

Closed Caption Log, Council Meeting, 10/19/06

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GOOD MORNING, I'M AUSTIN MAYOR WILL WYNN, IT'S MY PLEASURE TO INTRODUCE PASTOR ELOY GARCIA , FROM THE SOUTH SIDE CHURCH OF CHRIST WHO WILL LEAD US IN OUR END VOCATION. PLEASE -- INVOCATION, PLEASE RISE.

OH, LORD IN HEAVEN, GREAT AND AWESOME GOD WHO KEEPS HIS PROMISE OF LOVE FOR THOSE WHO LOVE YOU. LET YOUR EAR BE ATTENTIVE AND YOUR EYES OPEN TO OUR CITY. YOU HAVE CREATED SUCH A BEAUTIFUL SETTING FOR US TO BUILD A DYNAMIC AND THRIVING COMMUNITY IN THIS BEAUTIFUL HILL COUNTRY. WE VOLUNTARILY HUMBLE OURSELVES BEFORE YOUR MAJESTY. WE WANT TO PRACTICE JUSTICE AND LOVE MERCY. WE ASK FOR YOUR FORGIVENESS IN OUR SHORTCOMINGS. PLEASE PROVIDE OUR CITY BUILDERS WITH THE WISDOM TO SOLVE COMPLEX ISSUES THAT THEY FACE IN TODAY'S AGENDA. MAY THEY REPRESENT THE HEART OF AUSTIN WITHOUT NEGLECTING OUR DIVERSE POPULATION IN A MATTER THAT PLEASES YOU. FAVOR THEM AS THEY CONDUCT THEIR MEETING. MAY YOUR KINGDOM RULE OVER OUR CITY, MAY YOU CONTINUE TO BLESS US, WITH CITIZENS OF NOBLE CHARACTER, MAY AUSTIN BECOME A PIECE OF HEAVEN ON EARTH. THIS THE NAME OF YOUR SON, AMEN.

Mayor Wynn: THANK YOU, PASTOR GARCIA. THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, OCTOBER 19th, 2006. APPROXIMATELY 10:22 A.M.

WE ARE IN THE CITY HALL CHAMBERS -- CITY COUNCIL CHAMBERS, THE CITY HALL, 301 WEST SECOND STREET. WE HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. THEY ARE AS FOLLOWS: ON ITEM NO. 3, WE SHOULD CHANGE ATTACHMENT NO. 1 AND ADD BRACKENRIDGE HOSPITAL AS A HALF-DAY POLLING PLACE. ON ITEM NO. 10, WE NEED TO INSERT THE WORDS "AND CAPITAL" BECAUSE IN FACT THIS IS -- THESE FUNDS ARE AVAILABLE IN THE FISCAL YEAR 2006-2007 OPERATING AND CAPITAL BUDGETS. ON ITEM NO. 66, WE SHOULD INSERT THE ZONING AND PLATTING COMMISSION RECOMMENDATION, WHICH IS TO GRANT COMMUNITY COMMERCIAL MIXED USE FOR GR-MU COMBINING DISTRICT ZONING AND MULTI-FAMILY RESIDENTIAL HIGHEST DENSITY CONDITIONAL OVERLAY MF 6 CO, COMBINING DISTRICT ZONING ON TRACT 1 AND LIMITED OFFICE MIXED USE OR LO-MU COMBINING DISTRICT ZONING FOR TRACT 2. ALSO NOTE A VALID PETITION HAS BEEN FILED FOR THIS REZONING REQUEST. ITEM NO. 72, ALSO NOTE THAT A VALID PETITION IS ALSO FILED IN OPPOSITION OF THAT ZONING REQUEST AS WELL. OUR TIME CERTAINS TODAY, WE ARE GOING TO HAVE A MORNING BRIEFING, WHICH IS REGARDING THE DECOMMISSIONING OF THE GREEN WATER TREATMENT PLANT. HERE DOWNTOWN. AT NOON WE BREAK FOR THE GENERAL CITIZENS COMMUNICATION. AT 2:00, WE WILL HAVE DISCUSSION AND POSSIBLE ACTION ON BOND SALES AS WELL AS AN AFTERNOON BRIEFING REGARDING THE DOWNTOWN RETAIL STRATEGY. AT 4:00 WE BREAK FOR ZONINGS AND HEARINGS OF ORDINANCES AND RESTRICTIVE COVENANTS. AND AT 5:30, WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS. OUR MUSICIAN TODAY IS MICHAEL RAMOS. AT 6:00 NEIGHBORHOOD PLAN AMENDMENTS SCHEDULED AS PUBLIC HEARINGS. COUNCIL, SO FAR NO ITEMS HAVE BEEN PULLED OFF THE CONSENT AGENDA. IF THAT'S STILL THE CASE, THEN I WILL READ THROUGH THE AGENDA NUMERICALLY. SO OUR CONSENT AGENDA THIS MORNING, COUNCILMEMBER KIM?

Kim: ITEM 10 ON THE M.B.E./W.B.E. AVAILABILITY STUDY, HAS THAT BEEN PULLED?

Mayor Wynn: IT IS NOT PULLED CURRENTLY.

Kim: I WOULD LIKE TO PULL THAT, PLEASE.

Mayor Wynn: MS. GENTRY WE WILL SHOW ITEM NO. 10 BEING PULLED BY COUNCILMEMBER KIM. OTHER ITEMS TO BE PULLED OFF THE CONSENT AGENDA, COUNCIL? IF NOT, THEN I WILL READ OUR CONSENT AGENDA THIS MORNING NUMERICALLY. IT WILL BE TO APPROVE ITEMS 1, 2, 3, PER CHANGES AND CORRECTIONS, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, WHICH ARE OUR BOARD AND COMMISSION APPOINTMENTS THAT I WILL READ INTO THE RECORD NOW. TO OUR ASIAN AMERICAN RESOURCE CENTER ADVISORY BOARD, BILLY CHU IS A CONSENSUS REAPPOINTMENT. TO OUR COMMISSION FOR WOMEN, LAURA ANNE GURSON IS COUNCILMEMBER LEFFINGWELL'S APPOINTMENT. TO OUR DESIGN COMMISSION, HOLLY KINCANNON, COMMITMENT'S APPOINTMENT. ETHICS REVIEW COMMISSION, LISA SI, SORRY IF I'M MISPRONOUNCING THAT, COUNCILMEMBER KIM'S CONFIRMATION. TO OUR HUMAN RIGHTS COMMISSION, DUANE LOFTON IS COUNCILMEMBER COLE'S APPOINTMENT, TO OUR RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION, WILLIAM BURKEHART IS MY APPOINTMENT, KEITH JACKSON IS COUNCILMEMBER COLE'S APPOINTMENT, CHRIS CRAIGER IS COUNCILMEMBER KIM'S APPOINTMENT, CHUCK MAINS IS THE MAYOR PRO TEM'S APPOINTMENT, AND KAREN MCGRAW IS COUNCILMEMBER MCCracken'S APPOINTMENT. TO OUR URBAN FORESTRY BOARD ALVIN WASHINGTON IS COUNCILMEMBER KIM'S APPOINTMENT AND TO OUR WATER AND WASTEWATER COMMISSION DALE GRAY IS COUNCILMEMBER MARTINEZ'S APPOINTMENT. ITEM NO. 34 ON THE CONSENT AGENDA. COUNCILMEMBERS WITHOUT OBJECTION, WE ARE GOING TO DELAY ACTION REGARDING THE APPOINTMENT ON OUR ASIAN AMERICAN RESOURCE CENTER ADVISORY BOARD. SO OUR FIRST APPOINTMENT WILL NOT BE PART OF ITEM NO. 34, MS. GENTRY. THANK YOU. SO CONTINUING ON WITH OUR CONSENT AGENDA, IS TO APPROVE ALSO ITEMS 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, ALSO 49, 50, AND 51. AND OUR CONSENT AGENDA - - THAT IS OUR CONSENT AGENDA THIS MORNING. MOTION MADE BY THE MAYOR PRO TEM TO APPROVE THE CONSENT AGENDA AS READ. SECONDED BY COUNCILMEMBER MCCracken. FURTHER COMMENTS? COUNCILMEMBER

COLE?

Cole: MAYOR, I WOULD LIKE TO MAKE A COMMENT ABOUT ITEM NO. 35. I'M ESPECIALLY PROUD TO BE SPONSORING THIS ITEM, APPROVING A MASTER PLAN FOR THE BARTON SPRINGS POOL. WE KNOW THAT IS A JEWEL OF OUR ENTIRE COMMUNITY, BUT THERE WAS A TIME WHEN AFRICAN-AMERICANS COULD NOT ATTEND THIS POOL. AND I WOULD LIKE TO POINT OUT, MS. JONES -- MEANS WHO WORKED TO INTEGRATE THAT POOL. SHE IS HERE TODAY. AND ALSO PROUD TO BE A PART OF THIS MOMENT, WOULD YOU PLEASE STAND, JOAN. [APPLAUSE] I WILL ALSO POINT TOUT THAT SHE IS SITTING NEXT TO ROBIN CRAVEY, THE PRESIDENT OF FRIENDS OF BARTON SPRINGS. WOULD YOU PLEASE STAND, ROBIN. [APPLAUSE] AS MY KIDS ENJOY THIS POOL ABSOLUTELY EVERY DAY IN THE SUMMERTIME, AND JUST RESPECT ALL THAT HAS GONE ON IN THE COURSE OF AUSTIN HISTORY WITH IT, I JUST WANT TO SAY THANK YOU TO THE FRIENDS OF BARTON SPRINGS FOR ALLOWING ME TO SPONSOR THIS ITEM. IN FACT WHILE WE ARE ON THE TOPIC, ROBIN CRAVEY ASKED TO BE ABLE TO ADDRESS US. WOULD YOU LIKE TO ADDRESS US AS PARTS OF THE CONSENT AGENDA. THANK YOU FOR BEING HERE. THANK YOU MAYOR AND COUNCILMEMBERS, I WILL BE VERY BRIEF. I'M PRESIDENT OF THE FRIENDS OF BARTON SPRINGS POOL. I WANTED TO SAY THAT WE HAD A MEMBERSHIP MEETING JUST A COUPLE OF WEEKS AGO, AND WE ARE TALKING ABOUT A LOT OF THE THINGS THAT WE WANT TO GET DONE, IT WAS MENTIONED WE MIGHT NEED A CONSULTANT HIRED FOR THE STUDY. THEY SAID WE JUST GOT MONEY AND NOW THEY ARE GOING TO SPEND IT ON A CONSULTANT TO DO THE STUDY. YOU DON'T UNDERSTAND, WHENEVER THE CITY DECIDES TO DO SOMETHING, IT STARTS WITH A CONSULTANT AND A STUDY. BUT -- BUT REALLY THIS IS MORE THAN A CONSULTANT AND A STUDY [LAUGHTER] IT'S A COMPACT BETWEEN THE -- THE CITY GOVERNMENT AND THE VOLUNTEERS, THE SWIMMERS, AND THE FRIENDS OF BARTON SPRINGS POOL AND EVERYONE WHO LOVES THE POOL THAT WE ARE GOING TO WRITE A PLAN AND WE ARE GOING TO CARRY OUT A PLAN AND WE PLEDGE TO WORK WITH YOU, THANK YOU VERY MUCH TO SHERYL COLE TO COUNCILMEMBER LEFFINGWELL, MAYOR PRO TEM

DUNKERLY FOR SPONSORING THIS. THANKS TO ALL OF THE MANY, MANY VOLUNTEERS THAT HAVE COME OUT AND HELPED US CLEAN THE POOL. THANK YOU TO, THANK YOU TO THE CITY MANAGER FOR HELPING, FOR PROPOSING THIS BUDGET THAT IS MAKING THESE THINGS POSSIBLE. THANK YOU, MAYOR AND COUNCIL. IF YOU HAVE ANY QUESTIONS, I WILL BE HAPPY TO ANSWER THEM.

THANK YOU, QUESTIONS FOR MR. CRAVEY? MAYOR PRO TEM?

Dunkerly: I JUST WANT TO SAY THANK YOU TO YOU AND TO ALL OF THE FRIENDS AT BARTON SPRINGS POOL. YOU KNOW, THIS CITY WOULDN'T BE THE SAME WITHOUT YOU ALL HELPING US KEEP THAT WONDERFUL ICON.

Futrell: NOW SINCE YOU BROUGHT UP THE STUDY I NEED TO SAY A FEW WORDS ABOUT IT. YOU NEED TO KNOW THAT THE PARKS DEPARTMENT WAS BITING AT THE BIT TO PUT THIS TOGETHER WITHOUT A CONSULTANT, WITHOUT A STUDY. THE REASON THAT WE HAVE LANDED ON DOING A STUDY AND BRINGING IN THE CONSULTANT IS BECAUSE THERE ARE SOME ENGINEERING ISSUES THAT WE WANT TO BE SURE THAT WE ARE LOOKING AT. FOR EXAMPLE, JUST THE DAM ITSELF THAT CREATES BARTON SPRINGS POOL IS OLD AND NEEDS PROBABLY A STRUCTURAL ANALYSIS, SO WE KNOW EXACTLY WHAT THE TOP PRIORITIES ARE FOR THE POOL. THERE IS ACTUALLY A -- A REASON, PARTICULARLY THAT ENGINEERING STRUCTURAL REASON, THAT WE WANT THIS PLAN TO INCLUDE ALL OF THOSE PIECES, NOT JUST THE AESTHETICS OF THE POOL, BUT THE UNDERLYING STRUCTURE THAT MAKES THAT POOL EXIST TODAY.

THANK YOU, CITY MANAGER. AND WE ARE -- WE ARE GOING TO WORK VERY CLOSELY WITH THE CONSULTANT AND HOPE TO SEE THIS PRODUCE A -- A PRIORITY DOCUMENT THAT WE CAN THEN MOVE FORWARD ON.

Futrell: THAT'S IT, THANKS.

Mayor Wynn: THANK YOU, MR. CRAVEY. COUNCILMEMBER LEFFINGWELL?

ON ANOTHER SUBJECT, BUT THANK YOU, MR. CRAVEY. APPRECIATE IT. I'M NOT GOING TO PULL IT, BUT I DO WANT TO COMMENT ON ITEM NO. 29, I'M GLAD TO SEE THAT WE ARE MOVING FORWARD ON LEAK DETECTION IN OUR WATER SUPPLY SYSTEM. IT'S VERY -- IT'S SOMETHING THAT THE TASK FORCE THAT'S OPERATING IN OUR WILL BE CONSIDERING, ONE OF THE MAJOR ITEMS FOR IMPROVING OUR -- OUR ABILITY TO CONSERVE WATER. I HAVE GOT JUST A COUPLE OF QUESTIONS, IF WE HAVE A REPRESENTATIVE. I DON'T EXPECT YOU TO HAVE THE ANSWERS TO THESE TODAY. BUT I WANT TO JUST SORT OF GET THEM ON YOUR MIND SO THAT WE CAN ADDRESS THEM AT THE PROPER TIME, WITH THE WATER CONSERVATION TASK FORCE. THE FIRST QUESTION IS -- IS THE TECHNOLOGY THAT WILL BE USED FOR LEAK DETECTION, ARE THERE DIFFERENT METHODS, DID YOU CONSIDER THE TYPE OF TECHNOLOGY USED BY THE VARIOUS VENDORS, AND DIFFERENTIATE THAT AS ONE -- IS ONE BETTER THAN ANOTHER?

YES. THERE ARE DIFFERENT TECHNOLOGIES THAT ARE AVAILABLE NOW.

Futrell: DAVID, INTRODUCE YOURSELF THERE.

DAVE JUAREZ, ASSISTANT DIRECTOR AUSTIN WATER UTILITY. THERE ARE VARIOUS TECHNOLOGIES BEING USED TODAY. ONE OF THE MORE I GUESS RELIABLE IS LISTENING BY SOUND FOR LEAKS. AND ONE OF THE THINGS THAT WE DO IS WE PLACE THE DATA LOGGERS ON THE PIPE ITSELF, LISTENING TO SOUNDS, YOU CAN HEAR THE CHANGE IN SOUNDS, FREQUENCIES, HEAR IF THERE ARE LEAKS OR NO LEAKS, THAT'S REALLY GOOD INFORMATION TO USE. FOR OTHER TECHNOLOGY THEY WILL BE CONSIDERED AS WE GET INTO DIFFERENT AREAS OF THE SYSTEM. THOSE ARE SOME OF THE THINGS THAT WE LOOK AT AS WE CONTINUE WITH THIS PROGRAM. INITIALLY THIS IS JUST FOR 600 MILES OF OUR 3,000-MILE SYSTEM, SO WE WILL SEE HOW THIS PROGRAM WORKS. THEN WE WILL CONTINUE WITH THAT PROGRAM.

IN REFERENCE TO THAT 600 MILES HAVE WE SELECTED THE OLDEST PIPE OR HOW DID YOU GO ABOUT MAKING THAT

DETERMINATION?

YES, SIR, WHAT WE HAVE DONE IN PARTNERSHIP WITH OUR GIS ANALYSIS GROUP. WE HAVE TAKEN ALL OF THE DATA ON EXISTING LEAKS AND -- AND IDENTIFIED AREAS THAT HAVE A HIGHER -- THE HIGHEST RATE OF LEAKS, OLDER PIPES, SOIL TYPES, MATERIAL TYPES. WE ARE GOING TO CANVASS THOSE SPECIFIC AREAS. WE WILL PROVIDE MAPS TO THE CONTRACTOR, THEY WILL IDENTIFY WITHIN THOSE AREAS THAT THEY SPECIFY THE LEAKS THAT THEY FIND.

THIS IS PRIMARILY IDENTIFYING UNKNOWN LEAKS, LEAKS THAT WE DON'T KNOW ABOUT OR ARE POTENTIAL LEAKS; IS THAT CORRECT?

THAT IS CORRECT. THINGS THAT THEY WILL BE LOOKING AT INCLUDING THE MAIN LINE, INCLUDING SERVICE LATERALS, LOOKING AT VALVES, HYDRANTS, AT THE METER. ANY PERTINENCE RELATED TO THAT 600 MILES WILL BE LOOKED AT.

Leffingwell: OKAY. SO WE ALREADY HAVE A LOT OF LEAKS THAT WE KNOW ABOUT. THERE'S A -- I KNOW THAT YOU HAVE A PRIORITY PLAN IN PLACE. BUT WE DEFINITELY NEED -- WE NEED TO HAVE SOME IMPROVEMENT IN THAT PROCESS. I THINK THAT WHAT I HAVE GOT HERE IS RIGHT NOW OUR PLAN IS TO -- TO FIX LEAKS ON WATER MAINS IN 16 DAYS, SERVICE LINES 25 DAYS, AND VALVES AND HYDRANTS 50 TO 60 DAYS. ARE WE GOING TO BE WORKING ON A PLAN TO IMPROVE THAT TIME LINE?

THAT IS CORRECT. THE DATA THAT WE GATHER FROM THIS STUDY WILL HELP US BETTER REFINE WHAT THAT PLAN IS GOING TO BE.

OKAY. FINALLY, WE KNOW THAT NOW WE ARE LOSING ABOUT 12 MILLION GALLONS A DAY THROUGH WATER LEAKS. AND THERE IS SOME LEVEL BEYOND WHICH IT'S NOT ECONOMIC TO PURSUE THAT LAST -- THE LAST FEW GALLONS OF LEAKAGE. ARE WE GOING TO BE DETERMINING WHAT THAT LEVEL IS GOING TO BE IN THE NEAR FUTURE?

YEAH, BASED ON OUR INITIAL INFORMATION THAT WE'VE

HAD ON THE CURRENT INDEX THAT'S ALLOWED, THREE MILLION GALLONS PER DAY IS SOMETHING THAT -- THAT THE UTILITY FALLS WITHIN THAT INDEX. SO WE ARE LOOKING AT TRYING TO SAVE, YOU KNOW, IN THE RANGE OF 6 TO 9 MILLION. WITH THIS LEAK DETECTION PROGRAM AND THE MORE COMPREHENSIVE LEAK REPAIR PROGRAM.

Leffingwell: OKAY. THAT'S GOOD NEWS. WE WILL BE TALKING MORE ABOUT IT IN THE TASK FORCE AND I THANK YOU FOR -- TAKING THE INITIAL EFFORT TO BRING THIS ITEM FORWARD NOW. THANK YOU.

COUNCILMEMBER, I WOULD JUST ADD IN FACT PRIOR TO ANY ADDITIONAL INFORMATION THAT WE GAIN, WE ARE CURRENTLY LOOKING AT THE STRUCTURE OF HOW WE RESPOND BECAUSE WE DO BELIEVE THERE'S SOME EFFICIENCIES THAT WE CAN CREATE, WITH SOME CHANGES IN OUR RESPONSE PLAN IN OUR DEPLOYMENT. SO I EXPECT VERY SOON WITHIN THE NEXT SEVERAL WEEKS WE WILL SEE DEFINITE IMPROVEMENT IN OUR RESPONSE TIMES.

Leffingwell: THANK YOU.

Mayor Wynn: AGAIN, WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. COUNCILMEMBER KIM.

Kim: QUESTION ABOUT ITEM NO. 15, HAS TO DO WITH THE SECURITY GRANTS, THE PURPOSE OF THIS ITEM IN TERMS OF THE PROJECTS THAT THE STATE IS ASKING THE CITY TO PARTICIPATE IN.

MIKE McDONALD, OUR ASSISTANT CITY MANAGER OVER PUBLIC SAFETY WILL COME DOWN AND -- WE'LL BRING ANYONE ELSE UP IF WE NEED TO. WE WILL START WITH MIKE.

GOOD MORNING, MAYOR, COUNCIL. MICHAEL McDONALD, ASSISTANT CITY MANAGER. ITEM 15 IS TO APPROVE A RESOLUTION ELECTING NOT TO ALLOW THE STATE OF TEXAS TO USE ONE MILLION -- \$1,064,713 IN LOCAL FEDERAL HOMELAND SECURITY GRANT FUNDS FOR STATE-WIDE PROJECTS. IT IS STAFF'S RECOMMENDATION THAT COUNCIL

OPPOSE THIS REQUEST. THE STATE IS ASKING THAT FUNDING INTENDED TO LOCAL HOMELAND SECURITY NEEDS BE USED FOR STATE-WIDE PROGRAMS. IT IS OUR UNDERSTANDING THAT THE STATE IS EXPERIENCING A SHORTFALL BECAUSE THEY ANTICIPATED MORE FEDERAL FUNDING. THE PROGRAM FOR THE STATE WOULD LACK ASSISTANCE IN A REGIONAL EMERGENCY EXERCISE IS DESIGNED TO ALLOW REGIONAL DISASTER EXERCISES. THE [INDISCERNIBLE] IMPLEMENTATION, AN EXPANSION OF AN EXISTING SYSTEM TO ALLOW LAW ENFORCEMENT SHARE OWN... ENFORCEMENT SHARED ACCESS TO EACH OTHER A'S DID IT TAKE BASE. INFORMATION ENTERED INTO THE SYSTEM. LAST A [INDISCERNIBLE] SCAN THAT ALLOWS FOR RAPID RETRIEVAL. WE ALREADY HAVE LIVE SCAN CAPABILITIES IN OUR AREA. COUNCIL, THESE ARE ALL VERY IMPORTANT INITIATIVES, BUT WE BELIEVE THAT THEY SHOULD BE FUNDED BY THE STATE. THIS YEAR THE STATE WILL RECEIVE 20% OF THE TOTAL FEDERAL HOMELAND SECURITY FUNDS COMING TO THE STATE OF TEXAS. COUNCIL, THIS EQUATES TO \$10 MILLION THAT THE STATE CAN USE FOR ITS OWN PROGRAMS. WHEN -- IN DISCUSSIONS WITH THE STATE, THE STATE CANNOT GIVE EXACT ACCOUNTING OF HOW THEY ARRIVED AT THE 1,064,713, THAT THEY ARE ASKING FROM US. THEY CANNOT GUARANTEE THAT ALL THE FUNDS WOULD BE SPEND IN AUSTIN. AND LASTLY, THEY COULD NOT ASSURE US OF WHAT PORTIONS OF THE DOLLARS WOULD BE SPENT IN AUSTIN. IF THE FUNDING IS GIVEN TO -- GIVEN BACK TO CAPCOG AND THE STATE PRESENTS MORE -- A MORE DETAILED REQUEST IN THE FUTURE, THE -- THE CAPCOG WOULD HAVE THE -- THE OPPORTUNITY TO -- TO TAKE A LOOK AT THAT REQUEST AND REPROGRAM THOSE DOLLARS IF NEEDED. COUNCIL, THIS YEAR IF WE RECEIVE THE 896,000 IN HOMELAND SECURITY FUNDS FOR THE FY PROPOSED BUDGET BY CAPCOG, THAT THEY WILL SOON BE PRESENTING TO US, WE WILL STILL HAVE ABOUT \$3 MILLION IN UNMET NEEDS. IF THE 1,064,713 IS RETURNED TO CAPCOG, THE FUNDS WOULD BE USED FOR LOCAL UNMET NEEDS. THEREFORE THE STAFF'S RECOMMENDATION THAT WE DENY THE STATE'S REQUEST AND THE FUNDS IF POSSIBLE BE RETURNED TO CAPCOG.

Kim: CHIEF McDONALD, CAN YOU TELL ME MORE ABOUT THE

TX IMPLEMENTATION PROJECT. MY UNDERSTANDING IT'S A DATA BASE THAT'S STATE-WIDE THAT ALLOWS US TO SHARE DATA. CAN YOU TELL ME WHAT DATA IS BEING SHARED RIGHT NOW?

OUR INVESTIGATORS, OUR A.P.D. INVESTIGATORS ARE CURRENTLY UTILITY LOSING -- UTILIZING THAT SYSTEM. BASICALLY IT'S NOT FULLY IMPLEMENTED. BUT THE IDEAL WOULD BE A SYSTEM BY WHICH INVESTIGATORS FROM ALL POLICE DEPARTMENTS CAN TAP INTO INVESTIGATIVE DATA IN OTHER JURISDICTIONS. SO THERE IS SOME LIMITED INFORMATION THAT'S IN THERE NOW. BUT CERTAINLY MORE AND THAT'S PART OF WHAT THE STATE IS PROPOSING IS THAT THEY COULD USE FUNDS TO ENTER MORE INFORMATION INTO THAT DATA BASE.

GIVEN THAT SHARING INFORMATION ON CRIME STATISTICS AND ONGOING CASES IS IMPORTANT IN PREVENTING TERRORISM OR DOING INVESTIGATIONS, HAVING -- HAVING IT AFFECTING HOMELAND SECURITY AND THE SECURITY OF THIS AREA, MY UNDERSTANDING IS THAT THE STATE HAS SAID TO THE CITIES IF WE DO NOT PARTICIPATE, IF WE DO NOT ALLOW THEM TO USE OUR ALLOCATION FOR THIS PROGRAM, THAT OUR DATA WILL NOT BE INCLUDED.

WHAT THEY HAVE EXPLAINED TO US AT THIS POINT IS -- IS OUR DATA HAS NOT BEEN ENTERED INTO THE SYSTEM YET, BUT OUR INVESTIGATORS CURRENTLY USE THE DATA. THAT'S PART OF THE WHAT THE STATE IS WANTING TO DO IS TO KIND OF STEP UP THEIR PROCESS TO ENTER DATA. BUT WHEN I HAD CONVERSATIONS WITH THEM, THEY COULD NOT ASSURE ME THAT -- THAT WHEN OUR DATA WOULD BE ENTERED AND THEN HOW MUCH, THE FUNDING THAT THEY ARE ASKING FOR, OVER 500,000, HOW MUCH OF THOSE FUNDS WERE ACTUALLY NEEDED TO LOAD OUR DATA INTO THE SYSTEM.

Kim: SO THEY ARE ASKING FOR OUR SHARE OF THE HOMELAND SECURITY MONEY, BUT THEY ARE SAYING THEY DON'T KNOW IF, WHEN, OUR DATA WOULD BE INCLUDED IN THE ENTIRE SYSTEM?

THAT'S CORRECT. BUT --

Kim: THAT WASN'T THE EXPLANATION THAT WAS GIVEN TO ME AT CAPCOG. I THINK THAT IT IS IMPORTANT THAT WE HAVE A STATE-WIDE SYSTEM THAT WE ARE SHARING INFORMATION AS CRITICAL AS THIS. TERRORISM IS SOMETHING THAT I TAKE VERY SERIOUSLY, THE THREAT OF THAT AND THE SECURITY OF CENTRAL TEXAS ESPECIALLY. AND WE ARE ONLY AS GOOD AS OUR INFORMATION IS ALLOWING US TO COMMUNICATE AND ACCURATE AND COMPLETE DATA IS ESSENTIAL TO THIS. SO I WOULD LIKE TO ASK THE STATE TO GIVE US MORE INFORMATION AND I WILL SUPPORT THE STAFF'S RECOMMENDATION ON THIS, BUT THAT THEY GIVE US MORE INFORMATION ON WHAT ENHANCEMENTS THAT WE WOULD BE SEEING IN TERMS OF THE TYPE OF INFORMATION THAT WE WILL BE SHARING WITH OTHER JURISDICTIONS AND ENCOURAGING OTHER JURISDICTIONS AS WELL TO ASK THE SAME QUESTIONS SO THAT WE CAN FEEL CONFIDENT THAT THIS IS SOMETHING THAT WILL HELP US ALL.

COUNCILMEMBER, THAT -- YOU ARE CORRECT. IT'S VERY IMPORTANT THAT WE GET THAT SYSTEM, YOU KNOW, FULLY OPERATIONAL BECAUSE WE COULD BENEFIT FROM THE SYSTEM. AND THAT'S PART OF THE REASON WHY STAFF IS SAYING IF CAPCOG WERE TO RETURN THOSE -- IF THOSE FUNDS WERE RETURNED TO CAPCOG AND THE STATE COULD PRESENT A MORE DETAILED PLAN TO US, YOU BEING A MEMBER ON THAT BOARD ALONG WITH OTHERS COULD TAKE A LOOK AT THAT AND DECIDE IF WE WANTED TO REPROGRAM FUNDS TO GET AUSTIN'S INFORMATION ENTERED INTO THE SYSTEM SOONER.

Kim: DO WE HAVE SOME SORT OF TIME FRAME FROM THE STATE AT ALL OF WHEN WE GET MORE INFORMATION?

NO.

NO? OKAY. THANK YOU.

FURTHER COMMENTS OR QUESTIONS ON THE CONSENT AGENDA? THANK YOU, CHIEF. COUNCIL, ALSO JUST NOTE ON ITEM NO. 16 REGARDING A.P.D. CLASSIFICATIONS, DEBBIE

RUSSELL IS HERE IN SUPPORT AND IS AVAILABLE FOR QUESTIONS IF WE HAVE ANY. COUNCILMEMBER MARTINEZ?

Martinez: I JUST HAVE A COMMENT ON ITEM 3. I WANTED TO ASK STAFF WHAT WE HAVE IN PLACE TO IDENTIFY OR TO LET THE PUBLIC KNOW OF ANY CHANGES TO POLLING LOCATIONS. I THINK THAT WE HAVE A VERY IMPORTANT ELECTION COMING UP. IF WE ARE MAKING WHAT I SEE AS -- ABOUT 50 POLLING LOCATION CHANGES OR AMENDMENT, THEN I WOULD HOPE THAT ABOUT..... WE ARE DOING SOME KIND OF OUTREACH TO LET PEOPLE KNOW WHERE THEY CAN GO VOTE THIS NOVEMBER.

WE DO A NUMBER OF THINGS. ONE, WE HAVE TO PUBLISH THAT LIST TWICE. THE COUNTY PUBLISHES IT ONCE ON ELECTION DAY THE STATESMAN AS A SEPARATE ARTICLE, NOT IN THE LEGAL PUBLICATIONS, LISTS ALL OF THE POLLING PLACES. THEN BECAUSE THEY ARE THE CONTRACT OPERATOR FOR THE ELECTIONS, THEY GO TO EACH SITE THAT -- THAT GOT CHANGED FOR SOME REASON AND THEY ACTUALLY POST ON THE BUILDING THAT YOU NEED TO GO TO THE OTHER LOCATION.

Martinez: OKAY. WE -- CITY MANAGER CAN WE DO AN INDIVIDUAL PRESS RELEASE AFTER WE TAKE ACTION TODAY, HOPING SOME OF THE MEDIA OUTLETS WILL PICK UP ON IT, LET PEOPLE KNOW SPECIFICALLY OF THE CHANGES THAT WE ARE MAKING?

Futrell: ABSOLUTELY. AS LONG AS IT'S PURE INFORMATION, THAT'S WHAT THIS IS, WE ABSOLUTELY CAN DO THAT. WE WILL COORDINATE WITH SHIRLEY AND SEE WHAT WE CAN DO TO BEEF UP INFORMATION AND PUBLICITY ON THIS.

Martinez: THANKS.

Kim: I WOULD LIKE TO --

Mayor Wynn: COUNCILMEMBER WE CAN SEND EVERYBODY BACK TO THEIR OFFICES, WE PULLED ITEM 10. SO WE CAN HAVE THAT DISCUSSION HERE AS SOON AS WE GET THE CONSENT AGENDA PASSED.

Kim: THAT'S FINE.

Mayor Wynn: THANK YOU. ANY FURTHER COMMENTS ON THE
CONSENT AGENDA, COUNCIL? MOTION AND SECOND ON THE
TABLE FOR EVERYTHING AS READ, ALL ITEMS EXCEPT FOR
ITEM NO. 10. HEARING NO FURTHER COMMENTS ALL IN
FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK
YOU ALL VERY MUCH. SO LET THE -- ROOM CLEAR OUT, ITEM
NO. 10, COUNCILMEMBER KIM.

Kim: MY UNDERSTANDING THIS IS FOR THE AVAILABILITY
STUDY FOR THE FIRMION IN THE DIFFERENT COMMODITY --
FIRMS AND DIFFERENT COMMODITY CODES TO HELP US
DETERMINE AND ESTABLISH OUR M.B.E. W.B.E. CODES IS
THAT CORRECT, MR. TRAVILION.

YES, IT WILL COMPLETE THE AVAILABILITY STUDY PROCESS.
WE WILL LOOK AT THE AVAILABILITY OF FIRMS IN THE AREA,
IT WILL DO MORE THINGS AS WELL. WE WILL BASICALLY USE
SEVERAL ECONOMICMETRIC MODELS, BUSINESS
FORMATION, ACCESS TO CAPITAL, RELATIVE EARNINGS OF
BUSINESS FIRM IN THE AREA AND WHATNOT. SO IT WILL
IDENTIFY AVAILABILITY BUT IT ALSO WILL VERIFY SEVERAL
ECOMOMETRIC MODELS CRITICAL TO DEFENDING THE
PROGRAM AS WELL.

WHEN WE ARE LOOKING AT THE AVAILABILITY OF FIRMS,
WHICH FIRMS HAVE BEEN STARTED UP, WHAT COMPANIES
HAVE BEEN STARTED UP IN DIFFERENT AREAS, HOW DO WE
DO THAT?

THERE ARE A NUMBER OF WAYS, ONE THING WE USE DUNN
& BRADSTREET DATA. WE LOOK AT THE FIRMS THAT ARE
REGISTERED IN THE AREA. THERE ARE SEVERAL FAIRLY
SOPHISTICATED MEASURES THAT ARE USED TO DO IT, BUT
BASICALLY WE LOOK AT -- AT DATA THAT'S EXILED BY THE
CENSUS BUREAU, DATACOMM PILED BY BUSINESS -- DATA
COMPILED BY BUSINESS ENTITIES THAT WILL DICTATE WHO

IS HERE.

Kim: MY CONCERN IS THAT THERE ARE FIRMS AND COMPANIES THAT ARE NOT REGISTERED WITH DUNN & BRADSTREET, ESPECIALLY THOSE THAT ARE CONSULTANTS. THOSE THAT MAY NOT BE MEMBERS OF REGULAR CHAMBERS OF COMMERCE. BUT -- BUT I WOULD LIKE TO KNOW IF THERE'S A WAY THAT WE CAN INCLUDE SUBCONSULTANTS IN THIS FOR -- FOR -- FOR THOSE THAT KNOW THE -- THE AVAILABILITY OR KNOW WHERE TO FIND AND LOCATE FIRMS, BECAUSE WE NEED TO HAVE VERY ACCURATE NUMBERS. I'M CONCERNED OF AN UNDERCOUNT HERE IF WE DON'T DO THAT.

OKAY. LET'S SEE NOW IF YOUR QUESTION IS THAT YOU WANT TO USE LOCAL FIRMS TO MAKE SURE THAT WE DON'T UNDER COUNT FIRMS THAT ARE --

Kim: CORRECT, IS THERE AN OPPORTUNITY FOR US TO DO THAT?

WELL, THE FIRMS THAT WE ARE ACTUALLY USING, THE ECONOMETRIC, THE FIRM THAT IS EMPLOYING THE ECONOMETRIC FOR US IS A LOCAL FIRM, IT IS A NATIONAL RESEARCH FIRM. IT IS LOCATED HERE AND IT OPERATES THROUGH THE UNIVERSITY OF TEXAS AS WELL. SO AS IT RELATES TO -- TO ACCESS TO INFORMATION, AS IT RELATES TO BUILDING SOPHISTICATED MODELS, EXPERIENCE WITHIN THE AREA, THIS IS ONE OF THE NATIONALLY RENOWNED FIRMS AND ONE OF ONLY A VERY FEW AROUND THE COMPANY, AROUND THE COUNTRY THAT IS RECOGNIZED AS HISTORICALLY SIGNIFICANT AND HAS BEEN INVOLVED IN ALL OF THE CASES RECENTLY WHERE -- WHERE ORDINANCES HAVE BEEN SUCCESSFULLY DEFENDED. SO THIS IS ONE OF THE BEST FIRMS IN THE COUNTRY.

SO ARE YOU -- GO AHEAD.

COUNCILMEMBER, IF I COULD ADD, THE CONSULTANT THAT WE WILL USE WILL ALSO DO A COUPLE OF OTHER THINGS, ONE THAT WE DID, WILL ALSO SHARE WITH THE CONSULTANT, WE OBVIOUSLY GET THE INFORMATION FROM THE STATE FROM ALL OF THE HISTORICALLY UNDER

UTILIZED BUSINESSES, THAT'S A BIG SOURCE OF INFORMATION. IN ADDITION TO THAT, THE CONSULTANT WILL WORK CLOSELY WITH ALL OF THE CHAMBERS THAT WE HAVE UNDER CONTRACT, WHICH THEIR TASK IS TO GO OUT THERE AND REACH TO THE COMMUNITY, SPECIFICALLY TO THE LOCAL AGENCIES, SO WE WILL HAVE DIFFERENT OPPORTUNITIES FOR US TO REACH OUT TO THE COMMUNITY AND AGAIN RELYING ON THOSE CONTRACTORS THAT ARE UNDER CONTRACT WITH US, IT'S DEFINITELY A TOOL THAT WILL BE AVAILABLE TO OUR CONSULTANT THAT WE WILL REQUIRE THAT THEY USE.

WILL -- ARE YOU SAYING THE ETHNIC CHAMBERS ARE CHARGED WITH HELPING WITH THE AVAILABILITY STUDY?

THEY ARE CHARGED WITH HELPING WITH THE OUTREACH. THAT'S OBVIOUSLY ONE OF THE BIG TASKS. AS PARTS OF THEIR ASSISTANCE TO US, THEY WILL BE AVAILABLE TO PROVIDE INFORMATION TO HELP US GET INFORMATION OUT AND ONCE THIS INFORMATION GETS OUT, THERE'S ALSO A PROCESS WHERE COMPANIES CAN CONTACT US AND LET US KNOW, HEY, WE ARE OUT HERE AND YOU ARE NOT REACHING US. IT WILL BE A MULTI-FACETED APPROACH TO GO OUT AND TOUCH THE COMMUNITY, AS MANY WAYS AS POSSIBLE. USING THE STATE, I CAN'T RECALL THE NUMBERS FROM THE STATE THAT WE GET. ALSO SIGNIFICANT. SEVERAL HUNDREDS OF AGENCIES THAT WE CROSS-CHECK WITH TO MAKE SURE THAT WE HAVE THEM IN OUR PROGRAM.

RIGHT. THE PROBLEM WITH RELYING ON STATE CERTIFICATION, EVEN OUR OWN M.B.E. W.B.E. CERTIFICATION IS THAT IT'S REQUIRING THAT COMPANIES FIRST OF ALL BE CERTIFIED TO BE COUNTED. I KNOW THE CHAMBERS HAVE THEIR OWN MEMBERSHIP. THERE ARE A LOT OF COMPANIES MINORITY OWNED FOR SOME REASON OR ANOTHER ARE NOT STATE CERTIFIED, ARE NOT MEMBERS OF ETHNIC CHAMBERS. HOW ARE WE GOING TO CAPTURE THEM?

AGAIN THE -- THE PART OF THE OUTREACH THAT OUR CONTRACTORS WILL DO IS THEY DON'T -- THEY AREN'T REQUIRED TO BE MEMBERS OF THE CHAMBERS. THE TASK

FOR OUR CONTRACTORS IS TO REACH OUT TO THE MINORITY COMMUNITIES, TO MINORITY BUSINESSES, SMALL BUSINESSES, WE CAN ALSO WORK CLOSELY WITH OUR SMALL BUSINESS PROGRAM IN OUR ECONOMIC DEVELOPMENT DEPARTMENT TO AGAIN REACH OUT AND THAT'S ANOTHER SOURCE OF INFORMATION THAT WE CAN TAP INTO. SO I THINK THAT WE HAVE IN PLACE SEVERAL SOURCES OF INFORMATION AND MEANS TO -- TO REACH OUT TO THE COMMUNITY. I'M NOT GOING TO STAND HERE AND SAY ABSOLUTELY, POSITIVELY WE WON'T MISS ONE, BUT I THINK THAT WE HAVE A GOOD APPROACH. CLEARLY THE FIRM THAT WE ARE WORKING WITH IS SOMEBODY THAT WE ARE FAMILIAR WITH. IS FAMILIAR WITH WHAT WE ARE TRYING TO ACCOMPLISH. PART EVER OUR LEGAL COUNSEL IS ALSO SOMEBODY VERY FAMILIAR WITH THE LOCAL AREA, VERY FAMILIAR WITH THE CONTRACTORS AND THE VISION AND THE GOALS OF THE -- OF THE COUNCIL REGARDING THIS ISSUE.

Kim: ALL RIGHT, THANK YOU VERY MUCH. MAYOR, I WOULD LIKE TO MOVE APPROVAL OF ITEM NO. 10.

Mayor Wynn: OKAY. MOTION MADE BY COUNCILMEMBER KIM, SECONDED BY COMAMZ COUNCILMEMBER MARTINEZ TO APPROVE ITEM NO. 10? DISCUSSION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU VERY MUCH. COUNCIL, THAT TAKES US TO POSTED MORNING BRIEFING, ITEM NO. 52, WHICH WE POSTED AS A PRESENTATION AND UPDATE ON THE CITY'S GREEN..... GREEN WATER TREATMENT PLANT SITING AND DECOMMISSIONING.

THANK YOU MAYORS AND MEMBERS OF THE CITY COUNCIL, WHAT WE ARE HERE TO DO TODAY IS WALK YOU THROUGH OUR PREVIOUS DIRECTION, TO UPDATE YOU ON WHERE WE ARE TODAY, JUST TO CONFIRM THAT WE ARE HEAD IN THIS THE RIGHT DIRECTION, THAT YOU DON'T WANT TO MAKE ANY CHANGES TO THE POLICY DIRECTION THAT WE ARE FOLLOWING. MANY DEPARTMENTS ARE INVOLVED IN THIS

PROJECT. AS CAN YOU IMAGINE, THERE ARE LOTS OF MOVING PARTS. SO I AM JOINED TODAY BY PEOPLE FROM THE PUBLIC WORKS DEPARTMENT, WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT, ECONOMIC GROWTH AND REDEVELOPMENT SERVICES AND SO ALL OF US ARE WORKING TOGETHER ON THIS PROJECT. OBVIOUSLY THE BIGGEST COMPONENT IS THE DECOMMISSIONING OF THE GREEN TREATMENT PLANT. YOU WILL SEE AS WE MOVE THROUGH THIS PRESENTATION, THAT IS THE SINGLE BIGGEST PIECE OF THIS PROJECT THAT WE ARE KEYING OFF OF. WE CAN'T REDEVELOP THE PROPERTY UNTIL WHAT'S THERE HAS BEEN DECOMMISSIONED. WHAT I WANT TO DO FIRST IS WALK YOU THROUGH THE COUNCIL DIRECTION THAT WE HAVE. COMES IN THE FORM OF THREE DIFFERENT ACTIONS THAT YOU HAVE TAKEN TO DATE. ON AUGUST 18th, 2005 THE CITY COUNCIL GAVE US DIRECTS TO BEGIN THE SITE SELECTION ROSE FOR A NEW WATER TREATMENT FACILITY. WE ARE FINISHING THAT PIECE UP. CREATE A TIME LINE FOR POSSIBLE DECOMMISSIONING AND DEMOLITION OF THE GREEN WATER TREATMENT SITE. WE WILL PROVIDE WITH YOU THAT TIME LINE TODAY. INITIATE THE PROCESS FOR DESIGN AND CONSTRUCTION OF 2nd AND NUECES STREET INTENTIONS. ONE OF THE CORNERSTONES OF YOUR POLICY DIRECTIONS, COUNCIL, IS TO REINSTATE THE GRID IN THIS PART OF OUR DOWNTOWN. SO YOU WILL SEE US FOCUSING ON THAT ASPECT OF THE PROJECT. RECOMMEND THE PLANNING PROCESS AND IDENTIFY APPROPRIATE USES FOR THE CITY PROPERTY. THIS REPRESENTS YET ANOTHER OPPORTUNITY FOR THE CITY TO DO A PUBLIC/PRIVATE PARTNERSHIP IN ORDER TO REDEVELOP AN IMPORTANT PART OF OUR DOWNTOWN. AND LASTLY TO PROVIDE A COST ESTIMATE FOR RETROFITTING GREEN VERSUS A NEW WATER TREATMENT FACILITY. YOU ALREADY HAVE CLEARED THAT HURDLE. ON OCTOBER 27th, 2005, THE COUNCIL PASSED ANOTHER RESOLUTION WHICH HAD TO DO WITH ANOTHER PART OF THAT AREA, IT INCLUDED DIRECTION THAT WE ARE FOCUSED ON FOR THIS PROJECT. YOU ASKED US TO RELOCATE THE AUSTIN ENERGY CONTROL CENTER TO REDUCE THE SEAHOLM SUBSTATION SURFACE AREA SIZE SO THAT WE CAN GET THIS READY FOR REDEVELOPMENT. TO PRESENT A RECOMMENDATION AND TIME LINE FOR SELLING AND

REDEVELOPING THAT CITY PROPERTY. YOU ASKED US AT THAT POINT TO INCLUDE GREAT STREETS, STREET SCAPES STANDARDS FOR THE SECOND STREET AND WEST AVENUE, AGAIN CONFIRMING YOUR GOAL OF REINSTATING AND MAKING SURE THAT THE REDEVELOPMENT IS IN COMPLIANCE, TIME TABLE FOR EXTEND SECOND STREET AND WEST AVENUE. ON FEBRUARY 9th, 2006, THE CITY COUNCIL ASKED US TO DESIGNATE THE GREEN WATER TREATMENT PLANT SITE AS THE LOCATION FOR THE NEW LIBRARY IN EVENT THE BALLOT PROPOSAL FOR A NEW CENTRAL LIBRARY WAS APPROVED. THAT IS THE DIRECTION THAT WE HAVE BEEN KEYING OFF OF. SO WHAT WE WANT TO DO TODAY IS FOUR DIFFERENT THINGS MUCH AN UPDATE ON THE WATER TREATMENT PLANT DECOMMISSIONING AND DEMOLITION PLAN AND CHRIS LIPPE WILL RESIDE THAT TO YOU. YOU HAVE AN ITEM COMING UP ON NEXT MONTH'S AGENDA THAT REALLY KICKS THIS PROCESS OFF. WE WANT TO TALK TO YOU ABOUT THE SHOAL CREEK BANK STABILIZATION PROJECT AND MICHAELLY IS HERE TO TALK ABOUT THAT FROM THE STORM WATER TREATMENT SECTION OF OUR WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT. SONDRAL CREIGHTON IS HERE TO TALK TO YOU ABOUT THE STREET DESIGN AND CONSTRUCTION. SHE WILL TALK TO YOU ABOUT THE FACT THAT WE HAVE ALREADY BEGUN THE PRELIMINARY PLANNING TO REINSTATE THE GRID. SUE EDWARDS IS HERE FROM ECONOMIC GROWTH AND REDEVELOPMENT SERVICES. SUE WILL TALK TO YOU ABOUT HOW WE PROCESS TO MOVE THROUGH THE REDEVELOPMENT PROCESS ONCE THE DECOMMISSIONING IS UNDERWAY, THAT WILL INCLUDE A FEASIBILITY STUDY. ALSO PROPOSING AN R.F.P., REQUEST FOR PROPOSAL PROCESS, TALK TO YOU ABOUT HOW THAT WOULD WORK TO MEET YOUR EXPECTATIONS IN FINDING A DEVELOPER FOR THIS PROPERTY ONCE IT'S CLEANED UP. WITH THAT WE ARE GOING TO START WITH THE DECOMMISSIONING, I'M GOING TO ASK CHRIS LIPPE TO JOIN ME, HE WILL WALK YOU THROUGH WHERE WE ARE WITH THAT PORTION OF THIS PROJECT.

WHAT I WOULD LIKE TO DO IS GIVE YOU AN UNDERSTANDING OF THE PROCESS AND TIME LINE OF THE DECOMMISSIONING

AND DEMOLITION OF THE EXISTING OLD GREEN WATER TREATMENT PLANT. WEERMENT. WHAT'S REQUIRED FIRST IS THE 72-INCH WATER MAIN THAT'S UNDERWAY, THE PIPE HAS BEEN ORDERED. THE CONSTRUCTION PROJECT WILL BE BID IN NOVEMBER, COMING TO THE COUNCIL FOR AWARD IN DECEMBER. WHAT WE EXPECT TO DO IS GIVE A NOTICE TO PROCEED IN EARLY JANUARY, THEN THAT WILL BE FINISHED BY APRIL 1, THIS SPRING. THAT WOULD -- THE RELOCATION OF THAT 72-INCH WATER MAIN IS REQUIRED BEFORE WE DO THE DECOMMISSIONING OF THE GREEN WATER TREATMENT PLANT TO ALLOW FOR RELIABLE FLOW OF WATER FROM EAST TO WEST BEFORE THAT PLANT IS OUT OF COMMISSION. THE NEXT STEP IN THE DECOMMISSIONING PHASE IS TO -- TO GET THE DESIGN CONSULTANT UNDERWAY. TO DO THE PLANNING AND THE DESIGN OF THE DEMOLITION OF THIS PLANT. THAT WILL BE COMING TO COUNCIL, THE PROPOSES HAVE BEEN RECEIVED AND -- AND THE -- THE SELECTION WILL BE BROUGHT TO -- TO CITY COUNCIL IN NOVEMBER. FOR YOUR SELECTION OF THE ENGINEER THAT WOULD BOTH PLAN AND DO -- PREPARE SPECS FOR THE DEMOLITION OF THE PLAN. THEIR SCOPE OF WORK IS GOING TO INCLUDE PLANNING FOR THE GREEN WATER TREATMENT PLANT FACILITY REMOVAL AND THE PICTURE RIGHT NOW IS COMPLETE REMOVAL AND OWE OF ALL OF THE FACILITIES ON THE SITE. MAKE IT READY FOR CONSTRUCTION OR READY FOR REDEVELOPMENT. ALSO LOOK AT THE INTAKE, ACROSS CESAR CHAVEZ, ON TOWN LAKE. LOOK AT THE FUTURE NEED, POTENTIAL NEEDS FOR THAT INTAKE STRUCTURE WHETHER IT REMAINS AS THE INTAKE. CONCEIVABLY COULD BE THE INTAKE STRUCTURE AS A PIPELINE THAT FEEDS, DELIVERS WATER TO ULRICH OR DAVIS. WHAT OTHER USE THERE MAY BE FOR THAT INTAKE OR WHETHER IT'S -- WHETHER IT'S TIME TO -- TO INCLUDE THAT AS A DEMOLITION PROJECT. THAT DISCUSSION WILL NEED TO TAKE PART AS PART OF THE -- OF THE DEVELOPMENT PLANNING FOR THE OVERALL GREEN SITE. THE SCOPE OF PLANNING FOR THE DEMOLITION AND DECOMMISSIONING WILL INCLUDE INVENTORY FOR THE MATERIALS ON THE SITE, PARTICULAR ASBESTOS AND LEAD TYPICAL TO FIND IN THE -- IN THE CONSTRUCTION MATERIALS, IN THE FACILITY ITSELF. SO HAS TO BE SPECIAL PLANS FOR HOW TO DISPOSE OF THOSE MATERIALS.

SEPARATE FROM JUST GENERAL CONSTRUCTION DEBRIS. ANOTHER PART OF THE SCOPE FOR THE ENGINEERS IS GOING TO BE AS THE SITE IS CLEARED AND PREPARED FOR ROADS AND REDEVELOPMENT, THERE ARE SOME UTILITIES ON THE SITE THAT JUST NEED TO BE RELOCATED AND TO MATCH UP WITH WHAT THE FUTURE ROADS WILL LOOK LIKE IN THE DEVELOPMENT PLAN FOR THE SITE. GENERAL UTILITY RELOCATIONS AROUND THAT SITE. AND THEN FINALLY THE ENGINEER WILL PREPARE COST ESTIMATES AND GET ALL OF THE PERMITTING. THE BID AND AWARD FOR DEMOLITION CONTRACT THEN WOULD -- WOULD BE THE NEXT STEP. WITH THE GOAL OF -- THE CURRENT SCHEDULE OF DECOMMISSIONING AND THE -- THE ENTIRE DEMOLITION OF THE PLANT BY NOVEMBER, 2008. THERE'S ANOTHER RELATED PROJECT TO THE DEMOLITION AT THE -- OF THE GREEN PLANT ITSELF, THAT IS -- THAT HAS TO DO WITH THE SHOAL CREEK BANK STABILIZATION. AT THE WESTERN EDGE OF THE GREEN SITE IS SHOAL CREEK, THERE'S A STEEP BANK. THERE'S BEEN SOME EROSION, SOME COLLAPSE OF THAT BANK OVER THE YEARS. THERE'S A -- THERE'S A -- A PROTECTION GABION AND SOME CONCRETE PROTECTION AGAINST EROSION, BUT THAT HAS BEGUN TO COLLAPSE, SO -- SO THE PLAN IS TO ADDRESS THAT AS PART OF THIS -- PART OF THIS WHOLE PROJECT OF CLEANING UP THE SITE AND -- AND WHAT I WOULD LIKE TO DO IS INTRODUCE MIKE KELLY TO TALK TO YOU ABOUT THE WAY THAT COULD BE DONE AND THE WAY IT COULD BE DONE IN AN AESTHETICALLY PLEASING WAY THAT'S GOING TO FIT IN WITH THE FUTURE REDEVELOPMENT OF THIS SITE TO MAKE IT ATTRACTIVE FOR EVERYONE. SO AT THIS POINT LET ME INTRODUCE MIKE KELLY TO TALK TO YOU ABOUT THE SHOAL CREEK BANK STABILIZATION.

THANK YOU, MR. LIPPE. WELCOME, MR. KELLY.

THANK YOU, CHRIS, MR. MAYOR, COUNCIL. AS YOU CAN SEE, FROM THE PHOTO ON THE LEFT, THERE ARE ABOUT 400 FEET, LINEAR FEET OF STREAM BANK ALONG SHOAL CREEK THAT IS CURRENTLY FAILING, THAT IS EVIDENCED IN THE PICTURE IN THE UPPER RIGHT, YOU CAN SEE A PHOTO OF THE CONCRETE AND THE GABION WALL THAT HAS FALLEN DOWN RIGHT NOW. THERE'S ANOTHER AREA ALONG THE CREEK THAT IS SAGGING, PROBABLY WILL COME DOWN IN

THE NEXT FLOOD. WHAT NEEDS TO BE DONE TO PROTECT THE INTEGRITY OF THE PROPERTY ON TOP IS TO REMOVE THAT WALL AND REPLACE IT IN ITS ENTIRETY. SO 400 FEET BY ABOUT 20-FOOT TALL. WHAT WE PROPOSE IS SOMETHING THAT WILL LOOK LIKE THE PHOTO IN THE LOWER RIGHT. THIS IS A DESIGN TEMPLATE THAT WE HAVE USED IN THREE OTHER LOCATIONS IN LOWER SHOAL CREEK, INCLUDING THE SITE AT SHOAL AND 5th, THE AUSTIN CITY LOFTS. WE HAVE ALSO USED THIS DESIGN TEMPLATE A LITTLE FURTHER UPSTREAM AT THE OLD POLE YARD LOCATION. WHAT WE ARE GOING FOR IS A CONSISTENT AESTHETIC ALONG SHOAL CREEK THAT IS FUNCTIONAL AND EMPHASIZES THE TRADITIONAL CHARACTER OF THE STREAM IN THIS AREA. OUR COST ESTIMATES ARE ABOUT ONE MILLION FOR THE REMOVAL AND REPLACEMENT OF THIS. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS ABOUT THIS PORTION OF THE PROJECT.

Mayor Wynn: QUESTIONS FOR MR. KELLY, COUNCIL? THANK YOU.

THANKS. NEXT UP WE WILL HAVE SONDR A CREIGHTON, DIRECTOR OF PUBLIC WORKS TO TALK ABOUT THE STREET EXTENSION ISSUES.

WELCOME, MS. CREIGHTON.

GOOD MORNING, MAYOR AND COUNCIL. THIS NEXT SECTION AS MS. HUFFMAN MENTIONED IS TO REESTABLISH THE GRID IN THE AREA. SO AFTER THE DECOMMISSIONING AND DEMOLITION OCCURS, WE WILL THEN BE ABLE TO COME IN AND -- AND REESTABLISH THE GRID. WE WILL BE STARTING WITH NUECES STREET, WE WILL BE EXTENDING THAT FROM THIRD STREET DOWN TO CESAR CHAVEZ AND THEN SECOND STREET WILL BE EXTENDED FROM SAN ANTONIO TO SHOAL CREEK. WE WILL ALSO BE INCLUDING GREAT STANDARDS, GREAT STREETS STANDARDS AS PART OF THESE PROJECTS. WHAT WE ARE SUGGESTING IS RATHER THAN HAVE THAT INCLUDED AS PART OF THE PROJECT, WE WOULD HAVE THE DEVELOPER DO THAT PORTION OF THE WORK BECAUSE WE DON'T KNOW WHERE THE CURB CUTS WOULD BE AT THAT TIME. AND SO RATHER THAN HAVE WORK INSTALLED AND THEN TAKEN OUT LATER, IT WOULD BE BENEFICIAL TO HAVE

THAT PART OF THE DEVELOPMENT. AND THEN EVEN FURTHER TO THAT, IT MAY BE BENEFICIAL, ALSO, TO ACTUALLY HAVE NUECES AND 2nd CONSTRUCTED AS PART OF THE DEVELOPERS PLAN. BECAUSE IT'S POSSIBLE THAT WHEN THEY SUBMIT THEIR PROPOSAL TO COUNCIL, THEY MAY INCLUDE AN UNDERGROUND PARKING GARAGE AND SO YOU MAY WANT TO ACTUALLY HAVE THE ROADS INSTALLED AFTER THAT DEVELOPMENT PLAN IS PROVIDED. BUT RIGHT NOW WE ARE PROCEEDING AHEAD WITH THE DESIGN OF THE ROADS, SO THAT -- SO THAT WE CAN REMAIN FLEXIBLE AND GO WHICHEVER DIRECTION IS DESIRED BY COUNCIL.

