD ENDING UP BEING THE OWNER OF THIS PROPERTY AFTER FIFTY YEARS IF WE DECIDED NOT TO PURCHASE IT FOR SOME REASON AT THE END OF THE FIFTEEN YEARS. THE TOTAL INVESTMENT THAT WE HAVE IN THE HOUSING TRUST FUND IN THIS \$17 MILLION DEAL IS \$500,000.

Slusher: OKAY. AND THEN WE'LL GET -- WHAT DID YOU SAY, 15 YEARS AT 28,000 A YEAR?

YES, SIR, THAT'S WHAT WE WOULD BE RECEIVING AS INCOME.

THEN IF THE CITY OR THE FINANCE CORPORATION CHOSE NOT TO -- TO ACQUIRE THE PROPERTY AT THAT TIME, THEN IT WOULD -- WOULD STILL GET THE LEASE PAYMENT, THOSE WOULD CONTINUE?

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

Slusher: AND THEN 15 AT 28, THAT IS ABOUT A LITTLE OVER 23 AND...

THAT'S RIGHT, THE NET PRESENT VALUE OF TODAY'S DOLLARS IS ABOUT \$600,000.

Slusher: OKAY. ALL RIGHT, SO THAT SEEMS -- ONE THING I WAS CONCERNED ABOUT, THE PRICE THAT'S BEING PAID

FOR THE LAND, IT SEEMED A LITTLE HIGH TO ME, BUT THAT ACTUALLY IS -- THAT WAS ALREADY SET UP BETWEEN THE PROPERTY OWNER AND THE DEVELOPMENT THAT'S CORRECT, THE NEGOTIATIONS BETWEEN CAMPBELL HOGUE AND THE SELLER OF THE PROPERTY WAS A PACKAGE DEAL THAT CAME TO US THAT WAS THE TRANSACTION THAT CAME TO US AS WE

Slusher:... THAT THE PROPERTY WILL PROBABLY BE AT LEAST THIS VALUABLE ON THE MARKET RIGHT NOW.

I DON'T THINK THERE'S ANY QUESTION THAT THIS PROPERTY WOULD BE AT LEAST THAT VALUABLE AT THIS POINT, AND ESPECIALLY AGAIN, AS FOLKS SAID AFTER THE -- AFTER THE PASSAGE, THIS IS A BLOCK AWAY FROM THIS AREA, AND AS YOU KNOW, WHAT IS BEING PROPOSED WITH CAPITAL METRO'S PROPERTY IN THIS AREA AND THE INCREASED PRESSURE THAT WE HAVE ON GENTIFICATION IN THIS AREA TO HAVE 136 UNITS GUARANTEED AT 50% OF BELOW MEDIAN FAMILY INCOME FOR RENTAL IS AN OPPORTUNITY THAT WE'RE VERY EXCITED ABOUT.

Slusher: RIGHT. AND TO ME THAT IS THE -- MAYBE THE ONLY WAY TO DEAL WITH GENTIFICATION IS TO PROVIDE THIS IN THE AMOUNT OF ADDITIONAL AFFORDABLE HOUSING, I'VE SAID THIS BEFORE, BUT I DON'T THINK YOU CAN ASK PEOPLE -- PROPERTY COSTS IN CERTAIN AREA THAT REMAIN WORTHLESS, I MEAN THAT REALLY GOES AGAINST SOME OF THE BASIC TENANTS OF THE COUNTRY, SO I THINK THE WAY TO DO IT IS TO FIND A WAY TO PROVIDE AFFORDABLE HOUSING, THIS IS DOING THAT, SO THANK YOU, MR. HILGER.

THANK YOU, SIR.

Mayor Wynn: FURTHER COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION ON AHFC ITEM TWO.

APPROVAL, MAYOR.

SECONDED BY COUNCILMEMBER THOMAS TO APPROVE AHFC ITEM NUMBER 2 AS POSTED. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

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

THAT IS ALL THE BUSINESS BEFORE THE FINANCE CORPORATION TODAY.

BOARD, WITHOUT OBJECTION, I'LL NOW ADJOURN THIS MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION AN CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. WE CAN NOW GO TO OUR ZONING HEARING AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS AND WELCOME MS. ALICE GLASGOW.

I'M ALICE GLASGOW DIRECTOR OF OF THE NEIGHBOR PLANNING AN ZONING DEPARTMENT, OUR ZONING CASES TODAY ARE AS FOLLOWS: WE'LL START OFF WITH THOSE ITEMS THAT ARE ON FOR SECOND AND THIRD READING. EYE NECK NUMBER 39, C 14-0122. THIS IS LOCATED AT 1111 WEST 7th STREET, THE APPLICANT IS SEEKING A CHANGE FROM MULL IF I LAMLY 4 TO SINGLE FAMILY 3 FOR TRACT 1, SINGLE FAMILY 5 NP FOR TRACT TWO. THE CONDITIONS IMPOSED ON FIRST READING HAVE BEEN IMPLEMENTED. THIS CASE IS READY FOR SECOND AND THIRD READING. ITEM NUMBER 40 IS C 14-0117. THIS PROPERTY IS LOCATED AT 509 RADAM LANE, THE APPROVAL BEFORE YOU TODAY IS FOR GRCO ZONING AS YOU APPROVED ON FIRST READING, THIS IS READY FOR SECOND AND THIRD READING. ITEM NUMBER 41. C 14-0137, ESTATES OF CANYON CREEK, THE CASE IS READY FOR SECOND AN THIRD READINGS TO IMPLEMENT MULTIFAMILY ONE ZONING CONDITION OVERLAY. IT'S READY FOR YOUR APPROVAL. ITEM NUMBER 42, C 14-0099 ZIMMERMAN ZONING, LOCATED 11108 ZIMMERMAN LANE. SIT READY FOR SECOND AND THIRD READING. ITEM NUMBER 43 C 134-0102. THE ESKEW PLACE COMMERCIAL, THIS PROPERTY IS LOCATED AT 3512-3610 SOUTH LAMAR BOULEVARD AND THE ORDINANCE IS READY FOR GR-MU -CO AND READY FOR SECOND AND THIRD READINGS. ITEM NUMBER 44. C 814-01-0038.01. WE JUST RECEIVED A REQUEST FOR FR THE NEIGHBORHOOD ASSOCIATION TO POSTPONE THIS CASE FOR A WEEK BUT YOU DO NOT HAVE A MEET NAG WEEK SO THAT WOULD REALLY TAKE YOU TO NOVEMBER 18th. THE APPLICANT'S AGENT, RICHARD SUBTLE, JUST BECAME AWARE OF IT, HE HAS A CONTRACTUAL OBLIGATION AND HE WOULD LIKE TO ADDRESS COUNCIL

REGARDING THIS POSTPONEMENT REQUEST. ITEM NUMBER 45 IS C 14-04-0012.003 WILL BE OFFERED FOR CONSENT. THE NEIGHBORHOODS HAVE REACHED AN AGREEMENT AND THEY WILL GO OVER THE AGREEMENTS THEY JUST REACHED. IT'S BEEN AN ON GOING DISCUSSION. MAYOR, WE CAN PROBABLY JUST COME BACK, I'M GOING TO READ THROUGH THEM SO YOU KNOW WHICH ARE FOR CONSENT AND WHICH NEED A LITTLE DISCUSSION. ITEM NUMBER 46, C 14-0133. LAMAR ZONING, THE ORDINANCE HAS BEEN PREPARED TO APPROVE GRCO FOR TRACT ONE AND LOCO FOR TRACT 2. MAYOR, THAT CONCLUDES THE CONSENT ITEMS UNDER THIS SEGMENT OF THE AGENDA.

MS. GLASGOW WHAT IS THE RECOMMENDATION ON CASE NUMBER 46 ORDINANCES ARE WRITTEN, DOES THAT MEAN SECOND AND THIRD READING?

ON 46 THE ORDINANCE IS READY FOR SECOND AND THIRD READING. I APOLOGIZE FOR THAT, IF I CHANGE MY FORMAT, IT CAUSES CONFUSION.

Mayor Wynn: COUNCIL, WE HAVE A RECOMMENDED CONSENT AGENDA, ACTUALLY BEFORE WE DO THAT, WE HAVE A POSTPONEMENT REQUEST ON ITEM NUMBER 44, THE NET OF THAT REQUEST WOULD BE FOR A TWO-WEEK POSTPONEMENT TO NOVEMBER 18th, 2004. I THINK THE APPLICANT'S AGENT OPPOSES THE POSTPONEMENT SO WITHOUT OBJECTION I RECOGNIZE MR. RICHARD SUBTLE TO PLEAD HIS CASE.

I'M HERE ON BEHALF OF CONTINENTAL HOME, THE APPLICANT ON THIS CASE. THIS IS CASE THAT WE'VE BEEN TALKING WITH THE NEIGHBORHOOD GROUP NEXT DOOR TO US SINCE FEBRUARY OF THIS YEAR, FILED THE CASE IN MARCH. WE'RE IN AGREEMENT ON ALL OF THE TERM, WE SENT A COPY OF THE MEMORANDUM OF UNDERSTANDING TO THE NEIGHBORHOOD GROUP ON OCTOBER 15th AND ASKED FOR THEM TO SIGN OFF ON IT. IT ESSENTIALLY ADDRESSES ISSUES LIKE 50% MASONRY, SHINGLED ROOFS THE SAME COLOR AS THEIR HOUSES AND BY THE WAY THESE ARE HOUSES THAT CONTINENTAL HOMES IS BUILDING NEXT TO THEIRS. DRIVEWAY SPACING ON PARMER AND WE'VE AGREED TO ALL OF THOSE ISSUES. THE BIND

THAT I'M IN BECAUSE THE NEIGHBORHOOD IS SAYING WE HAVEN'T GOTTEN AROUND TO LOOK AT YOUR AGREEMENT, NOW THEY'RE ASKING FOR A TWO WEEK POST POINTMENT, MY CLIENT HAS A CONTRACTUAL OBLIGATION THAT PUTS HIM IN A REAL BIND NEXT WEEK. WE'VE BEEN BEGGING THE NEIGHBORHOOD SINCE WE SENT THEM THE MOU THAT BE NEED TO GO FIRST WEEK IN NOVEMBER. THE UNFAIRNESS IN POLICY, THAT MAY BE A FUTILE ARGUMENT, I UNDERSTAND THE POLICY OF ONE POSTPONEMENT, I WALK INTO THE HEARING TEN MINUTES BEFORE THE SECOND AND THIRD READING OF A ZONING CASE THAT IS ESSENTIALLY IS AGREED TO WITH WITH AN E-MAIL THE NEIGHBORHOOD CAN BOUNCE, UNDER THIS POLICY I'M ASSUMING, CAN BOUNCE THE CASE OFF. I'M PLEADING WITH YOU SINCE THIS IS A SECOND AND THIRD READING, THE PUBLIC HEARING IS CLOSED, THE ITEMS ARE AGREED TO, WE'RE WAITING ON THEM TO LOOK AT THE DOCUMENT AND SEND IT BACK, EVERYTHING IS IN THE ORDINANCE THAT WE TALKED ABOUT AND WE AGREED TO THAT THIS CASE BE ALLOWED TO GO SECOND, THIRD READING TONIGHT WITH THE COMMITMENT THAT WE WILL BUTTON UP WHATEVER DETAILS THE NEIGHBORHOOD THINKS THERE ARE TO BE BUTTONED UP WITHIN THE NEXT COUPLE OF WEEKS. THERE WAS A REQUEST FOR POSTPONEMENT BY THE NEIGHBORHOOD GROUP LAST TIME, BUT AT THAT POINT THEN WE ALL AGREED, WELL, THERE'S NO NEED TO, BECAUSE WE CAN GO FIRST READING AND WHEN WE CAN BUTTON IT UP LATER, THE NET EFFECT IS THE NEIGHBORHOOD WON'T RESPOND BACK, THEN THEY CAN POSTPONE IT FOREVER. WITH THAT, I RESPECTFULLY REQUEST THAT WE BE ABLE TO GO SECOND AND THIRD READING TODAY WITH THE COMMITMENT FROM CONTINENTAL HOMES THEY WILL WORK THROUGH THESE DETAILS.

Mayor Wynn: MR. SUTTLE, WHAT WAS THE FIRST READING, APPROXIMATELY?

I BELIEVE IT WAS IN AUGUST. I BELIEVE IT WAS AUGUST 26th, I BELIEVE.

Mayor Wynn: COUNCIL, WE HAVE...



THANK YOU.

Mayor Wynn: WE HAVE A POTENTIAL CONFLICT OF A POSTPONEMENT REQUEST. COUNCILMEMBER McCRACKEN.

IS THERE SOMEONE FROM THE NEIGHBORHOOD HERE?

I DON'T BELIEVE SO. JUST RECEIVED AN E-MAIL FROM THEM. I DON'T BELIEVE THEY'RE PRESENT IN THE AUDIENCE.

I MEAN I GUESS THAT RAISES THE QUESTION OF HOW WOULD WE BE SURE IT WAS A VALID E-MAIL IF NO ONE IS HERE?

WELL, THEY PERSONALLY COMMUNICATED WITH THE CASE MANAGER. THAT'S -- THAT WOULD -- THAT IS THE VALIDITY, I GUESS.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

AND THEN THERE WAS NO SUCH REQUEST AT FIRST READING?

AT FIRST READING I DON'T RECALL THERE WAS ANY. THEY'VE BEEN WORKING ON THIS. THIS IS THE FIRST AMENDMENT. SO THIS DEVELOPMENT IS AN ITEM THAT THEY'VE WORKED WITH IN THE PAST AND THE FIRST AMENDMENT IS AGAIN SOMETHING THEY'LL BE NEGOTIATING ON THE MEMO OF UNDERSTANDING. AND THEY -- ACCORDING TO THEIR LETTER THEY DIDN'T REALIZE IT WAS ON TODAY BECAUSE WE DO NOT PROVIDE NOTICE FOR SECOND AND THIRD READINGS.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

I'M CERTAINLY WILLING TO CONSIDER TAKING ACTION AND GIVEN THE FACT THAT IT'S SECOND AND THIRD READING AND THE FACT THAT I THINK THAT, YOU KNOW, SOME OF THESE ISSUES HAVE BEEN WORKED OUT AND HOPEFULLY IN GOOD FAITH THE DEVELOPER WORKED THROUGH ANY OTHER ISSUES, BUT I CERTAINLY THINK THAT IT'S SOMETHING I'M WILLING TO CONSIDER.

Mayor Wynn: THE DOES THE STAFF FEEL COMFORTABLE --  
THE STAFF'S UNDERSTANDING OF AGREEMENTS THAT HAVE  
BEEN MET?

YES. WE BELIEVE IT DOES, BUT THERE ARE OBVIOUSLY  
OTHER DETAILS THAT THE NEIGHBORHOOD WANTED TO  
HAVE THE ATTORNEY REVIEW. I THINK THAT IS A MATTER OF  
GIVING THEM A MORE COMFORTABLE LEVEL THEY WANTED  
TO PURSUE. BUT THE ORDINANCE IS SATISFACTORY FROM  
OUR PERSPECTIVE.

THANK YOU.

WITHOUT OBJECTION, WE'LL LEAVE ITEM 44 ON THE  
CONSENT AGENDA FOR SECOND AND THIRD READING. THEN  
LET'S SEE, MS. GLASGOW ITEM 45?

ITEM NUMBER 45 IS THE CASE ON BURNS STREET AND THAT  
THE NEIGHBORHOOD HAS THE APPLICANT OF RECENT  
AGREEMENT AND WE'RE GOING TO GO AHEAD AND READ  
THE AGREEMENT FOR THE RECORD.

Mayor Wynn: THANK YOU.

MAYOR AND COUNCIL, GREG GUERNSEY WITH THE  
NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT.  
RIGHT NOW IT'S A PENSIVE AGREEMENT, IT'S NOT AN  
AGREEMENT AS SUCH THAT BOTH PARTIES AGREE, BUT  
THEY FIRST AGREE WE CAN GO ON FIRST READING THIS  
EVENING WITH SOME CONDITIONS AND THOSE ARE  
BASICALLY TO GO WITH THE PLANNING COMMISSION  
RECOMMENDATION WHICH WAS FOR GR-MU-CM-NP AND  
THAT BASICALLY THE COMMISSION ADOPTED THE STAFF  
RECOMMENDATION WHICH LISTED MANY PROHIBITIVE USES  
BUT IN ADDITION THERE WOULD BE AN AGREEMENT TO  
PROHIBIT RESTAURANT GENERAL, RESTAURANT LIMITED,  
INDOOR SPORTS AND RECREATION, INDOOR  
ENTERTAINMENT AND RESEARCH SERVICES AS ADDITIONAL  
PROHIBITED USES THAT ACCESS THE PROPERTY OWNER  
WHICH OWNS THIS PROPERTY AND THE PROPERTY TO THE  
NORTH WHICH HAS BEEN PART OF MUCH DISCUSSION  
WOULD BE LIMITED TO AN EMERGENCY ACCESS TO BURNS  
STREET ONLY, ONLY FIRE, E.M.S. VEHICLES COULD GO BACK

AND FORTH ON TO BURNS STREET, ALSO THE APPLICANT HAS AGREED TO PROVIDE A FIVE FOOT LANDSCAPE BURM ADJACENT TO BURNS STREET, THIS WOULD BE THE RIGHT OF WAY GOING BACK FIVE FEET AND THEN THERE WOULD BE A FENCE THAT WOULD BE LOCATED ALONG AND PARALLEL TO BURNS STREET. NOT ONLY ON THIS PROPERTY BUT AS OFFERED IN THE FORM OF A COVENANT THAT WOULD HAVE TO BE DRAFTED, THE ADJOINING PROPERTY TO THE NORTH, SO THIS COULD ONLY BE TAKEN AT FIRST READING. WE WOULD HAVE TO WORK WITH OUR LAW DEPARTMENT TO CREATE THE LANGUAGE AND THESE ITEMS I UNDERSTAND IT THAT THE APPLICANT HAS AGREED TO, FOR LIMITING ACCESS, WOULD BE AT SUCH TIME I GUESS THAT REDEVELOPMENT WOULD OCCUR. THEY COULD NOT -- THE APPLICANT HAS A PLAN TO DEMOLISH SOME OF THE OTHER OLDER METAL BUILDINGS ON THE PROPERTY, CONSTRUCTION NEW BUILDINGS AND A PARKING LOT, DO ALL THE LANDSCAPING AND AT THAT TIME THEY WOULD PROHIBIT THE ACCESS WHICH WOULD HAVE THE CONFINED GATE THAT ONLY THE POLICE AND E.M.S. AND FIRE -- EMERGENCY SERVICES COULD ACCESS. SO IF COUNCIL WOULD LIKE TO INDULGE THAT, THEN WE COULD MOVE FORWARD, PREPARE THOSE DOCKS. THE NEIGHBORHOOD WOULD LIKE TO GO BACK BECAUSE THE PROPOSAL TO LIMIT ACCESS TO BURNS WAS ONLY RAISED JUST MOMENTS BEFORE THE MEETING AND THEY WOULD LIKE TO TALK TO THEIR MEMBERSHIP AGAIN AND THIS WOULD GIVE THEM AN OPPORTUNITY TO LOOK AT THAT AND STILL MOVE FORWARD WITH BOTH PARTIES MOVING FORWARD TOWARD SOME AGREEMENT POSSIBLY. SO WITH THAT, THEY WOULD ALLOW IT TO GO ON CONSENT BOTH SIDES.

I -- WE TALKED TO -- MESS HN MS. MEADE. I THINK THIS IS A PROPERTY PARTLY IN THE BARTON SPRINGS ZONE, PARTLY NOT ON SOUTH LAMAR. THE NEIGHBORHOOD HAS BEEN VERY COOPERATIVE. IF IT APPLIES TO S.O.S., I WANTED TO MAKE SURE, I WANTED TO MAKE SURE THAT IT'S NOT VISIBLE, MR. MURPHY RECOMMENDED NOT LIMITING THE DEVELOPMENT TO THE PART THAT'S IN THE BARTON SPRINGS ZONE BEYOND WHAT IT WOULD ALREADY BE LIMITED BY THE -- BY THE SAVE OUR SPRINGS ORDINANCE. THAT WOULD PROTECT THE WATER QUALITY. WHAT I WOULD

LIKE TO DO IS I JUST ASKED YOU ABOUT THIS, PERHAPS I SHOULD HAVE DONE THAT EARLIER. I DON'T KNOW IF YOU HAVE BEEN ABLE TO GET AGREEMENT, BUT WHAT I WOULD LIKE TO DO IS MAKE THIS ON SECOND READING WITH THAT ADDITION AND THEN ASK OUR STAFF TO DID A LOOK AT THAT AND SEE IF THAT WOULD BE VISIBLE FROM THE GREENBELT.

COUNCILMEMBER, MICHAEL MEADE -- MIKHAIL MEADE, WE WERE JUST DISCUSSING THAT. WE THINK THAT MAY WORK. WE STILL HAVE THE ISSUE OF TRYING TO MEANDER AROUND TREES AND FIGURE OUT HOW THAT WOULD AFFECT THE DEVELOPMENT. I DON'T HAVE THE ANSWER FOR YOU TODAY ABOUT WHETHER WE COULD AGREE TO ALL OF THE CONTRIBUTING ZONE, BUT IT DOES SOUND LIKE THERE IS SOMETHING THAT WE COULD DO, WE CAN PROBABLY GET THERE. WE ARE ALSO TALKING ABOUT LOOKING AT, WE ALL REALIZED WE DON'T HAVE TIME TO DO THAT TODAY, BUT LOOKING AT HOW THE COMPATIBILITY STANDARDS ALREADY AFFECT US, SF 2 TO THE REAR OF US, WE WILL LOOK AT ALL OF THOSE ISSUES. WE THINK IT PROBABLY IS APPROPRIATE FOR THIS TO I GUESS COME BACK FOR FINAL READING HOPEFULLY IN TWO WEEKS.

Slusher: I WAS GOING TO SAY THAT MYSELF, MS. GLASGO, IF WE COULD GET IT BACK IN TWO WEEKS BECAUSE THEY HAVE BEEN PATIENT. I WOULD LEAVE IT AT WHAT WE PASSED ON FIRST READING, KEEPING THE DISCUSSION IN MIND THAT WE ARE GOING TO TRY TO WORK SOMETHING OUT. THAT WOULD BE WONDERFUL. THAT WOULD BE SECOND READING ON 43 MAYOR.

Mayor Wynn: ITEM 43 WILL BE SECOND READING ONLY AND TECHNICALLY ITEM 45 FIRST READING ONLY WITH ADDITIONAL CONDITIONS.

Slusher: I WANTED TO SAY ON 45, I'M NOT THERE YET ON THAT. BUT THE WAY THAT THE NEIGHBORHOOD AND APPLICANT OR THE OWNER ARE GOING TO KEEP TALKING, I CAN SUPPORT THAT ON FIRST READING.

MAYOR WYNN: I WILL SECOND THE MOTION TO APPROVE THE CONSENT AGENDA AS READ, FURTHER COMMENTS?

HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

Slusher: WHO MADE THAT MOTION?

Mayor Wynn: YOU DID.

Slusher: OKAY. I DIDN'T QUITE DO THAT, BUT I GUESS I'LL LET THAT STAND.

Glasgo: WE ARE READY TO PROCEED TO THE 4:00 PUBLIC HEARINGS, THESE ARE ITEMS ON YOUR AGENDA FOR THE FIRST TIME FOR PUBLIC HEARING EXCEPT THE RAINY CASES. ITEMS Z-1 THROUGH 8 RAINEY STREET AREA, ALL DISCUSSION, I WILL KEPT TO Z-9, FIRST CONSENT ITEM UNDER THE NUMBER HEARING ITEMS, C14-04-141, GRANDVIEW HILLS, LOCATED ON NORTH F.M. 620 AT WILSON PARKE AVENUE, CURRENTLY ZONED INTERIM RURAL RESIDENTIAL, THE APPLICANT IS SEEKING GR CO, WHICH STANDS FOR COMMUNITY COMMERCIAL CONDITIONAL OVERLAY. THE ZONING AND PLATTING COMMISSION RECOMMENDS THE APPLICANT'S REQUEST AND THIS CASE IS READY FOR ALL THIRD READINGS. Z-10 C14-04-142, THIS PROPERTY IS LOCATED AT 639 WEST DITMAR ROAD, WE JUST RECEIVED A LETTER FROM AN ADJOINING PROPERTY OWNER WHO WOULD LIKE TO REQUEST A POSTPONEMENT TO NOVEMBER THE 18th, THE APPLICANT CONCURS WITH THAT POSTPONEMENT REQUEST. Z-11, C14-04-158, THE GUADALUPE FLATS, LOCATED AT 4525 GUADALUPE STREET, THE EXISTING ZONING IS MULTI-FAMILY 4, THE APPLICANT IS SEEKING GR-MU-CO WHICH STANDS TO COMMUNITY COMMERCIAL MIXED USE WITH A CONDITIONAL OVERLAY. THE PLANNING COMMISSION HAS RECOMMENDED THIS CHANGE IN ZONING AND THIS CASE IS READY FOR FIRST READING. ITEM NO. Z-12, C14-04-143, LOCATED AT 401 THROUGH 405 EAST RUNDBERG LANE, THE CHANGE IN ZONING FROM SINGLE FAMILY 3 TO G.O.-CO, GENERAL OFFICE WITH A CONDITIONAL OVERLAY. THE APPLICANT'S REQUEST IS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION. THIS CASE IS READY FOR FIRST READING.

ITEM NO. Z-13, C14-04-104, PARKSIDE AT SLAUGHTER CREEK. THE PROPERTY IS LOCATED AT 10001 SOUTH I-35. THE APPLICANT IS SEEKING A CHANGE FROM INTERIM RURAL RESIDENTIAL TO GS, COMMUNITY COMMERCIAL. THE ZONING AND PLATTING COMMISSION RECOMMENDS THAT WITH A CONDITIONAL OVERLAY. AND THAT CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-14, C 814-99-1.03, THE AVERY RANCH P.U.D., STAFF REQUESTING A POSTPONEMENT TO NOVEMBER THE 18th TO ALLOW THIS CASE TO BE HEARD WITH A RESTRICTIVE COVENANT THAT'S GOING TO ACCOMPANY THIS CASE. ITEM NO. Z-15 -- ITEMS ACTUALLY Z-15 THROUGH Z-18 ARE THE CHAMPION CASES AND THE NEIGHBORHOOD ASSOCIATION IS REQUESTING A POSTPONEMENT TO DECEMBER THE 2nd AND ALL PARTIES AGREE TO THE POSTPONEMENT REQUEST. IT'S THE FIRST REQUEST. ITEM NO. Z-19, C14-04-118, THIS PROPERTY IS LOCATED AT 204 THROUGH 206 WEST STASSNEY LANE, THE APPLICANT IS SEEKING A CHANGE FROM SINGLE FAMILY 2 AND SINGLE FAMILY 3 TO GR ZONING. THAT REQUEST WAS RECOMMENDED BY THE PLANNING COMMISSION, THE COMMISSION ADDED GR-MU-CO THIS CASE IS READY FOR FIRST READING AS RECOMMENDED BY THE PLANNING COMMISSION. THIS CASE IS IN THE PLANNING AREA, THAT'S WHERE THE PLANNING COMMISSION RECOMMENDED ON THIS CASE. ITEM NO. Z-20 WILL BE A DISCUSSION ITEM. Z-21, WE RECEIVED A LETTER FROM THE NEIGHBORHOOD ASSOCIATION FIRST REQUEST, SEEKING A POSTPONEMENT TO DECEMBER THE 2nd. ALL PARTIES AGREED TO THIS POSTPONEMENT REQUEST. THAT CONCLUDES MY PRESENTATION ON -- ON THE ZONING ITEMS.

Goodman: MAYOR?

Mayor Wynn: MAYOR PRO TEM?

CAN I ASK ALICE A QUESTION ABOUT STASSNEY? WHAT NEIGHBORHOOD -- WHAT NAKED IS PLANNING THERE?

THE -- THE -- I'M SORRY, FOR THE -- FOR THE ONE THAT I MUST JENNINGSSED Z -- THAT WOULD BE SOUTH -- LET ME CHECK MY REPORT TO YOU. GIVE ME MY -- MY -- Z-19th Z-19th, LET ME CHECK. I WILL GIVE YOU THE NAME OF THE PLANNING AREA. [INDISCERNIBLE] AREA OF -- SOUTH OF

CONGRESS AVENUE. EXACT BOUNDARIES TO THE SOUTH.

Goodman: WHEN DID THEY GET ON THE LIST?

I'M SORRY, WHO --

WHAT DID THEY GET OR WHEN DID THEY START THIS THEM?  
WE STARTED THEM I THINK THIS SUMMER.

Goodman: THAT'S VERY FAR SOUTH. HAS EVERYBODY NORTH  
OF THEM BEEN DONE.

Glasgo: CURRENTLY WE ARE PLANNING PRETTY MUCH  
EVERYTHING DOWN THAT WAY, RIVERSIDE DRIVE, THIS YEAR  
FOCUSING ON THE SOUTH, EVERYTHING SOUTH OF  
RIVERSIDE DOWN THAT WAY. THAT'S HOW FAR WE ARE  
GOING TO YEAR, CURRENTLY.

Goodman: MORE OF A CORRIDOR.

Glasgo: PRETTY MUCH ALL OF THE CORRIDORS FROM SOUTH  
-- GOING THAT FAR, THAT'S WHERE WE ARE THIS YEAR.

Goodman: WHERE DOES IT STOP?

Glasgo: I DON'T HAVE A BIG MAP WITH ME TO GIVE YOU THE  
SPECIFIC INFORMATION THAT I -- BUT I CAN SEND THAT TO  
YOU.

Goodman: OKAY. BECAUSE -- BECAUSE THAT CORRIDOR  
IMPACTS MANY MORE THAN THE NEIGHBORHOODS THAT  
ARE AROUND IT. SO I KNOW A LOT OF NEIGHBORHOODS  
WOULD BE INTERESTED IN -- IN CORRIDOR PLANNING. AND  
ISSUES THAT AFFECT ALL OF US. IMLS WE WILL GET THAT.  
GOODS WE TRIED TO COMBINE THE AREAS TO CAPTURE THE  
OTHER SIDE, WE HAD A GOOD TURNOUT AT THE FIRST  
WORKSHOP. I WILL GET THE INFORMATION FOR THE  
BOUNDARIES TO YOU. > MAYOR WYNN: THANK YOU MAYOR  
PRO TEM. COUNCIL, THE CONSENT AGENDA ON OUR PUBLIC  
HEARINGS ZONING CASES WILL BE -- CASE NUMBER Z-9  
APPROVED ON ALL THREE READINGS, Z-10 POSTPONED TO --  
TO NOVEMBER 18th, 2004, Z-11 AND Z-12 APPROVED ON FIRST  
READING ONLY, Z-3 APPROVED ON ALL THREE READINGS. Z-

14 POSTPONED TO NOVEMBER 18th, 2004. THE CHAMPION CASE ZONING CASES Z-15 THROUGH Z-18, TO BE POSTPONED TO DECEMBER 2nd, 2004. Z-19, APPROVED ON FIRST READING ONLY AND Z-21 TO BE POSTPONED TO DECEMBER 2nd, 2004. I'LL ENTERTAIN A MOTION THAT INCLUDES CLOSING THE PUBLIC HEARINGS. MOTION MADE BY COUNCILMEMBER DUNKERLY. SECONDED BY COUNCILMEMBER MCCracken TO CLOSE THE PUBLIC HEARINGS AND APPROVE THE -- THE ZONING CONSENT CASES AS READ. FURTHER COMMENTS? MAYOR PRO TEM?

Goodman: WILL YOU SHOW ME VOTING NO ON STASSNEY.

Mayor Wynn: WHICH CASE NUMBER IS THAT?

Goodman: Z-19.

Mayor Wynn: DO YOU HAVE THAT? THANK YOU.

Goodman: I'LL ARGUE MY CASE NEXT TIME.

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

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0 WITH THE MAYOR PRO TEM VOTING NO ON ITEM Z-19. FIRST READING ONLY. THANK YOU ALL VERY MUCH.

Glasgo: MAYOR, THAT TAKES US BACK TO THE DISCUSSION ITEM, WHICH WILL BE THE RAINY STREET CASES UNDER THE EARLIER PART OF OUR ZONING AGENDA.

Mayor Wynn: MS. GLASGO, COUNCIL, WITHOUT OBJECTION I THINK THAT WE'RE GOING TO LOSE COUNCILMEMBER MCCracken FOR A FEW MINUTES, PERHAPS JUST DURING THE BREAK. MY INSTINCT IS THAT CASE NUMBER Z-20 COULD BE TAKEN CARE OF IN SHORTER -- MUCH SHORTER ORDER LIKELY THAN THE RAINEY STREET ZONING CASES, PERHAPS WE CAN TAKE UP THAT DISCUSSION ITEM AND HAVE THAT CONCLUDED BEFORE THE 5:30 BREAK. AND THEN LIKELY WE



WILL HAVE A FULL COUNCIL BY THE TIME WE TAKE UP THE RAINEY STREET CASES. WITHOUT OBJECTION, LET'S TAKE UP CASE Z-20.

Glasgo: OKAY. ITEM NO. Z-20 IS CASE NUMBER C14-04-100, LOCATED AT OLD LAMPASAS TRAIL, LOT 206789 CURRENTLY REZONED INTERIM SINGLE FAMILY 2, THE ADDRESS IS 9001 OLD LAMPASAS TRAIL. THE PROPERTY, THE APPLICANT IS SEEKING A CHANGE TO LIMITED OFFICE. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT THE ZONING CHANGE AND SO IS STAFF'S RECOMMENDATION. THIS PROPERTY WAS ANNEXED IN DECEMBER OF 2003 INTO THE CITY LIMITS AND DURING ANNEXATIONS WE DO OFFER PROPERTY OWNERS WITHIN A YEAR TO COME IN AND SEEK PERMANENT ZONING WITHOUT A FEE AND THAT'S WHAT THIS OLYMPIC IS DOING. SEEKING A ZONING CHANGE IN ORDER TO TAP INTO THAT INCENTIVE. THE PROPERTY WAS DEVELOPED OUTSIDE THE CITY LIMITS. THERE IS A TELECOMMUNICATION TOWER ON THE NORTHWEST CORNER OF THE SITE. THE REMAINDER OF THE SITE CONSISTS OF UNDEVELOPED LAND. THE -- THE PROPERTY TO THE -- TO THE EAST OF THE -- TO THE NORTH OF THE SUBJECT TRACT HAS THE ELECTRIC SUBIZATION THAT IS ZONED BY PEDERNALES ELECTRICITY, THERE'S SOME CONDOMINIUMS TO THE WEST OF THE ASSUMPTION TRACT. THE -- THE REST OF THE AREA IS -- IS UNDEVELOPED WITH SOME STANDARD RESIDENTIAL DEVELOPMENTS THAT YOU CAN SEE TO THE SOUTH OF THE MAP, TO GIVE YOU AN IDEA OF WHERE YOUR RESIDENTIAL AREAS ARE IN RELATIONSHIP TO THE SUBJECT TRACT. THE COMMISSION AND STAFF RECOMMEND THE ZONING CHANGE AND I'LL JUST PAUSE HERE AND RESPOND TO QUESTIONS AFTER YOU'VE HEARD FROM THE APPLICANT FROM THE SPEAKERS. THANK YOU.

Mayor Wynn: THANK YOU, MS. GLASGO. SO ... COUNCIL, WE WILL NOW HAVE OUR PUBLIC HEARING ON CASE NUMBER Z-20. THE REMINDER IS OUR PROCESS IS WE WILL HAVE A FIVE MINUTE PRESENTATION FROM THE OWNER, APPLICANT OR AGENT, THEN HEAR FROM FOLKS WHO SIGNED UP TO SPEAK IN FAVOR OF THE ZONING CASE, 3 MINUTES APIECE. THEN WE'LL HEAR FROM FOLKS IN OPPOSITION TO THE ZONING CASE, ALSO 3 MINUTES APIECE, THE APPLICANT WILL HAVE

ONE THREE MINUTE REBUTTAL. AT THIS TIME WE WOULD LIKE TO HAVE A FIVE MINUTE PRESENTATION BY THE APPLICANT. AND/OR THE AGENT. IT PODIUM, YES, SIR. EITHER PODIUM, YES, SIR. WELCOME, SIR FIVE MINUTES.

YEAH, WELL, I WON'T TAKE FIVE MINUTES, I DON'T BELIEVE. THIS PIECE OF PROPERTY IS NEXT DOOR TO PEDERNALES ELECTRIC COOPERATIVE SUBSTATION. I PREVIOUSLY E-MAILED YOU PICTURES OF THE -- OF THE SITE ALONG WITH THE CELL TOWER THAT IS LOCATED RIGHT IN HERE. [INDISCERNIBLE] THE DEVELOPER -- THAT DEVELOPED THIS PROPERTY IS NOT INTERESTED IN THAT AS RESIDENTIAL BECAUSE OF THE SIZE AND THE -- THE LOCATION OF IT. IT'S A VERY SMALL TRACT. THE -- THE BUILDOUT ON THE TRACT AS AN OFFICE WOULD BE A VERY SMALL OFFICE. I'M A PROFESSIONAL, I'M A CPA, MY HOME IS OVER HERE, IT'S POSSIBLE THAT I MIGHT IN A FEW YEARS BUILD A BUILDING OVER THERE AND OFFICE THERE MYSELF. I KNOW IT'S A LITTLE HARD TO WORK ON THESE KINDS OF REQUESTS WHEN YOU DON'T HAVE A USER AND I DO NOT CURRENTLY HAVE A USER. I DON'T REALLY INTEND AT THIS POINT TO DO ANYTHING WITH THE PROPERTY IMMEDIATELY. BUT BECAUSE OF THE ONE YEAR DEAL AND I CAME INTO THE CITY, I THOUGHT WELL I'LL COME DOWN AND SEE WHAT I CAN DO. I HAVEN'T HIRED ANY LOBBYISTS AND IT'S JUST ME TRYING TO MAKE REASON PREVAIL ABOUT WHAT THIS PROPERTY WILL ULTIMATELY BE USED FOR IN MY OPINION. THAT'S REALLY ABOUT ALL THAT I HAVE TO SAY UNLESS YOU ALL HAVE OTHER QUESTIONS.

Mayor Wynn: QUESTIONS OF THE APPLICANT, COUNCIL? THANK YOU, SIR, YOU'LL HAVE A CHANCE TO REBUT IF WE HEAR SOME COMMENTS LATER. AT THIS TIME WE WILL HEAR FROM FOLKS SIGNED UP IN FAVOR OF THIS ZONING CASE. SORRY, BUT CHANCE WERE YOU MR. WHEELER. YOU ARE JOE WHEELER, THANK YOU, YOU'RE OUR APPLICANT. AT THIS TIME THE FOLKS -- NO FOLKS SIGNED UP IN FAVOR OF THIS CASE. A FEW CARDS IN OPPOSITION. FIRST CARD IS MR. HOWELL MEYER. WELCOME, 3 MINUTES.

