

## Closed Caption Log, Council Meeting, 12/02/04

**Note:** Since these log files are derived from the Closed Captions created during the Channel 6 live cablecasts, there are occasional spelling and grammatical errors. **These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes.** For official records or transcripts, please contact the City Clerk at (512) 974-2210.

GOOD MORNING. AIM I'M AUSTIN MAYOR WILL WYNN, IT'S MY HONOR TO WELCOME REVEREND JOSEPH MCTEAR THE EVANGELIST PRESIDENT IN THE AUSTIN DISTRICT FOR THE CHURCH OF GOD IN CHRIST WHO WILL LEAD US IN OUR INVOCATION. PLEASE RISE.

MAY WE BOW, PLEASE. RIGHTEOUS GOD IN THE NAME OF JESUS, WE THANK YOU FOR THIS DAY, BLESSING US TO SEE A DAY THAT WE HAVE NEVER SEEN BEFORE. WE THANK YOU FOR EVERYONE THAT HAVE ASSEMBLED HERE TODAY. WE PRAY YOUR BLESSINGS UPON THE MAYOR AND THE COUNCILMEMBERS THAT YOU WOULD DIRECT THEM AND LEAD THEM TO MAKE RIGHT DECISIONS. IN JESUS NAME WE PRAY, THANK GOD, AMEN.

AMEN.

Mayor Wynn: THANK YOU, REVEREND. THERE BEING A QUORUM PRESENT AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, IT IS THURSDAY, DECEMBER 2nd, 2004, WE ARE IN THE BOARD ROOM OF THE LOWER COLORADO RIVER AUTHORITY. LCRA HANCOCK BUILDING 3700 LAKE AUSTIN BOULEVARD. I JUST WANT TO SAY BEFORE WE GET STARTED WITH OUR BUSINESS, WE ARE STARTED A FEW MINUTES LATE, ALTHOUGH THE COUNCILMEMBERS AND I AND THE CITY MANAGER SPENT THE EARLY MORNING AT THE AUSTIN CONVENTION CENTER. TODAY WE DID THE FORMAL PLAQUE DEDICATION RENAMING

THE AUSTIN CONVENTION CENTER THE NEIL KOCUREK MEMORIAL CONVENTION CENTER NAMED AFTER NEIL, A LONG-TIME AUSTIN CIVIC LEADER. TODAY WOULD HAVE BEEN NEIL'S 68th BIRTHDAY, DECEMBER 2nd. SO WE SPENT THE MORNING WITH HIS FAMILY UNVEILING THE PLAQUE, IT WAS A MOVING TRIBUTE TO A GREAT MAN AND WE WERE PROUD TO BE THERE WITH THE FAMILY. AT THIS TIME I WILL READ THE CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. ON I'M NUMBER 6 WE COULD STRIKE THE WORD RATIFY AND INSERT THE PHRASE APPROVE A RESOLUTION RATIFYING AN INTERIM COLLECTIVE BARGAINING CONTRACT WITH THE AUSTIN FIREFIGHTERS. ITEM NO. 9, WE SHOULD STRIKE THE ACREAGE OF 0.693 AND INSERT THE CORRECTED ACREAGE OF 73.948 ACRES IN WILLIAMSON COUNTY. AND STRIKE THE PHRASE SOUTH OF THE INTERSECTION OF -- OF [INDISCERNIBLE] DRIVE AND INBERRY DRIVE. ON ITEM NO. 11, THIS WILL BE POSTPONED TO DECEMBER 16th 16th, 2004. ON ITEM NO. 14, WE SHOULD INSERT THE PHRASE ON FIRST READING ONLY. THIS IS ANNEX OF THE GOODNIGHT RANCH AREA. ON ITEM NO. 19, WE SHOULD CORRECT THE -- THE WORD WATER LINE AND INSERT THE CORRECT WASTEWATER LINE PHRASE. ON ITEM NO. 26, WE SHOULD STRIKE THE WORDS AUTHORIZE EXECUTION OF AND INSERT APPROVE NEGOTIATION AND EXECUTION OF AN INTERLOCAL AGREEMENT WITH TEXDOT. ON ITEM NO. 37, THIS WILL BE POSTPONED INDEFINITELY. ITEM NO. 52 WE SHOULD STRIKE THE WORD APPROVE AND INSERT THE PHRASE CONDUCT A PUBLIC HEARING AND APPROVE. ALSO A TOMORROW NUMBER 52 IT SHOULD BE NOTICED THIS CASE IS NOTICED FOR A PUBLIC HEARING AND SHOULD BE HEARD AFTER THE ZONING CASE Z-33. ITEM NO. 53 ALSO STRIKE THE WORD APPROVE AND INSERT THE PHRASE CONDUCT A PUBLIC HEARING AND APPROVE. AGAIN THIS PUBLIC HEARING NOTICE WILL ALLOW FOR THIS ITEM TO BE CONSIDERED AFTER ZONING CASE Z-33. ON ZONING CASE Z-25, WE SHOULD CORRECT THE SPELLING OF COMMERCE, THIS IS THE WELLS BRANCH COMMERCE PARK. WE SHOULD ALSO NOTE THAT ITEM NO. 2, WE WON'T BE TAKING ACTION UNTIL AFTER THE 6:00 P.M. PUBLIC HEARING.

MAYOR, I HAVE JUST BEEN ADVISED THAT ITEM 37 CAN BE PUT ON CONCEPT FOR PASSAGE. IT DOES NOT NEED TO BE

POSTPONED.

Mayor Wynn: OKAY THEN, WITH THAT, COUNCIL, ITEM NO. 37 WILL REMAIN ON THE CONSENT AGENDA. SO CURRENTLY, COUNCIL, ITEMS THAT ARE PULLED FOR DISCUSSION ARE ITEMS NUMBER 16 RELATED TO OUR HISTORIC LANDMARK COMMISSION REPORT PULLED BY COUNCILMEMBER SLUSHER, ITEM NO. 41 RELATED TO THE NORTHWEST AUSTIN MUNICIPAL UTILITY DISTRICT REFUNDING BONDS, ALSO PULLED BY COUNCILMEMBER SLUSHER. OUR TIME CERTAINS FOR TODAY AT NOON WE ARE GOING TO BREAK FOR OUR GENERAL CITIZEN COMMUNICATIONS. AT 2:30, WE ARE GOING TO HAVE A BRIEFING THAT SHOWS AS ITEM NO. 47, THIS IS A BRIEFING REGARDING A RECENT TRIP TO ISRAEL. A TRIP MADE BY MEMBERS OF OUR EMERGENCY FIRST RESPONDERS. WE HAD PLEASE, FIRE, E.M.S., PROFESSIONALS THERE AS WELL AS PART OF OUR -- OF OUR BRACKENRIDGE TRAUMA UNIT AND OUR OFFICE OF EMERGENCY MANAGEMENT. THIS WILL BE REPORTED ABOUT THE FINDINGS OF THAT TRIP. AT 4:00 WE BREAK FOR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS, THOSE SHOW ON TODAY'S AGENDA AS ITEMS 48 THROUGH 53 AND ZONING CASES Z-1 THROUGH Z-33. I'LL ANNOUNCE NOW THAT THE STAFF WILL BE REQUESTING POSTPONEMENT OF THE FOLLOWING, ITEM 51 THE WAGNER TRACT, STAFF WILL BE REQUESTING A POSTPONEMENT TO FEBRUARY 10th, 2005; ON ZONING CASE Z-11, THE PADGET PAINT HER HOUSE, TO DECEMBER 16th, 2004, REQUESTED POSTPONEMENT. ITEM Z-11, THE DELCUERTO HOUSE, ALSO POSTPONED TO DECEMBER 16th. Z-16 THE OLD GOLF COURSE HOUSE, POSTPONED TO DECEMBER 16th. AND Z-22 THE FISH TRACT ALSO POSTPONED TO DECEMBER 16th 16th, 2004. AGAIN, TECHNICALLY THESE POSTPONEMENT VOTES CAN'T OCCUR UNTIL THE 4:00 TIME CERTAIN. BUT WE WOULD LIKE TO TELL AS MANY CITIZENS IN ADVANCE AS WE CAN, SO PERHAPS THEY DON'T HAVE TO COME DOWN TO THE MEETING. AT 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS. AT 6:00 P.M. WE HAVE OUR PUBLIC HEARINGS AND POSSIBLE ACTIONS. WE HAVE A POSTED ITEM NO. 54 AS WELL AS THE MUELLER AIRPORT PROPERTY DEVELOPMENT ITEMS. THAT SHOW AS ITEMS 55 THROUGH 61. AND THEN WE ALSO WILL

HAVE THE BRANDT ROAD ANNEXATION DISCUSSION, ITEM NO. 12, SOMETIME AFTER 6:00 P.M. OKAY. SO AGAIN COUNCIL WE HAVE -- WE HAVE TWO ITEMS PULLED OFF THE CONSENT AGENDA. ITEM 16 AND ITEM 41. ARE THERE ANY OTHER ITEMS TO BE PULLED OR PLACED BACK ON THE AGENDA? HEARING NONE, WITH THAT I WILL READ WHAT I BELIEVE TO BE THE CONSENT AGENDA NUMERICALLY. ITEM NO. 1, 3, 4, 5, 6, PER CHANGES AND CORRECTION, 7, 8, 9, PER CHANGES AND CORRECTIONS, 10, 11, FOR A POSTPONEMENT TO DECEMBER 16th, 13, 14 APPROVED ON FIRST READING ONLY PER CHANGES AND CORRECTION, 15, 17, 18, 19, PER CHANGES AND CORRECTIONS, 20, 21, 22, 23, 24, 25, 26, PER CHANGES AND CORRECTIONS, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, WHICH ARE BOARD AND ECONOMICS APPOINTMENTS WHICH I WILL NOW OWE BOARDS AND COMMISSIONS ECONOMICS. CONNIE SADOWSKY CONSENSUS APPOINTMENT, BUILDING AND STANDARDS ECONOMICS, GILBERT MARTINEZ IS A CONSENSUS REAPPOINTMENT; TO THE CONSTRUCTION ADVISORY COMMITTEE, CONRADT MASTERS IS MY REAPPOINTMENT; TO OUR DESIGN COMMISSION, HOLLY KIN CALS CANNON IS MAYOR PRO TEM'S REAPPOINTMENT AND CONNIE LORENZ IS COUNCILMEMBER SLUSHER'S REAPPOINTMENT. FOR OUR ETHICS REVIEW COMMISSION, REPRESENTING THE AUSTIN BAR ASSOCIATION, KATHRYN KYLE IS A CONSENSUS APPOINTMENT. TO OUR HUMAN RIGHTS COMMISSION, WILLIAM HALE IS MY REAPPOINTMENT. JAMES HILL IS A CONSENSUS REAPPOINTMENT. AND JULIET NIOS IS COUNCILMEMBER THOMAS' REAPPOINTMENT. TO THE MEXICAN AMERICAN CULTURAL CENTER ADVISOR BOARD MARTHA COTERA AND CLEMENCIA ZAPATA IS A CONSENSUS REAPPOINTMENT. ROBERT MUELLER AIRPORT PLAN IMPLEMENTATION ADVISORY COMMISSION, DONNA CARTER IS A CONSENSUS REAPPOINTMENT. THOSE ARE OUTLINE BOARDS AND COMMISSIONS APPOINTMENTS THAT SHOWS AS ITEM NO. 40 ON THE CONSENT AGENDA. CONTINUING ON - - ITEM 42 AND ITEM 43. I'LL ENTERTAIN A MOTION TO APPROVE THE CONSENT AGENDA AS READ. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER DUNKERLY TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? QUESTIONS? I WOULD LIKE TO RECOGNIZE THE PRESIDENT, MR. MIKE

MARTINEZ TO SAY A FEW WORDS. MIKE?

MAYOR, MAYOR PRO TEM, COUNCIL, THANKS FOR -- THANKS FOR YOUR UNANIMOUS VOTE ON THIS ITEM. I WANT TO RECOGNIZE OUR BARGAINING TEAM WHICH IS THE TEAM THAT GOT US TO WHERE WE ARE TODAY TO PUT THIS INTERIM AGREEMENT IN PLACE. I WOULD LIKE TO THANK THE TEAM IN PLACE BECAUSE WITHOUT THEIR WORK WE WOULD NOT BE HERE TODAY. I WANT TO THANK CHIEF WARREN AND HIS TEAM. CHIEF WARREN AND CITY MANAGER FUTRELL AND HER STAFF, ASSISTANT CITY MANAGER RUDY GARZA, YOU KNOW THE FIREFIGHTERS ARE VERY HAPPY WITH THE WAY THINGS TURNED OUT THROUGH THIS COLLECTIVE BARGAINING AGREEMENT. WE ARE LOOKING FORWARD TO -- TO SITTING BACK DOWN AT THE TABLE AND HOPEFULLY COMING TO A MULTI--YEAR AGREEMENT IN THE NEAR FUTURE AND -- AND WE JUST WANTED TO COME TODAY AND SHOW OUR SUPPORT AND SAY THANK YOU AND CITY MANAGER, WE REALLY APPRECIATE THE SUPPORT THAT YOU HAVE GIVEN US AND WE LOOK FORWARD TO THE NEXT ONE. THANKS.

THANK YOU, MR. MARTINEZ, FOR THE GREAT JOB THAT OUR FIREFIGHTERS DO. I HAVE BEEN REMINDING PEOPLE ALL OVER TOWN NOW THAT WE ARE NOW ON OUR 15th, 16th MONTH. WITHOUT A -- WITHOUT A FIRE FATALITY IN THIS TOWN, A REMARKABLE RECORD, FIRST TIME WE THINK IN PROBABLY RECORDED HISTORY THAT WE HAD THAT LONG A PERIOD AND ITS DUE TO SOME SPECTACULAR WORK BY OUR PROFESSIONAL FIREFIGHTERS. THANK YOU ALL.

Thomas: YES, I WANT TO COMMEND THE ASSOCIATION PRESIDENT MARTINEZ AND THE CHIEF OF THE FIRE DEPARTMENT FOR THE HARD WORKING TOGETHER. BUT I DO HAVE TO SAY THAT I AM CONCERNED. I THINK THAT I TALKED TO -- TO THE PRESIDENT OF THE ASSOCIATION AND SEVERAL OTHER FIREFIGHTERS, WE STILL HAVEN'T ARRIVED WHERE WE NEED TO ARRIVING. JUST LOOKING AT YOUR BARGAINING TEAM IT'S NOT DIVERSE LIKE IT SHOULD BE. NUMBER TWO, WE NEED TO DEAL WITH SOME ISSUES THAT ARE VERY SERIOUS IN OUR FIRE DEPARTMENT. WE HAVE ALWAYS HAD ISSUES IN THE FIRE DEPARTMENT, POLICE DEPARTMENT, AND -- AND WORKING TOGETHER IS THE MAIN

THING. I THINK WHEN -- WHEN THE PRESIDENT CAME AND SAID THAT WE ARE FAMILY AND I SAID EARLIER WHEN HE MADE THAT STATEMENT, A FAMILY MEANS WORKING TOGETHER. EVERYBODY. THAT MIXTURE, DIVERSITY NEEDS TO WORK TOGETHER, WE DON'T HAVE IT HERE. I'M STILL CONCERNED ABOUT THAT. I KNOW WITH PRAYERS THAT WE WILL COME TOGETHER AND WORK TOGETHER, IT'S ABOUT SERVING THE CITIZENS, IT'S NOT ABOUT INDIVIDUAL FIREFIGHTERS, IT'S ABOUT WORKING TOGETHER SO YOU WILL HAVE, KEEP THAT POSITIVE FIRE DEPARTMENT THAT YOU DO HAVE. I'M LOOKING FORWARD TO ANYTHING THAT I CAN DO AND THIS COUNCIL CAN DO, BE WILLING TO HELP YOU GET THERE. IT'S GOOD TO SEE MR. SOLOMON HERE TODAY. GOD BLESS YOU, THANK YOU.

THANK YOU, COUNCILMEMBER. ALSO, COUNCIL, ITEM NO. 42 IS A -- IS AN ITEM FROM COUNCIL, MAYOR PRO TEM GOODMAN AND COUNCILMEMBER ALVAREZ ARE SPONSORING REGARDING THE BOWIE HIGH SCHOOL BAND MARCH-A-THON, LES NICHOLS IS HERE TO TELL US A LITTLE BIT ABOUT THE EVENT.

THANK YOU MAYOR AND COUNCILMEMBERS. I WANT TO THANK, FIRST OF ALL, MAYOR PRO TEM GOODMAN, COUNCILMEMBER ALVAREZ, FOR YOUR SUPPORT IN OUR ENDEAVOR, THE BOWIE HIGH SCHOOL -- FIRST OF ALL, I'M LES NICHOLS PRESIDENT OF THE BOWIE HIGH SCHOOL BAND BOOSTERS. WE ARE A PROUD MEMBER OF THE AUSTIN INDEPENDENT SCHOOL DISTRICT. HAVE A MARCHING BAND PROGRAM WHICH IS REALLY COMING ON HERE OF LATE. I HAVE SOME THINGS THAT I WOULD LEAVE FOR THE COUNCIL TO REVIEW AT YOUR LEISURE. I ALSO BROUGHT A LITTLE CD THAT WE CAN SHOW A LITTLE BIT OF. I KNOW THAT I DON'T HAVE A LOT OF TIME, BUT JUST TO GIVE YOU FLAVOR AND GET OUR MORNING KICKED OFF, GET ROUSING SUPPORT FOR OUR BAND. I WANT TO THANK AGAIN THE COUNCIL FOR HELPING US WITH THE MARCH-ON-THON, WE HAVE DONE MANY FUND RAISERS TO TRY TO RAISE MONEY. IT COSTS MONEY JUST TO BE IN A BAND PROGRAM AND OUR -- OUR PARENTS HAVE BEEN DELUGED WITH DIFFERENT REQUESTS FOR FUNDS AND A MARCH-A-THON IS ANOTHER THING THAT WE ARE GOING TO TRY TO DO WHERE WE MARCH THROUGH THE NEIGHBORHOOD OF CIRCLE C IN THIS PARTICULAR

CASE, A POLICE ESCORT, OF COURSE, BECAUSE IT IS PUBLIC PROPERTY. SO THE COUNCIL HAS BEEN KIND ENOUGH TO HELP US PAY FOR THAT POLICE ESCORT. SO THANK YOU VERY MUCH FOR THAT, AGAIN AND YOU'RE ALL WELCOME TO COME OUT ON SATURDAY THE 11th WHERE WE'LL HAVE A COUPLE OF HOURS OF MARCHING AROUND THE NEIGHBORHOOD AND GET YOUR OWN PERSONAL PERSPECTIVE OF THIS. NOW IF YOU CAN SHOW A LITTLE BIT. [(music) BAND MUSIC PLAYING (music)(music)] [(music) BAND MUSIC PLAYING (music)(music)]

YOU GET THE IDEA. ANYWAY OUR MATCHING BAND, LET ME SAY TO FINISH UP, WE RANKED 9th IN THE STATE OF TEXAS THIS YEAR IN THE UIL 5 A MARCHING COMPETITION, WE WERE THE ONE AND ONLY INNER CITY SCHOOL DISTRICT MARCHING BAND THAT RANKED THAT HIGH. ALL OF THE OTHER BANDS OF THE 31 THAT WENT TO THE FINAL COMPETITION FOR STATE THIS YEAR WERE BANDS FROM SMALLER TOWNS WHERE -- WHERE THEY HAVE ONE OR TWO HIGH SCHOOLS TO SUPPORT. SO AGAIN THANK YOU VERY MUCH TO THE COUNCIL AND I APPRECIATE YOUR HELP.

Mayor Wynn: THANK YOU, MR. NICHOLS, LOOKS LIKE A BUNCH OF FUTURE FIGHTING TEXAS AGGIE BAND MEMBERS OUT THERE. [LAUGHTER] COUNCILMEMBER ALVAREZ?

Alvarez: BEFORE YOU LEAVE, MR. NICHOLS, I WANT TO THANK YOU FOR COMING AND SHARING THIS INFORMATION WITH US AND, COUNCIL, AND MEMBERS -- AND PRESENT HERE I THINK YOU MIGHT REMEMBER THIS WAS THE BAND THAT -- THAT AUCTIONED SOME PERFORMANCES OFF ON E BAY AND THAT RECEIVED A LOT OF NEWS FOR -- ATTENTION FROM THE MEDIA RECENTLY. AND I BELIEVE THEY HAD A FEW TAKERS ON THAT. IF THERE'S ENOUGH DEMAND I ASSUME SOME ADDITIONAL PERFORMANCES COULD BE PUT ON AGAIN. BUT I DON'T KNOW IF YOU WANT TO JUST REITERATE MAYBE SOME CONTACT INFORMATION BECAUSE THEY ARE TRYING TO RAISE MONEY, GOING ON -- I DON'T KNOW IF IT'S JUST ONE TRIP OR SEVERAL TRIPS, BUT ONE IS TO -- ON A NEW YEAR'S --

THANK YOU VERY MUCH. WE ARE REALLY FOCUSED RIGHT NOW ON RAISING FUNDS FOR OUR TRIP TO THE FIESTA

BOWL MARCHING COMPETITION IN PHOENIX. THAT'S WHAT OUR E BAY AUCTION WAS ALL ABOUT, OUR MARCH-A THON TRYING TO RAISE MONEY FOR THAT. WE ARE ALSO ONE OF THE FINALISTS, DECISION WILL BE MADE DECEMBER 5th FOR THE PRESIDENT'S INAUGURAL PARADE. ONE HIGH SCHOOL BAND FROM EVERY STATE WILL BE SELECTED AND WE ARE ONE OF THE FINALISTS FOR TEXAS. SO THAT IS A -- SOMETHING TOTALLY NEW AND WE WEREN'T PLANNING SO OWE AGAIN YOU CAN CONTACT -- AGAIN YOU CAN CONTACT MOVES AT 51-301-5645 FOR MORE INFORMATION ON HOW YOU CAN DONATE TO OUR CAUSE. THANK YOU.

Alvarez: ONE LAST THING. FOR THOSE AUSTIN CITIZENS LIVING IN CIRCLE C, WE ARE NOT GOING TO BEGIN THIS PARADE ON A SATURDAY VERY EARLY IN THE MORNING, ARE WE? WHAT TIME IS THAT BEGINNING?

THE PARADE WILL ACTUALLY START AT 1:00.

Alvarez: WELL, I THINK MOST PEOPLE SHOULD BE ABLE TO LIVE WITH THAT.

THERE'S LOTS OF INFORMATION BEING DISSEMINATED RIGHT NOW THROUGHOUT THE NEIGHBORHOOD TO EXPECT US AT THAT TIME. THANKS.

Alvarez: THANK YOU VERY MUCH, CONGRATULATIONS.

THANK YOU.

Mayor Wynn: THANK YOU, MR. NICHOLS, COUNCIL, WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. I WOULD LIKE TO READ INTO THE RECORD ON ITEM NO. 37 THAT WE HAVE NOW PLACED BACK ON THE CONSENT AGENDA, WE SHOULD CORRECT THE POSTING. AND THE FOLLOWING NEEDS TO BE STRICKEN: LOWEST BID OF TWO BIDS RECEIVED, THIS CONTRACT WILL BE AWARDED IN COMPLIANCE WITH CHAPTER 2-9 OF THE CITY CODE, NO SUBCONTRACTING OPPORTUNITIES WERE IDENTIFIED, THEREFORE NO GOALS WERE ESTABLISHED FOR THIS SOLICITATION. THAT LANGUAGE STRICKEN AND JUST REPLACED WITH THIS IS A PUBLIC SAFETY PURCHASE. THAT'S ITEM NO. 37. AGAIN, A



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

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH  
COUNCILMEMBER SLUSHER TEMPORARILY OFF THE DAIS.  
THANK YOU ALL VERY MUCH. COUNCILMEMBER SLUSHER,  
YOU PULLED ITEM NO. 16, WHICH RELATED TO OUR HISTORIC  
LANDMARK COMMISSION REPORT AND THE REBATE ISSUE. I  
WILL BE REEXCUSING MYSELF AND GIVING THE GAVEL TO  
THE MAYOR PRO TEM.

Slusher: MAYOR, I THOUGHT THAT WE WOULD HAVE MORE  
DISCUSSION, I THINK COUNCILMEMBER DUNKERLY WAS  
GOING TO PULL IT, TOO. ALSO MY UNDERSTANDING IS THAT  
THERE ARE PARTS OF IT THAT WE DIDN'T VOTE ON,  
RECOMMENDATIONS FROM THE TASK FORCE. FOR  
INSTANCE, HAVING TO DO WITH SOME CHANGES TO HOW  
THE -- HOW THE PROVISION IS MADE UP THAT WE DIDN'T  
VOTE ON LAST TIME, WE JUST VOTED ON THE TAX  
ABATEMENT SITUATION.

Slusher: MAYBE YOU CAN EXPLAIN THAT MR. SADOWSKY.

GOOD MORNING, MAYOR PRO TEM, CITY COUNCIL, I'M STEVE  
SADOWSKY FROM THE HISTORIC PRESERVATION OFFICE.  
WHEN WE WERE HERE ON NOVEMBER 18th THE COUNCIL'S  
DISCUSSION REVOLVED AROUND THE TAX EXEMPTIONS FOR  
HISTORIC LANDMARKS AND REHABING, ABATEMENTS IN  
LOCAL HISTORIC DISTRICTS. THE BACKUP YOU WERE  
PRESENTED AND TODAY HAS THE CHANGES OR OTHER  
RECOMMENDATIONS OF THE TASK FORCE IN THERE. SO IF  
YOU ALL VOTED ON FIRST READING TO APPROVE THAT  
ORDINANCE, I THINK THOSE THINGS HAVE BEEN ADDRESSED  
ADEQUATELY. NOW THERE IS A NEW ORDINANCE THAT -- I'M  
SORRY? I WAS CONFUSING --

Slusher: WELL, ON --

MAYOR AND COUNCIL, MAYOR PRO TEM AND COWBOY,  
MARTHA TERRY, ASSISTANT CITY ATTORNEY, IT'S MY

UNDERSTANDING THAT THERE MAY BE A DESIRE TO MAKE SOME MOTIONS THIS MORNING AND WE HAVE A DRAFT ORDINANCE THAT WE THINK REFLECTS SOME OF THAT. BUT WHEN THE TIME COMES WHEN THOSE MOTIONS ARE MADE, I WILL BE HAPPY TO PASS OUT THE NEW VERSION OF THE ORDINANCE AT THAT TIME. SO --

Slusher: DO YOU WANT TO JUST PASS IT OUT RIGHT NOW.

THAT WOULD BE FINE. I HAVE FIVE COPIES, THEY ARE FRANTICALLY MAKING COPIES IN THE BACK.

Slusher: I THINK SHE'S RIGHT THERE.

GOOD, HERE YOU GO.

Goodman: COUNCILMEMBER DUNKERLY?

Dunkerly: I --

Goodman: DID YOU WANT TO SAY SOMETHING?

Dunkerly: NO. I DO WANT TO MAKE A COMMENT -- WELL, LET ME MAKE A COMMENT PERHAPS RIGHT NOW. I'M CERTAINLY IN SUPPORT OF THE CHANGES THAT COUNCILMEMBER ALVAREZ IS GOING TO PROPOSE IN A FEW MINUTES. BUT I'VE HAD SEVERAL OF THE COUNCILMEMBERS ASK ME IN RELATIONSHIP TO THE HISTORIC ZONING ITEMS THAT ARE ON TODAY'S AGENDA WHETHER THEY WILL FALL UNDER THE OLD ORDINANCE OR THE NEW ORDINANCE, ET CETERA. PART OF THE REASON THAT WE ARE DOING THIS ORDINANCE IS SO -- IS -- AND ADDING THE GRANDFATHERING CLAUSE TO IT IS SO THAT WE CAN EVENTUALLY GRANDFATHER ALL OF THOSE HOUSES THAT ARE CURRENTLY GETTING THE TAX ABATEMENT AND AS THEY CHANGE HANDS, BRING THEM UNDER THE NEW ORDINANCE. I CHECKED AND THOSE ITEMS ON THE AGENDA TODAY WILL FALL UNDER THE NEW ORDINANCE. AND SO WE WILL NOT HAVE TO WORRY ABOUT WORKING THEM THROUGH THIS GRANDFATHERING PROCESS. IT'S JUST A COMMENT.

Goodman: THANK YOU.

IF THE COUNCIL WOULD LIKE, I'LL BE HAPPY TO -- TO DISCUSS THE CHANGES THAT WE HAVE PUT IN HERE SUBJECT TO THE MOTION BEING MADE. IF THAT'S -- IF THAT MEETS WITH YOUR APPROVAL.

IF IT'S APPROPRIATE, I COULD GO AHEAD AND MAKE A MOTION TO APPROVE THE ORDINANCE AND THEN ON -- ASK COUNCILMEMBER ALVAREZ TO THEN ADD HIS AMENDMENT AND COMMENTS.

Goodman: OKAY, THERE'S A MOTION ON THE FLOOR. IS THERE A SECOND? I'LL SECOND. COUNCILMEMBER ALVAREZ?

Alvarez: THANK YOU MAYOR PRO TEM AND THANK YOU COUNCILMEMBER DUNKERLY. FOR ONE THING THAT WAS -- THAT WAS -- THAT WAS SUGGESTED AND I THINK INCORPORATED INTO THE DOCUMENT WAS TO -- WAS TO -- TO -- PERTAINING TO THE SECTION OF THE ORDINANCE DEALING WITH THE REVITALIZATION AREA PROGRAM, IS THAT THOSE BOUNDARIES MATCH INSTEAD OF -- GOING UP TO 290 AND DOWN TO 71, THAT THE BOUNDARIES MATCH THE BOUNDARIES THAT WE HAD IDENTIFIED FOR THE COMMUNITY PRESERVATION AND REVITALIZATION ZONE PROPOSAL THAT'S BEING DISCUSSED. AND SO IT JUST KIND OF MAKES THAT AREA WHERE THE -- WHERE THOSE PARTICULAR BENEFITS -- YOU KNOW, WOULD BE APPLIED IF FOLKS QUALIFIED. THAT'S ONE THING UNDER PART A OF 11-1-83 THAT I BELIEVE HAS ALREADY BEEN INCORPORATED.

THAT'S CORRECT. AT PAGE 12 OF 30, THOSE NEW BOUNDARIES HAVE BEEN INCORPORATED.

THEN THE -- THEN A CHANGE THAT HASN'T YET, BUT I WANTED TO REOFFER AS A FRIENDLY AMENDMENT, UNDER PART C OF THAT SECTION AND THEN -- THEN SUBPART 1, 1 C, WHICH TALKS ABOUT CONTRIBUTING PROPERTIES AND THE - - AND THE LEVEL OF -- -- OF BENEFIT THEY WOULD GET FROM THIS PROGRAM AND WHAT THEY WOULD HAVE TO DO TO QUALIFY. WHAT THIS BASICALLY SAYS IS THAT THE COST OF RESTORATION UNDER C 1 C, THE COST OF RESTORATION

THAT'S COMPLETED MUST BE [INDISCERNIBLE] EXCLUDING THE VALUE OF THE LAND. SO REALLY IF -- IF -- THAT'S A PRETTY SIGNIFICANT -- SIGNIFICANT RESTORATION IF -- IF YOU ASSUME \$100,000 VALUE, WHICH IT'S HARD TO FIND \$100,000 HOMES THESE DAYS IN OUR CITY, BUT THAT WOULD -- THAT WOULD BASICALLY BE A -- A \$20,000 INVESTMENT ON REHAB AND REALLY THE BENEFIT THAT'S BEING PROVIDED THROUGH AN ABATEMENT OVER 10 YEARS, I DID SOME PROJECTIONS, IT WOULDN'T REALLY ADD UP TO EVEN A FOURTH OF -- OF \$20,000 OVER THOSE 10 YEARS. SO MY SUGGESTION WAS GOING TO BE -- THAT WE CHANGE THAT PERCENTAGE FROM 20 TO 10% AND THAT WAY I THINK THAT -- THAT THOSE NUMBERS MAY BE WORK A LITTLE BETTER? SO ANYWAY I WANTED TO JUST SEE IF I COULD OFFER THIS AS A FRIENDLY AMENDMENT?

I ACCEPT THAT AS A FRIENDLY AMENDMENT.

MAYOR PRO TEM? IF I MIGHT, TO REFLECT THE GRANDFATHERING ISSUES THAT -- THAT COUNCILMEMBER DUNKERLY RAISED, WE HAVE CHANGED THE GRANDFATHERING DATE TO BE THOSE HISTORIC LANDMARKS BEFORE DECEMBER 1, 2004. YOU WOULD FIND THAT VISION IN PART 1 B AND I BELIEVE IT MAY ACTUALLY SHOW UP IN ONE OTHER PLACE IN THE ORDINANCE, BUT THAT IS THE FIRST PLACE THAT YOU WILL SEE IT. AND WHAT THAT DOES IS THAT THAT ADDRESSES -- THAT MAKES SURE THAT THE GRANDFATHERING STARTED YESTERDAY AS OPPOSED TO TODAY. SO THAT THERE'S NO QUESTION ABOUT THE PROPERTIES THAT ARE ON TODAY.

Goodman: OKAY. COUNCILMEMBER SLUSHER, DO YOU HAVE OTHER QUESTIONS?

Slusher: WHERE DID WE END UP ON THE TAX ABATEMENT RAISED?

UNDER THE NEW PROGRAM --

UNDER THE NEW PROGRAM, OWNER OCCUPIED HISTORIC LANDMARKS WOULD BE EQUAL TO 100% OF THE VALUE OF THE STRUCTURE AND 50% OF THE VALUE OF THE LAND BUT THERE WOULD BE A MAXIMUM CITY EXEMPTION OF THE

GREATER OF \$2,000 OR 50% OF THE CITY TAX  
[INDISCERNIBLE]

SO IT'S 100%, BUT ONLY UP TO A CERTAIN AMOUNT?

ONLY UP TO -- RIGHT.

THEN --

THE FORMULA REMAINS THE SAME. THE -- BUT WHATEVER THE EXEMPTION WOULD BE, IF THAT EXEMPTION IS OVER \$2,000, THEN WE WOULD LOOK AT WHAT THE CITY TAX LEVY IS, FIGURE HALF OF THAT, AND SEE WHICH IS THE GREATER OF THOSE. SO THERE WOULD BE A CAP ON THE AMOUNT OF THE EXEMPTION THAT WOULD BE GRANTED BY THE CITY.

Slusher: WHAT DOES THAT WORK OUT FOR -- WHAT VALUE OF THE HOUSE CURRENTLY WOULD THAT KICK IN ON?

GENERALLY AROUND \$450,000. FOR THE VALUE OF THE HOUSE AND THE PROPERTY.

Slusher: OKAY. SO IF -- IF THE PART OF IT THAT'S ABOVE \$450,000, WHAT WOULD THEY BE PAYING ON THAT?

THAT WOULD -- WELL, THE CAP WOULD COME IN. THEY JUST WOULDN'T BE ABLE TO GET AN EXEMPTION HIGHER THAN THE 2,000, THE GREATER OF \$2,000 OR 50% OF THE CITY TAXES.

SO THAT MEANS THEY WOULD BE PAYING FULL TAXES ON THE VALUE ABOVE 450?

RIGHT. IF I CAN RUN THROUGH AN EXAMPLE FOR YOU OF ONE OF THE CASES THAT'S COMING UP THIS AFTERNOON, THAT WOULD BE SUBJECT TO THIS CAP IF YOU ALL DECIDE TO -- TO NOT GRANDFATHER THESE CASES THIS AFTERNOON. LET'S SAY THERE'S A HOUSE THAT IS -- THAT IS THE VALUE OF THE LAND IS \$263,250. THE VALUE OF THE STRUCTURE IS 360,503. THE CITY TAXES ON THAT PROPERTY ARE 3,704. THE CURRENT EXEMPTION THAT THAT PROPERTY WOULD GET WOULD BE 2,425. SO IF THIS HOUSE WAS NOT -- IF THIS PROPERTY WAS NOT GRANDFATHERED THEN THE

EXEMPTION WOULD BE \$2,000. BECAUSE 3,074 DIVIDED BY TWO WOULD BE ROUGHLY 1530, AND WE WOULD BE LOOKING AT THE GREATER OF HALF OF THE CITY TAXES OR TWO THOUSAND DOLLARS. SO THAT EXEMPTION WOULD BE TWO THOUSAND DOLLARS. AND UNDER THE CURRENT RULES THE EXEMPTION WOULD BE 2,425. SO IT WOULD MEAN A \$425 GAIN IN TAX REVENUES.

Slusher: WELL, I'LL LIVE WITH THAT.

Dunkerly: IF I COULD ADD ONE OTHER COMMENT. THIS REALLY TENDS TO ADDRESS THE VERY HIGH END PROPERTIES BECAUSE IN THAT CASE THEY COULD BE GETTING ANYWHERE FROM 10 TO \$20,000 ABATEMENT RIGHT NOW AND THAT WOULD CERTAINLY LIMIT IT TO HALF THAT MUCH. SO I THINK IT DOES HAVE THAT IMPACT ON THE HIGHER END PROPERTIES. IN THE HISTORIC AREA. SUS

Goodman: FURTHER QUESTIONS OR COMMENTS? THEN ALL THOSE IN FAVOR, THIS IS ON SECOND AND THIRD READING, ALL THOSE IN FAVOR PLEASE SAY AYE?

AYE.

OPPOSED? WITH MAYOR WYNN OFF THE DAIS AND ABSTAINING.

Goodman: I THINK HE WANTED TO BE BACK. WE'LL JUST HAVE A PAUSE.

Mayor Wynn: WE ALSO, COUNCILMEMBER SLUSHER PULLED ITEM NO. 41 OFF THE CONSENT AGENDA. THIS RELATES TO THE NORTHWEST AUSTIN MUNICIPAL UTILITY DISTRICT REFUNDING BONDS ISSUE. PERHAPS A BRIEF PRESENTATION?

Futrell: OKAY, HOPEFULLY -- HERE WE GO. JOHN STEPHENS, DENNIS, WHO IS TAKING THE LEAD? JOHN?

THE RESOLUTION IS ESSENTIALLY STRUCTURED THE SAME WAY HONORING THE SAME FINANCIAL POLICIES THAT THE CITY OBSERVES. THERE ARE A NUMBER OF ITEMS THAT ARE REQUIRED IN THE RESOLUTION OBJECTIVES FOR THE

REFUNDING TO MEET AND MY UNDERSTANDING IS THAT THE REFUNDING CURRENTLY MEETS ALL BUT ONE OF THE REQUIREMENTS AND THAT IS THE REQUIRED PERCENTAGE OF PRESENT VALUE SAVINGS, WHICH UNDER THE CITY'S FINANCIAL POLICY IS FOUR AND A QUARTER, 4.25%. WHICH I UNDERSTAND THE REFUNDING HAS NOT ACHIEVED. SO IF COUNCIL -- IF COUNCIL COULD PASS THIS ITEM AS ITS -- AS ITS WORDED TODAY WITH THE RESOLUTION WORDED TODAY, AND THE M.U.D. WOULD BE ABLE TO DO THE REFUNDING IF THEY ARE ABLE TO REACH THAT PV SAVINGS, WHICH OF COURSE IS UP -- YOU KNOW, UP FOR GRABS AT THIS POINT. OR IF COUNCIL SO CHOSE, THEY COULD REVISE THE PV SAVINGS THE RESOLUTION TO A LOWER FIGURE.

Futrell: THE WAY THE RESOLUTION IS STRUCTURED NOW IT WOULD GIVE PREAPPROVAL WHERE IT WOULD NOT COME BACK TO COUNCIL, BUT ONCE THE SAVINGS WERE ACHIEVED IT WOULD HAVE AUTOMATIC APPROVAL FROM THE CITY AND WOULD MOVE FORWARD UNLESS THE COUNCIL CHOSE TO AMEND THE RESOLUTION AT THIS POINT.

THAT'S RIGHT.

MAYOR? WHAT --

Mayor Wynn: COUNCILMEMBER SLUSHER?

Slusher: WHAT'S THE PHILOSOPHY OR THINKING BEHIND THE POLICY ON THE SAVINGS.

ESSENTIALLY, I THINK TWO -- TWO WAYS OF LOOKING AT IT. FIRST OF ALL, WHEN THE CITY PUT THAT POLICY IN PLACE IN THE EARLY 1990S, YOU KNOW, WE DID, ALONG WITH OUR FINANCIAL ADVISORS, WE DID A FAIR AMOUNT OF RESEARCH ON WHAT AN APPROPRIATE PERCENT WOULD BE. BUT I GUESS THERE ARE TWO FACTORS THAT -- THAT YOU NEED TO CONSIDER IN SORT OF PULLING THE TRIGGER ON A REFUNDING AS IT WERE. ONE IS THAT -- THAT THE -- WITH THE INCOME TAX CHANGES THAT WERE PUT IN PLACE IN 1986, M.U.D.ES AND CITIES CAN ONLY DO ONE ADVANCED REFUNDING OF DEBT UNDER THE TAX LAWS. SO IF YOU ARE GOING TO DO THAT, YOU KNOW, WHEN ARE YOU GOING TO

DO THAT? ARE YOU GOING TO DO THAT AT A LOWER LEVEL OR ARE YOU GOING TO WAIT UNTIL YOU GET A HIGHER LEVEL? IT'S SORT OF LIKE YOU GOT ONE CHANCE TO IMPROVE YOUR LIFE, SO TO SPEAK. THEN OF COURSE THERE ARE THE OTHER FACTORS THAT ARE INVOLVED, THE COST OF ISSUING THE DEBT AND SO ON, WHICH YOU WOULD ALSO WANT TO INCUR WHEN YOU ACHIEVE A CERTAIN LEVEL OF PV SAVINGS.

WHAT WOULD BE THE -- THE DANGER AND -- IN MOVING FORWARD WITH THE LOWER AMOUNT?

WELL, I'M NOT SURE THERE WOULD BE ANY DANGER TO THE CITY. THE -- I GUESS THE CAUTION FROM THE M.U.D.'S PERSPECTIVE WOULD BE THAT AGAIN THEY WOULD PULL THE TRIGGER IN THIS INTEREST RATE ENVIRONMENT WHERE, AS I UNDERSTAND RIGHT NOW, THEY CAN ACHIEVE A 3.55 PERCENT PV SAVINGS AND FOREGO THE OPPORTUNITY TO REACH A HIGHER PV SAVINGS IN THE FUTURE. IF -- IF THE MARKET TURNS IN THAT DIRECTION.

Slusher: WOULD THERE BE ANY RISK TO THE -- TO THE TAXPAYERS? IN THAT M.U.D. DISTRICT FROM -- FROM HAVING THIS LOWER AMOUNT?

I DON'T THINK THERE WOULD BE ANY RISK TO THEM. YOU KNOW, THERE WOULD BE -- IF THE M.U.D. DID NOT DO THE REFUNDING NOW AND RATHER DID IT WHEN THEY ACHIEVED A HIGHER PV SAVINGS, THEN THERE WOULD BE SOME, YOU KNOW, SMALL BENEFIT PASSED DOWN TO EACH HOME OWNER IN THE M.U.D. BASED ON THAT. BUT THERE WOULD BE CERTAINLY ON AN INDIVIDUAL LEVEL WOULD BE MINUSCULE.

Slusher: OKAY, THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. COUNCIL WE HAVE A HANDFUL OF FOLKS WHO SIGNED UP WISHING TO SPEAK, WITHOUT OBJECTION WE WILL TO GO THE CARDS NOW. OUR FIRST SPEAKER IS MR. CHRIS MAYS. WELCOME, YOU CAN USE EITHER PODIUM.

OH, OKAY. SAVE YOU A FEW STEPS. WELCOME, YOU'LL HAVE



THREE MINUTES.

I'M WITH CAP ROCK SECURITIES, MY NAME IS CHRIS MAYS, WE ARE AN UNDERWRITER TO THE MUNICIPAL UTILITY DISTRICT AND WE'VE BEEN WORKING TO TRY TO PROVIDE DEBT SERVICE SAVE TONGS THE DISTRICT. WE INITIAL -- SAVINGS TO THE DISTRICT. WE INITIATED IN APRIL, RATES ROSE 75 BASIS POINTS IN APRIL MAKING THE SAVING UNCOUNCILMEMBER MCCRACKENCAL. INTEREST RATES HAVE FALLEN AT THAT TIME TO WHERE WE WERE ABLE TO ACHIEVE APPROXIMATELY A 4% SAVINGS LEVEL WHEN WE PROVIDED A -- OUR PATENTS TO THE COUNCIL. THOSE SAVINGS HAVE DECLINED A LITTLE BIT SINCE THEN DOWN TO THE 3.5, 3.60 LEVEL. OUR BEST GUESS IS THAT WE WON'T BE ABLE TO ACHIEVE THAT LEVEL OF SAVINGS THE FUTURE GOING FAWFERD AS THE FED -- GOING FAWRLD AS THE FED IS -- GOING FORWARD AS THE FED IS RAISING THE INTEREST RATES. THE REST OF MY TIME I WOULD LIKE TO GIVE OVER TO THE BOARD PRESIDENT.

THE NEXT CARD IS BRYAN MACABE. MR. ZIMMERMAN, WHY DON'T YOU --

[INDISCERNIBLE]

I WOULD LIKE TO TAKE A MOMENT. THANK YOU, MAYOR. COUNCILMEMBER. WE ARE CERTAINLY FAMILIAR WITH YOUR POLICY AND I THINK THE POLICY IS A GOOD ONE. THIS IS A DIFFERENT MODEL. THESE FOLKS WHEN THEY WERE ANNEXED TO THE CITY THEIR BONDS WERE NOT ASSUMED. EVERY OTHER M.U.D. THE BONDS WERE NOT ASSUMED. THESE FOLKS ARE PAYING M.U.D. TAX AND CITY TAX. I'M SURE THERE'S A WAY TO EXTRAPOLATE THE FACT THAT THEY ARE PAYING PROBABLY \$750 MORE IN TAXES BECAUSE THEY ARE IN THE M.U.D. IF THEY WEREN'T IN THE M.U.D. AS OPPOSED TO EVERYBODY ELSE IN TOWN. PUT THAT INTO THE SAVINGS, THE 3.5, IT COULD BE MUCH GREATER THAN 4.5. I DON'T KNOW HOW TO DO THAT. BUT INTUITIVELY MY GUT TELLS ME THAT THEY ARE PAYING THE M.U.D. TAX, M.U.D. BONDS, CITY TAX, CITY BONDS, THAT THEY ARE UNIQUE, THIS IS AN APPLES AND ORANGES TO ME. THIS IS NOT SOMETHING THAT YOUR POLICY WOULD BE CHANGED FOREVER MORE AND EVERY OTHER M.U.D. COULD COME IN

HERE AND ASK BECAUSE I DON'T THINK THERE'S ANY OTHER M.U.D. PERHAPS IN THE STATE THAT IS BOTH PAYING CITY AND M.U.D. TAXES. SO FOR THAT REASON I WOULD ARGUE THAT THE POSITION OF THE M.U.D. IS VERY REASONABLE. THEY ARE UNIQUE. THIS IS NOT A PRECEDENT SETTER. THANK YOU.

THANK YOU, MR. MACABE. NEXT SPEAKER IS DON ZIMMERMAN. YOU WILL HAVE UP TO FIVE MINUTES IF YOU NEED IT.

OKAY. THANK YOU, MAYOR. AND THANK YOU, COUNCIL, VERY MUCH FOR AGREEING TO HAVE US HERE. THERE'S ONE OTHER PERSON HERE, FRANK RILEY, ACTUALLY TWO OTHERS, FRANK RILEY IS THE ATTORNEY FOR THE M.U.D., HE'S HERE AS WELL TO ANSWER ANY QUESTIONS, TRIP DAVENPORT IS THE M.U.D.'S OFFICIAL BOND COUNSEL. THEY COULD ANSWER ANY SPECIFIC QUESTIONS. YOU ALREADY HAVE THE GIST OF WHAT'S GOING ON. WE ARE A VERY, VERY UNUSUAL M.U.D. WE HAVE COME AND PRESENTED BEFORE YOU BEFORE. IT'S MY UNDERSTANDING THAT THIS M.U.D. REFINANCE REALLY DOES POSE NO RISK AND NO COST TO THE CITY OF AUSTIN AS FAR AS WE UNDERSTAND. AGAIN, SOMEBODY HAS ALREADY MENTIONED THE POLICY. THE POLICY MAKES SENSE IN GENERAL. I THINK FOR OUR SITUATION THAT WE ARE JUST AN EXTRAORDINARY M.U.D. SO WE ARE REALLY ARGUING THAT THERE'S A BENCHMARK, AS I UNDERSTAND IT, FROM THE GOVERNMENT FINANCE OFFICER'S ASSOCIATION THAT SETS THE LEVEL AT ABOUT 3%. IT'S NOT TO SAY THAT THAT BENCHMARK IS NECESSARILY BETTER THAN AUSTIN'S BENCHMARK. BUT THERE IS PRECEDENCE AND AN INDUSTRY STANDARD OUT THERE DOWN AT 3%. SO -- SO THE EXPERT OPINION WE ARE HEARING ABOUT INTEREST RATES, AS YOU HAVE ALREADY HEARD A LITTLE BIT, IS THAT THEY ARE RISING. WE HAVE SEEN 40 YEAR LOWS, YOU KNOW, IN INTEREST RATES, SO CONVENTIONAL WISDOM IS NOW THAT THE ELECTION IS OVER, THERE'S LESS INCENTIVE FOR GOVERNMENT POLICY MAKERS TO TRY TO HOLD INTEREST RATES. SO WE EXPECT THEM TO CLIMB. SO WE EXPECT THIS WINDOW TO CLOSE VERY QUICKLY. AND JUST IN THE TWO WEEKS, SINCE WE FIRST BROUGHT THIS UP, JUST IN THOSE TWO WEEKS OUR SAVINGS HAVE DECLINED FROM OVER 4% TO AROUND 3.5.

SO WE THINK THE TREND IS GOING TO BE MORE TOWARDS THAT AND WE ARE NOT GOING TO HAVE ANOTHER CHANCE. I MEAN, OBVIOUSLY WE -- WE WOULD LOVE TO GET MORE SAVINGS, YOU KNOW, LIKE YOU WOULD, WITH YOUR POLICY, WE WOULD LOVE TO HAVE 4.25, WE WOULD LOVE TO HAVE 5%, WE DON'T SEE IT HAPPENING. FINALLY AS I'VE SAID, WE HAVE BEEN HERE BEFORE. WE GOT A LOT OF PROMISES. I THINK THE CITY COUNCIL NOW RECOGNIZES THAT THE CANYON CREEK M.U.D. TAXPAYERS REALLY DID GET INTO A BAD SITUATION. THIS WAS STARTED BACK IN 1998. THE DEVELOPER IS GONE, THE CITY COUNCIL MEMBERS ARE GONE, EVERYBODY THAT SET THIS UP IS GONE NOW. SO IT'S REALLY UP TO YOU AS A NEW COUNCIL AND UP TO THE TAXPAYERS THAT ARE STILL SUFFERING UNDER THIS HEAVY BURDEN TO -- TO GIVE US A BREAK HERE. SO THE REQUEST THAT WE HAVE IS THAT WE WOULD LIKE TO SEE THE RESOLUTION PASSED WITH THE SOLE EXCEPTION THAT THE 4.25 BE LOWERED TO 3%. SO THAT'S OUR REQUEST. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. ZIMMERMAN. OKAY, WE DO HAVE CARDS FROM FRANK RILEY WHO IS HERE TO ANSWER QUESTIONS IF WE HAVE THEM. AS WELL AS RAYMOND DAVENPORT.

Futrell: LET ME POSE A QUESTION IF I COULD. JOHN OR DENNIS, CAN YOU SPEAK TO THE 3% [INDISCERNIBLE] BENCHMARK THAT WAS REFERENCED VERSUS OUR POLICY?

WELL, CITY MANAGER, AS I SAID EARLIER, BACK WHEN WE SET OUR POLICY IN PLACE, WE LOOKED AT, YOU KNOW, WE DID SOME RESEARCH BACK AT THAT TIME WITH OUR FINANCIAL ADVISOR TO DETERMINE WHAT LEVEL WE OUGHT TO SET OUR PV SAVINGS AT. THE -- THERE'S NOTHING MAGICAL ABOUT THE 4.25 SAVINGS. I'M NOT SURE THAT I CAN GIVE YOU -- DENNIS, DO YOU HAVE ANY COMPARABLE BENCHMARKS FOR OTHER CITIES OR OTHER -- OTHER JURISDICTIONS?

Futrell: LET ME FRAME A SECOND QUESTION.

MY GUESS IF YOU LOOKED ACROSS THE COUNTRY AT OTHER MUNICIPALITIES THAT HAVE FINANCIAL POLICIES IN

PLACE, THEY WOULD NOT ALL BE AT 4.25%.

Futrell: THE SECOND QUESTION I WANT TO ASK YOU, LOOKING FORWARD, BASED ON WHAT WE ARE LOOKING AT, AT OUR OWN REFUNDINGS OF OUR OWN DEBT, DO YOU AGREE WITH THE PREMISE THAT THE LIKELIHOOD IN THE YEAR WINDOW IS THAT THEY ARE NOT GOING TO HAVE A CHANCE TO MEET THE 4.25? I KNOW THAT I'M ASKING YOU TO FORECAST, I REALIZE THAT I'M ASKING YOU TO DO A VAGUEST KIND OF FORECAST.

IF I COULD PREDICT WHERE INTEREST RATES ARE GOING TO GO, I WOULD NOT BE HERE TONIGHT [LAUGHTER]

Futrell: OH, JOHN I KNOW YOU LOVE YOUR JOB.

BUT I WOULD NOT DISAGREE WITH -- YOU KNOW, WITH THE PERSPECTIVE THAT THEY OFFERED, THE FED IS CERTAINLY IN THE PROCESS OF RAISING INTEREST RATES AND MY GUESS IS THAT THEY WILL NOT GO LOWER. THE ONLY PERSPECTIVE THAT I WOULD POSSIBLY OFFER TO THE CONTRARY IS THAT OUR OWN FINANCIAL ADVISORS BELIEVE THAT SOMETIMES THAT -- THAT, YOU KNOW, BONDS OR REFUNDINGS CAN GAIN A LITTLE BIT LOWER PERCENTAGE IN -- AT THE FIRST OF THE YEAR. BUT -- BUT FOLDING THAT PERSPECTIVE INTO WHERE THE OVERALL MARKET IS GOING ON INTEREST RATES, I -- I DON'T KNOW THAT THAT WOULD COUNTER BALANCE.

Futrell: ALL RIGHT. LET ME OFFER SOMETHING MAYBE AS AN OUT TO COUNCIL ON THIS. I HAVE WORRIED ABOUT A PRECEDENT ON THIS ITEM. THIS IS -- THIS IS UNUSUAL IN THAT IT IS AN IN-CITY M.U.D. WE DO HAVE A LITTLE BIT OF A DISAGREEMENT, OBVIOUSLY WE HAVE ON THE HISTORY AND BACKGROUND AND WHERE WE ARE TODAY. BUT -- BUT BECAUSE IT IS AN IN-CITY M.U.D., AND THERE IS THEN A REASON TO SAY YOU COULD DO SOMETHING A LITTLE DIFFERENT THAN THE CIRCUMSTANCE FROM A STAFF PERSPECTIVE, WE DO NOT -- WE CAN RECOMMEND -- IF YOU WANT -- IF YOU WANT THIS CASE, WITHOUT SETTING A PRECEDENT FOR THE REST OF THE M.U.D.ES THAT ARE OUT THERE, SO I WOULD LIKE THAT ON THE RECORD THAT THIS WILL NOT BE, IF YOU CHOOSE TO DO IT TODAY, A

PRECEDENT FOR OTHER M.U.D.'S. THIS IS UNIQUE IN THAT IT IS AN IN-CITY M.U.D. IF THE COUNCIL CHOOSES TO MAKE AN EXCEPTION TODAY. WITH THAT I THINK WE WILL STEP BACK AND ON YOUR POLICY DECISION.

DOESN'T HAVE A DIRECT IMPACT TO THE CITY AND THIS IS SUCH A UNIQUE M.U.D., I HAVE NOT HAD A PROBLEM THIS ENTIRE TIME WITH THE PROPOSAL, BUT WELCOME OTHER COMMENTS. COUNCILMEMBER MCCRACKEN?

McCracken: I GUESS THAT I WOULD LIKE TO -- ASK MR. DAVENPORT IF HE CAN GET THIS IN PERSPECTIVE. OF WHAT YOUR ANTICIPATION IS OF THE SAVINGS LEVELS AND MARKET ISSUES AS WELL.

FIR OF ALL, RAYMOND DAVENPORT WITH -- BOND COUNSEL SO I WOULD RATHER NOT COMMENT TOO MUCH ON FINANCIAL POLICIES. I WILL TELL YOU THAT THE BENCHMARK THAT THE ATTORNEY GENERAL'S OFFICE WHO HAS TO APPROVE THESE BONDS, AS YOU KNOW, IS -- IS 3% PRESENT VALUE SAVINGS, WHICH WE EXPECT TO MEET. SHOULD THE COUNCIL CHOOSE TO -- TO GO FORWARD WITH THE REVISED RESOLUTION. FURTHER, I DO -- I WOULD LIKE TO POINT OUT THAT THIS REFUNDING AS IT IS AT THIS POINT IS ABOUT 1% OF THE TOTAL OUTSTANDING DEBT OF THE -- OF THE M.U.D. AND IF YOU WANT TO MAKE A COMPARATIVE ARGUMENT, IT WOULD BE LIKE SAVING THE CITY OF AUSTIN'S TAXPAYERS \$6.5 MILLION IF YOU ALL DID AN EQUIVALENT TO REFUNDING. SO -- SO THAT'S JUST -- TO GIVE YOU A COMPARATIVE -- I KNOW THE M.U.D. IS MUCH SMALLER, BUT JUST SOME ADDITIONAL BACKGROUND. I ALSO REPRESENT NUMEROUS OTHER CITIES AND THEIR THRESHOLD OR BENCHMARK IS USUALLY A 3%, THAT'S WHAT WE GO TO THE A.G.'S WITH.

Mayor Wynn: THANK YOU MR. DAVENPORT. FURTHER COMMENTS, QUESTIONS? I THINK WE HEARD ABOUT SAVE TONGS THE M.U.D. ITSELF. IS THAT GOING TO TRANSLATE INTO THE SAVINGS FOR THE USER, SERVICES, YOU CAN SPEAK TO THAT.

WELL, I CAN SPEAK TO THAT. OBVIOUSLY IF OUR INTEREST PAYMENTS GET LOWERED, WHEN WE DO OUR BUDGETS AND SET OUR TAX RATES, THE TAX RATES WILL BE LOWERED IN

EFFECT WITH WHATEVER WE SAVE. WE HAVE BEEN A VERY, VERY THRIFTY M.U.D. IN FACT WHEN I WAS ELECTED IN MAY OF 2002, THE TAX RATE WAS ABOUT 42 CENTS AND RIGHT NOW IT'S ABOUT 26 CENTS. SO WE HAVE DONE A GOOD JOB OF CUTTING COSTS AND LOWERING TAXES. ABSOLUTELY. THAT MONEY WILL GO BACK TO THE -- TO THE TAXPAYERS THAT EARNED IT. THAT'S A GOOD QUESTION, THANKS.

Mayor Wynn: THANK YOU.

I WOULD ALSO LIKE TO COMMENT ON THAT. I WILL HAND IT TO THIS PARTICULAR M.U.D., THEY HAVE ALSO -- ALSO REQUIRED THEIR PROFESSIONALS TO REDUCE THEIR FEES SIGNIFICANTLY COMPARED TO MARKET STANDARDS. SO I CAN ATTEST TO HIS FIDUCIARY RESPONSIBILITIES THAT HE'S GIVING TO HIS M.U.D.

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

McCracken: MAYOR, I'LL MOVE APPROVAL OF THE RESOLUTION EXCEPT TO CHANGE THE -- THE SAVINGS THAT'S REQUIRED TO 3%.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCrackEN THAT I WILL SECOND WHICH IS TO APPROVE ITEM NO. 41, THIS RESOLUTION, WHICH APPROVES THE ISSUANCE BY THE NORTHWEST AUSTIN MUNICIPAL UTILITY DISTRICT NUMBER 1, ON THIS REFUNDING ISSUE, LOWERING THE THRESHOLD TO 3%. FURTHER COMMENTS? COUNCILMEMBER SLUSHER?

Slusher: CITY MANAGER, IS THAT WHAT YOU ARE RECOMMENDING BECAUSE IT'S AN IN-CITY M.U.D.?

Futrell: I HAVE NO PROBLEM WITH THAT. ALL I WANT ON THE RECORD IS THAT THIS -- THAT OUR STANDARD POLICY STAYS IN PLACE FOR REGULAR M.U.D. REVIEW, BUT THIS IS A UNIQUE SITUATION BOTH ECONOMICALLY RIGHT NOW AND IN THAT THIS IS AN IN-CITY M.U.D. IT PROBABLY, IF YOU WERE TO DROP BELOW 3%, A REFUNDING MIGHT COST YOU MONEY. SO -- I MEAN I THINK YOU ARE IN FAIR STEAD HERE. THEY WILL SAVE SOME MONEY, IT IS UNIQUE IN THAT WE

ARE NOT GOING TO BE ASSUMING THEIR BONDS AND AN IN-CITY M.U.D. I THINK YOU'RE OKAY. WE DON'T OBJECT TO THIS.

Slusher: OKAY.

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

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCIL, I BELIEVE THAT'S ALL OF OUR DISCUSSION ITEMS PRIOR TO OUR NOON CITIZENS COMMUNICATIONS. SO AT THIS TIME WE WILL GO INTO CLOSED SESSION PURSUANT TO SECTION 551.072 OF THE OPEN MEETINGS ACT TO POTENTIALLY DISCUSS AGENDA ITEM 46, RELATED REAL ESTATE MATTERS RELATED TO THE SALE OF THE MUELLER SITE TO CATELLUS, AUSTIN LLC. WE ARE NOW IN CLOSED SESSION.

TEST TEST TEST TEST TEST TEST TEST TEST TEST TEST TEST TEST TEST TEST TEST

Mayor Wynn: THERE BEING NO BUSINESS BEFORE THE COUNCIL BEFORE THE 12:00 O'CLOCK CITIZEN'S COMMUNICATION, WE ARE NOW IN RECESS.

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME WE'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. WE'VE BEEN IN RECESS SINCE ABOUT 11:30. WE'LL GO TO OUR 12:00 O'CLOCK NOON CITIZEN COMMUNICATION. WE HAVE SEVERAL CITIZENS WHO WOULD LIKE TO ADDRESS US. THE FIRST IS JUDY LEERY. THANK YOU. YOU WILL HAVE THREE MINUTES.

THANK YOU VERY MUCH. MY SUBJECT IS HANDL PANHANDLING, ROADSIDE SOLICITATION, SITTING ON THE SIDEWALKS. I AM AGENT AND PRESIDENT OF A NONPROFIT CORPORATION CALLED THE WAY WARD KITTY RANCH. I'VE A FIVE O ONE THREE STATISTIC CUSS WITH THE ARTICLES OF INCORPORATION WHICH I HAVE WITH ME. I HAVE A SALES

TAX PERMIT AND I REPORT TO THE STATE COMPTROLLER. I OWN PROPERTY, I PAY PROPERTY TAXES IN THE CITY OF AUSTIN AND I VOTE. FOR THE PAST FIVE YEARS I HAVE SERVED THE CITY OF AUSTIN, AND I MEAN SERVED THE CITY OF AUSTIN BY TRAPPING WILD FERAL CATS AND STRAY DOGS ON THE WEST SIDE OF AUSTIN. I HAVE THEM SPAYED, NEUTERED, GET REHABS SHOTS, MEDICATE THEM FOR DISEASES. I ALSO TAME THEM, WHICH TAKES ABOUT A YEAR PER CAT. TO PAY FOR THEIR FOOD, MEDICATION AND PET CARE, I AM FORCED TO PANHANDLE BECAUSE NO ONE WILL HIRE ME. I AM ALMOST 64 YEARS OLD AND I AM HANDICAPPED AND I HAVE TRIED TO SECURE EMPLOYMENT AND I AM UNEMPLOYABLE. I HAVE PANHANDLED FOR THE PAST THREE YEARS AND I AM QUITE FAMILIAR WITH WHAT'S GOING ON ON THE STREET WITH PANHANDLERS. THREE YEARS AGO I VISITED WITH MELISSA ALEXANDER WITH THE DEPARTMENT OF TRANSPORTATION, AND I WAS TOLD THAT UNDER THE VENDING ORDINANCES I DID NOT NEED A PERMIT AS A 501(C)(3). THE DOWNTOWN BUSINESS ALLIANCE SHOULD NEVER HAVE COMPLAINED TO THE CITY COUNCIL ABOUT PANHANDLING, SIDEWALK OR ROADSIDE ISSUES IN THE FIRST PLACE. ALL THEY HAD TO DO WAS PICK UP THE TELEPHONE, CALL THE POLICE CHIEF TO ENFORCE OUR EXISTING ORDINANCES. AND I HAVE THOSE WITH ME HERE TODAY ALSO. NOW, BECAUSE OF ALL THE COMMOTION, THE POLICE WILL NOT ALLOW ME TO SOLICIT FOR FUNDS FOR THE WAY WARD KITTY RANCH IN AREAS THAT ARE NOT BANNED YET LEGALLY. THEY'RE CHASING EVERYONE AWAY. NO ONE IS ALLOWED ANYWHERE. I AM STRONGLY AGAINST USING THE WORDS SAFETY ISSUE OR CITYWIDE BAN TO ADD TO THE EXISTING ORDINANCES. IF YOU BAN MY FIRST AMENDMENT RIGHTS TO FREEDOM OF SPEECH BY HOLDING A SIMPLE SIGN, THEN I STRONGLY INSIST THAT ALL SIGNS, ALL LOGOS ON ALL CITY BUSES, VEHICLES, BUILDINGS, BID BOARDS, HOTEL RESTAURANT SIGNS AND POLITICAL SIGNS ARE BANNED ALSO IF MY SIGN IS BANNED. BECAUSE THOSE SIGNS ARE ALSO ASKING THE PUBLIC TO COME TO THEIR ESTABLISHMENTS TO SPEND MONEY. IF YOU SAY THAT I'M DISTRACTING THE TRAFFIC, THEN I THINK THE BILLBOARDS, THE RESTAURANT SIGNS AND ALL THE POLITICAL SIGNS, I THINK THEY'RE DISTRACTING THE TRAFFIC ALSO. AND ALSO I THINK THE POLITICAL SIGNS ARE NOT ONLY ASKING FOR



VOTES, THEY'RE ASKING FOR POLITICAL CONTRIBUTIONS, WHICH I HAVE DONE, AND I'M NOT AFRAID TO ADMIT THAT I'M A DEMOCRAT AND I VOTED STRAIGHT DEMOCRATIC TICKET. AND I BEG THE MAYOR THAT I HAVE 30 SECONDS TO CLOSE.

Mayor Wynn: PLEASE CONCLUDE.

THANK YOU. HAVE YOU CRUEL ENOUGH TO BAN THE FIRE DEPARTMENT FROM PANHANDLING EVERY YEAR? THE MOMS AND THE SCHOOL KIDS TRYING TO RAISE FUNDS FOR SCHOOL BANDS TO GO TO STATE AND DISTRICT COMPETITIONS? THE RADIO AND TV STATIONS THAT PANHANDLE FOR THE CHILDREN OF DOWNED OFFICER AMY DONOVAN, THEY COLLECTED A LOT OF MONEY FOR HER, AND THEY WERE IN THE STREET, WHICH IS ILLEGAL, BY THE WAY, AND I DON'T DO THAT. ARE YOU CRUEL ENOUGH TO STOP A NONPROFIT CORPORATION FROM HAVING THE FREEDOM TO COLLECT FUNDS FOR GOOD CAUSES? ARE YOU THAT CRUEL OR COULD YOU BE THAT CRUEL? IF YOU BAN PANHANDLING CITYWIDE, I WILL HAVE NO ALTERNATIVE BUT TO EUTHANIZE ALL OF MY ANIMALS IN MY CARE BECAUSE I WILL NOT BE ABLE TO TAKE CARE OF THEM OR FUTURE ONES THAT COME INTO MY YARD OR INTO MY PROPERTY. I BEG THE CITY COUNCIL TO REFRAIN FROM VOTING ON THESE ISSUES FOR AT LEAST ANOTHER YEAR, AND TO CREATE A CITIZENS REVIEW BOARD, WHICH I'D LIKE TO BE ON, AND WHILE WE AS A COMMUNITY DISCUSS THE LEGAL RAMIFICATIONS, SINCE THIS WILL AFFECT SO MANY LOCAL CITIZENS, ORGANIZATIONS AND NONPROFIT CORPORATIONS. THANK YOU FOR THE OPPORTUNITY TO SPEAK TO YOU CONCERNING THESE ISSUES. AND THIS IS TO BE CONTINUED AT ANOTHER DATE AND TIME. THANK YOU SO MUCH.

Mayor Wynn: THANK YOU, MS. LEERY. MR. PAT JOHNSON? WELCOME, SIR. YOU WILL HAVE THREE MINUTES.

GOOD AFTERNOON. TODAY'S SUBJECT IS EXACTLY THREE MINUTES LONG IF I CAN GET IT STARTED. FOR CITIZENS SAFETY AT SERIOUS RISKS, THE COMMENTS IN THIS PRESENTATION, SOME OF THE ISSUES ARE COMMENTS MADE BY POLICE OFFICERS WHO CANNOT SPEAK AND CITY EMPLOYEES WORKING IN THE CTECC BUILDING. THIS IS A

STATEMENT ON TRY TECH'S WEBSITE ON MAY THE FOURTH. THEY CLAIM THAT THEY'VE SUCCESSFULLY INSTALLED THEIR SOFTWARE IN OUR CENTER. THE SYSTEM IMPROVES OFFICER SAFETY BY PROVIDING WARRANTS, STOLEN VEHICLES, ASSIST FIELD PERSONNEL TO FIND THE BEST ROUTE TO AN INCIDENT USING THE IN-VEHICLE MAPPING, WHICH AIN'T WORKING. THEY'RE HAVING PROBLEMS WITH IT. THERE WAS AN ARTICLE IN THE STATESMAN, MADE THE FRONT PAGE ABOUT SOME ISSUES. AND THEY MADE A COMMENT IN THERE THAT ABOUT 9-11 911 CALLS WHICH WAS INACCURATE. THE NEXT SLIDE HERE, DENVER PD IN DENVER, COLORADO BOUGHT THE SAME SOFTWARE THAT WE DID. AND THEY HAD A CALL THAT SOMEONE CALLED 911, THE CALL TYPED A CALL INTO THE COMPUTER, PRESS ENTER, AND THE CALL DISAPPEARED. 30 MINUTES LATER THE SAME CALLER CALLED BACK AND SAID THE FIGHT'S OVER. AND WHEN THE POLICE GOT THERE IN A COUPLE OF MINUTES, THEY FOUND A DEAD MAN IN THE ALLEY. ALL RIGHT. THESE ARE COMMENTS BY SOME OF THE OFFICERS THAT WORK AT A.P.D. OF WHAT THE PROBLEMS THAT WE'RE HAVING RIGHT NOW WITH CAD. NOW, YOU WOULD THINK THAT IF YOU BUY ANYTHING, IT WOULD WORK. THE PROBLEMS WE'RE HAVING WITH THE SOFTWARE IS EQUIVALENT TO BUYING A NEW CAR WITHOUT PUTTING ANY OIL IN THE CRANK CASE. IT SERVES NO PURPOSE. ALSO, WE'D LIKE TO POINT OUT THAT THE AUSTIN DISPATCH AND CALL CENTER HAS DONE AN EXCELLENT JOB IN DEALING WITH THIS DANGEROUS STMGZ. IF THE OFFICERS WHO FOUND THIS SYSTEM WERE NOT WORKING IT PROPERLY AND BROUGHT IT TO LIGHT. ALL THE OTHER CITY OFFICIALS TRIED TO HIDE THE PROBLEMS IN THE SYSTEM BECAUSE OF BEING AFRAID OF BEING FIRED. THE POLICE SPOKE UP WITHOUT REGARD, EVEN THOUGH SOME DISPATCHERS WERE DISCIPLINED OR THREATENED WITH DISCIPLINE FOR THREATENING TO DO THE RIGHT THING. OUR CITIZENS DESERVE BETTER. OUR OFFICERS DESERVE BETTER. OKAY. I ENCOURAGE THE COUNCIL TO CONTINUE MONITORING THE SITUATION AND DEMAND THAT TRITECH FIX IT, NOT ONLY PROMISES. THIS PROBLEM IS NOT JUST ABOUT THIS COPS, BUT ABOUT 911 CALLS FOR HELP THAT ARE LOST. [ BUZZER SOUNDS ] THIS QUOTE HERE, THIS IS AN ARTICLE IN THE POLICEONE.COM. AND THIS IS KIND OF SURPRISING

BECAUSE CHARISMA HONE ANY, WHO IS PRESIDENT AND CEO OF TRITECH SAYS ONCE YOU GET A CUSTOMER, YOU CAN TYPICALLY RETAIN THAT CUSTOMER ON A SUPPORT AND MAINTENANCE CONTRACT. MAHONEY SAYS, THOSE TEND TO BE MORE LUCRATIVE THAN THE INSTALLATION. WE PAID 6.3 MILLION FOR THE SOFTWARE, THEN HOW MUCH MORE WILL WE GET MILKED FOR? AND MAYOR, THE PUBLIC WANTS TO KNOW AND THEY WANT TO KNOW THIS AND THEY NEED TO KNOW THIS, IS IF THEY CALL 911 OR THEY CALL 311, CAN YOU ENSURE THE PUBLIC THAT THE POLICE ARE GOING TO ARRIVE AND THE CALLS ARE NOT GOING TO BE LOST? WE'D LIKE TO HEAR FROM MR. MAHONEY IN REFERENCE TO THE STATEMENTS ON THEIR WEBSITE ABOUT THEIR SOFTWARE BEING SUCCESSFULLY INSTALLED WHEN YET WE'RE STILL HAVING ALL THE PROBLEMS AND TO COMMENT ON HOW MUCH THESE MAINTENANCE CONTRACTS AND THESE CONTRACTS, HOW MUCH MORE MONEY ARE THEY GOING TO MILK US OUT OF?

Mayor Wynn: PLEASE CONCLUDE, MR. JOHNSON.

AND A RESPONSE FROM THE POLICE CHIEF OR THE POLICE DEPARTMENT. OUR GUYS HAVE BEEN DOING AN OUTSTANDING JOB WITH A SYSTEM THAT WE THOUGHT WOULD SERVICE US REAL WELL. WE'VE GOT GOOD EQUIPMENT AND GOOD HARDWARE TO DO THE JOB IF WE JUST HAVE THE SOFTWARE THAT HAS NOT PUT OUT WHAT IT HAS PROMISED. AND \$6.3 MILLION FOR WHAT WE GOT AIN'T WORTH IT. THANK YOU.

Mayor Wynn: THANK YOU, MR. JOHNSON. THAT IS A VERY IMPORTANT MATTER AND IT'S COMPLICATED ENOUGH AND LARGE ENOUGH THAT PERHAPS MR. GARZA, THERE COULD BE A MORE FORMAL RESPONSE OR MEMO TO COUNCIL OVER THE NEXT FEW DAYS?

I WOULD LIKE TO SAY THIS MORNING THAT ACTUALLY WE DID SEND A MEMO TO COUNCIL A COUPLE OF WEEKS AGO, VERY CLEARLY UNDERSTANDING THAT THERE ARE SOME CONCERNS WITH THE PROBLEM AND WE HAVE BEEN ON IT AND STAFF HAS WORKED VERY DILIGENTLY. THE ONLY MESSAGE THAT I WOULD LIKE TO MAKE VERY CLEAR TODAY IS THAT OUR PUBLIC IS NOT IN DANGER. OUR POLICE

OFFICERS, OUR DISPATCHERS HAVE -- DISPATCHERS TO STEPPED UP TO THE PLACE AND PUT A POLICY IN PLACE THAT IF YOU CALL 911, AN OFFICER WILL BE THERE. AND THAT HAS NOT BEEN COMPROMISED AND WILL NOT BE COMPROMISED AND WE ARE WORKING VERY DILIGENTLY TO RESOLVE ALL OF THE ISSUES WITH THE SYSTEM. PETE COLLINS, PROJECT MANAGER, IS HERE. JUST TO GIVE YOU EVEN A FURTHER UPDATE ON SOME OF THE THINGS THAT WE'VE DONE THIS WEEK.