OKAY. THE NEXT SLIDE SHOWS YOU THE POTENTIAL CAPITAL METRO RAIL ALIGNMENTS. THESE HAVE NOT YET BE PRESENTED TO THE BOARD SO YOU CAN UNDERSTAND WHAT'S BEING PROPOSED. ONE SHOWS GOING UP ALONG FOURTH STREET AND DIAGONALLY DOWN TOWARDS SEAHOLM AND THE OTHER ONE ACTUALLY HAS NO ALIGNMENT COMING DOWN SAN ANTONIO AND THEN PROCEEDING ON ACROSS THIRD STREET. THERE HAS BEEN AN INTEREST EXPRESSED BY CAPITAL METRO FOR THE CITY TO PARTICIPATE IN A BRIDGE CROSSING SHOAL CREEK, BUT CURRENTLY THERE'S NOT FUNDING IDENTIFIED TO DO THAT WORK. I WILL NOW HAND OVER MY PRESENTATION TO SUE EDWARDS TO DO THE NEXT COMPONENT.

THANK YOU. ON THE ISSUE OF -- OF GOING AHEAD AND DESIGNING THE -- THE ROADS, EXTENSION AND NUECES STREET, ANOTHER VALUE THAT WE WOULD GET OUT OF THAT IS IT SEEMS TO ME PROBABLY BE ABLE TO HAVE A MUCH MORE FIRM COST ESTIMATE WHEN PRESUMABLY WE DO TALK TO THE PRIVATE SECTOR. AS WE END UP INEVITABLY HAVING NEGOTIATIONS ABOUT WHAT PAYS FOR WHAT, THE VALUE OF CERTAIN THING, IF YOU CAN GO AHEAD AND GET THE ROADS SCHEMATICALLY ENGINEERED IN SUCH A WAY THAT WE WOULD HAVE A VERY FIRM COST ESTIMATE THAT WE WOULD LIKE TO ROLL THAT INTO THE NEGOTIATIONS.

ABSOLUTELY. THAT'S A GOOD POINT.

Mayor Wynn: OKAY. FURTHER QUESTIONS FOR MS.

CREIGHTON, COUNCIL?

THANK YOU.

Mayor Wynn: THANK YOU. WELCOME, MS. EDWARDS.

THANK YOU MAYOR AND MAYOR PRO TEM AND COUNCIL. GOOD MORNING. IN MY PART OF THE PRESENTATION, I WANT TO TOUCH BRIEFLY ON THE REDEVELOPMENT POTENTIAL OF THE SITE. AND SECONDLY TO DISCUSS THE RECOMMENDATIONS FOR THE DEVELOPER SELECTION PROCESS. THE SITE IS APPROXIMATELY 6-ACRES ENCOMPASSING BLOCKS ONE AND 23 AND TWO UNNUMBERED BLOCKS. WHICH FULLY DEVELOPED WILL INCLUDE A STREET GRID THAT EXTENDS SECOND STREET WEST FROM SAN ANTONIO TO SHOAL CREEK AND COMPLETES THE NUECES CONNECTION SOUTH FROM THIRD STREET TO CESAR CHAVEZ. PROVIDING A WELL DEFINED AND EXPANDED SECOND STREET DISTRICT. THE SITE IS NOT IN THE CAPITAL VIEW CORRIDOR AND AT THIS TIME, HAS FEW KNOWN CONSTRAINTS OTHER THAN THE WATERFRONT OVERLAY DISTRICT, WHICH AFFECTS BOTH THE WEST AND SOUTH SIDES OF THE PROPERTY. THAT ABUT BOTH SHOAL CREEK AND FACE TOWN LAKE. IN THIS AREA THE OVERLAY LIMITS THE BASE WALL OF A BUILDING TO A MAXIMUM OF 45 FEET ALONG CESAR CHAVEZ AND SHOAL CREEK, WITH AN ENVELOPE ABOVE DELIMITED BY A 70-DEGREE ANGLE. THIS SLIDE IS OUR BEST EFFORT AS A SIMPLE CROSS-SECTION GRAPHIC PORTRAYAL OF THE EFFECT OF THE OVERLAY. A VERY PRELIMINARY, I WOULD EMPHASIZE VERY PRELIMINARY LOOK AT DENSITY INDICATES THAT THE SITE COULD STAIN ANYWHERE FROM 1.5 TO 2 MILLION SQUARE FEET OF DEVELOPMENT. WE HAVE LAID OUT THE DEVELOPMENT PROCESS AND -- IN FIVE PHASES. THE SITE FEASIBILITY STUDY, THE DEVELOPMENT AND ISSUANCE OF AN R.F.P. THE DEVELOPERS RESPONSE TO THE R.F.P., THE TEAM EVALUATION OF THOSE RESPONSES, THE DEVELOPER PRESENTATIONS TO COUNCIL AND FINALLY COUNCIL APPROVAL. AS INDICATED PREVIOUSLY, WE HAVE SOME VERY PRELIMINARY DATA ABOUT THE SITE. A FEASIBILITY ANALYSIS WILL PROVIDE US WITH A DETAIL NEEDED TO FULLY DEVELOP THE R.F.P. THE ANALYSIS WILL ASSURE THAT WE HAVE IDENTIFIED ALL OF THE SITE CONSTRAINTS.

IT WILL HELP REFINE THE POTENTIAL GROSS FLOOR AREA OF DEVELOPMENT. IT WILL DETERMINE THE COST OF ADDITIONAL INFRASTRUCTURE IF NEEDED. AND PROVIDE A MARKET ANALYSIS AND A VALUE FOR THE PROPERTY. IT IS OUR INTENT TO BEGIN THE SITE FEASIBILITY STUDY IN NOVEMBER OF THIS YEAR. SO THAT WILL BE NEXT MONTH. THE SECOND PHASE OF THE PROCESS IS THE DEVELOPMENT AND WRITING OF THE R.F.P., WHICH WILL SPELL OUT THE CITY GOALS. DESIGN CRITERIA, DIRECTIONS TO THE RESPONDENTS ON THE INCLUSION OF A PUBLIC LIBRARY AND OTHER PERFORMANCE CRITERIA. THE FINAL PROJECT AS ALWAYS WILL BE ISSUED BY THE PURCHASING DEPARTMENT. ONCE THE R.F.P. IS ON THE STREET, WE HAVE ALLOTTED 90 DAYS FOR THE DEVELOPER TO RESPOND. AFTER WHICH WE WILL BEGIN THE TEAM EVALUATION. THE SALE OF THIS PROPERTY IS A REAL ESTATE TRANSACTION. AND FOR THOSE OF YOU WHO WERE HERE WHEN WE BROUGHT BLOCK 21 AND SEAHOLM TO YOU FOR CONSIDERATION. WE WILL BE HANDLING THIS PROCESS IN A VERY SIMILAR WAY. PERIODICALLY DURING THE EVALUATION, WE WILL BE BRIEFING YOU IN EXECUTIVE SESSION ON THE REAL ESTATE ASPECTS OF THE PROPOSAL. AT THE CONCLUSION OF THE EVALUATION PERIOD, WE WILL SCHEDULE A FINAL EXECUTIVE SESSION WITH YOU. THE TOP THREE PROPOSERS, ASSUMING THERE ARE THREE PROPOSERS, WILL BE ASKED TO GIVE PRESENTATIONS BEFORE THE CITY COUNCIL. AGAIN, BECAUSE THIS IS A REAL ESTATE TRANSACTION, YOU WILL HAVE INFORMATION ABOUT THE PROPOSALS PRIOR TO THE PRESENTATION. BUT THE DEVELOPERS WILL NOT KNOW WHERE THEY STAND IN TERMS OF PLACEMENT OR RANKING. AGAIN, AS WITH BLOCK 21 AND SEAHOLM, AFTER THE PRESENTATIONS THERE WILL BE A PERIOD OF THREE TO FOUR WEEKS WHERE COUNCIL WILL HAVE THE ABILITY TO ASK ADDITIONAL QUESTIONS AND TO STUDY THE PROPOSALS. AFTER THAT TIME, WE WILL BRING THE PROPOSALS AND THE OFFER BACK TO COUNCIL FOR FINAL APPROVAL. THE REDEVELOPMENT SCHEDULE IS DEPENDENT UPON AND WILL COINCIDE WITH THE DEMOLITION SCHEDULE FOR GREEN. AND AS YOU WILL SEE IN A LATER SLIDE THAT DEPICTS THE COMPOSITE SCHEDULE, THE COUNCIL SELECTION OF THE DEVELOPER IS SCHEDULED CONCURRENTLY WITH THE COMPLETION OF

THE CLEANING OF THE SITE. THIS CONCLUDES MY PART OF THE PRESENTATION AND IF YOU DON'T HAVE ANY QUESTIONS, I WILL TURN THE PRESENTATION BACK OVER TO LAURA HUFFMAN WHO IS GOING TO TALK ABOUT THE OVERALL SCHEDULE, INFRASTRUCTURE COSTS AND SUMMARIZE THE PRESENTATION.

Mayor Wynn: THANK YOU, MS. EDWARDS, COUNCILMEMBER LEFFINGWELL?

Leffingwell: FIRST, ARE THERE ANY CAPITAL VIEW CORRIDOR ISSUES ON THIS SITE?

THERE ARE NOT.

AND -- AND SECOND HOW ABOUT -- HOW ABOUT ENVIRONMENTAL REMEDIATION, WE WILL HAVE TO GET A PERMIT FROM THE E.P.A. TO REDEVELOP THIS SITE?

WELL, THE SITE IS BEING DECONSTRUCTED, THEY WILL -- WHILE THE SITE IS BEING DECONSTRUCTED THEY WILL BE DOING AN ENVIRONMENTAL EVALUATION.

Leffingwell: BUT THAT PERMIT IS REQUIRED.

THAT PERMIT IS REQUIRED.

Leffingwell: AND FINALLY -- POTENTIALLY THE LIBRARY WOULD GO ON THIS SITE, IS THERE A PLAN B OR WHAT ARE YOUR THOUGHTS IF THAT PROPOSITION DOES NOT PASS. NEVER MIND, I WILL WITHDRAW THAT QUESTION.

THANK YOU, SIR [LAUGHTER]

THANK YOU VERY MUCH.

Futrell: LET ME GET -- AT THE POINT AT WHICH WE HAVE A DIFFERENT SENSE OF DIRECTION AFTER THE BOND ELECTION IF SOMETHING WERE TO CHANGE, WE WILL COME BACK AS A POLICY DISCUSSION WITH COUNCIL AT THAT POINT.

THANK YOU FOR RESCUING ME, CITY MANAGER.

SEEMS TO ME ONE OF THE ANSWER THAT'S WE GOT OUT OF THE ANALYSIS IS THE SITE LIKELY COULD HAVE 1.5 TO 2 MILLION SQUARE FEET OF TOTAL DEVELOPMENT, FUNDAMENTALLY IT WILL BE UP TO US AS A POLICY -- DIRECTIVE TO -- TO, YOU KNOW, FIGURE OUT WHAT COMPONENTS COMPRISE THAT 1.5 TO 2 MILLION SQUARE FEET, LIBRARY OR NO. COUNCILMEMBER KIM? [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

... HAVE APPROVED SOMETHING LIAR THAN THAT AND AS YOU STEP BACK, IF YOU WILL GO BACK TO THAT FIRST SLIDE FARTHER BACK, COUNCILMEMBER, ON BLOCK 23, THAT -- THAT BLOCK, 23, IS BASICALLY UNENCUMBERED SIMPLY BECAUSE IT DOES NOT -- IT'S NOT IN THE WATERSHED OVERLAY DISTRICT. SO THAT -- THAT PARTICULAR BLOCK COULD GO UP. A NUMBER OF STORIES. IT'S NOT ENCUMBERED. THE OTHER PLEE THREE BLOCKS BECAUSE THEY ABUT SHOAL CREEK AND ARE FRONT BY TOWN LAKE WILL HAVE TO COMPLY WITH THE WATERSHED OVERLAI. SO YOU DO HAVE THE ABILITY TO GO UP. ONE OF THE THINGS THAT WE HAD LOOKED AT, TALKED ABOUT AND, OF COURSE, IT'S STILL VERY MUCH IN THE AIR, IT DEPENDS ON WHAT WE GET IN TERMS OF DEVELOPERS, PROPOSALS, BUT BLOCK 23 AS IT STANDS RIGHT NOW LOOKS LIKE IT WOULD BE AN IDEAL BLOCK FOR THE LIBRARY. AND YOU COULD PUT THINGS ON TOP OF THE LIBRARY. WE HAVE HAD A NUMBER OF DIFFERENT POEMS ALREADY THAT JUST -- PROPOSALS, JUST DISCUSSIONS WITH DEVELOPERS WHO HAVE COME IN. A NUMBER OF PROPOSALS FOR THIS SITE. IT'S A VERY CREATIVE SITE AND WE ARE GOING TO SEE A LOT OF CREATIVE WAYS TO PUT THIS PIECE OF PROPERTY TOGETHER.

OKAY. THANK YOU.

Mayor Wynn: ON THAT SAME GRAPHIC THAT SHOWS THE LAYOUT, I KNOW THIS IS VERY SCHEMATIC AND JUST GIVES FOLKS THE SCALE AND IDEA PARTICULARLY WITH THE STREET EXTENSIONS, BUT AS PART OF PERHAPS MS. CREIGHTON'S EARS, AS PART OF THIS PRELIMINARY ENGINEERING AND DESIGN WORK FOR THE ROADS, I REALLY

SEE SIGNIFICANT VALUE IN AT LEAST GOING AHEAD AND DESIGNING AND ENGINEERING, COSTING THE COST TO HAVE WEST SECOND STREET EXTENDED ALL THE WAY TO THE CREEK. AND THEN, OF COURSE, THAT WOULD BEG THE FURTHER ANALYSIS COST AND OTHERWISE OF BRIDGING SHOAL CREEK FOR VEHICULAR TRAFFIC ON WEST SECOND STREET, OBVIOUSLY TYING IT INTO THE SEE....SEAHOLM REDEVELOPMENT. SEEMS TO ME EITHER SECOND OR THIRD STREET IT SEEMS TO ME WE WOULD WANT TO HAVE VEHICLER VEHICULAR CROSSING OF SHOAL CREEK IN ORDER TO TIE IN THE EXTENDED WEST AVENUE AND OPPORTUNITY THAT SHOAL CREEK REPRESENTS. SO IT SEEMS, YOU KNOW, OBVIOUSLY THIS IS JUST A SCHEMATIC DIAGRAM HERE, BUT I GET A LITTLE NERVOUS WHEN I JUST SEE SOMETHING THAT ACTS LIKE IT PRECLUDES POTENTIAL FUTURE OPTION FOR BETTER CONNECTIVITY IN THAT PART OF DOWNTOWN.

THIS SLIDE IS PART OF THE ORIGINAL R MONTH. A DESIGN FOR THE SEAHOLM PLAN. AND AT THAT TIME IF YOU RECALL THERE WAS NO DISCUSSION ABOUT REDUCING THE SIZE OF THE AUSTIN ENERGY SUBSTATION. SINCE THEN AND WITH THE DEVELOPMENT OF SEAHOLM, WE HAVE RELOOKED AT THAT AND VERY MUCH INTEND THAT THERE WOULD BE VEHICULAR TRAFFIC ON SECOND STREET ACROSS AND CONNECTING ALL OF THE WAY TO SEAHOLM. WE WOULD ALSO LIKE TO SEE THAT ON THIRD STREET, WHICH WOULD THEN, I THINK SANDRA CREIGHTON DISCUSSED, COMPLETE THAT GRID THROUGHOUT THAT WHOLE AREA. SO WE ARE DEFINITELY LOOKING AT THAT AND WOULD LIKE TO SEE THAT HAPPEN. IT'S NOT FUNDED AT THIS POINT, BUT WE ARE WORKING ON IT.

Mayor Wynn: GREAT. THANK YOU. FURTHER QUESTIONS OR COMMENTS? COUNCILMEMBER COLE.

Cole: I WAS WONDERING IF YOU ARE PREPARED AT THIS TIME TO SHOW US ANY OF THE COST OF FUNDING MECHANISMS. IS IT SORT OF PRELIMINARY OR DO YOU HAVE THAT?

WE DO NOT HAVE ANYTHING. PART OF WHAT THE FEASIBILITY STUDY WILL DO WILL HELP US TO COME UP

WITH WHAT THE EXACT COSTS OF INFRASTRUCTURE ARE. AND AS THE DEVELOPMENT PROPOSALS COME IN, DEPENDING ON WHAT THEY ARE, WHETHER THEY ARE RESIDENTIAL, RETAIL, A MIX OF THAT, AN OFFICE WITH A LIBRARY, THOSE COSTS WILL CHANGE. SO WE DO NOT HAVE THOSE AT THIS TIME AND THE FEASIBILITY STUDYINGLY BEGIN TO HELP US WITH THAT.

WE'RE GOING TO GIVE YOU A VERY BROAD OVERVIEW WHAT WE KNOW ON INFRASTRUCTURE COSTS. A SLIDE THAT'S COMING IN THE PRESENTATION. REMEMBER, YOU ALSO HAVE THE PROCEEDS THAT COME FROM THE SALE OF THE PROPERTY THAT HELP THE THINGS THAT MIGHT FALL ON OUR SIDE OF THE LEDGE..... LEDGER, AND A LARGE PART WILL ALSO BE NEGOTIATION WITH THE DEVELOPER ON THE DEVELOPER BORNE COSTS.

ONE LAST QUESTION BEFORE WE SEE THE NEXT SLIDE THAT SORT OF CLARIFIES THE MONEY ISSUES WITH THIS, CAN YOU GIVE US A FLAVOR FOR WHETHER YOU'VE RECEIVED QUITE A FEW DEVELOPMENT PROPOSALS OR NOT MANY OR -
-

I THINK THAT I RECALL CORRECTLY, I'VE HAD BEEN SEVEN DIFFERENT DEVELOPERS JUST COME AND ASK INTEREST IN, WHEN IS IT GOING TO BE COMMISSIONED, WE'RE INTERESTED IN DOING SOMETHING WITH THIS PROPERTY. AND I WOULD -- I WOULD SUSPECT THERE ARE GOING TO BE MORE THAN THAT. THIS IS ONE OF THE PRIME PIECES OF PROPERTY LEFT DOWNTOWN. COAL TAR.....

Cole: BASED ON YOUR EXPERIENCE, IT WOULD BE FAIR TO SAY THIS IS POSITIVE FOR US AT THIS TIME? I THINK IT IS A POSITIVE TI. I DEFINITELY DO.

COUNCILMEMBER, OVER THE LAST YEAR AND A HALF, POSSIBLY TWO YEARS, I'VE HAD A DOZEN DIFFERENT DEVELOPERS TALK ABOUT. I THINK YOU ARE GOING TO SEE ENORMOUS INTL IN THIS PRO. WE'VE HAD TWO IN THE LAST TWO WEEKS THAT HAVE COME IN JUST ASKING, TIME LINES, GIVING THEIR CREDENTIALS, TALKING ABOUT WHAT THEY'VE DONE. I THINK YOU ARE GOING TO SEE ENORMOUS

INTEREST IN THIS PROPERTY.

Cole: WONDERFUL.

Mayor Wynn: FURTHER QUESTIONS OR COMMENTS OF MS. EDWARDS?

THANK YOU.

Mayor Wynn: THANK YOU, SUE.

OKAY, FOR THIS SLIDE, MAYOR AND COUNCILMEMBERS, IT PULLS ALL OF THIS TOGETHER INTO A SINGLE TIME LINE SO YOU CAN SEE HOW WE'RE PLANNING ON ROLLING THIS PROJECT OUT. IT HAS THREE DIFFERENT PIECES TO IT. THE TOP BAR REPRESENTS THE DECOMMISSIONING TIME LINE. AND YOU CAN SEE THAT THAT STARTS NEXT MONTH WITH THE SELECTION OF THE CONSULTANT WHO WILL PLAN AND PROVIDE THE PRELIMINARY ENGINEERING FOR THE DECOMMISSIONING. THAT WORK IS EXPECTED TO CULMINATE IN 11-08. THAT'S WHEN WE'RE HOPING TO HAVE THE DECOMMISSIONING AND DEMOLITION PORTION OF THIS PROJECT COMPLETED. YOU CAN SEE THEY'VE GOT ABOUT FIVE MONTHS PLANNED FOR PRELIMINARY ENGINEERING, NINE MONTHS FOR DESIGN AND BIDDING, AND THEN TEN MONTHS FOR THE ACTUAL DEMOLITION AND DECOMMISSIONING. THE MIDDLE SECTION OF THIS TIME LINE SHOWS YOU THE STREET AND THIS IS A BROKEN BAR IN THE MIDDLE OF THE PAGE. SANDRA HAS ALREADY COMPLETED THE PRELIMINARY DESIGN AS SHE MENTIONED EARLIER. WHAT WE'RE GOING TO SHOW HERE IN THE MIDDLE BAR IS FINALIZING THOSE PRELIMINARY PLANS WITHOUT THE GREAT STREETS. WE WANT TO MAKE SURE WE HAVE THE CURB CUTS RIGHT AND WE'LL HAVE TO WORK WITH THE CHOSEN DEVELOPER SO WE DON'T INSTALL GREAT STREETS STRUCTURE AND HAVE TO PULL IT BACK OUT. AWARDDING THE BID AND CONSTRUCTION PHASE IS TIME TO COINCIDE WITH THE REDEVELOPMENT PROJECT. THE LAST BAR IS SHOWING IS IS THE ROCH PROCESS. WE'RE GOING TO BEGIN THE FEASIBILITY STUDY. THE GOAL IS TO INFORM US ON HOW BEST TO PULL TOGETHER THAT R.F.P. AND THEN SHE HAS TIMED THE ISSUANCE, EVALUATION, PROPOSALS TO THE CITY COUNCIL AND THE COUNCIL APPROVAL TO

COINCIDE WITH THE COMPLETION OF THE DEMOLITION PROJECT. SO YOU WILL GET THIS PROJECT BACK IN MID-TO-LATE 2008. I WANT TO EMPHASIZE PART OF WHAT WE'RE TRYING TO DO HERE IS PLAN PLENTY OF TIME FOR YOU TO EVALUATE THE PROPOSALS THAT WE GET, FOR YOU TO HEAR FROM THE TOP PROPOSERS, AND HAVE TIME BETWEEN THEIR PRESENTATIONS AND WHEN WE WOULD SCHEDULE THIS FOR COUNCIL ACTION. SO WE'VE BUILT IN PLENTY OF TIME FOR YOU ALL TO MAKE SURE THAT YOU HAVE SELECTED A CONSULTING TEAM THAT NOT ONLY HAS THE QUALIFICATIONS TO DO THIS PROJECT BUT THAT HAS THE WHEREWITHAL FINANCIALLY TO PULL IT OFF. AND ALSO, AS COUNCILMEMBER KIM MENTIONED, WE WANT TO YOU HAVE AN OPPORTUNITY TO LOOK AT PEOPLE'S PROPOSALS FOR HOW THEY WOULD REDEVELOP THIS PROJECT. AND THAT'S EXACTLY WHY WE CHOSE THE R.F.P. TOOL BECAUSE WE THINK IT GIVES YOU THE BEST SHOT OF EVALUATING AT ALL THREE ANGLES WHO IS THE BEST CONSULTANT, WHO IS THE BEST PRIVATE DEVELOPER TO PARTNER WITH FOR THIS. THAT'S THE TIME LINE. THE INFRASTRUCTURE COSTS, WE HAVE ROUGH ESTIMATES NOW. YOU SEE THE PIE CHART. THE LARGEST PIECE OF THE PIE IS THE DECOMMISSIONING AND DEMOLITION PROJECT AT AN ESTIMATED \$16 MILLION. THEN WE'VE GOT ABOUT A MILLION DOLLARS LOADED FOR THE BANK STABLATION PROJECT. \$6.5 MILLION LOADED FOR ROADWAY. ABOUT A HALF A MILLION DOLLARS FOR ELECTRIC UTILITY WORK. THEN \$3.5 MILLION LOADED FOR THE WATER, WASTEWATER RELOCATION ASSOCIATED WITH THE STREET PROJECT. SO ONE OF THE THINGS THAT THE CITY MANAGER JUST MENTIONED YOU, THIS TOTALS \$27.5 MILLION AND IT IS OUR PROPOSAL THAT ASIDE FROM THE ROADWAYS WHICH ARE BASIC CITY COSTS THAT THESE COSTS BE REIMBURSED FROM THE PROCEEDS OF THE LAND SALE SO THAT PROJECT REIMBURSES THE COSTS WE HAVE TO PUT INTO IT TO MAKE THIS VERY DEVELOPABLE LAND. SOD.....SO LET ME SUM VICE.WE'VE HAD A CHANCE ABOUT POLICY DIRECTION, THE DECOMMISSION AND DEMOLITION PLAN, THE BANG STABILIZATION PROJECT, THE PROPOSED STREET PROJECTS, AND OUR RECOMMENDATION ON HOW YOU WOULD SELECT A DEVELOPER FOR THE REDEVELOPMENT OF THE PROPERTY. AND WE'VE PROVIDED A TIME LINE. AND WHAT WE KNOW AT THIS POINT ABOUT THE

INFRASTRUCTURE COSTS. AS WE MOVE FURTHER INTO THIS PROJECT, WE'LL KNOW MORE AND HAVE MORE REFINED NUMBERS. AND THE FEASIBILITY ANALYSIS WILL HELP US ALSO SEE WHETHER OR NOT WE'VE MISSED ANY COSTS THAT MIGHT BE ASSOCIATED WITH CITY WORK. SO COUNCIL, OUR GOAL TODAY IS TO MAKE SURE THAT HAVE YOU THE INFORMATION THAT YOU NEED ON WHERE WE ARE TODAY, BUT ALSO TO CONFIRM THE POLICY DIRECTION AND TO MAKE SURE THAT WE ARE MOVING THIS PROJECT ALONG IN ACCORDANCE WITH THE POLICY DIRECTION YOU'VE RECEIVED. I'VE HEARD TWO THINGS THAT I WANT TO CONFIRM. ONE IS THAT WE'LL GO AHEAD AND PROVIDE A PRELIMINARY COST ESTIMATE FOR PUTTING A SHOAL CREEK BRIDGE AT THE END OF SECOND STREET SO THAT YOU CAN LOOK AT THOSE COSTS AND HAVE THAT INFORMATION AVAILABLE TO YOU AS WE MOVE THROUGH THIS PROCESS. AND THEN THE OTHER THING I JUST WANT TO CONFIRM IS THAT THE REASON THAT WE CHOSE THE R.F.P. IS THE -- AS THE PROPOSING TOOL IS SO YOU CAN LOOK AT THE QUALIFICATIONS OF DEVELOPERS, THE FINANCIAL WHEREWITHAL AND ALSO THE PROJECTS THEY ARE PROPOSING FOR THIS PRO. WE THINK THAT'S THE MOST ROBUST TOOL AVAILABLE SO WE CAN LOOK AT ALL ASPECTS. THIS WILL BE A LITTLE MORE LIKE BLOCK 21. IF YOU WILL RECALL ON SEAHOLM WE USED AN R.F.Q. PROCESS. WHEN YOU REQUEST QUALIFICATIONS, YOU ARE REALLY LOOKING AT THE TEAM COMPOSITION, THE TEAM DEPTH, THE QUALIFICATIONS OF THE PARTNER, AND WE FELT YOU WOULD WANT TO GO A STEP FURTHER THAN JUST THE QUALIFICATIONS, THAT YOU WOULD WANT TO SEE WHAT THE COST ESTIMATES ARE, WHAT THE PROJECT PROPOSAL WAS AND ALSO GIVE OURSELVES THE ABILITY TO MAKE SURE THAT THE FUNDING WAS GOING TO BE THERE TO MAKE SURE THE PROJECT HAPPENS. SO THAT'S WHY WE'RE RECOMMENDING THE REQUEST FOR PROPOSALS AS WE MOVE THROUGH THE REDEVELOPMENT STAGE OF THIS PROJECT. SO WITH THAT, YOU HAVE NOW MET THE TEAM, BY THE WAY. THIS IS THE GROUP THAT WILL BE WORKING ON THIS. AS YOU CAN SEE, IT CROSSES A NUMBER OF DIFFERENT DEPARTMENTS. BUT WE WILL WORK TOGETHER AND MAKE SURE THAT THE DECOMMISSIONING, THE ROADS, THE BANK STABILIZATION AND ULTIMATELY THE

REDEVELOPMENT OF THIS PROJECT HAPPEN SMOOTHLY AND IN ACCORDANCE WITH COUNCIL DIRECTION. WE ARE AVAILABLE TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.

Mayor Wynn: THANK YOU, MS. HUFFMAN. I'LL START, IF YOU DON'T MIND. I JUST HAVE ONE, THEN I'LL TURN IT OVER TO COUNCIL. ON YOUR PROJECTED TIME LINE, LAURA, AND I GREATLY APPRECIATE HOW YOU ARE TRYING TO -- THE SEQUENCE AND BACK INTO A COORDINATED START AND IT LOOKS LIKE IN THE BEGINNING OF '09. MY CONCERN IS THE BOTTOM BAR, THE R.F.P. DEVELOPMENT PARTNER PROCESS IS THAT WE'VE BACKED INTO BY STARTING AT THE FIRST OF '08, WE'VE SORT OF BACKED INTO US FINISHING THE COUNCIL APPROVAL PROCESS TO COINCIDE WITH THE COMPLETION OF THE DEMOLITION AND DECOMMISSIONING. BUT IT SEEMS TO ME OUR HISTORY HAS BEEN ONCE A DEVELOPER IS CHOSEN, THAT JUST THE COMPLEXITY OF THE LEGAL ARRANGEMENTS AND THE DOCUMENTATION CAN GO ON FOR MONTHS AND MONTHS. AND, YOU KNOW, WE LEARNED A LOT WITH THE MUELLER AGREEMENT, IT TOOK A LONG TIME, BUT WE LEARNED FROM THAT TEMPLATE, AND WE'VE LEARNED A LOT WITH STRATUS ON BLOCK 21. WE'RE STILL LEARNING THE COMPLEXITIES OF SEAHOLM BECAUSE IT'S A DIFFERENT KIND OF PROJECT. MY CONCERN WOULD BE THAT, SAY, THAT THE COUNCIL TAKES ACTION ACCORDING TO THIS TIME LINE NOVEMBER OF 2008 AND THE SITE IS READY TO GO SELLERLY, BUT WE -- ESSENTIALLY, BUT WE FIND OURSELVES -- IT WOULDN'T BE UNPRECEDENTED FOR US TO SPEND FOUR OR SIX MONTHS TRYING TO GET THE ACTUAL DOCUMENTATION THAT REALLY ONCE AND FOR ALL TURNS SOMEBODY LOOSE ON THE SITE. AND SO IT SEEMS TO ME THAT WE NEED TO ALLOW FOR THAT BECAUSE IT WOULD BE NICE RIGHT AT THE DECOMMISSIONING AND DEMOLITION AND SITE PREP IS READY, THEN THERE'S THE TEAMS IN PLACE AND, YOU KNOW, DIRT IS MOVING WITHIN WEEKS OR A COUPLE OF MONTHS. I'M JUST CONCERNED WE WON'T HAVE ENOUGH TIME ALLOCATED FOR THAT.

I THINK YOU HAD IT AT THE HELLO. LAURA AND I.. I ARE NODDING. I THINK WE NEED TO BACK THIS UP TO MAKE SURE ALL THE ACTUAL CONTRACT NEGOTIATIONS, EVERYTHING

ARE COMPLETE.

YEAH, POINT WELL TANL. I ALWAYS LIKE TO THINK THESE THINGS WILL TAKE THREE MONTHS AND I CONSISTENTLY LOSE THOSE BETS. WE CAN PULL THAT BACK. WE CAN PULL IT BACK. WE'RE TRYING TO BALANCE OUT HAVING ENOUGH INFORMATION ABOUT THE SITE TO MAKE SURE WE'VE CLEARED THE ENVIRONMENTAL HURDLE. AND ALSO TO MAKE SURE THAT WE GET IT APPRAISED AT A POINT WHERE WE KNOW ENOUGH ABOUT THE LAND TO GET THE BEST APPRAISAL WE CAN GET. BUT WE CAN DEFINITELY PULL IT BACK INTO 2007. THESE THINGS TYPICALLY TAKE A YEAR TO NEGOTIATE.

Mayor Wynn: ALL RIGHT. THAT'S MY MAIN POINT, JUST TRYING TO FIGURE OUT TO KEEP THIS THING -- KEEP THE MOMENTUM AND EVERYBODY'S ATTENTION IN A COORDINATED ENOUGH WAY TO WHERE THE PROJECT HAPPENS SOONER THAN LATER AND HOPEFULLY MORE EFFICIENTLY THAN WOULD HAPPEN OTHERWISE.
COUNCILMEMBER McCracken.

McCracken: THE FIRST QUESTION IS AT WHAT POINT WOULD WE OFFER POLICY DIRECTION ABOUT THE LIBRARY BEING THE BASE BUILDING FOR A VERTICAL MIXED USE STRUCTURE FOR ONE OF THESE BLOCKS? I THINK YOU'VE HEARD SEVERAL OF US TODAY AND IN PREVIOUS MEETINGS EXPRESS AND OBVIOUSLY IT DOES RELY ON VOTERS APPROVING THAT.

AND LAURA JUMP IN WITH THIS, BUT HERE'S HOW I WOULD SEE THIS HAPPENING. AS WE MOVE FORWARD WITH THIS OBVIOUSLY AFTER THE BOND PACKAGE AND AS WE'RE MOVING FORWARD IN THE TIME LINE YOU'VE JUST LOOKED AT, WE'LL BE COMING PERIODICALLY BECAUSE IT'S A REAL ESTATE TRANSACTION THAT WE'RE TALKING ABOUT, WE'RE GOING TO BE COMING PERIODICALLY TO YOU AS A BODY IN EXECUTIVE SESSION TO TALK THROUGH HOW WE MOVE FORWARD WITH THAT REAL ESTATE TRANSACTION. AND I THINK YOU WILL SEE WE CAN BACK THAT PRETTY FAR UP TO BE SURE WE'RE GETTING A GOOD SENSE OF WHERE THE COUNCIL WANTS US TO GO AND HOW TO PUT THE R.F.P.

OUT.

McCracken: GO AHEAD.

THE ONLY OTHER THING I WOULD ADD TO THAT IS AT SEAHOLM AND BLOCK 21 WE GAVE YOU ALL COPIES OF THE R.F.P. AND THE R.F.Q. THAT'S THE DOCUMENT YOU WANT TO MAKE SURE CAPTURES THAT INTENT SO WE WOULD PUT SOMETHING IN THAT SIGNALS THE DEVELOPER WE'RE LOOKING AT MAXIMIZING DEVELOPMENT POSTERIORLY AND WE WILL BE BACK WITH YOU BECAUSE WE'RE GOING TO WANT TO TALK ABOUT THE PARAMETERS WE WOULD EXPECT THEM TO MEET BUILDING THE LIBRARY ON THE SITE. WE WILL BRING THAT BACK TO YOU AND YOU WILL HAVE A CHANCE HELP US SHAPE WHAT THAT DIRECTION SHOULD LOOK LIKE BECAUSE ALL OF THAT IS GOING TO GET LOADED INTO THE R.F.P. SO HOW YOU WANT THE LIBRARY TO BE INCORPORATED INTO THIS DEVELOPMENT, WE WILL NEED TO COME BACK TO YOU AND GET YOUR THOUGHTS ON HOW YOU WANT THAT TO LOOK.

WE'LL BE BRIEFING YOU ON THE RESULTS OF THE FEASIBILITY STUDY AND AFTER WE GET THROUGH PLAN AND PRELIMINARY ENGINEERING BECAUSE WE MAY BE FINDING THINGS WE'RE NOT EXPECTING NOW, WE'LL BE COMING FORWARD AND BRIEFING YOU AT EAST.....EACH OF THESE POINTS. OBVIOUSLY IT WILL BE CODIFIED, PUT INTO THE R.F.P., ALL OF WHICH YOU WILL SEE BEFORE IT GOES OUT.

McCracken: I GUESS AT LEAST PERSONALLY AND FROM A NUMBER OF US, MAYBE EVERY ONE OF US, I DON'T KNOW, BUT THERE IS A VERY STRONG INTEREST IN MAXIMIZING THE TAX BASE POTENTIAL, AND SO IF YOU TAKE ONE OF THESE FOUR BLOCKS AND LEAVE IT A PUBLICLY ZONED PIECE OF LAND, YOU ARE LOSING THE ENTIRE TAX BASE POTENTIAL OF THAT BLOCK. ON THE OTHER HAND, IF YOU HAVE A \$90 MILLION PUBLIC CENTRAL LIBRARY THAT IS THE BASE BUILDING OF A LARGER BUILDING, THAT PRODUCES GREAT ECONOMIES FOR THE ENTIRE DEVELOPMENT. IT WOULD BE GREAT FOR THE LIBRARY, IN MY OPINION. SO I PERSONALLY WOULD LIKE TO SEE US COME BACK FAIRLY SHORTLY AFTER THE ELECTION SO WE CAN RESOLVE THAT ISSUE BECAUSE THAT'S A FUNDAMENTAL PIVOT POINT ABOUT HOW WE

STRUCTURE THE PLANNING FROM THAT POINT FORWARD. SO THAT'S WHAT I WOULD PERSONALLY LIKE TO SEE IS US COME BACK SHORTLY AFTER THE BONN ELECTION SO WE CAN GIVE YOU MORE DEFINITIVE DIRECTION ON THAT. THE SECOND ISSUE IS ON THE RAIL ALIGNMENT. AND SO I JUST WANTED THE CAPITAL METRO BOARD MEMBERS, I WAS VERY ASTONISHED AND SURPRISED TO HAVE TO LEARN HERE THAT THERE WAS A THOUGHT PROCESS WITHIN CAPITAL METRO TO CONSULT.....TO CUT IN HALF A NON-CAPITAL QUARTER CONSTRAINED PROPERTY THAT THAT PROPERTY HAS BEEN VOTED TO REDEVELOP. COULD YOU GIVE US MORE INFORMATION ABOUT HOW THIS IS CONVEYED TO US BECAUSE I KNOW YOU ALL LEARNED OF THIS RECENTLY TOO IS MY UNDERSTANDING.

THIS IS EXTREMELY PRELIMINARY INFORMATION, AND IT WAS REALLY JUST TO KIND OF PROVIDE YOU WITH SOME IDEAS ABOUT WHAT THEY ARE THINKING ABOUT. I HAD TALKED TO LOSEY ABOUT IT AHEAD OF TIME AND SHE SAID SHE WAS CONCERNED ABOUT BRINGING IT FORWARD AND HAVING IT, YOU KNOW, PRESENTED TO YOU, BUT TO JUST LET YOU KNOW THAT IT'S VERY POTENTIAL, THESE ARE JUST POTENTIAL IDEAS THEY ARE PRESENTING AND THEY ARE GOING TO BE COMING TO THE CAPITAL METRO BOARD ON OCTOBER 30th. SO THAT'S THE TIME WHEN THEY ARE GOING TO BE PRESENTING IT AND OBVIOUSLY IT'S UP TO THE BOARD AT THAT TIME TO DISCUSS IT. THEY WILL HAVE MUCH, MUCH MORE INFORMATION TO PROVIDE AT THAT TIME. THIS IS JUST TO KIND OF GIVE YOU AN IDEA THAT THERE IS GOING TO BE RAIL IN THE AREA, AND, YOU KNOW, WHAT SOME OF THE ALIGNMENTS MIGHT BE CONSIDERED.

YOU DID JUST ELEVATE LUCY TO SHARE STATUS. SHE WILL BE PROUD TO HEAR SHE'S ON A FIRST NAME BASIS ON THE DAIS. WE SHARED EXACTLY THOSE CONCERNS. I BELIEVE THEY INTENDED THIS TO BE A SHOW OF WHAT IF IT WAS NOT TROLLEY CIRCULATOR BUT RAIL.

A COMMUTER RAIL OR HEAVIER RAIL.

BECAUSE OF THE ABILITY TO TURN. BUT YES, BECAUSE THIS IS AN AUSTIN ENERGY OWNED BLOCK, A BLOCK COUNCIL HAS GIVEN US DIRECTION TO DEVELOP, BECAUSE THE SALE

OF THE BLOCK IS IMPORTANT TO BEING ABLE TO SHRINK THE SUBSTATION. THE COST OF THAT, ALL OF THOSE ARE THE CONCERNS THAT WE'RE GOING TO CONVEY TO CAP METRO AS YOU ALL MOVE FORWARD ON THE CAPITAL METRO BOARD ON VEAMMENTING THESE. -- EVALUATING THESE.

Mayor Wynn: MAYOR PRO TEM.

Dunkerley: I WANT TO ECHO ALL OF THESE THINGS ABOUT THE RAIL ALIGNMENT. I'M HOPING THAT WILL BE RECONSIDERED AND ENCOURAGE OUR REPRESENTATIVES ON THAT BOARD.

YEAH, TO STAND OFFICIAL. AND I -- I AM VERY ENCOURAGED TO HEAR THAT THE GENESIS OF THAT POTENTIAL ALIGNMENT WAS BECAUSE OF POSSIBLY BEING A HEAVIER RAIL CONFIGURATION SO SOUNDS LIKE WE DON'T HAVE ANYTHING TO WORRY ABOUT, THAT WE CAN MAKE SURE THAT IS NOT WHAT IS PUT FORWARD BECAUSE IT CLEARLY CONTRADICTS THE GOALS OF THE REDEVELOPMENT OF THIS WHOLE AREA TO LOSE AN ENTIRE [INAUDIBLE] BLOCK TO HAVE RAIL THROUGH IT. SO I THINK THE OTHER ALIGNMENT THAT WE'VE SEEN, THE ALTERNATE ONE DOWN THIRD WOULD BE BETTER..... BETTER. MY NEXT QUESTION IS ON AFFORDABILITY. WE HEARD LAST WEEK FROM ROMA THAT THEY HAD A TWO-FOLD STRATEGY FOR BRINGING AFFORDABLE HOUSING DOWNTOWN. THE FIRST COMPONENT WAS TO PRODUCE A DEVELOPMENT BONUS STRUCK TR TO USE TRADEOFFS OF THINGS LIKE DENSITY CAPS AND F.A.R. WAIVERS AS A WAY TO GET MORE AFFORDABLE HOUSING. THE SECOND OTHER COMPONENT WAS TO DO A -- TO USE GOVERNMENT OWNED LAND AND SO TO REDUCE THE COST BASIS FOR GOVERNMENT OWNED LAND. SO I WOULD LIKE SOME ASSESSMENT OF ON -- HAVE WE DONE ANY ASSESSMENTS OR STRATEGIES ON HOW WE WOULD TAKE THAT ROMA CONCEPT OF USING GOVERNMENT OWNED LAND AS ONE OF THE TWO CENTRAL BASES FOR PRODUCING AFFORDABLE HOUSING DOWNTOWN A WHAT IS THE THINKING TO DATE SO FAR?

THAT'S A GREAT POINT BECAUSE WE'RE GOING TO WANT TO THINK ABOUT THAT PIECE OF THIS VERY EARLY ON. AND IN

FACT, WE'RE GOING TO WANT TO INCLUDE THAT IN THE FEASIBILITY STUDY. THE BEST PLACE FOR US TO START TO GAIN AN UNDERSTANDING HOW WE COULD USE DEVELOPMENT BONUSES IN ORDER TO GET AFFORDABLE HOUSING AND ALSO TO UNDERSTAND WHAT YOUR SPECIFIC AFFORDABLE HOUSING GOALS WOULD BE, WE WANT TO LEARN WHAT THOSE COSTS MIGHT LOOK LIKE THROUGH THAT FEASIBILITY STUDY BECAUSE THAT WILL HELP US GET A HANDLE ON THE PUBLIC ASPECT OF THIS PROJECT. SO WE WILL WANT TO TALK TO YOU ALL ABOUT THAT. WE HAVE A DIFFERENT AFFORDABILITY GOALS. MUELLER HAS ONE. WE HAVE MORE AGGRESSIVE GOALS IN THE TODDS, IN THE TODD ORDINANCE. THEN WE HAVE A THIRD SET OF GOALS IN THE UNO OVERLAY NEAR THE UNIVERSITY CAMPUS. SO PART OF WHAT WE WANT TO ESTABLISH IS WHAT THE AFFORDABILITY GOALS WILL BE AND THEN IF WE WANT TO INCLUDE THOSE ON THIS PROJECT, WE'LL WANT TO KNOW FROM A FEASIBILITY STANDPOINT WHAT IT CREATES IN TERMS OF PUBLIC COST IF IT CREATES PUBLIC COST OR IF IT CAN ALL BE DONE THROUGH DEVELOPMENT BONUSES. THIS PIGGY BACKS ALSO ON YOUR EXISTING COUNCIL DIRECTION THAT A SIGNIFICANT PORTION OF CITY OWNED PROPERTY THAT GETS REDEVELOPED, A PORTION OF THAT INCREMENTAL TAX BASE GOES BACK INTO THE AFFORDABLE HOUSING TRUST FUNDS. THERE ARE A NUMBER OF TOOLS WE CAN USE ON THIS TRACT. 40%.

McCracken: I THINK WHAT WE'VE SEEN THIS COUNCIL DO RECENTLY IN OUR RECENT ACTIONS IS KIND OF MOVE TO THE NEXT STEP ON THAT WHICH IS MOVE SIMPLY -- MOVE SETTLE BIT BEYOND SAYING THAT WE WOULD USE THESE FUNDS INTO A GENERAL AFFORDABLE HOUSING TRUST FUND. WE SAW THE PRESENTATION DURING THE RESIDENTIAL ORDINANCE SHOWING THAT VIRTUALLY ALL THOSE FUNDS HAVE BEEN USED FOR AFFORDABLE HOUSING IN EAST AUSTIN. WHAT WE'VE SEEN THE COUNCIL MOVING TOWARD IS A PHILOSOPHY THAT THE AFFORDABILITY SHOULD BE CONTAINED WITHIN THE DEVELOPMENT ITSELF SO WE HAVE GEOGRAPHIC DISPERSAL. A LOT OF PEOPLE LIVE DOWNTOWN IN ALL PRICE RANGES. MCGIVER TOLL US THIS IS OUR BEST OPPORTUNITY TO USE LAND. I WOULD NOT WANT TO USE AN OPPORTUNITY HERE AND SOUNDS

LIKE WE HAVE AN OPPORTUNITY TO DO THAT.

THAT YOU COULD -- IT COULD BE PART OF COUNCIL'S DIRECTION THAT THAT 40% HAS TO BE SPENT PART OF BUYING DOWN FROM THE AFFORDABILITY ON THIS SITE.

THAT'S 40% OF THE PROPERTY TAX INCREMENT FROM THE PUBLICLY OWNED PROPERTY.

Kim: I HAVE A QUESTION ABOUT THE 40%. WE HAVE THAT IN BLOCK 21 AND DIDN'T GET ANY AFFORDABLE HOUSING. THE REASON WAS THERE WASN'T ANY RENTAL PROPERTY, IT WAS ALL CONDOS. I HAVE A INTEREST HERE IN THIS PROJECT SINCE WE DIDN'T GET IT IN BLOCK 21 TO TRY AND ACHIEVE IT HERE. IT DOESN'T HAVE TO BE ALL RENTAL BUT A MIX OF RENTAL SO WE ARE ABLE TO TAKE ADVANTAGE OF THAT POLICY TO MAKE SURE WE ARE ABLE TO PROVIDE HOUSING WITHIN OUR CENTRAL CITY CORE FOR WORKING FAMILIES. SO AS WE GO FORWARD, I KNOW THAT WE'RE GOING TO HAVE PROPOSALS, I JUST LIKE TO LET THAT BE KNOWN THAT'S AN INTEREST OF MINE AS WELL A AN INTEREST OF THE BROADER COMMUNITY ESPECIALLY EXPRESS TO DO THE AFFORDABLE HOUSING TASK FORCE WHICH IS DOING THEIR WORK RIGHT NOW.

I DO HAVE A QUESTION ABOUT -- A LITTLE BIT MORE ABOUT THE SITE. ABOUT THE AUSTIN MUSIC HALL IS HERE. AND WHAT ARE THEIR PLANS FOR THAT FACILITY?

THEY ARE ACTUALLY REDEVELOPING THAT. SO WE'VE GOT SOME PLANS, WE CAN BRING THEM BY AND SHOW THEM TO YOU, BUT THAT IS BEING REDEVELOPED ALSO.

Kim: IS IT GOING TO BE A MUSIC FACILITY?

IT IS.

Kim: IT STILL WILL BE AUSTIN MUSIC HALL?

IT IS. THIS IS A VERY EXCITING, INNOVATIVE SET OF PLANS AND ALLOWS AUSTIN MUSIC HALL TO STAY RIGHT THERE IN A NEW HOME.

WITH A BUNCH OF MIXED USES. WE'LL BRING THOSE BY AND SHE THEM TO YOU. THOSE ARE NICE PLANS.

Kim: AND IT WILL BE SOUND PROOFED FOR THE NEIGHBORS?

IT WILL BE. THE REDEVELOPER IS ALSO SOMEONE BUILDING RESIDENTIAL ACROSS THE WAY SO THEY ARE ACUTELY AWARE OF THE SOUND ISSUES.

Kim: THAT'S WONDERFUL. I HAVE A QUESTION ABOUT THE PLAZA. WHO OWNS THAT PROPERTY THAT IS JUST SOUTH OF THE AUSTIN MUSIC HALL? IT'S ON THE MAP, THE DRAWING.

I THINK YOU MIGHT BE LOOKING AT JUST AN OLD DIAGRAM.

IT'S ON PAGE 14.

Mayor Wynn: THE CITY OWNS EVERYTHING SOUTH OF THE AUSTIN MUSIC HALL.

IT'S THE OLD SKEMA. WHAT YOU ARE LOOKING AT IS A MASTER PLAN DEVELOPED BY ROMA SO THAT'S A PROPOSED, THAT WAS AN EARLY VISION OF HOW THAT COULD LOOK. WE CERTAINLY LIKE TO SEE PUBLIC SPACES INCORPORATED IN, BUT IT DOESN'T NECESSARILY NEED TO LOOK LIKE..... LIKE THAT OR BE LOCATED THERE.

Kim: THE CITY OWNS IT THEN.

YES. CHRIS IS SAYING THAT'S THE GREEN PLANT. IT IS THE GREEN PLANT. THAT'S WHY THIS WAS A VERY EARLY SCHEME WHERE WE WERE TRYING TO DEVELOP PLAN, THIS IS A EARLY IS A MATTIC ON A MASTER PLAN.

THERE..... IS THERE ANY POTENTIAL OR THE POSSIBILITY OF ACCESS TO TOWN LAKE ALONG SHOAL CREEK LIKE SOME SORT OF TRAIL, I'M NOT SURE AS WE'RE DOING TO RESTORATION OF THE BANK IF THAT IS PART OF THE PLAN OR A POSSIBILITY.

I'M GOING TO HAVE WATERSHED TALK ABOUT WHETHER OR

NOT THEY INCLUDED ACCESS.

MIKE KELLY WITH WATERSHED PROTECTION. ON THE WEST SIDE THERE IS TRAIL THAT HAS PRETTY GOOD CONNECTIVITY UP AND DOWN SHOAL CREEK. ON THE EAST SIDE, THAT WALL WILL BE STABLE ENOUGH WHERE IF THE LAND USE PERMITTED I WOULD THINK YOU COULD PUT A TRAIL. I'M UNAWARE OF THE DESIRE FOR PEDESTRIAN ACTIVITY UP AND DOWN THE CREEK ON THAT SIDE. I GUESS THE SUMMARY IS THERE IS A TRAIL ON THE WEST SIDE. THERE WOULD BE THE ABILITY TO PUT ONE IF SO DESIRED ON THE EAST SIDE.

Kim: WELL, MY INTEREST HERE IS THAT IF WE'RE GOING TO HAVE A LIBRARY THERE, THERE ARE -- OF COURSE, THERE ARE GOING TO BE A LOT OF CHILDREN AND I THINK IT WOULD BE GREAT TO BE ABLE TO CONNECT THEM TO THE GREEN SPACE AND FOR THEM TO BE ABLE TO WALK IF THEY ARE TAKING ADVANTAGE OF OUR DOWNTOWN AMENITIES WITH THE CHILDREN'S MUSEUM AS WELL AS THE LIBRARY WHICH THEY ARE GOING TO HAVE SPACE FOR CHILDREN'S ACTIVITY, READING TIME AND FOR THEM TO BE ABLE TO USE THE FACILITIES OF THE LIBRARY AND AT THE SAME TIME GO OUTDOORS AND MAYBE WALK ALONG A TRAIL ON THE EAST SIDE OF THE BANK TO TOWN LAKE AND POSSIBLY CONNECTIVITY ALL THE WAY TO SEAHOLM WHERE WE'RE PLANNING OTHER DEVELOPMENTS. THAT WOULD BE GOOD FOR THEM AND FAMILIES AS WELL. I ALSO WOULD LIKE TO SEE -- SINCE WE'RE TALKING ABOUT THE LIBRARY HERE, ONE OF THE THINGS THAT AUSTIN IS VERY PROUD OF IS THAT WE HAVE A VERY THRIVING ARTS COMMUNITY AND MUSIC AND FILM AND ARTS. AND ONE THING THAT I NOTICE IN MY TOUR OF THE NEW YORK PUBLIC LIBRARY IS THEY ACTUALLY HAVE A PHOTO LIBRARY SO PEOPLE CAN GO THERE AND LOOK AT ACTUAL PHOTOGRAPHS IN FOLDERS, THEY LOOK AT THE PHOTOS AND USE THAT FOR INSPIRATION FOR THINGS LIKE SET DESIGN, COSTUME DESIGN, JUST DIFFERENT -- EVEN PHOTOGRAPHS THAT THEY ARE DOING THEMSELVES. SO IT'S AN IMPORTANT RESOURCE FOR ARTISTS AS WELL AS THOSE IN THE CREATIVE PROFESSIONS TO HAVE ACCESS TO THAT PHOTO LIBRARY IN MANHATTAN. AND SINCE WE HAVE SUCH A WEALTH OF ART AND FILM AND THE ARCHIVES FROM THE

AUSTIN MUSIC NETWORK, I WOULD LIKE TO SEE SINCE WE HAVE AUSTIN MUSIC HALL THERE SOME SORT OF RELATIONSHIP OR I DON'T KNOW IF THAT WOULD BE PHYSICALLY OR SOMEHOW TIED INTO AN OPEN SPACE TO KIND OF CARRY THAT THEME THROUGH OF ART AND MUSIC AND FILM THROUGH OUR LIBRARY WITH THE WHOLE DEVELOPMENT.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: EARLY ON THERE WAS A BRIEF MENTION OF THE INTAKE STRUCTURE AND THE INTAKE LINE. AND FDLY SOME DISCUSSION OF A TIME LINE FOR MAKING DECISION FOR THAT. DOES THAT HAVE TO BE CONCURRENT WITH THIS REDEVELOPMENT PLAN OR CAN WE ADDRESS THE INTAKE AND INTAKE LINE SEPARATELY? I KNOW THERE'S A LOT OF CONTINGENCIES THAT MIGHT BE INVOLVED WITH BOTH OF THOSE.

COUNCILMEMBER, I THINK THE FACT THAT IT'S ACROSS THE STREET, IT'S NOT THE ACTUAL PRIMARY GREEN TREATMENT PLANT SITE THAT WHERE THE MAJORITY OF THE REDEVELOPMENT IS GOING TO TAKE PLACE, I WOULD THINK IT COULD BE HANDLED SEPARATELY. WE CAN TAKE IT OUT OF COMMISSION, BASICALLY TURN IT OFF AND CLEAN IT UP AT THE SAME TIME THAT THE ENTIRE PLANT IS BEING TAKEN OFF LINE. BUT I THINK THE ULTIMATE FATE OF IT OR USE OF IT OR REDEVELOPMENT OF IT COULD BE TAKEN AS A SEPARATE ISSUE.

AND REMEMBER BEFORE WE SAY REDEVELOPMENT OF IT, REMEMBER THERE IS REVERSION CLAUSE ON THE INTAKE STRUCTURE. BECAUSE THERE WILL BE MANY PEOPLE WATCHING THAT WILL REMEMBER THIS VERY CLEARLY. MARY WILL BE DOWN HERE OFF HER VACATION IMMEDIATELY TO TALK TO US ABOUT THIS. IF WE DO NOT USE IT A AN INTAKE STRUCTURE, IT WILL REVERT TO PARK PLAN. SO I THINK PART OF WHY WE'RE TALKING ABOUT JUST THE ASSESSMENT OF IT IS ONCE AGAIN KEEPING THAT CONNECTION TO TOWN LAKE AS PART OF OUR WATER SUPPLY, KEEPING OUR CONNECTION TO THE BARTON SPRINGS ZONE, IT'S DECIDING WHERE THAT INTAKE IS BEST STRUCTURED AND IS IT THERE OR IS IT SOMEPLACE ELSE TO

DO THAT. BUT IT HAS A VERY FIRM REVERSION CLAUSE IF IT'S NOT USED AS INTAKE.

Leffingwell: I WOULD BE INTERESTED MAKING SURE WE DON'T DO ANYTHING THAT INHIBITS OUR OPTIONS WITH REGARD TO THAT STRUCTURE AND THE INTAKE.

Mayor Wynn: AGREED. COUNCILMEMBER.

Martinez: I APPRECIATE THE WAY WE'VE CHANGED THE PROCESS OR TWEAKED IT FROM THE DOWNTOWN MASTER PLAN IN THAT IT'S GIVING COUNCIL TIME TO VIEW THE PROPOSALS AND THEN EVALUATE THEM. BUT THIS THAT EVALUATION, DOES THE R.F.P. PROCESS DISALLOW US TO COMMUNICATE WITH THE BIDDERS?

I'M GOING TO HAVE LAURA STAY WITH ME ON THIS, BUT ONCE THE R.F.P. PROCESS IS IN PLACE, YOU ARE INTO THE LOBBYING CLAUSE ISSUE, YOU WILL NOT BE DOING AS INDIVIDUALS CONTACT WITH PROPOSERS. BUT THAT WE ARE GOING TO STRUCTURE A PROCESS WHERE YOU HAVE LOTS OF OPPORTUNITIES TO ASK AS A BODY AND INDIVIDUALS WITHIN THAT BODY QUESTIONS, GET THEM ANSWERED, SEE PRESENTATIONS, HAVE TIME AS PART OF IT.

Martinez: OKAY. THANK YOU.

Mayor Wynn: COUNCILMEMBER McCRACKEN.

McCracken: ALONG THE LINES AS WE ALSO LOOK AT THE ISSUE OF AFFORDABILITY, YOU KNOW, I HEARD AN INTERESTING STATISTIC THAT I THINK SOMETHING TO THE EFFECT THAT A HOUSEHOLD OF TWO TEACHERS IS 160% M.F.I. WHICH SUGGESTS IF WE'RE LOOKING AT 80 AND 60% M.F.I. WE'RE MISSING THE MIDDLE CLASS AND WE DON'T WANT TO MAKE SURE THAT WHEN WE SAY HOUSING ALL PRICE RANGE, I THINK IT WOULD BE VERY HELPFUL TO LOOK AT WHAT DOES IT TAKE FOR EVERYBODY TO HAVE A SHOT. AND SO I'D LIKE TO LOOK AT -- WE CALL IT WORKFORCE HOUSING SOMETIMES AND I THINK THAT IS A REFLECTION THAT YOU WANT TO MAKE SURE THAT, YOU KNOW, THAT FOLKS IN ALL PRICE RANGES CAN AFFORD TO BE HERE. SO I

DON'T WANT TO OVERLOOK PART OF THE SPECTRUM THERE.