MAYOR WYNN, MAYOR PRO TEM GOODMAN AND COUNCILMEMBERS, MY NAME IS HAL MEYER, PRESIDENT OF THE UPPER BULL CREEK NEIGHBORHOOD ASSOCIATION. WE

ARE 10 FAMILIES WHO OWN 80 ACRES ALONG THE OLD LAMPASAS TRAIL CORRIDOR. TEASE FAMILIES AND OUR ACREAGE BORDER THE HEAD WATERS OF BULL CREEK AS YOU CAN SEE FROM THE MAP. CAN HE COLLECTIVELY REPRESENT OVER 100 YEARS OF NEIGHBORHOOD OWNERSHIP ALONG BULL CREEK. WE RESPECTFULLY AND ADAMANTLY OPPOSE THE APPLICATION TO REZONE TO LIMITED OFFICE. AN OFFICE STRUCTURE OF ANY SIZE OR SHAPE AND THE TRAFFIC, PARKING AND SAFETY CONCERNS THAT COME WITH IT DOES NOT SUPPORT PRESERVING THE INTEGRITY OF THE NEIGHBORHOOD THAT I HAVE DESCRIBED. EVEN THOUGH THE TRANSPORTATION REVIEWER STATES THAT THE LAMPASAS TRAIL IS DESIGNATED AS A COLLECTOR STREET, BASED ON ITS WIDTH, IT'S LESS THAN A MILE IN LENGTH, HAS AN S CURVE DESIGN, DECREASES IN WIDTH AND IS A DEAD-END STREET. IT ALSO SETS A PRECEDENCE FOR OTHER LIMITED OFFICE AND/OR COMMERCIAL PROPERTIES, WHICH WOULD IRREVERSIBLY DEGRADE AND DEVALUE OUR NEIGHBORHOOD. ONCE ITS DONE NEITHER YOU NOR ANY OF OUR NEIGHBORS CAN CHANGE IT BACK. THAT NEIGHBORHOOD IS GONE FOREVER. THE OLD LAMPASAS TRAIL CORRIDOR AND ALL OF THE SURROUNDING AREAS, RESIDENTIAL IN NATURE AND CHARACTER, IT IS A UNIQUE NEIGHBORHOOD WITH A STRONG RURAL CHARACTER TO IT. ON SEPTEMBER 21st, THE PROPOSED REZONING WAS REVIEWED BY THE NEIGHBORHOOD PLANNING AND ZONING COMMISSION. TWO MOTIONS WERE PRESENTED, BOTH FAILED, 6-2 AND 6-1. THAT SIGNALS A CLEAR AND CORRECT MESSAGE THAT THE OLD LAMPASAS TRAIL CORE DOOR SHOULD MAINTAIN ITS CHARACTER, QUALITY OF ENVIRONMENT, SAFETY IN OUR NEIGHBORHOOD. THE APPROVAL TO REZONE TO LIMITED OFFICE COMPROMISES WHAT OUR NEIGHBORHOOD AND WHAT ALL NEIGHBORHOODS THROUGHOUT OUR CITY VALUE, A SENSE OF PRIDE, SAFETY AND SECURITY, QUIET AND SERENE LOCATION FOR HOMES, FAMILIES, CHILDREN PLAYING. WE OPPOSE THE REZONING TO SINGLE FAMILY TO LIMITED OFFICE AND YOU HAVE IN YOUR PACKETS THOSE FAMILIES WHO OPPOSE THE REZONING, SIGNATURES, ALONG WITH PERSONAL LETTERS FROM EACH OF THOSE FAMILIES. ALSO THE SIGNATURES OF THREE ADDITIONAL NEIGHBORHOOD

ASSOCIATIONS, ALSO OPPOSING THE REZONING. THE -- THE FIRM [INDISCERNIBLE] FROM THE SPICEWOOD ESTATES HOMEOWNERS, GLORIA AND BRYAN MASSEY, I DO APPRECIATIVE THE RESPONSIVENESS OF THE COUNCIL IN THEIR ASSESSMENT IN THIS PARTICULAR CASE, MY MEETING WITH YOUR STAFF TO SHARE THE CONCERNS OF OUR NEIGHBORHOOD. THANK YOU FOR YOUR TIME AND CONSIDERATION.

Mayor Wynn: THANK YOU, MR. MEYER, NEXT SPEAKER IS FRANK DEGENIS, SORRY IF I'M MISPRONOUNCING THAT. WELCOME, SIR, THREE MINUTES.

THANK YOU. HONORABLE MAYOR, COUNCILMEMBERS. THANK YOU FOR GIVING US THE OPPORTUNITY TO EXPRESS OUR CONCERN ON THIS CASE. MY NAME IS FRANK GENIS, I'M A PROPERTY OWNER ON OLD LAMPASAS TRAIL. WE ARE HERE TO EXPRESS OFFICIALLY RECORD OUR OPPOSITION TO THIS ZONING REQUEST. THE PARCEL IN QUESTION IS LOCATED ON OLD LAMPASAS TRAIL JUST WEST OF SPICEWOOD SPRINGS ROAD. A ROAD THAT ENDS AT THE BCCP GATE, WHICH IS BALCONES CANYON LAND GATE LESS THAN A MILE FROM THE PROPOSED SITE. IT IS LOCATED IN A VERY SENSITIVE AREA WITHIN THE BULL CREEK WATERSHED, ADJACENT TO BULL CREEK PROPER. WE OWN 11-ACRES ON OLD LAMPASAS TRAIL. JUST WEST OF THE SUBJECT TRACT. WE APPLIED FOR AN SF 1 ZONING, ONE ACRE LOT MINIMUM, HOWEVER THE CITY REJECTED OUR REQUEST AND IMPOSED A MINIMUM OF 2.5-ACRES OVERLAY. WE WERE TOLD THE OVERLAY WAS REQUIRED DUE TO THE SENSITIVE -- DUE TO THE SENSITIVE NATURE OF THIS WATERSHED AREA. HOWEVER, WITHIN THE SAME TIME FRAME, UNKNOWN TO US, AN SF 6 ZONING WAS GRANTED NEXT DOOR. WE ARE STILL AMAZED AT THAT PROCESS. HOWEVER, THEY ARE STILL VERY LARGE TRACTS UNDEVELOPED IN THIS AREA. COMMERCIAL ZONING IN THIS AREA, EVEN THOUGH IT'S A VERY SMALL PARCEL, WILL SET A PRECEDENT, WILL HAVE DISASTROUS, REVERSIBLE EFFECTS THAT WILL SEVERELY DEGRADE THE SENSITIVE BULL CREEK WATERSHED AND THIS NEIGHBORHOOD AS A WHOLE. WE ARE ASKING THE COUNCIL TO PLEASE VOTE CONSISTENTLY AND IN SUPPORT OF THE ZONING PLANNING COMMISSION'S RECOMMENDATION TO DENY ANY

COMMERCIAL ZONING IN THIS NEIGHBORHOOD. THIS NEIGHBORHOOD IS 100% RESIDENTIAL. IT IS LOCATED ON A VERY SMALL DEAD END STREET. IT SHOULDERS THE BCCP LANDS AND BULL CREEK PROPER. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. DR. THOMAS LOWRY. WELCOME, YOU'LL HAVE THREE MINUTES. [INAUDIBLE - NO MIC]

Mayor Wynn: FAIR ENOUGH.

MAYOR WINN, MAYOR PRO TEM GOODMAN, COUNCILMEMBER, I'M TOM LOWRY VICE-PRESIDENT OF THE UPPER BULL CREEK NEIGHBORHOOD ASSOCIATION. AS A LONG-TIME HOME OWNER ON OLD LAMPASAS TRAIL IN THE UPPER BULL CREEK VALLEY I AM STRONGLY AGAINST THE PROPOSED REZONING AND THE CONSTRUCTION OF -- OF AN OFFICE BUILDING AND PARKING LOT IN THE MIDDLE OF A RESIDENTIAL NEIGHBORHOOD. LET ME REFER TO THE MAP HERE. THE RED DOTS ON THIS MAP, I BELIEVE THAT YOU HAVE A SIMILAR MAP IN YOUR PACKET, ARE HOMES. IT'S A RESIDENTIAL AREA. THE GREEN BORDER AREAS ARE PARKLAND. THE YELLOW AREAS ARE CHURCH AND CITY LAND. THE WHITE AREAS ARE RANCH LAND AND HABITAT. THE RECOLLECTION SUBSTATION I COLORED PINK. THE SUBJECT LOT IS THE RED IN THE CENTER. THERE IS NO WAY THAT A COMMERCIAL BUILDING CAN FIT INTO THE RURAL AND RESIDENTIAL CHARACTER OF THIS AREA. AS MR. MEYER JUST STATED, THIS IS A COMPLETELY RESIDENTIAL AND PARK AREA. AN OFFICE BUILDING WOULD CREATE PROBLEMS AND TRAFFIC CONGESTION ON A NARROW, WINDING, TWO-LANE ROAD, WOULD INCREASE NOISE AND AIR POLLUTION FROM OVER AN ESTIMATED 100 VEHICLE TRIPS EACH DAY. AND WOULD INCREASE STORM RUNOFF INTO BULL CREEK FROM A MULTI-CAR PARKING LOT. INCREASED STORM RUNOFF FROM A PARKING LOT LARGE ENOUGH TO SERVICE AN OFFICE BUILDING WOULD ENDANGER THE WATER QUALITY OF BULL CREEK, WHICH, AS YOU KNOW, IS ALREADY COMPROMISED BY DEVELOPMENT UPSTREAM. BULL CREEK IS A MAJOR SOURCE OF DRINKING WATER FOR OUR CITY. AND WE IN OUR NEIGHBORHOOD FIGHT HARD TO PROTECT THE QUALITY OF THAT WATER. A COMMERCIAL BUILDING WOULD ALSO PROVIDE UNRESTRICTED WEEKEND PARKING FOR PERSONS WISHING

-- WISHING TO TRESPASS ON PRIVATE LAND AND GAIN ACCESS TO THE CREEK. THIS IS ALREADY A PROBLEM. THE OPENER OF THIS PROPERTY HAS -- OWNER OF THIS PROPERTY HAS EXPRESSED TO ME AND PERHAPS TO OTHERS AN INTEREST IN SELLING THIS LOT TO BE DEVELOPED FOR OUR RESIDENTS. I HAVE RESPONDED TO HIM WITH SOME SUGGESTIONS AND IDEAS ABOUT HOW THIS MIGHT BE MOVED FORWARD. THERE IS AMPLE OFFICE SPACE AVAILABLE JUST THREE MINUTES UP SPICEWOOD SPRINGS ROAD, MAKING A COMMERCIAL VENTURE IN THIS LOCATION TOTALLY UNNECESSARY. AN OFFICE BUILDING IN THIS LOCATION OFFERS NO BENEFITS TO OUR NEIGHBORHOOD. IN SHORT, THE PLACING OF COMMERCIAL ZONING [BUZZER SOUNDING] IN THE CENTER OF A RESIDENTIAL AREA WITH A STRONG RURAL AND PRESERVED CHARACTER MAKES NO SENSE AND I ASK YOU TO SUPPORT THE STRONG RECOMMENDATION OF THE ZONING AND PLATTING COMMISSION, NOT TO GRANT THIS ZONING CHANGE. THANK YOU.

Mayor Wynn: THANK YOU, DOCTOR LOWRY. COUNCIL THAT CONCLUDES ALL OF THE PEOPLE IN OPPOSITION, MR. WHEELER YOU HAVE A THREE MINUTE REBUTTAL.

I BELIEVE STAFF GOT IT RIGHT THE FIRST TIME, THEY STUDIED IT, THEY LOOKED AT IT, THEY DO FOR FOR A LIVING. THEY REPRESENTED LO. I -- RECOMMENDED L.O. I NEVER GOT THE OPPORTUNITY TO TRY TO DO A COMPROMISE BECAUSE THE NEIGHBORHOOD GROWN WAS COMPLETELY UNBENDING. THEY -- THEY FIRST TIME I WANTED TO MEET WITH THEM, THEY WAITED UNTIL THE LAST DAY BEFORE THE PLANNING COMMISSION. WE POSTPONED. WE CAME AND MET WITH STAFF. AT THAT TIME IT LOOKED LIKE THEY WERE GOING TO, YOU KNOW, APPROVE OF A -- OF A COMPROMISE SOLUTION. THEN THEY TOLD ME THE DAY BEFORE THE -- THE DELAYED PLANNING COMMISSION HEARING THAT THEY WERE UNANIMOUSLY OPPOSED. ONE OF THE PEOPLE HAD SWITCHED THEIR VOTES. SO THAT'S WHERE THEY CAME FROM. COMPLETELY UNCOOPERATIVE ABOUT ANY COMPROMISE AT ALL. MR. LOWRY STATED THAT I HAVE OFFERED THE LOT FOR SALE AS A RESIDENCE. WELL, THAT CAME FROM THE PLANNING COMMISSION. WHEN HE WAS ASKED DIRECTLY IF HE WOULD LIVE THERE AND BUILD A

HOUSE AND IF HE WOULD LIVE ON THIS LOT. HE STATED AT THE TIME THAT HE WOULD. THAT WAS A PROPOSAL THAT I MADE TO MR. LOWRY. IT WAS FOR HIM AND HE DID NOT -- HE WOULD SHOW NO INTEREST AT ALL IN LIVING THERE. BUT HE STATED FOR THE RECORD THAT HE WOULD LIVE THERE. I REALIZE THAT THIS IS A POLITICALLY CHARGED EVENT. I BELIEVE THAT -- THAT THEIR COMMENTS ABOUT -- ABOUT THE DESTRUCTION OF THE ENVIRONMENT AND ALL OF THAT, WHEN YOU LOOK AT WHAT THE -- WHAT THE ACTUAL BUILDING AND BUILDOUT OF THIS TRACT COULD BE, IT'S GOING TO BE TINY. AND THE -- THE REGULATIONS THAT THE CITY OF AUSTIN HAS IN PLACE NOW CAN VERY ADEQUATELY PROTECT THE ENVIRONMENT IN THIS AREA. THE -- THE THOUGHT OF THEM -- OF HAVING AN OFFICE BUILDING THAT WOULD ALLOW TRESPASSERS TO GET ON TO THEIR PROPERTY IS -- IS SPECIOUS. THERE'S NO -- THERE'S -- [INDISCERNIBLE] FENCE TOTALLY AROUND THE PROPERTY. IF -- IF IT BECOME A -- BECAME A PROBLEM. I GUESS THAT WE COULD PUT UP A GATE OR SOMETHING. BUT I JUST DON'T SEE IT. THEY DO; I DON'T. AND THAT'S -- THAT'S REALLY WHERE I WAS COMING FROM ON THIS. I THINK THAT EVENTUALLY THERE WILL BE AN OFFICE OUT THERE, REGARDLESS OF HOW LONG IT TAKES. I'VE HAD THIS PROPERTY. THEY SAID THEY HAVE BEEN OUT THERE FOR A COLLECTIVE 100 YEARS, THAT'S 10 PEOPLE. 10 TIMES. 10 YEARS. I'VE -- THIS PROPERTY HAS BEEN IN MY FAMILY FOR 50 YEARS. I'VE SEEN THE DEVELOPMENT COME AND GO AND I DON'T -- I DIDN'T WANT THEIR HOMES TO BE BUILT BUT WHAT CAN YOU DO? TIME MARCHES ON. I SEE THIS AS BEING SORT OF A TEXAS-HILL COUNTRY SMALL, QUIANT LITTLE OFFICE BUILDING FOR A PROFESSIONAL OFFICE. I HAD PROPOSED AS AN NO WITH OVERLAYS THAT YOU HAD GOTTEN IN YOUR PACKAGE, I DON'T KNOW IF YOU CAN ACT ON THAT, BUT THAT WAS MY PROPOSED AMENDMENT. [BUZZER SOUNDING]

Mayor Wynn: THANK YOU, MR. WHEELER. THANK YOU, YOU MIGHT HAVE SOME QUESTIONS.

I'M SORRY.

Mayor Wynn: COMMENTS, COUNCIL? OF MR. WHEELER OR

STAFF? OR NEIGHBORS. COUNCILMEMBER SLUSHER? GLSH

Slusher: MR. WHEELER, THERE'S THE PEDERNALES  
SUBSTATION NEXT DOOR, RIGHT.

THAT'S RIGHT.

DID YOU GET ANY COMPENSATION FOR THAT GOING THERE  
OR DID THAT JUST HAPPEN TO GO UP NEXT TO YOUR  
PROPERTY.

WELL, THAT WAS A LONG TIME AGO. IT WAS 1982. BECAUSE --  
BECAUSE THEY WERE THREATENING IMMINENT DOMAIN.  
THEY HAD TO HAVE A POWER PLANT OUT THERE TO GET  
THE LCRA POWER TO THE HOUSES THAT WERE GOING TO BE  
BUILT AND HAD BEEN BUILT OVER THE LAST 20 YEARS. YES, I  
WAS COMPENSATED FOR IT, BUT IT WAS UNDER THREAT OF  
IMMINENT DOMAIN.

Slusher: THEY WERE GOING TO TAKE YOUR PROPERTY -- WAS  
THAT YOUR PROPERTY WHERE THEY BUILT THAT, TOO.

YES.

Slusher: BUT YOU DIDN'T WANT TO GIVE IT UP, THEY WERE  
GOING TO TAKE IT TO SERVE THIS SUBDIVISION.

IT WAS GOING TO GO SOMEWHERE OUT THERE, THEY  
NEEDED A FLAT AREA. THERE ISN'T THAT MUCH FLAT AREA  
WITH THE ACCESS TO THE ROADS AND WHATNOT, IT WAS --  
THAT WERE IN PLACE AT THE TIME, YOU KNOW, BECAUSE  
OLD LAMPASAS TRAIL HAS BEEN THERE FOR 100 YEARS  
PROBABLY.

Slusher: OKAY. SO THEY WERE GOING TO GO TO  
CONDEMNATION, IMMINENT DOMAIN AND YOU WORKED OUT  
--

WE JUST DID IT BECAUSE IT WASN'T WORTH IT. THEY ARE  
PRETTY THOSE WORK WITH. ONCE THE HANDWRITING WAS  
ON THE WALL WE JUST THOUGHT WELL WE DON'T NEED TO  
FIGHT ABOUT THIS.



Slusher: IT WAS GOING TO HAPPEN ONE WAY OR THE OTHER IS WHAT YOU ARE SAYING.

RIGHT.

Slusher: THAT'S WHAT LEFT YOU WITH THIS SORT OF ODD SHAPED LOT OR AT LEAST WITH THIS SITUATION.

THAT'S HOW I ENDED UP, EFFECTIVELY ENDED UP WITH THIS LOT, RIGHT.

OKAY. BECAUSE OTHERWISE I MEAN IT WOULD HAVE BEEN -- I GUESS THIS WOULD HAVE BEEN MORE VALUABLE IF YOU HAD THAT -- DISPROPORTIONATELY MORE VALUABLE IF YOU STILL HAD THAT PROPERTY. WHAT I'M SAYING IS THAT -- IF THE SUBSTATION WASN'T THERE, THAT WOULD MAKE PROBABLY BOTH THAT PROPERTY AND THIS ONE MORE VALUABLE AT THIS TIME.

WELL, IT WOULD BE BIGGER, YEAH. IT WOULD BE BIGGER BUT, YOU KNOW, THE QUESTION OF VALUE IN THIS AREA IS -- IS SORT OF -- PEOPLE WANT ABOUT THREE TIMES WHAT THE LAND ENDS UP SELLING FOR. MY SISTER TRIED HIRE AN APPRAISAL OUT THERE, THE GUY ENDED UP GIVING.

Herrera: MONEY BACK BECAUSE HE COULDN'T FIND COMPARABLES TO FIGURE OUT WHAT THE LAND WAS WORTH OUT THERE.

Slusher: OKAY. THANK YOU.

Mayor Wynn: FURTHER COMMENT, QUESTIONS?

Slusher: I WOULD LIKE TO HAVE MS. GLASGO GO THROUGH THE OVERLAY THAT'S MR. WHEELER PROPOSED.

YOU DON'T HAVE THOSE? OKAY. I'M SORRY. IT'S IN MY BRIEFCASE.

Glasgo: HE DIDN'T SEND THAT INFORMATION TO STAFF. I DO TO THE HAVE IT. DO NOT HAVE IT.

I HAVE THREE ATTACHMENTS FROM YOU.

IT'S NOT AN ATTACHMENT. THE PROPOSAL IS IN THE BODY.

Glasgo: I HAVE IT. HE'S OFFERING NEIGHBORHOOD OFFICE ZONING, WITH A -- WITH A -- WITH THE FOLLOWING USES, I'M JUST TRYING TO READ THIS. USES WOULD BE ADMINISTRATIVE OFFICE -- ADMINISTRATIVE AND BUSINESS OFFICES, ART GALLERY, ART WORKSHOP, PROFESSIONAL OFFICES, SOFTWARE DEVELOPMENT, COMMUNICATION SERVICE FACILITIES, LOCAL UTILITY SERVICES, RELATED TO ASSEMBLY SAFETY SERVICES AND URBAN FARM, THOSE ARE THE USES THAT HE IS PROPOSING WITH NO. SO IT WOULD -- IT WOULD RESTRICT OR PROHIBIT -- NO ZONING DOES NOT ALLOW MEDICAL OFFICES SO THAT -- THAT WOULD REDUCE TRAFFIC IMPACT. TYPICALLY. SO THAT'S -- THAT'S WHAT HE SENT TO COUNCILMEMBERS AS AN OFFER.

Slusher: STAFF RECOMMENDATION IS L.O.

Glasgo: WE ARE RECOMMENDING LIMITED OFFICE SIMPLY BECAUSE THE WATERSHED REGULATIONS FOR THE SITE REALLY WILL DICTATE HOW MUCH DEVELOPMENT CAN OCCUR. NOT FROM ANY PREVIOUS -- ANY IMPERVIOUS COVER STANDPOINT, NOT THE ZONING. THE ZONING DISTRICT BY ITSELF WOULD ALLOW 70%, ASSUMING THE WATERSHED IMPERVIOUS COVER WERE HIGHER. BUT IT'S NOT. THE IMPERVIOUS COVER REGULATIONS FOR THIS WATERSHED FOR BULL CREEK, IT WOULD BE BETWEEN 40 AND 50%, THAT WOULD BE THE MAXIMUM IMPERVIOUS COVER THAT THEY WOULD BE ALLOWED ON THIS SITE. SO -- SO FOR AN OFFICE USE, HE'S PROPOSING AN 8,000 SQUARE FOOT OFFICE. I DOUBT THAT HE HAS APPLIED ALL OF THE SITE DEVELOPMENT REGULATIONS THAT WOULD GO THERE, SO HE MIGHT NOT BE ABLE TO ACHIEVE ALL OF THAT, ONCE YOU FACTOR IN THE LANDSCAPING REQUIREMENT, SETBACKS, COMPATIBILITY STANDARDS THAT ARE -- WE ASSUME THAT IF YOU ARE TO ASSUME THE 8,000 SQUARE FOOT OFFICE, THE NUMBER OF VEHICLE TRIPS WOULD BE 112. VEHICLE TRIPS PER DAY WITH THAT AMOUNT OF OFFICE SPACE.

Slusher: MS. GLASGO, THE STAFF RECOMMENDING L.O., YOU

ARE THINKING TIED TO THE FACT THAT THERE'S A SUBSTATION BEHIND IT AND THE UNIQUE NATURE OF THIS PROPERTY? WHAT I'M DRIVING AT, DO YOU THINK -- WE THIS BE A PRECEDENT FOR MORE OF THIS TYPE OF ZONING ALONG OLD LAMPASAS TRAIL?

Glasgo: WELL, GIVEN THE FACT THAT YOU HAVE A LOT OF PRESERVE AREA IN PROXIMITY TO THIS SITE ZONED P PUBLIC, YOU -- THERE AREN'T THAT MANY OPPORTUNITIES FOR LIMITED OFFICE AND WE ANNEX THE CONDOMINIUMS AND ASSIGN AN INTERIM SF 6 TO CONFORM WITH THE LAND USE UPON ANNEXATION. THEN TO THE EAST OF THE SUBJECT TRACT, YOU HAVE AGAIN MORE PRESERVE AREA. IT DOESN'T APPEAR FOR THIS STRETCH OF THE AREA THAT YOU SEE HERE BETWEEN OLD LAMPASAS AND SPICEWOOD SPRINGS ROAD THAT THERE WOULD BE ANOTHER OPPORTUNITY FOR -- FOR OFFICE ZONING THAT YOU SEE ON YOUR MAP. GIVEN THE EXISTING LAND USE.

Slusher: OKAY, THAT'S ALL THIS I HAVE FOR NOW. SEE IF ANYBODY ELSE HAS ANY QUESTIONS.

McCracken: I WANT TO MAKE SURE THAT I UNDERSTAND. THERE'S ACTUALLY NOT A SPECIFIC CONTEMPLATION, AS I HEARD EARLIER THERE IS A DESIRE POSSIBLY AT SOME FUTURE POINT --

I HAVE NO USER AT THIS TIME. I HAVE NO USER. I WOULDN'T EVEN BE HERE EXCEPT SILLY ME I WAS TRYING TO SAVE THE FILING FEES BECAUSE THE CITY ALLOWED ME TO DO IT. IT'S INTERIM ZONING. IT WILL HAVE TO BE CHANGED AT SOME POINT TO SOMETHING REGARDLESS OF WHAT GOES OUT THERE. I THOUGHT BASED UPON THE CONFIGURATION OF THE TRACT AND THE NEIGHBORS THAT THE TRACT DIRECTLY HAS, BEING THE PEC ON TWO SIDES, THAT RESIDENTS WASN'T REALLY APPROPRIATE. I WOULDN'T WANT TO LIVE THERE. SOMEONE WOULD, BUT IN THE TERMS OF THE NEIGHBORHOOD I DON'T THINK PUTTING A RESIDENCE THERE IS -- IS THE THING TO DO BECAUSE OF THE -- BECAUSE OF THE DIRECT NEIGHBORS THAT -- THAT THE LOT HAS WOULD -- YOU KNOW, WOULDN'T -- IT WOULDN'T SUSTAIN THE VALUE OF THE HOME THAT WOULD

BE COMPARABLE WITH THE HOMES IN THE AREA.

McCracken: SIR, I UNDERSTAND ALL OF THOSE ARGUMENTS. I WANTED TO MAKE SURE THERE'S NOT ACTUALLY A CONTEMPLATION OF AN OFFICE. THE REASON I SAY THAT IS I DO HAVE A A LITTLE BIT OF TROUBLE GOING THROUGH THIS EXERCISE FOR SOMETHING THAT'S SPECULATIVE, PARTICULARLY -- I USED TO LIVE ON THE MOUNTAIN, IT A PRETTY SPECIAL AREA RIGHT THERE, PARTICULARLY ALONG BULL CREEK AND, YOU KNOW, I -- I CAN'T BE FOR A CHANGE THERE RIGHT NOW BASED ON SOMETHING THAT SPECULATIVE. IF WE HAD SOMETHING MORE CONCRETE TO SHOW --

YOU WANT ME TO HAVE A USER THEN.

I WANT TO SEE EXACTLY WHAT WE'RE TALKING ABOUT. THAT IS A PRETTY INCREDIBLE PLACE. I WOULD WANT TO SEE US INSTEAD OF TRYING TO ARGUE ABOUT HYPOTHETICAL STUFF WHICH IS REALLY HARD TO DO, BUT PARTICULARLY BECAUSE IT'S SUCH A SPECIAL AREA IN THE CITY, I THINK IT'S PRETTY IMPORTANT THAT WE HAVE A DISCUSSION ABOUT MORE CONCRETE MAP AS OPPOSED TO HYPOTHETICAL STUFF.

I LIVE CLOSER THAN ANYBODY JUST ABOUT TO THIS TRACT. SO I INTEND TO LIVE THERE. I DON'T INTEND TO DO ANYTHING THAT WOULD NOT BE APPROPRIATE FOR THE NEIGHBORHOOD BUT I CAN UNDERSTAND YOUR CONCERN. I MEAN IT'S -- I'VE HAD THAT PROBLEM FOR YEARS WITH THIS PROPERTY. OUT THERE, BUT ANYWAY THAT'S -- THAT'S A VALID POINT I GUESS. ANYTHING ELSE?

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?

HAS THIS AREA BEEN, HAD A NEIGHBORHOOD PLAN? DID I HEAR YOU SAY IT WOULD BE SOMETHING LIKE A YEAR?

OH, NO THIS IS COMPLETELY OUTSIDE OF OUR URBAN CORE. WE ARE CONTEMPLATING BY THE TIME WE FINISH THE URBAN CORE AND GET OUT TO THE REST OF THE CITY IT WILL BE MOST LIKELY 2010.

Dunkerly: THIS DOES NOT HAVE A RESTRICTION ARE NOT BEING ABLE TO COME BACK. IF YOU HAVE THE NEIGHBORHOOD PLANS DONE YOU HAVE TO WAIT A HERE OR SPECIFIC TIMES TO COME IN FOR CHANGES. I WANTED TO MAKE SURE THIS WAS NOT ONE OF THOSE.

IT'S NOT IN A NEIGHBORHOOD PLANNING AREA. THERE IS A LIMITATION IN THE ZONING ORDINANCE THAT -- THAT ONCE YOU APPLY FOR CERTAIN ZONING DISTRICT AND THE CITY COUNCIL DEN PHIS IT AND THE PLANNING COMMISSION DENIES IT, HE CANNOT FILE A SIMILAR REQUEST FOR 18 MONTHS, WHICH IS NOTHING TO DO WITH NEIGHBORHOOD PLANNING, JUST GIVES PEOPLE A BREAK SO THEY DON'T COME BACK THE NEXT DAY WITH THE SAME THING. THAT WOULD BE THE ONLY LIMITATION. HE COULD COME BACK FOR A DIFFERENT ZONING CLASSIFICATION BELOW WHAT HE'S REQUESTING TODAY SOONER THAN THAT TIME, SOONER THAN 18 MONTHS.

Mayor Wynn: COUNCIL, WITHOUT OBJECTION, SKIP CAMERON FROM THE BULL CREEK FOUNDATION IS HERE. DO YOU HAVE ANY COMMENTS OR -- THANK YOU MAYOR AND COUNCIL, SORRY I'M LATE GETTING HERE TODAY. I DIDN'T REALIZE THAT YOU WERE GOING TO BE UP SO SOON. I WOULD LIKE TO MAKE A COUPLE OF COMMENTS. HAVING BEEN INVOLVED IN LAND USE ISSUES AND ZONING ISSUES THROUGHOUT THE BULL CREEK AREA FOR 10 YEARS NOW, I HAVE KNOWN JOE WHEELER SINCE THE BEGINNING OF THAT EFFORT IN 1994 AND -- AND I'VE COME TO KNOW HIM QUITE WELL OVER THE - - OVER THE YEARS. IN THE BEGINNING, I WOULD NOT HAVE COME AND SAID A WORD IN HIS BEHALF. BUT I'VE LEARNED THAT JOE IS AN ENVIRONMENTALIST AND A LAND CONSERVAL IST, A CONSERVER OF WATER AND ALSO INTERESTED IN THE NEIGHBORHOOD. AN EXAMPLE IS THAT HE AND I HAVE WORKED TOGETHER DILIGENTLY OVER THE LAST FIVE MONTHS TRYING TO GET DUMPING THAT -- INCLUDED HAZARDOUS CHEMICAL WASTE, A FIRE AND ALL KIND OF DEBRIS AND TRASH BEING PUT ON THREE TRACTS ON SPICEWOOD SPRINGS ROAD NEAR THE OLD LAMPASAS INTERSECTION. JOE HAS BEEN THE ONLY NEIGHBOR ALONG THERE WHO HAS COME FORWARD, OTHER THAN THE FOLKS WHO LIVE WAY UP ON THE BLUFF IN A SUBDIVISION TO WORK WITH ME AND WITH THE CITY, ALL OF THE

DEPARTMENTS NECESSARY, TO TRY TO GET CONTROL OVER THESE ISSUES ON THAT PROPERTY. THE PROPERTY OWNER IS AN ABSENTEE PROPERTY OPENER IN SAN ANTONIO. SO -- OWN IN SAN ANTONIO. WE'VE IN GREAT DIFFICULTY. FINALLY WE ARE THERE. THE SITE IS CLEANED UP, PERMANENT NO TRESPASSING SIGNS UP, PEOPLE ARE BEGINNING TO OBEY THE CITY LAWS ON THAT. I SAY THAT BECAUSE MR. WHEELER IS ASKING YOU FOR A ZONING THAT SEEMS EXTREMELY COMPATIBLE FOR THE NEIGHBORHOOD. IF YOU ALTHOUGH AT WHERE IT IS, IT'S RIGHT BY A SUBSTATION. RIGHT BY A CELL TOWER. IT IS NEAR A VERY BUSY INTERSECTION THAT GOES INTO THE MOUNTAIN THAT BREWSTER MENTIONED AND GOES OUT TO SPICEWOOD SPRING ROAD TO 183. A LOT OF TRAFFIC GOES FROM LARGE NEIGHBORHOOD FROM THAT AREA DOWN THAT STREET. THERE'S A CLUSTER HOME DEVELOPMENT THAT JOE USED TO OWN THAT HE SOLD TO ASH CREEK HOMES A FEW YEARS AGO. HE'S ALSO BEEN A GOOD CITIZEN IN THAT HE SOLD PROPERTY ON THE OTHER CORNER TO THE PARKS DEPARTMENT RIGHT ON THE CREEK TO HELP US COMPLETE SEGMENTS OF OUR BULL CREEK GREENBELT FROM 360 ALL THE WAY OUT. I WOULD SAY THAT THE ZONING THAT'S BEING REQUESTED HERE IS A VERY APPROPRIATE ZONING FOR THAT PROPERTY. WHY? THE GENTLEMAN AT ASH CREEK HOMES, I TALKED WITH SCOTT NORLEDGE, THEY ARE NOT INTERESTED IN THIS LOT FOR ADDITIONAL SINGLE FAMILY DEVELOPMENT -- OF THIS PROPERTY. THEY OPTED OUT OF THAT OPTION WHEN THEY HAD THE OPTION TO BITE PROPERTY FROM JOE WHEELER BECAUSE OF ITS PROXIMITY TO THE SUBSTATION AND THE CELL TOWER. SO IF SOMEBODY WHO IS IN THAT BUSINESS SAYS THAT'S NOT THE RIGHT PLACE FOR THAT ZONING, THEN I THINK THAT YOU OUGHT TO LOOK AT DIFFERENT ZONINGS AND NO WITH RESTRICTIONS IS THE RIGHT WAY TO GO. THANK YOU.

IF YOU COULD DO US A FIFER AND FILL OUT OF OUR -- FAVOR AND FILL OUT ONE OF OUR CARDS. COUNCIL, FURTHER COMMENTS, QUESTIONS? IF NOT I'LL ENTERTAIN A MOTION ON ITEM Z-20.

Goodman: MAYOR PRO TEM? THERE IS ANOTHER OPTION THAT THE APPLICATION COULD CONSIDER IS TO WITHDRAW.

I THINK THAT CONSTRAINS YOU TO SIX MONTHS.

THERE'S STILL A PENALTY. IT JUST REDUCES THE TIME. IF YOU DENY IT BECAUSE THE COMMISSION DID RECOMMEND DENIAL THE PENALTY IS 18 MONTHS. IF HE WITHDRAWS STILL HAS THE PENALTY. SO IT DOESN'T CHANGE THE -- THE TIME BY WHICH HE CAN FILE.

Goodman: SIX MONTHS.

WE CAN FILE ANY TIME ON HIS BEHALF.

Goodman: I THOUGHT IT WAS IF WITHDRAWN SIX MONTHS.

Glasgo: IF HE WITHDRAWS BEFORE YOU ACT, THERE IS STILL A PENALTY. THE PENALTY WILL BE I BELIEVE 12 MONTHS.

Goodman: 12 MONTHS. OH, OKAY.

Glasgo: TWO PENALTY ARE 12 MONTHS, 18 MONTH, DEPENDING ON WHAT HAPPENED TRIGGERS THE 12 OR 18 MONTHS.

Goodman: ANYWAY HE HAS THAT OPTION.

Slusher: I JUST -- THIS IS SORTED OF A TOUGH CASE HERE. AND I GUESS IT'S NOT LIKE COUNCILMEMBER MCCRACKEN SAID THERE'S NOT AN ACTUAL PROPOSAL OR -- IN FRONT OF US. BUT IT SEEMS LIKE TO ME, THE GENTLEMAN IS IN SORT OF A TOUGH SITUATION THAT -- THAT DOESN'T LOOK LIKE ANYONE WOULD WANT TO BUILD SINGLE FAMILY THERE AND THEN IF -- IF WE SAY NO TO HIM TONIGHT BECAUSE IT'S SPECULATIVE, BUT THEN IF HE COMES BACK WITH -- WITH THE APPLICANT, I MEAN HE'S LIABLE TO GET ANOTHER NO THEN, HE WILL HAVE TO GO THROUGH THE WHOLE ORDEAL OF THE ZONING CASE. [INDISCERNIBLE] HE'S PAYING FOR. IF WE ARE GOING TO TURN IT DOWN, I'M STILL TORN ON IT. SORT OF LEANING IN FAVOR OF IT TO TELL YOU THE TRUTH. BUT LOOKS TO ME LIKE THERE'S NO SUPPORT FOR THAT UP HERE. BUT WE OUGHT TO GIVE HIM SOME KIND OF IDEA ABOUT WHAT WE WOULD BE THINKING ABOUT, THAT -- EVEN REALLY BEFORE COUNCIL COULD MAKE ANY KIND OF FINAL DETERMINATION WOULD HAVE TO GO THROUGH A WHOLE

CASE. THAT'S THE APPROPRIATE WAY TO DO IT BUT, I MEAN, IF HE'S NEVER GOING TO GET ANYTHING BUT SINGLE FAMILY ON THERE, I DON'T THINK WE OUGHT TO SEND HIM AWAY THINKING MAYBE IF I CAME BACK WITH A REAL USER, GO THROUGH ALL OF THE EXPENSE OF GETTING A USER, FILING HIS OWN CASE, COMING DOWN HERE, WELL, WE REALLY THINK IT OUGHT TO BE SINGLE FAMILY.

Dunkerly: MAYOR?

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: I HAVE LOOKED AT THE SCHEDULE OF THIS PROPERTY, AFTER LISTENING TO MR. CAMERON, I, TOO, DON'T SEE HOW ANYTHING -- I THINK THE NEIGHBORHOOD OFFICE WITH ALL OF THESE LIMITATIONS WOULD BE THE LEAST INTRUSIVE INTO THE NEIGHBORHOOD. I DON'T SEE HOW HE CAN EVER BUILD ANYTHING ELSE BUT THAT WITH THE SUBSTATION SURROUNDING IT. I, TOO, WOULDN'T WANT TO LIVE THERE IN A SINGLE FAMILY HOUSE. I FOR ONE, TWO, MAYBE WOULD BE LEAN FAVORABLY TOWARD THE LITTLE NEIGHBORHOOD OFFICE WITH ALL OF THE LIMITATIONS THAT WERE MENTIONED. I THINK THIS IS POSSIBLY THE ONLY THING THAT CAN BE DONE ON THAT PROPERTY. SO THAT WOULD BE JUST A COMMENT UNLESS YOU HAVE -- CAN YOU THINK OF ANYTHING ELSE THAT COULD GO ON THERE?

