

Closed Caption Log, Council Meeting, 10/06/05

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GOOD MORNING, IT'S MY PRIVILEGE TO WELCOME PASTOR ED CALAHAN FROM AGAPE THAT WILL LEAD US IN OUR INVOCATION. PASTOR? PLEASE RISE.

BLESSED LORD, OH, MY SOUL, ALL THAT IS WITHIN ME, BLESS HIS HOLY NAME. OUR HEAVENLY FATHER WE PRAISE YOU THIS GLORIOUS DAY FOR YOUR PRESENCE AND YOUR MAGAZINE ANY MAGNIFESCENCE. WE PRAISE YOU FOR YOUR DIVINE LEADERSHIP AND CARE FOR ALL THAT YOU HAVE CREATED AND LOVED. MASTER WE COME BEFORE YOU WITH PRAISE AND THANKSGIVING IN OUR HEARTS FOR ALLOWING THIS BODY TO GATHER ONE MORE TIME TO EXERCISE OUR ROLES AND RESPONSIBILITIES FOR WHICH THEY HAVE COMMITTED THEM SELVES AS PUBLIC SERVANTS. FATHER, GIVE GUIDANCE TO THIS MAYOR AND THESE COUNCILMEMBERS AS THEY DELIBERATE OVER THE BUSINESS OF THIS CITY, BLESS THESE LEADERS WITH INSIGHT, WITH REASON, KNOWLEDGE, FORESIGHT AND COMPASSION FOR THIS WORK. LORD, BLESS AND -- AND GIVE THEM INDIVIDUALLY AS WELL AS COLLECTIVELY SENSITIVITY TO THE NEEDS OF ITS CITIZENS. HELP THEM TO BE COMMITTED TO DOING WHAT IS RIGHT AND IN THE BEST INTERESTS OF THIS COMMUNITY. OH, LORD, WE THANK YOU FOR THE LEADERSHIP AND COMPASSION DEMONSTRATED BY THIS CITY, DURING THE RECENT TRAGEDIES OF HURRICANE KATRINA AND RITA. SUFFERED BY OUR BROTHERS AND SISTERS IN NEIGHBORING STATES. THANK YOU FOR THE OUTPOURING OF THE LOVE AND CONCERN

SHOWN BY THE VARIOUS FAITHS AND CITIZENS OF THIS COMMITTEE FOR OUR FELLOW MAN. MASTER, WE PRAY FOR YOUR DEFINE INTERVENTION, FOR THESE -- DIVINE INTERVENTION TO THESE THINGS THAT DIVIDE US AS A CITY, AS A COUNTY, AS A STATE, AS WELL AS AS A COUNTRY, FATHER GOD, BLESS THIS CITY, HELP US TO PUT ASIDE OUR DIFFERENCES AND BIND US TOGETHER IN BROTHERLY LOVE. LET THE BOND OF BROTHERLY LOVE AND UNANIMITY OF GODLY PRINCIPLES KEEP US ON ONE ACCORD. HELP US, LORD, NOT TO FORGET THAT WE ARE ALL YOUR CHILDREN. HEAVENLY FATHER, HELP US NOT TO FORGET THAT ALL POWER OF HEAVEN AND EARTH REST IN YOUR DIVINE HANDS. FOR THAT WE ARE TRULY GRATEFUL. WE PRAY AND ASK ALL OF THESE BLESSINGS IN THE NAME OF YOUR SON WHOM I SERVE, JESUS CHRIST, AMEN.

AMEN.

Mayor Wynn: THANK YOU, PASTOR CALAHAN. THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, OCTOBER 6th, 2005, WE ARE IN THE COUNCIL CHAMBERS OF CITY HALL, 301 WEST SECOND STREET IN AUSTIN, IT IS APPROXIMATELY 12 MINUTES AFTER 10:00 IN THE MORNING. WE HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. THEY ARE, ITEM NO. 5, WE WILL -- THIS IS TO BE POSTPONED TO OCTOBER 20th, 2005, ITEM 12, ALSO TO BE POSTPONED TO OCTOBER 20th, 2005; ON ITEM 24, WE SHOULD CORRECT -- CHANGE THE SUGGESTED DATE AND TIME OF THE PUBLIC HEARING, CHANGING IT FROM OCTOBER 27th TO NOVEMBER 3rd, 2005 AT 6:00 P.M. HERE IN THE COUNCIL CHAMBERS, ITEM NO. 28 HAS BEEN POSTPONED TO OCTOBER 20th, 2005; AND ON ITEM 33, A -- A ZONING CASE AT THOMPSON CARTER HOUSE, WE HAVE ALREADY HEARD THE PUBLIC HEARING, WE SHOULD INCLUDE IN THE POSTED LANGUAGE TO APPROVE ON SECOND AND THIRD READING NOT JUST THIRD READING, ALSO TO NOTE THAT ON STAFF RECOMMENDATION STRIKE THE WORD WITHDRAWAL, RECOMMEND DENIAL. STAFF RECOMMENDS DENIAL OF THE CASE DUE TO EXECUTED AGREEMENT BETWEEN PROPERTY OWNER AND CLARKSVILLE COMMUNITY DEVELOPMENT CORP; ITEM NO. 36 WE SHOULD CORRECT THE NAME OF THE

STREET, STRIKING THE NAME MOCKINGBIRD AND INSERTED THE WORD HUMMINGBIRD LANE. ON ZONING CASE Z-15, WE SHOULD ON NOTE THAT IT WAS THE PLANNING COMMISSION RECOMMENDATION, NOT THE ZONING AND PLATTING COMMISSION RECOMMENDATION. AND ON ITEM Z-17 WE SHOULD NOTE AND INCLUDE THAT THERE'S A VALID PETITION FILED IN OPPOSITION TO THAT ZONING REQUEST. THOSE ARE OUR CHANGES AND CORRECTIONS TO THIS WEEK'S AGENDA. OUR TIME CERTAIN ITEMS TODAY AT NOON WE BREAK FOR OUR GENERAL CITIZEN COMMUNICATION, AT 2:00 WE HAVE A BRIEFING THAT SHOWS AS ITEM NO. 32 REGARDING SOME WORK IN DOWNTOWN, AT 4:00 WE HAVE OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS, THOSE SHOW AS ITEMS 33 THROUGH 37, AND ZONING CASES, PUBLIC HEARING CASES Z-1 THROUGH Z-18. WE WILL NOTE NOW THAT STAFF WILL BE REQUESTING THAT Z-17 BE POSTPONED TO OCTOBER 27th, 2005. 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, AT 6:00 P.M. WE HAVE PUBLIC HEARINGS AND POSSIBLE ACTION. WE HAVE ONE OF THOSE POSTED AS ITEM NO. 38. COUNCIL, WE HAVE THREE ITEMS PULLED OFF THE CONSENT AGENDA. ITEM NO. 8, ITEMS NUMBER 9 AND ITEM NO. 10 ALL RELATED TO OUR NEIGHBORHOOD COMMERCIAL MANAGEMENT LOAN PROGRAM, PULLED BY COUNCILMEMBER ALVAREZ. ARE THERE OTHER ITEMS TO BE PULLED OFF THE CONSENT AGENDA OR ADDED BACK? THEN HEARING NONE, I WILL READ THE CONSENT AGENDA. OUR CONSENT AGENDA THIS MORNING WILL BE -- ITEM 1, 2, 37 3, 4, 5 FOR POSTPONEMENT TO OCTOBER 20th, 2005. PER CHANGES AND CORRECTION. ITEM 6, 7, 11, 12 POSTPONED ALSO TO OCTOBER 20th, 2005, PER CHANGES AND CORRECTIONS, ITEM 13, 14, 15, 16, 17, 18, 19, 20, 21, WHICH ARE BOARD AND COMMISSION APPOINTMENTS THAT I WILL READ INTO THE RECORD. TO THE ANIMAL ADVISORY COMMISSION, NATASHA IS MAYOR PRO TEM'S APPOINTMENT TO THE COMMISSION ON IMMIGRANT AFFAIRS, ANDREA FILINO IS A CONSENSUS REAPPOINTMENT AND EMILY LARUE IS A CONSENSUS APPOINTMENT. TO OUR DESIGN COMMISSION, ELEANOR McKINNEY IS A COUNTRIES REAPPOINTMENT, TO THE DOWNTOWN COMMISSION, THERESA FERGUSON, THE MUSIC COMMISSION REP, IS A CONSENSUS REAPPOINTMENT, AND TIM FINDLEY, WHO IS

THE DOWNTOWN AUSTIN ALLIANCE REP IS ALSO A CONSENSUS REAPPOINTMENT. THOSE ARE FOR ITEM NO. 21 OUR BOARD AND COMMISSION APPOINTMENTS. ALSO ON THE CONSENT AGENDA, ITEM 22, 23, 24, PER CHANGES AND CORRECTION, 25, 26, AND 28, TO BE POSTPONED TO OCTOBER 20th, 2005, I WILL ENTERTAIN A MOTION ON THE CONSENT AGENDA. MOTION MADE BY COMISM, SECONDED BY COUNCILMEMBER DUNKERLY TO APPROVE THE CONSENT AGENDA AS READ.

I WOULD LIKE TO MAKE A COMMENT, I'M NOT GOING TO VOTE ON THE CONSENT AGENDA, ITEM NO. 19 WHICH IS BASICALLY A MARKET STUDY TO IMPLEMENT THE PAY RAISES THAT WERE AUTHORIZED FOR CITY EMPLOYEES, IN THE PRESENT BUDGET, I'M GOING TO BE WORKING TO MAKE SURE THAT -- THAT THIS PROCESS IS FULLY VETTED IN THE COMMUNITY AS IT GOES FORWARD AND ESPECIALLY WITH AFSCME WHICH WAS PRIMARILY RESPONSIBLE FOR GETTING THE PAY RAISES IN THE FIRST PLACE BECAUSE I WANT TO AVOID THE KIND OF DISCUSSION THAT WE HAD ABOUT THE METHODOLOGY IN THE FIREFIGHTERS AGREEMENT. I WANTED TO MAKE THAT COMMENT. BUT I'M NOT GOING TO -- YES, SIR.

Mayor Wynn: YES, MR. CANALES?

I WOULD LIKE TO RESPOND TO THE COUNCILMEMBERS THAT WE HAVE A MEETING SCHEDULED FOR NEXT MONDAY, COUNCILMEMBER, WITH AFSCME TO PROVIDE THEM AN OVERVIEW WITH THE STUDY AND PROCESS AND SO FORTH. THAT ONE IS ON ITS WAY.

EXCELLENT, THANK YOU.

Mayor Wynn: FURTHER COMMENTS ON THE CONSENT AGENDA? I WOULD JUST LIKE TO POINT OUT ON ITEM NO. 6, WHERE WE FORMALLY WILL BE ACCEPTING GRANT MONEY FROM, TECHNICALLY FROM THE STATE, BUT VIA FEMA, \$17,175,270, TECHNICALLY THIS IS -- THIS IS AN AMOUNT THAT -- THAT THE CITY MANAGER HAS BEEN ABLE TO CONFIRM WITH FEMA OVER THE PREVIOUS FEW WEEKS AS STAFF AND OTHER FOLKS IN THE COMMUNITY WORKED DILIGENTLY TO PLACE AS MANY VISITORS FROM THE

KATRINA HURRICANE THROUGH MOSTLY APARTMENTS THROUGHOUT THE AUSTIN AREA. AS BIG AS THIS NUMBER IS, AS IMPRESSIVE AS IT IS, THIS TECHNICALLY IS JUST A -- A PREAPPROVED HOUSING COMPONENT. WE STILL HAVE A NUMBER OF ITEMS DIRECT EXPENSE EXPENSES THAT WE HAVE INCURRED THAT WE ARE CONTINUING TO WORK WITH THE FEDERAL GOVERNMENT AND STATE AUTHORITIES TO -- TO CONFIRM THE REIMBURSEMENT FOR THOSE EXPENDITURES. BUT THIS IS AN IMPORTANT STEP AS IT HELPS US WITH THE LARGEST OF THE COMPONENTS SO FAR, WHICH IS UP TO SIX MONTHS HOUSING RENTAL FOR SO MANY PEOPLE WHO WERE STAYING WITH US THESE NEXT FEW MONTHS IN AUSTIN. SO I COMMEND THE CITY MANAGER AND HER STAFF FOR -- FOR WORKING VERY DILIGENTLY WITH THE FEDERAL AUTHORITIES TO CONFIRM THIS NUMBER IN ADVANCE. MY INSTINCT IS WE ARE PROBABLY THE FIRST CITY WHO HAS TAKEN ACTION LIKE THIS WITH THIS LARGE OF APPROVED REIMBURSEMENT THROUGH FEMA. THANK YOU, CONGRATULATIONS TO CITY STAFF. COUNCIL, WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

Mayor Wynn: COUNCIL, WE HAVE THREE ITEMS PULLED BY COUNCILMEMBER ALVAREZ ALL RELATED TO THE NEIGHBORHOOD COMMERCIAL LOAN PROGRAM, I WILL RECOGNIZE COUNCILMEMBER ALVAREZ.

Alvarez: THANK YOU, MAYOR. REALLY, MAYOR AND COUNCIL, I JUST DID THIS BECAUSE EACH OF THESE SEEM TO HAVE KIND OF AN INTERESTING STORY BEHIND THEM, I THINK IT WOULD BE GOOD FOR THE COMMUNITY TO -- TO UNDERSTAND WHAT WE ARE DOING WITH THESE PARTICULAR LOANS THAT ARE RECOMMENDED FOR APPROVAL. I THINK MR. HILGERS OR SOMEONE IN HIS SHOP WILL BE TELLING US A LITTLE BIT MORE ON THE BACKGROUND OF THESE.

CORRECT, COUNCILMEMBER. I'M PAUL HILGERS DIRECTOR OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT. I APPRECIATE THE OPPORTUNITY TO TALK ABOUT THESE LOANS. I APPRECIATE THE OPPORTUNITY EVEN MORE TO INTRODUCE THE MANAGER OF COMMUNITY DEVELOPMENT FROM MY DEPARTMENT WHO KNOWS MORE ABOUT THE TECHNICAL DETAILS, HE'S GOING TO GIVE YOU A SHORT PRESENTATION, DISCUSSION OF EACH ONE OF THESE LOANS THE UNIQUE STORIES AS YOU PUT IT, COUNCILMEMBER.

GOOD MORNING, MAYOR PRO TEM, COUNCIL.

GOOD MORNING.

THE ITEMS BEFORE YOU THIS MORNING, WE ARE GOING TO START WITH COMMON INTERESTS. I HAVE THE ACTUAL -- COMMON INTEREST IS OWNED BY MR. GORDON KINNEY, THE FACILITY IS LOCATED OFF OF BURNET ROAD. MR. McKINNEY CAME TO US SEEKING A LOAN UNDER OUR NCMP PROGRAM, WHICH IS A REVOLVING LOAN PROGRAM FOR THE -- THAT'S ALLOWED TO BE FOR INDIVIDUALS INSIDE OF THE PRIORITY AREA WHICH IS BORDERED BY 183 ON THE NORTH, I-35 ON THE EAST AND 183 ON -- EXCUSE ME, I-35 ON THE WEST, 183 ON THE EAST, AND THE COLORADO RIVER ON THE SOUTH MR. McKINNEY'S TOTAL PROJECT WAS \$499,000. PRIOR TO COMING TO US, MR. McKINNEY WENT OUT AND SECURED A LOAN FROM FIRST TEXAS BANK IN THE AMOUNT OF \$150,000, WHICH WAS SECURED BY AN SBA GUARANTEED LOAN OF 85%. MR. McKINNEY ALSO IS RECEIVING FUNDS IN ADDITION TO FROM AUSTIN IN THE AMOUNT OF 25,000 AND ALSO FROM OUR PROGRAM, WE HAVE TAKEN THE PROJECT THROUGH LOAN COMMITTEE AND THEY ARE ALSO -- THEY ALSO HAVE AWARDED MR. McKINNEY \$100,000. ONE OF THE THINGS OR THE NATURE OF OUR PROGRAM IS CONSISTENT WITH ALL THREE OF THE APPLICATIONS. PRIMARILY, WHAT WE ARE TRYING TO DO IS INTERJECT FUNDS TO BUSINESSES, SMALL BUSINESSES, FOR THEIR ABILITY TO -- TO REACH OUR NATIONAL OBJECTIVE, WHICH IS TO CREATE JOBS FOR LOW TO MODERATE INCOME PEOPLE. MR. McKINNEY, IN THIS CASE, BASED ON OUR EQUATION, WHICH IS A 35 TO 1. FOR EVERY \$35,000 THAT WE GIVE YOU, YOU SHOULD CREATE ONE JOB. IN THIS CASE MR. McKINNEY WOULD BE

RESPONSIBLE FOR CREATING TWO JOBS BUT CURRENTLY HE'S ACTUALLY PRODUCING 18 JOBS BASED ON THE MONEY THAT WE ARE GOING TO GIVE HIM. 18 THAT ARE RETAINED AND 8 THAT ARE EXCUSE ME 10 THAT ARE RETAINED AND 8 THAT ARE CREATED. ADDITIONALLY, MR. McKINNEY, IS INTERJECTING ON THIS DEAL BECAUSE IT IS A LOAN, MR. McKINNEY HAS BEEN INTERJECTING \$199,000 FROM INSURANCE PROCEEDS, HE'S INTERJECTING \$50,000 FROM HIS OWN EQUITY FROM BORROWED EQUITY. ADDITIONALLY THE TEXAS LOAN MAKES UP THE \$499,000. WE FELT THIS WAS -- THE LOAN COMMITTEE WAS WELL, FELT THIS WAS A GOOD LOAN. AND IN TERMS -- THE TERMS IN THE AGREEMENT OF THE LOPE ARE AS SUCH: -- OF THE LOAN ARE AS SUCH. MR. McKINNEY'S DEBT SERVICE AVERAGED FROM YEAR ONE WILL BE 2608, YEARS TWO THROUGH FIVE WOULD BE 3705, YEARS SIX THROUGH SEVEN, 4,328, YEARS 8 THROUGH 11 WOULD BE 2,009. THAT WOULD INCLUDE ALL OF THE INDIVIDUALS THAT WE ARE ACTUALLY RECEIVING FUNDS FROM FOR THIS PROJECT. I'LL ENTERTAIN ANY QUESTIONS.

QUESTIONS OF MR. JOBE, COUNCIL? COUNCILMEMBER ALVAREZ?

Alvarez: ONE THING THAT YOU DID MENTION, INSURANCE PROCEEDS. BUT THE WHOLE REASON BEHIND THE OWNER HAVING TO PURSUE THIS OPTION IS BECAUSE HE SUFFERED A FIRE IN HIS BUSINESS.

YES, THAT WOULD BE CORRECT COUNCILMAN ALVAREZ VARIOUS SO HE'S PROPOSING TO REBUILD BUT OBVIOUSLY TRYING TO MAYBE BUILD UPON THE SUCCESS THAT HE'S HAD IN THE PAST, IN SO DOING AS WELL.

YES, SIR, ABSOLUTELY.

Alvarez: THANK YOU.

Mayor Wynn: WITHOUT OBJECTION, BEFORE HE GOES ON TO THE NEXT CASE, WE HAVE ONE PERSON WISHING TO SPEAK SPECIFICALLY ON ITEM NO. 8, THAT'S JENNIFER JENNIFER GALE, WELCOME, THREE MINUTES.

THREE MINUTES. WHAT I'M BRINGING BEFORE THE CITY COUNCIL IS SOMETHING THAT APPLIES TO THIS LAW AND ALL LAWS SINCE COUNCILMAN DUNKERLY AND COUNCILMAN LEFFINGWELL TOOK OFFICE. I RECEIVED A LETTER BACK FROM THE SECRETARY OF STATE SAYING THAT THE LAWS THAT WEREN'T UPHELD DO APPLY IN THE LAST ELECTION. THERE ARE TWO PIECES OF PAPER, BRIEFLY I WANT TO SHOW THAT MADE COMPLAINTS PRIOR TO THE EARLY VOTING PERIOD OF THE ELECTION --

Mayor Wynn: MS. GALE, WE ARE TALKING ABOUT A NEIGHBORHOOD COMMERCIAL MANAGEMENT LOAN PROPOSAL TO A BUSINESS CALLED THE COMMON INTEREST.

RIGHT, I'M SUGGESTING THAT IF COUNCILMEMBERS LEFFINGWELL AND COUNCIL WOMAN DUNKERLY VOTE ON THIS, IF THIS IS TAKEN TO COURT, THAT THOSE LAWS, THAT THAT CAN BE -- SINCE THEY ARE NOT LEGALLY IN OFFICE RIGHT NOW, THAT THAT -- THAT THOSE LAWS CAN BE REMOVED. AS HAVING BEEN VOTED ON BY BOTH OF THEM SINCE THEY ARE NOT HERE LEGALLY AND I'VE GOT THE EVIDENCE RIGHT HERE.

Mayor Wynn: MS. GALE, IF THAT'S YOUR ISSUE, THE COUNCILMEMBERS JUST VOTED ON 30 SOME ODD ISSUES ON THE CONSENT AGENDA, SO WITH -- WITH DUE RESPECT, YOUR TESTIMONY ISN'T RELATED TO ITEM NO. 8. I NOTICE THAT YOU HAVE SIGNED UP FOR CITIZENS COMMUNICATION, AT NOON YOU CAN BRING FORWARD THIS OTHER ISSUE. BUT WE ARE HERE TO TALK ABOUT AND ANALYZE AND VOTE ON A PROPOSED COMMERCIAL LOAN TO A SERIES OF BUSINESSES. SO THANK YOU, BUT WE'LL LISTEN TO YOUR TESTIMONY AT NOON DURING THE CITIZENS COMMUNICATION.

OKAY.

THANK YOU.

Mayor Wynn: THANK YOU. COUNCIL, FURTHER COMMENTS OR QUESTIONS ON ITEM NO. 8, WHICH IS THE COMMON INTEREST NEIGHBORHOOD COMMERCIAL MANAGEMENT

LOAN PROPOSAL? IF NOT, LET'S CONTINUE, MR. JOBE.

THE SECOND ITEM, I HAVE AUSTIN LUMBER, I HOPE THAT I'M IN SEQUENCE --

Mayor Wynn: THAT'S FINE.

THE BAR IS -- THE BORROWER IS MS. LAURA McCULLIN. HERE RECENTLY SHE SUFFERED A LOSS DUE TO A FIRE AT HER FACILITY. SO MY MS. CULLIN CAME TO US SEEKING A LOAN FOR HER BUILDING. THE AMOUNT IS \$250,000 WITH A FIRST LIEN ON HER PROPERTY. WE FEEL REAL COMFORTABLE IN OUR LIEN POSITION. ADDITIONALLY, THE LOAN IS FOR RECONSTRUCTION OF SOME OF HER BUILDINGS ON SITE. OF COURSE THE INTEREST RATE IS 3% AND HER REPAYMENT TERMS, IF WE ARE ALLOWED TO PROCEED AND GIVE HER THE \$250,000, AM TORE RISED OVER A -- ARM AMOTORIZED, IT'S [INDISCERNIBLE] PER MONTH. THE LOAN COMMITTEE FELT BASED ON HER FINANCIALS THAT SHE WAS ABLE TO ABSORB THAT AND MOVE FORWARD. SOURCES FOR REPAYMENT COMES FROM CASH FLOW FROM OPERATIONS AND PERSONAL GUARANTEES. OF COURSE WE HAVE A FIRST LIEN POSITION ON HER REAL ESTATE PROPERTY WHERE THE ACTUALLY FACILITY IS LOCATED. ADDITIONALLY, WELLS FARGO IS INTERJECTING \$160,000 WHICH REPRESENTS ABOUT A THIRD OF THE PROJECT INTO THE RECONSTRUCTION OF THE BUILDINGS ON MS. CULLIN'S PROPERTY. I WILL ENTERTAIN ANY QUESTIONS.

THANK YOU, MR. JOBE. QUESTIONS, COUNCIL? COMMENTS? COUNCILMEMBER KIM?

Kim: I THINK THESE KIND OF PROGRAMS ARE GOOD FOR A NUMBER OF REASONS. NO, MA'AM DO THEY HELP SMALL BUSINESSES, BUT ALSO LEVERAGING THE -- THE LOANS FROM THE PRIVATE SECTOR. THERE ARE ALWAYS MATCHING FUNDS FROM THE PRIVATE SECTOR AS WELL AS THE EQUITY FROM THE BUSINESS OWNER, THAT WAY WE ARE REALLY DIVERSIFYING THE RISK OF -- IT'S ALSO VETTED THROUGH NUMEROUS PROCESSES, NOT JUST THE CITY'S. SO THE JOBS THEY CREATE ARE VERY BENEFICIAL. ALSO THE SALES REVENUE AS WELL AS THE OTHER SMALL BUSINESSES THEY SUPPORT. SO IT'S SOMETHING THAT WE

SHOULD ENCOURAGE TO SEE, ESPECIALLY AT SOME OF THESE BUSINESSES THAT WERE DAMAGED BY FIRE, THEY REALLY NEED THE HELP OF THE CITY AND OTHER PRIVATE AS WELL AS PUBLIC SECTOR SUPPORT FOR GETTING BACK UP ON THEIR FEET AND KEEPING THOSE PEOPLE EMPLOYED. THANK YOU.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: MAYOR, I WOULD SAY THIS HAS BEEN A -- I GUESS IT'S BEEN SINCE JANUARY 1 OF THIS YEAR, IT SEEMS LIKE A LONG, LONG TIME AGO, AND MS. CULLIN HAS BEEN VERY PATIENT, CERTAINLY HAD HER STORY TOLD IN THE MEDIA IN SEVERAL DIFFERENT TIMES AND -- IN RELATION TO SEVERAL DIFFERENT THINGS AND SO IT'S GOOD JUST TO BE ABLE TO GET TO THIS POINT AND -- WE DO WANT TO THANK YOU FOR YOUR PATIENCE AND HELPING AS WE WENT THROUGH THE PROCESS. I WANT TO THANK ALL OF THE FOLKS WHO ARE RECOMMENDED TODAY BECAUSE IT'S NOT AN EASY PROCESS TO GET THROUGH. OR A QUICK PROCESS BUT WE THINK WE DO PROVIDE SOME SUPPORT WHETHER OTHER FINANCIAL INSTITUTIONS MAY NOT. SO THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. COUNCIL, WE HAVE ONE CITIZEN SIGNED UP WISHING TO ADDRESS US. LAURA CULLIN. WELCOME, LAURA, YOU WILL HAVE THREE MINUTES.

I THINK YOU ALL ARE PRETTY WELL AWARE OF MY LITTLE SITUATION. DID YOU ALL HAVE ANY QUESTIONS FOR ME AND MY BACKGROUND? IT'S NOT -- IT'S A 75-YEAR-OLD BUSINESS, BEEN THERE 80 YEARS, LIKE I SAID WOMAN OWNED. I'M PROBABLY THE ONLY WOMAN OWNED IN CENTRAL TEXAS IN THE LUMBER BUSINESS AND MILL. WE PLAN ON STILL BEING THERE. I HAVE GOT THREE BOYS COMING UP, I'M NOT GOING ANYWHERE. AND I CAN GUARANTEE YOUR MONEY HELPING ME, I OWN THIS, THIS IS A BIG STEP FOR ME TO ASK FOR HELP. AND I APPRECIATE WHAT YOU ARE DOING. WE HAVE GOT A LOT OF THINGS COMING UP THAT'S GOING TO BE FANTASTIC IN EAST AUSTIN, AND I'M READY TO SEE EAST AUSTIN FINALLY CHANGE AND GROW. SO -- ANY QUESTIONS?

Mayor Wynn: COUNCILMEMBER KIM?

Kim: I KNOW IN THE CONSTRUCTION INDUSTRY IT'S STILL VERY A MALE DOMINATED INDUSTRY. SO IT'S GREAT TO SEE A WOMAN LIKE YOU WHO HAS A VERY ESTABLISHED, VERY SUCCESSFUL BUSINESS AND IN THIS AREA AND I WAS WONDERING MAYBE CAN YOU TELL US A LITTLE BIT ABOUT WHAT'S GOING ON IN THE LUMBER INDUSTRY, ARE PRICES GOING UP?

DON'T BLAME -- DON'T BUY PLYWOOD RIGHT NOW. YEAH, I AM ALSO WITH THE NATIONAL ASSOCIATION OF WOMEN IN CONSTRUCTION. I'M OVER TEXAS AND OKLAHOMA. I'M DIRECTOR. WE HAVE OTHER -- OVER 6,000 WOMEN. I GO AROUND TALKING TO SCHOOLS, STUDENTS, ANYBODY AND EVERYBODY ABOUT WOMEN IN THE CONSTRUCTION INDUSTRY. IT IS A TOUGH FIELD. I HAVE BEEN IN IT 20 YEARS. I STARTED OUT ON THE FLOOR, ON THE GROUND WITH THE LABORERS AND WORKED MY WAY UP AND BOUGHT IT. SO THIS IS A REAL FIGHT FOR ME. IT'S NOT -- IT'S NOT JUST A JOB. AND ON THAT PROPERTY, MY DAD WAS BORN OR RAISED THERE, I WAS RAISED THERE AND I MOVED BACK SO MY SON WOULD BE RAISED THERE. SO IT'S NOT JUST A BUSINESS. YOU KNOW, IT'S OUR HERITAGE. AND WE HAVE BEEN A PART OF EAST AUSTIN EVEN BEFORE EVERY -- YOU KNOW, ANYBODY CAME OVER THERE. AND SO -- IT'S AN AWESOME AREA. WE CONTINUE TO GROW.

Kim: GREAT. THANK YOU.

THANK YOU SO MUCH.

Mayor Wynn: THANK YOU, MS. CULLIN. QUESTIONS, COUNCIL? AGAIN, WE ARE PROUD OF THE PROGRAM AND MS. CULLIN, FRANKLY YOUR GOING THROUGH THE PROCESS, THE STRUCTURED PROCESS THAT OUR STAFF HAS FOR IT SPEAKS VOLUMES ALREADY OF THE BUSINESS PLAN AND HOW IMPORTANT WE VALUE YOUR BUSINESS THERE IN EAST AUSTIN. WELCOME BACK, MR. JOBE.

THANK YOU, MAYOR. OUR THIRD AND FINAL ITEM IS CISCO'S BAKERY. THE BORROWERS ARE MS. AVA COX AND [INDISCERNIBLE] THE BUILDING IS LOCATED ON 1511 EAST

SIXTH STREET. THE AMOUNT REQUESTED FROM THE APPLICATION WAS \$30,000. OUR LOAN COMMITTEE ACTUALLY OFFERED ONE OR TWO -- WANTED TO PROVIDE THEM WITH MORE ASSISTANCE, WE FELT BASED ON THEIR FINANCIALS, THEIR LONG COMMITMENT IN THE COMMUNITY THAT THEY COULD ACTUALLY SUPPORT THE DEBT SERVICE. SO -- SO THE MONEY WILL BE USED FOR PROPERTY IMPROVEMENTS AND ONCE AGAIN THE LOAN RATE IS AT 3%. OVER A 15 YEAR PERIOD. THEIR PAYMENTS ARE AROUND 14 -- EXCUSE ME, \$414 PER MONTH. FOR THE ACTUAL \$30,000. BUT IF WE MOVE FORWARD 60,000, THEY HAVE A LOAN PAYMENT OF ROUGHLY ABOUT [INDISCERNIBLE] THE SOURCES OF PAYMENT ARE CASH FLOW OPERATIONS AND PERSONAL GUARANTEES. IN THIS CASE THE REASON THAT WE ARE REAL EXCITED ABOUT WORKING WITH THEM BECAUSE WE ARE GOING TO -- WE SEE THE -- THE CISCO'S BAKERY AS A STAPLE IN THE COMMUNITY, SO WE ARE TAKING THE FIRST LIEN POSITION IN TERMS OF THE COLLATERALIZING THE ACTUAL LOAN. THEY CURRENTLY HAVE 10 EMPLOYEES. THE JOB CREATION PROPOSED FOR LOW TO MODERATE INCOME PEOPLE ARE ACTUALLY TWO JOBS, BUT THEY FEEL LIKE THEY CAN SORT OF DO TWO JOBS AND TWO PART-TIME POSITIONS. I'LL ENTERTAIN ANY QUESTIONS.

Alvarez: MAYOR, THERE'S ANOTHER LONG-TIME EAST AUSTIN INSTITUTION.

Mayor Wynn: ABSOLUTELY.

Alvarez: JUST GOOD TO HEAR THAT THEY ARE IN GOOD SHAPE. AGAIN TRYING TO SEE OWE TO BUILD UPON -- AGAIN TRYING TO BUILD UPON THE SUCCESS THAT THEY'VE HAD IN THE COMMUNITY. AND I THINK JUST TO CLARIFY, I THINK THAT THEY OWN THE PROPERTY OUTRIGHT, SO THIS WOULD BE THE ONLY LOAN THAT THEY HAVE ON THAT PROPERTY?

YES, SIR, BASED ON -- THEY ARE INTERJECTING ABOUT 6,750 OF THEIR OWN MONEY AND I THINK YOU ARE RIGHT, THEY ACTUALLY OWN THE PROPERTY OUT RIGHT.

Alvarez: SO THEY COULD QUALIFY FOR A MUCH LARGER

AMOUNT.

YES, SIR.

Alvarez: SO I THINK THAT, YOU KNOW, THEY ALSO SHOULD BE THANKED FOR ASKING FOR WHAT THEY NEED AND LEAVING SOME FUNDS IN THE PROGRAM FOR OTHER FOLKS WHO DO HAVE -- WHO ELSE HAVE A NEED. SO I WANTED TO -- ANYWAY, JUST HIGHLIGHT THOSE, MAYOR, REALLY, THOSE PARTICULAR PROJECTS BECAUSE IT'S A PROGRAM WE ARE LOOKING TO EXPAND AS WE DISCUSSED IN THE BUDGET, WE ARE REQUESTING AUTHORITY I GUESS FOR ANOTHER 3 MILLION. SO IN -- YOU KNOW, THIS KIND OF REVOLVING LOAN SORT OF A FRAMEWORK WHICH AGAIN HOPEFULLY IS -- IS A - - IS A -- A LOAN PROGRAM THAT CONTINUES TO -- TO SERVE THE COMMUNITY FOR MANY, MANY YEARS. AS THESE INITIAL LOANS GET PAID OFF, SO --

YES, SIR, WE ARE ACTUALLY PROJECTING CURRENTLY WE BROUGHT -- WE HAVE FOUR THAT ARE PROPOSED. THESE THREE THAT ARE BEFORE YOU NOW, WE ARE BRINGING FOUR BACK, THAT'S 11 LOANS, OF THOSE 11 LOANS, 8 OF THOSE LOANS ARE IN OUR PRIORITY AREA, SO WE ARE REALLY EXCITED ABOUT THAT.

Alvarez: IT ALSO USUALLY ALLOWS US TO LEVERAGE THOSE FUNDS AS WELL, AS YOU ALSO HEARD FROM THE TWO -- TWO OF THE LARGER LOANS THAT ARE ON THE AGENDA TODAY IS THAT THEY ARE -- WE ARE ALMOST LEVERAGING DOLLAR FOR DOLLAR FOR PRIVATE FINANCIAL INSTITUTIONS, ANOTHER POSITIVE ASPECT TO IT.

YES, SIR.

Alvarez: THANK YOU.

Mayor Wynn: COUNCILMEMBERS, FURTHER QUESTIONS OR COMMENTS? THANK YOU, MR. JOBE.

THANK YOU, MAYOR. COUNCIL, I PRESUME WE COULD TAKE UP A -- A CONSOLIDATED MOTION IF THAT WOULD BE THE WILL. OR FURTHER QUESTIONS OR COMMENTS ON ITEMS 8,

9 OR 10? COUNCILMEMBER ALVAREZ?

Alvarez: I MOVE APPROVAL OF ITEMS 8, 9 AND 10.

Thomas: SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY THE MAYOR PRO TEM TO APPROVE ITEMS 8, 9 AND 10 AS POSTED AND OUTLINED BY STAFF.

Thomas: ONE COMMENT, MAYOR, IF YOU DON'T MIND. I, TOO, MS. CULLIN, THE OWNER OF AUSTIN LUMBER COMPANY, WE COMMEND YOU FOR THEIR ENDURANCE. THERE'S SOMETHING, ANOTHER ITEM AS MAYOR AND COUNCIL WE WILL LOOK AT CLOSELY THAT REALLY WOULD CAUSE THE FIRE, SOMETHING THAT WE HAVE TO LOOK AT AND SEE IF WE CAN STRENGTHEN OUR ORDINANCES FOR AS FAR AS THE FIREWORKS IN THIS GREAT CITY OF AUSTIN. THAT'S SOMETHING THAT WE HAVE TO LOOK FORWARD -- SOMETHING THAT WE WILL WORK HARD TO TRY TO CHANGE. ALL RIGHTY.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. FURTHER COMMENTS? MOTION AND SECOND ON THE TABLE TO APPROVE ITEMS 8, 9 AND 10. 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 COMMUNICATION. WE HAVE A -- A COUPLE OF POSTED CLOSED SESSION ITEMS, SO WITH THAT WITHOUT OBJECTION, WE WILL GO INTO CLOSED SESSION PURSUANT TO 551-POINT 071 OF THE OPEN MEETINGS ACT TO TAKE UP ITEM NO. 27 RELATED TO COLLECTIVE BARGAINING WITH THE FIREFIGHTERS AND PURSUANT TO SECTION 551.072 TO TAKE UP A REAL ESTATE MATTER POSTED AS ITEM NO. 29. WE ARE NOW IN CLOSED SESSION, SHOULD BE BACK OUT AT NOON FOR GENERAL CITIZEN COMMUNICATION. THANK YOU.

Mayor Wynn: IT IS 12 NOON. WE WILL NOW GO TO OUR TIME

CERTAIN GENERAL CITIZEN COMMUNICATIONS. OUR FIRST SPEAKER SIGNED UP THIS AFTERNOON IS PAUL ROBBINS. THERE HE IS. WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY DAVID BLAKELY.

THANK YOU SO MUCH. MAYOR, FOUR MEMBERS OF CITY COUNCIL AND CITIZENS OF AUSTIN, I'M PAUL ROBBINS. I'M A CONSUMER, AN ENVIRONMENTAL ADVOCATE. THE TRADITION AT CITIZENS COMMUNICATION AT AUSTIN CITY COUNCIL IS SOMETIMES NOT TAKEN VERY SERIOUSLY, AND THIS HAS LED TO SOME OF ITS MORE SARCASTICS PARTICIPANTS TO CALL THIS PART OF THE MEETING SITCOM. AND WHILE I GRANT YOU THAT SOME OF THE PEOPLE AND CAUSES BROUGHT BEFORE THE COUNCIL ARE A BIT COLORFUL, THE TERM MIGHT ALSO REFER TO HOW SERIOUSLY THIS PART OF THE MEETING IS TAKEN BY VARIOUS COUNCILMEMBERS AND STAFF. COUNCIL, I'VE BEEN BEFORE YOU SEVERAL TIMES TO ALERT YOU TO HIGH FUEL COSTS OF TEXAS GAS SERVICE, THE PRIVATE GAS COMPANY THAT SERVES AUSTIN, AND THAT IS REGULATED BY THE CITY. I'VE ACTUALLY BEEN IN TOUCH WITH VARIOUS CITY STAFF MEMBERS SINCE JANUARY 18th OF THIS YEAR. NOW, I'M SURE SEVERAL OF YOU HAVE GOTTEN YOUR GAS BILLS RECENTLY. YOU MAY HAVE NOTICED THAT TEXAS GAS SERVICE, THE COMPANY THAT SERVES MOST OF AUSTIN WITH ITS HEATING FUEL, IS CHARGING \$10.42 PER UNIT IN SEPTEMBER, WHICH IS 45% MORE PER UNIT THAN THE CITY'S ELECTRIC UTILITY, AUSTIN ENERGY, CHARGED FOR ITS FUEL. THIS IS IN PART -- THIS IS REALLY PART OF A PATTERN THAT HAS GONE ON SINCE AT LEAST NOVEMBER OF 2003. AND I HAVE OFFICIALLY LODGED A COMPLAINT ABOUT THIS ON JANUARY 18th WITH THE OFFICE OF THE CITY THAT REGULATES THE GAS COMPANY, BUT ALMOST NINE MONTHS LATER I HAVE NOT HEARD OF ANY REMEDIAL ACTION BEING TAKEN. TEXAS GAS SERVICE COULD TAKE REMEDIAL ACTION ON ITS OWN. IT COULD COMBINE PURCHASES WITH THE CITY, WHICH WOULD LOWER PRICE WITH VOLUME DISCOUNTS, BUT IT WOULD APPEAR THAT SINCE FUEL IS A PASS-THROUGH TO CUSTOMERS AND DOES NOT COME OUT OF THE COMPANY'S PROFITS, THERE'S NOT A LOT OF MOTIVATION FOR THE GAS COMPANY TO DO ANYTHING. THE GAS COMPANY'S INACTION IN THE FACE OF

HIGH GAS COST IS AN AFFRONT TO CONSUMERS, BUT IT IS AN OUTRAGE TO THE POOR OF THIS REGION, SOME OF WHOM WILL LITERALLY GO COLD THIS WINTER BECAUSE THEY WON'T BE ABLE TO AFFORD THE COSTS, WHICH ARE GOING TO GO EVEN HIGHER. TEXAS GAS SERVICE OCTOBER GAS COSTS IS 11% HIGHER THAN ITS SEPTEMBER COST. GAS FUTURES ON THE SPOT MARKET ARE CURRENTLY AYE RATING TO INSANELY HIGH LEVELS AND IS LOOKING TO BE A COLD WINTER. [BUZZER SOUNDS] SO I'M HERE TO ASK THE CITY FOR ACTION. I WANT TO KNOW WHAT THE CITY WOULD DO IN A REGULATORY OR COOPERATIVE ROLE TO GET THE COSTS DOWN. A AUTUMN IS UPON US, COSTS ARE HIGH. WE NEED ACTION. THANK YOU.

Mayor Wynn: THANK YOU, MR. ROBBINS. I'LL JUST SAY THAT AS YOU HAVE NOTED, THE EXISTING FRANCHISE AGREEMENT WITH TEXAS GAS SERVICE I BELIEVE IS DUE TO EXPIRE WITHIN A YEAR OR SO, AND SO THOSE PRETTY LENGTHY AND DETAILED DISCUSSIONS HAVE BEGUN, IS MY UNDERSTANDING, SO I TRUST AS PART OF THAT ONGOING DISCUSSION, ANY NUMBER OF ITEMS, BOTH REGULATORY OR COOPERATIVE, ARE BEING DISCUSSED. AND PERHAPS SOON WE COULD GET SOMEWHAT OF A PRELIMINARY REPORT BACK FROM THE CITY MANAGER'S OFFICE AS TO THE STATUS OF THOSE NEGOTIATIONS, WHAT ARE TYPICAL TOPICS, TO MAKE SURE THAT WE'RE AS UP TO SPEED AS WE CAN BE.

MAYOR, RESPECTFULLY, I HAVE BEEN A DENIZON OF THESE HALLOWED HALLS FOR A FEW DECADES NOW, AND I REALIZE JUST HOW MUCH WORK COUNCILMEMBERS DO, AND I'M NOT TRYING TO BE INSENSITIVE, LIKE THIS IS YOUR ONLY ISSUE OR THE COUNCIL'S ONLY ISSUE, BUT IT IS AUTUMN, WINTER IS COMING, AND THINGS ARE GOING TO GET REALLY CRITICAL VERY QUICKLY.

Mayor Wynn: AGREED. THANK YOU, MR. ROBBINS. OUR NEXT SPEAKER IS DAVID BLAKELY. WELCOME, DAVID. YOU WILL BE FOLLOWED BY ERIKA GONZALES.

MAYOR, CITY COUNCIL AND CITY MANAGER, THANK YOU FOR LETTING ME SPEAK WITH YOU TODAY. I'M A SLOW TALKING TEXAN, AND IT MAY TAKE ME FOUR MINUTES TO COVER MY

FOUR MINUTE ALLOCATED TIME. BUT MY TOPIC WAS LISTED AS THE NUMBER ONE SUBJECT OF SENIORS TODAY, BUT IT'S BEEN UP STAGED. IT'S ONLY NUMBER TWO NOW. NUMBER ONE IS THE WEATHER, AND THE TREMENDOUS SUPPORT THAT THE CITY HAS PROVIDED THE EVACUEES OF KATRINA AND RITA. YOUR ACTION HAS MADE ME PROUD TO BE A RESIDENT HERE OF AUSTIN. AND WE'VE ALSO BENEFITTED FROM YOUR GENEROSITY TO THE SENIORS. YOU FUNDED THREE ACTIVITY CENTERS THAT ARE HOMES AWAY FROM HOME. WE COME TOGETHER, CONGREGATE AND SHARE WITH EACH OTHER OUR PROBLEMS. OUR NUMBER ONE PROBLEM AT OUR AGE IS BLOOD PRESSURE. WE TALK ABOUT IT, WE'VE GOT EXERCISE MACHINES, WE'VE GOT DIETS AND WE'VE GOT INSTRUCTIONS, AND THERE'S NO ONE SOLUTION FOR IT. BUT THERE'S ONE THING WE COULD USE AT OUR SERVICE CENTERS, AND THAT'S A MONITOR, THAT WAY WE CAN USE IT TO CHECK BEFORE AND AFTER WE EAT, BEFORE AND AFTER WE DANCE OR BEFORE AND AFTER WE EXERCISE. SO ON BEHALF OF MY WIFE, I'D LIKE TO PRESENT THIS MONITOR TO THE SOUTH AUSTIN SENIOR ACTIVITY CENTER. SHE'S UP THERE FROM EIGHT OAK IN THE MORNING UNTIL THREE IN THE AFTERNOON, SHARING WITH HER FRIENDS. SHE CAN'T BE HERE TODAY BECAUSE SHE'S BACK AT THE CENTER PASSING OUT MILK. SO I'M ASKING THE CITY MANAGER TO ACCEPT THIS FOR THE SOUTH AUSTIN SENIOR ACTIVITY CENTER. WILL YOU?

Mayor Wynn: MR. CANALES?

YOU TAKE YOUR COAT OFF, WE'LL LET YOU BE THE FIRST EMPLOYEE TO TRY IT OUT.

THANK YOU SO MUCH.

I CAN JUST PLUG IT IN. [APPLAUSE]

AND MR. WARREN STRUSE IS HERE FROM PARKS AND RECREATION TOO AND I'M SURE WE'LL GET THAT INSTALLED AS SOON AS WE CAN, RIGHT WARREN?

OKAY. NOW I HAVE A SECOND REQUEST, AND THAT'S WHERE YOU COME IN, MAYOR. WE HAVE THREE CENTERS, AND I CAN'T AFFORD THE OTHER TWO. THE MACHINE COSTS

\$2,200, PLUS 18.50 FREIGHT. SO I'M SUGGESTING THAT YOU MONITOR THE PERFORMANCE -- THE ACTIVITY OF THIS MACHINE AT SOUTH AUSTIN FOR 30 DAYS TO SEE IF IT WARRANTS YOU COMING UP WITH \$4,400.37 FOR THE OTHER TWO CENTERS. IF YOU DON'T HAVE IT FROM YOUR DISCRETIONARY FUND, SINCE WE MIGHT HAVE BEEN DEPLETED FROM THE HURRICANE SUPPORT, SEE THAT IT GETS ON NEXT YEAR'S BUDGET. ANY QUESTIONS?

Mayor Wynn: JUST A BIG THANK YOU, MR. BLAKELY. WE GLADLY AND WITH HONOR ACCEPT THE GIFT AND WE WILL MONITOR IT AND DO OUR BEST TO UNDERSTAND ITS USAGE AND IMPACT AND CLEARLY IT'S A BENEFIT TO THE CENTER.

Mayor Wynn: THANK YOU ALL. OUR NEXT SPEAKER IS ERIKA GONZALES.

GOOD AFTERNOON, MAYOR AND CITY COUNCILMEMBERS. MY NAME IS ERIKA GONZALES WITH PODER, PEOPLE ORGANIZED IN DEFENSE OF EARTH AND HER RESOURCES. I'M HERE AGAIN TO INVITE YOU AND THE REST OF THE CITY OF AUSTIN TO COME JOIN US AT OUR THIRD ANNUAL FESTIVAL DELAS PLANTAS. IT'S GOING TO BE SATURDAY, OCTOBER 15TH FROM NINE A.M. UNTIL 4:30 P.M. AT 800 GROVE STREET HERE THE MONTOPOLIS YOUTH RECREATION CENTER. I'M SORRY, THE MONTOPOLIS YOUTH SPORTS COMPLEX. THE FESTIVAL IS CO-HOSTED BY PODER, THE AUSTIN PARKS FOUNDATION AND THE LADY BIRD WILDFLOWER CENTER. THE ROY GUERRERO COLORADO PARK OFFERS HUNDREDS OF ACRES AND A GLIM GLIMPSE OF SPECIES TO THE EAST AUSTIN COMMUNITY. THE PARK'S ROLE IN THE PRESERVATION OF THE COLORADO RIVER IS A SIGNIFICANT ACHIEVEACHIEVEMENT WITH THE CITY OF AUSTIN TO PROTECT AUSTIN'S NATURAL HABITATS FROM DEVELOPMENTAL DAMAGE AND A BOOMING POPULATION. IT IS ALSO A STRONG STEP IN INCREASING ACCESS TO CLEAN AND SAFE PARKLAND AND RECREATIONAL FACILITIES TO THE RESIDENTS EAST OF I-35. BORDERED BY A DAM, MONTOPOLIS DRIVE, RIVERSIDE DRIVE AND THE NORTH SHORE OF THE COLORADO RIVER, THIS AREA IS THE LAST WILD AND UNDISTURBED RIVER SETTING IN THE CENTRAL CITY, AND THE ONLY ONE IN EAST AUSTIN. THE ANNUAL FESTIVAL IS ONE OF THE MOST SUCCESSFUL EVENTS HELD

IN THE PARK, WHICH BRINGS PEOPLE TOGETHER TO CELEBRATE THE RELATIONSHIP BETWEEN NATURE AND CULTURES FROM TRADITIONAL INDIGENOUS PRACTICES TO RECENT ACTIVITIES SUCH AS NEW TREE PLANTING. THIS YEAR THERE WILL BE TALKS VARIOUS TALKS ON PLANTS AND GARDENING. THERE WILL ALSO BE MUSICAL ARTISTS PERFORMING. ALSO POETRY PERFORMANCES. WE WILL BEGIN THE DAY WITH A BLESSING AND DANCE. THERE WILL BE FOOD, NATURE WALKS, MURAL PAINTINGS, CHILDREN ARTS AND CRAFTS AND MORE ENTERTAINMENT. I'D ALSO LIKE TO SAY THIS IN SPANISH FOR THE SPANISH SPEAKERS. (SPEAKING SPANISH). THANK YOU. AND WE HOPE TO SEE YOU THERE AT THE THIRD ANNUAL FESTIVAL DELAS PLANT THREEP AS.

Mayor Wynn: OUR NEXT SPEAKER IS GIRARD KINNEY. YOU WILL BE FOLLOWED BY SABINO RENTER REAR I CAN'T.

THANK YOU, MAYOR. I'M HERE TO SPEAK TODAY ABOUT THE ADD MOBILES. IN THE POSTING THEY SPELLED IT A-D-D. I THINK THAT MAY BE MORE APPROPRIATE BECAUSE THEY CERTAINLY ADD A LOT MORE VISUAL POLLUTION TO OUR COMMUNITY AND I'M SURE ADD MORE TO TO THEIR BOTTOM LINE. THESE MOBILE BILLBOARDS ARE IN OUR VIEW, AND I'M REPRESENTING SCENIC AUSTIN HERE, IN CLEAR VIOLATION OF CERTAINLY THE INTENT IF NOT THE LETTER OF FOUR OR FIVE ASPECTS OF OUR SIGN CODE. I THINK YOU'VE ALL GOTTEN A COPY OF THE LETTER I SENT TO THE CITY MANAGER. I'VE NOT ACTUALLY HEARD BACK FROM THE CITY MANAGER, ALTHOUGH SHE FORWARDED OUR LETTER APPARENTLY TO THE LAW DEPARTMENT BECAUSE THE LAW DEPARTMENT HAS SENT US A LETTER SAYING THAT THEY ARE IN DISAGREEMENT THAT THESE ARE IN VIOLATION OF OUR SIGN CODE. AND I SUSPECT THE SIGN COMPANIES, AS YOU KNOW, ALL THE SIGN COMPANIES, MOBILE OR OTHERWISE, HAVE A LOT OF MONEY TO SPEND ON LAWYERS AND THEY FIND LOTS OF WAYS IN BETWEEN THE RULES. SO THAT MAY BE THE CASE. THE OTHER THING WE REQUESTED -- ONE THING I WOULD SAY IS THAT THE LETTER WE GOT DID NOT STATE -- DIDN'T STATE THE BASIS FOR THEIR OPINION. WE WOULD APPRECIATE KNOWING THAT, IF WE COULD, WHY THEY'RE NOT IN VIOLATION. THEY'RE SO OBVIOUSLY IN VIOLATION OF THE INTENT OF ALL OF THE ORDINANCES IN

THE WHOLE TRAIN OF ORDINANCES IN THE LAST 30 YEARS THAT IT SEEMS CLEAR TO ME THAT IT'S ALWAYS BEEN THE INTENT OF THE CITY TO NOT ALLOW OFF PREMISES SIGNS, BE THEY ON TRUCKS OR FIXED ON PROPERTY. THESE SIGNS, UNLIKE SOME ADVERTISING THAT YOU SEE ON VEHICLES, ARE ON VEHICLES WHOSE ONLY PERSON IS TO BE A BILLBOARD. THEY DON'T CARRY ANYTHING AROUND, THEY DON'T CARRY PEOPLE. THEY CARRY THE DRIVER, BUT THEY DO NOTHING BUT DRIVE 10 HOURS A DAY, SEVEN DAYS A WEEK OR SOME NUMBER OF DAYS A WEEK, AND THEY'RE VERY PROUD OF THE FACT THAT THEY CAN ACTUALLY DRIVE ON OUR SCENIC ROADWAYS AND THEY FLAUNT THAT IN -- IF YOU GO TO THEIR WEBSITE. SO THIS IS SOMETHING THAT NEEDS TO BE STOPPED. WE HAVE REQUESTED IN ADDITION TO FEELING LIKE IT'S IN VIOLATION, WE HAVE SAID IF IT'S NOT, PLEASE LOOK INTO THIS AND FIGURE OUT HOW TO STRENGTHEN OUR LAWS SO THAT IT MAKES IT CLEAR THAT THEY ARE NOT LEGAL. AND THEN IF I HAVEN'T QUITE USED UP MY TIME, LET ME SAY ON ANOTHER SUBJECT, I DON'T KNOW IF THERE'S GOING TO BE ANOTHER PUBLIC HEARING ON THE BILLBOARD RELOCATION ISSUE, BUT IF THERE'S NOT, LET ME JUST SAY THAT WE LEARNED AT THE SECOND READING ON THAT ONE THAT THE NUMBER THAT WAS PREVIOUSLY REPORTED OF BILLBOARDS THAT WE HAD LOST SINCE 1998 HAD GONE FROM 65 TO 125. I WANT TO MAKE SURE YOU ALL SHEAR THAT. AND THAT'S NOT ALL OF THEM. THAT'S JUST THE ONE THEY'VE BEEN ABLE TO IDENTIFY SO FAR. AND THAT'S NOT SINCE THE ORDINANCE WAS FOUNDED BACK IN '85, IT'S JUST SINCE WE STARTED THE INVENTORY. THE PRESENT METHOD OF ATTRITION IS WORKING. THANK YOU.