MAYOR AND COUNCILMEMBERS, PETER COLLINS, CHIEF INFORMATION OFFICER. I'LL AGREE WITH PAT JOHNSON ON ONE THING IN THIS IMPLICATION OF CAD, WHICH IS NOT UNUSUAL WITH CAD SYSTEMS WITH IMPLEMENTATION ISSUES. THIS IS NOT A COMPLETED PROJECT, WE ARE STILL IMPLEMENTING IT. AND THERE ARE SOME PROBLEMS THAT NEED TO BE ADDRESSED. THE WAY WE MANAGE OUR PROJECTS ARE THROUGH CLEARLY DEFINED REQUIREMENTS. AND THAT'S ONE THING THAT WE DO HAVE IN THE CONTRACT, CLEARLY DEFINED REQUIREMENTS. THIS IS A VENDOR ISSUE TO WHERE THEY NEED TO DELIVER TO THE REQUIREMENTS THAT THEY SIGNED UP FOR. TRITECH HAS NOT ABANDONED THE CITY HERE IN THIS PROJECT AT ALL. THEY'VE BEEN HERE, THEY SENT DOWN A STRIKE TEAM THIS WEEK. I'VE WORKED CLOSELY WITH THEM ALL WEEK. ALSO THE OFFICERS THAT ARE ASSIGNED UP AT CTECC, ALSO THE DISPATCHERS AND SUPERVISORS FROM COMMUNICATIONS. AND I DEFINITELY SEE FORWARD MOTION HERE. AND BASICALLY I FEEL THEY CAN GET THE JOB DONE AND WE ARE MANAGING THINGS THAT ARE NOT WORKING CORRECTLY RIGHT NOW. AND I'LL JUST SPEAK OFF THE CUFF, WE HAVE ABOUT 124 ISSUES THAT COMBINE A NUMBER OF LISTS THAT ARE BASICALLY WHAT WE CONSIDER PRIORITY TWO'S THAT NEED TO BE ADDRESSED. IN LOOKING AT THOSE THIS WEEK, APPROXIMATELY 14 OF THEM HAVE ACTUALLY BEEN CLOSED, AND 44 -- AND I'M TALKING ABOUT APPROXIMATE NUMBERS RIGHT NOW, HAVE ACTUALLY BEEN MOVED INTO WHAT WE CALL MONITORING MODE TO ENSURE THAT THOSE ARE ACTUALLY FIXED COMPLETELY. WE REMAIN AT ABOUT 70. TRITECH IS GOING TO WORK ON THE MOBILE ISSUE SYSTEM AND ARE GOING TO PUT THOSE TO BED NEXT WEEK AS THEY AGGRESSIVELY

PURSUE SOME OF THE CAD ISSUES THAT HAVE BEEN IDENTIFIED. WHAT I SEE IS THEY'RE STEPPING UP TO THE PLATE, THEY'RE GOING TO DELIVER AND I'M GOING TO WATCH AND SEE THAT THEY DO.

Mayor Wynn: THANK YOU, MR. COLLINS. MAYOR PRO TEM?

WELL, I WAS JUST GOING TO SAY, ALTHOUGH IT'S ALREADY BEEN SAID NOW, THAT THIS IS A VERY COMPLEX SYSTEM AND A SYSTEM IN TRANSITION IS NOT A COMPLETED SYSTEM. SO I THINK MAYBE THE TRITECH GUY WAS A LITTLE PREMATURE IN SAYING IT HAS BEEN INSTALLED. AND I KNOW THERE HAVE BEEN DIFFICULTIES IN COMMUNICATING WITH THE PROBLEMS WERE. THERE WAS A BREAKDOWN IN THE CHAIN OF PASSING ON INFORMATION THERE. NOBODY IS A MIND READER. SO ONCE THEY UNDERSTAND WHERE THE PROBLEMS ARE, THEY WILL BE ADDRESSED. AND I THINK THAT TRITECH HAS FINALLY COME THROUGH WITH A SOLID TEAM, AND I UNDERSTAND THEY'RE STAYING HERE UNTIL EVERYTHING IS FIXED. BUT WE CERTAINLY DON'T WANT TO GO BACK TO LESSER TECHNOLOGY THAT HELPS US ENSURE PUBLIC SAFETY. TO RETURN TO A LONGER AND MORE INEFFICIENT SYSTEM WOULD BE CONTRARY TO COMMON SENSE. SO IT IS A VENDOR, VENDOR ISSUE, AND I'M GLAD TO SEE THAT THEY ARE STEPPING UP TO THE PLATE BECAUSE THEY NEED TO FOR THEIR OWN COMPANY'S WELL-BEING.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. OUR NEXT SPEAKER IS MR. MIKE ALEXANDER. WELCOME, MIKE. YOU WILL HAVE THREE MINUTE.

HELLO CITY COUNCIL, MIKE ALEXANDER. I'VE BEEN ASKING ABOUT AN IDLING TRUCK ORDINANCE, I HAVE THIS CRAZY PROBLEM NEXT TO MY HOUSE WHERE SOMEBODY IS BASICALLY RUNNING A BUSINESS OUT OF A REFRIDGE TRAITION TRUCK AND A CELL PHONE. YOU DID A GREAT JOB OF GETTING ALL THE ICE MACHINERY MOVED OFF THE PROPERTY, WHICH WAS A PROBLEM FOUR OR FIVE YEARS AGO. IT OUTSIDE THE CITY LIMITS TO MY KNOWLEDGE, BUT THE PERSON LIVING NEXT TO ME, IT'S A SITUATION OF SOMEBODY BASICALLY BRINGING A BIG REFRIDGEREFRIGERATION TRUCK HOME EVERY NIGHT, LEAVING IT IDLING AT ANY TIME DURING THE DAY. AND

BELIEVE ME, COMPARED TO OTHER NUISANCES THAT GO ON -- THIS DOESN'T HAPPEN IN TOO MANY PLACES, BUT WHEN IT DOES, IT'S A QUALITY OF LIFE ISSUE WHEN IT DOES. IT CAN HAPPEN ANY TIME DURING THE DAY. I WAS THINKING IF WE HAD AN ORDINANCE THAT REGULATED DELIVERY TRUCKS THAT SAT IDLE NEXT TO PEOPLE'S HOMES AND THEY'RE NOT LOADING OR UNLOADING, JUST SITTING THERE, THAT WOULD BE JUST WONDERFUL FOR MY SITUATION IN PARTICULAR. SOMETHING LIKE THAT WOULD BE A PERFECT COMPLIMENT TO THE NOISE ORDINANCE BECAUSE IT HANDLES THE OTHER 16 HOURS A DAY. IT WOULD BE A PERFECT COMPLIMENT TO THE CLEAN AIR INITIATIVES THAT ARE GOING ON. EVERY NOW AND THEN I GET INUNDATED WITH DIESEL EXHAUST IN A SITUATION LIKE THIS. IT COMPLIMENTS -- THE NEW ZONING GOES WITH MORE CONCENTRATION OF BUSINESS AND HOMES. YOU HAVE MORE DELIVERY TRUCKS MORE LIKELY AND SITUATIONS LIKE THIS COULD HAPPEN MORE COMMONLY. IT COMPLIMENTS GRID BECAUSE WHEN YOU HAVE A SITUATION WHERE YOU DON'T REALLY HAVE A TANGIBLE BUSINESS ADDRESS, YOU JUST HAVE SOMEBODY OPERATING A BUSINESS OUT OF A THEREFORERY TRUCK, YOU CAN'T REALLY GET YOUR HANDS AROUND THE PROBLEM TOO WELL. I'M TALKING TO THEM SOME ABOUT IT RIGHT NOW, BUT I'M NOT TOO OPTIMISTIC BECAUSE IT'S A TRANSIENT TYPE BUSINESS. IT HAPPENS EVERYDAY, BUT IT VARIES IN DEGREES IN THE SENSE ON THE TIME OF YEAR, IT DEPEND ON THE WEATHER AND WHAT EVENTS ARE GOING ON. I WAS THINKING THIS WINTER WOULD BE A GOOD TIME TO GET THE ORDINANCE ON THE BOOKS, PARTICULARLY IN THE SPRING AND SUMMERTIME WHEN IT WILL START UP AGAIN IN A MUCH MORE DENSE FASHION. BUT ANYWAY, AS I WAS WAITING FOR THE NEIGHBORHOOD PLAN TO PASS, I DIDN'T HAVE TOO MANY THINGS GOING, TO LOOK ON THE BRIGHT SIDE, IF I COULD GET SOMEONE OUT TO MY HOME, I WOULD NEVER HAVE TO COME BACK HERE AGAIN. YOU WOULDN'T HEAR FROM ME AGAIN. IT WOULD BE NICE IF YOU COULD JUST CALL A PLAS MAN OUT AND -- POLICEMAN COME OUT AND SAY YOU NEED TO TURN THE TRUCK OFF BECAUSE IT DOESN'T MATTER WHAT TIME OF DAY SO HE GETS THE IDEA THAT HE NEEDS TO ESTABLISH A LEGITIMATE BUSINESS LOCATION SOMEWHERE ELSE AND NOT TRY TO RUN OUT OF

A TRUCK ON THE STREET THE WAY HE DOES NEXT TO ME.  
SO THANKS.

Mayor Wynn: THANK YOU.

Slusher: CITY MANAGER, CONSIDERING ALL THAT MR.  
ALEXANDER HAS BEEN THROUGH AND THAT HE WON A  
COURT CASE REGARDING THIS, I WOULD LIKE FOR  
US TO REPORT ON CAN WE DO WHAT HE'S SAYING? IF NOT,  
WHY NOT?

Futrell: I BELIEVE WE HAVE GREG GUERNSEY HERE AND  
NANCY MATCHES TO SPEAK TO THIS ISSUE.

Mayor Wynn: WELCOME, MR. GUERNSEY.

GREG GUERNSEY, NEIGHBORHOOD PLANNING AND ZONING.  
MIKE AND I HAVE BEEN QUERSING OVER E-MAIL AND I'VE  
ACTUALLY CON BACK OUT AND LOOKED AT THE SITE AND  
THE SOLID WASTE DEPARTMENT AND THE ZONING  
ENFORCEMENT DIVISION HAS GONE OUT AND LOOKED AND  
BASICALLY WHAT MIKE IS SAYING IS RIGHT. WHEN WE GO  
OUT THERE THERE'S NO TRUCK. THERE'S NOTHING THAT --  
THERE'S REALLY NO EVIDENCE THAT WE COULD SAY THAT  
THERE IS AN IELGDING VEHICLE -- IDLING VEHICLE. SHORT  
OF SENDING SOMEONE OUT THERE ALMOST CONTINUOUSLY  
DURING THE WEEK AND MAYBE ON THE WEEKENDS AND  
EVENING IN THE WEEKENDS TO TRY TO MONITOR, IT'S VERY  
DIFFICULT TO CAPTURE SOMEONE IN THE ACT OF VIOLATING  
SOME CODE IF WE CAN'T EVEN FIND THEM. SO IF THERE WAS  
A PROVISION IN THE CODE, PROBABLY NOT IN THE ZONING  
ORDINANCE, BUT ANOTHER PROVISION ELSEWHERE IN THE  
CODE, THEN WE MAY BE ABLE TO ADDRESS IT. SEVERAL  
YEARS AGO I THINK COUNCILMEMBER SLUSHER AND  
COUNCILMEMBER GRIFFITH ASKED ABOUT AN IDLING TRUCK  
ORDINANCE THAT I BELIEVE THE POLICE DEPARTMENT WAS  
LOOKING AT, BUT IT WAS VERY DIFFICULT TO ENFORCE  
BECAUSE OF CERTAIN ISSUES THAT DEALT WITH LOADING  
AND UNLOADING IN A PERIOD OF TIME. BECAUSE WE HAVE  
SOME GROCERS IN THE CITY THAT MIGHT LEAVE A TRUCK  
RUNNING ALL NIGHT LONG THAT WILL PERIODICALLY TAKE  
ITEMS OUT OF A LARGE 18 WHILER, BUT -- WHEELER, BUT  
NOT BE ABLE TO FINISH UNLOADING WITHIN A SHORT

PERIOD OF TIME. AND THOSE DELIVERIES CAN OCCUR AT ANY TIME DURING THE DAY OR IN THE EVENING. SO IT'S VERY DIFFICULT. WE CAN GET WITH THE POLICE DEPARTMENT AND THE ENFORCEMENT FOLKS IN SOLID WASTE SERVICES AND LOOK AT THE ISSUE AGAIN AND SEE WHAT WE CAN DO.

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: YEAH, LET'S TRY TO DO THAT AS QUICKLY AS WE CAN.

Mayor Wynn: MAYOR PRO TEM.

Slusher: ARE WE TALKING ABOUT AN ORDINANCE OR IS -- WHY CAN'T HE SAY, OKAY, THE TRUCK IS OUT HERE IDLING AND -- NOT IDLING. IT'S THE ICE MACHINE THAT'S CAUSING THE NOISE, NOT THE TRUCK.

THE ICE MACHINE IS GONE.

Slusher: I KNOW, THEY BRING IT IN.

WHAT IS HAPPENING, AS I UNDERSTAND IT FROM MR. ALEXANDER, IS THAT THERE'S A LARGE TRUCK THAT COMES THAT JUST PARKS ON THE PROPERTY AND LEAVES ITS MOTOR IDLING TO KEEP THE TRUCK CONTENTS COOL, WHICH SUPPOSEDLY HAS ICE. THE DIFFICULT PART IS WHEN I'VE GONE OUT OR I KNOW ENFORCEMENT FOLKS HAVE GONE OUT TO TRY TO OBSERVE THE VEHICLES, MOST OF THE TIMES THE VEHICLES AREN'T THERE ACTUALLY WHEN WE APPEAR ON THE PROPERTY. SO IT'S DIFFICULT TO ENFORCE. AND I UNDERSTAND NOW THAT THE VEHICLES ARE NOT NECESSARILY ALWAYS PARKED ON THAT PROPERTY. THEY MIGHT BE PARKED DOWN THE STREET OR AROUND THE CORNER OR AROUND SOMEBODY ELSE'S PROPERTY, WHICH MAKES IT EVEN MORE DIFFICULT IF WE WERE EVER TO TRY TO I GUESS ENFORCE A REGULATION. YOU WOULD ALMOST HAVE TO CATCH THE VEHICLE IN THE ACT.

Slusher: LET'S SIT DOWN AND LOOK THIS OVER AGAIN, BUT I DON'T WANT TO COME BACK WITH AN IDLING TRUCK



ORDINANCE TO TRY TO DEAL WITH ONE INDIVIDUAL SITUATION. LET'S SEE IF THERE'S ANOTHER WAY TO DO THAT.

Mayor Wynn: MAYOR PRO TEM.

Goodman: IT SEEMS AS IF THE PROXIMITY TO A RESIDENCE WOULD HAVE SOME ABILITY THERE IN ENFORCING -- I DON'T KNOW WHETHER POLICE WOULD BE ABLE TO DO THAT OR NOT, BUT IF WE WERE TO NOTIFY THE PROPERTY OWNER THAT SUCH THINGS WERE ILLEGAL AND IF SEEN WOULD BE ENFORCEABLE, IT MIGHT CONTRIBUTE TO THE PROPERTY OWNER BEING A LITTLE MORE SENSITIVE IN NOT WANTING TO BE CAUGHT. SO HAVE WE EVER NOTIFIED THIS PERSON?

WE'VE HAD LOTS OF DISCUSSIONS WITH THIS PROPERTY OWNER THROUGH THE YEARS. BOTH IN AND OUT OF COURT REGARDING VARIOUS ISSUES THAT HAVE OCCURRED ON THIS PROPERTY REGARDING NOISE. AND I CANNOT TELL YOU WHAT THE CURRENT STATUS IS OF THE CERTAIN COURT CASES THAT ARE GOING ON, BUT THIS IS I GUESS A RELATIVELY NEW THING IN THE SENSE THAT ORIGINALLY WE WERE CONCENTRATING ON THE ICE MACHINE. THE ICE MACHINE HAS NOW LEFT AND NOW ALL THIS -- IT'S A VARIANT OF THAT WHERE I GUESS ALLEGEDLY A TRUCK IS BEING BROUGHT IN AND ICE IS STORED AND JUST LEFT IDLING.

Goodman: WELL, WE HAVE ORDINANCES THAT RESTRICT THINGS LIKE PAINTING IN AN EN-- INTO AN ENCLOSED, CONTAINED ENVIRONMENT FOR CARS AND OTHER VEHICULAR REPAIR WHERE THEY HAVE THOSE KIND OF FUMES, SO WHY WOULD THIS NOT BE A FUME ISSUE JUST LIKE THIS IS?

THE DIFFICULT PART IS IN DEALING WITH A DELIVERY VEHICLE.

Goodman: BUT A DELIVERY VEHICLE IMPLIES DELIVERY AND THEN LEAVING.

THAT'S RIGHT. BUT I KNOW THAT WE'VE HAD OTHER BUSINESSES THAT HAVE REFRIGERATED TRUCKS THAT

ARRIVE ON PROPERTIES AND THEY SAY STAY THERE ALL EVENING UNLOADING AS THEY STORE THINGS ON SHELVES OR STORE THINGS IN THEIR BUSINESS. SO IT'S DIFFICULT, AT LEAST WHEN WE LOOKED AT THIS PREVIOUSLY, TO HAVE SOMEONE SHUT OFF THE ENGINE OF THE VEHICLE BECAUSE THE PERISHABLE GOODS ARE INSIDE, AND ESPECIALLY IN THE SUMMERTIME. AND IT MAY NOT BE AS MUCH OF AN ISSUE WHEN IT'S COLDER, BUT CERTAINLY IN THE HEAT OF SUMMER, A LOT OF THESE DELIVERY TRUCKS, ESPECIALLY THE LARGER ONES THAT MIGHT BE 18 18-WHEELERS THAT APPEAR AT A MCDONALD'S OR APPEAR AT A CONVENIENCE STORE THAT MIGHT BE UNLOADING FOR SEVERAL HOURS.

Goodman: WELL, I SEE TWO THINGS THERE. THE SITUATION YOU'RE TALKING ABOUT IS DELIVERING INTO A STRUCTURE WHERE, AS YOU JUST SAID, THIS NOW IS A MOBILE KIND OF THING AND DOESN'T DELIVER THAT PRODUCT INTO ANY OTHER FACILITY, RIGHT?

WELL, THIS SITUATION, I HAVE PERSONALLY OBSERVED AND OUR INSPECTORS ARE HAVING A DIFFICULT TIME ACTUALLY OBSERVING THE VEHICLE SITTING ON THE PROPERTY BECAUSE I THINK THEY'RE COMING AT LATER HOURS IN THE EVENING OR EARLY HOURS IN THE MORNING WHEN SOME OF OUR INSPECTION STAFF IS NOT AVAILABLE TO CAMP OUT ON A PROPERTY TO TRY TO CATCH THE ACTIVITY WHEN IT'S HAPPENING. WE'VE GONE OUT DURING THE DAY AND TRIED TO OBSERVE THE MORNING AND LATER IN THE AFTERNOON. THE TIMES THE TRUCK HAS BEEN APPEARING, IT'S EITHER NOT IDLING AT THE MOMENT OR IT'S NOT THERE. SO IN THIS PARTICULAR CASE IT'S VERY DIFFICULT TO ENFORCE SOMETHING THAT YOU --

Goodman: WELL, ISN'T IT ILLEGAL IN PROXIMITY TO RESIDENTIAL USE. THERE WAS A PERSON PRACTICING HIS MUSIC IN HIS SOUNDPROOFED HOME, AND HE HIT THE DECIBEL LEVEL, SO EVEN THOUGH HE WAS WITHIN THE GUIDELINES OF THE NOISE ORDINANCE, HE WAS FINED FOR BEING I THINK A PUBLIC NUISANCE OR SOMETHING LIKE THAT. SO SURELY THERE IS SOME WAY TO ADDRESS THIS. AND LEGAL WOULD PROBABLY HAVE THE BEST CHANCE OF LOOKING AT THE NUANCES, BUT I DON'T THINK WE SHOULD LOOK AT ANY ONE MECHANISM TO DO IT. THERE MUST BE

SELF WAYS THAT -- SEVERAL WAYS THAT IN A SIMILAR CIRCUMSTANCE THIS PERSON WOULD BE CHALLENGED ON SOME OTHER ISSUE, BUT APPARENTLY SINCE IT'S AN IDLING DELIVERY TRUCK, THAT MAKES IT -- TAKES IT OUT OF BOUNDS, WHICH CAN'T BE TRUE. WE JUST NEED TO RESEARCH.

WE'LL WORK WITH THE POLICE DEPARTMENT AND THE ZONING ENFORCEMENT AND LAW AND SEE IF WE CAN COME UP WITH SOME SOLUTION THAT MIGHT ADDRESS THE SITUATION.

Mayor Wynn: THANK YOU, MR. GUERNSEY. NEXT SPEAKER IS MS. MARY LEHMANN. WELCOME, MARY. YOU WILL HAVE THREE MINUTES.

HELLO. HERE I AM AGAIN FACING A VERY PATIENT, HARD WORKING CITY COUNCIL. KEEP THE LAND'S MESSAGE. IT'S NOT AS COMPLEX AS TRYING TO DEMONSTRATE THE ADVANTAGES OF LEASING MUELLER. KEEP THE LAND HAS A VERY SIMPLE MESSAGE IN RELATION TO THE MASTER DEVELOPMENT AGREEMENT. A LOT OF HARD WORK WENT INTO IF, AND IT SHOWS IT. IT HAS MANY GOOD ASPECTS. BUT THERE IS A SERIOUS FLAW. THE LANGUAGE THAT DETERMINES FAIR MARKET VALUE EXCLUDES USING APPRAISERS. THIS SEEMS TO US UNNECESSARY. AND IF EVERYTHING IS ON THE UP AND UP, WHAT'S THE PURPOSE? AND SO WE WOULD LIKE TO REQUEST THAT THE CITY COUNCIL -- PERHAPS IT COULD EVEN BE DONE THIS AFTERNOON IF YOU HAVE A PRIVATE SESSION. IT SHOULDN'T TAKE LONG. JUST CHANGE THE LANGUAGE SO THAT STANDARD REAL ESTATE PROCEDURE FOR IMPORTANT LAND TRANSACTIONS IS USED. I THINK THAT OTHERWISE THE INTEGRITY OF THE CONTRACT PROCESS IS THROWN INTO QUESTION, AND I'M HOPING MAYBE BY THIS EVENING THAT ERROR COULD BE CORRECTED IN AN OTHERWISE VERY IMPRESSIVE DOCUMENT. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MS. LAYMAN. JENNIFER GALE? WELCOME, JENNIFER, YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR, COUNCILMEMBERS, CITY MANAGER. HI AUSTIN. IT WAS A GREAT THANKSGIVING WITH AN

IMPRESSIVE TEXAS A&M WIN. COUNCILMEMBERS, I'M  
JENNIFER GALE, CANDIDATE FOR THE AUSTIN CITY COUNCIL

--

Mayor Wynn: TECHNICALLY FOR THE RECORD, WE WON  
HALFTIME, WE DIDN'T WIN THE GAME.

CONGRATULATIONS TO TEXAS A&M. I HAVE ALSO  
COLLECTED THE SIGNATURES NEEDED, AND I'LL BE  
COLLECTING 200 TO MAKE SURE THAT THE 315 THAT I'VE  
GOT HERE ARE ALL GOOD AND I'LL HAVE THAT VERIFICATION  
DONE IN LESS THAN TWO WEEKS. I'D ALSO LIKE TO SPEAK  
OUT AGAINST THE PRESIDENT AFTER WINNING THE ELECTION,  
BUT BEFORE I DO, I WANT TO RECOGNIZE SARAH COPPOLA,  
OUR WRITER HERE. SHE MENTIONED ME ON SUNDAY,  
NOVEMBER 28TH NEWSPAPER THREE TIMES ON THE FRONT  
PAGE. FINALLY RECOGNITION FROM THE "AUSTIN AMERICAN-  
STATESMAN". THANK YOU VERY MUCH. OUR PRESIDENT. WE  
WENT TO WAR TO SLAUGHTER THE PEOPLE OF IRAQ BASED  
ON WEAPONS OF MASS DESTRUCTION. WE DID NOT LOCATE,  
SO WE SHOULD HAVE WITHDRAWN. THERE WAS NO  
TERRORIST TRAINING OR SUPPORT GOING ON. WHAT THE  
PRESIDENT IS SAYING, GOOD OR BAD, IT IS THE  
RESPONSIBILITY OF THE IRAQ PEOPLE. NOW WE HAVE  
CREATED A PROBLEM. I'M ASKING THE COUNCIL TO CREATE  
A RESOLUTION CALLING FOR THE IMPEACHMENT OF  
PRESIDENT BUSH FOR TRIAL IN THE SENATE. I'M ALSO  
ASKING FOR A RESOLUTION TO RECOGNIZE GAY AND  
LESBIAN COUPLES FOR THE COMING YEAR. I'M HERE TO  
SPEAK ON THE -- ON THE LIGHT RAIL VOTE. I'M ASKING FOR  
US TO BRING IT UP AGAIN IN MAY BECAUSE I BELIEVE FRAUD  
WAS COMMITTED. LEE WALKER, THE CHAIR OF THE BOARD  
THAT RUNS CAP METRO, WAS HERE SPEAKING ON HIS OWN  
BEHALF. BUT YOU CAN'T DO THAT, LIKE YOU CAN'T  
SEPARATE THE FICTIONAL CHARACTER CHRIS KRINGLE  
FROM SANTA CLAUS. HE STILL RUNS CAPITAL METRO. AND  
ALTHOUGH THERE'S A LIE AND SOMEBODY IS INJURED, THAT  
DOESN'T MEAN THAT THERE WAS FRAUD PERPETRATED.  
BUT IN CORPUS JURIS SECONDUM IT SAYS WHERE,  
HOWEVER, THE SPEAKER IS FROM HIS SITUATION  
PRESUMEBLY CONVERSE ANT WITH THE FACTS, AND THAT  
WOULD BE LEE WALKER, A FRAUDULENT INTENT MAY BE  
INFERRED FROM THE FALSITY OF THE REPRESENTATIONS,

WHICH IS CLEAR WHEN YOU LOOK AT ALL THE THINGS THAT WERE UNTRUE AND THE QUOTE, EDUCATION THAT ALSO PROMOTED, WHICH IS A VIOLATION OF STATE LAW 556.004. I'M ASKING FOR THE CITY COUNCIL TO ASK FOR A NEW ELECTION. THIS WEEKEND IN GALVESTON IS DICKENS ON THE STRAND. IT'S \$12 AND VERY AUTHENTIC. [ BUZZER SOUNDS ] IN TWO WEEKS FOR THE WINTER HOLIDAY, I'M ASKING EVERYONE TO LEARN SILVER BELLS TO SING ALONG WITH ME. THANK YOU.

Mayor Wynn: THANK YOU, JENNIFER. OUR LAST SPEAKER IS BETTY QUINNELL. WELCOME, MA'AM. YOU WILL HAVE THREE MINUTES.

I HAVE TO COME TO YOU TODAY WITH THIS MATTER, BUT I THINK IT'S AN ISSUE THAT YOU NEED TO LOOK AT. I HAVE -- OPERATE A BUSINESS, AND ONE OF OUR OFFICERS BECAME INVOLVED IN A SITUATION HE SHOULD NOT HAVE. HE CAME TO MY HOME AND REFUSED TO PAY ME FOR ALTERING HIS DAUGHTER'S WEDDING DRESS. AND HE TOLD ME THAT THE DRESS WAS NOT MINE TO KEEP. AND I ASKED HIM TO -- HE WALKED IN TO MY HOUSE UNINVITED. WHEN I CAME BACK WITH THE DRESS FROM THE OTHER ROOM, HE WAS STANDING IN MY HOME. I ASKED HIM TO LEAVE. HE REFUSED. I STEPPED ON TO MY PATIO AND I SAID, I WILL HAVE TO CALL THE POLICE. I SAID I AM THE POLICE. ULTIMATELY HE LEFT, SUPPOSEDLY TO GO GET MONEY. HE CAME BACK WITH HIS SERGEANT IN THE MIDDLE OF THE DAY. THIS CITY PAID FOR TWO PEOPLE TO COME OUT AND CONFRONT ME OVER A SITUATION. I WENT TO INTERNAL AFFAIRS AND I GOT NOTHING BUT ABUSE IN THE FORM OF DISCRIMINATION. IT TOOK THEM THREE MONTHS TO COME UP WITH THE FACT THAT, WELL, IF YOU WANT TO -- HE DIDN'T WANT TO SIT DOWN AND TALK ABOUT IT. NOW, I HAVE EIGHT COPIES OF THEIR REPORT HERE THAT EACH MUCH YOU CAN HAVE. I'M ASKING THE CITY COUNCIL TODAY TO TAKE THIS OUT OF THE HANDS OF YOUR CITY MANAGER AND INTERNAL AFFAIRS DIVISION AND RULE ON THIS AND TELL ME WHAT I DID WRONG TO DESERVE THIS KIND OF TREATMENT. I EXPECT A REPORT FROM THE CITY COUNCIL. I REGRET THAT IT HAS REACHED THIS LEVEL. BUT WHEN YOU HAVE POLICE OFFICERS WHO ABUSE CITIZENS WITH THEIR POSITION, I HATE TO SAY IT, BUT YOU'RE GOING TO HAVE SOME REAL

PROBLEMS IN THIS CITY. AND I'M STANDING HERE AS ONLY ONE PERSON WHO HAS EXPERIENCED THIS. DOES ANYBODY HAVE ANY QUESTIONS? AND I WANT TO THANK YOU FOR ALLOWING ME THIS TIME.

Mayor Wynn: YOU'RE WELCOME. WE TAKE THESE ISSUES VERY SERIOUSLY. WE'LL LOOK AT YOUR REPORT. A QUESTION, AND IT'S NOT -- IT'S DIFFICULT OFTEN TIMES FOR CITIZENS TO KNOW THE DETAILS OF THESE ISSUES, BUT PERHAPS DID YOU APPROACH OUR POLICE MONITOR'S OFFICE OR THE ACTUAL A.P.D. INTERNAL AFFAIRS?

I DID. THAT'S WHAT THIS REPORT IS.

Mayor Wynn: YOU WENT TO OUR POLICE MONITOR'S OFFICE.

THAT IS THE REPORT THEY FILLED OUT. THEY DID NOT FILL OUT THE REPORT FULLY. THEY NEVER ENTERED IN HERE THAT HE STATED TO ME THAT, I AM A POLICE OFFICER. HE LIED TO THE POLICE DEPARTMENT. HE WENT TO THE SHOP WHERE THE DRESS WAS BOUGHT AND COMPLAINED ABOUT ME, AND I WAS WITHOUT AN INCOME FROM THAT SHOP FOR THREE MONTHS UNTIL I FOUND OUT WHAT HAPPENED AND SOMEONE ELSE INTERVENED. THIS MAN HAS COST ME THOUSANDS OF DOLLARS. NOW, IF THERE'S ANYONE IN THE NEWS MEDIA, ANY ONE OF YOU WHO WANTS TO BUY ME OUT OF A CONDO FOR \$100,000, I WILL LEAVE AUSTIN. I AM VERY UPSET OVER THIS AND I SEE NO REASON WHY A 69-YEAR-OLD SHOULD HAVE TO TAKE THIS OFF OF TWO OFFICERS. THAT ARE BEING PAID BY THE TAXPAYERS TO COME OUT AND ABUSE ME.

Mayor Wynn: WE UNDERSTAND. IF YOU WOULD BE SO KIND AS TO HAND COUNCILMEMBER THOMAS YOUR REPORTS, WE'LL PASS THEM OUT AND DO OUR BEST TO UNDERSTAND THE SITUATION.

[INAUDIBLE - NO MIC].

Mayor Wynn: WE UNDERSTAND. THANK YOU, MA'AM.

I THINK THE CITY NEEDS TO BE AWARE OF THAT. THANK YOU

FOR YOUR TIME.

Mayor Wynn: YES, MA'AM. [ APPLAUSE ]

Mayor Wynn: COUNCIL, THAT'S ALL OF THE CITIZENS WHO HAVE SIGNED UP FOR OUR GENERAL CITIZEN COMMUNICATION. AT THIS TIME WE ACTUALLY HAVE NO DISCUSSION ITEMS OR ITEMS FOR EXECUTIVE SESSION UNTIL OUR 2:30 TIME CERTAIN BRIEFING ON THE ISRAEL TRIP. SO WITH THAT, WITHOUT OBJECTION, WE ARE NOW IN RECESS AND WILL RECONVENE AT APPROXIMATELY 2:30. THANK YOU.

Futrell: HOW WE COULD APPLY THEM HERE, WE HAVE A VERY UNUSUAL EXPERIENCE TO BRIEF ON TODAY AND I WOULD LIKE TO GET STARTED WITH RUDY GARZA.

GOOD AFTERNOON, ACTING ASSISTANT CITY MANAGER, LIKE THE MANAGER MENTIONED, TODAY WE WILL BE TALKING TO YOU ABOUT HOMELAND SECURITY, BUT THIS PRESENTATION WILL BE MUCH DIFFERENT THAN THOSE IN THE PAST. BECAUSE OF THE COMMITMENT BY THE MAYOR, CITY COUNCIL, OUR CITY MANAGER AND EACH ONE OF OUR MEMBERS OF OUR PUBLIC SAFETY DEPARTMENTS AND THROUGH THE GENEROSITY AND SINCERE CARE AND CONCERN AND PASSION FOR OUR CITY BY THE MAYOR -- BY THE MEYER LEVY FOUNDATION, WE HAD A GROUP, A TEAM FROM CITY STAFF AND COUPLE OF FOLKS FROM OUTSIDE OF THE CITY STAFFING TO THE FRONT LINES -- GO TO THE FRONT LINE, BEING THE STATE OF ISRAEL. FOR UNFORTUNATE REASONS THE MILITARY AND PUBLIC SAFETY PERSONNEL IN ISRAEL DEAL WITH THESE INCIDENTS ON A VERY, VERY REGULAR BASIS. TODAY'S BRIEFING OUR TEAM WILL SHARE WITH YOU SOME OF THE KEY FINDINGS, SOME OF THE KEY OBSERVATIONS AND LESSONS LEARNED. ALSO I WOULD LIKE TO NOTE THAT AT THE CONCLUSION OF THE BRIEFING, WE WILL BE RECOGNIZING OUR SPONSOR, AGAIN THE MEYER-LEVY FOUNDATION. THE TEAM ON SEPTEMBER 5th BEGAN THEIR JOURNEY, IT CONSISTED OF SEVEN MEMBERS OF OUR STAFF, TWO INDIVIDUALS THAT ARE CRITICAL TO THE PUBLIC SAFETY OF OUR CITY. THE TEAM IS HERE TODAY. I WOULD LIKE TO RECOGNIZE THEM IN THE AUDIENCE, GORDON BERG, THE ASSISTANT DIRECTOR OF

EMERGENCY MEDICAL SERVICES, DAVID [INDISCERNIBLE] OUR CHIEF CLINICAL PRACTICE DIVISION AT E.M.S. POLICE DEPARTMENT RICKY HINCO COMMANDER OF HOMELAND SECURITY. JIM NEILSON A DETECTIVE IN OUR BOMB SQUAD. HARRY EVANS, OUR BATTALION CHIEF, SPECIAL OPERATIONS AND FIRE DEPARTMENT. STEVE COLLIER OUR EMERGENCY MANAGEMENT DIRECTOR. OUR TWO OUTSIDE INDIVIDUALS, BYRON SAGE, THE PERIOD OF PRESIDENT OF HOMELAND SECURITY SECURITY CONSULTANT ALSO RETIRED F.B.I. SOMEONE VERY DEAR TO US, PAT CROCKER, A DOCTOR AT BRACKENRIDGE HOSPITAL. AND FINALLY, THE GENTLEMAN FROM OUR STAFF THAT WILL BE LEADING THE PRESENTATION, CHRIS KARLSON THE DIVISION COMMANDER WITH OUR HOMELAND SECURITY AND STRATEGIC PLANNING.

LAST BUT CERTAINLY NOT LEAST, CHRIS.

WELL, MAYBE BOTH, ACTUALLY. WELL, THANK YOU. AS -- AS ACM GARZA POINTED YOU OUT ON THE MORNING OF SEPTEMBER 5th, NINE INDIVIDUAL INTREPIDLY MADE THEIR WAY TO AUSTIN-BERGSTROM INTERNATIONAL AT A VERY EARLY HOUR TO BOARD THE FIRST OF MANY FLIGHTS THAT ENCOMPASSED ABOUT 16 HOURS FLYING TIME TO TEL AVIV. THE CORE OF THE PROJECT, THE REASON FOR GOING CANNOT BE EMPHASIZED STRONGLY ENOUGH IN TERMS OF THE ABILITY TO GO AND SEE WHAT HAPPENS DURING RESPONSES TO TERRORISM INCIDENTS IN AN ENVIRONMENT IN WHICH IT HAPPENS ROUTINELY. THE CITY OF AUSTIN AS WELL AS THE REGION AROUND CENTRAL TEXAS HAS DONE, I THINK, IN MANY PEOPLE'S ESTIMATION A VERY, VERY GOOD JOB OF PREPARING FOR THE EVIDENT ACTUALITY OF A TERRORIST ATTACK. I THINK WE ALL CAME TO THE CONCLUSION OVER TIME THAT FOR US TO GO BEYOND TRAINING AND DRILLING TO TRULY UNDERSTANDING AND MASTERY AT SOME LEVEL WE NEEDED TO ACTUALLY TALK TO THE PEOPLE THAT DO IT ROUTINELY IN A WAY ESTABLISH MENTORING RELATIONSHIPS WITH THOSE FOLKS THAT HAVE THE UNFORTUNATE EXPERIENCE OF HAVING TO DEAL WITH THOSE THINGS EVERY DAY. SO THAT WAS THE FOCUS OF OUR MISSION, REALLY, IN TWO AREAS. ONE WAS HOW TO PREVENT TERRORISM, ARE THERE STRATEGIES THAT WE CAN USE TO FOCUS ON PREVENTION. THE OTHER ONE IS ONCE TERRORISM WERE TO TAKE PLACE IN OUR



COMMUNITY, HOPEFULLY IT NEVER WILL, BUT WERE IT TO, HOW DO WE IN THE BEST MANNER POSSIBLE LEVERAGE OUR RESOURCES TO BE ABLE TO MANAGE THE CASUALTIES. REALLY, OUR EXPERIENCE IN ISRAEL FOCUSED ON -- ON A MESSAGE THAT HELPED US WITH THAT, WHICH -- WHICH WE ALL WALKED AWAY, WHICH WAS PREVENTING THE PREVENTABLE DEATH. THAT SORT OF BECAME A THEME FOR OUR VISIT IN ISRAEL. THE OTHER THEME THAT WE TALK ABOUT A LITTLE BIT AMONGST OURSELVES ROUTINELY IS THE CONCEPT OF CHAOS. THE ISRAELIS HAVE LEARNED OVER TIME THAT NO MATTER HOW GOOD YOU ARE, NO MATTER HOW MUCH YOU DRILL, NO MATTER HOW MUCH STRUCTURE YOU PUT AROUND A RESPONSE, THE ABILITY TO MANAGE AN UNCONTROLLED ENVIRONMENT, ESPECIALLY WHEN RELATED TO SOMETHING THAT'S HORRIFIC AS TERRORISM, MAY BE ACTUALLY WORKING AT CROSS PURPOSES TO SUCCESSFULLY MANAGING IT. YOU ACTUALLY HAVE TO MANAGE THROUGH THE CHAOS AND WITH THE CHAOS AS OPRYLAND POSSESSED TO -- AS OPPOSED TO TRYING TO CONTROL THE CHAOS. THEY TALK ABOUT LEARNING HOW TO MANAGE IN THAT ENVIRONMENT. A LITTLE CONSTRUCT AROUND WHICH WE UNDERSTOOD THE ENVIRONMENT IN ISRAEL. ISRAEL IS A VERY SMALL PLACE. IT'S 265 MILES LONG AND ABOUT 65 MILES WIDE. IT IS AS A POPULATION OF ABOUT 6.2 MILLION PEOPLE. THE TERRORISM PROBLEM IN ISRAEL COMPARED TO THE UNITED STATES, IF YOU PUT IT IN CONTEXT, IN THE LAST FOUR YEARS OF THE INTIFAGA, WHICH THEY HAVE BEEN SUFFERING, THEY'VE HAD MORE THAN 1200 FATALITIES, MORE THAN 7,000 INJURED AND MORE THAN 1900 TERRORISM RELATED INCIDENTS. IF YOU TRANSLATED THAT TO OUR POPULATION BASE IN THE UNITED STATES, THAT WOULD RESULT -- THAT WOULD EQUATE TO ABOUT 45,000 DEAD, 280,000 INJURIES, AND MORE THAN 85,000 DISCRETE INCIDENTS OF TERRORISM WITHIN THE U.S. BORDERS. CLEARLY THEY LIVE WITH A PROBLEM AT A SCALE WHICH WE ARE VERY FORTUNATE IN THIS COUNTRY NEVER TO HAVE EXPERIENCED, HOPEFULLY WE NEVER WILL. WHAT WE WALKED AWAY WITH FROM OUR -- FROM OUR EXPERIENCE WAS REALLY THREE KEY THEMES. THE FIRST BEING RINGS OF SECURITY, THE SECOND BEING COOPERATION, AND THE THIRD BEING A UNITY OF FOCUS. RINGS OF SECURITY IS

REALLY A PREVENTION STRATEGY WITHIN THE STATE OF ISRAEL. LIVING WHERE THEY LIVE, AND IN THE ENVIRONMENT IN WHICH THEY EXIST, THEY DEPEND GREATLY ON THEIR MILITARY TO PROVIDE THE INITIAL RING OF SECURITY. TO BE ABLE TO STOP THREATS BEFORE THEY COME ACROSS THE BORDERS. CLEARLY WE DON'T HAVE THE SAME SITUATION TO THE -- TO THE SAME EXTENT IN THE U.S., BUT WE DO HAVE PART OF THAT WITH THE SOUTHERN BORDER IN -- IN MEXICO AND THE GULF WITHIN TEXAS. SO WE ARE NOT VERY FAR FROM INTERNATIONAL BORDER WITHIN AUSTIN. THE OTHER PIECE OF THAT, THOUGH, THAT'S VERY IMPORTANT IS THEY GET VERY, VERY GOOD INTELLIGENCE INFORMATION. THAT IS ONE OF THE THINGS THAT OUR LOCAL POLICE DEPARTMENT, ALONG WITH STATE AUTHORITIES AND THE FEDERAL AUTHORITIES ARE WORKING VERY HARD TO BE ABLE TO QUICKLY RECEIVE AND DISSEMINATE THREAT INFORMATION WITHIN OUR COMMUNITY TO THE RIGHT PEOPLE WERE SOMETHING TO HAPPEN, WERE A THREAT TO COME TO THE AUSTIN AREA WE WOULD KNOW ABOUT IT IN REAL TIME MANNER. A LOT OF RESOURCES HAVE BEEN SPENT BOTH WITHIN THE CITY AS WELL AS IN THE FEDERAL LEVEL TO FACILITATE SYSTEMS THAT ALLOW US TO SHARE THAT INFORMATION IN REAL TIME. THE SECOND RING, ONE THAT PERHAPS IS THE MOST IMPRESSIVE WITHIN ISRAEL IS THE CITIZEN EMPOWERMENT. THEY ARE VERY CAN DID IT WITH THE CITIZEN -- CANDID WITH THE CITIZENRY IN ISRAEL ABOUT INFORMATION, THREATS, INVESTIGATIONS, RESPONSES AND INCIDENTS AND SHARE THAT INFORMATION IN REAL TIME IN A VERY CANDID NATURE WITH ALL OF THE CITIZENS OF ISRAEL. EVERYONE IS INVESTED IN THE PROCESS OF PREVENTION WITHIN THE STATE OF ISRAEL. IF YOU LEAVE YOUR BACKPACK SITTING ON THE SEAT AFTER BUS AND GET UP TO WALK OVER AND TALK A FRIEND, SOMEONE WILL ASK YOU WHO THAT BACKPACK BELONGS TO. YOU DO NOT LEAVE PACKAGES SITTING IN STORES. THEY ARE WILLING TO PUT UP WITH A HUGE LEVEL OF SECURITY THAT IS VERY DIFFERENT THAN WHAT WE EXPERIENCE HERE. ANY COMMERCIAL ESTABLISHMENT YOU GO INTO WITHIN THE STATE OF ISRAEL, WHICH SORT OF TAKES US INTO THAT THIRD RING, IS -- HAS ACTIVE ARMED SECURITY AT THE DOORS. THEY WILL INSPECT YOUR BACKPACK OR YOUR

PACKAGE OR YOUR PURSE, YOU ARE SUBJECT TO PERSONAL SEARCH, THEY WILL SEARCH YOUR VEHICLE WHEN YOU GO INTO A PARKING GARAGE AND ALTHOUGH IT'S AN INTERESTING EXPERIENCE, ESPECIALLY FOR THE NINE OF US WALKING IN THE DOOR THERE AND NOT BEING USED TO THAT FROM THE U.S., WHAT YOU FIND IS THAT IT IS SO ENDEMIC, TO ROUTINE THAT YOU REALLY STOP NOTICING IT AFTER A DAY OR SO. YOU GET VERY GOOD AT SLINGING THE BACKPACK OFF YOUR SHOULDER, PULLING IT OPEN, KNOWING THAT WHEN YOU GO THROUGH THE DOORS THAT THE GUY WILL WANT TO LOOK IN IT. YOU THINK ABOUT WHAT YOU PACK. YOU ARE CAREFUL OF WHAT YOU CARRY WHEN YOU GO IN. AND SO THE TWO PIECES, THE CITIZEN EMPOWERMENT, WATCHING WHAT'S GOING ON AROUND THEM, AND THE PRIVATE SECURITY THAT THIRD INNER RING OF PROTECTING HIGH RISK PUBLIC LOCATIONS, ARE VERY CRITICAL INTERNAL MEASURES THAT THE ISRAELIS HAVE ADOPTED TO ALLOW THEM TO PREVENT AS MANY INCIDENTS AT POSSIBLE. THEY ESTIMATE THAT THEY PRESENT -- PREVENT 95 OUT OF ONE HUNDRED INCIDENTS WITHIN THE STATE OF ISRAEL BASED ON INTELLIGENCE, BORDER INFORMATION COMING ACROSS, AS WELL AS THE INFORMATION THEY GET INTERNALLY, SOMEONE SEEING SOMETHING THAT LOOKS SUS SPUR SHOWS OR OTHER INSTANCES SUSPICIOUS OR OTHER INSTANCES. ONE OF THE STORIES THAT WE HEARD FROM LAW ENFORCEMENT PERSONNEL WAS ABOUT A GENTLEMAN WHO GOT ON TO A BUS, ONE OF THE MOTORCYCLE SPECIAL POLICE OFFICERS, HE GOT ON TO THE BUS AND HE SAW SOMEBODY DRESSED AS AN HASIDIC, HE DIDN'T THINK MUCH ABOUT IT FOR A MOMENT, THEN HE REALIZED THAT THE GENTLEMAN WAS ARAB. WELL, THERE ARE NO ARAB HASIDIC JEWS, IT SIMPLY IS INCON GREVOUS. HE IMMEDIATELY REALIZED SOMETHING WAS WRONG, PULLED HIS WEAPON, THE GENTLEMAN HEARD HIM PULL HIS WEAPON AND DETONATED THE BELT BOMB THAT HE HAD ON HIMSELF. THAT OFFICER ENDED UP BEING A QUAD PREEJIC, STILL ON MEMBER OF THE POLICE FORCE, GOING THROUGH REHABILITATION. THEY TUNE IN SO CLOSELY TO ALL OF THE LITTLE SIGNS THAT PRESENT INFORMATION THAT MAKE THEM FEEL THAT SOMETHING IS WRONG. SO THE CITIZENS PLAY A HUGE ROLE. IN ADDITION IT'S INTERESTING NOT ONLY DO THEY PLAY A ROLE IN

SECURITY, BUT THEY ALSO PLAY A ROLE IN RESPONSE. THEY ARE VERY, VERY INVOLVED IN A VOLUNTEER PERSPECTIVE. IN FACT, BOTH THE -- ALL OF THE POLICE -- ALL OF THE PUBLIC SAFETY ORGANIZATIONS, POLICE, FIRE, E.M.S., ALL HAVE LARGE VOLUNTEER CONTINGENT. THERE ARE 25,000 PAID POLICE OFFICERS IN THE STATE OF ISRAEL. THERE ARE 75,000 VOLUNTEERS WHO ARE EDUCATED, TRAINED, GO THROUGH A POLICE ACADEMY, CARRY WEAPONS, PATROL THEIR COMMUNITIES AND THEY ALL DO THIS ON -- AFTER THEIR NORMAL WORKING HOURS. IT'S A HUGE IMPACT TO YOUR LOCAL COMMUNITY. THERE'S 10 VOLUNTEERS FOR EVERY ONE CAREER E.M.S. PROVIDER. THESE PEOPLE ALL HAVE PAGERS, THEY ARE ALL NOTIFIED OF INCIDENTS. THEY ACTUALLY RESPOND TO THE SCENE, NOT ONLY TO TERRORISM INCIDENTS, BUT FOR CHEST PAINS, DIFFICULTY BREATHING, EVERYTHING ELSE. THEY HAVE CREATED A CULTURE THERE, LARGELY I THINK THROUGH NECESSITY OF CITIZEN INVOLVEMENT, IT'S MADE A HUGE IMPACT ON THEIR ABILITY TO HANDLE THESE INCIDENTS INTERNALLY. FROM A RESPONSE PERSPECTIVE, THEY HAVE REALLY EMPHASIZED THE FACT THAT COOPERATION AND HAVING A SINGLE FOCUS IS KEY. THEY HAVE A UNION TO SEE OF MISSION. THAT UNITY OF MISSION IS PREVENTING THE PREVENTABLE DEATH. THAT MAY SOUND LIKE A SIMPLE CONCEPT INITIALLY, BUT IT REALLY PERMEATES ALL LAYERS OF THE RESPONSE. NOT ONLY ARE YOU TRYING TO PREVENT THE PREVENTABLE DEATH OF THE VICTIMS ON THE SCENE WHO MAY SURVIVE THE INCIDENT WITH RAPID CARE AND EVACUATION TO A HOSPITAL, BUT YOU ARE ALSO PREVENTING THE PREVENTABLE DEATH OF RESPONSE PERSONNEL AND LAW ENFORCEMENT PERSONNEL AND CITIZENS WHO MAY BE RESPONDING TO THAT INCIDENT WHO MAY BECOME TARGETS OF A SECONDARY DEVICE OR A SNIPER OR HAZARDS ON THE SCENE. SO THE ISRAELIS ARE VERY GOOD AND VERY ADEPT AT BALANCING THE NEEDS OF THE SAFETY OF THE RESPONSE PERSONNEL AND THE CITIZENRY THAT HAVEN'T BEEN INVOLVED IN THE INCIDENT WITH THE VERY SPECIFIC HIGH PROFILE NEED OF THE INDIVIDUALS WHO HAVE BEEN IMPACTED BY THE INCIDENT ITSELF. SO IT BECOMES A VERY DIFFICULT CONCEPT SOMETIMES TO BALANCE. THEY FRONT LOAD ALL OF THEIR MAJOR INCIDENTS. WHAT THAT MEANS

IS THEY SENT LARGE NUMBERS OF RESOURCES IMMEDIATELY TO ANY INCIDENT THAT SOUNDS LIKE IT'S GOING TO BE A MASS CASUALTY INCIDENT OR AN INCIDENT OF MAJOR IMPACT ON THE COMMUNITY. AS WE HAVE TALKED ABOUT PREVIOUSLY, THEY USED VOLUNTEERS FOR THAT. VOLUNTEERS RESPOND FROM HOME. ALL OF THEM CARRY A -- PACKS WITH THEM THAT ALLOW THEM TO PICK THEIR PACK UP OFF THE FRONT DOOR AND RUN OUT THE DOOR TO THE INCIDENT. YOU WILL GET LITERALLY TENS OF ADDITIONAL VOLUNTEERS SHOWING UP ON THE SCENE IN THEIR VESTS SO YOU KNOW WHO THEY BELONG TO, WHAT THEIR JOB IS ON THE SCENE, PROVIDING CARE AND RESPONSE TO THAT INCIDENT. IT'S REALLY PRETTY AMAZING TO SEE VIDEOTAPES OF VARIOUS RESPONSES. PEOPLE SHOW UP EN MASSE TO HELP. THEY ARE EFFECTIVE AT USING VOLUNTEERS, SPARE AMBULANCES ARE SENT HOME WITH THE VOLUNTEER, THEY HAVE THEM IN THE COMMUNITY AND CAN DRIVE THEM TO THE SCENE WHEN THEY NEED THEM. THEY HAVE COME UP WITH VERY INNOVATIVE SOLUTIONS TO DEAL WITH CHALLENGES THAT WOULD PROVE DIFFICULT TO SOLVE IN A COMMUNITY SUCH AS OURS, FRANKLY ANY COMMUNITY IN THE UNITED STATES WHERE YOU ARE CONSTANTLY BALANCING THE USE OF CAREER PERSONNEL WITH VOLUNTEER PERSONNEL ALL OF THE OTHER THINGS THAT THAT BRINGS TO THE FOCUS. THEY REALLY HAVE TWO GOALS THAT COME OUT OF THAT. ONE IS TO EVACUATE THE CASUALTIES VERY QUICKLY. THEY ROUTINELY WILL CLEAR THE CASUALTIES ON THE SCENE IN HALF AN HOUR TO 40 MINUTES. THAT IS A PRETTY AMAZING FEAT TO GET ALL OF THEM TO THE APPROPRIATE HOSPITAL TRAUMA FACILITIES FOR CARE. IN ADDITION, THEIR OTHER GOAL IS THEY WANT TO GET THE SCENE BACK TO NORMAL. THEY WANT TO RETURN LIFE ON THE STREET IN THE CITY BACK TO ITS ROUTINE STATE. THEY DON'T WANT TO FOCUS ON THE INCIDENT. SO THEY WILL ROUTINELY CLEAR A SCENE WITHIN TWO TO THREE HOURS. IF IT'S A BUS BOMBING, AS AN EXAMPLE, THE BUS IS GONE, THE STREET HAS BEEN CLEARED, POWER LINES HAVE BEEN RESTRUNG, WINDOWS BOARDED OR REPLACED IN STOREFRONTS AND THE LOCAL AREA HAS STARTED TO REACH OUT TO ALL OF THOSE CITIZENS AND MAKE THEM WHOLE. ANOTHER CONCEPT THEY HAVE ADOPTED IN ISRAEL IS THAT THEY

MAKE SURE THAT PEOPLE THAT ARE VICTIMS OF  
TERRORISM ARE MADE WHOLE BY THE COMMUNITY. EITHER  
THROUGH VOLUNTEER GIVING OR THROUGH COMMUNITY  
SUPPLEMENTATION. BUSINESSES ARE NOT HURT. THEY TRY  
TO -- VERY HARD TO REESTABLISH BUSINESSES TO MAKE  
SURE THAT PEOPLE GO BACK TO THEM. THEY MAKE A REAL  
EFFORT. THEY DON'T ALWAYS SUCCEED, THEY DON'T  
ALWAYS SURVIVE, THEY TRY VERY HARD TO REESTABLISH  
NORMALITY VERY QUICKLY WITHIN THE COMMUNITY.  
PERHAPS THE -- YOU KNOW THE THING THAT WE -- THAT WE  
FELT MOST STRONGLY ABOUT WHEN WE WERE COMING  
BACK AND TALKING ABOUT IT ON THE PLANE, SOMETHING  
ACTUALLY THAT WE I THINK SHOWED A LITTLE BIT TO THEM  
AS WELL AS THEM SHOWING TO US WAS INTERAGENCY  
COOPERATION. IT WAS INTERESTING THAT THEY  
COMMENTED SEVERAL TIMES WHEN WE WERE THERE THAT  
WE WERE THE FIRST GROUP OF MULTI-DISCIPLINARY FOLKS  
THAT HAD EVER COME TO ISRAEL TO TALK WITH THEM. THEY  
HAD ALMOST ALWAYS EXPERIENCED EITHER ALL LAW  
ENFORCEMENT, ALL FIRE, ALL MEDICAL, OR ALL E.M.S. BUT  
THEY HAD NEVER REALLY SEEN A MULTI-DISCIPLINARY  
GROUP COME THROUGH. WE WERE SORT OF AN ANOMALY  
TO THEM. IT ACTUALLY MADE THEIR JOB OF DOING  
BRIEFINGS TO US MORE CHALLENGING BECAUSE WE  
PRESENTED A MULTI-DISCIPLINARY VIEW. THEY REALLY  
LIKED IT I THINK AT THE END BECAUSE WE BROUGHT  
PERSPECTIVES THAT THEY DIDN'T THINK ABOUT. IT ALSO  
EMPHASIZED TO US THAT THEY TALKED ABOUT THE FACT  
THAT THEY WORKED VERY CLOSELY WITH EACH OTHER ON  
RESPONSES. IT DIDN'T ALWAYS INTERESTINGLY HAPPEN AT  
THE HIGHEST LEVELS OF THE ORGANIZATION. ROUTINELY AT  
THE OPERATIONS LEVEL OF THE ORGANIZATIONS BECAUSE  
THEY DEALT WITH EACH OTHER EVERY DAY, TALKED,  
SOLVED PROBLEMS TOGETHER. IT WAS A VERY  
INTERESTING CONTRAST TO WHAT WE SEE HERE WHERE WE  
STARTED THE DISCUSSIONS REALLY WITH TOP LEVELS OF  
THE HORTIONS AND SLOWLY PUSHING AND ENHANCING  
COOPERATION AND TRYING TO MIRROR THAT AT THE  
LEADERSHIP LEVELS SO THAT THE LINE LEVELS EMULATED.  
BUT IT WAS AN IMPORTANT LESSON FOR US TO BRING BACK  
IS THAT WE ARE GOING IN THE RIGHT DIRECTION, THAT THAT  
IS THE RIGHT PATH, WE ABSOLUTELY HAVE TO REFOCUS ON

IT ROUTINELY TO MAKE SURE THAT WE ARE ALWAYS, ALWAYS GOING AFTER THAT GOAL. THAT IS INTERAGENCY COOPERATION, MAKING SURE THAT WE UNDERSTAND WHAT ALL OF OUR MISSIONS, MAKING SURE THAT WE UNDERSTAND HOW EVERY ASPECT OF THE RESPONSE, EVERY OTHER ASPECT OF THE RESPONSE, KEEPING IN MIND THAT THERE ARE THOSE GOALS WHICH IS PREVENTING THE PREVENTABLE DEATH AND FOCUSING ON THE STRATEGIC MISSIONS. CHANGE GEARS FOR A MINUTES, WE WILL TALK ABOUT INTERNATIONAL TERRORISM REAL QUICKLY. THE OTHER PIECE OF THE TRIP WAS ATTENDING A CONFERENCE UNDER NATIONAL TERRORISM SOUTH OF TELL AL VEEF. A LARGE CONFERENCE ATTENDED BY PEOPLE FROM ALL OVER THE GLOBE, INCLUDING, INTERESTINGLY ENOUGH, ONE OF THE IRAQI GOVERNMENT OFFICIALS WHO -- FROM THE NEW GOVERNMENT WHO PROMPTLY WAS FIRED AFTER HE APPEARED AT THE CONFERENCE BECAUSE THE INTERNAL IRAQI GOVERNMENT HAD NOT YET RECOGNIZED ISRAEL AND HE CREATED QUITE THE POLITICAL STIR IN HIS OWN COUNTRY BY COMING TO ISRAEL WITHOUT PERMISSION. BUT IT WAS INTERESTING HIS PERSPECTIVE ON THE CHALLENGES THERE AS WELL IN IRAQ ABOUT DEALING WITH TERRORISM IN THAT COUNTRY AS WELL AS TALKING ABOUT EUROPE AND OTHER PLACES. IT IS CLEAR THAT TERRORISM CONTINUES TO GROW WORLDWIDE AND IT'S NOT JUST A RADICAL ISLAMIC TERRORISM THAT IS SO VISIBLE IN THE MEDIA ROUTINELY, BUT ALSO MORE GENERIC, GENERAL TERMS, SORTS OF TERRORISM THAT WE SEE IN COUNTRIES AROUND THE WORLD, EITHER DOMESTIC OR INTERNATIONAL. AND WE HAVE TO -- WE HAVE TO SORT OF HAVE A VIEW ON ALL OF THOSE ISSUES. BUT THE TRUTH OF THE MATTER IS THAT WHILE THAT IS A VERY STRATEGIC DISCUSSION, A VERY GOVERNMENT ORIENTED COMMUNITY ORIENTED DISCUSSION ABOUT SOCIAL VALUES, OUR PREPARATION FOR TERRORISM IS NOT SPECIFICALLY DEPENDENT UPON WHAT KIND OF TERRORISM IT IS. WE ARE DEALING WITH THE CONSEQUENCE. WE DO THINK, IT'S CLEAR FROM THE PRESENT -- FROM THE FOLKS WE TALKED TO THERE THAT DOMESTIC INTERNATIONAL TERRORISM WILL CONTINUE TO BE PRESENT AND WILL ACCELERATE. THAT THAT WILL ACCELERATE BOTH IN THE U.S. AND INTERNATIONALLY. AND THAT THE U.S. CONTINUES TO BE A

PRIME FOCUS. THAT'S EVEN GOTTEN MORE PREVALENT SINCE THE WAR IN IRAQ. THE RADICAL ISLAMIC TERRORISM DOES PRESENT AN INTERESTING CHALLENGE FOR US IN THIS COUNTRY BECAUSE I DON'T THINK WE UNDERSTAND IT VERY WELL YET. AND THERE IS A QUOTATION THAT APPEARED IN A NEWSPAPER THAT IS REALLY INTERESTING AND THAT'S ON THE SCREEN IN FRONT OF YOU. BUT SHOULD BE MOMENTARILY. IS ON ON THE SCREEN IN FRONT OF YOU. [READING] I WANT TO EMPHASIZE THE FACT THAT THAT IS NOT THE VIEW OF THE MUSLIM COMMUNITY. THAT IS THE VIEW OF A VERY SPECIFIC NARROW RADICAL SECT. THAT VIEW COULD BE A VIEW OF OTHER RADICAL SECTS WITHIN OUR COMMUNITY, SOME OF THEM CHRISTIAN, SOME JEWISH, OTHER FAITHS. BUT IT IS A VERY GOOD ILLUSTRATION OF HOW -- HOW DIFFICULT IT CAN BE TO DEAL WITH A RADICAL ELEMENT IN YOUR COMMUNITY. PEOPLE WHO ABSOLUTELY BELIEVE IN A VERY SPECIFIC IDEOLOGY TO THE EXCLUSION OF ALL OTHERS, THAT MAKES FIGHTING AND ENCOUNTERING THOSE INDIVIDUALS VERY DIFFERENT. THAT WAS ONE OF THE THINGS WE WALKED AWAY FROM THE CONFERENCE WITH AND IT REALLY IMPACTS PREVENTION AS MUCH AS ANYTHING HE IS. THE LAST COUPLE OF PIECES THAT WE WALKED AWAY WITH FROM THE CONFERENCE -- OOPS. WAS THAT PREVENTION IS ULTIMATELY MORE EFFECTIVE THAN TACTICAL RESPONSE AND THAT SEEMS TO BE INTUITIVE, BUT IT DEPENDS UPON THE FACT THAT WE HAVE CLOSE WORKING RELATIONSHIPS BETWEEN ALL LEVELS OF GOVERNMENT. STATE, LOCAL, MUNICIPAL, FEDERAL. HOW DO WE TIE ALL OF THOSE PIECES TOGETHER. THAT WE HAVE TO HAVE FLUID COMMUNICATIONS AND INFORMATION SHARING. IF INFORMATION BECOMES VISIBLE AT FEDERAL IT HAS TO QUICKLY MOVE TO THE STATE AND LOCAL LEVELS IN A TIMELY MANNER SO WE CAN ACT ON IT TO PREVENT IT. THE SAME IS TRUE IN THE OTHER DIRECTION. IF WE DEVELOP INFORMATION LOCALLY THAT WILL IMPACT AT THE EARLY OPERATIONS WE NEED TO QUICKLY -- WE NEED TO QUICKLY BE ABLE TO SHARE THAT UP THE CHAIN AS WELL. WE REALLY NEED TO FURTHER EMPHASIZE AND FOCUS ON THE ONGOING PUBLIC AWARENESS AND EMPOWERMENT -- AWARENESS AND EMPOWERMENT PROGRAM AND REALLY CREATE AN ENVIRONMENT THAT ALLOWS US TO GO



FORWARD. SO WHERE ARE WE IN AUSTIN AT THIS POINT? WELL, INTERESTINGLY ENOUGH, WE HAVE THINGS THAT THE ISRAELIS NEVER HAVE DREAMT OF HAVING. WE HAVE A SUPERB STATE OF THE ARTS COMMUNICATION FACILITIES THAT ALLOWS ALL OF OUR ORGANIZATIONS TALK TOGETHER AND ROUTINELY COORDINATE ON SCENE. IN ALL OF THE STATE OF ISRAEL THEY HAVE ONE RADIO FREQUENCY THAT THEY CAN ALL TALK TO EACH OTHER ON. ONE. THEY DON'T ROUTINELY TALK TO EACH OTHER ON -- TO EACH OTHER DURING RESPONSES OR INCIDENTS, THAT'S A CAPABILITY THAT THEY REALLY WISH THEY HAD THAT WE HAVE BEEN ABLE TO DEVELOP BECAUSE OF THE INVESTMENT THAT YOU AS A CITY COUNCIL AND OTHER ELECTED OFFICIALS HAVE MADE IN THE INFRASTRUCTURE FOR PUBLIC SAFETY IN OUR COMMUNITY. WE HAVE THE ABILITY TO HAVE ADVANCED DETECTION AND MANAGEMENT EQUIPMENT FOR POLICE, FIRE AND E.M.S. AND WMD RELATED MISSIONS AND OUR FOLKS TRAIN AND WORK TOGETHER ROUTINELY. THROUGH THE GRANT PROCESSES THE LAST SEVERAL YEARS AND THROUGH THE INVESTMENTS THAT THIS COMMUNITY MADE AFTER SEPTEMBER 11 WE CONTINUE TO ENHANCE THROUGH GRANT PROGRAMS THAT FOCUS ON THE HOLES. WE HAVE PUT TOGETHER WHICH IS VERY UNUSUAL IN COMMUNITIES THAT WE HAVE TALKED TO AN INTEGRATED GAP ASSESSMENT ON PROCESS THAT ALLOWS US TO FIND GAP AND ADDRESS THOSE WITH GRANT DOLLARS INSTEAD OF APPROACHING IT FOR A SILO MENTALITY, SOMETHING THAT HAS PROVEN VERY EFFECTIVE. WE HAVE SUCCESSFULLY INTEGRATED COMMUNITY VOLUNTEERISM. ESPECIALLY THE AUSTIN POLICE DEPARTMENT AS WELL AS THE OFFICE OF EMERGENCY MANAGEMENT HAVE BOTH DEVELOPED VERY SOPHISTICATED, VERY SUCCESSFUL VOLUNTEER PROGRAMS. THE CIVIL DEFENSE BATTALIONS IN THE COMMUNITY EMERGENCY TEAMS AND WE WANT TO TRY TO FIND WAYS TO LEVERAGE THOSE EVEN FURTHER INTO THE COMMUNITY TO REALLY FOCUS ON THE RESPONSE AND THE INFORMATION ASPECTS. WE HAVE DEVELOPED A UNION FORKED COMMAND METHODOLOGY. THROUGH THE LEADERSHIP OF THE CITY MANAGER'S OFFICE AND PUBLIC SAFETY LEADERSHIP AND REALLY SERVING AS A MODEL NATIONWIDE FOR THAT. IN FACT WE FOUND OUT IN THE LAST COUPLE OF DAYS THAT THE PROJECT RESPONDER

PROJECT, WHICH IS A -- A DEPARTMENT OF HOMELAND SECURITY DEVELOPMENT PROJECT IS COMING TO AUSTIN SPECIFICALLY TO INTERVIEW US ABOUT HOW WE HAVE SUCCESSFULLY INTEGRATED UNIFIED COMMAND METHODOLOGIES. AND WE HAVE TAKEN A LEAD IN DEVELOPING AND WORKING ON THE NATIONAL INCIDENT MANAGEMENT SYSTEM HERE LOCALLY, WHICH WAS A -- WHICH WAS MADE THE LAW OF THE LAND BY DHS IN MARCH OF 2004. WE HAVE ALSO BEEN A VERY AGGRESSIVE REGIONAL PARTNER IN RESPONSE TO WMD HAZMAT BOMB RESCUE AND RESCUE INCIDENT COMMAND INCIDENTS. WE HAVE TAKEN THE LEAD ON HOMELAND SECURITY TASK FORCE IN THE CAP COG REASON, HAVE PROVIDED ONGOING SUPPORT TO THOSE OPERATIONS AND HAVE TAKEN A LEADERSHIP ROLE IN REGIONAL RESPONSE. AND WE HAVE ALSO DEVELOPED AND DEPLOYED AN INTEGRATED PUBLIC SAFETY TRAINING METHODOLOGY WHICH ALLOWS US TO TRAIN PERSONNEL TOGETHER SO THAT WE ARE DOING THE MISSIONS IN REAL TIME, SIMULTANEOUSLY. WITH THAT I WOULD LIKE TO PASS OFF TO MY COLLEAGUE DR. PAT CROCKER.

IF I COULD, BEFORE WE MAKE THE PASS OFF, BECAUSE WE ARE ABOUT TO LOSE ONE OF OUR SPONSORS FOR THIS TRIP. BEFORE WE DO, I WOULD LIKE TO HAVE US RECOGNIZE THE FOLKS THAT HELPED FUND THIS TRIP. JAMES IS HERE REPRESENTING THE MEYER LEVY FOUNDATION. IF I COULD READ THE CERTIFICATE FOR YOU. OPERATION PREPARED COMMUNITY, PROJECT MASSADA, IT WAS BUILT ON THE IDEA THAT THE WORLD IS A COMMUNITY AND THAT WE LEARN FROM EACH OTHER. THE MEYER LEVY CHARITABLE FOUNDATION'S SUPPORT OF THIS PROJECT RECOGNIZES AUSTIN IS NOT NEITHER ISOLATED NOR INSULATED FROM WORLD EVENTS. IN -- IN ITS SUPPORT, ALSO SHOWS A CARE FOR OUR COMMUNITY AS A WHOLE AND FOR THE PEOPLE WHO ARE CHARGED WITH ITS EMERGENCY RESPONSE AND ITS PROTECT. THE CITY APPRECIATES THE FOUNDATION'S GENEROSITY AND CIVIC INVOLVEMENT. AUSTIN IS A SAFER PLACE BECAUSE OF THE MEYER LEVY CHARITABLE FOUNDATION. WE WOULD ALL LIKE TO THANK YOU SO MUCH FOR WHAT YOU HAVE DONE ALLOWING US TO TAKE THIS TRIP, MAYOR?

THANK YOU SO MUCH. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

THANKS. THIS BRINGS US TO SOME CLOSING POINTS AND SOME LOCAL CONSIDERATIONS AND SUGGESTIONS. THE FIRST, WE THINK WE NEED TO FURTHER WORK ON DEVELOPING SOME CLEAR STRATEGIC OBJECTIVES THAT ARE ROUTINELY REVIEWED THAT WILL HELP ELIMINATE INTRA AGENCY CONFLICT, IT SEEMS. I THINK WE CAN BENEFIT BY THAT. I THINK WE CAN STRENGTHEN OUR COMMUNITY FOCUS AND CAPABILITY BY TAKING ADVANTAGE OF THE FEMA TRAINING THAT IS AVAILABLE FOR ELECTED OFFICIALS, EXECUTIVES AND OPERATIONS PERSONNEL, THE FEMA ADVANCED HOMELAND SECURITY PROGRAM. THIS IS A ONE-DAY COURSE, I BELIEVE.

ACTUALLY, IT'S ALMOST A WEEK.

THAT'S A NICE SEGUE THERE.

A DAY, A WEEK...

WHY DON'T YOU SIGN UP. BUT IT'S A VERY GOOD COURSE. IT HAS A LOT OF CONTENT. AND IT ALSO OPENS THE DOORS AND PROVIDES SOME GATEWAYS INTO FUNDING THAT MAY OR MAY NOT BE AVAILABLE THROUGH FEMA. THE INTERAGENCY COOPERATION AND PARTNERSHIPS AGAIN ARE HAVING IMPORTANT, AND IF WE CAN FIND A WAY TO REINFORCE AN ORGANIZATIONAL CULTURE AND INTRA AGENCY COOPERATION THAT WE WARDS FLEXIBILITY AND COOPERATION, WE THINK WE WOULD BENEFIT. AND I WOULD SAY THAT WE DO IN FACT -- AND I WAS IMPRESSED WITH THE TEAM I TRAVELED WITH, HAS A VERY HIGH DEGREE OF INTRA AGENCY COOPERATION ALREADY A AND I THINK WE CAN BENEFIT BY THAT. AND I THINK WE CAN BENEFIT IN TERMS OF SCENES OF DISASTERS AND HOW WE WORK TOGETHER ON THOSE SCENES. CHRIS MENTIONED THE HIGH DEGREE OF COMMUNITY INVOLVEMENT OR THE WAY THAT THE PROFESSIONALS INTERACT WITH THE VOLUNTEERS ON THE SCENE, AND AS GORDON PUT IT ONE DAY, THEY SEEM TO MANAGE SOME OF THESE INCIDENTS FROM THE INSIDE OUT RATHER THAN THE INSIDE IN. WHEN WE TRAIN OUR PERSONNEL, FOCUSING TRAINING THAT ALLOWS THEM TO

WORK UNDER OBJECTIVES AND WITH THE BACKUP OF PROTOCOL, BUT STILL PROMOTES ADAPTIVE AND FLEXIBLE THINKING AND RESPONSES THAT SET THE SCENE AS A CRITICAL ONE. A FEW FINAL THOUGHTS. I THINK THE FIRST ONE IS KEY. THE WORLD -- AT THE WORLD CONFERENCE, WE DISCUSSED A LOT HOW THE THREAT IN EACH COUNTRY AND EACH LOCALE VARIES. AND IT'S VERY CLEAR TO US THAT IN AUSTIN, TEXAS, THE LOCAL THREAT FROM TERRORISM IS SMALLER THAN THE THREAT FROM NATURAL DISASTERS, TORNADOS, HURRICANES, THINGS THAT WE DON'T THINK ABOUT MUCH, LIKE EMERGING DISEASES. WE SAW SARS THE FIRST -- SARS THE FIRST TIME TWO YEARS AGO. IT'S NOT GONE. WE HAVE A POTENTIAL BIRD FLU EPIDEMIC IN SOUTHEAST ASIA THAT WITH TODAY'S AIR TRAVEL CAN GO ANYWHERE. WE HAVE THINGS LIKE EVEN A NEW STRAIN OF FLU, LIKE THE SWINE FLU PANDEMIC IN 1918, ALL THESE THINGS ARE REALLY A HIGHER THREAT. AND ONE OF THE WAYS TO PREPARE FOR THOSE IS TO RAISE OUR BASELINE RESPONSIVENESS AT ALL LEVELS BECAUSE THESE ARE THE SAME PERSONNEL, THE SAME EQUIPMENT THAT WE'RE GOING TO USE TO RESPOND TO A DISASTER OF ANY SORT. WE DECREASE OUR VULNERABILITY CONSIDERABLY BY THAT SORT OF APPROACH, AND SO INSTEAD OF DEVOTING LOTS OF MONEY TO VERY FOCUSED TRAINING AND EQUIPMENT PREPARATION SORT OF ON A WORLD -- EXCUSE ME, AN ANTI-TERRORISM APPROACH, WE THINK DO THAT HORIZONTALLY ACROSS THE NETWORK WITH SMALL INCREMENTAL AND ADDITIVE TRAINING AND EQUIPMENT THAT WILL BRING UP OUR ABILITY TO RESPOND TO HAZARDS OF ALL TYPES. AND FINALLY JUST TO STRESS THAT, THAT ALL OF THE PREPARATIONS THAT WE DO SHOULD BE APPROACHED WITH ALL HAZARDS IN MIND AND SHOULD BE THINGS THAT WE CAN INCORPORATE INTO THE DAILY OR WEEKLY RESPONSE TO EMERGENCIES ACROSS THE CITY AND COUNTY, BECAUSE IT IS BY NOTHING -- INCORPORATING THIS KIND OF EQUIPMENT AND TRAINING INTO OUR BASELINE APPROACH THAT IT WILL BE AVAILABLE WHEN WE NEED IT TO RESPOND TO A MASS CASUALTY OR DISASTER. AND WITH THAT I THINK WE CAN OPEN IT UP TO SOME QUESTIONS.

Futrell: I THINK ALSO IN YOUR PACKET, COUNCIL, JUST TO LET

YOU KNOW IN ADDITION TO THE SLIDES, YOU HAVE TWO DOCUMENTS IN THE BACK. YOU HAVE THE TEAM PUT TOGETHER BASICALLY A SUMMARY, A FACT FINDING REPORT FROM THEIR TRIP, WHICH IS THE FIRST DOCUMENT ATTACHED BEHIND YOUR SLIDES, AND THEN BECAUSE I THINK WE ALL FOUND IT VERY FASCINATING, HE KEPT A DIARY WHILE YOU WERE THERE. YOU PROBABLY SAW EXCERPTS OF IT IN THE NEWSPAPER RECENTLY. AND SO THAT IS ALSO ATTACHED IN THE BACK. I THINK YOU WILL FIND SOME INTERESTING OBSERVATIONS THERE ALSO FROM THE TRIP.

Mayor Wynn: QUESTIONS, COUNCIL, COMMENTS? I GUESS A GENERAL QUESTION WOULD BE DO WE ANTICIPATE PERHAPS A SERIES OF ACTION ITEMS OR POTENTIAL RECOMMENDATIONS? WHAT'S THE QUALITY OF FOLLOW-UP NOW TO THIS INFORMATION?