IT'S A POINT WELL TAKEN. WHAT WE'LL BE DOING IS HELPING YOU UNDERSTAND WHAT THE COST OF THAT IS. HOW DEEP YOU GO AND HOW MUCH YOU HAVE PUT ON THE SITE AND THEN WHAT THAT -- WHAT THE COST OF THAT WILL BE IN ORDER TO INCORPORATE THAT.

McCracken: AND ALSO I WOULD WANT TO LOOK AT MAKING SURE WE ALSO ARE MINDFUL OF THE OPPORTUNITY FOR SOME KIND OF T.O.D. ORDINANCE AND THIS WOULD ADDRESS THE DOWNTOWN CODE, MAKE SURE AN OPPORTUNITY FOR LOCAL SMALL BUSINESSES TO BE LOCATED IN THIS AREA AS WELL. YOU KNOW, AND SO THESE ARE JUST THINGS I WANT US TO BE FACTORING IN AS WE MODEL THIS. I KNOW THAT ROMA IS GOING TO BE CREATING A DELIVERABLE FOR US ON HOW WE USE THE TRADEOFFS OF DEVELOPMENT BONUSES FOR BOTH AFFORDABLE HOUSING AND LOCAL SMALL BUSINESSES. SO IF WE ARE ABLE TO ACCELERATE THE ROMA PRODUCING THAT DELIVERABLE TO US THAT COULD BE VERY HELPFUL TO US IN WRITING R.F.P. FOR THESE FOUR -- THIS FOUR-BLOCK....BLOCK SITE. THEN THE INFORMATION AS WE MODEL THIS ON THE COST BENEFIT OF ROAD CONSTRUCTION. IN THIS SENSE TYPICALLY ROAD CONSTRUCTION IS A PUBLIC RESPONSIBILITY. IT'S NOT -- I MEAN IT'S PUBLIC INFRASTRUCTURE. SO WE DO SHIFT ROAD CONSTRUCTION IN INSTANCES TO THE PRIVATE SECTOR. AND WE -- BUT I'D WANT TO KNOW, FOR INSTANCE, THERE'S A DIFFERENCE BETWEEN SAYING ROAD CONSTRUCTION AND A BRIDGE THAT WOULD BE SUFFICIENT TO HOLD A RAIL LINE. WELL, I'M PRETTY SKEPTICAL THAT A -- THAT MANY PROJECTS COULD SUPPORT THAT. THAT, YOU KNOW, ONE OF THE THINGS WE MIGHT LOOK AT IS LET'S SAY WE TOOK THE PROCEEDS OF THE SALE AND USED THOSE TO BUILD THE ROADS AND INCLUDING A BRIDGE THAT WOULD SUPPORT RAIL. WHAT DOES THAT DO TO THE PROFITABILITY AND TAX BASE OF THAT DEVELOPMENT IF IT SUPPORTS RAIL OR MASS TRANSIT? I BET INTUITIVELY IF THIS PROJECT IS SERVED BY RAIL TRANSIT, IT SEEMS LIKE IT RADICALLY CHANGES THE VALUE PROPOSITION. BUT, YOU KNOW.

YOUR ROAD MONEY -- THERE'S MANY THINGS TO THINK

ABOUT HERE. YOUR INTERNAL ROAD STRUCTURE IS TYPICALLY WHAT A DEVELOPER CARRIES. WHEN YOU ARE TALKING MAJOR COMPONENTS OF YOUR GRID THAT YOU WANT TO CEDE, THE ROAD MONEY WE'VE TALKED ABOUT ON OUR PROPERTY IN THIS PLAN HAS ACTUALLY ALREADY GOT A FUNDING SOURCE. IT'S THE ONLY ONE THAT DOES RIGHT NOW. IT'S 2000 BONDS AND IT WAS ALREADY PROGRAMMED FOR THIS. THE BRIDGE IS NOT. ACTUALLY REMEMBER ONE OF THOSE, THE RAIL BRIDGE, IS ACTUALLY OFF THE PROPERTY AND IT'S GOING TO BE A LARGER DISCUSSION THAT WE'RE HAVING WITH CAP METRO. THE EARLY SCHEMATICS OF THAT BRIDGE HAD A BRIDGE THAT ALLOWED BOTH AUTOMOBILE TRAFFIC, PEDESTRIAN TRAFFIC AND RAIL. PRETTY SUBSTANTIAL AND INTERESTING DESIGN. AND I CAN IMAGINE ALSO VERY PRICY. SO YOU'VE GOT THE RAIL CONNECTION BRIDGE AND RAIL WHICH IN AND OF ITSD IS GOING TO BE ANOTHER DISCUSSION. THEN ON THIS PROPERTY IF YOU WANT TO CONNECT THE SECOND STREET, WHICH IS THE CONNECTION THAT WOULD RUN THROUGH THIS PROPERTY, I THINK THERE'S WHERE YOU AS A POLICY DECISION ARE GOING TO HAVE TO DECIDE ONCE WE CAN PRICE IT FOR YOU HOW WE ACCOMPLISHED THAT.

AND WE FIGURE OUT WHAT THE VALUE PROPOSITION IS, AS YOU SAY, WHEN WE GET THE PROPERTY APPRAISED. WE'LL GET THE PROPERTY APPRAISED WITH ALL OF THAT INFRASTRUCTURE IN PLACE SO THAT YOU CAPTURE THE VALUE OF MAKING, YOU KNOW, REINSTATING THE GRID. WE WILL BE MUCH FURTHER DOWN THE ROAD IN TERMS OF THE CIRCULATOR SYSTEM DOWNTOWN. SO WE WANT TO CAPTURE ALL OF THAT AND HOW WE'RE GOING TO CAPTURE THAT IS IN YOUR APPRAISAL.

THAT'S WHY THE DISCUSSION OF THE ROAD CONNECTIONS WAS SO IMPORTANT TODAY BECAUSE IT WILL AFFECT THE APPRAISAL AND VALUE OF THE LAND.

McCracken: AND THIS IS LITTLE DIFFERENT SITUATION THAN WE HAVE AT BLOCK 21 BECAUSE I MEAN JUST TO BE UP FRONT ABOUT IT, BUT THE SALES PROCEEDS FROM BLOCK 21 WENT INTO THE GENERAL FUND. NET SALES PROCEEDS FROM THIS SITE GO TO THE WATER UTILITY. CORRECT?

ACTUALLY IT DOESN'T NECESSARILY HAVE TO HAPPEN THAT WAY, BUT I WILL TELL YOU -- THEY ARE GOING TO HAVE TO COVER THEIR COSTS ON THIS AND THAT'S WHY YOU SEE ON THE PIE CHART THAT DECOMMISSIONING, THOSE COSTS HAVE TO COME FROM THE SALE OF THIS BECAUSE THAT BECOMES A WATER UTILITY EXPENSE.

McCracken: ABSOLUTELY. I JUST WANTED US TO BE THINKING ABOUT THIS BECAUSE THERE WILL BE DIFFERENT -- THERE ARE POTENTIALLY DIFFERENT ORGANIZATIONAL MOTIVATIONS, RIGHT? LIKE WHAT IS IT IN FOR THE WATER UTILITY OTHER THAN MORE WATER CUSTOMERS? I'M JUST SAYING LIKE, YOU KNOW, WE HAD PERFECTLY ALIGNED MOTIVATIONS AT BLOCK 21, INVESTMENTS TO IMPROVE BLOCK 21 FROM THE GENERAL FUND AND THROUGH THE GENERAL FUND. THAT AS WE LOOK AT THE WATER UTILITY TURNING OVER A DEVELOPABLE PIECE OF PROPERTY AND HAVING IT -- HAVE THE BEST VALUE FOR THE TAXPAYERS FOR THE GENERAL FUND, THOSE WERE TWO DIFFERENT ISSUES. AND I DO PERSONALLY BELIEVE THAT WE HAVE A BENEFIT CITY-WIDE IF THE SALES PROCEEDS ARE PLOWED BACK INTO.... INTO -- AS DEVELOPABLE PROPERTY TO TURN OVER AS POSSIBLE. THAT SUGGESTS THAT THE SALES PROCEEDS IN THEIR RESPONSIBLE WAY ARE PLOWED BACK INTO INFRASTRUCTURE THAT IS THEN AVAILABLE TO BE TURNED OVER FOR DEVELOPMENT PURPOSES, THAT COULD PRODUCE A BETTER VALUE PROPOSITION FOR THE LIBRARY, FOR TRANSPORTATION, FOR DENSITY, WHICH HAS A BENEFIT FOR THE WATER, ELECTRIC, GENERAL FUND, ET CETERA. I THINK WE NEED TO BE THINKING ABOUT PERHAPS THAT THERE WOULD BE -- I SEE -- I JUSTMENT TO MAKE SURE THAT WE ARE THINKING ABOUT TURNING OVER AS DEVELOPABLE A PROPERTY AS POSSIBLE INCLUDING TRANSPORTATION, INFRASTRUCTURE, AND I DO THINK WE NEED TO BE LOOKING FROM AUSTIN ENERGY'S PERSPECTIVE AND THE WATER UTILITY'S PERSPECTIVE AS THE MAJOR LANDOWNERS IN THIS AREA, THAT BOTH AUSTIN ENERGY AND THE WATER UTILITY WILL SUBSTANTIALLY BENEFIT FOR INSTANCE IF THAT RAIL BRIDGE IS CONSTRUCTED, OKAY. SO BECAUSE OF BOTH SIDES OF THE WEST BANK OF THE CREEK WHERE THE BRIDGE CROSSING WOULD BE ARE OWNED BY AUSTIN ENERGY, ON THE EAST

SIDE OF THE CREEK WHERE THE BRIDGE CROSSING WOULD HAPPEN IT'S HALF OWNED BY THE WATER UTILITY. SO THREE-QUARTERS OF THE GRID AROUND THAT BRIDGE CROSSING AND RAIL WOULD HAPPEN IS GOVERNMENT OWNED LAND BY EITHER AUSTIN ENERGY OR THE WATER UTILITY. THEY WILL HAVE SUBSTANTIAL BENEFITS IN THAT RAIL BRIDGE IS BUILT IN TERMS OF SALEABILITY, DEVELOPABILITY, DENSITY OF THESE PROPERTIES. I THINK WE NEED TO BE THINKING VERY AGGRESSIVELY ABOUT HOW WE USE THESE DEVELOPMENTS TO PAY FOR RAIL, A RAIL-READY BRIDGE BECAUSE THAT WILL BENEFIT THE SALES PRICING AVAILABILITY FOR AUSTIN ENERGY. AND THE FINAL THING I WOULD LIKE TO SAY IS THAT AS WE LOOK TO PUT TO MARKET THE MOST DEVELOPABLE PROPERTY POSSIBLE, I THINK IT MAKES SENSE TO LOOK IN ADVANCE ABOUT BUILDING IN, REMOVAL OF F.A.R. IF THIS IS NOT CONSTRAINED BY THE CAPITOL VIEW QUARTER, WE WILL GET MORE VALUE FROM THE TAXPAYERS IF WE OFFER FOR SALE FOUR DOWNTOWN BLOCKS THAT HAVE NO F.A.R. WHAT SOAMPLT THEY WILL HAVE AFFORDABLE HOUSING, SMALL BUSINESS, THINGS LIKE. THAT BUT I DON'T SEE ANY POINT IF THERE'S NO VIEW CORRIDOR AND WE'RE BUILDING THIS PUBLIC RESPONSIBLE IN THE FRONT END WHY WE WOULD HAVE ANY F.A.R. I DON'T KNOW IF THAT REQUIRES A ZONING ACTION OR R.F.P., BUT THAT'S SOMETHING WE SHOULD BE BUILDING ON THE FRONT END.

BECAUSE IT'S THE OVERLAY THAT IS PART OF THE ZONING RIERNLT, WE WOULD HAVE TO WALK THROUGH, ONE, GET DIRECTION FROM THE BOW, THEN WALK THROUGH THE MECHANICS OF IT WOULD BE BECAUSE BASICALLY YOU WOULD BE TAKING AWAY THE WATERFRONT OVERLAY. THAT IS POSSIBLE TO DO.

McCracken: I THINK WHAT WE SAW THAT THERE'S TWO ISSUES. THERE'S THE WATERFRONT OVERLAY WHICH AFFECTS THE ANGLE BACK FROM THE CREEK.

UH-HUH.

McCracken: BUT YOU COULD HAVE A SITUATION WHERE YOU COULD STILL HONOR THE WATERFRONT OVERLAY BUT BE

CONSTRAINED BY THE F.A.R.

I SEE WHERE YOU ARE GOING. YOU COULD GO WITH WHERE THE WATERFRONT OVERLY DOESN'T CONSTRICT AND SAY IT'S NOT 1 TO 8. EXACTLY RIGHT.

AND THAT'S SOMETHING I'M JUST THINKING OUT LOUD HERE, BUT WE COULD INCLUDE IN THE FEASIBILITY ANALYSIS TWO SCENARIOS. ONE WITH EXISTING F.A.R.s AND ONE LIFTING. THAT SO YOU CAN SEE WHAT THE FINANCIAL BENEFIT TO THE PROJECT IS IF YOU REMOVE THAT CONSTRAINT.

AND PROBABLY ALSO THE CONNECTION OF THE BRIDGE, LAUREL, SO YOU CAN GET THE SAME KIND OF ANALYSIS ON WHAT THE INCREMENT DIFFERENCE IS.

McCracken: I THINK IN GENERAL IT'S PART OF THE FEASIBILITY ANALYSIS WE WOULD LOOK TO LOOK AT DENSITY, SQUARE FOOTAGE, DEVELOPABILITY. PROBABLY A NUMBER OF ALTERNATE IS A NARROWS INCLUDING HOW MUCH INFRASTRUCTURE IS BUILT IN IN ADVANCE AFFECTING SALES PRICE OR THE DEVELOPABILITY AND RULES CHANGES, ALTERNATIVES.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? MY LAST ONE, PERHAPS, LAURA, IS PERHAPS SO APPARENTLY VERY SOON WE WILL START THE FEASIBILITY STUDY, THAT'S THE OUTSIDE CONTRACT, I PRESUME? ARE WE GOING TO HIRE SOMEONE OR IS THAT INTERNAL?

WE INTEND TO BRING SOMEONE IN FROM OUTSIDE TO HELP US WITH THAT.

Mayor Wynn: THAT'S IMMINENT, I GUESS, THE NEXT MONTH OR SO.

YES.

AND IF YOU WOULD LIKE, I'VE ATTEMPTED TO TAKE NOTES ON THIS DISCUSSION AND SEE IF I CAN SUMMARIZE THE FEEDBACK WE'VE GOTTEN SO FAR.

Mayor Wynn: PLEASE DO.

LIKE REPEATING AN ORDER TO LARGE -- ESSENTIALLY -- WELL, FIRST HAVING TO DO WITH THE TIME LINE. AN INTEREST AND RECOGNITION THAT THE NEGOTIATIONS TAKE LONGER THAN WHAT WE HAVE BUILT INTO THIS SO WE WILL PULL THAT TIME LINE BACK IN A WAY THAT ISSUES THE R.F.P. EARLIER WITH THE GOAL OF TRYING TO HAVING THE PROPERTY READY FOR REDEVELOPMENT WHEN THE REDEVELOPMENT PLANS ARE COMPLETE. SO THAT WE WILL PULL IT BACK INTO 2007 KNOWING THAT WE'RE TRYING TO OPTIMIZE FOR GETTING THE BEST APRAISE SAL WE CAN WHICH MEANS WE WANT TO HAVE THE ENVIRONMENTAL PIECE OF THE DECOMMISSIONING WRAPPED UP. BUT WE WILL PULL THAT TIME LINE BACK. THERE WERE A NUMBER OF DIFFERENT ISSUES THAT FALL UNDER WHAT I WOULD CONSIDER REDEVELOPMENT GOALS. ONE OF THOSE IS AFFORDABILITY. WE'VE RECOGNIZED THAT 40% OF THE PROPERTY TAX INCREMENT PER PREVIOUS COUNCIL POLICY WILL GO INTO AFFORDABLE HOUSING. THERE IS AN INTEREST AND INCLUDING NOT JUST FOR SALE AFFORDABLE HOUSING BUT ALSO RENTAL UNITS. THERE IS ALSO AN INTEREST IN MAKING SURE THAT WE TAKE AN EX POLICE IT LOOK ABOUT THE LEVELS OF AFFORDABILITY AND WHAT LEVELS OF AFFORDABILITY YOU WANT TO REACH WITH THE PROJECT AND WHAT THAT MEANS IN THE TERMS OF PUBLIC ASPECT OF THIS PARTNERSHIP. WE WILL BE LOOKING AT THOSE IN THE FEASIBILITY STUDY. THERE WAS ALSO A COUPLE OF COMMENTS ABOUT, AGAIN, IN TERMS OF REDEVELOPMENT GOALS. ONE, HOW YOU STRUCTURE THE LIBRARY, AND ONCE WE HAVE THE ELECTION BEHIND US WE'LL COME BACK AND TALK ABOUT HOW THE PARAMETERS OF HOW THAT PROJECT SHOULD LOOK. AND ON A BROADER BASIS, REDEVELOPMENT TERMS AND GOALS IN TERMS OF FLOOR TO AREA RATIO AND DENSITY IN GENERAL AND WHAT YOU WANT TO LOOK AT THEIR. AN INTEREST IN SMALL BUSINESS AND MAKING SURE THAT IN ADDITION TO AFFORD YAKT WE LOOK AT WAYS OF INCLUDING SMALL BUSINESS RECOGNIZING ON LAND YOU PROBABLY HAVE YOUR BEST SHOT OF GETTING SMALL BUSINESS INCORN RATED. WE'RE GOING TO PROVIDE YOU WITH A COST ESTIMATE OF A SHOAL CREEK BRIDGE OVER SECOND STREET. THERE IS AN

INTEREST IN SEEING WHAT WE COULD DO IN TERMS OF AN EAST SIDE TRAIL AND CERTAINLY ACCESS FROM OUR LIBRARY TO TOWN LAKE PLAZA, THE CHILDREN'S MUSEUM AND OTHER PUBLIC AMENITIES AVAILABLE FROM THAT POINT OF DEVELOPMENT. THEN LINKING IN ART, MUSIC AND FILM, A TIE-IN WITH THE REDEVELOPMENT OF THE PROPERTY. AND I THINK THOSE ARE MY NOTES ON THE ADDITIONAL INTEREST THAT YOU HAVE EXPRESSED TODAY ON HOW WE MOVE FORWARD WITH THIS PROJECT. IF I'VE MISSED ANYTHING, PLEASE LET ME KNOW.

THE ONLY THING I SAY IS THAT AS WE DO THE FEASIBILITY STUDY THAT WE BUILD IN THE FEASIBILITY STUDY ALL THESE DIFFERENT LAYERS OF DEVELOPMENT IN INFRASTRUCTURE LEVELS.

Mayor Wynn: THANK YOU. COUNCILMEMBER KIM.

Kim: COULD WE GET A HISTORY OF THE SITE GOING BACK TO THE EARLY 1900s? THAT'S SOMETHING THAT I'VE HEARD STORIES ABOUT, ABOUT MEXICAN-AMERICAN FAMILIES THAT LIVED THERE AND WERE UNVOLUNTARILY FORCED TO LEAVE AND I WOULD LIKE TO LEARN MORE ABOUT THE HISTORY OF THE SITE. I THINK IT'S IMPORTANT TO KNOW THE CONTEXT AS WE'RE DOING THE REDEVELOPMENT OF THE AREA.

YOU BET. WE'LL HAVE THE HISTORY CENTER IN.

I THINK THE PLANT ALSO.

THE PLANT ALSO HAS HISTORY. I USED TO BELIEVE IT WAS THE OLDEST WATER TREATMENT PLANT IN TEXAS. I'LL CHECK ON THAT. WE'LL DO THAT IS CORRECT WE'LL GET A HISTORY PRE-PLANT AND THEN HOW THE PLANT FIT IN WITH WATER TREATMENT THIS THE STATE OF TEXAS AND HOW IT OPENED THINGS UP.

Kim: OKAY. THANK YOU.

Mayor Wynn: COUNCILMEMBER.

Cole:.

Cole: I JUST WANTED TO EXPRESS WE ALSO SAID WE WOULD HAVE A STRONG INTEREST IN MAKING SURE THAT WE ARE ADDING TAXABLE PROPERTY THIS N. THE TRANSACTION AND THAT WE'RE KIND OF POTENTIALLY TAX BELIEVE PROPERTY AND THAT WE'RE MONITORING THAT THROUGHOUT THE PROCESS AFTER WE ACTUALLY PAY FOR THE COST OF THE PROJECT AND THROUGH THE WATER UTILITY AND SO FORTH AND AM CONSIDERING A WATER OVERLAY.

ABSOLUTELY.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? THANK YOU ALL VERY MUCH FOR ACTUALLY JUST THE TIME AND EFFORT TO PULL TOGETHER THE PRESENTATION BECAUSE IT'S AN IMPORTANT AND EXCITING PROJECT AND I BELIEVE COUNCIL IS UNANIMOUS IN WANT TO GO MAKE SURE WE DO IT AS EFFICIENTLY, EFFECTIVELY, PROFITABLY AS WE CAN. SO THANK YOU ALL VERY MUCH.

THANK YOU, MAYOR.

Mayor Wynn: COUNCIL, THAT TAKES US TO OUR NOON GENERAL CITIZEN COMMUNICATIONS. WE HAVE A NUMBER OF CITIZENS WHO SIGNED UP WANT TO GO ADDRESS US. I BELIEVE MOST OF THEM ARE IN ATTENDANCE. OUR FIRST SPEAKER IF SHE IS HERE IS LINDA HUTSON. LINDA HUTSON. TO BE FOLLOWED BY CASEY MAGNUSON. AGAIN, LINDA HUTSON. OR CASEY MAGNUSON. STEP FORWARD AND ADDRESS US. WELCOME. YOU WILL HAVE THREE MINUTES.

GOOD AFTERNOON. MY NAME IS CASEY MAGNUSON, THE TEXAS PTA ENVIRONMENTAL CHAIRMAN. MAYOR, COUNCILMEMBERS, THANK YOU FOR LISTENING TO ME FOR A MOMENT. THE TEXAS PTA AND THE GO GREEN INITIATIVE ASSOCIATION IS OFFERING THE CITY OF AUSTIN AN UNPARALLEL #D OPPORTUNITY TO PARTNER WITH NATIONWIDE ENVIRONMENTAL LEADERS AND ORGANIZATIONS, PARENTS SHE STUDENTS AND TEACHERS. ED PINERO, THE SCOOTER AND MEG MORRIS, PAST CITY OF THE RECYCLING COALITION, ARE YEARLY SUMMITGOERS TO THE PTA GO GREEN SUMMIT. [INAUDIBLE] DEVELOPS THE GO

GREEN INITIATIVE DURING THE 2002-2003 SCHOOL YEAR IN PLEASANTTON, CALIFORNIA. AS A RESULT OF THEIR SUCCESS, THE PTA BOARD OF DIRECTORS ADOPTED THE PROGRAM IN JULY 2003, THE FIRST STATE PTA TO DO SO. BY THE END OF THE 2005-2006 SCHOOL YEAR, OVER 4 MILLION PTA MEMBERS NATIONWIDE IN OVER 8,000 SCHOOLS HAD BEEN EXPOSED TO THE GO GREEN INITIATIVE. AS OF OCTOBER 1ST THERE WERE 400....400 SCHOOLS IN 18 STATES AND THREE COUNTRIES. TEXAS HAS HELD THE RECORD SINCE THE INSPECTION WITH OVER 60% OF THE TOTAL NUMBER OF SCHOOLS PARTICIPATING. THE NATIONAL ASSOCIATION OF SCHOOL BOARDS GAVE THE GO GREEN INITIATIVE ITS HIGHEST HONORARY AWARD FOR ITS EFFORTS TO HELP SCHOOLS WITH A PROGRAM THAT COULD BE TOTALLY COST FREE BUT STILL EARN THE SCHOOL MONEY. THE GO GREEN INITIATIVE CONSISTS OF FIVE ELEMENTS. GENERATE COMPOSE. THIS ELEMENT DEMONSTRATES NATURE'S WAY OF RECYCLING. RECYCLE EVERYTHING THAT CANNOT BE REUSED BY MODELING EXCELLENT RECYCLING BEHAVIOR AT SCHOOL, PTA BELIEVES CHILDREN WILL SERVE AS A CATALYST AT HOME. PARENTS WHO RECYCLE AT HOME MAY BE MORE LIKELY TO RECYCLE AT THEIR PLACES MUCH WORK T POTENTIAL DOMINO EFFECT IS AN EXCITING AND FORESEEABLE OUT COME. EDUCATE STUDENTS, PARENTS AND SCHOOL OFFICIALS OF THE NEED FOR ENVIRONMENTALLY RESPONSIBLE BEHAVIOR. EVALUATE THE ENVIRONMENTAL IMPACT OF EVERY ACTIVITY. THIS ELEMENT ENCOURAGES SCHOOL COMMUNITIES TO EVALUATE EVERYTHING FROM PESTICIDES USED IN SCHOOLS AND PLAYGROUNDS TO THE USE OF NON-RECYCLABLE PLASTIC BOWLS AS AN ICE CREAM SOCIAL. NATIONALIZE PRINCIPLES OF RESPONSIBLE PAPER CONSUMPTION. UNNECESSARY PAPER CONSUMPTION AND FAILURE TO BUY RECYCLED CAUSES A THREAT TO THE ENVIRONMENT. THE RESULT IS TO TEACH CHILDREN TO BE RESPONSIBLE CARETAKERS OF THE PLANET AND HEIGHTEN COMMUNITY AWARENESS OF AND PARTICIPATION IN ENVIRONMENTALLY RESPONSIBLE BEHAVIOR. THE GO GREEN INITIATIVE HAS DEMONSTRATED MEASURABLE SUCCESS IN WASTE DIVERSION AT SCHOOLS WHICH WILL AID IN REDUCING THEIR CONTRIBUTION TO LOCAL LANDFILLS. IN ADDITION THE GO GREEN INITIATIVE WILL BE

INSTRUMENT A.O.L. IN CREATING A SUSTAINABLE CULTURE OF CONSERVATION IN AUSTIN AS SCHOOLS, TEACHERS AND OTHERS WORK TOGETHER TOWARD MORE RESPONSIBLY -- [BUZZER SOUNDING]

Mayor Wynn: GO AHEAD AND INCLUDE.

AS A PRODUCT OF AUSTIN STOOLES AND UNIVERSITY OF TEXAS, I WAS EXPOSED AT AN EARLY AGE TO CONSERVATION IN AUSTIN BY HELPING BUILD THE WILDFLOWER CENTER. I'VE PLANTED TREES ALONG TOWN LAKE AND ITSELF ONE OF THE FIRST STUDENT BOARD MEMBERS OF KEEP AUSTIN BEAUTIFUL. TEXANS WON THE GO GREEN STATE OF THE YEAR AWARD IN 2005 DURING THE INAUGURAL GO GREEN SUCCESS MITT AND THIS PAST YEAR GRAND PRAIRIE WON CITY OF THE YEAR. AT THE GO GREEN SUMMIT NEXT APRIL IN AUSTIN, I'M EXPECTING TO US SWEEP ALL CATEGORIES, STATE, CITY AND SCHOOL. PLEASE SAVE THESE DATES ON YOUR CALENDAR. APRIL 26 THROUGH 28, 2007. THE GO GREEN SUMMIT WILL BE HELD AT THE MARRIOTT CAPITOL. YOU WILL ALL BE INVITED. I WOULD LIKE TO REQUEST IF YOU WILL THINK ABOUT IT DECLARING AUSTIN A GO GREEN CITY. YOU ARE ALREADY THE GREENES CITY IN WORLD. SHOULDN'T BE A STRETCH. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MS. MAGNUSON. OUR NEXT SPEAKER IS ANDY JONES. WELCOME, ANDY. YOU WILL HAVE THREE MINUTES FOLLOWED BY JOANI HUGHES.

MAYOR, COUNCILMEMBERS, MY NAME IS ANDY JONES. SOME OF YOU PROBABLY KNOW ME AS DIRECTOR OF THE CONSERVATION FUN IN CONCLUSION, BUT..... TEXT, BUT I'M HERE REPRESENTING BOTH THE STATE PTAs AND ENVIRONMENTAL BOARD. I'M A BOARD MEMBER ON THAT AND THE BRYKERWOODS ELEMENTARY SCHOOL AS AN ACTIVE PARENT AND CHAIRPERSON AS THE BRYKERWOODS GO GREEN COMMITTEE. BOTH OF MY DAUGHTERS HAVE HAD THE PRIVILEGE OF ATTENDING AT BRYKERWOODS. ONE IS STILL THERE. BRYKERWOODS ESTABLISHED IN 1939 AND HAS BEEN A GO GREEN SCHOOL SINCE THE START WITH ACCESS TO WALLER CREEK, TEACHING STAFF THAT USES OUTDOOR CLASSROOMS TO CREEKS AND EVEN A SOLAR

INSTALLATION, OUR SCHOOL IS DEFINITELY A GO GREEN SCHOOL. WE HAVE ADOPTED THE KEY PRINCIPLES OF GO GREEN AND IN THE PROCESS OF IMPLEMENTING THEM MORE SOUNDLY INTO DAILY ACTIVITIES. I WOULD LIKE TO INVITE ALL OF YOU TO VISIT THE SCHOOL CAMPUS AND SEE SOME OF THESE ACTIVITIES AND WHAT WE HAVE GOING ON THERE. OUR PRINCIPAL, ARDY, HAS BEEN VERY SUPPORTED I HAVE OF THE GO GREEN INITIATIVE AND THE SCHOOL WAS ABLE TO SEND ONE PERSON TO THE GO GREEN CONFERENCE. THAT IS MATT NELSON WHO IS IN THE AUDIENCE TODAY. WE WANT TO SET THE EXAMPLE WITH YOUR HELP TO BE THE GO GREEN STATE, CITY AND SCHOOL OF THE YEAR WHEN THE CONFERENCE COMES TO AUSTIN IN APRIL OF NEXT YEAR. I THINK CASEY PRETTY MUCH COVERED THE PROGRAM FOR YOU SO I WON'T GO INTO THAT. I APPRECIATE YOUR INTEREST IN IT AND YOUR TIME. THANK YOU.

Mayor Wynn: THANK YOU, MR. JONES. JOANI HUGHES. WELCOME. YOU HAVE THREE MINUTES.

IN THE ACCIDENTAL SENSE, THERE IS NO SUCH THING AS COINCIDENCE. THERE ARE ONLY STIRRINGS WHICH MEN IN HIS INFINITE ARROGANCE REFUSES TO SEE. I GREW UP KNOWING THAT MAN MEANT HUMAN BEINGS SO MY MAIN -- ALSO SHOULD REMINE YOU MAN IS HUMAN. I HAVE A LOT OF PROBLEMS, A LOT OF PAIN, A LOT OF HURT THAT I HAVE APPROACHED A NUMBER OF PEOPLE BIB LIKELY SPEAKING AS FAR AS I'M CONCERNED THE CITY COUNCIL REPRESENTS THE GATES OF THE CITY. AND DEUTERONOMY WHICH IS ALSO THE DAUGHTER IS ON TO ME. IT INDICATES THAT WHEN A WOMAN IS RAPED WITHIN THE CITY, IF SHE DOESN'T SCREAM OUT FOR HELP, THEN SHE SHOULD BE TAKEN TO THE GATES OF THE CITY AND STONED TO DEATH. WELL, I'M ABOUT READY, I'M TIRED, IT'S ABOUT 35 YEARS, AND I HAVE NOT FOUND A SINGLE PERSON WHO I FELT ANY SERIOUS COMPASSION FOR. BUT GOING ON TO BIGGER THINGS OR MORE IMPORTANT ON THE OUTSIDE. I MAY CONTINUED TO SEEM LIKE I'M RANL..... RAMBLING. PERHAPS IT'S BETTER I WRITE THESE THINGS DOWN. HOWEVER, I HAVEN'T REALLY MET ANYBODY THAT READS ON MY LEVEL. I WAS TESTED AT 11th GRADE READING EXILS AND 9th.....ING SKILLS AND 9th GRADE MATH WHEN I WAS IN 5th GRADE. AND GOING

TO ANTI-DROPOUT -- OKAY, I'M APHASIC ALSO. AT REAGAN HIGH SCHOOL THEY WERE TALKING ABOUT HELPING CHILDREN NOT WANT TO DROP OUT OF SCHOOL. I SAID YOU KNOW WHAT, I WAS READY TO DROP OUT OF SCHOOL IN 11th GRADE KNOWING I WAS GETTING READY TO GO TO COLLEGE, IT'S ALREADY PAID FOR, AND I WOUND UP TEACHING READING IN MY 12th GRADE YEAR. THAT HELPED ME CONSIDERABLE. WE USED TO HAVE SCHOOLS WHERE THE ELDER CHILDREN, THE OLDER CHILDREN WOULD TEACH THE YOUNGER CHILDREN THINGS. LIKE TAKE FRANCE THE MUSIC CHANNEL, ONE OF THE THINGS WE COULD MAKE THIS WORLD A BETTER PLACE BECAUSE WE NEED TO KNOW MORE LANGUAGES THAN JUST SPANISH. IT HURTS CONSIDERABLY TO KNOW I STUDIED SPANISH FROM SENIOR IN FIRST GRADE, CLOSED CIRCUIT TELEVISION, ALL THE WAY THROUGH COLLEGE WHEN WE ACTUALLY HAD LABS. BUT BEING AROUND PEOPLE WHO GET ANGRY WITH ME BECAUSE I SPEAK SPANISH TO THEM, HOW DARE I THINK THAT THEY SPEAK SPANISH OR PEOPLE WHO THINK, ON OH, WELL -- THERE'S A NUMBER OF LITTLE THINGS BREAKING US UP AS A COMMUNITY THAT WE NEED TO REALLY START SEWER.....SERIOUSLY LOOKING HOW WE BRING EACH OTHER TOGETHER. ONE OF THE THOUGHTS I HAD AS FAR AGO LONG IS THAT IF WE TOOK THAT MUSIC CHANNEL AND HAD CHILDREN WHEN THEY ARE IN SCHOOL, THEIR LIVES SHOULD DEDICATED TO LEARNING. [BUZZER SOUNDING]

THIS ONE LAST POINT IS THAT IF YOU TAKE THE CHILDREN WHO ARE STUDYING LANGUAGES AND TAKE THE MUSIC THAT'S BEING SENT OUT ON THE MUSIC CHANNEL AND HAVE THEM INTERPRET THOSE DIFFERENT SONGS AND HAVE THEM RUN A SCROLL UNDER THE SCREEN, BECAUSE THE JOBS WILL GO TO CHILDREN AND TIME IS UP. THANK YOU.

Mayor Wynn: THANK YOU, MS. HUGE. THE NEXT SPEAKER IS LANORA GIVENS. YOU WILL BE GIVEN THREE MINUTES FOLLOWED BY SOOTION SAN SCHAFFEL.

GOOD AFTERNOON, MAYOR WYNN AND COUNCILMEMBERS. MY NAME IS LANORA GIVENS AND I'M HERE BASICALLY TO DISCUSS WHAT I BELIEVE TO BE DISCRIMINATION AND DISPARITY IN TREATMENT REGARDING PROPERTY THAT I OWN AT 2949 HIGGINS STREET IN AUSTIN, TEXAS. WHAT I'LL

DO IS JUST READ A LETTER THAT I SENT TO AN END MOORE AND COUNCILMAN ALVAREZ'S OFFICE AS WELL AS THE CITY MANAGER. I'VE NOT RECEIVED ANY RESPONSE SO THE ONLY RESOURCE I HAVE AT THIS TIME IS TO BRING MY QUEST FOR AN EXTENSION BEFORE THE CITY COUNCIL. ON OR ABOUT THE WEEK OF JUNE 26 I WAS IN CONTACT WITH THE CITY OF AUSTIN'S CODE COMPLIANCE OFFICE DUE TO A MESSAGE BEING LEFT BY SOMEONE NAMED MOSES FROM THAT OFFICE ON MY OFFICE PHONE. I HAVE NOT BEEN ABLE TO CONTACT THAT PERSON BECAUSE WHEN HE LEFT HIS MESSAGE ORIGINALLY, HIS REQUEST WAS TO CONTACT HIM ON THE DAY OF THE CALL OR THE NEXT DAY BETWEEN 3:00 AND 4:00 P.M. AND HE WOULD BE OUT OF HIS OFFICE PRIOR TO THAT TIME. THE ONLY REASON GIVEN TO ME AT THE TIME OF THE CALL WAS CONCERN FOR YOUR PROPERTY AT 2949 HIGGINS STREET. I SAW NO REASON FOR CONCERN BECAUSE THE SEWAGE SYSTEM IN THE NEIGHBORHOOD HAD BEEN REPLACED AND I HAD BEEN IN CONTACT OVER THE MONTHS WITH VARIOUS PEOPLE FROM THE CITY OF AUSTIN TAKING CARE OF THIS CONCERN. BECAUSE THE MESSAGE DID NOT INDICATE AN URGENCY, I DID TRY TO CONTACT MOSES, HOWEVER, THE SECOND MESSAGE I RECEIVED FROM HIS PHONE STATED HE WAS ON VACATION. AGAIN I THOUGHT NO URGENCY OR THIS PERSON WOULD HAVE CONTACTED ME. WHEN I DID FINALLY SPEAK WITH MOSES, HE INDICATED THAT MY GARAGE AT 2949 HIGGINS STREET HAD BEEN ORDERED TO BE TORN DOWN. I ASKED HIM HOW COULD THIS BE. HE STATED THAT A HEARING HAD BEEN HELD AND THE BOARD HAD DECIDED TO TEAR IT DOWN THE GARAGE. MOON WHILE I HAD BEEN RECEIVING CALLS FROM SOMEONE IN THE NEIGHBORHOOD WHO WANTS TO BUY THE HOUSE TO WHICH I HAD CON.... CONSTANTLY OR CONSISTENTLY REPLIED NO. THIS IS MY BELIEF THAT THIS PERSON IS GOING ABOUT GETTING THE PROPERTY CONDEMNED IN ORDER THAT I WOULD SELL IT TO HIM. BUT TO CONTINUE WITH THIS STORY, I FEEL VERY STRONGLY THAT I HAD NOT BEEN GIVEN AN OPPORTUNITY TO AT LEAST KNOW ABOUT THE HEARING OR I WOULD HAVE ADDRESSED THE CONCERN AT THAT TIME. I HAVE CALLED MAYOR WYNN'S OFFICE AND UNFORTUNATELY NO ONE HAS CALLED ME BACK AT THIS TIME. SO I'M BEFORE THE CITY COUNCIL BECAUSE I WOULD LIKE EX STEN YOUATION OR

TALK ABOUT WHY MY GARAGE SHOULD BE TORN DOWN AND WHY THERE IS ONE NEXT DOOR EXACTLY LIKE IT AND NO ONE HAS ASKED THEM TO TEAR IT DOWN. THERE ARE OTHER GARAGES IN TOTAL STATE OF DISREPAIR. SO WHY DOES MY GARAGE NEED TO BE TORN DOWN AND WHY CAN'T I BE GIVEN CONSIDERATION OR EXTENSION. THANK YOU VERY MUCH.

JASON, CAN YOU RAISE YOUR ARM IN JASON RIGHT THERE IN THE BACK WILL WORK WITH YOU. YOU ASKED SOME VERY FAIR QUESTIONS. WE'RE GOING TO GET YOU ANSWERS. BUT I'M GOING TO HAVE JASON TAKE DETAILS FROM YOU AND BE SURE WE WORK THIS THROUGH FOR YOU.

I DO THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MS. GIVENS AND FOR YOUR PATIENCE. SUSAN, WELCOME. YOU WILL HAVE THREE MINUTES FOLLOWED BY DR. PAUL BAROWS.

I HAVE HANDOUTS.

GOOD AFTERNOON, MAYOR AND COUNCILMEMBERS. MY NAME IS SUSAN SCHAFFEL AND I WANT TO THANK THE COUNCILMEMBERS WHO HAVE TAKEN TIME TO SIT WITH ME ON THE ANIMAL CONTROL ISSUE. FREE ROAMING CATS WHETHER FARRELL OR PET CATS THAT OWNERS ALLOW TO ROAM OUTSIDE ARE A NUISANCE TO ADJACENT PROPERTY OWNERS AND ARE TAKING A TOLL OUR NATIVE WILDLIFE IN AUSTIN. IN 2001 I ADDRESSED THIS ISSUE WITH MARRY WATSON AND COUNCIL. AT THE TIME, JOHN HERON, CHIEF OF WILDLIFE DIVERSITY CAME AND SPOKE IN HIS OFFICIAL CAPACITY AS A REPRESENTATIVE OF THE PARK SYSTEM AND EXPRESSED HIS DEPARTMENT'S CONCERNS ABOUT FREE ROAMING CATS AND WILDLIFE. HIS DEPARTMENT ESTIMATED BACK IN 2001 THAT 3 MILLION NATIVE WILD ANIMALS ARE KILLED EACH YEAR IN THE CITY OF AUSTIN FROM FREE ROAMING CATS. TODAY, FIVE AND A HALF YEARS LATER, THE CITY OF AUSTIN HAS FAILED TO ADDRESS THIS ISSUE OR TAKEN STEPS TO REWRITE REANTQUATED ANIMAL CONTROL LAWS. IF THE STATISTICS ARE CORRECT THE NUMBER OF NATIVE WILD ANIMALS KILLED SINCE 2001 TOTAL 15 MILLION NATIVE WILD ANIMALS IN THE CITY OF

AUSTIN. THE AUSTIN HUMANE SOCIETY CALCULATES THERE ARE OVER 500,000 FERAL CATS IN THE CITY. TOWN LAKE ANIMAL SHELTER IS STILL PUTTING TO DEATH THOUSANDS OF CATS EACH YEAR AND THOSE GOOD PEOPLE STILL CAN'T ADDRESS CITIZENS' COMPLAINTS ABOUT CATS BECAUSE THERE IS NO ENFORCEMENT MECHANISM FOR CATS LIKE THERE IS FOR DOGS. WHAT A DOUBLE STANDARD. THIS VICIOUS CYCLE CONTINUES AND GOOD TAXPAYER MONEY IS THROWN AWAY BECAUSE THE ROOT OF THE PROBLEM IS NOT BEING ADDRESSED. I WAS INVOLVED WITH A DIVERSE GROUP HEADED BY DARINDA PULL YAM AND A MEDIATOR WHICH THE CITY PAID FOR A FEW YEARS AGO. AS A GROUP WE CAME UP WITH THREE ORDINANCE CHANGES THAT WOULD STOP THIS VICIOUS CYCLE AND HELP TO REVERSE THIS AWFUL TREND. HERE IS THE THREE ORDINANCES FOR THOSE WHO HAVE REFUSED TO MEET WITH ME. BY ASKING TO YOU MAKE A MANDATORY SPAY AND NEUTER FOR ALL CATS UNLESS SOMEONE IS A LICENSED BREEDER. THE SECOND IS A CAT CONTAINMENT ON THE PROPERTY. THERE ARE MANY ENCLOSURES FOR BACKYARDS THAT ALLOW CATS TO SAFELY PLAY OUTSIDE BUT NOT TRESPASS ON NEIGHBORS' PROPERTY. YOU HAVE INFORMATION IN THE PACKET I GAVE YOU FOR THAT. AND A MANDATORY MICROCHIP OR COLLAR TAG ON THE CAT. THIS WAY WHEN A LOST PET CAT IS FOUND AND IT COULD BE RETURNED TO THE OWNER INSTEAD OF ENDING UP AT TOWN LAKE ANIMAL SHELTER. I HAVE PRINTED EACH OF YOU A COPY OF THE ARTICLE FROM SUNDAY'S AUSTIN AMERICAN-STATESMAN WHICH IS ABOUT THIS ARTICLE WHICH SOME OF YOU I KNOW HAVE READ. AND SOME THAT HAVEN'T READ IT CAN NOW READ IT. WHAT IS MOST IMPORTANT ARE THERE'S 75 COMMENTS FROM THE COMMUNITY AND YOU WILL GET A FLAVOR OF WHAT FOLKS IN THIS COMMUNITY ARE THINKING. [BUZZER SOUNDING] I ASK YOU TO GIVE THIS SERIOUS CONSIDERATION AND TAKE ACTION BEFORE ANOTHER FIVE YEARS GO BY. THANK YOU.

Mayor Wynn: THANK YOU, MS. SCHAFFEL.

QUICK COMMENT IF I COULD. MS. SCHAFFEL, THIS IS SOMETHING THAT MY OFFICE AND I KNOW THE OTHER COUNCILMEMBERS SHARE INTEREST IN AND WE ARE WORKING ON A MANDATORY SPAY AND NEUTER

ORDINANCE. THERE ARE SOME CONCERNS THAT WE DON'T WANT TO CRIMINALIZE PEOPLE WHO WANT TO HAVE PETS AND WHO MAY NOT BE ABLE TO AFFORD SPAYING OR NEUTERING. WE ARE WORKING ON A COMPREHENSIVE PLAN THAT WOULD PROVIDE FREE SPAY AND NEUTERING. WE JUST NEED TO MAKE SURE THAT INFRASTRUCTURE IS IN PLACE SO IF AND WHEN WE DO ADOPT AN ORDINANCE IT DOESN'T CREATE CRIMINALS OUT OF PEOPLE WHO JUST WANT TO HAVE PETS. I SHARE YOUR CONCERNS AND APPRECIATE YOUR COMMENTS.

[INAUDIBLE].

THAT IS SOMETHING THAT IS THE ONE THING THE CITY HAS DISCUSSED, BUT WHEN WE SAT IN THIS FOCUS GROUP A YEAR AND A HALF AND TOOK OUR TIME, THERE WERE MANY MEMBERS OF THE COMMUNITY INCLUDING VETS FROM THE CITY, VETERINARIANS, THERE WERE PEOPLE FROM THE CITY, THERE WERE PEOPLE FROM UNIVERSITY OF TEXAS, DALINDA CAN GIVE YOU THE LIST OF ALL THE PEOPLE WHO SAT IN, AND THE CAT GROUPS WERE HERE. WE SAT AND HAMMERED OUT THESE ISSUES AND CAME UP WITH THREE THINGS WE'RE REQUESTING. ONE OF THEM IS THE MANDATORY SPACE, BUT THE CAT CONTAINMENT ISSUE, IT'S DOUBLE STANDARD BECAUSE THE DOGS CAN BE PICKED UP BUT YOU HAVE NO ENFORCEMENT FOR CATS. IT DOESN'T MATTER IF YOU ARE COMING FROM A BIRD PERSPECTIVE, CAT PERSPECTIVE, PROPERTY RIGHTS ISSUE, I WOULD JUST LIKE TO SEE SOMEBODY ACTUALLY ADDRESS THIS ISSUE AND MAYBE HAVE A CONVERSATION AND INCLUDE PEOPLE THAT [INAUDIBLE] SORRY ABOUT THAT. ANYWAY. THANK YOU.

Mayor Wynn: THANK YOU. OUR NEXT SPEAKER IS DR. PAUL BAROWS. WELCOME. YOU WILL BE FOLLOWED BY GIRARD KINNEY.

THANK YOU. I HAVE A PACKET OF INFORMATION, A SINGLE PACKET THAT HOPEFULLY I CAN LEAVE WITH YOUR CLERK OR SOMEONE AND HAVE IT BE AVAILABLE FOR YOU.

Mayor Wynn: THANK YOU. SURE.

I'LL BRING IT TO YOU.

Mayor Wynn: ALL RIGHT. THANKS. THANK YOU VERY MUCH.

MAYOR WYNN AND MEMBERS OF THE AUSTIN CITY COUNCIL, MY NAME IS PAUL BAROWS. I'M A LICENSED VETERINARIAN WITH OVER 40 YEARS OF PROFESSIONAL INVOLVEMENT WITH FREE ROAMING CATS. I'VE PRACTICED SMALL ANIMAL MEDICINE, SERVED IN THE ARMY MEDICAL CORPS AND PAST PRESIDENT OF AN INTERNATIONAL WILDLIFE ORGANIZATION AND HOLD BOARD CERTIFICATIONS IN VETERINARY MEDICINE AND PUBLIC HEALTH AND A CERTIFIED WILDLIFE BIOLOGIST. MY PURPOSE TODAY IS CONVEY THE IMPORTANCE OF ESTABLISHING, MAINTAINING AND ENFORCING STRONG AND EFFECTIVE ANIMAL CONTROL ORDINANCES TO INCLUDE THOSE INVOLVING CATS. SPECIFICALLY I ENCOURAGE THE ADOPTION AND ENFORCEMENT OF AN ON-PREMISES CAT CONTAINMENT INITIATIVE. I ASK EACH OF YOU OBJECTIVELY PURSUE THE RELEVANT FACTS AND CONSCIENTIOUSLY AVOID SUCCUMBING TO NOACIALISM..... EMOTIONALISM. I DO NOT REPRESENT ANY OFFICIAL ORGANIZATION. MY CONCERNS ARE FOR THE WELFARE OF OUR CATS, OUR ENVIRONMENT AND OUR CITIZENS. ESTABLISHMENT OF CAT CONTAINMENT ORDINANCES IS NOT AN ISSUE OF CAT HATERS VERSUS CAT LOVERS. IT IS ABOUT MAKING A COMMITMENT TO FOSTER RESPONSIBLE PET OWNERSHIP AND REDUCE THE TREMENDOUS NEGATIVE IMPACTS ASSOCIATED WITH FREE ROAMING CATS. DOMESTIC CATS ARE NON-NATIVE, MID-SIZED PREDATORS WHO NEGATIVE IMPACTS ON NATIVE WILDLIFE EXTEND FAR BEYOND JUST BIRDS. ANNUALLY HUNDREDS OF MILLIONS OF BIRDS, SMALL ANIMALS AND OTHER WILDLIFE FALL VICTIM TO HOUSE CATS. AFTER YEARS OF DEALING WITH IRRESPONSIBLE PET OWNERSHIP, ABANDONMENT AND UNCONTROLLED STRAY ANIMALS, PROFESSIONAL AND LAY ORGANIZATIONS RECOGNIZE THAT FREE ROAMING, OWNED AND UNOWNED CATS POSE SERIOUS ECOLOGICAL, SOCIAL NUISANCE, LEGAL AND HUMANE CONCERNS. CATS ALSO HARBOR AND TRANSMIT A HOST OF DISEASES WHICH HAVE SIGNIFICANT NEGATIVE IMPACTS ON OUR COMMUNITY. TRAP, NEUTER AND RELEASE PROGRAMS HAVE BEEN TOUTED AS AN ANSWER TO CAT OVERPOPULATION

PROBLEMS. SUCH IS NOT THE CASE. ESSENTIALLY..LY TNR IS A FORM OF INHUMANE BIOLOGICAL LITTERING. ANIMAL CONTROL ORDINANCES ARE THE KEY. BECAUSE ABANDONMENT OF COMPANION ANIMALS IS WIDELY VIEWED AS INAPPROPRIATE, HOW IS IT POSSIBLE THAT THE PURPOSEFUL REABANDONMENT OF CATS AS PART OF A T.N.R. OR ANY OTHER PROGRAM COULD BE CONSIDERED ACCEPTABLE. THE TURNING LOOSE OF ONE'S CATS FOR A PORTION OF THE DAY OR NIGHT IS IN ITSELF TEMPORARY ABANDONMENT. IT IS IMPORTANT COUNCIL CAREFULLY REVIEW THE OFFICIAL POLICIES OF DOZENS OF PROFESSIONAL WILDLIFE, VETERINARY AND PUBLIC HEALTH AGENCIES AS THEY CONSIDER THESE ISSUES. I HAVE PROVIDED YOUR CLERK WITH ADDITIONAL MATERIAL WHICH MAY BE USEFUL TO AND IN FACT I HAVE PROVIDED THE MAYOR WITH IT AND WOULD BE HAPPY TO ADDRESS ANY QUESTIONS THAT YOU MAY CHOOSE TO ASK. THANK YOU VERY MUCH ALL OF YOU FOR LETTING ME COME AND SPEND A FEW MOMENTS WITH YOU.

Mayor Wynn: THANK YOU. QUESTIONS FOR DR. BAROWS, COUNCIL? THANK YOU, SIR.

THANK YOU, MAYOR AND COUNCIL. GIRARD KINNEY, LIFE-LONG AUSTINITE, MEMBER OF MORE GROUPS THAT I CAN COUNT. I'M JUST SPEAKING NOW ON MY OWN BEHALF. I'M CONCERNED THAT THE RECENT SO-CALLED McMANSION ORDINANCE IS GOING TO HAVE SOME UNINTENDED CONSEQUENCES. I'M THINKING THEY ARE UNINTENDED. AND I'M VERY WORRIED THAT THE SIX-MONTH DISTANCE WE'RE GOING TO BE WAITING BEFORE WE CAN TWEAK IT IS GOING TO HAVE THINGS HAPPEN IN THE MEANTIME WE'RE ALL GOING TO REGRET. I DO WANT TO SAY THAT I REALLY APPRECIATE THE WORK OF THE TASK FORCE. I KNOW HOW PARDON IT IS TO DO THAT AND YOU CAN'T MAYBE EVERYBODY HAPPY SO THERE'S NO CRITICISM INTEND OF OF ANYBODY HERE T ORDINANCE ATTEMPTS TO DEAL WITH THE -- WITH RESIDENTIAL SCALE OF ARCHITECTURE, WHICH IS A GOOD IDEA. THE TENT IDEA IS A GOOD IDEA. IT'S A GOOD WAY OF -- PHILOSOPHICALLY IT'S A GOOD WAY OF APPROACHING THE PROBLEM. I LIKE THE IDEA OF COMPATIBILITY BEING APPLIED TO RESIDENTIAL AND NOT JUST COMMERCIAL. AND IT ADJUST FOR THE FIRST TIME, IN

A RATIONAL WAY IT STARTS US THINKING ABOUT MEASURING HEIGHTS OF BUILDINGS TAKING THE TOPOGRAPHY IN MIND AND THAT'S A GOOD THING AND WILL RESULT IN GOOD RESULTS. HOWEVER, IT DOES NOT ENCOURAGE INFILL IN ANY WAY THAT I CAN SEE, IT DISCOURAGES INFILL. I THINK THAT'S A REAL PROBLEM. SF-3 ZONING WAS CREATED HALF A CENTURY AGO TO ALLOW TWO FAMILIES TO LIVE ON LOTS. THEORETICALLY THE INFRASTRUCTURE WOULD BE IN PLACE TO RECEIVE THESE TWO FAMILIES AND IT HAS NEVER MADE SENSE TO REQUIRE THOSE -- THOSE LOTS -- THOSE TWO RESIDENCES TO BE ATTACHED TO EACH OTHER. ATTACHING THEM TO EACH OTHER MEANS YOU HAVE SO FEW CHOICES ABOUT THROW THROUGH VENTILATION, VIEWS INTO THE BACKYARDS, ELIMINATES PRIVACY BETWEEN THE TWO UNITS. IT MEANS WHEN ONE FAMILY LEAVES THEIR STOVE ON AND CATCHES THEIR HOUSE ON FIRE IT BURNS THE OTHER HOUSE DOWN. NEVER MADE ANY SENSE TO REQUIRE THE TWO HALVES OF THE DUPLEXES TO BE ATTACHED AND NOW YOU ARE HAVING THEM ATTACHED TO EACH OTHER MORE SUBSTANTIALLY AND WITH THE NEW ORDINANCE. AND IN FACT, IT'S GOING TO RESULT IN SOME REALLY UNFORTUNATE THINGS HAPPENING. I'M FAMILIAR RIGHT NOW WITH ONE PROJECT WHERE A SALE DIDN'T GO THROUGH BECAUSE OF THIS, BUT OTHER SITUATIONS WHERE THE DUPLEXING THAT WE NEED, WE NEED DUPLEXES, WE NEED ANOTHER RESIDENCE ON INFILL INNERCITY LOTS IS THE WAY TO REACT TO SPRAWL AND AVOID SPRAWL. BUT WHAT WILL HAPPEN IS THAT ON LITTLE, WONDERFUL LITTLE ONE-STORY HOUSES ON SMALL LOTS AND MEDIUM-SIZED LOTS AND EVEN LARJS LOTS -- [BUZZER SOUNDING]

> YOU ARE GOING TO HAVE A SITUATION WHERE YOU ARE GOING TO COVER ALL THE WINDOWS, COMPLETELY DESTROY THE FUNCTIONALITY OF EXISTING HOUSE AND YOU ARE GOING TO CREATE A McMANSION ON THAT LOT BY GLOMMING ON A BIG TWO-STORY ADDITION. SO I'VE RUN OUT OF TIME. I HAVE LOTS OF OTHER THOUGHTS ON THE SUBJECT. BE GLAD TO ADDRESS ANY QUESTIONS. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU VERY MUCH. QUESTIONS FOR MR.

KINNEY, COUNCIL? THANK YOU. PALT....PAT JOHNSON.
WELCOME, PAT.

TODAY'S COMMENTS ARE GOING TO BE ABOUT THE TOWING RULES AND REGULATIONS COUNCIL PASSED ON JUNE 19th. THEY ARE ACTUALLY HAVING A REALLY GOOD BENEFIT TO THE FOR THE CONSUMER OUT THERE. WHAT YOU SEE HERE IS AN OPEN RECORD REQUEST ON HOW THE RULES ARE WORKING IN OUR BENEFIT. THERE HAVE BEEN 122 APPLICATIONS FOR A WRECKER LICENSE. 96 OF THOSE WERE APPROVED. 21 WERE DENIED. ONE WAS SUSPENDED. ONE [INAUDIBLE]. THIS IS REALLY A FIGURE HERE. OFFENSE REPORTS FOR VIOLATING A TOWING ORDINANCE SINCE JULY OF 2006, 69. WHEN SINCE JULY OF 2005 WE HAD 249. THAT SHOULD SHOW THAT THE RULES ARE IN PLACE AND ARE WORKING. WE'RE KIND OF TAKING BACK THAT THE CITY MANAGER'S OFFICE HAS OVERTURNED SOME OF THE DENIALS AND ALLOWED FOR WRECKER LICENSES. I WAS TOLD WE WANT TO BE IN LINE WITH HOUSTON, SAN ANTONIO AND DALLAS. WE'RE NOT IN LINE WITH HOUSTON BECAUSE OUR TOWING FEE IS ABOUT \$80 MORE. ILLEGAL TOWING IS STILL OCCURRING. WE CAN PASS RULES ALL DAY LONG, BUT UNTIL WE PUT OFFICERS OUT TO STREET AND THE PEOPLE COME TO US AND LET US KNOW WE WERE ILLEGALLY TOWED, THE POLICE CAN'T BE INVOLVED. THIS IS SCHLOTZSKY'S DELI. HERE'S FOUR LOCATIONS. ALL FOUR OF THESE COMPANIES PARTICIPATE IN TRAFFIC INCIDENT MANAGEMENT AND ROTATIONS. IF THEY ARE GOING TO BE TOWING CARS ILLEGALLY AND FOUND GUILTY, IN A COURT OF LAW, THEY SHOULD NOT BE ALLOWED TO GET OUT THERE AND RAPE THE CITIZENS ANYMORE. JUST THIS PAST WEEK I CALLED 311 TWICE ABOUT STRANDED MOTORISTS ON 35. WITH WITHIN AN HOUR'S TIME SPAN AND THE SAFE AND CLEAR TRUCKS NEVER WENT AND PICKED THOSE PEOPLE UP. NO TOWING COMPANY SHOULD BE ALLOWED TO PARTICIPATE IN ANY A.P.D. PROGRAM. I KNOW THIS IS BEATING A DEAD HORSE, BUT WE DON'T NEED TO LET PEOPLE HAVE ANY OPPORTUNITY FOR ECONOMIC GAIN IF THEY ARE RIPPING OFF OUR CITIZENS. JUST LIKE J&JUST A MOMENT TOWING. I COMPLAINED WITH THE CITY MANAGER WAS OFFICE ABOUT VIOLATING STATE LAW AND THEY SHOULD NOT BE ALLOWED TO BE A SUBCONTRACTOR FOR

CENTRAL PARKING. TEN PARKING AREAS UNDERNEATH THE BRIDGES WERE INVESTIGATED BY OUR OWN RECOLLECTER ENFORCEMENT UBT.... UNIT AND TOLD STAFF YOU NEED MORE SIGNS. JUST BECAUSE THEY WERE TOWING CARS ILLEGALLY IN THE PAST DOES NOT MAKE THINGS RIGHT TODAY. I WOULD ASK THE COUNCIL TO ASK THE CITY MANAGER AND THE STAFF TO COME BACK AND TELL YOU WHY WE ISSUED A RECOLLECTER..... WRECKER LIE LENS WHEN THEY WERE TURNED BY ENFORCEMENT AND THE COMMANDER. [BUZZER SOUNDING] IT'S ALL ABOUT FROAKTING OUR PROTECTING OUR CITIZENS.