I WAS REALLY JUST -- WALK YOU THROUGH THIS BIG MAP TO GIVE YOU A FEEL FOR THE AREA. I KNOW COUNCILMEMBER SLUSHER ASKED ME A QUESTION ABOUT WHETHER THIS WOULD SET A PRESSPRECEDENT FOR THE AREA. THE MAP IN YOUR BACKUP IS NOT AS EXTENSIVE AS THIS ONE. THIS ONE SHOWS YOU WHERE BULL CREEK IS LOCATED. THIS IS A SUBJECT TRACT, A SUBSFAITION TO GIVE YOU A FEEL FOR WHAT'S THERE. THIS IS ALL OWNED BY THE CITY, BCCP, PUBLIC PUBLIC. GREENBELT. THEN OBVIOUSLY FLOODPLAIN HERE, LOT NEXT DOOR OBVIOUSLY HAS DEVELOPMENT LIMITATIONS. , YOU KNOW, GIVING YOU A FEEL WHO WHAT'S IN THE -- WHAT'S IN THE AREA.

Slusher: DOING ABOUT.

Glasgo: AFTER THAT YOU HAVE WHAT APPEARS TO BE A



HOUSE, RESIDENCE, BIG SITE. CHURCH.

CHURCH. OKAY.

A CHURCH RIGHT THERE.

THEN AGAIN VERY -- VERY SPARSELY DEVELOPED DEVELOPMENT ALL THE WAY FURTHER DOWN. THEN YOU GO TO THE INTERSECTION. YOU HAVE -- YOU HAVE -- MOVE TOGETHER SO MY BODY IS NOT BLOCKING YOUR VIEW. AT THE INTERSECTION HERE YOU HAVE AGAIN P PUBLIC ZONING, MORE OF BULL CREEK, MORE P ZONING, SO THERE IS NOT A PLACE WHERE YOU COULD INTRODUCE MORE COMMERCIAL ZONING. IF YOU ARE CONSIDERING NO OR L.O. THAT WOULD OCCUR ALONG THIS STRETCH OF THE ROADWAY ALL THE WAY DOWN THAT WAY GIVEN WHAT'S AROUND HERE. THE SINGLE FAMILY DEVELOPMENT PRESERVE OR THE CREEK. SO I JUST THOUGHT THAT YOU WOULD WANT TO SEE TO GIVE YOU A BETTER FEEL WITH HOW TO DEAL WITH THE PROPOSAL IN FRONT OF YOU.

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: MS. GLASGO, THE LOT IS ALMOST DIRECTLY NORTH OF THE SUBSTATION AND ABUTS IT.

CORRECT. THE GREEN IS THE SUBJECT LOT THAT IS BEFORE YOU FOR ZONING. THE SUBSTATION IS ABUTTING IT TO THE NORTH. THEN THE CONDOMINIUMS THAT WERE BUILT RECENTLY, ABOUT 18 LOTS, 18 UNITS HERE ADD JAYS SENT TO THE SUBSTATION AND -- ADJACENT TO THE SUBJECT PROPERTY. INTERIM RURAL RESIDENTIAL HERE, SOMEONE IS COMING IN WITH --

[INDISCERNIBLE]

THAT'S THE CORNER THAT I SOLD FOR THE CITY. [INAUDIBLE - NO MIC] THE PARKS DEPARTMENT BECAME VERY INTERESTED IN THAT TRACT WHEN THEY REALIZED IT WOULD HAVE A WHEELCHAIR ACCESS TO THE GREENBELT. IF IT EVER GETS CONNECTED. SO WE WORKED OUT A DEAL, THE CITY BOUGHT THAT A COUPLE OF YEARS AGO FROM ME.

Glasgo: OKAY. P ZONING AS THE REST OF THEM. SO THAT GIVES YOU A PERSPECTIVE OF WHAT COULD OCCUR FROM ANOTHER TO THERE. I HOPE IT HELPS YOU.

Mayor Wynn: WHAT IS TECHNICALLY THE ZONING ON THE CHURCH PROPERTY?

Glasgo: THE CHURCH PROPERTY IS ALSO ZONED INTERIM -- REZONED INTERIM SF 2, EVERYTHING ALONG HERE IS INTERIM SF 2, INTERIM SF 6. THE PROPERTY OWNERS WILL COME IN INDIVIDUALLY TO SEEK REZONING AS NEEDED.

Mayor Wynn: THANK YOU.

Glasgo:.

Glasgo: YOU'RE WELCOME.

Mayor Wynn: COUNCIL, IF I CAN MAKE A SUGGESTION, PERHAPS DELIBERATION OR THINKING NEEDS TO TAKE A LITTLE BIT OF TIME. WE CAN CLOSE THE PUBLIC HEARING, GO AHEAD AND BREAK FOR THE 5:30 LIVE MUSIC AND PROCLAMATIONS, MIGHT GIVE A CHANCE FOR ONE OR MORE OF US TO DISCUSS THE MATTER AND COME UP WITH A -- WITH A -- WITH A MOTION. I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

SO MOVE.

MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER DUNKERLY TO CLOSE THE PUBLIC HEARING ON Z-20. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF MOTION TO CLOSE THE PUBLIC HEARING WITH COUNCILMEMBER MCCracken OFF THE DAIS AT THIS TIME WE WILL BREAK FOR OUR LIVE MUSIC AND PROCLAMATIONS AND ALSO I'LL ANNOUNCE TO THE -- THAT THE COUNCIL WILL GO INTO CLOSED SESSION TO TAKE UP POTENTIALLY AGENDA ITEMS 35 RELATED TO OUR LEGISLATIVE UPDATE AND 32 RELATED

TO A WASTEWATER LINE RELOCATION AND -- ON WATCHHILL ROAD. WE DO THIS PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT WHICH WILL BE CONDUCTED WHILE WE ARE BREAKING FOR LIVE MUSIC AND PROCLAMATIONS TO GET MORE WORK DONE IN A SHORTER PERIOD OF TIME. WE ARE NOW IN CLOSED SESSION. THANK YOU.

Mayor Wynn: OKAY, FOLKS, COULD I HAVE YOUR ATTENTION, TIME FOR OUR WEEKLY DOSE OF LIVE MUSIC AT THE AUSTIN CITY COUNCIL MEETING, IT'S A SPECIAL TREAT TONIGHT BECAUSE WE'RE GOING TO HEAR ABOUT THE AUSTIN POW WOW AND AMERICAN INDIAN HERITAGE FESTIVAL DAY. BEFORE WE HAVE THAT AND HEAR ABOUT THE GREAT FAMILY EVENT, JOINING US TODAY IS MARIO GARZA WHO WILL PLAY HIS NATIVE AMERICAN FLUTE. HE IS A MEMBER OF THE -- BEAR WITH ME HERE, MEMBER OF THE MIACON CLAN OF THE PANAPIAIA TRIBE. SO PLEASE JOIN ME IN WELCOMING OUR PERFORMER, DR. MARIO GARZA. [PLAYING FLUTE] (music)(music) [AMAZING GRACE] (music)(music) [PLAYING FLUTE] (music)(music) [AMAZING GRACE] (music)(music) [ APPLAUSE ]

Mayor Wynn: NOW FOR OUR OFFICIAL PROCLAMATION, THEN I WILL ASK A FEW FOLKS TO TELL US ABOUT THE POW WOW AND INVITE FOLKS TO COME OUT. THE PROCLAMATION READS: BE IT KNOWN THAT WHEREAS AUSTIN POW WOW IS A UNIQUE OPPORTUNITY TO LEARN OF AMERICAN INDIAN CEREMONY AND STORY TELLING, OF HISTORY AND FOOD, AND OF THE MANY NATIONS AND TRIBES CALLED AMERICAN INDIANS. AND WHEREAS DANCE COMPETITION IN MEN'S, WOMENS AND CHILDREN'S CATEGORIES INVOLVING DANCERS FOR MORE THAN A DOZEN DIFFERENT TROOEBB TRIBES WILL BE GOING ON THROUGHOUT THE DAY. SPONSORED BY THE GREAT PROMISE FOR AMERICAN INDIANS AND AUSTIN AISD PARENTS COMMITTEE FOR A FREE EDUCATIONAL GIFT TO OUR COMMUNITY. THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HEREBY PROCLAIM NOVEMBER 6th, 2004, AS THE 13th ANNUAL AUSTIN POW WOW AND AMERICAN INDIAN HERITAGE FESTIVAL IN AUSTIN AND JUST REMIND FOLKS IT'S A GREAT OPPORTUNITY TO COME OUT AND LEARN, HAVE FUN, AND WITH THAT I WOULD LIKE TO INVITE SOME FOLKS

UP TO TELL US ABOUT THE FESTIVAL.

THANK YOU, MAYOR.

YOU'RE WELCOME.

ONCE AGAIN IT'S THE 13th ANNUAL THIS YEAR. AUSTIN POW WOW, LARGEST ONE DAY POW WOW IN THE NATION. IT'S IN OUR GREAT CITY OF AUSTIN. I WANT TO INVITE EVERYONE IN THE COMMUNITY TO COME OUT AND ENJOY SOME TRADITIONAL AMERICAN INDIAN DANCING. ARTS AND CRAFTS OVER 100 BOOTHS OUT THERE. WE HAVE FOOD. IT'S GOING TO BE A REALLY GREAT TIME. VERY EDUCATIONAL. IF YOU EVER BEEN TO A POW WOW, YOU ARE GOING TO DEFINITELY ENJOY YOURSELVES. HUNDREDS OF DANCERS OUT THERE. BUT EVEN MORE IMPORTANTLY THE HOST DRUM THIS YEAR IS GRAMMY AND NAMY AWARD WINNERS, HOST DRUM IS BLACK EAGLE, ONCE AGAIN ON NOVEMBER 6th, COME ON OUT THERE, ALL FREE. SO THAT'S THE MAIN THING, IT'S OUR GIFT TO THE COMMUNITY AND WE THANK ALL OF OUR VOLUNTEERS, ALL OF OUR RESPONSE SORES AND TO ACTUALLY GET TO THE BURGER CITY, WHICH IS IN SOUTH AUSTIN, IT'S GOING TO BE THEN THEIR FROM 10 TO 10:00, LOOK ON OUR WEBSITE [www.austinpowwow.org](http://www.austinpowwow.org). HOPE TO SEE YOU ALL OUT THERE, THANK YOU VERY MUCH.

WE ARE JUST VERY PROUD TO HAVE PROCLAIMED FOR THE SECOND YEAR IN A ROW AS AUSTIN ADOPTION DAY. WE'RE VERY PROUD TO BRING BOTH AWARENESS TO THE FACT THERE'S SO MANY FAMILIES OUT THERE THAT -- AND CHILDREN THAT NEED TO BE ADOPTED AND CHILDREN WE HOPE WILL CONSIDERED A DEPARTMENT OFFING.

I'M HAPPY TO BE HERE AND LOOKING FOR TOWARD TO NOVEMBER 18th WHEN WE EXPECT TO FINALIZE THE ADOPTION OF MORE THAN 50 CHILDREN THIS YEAR, WHICH IS A SUBSTANTIAL INCREASE OVER LAST YEAR AND PROVIDE THOSE CHILDREN WITH FOREVER FAMILIES, THERE ARE MANY CHILDREN IN NEED OF ADOPTIVE FAMILIES AND PART OF NATIONAL ADOPTION DAY IS TO RAISE AWARENESS FOR THE NEED FOR CHILDREN TO HAVE FAMILIES. WE PUT TOGETHER A COMMUNITY COALITION OF VOLUNTEER LAWYERS, CHILD CHILD, JUVENILE COURT, COSTS OF TRAVIS

COUNTY, AND DENISE HAS LED THIS EFFORT AND DONE A WONDERFUL JOB PUTTING THIS ALL TOGETHER. SO THANK YOU TO THE MAYOR AND THE CITY COUNCIL FOR YOUR EXPRESSION OF SUPPORT FOR THESE FAMILIES. [ APPLAUSE ]

THANK YOU, MAYOR, AS WELL, AND MEMBERS OF CITY COUNCIL. MY NAME IS ESTELLA MEDINA AND I'M WITH THE JUVENILE PROBATION DEPARTMENT. AND AS WELL WE WANT TO EXTEND OUR APPRECIATION TO THE MAYOR AND CITY COUNCIL AND TO THE MANY NUMEROUS PARTNERS THAT WE HAVE IN THE COMMUNITY THAT ARE GOING TO HELP MAKE THIS DAY A REALITY FOR MANY FAMILIES AND FOR MANY CHILDREN, SO ON BEHALF OF THE PROBATION DEPT OF OUR JUVENILE COURT, CASA, CPS, AND CERTAINLY AGAIN SPECIAL GRATITUDE TO DENISE HIDE AND TO THE BAR FOR ALL OF THE WORK THEY'RE DOING, WE'RE VERY GLAD TO BE A PART OF THIS EFFORT AND HOPE IF YOU GET SOME TIME THAT YOU WOULD COME BY AND SEE THE PROCEEDINGS OF THAT DAY, THANK YOU, AND AGAIN IT'S A REAL PRIVILEGE FOR US TO BE INVOLVED AS WELL. THANK YOU. [ APPLAUSE ]

EARLIER WE HEARD ABOUT THE AUSTIN POW WOW EVENT ON SATURDAY NOVEMBER 6th. ACTUALLY I HAVE A SMALL AMOUNT OF CHEROKEE BLOOD IN MY VEINS BUT MY PRIMARY HERITAGE IS KELTIC. MY GRANDFATHER CHARLEY OHAGEN MIGRATED FROM IRELAND AT THE AGE OF 9 YEARS OLD AND I GOT TO KNOW GRANDPA CHARLEY AS AN OLD MAN, MEANS A LOT TO ME. BECAUSE THIS PROCLAMATION IS ABOUT OUR AUSTIN CELTIC FESTIVAL THAT IS A DAY AND SUNDAY, ONCE AGAIN, ANOTHER REMARKABLE WEEKEND FAMILY EVENT HERE IN AUSTIN. THIS PROCLAMATION READS, I'M JOINED BY DONNA McCASKELL. THE PROCLAMATION READS, BE IT KNOWN THAT WHEREAS THE AUSTIN CELTIC FESTIVAL HAS BEEN INCREASING MUSICAL AND CULTURAL CONTRIBUTOR TO OUR CITY'S DIVERSE ART SCENE AND WHEREAS THE FESTIVAL EMPLOYS MORE THAN 100 LOCAL ARTISTS, DANCERS, MUSICIANS AND STORY TELLERS, INVOLVES MORE THAN 100 VOLUNTEERS, LARGEST GATHERING OF KELTS IN CENTRAL TEXAS, WHEREAS THIS NINTH ANNUAL FESTIVAL PROVIDES CELEBRATION OF IMMIGRANT CULTURES FROM IRELAND, SCOTLAND, WALES,

NOW, THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM, NOVEMBER 6 AND 72004, AS THE 2004 AUSTIN CELTIC FESTIVAL DAYS AT AUSTIN, ASK YOU TO HELP TO THANK AND CONGRATULATE DONNA McCASKKELL.

THANK YOU VERY MUCH. HELLO AND HOW ARE YOU AS WE WOULD SAY IN GALICK. THIS IS THE 8th YEAR TO HAVE THE FESTIVAL, WE'RE EMPLOYEES OVER 400 ARTISTS. WE WILL DO A LARGE CONTINGENT OF ANIMALS THIS YEAR. CELTIC...

AND YOU CAN FIND OUT MORE AT AUSTIN KELTS.ORG , WE WOULD LOVE TO SEE YOU OUT THERE, WE'VE BE GOING UNTIL 9:00 OR 10:00 ON SATURDAY. YOU HAVE PLENTY OF TIME, WE WANT TO REALLY SAY THANK YOU TO WILL WYNN WHO HAS BEEN A PHENOMENAL SUPPORTER OF OUR COMMUNITY AND TO ALL THE MEMBERS OF THE CITY COUNCIL.

THANK YOU.

Mayor Wynn: OKAY. SO I HAVE A LITTLE BIT OF CHEROKEE BLOOD IN ME, I'M HALF KELITIC, FIRST AND FOREMOST I'M AN AISD PARENT, AND THIS NECK PROCLAMATION IS ABOUT AUSTIN PARTNERS AND EDUCATION MONTH, REMARKABLE GROUP OF PARTNERS WHO TRULY ARE HELPING THE PUBLIC SCHOOL SYSTEM HERE IN OUR COMMUNITY DELIVER WHAT I THINK IS THE MOST REMARKABLE EDUCATION IN THE URBAN SCHOOL DISTRICT IN OUR STATE. PROCLAMATION READS, BE IT KNOWN THAT WHEREAS AUSTIN PARTNERS IN EDUCATION IS A PARTNERSHIP BETWEEN THE GREATER AUSTIN CHAMBER OF COMMERCE AND THE AUSTIN INDEPENDENT SCHOOL DISTRICT WHOSE GOALS SINCE 1983 HAS BEEN TO PROVIDE THE HIGHEST QUALITY OF EDUCATION FOR ALL AUSTIN CHILDREN AND YOUTH. AND WHEREAS THE PROGRAM CURRENTLY INCLUDES 2,332 COMMUNITY PARTNERSHIPS AND ININVOLVES MORE THAN 2500 MENTORS AND 17,000 VOLUNTEERS WORKING WITH STUDENTS AT ALL AISD SCHOOLS AND SUPPORTING THEM WITH DONATIONS OF TIME, GOODS AND SERVICES AND WHEREAS PARTNERS IN EDUCATION HAS BEEN RECOGNIZED NATIONALLY AS THE MODEL FOR SUCCESSFUL PARTNERSHIPS BETWEEN PUBLIC EDUCATION AND

BUSINESS AND IS ONE OF THE MOST OUTSTANDING  
EXAMPLES OF VOLUNTEERISM IN OUR NATION. THEREFORE  
I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, AND  
PROUD PARENT, DO HEREBY PROCLAIM NOVEMBER 2004.  
CATHERINE, CONGRATULATIONS AND THANK YOU. [   
APPLAUSE ] THANK YOU, MAYOR WINN, I WOULD LIKE TO  
INTRODUCE BEN ORNALES, THE CHAIR OF OUR PRAIGHT  
BOARD, AND OUR -- THE MEMBERS OF OUR BOARD, IF YOU  
DON'T MIND STANDING, CASEY SIERNY, RUTH AN RUSHING.  
JANIS GUERRERO. AND DR. -- DR. GLORIA WILLIAMS. I'M  
SORRY, I'M SO SURPRISED TO SEE YOU. AND HAVE I GOT --  
KALEE RORK. AND GOT JANIS GUERRERO. AND I WOULD  
ALSO LIKE TO INTRODUCE OUR STAFF, MAYOR JOHN  
CAMRONNY, IRENE GUZMAN, PAT DABBERT, JENNIFER  
BRADFORD AND ANN SMITH. THANK YOU SO MUCH FOR THE  
OPPORTUNITY TO BE HERE TO RECEIVE THIS TODAY, AND  
WE ALSO WANTED TO RECOGNIZE THE THOUSANDS OF CITY  
VOLUNTEERS THAT MAKES THIS -- MAKE THIS PROGRAM A  
SUCCESS. WE'VE -- SOME -- THE BIGGEST PLEASURE THAT  
WE'VE HAD THIS YEAR IS GETTING TO KNOW THE AUSTIN  
CITY STAFF THAT WE'VE BEEN WORKING WITH. THEY'RE OUR  
LARGEST AND MOST SUCCESSFUL PARTNERSHIP THAT WE  
HAVE. KIM PETERSON, WHO, WOULD YOU PLEASE STAND,  
HAS BEEN A KEY CONTACT FOR US, CUMMINGS AND TOBY  
FUTRELL B, I DON'T KNOW IF HE'S HERE, WE WANT TO THANK  
MAYOR WINN AND THE CITY FOR CONTINUING TO SUPPORT  
THIS PROGRAM. WE ARE A NEWLY REORGANIZED 501(C)3.  
AUSTIN PARTNERS FOR EDUCATION HAS BEEN IN EXISTENCE  
SINCE 1984 STARTING AS ADOPT A SCHOOL AND CHANGED  
SEVERAL TIMES, AND FLOWER COMPLETELY INDEPENDENT  
501(C)3 WITH -- WITH IMPROVED FUND RAISING CAPABILITY.  
AND ARE REALLY LOOKING FORWARD TO THE ADDITIONAL  
COMMUNITY PARTICIPATION THAT WE EXPECT. THANK YOU  
SO MUCH. [ APPLAUSE ] NEXT PROCLAMATION I'M JOINED BY  
KAREN SHARP, THE PROCLAMATION IS ABOUT GIS DAY.  
PROCLAMATION READS BE IT KNOWN THAT WHEREAS GIS  
OR GEOGRAPHIC INFORMATION SYSTEMS TECHNOLOGY IS A  
YESSING INDUSTRY AROUND THE WORLD, USED TO HELP  
SOLVE PROBLEMS LIKE IN AREAS LIKE ENVIRONMENTAL  
PROTECTION, HEALTH CARE, LAND USE, NATURAL  
RESOURCES, BUSINESS EFFICIENCY, EDUCATION, SOCIAL  
INEQUITIES AND CRIME PREVENTION, AND WHEREAS AUSTIN

ALONG WITH CITIES IN MORE THAN 40 STATES AND 80 FOREIGN COUNTRIES EDUCATES HUNDREDS OF THOUSANDS OF CHILDREN AND ADULTS ABOUT THIS EXTRAORDINARY TECHNOLOGY. AND WHEREAS GIS DAYPRO MOTORS GEOGRAPHY EDUCATION AND RAISES AWARENESS ABOUT REAL WORLD APPLICATIONS FOR THIS GREAT TECHNOLOGY, I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM THIS AS GIS DAY IN AUSTIN. REMARKABLE TECHNOLOGY THAT WE PLAY WITH QUITE A BIT WHILE WE'RE ON THE DAIS, YOU MAY HAVE SAW US EARLIER DURING A ZONING CASE, WE WERE TRACKING THE DIFFERENT BOUNDARIES AND LAND USES AROUND A PARTICULAR CASE WE HAD IN MIND, SO KAREN, THANK YOU. PLEASE.

THANK YOU, MAYOR. AND COUNCILMEMBERS, FOR YOUR ONGOING AND VERY VISIBLE SUPPORT OF GIS IN THE CITY OF AUSTIN. I WOULD ALSO LIKE TO THANK THE CITY MANAGER FOR HER RECOGNITION OF WHAT AN INCREDIBLE STRATEGIC RESOURCE GEOGRAPHIC INFORMATION IS AS THE MAYOR MENTIONED IN ZONING, LAND -- ALL OFF OUR LAND DEVELOPMENT ACTIVITIES, PUBLIC SAFETY, REALLY ACROSS THE BOARD, IT'S A VERY IMPORTANT TOOL FOR US. UNDER THE CITY MANAGER'S LEADERSHIP, WE'VE BEEN ABLE TO ESTABLISH NOW A CORPORATE GIS OPERATING BOARD SO WE CAN REALLY MAXIMIZE OUR GIS RESOURCES ACROSS THE CITY, AND ALSO WE'VE RECENTLY ACQUIRE ADD SITE LICENSE FOR GIS SOFTWARE SO THAT WE'RE REALLY MAXIMIZING THIS RESOURCE FOR THE CITY OF AUSTIN. ON NOVEMBER 17th, GIS DAY, WE HAVE A LOT OF FUN ACTIVITIES PLAN TO REALLY GET THE WORD OUT ABOUT WHAT IS GIS. THE ONE TEXAS CENTER, THE THIRD FLOOR, WE'RE GOING TO HAVE A NUMBER OF ACTIVITIES GOING THAT DAY, WE'LL HAVE A MAP MAKING CONTEST, WE'LL HAVE REFRESHMENTS, DEMONSTRATIONS OF SOME OF THE LATEST GIS TECHNOLOGY, WE HAVE 60 STUDENTS COMING FROM SAINT STEPHENS SCHOOL, A 6th GRADE CLASS WHERE THERE'S A VERY ACTIVE GEOGRAPHY PROGRAM, AND THEY'RE SO ADVANCED, THESE 6th GRADERS, THEY ACTUALLY USE THE SAME SOFTWARE IN THEIR CLASSROOM FOR GIS PROJECTS THAT WE USE AT THE CITY AND THEY WILL BE COMING TO VISIT OUT, AND WE



ALSO HAVE SOME OF OUR CLASS GOING TO THEIR CLASSROOM AND MENTORING THEM IN GIS TECHNOLOGY. I WOULD LIKE TO TAKE A MOMENT TO RECOGNIZE THE ORGANIZER OF OUR GIS, STEPHANIE REYNOLDS. STEPHANIE? AND ALSO HER MANAGER, DEAN LABONTE, THE MANAGER OF GIS SERVICES IN THE CITY. DEAN?

OUR NEXT TWO PROCLAMATIONS WILL BE BY MAYOR PRO TEM JACQUE GOODMAN AND COUNCILMEMBER DANNY THOMAS, RESPECTIVELY.

WE HAVE OUR DIRECTOR OF SOLID WASTE SERVICES, WILLIE ROAD AND JERRY HENDRIX AND THIS PROCLAMATION IS TO LET IT BE KNOWN THAT WHEREAS THE CITY OF AUSTIN IS COMPETING AGAINST OTHER CITIES ACROSS THE COUNTRY TO SEE WHO CAN RECYCLE THE MOST ALUMINUM CANS BETWEEN NOVEMBER 1 AND AMERICA RECYCLES DAY ON NOVEMBER 15th AND WHEREAS THE CITY OF AUSTIN RECYCLES MORE THAN 400-TONS OF ALUMINUM CANS PER YEAR, AND RECYCLING JUST ONE ALUMINUM CAN SAVES ENOUGH ENERGY TO POWER -- WHAT IS THAT? OH, A TV FOR THREE HOURS, AND WHEREAS WE ENCOURAGE ALL CITIZENS TO RECYCLE THEIR DRINK CANS THIS MONTH SO AUSTIN CAN COME OUT ON TOP IN THE CANS FOR CASH CONTEST. EXCUSE ME, SPONSORED BY THE U.S. CONFERENCE OF MAYOR, NOW THEREFORE WILL WYNN, MARY OF THE CITY OF AUSTIN, TEXAS, DOES HEREBY PROCLAIM NOVEMBER 2004 AS CANS FOR CASH MONTH IN AUSTIN. THIS IS A CONTEST WE CAN SURELY WIN.

THANK YOU, MAYOR PRO TEM. AS DIRECTOR OF SERVICES I'M PROUD TO BE HERE TO TALK ABOUT RECYCLING, BECAUSE OF AUSTIN WE'RE ALWAYS THE FIRST, WE HAVE THE FIRST RECYCLING PROGRAM IN THE STATE OF TEXAS. CURB SIDE RECYCLING PROGRAM. CURRENTLY WE RECYCLE ALMOST 30% OF OUR WASTE. WE ARE ALSO TAKING LESS MATERIAL TO THE LANDFILL THAN WE WERE DOING IN 1991 AS A CITY. DESPITE INCREASING IN CUSTOMER GROWTH OF OVER 30,000 HOMES. ALUMINUM CANS ARE ONE OF THE EASIEST AND MOST BEAUTIFUL MATERIALS TO RECYCLE AND I'M ENCOURAGING EVERYONE IN AUSTIN TO PUT THE CANS OUT ON THE CURB FOR SOLID WASTE SERVICES FOR PICK UP FOR THE MONTH OF

NOVEMBER. [ APPLAUSE ]

JUST LIKE TO ADD TO THAT 400-TONS A MONTH OR A YEAR THAT WE RECYCLE HERE IN THE CITY OF AUSTIN, THAT TAKES 8,000 CANS TO MAKE A TON, IF YOU DO THE MATH ON THAT, THAT IS OVER 320 ALUMINUM BEVERAGE CANS A YEAR THAT WE RECYCLE, AND IF YOU LOOK AT THE ENERGY SAVINGS, THAT IS A LOT OF TELEVISION THAT YOU CAN RUN, MORE LIGHT BULBS, WHATEVER, SO JUST REMEMBER THIS MONTH TO GO OUT AND DRINK MORE OUT OF ALUMINUM BEVERAGE CANS, MAKE SURE IT GETS IN YOUR BLUE RECYCLING BIN SO WE CAN COUNT THAT. WE'RE COMPETING WITH CITIES ALL OVER THE COUNTRY FROM FAR TO THE NORTHWEST AS ANCHORAGE ALASKA, TO THE NORTHEAST AS AUGUSTA, GEORGIA, AND TO LOS ANGELES, WE'RE IN THE LARGE CITY CATEGORY, BUT WE'RE ONE OF THE SMALL CITIES IN LARGE CITY CATEGORY, I THINK WE HAVE A CHANCE IF WE CAN ALL PULL TOGETHER AND GET THE CANS IN THE RECYCLING BIN THIS WEEK, NEXT WEEK. [ APPLAUSE ]

SO TELL YOUR KIDS AT SCHOOL SAVE YOUR CANS, THROW THEM AWAY, I MEAN RECYCLING THEM. AND WE CAN REALLY -- I KNOW WE CAN DO THIS ONE. IT WOULD BE REALLY COOL TO WIN THIS ONE. [ APPLAUSE ]

GOOD EVENING. IT'S A PLEASURE AND HONOR TO PRESENT THIS PROCLAMATION. WE WERE TALKING, HAD OPPORTUNITY TO TRAVEL TO SEATTLE, WASHINGTON, AND TO THAT TRIP TO THE INNERCITY WE WERE COMPARING OURSELVES TO THE CITY OF SEATTLE AND I WANT TO LET YOU KNOW THAT AUSTIN HAS DONE A LOT IN THIS AREA THAT THIS PROCLAMATION THAT I'M ABOUT TO PRESENT TO RICHARD TROXELL ABOUT THE NATIONAL HUNG ERAND HOMELESSNESS AWARENESS. I FEEL THAT AUSTIN HAS DONE A LOT. WE HAVE A LOT MORE THINGS TO DO. I THINK IF WE PULL TOGETHER AND MAKE SURE THERE ARE LESS HOMELESS, LESS PEOPLE THAT ARE HUNGRY, LESS CHILDREN THAT DON'T HAVE ANYTHING TO EAT OR CLOTHING, AND I KNOW THAT THIS WOULD BE THE CITY THAT WE ARE -- WE'RE VERY SENSITIVE TO THE NEEDS OF THE SENIOR CITIZENS AND THE HOMELESS IN AUSTIN, TEXAS. THE PROCLAMATION READS, IT SAYS BE IT KNOWN

THAT WHERE THE HOMELESS POPULATION IN AUSTIN AND THROUGHOUT THE COUNTRY HAS FACED ECONOMIC PSYCHOLOGICAL DEVASTATION, WHEREAS ADVOCATES FOR THE HOMELESS ACROSS THE NATION ARE UNITING TO CALL ATTENTION TO THE PLIGHT OF THE MANY MEN AND WOMEN AND CHILDREN WHO LACK THE MEANS TO PROVIDE FOR THEIR BASIC NEEDS, AND WHEREAS WE CALL ON ALL CITIZENS TO MAKE AN EFFORT TO FIGHT THE WASTE OF HUMAN POTENTIAL, NEEDLESS SUFFERING AND TRAGEDY OF LOSS OF LIFE, NOW, THEREFORE, WILL WYNN, THE MAYOR OF THE CITY OF AUSTIN, DO HEREBY PROCLAIM NOVEMBER THE 14th THROUGH THE 20th, 2004, AS NATIONAL HUNGER AND HOMELESS AWARENESS WEEK. NOW, LET RICHARD TELL YOU A LITTLE BIT MORE ABOUT IT.

WELL, I HAVE RIGHT HERE THE ORIGINAL URBAN RECYCLER, THIS MAN GETS UP AT 0 DARK:THIRTY IN THE MORNING, HE'S A HOMELESS MAN, HE GOES TO BED AT 0 DARK:THIRTY AT NIGHT. HE'S A WORKER. WE NEED TO TAKE THE POSITIVE THING WE SEE IN THIS PICTURE AND DO SOMETHING WITH IT. ALL DAY TODAY THERE WAS TALK ABOUT ORDINANCES, HOW DO WE DO BETTER, HOW DO WE DRIVE THE HOMELESS IN THE STREETS BECAUSE THEY'RE OFFENDING US, OUR SENSIBILITIES. YOU KNOW, THE CITY OF AUSTIN HAS DONE A TREMENDOUS JOB IN STEPPING UP TO THE BATTER'S BOX. WE'VE JUST BUILT A NEW HOMELESS RESOURCE CENTER AND HELEN VARTE, THE HEAD OF FRONT STEPS IS GOING TO SPEAK ABOUT THAT BRIEFLY. WE HAVE DONE A LOT IN THIS AREA BUT WE HAVE BETWEEN 4 AND 6,000 HOMELESS PEOPLE. WE HAVE ONLY A FEW HUNDRED EMERGENCY SHELTER BEDS. WE CAN DO BETTER. WE AS TAXPAYERS ARE DOING ALL THAT WE CAN DO. BUT THE BUSINESS -- THE BUSINESSES IN THIS COMMUNITY HAVE NOT STEPPED UP. THEY HAVE NOT PARTICIPATED. BUSINESSES ARE PAYING PEOPLE AS LOW AS \$2.13 AN HOUR AND THEN YOU AND I AS PATRON BRINGS THOSE WITH OUR TIPS, BRING THAT WAGE UP TO \$5.15 AN HOUR AN AND THEN THEY'RE OFF THE HOOK AND OTHER BUSINESSES THEY PAY AS LITTLE AS 5.15 AN HOUR OR \$6 AN HOUR, BUT THIS IS AUSTIN TEXAS, IT TAKES \$10 AND 90-CENTS AN HOUR TO GET INTO AND KEEP AN EFFICIENCY APARTMENT. WE KNOW HOW TO TAKE FOOD STAMP DOLE AND SHRINK IT BY PAYING PEOPLE A FAIR

LIVING WAGE AND ALLOW THEM TO WORK THEMSELVES OFF THE STREETS OF AUSTIN. WE KNOW HOW TO TAKE THE SECTION 8 PROGRAMS AND THE HOUSING PROGRAMS THAT HAVE BEEN CREATED AND SHRINK THEM AND PEOPLE ALLOW THEM TO WORK THEMSELVES OFF THE STREETS OF AUSTIN. HOW IS THE HOMELESS MADE UP OF HOMELESS AND FORM EARLY HOMELESS PEOPLE. WE DON'T WANT TO BE ON THE DOLE. WHAT HAPPENS IN A FINANCIAL CRISIS, THEY IMMEDIATELY TURN THE VALVE OFF. WE HAVE A \$10 BILLION DEFICIT IN TEXAS AND WHO DO WE WITHDRAW THE FUNDS FROM? THE UNINSURED CHILDREN FROM, THE HOMELESS PROGRAMS. LET US COME TO WORK EVERY DAY BUT PAY US A FAIR WAGE FOR A FAIR DAY'S WORK. AND IF YOU DO THAT, YOU WILL SEE US DISAPPEAR FROM THE STREETS OF AUSTIN AND WE WON'T NEED TO PASS THESE ORDINANCES TO SWEEP PEOPLE FROM THE STREETS, A TOTALLY KNEE-JERK INAPPROPRIATE RESPONSE.

NOVEMBER THE 16th -- PARDON ME, ON NOVEMBER 14th, WE WILL HOLD OUR 12th MEMORIAL FOR THE MEN AND WOMEN THAT HAVE DIED WHILE LIVING ON THE STREETS AFTER AUSTIN T MEMORIAL IS ON THE SOUTH SHORES OF TOWN LAKE. IT'S A SUN RISE MEMORIAL SERVICE. IT'S AT 6:57. I INVITE ALL THE CITIZENS OF AUSTIN TO JOIN US. IT'S A ONE-HOUR SERVICE. MAYOR PRO TEM, JACQUE GOODMAN WILL BE THE KEYNOTE SPEAKER THIS YEAR. SARAH HICKMAN WILL SING, ALLAN GRAM WILL PRAY FOR US. AND THERE WILL BE A VETERAN SALUTE BECAUSE A THIRD OF THE HOMELESS ARE VETERANS. THIS YEAR WE WILL ADD 83 MORE NAMES TO THE LIST. I WOULD LIKE TO TAKE A SECOND AND INTRODUCE YOU TO HELEN VARTE, WHO IS THE HEAD OF FRONT STEPS, WHO IS OPERATING THE NEW A.R.C.H. FACILITY AND OF WHOM WE'RE VERY PROUD.

THANK YOU. I WOULD LIKE TO THANK RICHARD FOR HIS MANY YEARS OF WORK ON BEHALF OF THE HOMELESS COMMUNITY. I WANT TO ADD VERY QUICKLY THAT THE WAGE ISSUE IS SOMETHING THAT AFFECTS ALL OF US. 29% OF OUR JOBS HERE IN THE AUSTIN AREA DON'T PAY A LIVING WAGE. 8 OUT OF THE 10 FASTEST GROWING OCCUPATIONS DON'T PAY A LIVING WAGE. WITH GLOBALIZATION AND OFFSHORING OF JOBS TO OTHER COUNTRIES THAT IS EXPECTED TO BECOME YET A BIGGER ISSUE, SO I TAKE A LITTLE

DIFFERENT POSITION THAN RICHARD. IF WE CAN'T PAY -- LIVING WAGE WOULD BE GREAT. AND IF WE CAN'T PAY IT, WE HAVE TO FIND ANOTHER SOLUTION. I DON'T KNOW WHAT THAT WOULD BE, WITH AFFORDABLE HOUSING OR SOME KIND OF HEALTH CARE, BUT OUR TAX DOLLARS AND SOCIAL SERVICE DOLLARS JUST CAN'T MAKE UP FOR THESE INEK 'TIS THAT ARE IN THE MARKET. THANK YOU. [ APPLAUSE ] THIS CONCLUDES OUR PROCLAMATION HOUR.

Mayor Wynn: IN EXECUTIVE SESSION WE TOOK UP DISCUSSION ON ITEM NUMBER 35, NO DECISIONS WERE MADE. WE ARE BACK IN OPEN SESSION. COUNCIL, IF YOU REMEMBER, WE HAD JUST CLOSED THE PUBLIC HEARING ON ZONING CASE Z 20. AFTER HAVING ASKED A NUMBER OF QUESTIONS. THERE ARE NO ADDITIONAL QUESTIONS OR COMMENTS, ENTERTAIN A MOTION AS WE GET MORE COUNCILMEMBERS IN HERE.

I HAVE A COUPLE OF QUESTIONS, MAYOR WYNN WIN COUNCILMEMBER ALVARADO.

THIS IS THE LAMPASAS.

Mayor Wynn: CORRECT. Z 20, OLD LAMPASAS TRAIL.

FOR STAFF, I GUESS. JUST CURIOUS ABOUT I THINK IT'S -- I LOOK AT THE BACKUP AND THIS IS ABOUT THREE QUARTERS OF AN ACRE?

Mayor Wynn: THAT'S CORRECT.

AND SO I THINK THE OWNER TALKED A LITTLE BIT ABOUT HOW HE WAS LIMITED IN OARMS OF WHAT HE COULD DO AND I GUESS THAT IS BECAUSE OF SURROUNDING SUBSTATIONS, BUT WHAT IS THE I GUESS UNDER NO, SOMETHING HE WOULD DO OUT THERE UNDER CERTAIN CONDITIONS, HOW MUCH IMPERVIOUS COVER, HOW MUCH SQUARE FOOTAGE COULD THERE BE ON THIS PROPERTY?