YES, MAYOR, I THINK WE DO. I THINK THE NEXT PHASE OF THE HOT WASHING AND THE AFTER AXE ANALYSIS IS TO GENERATE SOME SPECIFIC ACTION ITEMS IN AREAS WHERE WE THINK WE HAVE THE MOST ROOM TO IMPLEMENT SOME INNOVATIVE SOLUTIONS TO CHALLENGES WE'VE SEEN BEFORE. YOU KNOW, THE VALUE IS -- NOT TO SOUND LIKE WE DON'T HAVE ROOM FOR IMPROVEMENT, BUT WE'VE BEEN VERY LUCKY IN THE SUPPORT THAT THE CITY COUNCIL AND THE CITY MANAGER'S OFFICE HAVE GIVEN TO OUR COMMUNITY AND TO PUBLIC SAFETY TO BE ABLE TO ENHANCE OUR CAPABILITIES HAS LEFT US IN A VERY GOOD POSITION. HOWEVER, I THINK WHAT WE HAVE ALL AGREED UPON IS WHILE OUR CAPABILITIES ARE ALL VERY GOOD, WE'RE NOW AT THE POINT OF TAKING OUR INTEGRATION AND ARE WORKING TOGETHER TO THE NEXT LEVEL, FINDING INNOVATIVE WAYS TO COMBINE STAFF AND TO USE STAFFS EFFECTIVELY IN TEAM ENVIRONMENTS TO BE ABLE TO RESPOND TO ANY TYPE OF INCIDENT IN A MULTIDISCIPLINARY MANNER AT A LEVEL UPON WHERE WE CAN DO IT NOW.

IF I MIGHT MENTION BRIEFLY AS WELL, WE HAVE ALREADY MOVED FORWARD WITH A COUPLE OF PROJECTS ON THE MEDICAL SIDE OF THIS, AND IT IS VERY CENTRAL TO THE SUCCESSFUL RESPONSE THAT THE MEDICAL RESPONSE BE

TIGHTLY LINKED WITH THE PUBLIC SAFETY RESPONSE IN A WAY THAT IT HASN'T ALWAYS IN THE PAST. AND WHAT WE'VE DONE AT THE TRAVIS COUNTY MEDICAL SOCIETY IS WE'VE RESTRUCTURED OUR POSITION CALL BACK ALERT SYSTEM SO THAT WE CAN BRING PHYSICIANS IN EITHER GEOGRAPHICALLY CENTERED TO AN EVENT THAT HAPPENED IN GEORGETOWN AND MIGHT REQUIRE A HOSPITAL IN ROUND ROCK OR NORTH AUSTIN MEDICAL CENTER TO RECEIVE AN INFLUX OF PHYSICIANS TO CARE FOR PATIENTS OR ACROSS THE COMMUNITY. IF WE CAN DO THAT NOW IN A TIERED RESPONSE WITH A HIGH LEVEL OF RELIABILITY. AND GETTING THE RIGHT CARE PROVIDERS TO THE HOSPITALS WHEN THE PATIENTS GET THERE IS GOING TO BE CENTRAL. THE SECOND IS THAT ALL OF THESE POTENTIAL HAZARDS THAT WE MIGHT ENCOUNTER IN THE FUTURE HAVE A DIFFERENT BASELINE AND A DIFFERENT TIME RESPONSE, AND ONE OF THE KEY PIECES IN TERMS OF COMMUNITY VOLUNTEERISM THAT WE'RE BRINGING IS THE COMMUNITY MEDICAL RESERVE CORPS. THAT IS NOW OFF ITS FEET AND INTO ITS INFANCY. IT ENCOMPASSES A GROUP OF RETIRED PHYSICIANS, NURSES WHO AREN'T WORKING IN A DEDICATED HOSPITAL OR CLINIC SETTING RIGHT NOW AND OTHER VOLUNTEERS THAT WILL BE ABLE TO SET UP A TOTAL OF 20 EMERGENCY CLINICS SHOULD WE NEED MASS INOCULATIONS, DISTRIBUTION OF MEDICATIONS AND ALL THAT IS DONE THROUGH COMMUNITY VOLUNTEERISM.

COUNCIL, WHAT I'D LIKE TO ADD IS IN ADDITION TO THOSE COMMENTS, ON A DAILY BASIS WE HAVE OUR POLICE DEPARTMENT, COMMANDER HINKO AND HIS STAFF MONITORING THESE TYPES OF EVENTS. WE HAD A REORGANIZATION IN THE POLICE DEPARTMENT TO BE BETTER POSITIONED, BUT IN ADDITION TO THAT WE HAVE A TEAM OF MANY OF THESE SAME PEOPLE HERE, AN OPERATIONS TEAM THAT WE VERY STRATEGICALLY LOOK AT OUR EQUIPMENT PURCHASES AND TRAINING SO THAT WE CAN CONTINUE TO IMPROVE OUR POSITIONING AND LOOK FORWARD. AND AS FAR AS ACTION ITEMS, I THINK WHAT YOU'LL SEE ARE -- SOME THINGS YOU WON'T SEE ARE THE ONGOING EFFORTS BY OUR STAFF AND THE HIGHEST LEVEL OF MANAGEMENT IN EACH OF THESE DEPARTMENTS. AND YOU'LL SEE THEM AS WE GO TOWARDS THE BUDGET AND

WE TALK ABOUT PERFORMANCE MEASURES AND BUSINESS PLANS, YOU'LL SEE SOME OF THE CHANGES THAT WE PUT IN PLACE THAT WE THINK ARE APPROPRIATE.

Mayor Wynn: SPEAKING OF OPERATIONAL TEAMS, I THINK THE CITY MANAGER HAS SOME RECOGNITION FOR OUR TEAM MEMBERS.

Futrell: AND JUST ONE OTHER QUICK NOTE. ONE OF THE THINGS I WAS FASCINATED BY ON THE TRIP WAS THEIR USE OF VOLUNTEERS IN THE COMMUNITY. AND IF YOU REMEMBER, RIGHT AFTER 9-11 ONE OF THE THINGS THAT OUR POLICE CHIEF PUT IN PLACE WAS A CIVILIAN BATTALION. AND SO ONE OF THE IDEAS I HAVE BEEN FASCINATED BY FROM THE TRIP IS COULD WE EXPAND AND EXPLORE ON THAT IDEA IN OUR OWN COMMUNITY. SO THAT'S ONE OF THE THINGS I'VE TAKEN AWAY FROM THE TRIP THAT WE COULD DO DIFFERENTLY OR BETTER IN OUR COMMUNITY. BUT WHAT I'D LIKE TO DO IS THANK THESE BRAVE SOULS WHO TOOK ON THIS TRIP. I WAS PARTICULARLY PROUD THAT WE WERE ABLE TO SURPRISE THE ISRAELIS BY COMING IN A MULTIDISCIPLINARY TEAM. THAT MADE ME VERY PROUD THAT WE APPROACHED EVERYTHING FROM A MULTIDISCIPLINARY PERSPECTIVE. SO WE HAVE SOME EMPLOYEE CERTIFICATES FOR OUR GROUP HERE. THEY ALL READ, IN THE POST 9-11 WORLD, TERRORISM IS NOT JUST A THREAT, BUT A REALITY. OPERATION PREPARED COMMUNITY, PROJECT MASSADA PARTICIPANTS FACED THAT REALITY AS THEY WORKED AND LEARNED ALONGSIDE THOSE IN ISRAEL WHO FACE THAT WORLDWIDE THEM ME SIS ON A DAILY BASIS. MASSADA MEANS FORTRESS IN HEBREW AND THROUGH THIS TRAINING THE AUSTIN EMERGENCY RESPONDERS HAVE FORTFIDE OUR COMMUNITY BY LEARNING FIRSTHAND ABOUT THREAT ASSESSMENT, PREVENTION, RISK MANAGEMENT AND INTERAGENCY COOPERATION AND COMMUNICATION. YOUR WORK IS NOT ONLY AN EXERCISE FOR DOMESTIC PROTECTION, BUT AN IMPORTANT OUTREACH FOR INTERNATIONAL UNDERSTANDING. WE ARE ALL SAFER. AND I WOULD LIKE TO CALL UP OUR TEAM JUST ONE BY ONE. DR. CROCKER, COME AND THANK YOU. GORDON? GORDON WAS THE LINK LEADER HERE. DOES THAT -- RINGLEADER HERE. DOES THAT SURPRISE

ANYBODY? CHRIS, OUR SPOKESPERSON. DAVID? FROM THE AUSTIN POLICE DEPARTMENT, COMMANDER HINKLE, RICK? DETECTIVE JIM NIELSON FROM THE INTERNATIONAL CRISIS MANAGEMENT, BYRON SAGE. FROM THE AUSTIN FIRE DEPARTMENT, HARRY EVANS, BATTALION CHIEF, SPECIAL OPS. TERRY? HARRY? AND THE MAN WHO PULLED IT ALL TOGETHER, STEVE COLLIER, DIRECTOR OF OUR OFFICE OF EMERGENCY MANAGEMENT. THANK ALL OF YOU ALL. [ APPLAUSE ]

Mayor Wynn: COUNCIL, FURTHER COMMENTS OWE QUESTIONS? IF NOT, THEN ACTUALLY WE HAVE NO MORE DISCUSSION ITEMS PRIOR TO OUR 4:00 O'CLOCK ZONING HEARINGS, SO WITHOUT OBJECTION, WE ARE NOW IN RECESS. THANK YOU.

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THE MEETING OF THE AUSTIN CITY COUNCIL. WE'VE BEEN IN RECESS FOR THE LAST HOUR OR SO. I WILL ANNOUNCE THAT ON OUR AGENDA WE HAD POSTED FOR POTENTIAL EXECUTIVE SESSION ITEMS 44 RELATED TO THE TEXAS 79TH LEGISLATIVE SESSION AND ITEM 45 RELATED TO OUR NORTH AUSTIN SERVICE CENTER. NEITHER CASES WERE TAKEN UP, NOR WILL THEY BE. SO THOSE TWO ARE WITHDRAWN FROM THE AGENDA. WE WILL NOW GO TO THE 4:00 O'CLOCK ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. AND WE'LL WELCOME HIS ALICE -- MS. ALICE GLASGO.

THANK YOU, MAYOR AND COUNCILMEMBERS. ALICE GLASGO OF THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. AND OUR ZONING CASES FOR TODAY IF I CAN GET THIS MICROPHONE TO COOPERATE I WILL BE READY TO GO. ZONING CASES FOR TODAY ARE AS FOLLOWS: WE'LL START OFF WITH THE ITEMS THAT I HAVE ALREADY HAD A PUBLIC HEARING AND THAT PUBLIC HEARING HAS BEEN CLOSED AND THEIR BEFORE YOU FOR APPROVAL OF ORDINANCES. I WILL LET YOU KNOW THAT ITEMS 48 AND 49 WILL BE DISCUSSION. ON ITEM NUMBER 50, CASE C-14-04-0143, RUNDBERG LANE EAST, THIS IS REQUESTED FOR YOU TO APPROVE SECOND AND THIRD READINGS OF AN ORDINANCE AMENDING CHAPTER 25-2 OF THE AUSTIN CITY



CODE TO REZONE PROPERTY LOCATED AT 401 THROUGH 405 EEF LT RUND BERG LANE FROM SINGLE-FAMILY 3 TO GO-CO, WHICH STANDS FOR GENERAL OFFICE WITH A CONDITIONAL OVERLAY. THE NEXT ITEM IS ITEM NUMBER 51. THIS CASE IS C-14-03-125, THE WAGNER TRACT. THE APPLICANT IS REQUESTING A POSTPONEMENT TO FEBRUARY THE 10th OF 2005 IN ORDER TO CONTINUE WORKING WITH THE TEXAS DEPARTMENT OF TRANSPORTATION ON DEDICATION OF A DRAINAGE EASEMENT. THIS CASE WILL BE HELD AT 301 WEST SECOND STREET, THE NEW CITY HALL, LOCATED AT SECOND AND LAVACA STREET, AND WILL BE AT FOUR P.M. ITEMS NUMBER 52 AND 53 BASED ON YOUR CHANGES AND CORRECTIONS WILL NOW BE HEARD AFTER ITEMS Z-33, WHICH THERE WILL NOW BE Z-34 AND Z-35 WHEN WE CONVENE WITH THE 4:00 O'CLOCK PUBLIC HEARINGS. ITEM NUMBER -- I'M SORRY, MAYOR, THAT CONCLUDES THOSE CASES THAT ARE UNDER SECOND AND THIRD READING.

Mayor Wynn: THANK YOU. SO IT LOOKS LIKE THE CONSENT AGENDA WILL BE ITEM NUMBER 50 TO APPROVE ON SECOND AND THIRD READING. AND TO POSTPONE ITEM 51 TO FEBRUARY 10th, 2005. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER DUNKERLEY --

UNTIL FEBRUARY 13TH. I MUST HAVE MS. RED THAT. O.O. MISREAD THAT.

Mayor Wynn: FEBRUARY 13TH?

YES. ISN'T THAT A MEETING DATE? AND THAT WILL BE AT THE NEW CITY HALL AT 301 WEST SECOND, AND 301 WEST SECOND STREET. WE DON'T TYPICALLY -- WE'RE ANNOUNCING THAT EARLY ON FOR CASES THAT WE DO NOT HAVE TO RENOTIFY BECAUSE YOU'VE ALREADY PULLED THE PUBLIC HEARING, SO IT'S ON THE RECORD SO WHERE WE'RE GOING TO HOLD THOSE HEARINGS.

Mayor Wynn: THANK YOU. SO AGAIN, COUNCIL, THE CONSENT AGENDA WILL BE TO APPROVE ON SECOND AND THIRD READING ITEM NUMBER 50 AND TO POSTPONE ITEM NUMBER 51 TO FEBRUARY 13TH, 2005 AT THE NEW CITY HALL. MOTION MADE BY COUNCILMEMBER DUNKERLEY, SECONDED BY THE

MAYOR PRO TEM TO APPROVE CONSENT AGENDA AS READ.  
FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR  
PLEASE SAY AYE.

AYE.

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

OKAY. NOW WE PROCEED TO THOSE ITEMS THAT WE ARE  
HEARING FOR THE FIRST TIME THAT ARE ON CONSENT  
UNDER THE 4:00 O'CLOCK PUBLIC HEARINGS. AND WE START  
OFF WITH ITEM NUMBER Z-1, CASE C-14--H-89-002. THIS  
PROPERTY IS KNOWN AS THE WILLIE WELLS HOUSE  
LOCATED AT 1705 NEWTON STREET. THE EXISTING ZONING  
IS SINGLE-FAMILY 3 NEIGHBORHOOD PLAN. THE REQUEST IS  
TO ADD HISTORIC DESIGNATION TO THE EXISTING ZONING.  
BOTH THE HISTORIC LANDMARK COMMISSION AND THE  
PLANNING COMMISSION RECOMMEND SINGLE-FAMILY 3  
HISTORIC NP. AND THIS CASE IS READY FOR ALL THREE  
READINGS. ITEM NUMBER Z-2, CASE C-14-H-00-2003 AND THE  
PROPERTY IS KNOWN AS THE SUSANA DICK INSON HOUSE  
ON BRUSH SQUARE LOCATED AT 409 EAST FIFTH STREET.  
AND THE REQUEST HERE IS TO CHANGE THE ZONING TO P  
HISTORIC TO PROVIDE FOR AN INDIVIDUAL DESIGNATION OF  
THE SUSANA DICK INSON HOUSE ON BRUSH SQUARE. BOTH  
THE HISTORIC LAND LANDMARK COMMISSION AND THE  
PLANNING COMMISSION COMMISSION RECOMMEND THIS.  
AND IT'S READY FOR ALL THREE READINGS. ITEM Z-3, C-14-H-  
04-10, THIS IS THE ROBINSON-WATT HOUSE. FS FROM  
SINGLE-FAMILY 2 TO SINGLE-FAMILY 2 HISTORIC. THIS HAS  
BEEN RECOMMENDED BY THE HISTORIC COMMISSION AND  
THE ZONING AND PLATTING COMMISSION. THE CASE IS  
READY FOR ALL THREE READINGS. ITEM NUMBER Z-4 C-14-H-  
04-11, THIS IS THE ABY-POTTS HOUSE. THE REQUEST IS TO  
ADD THE HISTORIC DESIGNATION TO THE EXISTING ZONING  
AS RECOMMENDED BY THE LANDMARK COMMISSION AND  
THE PLANNING COMMISSION AND THE CASE IS READY FOR  
ALL THREE READINGS. ITEM NUMBER Z-5, C-14-H-04-12, THIS  
IS THE JUDGE GRAVES HOUSE, 2 GREEN LANE FROM SINGLE-  
FAMILY 3 TO SINGLE-FAMILY 3 HISTORIC AND IS  
RECOMMENDED BY THE LANDMARK COMMISSION AND THE  
ZONING AND PLATTING COMMISSION. AND IS READY FOR ALL

THREE READINGS. ITEM NUMBER Z-6, C-14-H-04-13, THIS IS THE KEITH HOUSE, 2400 HARRIS BOULEVARD FROM SINGLE-FAMILY 3 TO SINGLE-FAMILY 3 HISTORIC, AND WHICH RECOMMENDED BY BOTH COMMISSIONS AND IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-7, CASE C-14-H-074-15, THIS IS THE GREG HOUSE AT 2700 EAST 12TH STREET. THE REQUEST IS TO ADD THE HISTORIC DESIGNATION AND IS RECOMMENDED BY BOTH COMMISSIONS AND THE CASE IS READY FOR FIRST READING ONLY. ITEM NUMBER Z-8, C-14-H-04-16, THE BECKER WILD HOUSE AT 1207 WEST SIXTH STREET. THE REQUEST IS TO ADD THE HISTORIC DESIGNATION WITH THE NP DESIGNATION AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-9, C-14-H-04-17, COSTLY GOINS HOUSE AT 1157 SAN BERNARD STREET FROM SINGLE-FAMILY 3 NP TO SINGLE-FAMILY 3 H-NP AND THIS IS READY FOR FIRST READING ONLY. ITEM NUMBER Z-10, C-14-H-04-18, THE TRAVIS HEIGHTS HOUSE AT 1007 MILAM PLACE. THE CURRENT ZONING IS SINGLE-FAMILY 3. THE CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-11, C-14-H-04-19. STAFF IS RECOMMENDED A POSTPONEMENT TO DECEMBER THE 17 IN ORDER TO RENOTIFY FOR AN -- DECEMBER THE 16TH ITEM NUMBER Z-12, C-14-H-04-20. THE REQUEST IS TO ADD HISTORIC ZONING TO THE EXISTING CS-NP DESIGNATION AND THE CASE IS READY FOR FIRST READING ONLY. ITEM NUMBER Z-13, C-14-H-04-21. THE CURL CROCKETT HOUSE AT 213 WEST 41st STREET. THE CHANGE IS FROM SINGLE-FAMILY 3 NCCP TO SINGLE-FAMILY-H-NCCD. AND THE CASE IS READY FOR ALL THREE READINGS. Z-FOREIGN, THE MAX STARK HOUSE AT 1400 HARDIN AVENUE FROM SINGLE-FAMILY 3 SO SINGLE-FAMILY 3 HISTORIC. THE CASE IS READY FOR ALL THREE READING. ITEM NUMBER Z-15, LOCATED AT THE DELL CURTONOWOTNY HOUSE AT 102 LAUREL LANE. STAFF IS REQUESTING A POSTPONEMENT TO DECEMBER THE 16TH. ITEM ITEM Z-16, THE OLD GOLF CLUBHOUSE. STAFF IS RECOMMENDED A POSTPONEMENT ON THAT ITEM TO DECEMBER THE 16TH ALSO. Z-17, THE WORLEY HOUSE AT 802 EAST 47TH STREET. THE CHANGE IN ZONING IS FROM SINGLE-FAMILY 3 TO SINGLE-FAMILY 3 HISTORIC. THIS CASE IS READY FOR ALL THREE READINGS. ITEM Z-18, CASE C-14-04-124, THE HARRELL ACT NUMBER ONE LOCATED ON SOUTH IH-35 SERVICE ROAD AND SOUTH FIRST STREET. THE

EXISTING ZONING IS INTERIM RURAL RESIDENTIAL. THE APPLICANT IS SEEKING A CHANGE TO GR-MU-CO FOR TRACT 1 A AND CS-CO FOR TRACT 1 B. THAT REQUEST HAS BEEN RECOMMENDED BY THE ZONE AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-19, C-14-04-125, HARRELL TRACT NUMBER 3 LOCATED ON SOUTH FIRST STREET. EXISTING ZONING IS INTERIM RURAL RESIDENCE. THE APPLICANT IS SEEKING MF- 2. IT HAS BEEN RECOMMENDED BY THE ZONING AND PLATTING COMMISSION WITH A CONDITIONAL OVERLAY AND THE CASE IT READY FOR ALL THREE READINGS. ITEM NUMBER Z-20, HARRELL TRACT NUMBER 4 LOCATED ON THE I-35 SERVICE ROAD AND OLD SAN ANTONIO ROAD. THE CHANGE IN ZONING IS FROM INTERIM RURAL RESIDENTIAL TO CS-CO. THE CASE IS READY FOR ALL THREE READINGS AS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION. ITEM NUMBER Z-21, C-14-04-160, HARRELL TRACT NUMBER 5, LOCATED ON SOUTH IH-35 AND OLD SAN ANTONIO ROAD. THE CHANGE IN ZONING IS INTEREST INTERIM RRL RESIDENTIAL TO CS-MU-CO. THE ZONING AND PLATTING COMMISSION RECOMMENDS THE APPLICANT'S REQUEST AND THIS CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-22, CASE C-14-04-56. THE APPLICANT IS REQUESTING A POSTPONEMENT TO DECEMBER THE 16TH, 2004. THIS IS THE APPLICANT'S FIRST REQUEST. ITEM NUMBER Z-23, CASE C-14-04-139. THIS PROPERTY IS LOCATED AT 11,000 EAST HOWARD LANE. THE EXISTING ZONING IS INTERIM RURAL RESIDENTIAL. THE REQUEST IS FOR LI LIMITED INDUSTRIAL TO WHICH THE COMMISSION RECOMMENDS AND ADDS A CONDITIONAL OVERLAY AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-24, CASE C-14-04-146. THIS PROPERTY IS LOCATED AT 10515 NORTH MOPAC EXPRESSWAY. THE EXISTING ZONING IS P PUBLIC. THE APPLICANT IS SEEKING A CHANGE TO CH, WHICH STANDS FOR COMMERCIAL HIGHWAY. THE PLANNING COMMISSION HAS RECOMMENDED THE ZONING CHANGE AND THIS CASE IS READY FOR ALL THREE READINGS. ITEM Z-25, WELLS BRANCH COMMERCE PARK, AND WE DID HAVE A CORRECTION TO NOTE A CORRECTION ON THE SPELLING OF COMMERCE. THE PROPERTY IS LOCATED ON INTERSTATE HIGHWAY 35. THE EXISTING ZONING IS INTERIM SINGLE-FAMILY 2. THE APPLICANT IS SEEKING CS GENERAL

COMMERCIAL SERVICES. THE ZONING AND PLATTING COMMISSION RECOMMENDS CS-CO AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-26, CASE C-14-04-155, THIS CASE IS LOCATED AT 7402 MCNEIL DRIVE AND 7318 SAN FELIPE BOULEVARD. THE CHANGE IS FROM GR-CO TO GR-CO TO MODIFY THE PREVIOUS ZONING AND THIS CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-27, CASE C-14-04-157, THIS PROPERTY IS LOCATED AT 186 POND SPRINGS ROAD. THE CHANGE IN ZONING IS FROM INTERIM RRL RESIDENTIAL TO CS WHICH IS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION AND THIS CASE IS READY FOR ALL THREE READINGS. Z-28, C-14-04-162, LOCATED AT 12885 RESEARCH BOULEVARD. THE CHANGE IN ZONING IS FROM INTERIM RURAL RESIDENCE TO GR. THE CASE IS READY RECOMMENDED BY THE ZONING AND PLATTING COMMISSION FOR GR-CO AND IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-29, CASE C-14-04-63, THE 2222 BUSINESS PARK. THE PROPERTY IS LOCATED AT 10700 RM 2222. THE APPLICANT IS SEEKING IS CHANGE FROM GENERAL OFFICE TO GR-CO.

> ITEM NUMBER 30, C-14-04-152, LOCATED AT 4607 MANCHACA ROAD. THE CHANGE IN ZONING IS FROM SINGLE-FAMILY 3 TO LIMITED OFFICE. THE ZONING AND PLATTING COMMISSION RECOMMENDS LO AND THE CASE IS READY FOR ALL THREE READINGS. ITEMS 3132, 33, 34 AND 35 WILL BE DISCUSSION ITEMS. AND MAYOR, THAT CONCLUDES THE CONSENT ITEMS UNDER THE 4:00 O'CLOCK PUBLIC HEARING. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

Mayor Wynn: ... TO APPROVE CASE Z-10 ON ALL THREE READINGS, TO POSTPONE Z-11 TO DECEMBER 16th, 2004, TO APPROVE ON FIRST READING ONLY Z-12, TO APPROVE ON ALL THREE READINGS, CASES Z-13 AND Z-14, TO POSTPONE TO DECEMBER 16th, 2004, CASES Z-15 AND Z-16, TO APPROVE ON ALL THREE READINGS CASES Z-17, Z-18, Z-19, Z-20 AND Z-21. TO POSTPONE TO DECEMBER 16th, 2004 CASE Z-22, TO APPROVE ON ALL THREE READINGS CASES Z-23, Z-24, Z-25, Z-26, Z-27, Z-28. TO APPROVE ON FIRST READING ONLY, CASE Z-29 AND TO APPROVE ON ALL THREE READINGS CASE Z-30.

Glasgo: THAT'S CORRECT, MAYOR.

Mayor Wynn: THANK, I'LL ENTERTAIN A MOTION, MOTION MADE BY COUNCILMEMBER MCCracken TO CLOSE THE PUBLIC HEARINGS AND APPROVE THE CONSENT AGENDA AS READ. SECONDED BY COUNCILMEMBER THOMAS, FURTHER QUESTIONS?

Thomas: IF I COULD JUST ASK A COUPLE OF QUESTIONS. I HATE TO TAKE YOU ALL THE WAY BACK TO Z-7. MAYBE I NEED TO ASK, ONCE THE OWNER SUBMITS HIS PRESERVATION, THE OFFICER ACCEPTS, COULD YOU EXPLAIN THAT A LITTLE BIT? YOU DID EARLIER, BUT THANK YOU. YES, SIR, MAYOR, MAYOR PRO TEM, CITY COUNCIL, STEVE SADOWSKY, HISTORIC PRESERVATION OFFICE. ITEM Z-7 AND 12 ON FOR FIRST READING ONLY BECAUSE THE CITY IS WORKING WITH THE OWNERS TO COME UP WITH A PRESERVATION PLAN FOR THOSE PROPERTIES BEFORE WE TAKE THE CASE ALL THE WAY THROUGH. THE PROPERTIES ARE BOTH IN FAIRLY DETERIORATED SHAPE AND THE CITY PRESERVATION OFFICE WOULD LIKE TO SEE A STABILIZATION AND PRESERVATION PLAN BEFORE THE CASE GOES ALL THE WAY THROUGH FOR LANDMARK DESIGNATION.

Thomas: HAS THE PROCESS BEEN PRODUCTIVE WITH THE OPENERS?

SO FAR, YES.

Thomas: THANK YOU.

YES, SIR.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? QUESTIONS ON THE CONSENT AGENDA? AS READ? WE HAVE A MOTION AND A SECOND ON THE TABLE. ALL IN FAVOR.

AYE.

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

Glasgo: MAYOR, THAT TAKES US BACK TO ITEMS 48 AND 49 AND MARK WALTERS WILL BE PRESENTING THOSE TWO

ITEMS.

Mayor Wynn: THANK YOU, WELCOME MR. WALTERS. GOOD AFTERNOON, I'M MARK WALTER FROM THE CITY OF AUSTIN NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. I WILL BE PRESENTING AGENDA ITEMS 48 AND 49. AGENDA ITEM 48 IS AMENDING THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN AND ITEM 49 WOULD BE TO IMPLEMENT THE ZONING TO IMPLEMENT THE FUTURE LAND USE MAP OF THE PLAN. THE FIRST ITEM FOR DISCUSSION IS TRACT 34. 1007 WEST 22nd STREET. THE EXISTING ZONING IS MULTI-FAMILY 4 ON FIRST READING AND PC COUNCIL APPROVED SF 3-NP, SECOND READING COUNCIL APPROVED SF-2 CO-NP. BETWEEN SECOND AND THIRD READINGS AND BREAKS TO STAFF'S ATTENTION THAT TRACTS 34 AND 35 WERE ACTUALLY A SINGLE PIECE OF PROPERTY. IF YOU LOOKED TO THE ATTACHMENT A, INCLUDING NO YOUR BACKUP, IT INDICATES HOW THE BUILDINGS AND THE TRACTS WENT ACROSS THAT. WERE NOT -- THE RECOMMENDATION WAS NOT IN LINE WITH WHAT WAS ON THE GROUND AND DUE TO THAT INFORMATION, STAFF IS NOW RECOMMENDING MF 4-CO-NP WITH A HEIGHT LIMIT OF 40 FEET ON TRACT 34. EARLY THIS WEEK THE AGENT FOR THE PROPERTY OWNER, RON THROWER, SUBMITTED A LETTER TO STAFF INDICATING THAT THEY ARE NOW REQUESTING G.O.-MU-CO-NP WITH A LIST OF EXCUSE ME WITH A LIST OF CONDITIONS, THOSE CONDITIONS WOULD BE TO PROPER -- LIMIT THE HEIGHT TO 40 FEET PROHIBIT ART GALLERY, ART WORKSHOP, COMMUNICATION SERVICES, FOOD PREPARATION, COMMUNICATION SERVICE FACILITIES, PERSONAL SERVICES, PRINTING AND PUBLISHING SERVICES COUNSELING SERVICES, CULTURAL SERVICES, MAINTENANCE AND SERVICE FACILITIES AND SAFETY SERVICES AND ACCORDING TO THE -- AN E-MAIL I RECEIVED FROM THE NEIGHBORHOOD THAT THE NEIGHBORHOOD IS OPPOSED TO THIS REQUEST AND WISHES THAT THE MF 4 BE ON BOTH TRACTS. AGAIN TRACT 35, COUNCIL P.C. APPROVED ON FIRST READING. MF 4 CO-NP WITH A HEIGHT LIMIT OF 40 FEET. AND SECOND READING THE SAME AND STAFF IS RECOMMEND THANK FOR THIRD READING THE MF 4 CO-NP WITH A HEIGHT LIMIT OF 40 FEET BE FOR TRACT 35. THE PROPERTY OWNER AND THE PROPERTY OWNER'S

AGENT INDICATED THAT THE SAME REQUEST FOR BOTH OF THESE PROPERTIES BECAUSE THEY ARE -- THEY ARE A SINGLE UNIT PIECE OF PROPERTY, EVEN THOUGH THEY COMPOSE THREE TRACTS WITH STRUCTURES FACING OPPOSITE STREETS. ONE FACES 22nd WHEREAS THE LARGER STRUCTURE FACES ROBBINS PLACE, BUT IT'S A SINGLE PIECE OF PROPERTY. FLR REPRESENTATIVES FROM THE NEIGHBORHOOD AND PROPERTY OWNER HERE. IF YOU HAVE ANY QUESTIONS OF THEM, IF NOT I WILL BE HAPPY TO ANSWER ANY QUESTIONS AT THIS TIME. THANK YOU, MR. WALTERS, QUESTIONS, COUNCIL? COMMENTS? IF NOT I'LL ENTERTAIN A MOTION ON ITEMS 48 AND 9. WE ARE TALKING ABOUT TRACT 34 AND 35 IN THE WEST UNIVERSITY NEIGHBORHOOD PLAN.

OH, AND -- MAYOR, DEPENDING ON WHICH -- WHICH ZONING THAT IS DECIDED UPON, MULTI-FAMILY LAND USE WOULD BE NEEDED FOR THE STAFF RECOMMENDATION AND OFFICE MIXED USE LAND USE DESIGNATION WOULD BE NEEDED FOR THE PROPERTY OWNERS' REQUEST.

REMINDED THE LAND USE DESIGNATION WOULD BE IN ITEM NO. 38.

FOR TRACTS 34 AND 35. FOR THE NEIGHBORHOOD PLAN STAFF RECOMMENDATION IT WOULD BE MULTI-FAMILY, FOR THE PROPERTY OWNER'S RECOMMENDATION IT WOULD BE OFFICE MIXED USE.

IF I'M READING THIS CORRECTLY, TRACT 34, FOR SOME REASON, WE ARE SHOWING FUTURE LAND USE PLAN AS SINGLE FAMILY?

YES. THAT -- THAT'S -- THAT SHOULD HAVE BEEN ADJUSTED TO SAY MULTI-FAMILY, IT WAS AN ERROR.

Mayor Wynn: WHAT DID WE APPROVE ON SECOND READING?

SINGLE FAMILY. THAT WAS DUE TO THE INFORMATION THAT WAS RECEIVED SUBSEQUENT TO SECOND READING THAT WE CHANGED OUR RECOMMENDATION.



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

Alvarez: TO THESE ARE VACANT LOTS OR WHAT?

THE TRACT 34 IS A DUPLEX, TRACT 35 IS AN EXISTING FRATERNITY HOUSE. AND WHEN WE INITIALLY DREW UP THE TRACT MAP, WE DIDN'T -- THROUGH AN OVERSIGHT WE DIDN'T RECOGNIZE ONE OR THE OTHER AS SEPARATE. BUT 34 IS ONE PIECE OF PROPERTY, 35 IS ANOTHER PIECE OF PROPERTY, BUT IN REALITY IT'S A SINGLE UNIFIED PIECE OF PROPERTY. SO IN ORDER TO KEEP THE ZONING CONSISTENT, STAFF ALTERED THEIR RECOMMENDATION FOR MANUFACTURE 4 CO-NP -- MF 4 CO-NP.

Alvarez: FOR BOTH?

FROM THE SF 3 CO-NP INITIALLY. COPENHAGEN.

PAST RECOMMENDATION IS --

IT'S MF 4 CO-NP.

THE HIGHLIGHTED PART.

THE CENTER BAR ON THE MOTION SHEET, COUNCILMEMBER.

Alvarez: THAT IS A SINGLE FAMILY STRUCTURE?

IT IS A DUPLEX, BUT THE PIECES OF PROPERTY ARE -- 34 AND 35 ARE A SINGLE PIECE -- ARE ON ONE PIECE OF PROPERTY EVEN THOUGH IT INCLUDES THREE SEPARATE LOTS. THE PIECES OF PROPERTY CROSS THE ORIGINAL SUBDIVISION LOTS.

Alvarez: OH, I SEE, I REMEMBER THIS CASE NOW.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? WE HAVE REPRESENTATIVES FROM THE OWNER REPRESENTATIVE AND NEIGHBORHOOD REPRESENTATIVES HERE. IF NOT I'LL ENTERTAIN A MOTION. COUNCILMEMBER DUNKERLY?

Dunkerly: I WOULD MOVE APPROVAL OF -- MOVE APPROVAL ON THE STAFF RECOMMENDATION ON TRACT 34 INCLUDING

THE SINGLE FAMILY DEPOSITION -- THE MULTI-FAMILY DESIGNATION ON LAND USE. AND ON TRACT 35, THE STAFF RECOMMENDATION.

MOTION MADE BY COUNCILMEMBER DUNKERLY ON TRACT 34 TO CHANGE THE FUTURE LAND USE DESIGNATION TO MULTI-FAMILY AND TO APPROVE ON THIRD READING THE ZONING MF 4 CO-NP WITH A HEIGHT LIMITATION OF 40 FEET, ON TRACT 35 TO APPROVE ON THIRD READING ZONING MF 4 CO-NP AGAIN WITH A HEIGHT LIMITATION OF 40 FEET.

SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER MCCracken. FURTHER COMMENTS?

Mayor Wynn: HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THE NEXT AGENDA ITEMS ASSOCIATED WITH -- ASSOCIATED WITH 48 AND 49 IS TRACT 80 A, EARLIER THIS WEEK I RECEIVED A POSTPONEMENT REQUEST BY THE PROPERTY OWNERS AGENT, MS. MIKHAIL MEADE TO POSTPONE IT UNTIL 1-13-05, IF COUNCIL SO CHOOSES TO POSTPONE IT TO THAT DATE, THIS MEETING WILL BE HELD AT THE NEW CITY HALL AT 301 WEST 2nd STREET. THERE ARE REPRESENTATIVES FROM BOTH THE NEIGHBORHOOD AND PROPERTY OWNER HERE IF YOU HAVE ANY QUESTIONS OF THEM. IF NOT I'LL BE HAPPY TO ANSWER ANY QUESTIONS AT THIS TIME.

Mayor Wynn: THANK YOU, MR. WALTERS, QUESTIONS, COUNCIL? COMMENTS? MR. WALTERS, DO YOU KNOW -- THIS IS AN OWNER'S REQUEST. IS THE NEIGHBORHOOD -- DOES THE NEIGHBORHOOD HAVE A PROBLEM WITH THE POSTPONEMENT?

THEY ARE BOTH IN AGREEMENT WITH THE POSTPONEMENT REQUEST.

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

Thomas: SO MOVE FOR THE POSTPONEMENT.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS, I'LL SECOND THE POSTPONEMENT ON TRACT 80 A IN THE WEST UNIVERSITY NEIGHBORHOOD PLAN TO JANUARY 13th, 2005 AT THE NEW CITY HALL. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU, THAT CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU MR. WALTERS, COUNCIL I APOLOGIZE. EARLIER I JUMPED THE GUN SLIGHTLY. ON THE LENGTHY CONSENT AGENDA ON OUR ZONING CASES WE DID HAVE ONE ZONING CASE, ZONING CASE Z-30 WHERE WE HAVE HAD A SINGLE CITIZEN SIGNED UP WISHING TO SPEAK IN OPPOSITION. WE NORMALLY DON'T TAKE TESTIMONY FROM FOLKS WHO ARE SIGNED UP IN FAVOR OF CASES THAT ARE GOING TO BE APPROVED ON THE CONSENT AGENDA, WE HAD A NUMBER OF THOSE. BUT OUR CUSTOM CERTAINLY IS TO LET SOMEBODY SPEAK WHO IS IN OPPOSITION TO SOMETHING THAT IS PROPOSED TO BE PASSED. IF MR. BRYAN HEBERT, IS STILL HERE, I WOULD WELCOME YOU. YOU HAVE THREE MINUTES, BASED ON YOUR TESTIMONY OR COUNCIL COMMENTS THERE MAY BE A VOTE TO RECONSIDER.

THANKS, MAYOR FOR RESURRECTING THAT. I'M BRYAN HEBERT, I REPRESENT THE WESTERN NEIGHBORHOOD TRAILS ASSOCIATION. I'M NOT JUST SPEAKING ON MY OWN BEHALF BUT ON BEHALF OF THE 500 HOUSES THAT I REPRESENT FOR THE ASSOCIATION. WE ARE THE PROPERTY IF THE LOOK AT THE CASE THERE, WE ARE THE PROPERTY DIRECTLY ACROSS THE STREET FROM THE PROPOSED REZONING, TO REFRESH YOU ALL'S MEMORY, THIS IS 4607 MANCHACA. FIRST A COUPLE OF CONCERNS THAT I WANTED TO EXPRESS ABOUT THE NOTICE PROVIDED. CHIEF BEING THE ASSOCIATION DID NOT RECEIVE NOTICE IN THE MAIL OF

THE ZONING COMMISSION HEARING. WE DID RECEIVE NOTICE OF THE APPLICATION. EVEN IF THAT WAS SOME SORT OF MIXUP, IT'S ALSO TROUBLE THERE'S NO NOTICE POSTED ON THE PROPERTY AT 4607 MANCHACA AS I BELIEVE IS REQUIRED BY CITY GUIDELINES, AT LEAST THOSE AVAILABLE TO ME. THOSE ARE A COUPLE OF THINGS THAT I WANTED TO EXPRESS OF CONCERNS OF OURS BEFORE GETTING INTO THE SUBSTANCE OF THE OPPOSITION. SUBSTANTIVELY, THE OPPOSITION THAT WE HAVE IS I THINK AT LEAST IN THREE CASES WHAT IS COMMON OF MOST OPPOSITIONS TO ZONING. TRAFFIC WHAT'S GOING TO BE GENERATED BY THIS, WHAT THAT MEANS FOR THE SURROUNDING NEIGHBORHOODS, THE ENVIRONMENTAL CONCERNS OF INCREASED TRAFFIC AND TRAFFIC POLLUTION, AND IMPERVIOUS COVER AND IT'S LESS THAN A MILE AWAY FROM WILLIAMSON CREEK AND FINALLY THE CHARACTER OF THE NEIGHBORHOOD AND WHAT INCREASING ENCROACHMENT FROM BUSINESS OFFICES DOES TO THE CHARACTER OF THE NEIGHBORHOOD. IN THIS CASE THE NEIGHBORHOOD THAT'S BEEN IN PLACE FOR OVER 50 YEARS, BOTH IN OUR ASSOCIATION AND THOSE HOUSES IN THE NEIGHBORHOOD DIRECTLY EAST OF THE PROPOSED REZONING. MY FEAR IS THAT THIS BUSINESS DISTRICT THAT IS FORMING ALONG BEN WHITE DOWN MANCHACA IS CREEPING FURTHER AND FURTHER INTO THE - - INTO THE NEIGHBORHOODS. BOTH MY OWN AGAIN AND ACROSS THE STREET. BEHIND THE PROPOSED REZONING. SO THOSE ARE CONCERNS THAT YOU HEAR EVERY DAY. THE OTHER CONCERNS THAT I WANTED TO POINT OUT, THAT ARE CHIEF CONCERNS. ONE IS A QUESTION OF ALTERNATIVES. THERE ARE EXISTING SPACES FOR BUSINESS USE AND FOR OFFICE USE IN THE NEIGHBORHOOD. JUST ACROSS THE STREET THERE ON PACK SADDLE PASS AND BEN WHITE THERE ARE OFFICES WITH FOR LEASE SIGNS IN THE WINDOW, SO TO REZONE A PROPERTY THAT IS CURRENTLY A HOME TO BE AN OFFICE USE IS A CONCERN OF OURS. AND AS WAS POINTED OUT BY MS. DAVIS AT THE ZONING COMMISSION HEARING, DOCTOR'S OFFICES IN PARTICULAR, WHICH THIS IS GOING TO BE, GENERATE THE MOST TRAFFIC AMONG OFFICE USES. SO THOSE ARE RULE CONCERNS OF OURS, ESPECIALLY CONSIDERING THERE ARE ALREADY SPACES AVAILABLE IN THE NEIGHBORHOOD OR NEAR THE

NEIGHBORHOOD THAT ARE ZONED FOR THIS SORT OF THING. THE FINAL POINT THAT I WANT TO MAKE, I THANK YOU AGAIN FOR YOUR TIME, FOR SAVING US FROM THE PILE BEHIND YOU. IS THAT THE JUSTIFICATION FOR THIS REZONING AND THE PRECEDENT IT SETS FOR FUTURE APPLICATIONS. AT THE ZONING COMMISSION HEARING THE MAIN POINT SEEMED TO BE THAT WHILE THE PROPERTY IMMEDIATELY TO THE NORTH WAS ALREADY ZONED FOR OFFICE SO THAT MAKES IT BETTER CASE TO THIS REZONING [BUZZER SOUNDING] OF COURSE BY THAT LOGIC YOU WOULD NEVER STOP REZONING. UM ... THE NEIGHBORHOOD ASSOCIATION'S MAIN FEAR IS THAT THIS SORT OF THEY DID IT, NO, WE CAN, TOO, WILL CONTINUE CLOSER AND CLOSER INTO THE NEIGHBORHOOD. PARTICULARLY SINCE THERE'S A LARGE REZONING CASE DIRECTLY ACROSS THE STREET FROM THE CASE IN FRONT OF YOU. IF ONE OR BOTH OF THESE IS APPROVED, AGAIN THE CONCERNS THAT I CITED EARLIER ABOUT THE CHARACTER OF THE NEIGHBORHOOD, INCREASED ENVIRONMENTAL AND TRAFFIC CONCERNS, THOSE WILL GROW INTO BIGGER PROBLEMS. SO MY FEAR IS THAT AGAIN, THE ASSOCIATION'S FEAR IS THAT WE WILL CONTINUE TO REZONE INTO NEIGHBORHOODS THAT HAVE BEEN THERE FOR MUCH LONGER THAN THESE BUSINESS DISTRICTS HAVE BEEN AND MY FEAR IS THAT WITHOUT THINKING ABOUT WHAT THIS DOES TO THE NEIGHBORHOODS, WE WILL CONTINUE TO DO IT AND THEN IT WILL BE TOO LATE TO SAVE THE NEIGHBORHOODS. WITH THAT THE NEIGHBORHOOD ASSOCIATION RESPECTFULLY REQUESTS THAT YOU RECONSIDER AND OPPOSE THE APPLICATION.

Mayor Wynn: THANK YOU. WOULD YOU POINT TO THE SPECIFIC TRACT ON THIS MAP.

[INAUDIBLE - NO MIC] NORTH HERE CURRENTLY ZONED OFFICE, EVERYTHING SOUTH AND BACK IS [INDISCERNIBLE] DIRECTLY ACROSS THE STREET IS FAMILY. THERE'S CURRENTLY A STREET HERE, SIM RON, CIMMARON, EVERYTHING NORTH OF THAT IS OFFICE, EVERYTHING SOUTH AS OF MOW IS SINGLE FAMILY RESIDENTIAL. THIS BEING THE FIRST BIG RESIDENTIAL LOT SINCE I'VE BEEN IN THE NEIGHBORHOOD TO FLIP TO BUSINESS ZONING IS A BIG

CONCERN FOR US.

Mayor Wynn: THANK YOU, SIR. MS. GLASGO COULD YOU SPEAK BRIEFLY TO THE POSTING QUESTION, MR. HERBERT ALLUDED TO, THE TECHNICALITY OF THE SIGNAGE ON THE PROPERTY ITSELF AND WHAT WAS THE POSTING AND NOTICE PROVISION?

Glasgo: SURE. WHAT WE TYPICALLY DO IS A SIGN IS POSTED, OUR CODE ENFORCEMENT INSPECTORS WERE OUT THERE TO TAKE THE SIGNS AND POST THEM, THEY DON'T ALWAYS STAY. THE CODE REQUIRES THAT YOU POST THE SIGN BUT WHEN YOU HAVE WINDS AND IT'S -- THEY DON'T ALWAYS STAY PERMANENTLY. BUT THAT'S WHY WE HAVE ALL OF THE OTHER NOTICE THAT'S YOU POST THE SIGN ON THE PROPERTY AND WE KNOW THAT THEY DON'T ALWAYS STAY, BUT THAT IS DONE ROUTINELY, ONCE THE CASES ARE FILED THE SIGNS ARE POSTED ROUTINELY. WE DO REALIZE THEY DON'T ALWAYS STAY PERMANENTLY, THEY ARE NOT INTENDED TO STAY THERE PERMANENTLY. HENCE THE FOLLOW-UP WITH THE WRITTEN NOTICE THAT GOES OUT TO EVERY PROPERTY OWNER WITHIN 300 FEET AND EVERY REGISTERED NEIGHBORHOOD ASSOCIATION. OUR RECORDS INDICATE THAT THIS ASSOCIATION DID -- THAT WE SENT NOTICE OUT TO THE ASSOCIATION FOR THE PLANNING COMMISSION AND THE CITY COUNCIL AND HE DID ADMIT THEY GOT NOTICE FOR THE COUNCIL MEETING. SECONDLY WE NOTIFIED SEVERAL NEIGHBORHOOD ASSOCIATIONS -- WE NOTIFIED SIX ASSOCIATIONS THAT CLAIM THIS AREA TO BE PART OF THEIR BOUNDARIES. BUT NOT -- THAT GOT NOTICES. AND I WOULD LIKE TO INDICATE THAT THE ZONING AND PLATTING COMMISSION AND STAFF FOR THIS ZONING CHANGE IS APPROPRIATE GIVEN THE PRECEDENT OF THE ZONING THAT EXISTS TO THE NORTH, THAT IT APPEARS TO BE APPROPRIATE FOR THIS LOCATION.

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

I THINK HE DOES HAVE A LEGITIMATE POINT BECAUSE THERE IS PRESSURE FOR THE SOUTH, TOO, ON MANCHACA, THAT'S GR. THERE'S L.R., I THINK. SO THE GAP BETWEEN THE TWO IS NARROWING AND ON THAT BASIS I WOULD MOVE TO

RECONSIDER. I THINK MORE STUDY NEEDS TO GO INTO THIS. IF WE ARE -- IF WE ARE READY TO -- TO TALK ABOUT UPZONING.

MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER SLUSHER TO RECONSIDER ZONING CASE Z-30.

Slusher: MAYOR, THIS IS NOT AS MUCH ON THE RECONSIDER IT IS THE MERIT OF IT. IT IS TRUE THAT FURTHER DOWN HERE I'M TRYING TO FIND IT ON THE MAP IN THE BACKUP THING. A LITTLE BIT FURTHER DOWN, THERE HAS BEEN SOME NEW RESIDENTIAL PUT ON -- PUT IN RIGHT NEXT TO MANCHACA THAT DOES WORK VERY WELL. I DO WISH THEY WOULD HAVE CUT THE STREET THROUGH AS JUST A CUL DE SAC THERE WITHOUT EVEN A CURB CUT. I'M FAMILIAR WITH THIS. I WOULD AGREE WITH THE MAYOR PRO TEM THAT THIS NEEDS FURTHER STUDY.

THANK YOU, FURTHER COMMENTS? MOTION AND A SECOND ON THE TABLE TO JUST RECONSIDER ZONING CASE Z-30. ALL IN FAVOR? PLEASE SAY AYE. OPPOSED? MOTION TO RECONSIDER PASSES ON A VOTE OF 7-0.

MAYOR I WOULD LIKE TO INDICATE THAT THE AGENT JIM BENNETT MUST HAVE LEFT THINKING THAT THE CASE WAS CONCLUDED.

Mayor Wynn: I WAS CONCERNED ABOUT THAT. MY MOTION WOULD BE TO POSTPONE UNTIL NEXT WEEK, DECEMBER 16th.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER SLUSHER TO POSTPONE THIS CASE, TAKE UP AS A PUBLIC HEARING THIS CASE Z-30 TWO WEEKS TO DECEMBER 16th, 2004. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

YOU.

I BELIEVE, MAYOR, THAT TAKES US TO I BELIEVE OUR NEXT DISCUSSION ITEM SHOULD BE THE --

Mayor Wynn: THE FIRST --

Glasgo: THE CASE ON RIVERSIDE DRIVE.

Z-31?

Glasgo: YES. Z-31 IS OUR NEXT DISCUSSION ITEM. FOLLOWED BY THE CHAMPION CASES LATER. MR. GUERNSEY IS GOING TO MEANTPRESENT Z-31. GUFERB

Guernsey: OUR NEXT ITEM IS Z-31, C14-04-0030. TIME INSURANCE COMPANY, HENG AT 1405 AND 1415 EAST RIVERSIDE DRIVE. THIS IS A REZONING REQUEST FROM L.O. AND SF 3 TO GR-MU ZONING. THE PLANNING COMMISSION VOTED TO DENY THE REQUEST OF GR-MU ZONING. ON THE DAIS I HAVE A HAND OUT THAT I PROVIDED YOU ON YELLOW PAPER. KIND OF GIVES A SUMMARY OF THE REQUEST. THE STAFF RECOMMENDATION AND THE PLANNING COMMISSION RECOMMENDATION. AND THE COMMISSION DID NOT NECESSARILY DENY IT IN THE SENSE THAT WHEN THEY DENIED IT THEY ALSO SAID THEY NOTED THAT THE PLANNING COMMISSION WILL CONSIDER A REZONING REQUEST THAT PROVIDES A MORE SENSITIVE DEVELOPMENT AND ENCOURAGES DIALOGUE BETWEEN THE DEVELOPER AND THE NEIGHBORHOOD DURING THE NEIGHBORHOOD PLANNING PROCESS, WHICH IS CURRENTLY UNDERWAY IN THIS AREA. THEY WANTED TO MAKE SURE THAT THEY NOTED THAT THERE WAS SOME DISSENSION AND THE VOTE WAS 5-3. AS I MENTIONED BEFORE, THIS IS A REZONING REQUEST FROM L.O. AND SF 3 TO GR-MU. WE DO HAVE A VALID PETITION THAT'S BEEN FILED. BY ADJACENT PROPERTY OWNERS THAT ARE IN OPPOSITION TO THIS REZONING REQUEST. THEY HAVE RAISED CONCERNS THAT DEAL WITH VIEWS TO THE NORTHWEST FROM THE SOUTHERN PORTION OF THIS PROPERTY. THE ELEVATION ON THE ATTACHMENT THAT I ALSO GAVE YOU GIVES YOU A LITTLE BIT BETTER IDEA OF THE ELEVATION AND WHERE THE PROPERTY IS LOCATED AND THE HOMES THAT ARE HYPED IT



ACTUALLY SIT -- BEHIND IT ACTUALLY SIT AND OVERLOOK THIS PROPERTY. THERE'S A DESIRE FOR OWNER OCCUPANCY ON THIS PROPERTY. THERE ARE CONCERNS FOR TRAFFIC SAFETY. AND THE VOLUMES OF TRAFFIC NEAR THE CAUTION OF SUMMIT AND EAST RIVERSIDE DRIVE. ALSO THE HOURS OF OPERATION FOR A COMMERCIAL MIXED USE DEVELOPMENT. AND THERE WAS A DESIRE BY MANY RESIDENTS, I THINK, THAT WHEN THE ZONING WAS ESTABLISHED BACK IN THE LATE 80s THAT IT BE MAINTAINED ON THE PROPERTY. THE ADJACENT PROPERTIES IN THIS AREA ARE -- AS I MENTIONED BEFORE, SINGLE FAMILY HOMES TO THE SOUTH, WHICH ARE SF 3 AND TO THE EAST ARE SF 3, THERE'S SOME CF TO THE EAST. TO THE WEST IS AN EXISTING G.R.-M.U. TRACT WHICH IS ON THE SAME ELEVATION AS THE MOST WESTERN PORTION OF THIS PROPERTY AND IT'S UNDEVELOPED. TO THE NORTH ACROSS EAST RIVERSIDE DOWN IS A HOTEL AND SOME UNDEVELOPED TRACTS AND APARTMENTS. THE APPLICANT IS HERE TO MAKE A PRESENTATION AND I BELIEVE THERE ARE SOME RESIDENTS HERE ALSO TO SPEAK IN OPPOSITION TO THIS REQUEST. IF YOU HAVE QUESTIONS I WILL BE MORE THAN HAPPY TO ANSWER THEM AT THIS TIME.

THANK YOU, MR. GUERNSEY. WE WILL PROBABLY SAVE THOSE UNTIL AFTER WE HEAR FROM THE CITIZENS. AGAIN OUR FORMAT IS THAT WE WILL HAVE A FIVE MINUTE PRESENTATION FROM THE APPLICANT FOLLOWED BY CITIZENS SIGNED UP IN FAVOR OF THE ZONING CASES. CASE. AND THEN HEARING FROM CITIZENS IN OPPOSITION TO THE ZONING CASE AND THEN THE APPLICANT WILL HAVE A -- ONE 3-MINUTE REBUTTAL. AT THIS TIME WE WILL CALL UP THE APPLICANT AND/OR THE AGENT.

MAYOR, MEMBERS OF THE COUNCIL, MY NAME IS RON THROWER REPRESENTING TIME INSURANCE. WE HAVE A VERY UNIQUE SITUATION ON OUR HANDS HERE. I THINK ALL OF US ARE KIND OF EMBROILED IN THIS UNIQUE SITUATION. WE HAVE A -- WE HAVE A TRACT OF LAND THAT IS LOCATED AT TWO MAJOR ARTERIALS. WE HAD APPLIED FOR FWR-MU ZONING AS THE COUNCIL IS AWARE. GR-MU. WE PRESENTED THIS CASE WITH THE PLANNING COMMISSION AND AT THAT TIME THE PLANNING COMMISSION FIRST OF ALL MADE IT CLEAR THAT -- THAT SF 3 ZONING ON THE PROPERTY WAS

NOT APPROPRIATE ZONING. UNFORTUNATELY THIS PROPERTY IS CURRENTLY ZONED SF-3. OUR APPLICATION FOR GR-MU WAS DENIED WITH THE PLANNING COMMISSION. AS SUCH I DON'T BELIEVE THE PLANNING COMMISSION MADE A CLEAR INDICATION TO THE COUNCIL OR NEIGHBORS OR EVEN TO US WHAT THE PROPERTY SHOULD BE PROPERLY ZONED. I'M ASKING THAT THE COUNCIL RESPECTFULLY CONSIDER THAT THIS PROJECT GET SENT BACK TO THE PLANNING COMMISSION FOR RECONSIDERING SO THAT THE PLANNING COMMISSION CAN VIEW THE PROPERTY FROM A STANDPOINT OF PLANNING PRINCIPLES. I TALKED TO SEVERAL MEMBERS OF THE PLANNING COMMISSION AND THEY DESIRE FOR THIS PROJECT TO COME BACK TO THE PLANNING COMMISSION. THEY WOULD LIKE TO SET UP A SUBCOMMITTEE TO HELP MY LANDOWNER AND THE NEIGHBORS FIND A SOLUTION FOR THE PROPER ZONING OF THIS PROPERTY. AND I'LL LEAVE MY PRESENTATION AT THAT FOR NOW.

THANK YOU, MR. THROWER. WELCOME NOW TAKE UP CARDS FOR FOLKS WHO SIGNED UP IN OPPOSITION TO THE ZONING CASE. PEGGY MAYNARD NOT WISHING TO SPEAK, AGAINST. ALTHOUGH MAYBE PERHAPS PEGGY IS WANTING TO DONATE TIME TO HENRY FLORES, IS HE HERE? ALSO, HENRY, IS PEGGY MAYNARD HERE?

PERCY.

PERCY, SORRY. HOW ABOUT MARGARET MAYNARD?

THEY SHOWED UP TO FILE THEIR CARDS AND -- AGAINST THE PROPOSAL.

Mayor Wynn: BUT OUR RULES MR. FLORES IS THAT THE PERSON DONATING TIME NEEDS TO BE PRESENT IN THE CHAMBER IN ORDER TO DO SO. BUT YOU CERTAINLY HAVE YOUR THREE MINUTES.

OKAY.

WELCOME, SIR.

I HAVE SOME WRITTEN COMMENTS.

MAYOR AND COUNCIL, THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY. MY NAME IS HENRY FLORES, I LIVE AT 1101 [INDISCERNIBLE] STREET AUSTIN, TEXAS, 78741, I WILL START MY SCMENTS BY SAYING THAT I -  
- THAT WE HAVE BEEN NOT ADVISED OF THIS MOTION TO SEND IT BACK TO THE PLANNING COMMISSION AND MY INITIAL PERSPECTIVE IS THAT REQUEST SHOULD BE DENIED AND WE SHOULD PROCEED WITH THIS AND HONOR THE DECISION BY THE PLANNING COMMISSION TO DENY THE ZONING REQUEST. BUT I'LL CONTINUE. MY WIFE KIM AND I LIVE NEXT DOOR TO THE LOTS PROPOSED FOR REZONING. WE HAVE LIVED THERE FOR NINE YEARS. WE AND OTHER NEIGHBORS OPPOSE THE REZONING ON THESE LOTS TO GR-MU DUE TO THE INTENSE NATURE OF THE PROJECT PROPOSED, FOR THIS NARROW SLOPING LOT AND THE ADVERSE IMPACT THAT WE THINK IT WILL HAVE ON MY HOME AND THAT OF MY NEIGHBORS. AS PROPOSED, THE -- THE DEVELOPMENT PROJECT WILL OVERWHELM A VIABLE EXISTING NEIGHBORHOOD BY PUTTING GR-MU RIGHT NEXT TO SF-3 HOUSING. ONE LOT, THE L.O. LOT IS ALREADY USED AS AN OFFICE AND A SITE PLAN FOR THIS LOT WAS APPROVED IN 1987. GR-MU IS INAPPROPRIATE AS IT WOULD ALLOW HIGH DENSITY NEXT TO SINGLE FAMILY RESIDENCES AND IT WOULD -- THAT WOULD NOT BE A GOOD USE OF HIGH DENSITY DEVELOPMENT NEXT TO SINGLE FAMILY HOMES. AS A AS A MATTER OF FACT, I LIVE RIGHT NEXT TO THESE PROPERTIES AND THE PROPOSED ZONING WOULD WRAP AROUND MY HOME AND MY BACK YARD. GR-MU WOULD ALSO BE INAPPROPRIATE AS IT NOT ONLY ABUTS MY HOUSE, BUT FIVE OTHER PROPERTIES. SO IN EFFECT GR-MU WOULD BE SNEAKING INTO THE NEIGHBORHOOD BY THE SF 3 LOTS. WE WOULD HAVE THE -- WE WOULD HAVE GR-MU ZONING RIGHT ON MY HOUSE AND THE BACK YARDS OF MY NEIGHBORS AND IT WOULD BE CLOSER TO ENDANGER GEL WOOD -- TO ENGLEWOOD AND [INDISCERNIBLE] STREETS THAN MY DRIVE. THERE'S SOMETHING SPECIAL ABOUT MY NEIGHBORHOOD. IT WAS BUILT IN THE 40s. SOME OF THE HOUSES WERE BUILT BEFORE THE '40S. IT'S KIND OF A LITTLE COVEY OF HOUSES THAT REMAINS IN A RATHER OVERGROWN AREA OF TOWN WITH MULTI-FAMILY HOUSING

AND COMMERCIAL AREA. THIS IS THE EAST -- YOU PROBABLY RECOGNIZE THE EAST RIVERSIDE ADDRESSES, BUT FOR THOSE OF YOU THAT ARE MORE FAMILIAR, IF YOU GO UP THE HILL, THAT'S WHERE WE LIVE, AND THE PUBLIC INTEREST WOULD BEST BE SERVED IF THE EXISTING ZONING REMAINS JUST AS IT IS TODAY. THIS WOULD ALLOW L.O. WOULD ALLOW FOR THE OWNER OF THE PROPERTY TO DEVELOP IT, BUT SF-3 WOULD CONTINUE TO ALLOW FOR AN INTEGRAL PART OF A NEIGHBORHOOD PROCESS. I WOULD LIKE -- I THINK I'M RUNNING OUT OF TIME. I WOULD LIKE TO CLOSE. I WOULD LIKE TO SHARE WITH YOU A QUOTE FROM A LETTER THAT MR. SHULER THE OWNER WROTE ON NOVEMBER 17th. ESSENTIALLY WHAT HE SAYS IS WHY MUST WE CONTINUE TO ALLOW FOR COMMERCIAL PROPERTIES TO DICTATE AND RULE OVER RESIDENTIAL PROPERTIES WHEN RULES ARE IN PLACE TO HELP PROTECT RESIDENT SHAM PROPERTIES? I AGREE WITH -- RESIDENTIAL PROPERTIES. I AGREE WITH MR. SHULER'S SENTIMENTS. THE RESIDENTIAL IMPACT IS ADVERSE AND THE COMMERCIAL ZONING SHOULD NOT BE ALLOWED. THANK YOU VERY MUCH, I WILL TAKE YOUR QUESTIONS IF YOU HAVE ANY.

Mayor Wynn: THANK YOU, MR. FLORES. OUR NEXT SPEAKER IS TONY HOUSE. WELCOME, YOU'LL HAVE THREE MINUTES FOLLOWED BY ORTUSE OHINIAN.

THANK YOU FOR THE OPPORTUNITY TO PRESENT MY OPPOSITION TO MR. SHULER'S APPLICATION FOR REZONING. MY NAME IS TONY HOUSE I LIVE AT 1503 ENGLE-WOOD. NEW HOMES ARE BEING BUILT ON EXISTING LOTS, PURCHASED, RENOVATED AND OWNER OCCUPIED THROUGHOUT THE ENTIRE NEIGHBORHOOD. GRANTING THE PLINGT'S REQUEST WILL HAVE A CHILLING EFFECT ON THIS NEIGHBORHOOD'S DESIRABLE GROWTH. DURING THE MEETINGS WITH THE APPLICANT AND/OR HIS AGENT THIS NEIGHBORHOOD HAS NEVER WAIVERED IN HIS OFFICIAL OF ISSUES THAT ARE MOST IMPORTANT TO IT, ADHERENCE TO COMPATIBILITY STANDARDS, DENSITY, SOLVING THE TRAFFIC PROBLEMS GENERATED BY THE DEVELOPMENT, THE PRESERVATION OF TREES AND GREEN SPACE AND THE IMPACT OF APPLICANT'S PLANNED DEVELOPMENT OF HIS EXISTING ADJACENT GR-MU TRACT. WE WANT RETAIL, OFFICE AND OWNER OCCUPIED RESIDENTIAL DEVELOPMENT IN THIS PLANNING AREA THAT

IS APPROPRIATE FOR ITS LOCATION. THERE IS A GLUT OF VACANT RETAIL SPACE AVAILABLE ON EAST RIVERSIDE THAT IS ALREADY ZONED FOR HIGH DENSITY DEVELOPMENT. THOSE PROPERTIES SHOULD BE REDEVELOPED BEFORE GRANTING A ZONING CHANGE THAT WILL DESTROY THE BUFFER THAT WAS PUT IN PLACE TO PROTECT ONE OF THE FEW REMAINING SINGLE FAMILY RESIDENTIAL NEIGHBORHOODS IN THE EAST RIVERSIDE OLTOF NEIGHBORHOOD PLANNING AREA. THE CITY'S OWN NEIGHBORHOOD PLANNING MATERIAL SPECIFICALLY RECOMMEND L.O. ZONING IN THESE SITUATIONS. NEITHER OUR CITY NEIGHBORHOOD PLANNER, MR. THROWER, NOR I WERE ABLE TO LOCATE EXAMPLES OF OTHER DEVELOPMENTS LIKE THE ONE PROPOSED THAT SHARE PROPERTY LINES WITH OWNER OCCUPIED SINGLE FAMILY HOMES IN AN ESTABLISHED RESIDENTIAL NEIGHBORHOOD. THAT IS A GOOD INDICATION THAT THIS TYPE OF INTENSE HIGH DENSITY DEVELOPMENT IS NOT APPROPRIATE HERE. THE PROPOSED DEVELOPMENT WILL WORSEN OUR EXISTING TRAFFIC PROBLEMS. DRIVERS CANNOT GO WEST, NORTH OR SOUTH FROM APPLICANT'S LOCATION WITHOUT RISKING LIFE AND LIMB BY ATTEMPTING TO TURN WEST ON TO EAST RIVERSIDE. THEREFORE MOST OF THE TRAFFIC AGAIN GENERATED WILL BE ROUTED DIRECTLY INTO AND THROUGH OUR NEIGHBORHOODS. SUMMIT STREET WAS NOT DESIGNED TO HANDLE THAT AMOUNT OF TRAFFIC. THE ORIGINAL ZONING CASE MANAGER CONFIRMED THAT THE PROPOSED DEVELOPMENT WILL GENERATE 4,730 TRIPS PER DAY. PLEASE EXPLAIN HOW IT IS POSSIBLE TO LIMIT THE TRIPS TO 2,000 PER DAY WHEN MR. SUHULER WILL NOT REDUCE THE DENSITY OF HIS PROPOSED DEVELOPMENT. FURTHERMORE DUE TO ONSTREET PARKING IT IS NOT [INDISCERNIBLE] ANOTHER MAJOR CONCERN IS THE AVAILABILITY OF SUFFICIENT PARKING FOR THE SITE'S EMPLOYEES, RESIDENTS, GUESTS AND CUSTOMERS. EAST RIVERSIDE SHOULD BE A BEAUTIFUL INTRODUCTION TO THE CITY. BUT WE CAN'T ACHIEVE THAT GOAL BY DESTROYING THOSE AREAS ALONG EAST RIVERSIDE THAT ARE STILL BEAUTIFUL. SUCH AS THE HEAVILY WOODED GREEN BLUFF THAT THE APPLICANT PROPOSES TO EXCAVATE AND REPLACE WITH CONCRETE. IT WOULD BE A TRAVESTY TO DESTROY THIS NEIGHBORHOOD IN ORDER TO ALLOW AN

INEXPERIENCED SPECULATIVE REAL ESTATE DEVELOPER TO MAKE A FINANCIAL KILLING AT THE EXPERIENCE OF THE CURRENT HOMEOWNERS, THANK YOU.

Mayor Wynn: THANK YOU, MS. HOUSE, ORTUSE, THREE MINUTES, FOLLOWED BY LINDA LAMB.

MY NAME IS ARTUSHE OHANLIN. I LIVE A COUPLE OF DOORS DOWN. THIS IS AN APPEAL FROM THE PLANNING COMMISSION. MR. SUHULER IS HERE SEEKING A DIFFERENT RESULT THAN HE GOT AT THE PLANNING COMMISSION. THEY DENIED MR. SUHULER REQUEST BECAUSE THEY WANTED THE NEIGHBORHOOD PLANNING PROCESS THAT HAD BEGUN TO BE COMPLETE. I BELIEVE ONE OF THE COMMISSIONERS SAID WE BELIEVE IN THE NEIGHBORHOOD PLANNING PROCESS, WE IN THE NEIGHBORHOOD ALSO BELIEVE IN IT. THERE ARE OVER I THINK 150 PROPERTIES SUBJECT TO THIS NEIGHBORHOOD PLANNING PROCESS. MR. SUHULER ASKS US TODAY TO TAKE HIS PROPERTY OUT OF TURN AND OUT OF PROCESS AND TELL THE COMMISSION THAT THEY GOT IT WRONG. THEY GOT IT WRONG FOR TRUSTING THAT THE NEIGHBORHOOD PLANNING PROCESS COULD CORRECTLY ADMINISTER THESE PROPERTIES. WE BELIEVE THAT SENDS THE WRONG MESSAGE TO THE OVER 150 PROPERTY OPENERS WHO ARE CURRENTLY ENGAGED IN THAT PROCESS. WE ASK YOU TODAY TO SUPPORT THE COMMISSION, SUPPORT THE NEIGHBORHOOD PLANNING PROCESS, AND SUPPORT THOSE PROPERTY OWNERS WHO HAVE ENGAGED THIS IN THAT PROCESS AND DENY THIS REQUEST TODAY, THANK YOU.

THANK YOU, MR. OHANYON. LINDA LAND WAS ACTUALLY WANTING TO DONATE TIME TO GAIL, YOU WILL BE OUR NEXT SPEAKER. UP TO SIX MINUTES IF YOU NEED IT. FOLLOWED BY JEAN MATHER.

MY NAME IS GAIL GOFF, I HAVE LIVED AT 1106 UP LAND FOR 27 YEARS. I'M STRONGLY OPPOSED TO THE ZONING CHANGE REQUESTED IN THIS CASE, THIS IS TRUE BECAUSE THE PROPERTY IS ALREADY CORRECTLY ZONED. THE RESULT OF WEARY NEIGHBORS AGREEING TO BLAKE PLACATE A LONG-TIME FRIEND. THAT COMPROMISE REACHED IN 1988 ALREADY REPRESENTS AN INCREASE IN ZONING. THE

CURRENT OWNER BOUGHT THE PROPERTY KNOWING AND ACCEPTING THE ZONING ON THE PROPERTY. HIS IMMEDIATE NEEDS ARE MET BY THE L.O. ZONING ON ONE TRACT AND THE GR MU ZONING ON THE ADJACENT TRACT THAT HE ALREADY OWNS.

[INAUDIBLE - NO MIC] THIS SHOWS THE TWO TRACTS.

YOU NEED TO GET A MIC.

IF YOU COULD PICK UP ONE OF THESE HANDS HELD MICROPHONES HERE.

I NEVER DO THIS WELL. THIS MAP SHOWS THE TWO TRACTS HERE, THE L.O. ZONING THAT HE ALREADY HAD ON THIS TRACT AND THIS TRACT WHICH IS SF-3. THIS IS THE TRACT THAT HE ALSO OWNS WHICH IS GR MU, THIS IS TEXDOT PROPERTY. WHICH HAS BEEN THERE ALL ALONG AND THEY WILL REMAIN THE OWNERS UNTIL WE ALL DON'T KNOW HOW LONG, FOREVER I GUESS. SO I JUST WANTED TO MAKE SURE THAT WE KNOW THE FRONTAGE ROAD FOR I-35, NORTHBOUND FRONTAGE ROAD. RIVERSIDE DOWN IT COMES AROUND HERE AND SUMMIT STREET IS RIGHT HERE. THIS PROPERTY ACTUALLY HAS A SUMMIT STREET ADDRESS. THE PROPERTY SITS 100 FEET ABOVE THE COLORADO RIVER AND OVER 30 FEET ABOVE RIVERSIDE DRIVE ON A BLUFF IN A FORMS THE NORTHERN EDGE OF OUR NEIGHBORHOOD, BELLVIEW PARK. THE BLUFF IS WHAT MAKE THIS PROPERTY SO BEAUTIFUL AND WHAT MAKES INGRESS AND EGRESS SO DIFFICULT AT BEST. THE BLUFFS USE AS A HOME SITE DATES BACK TO 9,000 YEARS AGO WHEN NATIVE TRIBES WOULD ENCAMP HERE FOLLOWING BUFFALO ALONG THE RIVER. NEIGHBORS CONTINUALLY DISCOVERED THE PROJECTILE POINTS AND EARLY TOOLS USED BY THE EARLY VISITORS. YOU HAVE FOALT TO SEES OF SOME OF THE DISCOVERIES AS WELL AS A STATEMENT FROM AN ARCHAEOLOGIST AT THE TEXAS HISTORICAL COMMISSION REGARDING THEIR AGE AND VALUE. THE EXPANSIVE VIEW AND ABILITY OF WATER AT THE SITE MADE IT AS PERFECT THEN AS NOW. THE HILLSIDE WAS INTENTIONALLY PRESERVED AS A DRAMATIC ENTRANCE TO THE CITY OF AUSTIN WHEN THE INTERSTATE WAS DESIGNED AND CONSTRUCTED. BECAUSE THIS PROPERTY SITS ABOVE

RIVERSIDE DRIVE, IT IS CONNECTED TO AND CONSIDERED A PART OF OUR NEIGHBORHOOD. IN THE '50S WHEN THE TWO LOVELY HOMES WERE BUILT ON THE BLUFF, MANLOVE STREET RAN THROUGH TO THOSE HOMES. IN FACT WHEN ONE OF THE SECOND OWNERS OF THE HOMES PURCHASED IT IN '65, THEY MOVED FROM 1105 MANLOVE, BARELY 200 FEET AWAY. IN 1978, THE CITY'S RIVERSIDE DRIVE EXPANSION PROJECT TOOK TWO OF OUR NEIGHBORHOOD HOMES ON RIVERSIDE DRIVE. BUT PROMISED A GREENBELT FOR THE PROPERTY NOT NEEDED FOR ROADWAY. INSTEAD THEY TRADED IT TO THE LANDOWNER ALONG WITH A CURB CUT ALONG SUMMIT TO PROVIDE ACCESS TO TWO OF OUR LAND LOCKED INTERIOR LOTS. IN THIS MANNER OUR ESTABLISHED NEIGHBORHOOD COULD REMAIN COHESIVE. EVEN AFTER THE GRANTING OF L.O. ZONING AND THE USE OF THE HOME AS A BED AND BREAKFAST, NATIONALLY KNOWN AUCTIONEERS COULD NOT HAVE BEEN MORE PRECISE WHEN THEY MARKETED THE PROPERTY AS TWO FABULOUS HOMES WITH SPECTACULAR VIEWS. THE COLOR PHOTOS IN YOUR PACKET ARE FROM THE BROCHURE. THROUGH THE YEARS THE NEIGHBORHOOD HAS CHANGED LITTLE. WE HAVE A WONDERFUL BLEND OF SMALL AFFORDABLE HOMES ALL THE WAY UP TO ELEGANT MANSIONS. IT HAS REMAINED ONE OF THE MOST BEAUTIFUL NEIGHBORHOODS IN AUSTIN. THE PROPERTY IS CORRECTLY ZONED WITH L.O. AND SF 3 AND IN ORDER TO ENCOURAGE THE APPROPRIATE DEVELOPMENT AND TO APPROPRIATE A LOVELY SINGLE FAMILY NEIGHBORHOOD. AND PRESERVE A SOUP BESH EXAMPLE OF -- SUPERB EXAMPLE OF TEXAS HISTORY AND TEXAS HILL COUNTRY. PLEASE DEN THIGH THIS REQUEST TONIGHT. THANK -- PLEASE DENY THIS REQUEST TONIGHT. THANK YOU.

THANK YOU. JEAN MATHER. YOU WILL HAVE THREE MANUSCRIPT, FOLLOWED BY PAM THOMP -- THREE MINUTES FOLLOWED BY PAM THOMPSON.