Mayor Wynn: THANK YOU, MR. KINNEY. MS. TERRY, COULD YOU RESPOND PERHAPS TO THE CONCEPT OF YOUR RESPONSE TO MR. KINNEY?

YES. WE HAVE LOOKED AT THE ISSUE THAT MR. KINNEY RAISED. WE HAVE DONE SOME RESEARCH ON THAT ISSUE. OBVIOUSLY, MAYOR AND COUNCIL, AS OUR CLIENT WE WOULD BE HAPPY TO ADDRESS YOU IN EXECUTIVE SESSION ON THE LEGAL ISSUES HE HAS RAISED. IF YOU DESIRE THAT, WE WILL BE HAPPY TO SCHEDULE IT FOR AN EXECUTIVE SESSION FOR YOU ALL. AGAIN, YOU ALL ARE OUR CLIENTS

AND WE WOULD BE HAPPY TO PROVIDE THAT KIND OF ADVICE. IF THERE IS A DESIRE FOR COUNCIL TO CONSIDER WHETHER OR NOT THE CODE SHOULD BE CHANGED, WE'LL BE HAPPY TO ADDRESS THAT AS WELL WITH YOU IN EXECUTIVE SESSION.

Mayor Wynn: THANK YOU, MS. TERRY. BEFORE YOU GET AWAY, GIRARD, I WANT TO HAVE FOLKS HELP ACKNOWLEDGE MR. KINNEY. HE WAS RECENTLY AWARDED THE TEXAS SOCIETY OF ARCHITECT'S JIM PFLUGER AWARD FOR COMMUNITY SERVICE. THERE'S ONLY BEEN A COUPLE OF ARCHITECTS IN THE STATE THAT HAVE RECEIVED THAT AWARD. HE WORKED WITH JIM YEARS AGO AND FOR MANY YEARS, AND WE'VE NAMED THE PEDESTRIAN BRIDGE AFTER JIM PFLUGER, BUT HELP ME CONGRATULATE MR. KINNEY FOR THE AWARD STATEWIDE. [APPLAUSE]

Mayor Wynn: OUR NEXT SPEAKER IS SABINO RENTERIA.

THANK YOU, MAYOR AND ESPECIALLY COUNCILMEMBER KIM AND COUNCILMEMBER LEFFINGWELL, THIS IS MY FIRST TIME BEFORE Y'ALL. I'M HERE BECAUSE OF THE MEXICAN-AMERICAN CULTURAL CENTER, BUT AS CHAIR OF THE CDC, I WOULD LIKE TO THANK THE STAFF OF THE HOUSING DEPARTMENT AND NOT ONLY -- OF COURSE THE CITY, BUT THE STAFF OF THE HOUSING FOR ALL THE GREAT WORK THEY'VE DONE IN THE LAST TWO HURRICANE DISASTERS AND WORKING WITH THE EVACUEES. THEY WENT BEYOND THE CALL, AND I REALLY WANT TO TELL THEM THANK YOU FOR THAT. I'M HERE BECAUSE OF THE MACC. THIS IS A 30-YEAR PROJECT FOR ME. I'VE BEEN WORKING THE PAST TWO BOND ELECTIONS, I'VE BEEN ON THE BOARD OF THE NONPROFITS, AND IT STILL HASN'T BEEN BUILT. AND WHEN I WENT BEFORE THE BOARD MEETING TO CELEBRATE BECAUSE I THOUGHT WE WERE FINALLY GOING TO GET A GROUNDBREAKING AND TO GIVE OUR FUNCTION TO THE MACC SO THEY COULD USE IT AS A FUND-RAISER FOR THE ENDOWMENT, I WAS ALARMED TO HEAR THAT WE DIDN'T HAVE ENOUGH MONEY TO BUILD THE SECOND STAGE. THE FIRST STAGE A BECAUSE WHAT HAPPENED IS ALMOST THREE YEARS AGO THEY DID A CHANGE ORDER BECAUSE THEY COULDN'T BUILD THE WHOLE ORIGINAL STRUCTURE BECAUSE OF THE TIME THEY HAD PASSED, AND THE COST

OF MATERIALS HAVE GONE UP SO HIGH, SO THEY WENT BACK TO THE ARCHITECT AND THEY REDUCED THE SIZE, AND THERE WAS SOME MISTAKES, I'M SURE, BUT WHEN THEY CAME BACK, WE THOUGHT THAT WE FINALLY HAD A PLAN, A MASTER PLAN THAT WE COULD BUILD. AND I WENT BEFORE THE BOARD AND I WAS TOLD THAT WE WERE STILL \$1.5 MILLION SHORT AND THEY WERE WAITING FOR A GRANT FROM THE FEDERAL GOVERNMENT. AND THIS ALARMED ME. I'M SAYING, MY GOD, IF WE KEEP WAITING, THE COST IS GOING TO GO UP. INFLATION IS NOT GOING TO STOP. OUR DOLLAR IS JUST GETTING SMALLER. AND WE MIGHT AT ONE POINT NOT EVEN HAVE ANYTHING TO BUILD. WE REALLY NEED THE STAFF TO REALLY TELL US WHEN IT'S GOING TO GET BUILT. WE NEED THIS PROJECT. WE'VE BEEN WAITING TOO LONG. I'VE BEEN -- I HAD FRIENDS THAT PASSED ALREADY THAT HAVE WORKED WITH ME ON THIS PROJECT, AND IT'S STILL NOT THERE. AND THE BOND PASSED IN 1998, AND WE STILL HAVEN'T -- RIGHT NOW THE ONLY USAGE OF THAT GROUND IS STATE BOARDING, MAYOR. AND IT'S -- WHEN OUR PEOPLE PASS THROUGH THERE AND SEE THESE KIDS SKATEBOARDING, YOU KNOW, WE KIND OF SAY WAIT A MINUTE, WHAT'S GOING ON HERE? THIS IS SUPPOSED TO BE FOR THE MEXICAN-AMERICAN COMMUNITY AND THE CITY OF AUSTIN. [BUZZER SOUNDS] AND WE WOULD APPRECIATE IT IF YOU COULD FIND A WAY TO GET THIS GROUNDBREAKING STARTED. THANK YOU.

Mayor Wynn: THANK YOU. COUNCILMEMBER ALVAREZ.

Alvarez: MAYOR, I THINK THERE HAS BEEN A LONG WAIT FOR THIS PROJECT, AND THE MAIN THING TO COMMUNICATE IS WE'RE CLOSER TO BREAKING GROUND THAN EVE EVER BEEN ON THE PROJECT, AND THE LAST DISCUSSION WAS TO DELAY IT REALLY NOT IN INDEFINITELY, BUT JUST FOR ABOUT A MONTH WHILE WE TRIED TO IDENTIFY ALL THE RESOURCES NECESSARY TO MOVE FORWARD. BUT REALLY THE ONLY STEP REMAINING BETWEEN NOW AND A GROUNDBREAKING IS US APPROVING THE CONTRACT, BUT THE BIDS ARE IN AND SO, LIKE I SAID, THAT'S THE CLOSEST WE'VE EVER BEEN TO MOVING FORWARD. AND WE'RE JUST TRYING TO BE AS RESOURCEFUL AS POSSIBLE AS WE FIGURE OUT HOW TO MOVE FORWARD SO THAT WE DO HAVE A FACILITY THAT CAN MEET THE NEEDS OF THE COMMUNITY.

BUT I UNDERSTAND THAT THE COMMUNITY IS ANXIOUS TO GET THIS ROLLING, AND IT WILL GET ROLLING VERY SOON, BUT WE'LL BE KIND OF GETTING THE WORD OUT TO FOLKS ABOUT WHERE WE ARE AND THEN HOW QUICKLY WE'LL BE MOVING FORWARD. I DON'T KNOW IF THE CITY MANAGER KNOWS THAT, BUT THAT'S THE BASIC MESSAGE WE WANT TO CONVEY AND THAT WE'RE COMMITTED TO MOVING FORWARD AS QUICKLY AS POSSIBLE AND THAT THE POSTPONEMENT THAT IS BEING SORT OF DISCUSSED PUBLICLY RIGHT NOW IS NOT AN INDEFINITE POSTPONEMENT OF ANY KIND, IT'S JUST REALLY A POSTPONEMENT OF A MONTH OR LESS SO THAT WE CAN TRY TO IDENTIFY ALL THE RESOURCES THAT WE CAN TO MOVE FORWARD ON THIS VERY SIGNIFICANT PROJECT FOR THE COMMUNITY.

Futrell: AND I THINK REALLY JUST TO FOLLOW UP ON THAT, THAT'S EXACTLY RIGHT. AS ALL THE PROJECTS ARE COMING IN HIGHER NOW, WE ARE HAVING TO GO BACK AND LOOK FOR SOME ADDITIONAL RESOURCES TO CLOSE THOSE GAPS. SO WE'VE JUST TAKEN THE ADDITIONAL 30 DAYS HERE IN ORDER TO BE SURE THAT WE CAN CLOSE THOSE GAPS. IT'S ALSO I THINK IMPORTANT TO REMEMBER ON ANY BOND PACKAGE THAT BOND PACKAGES ARE DESIGNED TO BE SIX-YEAR BOND PACKAGES, SO ALL PROJECTS DON'T HAPPEN IN THE FIRST YEAR OR SECOND YEAR, BUT SOME OF THE PROJECTS ARE GOING TO HAVE TO HAVE HAPPEN AT THE FIFTH YEAR AND SIXTH YEAR OF PROJECTS. AND OF COURSE, IT WAS PARTICULARLY PROBLEMATIC THAT WE HAD A RECESSION RIGHT IN THE MIDDLE OF THIS BOND PACKAGE THAT ADDED TWO ADDITIONAL YEARS TO OUR BOND PACKAGE BECAUSE WE DID HAVE TO DELAY SOME PROJECTS BECAUSE OF OUR INABILITY TO COVER O AND M ON SOME NEW FACILITIES. SO WE HAVE A SIX-YEAR BOND PACKAGE THAT HAS STRETCHED OUT INTO AN EIGHT-YEAR BOND PACKAGE, BUT WE'RE ON THE FINAL YEAR OF FINISHING OUT THESE PROJECTS, AND EVERYTHING IS BEING BUILT AND WILL BE BUILT AS VOTED ON BY OUR VOTERS.

Thomas: COULD I ASK A QUESTION. CITY MANAGER, IN THE 30 DAYS, HOW FAR IN THE DAY-TO-DAY DAYS ARE WE?

I THINK WE WILL PROBABLY BE BACK TO YOU BY OCTOBER,
IF NOT EARLY NOVEMBER.

Thomas: THANK YOU.

Mayor Wynn: THANK YOU ALL. OUR NEXT SPEAKER IS PAT
JOHNSON. WELCOME. YOU WILL BE FOLLOWED BY JENNIFER
GALE.

HELLO COUNCIL. I'M NOT HERE TO CHEW ON ANYBODY
TODAY. I'M HERE TO THANK THE CITY MANAGER AND HER
STAFF FOR THIS PROJECT I HAVE GOING ON IN FRONTIER
VALLEY. WE HAVE A WEED PROBLEM OUT THERE AND
THERE'S FIXING TO BE A NEW OWNER OUT THERE ON THAT
TRACT OF LAND AND HE'S GOING TO INVEST A LOT OF
MONEY ON THAT PARK. I'VE SENT AN E-MAIL UP TO STAFF
AND SOME OF YOU COUNCILMEMBERS ABOUT A PROBLEM
WE HAD WITH GRASS OUT THERE, AND THERE'S BEEN SOME
MAJOR, MAJOR VONSMENTS INTO THAT -- ADVANCEMENTS
INTO THAT ISSUE. AS YOU CAN SEE, THE PROPERTY ON THIS
TOP PICTURE, THAT'S CROCKETT'S PROPERTY. THERE'S A
COUPLE OF 70-YEAR-OLD TRANSIENTS LIVING OUT THERE
THAT HAVE ALZHEIMER'S. THIS IS THE RESULT SO FAR.
EASTER SEALS, WHO IS WORKING WITH SOLID WASTE
SERVICES AND CODE CLIENS IS DOING AN EXCELLENT JOB
FOR OUR CITY. WE CAN'T ASK FOR ANY BETTER WORK THAN
WHAT THEY'RE DOING. THIS IS WHERE WE'RE AT RIGHT NOW.
IF Y'ALL RECALL, BACK SEVERAL MONTHS AGO A PROPERTY
OWNER ASKED YOU TO REZONE THE MIRA BELLA TRACT ON
FRONTIER VALLEY DRIVE. OF COURSE, AGAINST THE WISHES
OF THE NEIGHBORHOOD, COUNCIL DECIDED TO VOTE 4-3 TO
REZONE THAT PROPERTY FROM SF-3 TO MF-3. THOSE
PROPERTY OWNERS DON'T CARE ABOUT THAT PROPERTY.
THE PROPERTY OWNER HAS A RESPONSIBILITY TO MAINTAIN
THEIR PROPERTY. THE ONLY WAY WE CAN GET THE GRASS
CUT OUT THERE ON THAT PROPERTY IS IF SOMEONE
COMPLAINS TO THE CITY. NOW, THIS GARBAGE HAS BEEN
OUT THERE FOR A MONTH. NOW, IF THEY REALLY CARED
ABOUT BEING IN A NEIGHBORHOOD, THEY WOULD CLEAN
THAT STUFF UP. NOW, I'VE BEEN IN CONTACT WITH KIT
CAMPBELL. THEY'VE NOTIFIED THEM TO GET IT OFF THE
PROPERTY, AND AS OF THIS MORNING IT'S STILL OUT THERE.
THAT'S AN EYESORE FOR THE RESIDENTS THAT LIVE DOWN

THAT STREET. NOW, THE HOUSING AUTHORITY OWNS THAT TRACT IN THE BACK THAT THEY'RE GOING TO PUT THAT AFFORDABLE HOUSING ON, AND I SPOKE WITH THEM AND THEY'RE GOING TO CUT THAT GRASS BACK THERE IN THE BACK BECAUSE WHENEVER WE HAVE BURGLARIES IN THE PARK AND THE POLICE GET OUT THERE, THE FIRST PLACE THE PEOPLE RUN WHEN THEY BURGLAR RISE HOMES IN OUR NEIGHBORHOOD IS TO RUN STRAIGHT TO THAT GRASS. THAT WILL BE A MAJOR HELP. THEN AGAIN, I WANT TO THANK CERTAIN INDIVIDUALS FOR BEING INVOLVED IN THIS. KIT CAMPBELL, CODE AND COMPLIANCE. , REALLY, REALLY WELL DONE. LEE LAWSON OF WATERSHED PROTECTION. SHE'S BEEN DEALING WITH SIN TEXT AND THAT -- CENTEX AND THAT STORM WATER FACILITY THAT HAS YET TO BE VEGETATED. WAYNE HE ELLER WHO IS IN CHARGE OF EASTER SEALS. NOW WE HAVE LIGHTS DOWN THE STREET, WE HAVE LIGHTS DOWN RIVERSIDE, SO THE HISPANIC COMMUNITY DOES NOT HAVE TO WALK IN THE DARK AT NIGHTTIME. AND OF COURSE, BURT GODKINS. HE'S DONE A GREAT JOB FOR THE CITY OF AUSTIN. I WANT TO THANK ALL OF THEM AND I WOULD ASK THE CITY MANAGER TO GIVE ME AN UPDATE FROM STAFF ON WHERE WE ARE ON THE GARBAGE BEING DUMPED ON THE PROPERTY.

Mayor Wynn: THANK YOU, MR. JOHNSON. JENNIFER GALE, YOU WILL BE FOLLOWED BY SHARON BEAUDOIN.

HI AUSTIN. IT'S FIRST THURSDAY, AND THE OU-TEXAS WEEKEND. EVEN THE PUMPKINS LOOK BURNT ORANGE. I SHARE YOUR CONCERNS, MR. JOHNSON. CITY MANAGER, MAYOR, COUNCILMEMBERS, HARD WORKING STAFF, WELL PAID FIREFIGHTERS, WHAT DO YOU SAY ABOUT A POLICE CHIEF WHOSE POLICIES WE KNEW WOULD LEAD TO THE DEATH OF A CITIZEN WHEN TASED? MICHAEL CLARK WAS TASED THREE DIFFERENT TIMES, TWICE IN THE CHEST, THE POLICE DEPARTMENT KNEW WOULD -- COULD LEAD TO A PERSON'S DEATH, AND ONCE IN THE UPPER ARM. SOMEONE WITHOUT THEIR ELECTROLIGHTS, WITHOUT PROPER NUTRITION, IT COULD KILL ANYONE. WHY WAS THE TASERS USED IN THE FARRIS PLACE? OUR -- USED IN THE FIRST PLACE. OUR OFFICERS ARE CLEARLY OUT OF SHAPE. IT SHOULDN'T TAKE NINE OFFICERS TO GET SOMEONE DOWN NO MATTER HOW HIGH THEY ARE OR UP ON ADRENALINE.

WE HAVE TACTICS. THE POLICE CHIEF WAS WARNED BY DEBBIE RUSSELL THAT THIS COULD KILL YOU. THAT'S WHY SHE HAS A LINE YOU CAN ALL REACH. WE ALSO -- THE POLICE CHIEF WAS ALSO WARNED BY THE ACLU THAT THESE TASERS COULD KILL. SO I'M ASKING THAT WE ASK THE DISTRICT ATTORNEY RONNIE EARLE TO INDICT HIM FOR MURDER FOR THE PREMEDITATED MURDER OF MICHAEL CLARK AND ANY SUBSEQUENT PERSON THAT WILL BE KILLED BY OUR POLICE DEPARTMENT. THE CITY COUNCILMEMBERS ASK THAT I NOT BRING UP THAT ITEM THAT I BROUGHT UP ON NUMBER 8, SO UNLESS YOU SAY OTHERWISE, ALL DEALS ARE OFF THE TABLE CONCERNING THE TWO COUNCILMEMBERS. ANY CITIZEN IN THE CITY OF AUSTIN CAN SHOW THE THREE COMPLAINTS BROUGHT UP BY THREE DIFFERENT MEMBERS OF THE COMMUNITY BEFORE THE FIRST DAY OF EARLY VOTING WHEN THESE COMPLAINTS HAD TO BE MADE. ONCE THESE COMPLAINTS WERE MADE THEY SHOULD HAVE BEEN ACTED UPON BY THE CITY CLERK WHO LISTENED TO THE LEGAL DEPARTMENT, WHICH WAS INCORRECT. HOW DO WE KNOW THEY WERE INCORRECT? THE SECRETARY OF STATE HAS MADE A LEGAL OPINION, WHICH THE LEGAL DEPARTMENT AGREES THAT THEY SHOULD HAVE HAD THE DATES ON THOSE SIGNATURES. THEY'VE AGREED TO THAT, WHICH WOULD DISMISS ONE OF THE COUNCILMEMBERS, THE ONE I'VE BEEN ASKED TO BE DISMISSED. SO THEY ALREADY AGREED THAT THAT PERSON WAS INELIGIBLE. AND IN SAYING THAT CITY CHARTER RULES IN ALL LAWS, NOT THE STATE OF TEXAS. THE STATE OF TEXAS SAYS THE CITY CHARTER DETERMINES APPLICANT'S REQUIREMENTS FOR A PETITION. SO I'M ASKING YOU TO LOOK AT -- [BUZZER SOUNDS] -- THESE COUNCILMEMBERS AND THAT IT BE TAKEN CARE OF WITH A WRIT OF (INDISCERNIBLE) FROM RONNIE EARLE. ANY CITIZEN CAN ASK RONNIE EARLE TO HAVE THESE TWO MEMBERS RELEASED. I WOULD LIKE TO SAY EVERYBODY HAVE A HAPPY HOLIDAY, HAPPY RAMADAN AND HALLOWEEN. WHAT TIME IS IT? OU-TEXAS WEEKEND. HOOK 'EM HORNS!

Mayor Wynn: THANK YOU, MS. GALE. SHARON BEAUDOIN.

I'M THE ZONER OF SHARON'S SHUTTLE SERVICE. WE ARE BASED OUT OF MARBLE FALLS, TEXAS, AND FOR GOING ON 17 YEARS WE HAVE BEEN BRINGING THE ELDERLY, THE

HANDICAPPED AND OTHERS FROM OUR AREA AS FAR AWAY AS TOW TEXAS, WHICH IS THE TIP OF LAKE BUCHANAN. WE COVER ALL OF THE COUNTIES IN BETWEEN. WE ALSO PICK UP IN FREDRICKSBURG, KERRVILLE, BLANCO, MOST OFTEN THE PEOPLE IN BLANCO, HOWEVER, GO TO SAN ANTONIO AIRPORT INSTEAD, TO BRING PEOPLE TO YOUR AIRPORT. AND WE ARE CHARTERED IN ADVANCE -- IN HAVING PUT IN FRONT OF YOU A FRONT AND BACK COPY WHICH IS ON MY WEBSITE. THAT'S JUST COPIED RIGHT OFF MY WEBSITE OF OUR RATES AND OUR RULES AND OUR REGULATIONS. WE DO NOT JUST SOLICIT, PERIOD, AND NEVER HAVE IN ALMOST 17 YEARS ANYONE FROM THE AUSTIN AIRPORT. WE WORK BY CHARTER ONLY, ADVANCED RESERVATIONS. WE PICK THEM UP AND/OR TAKE THEM, IN MOST CASES BOTH PICKING THEM UP AT THEIR HOMES AND DRIVING THEM DIRECTLY, PERSONALIZED TRANSPORTATION, TO THE AIRPORT. NOW, WE ALSO SERVICE THE SAN ANTONIO AIRPORT. THE SAN ANTONIO AIRPORT CHARGES ME ONE DOLLAR FOR THE LARGE VAN AND 50 CENTS FOR EACH OTHER VEHICLE PER TRIP. WE ARE ALREADY PAYING \$400 TO THE AUSTIN AIRPORT AND \$2.50 A TRIP TO PICK UP. AND WE ARE MUCH CLOSER TO AUSTIN THAN WE ARE TO SAN ANTONIO. I DO NOT UNDERSTAND WHY AN ADDITIONAL AMOUNT OF 3 TO 500 HAS BEEN DISCUSSED, NOTHING HAS BEEN TOLD TO ME DEFINITELY, IS BEING TACKED ON TO ME WHEN I WAS COMING AS FAR AWAY AS ALMOST 170 MILES TO BRING INCOME TO YOUR AIRPORT. BECAUSE NO ONE ELSE IN THE HILL COUNTRY SERVICES PERSONALIZED TRANSPORTATION TO AUSTIN, TO THE AIRPORT OR THE DOCTOR. AND WE ALSO BRING THEM TO THE DOCTORS, WAIT ON THEM AND BRING THEM BACK. AND I THOUGHT PERHAPS YOU ALL JUST WEREN'T AWARE OF HOW WE WORKED, BUT I HAVE BEEN DOING THIS TO YOUR OLD AIRPORT WHEN IT WAS ROBERT MUELLER AND AS WELL AS THE MOVE TO THE NEW ONE, AND ALREADY A LITTLE TICKED ABOUT THE FACT THAT I HAVE TO PAY \$2.50 WHEN YOUR TAXI CABS AND ALL THE REST OF THE PEOPLE, THE BIG VANS THAT SERVICE THE AIRPORT COURTESY ONLY PAY A DOLLAR AND I'M COMING ALL THIS WAY MOST OF THE TIME FOR THE INCOME OF ONE OR ONLY TWO PEOPLE. NOW, I HAVE SHOWN YOU SOME SAMPLES -- I'M SURE THEY'VE BEEN DELIVERED AMONGST YOU, OF SOME OF OUR TRIP LOG SHEETS, WHICH SHOWS YOU IF IT IS

TO BE A ROUND TRIP SITUATION, WE KNOW THE AIRLINE, THE FLIGHT NUMBER, THE TIME IT'S DUE TO ARRIVE AND WHERE IT'S COMING FROM. WE ALSO TELL ALL OF OUR CUSTOMERS EXACTLY WHERE THEY'RE TO MEET US AT THE AUSTIN AIRPORT, WHICH IS BETWEEN THE TWO POSTS WITH THE NUMBER FIVE ON IT, CURB SIDE DOWNSTAIRS. [BUZZER SOUNDS] WE SERVICE COMPLIMENTARY BEVERAGES AND LITTLE SNACK MIXES AND FRANKLY, THE MAJORITY OF OUR CUSTOMERS OTHER THAN THE REALLY RICH ONES THAT CAN AFFORD NOT TO DRIVE THEIR OWN CARS AND PARK SOMEWHERE, ARE HANDICAPPED AND ELDERLY. AND WITH THE GAS AS IT IS NOW, I'M AT THE POINT, I JUST TURNED 70, THAT I'M EITHER GOING TO SELL THE BUSINESS AND GET OUT OF IT, OR I WOULD LIKE -- I STILL FEEL GOOD AND I WANT TO CONTINUE, BUT IF IT'S GOING TO BE AN ADDITIONAL 300 OR \$500 ON TOP OF THE 400 I'M ALREADY PAYING ON TOP OF THE \$2.50 A TRIP, WITH THE PRICE OF GAS AND THE INSURANCE AND OIL AND EVERYTHING THAT I HAVE TO PAY, IT ISN'T WORTH MY WHILE. SO I'M HOPING THAT YOU UNDERSTAND, PERHAPS YOU CAN GRANDFATHER ME IN SINCE I COME THE FARTHEST, THERE IS NO OTHER SHUTTLE SERVICE THAT SERVICES AS MANY MILES AWAY AS WE DO, OR PERHAPS YOU CAN SIMPLY DO IT BECAUSE IT'S KIND OF NEEDS TO BE RETHOUGHT, I THINK. I UNDERSTAND THAT YOU HAD AN ULTERIOR MOTIVE, WHICH I AGREE WITH, WHICH ARE THESE PEOPLE THAT HAVE ONE OR TWO CARS AND THEY CALL THEM LIMOS AND THEY DON'T LIST WITH YOU ALL AND SO ON AND SO ON FORTH. BUT I HAVE PLAYED BY THE RULES FOR ALMOST 17 YEARS. WE COMPLETED 16 YEARS, WE'RE WORKED ON OUR 17TH. AND I WOULD ASK THAT YOU FIND SOME WAY -- AND ALSO THE LADY, SHE HASN'T BEEN IN THE BUSINESS AS LONG, NONE OF THEM HAVE, AS I HAVE. THEY'RE IN MY KIND OF BUSINESS THAT SERVICE YOUR AIRPORT, BUT THERE'S ANOTHER LADY THAT WORKS JUST AS HARD I'M SURE AS I DO FOR HER LITTLE AREA AND SHE COMES OUT OF THE WINDERMERE AREA IN NEW BRAUNFELS AND SAN MARCOS AND SO ON. THERE ARE THOSE OF US THAT THIS IS UNFAIR TO AND IT'S A BURDEN AT THIS TIME WITH GAS AS IT IS, AND NOT EXPECTED TO GO DOWN AND NONE OF THE THINGS EVER GO DOWN ONCE THEY GO UP, THE INSURANCE, THE OIL CHANGES, ETCETERA, THAT RELY AND COMPLY WITH -- I SHOULD SAY

ARE PART OF OUR BUSINESS AS WELL AS THE GAS. I FEEL THIS TAKES A SECOND LOOK. AND I NEED TO BE NOTIFIED. I HAD TO GET IN THE PHONE BOOKS. I'M IN THREE DIFFERENT PHONE BOOKS. YOU HAVE TO PAY THAT ADVERTISING ONCE YOU SIGN THAT CONTRACT. I HAVE DONE SO. AND IF I'M GOING TO BE GOING OUT OF BUSINESS ON JANUARY 1, I HAVE TO LOOK TO SOMEBODY FOR THAT MONEY BACK. I JUST DON'T THINK IT'S VERY FAIR THAT THIS WAS PASSED AND PUT INTO PLAY IMMEDIATELY. IF IT WASN'T FOR THE GRACE OF GOD AND JAMES BATTLE AT THE AVIATION DEPARTMENT AT THE AIRPORT WHO SAID YOU CAN'T DO THAT BECAUSE THESE PEOPLE HAVE ALREADY PAID THEIR 400 BUCKS UP TO DECEMBER 31st THAT I'M ALLOWED TO STILL PICK UP AND DELIVER THERE. IT WOULD SIMPLY MEAN I HAVE A CHOICE OF TWO, EITHER GOING OUT OF BUSINESS AND FADING OFF INTO THE SUNSET, WHICH I COULD DO, WHICH I CHOOSE NOT TO DO IF POSSIBLE, AND DISAPPOINT A NUMBER, THOUSANDS OF PEOPLE IN SEVEN COUNTIES WHO NO LONGER HAVE PERSONALIZED TRANSPORTATION TO AND FROM YOUR AIRPORT. WE'LL JUST GO TO SAN ANTONIO WHERE IT'S ONLY A DOLLAR FOR THE BIG VAN AND 50 50 CENTS A TRIP AND NO FOUR HUNDRED DOLLARS UP FRONT, MUCH LESS THE ADDITIONAL MONIES THAT YOU ALL BE PLANNING TO IMPOSE. I WOULD APPRECIATE YOUR ATTENTION. THANK YOU FOR THIS OPPORTUNITY.

Mayor Wynn: THANK YOU FOR BRINGING THIS TO OUR ATTENTION. I WASN'T AWARE OF THIS, I DOUBT OTHER COUNCILMEMBERS WERE AS WELL. WE WILL ADDRESS THIS AND TALK TO THE CITY MANAGER ABOUT HOW WE UNDERSTAND THIS BETTER.

[INAUDIBLE - NO MIC].

Futrell: ACTUALLY, WHAT I'M GOING TO ASK IS THAT THE AIRPORT DIRECTOR CONTACT YOU DIRECTLY, WALK THROUGH THIS WITH YOU AND THEN REPORT BACK TO ME AND THE COUNCIL ON THE OUTCOME OF THAT DISCUSSION. OKAY?

[INAUDIBLE - NO MIC].

Mayor Wynn: THANK YOU.

[INAUDIBLE - NO MIC].

Mayor Wynn: THEY'RE DOWN HERE. SO COUNCIL, THAT'S ALL THE CITIZENS WHO HAVE SIGNED UP FOR GENERAL CITIZEN COMMUNICATION. IF YOU REMEMBER, COUNCIL, IN CLOSED SESSION EARLIER WE TOOK UP ITEM NUMBER 29, A REAL ESTATE ITEM, AND WE HAVE POSTED TWO ACTION ITEMS BASED ON THAT POSTING, ITEMS 30 AND 31. AND I BELIEVE CITY STAFF IS PREPARED FOR A BRIEF PRESENTATION. WELCOME, MR. STEPHENS. WE'LL CALL UP ITEMS 30 AND 31.

THANK YOU. MAYOR. ITEM 30 BEFORE YOU IS TO APPROVE AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE DOCUMENTS TO ACQUIRE PROPERTY LOCATED AT THE INTERSECTION OF COME RAN ROAD AND U.S. HIGHWAY 183. SPECIFICALLY AT 8301 CAMERON ROAD PROPERTY THAT IS PART OF THE WALNUT BUSINESS PARK. AND THAT ITEM IS ALSO TO AMEND THE CITY'S 2006 CAPITAL BUDGET OF THE FINANCIAL AND ADMINISTRATIVE SERVICES DEPARTMENT TO PROVIDE FUNDING OF 22,125,000 FOR THE MACHINE OF THE PROPERTY AND FOR OTHER COSTS RELATED TO MOVING INTO THE PROPERTY. AND THEN ITEM NUMBER 31 IS A STANDARD REIMBURSEMENT RESOLUTION THAT WE NORMALLY PUT BEFORE YOU DECLARING THE CITY'S OFFICIAL INTENT TO REIMBURSE ITSELF FROM CERTIFICATES OF OBLIGATION THAT WE WOULD ISSUE PROBABLY IN SEPTEMBER OF '06 FOR THE PURCHASE OF THIS PROPERTY. YOU HAVE BEFORE YOU AN AERIAL VIEW OF THE PROPERTY, AND YOU CAN SEE THAT IT IS BOUNDED BY RUTHER FORD LANE THERE ON THE SOUTH, BY CAMERON ROAD ON THAT SIDE AND BY CENTER CREEK DRIVE ON THE OTHER SIDE. THERE ARE FOUR BUILDINGS ON THE PROPERTY, LOOKING AGAIN AT THE AERIAL VIEW. THIS FIRST BUILDING, BUILDING ONE, IS APPROXIMATELY 88,000 SQUARE FEET. BUILDING 2 IS 77,000 SQUARE FEET. BUILDING 3 IS 44,000 SQUARE FEET. AND THEN BUILDING FOUR, WHICH IS SET OFF SEPARATELY, IS 41,000 SQUARE FEET. IT'S A TOTAL OF 271,000 SQUARE FEET ON THE PROPERTY, AND IT ALSO HAS BEHIND BUILDING 4 A PORTION OF THE WALNUT CREEK HIKE AND BIKE TRAIL RUNNING BEHIND IT, WHICH IS

ALREADY BEEN BUILT OUT. I'LL PROVIDE YOU JUST A LITTLE BIT MORE INFORMATION ABOUT THE PROPERTY, THE 8301 CAMERON ROAD PROPERTY. THE REASON WE'RE BRINGING THIS ITEM BEFORE YOU IS THAT WHEN WE WERE WORKING ON OUR BOND NEEDS ASSESSMENT LAST YEAR, THE CITY MANAGER ASKED US TO ALSO LOOK AT SHORT AND MEDIUM TERM SPACE NEEDS THAT WE WOULD HAVE, FUNCTIONS IN THE CITY WHERE WE HAD EXPIRING LEASES OVER THE NEXT YEAR OR TWO. THE FEW FUNCTIONS THAT WE HAVE REMAINING AT MUELLER THAT WE HAVE TO MOVE BECAUSE OF THE REDEVELOPMENT OF THE PROPERTY. AND THEN WE ALSO MADE SURE THAT WE TALKED TO ALL OF THE DEPARTMENTS ABOUT ANY OTHER ADDITIONAL SPACE NEEDS THAT THEY MIGHT HAVE, PRESSING NEEDS BECAUSE OF INCREASING SIZE AND FUNCTION OR WHATEVER. SO WE CAME FORWARD THEN WITH A RECOMMENDATION TO THE CITY MANAGER THAT WE LOOK AT ALL THOSE NEEDS TOGETHER AND TRY TO CO-LOCATE A LOT OF THOSE FUNCTIONS IN ONE PLACE, IN A CAMPUS-STYLE FACILITY. AND WHAT THAT WOULD ALLOW US TO DO IS TO TAKE THE RENT THAT THOSE FUNCTIONS CURRENTLY HAD IN THEIR BUDGET AND TO APPLY THAT RENT TO FIXED DEBT PAYMENTS AND TO OPERATIONS AND MAINTENANCE COSTS FOR THE FACILITY. THIS BUILDING IS ALSO CALLED THE EMERSON CAMPUS. AGAIN, IT'S LOCATED AT 8301 CAMERON ROAD. THE OWNER OF THE PROPERTY IS FISHER CONTROLS INTERNATIONAL. THEY BOUGHT THE PROPERTY IN 1982. THE SIZE OF THE CAMPUS IN TOTAL IS 33 ACRES, OF WHICH SEVEN ACRES ARE UNDEVELOPED. AND AGAIN YOU SEE THE BUILDING SQUARE FOOTAGE FOR EACH ONE OF THE BUILDINGS AND WHEN THOSE BUILDINGS WERE BUILT. THE TOTAL OF 271,000 SQUARE FEET DIVIDES UP INTO APPROXIMATELY 75% SQUARE FOOTAGE FOR OFFICE OR ABOUT 200,000 SQUARE FEET, AND ABOUT 70,000 SQUARE FEET FOR MANUFACTURING OR WAREHOUSE, WHICH THE CITY WOULD USE FOR ITS WAREHOUSE NEEDS. THE PLANNED OCCUPANTS AS YOU SEE HERE, THERE ARE A VARIETY OF DEPARTMENTS THAT WOULD GO INTO THE FACILITY, INCLUDING AUSTIN ENERGY, OUR 311 CALL CENTER THAT WE WILL BRING ONLINE, SEVERAL FUNCTIONS IN THE POLICE DEPARTMENT, THE FIRE DEPARTMENT, HEALTH DEPARTMENT, OUR MATERIALS MANAGEMENT

FUNCTION, ADDITIONAL HISTORY CENTER STORAGE FOR THE LIBRARY, PARKS AND RECREATION AND THE ADMINISTRATIVE OFFICES FOR SOLID WASTE SERVICES. SO THIS PROPERTY WILL REALLY ADDRESS A NUMBER OF DEPARTMENTAL FACILITY NEEDS THAT WE HAVE. WE LOOKED AT -- WE HAD THREE OPTIONS TO CONSIDER IN LOOKING TO SATISFY OUR SPACE NEEDS. THE FIRST OPTION WAS TO BUILD A FACILITY AND THEN OPERATE IT OURSELVES. AND WHEN WE LOOKED AT THAT OPTION, WE DETERMINED THAT THE ANNUAL COST PER SQUARE FOOT WOULD BE \$20.28. THAT IS A VERY CONSERVATIVE NUMBER BECAUSE IT'S BASED ON CONSTRUCTION COSTS FROM TWO PROJECTS THAT WE'VE COMPLETED WITHIN THE LAST TWO OR THREE YEARS AND I THINK GOING FORWARD CONSTRUCTION COSTS WOULD BE HIGHER THAN THAT. SO THIS AGAIN IS A CONSERVATIVE ESTIMATE. WE ALSO ESTIMATE THAT TO LEASE A FACILITY IN \$2,005 WE WOULD PAY \$10.40 A SQUARE FOOT, BUT THAT COST WOULD ESCALATE OVER TIME, THAT ENTIRE \$10.40. THE OPTION TO PURCHASE THIS PROPERTY AND OPERATE IT IS THE CHEAPEST OPTION NOW, AND WILL BE EVEN CHEAPER GOING FORWARD AT \$9.91 A SQUARE FEET. SO THE RECOMMENDED COUNCIL ACTIONS TODAY ARE TO APPROVE THE PURCHASE PRICE OF THE EMERSON CAMPUS AT 12 MILLION. TO AMEND OUR '06 CAPITAL BUDGET BY 22,125,000. AND THEN THROUGH THE REIMBURSEMENT RESOLUTION TO DECLARE COUNCIL'S OFFICIAL INTENT TO REIMBURSE OURSELVES BY ISSUING FUTURE DEBT FOR THIS. WE BELIEVE THIS IS THE BEST WAY FOR THE CITY TO SOLVE ITS SPACE NEEDS GOING FORWARD FOR TWO OR THREE YEARS. THERE WILL BE SOME OTHER ADDITIONAL SPACE NEEDS THAT WE'LL HAVE TO ADDRESS SORT OF ON AN AD HOC BASIS, BUT WE'LL PREPARE A REPORT AND SUBMIT THAT TO YOU WITHIN SEVERAL WEEKS TO SHOW YOU WHAT OTHER ADDITIONAL SPACE NEEDS THE CITY NEEDS TO CONSIDER.

Mayor Wynn: THANK YOU MR. STEPHENS. QUESTIONS OF STAFF, COUNCIL? COMMENTS. WE OF COURSE HAD A LENGTHY DISCUSSION IN CLOSED SESSION, AS APPROPRIATE. HEARING NO QUESTIONS OR COMMENTS, I'LL ENTERTAIN A MOTION, PERHAPS EVEN A COMBINED MOTION

ON ITEMS 30 AND 31. IT LOOKS LIKE WE'VE EVEN BEEN SCRIPTED WITH LANGUAGE.

Alvarez: MOVE APPROVAL OF THOSE ITEMS.

Mayor Wynn: MOTION BY COUNCILMEMBER ALVAREZ, SECONDED BY THE MAYOR PRO TEM TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE CERTAIN PROPERTY AND IMPROVEMENTS LOCATED AT 8301 CAMERON ROAD FROM FISHER CONTROLS INTERNATIONAL, INC. FOR 12 MILLION AND AMENDING THE '05-'06 CAPITAL BUDGET FOR THE DEPARTMENT OF ORDINANCE NUMBER 20050912-00002 TO APPROPRIATE \$22,125,000. AND ALSO AUTHORIZING REIMBURSEMENT OF ALL COSTS FOR ACQUIRING PROPERTY AND IMPROVEMENTS LOCATED AT 8301 CAMERON ROAD, INCLUDING CLOSING COSTS AND NECESSARY MODIFICATIONS TO THE PROPERTY IN AN AMOUNT NOT TO EXCEED \$22,150,000.

Alvarez: I WANTED TO COMMEND THE CITY MANAGER AND THE STAFF FOR THEIR WORK IN IDENTIFYING THIS OPPORTUNITY FOR US. IF YOU -- OBVIOUSLY IN THE PRESENTATION IT BECAME CLEAR THAT THIS WAS THE MOST COST EFFECTIVE OPTION FOR US, BUT I THINK THAT OUR CITIZENRY CAN APPRECIATE THE FACT THAT THE FUNDS THAT WE WILL BE INVESTING IN THESE OPERATIONS WILL GO TOWARDS SUPPORTING SOMETHING THE CITY OWNS AND THE CITIZENS OWN VERSUS CONTINUING TO LEASE SPACE AS WE HAVE BEEN DOING. AND SO -- AND THEN THE FACT THAT THERE'S ROOM FOR GROWTH HERE IN THE FUTURE ALSO IS VERY GOOD ASPECT ABOUT ALL OF THIS. AND SO I REALLY JUST WANT TO THANK EVERYBODY FOR IDENTIFYING THIS OPPORTUNITY AND ALLOW ALLOWING US TO -- MAKING SURE WE'RE INVESTIGATING ALL OPTIONS BEFORE THE ONE WE'RE CONSIDERING OUR FUTURE FACILITY NEEDS. THANK YOU.

Mayor Wynn: MAYOR PRO TEM.

Thomas: I WANT TO COMMEND STAFF, MS. PLUMMER AND HER STAFF AND MR. STEPHENS. THE CITIZENS KNOW THIS IS A GREAT INVESTMENT. I THINK SINCE I'VE BEEN ON COUNCIL,

ME AND THE MAYOR AND COUNCILMEMBER ALVAREZ HAVE ALWAYS SAID THAT IT'S A GOOD PROFIT TO OWN OUR OWN PROPERTY INSTEAD OF LEASING IT. BUT THIS PARTICULAR INVESTMENT LET'S THE CITIZENS KNOW THAT IT'S AN INVESTMENT, AND AS WE GAVE IN THE PRESENTATION, HOW MANY OTHER DEPARTMENT CZ UTILIZE THIS PARTICULAR FACILITY. I COMMEND THE CITY MANAGER AND STAFF FOR THIS GREAT PURCHASE.

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

Kim: MR. STEPHENS, BUSINESSES DO TRY TO OWN THEIR OWN PROPERTY, AND I KNOW THAT CITIES DO AS WELL. ONE OF THE REASONS IS BECAUSE IT'S A GOOD HEDGE AGAINST INFLATION. THAT IF INFLATION DOES OCCUR, REAL ESTATE, BECAUSE THERE IS RIMENT LIMITED PROPERTY, THE PRICES GO UP AS WELL. IF THAT HAPPENS, WE ARE LEASING AND THERE IS INFLATION, WHAT WOULD HAPPEN TO THE CITY? WHAT WOULD TO HAP TO OUR PAYMENTS IN MY MARKET FOR LEASED SPACE?

IT'S A VERY GOOD POINT BECAUSE AGAIN IF WE LEASE PROPERTY WE'RE SUBJECT TO INFLATION REGARDLESS OF WHAT HAPPENS WITH THAT. THE ADVANTAGE OF THE WAY THAT WE'RE PROPOSING THIS TRANSACTION IS THAT THE CITY'S DEBT SERVICE PAYMENTS ON THIS WILL BE FIXED. THEY WILL REMAIN CONSTANT OVER THE 25-YEAR PERIOD OF THE DEBT THAT WE'RE ISSUING. SO THAT'S A VERY GOOD POINT. WE ARE HEDGING OURSELVES AGAINST VERY LIKELY LEASING INCREASES IN THE FUTURE.

Kim: ALL RIGHT. THANK YOU FOR YOUR WORK ON THIS. THANK YOU, CITY MANAGER.

Mayor Wynn: FURTHER COMMENTS ON THE COMBINED MOTION FOR ITEMS 30 AND 31? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASS OZ A VOTE OF SIX TO ZERO WITH COUNCILMEMBER MCCRACKEN TEMPORARILY

OFF THE DAIS. THANK YOU ALL VERY MUCH. MS. BROWN, I BELIEVE THAT AGAIN CONCLUDES ALL OF OUR DISCUSSION ITEMS PRIOR TO OUR 2:00 O'CLOCK BRIEFING TIME CERTAIN, WHICH IS A PRESENTATION BY THE DOWNTOWN AUSTIN ALLIANCE ON THEIR BIENNIAL SURVEY. SO WITHOUT OBJECTION, WE ARE IN RECESS UNTIL 2:00 P.M. THANK YOU.

Mayor Wynn: THIS MEETING OF THE AUSTIN CITY COUNCIL, IT'S A FEW MINUTES AFTER 2:00 IN THE AFTERNOON, WE NOW GO TO OUR 2:00 BRIEFINGS. TODAY ITEM NO. 32 IS A PRESENTATION OF THE DOWNTOWN AUSTIN ALLIANCE BIENNIAL SURVEY, I WILL RECOGNIZE MR. CHARLIE BETTS. WELCOME, MR. BETTS.

THANK YOU VERY MUCH, MAYOR, MEMBERS OF THE COUNCIL. I'M VERY PLEASED TO BE WITH YOU TODAY. I WOULD LIKE -- AS I THINK ALL OF YOU KNOW, EVERY TWO YEARS, PREVIOUS CITY COUNCILS AND CERTAINLY THIS ONE, HAD -- HAS HAD FOR YEARS A REQUIREMENT EVERY OTHER YEAR FOR THE DAA TO FUND A SURVEY, PARTICULARLY TO FIND OUT HOW DOWNTOWN PEOPLE, PROPERTY MANAGERS, PROPERTY OWNERS, AND PEOPLE WHO OFFICE AND WORK IN AUSTIN, HOW THEY VIEW OUR DOWNTOWN. WHETHER WE ARE MAKING SATISFACTORY PROGRESS OR NOT, WHAT THEY FEEL ARE THE MAJOR ISSUES THAT WE NEED TO BE CONCERNED ABOUT. IT'S KIND OF A MEASURING STICK EVERY OTHER YEAR. WE FEEL LIKE WE LEARN A LOT FROM IT. WE HAVE MARIE CRANE OF MARIE CRANE & ASSOCIATES TO BRING YOU A REPORT. MARIE IS AN EXCELLENT, DOES A LOT OF SURVEY WORK, DOES SOME REALLY NICE WORK AND SHE HAS BEEN DOING THIS FOR US OVER A 10 YEAR SPAN. SO WE HAVE THE HISTORY, WE WILL SHERIFF BACK FROM TIME TO TIME TO WHAT SOME OF THESE NUMBERS AND PERCENTAGES WERE AS FAR BACK AS 10 YEARS AGO. WITH YOUR PERMISSION, I WOULD LIKE TO INTRODUCE MARIE CRANE TO YOU.

WELCOME, MS. CRANE.