PAT MURPHY AND I, IN THE PLANNING AND ZONING DEPARTMENT, WE DISCUSSED HOW MUCH LAND AREA THERE WAS THAT COULD BE DEVELOPED AND PAT DETERMINED THERE COULD BE ABOUT 7,000 SQUARE FEET

OF IMPERVIOUS COVER THAT COULD BE PLACED ON THE PROPERTY DUE TO THE WATERSHED IT'S IN AND SETBACKS TRIGGERED BY THE ADJACENT CREEK, THE WATER QUALITY ZONE AND TRANSITION ZONE, AND BASED ON THAT, USING ONLY ABOUT 7,000 SQUARE FEET, PAT AND I DETERMINED THAT WE COULD PROBABLY GET ABOUT 4200 SQUARE FEET OR 4,200 SQUARE FEET OF OFFICE AREA, IF IT WAS A TWO-STORY BUILDING ON THE PROPERTY WITH ITS ACCOMPANIED PARKING. THE FOOT FOOTPRINT OF THE BUILDING WOULD BE APPROXIMATELY 2100 SQUARE FEET, AND THAT MAY BE THE MAXIMUM EXTENT OF BUILDOUT THAT YOU WOULD HAVE, SO A TWO-STORY STRUCTURE THAT WOULD HAVE A SIMILAR FOOTPRINT TO A VERY LARGE HOUSE WOULD BE ABOUT ALL YOU COULD PLACE ON THE PROPERTY. THERE ARE EASEMENTS ACROSS FROM THE PROPERTY AND GIVEN THE SETBACKS THAT PRESENT ITSELF AND THEN THE WATERSHED, THERE'S NOT MUCH MORE THAT COULD BE BUILT.

OKAY. I WAS JUST WONDERING ABOUT THAT, BECAUSE AGAIN I DO HAVE -- I MEAN I'M KIND OF TORN ON THIS ONE TOO, JUST BECAUSE, I MEAN, I DON'T THINK HE HAS TOO MANY OTHER OPTIONS, MAYBE I'M KIND OF CONFUSED, BUT AT THE SAME TIME NOT SEEING WHAT IS PROPOSED AND WHAT THE DESIGN OR THE STRUCTURE MIGHT BE AND HOW IT FITS IN. BUT IS THERE ANY WAY THROUGH RESTRICTIVE COVENANTS TO DEAL WITH SOME OF THOSE DESIGN TYPE ISSUES?

THE PROPERTY IS CON STRAINED AS WE SAID BEFORE BECAUSE OF SOME OF THE EASEMENTS THAT ARE ON THE PROPERTY, CERTAINLY IF THE OWNER WOULD BE WILLING TO, I GUESS, SUBMIT SOME SORT OF RESTRICTIONS BEYOND WHAT WE COULD DO IN OVERLAY, WE COULD LOOK AT THOSE BUT THE N-O DISTRICT DOES NOT ALLOW FOR A GREAT NUMBER OF USES AND GIVEN THAT HE'S ALREADY, I GUESS, PROPOSED THIS EVENING TO LIMIT THE NUMBER OF USES TO ONLY TEN OR SO, THAT'S ABOUT ALL HE COULD REALLY BUILD WOULD BE AN OFFICE ON THE PROPERTY.

SURE. NO, I WAS TALKING MORE ABOUT HOW -- HOW TO DESIGN THE PROJECT WITH LANDSCAPING AND HOW TO DESIGN IT SO THAT MAYBE IT LOOKS LIKE A HOME BUT USE

IT LIKE AN OFFICE, THAT SORT OF THING SO IT DOESN'T LOOK LIKE THIS RANDOM OFFICE BUILDING, YOU KNOW, WHAT BASICALLY IS A RESIDENTIAL STREET HERE.

WELL, WE COULD CERTAINLY ASK THE APPLICANT WHAT WOULD KIND OF DESIGN THINGS HE COULD OFFER. IT WOULD BE REQUIREMENTS FOR COMPATIBILITY REGARDING, YOU KNOW, SETBACKS FROM THE ADJACENT CHURCH. WE WOULD HAVE LANDSCAPING REQUIREMENTS FOR THE PARKING LOT THAT WOULD NORMALLY BE REQUIRED. THE CITY DOES NOT REGULATE THE ACTUAL FACADE OF THE PROPERTY, BUT THE AGENT COULD COME FORWARD AND SPEAK TO, I GUESS, ANY KIND OF DESIGN RESTRICTIONS THAT MIGHT BE WILLING TO ADDRESS.

I'LL MAKE A MOTION.

Mayor Wynn: COUNCILMAN SLUSHER.

Slusher: FIRST, HELP ME REMEMBER IS THERE A DIFFERENCE BETWEEN LO AND NO FOR BOTH TERMS?

YES, THE NEIGHBORHOOD OFFICE IS THE MOST RESTRICTIVE ZONING CLASSIFICATION THE CITY OF AUSTIN HAS. THE MAIN DIFFERENCE IS NO IS ACTUALLY IN OUR CODE SOMETHING THAT WOULD BE COMPATIBLE TO A RESIDENTIAL AREA. IT'S THE FIRST, PROBABLY THE MOST RESTRICTIVE COMMERCIAL CLASSIFICATION THAT WE HAVE. THE MAIN DIFFERENCE BETWEEN LO AND NO, ASIDE FROM THE HEIGHT AND THE IMPERVIOUS COVER LIMITATIONS IS THAT LO ALLOWS MEDICAL OFFICE AND NO DOES NOT. AS FAR AS THE COMBINATIONS, BUT THOSE ARE PROBABLY THE...

Slusher: WHAT WOULD BE THE DIFFERENCE BETWEEN NO AND LO WITH THE RESTRICTIONS THAT MR. WHEELER OFFERED UP HIMSELF?

WELL, THE NO... THE USES IN LO WOULD ALLOW, LIKE I SAID BEFORE, MEDICAL OFFICES AS A PERMITTED USE.

Slusher: I THINK HE HAD TAKEN OUT THAT ONE THIS HIS.

THAT'S RIGHT T OFFICES THAT HE'S PROPOSING, THE ADMINISTRATIVE BUSINESS OFFICE, THE PROFESSIONAL OFFICE, ARE USES ALLOWED IN THE NO DISTRICT, AND THE USES, LIKE I SAID, ARE VERY LIMITED, SO THERE'S VERY FEW USES LEFT AFTER YOU COMPARE WHAT HE'S PROPOSING AND WHAT IS ALLOWED IN NO, THERE'S VERY LITTLE DIFFERENCE BECAUSE THERE'S JUST NOT MUCH ALLOWED IN THE NO DISTRICT.

THE SQUARE FOOT OF THE CALCULATIONS YOU AND MR. MURPHY WORKED ON, IS THAT BASED ON LO OR NO.

THAT WAS BASED ON NEITHER. LOOKING WE WATERSHED REGULATION WHICH IS MORE RESTRICTIVE AND BASED ON MR. MURPHY'S ROUGH CALCULATIONS, THEY COULD ONLY GET ABOUT 7,000 SQUARE FEET OF IMPERVIOUS COVER APPROXIMATELY ON THE PROPERTY AND I KIND OF REVERSE DESIGNED BUILDING TRYING TO GUESS HOW MUCH SQUARE FOOTAGE OF OFFICE HE COULD BUILD USING A PARKING REQUIREMENT OF ONE SPACE FOR EACH 300 SQUARE FEET, CAME UP WITH ABOUT 3 PARKING SPACES REQUIRED WHICH RESULTED IN A AVERAGE PARKING DRIVEWAY AREA OF 4500 SQUARE FEET, SO GIVEN THAT YOU COULD ONLY BUILD A BUILDING ABOUT 4,200 SQUARE FEET IF WE DESIGNED A TWO-STORY BUILDING. IF YOU ACTUALLY DESIGNED A ONE-STORY BUILDING IT COULD ACTUALLY BE LESS. YOU COULD NOT GET THAT AMOUNT OF SQUARE FOOTAGE.

COULDN'T BE TALLER THAN TWO.

GETS TO BE MORE EXPENSIVE WHEN YOU START DESIGNING A 3 STORY BUILDING, AS FAR AS EXITING, FIRE REQUIREMENT, SO IT'S DOUBTFUL THAT YOU COULD GET A THREE STORY BUILDING AND STILL PROVIDE THE PARKING AND MAKE IT ECONOMICAL.

OKAY. SO BASICALLY SUM UP NO AND LO, NO VERSUS LO WITH RESTRICTIONS THAT HE OFFERED...

NO IS NOT...



Slusher:... NOT REALLY ANY SIGNATURE CAN DIFFERENCE?

THERE IS A SIGNIFICANT DIFFERENCE BECAUSE THE INTENSITY IS LESS IN L THAN LO, THE CONDITIONAL OVERLAY HE'S OFFERING WOULD FURTHER RESTRICT THAT. SO THERE -- THE MAIN DIFFERENCE ASIDE FROM THE SITE DEVELOPMENT STANDARDS IS THAT THIS -- THIS DISTRICT IS LESS INTENSIVE, NO IS, AND WITH CONDITIONAL OVERLAY, IT'S EVEN MORE RESTRICTIVE, DEVELOP LESS WITH THE NO WITH THE CONDITIONAL WAY THAT HE'S OFFERED.

Slusher: HE OFFERED THAT ON LO BUT NOT ON NO? IS THAT RIGHT?

I THOUGHT THAT HE WAS OFFERING...

IT WAS NO.

Slusher: OKAY. COME ON UP, MR. WHEELER.

IT WAS MY UNDERSTANDING THAT STAFF COULDN'T CHANGE WHAT THEY TOOK TO PLANNING COMMISSION SO THEY HAD TO COME FORWARD WITH LO. MY PROPOSAL WAS TO REDUCE THAT TO NO.

WITH THOSE RESTRICTIONS.

WITH THESE RESTRICTIONS.

THAT'S WHAT I'M GOING TO MOVE ON FIRST READING. IF IT PASSES -- THE MAYOR SAID, YOU KNOW, TALK ABOUT IT OFF THE DAIS, ONLY TALK TO STAFF, I DON'T KNOW HOW THIS IS GOING TO GO. IT'S BETTER FOR THE COUNCIL, I THINK, TO DISCUSS THAT HERE, THAT -- SO I DON'T KNOW HOW IT'S GOING TO GO, BUT I WOULD WANT TO, IN BETWEEN THE FIRST AND THE NEXT READING, I WOULD LIKE FOR US TO LOOK AT BUFFERING WITH THE NEIGHBORHOOD AND SEE IF SOMETHING COULD BE ADDED ON THERE.

I WOULD BE PERFECTLY WILLING TO DO THAT, I COULD GET A DRAWING OR SOMETHING DONE LIKE THAT. THAT COULD BE DONE VERY EASILY. AND I WOULD BE PERFECTLY

WILLING TO DO THAT TO SORT OF SET YOUR MIND AT EASE.

Slusher: THAT WOULD BE GOOD. YOU RAISE CONCERNS TO ANYTHING YOU WOULD LIKE TO ADD ONTO THAT?

DESIGN RELATED, I THINK HE'S TALKING ABOUT, TRYING TO BRING SOME DRAWINGS.

Slusher: THAT BOB MY MOTION.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER TO APPROVE ON FIRST READING ONLY CASE Z 20, LO, WITH CERTAIN CONDITIONS.

SECOND. SUCH

Slusher: NO. AS OUTLINED IN MR. WHEELER'S E-MAIL, WHICH, HERE, I CAN GIVE YOU THE DATE AND TIME ON THAT.

NEIGHBORHOOD OFFICE, CONDITIONAL OVERLAY, THAT IS NOCO, BASED ON THE E-MAIL THAT I HAVE IN FRONT OF ME MR. MR. WHEELER, ALLOWING PROFESSIONAL OFFICES, LOCAL UTILITY SERVICES, RELIGIOUS ASSEMBLY, SAFETY SERVICES AND URBAN FARM AS THE ONLY PER MISED USES.

AND THAT WAS E-MAIL TO MR. GEURNSEY IS READING FROM WAS SENT NOVEMBER -- I HAVE 10:27 A.M.

THAT'S THE COPY WE WERE GIVEN.

Mayor Wynn: COUNCILMEMBER THOMAS, YOU AGREE WITH THAT AS OUR SECOND? MOTION BY COUNCILMEMBER SLUSHER, SECOND BY COUNCILMEMBER THOMAS, TO APPROVE ON FIRST READING ONLY WITH CONDITIONS AS OUTLINED. FIRST READING ONLY. FURTHER COMMENTS? ALL THOSE IN FAVOR, PLEASE SAY AYE. AYE. OPPOSED. MOTION PASSES ON FIRST READING ONLY ON A VOTE OF 6-0 WITH COUNCILMEMBER McCRACKEN TEMPORARILY OFF THE DAIS. THANK YOU ALL FOR YOUR PATIENCE. I BELIEVE THAT LEAVES US ONLY WITH RAINEY STREET. IS THAT THE ONLY ITEM WE HAVE LEFT TONIGHT? I KNOW -- BESIDES THE NEIGHBORHOOD PLANNING.

CAN WE DO NEIGHBORHOOD.

I HAVE SOME -- OKAY. IS THIS THE WAY YOU SAID IT SORT OF GOT ME EXCITED.

OH, NO, NO.

CERTAIN PUBLIC HEARINGS TO TAKE UP.

OKAY.

MAYOR...

OKAY.

ON ITEM NUMBER 53, AGENDA, WE HAVE RECEIVED A LETTER FROM THE ATTORNEY REPRESENTING THE APPLICANT IN THAT CASE AND HE'S ASKED THAT ITEM BE WITHDRAWN. OKAY. SO COUNCIL WITHOUT OBJECTION, WE SHOW ITEM NUMBER 53 AS BEING WITHDRAWN. OKAY.

MAYOR, IF I CAN, WHAT HAS HAPPENED IS THAT THE APPEAL HAS BEEN WITHDRAWN SO IT TAKE NO, SIR ACTION BY THE -- BY THE COUNCIL.

Slusher: SO THAT IS NOT A POSTPONEMENT, THAT IS A WITHDRAWAL?

THAT IS EXACTLY CORRECT. THE APPEAL IS -- IT IS GONE AWAY.

Slusher: OKAY. THANK YOU.

Mayor Wynn: SO COUNCIL, THEN, THAT LEAVES FROM A ZONING STANDPOINT, THAT LEAVES US WITH RAINEY STREET ZONING CASES. COUNCILMEMBER SLUSHER HAD ABSTAINED DURING OUR PUBLIC HEARING.

Slusher: YEAH, MAYOR, I'LL BE ABSTAINING AGAIN FOR THE REASONS I PREVIOUSLY STATED.

Mayor Wynn: YES. THANK YOU. THAT LEAVES US WITH FIVE, ALTHOUGH COUNCILMEMBER McCRACKEN IS ON HIS WAY

BACK. COUNCILMEMBER THOMAS JUST STEPPED OFF THE DAIS.

WANT TO DO OUR ANNEXATIONS FIRST?

Mayor Wynn: COUNCILMEMBER SCHUBERT, SLUSHER, HANG ON, BEFORE YOU LEAVE, MAYBE WE CAN GET A FEW ITEMS DONE, BECAUSE I THINK WE WILL NEED COUNCILMEMBER McCRACKEN TO RETURN BEFORE WE TAKE UP THAT CASE. SO IF STAFF IS READY, WHY DON'T WHICH TAKE UP OUR ANNEXATION PEARKS, MR. LUKENS?

THANK YOU.

Mayor Wynn: HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER ALVAREZ TO CLOSE THE PUBLIC HEARING. ALL IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION TO CLOSE THE PUBLIC HEARING PASSES ON A VOTE OF SIX TO ZERO WITH COUNCILMEMBER MCCRACKEN OFF THE DAIS.

THE NEXT ONE OF THESE IS A PUBLIC HEARING FOR THE FULL PURPOSE ANNEXATION OF THE FM 620 RIGHT-OF-WAY. THIS IS APPROXIMATELY 9.78 ACRES. THIS IS THE SECOND READING OF THE ORDINANCE. WE'RE PICKING UP RIGHT-OF-WAY WHERE WE HAVE CITY LIMITS ON ONE SIDE. IT'S BEING DONE AT THE REQUEST OF THE 911 FOLKS. IT MAKES -- ELIMINATES ANY POSSIBILITY OF CONFUSION IN THIS PORTION OF 620. THE STATE MAINTAINED RIGHT-OF-WAY, I'VE GOT SERVICE PLANS, ESSENTIALLY TAKING OVER FROM THE COUNTY FOR THE SERVICES THEY PROVIDE AS WELL AS PROVIDING ADDITIONAL AND ENHANCED SERVICES NOT OTHERWISE AVAILABLE. ESSENTIALLY THIS IS POLICE AND FIRE, E.M.S. SERVICES ON THE 620 RIGHT-OF-WAY. SO THAT CONCLUDES THE 620 RIGHT-OF-WAY.

Mayor Wynn: QUESTIONS FOR MR. LUKENS, COUNCIL? ANY CITIZENS THAT WISH TO BE HEARD AT THIS PUBLIC HEARING,

ITEM 49, THE FULL PURPOSE ANNEXATION OF THE FM 620 RIGHT-OF-WAY AREA. HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION BY COUNCILMEMBER DUNKERLEY, SECONDED BY THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING. ALL IN FAVOR PLEASE SAY AYE.

AYE.

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

THIS NEXT AREA IS THE PUBLIC HEARING FOR THE FULL PURPOSE ANNEXATION OF THE BRANDT ROAD AREA. THIS IS APPROXIMATELY 32.85 ACRES IN TRAVIS COUNTY. THIS IS THE SECOND PUBLIC HEARING. ORDINANCE READING IS SCHEDULED FOR DECEMBER SECOND. AND IF WE DO ALL THREE READINGS -- IF YOU DO ALL THREE READINGS ON DECEMBER SECOND, THE EFFECTIVE DATE WOULD BE DECEMBER 31st. WE HAVE A SERVICE PLAN FOR TAKING OVER FROM THE COUNTY FOR WHAT THEY DO AND PROVIDING SERVICES NOT OTHERWISE AVAILABLE. THIS TRACT HAS DEVELOPED THE LAND ACROSS BRANT ROAD FOR A NEW SUBDIVISION IN THE CITY. THE TRACT WAS ORIGINALLY ZONED GO-LO IN THE PERMANENT SCHOOL FUND THERE AND THEY ARE IN THE PROCESS OF SELLING THIS LAND FOR COMMERCIAL USES. A FEW HOURS AGO I RECEIVED AN E-MAIL, WHICH YOU SHOULD HAVE GOT AS WELL, ASKING THAT THE CITY NOT ANNEX THE PROPERTY FOR A YEAR SO THAT THE STATE CAN COMPLETE THE SALE. THIS ACTION, OF COURSE, WOULD BE GRANDFATHERING THE PROJECT FROM CITY ZONING AND SITE DEVELOPMENT STANDARDS. SO THAT'S NOT REALLY A MATTER FOR MY PRESENTATION. BASICALLY WE'RE ANNEXING THIS PROPERTY TO PROVIDE SERVICES AND BRING IT INTO THE CITY FOR DEVELOPMENT STANDARDS AND ZONING.

Mayor Wynn: MR. LUKENS, THE CORRESPONDENCE THAT WE RECEIVED IS ACTUALLY FROM THE TEXAS LAND COMMISSION -- GENERAL LAND OFFICE?

YES. IT'S FROM THE ASSISTANT COMMISSIONER FOR ASSET MANAGEMENT. AND I GOT IT AT 4:30 AND I WAS IN A HURRY.

I TO RUN OUT AND -- HURRY TO RUN OUT AND I DIDN'T DIDN'T RUN OFF THAT MANY COPIES.

Mayor Wynn: OBVIOUSLY IT BEGS THE QUESTION. WE WANT TO BE VERY COGNIZANT OF SORT OF THEIR NEEDS AND DESIRES, AND I DON'T KNOW IF THERE'S A WAY FOR US TO COORDINATE BETTER WITH THEM OR PERHAPS WITH A MEETING OR TWO HAVE THEM UNDERSTAND EXACTLY WHAT WOULD BE THE RAMIFICATIONS IF WE ANNEX OR IF WE DON'T. BY CHANCE ARE YOU -- WILL YOU LIKELY BE IN CONTACT WITH THEM?

I'VE DISCUSSED THIS WITH SOME FOLKS FROM THE GLO OVER A MONTH, SIX WEEKS TO A MONTH. I THINK THEY UNDERSTAND WHAT THE RAMIFICATIONS ARE. I GUESS I'LL MEET WITH THEM AGAIN TO -- AT THE STAFF LEVEL.

Mayor Wynn: LIKE THE OTHERS, THIS IS THE SECOND PUBLIC HEARING, AND REMIND ME THE PARAMETERS, IF FOR WHATEVER REASON IN DISCUSSIONS WITH THE GENERAL LAND OFFICE THERE WAS A DESIRE TO DELAY OR POFLT POSTPONE OR -- POSTPONE THIS ANNEXATION. ONCE WE START THIS CLOCK TICKING WHAT'S THE PARAMETERS ON THIS?

WE MUST TAKE AT LEAST FIRST READING ON DECEMBER THE SECOND. YOU DID ALL THREE READINGS ON DECEMBER THE SECOND, THEN THE EFFECTIVE DATE WOULD BE DECEMBER 31st. IF YOU DID FIRST READING, THEN YOU HAVE 90 DAYS TO COMPLETE THE OTHER READINGS. AND IF YOU WERE TO GO AHEAD AND NOT DO FIRST READING, THEN WE'D HAVE TO START EVERYTHING AGAIN, WHICH WOULD MEAN THAT IT WOULD BE SOMETIME IN JANUARY BEFORE WE HAD MORE HEARINGS, AND I'D ANTICIPATE THAT THEY'LL HAVE SOLD THIS PROPERTY AND FILED, YOU KNOW, -- GAIN WHATEVER ENTITLEMENTS WOULD OCCUR WHICH WOULD FOLLOW.

Mayor Wynn: AND SORT OF REMIND ME AS FAR AS THE SORT OF GRANDFATHERING OF ENTITLEMENTS GO, WHAT ENTIEJTSMENTS WOULD SOME BUYER BE GETTING AND FROM WHOM?

THAT ASSUMES THAT THEY ACTUALLY FILE SOMETHING. SO I THINK THAT THEY'RE CONCERNED THEY WOULD NOT GET ZONING. AND SO I SUPPOSE THE WAY THIS WOULD PLAY OUT, IF WE DIDN'T ANNEX IS, THEN SOMEONE WOULD GO AHEAD AND --

LET ME SEE IF I CAN HELP MR. LUKENS OUT. IF WE ANNEX THIS PROPERTY, WE WILL HAVE ZONING AUTHORITY OVER IT AND COUNCIL WILL BE -- IN FACT, WHEN WE ANNEX IT, IT WILL RECEIVE INTERIM ZONING. IF WE DO NOT ANNEX IT AND A BUYER BUYS THE PROPERTY FROM THE STATE OF TEXAS, THAT BUYER -- IF YOU DON'T ANNEX IT AND IT REMAINS IN THE E.T.J., THAT BUYER CAN COME IN AND APPLY FOR SUBDIVISION PERMITS, AND THAT MIGHT GRANDFATHER -- THAT MIGHT GRANDFATHER THE TRACTS BECAUSE THAT WOULD BE THE TRIGGERING DATE.

WELL, I WAS THINKING MORE LIKE THEY WOULDN'T NEED THE ZONING BECAUSE THEY WOULD HAVE KEPT CHAPTER 43 RIGHTS, AND THEY MIGHT FILE A PARK USE SITE PLAN. AND IT WOULD CREATE A CERTAIN AMOUNT OF CONFUSION.

THAT'S CORRECT AS WELL. THERE ARE ANY NUMBER OF MECHANISMS, PERMIT APPLICATIONS THEY COULD FILE THAT COULD TRIGGER THE GRANDFATHERING. IF YOU GO ON AHEAD AND N ANNEX THIS PROPERTY, THEN YOU WILL HAVE LAND USE CONTROLS OVER IT. AND IN OUR ORDER OF DEVELOPMENT PROCESS, IT'S THE LAND USE CONTROLS THAT WILL -- THAT WILL DRIVE THE PERMIT -- THE REGULATORY PERMIT PROCESS. SO THAT'S THE REASON WHY WE'RE ASKING FOR A DELAY BECAUSE THAT WILL GIVE THEM AN OPPORTUNITY TO ATTEMPT WHATEVER APPLICATION IT IS THEY'RE GOING TO FILE, THAT WILL GIVE THEM AN OPPORTUNITY TO FILE AN APPLICATION, GRANDFATHER IT, AND THAT PERMIT APPLICATION MIGHT ACTUALLY DRIVE THE DISCRETION -- THE COUNCIL WOULD HAVE AS FAR AS ZONING IS CONCERNED. IT IS LIKE GETTING THE CART BEFORE THE HORSE.

THANK YOU. FURTHER QUESTIONS OF MR. LUKENS? ARE THERE ANY CITIZENS THAT WISH TO BE HEARD ON THIS PUBLIC HEARING, ITEM NUMBER 50 CONCERNING THE FULL PURPOSE ANNEXATION OF THE BRANT ROAD AREA.

WELCOME, SIR.

MAYOR, MEMBERS OF COUNCIL, MY NAME IS RICK VAUGHN. I'M REPRESENTING THE ONION CREEKS AND SLAUGHTER CREEK OWNERS ASSOCIATIONS. WE WOULD EXPECTFULLY REQUEST THAT YOU PROCEED WITH THE ANNEXATION FOR ALL THE REASONS THAT MS. TERRY AND MR. LUKENS HAS -- HAVE ALREADY TALKED ABOUT. WITH THE ANNEXATION OF THIS PROPERTY AND THE PROPERTY IS DIRECTLY ACROSS BRANDT LANE FROM THE PARK SIDE DEVELOPMENT, THIS WOULD ENABLE THE CITY TO NOT ONLY HELP THE LAND USE CONTROLS THROUGH THE ZONINGS AND THE OVERLAYS THAT COULD BE ESTABLISHED THERE, BUT IT WOULD ALSO ALLOW THE CITY THEN TO EXERCISE THE COMPATIBILITY STANDARDS. AND A LOT OF THE OTHER STANDARDS, THAT IF THEY FILE A SITE PLAN AND THE SITE PLAN IS IN THE CITY PRIOR TO 90 DAYS FROM THE ANNEXATION, THEN THEY'RE GRANDFATHERED FROM ALL THAT. SO THE PARKING REQUIREMENTS, THE LANDSCAPING, THE COMPATIBILITY STANDARDS, ALL OF THOSE BECOME AN ISSUE, ESPECIALLY WHEN YOU'RE TALKING ABOUT THAT AREA WITH -- FROM BRANDT LANE SOUTH IS PREDOMINANTLY RESIDENTIAL WITH SOME VERY WELL PLANNED COMMERCIAL RIGHT ALONG THE HIGHWAY. SO FOR THOSE REASONS SPECIFICALLY I WOULD REQUEST THAT THE COUNCIL PROCEED WITH THE ANNEXATION, IF THAT'S AT ALL POSSIBLE.

Mayor Wynn: THANK YOU, MR. VAUGHN. IF YOU COULD DO US A FAVOR AND FILL OUT ONE OF THE CARDS FROM THE CITY CLERK FOR OUR RECORDS. THANK YOU. ARE THERE ANY OTHER CITIZENS WISHING TO BE HEARD ON THIS PUBLIC HEARING? IF NOT, I'LL ENTERTAIN A MOTION TO CLOSE IT. MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER DUNKERLEY TO CLOSE THIS PUBLIC HEARING, ITEM NUMBER 50. ALL THOSE IN FAVOR, PLEASE AAYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO TO CLOSE THE PUBLIC HEARING.



THIS LAST ITEM IS A PUBLIC HEARING FOR THE LIMITED PURPOSE ANNEXATION OF GOODNIGHT RANCH. THIS IS ABOUT 761 ACRES EAST OF OLD LOCKHART HIGHWAY ABOUT A 10th OF A MILE EAST OF THE INTERSECTION OF SLAUGHTER LANE AND OLD LOCKHART HIGHWAY. THIS IS THE SECOND PUBLIC HEARING. ORDINANCE READING WOULD BE ON -- SCHEDULED FOR DECEMBER THE SECOND. AND THIS WOULD BE FOR FIRST READING ONLY BECAUSE WE WOULD WAIT FOR THE ZONING CASE TO CATCH UP. THIS IS AN OWNER REQUESTED LIMITED PURPOSE ANNEXATION WHERE THEY REQUEST ANNEXATION AND WAIVE THE RIGHT FOR THREE-YEAR CONVERSION. AND SO THEY'LL BE FILING A PUD ZONING CASE, AND THE PROPERTY GETS ANNEXED FOR FULL PURPOSES AS IT'S SUBDIVIDED WITH THE BALANCE OF THE AREA ANNEXED, THIS TIME WE'RE TALKING ABOUT DECEMBER 2010, IRRESPECTIVE OF THE PLATTING STATUS. THIS IS SIMILAR TO WHAT WAS DONE IN AVERY, INTERPORT, WILD HORSE AND ROBINSON. SO IT'S A MODEL THAT WE'RE ALL FAMILIAR WITH. SO THAT'S THE GOODNIGHT RANCH PRESENTATION.

Mayor Wynn: THANK YOU, MR. LUKENS. COUNCIL? ANY CITIZENS WISHING TO BE HEARD ON THIS PUBLIC HEARING, ITEM ITEM NUMBER 50, THE LIMITED PURPOSE ANNEXATION OF THE GOODNIGHT RANCH? HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER SLUSHER TO CLOSE THE PUBLIC HEARING. ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

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

THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. LUKENS. COUNCIL, I BELIEVE I SAW -- BEFORE WE PERHAPS GO TO THE RAINEY STREET ZONING CASES, ITEM NUMBER 52 IS A PUBLIC HEARING REGARDING WAIVING CERTAIN DEVELOPMENT REGULATIONS. IS THERE -- IS THIS LIKELY A QUICK PUBLIC HEARING? I DON'T SEE ANY -- WE DO HAVE SOME CITIZENS

SIGNED UP FOR THIS. COUNCIL, LET'S GO AHEAD AND IF YOU DON'T MIND, LET'S TAKE UP THE PUBLIC HEARING ITEM NUMBER 52.

GOOD EVENING, MAYOR AND COUNCIL, I'M LUCY GALLON HAN WITH WATERSHED PROTECTION AND REVIEW. THE REQUEST BEFORE YOU IS TO REQUEST A WAIVER TO THE INTERIM DEVELOPMENT REGULATIONS OF ORDINANCE 040624-52. THIS IS WHAT COUNCIL ADOPTED ON JUNE 24TH, 2004, WHICH IS A MORATORIUM PROHIBITING THE ISSUANCE OF A BUILDING PERMIT FOR THE TWO FAMILY RESIDENTIAL USE OR SECONDARY APARTMENT USE. A SEKSD DAIRY APARTMENT USE IS AVAILABLE IF THERE IS A -- THE APPLICANTS, MR. AND MRS. PUGA ARE REQUESTING A WAIVER TO THE DEVELOPMENT REGULATIONS TO ALLOW THE CONSTRUCTION OF A SECONDARY APARTMENT SPECIAL USE, WHICH WILL PROVIDE 810 SQUARE FEET ON THE FIRST FLOOR FOR GARAGE USE AND 810 SQUARE FEET ON THE SECOND FLOOR FOR LIVING SPACE. THE MORATORIUM ORDINANCE ALLOWS THE COUNCIL TO WAIVE A DEVELOPMENT LIMIT IF THE COUNCIL DETERMINES THAT THE DEVELOPMENT LIMIT IMPOSES AN UNDUE HARDSHIP ON THE APPLICANT AND THE DEVELOPMENT PROPOSED BY THE APPLICANT WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY AND WELFARE. THE APPLICANTS ARE PROPOSING TO USE BOTH THE EXISTING SINGLE-FAMILY HOUSE CURRENTLY ON LOT AND THE PROPOSED SECONDARY UNIT FOR FAMILY USE ONLY. THEY ARE NOT PROPOSING TO USE IT FOR RENTAL PROPERTY. THE APPLICANT'S SON IS CURRENTLY LIVING IN THE SINGLE-FAMILY HOME AND ATTENDING CLASSES AT THE UNIVERSITY OF TEXAS. THEY PROPOSE TO USE THE SECONDARY UNIT AS, I GUESS, A HOUSE TO ALLOW FAMILY TO STAY WHEN THEY'RE VISITING FROM OUT OF TOWN. STAFF RECOMMENDS APPROVAL OF THIS REQUEST.

THANK

Mayor Wynn: THANK YOU, MS. CALLAHAN. WE HAVE A COUPLE OF CITIZENS SIGNED UP TO SPEAK ON ITEM 52 REGARDING THIS CONSIDERATION OF WAIVING THE ORDINANCE REQUIREMENTS. THE FIRST SIGNED UPSET 17 RICK VASQUEZ, SIGNED UP WISHING TO SPEAK, ONLY IF COUNCIL

HAS QUESTIONS IN FAVOR. AND MR. ROBERT LEE SIGNED UP NOT WISHING TO SPEAK, ALSO IN FAVOR. QUESTIONS, COUNCIL? COMMENTS? STAFF IS RECOMMENDING THIS WAIVER.

YES, SIR.

Alvarez: MAYOR? HOW LARGE IS THE EXISTING STRUCTURE?

THE EXISTING STRUCTURE, I'M GOING TO ASK MR. VASQUEZ TO ANSWER THAT QUESTION.

RIGHT NOW MY HOUSE IS -- I'M RICK VASQUEZ. RIGHT NOW MY HOUSE IS 1150 SQUARE FEET. THE SINGLE RESIDENCE THAT'S THERE NOW.

Alvarez: AND THAT'S THE GENERAL SIZE IN THAT NEIGHBORHOOD?

AROUND THERE, 1,000, 800. THERE'S NOT MUCH MORE THAT'S BIGGER THAN THAT THAT'S ORIGINALLY IN THAT NEIGHBORHOOD, YES.

Alvarez: AND THEN THE -- AND ARE THERE OTHER SECONDARY APARTMENTS TOO IN THAT AREA?

THERE ARE A FEW. MY MAIN -- THE REASON WHY I WAS LOOKING FOR THIS IS BECAUSE IN THAT AREA THERE'S ESSENTIALLY NO GARAGE AND VERY LITTLE PARKING AREA, SO WE HAVE TO PARK IN THE STREET. ORIGINALLY MY INTENT WAS TO BUILD A GARAGE AND THEN WE DECIDED WHY NOT ADD SOME HOUSING ON TOP AFTER THE FACT BECAUSE WE DO HAVE QUITE A BIT OF COMPANY THAT COMES INTO TOWN, ESPECIALLY MY BROTHER, WHO HAS RECENTLY MOVED AWAY.

Alvarez: OKAY. THANK YOU.

Dunkerley: MAYOR, I HAVE ONE QUESTION. I THINK THE ORDINANCE IS COMING BACK TO US NOVEMBER THE 20TH. IS THERE -- DO YOU HAVE A PRESSING REASON WHY YOU WANT TO DO IT TWO WEEKS EARLY?

ORIGINALLY WE STARTED -- I HAD STARTED THIS POSE BACK IN MAY. I HAD INQUIRED ABOUT GETTING THE PERMIT TO DO THIS, BUT WE WERE WAITING ON SOME FINANCING. WHEN OUR FINANCING FINALLY CAME THROUGH IN JULY, THE MORATORIUM I THINK WAS IN EFFECT IN JUNE. SO ESSENTIALLY SINCE THEN WE'VE BEEN TRYING TO FIGURE OUT HOW BEST TO PURSUE THIS, AND IT JUST KIND OF HAPPENS TO FALL HERE NOW CLOSE TO THE EXPIRATION OF THE MORATORIUM.

Dunkerley: SO BOTH OF THE SPEAKERS WERE IN FAVOR OF THE VARIANCE?

Mayor Wynn: YES, BOTH CARDS SIGNED UP IN FAVOR, NOT WISHING TO SPEAK.

Slusher: ARE THOSE NEIGHBORS, COULD I ASK? WHERE ARE THE PEOPLE IN FAVOR?

Mayor > MAYOR WYNN: MAYOR MR. VASQUEZ, AND ROBERT LEE, I CAN'T READ THE ADDRESS, BUT THE ZIP IS 67650. SO -- 78750. SO PERHAPS NEARBY.

Slusher: SO IS IT SAFE TO SAY THEN THAT THERE'S NOT NEIGHBORHOOD OPPOSITION TO THIS? I'M SORRY.

NO. I HAVE TALKED WITH A COUPLE OF THE NEIGHBORHOOD ASSOCIATION REPRESENTATIVES AND GOT THEM IN CONTACT WITH MR. VASQUEZ. AND I BELIEVE HE HAS REASSURED THEM AND SATISFIED THEIR CONCERNS.

Slusher: AND MR. VASQUEZ, IS THAT ACCURATE?

YES, SIR. I HAVE SPOKEN WITH SEVERAL OF THE ASSOCIATIONS AND THEY WEREN'T QUITE SURE WHO I WAS AS OPPOSED TO -- BECAUSE THE LISTING IS UNDER MY PARENTS' NAME. AND WE HAVE STEPFATHER OBVIOUSLY. AND THAT'S WHY THEY WERE CONCERNED ABOUT WHO I WAS SINCE I FILED ALL THE PAPERWORK. AND THEY WERE JUST REALLY NOT SURE WHO I WAS AND HOW I WAS INVOLVED WITH THIS WHOLE PROCESS.

Slusher: YOU'VE OWNED THE PROPERTY AND YOU LIVE ON

THE PROPERTY.

MY PARENTS DO, YES, AND I LIVE THERE.

Slusher: OKAY. I WOULD MOVE APPROVAL.

Alvarez: I'LL SECOND IT.

Mayor Wynn: MOTION BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER ALVAREZ TO CLOSE THE PUBLIC HEARING AND APPROVE THE WAIVER FROM THE ORDINANCE. THANK YOU VERY MUCH. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

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

THANK YOU.

Mayor Wynn: NOW THAT TAKES US TO --

Slusher: MAYOR, WE HAVE ITEM NUMBER 25 WE MAY BE ABLE TO GET RID OF. I DO HAVE PERSONAL INTEREST AT STAKE, NOT IN THE ITEM, BUT IN GETTING DONE.

Mayor Wynn: THANK YOU, COUNCILMEMBER. LET'S GO BACK TO ITEM NUMBER 25 REGARDING THE NEIGHBORHOOD PLANNING PROCESS, AN ITEM PULLED BY COUNCILMEMBER SLUSHER, WHO I WILL RECOGNIZE.

Slusher: THANK YOU, MAYOR. THIS IS THE ONE ABOUT NEIGHBORHOOD PLANNING. AND WE HADN'T SPENT ANY TIME AT ALL ON NEIGHBORHOOD PLANNING TODAY, SO I THOUGHT I WOULD PULL IT OFF FOR DISCUSSION. ACTUALLY, IT WASN'T TOTALLY CLEAR TO ME WHAT EXACTLY IS INTENDED TO BE THE INSTRUCTIONS ARE TO THE STAFF, WHAT'S THE INTENT THERE. SO I WANTED TO SORT OF GO THROUGH IT AND SEE WITH THE MAYOR PRO TEM AND I GUESS COUNCILMEMBER ALVAREZ. THE NEIGHBORHOOD PLAN IS INTEGRATED AS PART OF NEIGHBORHOOD PLAN. IS THAT A CHANGE FROM THE WAY IT IS NOW OR IS THAT JUST REAFFIRMING?