I'M JEAN MATHER, THE CHAIR OF THE SOUTH RIVER CITY CITIZENS PLANNING COMMITTEE. AT THE BEGINNING OF THIS NEIGHBORHOOD PLANNING PROCESS, STEVE ROSSITER ASKED US TO IDENTIFY WHAT WE WANTED TO PRESERVE IN THE AREA BETWEEN I-35 AND PLEASANT VALLEY I GUESS OR WELL BEYOND THAT GROVE AVENUE. AND THE ANSWER TO



THAT QUESTION WAS SINGLE FAMILY ZONING. THIS MEANS CREATING A FRIENDLY ZONING ENVIRONMENT AROUND THE EXISTING SINGLE FAMILY ZONING. NOT CHIPPING AWAY THE SF ZONING TO CREATE A BUFFER OF COMPATIBLE ZONING OR EVEN WORSE REPLACING THE COMPATIBLE ZONING ON THE PRINCIPLE OF HIGHEST AND BEST USE. THIS PART OF THE CITY REQUIRES MAJOR SURGERY TO TURN IT INTO A VIABLE COMMUNITY. RIVERSIDE DRIVE IS THE ARTERY THAT NEEDS TO BE STUDIED AS A WHOLE AND IN SECTIONS TO COME UP TO ITS SCENIC ROADWAY DESIGNATION. I DON'T -- NOT MANY PEOPLE KNOW THAT IT'S DESIGNATED AS SCENIC ROADWAY BECAUSE IT DOESN'T LOOK LIKE IT. THE PLANNING AREA IS SO LARGE THAT THE RESIDENTS HAVE HAD TO MAKE VERY BROAD ZONING DESIGNATIONS RATHER THAN THE SENSITIVE AND DETAILED ONES THAT A TYPICAL NEIGHBORHOOD CAN PRODUCE. BUT ADVICE THAT YOU CAN RELY UPON ARE THE RECOMMENDATIONS OF THE SINGLE FAMILY NEIGHBORHOODS THAT HAVE SURVIVED AND THAT WANT TO CREATE A NEW WORLD OVER HERE ON THIS SIDE OF THE HIGHWAY. THIS SINGLE FAMILY SUBDIVISION IS NOW BEING THREATENED BY INCOMPATIBILITY, MADE WORSE BY THE STATED INTENTION TO SEEK HEIGHT VARIANCES FROM THE BOARD OF ADJUSTMENT. THE GR-MU ZONING ON I-35 THAT WRAPS AROUND THE CORNER TO RIVERSIDE IS TIED TO A TWO-STORY HEIGHT LIMITATION. COMPATIBILITY REGULATIONS AND THE STAFF'S RECOMMENDATION OF NO MORE THAN 2,000 TRIPS PER DAY MAKE THE EXISTING L.O. AND SF ZONING APPROPRIATE. PLEASE SUPPORT THE PLANNING COMMISSION'S DENIAL OF THIS REQUEST. THANK YOU.

THANK YOU.

I JUST WANT TO SAY THAT OUR MAJOR SPEAKER, WHO SHOULD GET HIS FIVE MINUTES, ISN'T HERE YET. BUT I HOPE HE'LL COME BEFORE THIS HEARING IS OVER.

Mayor Wynn: FAIR ENOUGH. THANK YOU, MS. MATHER. PAM THOMPSON, WELCOME, THREE MINUTES, FOLLOWED BY STEFAN RAY.

STEFAN IS OUT FRONT AT THE LCRA PROTEST, BUT HE IS AGAINST THIS AS WELL. WE LIVE RIGHT DOWN THE STREET

ON SUMMIT. AND I WANTED TO TALK ABOUT SOMETHING THAT THE NEIGHBORHOOD HADN'T TALKED ABOUT, THAT IS NOISE. THE PEOPLE THAT LIVE THERE IN THAT NEIGHBORHOOD ON THE CORNER, I LIVE IN THE CONDOS THAT ARE JUST ADJACENT TO THE ACCESS ROAD AND THE INTERSTATE AND THEN SUMMIT IS ON THE OTHER SIDE. SO WE ARE LUCKY BECAUSE THERE IS A STONE BUILDING THAT SORT OF IS A BARRIER THERE. AND BLOCKS THE NOISE FROM THE FREEWAY. AND ON THE RIVERSIDE THE CLIFF THERE, MAKES THE NEIGHBORHOOD SORT OF INSULATED AND IT'S A GREAT NOISE BARRIER. AND ONE OF THE THINGS THAT WOULD GO AWAY, IF YOU DO THIS, IS TO BRING MORE TRAFFIC IN THROUGH THE NEIGHBORHOOD, SO I DON'T KNOW IF YOU HAVE DONE ANY TRAFFIC STUDIES FOR THAT LITTLE STREET, BUT SUMMIT IS A HAIRPIN CURVE. WHEN YOU ARE GOING DOWN RIVERSIDE, YOU JUST PRAY THAT THE PEOPLE BEHIND YOU SEE YOUR BLINKER BECAUSE OLD RIVERSIDE ROAD IS RIGHT RIGHT TO THE LEFT, THERE'S ONE LONE HOUSE THEN YOU HAVE TO GO LIKE -- YOU HAVE TO TURN BACK LITERALLY. SO IF YOU ARE LOOK KNOWLEDGE AT PUTTING A LOT MORE TRAFFIC THERE, YOU NEED TO ALTHOUGH AT WHERE THEY ARE GOING TO USE THE ROADS BECAUSE THE ACCESS ROAD, I DON'T KNOW IF YOU HAVE BEEN OVER THERE DURING RUSH HOUR, IS TOTALLY PACKED. AND IF YOU ARE GOING TO HAVE PEOPLE COMING AND GOING FROM LIKE OFFICE BUILDINGS OR WHATEVER IT IS THEY WANT TO BUILD THERE, THEY ARE GOING TO HAVE TO USE SUMMIT. YOU ARE GOING TO HAVE TO REDESIGN THAT ROAD BECAUSE IT'S JUST -- PUT A LIGHT THERE, WHICH WON'T WORK BECAUSE IT'S A BLOCK FROM THE INTERSTATE. SO THIS IS A REALLY, REALLY BIG DEAL. WHETHER YOU ARE, YOU KNOW, THINKING ABOUT IT OR NOT. A LOT MORE TRAFFIC THAN JUST THE PEOPLE THAT LIVE THERE IN THE NEIGHBORHOODS IS REALLY GOING TO CREATE SOME SERIOUS, SERIOUS PROBLEMS. BECAUSE IT IS FRIGHTENING TO TURN ON THAT STREET. YOU HAVE TO GO AND THEN COME BACK AND THEN IF SOMEONE IS WALKING ON THE SIDEWALK, IT'S VERY, VERY CLOSE. AT NIGHT, THAT LIGHT, YOU HAVE TO JUST REALLY, REALLY HAVE A CARE WHEN YOU USE THAT CORNER AND I'M NOT SURE THAT PEOPLE ARE UNFAMILIAR WITH IT THAT ARE COMING IN AND OUT OF THE NEIGHBORHOOD CONSTANTLY

GOING TO A -- TO A BUSINESS, DIFFERENT FOLKS ARE GOING TO BE ABLE TO NEGOTIATE PROPERLY. SO UNLESS YOU WANT TO SPEND A LOT OF MONEY REDESIGNING THE ROAD, YOU MIGHT WANT TO JUST STICK WITH THE ZONING THAT YOU'VE GOT. NOT TO PUNISH THE LANDOWNER, BUT JUST TO MAKE HIM HAVE THE SAME USE THAT EVERYONE ELSE HAS OF IT. RIGHT NOW IT'S FUNCTIONAL. BUT YOU HAVE TO BE REALLY CAREFUL. WITH MORE TRAFFIC I'M NOT SURE THAT IT'S GOING TO BE [BUZZER SOUNDING] OKAY. ANYWAY, THERE'S 33 PEOPLE IN OUR CONDOS AND WE LIVE RIGHT DOWN THE STREET. SO ...

Mayor Wynn: THANK YOU, PAM. AGAIN STEFAN RAY SIGNED UP IN OPPOSITION, BUT CAN ONLY ATTEND ONE PROTEST AT A TIME [LAUGHTER] DAN -- LOOKS LIKE FREEDINE, CAN'T READ, LOOKS LIKE HE WANTED TO DONATE TIME TO HENRY FLORES. LOOKS LIKE FREEDINE? FREEDIAN. MR. FLORES HAS ALREADY SPOKEN. WOULD YOU LIKE TO ADD THE COUNCIL OR SHOW YOU IN OPPOSITION?

[INAUDIBLE - NO MIC]

Mayor Wynn: YOU CAN DONATE JEFF TAYLOR IS THE NEXT SPEAKER, YOU ARE WELCOME TO DONATE TO JEFF.

OKAY.

Mayor Wynn: JEFF TAYLOR UP TO SIX MINUTES IF NEEDED.

THANK YOU, MAYOR AND COUNCIL. I APOLOGIZE, WE WERE A LITTLE RUSHED, WE THOUGHT WE WOULD BE LATER TONIGHT. WE ARE BEING ASKED TONIGHT TO COMPROMISE A COMPROMISE THAT WAS REACHED MANY YEARS AGO WHERE ON THE SUBJECT'S LOTS AND THE ADJOINING GR MU LOTS THIS WAS REACHED AFTER A LONG AND DIFFICULT FIGHT THAT PITTED LONG-TIME FRIENDS AND NEIGHBORS AGAINST ONE OTHER. THE GR-MU ALLOWS A ONE STORY MOTEL ALONG I-35 AND PET SERVICES BUILDING IN THE EXISTING RESIDENCE AND L.O. WAS TO ALLOW MEDICAL OFFICE IN THE EXISTING HOUSE. SF 3 WAS MAINTAINED AS FRONTING ON SUMMIT AS IT STILL DOES AND AS A LONG-TIME PART OF THE NEIGHBORHOOD. YOU ARE NOW BEING ASKED TO NULLIFY THIS COMPROMISE AND USE A PART OF

THIS COMPROMISE THAT NEVER MATERIALIZED AS A PRECEDENT FOR A DEVELOPMENT THAT WILL EXCEED MF 5 STANDARD, DECIMATE THIS HILLSIDE BY ALLOWING FOR EXCAVATION OF ABOUT A MILLION CUBIC FEET OF DIRT, DESTROY OLD AND ANCIENT OAKS, ERECT A HUGE MASS OF BUILDING, ABOUT 600-FOOT LONG, THAT WRAPS ALL THE WAY FROM SUMMIT DOWN RIVERSIDE, WRAPPING AROUND TO I-35. DESTROY THE PRIVACY, SANCTITY AND SERENITY OF A NEIGHBORHOOD THAT SURVIVED THERE FOR WELL OVER 50 YEARS. WHY THIS NEIGHBORHOOD -- I WANTED TO TELL YOU WHY THIS NEIGHBORHOOD PREFERS THE CURRENT ZONING. THE COMPROMISE THAT WAS REACHED PROMOTED THREE DOESN'T USES ON THREE SEPARATE PIECES OF PROPERTY THAT ENSURED SMALLER YET PROFITABLE USE OF THIS LAND. THESE USES WERE DESIGNED SPECIFICALLY TO PRESERVE THE EXISTING CHARACTER OF THE NEIGHBORHOOD BY PROVIDING ALTERNATIVE USES FOR THE EXISTING RESIDENCES, PROMOTE A MIXED USE ON THE WHOLE PROPERTY, AND TO PROMOTE APPROPRIATE SCALE OF DEVELOPMENT THROUGH APPROVED SITE PLANS IN EXISTING COMPATIBILITY STANDARDS. YOU MIGHT HAVE HEARD, I DON'T KNOW IF YOU'VE HEARD, I DID NOT HEAR MR. THROWER'S PRESENTATION, YOU MIGHT HAVE HEARD THAT THE NEIGHBORHOOD OPPOSED A PREVIOUS ATTEMPT TO REZONE THIS PROPERTY SF 6. I WANT TO EXPLAIN WHY. BECAUSE THE PREVIOUS DEVELOPER, AGAIN WANTED TO -- AS IN THIS CASE, WANTED TO COMBINE THOSE TWO LOTS WITH THE GR MU ZONING TO BUILD A SINGLE USE DEVELOPMENT ALL AROUND THE NEIGHBORHOOD ON ALL OF THAT PROPERTY. THIS WOULD HAVE AGAIN HAVE CREATED A SINGLE WALL OF MULTI-FAMILY WITH WELL OVER 60 UNITS WRAPPING AROUND THE EXISTING HOUSES. WHEN DISCUSSIONS WITH THE DEVELOPER JUST BEGAN FOCUSING ON COMPATIBILITY AND REDUCTION OF DENSITY, VERY NICE DISCUSSIONS, THE DEVELOPER CHOSE TO WALK AWAY. THE NEIGHBORHOOD OPPOSES THIS PROPOSAL BECAUSE AGAIN THIS PROPOSAL COMBINES THE L.O. AND SF-3 LOTS COMBINED WITH A PART OF THE GR MU LOT TO CRAM AT THIS POINT OVER 80 RESIDENTIAL UNITS PLUS ALMOST 30,000 SQUARE FEET OF RETAIL SPACE PLUS ALL OF THE REQUISITE PARKING ON TO AN AREA THAT IN MANY PLACES

IS BARELY OVER 100 FEET WIDE. AND BARELY OVER TWO ACRES. THE ONLY WAY TO ECONOMICALLY JUSTIFY THE APPROXIMATE 3 MILLION DOLLAR COST OF EXCAVATING AND SHORING UP OF THIS HILL IS TO EXCEED COMPATIBILITY STANDARDS AND TO BUILD AS HIGH OR HIGHER THAN THEY COULD WITHOUT EXCAVATION AND INCREASE THE DENSITY BY SIX OR SEVEN TIMES OR MORE. HOW CAN DESTROYING THIS HILL, REPLACING IT WITH CONCRETE, PUTTING SIX TO SEVEN TIMES THE DENSITY THAN WHAT IS ALLOWED UNDER THE CURRENT ZONING, UNDER CURRENT COMMERCIAL AND OFFICE ZONINGS BE BETTER FOR THIS NEIGHBORHOOD? WE ARE NOT PROFESSIONAL PLANNERS. BUT WE HAVE A GREAT AMOUNT OF HISTORY IN THIS AREA. WE KNOW ABOUT THE HISTORY OF ZONING IN THIS AREA AND IN THIS -- IN THE PERIMETER PROPERTIES OF THIS NEIGHBORHOOD AND WE KNOW WHAT BAD ZONING DECISIONS CAN DO TO OUR NEIGHBORHOOD. WE KNOW THAT THESE BUILDINGS WILL OVERWHELM AND OVERPOWER THE ONE STORY FRAME RESIDENCES THAT SIT NEXT TO THIS PROPERTY. AND WE KNOW THAT GR, GENERAL RETAIL DESTINATION RETAIL IS NOT APPROPRIATE FOR THIS PROPERTY. IN TERMS OF ITS CURRENT ELEVATION. ITS LOCATION. ITS TRAFFIC PATTERNS. AND ITS NEGATIVE IMPACT ON THIS NEIGHBORHOOD. WE HAVE BEEN VERY, VERY, VERY ACTIVE IN THE NEIGHBORHOOD PLANNING PROCESS. AND WE HAVE CONSISTENTLY SUPPORTED MIXED USE ALONG RIVERSIDE IN PLACES THAT WILL NOT BE DETRIMENTAL BUT WILL ACTUALLY BE VERY BENEFICIAL TO OUR NEIGHBORHOOD AND ALL OTHER NEIGHBORHOODS IN THE RIVERSIDE AREA. WE ARE VERY CONCERNED OF THE SPECIFIC PROPOSAL AS THE -- HAS THE POTENTIAL OF DAMAGING THE FRINGE PROPERTIES, THE FRINGE FAMILY -- THE SF 3 PROPERTIES THAT ABUT THIS PROPERTY. WE ARE VERY CONCERNED THAT ALL OF THE CONCESSIONS THAT HAVE BEEN TALKED ABOUT WERE PROPOSED AT THIS POINT ARE ONLY ON THESE TWO LOTS AND WE CANNOT GET ANY CONCESSIONS OR ANY TYPE OF DISCUSSIONS GOING ON THE WHOLE PROPERTIES. WE ARE VERY CONCERNED THAT THE ONLY WAY THAT THIS IS ECONOMICALLY VIABLE IS THAT THIS WILL EXCEED COMPATIBILITY STANDARDS AND THAT WE CANNOT RELY ON THE COMPATIBILITY STANDARDS TO -- TO PROTECT US IN THIS NEIGHBORHOOD. WE ARE VERY CONCERNED

ABOUT -- ABOUT THE EXCAVATION. WE ARE VERY CONCERNED ABOUT ENSURING THAT THAT EXCAVATION DOES NOT DAMAGE THE EXISTING HOMES THAT ARE THERE. WE WANT YOU TO KNOW THAT OUR CONCERNS HAVE BEEN SUPPORTED BY AT LEAST TWO PLANNING -- BUT NOW TWO PLANNING COMMISSIONS. AND WE FEEL THAT THIS -- WE HAVE GIVEN EVERY OPPORTUNITY TO WORK OUT AN AGREEMENT ON THIS PROPERTY. AND IT HAS NOT BEEN ABLE TO HAPPEN [BUZZER SOUNDING] SO WE ASK THAT YOU DENY IT, THIS ZONING REQUEST. IT IS TOO LARGE. IT IS NOT COMPATIBLE WITH THIS NEIGHBORHOOD. IT IS NOT IN TONE WITH THE NEIGHBORHOOD PLAN THAT HAS BEEN WORKED ON AND COMPLETED AND WE ASK THAT YOU DENY IT TONIGHT.

Mayor Wynn: THANK YOU, WILLIAM JACKSON. WILLIAM JACKSON. ALL RIGHT. YOU WILL HAVE THREE MINUTES. JOHN THOMAS LA CARIA. WANTED TO DONATE TIME TO JEFF.

CAN I DONATE IT TO BILL.

Mayor Wynn: YOU SURE MAY.

I PROBABLY WON'T NEED THAT AMOUNT OF TIME. BUT -- I JUST WANTED TO GO THROW A FEW VISUAL AIDS.

YOU WILL HAVE UP TO SIX MINUTES IF YOU UNITED IT, MR. JACKSON.

SURE. THANK YOU.

YOU ARE WELCOME TO ATTEMPT TO CURRY FAVOR BY GIVING MINUTES BACK. [LAUGHTER]

I'M -- I CAN HEAR LATE, SO IF I'M BEING REDUNDANT I APOLOGIZE, BASICALLY I WANTED TO GO THROUGH A FEW THINGS. THIS IS THE EXISTING SITE PLAN THAT WAS USED TO -- TO GRANT THE ZONING THAT'S IN PLACE TODAY. AND I COLORED IN ALL OF THE TREES TO GIVE YOU A SENSE OF WHAT -- WHAT WILL BE LOST IF WE END UP DOING THIS DEVELOPMENT IN THE -- WITH THE INTENSITY THAT WE ARE DISCUSSING TODAY BECAUSE -- YEAH. AS YOU CAN SEE, MOST OF -- MOST OF THESE MASSIVE TREES ARE GOING TO

BE RIGHT HERE WHERE THIS PARKING STRUCTURE IS PLANNED FOR. AND I -- I PERSONALLY WOULD PREFER TO SEE THAT. SO I JUST WANTED TO POINT THAT OUT. PROBABLY, YOU KNOW, FROM LOOKING -- THIS IS WHAT WE LOOK AT RIGHT NOW THROUGH THERE. WE -- FROM MANLOVE YOU START TO SEE A GLIMPSE OF -- OF DOWNTOWN. IF YOU GO UP THE HILL YOU ACTUALLY HAVE QUITE A BREATH TAKING VIEW. THIS -- I'M NOT SURE IF VIEWS IS REALLY A RELEVANT REASON, BUT I THINK IT'S -- IT'S QUITE AN IMPACT TO SEE WHAT -- WHAT THE DIFFERENCE IS GOING TO BE LIKE AND I -- YOU KNOW, VIEWS ARE IMPORTANT TO ME, I DON'T KNOW IF WE CAN NECESSARILY USE THAT AS AN ARGUMENT FOR THE CITY. I PERSONALLY WOULD RATHER SEE THIS THAN THIS. SO THERE YOU GO. THEN THE LAST THING WE ALREADY HAVE PRECEDENT ON THE HILL FOR EXCAVATION. AND THIS IS IT. THIS IS BASICALLY WHAT THEY ARE ASKING TO DO TODAY. IS ERADICATE THE HILL AND THIS LOT IS ACTUALLY ABOUT 100 YARDS SOUTH OF THE LOT THAT WE ARE TALKING ABOUT -- WELL, THIS IS ACTUALLY ON THE 35 SIDE, BUT IT'S PART OF THE SAME DEVELOPMENT THAT THEY ARE DISCUSSING. SO THE SAME TRAFFIC PATTERNS, THE SAME STOP 'N GO TRAFFIC, WHICH HAS CREATED THE FATE THAT THIS PROPERTY HAS SUFFERED, IT'S CHANGED HANDS A MILLION TIMES. AND IT ALWAYS HAS FENCES UP. RIGHT NOW IT'S A -- I THINK IT'S LIKE A PHONE SHOP OR SOMETHING. IT'S BRIGHT YELLOW. BUT I'M SURE THAT IT'S PROBABLY GOING TO HAVE THE SIGN THAT LOOKS LIKE THAT IN SHORT ORDER. I'M JUST CONCERNED THAT THIS TYPE OF BLIGHT WILL SORT OF CREEP DOWN THE HILL AND WE ARE GOING TO BE LOOKING AT THAT ALL OVER THE PLACE. SO I'M NOT SO SURE THAT THERE'S THE ECONOMIC CATALYST THAT THEY ARE DESCRIBING TO BE ABLE TO SUPPORT THIS -- THIS TYPE OF DEVELOPMENT. I'M REALLY CONCERNED THAT WE ARE GOING TO HAVE MORE OF THE SAME. THE LAST POINT THAT I WOULD LIKE TO MAKE IS REGARDING THE -- THE TRAFFIC. THE -- LIMITING THE CONDITIONAL OVERLAY, THE 2,000 TRIPS PER DAY. IF -- IF WE ARE JUST TALKING ABOUT THESE LOTS, IN THE PLANNING MEETING THERE WAS A SUGGESTION THAT THEY -- THAT THEY GO ON TO -- TO HAVE AN ACCESS THROUGH THE RIVER -- I'M SORRY, THROUGH THE 35 SIDE, DOESN'T THAT MEAN THAT WE REALLY SHOULD BE LOOKING

AT THIS PROJECT IN ITS ENTIRETY AND THINKING ABOUT WHAT THE TRIPS ARE GOING TO BE GENERATED FROM THOSE OTHER PORTIONS? I JUST THINK IF THOSE ARE CONSIDERED, PROBABLY THERE'S GOING TO HAVE TO BE SOME -- SOME TRAFFIC IMPROVEMENTS WHICH -- WHICH IT STANDS TO REASON THAT SINCE THEY ARE THE ONES WHO ARE DOING THE DEVELOPMENT, THEY SHOULD PROBABLY BE HAVING TO PUT IN SOME OF THE MONEY FOR -- FOR THAT ANALYSIS INSTEAD OF HAVING TO DO IT LATER ONCE THE ZONING IS GRANTED. I THINK THAT'S ABOUT IT. THANK YOU FOR YOUR TIME.

THANK YOU, MR. JACKSON.

THANK YOU, MR. JACKSON, OUR NEXT SPEAKER, JOHN SUHULER. WE WILL HOLD THAT BECAUSE WE ARE GOING TO TAKE THESE IN SEQUENCE OF FOLKS WHO ARE IN OPPOSITION. STEVE CLARK. YOU WILL HAVE UP TO THREE MINUTES, WELCOME TO SPEAK FROM THERE. YOU WILL BE FOLLOWED BY KENNY HILLBIG.

MY NAME IS STEVE CLARK, I LIVE AT 1100 MANLOVE STREET WHICH IS RIGHT NEXT DOOR TO THE PROPERTY WHICH IS -- WHICH IS ZONED GR-MU AND GOING TO BE PART OF THIS PROJECT. WHEN I FIRST DECIDED, LIVING IN AUSTIN 25 CAREERS, I'VE OWNED THIS HOUSE FOR SEVEN YEARS. WHEN I FIRST DECIDED TO MOVE INTO THIS HOUSE BEFORE I BOUGHT IT, MY REAL ESTATE AGENT AND I WENT DOWN TO THE -- MY NEXT DOOR NEIGHBOR WHO IS ON THE GR-MU LOT THERE. WE RESEARCHED THE SITE BUILDING PLAN FOR THAT AREA, WE TALKED TO THE OWNER THERE. BECAUSE I WAS CONCERNED ABOUT BUYING A HOUSE NEXT DOOR TO GR-MU PROPERTY. THE LADY WHO OWNED THE PROPERTY THERE RAN A BED AND BREAKFAST. SHE ASSURED ME SHE LOVED THE HOUSE, LOVED THE -- LOVED THE PROPERTY AND THAT SHE WAS GOING TO STAY THERE. THREE YEARS LATER, SHE MOVED OUT OF THE HOUSE AND PUT THE PROPERTY UP FOR SALE. WHEN THE NEW OWNER, MR. SUHULER BOUGHT THE PROPERTY, I WENT TO SEE HIM BECAUSE I HAD SOME CONCERNS ABOUT -- ABOUT ISSUES THAT INVOLVE MY HOUSE. ONE OF THOSE CONCERNS WAS -- WAS A DUMPSTER THAT HE PUT UP NEXT TO MY BEDROOM WINDOW, RIGHT NEXT TO THE -- TO THE PROPERTY LINE.



AND THE -- THE DUMPSTER COMPANY CAME AND EMPTIED THAT AT 4:30 ON TUESDAY MORNINGS AND I ASKED HIM TO MOVE THAT TIME TO LATER IN THE DAY. AND HE DIDN'T DO IT. THE SECOND THING WAS HE PUT A PORTABLE BUILDING NEXT TO MY PROPERTY LINE. ON GR-MU PROPERTY I THINK HE HAS TO HAVE A 25-FOOT SETBACK FOR THAT. AND I ASKED HIM TO MOVE THAT 25 FEET FROM MY PROPERTY LINE, AND HE REFUSED TO DO IT. AND THEY WILL TELL YOU THAT THEY ARE REASONABLE PEOPLE AND THAT THEY WILL DO THINGS TO WORK WITH THE NEIGHBORHOOD, BUT IN MY EXPERIENCE THEY HAVE NOT DONE ANYTHING TO WORK WITH ME. AND MY CONCERNS. AND I DON'T -- MY EXPERIENCE IS THAT THEY WON'T DO ANYTHING THAT IS NOT CONVENIENT FOR THEM. UM ... WITH THE REZONING I THINK IT WILL ONLY GET WORSE. THIS PROJECT, IF IT IS BUILT, WILL SURROUND MY HOUSE, WITH A WALL. I LIVE ON A HILL NOW, I HAVE VIEWS OF THE CITY, I HAVE VIEWS OF HILLS, AND TREES, AND -- AND I WILL BE SURROUNDED 180 DEGREES AROUND MY HOUSE WITH A WALL WHICH WILL LOOM UP OVER ME. WHY WOULD I WANT TO LIVE THERE? I WOULDN'T. AND I WOULD WANT TO SELL MY HOUSE IF THAT HAPPENED. THE UNFORTUNATE THING IS THAT THE PROPERTY VALUE OF MY HOUSE WILL DECLINE CONSIDERABLY. [BUZZER SOUNDING] THANK YOU.

Mayor Wynn: THANK YOU, MR. CLARK, KENNY HILL BIG OFFERED TO GIVE TIME TO JEFF TAYLOR. WOULD YOU LIKE TO ADDRESS US, WELCOME, YOU WILL HAVE THREE MINUTES.

THANK YOU.

GOOD EVENING, MAYOR AND COUNCILMEMBERS. MY NAME IS KENNY HILLBIG, I'M PRESIDENT OF THE SOUTH RIVER CITY CITIZENS AND I JUST WANTED TO TAKE A FEW SECONDS TO COMMENT. I KNOW HOW FOND YOU GUYS ARE OF HAVING APPLICANTS AND NEIGHBORHOOD ASSOCIATIONS TRY TO COMPROMISE AND WORK WITH EACH OTHER. SO I WANTED TO LET YOU KNOW WE TRULY TRIED TO COMPROMISE IN THIS PARTICULAR CASE. IT JUST DIDN'T HAPPEN. WE HAVE MET WITH MR. AND MR. THROWER MANY TIMES, THERE HAS BEEN NO RESOLUTION, I WANTED TO MAKE THAT POINT AND ASK YOU GUYS TO PLEASE DENY THE REZONINGMENT

THANK YOU.

Mayor Wynn: THANK YOU, MR. HILBIG, JEFF JACK SIGNED UP NOT WISHING TO SPEAK, IN OPPOSITION. SO COUNCIL THAT'S ALL OF THE CARDS OF FOLKS WHO SIGNED UP IN OPPOSITION. EARLIER WE HAD HEARD JUST REALLY A LIMITED PRESENTATION FROM MR. THROWER AS PART OF THE APPLICANT'S FIVE MINUTE PRESENTATION. WE HAVE A COUPLE OF FOLKS WHO HAVE ARRIVED AND NOW SIGNED UP IN FAVOR. THE FIRST IS MS. -- IS PEG TREADWELL. PEG TREADWELL. YOU'LL BE FOLLOWED BY JOHN SUHULER.

CAUGHT US A LITTLE OFF GUARD. WE HAD ABOUT 8 PEOPLE PLANNING TO BE HERE AT 6:00. YOU MANAGED TO GET US IN EARLY, WHICH WE ARE SO SURPRISED AT, BUT I HAVE PEOPLE AT THE AIRPORT, PEOPLE ON THE OTHER SIDE OF I-35 AND THEY CAN'T GET HERE IN TIME, SO I'M IT.

Mayor Wynn: WE ARE NOT THROUGH YET, PEG.

IN I NAME IS PEG TREADWELL, I HAVE A LIVED A COUPLE OF BLOCKS FROM THIS CORNER FOR 34 YEARS, IN MANY WAYS I FEEL I AM MORE IMPACTED BY THIS DEVELOPMENT THAN THE IMMEDIATE NEIGHBORS. THEIR PROPERTIES THAT ABOUT THIS CORNER ARE MOSTLY IN A VERY QUIET CUL DE SAC WITH NO TRAFFIC EXCEPT THEIR OWN. THOSE OF US A FEW BLOCKS AWAY FROM THE [INAUDIBLE - NO MIC]

Mayor Wynn: GET ONE OF THESE HAND-HELD MICS WE CAN PICK UP YOUR COMMENTS.

THIS IS THE DEVELOPMENT AREA. THIS IS THE CUL DE SAC AND THIS IS THE GREATER NEIGHBORHOOD. THAT -- THAT WE HAVE COME TO TALK ABOUT. WE ARE ALL BOUNDED BY THIS CORNER. SO WE ARE ALSO IMPACTED BY IT. THOSE OF US A FEW BLOCKS AWAY FROM THE GREATER NEIGHBORHOOD ENCLOSED BY THIS CORNER ARE ALL IMPACTED BY WHAT HAPPENS UP AND DOWN RIVERSIDE DRIVE. OUR AREA USED TO HAVE A LOT OF NEIGHBORHOOD BUSINESSES. WHERE WE ONCE HAD A SAFE WAY AND AN HE COULD CARDS, WE NOW -- ECKERD'S, WE NOW HAVE A BINGO PARLOR AND ILLEGAL BUS DEPOT. NO COHESIVE DEVELOPMENT, A LOT OF CHAOS, A LOT OF CRIME. MY PART

OF THIS NEIGHBORHOOD, A LITTLE BIT AWAY FROM THIS PROTECTED CUL DE SAC IS A LOT CLOSER TO THAT CHAOS. I THINK THERE ARE A FEW IMPORTANT THINGS TO KEEP IN MIND ABOUT THIS ZONING REQUEST. NUMBER 1, RIVERSIDE AND I-35 ARE MAJOR ROADWAYS. EAST RIVERSIDE IS SIX LANES. AND ONE OF THE MAIN ROADS TO THE AIRPORT. THE DEVELOPER OF THIS SITE HAS COMMITTED TO WORKING WITH THE NEIGHBORHOOD. VIA CONDITIONAL OVERLAYS AND/OR RESTRICTIVE COVENANTS. HE COULD PUT A SO-SO OFFICE BUILDING ON THE TOP OF THE HILL AT THIS CORNER RIGHT NOW WITH NO ZONING CHANGE. A ZONING CHANGE WOULD GIVE OUR GREATER NEIGHBORHOOD A BETTER CHANCE OF HAVING SOMETHING A LITTLE MORE INTERESTING ON THAT SITE WITH THE HOPE THAT THE DEVELOPMENT WOULD FILTER DOWN RIVERSIDE. NUMBER 3, THERE ARE DEVELOPMENTS ALL OVER TOWN ON MAJOR ROADWAYS, SOUTH CONGRESS, SOUTH FIRST, LAMAR, BURNET ROAD, GUADALUPE, WHERE THERE ARE HOUSES JUST BEHIND THOSE BUSINESSES. THAT'S A PERFECTLY NORMAL WAY TO DO ZONING. FINALLY THE SYSTEM OF PROTEST. IT DISREGARDS THOSE WHO DO NOT HAVE AN ARGUMENT WITH THE ZONING ISSUE. YOU HAVE RECEIVED A PETITION REPRESENTING A SMALL AREA OF OUR GREATER NEIGHBORHOOD [BUZZER SOUNDING] I HAVE TALKED TO THE PEOPLE UP AND DOWN THE STREETS WHO ARE NOT OPPOSED TO THE ZONING CHANGE AND THEY CAN'T IMAGINE WHY THEY SHOULD BE HERE IF THEY ARE NOT OPPOSED. SO I REPRESENT THOSE THAT ARE NOT HERE AND ARE NOT OPPOSED TO THIS ZONING CHANGE REQUEST. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: COUNCIL, WITHOUT OBJECTION, WE'RE AT OUR 5:30 BREAK FOR MUSIC AND PROCLAMATIONS. A LOT OF PEOPLE WERE TOLD THIS CASE WOULD BE TAKEN UP AT 6:00 O'CLOCK AND ARE ON THEIR WAY. PERHAPS SINCE WE HOLD MR. SUHULER SINCE HE SIGNED UP IN FAVOR AND WE TYPICALLY HAVE SORT OF A PRO APPLICANT REBUTTAL AT THE END OF THE ANTI-TESTIMONY, PERHAPS WE COULD GO AHEAD AND HAVE OUR BREAK NOW AND BY THE TIME WE HAVE OUR LIVE MUSIC AND PROCLAMATIONS, IF OTHER PEOPLE WANTED TO COME SPEAK ON THIS CASE, THAT WOULD GIVE THEM A FEW MORE MINUTES TO GET HERE. SO

WITHOUT OBJECTION, WE'RE GOING TO TABLE THIS PUBLIC HEARING ON CASE Z-31. WE WILL NOW BREAK FOR LIVE MUSIC AND PROCLAMATIONS AND WE'LL BE IN RECESS FOR APPROXIMATELY 30 MINUTES. THANK YOU VERY MUCH.

Mayor Wynn: OKAY, FOLKS, IF I COULD HAVE YOUR ATTENTION PLEASE. IT'S TIME FOR OUR WEEKLY DOSE OF LIVE MUSIC AT THE AUSTIN CITY COUNCIL MEETING. JOINING US TODAY IS RACHEL LOY. RACHEL IS THE DEFINITION OF STYLE AND GRACE AND CREATIVITY. SHE JUST GRADUATED FROM THE BERKLEY SCHOOL OF MUSIC IN BOSTON AND IS NOW HOME FOR THE HOLIDAYS. PLEASE JOIN ME IN WELCOMING RACHEL LOY. [ APPLAUSE ] [ (music) MUSIC PLAYING (music)(music) ] (music) I MISS MY FRIEND OUT FIGHTING WITH THE OTHER MEN, BUT YOU KNOW I COULDN'T BE MORE PROUD EVEN IF I FELT BETTER. (music) THE THING THAT WILL HELP ME THROUGH THE NIGHT IS THE THING THAT IS SLEEPING WITH HIS GUN. AND THE THING THAT WILL NEVER EVER SATISFY IS THE SAME MAN WHO NEVER EVER RUNS. (music) FOUND IT AGAIN LAST NIGHT, THOUGHT I'D GIVE IT A BRAND NEW LIGHT. NEVER AGAIN. (music) AND I REMEMBER IT VAGUELY, I KNOW HE COULD HAVE PROMISED ME THAT YOU'LL BE HOME WITH YOUR SHORT HAIR. (music) BECAUSE THE SAME MAN THAT LEFT ME SPEECHLESS WITH HIS EYES IS THE MAN WHO IS NOW SQUINTING IN THE SUN. (music) AND THE SAME MAN WHO NEVER EVER STARTED A FIGHT, IS THE SAME MAN WHO WILL NEVER EVER RUN. (music) AND THE SAME MAN WHO LEFT MY HEART ALL BIG AND SORE, IS THE SAME MAN NOW FACING HIS DEATH. (music) AND THE SAME MAN WHO NEVER WOULD START A WAR IS THE SAME MAN WHO WILL ALWAYS PROTECT. (music) THIS IS FOR YOU, MY FRIEND, WAITING ON THE OTHER END. (music) I'M CHECKING EVERYDAY TO SEE IF YOU WROTE ME A LETTER. [ APPLAUSE ]

Mayor Wynn: SO RACHEL, TELL US WHERE CAN WE TELL US YOUR MUSIC AGAIN? DO YOU HAVE A WEBSITE, WHERE ARE YOU SINGING AGAIN?

I DO HAVE A CD AVAILABLE. THIS SONG IS IN STORES AS A SINGLE, UNDER MY NAME, RACHEL LOY. I HAVE A WEBSITE, [WWW.RACHELLOY.COM](http://WWW.RACHELLOY.COM). AND I'M COMING OUT WITH A FULL LENGTH ALBUM IN FEBRUARY, SO KEEP YOUR EYES OUT

FOR THAT. AND I PLAY EVERY THURSDAY AT MOMO'S ABOVE KATZ'S AT 8:00 O'CLOCK. I'M DOING IT TONIGHT, SO COME OUT.

Mayor Wynn: BEFORE YOU GET AWAY, WE HAVE AN OFFICIAL PROCLAMATION THAT READS, BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS THE DEDICATED EFFORTS OF ARTISTS FURTHER AUSTIN'S STATUS AS THE LIVE MUSIC CAPITOL OF THE WORLD, NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM TODAY, DECEMBER SECOND, 2004, AS RACHEL LOY DAY IN AUSTIN AND CALL ON ALL CITIZENS TO JOIN ME IN CONGRATULATING THIS GREAT TALENT. [ APPLAUSE ]

Mayor Wynn: FOLKS, THE RUSSIANS ARE COMING. LONA GONZALES IS GOING TO HELP US HERE WITH SOME FRIEND FROM RUSSIA. WE'RE PROUD TO WELCOME THEM. AND SOME KIDS, I PRESUME, FROM THE RIVER CITY YOUTH FOUNDATION. THAT'S RIGHT. WHAT WE HAVE, FOLKS, OUR FIRST PROCLAMATION IS ACTUALLY CERTIFICATES OF APPRECIATION TO SEVERAL RUSSIAN TECHNOLOGY PROFESSIONALS WHO HAVE BEEN HELPING WITH THE RIVER CITY YOUTH FOUNDATION HERE IN AUSTIN. WE HAVE THREE PROFESSIONALS WHO WILL BE GIVEN THE CERTIFICATE OF APPRECIATION. I'LL READ THE CERTIFICATES, THEY'RE ALL THE SAME, THEN I WILL INTRODUCE OUR THREE AWARD WINNERS. AND YOU CAN JOIN ME IN THANKING THEM. IT'S A CERTIFICATE OF APPRECIATION. THE CITY IS PLEASED TO RECOGNIZE THESE FOLKS, I'LL RECOGNIZE THEM LATER, FOR HELPING TO PROVIDE THE STUDENT AT THE RIVER CITY YOUTH FOUNDATION WITH TECHNOLOGY INSTRUCTION SERVICES OVER THE PAST SIX WEEKS. WE ARE APPRECIATIVE OF MR. POLIANSKI, I'VE GOT TO GET THESE NAMES RIGHT, MR. ABILOV -- I'M SORRY IF I MISPRONOUNCE THESE. AND MS. GULINA. FOR THE TIME, EFFORT TO NARROW THE DIGITAL DIVIDE AS PART OF OUR BILATERAL EXCHANGE ORGANIZATION BY THE U.S.-RUSSIAN VOLUNTEER INITIATIVE. THIS CERTIFICATE OF APPRECIATION FOR THEIR FINE WORK WITH THE YOUTH OF DEAF SPRINGS COMMUNITY IN EAST AUSTIN IS PRESENTED THIS SECOND

DAY OF DECEMBER, 2004, AND SIGNED BY ME, THE MAYOR WILL WYNN, BUT ALSO SIGNED BY ALL THE COUNCIL MEMBERS. PLEASE JOIN ME IN CONGRATULATING OUR THREE RUSSIAN TECHNOLOGY PROFESSIONALS AND ALL THEIR GREAT HELP HERE IN AUSTIN. [ APPLAUSE ]

THANK YOU VERY MUCH, MAYOR WYNN. I'M LORNA GONZALES AND I'M THE DEREKER OF THE RIVER CITY YOUTH FOUNDATION. I MUST SAY THAT WHEN I RECEIVED THE FALL A FEW MONTHS AGO FROM WASHINGTON, D.C. FROM OZANA AT IREB TELLING ME THAT THERE WAS THIS WONDERFUL PROGRAM THAT COULD BRING RUSSIANS HERE TO OUR CITY AND TO OUR AGENCY TO TEACH THE CHILDREN TECHNOLOGY AND TO NETWORK IN THE AREA OF CLOSING THE DIGITAL DIVIDE. AND SHE SAID THAT SHE HAD LEARNED ABOUT RIVER CITY BECAUSE WE HAD WON SOME NATIONAL ATTENTION THROUGH A GRANT WE HAD RECEIVED ABOUT CLOSING THE DIGITAL DIVIDE. AND OFFERED US AN OPPORTUNITY TO PARTICIPATE. I WAS VERY EXCITED. I HAD NO IDEA AT THAT TIME HOW SIGNIFICANT THIS WOULD BE IN THE LIVES OF OUR CHILDREN. WE TALK ABOUT TEACHING OUR CHILDREN IN AUSTIN DIVERSITY, MAKING THEM MUCH MORE SENSITIVE TO THE CULTURES OF MANY, MANY DIFFERENT PEOPLE BECAUSE AUSTIN IS A VERY, VERY DIVERSE POPULATION AND A BEAUTIFUL CITY. THIS HAS BEEN AN OPPORTUNITY FOR THREE INDIVIDUALS, WARM, HUMOR OUTSIDE, SENSITIVE, VERY INTELLIGENT AND ACCOMPLISHED FROM RUSS SHA, DIFFERENT CITIES IN RUSSIA, TO COME TO AUSTIN AND SPEND QUALITY TIME WITH OUR KIDS. THEY WORKED 40 HOURS A WEEK AND THEY'VE BEEN WITH US IN NOVEMBER. THEY WILL LEAVE NEXT WEEK. AND SOME OF THE THINGS THAT THEY HAVE DONE, AND THERE ARE TOO MANY TO NAME, BUT SOME OF THE THINGS THEY HAVE DONE HAS BEEN TO HELP US TO ORGANIZE OUR ANNUAL FAIR ON THE SQUARE KIDS TECHNOLOGY DAY AT THE RIVER CITY YOUTH FOUNDATION WHICH TAKES PLACE ON SATURDAY, THIS COMING SATURDAY. THEY HAVE WORKED WITH THE KIDS TO GET THE TECHNOLOGY PRODUCTS READY FOR DISPLAY. THEY HAVE BEEN JUDGES. THEY HAVE BEEN TEACHING RUSSIAN, ONLY THE GOOD WORDS. THEY EVEN PARTICIPATED RECENTLY IN OUR ANNUAL THANKSGIVING COMMUNITY DINNER, AND P. TR

WAS O.O.TETR WAS THE ONE WHO OFFERED TO SAY THE BLESSING OF THAT MEAL THAT FED OVER 100 CHILDREN. WE DON'T UNDERSTAND WHAT HE SAID, BUT IT SOUNDED REALLY GOOD. AND THEY'VE JUST BEEN THERE FOR THE KIDS, THEY'VE BONDED WITH THEM, AND THEY'VE TAUGHT THE KIDS SOMETHING ABOUT LIFE, SOMETHING ABOUT TRAVEL, ADVENTURE, BUT MOST IMPORTANTLY THE IMPORTANCE OF EDUCATION, WHICH IS WHY WE'RE THERE. OLGA IS A LAWYER IN RUSSIA. PETR AN ECONOMIST AND ALBERT IS A PROFESSOR OF TECHNOLOGY IN HIS CITY UNIVERSITY. SO THEY HAVE BROUGHT WITH THEM TREMENDOUS SKILL AND TREMENDOUS HOPE FOR OUR FUTURE. THEY'VE ALSO HAD A CHANCE TO FIND OUT A LITTLE BIT ABOUT AMERICA, THE UNITED STATES, ABOUT TEXAS -- OF COURSE, YOU KNOW THAT THEY THOUGHT THAT WE ALL WORE THE FIVE-GALLON HATS. WHEN I FIRST PICKED THEM UP AT THE AIRPORT WE TALKED A LITTLE BIT ABOUT THAT AND I WARNED THEM, WE DON'T ALL WEAR THOSE THINGS, REALLY. AND THEY LEARNED THAT WE IN AUSTIN CARE PROFOUNDLY ABOUT THEM AS A PEOPLE AND ABOUT OUR BROTHERS AND SISTERS THROUGHOUT THE WORLD. WE'VE BEEN ABLE TO EXCHANGE JOKES, WE'VE BEEN ABLE TO EXCHANGE KNOWLEDGE, AND MOST OF ALL GOOD FEELINGS THAT REALLY WILL LAST A LIFETIME. WHEN, MAYOR WYNN, YOU SAID EARLIER THE RUSSIANS ARE COMING, FROM THOSE OF US FROM THE BABY BOOMER GENERATION AND BEYOND, WE WOULD HAVE BEEN A LITTLE BIT CONCERNED, CORRECT, BUT TODAY IT'S A DIFFERENT WORLD AND WE CERTAINLY ARE HAPPY THAT IT IS DIFFERENT. I WANT TO SAY THAT THERE'S A VERY SPECIAL LADY HERE THAT HAS HOSTED THEM AND OPENED HER BEAUTIFUL HOME TO OUR FRIENDS. BAR JACKSON, WOULD YOU RAISE YOUR HAND, PLEASE? WOULD YOU GIVE HER A ROUND OF APPLAUSE? SHE'S BEEN SO WONDERFUL. [ APPLAUSE ] AND ALSO I DON'T KNOW IF SHE MADE IT IN HERE, BUT LYNN COOK SI FROM THE INTERNATIONAL -- LIEN COOKSEY FROM THE INTERNATIONAL HOSPITALITY COUNCIL. [ APPLAUSE ] THANK YOU. THANK YOU BOTH FOR HELPING TO ORGANIZE THIS AND THANK YOU TO SUE COLE, THE COORDINATOR OF OUR COMPUTER LAB. TO ALL THE WONDERFUL CHILDREN WHO HAVE PARTICIPATED AND REALLY TO EVERYBODY WHO HAS HAD SOMETHING TO DO

WITH MAKING THIS POSSIBLE. SO WE ARE GOING TO SAY FAREWELL TO THEM NEXT WEEK. EVERYONE COME OVER TO OUR FAIR ON THE SQUARE ANNUAL TECHNOLOGY KIDS DAY ON SATURDAY FROM 2:00 TO 4:00 AT LIVER CITY YOUTH FOUNDATION. AND MAYOR WYNN, ONCE AGAIN, THANK YOU, AND GOD BLESS YOU.

Mayor Wynn: THANK YOU. THANK YOU SO MUCH. [ APPLAUSE ]  
THANK YOU TO ALBERT, OLGA AND PETR. FOR OUR NEXT PROCLAMATION WE'RE GOING TO HAVE A DISTINGUISHED SERVICE AWARD TO MAXINE BARKAN. IF YOU COULD JOIN ME, AND MAXINE'S FAN CLUB COULD COME STAND BEHIND HER. THIS PROCLAMATION IS A DISTINGUISHED SERVICE AWARD FOR MAXINE FOR -- SHE DOES SO MANY THINGS, BUT THIS ONE SPECIFICALLY IS FOR HER SERVICE AS OUR ARTS COMMISSIONER. IT READS: DISTINGUISHED SERVICE AWARD, CITY OF AUSTIN, FOR HER COMMITMENT, COLLABORATIVE EFFORTS AND VALUABLE INPUT AS A MEMBER OF THE AUSTIN ARTS COMMISSION, MAXINE BARKAN IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. THE CERTIFICATE IS ISSUED IN APPRECIATION OF HER DEDICATED SERVICE FOR MORE THAN 15 YEARS. MRS. BARKAN HAS HELD MANY LEADERSHIP POSITIONS WITHIN THIS COMMISSION, INCLUDING CHAIR, VICE-CHAIR AND PAL MEN TEARIAN. SHE HAS HEADED THE FINANCE, GOVERNANCE AND APPEALS GUIDELINES COMMITTEE. SHE ALSO CHAIRED THE COMPREHENSIVE ARTS PLAN TASKFORCE AND HAS SERVED AS THE ARTS COMMISSION LIAISON FOR THE ARTS COMMISSION AND VISITORS BUREAU AS A MEMBER OF THE ACVB BOARD. WE JOIN HER FELLOW COMMISSION MEMBERS IN HONORING HER EXTENSIVE RANGE OF SERVICE ON THIS SECOND DAY OF DECEMBER, 2004, SIGNED BY ME, BUT ALSO SIGNED BY ALL THE COUNCILMEMBERS. PLEASE JOIN ME, FOLKS, IN WELCOMING, CONGRATULATING MS. MAXINE BARKAN. [ APPLAUSE ]

I HAVE BEEN OVERWHELMED SINCE VINCENT E-MAILED ME AND TOLD ME ABOUT THIS. I HAD NO IDEA THAT THIS WAS GOING TO HAPPEN, AND I FEEL SO HONORED AND ACTUALLY VERY HUMBLLED YOU VOLUNTEER, YOU GIVE YOUR TIME AND YOUR EFFORT, BUT YOU DO IT BECAUSE YOU WANT TO DO SERVICE TO YOUR COMMUNITY AND ALSO YOU WANT TO DO SOMETHING FOR YOURSELF. YOU WANT TO CHALLENGE



YOURSELF AND BE A PART OF THE COMMUNITY. VOLUNTEERING IN THIS COUNTRY IS VERY UNIQUE. MOST COUNTRIES DON'T HAVE THE KIND OF VOLUNTEERS THAT WE HAVE HERE THAT HELP NOT ONLY OUR GOVERNMENT, BUT ALSO HELP OUR CITIZENS AS WELL. AND THIS IS A VERY UNIQUE THING. AND I THINK OUR BOARDS AND COMMISSIONS ARE ALSO A VERY UNIQUE ENTITIES BECAUSE THEY ALSO RELY ON VOLUNTEERS TO HELP OUR GOVERNMENT FUNCTION. AND IT WAS WITH THIS THAT I WAS REALLY VERY PLEASED WHEN COUNCILMEMBER SALLY SHIPMAN BACK IN 1989 ASKED ME IF I WOULD APPLY AS AN ARTS COMMISSIONER. AT THAT TIME THE ARTS WORLD WAS IN TURMOIL. MAYBE SOME OF YOU REMEMBER IT, YOU LONG TIMERS. AND I REMEMBER SALLY SAID, I DON'T KNOW WHY YOU'RE DOING THIS, BUT I'M GLAD YOU ARE. I WAS SUPPOSED TO BE THE COMMUNITY REPRESENTATIVE TO HELP IN AN OBJECTIVE WAY TO SEE IF WE COULD SMOOTH THE WATERS OF ALL THESE CONFLICTS THAT WERE GOING ON. AND I HAVE TO SAY THAT MY FIRST COMMISSION MEETING, WE WERE 15 MEMBERS THEN, NOW WE'RE NINE. THE FIRST COMMISSION MEETING, MIDWAY INTO THE MEETING, THE FOUR ELECTED EXECUTIVE DIRECTORS OR EXECUTIVE COMMITTEE, GOT UP IN A HUFF AND WALKED OUT. AND I THOUGHT, WHAT IN THE WORLD HAVE I GOTTEN MYSELF INTO? HOWEVER, WE ALL PERCENT VEERED AND WE WENT -- VERSE VEERED AND WE -- PERSEVERED AND WE WENT ON AND MENDED FENCES AND I THINK WE DID A GOOD JOB OVER THE YEARS. ONE OF THE THINGS THAT HAPPENED TO HELP MOVE THAT ALONG, TO HELP MOVE -- TO GET IT TOGETHER WAS THE COMPREHENSIVE ARTS PLAN THAT I WAS ASKED TO BE CHAIR OF AT THE TASKFORCE. WE WORKED FOR TWO YEARS TO DEVELOP AN ARTS PLAN FOR THE CITY OF AUSTIN THAT ACTUALLY THE COUNCIL ACCEPTED. THEY HADN'T ACCEPTED ANY BEFORE THEN, BUT THEY DID, THEY ACCEPTED THIS ONE. AND AS SOON AS THEY DID, IT GOT PEOPLE FROM ALL OVER THE COMMUNITY, NOT ONLY THE ARTS COMMUNITY, BUT THE GENERAL POPULATION AS WELL, AND WE HAD MANY READINGS, WENT TO MANY PLACES, TALKED TO MANY PEOPLE AND CAME UP WITH A PLAN, IT'S NOT PERFECT, AND IT HAS TO BE REVISED AND UPDATE, BUT ONE OF THE THINGS WE DID, IT KIND OF REGENERATED THE IDEA THAT WE NEEDED TO HAVE AN

ARTS MUSEUM FOR THE CITY. WE NEEDED TO HAVE A PERFORMING ARTS CENTER. WE NEEDED TO HAVE A MEXICAN-AMERICAN CULTURAL CENTER. WE NEEDED TO HAVE AN EXPANDED CARVER MUSEUM. AND THOSE THINGS ARE ALL HAPPENING NOW. THERE'S A LITTLE LAG ON THE PERFORMING ARTS CENTER AND THE MUSEUM BECAUSE OF THE ECONOMIC PROBLEMS, BUT IT'S MOVING ALONG AND I'M THRILLED TO BE PART OF THAT SCENE. AND ALSO I WAS THRILLED TO BE PART OF THE REORGANIZATION OF THE AUSTIN CONVENTION AND VISITORS BUREAU WHERE I REPRESENTED THE ARTS COMMISSION BECAUSE UNLESS YOU GOT UP AND SAID SOMETHING, THERE WASN'T MUCH PAID ATTENTION TO IT. SO I WAS REMINDING THEM THAT WE HAD ARTS AND CULTURE IN THE CITY. AND IT'S ONE OF OUR GREATEST SOURCES OF ECONOMIC IMPACT. THOSE THINGS I REALLY WAS VERY PROUD OF, PROUD THAT WE GOT A GRANT FROM THE NATURAL ENDOWMENT FOR THE ARTS. DAVID, AT THE END OF THE PLANNING PROCESS FOR THE COMPREHENSIVE ARTS PLAN, WE WORKED ON MINORITY EQUITY AND WE'VE COME A LONG WAY SINCE THOSE EARLY DAYS WHEN EVERYTHING WAS SORT OF IN TURMOIL. BUT I'VE BEEN VERY PROUD TO BE PART OF ALL THAT AND I'M VERY PROUD TO SAY THAT I SENSE THAT WE'RE GOING TO BE GOING FORWARD A GREAT DEAL MORE AND UNDER THE LEADERSHIP OF THE ECONOMIC REDEVELOPMENT DEPARTMENT AND VINCENT AND SUE I THINK ARE GOING TO BE MOVING IT ALONG EVEN MORE. I WANT TO SAY THAT I'M VERY PLEASED TO HAVE MY FAMILY AND FRIENDS AND COUNCILMEMBERS JACKIE GOODMAN AND -- WHO ELSE IS BACK THERE? OH, YOU'RE ALL BEHIND ME. ALL OF YOU, BETTY DUNKERLEY, DARYL SLUSHER -- THEY'RE ALL WATCHING AND LISTENING. THEY HAVE BEEN VERY SUPPORTIVE OF ME OVER THE YEARS, AND I AM DEEPLY GRATEFUL TO THEM, I AM DEEPLY GRATEFUL TO ALL THE STAFF, AND I'M DEEPLY GRATEFUL TO THE CITY MANAGER, WHO I WENT TO TO HELP SOLVE PROBLEMS, AND SHE DOES, AS EVERYBODY KNOWS. I CAN'T SAY ENOUGH ABOUT WHAT AN HONOR THIS IS AND HOW THRILLED I AM ABOUT IT.

Mayor Wynn: WELL DESERVED. [ APPLAUSE ]

Mayor Wynn: SO THE CITY COUNCIL MEETING WILL

REASSUME AFTER A SHORT BREAK. THANK YOU.

Mayor Wynn: OKAY, FOLKS. APPRECIATE YOUR PATIENCE. IF YOU REMEMBER, JUST BEFORE OUR BREAK WE HAD TABLED ITEM Z-31, ONLY TWO MORE FOLKS HAVE SIGNED UP WISHING TO SPEAK. SO IF YOU CAN BEAR WITH ME, A FEW MORE CITIZENS WISHING TO SPEAK ON ITEM Z-31. TIM MAHONEY -- I'LL GO AHEAD AND TRY TO GET THROUGH THE CARDS IN OPPOSITION. TIM MAHONEY NOT WISHING TO SPEAK, SIGNED UP IN OPPOSITION REPRESENTING THE SRCC. BILL FAGELSON NOT WISHING TO SPEAK, IN OPPOSITION. BARBARA ABAR WOULD LIKE TO SPEAK. AM I PRONOUNCING THAT CORRECTLY? WELCOME, MA'AM. YOU WILL HAVE THREE MINUTES.

THANK YOU, MR. MAYOR, COUNCILMEMBERS, MY NAME IS BARBARA IBAR AND AND I'M A RESIDENT OF THE AREA THAT WE'RE DISCUSSING TODAY. AND I SIMPLY WANT TO SAY THAT I AM OPPOSED TO THIS BIG DEVELOPMENT. THANK YOU.

THANK YOU, BARBARA. OKAY. COUNCIL, I THINK THAT'S ALL THE FOLKS WHO HAVE SIGNED UP WISHING TO SPEAK IN OPPOSITION TO THE ZONING CASE. WE HAVE A FEW FOLKS SIGNED UP IN FAVOR. WE HEARD FROM ONE EARLIER. MR. LARRY, IT LOOKS LIKE SUN DERLAND. WELCOME, SIR. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY ANNE CAPP.

HELLO. THANK YOU VERY MUCH. I LIVE AT 1507 SUMMIT STREET AND I TOO LOVE THIS NEIGHBORHOOD. IT'S TRULY A WONDERFUL PLACE. I HAVE NOT BEEN INVOLVED IN THIS PROCESS BECAUSE I WAS REALLY NOT AWARE OF IT. AND THAT'S MY FAULT. I WOULD LIKE TO TELL YOU ABOUT A MEETING I WENT TO A MONDAY NIGHT ON THE NEIGHBORHOOD. I WAS INVITED TO BY MR. THROWER BECAUSE I WORKED WITH HIM ON ANOTHER PROJECT ACROSS THE STREET FROM ME. AND THIS IS SUPPOSED TO BE A MEETING TO WORK OUT A COMPROMISE ON THIS DEVELOPMENT. IT TURNED OUT NOT TO BE THAT AT ALL. MOST OF THE PEOPLE THERE HAD NO COHERENT LIST OF DEMANDS OR REQUESTS TO PRESENT TO MR. THROWER. I WAS CALLED THE DEVELOPER'S LACKEY BECAUSE I HAD

QUESTIONS ABOUT THE PROCESS, AND BASICALLY IT BROKE UP WITH NOTHING HAPPENING AT ALL. AND IF THIS IS THE KIND OF PROCESS THAT GOES ON TO DETERMINE WHAT GOES ON IN A NEIGHBORHOOD, GOD HELP US ALL. I WOULD LIKE TO SEE THIS THING GO BACK TO THE PLANNING COMMISSION AND HAVE A CHANCE TO ALL OF US SIT DOWN TOGETHER AND WORK OUT A COMPROMISE ON THIS BECAUSE I DON'T THINK ANYTHING HAS REALLY BEEN DONE TO MAKE THAT HAPPEN. THANK YOU.

Mayor Wynn: THANK YOU. ANNE KAPP. WELCOME. YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY IT LOOKS LIKE WALKEN WOOD.

THANK YOU, COUNCILMEMBERS FOR YOUR TIME. MY NAME IS ANNE KAPP. I'M A RESIDENT OF THE NEIGHBORHOOD AND I DO SUPPORT THE ZONING CHANGE. I BROUGHT A LITTLE VISUAL AID JUST TO SHOW THE MAJOR CORRIDORS. THIS IS I-35. AND RIVERSIDE. I'VE GOT TO HAVE LONG ARMS. AND IT'S THIS CORNER RIGHT HERE. THAT IS UNDER QUESTION. IT'S A VERY VISIBLE CORNER, AND I THINK THAT WITH THE PROPER DEVELOPMENT IT WOULD INCREASE THE VALUE OF THE NEIGHBORHOOD, MAKE THE EAST SIDE ON THAT PART BY THE HIGHWAY LOOK BETTER. AND I THINK THAT WITH PROPER PLANNING IT WILL ENHANCE THE NEIGHBORHOOD AND WE CAN ALL BENEFIT FROM A GREAT MULTI-USE. THE PEOPLE THAT ARE OPPOSED -- UNDERSTANDABLY THEY'RE OPPOSED TO IT, BUT THIS IS THE WHOLE NEIGHBORHOOD. A DEVELOPMENT THAT WOULD GO HERE WOULD IMPACT THIS WHOLE AREA, OKAY? AND I DO SUPPORT THE ZONING CHANGE AND I THANK YOU VERY MUCH FOR YOUR TIME.

Mayor Wynn: THANK YOU. AGAIN, IT LOOKS LIKE LAKEN WOOD. YOU WILL HAVE THREE MINUTE.

IT'S LOCKEN WOOD AND I LIVE AT 2409 PRINCETON DRIVE. I GREW UP IN THIS NEIGHBORHOOD AND I RECENTLY RELOCATED ON THE GREATER NEIGHBORHOOD PLANNING AREA. I AM IN SUPPORT OF THE ZONING CHANGE. I AM IN SUPPORT OF THE ZONING CHANGE FOR SEVERAL REASONS. THE MOST IMPORTANT POINT TO ME IS THAT I THINK THAT BECAUSE PART OF THE PROPERTY THAT THE DEVELOPER OWNS IS ALREADY ZONED WITH THE HIGHER ZONING, WITH

THE -- I THINK IT'S GR-MU. IN ORDER TO MAKE SOMETHING COHESIVE ON THAT CORNER, TO BE ABLE TO ACTUALLY CONTROL TRAFFIC, HAVE SOME DIFFERENT, YOU KNOW, DESIGN CRITERIA INVOLVED, THE DEVELOPER AND THE PLANNER HAVE, YOU KNOW, TRIED TO WORK WITH PUTTING IN DIFFERENT CONCESSIONS IN ORDER TO MAKE THIS A COHESIVE PROJECT IN ORDER TO BRING THE ENTIRE CORNER TOGETHER. IF THE ZONING CHANGE IS NOT APPROVED, IT'S SIMPLY GOING TO REVERT BACK TO THE THREE SEPARATE ZONINGS AND THREE SEPARATE UNCOHESIVE PROJECTS, WHICH I DON'T THINK WOULD BE THE BEST OPTION FOR THIS CORNER. I THINK HAVING ONE TRAFFIC PLAN AND ONE BUILDING DESIGN AND ONE USE FOR THIS ENTIRE CORNER WILL BENEFIT NOT ONLY ALL OF THE BUSINESSES ALONG RIVERSIDE THAT THIS CREATES THE CHARACTER FOR THE REST OF THE CORRIDOR AS WELL AS JUST THE NEIGHBORHOOD HAVING AN IMPROVEMENT, HAVING MIXED USE INCORPORATED INTO THE NEIGHBORHOOD. I THINK THE WHOLE THING WORKS -- JUST SEEMS THAT IT WOULD WORK BETTER WITH THE ZONING CHANGE. SO THERE'S ONE MORE IN SUPPORT, SO THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MS. WOOD. MR. JOHN SUHULER. THANK YOU FOR YOUR PATIENCE, JOHN. YOU WILL HAVE THREE MINUTES.

GOOD EVENING, MR. MAYOR, COUNCILMEMBERS. I'M HERE ON BEHALF OF THE LANDOWNER, THE SUHULER FAMILY TRUST. AND BASICALLY THIS LAND WAS ORIGINALLY PURCHASED TO HOUSE OUR INSURANCE AGENCY, WHICH HAS BEEN A FAMILY BUSINESS OPERATING HERE IN AUSTIN SINCE 1961. AND INCORPORATED INTO THIS PROJECT WILL BE THE HOME OFFICE, I GUESS YOU COULD SAY, OF THE INSURANCE AGENCY LOCATED HERE IN AUSTIN. THERE'S APPROXIMATELY THREE AND A HALF ACRES OF LAND THAT THE TRUST OWNS, OF WHICH ABOUT HALF OF IT IS ALREADY COMMERCIAL. AND THE PART THAT WE HAVE ASKED -- THAT IS THE SUBJECT OF THIS ZONING IS A PORTION ALONG RIVERSIDE WHICH IS LIGHT OFFICE AND SF-3, WHICH IS SINGLE-FAMILY DWELLINGS. WELL, TO SPEAK ABOUT THE LAND THAT WE'RE ZONING HERE, THIS IS LIKE THE ONLY PIECE OF SINGLE-FAMILY DWELLING LAND LEFT ALONG

RIVERSIDE. AND I'VE ATTENDED SOME OF THE NEIGHBORHOOD PLANNING MEETINGS, AND BASICALLY EVERYTHING IN THE NEIGHBORHOOD PLAN IS DESIGNATED TO BE A COMMERCIAL ALONG RIVERSIDE, WITH THE EXCEPTION OF THIS ONE PIECE. SO -- AS WELL THERE'S QUITE A BIT OF DEVELOPMENT BEING PLANNED RIGHT ACROSS THE STREET FROM THIS. I'D LIKE TO EMPHASIZE THAT WE'RE IN THE PRELIMINARY STAGES OF DEVELOPING THIS PROPERTY, AND THIS IS REALLY THE FIRST STEP IN BEING ABLE TO GET THE FULL DEVELOPMENT GOING ON THIS CORNER; OTHERWISE WE'RE GOING TO BASICALLY END UP WITH THE I-35 PORTION OF THIS PROPERTY DEVELOPED AND WE'LL HAVE THIS RIVERSIDE PROPERTY UNDEVELOPED, WHICH THIS PROPERTY RIGHT NOW ATTRACTS A LOT OF VAI GRANTS. IT -- VAI GRANTS. IT HAS HUGE RETAINING WALLS THAT KIND OF BLOCK IT FROM RIVERSIDE. IT'S PRETTY UNSIGHTLY PIECE OF PROPERTY. IT IS A DIFFICULT PIECE OF PROPERTY. I THINK THAT OUR LAND PLANNER HAS COME UP WITH SOME VERY GOOD PLANS AS FAR AS TRYING TO GET THE DEVELOPMENT DOWN TO RIVERSIDE WHERE IT'S GOING TO, NUMBER ONE, MAKE A NICE, COHESIVE DEVELOPMENT ON THAT CORNER AND SET THE STAGE FOR RIVERSIDE, WHICH OBVIOUSLY WE WANT TO BE ON A CORNER DOING OUR BUSINESS IN AN AREA THAT WE'D BE PROUD TO BE IN. AND WE WOULD APPRECIATE YOUR SUPPORT IN THIS ZONING CASE TODAY. THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU, MR. SUHULER. SO COUNCIL, THAT'S ALL THE FOLKS WHO HAVE SIGNED UP IN OPPOSITION AND IN FAVOR OF THIS ZONING CASE. WE NOW HAVE A THREE-MINUTE REBUTTAL FROM THE AGENT, MR. THROWER.

MAYOR, COUNCILMEMBERS, RON THROWER. I'D JUST LIKE TO POINT OUT THAT WE'RE TRYING TO DO SOMETHING UNIQUE WITH THIS PROPERTY. WE'VE GOT A TRACT LAND THAT IS ZONED SF-3 AND LO, AND 500 FEET OF AN INTERSECTION THAT HOLDS 2 FIST THOUSAND CARS A -- 250,000 CARS A DAY. SF-3 DOES NOT NEED TO BE ON THIS PROPERTY. WE ARE TRYING TO EXCAVATE THE HILLSIDE, PUSHING THE DEVELOPMENT AS FAR AWAY FROM THE NEIGHBORS AS POSSIBLE. GR-MU IS THE APPROPRIATE ZONING FOR THIS PARTICULAR DEVELOPMENT. IT PROVIDES A 10-FOOT BUILDING LINE. BY PROVIDING A MIXED USE

DEVELOPMENT, WE'RE PUTTING THE RETAIL AND COMMERCIAL USES ON THE GROUND FLOOR WITH RESIDENTIAL UNITS ABOVE. WE'RE NOT LOOKING AT A SINGLE MONOLITHIC BUILDING ACROSS THE ENTIRE FRONTAGE. WE ARE BREAKING UP THE BUILDING AT THE DRIVEWAY. THE CONCERNS ABOUT TRAFFIC. WE HAVE GOT AN EXISTING MEDIAN OPENING IN RIVERSIDE DRIVE THAT WE WOULD ACCESS. THERE IS ALSO A SECONDARY ACCESS INSIDE THE PROPERTY BETWEEN THE TWO HUGE WALLS THAT WE'RE TRYING TO ELIMINATE. THIS DRIVEWAY WAS PUT IN AS PART OF THE RIVERSIDE DEVELOPMENT. AND AGAIN, I WOULD LIKE TO POINT OUT THAT OUR ENDEAVOR IS TO EXCAVATE THE HILLSIDE, PUSH THE LARGER BUILDING AS FAR AWAY FROM THE RESIDENCE AS POSSIBLE. IF WE ARE TO PUT A BUILDING ON TOP OF THE HILL UNDER THE EXISTING ZONING TODAY, IT WILL HAVE FAR MORE IMPOSITION ON THE NEIGHBORS THAN THIS TYPE OF DEVELOPMENT. AND I WOULD ALSO LIKE TO POINT OUT THAT -- WE FILED THIS CASE IN FEBRUARY. I FILED THIS CASE WITH THE INTENT OF LISTENING TO THE NEIGHBORS AND FINDING OUT WHAT THEY WANTED THROUGH THE NEIGHBORHOOD PLANNING PROCESS. THIS WAS A LIST OF THE CITY OF AUSTIN DRAFTED GOALS FOR THE RIVERSIDE PLANNING AREA. THEY ARE ASKING FOR A MIXED USE DEVELOPMENT ON RIVERSIDE. THEY ARE ASKING FOR VILLAGE STYLE WIDE COVERED SIDEWALKS, SMALL STORES, A VARIETY OF BUSINESSES, IMPROVED RETAIL OUTLETS, RESTAURANTS, LANDSCAPING, PUBLIC SEATING. THEY'RE ALSO LOOKING FOR THE ABILITY TO PROVIDE ZONING TOOLS THAT WOULD ALLOW BUILDINGS TO BE PUSHED UP TO THE STREET WITH PARKING BEHIND. THEY'RE ALSO LOOKING TO HAVE IMPROVEMENTS IN STREET SCAPES ALONG RIVERSIDE DRIVE. ALL OF THIS IS WHAT WE ARE DOING WITH THIS PARTICULAR DEVELOPMENT. WE FEEL THAT THE COMPROMISES THAT WE'VE PROVIDED TO THE NEIGHBORS, THE LIST OF CONDITIONS ON THE PROPERTY, ONE OF WHICH INCLUDE HALF OF THE BUILDING WOULD ONLY BE CONSTRUCTED AT 45 FEET. THE OTHER HALF OF THE BUILDING WOULD BE CONSTRUCTED AT 60 FEET. THAT DIFFERENCE IS -- SPLITS THE DIFFERENCE. IMPOSITION OF A PROJECT THAT COULD BE DONE TODAY IN REGARDS TO THEIR VIEWS. BUT THE DEVELOPMENT IS FURTHER AWAY.

BY PROVIDING A BROKEN UP BUILDING HEIGHT WITH THAT, THERE IS CHANNEL, THERE'S CORRIDORS FOR VIEWS ALONG THE DEVELOPMENT THAT THE NEIGHBORS ARE STILL ABLE TO OBTAIN THEIR LIGHT AND AIR THAT THEY WANT SO MUCH. I'M AVAILABLE IF YOU HAVE ANY QUESTIONS.

Mayor Wynn: THANK YOU, MR. THROWER. SO COUNCIL, THAT CONCLUDES THE PUBLIC HEARING PORTION OF THIS CASE. I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER ALVAREZ TO CLOSE THE PUBLIC HEARING ON Z-31. FURTHER COMMENTS? HEARING NONE, ALL THOSE 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 SLUSHER TEMPORARILY OFF THE DAIS. QUESTIONS, COMMENTS, COUNCIL? COUNCILMEMBER MCCrackEN.

McCracken: YEAH, THIS IS FOR MR. THROWER. MR. THROWER, WE'VE HEARD A LOT OF THINGS. COULD YOU REMIND US WHAT YOUR GOALS ARE IN SEEKING TO GO BACK TO THE PLANNING COMMISSION?

MY GOALS HERE ARE THAT WE HAVE A TRACT OF LAND, AND YOU HEARD THE OPPOSITION SPEAK, AND THEY HAD ALSO DONE A SURVEY IN REGARDS TO THE NEIGHBORHOOD PLAN. THEIR DESIRE IS TO HAVE SF-3 ZONING ON THIS PROPERTY, SF SOMETHING. OUR GOAL IS ON THE OTHER END, WHICH IS A MORE INTENSIVE DEVELOPMENT, BUT TO PUSH IT FURTHER AWAY. WE'RE OBVIOUSLY FAR APART IN ANY SORT OF COMPROMISE. PLANNING COMMISSION DENIED GR-MU, BUT SAID THAT SF-3 IS TOTALLY INAPPROPRIATE, WITHOUT PROVIDING ANYBODY DIRECTION OF WHAT IS APPROPRIATE FOR THIS PROPERTY.

McCracken: SO YOU'RE HOPING TO GO BACK TO THE PLANNING COMMISSION TO GET DIRECTION OF WHAT WOULD BE APPROPRIATE?



THAT IS CORRECT.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: WELL, I DID SPEAK WITH THE CHAIR OF THE PLANNING COMMISSION JUST TO SEE WHAT HE THOUGHT ABOUT THIS RECOMMENDATION, AND HE SAID THAT HE WOULD BE -- HE WOULD REALLY LIKE TO HAVE THE CASE BACK. HE WOULD BE WILLING TO SET UP A SUBCOMMITTEE AND TRY TO WORK WITH THE NEIGHBORS, WITH BOTH GROUPS OF NEIGHBORS, THE NEIGHBORS FOR AND THE NEIGHBORS AGAINST, AND WITH THE OWNER TO TRY TO COME UP WITH SOME RECOMMENDATION -- SOME AGREEMENT BETWEEN THE THREE GROUPS AS WELL AS ANOTHER RECOMMENDATION TO US. FOR WHAT IT'S WORTH, HE WAS VERY HAPPY TO DO THAT.

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

Alvarez: MAYBE FOR STAFF. WE'VE HAD HEARD SEVERAL FOLKS, INCLUDING THE APPLICANT, REFERENCE THE NEIGHBORHOOD PLANNING PROCESS. SO WHEN WOULD THAT PROCESS MOVE FORWARD WITH RECOMMENDATIONS?

ARE WE AT THE BEGINNING PHASE OF THE PROCESS OR NEAR THE END?

THIS AREA HAS BEEN TAKING A LITTLE LONGER, SO PROBABLY WOULDN'T -- WOULD BE SPRING BEFORE IT'S UNDERWAY. BUT RIGHT NOW THERE ARE DISCUSSIONS GOING ON ABOUT THE PROPOSED LAND USES AND LOCATIONS AND STAFF IS WORKING ON A MAP FOR THE GENERAL AREA FOR THE COMBINED NEIGHBORHOODS TO BRING FORWARD FOR MORE DISCUSSION. WE'RE NOT THERE QUITE YET. IT'S VERY CLOSE.

Alvarez: IT JUST SEEMS IF WE ARE GOING TO SEND IT BACK TO THE PLANNING COMMISSION, WHY WOULDN'T WE WAIT FOR IT TO COME BACK FOR -- AS PART OF THE NEIGHBORHOOD PLAN. IT SEEMS LIKE IT WOULD ONLY BE A FEW MONTHS' DIFFERENCE. IF ONE OF STAFF COULD ADDRESS THAT AND MAYBE ONE OF THE NEIGHBORHOOD

PLANNING TEAM MEMBERS IF THEY HAPPEN TO BE HERE.

COUNCILMEMBER, MY CONCERNS IN THIS ARE THE LAST TIME THAT I HEARD THERE WAS A DATE SET FOR THIS NEIGHBORHOOD PLAN TO COME TO PLANNING COMMISSION WAS SEVERAL MONTHS AGO, AND THAT TARGET DATE WAS MARCH. I DO NOT KNOW IF THAT HAS SLIPPED AGAIN OR NOT, BUT AS I HAVE SEEN TIME AND TIME AGAIN WITH NEIGHBORHOOD PLANS, THAT THOSE TARGET DATES ARE NOT NORMALLY MET JUST BECAUSE WE HAVE A LOT OF OUTSTANDING ISSUES. AND LIKE MR. GUERNSEY SAID, THIS IS A VERY LARGE PLANNING AREA.

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

Thomas: MAYOR.

Mayor Wynn: COUNCILMEMBER THOMAS.

Thomas: THE MAYOR PRO TEM CAN GO AHEAD.