Mayor Wynn: THANK YOU. EARLIER WE CALLED LINDA HUTSON'S NAME AND SHE WASN'T HERE. I JUST WANT TO CONFIRM LINDA HUTSON. COUNCIL THAT IS CORRECT CONCLUDES OUR GENERAL CITIZEN COMMUNICATION TODAY. THERE BEING NO MORE DISCUSSION ITEMS PRIOR TO OUR AFTERNOON BRIEFING, WITHOUT OBJECTION WE GO INTO CLOSED SECTION PURSUANT TO SECTION 551.071 OF THE EACH MEETINGS ACT TO TAKE UP POTENTIALLY AGENDA ITEM NUMBER 53, LEGAL ISSUES REGARDING CONSIDERATION OF ECONOMIC AND ENVIRONMENTAL IMPACTS IN ZONING. WE MAY ALSO TAKE UP REAL ESTATE MATTERS PURSUANT TO SECTION 551.072, ITEM 54 RELATED TO REAL PROPERTY REGARDING THE OPEN PACE PROJECT. WE ARE NOW IN CLOSED SESSION. I EXPECT US BACK SOMETIME AROUND THE 2:00 HOUR. THANK YOU.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION, IN EXECUTIVE SESSION WE TOOK UP TWO ITEMS, ITEM 53, LEGAL ISSUES REGARDING ZONING, NO DECISIONS WERE MADE. WE ALSO TOOK UP REAL ESTATE MATTER, ITEM 54, RELATED TO A POTENTIAL OPEN SPACE PROJECT. AGAIN NO DECISIONS WERE MADE. WE HAVE NOW ENDED OUR EXECUTIVE SESSION AGENDA FOR THE DAY. WE NOW, COUNCIL, GO TO A COUPLE OF 2:00 POSTED ITEMS. THE FIRST WILL BE DISCUSSION OF -- STHEND R POSSIBLE ACTION ON BOND SALES, I SEE OUR BOND TEAM IN THE AUDIENCE. ITEM NO. 55, PERHAPS A PRESENTATION BY BILL NEWMAN.

GOOD AFTERNOON, MAYOR WYNN, MEMBERS OF THE AUSTIN CITY COUNCIL, I'M BILL NEWMAN. HERE TO SPEAK TO

YOU ABOUT ITEM NO. 55, WHICH I THINK MAYOR SHOWS 140 MILLION ON THE TRANSACTION. THE ACTUAL SIZE IS \$137,800,000 IN ELECTRIC UTILITY SYSTEM REVENUE REFUNDING BONDS, SERIES 2006, CHRIS ALLEN IS HANDING AROUND A LITTLE BOOKLET, I'M GOING TO GO THROUGH VERY QUICKLY, TO GIVE YOU SOME OF THE DETAILS OF THE TRANSACTION. ON PAGE 2, WE SHOW YOU THE SIZE OF THE ISSUE, THE PURPOSE, AS I SAID THE PURPOSE IS TO REFUND SOME OF THE CITY'S OR RATHER THE AUSTIN ENERGY'S OUTSTANDING ELECTRIC UTILITY BONDS, SPECIFICALLY SOME OF THE 1996 A SERIES 2001 AND SERIES 2003 BONDS. FUNDING REPRESENTED TO YOU IN A NET PRESENT VALUE SAVINGS OF \$6,279,290 OR 4 POINT 42%. MAYOR, THAT IS WITHIN, ABOVE AND BEYOND THE GUIDELINES, MINIMAL GUIDELINES SET BY THE CITY COUNCIL'S FINANCIAL POLICIES. ON PAGE 3, JUST REPRESENTATION OF THE TEAM THAT -- THAT PARTICIPATED IN THE TRANSACTION. MR. BOB [INDISCERNIBLE] WITH FULBRIGHT AND JAROSKI IS WITH US. MERRILL LYNCH AND A TEAM OF UNDERWRITERS BOUGHT THE TRANSACTION. ON PAGE 4 A BOND MARKET UPDATE THAT SHOWS THE ECONOMIC DATA THAT WAS RELEASED TODAY WAS POSITIVE FOR YOUR BOND SALE. WE SAW A DROP IN GASOLINE PRICES, CONSUMER PRICES FELL ONCE AGAIN, THE LARGEST AMOUNT IN 10 MONTHS. CPI DECLINED DROPPED BY 7.2% BASED UPON THE ENERGY SAVINGS THAT YOU ARE SEEING TODAY. NEW BUILDING PERMITS WENT DOWN AS WELL. AS A RESULT THE VOLUME OR VISIBLE SUPPLY THAT YOU SEE IN THE BOND MARKET WENT UP SOME. PAGE 5, WE COMPARED THIS TRANSACTION, IF YOU WOULD, WANTED TO SHOW YOU THE ELECTRIC INSURED RATES AND A 15 YEAR TREASURY TRANSACTION. VERY SHORT, IT ONLY GOES OUT TO 2022. ELECTRIC INSURED DEALS ON AVERAGE WERE RUNNING AT ABOUT 4.16%. PAGE 6 SHOWS YOU WHERE YOU -- WHERE YOU ARE IN THE MARKET THIS WEEK. YOU ARE CERTAINLY NOT THE BIGGEST TRANSACTION OF THE WEEK. YOU ARE CERTAINLY NOT THE SMALLEST.....SMALLEST. FINAL NEWS ON PAGE 7, YOU SEE AN AMORTIZATION SCHEDULE FOR THE TRANSACTION 5% COUPON BONDS WITH YIELDS RANGING FROM 3.6 TO 4.2. AGAIN, IT RESULTED IN A \$6.3 MILLION SAVINGS TO AUSTIN ENERGY AND TRUE INTEREST COST ON THE BONDS OF

4.11%. THAT SAID AND GIVEN THAT GOOD RATE, MAYOR, WE WOULD CERTAINLY RECOMMEND APPROVAL.

THANK YOU, MR. NEWMAN, QUESTIONS OF MR. NEWMAN, COUNCIL? THESE ARE ALWAYS SO WELL DONE AND STRAIGHTFORWARD. WITH THAT I WILL ENTERTAIN A MOTION ON ITEM NO. 55. MOTION MADE BY COUNCILMEMBER COLE, SECONDED BY THE MAYOR PRO TEM TO APPROVE ITEM NO. 55, THIS BOND REFUNDING SALE AS PRESENTED BY MR. NEWMAN. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. 7 -- VOTE 6-0 WITH COUNCILMEMBER KIM TEMPORARILY OFF THE DAIS.

THANK YOU, MR. MAYOR.

THANK YOU, MR. NEWMAN. COUNCIL, THAT TAKE US US... TO OUR AFTERNOON BRIEFING, A PRESENTATION BY DOWNTOWN WORKS A DIVISION OF ERA ON ISM -- CONTINUING IMPLEMENTATION OF THE DOWNTOWN RETAIL STRATEGY, FOCUSING SPECIFICALLY ON EAST AND WEST SIXTH STREET. I WELCOME MS. SUE EDWARDS.

THANK YOU. FOUR YEARS AGO, THE CITY BEGAN A PARTNERSHIP WITH THE DOWNTOWN AUSTIN ALLIANCE TO DEVELOP A STRATEGY TO REVITALIZE RETAIL IN THE DOWNTOWN AREA. IMHIK RESEARCH ASSOCIATES OR ERA, ECONOMIC RESEARCH ASSOCIATES. THE DOWNTOWN AUSTIN RETAIL MARKET STRATEGY REPORT THAT THE CONSULTANT PRODUCED PROVIDED THE FRAMEWORK FOR FURTHER ACTION AND A FOCUS ON CONGRESS AVENUE RETAIL. IN OCTOBER EXACTLY A YEAR AGO, ERA, A MERCHANDISING MIXED PLAN, AN IMPLEMENTATION STRATEGY. IN ANOTHER RECOMMENDATION, THEY -- THEY ASKED THAT THE DAA HIRE A RETAIL CONSULTANT WHO -- RETAIL ACTUALLY -- SORRY, A RETAIL RECRUITING WHO HAS BEEN WORKING SINCE THEN ON CONGRESS AVENUE. THIS YEAR AGAIN WE PARTNERED TO DEVELOP A RETAIL STRATEGY AS THE MAYOR SAID FOR EAST AND WEST SIXTH

STREET. MIDGE McCALL LEE IS HERE TO BRIEF YOU ON THE FINDINGS AND QUALIFICATIONS OF THIS STUDY.

THANK YOU, MAYOR AND COUNCIL FOR HAVING ME HERE TO TALK TO YOU ABOUT OUR FINDINGS, OUR CONCLUSIONS AND OUR RECOMMENDATIONS FOR THE SIXTH STREET RETAIL CORRIDOR THAT EXTENDS FROM I-35 TO LAMAR STREET. THAT INCLUDES BOTH EAST AND WEST SIXTH STREET. THE UNDERSTANDING HERE WAS THAT -- THAT THIS IS A MAJOR COMMERCIAL ARTERY RUNNING RIGHT THROUGH THE HEART OF YOUR DOWNTOWN. INTERSECTING CONGRESS AVENUE, WE WORKED ON THE CONGRESS AVENUE STRATEGY IT'S HARD FOR HAD HE TO BELIEVE THIS HAS BEEN A YEAR SINCE WE WERE HERE LAST TO TALK TO YOU ABOUT THIS. WE FOUND AFTER TAKING A LOOK AT EAST AND WEST, THAT CERTAINLY THE NATURE OF THIS STREET CHANGES AS YOU CROSS OVER CONGRESS AVENUE. AND -- AND WE FIND THAT YOU HAVE ON THE EAST END OF THE STREET, WHAT WE WOULD CALL AN URBAN ENTERTAINMENT DISTRICT AND TO THE WEST YOU ALSO CONTINUE SOME OF THAT URBAN ENTERTAINMENT, BUT AS YOU GET TO LAMAR YOU HAVE A REAL BURGEONING CLUSTER OF RETAIL STORES THAT ARE BEING CREATED THERE, WHICH HAS BEEN VERY SUCCESSFUL. WHAT WE SEE HAPPENING IS THAT THE STREET WILL GROW TO THE EAST OFF OF LAMAR. AS CONGRESS GETS STRONGER, WE WILL ALSO SEE RETAIL GOING TO THE WEST ALONG SIXTH STREET. AND YOU HAVE AN OPPORTUNITY IN THIS AREA TO HAVE SOME INFILL DEVELOPMENT. I THINK THAT IT'S VERY IMPORTANT THAT AS WE GET INTO -- INTO WEST SIXTH STREET, THAT -- THAT WE HAVE DEVELOPMENT GUIDELINES AS WE HAVE DEVELOPERS DOING MIXED USE PROJECTS THAT MAY INCLUDE RESIDENTIAL, HOTELS AND/OR OFFICE, HOW WE DEAL WITH - - WITH HAVING A CONTINUOUS RETAIL LINE OF STORES ALONG THE STREET. AS WE THEN GET INTO -- I GUESS WE SKIPPED A SLIDE HERE. AS WE GET TO OUR DOWNTOWN MERCHANDISE MIX, WE TALK ABOUT -- ABOUT WHAT -- WE WANTED TO TAKE A LOOK AT THE WHOLE OF DOWNTOWN BEFORE WE DECIDED WHAT WE NEEDED TO DO WITH BOTH EAST AND WEST SIXTH STREET. WHAT WE FIND WHEN WE LOOKED AT THE MERCHANDISE MIX, WE HAVE 321 DIFFERENT BUSINESSES DOWNTOWN, OF WHICH ONLY 68 OF

THEM ARE RETAIL STORES. THE REMAINDER ARE EITHER BARS AND RESTAURANTS OR QUICK SERVICE RESTAURANTS. SO -- SO THERE'S PROBABLY -- IT'S CLOSE TO AN EQUAL NUMBER OF BARS AND RESTAURANTS IN THE ALL OF DOWNTOWN. AS YOU GET INTO EAST SIXTH STREET, YOU WILL HAVE 57-BAR, THEN HALF THAT NUMBER OF RESTAURANTS, BOTH FULL SERVICE AND LIMITED SERVICE RESTAURANTS AND THEN YOU WILL HAVE HALF THAT NUMBER OF RETAILERS THAT YOU HAVE OF RESTAURANTS. OUT OF THE TOTAL THERE YOU ONLY HAVE 14 RETAILERS ON EAST SIXTH STREET. GO TO THE WAREHOUSE, YOU LOOK AT THAT, ABOUT AN EQUAL NUMBER OF BARS AND RESTAURANTS AND WE HAVE 0 RETAILERS IN THAT DISTRICT. THEN WHEN WE GET TO WEST SIXTH STREET, WE HAVE MORE RESTAURANTS THAN BARS, WE HAVE 11 RETAILERS. EIGHT OF THOSE RETAILERS ARE AT THE 6th AND LAMAR INTERSECTION, SO WHAT WE SEE HERE IS WE HAVE A VERY LARGE PROLIFERATION OF -- OF RESTAURANTS AND BARS AND JUST NOT A LOT OF RETAIL. SO WHEN WE ARE TALKING ABOUT WEST SIXTH STREET AS I HAD SAID, WE HAD THE OPPORTUNITY HERE AS WE GROW THE RETAIL FRONTAGE ON WEST SIXTH. TO WORK WITH DEVELOPERS AS THEY DEVELOP THEIR MIXED USE PROJECTS AND WITHOUT CAREFUL PLANNING ALONG HERE, WE ARE RUNNING THE DANGER OF -- OF GROWING OUR URBAN ENTERTAINMENT DISTRICT TO THE WEST AND WE THINK RIGHT NOW THAT YOU PROBABLY HAVE ENOUGH, MORE THAN ENOUGH RESTAURANTS AND BARS DOWNTOWN. SO WE REALLY WANT TO ENCOURAGE THE -- THE RETAILERS COMING INTO THE CITY. AND OPENING THE STORES HERE. AND THEN AS WE -- WE ALSO HAVE OLDER BUILDINGS THAT ARE ALONG WEST SIXTH STREET THAT WILL NEED TO TAKE A LOOK AT HOW THEY COULD RECONFIGURE THEIR GROUND FLOORS SO THAT THESE ARE SPACES THAT WOULD BE CONDUCIVE TO RETAILERS. AND NEXT. NOW, WHAT WE REALLY WANT TO TALK ABOUT HERE TODAY IS THE NOTION OF AN ENTERTAINMENT DISTRICT. BECAUSE THAT'S EXACTLY WHAT EAST SIXTH STREET IS. THAT IS THAT SAME TYPE OF DISTRICT HAS MOVED INTO THE WAREHOUSE AND AS I SAID, WE -- I THINK RUN THE DANGER OF THIS GOING BEYOND THAT AND -- AND EXTENDING DOWN WEST SIXTH. SO AS WE -- WHAT WE DECIDED TO DO WAS TO TAKE

A LOOK AT WHAT WE HAVE ON THE EAST SIXTH STREET, HOW DO WE MAKE IT BETTER, BUT WE CAN'T MAKE IT BETTER UNTIL WE UNDERSTAND WHAT THE ISSUES ARE. SO WE TOOK A LOOK AT THE CURRENT CONDITIONS. WE TALKED TO A LOT OF STAKEHOLDERS, PEOPLE WHO OWNED BUILDINGS THERE, PEOPLE WHO WERE IN BUSINESS THERE. WE -- WE TALKED TO -- TO CONSUMERS ON THE STREET. WE TALKED TO PEOPLE THAT ARE INVOLVED IN THE HOTEL AND CONVENTION BUSINESS. AND WHAT WE FOUND IS THAT THEIR NUMBER ONE ISSUE WERE THE TRANSIENTS ON THE STREET. CERTAINLY THE PROXIMITY TO THE SOCIAL SERVICES ADDS TO THIS ISSUE. BUT ALSO THE FACT THAT THE STREET IS NOT BUSY DURING THE DAY. IT LEADS TO HAVE PEOPLE THAT JUST WANT TO HANG OUT ON THE STREET TO HANG OUT THERE. THERE'S BEEN A GREAT PROLIFERATION OF BARS THAT ARE SERVING LOTS OF -- LOTS OF CHEAP DRINKS AND SHOTS AND THERE'S A TREMENDOUS AMOUNT OF COMPETITION OVER THE PRICE OF LIQUOR. THERE'S ALSO THE PERCEPTION OF THIS POLICE STATE ON THE WEEKENDS WHEN WE CLOSE OFF THE STREET AND BARRICADE IT SO THAT WE DO NOT HAVE VEHICLE TRAFFIC. ALSO THE ISSUE THAT PARKING WAS A PROBLEM. WHICH WE FOUND CURIOUS BECAUSE THERE ARE CLOSE TO 1500 PARKING SPACES WITHIN THREE BLOCKS OF EAST SIXTH STREET. I THINK IT'S PROBABLY MORE OF A PERCEPTION THAN A REAL PROBLEM AND THAT A [INDISCERNIBLE] FINDING SYSTEM COULD CERTAINLY SOLVE SOME OF THAT. WE FOUND THAT SOME OF THE OWNERS WHO TRIED TO CLEAN SIDEWALKS IN FRONT OF THEIR PLACES WERE FINED FOR DOING SO. ALTHOUGH THEY SAW THAT SOME OF THE CONDITIONS ON THE STREET MEANT THEY COULDN'T CLEAN IT THEMSELVES. SOME OF THE HOLTIER'S THAT WE SPOKE WITH, DISCOURAGED THEIR GUESTS FROM GOING TO EAST SIXTH STREET BECAUSE THEY DON'T THINK THE CONDITIONS THERE ARE AMENABLE TO HAVING A GOOD EXPERIENCE IN AUSTIN. SOME OF THE HOTELLERS TOLD US THEY HAD COMMENT THAT CAME BACK TO THEM FROM GUESTS WHO DID GO TO EAST SIXTH STREET, THEY WERE VERY DISAPPOINTED UNDERSTAND THE EXPERIENCE. THEY -- DISAPPOINTED IN THE EXPERIENCE. ALSO CONVENTIONS THAT CAME TO THE CITY THAT WERE VERY FEMALE DOMINATED WERE MORE LIKELY TO TURN

DOWN AUSTIN AS A SITE FOR A CONVENTION THAN THOSE WHO WERE MORE -- MALE ORIENTED. AGAIN HAD TO DO WITH THE LACK OF SHOPPING, A LOT OF SERIOUS SHOPPING DOWNTOWN AND THE FACT THAT THERE WAS MORE -- THERE WERE MORE BARS THAN ENTERTAINMENT. WE THEN TOOK A LOOK AT THE PHYSICAL CONDITIONS. QUITE FRANKLY WE WERE APPALLED AS WE WALKED DOWN SIXTH STREET DURING THE DAYTIME. WE SAW THAT A LOT OF THE BUILDINGS AND BUSINESS CENTERS ARE NOT REINVESTING IN THEIR BUILDINGS OR IN THEIR STOREFRONTS. THAT THERE ARE BROKEN WINDOWS IN MANY STOREFRONTS. THE STREETS DO NOT GET POWER WASHED. IF THEY DO, IT'S VERY INFREQUENTLY. SO THE SIDEWALK IS VERY FILTHY. AND IT IS GUM LADEN. AND WE FOUND RESCUE..... RESIDUE FROM THE NIGHTS BEFORE. PEOPLE THROWING UP ON THE STREET. WE WENT BACK TWO MONTHS LATER, FOUND THE SAME RESIDUE ON THE STREET HAD NOT BEEN CLEANED UP AND IN THE CASE LIKE THIS, THAT SHOULD BE THE BUILDING OWNER WHO IS OUT THERE LOOKING AT THE FRONT OF THE R OF THEIR OF THEIR BUILDING, HOSING IT DOWN, MAKING IT CLEAN. THIS IS NOT HAPPENING. THIS IS WHAT VISITORS ARE SEEING, WHETHER IT'S PEOPLE WHO LIVE HERE, PEOPLE WHO ARE COMING TO THE CITY AS A TOURIST, THIS IS NOT A PLEASANT WAY FOR THEM TO SEE THAT STREET. IT ALSO MAKES IT DIFFICULT FOR ME, WHO IS SOMEONE WHO HAS HAD A RETAIL LEASING BACKGROUND. I WOULD HAVE A DIFFICULT TIME BRINGING A RETAILER DOWN TO EAST SIXTH STREET AND/OR A GOOD RESTAURANT OPERATOR AND SAY YOU SHOULD OPEN HERE WHEN THEY WOULD TAKE A LOOK AT THOSE CONDITIONS. WE FOUND 19 FREESTANDING ATM'S ON SIXTH STREET. ALL IN A STATE OF DISREPAIR. EITHER BROKEN, DIRTY, SIGNS GLUED TO THEM. AND ALSO USING WHAT I WOULD CONSIDER USURIOUS RATES CHARGING \$5.71 A TRANSACTION 5.75 A TRANSACTION. THE STREET SCAPE, SIDEWALKS, BIRD DROPPING, THE BASIC SANITATION IF YOU LOOK AT THE PICTURE ON THE UPPER RIGHT, YOU HAVE THERE A TREE WELL THAT IS JUST STUFFED WITH TRASH. NOW, OBVIOUSLY THAT IS NOT BEING CLEANED AND IS NOT BEING CLEANED OFTEN, BUT I WOULD SUBMIT TO YOU THAT -- THAT THAT COULD PROBABLY HAPPEN OVER A WEEKEND. BUT THAT TRASH WAS THERE FOR A VERY LONG TIME UNTIL WE BROUGHT IT TO THE ATTENTION OF THE DAA

AND VERY MAGICALLY THE GRATES GOT CLEANED. NEXT. THE -- BUT WE ALSO FOUND THINGS THAT WERE REALLY GREAT ABOUT SIXTH STREET, TOO. WE THINK THE GRAPHIC - - THE GREAT GRAPHICS, THE SIGNAGE. IT'S FUN TO DRIVE DOWN THERE. IT'S A GREAT -- IT SHOWS ITSELF WELL. IT HAS WONDERFUL, WONDERFUL HISTORIC BUILDINGS. MOST OF THESE HISTORIC BUILDINGS ARE -- IN GOOD SHAPE. IT'S THE BUSINESSES THAT AREN'T IN GOOD SHAPE. THE BUILDINGS THEMSELVES ARE IN FAIRLY DECENT SHAPE. WE WERE JUST I THINK SO TAKEN BY THIS, WE WERE THINKING GOSH WE OUGHT TO PHOTOGRAPH OR TAKE SOME FILM OF WHAT ACTUALLY HAPPENS DOWN HERE ON EAST SIXTH STREET OVER A 24 HOUR PERIOD..... PERIOD. SO WE WENT DOWN -- IN THE SUMMER, IT WAS THE END OF AUGUST, WE WENT DOWN ON A FRIDAY AFTERNOON AND AT NOONTIME WE FILMED THE STREET AND WHAT WE FOUND. OKAY. THAT'S -- THAT'S OUR FILM -- HOPEFULLY OUR TECHNOLOGY WORKS HERE. OUR -- OKAY. EAST SIXTH STREET, 12 NOON. WE SEE THE TRAFFIC COMING THROUGH, YOU KNOW, MOVES THROUGH AT A FAIRLY GOOD CLIP. WE SEE THE -- THAT DURING THE DAY THE STREETS ARE FILLED WITH BIRD DROPPINGS, WE SEE THIS AT NIGHT, YOU AREN'T GOING TO NOTICE THIS, BUT DURING THE DAY YOU WILL. WE AGAIN SAW SCRATCHED GLASS, STORE DOORS THAT WERE IN BAD CONDITION, AND STOREFRONTS, EVEN SOME THAT APPEARED TO HAVE BULLET HOLES THROUGH THEM. NOW, I DON'T KNOW OF ANY SHOOTINGS, BUT YOU SEE THIS. WE LOOKED INTO THE RETAIL STORES AND SAW NOBODY WAS IN THE STORES. THERE WERE VERY FEW PEOPLE ON THE STREET, WITH THE EXCEPTION OF THOSE WHO WERE AT THE BUS STOP. WHEN WE LOOKED DOWN THE STREET, WE DIDN'T SEE PEOPLE. THIS IS 12 NOON ON A MAJOR ARTERIAL STREET OF YOUR DOWNTOWN. THEN OUR NEXT FILMING WAS -- HERE WE GO MUCH OUR NEXT FILMING WE DID AT 6:00 AT NIGHT. AND THAT SHOULD BE COMING UP. WITH SIX HOURS LATER. AND WE FOUND THAT CONDITIONS SIX HOURS LATER WEREN'T A WHOLE LOT DIFFERENT FROM WHAT WE SAW AT 12 NOON. BUT WE ARE FINDING THAT BUSINESSES WERE BEGINNING TO OPEN AND THAT THE VENDORS WERE STARTING TO BRING THEIR CARTS TO THE STREET AND AGAIN THERE WERE VERY FEW PEOPLE THAT WERE WALKING ON THE STREET AT 6:00 AT NIGHT,

DELIVERIES WERE BEING MADE TO BUSINESSES AND AGAIN THE LARGEST COLLECTION OF PEOPLE THAT WERE IN -- IN TOWN AT THIS HOUR WERE THOSE WHO WERE AT THE BUS STOP. SO WE CAME BACK AGAIN THAT SAME NIGHT, AND WE CAME BACK AT MIDNIGHT AND WE STAYED UNTIL 2:00 IN THE MORNING. AND THAT WAS TOUGH FOR ME BECAUSE I'M NOT USED TO STAYING UP THAT LATE. BUT IT WAS A VERY INTERESTING EXPERIENCE. AND WE FOUND THE STREETS, YOU KNOW, BARRICADED AS WE WERE TOLD THAT THEY WOULD BE. AND WE FOUND THAT IT WASN'T REALLY -- AS CROWDED AS WE THOUGHT IT WOULD BE, BUT THEN SCHOOL WAS JUST BEGINNING. PEOPLE WERE JUST STARTING TO COME BACK TO CLASSES. BUT WE FOUND MANY OF THE SAME CONDITIONS AT NIGHT ONLY THEY WERE EXACERBATED BECAUSE OF A LOT OF TRASH THAT WAS ON THE STREETS. AND WE FOUND THAT THE TRASH CANS WERE OVERFLOWING. AND AGAIN THIS IS NOT SUPPOSED TO BE A REALLY BUSY NIGHT ON THE STREET. THERE WERE PROBABLY AN EQUAL MONTH OF PEOPLE ON THE SIDEWALKS AS WERE IN THE STREETS. NOW, THESE ATM'S I'M SURE GET A LOT OF USE AT THIS HOUR OF THE NIGHT. WE ALSO HAD -- WE WITNESSED A MOTHER AND DAUGHTER GROUP WHO WERE THERE TO BUY DRUGS AND HAD BEEN STOPPED BY THE POLICE. AND THIS IS RIGHT OUT THERE IN FRONT OF THESE CROWDS. AND THEN THIS WASN'T JUST COLLEGE STUDENTS WHO WERE THERE. THIS IS -- IT'S A REAL MIXTURE OF PEOPLE. AND ONE OF THE OTHER INTERESTING SIGHTS THAT WE SAW WHILE WE WERE THERE WAS A FELLOW WHO WAS PASSED OUT IN FRONT OF A RESTAURANT AND WE WILL SEE HIM SOON. THERE HE IS. AND THE ONLY PEOPLE WHO WERE INTERESTED IN THE FACT THAT HE WAS PASSED OUT IN FRONT OF THIS BUILDING WERE THE TOURISTS WHO CAME ALONG AND TOOK PHOTOGRAPHS OF HIM AND FOUND THIS TO BE RATHER, RATHER FUNNY. AND -- AND THERE WAS LITTLE INTEREST FROM THE POLICE OR THE DOOR MAN ABOUT WHAT WAS GOING ON THERE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

BUT WHAT WE DID WAS COME BACK THE NEXT MORNING AGAIN AT 6:00 A.M. TO SEE WHAT THE STREET LOOKED LIKE AT 6:00 A.M. AND WE FOUND AGAIN THAT THE ONLY PEOPLE

ON THE STREET WERE AT THE BUS STOP. I ASSUME THAT SOME OF THOSE WERE THERE OVERNIGHT. YOU KNOW, THE GUM, THE DIRT, IT'S ALL THERE STILL. IT'S NOT GOING ANYWHERE. WE DID FIND THAT SOME OF THE TRASH STILL REMAINED, ALTHOUGH SOME OF IT HAD BEEN PICKED UP. WE FOUND -- AGAIN, HE'S A GREAT REEXCEPT TAKE CAL, ANOTHER ATM MACHINE FOR TRASH. WE FOUND TRASH IN THE PARKING LOTS AND WE FOUND PEOPLE COMING TO START CLEANING UP THEIR BUSINESSES, AND WHICH WAS EARLY IN THE MORNING BETWEEN 6:00 AND 7:00 A.M. AND THEY ARE OFF LOADING TRASH OUT OF THE STORES. AS WE GO ON IN THIS PROCESS WE'RE GOING TO TALK ABOUT WHAT WE THINK SUCCESSFUL URBAN ENTERTAINMENT DISTRICTS, WHAT KIND OF CHARACTER..... CHARACTERISTICS THEY HAVE AND TRASH FOR THEM IS NOT AS BIG A PROBLEM AS IT IS HERE. NOW, THERE WERE A COUPLE OF HUNGRY FELLOWS OUT THERE ON THE STREET WITH THE NIGHT BEFORE'S PIZZA. AGAIN, THE TRASH CLUTTER. I JUST THINK IT'S NOT A GREAT WAY FOR TOAB TO..... SOMEBODY TO SEE THE CITY AND WALK AWAY AND THINK WOW, THIS WAS A GREAT EXPERIENCE. FUN THOUGH IT MAY HAVE BEEN, IT COULD CERTAINLY BE IN BETTER CONDITION. AND I THINK OUR FILM IS JUST ABOUT READY TO END HERE. OH, YES, WE'RE LOOKING AT MORE PIECES OF TRASH HERE. THEN -- AND THIS IS SOMETHING WHERE THE INDIVIDUAL BUILDING OWNERS SHOULD BE, SOMEBODY FROM THE NIGHT BEFORE STILL ON THE STREET. AND MY GUESS IS IF I HAD RUN DOWN THE NEXT MORNING IT WOULD STILL BE ON THE STREET. SIGNS OF BUILDING WINDOWS THAT HAVEN'T BEEN REPLACED AS WELL. SO NOW IF WE CAN GET BACK TO THE POWER POINT, THAT'S KIND OF WHAT WE SAW OVER A 24-HOUR PERIOD DOWN ON THE STREET. WE ALSO TOOK A LOOK AT THE MERCHANDISE MIX THAT IS ON THIS PART OF SIXTH STREET AND WE FOUND THERE ARE 57 CLUBS AND BARS. 16 FULL-SERVICE RESTAURANTS. 7 QUICK SERVICE. 14 RETAILERS. AND THEN WE HAD VACANT SPACE AND SOME OFFICE SPACE AND THIS IS A MIX THAT CHANGES ON A DAILY BASIS I'M SURE OR AT LEAST WEEKLY IN THE LAST MONTH SINCE I WAS HERE WE ALREADY HAVE NEW RETAILERS THAT ARE DOWN ON THE STREET FROM A MONTH AGO AND PROBABLY SOME THAT HAVE CLOSED UP AND SOME THAT HAVE REOPENED. THERE'S A LOT OF

TURNOVER ON THE SPACE. OF THESE 57 BARS AND CLUBS, 14 OF THEM HAVE LIVE MUSIC. AND WE WERE KIND OF SURPRISED BY THIS NUMBER. WE THOUGHT THAT THERE WOULD BE MORE LIVE MUSIC ON THE STREET. TWO OF THESE VENUES HAVE ONLY ONE SHOW A WEEK AND TWO VENUES HAVE SEVEN SHOWS A WEEK. SO THE MERCHANDISE MIX IS WHAT WE SAY IS VERY MUCH UNBALANCED AND WE NEED A DIVERSITY OF USES AND WHAT WE WOULD LIKE TO SEE ON EAST SIXTH STREET ARE USES THAT WOULD HAVE PEOPLE THERE DURING THE DAYTIME AS WELL AS THE NIGHTTIME. IT TAKES PEOPLE ON THE STREET DURING THE DAY AND PEOPLE ON THE STREET AT NIGHTTIME TO MAKE -- TO PUT THIS STREET WHERE -- TO PUT IT IN A POSITION WHERE IT SHOULD BE. IT SHOULD BE AN ACTIVE URBAN STREET. NOW, A SUCCESSFUL URBAN ENTERTAINMENT DISTRICTS, AND WE LOOKED AT SEVERAL OTHERS THAT WOULD BE SIMILAR TO WHAT WE HAVE IN AUSTIN, AND THEY ARE BUSY DURING THE DAY AND NIGHT. THEY HAVE A MORE BALANCED MERCHANDISE MIX AND THEY HAVE MANY MORE RESTAURANTS THAN THEY HAVE BARS. SUCCESSFUL URBAN ENTERTAINMENT DISTRICTS ROUTINELY CLEAN THEIR STREETS, AT LEAST WEEKLY. AND THAT MEANS POWER WASHING. THERE'S CONTINUOUS LITTER REMOVAL. YOU WILL NOT SEE TRASH ON THE STREETS. THE BUILDINGS ARE WELL MAINTAINED. THE BUSINESSES ARE WELL MAINTAINED. THEY ARE CLEANED BEFORE THEY EVEN LEAVE THEIR PLACE OF BUSINESS THE NIGHT BEFORE. SO THAT BY 7:00 IN THE MORNING, EVERYTHING IS SET UP FOR THE NEXT DAY. AND YOU'LL SEE ONE OF THE PHOTOS THERE AT 9:00 A.M. THERE'S THE TABLE THAT'S SET FOR TODAY'S LUNCH. AND THIS IS ALL BEEN DONE THE NIGHT BEFORE. WHAT WE ALSO FOUND IS THAT THE STREET -- THE RETAILERS THAT ARE ON THE STREET KEEP THEIR LIGHTS ON AT NIGHT SO THAT EVEN THOUGH THEY MAY NOT BE OPEN LATER IN THE EVENING, PEOPLE CAN SEE INTO THE STORES AND PERHAPS WILL COME BACK THE NEXT DAY TO GO SHOPPING THERE. WE ALSO FOUND THAT THERE IS SUBTLE BUT EFFECTIVE POLICE PRESENCE. THESE ARE NOT PLACES THAT CLOSE OFF THEIR STREETS TO CARS. THEY ARE OPEN TO BOTH PEDESTRIANS AND CARS. THERE IS SUFFICIENT PARKING CLOSE, WITHIN CLOSE PROXIMITY. WE THINK YOU PROBABLY HAVE THAT.

BUT WHAT ALL OF THESE HAD, HAD INFLUENTIAL TASK FORCES, A COMBINATION OF THE VARIOUS CONSTITUENCY INVOLVED, PROPERTY OWNERS, BUSINESS OWNERS, RESIDENTS, POLICE, CITY STAFF. SOME OF THEM HAD ZONING OVER.....OVERLAYS THAT RESTRICT USES AND THEY ALL HAVE ACTIVE IMPROVEMENT DISTRICTS WHICH YOU HAVE WHICH IS GREAT AND THEY CLOSELY MONITORED THEIR LIQUOR LICENSES AND THE BUILDINGS AND THE BUSINESS CENTERS AND VERY CLOSE RELATIONSHIPS WITH THEM. NOW, IF WE COMPARE THE MIX OF USES THAT WE HAVE HERE ON EAST SIXTH STREET WITH SOME OF THESE OTHER ENTERTAINMENT DISTRICTS, ONE OF WHICH WAS THE GAS LIGHT DISTRICT IN SAN DIEGO AND THE OTHER OLD CITY IN PHILADELPHIA. WHAT WE SEE HERE, THE BAR GRAPH IS THE BLACK REPRESENTS AUSTIN. SO WE HAVE AN INORDINATELY LARGE NUMBER OF BARS AND CLUBS COMPARED TO THE OTHER BUSINESSES WE HAVE HERE. AND COMPARED TO OTHER SUCCESSFUL ENTERTAINMENT DISTRICTS. IN THE RESTAURANTS, WE HAVE FEWER RESTAURANTS THAN OTHER SUCCESSFUL ENTERTAINMENT DISTRICTS. AND WE CERTAINLY HAVE MUCH FEWER -- MANY FEWER RETAILERS THAN THE OTHERS HAVE. IN SAN DIEGO, I BELIEVE THE NUMBER OF RETAILERS WAS CLOSE TO 100 WHERE THE NUMBER OF BARS AND RESTAURANTS WAS 110. SO THEY WERE FAIRLY EVENLY BALANCED T IN OLD CITY WE HAD 177 RETAILERS AND WE HAD 110 BARS AND RESTAURANTS. SO WE ALMOST HAD TWO TO ONE STORES TO THE RESTAURANTS. SO RECENT TRENDS WE'VE SEEN HERE IN THE DOWNTOWN OF AUSTIN, AGAIN IN THE SAME AREA FROM 35 TO LAMAR, FROM TOWN LAKE TO THE CAPITOL BUILDING, WE'VE HAD 66 NEW BUSINESSES OPEN AND THIS IS BASED ON THE BUILDING PERMIT DATE THAT THAT WE'VE GOTTEN. OF THOSE 16 ARE COCKTAIL LOUNGES, 23 RESTAURANTS AND 13 RETAILERS. AND ALL OF THOSE RETAILERS, ALL BUT FOUR OF THEM ARE IN THE SECOND STREET COMPLEX HERE. SO WE'VE REALLY ONLY HAD FOUR NEW ONES OTHER THAN WHAT'S HAPPENED HERE IN SECOND STREET. SO THE BARS ARE OVERSERVED AND THE RESTAURANTS ARE AT A SATURATION POINT. WE THINK -- I OFTEN SAID I DON'T THINK YOU COULD HAVE TOO MANY RESTAURANTS. I THINK YOU DO. I THINK YOU ARE AT A POINT WHERE -- I BELIEVE MOLLY USES THE NAWM THEY'VE

INCREASED BY 25%, THE NUMBER OF RESTAURANTS, BUT THE MARKET HASN'T INCREASED BY 25% AND THIS IS IN THE LAST TWO YEARS. SO THE POLICE STATISTICS I FIND RATHER INTERESTING TOO BECAUSE THERE ARE 80 OFFICERS IN DOWNTOWN AND 32 OF THEM SPEND THE MAJORITY OR ALL OF THEIR TIME ON EAST SIXTH STREET. AND THAT SAME IN THE WAREHOUSE DISTRICT YOU ONLY HAVE TWO POLICE OFFICERS. THE POLICE ESTIMATED THIS NUMBER FOR US, TOLD US THEY THOUGHT IT WAS VERY CONSERVATIVE, THAT IT COSTS \$4.2 MILLION A YEAR TO POLICE EAST SIXTH STREET. AND WHAT WE FOUND EVEN MORE ALARMING WAS THE TACKETT THAT THE CRIME RATES HERE ARE INCREASING IN THE EAST SIXTH STREET DISTRICT, NOT -- NOT IN THE DOWNTOWN AS A WHOLE, THE CRIME NUMBERS HAVE GONE DOWN, BUT IN EAST SIXTH STREET THEY'VE RISEN FROM 591 IN '04 TO AN ESTIMATED 801 BY THE END OF THE THIS YEAR. THE NUMBERS WE HAD GOTTEN WERE TILL THE END OF AUGUST, BUT IF YOU TOOK THE AVERAGE MONTHLY OCCURRENCES AND JUST SPREAD THEM OUT THROUGH THE REMAINDER OF THE YEAR, WE WOULD HAVE OVER 800 OFFENSES. BUT A LOT OF THESE OFFENSES HAVE TO DO WITH THINGS THAT DEAL WITH BODILY CRIMES, WHETHER IT'S ASSAULT ON A PERSON OR THEFT. CERTAINLY THERE IS AN INCREASE IN DRUNKENNESS, BUT THAT ISN'T A CRIME, IT'S REALLY AFFECTING A PERSON'S BODY, ALL EXCEPT THEIR MIND. SO -- AND AGAIN, I THINK AS I SAID BEFORE, THE BULK OF THE ARRESTS OCCUR AT 2:00 IN THE MORNING SO THE MOST PROBLEMATIC HOURS DOWN THERE ARE FRIDAY -- THURSDAY, FRIDAY AND SATURDAY NIGHTS BETWEEN 2:00 AND 3:00. AND WE HAD THIS -- SPENT A HUGE AMOUNT OF MONEY ON POLICING THIS AREA, BUT YET THE CRIME CONTINUES TO RISE. NOW, WHAT WE ALSO FOUND IS THAT EAST SIXTH STREET HAS THE LOWEST RENTAL RATES OF ANY OF THE DOWNTOWN DISTRICTS, SIGNIFICANTLY LOWER THAN SECOND STREET, THAN SOUTH CONGRESS, THAN CONGRESS AVENUE. AND RENTS ARE TRULY AN INDICATION OF WHAT SALES ARE. WHICH MEANS THE SALES ON EAST SIXTH STREET CAN'T BE THAT GREAT. WE DID INTERVIEW A NUMBER OF BUSINESS OWNERS AND MANY OF THEM WERE HAPPY TO SHARE THEIR NUMBERS WITH US, AND IT APPEARS THAT THE SALES RANGE FROM \$150 A SQUARE

FOOT TO 350 PER SCOOT..... EXECUTE. SQUARE FOOT. IT'S DIFFICULT FOR RESTAURANTS TO MAKE MONEY OFF THAT. MAY NOT BE SO MUCH MORE FOREA BAR. THE LICENSED VENDORS ARE MAKING \$250,000 A YEAR, YET THEY ARE PAYING \$400 IN AN ANNUAL LICENSE FOR THAT SPACE. THEY ARE CONTRIBUTING TO THE TRASH, TO THE POLICING OF THE AREA, AND YET THEY AREN'T PAYING THEIR FAIR SHARE FOR THE KINDS OF BUSINESS THAT THEY ARE DOING. SO WHAT SHOULD SIXTH STREET BE? SIXTH STREET NEEDS TO BE PROACTIVELY MANAGED. IT NEEDS TO BE A LIVE MUSIC, ENTERTAINMENT AND MIXED USE HISTORIC DISTRICT. THE BUILDINGS ARE GREAT. WE NEED TO MAKE THE BUSINESSES WORTHY OF BEING IN THESE BUILDINGS. AND IT NEEDS TO LIVE UP TO ITS BRAND. IT'S HOW THIS CITY IS KNOWN. AND THERE'S PROBABLY NOT ANYBODY THAT YOU WILL TALK TO UNLESS THEY'VE LIVED ON DURR WALK THAT IS NOT AWARE THAT YOU HAVE THIS GREAT MUSIC STREET, THAT YOU HAVE THIS GREAT BAR SCENE ON EAST SIXTH STREET. AND WE NEED TO MAKE PEOPLE PROUD OF THAT. SO LET'S BALANCE THE USES. LET'S CREATE CREATIVE ENTERTAINMENT AND ECLECTIC RETAIL USES AND PUT THEM IN THIS AREA. LET'S FILL UP THE SECOND AND THIRD FLOORS OF THESE BUILDINGS WITH BUSINESSES THAT ARE RELATED TO, THE FILM AND RADIO AND MUSIC AND RECORDING-RELATED USES ON OUR UPPER FLOORS AND JUST MAKE THIS A REAL CREATIVE DISTRICT. WE WOULD LIKE IT TO MAINTAIN ITS UNIQUE AND FUNKY APPEAL. IT SHOULD. WE'VE SEEN BIG CHANGES ON SOUTH CONGRESS. I'D LOVE TO SEE THE SAME TYPES OF STORES THAT YOU FIND ON SOUTH CONGRESS DOWN ON EAST SIXTH STREET. THEY ARE FUNKY, THEY ARE UNIQUE, THEY ARE REALLY TRULY AUSTIN. AND WE NEED TO CATER TO THESE UNDERSERVED MARKETS WE HAVE DOWN HERE. WE HAVE 67,000 OFFICE WORKERS. THEY HAVE VERY FEW PLACES TO SHOP. YOU HAVE CONVENTIONEERS WHO ARE LOOKING FOR MORE PLACES TO SHOP. AND YOU HAVE THE DOWNTOWN VISITORS WHO COME FOR FOOTBALL WEEKENDS AND YOUR SPORTING WEEKENDS. AND YOU HAVE A BURGEONING RESIDENTIAL COMMUNITY DOWNTOWN WHICH IS REALLY I THINK GOING TO GROW TO BE A VERY EFFECTIVE NUMBER. AND THEY WOULD BE UNDERSERVED. SO WE PUT TOGETHER A GROUP OF WHAT WE CONSIDERED CREATIVE

ENTREPRENEURS AND ASKED THEM TO MEET WITH US AND LET'S BRAINSTORM ABOUT SOME OF THE USES AND THE WAY WE COULD ACTIVATE SIXTH STREET SO IT WOULD BE BUSY DURING THE DAY. YOU WILL SEE BEFORE YOU THE LIST OF PEOPLE THAT WERE A PART OF THAT GROUP AND WHAT WE WANT TO DO IS -- WELL, WE SET UP A GOOGLE NETWORK WHERE PEOPLE ARE GOOGLING TO ONE ANOTHER ABOUT THEIR IDEAS OF WHO SHOULD BE THERE, WHEN PEOPLE SEE INTERESTING STORES OR NEW CONCEPTS WE THINK COULD BE DEVELOPED. THAT INFORMATION GETS PASSED ALONG TO EVERYONE THIS THIS GROUP AND I THINK WE'RE GOING TO END UP WITH SOME OF THESE FOLKS DEVELOPING NEW BUSINESS CONCEPTS DOWN ON SIXTH STREET. SO WHAT WE LOOKED AT ARE THE TYPES OF USES WOULD LIKE TO HAVE DOWN THERE, COFFEE SHOPS, MUSIC STORES, ART GALLERIES. INDEPENDENT MOVIE HOUSE. RESTAURANTS THAT SERVE GREAT BRUNCHES. RESTAURANTS THAT ARE OPEN FOR LUNCH. MORE LIVE MUSIC VENUES. WOULDN'T IT BE GREAT, YOU HAVE A GREAT VINTAGE CLOTHING, A CLUSTER OF STORES HERE IN AUSTIN AND WOULDN'T IT BE GREAT TO HAVE THEM DOWN IN THIS AREA AS WELL. AND WE HAVE A LOT OF NEW DESIGNERS STARTING OUT. GREAT PLACE TO START A NEW BUSINESS. WELL, THE CONCLUSIONS THAT WE CAME TO AFTER ALL OF THIS IS THAT WE HAVE SOME VERY POORLY OPERATED AND MAINTAINED BUSINESS ESTABLISHMENTS THAT ARE NOT ADDING VALUE TO YOUR CITY. AND THE CRUNT, I THINK, STATE OF THE SIXTH STREET BRAND IS DISAPPOINTING FOR PEOPLE TO COME TO SEE IT FOR THE FIRST TIME. IT'S DISAPPOINTING TO LOCALS MANY OF WHOM WE HAVE HEARD DON'T COME DOWNTOWN. THE WAREHOUSE DISTRICT IS CAPTURING THE CUSTOMERS WHO PREVIOUSLY USED TO GO TO SIXTH STREET ARE NOW IN THE WAREHOUSE DISTRICT, AND I THINK YOU HAVE THE POTENTIAL FOR SIXTH STREET -- I MEAN THE WAREHOUSE DISTRICT IF IT DOESN'T GET MORE OF A BALANCE OF USES ALSO MEETING MUCH THE SAME DECLINE THAT WE'RE SEEING ON EAST SIXTH STREET T CORE ISSUES ARE WE NEED LANDORDS THAT ARE LEASING TO THE BARS AND TO SOME OF THESE POOR QUALITY OPERATORS TO WORK WITH US TO MAKE SURE THAT THEY ARE LEASING TO QUALITY OPERATORS. WE ALSO HAVE MANY OF THE BUILDINGS ARE

BE SUBLET TO SOMEONE WHO THEN SUBLEASES TO OTHER OPERATORS AND THE LANDLORD ISN'T MAKING ANY MONEY BUTTER THE THIRD-PARTY OPERATORS ARE. THE LANDORDS NEED TO CONTROL THEIR OWN REAL ESTATE. WE HAVE POORLY MAINTAINED STREETS AND BUILDINGS. IF THIS NEGATIVE TRENDS CONTINUE, THEY CAN'T BECAUSE YOU ARE GOING TO LOSE THIS GREAT BRAND. AND THEY NEED TO BE ADDRESSED NOW. NOW, HOW DO WE GET TO THIS? HOW DO WE MAKE IT BETTER? WELL, SOME OF THE RECOMMENDATIONS THAT WE'VE COME UP WITH IS THAT CERTAINLY THE CITY AND THE D.A.A. AND THE BUILDING OWNERS AND THE BUSINESS OWNERS NEED TO WORK TOGETHER. AND OUR SHORT-TERM RECOMMENDATIONS WOULD BE AND WE'RE GOING TO HAND OUT A MORE EXTENSIVE LIST, BUT SOME OF THE MORE IMPORTANT ONES THAT EARLY ON NEED TO BE DONE, WE WOULD LIKE TO HAVE THE CITY CREATE A SIXTH STREET URBAN ENTERTAINMENT DISTRICT TASK FORCE THAT INCLUDES THE TYPES OF PEOPLE THAT WE MENTIONED EARLIER WHO CAN THEN PUT TOGETHER A LIST OF WHAT THEY THINK THE ISSUES ARE AND WHAT NEEDS TO BE ATTENDED TO, AND WE NEED A HOLISTIC APPROACH AS TO HOW WE'RE GOING TO APPROACH THIS. LOOK AT NEW SOURCES OF REVENUE. INSTALLING PARKING METERS AND DEAD INDICATING THE REVENUES THE MAINTENANCE AND CARE OF SIXTH STREET. INCREASE THE STREET VENDOR FEES THAT ARE MORE COMMENSURATE WITH THE TYPE OF BUSINESS THEY DO OFF THESE CARTS. EXPLORE AND IMPLEMENT OTHER TYPES OF POLICING METHODS WHERE THE STREETS CAN BE KEPT OPEN AND WE DON'T HAVE THE APPEARANCE OF A POLICE STATE. WE THINK THAT THE DEVELOPER GUIDELINES WOULD BE VERY IMPORTANT AS YOU HAVE THE OPPORTUNITY TO CREATE MORE MIXED USE PROJECTS IN YOUR DOWNTOWN, AND CERTAINLY THERE'S A NEED TO REGULATE THE ATMs. I WOULD SUGGEST THAT PERHAPS THE ONLY PEOPLE WHO ARE ALLOWED TO HAVE ATMs ON THE EXTERIOR OF A BUILDING WOULD BE A FINANCIAL INSTITUTION AT A PLACE THEY ARE DOING BUSINESS. OTHERWISE GET THESE ATMs OFF THE STREETS AND LET THEM GO INSIDE THE STORES. HAVE NO PROBLEM, SOMEONE WANTS ATMs INSIDE THEIR BUSINESS, THAT'S GREAT, BUT THEY SHOULD NOT BE OUT ON THE STREET.

AND YOU HAVE A GREAT MODEL ON SECOND STREET OF WHAT YOU DID AS A HOLISTIC APPROACH TOWARDS A PROJECT WHICH WAS CREATING THE RIGHT MERCHANDISE MIX AND HAVING A PLAN TO REGULARLY MAINTAIN THE STREET, TO KEEP THE PLANTINGS LOOKING GOOD, TO KEEP THE GUM OFF THE SIDEWALKS AND TO KEEP THOSE STREETS CLEAN. WE THINK THE SAME APPROACH SHOULD BE TAKEN TOWARD SIXTH STREET. AS FAR AS THE PECAN STREET OWNERS ASSOCIATION AND THE D.A.A., THEY NEED TO CONTINUE TO WORK VERY CLOSELY WITH THE LANDORDS AND THE BUSINESS OWNERS. BUT PARTICULARLY THE LANDORDS. AND WE'RE PLAN TO GO HAVE A SEMINAR IN DECEMBER WHERE WE'RE GOING TO TALK TO THEM ABOUT THE TYPES OF CLAUSES THEY SHOULD HAVE IN LEASES TO MAKE SURE THEIR BUSINESSES OPERATE IN AN ORDERLY AND CLEAN MANNER. THERE NEEDS TO BE FREQUENT LITTER PICKUP ON THE STREET. WE SHOULD NEVER SEE THE KINDS OF TRASH THAT WERE IN THOSE TREE WELLS EVER AGAIN. AND THEY ALSO BE INCUMBENT UPON THEM TO YEAR..... OVERSEE THE RECRUITMENT PROCESS OCCURRING ON CONGRESS WILL TEN. LINDA HAS DONE A GREAT JOB THIS YEAR AND SHE'S BROUGHT A NUMBER OF QUALIFIED PEOPLE DOWNTOWN TO LOOK AT IT, AND THE BUZZ IS OUT THERE AND YOU WILL SEE MORE DEALS COMING ON CONGRESS AVENUE. AND WE THINK IT'S IMPORTANT THAT WE WORK ON EAST SIXTH PARTICULARLY WITH THIS PROGRAM AS WELL. WE'RE GOING TO CONTINUE THE RELATIONSHIP WITH THE EAST SIXTH STREET BRAINSTORMING GROUP. THEY CAME UP WITH GREAT IDEAS AND I THINK, AS I SAID, FOSTER NEW BUSINESSES OUT OF THAT. BUT THE BUILDING OWNERS AND THE BUSINESS OWNERS, THEY HAVE TO LEASE TO PEOPLE WHO ARE GOING TO BE CONSISTENT WITH THE MERCHANDISE MIX PLAN. AND THEY NEED TO INCORPORATE RULES OF CLEANLINESS AND OPERATION AND MAINTENANCE STANDARDS IN THEIR LEASES. AND THEY NEED TO REPLACE BROKEN AND DETERIORATING PARTS OF STOREFRONTS AND FACADES. AND THE LANDORDS NEED TO TAKE CONTROL BACK OF THEIR PROPERTIES, AND WE ARE GOING TO WORK WITH THEM TO AVOID DOING VERY LONG-TERM LEASES OR SUBLETTING THEIR SPACE AND SO THAT WE CAN HAVE MUCH MORE CONTROL OVER THE MIX THERE.

AND I BELIEVE WE'VE COME TO THE END OF THE PRESENTATION. WE'VE REALLY ENJOYED WORKING ON THIS PROJECT. WE WILL ENJOY STAYING IN TOUCH WITH THE D.A.A. AND THE CITY AS YOU GO FORWARD IN TRYING TO COME UP WITH A HOLISTIC APPROACH TO SOLVING THESE PROBLEMS. OKAY. THANK YOU. ANY QUESTIONS?

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

Martinez: A FEW COMMENTS AND QUESTIONS. THE FIRST ONE ACTUALLY IS FOR CITY MANAGER OR CHIEF MCDONALD. IT'S DISTURB TO GO SEE A VIDEO OF SOMEONE PASSED OUT ON SIXTH STREET WHICH WHAT APPEARED TO BE A PUBLIC INTOXICATION VIOLATION. SO I'M HOPING WE FOLLOW UP ON ISSUES LIKE THAT. THEY WERE JUST RANDOMLY ON SIXTH STREET ONE NIGHT AND THERE'S A.. A A.P.D. OFFICER STANDING NEXT TO SOMEONE ASLEEP ON THE SIDE OF THE STREET AND I THINK THAT'S TROUBLE TO GO SEE. HOPEFULLY WE'LL BE ADDRESSING THAT. AS RELATES TO THE STUDY YOU GUYS HAVE DONE, I CERTAINLY AGREE THAT WE CAN IMPROVE ON SOME OF THE ASPECTS OF EAST SIXTH STREET, THE CLEANLINESS AND SOME OF THE SUGGESTIONS YOU'VE MADE, BUT ONE OF THE THINGS THAT I DON'T HEAR OR SEE IN THIS STUDY IS SPECIFICALLY AS IT RELATES TO LIVE MUSIC. YOU KNOW, AND AUSTIN IS REALLY KNOWN AS THE LIVE MUSIC CAPITAL OF THE WORLD. WE TOUT OURSELVES AS SUCH. AND I THINK THAT WE LEND OURSELVES TO BEING THAT BECAUSE OF EAST SIXTH STREET AND THE AMOUNT OF BARS AND LIVE MUSIC VENUES THAT WE HAVE. SO I WANT TO KEEP THAT IN MIND AS WE MOVE FORWARD WITH ANY RECOMMENDATIONS FOR CHANGES BECAUSE THERE'S ONLY ONE SOUTH BY SOUTHWEST. AND I DON'T THINK THAT SOUTH BY SOUTHWEST WOULD EXIST AND BE SO SUCCESSFUL IN AUSTIN, TEXAS IF WE HADN'T HAD THE AMOUNT OF VENUES THAT WE HAVE. AND IF YOU TAKE A LOOK AT LIVE MUSIC TRENDS OVER THE LAST 10 TO 15 YEARS, I THINK YOU'LL SEE THE QUANTITATIVE VALUE OF WHAT IT'S BROUGHT TO AUSTIN ONLY AS IT RELATES TO LIVE MOORVEG. I BELIEVE THAT WE CAN CREATE SOME BALANCE, BUT THE BALANCE SHOULD ALSO BE FOCUSED ON ALL OF DOWNTOWN. AND WHAT I'D LIKE TO SEE IS OBVIOUSLY THE GREAT WORK THAT

YOU'VE DONE, I'D LIKE TO SEE IT SOMEHOW BLENDED WITH WHAT ROMA IS GOING TO BE DOING IN A DOWNTOWN MASTER PLAN. I THINK WE CAN HAVE A BALANCED DOWNTOWN AUSTIN. I'M CAUTIOUS ABOUT WHETHER OR NOT WE CAN HAVE A BALANCED EAST SIXTH STREET. WE'RE NOT THE LIVE BALANCED CITY IN THE WORLD, WE'RE THE LIVE MUSIC CAPITAL OF THE WORLD. SO I JUST WANT TO KEEP THAT IN MIND, YOU KNOW. I THINK THERE'S DEFINITELY ROOM FOR IMPROVEMENT, BUT I DON'T WANT TO FORSAKE ONE OF THE THINGS THAT HAS LENDED US TO CREATING SUCH A VIBRANT DOWNTOWN.