Goodman: IT'S REAFFIRMING.

Slusher: IS THE STAFF SUPPOSED TO DO ANYTHING DIFFERENT AS A RESULT OF THIS PARTICULAR CLAUSE?

Goodman: OH, THAT'S TO A CLAUSE?

Slusher: OR THAT PARTICULAR BULLET POINT ON THE RESOLUTION.

Goodman: ACTUALLY, THIS IS NOT THE LATEST DRAFT.

Slusher: REALLY? I'M LOOKING AT -- IT DOESN'T HAVE THE TIME ON IT.

Goodman: SENT ONE WHERE THE WHEREAS WAS -- THE COMPREHENSIVE PLANNING THE WAY THAT CHESTNUT AND EAST CESAR CHAVEZ STARTED OUT THAT HAS NEIGHBORHOOD PLAN IDENTIFIED A FULL ARRAY OF COMMUNITY ASSETS SUCH AS HEALTH, HOUSING, EDUCATIONAL AND SOCIAL SERVICES TOWARD DEVELOPMENT OF A COMMUNITY DRIVEN IMPLEMENTATION PROCESS THAT COORDINATES AND OPTIMIZES PUBLIC, PRIVATE AND INDIVIDUAL ACTIONS AND RESOURCES BY THE NEIGHBORHOOD PLAN.

Slusher: THAT'S THE SECOND BULLET POINT ON THE ONE I HAVE. THIS DOESN'T HAVE A TIME ON IT, BUT IT'S THE YELLOW PAPER ON NUMBER 25-R, IT SAYS 11/4/04.

Goodman: OKAY. IT'S IN A DIFFERENT ORDER, THAT'S WHY I THOUGHT IT WASN'T HERE. I HAVE IT. OKAY. I'M SORRY, NOW, WHERE WERE WE?

SLUSHER: THE FIRST ONE, I WAS WONDERING IF ANYTHING WILL BE DONE DIFFERENTLY OR WAS SUPPOSED TO BE DONE DIFFERENTLY AS A RESULT OF THAT?

Goodman: YES, IT WILL. IT WAS SUPPOSED TO BE PART OF THE ORIGINAL IMPLEMENTATION THAT WAS PASSED BY COUNCIL. AND THEN WHEN TRANSPORTATION GOT SEPARATED OUT ON ITS OWN, THOSE FOLKS DIDN'T PARTICIPATE, AND, IN FACT, STAFF TOLD NEIGHBORHOODS

THEY COULD NOT DO TRANSPORTATION PLANNING IN THEIR NEIGHBORHOOD PLANS. SO THIS IS TO INTEGRATE THAT BACK IN NOW THAT THE PLANNING DEPARTMENTS ARE TOGETHER AGAIN. AND ALICE HAS THEM, RIGHT? YOU HAVE TRANSPORTATION PLANNING STAFF? AND SO ISSUES LIKE THE 51st STREET AND 53rd AND A HALF, THAT NEIGHBORHOODS HAVE IN FACT BEEN PLANNING FOR, BUT COULDN'T PUT INTO THEIR NEIGHBORHOOD PLAN AND HAD TO COME IN A ROUNDABOUT WAY TO TRY TO GET US TO DO THEM OUTSIDE OF THE PLAN CAN BE ADDRESSED THE WAY THEY'RE SUPPOSED TO CONCURRENTLY. AND THAT WAS THE ORIGINAL COUNCIL THAT INTEGRATED ALL 12 OF THE RECOMMENDATIONS FROM HERE.

Slusher: FROM THE CITIZEN PLANNING COMMITTEE? AND I GUESS WE'LL GET SOME THINGS WHERE THEY MIGHT WANT A SMALLER -- OBVIOUSLY WE HAVE TO TAKE INTO ACCOUNT THE ISSUES BEYOND THAT NEIGHBORHOOD, IF IT'S AN ARTERIAL THAT'S COMING THROUGH.

Goodman: RIGHT. AND THAT WAS PART OF THE REASON THAT A BUDGET AMENDMENT WAS INTRODUCED ONE YEAR FOR A CORRIDOR PLANNING SORT OF PROJECT ON THE PROCESS OF PLANNING A CORRIDOR, AND THERE WERE MULTIPLE INTERESTS THERE, AND I DON'T KNOW WHAT HAPPENED TO THAT STUDY, BUT WE PAID FOR IT AND IT'S OUT THERE SOMEWHERE. SO THAT IS ONE OF THE TOOLS THAT WE'LL USE.

Slusher: OKAY. SO I UNDERSTAND THAT ONE BETTER THEN. AND THE NEXT ONE THAT YOU READ A MINUTE AGO ABOUT THE FULL ARRAY OF COMMUNITY ASSETS, I GUESS THAT ONE IS PRETTY CLEAR.

Goodman: NOT ALL NEIGHBORHOODS NEED THAT, BUT SOME WOULD LIKE TO ADDRESS IT IN THEIR PLANS.

Slusher: AND BY ADDRESSING IT, THIS SOUNDS LIKE IT JUST IDENTIFIES IT. CAN THEY CALL FOR MORE OR LESS OF SOMETHING OR IS IT JUST LOCATION OR WHAT?

Goodman: NO, NOT NECESSARILY LOCATION, JUST FACILITIES OR SERVICES THAT THEY WOULD LIKE TO SEE INTRODUCED

AND THAT THEY WOULD LIKE TO WORK TOWARD. LIKE SOMETIMES IT'S CLINICS HOURS, THINGS LIKE THAT.

Slusher: AND OF COURSE, SOME NEIGHBORHOODS THEY MIGHT BE TEMPTED TO TRY TO BAN SOME.

Goodman: THEY MIGHT BE TEMPTED.

Slusher: I GUESS THAT'S IN THE ZONING TOO. OKAY. LAND DOAMENT CODE IS DEVELOPED TO ALLOW NEIGHBORHOODS TO UTILIZE ZONING CATEGORIES TO PERMIT COMMERCIAL DEVELOPMENT, BUT DO NOT ALLOW USES OR DEVELOPMENT INTENSITY WHICH ARE TYPICALLY UNDESIRABLE NEAR RESIDENTIAL AREAS. SO I'M NOT SURE WHAT -- I'LL HAVE TO LOOK BACK AT WHAT PROPOSED CHANGES. SO THE STAFF IS SUPPOSED TO COME BACK WITH PROPOSED CHANGES TO ADDRESS THAT?

Goodman: RIGHT. SOMETIMES THERE ARE USES THAT ARE COMPATIBLE WITH NEIGHBORHOODS, SPEAKING OF THE NEO TRADITIONAL OR NEW URBANISM, BUT THEY ONLY HAPPEN IN OUR CODE UNDER A VERY INTENSE ZONING, SO THERE'S NO DOWNSIZED CATEGORY FOR THEM TO GO TO. AND SOMETIMES THEY'RE -- ALICE CAN SPEAK TO THIS BETTER THAN I. IN ONE OF THE NEIGHBORHOODS NOW THERE IS NO CATEGORY TO SPEAK TO SOME OF THE USES THAT THE NEIGHBORHOOD IS OKAY WITH. FOR INSTANCE, SOME OF THE USES THAT WE HAVE COME TO, EVOLVE INTO - - I DON'T KNOW HOW TO ARTICULATE THIS. THEY COULD BE DOWNSIZED. IT'S LIKE THAT NURSERY THING. REMEMBER WHEN WE DID THE NURSERY. A NEIGHBORHOOD-SIZE NURSERY, A SMALL NURSERY WITH CRITERIA ABOUT TOXIC MATERIALS AND SO FORTH, A LIMITATION ON IT, A NEIGHBORHOOD COULD HAVE THAT AND COMPATIBLY HAVE THAT USE. BUT IT TOOK AN INTENSE ZONING, THE SAME KIND OF ZONING THAT YOU WOULD HAVE A HUGE NURSERY WITH WITH LOTS OF BUG KILLER AND WEED KILLER AND STUFF LIKE THAT. BUT THERE WAS NO DIFFERENCE BETWEEN THE TWO. SO IT'S SORT OF LIKE N.O. AND L.O., EXCEPT THERE WAS NONE FOR SOME COMMERCIAL USES, AND IT TOOK LI OR CS OR GR.

Slusher: BASICALLY YOU'RE TALKING ABOUT REFINING SOME



OF THE ZONING.

Goodman: YEAH.

Slusher: ALL RIGHT. IN THE MEDIATION PROCESS -- I WAS CONCERNED ABOUT THE COST OF THAT BECAUSE WE PASS THE BUDGET -- WE PASSED THE BUDGET ALREADY. I KNOW WE HAVE SOME MEDIATORS ON STAFF, BUT THAT'S MY MAIN CONCERN ON THAT ONE AND HOW EXTENSIVE WE'RE TALKING ABOUT THERE.

Goodman: AND THAT WE HAVE 100 CASES GIVEN TO US PRO BONE KNOW BY THE YOUNG LAWYERS.

Slusher: OKAY. THAT'S WHAT YOU'RE AIMING AT THERE. PRO BONE KNOW, THAT SOUNDS PRETTY GOOD. REFINEMENT OF THE MU ZONING CATEGORY ALLOWS FOR TRUE MIXED USE DEVELOPMENT AS WELL AS BEARING LEVELS FOR DENSITY OF THE RESIDENTIAL USES AND A MORE ACCURATE DESIGNATION OF USE. SO WHAT YOU'RE DOING THERE IS THAT'S ANOTHER WHERE WE'RE CHANGING THE ZONING CATEGORY?

Goodman: FINE TUNING IT BECAUSE MIXED USE WAS ORIGINALLY SUPPOSED TO BE HOW WE WERE DEFINING WITHIN A BUILDING, WITHIN A COMMERCIAL AND RESIDENTIAL BUILDING, BUT WE KIND OF STRETCHED IT OUT BECAUSE WE HAD NO TOOLS OTHER THAN THAT. SO NOW IT'S UP TO INTERPRETATION, AND IN THREE YEARS OR FIVE YEARS WHOEVER IS INTERPRETING THAT ON THE MAP WILL HAVE NO IDEA WHAT IT IS, SO WE NEED TO BE MORE SPECIFIC WHEN WE'RE USING IT ON THE LAND USE MAP AS OPPOSED TO A FACILITY. WE NEED TO TELL YOU WHICH OF THOSE IS BEING LAID OUT ON THE MAP.

Slusher: OKAY. AND THERE'S ONLY TWO MORE, THE DESIGN STANDARDS BE MORE THAN AN ADVISORY. I'M WONDERING HOW WE --

Goodman: THAT IS SOMETHING TO BE WORKED ON IN CONJUNCTION WITH THE KIND OF DISTRICTS, NEIGHBORHOOD CHARACTER WE'RE TRYING TO WORK ON. BUT IN THE MEANTIME IT NEEDS TO COME ALONG WITH THE

COMMERCIAL DESIGN STANDARDS BECAUSE THERE ARE ISSUES OF THE CHARACTER OF THE NEIGHBORHOOD, AND SO MAYBE NOT AS DEVELOPED AS THE HYDE PARK ONES WERE, BUT PEOPLE WOULD LIKE TO HAVE SOME KIND OF MECHANISM TO LET PROPERTY OWNERS OR DEVELOPERS KNOW WHAT THE CHARACTER IS THAT THEY'RE TRYING TO PROTECT. AND THERE'S SOME DESIGN ISSUES THAT -- YOU KNOW, THE TYPICAL ONES, THE SETBACKS AND ALL THAT AS WELL AS STYLE, WHAT IS THE PREVAILING CHARACTER, AND THERE NEEDS TO BE SOME CONSIDERATION GIVEN TO THAT IF IT'S A AVAILABLE ENOUGH ASSET TO CREATE A DISTRICT AROUND. > SLUSHER: OKAY. AND IF YOU COULD SLAIN THIS LAST ONE TOO SO WE GET MORE OF AN IDEA OF WHAT THE STAFF IS SUPPOSED TO DO, AND THAT'S ALL I HAVE. I APPRECIATE IT, MAYOR PRO TEM.

Goodman: WELL, THE LAST ONE IS KIND OF NEBULOUS BECAUSE IT'S SUPPOSED TO BE INVENTED AS THE NEEDS ARISE OR TALKED ABOUT AS THE NEEDS ARISE. AND THEY'RE ALL DIFFERENT FOR DIFFERENT NEIGHBORHOODS. SO I DIDN'T WANT TO BOX THEM IN TOO MUCH.

Slusher: OKAY. STAFF IS SUPPOSED TO COME BACK IN JANUARY WITH THAT?

Goodman: UH-HUH.

Slusher: I THINK MS. GLASGO WANTS TO SAY SOMETHING.

Glasco: I JUST WANT TO INDICATE THAT THE ITEMS THAT ARE HERE, DURING OUR BUDGET PRESENTATION WE LET YOU KNOW THAT WE'RE GOING TO PURSUE UPDATING OUR ZONING ORDINANCE SO THAT THIS WILL GIVE US AN OPPORTUNITY TO LOOK AT THE ELEMENTS RELATED TO THE ZONING AND LAND USE. AND ALSO I THINK IN TODAY'S AGENDA YOU SET A PUBLIC HEARING TO AMEND THE MU DISTRICT BECAUSE OBVIOUSLY WHEN WE CREATED THAT CATEGORY A LONG TIME AGO JUST BEFORE THE ACTUAL PROJECT OR WHAT'S PROPOSED TO BE PUT ON THE GROUND, AND AS WE ARE BEGINNING TO SEE PROJECTS COME FORWARD, WE REALIZE THAT IT NEEDS TO BE REFINED, SO WE WILL BE COMING TO YOU I THINK NOVEMBER THE 18th TO MODIFY THAT SO PEOPLE PROCEED

WITH AMENDMENTS. BUT ONCE WE UP THE ZONING ORDINANCE, WE'LL LOOK AT ALL THESE PROJECTS. I ALSO WANTED TO SHARE WITH YOU THAT WHEN WE WORKED ON THE GOVALLE JOHNSON TERRACE NEIGHBORHOOD PLAN, THAT'S WHERE WE ENCOUNTERED THE NEED FOR LOOKING AT OUR ZONING CATEGORIES. WE HAD AREAS WHERE THE RESIDENTS AND THE BUSINESS OWNERS, FOR EXAMPLE, THE SAUSAGE COMPANY, THE ARTS AND CRAFTS USES THAT WERE INTEGRAL IN PART OF THE NEIGHBORHOOD, BUT REQUIRED L.I. ZONING WHICH WAS IN CONCERT WITH WHAT WE WERE TRYING TO DO TO REDUCE THE AMOUNT OF L.I. ZONING AND THAT IS AN EXAMPLE WHERE WE AMENDED THE ZONING ORDINANCE TO ALLOW SOME OF THE ARTS AND CRAFTS, BUT NOT EVERYTHING. SO THE UPDATE OF THE ZONING ORDINANCE WILL GIVE US AN ABILITY TO LOOK AT ALL THESE ELEMENTS AND HOPEFULLY WILL HELP US WITH IMPLEMENTATION OF THE NEIGHBORHOOD PLANS REZONING. THEN FINALLY, MAYOR PRO TEM, ON BULLET NUMBER 2, IF YOU DON'T MIND, COULD YOU CLARIFY -- LET ME CLARIFY A LITTLE BIT BECAUSE IT SPEAKS TO US DEVELOPING A FULL ARRAY OF COMMUNITY ASSETS SUCH OF HEALTH, HOUSING, EDUCATION AND SOCIAL SERVICES TOWARD DEVELOPMENT OF A COMMUNITY DRIVEN IMPLEMENTATION PROCESS TO COORDINATE AND OPTIMIZE PUBLIC, PRIVATE AND INDIVIDUAL ACTIONS AND RESOURCES RELATED TO THE NEIGHBORHOOD PLAN. AND THE REASON -- I'M SORRY. THE REASON I ASKED FOR CLARIFICATION IS JUST TO MAKE SURE THAT IT'S -- THIS IS AN EXTENSION OF WHAT WE'RE DOING RIGHT NOW A LITTLE DIFFERENT BECAUSE WHEN WE ANNOUNCE OR BEGIN A NEIGHBORHOOD PLANNING PROCESS, WHAT WE DO IS WE HAVE A SPECIAL OPEN HOUSE WHERE WE FOCUS ON ALL CITY RELATED SERVICES, SO THE NEIGHBORHOODS COME AND WE INVITE ALL CITY DEPARTMENTS, THE ONES THAT YOU'VE MENTIONED HERE, SO HEAR FROM THE CITIZENS. THEY HAVE TABLES SET OUT AND THEY ADDRESS WHAT I CALL OPERATIONAL NEEDS, THINGS THAT NEED TO BE ADDRESSED TODAY, BUT THROUGH THE REVIEW PROCESS WHAT ALSO HAPPENS IS THERE ARE NEEDS FOR CERTAIN ELEMENTS, LIBRARY MAYBE THERE'S A NEED FOR HEALTH CLINICS, A NEED FOR LABOR OR THERE'S A NEED FOR A PARK, BUT THOSE ITEMS ARE IDENTIFIED, WE SEND THOSE

TO EACH DEPARTMENT AS THEY RESPOND BACK AND LET US KNOW, ONE, IF IT'S IN THEIR FUTURE PLAN, CAN THEY HANDLE IT WITH A CIP. SO WERE YOU LOOKING FOR SOMETHING BEYOND THAT? JUST SO I CAN MAKE SURE I KNOW WHAT TO IMPLEMENT.

WELL, I THINK IN THE FIRST PLANS IN CHESTNUT AND EAST CESAR CHAVEZ THEY DID A LITTLE MORE INTEGRATION OF THAT ELEMENT OF NEED FOR THE NEIGHBORHOOD INTO THE PLAN, SO THERE WAS AN OFFICIAL GOAL OR SOMETHING LIKE THAT. SO I WOULD SAY GO BACK TO THE CHESTNUT PLAN, CHESTNUT NEIGHBORHOOD PLAN AND THE EAST CESAR CHAVEZ PLAN TO SEE HOW IN-DEPTH THEY WERE ABLE TO GO. AND AS I SAY, SOME NEIGHBORHOODS DON'T FOOL THEY NEED ANYTHING -- FEEL THEY NEED ANYTHING LIKE THAT OR NOT TO A DEGREE A ANOTHER NEIGHBORHOOD WOULD. SO SOMETIMES IT DOESN'T COME UP AS MUCH, BUT JUST A REAFFIRMATION IN CASE NOBODY HAS BEEN LOOKING FOR IT IN CASE IT DOESN'T COME UP IN SOME NEIGHBORHOODS, THAT WAS THE HOLISTIC PLANNING THAT WAS SUPPOSED TO TAKE PLACE AND DID AT THE BEGINNING, AND I HAVEN'T SEEN IT SINCE. SO JUST TO GO BACK TO ROOTS AGAIN AND MAKE SURE THAT IT'S OFFERED.

Glasco: THANK YOU. I APPRECIATE THAT.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. FURTHER COMMENTS, QUESTIONS ON ITEM NUMBER 25? IF NOT, I'LL ENTERTAIN A MOTION.

Goodman: SO MOVE.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER ALVAREZ TO APPROVE ITEM NUMBER 25, THE RESOLUTION REGARDING THE NEIGHBORHOOD PLANNING PROCESS. FURTHER COMMENTS? HEARING NONE, THOSE THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. BLESS YOU. OKAY, COUNCIL. WITH THE

EXCEPTION OF OUR REMAINING EXECUTIVE SESSION ITEM, THAT TAKES US, I BELIEVE, TO THE RAINEY STREET ZONING CASES. I'LL RECOGNIZE MR. GREG GUERNSEY AND SAY GOOD-BYE TO COUNCILMEMBER SLUSHER.

MAYOR AND COUNCIL, THERE ARE SEVERAL ITEMS THAT I WOULD LIKE TO BRING BEFORE YOU AT THE SAME TIME. THERE'S ITEM NUMBER 47, WHICH IS CONSIDER RECOMMENDATIONS REGARDING DEVELOPMENT OF THE RAINEY STREET SUB DISTRICT OF THE WATERFRONT OVERLAY SUB DISTRICT, INCLUDING THE RECOMMENDATION OF APPROPRIATE AMENDMENTS TO THE CITY'S DEVELOPMENT REGULATION. THAT'S ITEM NUMBER 47. AND THEN ITEM Z-1 THROUGH Z-8 ARE RELATED ZONING CASES, 8 OF THEM, THAT ARE BEING BROUGHT FORWARD FOR YOUR CONSIDERATION FOR THE FIRST READING ONLY. BOTH THE ITEM 47, THERE'S NO ORDINANCE ASSOCIATED WITH THAT. IT'S MERELY A DIRECTION TO STAFF TO GO PURSUE A PARTICULAR AMENDMENT. THOSE AMENDMENTS WOULD BE THEN GOING BEFORE OUR PLANNING COMMISSION, PROBABLY WOULD ALSO BE CIRCULATED TO THE CODES AND ORDINANCE SUBCOMMITTEE OF THE PLANNING COMMISSION. THERE WOULD BE A CONSIDERABLE AMOUNT OF INPUT AND THERE WOULD BE OTHER BOARDS AND COMMISSIONS THAT HAVE ALREADY PARTICIPATED IN THIS ITEM TO COME TO THE COMMISSION AND GIVE THEIR INPUT AS WELL, AND THEN THAT WOULD EVENTUALLY BE BROUGHT BACK TO YOU. SO ON ITEM 47 THERE IS NO ORDINANCE THAT'S BEFORE YOU TO TAKE ACTION ON THIS EVENING. HOWEVER, ON ITEM Z-1 INFLUENCE Z-8 CLUN DOES HAVE THE ABILITY THIS EVENING TO EITHER TAKE ACTION ON THESE ON FIRST READING ONLY OR TO POSTPONE THESE ITEMS TO A LATER DATE. THAT WOULD BE ENTIRELY UP TO Y'ALL. THE ZONING AND PLATTING COMMISSION, THE PLANNING COMMISSION, THE MAC ADVISORY BOARD, HISTORIC LANDMARK COMMISSION, THE DESIGN COMMISSION, THE DOWNTOWN COMMISSION HAVE ALL MADE A REVIEW OF THESE ITEMS, NOT ALL OF THESE BOARDS AND COMMISSIONS HAVE MADE RECOMMENDATIONS TO THE PARTICULAR STAFF RECOMMENDATION THAT'S BEFORE YOU, BUT THOSE ITEMS HAVE ALL BEEN PRESENTED. AND I BELIEVE THAT YOU HAVE

THOSE ON THE DAIS. SO WITH THAT THE PUBLIC HEARINGS ARE CLOSED FOR 47 AND ALSO ITEM Z-1 THROUGH Z-8. AND IF YOU HAVE ANY QUESTIONS, I'LL BE MORE THAN HAPPY TO TRY TO ANSWER THEM AT THIS TIME.

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

Alvarez: A QUESTION TALKING ABOUT A PROPOSAL OR POSSIBLE ACTION ON FIRST READING. REGARDING THE PROPERTIES THAT ARE BASICALLY SOUTH OF RIVER STREET, I THINK IN THE PAST THE COUNCIL HAS APPROVED A COUPLE OF PROJECTS AT ABOUT 120-FOOT HEIGHT, SO IS THERE A DIFFERENT RECOMMENDATION FOR THOSE TRACTS THAT ARE OBVIOUSLY CLOSER TO TOWN LAKE OR WOULD THEY ALSO HAVE WITH THE DENSITY BONUS CONCEPT THE ABILITY TO GO TO A CBD HEIGHT?

CURRENTLY THOSE PROPERTIES THAT ARE ZONED DMU THAT ARE SOUTH OF RIVER STREET, AND THERE ARE TWO CURRENTLY, STAFF HAS NOT RECOMMENDED A CHANGE TO THOSE PROPERTIES. COUNCIL COULD CERTAINLY REZONE TO CENTRAL BUSINESS DISTRICT AND APPLY THOSE BONUSES. IT WAS NOT THE INTENT OF STAFF TO HINDER THE DEVELOPMENT ON THESE OTHER PARCELS THAT WERE ZONED DMU.

Alvarez: THEY'RE INCLUDED IN THE SEPARATE ZONING CASES.

THEY ARE INCLUDED IN YOUR ZONING CASES THAT ARE BEFORE YOU TONIGHT. STAFF DID NOT RECOMMEND ANY CHANGES TO ANY OF THOSE PROPERTY THAT WAS ALREADY ZONED CBD OR DMU. MOST OF THOSE ALREADY HAVE THEIR ENTITLEMENT. BOTH THE DMU PROJECTS ARE EITHER ALREADY UNDER CONSTRUCTION OR HAVE THE ABILITY TO ACHIEVE THEIR HEIGHT. BUT IF COUNCIL WANTS TO ZONE EVERYBODY CBD AND THEN ALLOW THE DEVELOPMENT A BONUS PROCESS TO GO FORWARD TO THE WATERFRONT OVERLAY, THAT'S CERTAINLY WITHIN YOUR POWER.

Alvarez: BUT THE WATERFRONT OVERLAY ITSELF DOESN'T

LIMIT HEIGHTS?

WHAT THE STAFF RECOMMENDATION WOULD BE TO LIMIT HEIGHTS TO 60 FEET.

Alvarez: I MEAN THE EXISTING WATERFRONT OVERLAY?

THAT EXISTING OVERLAY DOESN'T RESTRICT THE HEIGHT OF BUILDINGS. IT DOES HAVE RESTRICTION ON THE SETBACK FROM WATER'S EDGE, WHETHER IT'S WALLER CREEK, OR FROM TOWN LAKE. BUT MOST OF THESE PROPERTIES WOULD NOT BE IMPACTED BECAUSE THE SETBACKS ARE ABSORBED IN THE PUBLIC PARKLAND THAT SEPARATES MOST OF THE PRIVATE PROPERTY FROM TOWN LAKE OR ALONG WALLER CREEK, THE CREEK ITSELF KIND OF SETBACKS THE CBD CURING SET BACK HAS ALREADY BEEN ACTED ON. AND EAST OF CESAR CHAVEZ AND RED RIVER THEY ALREADY HAVE THE ENTITLEMENT TO GET UP TO A 10 TO ONE FAR IN THE HEIGHT THAT WOULD BASICALLY BE UNLIMITED FROM THAT STANDPOINT EXCEPT FOR CERTAIN SETBACKS FROM THE CONDOMINIUM THAT EXISTS IMMEDIATELY SOUTH OF THE CDB ZONING.

Alvarez: CAN YOU POINT ON THIS MAP THAT HAS THE TRACT NUMBERS TO THE -- I'M MOST INTERESTED IN THE PROPERTIES SOUTH OF RIVER STREET. JUST TO CLARIFY WHAT WE'RE SAYING, BECAUSE IF I UNDERSTAND WHAT STAFF RECOMMENDATION IS, IS THAT IF TRACT 82, YOU COULD HAVE CDB HEIGHT ON THAT PARTICULAR TRACT RIGHT THERE.

THAT'S CORRECT. TRACT 82, WHICH IS SOUTH OF THE RIVER, WEST OF EAST AVENUE, BETWEEN RAINEY, WITH THE EXCEPTION OF A STAFF RECOMMENDATION TO LIMIT SOME SITES ALONG RIVER STREET AS YOU'RE GOING TOWARDS THE MEXICAN-AMERICAN CULTURAL CENTER, THAT PROPERTY COULD ATTAIN AN UNLIMITED HEIGHT THEORETICALLY. STAFF WAS RECOMMENDING A 10 TO ONE FAR THAT MAY LIMIT THE ACTUAL STRUCTURE SIZE INSTEAD OF THE EXISTING FAR THAT ALREADY EXISTS TO CDB CURE ZONING TO THE NORTH. BUT THIS TRACT, BOTH THE ZONING AND PLATTING COMMISSION ZONE AND STAFF

RECOMMENDED CDB ZONING.

Alvarez: AND WHAT ABOUT THE OTHER TRACTS THAT ARE OFF TO THE EAST OF THAT?

THE RECOMMENDATION BY THE ZONING AND PLATTING COMMISSION BEYOND THE D.M.U. TRACT, BUT THE REMAINDER OF 83, WAS ALREADY FOR CBD ZONING. ON THE TRACTS THAT ARE WEST OF EAST AVENUE AND FURTHER DOWN IN THIS AREA, THOSE TRACTS WERE RECOMMENDED FOR CDB ZONE WG A CONDITIONAL OVERLAY TO D.M.U. STANDARDS, BUT THEN MADE A PROVISION FOR THE BONUS. THE TRACTS THAT ARE NORTH OF RIVER STREET RECOMMENDED CDB ZONING WITH AN OVERLAY SIMILAR TO DMU, BUT DID ALLOW FOR THE BONUS PROVISION WITH THE EXCEPTION THE ZONING AND PLATTING COMMISSION RECOMMENDED GR-MU ZONING IN THE RAINEY STREET NATIONAL REGISTER AND HISTORIC DISTRICT, WHICH IS THE AREA THAT'S CROSS HATCHED WHICH TAKES IN PARTS OF THE ZONING CASES IN 7881 AND 79 OF THIS CORRIDOR. AND THAT WOULD HAVE A HEIGHT LIMITATION OF 60 FEET BASED ON THE GR ZONING.

Alvarez: I'M LOOKING MORE ALONG TO THE TRACTS THAT ARE ALONG TOWN LAKE. SO THE ONES EAST OF EAST AVENUE AND WEST OF 35, WHAT ARE THE CURRENT ZONINGS ON THOSE?

THEY RANGE ANYWHERE FROM GR. WE HAVE A LITTLE BIT OF FAMILY RESIDENCE OR SF-3 ZONING, GENERAL COMMERCIAL SERVICES. AS YOU GO FURTHER TO THE NORTH, YOU HAVE MF-3 CURRENTLY WHERE THERE'S EXISTING CONDOMINIUMS. THERE ARE TRACTS THAT ARE ALSO ZONED CS. IT'S A RATHER LARGE WAREHOUSE STRUCTURE.

Alvarez: IF WE COULD FOCUS ON THE TOWN LAKE TRACTS.

THIS IS LO, LIMITED OFFICE. SF-3, CS AND GR ARE THOSE PREDOMINANT TRACTS THAT ARE SOUTH OF THE RIVER AND WEST OF 35.

Alvarez: I THOUGHT THE COUNCIL HAD ZONED -- APPROVED



ONE OF THE TRACTS NEAR I-35.

THERE'S A SMALL TRACT THAT'S ZONED D.M.U.

Alvarez: THAT ONE WOULD STAY THE SAME?

UNDER THE STAFF RECOMMENDATION THAT WOULD STAY THE SAME. AND THEN ALSO RAINEY STREET, RAINEY 54, WHICH THERE'S AN APARTMENT COMPLEX, THIS WOULD ALSO REMAIN D.M.U.

Alvarez: AND 96 THERE IS THAT --

IT'S CURRENTLY SF-3, CS AND GR.

Alvarez: AND THE REST OF THE HOLIDAY INN, IS THAT RIGHT?

THAT'S CORRECT. AND THERE'S AN AERIAL PHOTO THAT MIGHT GIVE YOU A LITTLE BIT BETTER VIEW OF THAT AREA.

AND ONE FINAL QUESTION WAS JUST ABOUT -- I THINK THE MEXICAN-AMERICAN CULTURAL CENTER ADVISORY BOARD DID MAKE SOME RECOMMENDATIONS. AND DO YOU KNOW THOSE OR WHO --

IT DOES NOT TAKE A FORMAL ACTION THAT I'M AWARE OF. INDIVIDUALS HAVE CERTAINLY I THINK EXPRESSED AN OPINION TO STAFF IN GENERAL ABOUT THE CORRIDOR, BUT I DON'T THINK THEY TOOK UP FORM ACTION.

Alvarez: I THOUGHT SOMEONE TOLD US THAT THEY HAD. THAT THERE WAS GENERAL SUPPORT FOR THE 50-FOOT...

I'M TOLD THAT WE MIGHT RECEIVE IN INFORMAL MINUTES WHERE THERE'S DISCUSSION, BUT NOT NECESSARILY A FORMAL ACTION TAKEN.

Alvarez: I'LL YIELD FOR OTHER QUESTIONS BEFORE PUTTING ANYTHING ON THE TABLE FOR POSSIBLE ACTION.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS. COUNCILMEMBER DUNKERLEY?

Dunkerley: WE'RE HERE AGAIN TALKING ABOUT AN AREA THAT HAS I THINK THE HIGHEST CONSENSUS OF ACTUAL OWNERS THAT ARE HERE BEGGING US FOR DENSITY AND I THINK WE'RE ALL HERE WORKING HARD TO COME UP WITH THE RIGHT PLAN FOR DOING THAT. I DON'T KNOW. COUNCILMEMBER ALVAREZ, DO YOU WANT TO DISCUSS WHAT YOU PASSED OUT JUST NOW ON THE DAIS OR CAN I DISCUSS IT?

Alvarez: I WAS WAITING TO SEE IF THERE WERE ANY OTHER QUESTIONS BEFORE EXPLAINING TO EVERYBODY WHAT WE'RE CONSIDERING HERE.

Dunkerley: I DON'T THINK SO. I REALLY AM STILL LOOKING FOR THE PROPOSAL THAT WOULD GET THE GREATEST DENSITY IN THAT AREA. AND I KNOW WE'VE TALKED ABOUT SOME HAVE-TO'S TO GET THE HEIGHT AND I THINK THAT'S ONE OF THE THINGS WE WANT TO TALK ABOUT A LITTLE BIT LATER. AND THEN SOME VOLUNTARY THINGS THAT WILL HOPEFULLY WILL HELP US ACHIEVE SOME OF THE DESIGN ELEMENTS THAT WE WANT THAT WOULD BE DONE MORE LIKE A SMART GROWTH MATRIX THAT WE USED TO USE. SO I THINK WHEN WE'RE READY TO TALK ABOUT THOSE THINGS, I'LL HAVE SOME ADDITIONAL COMMENTS THERE.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: MR. GUERNSEY, ON THE RIGHT-OF-WAY, MY UNDERSTANDING IS THAT THE RIGHT-OF-WAY FOR THE STREETS IN THE RAINEY STREET AREA IS 60 FEET, IS THAT RIGHT?

GENERALLY THAT'S MY UNDERSTANDING AS WELL.

McCracken: ONE OF THE ISSUES THAT'S COME UP AS WE LOOK INTO THIS MORE IS WHETHER THERE SHOULD BE ANY SET BACK AT ALL. WHAT IS THE -- WHAT IS A PLAN FOR HOW WIDE THE STREETS TO BE? FOR INSTANCE, HOW WIDE ARE THEY NOW? HOW WIDE ARE THEY PROJECTED TO BE?

THERE'S NOT A PROPOSAL TO WIDEN THE RIGHTS OF WAY BEYOND THEIR CURRENT BOUNDARIES, BUT TO ACTUALLY WIDEN THE PAVEMENT WITH. THERE'S ACTUALLY A

PROPOSAL THAT SPEAKS TO EXTENDING RED RIVER AND THEN EXTENDING AN EAST-WEST STREET JUST NORTH OF THE NORTHERN PORTION THE OF THE MEXICAN-AMERICAN CULTURAL CENTER AND EXTEND THAT EAST OVER TO EAST AVENUE OR IH-35. METEROLOGIST MICAH MCCAULEY HOW -

McCracken: HOW WIDE ARE THE STREETS CURRENTLY IN THE NEIGHBORHOOD?

I BELIEVE 30, 35 FEET.

McCracken: IS THAT WIDE ENOUGH FOR THREE LANES, FOUR LANES? WHAT'S THE TYPICAL WIDTH OF THE LANE?

THE TYPICAL WIDTH OF A LANE COULD RANGE ANYWHERE FROM 10 TO 12 FEET. THE IDEA WOULD BE TO POSSIBLY HAVE PARKING ON EITHER SIDE OF THE ROADWAY, AND THEN YOU WOULD HAVE TWO LANES OF TRAVEL THAT WOULD HAVE A SLOW, CALMING EFFECT IN THAT AREA. I THINK NOW THERE ARE TRAFFIC CUSHIONS OR PILLOWS THAT SORT OF SLOW DOWN THE TRAFFIC THAT CUTS THROUGH CURRENTLY IN THAT AREA.

McCracken: SO IF WE COULD DO THEN 40-FOOT WIDE STREET PAVED AREAS, INCLUDING THE STREET PARKING AND DO 10-FOOT SIDEWALKS ON EITHER SIDE. AND IF WE DID THAT, WE WOULD STILL BE WITHIN THE EXISTING 60-FOOT RIGHT-OF-WAY?

THAT'S MY UNDERSTANDING, CORRECT.

McCracken: THE REASON WHY IT'S COME UP IS THE MORE WE LEARNED ABOUT SOME PECULIARITIES OF THE SIDE, THE DEPTH OF THE SIDEWALKS IN THIS AREA, I THINK THAT THERE IS SOME LEGITIMATE CONCERN THAT IF WE DO A 10-FOOT SET BACK, FOR INSTANCE, WITH LOTS THAT ARE 120 FEET DEEP THAT WE'RE REALLY PUTTING SOME SEVERE DEVELOPMENT LIMITATIONS ON THE AREA THAT MIGHT END UP CAUSING SOME INABILITY TO ACHIEVE SOME OF OUR GOALS. COULD YOU RUN THROUGH FOR US WHAT THE EXISTING WATERFRONT OVERLAY REQUIRES?

WITHIN THE WATERFRONT OVERLAY DISTRICT, AND THERE

ARE MAINLY CONDITIONS THAT PROVIDE SETBACKS FROM THE TOWN LAKE ITSELF. AND WALLER CREEK I THINK THAT IS 50 FEET BACK THE CENTER LINE OF WALK. THOSE ARE THE ONLY REAL RESTRICTIONS THAT EXIST IN THE WATERFRONT OVERLAY WITH RESPECT TO THINGS THAT ARE IN THAT DRIBBLY. IT ENCOURAGES PEDESTRIAN ORIENTED USES ON THE FIRST FLOOR OF THE STRUCTURES THAT WOULD ALLOW RESIDENTIAL USES BY RIGHT, EVEN IF A PROPERTY IS ZONED COMMERCIAL, HAS RESTRICTIONS ON BUFFERING OF DIFFERENT TYPES OF MECHANICAL EQUIPMENT, HAS REGULATIONS THAT SPEAK TO BREAKING UP WALL PLANS THAT EXCEED 160 FEET IN LENGTH. ALSO REQUIRING BASE WALLS AT A MINIMUM OF 45 FEET. AND THERE ARE VARIOUS OTHER PEDESTRIAN ORIENTED REQUIREMENTS THAT ARE FOUND NOT ONLY TO THIS DISTRICT, BUT TO OTHER SUB DISTRICTS IN THE WATERFRONT OVERLAY.

McCracken: SO THE WATERFRONT OVERLAY DOES APPLY TO THE RAINEY STREET NEIGHBORHOOD?

YES, IT DOES.