Goodman: I WANT TO SAY THIS IS REALLY AWFUL. I REMEMBER THIS CASE BACK FROM THE '80'S. AND THE REASON THAT WE PUT THE DIFFERENT KIND OF ZONING ON IT WAS THE FIRST ATTEMPT TO COME UP WITH A MIXED USE KIND OF SCENARIO SO THAT THE NEIGHBORHOOD WAS PROTECTED BY GRADUAL DEVELOPMENT OF MORE INTENSITY AND THE PROPERTY OWNER COULD HAVE SOME BENEFIT FROM I-35 AND RIVERSIDE. SO SOME OF THE THINGS WE THOUGHT WOULD HAPPEN IN THE FUTURE DIDN'T. IT'S BECOME A MORE RAMBUNCTIOUS CORNER THAN EVER. SO I DON'T THINK THAT THE SINGLE-FAMILY IS QUITE AS REALISTIC ANY MORE AS IT ONCE WAS, BUT ON THE OTHER HAND, I'M NOT SEEING THE NEED TO GO TO GR BECAUSE OF THAT INTERSECTION WHERE THERE'S SO MUCH TRAFFIC AND SO MUCH SPEED AND SO MANY OTHER ENTRIES. I THINK IT'S AN ACCIDENT WAITING TO HAPPEN. SO IT DOES SEEM LIKE THE NEIGHBORHOOD PLANNING PROCESS IS THE IDEAL WAY TO COME TO AN UNDERSTANDING BETWEEN THE TWO OF YOU, NEIGHBORHOOD AND DEVELOPER, PROPERTY OWNER, ABOUT WHERE THE BOTTOM LINES REALLY ARE, NOT YOUR

PERCEIVED BOTTOM LINES, BUT YOUR REAL BOTTOM LINES AND WHAT'S REALLY GOING TO PROTECT THE NEIGHBORHOOD. SHAVING OFF THE TOP OF THE HILL DOESN'T SEEM LIKE IT, AND THERE MAY BE SOME MODIFICATION OF THAT THAT YOU CAN COME UP WITH. MY PREFERENCE AT THIS MOMENT WOULD BE THAT YOU WITHDRAW YOUR CASE AND BRING IT BACK WITH THE NEIGHBORHOOD PLAN. AND EVEN IF YOU HAVE NOT BEGUN THE ZONING PROCESS WITHIN THE NEIGHBORHOOD PLAN, THE CITY INITIATES THE ZONING AND SO YOU WOULDN'T HAVE EVEN HAD TO PAY FEES HAD YOU GONE ABOUT IT THAT WAY. SO AT THIS POINT WITH THE PETITION, I CAN'T VOTE FOR IT. WE'RE SO CLOSE TO HAVING THE PLAN FINISHED, BUT APPARENTLY NOT IN YOUR CASE, AND YOU WERE IMPATIENT PERHAPS, WHICH I CAN UNDERSTAND, BUT IT IS AN ALL AROUND PROCESS THAT IS LAYING OUT THE PLANS FOR A GREAT DEAL OF PROPERTY. SO THAT HAPPENS.

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

Dunkerley: TO THE STAFF. THIS CASE BEFORE US NOW HAS A VALID PETITION, IS THAT CORRECT?

THAT'S CORRECT. RIGHT NOW IT'S ONLY READY FOR FIRST READING. AND IF WE DO ANY ACTION THIS EVENING.

Mayor Wynn: MR. SUHULER, MR. THROWER, WE HAVE A STRONG SUGGESTION FROM THE MAYOR PRO TEM ABOUT ESSENTIALLY A WITHDRAWAL, THERE BY DELAYING THE MORE COMPLEX WORK ON THIS CASE. WOULD YOU CARE TO ADDRESS THAT?

Goodman: OR INDEFINITE POSTPONEMENT, WHICH GIVES YOU UP TO SIX MONTHS.

WE WILL DEFINITELY AGREE TO THE INDEFINITE POSTPONEMENT. MY REQUEST IN THAT IS THAT THE COUNCIL CONSIDER PROVIDING A SUBCOMMITTEE WITH THE PLANNING COMMISSION TO HELP WORK THROUGH AND MEDIATE THIS PROCESS.

Mayor Wynn: MAYOR PRO TEM.

Goodman: IT'S MY UNDERSTANDING THAT THE PLANNING COMMISSION WAS SUPPOSED TO BE DOING THAT WITH EACH NEIGHBORHOOD PLAN. SO IF THEY HAVEN'T, I WOULD BE WILLING TO STRONGLY ENCOURAGE A SUBCOMMITTEE OF THE PLANNING COMMISSION BE DRAFTED TO FOLLOW THROUGH.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM FOR AN INDEFINITE POSTPONEMENT OF CASE Z-31. SECONDED BY COUNCILMEMBER SLUSHER. FURTHER COMMENTS? ALL IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION TO POSTPONE INDEFINITELY PASS OR A VOTE OF SEVEN TO ZERO. THANK YOU VERY MUCH.

MAYOR AND COUNCIL, IF THIS ITEM DOES COME BACK BEFORE COUNCIL, THERE WILL BE ANOTHER NOTICE MAILED TO ADJACENT PROPERTY OWNERS WITHIN 200 FEET AND REGISTERED NEIGHBORHOOD ASSOCIATIONS BEFORE IT IS HEARD AGAIN.

THANK YOU, MR. GUERNSEY. COUNCIL, WITHOUT OBJECTION, I THINK WE CAN GET MORE PEOPLE HOME SOONER RATHER THAN LATER IF WE GO BACK TO ITEM NUMBER 12 ON THE AGENDA, WHICH WAS TO CONSIDER THE ANNEXATION OF THE BRANT ROAD AREA. WE HAVE CLOSED THE PUBLIC HEARING ON THIS CASE AND WE HAVE A VERY STRUCTURED PROCESS AND TIME LINE AND FORMAT FOR THESE ANNEXATIONS. THAT PUBLIC HEARING HAS BEEN CLOSED; HOWEVER, MY UNDERSTANDING IS THERE'S BEEN A SIGNIFICANT AMOUNT OF DISCUSSION BETWEEN THE ADJACENT NEIGHBORHOODS, THE PROPOSED PURCHASER OF THE PROPERTY, I GUESS THE FORD DEALERSHIP, AND/OR THEIR REPRESENTATIVE, AS WELL AS PERHAPS THE GENERAL LAND OFFICE AS THE STATE OF TEXAS IS THE CURRENT OWNER. SO PERHAPS IF WE COULD GET SOME TYPE OF -- KNOWING THAT THE PUBLIC HEARING IS CLOSED, GET SOME TYPE OF PRESENTATION ON WHERE WE BELIEVE

THIS SERIES OF DISCUSSIONS MAY BE. I SEE A REPRESENTATIVE FROM THE LAND OFFICE HERE AS WELL AS THE REPRESENTATIVE FROM FORD. MR. HUGHLY, WOULD YOU CARE TO ADDRESS US AND LET US KNOW YOUR UNDERSTANDING OF WHERE WE MIGHT BE IN THESE DISCUSSIONS?

ACTUALLY, I'D RATHER LET MR. SUTTLE DISCUSS WHERE WE ARE IN THE DISCUSSIONS. THEY'VE BEEN SPEAKING DIRECTLY WITH THE NEIGHBORHOODS ON THIS.

Mayor Wynn: FAIR ENOUGH.

MY NAME IS RICHARD SUTTLE. I REPRESENT FORD, THE FORD LEASING COMPANY. THEY ARE THE COMPANY THAT HAS A PIECE OF THIS PROPERTY UNDER CONTRACT. AND WE'VE BEEN TALKING WITH THE NEIGHBORHOOD ABOUT DESIGN STANDARDS FOR THE SITE PLAN. AND OUR UNDERSTANDING IS THAT THERE IS A SCENARIO THAT THE COUNCIL CHOOSES AND THE COUNCIL CHOOSES, THEN THEY COULD GO FIRST READING TONIGHT ON ANNEXATION AND THAT WE WOULD CONTINUE TO WORK FORWARD ON WORKING OUT THE SITE PLAN ISSUES BEFORE EVERYTHING IS FINALIZED. AND I THINK MY CLIENT, FORD, IS VERY COMFORTABLE WITH THAT AND I THINK THE STATE IS COMFORTABLE WITH THAT. AND THAT'S MY UNDERSTANDING OF WHERE WE ARE.

Mayor Wynn: THANK YOU, MR. SUTTLE. PERHAPS IF MR. LUKENS, I PRESUME HE'S IN THE ROOM SOMEWHERE. WELCOME. IF YOU COULD JUST SORT OF BRIEFLY REMIND US SORT OF WHERE WE ARE IN THE PROCESS AND THE FORMAT. I KNOW WE HAVE STRUCTURED TIME LINES WE HAVE TO MAINTAIN.

WELL, WE HAD THE FIRST HEARING ON THE 28TH OF OCTOBER. THE SECOND HEARING The second hearing THE FOURTH OF NOVEMBER. AND THE WAY IT WORKS WITH -- THE SEQUENCING THAT THE STATUTE SETS UP, THIS IS THE DATE IN WHICH YOU ALL HAVE TO TAKE AT LEAST FIRST READING OF THE NEIGHBORHOOD ASSOCIATION ORDINANCE. AND HAVING -- OF THE ANNEXATION ORDINANCE. AND HAVING DONE THAT, 90 DAYS TO

COMPLETE THE ANNEXATION. AND I BELIEVE -- I DON'T HAVE MY PAPER IN FRONT OF ME, BUT I BELIEVE THE THURSDAY CLOSEST TO THE END OF THAT 90 DAYS IS FEBRUARY THE 17TH. SO WE COULD TAKE FIRST READING TODAY AND WE COULD COMPLETE IT SECOND AND THIRD OR THIRD ON THE 17TH. 17TH OF FEBRUARY.

Mayor Wynn: AS LATE AS THE 17TH OF FEBRUARY?

YES, SIR, 90 DAYS FROM TONIGHT.

Mayor Wynn: IF WE COULD HEAR --

MAYOR, MY NAME IS TERRY MORAN AND I'M REPRESENTING THE NEIGHBORHOOD ASSOCIATIONS TONIGHT. WE'RE JUST GOING TO HAVE TWO SPEAKERS. THE FIRST SPEAKER IS GOING TO BE JOHN Mc NABB SPEAKING FOR THE ONION CREEK NEIGHBORHOOD ASSOCIATION. AND WE THANK YOU FOR THE OPPORTUNITY TO MAKE THIS PRESENTATION AFTER THE PUBLIC HEARING HAS BEEN CLOSED.

Mayor Wynn: FAIR ENOUGH. WELCOME, MR. McNABB.

MR. MAYOR, COUNCILMEMBERS, THANK YOU VERY MUCH FOR THE OPPORTUNITY TO ADDRESS YOU THIS EVENING. WHEN WE FOUND OUT THAT THERE WAS AN OBJECTION TO THE ANNEXATION PROCESS ON THE FOURTH OF NOVEMBER, WE ENERGIZED OUR COMMUNITY AS YOU CAN SEE BY THIS IN ORDER TO MAKE SURE THAT WE WERE HEARD. OUR CONCERNS WERE BASICALLY THAT WE'VE BEEN INVOLVED AS A RESIDENTIAL COMMUNITY WITH OUR NEIGHBORS IN ALL OF THE DEVELOPMENT BETWEEN BUDA AND SLAUGHTER ROAD -- SLAUGHTER LANE. AND WE'VE WORKED THAT VERY SUCCESSFULLY ON BOTH SIDES OF I 35 BECAUSE GENERALLY THIS IS A RESIDENTIAL COMMUNITY. IT'S NOT VERY INDUSTRIAL. WHEN THE GOVERNMENT LAND OFFICE PURCHASED THE LAND, THAT WAS IN A PART THAT WAS NOT ANNEXED, WE ATTEMPTED TO WORK WITH THEM TO TRY TO MAKE SURE WHATEVER USE WAS INTENDED THERE WAS AS COMPATIBLE AS POSSIBLE WITH THE GENERAL MAKEUP OF OUR NEIGHBORHOODS. THAT WASN'T AS SUCCESSFUL AS WE HAD HOPED, THEREFORE WE TURNED TO THE TOOLS THAT WERE AVAILABLE TO US, WHICH WAS

BASICALLY TO REQUEST ANNEXATION OF THIS PROPERTY, SO THAT WE COULD FORMALIZE A DELIBERATIVE PROCESS TO TRY TO WORK THROUGH THIS. WE HAVE USED THAT SUCCESSFULLY IN THE PAST ON ANOTHER AREA BEHIND US. IT'S A SORT OF A LAST RESORT, BUT IT IS A TOOL THAT ONCE WE WERE ANNEXED, THAT BECAME A TOOL THAT WAS AVAILABLE TO US AND WE WERE ASKING FOR YOUR SUPPORT IN THAT ANNEXATION PROCESS. THAT GENERATED A LOT OF INTEREST, AND Y'ALL'S SUPPORT AND ALSO WITH THE LAND COMMISSIONER'S SUPPORT WE DID HAVE A SERIES OF MEETINGS THAT RESULTED IN A NEW AND FRESH IDEAS THAT ALLOW US WITHOUT NECESSARILY USING THE ANNEXATION PIECE TOTALLY, BUT WOULD ALLOW US TO GO THROUGH A FORMAL DLIB ACTIVE PROCESS TO TRY TO MAKE THIS LAND AS COMPATIBLE AS POSSIBLE WITH ITS NEIGHBORHOOD. AND OUR GROUP SUPPORTS THAT PROCESS. AS LONG AS WE HAVE SOMETHING THAT WE CAN USE THAT WILL ALLOW US TO ENSURE THAT EVERYBODY'S VALUES ARE PROPERLY PROTECTED, WE APPRECIATE YOUR SUPPORT IN THAT. THANK YOU.

THANK YOU, MR. McNAB.

MAYOR AND COUNCILMEMBERS, THANK YOU VERY MUCH FOR GIVING US THIS SIX P.M. TIME SO ALL OF OUR HOMEOWNERS COULD ATTEND TONIGHT. I'M DARLENE LUKE, THE PRESIDENT OF PARK SIDE AT SLAUGHTER CREEK HOA. WE'RE HERE TONIGHT WITH A THOUSAND AND 26 SIGNATURES ON A PETITION. A PETITION THAT PEOPLE PUT THEIR NAME AND ADDRESS TO TO SHOW HOW IMPORTANT TO YOU THIS ISSUE -- HOW IMPORTANT TO US THIS ISSUE IS. THE SIGNATURES HAVE BEEN PUT ON THIS BECAUSE WE KNOW HOW IMPORTANT THIS ANNEXATION IS, TO GIVE US SOME LAND USE CONTROLS OVER WHAT HAPPENS IN OUR COMMUNITY. WE'RE SOME OF THE NEWEST CITIZENS OF AUSTIN, ALL BEING RECENTLY ANNEXED. AND THAT'S ONE OF THE MAJOR BENEFITS THAT WE GET FROM ANNEXATION IS LAND USE CONTROLS AND RESTRICTIONS ON WHAT HAPPENS ALL AROUND US. THAT'S WHY WE FEEL SO STRONGLY AND WE GOT THREE HOA'S TOGETHER TO LET YOU KNOW HOW IMPORTANT IT IS AND THE PRECEDENT IT WOULD SET IF IT HAPPENS. IT WOULD WOULD BE PLACED

AND PUT IN PLACE TO PROTECT US AS CITIZENS OF AUSTIN. THIS IS HEAVILY RESIDENTIAL AS JOHN REFERRED TO, ALL ON THE EAST SIDE OF 35, ALL RESIDENTIAL COMMUNITIES AND THE COMMERCIAL THAT IS THERE IS RESIDENTIAL FRIENDLY, NEIGHBORHOOD SERVICES AND COMMERCIAL AREAS THAT ARE DEED RESTRICTED AGAINST HEAVY, INTENSE USES. WE APPRECIATE YOUR VOTE IN FAVOR OF THIS ANNEXATION. WE REALLY NEED TO GET THE LAND USE CONTROLS AND COMPATIBILITY RESTRICTIONS THAT ARE NEEDED FOR A COMMERCIAL BUSINESS 30, 40 FEET AWAY FROM OUR HOMES. WE'VE TALKED WITH COUNCILMEMBER DUNKERLEY ABOUT NOISE, TRAFFIC, SIGNAGE, ALL OF THE THINGS -- BUFFER, ALL OF THE CONTROLS THAT NEED TO BE PUT IN PLACE THAT WE'D LIKE TO HAVE A CHANCE TO WORK OUT THIS ISSUE. WE THANK YOU FOR YOUR TIME TODAY AND WOULD LIKE YOUR VOTE IN FAVOR OF ANNEXATION AND WE'D LIKE TO SHOW YOU THE PEOPLE IN FAVOR OF THE ANNEXATION IF YOU WOULD STAND.

Mayor Wynn: THANK YOU, MS. LUKE.

MAYOR, FOR ANNEXATION PURPOSES, IT'S OUR UNDERSTANDING THAT WHAT THE COUNCIL'S INTENTION MIGHT BE IS TO MOVE THIS ON FIRST READING TONIGHT WITH THE HOPE THAT WE COULD COME BACK IN JANUARY FOR A THIRD READING, AND AT THAT TIME ADOPT PERMANENT ZONING WITH CONDITIONAL OVERLAYS. AND WE THINK THAT IF WE HAVE THAT FOUR TO SIX WEEKS THAT WE COULD PROBABLY WORK THAT OUT. WE'D KIND OF LIKE TO HEAR, AND I'M SURE EVERYONE IN THE AUDIENCE WOULD LIKE TO HEAR EXACTLY WHAT THAT PROCESS IS GOING TO BE.

Mayor Wynn: THANK YOU. I BELIEVE THERE IS SUPPORT FOR THAT CONCEPT. WE WANT TO BE CAREFUL NOT TO DISRUPT THE ANNEXATION FORMAT THAT MR. LUKENS LAID OUT. AND SO COUNCILMEMBER DUNKERLEY, I'LL ENTERTAIN A MOTION.

Dunkerley: THANK YOU. I THINK IT'S AGREEABLE TO ALL PARTIES AT THIS TIME, AND THEY WILL YELL AND SCREAM IF IT'S NOT. IT'S MY UNDERSTANDING, AND I'LL PUT IT IN THE FORM OF A MOTION, THAT TONIGHT ON FIRST READING WE



WOULD PASS THE ANNEXATION ORDINANCE ON FIRST READING. WE WOULD COME BACK NOW ON DECEMBER THE 16TH FOR THE SECOND READING ON ANNEXATION, AND ADD INTERIM GR ZONING AT THAT TIME. AND THEN COME BACK ON JANUARY THE 27TH FOR THE PERMANENT GR ZONING, AND YOU ALL WILL HAVE SEVEN TO EIGHT WEEKS TO WORK OUT THE CONDITIONAL OVERLAYS, THE RESTRICTIONS THAT YOU NEED. AND AGAIN, TO REITERATE, THINGS THAT ARE VERY TYPICAL IN THIS KIND OF DEVELOPMENT, WHICH WOULD BE SETBACKS AND LANDSCAPING AND NOISE BUFFERS AND TREES AND ETCETERA. SO BOTH THE NEIGHBORHOOD AND THE POTENTIAL BUYER WILL HAVE THAT OPPORTUNITY TO WORK OUT THOSE AGREEMENTS. SO MY MOTION TONIGHT IS ON -- IS TO APPROVE THE ANNEXATION ON FIRST READING. DIRECT THE STAFF TO BRING BACK THE SECOND AND THEN THE THIRD.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THIS ANNEXATION ORDINANCE ON FIRST READING AND DIRECT STAFF TO INITIATE THE ZONING PROCESS, THERE BY WHEN FULL ANNEXATION -- THIRD READING OF ANNEXATION IS APPROVED, LIKELY LATE JANUARY, EARLY FEBRUARY, THE FULLY ZONED TRACT CAN THEN BE ANNEXED. MOTION AND A SECOND. COUNCILMEMBER SLUSHER?

Slusher: THANK YOU, MAYOR. COUNCILMEMBER DUNKERLEY, WHAT'S THE IDEA OF DOING THE INTERIM GR ON THE 16TH?

DUNKERLEY: WELL, I THINK THAT MY UNDERSTAND IN THIS WHOLE -- MY IDEA IN THIS WHOLE DISCUSSION HAS BEEN TO KEEP A LEVEL PLAYING FIELD FOR EACH PARTY. AND SO AT THIS TIME I THINK WHAT THE GR DOES IS INDICATES TO FORD THAT IT'S OUR INTENTION IF BOTH SIDES ARE REASONABLE IN THEIR DISCUSSIONS AND AGREEMENTS THAT THEY WILL GET A PERMANENT ZONING OF GR WITH A CO. IT IS ACTUALLY I THINK JUST AN ATTEMPT TO MAKE SURE THAT WE KNOW IF EVERYTHING MOVES ALONG IN A REASONABLE FASHION THAT THAT ZONING WILL BECOME AVAILABLE. IT ALSO INDICATES TO THE STATE THAT WE ARE NOT TRYING TO IN ANY WAY DISRUPT THEIR PLANS TO SELL THIS PROPERTY. SO THAT'S WHY I PUT IT IN THERE. NOW,

THIS AGAIN LEAVES THE COUNCIL IN FULL CONTROL. IF WE FIND THAT THE NEIGHBORHOOD IS NOT BEING REASONABLE, WE CAN DO ONE OF TWO THINGS, WE CAN SET OUR OWN CONDITIONAL OVERLAY OR WE CAN TAKE THIS PROPERTY OUT OF THE ANNEXATION PLAN. IF WE FIND THAT FORD IS NOT BEING REASONABLE, WE CAN SET OUR OWN CONDITIONS OR WE CAN BRING THEM IN AS RR ZONING AND LET THEM GO THROUGH THE ZONING PROCESS. WE'VE REALLY TRIED TO KEEP BOTH SIDES WITH A LEVEL PLAYING FIELD SO THAT THEY CAN NEGOTIATE IN GOOD FAITH, AND ALSO RETAIN ALL THE RIGHTS THAT THE COUNCIL HAS TO MAKE WHATEVER DECISION THEY CHOOSE TO MAKE. SO THAT'S THE REASON. IT'S JUST A NEGOTIATED POSITION.

Slusher: IS THAT A FIRST READING OF ZONING ON THE 16TH OR IS THAT ALL THREE READINGS OF INTERIM GR?

Dunkerley: I'D HAVE TO DEFER TO MS. TERRY.

IT WOULD HAVE TO BE FIRST READING BECAUSE OF COURSE YOU CANNOT DO ZONING UNTIL THE PROPERTY IS ANNEXED, BUT IT DOES STATE AN INTENTION, IT DOES GIVE SIGNAL. SO WHAT THE STAFF WOULD RECOMMEND IS THAT WE WOULD BRING BACK -- WE WOULD DO FIRST READING ON ANNEXATION TONIGHT, SECOND READING ON ANNEXATION ON THE 16TH AND FIRST READING ON THE INTERIM GR.

Slusher: OKAY.

WITH THE DIRECTION TO STAFF OF COURSE TO BRING BACK TO PERMANENT ZONING.

Slusher: SO WE CAN DO THE ZONE THING IN TIME. I APOLOGIZE FOR MAKING A PLAY TO YOUR STATEMENT, COUNCILMEMBER DUNKERLEY, BUT WITH THE STATE INVOLVED, I THINK THE NEIGHBORS ARE -- AS FAR AS A LEVEL PLAYING FIELD, THEY'RE SHORT OF REALIZING IT'S SHAPED LIKE THAT.

Dunkerley: WELL, IT'S AS LEVEL AS WE CAN GET WITH THE STATE, LET'S PUT IT THAT WAY. THEY'VE BEEN VERY GENEROUS SO FAR.

Mayor Wynn: MR. GUERNSEY, ANY CONCERNS?

MAYOR, GREG GUERNSEY, NEIGHBORHOOD PLANNING AND ZONING. I FEEL CONFIDENT THAT WE CAN PROBABLY MEET COUNCIL'S TIME LINE CERTAINLY, WITH WHAT MR. LUKENS HAD SET OUT. I THINK IT WOULD COME BEFORE THE COMMISSION ON THE FOURTH WEEK IN JANUARY. I NEED TO MAKE SURE THEY'RE SCHEDULED AND IT HAS BEEN ADOPTED. AND EITHER BRING IT THE LAST MEETING IN JANUARY OR THE VERY FIRST MEETING IN FEBRUARY, WHICH I UNDERSTAND IS FEBRUARY THIRD WE WOULD COME BACK BEFORE THE COUNCIL. THERE WOULD BE A NOTICE SENT TO ADJACENT PROPERTY OWNERS WITHIN 300 FEET OF BOTH THE ZONING AND PLATTING COMMISSION HEARING AND THE CITY COUNCIL HEARING, AND NOTICE SENT TO REGISTERED NEIGHBORHOOD ASSOCIATIONS. SO YES, I UNDERSTAND THAT STAFF HAS BEEN DIRECTED, IF YOUR MOTION PASSES, TO INITIATE A ZONING CASE FOR COMMUNITY COMMERCIAL GR ZONING, AND THEN LATER COUNCIL WOULD CERTAINLY HAVE THE DISCRETION OF ADDING CONDITIONAL OVERLAYS THAT THE CURRENT ZONING IS DECLARED AFTER NEIGHBORHOOD ASSOCIATION. -- AFTER ANNEXATION.

Mayor Wynn: MOTION AND A SECOND ON THE TABLE TO APPROVE ANNEXATION ON FIRST READING, ITEM NUMBER 12, WITH ADDITIONAL INSTRUCTIONS FOR STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. [ APPLAUSE ] THANK YOU VERY MUCH.

Mayor Wynn: FOLKS, IF YOU COULD TAKE YOUR DISCUSSIONS OUT IN THE HALLWAY, WE WOULD APPRECIATE IT. MR. GUERNSEY, THAT TAKES US BACK TO OUR ZONING LINEUP. WE'RE NOW ON -- WE BEGIN THE SKI 32, THE -- Z-32, THE SERIES OF WHAT WE CAN GENERALLY CALL THE CHAMPION TRACTS. AND PERHAPS WE CAN CALL UP SEVERAL CASES SIMULTANEOUSLY?

YES, MAYOR. I COULD READ EACH OF THE ITEMS THAT -- THERE ARE FOUR OF THEM. ITEM 52, 53, WHICH WE READ INTO CHANGES AND CORRECTIONS, AND ALICE GLASGO EARLIER THIS EVENING NOTED WE'D BE TAKING UP ITEM Z-33. AND I CAN READ EACH OF THOSE IN THE RECORD

AND WE CAN OPEN THE PUBLIC HEARING ON ALL FOUR AND CONSIDER TESTIMONY IF THAT'S YOUR DESIRE.

Mayor Wynn: WITHOUT OBJECTION, COUNCIL, SEEMS EFFICIENT TO ME. THANK YOU, MR. GUERNSEY.

LET ME INTRODUCE ALL THESE CASES AND THE AGENT. THERE IS AN AGREEMENT ON ONE OF THESE, BUT LET ME INTRODUCE ALL OF THEM FIRST, AND I'LL LET HIM BREAK IN AND HE CAN SPEAK TO THAT ONE ITEM IF THERE'S SOME AGREEMENT. THE FIRST ITEM THAT I WILL READ IS ITEM 52, THIS IS Z-C-14-02 ON 02. AND THIS IS TO CONDUCT A PUBLIC HEARING AND APPROVE SECOND READING OF AN ORDINANCE BY REZONING PROPERTY AT 6100 TO 6404 SKI PARK ROAD AND 6509 TO 6909 FM 2222. THIS IS A REZONING REQUEST FROM DR, DEVELOPMENT RESERVE, AND LR-CO, COMMUNITY COMMERCIAL -- NEIGHBORHOOD COMMERCIAL ZONING DISTRICT TO GR-MU-CO, COMMUNITY COMMERCIAL MIXED USE COMBINING DISTRICT ZONING, AT FIRST READING COUNCIL APPROVED LR-CO, NEIGHBORHOOD COMMERCIAL CONDITIONAL OVERLAY OWN ZONING. THE NEXT ITEM IS ITEM NUMBER 53, THIS IS ZONING CASE C-14-04-0140. THIS IS THE CHAMPION TRACT AT CITY PARK ROAD EAST. IT'S TO CONDUCT A PUBLIC HEARING AND APPROVE SECOND HEARING TO PROPERTY LOCATED ON CITY PARK ROAD AND 5801 TO 6507 FM 2222. THIS IS A REZONING REQUEST FROM GENERAL OFFICE CONDITIONAL OVERLAY OR GO-CO TO GO-MU-CO, WHICH IS GENERAL OFFICE, MIXED USE, CONDITIONAL OVERLAY COMBINING DISTRICT. COUNCIL APPROVED ON FIRST DISTRICT GO-CO ZONING. THE NEXT ITEM IS ITEM SKI 32. THIS IS O.O. Z-32, THIS IS ZONING CASE C-14-04-115, CHAMPION TRACT NUMBER FIVE. THIS A ZONING REQUEST AT 5618-5628 FM 2222, 6200 TO 6320 NORTH LAKEWOOD DRIVE. 6702 TO SKETCH 10 NORTH LAKEWOOD DRIVE. 6201 TO 6203 AND 6401-6713 CAPITAL OF TEXAS HIGHWAY NORTH. THIS IS FROM DISWREN COMMERCIAL SERVICES CONDITIONAL OVERLAY TO GR-MU-CO, WHICH IS GENERAL SERVICES MIXED USE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDED GR-MU-CO ZONING WITH CONDITIONS. AND I'LL OUTLINE THOSE CONDITIONS A LITTLE LATER IN MY PRESENTATION. THE NEXT CASE IS -- AND THE LAST OF THESE FOUR, ZONING Z-33. THIS IS CASE C-14-04-

0116, THE CHAMPION TRACTS 1 THROUGH 3. AND THE SINGLE-FAMILY TRACTS. THIS IS TO CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE REZONING PROPERTY LOCATED AT 5800 TO 6802 FM 2222. 6100 TO 6712 LOOP 360. 6507 WINTER BERRY DRIVE. AND 6702-6710 CAPITAL OF TEXAS HIGHWAY NORTH. THIS IS A REZONING REQUEST FROM MF-1, WHICH IS MULTI-FAMILY RESIDENTIAL LIMITED DENSITY CONDITIONAL OVERLAY ZONING. LR-CO, GO-CO, WHICH IS GENERAL OFFICE CONDITIONAL OVERLAY ZONING. SF-2-CO, TO MULTI-FAMILY 1-CO, COMBINING DISTRICT ZONING. GR-MU-CO, WHICH IS GENERAL OFFICE COMMUNITY COMMERCIAL MIXED USE CONDITIONAL OVERLAY ZONING. SF-2-CO, COMBINED DISTRICT ZONING. AND THE ZONING AND PLATTING COMMISSION RECOMMENDED MF-1-CO, GR-MU, GO-MU AND SF-2 CO ZONING ON THIS PROPERTY WITH CONDITIONS. I PASSED OUT KIND OF A CHEAT SHEET FOR THE COUNCIL TO REFER TO. IT'S ON YELLOW PAPER AND IT COVERS THE CASE NUMBER, THE REQUEST AS MADE BY THE APPLICANT, THE STAFF RECOMMENDATION, THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION AND THEIR PARTICULAR VOTES, AND THE CITY COUNCIL'S ACTION ON FIRST READING BACK IN MARCH ON TWO OF THESE ITEMS. THE REASON WHY TWO OF THESE ITEMS ARE BEING BROUGHT BACK AS PUBLIC HEARING ITEMS, ITEMS 5253, AND THE OTHER ITEMS THAT ARE BEING BROUGHT BACK BEFORE YOU IS BECAUSE THE APPLICANT HAS AMENDED THE ORIGINAL REQUEST TO ADD IN A MIXED USE COMPONENT. AND THAT'S WHAT WAS ADVERTISED FOR. THIS WOULD ALLOW MIXED USE ON THESE PROPERTIES. IN ADDITION, THERE WERE SOME CHANGES IN THE DELETION OF CERTAIN LIMITATIONS THAT WERE OPPOSED ON THE PROPERTY BY LIMITING SQUARE FOOTAGES OF BUILDINGS OR CERTAIN USES ON THESE PROPERTIES. I'LL PAUSE FOR A MOMENT AND LET MR. WEILAND SPEAK TO AN AGREEMENT THEY HAVE ON THESE TRACTS. I'M NOT SURE WHICH ONE IT IS, BUT I THINK IT'S THE ONE THAT'S Z-32, WHICH IS THE NORTHEAST CORNER OF CAPITAL TEXAS HIGHWAY AND FM 2222. AFTER HE READS IN I GUESS WHAT THE AGREEMENT IS, I'LL SPEAK TO WHAT THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS AND WHAT THE STAFF RECOMMENDATION IS.

Mayor Wynn: WELCOME, MR. WEILAND.

MICHAEL WEILAND ON BEHALF OF THE CHAMPIONS. THERE'S A BUNCH OF PEOPLE HERE, SO I WOULD LIKE TO RECOGNIZE THEM IF THEY COULD STAND UP, THE FOLKS THAT WE CAN BE WORKING WITH. A LOT OF PEOPLE ARE HERE. THE AGREEMENT THAT WE'VE REACHED IS THAT ON THE ZONING CASE NUMBER C-14-04-115 THERE WOULD BE THE FOLLOWING CHANGES TO THE ORDINANCE, ORDINANCE NUMBER 00309-79, WHICH WAS PASSED IN MARCH OF 2000. AND THOSE WOULD BE AS FOLLOWS: DELETE THE TRIP LIMIT FOUND AT PART 2, SUBPARAGRAPH 1. DELETE THE SQUARE FOOTAGE LIMIT FOUND IN PART 2, SUBPARAGRAPH 5. REVISE PART 2, SUBPARAGRAPH 2 TO CLARIFY THAT THE RESTRICTION APPLIES TO THE 75-FOOT AREA FROM THE BLUFF, SO THAT AFTER THE WORDS, QUOTE, A GRADIENT OF 25% OR MORE, END QUOTE, THE FOLLOWING WORDS WOULD BE ADDED, QUOTE, ADJACENT TO THE FLOODPLAIN OF BULL CREEK, END QUOTE. AND THEN THE REST OF THAT SUBPARAGRAPH WOULD REMAIN. MODIFY PART 2, SUBPARAGRAPH 6 TO ADD, QUOTE, WITHOUT PREJUDICE -- THIS WOULD BE AT THE END OF THAT SUBPARAGRAPH. WITHOUT PREJUDICE TO THE OWNER SEEKING A VARIANCE PURSUANT TO ORDINANCE NUMBER 80-30-F. AND FINALLY, PART 2, SUBPARAGRAPH 10, DELETE THE PROHIBITION AGAINST FINANCIAL SERVICES. AND THAT WAS THE AGREEMENT THAT WE'VE REACHED AND I HOPE I SEE HEADS SHAKING YES THAT THAT'S WHAT WE AGREED TO. MARCUS, STEVE, BABS AND EVERYBODY ELSE.

Mayor Wynn: THANK YOU PLRKS MR. WEILAND. SO TECHNICALLY WE HAVE FOUR ZONING CASES, TWO OF WHICH WE PLOASED THE PUBLIC HEARING ON, 52 AND 53. AND THESE TWO ADDITIONAL NEW ZONING CASES, Z-32, WHICH IS THE CASE THAT MR. WEILAND I THINK JUST OUTLINED AN AGREEMENT WITH THE NEIGHBORHOOD. AND THEN Z-33.

ON Z-33, IS ALSO A PUBLIC HEARING, BUT WE'VE ALSO NOTICED BECAUSE OF THE EALD TO THE ORIGINAL ZONING CASES SINCE COUNCIL'S FIRST READING, 52 AND 53. SO IT IS TRUE THAT YOU CLOSED THE PUBLIC HEARING. THE APPLICANT AMENDED THEIR REQUEST TO ADD IN SOME

ADDITIONAL CONDITIONS TO CHANGE AND MIXED USE, SO WE RENOTIFIED. SECONDLY, I THINK WE HAD PUBLIC HEARINGS THAT WE COULD HOLD ON ALL OF THEM TOGETHER IF YOU WANT TO BRING ONE PARTICULAR CASE OUT, WE COULD HOLD IT ON THAT CASE. I COULD READ IT INTO THE RECORD, WE COULD TAKE TESTIMONY AND THEN DO THE OTHER THREE IF THAT'S YOUR DESIRE. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

Mayor Wynn: ... ARE THERE SUGGESTIONS? WELL, LET'S HAVE MR. GUERNSEY WALK US THROUGH THE FOUR TRACTS, PERHAPS IT MIGHT BE THAT WE TAKE UP Z-32 TO TRY TO GET THAT COMPROMISED CASE OUT OF THE WAY SOONER THAN LATER.

Gurensey:: THANK YOU, MAYOR. COUNCIL, TO MY RIGHT IS THE EXHIBIT AERIAL PHOTO OF THIS AREA. KNOWN AS THE CHAMPION PROPERTIES AND RUNNING NORTH TO SOUTH IS THE CAPITAL OF TEXAS HIGHWAY OR LOOP 360. 222 KIND OF RUNNING SOUTHEAST TO NORTHWEST. THIS IS JESTER, LAKEWOOD IS OVER IN THIS AREA. THE FIRST CASE ITEM 52, THAT WAS C14-04-0181, THE ZONING AND PLATTING RECOMMENDATION RECOMMENDED LR-MU-CO AT THE SOUTHWEST CORNER OF 2222 AND CITY PARK ROAD. THAT WOULD BE THIS TRACT OVER HERE. WHAT THE ZONING AND PLATTING COMMISSION DID IS ALTHOUGH THEY RECOMMENDED LR-MU-CO WAS REQUESTED BY THE APPLICANT, THEY ADDED THAT THERE WOULD BE A DELETION OF THE SHARED TRIP LIMITATION, WHICH WAS LIMITING THREE LARGE TRACTS OF LAND TO 6500 TRIPS. THAT -- THAT WAS APPLIED TO THIS PROPERTY, THIS PROPERTY, THIS PROPERTY. BUT NOT TO THE ONE THAT'S ON THE OTHER SIDE OF CAPITAL OF TEXAS HIGHWAY. THEY ALSO INDICATED THAT THERE WOULD BE A DELETION OF THE RETAIL LIMITATION OF 4,000 SQUARE FEET AND THAT RIGHT-OF-WAY DEDICATION OCCUR AND THAT THE TIA IS UPDATED AND [INDISCERNIBLE] AND FISCAL POSTED BUT AT THE SITE PLAN STAGE. SO AT SUCH TIME AS THEY ACTUALLY HAVE A DEVELOPMENT THAT THEY PLAN TO CONSTRUCT, THAT THERE WOULD BE A SITE PLAN RIRLT. SINCE 2222 IS A HILL COUNTRY ROADWAY, IT WOULD BE REVIEWED BY THE SOANGS SOANGS, IT -- ZONING AND PLATTING COMMISSION, IT WOULD BE AT THAT TIME. THAT WAS APPROVED. THE

NEXT EXTRACT ZONED G.O.-CO THE ZONING AND PLATTING COMMISSION RECOMMENDED G.O.-MU-CO AGAIN TO DELETE THE SHARED TRIP LIMITATION OF 6500 TRIPS, DELETE THE OFFICE SQUARE FOOTAGE LIMITATION WHICH ON THIS TRACT WAS 30,000 SQUARE FEET. AND THEN AGAIN UPDATE THE TIA, PROVIDE THE COST ESTIMATES AND DO THE -- DO THE FISCAL POSTING AT THE TIME OF THE SITE PLAN STAGE. THE NEXT CASE IS THE NORTHEAST CORNER OF CAPITAL OF TEXAS HIGHWAY AND 2222. THIS IS THE ONE THAT I BELIEVE THAT THE AGREEMENT THAT WAS SPOKEN TO EARLIER. THEY -- THE ZONING AND PLATTING COMMISSION RECOMMENDED GR-MU-CO. THE TRIP LIMITATION WHICH WAS ONLY TO THIS TRACT, LIMITED TO 700 -- I BELIEVE 82 TRIPS, ARE ALSO CHANGED MANY OF THE RESTRICTIONS ON THE PROPERTY SO THAT IT WOULD REVISE RESTRICTIONS WHICH PROHIBITS BUILDINGS AND STRUCTURES WITHIN 75 FEET OF THE SLOPE EQUAL TO OR GREATER THAN 25% OF ALONG BULL CREEK, THERE SEEMS TO BE SOME AGREEMENT WITH THE NEIGHBORHOOD ON LAKEWOOD IN REGARDS TO THOSE ISSUES. PROHIBITING ACCESS TO LAKEWOOD DRIVE, EXCEPT FOR RESIDENTIAL, WHICH I BELIEVE IN THE AGREEMENT THAT I JUST HEARD WOULDN'T BE PROHIBITING ACCESS TO LAKEWOOD DRIVE. THEN ALSO ALLOW EXCESS CUT AND FILL FOUR FEET, THEN WITHIN 100 FEET OF THE EAST PROPERTY LINE, LIMIT HEIGHTS TO 28 FEET, THAT WOULD BE ALONG THIS SIDE AND THEN [INDISCERNIBLE] THE PROPERTY AT 45 FEET. I BELIEVE THAT'S BEEN MODIFIED JUST TO KEEP IT AT 28 FEET. GETTING NODS FROM THE APPLICANT'S AGENT THAT'S CORRECT. THEN TO ALLOW FINANCIAL SERVICES AND FAST FOOD RESTAURANTS THE RESTAURANTS I GUESS ARE STILL PROPER HINTED WHICH WOULD TAKE THE FORM PROBABLY OF A LIMITED RESTAURANT TODAY, BUT THE AGREEMENT WITH THE NEIGHBORHOOD WOULD STILL ALLOW THE FINANCIAL SERVICES. THE LAST CASE IS THE LARGEST ONE AND THAT'S THIS -- THIS AREA THAT TAKES UP THE VAST AMOUNT OF THE PROPERTY AND IS ALREADY PARTIALLY DEVELOPED, THE ZONING AND PLATTING COMMISSION MADE RECOMMENDATIONS FOR THE ZONING WITH THE DELETION OF THE SHARED TRIP LIMIT, SAME TRIPS THAT APPLY TO THIS TRACT, THIS TRACT, THIS TRACT. ALSO TO DELETE THE MAXIMUM LIMITATION ON OFFICE AND RETAIL SPACES,



WHICH IS 230,000 SQUARE FEET OF OFFICE USE AND THE 40,000 SQUARE FEET OF RETAIL LIMITATIONS AND THEN THEY HAD SOME PROVISION THAT THE TIAS WOULD BE UPDATED AND COST ESTIMATES WOULD BE PROVIDED AND FISCAL POSTED AT THE SITE PLAN STAGE. THAT'S THE GENERAL SUMMARY OF THESE TRACTS. STAFF DID NOT RECOMMEND THE ZONING OF ANY OF THESE PROPERTIES BECAUSE WE WERE ABSENT OF AN UPDATED TRANSPORTATION IMPACT ANALYSIS, SO THAT WAS OUR REASON FOR OUR RECOMMENDATION. MENT WITHWITH THAT I'LL PAUSE, SINCE THERE ARE SO MANY FOLKS HERE. IF YOU HAVE QUESTIONS, I WILL BE MORE THAN HAPPY TO ANSWER THEM IN THE PRESENTATION, GEORGE ZAPALAC IS ALSO HERE IF THERE'S CERTAIN TRANSPORTATION QUESTIONS THAT ARISE.

MAYOR PRO TEM?

Goodman: JUST A QUICK ONE, I DON'T NECESSARILY NEED THE ANSWER NOW. BUT SOMEWHERE ALONG THE WAY. WHAT IF ANY CONDITIONS ON THE ROADWAY HAVE CHANGED, IMPROVEMENT-WISE, SINCE WE LAST LOOKED AT THIS.

MINOR, GEORGE ZAPALAC WITH WATERSHED PROTECTION. THERE HAVE NOT BEEN ANY -- ANY CHANGES TO DATE ON THE STATUS OF 2222. THERE HAVE BEEN SOME DISCUSSIONS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION. ABOUT DOING A -- A FURTHER STUDY. THE -- THE TEXDOT HAD ACTUALLY BEGUN SUCH A STUDY A FEW MONTHS AGO, BUT THEY HAD PUT IT ON HOLD. SO AT THIS TIME THERE IS A -- THERE HAVE NOT BEEN ANY CHANGES, BUT THERE IS -- THERE IS A MEETING THAT IS TO BE SCHEDULED IN THE NEAR FUTURE WITH TEXDOT TO DISCUSS -- DISCUSS WHETHER THE STATUS OF THE ROAD MAY BE CHANGED.

THANK YOU, MR. ZAPALAC, COUNCIL, WITHOUT OBJECTION THERE SEEMS TO BE A SLIGHT DIFFERENTIAL ON CASE Z-13 TO THE OTHER THREE CASES, SO LET'S TAKE UP ITEM ZONING CASE Z-32 FIRST, SEPARATELY, THEN WE WILL LIKELY DO THE REMAINING THREE AS A SEPARATE CASE. AND TYPICALLY HAVE A FIVE-MINUTE PRESENTATION FROM

THE OWNER OR THE APPLICANT NRJS CASE HIS AGENT MICHAEL WHEEL LAND, THEN FOLKS IN FAVOR OF THE ZONING CASE, IN OPPOSITION, HOPEFULLY FROM THE NEIGHBORHOOD ASSOCIATION, THEN A REBUT.

MICHAEL WHELLAND, I HAVE READ INTO THE RECORD THE AGREEMENT, I HAVE SPENT HOURS WITH THESE WONDERFUL PEOPLE, THAT'S IT. I WILL ADDRESS MY COMMENTS LATER TO THE OTHER THREE TRACTS.

THANK YOU, FOLKS THAT HAVE SIGNED UP FOR ANY COMBINATION OF THESE FOUR CASES, I WILL ASK YOUR COOPERATION HERE, FOLKS WHO ARE REALLY HERE TO TALK ABOUT ITEM Z-32, IF WE COULD HAVE THOSE FOLKS, SOME ARE SORT OF OBVIOUS, OTHERS AREN'T. BUT I NOTICED THAT A NUMBER OF FOLKS OFFERED TIME TO STEVE -- STEVEN GALLOWAY, STEVE, WELCOME. BEFORE YOU GET STARTED, LET'S GO THROUGH THIS REAL QUICKLY. WILLIAM AND BETTY WHITEUS OFFERED TO DONATE TIME TO STEVE GALLOWAY. RON CODERON DONATING TIME, THERESA FERGUSON, RHONDA BOYD, ELIZABETH WEEDMAN, JENNIFER BOYD SKINNER, MARK PEDMAN, DONNA BROWN, PAT BEAUCHAMP.

Mayor Wynn: OUR RULES ARE 15.

I DON'T GET THE FULL HOUR [LAUGHTER] THANK YOU MR. MAYOR, COUNCILMEMBERS, I WANT TO GIVE YOU A LITTLE BIT OF HISTORY OF HOW WE CAME TO THE AGREEMENT. WE WENT TO THE Z.A.P. MEETING -- LET ME BACK UP. THE -- MRS. CHAMPION'S ATTORNEY, MR. WHELLAN'S ATTORNEY CAME TO US WITH WHAT THEY WANTED TO DO ON TRACT 5, THE ONE EAST OF THE FREEWAY AND SOUTH OF 2222. THEY WANTED 45 FEET HEIGHT RESTRICTION, TO PUT IN MIXED USE BECAUSE THEY THOUGHT IT WOULD BE A GREAT TOWNHOME SITE. OUR ISSUE AS A NEIGHBORHOOD IS LAKEWOOD DRIVE. LAKEWOOD DRIVE IS A CUT THROUGH FOR COMMUNITIES EAST AND WEST OF THE FREEWAY. Z.A.P. GAVE THEM PERMISSION TO -- TO DUMP THOSE TRIPS ON TO LAKEWOOD FOR THE RESIDENTIAL PORTION, BUT THEY WOULD ONLY DO THE COMMERCIAL ON TO 360. TO BE QUITE HONEST IT SCARED US TO DEATH. OUR STREET CAN'T TAKE ANY MORE TRAFFIC. AND -- AND WITH MANY OF YOU I HAVE

TRIED TO MAKE THAT POINT BUT -- BUT THAT'S WHERE WE WERE STARTING FROM. AND SO WE WERE VERY MUCH OPPOSED TO MIXED USE BECAUSE THE TOWNHOMES WOULD GENERATE PROBABLY 8 TRIPS A DAY PER UNIT, EVEN TRYING TO COMPROMISE DOWN TO 40 UNITS, THAT'S STILL ANOTHER -- 50 UNITS, THAT'S ANOTHER 400 TRIP COUNTS, THAT'S STILL GOING TO BE CUTTING THROUGH ON LAKEWOOD DRIVE. WHAT WE WERE LOOKING AT IS TRYING TO COME UP WITH A COMPROMISE THAT WOULD LEAST AFFECT THE TRIPS ON LAKEWOOD DRIVE THROUGH THE NEIGHBORHOOD AND THE TRIPS THAT ARE DRIVING THROUGH BULL CREEK. THE HISTORY OF THIS CASE IS -- WE WERE LOOKING AT PROBABLY FACING A LAWSUIT, IF -- IF THEY ARE NOT ABLE TO GET SOMETHING THAT THEY FEEL WOULD BE WORTHWHILE IN THEIR PART TO DEVELOP THE TRACT. THEY ARE -- THEIR TRACT RECORD IN LITIGATION IS QUITE IMPRESSIVE. YOU KNOW, I DON'T KNOW IF THEY HAVE LOST. AND SO WE ARE LOOKING AT THIS THING TRYING TO MINIMIZE THE SIZE OF THE DEVELOPMENT, YET ALLOW MS. CHAMPION AND HER FAMILY TO REALIZE AN ECONOMIC GAIN AND THAT'S HOW WE CAME TO THIS COMPROMISE. WHAT WE DID WAS ELIMINATE THE TRIP COUNTS AND THE SQUARE FOOTAGE. UNDER THE CURRENT ZONING THEY COULD BUILD A 6,000 SQUARE FOOT BUILDING. I FORGET THE TRIP COUNT NUMBERS, IT WAS 700 SOMETHING. WE FELT IF WE COULD ELIMINATE THE TRIP COUNTS AND ELIMINATE THE SQUARE FOOTAGE, WE WERE LOOKING AT THE SIZE OF THE DEVELOPMENT AND THINKING THAT THEY MAY HAVE THREE OR FOUR ACRES. WE ENVISIONED A 30,000 SQUARE FOOT RETAIL CENTER. YOU KNOW. WE STILL WERE UNDER THE PRESSURE OF THE MIXED USE. EVEN IF THEY ONLY EXITED ON TO 360, THEY WOULD STILL USE THE CUT THROUGH ON LAKEWOOD TO ACCESS H.E.B. SHOPPING CENTER. TAKE THEIR KIDS TO SCHOOL UP ON FAR WEST BOULEVARD. WE WERE REALLY TRYING TO MITIGATE AS MUCH TRAFFIC AS WE POSSIBLY COULD. AND I WANT TO EMPHASIZE THAT WE ARE ENVISIONING A 30,000 SQUARE FOOT CENTER. THEY STILL FELT THAT IT REALLY WASN'T QUITE ENOUGH, SO WHAT WE SAID WAS WE WOULD GIVE IN ON THE -- ON THE FINANCIAL INSTITUTION. YOU KNOW, BEING ABLE TO PUT A BRANCH BANK AND A 30,000 SQUARE FOOT CENTER IS A NICE ANCHOR FOR THAT SIZED CENTER. WE CONTINUED TO

-- TO NEGOTIATE ON THE HEIGHT RESTRICTIONS. YOU KNOW, THEY WANT MORE THAN 28 FEET. YOU KNOW, THEY SAY THAT THEY CAN STILL BUILD TWO STORIES IN 28 FEET. YOU KNOW THAT'S NOT REALLY KIND OF WHAT WE ARE LOOKING AT. YOU KNOW, I MEAN, WE DON'T WANT A 60,000 SQUARE FOOT CENTER THERE. BUT WE ARE REALLY JUST TRYING TO DEAL WITH WHAT WE THINK THEY CAN BUILD AND THAT'S WHERE WE ARE COMING FROM ON THIS DECISION. YOU KNOW, WE WOULD -- WE WOULD HAVE ALWAYS LIKED FOR THING NOT TO HAVE CHANGED. BUT WE UNDERSTAND THAT, YOU KNOW, THINGS ARE CHANGED AND WE JUST FELT MORE COMFORTABLE WITH THE NOPE AS OPPOSED TO THE UNKNOWN. SO THAT'S HOW WE CAME TO THIS DECISION. AND SO THAT'S WHY WE WOULD SUPPORT THE CHANGES THAT MR. WHELLAN HAD MENTIONED OF ELIMINATING THE TRIP COUNTS AND THE SQUARE FOOTAGE AND VERIFYING THE SETBACK FROM THE BLUFF AND ALSO TRYING TO ELIMINATE ANY KIND OF SITUATION ON THE CUT AND FILL BECAUSE WE THOUGHT THE FOUR FOOT CUT AND FILL WAS IMPORTANT TO KEEP IN THERE. SO OUR INTENTION IS THAT IF THEY DO WANT MORE THAN FOUR FOOT CUT AND FILL THEY WILL BE ABLE TO GO THROUGH THE PUBLIC PROCESS. AT THAT TIME, YOU KNOW, CITY STAFF AND YOURS OR WHOEVER MAY BE HERE AT THAT TIME WILL AT LEAST HAVE SOME ENGINEERED WORK TO REVIEW THAT TO SEE IF THEY CAN MAKE A MORE QUALIFIED DECISION INSTEAD OF JUST SAYING CART BLANCHE AND ELIMINATING THE FOUR FOOT CUT AND FILL.

THANK YOU VERY MUCH.

THANK YOU, MR. GALLOWAY. AGAIN I'M TRYING TO GO THROUGH THE CARDS THAT SPECIFICALLY WANT TO SPEAK TO THIS CASE, Z-32, WHICH IS THIS NORTHEAST CASE, THE LAKEWOOD CASE. BUT I'LL TRY TO GET THESE, SEE IF FOLKS WANT TO ADDRESS IT. DAVID SWALLOW. NOT WISHING TO SPEAK, INITIALLY. MARCUS SHAFTALL. WELCOME, SIR, EITHER SIDE, YOU WILL HAVE UP TO THREE MINUTES. AGAIN CASE Z-32, CORRECT IF.

YEP.

THANK YOU.

GOOD EVENING, I'M MARCUS SHAFTALL, A LAKEWOOD CLUB BOARD MEMBER, I WANTED TO DISCUSS HOW WE WOUND UP WITH WHERE WE ARE AT. OUR NEIGHBORHOOD HAS BEEN IN CONTACT WITH MS. CHAMPION, HER SISTERS AND REPRESENTATIVES. AFTER THE EVENTS IN '96 WE BELIEVED WE HAD IT ALL CLOSED UP, BUT IN FACT WE FIND OURSELVES HERE AGAIN NOW, THERE'S A POTENTIAL LAWSUIT AGAINST THE CITY. SO KEEPING THAT IN MIND AND BEING CITIZENS HERE, IN AN INTEREST TO AVOID THAT LAWSUIT, AS STEVE SAID TRYING TO FIND A WAY WHERE THE CHAMPIONS COULD MAKE SOME MONEY OFF OF THEIR LAND, WHICH THEY ARE ENTITLED TO DOING, WE COULD STILL PROTECT OUR LOCAL PROPERTY. AT THE CLOSURE OF LAST NIGHT'S DISCUSSION WE HAD, WE COULD AGREE TO REMOVE THE SQUARE FOOTAGE AND TRIP COUNT RESTRICTIONS. IN ADDITION WE WERE GOING TO ADD THE LANGUAGE TO CLARIFY THE BLUFF, THE CUT AND FILL RESTRICTIONS BEING LIFTED BY THE VARIANCE AND BEING GRANTED THE FINANCIAL SERVICE. THE ONE THING THAT I WANT TO EMPHASIZE WITH YOU HERE, WE WEREN'T COMFORTABLE WITH GIVING UP ON MIXED USE AND THAT WAS SOMETHING THAT STEVE EMPHASIZED. AGAIN THESE CONCESSIONS WOULD WIND UP ALLOWING THE CHAMPIONS AND THEIR DEVELOPER TO CREATE AT LEAST 500% MORE USABLE SQUARE FOOTAGE ON THAT TRACT COMPARED SO WHAT WAS THERE ORIGINALLY. BUT IT WOULD PROTECT OUR NEIGHBORHOOD, WHICH ALREADY SUFFERS FROM AN OVERLOAD OF CUT THROUGH TRAFFIC MAKING IT UNSAFE FOR ME AND MY FAMILY TO EVEN WALK AND PLAY ON LAKEWOOD, DRIFT WOOD, SPRUCE WOOD, I KNOW PERHAPS ONE OF THE COUNCILMEMBERS HEADS THROUGH THAT WAY AND CAN RELATE. MIXED USE CHARGES A HUGE TOLL ON THE TRAFFIC LADEN NEIGHBORHOOD, EVEN WITHOUT LAKEWOOD ACCESS, ANY MU THAT HAPPENS EVEN ON OUR TRACT OR ANY OF THE OTHERS THAT ARE GOING TO BE DISCUSSED TONIGHT, WE WILL WIND UP PUTTING TRAFFIC THROUGH OUR NEIGHBORHOOD. SO THE RECENT DISCUSSIONS THAT WE'VE HAD WITH VARIOUS CITY COUNCIL REPRESENTATIVES INDICATE THAT PERHAPS THE CITY'S LEGAL STANDING IS IN FACT QUITE SECURE. WE ARE

COMFORTABLE WITH THE CONCESSIONS THAT WE HAVE MADE WITH THE CHAMPIONS AND THEIR REPRESENTATIVES, WE FEEL IT WOULD SERVE EVERYBODY'S BEST INTERESTS. BUT AS OUR ELECTED OFFICIALS WE WILL TRUST WHATEVER JUDGMENT WE MAKE TONIGHT, WE APPRECIATE YOUR SERVICE. THANK YOU.

THANK YOU, THANK YOU MR. SHAFTALL. TRY TO AGAIN AGAIN THE FOLKS JUST ON ITEM Z-32, CAROL LEE. THANK YOU. BABS YARBROUGH.

GOOD EVENING, MAYOR AND COUNCILMEMBERS, I'M BASEBALL YARBROUGHS -- BABS YARBROUGH, I AM PRESIDENT OF THE LAKEWOOD CLUB. WE WERE HERE SIX OR EIGHT YEARS AGO. SEEING A LOT OF FAMILIAR FACES, AT THAT POINT NEGOTIATED WITH THE CHAMPIONS THROUGH WHELLAN, WHEN THIS CAME BACK, HE WAS GRACIOUS ENOUGH TO TALK TO US, WE HAVE BEEN TALKING TO HIM FOR MONTHS. WE DID COME TO A COMPROMISE LAST NIGHT AFTER MEETING FOR SEVERAL HOURS. WE ARE A SMALL NEIGHBORHOOD ASSOCIATION, WE HAVE NO ATTORNEYS IN OUR NEIGHBORHOOD THAT ASSIST US WITH THIS. WE ARE DEPENDING SOLELY ON OUR KNOWLEDGE AND EXPERIENCE FROM THE LASTING ROUND HERE. SO THROUGH THAT, YOU NEED TO UNDERSTAND THAT WE HAVE DONE THROUGH OUR OWN IGNORANCE OR KNOWLEDGE, WHICHEVER WAY YOU WANT TO PUT IT, COME TO THIS COMPROMISE WITH THE CHAMPIONS AND OUR BEST INTERESTS WE FEEL LIKE THAT IF -- IF -- WE CAN -- WE KIND OF FEEL VULNERABLE AT THIS POINT BECAUSE WE DON'T KNOW WHAT THE REST OF THE TRACTS ARE GOING TO DO, YOU KNOW. THERE'S BEEN RUMORS THAT -- THAT THEY HAVE NO RIGHTS TO DO THIS, THERE'S BEEN OTHER -- OTHER OPINIONS THAT -- THAT WE ARE GOING TO LOSE THE SQUARE FOOTAGE AND THE TRIP COUNT ANYWAY. SO WE HAVE KIND OF COM COMPROMISED THROUGH THE RUMORS AND OUR GENERAL KNOWLEDGE AND SELF PRESERVATION OF OUR LITTLE NEIGHBORHOOD. WE WANT TO LET YOU KNOW THAT WE STAND AT THAT. IF IT DOES COME ABOUT THAT WE DON'T NEED TO DO ANY OF THIS, Y'ALL LET US KNOW [LAUGHTER] NO, MICHAEL HAS BEEN GREAT DEALING WITH US. WE HOPE THIS WILL WORK OUT FOR THEM AS WELL AS OUR LITTLE NEIGHBORHOOD

LAKEWOOD CLUB. THANK YOU.

THANK YOU, MR. YARBROUGH. GARY SEEGER. THANK YOU,  
SIR. VERNON REED.

THANK YOU.

TIM MAHONEY. NOT WISHING TO SPEAK, AGAINST Z-33.

[INAUDIBLE - NO MIC]

ARE ANY -- ARE THERE ANY CITIZENS THAT WOULD LIKE TO  
ADDRESS COUNCIL ON CASE Z-32 SPECIFICALLY. WHAT'S  
YOUR NAME? [INDISCERNIBLE]

YOU ARE WELCOME TO COME ADDRESS US. EITHER SIDE.

[INAUDIBLE - NO MIC]

WAIT UNTIL YOU GET TO THE MICROPHONE, JERRY.

MY NAME IS JERRY LEVINSON, I HAVE LIVED IN THE  
LAKEWOOD NEIGHBORHOOD ABOUT 16 YEARS, JUST A FEW  
HUNDRED YARDS FROM THIS TRACT. I'M FAMILIAR WITH THE  
TRAFFIC IN THIS NEIGHBORHOOD AND MY CONCERN IS THAT  
AS WE CONCENTRATE MORE DEVELOPMENT ALONG THE  
NORTHBOUND LANES OF 360 -- THE RESIDENTS, THE  
WORKERS AND THE VISITORS TO THIS DEVELOPMENT WHO  
WISH TO RETURN SOUTH OR EAST ARE GOING TO EITHER  
MAKE A U-TURN ON 360, A U-TURN AT THE TRAFFIC LIGHT AT  
LAKEWOOD, OR USE LAKEWOOD DRIVE AS A SHORTCUT  
BACK TO 2222. I'M NOT A TRAFFIC ENGINEER. I'M JUST A  
RESIDENT OF THE NEIGHBORHOOD. BUT I'M CONCERNED  
THAT MORE DEVELOPMENT IS GOING TO LEAD TO MORE  
CONGESTION AND MORE ACCIDENTS. SO MAYBE MR.  
WHELLAN CAN SPEAK TO THE AMOUNT OF TRAFFIC AND  
HOW THEY ARE GOING TO GET SOUTH AND EASTBOUND  
TRAFFIC REDIRECTED WITHOUT CAUSING THE PROBLEMS  
THAT I DESCRIBED.

THANK YOU.

THANK YOU, SIR.

ANY CITIZENS THAT WISH TO ADDRESS THIS SPECIFIC ZONING CASE, Z-32. JEFF YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR. OUTSIDE WE WERE TOLD THAT THEY WERE GOING TO BE TAKEN ALTOGETHER, MY COMMENTS ARE ABOUT THIS ONE AND ALL OF THEM. BECAUSE THE ISSUE OF --

Mayor Wynn: NOT TAKING THEM ALTOGETHER, THIS IS Z-32 SPECIFICALLY.

SO I WILL NOW SPEAK TO THAT PART OF THIS THAT TIES INTO ALL OF THEM. THAT IS THE RELEASE OF THE TRAFFIC COUNTS. I'M JEFF JACK, I'M PRESIDENT, REPRESENTING THE AUSTIN NEIGHBORHOODS COUNCIL. THE 2222 CONTACTED ANC ABOUT OUR POSITIONS IN THE PAST WITH REGARD TO DEVELOPMENT ALONG THIS CORRIDOR. I DID A LITTLE RESEARCH AND THE ANC HAS PASSED RESOLUTIONS IN '93, '96, '97 AND '99 AND 2,000 CONCERNING DEVELOPMENT ALONG THIS CORNER ASKING THE CITY COUNCIL TO MAKE SAME TRAFFIC PLANNING DECISIONS IN THIS VERY CONGESTED -- SANE TRAFFIC PLANNING DECISION IN THIS VERY CONGESTED TRAFFIC CORRIDOR. THE TRAFFIC LIMITS IN THE CONDITIONAL OVERLAYS THAT ARE PART OF THE COMPROMISE THAT WAS REACHED IN 2,000 BETWEEN THE NEIGHBORS AND THE CHAMPIONS IS AT THE HEART OF THE ISSUE HERE. I'M HERE TONIGHT TO URGE YOU TO RETAIN YOUR TRAFFIC COUNTS ALL OF THE APPLICABLE TRACTS INCLUDING THIS ONE. YOU KNOW, AS A NEIGHBORHOOD ADVOCATE I HAVE LEARNED A LONG TIME AGO THERE'S TWO VERY IMPORTANT ISSUES HERE. WHEN YOU MAKE AN AGREEMENT IN A NEGOTIATION ON THE NEIGHBORHOOD SIDE, IF IT'S YES, IT'S FOREVER. BUT IF IT'S NO, IT'S ONLY TEMPORARILY. WHAT WE FIND OFTEN IS THAT WE ARE ASKED TO COME BACK AND DEFEND THE NEGOTIATION THAT'S WE DID YEARS AGO WHEN SOMEBODY ELSE WANTS TO CHANGE THEM. THE OTHER PART OF IT IS THAT WE HAVE ALSO LEARNED THE DIVIDE AND CONQUER ROUTINE OF TAKING A PARTICULAR ISSUE DIVIDING IT UP INTO LITTLE PIECES AND FINDING SOME FOLKS THAT CAN AGREE WITH YOU. THEN USING THAT TO DIVIDE THE COALITION THAT



REALLY HAS A BIGGER ISSUE AT STAKE. THE BIGGER ISSUE AT STAKE HERE IS THE SAFETY AND WHAT WE ARE GOING TO DO WITH 2222. WITH ALL OF THE QUESTIONS OUT HERE, ONE QUESTION HASN'T BEEN ASKED. IF YOU LOOK AT ALL OF THE DEVELOPMENT ON 2222, THAT'S PROPOSED, AND YOU ASK YOURSELF WHAT IS THIS GOING TO COST, TO DO THE ROAD IMPROVEMENTS AND THE DRAINAGE IMPROVEMENTS TO FACILITATE THAT EXTRA DEVELOPMENT, IS THE PROPERTY TAX AND THE SALES TAX FROM THESE DEVELOPMENTS GOING TO PAY FOR IT? THE ANSWER IS NO. THAT THE REAL COST HERE IS GOING TO BE TRANSFERRED TO THE GENERAL PUBLIC. WHILE THE DEVELOPERS AND -- THE OWNERS OF THIS PROPERTY ARE GOING TO REAP A GREAT PROFIT, THE COMMUNITY IS GOING TO HAVE TO PAY FOR THE DOWN SIDE OF THESE DEVELOPMENTS. AGAIN THE FUNDAMENTAL QUESTION IS ARE WE DEALING WITH SAFETY ISSUE HERE OR ARE WE DEALING WITH AN EQUITY [INDISCERNIBLE] OF OUR COMMUNITY RESOURCES? THE THING WE NEED TO DO IS KEEP THE TRAFFIC COUNT LIMITATIONS AND THE CONDITIONAL OVERLAYS ON ALL OF THESE TRACTS IN PLACE. THIS NEIGHBORHOOD HAS A RIGHT TO NEGOTIATE AND COME UP WITH A SOLUTION. YOU KNOW WHAT? THEY CAN HAVE WHAT THEY WANT, REDUCED TRAFKD ON THEIR LOCAL -- TRAFFIC ON THEIR LOCAL STREETS AND STILL KEEP THE LIMITATIONS ON THE TRAFFIC COUNTS. THANK YOU.

THANK YOU, MR. JACK. FURTHER -- ANY OF OTHER CITIZENS -- SKIP CAMERON, WELCOME, SIR. LET'S SEE. IS -- IS ANNETTE DAWSON STILL HERE? ANNETTE OFFERED THREE MINUTES TO YOU SKIP, SO WE HAVE UP TO SIX MINUTES IF WE NEED IT.

GOOD EVENING, I'M SKIP CAMERON, PRESIDENT OF THE BULL CREEK FOUNDATION. THE PREVIOUS ORDINANCE THAT YOU PASSED IN -- IN 1999 AND 2000 GUARANTEED SIGNIFICANT DEVELOPMENT ON THE TRACT IN QUESTION HERE. THAT DEVELOPMENT HAS ALREADY HAPPENED. YOU ARE NOW ENJOYING A 2.7 SOMETHING MILLION DOLLAR ASSESSED VALUE TAXATION ON THAT PROPERTY. THE DOWN SIDE OF THAT IS THAT THAT PARTICULAR BULL CREEK MARKET IS A CONGESTED MESS. THERE'S NOT ENOUGH PARKING FOR THE PEOPLE THAT USE THE FACILITY AND THE

PEOPLE THAT OWN ARE THE PEOPLE THAT RENT ON THAT FACILITY WOULD LIKE TO HAVE A LITTLE RELIEF. SO IF THERE'S ANYTHING THAT YOU SHOULD DO IS TO TAKE THE LAND TO THE NORTH AND MAKE MORE PARKING FOR THE PEOPLE THAT ALREADY HAVE BUSINESSES THERE, THAT WOULD BE THE PROPER SOLUTION. THE ONE THING THAT'S IMPORTANT THAT YOU UNDERSTAND ON HERE IS THAT WE UNDERSTAND AND RESPECT THAT THE LAKEWOOD CLUB NEIGHBORHOOD, WHICH WE HAVE WORKED WITH FOR MANY, MANY YEARS DESERVES TO HAVE THINGS TO PROTECT THEIR PARTICULAR INTEREST ALONG THEIR ONE STREET IN AND OUT OF THEIR NEIGHBORHOOD. THEY HAVE DONE EXACTLY THAT. AND I APPLAUD THEM FOR THAT. HOWEVER, THAT DECISION THAT PROTECTS THEIR NEIGHBORHOOD SIMPLY DOES NOTHING ELSE THAN TO DUMP THE PROBLEM ON THE 360, 2222 CORRIDOR AND THE REST OF THEIR NEIGHBORHOODS ADJACENT TO THEM AND THE ENTIRE REGION. SO I ASK YOU IS THAT AN EQUITABLE SOLUTION WHEN THEY HAVE ALREADY GOT A VERY VALUABLE DEVELOPMENT ALREADY ON THAT PROPERTY THAT NEEDS SOME RELIEF JUST FROM A PARKING STANDPOINT. THE PREVIOUS THING THAT YOU ALLOWED THEM TO HAVE WAS 782 TRIPS ON THIS NEW TRACT, 6,000 SQUARE FEET OF ADDITIONAL RETAIL AND PERHAPS THEY COULD ACCOMMODATE ENOUGH PARKING TO, YOU KNOW, TAKE CARE OF ALL OF THE RETAIL THAT'S THERE NOW. BY -- BY TAKING ALL OF THIS OFF, YOU ARE GIVING THEM UNLIMITED TRIPS AND YOU ARE GIVING THEM UNLIMITED SQUARE FEET, WHATEVER THEY CAN CRAM ON TO THAT SPACE, AND THE ESTIMATES THAT I HEARD IN THE CORRIDOR OUT THIS EVENING ARE 30, 40,000 OR -- PLUS ON THAT. NOW, PLEASE, THINK ABOUT THAT, FOLKS, WHAT YOU ARE LETTING HAPPEN HERE. DON'T LET IT HAPPEN.

THANK YOU, MR. CAMERON. FURTHER COMMENTS ON CASE Z-32? THANK YOU ALL VERY MUCH. MR. WHELLAN WOULD YOU LIKE TO HAVE A THREE MINUTE REBUTTAL? NEED BE OR SUMMARY?

MICHAEL ON BEHALF CHAMPION CENTERS. I DON'T THINK ANYBODY HAS EVER SAID LOOKING ATTRACT 1 OR LAKEWOOD DRIVE, MS. CHAMPION LIVES ON THIS TRACT,ER HOME IS THERE, SHE'S LIVED THERE FOR DECADES, SHE'LL

BE HAPPY TO ANSWER ANY QUESTIONS OF HOW MANY DECADES SHE'S LIVED THERE AND THE OTHER 100 YEAR HISTORY THAT THE TRACT HAS. I DID WANT TO ALSO KNOWLEDGE AND THANKS BABS, STEVE AND MARCUS, THEY ARE IN THE REAL ESTATE BUSINESS, VERY SAVVY, VERY SOPHISTICATED, THEY DROVE A HARD BARGAIN. I APPRECIATE THAT. FINALLY I DID WANT TO ALSO POINT OUT THAT MU WAS TAKEN OUT. I DID TALK TO THEM AND A LARGER GROUP OF LAKEWOOD RESIDENTS ABOUT THE FACT THAT IF A SENIOR LIVING OR VERY HIGH END 20, 25, 35 UNIT TOWNHOME PROJECT CAME ALONG, WE WOULD REMEET, WE WOULD MEET AGAIN WITH THEM TO TALK ABOUT THAT. BECAUSE SENIOR LIVING OBVIOUSLY WOULD HAVE -- BE A FRACTION OF ANY TRIPS OF ANY TYPE OF PROJECT. IT MAY BE A VERY APPROPRIATE USE. AND THEY ARE OPEN TO HAVING THAT DIALOGUE, BUT OBVIOUSLY WE ARE NOT -- WE HAVEN'T REACHED AGREEMENT ON THAT, IT'S NOT IN THE ORDINANCE, SO THAT WOULD BE SOMETHING THAT I THINK WE ARE GOING TO TRY AND OBTAIN IF POSSIBLE BECAUSE I THINK IT WOULD ALLEVIATE TRAFFIC AND SERVE THE COMMUNITY IF WE HAD SOMETHING LIKE THAT. THANK Y'ALL.

Mayor Wynn: THANK YOU MR. WHELLAN. COUNCIL, COMMENTS, QUESTIONS? MR. GUERNSEY, BASED ON THIS AGREEMENT WITH THE NEIGHBORHOOD ON Z-32, I PRESUME THAT IT'S -- STAFF IS READY FOR FIRST READING ONLY.

YES. THAT'S CORRECT. IT WOULD BE POSSIBLE TO TAKE THE ITEMS THAT WERE I GUESS DISCUSSED AND AGREED TO BY THE NEIGHBORHOOD AND BY MR. AND DELETE OR MODIFY THE ORDINANCE. THEYTHEY ARE NOT GREAT DEVIATIONS FROM THE EXISTING ORDINANCE THAT'S IN YOUR BACKUP THAT WAS SPOKEN TO AND APPROVED IN 2000, MARCH OF 2000. QUESTIONS, COUNCIL? COMMENTS? COUNCILMEMBER ALVAREZ.

Alvarez: THEN, I DON'T KNOW, MR. GUERNSEY YOU MIGHT BE ABLE TO ANSWER THIS. BUT IF WE ARE DELETING THE TRIP LIMIT AND THEN THE SQUARE FOOTAGE LIMITATION, THEN WHAT -- WHAT DO -- IS THERE A CALCULATION WITH REGARD TO HOW MANY ACTUAL TRIPS ARE GOING TO BE -- THERE ARE GOING TO BE IF WE'RE TALKING LIKE WHAT'S BEEN

MENTIONED HERE, WHICH IS 30,000, POSSIBLY MORE?

I WILL LET GEORGE SPEAK TO THE ESTIMATE, BUT -- BUT IT WOULD DEPEND ON WHAT THEY ACTUALLY DESIGNED IN THE TIME OF THE SITE PLAN. THERE WOULD BE A DETERMINATION DONE AND A TIA I GUESS WOULD BE SUBMITTED IF YOU WENT WITH THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION. THERE WOULD BE A TIA THAT WOULD BE REVIEWED AT THAT STAGE. GEORGE?

COUNCILMEMBER, A ROUGH ESTIMATE WOULD BE FOR 30 TO 40,000 SQUARE FEET OF RETAIL, ABOUT 4,000 TRIPS. IT COULD VARY DEPENDING UPON THE EXACT USES THAT GO INTO THE RESTAURANTS. IF THERE WERE RESTAURANTS IT COULD BE HIGHER. IF THERE ARE MORE SPECIALTY TYPE OF STORES IT COULD BE LOWER.

OKAY. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER MCCRACKEN?

McCracken: A COUPLE OF MY NEIGHBORS THOUGHT I LIVE UP THE HILL AND I DON'T CUT THROUGH. IN THIS AREA WE WANT TO BE PARTICULARLY CAREFUL ABOUT BECAUSE IT'S MY UNDERSTANDING FROM BILL REED WHO HELPED DESIGN THE NEW BUILDING AT CITY HALL IS THAT THAT AREA BACK THERE IS -- IS THE AREA OF BULL CREEK, WHERE ANTWAN BREAD DOCK DESIGNED -- PREDOCK DESIGNED THE CITY HALL. WHEN YOU SEE THE NEW CITY HALL THIS IS THE AREA THAT WE ARE TALKING ABOUT WAS BUILT THERE. I CONGRATULATE THE NEIGHBORS AND MR. WHELLAN FOR WORKING TOGETHER ON THIS ONE.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT I'LL ENTERTAIN A MOTION ON ITEM Z-32 WHICH WOULD ALSO BE TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER MCCRACKEN TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST RIDING ONLY THE -- THE CASE WITH THE AGREEMENT AS OUTLINED EARLIER.

SECOND.

SECONDED BY COUNCILMEMBER THOMAS. FURTHER

COMMENTS, MAYOR PRO TEM?

I, TOO, WOULD LIKE TO COMMEND THE NEIGHBORS AND MR. WHELLAN FOR WORKING ON SOME COMPROMISE THAT THEY BOTH FEEL COMFORTABLE WITH, BUT I CAN'T VOTE FOR IT.