THANK YOU VERY MUCH, MAYOR AND COUNCILMEMBERS. MY NAME IS DR. MARIE CRANE, I'M PRESIDENT OF M. CRANE & ASSOCIATES, WHICH IS A MARKET RESEARCH AND STRATEGY CONSULTING FIRM BASED HERE IN AUSTIN. IT'S

MY PLEASURE TO BE HERE TODAY TO PRESENT WHAT WILL BE A BRIEF SUMMARY OF RECENT RESEARCH ASSESSING OPINIONS ABOUT DOWNTOWN AUSTIN AND ALSO ABOUT THE DAA. I'M GOING TO MAKE MY PRESENTATION BRIEF SO THERE'S TIME FOR COMMENTS THAT YOU MIGHT HAVE AND WE WILL LEAVE BEHIND THE MORE EXTENSIVE REPORT OF THE RESEARCH FINDINGS. WHAT IS THE PURPOSE OF DOING THIS STUDY? IN ADDITION TO THE FACT THAT IT'S A REQUIREMENT FOR THE DAA, IN FACT IT'S USED FOR A LOT OF DIFFERENT PURPOSES. IT'S A TOOL OR DEVICE FOR MONITORING THE STATUS OF DOWNTOWN AUSTIN, AND ALSO FOR PLANNING FOR DOWNTOWN AUSTIN. YOU CAN SEE ON THE LEFT-HAND SIDE THAT WE START OFF WITH AN ATTEMPT TO UNDERSTAND STAKEHOLDER'S PERCEPTION OF THE DOWNTOWN AREA IN TERMS OF ITS IMAGE, THEIR SENSE OF ITS STRENGTHS AND WEAKNESSES AND THEIR PERCEPTIONS ABOUT RECENT OR NEEDED CHANGES TO THE DOWNTOWN AREA. IN ADDITION, THE DAA SEEKS TO UNDERSTAND STAKEHOLDER'S VIEWS ABOUT THE DAA ITSELF, ITS PROGRAMS, ITS PERFORMANCE, ITS COMMUNICATION, AND ITS PRIORITIES FOR THE FUTURE. ULTIMATELY, THE PURPOSE IS TO ESTABLISH PRIORITIES FOR THE DOWNTOWN AUSTIN AREA AND FOR THE DAA THAT ARE STAKEHOLDER DRIVEN IN NATURE. THE RESEARCH IS BASED ON -- ON INTERVIEWS WITH FOUR DIFFERENT SEGMENTS OF STAKEHOLDERS. THE FIRST THREE LISTED THERE ARE STAKEHOLDERS THAT THE DAA STUDIED BIANNUALLY FOR THREE YEARS. THEY ARE DOWNTOWN PROPERTY OWNERS AND MANAGERS, DOWNTOWN BUSINESS OWNERS AND MANAGERS, AND DOWNTOWN EMPLOYEES. THE FIRST TWO GROUPS, ESPECIALLY, ARE QUITE SMALL IN NUMBER. THEY ARE RATHER FINITE SEGMENTS. AND THE LIST THAT WE USE TO IDENTIFY THESE PEOPLE ARE PROVIDED BY THE DAA. THIS YEAR IN 2005 FOR THE FIRST TIME THE DAA EXTENDED THE BUDGET AND THE SCOPE FOR THIS PROJECT TO INCLUDE NEARBY RESIDENTS OF THE DOWNTOWN AREA. AS STAKEHOLDERS FOR DOWNTOWN OF COURSE ARE CONTINUING TO GROW IN THEIR SIZE AND NUMBER AND IN FACT IN TERMS OF THEIR DIVERSITY AS WELL. THE NEXT SLIDE IS SIMPLY GIVES YOU A GRAPHICAL OR VISUAL REPUTATION OF WHAT WE MEAN -- REPRESENTATION OF WHAT WE MEAN BY NEARBY

RESIDENTS. IT'S THE DAA EXPECTATIONS AS TIME GOES BY, THE GEOGRAPHIC SCOPE THAT'S ENCOMPASSED WOULD ONLY INCREASE AS MORE AND MORE PEOPLE ARE COMING TO THE DOWNTOWN AUSTIN AREA. I WANT TO START OFF SHOWING SOME MEASURES THAT WE HAVE TRACKED NOW FOR MORE THAN A DECADE. THESE ARE SOME VERY BASIC ITEMS, MEASURING PEOPLE'S EVALUATION OF DOWNTOWN IN TERMS OF SOME KEY DIMENSIONS. THERE ARE ABOUT 10 OR 12 OF THEM. ON THE LEFT-HAND COLUMN AT THE TABLE, YOU CAN SEE THE OVERALL NEED FROM 2003, THE LAST TIME WHEN DATA WERE COLLECTED. THE FOUR RIGHT-HAND COLUMNS REPRESENT FIRST THE MEANS RATINGS AMONG PROPERTY OWNERS AND MANAGERS, THEN THE MEAN RATINGS OF BUSINESS OWNERS AND MANAGERS, THE MEAN RATINGS AMONG EMPLOYEE AND FINALLY THE MEAN RATINGS AMONG THOSE WHO LIVE NEAR DOWNTOWN AUSTIN. AS YOU CAN SEE, DOWNTOWN AUSTIN IS GETTING VERY GOOD RATINGS IN TERMS OF NEARLY ALL OF THESE DIMENSIONS AND AT LEAST GOOD RATINGS ON ALL OF THEM. THE ONES THAT IT DOES PARTICULARLY WELL ARE ON THE SATISFACTION OR ACCEPTABLE WITH THE COMMUTE, SAFETY DURING THE DAY, THE AVAILABILITY OF INTERESTING PLACES TO GO AND THINGS TO DO, THE ABILITY TO GET AROUND DOWNTOWN, THE VISUAL APPEAL OF THE DOWNTOWN AREA, AND ITS DESIRABILITY AS A PLACE TO SHOP. I'D TELL YOU THAT -- I SHOULD TELL YOU THAT THE WORDING APPEARS ON THE BOTTOM OF THE SLIDE, THESE ARE AVERAGE RATINGS ON A SCALE FROM ONE TO 10, WHERE ONE MEANS POOR, 10 MEANS EXCELLENT. THE RATINGS HERE YOU CAN SEE ESSENTIALLY RANGE FROM ABOUT 7.5 TO ROUGHLY NINE. ALL OF THEM ARE QUITE POSITIVE EVALUATIONS. JUST BY WAY OF CONTEXT, LET ME TELL YOU WHAT THEY WERE WHEN THE DAA FIRST BEGAN THIS PROJECT IN 1995. 10 YEARS AGO. AND OF COURSE NOT ALL OF THESE ITEMS WERE MEASURED. AT THAT POINT NOBODY THOUGHT TO EVALUATE DOWNTOWN AUSTIN IN TERMS OF ITS -- ITS ACCEPTABILITY AS A PLACE TO LIVE. FOR EXAMPLE. BUT MANY OF THESE WERE MEASURED. SO IN TERMS OF INTERESTING PLACES TO GO AND THINGS TO DO, IN 1995, THE MEAN WAS 6.7. TODAY IT RANGES BETWEEN 8.2 AND 8.5. WHEN IT COMES TO CLEANLINESS, THE MEAN RATING IN

1995 WAS 6.1. NOW THE RANGE IS BETWEEN 8.1 AND 8.6. WHEN IT COMES TO VISUAL APPEAL, THE MEAN RATING 10 YEARS AGO WAS 6.3 AND NOW THE RANGE IS BETWEEN 8.0 AND 8.3. AND FINALLY, SAFETY DURING THE NIGHT WAS QUITE A PROBLEM 10 YEARS AGO. THE MEAN RATING WAS 5.0, NOW THE MEAN RATINGS ARE BETWEEN 7.5 AND 7.8. THAT REALLY IS A SUBSTANTIAL CHANGE IN PERCEPTIONS OF DOWNTOWN AUSTIN. I'M SURE THAT YOU HAVE WITNESSED IT YOURSELF. OVER THE 10 YEAR PERIOD WE SEE INCREASES THAT HAVE BEEN GRADUAL BUT CONSISTENT OVER THE DECADE. THIS YEAR WE ASKED FOR THE FIRST TIME SOME QUESTIONS ABOUT THE CHARACTER OF DOWNTOWN. LOTS OF PEOPLE ARE BEGINNING TO TALK ABOUT CITIES IN TERMS OF THEIR BRANDS AND THE KINDS OF CHARACTERISTICS AND PERSONALITIES THAT PEOPLE ATTRIBUTE TO CITIES. AND IN PARTICULAR DOWNTOWN AREAS. SO WE CREATED 10 NEW DIMENSIONS AND ASKED THE 784 RESPONDENTS IN THIS STUDY TO EVALUATE DOWNTOWN IN TERMS OF THESE 10 TRAITS OR ATTRIBUTES AND THE FINDINGS ARE PRESENTED ON THIS SLIDE. ALTOGETHER, ACROSS ALL GROUPS, THEY GIVE AN AVERAGE OF MORE THAN 9.0. IT'S ABOUT 9.3 OR 9.4 IN TERMS OF DOWNTOWN AUSTIN BEING THE HEART OF THE CITY. DESCRIBING THE DOWNTOWN AUSTIN AREA AS A COMMUNITY, IT'S ALSO VERY PREVALENT AMONG THESE FOUR STAKEHOLDER GROUPS. THEY SAY CHARACTERISTICS LIKE INVITING HISTORICALLY INTERESTING, FRIENDLY AND EXCITING FIT WELL AS DO THE TRAITS ECLECTIC, FUN AND THRIVING. ON AVERAGE THEY GAVE 7.5 MEAN RATING TO THE DESCRIPTION OF DOWNTOWN AUSTIN AS A CULTURAL HUB. ONLY TWO DIMENSIONS THAT DOWNTOWN DID NOT FARE WELL ON, THEY WERE TWO THAT NOBODY IS SEEKING AS FAR AS I KNOW, STRIVING TO OBTAIN, THOSE TWO WERE EXCLUSIVE AND MAINLY A PLACE FOR YOUNG PEOPLE AND THE MEANS ON THOSE TWO ITEMS WERE BELOW 5. BECAUSE WE MAKE A VERY DELIBERATE EFFORT TO TRY TO UNDERSTAND OPINIONS ABOUT DOWNTOWN, USING A VARIETY OF DIFFERENT METHODS, AND APPROACHES, I THOUGHT IT WOULD BE WORTHWHILE TO SPEND A FEW MINUTES GIVING YOU THE ANSWERS THAT RESPONDENTS PROVIDED TO OPEN-ENDED QUESTIONS ABOUT THE DOWNTOWN AREA. IN PARTICULAR, WE ASKED THEM TO

TALK IN THEIR OWN WORDS ABOUT THE STRENGTHS OF DOWNTOWN AND LIMITATIONS OF DOWNTOWN. FIRST I'M GOING TO TALK ABOUT THE STRENGTHS OF THE DOWNTOWN AREA. THE VAST MAJORITY OF RESPONSES FELL IN ONE OF THESE THREE CATEGORIES. THE FIRST AND MOST COMMON, STRENGTH, PERCEIVED STRENGTH OF DOWNTOWN ARE AMUSEMENTS. NOW, THIS IS A PRETTY BROAD CATEGORY, TAKES INTO ACCOUNT, ARTS, CULTURE, SPEAKERSPECIAL EVENTS, BUT YOU CAN SEE PEOPLE SAY THINGS LIKE WHEN ASKED WHAT ARE THE STRENGTHS OF THE DOWNTOWN AREA, THEY SAY THINGS LIKE THE NIGHT LIFE OR THERE'S ALWAYS SOMETHING GOING ON, OR WITH AN EYE TOWARD ECONOMY, FREEBIES LIKE CONCERTS AND CULTURAL AFFAIRS. A NUMBER OF COMMENTS ABOUT MUSIC AND THEATERS, ALL OF THE ART GALLERIES AND MUSEUMS, THE FACT THAT IT'S BECOMING A MAJOR CULTURAL CENTER. THE SECOND MOST COMMON WE MENTIONED STRENGTH OF THE DOWNTOWN AREA IS THE NATURAL ENVIRONMENT. THERE ARE A LOT OF COMMENTS ABOUT PARKS IN PARTICULAR AND ABOUT -- ABOUT TOWN LAKE AND THE HIKE AND BIKE TRAIL. MORE SPECIFICALLY. ONE RESPONDENT SAYS, FOR EXAMPLE, THE PARKS ARE THE VERY BEST PART OF DOWNTOWN. ANOTHER -- THE HISTORICAL PARKS, IT'S NOT JUST GREEN SPACE, BUT IT CONVEYS THIS OTHER MEANING. THE THIRD MOST COMMON IS A SORT OF VAGUE CATEGORY THAT WE HAVE LABELED THE ATMOSPHERE. BUT PEOPLE TALKED A LOT, THIS WAS THE THIRD MOST COMMONLY MENTIONED STRENGTH OF DOWNTOWN, PEOPLE TALKED A LOT ABOUT THE SENSE OF ENERGY THAT'S DOWNTOWN. THERE ARE A LOT OF FRIENDLY PEOPLE, IT'S A GREAT PLACE TO LIVE AND WORK. IT'S A GREAT ATMOSPHERE. PEOPLE'S ATTITUDES ARE A STRENGTH. PRESERVING THE HISTORY, THE FACT THAT WE HAVE SO MUCH HISTORY HERE. AND THE NOTION THAT THERE IS A -- A SENSE OF COLLABORATION, MOMENTUM BUILDING DOWNTOWN. LOTS OF PEOPLE COMING TOGETHER TO MAKE DOWNTOWN A SUCCESS. WE ASKED THEM ALSO TO TALK IN THEIR OWN WORDS ABOUT THE WEAKNESSES OR LIMITATIONS OF DOWNTOWN AND THERE WAS A GREATER DIVERSITY OF ISSUES THAT WERE MENTIONED IN RESPONSE TO THAT QUESTION. THEY ARE PRESENTED ON THE NEXT TWO SLIDES. THEY ARE SORT OF

SPREAD OUT AMONG SEVERAL THINGS. THE TWO THAT COME UP AT THE TOP, HOWEVER, WITHOUT ANY -- WITHOUT ANY DOUBT ARE WHAT THEY CALL INADEQUATE PARKING, WHICH YOU SEE REFLECTED IN COMMENTS LIKE PARKING IS A KILLER, DOWNTOWN'S WEAKNESS IS THE PARKING PROBLEM, AND SUGGESTIONS WITH -- WITH WE NEED MORE PARKING GARAGES, THE SECOND IS TRAFFIC AND TRANSPORTATION. THE TRAFFIC IS BACKED UP, IT'S IMPROVED, THE STREETS HAVE IMPROVED BUT THE TRAFFIC HAS NOT IMPROVED, THE TRAFFIC COMING INTO THE DOWNTOWN AREA IS A WEAKNESS, PEOPLE ARE BEGINNING IN 2005 TO TALK ABOUT SOLUTIONS TO TRAFFIC PROBLEMS IN THE PREVIOUS YEARS THEY CERTAINLY IDENTIFIED TRAFFIC AS A PROBLEM, BUT NOW WE ARE SEEING COMMENTS LIKE WE NEED MASS TRANSIT, WE NEED A TRAIN, WE NEED A LIGHT RAIL SYSTEM. MANY PEOPLE MENTIONED NATURAL ENVIRONMENT AS A STRENGTHS, ALSO MANY PEOPLE MENTIONED THE NATURAL ENVIRONMENT AS AN AREA FOR IMPROVEMENT. THEY ARE CONCERNED ABOUT AIR POLLUTION, THEY ARE CONCERNED ABOUT THE RATIO OF CONCRETE TO GREEN SPACE. LANDSCAPING THAT ISN'T ADEQUATELY MAINTAINED. IMPROVED PARKS AND RECREATION. ON THE NEXT SLIDE YOU WILL SEE THERE'S ALSO SOME CONCERN THAT NOT ENOUGH ATTENTION IS BEING GIVEN TO HISTORICAL PRESERVATION. AND SOME PEOPLE SAY PRESERVING THE CITY'S HISTORICAL SITES IS A WEAKNESS OR A CURRENT LIMITATION IN THE CITY. AND INVESTMENT IN ARTS AND CULTURE. WE NEED MORE FUNDING TO ARTS, MUSEUMS, WE NEED CULTURAL CENTERS, IN FACT WE NEED A PERFORMING ARTS CENTER. FINALLY ONLY A SMALL NUMBER OF PEOPLE MENTIONED THIS ISSUE, BUT IT WAS THE FIRST TIME IT CAME TO SURFACE IN THIS STUDY, ACTUALLY ONLY A HANDFUL, BUT SOME RESPONDENTS SAY ONE OF THE WEAKNESSES OR LIMITATIONS IS THAT IT'S JUST GETTING TOO DARNED CROWDED. THE POPULATION HAS GROWN TOO MUCH, TOO MANY PEOPLE, IT'S BECOMING OVERPOPULATED.

Mayor Wynn: I FEEL NOBODY -- IF NOBODY GOES DOWNTOWN ANYMORE BECAUSE IT'S TOO CROWDED.

THOSE OF YOU WATCHING OVER THE LONG HAUL, CAN SEE

A CERTAIN IRONY, MAYBE EVEN HUMOR IN READING THAT. THE NEXT SLIDE IS ABOUT THE DAA ITSELF, ONE OF THE PURPOSES FOR THIS FOR THE DAA IS TO SEE HOW PEOPLE THINK IT IS DOING AS AN ORGANIZATION AND AS YOU CAN SEE, I'M SORRY, I NEED TO SHOW IT TO YOU FIRST, AS YOU CAN SEE, 80% OF THE GROUPS, BELIEVE THAT THE DAA IS DOING AN EXCELLENT OR GOOD JOB. FINALLY TWO SLIDES TO SUMMARIZE THIS. THE FIRST ONE IS JUST TO CALL YOUR ATTENTION TO THE FACT THAT WITH RESPECT TO EVERY SINGLE DIMENSION, THAT WE HAVE MEASURED ABOUT DOWNTOWN FOR THE LAST DECADE, VIEWS OF STAKEHOLDERS HAVE BECOME INCREASINGLY POSITIVE OVER THE 10 YEAR PERIOD, WHICH THIS RESEARCH HAS BEEN CONDUCTED. CERTAINLY THE IMAGE OF DOWNTOWN HAS IMPROVED. THE CONCERNS WITH RESPECT TO DOWNTOWN IN THE EARLY YEARS WERE SAFETY, ESPECIALLY AT NIGHT, IN THE DAY, BUT ESPECIALLY AT NIGHT. INSUFFICIENT RETAIL, NO DRAW, NO REASON TO GO DOWNTOWN. CLEANLINESS, BY WHICH THEY MEANT DIRT, FILTH. PARKING AND TRANSPORTATION. IF YOU LOOK NOW AT THE CHALLENGES THAT SURFACE FROM THIS RESEARCH IN 2005, WHAT YOU SEE IS THAT PARKING AND TRANSPORTATION CONTINUE TO BE CONCERNS ABOUT THE DOWNTOWN AREA. THE COMMENTS ABOUT CLEANLINESS HAVE DISAPPEARED AND INSTEAD PEOPLE TALK ABOUT BEAUTIFICATION AND HISTORICAL PRESERVATION AND -- AND VISUAL APPEAL AND THE GREEN SPACES AND ATTRACTIVE BUILDINGS. AND CONCERNS ABOUT SAFETY AT NIGHT AND INSUFFICIENT RETAIL SIMPLY DO NOT EMERGE. THE LAST PAGE INCLUDES SOME RECOMMENDATIONS, IT'S VERY NICE OF YOU TO PRESENT A SET OF FINDINGS THAT ARE ALTOGETHER AS POSITIVE AS THESE. I WILL TELL YOU, THOUGH, THAT THIS FOUR STAKEHOLDER GROUPS, PROPERTY OWNERS, BUSINESS OWNERS, EMPLOYEES AND NEARBY RESIDENTS ALL WANTS TO SEE CONTINUED IMPROVEMENT OF THE DOWNTOWN AREA. AS MY FATHER USED TO SAY, GOOD, BETTER, BEST, NEVER LET IT REST UNTIL YOUR GOOD IS BETTER AND YOUR BETTER BEST. CONTINUE TO FOCUS ON BEAUTIFICATION, I THINK THAT IT'S IMPORTANT IN ADDITION TO SORT OF BUSINESS AS USUAL, TO BE MINDFUL, PARTICULARLY MINDFUL OF THE NATURAL AND THE BUILT

ENVIRONMENT, THE HISTORICAL BUILDINGS AND PARKS AND THE CLEANLINESS, PRESENCE OF GREEN AND TREES. IT'S IMPORTANT, ALSO, TO CONTINUE TO ADDRESS PARKING CONCERNS THAT MAY HAVE TO DO WITH AVAILABILITY AND AFFORDABILITY. CERTAINLY ALSO HAS TO DO WITH AWARENESS OF PARKING OPTIONS IN THE DOWNTOWN AREA. THE THIRD RECOMMENDATION BASED ON THIS RESEARCH WAS TO COLLABORATE, IMPLEMENT TRAFFIC SOLUTIONS. AN INCREASING NUMBER OF STAKEHOLDERS ARE NOT ONLY FRUSTRATED BUT THEY ARE BEGINNING TO BECOME ENTHUSIASTIC ABOUT MASS TRANSIT AND LIGHT RAIL. SO THEY ARE EAGER TO FIND SORT OF COLLABORATIVE SOLUTIONS. THE FOURTH THING IS TO REALLY BEGIN TO THINK ABOUT DOWNTOWN AUSTIN AS HAVING A BRAND. AND TO BE VERY DELIBERATE ABOUT ARTICULATING, DEVELOPING AND ENHANCING THAT BRAND. IT'S AN INTANGIBLE ASSET BUT EXTREMELY OR IMPORTANT TO TO QUALITY OF LIFE AND ECONOMIC VITALITY. THIS IS A RECOMMENDATION FOR THE DAA PARTICULARLY, INCREASE COMMUNICATIONS CAN STAKEHOLDERS. THE DAA GETS VERY GOOD EVALUATIONS ABOUT ITS PROGRAMS IN COMMUNICATIONS, BUT IT IS HARDER AND HARDER TO GET SHARE OF MIND OF INCREASING INTERESTS IN DOWNTOWN.

I WOULD BE HAPPY TO TAKE QUESTIONS.

Thomas: ONE QUESTION THAT I DO HAVE TO ASK, YOUR METHOD OF REACHING OUT TO OTHER ZIP CODES, WHAT WAS YOUR METHOD OF DOING THAT? IN THE STAKEHOLDERS BECAUSE A LOT OF PEOPLE HAVE SAID DOWNTOWN IS A LITTLE CITY BY ITSELF. AND I COMMEND YOU FOR REACHING OUT TO THE OTHER ZIP CODES AS I WAS LOOKING AT YOUR MAP. WHAT WAS YOUR METHOD OF DOING THAT?

YOU KNOW, WE REPLICATED THE ZIP CODES SELECTION THAT THE DAA HAD USED A YEAR OR SO AGO TO ESTIMATE DEMAND FOR RETAIL IN THE DOWNTOWN AUSTIN AREA AND IT'S -- IT'S ESSENTIALLY THE MOST PROXIMATE AREAS TO DOWNTOWN. NOW, TRUE, EAST, WEST, NORTH, SOUTH IN ALL DIRECTIONS. IT PROBABLY NEVERTHELESS FAILS TO TAKE INTO ACCOUNT MANY RESIDENTS OF THE LARGER GEOGRAPHIC AREA WHO ELSE HAVE A VESTED INTEREST IN

THE DOWNTOWN AREA. FRANKLY IT'S A MATTER OF MONEY TO REACH FURTHER AND FURTHER OUT AND STILL HAVE ESTIMATES THAT ARE BASED ON SAMPLES LARGE ENOUGH TO BE STATISTICALLY VALID.

IN YOUR REACHING OUT, ANY [INDISCERNIBLE] WHEN YOU TALKED ABOUT THE CULTURAL ARTS, SEVERAL THINGS, ENTERTAINMENT FOR THAT, CAN YOU TELL ME WHAT KIND OF RESPONSE THEY COMMONLY -- AS FAR AS ENTERTAINMENT, AS YOU KNOW WE DID AN AFRICAN-AMERICAN STUDY OF QUALITY OF LIFE, A LOT OF THEM SAYING THERE'S NOT A LOT OF ENTERTAINMENT DOWNTOWN IN THE PARTICULAR SIXTH STREET AREA. DID YOU HAVE ANY SPECIFIC THINGS THAT CAME OUT --

WE DON'T HAVE FINDINGS THAT COOP CORROBORATE THAT FINDINGS, THOUGH I CAN GO BACK AND LOOK WITH A FINE TOOTHED COMB TO SEE IF THERE'S ANYTHING. BUT I CAN TELL YOU IN TERMS FOR EXAMPLE OF EVALUATING DOWNTOWN ON A SCALE OF ONE TO 10 FROM ONE BEING POOR, 10 BEING EXCELLENT RATE THE DOWNTOWN AREA IN TERMS OF OFFERING INTERESTING PLACES TO GO AND THINGS TO DO, THE MEANS WERE IN THE EIGHTS ACROSS GEOGRAPHIC REGIONS IN OUR SAMPLES. WHETHER YOU LOOK EAST, NORTH, WEST ORB SOUTH, THEY SEEM TO BE THE SAME. WE CAN BREAK THOSE DOWN INTO SMALLER AND SMALLER GROUPS IN SUBSEQUENT ANALYSES IF THAT WOULD BE OF INTEREST TO YOU.

Thomas: IT WOULD BE.

BE GLAD TO DO IT. BUT NOTHING IN THE ANALYSIS WE HAVE DONE SO FAR INDICATES THAT THERE'S A GEOGRAPHIC DIFFERENCE IN THOSE VIEWS AND PERCEPTIONS.

I COMMEND YOU ON YOUR REPORT IT'S VERY THOROUGH, THOSE IDEA -- THOSE MAIN POINTS I WOULD LIKE FOR YOU IF YOU CAN TO GET BACK WITH ME.

I WOULD BE HAPPY TO FOLLOW YOU.

I THINK THE CITY IS ADDRESSING SOME OF THE BEAUTIFICATION. I THINK THAT WE ALLOWED SOME BUDGET

MONEY FOR AT LEAST CONGRESS AVENUE. THANK YOU.

ANY OTHER COMMENTS OR QUESTIONS?

QUESTIONS, MS. CRANE? COUNCILMEMBER KIM?

Kim: HI, I WANTED TO ASK YOU ABOUT -- ABOUT JUST THE DOWNTOWN PARKING, I KNOW THAT SOME OF THE BUSINESSES ARE ABLE TO VALIDATE FOR THEIR CUSTOMERS WITH PARKING GARAGES NEXT TO THEM. I WAS WONDERING IF THE DAA WAS LOOKING AT ANYTHING LIKE A PROGRAM LIKE THAT TO COORDINATE SOME OF THE GARAGES OR IF YOU THINK THERE ARE SOME OTHER SOLUTIONS THAT WE COULD LOOK AT.

YOU KNOW, I CAN GIVE YOU A SHORT ANSWER TO THAT, BUT I WOULD REALLY PASS THAT QUESTION ALONG TO CHARLIE. YOU KNOW, WHAT WE ARE ABLE TO MEASURE IN A SURVEY LIKE THIS, EVEN THOUGH THERE ARE A LARGE NUMBER OF QUESTIONS, A LARGE NUMBER OF RESPONDENTS ARE PERCEPTIONS. ON THE ISSUE OF PARKING, IT MAY WELL BE THE CASE THAT THE PARKING SITUATION IS DIFFERENT, THE OPPORTUNITIES ARE DIFFERENT THAN WHAT STAKEHOLDERS BELIEVE THEM TO BE. I HAVE HEARD THAT COMMENT IN THE PAST, NOTABLY -- CHARLIE DO YOU WANT TO TALK ABOUT THE VALIDATION OF NEIGHBORING PARKING GARAGES.

I WILL GIVE YOU A -- COUNCILMEMBER, I'LL GIVE YOU KIND OF A BRIEF ANSWER. WE HAVE LOOKED AT PARKING, VERDICT VERY MUCH AWARE THAT PARKING, THAT THE PERCEPTION THAT PARKING IS A PROBLEM FOR DOWNTOWN IS CERTAINLY OUT THERE. THE CITY, PROBABLY THREE OR FOUR YEARS AGO, DID A PARKING STUDY WITH A CONSULTANT THAT DETERMINED THAT -- THAT -- THAT THERE WAS AN ADEQUACY OF PARKING AVAILABLE DOWNTOWN BUT NOT NECESSARILY AT THE MOST STRATEGIC PLACES. SO ANOTHER -- IT'S A -- IT'S COMPLICATED A LITTLE BIT, TOO, BECAUSE MOST OF THE PARKING IS PIVOTALLY OWNED. THE CITY IS NOT REAL BIG-TIME IN THE PARKING BUSINESS. SO THE -- IT MAKES IT A LITTLE MORE COMPLICATED WITH THE VARIETY OF OWNERSHIP. BUT WE ARE LOOKING, WE WILL BE LOOKING IN

THE COMING YEAR AT TRYING TO GET THE PARKING A LITTLE BETTER ORGANIZED AND MORE INFORMATION TO THE CONSUMER AS TO WHERE THE PARKING IS AVAILABLE.

OKAY. THANK YOU. I KNOW THAT I HEAR THAT A LOT. FROM PEOPLE. WHO WANT TO COME DOWNTOWN AND ACTUALLY DANA DID A SURVEY OF THEIR MEMBERSHIP, THE DOWNTOWN AUSTIN NEIGHBORHOOD ALLIANCE AND THEY FOUND THAT OF THEIR MEMBERS WHO LIVE DOWNTOWN THEIR MORE COMPLAINT WAS NOISE, BUT THE NUMBER ONE COMPLAINT FROM PEOPLE WHO LIVED OUTSIDE OF DOWNTOWN, I GUESS NEARBY THE NUMBER ONE COMPLAINT WAS PARKING. SO I THINK THAT THERE IS A PROBLEM WITH PERCEPTION AND ALSO THAT PEOPLE LIKE PARKING TO BE FREE AND FREE IS GOOD. AND THEY -- THEY WOULD LIKE TO GET THAT FREE PARKING SPACE BUT OF COURSE WE JUST DON'T HAVE ENOUGH FOR EVERYONE WHO COMES DOWNTOWN. SO I THINK ANY WAY THAT WE CAN HELP WITH WORKING WITH SOME OF THE RETAIL BUSINESSES HERE THAT DO WANT TO SEE THAT TRAFFIC, DO WANT TO SEE THOSE CUSTOMERS AND THOSE SALES, HAVING SOME SORT OF SYSTEM WHERE EITHER THROUGH THE D.A. OR ON THEIR OWN, A SITUATION WHERE THEY CAN VALIDATE WOULD BE HELPFUL, IT'S BAFFLING TO ME HOW PEOPLE WILL SPEND 50, \$60 DOWNTOWN FOR DRINKS AND DINNER, ENTERTAINMENT, BUT YET WON'T SPEND FIVE, SEVEN DOLLARS ON PARKING. SO I JUST LOOK FORWARD TO WORKING WITH YOU AND ANYTHING THAT I CAN DO TO HELP I'M SURE THE REST OF THE COUNCIL AS WELL. WE -- THIS IS SOMETHING THAT IS IMPORTANT TO ALL OF US AND SO I WILL LOOK FORWARD TO HEARING WHAT YOUR PROPOSED SOLUTIONS ARE, HOW WE CAN HELP.

WE AGREE, THANK YOU.

Kim: I ALSO HAVE A QUESTION ABOUT THE SHADING AND PEOPLE TALKED ABOUT BEAUTIFICATION, BUT IT'S ALSO SOMETHING THAT HELPS WITH FIGHTING THE HEAT ISLAND EFFECT. SOMETHING THAT I AM INTERESTED IN. SO I KNOW THAT WE HAVE PUT A LITTLE BIT MORE INTO I GUESS THE PARK AND REC DEPARTMENT BUDGET FOR MAINTAINING THE TREES ALONG CONGRESS AVENUE, ALSO TO DO SOME PARK MAINTENANCE. BUT I WAS WONDERING IF IN ANY OF

THE COMMENTS OR SUGGESTIONS THAT YOU RECEIVED IF ANYTHING HAD TO DO WITH JUST THE HEAT ISLAND OR ANYTHING HAVING TO DO WITH SHADING DOWNTOWN.

PEOPLE DON'T TALK ABOUT IT USING THOSE TERMS. THAT LANGUAGE. THEY -- MANY PEOPLE SAY THE GREEN SPACES ARE IMPORTANT, THEY WANT THEM MAINTAINED ABOUT HER, THE TREES ARE IMPORTANT, BUT THEY DON'T REALLY TALK THOSE TREES OR THAT LANDSCAPING AS -- AS A REFUGE FROM HEAT OR --

IT'S -- IT'S NOT TO SAY IT ISN'T HAVING THAT EFFECT, NOT TO SAY THEY ARE NOT EXPERIENCING THAT EFFECT, THEY SIMPLY DON'T TALK ABOUT IT IN THAT LANGUAGE.

Kim: OKAY. IT'S SOMETHING THAT I KNOW OUR COUNCIL HAS AN INITIATIVE ON AIR QUALITY. ONE OF THE WAYS TO -- TO PROTECT OUR AIR QUALITY IS HAVING AN ADEQUATE -- ADEQUATE SHADING TO KEEP THE SHADING COOLER. OF COURSE MORE OZONE ACTION DAYS, WE HAVE THINGS KICK IN THAT ARE VERY EXPENSIVE. I APPRECIATE YOUR ACTION ON THAT. I ALSO WANTED TO ASK YOU ABOUT SOUND PROOFING, MAYBE CHARLIE YOU CAN ANSWER THIS. AS WE ARE HAVING MORE RESIDENTS DOWNTOWN, WE ALSO HAVE LIVE MUSIC AND ENTERTAINMENT, ESPECIALLY WITH THE OUTDOOR VENUES THAT CAN'T CONTROL THEIR SOUND, BUSINESSES DOWNTOWN AT NIGHT, IS THE DAA LOOKING AT ANY WAY TO MAKE SURE THAT ALL OF THOSE DIFFERENT USES ARE COMPATIBLE LOOKING AT SOUND ROOFING, ANY KIND OF, ANYTHING WITH OUR DESIGN GUIDELINES, EITHER VOLUNTARY OR AS PART OF THIS -- OF THE CITY'S LAND DEVELOPMENT CODE ANYTHING LIKE THAT.

WE HAVE -- WE ARE BEGINNING TO ADDRESS THAT TOPIC. WE TALKED TO A LOT OF DEVELOPERS COMING INTO THE DOWNTOWN AND WE ADVISED THEM IF THEY ARE NEAR ENTERTAINMENT AREAS THAT SOUND PROOFING IS -- IS VERY SIGNIFICANT. WE ARE SEEING THE DEVELOPERS, PARTICULARLY THE RESIDENTIAL DEVELOPERS REACT TO THAT. AND IF THEY DISREGARD THAT, THEY TOO THAT AT -- DO THAT AT THEIR OWN FINANCIAL RISK. THEY WILL PAY A -- A HEFTY PRICE, I WOULD THINK, IF THEIR APARTMENTS ARE - OR CONDOS ARE NOT PROPERLY SOUND PROOFED.

PARTICULARLY IF THEY ARE CLOSE OR REASONABLY CLOSE TO OUR ENTERTAINMENT AREAS. WE FEEL LIKE OUR SOUND ORDINANCE, WE WORK VERY CLOSELY, AS I KNOW THE CITY DID, WITH BOTH THE ENTERTAINMENT INDUSTRY, MUSIC INDUSTRY, AND THE RESIDENTIAL PEOPLE AND WE NOW I THINK -- WE HAVE GOT A GOOD ENFORCEABLE SOUND ORDINANCE THAT'S NOT PUNITIVE TO THE MUSIC INDUSTRY, AND REASONABLE FOR THE RESIDENTIAL PEOPLE. SO I GUESS MY ANSWER WOULD BE WE HAVE A CONCERN ABOUT THAT AND WE MENTIONED THAT FREQUENTLY TO RESIDENTIAL DEVELOPERS WHO ARE THINKING ABOUT DEVELOPING DOWNTOWN, I'M NOT SURE THAT WE WOULD BE A BIG PROPONENT FOR AN ORDINANCE. BUT WE MIGHT BE. WE HAVE NOT GONE -- WE HAVE NOT TAKEN THAT ISSUE TO THAT EXTENT AT THIS POINT.

Kim: AS COUNCILMEMBERS WE DO GET REQUESTS FOR ASSISTANCE BECAUSE OF THE NOISE. IT MAY HAVE SOMETHING TO -- YOU KNOW, THERE ARE PEOPLE WHO ARE DRIVING AT NIGHT, WE HAVE TO CLEAN THE STREETS AT NIGHT BECAUSE THAT'S WHEN THE LANES ARE OPEN. THOSE SORTS OF THINGS, I THINK A LOT HAS TO DO WITH -- ESPECIALLY FOR THE OLDER RESIDENTIAL COMPLEXES DOWNTOWN, THEY JUST DON'T HAVE ADEQUATE WINDOWS, THEY DON'T HAVE ENOUGH INSULATION, THAT SOUND PROOFING ISN'T THERE. THERE SHOULD BE A WAY THAT WE COULD LOOK AT GOING FORWARD. HOW CAN WE MAKE SURE THAT BUYER BEWARE, BUT ALSO HOW CAN WE ENCOURAGE THE NEW RESIDENTIAL DEVELOPMENTS TO HAVE THE ADEQUATE SOUND PROOFING, IT IS VERY EXPENSIVE AS YOU KNOW TO RETROFIT AFTERWARDS. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? I HAVE ONE, MS. CRANE. ON YOUR SAW SAYS, IS IT -- SURVEYS, IS IT -- I'M CURIOUS IF IT'S EVIDENT TO THE RESPONDENTS SOME PROJECTS THAT ARE SOON TO OCCUR DOWNTOWN, I'M CURIOUS FOR INSTANCE TRANSPORTATION AND TRAFFIC IS A BROAD CATEGORY. DID IT COME UP WITH YOUR RESPONSES, ARE PEOPLE AWARE FOR INSTANCE THAT THE PLAN FOR NOW IS CESAR CHAVEZ BACK TO TWO WAY OR PLANNED -- YOU KNOW, WE STILL ANTICIPATE THE FEDERAL COURTHOUSE BEING -- BEING COMPLETED OVER AT THE

INTEL BUILDING, THEN THE PLANNED CLOSURE OF THAT ONE BLOCK OF SAN ANTONIO OR THE -- OR THE DISCUSSION ABOUT THE -- ABOUT THE DECOMMISSIONING AND OPENING OF THE GREEN WATER TREATMENT PLANT AREA AND WHAT THAT COULD BE ON -- ON TRANSPORTATION AS WELL. DO YOUR RESPONDENTS, ARE THEY -- CAN YOU SENSE ARE THEY EVEN AWARE OF SOME OF THESE PROJECTS THAT ARE FORTHCOMING?

I KNOW THIS WILL DISAPPOINT YOU, BUT I'M COMPELLED OF COURSE TO REPRESENT THE FINDINGS ACCURATELY. WE DON'T HAVE ANY INDICATION FROM THESE RESULTS THAT AWARENESS OF THOSE INITIATIVES IS PERVASIVE OR -- YOU KNOW, THAT THERE'S ANY AWARENESS. TO SPEAK OF, OF THOSE ISSUES. TALK ABOUT STREET IMPROVEMENTS HAVING BEEN TAKEN PLACE, BUT THEY DON'T SAY SPECIFICALLY WHEN SUCH AND SUCH HAPPENS I KNOW IT WILL BE BETTER OR ANYTHING LIKE THAT.

Mayor Wynn: MOTHER E NOT SPECIFICALLY -- THEY ARE NOT SPECIFICALLY ASKED IF THEY ARE AWARE OF CESAR CHAVEZ OR THE RAIL LINE.

THEY WERE SPECIFICALLY NOT ASKED ABOUT PARTICULAR IMPROVEMENTS TO TRANSPORTATION ISSUES. THEY ARE SIMPLY ASKED REALLY THE TRAFFIC ISSUES COME UP WHEN WE ASK THEM WHAT DO YOU THINK ARE THE WEAKNESSES OF DOWNTOWN. THAT'S WHEN THEY TALK ABOUT TRAFFIC AND SOME PEOPLE TALK ABOUT SOLUTIONS THAT ARE NEEDED. OTHER PEOPLE TALK ABOUT PROBLEMS. BUT THEY ARE NOT -- NOT DETAILED IN THEIR COMMENTS GENERALLY. I THINK THAT -- THAT FOCUS GROUP RESEARCH OR PERHAPS SURVEY RESEARCH IN A LATER DATE AND TIME WOULD SHOW MORE AWARENESS OF AND SORT OF REACTIONS TO THOSE KIND OF MODIFICATIONS. THIS IS NOT A SENSITIVE ENOUGH TOOL, FRANKLY TO CAPTURE THAT.

Mayor Wynn: OKAY. THANK YOU VERY MUCH. QUESTIONS, COMMENTS? WE GREATLY APPRECIATE THE UPDATE.

THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MS. CRANE. [INDISCERNIBLE] HOT

OFF OF THE PRESS. AGAIN, COUNCIL, WITH NO FURTHER ACTION OR DISCUSSION ITEMS PRIOR TO OUR 4:00 ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS, WITHOUT OBJECTION AT THIS TIME WE STAND RECESSED.

MARY MAYOR THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS FIVE MINUTES AFTER 4:00. WE WILL NOW TAKE UP OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS AND WE'LL WELCOME MS. ALICE GLASGO.

GOOD AFTERNOON, MAYOR AND COUNCILMEMBERS. I'M ALICE GLASGO. OUR ZONING CASES FOR TODAY ARE AS FOLLOWS: WE WILL START OFF WITH THOSE ITEMS WHERE YOU HAVE CLOSED THE PUBLIC HEARING AND THEN WE'LL PROCEED TO THOSE WHERE YOU'RE HEARING THE ITEMS FOR THE FIRST TIME. STARTING OFF WITH ITEM 33, C-14-H-05-0006. THIS HOUSE IS LOCATED AT 1815 WATERSTON AVENUE AND THE EXISTING ZONING IS SF-3-NP. THE REQUEST WAS TO ADD HISTORIC DESIGNATION TO THIS PROPERTY. YOU MAY RECALL THAT WHEN WE CAME TO YOU WE LET YOU KNOW THAT THE HISTORIC LANDMARK COMMISSION INITIATED THIS CASE, AND AT THAT TIME AND NOW STAFF WAS NOT RECOMMENDING THE ZONING CHANGE; HOWEVER, THE CLARKSVILLE COMMUNITY DEVELOPMENT CORPORATION HAD ASKED FOR SUPPORT OF HISTORIC ZONING, AND WHAT COUNCIL DID WAS POSTPONE THE CASE TO ALLOW THE PARTIES TO WORK TOGETHER, AND THEY HAVE. THEY HAVE REACHED AN AGREEMENT TO PRESERVE A PORTION OF THE BUILDING AND ALLOW FOR ADDITION OF THE SITE WHILE PRESERVING THE CHARACTER OF THE RESIDENCE THAT THE CLARKSVILLE COMMUNITY DEVELOPMENT CORPORATION WOULD LIKE TO PRESERVE. AND THE STAFF WOULD LIKE YOU TO DENY THE HISTORIC DESIGNATION BECAUSE THE INTENT WAS TO PRESERVE THE PORTIONS OF THE BUILDING THAT COULD BE PRESERVED GIVEN THE STATE OF THAT HOUSE. AND THAT AGREEMENT ALLOWS YOU TO PROCEED AND THEREFORE NOT REQUIRE HISTORIC ZONING. AND MARTY WANTS TO ADD SOMETHING.

WE HAVE PREPARED A RESOLUTION TO REFLECTS THE

AGREEMENT AND IT IS BEING DISTRIBUTED TO YOU ON THE DAIS. THE APPROPRIATE MOTION WOULD BE TO APPROVE THE RESOLUTION DENYING THE HISTORIC ZONING, BASED ON THE TERMS OF THE AGREEMENT.

Mayor Wynn: THANK YOU, MS. TERRY.

OKAY. MAYOR, I'LL PROCEED ON TO THE OTHER CONSENT ITEMS. ITEM NUMBER 34, CASE C-14-05-0064. THIS IS TO APPROVE SECOND AND THIRD READINGS OF AN ORDINANCE THAT REZONES PROPERTY LOCATED AT 12509 NORTH LAMAR BOULEVARD. THE CHANGE IN ZONING IS FROM GR-CO, WHICH STANDS FOR COMMUNITY COMMERCIAL CONDITIONAL OVERLAY, AND THE CHANGE HERE IS TO MODIFY A PREVIOUS CONDITION OF ZONING TO REFLECT WHAT THE APPLICANT IS SEEKING TODAY AND THEREFORE THIS IS READY FOR SECOND AND THIRD READING. ITEMS 35, 36 AND Z 13 ARE RELATED. THEY'RE PART OF THE WEST CONGRESS ZONING AREA AND WE ASK THAT YOU HEAR ALL THESE ITEMS TOGETHER AND MARK WATERS WILL DISCUSS THOSE WHEN WE GET TO THE DISCUSSION ITEMS. THE NEXT ITEM IS ITEM NUMBER 37, C-14-04-150, MANCHACA MIXED USE, TRACT 1. THIS WAS FORMERLY KNOWN AS THE NEIGHBOR'S STOP AND GO. IT IS LOCATED AT 6008 MANCHACA ROAD. THE CHANGE IN ZONING IS FROM LIMITED OFFICE TO GO-MU-CO, HOWEVER, THE APPLICANT HAS RECENTLY AMENDED THEIR REQUEST AND CONCUR WITH WHAT COUNCIL APPROVED ON FIRST READING TO LO-MU-CO. THE CASE IS READY FOR SECOND READING ONLY. THERE IS A VALID PETITION WHICH REQUIRES SIX VOTES FOR YOU TO APPROVE IT OVER THE OBJECTIONS OF THE RESIDENTS. SO THAT CONCLUDES THOSE ITEMS UNDER THIS SEGMENT OF THE AGENDA.

Mayor Wynn: THANK YOU, MS. GLASGO. OUR NOTATION HERE ON ITEM 37, HOWEVER, IS THAT IT'S RELATED TO CASE Z-1?

IT IS IN A WAY BECAUSE OF TRACT 1 AND TRACT 2, BUT YOUR ACTIONS ARE SEPARATE. YOU HAD CLOSED THE PUBLIC HEARING ON ITEM NUMBER 37, AND IT'S READY FOR SECOND READING ONLY, WHEREAS TRACT 2 YOU'RE REALLY HOLDING THE PUBLIC HEARING FOR THE FIRST TIME, SO THEY ARE ADJOINING -- THEY'RE ADJOINING TRACTS, BUT

UNRELATED AS FAR AS YOUR ACTION GOES.

Mayor Wynn: OKAY. YOUR RECOMMENDATION IS TO HAVE IT ON SECOND READING ONLY ON CONSENT AGENDA?

CORRECT. AND DEPENDING ON WHAT YOU DO WITH TRACT Z-1.

Mayor Wynn: THEN COUNCIL, OUR CONSENT AGENDA WOULD BE TO ON ITEM 33 APPROVE THE RESOLUTION DENYING THE HISTORIC ZONING AS OUTLINED AND DRAFTED BY STAFF. ON ITEM 34 TO APPROVE THE ORDINANCE ON SECOND AND THIRD READING. AND ON ITEM 37 TO APPROVE ON SECOND READING ONLY THE AMENDED CASE OF LO-MU-CO.

MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCracken, SECONDED BY COUNCILMEMBER DUNKERLEY. COUNCILMEMBER KIM?

Kim: CAN YOU SHOW ME VOTING NO ON NUMBER 37, PLEASE?

Mayor Wynn: ALL RIGHT.

Thomas: MAYOR, IF YOU DON'T MIND, JUST ONE CLARIFICATION, MS. GLASGO. YOU SAID ON NUMBER 37 THAT THE APPLICANT IS AGREEABLE TO THE FIRST READING WE HAD OF LO-MU-CO, IS THAT RIGHT?

THAT'S CORRECT.

Thomas: WHAT THE NEIGHBORS, THEY WANTED WHAT, GO?

NO. THE NEIGHBORHOOD IS OPPOSED TO THE -- PREVIOUSLY THE REQUEST WAS TO GO-MU-CO. OBVIOUSLY THAT'S BEING AMENDED TO LO-MU-CO. THE EXISTING ZONING IS LO ON THIS TRACT. THE ONLY CHING THAT YOU'RE -- CHANGE THAT YOU'RE ADDING THE MIXED USE COMBINING DISTRICT, BUT THERE'S STILL A VALID PETITION FOR THE CHANGE. HOPEFULLY THEY'LL SPEAK TO THAT, BUT YOU'RE MAINTAINING THE ZONING THAT IS THERE TODAY BY

ALLOWING THE ONLY CHANGE THAT YOU ARE ALLOWING THE FLEXIBILITY OF MIXED USE.

Thomas: AND NUMBER 37 IS THE LARGE PART OF THE TRACT, RIGHT? OR IS IT THE SMALL PART?

37 I BELIEVE IS THE SMALLER TRACT. IT'S A LARGER TRACT.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I'LL SAY ON ITEM 37 THAT THIS PROPOSAL IS AN EXCELLENT EXAMPLE OF GOOD URBAN PLANNING, AND I REALLY DO HOPE THAT THE NEIGHBORHOOD WILL EMBRACE THIS. I THINK THERE'S BEEN SOME GREAT PROGRESS HERE AS WE ATTEMPT TO MOVE AWAY FROM LOW DENSITY SUBURBAN SPRAWL TYPE OF DEVELOPMENT TO MORE COMPACT DEVELOPMENT THAT ENHANCES AND IMPROVES THE QUALITY OF LIFE IN THE NEIGHBORHOOD. THIS IS EXACTLY WHAT WE'RE HOPING TO HAVE IN THIS CITY, AND SO I REALLY DO HOPE THE NEIGHBORHOOD WILL WORK WITH THE APPLICANT, WHO HAS ALREADY MADE CONSIDERABLE PROGRESS GOING FROM A CONVENIENCE STORE TO A MIXED USE DEVELOPMENT. SO WE'LL HAVE A CHANCE TO HEAR Z-1, BUT I ENCOURAGE THE NEIGHBORHOOD TO EMBRACE THIS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. AGAIN, WE HAVE A MOTION AND A SECOND TO APPROVE THE CONSENT AGENDA, WHICH INCLUDES THE DENYING OF THE HISTORIC ZONING RESOLUTION, ITEM 33, APPROVAL OF CASE 34 ON SECOND AND THIRD READING, AND APPROVING CASE 37 ON SECOND READING ONLY, THE LO-MU-CO DESIGNATION. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. BUT MS. BROWN, PLEASE SHOW COUNCILMEMBER KIM VOTING NO ON ITEM 37.

MAYOR, NOW WE PROCEED TO THOSE ITEMS WHERE YOU ARE HEARING THEM FOR THE FIRST TIME. ITEM NUMBER Z-1

IS A DISCUSSION ITEM, SO WE'LL COME BACK TO IT IN THE ORDER THAT WE NORMALLY FOLLOW. ITEM Z-2, CASE C-14-05-0126. THIS CASE IS LOCATED AT 10109 THROUGH 10225 ANAHUAC TRAIL AND 10104 TO 10120 BIG THICKET DRIVE. THE ZONING AND PLATTING COMMISSION RECOMMENDS THE ZONING CHANGE AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-3, CASE C-14-05-0127, LOCATED AT 10105 THROUGH 10117 BIG THICKET DRIVE, 10201 THROUGH 10217 BIG THICKET DRIVE, 2108 THROUGH 2204 INDIANA DUNES DRIVE. 10308 THROUGH 10317 ANAHUAC TRAIL, AND 2405 THROUGH 2429 NATIONAL PARK BOULEVARD. THE ZONING AND PLATTING COMMISSION RECOMMENDS THE REQUEST AND THE CASE FOR READY FOR ALL THREE READINGS. ITEM NUMBER Z-4, C-14-05-128, THE PROPERTY IS LOCATED AT 2404 THROUGH 2512 NATIONAL PARK BOULEVARD, 10104 THROUGH 10216 WIND CAVE TRAIL AND THE SAING CHAING IS FROM INTERIM RURAL RESIDENCE TO SF-4-A. CASE Z-5, C-14-05-129, THE PROPERTY LOCATED ON CHANNEL ISLAND DRIVE, 10225 THROUGH 10505 WIND CAVE TRAIL AND ALSO 2201 THROUGH 2215 LAKE CLARK LANE. THE COMMISSION RECOMMENDS THE REQUEST AND THIS CASE IS READY FOR ALL THREE READINGS. ITEM Z-6, CASE C-14-05-130, THE ADDRESSES ARE 10117 THROUGH 10383 10383 CHANNEL ISLAND DRIVE AND THE CHANGE IN ZONING IS FROM INTERIM RURAL RESIDENCE TO SF-4-A, RECOMMENDED BY THE ZONING AND PLATTING COMMISSION, AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-7, C-14-05-131, THE ADDRESSES ARE 10301 THROUGH 10417 YELLOWSTONE DRIVE, 2501 THROUGH 2617 NATIONAL PARK BOULEVARD. THE CHANGE IN ZONING IS FOR INTERIM RURAL RESIDENCE TO SF-4-A, SMALL LOT, CHZ RECOMMENDED BY THE ZONING AND PLATTING COMMISSION AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-8, CASE C-14-05-132, LOCATED AT 10300 THROUGH 10412 YELLOWSTONE DRIVE, 10301 THROUGH 10421 BIG THICKET DRIVE, AND 10416 THROUGH 10421 CHANNEL ISLAND DRIVE. THE CHANGE IN ZONING IS FROM INTERIM RURAL RESIDENCE TO SF-4-A. THE ZONING AND PLATTING COMMISSION RECOMMENDS THE CHANGE AND THE CASE IS READY FOR ALL THREE READINGS. ITEM Z-9, C-14-05-133, LOCATED AT 10108 THROUGH 10232 ANAHUAC TRAIL AND 10208 THROUGH 10624

BIG THICKET DRIVE. THE THE CHANGE IN ZONING IS FROM INTERIM RURAL RESIDENCE TO SF-4-A. IT IS READY FOR ALL THREE READINGS. ITEM Z-10 C-14-05-135 LOCATED AT 10501 THROUGH 10517 -- THE COMMISSION RECOMMENDS THE CHANGE AND THE CASE IS READY FOR ALL THREE READINGS. FRRS. THIS AMENDMENT MODIFIES THE PLANNED UNIT DEVELOPMENT TO ALLOW ADDITIONAL USES FOR THIS PROPERTY -- THIS IS FOR FIRST READING ONLY. ITEM Z-12, C-14-05-140, THE PROPERTY IS LOCATED AT U.S. HIGHWAY 183 NORTH AT LAKELINE MALL DRIVE. THE CHANGE IN SOINING IS FROM CS-1-CO. THE APPLICANT IS SEEKING GR ZONING, WHICH STANDS FOR COMMUNITY COMMERCIAL ZONING. THAT REQUEST WAS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION AND THE CASE IS READY FOR ALL THREE READINGS. ITEMS 13, 14 THROUGH 16 ARE DISCUSSION ITEMS. CASE Z-17, 5505 MONTHVIEW STREET, THE APPLICANT IS REQUESTING A POSTPONEMENT TO OCTOBER THE 27TH, 2005. THIS IS THE APPLICANT'S FIRST REQUEST. MAYOR, THAT CONCLUDES THE CONSENT ITEMS AND POSTPONEMENTS.

Mayor Wynn: SO COUNCIL, OUR RECOMMENDED CONSENT AGENDA WILL BE TO CLOSE THE PUBLIC HEARINGS AND APPROVE ON ALL THREE READINGS INDICATIONS Z-2, Z-3, Z-4, Z-5, Z-6, Z-7, Z-8, Z-9, Z-10, AND APPROVE ON FIRST READING ONLY Z 11, CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASE Z-12, AND TO POSTPONE Z-17 UNTIL OCTOBER 27TH, 2005. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE THE CONSENT AGENDA AS OUTLINED. ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH.

MAYOR, THAT TAKES US BACK TO THE BEGINNING OF THE AGENDA TO PICK UP THE DISCUSSION ITEMS, AND WE WOULD START OFF WITH ITEMS 35, 36 AND Z-13 BECAUSE THEY'RE RELATED AND MARK WALTERS WILL MAKE THAT PRESENTATION.

Mayor Wynn: THANK YOU VERY MUCH. WELCOME, MR. WALTERS.

GOOD AFTERNOON, MAYOR, COUNCIL, MY NAME IS MARK WALTERS. TODAY I'LL BE PRESENTING ITEMS 35, 36 AND Z-13. A LITTLE BACKGROUND OF THE 18th OF AUGUST COUNCIL APPROVED THE VAST MAJORITY OF THE REZONINGS WITH THE SOUTH CONGRESS NEIGHBORHOOD PLAN, BUT POSTPONED SOME THAT WE WILL TAKE UP THIS AFTERNOON. ON THE FIRST OF SEPTEMBER THIS WAS BROUGHT BACK TO COUNCIL AND IT WAS APPROVED ON FIRST READING. THE FIRST ITEM WILL BE TO AMEND THE AUSTIN TOMORROW COMPREHENSIVE PLAN BY APPROVING ON SECOND AND THIRD READING THE PLEASANT HILLS SUBDISTRICT OF THE SOUTH CONGRESS NEIGHBORHOOD PLAN AS RECOMMENDED BY THE PLANNING COMMISSION AND APPROVED BY THE CITY COUNCIL ON FIRST READING AND EXCLUDE TRACTS 18, 23-A, 30 AND 35, WHICH WILL BE CONSIDERED IN SEPARATE MOTIONS. IF YOU HAVE ANY QUESTIONS, I'LL ANSWER THEM AT THIS TIME.