McCracken: AND THERE IS A REQUIREMENT FOR GROUND OR PEDESTRIAN USES WITHIN RAINEY STREET THAT WOULD HAVE TO BE, I GUESS, WAIVED BY THE COUNCIL?

UNLESS YOU'RE BUILDING A PARKING GARAGE OR SOMETHING ALONG THAT LINE, THERE ARE SOME SPECIFIC REGULATIONS THAT SPEAK TO HAVING PEDESTRIAN ORIENTED USES ASSOCIATED WITH THEM. I'LL MOVE FORWARD TO THAT PAGE REAL QUICK. FOR A PARKING STRUCTURE THAT IS ABOVE GRADE THERE MUST BE A PEDESTRIAN SCALE THAT'S EITHER TECH ARCHITECTURALLY INTEGRATED WITH AN ASSOCIATED BUILDING AND SCREENED WITH USE OF TOWN LAKE, COLORADO RIVER PARKLAND, WHICH IS PRETTY MUCH RINGING THE SOUTH AND WESTERN BOUNDARIES. ON THE DESIGN STANDARDS MORE SPECIFICALLY, THERE ARE REQUIREMENTS THAT EXTERIOR GLASS, THAT MIRRORING GLASS AND GLARE PRODUCING GLASS IS PROHIBITED. THAT THERE ARE DISTINCTIVE BUILDING TOPS REQUIRED FOR BUILDING AT A 45-FOOT HEIGHT. UTILITY SERVICES. MOST OF THOSE ARE

TO BE UNDERGROUND UNLESS IT'S OTHERWISE UNAVAILABLE. AND THEN AGAIN SCREENING OF TRASH RECEPTACLES, AIR CONDITIONING, UTILITY METERS, WHATNOT WILL BE SCREENED FOR PUBLIC VIEW. AND MY UNDERSTANDING IS ALSO THERE ARE DOWNTOWN DESIGN STANDARDS REQUIREMENTS THAT WOULD ALSO APPLY ON RAINEY STREET.

WE HAVE DESIGN GUIDELINES THAT ARE ENCOURAGED. JENNA MAY BE ABLE TO EXPLAIN A LITTLE BIT MORE ABOUT WHAT THOSE STANDARDS ARE. THEY'RE NOT NECESSARILY MANDATED, THE GENERAL DESIGN GUIDELINES. WE DO HAVE SOME OTHER DOWNTOWN DESIGN ORDINANCES THAT I MIGHT LET HER GO IN A LITTLE MORE DEPTH ON.

McCracken: THAT WOULD BE HELPFUL. IT GIVES US A SENSE OF WHAT THE BASELINE IS FROM WHERE WE'RE STARTING.

I'M JANA McCAN FROM THE DESIGN OFFICE. AND THERE ARE A FEW OF THE AUSTIN DOWNTOWN DESIGN GUIDELINES THAT ACTUALLY GOT CODIFIED A FEW YEARS AGO. AND A FEW ITEMS DID PERTAIN TO PARKING GARAGE TREATMENTS, AND ONE IS THE SORT OF SCREENING OF THE VIEW OF THE HEADLIGHTS AND VEHICLES, AND SOME OF THE -- JUST HAVING A STRONGER ARCHITECTURAL TREATMENT INSTEAD OF JUST OPEN GARAGES WITH THE CARS REVEALED. AUSTIN DOWNTOWN DESIGN GUIDELINES, WHICH ARE NOT CODIFIED, ASKS FOR PARKING GARAGES TO HAVE FLAT FLOORS OF A CERTAIN HEIGHT SO THEY COULD BE REUSED FOR OTHER USES. THAT WAS NEVER ADOPTED BY CODE, HOWEVER. AND I THINK THOSE ARE REALLY THE ONLY PIECES FROM THE DESIGN GUIDELINES THAT MIGHT HAVE APPLIED TO THIS. MEBLG McAND WHAT --

McCracken: AND IS THE PEDESTRIAN ORIENTED USES ON THE GROUND, IS THAT REQUIRED?

YES, IT IS. IT'S THROUGHOUT THE D.M.U. ZONING, NOT JUST THE WATERFRONT OVERLAY DISTRICT.

McCracken: BUT WE CURRENTLY DON'T REQUIRE FLAT FLOOR PARKING GARAGES. THAT'S SO IT COULD BE MADE TO

OTHER SORTS OF FACILITIES IN THE FUTURE?

THAT'S RIGHT.

McCracken: WHAT ABOUT REQUIREMENTS OF WINDOWS ON THE GROUND FLOOR WINDOW FOR A GOOD PEDESTRIAN ENVIRONMENT? IS THAT CURRENTLY REQUIRED IN AUSTIN?

WE DON'T REQUIRE A CERTAIN PERCENTAGE OF, SAY, GLAZING OR WINDOWS OR DOORS OCCUR TO THE GROUND FLOORS. BUT THAT'S SOMETHING WE'RE LOOKING AT DOING IN THE COMMERCIAL DESIGN STANDARDS.

McCracken: AND THEN THIS IS -- THIS MAY BE FOR MR. GUERNSEY. GREG, COULD YOU TELL US, WHEN COUNCILMEMBER AND I DROVE OVER THERE THE OTHER DAY, WE SAW WHAT LOOKED LIKE MIGHT BE SOME CITY OWNED LAND IN RAINEY STREET THAT MAY NOT BE PARKLAND. IS THAT RIGHT OR COULD YOU GIVE US SOME INFORMATION ABOUT THAT?

NOT DESIGNATED PARKLAND WHERE IT SITS. SO IT'S NOT FORMALLY USED AS A MAINTENANCE TYPE FACILITY. AND SO THAT TRACT, NO, IT'S NOT PART OF CITY DEDICATED PARKLAND. BUT THERE ARE TRACTS THAT LIE JUST TO THE WEST AND SOUTH, WHICH ARE PART OF THE DEDICATED PARKLANDS THAT ARE MAINTAINED BY PARKS AND REC DEPARTMENT. THERE ARE TWO PROPERTIES OFF OF RIVER STREET AS YOU'RE COMING DOWN THERE ARE OWNED BY THE CITY JUST OFF OF RAINEY, AND THOSE ARE PUBLIC OWNED PROPERTIES, AND THEN AUSTIN ENERGY -- OFF OF RIVER STREET THERE'S A PROPOSED ELECTRICAL SUBSTATION TRACT OWNED BY AUSTIN ENERGY.

McCracken: YEAH, I THINK THAT YOU HAVE TWO PROPERTIES THAT WERE NOT THE MAC PROPERTIES. AND THOSE ARE -- THEY LOOK ABOUT TO BE THE SIZE OF RESIDENTIAL LOTS.

THAT'S CORRECT. AND THAT'S PART OF THE STAFF'S PROPOSAL WAS ONE OF THE ENCLAFZ TO LOCATE SOME -- ENCLAVES TO LOABLGH T THE HISTORIC STRUCTURES TO THOSE PARCELLS.

McCracken: IF WE SET THE HISTORIC CENCLAVE, IF WE DID THAT, COULD WE SELL THE LAND, THESE PARCELS? THERE'S NO PARKLAND RESTRICTION ON SELLING THESE PARCELS, RIGHT?

MY UNDERSTANDING IS THERE WOULD NOT BE A REFERENDUM IN ORDER TO CONVEY THOSE LANDS?

IT WOULD NOT REQUIRE A REFERENDUM?

SINCE IT'S NOT DEDICATED PARKLAND.

McCracken: OKAY. IJ THOSE ARE MY QUESTIONS. -- I THINK THOSE ARE MY QUESTIONS. THANK YOU.

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

Alvarez: JUST ONE MORE. I'VE GOT A QUESTION. I KNOW MR. MEDRANO IS HERE, JUST TO USE HIS EXPERTISE AS PERTAINS TO THE MAC SITE. AS YOU'VE HEARD THE DISCUSSION, THERE'S AN IDEA OF TRYING TO PLACE SOME RESTRICTIONS ON LAND THE CITY OWNS. THERE'S SPECIFICALLY A LOT OR TWO THAT WE OWN ON THE NORTHWEST CORNER OF RIVER AND RAINEY. IS THAT RIGHT?

RIGHT.

Alvarez: IS IT ONE LOT OR TWO?

THERE'S ONE LOT ON THE NORTHWEST CORNER OF RAINEY AND RIVER STREET, AND THERE'S A LOT ACROSS THE STREET ON THE SOUTHWEST CORNER OF RAINEY AND RIVER STREET. CURRENTLY ON THE SOUTHWEST LOT THERE EXISTS A POWER POLE FOR THE TRANSMISSION LINES THAT CUT ACROSS -- ACTUALLY THROUGH OUR PROPERTY.

Alvarez: ... POTENTIALLY PUTTING SOME HISTORICALLY SIGNIFICANT STRUCTURES ON THE MAC SITE OTHER THAN THE ENTRYWAY TRACTS. CAN YOU SPEAK TO THAT A LITTLE

BIT, THE FEASIBILITY OF DOING THAT BASED ON THE --

MR. GUERNSEY AND JANET CAME TO THE MAC BOARD, THERE WAS NO ACTION TAKEN BY THE BOARD. THERE WAS A DISCUSSION AT THAT TIME OF WHAT IF THE PARKING GARAGE WAS NOT THERE. BECAUSE FOR FUTURE PHASES, ONCE WE START BUILDING THE BIGGER THEATERS, THE CODE REQUIRES TO PUT A PARKING GARAGE TO MEET THE PARKING REQUIREMENTS. ONE OF THE IDEAS THAT THE RAINEY STREET REZONING HAD WAS WHAT IF THE PARKING GARAGE EXISTS OFF SITE, OFF THE MAC PROPERTY, BUT THERE'S AN AGREEMENT WHERE THE MAC IS ABLE TO USE THAT PARKING GARAGE. IN WHICH CASE WOULD THE MAC BE AMENABLE TO USING THE -- WHERE THE PARKING GARAGE WOULD BE SITTING. FROM A PROJECT MANAGEMENT POINT OF VIEW, THAT'S SOMETHING WE WOULD BE WILLING TO LOOK AT AS WELL BECAUSE THAT WAS DISCUSSED FOUR YEARS AGO WHEN ANOTHER DEVELOPER WAS LOOKING AT TRYING TO DO SOMETHING IN THE RAINEY NEIGHBORHOOD.

Alvarez: SO THERE'S SOME SHARED PARKING THAT CAN BE DEVELOPED, POTENTIALLY SOME SPACE WHERE SOME OF THE --

THROUGH OUR PERMITTING WE'RE ALLOWED TO USE THAT PARKING AS PART OF OUR PARKING, AND YES, WE COULD WORK WITH THAT.

Alvarez: OKAY. THANK YOU. I JUST WANTED TO MAKE SURE EVERYONE UNDERSTOOD WHAT THE LIMITATIONS WERE.

THANK YOU.

Alvarez: THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?  
COUNCILMEMBER McCRACKEN.

McCracken: I JUST HAVE SOME COMMENTS. IN LOOKING IN DEPTH AT THIS, I THINK THAT -- ONE OF THE THINGS THAT HAS BEEN KIND OF CONVEYED TO ME IN THE LAST WEEK IS THERE IS A -- RATHER THAN TRYING TO BUY MORE HEIGHT,



THERE'S ANOTHER WAY TO LOOK AT THIS AND THAT IS TO PROHIBIT THE STEP THAT WE'RE REALLY CONCERNED ABOUT AND MAYBE EVEN REQUIRE A MINIMUM HEIGHT. BUT THE CONCERN I HAD WAS THAT IF WE DID STRAIGHT C.B.D. ZONING WITH NO RESTRICTIONS, WE COULD -- IN A SOFT MARKET YOU COULD GET THINGS LIKE DRIVE-THROUGH BANKS AND SINGLE-USE RESTAURANTS AND OTHER SUBURBAN-INDUSTRIAL DEVELOPMENTS. BUT THE EASY ANSWER TO THAT IS JUST TO PROHIBIT THAT. AND THEN YOU COULD EVEN -- EVEN REQUIRE SOME TYPE OF MINIMUM HEIGHT POTENTIALLY, AND I'M NOT SET IN STONE ON THAT AT ALL, BUT WE DO NEED TO GET DENSITY. THIS IS CRITICAL TO EVERYTHING WE'RE TRYING TO ACHIEVE. TWO BIG THINGS HAVE HAPPENED. ONE BIG THING HAS HAPPENED IN THE LAST WEEK THAT REALLY IS SIGNIFICANT AND THAT IS COMMUTER RAIL PASSED OVERWHELMINGLY. THAT MEANS THERE IS GOING TO BE A COMMUTER RAIL STATION BY THE CONVENTION CENTER WHICH IS IN THE WALLER CREEK T.I.F. THE COMMUTER RAIL REALLY MAKES THE FINANCIAL VIABILITY OF THE WALLER CREEK TUNNEL MUCH MORE POSSIBLE, BUT I THINK THERE WILL BE NEED TO BE QUICK ACTION ON THE TUNNEL AS WE CHANGE THE ZONING HERE. BUT ALSO THE FACT THAT THE -- THAT WE HAVE THE COMMUTER RAIL PASSAGE WITH THE DOWNTOWN RAIL STATION, THIS MAKES THIS A MORE ATTRACTIVE RESIDENTIAL MARKET. A LITTLE BIT OUTSIDE THE RANGE NORMALLY, BUT WHAT SOMEONE WAS CONVEYING TO ME TODAY IS THE WALLER CREEK TUNNEL ACTUALLY COULD CREATE THE PATH WAY WHERE IT WOULD ACTUALLY PUT YOU IN PEDESTRIAN RANGE TO GO TO THE DOWNTOWN RAIL STATION AND THIS ALL FEEDS OFF EACH OTHER. THEREFORE I HAVE FEWER CONCERNS WE WON'T GET THE DENSITY. WE COULD PROHIBIT DRIVE-THROUGH SERVICES AND SINGLE-USE THINGS LIKE THAT. I DO THINK IT'S ALSO GOING TO BE IMPORTANT IF WE GET RID OF THE ATTEMPT SETBACK BECAUSE THESE LOTS ARE NOT VERY DEEP AND THIS PRODUCES SOME SERIOUS DEVELOPMENT LIMITATIONS. AND IT SOUNDS LIKE WE CAN STILL GET -- THE WIDE SIDEWALKS AND WE CAN MAKE THE STREETS NARROWER IF WE NEED TO AND MAKE BIGGER SIDEWALKS. BUT I THINK THE MORE IMPORTANT THING IS WE NOT ARTIFICIALLY CONSTRAIN THESE SHALLOW LOTS WHICH

COULD CAUSE PROBLEMS IN GOING HIGH. I THINK IT'S ALSO GOING TO BE IMPORTANT THAT WE DROP THE ENCAPSULATION OF PARKING GARAGES DOWN ONLY TO THE GROUND FLOOR LEVEL BECAUSE WITH THESE SHALLOW LOTS, IF YOU STARTING PUTTING IN REQUIREMENTS A COUPLE STORIES UP, SOMEONE MIGHT SAY YOU HAVE TO HAVE A 10-STORY GARAGE. I DID BELIEVE BECAUSE THESE LOTS ARE SO SHALLOW, I'VE BEEN PERSUADED THE 15 FOOT SETBACK AT 45 FEET IS PROBABLY A LIMITATION THAT WOULD REALLY HARM THE ABILITY TO GO HIGH AND GET DENSE THERE. SO IF WE DO THINGS LIKE PROHIBIT DRIVE-THROUGH SERVICES, PROHIBIT GATED APARTMENT COMPLEXES AND FACILITIES LIKE THAT, I WOULD BE IN FAVOR OF DOING A MINIMUM HEIGHT. AND THEN ESTABLISH SOME DESIGN ISSUES LIKE REQUIRING THERE EITHER BE NO PARKING BETWEEN THE BUILDING AND THE STREET OR THAT YOU HAVE TO BUILD UP TO THE RIGHT-OF-WAY. REQUIRE SIDEWALKS AND STREET TREES. REQUIRE WINDOWS ALONG THE GROUND FLOOR. AND I THINK [INAUDIBLE] PARKING GARAGES IS A GOOD IDEA TOO. I STILL BELIEVE THAT THINGS -- SORT OF AN ENCLAVE IN THE PARK WOULD BE THE FAIRER WAY TO HANDLE THIS FROM WHAT THE -- THE FACT YOU DON'T WANT SOME PEOPLE TO COMPLETELY MISS OUT ON THIS OPPORTUNITY. IF WE DO THAT, WITH THE EXISTING WATERFRONT OVERLAYS AND THE GREAT POTENTIAL THAT HAS BEEN TRIGGERED BY PASSAGE OF COMMUTER RAIL AND ITS IMPACT ON THE WALLER CREEK TUNNEL PROJECT, I THINK WE'VE GOT SOMETHING. ANYWAY, THAT'S WHERE I'M THINKING RIGHT NOW.

HELLO, MAYOR PRO TEM. TP-RGS.

Goodman: COUNCILMEMBER.

Alvarez: IF THERE'S NO MORE QUESTIONS, I WOULD LIKE TO LAY OUT A PROPOSAL FOR CONSIDERATION AND DISCUSSION. BASED ON SOME OF THE ISSUES, YOU KNOW, WE'VE BEEN DISCUSSING THUS FAR. AND I THINK VERONICA IS GOING TO PASS OUT SOME MAPS THAT WE COPIED AND ENLARGED GIVEN THE CITY'S CURRENT BUDGET CRISIS. BUT -- AND I WANTED TO TALK ABOUT THIS A LITTLE BIT FIRST. THIS IS FROM THE NEIGHBORHOOD PLAN THAT THE NEIGHBORHOOD, WORKING WITH OUR NEIGHBORHOOD

PLANNING STAFF, DEVELOPED BACK IN 2000, I BELIEVE, WHEN -- JUST BEFORE I WAS FIRST ELECTED. SO I WANTED TO JUST KIND OF EXPLAIN THAT A LITTLE BIT TO FOLKS. AND IT'S PROBABLY NOT GOING TO MAKE SENSE TO FOLKS AT HOME, BUT AT LEAST FOR THE COUNCIL TO SEE WHAT, YOU KNOW, I THINK LAST TIME WE CONSIDERED THIS I REFERENCED, YOU KNOW, WHAT THE NEIGHBORHOOD PLAN THAT THE NEIGHBORHOOD DEVELOPED HAD ENVISIONED AND IT REALLY WASN'T COMPLETELY C.B.D. IN THE WHOLE AREA. AND IF YOU SEE ON THE MAP, YOU KNOW, CONCENTRATE THE C.B.D. AND THE, YOU KNOW, THE CORNER HERE OF I-35 AND CESAR CHAVEZ. AND THEN IT REALLY DOES SCALE DOWN AS YOU GO CLOSER TO TOWN LAKE WITH SOME MULTI-FAMILY AROUND THE MAC FACILITY. MIXED USE AND MULTI-FAMILY AND HIGHER DENSITIES ALONG I-35. SO -- AND ACTUALLY IN THIS -- YOU KNOW, IN THIS PARTICULAR PLAN ALSO IS TALKED ABOUT THE POSSIBILITY OF PUTTING, YOU KNOW, POTENTIALLY SOME OF THE HISTORIC -- HISTORICALLY SIGNIFICANT PROPERTIES ON THE MAC PROPERTY POTENTIALLY, BUT AGAIN, THAT -- THAT'S LIMITED WHAT WE CAN DO IN TERMS OF THE FUTURE PHASES AND PARKING NEEDS OF THE FACILITY. BUT AGAIN, THERE'S A POTENTIAL THERE IF SOMETHING CAN BE WORKED OUT WITH ANY PROPOSED DEVELOPERS. BUT REALLY I WANTED TO SHARE THAT WITH YOU TO REMIND OURSELVES REALLY I THINK WHEN THIS FIRST CAME UP, WHEN I FIRST WAS ON THE COUNCIL BACK IN 2000, THIS WAS WHAT WAS BEING ADVOCATED, AND WE'RE TRYING TO STAY TRUE TO THAT. I MEAN I THINK THAT'S STILL THE INTENT. THAT'S THE KIND OF DEVELOPMENT WE WOULD LIKE TO SEE AND WE'RE TRYING TO DEVELOP, YOU KNOW, THE ZONING THAT WILL GIVE US THE FLEXIBILITY TO ACHIEVE THIS. AND TO -- BUT TO ALSO MEET SOME OF THE GOALS THAT WE TALKED ABOUT EARLY ON IN THE PROCESS. AND BASICALLY WHAT I'D LIKE TO LAY OUT IS JUST HOPEFULLY A WAY FOR US TO FOCUS ON A HANDFUL OF CRITICAL ISSUES THAT WE MAY STILL HAVE FURTHER SIGNIFICANT DISCUSSION ON. BUT THAT COULD AT LEAST MAKE IT A LITTLE EASIER FOR US AND THE PROPERTY OWNERS AND INTERESTED PARTIES TO FOLLOW SINCE WE HAVE ABOUT 20 TO 30 RECOMMENDATIONS CURRENTLY FROM BOARDS AND COMMISSIONS AND STAFF. AND SO WANTED TO TRY TO

REDUCE THAT DOWN TO, YOU KNOW, THE CRITICAL ISSUES THAT THE COUNCIL WOULD LIKE ADDRESSED AND SEE IF THERE'S ANOTHER MECHANISM BY WHICH WE CAN ADDRESS SOME OF THESE OTHER ISSUES THAT HAVE CROPPED UP AS WE'VE GONE THROUGH THIS PROCESS, NOT JUST IN THE LAST THREE OR FOUR MONTHS BUT LAST SEVERAL YEARS. BUT -- BUT REALLY I THINK WE'VE TALKED ABOUT THE DESIGN OR THE DENSITY BONUS IDEA AND THE APPROACH THAT STAFF IS RECOMMENDING, WHICH TO A CERTAIN DEGREE THE MODELED AFTER THE U.N.O. ORDINANCE WHICH WE ALLOWED FOLKS THE KEEP THEIR CURRENT HEIGHT ON EXISTING ZONING AND THEN ALLOWED THEM TO HAVE AN INCREASED HEIGHT IF THEY AGREE TO CERTAIN DESIGN IMPROVEMENTS, ET CETERA. AND AFFORDABLE HOUSING. AND SO -- AND I STILL THINK, YOU KNOW, THAT IT'S IMPORTANT FOR US TO HAVE THAT DENSITY BONUS CONCEPT AND WANTED TO -- BUT JUST KIND OF REALLY NARROW THE NUMBER OF ISSUES THAT WOULD NEED TO BE ADHERED TO IN ORDER TO ACHIEVE THAT JUMPING IN DENSITY. AND REALLY WANTED TO FOCUS IT TO FOUR SPECIFIC ISSUES. ACTUALLY IT'S REALLY THREE, BUT I WANTED TO -- ONE OF THEM DEALS -- THE FIRST ONE, WHICH I REALLY THINK IS SOMETHING WE DON'T NEED TO TAKE ACTION ON IS JUST TO -- AS PERTAINS TO, YOU KNOW, HOW WE TREAT TOWN LAKE AND WALLER CREEK IS JUST MAKE SURE WE COMPLY WITH OUR CURRENT ORDINANCES. THE WATERFRONT OVERLAY, YOU KNOW, WHATEVER WE HAVE IN TERMS OF OUR DOWNTOWN CREEKS OR URBAN CREEKS AND MAKE SURE THAT WE FOLLOW THOSE REGULATIONS THAT ARE ALREADY IN PLACE. AND SO THAT MIGHT REMOVE, YOU KNOW, SOME OF THE ADDITIONAL SETBACK STANDARDS AND BASE WALL STANDARDS, STEP-BACK STANDARDS. SO THE OTHER ONE I DO THINK IS IMPORTANT IS AFFORDABLE HOUSING. I THINK, YOU KNOW, WE WILL BE LOSING IF THIS AREA IS REDEVELOPED SOME -- SOME AFFORDABLE HOUSING. I GUESS THE NEIGHBORS WOULD ARGUE THAT IT MAY NOT BE AFFORDABLE ANYMORE GIVEN THE APPRAISALS OVER THERE, BUT I THINK THIS HAS BEEN A WORKING CLASS NEIGHBORHOOD FOR A LONG TIME AND I THINK IT'S IMPORTANT, AT LEAST IN MY MIND, THAT WE HAVE SOME LEVEL OF AFFORDABILITY AND SO WE UTILIZE THE U.N.O. STANDARD ON AFFORDABLE HOUSING. AND IN TERMS

OF SETBACKS AND POTENTIAL HEIGHT RESTRICTIONS, I WOULD SUGGEST THAT JUST A COUPLE OF STREETS WE HAVE SOME RESTRICTIONS AND TRY TO LEAVE, AGAIN, AS MUCH FLEXIBILITY AS POSSIBLE FOR THEIR POTENTIAL DEVELOPMENT TO HAVE A CHANCE OF MATERIALIZING. AND I'LL TALK ABOUT THESE TWO IDEAS ON STREET SETBACKS. I THINK RIGHT NOW THE PROPOSALS HAVE BEEN TO LOOK AT ANY STREET THAT'S GOT A 60-FOOT RIGHT-OF-WAY AND HAVE, YOU KNOW, SIMILAR SETBACKS FOR ALL THESE STREETS. 10-FOOT SETBACK AND THE 45-FOOT BASE WALL AND 15-FOOT STEP-BACK. AGAIN, IF YOU DO THAT ON RED RIVER, IF YOU DO THAT ON RAINEY, ON RIVER AND ANY OTHER STREET, YOU KNOW, THEN, AGAIN, YOU ARE REALLY LIMITING, YOU KNOW, WHAT MAY BE DONE. BUT-SO WHERE I WOULD LIKE TO PLACE THE FOCUS IS ON THE, QUOTE, UNQUOTE, GATEWAYS TO -- TO THIS DEVELOPMENT, POTENTIALLY, BUT ALSO TO THE MAC BECAUSE THE TWO WAYS ARE GOING TO BE ABLE TO ACCESS THE MEXICAN-AMERICAN CULTURAL CENTER IS RIVER STREET OFF I-35 AND PROBABLY WILL YOU RED RIVER, ASSUMING THAT CAN GET PUNCHED THROUGH AT SOME POINT AND SOMEHOW. BUT THAT WE FOCUS ON SOME SETBACKS, YOU KNOW, ON THOSE TWO EDGES RIGHT HERE AND THAT OBVIOUSLY LEAVES A LOT MORE FLEXIBILITY WITHIN THIS AREA TO PUT TOGETHER A COMBINATION OF USES THAT CAN MEET THE VISION THAT THIS NEIGHBORHOOD HAS ARTICULATED. AND SO ON RED RIVER STREET, YOU KNOW, I JUST AM KEEPING THE SUGGESTIONS THAT STAFF DEVELOPED IN TERMS OF AN ADDITIONAL 10-FOOT SETBACK WITH A 45-FOOT BASE WALL, 15-FOOT STEP-BACK SO THAT YOU DO HAVE KIND OF A MORE OPEN AREA ALONG THAT STREET, WHICH AGAIN, COULD SERVE AS AN ENTRY WAY OR GET-AWAY TO BOTH THE NEW DEVELOPMENT PLUS ALSO THE CULTURAL CENTER. AND THEN ALONG RIVER STREET THAT WE SUPPORT THE 50-FOOT HEIGHT FOR -- 50 FEET DEEP INTO THESE PROPERTIES HERE. AGAIN, TO SERVE AS A NICE GATEWAY INTO BOTH THE DEVELOPMENT AND ALSO TO THE MEXICAN-AMERICAN CULTURAL CENTER. AND FOR ME THOSE ARE THE -- I THINK SOME OF THE -- THE BASIC ISSUES THAT I WOULD LIKE TO SEE, YOU KNOW, SOME COMMITMENT ON BEFORE, AGAIN, THEY GET THE DENSITY BONUS TO GO UP TO THE C.B.D. HEIGHT. AND THIS THIS PARTICULAR

MODEL YOU WOULD SEEING BE SAYING C.B.D. WITH 60-FOOT, BUT THESE THREE ITEMS OR SO THAT WOULD BE REQUIRED TO BE MET IN ORDER TO GO UP TO THE C.B.D., AND WHAT I'M SUGGESTING BE AN EIGHT TO ONE F.A.R. INSTEAD OF 10 WHICH I THINK IS WHAT STAFF IS RECOMMENDING. THEN IN TERMS OF SOME OF THE OTHER ISSUES THAT HAVE COME UP FROM THE BOARDS AND COMMISSIONS AND FROM STAFF IS TRY TO HAVE THOSE BE PART OF A SECOND INCENTIVE FOR MORE DENSITY WHERE YOU TRY TO ADDRESS SOME OF THE -- SOME OF THE OTHER ISSUES, DESIGN GUIDELINES AND OTHER ISSUES WHICH I'LL OUTLINE HERE. SO IF YOU LOOK AT THE SHEET THAT WAS DISTRIBUTED, YOU'LL NOTICE THE FIRST SECTION TALKS ABOUT THOSE THREE OR FOUR ISSUES THAT I TRIED TO EXPLAIN. AND THEN THE SECOND PART BEING THE ADDITIONAL BONUS WHICH I THINK WHICH COULD PROVIDE ADDITIONAL DEVELOPMENT INCENTIVES AND THAT WE PROVIDE SOME DIRECTION TO OUR STAFF TO COME UP WITH THE KINDS OF INCENTIVES THAT COULD ENSURE THAT SOME OF THESE ELEMENTS ARE INCLUDED IN ANY PROPOSED PROJECTS. BUT THAT -- BUT I THINK THAT, YOU KNOW, AN INCREASE IN F.A.R. WOULD BE ONE OF THE SIGNIFICANT TYPE OF ADDITIONAL INCENTIVES THAT COULD BE PROVIDED TO ENSURE THAT WE MEET SOME OF THESE ISSUES THAT ARE OUTLINED IN THE MATRIX. AND SO THE -- AND THE MATRIX WOULD BE WHAT WE WOULD USE, AGAIN, TO DETERMINE WHETHER THERE COULD BE THAT ADDITIONAL SET OF STPHEPB I WAS OR DENSITY -- INCENTIVES OR DENSITY BONUS FOR A PROJECT DEPENDING HOW THEY SCORE ON THIS MATRIX. AND SO REALLY IN TERMS OF HOW WE -- TO DESIGN THE MATRIX, YOU KNOW, BASED ON, YOU KNOW, THE RECOMMENDATIONS FROM STAFF AND BASED ON THE INPUT FROM BOARDS AND COMMISSIONS, I TRIED TO BASICALLY -- TRIED TO BASICALLY INCLUDE MOST OF THOSE IN SOME WAY, SHAPE OR FORM THAT ARE NOT INCLUDED IN THIS FIRST STEP FOR POSSIBLE DENSITY BONUS, YOU KNOW, IN THIS PARTICULAR -- IN THIS PARTICULAR MATRIX. AND AGAIN, IT'S SOMETHING THAT WE CAN DEVELOP AS WE GO FORWARD AFTER THE COUNCIL HAS HAD A CHANCE TO LOOK AT IT AND MAKE SURE ALL THE ISSUES THAT, YOU KNOW, EVERYONE FEELS IS IMPORTANT ARE INCLUDED. BUT

BASICALLY WE DIVIDE UP THE 100 POINTS UNDER THIS MATRIX INTO URBAN DESIGN ISSUES, WHICH WILL STIPULATE OR WHAT -- YOU KNOW, WHAT THE CHARACTERISTICS OF THE PROJECT ARE FROM AN URBAN DESIGN POINT OF VIEW. AND THEN THAT WOULD BE THREE-QUARTERS OF THE POINTS, 75 POINTS, AND THE OTHER QUARTER OF THE POINTS WOULD BE BASED ON HOW MANY OF THE HISTORICALLY SIGNIFICANT STRUCTURES ARE ABLE TO BE PRESERVED OR RESTORED OR RELOCATED SOMEWHERE, YOU KNOW, WITHIN THE PROJECT BOUNDARIES, BECAUSE AGAIN THE HISTORIC ISSUE IS ONE THAT CERTAINLY CONTINUES TO BE AN ISSUE THAT SURFACES AND THAT THERE ARE CERTAINLY MEMBERS OF THE COMMUNITY WHO CONTINUE TO ADVOCATE FOR, YOU KNOW, SOME MEASURE IF NOT TOTAL PRESERVATION OF THE DISTRICT. AND SO REALLY I THINK THAT THAT'S THE PROPOSAL IN TERMS OF HOW WE MIGHT MOVE FORWARD ON FIRST READING. AND ALSO AS A WAY TO MAYBE FOCUS OUR DISCUSSION ON A HANDFUL OF ISSUES THAT WILL BE EASIER FOR THE COUNCIL TO UNDERSTAND AND DISCUSS AND CERTAINLY EASIER FOR -- FOR THE STAKEHOLDERS, THE PROPERTY OWNERS AND OTHER INTERESTED PARTIES TO WEIGH IN ON HOW WE'RE DEALING, YOU KNOW, WITH SOME OF THESE DESIGN ISSUES OR HISTORIC ISSUES. AND SO WITH THAT, I'LL JUST OPEN IT UP FOR QUESTIONS TO SEE IF THE FOLKS HAVE HAD A CHANCE TO READ THROUGH IT, YOU KNOW, THIS THE LAST 24 HOURS THAT I'VE DISTRIBUTED THE INFORMATION.

Goodman: COUNCILMEMBERS? I HAVE ONE QUESTION TO START OFF WITH. IS THERE A WAY OR WERE YOU SUGGESTING THERE'S A WAY TO MAKE AN ABSOLUTE COMMITMENT AT THIS POINT FOR RED RIVER TO GO ALL THE WAY THROUGH? BECAUSE THAT'S KIND OF IMPORTANT TO ME. SO HOW WOULD IT BE INCORPORATED?

Alvarez: WELL, THE WAY I TRIED TO INCORPORATE IT IN THESE GUIDELINES OR IN THESE PROPOSED ACTIONS IS TO, YOU KNOW, HAVE A, YOU KNOW, A SECTION, YOU KNOW, UNDER THE MATRIX URBAN DESIGN SIDE OF THINGS THAT ASKS, YOU KNOW, IF THROUGH THE PROCESS OF THIS NEW DEVELOPMENT OR THROUGH THE NEW PROPOSAL WHETHER THE STREET CONNECTIVITY IS IMPROVED. AND SO

I THINK THAT -- YOU KNOW, THAT WOULD ENTAIL EITHER EXTENDING RED RIVER, YOU KNOW, I THINK FURTHER SOUTH AND THEN TO EAST AVENUE OR MAYBE EXTENDING THE OTHER STREET THAT CURRENTLY DEAD ENDS RIGHT THERE IN THE MIDDLE OF THE RAINEY STREET NEIGHBORHOOD. BUT -- BUT I THINK WHAT STAFF EXPLAINED AT THE LAST TIME WE DISCUSSED THIS WAS I THINK THE COSTS OF DOING SO, WHICH WOULD BE ABOUT \$6 MILLION I THINK IS WHAT THEY ESTIMATED IN TERMS OF, YOU KNOW, EXTENDING IT ALL THE WAY TO EAST AVENUE, HAVING IT KIND OF HOOK AROUND THAT COMMERCIAL PIECE OF PROPERTY WHERE RED RIVER DEAD ENDS. BUT I CERTAINLY -- I MEAN I THINK THAT WOULD BE A GREAT BENEFIT, YOU KNOW, TO ANY POTENTIAL DEVELOPMENT IS TO INCREASE THAT LEVEL OF CONNECTIVITY.

Goodman: WELL, MAYBE THERE COULD BE PRIVATE PARTNERSHIP SHARE THE LOAD A LITTLE BIT FOR THAT 6 MILLION. FURTHER QUESTIONS FOR THE COUNCILMEMBER?

Dunkerley: COUNCILMEMBER, ONE OF THE THINGS I WOULD SUGGEST IS WE WORK THROUGH THIS IS THAT I WOULD LIKE THE STAFF WHEN THEY ARE DEVELOPING THIS MATRIX TO GO BACK AND LOOK NOT ONLY I THINK THINK CERTAINLY AT THE THINGS YOU'VE SUGGESTED HERE, BUT LOOK AT OUR SMART GROWTH MATRIX AND SEE IF THERE'S NOT SOME GREEN BUILDINGS WE COULD INCLUDE AS WELL AS -- WELL, SOME OF THE OTHER COMPONENTS. I WOULD RATHER SEE, FOR EXAMPLE, THE AFFORDABLE HOUSING MOVED DOWN AND USED AS A SMART HOUSING VOLUMEER TO PROGRAM SO THAT, YOU KNOW, AGAIN THAT WOULD BE IN THE -- VOLUNTARY PROGRAM -- IN THE INCENTIVE PORTION OF IT, AS WELL AS THE OTHER DESIGN STANDARDS YOU'VE MENTIONED THERE, THE SETBACKS AND THE 50-FOOT HEIGHTS. I WOULD MOVE THOSE DOWN AND SO IF THEY CHOSE TO DO IT, THEY HAD GET POINTS AND WOULD GET ADDITIONAL INCENTIVES. I THINK TWO OF THE THINGS I WOULD LIKE TO SEE YOU CONSIDER MAKING A HAVE-TO IN ORDER TO GET THE C.B.D. HEIGHT IS THE REQUIREMENT THAT THE OWNERS BUILD THE SIDEWALKS, YOU KNOW, FROM THE CURB CUTS TO THE PROPERTY LINE OR WHEREVER THAT WOULD BE APPROPRIATE. AND THEN SECONDLY I WOULD LIKE TO SEE A REQUIREMENT IN THAT



FIRST AREA RELATING TO THE TREES. AND I WOULD GO IN AND JUST COPY THOSE ELEMENTS DIRECTLY OUT OF U.N.O. THAT SAYS THAT THEY SHALL PLANT TREES ALONG THE RIGHT-OF-WAYS AND MAINTAIN THEM. THAT THEY WILL SPACE THEM TO CREATE A NEARLY CONTIGUOUS CANOPY WHEN THE TREES REACH MATURITY, I THINK THAT'S ABOUT EVERY 22 OR 23 FEET. THEY NEED TO BE IN SCALE WITH THE ADJACENT BUILDINGS, AND IF THERE ARE TREES IN THE SIDEWALK AREA, THEY NEED TO HAVE A TREE GRADING. SO AGAIN, IT'S KIND OF A DIFFERENT -- SAME APPROACH BUT A DIFFERENT HAVE-TO BECAUSE I THINK THOSE ARE REALLY TWO OF THE THINGS WE'VE ALL SORT OF AT LEAST BOTH DEVELOPERS AND STAFF AND A LOT OF US THINK THAT WE WOULD LIKE TO SEE REQUIRED, AND AS WE KNOW, THERE'S NOT A WAY TO DO IT UNLESS YOU PUT IT IN THE -- THE PART OF THE ORDINANCE THAT GETS YOU YOUR C.B.D. HEIGHT. SO WHEN YOU GET READY TO GO INTO DETAILS, THOSE ARE SOME OF THE SUGGESTIONS THAT I'LL BE MAKING JUST TO SORT OF REFINE OR ADD TO WHAT YOU'VE ALREADY STARTED.