Mayor Wynn: FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: YEAH, I'M GOING TO SUPPORT THIS ON FIRST READING, I BELIEVE THAT'S WHAT THIS IS.

Mayor Wynn: AGREED, FIRST READING ONLY.

BUT WE WILL LOOK AT THE TRAFFIC ISSUE CLOSER BETWEEN NOW AND NEXT WEEK.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? AGAIN WE HAVE A MOTION ON THE TABLE TO APPROVE Z-32 FIRST READING ONLY WITH THE -- WITH THE AGREEMENT AS OUTLINED. ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

AYE.

OPPOSED?

NO.

MOTION PASSES ON A VOTE OF 6-1 WITH THE MAYOR PRO TEM VOTING NO. THANK YOU ALL VERY MUCH, THAT INCLUDED CLOSING THE PUBLIC HEARING. OKAY. NOW, BACKTRACK A LITTLE BIT. WE WILL NOW TRY TO LUMP THE OTHER THREE CASES TOGETHER, THIS WILLING CASES 53, 53 AND Z-33. APPROXIMATE.

THAT'S CORRECT. 52 AND 53 SECOND READING, Z-33 FIRST READING. AGAIN TYPICAL FORMAT NOW FIVE MANUSCRIPT PRESENTATION BY THE APPLICANT, THEN HEAR FROM FOLKS WHO ARE IN FAVOR OF THE ZONING CASES. FOLKS WHAT ARE IN OPPOSITION, THEN THE APPLICANT WILL HAVE

A THREE MINUTE REBUTTAL. THANK YOU, MR. WHELLAN.

I WANT TO BE SURE I CAN SEE COUNCILMEMBER SLUSHER, ONE SECOND. MICHAEL WHELLAN ON BEHALF OF THE CHAMPION SISTERS. THE CHAMPION SISTERS ARE HERE TODAY. THEY WILL BE SHARING WITH YOU A LITTLE OF THEIR OVER 100 YEAR HISTORY WITH THIS PROPERTY. I'M NOT GOING TO COVER THE 100 YEARS, I'M GOING TO FAST FORWARD TO 1996. THE CITY OF AUSTIN ENTERED INTO A SETTLEMENT AGREEMENT WITH THE CHAMPIONS WHICH PROVIDED AT PARAGRAPH 2. C ON PAGE 4, IN YOUR BACKUP, I'LL QUOTE, THE TOTAL AMOUNT OF IMPERVIOUS COVER THAT MAY BE CONSTRUCTED WITHIN TRACTS 1, 2, AND 3, AND THAT PORTION OF TRACT 5, NOT MADE SUBJECT TO ORDINANCE NUMBER 930-5123-R WILL BE THE MAXIMUM IMPERVIOUS COVER PERMITTED BY THE LAKE AUSTIN WATERSHED ORDINANCE AND OTHER ORDINANCES GOVERNING SUCH TRACTS PRIOR TO THE ENACTMENT OF THE BULL CREEK COVER. IT [INDISCERNIBLE] THE 1996 SETTLEMENT AGREEMENT WAS CODIFIED, IT WAS CODIFIED AND PASSED AS AN ORDINANCE OF THE CITY OF AUSTIN. ORDINANCE NUMBER 96-0613-J. IN ITS AGREEMENT, THE CITY EXPRESSLY REPRESENTS, EXPRESSLY REPRESENTS THAT IT HAS THE AUTHORITY TO ENTER INTO THE AGREEMENT AND IT AUTHORIZES SUIT, INCLUDING SUIT FOR DAMAGES, IN THE EVENT THAT IT PASSES AN ORDINANCE THAT BREACHES THE AGREEMENT. THIS IS IN A STHMENT SETTLEMENT AGREEMENT, CONTRACT AND IN A LEGISLATIVE ENACTED ORDINANCE, 96-0613-J. FOUR YEARS LATER. MARCH OF 2004. TWO OF THE TRACTS ARE BEFORE YOU ON FIRST READING. THOSE ARE THE TWO CITY PARK WEST AND CITY PARK EAST. YOU APPROVE ZONING CHANGES THAT WOULD HAVE BROUGHT THE CITY MORE CLOSELY IN COMPLIANCE WITH THE AGREEMENT WITH THE CHAMPIONS AND THE 1996 ORDINANCE. AT THAT HEARING IT WAS SUGGESTED BY? OF YOU THAT WE BRING FORWARD ALL OF THE TRACTS AT ONCE AND THAT WE ADD THE MIXED USE DESIGNATION TO THESE ZONING PROPERTIES TO OPTIMIZE THE OPPORTUNITY TO CAPTURE TRAFFIC AND TAX BASE AT THIS CORNER WITHIN THE CITY LIMITS. IT'S INTERESTING TO HEAR FOLKS TALK ABOUT THE COMMUNITY HAVING TO SPEND MONEY ON THE -- ON THE ROADS. IT'S

ACTUALLY -- IT WILL BE THIS COMMUNITY BUT IT'S PEOPLE OUTSIDE THE CITY LIMITS. SO MANY OF THE CASES THAT ARE ACTUALLY USING THESE ROADS AND HERE WE HAVE YET ANOTHER OPPORTUNITY TO CAPTURE TAX BASE AND GET PEOPLE TO HELP PAY FOR THOSE VERY ROADS. AT THE SUGGESTION OF THE COUNCIL TO BRING ALL OF THE TRACTS BACK AND ADMISIONED USE, THE CHAMPIONS DID JUST THAT. THE CHAMPIONS FILED NEW ZONING REQUESTS INCLUDING CITY PARK EAST AND CITY PARK WEST TO ADD THE MU AND TO HAVE ALL OF THE TRACTS BEFORE YOU AT ONE TIME. IN FEBRUARY OF 2004 THE CHAMPIONS FILED A LAWSUIT TO PRESERVE THEIR RIGHTS IN COURT UNDER THE SETTLEMENT AGREEMENT AND THE 1996 ORDINANCE. AND THE MARCH 2004 CITY COUNCIL HEARING, I ANNOUNCED TO Y'ALL THAT -- THAT THE CHAMPIONS MYSELF, THE CHAMPIONS THROUGH ME AND THE CITY ATTORNEY REACHED AN AGREEMENT TO ABATE, THAT IS TO STOP DISCOVERY AND OTHER LITATION -- WITH THE LAWSUIT TO PUT IT ON HOLD IN ORDER TO BRING FORWARD ALL OF THE TRACTS TO RESOLVE THE MATTER AND THEREBY MAKE THE LITIGATION UNNECESSARY, MR. GUERNSEY HAS OUTLINED FOR YOU WHAT Z.A.P. APPROVED, THE APPROVED ZONING CHANGES ARE THOSE THAT WE ARE SEEKING TODAY. THE Z.A.P. APPROVED ZONING CHANGES. FOR THESE TRACTS. THESE CHANGES WOULD ELIMINATE THE RESTRICTIONS TO IMPERVIOUS COVER THAT HAVE BEEN IMPOSED ON THE PROPERTIES IN VIOLATION OF A SETTLEMENT AGREEMENT AND THE 1996 ORDINANCE AND WOULD MAKE THE LAWSUIT UNNECESSARY. ALL THE CHAMPIONS ARE ASKING FOR IS A RATIONAL AND FAIR ZONING CHANGES THAT ACTUALLY REFLECT THE CITY OF AUSTIN'S OWN EXPERT'S OPINION. DURING THE LITIGATION IN 1994, THE CITY OF AUSTIN HIRED AN EXPERT, HE'S A VERY GOOD EXPERT, LUCKY FOR ME IN THIS CASE, JACK HOLFER. IN JANUARY OF 1995 THE CITY'S HIRED EXPERT TESTIFIED AT A DEPOSITION ABOUT HIS REPORT AND ABOUT THE TYPES OF USES THAT WOULD BE APPROPRIATE FOR THESE TRACTS. INCLUDED IN THIS REPORT WAS THE MAXIMUM AMOUNT OF IMPERVIOUS COVER THAT WOULD BE ALLOWED UNDER THE ORDINANCES. A COPY OF THIS REPORT WAS CIRCULATED TO YOU AT THE MARCH 2004 CITY COUNCIL HEARING, I AM PRETTY CONFIDENT THAT YOU ALL HAVE -- HAVE AT LEAST

RECEIVED A COPY OF THAT. THE ORDINANCES WHICH WERE PASSED IN 2000, BROKE THE PROMISES THAT HAVE BEEN MADE IN THE SETTLEMENT AGREEMENT AND THE 1996 ORDINANCE. BUT THE CHAMPIONS WERE ALWAYS HOPEFUL THAT THIS WOULD BE REDRESSED. WE ARE HERE TODAY TO FIX THE BROKEN PROMISE AND GIVE THIS CITY COUNCIL A CHANCE TO RESOLVE THIS MATTER. [BUZZER SOUNDING] WE ASK THAT YOU FOLLOW THE RECOMMENDATION OF YOUR ZONING AND PLATTING COMMISSION, YOUR OWN EXPERT WITNESSES AND THE TERMS OF THE 1996 AGREEMENT AND 1996 ORDINANCE, THANK YOU.

Mayor Wynn: THANK YOU, MR. WHELLAN. WE WILL NOW HEAR FROM FOLKS IN FAVOR OF THE ZONING CASE. WE WILL START LOOKS LIKE LYSETTE SMITH.

[INAUDIBLE - NO MIC]

Mayor Wynn: YOU ARE IN OPPOSITION, CORRECT. I THINK YOU JUST CHECKED THE WRONG BOX, THAT'S OKAY. SO HOLD YOUR HORSES. OKAY, MARY MARGARET ROBBERSON. LET'S SEE, LOOKS LIKE IS ANN WARD, WELCOME, ANN. SO MS. ROBBERSON YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT. WELCOME. YOU MIGHT NEED TO PULL THE PIERK PHONE DOWN TOWARDS YOU NOW.

CAN YOU HEAR ME IN MR. MAYOR AND COUNCILMEMBERS, MY NAME IS MARY MARGARET CHAMPION ROBBERSON, I'M ONE OF THE CO-OWNERS OF THE TRACTS OF LAND LOCATED AT 2222 AND 360. I'M PROUD OF THE FACT THAT THIS PROPERTY HAS BEEN IN OUR FAMILY OVER 100 YEARS. IT HAS BEEN ALSO RECOGNIZED THAT THIS LAND HAS GREAT INTEREST TO OTHERS. BECAUSE OF ITS LOCATION, AT SUCH AN INTENSE INTERSECTION, THIS FORCES ME TO BE REALISTIC ABOUT THE NEED FOR THE PROPERTY TO BE DEVELOPED FOR APPROPRIATE USES. MORE THAN 10 YEARS AGO, MY SISTERS AND I HAD A DISPUTE WITH THE CITY ABOUT HOW THE LAND SHOULD BE DEVELOPED. THAT DISPUTE ULTIMATELY LED TO A LAWSUIT. WE WERE ABLE TO RESOLVE THE MATTER WITH A COMPROMISE DOCUMENTED BY SETTLEMENT AGREEMENT, BUT I BELIEVE IS IN YOUR BACKUP MATERIALS. BECAUSE IT WAS A COMPLIMENT, NEITHER SIDE GOT EVERYTHING THAT IT WANTED. ONE



THING MY SISTERS AND I DID GET WAS AN AGREEMENT THAT THE LAND COULD BE DEVELOPED UNDER CLEARLY IDENTIFIED ORDINANCES SPECIFYING IMPERVIOUS COVER LIMITS AND THAT THE AMOUNT OF THE IMPERVIOUS COVER ALLOWABLE ON THIS PROPERTY WOULD NOT BE REDUCED IN ANY WAY. AS YOU HAVE ALREADY HEARD FROM OUR ATTORNEY AND YOU CAN ALSO LEARN THIS FROM YOUR CITY ATTORNEY, THE SETTLEMENT AGREEMENTS PROVISIONS CONCERNING IMPERVIOUS COVER ARE VIOLATED. WHEN RESTRICTIONS EFFECTIVELY REDUCING THE ALLOWABLE IMPERVIOUS COVER ARE IMPOSED AS CONDITIONAL OVERLAYS. WHICH IN THERE CASE IN THE ZONING ORDINANCE PASSED IN THE YEAR 2000, NOW WE HAVE LIVED UP TO OUR END OF THE BARGAIN AND WE EXPECT THE CITY TO DO THE SAME. OVER THE YEARS, WE HAVE WATCHED PEOPLE GO UP AND DOWN, 2222, AND 360, TO DEVELOP THEIR PROPERTIES TO ACCOMMODATE THE INFLUX OF THE PEOPLE TO AUSTIN. AND EVEN AFTER ALL OF US ARE GONE, PEOPLE WILL CONTINUE TO BE DRAWN TO AUSTIN. IN FACT EVERYTHING THAT YOU READ ABOUT AUSTIN SEEMS TO INDICATE THAT WE ARE AS POPULAR AS THIS CITY HAS EVER BEEN. WHICH IS A REAL COMPLIMENT TO THE CITY COUNCIL MEMBERS. OF COURSE, MORE PEOPLE MEANS MORE CONGESTION AND OTHER GROWTH ISSUES. ONE OF THESE ISSUES IS HOW TO CAPTURE TAX BASE. THIS INTERSECTION PROVIDES THE IDEAL OPPORTUNITY FOR YOU TO CAPTURE SIGNIFICANT TAX BASE IN THE CITY OF AUSTIN. AND IN A DESIRABLE LOCATION THAT IS NOT OVER THE AQUIFER. FIRST, THE PEOPLE WHO WILL LIVE AT THIS INTERSECTION AND HAVE THEIR STORES AND OFFICES HERE WILL BE PAYING TAXES AND SECOND YOU WILL BE ABLE TO CAPTURE DOLLARS FROM THOSE PASSING FROM -- FROM LEANDER, CITY PARK, CEDAR PARK AND OTHER CITIES AS THEY TRAVEL TO THE CITY OF AUSTIN. IT'S CLEAR THAT SUITABLE DEVELOPMENT OF OUR LAND IS CONSISTENT WITH THE OVERALL DEVELOPMENT IN THIS AREA. AND IS -- IT IS ECONOMICALLY SENSIBLE. TONIGHT IT IS OUR TURN TO RECEIVE THE TYPE OF ZONING THAT IS APPROPRIATE WITHOUT RESTRICTIONS THAT VIOLATE THE SETTLEMENT AGREEMENT. IT IS MY HOPE THAT WE CAN BE DONE WITH THIS ZONING CASE AND OUR LAWSUIT TONIGHT. OUR TIME IS TONIGHT. AND I THANK YOU

FOR YOUR TIME.

THANK YOU, MS. ROBBERSON. WELCOME, YOU WILL HAVE THREE MINUTES.

MR. MAYOR AND COUNCILMEMBERS, MY NAME IS JOSIE CHAMPION, I LIVE AT 6700 LAKEWOOD DRIVE. SOME HAVE SAID THAT THE CHAMPIONS ARE JUST TOO LATE IN TRYING TO DEVELOP THEIR LAND. WE ARE NOT TOO LATE. IN FACT WE WERE EARLY. WE WERE HERE DURING THE WRITING OF THE LOOP 360 ORDINANCE AND THEN THE 2222 ORDINANCE AND THEN THE HILL COUNTRY ROADWAY ORDINANCE AND TRY AS SOME HAVE, THEY HAVE TRIED TO -- TO MINIMIZE THE SIGNIFICANCE OF THE INTERSECTION OF LOOP 360 AND RANCH ROAD 2222. IT WAS MORE THAN DIFFICULT TO GET OUR FIRST ZONINGS ON TWO SMALL TRACTS. WE DID THIS BACK IN THE 1990S. IMMEDIATELY, THE COUNCIL THAT GAVE US THE ZONING PASSED THE BULL CREEK ORDINANCE WHICH JUST WIPED US OUT. THAT'S WHEN THE LAWSUIT WAS FILED IN THE 1999 COMPROMISE SETTLEMENT AGREEMENT CAME INTO BEING. I REGRET THAT SOME OF OUR NEIGHBORS OPPOSE US. THEY SEEM TO THINK THAT SURELY THEY CAN DEFEAT THREE ELDERLY WOMEN WHO OWN LAND THAT WAS ONCE CEDAR CHOPPERS COUNTRY. THE ZONING THAT IS BEING ASKED FOR IS REASONABLE AND FIR AND I HOPE THAT YOU WILL GRANT IT TONIGHT. FINALLY, I WANT YOU TO KNOW THAT I AM TIRED. I'M TIRED OF WATCHING DEVELOPMENT FARTHER WEST PROCEED WITH LITTLE OR IN MOST CASES NO OPPOSITION. I'M TIRED. I'M TIRED OF THE CONTROVERSY ASSOCIATED WITH THIS CORNER THAT HAS BEEN IN OUR FAMILY FOR OVER 100 YEARS. AND I'M TIRED OF THE VENOM THAT HAS BEEN DIRECTED AT MY SISTERS AND ME. I'M JUST TIRED AS I KNOW YOU ARE OF THIS CASE AND MY AGE IS NOT GOING TO ALLOW ME TO DO THIS MUCH LONGER. HOWEVER, PLEASE KNOW THAT I AM DEDICATED TO THE CAUSE. IF WE DO NOT RECEIVE JUST AND FAIR TREATMENT TONIGHT, I WILL BE BACK. THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU, MS. CHAMPION. JUANITA CHAMPION MEYER. [INAUDIBLE - NO MIC]

Mayor Wynn: THANK YOU, WE WILL SHOW YOU IN FAVOR OF

THE STOANG ZONING CASE.

Mayor Wynn: COUNCIL, THAT'S ALL OF THE FOLKS IN FAVOR. WE WILL NOW HEAR FROM FOLKS IN OPPOSITION. I HAVE SORT OF LOST THE ORDER. BEAR WITH ME. BACK TO MR. SKIP CAMERON. SKIP MAY HAVE --

[INDISCERNIBLE]

Mayor Wynn: OKAY, CHARLIE YOU ARE WELCOME TO GO FIRST. THANKS FOR YOUR PATIENCE.

[INDISCERNIBLE] I HAVE TWO PEOPLE THAT ARE DEDICATING THEIR TIME TO ME. MIKE LAY.

Mayor Wynn: ARE YOU STILL HERE. WELCOME. AND PETE BRINDELL.

ACTUALLY, MAYOR, IT'S PETE.

YOU ARE RIGHT. I APOLOGIZE.

I GIVE MY THREE MINUTES TO CHARLIE.

PETE WOULD LIKE TO PASS OUT A LEGAL BRIEF TO EACH OF YOU IN RESPECT TO THE SETTLEMENT AS WELL THAT I WILL REFER TO.

Mayor Wynn: CHARMS UP TO NINE MINUTES. CHARLES UP TO NINE MINUTES.

I WOULD ALSO LIKE TO DONATE MY TIME TO CHARLIE.

THANK YOU, MR. REED. CHARLIE YOU WILL HAVE UP TO 12 MINUTES.

GOOD EVENING, COUNCILMEMBERS, MY NAME IS CHARLES FARMER, I AM HERE REPRESENTING THE ELECTED BOARD OF THE RIVER PLACE COMMUNITY ASSOCIATION AND THE 2222 COALITION OF NEIGHBORHOOD ASSOCIATIONS. TONIGHT YOU ARE BEING ASKED TO DECIDE WAS THE UNANIMOUS DECISION BY THE AUSTIN CITY COUNCIL IN THE YEAR 2000 TO PLACE A CAP OF 6500 VEHICLES TRIPS PER

DAY ON THE SUBJECT PROPERTIES IN THESE THREE ZONING CASES AND SQUARE FOOT LIMITATIONS ON THESE ZONING PROPERTIES LEGAL, FAIR AND A GOOD DECISION. I'M NOT GOING TO REITERATE THE REASONS THAT THE COUNCIL MADE THAT DECISION. WE ALL KNOW ABOUT THE TRAFFIC AND SAFETY ISSUES ON THIS STRETCH OF 2222, WE ALL KNOW THAT ANY DEVELOPMENT ON THIS PROPERTY IS GOING TO MAKE THOSE TRAFFIC AND SAFETY ISSUES WORSE. I AM GOING TO RESPOND HOWEVER TO THE PROPERTY OWNERS ARGUMENTS AS TO WHY THEY FEEL THESE VEHICLE TRIP PER DAY ARE CAPPED AND SQUARE FOOTAGE RESTRICTIONS SHOULD BE LIFTED FROM THE PROPERTY. FIRST OF ALL THEY ARGUE THAT THE VEHICLE TRIP PER DAY CAP VIOLATES THE CITY'S 1996 SETTLEMENT WITH THE PROPERTY OWNER THE 1996 SETTLEMENT GRANTED THE PROPERTY OWNERS EXEMPTIONS TO THE HILL COUNTRY ROADWAY ORDINANCE, EXEMPTIONS TO THE BULL CREEK WATERSHED ORDINANCE AND ALSO GRANTED THEM EXEMPTIONS FROM PAYING CERTAIN DEVELOPMENT FEES TO THE CITY. THE BASIS FOR THIS LAWSUIT FILED BY THE PROPERTY OWNERS IS THEIR CLAIM THAT THE VEHICLE TRIP PER DAY CAP AND SQUARE FOOTAGE RESTRICTIONS IN EFFECT RESTRICT IMPERVIOUS COVER WHICH THEY SAY VIOLATES THE AGREEMENT. YOU OF COURSE WILL GET YOUR OBEY LEGAL COUNSEL ON THIS POINT. WE HAVE HAD A PREVIOUS LEGAL COUNSEL EXAMINE THIS. WE FEEL THAT MR. WHELLAN'S CHAIN OF REASONING IS FALSE HERE. YOU HAVE A BRIEF IN FRONT OF YOU WHICH EXPLAINS WHY. IN SHORT IF YOU READ THE SETTLEMENT AND ORDINANCE THEY DO NOT LIMIT THE LEGISLATIVE AUTHORITY OF THE AUSTIN CITY COUNCIL IN SETTING APPROPRIATE ZONING ON THIS PROPERTY. THE SETTLEMENT STATES DURING THE TERM OF THIS AGREEMENT THE CITY WILL FOLLOW ESTABLISHED REGULATIONS AND REPORTERS FOR ANY LEGISLATIVE ACTIONS INCLUDING BUT NOT LIMITED TO ZONING OR REZONING. IF YOU LOOK AT THE ORDINANCE, IT STATES THE APPROVAL OF THIS SPECIAL EXCEPTION DOES NOT CONSTITUTE APPROVAL OF ANY DEVELOPMENT PERMIT NOR DOES IT CONSTITUTE A COMMITMENT TO ANY SPECIFIED LAND USE INTENSITY OF LAND USE OR UTILITY SERVICES. CLEARLY APPLYING VEHICLE TRIP PER DAY LEGISLATIONS ARE PART OF THE LEGISLATIVE AUTHORITY

OF THE CITY COUNCIL TO APPLY APPROPRIATE ZONING TO THIS PROPERTY THAT TAKES INTO CONSIDERATION THE AVAILABILITY OF ROADS AND INFRASTRUCTURE. THE VEHICLE TRIP PER DAY CAP HAS NOTHING TO DO WITH IMPERVIOUS COVER WHICH IS ADMINISTRATIVELY ENFORCED THROUGH THE WATERSHED PROTECTION ORDINANCES. NOTHING IN THE 2000 CITY COUNCIL DECISION RESTRICT IMPERVIOUS COVER ON THIS PROPERTY. CLEARLY IT DOES NOT VIOLATE THE CITY'S SETTLEMENT AGREEMENT WITH THE PROPERTY OPENERS AND DOES NOT RESTRICT THE AUSTIN CITY COUNCIL'S LEGISLATIVE AUTHORITY IN THIS MATTER. NOW, ONCE YOU ACCEPT THE DECISION OF THE 2000 CITY COUNCIL WAS LEGAL, YOU NEED TO DECIDE WAS IT A FAIR AND GOOD DECISION. AND I THINK THAT'S WHAT MOST OF YOU WILL BASE YOUR VOTE ON THIS EVENING. FIRST OF ALL, THE PROPERTY OWNERS ARE ARGUING THAT THE TRAFFIC AND SAFETY PROBLEMS ON 2222 IN FRONT OF THEIR PROPERTY AREN'T THEIR FAULT, WHY SHOULD THEY BE PUNISHED FOR THEM. IN FACT THIS WAS THE BASIS FOR THE ZONING AND PLATTING COMMISSION'S DECISION WHEN THEY VOTE UNDERSTAND A SPLIT VOTE TO SUPPORT THE ZONING CHANGES. BUT THIS COMPLETELY MISSES THE PURPOSE OF THE COUNCIL'S DECISION TO PLACE THE VEHICLE TRIP PER DAY CAP ON THIS PROPERTY. THE PURPOSE WAS NOT TO PUNISH THE PROPERTY OWNERS FOR THE EXISTING CONDITIONS ON THE ROADWAY. THE PURPOSE WAS TO MITIGATE HARM THAT WOULD BE CAUSED BY TOO INTENSIVE DEVELOPMENT ON THIS PROPERTY THAT WOULD MAKE THE PROBLEMS WORSE ON THE ROADWAY. THIS ARGUMENT HOLDS ABSOLUTELY NO WATER. SECOND ARGUMENT THE PROPERTY OWNERS MAKE IS THAT SOMEHOW THEY ARE BEING TREATED DIFFERENTLY THAN OTHER COMMERCIAL PROPERTY OWNERS ALONG THE STRETCH OF 2222 AND THAT'S IT'S NOT FAIR. LET'S COMPARE THE DEAL THE CHAMPIONS GOT WITH THE MOST RECENT COMMERCIAL ZONING CASE THAT THE CITY COUNCIL HEARD ON THIS STRETCH OF 2222 WHICH WAS THE RIBLAND RANCH CASE. REMEMBER THEY AGREED TO SELL 75% OF THEIR DEVELOPABLE PROPERTY TO THE BALCONES CANYONLAND PRESERVES SO IT WOULD NOT BE DEVELOPED. THEY ALSO WORKED WITH THE SURROUNDING NEIGHBORHOODS AND THE CITY TO IDENTIFY CONCERNS

ABOUT THIS DEVELOPMENT, AGREED TO CONDITIONAL OVERLAYS TO MITIGATE THE ISSUES AND AGREED TO PLACE A CAPITAL METRO TWO FACILITY WITHIN THEIR REMAINING DEVELOPABLE ACRES, ALL OF THIS TO HELP ALLEVIATE THE TRAFFIC AND SAFETY ISSUES. THE FIRST ISSUE TO REALIZE HERE IS THAT HE DID HAVE VEHICLE TRIP PER DAY RESTRICTIONS PLACED ON THE PROPERTY. THEY ARE BEING TREATED THE SAME AS THE CHAMPIONS, THEY WERE ALSO GRANTED A HIGHER VEHICLE TRIP PER DAY LIMITATION BECAUSE OF THE AMOUNT OF PROPERTY THEY AGREED NOT TO DEVELOP. OVER 75% OF THEIR PROPERTY. IF YOU LOOK AT THE VEHICLE TRIPS PER DAY, THEY GOT PER DEVELOPABLE ACRE, THEY HAVE HALF OF THE VEHICLE TRIPS PER DAY THAT THE CHAMPIONS HAVE TODAY UNDER THE EXISTING CAP. WHEN THEY PUT IN THE AMOUNT OF TRAFFIC INFRASTRUCTURE THAT THE CHAMPIONS CURRENTLY HAVE ON THEIR PROPERTY THEY WILL HAVE AN EQUAL NUMBER OF TRIPS PER DAY THAT THE CHAMPIONS HAVE TODAY. THE ONLY WAY THAT THE RIBLAND WOULD GET MORE VEHICLE TRIPS THAN THE CHAMPIONS HAVE IS IF TEXDOT AGREES IN ITS FORMAL FUTURE PLANNING TO EXPAND THE TRAFFIC CAPACITY OF 2222 IN FRONT OF THEIR PROPERTY. GIVEN ALL OF THAT, I WOULD SAY THAT THE CHAMPIONS HAVE AN EQUIVALENT OR BETTER DEAL THAN THE RIBLAND GOT IN THEIR CASE. THE ARGUMENT THAT THEY ARE BEING TREATED DIFFERENTLY UNFAIR, DOESN'T HOLD WATER. THIS DOESN'T HOLD WATER, THIS APPLIES TO THE MAJOR COMMERCIAL DEVELOPMENTS ALONG 222, INCLUDING THE THOMAS PROPERTIES FOUR POINTS, INTERNATIONAL BANK OF COMMERCE, RIVER PLACE VILLAGE RETAIL DEVELOPMENT, EACH OF THESE CASES THE PROPERTY OWNERS MADE CONCESSIONS TO MITIGATE TRAFFIC AND SAFETY ISSUES THAT WOULD BE CAUSED BY THE DEVELOPMENT OF THEIR PROPERTY THAT ARE EQUIVALENT OR MORE RESTRICTED TO THE ONES CURRENTLY ON THE CHAMPIONS PROPERTY. IF YOU ARE INTERESTED IN THE ISSUE OF FAIRNESS, HOW THE DIFFERENT PROPERTY OWNERS ARE BEING TREATED HERE, IF YOU VOTE TO REMOVE THE VEHICLE TRIP PER DAY CAPS ON THE CHAMPIONS PROPERTY, REMEMBER THAT PROPERTY WILL BE EXEMPTED FROM THE HILL COUNTRY ROADWAY ORDINANCE, EXEMPTED FROM THE BULL CREEK

WATERSHED ORDINANCE, EXEMPTED FROM PAYING FEES, NOW IT WILL HAVE NO VEHICLE TRIP PER DAY CAP ON IT LIKE THE OTHER PIECES OF PROPERTY DO. THEY WILL EFFECTIVELY HAVE THE ABILITY TO DEVELOP THIS PROPERTY MORE DENSELY THAN ANY OTHER COMMERCIAL DEVELOPER THAT ALONG THAT VERY MUCH OF 222. IS THAT FAIR TO THE OTHER PROPERTY OWNERS WHO TOOK AN INCLUSIVE PATH ASKING THE NEIGHBORHOODS ABOUT THEIR CONCERNS WITH TRAFFIC AND THEN MADE RESTRICTIONS ON THEMSELVES TO ALLEVIATE THOSE CONCERNS, WE SAY THAT'S NOT FAIR TO THE OTHER PROPERTY OWNERS IF YOU VOTE TO REMOVE THE CAP. ALSO WE THINK YOUR VOTE IS GOING TO SEND A CLEAR SIGNAL WITH REGARD TO PROPERTY OWNERS IN THE CITY. WHICH PATH IS GOING TO BE BETTER FOR A PROPERTY OWNER TO TAKE. THE PROPERTY OWNER WHO PARTICIPATES IN AN INCLUSIVE PROCESS OR HIRE VERY STRONG LAW FIRMS AND THREATEN A LAWSUIT. IT WILL BE A SAD DAY IN THIS TOWN IF THE AUSTIN CITY COUNCIL BACKS DOWN BECAUSE THEY ARE AFRAID OF A VERY STRONG LAW FIRM WHO HAS A VERY GOOD WIN-LOSS RECORD IN CASES LIKE THAT. IN SUMMARY A UNANIMOUS VOTE BY THE CITY COUNCIL TO PLACE THE VEHICLE TRIP PER DAY CAP AND SQUARE FOOTAGE RESTRICTIONS WAS LEGAL A GOOD AND FAIR DECISION. THE CHAMPIONS HAVE NOT BEEN TREATED DIFFERENTLY THAN THE OTHER COMMERCIAL PROPERTY OWNERS ALONG THE STRETCH OF 2222, AND VOTING TO REMOVE THE CAP WILL BE A DISASTER FROM A TRAFFIC SAFETY PERSPECTIVE, GROWTH PLANNING AND A DEVELOPMENT POLICY PERSPECTIVE. WHAT YOUR VOTE COMES DOWN TO TONIGHT CAN YOU LOOK AT THE TENS OF THOUSANDS OF YOUR CONSTITUENTS THAT DRIVE PAST THIS PROPERTY ON A DAILY BASIS AND SAY I VOTED TO INCREASE YOUR STATISTICAL CHANCES OF HAVING AN ACCIDENT BECAUSE AND HAVE THAT REASON BE COMPELLING ENOUGH THAT THE AVERAGE PERSON WOULD SAY COUNCILMEMBER I THINK YOU MADE A GOOD VOTE, MADE A GOOD DECISION THERE. IT'S THE PROPERTY OWNERS RESPONSIBILITY TO GIVE THAT YOU COMPELLING REASON. WE DO NOT THINK THAT THEY HAVE DONE THAT. THEREFORE WE ASK FOR YOU TO VOTE AGAINST LIFTING THESE RESTRICTIONS FROM THE PROPERTY. THANK YOU

FOR LISTENING AND THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU, MR. FARMER. A QUICK REMINDER TO FOLKS, WHEN COUNCILMEMBERS OR I HAVE TO STEP OFF THE DAIS, WE HAVE AUDIO AND VIDEO IN THE BACK TO ACTUALLY SEE AND HEAR ALL OF THE TESTIMONY. SKIP CAMERON. WELCOME, UP TO THREE MINUTES. FOLLOWED BY JO ANN RICHARDS. [INDISCERNIBLE] [INAUDIBLE - NO MIC] MR. CAMERON, YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT.

[INDISCERNIBLE]

Mayor Wynn: FAIR ENOUGH. NINE MINUTES, SKIP.

I WON'T NEED THAT MUCH. THANK YOU. GOOD EVENING AGAIN, COUNCIL, SKIP CAMERON, PRESIDENT OF THE BULL CREEK FOUNDATION. I'VE HELPED FACILITATE OR TRIED TO FACILITATE NEIGHBORHOOD DIALOGUE, PARTICULARLY, AND THEN OCCASIONAL DISCUSSIONS WITH THE CHAMPION REPRESENTATIVES. THE CHAMPIONS HAVE NEVER BEEN WILLING TO MEET WITH US ONE ON ONE. OVER MANY YEARS, OVER 10 YEARS NOW THAT WE HAVE BEEN WORKING ON THIS. I AGREE WITH MS. CHAMPION THAT IT'S TIME TO BRING THIS THING TO A CONCLUSION. I HAVE BEEN WORKING ON THIS SO LONG MY HAIR TURNED GRAY AND PATE STARTED USING GRECIAN FORMULA. WE REMAIN UNITED AND STEADFAST AND THE CHAMPIONS REMAIN UNWILLING TO ACCEPT A REASONABLE COMPROMISE. IT'S ALREADY BEEN DECIDED BY YOU FIVE YEARS AGO. ON THESE CASES, NORTHWEST CORNER OF 360, AND 2222 AND BOTH SIDES OF CITY PARK ROAD AND 2222, TOTALING 300 ACRES, ABOUT 50% BUILDABLE BECAUSE OF SLOPES, WE WERE GIVING -- YOU GAVE TO THE CHAMPIONS 65 VEHICLE TRIPS PER DAY OVERALL, YOU ALLOWED THEM 4589-- 459 APARTMENTS ALREADY BUILT, YOU GAVE THEM 304,000 SQUARE FEET OF RETAIL AND COMMERCIAL SPACE. THAT'S WHAT THEY HAVE TO -- THE RIGHT TO DO the right to do INTENSE DEVELOPMENT RIGHT HERE IN THE HEART OF ONE OF YOUR WATER SUPPLY WATERSHEDS. THEY HAVE YET TO APPLY FOR SITE PLANS THAT LIVE WITHIN THAT REQUIREMENT. THEY HAVE ONLY BUILT ONE SITE, THE 459 APARTMENTS. THEY HAVE AN APPROVAL FOR THE OFFICE SITE. [ONE MOMENT PLEASE



FOR CHANGE IN CAPTIONERS]

THEY COULD HAVE SOLD OUR DEVELOPED THOSE PROPERTIES IN THE 1980'S BOOM THAT WE HAD OR BOOMS BEFORE THAT, BUT THEY DIDN'T. I DON'T KNOW WHY. BUT BECAUSE THEY WAITED AND WAITED FOR EVEN HIGHER MARKET VALUE TO SELL, NOW THEY'VE GOT TO FACE THE REALITY THAT WE HAVE A TERRIBLE TRAFFIC CONGESTION AND GRIDLOCK PROBLEM ON EVERY STRETCH OF THAT HIGHWAY. IF YOU GO OUT THERE AND STAND AT 2222 AND 360 IN THE MORNING OR EVENING, YOU CAN SEE HEADLIGHTS OVER ON THE TOP OF EVERY HILL IN EVERY DIRECTION THAT ARE ALL STOPPED. FOLKS, THAT'S A SERIOUS PROBLEM THAT YOU'VE GOT TO DEAL WITH AND THEY'VE GOT TO ACCEPT. THAT'S THE WAY IT IS NOW. SO THIS IS NOT A TAKING AS THEY PLAN IT. I THINK IT'S THE REALITY OF MARKET DYNAMICS AND DEALING WITH WHAT IS. HAVING NO COST FOR FEES TO YOU TO GET THEIR DEVELOPMENTS DONE AND HAVING RELIEF FROM EXISTING WATER QUALITY ORDINANCES AND SCENIC HILL COUNTRY ORDINANCES, IT IS A GREEJIOUS FACT FOR THOSE OF US WHO LIVE AND BELIEVE THAT THIS IS A SCENIC COMMUNITY THAT WE WANT TO PROTECT AND WATER QUALITY OF THE CREEK THAT WE WANT TO PROTECT WITH PEOPLE WHO LIVE IN THE MIDDLE OF IT WHO HAVE GOTTEN RELIEF FROM ALL THAT AND ARE NOT EVEN WILLING TO ADDRESS DOING SOMETHING ABOUT MEETING THOSE KINDS OF REQUIREMENTS. THERE HAVE BEEN MANY DISCUSSIONS ALREADY AND I WON'T GO INTO LEGAL REASONS FOR THEIR PETITION BEING HERE. VERY SIMPLY PUT, IT WOULD HAVE BEEN ILLEGAL FOR THE CITY TO COMMIT TO ANY INTENSITY OF LAND USE IN A LAWSUIT SETTLEMENT OR ANY FORM OTHER THAN A SETTLEMENT CASE, SO YOU DIDN'T COMMIT TO THAT AND THE LAWSUIT YOU SETTLED IN '96. THE PETITION THAT HAVE RESTATES A VERY BASIC ERROR THAT A VEHICLE TRIP LIMIT IS SOMEHOW INCONSISTENT WITH YOUR COMMITMENT AND YOUR OBLIGATIONS UNDER THE SCENIC AGREEMENT. THAT IS A BASIC ERROR. AND EVERY COMPETENT LAND USE ATTORNEY AND LAND USE PLANNER SHOULD UNDERSTAND THAT A RESTRICTION OF VEHICLE TRIPS HER DAY IN AN ORDINANCE IS NOT A RESTRICTION THAT CAN BE OPPOSED UNDER THE WATERSHED

ORDINANCES. THEY JUST DON'T EXIST THERE. AND IT'S NOT A RESTRICTION ON IMPERVIOUS COVER. IT'S THE TYPE OF ZONING RESTRICTION THAT YOU ARE ALLOWED UNDER STATE LAW TO PUT IN PLACE, AND IT'S SOMETHING THAT YOU CAN DO, AND THERE IS NO REASON ANYBODY CAN BEAT YOU IN COURT ON THAT SUBJECT. MOST IMPORTANTLY TO US IN THE REGION AND THE ENTIRE COMMUNITY AS CHARLIE HAS SAID, WHAT KIND OF BEHAVIOR DO YOU WANT TO ENCOURAGE, WORK WITH, COMPROMISING, REASONABLE, OR DO YOU WANT TO ENCOURAGE CONTENTIOUS, MY WAY OR THE COURTROOM BEHAVIOR? I TRUST YOU WILL ALL HAVE THE COURAGE TO DO RIGHT BY THE COMMUNITY IN YOUR VOTE TODAY. AND THAT MEANS ACCEPT THE ZONING, CHALLENGE THEM TO FIGURE OUT HOW TO USE THE 6500 TRIPS CREATIVELY WITH THAT ZONING, AND DO NOT GIVE THEM A RELEASE OF THE LIMITS ON VEHICLE TRIPS OR SQUARE FOOTAGE THAT ALREADY IS GIVING THEM PLENTY OF LAND TO WORK ON. THANK YOU.

Mayor Wynn: THANK YOU, MR. CAMERON. JOANN RICHARDS. WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY JEFF JACKS.

I WILL ONLY NEED BUT A MINUTE. MAYOR AND CITY COUNCILMEMBERS, I HAVE LIVED IN LAKEWOOD SUBDIVISION FOR 25 YEARS. WHEN I FIRST MOVED THERE THERE WERE SEVEN HOUSES. I HAVE BEEN BEFORE YOU MANY TIMES, BUT NOT IN RECENT YEARS. THE DEVELOPMENT ON THE NORTHWEST CORNER OF 2222 AND 360 HAS SO ANGERED ME THAT I AM HERE BEFORE YOU AGAIN. THE RECENT INCREASE IN DEVELOPMENT ON THE NORTHEAST CORNER OF 2222 AND 360 HAS CAUSED A SITUATION THAT CAN ONLY BE DESCRIBED AS AN ACCIDENT WAITING TO HAPPEN. I AM SPEAKING TODAY TO IMPLORE YOU TO DENY ALL VARIANCES THAT HAVE BEEN REQUESTED. TO DENY THE TRIP LIMITATION VARIANCES, TO DENY THE SQUARE FOOTAGE LIMITATION VARIANCES. I AM NOT AGAINST DEVELOPMENT IN THESE AREAS, BUT THE DENSITY IN THE ZONING THAT HAVE BEEN PROPOSED IS OUT OF LINE. PLEASE DENY THIS ZONING CHANGE REQUEST. THANK YOU.

Mayor Wynn: THANK YOU, MS. RICHARDS. ANNETTE DAWSON

SIGNED UP NOT WISHING TO SPEAK, AGAINST. JEFF JACK, WELCOME BACK. YOU WILL HAVE THREE MINUTES AND -- THREE MINUTES AND BE FOLLOWED BY CAROL LEE.

MAYOR AND COUNCILMEMBERS, I WON'T TAKE THREE MINUTES TO SAY MOST OF THE THINGS THAT WERE SAID EARLIER. I JUST WANT TO SAY ON THIS ONE THE MITIGATING CIRCUMSTANCES OF AGREEMENT THAT WAS REACHED BY ADJACENT NEIGHBORHOOD ISN'T PRESENT IN THESE DECISIONS. THE ISSUES THAT WERE BROUGHT UP BY THE 2222 CONA IS VALID. WE SHOULD NOT VACATE THESE CONDITIONAL OVERLAYS. THE VACANT IS JUST GOING TO GET WORSE. WE NEED TO ATTEND TO THIS. THANK YOU.

Mayor Wynn: THANK YOU. CAROL LEE. WHILE SHE IS APPROACHING, JIM WALKER SIGNED UP NOT WISHING TO SPEAK, AGAINST. JIM MAHONEY, NOT WISHING TO SPEAK, AGAINST. CAROL LEE, YOU WILL BE FOLLOWED BY JERRY LEVINSON.

MY NAME IS CAROL LEE, AND I LIVE IN GLEN LAKE DOWN CITY PARK ROAD. AND I WANT TO SAY OUR NEIGHBORHOOD IS VERY OPPOSED TO INCREASING THE ZONING OR RELEASING THE TRIP LIMITS THAT HAVE BEEN PUT IN PLACE BY THE SETTLEMENT AGREEMENT AND THE ORDINANCES. IN MR. WEILAND'S CURRENT LAWSUIT, HE STATES THAT THEY HAVE SOME VERY UNIQUE PROPERTY, AND WHILE HE DOESN'T GO INTO DETAILS, I'VE TRIED TO GO OUT TODAY AND CAPTURE SOME PICTURES FOR THOSE WHO DON'T DRIVE BY IT EVERYDAY LIKE WE DO TO TRY TO APPRECIATE SOME OF THE UNIQUE FEATURES OF IT. THE FIRST PICTURE IT SHOWS THE CHAMPION GRAND VIEW DRIVEWAY THAT COMES OUT ON TO 360 THAT PEOPLE HAVE TO CROSS OVER AS PEOPLE ARE EXITING OFF TO THE ACCESS ROAD TO 2222. MY FIANCE WAS ALMOST IN A WRECK AT THAT INTERSECTION FROM SOMEBODY SLAMMING ON THEIR BRAKES AND TURNING INTO THAT DRIVEWAY LAST NIGHT. THE SECOND PICTURE SHOWS THE 360 ACCESS TO 2222 AS PEOPLE COME AROUND THAT BLUFF ACCESSING ON TO 2222. THE THIRD AND FOURTH PICTURES SHOW SOME OF THE FLAVOR WITHIN THE CHAMPION GRAND VIEW APARTMENTS THAT BAFFLE ME. THE VERY STEEP DRIVES, THE TOTALLY BLIND CURVES. I SAW STREETS IN ITALY THAT

WERE MORE GENEROUS THAN THIS, AND THEY WERE DESIGNED BEFORE THERE WERE ANY VEHICLES, MUCH LESS SUV'S. I WONDER WHEN YOU HAVE A COUPLE HUNDRED ACRES WHY YOU HAVE TO CREATE SUCH DANGEROUS ROADWAYS. NO CONSIDERATION FOR THE HUMAN LIFE INVOLVED. THE FIFTH PICTURE SHOWS THE 2222 ACCESS TO 360 ACROSS THE STREET AT BULL CREEK MARKET AND IT'S ALSO INTERESTING. YOU HAVE PEOPLE COMING AROUND THE CORNER FROM 2222 EAST TO GET ON 360, PEOPLE COMING UNDER 360 GOING ACROSS IT TO THE DRIVEWAY AT BULL CREEK MARKET. IT GETS VERY INTERESTING. THE SIXTH AND SEVENTH PICTURES ARE WITHIN THE BULL CREEK MARKET, WHICH SHOWS OUT OVERDEVELOPED IT IS AND WHAT THE PARKING PROBLEM IS. I DID NOT TAKE IT AT RUSH HOUR TODAY BECAUSE I DECIDED THIS WAS NOT A GOOD DAY TO DIE, BUT ALMOST EVERYDAY FROM 11 TO 2:00 IN THE EVENINGS, PARKING IS A TREMENDOUS PROBLEM. PEOPLE ARE PARKING ON THE 360 ACCESS ROAD, GETTING OUT OF THEIR CARS, WALKING ON THE ACCESS ROAD. BOTH SIDES OF THE DRIVEWAY, ALL THE TOW AWAY FIRE ZONE LANES. IT'S JUST REALLY HORRENDOUS. AND INSTEAD OF SOLVING IT WITH TRACT 5, WE HEAR THAT THEY WANT TO INCREASE DENSITY. WE'RE NOT HEARING SOLUTIONS HERE, AND YET THE CURRENT DEVELOPMENTS THAT THEY HAVE ARE CAUSING SIGNIFICANT PROBLEMS ALREADY. [ BUZZER SOUNDS ]. AND JUST THE LAST ONE AT CITY PARK ROAD, WHICH IS THE MOST CONCERN TO ME BECAUSE ALL MY THOUSANDS OF NEIGHBORS AND I ARE LAND LOCKED BACK THERE. THERE'S BEEN JUST A COUPLE WEEKS AGO A WRECK DOWN ON THE HILL WITH THE STEEP CURVE THAT SHUT DOWN CITY PARK ROAD FOR SEVEN HOURS. THAT IS OUR ONLY EGRESS TO THE REST OF THE WORLD. SO PLEASE, STICK BY THE SETTLEMENT AGREEMENT, BY THE UNANIMOUS VOTE OF THE PRIOR CITY COUNCIL AND HOLD THEM TO IT. THANK YOU.

Mayor Wynn: THANK YOU, MS. LEE. JERRY LEVINSON? WELCOME, JERRY. YOU WILL HAVE THREE MINUTE. AND YOU WILL BE FOLLOWED BY LATRELL BALLARD.

MY NAME IS JERRY LEVIN SON AND I'M A HOMEOWNER IN THE LAKEWOOD NEIGHBORHOOD. I EXPRESSED TO YOU MY CONCERNS EARLIER ABOUT U TURNS AND CUT THROUGH

TRAFFIC. THERE'S NOT MUCH MORE I CAN ADD TO THAT.  
THANK YOU.

Mayor Wynn: THANK YOU. LATRELL STA MALLARD? -- LATRELL MALLARD, YOU SIGNED UP WISH NOT WISHING TO SPEAK AGAINST. PHOTOGRAPHY COUNCIL, THOOT -- COUNCIL, THAT'S ALL THE CITIZENS SIGNED UP AGAINST THIS. WE NOW HAVE REBUTTAL FROM THE APPLICANT'S AGENT.

THANK YOU. MIKE WEILAND ON BEHALF OF THE CHAMPIONS. I'M SURPRISED TO HEAR THAT MR. CAMERON SAYS WE'VE NEVER MET WITH THE CHAMPIONS ONE ON ONE WHEN WE'VE ENTERED INTO A VERY LONG, DRAWN OUT PROCESS IN '98 THAT WENT FOR OVER A YEAR TO TRY AND NEGOTIATE SOMETHING THAT FAILED. I DID MEET WITH HIM AND MR. FARMER AND MR. BRINDELL, PROBABLY SIX, SEVEN, EIGHT MONTHS AGO, ONE ON ONE. IT DETERIORATED, AND HERE WE ARE. I THINK THE MOST IMPORTANT THING TO CLARIFY IS WHEN YOU HEAR PEOPLE SAY FOR SOME REASON THE 6500 IS SOME AGREEMENT, I WANT TO BE CLEAR THAT IS INCORRECT. THE TRANSCRIPT IS CLEAR ABOUT THAT. COUNCILMEMBERS WHO WERE ON THE DAIS AT THE TIME, COUNCILMEMBERS GOODMAN AND SLUSHER WHO WERE HERE, KNOW THAT IT WAS CONTENTIOUS AND KNOW THAT THAT WAS NEVER A COMPROMISE, IT WAS AGREED TO BY THE CHAMPIONS AND I THINK IT IS VERY IMPORTANT THAT THAT BE CLEAR. IT WAS A FIGURE THAT WAS THROWN OUT BY THE NEIGHBORS. THEY NEVER COMPROMISED FROM THAT FIGURE AND THEY STUCK TO THAT FIGURE WITHOUT ANY COMPROMISE OVER A MULTI-YEAR NEGOTIATION PROCESS. I ALSO WANTED TO CLARIFY ONE INACCURACY. THERE ARE ONLY 1100 TRIPS LEFT. THE APARTMENTS AND THE SITE PLAN FOR ON THE OFFICE ON THE CORNER HAVE USED UP 5400 TRIPS. MR. ZAPALAC CAN SPEAK DIRECTLY TO THAT. THERE ARE 1100 TRIPS LEFT FOR ALL THREE OF THE REMAINING TRACTS. THE SKI RANGE, WHICH IS THE FLAT AREA ON THE LARGE RACK, AND THEN CITY PARK EAST AND CITY PARK WEST. YOU'RE LOOKING AT A TOTAL OF ALMOST 70 ACRES. FINALLY, THE COMMENT THAT STRUCK ME THE MOST, AND IT'S A COMMENT THAT THE CHAMPIONS HAVE HEARD FOR ABOUT 50 YEARS NOW, IS THAT THESE ROADS WOULD BE A GIFT FROM THE COMMUNITY. THESE ROADS WILL MAKE YOUR PROPERTY MORE VALUABLE. AND LUCKILY

JACK HOLFORD AGREED. AND THE REALITY IS HERE WE ARE WITH AN INABILITY TO DEVELOP WITH THE APPROPRIATE USES AND THE APPROPRIATE ZONING THAT THIS COUNCIL GRANTED. AND WITH THAT I'M AVAILABLE TO ANSWER QUESTIONS. I DO ALSO FIND IT INTERESTING THAT THE NEIGHBORS AT THIS POINT TALK ABOUT CONTENTIOUS AND LITIGATION. AND SO OFTEN WE HEAR NEIGHBORS TALK ABOUT A DEAL IS A DEAL. AND I THINK IF THERE'S EVER BEEN A CASE WHERE A DEAL WAS A DEAL WITH A COMPROMISE SETTLEMENT AGREEMENT, WHICH IS A CONTRACT, AND AN ORDINANCE, A LEGISLATIVE ORDINANCE THAT HAS THIS VERY SAME PROVISIONS AS A SETTLEMENT AGREEMENT PASSING THIS LEGISLATIVE BODY. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. WEILAND. COUNCIL, THAT CONCLUDES THE COMBINED PUBLIC HEARINGS, TECHNICALLY Z-33, THE COMBINED CASE 52 AND 53. I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY THE MAYOR PRO TEM TO CLOSE TECHNICALLY THE PUBLIC HEARING ON Z-33. ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION TO CLOSE THE PUBLIC HEARING PASSES ON A VOTE OF SEVEN TO ZERO. COMMENTS, QUESTIONS? COUNCILMEMBER THOMAS?

Thomas: THANK YOU, MAYOR. I GUESS THIS IS FOR STAFF. IN THE PAST RECOMMENDATIONS YOU SAID ABSENT OF THE TRACT GOING BACK. CAN YOU ELABORATE ON IT NOW. DO YOU HAVE WHAT MR. WEILAND WAS TALKING ABOUT?

YES, COUNCILMEMBER, GEORGE ZAPALAC, WATERSHED PROTECTION. THE LAST TIME THE -- TWO OF THESE CASES CAME BEFORE YOU IN MARCH, YOU PASSED THEM ON FIRST READING AND ASKED STAFF TO REPORT BACK WITH ADDITIONAL TRAFFIC INFORMATION, INCLUDING A RECOMMENDATION ON A POSSIBLE TRIP LIMITATION. AND THERE'S A MEMO IN YOUR PACKET THAT SPEAKS TO THAT. WE DID LOOK AT THE PREVIOUS TRAFFIC IMPACT ANALYSIS THAT WAS CONDUCTED IN 1998, AND THAT TIA WAS BASED UPON A TOTAL TRIP GENERATION OF ABOUT NEARLY 15,000

TRIPS PER DAY. AND THEY DID INCLUDE PARTICIPATION BY THE PROPERTY OWNER IN A NUMBER OF TRAFFIC-RELATED IMPROVEMENTS IN THE AREA. DURING OUR PRESENTATION AT THAT TIME, STAFF ALSO POINTED OUT THAT 2222 WOULD NEED TO BE UPGRADED TO A SIX-LANE FACILITY AT LEAST FROM LOOP 360 TO CITY PARK ROAD IN ORDER TO ACCOMMODATE THE TRAFFIC THAT WAS ANTICIPATED. AND THAT WAS ONE OF THE IMPROVEMENTS THAT WAS IDENTIFIED THAT THE DEVELOPER WOULD PARTICIPATE IN. COUNCIL, AT THAT AT THAT TIME TOOK THESE RECOMMENDATIONS AND MY UNDERSTANDING THEY DO NOT SUPPORT THE CONCEPT OF EXPANDING 5222 AT THE TIME, SO INSTEAD OF ADOPTING THE STAFF RECOMMENDATION, THEY OPPOSED THE TRIP LIMITATION OF 6500 TRIPS PER DAY. IF YOU WANT TO LIFT THAT TRIP LIMITATION, WE WOULD GO BACK TO THE PREVIOUS TRAFFIC IMPACT ANALYSIS AND RECOMMEND THAT THOSE ADDITIONAL IMPROVEMENTS BE CONSIDERED, BE INCLUDED AND THE PROPERTY OWNER BE ASKED TO PARTICIPATE. WE WOULD ALSO RECOMMEND THAT THE COST ESTIMATES BE UPDATED TO CURRENT FIGURES, AND THAT THE IMPROVEMENTS ON THE STATE HIGHWAYS BE APPROVED BY THE TEXAS DEPARTMENT OF TRANSPORTATION.

Thomas: OKAY. ALL RIGHT. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION, PERHAPS A COMBINED MOTION, FOR SO DESIRED ON CASE 52, 53 AND Z-33. MR. GUERNSEY?

I WANT TO REMIND COUNCIL THAT 52 AND 53 ARE FOR SECOND READING ONLY. ITEM Z-33 IS READY FOR FIRST READING.

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

Thomas: MR. CAMERON? AND THEN I NEED TO ASK MR. WEILAND SOMETHING. I'VE HEARD BOTH SIDES -- I'VE BEEN HERE FOUR YEARS, BUT I WASN'T HERE IN '98 WHEN YOU FIRST BEGAN THIS. WHAT IS IT -- AND I KIND OF HEARD WHAT THE NEIGHBORS REALLY WANT. I'VE HEARD WHAT THE CHAMPIONS WOULD LIKE TO DO. ON THE TRIP -- CAN YOU

EXPLAIN -- IS THIS WHAT THE STAFF JUST EXPLAINED, IS THAT ACCEPTABLE TO YOU? WHAT WOULD YOU ALL ACCEPT? YOU DID SAY THAT YOU WANTED TO DEVELOP WHAT THEY WANT TO DEVELOP AND MAKE SURE THAT THE TRIP LIMIT WOULDN'T GO OVER, BECAUSE HE WAS SAYING IT'S UP TO 1100.

BACK IN THE DISCUSSION THAT LED TO THE LAST COUNCIL DECISION IN '99-2000, WE DID EXTENSIVE WORK ON THE 2222 CORRIDOR AND THE 360 CORRIDOR TRAFFIC ISSUES. AND THE REASON THAT WE RECOMMENDED AND THE COUNCIL ADOPTED THE 6500 TRIP LIMIT WAS THAT WE HAD AN EGREGIOUS PROBLEM THAT ALREADY EXISTED AND THAT THE 13,500 TRIPS I THINK THAT THEY WOULD BE ALLOWED UNDER THEIR REQUEST WAS WAY BEYOND REASONABLE, AND THAT 6500 WAS A REASONABLE COMPROMISE THAT WITH CREATIVE LAND USE DEVELOPMENT, CREATIVE SITE PLANNING OF THE KIND OF USE AND THE KIND OF DEVELOPMENT ON THOSE PROPERTIES THAT THEY COULD REACH SIMILAR ECONOMIC GAIN WITH LESS IMPACT ON BOTH OF THOSE ROADWAYS. AND THAT WAS THE BASIS FOR THE RECOMMENDATIONS THAT CAME FORWARD FROM OUR GROUP. THOSE RECOMMENDATIONS WERE NEVER EMBRACED BY THE CHAMPION SISTERS OR THEIR REPRESENTATIVES. THEY NEVER BUDGED ONE INCH FROM WHERE THEY WERE AT THE TOP OF THE SCALE. THEY NEVER CAME DOWN ONE TRIP A DAY FROM WHERE WE WERE. AND WE REMAINED AT A COMPLETE IMPASSE BETWEEN 13,500 AND 6500. MEANWHILE, SINCE 1998, THINGS HAVE DONE NOTHING BUT GET WORSE. THERE ARE NO TXDOT PLANS ON 2222. THERE ARE NO TXDOT PLANS ON 360. THEY'RE ALL UP IN THE AIR AT THIS TIME. AND THE ONLY POSSIBLE FUTURE CHANGES THAT WILL HAPPEN TO 2222 HAVE COME FROM THE 2222 CONA GROUP THEMSELVES, WHO OUT OF FRUSTRATION WITH TXDOT AND CAMPO HAVE DESIGNED THEIR OWN SIX-LANE PARKWAY SOLUTION FOR 2222 AND PRESENTED IT TO ALL OF YOU AND THE OTHER BUREAUCRACIES, AND BY APRIL NEXT YEARS THOSE MAY BE IN THE LONG RANGE 2025 PLAN, BUT GOD THOSE WHEN THEY WILL BE PUT IN OR WHEN THE MONEY WILL COME TO PUT THEM IN. SO 2222 IS GOING TO BE A PROBLEM UNTIL THE DEVELOPER'S CONTRIBUTE AND TXDOT CONTRIBUTES A



PLAN OR ACCEPTS A PLAN AND ALL OTHER BUREAUCRACIES FUND IT.

I WISH I COULD SAY OBJECTION, NONRESPONSIVE, BUT I WON'T SAY THAT, SINCE HE DIDN'T ANSWER THE CORE QUESTION, WHICH IS IS THERE A WILLINGNESS TO HAVE A DIALOGUE, WHICH IS WHAT I HEARD YOU ASKING. AND THE ANSWER IS OF COURSE. OF COURSE THERE IS. THERE ALWAYS IS. IF THERE WASN'T, THERE WOULD BE -- WE WOULD BE AT A COMPLETE STAND STILL AND WE WOULDN'T BE HERE AND WE WOULDN'T HAVE BROUGHT ALL FOUR OF THESE BACK AGAIN. WE WOULDN'T HAVE DONE ANY OF THAT IF WE DIDN'T THINK THERE WAS ROOM FOR DIALOGUE. AND ONE OPTION, FRANKLY, IS TO PASS THESE ON FIRST READING AND ENCOURAGE US TO GET TOGETHER TO MAKE THE LAWSUIT UNNECESSARY. THAT IS AN OPTION THAT WE CAN DO. THE COMMENT THAT WE NEVER MOVED, I ENCOURAGE YOU TO READ THE TRANSCRIPT FROM THE 2000 HEARING. COUNCILMEMBER SLUSHER, COUNCILMEMBER GOODMAN CAN ATTEST WE DID MOVE. WE WERE DOWN AT 11,000, 10,000 TRIPS PER DAY AT ONE TIME TO TRY AND RESOLVE THIS MATTER ONCE AND FOR ALL. AM I THERE NOW? OF COURSE NOT. NOT WHEN I CANNOT EVEN GET A MEETING TO TRY AND REACH A COMPROMISE. I'M AVAILABLE. I'M OUT OF TOWN A LITTLE BIT FOR THE HOLIDAYS, BUT I'M PREPARED TO SIT DOWN AND TRY TO DO THAT. IF THIS GOES DOWN RIGHT NOW, THEN I HAVE NO OPTIONS. WELL, I HAVE ONE OPTION. I HAVE NO OPTIONS IN THIS VENUE. SO TO SAY WE'VE NEVER MOVED PUBLICLY I THINK IS INACCURATE. THE TRANSCRIPT'S IN YOUR BACKUP AND OBVIOUSLY REFLECT A MUCH DIFFERENT STORY THAN YOU JUST HEARD. AND, OF COURSE, WE WOULD BE WILLING TO TALK. WE ALWAYS ARE.

Goodman: MAYOR?

Mayor Wynn: MAYOR PRO TEM.

Goodman: I HAVE NO MOTION, BUT I DO HAVE SOME INFORMATION. THIS PART OF TOWN AND THESE ROADS, 2222, 620 AND 360, HAVE ALWAYS BEEN VERY, VERY DIFFICULT. ENVIRONMENTALLY THEY'VE BEEN DIFFICULT EVEN TO IMPROVE OR TO PLAN TO IMPROVE, AND THEY'RE

VERY EXPENSIVE. SO AS TRAFFIC INCREASED OUT THERE, EVEN BY SMALL INCREMENTAL NUMBERS, IT HAS BEEN A PROBLEM, VERY UNSAFE. AND EVEN SOMETHING LIKE TRYING TO TAKE THE CURVES, STRAIGHTEN THE CURVES OUT A LITTLE BIT, HAS BEEN A VERY UNDERTAKING FOR ANYBODY. THE REASON THAT TXDOT PROBABLY DOESN'T HAVE IT IN ITS PLANS IS BECAUSE IT WOULD BE PROBABLY ALL THE MONEY THAT WE HAVE FOR THIS REGION TO REALLY FIX THAT ROAD, PART OF THOSE ROADS. AND AS SHERRY WAS TRYING TO PACK UP OUR OFFICE TODAY, HE FOUND THIS PACKET OF INFORMATION FROM THE SEVERAL 2222 AND 620 TRAFFIC STUDIES THAT WE'VE DONE. SO THIS ONE -- HERE'S A MEMO HERE FROM 1990. THE RM 2222 SAFETY STUDY. AND IT SAYS, THE AMOUNT OF TRAFFIC THAT WOULD BE GENERATED BY APPROVED, BUT UNBUILT DEVELOPMENT ON RM 2222 AND 620 WHEN ADDED TO 1988 TRAFFIC VOLUMES WOULD CREATE A DEMAND THAT EXCEEDS THE CAPACITY OF THE SIX-LANE FREEWAY. THE PROCESS OF IMPLEMENTING THE EVENTUAL IMPROVEMENTS SHOULD BE INITIATED IN THE NEAR FUTURE TO ENSURE COMPLETION PRIOR TO ADDITIONAL CAPACITY BEING PLACED THERE. AND THEN LET'S MOVE UP A YEAR OR TWO. TO '93. ATTACHED IS THE AVERAGE DAILY TRAFFIC COUNTS FOR RANCH TO MARKET ROAD 2222 FROM 71 TO 91. 91 COUNTS ARE THE LATEST FIGURES WE HAVE AT THIS TIME, DOT, DOT, DOT. SAFETY ISSUES ARE NOT CONSIDERED WHEN DETERMINING CAPACITY OF A ROADWAY. WHILE 2222 HAS THE CAPACITY OF 39,500 VEHICLES A DAY, WE WOULD CONSIDER SUCH A VOLUME TO BE HIGHLY UNDESIRABLE CONDITION. WE APPRECIATE YOUR INTEREST IN RR 2222. THERE'S A MAP IN HERE THAT BY 1991 SHOWS YOU WHICH ONES ARE -- WHICH ROADS AND INTERSECTIONS ARE AT FAILING GRADES ALREADY. AND THEY HAVE NOT BEEN IMPROVED UPON SINCE THAT TIME. IF I CAN FIND THAT MAP, I'LL SHOW YOU. AND THEN LET'S MOVE UP JUST A LITTLE BIT. CURRENT SAFETY IMPROVEMENTS ARE NOT EXPECTED UNDERWAY ALONG 2222 ARE NOT EXPECTED TO HAVE A SIGNIFICANT IMPACT ON THE LEVEL OF SERVICE OF THE ROADWAY. ALL OF THESE MEMOS, ALL OF THESE REPORTS ARE ABOUT HOW BAD TRAFFIC IS ON ROADWAYS THAT DON'T HAVE THE CAPACITY FOR THEM. THAT ARE DIFFICULT TO IMPROVE IN ORDER TO HAVE A SAFER FLOW, A BETTER

TRAFFIC PATTERN. AND THERE IS NO MONEY AND HAS NEVER BEEN ANY MONEY TO DO WHAT HAD TO BE DONE TO MAKE THOSE SAFE AND A HIGHER CAPACITY. SO THIS HAS ALWAYS BEEN THE ARGUMENT, FOR YEARS AND YEARS AND YEARS. AND THE ROADWAY CONTINUES NOT TO BE ABLE TO HANDLE WHAT'S BEEN APPROVED FROM THE VERY BEGINNING, IN THE '80'S, AND CONTINUES TO NOW BE DEVELOPED OUT. SO THIS PARTICULAR INTERSECTION WAS VULNERABLE, HAS ALWAYS BEEN VULNERABLE, AND WILL BE VULNERABLE IN THE FUTURE UNTIL SUCH TIME AS THE ROAD IS IMPROVED OR COMPLETELY REBUILT AND REDESIGNED SO THAT -- AND OF COURSE, THAT WILL NEVER HAPPEN BECAUSE NOW DEVELOPMENT IS THERE AND IT'S TOO DIFFICULT. BUT THE ISSUE OF TRAFFIC IS SO IMPORTANT THAT THE CAP WAS NECESSARY. EACH TIME WE HAD ONE OF THESE STUDIES, IT WAS BECAUSE THERE'S SO MUCH APPROVED THAT'S NOT YET BUILT, AND WE ARE DYING WITH WHAT'S OUT THERE NOW. UNSAFE CONDITIONS, WRECKS AT DIFFERENT PLACES ROUTINELY OR NEAR WRECKS, AND SO IT WAS IRRELEVANT RESPONSIBLE TO PUT NOR TRAFFIC, ESPECIALLY IN A VERY VULNARY RABL SPOT, IN THIS ONE INTERSECTION. IT CONTINUES TO BE THAT WAY. AND I'M NOT GOING TO FIGHT MR. WEILAND'S LEGAL ARGUMENTS. I JUST KNOW THAT THE TRAFFIC IS SUCH THAT I CANNOT IN GOOD CONSCIENCE DIFFER FROM THE DECISION THAT WE MADE TO CAP IT, TO TRY TO GIVE THE PROPERTY OWNERS AS MUCH USE AS WE FIGURED THOSE ROADS COULD HANDLE AS CALCULATED IN TRAFFIC, BUT THERE HAS TO BE A LIMIT. YOU CAN'T KNOW IT'S UNSAFE AND KEEP ON POURING TRAFFIC INTO IT.

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

Thomas: YES, SIR.

Mayor Wynn: COUNCILMEMBER THOMAS.

Thomas: I HIGHLY RESPECT WHAT THE MAYOR PRO TEM IS SAYING. I THINK WHAT I'M TRYING TO GET TO IS I UNDERSTAND THE CAPPING. I THINK THE CAPPING IS VERY IMPORTANT. AS ANYBODY IS VERY FAMILIAR, I'M FAMILIAR WITH IT BECAUSE I USED TO HAVE TO TAKE ACCIDENTS OUT

THERE. BUT WHAT I'M LOOKING AT IS THAT IF WE CAN SIT DOWN AND TALK. BUT I AGREE WITH THE NEIGHBORHOOD ABOUT THE CAPPING. I AGREE THAT MAYBE THE CHAMPIONS MAY HAVE TO TRY TO DO WHAT THEY CAN WITH WHAT THEY CAN. BUT I KNOW THAT THERE'S AN ISSUE THERE. THERE'S ALWAYS WAYS OF HANDLING THINGS. IT MAYBE NEEDS MORE ENFORCEMENT. I KNOW WE NEED MORE MONEY TO CORRECT THE ROADS. BUT I'M LOOKING AT -- AND I'VE ALWAYS BEEN VERY SENSITIVE TO PEOPLE THAT HAVE LAND AND TRY AND DEVELOP IT. IT'S JUST LIKE IF I HAD IT, YOU HAD IT, AND WE CAN'T DO NOTHING WITH IT. SO I THINK WE OUGHT TO TRY -- STILL TRY TO COMPROMISE SOME WAY ON THE SECOND READING, AND THE SIRS ONE THE OTHER READING. AND IF WE DON'T MEET A COMPROMISE THEN, THAT'S IT. AT LEAST WE TRIED. BUT JUST TO DENY, I THINK IT'S NOT FAIR RIGHT NOW. THE CHAMPIONS MIGHT NEED TO GO BACK, THEY MIGHT NEED TO DEVELOP WHAT THEY CAN IN THIS PARTICULAR PART OF THE AREA WHERE THEY'RE TRYING TO DEVELOP. BUT I JUST FEEL WHEN WE JUST SAY NO AND JUST COMPLETELY QUIT TRYING TO COMPROMISE, THEN SOMEBODY'S NOT COMING TO THE TABLE, SOMEBODY SAYS THEY ARE COMING TO THE TABLE. I THINK ON THE SECOND READING AND THE FIRST READING OF THIS OTHER CASE, THEY HAVEN'T COME TO THE TABLE. THIS IS JUST ME SPEAKING. AND THEN WE HAVE TO LOOK AT OTHER ALTERNATIVES. BUT I THINK THAT WE CAN STILL REACH SOME KIND OF COMPROMISE HERE THAT EVERYBODY WOULD BE -- BECAUSE I DON'T THINK YOU CAN STOP THE TRAFFIC RIGHT NOW. IT'S ALREADY BAD. BUT I DON'T THINK WE SHOULD STOP PEOPLE TRYING TO DEVELOP THEIR LAND. AND I WANT IT TO BE SAFE BECAUSE I TRAVEL OUT THERE OCCASIONALLY MYSELF, AND IT IS BAD. I HAVE TO AGREE WITH THE MAYOR PRO TEM. BUT THAT'S WHERE I AM. IF WE COULD COMPROMISE AND MEET AGAIN ON THE SECOND READING AND I THINK THE FIRST READING ON THE OTHER CASE. IF WE CAN HAVE A COMPROMISE, THEN I THINK WE NEED TO LOOK AT IT ANOTHER WAY. BUT TO SHUT IT OUT RIGHT NOW, I WOULDN'T FEEL COMFORTABLE DOING THAT. THANK YOU.

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

Thomas: I'LL MAKE A MOTION. I MAKE A MOTION THAT WE DO SECOND READING -- WHAT CASE IS THAT, MR. GUERNSEY?

ITEMS 52, CASE C-14--02-0181, AND ITEM 53, CASE C-14-03-0140.

Thomas: IS THAT FIRST READING?

THOSE ARE THE TWO FOR THE SECOND READING. AND Z-33 IS A FIRST READING ITEM.

Thomas: OKAY. HOLD ON JUST A MINUTE. THEN ON THOSE TWO CASES, THE SECOND READING AND THE FIRST READING ON THE OTHER CASE, DO I NEED TO TAKE THE SECOND?

I GUESS IT DEPENDS ON THE MOTION. IF THE MOTION WAS THE ZONING AND PLATTING COMMISSION RECOMMENDATION, IT WOULD BE CLEAR THAT EACH ONE OF THOSE IS PART OF YOUR MOTION. YOU CAN DO IT EITHER WAY. YOU COULD ACTUALLY TAKE EACH ONE INDIVIDUALLY AND VOTE ON IT, AND IF WE WERE CLEAR ON WHAT THE MOTION WAS, IF IT WAS A ZONING AND PLATTING COMMISSION RECOMMENDATION, WE COULD PROBABLY DO ALL THREE AT ONCE. THERE'S A VALID PETITION ISSUE OR MINIMUM VOTE ISSUE WITH THIS BECAUSE WE'RE ONLY PREPARED TO DO A SINGLE READING ON EACH ONE OF THESE. IT JUST HAPPENS TO BE SECOND READING ON TWO OF THEM AND FIRST READING ON THE LAST ONE.

Thomas: SO YOU WOULD RECOMMEND THE LR-MU-CO?

ON ITEM 52, IT'S LR-MU-CO WITH MULTIPLE CONDITIONS OR CHANGES.

Thomas: AND 53 WAS GO-MU-CO?

THAT'S CORRECT. WITH ADDITIONAL CONDITIONS.

Thomas: OKAY. THAT WOULD BE MY MOTION FOR THOSE TWO CASES.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS TO

APPROVE ON SECOND READING ONLY THE ZONING AND PLATTING COMMISSION RECOMMENDATION ON CASES 52 AND 53. COUNCILMEMBER DUNKERLEY.

Dunkerley: COUNCILMEMBER THOMAS, DOES THAT MOTION INCLUDE DIRECTION FOR MEDIATION OR --

Thomas: I THINK THAT'S WHAT I ALWAYS SAID, THAT'S WHAT I WAS TRYING TO GET TO. DO I NEED TO PUT THAT IN, MR. GUERNSEY?

IT WOULD MAKE IT CLEARER.

Thomas: THE MEDIATION PART, FOR IT TO COME BACK FOR THIRD READING IF I DIDN'T GET A SECOND.

Mayor Wynn: INCLUDED IN COUNCILMEMBER THOMAS'S MOTION FOR APPROVAL ON SECOND READING ONLY OF 52 AND 53 IS DIRECTION TO STAFF TO COORDINATE POTENTIAL MEDIATION.

Dunkerley: ONE MORE QUESTION OF STAFF. STAFF, HAS THERE BEEN FORMAL MEDIATION ON THIS PARTICULAR NEW ROUND OF ZONING CASES?

NOT ON THE NEW ONES. THERE'S AN ISSUE OF LITIGATION THAT'S THERE, AND WHAT WE WOULD PROBABLY DO IS TRY TO GET THE INTERESTED PARTIES, THE NEIGHBORHOOD GROUP, ENVIRONMENTAL INTERESTS AND THE APPLICANT TOGETHER AND WORK WITH THEM TO SEE IF THEY CAN REACH SOME COMPROMISE. I'M NOT SURE HOW THAT WOULD WORK WITH THE LITIGATION ISSUE, BUT WE COULD CERTAINLY SEE HOW THEY COULD COME UP WITH SOME POSITION -- STAFF RECOMMENDATION WOULD REMAIN THE SAME AT THIS POINT. BUT WE COULD CERTAINLY WORK WITH THE PARTIES, THE NEIGHBORHOOD, ENVIRONMENTAL GROUPS AND THE APPLICANT TO SEE IF THERE COULD BE SOME ISSUE.

Mayor Wynn: THANK YOU, MR. GUERNSEY.

Dunkerley: I WILL JUST GO AHEAD AND SECOND THIS JUST TO

SEE WHERE IT GOES.

Mayor Wynn: WE HAVE A MOTION BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE ON SECOND READING ONLY.

Dunkerley: WITH MEDIATION.

Mayor Wynn: CASES 52 AND 53, THE ZONING AND PLATTING COMMISSION RECOMMENDATION WITH ADDITIONAL INSTRUCTIONS TO STAFF TO ATTEMPT MEDIATION. FURTHER COMMENT? I'LL SAY THAT I RELUCTANTLY WOULD NOT WANT TO VOTE FOR AN ATTEMPT AT MEDIATION. IT HANDY CAPS DRAMATICALLY WHETHER THERE'S COMPROMISE ON THESE TWO PARTICULAR ZONING CASES. AND I DO THAT RELUCTANTLY. MAYOR PRO TEM?

Goodman: I GUESS I SHOULD SAY SINCE I'M NOT VOTING FOR IT EVEN THOUGH IT HAS A LOVELY THING TO VOTE FOR, THAT I DON'T THINK THE TRAFFIC CAN BE MEDIATED AWAY.

Slusher: I WOULD JUST ADD, I CAN'T STATE IT ANY BETTER THAN MAYOR PRO TEM DID IN HER PREVIOUS REMARKS, BUT THAT'S WHY WE DID THE -- THAT'S WHY WE PASSED WHAT WE DID IN 2000. AND SO THAT WAS MY VOTE ON THE PREVIOUS READING OF THIS.