AND I WOULD AGREE WITH YOU. I THINK WE WOULD CERTAINLY ENCOURAGE THAT AS WE GET NEW USES DOWN HERE THAT WE GET MORE LIVE MUSIC. YOU KNOW, I GUESS ONLY 14 OF THESE 57 BARS ARE HAVING LIVE MUSIC OF ANY SORT DURING THE WEEK. SO I WOULD ENCOURAGE MORE OF THAT BECAUSE THAT IS WHAT YOU ARE KNOWN FOR. SO WE WOULD NOT SUGGEST THAT YOU MAKE THAT LESS IMPORTANT. I'D MAKE THAT MORE IMPORTANT. I WOULD JUST CUT DOWN THE NUMBER. WE DON'T NEED 57 BARS AND CLUBS. BUT WE DO NEED MORE PLACES THAT ARE CARRYING LIVE MUSIC.

Martinez: IS THERE ANY WAY WE CAN BLEND THEM WITH WHAT ROMA IS DOING?

I THINK IT WOULD BE EASY IF COUNCIL WANTED US TO TAKE THESE RECOMMENDATIONS AND HAVE ROMA WORK WITH THEM AS THEY CONSIDER THE ENTIRE MASTER PLAN DOWNTOWN. I THINK THAT WOULD BE EASY TO DO.

Mayor Wynn: MAYOR PRO TEM.

Dunkerley: I APPRECIATE THIS SHORT-TERM TO DO LIST. IT'S A PRETTY CLEAR ITEMIZATION OF SOME OF THE THINGS WE NEED TO LOOK AT AND KIND OF WHO -- WHAT ARENA IT FALLS IN. BUT I WOULD LIKE TO MAKE A COMMENT. I AGREE THAT SIXTH STREET AREA REALLY NEEDS TO -- WE NEED TO FIGURE OUT SOME WAY TO CLEAN IT UP AND KEEP IT CLEAN, BUT AS YOU LOOK FROM SIXTH STREET OVER TO THE CONVENTION CENTER, THAT PATHWAY THAT THE VISITORS WALK COMING IN FROM THAT DIRECTION, I THINK WE ALSO

NEED TO LOOK AT IT IN THE SAME LIGHT TO MAKE SURE THAT WE HAVE SAFE, CLEAN WAYS THAT ARE WEED-FREE AND GOOD SIDEWALKS, ET CETERA, FOR VISITORS TO ENCOURAGE THEM TO WALK OVER TO SIXTH STREET AND THEN WE HOPE WE HAVE SOMETHING THAT DRAWS THEIR ATTENTION ONCE THEY GET THERE. BUT I THINK THAT WE NEED TO DO SOME OF THIS IN THAT OTHER AREA AS WELL.

I WOULD LIKE TO SEE THAT HAPPEN EVERYWHERE.

Dunkerley: WELL, I WOULD TOO.

BUT I THINK IT'S IMPORTANT -- I THINK YOU ARE RIGHT, TO GET THERE, YOU WANT IT RIGHT.

Dunkerley: WELL, TO FEEL SAFE GETTING THERE AND BE ABLE TO WALK AND, YOU KNOW, CLEAN AND INVITING PATHWAY.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER McCRACKEN.

McCracken: FOR STARTERS, THIS WAS A VERY HELPFUL PRESENTATION, MIDGE. I'M VERY APPRECIATIVE OF THE AUTHOR RENESS AND I THOUGHT IT WAS EXTREMELY ILLUMINATING. DOES THE D.A.A. HAVE ANY KIND OF FORMAL POSITION ON THESE RECOMMENDATIONS? FOR INSTANCE, I MEAN I GUESS I WOULD WANT TO KNOW WHAT THE D.A.A.'S POSITION WAS ON A.T.M. CHARGES BEFORE WE WOULD TRY TO ADDRESS THOSE. CHARLIE, MAYBE YOU OR MOLLY, MAYBE ONE OF YOU ALL COULD GIVE US A STATUS WHERE THE D.A.A.'S BOARD IS ON THIS.

WE HAVE -- THE D.A.A. BOARD HAS GOTTEN KIND OF A PRELIMINARY REPORT. WE'VE NOT SEEN THAT THE ENTIRE -- WELL, WE SAW THE REPORT AT ISSUES AND EGGS THIS MORNING AND WE HAVE NOT RESPONDED. IT'S REAL HARD FOR US TO VIEW THIS REPORT, QUITE FRANKLY. THERE ARE SO MANY POSITIVE THINGS GOING ON IN OUR DOWNTOWN THAT WE'RE INTENTIONALLY PROUD OF. AS YOU ARE. BUT THIS EAST SIXTH STREET NEEDS ATTENTION. IT IS OUR PREMIER HISTORIC STREET. AND IT'S BEING TERRIBLY ABUSED. AND THE D.A.A., I KNOW, WILL PLEDGE TO WORK

WITH THE COUNCIL AND OTHER STAKEHOLDERS ANY WAY WE CAN, AND WE THINK THESE RECOMMENDATIONS ARE REASONABLE RECOMMENDATIONS AND WE WHOLEHEARTEDLY WOULD PLEDGE OUR WORK TO TRYING TO GET THESE RECOMMENDATIONS ACCOMPLISHED.

Martinez: THANKS. I --

McCracken: THANKS. I GUESS AS WE MOVE FORWARD, THERE ARE SOME THINGS CLEARLY HANDLED THROUGH THE DOWNTOWN PLAN AND SOME OF THE THINGS THAT APPEAR TO BE RELATED SUCH AS THE A.T.M. ISSUE OR THE CRIME ISSUE OR THE BARRICADES ISSUE. THOSE ARE THINGS THAT WON'T BE COVERED IN THE DOWNTOWN PLAN AND I'D WANT TO NOTE THAT WE HAVE A CONSENSUS FROM DOWNTOWN BUSINESSES AND RESIDENTS ON THESE. SO I THINK THE EXTENT THE BOARD HAS THE OPPORTUNITY TO REVIEW THIS AND PROVIDE US SOME GUIDANCE OF WHERE THE D.A.A. MEMBERSHIP IS, THAT WOULD BE REAL HELPFUL FOR US ON THE COUNCIL.

WE'LL BE HAPPY TO DO THAT, OF COURSE.

McCracken: AND THEN TOBY, COULD YOU GIVE US SOME INFO. THERE'S A REPORT ABOUT OWNERS BE FINED FOR CLEANING SIDEWALKS.

THAT'S ACTUALLY NEWS TO ME SO I'LL HAVE TO CHECK ON THAT. I CAN'T IMAGINE WHAT THAT IS. YEAH, IN FACT, THEY MAY HAVE BEEN WASHING IT WITH SOME CHEMICAL. I DON'T KNOW WHAT THE CIRCUMSTANCE, BUT WE WERE TOLD THEY WERE FINED FOR WASHING THEIR SIDEWALKS. BECAUSE WE'VE ASKED PEOPLE WHY AREN'T YOU GOING OUT THERE AND CLEANING IT AND THEY SAID WE WERE TOLD WE WOULD BE IN TROUBLE THE THAT HAPPENED. NOW, I DON'T KNOW WHO TOLD THEM THAT. BUT THIS IS JUST ANECDOTAL. ALL I KNOW IS THOSE STREETS ARE FILTHY DIRTY AND THEY NEED SOME INTENSIVE, INTENSIVE POWER WASHING AND THEN A REGULAR MAINTENANCE STANDARD.

McCracken: THE FIRST THING TO FIGURE OUT IS WHETHER

THAT'S AN URBAN MYTH.

I MADE NOTE ON IT. I CAN'T IMAGINE WHAT IT WOULD BE. IT WOULD HAVE HAD TO HAVE BEEN A HAZARD MATTED ISSUE BUT I'LL CHECK INTO IT.

McCracken: IT SOUNDS AS IF THOUGH IT'S NOT -- IT SOUNDS LIKE ALMOST INTUITIVELY IT'S NOT AGAINST THE LAW TO WASH THE SIDEWALK IN FRONT OF YOUR STORE. WHAT THAT DOES SUGGEST IS WE HAVE A LITTLE PUBLIC EDUCATION FOR OUR BUSINESS OWNERS THAT THEY CAN DO THAT BECAUSE IT SOUNDS LIKE THERE'S SOME KIND OF PERCEPTION ON SIXTH STREET THAT IS NOT ALLOWED, AND IF WE CAN CORRECT IT, THAT MIGHT HAVE AN IMMEDIATE, VERY LOW-COST, POSITIVE BENEFIT RIGHT OFF THE BAT. THE -- AND THEN MIDGE, CAN YOU GIVE US SOME -- THERE ARE SOME, I THINK, PROBABLY RELATIVE COMPARISONS OF OTHER ENTERTAINMENT DISTRICTS THAT WOULD BE ANALOGOUS AND I WOULD SAY ONE WOULD BE BOURBON STREET IN NEW ORLEANS AND ANOTHER JUST BASICALLY THE INTENSITY OF KIND OF THE BAR SCENE. AND THEN MAYBE ANOTHER ANALOGOUS ONE IN TERMS OF DEMOGRAPHICS OF YOUNG PEOPLE MIGHT BE GEORGETOWN IN WASHINGTON, D.C. WHAT CAN YOU TELL US ABOUT THE MIX IN THOSE AREAS AND HOW THOSE RELATE TO SIXTH STREET?

WELL, IN -- I CAN TALK VERY INTIMATELY ABOUT GEORGETOWN, LIVING IN WASHINGTON, D.C. GEORGETOWN HAS A GREAT MIX OF RETAIL. AND IT PROBABLY HAS 15% RESTAURANTS AND BARS AND 85% RETAIL STORES. SO IT -- ALTHOUGH IT'S A GREAT ENTERTAINMENT DISTRICT, IT PRIMARILY IS A RETAIL SHOPPING DISTRICT. AND WHEN YOU GET TO BEALL STREET OR YOU TALK ABOUT BOURBON STREET, THEY ARE MAJOR ISSUES FOR BOTH OF THOSE CITIES. THE RETAIL AROUND THERE IS NO HEALTHY. THEY AREN'T AS FAR ALONG AS AUSTIN IS IN A RETAIL PROGRAM. CANAL STREET EVEN BEFORE THE KATRINA DISASTER HAS BEEN FALTERING FOR YEARS. BOURBON STREET HAS AS WELL. IT GETS A LOT OF NATIONAL ATTENTION, BUT THE RETAIL THERE IS NOT STRONG OR HEALTHY. AND BEALL STREET IS EVEN WORSE AROUND THERE. SO -- AND AUSTIN IS A LITTLE BIT DIFFERENT IN THE FACT THAT THIS

ENTERTAINMENT STREET IS RIGHT IN THE CENTER OF YOUR COMMERCIAL DOWNTOWN DISTRICT. IT'S ONE OF YOUR MAJOR STREETS. AND IT'S SO CLOSE. AND THE FACT THAT YOU HAVE 67,000 PEOPLE IN THOSE OFFICE BUILDINGS AND YET YOU MIGHT SEE 50 OF THEM IN THE DAYTIME ON A MAJOR STREET THAT SITS RIGHT NEXT TO THEM. AND I DON'T BELIEVE -- I WOULD NOT SAY THAT BOURBON STREET IS IN THE HEART OF THE COMMERCIAL CORE OF NEW ORLEANS. BEALL STREET IS CLOSE TO THE COMMERCIAL CORE OF MEMPHIS. BUT AGAIN, NOT A MAJOR ARTERY.

McCracken: THE -- I KNOW -- I GUESS ALMOST THREE YEARS AGO, TWO AND A HALF YEARS AGO OR SO WE APPROVED THE EAST SIXTH STREET PUBLIC IMPROVEMENT DISTRICT. IN MY RECOLLECTION IS THAT ONE OF THE REASONS FOR DOING THAT WAS TO PROVIDE -- TO ADDRESS SOME OF THE ISSUES YOU HAVE RAISED TODAY. AND SO I GUESS I WANT TO FIND OUT IF THAT'S AN ACCURATE PERCEPTION THAT THE EAST SIXTH STREET IS SUPPOSED TO BE TAKING ON SOME OF THESE ISSUES AND HELP US UNDERSTAND WHAT'S GOING ON THERE.

WELL, I MEAN I THINK AS FAR AS -- I CAN'T ANSWER THAT QUESTION. PERHAPS IF SOMEBODY WAS HERE WITH PECAN STREET, WE MIGHT BE ABLE TO ANSWER THE QUESTION. I WOULD SAY THE CLEANING OF THE SIDEWALKS WOULD BE SOMETHING THAT THE CITY WOULD BE RESPONSIBLE FOR. AND TRASH COLLECTION.

I'M DON GARNER, I'M CURRENTLY THE CHAIRMAN OF THE BOARD OF PECAN STREET MEMBERS ASSOCIATION. AND I WAS NOTICING THAT WE HAVE BASICALLY COMPLETE OVERLAP ON OUR OBJECTIVES AND WHAT MIDGE CAME UP WITH. AND I'M CURIOUS HOW THAT CAME TO BE. BECAUSE YES, WE COMPLETELY AGREE AND ARE WORKING ON THAT.

McCracken: WELL, CAN YOU TELL ME WHAT IS IT THAT YOU ALL DO AND THAT'S -- I GUESS I'M TRYING TO FIGURE OUT WHAT ARE WE HOPING TO ACHIEVE AND WHAT SHOULD WE BE ACCEPTING FROM -- COME OUT OF THE SIXTH STREET P.I.D.

WELL, I GIVE THE SAME ANSWER THAT CHARLIE DID. IT IS IN

FRONT OF OUR BOARD. WE ARE TRYING TO DEVELOP CONSENSUS AND A PLAN OF ACTION. I SUPPOSE PERHAPS MOST IMPORTANT WE ARE RECOGNIZING THE PROBLEM AND RECOGNIZING WHAT WE NEED TO DO. AND WE'VE TAKEN CERTAIN STEPS WORKING WITH A.P.D. AND HAVE HAD LIMITED SUCCESS. WE'VE LOOKED AT DIFFERENT WAYS OF RAISING MONEY BOTH WITH PARKING METERS AND OTHER WAYS, AND SOME OF THE IDEAS WE'VE HAD SUCCESS WITH AND SOME OF THEM WE HAVEN'T. BUT WE AGREE THAT THESE ARE THE PROBLEMS WE NEED TO WORK ON AND ARE NEEDING TO TRY AND FIND SOLUTIONS FOR THEM.

I THINK I CAN HELP YOU.

McCracken: I GUESS I'M CURIOUS WHAT IS THE EAST SIXTH STREET P.I.D. SUPPOSED TO BE DOING.

I DON'T HAVE ANY OF THAT IN FRONT OF ME I'M GOING TO TALK A LITTLE BROADLY. FIRST I THINK WE NEED TO UNDERSTAND THAT NOT A GREAT DEAL OF MONEY IS GENERATED BY IT. IF I REMEMBER THE BUDGET, WE GOT A BUDGET WITH A SET OF OUTCOMES PASSED WHEN YOU PASSED THE P.I.D. THE BUDGET INVOLVED HIRING A PERSON THAT WAS GOING TO WORK WITH MARKETING AND HELPING TO WORK ON THAT MIX WITH PROPERTY OWNERS. AND THAT TOOK A LARGE PORTION OF THE BUDGET WAS SUCKED UP RIGHT THERE. THEN THEY WERE GOING TO DO SOME INITIAL WORK ON STUDYING, LOOKING AT WHAT THE RIGHT MIX WAS, MODELS OF OTHER ENTERTAINMENT DISTRICTS. SO THEY WERE STARTING OFF DOING RESEARCH AND THEN A FOCUS "-WITH A PARTICULAR FOCUS ON MARKETING AND ATTRACTING A DIFFERENT MIX ON SIXTH STREET. THAT'S WHAT I REMEMBER FROM THE BUDGET THAT OF THE GIVEN TO US. AND I'LL PULL IT AND MAKE SURE YOU HAVE A COPY OF IT.

McCracken: GO AHEAD.

FROM MY PERSPECTIVE, OUR BUDGET BASICALLY HIRES AN EXECUTIVE DIRECTOR. THAT'S WHAT IT DOES.

IT GOT A PERSON AND IT HAD A LITTLE EXTRA OUT OF THAT

AND THAT WAS PRETTY MUCH IT.

YES. AND WE HAVE ECONOMIC DEVELOPMENT, MARKETING AND PROMOTION AND PUBLIC SAFETY OR PUBLIC ORDER.

AND WE HAVE MET WITH THE GROUP PROBABLY -- MY OFFICE HAS MET WITH THE GROUP MAYBE THREE-PLUS TIMES. MOST OF OUR FOCUS HAS BEEN ON -- BECAUSE WE'RE ALREADY DOING ENHANCED WASHING, ENHANCED TRASH PICKUP AND IT'S A MATTER OF MORE NEEDS TO BE DONE TO STAY ON TOP OF IT. MOST OF OUR DISCUSSION HAS BEEN ON THE PUBLIC SAFETY COMPONENT. I THINK WHAT I NEED TO BE SURE AT LEAST THERE'S A PUBLIC RECORD OF THIS AS WE'RE HAVING THIS DISCUSSION, WE HAVE VERY, VERY STRONG DISAGREEMENT BETWEEN OUR POLICE DEPARTMENT AND THE GROUP THAT WE'VE MET WITH ON BOTH BARRICADING AND POLICE PRACTICES DOWNTOWN. THERE IS GREAT CONCERN FROM THE POLICE DEPARTMENT SIDE ON THE DISCUSSIONS WE'VE HAD. THEY ARE VERY UNCOMFORTABLE WITH SOME OF THE PROPOSALS ON HOW TO CHANGE -- HOW THEY SET UP TO POLICE AND WORK WITH THE CROWDS DOWNTOWN AND THE BARRICADES ARE A BIG ISSUE FOR THE POLICE DEPARTMENT. WE'LL CONTINUE TO WORK ON THAT AND I'VE GOT MIKE HERE, HE'S LISTENING THIS THE BACK.

McCracken: WHAT DO YOU MEAN AN ISSUE? LIKE WHO VIEWS IT WHICH WAY?

I'M SORRY, THE POLICE WANT THEM AND THE DOWNTOWN -- THE SIXTH STREET PROPERTY OWNERS DO NOT WANT THEM. OR AT THE VERY LEAST, THEY WOULD LIKE THEM PUT UP LATER. PUT UP ONLY IN CERTAIN CIRCUMSTANCES. THE POLICE ON THE OTHER SIDE ARE VERY CONCERNED ABOUT THIS NUMBER OF THE CROWDS, THE CROWD CONTROL ISSUES DOWNTOWN. THEY ARE JUST IN A VERY, VERY DIFFERENT PLACE. WE STARTED LOOKING AT LIKE ENTERTAINMENT DISTRICTS OF A LIKE SIZE. TO SEE WHAT THEY ARE DOING. AND WHERE WE HAVE FOUND SO FAR ENTERTAINMENT DISTRICTS THAT ARE NOT USING BARRICADES AND ARE NOT USING THE CONTROL MECHANISMS ALL POLICE USE, THEY REALLY WERE MUCH SMALLER AND DIFFERENT SIZES OF ENTERTAINMENT

DISTRICTS THAN OURS. SO JUST -- I'M NOT GIVING UP ON THE IDEA THAT SOMETHING DIFFERENT CAN OCCUR ON THE POLICING SIDE, BUT I WANT -- I DO WANT THE COUNCIL TO KNOW THAT THERE IS STRONG CONCERNS FROM THE GUYS WORKING DOWNTOWN ON SOME OF THE PROPOSED CHANGES.

Mayor Wynn: THANK YOU FOR THE QUESTIONS, COMMENTS.

Dunkerley: I THINK IN RESPONSE TO THIS GROUP WHEN IT WAS FIRST CREATED, IF I'M NOT MISTAKEN IN MY MEMORY, THAT THE AUSTIN CONVENTION AND TOURIST BUREAU ACTUALLY MOVED THEIR LITTLE STOREFRONT OVER TO SIXTH STREET IN ORDER TO PROVIDE AT LEAST ONE KIND OF AUSTIN SHOPPING THAT WOULD BEGIN TO HELP CHANGE THAT MIX ALONG THAT STREET. AND I THINK THAT MOVE REALLY HAS BEEN HELPFUL TO THEM AND HOPE THAT IT'S BEEN HELPFUL TO YOU TO TRY TO RECRUIT AND MARKET. AND I THINK THAT WAS THE MAIN REASON YOU HAVE THAT DIRECTOR WAS TO TRY TO RECRUIT AND MARKET SIXTH STREET TO OTHER USES. IT'S NOT THAT WE DON'T WANT LIVE MUSIC VENUES, BUT REALLY I THINK WE WOULD PREFER TO HAVE LESS BARS ONLY SORT OF ESTABLISHMENTS AND MORE OF THE MUSIC VENUES AND RETAIL OPPORTUNITIES. SO THAT'S ONE OF THE THINGS I'LL REMEMBER WHEN THIS FIRST CAME THROUGH.

Mayor Wynn: COUNCILMEMBER McCracken.

McCracken: TOBY, COULD YOU -- I GUESS THE POLICE DEPARTMENT AGREE WITH THE ANALYSIS ABOUT THE PURE CRIME STATISTICS ON SIXTH STREET RELATIVE TO OTHER PLACES?

I WOULD HAVE TO GO BACK. AS YOU KNOW, I WAS IN THE BACK WORKING ON ANOTHER ISSUE. I'LL HAVE TO GO BACK AND TAKE A LOOK -- I CAN'T TELL YOU WHETHER THERE IS AGREEMENT OR DISAGREEMENT ON THAT, BUT I CAN HAVE THAT ANALYZED AND GET THAT TO YOU. IF YOU USED OUR NUMBERS, I JUST DON'T KNOW WHAT YOUR ANALYSIS OF THOSE NUMBERS ARE. WHAT I WOULD PREFER TO DO IS TAKE A LOOK AT WHAT HAS BEEN ANALYZED AND THEN I WILL GET BACK WITH EACH OF YOU AND TELL YOU WHETHER

OR NOT OUR POLICE DEPARTMENT AGREES THAT'S THE CORRECT ANALYSIS.

McCracken: WHAT I'M HEARING HERE, THERE'S ONE PART OF THE PHILOSOPHY ABOUT WHAT SIXTH STREET SHOULD BECOME AND I THINK THAT THERE IS PROBABLY AN OPPORTUNITY TO DO MORE WITH THIS GREAT NATIONAL ASSET, BUT I THINK THAT THERE'S ALSO -- I DON'T THINK THAT WE'RE REALLY THERE TO FUNDAMENTALLY RETHINK IT NOR DO I THINK THAT'S BEING SUGGESTED. THAT'S ONE ISSUE THAT IS PHILOSOPHICALLY WHAT IS THE PLACE OF EAST SIXTH STREET. BUT I THINK -- BUT THERE'S ANOTHER ISSUE AND THAT IS KIND OF PUBLIC SAFETY, CLEANLINESS, AND SEEING THIS REPORT, I AM DEEPLY CONCERNED THAT WE ARE FAILING TO DO OUR JOB ON SIXTH STREET. I MEAN YOU SEE THESE CRIME STATISTICS AND YOU SEE THAT LEVEL OF FILTH, YOU KNOW, AND BUB DISORDER, IT GETS DOWN TO THE WHOLE BROKEN WINDOWS THEORY OF LAW ENFORCEMENT. AND WHEN YOU HAVE BROKEN WINDOWS STAY BROKEN FOR WEEKS AND YOU HAVE GUM AND VOMIT, PEEP.....PEOPLE PASSED OUT ON THE STREET AND TRASH CANS SPEWING OUT WITH FILTH, IT IS, IT SHOULD BE NO SURPRISE AT ALL THAT WE HAVE A SERIOUS LAW ENFORCEMENT PROBLEM ON THIS STREET. AND SO WE REALLY NEED TO IMPROVE OUR GAME HERE. I AM EXTREMELY CONCERNED ABOUT HOW MUCH WE HAVE LET DOWN THIS GREAT ASSET. AND IT STRIKES ME THAT -- MIDGE, I AGREE, I USED TO LIVE IN WASHINGTON, D.C. ALSO AND I THINK GEORGETOWN IS A GREAT MODEL THAT YOU CAN BRING IN A WHOLE TON OF PEOPLE EVERY NIGHT OF THE WEEK, HAVE A GOOD RETAIL MIX, BAR SCENE, RESTAURANT SCENE AND HOW TO BE SAFE. I THINK IF IT'S CLEAN AND SAFE, THAT WILL GO A LONG DISTANCE TO SMOOTHING OUT THAT BALANCE THERE. SO WE -- I THINK A RELATED DEAL IS IF THE P.I.D. IS PRODUCING SUCH A LITTLE A MONEY, MAYBE WE NEED TO LOOK AT SOME KIND OF CONSOLIDATION MODEL. I DON'T KNOW. I DON'T WANT TO PRE-JUDGE THAT. IT SOUNDS LIKE WHATEVER WE'RE DOING NOW, IT'S NOT WORKING IN THOSE AREAS. SO, YOU KNOW, WE'VE GOT SOME THINGS TO DO WITH THE DOWNTOWN PLAN. THAT'S THE THIRD ISSUE. WE'RE IN PROCESS OF FIXING THOSE OR THEIR PHILOSOPHICAL. BUT THE SECOND,

CLEANLINESS AND LAW ENFORCEMENT, I THINK WE NEED TO DO A VERY SIGNIFICANT RECALIBRATION OF WHATEVER.

HERE'S WHAT I WILL DO FOR YOU ALL. AS YOU KNOW, WE BOTH HAVE A CONTRACT WITH THE D.A.A. ON BOTH THE RANGERS DOWNTOWN AS WELL AS SOME OF THE SIDEWALK CLEANING AND WHATNOT. WHAT WE WILL DO IS GIVE YOU THE EXACT SCHEDULE OF WHAT HAPPENS WHEN AND BY WHOM. AND THEN WE'LL DECIDE AND WE'LL GIVE YOU A COST OF WHAT DOING MORE THAN THAT IS GOING TO COST US. ON THE POLICE SIDE OF IT, WE WILL TAKE A LOOK AT THE STATISTICS THAT WERE PRESENTED, WE'LL LOOK AT THE ANALYSIS AND WE WILL GET BACK WITH YOU AND TELL YOU EXACTLY WHERE WE THINK THAT FALLS. MIKE, DO YOU HAVE ANYTHING YOU CAN ADD ON THIS?

GOOD AFTERNOON. MICHAEL MACK..... MCDONALD, ASSISTANT CITY MANAGER. A COUPLE OF THINGS. ONE, ABOUT THREE MONTHS AGO WE SAT DOWN WITH SOME OF THE REPRESENTATIVES OF THE -- OF SIXTH STREET TO GO OVER SOME OF THESE CONCERNS AND SO ALTHOUGH WE DO NOT HAVE THEM ALL RESOLVED, WE FEEL LIKE WE ARE MAKING SOME PROGRESS. FOR EXAMPLE, ON THE ISSUE OF CLEANING THE GUM OFF THE SIDEWALKS, WE'RE LOOKING AT THE POSSIBILITY OF TRYING TO GET, YOU KNOW, WATER SPIGOTS MID-BLOCK SO YOU CAN USE PRESSURE SPRAYERERS. THAT'S ONE OF THE ISSUES COMPARED TO CONGRESS IS THE ABILITY TO HAVE PRESSURE SPRAY EARS A TRUCK.

WILLIE RHOADES IS CERTAINLY LOOK.....LOOKING AT SOME OPTIONS WHAT WE CAN DO MID--DAY TRASH PICKUPS BECAUSE THAT'S SOME OF THE PROBLEMS DURING THE DAY AND CERTAINLY WE'LL LOOK AT THEM AT NIGHT.

MIKE, THE CONSOLIDATION OF THE TRASH PICKUP DOWNTOWN WAS ANOTHER WAY TO TRY TO KEEP ONE STANDARD OR LEVEL OFFER... SERVICE.

AND, OF COURSE, THE PUBLIC SAFETY ISSUES, WE'LL TAKE A CLOSER LOOK AT THOSE. BEING A FORMER SERGEANT THE DOWNTOWN AREA, WE'VE BEEN THROUGH PSYCH OALS THE ISSUE OF THE BARRICADES WHERE WE WERE PRETTY

PROACTIVE WITH BARRICADES. WE BACKED OFF A LITTLE BIT AND THEN WE DEVELOPED CONCERNS BECAUSE PEOPLE WERE -- FOR SAFETY, PEOPLE SPILLING INTO THE ROADWAY. SO CERTAINLY AS THE CITY MANAGER SAID, WE'VE GOT SOME HISTORY WE CAN WORK WITH, BUT CERTAINLY OPEN TO NEW IDEAS AND WE'LL SIT DOWN WITH MEMBERS OF THE SIXTH STREET AREA TO TALK ABOUT SOLUTIONS.

McCracken: YEAH, I THINK THAT -- AND I KNOW THE CHIEF YOU KNOW THIS PROFESSIONALLY, IF YOU LET A PLACE FALL APART PHYSICALLY WITH BROKEN WINDOWS AND GUM AND DIRT AND FILTH AND PEOPLE PASSED OUT ON THE SIDEWALK, YOU ARE GOING TO HAVE MORE CRIME. NEW YORK CITY IS THE PERFECT MODEL OF YOU CLEAN THOSE THINGS UP AND THE CRIME GOES AWAY SIGNIFICANTLY. SO I THINK THAT -- I PERSONALLY, HE WOULD LIKE TO SEE US COME BACK IN 90 DAYS AND GET A REPORT ON WHAT WE HAVE DONE TO MAKE IMPROVEMENTS ON THIS. IF WE'RE SPENDING 4.2 MILLION BUCKS A YEAR AND HAVING 32 OFFICERS THERE COMPARED TO TWO IN THE WAREHOUSE DISTRICT, WE'RE NOT HAVING 30,000 PERCENT MORE PEOPLE GO TO SIXTH STREET OR WHATEVER THE DIFFERENCE IS, 16,000% MORE. SO THERE'S -- THIS IS VERY HELPFUL. THIS IS NEW INFORMATION IN A FULL PACKAGE. BUT I THINK THIS WOULD BE A GOOD OPPORTUNITY TO TAKE THAT AND LET'S MAYBE COME BACK IN 90 DAYS AND --

AND I KNOW YOU KNOW THAT THE CROWDS AND THE MIX, WHICH IS WHAT THEY ARE TALKING ABOUT, IS VERY DIFFERENT IN THE WAREHOUSE DISTRICT THAN ON SIXTH STREET.

McCracken: I KNOW, BUT THERE ARE -- I KNOW FROM BEING IN OTHER PLACES -- I DO KNOW WE HAVE A HUGE CHALLENGE THERE. WHEN YOU HAVE THAT MIX AND THAT INTENSITY OF IT, THAT IS A VERY SUFFICIENT CHALLENGE. BUT I THINK THERE ARE THINGS WE CAN DO TO MAKE THAT PROBLEM LESS. YOU KNOW, THE CLEANLINESS IS A HUGE ISSUE.

THE CLEANLINESS IS OBVIOUS THAT'S A MATTER OF HOW WE'RE USING OUR RESOURCES AND THE LEVEL OF OUR

RESOURCES AND WE'LL LOOK AT BOTH OF THOSE.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I AGREE THAT KEEPING THE STREETS CLEAN AND MAINTAINING PUBLIC SAFETY IS A BASIC CITY RESPONSIBILITY AND WE ABSOLUTELY HAVE TO DO A GOOD JOB ON THOSE TWO THINGS. I HAD ONE SPECIFIC QUESTION. THERE'S A RECOMMENDATION HERE TO REQUIRE THAT EVENT AND FESTIVAL SPONSORS OR PROMOTERS CLEAN THE DISTRICT AFTER AN EVENT AND/OR STREET CLOSINGS. IS THAT NOT PART OF OUR PROGRAM NOW? IS THAT NOT REQUIRED? I GUESS THAT NEEDS A RESPONSE FROM STAFF. AND IF IT'S NOT, I THINK IT DEFINITELY SHOULD BE.

ACTUALLY THERE IS A REQUIREMENT AFTERWARDS TO CLEAN UP. I BELIEVE WHAT YOU ARE REALLY HEARING IS AN ENHANCED CLEANUP AFTER THE FACT. THERE IS A PICKING UP AND A RETURNING THE STREET. WHAT WE NEED TO TAKE A LOOK AT IS MUCH THE SAME WAY SOME OF OUR PROMOTERS ON AUDITORIUM SHORES ARE GOING WAY BEYOND AFTER A FESTIVAL TO REALLY RESTORE AND PUT IT BACK. MAYBE THAT WE NEED SOME ENHANCED REQUIREMENT ON CLEANING OR STREET WASHING AFTER AN EVENT. SO THERE IS IN EVERY CONTRACT THAT WE DO, THERE IS A REQUIREMENT FOR BOTH SETUP AND TAKE-DOWN. WHAT I NEED TO TAKE A LOOK AT IS TO SEE DO WE NEED TO ENHANCE THE CLEANUP THAT'S REQUIRED OF THE PROMOTER WHEN THEY LEAVE.

Leffingwell: I THINK IT SHOULD LOOK AT LEAST AS GOOD AS IT DID WHEN THEY STARTED. IS THAT PART OF THEIR FEE, THEY IDENTITY, OR DO THEY PAY YOU MONEY FOR THE CITY TO DO IT?

THEY'VE BEEN STRUCTURED DIFFERENTLY DEPENDING ON HOW THE STREET CLOSURE HAS BEEN HANDLED. AT AUDITORIUM SHOWERS IT'S BASED ON HOW BIG IT IS, WHO THE PROMOTER IS. I CAN ANALYZE HOW OFTEN THEY ARE DOING IT VERSUS WE'RE FOLLOWING UP. IN MOST PLACES IT IS THE PROMOTER RESPONSIBLE FOR PUTTING THE STREET BACK IN CONDITION.

Leffingwell: COULD I ASK THAT THAT SPECIFICALLY BE INCLUDED IN YOUR 90-DAY RECAP THAT WE JUST TALKED ABOUT?

YES.

YES, WE WILL.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? COMMENTS? I'LL SAY IN CLOSING I COULDN'T AGREE MORE WITH THE STATEMENTS THAT WE'RE ALL VERY DISAPPOINTED. AS PART OF THIS ADDITIONAL FEEDBACK THOUGH, I WOULD LIKE SOME ENHANCED STAFF ANALYSIS OR RECOMMENDATION ON SORT OF THE CODE COMPLIANCE PART OF THIS. CONCERNING THE REGULATORY -- NOW, THIS IDEA OF REGULATING THE A.T.M. MACHINES SOUNDS LIKE A VERY SOUND ONE, BUT LET'S MAKE SURE WE UNDERSTAND WHAT IT IS WE CAN AND MAYBE CAN'T DO. THE CONDITIONS OF THE BUILDINGS, OBVIOUSLY THE BUILDINGS ARE ALL PRIVATELY OWNED. AND SO LET'S UNDERSTAND HOW IT IS THAT WE CAN ENHANCE, YOU KNOW, CODE COMPLIANT VIOLATION NOTICES AND AT SOME POINT I GUESS MIGHT BECOME SO DERELICT IN THEIR RESPONSE TO VIOLATIONS THAT THEY ARE BEFORE THE BOARD OF -- THE BUILDING OF STANDARDS COMMISSION OR SOMEBODY LIKE THAT. SO FROM A REGULATORY STANDPOINT, HOW WE CAN CONTROL SOME OF THE STOREFRONT ISSUES. I KNOW THAT A HANDFUL OF THE BUILDINGS ACTUALLY HAVE THE CITY LANDMARK DESIGNATION AND SO IN THEORY A HANDFUL OF THOSE BUILDINGS ARE GETTING SOME KIND OF PROPERTY TAX ABATEMENT AND SO THERE'S AT LEAST THE ANNUAL PROCESS ON THAT WHEREBY STEVE'S OFFICE DOES A QUICK INVENTORY OF THE APPEARANCE AND PEOPLE HAVE TO REPAIR CERTAIN THINGS IN ORDER TO MAINTAIN THEIR TAX ABATEMENTS WHICH HAS SOME REAL FINANCIAL IMPLICATIONS FOR PEOPLE. BUT MY INSTINCTS IS THE VAST MAJORITY OF THOSE BUILDINGS AREN'T HISTORIC LANDMARKS, ALTHOUGH PROBABLY MOST WOULD QUALIFY IF THEY BOTHERED TO PURSUE THAT. JUST FROM THE REGULATORY AND CODE COMPLIANCE STANDPOINT, LET'S FIGURE OUT WHAT IT IS WE CAN BEEF UP SOONER RATHER THAN LATER. I DO LIKE THE IDEA OF THE -- IT'S CALLED ESSENTIALLY THE YOU ARE BAIN ENTERTAINMENT TASK

FORCE. IT MIGHT BE THIS IS SO SPECIFIC THAT AS OUR DOWNTOWN PLAN COMES FORWARD, I THINK IT PROBABLY WOULD TAKE A VERY TARGETED TASK FORCE OF FOLKS TO WORK TO AND THROUGH ROMA TO GIVE US SOME REAL SPECIFIC POINTS OF FEEDBACK ON EAST SIXTH STREET. BECAUSE IT IS UNIQUE ENOUGH AND IMPORTANT ENOUGH FOR US TO GIVE IT SOME DISPROPORTIONATE ATTENTION NOW.

COUNCIL, WHAT I HAVE IS FOUR THINGS PLUS THE DOWNTOWN MASTER PLAN. SO IN 90 DAYS WE'RE GOING TO COME BACK TO YOU, AND ACTUALLY WE CAN FEED YOU SOME OF THIS INFORMATION EARLIER. WE'LL START OFF BY DEFINING IN THREE WAYS BUDGET AND RESPONSIBILITIES. BUDGET AND TASKS SPLIT BETWEEN THE CITY OF AUSTIN, THE DOWNTOWN AUSTIN ALLIANCE AND THE SIXTH STREET P.I.D. FOR HOW THAT WORKS DOWNTOWN. WHAT MONEY GOES INTO IT AND WHAT TASKS ARE ASIEBD OUT BASED ON THOSE AGREEMENTS. THEN WE WILL TAKE A LOOK AT THREE BIG AREAS: CLEANLINESS, CODE ENFORCEMENT AND POLICING. AND THE FINAL KIND OF OVERAFTERNOONING DISCUSSION IS THE INTEGRATION OF A SPECIFIC LOOK AT SIXTH STREET AS PART OF THE DOWNTOWN MASTER PLAN PROJECT IN ROMA.

CHIEF MCDONALD, CAN YOU GIVE US JUST WAYS THAT WE CAN COORDINATE WITH THE STUDENT SAFETY TASK FORCE AT U.T. THAT WE STARTED? THEY ARE GOING TO HAVE A COUPLE MORE MEETINGS, BUT SOME OF THOSE PEOPLE IN THAT VIDEO I BELIEVE COULD HAVE BEEN STUDENTS. AND SO WHAT CAN WE DO TO EDUCATE THE STUDENTS ABOUT DRINKING AND AS WE'RE ALSO ENFORCING THE LAWS, BUT EDUCATION AND OUTREACH TO THEM IS IMPORTANT AS WELL.

AS YOU KNOW, THE PREVENTION IS ONE OF THE COMPONENTS OF THE INITIATIVE. THE SAME COMMANDER, COMMANDER YOUNG, ALONG WITH ASSISTANT CHIEF ORTIZ ARE IN CHARGE OF THIS AREA. AND THEY ALSO PARTICIPATE IN THE STUDENT COALITION. SO AS WE MOVE FORWARD, AGAIN, PREVENTION AND EDUCATION, IT'S A STRONG COMPONENT OF THAT INITIATIVE. WE'LL CERTAINLY STEP UP WHAT WE NEED TO DO THERE TO MAKE SURE STUDENTS

ARE BETTER INFORMED.

Kim: OKAY. THANK YOU.

MAYOR?

Mayor Wynn: COUNCILMEMBER MARTINEZ.

Martinez: I WANTED TO ADD AS WE'RE LOOKING AT EAST SIXTH STREET, I THINK WE SHOULD TIE IN RED RIVER AT LEAST UP TO 9th STREET. THAT'S ALMOST IDENTICAL TO EAST SIXTH STREET IN TERMS OF BARS AND LIVE MUSIC VENUES.

AND THE MAYOR PRO TEM ALSO REMINDED ME. AS WE LOOK AT INTEGRATION INTO THE DOWNTOWN MASTER PLAN WE'LL LOOK AT BOTH SPECIFICALLY SIXTH STREET, THE CONVENTION CENTER TRANSITION AREA OR CORRIDOR AND RED RIVER.

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS? THANK YOU VERY MUCH FOR THE REPORT. COUNCIL THAT IS CORRECT TAKES US TO OUR 4:00 ZONING ORDINANCES AND APPROVAL OF RESTRICTIVE COVENANTS. WELCOME, MR. GREG GUERNSEY.

THANK YOU MAYOR AND COUNCIL. GREG GURNS WI THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. LET ME WALK THROUGH OUR -- FIRST OUR 4:00 ZONING AND RESTRICTED COVENANT ITEMS WHERE HEARINGS HAVE BEEN CLOSED. ITEM 57, CASE C 14-05-0085, POWERS 20 PROPERTY. THIS IS READY FOR SECOND, THIRD READING. FOR THE PROPERTY LOCATED AT 11520 NORTH IH-35. THIS IS REZONING REQUEST FROM GENERAL OFFICE, G.O. DISTRICT ZONE TO GO COMMUNITY COMMERCIAL CONDITIONAL OVERLAY OR GO-CO. READY FOR SECOND AND THIRD READING APPROVAL. I UNDERSTAND THERE MAY BE A MOTION ON THE DAIS THAT MIGHT BE SLIGHTLY DIFFERENT THAN WHAT YOU ARE POSTED -- WHAT YOUR POSTED ITEM IS THAT MAY BE MORE RESTRICTIVE.

Dunkerley: WHICH ITEM ARE WE ON?

ITEM NUMBER 57. THAT'S RIGHT. DO YOU WANT ME TO PAUSE FOR A MOMENT?

Mayor Wynn: COUNCIL, WHY DON'T WE HAVE A QUICK DISCUSSION BEFORE WE PROPOSE A CONSENT AGENDA.

LET ME CONTINUE WITH THE OTHER ITEMS. ITEM 58, CASE C 14-06-0079. THIS IS BLUEBONNET CREEK TO APPROVE THIRD READING OF AN ORDINANCE. AGAIN FOR THE PROPERTY LOCATED AT 2215 BLUEBONNET LANE. AND THIS IS A REZONING REQUEST FROM FAMILY RESIDENCE OR SF-3 DISTRICT ZONE TO GO MULTI-FAMILY RESIDENCE, MEDIUM DENSITY, CONDITIONAL OVERLY OR MF-3-CO COMBINING DISTRICT ZONING. THIS IS READY FOR THIRD READING APPROVAL. I WOULD LIKE TO POINT OUT TO COUNCIL THAT THE VALID PETITION, THERE HAVE BEEN SEVERAL NAMES REMOVED FROM THE PETITION AND IT IS NO LONGER A VALID PETITION AT THIS TIME.

Dunkerley: MAYOR, COULD I ASK ONE QUESTION? MR. GUERNSEY, THIS ONE, WHAT IS THE HEIGHT LIMIT INCLUDED IN YOUR RECOMMENDATION -- IN YOUR PROPOSAL? AS APPROVED A SECOND READING HEIGHT ELIMINATION WITHIN THE FIRST PORTION TO TWO STORIES OR 30 FEET IN HEIGHT. THE PROPERTY OWNER HAS A DESIRE TO HAVE A BUILDING HEIGHT OF 35 FEET.

Dunkerley: I WOULD RECOMMEND THAT WE ADD THE 35 FEET AND I'M NOT SURE IT CAN STAY ON CONSENT WITH THAT, BUT IF IT CAN, I WOULD --

IT WOULD REMOVE THE RESTRICTIONS REGARDING TWO STORIES AND CHANGE THE HEIGHT RESTICKS TO 35 FEET.

Dunkerley: THAT'S RIGHT.

I THINK WE CAN DO THAT AS AN ITEM AND HAVE THAT CONTINUE ON TO THIRD READING. THIS IS DIFFERENT THAN WHAT THE NEIGHBORHOOD ORIGINALLY ENDORSED. ITEM 59D, CASE Z-017, THE BAUGH-COLBY HOUSE. 1102 ENFIELD ROAD. THE PROPERTY OWNER AND HIS REPRESENTATIVE APPROACHED ME OUTSIDE AND WANTED SOME MORE TIME TO REVIEW THE DESIGN GUIDELINES THAT HAVE BEEN

DESCRIBED TO THEM. THEY MET JUST YESTERDAY WITH STAFF AND WENT THROUGH THOSE THINGS. AND HAD A DESIRE TO POSTPONE THIS ITEM FOR TWO MORE WEEKS TO WORK THROUGH THE ISSUES RELATED TO THOSE DESIGN GUIDELINES. SO IF COUNCIL WOULD LIKE, THEY CAN POSTPONE ITEM 59 FOR TWO WEEKS TO GIVE THE PROPERTY OWNER TIME TO LOOK AT THOSE DESIGN GUIDELINES. THAT CONCLUDES THE ITEMS UNDER THE CLOSED PUBLIC HEARING ITEMS. MAYOR, ON ITEM 57, I THINK THERE'S BEEN A DISCUSSION WITH THE ROARN REGARDING THE ZONING AND PLATTING COMMISSION RECOMMENDATION WHICH IS MORE RESTRICT I HAVE THAN WHAT COUNCIL HAD ORIGINALLY APPROVED AND IT MAY BE WHAT COUNCIL MOTION MAY BE. THAT WOULD BE FOR LR-CO, WHICH IS A ZONING AND PLATTING COMMISSION RECOMMENDATION. LIMITING THE PROPERTY TO 2,000 TRIPS PER DAY, PROHIBITING DRIVE-THROUGH USES AS AN ACCESSORY USE, NO SERVICE STATIONS, AND AGAIN TO PROHIBIT 12 ADDITIONAL USES. THEN ALL THIS IS OUTLINED IN YOUR BACKUP MATERIAL. IF THAT'S COUNCIL'S DESIRE, IT'S MY UNDERSTANDING THIS IS AN ORDINANCE WE HAD PREPARED EARLIER WHICH WAS A PLANNING COMMISSION RECOMMENDATION, WE CAN ACTUALLY TAKE SECOND AND THIRD READING OF THIS ITEM TODAY IF THAT'S COUNCIL'S DESIRE.

Mayor Wynn: QUESTIONS, COMMENTS? COUNCILMEMBER McCracken.

McCracken: MAYOR, IN FACT I WAS -- AS I RECALL THE MAKER OF THE ORIGINAL MOTION ON THIS ITEM 57. AND IT WAS MY INTENTION TO ACCOMPLISH BASICALLY ACCOMPLISH THE Z.A.P. RECOMMENDATION AND I DO SUPPORT THE Z.A.P. RECOMMENDATION WHICH IS WHAT WE APPROVED FOR ITEM 57.

Mayor Wynn: QUESTIONS ON ITEM NUMBER 57, COUNCIL?

A REPRESENTATIVE OF THE PROPERTY APPROACHED AND SAID THAT IS NOT TRUE. THAT THE OWNER DOES OBJECT TO THAT AND WOULD LIKE TO CONTINUE WITH THE GR-CO ZONING.

Mayor Wynn: QUESTION OF THE OWNER OR AGENT, COUNCILMEMBER? REMIND US, ON FIRST READING, COUNCIL APPROVED --

AT FIRST READING COUNCIL APPROVED GR-CO ZONING. AS LIST UNDERSTAND YOUR BACKUP THERE IS A 2,000 TRIP LIMITATION AND A LENGTHY LIST OF PROHIBITED USES. AND I CAN READ THROUGH THOSE, BUT THEY WERE AUTO-RELATED USES, FINANCIAL SERVICES, GENERAL RETAIL SALES, GENERAL, HOTEL-MOTEL, WHICH WAS ORIGINALLY USED THAT I BELIEVE MR. POWERS WAS INTERESTED IN INDOOR ENTERTAINMENT, INDOOR SPORTS AND RECREATION, PAWN SHOP, OUTDOOR RECREATION, THEATER, HOSPITAL SERVICES LIMITED, COMMUNITY RECREATION BOTH TYPES AND OTHER CIVIC USES. THAT'S WHAT WAS APPROVED ON FIRST READING. AND MR. WITLIFF HAS BEEN HIRED TO REPRESENT HIM AND HE'S GOT ADDITIONAL INFORMATION THAT HE WOULD LIKE TO PROVIDE.

Mayor Wynn: MR. WITLIFF, IF YOU COULD MAKE..... MAKE YOUR COMMENTS BRIEF.

I'M HERE ON BEHALF OF FRED POWERS. COUNCILMEMBER McCracken, SINCE THIS WAS PASSED ON FIRST READING LAST MARCH, MR. POWERS HAS BEEN SUCCESSFUL IN SECURE A CONTRACT FROM SOMEBODY THAT WANTS TO BUY THE PROPERTY. THEY PUT DOWN A SIZABLE AMOUNT OF MONEY AND PLAN ON CLOSING ON THE PROPERTY IN JANUARY 2007. THEIR INTENDED USE IS A BEAUTY SALON WHICH WOULD BE APPROVED UNDER THE L.R. ZONING, BUT THERE IS TWO ASSOCIATED USES WITH THE BEAUTY SALON. THEY SELL RETAIL BEAUTY PRODUCTS AND THEY ALSO DISTRIBUTE BEAUTY SUPPLIES. THE USES THAT WOULD BE REQUIRED FOR THEIR USE OF THE SITE WOULD BE [INAUDIBLE] SERVICES WHICH IS ALLOWED UNDER BOTH THE GR AND THE LR. GENERAL RETAIL SALES IS ALLOWED UNDER BOTH USES, AND BUSINESS SUPPORT SERVICES WHICH IS ONLY ALLOWED UNDER THE GR-CO BUT NOT UNDER THE LR-CO. WE WOULD ASK THAT THE NEIGHBORHOOD THAT I'VE MET WITH, THEY ARE THRILLED A BEAUTY SALON IS GOING IN RATHER THAN THE HOTEL PUSHED PREVIOUSLY OR THE USED CAR LOT. WE WOULD ASK YOU TO APPROVE THE GR-CO. THERE WERE A COUPLE

USES THAT WERE ON THE GR-CO THAT WE DON'T THINK ARE APPROPRIATE FOR THE SITE. SERVICE STATION AND RECREATIONAL VEHICLE MAINTENANCE, WE WOULD NOT OBJECT TO THOSE BEING PULLED OUT OF THE ORDINANCE OR ADDED TO THE C.O. FOR PROHIBITED USES. HE'S HAD THIS PROPERTY A LONG TIME AND I'D HATE TO MESS UP HIS SALE.

AND MAYOR, I THINK ONE OF THE STICKING POINTS HAS BEEN THE HOTEL ISSUE. HOW WOULD THAT BE HANDLED IF WE DID THE GR-CO.

COULD YOU REPEAT THAT?

McCracken: I KNOW THAT THIS BEING A BEAUTY SALON AS ON POSITIVED POSED TO A HOTEL OR MOTEL. IF WE DID THE GR-CO AND TOOK OUT THE RECREATIONAL VEHICLE CENTERS OR WHATEVER, WHAT WOULD-WHAT ABOUT HOTELS? WHERE DOES THAT FIT?

HOTEL-MOTEL IS ALREADY UNDER PROHIBITED USE SO I THINK WE WOULD BE GOOD TO GO THERE.

COUNCIL, I THINK IT MIGHT BE APPROPRIATE TO DEFER AX TWO WEEKS ON THIS. BECAUSE IF THERE IS A DISTRIBUTION OUTLET ON THIS PROPERTY AND IT'S WHOLESALE DISTRIBUTION, IT MAY REQUIRE EVEN A MORE INTENSE ZONING THAN BUSINESS SUPPORT SERVICES. SO I THINK IT WOULD BE APPROPRIATE FOR TO US SIT DOWN WITH MR. WHEN ITLIFF AND CLARIFY THE USES SO WE ARE BOTH CLEAR WHATEVER YOU ACT UPON TODAY, EVERYONE UNDERSTANDS WHAT THOSE USES ARE. SO I GUESS STAFF WOULD SUGGEST A TWO-WEEK PINPOINT ON THIS ITEM. WE'LL SIT DOWN WITH MR. WITLIFF AND CLARIFY THOSE USES AND BRING THAT BACK TO YOU SO YOU UNDERSTAND WHAT HE IS EXACTLY BRINGING AND WE UNDERSTAND WHAT HE IS EXACTLY BRINGING TO YOU. ON 57 STAFF WOULD REQUEST A TWO-WEEK POSTPONEMENT TO THE 2nd.

Mayor Wynn: MOTION MADE BHIE COUNCILMEMBER McCRACKEN THAT I'LL SECOND TO POSTPONE 57 TO NOVEMBER 2, 2006. FURTHER COMMENTS? ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSE ?D MOTION PASSES ON A

VOTE OF 6 TO ZERO WITH COUNCILMEMBER KIM OFF THE DAIS. 58, MR. GUERNSEY. TECHNICALLY YOU SAID A VALID PETITION HAS BEEN WITHDRAWN?

THERE HAVE BEEN SEVERAL INDIVIDUALS THAT HAVE REMOVED THEIR NAME FROM THE VALID PETITION. THERE ARE ACTUALLY A FEW NAMES, TWO NAMES THAT WERE ADDED, BUT THE PETITION STANDS AT JUST UNDER 12%. SO ALTHOUGH THERE WERE SEVERAL NAMES THAT CAME OFF, TWO THAT WERE ADDED, IN THE END YOU DO NOT HAVE A VALID PETITION THAT WOULD REQUIRE A SIX OUT OF SEVEN VOTE OF CITY COUNCIL. AS I UNDERSTAND THE COMMENTS THAT WERE MADE EARLIER BY COUNCILMEMBER DUNKERLEY, WE WOULD ALTER THE ORDINANCE AS WRITTEN IN YOUR BACKUP MATERIAL TO STATE THAT THERE WOULD NOT BE A STORY LIMITATION BUT THERE WOULD BE A MAXIMUM HEIGHT LIMITATION OF 35 FEET INSTEAD OF 30 FEET WITHIN THE FIRST 75 FEET OF THE PROPERTY. AND THAT WOULD BE MEASURED FROM BLUEBONNET LANE. AND I GET THE NOD FROM OUR ASSISTANT CITY ATTORNEY THAT IS CLEAR ENOUGH DIRECTION YOU COULD TAKE THIRD READING ACTION TODAY WITH THAT CHANGE.

Mayor Wynn: QUESTIONS OF MR. GUERNSEY, COUNCIL? COUNCILMEMBER LEFFINGWELL.

Leffingwell: SO IS THIS ON CONSENT, BEING PROPOSED FOR CONSENT OR --

Mayor Wynn: WELL, WE'RE DISCUSSING A POTENTIAL THIRD READING. SO THIS -- THE 30-FOOT HEIGHT LIMITATION AND TWO STORIES FOR THE FIRST 75 FEET BACK FROM THE PROPERTY LINE WAS THE PLANNING COMMISSION RECOMMENDATION. IS THAT CORRECT?

THAT'S CORRECT.

Leffingwell: UNANIMOUS PLANNING COMMISSION RECOMMENDATION.

YES, THAT WAS RECOMMENDATION OF PLANNING COMMISSION AND ALSO A DESIRE OF THE -- I THINK IT WAS THE ZILKER NEIGHBORHOOD ASSOCIATION ALSO ENDORSED

THOSE TWO LIMITATIONS ON HEAT. THERE WAS SOME DISCUSSION THE LAST TIME WE HEARD THIS, I BELIEVE BY COUNCILMEMBER McCRACKEN, ABOUT THE FRONT FACING THE STREET. I DON'T REMEMBER WHAT THOSE COMMENTS WERE, BUT IT WAS REFERRED TO STAFF TO COME BACK AND PROVIDE INPUT ON THAT.

AND THERE'S A REPORT FROM OUR URBAN ZONE OFFICER THAT KIND OF LOOKED AT THOSE PROPOSALS AND THERE'S ACTUALLY AN EXHIBIT THAT MR. DAVID WARD PRESENTED TO YOU AND IT'S ABOUT -- OH, PROBABLY 8 OR 10 PAGES INTO YOUR BACKUP MATERIAL, AND LOOKED AT THE ENTRANCE AND WHAT WAS SUGGESTED WAS ACTUALLY A HIDDEN STAIRWAY RATHER THAN HAVING A STAIRWAY GOING UP TO THE SECOND AND THIRD LEVELS BEING EXPOSED TO THE STREET, IT WOULD BE ACTUALLY SCREENED OR HAVE SOME BALCONIES, FALSE BALCONIES FACING AND USING THREE DIFFERENT DESIGN ELEMENTS AS FAR AS MATERIALS THAT WOULD BE FACING BLUEBONNET STREET. THAT'S WHAT HE INTENDED TO DO. IT'S NOT REQUIRED BY THE ORDINANCE, BUT THIS IS SOMETHING HE ACTUALLY SUGGESTED AND WOULD BE HIS DESIGN.

Leffingwell: THAT IS INCLUDED.

THAT IS HIS PROPOSAL BUT NOT INCLUDED AS PART OF THE COVENANT TORE ORDINANCE. BUT IT WOULD REQUIRE A MINIMUM HEIGHT OF 35 FEET I THINK TO ACHIEVE HIS DESIGN. BECAUSE IT WAS ALWAYS -- WHAT HIS DESIGN WAS, DESIGNED FOR MORE THAN TWO STORIES AND 30 FEET IN HEIGHT. IT'S PROPOSING THREE STORIES AND ABOUT 35 FEET IN HEIGHT.

Mayor Wynn: MAYOR PRO TEM.

Dunkerley: MR. GUERNSEY, IS THERE A WAY THAT WE CAN REQUIRE THAT?

TWO REQUIRE THE DIFFERENT ELEMENTS?

Dunkerley: YES.

I THINK WE COULD PROBABLY SIT WITH HIM AND DISCUSS THE SCREENING ELEMENT, THE ACTUAL USE, THE SPECIFIC MATERIALS. HE COULD PROBABLY ENTER INTO SOME PRIVATE COVENANT IN REGARD TO THAT, BUT REGARDING THE SCREENING OF THE ACCESSWAYS INTO THE FRONT UNIT, WE COULD DO THAT BY A PUBLIC COVENANT, BUT WE WOULD NOT HAVE THAT READY TODAY. WE COULD BRING THAT BACK TO YOU AND ASK OUR LAW DEPARTMENT TO CREATE SUCH A COVENANT IF THAT'S YOUR DESIRE.

Dunkerley: LET'S DO THAT.

THEN WE WOULD SUGGEST THEN THAT YOU DELAY ACTION ON THIS AND WE CAN WORK WITH THE LAW DEPARTMENT AND THE OWNER, MR. WARD, AND BRING THIS BACK IN TWO WEEKS WITH A COVENANT THAT WOULD REFLECT THAT.

.....THAT.

Dunkerley: OKAY. THANK YOU.

Martinez: I WAS WONDERING IF I COULD ASK A QUESTION OF THE APPLICANT.

Mayor Wynn: OF COURSE. MART....

Martinez: MR. WARD. I JUST WANT TO MAKE SURE THAT WE'RE ON THE SAME UNDERSTANDING OF WHAT WE'RE TALKING ABOUT IN TERMS OF THE FRONT FACING DESIGN OF YOUR PROJECT AND IF YOU WERE STILL AMENABLE TO THAT AND WILLING TO COMPLY WITH THOSE RESTRICTIONS.