Mayor Wynn: THANK YOU. SO OBVIOUSLY THIS WILL BE THE SECOND AND THIRD READING OF ESSENTIALLY THE NON-CONTESTED PIECES OF THE NEIGHBORHOOD PLAN.

THAT'S CORRECT.

Mayor Wynn: COUNCIL, I'LL ENTERTAIN THE RECOMMENDED MOTION ON ITEM 35.

Thomas: MOVE FOR APPROVAL.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM, SECONDEDLY COUNCILMEMBER LEFFINGWELL TO APPROVE ITEM NUMBER 35 AS OUTLINED BY STAFF ON SECOND AND THIRD READING. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THE NEXT ITEM FOR CONSIDERATION WOULD BE AGENDA ITEM NUMBER 36, AND TO APPROVE ON SECOND AND THIRD READING THE PLEASANT HILLS SUBDISTRICT OF THE WEST

CONGRESS NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING ORDINANCE AS RECOMMENDED BY THE PLANNING COMMISSION AND APPROVED BY THE CITY COUNCIL ON FIRST READING. AND EXCLUDE TRACTS 18, 23-A, 30 AND 35, WHICH WILL BE CONSIDERED IN SEPARATE MOTIONS. THE MOTION -- THIS MOTION WOULD INCLUDE BASE ZONING -- BOTH BASE ZONING DISTRICT CHANGES FOR THE FOLLOWING TRACTS, 22, 23-B, 25, 26, 27, 28, 31 AND 32, BUT THESE ARE UNCONTESTED. AND I'LL ANSWER ANY QUESTIONS AT THIS TIME.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION ON THE UNCONTESTED TRACTS. COUNCILMEMBER ALVAREZ.

Alvarez: THE ISSUE THAT WAS AT 203 RED BIRD -- IT WOULD BE 103 RED BIRD.

Alvarez: THAT'S ONE OF THE ITEMS THAT'S NOT --

THAT WAS TRACT 30, AND THAT'S GOING TO BE CONSIDERED ON THE THIRD PAGE OF THE MOTION SHEET.

Alvarez: OKAY.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION, SECOND AND THIRD READING OF THE UNCONTESTED CASES, ITEM 36, AS OUTLINED BY STAFF.

Thomas: SO MOVE.

Mayor Wynn: MOTION BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE THE ITEM 36 MOTION ON SECOND AND THIRD READING AS OUTLINED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

THE NEXT ITEM FOR CONSIDERATION WOULD BE TRACT 23. THAT WOULD BE 106 RED BIRD. THERE WAS A NOTIFICATION ERROR AND STAFF IS WITHDRAWING THIS STAFF FROM CONSIDERATION FOR REZONING ALTHOUGH COUNCIL WILL HAVE TO TAKE AN ACTION ON APPROVING SF-2-NP AND A

LAND USE DESIGNATION OF SINGLE-FAMILY FOR THIS SITE FOR THIS TRACT. I'LL BE HAPPY TO ANSWER ANY QUESTIONS.

Mayor Wynn: THERE'S NO --

NO CHANGE IS OCCURRING TO THE SITE, BUT BECAUSE OF THE NOTIFICATION ERROR AND THE WAY THAT WE HAVE TO APPROVE THESE TRACTS, SO TO MAKE SURE IT FALLS WITHIN THE LARGER NEIGHBORHOOD PLANNING COMBINING DISTRICT FOR THIS AREA.

Mayor Wynn: SO TECHNICALLY HAVE WE TAKEN THIS UP ON FIRST READING?

YES, YOU DID. IT WAS MIXED USE AND CO-MU-NP ON FIRST READING. THERE WAS AN ERROR IN THE ORIGINAL NOTIFICATION PRIOR TO PLANNING COMMISSION, SO WE'RE WITHDRAWING THIS ALTOGETHER. AND IT'S JUST LIKE ANYBODY'S HOUSE WHERE NO CHANGES WERE OCCURRING.

Mayor Wynn: SO YOU ACTUALLY NEED A MOTION AND A VOTE IN ORDER FOR THIS TO BE WITHDRAWN.

TO APPROVE IT AS SF-2-NP AND APPROVE IT'S LAND USE DESIGNATION IS WHAT WE NEED.

Mayor Wynn: WOULD THAT BE FOR SECOND AND THIRD READING?

FOR SECOND AND THIRD READING.

Mayor Wynn: FURTHER QUESTIONS, COUNCIL? COMMENTS? SO THE RECOMMENDED MOTION BY STAFF IS TO APPROVE TRACT 23-A, 106 RED BIRD ON SECOND AND THIRD READING, LAND USE SINGLE-FAMILY -- FUTURE LAND USE SINGLE-FAMILY AND THE ZONING SF-2-NP.

THAT'S CORRECT.

Mayor Wynn: I'LL ENTERTAIN A MOTION.

SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCracken THAT I'LL SECOND TO APPROVE THIS MOTION AS OUTLINED BY STAFF, TRACT 23-A. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THE NEXT TRACT FOR CONSIDERATION IS TRACT 18, 106 WEST MOCKINGBIRD LANE. ON FIRST READING COUNCIL APPROVED SINGLE-FAMILY LAND USE DESIGNATION AND SF 2-NP AS THE ZONING. AND THE NEIGHBORHOOD IS RECOMMENDING THE SAME AND STAFF DOES NOT OPEN TO THE NEIGHBORHOOD'S RECOMMENDATION, SO I'D BE HAPPY TO ANSWER ANY QUESTIONS AT THIS TIME.

Mayor Wynn: WHY DO WE NEED TO TAKE THIS UP AS A SEPARATE MOTION?

BECAUSE IT WAS EXCLUDE FROM FIRST READING FOR CONTINUITY'S SAKE JUST TO KEEP IT THE SAME FROM READING TO IMMEDIATE READING TO MAKE SURE WE COVER ALL OUR BASES.

Mayor Wynn: BUT WE DID APPROVE IT ON FIRST READING?

YES, MAYOR.

Mayor Wynn: SO COUNCIL, QUESTIONS, COMMENTS? AGAIN, THE STAFF RECOMMENDATION IS TO APPROVE ON SECOND AND THIRD READING FUTURE LAND USE DESIGNATION OF SINGLE-FAMILY AS APPROVED ON FIRST READING AND THE ZONING OF SF-2-NP ALSO AS APPROVED ON FIRST READING.

Leffingwell: MAYOR? THE WAY I'M READING IT, STAFF RECOMMENDATION IS SF-5, BUT AT ANY RATE, I MOVE APPROVAL OF THE NEIGHBORHOOD AND COUNCIL APPROVED FIRST READING. F SF-2-NP.

Mayor Wynn: ON SECOND AND THIRD READING. AND I'LL SECOND THAT MOTION. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THE NEXT TRACT FOR CONSIDERATION IS TRACT 30, AND THAT WOULD BE 103 RED BIRD LANE. THAT'S WHERE MR. HARPER'S CONSTRUCTION COMPANY IS. COUNCIL APPROVED ON FIRST READING THE NEIGHBORHOOD'S RECOMMENDATION OF THE LAND USE DESIGNATION OF SINGLE-FAMILY AND THE ZONING OF SF-3-NP. STAFF WANTED A POSSIBLE COMPROMISE TO MR. HARPER AND THE NEIGHBORHOOD THAT WOULD CREATE A ZONING DISTRICT THAT WOULD ALLOW MR. HARPER'S BUSINESS TO CONTINUE, HIS CONSTRUCTION SALES AND SERVICE, BUT AT THE SAME TIME LIMIT ALL OTHER USES ALLOWED UNDER COMMERCIAL SERVICES OR CS TO THOSE ALLOWED UNDER LIMITED OFFICE. SO AS IT STANDS, CS YOU CAN ALLOW SOME FAIRLY INTENSE USES, EVERYTHING IS ALLOWED FROM SELLING TRACTORS TO FIXING TRACTORS AND KENNELS, WAREHOUSE, BUT THE COMPROMISE WOULD BE TO ALLOW THE CS-MU-CO-NP, LIMIT THE USES TO OFFICE USES AND ALLOW CONSTRUCTION SALES AND SERVICES. THE NEIGHBORHOOD ALTERNATE RECOMMENDATION WOULD BE TO ALLOW SIMPLY LIMITED OFFICE MIXED USE NP. THERE IS A VALID PETITION, AND IN THE PACKET THAT I HANDED YOU, IT INCLUDES THREE LETTERS FROM REPRESENTATIVES FROM THE NEIGHBORHOOD SAYING THAT THEY DO NOT DESIRE THIS TYPE OF BUSINESS TO REMAIN AT THIS SITE. STAFF DID DO RESEARCH AT THE AUSTIN HISTORY CENTER AND FROM OUR BEST DETERMINATION WAS THAT IT WAS THE FIRST TIME THAT A BUSINESS MATCHING THE HARPER CONSTRUCTION COMPANY APPEARS IN THE CITY RECORDS IS IN 1971. THE PROPERTY WAS ANNEXED IN OCTOBER 21st, 1969, SO AS BEST WE CAN TELL, THE USE BEGAN AFTER IT WAS ANNEXED INTO THE CITY, SO FROM OUR INITIAL ANALYSIS, IT IS NOT A GRANDFATHERED USE, MR. HARPER DOES CONTEND THERE HAS BEEN A BUSINESS LOCATED THERE

SINCE THE MID TO EARLY '60S.

Mayor Wynn: A VALID PETITION --

HAS BEEN SIGNED.

Mayor Wynn: AND FROM THE OPPOSING NEIGHBORS?

IT'S A 29, ALMOST 30% VALID PETITION. AND THAT WOULD REQUIRE SIX OF THE SEVEN VOTES TO APPROVE ZONING THAT IS IN OPPOSITION TO THAT LO-MU, ANYTHING MORE INTENSE THAN LO-MU.

Mayor Wynn: BUT AGAIN, THE ONLY DIFFERENCE BETWEEN AN LO-MU AND WHAT THE STAFF RECOMMENDATION IS JUST TO ALLOW MR. HARPER TO CONTINUE HIS CONSTRUCTION SERVICENO CARRIERRINGCONNECT 57600

DOES THE VALID PETITION OPPOSE THE L.O.-MU--NP.

THE VALID PETITION HERE SAYS THAT -- THAT THE -- THEY WOULD PREFER THAT -- THEY OPPOSED ANY OTHER CLASSIFICATION OTHER THAN THE L.O. MU CO-NP. TO APPROVE SOME MORE INTENSE THAN THAT, IT WOULD REQUIRE THE SIX OF SEVEN VOTES.

I'M NOT FOLLOWING -- [INDISCERNIBLE]

Leffingwell: AM I INCORRECT HERE, IT SAYS ON THE SHEET UNDER NEIGHBORHOOD RECOMMENDATION, ZONING, ALTERNATE RECOMMENDATION IS L.O.-MU-NP, I THOUGHT YOU SAID IT SHOULD BE L.O.-MU-CO-NP.

WHEN I PRODUCED THIS DOCUMENT, THIS WAS THE INFORMATION THAT I HAD, THIS CAME SUBSEQUENT TO ME PRODUCING THIS DOCUMENT.

Leffingwell: OKAY, SO YOUR RENDITION WITH THE ADDITION OF THE CO IS CORRECT?

YES, COUNCILMEMBER.

OKAY.

ALSO THE PLANNING COMMISSION REQUEST -- A 35-FOOT BUFFER, MR. HARPER SAYS IT WOULD BE AN UNDUE BURDEN, IF HE HAD TO EXTEND A 30-FOOT BUFFER IT WOULD EAT UP TOO MUCH OF HIS EXISTING PROPERTY. THAT HE COULDN'T -- THAT THAT WOULD PUT AN UNDUE BURDEN ON HIS PROPERTY. I DON'T KNOW IF HE'S IN ATTENDANCE. NO NEIGHBORHOOD IS.

Mayor Wynn: OUT OF CURIOSITY, IS MR. HARPER IN THE AUDIENCE? IS MR. HARPER HERE?

COUNCILMEMBER MCCRACKEN?

I HAVE A QUESTION. IS THE -- YOU MAY HAVE ALREADY SAID THIS, MARK, BUT IS THE -- IS THE NEIGHBORHOOD PREDOMINANTLY SINGLE FAMILY DEVELOPMENT ON RED RIVER STREET?

WEST OF HERE IT IS. ACROSS THE STREET THERE ARE TWO HOUSES OF -- OF QUALITY THAT MAY BE HABITABLE OR NOT. FROM THE -- FROM THE CURSORY GLANCE IT DIDN'T APPEAR SO, BUT HE'S IMMEDIATELY ADJACENT TO PROPERTY FRONTING ON TO SOUTH CONGRESS AVENUE. I THINK THERE IS A PAWN SHOP, A CAR LOT, AS WELL AS A -- A BAR. THAT HE ABUTS TO, IMMEDIATELY TO HIS EAST. I CAN SHOW YOU THIS ON A MAP, IF THAT MIGHT --? > MCCRACKEN: I SEE ON THE MAP HERE, IT APPEARS THAT THE -- RED BIRD IS A RESIDENTIAL STREET PRIMARILY AND THAT THIS -- THIS USE WAS -- WAS PUT THERE AFTER ANNEXATION AND IN VIOLATION OF THE EXISTING ZONING?

AS BEST WE CAN TELL THROUGH OUR INITIAL ANALYSIS.

OKAY. WELL, MAYOR, I'LL HAVE A MOTION THEN. AND THAT'S BECAUSE IT'S NOT APPROPRIATE TO HAVE THESE KINDS OF INDUSTRIAL USES ON SINGLE FAMILY STREETS. THAT'S -- YOU KNOW, THAT'S WHAT ARTERIALS ARE FOR, FOR MORE INTENSE USES, I'M GOING TO MOVE TO APPROVE THE NEIGHBORHOOD RECOMMENDATION OF SF 3-NP AND SF 6 6-NP.

MOTION BY COUNCILMEMBER MCCRACKEN TO APPROVE WHAT WE SHOW HERE AS THE NEIGHBORHOOD INITIAL RECOMMENDATION OF SF 3-NP AND SF 6-NP ON PROPERTY KNOWN AS TRACT 30. MOTION FAILS FOR LACK OF A SECOND.

Leffingwell: MAYOR?

Mayor Wynn: COMAL?

Leffingwell: I WOULD MOVE TO APPROVE ON SECOND AND THIRD READING THE -- THE STAFF RECOMMENDATION AND THE NEIGHBORHOOD, AS I UNDERSTAND IT, THE NEIGHBORHOOD'S AMOUNT -- ALTERNATE RECOMMENDATION NOT OPPOSED BY THE VALID PETITION? IS THIS ALL CORRECT? THEN I WOULD MOVE THE ALTERNATE RECOMMENDATION OF LO-MU-CO-NP.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER LEFFINGWELL TO APPROVE ON TRACT 30, SECOND AND THIRD READING, THE -- WHAT'S KNOWN AS THE ALTERNATE RECOMMENDATION THAT ELIMINATES THE VALID PETITION, THAT IS LO-MU-CO-NP.

EXCUSE ME, MAYOR, COULD I ASK FOR CLARIFICATION AS TO WHAT THE CONDITIONAL OVERLAY WOULD BE, WHAT LIMITATIONS ON THE PROPERTY WOULD BE INCLUDED IN THAT CONDITION?

I HOPE YOU COULD ANSWER THAT ONE.

THE NEIGHBORHOOD PROVIDED ME THE CO. I DON'T KNOW WHAT THEY ARE ASKING TO FURTHER LIMIT. THEY WEREN'T CLEAR ON THAT. SOMEBODY FROM THE NEIGHBORHOOD COULD --

YES, MA'AM. IF THE NEIGHBORHOOD REPRESENTATIVE CAN COME FORWARD AND AS IT'S PRERNTSED TO US, THERE'S A VALID PETITION UNLESS THERE IS A CO, CONDITIONAL OVERLAY, INCLUDED ON THIS -- ON THIS MOTION.

THE CO WAS ORIGINALLY WAS FOR -- WAS FOR 30-FOOT VEGETATIVE BUFFER. THAT WAS RECOMMENDED BY CITY

STAFF AND NOTED BY THE PLANNING COMMISSION IN THE SUMMARY DRAFT REPORT AND IT WAS IN AMENDMENT 4 AND THAT WAS WHAT WE UNDERSTAND THE CONDITIONAL OVERLAY TO BE.

THANK YOU.

MR. WALTERS, DOES THAT MAKE SENSE TO YOU?
COUNCILMEMBER LEFFINGWELL? DO YOU CONSIDER THAT TO BE APPROPRIATE?

Leffingwell: YES.

Mayor Wynn: OKAY, AGAIN THE MOTION BY COUNCILMEMBER LEFFINGWELL IS TO APPROVE ON SECOND AND THIRD READING WHAT'S KNOWN AS THE ALTERNATE RECOMMENDATION OF LO-MU-CO-NP WITH THE CONDITION BEING A 30 FEET VEGETATIVE BUFFER. AS NOTED BY STAFF AND THE PLANNING COMMISSION.

Alvarez: I'LL APPROVE -- I'LL SECOND. CAN WE DO IT ON SECOND READING? I HAVE A QUESTION OF THE GRANDFATHERING THAT I THINK -- I WOULD LIKE TO HAVE HEARD FROM THE OWNER ON THAT ISSUE OF WHEN THEY GOT STARTED BECAUSE FROM A PLANNING POINT OF VIEW, I DON'T THINK ANYBODY IS PROBABLY MORE INTENSE THAN HELLO WOULD BE APPROPRIATE, BUT EVEN IF WE WENT DOWN TO SF 3 OR SF 6, IF THE BUSINESS IS GRANDFATHERED IT DOESN'T REALLY MATTER WHAT YOU DO, YOU KNOW, IN TERMS OF THE NEIGHBORHOOD PLAN BUT WHAT THE CITY IS TELLING US THAT HE'S NOT GRANDFATHERED THEN YOU ARE BASICALLY SAYING HE'S GOT TO PACK UP AND MOVE AND YOU KNOW I THINK THAT'S - - THAT'S A PRETTY SIGNIFICANT ISSUE AND -- BUT, YOU KNOW, I KIND OF FIND -- WE HAVE KIND OF HIT THIS SITUATION SEVERAL TIMES BEFORE WHERE EVERYBODY KNOWS A PARTICULAR USE HAS BEEN IN EXISTENCE FOR SEVERAL DECADES, BUT BECAUSE THE CITY RECORDS SAY OTHERWISE AND, YOU KNOW, GET [INDISCERNIBLE] ON HEM, THEM, THEY BASICALLY ARE PUT OUT OF BUSINESS, AT LEAST ON THAT PARTICULAR SITE. I DON'T KNOW IF THERE'S ANY OTHER -- I JUST WOULD LIKE TO GIVE THAT PROPERTY OWNER AN OPPORTUNITY TO KIND OF BACK UP HIS CLAIM

THAT USE WAS IN EXISTENCE BEFORE THE ANNEXATION OCCURRED, I'M NOT SURE WHY HE'S NOT PRESENT. BUT I DON'T KNOW, COUNCILMEMBER, IF YOU FEEL COMFORTABLE DOING IT ON SECOND READING AND SEEING IF THERE'S ANY -- ANY ADDITIONAL LIGHT SHED ON THE GRANDFATHERING ISSUE.

I'LL ACCEPT THAT? SO WE HAVE AN AMENDED MOTION FOR SECOND READING ONLY, I'M SECONDED BY COUNCILMEMBER ALVAREZ TO APPROVE THE ALTERNATE RECOMMENDATION OF LO-MU-CO-NP FOR TRACT 30. SECOND READING ONLY.

FURTHER COMMENTS, QUESTIONS, MAYOR PRO TEM?

YES. LET ME ASK THE STAFF, WHAT WAS THE PURPOSE OF THE 30-FOOT BUFFER? MY UNDERSTANDING, I THINK MR. HARPER MADE IT PRETTY CLEAR, THAT IT WOULD AFFECT HIS BUSINESS IF HE DID IT, CAN YOU EXPLAIN TO ME WHY YOU THINK THAT IT NEED A 30-FOOT BUFFER?

ALONG THIS STRETCH OF SOUTH CONGRESS FROM WILLIAMSON CREEK SOUTH TO STASSNEY LANE, STAFF RECOMMENDED THIS BUFFER ALONG ALL OF THE COMMERCIAL PROPERTIES THAT ABUTTED SINGLE FAMILY BECAUSE OF THE RATHER INTENSE USES ALLOWED ON -- UNDER C.S., WHICH WAS APPROVED OR WHICH WAS APPROVED ON THE NORTH PART OF SOUTH CONGRESS, NORTH OF THE CREEK. WE ARE GOING TO CONTINUE THAT SOUTH OF THE CREEK. BUT AS YOU GO NORTH OF THE CREEK, NOT MANY SINGLE FAMILY HOUSES ACTUALLY ABUT THESE C.S. USES, THERE'S A CREEK IN THE WAY ON THE WEST SIDE FOR A VAST MAJORITY. THIS WOULD JUST PROVIDE A LITTLE MORE OF A BUFFER TO THOSE HOUSES ALONG -- THAT ABUTTED PROPERTIES ALONG SOUTH CONGRESS JUST TO GIVE IT A LITTLE MORE PROTECTION. IT'S ENVISIONED PROBABLY IN THE VERY NEAR FUTURE BECAUSE OF -- THAT THIS AREA WOULD LIKELY BE PRIME FOR REDEVELOPMENT, PARTICULARLY AFTER CAPITAL METRO PUTS IN ITS RAPID BUS LINE TO THE STOPS LOCATED AT THE INTERSECTION OF STASSNEY AND SOUTH CONGRESS. THEY COULD BE A PRIME ENGINE FOR REDEVELOPMENT HERE. IF REDEVELOPMENT OCCURRED

WE WERE LOOKING TO BUFFER THOSE HOUSES.

BUT AREN'T THOSE LOTS EMPTY, WHAT YOU ARE TALKING ABOUT.

SOME ARE EMPTY, SOME HAVE HOUSES, SOME HAVE SHEDS, SOME ARE BEING CLEARED AS WE SPEAK. ON SOUTH CONGRESS ON THE WEST SIDE.

Thomas: OKAY. HOW LONG HAS THE BUSINESS BEEN THERE. I KNOW MR. HARPER IS NOT HERE TODAY. I'M LOOKING AT A BUSINESS THAT'S BEEN IN EXISTENCE, BEEN THERE FOR A WHILE, WE ARE PUTTING A LOT OF RESTRAINTS ON THEM, I THINK THAT YOU MADE IT VERY CLEAR, I RESPECT THE NEIGHBORS, BUT WHEN YOU ARE TALKING ABOUT SOMETHING THAT THE OWNER HAS ALREADY SAID THAT IT'S GOING TO CAUSE A LITTLE PROBLEM, I THINK WE OUGHT TO HAVE A COMPROMISE SOMEWHERE HERE BECAUSE IT'S GUN HERE -- ALREADY YOU SAY IT'S NOT GRANDFATHERED IN, BUT WE NEED TO CONSIDER -- I THINK YOU SAID AT LEAST 30 YEARS; SHATTER? THAT'S WHAT HE TOLD ME. SOME FORM OF BUSINESS HAS BEEN THERE SINCE THE 60s.

Thomas: OKAY. SOMEWHERE BETWEEN -- THAT'S WHY I ASKED THAT THE NEIGHBORHOODS AND Y'ALL AND MR. HARPER SIT DOWN AND TRYING TO FIGURE THIS OUT.

WE WOULD BE GLAD TO FACILITATE ANY DISCUSSIONS BETWEEN THE PARTIES.

BUT I'M MORE FOR THE C.S.-MU-CO-NP, SO I CAN'T SUPPORT THIS PARTICULAR LO.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

I DON'T KNOW -- I -- NOT REQUIRE THE CURRENTS OWNER TO REMOVE HIS BUSINESS. IT'S NOT APPROPRIATE ON A SINGLE FAMILY STREET SUCH AS THIS IS TO HAVE INDUSTRIAL USES. I DON'T THINK ANY OF US WANT TO LIVE NEXT DOOR TO INTENSE INDUSTRIAL USE ON OUR SINGLE FAMILY NEIGHBORHOOD. THOSE ARE SUPPOSED TO BE QUIET, MORE SECURE PLACES, THAT'S WHAT THE ARTERIALS ARE FOR IN THE INDUSTRIAL ZONES. THIS IS NEITHER AN

ARTERIAL NOR AN INDUSTRIAL ZONE. THAT SAID IT'S PROBABLY -- IT WOULD PROBABLY BE EXCESSIVE TO REQUIRE SOMEONE TO REMOVE THEIR EXISTING BUSINESS WHILE APPROPRIATELY PLANNING FOR THE FUTURE. IF WE CAN HAVE SOME KIND OF BALANCE WHERE WE PROTECT THE CURRENT OWNER FROM LOSING HIS BUSINESS, AT THE SAME TIME PROTECT THE NEIGHBORHOOD FOR WHAT HAPPENS IN THE FUTURE, THAT MIGHT BE A BETTER WAY TO APPROACH IT.

Thomas: THAT'S WHAT -- MAYOR, IF YOU DON'T MIND. THAT'S WHAT THIS PLANNING IS ALL ABOUT. I DON'T THINK WE AS A CITY OF AUSTIN COMING IN AND PLANNING NEIGHBORHOODS WHEN SOMEBODY HAS BEEN IN EXISTENCE 30 YEARS, WE PUT THOSE RESTRAINTS ON THEM, IT AFFECTS THEIR BUSINESS, EVENTUALLY IF IT AFFECTS THAT BUSINESS, THAT BUSINESS MIGHT GO OUT. I WOULDN'T FEEL COMFORTABLE WITH SOMEBODY BEING THERE 30 YEARS. I AGREE WITH THE COUNCILMAN, BUT WE NEED THE COMPROMISE, WE HAVEN'T GOT THAT YET, THANK YOU.

Mayor Wynn: MR. WALTERS, FOR MY BENEFIT, WHAT WOULD BE A TYPICAL EXAMPLE OF HOW YOU ALL COULD WORK WITH MR. WALTERS AND THE NEIGHBORHOOD TO FIND OUT THE TECHNICALS OF HOW LONG HIS BUSINESS HAS BEEN OPERATIONAL, WHETHER, YOU KNOW -- WHETHER BEFORE OR AFTER ANNEXATION?

I GUESS THERE ARE SEVERAL MERCHANDISE, WE COULD GO BACK AND LOOK AT AERIAL PHOTOS OF A CERTAIN TIME PERIOD, MAYBE WE COULD FIND TAX RECORD OR SOME SUCH INDICATING THAT THERE WAS A BUSINESS PAYING TAXES AT THAT SITE AT SOME DATE. I COULD GET WITH OUR CODE ENFORCEMENT PEOPLE IN SOLID WASTE SERVICES AND ASK THEM WHAT METHODS THEY USE TO PROVE RPS SEE OF RESIDENCY OF A SITE. I CAN GO BACK AND DO THE SAME THING, SEE HOW FAR BACK I CAN TRACE TO WHERE THERE WAS A BUSINESS THERE OR NOT. JUST A LITTLE MORE IN DEPTH RESEARCH.

Mayor Wynn: AND DO YOU HAVE AN ESTIMATE AS TO OR A RECOMMENDATION IF THE WILL OF THE COUNCIL IS TO

APPROVE THIS ON SECOND READING, WHAT WOULD BE A LIKELY TIME FRAME BETWEEN THIS AND THIRD READING?

TWO OR THREE WEEKS WE COULD PROBABLY COME BACK. IT'S JUST A MATTER OF SCHEDULING PEOPLE TOGETHER. SOMETIMES THAT'S NOT EASY TO DO TO GET A BUNCH OF PEOPLE TOGETHER. BUT I THINK IN THREE WEEKS WE CAN PROBABLY ACCOMPLISH THE RESEARCH AS WELL AS TRY TO FACILITATE A NEGOTIATION BETWEEN THE TWO PARTIES.

Mayor Wynn: COUNCILMEMBER KIM?

Kim: I'LL APPROVE IT ON SECOND READING, BUT I WANT TO LEARN MORE ABOUT HOW THIS IS GOING TO IMPACT THIS BUSINESS HAS BEEN HERE FOR QUITE SOME TIME, SO ... I'M GOING TO DO A LITTLE MORE RESEARCH BETWEEN SECOND AND THIRD READING, SO I APPRECIATE THE STAFF'S HELP IN GETTING THAT INFORMATION TO US. THANKS.

Mayor Wynn: AGAIN, COUNCIL, ON TRACT 30, 103 RED BUD, WE HAVE A MOTION BY COUNCILMEMBER LEFFINGWELL, A SECOND BY COUNCILMEMBER ALVAREZ TO APPROVE ON SECOND READING ONLY. WHAT'S KNOWN AS THE ALTERNATE RECOMMENDATION OF LO-MU-CO-NP. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-1 ON SECOND READING ONLY WITH THE MAYOR PRO TEM VOTING NO.

THE NEXT TRACT FOR CONSIDERATION WOULD BE TRACT 35, THAT'S 300 TO 314 STASSNEY LANE. COUNCIL APPROVED ON FIRST READING A LAND USE DESIGNATION OF OFFICE MIXED USE, AND A ZONING OF GENERAL OFFICE MIXED USE NEIGHBORHOOD PLAN. THE NEIGHBORHOOD IS RECOMMENDING THAT THE SITE BE USED AS A LAND USE DESIGNATION OF OFFICE MIXED USE, BUT INSTEAD OF GENERAL OFFICE LIMITED OFFICE MIXED USE FOR THE ZONING. WERE MY UNDERSTANDING IS THE NEIGHBORHOOD'S PRIMARY OBJECTION TO G.O. WOULD BE

THE 60-FOOT HEIGHT ALLOWED UNDER GENERAL OFFICE AS OPPOSED TO THE 3 STORIES OR 40 FEET ALLOWED UNDER THE LIMITED OFFICE ZONING DISTRICT. ALSO THAT -- THAT THE MEETINGS WHERE WE INITIALLY DISCUSSED THE ZONING RECOMMENDATIONS DURING THE PLANNING PROCESS, WE INITIALLY DID HAVE THE LIMITED OFFICE AS MIXED USE AS THE DESIGNATION, BETWEEN THERE AND THE FINAL WORKSHOP WHERE WE SENT OUT INVITATIONS TO ALL OF THE STAKEHOLDERS, RESIDENTS, PROPERTY OWNERS IN THAT AREA TO COME AND SEE WHAT THE FINAL PRODUCT WOULD BE BEFORE WE TOOK IT TO THE PLANNING COMMISSION, FINALLY TO COUNCIL, WE DID CHANGE IT TO GENERAL OFFICE MIXED USE. PRIMARILY FOR ONE REASON, FOR TWO REASONS. BUT THE FIRST ONE WAS THAT LIMITED RESTAURANT IS ALLOWED UNDER GENERAL OFFICE AND THROUGHOUT THE PLANNING PROCESS WE HEARD REPEATEDLY FROM STAKEHOLDERS THAT THEY WANTED MORE RESTAURANT TYPE USES THAT THEY COULD WALK TO CLOSE PROXIMITY TO THE NEIGHBORHOOD. BECAUSE IN THIS PART OF TOWN THERE'S REALLY NOT MANY SMALL RESTAURANTS TO WALK TO. THAT ARE EASILY ACCESSIBLE FOR -- FROM THE NEIGHBORHOODS. ALSO, WE DID RECOMMEND ACROSS THE STREET G.O.-MU WITH THE CONDITION, THAT WAS APPROVED WHEN COUNCIL APPROVED THE SWEET BRIER NEIGHBORHOOD PLAN COMBINING DISTRICT ORDINANCE, THAT CONDITION LIMITED THE SITE TO 17 UNITS PER ACRE. AND IT HAD TO DO WITH THE -- WITH THE TRACT IMMEDIATELY ACROSS THE STREET FROM TRACT 35. ALSO STAFF DID RECOMMEND THE G.O.-MU BECAUSE OF THE CAPITAL METRO PLANS FOR THE RAPID BUS TO BE IMPLEMENTED ON THERE. I CAN SHOW YOU A MAP IN YOUR PACKET, I WILL SHOW YOU A RATIONALE FOR WHY WE DID CHOOSE THE GENERAL OFFICE. GO GO ERNIBLE] WESTGATE, THESE CIRCLES HERE REPRESENT RELATIVE LEVELS OF ACTIVITY. IF YOU SEE RIGHT IN HERE, THERE IS A -- A LOWE'S AND AN ALBERTSON'S SHOPPING CENTER ANCHORED BY THOSE TWO. A -- MULTIPLE PAD SITE ASTRONAUTS, LARGE APARTMENT COMPLEXES -- RESTAURANTS, LARGE APARTMENT COMPLEXES, AND A MOVIE THEATER. AS YOU SEE HERE, THAT AREA AROUND TRACT 35, THIS AREA RIGHT HERE, CURRENTLY IF YOU WERE TO LOOK AT -- PLACE ONE OF THESE BUBBLES THERE,

THERE WOULDN'T BE ANY RELATIVE ACTIVITY THERE. RIGHT NOW THERE'S SMALL HOUSES, SMALL DAYCARE AND A VACANT LOT ON THE SOUTH SIDE OF STASSNEY LANE. AS YOU MOVE AGAIN FURTHER WEST YOU COULD SEE THAT THERE WAS ACTIVITY THERE EXCEPT REALLY UNTIL YOU GET WEST OF MANCHACA ROAD WHERE THERE IS NOTHING. BUT THIS -- TRYING TO ILLUSTRATE THAT THIS SITE TRACT 35, RELATIVE LOCATION TO -- TO -- TO THOSE PROPOSED RAPID BUS STOPS, WHICH WOULD BE LOCATED RIGHT IN HERE, WOULD MAKE THIS A PLACE FOR A POSSIBLE EMPLOYMENT CENTER WHERE WE COULD PUT MAYBE SOME OFFICES ALLOW PEOPLE TO ACCESS THEM MAYBE NOT BY THE CAR BUT BY THEIR RAPID TRANSIT. THINKING ALSO THAT WHEN CAPITAL METRO DOES PUT IN THE RAPID BUS, THAT THEIR EAST-WEST FEEDER ROUTES ALONG STASSNEY LANE WOULD PROBABLY FUNNEL MORE BUSES THROUGH THERE TO TAKE ADVANTAGE OF THE RAPID BUS LINE. THIS AREA IN THE FUTURE LOOKS TO BE LIKE THERE COULD BE A HIGH LEVEL OF ACTIVITY THERE, WE ARE TRYING TO ACCOMMODATE THAT ISSUE, THAT POSSIBILITY WHICH IS PROBABLY VERY MORE OF A LIKELIHOOD THAN A POSSIBILITY. I WILL BE HAPPY TO ANSWER ANY QUESTIONS AT THIS TIME ABOUT -- ABOUT TRACT 35. THERE ARE REPRESENTATIVES FROM THE NEIGHBORHOOD IF YOU HAVE ANY QUESTIONS OF THAT. MONTH.

Mayor Wynn: THANK YOU, MR. WALTERS. STAFF RECOMMENDATION WAS THE GO-MU--NP WHAT WAS THE ACTION THAT THE PLANNING COMMISSION TOOK.

GO-MU-NP. I MUST ADD THAT WHATEVER ACTION HERE WILL HAVE A DIRECT BEARING ON Z-13, WHICH WE WILL HEAR NEXT ON FIRST READING ONLY. IT THE SAME ISSUE AND STAFF IS RECOMMENDING THE GO-MU-NP FOR Z-13, WHICH IS THIS TRACT IMMEDIATELY OUTSIDE OF TRACT 35, IMMEDIATELY TO THE WEST. SO ANY DECISIONS THAT YOU MAKE HERE MAY HAVE A DIRECT BEARING ON WHAT YOU CHOOSE TO DO FOR Z-13.

McCracken: I WILL MOVE TO APPROVE THE STAFF RECOMMENDATION, STAFF AND PLANNING COMMISSION RECOMMENDATION.

I WILL SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER LEFFINGWELL ON TRACT 35 TO APPROVE STAFF AND PLANNING COMMISSION RECOMMENDATION OF GO-MU-NP AND MS. WALTERS ARE YOU READY FOR THREE READINGS.

YES, SECOND AND THIRD READING.

Mayor Wynn: COUNCILMEMBER MCCRACKEN? SECOND AND THIRD READING. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THE NEXT ITEM FOR CONSIDERATION IS ITEM Z-13, WE ARE CALLING THIS TRACT B, THAT'S 400 THROUGH 414 WEST STASSNEY LANE. CURRENTLY, THIS IS THE YELLOW AREA RIGHT HERE ON YOUR MAPS. CURRENTLY IT'S VACANT. THERE IS ONE SMALL SINGLE FAMILY HOUSE. THE STAFF P.C. RECOMMENDED OFFICE MIXED USE LAND USE DESIGNATION AND GENERAL OFFICE MIXED USE ZONING. THE PROPERTY OWNER IS IN AGREEMENT. HE COULDN'T BE HERE, I THINK HE'S IN LOUISIANA HELPING PEOPLE CLEAN UP. SO HE COULDN'T BE HERE. THE NEIGHBORHOOD, THOUGH, MUCH LIKE THE CASE ON TRACT 35 WOULD RECOMMEND THE LO-MU. WE ARE COMING BACK NOW FOR THIS TRACT BECAUSE IT WAS ACCIDENTALLY LEFT OUT WHEN WE WENT THROUGH THIS TO BEGIN WITH, WE HAD TO RENOTIFY. AGAIN -- AS AGAIN THE NEIGHBORHOOD OBJECTS TO THE 60-FOOT HEIGHT ALLOWED POSSIBLY UNDER GO-MU, AND THERE'S AN ILLUSTRATION HERE -- IF YOU SQUINT YOU MIGHT BE ABLE TO SEE IT. THERE YOU GO. SHOWS THE RELATIVE HEIGHT THAT'S OF A BUILDING ALLOWED, THIS IS A HOUSE RIGHT HERE, IF YOU ARE TO BUILD THE VERY MAXIMUM YOU COULD BUILD A SINGLE FAMILY HOUSE, THIS IS AN APPROXIMATE MASSING OF HOW THE HOUSE WOULD RELATE TO -- TO THE BUILDING AND OVER HERE THIS IS THE STASSNEY FRONTAGE. SO THE STASSNEY YOU MIGHT HAVE IS A FOUR-STORY BUILDING AT THE VERY MOST. OFFICE

BUILDING. PEOPLE IN -- IN THE OFFICE BUILDING INDUSTRY HAVE TOLD ME THAT OFFICES GENERALLY HAVE A 13 AND A HALF FLOOR TO CEILING FLOOR, SO DOING THE MATH YOU COULD GET MAYBE FOUR STORIES ALONG STASSNEY. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS OF COUNCIL. IF NOT THERE ARE REPRESENTATIVES FROM THE NEIGHBORHOOD SIGNED UP TO SPEAK ON THIS MATTER.

MS. WALTERS, IN YOUR BACK UP, SO IS WHAT YOU ARE SHOWING THERE THAT INDEPENDENT OR IN ADDITION TO THE -- TO THE POTENTIAL GO ZONING THAT WOULD ALLOW FOR 60 FEET AND AS YOU DESCRIBE THAT, LIKELY THE MAXIMUM OF FOUR FLOORS ON THE STASSNEY FRONTAGE IS WHAT THIS -- IS VISUALLY SHOWING US ARE -- ARE COMPATIBILITY REQUIREMENTS, IF THERE'S A SINGLE FAMILY ZONING TRACT ADJACENT THEN EVEN WITH THE GO ZONING THERE ARE ADDITIONAL COMPATIBILITY STANDARDS THAT HAVE CERTAIN PARAMETERS ON CERTAIN ADJACENT PIECES OF THAT PROPERTY.

THIS ILLUSTRATION HERE IS TO DEMONSTRATE HOW COMPATIBILITY WOULD BE AFFECTED ON THESE LOTS WHICH ARE ALL MORE OR LESS EQUAL DEPTH ALONG STASSNEY LANE. WITH -- THIS WOULD BE A THESE RHETORICAL BUILDING MASSING DUE TO COMPATIBILITY, BUT THERE ARE OTHER SITE DEVELOPMENT STANDARDS, FLOOR TO AREA RATIO, IMPERVIOUS COVER, ET CETERA, ET CETERA THAT MIGHT AFFECT WHAT ABILITY WOULD LOOK LIKE. THIS IS SIMPLY TO ILLUSTRATE COMPATIBILITY.

OKAY. THANK YOU.

SO TECHNICALLY, I GUESS, MS. WALTERS, IS THE CITY CONSIDERED THE APPLICANT ON THIS CASE?

YES.

WITHOUT OBJECTION, COUNCIL, WE WILL CONSIDER THAT TO BE THE APPLICANTS FIVE MINUTE PRESENTATION, AS YOU KNOW WE NOW GO TO FOLKS IN FAVOR OF THE ZONING CASE AND/OR NEUTRAL AND THEN FOLKS IN OPPOSITION AND THE APPLICANT HAS A CHANCE TO REBUT THAT. WITH THAT WE WILL CALL UP AN TREE IREA THOMAS. WE HAVE A

COUPLE OF SPEAKERS SIGNED UP. FOLLOWED BY MARY BROKOMORA.

I LIVE IN THIS NEIGHBORHOOD. WE REALIZE THAT STASSNEY WILL GO TO COMMERCIAL PROPERTY. IT JUST BEEN PASSED THAT -- MY HOUSE IS 25 FEET FROM TRACT 35. SO I MAY HAVE A 60-FOOT BUILDING RIGHT BY MY HOUSE. THE -- THE Z-13, IF YOU LOOKED AT THE VERY FIRST MAP THAT WAS SHOWN, THE MAJORITY OF IT IS IN THE FLOODPLAIN. THERE'S A CREEK THERE. AND SO WE ARE CONCERNED ABOUT THAT BECAUSE THAT PLACE FLOODS QUITE OFTEN. I MEAN, WE HAVE SEEN WATERWAY UP ON IT. IT IS NOT VACANT. THERE IS A SINGLE FAMILY HOUSE ON ONE OF THE LOTS, I DON'T KNOW HOW MANY LOTS ARE IN THAT Z-13 TRACT. SO THE NEIGHBORHOOD REALLY RECOMMENDS LO. ALSO THE -- THE TRACT GOES BEHIND TWO HOUSES, AND ALONG THE CREEK, AND YOU CAN SEE THE FLOODPLAIN THERE IN THAT -- IN THAT PICTURE. THE OTHER THING THAT WE REQUEST IS THAT THERE WOULD BE NO DRIVEWAYS ON HUMMING BIRD. NATURALLY. NO ENTRANCES ON HUMMING BIRD. FOR ANY TYPE OF COMMERCIAL PROPERTY. THAT'S ABOUT ALL THAT I HAVE TO SAY, THANKS.

Mayor Wynn: THANK YOU, MS. THOMAS. MARY ROKOMORA. WELCOME, YOU WILL HAVE THREE MINUTES.

MAYOR, COUNCILMEMBERS, THANK YOU FOR ADDRESSING OUR ISSUES HERE. BUT FOR THIS PARTICULAR CASE, I PRETTY MUCH AGREE WITH ANDREA, WE ARE CONCERNED ABOUT FLOODING AND THAT THE FACT THAT 400 STASSNEY, THE MAJORITY OF THAT LOT FACES ACTUALLY HUMMING BIRD LANE. AND SO BASICALLY WOULD LIKE TO REITERATE THAT WE ARE CONCERNED ABOUT PRETTY EXTENSIVE DEVELOPMENT THERE. THAT'S WHY WE WANT LO AT THE MOST. AND THEN ALSO TO HAVE ONLY THE DRIVEWAYS ACCESSING STASSNEY SO BASICALLY I'M KIND OF REPEATING WHAT ANDREA SAID. THAT'S ABOUT IT. IF YOU HAVE ANY QUESTIONS [INDISCERNIBLE] PRETTY MUCH OUR POSITION [INDISCERNIBLE]

Mayor Wynn: OKAY. THANK YOU. SO -- SO COUNCIL THAT'S ALL OF THE FOLKS SIGNED UP WHO WANTED TO ADDRESS US ON Z-13. NORMALLY WE WOULD HAVE A ONE-TIME

REBUTTAL FROM THE APPLICANT, IN THIS CASE IT'S THE CITY. A FEW QUESTIONS, MR. WALTERS. ON THE FLOODPLAIN, THE VISUAL DOES SHOW A SUBSTANTIAL AMOUNT OF FLOODPLAIN ON THIS COMBINED TRACT. IS IT AS SIMPLE AS PER OUR SITE DEVELOPMENT STANDARDS, STRUCTURES WON'T BE PUT IN THE FLOODPLAIN OR IS IT TO SOME DEGREE BASED ON HOW IT'S DEVELOPED OR HOW THE EARTH WORK IS DONE, ET CETERA?

THE -- CORRECT. I KNOW THAT THERE'S NO CONSTRUCTION ALOUD, COUNCIL VARIANCE I THINK ON THE 25 YEAR FLOODPLAIN, CAN'T BUILD ANYTHING ON THAT. IF YOU BUILD IN THE 100 YEAR FLOODPLAIN YOU HAVE TO ELEVATE THE BUILDING ONE FOOT ABOVE THE BASE FLOOD ELEVATIONS, PORTIONS OF THE DRIVEWAY CAN BE INCLUDED IN THIS AREA. HAVING DRIVEN BY THIS, I'M SOMEWHAT FAMILIAR. IT LOOKS LIKE A GOOD PORTION OF THIS FLOODPLAIN HERE IS NOT DEVELOPABLE. BECAUSE OF ITS -- IT LOOKS IN A LARGE PART TO BE A CREEK BED. THE ONLY REALLY DEVELOPABLE AREA IS THAT AREA THAT'S IN YELLOW, NOT COVERED BY HATCH. IT'S NOT A LARGE AREA.

BASED ON THAT, ANOTHER SITE PLAN IRIS THAT OF ACCESS? IS IT PRACTICAL THAT IF THE -- IF THE SITE COULD BE DEVELOPED WOULD IT BE TYPICAL FOR STAFF DURING THE SITE PLAN REVIEW TO RESTRICT ACCESS -- PROCESS TO RESTRICT ACCESS TO AND ON HUMMING BIRD.

I AM NOT A SITE PLAN REVIEWER, BUT I KNOW GEORGE ZAPALAC CAN ANSWER THAT QUESTION.

GEORGE ZAPALAC, WATERSHED PROTECTION. MAYOR, WE COULD NOT RESTRICT THE ACCESS DURING THE SITE PLAN STAGE UNLESS THERE WAS SOME TRAFFIC IMPACT ISSUES THAT -- THAT WERE IDENTIFIED AT THE TIME OF THE SITE PLAN. NORMALLY IF YOU DID WANT TO RESTRICT ACCESS, THAT SHOULD BE DONE WITH THE ZONING. IN THIS SITUATION, THERE'S -- THERE'S NOT MUCH FRONTAGE ON EITHER STREET ACTUALLY AND I'M NOT FAMILIAR WITH THE - - WITH THE SPECIFIC DETAILS AT THE SITE, SO -- SO I'M NOT SURE THAT I COULD ADVISE YOU AT THIS TIME WHETHER IT WOULD BE POSSIBLE TO -- TO GET A DRIVEWAY ON TO

STASSNEY AT THIS LOCATION.

Mayor Wynn: BUT WOULD YOU SAY TYPICALLY RESTRICTIONS WOULD BE PLACED AT THE TIME OF ZONING BUT SURELY THERE ARE CERTAIN STANDARDS THAT YOU ALL HAVE WHEN YOU LOOK AT, YOU KNOW, DISTANCE FROM -- FROM MEDIAN CUTS, CURB CUTS, INTERSECTIONS, THAT SORT OF A THING, RIGHT?

CERTAINLY, THERE'S A MINIMUM SPACING FROM THE INTERSECTION, WHICH IS AGAIN READILY 100 FEET. GENERALLY 100 FEET. ALSO MINIMUM SPACING FROM OTHER DRIVEWAYS ALONG THE SAME SIDE OF THE STREET, WHICH WOULD BE 200 FEET. SO WE WOULD TAKE THOSE ISSUES INTO CONSIDERATION. BUT I'M NOT SURE THAT I CAN ADVISE YOU WHETHER -- WITH THE SPECIFIC SITE CHARACTERISTICS WHETHER IT WOULD BE POSSIBLE TO GET A DRIVEWAY ON TO STASSNEY AT THIS LOCATION.

Mayor Wynn: THANK YOU. LAST QUESTION FOR MR. WALTERS. SO WE HEARD FROM MS. THOMAS THAT APPARENTLY MAY VERY WELL BE ONE OF THE ABUTTING SINGLE FAMILY HOMES AT LEAST ALONG TRACT 35. VERY UNDERSTANDABLE CONCERN ABOUT HAVING POTENTIALLY A 60-FOOT STRUCTURE ADJACENT OR 25 FEET AWAY FROM HER HOME. WALK ME THROUGH AGAIN PARAMETERS ON COMPATIBLE. THAT IS AGAIN I GUESS THE FURTHER AWAY FROM A SINGLE FAMILY HOME YOU ARE, THEN MORE OF THE ALLOWANCE YOU CAN USE?

THAT IS CORRECT. BETWEEN THE SINGLE FAMILY AND INTO A COMMERCIAL SITE AS ILLUSTRATED HERE, 25 FEET, NO STRUCTURE OR PARKING WOULD BE ALLOWED IN THAT. THEN FROM 25 TO 50 FEET, YOU WOULD BE ALLOWED TWO STORIES OR 30 FEET IN HEIGHT. AND THEN FROM 50 TO 100, WE WOULD BE THREE STORIES OR 40 FEET IN HEIGHT. FROM HERE, FROM 100 TO 200 FEET, YOU GET UP TO ONE FOOT OF HEIGHT FOR EVERY 10 FEET OF SETBACKS, SO YOU CAN SEE THE GRADUAL SLOPE HERE. THAT'S AT 150 FEET, RUNNING HERE, YOU WOULD HAVE POSSIBLY 45 FEET OF HEIGHT AND THEN BY THE TIME YOU GOT TO 200, YOU WOULD HAVE 50 FEET OF HEIGHT ALLOWED. THEN AN EXTRA 15 FEET WOULD GIVE YOU EXTRA FEET OF HEIGHT, THAT WOULD BE THE

BILLED TO LINE OR THE SET BACK LINE FROM THE PROPERTY LINE AS ILLUSTRATED IN THIS DRAWING. SO IF THERE WERE TO BE A 50-FOOT BUILDING IT WOULD BE MASSED TOWARD THE FRONT OF THE PROPERTY, TOWARD STASSNEY. STASSNEY HERE IS ACTUALLY A FAIRLY WIDE, 100-FOOT RIGHT-OF-WAY HERE. BECAUSE THERE'S THE TRAVEL LANES, SIDEWALKS, AS WELL AS ESPLANADE DOWN THE MIDDLE OF THE STREET.

THANK YOU, MR. WALTERS. FURTHER QUESTIONS OF STAFF, COUNCIL? COMMENTS? COUNCILMEMBER LEFFINGWELL?

Leffingwell: I HAVE THE SAME CONCERNS THAT YOU DID. FIRST I'M SATISFIED THAT THE COMPATIBILITY STANDARDS WILL ADDRESS THE PROBLEMS OF EXCESSIVE HEIGHT NEXT TO A RESIDENTIAL AREA. AND THE FLOODPLAIN ISSUE OBVIOUSLY WOULD HAVE TO COME BEFORE THIS COUNCIL AGAIN BEFORE ANY CONSTRUCTION IN THE 25 OR 100 YEAR FLOODPLAIN. SO THAT CAN BE -- CAN GET A SECOND SHOT AT THAT. AND I AM -- THE PROBLEM REMAINS OF ACCESS TO HUMMING BIRD. FROM THIS -- FROM THIS GO TRACT. SO I GUESS THAT I WOULD MOVE APPROVAL OF THE GO-MU-NP STAFF AND PROPERTY OWNER RECOMMENDATION FOR FIRST READING ONLY BUT STATE THAT I WOULD LIKE TO BEFORE SECOND READING INVESTIGATE THE POSSIBILITY OF A CONDITIONAL OVERLAY RESTRICTING ACCESS TO HUMMING BIRD. THAT'S MY MOTION.

Mayor Wynn: MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER MCCracken TO CLOSE THE PUBLIC HEARING ON Z-13 AND APPROVE ON FIRST READING ONLY THE -- THE STAFF AND PLANNING COMMISSION RECOMMENDATION OF GO-MU-NP WITH FURTHER COMMENTS BY THE COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0, FIRST READING ONLY.

THANK YOU, THAT CONCLUSION MY PRESENTATION.

Mayor Wynn: THANK YOU, MR. WALTERS.