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

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION FAILS ON A VOTE OF TWO TO FIVE, WITH ONLY THE MAKER AND THE SECOND OF THE MOTION VOTING YES. SO WE CAN TAKE ANOTHER MOTION MAYBE.

Alvarez: CAN WE JUST TABLE IT?

Mayor Wynn: REMIND ME. SO ESSENTIALLY THE ZONING AND PLATTING COMMISSION RECOMMENDATION NOW HAS FAILED.

THAT'S CORRECT.

Mayor Wynn: DOES IT TAKE AN AFFIRMATIVE ACTION TO DENY THIS CASE OR IS THIS CASE NOW ESSENTIALLY ABLE FOR SOME -- ESSENTIALLY TABLED FOR SOME PERIOD OF TIME?

YOU STILL HAVE ON -- THE VOTE WAS ON 52 AND 53, SO YOU STILL HAVE FIRST READING. SO WHAT YOU HAVE IS YOU HAVE FIRST READING AND YOU HAVE NOTHING MORE, NOTHING LESS. SO THE CASE IS IN LIMBO. IT IS NOT DEAD IN THE SENSE THAT YOU'VE NOT GOT A MOTION TO DENY, BUT IT IS RIPE FOR ANOTHER MOTION, SHOULD YOU CHOOSE TO HAVE ANOTHER MOTION. ONE THAT DIFFERED FROM THE PREVIOUS ONE.

Mayor Wynn: THANK YOU, MR. GUERNSEY?

I WAS GOING TO SAY IF THERE WAS A LACK OF A MOTION, AFTER A YEAR IF THERE'S AN EXTENSION, THE CASE WOULD EXPIRE.

THAT'S CORRECT.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: AND CONSIDERING WHICH -- THREE ZONING ITEMS? WHAT ARE THE THREE ITEMS?

THE LAST MOTION WAS ONLY ON ITEM 52 AND 53, WHICH WAS FOR SECOND READING O.J. READING ONLY.

Alvarez: WHAT ARE THE OTHER OUTSTANDING ITEMS?

THE ONLY OTHER ITEM YOU HAVEN'T TAKEN ACTION ON IS ITEM 33. Z-33.

Alvarez: I WOULD MOVE TO DENY THOSE THREE CASES.

ITEM 52 IS CASE C-14-02-0181. ITEM 53 IS CASE C-14-03-0140.



AND THE LAST ITEM IS ITEM Z-33 IS CASE C-14-04-0160.

Mayor Wynn: MOTION BY COUNCILMEMBER ALVAREZ TO DENY ITEMS 52, 53 AND ZONING CASE Z-32.

Z-33.

Mayor Wynn: I'M SORRY, THANK YOU. ITEM Z-33. THANK YOU VERY MUCH. MOTION BY COUNCILMEMBER ALVAREZ, SECONDED BY THE MAYOR PRO TEM TO DENY ZONING CASES 52, 53 AND Z-33. FURTSDZ COMMENTS? COUNCILMEMBER THOMAS.

Thomas: IF YOU DENY THESE CASES, EXPLAIN, MR. GUERNSEY --

THE RAMIFICATION WOULD BE THAT THE PROPERTY OWNER COULD REFILE A CASE TO A LESS INTENSIVE DISTRICT, BUT NOT THE SAME FOR A PERIOD. THEY WOULD HAVE TO WAIT 18 MONTHS IF THEY WANT TO FILE THE SAME OR THEY COULD FILE I GUESS A REZONING REQUEST TO SOMETHING NOT AS INTENSE WITHIN 18 MONTHS.

Thomas: IF THEY DIDN'T WANT TO DO THAT, WHAT'S THE OTHER OPTION?

IF THEY DIDN'T WANT TO REFILE A NEW CASE, THE SAME CASE -- IF THEY WANTED TO FILE THE SAME CASE THEY WOULD HAVE TO WAIT 18 MONTHS. THE ONLY OTHER OPTION IS THEY COULD DO NOTHING AND JUST LIVE WITH THE ZONING THEY HAVE. THAT WOULD BE THE THREE OPTIONS. THERE'S THE LITIGATION, WHICH IS THE FOURTH OPTION OBVIOUSLY.

Thomas: THAT'S WHAT I'M TRYING TO GET YOU TO SAY THAT. SO TO GET TO LITIGATION AND THIS VOTING TO DENY THIS, WE'RE VOTING TO DENY THE -- FROM THE MOTION THAT I CAME UP WITH, SO THAT MEANS THAT IT'S A GREATER CHANCE THAT WE COULD BE IN LITIGATION.

I WOULD DEFER THAT ON OUR ATTORNEY TO ANSWER THE POSSIBILITIES OF LITIGATION.

Thomas: ATTORNEY, CITY ATTORNEY? GIVE ME ANOTHER ATTORNEY, WHAT? [ LAUGHTER ]

THAT WAS A VERY SMOOTH ANSWER, GREG.

COUNCILMEMBER, WE ARE IN LITIGATION, AND I BELIEVE DENIAL OF THE ZONING REQUESTS WOULD INCREASE THE LIKELIHOOD OF THE LITIGATION BEING PURSUED.

Thomas: OKAY. I CAN'T SUPPORT THAT. I CAN'T SUPPORT IT BECAUSE I STILL FEEL THAT MAYBE WE COULD HAVE POSSIBLY GOT SOMEWHERE IN MEDIATION AS OPPOSED TO GOING TO COURT, SPENDING SOME MORE MONEY. I CAN'T SUPPORT THAT.

Mayor Wynn: THANK YOU, COUNCILMEMBER.  
COUNCILMEMBER ALVAREZ.

Alvarez: THANK YOU, MAYOR. THAT WAS THE POINT I WAS GOING TO MAKE IS THAT WE ACTUALLY ARE IN LITIGATION, SO -- THERE IS ANOTHER OPTION BEING PURSUED HERE BY THE PROPERTY OWNERS. AND SO I DON'T KNOW THAT -- IN TERMS OF OUR ABILITIES TO WORK ANYTHING OUT, I JUST DON'T SEE THAT IT'S THERE. IF WE DIDN'T GET IT SIX MONTHS AGO WHENEVER WE DID FIRST READING AND WE WEREN'T ABLE TO GET ANYWHERE BETWEEN THEN AND NOW, THAT'S THE REASON I GAVE SUPPORT TO THE PREVIOUS MOTION TO HAVE A READING AND THEN TRY TO WORK THINGS OUT BECAUSE IT'S PRETTY CLEAR AFTER YEARS AND YEARS AND YEARS THAT THIS IS GETTING -- THIS ISN'T GETTING US VERY FAR AND IT'S NOT VERY EFFECTIVE FOR ANYONE INVOLVED TO CONTINUE. AND I THINK IN TERMS OF THE ACTUAL ISSUES, THE ZONING ISSUES INVOLVED, THE ISSUES HAVE BEEN FLESHED OUT. I'D JUST AS SOON NOT LEAVE THESE ISSUES HANGING OUT FOR A SECOND OR THIRD READING IF THE VOTES AREN'T GOING TO BE THERE, AND IF LITIGATION WAS GOING TO HAPPEN, THEN THAT'S WHAT'S GOING TO HAPPEN AND THE ISSUES ARE GOING TO BE WORKED OUT THROUGH THAT -- THROUGH THESE MEETINGS. BUT WE ARE IN LITIGATION, SO OBVIOUSLY THAT'S THE PATH THAT'S ALREADY BEEN CHOSEN AND WILL BE PURSUED, DEPENDING ON THE OUTCOME OF THE VOTE. BUT THAT'S PART OF THE REASON

THAT -- THAT'S JUST -- BECAUSE I THINK WE'VE PROVIDED ENOUGH TIME AND OPPORTUNITY FOR MEDIATING, AT LEAST THROUGH THE ZONING PROCESS, AND THERE'S ALWAYS OPPORTUNITIES FOR MEDIATION AS WELL. SO I DON'T KNOW NECESSARILY THAT THE DOOR IS CLOSED, BUT I THINK FOLKS HAVE ARTICULATED PRETTY STRONGLY THEIR VIEWS AND THEIR POSITIONS. SO I JUST WANTED TO ADD THAT. ARTICULATE THAT POSITION.

Mayor Wynn: THANK YOU, COUNCILMEMBER. WE HAVE A MOTION AND A SECOND ON THE TABLE TO DENY ZONING CASES 52, 53 AND Z-33. MAYOR PRO TEM? MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF SIX TO ONE WITH COUNCILMEMBER THOMAS VOTING NO. THANK YOU ALL. MR. GUERNSEY, IS IT THE LAST OF OUR ZONING CASES? THANK YOU.

Mayor Wynn: COUNCIL, I BELIEVE WE CAN TAKE UP ITEM NUMBER 54, WHICH IS OUR PUBLIC HEARING AND APPROVAL OF ORDINANCE REGARDING THE ASSESSMENT AND LEVEES FOR THE NEW EAST SIXTH STREET PUBLIC IMPROVEMENT DISTRICT. WE HAVE JUST A COUPLE OF PEOPLE WHO EVEN BOTHERED TO SIGN UP, MOST NOT WANTING TO SPEAK. SO IF STAFF CAN GIVE US A BRIEF PRESENTATION ON ITEM 54, WHICH WAS RELATED TO ITEM NUMBER 2, PERHAPS WE CAN SEND A FEW PEOPLE HOME QUICKLY.

GOOD EVENING, MAYOR AND MEMBERS OF THE CITY COUNCIL, I'M MICHAEL KNOX WITH THE ECONOMIC GROWTH AND REDEVELOPMENT SERVICES OFFICE. ITEM NUMBER 54 AND THE RELATED ITEM NUMBER 2 ARE PART OF THE ANNUAL FUNDING PROCESS FOR THE EAST SIXTH STREET PUBLIC IMPROVEMENT DISTRICT. IF YOU RECALL ON

NOVEMBER FOURTH OF THIS YEAR, THE CITY COUNCIL APPROVED THE 2005 BUDGET AND SERVICE PLAN FOR THE DISTRICT. THE COUNCIL ALSO APPROVED A 2005 ASSESSMENT RATE OF 10 CENTS PER 100-DOLLAR VALUATION AND A 2005 PROPOSED ASSESSMENT ROLL. STATE LAW REQUIRES A PUBLIC HEARING TO CONSIDER THE PROPOSED ASSESSMENTS, APPROVAL OF THE ASSESSMENT RATE AND ROLL ON NOVEMBER FOURTH ALLOWED NOTICES TO BE MAILED TO THE PROPERTY OWNERS WITHIN THE AREA TO REVIEW THEIR ASSESSMENTS PRIOR TO HEARING. THIS HEARING TONIGHT ALLOWS PROPERTY OWNERS TO CHALLENGE THE PROPOSED ASSESSMENT OF INDIVIDUAL PROPERTY. FOLLOWING THE PUBLIC HEARING THE COUNCIL WILL CONSIDER APPROVAL OF THE ORDINANCE ADOPTING THE 2005 ASSESSMENT ROLL AND LEVEEING OF ASSESSMENTS. IN ADDITION, THE CITY COUNCIL WILL NEED TO APPROVE ITEM 2, WHICH IS A BUDGET AMENDMENT TO BE THE OPERATING BUDGET OF THE ECONOMIC AND REDEVELOPMENT SERVICES OFFICE TO ESTABLISH THE ACCOUNT.

Mayor Wynn: THANK YOU, MR. KNOX. COUNCIL, WE HAVE A HANDFUL OF PEOPLE WHO HAVE SIGNED UP ALL NOT WISHING TO SPEAK, BUT TWO ARE IN OPPOSITION. ALIE AS FARRIS AND RICHARD FARRIS SIGNED UP NOT WISHING TO SPEAK, OPPOSED. BRETT IT LOOKS LIKE ARIVIA SIGNED UP IN FAVOR. AND DON GARNER, MOLLY ALEXANDER AND JERRY KRIA SIGNED UP IN FAVOR, WISHING TO SPEAK ONLY IF COUNCIL HAS QUESTIONS. SO QUESTIONS, COMMENTS, COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING AND APPROVE ITEMS 54 AND 2. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER DUNKERLEY TO CLOSE THE PUBLIC HEARING AND APPROVE TUMDZ 54 AND 2. ANY COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. ALL IN FAVOR? OPPOSED? MOTION PASS OZ A VOTE OF SEVEN TO ZERO. THANK YOU VERY MUCH. NOW FOR THE FUN. ITEMS NUMBER 55 THROUGH 60 RELATE TO OUR MUELLER DEVELOPMENT. AND I'LL WELCOME MS. SUE EDWARDS.

THANK YOU. MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS, I AM SUE EDWARDS, DIRECTOR FOR THE ECONOMIC GROWTH AND REDEVELOPMENT SERVICES

OFFICE. THIS EVENING YOU HAVE BEFORE YOU FOR CONSIDERATION THE ADOPTION OF THE MASTER DEVELOPMENT AGREEMENT BETWEEN CATELLUS DEVELOPMENT AND THE CITY OF AUSTIN FOR THE REDEVELOPMENT OF THE ROBERT MUELLER MUNICIPAL AIRPORT. GETTING TO TONIGHT HAS BEEN A COLLABORATIVE TEAM EFFORT. MY INTENTION WAS TO RECOGNIZE ALL OF THE INDIVIDUALS WHO PARTICIPATED IN HELPING TO GET THE PROJECT TO THIS POINT. BUT WHEN I STARTED LISTING NAMES IT BECAME APPARENT THAT I MIGHT SPEND 30 MINUTES DOING SO. I WILL DO THAT AT A MORE APPROPRIATE TIME. HOWEVER, THERE ARE FIVE GROUPS COLLECTIVELY THAT IF YOU WOULD PERMIT, I WOULD LIKE TO RECOGNIZE TONIGHT. THE FIRST IS THE 18 CITY DEPARTMENTS AND OVER 150 DEDICATED EMPLOYEES WHO HAVE BEEN WORKING ON THIS PROJECT FOR THREE YEARS, A TRUE TEAM EFFORT. THE MUELLER PLAN COMMISSION, WHICH HAS SPENT HUNDREDS OF HOURS PROVIDING ADVICE AND ENCOURAGEMENT, MADE COUNTLESS COMMUNITY PRESENTATIONS AND PASSIONATELY AND RELENTLESSLY INTRODUCED THE PROJECT TO THE COMMUNITY. WE WOULD NOT BE WHERE WE ARE TODAY WITHOUT THIS COMMISSION. AND ESPECIALLY THEIR CHAIRMAN, JIM WALKER. THE CITY'S OUTSIDE COUNSEL, THOMPSON AND KNIGHT, TIM CASER, ANDREW INGRAHAM AND ANDREW MAVIAS WHO SPENT COUNTLESS HOURS DRAFTING AFTER THE REST OF US WENT HOME. THE ROMA DESIGN GROUP AND PLANNING ASSISTANTS, OUR CONSULTANTS WHO HAVE BEEN WITH US FOR THE LAST RIGHT YEARS, AND LASTLY THE CATELLUS TEAM WHO WE FOUND TO BE ESPECIALLY SENSITIVE TO THE COMMUNITY NEEDS AND PROFESSIONAL IN EVERY SENSE OF THE WORDMENT. THEY ARE ALL INCREDIBLY TALENTED PEOPLE. THERE ARE FOUR PRESENTERS FOR TONIGHT'S PRESENTATION. UNFORTUNATELY, JIM ADAMS WITH RMMA WAS UNABLE TO BE HERE. AND BECAUSE THIS PRESENTATION INCLUDES A DESCRIPTION OF THE PROJECT DESIGN, WE HAVE RECORDED HIS PART. JIM MUSBACH WILL DISCUSS THE FINANCIAL IMPLICATIONS OF THE PLAN. JIM CAUSER WILL TALK ABOUT THE LEGAL ASPECTS. AND I WILL CONCLUDE BY REVIEWING THE GOALS ACHIEVED. UNLESS YOU HAVE QUESTIONS, WE ARE READY TO BEGIN THE

## PRESENTATION.

LET ME START BY SAYING HOW DELIGHTED I AM THAT THIS PROJECT HAS COME TO THIS POINT IN TIME AND WHAT AN EXTRAORDINARY EXPERIENCE IT HAS BEEN FOR ME PERSONALLY WORKING WITH THE CITY COUNCIL AND THE COMMUNITY TO DEVELOP THIS REALLY FAR SIGHTED PLAN. OVER MY 25-YEAR CAREER I'VE NOT ENCOUNTERED A COMMUNITY THAT WAS SO FORWARD THINKING AND SO COMMITTED TO CREATING A HIGH QUALITY PROJECT, AND THIS IS -- THIS HAS BEEN A WONDERFUL EXPERIENCE FOR ME, AND I'M VERY DISAPPOINTED THAT I WON'T BE HERE TONIGHT TO PRESENT THIS PERSONALLY. THE GOALS FOR THE REDEVELOPMENT OF MUELLER WERE ESTABLISHED IN 1996. THE TASKFORCE ESTABLISHED THE VISION OF CREATING AN INTERACTIVE MIXED USE COMMUNITY WITHIN THE CITY. THE CITY COUNCIL SET FORTH A SERIES OF SIX OBJECTIVES THAT ESTABLISHED THE GROUND RULES FOR REDEVELOPMENT, FISCAL RESPONSIBILITY THAT THE PROJECT HAD TO CREATE A POSITIVE REVENUE STREAM TO FUND ON-SITE INFRASTRUCTURE AND TO INCREASE THE CITY'S TAX BASE. IT HAD TO CONTRIBUTE TO AUSTIN'S OVERALL ECONOMY AND TO PROVIDE JOBS, PARTICULARLY IN EAST AUSTIN, WHO THE RESIDENTS OF THAT DISTRICT HAVE A DIRECT STAKE IN THE FUTURE OF THIS AREA. THE PROJECT -- 700-ACRE PROJECT, WHICH IS SITUATED IN THE MIDDLE OF SEVERAL NEIGHBORHOODS, A KEY GOAL WAS THAT THE PROJECT HAD TO BE COMPATIBLE, BUT NOT ONLY COMPATIBLE, IT HAD TO ENHANCE THE QUALITY OF LIFE OF THE SURROUNDING COMMUNITIES. AND OVER THE LAST EIGHT YEARS WE'VE WORKED VERY CLOSELY WITH THE MUELLER NEIGHBORHOODS TO DO JUST THAT. THE IDEA OF DIVERSITY AND AFFORDABILITY, THIS IS A COMMUNITY THAT NEEDS TO REFLECT THE ETHNIC AND ECONOMIC DIVERSITY OF AUSTIN, AND THAT WAS A VERY IMPORTANT DWOAL, AS WAS -- GOAL, AND WAS SUSTAINABILITY. THE IDEA THAT THE PROJECT NEEDED TO PROMOTE ENERGY, EFFICIENCY, RESOURCE PROTECTION, WATERSHED PROTECTION, AND THE CREATION OF GREEN SPACE, REPRESENTING ALL OF THE GOALS OF SMART GROWTH THAT THE CITY IS ADVOCATING THROUGHOUT THE COMMUNITY. THIS MAP HERE SHOWS THE ILLUSTRATIVE PLAN FOR MUELLER. WHAT

IT REPRESENTS IS A PROGRAM OF APPROXIMATELY 4600 UNITS OF HOUSING, 650,000 SQUARE FEET OF RETAIL, AND USES THAT WILL BE LOCATED WITHIN THE TOWN CENTER AS WELL AS IN THE NORTHWEST QUADRANT. ABOUT FOUR MILLION SQUARE FEET OF OFFICE AND INSTITUTIONAL USES, INCLUDING THE NEW DELL CHILDREN'S MEDICAL CENTER OF CENTRAL TEXAS, LOCATED JUST NORTH OF THE TOWN CENTER. THE AUSTIN FILM STUDIOS, WHICH IS CURRENTLY UNDER OPERATION ALONG EAST 51st STREET. AND POTENTIALLY AN ACADEMIC HEALTH CAMPUS WHICH WILL BE LOCATED IMMEDIATELY NORTH OF THE CHILDREN'S HOSPITAL COMPLEX. AND ADDITIONALLY MORE IS PLANNED AT THE EASTERN PORTION OF THE NEW COMMUNITY. THIS MAP HERE SHOWS THE PUBLIC OPEN SPACE THAT WILL BE CONSTRUCTED AT MUELLER. IT REPRESENTS APPROXIMATELY 20% OF THE 700-ACRE SITE AREA OR ABOUT 140 ACRES. IN ADDITION, WE HAVE DEVISED A STREET SYSTEM THAT DISTRIBUTES RATHER THAN CONCENTRATES TRAFFIC, AND WE BELIEVE THAT WE WORKED VERY CAREFULLY TO COME UP WITH A STREET SYSTEM THAT WILL CONNECT ALL OF THE VARIOUS OPEN SPACES, AND AT THE SAME TIME DISTRIBUTE TRAFFIC IN A WAY THAT WILL NOT IMPACT ANY ONE AREA MORE THAN ANOTHER. THE STREETS ARE ALSO DESIGNED AS MULTIMODE AL CORRIDORS THAT WILL BE SUITABLE FOR TRANSIT, BICYCLES, AS WELL AS PEDESTRIANS, AND WE CREATED ABOUT 13 MILES OF NEW BIKE PATH LANES AND ROUTES, WHICH THIS DIAGRAM HERE IS SHOWING. IN TERMS OF TRANSIT WE'RE PROVIDING FOR THE EXPANSION OF COMMUTER RAIL THROUGH THE VERY CENTER OF THE PROJECT, WHICH WILL ENSURE THAT MOST RESIDENTS ARE WITHIN A FIVE TO 10 MINUTE WALK OF FUTURE TRAN SENT. WE ALSO ARE IT PLANNING A WHOLE SERIES OF BUS ROUTES WITH CAPITAL METRO THAT WILL TRAVERSE THE COMMUNITY. THIS ORIENTS YOU TO AIRPORT AIRPORT BOULEVARD ON THE VERY BOTTOM OF THE PICTURE. MUELLER BOULEVARD -- ALDRIDGE STREET WHICH WILL ENTER FROM AIRPORT BOULEVARD INTO THE VERY CENTER OF THE TOWN CENTER, AND THEN MUELLER BOULEVARD, WHICH WILL SPRING OFF OF THE TRAFFIC CIRCLE HEADING NORTH PAST THE NEW CHILDREN'S HOSPITAL COMPLEX TO EAST 51st STREET. WITHIN THE TOWN CENTER WE ARE

PLANNING ON RETAIL AND OFFICE USES AND ABOUT 1,053 HOUSING AND LIVE WORK UNITS. THE NEIGHBORHOODS THAT SURROUND THE TOWN CENTER, THERE ARE FOUR OF THEM, THEY WILL INCLUDE A MIXTURE OF HOUSING TYPES. ABOUT 1525 SINGLE-FAMILY HOUSES THAT ARE KNOWN AS THE YAR HOUSES, 5 -- YARD HOUSES, 577 ROW HOUSES OR SHOP HOUSES. 264 MUELLER HOUSES WHICH ARE FOUR TO EIGHT-PLEX UNITS. AND 1160 APARTMENTS OR CONDOMINIUMS BUILDING. IN THE NORTHWEST QUADRANT OF THE COMPLEX NEXT TO I-35 AS WELL AS ALONG EAST 51st STREET, WHICH WE'RE CALLING THE NORTHEAST QUADRANT, WE ARE PROPOSING A SERIES OF URBAN CAMPUS EMPLOYMENT DISTRICTS, WHICH INCLUDE THE NEW CHILDREN'S HOSPITAL COMPLEX OF ABOUT 637,000 SQUARE FEET. ABOUT 2.2 MILLION SQUARE FEET OF OFFICE SPACE. ABOUT 425,000 SQUARE FEET OF RETAIL. AND THE 220,000 SQUARE FEET OF FILM PRODUCTION USES THAT WILL BE DEVELOPED AT AUSTIN FILM STUDIOS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] FUTURE STREETS TO BE LAID IN ON TOP OF THE PATTERN OF -- OF PARKING AREAS AND DEVELOPMENT SO THAT THE AREA WILL BE ABLE TO TRANSITION AND INTENSIFY OVER A PERIOD OF TIME. ALONG THE I-35 EDGE, WE ARE PLANNING A MAJOR PUBLIC ART PROGRAM. THAT WILL BE A SIGNATURE PIECE, NOT REALLY FOR THE RETAIL CENTER, BUT WILL FOR MUELLER AS A WHOLE. TO REALLY CREATE SOMETHING THAT -- THAT CREATES A STRONG STATEMENT FOR MUELLER AND THESE IMAGES HERE ARE EXAMPLES OF SIMILAR PUBLIC ART PROGRAM THAT WAS DONE NEXT TO LOS ANGELES AIRPORT. WITH THE LIGHTS. NOW I'M GOING TO PASS IT OVER TO -- TO JIM MUSSBACK WHO IS GOING TO DESCRIBE HOW IT THE AGREEMENT WORKS.

GOOD EVENING, MR. MAYOR, MEMBERS OF THE COUNCIL, I'M PLEASED TO BE HERE TO SPEAK WITH YOU TONIGHT. ABOUT THE BUSINESS TRANSACTION BETWEEN THE CITY AND CATELLUS AND HOW THE AGREEMENT THAT SECURES THAT WORKS. FIRST OF ALL, JUST TO ECHO WHAT SUE SAID EARLIER, THIS NEGOTIATION HAS BEEN VERY MUCH A TEAM EFFORT. IT'S BEEN A LOT OF PEOPLE INVOLVED IN IT. WORKING VERY HARD OVER A LONG PERIOD OF TIME. INCLUDING THE CITY STAFF, CONSULTANTS, CATELLUS HAS



BEEN VERY, VERY DILL GET AND REALLY -- DILIGENT AND GOOD TO WORK WITH AND THE RMMA COMMISSION HAS BEEN EXCELLENT IN PROVIDING GUIDANCE AND INPUT ALONG THE WAY. THE TRANSACTION ITSELF IS VERY COMPLEX. IN WORKING OUT THE DETAILS OF IT, THERE ARE MANY, MANY INTERRELATED PIECES THAT HAVE TO BE RESOLVED, WORKED VERY HARD OVER A PERIOD OF TWO YEARS TO DO THAT. WE FEEL THAT THE AGREEMENT THAT WE HAVE NOW SUCCESSFULLY ACHIEVES THE CITY PLANNING AND SOCIAL GOALS RATHER THAN SIMPLY MAXIMIZING THE SHORT-TERM RETURNS TO THE CITY. JUST TO RECAP ON THE PROJECT ECONOMICS, MUELLER IS A 700-ACRE SITE WITH NO INFRASTRUCTURE AND IN FACT A LOT OF EXISTING STRUCTURES THAT HAVE TO BE DEMOLISHED AND A LOT OF EXPENSES THAT GO ALONG WITH THAT. VERY SUBSTANTIAL COSTS, WE'LL GO OVER THOSE, I'LL GO OVER THOSE IN A SECOND WITH YOU. BUT THE KEY POINT TO MAKE HERE IS THAT WITHOUT PUBLIC INVESTMENT THIS PROJECT AS IT'S BEEN DESIGNED ALL OF THE BENEFITS THAT GO WITH IT WOULD NOT BE ABLE TO BE DELIVERED BY THE MARKETPLACE. AND I WON'T GO THROUGH ALL OF THESE COSTS, THIS IS JUST A LISTING OF THE KINDS OF THINGS THAT ARE INVOLVED IN THIS PROJECT, IT REALLY IS SOUP TO NUTS, EVERY ITEM OF INFRASTRUCTURE ALL OF THE THINGS THAT GO INTO THE DESIGN, THE ADMINISTRATION, VARIOUS OTHER PROJECT COSTS THAT WILL BE ENTAILED AS THE PROJECT IS IMPLEMENTED. ALL OF THESE THINGS HAD TO BE CONSIDERED AND COVERED IN THE FINANCING OF THIS PROJECT. THE FINANCIAL STRATEGIES THAT WE HAVE DEVELOPED AND INCORPORATED INTO THIS AGREEMENT WERE GUIDED BY A NUMBER OF CRITICAL PRINCIPLES. FIRST OF WHICH WE WANTED TO USE THE LOWEST COST FINANCING FIRST. THAT IS A WAY OF HELPING TO CREATE VALUE IN THE PROJECT AND TO MINIMIZE THE PUBLIC INVESTMENT THAT WOULD BE REQUIRED AND ENSURE THE FEASIBILITY OF THE PROJECT OVER TIME. SECONDLY, WE THOUGHT IT WAS VERY IMPORTANT FOR THE CITY TO BE ABLE TO CONTROL THE AMOUNT AND TIMING OF PUBLIC FINANCING SO THAT WE WOULDN'T NEED -- WE WOULDN'T BE SIGNING A BLANK CHECK OR COMMITTEE TO SOMETHING UP FRONT, BUT WOULD HAVE THE ABILITY TO DIAL THAT IN TO BE WHERE IT

NEEDED TO BE THROUGHOUT THE LIFE OF THE PROJECT. WE ALSO WERE VERY CONCERNED WITH MINIMIZING THE CITY'S RISK. FIRST OF ALL BY RELYING ONLY ON REVENUES THAT WERE GENERATED BY THE PROJECT SO THAT WE WOULD NOT IN ANY WAY BE ENACTING THE GENERAL FUND OUTSIDE OF WHAT THE PROJECT WOULD BE CONSIDERED TO THE PUBLIC DEAL. ALSO CATELLUS IS BRINGING ITS OWN PRIVATE CAPITAL TO THIS TO PROVIDE INTERIM FUNDING AND TO COVER THE COSTS THAT ARE NOT ABLE TO COVERED BY SOME OF THE OTHER FINANCING SOURCES THAT WE'RE USING. AGAIN ONE OF OUR GOALS WAS TO MAXIMIZE TAX REVENUE OVER THE LONG TERM WHILE ACHIEVING A NUMBER OF COMMUNITY BENEFITS THAT WE FELT WERE REALLY ESSENTIAL TO THE REUSE OF THIS PROPERTY. LASTLY, WE WANTED TO -- TO LIMIT THE DEVELOPER PROFITS AND FEES TO WHAT WOULD BE INDUSTRY STANDARDS SO THAT THERE'S A BALANCING OUT OF THE CITY'S FINANCIAL RETURNS AND REASONABLE MARKET RATE RETURNS TO THE DEVELOPER. THE PRO FORMA, WHICH WAS AN ESSENTIAL TOOL OF PUTTING TOGETHER THE BUSINESS DEAL, HAS A NUMBER OF KEY ASSUMPTIONS THAT DRIVE IT. FIRST OF ALL, IT'S IMPORTANT TO RECOGNIZE THAT THE PRO FORMA IS A FORECAST AND A PROJECTION. THINGS WILL CHANGE OVER TIME. BUT WE BUILT THIS SO THAT THE PROJECT WOULD BE ROBUST ENOUGH THAT THOSE CHANGES COULD BE ACCOMMODATED. BUT WE CAN EXPECT THAT THINGS WILL CHANGE OVER TIME. WE ARE LOOKING AT A 10-YEAR DEVELOPMENT TIME TABLE. WE THINK THIS PROJECT CAN BE COMPLETED IN THAT TIME FRAME, THAT'S THE FINANCIAL HORIZON THAT WE HAVE BEEN WORKING WITH. THE REGIONAL RETAIL, THE NORTHWEST QUADRANT THAT WAS MENTIONED IN JUST A MINUTE'S PRESENTATION EARLIER, EMERGES AS A FAIRLY KEY COMPONENT IN TERMS OF THE OVERALL FINANCING OF THE PROJECT. AS WELL AS A WAY OF GENERATING SOME ADDITIONAL REVENUE FOR THE CITY. AND TO BE CONSISTENT WITH THE OVERALL OBJECTIVES OF THE PLAN. ONE OF THE IMPORTANT -- ONE OF THE IMPORTANT PROVISIONS OF THIS FINANCIAL DEAL IS THAT THE CITY DEFERS ITS RECEIPT OF LAND PAYMENTS UNTIL THE PROJECT IS COMPLETED. AND IN DOING SO ACTUALLY HELPS TO CREATE VALUE IN THE PLAN BY NOT HAVING A

DRAIN ON THE FINANCENESS OF THE PLAN THAT CARRY THROUGHOUT THE DEVELOPMENT OF THE PROJECT. THAT IN TURN REDUCES THE AMOUNT OF PUBLIC FINANCING THAT WILL BE NEEDED FOR THE PROJECT TO BE SUCCESSFUL. WE ARE GOING TO BE USING A T.I.F. DISTRICT THAT WILL BE A SINGLE JURISDICTION T.I.F., ONLY THE CITY WILL BE CONTRIBUTING TO THAT, SO THAT WILL MAKE IT EASIER TO IMPLEMENT. THERE ARE A NUMBER OF NON-TAX BASE ENTITIES THAT ARE INCLUDED IN THE PLAN AND IN THE FINANCIAL MODEL. FIRSTLY THE DELL CHILDREN'S MEDICAL CENTER. OF CENTRAL TEXAS. IT IS A TAX EXEMPT ENTITY THAT WON'T CONTRIBUTE TO THE T.I.F. AND OTHER THINGS, TAX REVENUES, EXCEPT FOR THE OFFICE BUILDING AND TAXING GARAGE WHICH ARE TAXABLE COMPONENTS OF THAT PROJECT. ALSO A NEIGHBORHOOD SCHOOL AS MENTIONED EARLIER AND POTENTIALLY THERE COULD BE AN ACADEMIC HEALTH CENTER JUST TO THE NORTH OF THE -- OF THE CHILDREN'S MEDICAL CENTER THAT WOULD ALSO BE A TAX EXEMPT ENTITY, THOSE PROJECTS ARE VERY IMPORTANT IN TERMS OF WHAT THEY BRING TO -- TO THE OVERALL DEVELOPMENT THAT THEY -- THAT THEY ALSO DON'T CONTRIBUTE IN TERMS OF THE PUBLIC FINANCING. THIS SLIDE GIVES A -- GIVES A QUICK SUMMARY OF THE FINANCIAL SOURCES AND USES OF FUNDS THAT ARE INVOLVED IN THE PROJECT AND ON THE REVENUE SIDE, LAND SALE REVENUE IS THE BIGGEST SOURCE OF FUNDING AMOUNTING TO ABOUT \$185 MILLION. ON THE PUBLIC FINANCING SIDE. BOND PROCEEDS WE'RE TALKING ABOUT, ABOUT \$46 MILLION AND THEN WE HAVE A NUMBER OF OTHER REVENUE SOURCES, PRIMARILY FROM THE SALE OF THE -- OF THE CHILDREN'S MEDICAL CENTER SITE. ABOUT \$15 MILLION. ON THE COST SIDE OF THE LEDGER, INFRASTRUCTURE COSTS ARE TOTAL ABOUT 170 MILLION. CATELLUS FEES AND REIMBURSEMENTS ABOUT 13 MILLION. REIMBURSEMENTS AND FEES THAT GO TO THE CITY ABOUT 5 MILLION, A NUMBER OF OTHER COSTS THAT HAVE TO DO WITH MARKETING, CLOSING, SELLING OF THE REAL ESTATE, ABOUT 15 MILLION. CATELLUS RETURNED UNDER OUR CURRENT PRO FORMA PROJECTIONS WOULD BE ABOUT \$43 MILLION, THAT'S BASED ON -- I'LL TALK ABOUT HOW THAT'S CALCULATED IN A SECOND. BUT IN TERMS OF THEIR OWN INVESTMENT IN THIS, THEY WILL BE PUTTING IN -- IN

SUBSTANTIAL RISK CAPITAL, GOING UP TO ABOUT \$35 MILLION. BEFORE THEY ACTUALLY START TO RECEIVE A FINANCIAL OR POSITIVE CASH FLOW BACK FROM THE PROJECT. IN ADDITION TO THAT, THE CITY WILL RECEIVE PROPERTY AND SALES TAX REVENUES OVER A PERIOD OF ABOUT 20 YEARS. OVER AND ABOVE OR NET OF THE DEBT SERVICE ON THE T.I.F. BONDS AND THE OTHER FINANCINGS OF ABOUT \$60 MILLION. IN TERMS OF HOW CATELLUS RECEIVES ITS RETURN, THE WAY THIS DEAL IS STRUCTURED, THEY -- THEY WILL RECEIVE THE HIGHER OF TWO ALTERNATIVE WAYS OF CALCULATING RETURN. THE FIRST ONE IS AN INTERNAL RATE OF RETURN WHICH ESSENTIALLY IS A -- IS A SHARED CASH FLOW, SHARING NO CASH FLOW BETWEEN THE CITY AND CATELLUS WHERE CATELLUS GETS PAID BACK UP TO A CERTAIN POINT FIRST AND THEN THERE'S A SPLIT THAT -- THAT BREAKS AT DIFFERENT LEVELS OF RETURN BETWEEN THE CITY AND CATELLUS. THE SECOND ALTERNATIVE WOULD BE A RETURN ON LAND SALES AND THEY WOULD GET A STRAIGHT 15% OF RETURN ON THOSE SALES IF THAT TURNS OUT TO BE THE MORE FAVORABLE RETURN FOR THEM. CATELLUS WILL BE ABLE TO DRAW DOWN REVENUES FROM LAND SALES THROUGHOUT THE PROJECT, SO AS LONG AS THEY DON'T EXCEED A CUMULATIVE 15% OF LAND SALE REVENUE AT ANY GIVEN TIME. THERE WILL BE, LOOKING BACK AT THE END OF THE PROJECT ONCE IT'S COMPLETED, THE SQUARING UP THE ACCOUNTS, A DETERMINATION OF THE FUNDS THAT ARE DUE TO -- TO BOTH CATELLUS AND THE CITY TO -- TO MEET THE OBLIGATIONS IN THE AGREEMENT. THE CITY'S RETURN, FIRST OF ALL THE SALES AND AD VALOREM TAXES IN EXCESS OF THE BOND DEBT SERVICE THAT WE MENTIONED EARLIER, BUT THEY ALSO ARE GOING TO RECEIVE THEIR LAND PAYMENT IN EFFECT IN CONJUNCTION WITH THE RETURNS THAT ARE DUE CATELLUS. AND UNDER THE RETURN ON LAND SALE METHOD ANY MONEYS THAT COME IN THAT REPRESENT MORE THAN 15% OF THE LAND SALE REVENUE WILL GO ALL TO THE CITY. UNDER THE INTERNAL RATE OF RETURN METHOD, THE CITY WILL PARTICIPATE IN THIS CASH FLOW SPLITTING AS I MENTIONED BEFORE BETWEEN THE CITY AND CATELLUS. THE CITY HAS A NUMBER OF FINANCIAL COMMITMENTS THAT ARE EMBODIED IN THIS AGREEMENT. FIRST OF ALL, AGAIN, WE ARE RE-

EMPHASIZING THAT THE CITY'S GENERAL FUND IS NOT AT RISK TO FUND THE PROJECT COSTS OR THE DEVELOPER RETURN. WE MAINTAINED A VERY STRONG BARRIER, FIREWALL, BETWEEN THE GENERAL FUND AND THIS PROJECT FINANCING IN THE DEAL. THEY WILL DEFER THE LAND SALE PROCEEDS TO THE END OF THE PROJECT AS I MENTIONED. AND THE PURPOSE FOR THAT IS TO COMMIT THE CHEAPEST SOURCE OF CAPITAL WHICH IS THE LAND ITSELF WHICH THE CITY OWNS OUTRIGHT. AS THE FIRST SOURCE OF FINANCING WITH THE PROJECT COST. THE CITY WILL ALSO CONTRIBUTE INITIAL TAX REVENUES INTO THE PROJECT PRIOR TO THE ISSUANCE OF THE FIRST DEBT, SO AS SALES TAX AND PROPERTY TAX STARTS TO COME OFF, BUT THEY ARE NOT AT THE POINT WHERE THEY WILL SUPPORT DEBT. WE WILL PUT THOSE INTO THE PROJECT FUND AND ALSO USE THOSE FOR PROJECT COSTS. WHEN IT BECOMES COMMERCIALY VIABLE THE CITY HAS AGREED TO ISSUE SALES TAX BACKED AND PROPERTY TAX T.I.F. BACKED PUBLIC FINANCE BONDS THAT WILL -- THAT WILL BE THE SECOND SOURCE OF CAPITAL THAT GOES INTO THE IMPROVEMENTS. VERY IMPORTANT THAT THE CITY IS NOT REQUIRED TO ISSUE BONDS BEYOND A POINT WHERE THE DEVELOPER RETURN REACHES 15%. AND I THINK THAT'S A -- THAT'S A VERY GOOD POSITION FOR THE CITY TO BE IN. ADDITIONAL COMMITMENTS, THERE WAS A FUND ESTABLISHED, APPROPRIATED BY THE COUNCIL, AT THE TIME OF THE SETON TRANSACTION TO COVER SOME INFRASTRUCTURE COSTS IN THE EVENT THAT THIS DEAL DIDN'T GO FORWARD AND THAT MONEY IS GOING TO BE RETAINED -- BE RETAINED AS AN APPROPRIATION THAT WILL BE USED IN THE EVENT THAT THE PUBLIC NON-TAX PAYING USES IN THIS PLAN RESULT IN THE PROJECT NOT BEING ABLE TO HAVE CATELLUS REACH ITS BASE RETURNS. TO THE EXTENT THAT -- THAT THE PROJECT SUPPORTS OF THAT MONEY WOULD NEVER BE USED FOR THAT PURPOSE. AS FAR AS THE FISCAL CREDIT BANK, THERE IS GOING TO BE AN ESTABLISHMENT OF A BANK UP TO 25 MILLION, BUT IT WILL BE A BOOK ENTRY ONLY IN THIS CASE AND THE MDA OBLIGATES CATELLUS TO FINISH ANY STRANDED INFRASTRUCTURE IF FOR SOME REASON THE AGREEMENT IS VOIDED FOR -- FOR WHATEVER PURPOSES. THE CITY ALSO HAS COMMITTED TO PARKS AND POND MAINTENANCE

CONTRIBUTIONS. TO A LEVEL THAT'S CONSISTENT WITH -- WITH RETENSION, FACILITIES THAT ARE COMMON THROUGHOUT THE CITY. AND ANY ADDITIONAL IMPROVEMENTS THAT ARE RELATED TO THE AMENITY ASPECTS OF THE WATER FEATURES IN THIS PLAN WILL BE COVERED AS A -- AS AN HOA COST OR -- OR THROUGH THE PROJECT ITSELF. THERE ARE A NUMBER OF FINANCIAL COMMITMENTS OBVIOUSLY THAT CAT CATELLUS HAS AS WELL. FIRST OF ALL THEY WILL PROVIDE A PERFORMANCE GOVERNOR BUSH TEE THAT THE RETAIL SPACE IN THE REGIONAL RETAIL WILL BE BUILT AND OCCUPIED WITHIN A CERTAIN TIME FRAME. THAT -- THAT WILL GIVE THE CITY THE ASSURANCES THAT IT NEEDS TO GO AHEAD AND ISSUE THAT -- THAT SALES TAX BACK THERE. THEY WILL AGREE TO FUND ALL COSTS THAT ARE FOR THE COVERED BY THE LAND SALE REVENUE AND THE PUBLIC FINANCING, PUTTING VERY SUBSTANTIAL AMOUNTS OF THEIR -- OF THEIR CAPITAL AT RISK IN THE PROJECT. THEY WILL PAY TYPICAL DEVELOPMENT FEES AND THEY HAVE ALSO AGREED THAT THEY CANNOT SELL ANY LAND TO A PUBLIC AGENCY WITHOUT PERMISSION FROM THE CITY ONCE THE AGREEMENT HAS BEEN REACHED. I'M GOING TO NOW TURN IT OVER TO JIM COWSER OF THOMPSON AND KNIGHT TO TALK ABOUT CATELLUS'S NON-FINANCIAL OBLIGATIONS AND SOME OF THE LEGAL ASPECTS OF THE DEAL. THANK YOU.

THANK YOU, JIM, MAYOR, COUNCILMEMBERS. IF YOU WILL BEAR WITH US A FEW MORE MINUTES, WE WILL GET BACK TO THE MUCH MORE APPEALING SLIDES THAT HAVE ILLUSTRATIONS OF THE NEW AIRPORT AND DESIGN BOESM BOEM AND REALLY -- AND REALLY EXCITING ASPECTS OF THIS. I'M GOING TO TALK ABOUT ASPECTS OF THE MDA THAT TALKS ABOUT WHAT CATELLUS BRINGS TO THE TABLE OTHER THAN FINANCIAL AND CAPITAL INVESTMENT. ALSO TALK SOME ABOUT THE PROJECT GOVERNANCE BOTH THE PRIVATE AGREEMENTS THAT WILL RUN WITH THE LAND AT RMMA AT MUELLER AND THE ONGOING CITY SUPERVISION AND GOVERNANCE RULE AND FINALLY TALK A LITTLE BIT MORE ABOUT WHAT REMEDIES WOULD EXIST IF THERE WERE TO BE A BREACH OR DEFAULT UNDER THE AGREEMENT. THE CATELLUS GENERAL COMMITMENTS INCLUDE VERY SIGNIFICANTLY THE PROMOTION OF

MINORITY AND WOMEN-OWNED BUSINESSES. YOU HAVE IN YOUR COPY OF THE MDA AN ATTACHMENT OF A RESOLUTION WHICH WE ARE ASKING THE COUNCIL TO APPROVE WHICH WILL ADOPT SPECIFIC POLICIES, APPROVE SPECIFIC POLICIES FOR M/W.B.E. PARTICIPATION. IN ADDITION TO THAT CATELLUS HAS ITS OWN VERY DETAILED, VERY WELL CRAFTED INTERNAL PROGRAM FOR M/WEBB PARTICIPATION. ANOTHER ELEMENT UNDER THE MDA THAT CATELLUS MUST MEET IS AFFORDABLE HOUSING AT THE RATE OF 25% OF THE UNITS OF THE HOUSING UNITS AT MUELLER. WE WILL TALK IN MORE DETAIL ABOUT THAT IN JUST A MINUTE. THE MDA COMMITMENTS CATELLUS TO CITY OF AUSTIN SMART HOUSING STANDARDS ON ALL RESIDENTIAL PROPERTIES. CATELLUS HAS AGREED TO A GOAL OF 30% LOCAL TENANTS IN THE TOWN CENTER AND LOCALLY WILL BE UNDER A FAIRLY COMPLEX DEFINITION, ENTITIES THAT ARE BASED IN THE AUSTIN MSA. ONE OF THE COUNCIL DRIVEN ASPECTS OF THIS AGREEMENT IS A PROVISION WHICH ADDRESSES ENVIRONMENTAL COMPLIANCEMENT BY TENANTS WHO WOULD LIKE TO OCCUPY THE REGIONAL RETAIL SPACE ALONG I-35 AT MUELLER. THOSE TENANTS WILL HAVE TO ESTABLISH TO THE CITY'S SATISFACTION THAT IF THEY ARE ALSO WHERE DEVELOPING PROJECTS IN THE CITY'S JURISDICTION, THAT THOSE PROJECTS THAT ARE IN THE WORKS ELSEWHERE IN THE CITY'S JURISDICTION COMPLY WITH CITY OF AUSTIN WATER QUALITY STANDARDS. OTHER GENERAL COMMITMENTS BY CATELLUS, PART OF WHAT THEY BRING TO THIS DEAL IS THEY HAVE TO DECONSTRUCT THE EXISTING IMPROVEMENTS AT THE AIRPORT. THAT'S RUNWAYS, ROADWAYS, PARKING LOTS, BUILDINGS. ONE OF THE REASONS THAT THIS IS AN EXPENSIVE DEAL IS THAT WE DON'T START WITH RAW LAND. WE START BY TEARING DOWN AN OLD AIRPORT. CATELLUS IS GOING TO CONSTRUCT ALL OF THE ONSITE INFRASTRUCTURE THAT INCLUDES STREETS, DRAINAGE, SIDEWALK, LANDSCAPING, WATER AND WASTEWATER UTILITIES. CATELLUS IS GOING TO PROVIDE THE PARK IMPROVEMENTS IN BOTH THE -- THE PUBLIC PARKS AND IN THE ASSOCIATED GREEN SPACE, LANDSCAPING, TRAILS AND PARKLAND AMENITIES. CATELLUS IS CHARGED WITH DEVELOPING REUSE PLANS FOR THE TWO STRUCTURES AT MUELLER THAT PROBABLY

WILL BE PRESERVED, THE BOTRES HANGAR AND THE CONTROL TOWERMENT AND CHARGED WITH EBB SURING COMPLIANCE WITH THE DESIGN GUIDELINES THAT ARE PART OF THE CITY PROGRAM AND THE COMMUNITY COVENANTS THAT WE'LL TALK ABOUT IN THE GOVERNANCE SECTION HERE. AND LASTLY, CATELLUS IS OBLIGATED TO MAINTAIN A LOCAL OFFICE. WE NEGOTIATED TO MAKE SURE THAT CATELLUS WOULD HAVE TO LEAVE GREG WEAVER IN PLACE HERE, THEY WOULDN'T MAKE THAT COMMITMENT, BUT THEY HAVE AGREED TO KEEP SUPERVISORY PERSONNEL ON SITE. WE HAVEN'T REALLY GIVEN UP ON THAT YET. THE CATELLUS AFFORDABLE HOUSING REQUIREMENT I SAID WOULD GO INTO A LITTLE MORE DETAIL, IT'S A MANDATORY 25% OF ALL OF THE HOUSING UNITS AT MUELLER AND ONE RECENT ADJUSTMENT TO THE AGREEMENT IS THAT THAT CAN'T BE TILTED MORE THAN 60/40 IN FAVOR OF RENTAL UNITS OR OWNER OCCUPIED UNITS. IT WILL BE WITHIN THAT RANGE OF THE SPLIT BETWEEN OWNER AND RENTAL UNITS. WHAT DOES IT MEAN WHEN WE SAY THAT WE ARE GOING TO HAVE AFFORDABLE HOUSING. WITH RESPECT TO OWNERSHIP HOUSING WE HAVE ESTABLISHED A STANDARD THAT THE HOUSING MUST BE AFFORDABLE TO FAMILIES AT 80% OF THE MEDIAN FAMILY INCOME. WHAT THAT TRANSLATES INTO FOR FAMILY OF 3 IS THAT THAT OWNER UNIT MUST BE AFFORDABLE TO A FAMILY WITH \$51,000 IN INCOME FOR A FAMILY OF FOUR, MUST BE AFFORDABLE TO A FAMILY WITH 56,900. RENTAL HOUSING WE HAVE ESTABLISHED AFFORDABILITY STANDARD AT THE RATE OF 60% OF MEDIAN FAMILY INCOME. WHAT THAT TRANSLATES INTO FOR A FAMILY OF 3 IS THAT RENTAL UNIT HAS TO BE AFFORDABLE AT AN INCOME OF 38,400 AND FOR A FAMILY OF FOUR AT 42,700 INCOME. THERE'S A LIST BEHIND ME OF THE TWO -- WHAT WE CALL THE TOOL BOX ON HOW CATELLUS WILL ACHIEVE AFFORDABLE HOUSING RATHER THAN HAVE A STRICT MANDATORY METHOD THAT MIGHT NOT WORK OUT OVER TIME, WE HAVE GIVEN CATELLUS A STANDARD THAT THEY NEED TO MEET, THAT'S THE 25% STANDARD AND THE TOOLS YOU SEE ARE THE VARIOUS FINANCING MECHANISMS, LOAN PROGRAMS, VARIOUS WAYS THAT BOTH INDIVIDUALS AND BUILDERS AND MULTI-FAMILY UNIT OWNERS CAN FINANCE AFFORDABLE HOUSING AND MAKE THIS A REALITY. SO WE EXPECT CATELLUS TO TAKE



ADVANTAGE OF WHICHEVER OF THOSE WILL ACHIEVE THE RESULTS AND IF POSSIBLE MAKE SOME OF THE AFFORDABLE HOUSING AVAILABLE TO FAMILIES BELOW THE 80% AND 60% DEFINITIONS THAT WE HAVE ESTABLISHED FOR AFFORDABILITY.

I'M GOING TO GO NOW TO DISCUSSING THE GOVERNANCE DOCUMENTS AT MUELLER, WHEN WE START WITH WHAT WE CONSIDER PRIVATE GOVERNANCE DOCUMENTS, THOSE OF YOU WHO HAVE BEEN -- LIVED OR WORKED IN PROPERTIES THAT ARE SUBJECT TO CCR'S, COVENANTS, CONDITIONS AND RESTRICTIONS WILL BE FAMILIAR WITH THIS CONCEPT, GENERALLY MUELLER AIRPORT OR MUELLER WILL BE DIVIDED INTO A MASTER ASSOCIATION WHICH WILL BE -- UNDER A MASTER COVENANT AND THEN SUPPLEMENTAL COVENANTS FOR THE -- FOR THE MIXED USE AND RESIDENTIAL PROPERTIES ON THE ONE HAND AND THE COMMERCIAL PROPERTIES ON THE OTHER, THE FUNCTIONS OF THESE COVENANTS WHICH WILL BE RECORDED, WHICH WILL RUN WITH THE LAND WILL BE TO ESTABLISH A CONSENTUAL PRIVATE GOVERNANCE FRAMEWORK FOR THINGS LIKE MAINTAINING THE DESIGN STANDARDS AND THE OTHER LAND USE RESTRICTIONS IN CONSTRUCTION STANDARD AT MUELLER. THERE WILL BE AN ASSESSMENT PROVISION WHERE PROPERTY OWNERS, BOTH COMMERCIAL PROPERTY OWNERS AND RESIDENTIAL PROPERTY OWNERS WILL PAY ASSESSMENTS TO SUPPORT COMMUNITY INTERESTS, THE DESIGN GUIDELINES WHICH ARE ALSO PART OF YOUR MDA PACKET WILL BE RECORDED AND THEN THOSE DESIGN GUIDELINES WILL BE ENFORCED INITIALLY THROUGH A COMMITTEE THAT WILL BE APPOINTED EARLY IN THE PROCESS, SUBSEQUENTLY THROUGH -- THROUGH COMMITTEES -- AND OTHER RESIDENTIAL SETTINGS MIGHT BE CALLING ARCHITECTURAL CONTROL COMMITTEE, THAT'S NOT THE TERM THAT WE USED HERE. BUT THE DESIGN STANDARDS AND THE OTHER CONSTRUCTION STANDARDS AT MUELLER WILL BE PRIVATELY ENFORCED AND IN THE EARLY PHASES OF THE PROJECT CATELLUS WILL ALSO HAVE OVERSIGHT RESPONSIBILITIES TO MAKE SURE THAT THOSE ARE ENFORCED. AMONG THE OTHER PRIVATE GOVERNANCE DOCUMENTS ARE THE ORGANIZATIONAL DOCUMENTS, THE BY LAWS, THE -- THE ASSESSMENTS AUTHORITY FOR THE

MASTER ASSOCIATION AND THE SUPPLEMENTAL ASSOCIATIONS. IN ADDITION TO THE PRIVATE GOVERNANCE OF MUELLER, THE CITY WILL CONTINUE TO HAVE OVERSIGHT OF IT. THE WAYS THAT THE CITY WILL CONTINUE TO -- TO EXERCISE SOME CONTROL AND OVERSIGHT INCLUDE IF THERE ARE ANY CHANGES TO THE P.U.D. ZONING THAT THE COUNCIL APPROVED EARLIER THIS FALL, THOSE P.U.D. ZONING CHANGES WILL HAVE TO COME BACK AND GO THROUGH THE CITY LAND USE AND ZONING PROCESSES. THE COUNCIL WILL HAVE A SAY ON THAT. MODIFICATIONS TO THE MASTER COVENANT THE SUPPLEMENTAL COVENANTS AND THE DESIGN, BOTH THE PRIVATE GOVERNANCE DOCUMENTS THAT WE JUST TALKED ABOUT WILL ALSO HAVE TO BE APPROVED BY THE CITY. EARLY IN THE PROJECT THE NEW CONSTRUCTION COMMITTEE, WHAT I WAS EXIRG TO AN ARCHITECTURAL CONTROL COMMITTEE, IT -- NEW MEMBERS WILL THAT WILL HAVE TO BE APPROVED BY THE CITY AND FINALLY THE MOST UNWIELDLY NAMED COMMISSION THAT THE CITY HAS PROBABLY EVER HAD, THE RMMA PLAN IMPLEMENTATION ADVISORY COMMISSION WHICH HAS DONE EXCELLENT WORK IN THIS PROJECT WILL CONTINUE TO EXIST AND ADVISE THE DEVELOPER ON THE CITY TO -- ON MODIFICATIONS TO GOVERNMENTS, DOCUMENTS AND ZONING SUBJECT TO THE COUNCIL'S PLEASURE. OTHER CONTINUING ROLES IN THE MUELLER OVERSIGHT INCLUDE THE CITY REVIEW AND APPROVAL OF ARCHITECTURAL PLANS FOR SPECIFIC MAJOR PARTS OF MUELLER AND THE CITY WILL -- WILL OBTAIN ACCOUNTABILITY FROM CATELLUS THROUGH A SERIES OF ANNUAL AND SEMI ANNUAL REPORTS THAT CATELLUS WILL NEED TO PROVIDE ON SUCH MATTERS AS FINANCIAL DATA, THE STATUS OF THE DEVELOPMENT, WHAT'S BEEN SOLD, WHAT'S IN THE WORKS, M/W.B.E. PARTICIPATION AND THE STAYING ON TARGET ON THE AFFORDABLE HOUSING REQUIREMENTS. THE LAST TOPIC THAT I WANT TO TOUCH ON BRIEFLY IS THE REMEDIES AND OF COURSE IN ANY AGREEMENT THERE IS SOME RISK THAT ONE SIDE OR ANOTHER MAY DEFAULT OR MAY BREACH THE AGREEMENT. ONE OF THE PROVISIONS THAT CATELLUS AND THE CITY HAVE AGREED TO IF THERE IS A PERCEIVED BREACH OR DEFAULT BY THE OTHER SIDE IT WILL FIRST BE A REQUIREMENT TO GIVE THAT SIDE NOTICE. THE PARTY THAT BELIEVES THE OTHER SIDE [INDISCERNIBLE] WILL

NEED TO PROVIDE NOTICE AND AN OPPORTUNITY FOR CURE. THEN THERE WILL BE A SET OF THREE REMEDIES AVAILABLE WHICH WILL BE TAILORED TO THE NATURE OF THE PERCEIVED BREACH. THOSE THREE REMEDIES WOULD BE SPECIFIC PERFORMANCE WHICH IS THE OPPORTUNITY TO FILE A LAWSUIT, GO TO COURT, ASK A JUDGE TO ORDER THE OTHER SIDE TO PERFORM DAMAGES, GENERALLY PROVIDED IN THE MDA FOR -- FOR ACTUAL DAMAGES BUT NOT PUNITIVE AND EXEMPLARY DAMAGES AND FINALLY TERMINATION OF THE AGREEMENT. TERMINATION OF THE OTHER SIDE'S ROLE IN THE -- IN THE TRANSACTION. IF -- IF CATELLUS WAS GIVEN NOTICE AN OPPORTUNITY TO CURE AND WE COULD NOT OBTAIN SATISFACTION FROM CATELLUS ON SOME IMPORTANT OBLIGATION UNDER THE AGREEMENT, THE CITY WILL HAVE THE RIGHT TO TERMINATE CATELLUS'S ROLE AS DEVELOPER. AND BEFORE TURNING THIS BACK OVER TO SUE JUST AS A MATTER PERSONAL PRIVILEGE, I ALSO WANT TO TAKE THE OPPORTUNITY TO THANK THE CITY TEAM THAT WE HAVE WORKED WITH, IT'S BEEN AN EXTRAORDINARILY CAPABLE AND HARD WORKING GROUP. IT'S BEEN ON BEHALF OF MYSELF AND MY PARTNERS ANDREW INGRAM AND ANDREW [INDISCERNIBLE] IT'S BEEN A PLEASURE TO REPRESENT THE CITY ON THIS MATTER AND WHEN WE FINISH THIS PRESENTATION IF THERE ARE QUESTIONS WE WOULD BE HAPPY TO ADDRESS THOSE. THANK YOU AND I'LL TURN IT BACK OVER TO SUE EDWARDS.

THANK YOU, JIM. AS JIM ADAMS MENTIONED, WHEN WE BEGAN THIS PROJECT, THERE WERE SOME VERY SPECIFIC GOALS THAT WERE ESTABLISHED IN 1996 BY THE COMMUNITY AND BY THE COUNCIL. AS WE CONCLUDE THIS PRESENTATION, I THINK IT'S IMPORTANT TO POINT OUT WHAT THE CITY HAS ACHIEVED THROUGH THE NEGOTIATION WITH CATELLUS. THESE GOALS WERE IN THE FOREFRONT OF OUR MIND AS WE SAT AROUND THE NEGOTIATING TABLE. WE HAVE ACHIEVED A UNIQUE COMMUNITY DESIGN WITH A HIGH LEVEL OF AMENITIES, 20% OF THE SITE AS WE HAVE TALKED ABOUT IS PUBLIC OPEN SPACE, OVER 140 ACRES. THIS PROJECT IS A TRANSIT ORIENTED PROJECT THAT IS PEDESTRIAN AND BICYCLE FRIENDLY WITH LOTS OF PLACES TO WALK, PLAY AND RIDE BICYCLES. THE PROJECT WAS CREATED USING THE PRINCIPLES OF A TRADITIONAL

NEIGHBORHOOD DESIGN. THE PROJECT WILL INCLUDE 4600 NEW HOUSING UNITS, WITH A MINIMUM OF 25% BEING AFFORDABLE. APPROXIMATELY 1,150 UNITS. THE DE-- PARDON ME. THE DESIGN GUIDELINES RECOGNIZE AND CATELLUS IS COMMITTED TO SUSTAINABLE DESIGN IN CONSTRUCTION. REQUIRING AN AUSTIN ENERGY THREE STAR GREEN BUILDING RATING FOR SINGLE FAMILY HOUSING. AND LEAD CERTIFIED OR TWO STAR GREEN BUILDING RATING FOR MULTI-FAMILY RESIDENTIAL AND COMMERCIAL BUILDINGS GREATER THAN 25,000 SQUARE FEET. IN ADDITION TO THE EXISTING 240 TREES ON THE SITE, 15,000 MORE TREES WILL BE BROUGHT IN, SOME SPECIFICALLY TO HELP MITT GAID THE HEAT ISLAND EFFECT CREATED BY IMPERVIOUS COVER. CATELLUS HAS A COMPREHENSIVE M-W.B.E. OUTREACH PROGRAM FOR CONSTRUCTION AND BUSINESS RECRUITMENT. AND CATELLUS IS -- HAS ALREADY DEMONSTRATED THEIR COMMITMENT TO THIS IN THE FIRST CONSTRUCTION CONTRACT WITH 25% M/W.B.E. PARTICIPATION. IT IS ANTICIPATED THAT THIS PROJECT WILL PRODUCE 10,500 PERMANENT JOBS AND 1,000 CONSTRUCTION JOBS EACH YEAR UNTIL BUILDOUT. ENHANCING THE QUALITY OF LIFE WAS A SIGNIFICANT COMMUNITY GOAL. WE THOUGHT IT WAS IMPORTANT TO HAVE A SCHOOL WITHIN WALKING DISTANCE AND THE PROJECT WILL INCLUDE AN ELEMENTARY SCHOOL. ACHIEVING THAT GOAL. WE HAVE AS WE MENTIONED PREVIOUSLY THE DELL CHILDREN'S MEDICAL CENTER WHICH WE ALL REALIZE IS A GREAT ASSET TO THE PROJECT. WE MADE A COMMITMENT EARLY ON THAT THE PROJECT WOULD PAY FOR ITSELF. WE NEGOTIATED TO THAT END. OVER THE NEXT 20 YEARS APPROXIMATELY \$60 MILLION WILL FLOW TO THE GENERAL FUND AND AT FULL BUILDOUT WE ASK TO MAKE THE -- THE TAX BASE CREATED FROM THIS PROJECT TO BE ABOUT ONE BILLION DOLLARS. FINALLY AFTER NEGOTIATING FOR TWO YEARS, THE CITY AND CATELLUS TEAM DECIDED THEY HAD BEEN FAR TOO SERIOUS FOR FAR TOO LONG AND HAD SOME FUN BY CREATING THIS SLIDE THAT WE THINK DEPICTS MUELLER AT ITS BEST. THANK YOU THIS CONCLUDES OUR PRESENTATION. THANK YOU, MS. EDWARDS, VERY IMPRESSIVE. OKAY, COUNCIL, WE HAVE A NUMBER OF CITIZENS WHO WOULD LIKE TO ADDRESS US. WITHOUT OBJECTION WE WILL GO TO THE CARDS, WE WILL

PROBABLY HAVE QUESTIONS FOR OUR -- FOR OUR DEVELOPMENT TEAM LATER. FIRST SPEAKER IS MS. MARY LEHMANN. WELCOME, MAYOR, YOU WILL HAVE THREE MINUTE, FOLLOWED BY DUANE DAVIDS. OR DANIELS. DANIELS.

I DIDN'T KNOW WHETHER TO PUT OPPOSED OR NEUTRAL OR IN FAVOR BECAUSE [INDISCERNIBLE] IS CERTAINLY NOT OPPOSED TO THIS IMPRESSIVE CONTRACT. A LOT OF GOOD WORK HAS GONE INTO IT. THOUGH POSSIBLY SOME OF THE FINANCIAL CONCLUSIONS ARE QUESTIONABLE, THERES ONLY ONE THING THAT WE FEEL IS UNACCEPTABLE. AND THAT IS THE PROVISION IN THE AGREEMENT THAT THERE DOES NOT HAVE TO BE AN APPRAISER TO ARRIVE AT A FAIR MARKET VALUE. THAT'S STANDARD REAL ESTATE PRACTICE. WHAT COULD BE THE PURPOSE OF THIS FIREWALL PROTECTING THE PARTIES AGAINST REAL WORLD PRICING. I MENTIONED THIS YESTERDAY. TWO SPECIFIC PLEASED TO MAKE THIS CHANGE IN THE LANGUAGE SO THAT -- SO THAT DETERMINING A FAIR MARKET VALUE REQUIRES AN APPRAISER, STANDARD STUFF. NOT WHAT HAS BEEN AVOIDED. AND WE SAID AT NOON THE SAME THING. I'M WONDERING SINCE IT'S NOT A PROPOSAL THAT TAKES A LOT OF TIME TO CHANGE, HAS ANYTHING BEEN DONE? HAVE YOU FELT THAT THIS IS NOT AN ACCEPTABLE ELEMENT, AVOIDING APPRAISAL AND STANDARD REAL ESTATE PRACTICE, HAVE ANY OF YOU TALKED TO ANYBODY ELSE ON THE COUNCIL? HAVE YOU --

Mayor Wynn: I THINK WHAT'S GOING TO HAPPEN IS WE ARE GOING TO GET SEVERAL QUESTIONS FROM THESE COMMENTS, WE ARE GOING TO ASK THEM OF OUR STAFF HERE IN A FEW MINUTES. YOURS BEING THE FIRST ONE THAT WE'LL ASK.

I'M NOT QUITE SURE THAT I HEARD YOU. BUT ANYWAY WE FEEL THAT THIS WAS VERY IMPORTANT. THE MUELLER COMMISSION CHAIR THEIR DEFENSE OF KEEPING THE MDA AS IS WAS, WELL, SURELY THE PARTIES ARE GOING TO HAVE THEIR OWN APPRAISERS. WHICH ONLY RAISES THE QUESTION AGAIN IF EVERYTHING IS ON THE UP AND UP, WHY NOT REQUIRE THE APPRAISERS? SO IF NOTHING IS BEING DONE, SEEMS TO ME THAT WE HAVE TO CONSIDER THE

POSSIBILITY THAT EVERYTHING ISN'T ON THE UP AND UP. WHAT COULD BE THE INTEREST OF THE PARTY INVOLVED TO CONCEAL. IT CAN ONLY BE THE ACTUAL REAL VALUE THAT AN APPRAISER MIGHT GIVE TO THE REAL ESTATE IN THIS HUGE TRANSACTION. WE TELL THE -- HELD THE POSITION AND STILL HOLD IT THAT THE ACTUAL VALUE OF THE LAND WITH OR WITHOUT IMPROVEMENTS IS A GREAT DEAL MORE THAN IS SHOWN. I HOPE THAT YOU WILL CONSIDER THIS -- THIS IS LAST MINUTE BUT -- YOUR NECKS ARE IN THE NOOSE IF THE TRUTH COMES OUT.

Mayor Wynn: THANK YOU. I THINK WE WILL GATHER A COLLECTION OF QUESTIONS THAT WE WILL ASK OUR TEAM AFTER ALL OF THE SPEAKERS HAVE SPOKEN. DUANE DANIELS. WELCOME, SIR, FOLLOWED BY CELIA ISRAEL.

THANK YOU. I ECHO THE COMPLIMENTS OF ALL OF THE PEOPLE WHO HAVE BEEN WORKING ON THIS SO LONG. THE REASON I LISTED MYSELF AS OPPOSED IS JUST ONE THING THAT IS I WANT TO ARGUE THAT THIS DOCUMENT THIS DEAL STRUCTURE IS DEFICIENT IN THE SENSE THAT IT ISN'T FOCUSED ENOUGH ON THE FACT THAT IT IS A WATERSHED DOCUMENT. WHAT I MEAN BY THAT IS, AS I UNDERSTAND IT, THE CITY WILL BE GIVING UP POWERS THAT IT HAS RIGHT NOW AND ALLOWING CONTINUED DOWNSTREAM FLOODING WHEN THE CITY COULD BE DOING SOMETHING ABOUT IT. WHEN THIS WAS AN AIRPORT, THE WATER HAD TO BE EVE EVACUATED SO THAT THE AIRPLANES COULD TAKE OFF SAFELY. THIS CAUSES DOWNSTREAM FLOODING. THERE'S NO REASON TO SAY THAT DOWNSTREAM FLOODING SHOULD CONTINUE TO BE ALOUD BECAUSE IT HAS HAPPENED IN THE PAST. I HAVE A COUPLE OF CONCRETE SUGGESTIONS. ONE IS THE CONTINUED OVERSIGHT PROVISIONS FOR THE RMMA COMMISSION BE EXPANDED TO CONTINUE THEIR ABILITY TO DEAL WITH OVERSIGHT OF WATERSHED. I ALSO SUGGEST A CONCRETE INSERTION OF SOME LANGUAGE, I'M GOING TO READ A STEPS HERE, I HOPE THAT YOU HAVE SOMEBODY TO WRITE IT DOWN, HOPEFULLY IT WILL BE WORTH SOMETHING.

Mayor Wynn: LAWYERS ARE AT STAND BY, GO AHEAD.

THE PARTIES PICK YOUR DESIGNATION, GRANTORS, GRANTEES, BUYERS AND SELLERS, THE PARTIES AGREE

THAT THE GRANTEE SHALL BE SUBJECT TO THE RUNOFF STANDARDS WHICH ARE APPLICABLE TO REGIONAL OR DEVELOPING WATERSHEDS AND THE SITE OWNER IS NOT ENTITLED TO EVACUATE WATER IN VOLUMES OR AT FLOW RATES WHICH CREATE DOWNSTREAM HAZARDS OR TEND TO CAUSE ADVERSE WATERSHED CONDITIONS. I SUSPECT WHAT HAS HAPPENED IS BECAUSE THIS SITE IS SMACK DAB IN THE MIDDLE OF A MAP THAT IS CHARACTERIZED BY THE WATERSHED DEPARTMENT AS AN URBAN WATERSHED AREA, THAT THAT'S HOW THIS WHOLE THING HAS BEEN LOOKED AT. I'M TOLD THAT -- THAT THE GUIDELINES THAT ARE BEING USED FOR DISCUSSIONS RIGHT NOW WITH CATELLUS ALLOW THEM TO CONTINUE TO FLOW OUT OF THE SITE, THE SAME VOLUMES AND RATES AS HAVE HAPPENED IN THE PAST. I'M TOLD THAT THEY ARE GOING TO IMPROVE THAT SLIGHTLY. BUT THAT'S DISCRETIONARY. WHAT I'M PROPOSING IS THAT THE COUNCIL SHOULD ESTABLISH A POLICY BY INSERTING LANGUAGE IN THE MDA, SUCH AS I'VE JUST SUGGESTED, AND ALSO INCLUDING SUCH LANGUAGE IN YOUR DEEDS AS COVENANTS AND YOU CAN RETAIN POWERS TO DO THESE THINGS. THANK YOU.

THANK YOU, MR. DANIELS. CELIA ISRAEL, WELCOME, YOU'LL HAVE THREE MINUTES FOLLOWED BY TERRY MITCHELL.

THANK YOU, MAYOR, THANK YOU, COUNCIL. I HAVE LIVED HERE FOR 22 YEARS HERE IN AUSTIN, TEXAS. SINCE ARRIVING HERE IN 1982 ENTERING MY FRESHMAN YEAR AT U.T. WHILE THAT FACT IN AND OF ITSELF FREAKS ME OUT, IT GIVES ME SOME SENSE OF HISTORY ABOUT THIS PLACE. I'M TREMENDOUSLY EXCITED ABOUT THE OPPORTUNITIES THAT THIS PROJECT AFFORD US. MOST OF MY 22 YEARS HAVE BEEN LIVING IN EAST OR NORTHEAST AUSTIN AND I AM SOMEONE WHO HAS BECOME SOMEWHAT OF A JUNKIE WHEN IT COMES TO FOLLOWING ORGANIZATIONS SUCH AS LIVABLE CITIES AND ENVISION CENTRAL TEXAS. THE CONCEPTS THAT THEY INSPIRE WHICH ARE INFILL AND WORKING COOPERATIVELY AND LOOKING REGIONALLY AT GROWTH IN ECONOMIC DEVELOPMENT. I WAS SO INSPIRED IN FACT THAT I WENT COMPLETELY OFF THE DEEP END AND ACTUALLY DECIDED TO RUN FOR OFFICE. WHILE THE CAMPAIGN THING DIDN'T WORK OUT TOO WELL THE PASSION REMAINS FOR ECONOMIC DEVELOPMENT AND FOR

EQUIPMENT DEVELOPMENT EAST OF I-35 MOST ESPECIALLY. I'M HERE SIMPLY TO SAY THANK YOU TO EVERYONE WHO WORKED HARD ON THIS PROJECT. I FEEL LIKE THE -- THE DETAILS HAVE BEEN WORKED OUT SATISFACTORILY, I'M LOOKING FORWARD TO US START SEEING SOME PROGRESS ON THE GROUND. THANK YOU.

THANK YOU, MS. ISRAEL, PERRY MITCHELL. SIGNED UP WISHING TO SPEAK IN FAVOR. MARK ANTHONY. WOULD YOU LIKE TO ADDRESS US?

YOU WILL HAVE THREE MINUTES, YOU WILL GO FOLLOWED BY RICK PREVONIAK. FOLLOWED BY ROGER TAYLOR.

MR. MAYOR, MEMBERS OF THE COUNCIL, I LIVED AS YOU KNOW IN NORTHEAST AUSTIN, PECAN SPRINGS NEIGHBORHOOD FOR 30 YEARS, IT'S A CLOSE NEIGHBORHOOD IN THE MUELLER SITE AND WE HAVE BEEN WORKING SOME OF US MORE THAN OTHERS, ABOUT 20 YEARS ON THIS REDEVELOPMENT PLAN AND I AGREE WITH EVERYTHING THAT WAS SAID EARLIER ABOUT HOW COOPERATIVE THE ROMA PEOPLE WERE AND THE CATELLUS PEOPLE STILL ARE AND I THINK THEY THOUGHT OF JUST ABOUT EVERYTHING AND I -- I WOULD LIKE TO URGE YOU TO -- TO APPROVE THE MASTER DEVELOPMENT AGREEMENT AND LET US KEEP ON DOING BECAUSE I THINK WE HAVE A GOOD THING GOING HERE AND ALL OF US THAT I KNOW OF IN MY NEIGHBORHOOD ARE -- ARE VERY HAPPY ABOUT IT. THANK YOU.

THANK YOU, MS. ANTHONY. RICK I THINK HAD TO LEAVE, SIGNED UP WISHING TO SPEAK IN FAVOR. MR. ROGER TAYLOR. STAYED AWAKE THIS ENTIRE TIME. EVEN WITH THE LIGHTS OUT. WELCOME, ROGER, YOU WILL HAVE THREE MINUTES FOLLOWED BY SENTRY NOLIN.