YES, I AM. I MET WITH JIM ROBERTSON. WE HAD EXTENSIVE DISCUSSION AND I BELIEVE HE FILED A REPORT WITH YOU ALL, A MAJOR 10-PAGE REPORT INCORPORATING THE DESIGN THAT MY ARCHITECT AND I CAME UP WITH IMPLEMENTING COUNCILMEMBER McCRACKEN'S RECOMMENDATIONS TO MAKE IT MORE STREET FRIENDLY. WHICH WAS TO ADD BALCONIES AND SCREENING, BRINGING THE PEOPLE OUT OF THE BUILDING TO THE FRONT STREET TO MAKE IT MORE NEIGHBORHOOD FRIENDLY.

Martinez: DOES A FURTHER DELAY IMPACT YOUR PROJECT

ANY?

I'D PREFER -- IT DOES FINANCIALLY AND I WOULD PREFER IF IT'S POSSIBLE TO PASS THE ORDINANCE CHANGE TO THE 35-FOOT HEIGHT LIMIT IF I CAN COME BACK AT A LATER DATE AND SIGN AN AGREEMENT. I AM GOING TO BUILD THAT DESIGN. I'D BE HAPPY TO DO THAT. I DON'T KNOW IF IT HAS TO BE PART OF THE ORDINANCE OR NOT.

Martinez: MARTY?

IT DOES NOT HAVE TO BE PARTED OF THE ORDINANCE. IF THE OWNER IS WILLING TO SIGN IT, WE CAN GO ON AND AHEAD AND ACCEPT THAT REPRESENTATION TO YOU ALL. LY TELL YOU THAT WE NORMALLY LIKE TO DELAY FINAL ACTION UNTIL WE GET THE RESTRICTIVE COVENANT TO MAKE SURE THAT WE ACTUALLY GET A SIGNED RESTRICTIVE COVENANT BECAUSE WHETHER WE GET A RESTRICTIVE COVENANT IS ENTIRELY WITHIN THE OWNER'S CONTROL. IT IS -- WE HAVE - - WE ARE AT YOUR DISPOSAL IN THAT REGARD. IT IS WHAT YOUR WISH IS. BUT OUR NORMAL ROUTINE PRACTICE IS TO WAIT SO THAT WE MAKE SURE WE GET THE RESTRICTIVE COVENANT THAT YOU ALL WANT.

Mayor Wynn: MAYOR PRO TEM.

Dunkerley: COULD I ASK THE CITY ATTORNEY, IF WE WENT AHEAD AND PASSED THIS WHEN IT GETS TO THE SITE PLAN STAGE, CAN WE DIRECT THE STAFF NOT TO APPROVE THE SITE PLAN UNLESS THE RESTRICTIVE COVENANT HAS BEEN FILED BY THEN, AND THAT WAY WE CAN GO AHEAD AND GET YOU THE HEIGHT YOU NEED SO YOU CAN GET YOUR -- KEEP YOUR FINANCING AND DO ALL OF THAT, BUT AT LEAST WE WOULD HAVE SOME ABILITY TO MAKE SURE THAT WE GET THE DESIGN ELEMENTS HE'S AGREED TO. IS THAT LEGALLY POSSIBLE?

WELL, LET ME DEFER TO MR. GUERNSEY ABOUT THE QUESTION ON WHETHER OR NOT THERE ACTUALLY IS A SITE PLAN.

RIGHT NOW I'M NOT AWARE OF A SITE PLAN APPLICATION ACTUALLY BEING FILED. RIGHT NOW HE COULD ACTUALLY

SUBMIT A SITE PLAN AND RUN THAT APPLICATION CONCURRENTLY WITH THIS.....CONCURRENTLY. BUT IF AND WHEN THAT SITE PLAN COMES IN, WE WOULD NOT HAVE ANY CONTROL OVER THAT TIME PERIOD.

AND -- I'M SORRY. THE -- THAT REALLY IS NOT PART OF THE SITE PLANNING PROCESS. IT'S REALLY PART OF THE ZONING PROCESS.

Dunkerley: I WOULD TRUST YOU TO COME BACK IN WITH THAT SIGNED IN TWO WEEKS.

I WOULD BE WILLING TO SIGN THE REPORT THAT JIM ROBERTSON ISSUED TONIGHT AS A PROMISE THAT I WILL COME BACK TO YOU WITH A.. AN AGREEMENT THAT SAYS --

Dunkerley: I'M OKAY WITH THAT.

WE WILL HAVE THE RESTRICTIVE COVENANT PREPARED AND DELIVERED TO HIM AND WORK WITH HIM TO GET IT BACK WITHIN THE TWO-WEEK TIME FRAME.

Dunkerley: ALL RIGHT. SO YOU ARE GOING TO SIGN THAT REPORT TODAY AND WE'LL TAKE CARE OF THIS NEXT WEEK.

THANK YOU VERY MUCH.

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Dunkerley: THANK YOU VERY MUCH.

Mayor Wynn: MOTION BY MAYOR PRO TEM TO POSTPONE --

Dunkerley: LET'S NOT POSTPONE IT, LET'S APPROVE IT WITH THE CAVEAT HE'S GOING TO SIGN THIS AGREEMENT BEFORE HE LEAVES THE BUILDING TODAY AND THEN WE'LL DO THE RESTRICTIVE COVENANT AS SOON AS THE LAW DEPARTMENT GETS IT DRAFTED.

SECOND.

IS THERE A MOTION AND SECOND?

Mayor Wynn: EXCUSE ME. MOTION BY MAYOR PRO TEM TO APPROVE ON THIRD READING ITEM NUMBER 58, BUT CHANGING THE HEIGHT LIMITATION FROM STORIES TO THAT BEING 35 FEET. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

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YEAH, THE CONCERN THAT IT ASKED ME TO GO HAVE A CONNOTATION WITH URBAN DESIGN OFFICER, I AM IN SEEING THIS, RELUCTANTLY RECOGNIZING IT HAS NOT ADDRESSED THE URBAN PLANNING PRINCIPLES BEHIND THE MOTION MOTION. TWO THINGS. WE HAVE A TENDENCY, BY THE WAY, IN RIVERSIDE AGAIN TONIGHT, WHEN YOU PUT BUILDINGS ON STILTS, BASICALLY, AND HAVE YOUR GROUND BE PARKING AREAS, IT'S POOR URBAN PLANNING. LIKE JEFF FERRELL, THE URBAN PLANNER, HIS WEBSITE SAYS PUT THE GROUND FLOOR INTRANS ON THE STREET, HAVE THE ACTIVE USES OR DOORWAYS ONTO THE STREET, DON'T HAVE BLANK WALLS. I THINK IT WAS VERY POSSIBLE TO MAKE THIS DEVELOPMENT INTEGRATE INTO THE NEIGHBORHOOD IN A WAY THAT RESPECTED THE SINGLE FAMILY CHARACTER OF IT. BUT I DON'T SEE THAT THERE'S BEEN ANYTHING OTHER THAN CHANGING THE BRICK PATTERNS AND THAT'S THE DESIGN ISSUE. I WAS TRYING TO SPEAK TO URBAN BLANK PRINCIPLES THAT HAVE NOT BEEN CARRIED OUT. SO I THINK THAT THIS DOES HAVE SOME PROBLEMS. I APPRECIATE THE EFFORT EVERYBODY HAS MADE TO IMPROVE BUT I THINK WE BACKTRACKED A LITTLE. I'M GOING TO OPPOSE IT TOO.

FURTHER COMMENTS ON THE MOTION TO APPROVE ON
THIRD REETING?

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

AYE.

OPPOSED? MOTION PASSES ON VOTE OF FIVE TO TWO WITH.

IT WAS YOUR RENTALATION.

THE PROPERTY OWNER CAME FORWARD WITH MORE TIME
THE LOOK AT THE DESIGN ISSUES AND REQUESTED A TWO-
WEEK POSTPONEMENT OF THE ITEM.

I GUESS SPECIFICALLY OUR DISCUSSION LAST TIME WAS
THE DESIGN ISSUES RELATIVE TO WHAT WE PERCEIVE TO
BE LIKELY LOCAL HISTORIC , CORRECT ?

I THINK THERE WAS, YES, AND ALSO TO ADDRESS THE WEST
CITY OF AUSTIN DESIGN GUIDELINES WHICH THIS IS JUST
OUTSIDE THE BOUNDARIES. I THINK THE OWNER IS JUST
KIND OF WRESTLING WITH SOME OF THE STANDARDS ARE
VERY GENERAL AND WHAT THEY MEAN. I THINK HE WOULD
LIKE MORE TIME TO CONSIDER THAT. THE OTHER PART THAT
IS IN YOUR BACKUP, HE HAD BROUGHT SEVERAL REPORTS
WITH HIM AT THE LAST MEETING. SPEAKING TO THE
BUILDING CONDITION, TER MITE, INSPECTION, THAT WAS IN
YOUR BACKUP AS WELL. THOSE ARE THE DOCUMENTS
ASKED BY COUNSEL. HE HAS PRESENTED THOSE
DOCUMENTS TO YOU WITH YOU HE WOULD LIKE MORE TIME
TO LOOK AT THE DESIGN ISSUES.

THE REQUEST WAS FOR TWO WEEKS ?

THAT'S CORRECT, WHICH IS YOUR NEXT MEETING IN TWO
WEEKS.

COUNCIL, WE HAVE A TWO- TWO-WEEK POSTPONEMENT
REQUEST ON THE TABLE.

MAYOR, I WANT TO, FOR ANY BALLOT PETITION MATTERS, I'M
GOING TO BE GONE DURING THE ZONING PORTION TO

ATTEND A CONFERENCE OF MY DUTIES AS CAPITAL METRO, TWO WEEKS FROM TONIGHT. SO I THINK IF WE HAVE A BALLOT PETITION MATTER IT PROBABLY SHOULD BE FOR THE MEETING AFTER THAT. MY AN UNDERSTANDING, MY RECOLLECTION IS THAT THIS IS A BALLOT PETITION MATTER.

IT IS BECAUSE IT'S THE OWNER HIMSELF WHO'S OPPOSED.

THAT'S CORRECT.

WELL THEN, I'M NOT SURE IF THE OWNER IS PRESENT. THAT WOULD MAKE THE NEXT COUNCIL MEETING WOULD BE NOVEMBER 16, TWO WEEKS. FURTHER TWO WEEK POSTPONEMENT.

I JUST GLANCED OVER MY SHOULDER. MR. BEN NET AND MR. GUARDER ARE NODDING THEIR HEADS THAT THAT WOULD BE OKAY WITH THEM.

OKAY. COUNCIL MEMBERS, MOTION TO POSTPONE ITEM NUMBER 5--59 TO NOVEMBER 16. SECONDED. FURTS-- FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR? OPPOSED? MOTION PASSES 7-0. THANK YOU ALL.

THANK YOU. LET ME CONTINUE ON TO THE FOUR OH ZONING AND NEIGHBORHOOD PLAN AMENDMENT ITEMS. THESE ARE WHERE THE PUBLIC HEARINGS ARE OPEN AND POSSIBLE ACTION MAY BE TAKEN. OUR FIRST ITEM IS ITEM NUMBER 60, THE NEIGHBOR WHO THE CONSERVATION ITEM DISTRICT. CASES NUMBER C 14-06-0033 THROUGH C 14-06-0051. STAFF IS WITHDRAWING THIS CASE AND WILL REFILE AS A SINGLE CASE. RIGHT NOW THE AUSTIN RERE REREVITALIZATION AUTHORITY HAS REFINING ISSUES AND THE ITEM HAS NOT GONE BEFORE URBAN RENEWAL. THERE WILL BE NEW NOTICES SENT OUT TO PROPERTY OWNERS OF THE COMMISSION DATE AND THE CITY COUNCIL DATE. ONCE E. ONCE WE HAVE THOSE RECOMMENDATIONS WE CAN TAKE THAT TO THE COMMISSION AND BRING IT FORWARD FOR YOUR ACTION. AT THIS TIME WE RESPECTFULLY WITHDRAW ITEM NUMBER 60 FROM YOUR AGENDA AND FROM ACTION TODAY.

. LET ME MOVE ON, ITEM NUMBER 61, CASE C 14-06-0066, IF

YOU AROS NORTH PROPERTY AT ATPROPERTY. IT'S THE FIRST REQUEST BY THE NEIGHBORHOOD. THE NEIGHBOR IS TRYING TO FINALIZE THE PRIVATE COVENANT WITH THE PROPERTY OWNER AND ARE CONTINUING TO WORK ON THIS. ONCE THAT COVENANT IS FINAL FINALIZED I BELIEVE THAT WE CAN OFFER THIS AGAIN FOR CONSENT ON ANOTHER DATE. THAT'S A POSTPONEMENT TO THE 16TH. ITEM NUMBER 61. ITEM NUMBER 62, CASE C 14-06 14-06-0156 POINT SR, JANSEN 16 PROPERTY AT 6200 LIE OLDA LANE. THIS IS A REZONING REQUEST FROM MULTIFAMILY RESIDENCE MEDIUM DENSITY CONDITIONAL OVERLAY OR MF 3 CO COMBINING DISTRICT ZONING AND COMMUNITY COMMERCIAL MEDIUM DENSITY, EXCUSE ME, AND COMMUNITY COMMERCIAL MIXED USE OR GR HAD EVER MU COMBINING DIETS JOINING, TO MULTIFAMILY RESIDENCE MEDIUM DENSITY CONDITIONAL OVERLAY OR MF-3 CO ZONING, RECOMMENDED TO YOU BY THE ZONING AND PLANNING COMMISSION AND IT'S READY ON ALL THREE READINGS TODAY. ITEM NUMBER 63, THIS IS CASE C 14-06-0135, PRIVATE MINI STORAGE. AT 604 AND 700 CORRAL LANE AND 7116 SOUTH IH 35. THIS CASE HAS BEEN WITHDRAWN BY THE APPLICANT. NO ACTION IS REQUIRED. ITEM NUMBER 64 IS CASE C 14- 14-06-0076, STONE GAIT PHARMACY AT 2501 WEST WILLIAM CANON DRIVE. THE APPLICANT HAS WITHDRAWN THIS CASE AS WELL. JUST SO COUNCIL KNOWS, WE DID AN ORDINANCE AMENDMENT THAT ALLOWED SMALL PHARMACY, 3,000 SQUARE FEET OR LESS IN THE MEDICAL OFFICE DESIGNAT DESIGNATION AND WITH THAT THIS PROPERTY OWNER CAN CONTINUE WITH THEIR PROJECT WITH THAT AMENDMENT CHANGE. THAT IS THE REASON WHY THIS CASE HAS BEEN WITHDRAWN. ITEM NUMBER 65 IS CASE C 14- 14-06-0078, THE IH 35 TRANSIT FACILITY AT 7902 AND 7926 SOUTH IH 35 SERVICE ROAD SOUTHBOUND. STAFF IS REQUESTED A POSTPONEMENT OF THIS ITEM TO NOVEMBER 16. THE ZONING AND PLANNING COMMISSION HAS NOT YET HEARD THIS CASE AND HAS, WILL BE REVIEWING FOR THE NOVEMBER 7 MEETING, A STAFF POSTPONEMENT ON ITEM NUMBER 65 TO THE 16TH. ITEM NUMBER 66, THIS IS CASE C 14-06-0172, ARBORETUM RETIREMENT COMMUNITY AT JOLLYVILLE ROAD. THE ZONING AND PLANNING COMMISSION DID TAKE ACTION BUT WE HAVE A POSTPONEMENT REQUEST FROM THE NECK DOOR NEIGHBOR, THE ADD

JOINING PROPERTY OWNER, TO THE 16TH. WE HAVE HEARD FROM THE PROPERTY OWNER THAT THEY WOULD NOT OBJECT TO A POSTPONEMENT TO NOVEMBER 2 OR THE 16TH. THERE IS A VALID PETITION ON THIS PROPERTY RIGHT NOW. GIVEN COUNCIL MEMBER MCCRACK MCCRACKEN'S EARLIER COMMENTS SOUNDS LIKE THE 16TH WOULD BE THE DESIRED DATE IF THERE'S A VALID PETITION ON THE PROPERTY. DEM NUMBER 67 IS CASE C 14- 14-06-0161, SOUTH PARK MEADOWS BUILDING 19 FOR THE PROPER AT 9 00 TO 9250 CULL CULLEN LANE, A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD. IT'S THEIR FIRST, EXCUSE ME, IT'S THEIR, YES, REQUEST. AND IT'S THEIR FIRST REQUEST REQUEST. THEY HAD INITIALLY ASKED FOR THE 1TH. THE APPLICANT HAS CONTACTED THEM. BOTH PARTIES ARE AGREEABLE TO THE 2nd. ITEM NUMBER 68 WHICH IS CASE C 14-05-014, REDEEMER CHURCH AT 2050 ALEXANDER AVENUE IS A DISCUSSION ITEM. ITEM NUMBER 69, CASE C 14-06 14-06-0120, THIS IS THE MARTINS ONE AND TWO PROPERTY AT 101-103 EAST BRAKER LANE OF THIS IS A DISCUSSION ITEM ITEM.

MAYOR.

MAYOR PROTEM.

WITH THE COUNCIL'S APPROVAL, I'D LIKE TO ASK THE ZONING AND PLANNING COMMISSION TO LOOK AT THAT AGAIN. THE APPLICANT IS REQUESTING LR ZONING AND THAT IS IN COMPLIANCE WITH THE NORTH LAMAR STUDY. I'M NOT SURE THAT THE NEW COMMISSIONERS HAD AN OPPORTUNITY TO ACTUALLY SEE THAT SITE OR DO SOME RESEARCH ON IT. I'D LIKE THEM JUST TO TAKE ANOTHER LOOK AT IT IN LIGHT OF THAT COMPLIANCE OF THE STUDY.

YOU SAID THAT ITEM 69 OTHERWISE WAS GOING TO BE A DISCUSSION ITEM THIS EVENING EVENING?

THAT THE CORRECT BECAUSE IT WAS NOT RECOMMENDED BY THE COMMISSION, THE ZONING AND PLANNING COMMISSION. I UNDERSTAND THE COUNCIL MEMBER'S DESIRE TO SEND THIS BACK. IF WE CAN LEAVE THIS ON A CONSENT AGENDA, IF THAT I IS OUR COUNCIL.

THE CHAIR HAS SAID THAT THEY WOULD NOT OBJECT. SHE

WOULD NOT OBJECT TO IT BEING SENT BACK AND TAKING A LOOK AT IT IN LIGHT OF THE COMPLIANCE WITH THE NORTH LAMAR STUDY.

LET ME THEN CONTINUE ON. ITEM NUMBER 70 IS CASE C 14-14-06-0134, THE LAKE LINE AUSTIN DEVELOPMENT LIMITED PROPERTY AT NORTH FM 620 AND RIDGE LINE BOULEVARD. THIS IS A DECISION ITEM. ITEM NUMBER 71 C 14, 06-0142 ED'S MOUNTAIN SHADOW, 8800 AND 8702 SKY MOUNTAIN DRIVE. THIS IS A DISCUSSION ITEM. ITEM 72, CASE C 14-06-0158, OASIS AND WEST CAMPUS AT 180 1801 NEWS NEUCES STREET, ALSO A DISCUSSION ITEM.

QUESTIONS OF STAFF COUNCIL BEFORE I TRY TO CRAFT A CONSENT MOTION. I.

COUNCIL MEMBER MARTINEZ: I WOULD REQUEST WE MEAVE THAT TO THE 2NGED. I UNDERSTAND COUNCIL MEMBER MCCrackEN WON'T BE HERE. WITH THE VALID PETITION THE APPLICANT WOULD NEED SIX OUT OF SEVEN VOTES. THAT'S ON THE ASSUMPTION WE PASS ON THIRD READING. IF WE LOOK AT IT ON FIRST READING THEN THE VALID PETITION DOESN'T HAVE AN IMPACT ON THAT. I WOULD REQUEST THAT WE POSTPONE UNTIL THE 2nd AND GIVE IT AN EXTRA TWO WEEKS.

MAYOR, I WOULD LIKE TO BE PRESENT. I WOULD RATHER DO THE 16TH.

MAYOR WILL WYNN: THE FACT THAT COUNCIL MEMBER MC MCCrackEN WOULD LIKE THE BENEFIT OF THE ACTUAL PUBLIC HEARING ITSELF, WHICH I BELIEVE WE HAVE TO RECOGNIZE RECOGNIZE. SO OUR POTENTIAL CONSENT AGENDA TODAY ON THESE PUBLIC HEARINGS, THE CASES WHERE WE HAVEN'T HAD A PUBLIC HEARING WILL BE TO WITHDRAW NUMBER 6 60, OR JUST NOTE THAT IT HAS BEEN WITHDRAWN, TO POSTPONE ITEM 61 TO NOVEMBER 16, 2006 TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASE 62, NOTING THAT CASES 63 AND 64 HAVE ALSO BEEN WITHDRAWING, TO POSTPONE CASES 65 AND 66 TO NOVEMBER 16, 2006, AND POSTPONE ITEM 67 TO NOVEMBER 2, 2006, AND THAT THE OUR PROPOSED CONSENT AGENDA. AND ON ITEM NUMBER 69, TO SEND THAT

CASE BACK TO THE ZONING AND PLANNING COMMISSION. I'LL ENTERTAIN THAT MOTION. MOTION MADE AND SECONDED TO APPROVE AS READ. FURTHER COMMENTS? COMMENTS?. HEARING NONE, ALL THOSE IN FAVOR. OPPOSE MOTION PASSES ON A VOTE OF 7-0. MR. GURN SI, A COUPLE OF DISCUSSION ITEMS BEFORE THE 5:30 BREAK.

LET ME CONTINUE TO ITEM NUMBER 68. THIS IS CASE C 14-05-0145. FOR THE REDEEMER CHURCH AT 2015 ALEXANDER AVENUE. THIS IS A REZONING REQUEST FROM GENERAL COMMERCIAL SERVICES MIXED USE CONDITIONAL OVERLAY. NEIGHBORHOOD PLAN COMBINING DID IT ZONING TO GENERAL COMMERCIAL SERVICES MIXED USE, CONDITIONAL OVERLAY, NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE REQUEST WITH SOME CONDITIONS. THE CONDITION WOULD BE THAT THE REQUEST, HEIGHT INCREASE FROM 40 TO 60 FEET BE LIMITED TO THE FOOTPRINT OF THE SANCTUARY AREA AND THAT THE EXISTING CONDITIONAL OVERLAY WHICH NOTED SEVERAL PROHIBITED USES AND CONDITIONAL USES, WHICH ARE OUTLINED IN YOUR BACKUP MATERIAL, THOSE WOULD REMAIN REMAIN. THEY ALSO MADE A RECOMMENDATION, BE MADE TO THE CRIT CITY COUNCIL, ALTHOUGH IT WAS NOT A SPECIFIC REQUIREMENT, THAT THE APPLICANT AND THE NEIGHBORHOOD ENTER INTO A RESTRICTED COVENANT TO PROHIBIT RELIGIOUS ASSEMBLY USES ON THE PORTION OF THE TRACT AND--SOUTHERN PORTION OF THE TRACT AND USES WITHIN 200 FEET OF THE ROAD, NOTING THIS WOULD BE CONSISTENT WITH THEIR NEIGHBORHOOD PLAN PLAN. AND THE STAFF RECOMMENDATION WAS ALSO TO RECOMMEND THE HEIGHT INCREASE OF THE 60 FEET AND TO LIMIT THE VEHICLE TRIPS TO 2000 PER DAY. AS I MENTIONED BEFORE THIS IS IN A NEIGHBORHOOD PLANNING AREA. THERE'S NOT A PLAN AMENDMENT THAT WOULD BE REQUIRED BUT THIS IS ALSO IN A TRANSIT ORIENTED DEVELOPMENT DISTRICT. AND BY THIS DISTRICT, IT ACTUALLY REVIDES IN THE MLK BOULEVARD TOD AREA AND HAS THREE PORTIONS OF THE SITE THAT LIE ONE IN THE TRANSITION AREA, ONE IN THE MIDWAY AREA AND ONE IN THE GAY WAY AREA, WITH THE TRANSITION AREA BEING FURTHEREST TO THE NORTH TOWARDS MAINRD AND THE

GATEWAY AREA BEING FURTHER FURTHEREST TO THE SOUTH ON THIS PROPERTY. ALONG MARTIN LUTHER KING BOULEVARD. THIS WOULD REQUIRE PORTIONS OF THEIR BUILD TO GO COMPLY WITH THE INTERIM TOD STANDARDS SET OUT BY COUNCIL COUNCIL. THESE WOULD BE SUBJECT TO CHANGE WHEN WE DO THE STATIONARY PLAN FOR THIS AREA AND COME BACK WITH SOME MORE REGULATIONS AND MAYBE INCENTIVES FOR REDEVELOPMENT OF THESE PROPERTIES. THE PROMPT ITSELF IS ADD ADJACENT TO SOME RAILROAD TRACKS. OBVIOUSLY, THEY CREATE THE TOD. THE AREA FURTHER TO THE EAST BEYOND THOSE, IS BOGGY CREEK CREEK. THE PLOTS TO THE WEST-- WEST-- PROPERTIES TO THE WEST ARE ZONED VARIOUS DISTRICT, LR-MU, SF-3 MP, AND SOME LI- LI-COMP. FURTHER TO THE SOUTH THERE ARE SOME HOMES AND OTHER UNDEVELOPED TRACTS, CSMU, CO COMP, AS WELL AS TO THE NORTH AS CS, MUCO AND P. THE TRACT TO THE NORTH I BELIEVE WAS PREVIOUSLY USED AS A PARKING FACILITY AT ONE TIME FOR THE OLD AIRPORT. THERE ARE SEVERAL INDIVIDUALS HERE, MAYOR, THAT WOULD LIKE TO SPEAK TO THIS ITEM. ASIDE FROM THE APPLICANT'S REPRESENTATIVE, I KNOW THAT THERE ARE NEIGHBORHOOD REPRESENTATIVES HERE THAT ARE IN OPPOSITION AND WERE UNABLE TO PUT THEMSELVES INTO AN ORDER TO PRESENT THEIR OPPOSITION. I THINK THEY HAVE A NUMBER OF SPEAKERS THAT THEY WOULD LIKE TO COME FORWARD TO COUNCIL AND ASK IF THEY COULD PRESENT THEIR PROPOSAL IN A SPECIFIC ORDER. THEY HAVE ALL SIGNED IN BUT NOT IN ORDER.

MAYOR WILL WYNN: THEY ARE MORE THAN WELCOME TO DO THAT IF THEY CAN BRING ME OR MS. GEN TRIA PIECE OF PAPER THAT WOULD HAVE THEIR REQUESTED ORDER, WE WILL CALL THEM IN THAT SEQUENCE.

AT THIS TIME I WILL PAUSE AND LET THE APPLICANTS' REPRESENTATIVE COME FORWARD AND MAKE HIS PRESENTATION. IF YOU HAVE ANY QUESTIONS, I'LL BE MORE THAN HAPPY TO ANSWER THEM NOW OR AFTER THE ITEM IS CONSIDERED.

MAYOR WILL WYNN: GREAT. QUESTIONS FOR MR. GURN SI, COUNSEL? IF NOT, WE WILL HEAR THE APPLICANT

PRESENTATION AND WE WILL HEAR FROM FOLKS IN SUPPORT OF THE ZONING CASE, THE FOLKS IN OPPOSITION, AND A ONE-TIME REBUTTAL BY THE APPLICANT OR OWNER. WE'LL SET THE CLOCK FOR FIVE MINUTES FOR THIS PRESENTATION . IF YOU SEE A COUNCIL MEMBER OR MYSELF LEAVE THE DIAS BRIEFLY, WE ACTUALLY HEAR AND EVEN SEE THE TESTIMONY BEHIND THE DIAS. MR. SUBTLE.

ONE SECOND. I WILL TRY TO GET MY VISUAL HERE STRAIGHT. MY NAME IS RICHARD SUBTLE. I'M HERE ON BEHALF OF THE RE REDEEMER CHURCH TODAY. THE CASE BEFORE YOU WAS FILED OVER A YEAR AGO. IT IS A CASE THAT INVOLVES 1 11 ACRES OF LAND BETWEEN MARTIN LUTHER KING BOULEVARD AND MANOR ROAD. IT IS A PIECE OF PROPERTY THE CHURCH BOUGHT A COUPLE YEARS AGO FOR THE INTENT OF FINDING THEIR PERMANENT CHURCH HOME. REDEEMER PRESBYTERIAN MEETS TEMPORARILY ON THE CONCORDIA LUTHERAN COLLEGE. AS YOU KNOW THAT WILL BE MOVING OUT AND THIS CHURCH WOULD LIKE THE MAKE THIS THEIR PERMANENT CHURCH HOME WHICH THEY WILL DO IN ANY EVENT BECAUSE THIS PROPERTY IS ZONED CS-MU-COMP. WHEN THE PROPERTY WAS PURCHASED, IT WAS KNOWN TO THE CHURCH THAT THIS PROPERTY HAD A 40-FOOT HEIGHT LIMITATION PLACED ON IT AND AT THE TIME OF THE NEIGHBORHOOD PLAN, I DON'T KNOW, BUT MANY NEIGHBORHOOD PLANS, 40 FEET WAS PLACED ON LIMIT DENSITY AND ALSO THE LULL K AND SCALE DnR BULK AND-- BULK AND SCALE OF BUILDINGS IN A NEIGHBORHOOD. THE CHURCH HAS DESIGNED THEIR CHURCH IN A WAY TO HAVE THE TRADITIONAL ARCHITECTURE, A CHURCH WHERE THE PITCHED ROOF AND THE RATIO OF THE WALLS TO THE PITCH OF THE ROOF IN A CERTAIN RATIO. BUT MOST IMPORTANTLY, THEY ARE VERY MUSICALLY ORIENTED. THEY INTEND TO HAVE A LARGE PIPE ORGAN, CHOIR LOFT IN THE REAR, THE TRADITIONAL CHURCH STRUCTURE THAT YOU SEE IN A LOT OF THE OLDER CHURCHES. WHAT THAT DOES WHEN THEY BRING IN THEIR ACOUSTIC DESIGN ENGINEER, IN THIS CASE THEY USE KIRK GUARD, A WELL-KNOWN ACUSS TICK DESIGN CONSULTING FIRM WHO HAS CONSULTED ON MANY THINGS INCLUDING THE NATIONAL CATHEDRAL IN WASH, THEY CAME UP WITH A DESIGN THAT WENT OVER THE 40-FOOT HEIGHT LIMITATION, SIMPLY A FUNCTION OF A GROUND FLOOR

WORSHIP AREA, A CHOIR AREA IN THE BACK. WHAT HAPPENS IS YOU GET UP OVER THE 40 FEET. IN ONE INSTANCE WE WERE OVER 650 FEET. WITH THE BELL TOWER WE WERE AT 80 FEET. AS WE STARTED TALKING TO THE NEIGHBORHOODS, WE FOUND THAT THERE WAS GOING TO BE OPPOSITION TO THAT. OVER THE COURSE OF THE LAST YEAR AND TEN POSTPONEMENTS AT THE PLANNING COMMISSION, WE WENT TO THE PLANNING COMMISSION WITH STAFF RECOMMENDATION THAT THE HEIGHT LIMITATION BE LIFTED FOR THE CHURCH OR FOR THIS PROPERTY TO 60 FEET, WHICH IS WHAT IT WOULD NORMALLY BE ALLOWED UNDER C S. THE PLANNING COMMISSION HEARD US AND THEY OF COURSE, THE REPORT IS IN YOUR BACKUP. THEY ESSENTIALLY SAID THEY DIDN'T HAVE ANY PROBLEM WITH THE HEIGHT BUT THEY HAD RECOMMENDATION THAT WE ENTER INTO A PRIVATE COVENANT WITH THE NEIGHBORHOOD LIMITING NO CHURCH USE ON THE FIRST 200 FEET OF MANOR AND NO CHURCH USE ON THE FOUR ACRES ON THE BACK END. I HAVE A DIAGRAM THAT LATER ON I'LL SHOW YOU WHAT IT DOES TO THE SITE BUT IT SIMPLY DOESN'T WORK FOR THE CHURCH. THE CHURCH BOUGHT 11 ACRES ALTHOUGH THERE'S A SCENARIO WHERE THEY WOULD IN THE NEED ALL 11, THE PLANNING COMMISSION RECOMMENDATION JUST DOESN'T WORK. THE CURRENT PLAN THAT WE HAVE OFFERED UP IS TO DELETE THE BELL TOWER, WHICH WAS A SYMBOL THAT SOME IN THE NEIGHBORHOOD FOUND THAT THEY JUST DONE LIKE. SO WE HAVE DELETED THE BELL TOWER, SOMETHING THAT MOST RELIGIOUS INSTITUTIONS MIGHT HAVE, BUT WE HAVE TAKEN THAT OFF AND LORD THE BUILDING DOWN--LOWERED THE BUILDING DOWN TO UNDER 60 FEET WHEN YOU FIGURE IN THE HEIGHT AND SLOPES OF THE ROOF. WE AGREED THAT WE WOULD ZONE JUST THE FOOTPRINT OF THE SANCTUARY FOR THE HEIGHT INCREASE TO 60 FEET. WHAT YOU SEE ON THE PICTURE HERE IS ESSENTIALLY THE 11 ACRES WITH THE SANCTUARY IN THE CENTER THERE WHICH IS THE ONLY PLACE THAT WE'RE REQUESTING A 60 FOOT HEIGHT. THE SANCTUARY IS PLACED THERE BECAUSE THAT IS THE PLACE THAT MATHEMATICALLY WORKS THE BEST TO HAVE AS LITTLE COMPATIBILITY STANDARD VARIANCE OR POSSIBLY NO COMPATIBILITY STANDARD VARIANCE IF YOU PLACE IT

THERE. ONE OF THE ARGUMENTS THAT SEVERAL OF THE NEIGHBORS HAD MADE, SLIDE THE CHURCH FARTHER TO THE SOUTH AND FARTHER BACK AND WHAT THAT DOES, IT PUTS IT AT GRADE, AT THE RAILROAD TRACK, WHICH THE CHURCH JUST DOESN'T FEEL LIKE IS A GOOD IDEA TO HAVE THE TRAINS RIGHT THERE IN THE BACK AND HAVE KIDS AND PEOPLE COMING TO CHURCH AND THEN HAVE THE TRAIN RIGHT THERE. SO THIS LOCATION IS WHAT WE HAVE KIND OF SETTLED ON. WE IS AGREED TO ONLY ASK FOR THE HEIGHT, ZONING CHANGE FOR THE HEIGHT JUST FOR THAT FOOTPRINT. AND IT IS, AGAIN, IT'S FOR THE TRADITIONAL CHURCH DESIGN WITH THE PITCHED ROOF ROOF. IT'S LESS HEIGHT THAN OTHER CHURCHES, MANY, MANY OTHER CHURCHES OUR CITY HAVE RECEIVED. AND AT LEAST ONE OR TWO IN THIS AREA. THIS IS IN THE MARTIN LUTHER KING TOD. I ANTICIPATE THAT THERE WILL BE SOME CONVERSATIONS ABOUT WHAT GUESS ON AROUND THIS TRACK ANYWAY AND IT MAY END UP BEING MORE THAN 60 FEET AND WE ASK FOR YOUR CONSIDERATION FOR THE 60 FEET ON JUST THE FOOTPRINT JUST FOR THE SANCTUARY. THANK YOU.

THANK YOU. QUESTIONS FOR THE OWNER'S AGENT, COUNCIL? THANK YOU. RICHARD, STAY CLOSE BY. SO NOW, COUNCIL WILL HEAR FROM FOLKS WHO ARE IN SUPPORT OF THE ZONING CASE. FIRST SPEAKER IS BARRY MCBEE MCBEE. WELCOME, BARRY. YOU WILL HAVE THREE MINUTES.

THANK YOU MR. MAYOR, MEMBERS OF COUNCIL. I AM ONE OF THE RULING ELDER ELDERS OF THE CHURCH, THEIR GOVERNING BODY FOR THE CHURCH. RICHARD HAS LAID OUT WELL THE HISTORY AND OUR REASONS FOR SEEKING WHAT WE DESIRE IN THE WAY OF A CHANGE IN THE ZONING FOR THIS TRACT. LET ME ADD A FEW ELEMENT THAT HE WAS NOT ABLE TO TOUCH ON. IN SEEKING 60 FEET MORE OR LESS FOR THE SANCTUARY, WE DO BELIEVE THAT IS COMPATIBLE WITH AND SUPPORTS THE STYLE AND WAY WE WORSHIP WORSHIP. THERE'S A GREAT DEAL OF SINGING. WE BELIEVE THE CHURCH COULD THEN BE A RESOURCE NOT JUST FOR EAST AUSTIN BUT FOR ALL OF AUSTIN. RICHARD HAS COPIES OF A LETTER OF GREG JOHNSON, DIRECTOR OF ANOTHER CHURCH, WITH WHOM WE HAVE BEEN TALKING ABOUT A POSSIBLE PERFORMANCES OF A VENUE FOR THAT

GROUP. HE HAS WITH US THERE IS NO VENUE OF THAT SIZE WITH THIS KIND OF ACOUSTIC EXCELLENCE IN THE CITY. WE WOULD VERY MUCH ENTERTAIN GROUPS LIKE THAT OR OTHER CHURCHES, GROUPS WITHIN OR OUTSIDE THE CITY THAT COULD COME AND SHARE OUR FACILITY THAT WE HOPE TO BE BLESSED WITH TO BE ABLE BUILD IN THIS WAY. ONE OTHER NOTE ON THE DISCUSSIONS THAT WE HAVE HAD OVER THE COURSE OF THE YEAR WITH THE NEIGHBORHOOD GROUPS AS RICHARD NOTED, WE HAVE MADE WE BELIEVE SOME CHANGES THAT ARE RESPECTFUL OF AND SENSITIVE TO THE DESIRES OF THE NEIGHBORS TO REMOVE THE BELL TOWER WHICH WOULD BE AT 80 FEET, TO HAVE THE FOOTPRINT ZONING SO THAT THIS IS THE ONLY SITE STRUCTURE ON THIS SIDE THAT WOULD EXCEED THE CURRENT 40- 40-FOOT LIMIT. AS YOU CAN SEE, IT THEN OCCUPIES A VERY SMALL ORGANIZATION OF THE TRACT. WE ARE OBVIOUSLY THEN WILLING TO COMMIT THAT ANY OTHER STRUCTURES THAT WE BUILD, AND WE DO HAVE A FULL PLAN FOR A CAMPUS, WILL BE 40 FEET OR LESS. WE ARE VERY SENSITIVE TO THE NEIGHBORS AND NEIGHBORHOOD'S CONCERNS ABOUT THEIR PLANS, IN FACT THREE PLANS THAT WE ARE AWARE OF, FOR WHAT WILL HAPPEN ON THIS TRACT, THAT IT BE MISSION MIXED USE HOUSING RETAIL, AND WE WOULD LIKE TO BE ABLE TO WORK WITH THEM ON SOME PORTION OF THE TRACT FOR THAT PURPOSE. BUT WHAT THE PLANNING COMMISSION SOUGHT TO IMPOSE OR REQUEST IN TERMS OF ALONG MANOR ROAD AND FOUR ACRES ON THE SOUTH, AND RICHARD COULD DEPICT THIS VISUALLY, SIMPLY DOES NOT WORK TO ACCOMMODATE WHAT WE HOPE TO BE ABLE TO BUILD AS A CAMPUS. WE BELIEVE WE HAVE THREE ACRES ON THE SOUTHERN PORTION . TRACT CLOSEST TO MLD, CLOS CLOSEST TO THE PLANNED STATION, WHICH IS WITHIN THE GATEWAY DISTRICT, THAT WE WOULD VERY MUCH WANT TO BE ABLE TO WORK WITH THE NEIGHBORS AND THE DEVELOPER PERHAPS TO BUILD SOMETHING THERE THAT DOES MEET AND SERVE THE COMMUNITY'S GREATER NEEDS. WE VERY MUCH HOPE TO BE ABLE TO DO THAT WITH OUR CHURCH AND THIS PROPERTY, TO BE OF SERVICE AND A BLESSING IN FACT TO ALL OF EAST AUSTIN, PARTICULARLY THOSE AROUND US THAT WE HOPE TO BE NEIGHBORS WITH AND SHARE THE FUTURE OF THE CITY FOR MANY GENERATION

GENERATIONS TO COME. WE APPRECIATE YOUR CONSIDERATION AND I TOO WILL BE HAPPY TO ANSWER ANY QUESTIONS ALONG WITH RICHARD RICHARD. THANK YOU.

MAYOR WILL WYNN: QUESTIONS FOR BARRY, COUNCIL COUNCIL? THANK YOU. SO COUNCIL, THAT'S ALL THE FOLKS THAT SIGNED UP IN FAVOR OF THE CASE. NOW WE GO TO THE FOLKS IN OPPOSITION. WE HAVE A REQUESTED SEQUENCE SEQUENCE. FIRST SPEAKER WILL BE JANE R RIVERA. WELCOME. IS GILBERT HERE? HELLO. SO JANE, YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT AND YOU WILL BE FOLLOWED BY JERRD KINNEY.

THANK YOU VERY MUCH. FOR THE RECORD, MY NAME IS JANE RIVERA, AND I'M CHAIR OF THE ROODROSEWOOD NEIGHBORHOOD PLANNING CONTACT TEAM AND MEMBER OF THE NEIGHBORHOOD ASSOCIATION I'M HERE THIS AFTERNOON TO SPEAK ON BEHALF OF TWO NEIGHBORHOOD PLANNING TEAMS WITH THEIR 11 CONSTITUENT NEIGHBORHOODS. THOSE CONSIST OF THE UPPER BOGGY CREEK PLANNING TEAM, AND ITS MEMBER NEIGHBORHOOD BLACK LAND, ROGERS WASHINGTON HOLY CROSS, CHERRY WOOD, WILSHIRE WOOD, TELL WOOD ONE AND TWO--DELL WOOD ONE AND TWO, AND FOR THE ROSEWOOD TEAM, AUSTIN HEIGHTS, CLIFFORD SANCHEZ, FOSTER HEIGHTS, HOME WOOD, MCKINLEY AND ROSE WOOD GLEN OAKS. AS MR. SUBTLE MENTIONED, THERE WERE THREE PLANNING EFFORTS THAT HAVE ALREADY TAKEN PLACE RELATING TO THE TRACT IN QUESTION WHERE THE APPLICANT IS PROPOSING THEIR PROJECT. ALL THREE SHARE A COMMON VISION FOR DEVELOPMENT OF THAT SITE THAT INCLUDES MIXED LAND USES TWO INCLUDE PEDESTRIAN ORIENTED RETAIL, NEIGHBORHOOD ORIENTED RETAIL HOUSING CHOICES, INCLUDING AFFORDABLE HOUSING, AND NEIGHBORHOOD SERVICE WHICH COULD INDEED INCLUDE A COMMUNITY CHURCH. THESE EFFORTS ARE THE ROSE WOOD NEIGHBORHOOD PLAN, THE UPPER BOGGY CREEK NEIGHBORHOOD PLAN, AND ENVISION CENTRAL TEXAS. WHAT IS MORE, THE TRACT IS ALSO SQUARELY WITHIN THE EAST MARTIN LUTHER KING TRANSIT ORIENTED DID IT AND WILL BE THE SITE BASICALLY FOR THREE STOPS RELATED TO TRANSPORTATION. THERE WILL BE A NEW STREETCAR STOP ON THE TRACT AT THE MANOR ROAD END. ONE OF

TWO COMMUNITIER RAIL STATIONS, ALSO, ON THE MANOR ROAD END, AND THE OTHER COMMUTER RAIL STATION ON THE EAST MARTIN LUTHER KING END. SO THE TOD IS ACTUALLY AT THE SOUTHERN END BUT THERE IS TRANSIT ORIENTED DEVELOPMENT OCCURRING AT BOTH THE NORTH AND SOUTH PORTIONS OF THIS TRACT. WHEN WE DEVELOPED THE ROSEWOOD NEIGHBORHOOD PLAN BACK BETWEEN 1998 AND 2001, IT WAS OUR INTENT TO ENCOURAGE A NEW, MORE HIGH DENSITY DEVELOPMENT ON THAT TRACT BECAUSE WE KNEW THAT THAT NEEDED TO BE DONE IN OUR NEIGHBORHOOD PLANNING AREA. WE WANTED TO HAVE AS LITTLE IMPACT ON EXISTING HOMES AND BUSINESSES AS POSSIBLE AND YET ENCOURAGE DEVELOPMENT WITHIN THE AREA. SO WE BELIEVE THAT BEING LOCATED BETWEEN THE NEW MILLER REDEVELOPMENT PROJECT AIRPORT BOULEVARD WITH ITS MORE COMMERCIAL USES, AND THEN KIND OF STEPPING DOWN INTO A MIXED USE DEVELOPMENT GOING OFF INTO THE NEIGHBORHOOD, WHICH IS VERY LARGELY SINGLE FAMILY HOUSES AND FAIRLY SMALL HOMES AT THAT, WOULD BE AN APPROPRIATE USE FOR THIS TRACT. WE HAVE REPEATEDLY ASKED RE REDEEMER OVER THE PERIOD OF THE PAST YEAR AND SO MONTHS FOR THEIR PLANS FOR THE ENTIRE SITE, AND WOULD REALLY LIKE TO SEE A PLANNED UNIT DEVELOPMENT ON THIS SITE. TO DATE THEY HAVE NOT PROVIDED EVEN A FULL COMPLETE CONCEPTUAL SITE PLAN. IN CONTRAST, ONE OF OUR MEMBERS IS AN ARCHITECT AND PROVIDED TO THEM A CONCEPTUAL SITE PLAN WHICH IS OUR JUST BRIEF CONCEPT IN YOUR BACKUP MATERIAL THAT YOU WERE PROVIDED TODAY. WE DO NOT WANT TO CHANGE THE ROSEWOOD PLAN, INCLUDING THE 40-FOOT HEIGHT LIMITATION, WITHOUT ASSURANCE THAT THE TRACT OVERALL WILL BE DEVELOPED IN ACCORDANCE WITH THE THREE PLANS IN THE TO D. THAT IS WITH MIXED USE PEDESTRIAN FRIENDLY RETAIL AND HOUSING, INCLUDING AFFORDABLE HOUSING, AT LEAST AT THE NORTHERN AND SOUTHERN ENDS OF THE TRACT WHERE ALL OF THE TRANSIT DEVELOPMENT IS EXPECTED TO OCCUR. THESE DEVELOPMENTS WOULD SUPPORT THE CITY'S PLANS FOR THIS TRACT AND OUR PLANNING AREA. WHILE WE APPRECIATE WHAT THE PLANNING COMMISSION WAS TRYING TO ACCOMPLISH WITH THEIR RECOMMENDATION

FOR THE 200 FEET ALONG MANOR ROAD AND THE ACRE KNOWLEDGE A, WE ARE CONCERNED IT MAY NOT HAVE CLEARLY COMMUNICATED TO THE APPLICANT FOR US TO SUPPORT THEIR PROJECT. SO GIVEN THAT WE STILL HAVE YET TO SEE EVEN A CONCEPTUAL PLAN NOR THE ENTIRE SITE, WE ASK THAT YOU DENY THE REQUEST FOR THE HEIGHT CHANGE AND WE ASK FURTHER MORE THAT YOU KEEP THE PUBLIC HEARING OPEN SO THAT WE WILL HAVE AN OPPORTUNITY TO SPEAK SHOULD THE APPLICATION BE MODIFIED AFTER THIS POINT. THANK YOU.

QUESTIONS ?

WHEN YOU SAID DENY THE HEIGHT CHANGE, YOU MEAN YOU SUPPORT THE 60-FOOT HEIGHT AS OPPOSED TO THE 80? AM I CORRECT ?

YES, INDEED. AND THAT'S JUST FOR THE FOOTPRINT OF THE SANCTUARY THANK YOU.

MAYOR WILL WYNN: THANK YOU. OUR NEXT SPEAKER IS JERRD KINNEY. HANG ON. WE HAVE SOME FOLKS THAT WANTED TO DONATE TIME TO YOU YOU. IF I CAN FIND THEM ALL. IS RUBY BURTON HERE? HERE?. RUBY BURTON. WELCOME. AND HOW ABOUT PAULA CAMPBELL CAMPBELL? HELLO, MS. CAMPBELL. LEWIS ROLAND. YOU WANT TO STAND UP AND WAVE YOUR HAND. AND DEBORAH CARTER. GOOD. WHY I ASK FOLKS, THE RULES ARE THAT FOR PEOPLE TO DONATE TIME TO A SPEAKER THEY HAVE TO ACTUALLY BE PRESENT IN THE CHAMBER. SO GERARD WILL HAVE UP TO 15 MINUTES IF YOU NEED IT. WELCOME DnTCH.

THANK YOU MAYOR AND COUNCIL. I WILL TRY NOT TO USE ALL THAT TIME UP. I DIDN'T KNOW THAT MANY PEOPLE WERE GOING TO SIGN. THANK YOU. ALSO I HAVE SOME VISUAL AIDS HERE. ONE GENTLEMAN IS GOING TO BE SHOWING THOSE. THE THINGS HE IS GOING TO BE SHOWING, BY THE WAY, WE PASSED OUT TO YOU SO YOU SHOULD HAVE A PACKET OF FIVE PAGES. DID YOU ALL RECEIVE THAT? PASSED AROUND TO YOU. KAY. THANK YOU. I AM GERARD KENNY, LIFE LONG AUSTINITE. YOU HEARD FROM MY ME ON ANOTHER SUBJECT TODAY. I WON'T GO THROUGH THE WHOLE INTRODUCTION. BUT I WILL SAY, REMIND YOU THAT I

AM, I DO LIVE IN CHERRY WOOD WHICH IS NEARBY, AND IN FACT, THE CHERRY WOOD NEIGHBORHOOD WITHIN UPPER BOGGY CREEK ACTUALLY ABUTS THIS SITE TO THE NORTH. YOU MAY BE FAMILIAR WITH VALUE SKY PARK ACROSS MANOR ROAD FROM THIS SITE, THE NORTH END OF THE FEATHER LIGHT TRACT THAT THIS IS THE MIDDLE OF. SO OUR NEIGHBOR WHO THE ACTUALLY ABUT BUTTS IT. I SERVED ON THE TASK FORTH THAT JANE AND RICHARD AND THE OTHER FOLKS THAT ARE GOING TO BE SPEAKING SERVED ON AND HAVE BEEN WORKING WITH THEM AND HAVE, AND WITH THE DEVELOPER, MEETING WITH THE DEVELOPER FOR THE LAST YEAR AND A HALF. ONE THING I WANT TO DO RIGHT OFF THE BAT IS TO THANK THE APPLICANT FAR ONE THING THAT HAPPENED EARLY ON THAT I APPRECIATED VERY MUCH. I ASKED IN A PUBLIC MEETING WITH THEM WHETHER, BECAUSE WE KNEW THAT THIS IS A RELIGIOUS FACILITY, WE KNOW THAT THERE ARE, THE RELIGIOUS FACILITIES HAVE SORT OF A SPECIAL CATEGORY OF THE LEGISLATURE AND ARE ALLOWED A LOT OF FLEXIBILITY THAT SOME OTHER USES AREN'T. AND BECAUSE OF THAT WE WERE CONCERNED THAT IF THE COUNCIL DID NOT KIND OF GO WITH, YOU KNOW, WHATEVER WAS RECOMMENDED, THAT THEY MIGHT RESORT TO LEGAL OR LEGISLATIVE MEANS. THEY ASSURED US THEN IN THAT MEETING THAT THEY WOULD NOT DO THAT. SO I APPRECIATE THAT VERY MUCH. IT'S ALSO BEEN A PLEASURE TO WORK WITH THEM. THEY HAVE BEEN VERY, YOU KNOW, CORDIAL AND MEETING HAVE BEEN PLEASANT. BUT UNFORTUNATELY, THE THINGS THAT MR. SUTTLE WAS MENTIONING, THE COMPROMISES ALL HAPPENED BETWEEN THE FIRST AND SECOND MEETING AND THAT WAS OVER A YEAR AGO. THE TOWER WENT AWAY IMMEDIATELY AND THEN THE LIMITING, 60 FEET OF HEIGHT TO THE SANCTUARY, WAS ACTUALLY THE WAY THEY PROPOSED IT TO US IN THE FIRST PLACE. THEY SEEMED UNAWARE THAT THE STAFF WAS ACTUALLY LOOKING FOR SOME REASON AT 60 FEET FOR THE WHOLE SITE AND THEY SAID THEY DIDN'T KNOW ABOUT THAT. SO OUR DISCUSSIONS FROM THE VERY BEGINNING HAVE BEEN A 6 60-FOOT SANCTUARY. THAT'S NOT SOME EVOLUTION THAT'S HAPPENED OVER TIME. THAT'S SOMETHING THAT HAPPENED RIGHT OFF THE BAT AND WHAT WE HAVE BEEN TRYING TO DO IS TO HAVE THEM

BRING SOMETHING BACK TO US THAT ACTUALLY COMMUNICATED SOME KIND OF CONFORMANCE TO THE THREE PLANS. THE FIRST THING THAT'S UP TO THE SCREEN THERE IS THE TOD, THE AUSTIN TRANSIT OR THE DEVELOP. YOU WILL SEE THE THREE ZONES THAT GREG WAS MENTIONING THAT WE HAVE ALL THREE OF THOSE. THE SITE IS ENTIRELY WITHIN THE NEIGHBORHOOD CENTER OF TRANSIT ORIENTED DEVELOPMENT DEVELOPMENT. AS YOU KNOW, THE NEIGHBORHOOD CENTER VERSION OF A TRANSIT ORIENTED DEVELOPMENT IS ONE THAT HAS CERTAIN USES CONSIDERED TO BE NEIGHBORHOOD FRIENDLY. NONE OF THEM INCLUDE A REGIONAL USE AS THIS PARTICULAR RELIGIOUS FACILITY IS GOING TO BE. IT'S CLEAR TO US FROM THE BEGINNING, AND YOU HAVE LOOKED AT THEIR WEBSITE AND SEEN THE INITIAL VERY LARGE PLANS, YOU KNOW IT IS REALLY CONCEIVED AS A REGIONAL USE OF THE SITE OF THAT'S ONE OF OUR MAJOR CONCERNS, THE TRAFFIC, ET CETERA, ASSOCIATED WITH THAT. GO TO THE NEXT ONE THERE. YEAH, THE NEXT SLIDE IS SIMPLY, I THINK YOU ALL KNOW ABOUT IT, IT SHOWS EXACTLY WHAT THE TODD ORDINANCE THAT YOU PASSED ANTICIPATED FOR THIS KIND OF A SITE. AND YOU CAN SEE IT'S, YOU KNOW, SINGLE FAMILY, ACCESSORY UNIT, TOWNHOMES, LOW RISE CONDOMINIUM, NIB NEIGHBORHOOD, RETAIL, OFFICE, MIX THE USE. NO REGIONAL USES AT ALL. THE NEXT PLATE THAT I HAVE, I KNOW YOU'RE ALL FAMILIAR WITH IT, IT'S THE ENVISION CENTRAL TEXAS PLAN FOR THAT SITE. THIS IS THE RESULT OF A VERY LARGE GATHERING OF NEIGHBORS FROM ALL AROUND THE SITE, FOCUSING ON THE SITE AND THE AREAS AROUND IT. AN IMPORTANT THING TO IN THAT SITE, YOU CAN ACTUALLY SEE ILLUSTRATE THE KIND OF MIX THE USES THAT WERE ANTICIPATED. AND LOOKING, AND ANTICIPATING THE POSSIBILITY OF RAIL CONNECTION AT BOTH END OF THE SITE. IT ALSO SHOWS FOR THE FIRST TIME HIKE AND BIKE CONNECTION ALONG THE RAIL, CONNECTING THE NORTH AND SOUTH SIDES, WHICH MAYBE A RAILS TO TRAILS PROJECT OF SOME KIND THAT WILL BE WONDERFUL. IT SHOWS TO RIGHT, TO THE EAST OF THE RAILROAD TRACK, A PARK. THAT THE PRIVATELY OWNED SO I DON'T KNOW HOW IT WILL HAPPEN. HOWEVER, IT IS TRUE THAT 90 PERCENT IS IN THE FLOODPLAIN IS IT WOULD BE

VERY LARGE CALL THAT THAT WOULD IN SOME WAY
EVENTUALLY BE SOME KIND OF A PARKLIKE FACILITY THAT
WOULD PROVIDE AN EXCELLENT BUFFER BETWEEN THE
MIXED USE DEVELOPMENT AND THOSE RESIDENCES THAT
ARE OVER TO THE EAST OF THE SITE. WE THINK IT WOULD
BE A WONDERFUL AMENITY FOR A MIXED USE
DEVELOPMENT. THEN IF YOU GO TO THE NEXT DIAGRAM,
THIS IS KIND OF AN ENHANCED VERSION OF THE DIAGRAM
THAT YOU HAVE SEEN AND THAT THE PLANNING
COMMISSION WAS LOOKING AT. THE PLANNING
COMMISSION, WHAT I'M TOLD BY PLANNING
COMMISSIONERS, IS THAT THEY WERE TRYING TO WRITE IN
WORDS WHAT WE HAD DRAWN IN THIS LITTLE DIAGRAM. AND
WHAT THIS BASICALLY IS, THE ENHANCED VERSION, YOUR
VERSION OF IT THAT WAS IN THE BACKUP DID NOT HAVE THE
TRANSIT STATIONS AT EACH END. I HAVE SHOWN THEM
WITH CIRCLES. YOU HAVE THE MLD STATION AT THE SOUTH
END, A BIG DEAL. I'M SURE YOU HAVE ALL SEEN THE PLANS
FOR THAT, PRETTY WELL DEVELOPED. AT THE NORTH END,
THE STREETCAR FROM MILLER TO THE UNIVERSITY, WILL
CROSS THE RAILROAD. THIS IS GOING TO BECOME AN
EXTREMELY IMPORTANT TRANSPORTATION DESTINATION
FOR OUR NEIGHBORHOOD AND FOR THIS MIXED USE
DEVELOPMENT THAT SHOULD OCCUR ON THIS SITE. SO
WHAT WE WERE SIMPLY TRYING TO DO IS TO LOOK AT IT
AND SAY, OKAY, HOW CAN WE ACCOMMODATE THEIR PLAN. I
KNOW MR. SUTTLE SAID THERE WAS NOT ENOUGH ROOM
BECAUSE WE ARE NOT SHOWING A WHOLE FOUR ACRES AT
THE SOUTH FOR IT IN OUR DIAGRAM ANYWAY. YES, AT THE
SOUTH END. HOWEVER, WE WERE NEVER PROVIDED A COPY
OF THEIR PLAN. WE WERE SHOWN THEIR PLAN. SO I WAS,
YOU KNOW, I AM AN ARCHITECT. AS THEY SHOULD IT I WAS
DOING SKETCHING AND TRYING TO TRANSFER WHAT I
UNDERSTOOD TO BE THEIR PLAN ONTO THIS DIAGRAM. SO I
TRIED TO DRAW THEIR CLOISTER CLOISTERED PLAN
ONTO THE SITE, MOVING THE SANCTUARY AWAY FROM
ALEXANDER SO IT WAS AS FAR AS IT NEEDED TO BE TO
RESPECT THE NEIGHBORS ACROSS ALEXANDER AND THEN
TO PUT IN SOME TREES BETWEEN IT AND THEN TO SHOW
HOW YOU COULD HAVE SHARED PARKING BETWEEN,
EVENTUALLY WOULD PROBABLY BE STRUCTURED PARKING,
THAT WOULD BE SHARED BETWEEN THE STREET ORIENT

THE USES ON MANOR AND MLK AND THE CHURCH OVER TIME THAT WOULD OF CORES BE SERVICE PARKING INITIALLY AND THEN BE DONE 245 WAY. THE LAST--THAT WAY. THE LAST PLATE IS A DIAGRAM THAT'S A MORE CAREFULLY DRAWN ONE OF THE SAME THING. AGAIN, DON'T PAY MUCH ATTENTION TO MY DEPICTION OF THEIR DRAWINGLVE THEIR ARCHITECT NEEDS TO DESIGN THEIR BUILDING. I WAS TRYING TO DO IT FROM MEMORY OF WHAT THEY WOULD LIKE TO HAVE. I DID MOVE IT ENOUGH AWAY FROM THE RAILROAD TRACK SO I REALIZED YOU NEED TO HAVE A FIRE LANE TO GET AROUND, BEHIND THAT. SO I DIDN'T WANT TO MISLEAD TO YOU THINK YOU COULD ACTUALLY BUILD IT UP AGAINST IT. I WANT TO SAY THAT I KNOW THAT THERE'S BEEN A LOT SAID ABOUT THE ACOUSTICAL CONCERN OF MOVING IT SOUTH, THAT THEY DIDN'T WANT TO HAVE THEIR BUILDING RIGHT UP AGAINST THE RAILROAD TRACK. OF COURSE, YOU KNOW, THE WAY THEY HAVE DESIGNED THEIR COMPLEX, IF THERE'S, THE WHOLE COURTYARD FEATURE, THE WHOLE ORIENTATION OF IT IS TO THE COURTYARD. AND THE BACK SIDE IS WHAT WOULD BE TO THE RAILROAD TRACK. THEY ARE GOING TO HAVE TO BUILD THAT WALL. I HAVE DESIGNED A LOT OF FACILITIES LIKE THIS AND I HAVE DESIGNED ONE FACILITY THAT WON NATIONAL AWARDS FOR ITS ACOUSTICS THAT WAS AN AUDITORIUM ABOUT 50 FEET FROM A RAILROAD TRACK. SO YOU CAN DESIGN A BUILDING THAT KEEPS THE SOUND OUT. YOU HAVE TO DO ABOUT A 40 DB WALL TO DID IT, BUT YOU CAN DO IT. BUT THEY ARE GOING TO HAVE TO DO THAT WHEREVER THEY PUT THIS BUILDING. THE SIDE OF THAT BUILDING THAT FACES THE RAILROAD TRACK IS GOING TO HAVE TO BE BUILT WELL. NO MATTER WHERE THEY PUT IT. AND IT'S REALLY A RED HER HERRING, MISLEADING TO SAY ABOUT THE HEIGHT, BECAUSE WHAT YOU HAVE IS THE NORTH HALF OF THAT SITE, IF YOU HAVE BEEN OUT THERE AND YOU LOOK CLOSELY AT THE DIAGRAM THAT I PROVIDED YOU, YOU WILL ACTUALLY SEE THE TOPO LINES ON THE SITE. THIS HAPPENED ABOUT 20 OR 25 YEARS AGO OR SO, MAYBE MORE. A WHOLE LOT OF FILL WAS PUT ON THE NORTH END OF THE SITE SITE. SO THE NORTH END WAS BUILT UP ABOUT TEN FEET ABOVE THE RAILROAD TRACK AND ABOVE MAYBER ROAD. AND THAT, WHAT THEY WERE PLANNING TO DOCIOUS WHICH THEY DIDN'T SHOW YOU,

THEIR PLANS ALL SHOW A PARKING LOT ON THE NORTH END. THEY ARE PLANNING TO USE THE ENTIRE NORTH END OF THE SITE ADD ADJACENT TO MANNER ROAD AS THE PARKING LOT, A LARGE LOT FOR THEIR FACILITY. AND A MUCH MORE, I MIGHT SAY SUBURBAN APPROACH TO PLANNING A FACILITY LIKE THIS. AND WE, AND SO WHAT NEEDS TO HAPPEN, WHOEVER DEVELOPS THIS SITE NEEDS TO DO SOME DIRT MOVING SO THAT, WHICH WOULD NOT BE HARD TO DO, HARD TO DO ORIGINALLY, AND COULD BE DONE AGAIN, AND COULD ALLOW THOSE USES THAT ARE ORIENTED TO THE STREET THAT WE'RE SHOWING ORIENTED TO THE STREET, TO BE DOWN AT STREET LEVEL SO YOU CAN ACTUALLY APPROACH THEM. AND THEN FROM THE BACK SIDE WHERE THE PARKING IS, YOU KNOW, ENTER INTO THE SECOND LEVEL OR SOMETHING. WOULD NOT BE HARD TO DO. THE EARTH MOVING COULD ALLOW THEM TO HAVE THEIR BASE OF THEIR BUILDING AT WHATEVER, YOU KNOW, HEIGHT THEY NEED TO. BUT I WOULD SUBMIT THAT IF I'M SITTING IN A CHURCH, WHETHER THE SOUND THAT THE TRAIN IS COMING THROUGH THE WALL, YOU KNOW, RIGHT AT ME OR GOING OVER MY HEAD DOESN'T MAKE MUCH DIFFERENCE DIFFERENCE. IT'S GOING TO BE VERY ALLOWED. THERE'S NO ESCAPING THE ACOUSTICEL PROBLEM OF HAVING TO DEAL WITH THE TRAIN. WE'RE TOLD THAT WE HAVE CRnR QUIET TRAINS. ME THOUGH WAS TELL US--METRO WAS TELLING US THESE ARE GOING TO BE QUIET ANYWAY. BUT TO THE EXTENT THEY ARE CONCERNED ABOUT THE VISUAL OR THE ACOUSTICEL ASPECT OF TRAINS, I THINK THAT'S A MISLEADING, KIND OF A RED HERRING IN ALL THIS. I THINK THIS FACILITY CAN EASILY BE BUILT, SHIFTED TO THE SOUTH AS WE HAVE SHOWN IT. THE LAST THING I WOULD LIKE TO SAY IS THAT IF YOU BACK UP AND THINK ABOUT THIS, WE HAVE BEEN DOING A LOT OF URBAN PLANNING IN AUSTIN TEXAS, PUTTING A REGIONAL USE IN THE MIDDLE OF THE NEIGHBORHOOD IN NO WAY IS CONSISTENT WITH ANY OF THE PLANNING THAT I AM FAMILIAR WITH THAT WE HAVE BEEN DOING DOING. SO I WOULD URGE YOU TO CONSIDER EITHER DENYING THIS REQUEST OR STRENGTHENING THE PLANNING COMMISSION'S RECOMMENDATION BY REQUIRING IT TO BE A PUD SO THAT WE HAVE SOME LEGAL WAY TO EN ENFORCE IT OVER TIME. I'LL ANSWER ANY QUESTIONS THAT YOU

HAVE. THANK YOU.