Glasgo: MAYOR, ALICE GLASGO AGAIN, BACK TO CONTINUE WITH EITHER CONSENT OR DISCUSSION ITEMS. ITEM Z-1, CASE C14-04-0150, CHAN SHACK MIXED USE TRACT 2, FORMERLY KNOWN AS NEIGHBORS STOP N GO. THE APPLICANT AND NEIGHBORHOOD REACHED AN AGREEMENT, WE WOULD LIKE TO OFFER THIS ITEM ON CONSENT. FOR FIRST READING ONLY TO GRANT LO-MU CO ON FIRST READING AND THE -- THERE'S AN ADDITIONAL CONDITION TO BE ADDED TO THE CONDITIONAL OVERLAY THAT WE HAVE CURRENTLY AND THAT WOULD BE AN ADDITIONAL 25-FOOT VEGETATIVE BUFFER ALONG THE NORTH PROPERTY LINE OF THE SUBJECT TRACT. THAT WILL ADDRESS THE -- THE ACCESS OR DRIVEWAY ISSUES THAT THE RESIDENTS HAVE, THEIR CONCERN THAT THERE MIGHT BE A DRIVEWAY CONSTRUCTED IN PROXIMITY TO THEIR HOMES BY REQUIRING THIS 25-FOOT VEGETATIVE BUFFER, WHICH WOULD BASICALLY ALLOW NO IMPROVEMENTS. BUT THE DRIVEWAY, WOULD ADDRESS THEIR CONCERNS AND THEY WILL AGREE WE CAN TAKE IT ON CONSENT ON FIRST READING, THEN WE WILL COME BACK LATER WITH THE APPROPRIATE LANGUAGE.

Mayor Wynn: THANK YOU, MS. GLASGO. COUNCIL AGAIN THE RECOMMENDATION IS TO CLOSE THE PUBLIC HEARING ON Z-1 AND APPROVE ON FIRST READING ONLY THIS AGREED TO CONDITIONS OF LO-MU CO AS OUTLINED BY STAFF. MOTION MADE BY COUNCILMEMBER KIM. SECONDED BY COUNCILMEMBER ALVAREZ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0 FIRST READING ONLY. WELL, WE HAD SOME SPEAKERS SIGNED UP, BUT MY UNDERSTANDING IS THAT THEY ARE PREPARED FOR THE CONSENT AGENDA.

THAT'S CORRECT.

Mayor Wynn: THANK YOU.

Glasgo: MAYOR, THAT TAKES US TO THE NEXT DISCUSSION ITEMS, WE HAVE ITEMS NUMBER Z-14 AND 15 ARE RELATED. THEY PERTAIN TO AN AMENDMENT TO THE NORTH AUSTIN CIVIC ASSOCIATION NEIGHBORHOOD PLAN. I WILL PRESENT THEM JOINTLY BECAUSE ONE -- ITEM NO. Z-14 IS AN AMENDMENT TO THE PLAN.

Mayor Wynn: MY CONCERN HERE IS THAT WE HAVE 40% SIGNED UP FOR THIS COMBINED CASE OF Z-14 AND 15, WITH 20 MINUTES BEFORE OUR BREAK FOR LIVE MUSIC AND PROCLAMATIONS I'M -- COUNCIL WITHOUT OBJECTION WE JUST HAVE ONE SPEAKER ON CASE Z-16 FOUR ON CASE Z-18 AND I THINK WE COULD GET ONE PERHAPS BOTH OF THOSE CASES HEARD PRIOR TO OUR 5:30 BREAK. MS. GLASGO, KNOWING THAT, WITH YOUR FAMILIARITY OF CASE Z-16 AND 18 IS THERE --

WE MIGHT BE ABLE TO GET THROUGH Z-16. I WILL START OFF WITH Z-16. CASE C14-04-0094, THIS IS FOR PROPERTY LOCATED ON RUTHERFORD LANE. THE EXISTING ZONING IS SF 3, THE APPLICANT IS SEEKING A CHANGE TO GR CO, WHICH STANDS FOR COMMUNITY COMMERCIAL CONDITIONAL OVERLAY. THIS REQUEST HAS BEEN RECOMMENDED FOR DENIAL BY THE ZONING AND PLATTING COMMISSION. THE COMMISSION DOES NOT RECOMMEND THE CHANGE IN ZONING. STAFF RECOMMENDS THE CHANGE. IT'S FOR A CAR WASH. THE RESIDENTS WHO APPEARED BEFORE THE COMMISSION EXPRESSED A CONCERN OF HAVING A CAR WASH THIS CLOSE TO THEIR NEIGHBORHOOD. AND CLOSE TO A SCHOOL. THE PROPERTY IS OBVIOUSLY ON -- FRONTS ON RUTHERFORD, ON COMMERCIAL DEVELOPMENT ON THE SOUTH SIDE OF RUTHERFORD LANE. STAFF FELT LIKE THE ZONING CHANGE WAS APPROPRIATE OBVIOUSLY AND SOMETIMES THE USES MAY OR MAY NOT OCCUR AS PROPOSED. BUT THE OPPOSITION IS AGAINST THE SPECIFIC USE OF A CAR WASH. I WOULD JUST SIMPLY PAUSE THERE AND LET YOU HEAR FROM THE SPEAKERS AND I CAN RESPOND TO SPECIFIC QUESTIONS SINCE IT'S JUST SIMPLE DENIAL FROM THE COMMISSION AND A RECOMMENDATION BY STAFF. AND WE CAN JUST TAKE IT

FROM THERE. THANK YOU.

Mayor Wynn: THANK YOU, MS. GLASGO. SO I GUESS OUR OWNER AGENT APPLICANT? MR. TRAN? WELCOME, YOU WILL HAVE A FIVE MINUTE PRESENTATION.

GOOD AFTERNOON, MAYOR CITY ATTORNEY, ALL MEMBER OF THE COUNCIL. MY NAME IS KIM TRAN. I REPRESENT THE OWNER, HE DOES NOT SPEAK ENGLISH. SO MANY YEAR I WITH THE OWNER, SO MANY TRIP TO THE CITY, TO TRY TO GET A GAS STATION, CONVENIENCE STORE, CAR WASHER, AND CAR SERVICE. SO MANY TRIP AND SO MANY DENY. IT'S THE FIRST TIME THAT THE CITY STOP RECOMMENDATION -- CITY STAFF RECOMMENDATION. THE OWNER WAS SO HAPPY IT WAS CITY RECOMMENDATION. WE HOPE THAT ALL CITY MEMBER THAT CONSIDER US AND APPROVE THIS ZONING. THANK YOU.

Mayor Wynn: THANK YOU, MR. TRAN. SO IN FACT MR. TRAN IS THE ONLY SPEAKER WHO SIGNED UP TO ADDRESS US ON Z-16. QUESTION, COUNCIL? COMMENTS? MS. GLASGO DO WE HAVE A MAP THAT SHOWS THE TRACT LOCATION? GLASS

Glasgo: THIS IS THE SUBJECT TRACT. THIS IS RUTHERFORD LANE. THERE IS A WAL-MART I BELIEVE RIGHT HERE, EITHER A WAL-MART ON A TARGET, BUT I BELIEVE THAT IT'S TARGET. THERE IS INDUSTRIAL DEVELOPMENT TO THE EAST OF THE SUBJECT TRACT. THERE'S AN ELEMENTARY SCHOOL TO THE NORTH OF THE SUBJECT TRACT. TO THE WEST OF THE SUBJECT TRACT ACROSS FROM THE STREET NAMED [INDISCERNIBLE] STREET YOU HAVE A RESIDENTIAL SUBDIVISION. AND JUST TO GIVE YOU SOME ORIENTATION, SOUTH OF THE TRACT IS U.S. 183, TO THE WEST IS I-35. JUST TO GIVE YOU AN ORIENTATION OF WHERE THIS IS LOCATED EXACTLY ON RED BUD LANE. THE STAFF RECOMMENDATION IS TO GRANT THE APPLICANT'S REQUEST OF GR ZONING. WE HAVE ADDED A CONDITIONAL OVERLAY AND THE CONDITIONAL OVERLAY ITEMS ARE AS FOLLOWS: TO LIMIT THE DEVELOPMENT ON THE SITE TO LESS THAN 650 UNADJUSTED VEHICLE TRIPS PER DAY. TO PROHIBIT ACCESS TO FURNACE STREET WHICH IS A RESIDENTIAL STREET. TO ALLOW AUTOMOTIVE WASHING AS THE ONLY PERMITTED GR DISTRICT USE AND LIMIT THE SITE TO ALL OTHER LR USES.

THE FIFTH ITEM IS TO REQUIRE A 25-FOOT VEGETATIVE BUFFER ALONG THE WESTERN PROPERTY LINE WHICH WOULD BE AGAIN WEST OF THE SUBJECT TRACT. WHICH IS CLOSEST TO THE RESIDENTIAL STREET. THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO SIMPLY DENY THE REQUEST AND LEAVE IT AS IT IS ZONED TODAY, WHICH IS SF 3.

Mayor Wynn: IS IT STAFF'S CONCERN THAT SF 3, ESSENTIALLY ADJACENT TO THE INDUSTRIAL USE TO THE EAST? THAT'S -- THAT'S A PART OF THE RECOMMENDATION?

CORRECT. THE -- THE SUBJECT TRACT DOESN'T -- OBVIOUSLY THE EXISTING ZONING SINGLE FAMILY 3, THE SF 3 WOULD ALLOW A DUPLEX OR A SINGLE FAMILY HOUSE OR SUBDWIGHT IT INTO SMALLER LOTS TO ALLOW A -- TWO SINGLE FAMILY HOMES. IT DOES NOT APPEAR TO BE FOR RESIDENTIAL USE, SOME OTHER USE OTHER THAN THAT WOULD BE APPROPRIATE. THE QUESTION IS WHAT COMMERCIAL ZONING WOULD BE APPROPRIATE HERE. SO THAT'S -- THAT WAS THE BASIS OF OUR RECOMMENDATION THAT SF 3 IS NOT AN APPROPRIATE ZONING. BUT THE INTENDED USE IS WHAT IS OF CONCERN TO THE RESIDENTS AND PROBABLY NOT THE COMMERCIAL ZONING. SO IT'S MORE OF A USE AS OPPOSED TO THE ZONING ITSELF.

Mayor Wynn: SO THE ACTION TO DENY, THEY COULD HAVE HAD THE ABILITY TO APPROVE ANY OTHER ZONING.

ABSOLUTELY.

Mayor Wynn: IS IT YOUR UNDERSTANDING THAT Z.A.P.'S FUNDAMENTAL INTENT FOR THIS -- OR AT LEAST THE MAJORITY OF THE COMMISSION IS THAT SF 3 IS THE -- THE MOST APPROPRIATE ZONING OR ARE THEY JUST IN A SENSE ACTING TO DEN THIS -- DENY THIS PARTICULAR APPLICATION.

HAVING LISTENED TO BOTH SIDE, THERE DID NOT SEEM TO BE A MIDDLE GROUND AS TO WHAT OUGHT TO BE APPROPRIATE IN HAVING WATCHED THE PRESENTATION IN ITS ENTIRETY, THE COMMISSION KEPT ASKING THE OWNER TO INDICATE IF THERE -- THERE WERE OTHER USES THEY

WOULD CONSIDER OTHER THAN A CAR WASH, THE RESPONSE WAS THAT WAS THE ONLY USE THEY INTENDED TO HAVE HERE SO THE COMMISSION FELT LIKE IT WOULD BE EASIER TO JUST DENY THE REQUEST AS OPPOSED TO RECOMMENDING AN ALTERNATIVE ZONING THAT MAY NOT BE OF INTEREST TO THIS PARTICULAR LANDOWNER.

Mayor Wynn: ALL RIGHT. UNLESS MY SCREEN IS INCORRECT, MS. BROWN, THERE'S NO CITIZENS SIGNED UP EITHER FOR OR AGAINST, JUST MR. TRAN. WHERE'S THE OPPOSITION OR WAS THERE -- WAS THERE A LOT OF TESTIMONY IN OPPOSITION AT THE PLANNING COMMISSION?

Glasgo: YES, THERE WERE SEVERAL SPEAKERS AT THE COMMISSION. I'M SURPRISED THAT NO ONE IS HERE TODAY, SO I'M NOT SURE WHAT HAPPENED. IN ANY CASE, WHATEVER YOU ACT ON, IT'S GOING TO BE FIRST READING ANYWAY TODAY WE WILL FOLLOW UP AND FIND OUT IF THERE WAS A MISCOMMUNICATION. THE APPLICANT IS HERE, SO OBVIOUSLY THEY ALL RECEIVED NOTICE, BUT WE CAN FOLLOW UP.

Mayor Wynn: OKAY. FURTHER QUESTIONS?

Thomas: I THINK THE ROPE YOU DON'T HAVE ANY OPPOSITION TO ANY OF THE NEIGHBORS HERE, SOME OF THE NEIGHBORS THAT I HAD AN OPPORTUNITY TO SPEAK TO, THEY FELT SINCE IT WAS DENIED THEY DIDN'T REALLY NEED TO BE HERE BECAUSE THEY FELT THAT THE CAR WASH IN THAT AREA WAS NOT SUITABLE OR COMPATIBLE TO WHAT'S IN THE AREA. IF YOU LOOK BACK BEHIND THE EXISTING SITE, THERE ARE SOME COMMERCIAL PROPERTIES, BUT THE CONCERN WITH THE NEIGHBORS WAS THE TRACT C THROUGH PLUS THE ELEMENTARY SCHOOL THAT'S ALREADY SO MANY FEET FROM THAT PROPERTY AND THEY WERE NOT HERE BECAUSE THEY FELT THAT THE CASE WAS NOT GOING TO BE -- IT WAS GOING TO BE DENIED ON CONSENT. THAT'S THE REASON WHY THEY ARE NOT HERE. IF I CAN JUST THROW MY TWO CENTS IN. LOOKING AT THE -- I FEEL THAT THE CAR WASH IS NOT A APPROPRIATE MYSELF BECAUSE OF THE TRAFFIC IMPACT AND ALSO -- ALSO WHERE THE SCHOOL IS. IF YOU LOOK WEST OF THE SITE, IT'S -- IT'S PREDOMINANTLY SF RESIDENTIAL AREA. THAT'S RIGHT

ACROSS THE STREET WHERE THE GENTLEMAN WANTS TO PUT THE CAR WASH. ALTHOUGH THERE'S A LOT OF VACATE LOT THERE, BUT RIGHT ACROSS THE STREET GOING INTO THE RESIDENTIAL AREA. SO THAT'S IT.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS COUNCIL? COUNCILMEMBER DUNKERLY AND THEN KIM.

Dunkerly: I WAS REALLY GOING TO MAKE THE COMMENT THAT YOU MADE, IF WE WOULD CONSIDER THIS ON FIRST READING, BECAUSE MR. TRAN IS HERE, MY RECOMMENDATION WOULD BE TO GO WITH THE STAFF RECOMMENDATION ON FIRST READING AND THEN JUST TO TRY TO CLARIFY WHAT THE CONCERNS FROM THE NEIGHBOR IT IS WERE FOR THE SECOND READING.

Thomas: I GUESS THAT I SHOULD HAVE MADE MY MOTION THEN. BEFORE YOU.

Dunkerly: I WAS JUST -- I TOO WANT TO HEAR FROM THEM.

Kim: I HAVE BEEN LOOKING AT A LOT OF THE COMMENTS FROM THE RESIDENTS THAT WE HAVE IN OUR BACKUP, THEY TALK ABOUT CRIME IN THE AREA, THAT THEY ARE CONCERNED ABOUT CRIME. I DON'T KNOW WHAT KIND OF STATS WE HAVE ON CRIME IN THAT AREA. ESPECIALLY AS IT RELATES TO THE SCHOOL NEARBY AND I THINK THAT THE POLICE FOR THIS SCHOOL WOULDN'T BE ABLE TO GO TO THAT PROPERTY BECAUSE IT'S NOT SCHOOL PROPERTY. AND I THINK THAT BASED ON THESE COMMENTS THEIR CONCERNS THAT THE SCHOOL KIDS WOULD GO TO THAT LOT FOR -- AND WOULDN'T HAVE ANY KIND OF SUPERVISION, SO ON FIRST READING I'M GOING TO VOTE NO ON THIS ONE, I'M GOING TO GET SOME MORE INFORMATION BETWEEN NOW AND THIS READING AND SECOND READING. SO THANKS.

Mayor Wynn: SORRY, COUNCILMEMBER DUNKERLY, YOU ACTUALLY MADE A MOTION. I MISSED IT.

Dunkerly: NO I JUST SAID THAT I WOULD.

Mayor Wynn: MAYOR PRO TEM?

Thomas: THEN CAN I MAKE A MOTION TO MAYBE POSTPONE IT FOR A WEEK TO ALLOW THE NEIGHBORS TO COME AND VOICE THEIR OPINION AT LEAST NEXT MEETING.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER LEFFINGWELL TO POSTPONE CASE Z-16th.

TWO WEEKS.

FOR TWO WEEKS, TO OCTOBER 20th.

2005. AND TO LEAVE THE PUBLIC HEARING OPEN. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0 TO POSTPONE. SO 10 MINUTES, MS. GLASGO.

Glasgo: I MOVED SO YOU COULD SEE ME. I WAS HIDDEN BACK THERE. WELL, MAYOR THAT LEAVES US WITH ITEM Z-18. I'M NOT SURE THAT WE HAVE ENOUGH TIME.

Mayor Wynn: WE HAVE A HANDFUL SIGNED UP FOR AND AGAINST, SEVERAL WHO DONATED TIME. IT'S 24 MINUTES WORTH OF TESTIMONY. ACTUALLY COUNCIL, BASED ON THAT WE ARE NOT GOING TO BE ABLE TO FINISH THE ITEM ON EITHER CASE, THE TESTIMONY ON EITHER CASE, I THINK WE COULD BE ABLE TO FINISH CASE Z-18 IN RELATIVELY SHORT ORDER ONCE WE COME BACK FROM OUR BREAK, BUT WE DO HAVE A SPECIAL REQUEST, WHILE WE ARE STILL HERE IN SESSION BEFORE THE 5:30 BREAK, REVEREND ROBERT CANTERO WHO IS HERE TO SPEAK ON CASE Z-14 AND 15, WHICH WE WILL TAKE UP LATER, A MUCH LENGTHIER CASE HAS TO LEAVE DUE TO OTHER COMMITMENTS. HE WOULD LIKE THE OPPORTUNITY TO GET HIS TESTIMONY IN BEFORE HE HAS TO LEAVE. I KNOW THERE ARE PROBABLY OTHER PEOPLE THAT FEEL THAT WAY, SINCE THIS IS A SPECIAL REQUEST BY REVEREND QUINTERO, WITHOUT

OBJECTION PERHAPS WE COULD HEAR FROM THE REVEREND IF HE'S STILL WITH US, THEN WE ARE LIKELY GOING TO THEN GO AHEAD AND HAVE THE 5:30 BREAK, COME BACK AND TAKE UP CASE Z-18. IS REVEREND ROBERT QUINTERO STILL HERE. REVEREND?

WELCOME.

THANK YOU.

AGAIN WE'RE NOT TAKING UP THE CASE YET, BUT I WANTED TO MAKE SURE THAT YOU HAD A CHANCE TO GET YOUR TESTIMONY IN.

I JUST WARRANTED TO SPEAK ON THE ZONING CASE BEING BROUGHT ON NORTH GATE BOULEVARD WHICH IS NEXT DOOR TO OUR CHURCH. WE ARE AT 9027 NORTH GATE BOULEVARD. THE ISSUES THAT WE ARE HAVING WITH -- WITH STARTING OUR OR HAVING ANOTHER CONVENIENCE STORE IS THERE ONE FIRST OF ALL RIGHT ON THE OTHER SIDE OF US WHERE A LOT OF PEOPLE TEND TO POPULATE AND LOITER AND ACTUALLY A COUPLE OF THOSE TREES THAT ARE NEXT DOOR TO THE CHURCH THERE, THEY ARE KNOWN AS THE DRUG TREES WHERE PEOPLE POPULATE AND THERE'S DRUGS THAT ARE BROUGHT INTO THE NEIGHBORHOOD THROUGH THERE. AND WE JUST SEE A LOT OF REALLY BAD THINGS GOING ON IN THE NEIGHBORHOOD. THERE'S PROSTITUTION. AND THEY TEND TO LEAN TOWARDS THE CENTURY CIRCLE OR CENTURY BOULEVARD STREET THERE THAT MEETS -- I'M SORRY, COLIN CREEK DRIVE THAT MEETS WITH NORTH GATE BOULEVARD. THERE IS A HOUSING COMMUNITY ACROSS THE STREET FROM THE AREA WHERE THEY ARE PROPOSING A ZONING CHANGE AND WE'VE BEEN WORKING WITH ANOTHER CHURCH THAT HAS HAD A CHILDREN'S CHURCH FOR APPROXIMATELY FOUR YEARS, HYDE PARK BAPTIST CHURCH, THE KIDS BEING IN THAT AREA, THEY HAVE A COUPLE OF CHOICES OF HOW TO GET AWAY FROM THE DIFFERENT THINGS THAT GO ON IN COLONY CREEK DRIVE. USUALLY ONE OF THEIR ONLY OPTIONS IS TO GO THROUGH NORTH GATE BOULEVARD IF THEY HAVE TO GET INTO THE OTHER NEIGHBORHOOD. IF WE -- MY CONCERN IS IF WE HAVE ANOTHER CONVENIENCE STORE THERE, WE'LL HAVE THE LOITERING ON BOTH SIDES

BECAUSE PEOPLE TEND TO BE IN AND OUT BUYING ALCOHOL OR CIGARETTES AND A LOT OF THE PEOPLE THAT DON'T HAVE HOMES OR THAT ARE INVOLVED IN CRIME AND THEY ARE NOT FROM THE NEIGHBORHOOD THEY USE THAT AREA AS A KIND OF AN EXCUSE TO BE IN THE NEIGHBORHOOD. AND SO I'M CONCERNED THAT WE ARE GOING TO CLOSE OFF BOTH ROUTES ON EITHER SIDE OF THE CHURCH WHERE PEOPLE THEY REALLY CAN'T GET AROUND TOO MUCH WITHOUT HAVING TO GO THROUGH THIS ON A FRIDAY OR SATURDAY NIGHT IN THE AREA, YOU COULD HAVE UP TO 20 TO -- 25 TO 50 PEOPLE ON COLONY CREEK DRIVE. SO I DON'T WANT TO CLOSE OFF THE OTHER STREET, ALSO. WITH THE ACTIVITY THAT'S THERE. AND ALSO WHEN THIS INITIALLY WAS PROPOSED, I'M PART OF THE NORTH AUSTIN CIVIC ASSOCIATION, WHEN THAT WAS BROUGHT TO THE TABLE THERE, I WENT TO VISIT THE STORE, MITENDA, WHICH IS ALREADY BEING OPERATED BY THE OWNER PROPOSING THE ZONING CHANGE. AS WE WALKED INTO THE STORE, IMMEDIATELY TO THE LEFT THERE WAS A DISPLAY OF PORNOGRAPHY THERE WHICH ME AND MY SON SAW. AND MY SON ACTUALLY ASKED ME TO LOOK OVER, HE SAID, DAD, JUST LOOK OVER THERE AND SEE WHAT YOU SEE. MY SON IS 10 YEARS OLD. I PICKED UP THE DVD WHICH HAD PORNOGRAPHY ON IT, I LIFTED IT UP, ASKED THE STORE CLERK IF IT WAS AGAINST THE LAW TO HAVE PORNOGRAPHY OUT IN THE OPEN LIKE THAT, HE SAID HE DIDN'T THINK IT WAS. I TOLD HIM THAT HE WAS TO TAKE IT DOWN IMMEDIATELY OR I WOULD CALL THE POLICE AND LET THEM MAKE THE DECISION. SO HE WENT AND -- AHEAD AND HE TOOK IT DOWN. FROM THERE I REMEMBER JUST GOING HOME AND MY SON WALKING INTO THE HOUSE AND SAYING MOM I SAW A PICTURE OF PEOPLE HAVING SEX TODAY. SO [BUZZER SOUNDING] THESE ARE SOME OF THE ISSUES THAT I HAVE WITH -- WITH THE ZONING CASE THAT'S BEING BROUGHT.

Mayor Wynn: ALL RIGHT. THANK YOU REVEREND. AGAIN, WE WILL TAKE UP THE REST OF THIS TESTIMONY IN THE CASE [APPLAUSE] HERE IN A FEW MINUTES. BUT WE ARE NOW AT OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS, STAY TUNED FOR BRYAN BRAZIER AS WELL AS A COUPLE OF PROCLAMATIONS, THE COUNCIL WILL RESUME THE PUBLIC

HEARINGS SHORTLY THEREAFTER. WE ARE NOW IN RECESS.
THANK YOU.

Mayor Wynn: FOLKS, IT'S TIME FOR OUR 5:30 LIVE MUSIC GIG AT THE AUSTIN CITY COUNCIL. PERFORMING WITH US TODAY IS TEXAS BORN SINGER BRYAN BRAZIER. BRYAN BEGAN HIS MUSIC CAREER SINGING AND PLAYING GUITAR AT A VERY EARLY AGE. INSPIRING BY WAYLON JENNINGS, DWIGHT YOAKUM, HE HAS COMBINED THOSE SOUNDS WITH HIS OWN TEXAS FLARE TO CREATE HIS OWN UNIQUE STYLE. PLEASE HELP ME IN WELCOMING BRYAN BRAZIER. [APPLAUSE]

I A LITTLE LONG I WROTE CALLED AROUND THE BEND. (music)
LET ME PAINT YOU A PICTURE OF A ROAD, ONE FULL OF
INDECISION. (music) IT'S THE SAME OLD ROAD 20 YEARS AGO
THAT PUT ME IN A HUNTSVILLE PRISON. (music) WITH THE
SHIRT ON MY BACK AND A REARVIEW MIRROR FULL OF THE
WALLS THAT HELD ME IN, THE DAY FREEDOM PUT HER ARMS
AROUND ME AND SAID, BOY, HERE'S YOUR SECOND CHANCE.
(music) WHAT DOES IT TAKE TO REALIZE YOU'VE YOU'RE
GIVEN JUST ONE SHOT? YOU DON'T HAVE TO GO THROUGH
LIFE BEING SOMETHING YOU'RE NOT. (music) LET
INDIFFERENCE BE YOUR FRIEND AND ASK GOD TO FORGIVE
YOUR SINS. (music) YES, IT'S NOT WHAT'S BEHIND YOU, IT'S
WHAT'S AROUND THE BEND, AROUND THE BEND... (music)
GOT A TATTOO OF MY WOMAN JUST ABOUT TWO WEEKS
AGO, AND I PULLED ALL THE MONEY OUT OF MY SAVINGS TO
FIX UP MY GTO. (music) WE TOOK IT FOR A RIDE TODAY AND
GOT HER CRUISING ABOUT 110. (music) IT WAS SURE GOOD
TO SEE THE SUNSHINING AGAIN... (music) WHAT DOES IT
TAKE TO REALIZE YOU'RE GIVEN JUST ONE SHOT? (music)
YOU DON'T HAVE TO GO THROUGH LIFE BEING SOMETHING
YOU'RE NOT. (music) LET INDIFFERENCE BE YOUR FRIEND,
AND ASK GOD TO FORGIVE YOUR SINS. (music) IT'S NOT
WHAT'S BEHIND YOU, IT'S WHAT'S AROUND THE BEND...
AROUND THE BEND... AROUND THE BEND...(music)(music) \$
CLEAR CLEAR.

THANK YOU. [APPLAUSE]

Mayor Wynn: DO YOU HAVE SOME GIGS COMING UP? WHAT'S
YOUR DEAL?

YEAH. I'LL BE -- I'LL BE PLAYING AT HILL'S CAFE ON OCTOBER THE 15TH. AND YOU CAN GO TO MY WEBSITE AT WWW.BRYANBRAZIER.COM AND CHECK ME OUT AND SEE WHERE ELSE I'M GOING TO BE PLAYING. BUT THIS MONTH I'M PLAYING AT HILL'S CAFE ON THE 15TH. WELCOME YOU AND COME ON OUT AND HEAR SOME GOOD COUNTRY MUSIC. THANK YOU SO MUCH FOR HAVING ME. I REALLY, REALLY APPRECIATE IT. AND I DO HAVE A CD I'M WORKING ON RIGHT NOW, SO YOU CAN GO TO MY WEBSITE AND CHECK OUT ALL I'M THAT DOING. THANK YOU SO MUCH.

Mayor Wynn: OUR PLEASURE. GET YOU A GOOD CHICKEN FRIED STEAK HILL'S TOO. BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY ADDS TO THE CULTURAL DIVERSITY AND THE EFFORTS OF ARTISTS FURTHER AUSTIN'S EFFORTS AS THE LIVE MUSIC CAPITAL OF THE WORLD. I, WILL WYNN, DO HERE BY PROCLAIM OCTOBER 6TH, 2005, AS BRYAN BRAZIER DAY IN AUSTIN AND CALL ON ALL CITIZENS IN CON GRAT LATING ME ON THIS FINE TALENT. [APPLAUSE]

THE 15TH IS ON SATURDAY EVENING, 7:30 AND 10:00 AT HILL'S CAFE. THANK YOU.

Mayor Wynn: OKAY. WHILE BRYAN TEARS DOWN THE GIGS OVER THERE, WE'RE GOING TO GO ON WITH OUR PROCLAMATION. WE HAVE THREE THIS WEEK. THIS IS A WAY WHERE WE CAN PROMOTE THINGS THAT ARE OCCURRING IN AUSTIN AND AROUND CENTRAL TEXAS AND MAKE PEOPLE AWARE OF IMPORTANT RESOURCES THAT WE HAVE IN THIS COMMUNITY. OUR FIRST PROCLAMATION IS REGARDING FINANCIAL PLANNING WEEK, AND I'M BROKENED BY JOY ROBERTS AND BRYAN WAYT. AND SO AFTER I READ THE PROCLAMATION, JOY IS GOING TO SAY A FEW WORDS ABOUT THE FINANCIAL PLANNING INDUSTRY AND THIS WEEK. THE PROCLAMATION READS: BE IT KNOWN THAT WHEREAS THE FINANCIAL PLANNING PROCESS ALLOWS INDIVIDUALS TO ACHIEVE THEIR DREAMS BY EMPOWERING THEM TO IDENTIFY AND MANAGE REALISTIC FINANCIAL GOALS AND NEGOTIATE FINANCIAL BARRIERS AS THEY ARISE. AND WHEREAS THE FINANCIAL PLANNING ASSOCIATION REPRESENTS 28,000 MEMBERS AND IS DEDICATED TO SUPPORTING THE FINANCIAL PLANNING PROCESS AND

PROVIDING INDIVIDUALS WITH SOUND FINANCIAL ADVICE. AND WHEREAS THE FINANCIAL PLANNING ASSOCIATION PROVIDES ONGOING TRAINING FOR ITS MEMBERS AND ENCOURAGES THOSE SEEKING FINANCIAL PLANNING ADVICE TO USE THE SERVICES OF A CERTIFIED FINANCIAL PLANNER. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM OCTOBER THIRD THROUGH NINTH, 2005, THIS WEEK, AS NATIONAL FINANCIAL PLANNING WEEK IN AUSTIN. AND I WILL ASK JOY TO SAY A FEW WORDS ABOUT THE ASSOCIATION, THE WEEK, AND HOW BEST TO UTILIZE A CERTIFIED FINANCIAL PLANNER. JOY?

THANK YOU, MAYOR WYNN. I'D LIKE TO MAKE A FEW BRIEF COMMENTS ABOUT FOUR ASPECTS THAT ARE IMPORTANT TO CONSIDER REGARDING FINANCIAL PLANNING WEEK. FIRST, FINANCIAL PLANNING ITSELF; SECOND, THE FINANCIAL PLANNING PROFESSION; THIRD, THE FINANCIAL PLANNING ASSOCIATION; AND FOURTH, BUT MOST IMPORTANTLY, THOSE WHO UTILIZE FINANCIAL PLANNING SERVICES. FINANCIAL PLANNING IS THE PROCESS OF MANAGING ONE'S FINANCES TO ACHIEVE CERTAIN GOALS AND DREAMS WHILE AT THE SAME TIME OVERCOMING FINANCIAL BARRIERS THAT ALWAYS SEEM TO ARISE. THE FINANCIAL PLANNING PROFESSION EXISTS TO HELP THOSE WHO WANT TO MAKE WISE FINANCIAL DECISIONS TO ACHIEVE THEIR GOALS. IT MAY INCLUDE SOME OR ALL OF THE AREAS OF RETIREMENT PLANNING, ESTATE PLANNING, TAX PLANNING, INSURANCE AND INVESTMENTS. AND THERE ARE MANY PROFESSIONALS WHO PROVIDE EITHER SOME OR ALL OF THOSE SERVICES IN ONE PACKAGE. THE FINANCIAL PLANNING ASSOCIATION FOSTERS THE VALUE OF FINANCIAL PLANNING AND ADVANCES THE FINANCIAL PLANNING PROFESSION. OUR AUSTIN CHAPTER OF THE FINANCIAL PLANNING ASSOCIATION CONSISTS OF OVER 200 MEMBERS DEDICATED TO BRINGING TOGETHER THOSE WHO DELIVER FINANCIAL PLANNING TO THOSE WHO BENEFIT FROM IT. OUR CORE VALUES ARE COMPETENCE, INTEGRITY, RELATIONSHIPS AND STEWARDSHIP. THE PRIMARY AIM OF THE FINANCIAL PLANNING ASSOCIATION IS TO BENEFIT THE PUBLIC BY HELPING TO ENSURE THAT FINANCIAL PLANNING IS DELIVERED THROUGH A COMPETENT, ETHICAL FINANCIAL

PLANNER. IF YOU WOULD LIKE FURTHER INFORMATION ABOUT OUR ORGANIZATION OR NEED A FINANCIAL PLANNER, PLEASE VISIT OUR WEBSITE AT WWW.AUSTINFPA.ORG. THANK YOU. >>[APPLAUSE]

Mayor Wynn: TECHNICALLY NOT A PROCLAMATION, BUT WE OFTEN USE THIS TIME TO ISSUE CERTIFICATES OF CONGRATULATIONS, AND I'M PROUD TO BE HERE WITH MY FRIEND PLINY FISK. FOR BEING A VISIONARY IN THE FIELD OF SUSTAINABILITY AND GREEN DESIGN, PLINY FISK IS DESERVING PUBLIC ACCLAIM AND RECOGNITION. FOR THREE DECADES HE HAS BEEN EXPLORING THOSE CONCEPTS AND INFLUENCING OTHERS THROUGH HIS CENTER FOR MAXIMUM POTENTIAL BUILDING SYSTEMS. NOW AUSTIN ENERGY HAS A GREEN BUILDING PROGRAM AND THE UNIVERSITY OF TEXAS HAS A SUSTAINABLE DESIGN INSTITUTE AND COUNTLESS PROFESSIONALS IN THE CENTRAL TEXAS AREA ARE DEVOTED TO THESE SAME CREATIVE AND ENVIRONMENTALLY FRIENDLY PROPOSITIONS. WE CONGRATULATE YOU AND THE CENTER FOR 30 YEARS OF FORWARD THINKING ON THIS 6TH DAY OF OCTOBER, 2005, SIGNED BY ME, BUT ACKNOWLEDGED BY THE ENTIRE AUSTIN CITY COUNCIL. PLEASE JOIN ME IN CONGRATULATING A TRUE HER ROW WHEN IT COMES TO SUSTAINABILITY, GREEN DESIGN. MR. PLINY FISK. [APPLAUSE]

THANK YOU, SIR. THANK YOU, MAYOR. THIS IS VERY SPECIAL TO US BECAUSE THERE ARE NOT TOO MANY PLACES IN THE WORLD, CERTAINLY TEXAS, BUT I THINK REALLY NOT TOO MANY PLACES IN THE UNITED STATES WHERE THE COUPLING OF A NONPROFIT SUCH AS OURS WITH A CITY SUCH AS AUSTIN, TEXAS, WHERE THIS KIND OF THING COULD HAPPEN. I'D ALSO LIKE TO SAY THAT THE ORIGINAL AUSTIN GREEN BUILDER PROGRAM WAS NOT JUST ME, IT WAS MY PARTNER AND CO-DIRECTOR GALE WHO IS CO-DIRECTOR OF THE CENTER, WHO IS SITTING IN THE AUDIENCE WITH MY SON ADAM. AND GALE WAS VERY, VERY INVOLVED WITH SEEING IDEAS AND VISIONS COME THROUGH TO BEING ACTUAL HARD-CORE STUFF THAT IS WORKING WITH THE CITY OF AUSTIN. I'D ALSO LIKE TO MENTION THAT FEW PEOPLE KNOW THIS ANY MORE, BUT THE CITY WHEN THIS STARTED WAS THE FIRST GREEN

BUILDER PROGRAM IN THE UNITED STATES. IT WAS THE ONLY EARTH SUMMIT AWARD WINNER IN RIO IN 1992 TO THE UNITED STATES AND BECAUSE OF THAT WORK IT HAS DEVELOPED NOW INTO THE U.S. GREEN BUILDING COUNCIL WHICH GIVES US AND THE CITY OF AUSTIN FULL ACKNOWLEDGMENT THAT THIS WAS THE IMPETUS FOR WHAT THEY'RE DOING. AND NOW THIS REGION HAS MANY LEAD, CERTIFIED BUILDINGS THAT'S GOING ON. AND WE'RE INVOLVED WITH MANY OF THOSE. AND IT'S IMPORTANT TO REALIZE THAT ONE OF THE FIRST STATE PUBLIC BUILDINGS IS LEAD CERTIFIED THAT WE WERE INVOLVED WITH AND THE FIRST GOLD CERTIFIED BUILDING IN TEXAS THAT WE'VE BEEN INVOLVED WITH. SO MENTION HOW FAR THIS VIRUS AND GERM HAS GONE, THERE ARE NOW 30 30 CITIES IN THE UNITED STATES THAT HAVE MODELED THEMSELVES AFTER THAT GREEN BUILDER PROGRAM AND THERE IS A GREAT EXCHANGE AMONG ALL THOSE CITIES SO THAT THIS WAVE HAS TAKEN OFF TO MANY NEW LEVELS, AND WE APPRECIATE THIS AWARD VERY, VERY MUCH. >>

Mayor Wynn: WELL DESERVEED. THANK YOU. [APPLAUSE]

Mayor Wynn: OUR LAST PROCLAMATION IS REGARDING UN 60 DAY, AND AFTER I READ THE PROCLAMATION, THEN WE'LL HEAR FROM JUDY SADAK. AND BEFORE I READ THE PROCLAMATION, I'LL SAY THAT I HAVE TRAVELED TO SAN FRANCISCO EARLY THIS SUMMER. SAN FRANCISCO WAS CELEBRATING THE -- SAN FRANCISCO WAS THE SPOT WHERE THE UN CHARTER WAS SIGNED 60 YEARS AGO, AND AS THE BEGINNING OF A SERIES OF SUMMER LONG CELEBRATIONS REGARDING THE ANNIVERSARY OF THE U.N., SEVERAL MEMBERS MET AND SIGNED SOME UNITED NATIONS ENVIRONMENTAL URBAN ACCORDS, AND THE GREEN BUILDING PROGRAM IS VERY MUCH ONE OF THOSE. SO WE ARE 60 CITIES ACROSS THE PLANET AND ABOUT A DOZEN CITIES IN NORTH AMERICA, BUT CITIES LIKE ISTANBUL, STOCKLOHM, AUSTIN AND RIO AND WE ARE PROUD TO BE PART OF THAT GROUP. WE AS MAYORS SIGNED THESE 21 ENVIRONMENTAL ACCORDS. AND THREE ACCORDS IN SEVEN DIFFERENT CATEGORIES, RENEWABLE ENERGY BEING ONE, SOLID WASTE AND RECYCLING. THE DESIGN OF THE URBAN FABRIC WAS A CATEGORY ALL TO ITSELF. SO IT'S NOT ONLY GREAT TO RECOGNIZE THE

CENTER HERE IN AUSTIN, NOW WE SORT OF CONNECT THOSE DOTS AS WE HELP CELEBRATE THE UNITED NATIONS AND SOME OF THE GREAT WORK THAT NOW THEY'RE HELPING US WITH ON THE ENVIRONMENTAL FRONT. THE PROCLAMATION READS: BE IT KNOWN THAT WHEREAS THE UNITED NATIONS WAS FOUNDED IN 1945 WITH THE AIM OF ACHIEVING INTERNATIONAL COOPERATION AND SOLVING PROBLEMS OF ECONOMIC, SOCIAL, CULTURAL OR HUMANITARIAN CHARACTER AND WHEREAS THE UNITED NATION ASSOCIATION OF AMERICA IS DEDICATING THE 60TH ANNIVERSARY OF THE U.N. TO THE GOAL AGREED TO BY 189 NATIONS OF REDUCING BY TWO-THIRDS THE MORTALITY RATE AMONG CHILDREN UNDER FIVE BY THE YEAR 2015. AND WHERE WHEREAS WE RECOGNIZE THE THEME OF THIS YEAR'S U.N. ANNIVERSARY COMMEMORATION AS CHILD HEALTH AND SURVIVAL AND ACKNOWLEDGE THE IMPORTANCE OF UNDERTAKING EFFORTS ON THE LOCAL AND THE INTERNATIONAL LEVEL TO ACHIEVE A PEACEFUL AND MORE JUST WORLD. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM OCTOBER 24TH, 2005 AS U.N. 60 DAY HERE IN AUSTIN AND ASK MS. JUDY SADAK TO SAY A FEW WORDS ABOUT THE LOCAL ORGANIZATION AND HOW WE'RE GOING TO PLAY A ROLE IN WHAT THIS WORLDWIDE EFFORT, PARTICULARLY REGARDING CHILD MORTALITY. JUDY?

THANK YOU. YES. AND I HOPE THAT ALL OF YOU WILL FIND A WAY THIS MONTH TO CELEBRATE THE UNITED NATIONS. AS SOMEONE SAID, IF WE DIDN'T HAVE THE UNITED NATIONS, WE'D HAVE TO FIND A WAY TO INVENT IT. AND I THINK THAT IF YOU LOOK BACK OVER ALL OF THE ACCOMPLISHMENTS, YOU'LL SEE THAT THERE HAVE BEEN A LOT OF ACCOMPLISHMENTS. I THINK THAT WHEREAS INITIALLY PEOPLE MET IN ORDER TO FIND A WAY SO THAT THE LARGER COUNTRIES WOULD NOT BE INVOLVED TOGETHER IN ANOTHER WORLD WAR, THE UNITED NATIONS HAVE DEVELOPED INTO AN ORGANIZATION WHICH HANDLES A LOT OF OTHER CONCERNS IN THE WORLD. AND IT IS A PLACE WHERE THE NATIONS CAN GET TOGETHER AND TALK AND LISTEN. UNAUSA IS AN ORGANIZATION, A NON-GOVERNMENTAL ORGANIZATION WHICH SUPPORTS THE UNITED NATIONS, BUT MORE THAN THAT IT SUPPORTS THE

FULL PARTICIPATION OF THE UNITED STATES GOVERNMENT IN THE UNITED NATIONS. SO THERE ARE A LOT OF EDUCATIONAL PROGRAMS, THERE'S A LOT OF LOBBYING THAT GOES ON IN WASHINGTON, D.C. AND IN NEW YORK TO FIND WAYS THAT OUR GOVERNMENT CAN WORK WITH THE UNITED NATIONS. LOCALLY WE HAVE EDUCATIONAL PROGRAMS. WE HAVE A NEW EMPHASIS ON USE -- IN YOUTH AND YOUNG ADULT PROGRAMS IN OUR COMMUNITY. FOR YEARS WE SPONSORED THE MODEL UNITED NATIONS, WHICH SOME OF YOU MAY HAVE PARTICIPATED IN, WHICH IS A PROGRAM FOR HIGH SCHOOL YOUTHS. I'D LIKE TO INVITE EVERYONE TO OUR UN 60 CELEBRATION, WHICH WILL BE ON OCTOBER 23rd. IT'S A DINNER AND JUST A CELEBRATION. AND WE HOPE THAT SOME OF YOU CAN COME, AND ESPECIALLY YOU, MAYOR. AND YOU CAN LEARN MORE ABOUT OUR ORGANIZATION AT UNAUSA.AUSTIN.ORG. THANK YOU. [APPLAUSE]

Mayor Wynn: THE COUNCIL MEETING WILL RESUME AFTER A VERY SHORT BREAK.

Mayor Wynn: THERE BEING A QUORUM PRESENT, WE'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. I APPRECIATE EVERYBODY'S PATIENCE. WE HAD HEARD ALL BUT TWO CASES, AND IF I REMEMBER CORRECTLY, MR. GURNSEY, WE JUST HAD A HANDFUL OF SPEAKERS ON ITEM Z-18.

THAT'S CORRECT, MAYOR. WE'LL PROCEED TO ITEM NUMBER 18. THIS IS A ZONING CASE IN THE NORTH HYDE PARK AREA, CASE C-14-04-0196, PROPERTY LOCATED AT 609 FAIRFIELD. AND THIS PROPERTY IS CURRENTLY ZONED SF-3, AND THE PROPOSED ZONING REQUEST IS TO SF-2-NCCD-NP. THE PLANNING COMMISSION RECOMMENDED SF-3, WHICH IS A FAMILY RESIDENCE DISTRICT, NCCD, NP, WITH A CONDITION THAT THE PROPERTY OWNER ACCEPTED AND THAT YOU HAVE ON YOUR DAIS, RESTRICTIVE COVENANT THAT THEY HAVE AGREED TO ENTER INTO THAT WOULD LIMIT THE DWELLING, THE DUPLEX DWELLING TO NOT MORE THAN THREE UNRELATED PEOPLE OR PERSONS OF 18 YEARS OR OLDER MAY RESIDE IN EACH OF THE DUPLEX RESIDENTIAL UNITS. THE PLANNING TEAM OR THE NEIGHBORS THAT WORKED ON THE PLAN, SOME OF THOSE

ARE PRESENT HERE THIS EVENING. STAFF DID NOT RECOMMEND THE REZONING REQUEST TO SF-3, BUT RECOMMENDED THE SF-3-NCCD-NP. THE SIGNIFICANT DIFFERENCE BETWEEN THESE TWO DISTRICTS IS THE SF-3, THE FAMILY RESIDENCE DISTRICT, ALLOWS FOR USES SUCH AS A DUPLEX OR A -- WHAT'S CALLED TWO-FAMILY RESIDENTIAL USE, WHICH WOULD BE LIKE A GARAGE APARTMENT TO THE REAR AND A HOUSE IN THE FRONT. AND THAT'S THE PRINCIPAL DISTINCTION BETWEEN THOSE TWO DISTRICTS. AT THIS POINT I'LL ALSO SAY THAT ON THE PROPERTY THERE HAS BEEN A BUILDING PERMIT THAT IS ISSUED IN I THINK 2002 FOR A DUPLEX WHICH HAS GONE THROUGH THE MAJORITY OF ITS INSPECTIONS AND IS CLOSE TO BEING COMPLETED. IT'S NOT HAD ITS FINAL INSPECTION THAT I AM AWARE OF. I ALSO AM AWARE THAT THE NEIGHBORHOOD WILL BRING TO YOUR ATTENTION THAT THERE ARE DEED RESTRICTIONS ON THE PROPERTY WHICH PROHIBIT A DUPLEX USE ON THE PROPERTY AND LIMITS THE USE TO SINGLE-FAMILY USES. WHEN WE DID THE OTHER REZONINGS IN THE HYDE PARK NORTH NEIGHBORHOOD PLAN IN THE SURROUNDING AREA, IT WAS RECOMMENDED THAT THE ZONINGS BE REDUCED OR DOWN ZONED FROM SF-3 TO SF-2, AND COUNCIL DID APPROVE THOSE ON THE NEIGHBORING PROPERTIES SURROUNDING THIS PROPERTY. WITH THAT I'LL STOP AND PERHAPS IF YOU HAVE QUESTIONS I WILL ANSWER THEM OR IF YOU WOULD LIKE TO LISTEN TO THE PROPERTY OWNER OR THE NEIGHBORHOOD YOU CAN PROCEED. THE CITY IS THE APPLICANT ON THIS APPLICATION AND SO THOSE THAT WOULD BE IN FAVOR OR OPPOSED, THEY MIGHT WANT TO SPEAK FOR THEMSELVES ON HOW THEY WANT IT REFLECTED. IF THEY'RE IN FAVOR OF THE COMMISSION'S RECOMMENDATION OR IN FAVOR OF THE STAFF RECOMMENDATION.

Mayor Wynn: FAIR ENOUGH. SO COUNCIL, WE WILL CONSIDER THIS TO HAVE BEEN THE APPLICANT FIVE-MINUTE PRESENTATION. WE'LL NOW GO TO THE CITIZENS WHO HAVE SIGNED UP AGAINST -- WE NORMALLY WOULD GO WITH FOLKS WHO HAVE SIGNED UP IN FAVOR OF THE ZONING CASE, THEN WE'D HEAR FROM FOLKS IN OPPOSITION. SO THE APPLICANT WOULD HAVE A ONE-TIME THREE-MINUTE REBUTTAL. HOWEVER, MY INSTINCT IS BASED ON THE -- IT

MAY NOT BE CLEAR WHETHER THE CITIZENS WHEN THEY SIGNED UP FOR OR AGAINST WERE EITHER FOR THE STAFF RECOMMENDATION OR THE PLANNING COMMISSION RECOMMENDATION, BUT WE'LL GO AHEAD AND TAKE THEM IN SEQUENCE AND SEE HOW THAT PLAYS OUT. UNLESS YOU HAVE QUESTIONS OF STAFF NOW, COUNCIL, WE'LL GO TO THE SIT CITIZENS WHO HAVE SIGNED UP. AND WE'LL START WITH FOLKS WHO WENT AHEAD AND SIGNED UP IN FAVOR OF THE ZONING CASE AND WHO ALSO WANT TO SPEAK OBVIOUSLY. AND THE FIRST OF THOSE WILL BE BRUCE NADIG. BRUCE, WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY KAREN MCGRAW.

THANK YOU, MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS. AS Y'ALL KNOW, WE'VE BEEN WORKING ON AN NCCD FOR NORTH HYDE PARK FOR OVER TWO AND A HALF YEARS NOW. SINCE JULY, ALONG WITH KAREN MCGRAW AND SOME OF MY OTHER NEIGHBORS, I'VE BEEN VISITING WITH YOU AND YOUR STAFF MEMBERS EXPLAINING THE BENEFITS OF THE NCCD AND TONIGHT YOU GET TO BE DONE WITH IT. THIS IS THE LAST PROPERTY THAT HAS NOT BEEN PUT INTO THE NCCD YET. THERE'S ONE REASON THAT WE'RE HERE TONIGHT. WE'RE HERE TO ADDRESS A CLERICAL ERROR. THE ONLY REASON YOU DIDN'T REALIZE ABOUT THIS PROPERTY BACK IN AUGUST WHEN YOU ADOPTED THE NCCD IS THAT CITY STAFF MADE A CLERICAL ERROR AND OMITTED THIS PROPERTY FROM THE NCCD. IT'S MY UNDERSTANDING THAT THE PROPERTY OWNER'S FILED A VALID PETITION. I WILL REMIND YOU THAT WHEN YOU UNANIMOUSLY APPROVED THE NCCD, YOU ALSO DISPATCHED WITH THE FOLKS THAT HAD VALID PETITIONS AND YOU DECIDED THAT THOSE PROPERTIES NEEDED TO BE INCLUDED IN THE NORTH HYDE PARK NCCD. TONIGHT ALL YOU'RE DOING IS YOU'RE REZONING 609 FAIRFIELD TO MAKE IT CONSISTENT WITH THE SURROUNDING NEIGHBORHOODS. I HAVE SF-2 ZONING. MY NEIGHBOR WAYNE HAS IT, MY NEIGHBOR JOE, WAYNE AND PAT HAVE IT. ALL WE'RE DOING IS LEVELING THE PLAYING FIELD. IT'S VERY IMPORTANT TO REALIZE WHAT THIS IS ABOUT. IT'S ABOUT A CLERICAL ERROR AND ABOUT ZONING. THIS IS NOT ABOUT BUILDING PERMITS. WE'RE NOT HERE ABOUT DEED RESTRICTIONS, WE'RE NOT HERE ABOUT FEELING SORRY FOR SOMEBODY

THAT MADE A BAD INVESTMENT. IT'S ABOUT ZONING TONIGHT. I WILL SAY THAT THERE IS A VALID BUILDING PERMIT FROM 2002 ON THE SITE. YOUR DECISION TONIGHT ISN'T GOING TO AFFECT THAT. THAT BUILDING PERMIT IS THERE. HE'S GOING TO HAVE A LEGAL, THAT'S WITH A CAPITAL L, A LEGAL NONCONFORMING DUPLEX IF YOU ADOPT THIS TONIGHT. WHEN YOU ADOPTED THE NCCD BACK IN AUGUST, YOU ALSO MADE ANOTHER DUPLEX A LEGAL, NONCONFORMING STRUCTURE. IF YOU VOTE IN FAVOR OF THE SF-2 ZONING SITE, YOU'RE GOING TO BE ENTIRELY CONSISTENT WITH THIS DECISION. WHEN I SPOKE WITH EACH OF YOU OR YOUR STAFF MEMBERS ABOUT THE NCCD, WE SPECIFICALLY ADDRESSED THE SF-2 ZONING IN PATTERSON HEIGHTS. THE REASON WE REQUESTED THAT IS THE CITY DOES NOT KNOW ABOUT OUR DEED RESTRICTIONS. A NUMBER OF ATTORNEYS HAVE LOOKED AT OUR DEED RESTRICTIONS, PEOPLE BOTH ON OUR SIDE AND AGAINST, AND HAVE SAID THAT THEY ARE IN FACT VALID. LAST TUESDAY AFTER THE PLANNING COMMISSION MEETING, THE PROPERTY OWNER, MR. LINDSEY, AGREED THAT THE DEED RESTRICTIONS ARE VALID AND THE PROPERTY IS SUBJECT TO THEM AND THAT HIS DUPLEX IS CONTRARY TO THE DEED RESTRICTIONS. SO YOU HAVE EVERYBODY IN AGREEMENT ON THIS. THE REASON WE ASKED FOR THE SF-2 ZONING IS SO THAT THE CITY WON'T ISSUE PERMITS TO BUILD THE DUPLEXES IN THE FIRST PLACE, THAT'S HOW MR. LINDSEY GOT THIS BUILDING PERMIT. IT'S A LEGAL PERMIT FROM THE CITY. THE CITY WAS UNAWARE OF OUR DEED RESTRICTIONS. WE HAVE DEFENDED OUR DEED RESTRICTIONS QUITE SUCCESSFULLY IN THE PAST -- [BUZZER SOUNDS] -- AND WE PLAN ON DOING SO AGAIN IN FUTURE. ALL YOUR DECISION TONIGHT IS JUST GOING TO BE ABOUT SF-2 ZONE. IT'S NOT GOING TO MAKE THIS STRUCTURE ILLEGAL, NOT GOING TO HURT THE APPLICANT IN THE LEAST. -- HURT THE OWNER IN THE LEAST. I'M OPEN TO ANY QUESTIONS YOU MAY HAVE. I DO HAVE PHOTOGRAPHS OF THE PROPERTY IF ANYBODY WOO LIKE TO SEE THOSE.