THANK YOU MAYOR AND COUNCIL. I KNOW YOU ALL ARE TIRED OF SEEING ME, BUT JUST LIKE SOMEONE SAID IN A PREVIOUS HEARING, I'M TIRED. ALL OF US ARE TIRED. I LIVE IN 1906 GREENWOOD AVENUE. ABOUT 1200 FEET -- FEET FROM THE -- FROM THE TERMINAL. I'VE BEEN THERE 43 YEARS. IN -- AND I'M THE FOUNDING PRESIDENT OF THE JJ SEA BROOK NEIGHBORHOOD ASSOCIATION, I HELD THAT



POSITION UP UNTIL THE FIRST OF THIS YEAR. I DECIDED THAT I WOULD BREAK OFF AND DO SOMETHING ELSE BECAUSE THIS PROJECT, AS LONG AS WE HAVE BEEN WORKING ON IT, HAD -- MEANT MORE TO ME TO TRY TO SEE THIS THING THROUGH. SO THAT'S WHY I STOPPED. BUT THE POINT THAT I'M TRYING TO MAKE IS SOME -- SOME OF US HAVE BEEN WORKING ON THIS THING SINCE ABOUT 1982. THAT'S A LONG TIME. SOME OF YOU IN HERE MIGHT NOT BE THAT AGE, BUT -- [LAUGHTER], BUT THE LATEST -- THE LADY SAID EARLIER, SHE SAID SHE WAS TIRED. WE'RE TIRED. I THINK SO FAR FOR THE LAST 10 YEARS, THEY ARE ABOUT -- THE COUNCIL, THE CITY COUNCIL OF AUSTIN REALLY TRIED TO HELP THOSE OF US OUT IN THE AREA BY TRYING TO -- TO CONSTRUCT A REFERENDUM WHICH WAS ON THE BALLOT. VOTED TO MOVE THE AIRPORT. FUNDED IT AND EVERYTHING. GOING TO MANOR, THEY WENT TO BERGSTROM, NO PROBLEM. I THINK IT'S GOOD. BUT WHAT I'M TRYING TO SAY IS WE HAVE BEEN WORKING WITH -- WITH RMMA, CATELLUS, AND LET ME GO BACK TOLL BOUVEY, WE LOOKED AT THAT REPORT BACK IN THE EARLY '80S, REAL HARD ON THIS, SOME OF THIS. -- WE ARE TIRED. WE HAVE GOT A GOOD PROJECT HERE. SOME OF US JUST LIKE THE -- STAYING UP LATE. WE WANT YOU TO GO ON AND ENDORSE THIS THING AND GET IT GOING SO THAT WE COULD ENJOY. I THINK IT'S A GOOD THING COMING TO OUR AREA. PEOPLE COMPLAIN ABOUT EAST AND NORTHEAST AUSTIN, WHAT I FEEL CAN HAPPEN WITH ALL OF THIS DEVELOPMENT, THOSE PROPERTIES HAVE BEEN GOING BY THE WAYSIDE IN NORTHEAST AND EAST AUSTIN, I THINK IT'S GOING TO FORCE HIM TO DO BETTER. SO IT'S A GOOD THING, THOSE PEOPLE THAT WORK WITH US, WORK WITH ME, I READ A LITTLE SAYING SOMETIME, BUT, YOU KNOW, I'M GRATEFUL TO MEET THE ACQUAINTANCE AND THIS WON'T BE THE LAST TIME, THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. TAYLOR, YOU ARE LOOKING WELL. CINDY NOLIN, WELCOME, THREE MINUTES, YOU WILL BE FOLLOWED BY TRACY ATKINS.

MAYOR, COUNCILMEMBERS, GOOD EVENING. I'M HERE ON BEHALF OF MORNING SIDE RIDGETOP NEIGHBORHOOD ASSOCIATION. THAT -- THE NEIGHBORHOOD ASSOCIATION RECENTLY ADDED TWO TRACTS OF LAND AND OUR

BORDERS ARE NOW -- RUNS ALONG ALMOST THE ENTIRE SPACE BETWEEN AIRPORT BOULEVARD AND I-35 ALL THE WAY TO -- TO 290 EAST ON THE NORTH AND THE INTERSECTION OF I-35 AND AIRPORT ON THE SOUTH. THERE'S ALSO A SMALL SEGMENT ON THE OTHER SIDE OF AIRPORT BOULEVARD WHICH INCLUDES RIDGETOP ELEMENTARY AND SOME SURROUNDING HOMES. AND SEGMENT FROM RED RIVER TO 45th. IN A TRIANGLE. WE WANT TO SPEAK IN SUPPORT OF THIS PROJECT IN GENERAL. WE ARE NOT WELL VERSED IN THE DETAILS. BUT WE THINK THAT THIS DEVELOPMENT COMBINED WITH THE COMING OF LIGHT RAIL THROUGH OUR NEIGHBORHOOD MAKES A WONDERFUL SPRING BOARD FOR THE REVITALIZATION OF AIRPORT BOULEVARD IN THE -- IN OUR AREA. AND WE WANT TO BE INVOLVED IN WORKING AND LEADING EVERYBODY AND TALKING ABOUT THAT. OUR IMMEDIATE CONCERNS ARE TRAFFIC IMPACT ALONG NORTH LOOP, 51st STREET AND THE NORTH LOOP NEIGHBORHOOD PLANNING COUNCIL JOINS US IN THIS CONCERN. ALSO ENVIRONMENTAL IMPACTS THAT MAY BE CAUSED BY COMMERCIAL DEVELOPMENT ACROSS THE HIGHWAY FROM THE NORTHWEST CORNER OF THE MUELLER DEVELOPMENT. AND THAT'S ALL THAT I HAVE, THANK YOU.

Mayor Wynn: THANK YOU, MS. NOLIN, WE DID A LITTLE ANNEXING OURSELVES EARLIER TONIGHT. [LAUGHTER] HEIDI ROTH SIGNED UP NOT WISHING TO SPEAK IN FAVOR. BARBARA AUSTIN NOT WISHING TO SPEAK, IN FAVOR. THRAIS SEE ATKINS -- TRACY ATKINS, WELCOME, YOU WILL HAVE THREE MINUTES.

I WILL BE BRIEF. I'M A RELATIVELY NEW I WERE MENTATION COMMITTEE MEMBER. HAPPY TO HAVE SERVED ON THE COMMISSION AND LOOK FORWARD TO -- TO CONTINUING TO SERVE. WE DO SUPPORT THE -- THE MDA AND I WON'T GO INTO THE DETAILS OF, I DON'T WANT TO STEAL JIM WALKERS THUNDER. THERE ARE A COUPLE OF PROVISIONS THAT WE WILL ASK TO CONTINUE TO BE INVOLVED WITH AS PARTS OF THE COMMISSION. THANK YOU. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

FIRST A THANK YOU. IT'S BEEN AN UNBELIEVABLE EFFORT FOR MY TWO CAREERS HERE, AND FOR EVERYTHING THE

CITY HAS PUT IN THE LAST 20 YEARS ON THE PROJECT. AND ASK YOU TO MOVE FORWARD TONIGHT IN FAVOR OF THIS AGREEMENT. I WANT TO THANK CATELLUS AND THE STAFF FOR ALL THE CITY EFFORTS. THERE'S BEEN SO MANY, I WON'T BE ABLE TO NAME THEM ALL. IT'S BEEN MULTIDIMENSIONAL FOR MY DEPARTMENT IN THE CITY FROM PARK AND REKZ AND TRANSPORTATION AND WATERSHED, YOU NAME IT, IT'S BEEN A PART OF THIS PROCESS AND A PART OF THE PROGRAM -- I'M GOING TO MENTION PAUL HILL BERZ AND -- HILGERS AND POTENTIAL AND MWBE AND VICKY AND I DON'T HAVE EVERYBODY'S NAME LISTED DOWN. I SHOULDN'T HAVE GONE HERE BECAUSE I'M GOING TO START MISSING NAMES. BUT I NEED TO THANK Y'ALL BECAUSE IT'S BEEN A GREAT PROCESS. AND WE TAKE WONDERFUL PRIDE IN BEING THE MASTER DEVELOPER AND BEING GIVEN THE OPPORTUNITY TO GO MAKE THIS HAPPEN. THE CITY OF AUSTIN STAFF AND THIS COUNCIL HAS WORKED DILIGENTLY TO BUILD THIS TRUE PARTNERSHIP, AND WHAT'S THIS MEAN? MUELLER IS A PARTNERSHIP WHICH ALLOWS THE CITY TO CREATE MUELLER A SPECIAL PLACE BUILT ON PURPOSE, ON DESIGN, AND TRUE TO AUSTIN'S UNIQUE STYLE, A MODEL NEIGHBORHOOD BUILT TO LAST, ENDURE OVER TIME AND BE LOOKED UPON LOCALLY, REGIONALLY AND NATIONAL. A PARTNERSHIP THAT CAN SUCCEED IN PAYING FOR ITSELF AND BECOME AN IMPORTANT PART OF THE CITY'S TAX BASE OVER TIME TO BENEFIT ALL OF AUSTIN WELL BEYOND THE FENCE LINE OF ROBERT MUELLER. IN A PARTNERSHIP WITH SPECIAL THANKS TO SETON, THE DELL FAMILY, MUELLER WOULD BE HOME TO A WORLD CLASS CENTER FOR CHILDREN'S HEALTH CARE AND POSSIBLY MEDICAL EDUCATION. IN A PARTNERSHIP WHICH HAS BEEN BUILT UPON COMMUNITY GOALS, A MASTER PLAN, AN AGREEMENT THAT MEETS AND EXCEEDS THE DREAMS, AND MANY EXPECTATIONS OF COMMUNITY MEMBERS, NEIGHBORHOOD FOLKS AND VOLUNTEERS OVER THE PAST 20 YEARS. AND FOR THAT THE MUELLER COMMISSION, THE MUELLER NEIGHBORHOODS, FOR THE FOLKS WHO HAVE COME OUT, ROGER, LARK, AND MANY OF YOU OVER THE YEARS, THANK YOU ALL, AND THERE'S BEEN A LOT OF PROMISES MADE, ALTHOUGH IT'S A LEGAL AGREEMENT, WE'RE GOING TO BE HERE TO FOLLOW THROUGH ON THE PROMISED AND MAKE

THIS HAPPEN. JIM WALKER, I'LL GO ON TO THAT LATER ON ANOTHER DAY BECAUSE IT'S UNBELIEVABLE COMMITMENT TO WHAT'S GONE ON. AND FINALLY A THE PARTNERSHIP ALLOWS OUR COMPANY THE OPPORTUNITY TO USE OUR RESOURCES TO MAKE THIS PLAN HAPPEN, AND WE FEEL TAKE A REASONABLE PROFIT ON IT, AND WE THANK YOU FOR THAT ALSO. MUELLER REPRESENTS THE BEST OF AUTHENTIC COLLABORATION, THE RESULTS OF UNPRECEDENTED CITIZEN PARTICIPATION, INPUT OVER 20 YEARS AND DECADES OF COMMITMENT FROM A GRASSROOTS LEVEL TO MAKE THIS HAPPEN. IT'S TIME, THE PLAN IS GOOD, THE AGREEMENT IS SOUND, AND WE HOPE THAT YOU ACT TONIGHT TO ALLOW MUELLER TO MOVE FORWARD. AND WE KNOW THIS IS JUST THE BEGINNING. THIS IS A PARTNERSHIP IN A VENTURE THAT WE WILL LIVE TOGETHER AND BE MARRIED TOGETHER AND QUOTING A NEWSPAPER. SOMEONE SAID WE'RE AN OLD MARRIED COUPLE. WELL, I'D LIKE TO SAY THE HONEYMOON IS OVER AND NOW WE'RE GETTING MARRIED. AND I'M EXCITED ABOUT THAT. SO WE'RE HERE FOR THE LONG HAUL, CATELLUS IS HERE FOR THE LONG HAUL, I'M HERE FOR THE LONG HAUL. WE'RE READY TO GET GOING. I'M EXCITED TO BE HERE. WE HAVE A LOT OF PROMISE TO COMMIT ON, AND WE'RE GOING TO DO THAT FOR YOU. AND LASTLY, ON A HUMOROUS NOTE OR MAYBE NOT, ON MY DRIVE DOWN HERE TODAY, I SAW A RED OR ACTUALLY AN ORANGE TESTOROSA WHO BELONGS TO A FORMER STATE REPRESENTATIVE, ACTUALLY 28 MORE DAYS IN OFFICE FROM THE CITY OF AUSTIN, AND I WON'T GO INTO ANY NAMES. AND I AM NOT KIDDING ABOUT THIS AT ALL, BUT IT'S A STATE REPRESENTATIVE WHO'S BEEN TRYING TO OPEN UP ROBERT MUELLER AS AN AIRPORT FOR MANY SESSIONS IN THE LEGISLATURE. AND I DON'T WANT THAT TO HAPPEN. I WANT TO GET THIS GOING AND MAKE THIS THE PROJECT THAT WE ALL HOPE AND DREAMED OF, SO I ASK FOR YOUR COMMITMENT AND YOUR SUPPORT AND THANK YOU VERY MUCH AND I'LL BE HERE FOR FURTHER QUESTIONS AND COMMENTS. THANK YOU.

Mayor Wynn: THANK YOU, MR. WEAVER. BY THE WAY, THAT'S A CAR HE WAS TALKING ABOUT. [ LAUGHTER ] BEFORE I FORGET, MR. ECHOLS, MY BIG BROTHER SAYS YOU STILL OWE HIM 50 BUCKS. BRETT AIR BY NOT WISHING TO SPEAK,

IN FAVOR. GERARD KINNEY. WELCOME. YOU WILL BE FOLLOWEDLY JIM WALKER.

MAYOR, MEMBERS OF COUNCIL, I'M GERARD KINNEY. YOU'VE HEARD A LOT OF MY SPIEL OVER THE YEARS ABOUT THIS PROJECT, SO I WON'T GO ALL BACK OVER THEM. I HAVE BEEN INVOLVED IN IT. NOT AS LONG AS ROGER AND A COUPLE OF OTHER FOLKS, BUT ALMOST AS LONG. I'VE BEEN -- WHEN WE MOVED INTO THE CHERRYWOOD NEIGHBORHOOD ASSOCIATION, I CO-FOUNDED THE CHERRYWOOD NEIGHBORHOOD ASSOCIATION, AND I WAS ITS FIRST PRESIDENT AND WAS ASKED TO BE THE FIRST NEIGHBORHOOD REPRESENTATIVE TO THE AIRPORT ADVISORY BOARD, WHERE I SERVED FOR SEVERAL TERMS. I CAN'T REMEMBER HOW MANY. BUT ALONG THE WAY WE -- WITH ROGER AND OTHERS, RICK HAD TO LEAVE AND RONNIE. WE DID THE CARE PLAN, WHICH WAS AT THE TIME THE MOST FAR REACHING PLAN ANYBODY HAD THOUGHT OF SOMETHING LIKE THIS. AND GOT 23 NEIGHBORHOOD ASSOCIATIONS TO SUPPORT THAT BASIC CONCEPT. AND THAT BASIC CONCEPT I THINK LED ALL THE WAY BACK IN 1984, LAID OUT GOALS AND PRINCIPLES THAT WE'RE NOW SEEING REALIZED TODAY. I SERVED IN THE ROBERT 1989 REUSE TASKFORCE AND THEN I HAD THE PRIVILEGE OF CHAIRING THE 1995-1996 -- I HAVE TO CHALLENGE THE POINT ABOUT THE MOST COMPLEX NAME OF A TASKFORCE. WE WERE THE ROBERT MUELLER MUNICIPAL AIRPORT REDEVELOPMENT PROCESS AND GOALS TASKFORCE. AND THE COUNCIL IN 1996 ADOPTED THE PRINCIPLES THAT WE LAID OUT. THOSE UNDERLAID THE PLAN ITSELF THAT WENT FORWARD. WE WORKED WITH RMMA. THE CITY HAS BEEN BLESSED WITH RMMA, AND NOW IS BLESSED WITH CATELLUS. AND I WANT TO TELL YOU, I AM PROUD AND ALL OF US WHO HAVE WORKED FROM THE COMMUNITY, THIS IS A COMMUNITY PROJECT, AND CATELLUS HAS WORKED WITH US. WE'RE VERY, VERY HAPPY TO RECOMMEND THEM, RECOMMEND THIS MASTER DEVELOPMENT AGREEMENT AND URGE YOU TO ADOPT IT. I DO WANT TO MAKE ONE COMMENT OF A CONCERN THAT I HAVE. AND THIS IN NO WAY HAS REALLY ANYTHING DIRECTLY TO DO WITH THIS MASTER DEVELOPMENT AGREEMENT. I UNCONDITIONALLY RECOMMEND IT. I URGE YOU THAT AS PUBLIC PROJECTS

COME FORWARD, THE PUBLIC PROJECTS NEED TO ALSO MEET THE DESIGN GUIDELINES THAT ARE LAID OUT IN THE RMMA MASTER DESIGN GUIDELINES. THE CITY OF AUSTIN IN SOME OF ITS DEPARTMENTS HAS NOT ALWAYS FOLLOWED SOME DESIGN GUIDELINES. I URGE YOU AS THE PROJECTS GO FORWARD, WHETHER IT'S AUSTIN ENERGY OR -- [ BUZZER SOUNDS ] -- STREET AND BRIDGE OR SOME OF THE DEPARTMENTS THAT HAVE NOT ALWAYS ADHERED TO THE DESIGN GUIDELINES LAID OUT BY THE CITY, THAT THOSE ENTITIES FOLLOW YOUR OWN GUIDELINES. THANK YOU.

Mayor Wynn: THANK YOU, MR. KINNEY. WE'LL DO WHAT WE SAY, NOT AS WE DO. MR. JIM WALKER, WELCOME. AND WE'LL JUST TURN THE CLOCK OFF, MR. CHAPA.

GOD FORBID. I'M NOT GOING TO TAKE UP TOO MUCH TIME. THERE'S NOT MUCH MORE I COULD ADD TO WHAT THE PRESENTATION WAS AND WHAT YOU'VE HEARD AND WHAT YOU'VE BEEN HEARING OVER THE YEARS ABOUT THIS. BUT THANK YOU FOR THE OPPORTUNITY TO SPEAK. IN MY CAPACITY OF THE CHAIR AS THE ROBERT, AND JIM TOOK AN OUT ON THIS, BUT DIDN'T SAY THE FULL NAME. I CHALLENGE GERARD ON THE COMPLEXITY OF THESE NAMES. THE ROBERT MUELLER IMPLEMENT PLAN ADVISORY COMMISSION. ON TUESDAY UNANIMOUSLY ADOPTED A RECOMMENDATION WHICH I BELIEVE YOU ALL HAVE A COPY OF. I'M JUST GOING TO READ THE OPENING PARAGRAPH. THE COMMISSION IN THE MEETING ARE CHARGED TO ADVISE THE AUSTIN CITY COUNCIL ON MATTERS RELATED TO THE IMPLEMENTATION OF THE ADOPTED MUELLER MASTER PLAN UNANIMOUSLY RECOMMEND THAT CITY COUNCIL APPROVE THE MASTER DEVELOPER AGREEMENT AS PRESENTED BY CITY STAFF AND CATELLUS DEVELOPMENT CORPORATION. AS TRACY MENTIONED, THERE WERE EIGHT ISSUES THAT WE IDENTIFIED AS STILL OF GREAT INTEREST TO THE AUSTIN COMMUNITY. AND THESE ARE ISSUES THAT NO MATTER HOW LONG NEGOTIATIONS WENT OR HOW MANY PAGES WERE IN IT, WOULD STILL BE ISSUES THAT WE HAVE TO CONTINUE TO WORK ON. AND I'LL READ THEM IF YOU WANT ME TO, BUT I'LL DO HIGHLIGHTS. THE AFFORDABLE HOUSING, TRAFFIC MITIGATION, AN ACADEMIC HEALTH CENTER USE, THE REGIONAL RETAIL, THE DESIGN, AS WELL AS THE TENANTS, THE MUELLER ELEMENTARY SCHOOL, THE WATERSHED

ISSUES THAT DANESHJOU YELLS TALKED ABOUT, THE ARCHITECTURAL REUSE COMMITTEE, ESPECIALLY THE STRUCTURAL COMPONENT OF IT, AND THE COMMUNITY STRUCTURE ARE ALL GOING TO BE THINGS THAT WE CONTINUE TO WORK ON AND WE'LL COME BACK TO YOU WITH. SO THOSE ARE -- I WANTED TO GIVE YOU THAT RECOMMENDATION. I HOPE YOU HAVE A COPY OF THAT. IF YOU DON'T, I HAVE A COUPLE MORE. AND THERE THERE WILL BE MORE ISSUES AS TIME GOES ON, BUT I THINK STANDING HERE TONIGHT, I THINK PEOPLE HAVE BEEN HEARD ON THIS, ON WHAT IS CULMINATED IN THE MASTER DEVELOPMENT AGREEMENT. THE PROCESS WE HAVE IN PLACE THAT WE'LL CONTINUE TO HAVE WILL CONTINUE TO ALLOW PEOPLE TO BE HEARD. AND I THINK THIS IS A VERY GOOD PIECE OF WORK THAT YOU SHOULD MOVE FORWARD ON AND THAT REPRESENTS A GREAT DEAL OF LISTENING AND RESPONDING. I WANT TO COMMEND, AS HAVE OTHERS, CITY STAFF, PAM HEFNER DESERVES PARTICULAR CREDIT. AS QUITE OFTEN BEARING THE BRUNT FROM ALL SIDES ON PEOPLE'S DESIRES FOR MUELLER. (INDISCERNIBLE) CATELLUS AND GREG WEAVER, AND WE'RE LOOKING FORWARD TO CONTINUING THE GOOD RELATIONSHIP WITH GREG EVEN AFTER HIS CONTRACT IS SIGNED. I WANT TO COMMEND ALL THE COMMISSION MEMBERS, AND THERE HAVE BEEN A LOT. ALL THE BOARDS AND OTHER ADVISORY GROUPS THAT HAVE COME FORWARD, AND ALL MY NEIGHBORS. THIS IS ABOUT-- THIS IS 20 YEARS IN THE MAKING. AND THOSE PEOPLE ARE STILL HERE. THAT'S AMAZING AND THAT'S GREAT. AND I THINK YOUR APPROVAL OF THIS TONIGHT AND AT LEAST BEFORE CHRISTMAS AND BEFORE THE LEGISLATURE COMES BACK, I'LL BE A LITTLE BIT MORE SHRUGS THAN GREG WAS, -- SUBTLE THAN GREG WAS, WOULD BE A GREAT WAY TO ENJOY THE HOLIDAYS, WOULD BE A GREAT WIN FOR EVERYBODY INVOLVED IN THIS TO GET THIS DONE AND IT'S A GREAT WAY TO MARK THE HALFWAY POINT OF THE MUELLER EXPERIMENT HERE. THANKS FOR THE OPPORTUNITY FOR ME PERSONALLY TO WORK WITH THIS AND I'M AVAILABLE FOR QUESTIONS.

Mayor Wynn: THANK YOU, MR. WALKER, FOR ALL YOU'VE DONE AND WILL CONTINUE TO DO FOR US. LORI FLORES

SIGNED UP NOT WISHING TO SPEAK, IN FAVOR. LAST, BUT NOT LEAST, MR. PETE WINSTEAD. PETE, YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT.

MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, I'M VERY PLEASED TO BE HERE. YOU'RE IN LUCK, I THINK I'VE LOST MY VOICE, IT'S SO LATE. LET ME SAY THIS, EVE BEEN VERY PLEASED AND HAD THE GREAT PRIVILEGE OF REPRESENTING CATELLUS ON THE MUELLER PROJECT FROM THE GET GO WHEN THEY FIRST CAME TO TOWN. AND FOR SOME OF YOU I THINK REMEMBER WE HAD AN RFQ FIRST AND THEN WE WENT TO AN R.F.P., AND I THINK WE STARTED WITH 20 PEOPLE INTERESTED IN LOOKING AT IT, THEN WE NARROWED THAT DOWN TO ABOUT FOUR WHAT I WOULD CALL VERY SERIOUS PLAYERS, FINALLY DOWN TO ONLY TWO WHO WERE REALLY CHASING THE PROJECT IN EARNEST. AND LET ME SAY THIS, THE FINAL PIECE OF IT OBVIOUSLY WAS BEING PICKED AS THE POTENTIAL MASTER DEVELOPER. THE NEGOTIATING AGREEMENT IS ALL IT WAS. IT WAS THE BEGINNING, I'LL QUOTE JIM WALKER, ABOUT A PROCESS THAT LED US HERE TONIGHT TO SIGN THE MASTER DEVELOPMENT AGREEMENT. AND I WAS VERY PLEASED TO BE A PART OF THAT. AND EARLY ON I GOT TO MEET NELSON RISING. SOME OF YOU MAY REMEMBER THE CEO AND CHAIR OF CATELLUS AT THE TIME. VERY IMPRESSIVE, NATIONAL FIGURE ON URBAN DEVELOPMENT. A TRUE VISIONARY. I THOUGHT WE WERE VERY PRIVILEGED TO HAVE HIM COME TO OUR TOWN WITH SOME OF THESE GREAT IDEAS. AND ONE OF MY EARLY SCARES, AND I CAN RECALL SOME HORROR STORIES, ONE OF THE THINGS THAT HAPPENED EARLY ON, WHEN WE WERE HEADING TO EAST AUSTIN THE DAY THE COUNCIL HAD THE MDA UP FOR DECISION AND THE AWARDED THERE OF, I WAS GOING NORTH ON TRINITY STREET AND MY CAR STOPPED AT SIXTH STREET AT THE LIGHT. NELSON RISING IS SITTING TO MY RIGHT. REMEMBER, HE'S THE CHAIRMAN OF THE FEDERAL RESERVE BANK OF SAN FRANCISCO. AND GUESS WHAT? LESLIE WALKED RIGHT IN FRONT OF THE CAR. [ LAUGHTER ] IN ALL OF HIS PLUMMAGE OR I SHOULD SAY LACK OF PLUMMAGE. BEFORE I COULD BEGIN TO EXPLAIN WHAT JUST HAPPENED, NELSON SUDDENLY SAID, I FEEL LIKE I'M HOME. [ LAUGHTER ] I KNEW INSTANTLY THAT WE HAD SNB WHO



WOULD -- SOMEBODY WHO WOULD GET IT IN AUSTIN AND UNDERSTAND THIS VERY UNIQUE COMMUNITY AND HOW IMPORTANT IT WAS TO ENGAGE WITH THE COMMUNITY. THE OTHER SCARY THING THAT MANY OF YOU PROBABLY NEVER REALLY KNEW, AN ARTICLE APPEARED ONE DAY, AND A SUGGESTION THAT SOMEBODY IN THE CITY SAID WE THINK MAYBE THE LOCAL PROPOSER HAS THE INSIDE TRACK ON THE MUELLER PROJECT. AND I CAN TELL YOU THAT DIDN'T PLAY VERY WELL IN SAN FRANCISCO. AND I CAN REMEMBER TED TELLING TED, DO NOT GIVE UP ON THIS PROJECT. COME TO AUSTIN, STAY HITCHED AND COME DOWN AND TELL SUE AND THE CITY WHAT YOUR VISION CAN BE. AND THAT'S EXACTLY WHAT THEY DID. BUT THEY ALMOST ABSOLUTELY LEFT AT THAT POINT. BUT WHAT HAPPENED WAS WHEN THEY CAME IN AND SAID HERE'S WHAT WE THINK CAN HAPPEN EAST OF THE INTERSTATE, I'VE GOT TO TELL YOU I THINK WHAT CARRIED TODAY IN MY OPINION WAS THAT THEY HAD A VISION OF WHAT COULD HAPPEN ON 709 ACRES. THE LOCAL PROPOSER WAS A BIT HUNG UP WITH WHAT COULDN'T HAPPEN EAST OF I-35. AND I THINK OUR VISION WAS THAT WITH THAT MUCH LAND, IT'S LIKE A VOLCANO, YOU MAKE YOUR OWN WEATHER. AND THAT'S EXACTLY WHAT THIS OPPORTUNITY IS ALL ABOUT, CREATING A NEIGHBORHOOD, CREATING A DESTINATION, CREATING A PLACE THAT PEOPLE WILL ABSOLUTELY WANT TO GO. THE FIRST CHOICE OF PLACES TO GO. I WANT TO THANK YOU FOR THE PROCESS. I THINK WHERE WE ARE TONIGHT, WE'VE GOT A MASTER PLAN, IT'S OUR CONSTITUTION, AS JIM WALKER WOULD SEE IT. WE HAVE A DOCUMENT THAT WE'LL HAVE TO VARY AS TIMES CHANGE. WE HAVE A NEW NEIGHBORHOOD. WE HAVE A PROCESS. WE NEED TO GET ABOUT IT AND GET THE PROCESS STARTED. AND I WOULD JUST PERSONALLY LIKE TO THANK THE CITY COUNCIL AND THE CITY STAFF AND ITS EXCELLENT CONSULTANTS FOR ENGAGING IN THE PROCESS IN A FAIR WAY WITH A LOT OF INTEGRITY. AND I THINK IT'S MADE A HUGE DIFFERENCE ON WHERE WE ARE TONIGHT. I THINK THIS IS GOING TO BE THE FINEST PROJECT AUSTIN HAS EVER DONE, EVEN BETTER THAN OUR NEW AIRPORT IN MY OPINION. SO I'M VERY ENCOURAGED BY WHERE WE ARE TONIGHT, AND I REALLY URGE YOU TO APPROVE THE EXECUTION OF THE MASTER DEVELOPMENT AGREEMENT. THANK YOU. COUNCIL, THAT'S

ALL THE FOLKS THAT HAVE SIGNED UP ON THESE COMBINED AGENDA ITEMS. FIRST AND FOREMOST, I'LL HAVE A MOTION TO WAIVE COUNCIL RULES TO PROCEED PAST 10:00 P.M. MOTION BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER THOMAS. ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. ALSO, COUNCIL, BEFORE WE GO ON, ITEM NUMBER 61 WE HAD POSTED REGARDING THE POTENTIAL FINANCING ISSUE ON THIS PROPERTY. CITY STAFF TELLS ME THAT THEY WEREN'T QUITE READY FOR THIS AND WOULD LIKE FOR US TO POSTPONE THIS ITEM TO DECEMBER 16TH, 2004. MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER THOMAS TO POSTPONE ITEM 61 TO DECEMBER 16TH, 2004. ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. OKAY, COUNCIL. THAT TAKES US BACK TO THE COMBINED ITEMS 55 THROUGH 60. COMMENTS, QUESTIONS? WE HAD A FEW QUESTIONS RAISED FROM THE CITIZEN SPEAKERS. I DON'T KNOW IF STAFF HAS THOUGHT THROUGH THEM, BUT THE FIRST ISSUE WAS MS. LEHMAN INFORM'S QUESTION ABOUT NOT HAVING AN APPRAISAL VALUE. CAN SOMEBODY ADDRESS THAT, PLEASE?

COUNCIL, I'LL ASK JIM CAUSER, OUR OUTSIDE COUNSEL, TO RESPOND TO THIS QUESTION.

THANK YOU. THERE IS A PROVISION IN THE MASTER DEVELOPMENT AGREEMENT THAT ADDRESSES THE FAIR MARKET VALUE. AND IT'S IMPORTANT TO UNDERSTAND THAT FOR THE DETERMINATION OF FAIR MARKET VALUE, THOSE PROVISIONS APPLY TO THE REGIONAL RETAIL TRACTS ALONG I-35. AND THE REASON WE'RE APPLYING THAT PRIMARILY TO THOSE TRACTS OR OTHER TRACTS THAT CATELLUS OR AN AFFILIATE MAY INTEND TO PURCHASE, IS THOSE ARE THE TRACTS THAT THE CITY AND CATELLUS WILL NOT NECESSARILY BE ABLE TO RELY ON USUAL MARKET FORCES TO DETERMINE A FAIR MARKET VALUE. SO THE PROCESS THAT IS SET WHEN WE'RE GOING TO USE THE FAIR MARKET VALUE METHOD IS FIRST THE CITY AND CATELLUS

WILL NEGOTIATE WITH EACH OTHER AND ATTEMPT TO -- ATTEMPT BY CONSENSUS TO REACH A NUMBER THAT THEY BELIEVE REPRESENTS FAIR MARKET VALUE TO THE TRACT. WITHIN A 10% RANGE, THAT WILL CLOSE. IF THE CITY AND CATELLUS ARE MORE THAN 10% APART, THEN THERE'S A MECHANISM FOR BOTH THE CITY AND CATELLUS TO APPOINT WHAT AMOUNTS TO AN ARBITRATOR, AND THAT ARBITRATOR WILL HAVE TO BE AN MAI ARBITRATOR. AND THEN THOSE WHO MARKET -- PROFESSIONALS WILL NEGOTIATE BETWEEN THEMSELVES AND ATTEMPT TO ARRIVE AT A FAIR MARKET VALUE. IF THEY CANNOT REACH A FAIR MARKET VALUE, THEN A THIRD ARBITRATOR WILL BE APPOINTED WHO MUST ALSO BE AN MAI APPRAISER. AND THAT APPRAISER WILL RESOLVE BETWEEN THE TWO IF STILL THERE IS NO CONSENSUS, THE APPRAISER WILL DETERMINE WHETHER OR NOT THE CITY'S NUMBER IS MORE CORRECT REPRESENTATION OF FAIR MARKET VALUE OR THE CATELLUS NUMBER IS MORE REPRESENTATIVE OF FAIR MARKET VALUE. AND THAT'S BASICALLY A REALITY CHECK FOR ITS TWO SIDES IN THEIR NEGOTIATION. THE SIDE THAT EITHER COMES IN WITH A NUMBER THAT'S TOO LOW OR COMES IN WITH A NUMBER THAT'S TOO HIGH IS BASICALLY YIELDING THE FAIR MARKET VALUE DETERMINATION TO THE MORE ACCURATE NUMBER OFFERED BY THE OTHER SIDE. SO WE DO HAVE A PROCEDURE IN PLACE THAT IF THE CITY AND CATELLUS BY GOOD FAITH NEGOTIATION CAN'T ARRIVE AT A FAIR MARKET VALUE FOR THOSE TRACTS, THERE IS A MECHANISM IN PLACE WHERE MARKET TRAINED PROFESSIONALS, MAI APPRAISERS, WILL BE BROUGHT IN AND THEY WILL HAVE THAT CHECK ON ANY EXTRAVAGANT CLAIMS THAT IF YOU GET TOO HIGH OR YOU GET TOO LOW, THEN THE MUTUAL IS GOING TO GO WITH THE NUMBER OF THE OTHER PARTY. SO WE THINK THAT A GOOD MARKET BASED ECONOMIC FORCE BASED METHOD OF ARRIVING AT FAIR MARKET VALUE ON THOSE TRACTS ON THE SUBJECT OF THE MDA THAT WILL NOT BE SUBJECT TO TRADITIONAL MARKET FORCES. ON THE TRACTS THAT ARE NOT BEING TAKEN DOWN BY CATELLUS OR CATELLUS AFFILIATE, WHAT WILL DETERMINE THE VALUE IS THAT CATELLUS AS THE DEVELOPER WILL BE OFFERING THOSE TRACTS WITH EVERY INCENTIVE TO ACHIEVE THE HIGHEST VALUE BECAUSE THE RATE OF RETURN THAT CATELLUS OBTAINS IN THE MARKET

OR THE RATE OF RETURN THAT CATELLUS OBTAINS UNDER THIS PROCESS WILL BE LARGELY DRIVEN BY WHAT TYPE OF SALES PRICE CAN THEY GET FOR THE DEVELOPED LAND FOR THE MULTI-FAMILY TRACTS, FOR THE SINGLE-FAMILY TRACTS, SINGLE-FAMILY DEVELOPERS, FOR THE COMMERCIAL TRACTS. THERE WE HAVE VERY NORMAL, RELIABLE MARKET FORCES AND THE DEVELOPERS' INCENTIVES TO MAKE A PROFIT THAT WILL ENSURE THAT THE ULTIMATE SELLING PRICE ON THAT LAND IS REPRESENTATIVE OF FAIR MARKET VALUE. AND THAT'S REALLY A MORE RELIABLE FAIR MARKET VALUE DETERMINATION THAN AN APPRAISAL WOULD BE. JUST TO WIND UP THAT SUBJECT, THE REASON THAT THE SALE TO THE END USER WILL DETERMINE THAT IS THE CITY WILL SELL TO CATELLUS, CATELLUS WILL SELL TO THE END USER. THE SALES PRICE CATELLUS OBTAINS FROM THE END USER WILL GO BACK INTO THE PROJECT REVENUE FUND, AND THAT'S THE FUND THAT GOES BACK TO COMPENSATE CATELLUS AND ULTIMATELY AT A CERTAINLY LEVEL TO COMPENSATE THE CITY. BUT WE BELIEVE THAT THE MARKET FORCES THAT ARE INCORPORATED UNDER BOTH THE FAIR MARKET VALUE AND UNDER THE SALES UNDER MARKET FORCES WILL BE MORE RELIABLE AND MORE EFFECTIVE THAN JUST RELYING ON AN APPRAISAL.

Mayor Wynn: THANK YOU, MR. CAUSER. IF A COUNCILMEMBER HAS QUESTIONS, MS. LEHMAN, THAT'S SATISFACTORY FOR ME. A SECOND ISSUE, MS. EDWARDS, WE HEARD MR. DANIELS TALK ABOUT THE DOWNSTREAM FLOODING ISSUE, THAT IS THAT THE NATURE OF THAT TRACT BEING A FORMER AIRPORT, I GUESS THEY HAD DIFFERENT SORT OF WATERSHED ISSUES THAN WE WOULD TYPICALLY HAVE AND THE IMPLICATION WAS SOMEHOW WE'RE TAKING ADVANTAGE OF THAT AS PART OF THIS DEVELOPMENT.

I'M GOING TO ASK BOTH JIM CAUSER AND GREG WEAVER TO ADDRESS THAT QUESTION. JIM, WOULD YOU MIND ADDRESSING IT FIRST, PLEASE?

FROM A REGULATORY POINT OF VIEW, THE CITY IS TREATING THIS TRACT THE WAY WE WOULD TREAT ANOTHER URBAN WATERSHED. AND I'M NOT ENOUGH OF AN ENGINEER TO GIVE YOU ALL THE DETAILS ON THAT, BUT

BASICALLY THERE ARE DETENTION REQUIREMENTS AND DISCHARGE REQUIREMENTS THAT WILL BE REVIEWED BY CITY STAFF, AND IN AN URBAN WATERSHED, I THINK THAT THE GENERAL REQUIREMENT WHICH GREG WEAVER AND OTHERS CAN GIVE YOU MORE DETAIL IN, IS THAT THE DISCHARGE PROPERTY -- THE DISCHARGE OF WATER FROM THE PROPERTY CANNOT BE INCREASED BY DEVELOPMENT, SO THE DETENTION PONDS THAT CATELLUS WILL BE PUTTING IN AND THE RELEASE FEATURES OF THE DETENTION POND IN NO CASE WILL INCREASE ANY DOWNSTREAM FLOW AND FLOODING. THE QUESTION, AS I UNDERSTAND IT, IS SHOULD THE CITY FROM CATELLUS BE DOING MORE ON THIS PROPERTY THAN WE WOULD REQUIRE OF ANOTHER URBAN DEVELOPMENT, AND FROM A REGULATORY POINT OF VIEW WE ARE NOT CHANGING THE URBAN WATERSHED RULES. THERE MAY BE OTHER THINGS THAT THE CITY WISHES TO DO DOWNSTREAM IN ITS CAPACITY AS A STORM WATER MANAGEMENT, THERE MAY BE OTHER THINGS THAT THE CITY AND CATELLUS WISH TO DO ON THE ENGINEERING SIDE, ON SITE ON MUELLER, BUT FROM A REGULATORY POINT OF VIEW WE'RE TREATING THIS PROPERTY JUST AS WE WOULD OTHER URBAN WATERSHED DEVELOPMENTS.

WE HAVE OUR CIVIL ENGINEER HERE TONIGHT WHO IS THE EXPERT ON THE DRAINAGE AS A RESOURCE. IF SO DESIRED. AND I THINK ONE OF THE IMPORTANT THINGS I WOULD LIKE TO SAY AND JIM WALKER HIGHLIGHTED IT AND I MENTIONED IT EARLIER TOO, THAT WE'RE HERE FOR THE LONG HAUL. AND MR. DANIELS HAS A CONCERN, AND WE UNDERSTAND THAT. AND WE JUST LEARNED OF THIS RECENTLY. AND ACTUALLY PROPOSED GETTING A MEETING WITH RELATED TO BOTH SOME TRANSPORTATION ISSUES AND DRAINAGE ISSUES. AND FROM A TECHNICAL STANDPOINT, AND I'M NOT THE ENGINEER, ANDY ON THE OTHER SIDE THERE IS TECHNICAL, BUT WE HAVE TO BE EQUAL TO WHAT THE DRAINAGE IS, BUT ACTUALLY ON THE LARGER FLOOD EVENT, THE 75 YEAR AND THE 100 YEARS WE'RE ACTUALLY IMPROVING ON IT. AND IF WE HAVE ANY TECHNICAL QUESTIONS, ANDY HOLLAND, OUR CIVIL ENGINEER, CAN ADDRESS ANY QUESTIONS ON THAT.

Mayor Wynn: THANK YOU, MR. WEAVER.

I WILL JUST SAY THAT I'VE BEEN PERSONALLY RESPONSIBLE FOR EVALUATING THE DRAINAGE NOT ONLY COMING OFF THE MUELLER AIRPORT SITE, BUT ALSO THE IMPACTS ON CANYON HILL BRANCH AND WATERSHEDS DOWNSTREAM BECAUSE OF THE POSITION OF THE PROPERTY IN THOSE WATERSHEDS, THAT WAS NECESSARY TO LOOK AT WHAT THE REDEVELOPMENT WAS GOING TO DO PRETTY FAR DOWNSTREAM. AND SO IN PRELIMINARY DESIGN OF PONDS, WE'RE LOOKING AT FOUR FREQUENTLY EVENTS, THE TWO, 10, 25, 100 YEAR EVENT, AND WE'RE LOOKING AT DISCHARGE POINTS AROUND THE PERIMETER OF THE PROPERTY TO MAKE SURE THAT WE'RE NOT INCREASING PEAK FLOW FOR ANY OF THOSE EVENTS. AND WE'RE ALSO -- I MET WITH GEORGE OSWALD AND HIS GROUP AND THEY GAVE US MAPS OF OTHERS WHERE THEY EXPERIENCED FLOODING WITH GREAT FREQUENCY THAT THEY'RE VERY SENSITIVE TO MAKING SURE THAT REDEVELOPMENT WILL NOT BE MAKING THINGS ANY WORSE. AND SO IN OUR MASTER MODELING WE WENT THROUGH AND EVALUATED THOSE AREAS AS WELL. WHAT WE FOUND WAS IN A LOT OF CASES, SINCE WE HAD A LOT OF TARGETS TO HIT, WE JUST HAPPENED TO MAKE THINGS QUITE A BIT BETTER IN CERTAIN AREAS. AND THEN THE SEA BROOK NEIGHBORHOOD IN PARTICULAR THAT MR. DANIELS WAS SPEAKING TO, OUR PRELIMINARY MODELING INDICATES THAT FOR THE 25 AND 100 YEAR EVENTS ESPECIALLY, WE'VE GOT FAIRLY SIGNIFICANT REDUCTIONS. AND AS GREG MENTIONED, WE'RE GOING TO MEET WITH MR. DANIELS TO HELP EXPLAIN THAT TO HIM. AS WE GO TO DESIGN, WE'LL THEED TO MAKE SURE THAT THAT'S CARRIED THROUGH THE DESIGN AND CONSTRUCTION PHASES.

Mayor Wynn: THANK YOU. THAT SEEMS INTUITIVE TO MANY OF US THAT IN FACT THIS IS AN OPPORTUNITY TO IMPROVE THINGS, NOT JUST KEEP THE STATUS QUO. THIRDLY, MS. NOLAN AT RIDGETOP TALKED ABOUT JUST SORT OF THE LARGER, ABSOLUTELY LOOSER ISSUE OF INCREASED TRAFFIC. AND TRAFFIC IMPACT ANALYSIS AND OTHER CHALLENGES, EVEN FRANKLY TO THE WEST OF I-35. WE TALKED ABOUT JUST THE STRATEGY WE'VE TAKEN ABOUT -- OBVIOUSLY ONE OF OUR GOALS IS TO HAVE 10,000 PEOPLE LIVING ON TRACT OF LAND OVER TIME. THE ONE OF THE

GOALS IS TO MATE GATE SOME OF THAT.

BOTH CONSTITUENT STAFF AND CATELLUS -- BOTH THE CITY STAFF AND CATELLUS HAS BEEN WORKING WITH THE NEIGHBORHOOD AND WITH TXDOT AND I'M GOING TO ASK GREG WEAVER TO TALK TO YOU ABOUT THE EFFORTS THEY'VE MADE IN THAT AREA.

THANK YOU AGAIN. FIRST OF ALL, JUST FROM A TECHNICAL TRANSPORTATION, OUR TRANSPORTATION ENGINEERS HERE, TO GET INTO THE TECHNICAL PART OF THE ZONING WE HAD TO DO A TRAFFIC IMPACT ANALYSIS. AND IN THE BUILDOUT OF THIS, WE'RE GOING TO BE DOING IMPROVEMENTS OFF SITE AND DOING THE PHYSICAL A R. OR DOING THEM OFF SITE TO HELP MITIGATE ISSUES. THAT'S BEEN STUDIED BY THE CITY TRANSPORTATION, BUT PROBABLY MORE IMPORTANT THAN THAT, I'LL USE THE EXAMPLE OF WILSHIRE AND AIRPORT BOULEVARD, WHICH AIRPORT BOULEVARD IS MANAGED BY TXDOT. THERE WAS ONGOING CONCERN FROM DAY ONE ABOUT MAJOR TRANSPORTATION ISSUES THERE. AND WHAT WE DID WAS ACTUALLY SET UP A TRANSPORTATION SUBCOMMITTEE OF THE COMMISSION THAT IS STILL ACTIVE TODAY THAT HAS MOST OF THE SURROUNDING NEIGHBORHOOD REPRESENTATIVES INVOLVED IN IT. AND THAT'S AN ONGOING SUBCOMMITTEE THAT'S GOING TO BE MEETING ON A REGULAR BASIS. WHAT WE DID INITIALLY BECAUSE THE CHILDREN'S HOSPITAL WE HAD TO ADDRESS TWO MAJOR ISSUES AT 51st AND CAMERON ROAD AND AT AIRPORT AND WILSHIRE BECAUSE THOSE PROJECTS WERE GOING TODAY. NOW AS WE'RE GOING TO BE GOING AROUND THE PROJECT, WE'LL BE LOOKING AT ALL THE MAJOR INTERSECTIONS TO COME UP WITH WHETHER ITS TRAFFIC CALMING MEASURES AND ON THE AIRPORT AND WILSHIRE EXAMPLE, WE ACTUALLY GOT TXDOT TO AGREE TO PUT IN, AS WE CALL IT, THE LONGHORN, WHICH IS A DEVICE WITHIN THE TXDOT RIGHT-OF-WAY TO PREVENT CUT THROUGH TRAFFIC WITHIN THE CHERRYWOOD, DELLWOOD NEIGHBORHOOD. AND THAT WAS THROUGH THE COLLABORATION OF THE NEIGHBORHOOD, THE SUBCOMMITTEE, THE CITY AND CATELLUS COMING TOGETHER ON THAT. AND I THINK IT'S A GREAT ACCOMPLISHMENT BECAUSE A LOT OF PEOPLE AT TXDOT WON'T LET US PUT ANYTHING IN RIGHT-OF-WAY.

BECAUSE WE ALL CAME TOGETHER, THEY DID IT. WE'LL BE DOING THAT ON A REGULAR BASIS THROUGHOUT. MR. DANIELS HAD -- THERE'S TRAFFIC CONCERNS AND AT PART OF OUR MEETING ON THE WATERSHED WE'VE AGREED TO MEET WITH THEM IN DECEMBER OR EARLY PART OF JANUARY.

Mayor Wynn: THANK YOU, MR. WEAVER. OTHER QUESTIONS, COMMENTS, COUNCIL? THOSE ARE THE THREE MAIN ONES THAT I HAD TAKEN DOWN FROM OUR TESTIMONY.  
COUNCILMEMBER MCCRACKEN.

McCracken: PEOPLE TALK ABOUT THE ERA OF THIS CITY GOVERNMENT, EVERY COUNCIL AND EVERY ERA OF THE CITY HAS AN IDENTITY. THE SET OF ISSUES THAT FOLKS -- THAT ARE A LEGACY TO THE COMMUNITY. FOR THIS COUNCIL AND FOR OUR COMMUNITY IN AUSTIN, THIS LEGACY TO OUR CITY IS NOW TAKING A MAJOR STEP FORWARD IN URBAN PLANNING FOR A MAJOR URBAN CENTER. CONSIDER WHAT HAS HAPPENED IN AUSTIN CITY GOVERNMENT AND URBAN PLANNING IN THE LAST COUPLE OF YEARS AND IS GOING ON NOW. YOU KNOW, ABOUT THREE, FOUR MONTHS AGO, NATURALLY GOING THROUGH TONIGHT EVEN, THE CITY AND THE NEIGHBORHOOD SURROUNDING THE UNIVERSITY OF TEXAS ADOPTED THE UNIVERSITY NEIGHBORHOOD OVERLAY WHICH WILL CREATE REALLY CHICAGO STYLE DENSITY IN THE WEST CAMPUS STYLE AT THE UNIVERSITY OF TEXAS, A PLAN PUT FORWARD BY THE NEIGHBORHOOD. WE'RE OPENING A NEW CITY HALL AND WE WILL BE OPENING THE SECOND STREET RETAIL DISTRICT. WE HAVE BLOCK 21 OPENING UP, ENZYME PROJECT IS MOVING -- SEAHOLM PROJECT IS MOVING FORWARD AND WE'LL MAKE A DECISION ON THAT IN THE NEXT FEW MONTHS. THE WATER TREATMENT PLANT IS MOVING OUT AS IT'S COMING FORWARD. THE RAINY STREET REDEVELOPMENT IS ABOUT TO BE REZONED. THE POSSIBILITY OF THE WALLER CREEK TUNNEL BEING TIED TO THAT. WE'VE HAD PROJECTS FOR ANNEXATION, WHICH WILL BE THE -- ROBINSON RANCH ANNEXATION, WHICH WILL BE THE LARGEST INFILL. AND WE PASSED COMMUTER RAIL WITH OVER 60% OF THE VOTE AND WE'RE MOVING TOWARD A TRANSIT ORDINANCE. THIS IS CREATIVITY AND VISION THAT MARKS A SIGNIFICANT AND TRANSFORMAL AREA IN OUR



CITY'S HISTORY. AND TONIGHT THIS IS THE BIGGEST ONE OF THEM ALL. THIS IS THE LANDMARK PROJECT OF THIS ERA. NOW, ONE OF THE THINGS WE DISCOVERED AS WE MOVED FORWARD INTO SOME TRUE URBAN PLANNING IS WE HAVE DESIGN PROBLEMS IN AUSTIN. WE DISCOVERED THAT AUSTIN HAS THE LOWEST DESIGN STANDARD IN THIS REGION. AND ON A SCALE OF ZERO TO 10, THE QUALITY OF THE COMMERCIAL ARCHITECTURE IN AUSTIN IS BETWEEN A ZERO AND A ONE. AUSTIN SHOULD NEVER BE IN LAST PLACE ON ANYTHING. AND CATELLUS RECOGNIZED THAT AND THEY RECOGNIZED THAT DESIGN IS NOT JUST LIMESTONE ON BUILDINGS. IT'S MORE THAN THAT. IT'S ABOUT BUILDING A COMMUNITY. SO WE'VE WORKED TOGETHER TO PRODUCE THIS, THE MUELLER DESIGN. AND THE DESIGN BOOK AND IT SETS FORTH GUIDELINES FOR BUILDING AND FOR THE PRIVATE AND PUBLIC OPEN SPACES. THAT IS DESIGN. IT'S NOT JUST WHETHER IT'S LIMESTONE BUILDINGS, IT'S THE DESIGN OF BUILDINGS AND PUBLIC AND PRIVATE OPEN SPACES. AND IT RECOGNIZES -- THE BOOK RECOGNIZES THE RELATIONSHIP THAT BUILDINGS AND THE STREET HAVE AND THAT'S IMPORTANT. CATELLUS AND RMMA RECOGNIZE THAT THE GOVERNING AUTHORITY HAS AN IMPORTANT DUTY TO DETERMINE HOW THE BUILDINGS RELATE TO THE STREET. THAT'S A SIGNIFICANT ISSUE TO THIS DESIGN BOOK IS HOW THE BUILDINGS RELATE TO THE STREET AND THE ROLE THAT THE GOVERNING AUTHORITY DETERMINES THAT. THE BOOK SAYS, STREETS HAVE BEEN DESIGNED NOT ONLY FOR LIVING QUARTERS, BUT ALSO AS IMPORTANT PUBLIC SPACES AND CONTRIBUTE TO THE SOCIAL LIFE OF THE COMMUNITY. THE DESIGN BOOK SPECIFICALLY TIES THE DESIGN OF THIS PROJECT TO DOESN'T OF AUSTIN AND OUR HISTORY HERE. BASICALLY THE DESIGN REQUIREMENTS ON THE ROAD TYPES AND ON THE USE TYPES. FOR URBAN ROADWAYS, THE BOOK DESIGNS THAT BUILDINGS ARE TO BE BUILT TO SIDEWALKS. IT REQUIRES THAT THEY BE OPENED UP SIDEWALKS AND EVEN THE GROCERY STORE WILL BE UP TO A SIDEWALK AND A SIGNIFICANT CHAIN GROCERY STORE WILL LOCATE THERE. SURFACE PARKING WILL NOT BE PERMITTED BETWEEN BUILDINGS AND THE STREETS IN URBAN ROADWAYS AND SURFACE PARKING CANNOT BE LOCATED ALONG STREET FRONTAGES IN URBAN ROADWAYS. FOR HIGHWAY FRONTAGE AREAS, THE DESIGN

BOOK ALSO CATCHES AUSTIN UP TO THE NATIONAL BEST PRACTICES STANDARDS OF OTHER CITIES. THE DESIGN BOOK REQUIRES SUPER BLOCKS MUST BE BROKEN DOWN THROUGH STREET PATTERN THAT ALLOWS FOR DENSIFICATION. THE DESIGN BOOK FROM CATELLUS PROHIBITS CONVENTIONAL -- THIS IS A QUOTE. IT PROHIBITS, QUOTE, CONVENTIONAL STRICT DEVELOPMENT CHARACTERIZED BY INDIVIDUAL BUILDING PADS SURROUNDED BY PARKING LOTS AND ORIENTED ARTERIAL STREETS, END QUOTE. PARKING AREAS WILL BE BROKEN DOWN INTO STREET BLOCKS WITH SIDEWALKS AND UTILITY RUNS AND PROJECT DRIVES -- THE PARKING LOT FUNCTION IS REAL STREETS AND NEIGHBORHOODS THAT CAN BE INTENSIFIED. IT REQUIRES THAT THE STORES ARE NOT ORIENTED TO THE HIGHWAY, BUT ARE ORIENTED INTERNALLY. IT REQUIRES THAT INSTEAD OF THE USUAL ASPHALT PARKING LOTS, MUELLER'S HIGHWAY FRONTAGE WILL BE LINED WITH TREES AND PUBLIC ART. AND IT PROHIBITS CURB CUTS INTO HIGHWAY FRONTAGE AND IT REQUIRES CONTINUOUS SHADE ON THE SITE. AND IT REQUIRES PLAZAS AND OTHER OPEN SPACES NEAR THE HIGHWAY FRONTAGE. AND FOR THE PORTION OF REGIONAL RETAIL AREA THAT FRONTS THE URBAN ROAD, THE BUILDINGS MUST BE BUILT UP TO THE SIDEWALK THERE. AND THE DESIGN BOOK STRONGLY DISCOURAGES PROTOTYPE BUILDINGS. THE DESIGN STANDARDS THAT THE THREE OF US ON THE DAIS AND THE DESIGN COMMISSIONERS, THE PLANNING COMMISSIONERS AND OVER 100 STAKERS HAVE BEEN WORKING ON OVER THE PAST YEAR HAVE INTEGRATED WHAT WE LEARNED FROM CATELLUS AND RMMA AND FROM THE COMMUNITY. WE'VE INCORPORATED IN A. AND I THINK WHAT CATELLUS HAS SHOWN US IS THAT YOU CAN DO SOMETHING LIKE THE REGIONAL RETAIL SITE, DO IT AND STILL GET DONE WITH A HIGH QUALITY DESIGN THAT'S SUSTAINABLE. OUR PROPOSED DESIGN TEAM ORDINANCE SAYS YOU HAVE TO GET 100 POINTS FOR A SITE PLAN. I'VE RUN THE NUMBERS ON THE BACK OF A NAPKIN ON WHAT CATELLUS HAS PROPOSED. CATELLUS HAS 260 POINTS UNDER THIS 100 POINT MINIMUM REQUIRED. IT SHOWS IT CAN BE DONE AND DONE PROPERLY. ONE QUICK THING, I THINK THE CITY SHOULD LOOK AT STANDARDS AND PARTICULARLY AUSTIN

ENERGY. I KNOW THEY WILL. ABOVE ALL, I REALLY WANT TO THANK ALL -- EVERYBODY WHO HAS WORKED SO HARD TO GET A GOOD EXAMPLE FOR OUR COMMUNITY THAT WE'RE GOING TO INTEGRATE EVERYWHERE AND MAKE A BIG DIFFERENCE IN THIS AREA.

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

Slusher: YEAH. I DIDN'T -- I'VE BEEN INVOLVED IN THIS ALMOST AS LONG AS ROGER LAID OUT THERE, SO I HAVE TO SAY SOMETHING ON IT. EVERYBODY IS GOING TO TALK ABOUT BEING TIRED. I'M NOT REALLY TIRED EXCEPT A LITTLE TIRED OF THIS MEETING BECAUSE IT'S BEEN GOING ON FOR 12 AND A HALF HOURS. [ LAUGHTER ] BUT EVERYBODY INVOLVED IN THIS, THIS HUGE NUMBER OF PEOPLE, EVERYBODY OUGHT TO BE REALLY PROUD BECAUSE I THINK THIS IS A VERY IMPORTANT MOMENT IN THE CITY'S HISTORY. WE'RE TAKING ADVANTAGE OF A ONCE IN A LIFETIME OPPORTUNITY, AND I MEAN IN ONCE IN A LIFETIME CITY OPPORTUNITY TO HAVE 7 HUNDRED ACRES RIGHT IN THE MIDDLE OF TOWN TO REDEVELOP. I THINK WHAT THE CITY DID HERE, CITY GOVERNMENT DID, WAS TO LISTEN TO THE PEOPLE AND THE COMMUNITY, AND IN PARTICULAR THE PEOPLE AROUND THE AIRPORT. AND THAT'S WHY IT TURNED OUT SO WELL. AND IT'S A PLAN AND WE NOW HAVE TO IMPLEMENT IT. BUT I THINK THAT WILL BE SUCCESSFUL. I WAS REALLY HAPPY TO HEAR MR. WEAVER'S ENTHUSIASM ABOUT STICKING AROUND. AND WE SHARE THAT. AND SO -- AND THAT'S AN EXAMPLE OF HOW NOT ONLY THE CITY LISTENING AND THE COMMUNITY AND CARRY OUT THAT PLAN, BUT WE ALSO PASSED THE BEST TIME AVAILABLE BOTH IN OUR STAFF AND THE COMMUNITY AND CONSULTANTS AND OTHERS FROM OUT OF TOWN. I WANTED TO NOTE MR. WALKER'S WORK. HE'S JUST PUT IN AN INCREDIBLE AMOUNT OF TIME. I'VE REALLY SEEN HIM GROW IN STATURE, NOT IN SIZE OR ANYTHING, DURING THIS. I REALLY HAVE SEEN SOME -- IN MY OPINION SOME PERSONAL GROWTH HERE. ROGER TAYLOR, I JUST REALLY WANT TO CONGRATULATE YOU AND THANK YOU FOR YOUR YEARS OF SERVICE. NOT JUST FOR THE JJ SEEBROOK NEIGHBORHOOD, BUT THE WHOLE COMMUNITY. RICK WHO

COULDN'T BE HERE TONIGHT AND MANY, MANY OTHERS, THE COMMISSION, GERARD KINNEY, WHO WAS CHAIR OF THE TASKFORCE THAT LAID OUT THIS PLAN. I REMEMBER WHEN HE CAME TO TALK TO ME ABOUT IT, PROBABLY BEFORE I GOT EYE LEKTED -- ELECTED, SO IT'S TAKEN A VERY LONG TIME TO GET HERE, BUT I THINK IT WAS WORTH IT AND WE TOOK A LONG TIME TO GET TO THIS POINT, BUT I BELIEVE WE'VE DONE IT RIGHT.

Mayor Wynn: THANK YOU, COUNCILMEMBER.  
COUNCILMEMBER ALVAREZ.

Alvarez: THANK YOU, MAYOR. AND I REALLY WANT TO THANK EVERYONE REALLY FOR THEIR HARD WORK ON THIS. IT'S ONE OF THOSE THINGS THAT -- YOU CAN'T REALLY GRASP THE CONCEPT THAT WE'RE HERE AT THE LAST MEETING WHERE WE'RE ACTUALLY GOING TO VOTE ON THIS MDA AFTER MANY COMMUNITY MEETINGS AND CITY COUNCIL MEETINGS AND EXECUTIVE SESSIONS. BUT AN INCREDIBLE END PRODUCT AND RESULT AS MANY HAVE SAID ALREADY, THIS IS GOING TO BE I THINK A SIGNATURE PROJECT FOR OUR COMMUNITY. IT'S HARD TO GRASP HOW MANY DIFFERENT WAYS THAT'S GOING TO BE TRUE. THE LAST COUPLE OF WEEKS WE CELEBRATED. I THINK SEVERAL PROJECTS THAT WILL BE SIGNATURE PROJECTS FOR OUR COMMUNITY, AND OF COURSE WE ALL LEARNED MORE ABOUT THE HISTORY OF THE CITY HALL AND HOW MANY DECADES THAT TOOK, AND THE FACT THAT THE MEETING AFTER THE NEXT MEETING WE'LL BE MEETING AT THE NEW CITY HALL. AND JUST A COUPLE OF DAYS AGO WE ACTUALLY BROKE GROUND ON I THINK A VERY SIGNIFICANT PROJECT IN EAST AUSTIN CALLED THE VILLAS ON SIXTH STREET. WHICH IS A PROJECT THAT TOOK ABOUT -- AS LONG AS THIS TO NEGOTIATE WITH THE DEVELOPER, BUT THAT REALLY HAD A MUCH LONGER HISTORY BECAUSE IT WAS A FORMER INDUSTRIAL SITE OWNED AND OPERATED BY THE RAILROADS. AND THAT REALLY HAD NOT BEEN A SITE THAT REALLY CONTRIBUTED TO THE NEIGHBORHOOD AND TO THE SURROUNDING AREA. AND SO I THINK AFTER 75 YEARS OF THAT BEING INDUSTRIAL PROPERTY NEXT TO RESIDENTIAL PROPERTY, AGAIN, WE'RE GOING TO HAVE -- IT'S GOING TO BE ANOTHER AWARD WINNING PROJECT BECAUSE OF WHAT WE'VE BEEN ABLE TO ACCOMPLISH AS A RESULT OF THIS

TWO AND A HALF YEAR WE HAD WITH THAT DEVELOPER TO CRAFT AN AGREEMENT TO BRING QUALITY AFFORDABLE HOUSING AND RETAIL AND SOCIAL SERVICES EVEN WITHIN THAT PROJECT TO THAT NEIGHBORHOOD. AND SO I THINK THERE'S A LOT OF EXCITING THINGS HAPPENING. I THINK COUNCILMEMBER MCCRACKEN MENTIONED A LOT OF THIS, BUT THIS PARTICULAR PROJECT SETS A NEW STANDARD I THINK FOR DEVELOPMENT IN OUR COMMUNITY. WE TALK ABOUT DESIGN GUIDELINES, THE COMMERCIAL SIDE, ON THE RESIDENTIAL SIDE, OPEN SPACE, HOUSING TYPES. I THINK WE'RE GOING TO SEE SOME HOUSING TYPES HERE THAT WE HAVEN'T SEEN ANYWHERE IN THIS COMMUNITY AND WE'RE GOING TO SHOW THAT THEY ARE TOOLS THAT CAN BE UTILIZED IN OUR COMMUNITY SUCCESSFULLY. ON THE MIXED USE SIDE WE PLANNED A -- WE PLAN A VERY GREAT TOWN CENTER THAT I THINK IS GOING TO BE GREAT NOT ONLY FOR THIS DEVELOPMENT, BUT FOR OUR WHOLE COMMUNITY. AND I THINK IT'S GOING TO BE A DRAW AND A MAGNET FOR OUR WHOLE COMMUNITY AND SOMETHING WE ALL I THINK ARE GOING TO BE PROUD OF. THIS PROCESS I THINK SERVES AS A MODEL FOR COMMUNITY DEVELOPMENT, DEVELOPMENT WITH COMMUNITY INVOLVEMENT. AND THAT'S PART OF THE REASON THAT WE'RE HERE AND KIND OF LIMITED OPPOSITION FOR AN INCREDIBLY IMPORTANT AND INCREDIBLY HUGE PROJECT. BUT WE STARTED THIS THROUGH A COMMUNITY PROCESS, LONG PROCESS THAT GOT US TO THIS POINT. AND THE FIRST PRODUCT WE HAD WAS THE CON TEP ACTUAL PLAN BEFORE THE MASTER DEVELOPER CAME ONCAME ON BOARD. SO THE COMMUNITY WORKED HARD TO DEVELOP THAT CONCEPTUAL PLAN, AND THEN CONTINUED TO WORK HARD TO MAKE SURE THAT WHATEVER AGREEMENT WE CRAFTED WITH THE MASTER DEVELOPER WAS VERY CLOSELY IN LINE WITH THAT CONCEPTUAL PLAN, AND I THINK THAT EVEN THOUGH THERE WERE DEVIATIONS, AGAIN BECAUSE OF THE APPROACH CATELLUS BROUGHT TO THE TABLE, IT WAS SOMETHING THAT COULD BE WORKED OUT BETWEEN THE COMMUNITY AND ALL THE STAKEHOLDERS SO THAT THE END PRODUCT BE SOMETHING WE CAN ALL SUPPORT. AND THEN -- BUT THERE WERE A LOT OF -- WE FOCUSED A LOT ON LAND USE AND SEVERAL MONTHS AGO WE ACTUALLY IMPROVED THE LAND USE PART OF THIS, THE

ZONING PART. AND I THINK IT ACTUALLY SOMETHING THAT AGAIN WAS SORT OF NON-EVENTFUL BECAUSE THERE WASN'T A BIG FIGHT ABOUT ANY OF THE ZONING ON THIS PARTICULAR CASE. AND AS YOU'VE ALL SEEN IF YOU'VE BEEN HERE ALL DAY, YOU KNOW HOW SERIOUSLY WE TAKE OUR ZONING IN THIS TOWN. [ LAUGHTER ] THERE WERE NON-LAND USE RELATED ISSUES THAT HAVE ALWAYS BEEN ASSOCIATED WHEN WE TALK ABOUT MUELLER, CERTAINLY THE AFFORDABLE HOUSING IS ONE OF THE BIG ELEMENTS THAT -- WHEN WE'VE TALKED ABOUT MUELLER, IT'S ALWAYS BEEN SORT OF MENTIONED ALONG WITH MUELLER AND THE FACT THAT WE WERE ABLE TO ACHIEVE OUR GOAL OF 25% AFFORDABLE. AND I RECALL EARLY ON WHEN I WAS RUNNING FOR COUNCIL THAT WE WERE TALKING ABOUT THE 25% AFFORDABLE UNITS, 25% OF THE OVERALL UNITS AT 80% MEDIAN FAMILY INCOME, REALLY, REALLY PROUD THAT CATELLUS AND THE CITY WERE ABLE TO NEGOTIATE AN AGREEMENT THAT GETS US HALF OF THE UNITS AT 80% AT MEDIAN FAMILY INCOME AND HALF AT 60%. THIS WAS THE TARGET. AS THE PROJECT DEVELOPS WE'LL SEE WHERE WE ACTUALLY END UP. BUT I THINK THAT'S REALLY AGGRESSIVE AND PROBABLY UNMATCHED IN TERMS OF ANY OTHER KIND OF COMPARABLE PROJECTS AROUND THE COUNTRY. PU I THINK THAT -- BUT I THINK KEY TO ALL THIS IS WE HIRED A DEVELOPER THAT HAS THE KNOWLEDGE AND THE EXPERTISE, THE ABILITY TO GET THIS PLAN THAT WE HAD AND TO GET IT DONE, MAKE IT A REALITY. BUT THEY ALSO BROUGHT THE RIGHT ATTITUDE WITH THEM AND I THINK THAT WAS REALLY, REALLY IMPORTANT. AND FOR SOME IN AUSTIN, I THINK ATTITUDE IS EVERYTHING. AND SO IT WAS -- SO I GUESS WHAT MADE IT KIND OF A DIFFICULT PROCESS A LITTLE EASIER IS THAT GREAT ATTITUDE THEY BROUGHT TO THE TABLE, THE ATTITUDE THAT THE VISION THAT WE HAD ARTICULATED WAS THE RIGHT VISION, THE VISION THAT THE VALUES THAT UNDERLIES OUR VISION FOR MUELLER WERE THE RIGHT VALUES AND THE ATTITUDE THAT COMMUNITY INVOLVEMENT IN THE PROCESS WAS A GOOD THING. AND COULD ONLY MAKE THIS A BETTER PROJECT. AND SO TO A CERTAIN DEGREE ATTITUDE IS FINALLY WHAT GOT US TO THIS POINT. AND WHAT MADE -- WHICH REALLY MADE ME CONSIDER A SHORT AMOUNT OF TIME, NOT A LONG TIME, THAT IT MIGHT FEEL THAT IT HAS BEEN BECAUSE OF THE

HARD WORK THAT EVERYBODY HAS PUT IN. BUT AGAIN, IT WAS THAT ATTITUDE THAT HELPS US GET OVER ALL THE CHALLENGES THAT WE ENCOUNTERED ALONG THE WAY, AND REALLY -- BUT IT WAS A SHARED VISION THAT WE ALL SHARED, ALL THE HARD WORK EVERYONE WAS DOING, OUR CITY STAFF, CATELLUS, THE COMMUNITY, ALL THE COUNCILMEMBERS HERE WHO ALSO WAITED HEAVILY AND GOT US THROUGH THIS PROCESS AND THE RESULT IS SOMETHING THAT I THINK IS JUST INCREDIBLE, AND AGAIN IT GOING TO HOPEFULLY SOMETHING THAT MAKES ALL OF US VERY PROUD. THANK YOU.

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

Goodman: IT'S BEEN A LONG TIME SINCE THE INITIAL CALL TO MOVE THE AIRPORT FROM THAT LOCATION, AND EVENTUALLY A CAMPAIGN THAT TOOK IN VIRTUALLY ALL THE NEIGHBORHOODS IN THE CITY TO WORK IN THAT CAMPAIGN AND COMMUNITY WORKS AS WELL AND TO WIN THE CAMPAIGN TO MOVE THE AIRPORT AT THAT TIME TO THE MANOR SITE AND THEN TO THE BERGSTROM SITE. AND THEN THE WEDDING CAKE PLAN THAT ALL THE NEIGHBORHOODS WORKED ON. IT WAS A PRETTY GOOD PLAN TOO. AND ALL THE WAY FROM WAY FROM THERE TO HERE, ALL THESE NEIGHBORHOODS HAVE STAYED TOGETHER. AND I'M VERY PLEASED TO HAVE BEEN A PART OF THAT AND I THINK WE'LL STILL REMAIN A PART OF THAT BECAUSE THE CONTRACT IS TRULY AN AWESOME ONE, AND IT'S GOT EVERYBODY IN IT, THE INPUT, THE CONTINUING INPUT THAT WE NEED. SO I THINK IT'S THE VERY BEST WE CAN DO AND I THINK IT MEETS THE NEEDS, ALL OF THE NEEDS OF THE NEIGHBORHOOD AND OF THE CITY AND THE COMMUNITY NEEDS LIKE THE AFFORDABLE HOUSING, BUT THE NEIGHBORHOOD NEEDS OF BUILDING A NEIGHBORHOOD WITHIN THEIR NEIGHBORHOOD. AND TAKING ADVANTAGE OF THE URBAN PLANNING AND ALL THE NEW TRENDS THAT WE SAW THE OPPORTUNITY FOR IN THIS ONE LOCATION. SO I DON'T KNOW IF I REALLY BELIEVE IT, BUT I'M READY TO VOTE. [ LAUGHTER ]

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

Dunkerley: JUST A VERY QUICK THANK YOU TO ALL THE PEOPLE INVOLVED, AND THE CITY STAFF, ALL OF THE CONSULTANTS, THE MASTER DEVELOPER, AND TO THE NEIGHBORHOOD. AND I REALLY WANT TO SAY ANOTHER STRONG THANK YOU TO THE NEIGHBORHOOD. YOU HAD THE VISION AND YOU MAINTAINED THE VISION. YOU ALSO HAD THE WISDOM TO HELP US CRAFT ALTHOUGH A VERY COMPLEX DOCUMENT, SOMETHING THAT WILL MAKE THAT VISION A REALITY, AND FOR THAT I THANK YOU. I'M LOOKING FORWARD TO SEEING THIS ON THE GROUND AND WORKING ON IT BEING A GREAT ATTRACTION HERE IN AUSTIN. SO THANK YOU.

Mayor Wynn: COUNCILMEMBER THOMAS.

Thomas: I'M JUST LIKE MAYOR PRO TEM, READY TO VOTE, BUT I DO WANT TO SAY A COUPLE OF THINGS. ONE IS TO STAFF THAT HAVE WORKED REALLY TREMENDOUSLY HARD ON THIS CASE. COMING IN I REMEMBER IN 2000 WHEN I WAS - - MY FIRST TERM RUNNING FOR OFFICE, AND ONE OF THE CANDIDATE FORUMS I DID WAS AT THE MAPLE ELEMENTARY AND MR. WALKER WAS THERE. AND HE MADE IT VERY CLEAR ABOUT THIS PROJECT, HOW HE WANTED TO MOVE FORWARD, ASKED MY OPINION. AND I EXPLAINED TO HIM THAT I'VE BEEN HERE PRETTY WELL ALL MY LIFE AND I UNDERSTAND THAT HE PUT A LOT OF ENERGY IN IT AND I APPRECIATE THEM FOR THEIR HARD WORK, THE COMMISSION, AND I APPRECIATE STAFF. AND I APPRECIATE PREVIOUS COUNCILS COUNCILMEMBERS AND MAYORS WHO HAVE WORKED -- MAYORS WHO HAVE WORKED HARD FOR THIS PARTICULAR PROJECT. AND ONE PERSON THAT I REALLY WANT TO SAY SOMETHING TO IS MR. WEAVER. ONE THING I CAN SAY ABOUT YOU, I MET YOU THE FIRST TIME AND YOU'VE BEEN HONEST, YOU'VE BEEN THOROUGH, YOUR INTEGRITY IS ABOVE AVERAGE, WAY ABOVE AVERAGE. YOU KEPT YOUR WORD. AND I CAN SEE THAT YOU'RE AN HONEST PERSON. I COMMEND YOUR WIFE FOR STANDING BY YOU AND YOU HAVING A CHILD. BUT THIS -- SHE WAS HAVING A CHILD, NOT YOU. [ LAUGHTER ] AND WE'RE LOOKING FORWARD TO THAT RELATIONSHIP TO STAY THE SAME. CATELLUS I KNOW IS VERY PROUD OF YOU. WE ARE VERY PROUD OF YOU BECAUSE YOU'VE BEEN OPENING THINGS UP AND THAT'S WHAT I LIKE ABOUT YOU. AND I'LL JUST SAY A



THAT WE'RE READY FOR THE VOTE. AND I'M SURE THE MAYOR WILL HAVE SOMETHING TO SAY, BUT I THINK THE MAYOR PRO TEM IS THE APPROPRIATE PERSON TO BRING THE MOTION BECAUSE SHE'S BEEN HERE THE LONGEST. MARY MAYOR FAIR ENOUGH. THANK YOU, COUNCIL. I'LL BRIEFLY SAY THAT I FEEL SO LUCKY TO HAVE BEEN SERVING THESE FOUR AND A HALF YEARS WHEN THIS DOCUMENT -- DOCUMENT ASIDE, IT REALLY CAME TO A HEAD. AND TO HAVE THAT LUCK AND TO BE SERVING AS YOUR MAYOR, AS COUNCILMEMBER MCCRACKEN POINTED OUT, WHEN WE SORT OF CLOSED THE DEAL ON THE NEW CITY HALL AFTER 30 YEARS, BEGINNING IN 1974, NOW WE'RE CLOSING THIS DEAL FROM A DOCUMENT STANDPOINT AFTER 20-PLUS YEARS, AND IT'S SORT OF A REMARKABLE MONTH FOR US HERE ON THIS DAIS TO CLOSE THIS PROCESS AND NOW MOVE ON TO THE FUN STUFF, WHICH IS WATCHING DIRT FLY AND WATCHING THE PRODUCT BE DELIVERED IN SUCH A SOUND WAY. WITH THAT, COUNCIL, I'LL ENTERTAIN A MOTION THAT WILL BE TO CLOSE THE PUBLIC HEARING ON ITEM NUMBER 55, APPROVE THE ORDINANCE ON ITEM NUMBER 56 ON ALL THREE READINGS. THE ORDINANCE THAT'S INCLUDED AS PART OF ITEM 57 ON ALL THREE READINGS. AND THE RESOLUTIONS THAT ARE IMBEDDED IN ITEM 55, 58, 59 AND 60.

Goodman: MAYOR?

Mayor Wynn: MAYOR PRO TEM.

Goodman: I WOULD SO MOVE ON ALL THOSE ITEMS, 55 THROUGH 60.

Slusher: SECOND.

Mayor Wynn: MOTION AS OUTLINED EARLIER MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER SLUSHER. FURTHER COMMENTS? THANK YOU. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

BROWN, IS THAT ALL OF OUR BUSINESS? I'LL ENTERTAIN A MOTION TO CLOSE -- EA GEORGETOWN THE -- ADJOURN THE CITY COUNCIL MEETING. MOTION BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER SLUSHER. ALL IN FAVOR? WE'RE ADJOURNED. THANK YOU.

### **End of Council Session Closed Caption Log**