Alvarez: AGAIN, THE REASON I DIDN'T -- I MEAN AGAIN MY INTENT WAS TO INCLUDE IT IN THE STEP 2, THE MATRIX PART OF IT. AND PART OF THE REASON -- THE REASONING BEING THAT, YOU KNOW, WE STILL DO HAVE THE GREAT STREETS PROGRAM THAT THEY CAN OPT TO PARTICIPATE IN THAT CAN HELP THEM IN TERPS OF BUILDING THE SIDEWALKS WITH -- TERMS OF BUILDING THE SIDEWALKS WITH TREES, ET CETERA. AND I THINK -- YOU KNOW, THAT'S KIND OF LIKE THE SAME RATIONALE BEHIND TRYING TO USE SMART HOUSING IS IT'S AN EXISTING PROGRAM WE WANT DEVELOPERS TO OPT INTO, THEN THAT'S SORT OF HOW THE GREAT STREETS PROGRAM WORKS AS WELL. BUT I THOUGHT THAT, YOU KNOW, IN STEP 2 WHEN YOU PROBABLY ARE TALKING GREATER DENSITIES AND THERE'S OBVIOUSLY A LITTLE MORE LIKELIHOOD THEY WILL BE ABLE TO INCLUDE THOSE TYPE OF ELEMENTS ONCE THEY GO INTO THE FIRE F.A.R.s AND HEIGHTS. -- HIGHER F.A.R.s AND HEIGHTS.

Goodman: ANYBODY ELSE? THANK YOU, COUNCILMEMBER. SO DO WE HAVE A MOTION?

Alvarez: WE MAY. BUT I DID WANT TO HAVE A QUESTION FOR STAFF. AND SINCE -- I DON'T KNOW. I'LL ASK THE QUESTION, THEN I'LL MOVE TO MY SEAT AND GREG OR ALICE CAN ANSWER THE QUESTION. BUT IN TERMS OF HOW WE HANDLE, YOU KNOW, THE MOTIONS ON THESE VARIOUS ITEMS, YOU KNOW, IS IT NECESSARY THAT WE GO THROUGH THE BOARD AND COMMISSION LIST AND VOTE ON EACH INDIVIDUALLY OR, YOU KNOW, IN TERMS OF WHAT HAS BEEN DISTRIBUTED IS THAT ENOUGH DIRECTION TO COME BACK FOR A SECOND READING ON -- YOU KNOW, ON THESE ITEMS?

THANK YOU, COUNCILMEMBER. THE -- I THINK THE LIST THAT YOU HAVE PASSED OUT WOULD BE ENOUGH DIRECTION FOR ITEM NUMBER 47 BECAUSE IT'S NOT AN ACTUAL ORDINANCE, IT'S JUST DIRECTION TO STAFF TO GO FORWARD WITH A PROPOSED AMENDMENT. SO NO, WE DON'T HAVE TO GO THROUGH THE LIST THAT WE WENT THROUGH AND ENJOYED LAST TIME. THE ZONING CASES, HOWEVER, ARE BROUGHT BEFORE YOU AND CAN BE TAKEN ACTION ON FIRST READING OR YOU COULD DEFER ACTION, JUST TELL US TO COME BACK AT A LATER DATE. WE WOULD RE-NOTIFY AND BRING THAT BACK WITH THE PROPOSED ORDINANCE AMENDMENT AT SUCH TIME WE FINISH WITH THE BOARDS AND THE COMMISSION, THE PLANNING COMMISSION AND BRING IT BACK WHATEVER DATE THAT IS. SO THAT'S ENTIRELY UP TO THE COUNCIL HOW YOU WANT TO HANDLE THAT. YOU COULD DO FIRST READING TONIGHT AND THE STAFF RECOMMENDATION, THE COMMISSION'S RECOMMENDATION DIFFER ON THAT, OR JUST DEFER THAT ISSUE UNTIL WE ACTUALLY HAVE THE AMENDMENT BEFORE YOU. FOR THE WATERFRONT OVERLAY AND THE MATRIX THAT WAS SUGGESTED.

Alvarez: BASED ON SORT OF THE LIMITED NUMBER OF ITEMS, YOU KNOW, THAT I OUTLINE IN MY PROPOSAL, HOW WOULD WE TRANSLATE THAT INTO THE ORDINANCE?

THAT'S --

Alvarez: BECAUSE RIGHT NOW WHAT IS THE BASE ZONING THAT'S -- YOU KNOW, THAT WE HAVE IN OUR BACKUP FOR THE VARIOUS TRACTS? WHAT IS THAT INVOLVED FOR EACH

PARTICULAR CASE?

WELL, WE WOULD TAKE -- BECAUSE THIS IS SPEAKING TO C.B.D. HEIGHTS AND C.B.D. REGULATIONS IN GENERAL, WE WOULD WORK WITH THIS AS AN AMENDMENT TO C.B.D. REGULATIONS IN THE SENSE THAT ALL THESE WOULD AFFECT THE WATERFRONT OVERLAY DISTRICT. AND IF THEY ARE NOT, WE WOULD WORK WITH THE LAW DEPARTMENT TO FIND THE APPROPRIATE PLACE THEY WOULD GO. BUT FOR ITEM 47, WE WOULD BE WORKING THROUGH THE ITEMS THAT I GUESS HAD BEEN DISTRIBUTED ON THE DAIS THAT SPEAKS TO AFFORDABLE HOUSING, SPEAKING TO THE STEP-BACKS AND BASE WALL AND BUILDING SETBACKS ALONG RED RIVER. THAT WOULD BE IN THE WATERFRONT OVERLAY.

Alvarez: THE OVERLAY AND NOT IN THE ZONING ORDINANCE FOR EACH PARTICULAR TRACT.

THAT'S RIGHT. AND THEN THE ZONING CASES COULD BE HANDLED SEPARATELY AT SUCH TIME WE BRING BACK THE ORDINANCE AMENDMENTS. THERE WOULD BE NO ACTION TAKEN TONIGHT. AND THEN YOU COULD LOOK AT BOTH THE ZONING SEPARATELY AND LOOK AT THE ORDINANCE AMENDMENTS FOR THE WATERFRONT OVERLAY SEPARATE FROM THOSE EIGHT ZONING CASES, AND THEN YOU COULD TAKE OBJECTION THE WATERFRONT OVERLAY AMENDMENTS, TAKE ACTION ON THE ZONING CASES THAT SAME NIGHT AND THEN THERE WOULD BE NO DISCONNECT BETWEEN THOSE TWO.

Alvarez: IN TERMS OF THE WHOLE IDEA OF HAVING THIS SORT OF SECOND STEP OR DENSITY BONUS DEVELOPMENT INCENTIVE, YOU KNOW, USING THIS MATRIX CONCEPT, HOW WOULD THAT GET INTEGRATED INTO THE ORDINANCE OR WOULD THE ORDINANCE JUST REFER TO, YOU KNOW, THE RAINEY STREET DEVELOPMENT MATRIX?

I THINK THAT'S SOMETHING WE WOULD WORK WITH OUR URBAN DESIGN STAFF AND THE LAW DEPARTMENT TO FIND THE BEST PLACE THAT WOULD FIT AND THEN BRING THAT BACK TO YOU. RIGHT NOW I COULD NOT TELL YOU OFF THE TOP OF MY HEAD, BUT I'M SURE WE COULD FIGURE IT OUT BEFORE WE GET TO PLANNING COMMISSION AND WHEN WE

BRING IT BACK YOU WOULD HAVE SOME IDEA WHERE IT WOULD BEST FIT.

Alvarez: OKAY. AND THEN --

WE UNDERSTAND YOUR DIRECTION, THOUGH, GIVEN WHAT YOU'VE PRESENTED.

Alvarez: AND THEN FINALLY, I MEAN I DID WANT TO MAYBE HAVE THE COUNCIL DISCUSS IF WE'RE NOT GOING TO NECESSARILY VOTE ON THE ZONING TILL IT COMES BACK AFTER THE FURTHER REVIEW ON THE WATERSHED -- WATERFRONT OVERLAY ORDINANCE AMENDMENTS, THEN HAVE A LITTLE DISCUSSION ON BASICALLY THOSE TRACTS THAT ARE ALONG TOWN LAKE AND HOW TO TREAT THOSE AND MOVING FORWARD. AND COUNCIL, ON THIS I'M REFERRING TO -- AND IF YOU COULD POINT THEM OUT, GREG, AS THE ONES THAT ARE LABELED THERE AS 82, 97, 96. THE ONES SOUTH OF RIVER STREET.

THIS IS THE AREA, THE 96, THIS IS AREA 97, 83, 82, AND THESE ALL ARE ACROSS THE STREET OR ABUT TOWN LAKE, THE PARK SYSTEM ALONG THERE. THERE'S ALSO 78, WHICH KIND OF WRAPS AROUND ALSO, ABUTS IT ALONG THE NORTHERN SIDE.

Alvarez: ABUTS THE SPELL MACC PROPERTY.

ALONG THIS AREA YOU HAVE THE PARK LAND GOING UP THE CREEK AND THE MACC IS RIGHT HERE. TRACT 78 WINDS UP AND FOLLOWS NORTH A RAINEY, WEST ON DAVIS AND GOING BACK UP RED RIVER.

Alvarez: WHAT I WOULD LIKE TO RECOMMEND -- AND AGAIN, HAVE SOME INPUT FROM THE COUNCIL HERE -- IS THAT WE TAKE NO ACTION ON 83, 97, AND 96. 83 IS ALREADY BEING DEVELOPED, YOU KNOW, AS THOSE -- IT WAS CALLED MONARCH AT SOME POINT. I DON'T KNOW WHAT IT'S CALLED NOW. BUT IT'S ALREADY THE APARTMENT DEVELOPMENT THAT'S GOING UP THAT'S 120, 130 --

54 STREET RAINEY.

Alvarez: 54 STREET RAINEY. YOU KNOW, AND I BELIEVE -- YOU KNOW, AGAIN IN THOSE OTHER TRACTS THAT ARE CLOSER TO TOWN LAKE, OTHER THAN 82, THEN I BELIEVE THAT THEY ALL HAVE THE HEIGHTS THAT THEY NEED. YOU KNOW, EITHER THEY ARE EXISTING PROPERTIES OR ONE OF THEM ALREADY HAS 120-FOOT HEIGHT.

THAT'S CORRECT. MOST OF THOSE OTHER PROPERTIES ARE DEVELOPED. AND YOU ARE CORRECT, MOST OF 82, WHICH IS THE TRACT THAT'S SOUTH OF RED RIVER BETWEEN EAST AVENUE AND RAINEY IS ONE THAT I GUESS YOU COULD SAY IS UNDERDEVELOPED. THERE IS SOME DEVELOPMENT THAT'S ON THAT PROPERTY, BUT THAT'S PROBABLY THE LARGEST TRACT OF THOSE THAT ARE LEFT UNDEVELOPED AT THIS TIME.

Alvarez: BUT THAT'S THE ONE THAT I THINK -- WELL, ALL OF THEM I THINK COME PRETTY CLOSE, YOU KNOW, TO TOWN LAKE.

THEY ARE EITHER ACROSS THE STREET OR ABUT PARKLAND.

Alvarez: SO IN THE PAST THE COUNCIL HAS, YOU KNOW, I THINK LIMITED, YOU KNOW, THOSE TYPES OF DEVELOPMENT TO 120 FEET, AND SO I'M TRYING TO FIGURE OUT HOW WE MIGHT, YOU KNOW, KEEP WITH THAT SORT OF TREATMENT OF THE PROPERTIES THAT ARE CLOSEST TO TOWN LAKE. AND I DON'T KNOW IF THERE IS A SETBACK OF A CERTAIN AMOUNT THAT WE MIGHT SET THAT SAYS IF YOU ARE WITHIN, YOU KNOW, X FEET OF TOWN LAKE, UNLESS YOU ALREADY HAVE YOUR REQUIRED ZONING, THEN YOU ARE LIMITED TO 60 FEET OR SOMETHING.

WELL, WHAT YOU COULD DO THIS EVENING IS DEFER ACTION ON THESE UNTIL WE BRING BACK THE AMENDMENT AND THEN WE COULD PROBABLY DISTILL THAT, IN THE MEANTIME, WHAT THE EFFECT MAY BE BASED ON YOUR PROPOSAL. AND THEN WE COULD DECIDE AT THAT TIME OR YOU COULD DECIDE AT THAT TIME BASED ON OUR RECOMMENDATION, COMMISSION RECOMMENDATIONS WHAT THE APPROPRIATE SETBACK IS OR HEIGHT LIMITATION THAT MAY BE FOR THOSE PARCELS THAT DIRECTLY

APARKLAND OR IMMEDIATELY ACROSS THE STREET FROM IT.

Alvarez: AGAIN FOR ME THE CONCERN OR HESITATION IS BECAUSE OF HOW WE'VE TREATED OTHER PROJECTS THAT ARE BASICALLY ADJACENT TO TOWN LAKE, YOU KNOW, WITH THE GOTHAM BEING LIMITED TO 60 FEET AND THE DEVELOPMENT ON RIVERSIDE TO 75 FEET, YOU KNOW, AND THERE ARE SOME IN THIS PARTICULAR AREA THAT THE COUNCIL APPROVED FOR 120. BUT SEEMS TO ME THAT, YOU KNOW, COUNCIL MIGHT WANT THE OPPORTUNITY IF SOMETHING IS GOING TO BE THAT CLOSE TO TOWN LAKE TO DECIDE WHETHER SOMETHING SHOULD BE HIGHER THAN 120 FEET. AND AGAIN, COME UP WITH A -- SOME WAY TO SAY, YOU KNOW, IF YOU ARE WITHIN 100 FEET OR 150 FEET OF TOWN LAKE, THEN THIS IS THE LIMITATION.

WELL, WE CAN CERTAINLY TAKE A LOOK AT HEIGHT LIMITATIONS OF THOSE TRACTS THAT ARE ADJACENT TO PARKLAND OR ACROSS THE STREET FROM PARKLAND AND EVALUATE THAT BEFORE IT GETS TO THE PLANNING COMMISSION FOR THEIR ACTION AND BEFORE WE BRING IT BACK TO YOU FOR YOUR FINAL ACTION. WE COULD BRING THAT AS A PACKAGE WITH THE OTHER ITEMS THAT YOU'VE ALREADY STATED.

Alvarez: AGAIN, I TRY TO LIMIT IT TO TOWN LAKE JUST BECAUSE, AGAIN, IT'S ALWAYS TALKED ABOUT AS THE JEWEL OF AUSTIN AND SO I THINK WE SHOULD BE CAREFUL ABOUT, YOU KNOW, WHAT WE APPROVE IN THAT REGARD. AND I THOUGHT THE WATERFRONT OVERLAY MIGHT DEAL WITH HEIGHTS IN THAT WAY, BUT APPARENTLYLY IT DOESN'T NECESSARILY DO THAT. BUT -- BUT YOU SAID THE MACC IS NOT ZONED AS PARKLAND SO YOU WOULDN'T BE HAVING -- YOU WOULDN'T HAVE ANY ADDITIONAL LIMITATIONS BECAUSE OF THAT FACILITY OR ARE YOU ENVISIONING THERE WOULD BE ADDITIONAL RESTRICTIONS BASED ON THE MEXICAN-AMERICAN CULTURAL CENTER?

I'M NOT SURE OF ALL THE DETAIL PLANS OF MEXICAN-AMERICAN CENTER. IT WOULD HAVE THE SAME SETBACKS AS OTHER PROJECTS ALONG FROM, BUT THERE IS A LOT MORE PARKLAND, I THINK, IN WIDTH OR DEPTH BETWEEN

THE MACC FACILITY ITSELF AND THE WATER'S EDGE ADJACENT TO THE MACC THAN THERE IS AS YOU MOVE FURTHER DOWN TOWARDS THE HOLIDAY INN TO THE SOUTH.

Alvarez: IF YOU START TALKING ABOUT SETBACKS FROM THE MACC PROPERTY, THEN AGAIN YOU START AFFECTING A LOT OF THE PROPERTIES, THE SMALL LOTS REALLY THAT ARE ADJACENT TO THE MACC. THAT'S WHY I'M A LITTLE MORE CONCERNED ABOUT, YOU KNOW, TOWN LAKE AND THE TREATMENT THERE.

STAFF COULD COME BACK WITH SOME PROPOSAL THAT WOULD ADDRESS BUILDING HEIGHTS AND SETBACKS FOR THOSE TRACTS THAT EITHER ABUT THE PARK OR IMMEDIATELY ACROSS THE STREET FROM THE PARK THAT -- ADJACENT TO TOWN LAKE AND BRING BACK A PROPOSAL AS PART OF THE OVERALL RECOMMENDATION BASED ON THE DIRECTION THAT YOU WOULD APPROVE TONIGHT.

Alvarez: OKAY.

Goodman: CAN WE ALSO GET THE TEXT OF THE TOWN LAKE OVERLAY BECAUSE I HAD REMEMBERED A HEIGHT MAXIMUM IN THERE AND TO SOME DEGREE THERE WAS THE ABILITY TO PLAY WITH THAT A LITTLE BIT DEPENDING ON THE INCENTIVES, PEDESTRIAN ORIENTED AND VIEW GOALS. ALMOST LIKE THE ALL HILL COUNTRY ROADWAY ORDINANCE THAT WAS BASED ON INCENTIVES TRADEOFF. SO I'D LIKE TO LOOK AT THAT AGAIN.

YES, MAYOR PRO TEM, WE CAN BRING BACK THOSE PARTS AND MAKE SURE THAT'S IN THE BACKUP SO WHEN WE PRESENT TO THE COMMISSION AND PRESENT IT TO YOU THAT WE'LL GO BACK AND LOOK AT THE OLD TOWN LAKE PLAN AND SEE HOW THAT ENVISIONED DEVELOPMENT AND TRY TO INCORPORATE THAT IN OUR BACKUP MATERIAL.

Goodman: GREAT. SO MAYBE IT'S ALREADY KIND OF WRITTEN AND WE CAN ROLL THAT INTO THE VOLUNTARY INCENTIVES.

OKAY.

Goodman: OKAY.

Alvarez: WITH THAT, THEN, I GUESS I'LL MAKE A MOTION ON -- I'M SORRY.

JUST A FEW QUESTIONS FOR MR. STEVENS ACTUALLY. MR. STEVENS, ONE THING WE WERE DISCUSSING EARLIER WAS THE WALLER CREEK TUNNEL PROJECT WHICH THE VOTERS APPROVED I THINK IN 1999 OR 1998. THE -- AND THERE'S A FUNDING GAP THAT THERE HAVE BEEN ECONOMIC STUDIES ABOUT WHAT -- YOU KNOW, TYPES OF DEVELOPMENT INCLUDING IN THE RAINEY STREET AREA WOULD BE REQUIRED TO HELP MEET THAT FUNDING GAP AND THEREBY FINANCE THE TUNNEL. COULD YOU BRIEF US ON WHAT WERE THE ASSUMPTIONS ABOUT ZONING THAT WERE MADE BY THE ECONOMIC STUDY?

SURE.

McCracken: OF THE WALLER CREEK TUNNEL.

THE STUDY THAT YOU REFERRED TO LOOKED AT THE POSSIBILITY OF ESTABLISHING A TAX INCREMENT FINANCING ZONE REALLY IN THREE AREAS. THERE WAS T.I.F. 1, T.I.F. 2 AND T.I.F. 3 THAT WERE INCLUDED IN THE STUDY. T.I.F. 1 WAS JUST THE ORIGINAL CREEK CORRIDOR. T.I.F. 2 INCLUDED THE VIGNETTE PROPERTIES. T.I.F. 3 WENT ON TO INCLUDE RAINEY STREET. MY UNDERSTANDING IS THAT WHAT'S UNDER CONSIDERATION HERE TONIGHT INCLUDES SOME OF WHAT THE CONSULTANT CALLED THE VIGNETTE PROPERTIES AND SOME OF WHAT THEY CALLED THE RAINEY STREET PROJECT OR THE RAINEY STREET PROPERTIES. THE ASSUMPTIONS THAT WERE USED IN LOOKING AT THE VIGNETTE PROPERTIES WERE THAT THOSE WOULD BE ZONED C.B.D. AND THE ASSUMPTIONS THAT WERE USED IN THE THREE BLOCKS THAT THEY HAD IN THE RAINEY STREET AREA WERE D.M.U. AND SO, YOU KNOW, THEY HAD A LESS AGGRESSIVE -- THEIR ZONING FOR THE RAINEY STREET AREA, WHAT THEY CONSIDER TO BE THE RAINEY STREET AREA WHICH ONLY INCLUDED THREE BLOCKS WAS BASED ON THE MOST RECENT ZONING CASE WHICH I BELIEVE WAS THAT OF THE RAINEY STREET APARTMENTS THAT WAS DONE BACK SOMETIME IN JANUARY I THINK 2003. I'M NOT SURE. SO



THEY DID HAVE D.M.U. ZONING FOR THOSE THREE BLOCKS AND C.B.D. ZONING FOR THE TWO IN THE -- ON THE VIGNETTE PROPERTIES. NOW, THEY ALSO IN THAT STUDY THEY ALSO DISCOUNTED THE VALUES THAT THEY ASSUMED WOULD BE BUILT ON THOSE BLOCKS BY 35% BECAUSE THEY SIMPLY DID THAT THROUGHOUT THE STUDY AREA. THE ENTIRE STUDY AREA.

McCracken: IN YOUR EXPERIENCE, WHAT WOULD -- WHAT WOULD PRODUCE A HIGHER EXPECTED PROPERTY VALUE AND REVENUE STREAM TO HELP FINANCE THE WALLER STREET TUNNEL? WOULD IT BE C.B.D. OR D.M.U. OR WOULD THERE BE ANY DIFFERENCE AT ALL?

WELL, I THINK C.B.D. WOULD PROBABLY PRODUCE THE HIGHER -- HIGHEST REVENUE STREAM ULTIMATELY, ALTHOUGH, YOU KNOW, IT COMES DOWN TO OBVIOUSLY A CASE OF SIMPLY WHAT PROJECT IS PUT ON WHAT BLOCK. BUT I BELIEVE -- I BELIEVE THE VARIATIONS THAT HAVE BEEN DISCUSSED AS I'VE HEARD THE DISCUSSION HERE TONIGHT WOULD ALL FIT MORE OR LESS WITHIN THE PROJECTIONS THAT ARE INCLUDED IN THAT JULY 2003 STUDY. AGAIN, PARTLY BECAUSE OF THE 35% DISCOUNT THAT THEY INCLUDED ON THE REVENUE STREAM FROM THAT PROPERTY.

McCracken: WAS THE PROJECTED 35% REVENUE DISCOUNT JUST TO ACCOMMODATE OR ACCOUNT FOR POSSIBLE RISK INVOLVED?

IT WAS TO -- IT WAS REALLY TO REACH FOR THE ENTIRE AREA, THAT IS, BOTH T.I.F. 1, T.I.F. 2 AND T.I.F. 3, REALLY TO TRY TO REACH WHAT I ASKED THEM TO DESCRIBE AS THE MOST LIKELY SCENARIO. IN OTHER WORDS, NOT NECESSARILY THE MOST AGGRESSIVE SCENARIO, NOT THE LEAST AGGRESSIVE SCENARIO, BUT SORT OF THE MOST LIKELY SCENARIO. AND THAT WAS -- THAT WAS THEN -- THEY PICKED A NUMBER OF 65, DISCOUNTING THE TOTAL REVENUE, YOU KNOW, THE MAXIMUM BUILDOUT THAT WOULD BE ALLOWED UNDER THE ZONING CATEGORIES THAT THEY APPLIED TO EACH BLOCK OR EACH PARCEL AND PICKED THE NUMBER THAT 65% WOULD PROBABLY BEST REPRESENT WHAT THE MARKET WOULD ULTIMATELY BUILD

OUT THERE.

McCracken: DID -- IN INCLUDING RAINEY STREET AS PART OF T.I.F. 3 TO THE WALLER CREEK TUNNEL PROJECT, DID THEY INCLUDE ALL OF THE RAINEY STREET NEIGHBORHOOD OR JUST A PORTION? OBVIOUSLY VIGNETTE WAS T.I.F. 2, BUT WAS THE BALANCE OF THE RAINEY STREET NEIGHBORHOOD INCLUDED IN T.I.F. 3?

NO, IT WAS JUST, AGAIN, THE THREE BLOCKS THAT ARE REALLY -- THAT WERE ON SORT OF THE WESTERN-MOST EDGE OF RAINY STRAIGHT AS THEY LOOKED AT IT. AND THEY ASSUMED THAT SOME OF THE OTHER NEIGHBORHOOD, I THINK, WOULD REMAIN THE SAME WAY. THE WAY THAT IT IS NOW. SO THEY ONLY INCLUDED THREE BLOCKS. I MEAN THEY ALSO INCLUDED THE BLOCK THAT HAS THE MEXICAN-AMERICAN CULTURAL CENTER ON THERE, BUT THEY DIDN'T ASSIGN ANY VALUE TO THAT OBVIOUSLY.

McCracken: WOULD WE BE ABLE TO CREATE A TAX INCREMENT FINANCING ZONE FOR THE RAIN KRAOE STREET AREA THAT INCLUDED THE ENTIRE RAINEY STREET NEIGHBORHOOD?

YES, YOU WOULD.

McCracken: SO WE ACTUALLY WOULD HAVE THE OPPORTUNITY TO CREATE EVEN MORE OF A POTENTIAL TAX INCREMENT REVENUE STREAM TO HELP FUND THE WALLER CREEK TUNNEL THROUGH THE ZONING ACTION THAT WE'RE WORKING ON RIGHT NOW WITH THE RAINEY STREET?

THE -- REALLY EVERYTHING THAT'S BEEN DONE SO FAR WITH THE WALLER CREEK TUNNEL PROJECT HAS SIMPLY BEEN DONE ON SORT OF A PROJECTION BASIS AND COUNCIL HAS NOT ESTABLISHED ANY POLICIES OR, YOU KNOW SHE RESTRICTIONS ON THE AREA DOWN THERE SO THAT WOULD SIMPLY BE A MATTER OF COUNCIL POLICY TO SET THE SIZE OF THAT T.I.F. SO IT COULD BE CERTAINLY MODIFIED FROM WHAT'S IN THE PROJECTIONS RIGHT NOW.

McCracken: I ALSO UNDERSTAND THAT AS WE LOOK AT THE REZONING HERE OF RAINEY STREET AND POSSIBILITY OF

CREATING A T.I.F. FOR THAT, THAT THE T.I.F. ENCOMPASSES WALLER CREEK INCLUDING THE CONVENTION CENTER AREA.

YES, IT DOES.

McCracken: MY UNDERSTANDING IS THE DOWNTOWN RAIL STATION WILL BE ADJACENT TO THE CONVENTION CENTER. DID THE ECONOMIC PROJECTIONS FOR WALLER STREET TUNNEL WITH THE INCLUSION OF RAIN KRAOE STREET FACTOR IN THE IMPACT, THE POSITIVE ECONOMIC IMPACT OF HAVING A DOWNTOWN RAIL STATION WITHIN THAT T.I.F. DISTRICT ALSO?

NO, IT DID NOT. AT THE TIME THEY DID THE STUDY THEY WERE AWARE OF THE POSSIBILITY BUT DID NOT HAVE A GOOD WAY OF INCLUDING THAT IN THE STUDY AND THEY REALLY WANTED TO LOOK AT AT THAT POINT WHAT WAS NOT ON THE GROUND BECAUSE IT'S A PROJECTION BUT WHAT WAS KNOWN.

McCracken: NOW, AS WE PREPARE TO TAKEN ACTION ON RAINEY STREET, IS IT -- WHAT KIND OF TIME LINES DO WE FACE ABOUT -- IF WE WERE TO SET UP SOME SORT OF TAX INCREMENT FINANCING VEHICLE TIED TO THIS ZONING AREA, WHAT KIND OF TIME LINES WILL WE FACE? LIKE HOW FAST CAN THEY BE SET UP? WHEN DO NEW PROPERTY VALUES TAKE EFFECT? THINGS LIKE THAT.

WELL, THIS IS SORT OF AN OFF THE TOP OF MY HEAD GUESS, BUT I THINK THE MECHANISMS FOR SETTING EVERYTHING UP WOULD TAKE SOMEWHERE IN THE RANGE OF FOUR TO SIX MONTHS. AND THAT -- YOU KNOW, THAT DEPENDS -- THAT, OF COURSE, ASSUMES THAT YOU'VE REACHED OTHER MILESTONES, FOR EXAMPLE, ON THE WALLER CREEK PROJECT THAT WE HAVE, YOU KNOW, FOR A LONG TIME TRIED TO INCLUDE AS PARAMETERS IN THAT STUDY AND WE HAVE NOT REACHED THOSE MILESTONES YET.

McCracken: WOULD THAT AFFECT THE ABILITY TO SET UP A T.I.F.?

IT WOULD NOT AFFECT THE ABILITY TO SET UP A T.I.F., I

DON'T THINK.

McCracken: THE -- WHEN -- THE LAST PART OF MY QUESTION WAS WHEN DO NEW PROPERTY VALUES TAKE EFFECT IN DETERMINING WHAT THE BASELINE OF THE T.I.F. IS?

AT THE TIME YOU ESTABLISH THE T.I.F., YOU SET WHAT THE TAX BASE IS AT THAT POINT, AND THEN EVERYTHING BEYOND THAT POINT, YOU KNOW, FOR EXAMPLE WE'RE GETTING READY TO DO THAT WITH THE T.I.F., AS YOU KNOW, OUT AT ROBERT MUELLER, AND SO OUR BASELINE THERE WILL BE -- I ASSUME WILL BE THE VALUE THAT WAS ESTABLISHED AS OF JANUARY 1ST, 2004, WHICH FOR ALL PRACTICAL PURPOSES WILL BE THE SAME AS JANUARY 1ST, 2005 BECAUSE IT'S ALL RAW LAND. BUT BEYOND THAT, IT -- AS THE APPRAISED VALUE GOES UP, IT WILL BE INCLUDED IN WHAT THE LAW REFERS TO AS THE CAPTURED APPRAISED VALUE THAT'S SUBJECT TO DEPOSITING IN THE T.I.F.

McCracken: BUT MY UNDERSTANDING IS THAT THE DATE WHEN THE ACTUAL PROPERTY VALUES CHANGE IN TERMS OF THE CALCULATIONS AND THE TAX ASSESSOR COLLECTOR ARE SOMETIME IN THE JULY TIME PERIOD. IS THAT RIGHT?

THAT'S WHEN WE GET THE CERTIFIED ROLL.

McCracken: SO, FOR INSTANCE, IF WE WERE TO TAKE ACTION TO CHANGE THE ZONING FROM SINGLE-FAMILY HERE ON RAINEY TO SOME SORT OF COMMERCIAL ZONING, I THINK IT'S FAIR TO EXPECT AND WE CERTAINLY HOPE THAT THE TAX VALUE OF THE PROPERTIES WOULD INCREASE SUBSTANTIALLY WHEN THESE BECAME NON-HOMESTEAD PROPERTIES. I THINK IT WOULD BE -- IT WOULD BE HARMFUL IN OUR EFFORTS TO THE WALLER CREEK TUNNEL IF WE MISSED THAT FIRST BIG JUMP IN VALUATION, WHICH MEANS WE WOULD NEED TO GET IT DONE BEFORE JULY 1ST IS WHAT I UNDERSTAND FROM WHAT YOU JUST SAID ABOUT WHEN VALUATIONS TAKE EFFECT.

THAT, AGAIN, IS WHEN WE RECEIVE THE CERTIFIED ROLL, AND THAT ROLL SHOULD BE BASED ON THE VALUE OF THE

PROPERTY AS OF JANUARY THE 1ST, 2005.

McCracken: SO THAT'S THE DATE THAT SETS THE BASELINE, SAY, FOR A T.I.F.?

THAT'S THE ASSESSMENT DATE.

McCracken: DO WE KNOW -- MY LAST QUESTION IS DO WE KNOW THE VALUE OF THE TWO NON-PARKLAND LOTS THE CITY OWNS WITHIN RAINEY STREET OR THE CITY DID WANT TO TRY TO SELL THESE PROPERTIES OR DO SOMETHING WITH THEM?

I DO NOT KNOW THAT VALUE, NO.

McCracken: IF THE CITY WERE TO SELL THEM, COULD THAT REVENUE BE INCLUDED THIS THE T.I.F. FOR THE WALLER CREEK TUNNEL?

YOU MEAN THE SALES -- THE PROCEEDS THAT THE CITY RECEIVED?

McCracken: YES.

I ASSUME THEY COULD BY AGREEMENT BETWEEN THE CITY AND THE T.I.F. BUT THAT MIGHT BE A BETTER QUESTION FOR THE LAWYERS TO ANSWER.

McCracken: THANK YOU, MR. STEVENS. APPRECIATE IT.

SURE.

Goodman: COUNCILMEMBER DUNKERLEY.

Dunkerley: I THINK THE WHOLE APPROACH THAT I'VE HAD TOWARD THIS PROPERTY, AS YOU KNOW, I'VE WANTED THE GREATEST DENSITY. IT'S WHAT MOST OF THE LANDOWNERS WANT IN THAT AREA. I THINK IT GIVES THEM THE GREATEST OPPORTUNITY TO CONSOLIDATE THEIR LOTS AND TO GET THE MOST VALUE, MOST MONEY FOR THEM, AND IT ALSO GIVES US THE GREATEST OPPORTUNITY TO SEE THE BIGGEST INCREASE IN THE INCREMENT THAT WE CAN USE FOR THE TUNNEL OR WHATEVER PURPOSE, OTHER

PURPOSES WE USE IT FOR. AND SO, AGAIN, WE WANT THE SAME THING IN THE END, IT'S JUST THE WAY THAT WE'RE APPROACHING IT. WITH THE RESTRICTIONS THAT COUNCILMEMBER ALVAREZ IS WANTING TO DO AT FIRST, WHAT WE WOULD NEED TO DO IS GO THROUGH AND LEARN MORE ABOUT THESE PROPERTIES FROM THE STAFF AS THEY DO THEIR RESEARCH, WE'RE GOING TO HAVE TO START START PEELING OFF PROBABLY SOME OF THE RESTRICTIONS. I WOULD REALLY RATHER TAKE THE OTHER VIEW AND GO INTO THE PROCESS WITH THE FEWEST RESTRICTIONS AND ONLY THOSE THINGS THAT ARE HAVE TOS OR THAT WE THINK EVERYBODY CAN AGREE ON THAT WE REALLY WANT AS A COMMUNITY AND PUT EVERYTHING ELSE INTO A LIST OF ITEMS THAT YOU CAN USE TO CREATE A PROJECT THAT AS IT'S EVALUATED WILL GIVE YOU THE MOST POINTS TOWARD INCENTIVES. WHETHER THEY ARE INCENTIVES RELATED TO FEE WAIVERS OR WHETHER THEY ARE WAIVERS FOR EXPEDITED REVIEW AS WE DO IN SMART HOUSING. SO THAT'S REALLY THE APPROACH THAT I WOULD PREFER TO TAKE. AND, FOR EXAMPLE, I WOULD -- IF YOU ARE LOOKING AT COUNCILMEMBER ALVAREZ'S SUGGESTIONS, I AGAIN WOULD MOVE -- MOVE THOSE ITEMS DOWN INTO THIS -- THIS AREA WHERE YOU CAN CHOOSE TO ADD SPECIFIC ONES IN ORDER TO GET MORE POINTS, IN ORDER TO GET GREATER INCENTIVES TO ALLOW THE DEVELOPMENT TO GO FORWARD. THAT DOES GIVE YOU, I THINK, A LOT OF LEVERAGE TO GET THE KINDS OF LOOKS THAT WE WANT IN THAT AREA AND THE KIND OF DESIGN AND THE KIND OF MIXED INCOME LEVEL RETAIL. THIS IS A DIFFERENT TYPE OF PROJECT THAN THAT OUT AROUND THE UNIVERSITY AREA WHERE MOST OF THAT -- MOST OF THOSE PROJECTS ARE GOING TO BE ALMOST EXCLUSIVELY RESIDENTIAL BECAUSE OF THE NATURE OF THE DEMOGRAPHICS THAT ARE AROUND THE UNIVERSITY. THE LARGE STUDENT POPULATION. THIS IS GOING TO BE A MIXED -- A TRULY MIXED USE PROJECT WITH SOME RESIDENTIAL, SOME COMMERCIAL, SOME RETAIL, AND I DON'T THINK IT'S -- IT REALLY IS THE TYPE OF PROJECT THAT WILL WORK AS WELL WITH THE REQUIRED AFFORDABLE HOUSING COMPONENT. I THINK YOU WOULD GET MORE THERE BY USING THE SMART HOUSING APPROACH WITH THE INCENTIVES THAT WILL ADD A LOT OF VALUE FOR A

DEVELOPER TO DO IT BUT NOT REQUIRE THEM TO DO IT ON EVERY SPECIFIC PROJECT. SO, AGAIN, THE FORMAT WOULD BE -- MY SUGGESTION IS GOING TO BE THE FORMAT IS EXACTLY LIKE COUNCILMEMBER ALVAREZ EXCEPT MOVING THOSE FOUR ITEMS DOWN INTO THE AREA WHERE WE WANT TO -- STAFF TO COME UP WITH SOME INCENTIVES, AND INCLUDING THINGS LIKE GREEN BUILDERS, THE MIXED INCOME AND OTHER THINGS OFF THE SMART GROWTH MATRIX. AND THEN ADDING ONLY THE TWO ITEMS THAT I MENTIONED WHICH WOULD BE THE SIDEWALKS AND THE TREES TO THE HAVE-TOS IN ORDER TO GET THE C.B.D. HEIGHT -- HEIGHT LEVEL. SO I THINK IT'S, AGAIN, JUST TWO DIFFERENT APPROACHES. ONE AS WE LEARN MORE ABOUT THE PROJECT, WE MAY DECIDE TO ADD MORE RESTRICTION AS WE GO ALONG. AND THAT'S FINE. THAT'S WHAT WE MAY DO. IT'S A LOT EASIER TO ADD IT THAN TO PEEL IT OFF. IF YOU PUT IT ON THE FRONT END AND THEN FIND THAT YOU'VE -- HAVEN'T QUITE UNDERSTOOD IT OR YOU HAVEN'T REALLY ANTICIPATED WHAT THE OUTCOME WOULD BE FROM YOUR ACTIONS. SO I WOULD -- I'M GOING TO RECOMMEND GOING FROM THE -- WITH THE MINIMALIST APPROACH AND WORKING BACKWARDS. WUTBUT WE DON'T HAVE VERY MANY COUNCILMEMBERS.

Alvarez: MAYOR PRO TEM.

Goodman: COUNCILMEMBER McCracken. AND THEN COUNCILMEMBER ALVAREZ.

McCracken: MY UNDERSTANDING IS THE MAYOR -- WE GOT A COMMUNICATION THE MAYOR IS COMING BACK AND HE WANTS TO PARTICIPATE. BUT WE APPARENTLY HAVE AN EXECUTIVE SESSION ITEM WE COULD HANDLE IN THE INTERIM.

Goodman: COUNCILMEMBER ALVAREZ.