Mayor Wynn: THANK YOU. OUR NEXT SPEAKER IS KAREN MCGRAW. IS ANDREW HOMER HERE? OKAY. SO KAREN, YOU WILL HAVE THREE MINUTES. WELCOME.

MAYOR, COUNCILMEMBERS, I APOLOGIZE FOR BEING OUT OF BREATH. I GUESS WHAT I WANTED TO SAY ABOUT THIS, WE'VE WORKED ON THIS NCCD FOR THREE YEARS. THIS IS SIMPLY A CLERICAL ERROR. I THINK YOU KNOW THAT. THAT THIS LOT WAS LEFT OUT. IT WAS NOTICED IN ABOUT FOUR NOTICES STARTING LAST DECEMBER, IT WAS INCLUDED IN ALL OF THE NOTIFICATION, AND IT WAS NOT UNTIL ABOUT THE FIFTH NOTICE THAT THIS PARTICULAR ADDRESS SIMPLY GOT LEFT OFF. SO WHAT WE'RE DOING TODAY IS REALLY HOUSEKEEPING. WE'RE REALLY TRYING TO GET THIS LOT TO BE THE SAME AS ABOUT 50 LOTS THAT SURROUND IT THAT YOU REZONED TO SF-2 ON AUGUST 18th. I DON'T KNOW WHAT THE OWNER -- I KNOW THE OWNER'S HERE. BUT YOU PROBABLY ALREADY HEARD, HE DOES HAVE A PERMIT FOR A DUPLEX. WHATEVER HAPPENS WITH THAT PERMIT HAS VIRTUALLY NOTHING TO DO WITH WHAT YOU DO HERE TODAY. YOU'RE ADDRESSING FUTURE PERMITS. YOU ALSO MAY KNOW THAT THE SURROUNDING PROPERTY OWNERS ARE TRYING TO CURTAIL THAT DUPLEX THROUGH DEED RESTRICTIONS. AGAIN, THAT HAS NOTHING TO DO WITH WHAT YOU'RE DOING HERE TODAY. WHAT WE'RE TRYING TO ASK YOU TO DO IS PLEASE FINISH WHAT WE ALL STARTED, WHAT THE STAFF AND PLANNING TEAM SUPPORTED, WHICH IS SF-2 TO ADDRESS FUTURE PERMITS. THANK YOU.

Mayor Wynn: THANK YOU, MS. MCGRAW. OUR NEXT SPEAKER IS WAYNE LUSTO. SORRY IF I'M MISPRONOUNCING THAT, WAYNE.

MY NAME IS ACTUALLY WAYNE LUSTO, SIR. THANK YOU FOR HEARING FROM ME. IN THE RESIDENT OWNER OF 612 FAIR FOERLD LANE. MY HOME IS IMMEDIATELY ACROSS THE STREET FROM THE PROPERTY IN QUESTION. AND AS SUCH I'VE BEEN ONE OF THE MOST ADAMANT PEOPLE IN FAVOR OF THE SF-2 ZONING NCCD. I REALLY FEEL THAT THIS IS A PERSONAL THING OR ATTACK AGAINST ME BY MR. LINDSEY. HIS ATTEMPT AT NOT GOING FOR SF-2, AS WE DISCUSSED ON SATURDAY WITH HIM, HE EXPLAINED TO ME THAT HE WAS DOING THIS ONLY IN AN ATTEMPT TO STRENGTHEN HIS LEGAL POSITION FOR POSSIBLE LAWSUITS AGAINST HIM WITH REGARDS TO OUR DEED RESTRICTIONS AND OTHER ASPECTS THAT THE NEIGHBORS ARE DISCUSSING WITH HIM CURRENTLY. I KNOW HE HAS BROUGHT PEOPLE WITH HIM

TODAY WHO ARE NOT FROM THE NEIGHBORHOOD AND WE DO NOT KNOW. THOSE OF US WHO ARE NEIGHBORS IN THE NEIGHBORHOOD ARE EXTREMELY CONCERNED ABOUT THIS AND VERY MUCH SUPPORT THE ZONING OF THAT PROPERTY TO SF-2. FURTHER, IF I COULD EVEN GO SO FAR AS TO ASK YOU FOLKS TO IMMEDIATELY ENACT THIS ZONING BECAUSE WE ARE, TO BE PERFECTLY HONEST, FEARFUL OF WHAT MR. LINDY SAY DO, THAT HE MAY AGAIN TO ATTEMPT TO HAVE A DIFFERENT PERMIT ON THE PROPERTY BEFORE IT IS ENACTED. AGAIN, I DON'T MEAN TO TAKE UP MUCH OF YOUR TIME, BUT TO ME THIS IS A VERY PERSONAL ISSUE THAT I FEEL IS ENCROACHING ON MY PROPERTY AND MY PROPERTY'S VALUE. THANK YOU FOLKS.

Mayor Wynn: THANK YOU. JOSEPH (INDISCERNIBLE). SORRY IF I'M MISPRONOUNCING THAT JOSEPH. WELCOME. YOU WILL HAVE THREE MINUTES.

GOOD AFTERNOON, MR. MAYOR AND COUNCILMEMBERS. MY NAME IS JOE, AND I'M A HOMEOWNER AT 611 FAIRFIELD. I HAVE LITTLE TO ADD TO WHAT OTHER NEIGHBORS HAVE SAID. I REALLY THINK THAT THE ADOPTION OF SF-2 HERE IS JUST CONSISTENT WITH THE OVERALL NCCD AND IS CONSISTENT WITH THE CHARACTER OF THE NEIGHBORHOOD. THANK YOU.

Mayor Wynn: THANK YOU, JOE. SO IN ADDITION TO THOSE FOLKS, COUNCIL, LET'S SEE, NORRIS HAR REAL, PA TRISHS SHA RICHARDSON AND R. RICHARDSON SIGNED UP NOT WISHING TO SPEAK, BUT ALSO IN FAVOR OF THE ZONING. WE'LL NOW HEAR FROM THE FOLKS IN OPPOSITION. WE'LL START WITH JEFF LINDSEY. WELCOME. AND IS DAVIS McCALUP HERE? HOW ABOUT MIKE BULL? MIKE, HOW ARE YOU? AND VIRGINIA LINDSEY?

[INAUDIBLE - NO MIC].

Mayor Wynn: SO JEFF, YOU WILL HAVE UP TO NINE MINUTES IF YOU NEED IT.

[INAUDIBLE - NO MIC].

I'M JEFF LINDSEY, THE DESPOILER OF THE FAIRFIELD

NEIGHBORHOOD. MY HISTORY IN THAT NEIGHBORHOOD ACTUALLY GOES BACK FARTHER THAN ANY OF THE PEOPLE THAT HAVE SPOKEN TO YOU RECENTLY. I BOUGHT THAT HOUSE IN '69 AS A GRADUATE STUDENT AND HAVE MAINTAINED IT WHILE I WAS TEACHING, AND HAD EVERY INTENTION OF MY CHILDREN LIVING IN THAT HOUSE WHILE THEY WENT TO U.T. HOPEFULLY AND RETIRING IN THAT HOUSE. I AM NOT AN ABSENTEE LANDLORD, I'M NOT SOMEBODY WHO HAS NO INTEREST IN THE CHARACTER OF THE NEIGHBORHOOD. A BRIEF HISTORY AS TO WHY THERE IS A DUPLEX STRUCTURE. THE HOUSE HAD DEFICIENT CONSTRUCTION ON AN ADDITION SUCH THAT A FLAT ROOF WAS LEAKING EVERY TWO YEARS. WE HAD TO MAKE A CHANGE. IT WAS GOING TO COST A LARGE AMOUNT OF MONEY TO PUT A PEAKED ROOF, AND THE CONTRACTOR SAID FOR A SMALL AMOUNT MORE, WE CAN MAKE IT A LIVEABLE SPACE, WHICH AT THE TIME IN HINDSIGHT WAS A BAD DECISION, BUT WE THOUGHT AT THE TIME WAS A RATIONAL ONE. WE WERE OUT OF OUR OWN HOUSE FOR ABOUT TWO AND A HALF YEARS. WE WERE ONE OF THE MOLD FAMILIES YOU MAY HAVE READ ABOUT. PERSONALLY DEVASTATED FINANCIALLY, THEN WE HAD THE PROBLEMS WITH THE DUPLEX AND A CROOKED CONTRACTOR. WE HAVE A SPECIAL NEEDS CHILD. THE MEDICAL BILLS WERE MOUNTING. WE WERE READY FOR A CERTIFICATE OF OCCUPANCY, AND THE NEIGHBORS CAME FORWARD AND PRODUCED A DEED RESTRICTION. I WAS AWARE OF DEED RESTRICTIONS. THERE WERE DEED RESTRICTIONS RESTRICTING ME FROM RENTING OR SELLING TO NON-CAUCASIANS AND THERE WAS A RESTRICTION TO A FAMILY DWELLING. UNFORTUNATELY THAT DEED RESTRICTION WAS FROM 1942 AND I THINK IN 46 THERE WAS AN ADDITIONAL RESTRICTION, WHICH WAS OMITTED FROM THE ONES I GOT FROM THE COUNTY. SO I WAS LED TO BELIEVE THAT WE COULD PROCEED BOTH IN COMPLIANCE WITH THE DEED RESTRICTIONS AND IN COMPLIANCE WITH ALL THE APPLICABLE ZONING. AS MR. NADIG HAS SAID, IT APPEARS THAT THAT DEED RESTRICTION IS VALID. THE ATTORNEYS I'VE TALKED TO INDICATE THAT THERE MAY BE SOME CAUSE FOR GETTING THE RESTRICTION REMOVED, BUT THAT WOULD ENTAIL A SIGNIFICANT COURT BATTLE, WHICH I AM NOT IN A POSITION TO ENTERTAIN. HOWEVER, THEY ALSO

SAID THAT SHOULD WE GET IN AN ADVERSARIAL POSITION THAT IT IS A STRONGER POSITION TO HAVE A STRUCTURE WHICH COMPLIES WITH ALL OF THE APPLICABLE ZONING LAWS. IT WAS SF-3 WHEN I BOUGHT THE PROPERTY, IT WAS SF-3 WHEN WE CONSTRUCTED THE PROPERTY, AND WHAT WE'RE TALKING ABOUT NOW IS ROLLING IT BACK. NOW, IT MAY WELL BE THAT THE SURROUNDING PROPERTIES ARE SF-2. I DON'T KNOW THAT THAT WAS A PARTICULARLY WISE POLICY DECISION, AND I DON'T KNOW THAT MAKING AN UNWISE POLICY DECISION IN MY OPINION UNIFORM IMPROVES IT AT ALL. MR. NADIG HAS MADE THE POINT TO ME TIME AND TIME AGAIN THAT EVERY OTHER HOUSE ON THE BLOCK HAS ONLY TWO ADULTS. YOUR HOUSE DOES NOT FIT IN WITH THE NEIGHBORHOOD. WELL, THAT KIND OF HOME GENIUS -- HOMOGENEOUS NEIGHBORHOOD WHERE YOU HAVE ONLY TWO ADULTS IN THESE HOUSES MAY MEET MR. NADIG'S CRITERIA FOR A GREAT NEIGHBORHOOD, IT DOESN'T MEET MINE, AND I BELIEVE SMART GROWTH ALSO INDICATES THAT SOME KIND OF HETRO GENIUS HOUSING IS AN APPROPRIATE WAY TO BUILD NEIGHBORHOODS. MY HOUSE, I WENT TO GREAT EFFORTS TO MAKE SURE THAT IT BLENDED IN, THAT I DIDN'T ALTER. I WENT TO THE EXPENSE THAT I DIDN'T NEED TO DO AT THAT TIME. IT MADE NO ECONOMIC SENSE, TO MAKE SURE THAT THE HOUSE CONFORMED TO THE ARCHITECTURAL STANDARDS OF THE NEIGHBORHOOD. WHAT I'M ASKING, AND I'VE MADE AS MANY CONCESSIONS AND OFFERED AS MANY CONCESSIONS AS I POSSIBLY COULD, THE RESTRICTIVE COVENANT WHICH I'VE AGREED TO, THE NEIGHBORS HAVE I THINK A VERY REASONABLE EXPECTATION THAT THE NUMBERS OF PEOPLE BE REDUCED. THAT UNDER THE PERMIT I WAS ISSUED IT WAS APPARENTLY SIX AND SIX. IT WOULD NEVER HAVE BEEN RENTED TO THAT MANY, BUT THE RESTRICTIVE COVENANT RESTRICTS IT TO THE CURRENT STANDARDS OF THREE AND THREE. I'M HAPPY WITH THAT. I'M ALSO -- I ALSO HAVE OFFERED AND WAS WILLING TO RESTRICT THE NUMBER OF CARS TO FIVE TOTAL VEHICLES. I WAS WILLING TO ADD CODICILS TO THE -- THAT MAY BE AN INAPPROPRIATE TERM, BUT CONDITIONS WITHIN MY LEASES THAT WOULD REQUIRE THE TENANTS TO PARK WITHIN THE PROPERTY OVERNIGHT AND IN FRONT OF THE PROPERTY INSTEAD OF IN FRONT OF THE NEIGHBOR'S PROPERTY. I INDICATED THAT I WOULD

CONSIDER REPEATED VIOLATIONS OF THAT A VIOLATION OF THE LEASE AND WOULD EVICT THE TENANTS. I HAVE DONE EVERYTHING I CAN TO ACCOMMODATE THAT. THE BITTER IRONY IN ALL OF THIS IS THAT IF YOU WILL THINK ABOUT THIS AREA, THE CLOSEST LANDMARK YOU MAY BE ABLE TO THINK OF IS DUVAL AND 48TH. RIGHT THERE BY SHUTTLE BUS ROUTES IN THE NORTH UNIVERSITY AREA. IF YOU HAVE A FIVE BEDROOM, THREE BATH, THREE LIVING ROOM WITH A BAR UPSTAIRS AND A DECK, WHAT IS GOING TO BE THE RENTAL MARKET FOR THAT? IF YOU'RE THINKING THREE GREEK SYMBOLS ABOVE THE DOOR, I THINK THAT'S PROBABLY NOT FAR OFF. THE IRONY IS THAT THE LEAST IMPACT ON THE NEIGHBORHOOD WOULD BE AS A DUPLEX. WAYNE'S CONCERNED ABOUT PARKING, I THINK LEGITIMATELY. WITH SINGLE-FAMILY THERE ARE NO RESTRICTIONS TO PARKING. YOU MAY HAVE SIX PEOPLE IN A SINGLE-FAMILY AND THEY CAN HAVE AS MANY CARS AS THEY WANT, SO THE RESTRICTIONS HERE DO NOT PROTECT THE NEIGHBORHOOD. THE -- I THINK THE ZONING COMMISSION ACCEPTED THE FACT THAT A DUPLEX IS THE BEST USE OF THIS PARTICULAR PROPERTY AT THIS PARTICULAR TIME AND THEY SUGGESTED THIS RESTRICTIVE COVENANT AS A WAY OF MEETING POSSIBLE NEGATIVE IMPACTS ON THE NEIGHBORHOOD, AND I'M WILLING TO GO FURTHER TO ADD ADDITIONAL RESTRICTIVE COVENANTS AS I SAID. AND I WOULD HOPE THAT THE COUNCIL WOULD LEAVE THE ZONING AS IT IS AND APPRECIATE THE -- APPRECIATE YOUR CONSIDERATION IN THIS MATTER.

Mayor Wynn: THANK YOU. OUR NEXT SPEAKER IS EVAN TANAGUCCI. WELCOME. YOU WILL HAVE THREE MINUTES.

GOOD AFTERNOON, COUNCIL, MAYOR, MAYOR PRO TEM. I'M EVAN. I'M AN ARCHITECT AND PLANNER HERE IN AUSTIN AND I'VE ALSO KNOWN JEFFREY FOR 35 YEARS AND HIS FAMILY, THE LINDSEY FAMILY. AND I KNOW THAT HE'S NOT TRYING TO UNDERMINE HIS NEIGHBORS OR THE ZONING PROCESS. SECONDLY, I DON'T UNDERSTAND WHY HIS PROPERTY IS UP FOR ZONING CHANGE IF THE DEED RESTRICTIONS ARE THE ONLY ISSUE. AND APPARENTLY THEY'RE NOT AFTER I'VE HEARD SOME OF THE OTHER DISCUSSIONS. BUT I'VE ALWAYS UNDERSTOOD THAT DEED RESTRICTIONS ARE A CIVIL MATTER AND THAT THEY SHOULD HAVE NO EFFECT ON

ZONING. JEFFREY'S PROPERTY HAS ALWAYS BEEN ZONED SF-3 SINCE HE BOUGHT IT, SO APPARENTLY THE CITY COUNCIL ZONED IT AS SUCH WITHOUT REGARD TO THE DEED RESTRICTIONS AT THAT TIME. AND NOW THE CITY WANTS TO CHANGE IT BASED ON THE RESTRICTIONS. IT DOESN'T MAKE SENSE. IN FACT, THE ONLY REASON I CAN SEE THAT THE CHANGE IS BEING USED IS KIND OF A PUNITIVE MEASURE IN MY OPINION, WHICH SHOULD NOT BE THE CASE. I'VE WATCHED A TAPE OF THE ZONING COMMISSION AND FEEL LIKE ALL THE ISSUES WERE THOROUGHLY DISCUSSED AND THE COMMISSION UNANIMOUSLY TURNED DOWN THE REQUEST. I CAN'T IMAGINE WHAT'S HAPPENED SINCE THEN FOR Y'ALL TO EVEN CONSIDER OVERTURNING THEIR DECISION. FROM A PLANNING STANDPOINT, THE DUPLEX USE SEEMS MUCH LESS OF AN INTRUSION ON THE NEIGHBORHOOD, ESPECIALLY WHEN YOU CONSIDER HOW STUDENTS NOW LIKE TO GET EIGHT TO 10 OCCUPANTS IN ONE HOUSE. TWO SMALLER UNITS SEEMS MUCH MORE CONTROLLABLE TO WHERE YOU MIGHT GET SOME YOUNG PROFESSIONALS WAITING UNTIL THEY CAN BUY A HOUSE OR SOME GRADUATE STUDENTS LOOKING FOR CENTRAL HOUSING. TO ME THE DUPLEX USE REALLY REFLECTS OUT NEW SMART GROWTH POLICIES. ARCHITECTURALLY, JEFFREY'S EXPANSION IS UNOBTRUSIVE AND IS QUITE COMPATIBLE WITH ITS SURROUNDINGS. I BELIEVE IT WAS SENSITIVELY DONE AND IS NOTHING LIKE THE SUPER DUPLEXES THAT I DEPLOR. THEN THERE'S THE DEED RESTRICTIONS THEMSELVES, SOMETHING I HAVE A HARD TIME ACCEPTING. AS THEY ARE WRITTEN, I BEING A FULL BLOODED ASIAN AMERICAN, COULD NOT HAVE PURCHASED THE PROPERTY. THE ONLY WAY I COULD HAVE LIVED IN THAT NEIGHBORHOOD WAS TO BE A SERVANT OR A HOUSE BOY. I UNDERSTAND THAT THOSE RESTRICTIONS HAVE BEEN DELETED, BUT IT ONLY MAKES ME WONDER ABOUT THE SPIRIT IN WHICH ALL OF THIS WAS WRITTEN. IF I WERE TO INTERPRET THE RESTRICTIONS TODAY THAT WE ARE FACED WITH, I WOULD SAY THAT THE AUTHORS WERE NOT TRYING TO KEEP JEFFREY FROM TURNING HIS PROPERTY INTO A DUPLEX, BUT THEY ARE JUST VIOLATING HIS CIVIL RIGHTS TO DO WHAT HE SHOULD BE ABLE TO DO WITH HIS PROPERTY WITHIN THE CITY'S BUILDING AND ZONING CODES

AND THE LIMITS OF THE LAW. THANK YOU.

Mayor Wynn: THANK YOU. COUNCIL, THAT'S ALL OF OUR FOLKS WHO HAVE SIGNED UP TO ADDRESS US ON CASE Z-18. WE NORMALLY WOULD HAVE A REBUTTAL FROM THE APPLICANT IN THIS CASE IS THE CITY, SO I DON'T THINK IT'S NEEDED OR APPROPRIATE, BUT CERTAINLY MR. GURNSEY IS HERE TO ANSWER QUESTIONS AS IS THE OWNER OR NEIGHBOR WHO HAD HELPED THIS. QUESTIONS, COMMENTS?

IT'S BEEN FILED BY THE PROPERTY OWNER, IT'S IN OPPOSITION TO THE REZONING TO SF-3-NCCD-NP. MY DISCUSSIONS WITH HIM HAVE INDICATED THAT HE WOULD BE -- HE WOULD BE OPPOSED TO THE SF-2-NCCD-NP. IT'S MY UNDERSTANDING THAT HE WOULD AGREE TO THE SF-3-NCCD-NP AND WE WOULD BE WILLING TO OFFER THE COVENANT THAT WAS SUGGESTED BY THE COMMISSION AND EXECUTE THAT THIS EVENING AND MOVE FORWARD AND WOULD ACTUALLY WITHDRAW THE PETITION IF YOU WENT FORWARD WITH THE SF-3. THAT ORDINANCE IS ON YOUR DAIS. THE UNEXECUTED RESTRICTIVE COVENANT IS ALSO ON YOUR DAIS. IF YOU WISH TO GO WITH THE SMENT F-2-NCCD-NP, THAT WOULD BE A CLEAR ENOUGH DIRECTION TO STAFF THAT WE COULD ALSO ACT ON THAT THIS EVENING. SO YOU ACTUALLY HAVE A CHOICE OF WHICH WAY YOU WOULD LIKE TO TAKE THIS CASE THIS EVENING OR YOU COULD ONLY TAKE IT ON FIRST READING, AND IT SOUNDS LIKE THE OWNER WAS WILLING TO ADD ADDITIONAL CONDITIONS THAT ARE NOT ARTICULATED IN THIS COVENANT, SO YOU DO HAVE SEVERAL OPTIONS BEFORE YOU. I WOULD POINT OUT ON YOUR MONITOR IS THE AREA OF THE NORTH HYDE PARK NCCD, THE AREAS DESIGNATED 11. IT'S ONE OF THE TRACTS THAT ACTUALLY FACES FAIRFIELD ON THE NORTHERN PORTION OF THAT PROPERTY. LET ME POINT THAT OUT. HERE'S THE PROPERTY IN QUESTION. AND THOSE OTHER TRACTS IN AREAS 10, 7, 12, 8, 9 AND THE REMAINDER OF 11 WERE ZONED SF-2-NCCD-NP WHEN WE DID THE HYDE PARK NEIGHBORHOOD PLAN REZONING CASES EARLIER THIS YEAR.

Mayor Wynn: SO ALL THE ABUTTING PROPERTY IS ZONED SF-

2.

SF-2 NCCD-NP.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?

Alvarez: MR. GURNSEY, YOU SAID WHAT WERE THE TWO OPTIONS, WHICH IS WHAT WAS RECOMMENDED VIA OR THROUGH THE NEIGHBORHOOD -- BY THE NEIGHBORHOOD PLANNING TEAM, I GUESS?

WHAT THE NEIGHBORHOOD RECOMMENDED WAS SF 2-NCCD-NP.

Alvarez: THE PLANNING COMMISSION?

THEY RECOMMENDED SF-3--NCCD-NP. AND THEY ASKED BASICALLY THE OWNER, MR. LINDSEY, IF HE WOULD AGREE TO A COVENANT, WHICH HE HAS, TO LIMIT THE OCCUPANCY TO THE CURRENT STANDARD FOR A DUPLEX TODAY, WHICH WOULD BE THREE PER SIDE. ALTHOUGH HIS PERMIT AS IT STANDS RIGHT NOW IS GRANDFATHERED TO HAVE SIX PER SIDE.

Alvarez: AND THE PLANNING COMMISSION DID NOT INCLUDE THAT, THREE PER SIDE?

THEY DID INCLUDE THAT. AND THE LIMITATION ON THE OCCUPANCY OF THREE PER SIDE.

Alvarez: IT WAS GRANDFATHERED FROM WHEN WE CHANGED THAT IN THE POLICY OR THE REGULATION?

WHEN THE BUILDING PERMIT WAS ISSUED, IT WAS ISSUED AT A TIME WHEN THIS DUPLEX WOULD HAVE GRANDFATHERED WITH THE LIMITATION OF THREE PER SIDE, BUT THE OWNER IS WILLING TO AGREE TO THREE PER SIDE, BUT WOULD ALSO LIKE TO MAINTAIN THE SF-3 ZONING ON THE PROPERTY IN LIEU OF BEING DOWN ZONED TO SF-2.

Alvarez: THANKS.

Mayor Wynn: SO MR. GURNSEY, DID I HEAR THAT THE

PLANNING COMMISSION VOTE WAS ACTUALLY UNANIMOUS?

THAT'S CORRECT.

Mayor Wynn: BUT IS IT FAIR OR SIMPLE ENOUGH TO SAY THAT BECAUSE OF THAT SORT OF COMPROMISE, THAT IS, NOT HAVING THE GRANDFATHERED 12 POTENTIAL RESIDENTS ON THE LOT, THEN THEY WERE COMFORTABLE WITH SF-3?

THAT'S MY UNDERSTANDING.

Mayor Wynn: SO THAT BEGS THE QUESTION, SO IF THE ZONING WERE TO BE SF-2, DOES THE -- AND THE OWNER HAS THE VALID PETITION AGAINST IT, OBVIOUSLY NOT IN AGREEMENT WITH THAT, WHAT WOULD BE THE LIKELY STATUS OF THE GRANDFATHERED TERM ON THE THEN ALREADY LEGAL DUPLEX RESIDENCY?

IF THE COUNCIL WERE TO GRANT SF-2-NCCD-NP, IT'S MY UNDERSTANDING THAT MR. LINDSEY WILL NOT SIGN THE COVENANT THAT'S BEEN OFFERED TO YOU, AND THAT HE WILL JUST CONTINUE HIS PLANS WITH THE COMPLETION OF HIS DUPLEX.

Mayor Wynn: WHICH IS VIRTUALLY COMPLETE NOW, CORRECT?

IT'S ON THE VERGE OF BEING COMPLETE. I THINK IT HAS ONE FINAL INSPECTION TO GO THROUGH.

Mayor Wynn: ONCE IT'S COMPLETE, WHAT WOULD BE THE TERMINOLOGY THAT YOU WOULD CRACK RISE THE STRUCTURE? WOULD IT BE LEGAL, NONCONFORMING? HOW WOULD YOU CHARACTERIZE THE DUPLEX?

IT WOULD BE LEGAL NONCONFORMING ONCE THE ZONING IS APPROVED FOR SF-2-NCCD-NP. YOU COULDN'T BUILD THIS STRUCTURE TODAY, BUT GIVEN THAT THE PERMIT HAD ALREADY BEEN ISSUED AND CONSTRUCTION IS ALMOST COMPLETED ON THE STRUCTURE, HE COULD RECEIVE THE CERTIFICATE OF OCCUPANCY IF HE FOLLOWED THROUGH AND FINALIZES WHATEVER NEEDS TO BE DONE TO THE DUPLEX AND THEN HE WOULD BE GUARANTEED THAT THAT

USE COULD CONTINUE UNLESS IT WAS MORE THAN 90% DESTROYED. IF THE USE WAS MORE THAN 90% DESTROYED, LET'S SAY IT BURNED TO THE GROUND OR SOMETHING HAPPENED, A HORRIBLE TORNADO OR SOMETHING, HE WOULD NOT BE ABLE TO REBUILD THE USE. BUT IF 10% OF THE VALUE OF THAT STRUCTURE ACTUALLY REMAINED, HE COULD BASICALLY MAINTAIN THAT FOREVER. AS A LEGAL, NONCONFORMING USE.

Mayor Wynn: THAT'S CORRECT. ECONOMIC. >>ER MCCRACKEN.

McCracken: WE'RE HAVING A CHALLENGE WHENEVER WE THINK WE HAVE DONE SOMETHING TO PROTECT OUR NEIGHBORHOODS, SOMETHING NEW EMERGES AND IT APPEARS THAT ONE OF THE CHALLENGES WE FACE IS THE ISSUE OF THE NUMBER OF FOLKS LIVING IN HOMES WHO ARE -- THAT THESE ARE BASICALLY BEING SINGLE-FAMILY NEIGHBORHOODS BEING TURNED INTO GROUP HOUSING FOR STUDENTS. WHAT ARE OUR TOOLS FOR HAVING SOME KIND OF OCCUPANCY LIMITS?

WELL, WE HAVE A OCCUPANCY LIMIT FOR DUPLEXES THAT WE PASSED TWO YEARS AGO THAT WAS JUST DISCUSSED OF LIMITING IT TO THREE FOR THREE. WE HAD ANOTHER OCCUPANCY LIMIT THAT PERTAINED TO WHAT CALLED THE TWO-FAMILY RESIDENTIAL USES, BASICALLY THE HOUSE BEHIND THE HOUSE, THE GARAGE APARTMENT OR GRANNY FLAT. WE MOVED THAT TO THREE TO THREE. BUT THOSE WERE LIMITATIONS THAT WENT FORWARD AND NOT BACKWARD. SO YOU HAVE MANY DUPLEXES THAT ARE STILL ALLOWED TO HAVE GREATER THAN THREE PER THREE PER SIDE, AND THEN IN THE INSTANCE OF THE TWO FAMILY RESIDENTIAL USES, YOU HAVE MANY THAT EXCEED THE FOUR THAT'S ALLOWED IN THE MAIN UNIT AND TWO THAT ARE ALLOWED IN THE LESSER UNIT THAT ARE EXCEEDED THAT ARE GRANDFATHERED. WE HAVE NOT HAD A DISCUSSION THAT HAS COME TO COUNCIL IN THE FORM OF AN ORDINANCE TO LIMIT THE OCCUPANCY FOR A SINGLE-FAMILY RESIDENCE. I KNOW -- I'M AWARE OF MANY NEIGHBORHOODS THAT HAVE CERTAINLY DISCUSSED THIS. I'M AWARE OF MANY NEIGHBORHOODS WHERE I'VE ACTUALLY GONE, MADE PRESENTATIONS TO, EXPLAINED

ORDINANCES. EVEN IN THE LAST FOUR MONTHS WHERE THERE ARE PROBABLY CITIZENS THAT ARE PREPARING TO COME BEFORE YOU AND ASK TO LIMIT THE OCCUPANCY LIMIT OF A SINGLE-FAMILY HOME OF UNRELATED PEOPLE TO BE THREE OR FOUR AND NOT SIX AS IT STANDS TODAY. IN A SINGLE-FAMILY RESIDENCE. BUT I HAVE NOT -- IT HASN'T COME BEFORE YOU YET IN THE FORM OF CITIZEN COMMUNICATION.

McCracken: SO COULD WE PUT SOME KIND OF CONDITIONAL USE ON THIS, LIMITING THE NUMBER OF UNRELATED ADULTS LIVING IN THE HOME?

WELL, YOU COULD CERTAINLY IMPOSE A CONDITION AS A CONDITIONAL OVERLAY, BUT IT WOULD HAVE NO EFFECT ON THE PERMIT THAT'S ALREADY BEEN ISSUED. AND IF HE WERE TO MERELY COMPLETE THAT, HE WOULD STILL BE ENTITLED TO UP TO SIX UNRELATED PEOPLE PER UNIT OF THE DUPLEX.

McCracken: SO THAT ASSUMES THAT THE HOUSE STANDS. I'VE DONE SOME RESTRICTIVE COVENANT CASES IN MY LEGAL PRACTICE, IF YOU VIOLATE A RESTRICTIVE COVENANT, IT'S PRETTY STRAIGHTFORWARD, THE STRUCTURE COMES DOWN. THERE'S NOT -- THERE'S PRETTY WELL ESTABLISHED LEGAL PRINCIPLE AND OWNERS OF PROPERTY ARE REQUIRED TO FOLLOW THESE DEEDS AND THEY'RE ENFORCEABLE. IT APPEARS, EVERYBODY AGREES THAT THE OWNER HAS VIOLATED THE RESTRICTIVE COVENANT. I THINK -- I THINK -- I'M VERY FAMILIAR WITH THIS NEIGHBORHOOD. I USED TO LIVE RIGHT NEXT TO IT AND USED TO GO FOR WALKS IN IT. AND IT WOULD BE -- I THINK WE WOULD BE DOING A DISSERVICE TO THE RESIDENTS OF THIS NEIGHBORHOOD IF WE ALLOWED THE SAME KIND OF MISCHIEF AND DENIGRATION THAT'S HAPPENED IN OTHER PARTS OF HIDE HYDE PARK AND NORTH UNIVERSITY TO SEEP INTO AN INTERIOR SINGLE-FAMILY NEIGHBORHOOD AND NOT JUST THE ARTERIALS. SO IF WE CAN PUT SOME KIND OF CONDITIONAL OVERLAY ON THE NUMBER OF ADULT OCCUPANTS ON THERE UNDER SF-2, I THINK THAT WOULD BE A GOOD IDEA.

THE SF-2, ZONING WOULD NOT ALLOW A DUPLEX TO GO IN.

SO IF YOU'RE TALKING ABOUT A CONDITIONAL OVERLAY, IT WOULD BE PROBABLY SOMETHING THAT WOULD BE UNIQUE TO THIS PROPERTY IF IT WAS A CONDITIONAL OVERLAY LIMITING OCCUPANCY FOR SINGLE-FAMILY RESIDENTS.

McCracken: YEAH, BUT WE HAVE AN EXPRESSED INTENT FROM THE OWNER TO VIOLATE THE SPIRIT OF SINGLE-FAMILY NEIGHBORHOODS, SO WE ARE HAVING A CONSTANT BATTLE IN THIS NEIGHBORHOOD OF FOLKS WHO DON'T WANT TO ACT LIKE GOOD NEIGHBORS. AND PEOPLE SAYING, WELL, YOU KNOW, IF YOU DON'T GIVE ME WHAT I WANT, I'M GOING TO TURN THIS INTO A GROUP HOUSE FULL OF FRATERNITY BOYS. WELL, WE ALL HAVE A RESPONSIBILITY TO BE GOOD NEIGHBORS TO EACH OTHER. AND I DON'T TAKE THAT THREAT THAT WE RECEIVED TONIGHT AS AN INDICATION OF BEING A GOOD NEIGHBOR. WE SHOULDN'T HAVE TO ASK THE OWNER TO BE A GOOD NEIGHBOR, AND SO IF WE HAVE TO REQUIRE IT, SO BE IT, BUT WE DO HAVE A RESPONSIBILITY TO LOOK OUT FOR THE OTHER FOLKS WHO INVESTED THEIR HARD EARNED INCOMES IN THEIR MOST VALUABLE ASSET, THEIR HOME. IF THAT'S WHAT WE NEED TO DO, THAT'S WHAT WE NEED TO DO.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: I THINK I'M READY TO PUT A MOTION ON THE TABLE FOR FIRST READING, BUT I'D LIKE TO MAKE A COMMENT. THIS NEIGHBORHOOD IS A VERY WELL INFORMED NEIGHBORHOOD AS FAR AS ZONING AND ALL TYPES OF RESTRICTIONS. IF THEY ARE PROPOSING THAT -- RECOMMENDING AN SF-2 DESIGNATION, I REALLY THINK THEY'VE THOUGHT THIS THROUGH AND ARE WILLING TO WORK WITHIN THAT THING. SO I THINK IF I MAKE THIS ON FIRST READING, IF THE NEIGHBORHOOD CAN COME BACK WITH ANY RECOMMENDATIONS THAT WE COULD MAKE THAT WOULD HELP YOU MAINTAIN THE SINGLE-FAMILY QUALITY IN THAT NEIGHBORHOOD, YOU WILL HAVE AN OPPORTUNITY TO DO THAT BEFORE THE SECOND READING. SO I WOULD LIKE TO MOVE THAT WE APPROVE ON FIRST READING THE STAFF AND NEIGHBORHOOD RECOMMENDATION OF SF SF-2-NCCD-NP.

McCracken: COUNCILMEMBER, I THINK WE'VE HEARD SOME

INDICATIONS THAT THERE IS POTENTIALLY AN EMERGENCY BASIS AS A THREAT TO --

Dunkerley: I'LL MAKE THAT ON ALL THREE READINGS THEN. I'LL BACK UP AND SO FOR ALL THREE READINGS FOR SF-2-NCCD-NP.

Leffingwell: I'LL SEC. I'LL SECOND.

WE DON'T HAVE AN ORDINANCE THAT HAS AN EMERGENCY CLAUSE IN IT.

IF THERE'S NO OCCUPANCY LIMITATION THAT'S BEING DISCUSSED, WE COULD PROBABLY GO FORWARD IF IT'S JUST SIMPLY PLAIN SF-2-NCCD-NP. IF THE DISCUSSION IS TO INCLUDE SOMETHING BEYOND THAT, THEN WE WOULD ONLY RECOMMEND THAT YOU DO FIRST READING AND ALLOW STAFF TIME TO SEE IF WE CAN ADDRESS THE CONDITIONAL OVERLAY THAT WAS JUST DISCUSSED.

Dunkerley: IF I COULD, I STARTED OFF MY COMMENTS, THIS IS A VERY WELL INFORMED NEIGHBORHOOD, AND IF THEY ARE ASKING US FOR AN EMERGENCY PASSAGE OF THIS SF-2, THAT WOULD CERTAINLY BE MY RECOMMENDATION. IF IT WERE A NEIGHBORHOOD THAT HAD NOT WORKED THROUGH THESE ISSUES BEFORE, I WOULD THINK THAT WE WOULD NEED TO GIVE THEM SOME TIME TO CONSIDER THIS. SO MY MOTION STANDS, AND I HOPE THE SECOND DOES WITH THE SF-2-NCCD-NP ON ALL THREE READINGS.

MAYOR AND COUNCIL, MARTHA TERRY, ASSISTANT CITY ATTORNEY. AND I BELIEVE THAT WE HAVE SUFFICIENT DIRECTION FROM YOU TO INCLUDE LANGUAGE IN EMERGENCY PASSAGE IF YOU COULD ARTICULATE THE REASONS FOR WHY YOU WOULD DESIRE EMERGENCY PASSAGE, THEN WE CAN PUT THE STANDARD RATIONALE IN.
>>

Dunkerley: EMERGENCY PASSAGE BECAUSE THERE'S AN OUTSTANDING BUILDING PERMIT ON THIS LOT AND THEY WOULD LIKE TO GET THE ZONING IN PLACE.

IN OTHER WORDS, WHAT WE'RE LOOKING FOR THEN, IF I CAN

HELP YOU, COUNCILMEMBER, IS THAT YOU -- YOUR DESIRES OF EMERGENCY PASSAGE BECAUSE IN THE INTEREST OF PUBLIC HEALTH AND SAFETY FOR THIS PARTICULAR NEIGHBORHOOD THAT WE PREVENT ANY FUTURE -- ANY FURTHER EROSION OF THE CHARACTER OF SF-2.

Dunkerley: I COULDN'T HAVE SAID IT BETTER MYSELF. [LAUGHTER]

WE'RE TRYING.

McCracken: MAYOR? I'M WONDERING IF THE MAKER OF THE SECOND WOULD CONSIDER IT A FRIENDLY AMENDMENT TO ADD A -- IF IT'S IT'S PERMISSIBLE TO ADD A CONDITIONAL OVERLAY LIMITING THE NUMBER OF UNRELATED ADULTS TO THREE ADULTS.

COUNCILMEMBER, THE CURRENT LIMIT THAT YOU HAVE IN THE CODE, WHICH THIS IS A LEGAL, NONCONFORMING USE, FROM, IF I CAN PUT IT THAT WAY, IS THREE PER SIDE. SO IF YOUR CONDITIONAL OVERLAY IS TO TRACK THAT, AGAIN, THAT WOULD BE SUFFICIENT INSTRUCTION FOR US TO INSERT IT IN THE ORDINANCE.

McCracken: WHAT WE'RE TRYING TO ACHIEVE IS THREE TOTAL ON THAT PROPERTY. WE HAVE KIND OF AN IMPLIED THREAT FROM THE OWNER TO TURN THIS INTO A GROUP HOUSE IN THE MIDDLE OF A SINGLE-FAMILY NEIGHBORHOOD, AND IF WE HAVE THE POWER TO DO IT, I'M ASKING THE MAKER AND THE SECOND IF THEY WOULD CONSIDER IT A FRIENDLY AMENDMENT TO LIMIT THE TOTAL NUMBER OF UNRELATED ADULTS ON THIS PROPERTY TO THREE.

Dunkerley: I WOULD CERTAINLY ACCEPT THAT AS A FRIENDLY AMENDMENT IF THIS IS SOMETHING WE CAN DO ON ALL THREE READINGS TODAY.

IF I COULD HAVE JUST A MINUTE.

Leffingwell: WHILE WE'RE WAITING, CAN YOU RESTATE THAT?

McCracken: TO ESTABLISH A CONDITIONAL OVERLAY FOR

THIS PROPERTY LIMITING THE NUMBER OF UNRELATED ADULTS WHO CAN RESIDE ON THIS PROPERTY TO THREE UNRELATED ADULTS.

Leffingwell: THANK YOU.

Mayor Wynn: I GUESS MY QUESTION IS PER STRUCTURE, COUNCILMEMBER, OR BOTH STRUCTURES COMBINED THREE PEOPLE.

McCracken: MAYOR, IT'S DONE FOR SF-2. THIS IS A SINGLE-FAMILY NEIGHBORHOOD. COUNCIL IS ESTABLISHING, AT LEAST THE MAKER AND THE SECOND ARE ESTABLISHING THAT THE LAND USE POLICY OF FOR THIS PARTICULAR PARCEL IS SF-2, IT'S NOT TO TURN IT INTO A FRATERNITY HOUSE. AS SUCH THAT IS THE PURPOSE TO FOLLOW, TO STRENGTHEN THAT POLICY. WE HAVE AN EXISTING ZONING ORDINANCE THAT'S NOT WORKING IN THIS PART OF THE CITY BECAUSE OF ALL THE CONSTANT END AROUNDS THAT WE'RE HAVING TO DEAL WITH BETWEEN SUPERDUPLEXES, VIOLATION OF THE SPIRIT OF THE GARAGE APARTMENTS, SO THAT'S WHAT MOTIVATES IT. >>

Dunkerley: MAYOR?

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: COUNCILMEMBER MCCRACKEN, LET ME STATE THIS AND SEE IF I HAVE A GOOD UNDERSTANDING OF IT. WE HAVE A BUILDING PERMIT ON THIS SITE FOR A DUPLEX. THAT BUILDING PERMIT WAS ISSUED BEFORE OUR ORDINANCE FOR THE LIMITATION ON ADULTS PER SIDE OF THREE CAME INTO PLAY. SO WHAT YOU'RE REALLY TRYING TO DO IS JUST SAY, IF THAT DUPLEX GOES IN THERE OR IS THERE, WE HAVE THE SAME RESTRICTION THAT WE HAVE ON OTHER DUPLEXES. IS THAT IT?

McCracken: WHAT I'M SPEAKING TO IS BOTH SIDES ARE AGREEING THAT THIS VIOLATES THE COVENANT, THEN I CONSIDER THE ODDS OF A DUPLEX REMAINING THERE BASED ON BOTH SIDES SAYING THIS IS AN ILLEGAL VIOLATION OF THE COVENANT. I CONSIDER THEM REAL LOW THAT THIS STRUCTURE IS GOING TO STAND WHICH BOTH

SIDES ARE AGREEING THAT THEY VIOLATED THE COVENANT.

Dunkerley: BUT IF IT DOES SHOW UP THERE...

McCracken: I'M ONLY SPEAKING IN THE EVENT IT ACTUALLY IS AN SF-2 STRUCTURE.

WE UNDERSTAND AND WE CAN DO IT.

Dunkerley: THANK YOU.

MAYOR AND COUNCIL, BEFORE YOU ACT, THE OWNER CAME UP A MOMENT AGO AND SAID THAT HE WOULD BE WILLING TO WITHDRAW THE PETITION IF IT WAS SIMPLY AN SF-2-NCCD-NP BEFORE THE DIALOGUE THAT YOU JUST HAD. BUT WHEN HE APPROACHED ME AND WHEN MARTY TERRY WAS SPEAKING, THAT'S WHAT HE INDICATED TO ME AND THEN HE RETURNED TO HIS SEAT. I DON'T KNOW IF HE WANTS ARTICULATE THAT FURTHER, BUT HE JUST WANTED ME TO LET YOU KNOW THAT. THAT WAS ON THE ORIGINAL MOTION. I KNOW WHAT HIS REACTION IS TO THE REVISED MOTION.

Mayor Wynn: BEFORE WE MOVE ON, I BELIEVE THAT COUNCILMEMBER LEFFINGWELL WAS THE SECOND.

Leffingwell: YEAH, I THINK SO. [LAUGHTER]

Mayor Wynn: I WANT TO MAKE SURE YOU'RE COMFORTABLE WITH THE FRIENDLY AMENDMENT PROPOSED BY COUNCILMEMBER MCCracken, LIMITING RESIDENCY TO FLEE UNRELATED ADULTS.

Leffingwell: FOR THE ENTIRE UNIT? DID THE MAKER AGREE TO THAT FRIENDLY AMENDMENT?

Mayor Wynn: I BELIEVE THE MAKER HAS AGREED TO THE AMENDMENT.

Leffingwell: OKAY. I'LL ACCEPT IT.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: MAYOR, I'M SUPPORTING THE SF-2. I'M NOT SURE

THAT I NECESSARILY AGREE THAT WE SHOULD MAKE THEM GO BEYOND EXISTING CODE. SO I DON'T KNOW THAT I CAN SUPPORT THE MOTION WITH THAT THREE PERSON RESTRICTION. OBVIOUSLY IT TAKES IT A STEP FURTHER THAN WHAT'S EVEN RECOMMENDED BY STAFF AND THE NEIGHBORHOOD, SO IT'S -- SEEMS LIKE -- LIKE WE DEALT WITH THE SUPERDUPLEX ISSUE, WE ACTUALLY DID A MORATORIUM AND THEN WE LIKE FIGURED OUT WHAT THE MOST APPROPRIATE THING TO DO WAS, AND IT JUST DOESN'T SEEM FAIR TO THIS GENTLEMAN TO IMPOSE SOMETHING THAT'S HARSHER THAN WHAT WE IMPOSE ON ANYBODY ELSE, BUT THAT'S JUST MY VIEW. I DON'T KNOW IF I CAN SUPPORT THE MOTION WITH THAT PARTICULAR PROVISION ON THERE.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I THINK, JUST TO WE UNDERSTAND, IF IT GOES FORWARD AS A DUPLEX, THEN IT WILL HAVE THOSE OCCUPANCY LIMITS. IF IT GOES FORWARD AS AN SF-2, IT'S A SINGLE-FAMILY HOME, LIKE EVERY OTHER -- THEN THE QUESTION IS COULD THAT SINGLE-FAMILY HOME SKIRT AROUND ALL THE EFFORTS AND THEN BE CONVERTED INTO A FRATERNITY HOUSE? IF WE DON'T HAVE SOME KIND OF UNRELATED ADULT OCCUPANCY LIMITS, THEN IT WILL BE ABLE TO BE CONVERTED INTO A FRATERNITY HOUSE AND WE'VE ED A PERCEIVED THREAT TONIGHT THAT THAT'S GOING TO HAPPEN. WHAT WE WANT TO SAY IS IN THIS SINGLE-FAMILY NEIGHBORHOOD THAT WE'RE GOING TO -- IF IT GOES FORWARD NOT AS A DUPLEX, BUT INSTEAD GOES FORWARD AS A SINGLE-FAMILY HOME, THAT IT WON'T BE CONVERTED INTO A GROUP HOUSE. NOT TO AFFECT THE DUPLEX, BUT JUST AS IT HAPPENS AS A SINGLE-FAMILY HOME.

Alvarez: I UNDERSTAND. IF IT'S A FRATERNITY HOUSE, IT'S A LOT MORE THAN SIX PEOPLE, SO THAT'S KIND OF WHERE I'M HAVING THE PROBLEM HERE IS THEY CAN'T REALLY ESTABLISH A FRATERNITY HOUSE, PER SE, BUT THEY CAN HAVE POTENTIALLY SIX UNRELATED PEOPLE IN THAT PARTICULAR UNIT. >>

McCracken: IT'S A PRETTY QUIET STREET AND I THINK -- I

KNOW THAT YOU BEING IN THE SAME SITUATION THAT IN WITH YOUR WIFE AND YOUR YOUNG CHILD THAT IF SIX 21-YEAR-OLDS MOVED NEXT DOOR TO YOU, THAT WOULD BE A PRETTY DISRUPTIVE THING ON YOUR QUALITY OF LIFE. WE'RE JUST TRYING TO PROTECT THIS NEIGHBORHOOD AND GIVE THEM THE SAME BREAKS THAT WE WANT IN OUR OWN NEIGHBORHOOD. THAT'S WHERE THE SAME GOES.

Leffingwell: EARLIER WE DISCUSSED THE EMERGENCY IMPLEMENTATION OF THIS NCCD CHANGE. WHAT IS THE VOTE REQUIRED FOR THAT?

RIGHT NOW WE STILL HAVE A VALID PETITION, SO REGARDLESS OF THE EMERGENCY PASSAGE, I THINK YOU WOULD NEED SIX AFFIRMATIVE VOTES TO PASS THE SF-22 BECAUSE OF THE VALID PETITION.

Leffingwell: SO IT WOULD BE FIVE-TWO FOR EMERGENCY BUT THAT'S OVERCOME BY THE SIX-ONE REQUIREMENT FOR THE VALID PETITION?

THAT'S CORRECT.

Leffingwell: BUT IF THE FRIENDLY AMENDMENT IS NOT IN PLACE, THEN A FIVE-TWO VOTE WOULD SUFFICE BECAUSE HE'S WITHDRAWING THE VALID PETITION? IS THAT CORRECT?

THAT'S MY UNDERSTANDING. IF IT'S A SIMPLE SF-2-NCCD-NP WITH NO CONDITIONAL OVERLAY, I'M LOOKING AT THE OWNER JUST TO CONFIRM, THAT HE WOULD WITHDRAW HIS PETITION AND IT WOULD ONLY TAKE A SIMPLE MAJORITY THIS EVENING TO APPROVE IT, SO IT WOULD JUST TAKE FIVE.

Leffingwell: ON ALL THREE READINGS?

IF YOU JUST WANT TO DO FIRST READING IT WOULD ONLY TAKE FOUR VOTES, AND HE WOULD STILL HAVE THE RIGHT TO REINSTALL HIS VALID PETITION BEFORE YOU HAD SECOND AND THIRD READING AND VOTE AGAIN.

Leffingwell: OKAY. THANK YOU.

Mayor Wynn: MR. GURNSEY, A QUESTION. SO ALL THE ADJACENT PROPERTIES THAT ARE NOW ZONED SF-2-NCCD-NP, PRESUMEBLY A SINGLE STRUCTURE, HOW MANY UNRELATED ADULTS CAN LIVE IN ALL OF THE HOUSES UP AND DOWN THIS STREET?

YOU'RE ALLOWED UP TO SIX UNRELATED ADULTS --

Mayor Wynn: SO EVERY OTHER HOUSE ON THIS STREET IS SF-2-NCCD-NP, COULD HAVE SIX UNRELATED ADULTS LIVE IN THEM? THAT'S OUR LAW?

THAT'S OUR LAW RIGHT NOW.

Mayor Wynn: THEN I TOO CANNOT AGREE TO THE MOTION WITH THE FRIENDLY AMENDMENT THAT LIMITS BY HALF WHAT THIS SINGLE LOT CAN DO VERSUS EVERY OTHER LOT UP AND DOWN THE STREET. COUNCILMEMBER MCCracken.

Mayor Wynn: MAYOR, I'LL WITHDRAW THE AMENDMENT, RECOGNIZING THAT -- BECAUSE OF THE OPPOSITION OF A COUPLE OF MEMBERS THAT THIS WILL ENABLE THE THREAT OF SIX UNRELATED ADULTS BEING ABLE TO PILE INTO THAT HOUSE, BUT IF IT'S THE WILL OF ENOUGH MEMBERS TO ALLOW SIX UNRELATED ADULTS, 21-YEAR-OLDS, TO LIVE IN THE MIDDLE OF A SINGLE-FAMILY NEIGHBORHOOD, I'LL WITHDRAW THAT AMENDMENT AND WE CAN LET THAT RESULT HAPPEN. I DON'T THINK IT'S GOOD POLICY, BUT IF THAT'S WHAT IT IS, SO BE IT.