MAYOR WILL WYNN: THANK YOU, MR. KINNEY. ANY QUESTIONS FOR GERARD, COUNCIL? THANK YOU MR. KINNEY. NEXT SPEAKER IS RICHARD VOYT VOYT. SORRY IF I MISPRONOUNCED. SORRY. YOU HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY SCOTT WAY.

DID SOMEBODY DONATE THREE MINUTE TO ME?

MAYOR WILL WYNN: THEY ARE NOT ON THE SHEET. WHAT'S YOUR NAME, MA'AM? OKAY. RICHARD, YOU HAVE UP TO SIX MINUTES IF YOU NEED IT.

MR. MAYOR, MEMBERS OF THE COUNCIL, MY NAME IS RICHARD VOYT AND I'M A MEMBER . AUSTIN HEIGHTS NEIGHBORHOOD ASSOCIATION AND THE ROSEWOOD NEIGHBORHOOD CONTACT TEAM. I LIVE IN THE NEIGHBORHOOD THAT IS GOING TO BE MOST CLOSELY AND DIRECTLY AFFECTED BY THE CONSTRUCTION CONSTRUCTION. NOW, THIS TRACT IS NOT SPECIFICALLY ZONED FOR RELIGIOUS ASSEMBLY ALTHOUGH THE STRUCTURE FOR THAT PURPOSE CAN BE CONSTRUCTED ON THESE 11 ACRES. AND THE APPLICANT PURCHASED THE PROPERTY WITH FULL KNOWLEDGE OF THE HEIGHT RESTRICTION AS THEY SAY. AND THEN FROM THE FIRST MEETING, THEY HAVE CONSISTENTLY, WE HAVE CONSISTENTLY ASKED FOR A MASTER PLAN OF THE ENTIRE-- ENTIRE--MASTER PLAN OF THE ENTIRE PROPERTY AND THEY HAVE BEEN RELUCTANT TO PROVIDE THAT FOR US. IT JUST STRIKES ME AS ODD THAT THEY WOULD SPEND ALL THIS MONEY ON THIS PIECE OF PROPERTY AND THEN GO RETAIN THE SERVICES OF A PRESTIGIOUS LAW FIRM AND THROW A BUNCH OF MONEY INTO RETAINER WITHOUT HAVING A PLAN FOR WHAT THEY WANT TO DO, JUST TO ROLL THE DICE AND ASK MR. SUTTLE TO COME AND GET THE PROPERTY REZONED FOR THEM. SO I THINK SOMEWHERE, THESE ARE VERY CONSERVATIVE, METHODICAL, INTELLIGENT PEOPLE FROM REDEEMER, AND I RESPECT THEM FOR THAT. BUT I SUSPECT THAT HE DO HAVE IN FACT A VERY DETAILED SITE PLAN THAT THEY ARE VERY RELUCTANT TO PROVIDE TO ANYONE. ESPECIALLY US. AT THE FIRST MEETING THEY INDICATED THAT THEY WANTED 6

60 FEET OF HEIGHT FOR THE SANCTUARY. THIS WASN'T THE CONCESSION OR COMPROMISE, AS GERARD SAID, THAT HAD BEEN SOLVED. IT WAS THEIR OFFER COMING IN WHICH WE REJECTED FROM THE VERY BEGINNING. WE WERE CONCERNED THAT OPENING THE HEIGHT RESTRICTION WOULD OPEN THE WHOLE TRACT TO HIGHER HEIGHT SETTING A PRECEDENTS NOT IN KEEPING WITH THE MIXED USE DEVELOPMENT OF THE SITE AS WELL AS THE NEIGHBORHOOD PLAN. WE SUGGESTED THAT WE COULD MEET THEIR DESIRE TO HAVE A 60-FOOT SANCTUARY TO PROMOTE ACOUSTICS FOR THEIR SINGING BY EXCAVATING, GOING DOWN 20 FEET. THEY ARE STILL 40 FEET ABOVE THE SURFACE. CREATING SOMETHING THAT WILL WORK FOR THE NEIGHBORHOOD THAT MR. MCBEE SPEAKS OF THE CHURCH'S SENSITIVITY TO THE NEIGHBORHOOD AND THEIR WILLINGNESS NECESSARY TO COOPERATE IN CREATING SOMETHING THAT WAS DESIRABLE FOR ALL OF US, THAT WOULD WORK, AND THEY SAID THAT THEY ARE ALREADY GOING TO EXCAVATE, GO DOWN THAT DEEP, BUT THEY WANT TO USE THE LOWER SECTION, THE BASEMENT FOR ADMINISTRATIVE USES OR WHATEVER. SO THE PLAN IS IN PLACE TO GO THAT DEEP. WHY NOT MAKE THE SANCTUARY 20 FEET IN THE GROUND AND HAVE IT 40 FEET ABOVE THE GROUND AND CREATE A VERY EARTH FRIENDLY GREEN CONSTRUCTION THAT WOULD DEMONSTRATE THEIR APPRECIATION FOR THE SANCTITY OF THE NEIGHBORHOOD FOR THE ENVIRONMENT. AND THEN ALSO DEMONSTRATE A WILLINGNESS TO WORK WITH US. AT ONE OF THE MEETINGS WITH REDEEMER IT WAS AGREED THAT A COMMITTEE FROM THE NEIGHBORHOOD ASSOCIATION AND COMMITTEE FROM REDEEMER WOULD WORK TOGETHER ON PLANS FOR THE SITE. WELL, WITH SEVEN MONTHS BEFORE THEY REJOINED THE PROCESS. AT WHICH TIME THEY SAID THEY DIDN'T HAVE A SITE PLAN. AND WITH ALL DUE RESPECT, I'D LIKE TO ADD THAT OUR MEETINGS WITH THEM WERE ALWAYS CHARACTERIZED BY VERY UNRECEPTIVE ATTITUDE. DEMONSTRATED BY THEM. AND AFTER EACH MEETING THEY AGREED TO STAY IN TOUCH WITH US AND BOUNCE BACK AND FORTH WITH SOME IDEAS. WE WOULD NEVER HEAR FROM THEM AGAIN. SO WE EXTEND OURSELVES TO THEM AND THEY WOULD GO AWAY. BUT YET THEY MAINTAIN THEIR SENSITIVITY FOR OUR DESIRES AND THEIR WILLINGNESS TO

COOPERATE FOR US. SO ONCE AGAIN, I'D LIKE TO ASK THAT YOU DENY THE REQUEST FOR THE HEIGHT AMEND AMENDMENT THAN WE ASK THAT YOU KEEP THE PUBLIC HEARING OPEN SO THAT WE'LL HAVE AN OPPORTUNITY TO SPEAK SHOULD THE APPLICATION BE MODIFIED. THANK YOU.

MAYOR WILL WYNN: THANK YOU RICHARD. QUESTIONS FOR RICHARDRB COUNCIL? THANK YOU, SIR. NEXT SPEAKER IS SCOTT WAY. I WAS GOING TO NOTE AT AT--5 AT--5:30 WE'LL BE BREAKING FOR THE LIFE MUSIC AND PRO CLAIMATION. WE'LL GET IN AS MUCH TESTIMONY AS WE CAN. IS BEVERLY SHIFT HERE? HELLO, WELCOME. SCOTT, YOU'LL HAVE UP TO SIX MINUTES IF YOU NEEDS IT.

THANK YOU COUNCIL MEMBERS MEMBERS. MY NAME IS SCOTT WAY AND I'M ON THE BOARD OF THE CHESTNUT NABENEIGHBORHOOD REVITALIZ REVITALIZATION CORPORATION. I'M NOT HERE SPEAKING ON BEHALF OF THAT ORGANIZATION BECAUSE WE NEVER WERE ABLE TO MEET WITH THE APPLICANT. I SENT E-MAILS TO THEIR PLANNING TEAM SIX MONTHS AGO IN AN ATTEMPT TO SET UP MEETINGS WITH CNRC SO THAT WE COULD HEAR THEIR PLANS. AND NONE OF THOSE E-MAILS WERE RETURNED. THAT'S ESSENTIALLY WHY I'M HERE TO SPEAK OUT. CHURCHES ARE VERY GOOD AND I BELIEVE THIS CHURCH IS GOING TO BE A GOOD PART OF THE COMMUNITY AND WE SHOULD SUPPORT CHURCHES. THEY CAN ALSO HAVE NEGATIVE IMPACTS. IF THIS CHURCH IS BUILT WITH A LARGE AMOUNT OF SURFACE PARKING ON MANOR ROAD, THAT PARKING IS GOING TO BE THERE AND THE OPPORTUNITY FOR US TO HAVE THE TOOP OF DWELL DEVELOPMENT THAT WE WANT, THIS COUNCIL WANT, THAT THE NEIGHBORHOODS WANT, IS GOING TO BE LOST. THIS IS KEY TO REVITALIZING EAST AUSTIN. ALSO A PARCEL WHERE TAXPAYERS ARE PAYING MILLION MILLIONS OF DOLLARS TO BRING TRANSIT ORIENTED DEVELOPMENT DEVELOPMENT. SO WHY CAN'T THEY PROVIDE NOT ONLY THE NEIGHBORHOODS BUT THIS COUNCIL A SITE PLAN FOR WHAT THEY WANT TO DO. IT'S JUST NOT RIGHT. THE SUCCESS OF THE RAIL LINE AND THE SUCCESS OF COMMUTER RAIL AND OTHER TYPES OF MASS TRANSIT DEPEND ON THESE TRANSIT ORIENTED DEVELOPMENT SITES. IF THEY DON'T WORK, WE'LL NEVER GET THE SUPPORT AGAIN TO HAVE THE TYPE OF MASS

TRANSIT THAT THIS CITY WANTS THAT'S GOOD FOR THE ENVIRONMENT, THAT'S GOOD FOR THE LONG-TERM GROWTH OF THE CITY. IT DOESN'T MAKE SENSE. TO MAKE A ZONING CHANGE RIGHT NOW. IN SPITE OF THE REQUEST BEING QUITE SMALL, IT DOESN'T MAKE SENSE UNTIL THEY PROVIDE A SITE PLAN. WHY GIVE AWAY ANY PUBLIC ENTITLEMENTS UNLESS THEY SHOW US WHAT THEY ARE GOING TO DO IN EXCHANGE FOR THE NEIGHBORHOODS? I RESPECTFULLY ASK THAT YOU DENY THE CHANGE, BRING THEM BACK TO THE TABLE. LET'S ALL GET TOGETHER. THE NEIGHBORHOODS AROUND THERE ARE MORE THAN WILLING TO NEGOTIATE, TO COMPROMISE, TO FIND WAYS TO STRUCTURE THIS CHURCH AND THIS SITE TO THAT IT MEETS THE LONG-TERM GOALS OF THE COMMUNITY. LET'S GET TO THE TABLE, LET'S FORCE THEM TO THE TABLE BY DENYING THEIR REQUEST. THANK YOU.

MAYOR WILL WYNN: THANK YOU MR. WAY.

(APPLAUSE)

MAYOR WILL WYNN: QUESTIONS FOR SCOTT, COUNCIL COUNCIL? THANK YOU, MR. WAY. OUR NEXT SPEAKER IS LAURA MORRISON. LET'S SEE. IS BRENDA MALIC HERE? HELLO. LORI, YOU HAVE UP TO SIX MINUTES IF YOU NEED IT. YOU WILL LIKELY BE OUR LAST SPEAKER BEFORE OUR MUSIC BREAK.

THANK YOU MAYOR. I'M LAURA MORRISON, PRESIDENT OF THE AUSTIN ANYBODY NEIGHBORHOODS COUNCIL. OUR ORGANIZATION WITH MEMBERS FROM ALL OVER THE CITY IS HERE HERE IN SUPPORT OF THE NEIGHBORS IN OPPOSING THIS VARIANCE. THINK IT'S REALLY OF CONCERN TO FOLKS ALL OVER THE CITY BECAUSE WE KNOW THAT THERE IS BROAD COMMUNITY CONSENSUS ABOUT WHAT NEEDS TO HAPPEN ON THIS TRACT. WE HAVE TOD, THE NEIGHBORHOOD PLANS, TWO OF THEM IN PLACE. IN ADDITION I WANT TO BRING UP THE FACT THAT BOTH MANOR AND MLK ARE CORE TRANSIT CORRIDORS AND NOW WE HAVE NEIGHBORHOODS ALL LOOKING AT DEVELOPMENT BONUSES WITH BMU ALONG THE TRANSIT CORRIDORS. WHAT YOU DIDN'T HAVE THE OPPORTUNITY TO SEE TONIGHT BUT I THINK I SAW IT, IT WAS PRESENTED AT THE PLANNING

COMMISSION, WERE SOME OF THE PLANS FOR THE SITE. AS WAS MENTIONED, SURFACE PARKING RIGHT ON MANOR ROAD WHICH IS EXACTLY WHAT THE COMMERCIAL DESIGN STANDARDS WERE DISCOURAGING. SO I AM GLAD THAT WE, AMC, HAS BEEN ABLE TO STAY IN TOUCH WITH THE NEIGHBORHOOD AS THEY WORK THROUGH THIS PROCESS. I THINK THEY HAVE REALLY GONE THROUGH A CREATIVE SOLUTION FINDING PROCESS SO THAT THEY HAVE COME UP WITH AN OPTION SO THAT THE HEIGHT THEY CAN HAVE THE HEIGHT AND BUILD WHAT THEY NEED TO BUILD BUT STILL BE ABLE TO SATISFY THE NEEDS OF REALLY THE WHOLE COMMUNITY. SO I HOPE THAT YOU ALL WILL BE ABLE TO WORK SOMETHING OUT SO THAT IT WORKS FOR THE CHURCH AS WELL AS THE NEIGHBORHOODS AND THE COMMUNITY. THANK YOU. ONE OTHER THING. THERE ARE SEVERAL PEOPLE HERE IN THE AUDIENCE THAT AREN'T SPEAKING. I JUST WANTED TO ASK THEM QUICKLY IF THEY WOULD STAND UP SO YOU CAN SEE THAT WE DO HAVE SEVERAL PEOPLE HERE IN SUPPORT.

MAYOR WILL WYNN: I WAS GOING TO READ THEIR NAMES INTO THE RECORD LATER. BUT YES.

OKAY. THANK YOU.

MAYOR WILL WYNN: THANK YOU, MS. MORRISON. COUNCIL, WE HAVE A COUPLE MORE SPEAKERS INCLUDING OUR NEXT SPEAKER. A NUMBER OF FOLKS HAVE DONATED TIMES TO MS. HOUSTON HOUSTON. MY RECOMMENDATION WOULD BE THAT WE GO AHEAD AND TAKE OUR BREAK FOR LIVE MUSIC AND PROCLAMATIONS. AND THEN WE'LL COME BACK AND FINISH THE TESTIMONY IN OPPOSITION TO THE ZONING CASE AND HEAR THE APPLICANT REBUTTAL AND HAVE OUR DISCUSSION ON THE ZONE CASE. SO WITHOUT OBJECTION, WE ARE NOW IN RECESS WHILE WHEE BREAK FOR LIVE MUSIC AND PROCLAMATIONS.

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. . . . [MUSIC]MUSIC--

ALL RIGHT FOLKS, IF WE CAN HAVE YOUR ATTENTION PLEASE. IT'S TIME FOR THE WEEKLY LIVE MUSIC GIG AT THE

AUSTIN CITY COUNCIL. JOINING US IS MICHAEL RAMOS,
PRODUCER, SIDE MAN EXAND BAND LEADER OF CAKE WAKE.
HE HAS TOURED AND RECORDED WITH NOTED ARTISTS
SUCH AS B BODINE, PAUL SIMON, PATTY GRIFFIN. WHEN HE
IS NOT A BUSY SIDE SIDEMAN HE IS RECORDING AND
PERFORMING WITH HIS OWN MUSICAL PROJECTS, SARANGA
CAKE WALK. PLEASE JOIN ME IN WELCOMING THE
MULTITALENTED MICHAEL RA RAMOS.

(APPLAUSE)

[MUSIC]

(APPLAUSE)

THANK YOU.

(APPLAUSE)

HERE IS THE VISUAL. TELL US WHERE CAN WE HEAR YOU
AGAIN?

I ALSO WORK WITH THE LONELY BOYS AND I HAVE BEEN
BUSY WITH THEM. WE'LL BE DOING A CAKE WALK SHOW
SOMETIME LATE THEY'RE YEAR, NOVEMBER OR EARLY
DECEMBERLVE I WILL BE PLAYING WITH THE LONELY BOYS
OPENING FOR THE STONES HERE ON SUNDAY.

(APPLAUSE)

AND SO, WEBSITE?

YES, THE WEBSITE IS CHALA CHALANGA CAKE WALK.COM.

THIS IS THE FIRST OR SECOND RECORD?

THIS IS THE SECOND.

WE'RE PROUD OF YOU. WHY DON'T YOU ENT DUES THE
BAND.

TO MY LEFT, MY DEAR FRIEND JAKE BE OWEN.

(APPLAUSE)

MY OATH OTHER FRIEND-- FRIEND--OTHER FRIEND, RUSSELL
SCAN LON.

(APPLAUSE)

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MAYOR WILL WYNN: BE IT KNOWN WHEREAS THE LOCAL
MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TO THE
DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND
CULTURE DIVERSITY AND WHEREAS DEDICATED EFFORTS
OF ARTISTS FURTHER AUSTIN'S STATUS AS THE LIVE MUSIC
CAPITAL OF THE WORLD, I, MAYOR OF THE CITY, DO HERE BY
PROCLAIM TODAY, OCTOBER 19, 2006, AS MICHAEL RAMOS
DAY IN AUSTIN.

(APPLAUSE)

FINE TALENT. THANK YOU.

(APPLAUSE)

ALL RIGHT. THANK YOU. OKAY. WHILE MICHAEL AND THE
BAND BREAKS DOWN ON THIS SIDE OF THE ROOM WE WILL
COME USE THIS PODIUM FOR OUR WEEKLY
PROCLAMATIONS, WHEN WE TAKE ADVANTAGE OF THE
CHANCE TO BE ON TELEVISION SAN SAY THANK YOU TO A
LOT OF PEOPLE DOING A FANTASTIC JOB AND RAISE
AWARENESS OF EVENTS AND ACTIVITIES AROUND TOWN. I
WILL TURN THE PODIUM OVER TO RUSS-WISEMAN AND WE'LL
HAVE OUR PARTNERS EXHIBIT. SO RUSS.

THANK YOU, SIR.

GOOD AFTERNOON. I'M RUSS WISEMAN, CULTURE AND ARTS
COORDINATOR IN THE CULTURAL AFFAIRS DIVISION OF THE
AUSTIN PARKS AND RECREATION DEPARTMENT. OCTOBER IS
NATIONAL ARTS AND HUMANITIES MONTH, A COAST TO
COAST COLLECTIVE CELEBRATION OF CULTURE IN AMERICA,

THE LARGEST ANNUAL CELEBRATION OF THE ARTS AND HUMANITIES IN THE NATION. FROM ART CENTER OPEN HOUSES TO MAYOREL PROCLAMATIONS TO BANNERS AND NEWSPAPER ARTICLES, COMMUNITIES ACROSS THE UNITED STATES MAKE SURE THEIR CITIZENS ARE AWARE OF THE CULTURAL GEMS SURROUNDING THEM. WAY WE WOULD LIKE TO THANK THE MAYBE AND WARN STRU, DIRECTOR OF THE AUSTIN PARKS AND RECREATION DEPARTMENT, FOR ASSISTANCE IN THIS PRESENTATION. WITH THEIR HAPPEN THE CULTURAL AFFAIRS DIVISION OF THE PARKS AND RECREATION DEPARTMENT WOULD LIKE TO TAKE THIS OPPORTUNITY TO RECOGNIZE SEVERAL INDIVIDUALS AND THEIR ORGANIZATIONS FOR THEIR OUTSTANDING CONTRIBUTION TO THE ARTS IN AUSTIN AND CENTRAL TEXAS. FIRST, THE JULIA C GALLERY AT THE ART CENTER WOULD LIKE TO RECOGNIZE EDITH WHITSIT. COME ON DOWN.

(APPLAUSE)

EDITH IS A MOTIVATED SELF STARTER WHO HAS CONSISTENTLY EXCEEDED OUR EVERY EXPECTATION. STARTING IN JANUARY 2006, EDITH HAS ASSISTED THE CONTINUING DEVELOPEL OF THE GALLERY AND THE TEXAS BIENNIAL. SHE HAS AIDED IN THE INSTALLATION AND DESIGN OF EXHIBITIONS, RESEARCH, TECHNICAL ASSISTANCE, AND VITAL COMMUNICATIONS. SHE IS AN INVALUABLE ASSET TO THE ENTIRE HAVE BEEN YOU'LL ARTS COMMUNITY-- COMMUNITY--VISUAL ARTS COMMUNITY.

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(APPLAUSE)

THE ART CENTER SCHOOL COULD LIKE THE RECOGNIZE GAL GALET ELEMENTARY SCHOOL. IT'S BEEN A STRONG SUPPORTER OF THE ART CENTER SCHOOLS CREATIVE CLUB AND AFTER SCHOOL ARTS PROGRAMS. THEY HAVE PROVIDED IN INVALUABLE ACCOMMODATIONS AMOUNTING TO THE EQUIVALENT OF OVER \$17,000 OF DONATED STUDIO SPACE. AFTER JUST ONE YEAR OF PARTICIPATION, ALL AVAILABLE ENROLLMENT SPACES HAVE BEEN FILLED AND THE RESPONSE FROM THE PARENTS HAVE BEEN

UNANIMOUSLY POSITIVE. ACCEPTING FOR GALET IS JANE
JEE RU CIRCUMSTANCE Z.

(APPLAUSE)

THELY BETH MAIN MEW SATISFY--ELIZABETH MAIN MUSEUM
WOULD LIKE TO RECOGNIZE GIRL SCOUT TROOP NUMBER
567. HERE THEY COME.

(APPLAUSE)

TROOP 567 MANNED A LEMON I'D STAND DURING THE HIDE
HIDEPARK HOMES TOUR IN JUNE TO RAISE FUNDS TO
SUPPORT THE RETORATION OF THE ELIZABETH MUSEUM.
THE TROOP RAISED AND PRESENTED A COLLECT FOR \$113
TO THE ELIZABETH MAIN MUSEUM MUSEUM. MEMBERS OF
THE TROOP INCLUDE MEG HARDIC, SAVANNA HILLEN,
ANGELA LOU, ANNIE LONG, LINDSEY PRIOR. THE GIRL
SCOUTS HAVE ALSO ESTABLISHED A LETTER BOX. LETTER
BOXING IS A FORM OF TREASURE HUNT ENJOINED BY
PEOPLE THE WORLD OVER.

(APPLAUSE)

THE GEORGE WASHINGTON CARVER MUSEUM WOULD LIKE
TO HONOR JEWEL BOSS WELL HUDSON.

(APPLAUSE)

JEWEL IS AN OUTSTANDING D DOCENT AND SHARES HER
SUPPORT FOR THE CENTER BOTH LOCALLY AND
NATIONWIDE AS SHE TRAVELS ACROSS THE COUNTRY.
VISITORS CAN SEE HER PRIDE AND DEVOTION TO THE
CARVER IN HER DAILY EFFORTS AS SHE FULFILLS HER
TASKS AS DOCENT.

(APPLAUSE)

THE GEORGE WASHINGTON CARVER MUSEUM WOULD LIKE
TO HONOR MR. TERRY A WILSON, ASSOCIATE VICE-
PRESIDENT OF THE UNIVERSITY OF TEXAS.

(APPLAUSE)

MR. WILSON LED THE CARVER MUSEUM AND THE HUH OF TEXAS SCHOOL AND COMMUNITY RELATIONS OFFICE IN THE HIGHLY VISIBLE AFRICAN AMERICAN FESTIVAL.

(APPLAUSE) WE WOULD ALSO LIKE TO HONOR MRS. FAYE BOMA BOMAR. SHE HAS A GREEN HAND, AS SHE MAINTAINS THE PLANTS AROUND THE MUSEUM. SHE FREELY GIVES OF HER OWN TIME TO WATER, TRIM, INSPECT AND LOVE THE GREENRY AT THE CENTER. HERE WE GO. SHE HAS A SPECIAL TOUCH WITH THE PLANTS AT THE CARVER AND WE ARE GRATEFUL FOR THE ATTENTION SHE IS GIVES TO THE CARVER'S PUBLIC IMAGE.

(APPLAUSE)

WE WOULD LIKE TO HONOR PETTY BAKER. THE HERITAGE MARKETING TEAM OF THE AUSTIN CONVENTION AND VISITOR'S BUREAU.

(APPLAUSE)

UNDER MRS. BAKER'S OUTSTANDING LEADERSHIP THE HERITAGE TEAM OF THE CARVER MUSEUM PRESENTED BLACK HISTORY MONTH AS ANNUAL CONGRESS AVENUE BANNERS FOR THE FIRST TIME IN THE CARVER THEATER. THE CONGRESS AVENUE BAITERS FEATURED NOTABLE LEADERS AND WERE ON DISPLAY ALONG CONGRESS AVENUE IN FEBRUARY, BLACK HISTORY MONTH.

(APPLAUSE)

THE O HENRY AND SUE SANA DIXON SON MAY SEE UP WOULD LIKE TO HONOR THE FRIEND OF THE MUSEUMS. THE FRIENDS ARE NOMINATED FOR THE 2006 PARTNERS IN THE ARTS AND HUMANITIES AWARD BECAUSE OF THEIR DEDICATION AND TIRELESS EFFORTS WORKING TOWARDS THE RESTORATION OF THE MUSEUM. THROUGH THE FRIENDS FUND RAISING EFFORTS AND GRANTS AND DONATIONS, INITIAL RESTORATION HAS BEGUN ON THE HISTORIC BUILDING, MOST IMPORTANTLY, RAISING AWARE AWARENESS OF THE FAMOUS LANDMARK SO THAT IT CAN BE

COMPLETELY RESTORED AND ULTIMATELY ENJOYED BY VISITORS AS A DOWNTOWN MUSEUM AND TOURIST DESTINATION. ACCEPTING FOR THE FRIEND A DEN RA ROSEN QUIS. APOLOGIZE. DON'T GO FAR DnTCH.

THE OH HENRY AND SUSANNA DIFFICULTEN SON MUSEUMS WITH LIKE TO HONOR MR. ROGER WILLIAM.

(APPLAUSE). MR. WILLIAMS DEDICATE HIS TIME TO THE RESTORATION OF THE MUSEUM. HE IS A POSITIVE THINKER WHO PATIENTLY STRIVES FOR A SUCCESSFUL OUTCOME. ROGER WILLIAMS ARCHITECTURAL ARCHITECTURALAGE TECHNICAL KNOWLEDGE HAVE BEEN AN ABLE RESOURCE FOR THE PROJECT. WE ARE MOST PROUD TO HAVE HIM PART OF OUR TEAM.

(APPLAUSE)

DEBORAH STILL NEARBY. THE MEW SEE WOULD LIKE TO HONOR SPECIFICALLY MRS. DEBORAH ROSEN QUIS FOR HER EFFORTS IN THE RESTORATION. HE ASPIRES TO PERFECTION WHEN DEMONSTRATING HER ABILITY TO MANAGE THE COMPLEX PROJECT. DEBORAH'S CONTRIBUTION TO THE PROJECT IN ADVOCACY, WRITING, ADD MINISTERING GRANTS, MANAGING CONTRACTS HAS MADE THE PHASE OF THE RESTORATION A RESOUNDING SUCCESS.

(APPLAUSE)

LAST BUT NOT LEAST, THE LIL SIDE THEATER WOULD LIKE TO--HILLSIDE THEATER WOULD LIKE TO HONOR PETER BEAL HAR FOR PRODUCTION OF THE SUMMER MUSICAL.

(APPLAUSE)

PETER HAS SERVED AS PRODUCTION COORDINATOR AND STAGE MANAGER FOR THE THEATER PRODUCTION AND CONSIDERED NATE THE NEEDS AND INTERTEC NICKALLY BETWEEN THE THEATER AND THE ZILKER THEATER PRODUCTIONS.

(APPLAUSE)

WE WOULD LIKE TO INVITE THE RECIPIENTS OUT NO THE HALL FOR A GROUP PHOTO AND THANK YOU ALL VERY MUCH. THANK YOU.

(APPLAUSE)

(APPLAUSE). (APPLAUSE)..

SAR SARA QUIGLEY IS GOING TO SAY A FEW WORDS ABOUT ARCHIVES AND A A JOINED BY A FEW WORDS. HERE WE GO. PRO CLAMATION READS, BE IT KNOWN WHEREAS THE SOCIETY OF AMERICAN ARCHIVISTS, UT STUTE CENTER, CELEBRATES ARCHIVES WORK EACH YEAR TO PROMOTE AWARENESS OF THE IMPORTANCE OF ARCHIVES AND THEIR FUNCTION IN OUR SOCIETY, AND WHEREAS THIS WEEK GIVES US AN OPPORTUNITY TO RECOGNIZE AND SUPPORT THE PEOPLE AND PROGRAMS DEDICATED TO DOCUMENTING AND PRESERVING OUR CULTURAL HERITAGE FOR THE ENRICHMENT OF ALL TEXANS, AND WHEREAS WE ENCOURAGE ALL CITIZENS TO TAKE PART MTHIS WEEK LONG SERIES OF EVENTS THAT PROMOTE ARCHIVEL ISSUES AND TRENDS OF INTEREST TO OUR COMMUNITY AND PROVIDE A FORUM TO DISCUSS OUR CHIVES CHIVESEL ISSUES, NOW THEREFORE, I, MAYOR OF THE CITY OF AUSTIN TEXAS, DO PROCLAIM THE WEEK OF OCTOBER 22 - 28, TWICK--1000 AS ARCHIVES WEEK--2006, AS ARCHIVES WEEK HERE IN AUSTIN AND CALL A SARA TO SAY A FEW WORDS ABOUT THE IMPORTANCE OF ARCHIVES AND WHY WE'RE HERE AND WHAT'S GOING ON THIS WEEK.

THANK YOU. ON BEHALF OF THE SOCIETY OF AMERICAN ARCHIVISTS, HOUSTON CHAPTER, THE AR AND PRESERVATION FACULTY AND THE AUSTIN HISTORY SENT, WE ARE DELIGHTED TO RECEIVE THE [PRA] CLAMATION. ARCHIVES WEEK IS NATION ALL CELEBRATED BUT LOCALLY ORGANIZED AND SPONSORED SERIES OF EVENTS HIGHLIGHTING ARCHIVAL ISSUES AND TRENDS THAT ARE OF INTEREST TO THE STUDENT BODY AND LOCAL COMMUNITY. EACH FALL AS A WAY TO PROMOTE AWARENESS OF THE IMPORTANCE AND THEIR FUNCTION IN SO IT IS HE WILL EACH FALL. 2006 IS THE EIGHT ANNUAL CELEBRATION OF

ARCHIVES WEEK IN AUSTIN. THIS YEAR'S THEME IS DOCUMENTING UNDERREPRESENTED COMMUNITIES, WOMEN AND GEND GENDNER ARCHIVES. WE ARE HOSTING NUMEROUS FREE EVENTS INCLUDING A SPEAKER SERIES AND PANEL DISCUSSION. ON SATURDAY, OCTOBER 28, WE WILL HOST THE AFTER CHIVES CLINIC--ARCHIVES CLINIC, AN OPPORTUNITY FOR INDIVIDUALS IN THE COMMUNITY TO LEARN TO CARE FOR AND PRESERVE THEIR PERSONAL DOCUMENTS AND TREASURED MATERIALS. TO LEARN MORE ABOUT ARCHIVES WEEK IN AUSTIN YOU CAN LOOK FOR US ON THE WEB OR CONTACT THE AUSTIN HISTORY CENTER. WE WELCOME EVERYONE TO JOIN US AND LOOK FORWARD TO SEEING YOU ALL THERE. THANK YOU AGAIN.

THANK YOU YOU.

(APPLAUSE)

DON'T FORGET THE PLAQUE. THANK YOU ALL.

OUR NEXT PROCLAMATION IS REGARDING DISK LEGIA AWARE AWARENESS DAY--DYSLEXIA AWARENESS DAY. AFTER I READ THE PROCLAMATION AND TELL YOU ABOUT THE GREAT WORK OF THE SCOTTISH RIGHTSLEARNING CENTER, LINDA WILL TELL US ABOUT WHAT'S GOING ON AND WHY WE CELEBRATE AND HOW WE HOPE TO RAIDS AWARENESS. THE PROCLAMATION READS, BE IT KNOWN THAT WHEREAS DIS DISELECTIA IS --ADDITION LEG LEGIA IS A LEARNING ADDITION AT THAT IMPACTS AMERICANS AND IMPACTS ABILITY TO READ FOR LIFERS AND WHEREAS WITH APPROPRIATE INTERVENTION AND TEACHING METHODS SUCH AS THOUGH PROVIDED BY THE SCOTT SCOTTISH RITE LEARNING , MOST INDIVIDUALS CAN ACHIEVE THE SAME SUCCESS AS NOUN DYSLEXIC COUNTERPARTS, AND WHEREAS THE DOTTISH RITE LEARNING CENTER IS FEATURING A PANEL OF EXPERTS IN THE FIELD TO DISCUSS THE DIAGNOSIS, TREATMENT, CO COEXISTING CONDITIONS, AND SOCIAL ASPECTS OF CHILDREN WITH DUST LEGIA, NOW THEREFORE--DISLIXIA, I, THE MAYOR OF THE CRIT--OF THE CITY, PROCLAIM DYSLEXIA AWARENESS DAY HERE IN TOWN AND ASK LINDA TO SAY A FEW WORDS ABOUT HOW WE'RE DOING THIS. PLEASE JOIN ME IN THANKING AND WELCOMING

LINDA GLADEN.

(APPLAUSE)

THANK YOU SO MUCH. THE MISSION OF THE SCOTTISH RITE LEARNING CENTER THE IS TO SIVES CENTRAL TEXAS CHILDREN WITH DYSLEXIA WITHOUT CHARGE TO THE FAMILY FAMILY. THERE ARE APPROXIMATELY 35 35,000 SCHOOL AGE CHILDREN IN THE AUSTIN AREA WITH DYSLEXIA. AND SO WE ARE COMMITTED TO WORKING TOGETHER IN THE COMMUNITY AND TO HELP MEET THIS COMMUNITY NEED. WE INVITE YOU TO JOIN US TOMORROW, OR ACTUALLY OCTOBER 21, SATURDAY, FOR OUR FALL PRESENTATION, DYSLEXIA A-Z. TO FIND OUT MORE ABOUT IT YOU CAN GO TO THE WEBSITE, W WWW.SCOTTISHRITELEARNINGCENTER.ORG. THANK YOU SO MUCH, MAYOR.

THANK YOU FOR YOUR WORK.

(APPLAUSE)

FOR MY LAST APPEARANCE HERE THIS AFTERNOON, I HAVE THE DISTINGUISH THE SERVICE REWARD. I'M GOING TO ASK THE CITY MANAGER TO SAY A FEW WORDS FIRST THEN I'LL READ THE AWARD. LOTS OF COWORKERS ARE COMING DOWN TO JOIN US, WHICH IS VERY APPROPRIATE.

YOU SEE LINING UP BEHIND ME MANY OF THE PEOPLE WHO WORKED DAY IN AND DAY OUT WITH LYDIA. LYDIA IS ONE OF THE FACES THAT YOU MAY NOT HAVE SEEN. SHE IS GOING TO BE ONE OF THOSE, ONE OF THE MANY CITY EMPLOYEES WHO DO AN EXTRAORDINARY JOB FOR THE COMMUNITY BEHIND THE SCENES WITH VERY LITTLE REWARD AND RECOGNITION. THIS IS INTENDED TO BE AN HONOR IN HER MEMORY. SHE IS WAS AN EXTRAORDINARY WORKER. SHE WORK FOR US FOR OVER A DECADE. LYDIA WORK IN BUILDING SERVICES, IN MANY DIFFERENT BUILDINGS. I'D LIKE TO READ TO YOU A COUPLE COMMENTS FROM HER COWORKERS THAT WILL GIVE YOU A FEEL FOR THE LIFE SPIRIT OF THIS WOMAN. SHE GAVE 110 PERCENT AT WORK WORK. LYDIA ALWAYS HAD A SMILE AND WOULD NOT PASS YOU BY WITHOUT GREETING YOU AND GIVING YOU HER BLESSING. LYDIA LOVED HER JOURNEY THROUGH LIFE AND

THE HEARTS SHE TOUCHED ALONG THE WAY LOVED HER IN RETURN. LYDIA WAS A DEAR FRIEND AND WONDERFUL COWORKER, SHOWED ME THE ROPES OF GETTING A JOB DONE WELL. YOU COULD COUNT ON HER TO GIVE YOU AN UPLIFTING WORD AND ALWAYS WORRY A SMILE EVEN THIS-- WORRY A SMILE, EVEN IN HER SICKEST TIMES MORE CONCERNED ABOUT OTHERS AND THEIR FEELINGS. HER APPROACH TO LIFE WAS OVERWHELMING, CONSUMED ANYONE WHO CAME INTO CONTACT WITH HER. SHE LOVED EVERYTHING ABOUT LIFE AND IN HER EYES EVERY CLOUD HAD A SILVER LINING. THOSE ARE EXTRAORDINARY WORDS TO SAY ABOUT A COWORKER. I THINK THE THING THAT TOUCHED ME THE MOST, LYDIA WAS NOT A RICH WOMAN. SHE HAD AN AVERAGE SALARY, SHE WORKED A TOUGH JOB. AND WHAT MEAN PEOPLE DON'T KNOW IS THAT EVERY YEAR, LYDIA WAS A LEADERSHIP GIVER IN OUR CHARITY CAMPAIGN. THAT'S \$1,000 BUCKS A YEAR THAT SHE TOOK OUT OF HER SALARY AND GAVE TO LOCAL CHARITIES. THAT'S TYPICALLY THE GIFT THAT EXECUTIVES IN THIS CITY GIVE AND LYDIA WAS NOT A EXECUTIVE IN THIS CITY. SHE WAS A WOMAN THAT MADE SURE YOUR FACILITIES WERE CLEAN AND PUT TOGETHER AND NEAT FOR YOU FOR OVER A DECADE. MY HEART GOES OUT TO HER FAMILY AND TO HER COWORKERS. AN EXTRAORDINARY WOMAN.

APPLAUSE LAWS.

(APPLAUSE).

I'M VERY PROUD TO PRESENT THIS DISTINGUISHED SERVICE AWARD TO THE FAMILY. IT READS, THE CITY OF AUSTIN DISTINGUISHED SERVICE AWARD FOR HAVING SERVE THE CITY OF AUSTIN FOR TEN YEARS AS A TED INDICATE THE EMPLOYEE IN THE BUILDING SERVICES DEPARTMENT FOR HER PLEASANT DEMEANOR THAT MOTIVATED COWORKERS AND PLEASED THE PEOPLE THEY AT THE CITY HALL MUNICIPAL COURT, THE HEALTH CENTER AND OTHER HEALTH FACILITIES AND NEIGHBORHOOD CENTERS. FOR HAVING BEEN A LOVING WIFE, A VERY PROUD MOTHER AND A GOOD FRIEND, SPERB LIR TO THOSE OF US WHO NEEDED ENCOURAGE AM . LYDIA GONZALEZ CUNNINGHAM WAS

DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. WE HONOR MRS. CUNNINGHAM'S MEMORY AND HER CONTRIBUTIONS TO OUR CITY WITH THIS CERTIFICATE PRESENTED OCTOBER 19, 2006, BY THE ENTIRE AUSTIN CITY COUNCIL SIGNED BY ME, AND ACKNOWLEDG ACKNOWLEDGED BY COUNCIL MEMBER AND MAYOR PROTEM, A DISTINGUISHED SERVICE AWARD, LYDIA EVA GONZALEZ CUNNINGHAM.

(APPLAUSE) LYDIA WAS LOVED AND RESPECTED ALL. WE WILL TRULY MISS HER. [APPLAUSE]

WE WANT TO THANK YOU YOU ALL FOR ALL THE SUPPORT, THE CITY EMPLOYEES AND SUPERVISORS, LEAD, THEA PUT A LOT OF EFFORT INTO A COLLECTION FOR HER. THANKS. [APPLAUSE]

RUBEN?

THIS IS A FLAG, UNITED STATES FLAG THAT FLEW OVER THE CITY HALL HERE. I WANT TO PRESENT IT TO YOU IN RECOGNITION OF THE YEARS OF SERVICE AND DEDICATION THAT LYDIA GAVE TO THE CITY. [APPLAUSE]

LYDIA WAS A PERSONAL AND CLOSE FRIEND OF MINE AND SHE WENT THROUGH A LOT OF ROUGH TIMES IN THE LAST TEN YEARS THAT SHE WAS WITH THE CITY. SHE CONTRIBUTED SO MUCH TO OUR DIVISION, AND WE'LL TRULY MISS HER. THIS IS JUST SOME NOTES FROM PEOPLE THAT SHE WORKED WITH AND SOME PEOPLE THAT SHE WORKED FOR AT SOME OF THE BUILDINGS THAT JUST WANTED TO PASS SOME SENTIMENTS. [APPLAUSE] MAYOR PRO TEM BETTY DUNKERLEY.

THIS NEXT PROCLAMATION IS TO RECOGNIZE ENTREPRENEUR MONTH, AND I SEE ROSY JALIFI IS STEPPING FORWARD. SHE'S IN HER DEPARTMENT AND HER DIVISION ARE VERY ACTIVE IN SUPPORTING SMALL BUSINESSES IN THIS COMMUNITY AND WE'RE VERY PROUD OF THAT. SO THIS IS A PROCLAMATION THAT READS: BE IT KNOWN THAT WHEREAS THE CITY'S SMALL BUSINESS DEVELOPMENT PROGRAM IN PARTNERSHIP WITH THE U.S. SMALL BUSINESS ADMINISTRATION, PROVIDES AUTOMATIC

ENTREPRENEURS WITH IMPORTANT SERVICES AND RESOURCES, AND WHEREAS THE SBA PROVIDES LOAN BRIEFINGS, PRESENTATIONS AND INDIVIDUAL GUIDANCE TO AUSTIN SMALL BUSINESS OWNERS TO ASSIST THEM IN OBTAINING BUSINESS LOANS THAT CONTRIBUTE TO THE AUSTIN ECONOMY, AND WHEREAS THE SMALL BUSINESS DEVELOPMENT PROGRAM PROVIDES HUNDREDS OF ENTREPRENEURS WITH ACCESS TO CAPITAL, AT THE MEET THE LENDER EVENTS AND WHEREAS THE PARTNERSHIP BETWEEN THE SBA AND THE CITY'S SMALL BUSINESS DEVELOPMENT DEPARTMENT HAS HELPED TO ESTABLISH AUSTIN AS ONE OF THE BEST PLACES TO START A SMALL BUSINESS. THEREFORE, I, I WILL..... WILL WYNN, MAYOR OF THE CITY OF AUSTIN DO HEREBY PROCLAIM OCTOBER, 2006 AS SMALL BUSINESS STRATEGIC ALLIANCE MONTH AND HERE IS OUR OWN BUSINESS ENTREPRENEUR, ROSY JALIFI. [APPLAUSE]

I WON'T TAKE VERY MUCH TIME. JUST WANT TO THANK YOU, VERY DELIGHTED TO ACCEPT THIS PROCLAMATION, AND THERE ARE MANY SMALL BUSINESSES OUT IN THE AUSTIN COMMUNITY. THERE ARE THAT QUIET, SILENT STEADY FORCE OF OUR ECONOMY, JUST LIKE THAT WONDERFUL CITY EMPLOYEE THAT WE JUST SAW RECOGNIZED, THAT QUIET, SILENT, STEADY FORCE HERE. SO WE'RE HERE TO SERVE THE SMALL BUSINESS OWNERS TOGETHER WITH THE SMALL BUSINESS ADMINISTRATION. THEY'RE A GREAT GROUP THAT WE PARTNER AND WE HAVE REGULAR BRIEFINGS ON THE VARIOUS SBA PROGRAMS. NOVEMBER 28 WE HAVE A PROGRAM BRIEFING ON THE VARIOUS SBA LOANS THAT WE INVITE THE COMMUNITY AND THE VIEWING AUDIENCE TO COME AND TO LEARN ABOUT THOSE, AND YOU CAN CALL OUR OFFICES AT 974-7800 TO LEARN MORE ABOUT THOSE PROGRAMS AS WELL AS THE OTHER SERVICES THAT THE CITY OF AUSTIN MAKES AVAILABLE TO AUSTIN'S SMALL BUSINESS COMMUNITY. THANK YOU VERY MUCH.

THANK YOU. [APPLAUSE]

DUNKERLEY: I'VE HAD THE GOOD YOU....FORTUNATE TO BE AT MANY OF THESE SEMINARS AND CONFERENCES THAT OUR SMALL BUSINESS DIVISION SPONSORS. THEY'RE ALL AUTOMATIC STANDING. THEY'RE EXCELLENT. SO IF YOU

HAVE A NEED FOR ANY OF THOSE SERVICES, WATCH THE ADVERTISEMENT IN THE PAPER AND SIGN UP BECAUSE I KNOW YOU'LL HAVE A WONDERFUL DAY AND YOU'LL JUST LEARN SO MUCH. THEY DO A LOT. SO THANK YOU AGAIN. AND NOW TO GO TO ANOTHER IMPORTANT TOPIC, IT'S CALLED SAVING FOR RETIREMENT. WE'RE GOING TO SEE TONY COMING FORWARD. OKAY. I THOUGHT YOU WERE GOING TO BE CARL LYNCH, BUT YOU'RE NOT, SO THAT'S OKAY. AND THIS IS FOR SAVE FOR RETIREMENT WEEK. THE PROCLAMATION READS: BE IT KNOWN THAT WHEREAS THE COST OF RETIREMENT IN THE U.S. CONTINUES TO RISE, IN PART BECAUSE PEOPLE ARE LIVING LONGER. THE NUMBER OF EMPLOYERS PROVIDING RETIREEE HEALTH COVERAGE CONTINUES TO DECLINE AND RETIREEE HEALTH CARE COSTS ARE INCREASING AT A VERY RAPID RATE, AND WHEREAS SOCIAL SECURITY WAS NEVER INTENDED TO BE THE SOLE SOURCE OF RETIREMENT INCOME FOR FAMILIES, THE MANY EMPLOYEES -- AND MANY EMPLOYEES ARE NOT AWARE OF THEIR RETIREMENT SAVINGS OPTIONS, NOR HAVE THEY FOCUSED ON THE IMPORTANCE OF SAVING FOR THEIR OWN REQUIREMENT HE RETIREMENT, AND WHEREAS THIS WEEK IS DESIGNED TO CALL ATTENTION TO THE NEED FOR CITIZENS TO SAVE FOR RETIREMENT AND TO FAMILIARIZE THEMSELVES WITH THE TAX ADVANTAGE RETIREMENT SAVINGS VEHICLES AVAILABLE TO THEM. NOW, THEREFORE, I, WILL WYNN, CITY OF... MAYOR OF THE CITY OF AUSTIN, TEXAS, DO... DO HEREBY PROCLAIM OCTOBER THE 22ND TO THE 28TH AS NATIONAL SAVE FOR RETIREMENT WEEK HERE IN AUSTIN, TEXAS, AND GLAD TO HAVE YOU HERE, TONY ROSS, TO PRESENT THIS. HE SERVES ON THE BOARD OF THE EMPLOYEE RETIREMENT SYSTEM AND IS DOING A VERY GOOD JOB FOR ALL OF OUR CURRENT EMPLOYEES AND RETIRED EMPLOYEES WITH THE CITY OF AUSTIN. [APPLAUSE]

I'M TONY ROSS. I'M AN EMPLOYEE OF AUSTIN ENERGY, AND AS MAYOR PRO TEM SO KINDLY REFERRED I'M ALSO ON THE DEFERRED COMPENSATION COMMITTEE AS WELL AS A BOARD MEMBER OF THE CITY OF AUSTIN'S EMPLOYEE RETIREMENT SYSTEM. I WANT TO THANK THE MAYOR AND THE COUNCIL FOR THIS RECOGNITION OF NATIONAL SAVE FOR RETIREMENT WEEK, OCTOBER 22 THROUGH OCTOBER

..... OCTOBER 28. WHILE OUR PENSION PLANS ARE AMONG THE BEST IN CITY GOVERNMENTS ACROSS OUR NATION, OUR DEFERRED COMPENSATION IS A BENEFIT THAT ALLOWS OUR EMPLOYEES TO ENHANCE THE QUALITY OF LIFE FOR THEIR RETIREMENT YEARS ON A TAX-DEFERRED BASIS. IT'S A RETIFL PAINLESS WAY TO SAVE IN A DISCIPLINED MANNER, AS YOU CAN SAVE AS LITTLE AS \$10 A WEEK. AND I JUST WANT TO COMMENT A LITTLE BIT ABOUT A FEW OF THE STEPS OF OUR DEFERRED COMPENSATION PLAN. IN THE CITY OF AUSTIN WE HAVE NEARLY 5900 ACTIVE EMPLOYEES PARTICIPATING IN THE PLAN, AND I'M HOPING THAT THIS PROCLAMATION WILL URGE OTHERS TO DO SO AS WELL. WE HAVE OVER \$179 MILLION INVESTED WITH OVER 30 -- WITH ABOUT 30 INVESTMENT OPTIONS. FINALLY, I WANT TO URGE EMPLOYEES TO TAKE ADVANTAGE OF GREAT WEST'S INFORMATION TABLE DURING THE WEEK OF -- OCTOBER 23 THROUGH OCTOBER 27. GET INVOLVED IN SAVING FOR RETIREMENT. IT'S GOOD FOR YOU AND IT'S GOOD FOR OUR COUNTRY. AND LASTLY, MAYOR PRO TEM, I WANT TO ASK YOU TO MAKE SURE THAT OUR COUNCIL MEMBERS AND MAYOR WEAR THIS LAPEL, THIS ITEM THAT I HAVE IN MY LAPEL HERE TO URGE OUR EMPLOYEES, BECAUSE I KNOW YOU-ALL ARE EMPLOYEES AS WELL, TO SAVE WITH THE DEFERRED COMPENSATION. CERTAINLY APPRECIATE YOU.

THANK YOU. [APPLAUSE]

DUNKERLEY: AND TONY, WE HOPE THAT WITHIN THE NEXT FEW WEEKS WE CAN PASS A RESOLUTION THAT WILL ALLOW COUNCIL MEMBERS TO PARTICIPATE IN DEFERRED COMP., SO THANK YOU A LOT. [LAUGHTER]

LOOKS LIKE THE MAYOR IS SPONSORING THE RESOLUTION FOR DEFERRED COUNCIL MEMBER, DOESN'T IT? IT GIVES ME GREAT PRIDE TO ISSUE A PROCLAMATION FOR THE RAISE THE ROOF FOUNDATION BECAUSE IT'S AN AUSTIN NEIGHBORHOOD HOUSING ENDEAVOR, AND IT IS FOR LOW AND MODERATE INCOME INDIVIDUALS TO ACTUALLY REPAIR AND REPLENISH THEIR HOME, AND IT INCLUDES DISABLED AND THE ELDERLY, AND THEY HAVE ALREADY GOTTEN STARTED. I BELIEVE THAT THAT WAS OCTOBER 16, ON SATURDAY, LAST SATURDAY, AND THEY HAD NUMEROUS VOLUNTEERS. AND SO WE WANT TO ISSUE A PROCLAMATION

TO RECOGNIZE THEIR GREAT WORK. BE IT KNOWN THAT WHEREAS RAISE THE ROOF IS AN ANNUAL COMMUNITY ORIENTED EVENT, HOSTED BY THE CITY OF AUSTIN'S DEPARTMENT OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT, IN PARTNERSHIP WITH HANDS ON HOUSING AND WHEREAS MORE THAN 300 VOLUNTEERS WILL HELP -- HAVE HELPED LOW INCOME HOMEOWNERS THROUGH THE ROWSWOOD AND CHESTNUT NEIGHBORHOODS, MADE REPAIRS TO THEIR CENTRAL EAST AUSTIN HOME AND WHEREAS RAISE THE ROOF PARTICIPANTS WILL WORK ON 18 HOMES IN A DESIGNATED NEIGHBORHOOD DURING A DAY LONG EVENT TO ASSURE THAT RESIDENTS HAVE A SAFE AND SECURE HOME IN WHICH TO LIVE. NOW, THEREFORE, WILL WYNN, MAYOR OF THE CITY OF AUSTIN DO... DO... DO HEREBY PROCLAIM OCTOBER 25 AS RAISE THE ROOF DAY. [APPLAUSE]

WE HIMSELF..... ALSO HAVE ANOTHER PROCLAMATION TO RECOGNIZE THE FIRST INITIAL SPONSOR OF RAISE OF ROOF AS KB HOME. BE IT KNOWN THAT WHEREAS KB HOME IS THE FIRST EVER CORPORATE SPONSOR OF THE ANNUAL RAISE THE ROOF EVENT ORGANIZED BY THE CITY OF AUSTIN'S DEPARTMENT OF NEIGHBORHOOD HOUSE..... HOUSING AND COMMUNITY DEVELOPMENT AND HANDS ON HOUSING, AND WHEREAS, KB HOME SPONSORSHIP WILL BRING SKILLED LABOR AND MORE MATERIALS FOR MAKING REPAIRS TO HOMES IN THE ROWS WOOD AND CHESTNUT NEIGHBORHOODS DURING THE 8TH ANNUAL EVENT AND WHEREAS AS A HOME BUILDER IN CENTRAL TEXAS SINCE 1967 KB HOME UNDERSTANDS THE PRIDE OF HOME OWNERSHIP AND THE IMPORTANCE OF ENABLING LOW INCOME HOMEOWNERS TO MAKE REPAIRS TO THEIR HOMES, TO MANY THAT PRIDE. NOW, THEREFORE, WILL WIL, MAYOR OF THE CITY OF AUSTIN, DO HEREBY PROCLAIM OCTOBER 24 -- 1ST AS RAISE THE ROOF DAY. [APPLAUSE]

AND NOW WE'RE HERE FOR MARGARET SHAW.