Alvarez: WELL, I THINK, COUNCILMEMBER DUNKERLEY, I UNDERSTAND EXACTLY WHAT I'M PUTTING ON THE TAEUBLG HERE AND IT'S EXACTLY THE APPROACH YOU JUST OUTLINED. I'M JUST SAYING I PEELED BACK ABOUT 25 REGULATIONS THAT STAFF HAD RECOMMENDED IMPORTING TO -- COMMISSIONS HAD RECOMMENDED AND PEELED IT

BACK TO THREE. AND SO I DON'T UNDERSTAND HOW, YOU KNOW, YOU COULD CLAIM THAT I'M ADDING ON SO MANY DIFFERENT LAYERS OF REGULATIONS HERE WHEN WE ARE WALKING ABOUT TWO OR THREE ITEMS -- TALKING ABOUT TWO OR THREE ITEMS. SO WE'VE PEELED OFF THE VAST MAJORITY OF WHAT WAS CAUSING THE CONCERN, THE CON STERN NATION, AND MAYBE THESE TWO OR THREE ITEMS CONTINUE TO DO THAT, BUT AGAIN, IT'S GOING TO GO BACK TO PLANNING COMMISSION. THE LANDOWNERS, THE STAKEHOLDERS ARE GOING TO HAVE ANOTHER CHANCE TO GIVE INPUT TO HELP US UNDERSTAND HOW THESE MIGHT AFFECT, YOU KNOW, THE REZONING. BUT I THINK WE'RE BEING INCREDIBLY GENEROUS IN INCREASING ZONING FROM SF-3, 35 FEET TO, C.B.D. HEIGHTS. IF WE'RE JUST PUTTING TWO OR THREE RESTRICTIONS ON THERE, I PERSONALLY DON'T THINK THAT'S A DEAL-BREAKER, BUT I FEEL THAT IT'S FOREIGN GET THAT PUBLIC BENEFIT -- IT'S IMPORTANT TO GET THAT PUBLIC BENEFIT FOR THE COMMUNITY. AND AGAIN, WE'VE PEELED BACK, YOU KNOW, SOME SIGNIFICANT AMOUNT OF RESTRICTIONS THAT UP UNTIL THIS VERY MEETING AND MY PROPOSAL WERE ON THE TABLE AND IT LED TO A VERY CONFUSING DISCUSSION TWO WEEKS AGO. AND SO WE CAN GO BACK AND FORTH LIKE LAST TIME IF THAT'S WHAT YOU LIKE, BUT I'M GOING TO STICK TO MY PROPOSAL BECAUSE I THINK, YOU KNOW, THE FRAMEWORK, AGAIN, IS SOMETHING WE CAN AGREE ON AND THE SPECIFICS AND THE VARIOUS PARTS OF THE PROPOSAL IS SOMETHING WE HAVE ANOTHER TWO OR THREE READINGS TO TALK ABOUT AND MORE PUBLIC HEARINGS AT PLANNING COMMISSION, MORE PUBLIC HEARINGS AT COUNCIL SO I'VE BEEN OFFERING THIS AT FIRST READING TO GET CLOSER TO A SOLUTION, CERTAINLY NOT THE ULTIMATE SOLUTION, BUT THAT'S THE INTENT BEHIND THIS AND THAT'S, YOU KNOW, WHAT I'M STICKING TO. BUT, YOU KNOW -- IF WE WANT TO VOTE IT UP OR DOWN, THE C.B.D. VERSUS THIS PROPOSAL, WE MIGHT BE AT A 3-3 DEADLOCK AND I DON'T SEE HOW ANYONE BENEFITS WITH COUNCIL BEING AT DEADLOCK INSTEAD OF CHOOSE TO GO MOVE IT FORWARD EVEN IF IT'S ONE STEP AT A TIME BECAUSE WE'VE BEEN WAITING HOW MANY YEARS TO TAKE OBJECTION THIS PROPOSAL AND WE'RE CLOSE TO AT -- ACTION ON THIS PROPOSAL AND WE'RE CLOSE TO HAVING A READING OR



COMING TO SOME AGREEMENT AND THAT'S REALLY THE INTENTION BEHIND THIS, HOW DO WE GET CLOSER TO A FINAL RESOLUTION. BUT IF WE WANT TO VOTE IT UP OR DOWN NOW, LET'S JUST VOTE IT UP OR DOWN NOW, IF FOLKS ARE SAYING THEY JUST WANT TO GIVE C.B.D. NO RESTRICTIONS AND FEEL SO STRONGLY ABOUT IT, I DON'T SEE WHY WE SHOULD PUT THE COMMUNITY AND WHY WE SHOULD PUT THE PLANNING COMMISSION AND HAVE THE COUNCIL GO THROUGH ANOTHER PUBLIC HEARING IF, AGAIN, PEOPLE FEEL SO STRONGLY THAT THEY WANT C.B.D. AND NO RESTRICTIONS BECAUSE I'M CERTAINLY NOT GOING TO SUPPORT THAT AND THINK THIS IS A REASONABLE WAY TO PROCEED RIGHT HERE.

Goodman: WE WILL GO INTO EXECUTIVE SESSION TO DISCUSS AGENDA ITEM 32, WHICH IS REPRESENTED TO THE RELOCATION OF WASTEWATER LINE IN THE 1600 BLOCK OF WATCHHILL ROAD. AND WE WILL RETURN TO OPEN MEETING SHORTLY.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP ITEM NUMBER 32 RELATED TO A RELOCATION OF A WASTEWATER LINE IN THE 1600 BLOCK OF WATCH HILL ROAD. NO DECISIONS WERE MADE. COUNCIL, AT THIS TIME I'LL ENTERTAIN A MOTION TO WAIVE OUR RULES AND GO PAST 10:00 P.M.

McCracken: SO MOVE.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER THOMAS. ALL THOSE IF FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. MS. SPENCE, WE WILL NOT BE TAKING UP ITEM NUMBER 37, WHICH IS A POSTED ACTION ITEM. SO COUNCIL, WE HAVE TABLED OUR RAINEY STREET ZONING DISCUSSIONS. AND AFTER HAVING COUNCILMEMBER SLUSHER LEAVE THE ROOM... SO FURTHER COMMENTS, QUESTIONS REGARDING RAINEY STREET? COUNCILMEMBER

DUNKERLEY.

Dunkerley: I THINK IT BECAME OBVIOUS SHORTLY BEFORE RECESS THAT WE WERE AGAIN AT AN IMPASSE. SO IN AN EFFORT TO MOVE THIS ALONG AND TO AT LEAST AGREE TONIGHT WITH COUNCILMEMBER ALVAREZ'S SUGGESTION, I HAVE A COUPLE OF RECOMMENDATIONS. IF HE WOULD HOPEFULLY AGREE WITH THESE. NUMBER ONE, I WOULD TAKE THE REQUIREMENT FOR THE STREETS AND THE SIDEWALKS AND MOVE THOSE DOWN INTO THE INCENTIVE BOX. SO THAT AS PEOPLE LOOK THROUGH THIS AND LOOK AT ALL THE THINGS THAT THEY CAN DO TO GET INCENTIVES, THAT WOULD BE TWO OF THE THINGS THAT WOULD HELP YOU GET THOSE POINTS IN ORDER TO GET ADDITIONAL FEE WAIVERS AND EXPEDITED REVIEW AND OTHER NICE INCENTIVES. I HAD HOPED TO HAVE THE AFFORDABLE HOUSING AS A SMART HOUSING OPTION BECAUSE I REALLY THINK THAT THAT WILL GET US THE MOST AFFORDABLE HOUSING IN THAT AREA. TO USE THE AFFORDABLE HOUSING WITH THE INCENTIVES THAT GO WITH THAT; HOWEVER, THE AFFORDABLE HOUSING THAT COUNCILMEMBER ALVAREZ HAS INCLUDED, WHICH IS THE UNO STANDARD, REQUIRES 10% AT 80% OF MFI AND THEN A SMALL DOLLAR BUYOUT ON THE 10% OF 50%. SO TONIGHT I WOULD CERTAINLY AGREE TO GO ALONG WITH THAT. I THINK THE ONE THING I WOULD LIKE FOR COUNCILMEMBER ALVAREZ AND THE REST OF THE COUNCIL TO CONSIDER IF NOT DELETING TONIGHT AND MOVING DOWN INTO THE OPTIONAL INTERNETIZED PORTION, AT -- INCENTIVIZED PORTION, MAYBE MOVE IT TO SECOND READING. I KNOW NOW THE SUGGESTION IS TO ONLY REQUIRE THEM ON I THINK RED RIVER AND -- WHAT OTHER STREET, COUNCILMEMBER? RED RIVER AND WHAT STREET?

Alvarez: WHAT, COUNCILMEMBER?

Dunkerley: ON THE SETBACKS, YOU WANTED THEM ON RED RIVER AND WHAT OTHER STREET?

RED RIVER AND RIVER STREET. RIVER STREET DOESN'T HAVE THE SETBACK, THE REDUCED HEIGHT.

Dunkerley: SO I'D LIKE FOR ALL THE STAKEHOLDERS TO TAKE A LOOK AT THAT AND GIVE US SOME FEEDBACK OF WHAT A

NATIONAL DEVELOPER MIGHT THINK ABOUT THOSE.  
BECAUSE THAT WOULD BE ONE IN THE FUTURE I WOULD  
LIKE TO GET MOVED DOWN PROBABLY INTO THE INCENTIVE  
AREA, BUT JUST IN THE SPIRIT OF TRYING TO GET AT LEAST  
A FIRST READING TONIGHT, IF YOU WOULD ALLOW ME TO  
ADD MY TWO BACK INTO THE INCENTIVE PORTION, WE CAN  
MOVE ON.

Alvarez: SO -- MAY I COULD, MAYOR.

Mayor Wynn: YES, COUNCILMEMBER ALVAREZ.

Alvarez: ARE THE SIDEWALK AND TREE STANDARDS?

Dunkerley: YEAH. MOVE THAT DOWN INTO THE INCENTIVE  
SECTION.

Alvarez: THE MATRIX PORTION?

Dunkerley: THE MATRIX PORTION, QUESTION.

Alvarez: AND THE OTHER ITEM?

Dunkerley: THE OTHER ITEM I WOULD LIKE TO HAVE YOU  
CONSIDER AT ANOTHER DATE MOVING DOWN THERE WOULD  
BE ITEM 3 OR THE SETBACKS. BUT IF YOU WOULD TO LEAVE  
IT IN ON FIRST READING AND THAT GIVES OUR  
STAKEHOLDERS TIME AND DEVELOPERS SOME TIME TO  
EVALUATE THAT AND SEE IF IT DOESN'T WORK BETTER IN  
THE INCENTIVE PORTION.

Alvarez: OKAY. I WOULD LEAVE IT IN --

Dunkerley: WHAT?

Alvarez: LEAVE IS IN TIER 1 --

Dunkerley: ON FIRST READING. AND THEN MOVING IT DOWN  
TO TIER 2 ON SECOND READING AFTER WE HAVE SOME  
INPUT.

Mayor Wynn: MR. GUERNSEY?

MAYOR, I WANTED TO REMIND COUNCIL THAT ITEM 47, THERE'S NOT AN ORDINANCE, IT'S MERELY AN ACTION BY COUNCIL TO DIRECT US --

Dunkerley: I'M SORRY, WHAT?

ON ITEM 47, WHICH DEALS WITH THE WATERFRONT OVERLAY, IF THERE'S A MOTION, IT WOULD NOT BE TO APPROVE AN ORDINANCE ON FIRST READING, IT WOULD BE SIMPLY TO DIRECT STAFF TO, I GUESS, START THE ORDINANCE PROCESS AND THEN OUTLINE THE ITEMS I GUESS THAT COUNCILMEMBER ALVAREZ, AS MODIFIED, HAS SUGGESTED. HOWEVER, ITEM Z-1 THROUGH Z-8 COULD BE TAKEN ON FIRST READING IF THE COUNCIL DESIRED OR WE COULD BRING THOSE ITEMS BACK WITH ORDINANCE AMENDMENTS AT A LATER DATE. SO 47 IS JUST A DIRECTION, NO ORDINANCE APPROVAL. Z-1 THROUGH Z-8 YOU MAY CONSIDER FIRST READING OR DEFER ACTION ON THAT TO ANOTHER DAY.

Alvarez: MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: THAT BEING SAID, I'LL MOVE THAT WE DEFER ACTION ON ITEMS Z-1 THROUGH Z-8 UNTIL THESE SUGGESTED CHANGES TO THE WATERFRONT OVERLAY ARE BROUGHT BACK TO COUNCIL FOR FURTHER CONSIDERATION.

Dunkerley: COUNCILMEMBER, I THOUGHT YOU WANTED TO DO FIRST READING ON THESE?

Alvarez: WELL, WHAT MR. GUERNSEY EXPLAINED WAS THAT THE ITEMS IN THE -- THE FRAMEWORK THAT I DEVELOPED PERTAIN TO ITEM 47, AND SO WE CAN DEFER ACTION ON Z 1 THROUGH Z-8 UNTIL THESE ITEMS RECOMMENDED FOR CONSIDERATION BY THE PLANNING COMMISSION AND THEN FURTHER CONSIDERATION BY COUNCIL, GO THROUGH THE PROCESS. BUT IF WE WERE TO TAKE ACTION ON FIRST READING ON Z-1 THROUGH Z-8, WE WOULD JUST BE APPROVING CBD ZONING?

THAT'S RIGHT. WE WOULD NOT BRING BACK SECOND AND

THIRD READING UNTIL A FURTHER DATE.

Alvarez: WE CAN DO THAT AS WELL, BUT WITH THE UNDERSTANDING THAT THE RESTRICTIONS ON THE CBD THAT IS PROVIDED WOULD BE CONTAINED WITHIN THE WATERFRONT OVERLAY AMENDMENTS, IS THAT CORRECT?

AND IF COUNCIL WANTED TO DIRECT STAFF, WE COULD BRING BACK SECOND AND THIRD READING WITH THE ORDINANCE AMENDMENTS AT A LATER DATE. WE COULD DO FIRST READING TODAY ON Z-1 THROUGH Z-8 FOR CBD ZONING, BASICALLY UNRESTRICTED, AND BRING BACK SECOND AND THIRD WHEN WE CONSIDER THE WATERFRONT OVERLAY AMENDMENT, SO YOU COULD CONSIDER BOTH.

Dunkerley: MAYOR?

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: COUNCILMEMBER ALVAREZ, I WOULD REALLY LIKE TO GET AT LEAST FIRST READING SO THAT THE STAFF CAN HAVE SOME BETTER DIRECTION AS TO HOW WE'RE GOING. I WOULD USE YOUR TIER 1 SUGGESTION, MOVE MINE DOWN TO TIER 2, AND AT LEAST DO FIRST READING. AND THEN WHEN YOU CAN BRING IT BACK AND WE CAN CERTAINLY REFINE IT AT THAT LATER DATE. IS THAT OKAY?

Alvarez: MAYOR.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: IJ THE POINT IS THESE TIER 1 AND TIER 2 WOULD BE ITEMS IN THE WATERFRONT OVERLAY, NOT IN THE ZONING CASE ITSELF. AND SO WE COULD DO FIRST READING ON THE STRAIGHT CBD AND THEN GIVE THE DIRECTION TO STAFF ON ITEM 47, AND THEN HAVE IT ALL COME BACK TO US AT A LATER DATE AFTER IT GOES THROUGH THE PROCESS.

WE CAN DO THAT.

Alvarez: OKAY. MAYOR, THEN I'LL RECOMMEND THAT WE APPROVE ITEM Z-1 THROUGH Z-8 ON FIRST READING.

THAT'S CBD ZONING STRAIGHT UP ON ALL THOSE PROPERTIES.

Alvarez: WITH THE UNDERSTANDING THAT THERE'S GOING TO BE RESTRICTIONS ON THAT CBD POTENTIALLY WHEN THE WATERFRONT OVERLAY AMENDMENTS ARE CONSIDERED.

AND I UNDERSTAND YOUR MOTION IS TO BRING BACK SECOND AND THIRD READING WITH THE AMENDMENTS ON WATERFRONT OVERLAY AT A LATER DATE.

Mayor Wynn: MOTION BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE - - HANG ON A SECOND, COUNCILMEMBER -- TO APPROVE CBD ZONING ON CASES Z-1 TO Z-8, FIRST READING ONLY, WITH PROVISIONAL INSTRUCTIONS OF STAFF. COUNCILMEMBER THOMAS?

Thomas: I WAS JUST SAYING I DIDN'T KNOW SHE WAS GOING TO SECOND THAT. I WAS GOING TO SECOND THAT. BUT I WILL SAY THIS, I REALLY HOPE THAT WE SIT DOWN AND WORK THIS OUT TOGETHER, BECAUSE WHAT I SAW EARLIER JUST WASN'T PLEASANT, AND I THINK WE NEED TO COME TOGETHER AND DECIDE WHAT WE WANT TO DO FOR THE BETTERMENT OF THE PEOPLE THAT LIVE IN THE COMMUNITY AND FOR THE FUTURE DEVELOPERS THAT ARE COMING IN SO THAT WE CAN MAKE SURE THAT WE MAKE RAINEY STREET WHAT THE PEOPLE IN THERE WANT IT TO BE AND THE COMMUNITY ALSO. WHAT I SAW I JUST DIDN'T LIKE. WE WENT BACK AND FORTH, AND I THINK WHEN ONE COUNCILMEMBER WORKED HARD, I THINK HE WAS PRETTY FAIR PULLING THE PROPOSAL OUT. I THOUGHT WE WOULD WORK ON THIS FIRST PROPOSAL, THEN COME BACK AND WORK ON IT SOME MORE. BUT I'M GLAD WE GOT TO WHERE WE ARE TODAY AT THIS PARTICULAR TIME ON THIS VOTE. THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. MOTION AND A SECOND ON THE TABLE ON THE ZONING CASES Z-1 THROUGH Z-8, FIRST READING ONLY. AND THAT INCLUDED THE DIRECTION ON ITEM NUMBER 47.

Alvarez: CAN WE TAKE THAT SEPARATELY SO I CAN HAVE

CLEAR DIRECTION.

Mayor Wynn: MOTION AND APPROVAL ON THE TABLE TO APPROVE CBD ZONING FOR CASES Z-1 THROUGH Z-8. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO ON CASES Z-1 THROUGH Z-8 ON FIRST READING ONLY, SHOWING COUNCILMEMBER SLUSHER AS ABSTAINING. OR RECUSING, I DON'T REMEMBER WHICH ONE. ABSTAINING. THANK YOU. COUNCILMEMBER ALVAREZ, ITEM?

Alvarez: ON ITEM 47 ON THE WATERFRONT OVERLAY AMENDMENTS, PROVIDE DIRECTION TO STAFF TO INITIATE AMENDMENTS TO THE LAND DEVELOPMENT CODE PERTAINING TO THE WATERFRONT OVERLAY THAT ARE CONSISTENT WITH THE FRAMEWORK ON THE SHEET THAT I'VE DISTRIBUTED, WHICH SAYS SUPPORTING A LIMITATION ON BUILDING HEIGHTS TO 60 FEET ON CBD ZONED PROPERTY UNLESS THE FOLLOWING ISSUES ARE ADDRESSED, IN WHICH CASE CBD HEIGHT WITH AN 8 TO 1 FAR, AND THEN IT LISTED AFFORDABLE HOUSING WITH THE UNO STANDARDS, MEETING CURRENT ORDINANCE FOR DEVELOPMENT NEAR TOWN LAKE AND WALLER CREEK, WITH -- AND THIS IS SOMETHING I'M GOING TO ADD, WITH THE POSSIBLE ADDITION OF A TOWN LAKE SET BACK, WHICH IS WHAT I DISCUSSED WITH MR. GUERNSEY IN AN EARLIER EXCHANGE. THE THIRD REQUIREMENT WOULD BE THE 10-FOOT STREET FRONT SET BACK, 45-FOOT BASE WALL HEIGHT AND 50-FOOT BUILDING SET BACK ALONG RED RIVER STREET. AND THEN THE FOURTH ITEM BEING SETTING A 50-FOOT HEIGHT RESTRICTION FOR BUILDING MASSES LOCATED WITHIN 50 FEET FROM RIVER STREET TO SERVE AS A GATE GATEWAY TO THE MEXICAN-AMERICAN CULTURAL CENTER. AND THAT IN ADDITION WE CREATE A SCORING MATRIX TO ADDRESS SOME OF THE OTHER ISSUES THAT HAVE BEEN RAISED PERTAINING TO FUTURE DEVELOPMENT OF THE RAINEY STREET DISTRICT, AND THAT -- DIRECTING STAFF TO DEVELOP THE MATRIX, TAKING INTO ACCOUNT, YOU KNOW, THE ISSUES THAT ARE OUTLINED IN THIS

PROPOSAL AND ADDING CONSIDERATION OF EITHER THE SIDEWALKS AND TREE STANDARDS THAT MAY BE COMPARABLE -- MAY BE COMPARABLE TO THE UNO STANDARDS, WHICH IS WHAT COUNCILMEMBER DUNKERLEY HAD REQUESTED. AND OF COURSE, ADDING ANY ADDITIONAL -- ANY ADDITIONAL REQUIREMENTS OR ANY ADDITIONAL SPECIFICATIONS THAT STAFF DEEMS NECESSARY. I WOULD OFFER THAT AS A MOTION ON THIS ITEM, MAYOR.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ OUTLINING A NUMBER OF RECOMMENDATIONS FOR STAFF TO THEN BRING TO ANALYZE AND BRING BACK, CORRECT?

Alvarez: AND TO INITIATE THE AMENDMENT PROCESS FOR THE WATERFRONT OVERLAY, WHICH WOULD END UP --

BEFORE THE PLANNING COMMISSION AND THEN BROUGHT BACK TO YOU.

Mayor Wynn: SECONDED BY THE MAYOR PRO TEM.

McCracken: I HAVE A QUESTION.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: THIS IS A TECHNICAL QUESTION. IF WE ADOPT THIS AS IS, DOES THAT MEAN THAT WOULD BE THE RECOMMENDATION THAT COMES FORWARD OR WILL THIS STILL GO TO BOARDS AND COMMISSIONS WHERE WE STILL HAVE THE OPPORTUNITY TO PROVIDE INPUT ON THIS?

IT WILL GO BEFORE THE BOARDS AND COMIGS. THE COMMISSIONS WILL SOMETIMES ADD THINGS, SOMETIMES THEY RECOMMEND SOME ITEMS BE DELETED. THEY WILL HAVE THE BENEFIT OF THE VARIOUS BOARDS AND COMMISSIONS THAT THIS HAS ALREADY GONE TO, THE DESIGN COMMISSION, THE DOWNTOWN COMMISSION, THE PARKS BOARD, SO THEY WILL HAVE -- THE PLANNING COMMISSION WILL HAVE THE BENEFIT OF ALL THAT INPUT.

McCracken: WELL, I WANT TO -- SO IF WE WANTED TO HAVE OTHER POSSIBILITIES CONSIDERED BY STAFF, WOULD WE



NEED TO HAVE THAT AS AN AMENDMENT TO THIS, OR WILL THIS HAPPEN ANYWAY?

WELL, THERE'S SOMETHING, COUNCILMEMBER, WHEN THE COUNCIL WOULD LIKE TO SEE, WE CAN TAKE A LOOK AT THE ITEMS. WE WORK FOR THE MANAGER'S OFFICE. IF THERE'S SOMETHING IN PARTICULAR, CERTAINLY A COUNCILMEMBER -- AND THIS HAS ACTUALLY HAPPENED BEFORE -- ACTUALLY ATTEND THE PLANNING COMMISSION MEETING AND PRESENT A CONCEPT TO THE PLANNING COMMISSION FOR THEIR CONSIDERATION. THAT'S ACTUALLY HAPPENED IN THE PAST. THAT'S A WAY THAT A COUNCILMEMBER COULD BRING BACK SOMETHING AND INTERJECT IT BACK INTO THE PROCESS EVEN BEFORE IT COMES BACK TO THE CITY COUNCIL FOR FINAL ACTION.

McCracken: I WANT TO OFFER SOMETHING AS A VERY FRIENDLY SUGGESTED -- ADDITIONAL POSSIBILITY. AND HERE'S WHY I'M THINKING THIS. COUNCILMEMBER ALVAREZ AND I REALLY SHARE THE GOALS OF MAKING SURE THAT THIS IS A WALKABLE, PEDESTRIAN-ORIENTED, RESIDENTIAL, DENSE ENCLAVE. I THINK ALL SIX OF US SHARE THAT GOAL. I TALKED TO PEOPLE -- IN FACT, I BELIEVED THAT IT'S A CHOICE THAT STRAIGHT CBD WITH NO RULES VERSUS BY YOURSELF -- BUY YOURSELF MORE HEIGHT, I THOUGHT THE SECOND WAY WAS THE BETTER WAY TO DO IT. BUT THEN IN THE PAST WEEK SOME PEOPLE WITH ALL THE SHARED GOALS AND THE LIMITATIONS OF SOME OF THE LOT SIZES ON RAINEY STREET AND THAT IS THAT THERE'S ANOTHER WAY TO ACHIEVE YOUR GOALS. IT IS TO DO STRAIGHT CBD ZONING AND THEN TO FIND OUT THE STUFF YOU DON'T WANT. AND YOU CAN PUT SOME LIMITATIONS ON THINGS THAT GET TO YOUR CBD, BUT I HAVE SERIOUS CONCERNS THAT IF WE HAVE -- START OFF WITH A 60-FOOT HEIGHT THAT WHAT WE'LL GET IS 60-FOOT HEIGHT OF EVERYTHING. BECAUSE THAT IS COINCIDENTALLY, FROM AN ARCHITECTURALLY STANDPOINT, THAT IS THE MAXIMUM HEIGHT YOU CAN GO WITH STICK FRAME CONSTRUCTIONMENT. AND THEN THE COST JUMPS UP A WHOLE BUNCH AND THEN YOU HAVE TO GO TO THE CONCRETE OR STEEL. SO MY CONCERN IS THAT IF WE SET IT TO BE 60 FEET AND THE ONLY WAY TO GO ABOVE THAT IS TO HAVE A BUNCH OF STUFF LOADED ON, IN A SOFT REAL

ESTATE MARKET WHAT YOU WILL END UP WITH IS A BUNCH OF 60-FOOT STUFF BECAUSE THERE'S A HUGE -- THERE'S A SIGNIFICANT MARKET GAP BETWEEN 60 FEET STICK FRAME AND GOING HIGHER WITH THE CONCRETE OR STEEL BEAM. SO WHAT I WOULD OFFER IS THIS: THAT STAFF ALSO PREPARE AN ALTERNATIVE WAY TO LOOK AT THIS SO THAT THE BOARDS AND COMMISSIONS COULD EXAMINE WHETHER THIS ALTERNATIVE WAY ALSO ACHIEVES THE GOALS WE ALL SHARE. AND THE ALTERNATIVE WOULD BE TO -- TO LOOK AT NOT HAVING A CAP THAT YOU BUY MORE HEIGHT WITH, AND INSTEAD TO DEFINE THE THINGS THAT WE DON'T WANT, AND NOT OWE ON AND NOT PUT THE 60-FOOT CAP. IT WOULD JUST BE CBD ZONING WITH DEFINING THINGS THAT WE DON'T WANT AND SOME MODEST THINGS THAT WE WOULD REQUIRE. THAT IS PROBABLY AS CLEAR AS POND WATER. BUT I DO THINK IT'S A DIFFERENT WAY OF APPROACHING IT, AND I DON'T KNOW THE ANSWER OF WHICH IS A BETTER WAY TO DO IT. BUT I THINK IT WOULD BE HELPFUL FOR THE BOARDS AND COMMISSIONS TO EXAMINE THE ALTERNATIVE WAYS TO LOOK AT THIS TO SEE WHICH BETTER ACHIEVES THE GOALS WE ALL SHARE.

Alvarez: MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: THE ONLY THING I WOULD SAY IS THAT TO GO -- TO GET TO THE CBD FROM 60-FOOT, YOU HAVE STEPS 1 THROUGH 4. YOU DON'T HAVE TO GO THROUGH THE MATRIX. THE MATRIX WOULD BE INCENTIVIZED THROUGH ADDITIONAL DEVELOPMENT OPPORTUNITIES THAT THE CITY PROVIDES, SUCH AS INCREASED FAR, EXPEDITED REVIEW, STREET CLOSURE FEES, WHATEVER STAFF MIGHT RECOMMEND FOR FURTHER INCENTIVIZED THE DESIGN TYPE ISSUES AND THE HISTORIC PRESERVATION. SO AGAIN, THERE ISN'T A LITANY OF REQUIREMENTS TO GO FROM 60 FEET TO CBD. THERE'S THREE OR FOUR AS LISTED ON THIS PROPOSAL.

McCracken: AND COUNCILMEMBER, ALL I WAS SAYING IS I DON'T KNOW WHAT THE ANSWER IS. I DON'T THINK ANY OF US KNOW WHAT THE ANSWER IS TONIGHT. WE KNOW WHAT WE WANT TO END UP WITH, AND I THINK WE HAVE PRETTY GOOD CONSENSUS THERE, AND WE'RE LOOKING AT THE

PROCESS THAT MOST EFFECTIVELY GETS US THERE. I'VE HEARD FROM PEOPLE WHO REALLY SHARE OUR GOALS THAT SHE HAVE SOME REAL CONCERNS THAT SOME OF THE THINGS THAT WE IN GOODWILL ARE TRYING TO PUT IN THERE MAY ACTUALLY HAVE A PERVERSE EFFECT. BUT SOME OF THE THINGS WE ARE TRYING TO DO WOULD ACTUALLY WORK. SO ALL I'M ASKING IS THIS: IS THAT WE HAVE THE OPPORTUNITY TO LOOK AT TWO DIFFERENT WAYS OF ACHIEVING THESE GOALS AS OPPOSED TO CHANNELING OURSELVES RIGHT NOW, BECAUSE I HEARD SOME CONCERNS THAT WE MIGHT NOT GET WHERE WE WANT TO GO IF WE PUT THE APPROACH LIKE 10-FOOT SETBACKS AND 45-FOOT HEIGHTS. I'D LIKE TO LOOK AT THIS ALTERNATIVE WAY OF DOING IT AND HAVE THE BOARDS AND COMMISSIONS EXAMINE IT. AND PARTICULARLY WHEN WE TALKED ABOUT THE WALLER CREEK PROJECT THIS EVENING AND HOW IT COULD EFFECT THAT PROJECT. MAYOR THANK YOU, COUNCILMEMBER. I WILL SAY I LIKE THE IDEA OF AT LEAST A SECOND AL ALTERNATIVE GIVEN TO THE BOARD AND COMMISSION PROCESS IN ORDER TO ACHIEVE WHAT ARE LIKELY VERY COMMON GOALS.

Alvarez: WELL, MAYBE SOMEONE SHOULD DEVELOP THAT ALTERNATIVE AND BRING IT TO THE COUNCIL SO THAT IT CAN GO FORWARD TO THE PLANNING COMMISSION WHEN THEY CONSIDER THE AMENDMENTS TO THE WATERFRONT OVERLAY. MAYBE THAT'S WHAT SHOULD HAPPEN.

McCracken: MAYOR, I COULD OFFER THAT RIGHT NOW BECAUSE I KNOW WHAT IT IS. IF THAT WOULD BE HELPFUL. I DON'T WANT TO GET TOO LOCKED INTO SPECIFICS, BUT WHAT I WOULD OFFER IS WITH THE CBD ZONING THERE WOULD BE NO LIMIT OF HEIGHT AND THAT CBD ZONING WOULD BE CONDITIONED ON CERTAIN REQUIREMENTS BEING MET AND THEY COULD BE DEFINED AS SOME OF THE - - AS PERHAPS A RANGE OF ITEMS. IN THE MATRIX COUNCILMEMBER ALVAREZ HAS SET UP THAT THE APPROACH -- THAT IT HAS LIMITED CONSTRUCTION, BUT THAT THE APPROACH ALSO IDENTIFIES PROHIBITED USES IN BUILDING TYPES.

Mayor Wynn: SO COUNCILMEMBER MCCRACKEN CONSIDERS A FRIENDLY AMENDMENT TO ADD A SECOND ALTERNATE AS

OUTLINED BY COUNCILMEMBER MCCRACKEN.

Alvarez: SO BASICALLY WE'RE SENDING THE TWO OPTIONS, THAT THERE'S NO CONSENSUS ON FORWARD THROUGH THE PROCESS. AND THEN WE'RE GOING TO HAVE TWO OPTIONS THAT THERE'S NO CONSENSUS ON FOR US TO VOTE ON. AGAIN, IT'S THIS PROPOSAL THAT I MADE WITH A HANDFUL OF RESTRICTIONS AND IT'S A STRAIGHT CBD. THAT'S WHAT COUNCILMEMBER DUNKERLEY WAS ATTEMPTING TO DO EARLIER. I THINK WE COULD HAVE ANOTHER SHOT AT IT, MAYBE WE COULD HEAR FROM OTHER COUNCILMEMBERS ABOUT THE TWO RECOMMENDATIONS IDEAS, THE DUAL RECOMMENDATION IDEA BECAUSE I DON'T SEE THAT THAT REALLY HELPS US -- HELPS MOVE US FORWARD. BUT THAT'S JUST ONE VOTE.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

McCracken: ALL I'M SUGGESTING IS THAT I DO NOT EVEN KNOW WHAT WILL RESULT. I WILL GLADLY ACCEPT WHATEVER THE WISDOM OF THE PROCESS LOOKING AT THE TWO APPROACHES IS. I HAVE HEARD PEOPLE I RESPECT ON BOTH SIDES SAY THAT -- SAY ONE GROUP SAID NO, THIS APPROACH WORKS BETTER, AND ANOTHER GROUP SAID NO, THAT APPROACH WORKS BETTER. I DON'T KNOW THE ANSWER RIGHT NOW. I JUST WANT TO MAKE SURE THAT WE CONSIDER BOTH ALTERNATIVES AND MAKE SURE THAT WHATEVER AL ALTERNATIVE EMERGE IS THE ONE THAT ACHIEVES THE GOALS WE ALL SHARE. AND I DON'T KNOW WHAT THE ANSWER IS NOW, I JUST WANT TO MAKE SURE THAT WE LOOK AT BOTH OPTIONS NOW WITHOUT PREDETERMINING THE END RESULT.

Mayor Wynn: ANY DIRECTION, COUNCILMEMBER? WE HAVE A PROPOSED -- ESSENTIALLY A PROPOSED AMENDMENT, ESSENTIALLY A PROPOSED AMENDMENT, ADDING A SECOND ALTERNATIVE FORMAT TO OUR OVERLAY PROCESS. WHICH I WOULD BE SUPPORTIVE OF.

ALVAREZ: OKAY, MAYOR, FOR THE SAKE OF MOVING US FORWARD I'LL GO AHEAD AND ADD THAT ON. BUT AGAIN, JUST GOING FORWARD WITH THIS RECOMMENDATION GIVES THE PLANNING COMMISSION, GIVES ANYBODY ON THE CITY

COUNCIL TO SAY HERE'S A DIFFERENT WAY TO DO IT AND CAN BRING THAT -- TAKE THAT THROUGH THE PROCESS. SO I'LL GO AHEAD AND ACCEPT THAT AS A FRIENDLY AMENDMENT TO INCLUDE WITH THIS MOTION.

Mayor Wynn: THANK YOU, COUNCILMEMBER. MAYOR PRO TEM? THANK YOU. SO WE HAVE A MOTION AND A SECOND ON THE TABLE. COUNCILMEMBER ALVAREZ AND THE MAYOR PRO TEM. THAT OUTLINES COUNCILMEMBER ALVAREZ'S EARLIER FRAMEWORK TO BE SENT TO THE BOARD AND COMMISSION PROCESS ON ITEM 47 AS THE POTENTIAL WATERFRONT OVERLAY DISTRICT AMENDMENTS TO BE FORWARDED WITH A SECOND AL ALTERNATIVE AS OUTLINED BRIEFLY BY COUNCILMEMBER ALVAREZ. FURTHER COMMENTS?

Thomas: JUST ONE QUESTION. ONE SIDE AND ANOTHER SIDE, ARE YOU TALKING ABOUT EITHER IN THE COMMUNITY OR ARE YOU TALKING ABOUT DEVELOPERS OR ARE YOU TALKING ABOUT PEOPLE NOT LIVING IN THE COMMUNITY? CAN YOU EXPLAIN THAT TO ME?

McCracken: COUNCILMEMBER, I'M TALKING ABOUT PEOPLE IN THE COMMUNITY AND OUR BOARDS AND COMMISSIONS. BECAUSE THE DOWNTOWN COMMISSION, AS I UNDERSTAND IT, THE PLANNING COMMISSION AND THE DESIGN COMMISSION ALL LOOK AT THIS --

Thomas: I GOT THAT. YOU'RE SAYING THAT YOU TALKED TO TWO DIFFERENT PEOPLE, SO I DIDN'T --

McCracken: I TALKED TO ARCHITECTS, URBAN PLANNERS, CITY STAFF, REAL ESTATE DEVELOPERS, SUCH FOLKS.

Thomas: OKAY. ANY NEIGHBORS?

McCracken: YEAH, PROPERTY OWNERS IN THE NEIGHBORHOOD. NEIGHBORS.

Thomas: OKAY. THANK YOU.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: IT CERTAINLY WASN'T MY INTENT TO SEND IT BACK TO ALL 10 BOARDS AND COMMISSIONS. MAYBE THAT NEEDS TO BE DISCUSSED OR MAYBE SOME OF THE STAKEHOLDERS WANT TO TALK ABOUT HOW MANY BOARDS AND COMMISSIONS THEY WANT TO GO TO BEFORE IT COMES BACK TO CITY COUNCIL.

Mayor Wynn: GOOD POINT.

MAYOR, IN THE ORDINANCE PROCESS NORMALLY COUNCIL DIRECTS STAFF TO INITIATE AN AMENDMENT, STAFF WOULD CREATE THE DRAFT OF THE PROPOSAL AND PRESENT THAT TO THE PLANNING COMMISSION. USUALLY IT GETS ROUTED TO THEIR BOARDS, A SUBCOMMITTEE OF THE PLANNING COMMISSION, USUALLY GOES BACK TO THE FULL COMMISSION AND THEN COMES DIRECTLY TO COUNCIL. AND WE WOULD CERTAINLY MAKE ALL THE INFORMATION REGARDING ALL THE INPUT THAT WAS GIVEN BY ALL THE OTHER BOARDS AND COMMISSIONS PREVIOUSLY, INCLUDING THEIR OWN ACTION, GIVE THAT TO THEM. SO WE'LL BE ABLE TO SEE THE ACTIONS TAKEN BY ZAP OR THE COMMISSION, DOWNTOWN COMMISSION, WHEN THEY HAVE THE OPPORTUNITY TO REVIEW AND TAKE ACTION AND MAKE A RECOMMENDATION ON AMENDMENTS THAT YOU HAVE PROVIDED DIRECTION FOR TONIGHT.

Mayor Wynn: PLANNING COMMISSION IT IS. THANK YOU, MR. GUERNSEY. FURTHER COMMENTS, QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON ITEM 47 ON A VOTE OF SIX TO ZERO WITH COUNCILMEMBER SLUSHER ABSTAINING.

THANK YOU.

Mayor Wynn: MR. PITTS, IS THAT ALL OF OUR ITEMS? COUNCILMEMBER ALVAREZ MOVES THAT WE ADJOURN THE MEETING. WELL DESERVED. SECONDED BY COUNCILMEMBER MCCracken. ALL IN FAVOR PLEASE SAY

AYE. OPPOSED? WE ARE ADJOURNED. THANK YOU.

**End of Council Session Closed Caption Log**