Mayor Wynn: COUNCILMEMBER, MY GUESS IS WHEN WE VOTED FOR THIS NEIGHBORHOOD PLAN, THAT YOU VOTED TO ALLOW EVERY SINGLE LOT UP AND DOWN THIS STREET TO HAVE SIX UNRELATED ADULTS, SO WHY WOULD YOU CHOOSE THIS ONE PERSON -- WHY WOULD YOU SAY THAT THIS ONE GUY IS FLET INC. TO HAVE A FRATERNITY HOUSE WHEN WE JUST VOTED A NEIGHBORHOOD PLAN THAT EVERY OTHER STRUCTURE UP AND DOWN THIS STREET COULD HAVE SIX UNRELATED ADULTS?

McCracken: BECAUSE HE SAID HE WOULD DO IT. >>

MAYOR WYNN: MOST PEOPLE DON'T BOTHER TO SAY THEY'RE GOING TO DO IT, BUT I THINK IT'S WHOLLY UNFAIR TO SINGLE OUT A SINGLE LOT AND SAY THAT HOUSE CAN ONLY HAVE THREE PEOPLE LIVING IN IT WHEN EVERY OTHER HOUSE IN THIS ENTIRE NEIGHBORHOOD PLAN THAT WE RECENTLY VOTED ON, WE'RE OKAY WITH SIX PEOPLE.

McCracken: MAYOR, I'M WITHDRAWING THE AMENDMENT. I THINK IF YOU WANT SIX 21-YEAR-OLD ADULTS --

Mayor Wynn: I'M SAYING THE COUNCIL VOTED ON THAT POLICY A FEW WEEKS AGO.

McCracken: WE DIDN'T ENDORSE A POLICY TONIGHT ALL THE WAY AROUND THROUGH EMERGENCY PASSAGE AND THROUGH THE COMMENTS TONIGHT, WE ARE SPECIFICALLY ADDRESSING A SITUATION THAT'S BEEN PRESENTED TO US. THE SITUATION HAS PROMPTED THE REQUEST FOR EMERGENCY ENACTMENT, WHICH IS ALSO NOT ANYTHING WE DID FOR ANYONE IN THIS NEIGHBORHOOD. IT IS A RESPONSE TO A DIRECT -- I GUESS YOU COULD CALL IT A THREAT. SO WE ARE HAVING TO DEAL WITH THIS PARTICULAR PROPERTY DIFFERENTLY THAN OTHERS BECAUSE OF THE UNIQUE SITUATION PRESENTED TO US.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: MR. GURNSEY, ON ANY SF-2 ZONED LOT, WHAT'S THE MAXIMUM HEIGHT AND IS THERE A SQUARE FOOTAGE LIMITATION OR WHAT IS IT?

CURRENTLY UNDER OUR CODE IF IT'S A TYPICAL SF-3 OR SF-2 LOT, HAVE A BUILDING HEIGHT OF 35 FEET, I'M JUST SPEAKING GENERALLY IN AUSTIN, SET BACK OF 25 FEET IN THE FRONT, FIVE FEET ON THE SIDE, 12 FEET IN THE REAR, MAXIMUM IMPERVIOUS COVER IS 45%. MAXIMUM BUILDING COVERAGE IS 40%. IF YOU'RE BUILDING A DUPLEX OR A TWO-FAMILY RESIDENTIAL USE, THOSE STRUCTURES MAY BE LIMITED TO 30 FEET AND ONLY TWO STORIES.

Alvarez: I WAS JUST WONDERING ABOUT A SINGLE-FAMILY

HOME AND WHAT SIZE IS THE STRUCTURE THAT WE'RE DEALING WITH AT THIS PARTICULAR ADDRESS, DOES IT MET THE SETBACKS AND THE HEIGHT OF AN SF-2? [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] >>... THIS PARTICULAR LOT OUT FOR -- FOR THIS ADDITIONAL PROVISION. I WASN'T COMFORTABLE ALLOWING THEM SF 3 WHEN EVERYBODY ELSE WAS GETTING SF 2, AND SO -- BUT NOW WE ARE TAKING IT A LITTLE FURTHER THAN WE HAVE TAKEN IT FOR EVERYONE ELSE. THAT'S WHAT I FEEL A LITTLE BIT UNCOMFORTABLE WITH.

Leffingwell: CAN I INQUIRE ABOUT THE STATUS OF WHAT MOTION IS ON THE TABLE RIGHT NOW EXACTLY.

McCracken: I WITHDREW THE FRIENDLY AMENDMENT.

I ASSUME THE MAKER AND SECOND ACCEPT THE WITHDRAWAL. WE HAVE A MOTION ON THE TABLE TO APPROVE STAFF RECOMMENDATION SF 2 N -- PERHAPS A LITTLE DEBATE ABOUT WHETHER THERE IS EMERGENCY PASSAGE OR NOT.

A COMMENT ABOUT THAT.

STAFF ABOUT EMERGENCY --

I AM SATISFIED, MARTHA TERRY, ASSISTANT CITY ATTORNEY, WHAT I WOULD RECOMMEND IS IF MR. LINDSAY IS AGREEABLE TO WITHDRAWING HIS VALID PETITION, THAT THAT TAKE PLACE ON THE RECORD AND THAT WE INVITE HIM TO THE MICROPHONE AND HAVE HIM STATE THAT IN THE AFFIRMATIVE SO THAT IT IS CLEAR THAT THE VALID PETITION HAS BEEN WITHDRAWN FOR SF 2. MR. LINDSAY, WOULD YOU LIKE TO ADDRESS US?

FIRST, IF I CAN TAKE JUST MOMENTARILY, THAT WAS NOT INTENDED OR PROFFERED AS A THREAT, IT WAS I THOUGHT A MUTUAL DISADVANTAGE. THE LAST TIME THAT I RAN INTO - - I RENTED TO UNDERGRADUATES IN THAT HOUSE THE DAMAGES WERE ASTRONOMICAL, IT IS NOT SOMETHING THAT I WISH TO PURSUE OR DO. IN RENTING A FIVE BEDROOM HOUSE, THE MARKET -- HOW MANY FAMILIES ARE LOOKING FOR A FIVE BEDROOM HOUSE? USUALLY IF THEY

ARE IN THAT SITUATION, THEY ARE BUYING. THAT WAS THE SITUATION THAT I WAS TRYING TO EXPRESS. NOT A THREAT THAT WOULD -- WELL, I WOULD VIEW IT AS A MUTUAL SELF DESTRUCTION PACKET. BECAUSE THE -- BECAUSE THE 21 UNRELATED PEOPLE IN THAT HOUSE WOULD DESTROY THAT HOUSE SO IT WOULD NOT SERVE MY FINANCIAL BENEFIT NOR THE NEIGHBORHOOD'S. ASSUMING THAT -- THAT THE COUNCIL IS, AS I GATHER THE SENSE OF IT, UNITED IN AN SF 2 DIRECTION, I WITHDRAW THE PETITION.

Dunkerly: THANK YOU.

Mayor Wynn: THANK YOU, MR. LINDSAY. I DON'T SEE ME TERRY. SO AGAIN, PERHAPS I MISSED YOUR ANSWER, ARE YOU SATISFIED TO THE LANGUAGE ON EMERGENCY PASSAGE THAT --

IT'S ON ALL THREE READINGS, THE MOTION INCLUDES THAT IT BE DONE ON AN EMERGENCY PASSAGE. I HAVE ENOUGH DIRECTION AND I HAVE ENOUGH REASON TO DRAFT THE LANGUAGE TO PUT INTO THE ORDINANCE SO THAT IT CAN BE ACCOMPLISHED.

OKAY. THANK YOU, MS. TERRY. AGAIN A MOTION AND A SECOND ON THE TABLE. FURTHER COMMENTS? QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE. AYE.

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

Mayor Wynn: THANK YOU, MR. GUERNSEY. OUR NEXT CASE I WILL FOREWARN YOU, THERE ARE 43 SPEAKERS THAT HAVE A DESIRE TO SPEAK ON ITEMS Z-14 AND Z-15, WHICH IS A PLAN AMENDMENT AND THE ACCOMPANYING ZONING CASE. I JUST WANTED TO MAKE SURE THAT YOU WERE AWARE OF THAT. I THINK THERE ARE MANY MORE THAT HAVE SIGNED UP, I'M NOT SURE HOW MANY OF THOSE 43 HAVE BEEN DONATED TIME BY THE OTHERS, BUT I'M TOLD THERE'S WELL OVER 100 THAT HAVE ACTUALLY SIGNED UP. WITH REGARDS TO THESE TWO CASES.

Mayor Wynn: I UNDERSTAND. MY UNDERSTANDING WAS THAT ON FOLKS -- FOLKS ON BOTH SIDES I GUESS WERE -- IN AGREEMENT WITH LIMITING THE NUMBER OF SPEAKERS PER SIDE. I HAD HEARD SOMEBODY MENTION THAT -- THE NUMBER OF FIVE PER SIDE. FOR 15 MINUTE PRO AND CON. IF THAT SEEMS TO BE THE AGREEMENT, THEN WE CAN MOVE FORWARD WITH THAT. I GUESS -- I DON'T KNOW IF WE NEED TO MAKE A MOTION OR NOT OR WITHOUT OBJECTION, WE COULD WAIVE COUNCIL RULES AND ALLOW FOR A BALANCED AMOUNT OF -- FIVE SPEAKERS PER SIDE. PRO AND CON. AND THAT FIVE SPEAKERS WOULD INCLUDE THE APPLICANT'S PRESENTATION. NO OBJECTION? OKAY. MAYOR AND COUNCIL, LET ME PROCEED TO PRESENT THE TWO CASES. THE FIRST ITEM, I WILL PRESENT BOTH OF THEM, MAYOR AND COUNCIL. BECAUSE THEY ARE RELATED ITEMS, Z-14 IS A NPA-05-0007-01 IN THE NORTH AUSTIN CIVIC ASSOCIATION AREA. FOR A CHANGE TO THE AUSTIN TOMORROW COMPREHENSIVE PLAN, THE NEIGHBORHOOD PLAN FOR THE NORTH AUSTIN CIVIC ASSOCIATION TO CHANGE THE FUTURE LAND USE MAP FROM MULTI-FAMILY TO COMMERCIAL DECISION FOR THE PROPERTY LOCATED AT 9117 NORTHGATE BOULEVARD, ALSO KNOWN AS LOT 3 OF THE NORTHGATE TERRACE SECTION 1. THE PLANNING COMMISSION RECOMMENDED TO CHANGE THE FUTURE LAND USE MAP TO THE MIXED USE DESIGNATION. THE RELATED ZONING CASE TO THIS OUTSIDE OUTSIDE C 1405003, ITEM Z-15 ON YOUR AGENDA, AGAIN THE PROPERTY ADDRESS IS 9117 NORTHGATE BOULEVARD, THE OWNER AND APPLICANT IS SYED SHAMISE, REPRESENTED BY MR. JIM BENNETT. A REZONING FROM THE EXISTING IMAGINE MF 3-NP, TO THE LR NP ZONING DESIGNATION. THE PLANNING COMMISSION RECOMMENDED TO GRANT NEIGHBORHOOD COMMERCIAL CONDITIONAL OVERLAY, NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING ON THIS PROPERTY. IT ALSO INCLUDES A 2,000 TRIP VEHICLE LIMITATION ON THE PROPERTY, ALSO THAT THE [INDISCERNIBLE] BE NOTIFIED, IF I UNDERSTAND THAT COULD BE CONSIDERED BY YOU IF YOU DECIDE -- SO DESIRE TO MOVE FORWARD. THIS WAS ON A VOTE OF 7-0, THAT IT WAS APPROVED. THIS CASE HAS GONE OUT FOR A LITTLE WHILE. THIS SUMMER AND THERE WAS MEETINGS HELD WITH THE NEIGHBORHOOD. STAFF WAS PRESENTS PRESENT AND THE NORTH AUSTIN CIVIC

ASSOCIATION. I MET WITH THE APPLICANT ON MAY 19th. THE APPLICANT PRESENTED THEIR CASE AND THE NEIGHBORHOOD AT THAT TIME OF THE NEIGHBORHOOD PLANNING TEAM MEMBERS THAT WERE PRESENT VOTED TO OPPOSE THE PLAN AMENDMENT. ALSO VOTED TO OPPOSE THE ZONING CHANGE. AT THIS TIME I WILL PAUSE AND LET THE AGENT, MR. JIM BENNETT COME FORWARD AND SPEAK TO THE CASE. I BELIEVE YOU HAVE NUMEROUS PEOPLE HERE FOR AND AGAINST. AND YOU HAVE ALREADY HEARD FROM ONE PERSON EARLIER THIS EVENING. I THINK THAT WAS SPEAKING AGAINST THE ITEM. I WILL COME BACK AND ADDRESS ANY QUESTIONS THAT YOU MIGHT HAVE AT A LATER TIME AND -- UNLESS YOU WOULD LIKE TO ASK SOMETHING OF ME NOW.

Mayor Wynn: QUESTIONS OF MR. GUERNSEY, COUNCIL? IF NOT WE'LL PROCEED. THERE IS A VALID PETITION AGAINST THIS QUESTION, IT STANDS AT 37.96%. HOWEVER, THIS IS ONLY READY FOR FIRST READING THIS EVENING ON BOTH OF THESE ITEMS.

Mayor Wynn: THANK YOU, MR. GUERNSEY. MR. BENNETT, REMIND ME, YOU ARE GOING TO BE THE APPLICANT AGENT? OKAY, SO WE WILL ALLOW THE FIVE MINUTE PRESENTATION, JUST TO GET AS MUCH INFORMATION OUT. AND THEN WE WILL ALLOW FOR FOUR OTHER FOLKS TO SPEAK IN FAVOR AND THEN IF THE NEIGHBORHOOD OPPOSITION CAN COME UP WITH A LIST OF FIVE FOLKS THEY CAN THEN COME FORWARD AND PRESENT THEIR CASE. WELCOME, SIR.

THANK YOU, MAYOR. MAYOR, LINDA MOORE AND I DID DISCUSS YOUR PROPOSAL AND WE ARE BOTH IN AGREEMENT, FEEL THAT THAT SHOULD BE SUFFICIENT TIME TO GET THE TRUE FACTS OF THE CASE OUT TO THE COUNCIL.

THANK YOU.

I DO HAVE ONE QUESTION RELATIVE TO THE PROCEDURES. WILL THERE BE A BRIEF REBUTTAL PERIOD OR -- OR NOT?

Mayor Wynn: IF THERE IS, WE SHOULD ALLOW FOR ONE ADDITIONAL SPEAKER IN OPPOSITION. MY INSTINCT IS

THERE'S GOING TO BE ENOUGH QUESTIONS FROM COUNCIL TO BOTH SIDES THAT IN EFFECT THERE'S GOING TO BE A REBUTTAL, BUT --

I WILL LEAVE IT UP TO YOUR CONSIDERATION.

Mayor Wynn: THANK YOU.

MAYOR AND COUNCIL, I'M JIM BENNETT. THE SPEAKERS THAT WILL BE SPEAKING BEFORE YOU TONIGHT IN SUPPORT OF THIS REQUEST WILL BE RODNEY ANDREWS, SHE RECALL SHELBY, ERIC CORTEZ AND JEREMY OLD HAM WILL BE THE SPEAKERS IN ADDITION TO MYSELF. FIRST COUNCIL I WOULD LIKE TO POINT OUT TO THE EARLIER SPEAKER, REVEREND QUINTERO THAT SPOKE TO YOU, AT ONE TIME VERY BRIEFLY A VENDOR DID PUT IN A PORNOGRAPHY RACK, WHICH DOESN'T COMPLY WITH THE CITY CODE, WHICH IS REQUIRED TO BE BEHIND THE SALES COUNTER. HOWEVER, AS SOON AS THAT WAS BROUGHT TO THE ATTENTION THAT WENT AWAY. MY CLIENTS CURRENTLY DO NOT AND HAVE NOT EXCEPT FOR THAT ONE INCIDENT HAD ANY PORNOGRAPHY IN THEIR STORE FOR SALE AND ARE CERTAINLY AGREEABLE TO HAVE A PRIVATE RESTRICTIVE COVENANT OR PUBLIC RESTRICTIVE COVENANT TO PROHIBIT SUCH PORNOGRAPHY SALES AT THIS NEW SITE AS WELL. HAVING SAID THAT, THIS SITE IS A 1.06-ACRE TRACT. IT IS CURRENTLY VACANT, IT IS -- IT IS IN -- ONLY VACANT TRACT IN CLOSE PROXIMITY TO THIS SITE. THE SITE IS CURRENTLY ZONED MF, SEVERAL OF THE NEIGHBORHOOD MEETINGS THAT WE'VE HAD, I THINK THERE WERE FOUR OVERALL, THIS IS MORE INDICATED TO ME THAT SHE DID NOT OR THEY DID NOT WANT TO SEE MULTI-FAMILY ANY MORE MULTI-FAMILY IN THIS AREA. WHEN YOU LOOK AT YOUR BACKUP MATERIAL, YOU CAN SEE THAT THE SITE IS SURROUNDED BY MULTI-FAMILY. AND GENERAL RETAIL ZONING. THE SITE IS ENCUMBERED WITH A DRAINAGE EASEMENT THAT TAKES UP APPROXIMATELY A THIRD I'M SORRY TWO-THIRDS OF THE SITE, THERE IS A -- THERE IS A 20-FOOT CEF SETBACK FROM THAT DRAINAGE EASEMENT. SO OUT OF THE 1.06-ACRE TRACT IT GIVES YOU A NET BUILDABLE AREA OF APPROXIMATELY 10,518 SQUARE FEET. WE ARE PROPOSING TO BUILD APPROXIMATELY 2400 SQUARE FOOT CONVENIENCE STORE. OVER THE PROCESS OF THE MEETINGS THAT WE HAD, WE DID GET -- BECAUSE

THERE IS AN ADOPTED NEIGHBORHOOD PLAN, WHICH WAS ADOPTED IN 2000, WE WENT TO THE NEIGHBORHOOD STEERING COMMITTEE AS DEFINED BY CODE. AT THAT COMMITTEE IT WAS A VOTE OF 6-1 NOT TO SUPPORT THE ZONING CHANGE. WE HAD A FURTHER MEETING AFTER THAT, OF THE NEIGHBORHOOD ASSOCIATION. AT THAT MEETING, I BELIEVE THE VOTE WAS 33 FOR AND 33 AGAINST. 66 PEOPLE, YOU COME UP WITH A DRAW. I BELIEVE WE EVEN HAVE A -- HAD A SECOND COUNT TO MAKE SURE THAT THERE WASN'T 34 TO 33 WHATEVER. SO THAT INDICATES TO ME AS IT MAY TO COUNCIL THAT THERE ARE PEOPLE IN THE NEIGHBORHOOD THAT FEEL LIKE THEY NEED THIS FACILITY AT THIS LOCATION, THAT'S THE REASON THAT I POINT IT OUT TO YOU. YOU DO HAVE A VALID PETITION, AS MR. GUERNSEY INDICATED TO YOU. THIS IS NOT THE TRADITIONAL VALID PETITION THAT I SEE BEFORE COUNCIL WHERE THE HOMEOWNERS ARE SIGNING THE VALID PETITION. THIS IS A VALID PETITION FROM TWO APARTMENT OWNERS, ONE IS THE AUSTIN HOUSING AUTHORITY, WHICH USUALLY REMAINS NEUTRAL AND THE OTHER ONE IS THE OWNERS OF AN APARTMENT COMPLEX AROUND THE CORNER WHO RESIDE IN CEDAR PARK. E WENT TO THE PLANNING COMMISSION, WITH THE NEIGHBORHOOD NOT SUPPORTING, STAFF NOT SUPPORTING, I THINK THAT YOU HAVE THIS BACKUP AS WELL, THE PLANNING COMMISSION COMMISSION VOTED 7-0 TO CHANGE TO LR FOR THE CONVENIENCE STORE. WE AGREED IN DISCUSSION WITH THE PLANNING COMMISSION TO LIMIT THE HOURS OF OPERATION FROM 11:00 TO 6:00. WE AGREED THAT -- OR AGREED THAT THERE ARE NO GASOLINE SALES ON THE PREMISES. AND THAT WE WOULD DO LIGHTING COMPATIBLE WITH THE SURROUNDING PROPERTIES. CURRENTLY THIS VACANT PIECE OF PROPERTY IS BEING USED FOR UNDESIRABLE USES. IF YOU VISIT THE SITE AND WALK AROUND, YOU CAN SEE CONDOMS, NEEDLES, ON THE PROPERTY. AS THE PASTOR TOLD YOU EARLIER, THERE'S UNDESIRABLE ACTIVITIES HAPPENING INTO THE NEIGHBORHOOD. [BUZZER SOUNDING] IN THE NEIGHBORHOOD. THE PEOPLE WHO SUPPORT THIS REQUEST, I THINK MAYOR YOU PROBABLY HAD 33 OR SOMEWHERE CLOSE TO THAT, THAT SUPPORTED THE REQUEST BEFORE YOU, I WOULD POINT OUT TO YOU THAT I BELIEVE THE MAJORITY OF THOSE, IF NOT ALL, OF THOSE

PEOPLE ARE PAID MEMBERS OF THE ASSOCIATION. THAT WERE HERE TO SPEAK IN FAVOR. SOME HAVE LEFT. IN GETTING BACK TO THE PLANNING COMMISSION'S ACTION AND THEIR DISCUSSION, THE MOTION WAS MADE BY COMMISSIONER REDDY, MOORE, ALL OF THE COMMISSIONERS REALLY DISCUSSED IT. BUT THE GENERAL CONSENSUS OF THAT MEETING WAS THAT THIS PARTICULAR CASE, THEY HAVE ALL WORKED ON NEIGHBORHOOD PLANS, CERTAINLY FAMILIAR WITH WHAT NEIGHBORHOOD PLANS ARE FOR AND DESIGNED TO DO. BUT IT WAS BROUGHT OUT THAT IN THIS PARTICULAR INSTANCE IT DIDN'T SEEM THAT THE NEIGHBORHOOD PLAN WAS WORKING. IT WASN'T WORKING FROM THE FACT THAT THIS VACANT PIECE OF PROPERTY IN THIS INNER CITY, IF YOU WILL, WAS NOT OR HAD NOT BEEN ATTEMPTED TO BE DEVELOPED. WITH A MULTI-FAMILY ZONING THAT EXISTED ON THE PROPERTY AND IN THAT CASE THEY THOUGHT THAT PERHAPS THE NEIGHBORHOOD PLAN FOR THIS LOT WAS NOT EFFECTIVE AND WAS NOT WORKING FOR THE NEIGHBORHOOD. WE HAD AT THAT MEETING SEVERAL --

Mayor Wynn: YOUR TIME EXPIRED, PLEASE CONCLUDE.

AT THAT TIME WE HAD SEVERAL PEOPLE THERE AS WELL THAT WERE IN SUPPORT FROM THE MEMBERS OF THE NEIGHBORHOOD ASSOCIATION. I'LL BE AVAILABLE FOR QUESTIONS IF YOU HAVE THEM.

Mayor Wynn: THANK YOU, MR. BENNETT. SO IF THE FOUR OTHER FOLKS WHO ARE HERE TO SPEAK IN FAVOR. ARE THEY -- THEY DON'T KNOW THAT WE HAVE TO WALK ITS BLOCKS TO GET THAT STORE. I WON'T WALK TO THAT STORE BECAUSE LIKE THEY SAID THE PROBLEMS IN THE NEIGHBORHOOD. THEY ARE ACROSS THE STREET FROM THE STORE THAT'S IN THE NEIGHBORHOOD. THE CHILDREN ARE SAYING THEY ARE TRYING TO PROTECT FROM THE HOUSING PROJECTS WILL CROSS THE STREET TO THE NEW CONVENIENCE STORE. FIRST WALKING FOUR BLOCKS AROUND TO THE EXISTING ONE. WHERE THE DRUGS, CONDOMS AND THEIR VISITORS IN RED HERE AS YOU CAN SEE THAT THEY PAID TO COME HERE BECAUSE I WAS OFFERED MONEY TO CHANGE MY VOTE. IT'S TOTALLY RIDICULOUS. WE NEED TO -- FIRST SPEAKER IS GOING TO BE

THE LAWYER FOR THE CONVENIENCE STORE. THAT EXISTS. HE HAS NO CONCERN OVER WHAT OUR NEIGHBORHOOD WANTS OR NEEDS. HE'S NOT PART OF MY NEIGHBORHOOD. WE STOPPED GOING TO THAT STORE SEVEN TO 10 YEARS AGO. I HAVE BEEN THERE 20 YEARS. I WOULD JUST LIKE A BETTER CHOICE OF WHERE TO TAKE MY CHILDREN. THAT'S ALL THAT I NEED TO SAY.

THANK YOU, MA'AM.

PLEASE STATE YOUR NAME, YOU'LL HAVE THREE MINUTES.

ANY NAME IS SHERYL SELBY, FIRST OF ALL I WANT TO COMPLIMENT YOU ON YOUR TIE, WILL. YOU HAVE TO LOOK GOOD, HUH?

THANK YOU. [LAUGHTER]

FIRST OF ALL, I WANT TO SAY THAT I AM A MEMBER OF MY NEIGHBORHOOD ASSOCIATION. I WAS THERE FOR EVERY MEETING, THERE WERE SEVERAL COUNTS, IT WAS A SPLIT. THERE IS A LOT OF ADAMANCY ON BOTH SIDES. I HAVE LIVED IN THIS NEIGHBORHOOD AS A WELFARE RECIPIENTS RIGHT AT THE CORNER OF NORTHGATE AND RUTTENBERG. FOR SIX YEARS I SAW THE NEIGHBORHOOD DECLINE. I STILL CHOSE TO BUY A HOUSE NOT FAR AWAY FROM EXACTLY WHERE THIS STORE IS GOING IN. THE REASON I CAN SAY THAT I'M SO FAR AND SO ADAMANTLY LOOKING FORWARD TO THIS STORE GOING IN, IS BECAUSE NUMBER ONE THE LIGHTING, IT'S GOING TO BRING A -- GOING TO BRING A PRESENCE INTO THE DARKNESS. I KNOW MR. SAMSCHE PERSONALLY, FOR CAREERS, BECAUSE I GO ALL THE WAY ACROSS FROM ALBERTSON'S TO GO TO HIS STORE AND NOT GO TO THE STORE THAT -- THAT IS WITHIN 300 FEET OF -- OF THE SITE THAT HE WANTS TO -- TO PUT IN. HIS STORE AT. FICTIONHE HAS BEEN A COMMUNITY-MINDED MEMBER OF THAT AREA. FOR THE YEARS THAT I HAVE KNOWN HIM. I WOULD SAY THAT IT'S ABOUT SIX OR SEVEN YEARS. HOW DO I KNOW HE'S A COMMUNITY MEMBER? MINDED MEMBER? BECAUSE I GO IN THERE. I CAN FEEL SAFE, I FEEL COMFORTABLE, THERE ARE NOT PEOPLE HANGING AROUND OUTSIDE. HIM AND HIS BROTHER AND THE OTHER MEN THAT WORK THERE, THEY GO OUT, THEY WALK AROUND, THEY PICK UP THE

TRASH, THEY LOOK AROUND, WHO'S IS STANDING THERE TOO LONG? THEY ARE VERY AWARE. THERE ARE POLICE PRESENCE. I WAS JUST OVER THERE YESTERDAY, I STOPPED BY AND A MOTORCYCLE COP COME UP AND PARKED AND, YOU KNOW, WE SAID OUR HELLOS. THAT'S GOING TO BRING THAT PRESENCE INTO THE COMMUNITY FOR THEM JUST STOPPING BY. I AM NOT A MINISTER, BUT I WORK AT FRIENDSHIP COMMUNITY CHURCH, WHICH IS RIGHT ACROSS FROM LANIER HIGH SCHOOL. I DRIVE THOSE STREETS ON A DAILY BASIS. I KNOW THE ISSUES THAT ARE GOING ON. I ALSO DO DRUG AND ALCOHOL COUNSELING. I'M A FAITH BASED COUNSELOR. I WORK AND MENTOR WITH PEOPLE IN THE NORTHGATE HOUSING AUTHORITY APARTMENT COMPLEX THERE. THE PRESENCE OF THIS STORE IS GOING TO BRING THEM MORE SECURITY, NOT BECAUSE OF THE NEGATIVE TRAFFIC BUT BECAUSE [BUZZER SOUNDING] THERE IS TRAFFIC. AM I OKAY?

Mayor Wynn: PLEASE CONCLUDE.

OKAY. I WANT TO LET YOU KNOW THAT THROUGH THE RELATIONSHIP I'VE BUILT WITH THIS GENTLEMAN, I HAVE SEEN HIM HELP PEOPLE GET OFF THE STREETS, GET INTO ALCOHOL TREATMENT PROGRAMS, AND WE HAVE WORKED VERY CLOSELY IN THAT AREA WHEN I HAVE HELPED THEM GET BACK OUT, HE'S HIRED THEM UNTIL THEY CAN BUILD UP ENOUGH INCOME TO GET THEIR OWN APARTMENT. SO I JUST WANT YOU TO KNOW WHETHER HE GETS APPROVED OR NOT, HE'S REALLY A COMMUNITY MINDED MEMBER, I WISH THAT WE HAD MORE. THANK YOU. [APPLAUSE]

Mayor Wynn: WELCOME, THREE MINUTES, PLEASE STATE YOUR NAME FOR THE RECORD.

MY NAME IS HARRY CORTEZ. I'M A CAPITAL METRO BUS DRIVER. AND WE HAVE NO TIME TO STOP AND TAKE A QUICK REST AREA TO USE THE SERVICE ROOMS OR GET A QUICK COKE OR ANYTHING LIKE THAT. YOU KNOW, WE NEED TO JUST CONTINUE JUST GOING. WE ARE ON A TIME CLOCK, AS WE SPEAK. AND MOTHER NATURE HAS HIS WAYS OF SAYING YOU NEED TO GO. AND THAT'S ONE STORE THAT EVERY CAPITAL MET DRIVER AVOIDS GOING THROUGH THERE BECAUSE THE PLACE LOOKS TRASHY, THE -- THE CUSTOMER

SERVICE IS NOT -- NOT THERE. WE HAVE TO BYPASS THAT AREA AND STOP-OVER AT [INDISCERNIBLE] AND [INDISCERNIBLE] IF YOU STOP AND JUST VISIT THAT AREA, WHAT ARE WE TALKING ABOUT? WE'RE TALKING ABOUT A LOT THAT HASN'T BEEN TOUCHED FOR OVER 20, 30 YEARS? ALONG COMES SOMEBODY THAT WANTS TO PUT A CONVENIENCE STORE THERE AND DEVELOP IT. THE ONLY WAY YOU ARE GOING TO HAVE COMPETITION AND FOR LOWER PRICES IS TO HAVE SOMEBODY DEVELOP SOMETHING THERE. BUT A SECOND CONVENIENCE STORE JUST AROUND HALF A BLOCK, A BLOCK AWAY, HE'S -- HE WILL GET HIS ACT TOGETHER AND CLEAN HIS PLACE UP. AND LOWER HIS PRICES. AND WITH THE PRESENCE OF LIGHTING AND THE POLICE, IT WILL MAKE A BIG DIFFERENCE. I DON'T KNOW IF YOU'VE -- IF YOU FOLKS HAVE BEEN DOWN THERE AND KNOW THE NEIGHBORHOOD. BUT I'VE BEEN IN THAT NEIGHBORHOOD FOR 25 YEARS. BELIEVE ME, I CAN WALK THERE, BUT I WOULD RATHER WALK THE OTHER WAY. I AM -- A MEMBER OF THE NORTH AUSTIN ASSOCIATION. AND I WOULD LIKE A CHOICE MYSELF. THANK YOU, MR. CORTEZ. OUR LAST SPEAKER IN FAVOR.

GOOD EVENING, MAYOR, COUNCILMEMBERS, PLEASE EXCUSE ME FOR HAVING TO READ FROM MY NOTES, I TEND TO SPEAK FASTER THAN I CAN THINK, IT'S EASIER TO WRITE IT DOWN. BUT I HAVE KNOWN THEIR SHAMISE, I HAVE BEEN A REGULAR CUSTOMER AT HIS STORE FOR THE LAST SEVERAL YEARS. HE HAS THE CLEANEST, MOST FRIENDLY BUSINESS THAT I HAVE EVER BEEN HERE IN AUSTIN. WELL KNOWN AND RESPECTED WITHIN THE COMMUNITY. HE'S HELPED ANYONE WHO HAS EVER CAME TO HIM AND ASKED -- AND THAT HAS ASKED HIM, BEYOND THAT ANYONE THAT HE KNEW NEEDED HELP. HE IS SOMEONE THAT WILL CONTINUE TO BE AN ASSET TO WHATEVER COMMUNITY HE IS DOING BUSINESS IN. ONE THING THAT KEPT BEING BROUGHT UP OVER IN THE PLANNING COMMISSION MEETINGS WERE THE MAJOR ISSUES WITH THE DRUG PROBLEMS, PROSTITUTION PROBLEMS IN THE STORES ACROSS THE STREET AND THEY FELT THAT BY BRINGING IN ANOTHER CONVENIENCE STORE THAT WAS GOING TO ONLY ADD TO THE PROBLEM. HIS STORE ON THE OTHER SIDE OF THE ROAD, NEVER ONCE SEEN DRUGS OR PROSTITUTION. AS THE PREVIOUS

SPEAKERS SPOKE ABOUT, THERE HAVE BEEN A.P.D.'S THERE ALL OF THE TIME, NOT BECAUSE THEY ARE RESPONDING TO CALLS, THAT'S BECAUSE WHERE THEY GO ON THEIR BREAKS, THEY ENJOY BEING IN THE STORE. IT'S JUST A NICE PLAY TO BE INTO. IT'S A FRIENDLY ATMOSPHERE. THE OTHER ISSUE THAT'S KEPT BEING BROUGHT UP WAS THE TRASH THAT WAS GOING TO ACCUMULATE, ALCOHOL SALES, WERE TWO REASONS THEY DIDN'T WANT HIM TO BRING A STORE IN THE AREA. THE STORE IN THE AREA RIGHT NOW SELLS ALCOHOL, THEY ARE RARELY INVOLVED IN THIS CASE, THE COMMUNITY SEEMS TO SUPPORT AND BACK THEN. I WOULD THINK IF ALCOHOL SALES IS THE BIG ISSUE AGAINST THE STORES, THEN THEY WOULD HAVE AN ISSUE WITH THE STORE THAT HAS IT SELLING IT CURRENTLY. THE OTHER ISSUE BROUGHT UP FROM WHAT I HAVE HEARD IN THE PLANNING COMMISSION WAS THE TRASH. THE LITTER THAT IT WOULD GENERATE. AND THE CONVENIENCE STORE WOULDN'T GENERATE AS MUCH TRASH AS A MULTI-FAMILY RESIDENTIAL COMPLEX. I'M CURRENTLY OPERATIONS MANAGER FOR [INDISCERNIBLE] LAWN CARE, WE HAVE AGREED THAT WE WILL SERVICE PROPERTY EVERY MORNING BEFORE 7:30, TAKING CARE OF THE PARKING LOTS, TAKING CARE OF THE TRASH IF THAT'S WHAT IT COMES DOWN TO IS TRASH AND ALCOHOL SALES. OTHER THAN, I JUST -- THAT'S ABOUT ALL THAT I HAVE.

Mayor Wynn: THANK YOU. [APPLAUSE] THOSE ARE FIVE FOLKS WHO TESTIFIED IN FAVOR OF, IF YOU DON'T MIND I WILL QUICKLY READ THE FOLKS WHO DON'T WANT TO SPEAK OR AREN'T GOING TO SPEAK, BUT HAVE SIGNED UP IN FAVOR OF THE ZONING CASE. I WILL DO THE SAME FOR FOLKS IN OPPOSITION. THOSE SIGNED UP FOR THIS CASE INCLUDE JANE HAMPTON, EDWARD GARCIA, GILBERT [INDISCERNIBLE], CLYDE WILLIAMS, CARLOS MOSQUEDA, CHRISTOPHER [INDISCERNIBLE], SONNY JOSEPH, EMANUEL [INDISCERNIBLE], RODRIGO SOTO, JUAN LOBECK, JOSE SILLVAS, JOYCE, MARINA SALAZAR, JUAN MOREL. ALSO NANCY LAYMAN, SAMUEL ANKINS, SANDY JOLLY, ALBERTO RAMIREZ, SAYED SHAMI [INDISCERNIBLE], TERRY WILLIAMS, DONISA LEWIS, PRESTON WHITE, JEREMY OLDHAM, JIM BENNETT WE HEARD FROM, RODNEY BENNETT, AND VIRGINIA ALLMAN. THOSE ARE FOLKS SIGNED UP IN FAVOR

OF BUT NOT SPEAKING. NOW WE WILL HEAR FROM THOSE FOLKS IN OPPOSITION. WELCOME.

GOOD EVENING, MAYOR AND COUNCILMEMBERS. I'M LINDA MOORE WITH NORTH AUSTIN CIVIC ASSOCIATION. AND OUR SPEAKERS AFTER MYSELF WILL INCLUDE RON MILLS, KARL DUBOIS, SUSIE MILAM AND EITHER SUSIE OR DAN IN A HAIRSTON, THEY CAN DUKE IT OUT BETWEEN THEM, IF WE HAVE AN OPPORTUNITY TO REBUTTAL, JIM WITH WHITLIFF WILL DO THAT. I HAVE HERE 242 LETTERS FROM RESIDENTS LIVING NEAR THE PROPERTY WHO SAY THEY OPPOSE THE ZONING CHANGE. AND LAST WEEK THE AUSTIN HOUSING AUTHORITY POLLED ITS RESIDENTS, THEY OVERWHELMING OPPOSED ANOTHER CONVENIENCE STORE. WHEN WE WORKED ON OUR NEIGHBORHOOD PLAN ADOPTED IN JUNE OF 2000, IT WAS TWO YEARS OF HARD LABOR. AND MANY MEETINGS. AND OUR NEIGHBORHOOD PLAN SPEAKS TO CIRCUMSTANCES UNDER WHICH WE WILL OPPOSE ZONING CHANGES. IF A BUSINESS SELLS LIQUOR, IF IT ALLOWS, IF IT OPERATES BETWEEN 6:00 P.M. AND 6:00 A.M., AND IF IT SUBSTANTIALLY INCREASES TRAFFIC. THIS ZONING CHANGE WOULD DO ALL OF THOSE THINGS. THE STAFF HAS RECOMMENDED AGAINST IT. AND THE NEIGHBORHOOD PLANNING TEAM VOTED AGAINST IT. I WOULD LIKE YOU TO LOOK AT THE MAP I HAVE OVER HERE, IF WE CAN PUT THAT ON CAMERA. THE MAP SHOWS OUR BOUNDARIES WHICH -- WHICH THE SOUTHERN BOUNDARY IS 183, THE EASTERN BOUNDARY IS BURNET ROAD. I MEAN, LAMAR, SORRY. THE NORTHERN BOUNDARY IS KRAMER, WHEN WE WERE DOING OUR PLAN, THE WESTERN BOUNDARY WAS METRIC. WE NOW EXTEND OVER TO BURNET ROAD. BUT -- BUT THE PINK DOTS ON THIS MAP REPRESENT 22 CONVENIENCE STORES THAT ARE ALREADY IN OUR NEIGHBORHOOD OR VERY CLOSE TO IT. THE ORANGE DOTS ARE LIQUOR STORES, THE GREEN DOTS ARE GROCERY STORES. SO ALL IN ALL, WE HAVE 36 PLACES THAT YOU CAN BUY LIQUOR IN THE NACA BOUNDARIES OR NEARBY. AND I THINK THAT MAP SAYS IT ALL, WE DO NOT NEED ONE MORE. PEOPLE WHO DO NOT LIKE THE CONVENIENCE STORE THAT IS RIGHT AROUND THE CORNER FROM THIS SITE, CAN WALK ABOUT THREE BLOCKS TO A NICE, NEW LA HACIENDA GROCERY THAT INCLUDES A FULL MEAT MARKET. THOSE TWO ARE WITHIN WALKING

DISTANCE. I FEEL THAT THE COMMENTS ABOUT THE OWNER BEING A NICE GUY, REALLY ARE NOT PERTINENT HERE TONIGHT BECAUSE THIS IS A ZONING CASE. THE QUESTION IS DO WE NEED ANOTHER CONVENIENCE STORE? BECAUSE THE NEIGHBORHOOD PLAN CLEARLY OUTLINES WHY WE WOULD OPPOSE THIS ZONING CHANGE AND THE FACT THAT WE ARE ALREADY OVERSERVED BY CONVENIENCE STORES, I WOULD ASK YOU TO VOTE NO ON THE AMENDMENT AND NO ON THE ZONING CHANGE. IN MY OPINION THE BEST THING THAT COULD HAPPEN RELATIVE TO THE CRIME IN THIS AREA WOULD BE FOR THE CITY TO BUY MR. SHAMISE'S PROPERTY AND PUT A POLICE SUBSTATION ON IT. [APPLAUSE] THEY SEEM TO LIKE THAT IDEA. RON MILLS WILL BE OUR NEXT SPEAKER.

Mayor Wynn: THANK YOU, LINDA. WELCOME, RON, YOU'LL HAVE THREE MINUTES.

THANK YOU. GOOD EVENING. MY NAME IS RON MILLS, I DO OWN THE APARTMENT COMPLEX NEXT DOOR TO THE CONVENIENCE STORE THAT'S THE EXISTING ONE. I'M NOT AN ABSENT OWNER. I OPERATE MY APARTMENT COMPLEX DAILY. I'M THERE ALL THE TIME. I SEE WHAT GOES ON. CONVENIENCE STORES, THE ONE THEY WANT TO PROPOSE IS ABOUT 300 FEET AWAY FROM THE EXISTING STORE. JUST RIGHT AROUND THE CORNER. FOR THE LAST 10 YEARS I PICKED UP TRASH. THEY DO GENERATE A LOT OF TRASH MUCH CONVENIENCE STORES SELL A LOT OF SINGLE ITEMS, SODAS, BEER, CHIPS. AND WHEN THE PEOPLE WALK OFF THE PROPERTY, THEY THROW IT ON THE GROUND. I'M CONSTANTLY PICKING UP LITTER, I HATE TO SEE THE STREET RIGHT AROUND THE CORNER TURN OUT LIKE OURS. I DO PICK UP A LOT OF TRASH. AND IF THEY DO BUILD ANOTHER CONVENIENCE STORE THERE, YOU ARE GOING TO HAVE TWICE THE DELIVERY TRUCKS, AND AS FAR AS DRUGS, AND -- AND PROSTITUTES, I DEAL WITH THAT ON A DAILY BASIS BECAUSE I LIVE RIGHT THERE, I DON'T LIVE THERE, I DON'T LIVE ON THE PROPERTY, I LIVE IN CEDAR PARK, BUT THE CONVENIENCE STORES THEY DO ATTRACT THAT KIND OF ELEMENT. AND IF THEY BUILD A STORE RIGHT AROUND THE CORNER, THEY ARE GOING TO HAVE DRUG DEALERS AND THEY ARE GOING TO HAVE PROSTITUTES OVER THERE. NOW THEY MAY NOT SEE IT BECAUSE IT'S AFTER HOURS,

AFTER THE STORE IS CLOSED UP. BUT I HAVE TO DEAL WITH IT THERE AND I HATE TO SEE IT -- ANOTHER ONE 300 FEET AWAY. THAT'S ALL THAT I HAVE, THANK YOU.

THANK YOU, RON. [APPLAUSE], CARROLL, YOU'RE NEXT. WELCOME, THREE MINUTES.

THANK YOU. GOOD EVENING, MAYOR AND COUNCILMEMBERS. MY NAME IS CAROL DO YOU DUBOIS, MY HUSBAND AND I HAVE LIVED ON BRIDGE POINT DRIVE IN CENTRAL AUSTIN FOR THE LAST 22 YEARS. WE ARE LOCATED A SHORT DISTANCE FROM THIS PROPERTY THE SUBJECT OF THIS ZONING REQUEST. I HAVE BEEN AN ACTIVE MEMBER OF NACA FOR AT LEAST 12 TO 15 YEARS. I CAN'T REMEMBER WHEN I FIRST JOINED, BUT I KNOW THAT I HAVE BEEN WALKING NEWSLETTERS FOR THE LAST 12 YEARS. I'M CONCERNED ABOUT THE ZONING REQUEST BECAUSE I KNOW THAT NACA DILIGENTLY SPENT TWO YEARS DEVELOPING THEIR NEIGHBORHOOD PLAN AND THEY GOT IT APPROVED BY THE CITY IN 2000. A LOT OF HARD WORK WENT INTO THE DEVELOPMENT OF THAT PLAN, A LOT OF NEIGHBORS, RESIDENTS, BUSINESSES, CHURCHES, GAVE INPUT TO THE DEVELOPMENT OF THAT PLAN. NACA WORKS HARD TO IMPROVE ITS NEIGHBORHOOD AND THE PLAN IS A KEY INGREDIENT TO THE IMPROVEMENTS THAT WE WANT TO MAKE TO THAT NEIGHBORHOOD. OVER THE YEARS, THIS ORIGINALLY RURAL AND LATER SUBURBAN PART OF NORTH AUSTIN HAS BECOME A VERY, VERY URBAN PART OF AUSTIN. IT WAS SUBDIVIDED BY THE POLICE DEPARTMENT TWO YEARS AGO FROM THE NORTHWEST AUSTIN SECTOR BECAUSE OF OUR HIGH CRIME RATE IN THE CENTRAL AUSTIN COMMUNITY. THEY WANTED TO INCREASE THEIR POLICE AND EMERGENCY RESPONSE TIMES. NORTH CENTRAL AUSTIN HAS SOME OF THE HIGHEST CRIME RATES IN ALL OF AUSTIN, THE POLICE DEPARTMENT AND SPECIFICALLY WE WANT TO COMMEND THE NORTH CENTRAL COMMAND HAS MADE GREAT STRIDES IN COMBATING TIME IN OUR AREA, WE COMMEND THEIR CONTINUING EFFORTS. NACA WORKS CLOSELY WITH THE NORTH CENTRAL COMMAND TO SOLVE MANY OF THESE PROBLEMS. WITH REGARD TO THE ZONING REQUEST, NACA FEELS THAT ANOTHER CONVENIENCE STORE THAT SELLS BEER AND WINE IS NOT PART EVER OUR NEIGHBORHOOD PLAN. WE

ALSO FEEL THE INCREASED TRAFFIC WOULD BE DETRIMENTAL TO THE NEIGHBORHOOD. THE PROPERTY IN QUESTION IS A LITTLE MORE THAN AN ACRE AS WE HAVE HEARD. BORDERS ON A BRANCH OF LITTLE WALNUT CREEK. JUST FROM AN AMATEUR EYE, IT LOOKS LIKE MOST OF THE PROPERTY IS NOT USABLE FOR WHEN IT FLOODS. SO I DON'T KNOW HOW THEY CAN FIT THE SIZED BUILDING THEY ARE TALKING ABOUT PUTTING ON THAT PROPERTY. THE BEST USE FOR THIS LAND IN MY OPINION IS IF IT'S NOT TO BE USED FOR MULTI OR SINGLE FAMILY USE WOULD -- TO -- WOULD BE TO PUT A POLICE SUBSTATION ON THAT LOCATION. A COMMAND TASK FORCE COULD WORK OUT OF THAT JURY AND HELP CUT THE HIGH CRIME RATE. BEFORE I TURN OVER TO ANOTHER SPEAKER, I WOULD JUST LIKE TO ASK THE PEOPLE THAT ARE AGAINST THIS ZONING CHANGE TO -- TO STAND UP, COME FORWARD, PUT YOUR HANDS UP, JUST TO SHOW SUPPORT FOR -- IT.

THANK YOU FOR YOUR TIME AND CONSIDERATION. [BUZZER SOUNDING]

Mayor Wynn: THANK YOU, CARROLL. [APPLAUSE] I THINK SUSIE IS NEXT, IS THAT RIGHT?

WELCOME.

THIS IS AWESOME YOU GUYS GET TO SEE THE NORTH AUSTIN CIVIC ASSOCIATION NEIGHBORHOOD IN ALL ITS DIVERSITY AND AWESOME COLOR -- I'M HAVING A FEELING A LOT OF YOU HAVEN'T EVER BEEN OUT TO OUR NEIGHBORHOOD. I'M SUSIE MILAM, I HAVE LIVERED IN THE NACA NEIGHBORHOOD FOR FIVE YEARS. I'M SPEAKING TO YOU TONIGHT IN MY ROLE AS THE GARBAGE GODDESS. THERE'S NO -- THERE'S A GROUP OF INDIVIDUALS IN THE NACA NEIGHBORHOOD WHO REPRESENT ONLY A SMALL PERCENTAGE OF THE POPULATION BUT THESE PEOPLE ARE VASTLY IMPORTANT IN IMPROVING THE GENERAL APPEARANCE OF THE AREA. HERE'S A PARTIAL LIST OF SOME OF THE PROJECTS THIS GROUP HAS DONE AND CONTINUES TO WORK ON ALL UNDER THE UMBRELLA OF NACA. WE DEVELOPED A CITY OWNED VACANT LOT INTO A SMALL POCKET PARK, WE NAMED HERON HOLLOW, IT HAS GRAVEL TRAILS, BENCHES, TRASH CANS, NEW TREES AND A

WILD FLOWER MEADOW, WE DO ALL OF THE MAINTENANCE ON THAT PARK. MAYBE WE SHOULD CONSIDER DOING ANOTHER ONE ON THIS VACANT LOT. EACH MONTH NACA AWARDS FIVE YARD OF THE MONTH SIGNS TO ENCOURAGE RESIDENTS TO KEEP THEIR PROPERTIES ATTRACTIVE, WE DID SOME PAINTING, TILING AND PLANTING OUTSIDE LITTLE WALNUT CREEK BRANCH LIBRARY TO IMPROVE THE CURB APPEAL OF THE LIBRARY, WE PAY TO HAVE THE MEDIAN STRIP OF RUNDBERG LANE MOWED BECAUSE THE CITY DOESN'T DO IT AS OFTEN AS IT'S NEEDED. WE HAVE PAID FOR A NEW PLAYScape, MORE PICNIC TABLES AND TRASH CANS AT QUAIL CREEK PARK, WE WORK WITH B.F.I. TO GET 10 BUCKEY TRASH PICKUPS A YEAR ON STREETS OF OUR CHOOSING BECAUSE TWO A YEAR FROM THE CITY AREN'T ADEQUATE IN A TRANSIENT NEIGHBORHOOD LIKE OURS. AT LEAST THREE PEOPLE ARE TRAINED VOLUNTEER A.P.D. SIGN RANGERS AND PICK UP ABOUT 100 BANDIT SIGNS PER MONTH JUST IN OUR NEIGHBORHOOD. AND INDIVIDUALS ARE COMMITTED TO PICKING UP TRASH ON PARTICULAR BLOCKS AND USUALLY DO THIS WEEKLY. WE HAVE A CREW OF BEAUTIFICATION VOLUNTEERS WHO HAVE BEEN DOING MONTHLY TRASH PICK UPS ON FIVE PROBLEM STREETS TWICE A YEAR. YET WITH ALL OF THIS EFFORT WE FREQUENTLY FEEL THAT WE ARE SWIMMING UPSTREAM, THAT WE ARE BARELY TOUCHING THE SURFACE OF WHAT NEEDS TO BE DONE TO KEEP THE NEIGHBORHOOD ATTRACTIVE. SO IN ADDITION TO THE THREE MAIN REASONS TO REJECT THIS ZONING CHANGE REQUEST, NAMELY ONE WE DO NOT NEED ANOTHER CONVENIENCE STORE, TWO, THE MAN REQUESTING THE CHANGE KNEW WHEN HE BOUGHT THE PROPERTY THAT IT WAS NOT ZONED FOR WHAT HE WANTED TO DO; AND MOST IMPORTANTLY, THE NEIGHBORHOOD PLAN IS VERY CLEAR ABOUT WHAT THE RESIDENTS WANT FOR THIS AREA. I WOULD ADD A FOURTH REASON, WE DO NOT NEED ANOTHER PLACE THAT GENERATES TRASH. AND BELIEVE ME, CONVENIENCE STORES DO GENERATE TRASH. THANK YOU VERY MUCH. [APPLAUSE]

Mayor Wynn: THANK YOU, SUSIE, I THINK WE ARE GOING TO HAVE ONE MORE.

GOOD AFTERNOON, MR. MAYOR, COUNCIL PEOPLE. MY NAME

IS NOLA HARISTON, I'M IN MY 15th YEAR AS PRESIDENT OF THE GEORGIAN ACRES NEIGHBORHOOD ASSOCIATION. I'M HERE TO SUPPORT NACA, I AM HERE SPEAKING ON BEHALF OF NACA BECAUSE I DO NOT WANT THIS NEIGHBORHOOD TO SUFFER THE FATE OF A NEIGHBORHOOD PLAN NOT BEING HONORED WHEN IT TOOK SO MUCH TIME OUT OF MANY OF THEIR LIVES WORKING FOR ALMOST TWO YEARS FOR THE PLAN TO COME TO FULFILLMENT. FOR ME IT'S BEEN ABSOLUTELY FASCINATING FOR WATCH AND HERE FROM THE NACA CITIZENS OF WHOM MANY ARE MY FRIENDS REACH THE PLANNING PRIORITIES THEY SET FOR THEMSELVES IN THE JUNE 2000 NEIGHBORHOOD PLAN. THEY HAVE REALLY APPLIED THAT QUOTE ACTIONS SPEAK LOUDER THAN WORDS. I OFFER UP ANOTHER QUOTE FROM HENLEY DAVID THOREUA, I KNOW OF NO MORE ENCOURAGING FIGHT THAN THE UNQUESTIONABLE ABILITY OF MAN TO ELEVATE HIS LIFE BY CONSCIOUS ENDEAVOR. MY NACA NEIGHBORS HAVE HAD MANY ENDEAVORS SUCH AS THE RECENT FIRST, \$500 NACA COMMUNITY SERVICE SCHOLARSHIP TO LANIER HIGH SCHOOL SENIORS. THEY HAVE PAID FOR IMPROVEMENTS FOR THE BETTERMENT OF THE LITTLE WALNUT CREEK BRANCH LIBRARY. THEY WATCH OVER AND CLEAN UP THE PARK AT QUAIL CREEK, THEY HAVE CREEK CLEANUPS, CLEAN UP VARIOUS STREETS AT VARIOUS TIMES, THIS IS AN ONGOING CHORE. VIGILANT NEIGHBORS TALK THE TIME TO REMOVE ADVERTISING SIGNS FROM TELEPHONE POLES AND PULL UP SIGNS STAKED IN THE GROUND. THEY HAVE A QUAIL CREEK FESTIVAL EACH YEAR AT LANIER HIGH SCHOOL TO RAISE MONEY. ALSO THEY HOLD FUNDRAISING GARAGE SALES. THEY HAVE WORKED WITH CAPITAL METRO FOR COVERED BUS STOPS FOR THE NEIGHBORS WHO CANNOT AFFORD CARS. THEY HAVE ACCOMPLISHED MANY ENDEAVORS DONE IN EARNEST. I SALUTE THEM. THANK YOU. [APPLAUSE]

THANK YOU, MS. HARISTON. ACTUALLY, COUNCIL, WHY DON'T WE HEAR FROM JIM WITLIFF, THEN THAT WAY MR. BENNETT CAN THEN HAVE A -- HAVE HIS REBUTTAL, IT WILL BE A BALANCED NUMBER OF MINUTES.

THANK YOU, MAYOR AND COUNCIL. I DON'T HAVE MUCH OF A VOICE, SO I WON'T HAVE MUCH TO SAY. I DON'T THINK I CAN ADD ANYTHING TO IT. I'VE BEEN INVOLVED IN A LOT OF THE

NEIGHBORHOOD PLANS THAT HAVE GONE THROUGH THE PROCESS. AS MOST OF YOU KNOW, USUALLY I'M UP HERE ENDORSING GETTING SOMETHING DONE AND I WILL TELL YOU THAT WHEN -- AS FAR AS THE NEIGHBORHOOD PLAN AMENDMENTS GO, I HAVE THE DISTINCT PLEASURE, IN BIG QUOTATION MARKS, OF DOING THE FIRST NEIGHBORHOOD PLAN AMENDMENT, IT WAS ALMOST LIKE GIVING BIRTH BECAUSE THERE WAS NO PROCESS AT THE TIME. IT HAPPENED TO BE IN NACA, I'M HAPPY TO SAY I GOT IT THROUGH BECAUSE NACA GOT STRONGLY BEHIND THE AMENDMENT, IT WAS THE FIRST TIME IT HAD EVER BEEN DONE. THE REASON THEY GOT HYPED IT WAS IT WAS CLEARLY IN THE BEST INTEREST OF THE NEIGHBORHOOD. THIS CASE IN THE OTHER HAND IS NOT IN THE BEST INTERESTS OF THE NEIGHBORHOOD. YOU HAVE HEARD FROM RESIDENTS, YOU HAVE HEARD FROM NEIGHBORHOOD ACTIVISTS WHO HAVE PUT THIS NEIGHBORHOOD PLAN IN PLACE AND DIRECTED IT WITH THEIR OWN SHEER WILL AND EFFORT. I HAVE KNOWN LINDA MOORE FOR SEVERAL YEARS AND IF YOU EVER WANT TO FIND LINDA ON A SATURDAY MORNING, JUST FIND THE DIRTIEST STREET IN NACA, SHE'S OUT THERE PICKING UP TRASH. I ASK YOU TO PLEASE SUPPORT THEIR WISHES, THE PLANNING TEAM VOTED AGAINST IT, THE -- THERE'S AN OVERWHELMING LACK OF NEED FOR ANOTHER CONVENIENCE STORE IN THIS SITE AND I DON'T HAVE ANYTHING ELSE TO SAY. THANK YOU FOR YOUR TIME. [APPLAUSE]

Mayor Wynn: MR. BENNETT, BEFORE YOU COME BACK UP, LET ME READ INTO THE RECORD ALL OF THE FOLKS SIGNED UP IN OPPOSITION TO THE CASE. BEAR WITH ME. EVELYN [INDISCERNIBLE], JERMACUS LOVE, ROSE ESCAMILLA, VICTOR SUTTON, VALERIE DICKEY, LESTER GREEN, ANTHONY RESIDIER, AYMOND CISNEROS, JOE GARCIA, BENNETT, NORA MARTINEZ, TURE A MAXWELL, CHRIS PEW, ROBERT AGUERO, [INDISCERNIBLE], SULMAN CALLID, AMY [INDISCERNIBLE], ANGLE RODRIGUEZ, JORGE GUERRERA, EDEN TORREZ, JOE GARCIA, GEORGE AMERICA MERCADO, MARTINEZ, HECTOR RUIZ, HECTOR REESE, ROSE ALVIDAR, VICENTE ALVITER, RAMONO, ROBERT -- I'M SORRY I'M MISPRONOUNCING SO MANY OF THEM, JULIA MARTINEZ, [INDISCERNIBLE], MARTIN NAVA, ISRAEL GONZALEZ, SELDON

GARCIA, JOSE VERIN. MR. OLIVERES, MORA RANGE JOHN BALL, ARMENTIA CRISPIN, LOUISE RACOB, ZERENA PATEL, HEY IHUGO MARTINEZ ... AGUILAR SANCHEZ, JOSE ALVAREZ, ANTONIO CASTRO, JOSE LOPEZ, EDGAR ZUNIGA, PABLO AGUILARA, [INDISCERNIBLE], JESUS MENDEZ, CARLOS [INDISCERNIBLE], TIM SANCHEZ, JUAN LOPEZ, MORE SAY GUZMAN, LUIS GARCIA, JUAN LOPEZ, JACINTO ESPINOSA, JOSE LOPEZ, FRANKLIN [INDISCERNIBLE], JOSE REYES, RONALD SAED, CASTILLO, SANCHEZ, TORRES, MORE FLORINTON, PABLO, AM EMILOI, HYMIE GONZALEZ, ESCALANTE, VARGAS, MARVIN IBERRA, VELASQUEZ, NECESSARILY SANTOSE, [INDISCERNIBLE], ELIDIO -- SORRY, ARTURO TORRES, PEGGY WINN, NO RELATION, JOE MENDEZ, RUBEN ROCHA, RAQUEL RODRIGUEZ, ANDREA RODRIGUEZ, A FEW MORE. JAMES BURGESS, JOHN RECOMMENDING TON, LISA CLUTE, ROBERT BAKER, ANGELA BAKER, SUSIE MILAM, CAROL DUBOIS, SHERRI PILE, SAL MARTINEZ, AL MEAN NO [INDISCERNIBLE], ANNE TYKE, BRYAN ALLMAN, DUBOIS, SHERETA JIMERSON, SALLY SMITH, TOBIAS BENNETT, CATHY DUHAN, HEARD FROM THE REVEREND, LAURA COAT COTERAS, TORRE RODRIGUEZ AND ROBERT JORDON ALL SIGNED UP IN OPPOSITION TO THIS CASE. [APPLAUSE]

MAYOR WYNN.

I'M VIRGINIA ALLMAN, WOULD YOU ADD MY MAME TO THAT LIST, IT GOT SOMEHOW ON THE OTHER LIST, I AM FOR THE NEIGHBORHOOD PLAN.

Mayor Wynn: FOR THE PLAN, AGAINST THE ZONING CASE.

Mayor Wynn: YES, THANK YOU, MA'AM. MR. BENNETT, WELCOME BACK. YOU HAVE A -- ONE THREE MINUTE REBUTTAL.

MAYOR, WITH THE COUNCIL'S PERMISSION, I WOULD LIKE TO REQUEST THAT NANCY LEHMANN [INDISCERNIBLE] MAKE THE REBUTTAL. OFFICIALLY SHE IS THE VICE-PRESIDENT OF NACA, BUT SHE WILL BE MAKING THE REBUTTAL UNOFFICIALLY AS A MEMBER OF THE ASSOCIATION.

FAIR ENOUGH.

THANK YOU, SIR.

I ASK TO -- TO SPEAK IF I COULD. I HAVE LIVED IN THE AREA AND WORKED AT LANIER HIGH SCHOOL SINCE 1970. WE HAVE LOTS OF CONVENIENCE STORES IN OUR AREA. THEY ARE TRASH SHE, THERE'S PEOPLE LOITERING, YOU GO INSIDE, IT'S KAY CROSS, PEOPLE JUST STICK THEIR HANDS OUT AND WANT YOUR MONEY, NOT THANK YOU, MUCH LESS HOW IS YOUR DAY. I DO NOT GO INTO THOSE STORES, I HAVE TAUGHT NINTH GRADERS FOR 27 YEARS, I'M A GIRL'S WRESTLING COACH, I AIN'T GOING INTO THOSE STORES. THE REASON WHY I'M HERE IS THE LOT THAT IS VACANT NOW, IT'S IN QUESTION, IS USED TO DRUGS. YOU GO TO OVER THERE ANY TIME YOU WANT, PICK UP HYPODERMIC NEEDLES AND CONDOMS. MR. SHAMISE HAS BEEN A PRODUCTIVE MEMBER OF THE COMMUNITY SINCE LONG BEFORE THAT PROPERTY BECAME AN ISSUE. UNLIKE OTHER BUSINESS PEOPLE IN THAT AREA THAT SUDDENLY BECAME VERY CIVIC MINDED WITHIN THE LAST COUPLE OF MONTHS. HIS REPUTATION FOR MR. SHAMISE FAR EXCEEDS ANYTHING THAT I HAVE SEEN FROM MANY OF THE CITIZENS IN OUR NEIGHBORHOOD. HE HAS GIVEN TO DIFFERENT ORGANIZATIONS WITHOUT BEING ASKED. HE SENT 400 T-SHIRTS TO THE KATRINA REFUGEES, NO ONE ASKED HIM TO DO THAT. IF HE SEES THE NEED HE STEPS UP TO BAT AND TAKES CARE OF IT. I LOOK AT IT LIKE, THERE THE PEOPLE IN THE AREA, THE HARD WORKING PEOPLE IN THE AREA DESERVE A PLACE THAT'S SAFE TO SHOP. I SEE IT IF SOMEBODY MOVED INTO MY NEIGHBORHOOD IN THE RENT HOUSE ON THE BLOCK. MY FIRST CONCERN WOULD BE OH, MY GOD CARS ON THE LAWN, TRASH IN THE STREET, BROKEN WINDOW SHADES, IT'S GOING TO BE AWFUL WITH THIS RENT HOUSE. INSTEAD I SEE A PERSON THAT MOWS THE LAWN, PAINTS THE HOUSE, GO OUT AND MEETS THE NEIGHBOR AND DOES GOOD THINGS IN THE NEIGHBORHOOD. I THINK MR. SHAMISE WILL DO THIS. HIS BUSINESS IS GREAT. I THINK IT WOULD BE A DEFINITE BENEFIT TO THIS AREA AND HOPEFULLY INSPIRE THE MERCHANTS AROUND THAT AREA TO GET THEIR ACT TOGETHER. THANK YOU. [APPLAUSE]

Mayor Wynn: COUNCIL, THAT CONCLUDES THE PUBLIC HEARING PORTION OF THE ZONING CASES. QUESTIONS OF

STAFF OR APPLICANT, NEIGHBORS? COMMENTS? MAYOR PRO TEM?

MR. MR. SHAMISE HERE?

GOOD EVENING, COUNCILMEMBERS, HO YOU ARE YOU DOING -- HOW ARE YOU DOING?

GOOD EVENING, THERE'S A MESSAGE TONIGHT THAT THE CONVENIENCE STORE IS NOT WANTED. HAVE YOU HAD A DESIRE TO PUT ANY OTHER KIND OF BUSINESS THERE BESIDES A CONVENIENCE STORE?

I HAVE A CONVENIENCE STORE ALREADY, I THINK THAT I -- BEFORE THIS LOT, HAS BEEN VACANT FOR YEARS, I HAVE BEEN DOING MY SURVEYS, LOOKING AT IT, I'VE -- I'VE TALKED TO PEOPLE THERE BEFORE BUYING THE LOT AND I FOUND OUT THAT IT IS VERY BENEFICIAL FOR THE COMMUNITY, FOR ME AND HAVING A -- HAVING A STORE NEXT TO THE OTHER STORE IS MORE COMPETITION. WHICH WOULD BENEFIT EVERYBODY. MONOPOLY IS NEVER GOOD. AND I AM -- I AM [INDISCERNIBLE] I ALREADY HAVE MY PLANS FOR THE CONVENIENCE STORE, SIR.

Thomas: OKAY, THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? COUNCILMEMBER LEFFINGWELL?

MAYOR, THIS -- THIS CASE IS NOT ABOUT WHAT A GOOD CITIZEN AND WHAT A GOOD BUSINESSMAN THE APPLICANT IS. AND IT'S NOT ABOUT DRUGS, IT'S NOT ABOUT PROSTITUTION, IT'S NOT REALLY ABOUT TRASH. IT'S ABOUT LAND USE. AND IT'S ALSO ABOUT THE INTEGRITY OF THE NEIGHBORHOOD PLANNING PROGRAM THAT WE HAVE IN PLACE. THE EXISTING NEIGHBORHOOD PLAN. I DON'T SUBSCRIBE TO THE NOTION THAT NEIGHBORHOOD PLANS SHOULD NEVER BE CHANGED, BUT I DO BELIEVE THAT THE -- THERE SHOULD BE A VERY COMPELLING REASON TO CHANGE ONE. SO I WOULD MAKE A MOTION TO DENY THE REQUEST FOR ZONING CHANGE.

Thomas: SECOND. [APPLAUSE]

Mayor Wynn: GETTING ADVICE FROM THE CITY ATTORNEY. I THINK THE RECOMMENDATION IS A COMBINED MOTION ON Z-14 WHICH IS THE POTENTIAL AMENDMENT OF THE NEIGHBORHOOD PLAN AND THEN Z-15 BEING THE ACTUAL ZONING CASE. SO MY QUESTION IS WAS YOUR MOTION FROM -- TO DENY BOTH Z-14 AND Z-15? >

MONTH MOTION SO AMENDED FOR ITEMS Z-14 AND Z-15.

Mayor Wynn: MAYOR PRO TEM?

Thomas: AGREED.

Mayor Wynn: A MOTION AND A SECOND ON THE TABLE TO DENY CASE Z-14, THE AMENDMENT AND Z-15. THE ZONING CASE, A SECOND BY THE MAYOR PRO TEM. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER ALVAREZ?

Alvarez: DO WE HAVE A COLOR VERSION OF THAT FUTURE LAND USE MAP OR DO WE HAVE A FUTURE LAND USE MAP? OTHER THAN WHAT'S IN THE BACKUP. IS THAT MAP THAT'S ON THERE THAT SHOWS WHERE THE OTHER CONVENIENCE STORES ARE, IS THAT ALSO -- DOES THAT HAVE THE LAND USE DESIGNATIONS ON IT AS WELL?

IF YOU LOOK AT THE MAP THAT'S ON THE MONITOR, TO THE RIGHT OF WHERE IT SAYS COLONY CREEK IS WHERE THE OTHER CONVENIENCE STORE IS LOCATED, A SMALLER BOX.

Alvarez: TO THE RIGHT? ON COLONY CREEK? OKAY. THAT SECTION RIGHT THERE, IT'S A LIGHTER SECTION THAT'S DOTTED. THAT IS WHAT KIND OF ZONING?

Guernsey: PARDON?

Alvarez: YOU HAVE THE -- YOU HAVE THE MULTI-FAMILY SECTIONS THAT ARE STRIPED.

THAT'S CORRECT.

Alvarez: THEN THE OTHER LIGHTER SECTION THAT'S DOTTED.

WHAT DOES --

Guernsey: THAT'S THE COMMERCIAL SECTION THAT'S BELOW THE STRIPED AREA WHERE YOU SEE THE DOTTED AREA THAT'S THE COMMERCIAL AREA.

Gurensey:: THOSE ARE THE AREAS WHERE YOU COULD HAVE THOSE TYPES OF SERVICES?

Guernsey: THAT'S RIGHT. THEY EXTEND ALL THE WAY FURTHER SOUTH TO 183.

Alvarez: OKAY, THANK YOU.

Guernsey: MAYOR, IF I MAY, DID THE MOTION ALSO INCLUDE CLOSING THE PUBLIC HEARING?

Mayor Wynn: YES, IT DID. THANK YOU.

Alvarez: MAYOR, I JUST LOOKING AT THE MAP, ALSO, I THINK THAT, YOU KNOW, THAT-- THAT AS PART OF THE NEIGHBORHOOD PLANNING PROCESS, THE AREAS THAT COULD SUPPORT THIS KIND OF USE WHERE DESIGNATED -- WERE DESIGNATED SO I BELIEVE THAT WE SHOULD TRY TO RESPECT THAT AND -- AND I THINK THERE'S AMPLE OPPORTUNITIES IN THIS AREA FOR DEVELOPMENT, BUT THE PLANNING PROCESS, IDENTIFIED THE AREAS WHERE THOSE USES WOULD BE MOST APPROPRIATE. SO -- SO I -- I WILL BE SUPPORTING THE MOTION ON THE TABLE.

Mayor Wynn: COUNCILMEMBER KIM? [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: WE HAVE A MOTION TO CLOSE THE PUBLIC HEARING AND DENY CASE Z-14 AND Z-15. ANY FURTHER QUESTIONS, COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

MAYOR, THAT CONCLUDES THE ZONING ITEMS FOR THIS EVENING.

Mayor Wynn: THANK YOU, MR. GURNSEY. COUNCIL, WE HAVE ONE PUBLIC HEARING TO TAKE UP. I'LL LET THE CROWDS CLEAR OUT. OKAY, COUNCIL, SO OUR LAST ITEM IS ITEM NUMBER 38, WHICH IS TO CONDUCT A PUBLIC HEARING TO CONSIDER A FLOODPLAIN VARIANCE. THIS IS OUR WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT. WELCOME.

MY NAME IS RAY WINTER. LET ME START OVER. GOOD EVENING, MAYOR AND COUNCILMEMBERS. MY NAME IS RAY WINTER. I'M WITH THE FLOODPLAIN OFFICE OF THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT. AND TONIGHT WE'RE HERE TO DISCUSS A VARIANCE FROM A FLOODPLAIN REGULATION FOR A SINGLE-FAMILY HOUSE AT 2503 TIEDINGS COVE. IT'S IN THE LAKE AUSTIN 100 YEAR FLOODPLAIN. THE OWNERS ARE MR. AND MRS. JAMES DAMMAN. THEY APPLIED FOR A BUILDING PERMIT FOR A ONE-STORY ADDITION, AN ADDITION TO THE GARAGE AND A COVERED PATIO. HOWEVER, THE HOUSE ENCROACHES INTO THE 100 YEAR FLOODPLAIN ON LAKE AUSTIN. YOU CAN SEE BY THE MAP THE EXISTING HOUSE IS PRETTY MUCH IN THE MIDDLE OR THE CENTER PORTION OF THAT LOT, WHICH IS CIRCLED IN RED OR OUTLINED IN RED. THE 100-YEAR FLOODPLAIN COVERS APPROXIMATELY TWO-THIRDS TO FLEE-FOURTHS OF THE LOT ALL THE WAY FROM LAKE AUSTIN TOWARDS TYDINGS COVE ROADWAY. AND THE HOUSE IS -- IN THE EVENT OF A 100 YEAR FLOOD, THE HOUSE WOULD BE SURROUNDED BY WATER, ANYWHERE FROM THREE INCHES TO ALMOST TWO FEET DEEP. THE HOUSE DOES ENCROACH INTO THE 100-YEAR FLOODPLAIN AND THIS ENCROACHMENT TRIGGERS THE LAND DEVELOPMENT CODE, 25-7-92, THAT PROHIBITS BUILDINGS IN THE 100-YEAR FLOODPLAIN. AND TO GO INTO MORE DETAIL, THE EXISTING FLOOR LEVEL OF THE HOUSE DOES NOT CONFORM OR COMPLY WITH THE LAND DEVELOPMENT'S REQUIREMENT FOR FLOOR ELEVATION ABOVE THE 100 YEAR FLOODPLAIN. AND THE LAND DEVELOPMENT CODE STATES THAT SUCH A BUILDING MAY NOT BE ENLARGED. THE OWNERS DO NOT HAVE TO RAISE THE FLOOR LEVEL OF THE EXISTING HOUSE, BUT IF THEY WANT TO COMPLY WITH THE

LAND DEVELOPMENT CODE, ANY ROOM ADDITION WOULD HAVE TO BE PROPERLY ELEVATED TO ONE FOOT ABOVE THE 100 YEAR FLOODPLAIN. HERE'S THE HOUSE. WE'RE STANDING TO THE LAKE SIDE OF THE HOUSE, SO WE'RE LOOKING AT THE REAR OF THE HOUSE NOW. WHERE THEY WANT TO PLACE THE ADDITION IS SOMEWHERE TO THE LEFT OF THE MAIN HOUSE AND BEHIND WHAT YOU SEE AS THE GAZEBO. HERE'S ANOTHER VIEW OF THE SITE FOR THE ROOM ADDITION. THIS IS A LITTLE BIT TO THE SOUTH OF THE MAIN HOUSE. AGAIN, THE ROOM ADDITION SITE FROM THE OTHER END OF THE ROOM -- PROPOSED ROOM ADDITION. THE OWNERS WANT TO INCREASE THE NONCOMPLIANCE OR THE NONCONFORMITY OF THE HOUSE, AND THEREFORE HAVE BEEN DENIED A BUILDING PERMIT. TONIGHT THEY ARE SEEKING A VARIANCE IN ORDER TO PROCEED WITH THEIR PROPOSED CONSTRUCTION. HOWEVER, THE PROJECT DOES NOT MEET THE VARIANCE CRITERIA LISTED HERE AND IN THE LAND DEVELOPMENT CODE. CONSIDERING THE FLOODPLAIN REGULATIONS, THE APPLICANT PROPOSES ADDITIONS TO AN EXISTING RESIDENCE WHICH DOES NOT CONFORM TO THE CITY OF AUSTIN'S FLOODPLAIN REGULATIONS. THE STRUCTURE'S NONCONFORMANCE IS WORSENERED BY THE PROPOSED ADDITIONS TO THE HOUSE. ACCESS TO THE HOUSE BY EMERGENCY RESPONDERS SUCH AS AUSTIN FIRE DEPARTMENT OR E.M.S. WOULD BE RESTRICTED BY THE FLOOD WATERS OF LAKE AUSTIN SINCE THE HOUSE WOULD BE TOTALLY SURROUNDED BY THE FLOODPLAIN. AT THE 100 YEAR FLOOD, AGAIN THE HOUSE WOULD BE SURROUNDED BY WATER, ANYWHERE FROM THREE INCHES DEEP TO ALMOST TWO FEET DEEP. THE PROPERTY OWNERS CURRENTLY HAVE USE OF THEIR PROPERTY FOR ITS INTENDED PURPOSES AS A RESIDENCE, AND GOOD AND SUFFICIENT CAUSES TO GRANT THE VARIANCES AND ANY EXCEPTIONAL HARDSHIP ASSOCIATED WITH THE LAND HAVE NOT BEEN DEMONSTRATED. IN CORN COLLUSION, THE WATERSHED DEVELOPMENT AND REVIEW DEPARTMENT RECOMMENDS THAT YOU DENY THIS VARIANCE REQUEST BECAUSE THE PROPOSED IMPROVEMENTS WERE PROPOSED AT A LEVEL OR FLOOR ELEVATION LOWER THAN THAT REQUIRED BY THE LAND DEVELOPMENT CODE. THE EXISTING HOUSE AND PROPOSED ADDITION WILL BE SURROUNDED BY FLOOD WATERS

DURING THE 100 YEAR FLOOD AND THE OWNERS AND APPLICANTS DO NOT MEET THE PREREQUISITES FOR GRANTING OF A VARIANCE AS ESTABLISHED BY FEMA'S NATIONAL FLOOD INSURANCE PROGRAM AND OUR OWN LAND DEVELOPMENT CODE. THAT CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU, MR. WINTER. OBVIOUSLY THE FOOTPRINT OF THE HOUSE IS IN THE 100 YEAR FLOODPLAIN NOW. WHAT ABOUT THE -- WHAT I'D CALL THE FINISHED FLOOR LEVEL OF THE FIRST FLOOR?

THE FINISHED -- THE EXISTING FLOOR LEVEL IS ABOVE THE 100 YEAR FLOODPLAIN, BUT IT'S NOT ONE FOOT ABOVE THE 100 YEAR FLOODPLAIN. IT'S ABOUT TWO-TENTHS OF A FOOT - - THE FLOOR LEVEL IS ABOUT TWO, TWO AND A HALF INCHES SHORT OF BEING IN ACCORDANCE WITH OUR LAND DEVELOPMENT CODE. SO IT'S UNDERNEATH OUR MINIMUM FLOOR LEVEL REQUIREMENT.

Mayor Wynn: BUT EVEN IF THE EXISTING FINISHED FLOOR WAS THE NOW REQUIRED FOOT ABOVE THE 100 YEAR FLOODPLAIN, WOULD THAT HAVE A -- MAKE A DIFFERENCE IN EITHER STAFF RECOMMENDATION OR THE TECHNICAL COMPLIANCE WITH OUR CURRENT CODE?

IT WOULD CHANGE IT A LITTLE BIT EXCEPT THAT A VARIANCE WOULD STILL BE REQUIRED BECAUSE OF THE ACCESS ISSUE BECAUSE THE HOUSE WOULD BE TOTALLY SURROUNDED IN THE EVENT OF A 100 YEAR FLOODPLAIN. EVEN THOUGH THE FLOOR WOULD BE HIGH ENOUGH, YOU STILL HAVE THOSE FLOOD WATERS TO GET TO IN ORDER TO GET TO THE FRONT DOOR OF THE HOUSE.

Mayor Wynn: IT SEEMS LIKE WE'VE HAD A FEW EXAMPLES IN THE HOUSE WHERE THAT WAS THE CASE, BUT PERHAPS BECAUSE OF THE WAY THE PROPERTY SLOPED OR THE DRIVEWAY WAS BUILT UP OR SOMETHING THAT TECHNICALLY THE ACCESS TO AND FROM THE HOUSE FROM THE STREET LEVEL WAS ALSO ONE FOOT OR MORE ABOVE THE FLOODPLAIN EVEN THOUGH THE FOOTPRINT OF THE HOUSE WAS COMPLETELY IN THE FLOODPLAIN.

THAT'S ONE OF OUR CRITERIA ALSO, ACCESS SHOULD BE AT ONE FOOT ABOVE THE FLOODPLAIN.

Mayor Wynn: BUT IN THIS CASE THAT'S NOT THE CASE EITHER, SO IT'S REALLY NOT PRACTICAL TO TRY TO REQUIRE THAT EITHER, I GUESS, CORRECT?

WE LOOK AT THAT AS A CRITERIA, THAT IS, THE ACCESS FROM THE ROADWAY OR IF YOU IMAGINE THE AUSTIN FIRE DEPARTMENT OR E.M.S. TRYING TO GET TO THE HOUSE. OUR CRITERIA DOES SPECIFY ONE -- THE ACCESS SHOULD BE ONE FOOT ABOVE THE 100 YEAR FLOODPLAIN.

Mayor Wynn: ANY OTHER QUESTIONS OF STAFF, COUNCIL? COMMENTS? THERE'S NO SPEAKERS SIGNED UP BUT I PRESUME PERHAPS THE OWNERS ARE HERE?

GOOD EVENING, MAYOR AND COUNCILMEMBERS. I'M PHIL MANCOTTA, THE AGENT FOR THE DAMMAN'S. AND I'M A LITTLE DISAPPOINTED IN THE WATERSHED STAFF'S RECOMMENDATION TO YOU BECAUSE I HAVE BEEN WORKING WITH THE STAFF ON TRYING TO FIND A RESOLUTION ON THE SUBJECT TRACT WE'RE REFERENCING. THIS IS AN EXISTING HOUSE. IT HAS A -- HARDLY HAS ANY SLOPE ON IT. AND WHEN THE OWNER BOUGHT THIS HOUSE, IT WAS WITH THE INTENTION OF BUILDING A RETIREMENT HOME THERE. ALL HE'S WISHING TO DO IS AN ADDITION. AND I HAVE SOME INFORMATION THAT WAS PROVIDED TO ME. I APOLOGIZE, I DIDN'T REALIZE -- I ASKED THE QUESTION AS TO WHETHER WE WERE GOING TO BE ABLE TO SPEAK WHEN I NOTICED ON THE AGENDA I WASN'T LISTED AS THE AGENT, SO I WAS TOLD THAT MAYBE I WOULD OR MAYBE I WOULDN'T BE SPEAKING, BUT I DO HAVE A LETTER FROM THE BUILDER, GREG MAGNUM, TO KEVIN AUTRY REGARDING THIS INFORMATION, AND IT STATES THAT THE EXISTING -- THE FINISHED FLOOR OF THE ADDITION IS ABOUT .78, WHICH IS A LITTLE OVER THREE-QUARTERS OF A FOOT ABOVE THE FLOODPLAIN. SINCE THIS ADDITION HAS NOT BEEN ACTUALLY CONSTRUCTED, I'M SURE MY CLIENT WOULD BE MORE THAN WILLING TO GO TO MEET THAT MINIMUM ONE FOOT REQUIREMENT, BUT A BIGGER ISSUE HERE IS THE FACT THAT I HAVE LIVED HERE ALL MY LIFE AND LAKE AUSTIN IS A CONSTANT LEVEL LAKE, AND I UNDERSTAND

WE'RE VERY CONCERNED ABOUT FLOODING IN LIGHT OF THE HURRICANES AND EVERYTHING THAT'S OCCURRED DOWN IN THE HOUSTON AREA, EAST OF HOUSTON AND IN LOUISIANA, BUT IN THIS SITUATION, SINCE LAKE AUSTIN IS A CONSTANT LEVEL LAKE, IT WOULD TAKE BASICALLY THE REPRESENT CHURRING OF -- RUPTURING OF MANSFIELD DAM OR A SIGNIFICANT AMOUNT OF RAIN IN THE HIGHLAND LAKES AREA THAT WOULD GENERATE AND CAUSE THE LCRA TO OPEN UP ADDITIONAL GATES. SO I DON'T KNOW IF THAT'S REALLY A VALID DISCUSSION WHEN WE'RE TALKING ABOUT THIS PARTICULAR WATERWAY. AND I'M AVAILABLE FOR ANY QUESTIONS, AND MR. DAMMAN, MY CLIENT, WOULD ALSO LIKE TO HAVE AN OPPORTUNITY TO SPEAK.

Mayor Wynn: YES, WE'RE CONDUCTING A PUBLIC HEARING, SO ANY CITIZEN WHO WOULD LIKE TO SIGN UP TO SPEAK CAN, INCLUDING MR. DAMMAN, OF COURSE.

THANK YOU, MR. MAYOR, MEMBERS OF THE COUNCIL. I WAS A LITTLE DISAPPOINTED TOO AT THE STAFF RECOMMENDATION BECAUSE IT SEEMS TO ME THAT IT'S NOT SENSIBLE. THIS IS A SUBSTANTIAL HOAMENT, IT'S BEEN IN EXISTENCE NOW FOR SOME 25 YEARS. THE HOUSE WAS BUILT IN 1981. IT HAS NEVER EXPERIENCED PROBLEMS. FROM OUR PERSPECTIVE, THAT OF MYSELF AND MY WIFE, WE DECIDED SOME TIME AGO TO SEEK A HOUSE SOMEWHERE ON THE LAKE THAT WE COULD ENJOY FOR OURSELVES AND OUR FAMILY. WE HAVE SIX CHILDREN, 12, SOON TO BE 13 GRANDCHILDREN, WE WANTED SOMEPLACE WHERE THEY COULD COME AND ENJOY THE HOME WITH US. MOREOVER, WE WANTED A NICE HOME TO LIVE IN FOR THE REST OF OUR RETIREMENT DAYS. WE DID SUBSTANTIAL RESEARCH AND SEARCH, FOUND THIS PLACE ON A VERY NICE FLAT LOT ON THE LAKE, WHICH WAS IMPORTANT TO US,. SOMETHING THAT YOU SHOULD KNOW IS A FACTOR WITH RESPECT TO FLOOR LEVELS THAT HAVE JUST BEEN TALKED ABOUT IS THAT MY WIFE IS A RHEUMATOID ARTHRITIC. SHE HAS BEEN NOW FOR SOME 30 YEARS. WE EXPECT THAT AT SOME POINT SHE WILL BE CONFINED TO A WHEELCHAIR. SO FAR, THANK GOD, THAT HASN'T BEEN THE CASE, BUT WE EXPECT THAT TO HAPPEN. THE HOUSE THAT WE PURCHASED DOES NOT HAVE A FIRST FLOOR BEDROOM, AND IT OBVIOUSLY DOESN'T HAVE AN ELEVATOR EITHER, SO

THERE'S VERY LITTLE -- IT'S NOT PRACTICAL FOR US TO LIVE IN THAT HOUSE IN THE CONTEXT IN WHICH IT PRESENTLY EXISTS. IN MAKING OUR DECISION TO PURCHASE THE HOUSE, WE CONSULTED WITH A RESPECTED LOCAL ARCHITECT ABOUT THE QUESTION OF CONSTRUCTING A MASTER BEDROOM ADDITION ON THE FIRST FLOOR AS PART OF OUR PURCHASE CRITERIA. AFTER SOME REVIEW, HE ASSURED US THAT HE SAW NO PROBLEM, HE SAW NO REASON WHY THAT SHOULD NOT BE POSSIBLE, AND BASED ON THAT ASSURANCE AND ON OUR OBSERVATION OF MANY OTHER HOMES IN THE AREA THAT ARE BUILT IN CIRCUMSTANCES NOT VERY MUCH AT ALL UNLIKE THE HOME THAT WE PURCHASED, WE DECIDED TO GO AHEAD WITH THE PURCHASE. WITH RESPECT TO THE QUESTION OF WHETHER OR NOT THERE'S ACCESS IN AN EMERGENCY SITUATION, I WOULD SUBMIT THAT SOMEONE IS GOING TO BE LIVING IN THAT HOME. IT'S NOT GOING TO STAND VACANT. [BUZZER SOUNDS] AND IF THERE IS -- AM I OUT OF TIME?

Mayor Wynn: TAKE YOUR TIME.

IF THERE'S AN ACCESS PROBLEM, IT'S GOING TO EXIST FOR THOSE PEOPLE WHETHER OR NOT THE ADDITION IS IN PLACE. WHOEVER IS LIVING IN THE HOUSE IS GOING TO BE FACED WITH THAT. IT WAS OUR CONCLUSION AFTER -- WE'VE BEEN RESIDENTS OF THE AUSTIN AREA FOR SOME 20 YEARS. WE'VE NEVER SEEN A FLOOD ON LAKE AUSTIN OF THE KIND THAT'S BEING DESCRIBED HERE. OBVIOUSLY WE HAVEN'T BEEN HERE 100 YEARS. IT WOULD BE NICE IF WE COULD BE HERE THAT LONG, WE WOULD LIKE THAT, BUT THAT'S NOT GOING TO HAPPEN. OUR CONCLUSION WAS THAT SINCE LAKE AUSTIN IS ESSENTIALLY A CONSTANT LEVEL LAKE THAT THE THREAT OF A 100 YEAR FLOOD IN THAT AREA IS EXTREMELY REMOTE. IF WE WERE PURCHASING A HOUSE ON, SAY, SHOAL CREEK BOULEVARD OR SOMEWHERE ALONG SHOAL CREEK, WE WOULD BE MUCH MORE CONCERNED ABOUT THE 100 YEAR FLOODPLAIN ISSUE BECAUSE IT'S A REAL ISSUE THERE, IT CAN HAPPEN, HAS HAPPENED AND PROBABLY WILL HAPPEN AGAIN. WE SEE NO LIKELIHOOD THAT IT WILL HAPPEN AGAIN OR EVER IN THE LOCATION WHERE THIS HOME IS LOCATED, AND THEREFORE WE RESPECTFULLY REQUEST THAT YOU FOLKS SEE OUR POINT OF VIEW, GRANT US A VARIANCE TO

CONSTRUCT THE ADDITION AND IMPORTANTLY TOO TO CONSTRUCT THE ADDITION WITH A FIRST FLOOR LEVEL AT THE LEVEL OF THE CURRENT HOME SO THAT WE DON'T HAVE WHEELCHAIR PROBLEMS IN THE FUTURE. WHICH I REMIND YOU IS JUST A MATTER OF A FEW INCHES BELOW THE REQUESTED STANDARD. I'D BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

Mayor Wynn: THANK YOU, MR. DAMMAN. QUESTIONS OF MR. DAMMAN, COUNCIL? COMMENTS? I HAVE A QUESTION FOR STAFF. INDEPENDENT OF THE FLOODPLAIN ISSUE, HOW DO WE KNOW WHETHER THIS PROPOSED ADDITION MEETS ALL OF OUR OTHER DEVELOPMENT REQUIREMENTS? THAT IS, IT DOESN'T VIOLATE IMPERVIOUS COVER OR IT'S IN SETBACKS OR IT'S WITHIN F.A.R. OR WHATEVER OTHER REQUIREMENTS THERE MIGHT BE? IS THIS JUST A CASE WHERE YOU EITHER GET THE VARIANCE OR NOT, AND IF YOU GET THE VARIANCE THEN YOU FOLLOW THROUGH WITH THE REST OF THE DEVELOPMENT REVIEW PROCESS?

CORRECT. TO THE BEST OF MY KNOWLEDGE, EARLIER TODAY I REVIEWED THE BUILDING PERMIT APPLICATION. I DON'T THINK THERE ARE ANY OTHER ISSUES WRITTEN ON THE BUILDING PERMIT APPLICATION.

Mayor Wynn: OTHER THAN THE FACT THAT IT'S IN THE 100 YEAR FLOODPLAIN?

THERE COULD BE SOMETHING ELSE. I DON'T RECALL ANYTHING WRITTEN ON THAT BUILDING PERMIT APPLICATION AS FAR AS SET BACK PROBLEMS OR FLOOR TO AREA RATIO. OR NON-FLOODPLAIN ITEMS. THIS IS THE ONLY MAJOR ISSUE.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: AND I GUESS THEN THE ISSUE OF IF THEY WERE TO DO -- BUILD THE ADDITION, THE REQUIRED HEIGHT FROM THE GROUND LEVEL, THEN WOULD THE RECOMMENDATION BE DIFFERENT FROM STAFF? BECAUSE I KNOW THAT WE'VE HAD OTHER CASES THAT COME BEFORE US WHERE FOLKS ARE BUILDING IN THE 100 YEAR FLOODPLAIN AND BRAND NEW HOMES, AND THEY LIFT THEM UP A FOOT OFF THE

GROUND AND WE'RE ABLE TO ALLOW THAT. SO WOULD THAT BE THE SAME CASE WITH THE ADDITION AS WELL?

IF THE ADDITION WERE PLANNED TO BE ONE FOOT ABOVE, WE'D STILL HAVE A PROBLEM WITH THE ACCESS BECAUSE THE HOUSE WOULD STILL BE SURROUNDED BY WATER IN THE EVENT OF A 100 YEAR FLOOD. DOES THAT ANSWER YOUR QUESTION?

Alvarez: YES, BUT AGAIN I THINK WE JUST HAD A FEW WEEKS AGO A HOUSE APPROVED IN THE 100 YEAR FLOODPLAIN AND THEY AGREED TO LIFT IT UP OFF THE GROUND, AND SO THAT WAS SOMETHING WE APPROVED. AND I'M JUST TRYING TO FIGURE OUT WHY IF THE ADDITION IS LIFTED, YOU KNOW, THE REQUIRED AMOUNT, THEN WHY WOULD WE TREAT THAT DIFFERENTLY THAN WE HAVE SOME OF THESE OTHER CASES?

I THINK WE'RE TRYING TO TREAT THEM EQUALLY. THAT CASE MIGHT HAVE BEEN A LITTLE BIT DIFFERENT BECAUSE THAT APPLICANT WAS WILLING TO ELEVATE THE SLAB TO THE REQUIRED AMOUNT. DOES THAT ANSWER YOUR QUESTION, I THINK?

Alvarez: TO A CERTAIN DEGREE, YES. I THINK THAT'S FINE.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? SO I GUESS IT SEEMS TO ME THAT IN ADDITION TO WHETHER OR NOT THE HEIGHT OF THE FINISHED FLOOR MAY NOT BE ABOVE A FOOT ABOVE THE FLOODPLAIN, THERE'S ALSO A LARGER ISSUE IN A SENSE OF SORT OF A COMMUNAL ISSUE OF -- COMMUNAL ISSUE OF AS YOU DISPLACE A LOT OF FLOODPLAIN AREA, THEN IN THEORY IT STARTS TO AFFECT THE REST OF THE FLOODPLAIN, ALTHOUGH MY GUESS IS THIS IS SUCH A MINUSCULE PIECE OF WHAT IS A 45-MILE LONG TWO SIDED FLOODPLAIN, SO THERE'S -- Y'ALL PROBABLY DON'T EVEN BOTHER TO DO A CALCULATION LIKE THAT ON AN ISSUE LIKE THIS, WHEREAS YOU MIGHT WANT TO DO IT ON OTHER CASES.

IF WE WERE LOOKING AT A HOUSE ON SHOAL CREEK OR WALLER CREEK DOWNTOWN, WE WOULD PROBABLY DO THAT. BECAUSE OF THE WIDTH OF THE LAKE AUSTIN

FLOODPLAIN, WHICH IS PROBABLY -- THERE IT'S MAYBE A THOUSAND FEET OR SO. WE DETERMINED THAT THE SIZE OF THE ROOM ADDITION WOULD HAVE A MINIMAL EFFECT OR INSIGNIFICANT EFFECT ON THE VOLUME. THAT IS, DISPLACEMENT OF THE VOLUME OF THE FLOODPLAIN. SO TO ANSWER YOUR QUESTION, YES. IF THEY WERE ON WALLER CREEK, WE WOULD TAKE A REAL CLOSE LOOK AT IT AND SCRUTINIZE IT VERY CAREFULLY.

Mayor Wynn: AND AGAIN, JUST BASED ON COUNCILMEMBER ALVAREZ'S COMMENTS AS WELL, SO WOULD STAFF HAVE A DIFFERENT RECOMMENDATION OR JUST HAVE LESS --

WE WOULD STILL HAVE A RECOMMENDATION FOR DENIAL. I DIDN'T REALLY GET TO THAT. WE WOULD STILL RECOMMEND DENIAL BASED ON THE ACCESS ISSUE, EVEN IF THE FOUNDATION WERE TO BE ELEVATED TO THE PROPER LEVEL. DOES THAT ANSWER YOUR QUESTION?

Mayor Wynn: I HAVE A LOT OF EMPATHY WITH THOSE HOMES. COUNCILMEMBER MCCRACKEN.

McCracken: I KNOW THERE'S NOT A RIGHT OR WRONG ANSWER ON THIS, BUT I GUESS TO LOOK AT THE SITUATION WE'RE CONFRONTED WITH, READING THROUGH, IS IT ACCURATE THEN THAT THE ADDITION WOULD HAVE TO BE A FOOT HIGHER? IS THAT THE DIFFERENCE WE'RE TALKING ABOUT?

THE ADDITION SHOULD BE ONE FOOT ABOVE THE 100 YEAR FLOODPLAIN. AS IT IS, IT'S ABOUT TWO -- I THINK 22 HUNDREDTHS OF A FOOT SHORT, SO IT'S ABOUT TWO AND A HALF INCHES SHY OF BEING ONE FOOT ABOVE THE FLOODPLAIN.

COUNCILMEMBER MCCRACKEN, TO SPECIFICALLY ANSWER YOUR QUESTION, THE BUILDER STATED THAT THE EXISTING STRUCTURE WAS .78 FEET ABOVE THE 100 YEAR FLOODPLAIN. IF YOU BREAK THAT DOWN, THAT COMES OUT TO 1.2 INCHES. SO THE ADDITION -- AND I HAVE ALREADY STATED THIS FOR THE RECORD. MY CLIENT IS WILLING TO BUILD THE ADDITION ONE FOOT ABOVE THE EXISTING FLOODPLAIN, WHICH COMES UP TO LESS THAN ABOUT AN

INCH AND A QUARTER TO MEET THAT REQUIREMENT. SO I JUST WANT TO MAKE SURE EVERYONE'S CLEAR ON THAT. WE'RE NOT TALKING ABOUT A FOOT, WE'RE TALKING ABOUT 1.2 INCHES ON THE ADDITION FOR THE FINISHED FLOOR ELEVATION.

McCracken: SO THE ADDITION WILL BE ABOVE THE 100 YEAR FLOODPLAIN.

YES, SIR, IT WOULD. AND THE EXISTING STRUCTURE IS 1.2 INCHES BELOW WHAT THE BUILDING REQUIREMENT IS AT THIS DATE AND TIME, BUT AS MY CLIENT STATED TO Y'ALL, THIS HOUSE WAS BUILT IN 1981 AND IT'S NEVER FLOODED. I JUST WANT TO MAKE THAT KNOWN AS WELL AGAIN, REITERATE THAT.

McCracken: ONE OF THE THINGS I DID WHILE WE'RE UP HERE IS I LOOKED ON MAP QUEST. I THINK THE MAYOR HAS RAISED A VERY IMPORTANT ISSUE ABOUT WHETHER SOMETHING MIGHT CAUSE DOWNSTREAM ISSUES FOR OTHER PEOPLE, WHICH IS AN IMPORTANT ISSUE IN A LOT OF NEIGHBORHOODS. LOOKING AT THE MAP ON THIS PARTICULAR HOME, IT APPEARS TO BE ON THE SIDE OF A HILL WHERE WATER IS RUNNING DOWNHILL INTO LAKE AUSTIN, AND SO IT APPEARS WE WOULD NOT HAVE THAT SITUATION IN THIS CASE.

THAT IS CORRECT, COUNCILMEMBER.

WE DON'T SEE A PROBLEM WITH THAT.

McCracken: OKAY. WELL, I THINK THAT WE HAVE SEEN SOME HARDSHIP HERE BECAUSE OF THE ISSUE OF ARTHRITIS FOR MRS. DAMMAN.

THANK YOU. I APPRECIATE YOUR PATIENCE WITH ALL OF THIS. IT'S OBVIOUSLY OF CRITICAL IMPORTANCE TO MYSELF AND MY WIFE AND MY FAMILY. WITH RESPECT TO THE FLOOR ISSUE, I JUST WANT TO POINT OUT AGAIN THAT WHAT WE'RE TALKING ABOUT IS A MINUSCULE DIFFERENCE OF JUST A COUPLE OF INCHES, ALTHOUGH WHAT WOULD BE THE CURRENT REQUIREMENT. IF YOU REQUIRE US TO, WE WILL BUILD THE NEW ADDITION AT THE HIGHER LEVEL IF THAT'S

THE SENSE OF THE COUNCIL; HOWEVER, I WOULD SUGGEST THAT THAT COUPLE INCHES IS NOT A SIGNIFICANT DIFFERENCE IN TERMS OF -- IF YOU CREATE THIS KIND OF REQUIREMENT THAT SOMETHING BE BUILT 12 INCHES ABOVE A PARTICULAR LEVEL, THAT'S A RATHER ARBITRARY DECISION TO BEGIN WITH. WHAT I'M SUGGESTING IS THAT IF IT'S 12 INCHES OR 10 INCHES, I DON'T KNOW THAT THAT MAKES A HIEWNL DIFFERENCE. AND IF YOU WOULD ALLOW US TO, WE'D REALLY PREFER TO BUILD THE NEW ADDITION AT THE SAME FLOOR LEVEL AS THE EXISTING HOME. IT WOULD MAKE FOR A MUCH MORE COMFORTABLE SITUATION FOR US. IF YOU CAN'T SEE YOUR WAY TO DO THAT, WE WILL AGREE TO BUILD THE ADDITION HIGHER IF THAT'S WHAT THE COUNCIL REQUIRES, BUT I'M CERTAINLY HOPING THAT YOU'LL SEE THE SENSE OF NOT REQUIRING THAT.

McCracken: MR. DAMMAN, IS THE ADDITION FOR THE BEDROOM FOR YOU AND YOUR WIFE, IS THE ADDITION -- A BEDROOM, IS THAT WHAT IT IS?

IT IS A BEDROOM.

McCracken: IS IT LOCATED AT THE BACK OF THE HOUSE OR THE SIDE OF THE HOUSE?

IT'S AT THE SIDE AND THE BACK OF THE HOUSE.

McCracken: IS IT -- I'VE NEVER SEEN THE HOME BEFORE. IS IT THE LAKEVIEW ON THE SIDE THERE SO THE WATER WOULD BE GOING INTO THE LAKE?

YES. THE BACK OF THE ADDITION, THE BEDROOM ADDITION, WILL FACE THE LAKE, IF THAT'S THE QUESTION, SO THAT -- DOES THAT ANSWER YOUR QUESTION?

McCracken: IT DOES. MAYOR, I'M GOING TO MOVE TOO APPROVE THE VARIANCE. I THINK WE'VE SEEN A HARDSHIP HERE IN THE UNIQUE TOPOGRAPHY OF THE SITUATION IS SUCH THAT IT DOESN'T LOOK LIKE ANYBODY WOULD BE ADVERSELY IMPACTED DOWNSTREAM. I'M GOING TO MOVE TO GRANT THE VARIANCE.

Thomas: I'LL SECOND THAT.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCracken, SECONDED BY THE MAYOR PRO TEM TO GRANT THE VARIANCE REQUEST. FURTHER COMMENTS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'M NOT GOING TO BE ABLE TO SUPPORT THE MOTION. FIRST OF ALL, IT'S NOT A GOOD IDEA TO BUILD IN THE FLOODPLAIN UNDER ANY CIRCUMSTANCES. WE DO HAVE SOME EXCEPTIONS AND WE HAVE RULES TO SUPPORT THOSE EXCEPTIONS. THE CRITERIA HAVE NOT BEEN MET. THERE'S A SAFETY ISSUE HERE. TALKING ABOUT -- ALL 100 YEAR FLOODPLAINS ARE EQUAL, STATISTICALLY. THERE'S NO DIFFERENCE BETWEEN THE 100 YEAR FLOODPLAIN FOR LAKE AUSTIN AND THE 100 YEAR FLOODPLAIN FOR SHOAL CREEK. STATISTICALLY THEY WILL EACH FLOOD EACH 100 YEARS. SO THAT ARGUMENT IS NOT PERSUASIVE TO ME. SO FOR THOSE REASONS, SAFETY, INTEGRITY OF THE PROCESS, THE FACT THAT CONSTRUCTION IN THE FLOODPLAIN IS BASICALLY NEVER A GOOD IDEA AND THERE HAS TO BE A COMPELLING REASON TO OVERCOME THAT, I WILL NOT SUPPORT THE MOTION.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: THANKS, MAYOR. I'LL BE SUPPORTING THE MOTION. I WAS TRYING TO GET A BETTER UNDERSTANDING OF STAFF'S RATIONALE, BUT -- AND WE'RE TALKING ABOUT TWO INCHES HERE ON THE ADDITION -- ON THE STRUCTURE ITSELF NOT BEING A FOOT ABOVE THE FLOODPLAIN. THAT'S WHY MY LINE OF QUESTION IS THE ADDITION A FOOT ABOVE? AND THAT'S TYPICALLY THE STANDARD WE LOOK AT WHEN YOU'RE BUILDING A NEW STRUCTURE IN THE FLOODPLAIN. THE ACCESS ISSUE, I MEAN, AGAIN, THE ACCESS ISSUE IS THERE NOW. I MEAN, THE HOUSE IS THERE NOW. THERE WILL BE A FAMILY THERE NOW. IF THERE HAPPENS TO BE AN EXTRA BEDROOM, I DON'T KNOW THAT THERE'S GOING TO BE NECESSARILY MORE PEOPLE THERE THAN THERE WOULD OTHERWISE BE. SO I DON'T THINK THAT THAT'S NECESSARILY CREATED BY THIS PARTICULAR REQUEST. AND FOR THOSE REASONS I'LL BE SUPPORTING THE

VARIANCE REQUEST.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR OF THE MOTION GRANTING THE VARIANCE, PLEASE SAY AYE? OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ONE WITH COUNCILMEMBER LEFFINGWELL VOTING NO. MS. SPENCE, ARE THOSE ALL OF OUR ITEMS?

[INAUDIBLE - NO MIC].

Mayor Wynn: WE DID CLARIFY THAT, THANK YOU. COUNCIL, THERE BEING NO MORE ITEMS BEFORE THE CITY COUNCIL, WE STAND ADJOURNED. THANK YOU VERY MUCH. IT IS 8:33.

End of Council Session Closed Caption Log