THANK YOU, COUNCIL MEMBER COLE. I'M JOINED HERE TODAY WITH EMILY WHITE HURS OF AUSTIN INTER-RELIGIOUS MINISTRIES, ROGER ARREST YAG A AND DARREN CAMPBELL OF KB HOME. THIS IS A WONDERFUL EVENT THAT'S BEEN GOING ON FOR EIGHT YEARS IN A ROW WHERE

WE'RE RENOVATING ALMOST 20 HOWR HOUSES IN THE ROWS WOOD AND CHESTNUT AREA THIS SATURDAY WITH VOTS OF VOLUNTEERS. I'D LIKE TO THANK THEM AS WELL. THIS IS A GREAT PARTNERSHIP THAT GIVES US THE OPPORTUNITY TO EXHIBIT THE JOYCE OF THE CITY AND OUR PARTNERS GETTING TOGETHER, BOTH NONPROFIT AND PRIVATE SEC THE..... SECTOR TO MAKE THIS A BETTER COMMUNITY. THIS YEAR I ESPECIALLY WANT TO THANK KB HOMES WHO STEPPED UP AS OUR FIRST EVER CORPORATE SPONSOR. WITH THEIR DONATIONS WE'VE BEEN ABLE TO HELP MORE FAMILIES DO MORE THINGS WITH FEWER DOLLARS. THANK YOU VERY MUCH. SUSPEND.....JOYCE

YOU'RE WELCOME TO USE OF... UP THE IS A.....15 MINUTES IF YOU NEED IT.

THANK YOU SO MUCH. MAY NAME IS ORA HOUSTON, AND I AM A MEMBER OF THE BLACK LAND NEIGHBORHOOD ASSOCIATION, AND I AM CHAIR OF -- VICE CHAIR OF THE UPPER BOGGY CREEK PLANNING TEAM. THE WORD MIRACLE IS DEFINED AS AN EVENT THAT APPEARS TO BE CONTRARY TO THE LAWS OF NATURE. THE FACT THAT TWO NEIGHBORHOOD PLANS, WHICH WERE DEVELOPED INDEPENDENTLY OF EACH OTHER, ENVISIONED CENTRAL..... CENTRAL TEXAS AND THE IDENTIFIED GOALS AND OBJECTIVES OF THE COUNCIL REGARDING FUTURE LAND USE IN EAST AUSTIN, THE FACT THAT THEY ARE COMPATIBLE IS, IN MY HUMBLE OPINION, A MIRACLE. THE PROPERTY IN QUESTION WAS PURCHASED AFTER THE COUNCIL'S APPROVAL OF OUR RESPECTIVE NEIGHBORHOOD PLANS. THE CRUX OF THIS ISSUE IS THAT THE APPLICANT SUBMITTED A REQUEST FOR REZONING. THE STAFF OF NEIGHBORHOOD PLANNING APPROVED THE REQUEST. HOWEVER, THAT REQUEST WAS INEXAT INCOMPATIBLE WITH THE ROSEWOOD NEIGHBORHOOD PLAN, THE UPPER BOGGY CREEK NEIGHBORHOOD PLAN, ENVISION CENTRAL TEXAS AND THE DIRECTIVES OF COUNCIL. ONE OF THE FIRST QUESTIONS THAT MUST BE ANSWERED IS WHETHER OR NOT THE PROPOSED ZONING IS CONSISTENT WITH THE GOALS AND OBJECTIVES OF COUNCIL. PLANNING STAFF'S ANSWER TO THAT QUESTION WAS, AND I QUOTE FROM THE SUMMARY OF STAFF RECOMMENDATIONS, THE SITE LIES WITHIN THE TRANSIT-ORIENTED DESIGN SPECIAL-PURPOSE BASE

DISTRICT, IN WHICH THE CITY IS ENCOURAGING INCREASED DEVELOPMENT. PLEASE HELP US UNDERSTAND HOW THE CAMPUS OF A REGIONAL CONGREGATION OF 700 MEMBERS, WHO MEET ON SUNDAYS IS COMPATIBLE WITH THE CITY'S GOAL TO ENCOURAGE INCREASED DEVELOPMENT. YEARS AGO THREE SEPARATE GROUPS, WITH A VISION OF PROFITS, SAW THE POSSIBILITIES FOR DEVELOPMENT OF THE PROPERTY AND CRAFTED LAND USE PLANS THAT ARE COMPATIBLE WITH OUR EXISTING NEIGHBORHOODS AND WITH THE CITY'S GOALS OF DENSITY, MIXED USE AND AFFORDABLE HOUSING. BECAUSE OF STAFF'S APPROVAL, WE ARE HERE TONIGHT STRUGGLING TO ENSURE THAT THE INTEGRITY OF OUR YEARS OF HARD WORK IS VALIDATED. SOMETIMES, MEMBERS, IT FEELS LIKE A MATCH BETWEEN DAVID AND GOLIATH. MEMBERS OF THE COUNCIL, YOU WILL BE DETERMINING THE FATE OF WHAT HAS BEEN CALLED THE CROWN JEWEL OF EAST AUSTIN. THIS IS THE ONLY LARGE TRACT OF LAND IN OUR NEIGHBORHOOD THAT IS CAPABLE OF THE DEVELOPMENT THAT THE CITY IS ENCOURAGING, THE NEIGHBORHOODS ENVISIONED AND COULD PROVIDE SOME OF THE TAX REVENUE BOTH IN SALES TAX AND PROPERTY TAXES TO HELP PAY TO THE TRANSIT PLAN. THE 11 ACRES IS IN THE MIDDLE OF AN AREA THAT IS BEING TRANSFORMED BY DEVELOPMENT TO OUR LIFE AND OTHER DEVELOPMENT ON OUR SOUTHERN SIDE. WHEN WE IN THE NEIGHBORHOOD USE THE TERM HIGHEST AND BEST USE REGARDING THIS PARTICULAR PIECE OF PROPERTY, WE DO SO IN THE CONTEXT OF SHARED COMMUNITY VALUES, WHICH ARE RESPECTFUL OF THE NEIGHBORHOOD AND OF THE NEIGHBORHOOD PLANNING PROCESS WHILE REMAINING CONSISTENT WITH THE CITY'S LAND USE GOALS. WE ARE A WONDERFULLY DIVERSE COMMUNITY OF NEIGHBORS WHO ARE YOUNG AND OLD, BLACK, BROWN AND WHITE, MAIG..... MALE AND FEMALE, GAY AND STRAIGHT. MANY OF US HAVE LIVED IN THE AREA FOR 20 YEARS OR LONGER. WE ARE ACCOMMODATING AND TOLERANT OF NEIGHBORS. SOME OF US PROFESS NO RELIGIOUS AFFILIATIONS. OTHERS ARE PEOPLE OF VERY STRONG FAITH. WHILE WE WELCOME NEW NEIGHBORS, WE DO REQUEST THAT OUR PLANNING PROCESS BE ACKNOWLEDGED AND HONORED. THIS IS AN EXTREMELY IMPORTANT DECISION. IF YOU GRANT THE REQUEST TO

REZONE THIS PROPERTY, YOU WILL BYPASS A PLANNING PROCESS THAT THREE DIFFERENT PLANNING GROUPS WENT THROUGH FOR YEARS, AND YOU WILL PLACE A HUGE BARRIER IN THE PATH OF THE VERY THINGS THAT YOU STATED AS YOUR GOALS AND OBJECTIVES FOR THE LAND IN EAST AUSTIN. I URGE YOU TO WEIGH THIS REQUEST VERY CAREFULLY AND ASK THAT YOU DENY THE APPLICANT'S REQUEST TO REZONE, AND WITH THE FEW MINUTES THAT I HAVE LEFT, MAY I ASK THE MEMBERS OF OUR COMMUNITY TO PLEASE STAND. WOULD ALL OUR NEIGHBORS STAND, PLEASE? THANK YOU FOR YOUR TIME AND FOR YOUR ATTENTION.

MAYOR WYNN: THANK YOU, MS. HOUSTON.

MAYOR WYNN: FOLLOWING MS. HOUSTON NOW, DELTON SALAZAR SIGNED UP WISHING TO SPEAK. YOU HAVE THREE MINUTES.

THANK YOU, MAYOR PRO TEM, COUNCIL MEMBERS, CITIZENS. I'M SO NEW AT THIS I DIDN'T EVEN KNOW HOW TO ASK FOR MORE TIME. I EVEN BROUGHT MY DRINK IN AND EVERYTHING ELSE BUT I DIDN'T TURN OFF THE PHONE. ON BEHALF OF THE CLIFFORD SANCHEZ NEIGHBORHOOD ASSOCIATION I RESPECTFULLY HAVE THE FOLLOWING INFORMATION. MAY I APPROACH?

MAYOR WYNN: YOU MAY.

OKAY. LAST THURSDAY I WAS ELECTED VICE PRESIDENT AND ASKED TO REPRESENT THE ASSOCIATION IN THIS MATTER BEFORE THE COUNCIL. WE HEREBY ASK THAT THE COUNCIL TAKE NO ACTION ON THIS MATTER UNTIL THE FOLLOWING ITEMS ARE STUDIED IN DETAIL AND PROPER ANSWERS PROVIDED TO THE NEIGHBORHOOD RESIDENTS AS WELL AS THE CITIZENS OF AUSTIN. THERE IS A DEFICIENCY IN THE ZONING CHANGE NOTIFICATION PROCESS, WHICH I'LL BE HAPPY TO ELABORATE ON BECAUSE I'M PROBABLY ONLY GOING TO HAVE TO HAVE TIME TO GIVE YOU AN OVERVIEW. SUCCINCTLY, NO SITE PLAN, NO ZONING CHANGE. TRAFFIC STUDY. THIS PROPERTY IS LOCATED WITHIN THE GATEWAY ZONE OF THE MLK BOULEVARD NEIGHBORHOOD, CENTER TRANSIT ORIENTED

DEVELOPMENT. WE ARE ALSO LOCATED WITHIN A COMMUNITY PRESERVATION AND REVITALIZATION ZONE. WHEN THE LIGHT RAIL STATION BECOMES A REALITY AND THE MIDDLE DEVELOPMENT FILLS IN WE... WE'RE GOING TO SEE OUR STREETS CONJEST. THE TRAFFIC SITUATION NEEDS TO BE EVALUATED HOLISTICALLY PARTICULARLY IN LIGHT OF ALL THE TRACTS IN THE AREA. A STUDY NEEDS TO BE DONE BEFORE THE COUNCIL GRANTS A ZONING CHANGE THAT IS BEING ASKED FOR WITH NO SITE PLAN. IT IS MY UNDERSTANDING THAT HOLY REDEEMER IS A REGIONAL CONGREGATION WITH THOUSANDS OF MEMBERS. FROM A TRAFFIC STANDPOINT THIS IS A BIT INTIMIDATING. NO. 4, DOWNSTREAM ALTERATION OF THE EXISTING FLOOD PLAN BECAUSE OF THE RAPID RUN OFF. THIS IS A MATTER OF SAFETY. LIFE AND PROPERTY MAY BE AT RISK 6789. CITIZENS HAVE A RIGHT TO KNOW THAT THIS DEVELOPMENT WILL NOT CREATE A LIGHT THREATENING SITUATION IN A HEAVY UNUSUAL DOWN POUR LIKE WE'VE HAD IN THE '90S ON AND OFF. WE MUST HAVE ASSURANCES OF OUR SAFETY. BROWNFIELD IMPLICATIONS. THIS SITE WAS USED RECENTLY AS A LIGHT INDUSTRIAL SITE AND THERE THERE MAY BE HIDDEN CHEMICALS, HAZARDS IN THE SOIL THAT MAY BE WASHED DOWNSTREAM ON AND ON AND ON. WE NEED TO KNOW THAT THIS IS NOT THE CASE. NO SITE PLAN. WE CAN'T EVALUATE RUNOFF. OPPORTUNITY TO HAVE A WORLD CLASS GATEWAY TO TEXAS UNIVERSITY IN THE CAPITAL MLK ROAD WILL CONNECT THE DEVELOPMENT TO THE UT COM COMPLEX. LET'S MAKE THIS FIRST CLASS, DEVELOPERS, ARTIST GOES, AND WE ARE VERY PLEASED TO HAVE THEATERS AND GALLONRIES MOVING IN AS WE SPEAK. THE OPPORTUNITY TO PLAN HOLISTICALLY WITH ALL PARTS COMING TOGETHER FOR THE CLASSIC -- FORGIVE ME, MAYOR,.

MAYOR WYNN, OUTCOME SHOULD NOT BE MISSED. THE LIGHT RAIL STATION IS TO BE BUILT ON ANOTHER LARGE ADJACENT TRACT. WE NEED PEOPLE LIVING HERE, NOT DANGEROUS EMPTY PARKING LOTS. HOW MANY SECONDS DO I HAVE?

MAYOR WYNN: JUST CONCLUDE. TAKE YOUR TIME BUT CONCLUDE.

WE NEED TAX BASE AS WELL. WE NEED OWNER OCCUPIED AFFORDABLE HOUSING, OWNER OCCUPIED, NOT INVESTOR OCCUPIED. PLEASE LET US NOT LOSE THIS WONDERFUL OPPORTUNITY TO HAVE DEVELOPMENT THAT IS FRIENDLY, BEAUTIFUL AND SAFE. THERE ARE LARGE TRACTS OF LAND AND WE WILL HAVE TO LIVE WITH THE RESULTS OF COUNCIL'S DECISION FOR A LONG TIME. HEIGHT RESTRICTIONS. 40 FEET MEANS 52 FEET, 60 MEANS -- I DON'T KNOW. OKAY. NO FAST TRACK IN A HURRY. THIS ITEM WAS POSTPONED. LET'S SEE. SEVEN TIMES AT THE APPLICANT'S REQUEST. TWO OTHER TIMES IT WAS POSTPONED BY BOTH THE APPLICANT AND THE ROSEWOOD NEIGHBORHOOD. SEE PAGE 1 OF THE ZONING CHANGE REVIEW SHEET FOR THOSE FACTS.

MAYOR WYNN: PLEASE CONCLUDE, MR. SALAZAR.

SAY IT AGAIN?

MAYOR WYNN: PLEASE CONCLUDE. YOUR TIME HAS EXPIRED.

ALL RIGHT. PETITIONS AGAINST THIS ITEM ARE NOT NOTED IN STAFF'S RECOMMENDATIONS, AND IF YOU DON'T BELIEVE WE WERE -- NOTIFICATION PROCESS, AT LEAST STUDY THE OTHER ITEMS BEFORE YOU RENDER A DECISION. THANK YOU.

MAYOR WYNN: THANK YOU, MR. SALAZAR. [APPLAUSE]

MAYOR WYNN: COUNCIL, I THINK THAT'S THE LAST OF OUR SPEAKERS. THE FOLLOWING CITIZENS HAVE SIGNED UP NOT WISHING TO SPEAK BUT ALSO IN OPPOSITION. THOSE WOULD BE CLOI BEAR, REET I SPIG NEAR, SEAN GARRETT SON, AND LYNN A, MARY ANN MARSHAL, JOANIE OVER TON, PAUL REVERE, HAROLD COOK, JUDITH CLARK SON, RUTH AND WHEELER AND MARK SHIF. ALL SIGNED UP NOT WISHING TO SPEAK IN OPPOSITION. SO NOW WE HERE A REBUTTAL FROM -- ONE THREE-MINUTE REBUTTAL FROM OUR APPLICANT'S AGENT. WELCOME BACK, MR. SUTTLE.

THANK YOU, MAYOR, MEMBERS OF THE COUNCIL. FROM WHAT I HAVE TO REBUT IS APPARENTLY A LOT OF

TESTIMONY ON DESIRE THAT THERE NOT BE A CHURCH AT THIS SITE BECAUSE IT IS -- HAS BECOME PART OF THE -- THERE IS A DESIRE ON THE PART OF THE NEIGHBORHOOD PLANNING PROCESS TO HAVE OTHER THINGS, BUT THE FACT OF THE MATTER IS THAT THE ZONING CURRENTLY ALLOWS A CHURCH. A CHURCH IS GOING TO BE THERE. THIS CHURCH, THEY'RE NOT DEVELOPERS. A NORMAL CASE YOU COULD -- YOU MIGHT BRING SITE PLANS IN AND YOU MIGHT BRING -- YOU MIGHT BE ABLE TO MOVE A LOT OF DIRT AND YOU MIGHT BE ABLE TO SINK THE BUILDING, BUT THIS IS A CHURCH. IT'S NOT A DEVELOPER. WITH THAT SAID, THOUGH, REDEEMER IS FULLY WILLING AND PREPARED AND INTENDS TO AND WILL ENJOY THE OPPORTUNITY TO PARTICIPATE IN THE STATIONARY PLANNING PROCESS, WHICH WILL DEAL WITH NOT ONLY THIS TRACT BUT THE TRACT ACROSS THE STREET, CROO ACROSS MLCK, ON MANOR ROAD, AND AT THAT TIME THE CONVERSATION CAN CONTINUE ABOUT WHAT HAPPENS ON THIS SIDE, WHAT HAPPENS ON THE SOUTHERN END. THE NORTHERN END OF THE TRACT THAT YOU HEAR THAT -- WHERE YOU SAW ON GERARD'S DRAWINGS THAT THEY WANT BUILDINGS AT THE NORTH END AND WHAT YOU NEED TO KNOW IS THAT THAT NORTH END OF THAT PROPERTY SITS ROUGHLY 12 FEET HIGH TO MANOR ROAD, AND WHAT GERARD WOULD TELL YOU TO DO IS OF COURSE MOVE THE DIRT, PLAT EVEN IT OUT. BUT THAT'S A LOT OF DIRT AND THAT'S A DIFFERENT ISSUE THAT A CHURCH DOESN'T GRASP. A CHURCH IS NOT A DEVELOPER. THEY'RE NOT INTO MOVING THAT DIRT AROUND. THIS CHURCH SIMPLY WANTS THE ABILITY, NOT FOR DENSITY PURPOSES, NOT FOR DEVELOPMENT BONUSES, NOT FOR THE BONUSES THAT YOU'RE CONSIDERING NOW IN OTHER AREAS OF THE CITY, FOR HEIGHT. THIS CHURCH WANTS THE HEIGHT TO GO BACK UP TO WHAT CS -- WHICH IS WHAT THE TRACT IS ZONED -- BACK UP TO 60 FEET, TO BUILD AN ARC ARCHITECTURAL AND ACOUSTICALLY APPROPRIATE STRUCTURE, WHICH WOULD ALLOW THE CHURCH TO WORSHIP AND SING IN A MANNER CONSISTENT WITH THE WAY THEY BELIEVE AND ITS TRADITIONS AND ITS METHODS OF EXPRESSING ITS RELIGION. AND WHAT WE'RE ASKING FOR TONIGHT ON FIRST READING ONLY, BECAUSE WE DON'T HAVE THE FIELD NOTES, BUT WE'RE WILLING TO SAY, IT'S JUST 60 FEET, JUST FOR THE SANCTUARY. WE'LL GO OUT --

IF YOU DECIDE THAT THIS IS APPROPRIATE, WE'LL HAVE THE SURVEYOR'S WORK. WE'LL GET THE FOOTPRINTS SURVEYED AND WE WOULD HAVE THIS BACK TO YOU, HOPEFULLY WITHIN TWO WEEKS FOR SECOND AND THIRD READING. AGAIN, WE'VE BEEN IN THIS PROCESS FOR OVER A YEAR AND WHAT HAPPENS IS, IS UNTIL WE GET THE ZONING TIED DOWN, WE CAN'T REALLY DESIGN A SITE PLAN. WE CAN'T REALLY DESIGN A SITE -- ONCE YOU DESIGN THE SITE PLAN THEN YOU GET INTO THE REVIEW PROCESS, AND YOU START RUNNING THE TIMELINES. ALL OF A SUDDEN THIS CHURCH STARTS LOOKING AT BEING HOMELESS ABOUT THE TIME THEY HAVE TO LEAVE CONCORDIA BUT THEY DON'T HAVE THEIR CHURCH BUILT HERE. SO WE WOULD URGE THAT YOU WILL FAVORABLY CONSIDER THE SLIGHT ZONING CHANGE TO ALLOW A SANCTION SHU AREA ONLY AND WE LOOK FORWARD TO PARTICIPATING IN THE STATIONARY PLANNING PROCESS. THANK YOU.

MAYOR WYNN: THANK YOU, MR. SUTTLE. QUESTIONS FOR THE AGENT? COUNCIL? THANK YOU.

I DID HAVE ONE QUESTION.

MAYOR WYNN: COUNCIL MEMBER MARTINEZ.

MARTINEZ: I JUST -- I SAW SOME EMAILS FROM THE NEIGHBORHOOD AND, YOU KNOW, TH MENTIONED THAT THEY WERE IN SUPPORT OF PLANNING COMMISSION'S RECOMMENDATIONS. THE LAST TIME I SPOKE WITH YOU YOU SAID YOUR CLIENT HAD AN ISSUE WITH, I THINK IT WAS THE MANOR ROAD SETBACK. ALL I WANTED TO KNOW IS IF WE COULD GET SOME ASSURANCE FROM YOU THAT YOU WILL GO BACK AND WORK WITH THE NEIGHBORHOOD ON THE SETBACK ISSUES AND THE MIXED USE DEVELOPMENT ISSUES, IF WE WERE TO MOVE ON THE FIRST READING TONIGHT TO GRANT YOU THE 60 FEET OF YOUR SANG..... SANCTUARY. BECAUSE IT'S MY UNDERSTANDING THAT THE NEIGHBORHOOD IS OKAY WITH THAT 60-FOOT HEIGHT ON THE SANCTUARY BUT THEY HAVE CONCERNS ON OTHER ISSUES, AND I WANTED TO SEE IF I COULD GET SOME ASSURANCES FROM YOU AND YOUR CLIENT THAT YOU'D BE WILLING TO WORK WITH THE NEIGHBORHOOD SOME MORE

ON THAT.

MAYOR.....THAT.

YOU HAVE THAT ASSURANCE. REDEEMER INTENDS TO BE A NEIGHBORHOOD FOREVER IN THIS NEIGHBORHOOD, AND WE'LL CONTINUE TO TALK ABOUT. YOU ARE CORRECT, THAT ON THAT MANOR SIDE THAT WAS A PROBLEM, THE 200 FEET SETBACK. I'VE GOT A DIAGRAM THAT SHOWS WHAT PLANNING COMMISSION RECOMMENDATION DOES, AND IT DOESN'T LEAVE ROOM FOR THE CHURCH. SO -- BUT WITH THAT, OF COURSE, REDEEMER WILL WORK WITH THE NEIGHBORHOOD ZONING PROCESS, SITE PLAN PROCESS, ALL THE WAY THROUGH THE PROCESS, BECAUSE THEY INTEND TO BE A NEIGHBORHOOD FOREVER.

MARTINEZ: ALL RIGHT. THANKS. THANKS, MAYOR.

MAYOR WYNN: THANK YOU, COUNCIL MEMBER. FURTHER QUESTIONS, COUNCIL? COUNCIL MEMBER MCCracken.

MCCracken:

YEAH, I DON'T KNOW IF -- AND THIS MIGHT BE FOR MR. SUTTLE OR MIGHT BE FOR MR. GUERNSEY, BUT I THINK IT'S NOTED, THIS PROPERTY IS FLANKED BY TWO CORE TRANSIT CORRIDORS, MLK AND MANOR, AND SO IN TRYING TO FIGURE OUT THE ZONING VERSUS SITE ISSUES RELATING TO DESIGN STANDARDS ORDINANCE, WHICH MAY ADDRESS A LOT OF CONCERNS WE'VE HEARD IN THE NEIGHBORHOOD, WHAT I WANT TO FIND OUT IS WOULD THIS -- WOULD DESIGN STANDARDS APPLY TO THIS SITE. IT SHOULD, BUT I DON'T -- BUT I DON'T KNOW.

I DON'T KNOW THE SPECIFIC ANSWER TO THAT.

MCCracken: I'LL TELL WHAT YOU I'M SPECIFICALLY THINKING OF, BECAUSE OBVIOUSLY WE HAVE NOT -- THE DESIGN CENTER'S ORDINANCE DOES NOT HAVE A REQUIREMENT FOR DESIGN OF CHURCH FACILITIES, AND IT HAS A DIFFERENT RULE ABOUT CIVIC FACILITIES, WHICH A CHURCH, I BELIEVE, WOULD BE. WHAT IT DOES HAVE IS TWO PRETTY HARD-AND-FAST RULES, ONE OF WHICH IS THAT

YOU CANNOT HAVE PARKING BETWEEN THE BUILDING ALONG THE STREET, ON A CORE TRANSIT CORRIDOR UNLESS THE SITE IS DIVIDED INTO TWO BLOCKS. IT HAS TO BE DIVIDED INTO TWO BLOCKS, BUT BASICALLY YOU COULD NOT HAVE, UNDER DESIGN STANDARDS, A CHURCH IN THE MIDDLE OR ANY BUILDING IN THE MIDDLE AND SURFACE PARKING ON BOTH SIDES, BUT YOU COULD HAVE IT -- YOU COULD HAVE, FOR INSTANCE, THE CHURCH IN THIS CASE IN THE MIDDLE AND THE -- AND SURFACE SURFACE PARKING ON ONE SIDE BUT NOT THE OTHER. AND THE SECOND KIND OF FUNDAMENTAL ON CORE TRANSIT CORRIDORS IS A 15-FOOT SIDEWALKS AND TREES, WHICH WOULD ALSO BE FUNDAMENTAL FOR THE SUCCESS OF THE RAIL SYSTEM. SO I WANT TO KIND OF FIND OUT HOW THAT WOULD COMPORT WITH THE PROPOSAL AND HOW IT WOULD BE APPLICABLE.

I THINK THE GENERAL STANDARD, DEPENDING ON WHEN THEY ACTUALLY FILE THEIR SITE PLAN, YOU KNOW, THAT COULD ACTUALLY BE FILED THIS YEAR AS OPPOSED TO AFTER REGULATIONS ARE IN EFFECT, THEY WOULD BE SUBJECT TO THOSE GENERAL PROVISIONS. THEY ARE ALREADY SUBJECT TO THE TOD ORDINANCE, WHICH PROVIDES THAT IF YOU HAVE A REAR PARKING LOT ON A SITE THAT'S LARGER THAN THREE ACRES, THE PARKING LOT MUST BE DESIGN TO PERMIT A FUTURE DRIVEWAY AND SIDEWALK CONNECTIONS TO THE ADJACENT NON-RESIDENTIAL PROPERTY, AND THAT FOR A BUILDING WITH A FRONT YARD SETBACK OF 15 FEET OR LESS, THEN YOU'RE ACTUALLY PROHIBITED FROM HAVING PARKING IN THE FRONT YARD. SO SOME OF THOSE THINGS WOULD ALSO APPLY UNDER THE EXISTING TOD ORDINANCE. BUT I THINK WHAT WOULD BE HELPFUL IS MAYBE IN THIS -- IF COUNCIL GOES FORWARD WITH FIRST READING, MAYBE MR. SUTTLE AND HIS CLIENT COULD ACTUALLY PROVIDE US A PROPOSAL THAT WE COULD -- I'M UNDERSTANDING THEY HAVEN'T DESIGNED IT YET BUT AT LEAST IF THEY COULD GIVE US A SCHEMATIC LAY-OUT WE COULD DO AN ANALYSIS FOR COUNCIL AND TELL YOU WHERE WE THINK IT DOES COMPLY OR POINT OUT AREAS IN OUR ORDINANCE THAT THEY MIGHT BE DEFICIENT, AND WE'RE KIND OF AT A HANDICAP BECAUSE I THINK WE'RE WAITING FOR HIM TO GIVE YOU US A DESIGN IN ORDER TO ANSWER THOSE QUESTIONS AND HE'S

WAITING FOR THE ZONING IN ORDER TO DO THE DESIGN.

I HONESTLY DON'T KNOW HOW THE DESIGN STANDARDS WOULD AFFECT THE CURRENT PLAN FOR THE CHURCH TO HAVE THEIR CAMPUS IN THE MIDDLE. I KNOW THAT THEY HAD PLANNED ON DOING SOME SURFACE PARKING ON THE MANOR ROAD SIDE BECAUSE OF THE ELEVATION DIFFERENCE, BUT I CAN TELL YOU THAT THE SIDEWALK ISSUE CAME UP IN SOME OF THE CONVERSATIONS AND IT'S IMPORTANT -- WE UNDERSTAND THE IMPORTANCE OF... OF THAT AND WE UNDERSTAND THE FUNCTIONALITY OF THAT, AND HAVE COMMITTED TO DO AS MUCH AS GRADE STREETS, TYPE SIDEWALKS TO MAKE SURE THAT THERE IS CONNECTIVITY BETWEEN THIS SITE AND THE RAIL STATION.

AND I THINK THAT THE IMPORTANT POINT IS THROUGH DESIGN STANDARDS IS THAT SURFACE PARKING IS NOT PROHIBITED. IT'S -- BUT YOU COULDN'T DO A -- BUT IT WOULD HAVE TO BE REALLY BASICALLY ONLY ON ONE SIDE AND SO YOU'D HAVE TO HAVE THE TREES -- STREES TREES AND SIDEWALK -- FROM MY READING I DON'T FIND ANYTHING INCOMPATIBLE ABOUT IT. I JUST WANT TO MAKE SURE THAT WE CAN GET THERE ON THAT. AND THE SECOND POINT WHICH I THINK IS ALSO VERY IMPORTANT, BECAUSE OF THE ENORMOUS TAXPAYER INVESTMENT IN THE RAIL SYSTEM, WHICH THIS REALLY SITS AT THE INTERSECTION OF IS, WE WILL HAVE THE TOD STATIONARY CODES COME BACK AND THEY WOULD PRESUMABLY ALSO AFFECT THESE PROPERTIES SINCE THEY'RE WITHIN THE TOD STATIONARY PLANNING. AND SO MY UNDERSTANDING IS THAT WE WOULD HAVE ANOTHER VOTE IN THE REASONABLY NEAR FUTURE ON THIS PROPERTY IN TERMS OF ITS COMPLIANCE WITH THE STATIONARY PLANNING ZONING CODE. IS THAT CORRECT?

THAT IS CORRECT, NOT JUST THIS PROPERTY BUT THE SURROUNDING PROPERTIES AS WELL.

YEAH.

AND ALSO I WOULD BE AMISS IF I DID NOT SAY AS PART OF THAT STATIONARY PLANNING PROCESS WE WOULD HAVE TO DO A FORMAL AMENDMENT TO THE NEIGHBORHOOD PLANS THAT ARE AFFECTED, WHICH YOU HEARD EARLIER, THERE

ARE SEVERAL.

GUERNSEY: AND I THINK THAT BUILDS IN A LEVEL OF ASSURANCE, BECAUSE WHAT I'VE HEARD I THINK IS A VERY LEGITIMATE AND VERY IMPORTANT INTEREST EXPRESSED BY THE NEIGHBORHOODS, IS THAT WHATEVER IS DONE ON THIS NEEDS TO CONTRIBUTE TO THE SUCCESS OF WHAT WILL BE TO TAXPAYER FUNDED TRANSIT SYSTEMS IN THAT -- IN THAT -- RIGHT THERE, THAT AREA. SO IT APPEARS THAT WE HAVE A -- A ZONING STRUCTURE COMING UP THROUGH THE TOD ZONING CODE THAT WOULD ALLOW US TO ADDRESS THOSE ISSUES ABOUT HOW THIS PROPERTY AND OTHERS IN THE AREA WOULD COMPLY WITH THE STATIONARY PLAN, SO THAT WE WOULD HAVE A CHANCE TO VOTE AFTER NEIGHBORHOOD INPUT ON THAT. SO THOSE ARE TWO VERY GOOD THINGS TO KNOW, AND I'LL JUST SAY PERSONALLY, FROM LOOKING AT THE BIGGEST CONCERN I HAVE ON THE TOD'S IS THE LACK OF COMMUNITY -- THE DIFFICULTY PROVIDING COMMUNITY SERVICES, SUCH AS DAY CARES, OTHER COMMUNITY FACILITIES, YOU KNOW, NEIGHBORHOOD MEETING SPACES, AND MY PERSONAL REVIEW OF THESE THINGS AROUND THE COUNTRY IS THAT A CHURCH ACTUALLY WOULD BE A VERY WELCOME ADDITION TO A TOD PROVIDED IT'S A CHURCH THAT IS MAKING THESE SERVICES AVAILABLE TO THE NEIGHBORHOOD AS OPPOSED TO BEING WALLED OFF. AND MY UNDERSTANDING IS THE CHURCH HAS NO INTENTION OF BEING KIND OF A GATED OFF CHURCH FROM THE REST OF THE COMUPT. COMMUNITY. BUT UNDER THOSE CIRCUMSTANCES I BELIEVE THE CHURCH WOULD BE HELPFUL IN THE WEB OF SERVICES THAT GO TO BUILDING A GREAT COMMUNITY AROUND RAIL STOPS. I ALSO WANT TO MAKE SURE WE BUILD THAT INTO THE MOTION.

MAYOR WYNN: COUNCIL MEMBER LEFFINGWELL.

LEFFINGWELL: JUST FOR CLARIFICATION, DOES THE RAILROAD STATION SAP, WHICH IS ON MLK, DOES IT ACTUALLY ENCROACH INTO THIS -- INTO THIS LOT? BECAUSE I'M SHOWING IT A LITTLE BIT SOUTH OF THAT.

THE RAIL STATION ON MLK IS ACTUALLY ACROSS MLK AND THEN INTERIOR TO THAT SITE.

LEFFINGWELL: YEAH, AND IT DOESN'T EVEN CROAF ON..... ENCROACH ON YOUR LOT AT ALL, SO IT WOULD NOT POTENTIALLY BE PROTECTED BY AN SAP. AM I UNDERSTANDING THAT RIGHT?

MAYOR.....

COUNCIL MEMBER, ACTUALLY IT IS ALMOST AT THE HEART -- THE GATEWAY IS THE AREA IMMEDIATELY ADJACENT TO THAT, AND SO IT'S RIGHT ACROSS THE STREET FROM IT. AND SO THIS -- THIS LOT UNDER OUR CURRENT TOD ORDINANCE ACTUALLY IS ALMOST LIKE LIKE AT THE CENTER OF THE TARGET AND MOVING OUT OVER THOSE THREE ZONES, THE GATEWAY, MIDWAY AND TRANSITION, AS YOU START GOING NORTH FROM THE SOUTHERN BOUNDARY.

LEFFINGWELL: WELL, I'M LOOKING AT THE PLANNING COMMISSION RECOMMENDATION, WHICH WAS TO HAVE THE NEIGHBORHOOD ENTER INTO A PRIVATE RESTRICTIVE COVENANT WITH THE OWNER TO PROHIBIT RELIGIOUS USES ON THE SOUTHERN PORTION AND TO PROHIBIT RELIGIOUS USES ON THE -- WITHIN 200 FEET OF MANOR ROAD. IF THIS COVENANT WAS IN PLACE, HOW WOULD THAT AFFECT THE STATIONARY PLAN, OR THE CORRIDOR PLAN, EITHER ONE?

WELL, THE COVENANT, WHAT WAS ALLUDED TO WAS A PRIVATE COVENANT, NOT A PUBLIC COVENANT.

LEFFINGWELL: I SAID IT WRONG. IT'S BETWEEN THE APPLICANT AND THE NEIGHBORHOOD.

AND SO THAT PRIVATE COVENANT MAY PRECLUDE RELIGIOUS ASSEMBLIES JUST FROM OCCURRING ON THOSE PORTIONS OF THE PROPERTY BUT WOULD NOT IMPACT THEM FROM DOING ALL THE OTHER USES THAT WOULD BE ALLOWED UNDER OUR ZONING REGULATIONS FOR THAT ZONING CATEGORY. SO WHAT WOULD THE ULTIMATE IMPACT BE? IT WOULD PROBABLY BE MORE LIMITED TO THIS PARTICULAR PROPERTY RATHER THAN PROBABLY OTHER PROPERTY OWNERS THAT WOULD DEVELOP IT FOR RETAIL, OFFICE, RESIDENTIAL-TYPE USES. STAFF -- AND I MAY ACTUALLY TURN TO LAW AT THIS POINT -- WOULD BE HESITANT TO PUT ANY RESTRICTIONS ON THE USE OF A

PRIVATE PARCEL FOR RELIGIOUS ASSEMBLY USE BECAUSE OF CERTAIN FEDERAL AND -- LEGISLATION.

DUNKERLEY: MAYOR, IF I CAN, THERE ARE TWO CONCEPTS WORKING HERE. FIRST OF ALL IS -- FIRST AMENDMENT TO THE U.S. CONSTITUTION AND RESTRICTION OF FIRST AMENDMENT SPEECH, WHICH IS WHY WE ALLOW CHURCH USES IN ALL ZONING DISTRICTS, SO THAT WE DO NOT INFRINGE ON THAT FIRST AMENDMENT RIGHT. THE SECOND ELEMENT INVOLVED IN IS THERE IS A FEDERAL STATUTE THAT HAS BEEN ENACTED THAT ADDRESSES RESTRICTION OF CERTAIN RELIGIOUS PRACTICES. THERE ARE -- THERE IS THE ABILITY UNDER THAT FEDERAL LEGISLATION WHEN YOU HAVE A SIGNIFICANT PARAMOUNT GOVERNMENTAL INTEREST TO BE ABLE TO DO THAT, BUT THAT IS SOMETHING THAT YOU HAVE TO -- YOU HAVE TO WEIGH VERY CAREFULLY IN TERMS OF THE STATUTE TO DETERMINE WHETHER OR NOT YOU MEET THOSE STATUTORY PARAMETERS. SO DEPENDING ON WHAT THEY'RE PROPOSING TO DO AND WHAT THE LIMITATIONS ARE AS TO WHETHER OR NOT THAT IS SOMETHING THAT THIS CITY COUNCIL MAY WISH TO DO IN A PUBLIC RESTRICTIVE COVENANT, THAT'S.....THAT'S WHERE WE NEED TO DO WHAT IT IS THEIR PLANS ARE, WHAT IT IS THEY WOULD BE WILLING TO AGREE TO, WHAT IT IS THEY'RE PROPOSING FOR THOSE PARTICULAR AREAS WHERE THESE RESTRICTIONS ARE BEING PROPOSED. ONE OF THE POINTS THAT I DO WANT TO MAKE IS, IS THAT THIS WAS CONSIDERED A -- OR THE SUGGESTION WAS FOR A PRIVATE RESTRICTIVE COVENANT. A PRIVATE RESTRICTIVE COVENANT IS NOT SOMETHING THAT COMES INTO CONSIDERATION BY THE COUNCIL WHEN THE COUNCIL MAKES ITS ZONING DECISIONS. SO THE BOTTOM LINE IS, IS IN TERMS OF WHAT GOVERNMENTAL ENTITY CHOOSES TO DO IN TERMS OF EITHER GRANTING THE ZONING REQUEST OR FURTHER RESTRICTING THE PROPERTY, IT HAS TO LOOK TO THE STANDARDS THAT IT HAS TO MEET, BUT IF IT IS A PRIVATE RESTRICTIVE COVENANT THAT IS WORKED OUT WITH THE NEIGHBORHOOD, THEN THAT IS SOMETHING THAT IS A PRIVATE RESTRICTION WHICH WOULD BE ENFORCEABLE BY PRIVATE ENTITIES AND NOT BY THE CITY. I HOPE THAT'S HELPFUL, IF I'VE ANSWERED THE QUESTION OR IF I'VE

GOTTEN AROUND WHAT IT IS YOU NEEDED TO HEAR.

WELL, IF THERE WERE A PRIVATE RESTRICTIVE COVENANT, YOU DON'T SEE ANY POTENTIAL CONFLICT WITH FUTURE PLANS AS A TOD DISTRICT?

DUNKERLEY: A PRIVATE RESTRICTIVE COVENANT DOES NOT AFFECT THE CITY MOVING FORWARD WITH PLANS, BUT REMEMBER, IT IS A -- IT IS STILL A RESTRICTION. IT'S JUST NOT A GOVERNMENTAL RESTRICTION. SO, FOR EXAMPLE, IF THE CITY WERE TO DECIDE -- IF THE CITY DETERMINED THAT IT COULD LEGALLY IMPOSE RESTRICTIONS, IT COULD IMPOSE RESTRICTIONS, BUT A PRIVATE -- THE PRIVATE ENTITIES COULD FURTHER RESTRICT THAT. SO TO THE EXTENT THAT IT'S A FURTHER RESTRICTION, IT MIGHT INFRINGE UPON WHAT THE CITY WOULD LIKE TO SEE THERE, YES INDEED, BECAUSE IF THOSE PRIVATE ENTITIES ENFORCE THAT RESTRICTION. SO IN THAT RESPECT IT CAN.... CAN, BUT IT DOES NOT INTERFERE WITH YOUR AUTHORITY, OTHER THAN -- IT DOESN'T INTERFERE WITH YOUR AUTHORITY TO LETTING..... LEGISLATE. IT INTERFERES WITH WHAT ULTIMATELY MIGHT PRACTICALLY GO THERE.

I THINK I CAN -- I THINK I UNDERSTAND SOME OF THAT, AT LEAST, OR AT LEAST FOR PURPOSES OF FIRST READING ONLY. AND JUST TO CLARIFY AGAIN, THE PLANNING CONDITION -- RECOMMENDATION IS THAT THE 60 FOOT.....60-FOOT HEIGHT LIMIT APPLY TO THE SANCTUARY FOOTPRINT ONLY AND THE REST WOULD BE 40 FEET?

THAT'S CORRECT, COUNCIL MEMBER, AND WE WOULD NEED FIELD NOTES FROM THE CHURCH TO DEFINE THE SPECIFIC BOUNDARIES OF THE SANCTUARY. AS MR. SULLIVAN INDICATED EARLIER IN HIS PRESENTATION, THAT DOES SOUND LIKE THEY HAVE A GENERAL LOCATION THAT THEY CAN SEND THE SURVEYOR OUT AND GET THAT INFORMATION TO US. AND AS LONG AS THAT IS A VERY TIMELY MANNER, I THINK HE ALSO ASKED IF THEY COULD COME BACK WITH SECOND, THIRD READING IN TWO WEEKS. WE MIGHT BE ABLE TO MAKE THAT ACCOMMODATION IF WE CAN FIND OUT EXACTLY WHERE THE AREA IS THAT HE IS

PROPOSING THE 60-FOOT HEIGHT.

LEFFINGWELL: OKAY.

COUNCIL MEMBER, I CAN TELL YOU, WE CAN HAVE THE FIELD NOTES FOR THE FOOTPRINT TO YOU BUT I NEED TO MAKE IT VERY CLEAR, WE CANNOT AND WILL NOT DO THE PLANNING COMMISSION RECOMMENDATION.

MAYOR WYNN: COUNCIL MEMBER COLE, THEN MAYOR PRO TEM.

COLE: I UNDERSTAND THAT YOU'RE OFFERING ON FIRST READING JUST FOR THE SANCTUARY WITH THE 60-FOOT HEIGHT LIMIT, BUT I HAVE TO GO BACK TO THE LEGAL ISSUES IN PLAY HERE, AND MARTY, I HEARD YOU SAY THAT -- I DON'T WANT TO -- THE PRIVATE RESTRICTIVE COVENANT BECAUSE I UNDERSTAND FROM THAT EXCHANGE BETWEEN YOU AND COUNCIL MEMBER LEFFINGWELL THAT THE CITY IS NOT IN THAT. I NEED TO UNDERSTAND WHAT IS AT PLAY IF WE... WE ARE TRYING TO USE THE PLANNING COMMISSION RECOMMENDATION AND ASSERT A RESTRICTIVE COVENANT FOR 200 FEET, BECAUSE I AM CONCERNED THAT THE LAW JUST DOESN'T ALLOW US TO DO THAT RESTRICTION ON RELIGIOUS ACTIVITY, BUT I WANT TO BE CLEAR ON THAT.

DUNKERLEY: THE -- THE FIRST AMENDMENT -- THE CONSTITUTIONAL PROVISIONS AND RESTRICTIONS, THERE IS SOME REASONABLE REGULATION OF RELIGIOUS ACTIVITIES THAT YOU CAN DO. HOWEVER, AS A MATTER OF POLICY, THIS CITY HAS CHOSEN TO ALLOW CHURCHES IN EVERY ZONING DISTRICT HONORING THE FIRST AMENDMENT FREE SPEECH RIGHT TO GATHER AND FREEDOM OF RELIGION. IN ADDITION TO THAT, THERE HAS ALSO BEEN PASSED WHAT IS KNOWN AS RALUPA, WHICH IS THE FEDERAL STATUTE, AND IN ORDER TO FURTHER REGULATE WHAT A CHURCH CAN AND CANNOT DO A PARTICULAR SITE, THERE HAS TO BE A COMPELLING GOVERNMENT INTEREST. UNTIL WE KNOW WHAT IT IS THEY'RE PLANNING ON DOING AND HOW WE THINK WE NEED TO REGULATE THAT, WE CAN'T REALLY ADVISE YOU AS TO WHETHER OR NOT RALUPA COMES IN PLAY. SO WE NEED TO KNOW MORE ABOUT WHAT THEIR PLANS ARE AND HOW -- WHAT YOU ARE ENVISIONS WOULD

AFFECT THOSE PLANS IN ORDER TO BE ABLE TO ADVISE YOU ABOUT THAT. WE MAY GET THAT INFORMATION BEFORE SECOND AND THIRD READING, AT WHICH POINT IT WOULD BE VERY APPROPRIATE FOR US TO GO INTO EXECUTIVE SESSION SO THAT WE CAN REALLY TELL YOU WHAT THE RISKS ARE ASSOCIATED WITH -- WHAT THE LEGAL RISKS ARE ASSOCIATED WITH THAT, WITH THE FEDERAL LEGISLATION.

COLE: LET ME JUST ASK YOU ONE FOLLOW-UP QUESTION TO THAT. HAVE YOU SEEN OR HEARD OF ANY CASE LAW OR STATUTES MAKING EXCEPTIONS FOR TRANSPORTATION AS A COMPELLING GOVERNMENTAL INTEREST GIVEN THAT THE TWO, YOU KNOW, RAIL LINES ARE GOING THERE AND THE STREET CARS CIRCULATED AND ALL THE PLANS FOR THE AREA?

COUNCIL MEMBER, I HAVE NOT SPECIFICALLY LOOKED AT THAT. I'VE NOT SPECIFICALLY LOOKED AT THOSE ISSUES, BUT COMPELLING GOVERNMENT INTEREST, IT'S A STANDARD. WE CAN TAKE A LOOK AT WHAT THE CASE LAW IS THAT IS UNDER THERE, AND EVEN IF THERE ARE NO CASES ON POINT, WE MIGHT BE ABLE TO DRAW SOME ANALOGIES FOR YOU THAT WE COULD DISCUSS WITH YOU IN EXECUTIVE SESSION.

COLE: AND YOU JUST FEEL BETTER MAKING A DECISION ABOUT IT ONCE YOU GOT MORE INFORMATION FROM THE APPLICANT ANYWAY, CORRECT?

DUNKERLEY: I REALLY DO, ESPECIALLY GIVEN WHAT I'VE HEARD SO FAR, THAT THEY ARE REMAINING TO BE OPEN IN TERMS OF WHAT THEY CAN AND CAN'T DO ON THE SITE. IT MAY VERY WELL BE THAT THEY ARE ABLE TO ACCOMMODATE US.

COLE: THANK YOU. ?A MAYOR PRO.....

MAYOR WYNN: MAYOR PRO TEM?

DUNKERLEY: THAT MAY COMPLICATE IT A LITTLE MORE. WHAT I'M HEARING IS THAT THERE IS SOME WILLINGNESS TO WORK WITH THE NEIGHBORHOOD ON AN EVEN -- DIRECTLY OR INDIRECTLY WITH THE CITY TO PRESERVE SOME OF THE

LAND FOR POTENTIAL REDEVELOPMENT WITH THE TO...
TOD'S IN THE FUTURE, BUT WHEN THAT'S DONE AND HOW
THAT IS DONE HAS TO BE VERY CAREFULLY THOUGHT OUT.
RIGHT NOW THE TRACT, BECAUSE IT IS A CHURCH SITE,
WOULD BE TAX EXEMPT, AND SO TO THE EXTENT THAT WE
COME IN WITH SOME KIND OF COMMERCIAL STOPS, THE
TIMING ON THAT HAS TO BE CAREFULLY DONE AND IT HAS
TO BE TIMED AND ALL OF THIS THING SO THEY DON'T END UP
MAKING THEIR WHOLE SITE TAXABLE, AND MAYBE YOU'VE
ALL TALKED ABOUT THIS BEFORE BUT IT IS ONE OF THOSE
LITTLE WRINKLES IN THIS WHOLE DISCUSSION THAT HAS TO
BE CAREFULLY THOUGHT THROUGH AND TIMED SO THAT
THEY DON'T COME IN WITH AN IRS PROBLEM LATER. SO THE
USE OF THESE PRIVATE RESTRICTIVE COVENANTS MAY
WELL BE THE WAY WE GO, BECAUSE IN THINKING ABOUT IT,
THEY PROBABLY, WHATEVER PIECE OF PROPERTY THEY
DECIDE TO -- THAT THEY CAN LET GO AND USE FOR THIS
REDEVELOPMENT WILL ULTIMATELY HAVE TO BE SOLD. AND
SO IF THAT'S THE TIME THAT -- THAT IT CAN BECOME A
COMMERCIALY ORIENTED PIECE OF PROPERTY. CAN'T
MAKE IT THAT NOW WHILE IT'S STILL OWNED BY THE
CHURCH, OR I THINK THAT JEOPARDIZES THEIR TAX
EXEMPTION. SO I WOULD HOPE THAT DURING THIS COUPLE-
WEEK PERIOD THAT YOU-ALL CAN GET WITH YOUR TAX
ACCOUNTANTS AND TRY TO SEE HOW WE CAN DEAL WITH
THAT, BECAUSE WE -- WHATEVER WE DO WE DON'T WANT TO
DO SOMETHING THAT TRIGGERS THAT CHANGE. SO IT'S
SORT OF LIKE A BIG PUTS HE.....PUZZLE. HOW DO YOU GET
WHAT THE COMMUNITY WANTS AND WE WANT AND THE
OTHER WANT AND NOT JEOPARDIZE YOUR TAX STATUS. AND
SO THINK THAT THROUGH IN THE NEXT COUPLE WEEKS AND
SEE WHAT WE CAN COME BACK WITH.

MAYOR WYNN: IT SEEMS TO ME THAT MY UNDERSTANDING
IS CHURCHES DON'T PAY -- THEY'RE TAX EXEMPT AND THEY
ALSO DON'T PAY AD VALOREM TAX ON THE PROPERTY THEY
OWN. A CHURCH CAN BE BUILT -- WE KNOW, BUT A CHURCH
CAN BE BUILT ON ANY ZONED PIECE OF PROPERTY
ANYWHERE IN THE CITY, RURAL, RESIDENTIAL OR CBD. AND
SO IT SEEMS TO ME THE TAX IMPLICATIONS SHOULD BE
IRRELEVANT, INDEPENDENT OF WHAT THE PROPERTY IS
ZONED, BECAUSE I GUESS -- WE'RE ALL -- BUT OBVIOUSLY A

CHURCH CAN BE BUILT ON THIS PIECE OF PROPERTY REGARDLESS OF ZONING ACTIONS WE WOULD OR WOULDN'T TAKE. BUT -- BUT MANY OF US WANT TO SEE, FRANKLY, SOME ADDITIONAL DEVELOPMENT HERE BECAUSE OF A STRATEGIC LOCATION.

DUNKERLEY: WELL, I THINK THAT'S TRUE BUT THEY'RE GOING TO HAVE TO SEGREGATE THAT PROPERLY LEGALLY SOME WAY BEFORE THEY CAN ACTUALLY MAKE COMMITMENTS ON THE COMMERCIAL DEVELOPMENT. THEY'D HAVE TO SELL IT OFF OR THEY'D HAVE TO DO SOMETHING.

MAYOR WYNN: BEFORE IT'S DEVELOPED, I AGREE, BUT I'M CURIOUS WHAT ACTION -- I DON'T SEE HOW FROM A ZONING STANDPOINT IF WE TOOK SOME ACTION, SAY, ON THE SOUTHERN PORTION OF THE PROPERTY OR THE BORDERING MANOR ROAD PROPERTY, THAT JUST BY --

DUNKERLEY: ONE --

MAYOR WYNN: JUST BY ZONING ACTION I DON'T SEE THAT COMPLY INDICATING THINGS BUT WE WANT TO DO THINGS CORRECTLY.

DUNKERLEY: IT WOULDN'T BUT IF WE HAVE A RESTRICTIVE COVENANT -- I DON'T KNOW. MAYBE NOT. I JUST WANTED YOU TO MAKE SURE OF IT BEFORE WE GET DOWN TO DO SOMETHING, FIND AT THE LAST MINUTE IT'S NOT THE RIGHT THING TO DO.

MAYOR WYNN: COUNCIL MEMBER KIM?

KIM: CONSIDERING THE PROXIMITY OF THIS LOCATION TO THE FUTURE RAIL STATION WE HAVE TO THINK ABOUT THE GOALS OF MOBILITY AND ALSO ENCOURAGING MASS TRANSIT AND OTHER TRANSIT OPTIONS OR TRANSPORTATION OPTIONS FOR PEOPLE FOR THIS STATION TO WORK, IT'S GOING TO BE IMPORTANT THAT WE HAVE RESIDENTIAL HOUSING. THAT'S WHY WE HAVE THE 40-FOOT HEIGHT LIMIT AS A TOOL TO REQUIRE RESIDENTIAL IN THIS AREA AND I'M NOT SO SURE THAT A CHURCH NECESSARILY LET'S US MEET THE GOALS OF A TRANSIT-ORIENTED

DEVELOPMENT AROUND THE STATION. SO I LOOK FORWARD TO, YOU KNOW, ANY KIND OF IDEAS PEOPLE MAY HAVE, BUT THAT, TO ME, IS REALLY IMPORTANT FOR -- OR JUST -- OUR GROWING POPULATION AND THE NEED FOR GREATER AND IMPROVED MOBILITY IN OUR REGION. [APPLAUSE]

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS? I THINK WE... WE ALL HAVE CONCERNS. IF NOT, I'LL ENTERTAIN A MOTION. COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: IS THE -- THE REQUEST BEFORE US, GREG, TO ALLOW -- TO ALLOW COMMERCIAL MIXED USE, COMP, COMBINING DISTRICT ZONING?

GUERNSEY: THAT'S RIGHT, AND TO MAINTAIN ALL THE EXISTING CONDITIONS THAT EXIST IN THE CURRENT CONDITIONAL OVERLAY WITH THE EXCEPTION OF HEIGHT, AND AS I UNDERSTAND WHAT THE COMMISSION'S RECOMMENDATION WAS, TO ALLOW INCREASE IN HEIGHTS FROM 40 FEET TO 60 FEET FOR THE SANCTUARY AREA AND THAT IS WHAT I ALSO HEARD FROM MR. SUTTLE, THAT THEY'RE IN AGREEMENT TO DO THAT. THE OTHER PORTION WAS A RECOMMENDATION MADE BY THE COMMISSION TO YOU WITH REGARDS TO THE SET-BACKS AND THE.... THE PROHIBITION OF THE RELIGIOUS ASSEMBLY USE, THAT REQUIRES TWO PRIVATE PARTY ACTIONS THAT ARE BEYOND YOUR CONTROL. SO THE ONLY THING THAT YOU REALLY HAVE BEFORE YOU IS THE REZONING REQUEST AND THE REQUEST TO INCREASE THE HEIGHT ON A PORTION OF THIS PROPERTY MCCRACKEN I'LL START BY SAYING THAT HOUSTON'S ENORMOUSLY SUCCESSFUL LIGHT RAIL LINE RUNS DOWN MAIN STREET RIGHT AT THE HEART OF THEIR CHURCH DISTRICT, FIRST PRESBYTERIAN CHURCH AND BY THE LARGE LUTHERAN CHURCH, I CAN'T REMEMBER, ON THE OTHER SIDE OF THE STREET. THERE ARE SEVERAL CHURCHES IN THAT AREA.

CHRIST CHURCH.

YEAH, AND THAT'S AN INCREDIBLY SUCCESSFUL, VERY HEAVILY RIDDEN LIGHT RAIL LINE, AND NOT TO MENTION, I THINK THAT AS LONG AS THIS CHURCH DEVELOPS THROUGH THE STATIONARY PLANNING PROCESS AND DESIGN

STANDARDS, WHICH MY CORRECT UNDERSTANDING IS THAT THAT'S -- THERE'S NO REASON WHY IT CAN'T, THAT THE RANGE OF SOCIAL SERVICE THAT WOULD BE PROVIDED ON THE SITE TO THINGS LIKE, YOU KNOW, SHARED PARKING OPPORTUNITIES, DAY CARE, COMMUNITY FACILITIES, THAT THERE -- THAT THIS WOULD BE ACTUALLY A VERY GOOD ADDITION TO THE SUCCESS OF BOTH RAIL LINES THERE. SO - - BUT I'M GOING TO MOVE ON FIRST READING ONLY TO APPROVE THE APPLICANT'S APPLICATION AND ZONING REQUEST WITH THE FOLLOWING ADDITIONAL CONDITIONS: THAT THE SITE COMPLY WITH THE DESIGN STANDARDS ORDINANCE, AND THAT THE SITE DEVELOPMENT TAKE PLACE PURSUANT TO THE REQUIREMENTS THAT COME THROUGH THE STATION AREA PLANNING CODE. AND HELP ME IN HOW THAT SECOND PART WOULD HAPPEN.

WELL, WE DO NOT KNOW WHAT THOSE STANDARDS WOULD BE.

MCCRACKEN: RIGHT.

THEY WOULD CERTAINLY BE REQUIRED TO COMPLY WITH THEIR INTERIM TOD ORDINANCE, BUT I'M NOT SURE HOW WE WOULD CRAFT LANGUAGE TO ANTICIPATE WHAT THOSE FUTURE STANDARDS WOULD BE. I THINK WE WOULD BE MORE LIMITED TO -- IF THERE ARE CERTAIN DESIGN STANDARDS YOU WANT TO INCORPORATE NOW, WE COULD PROBABLY ADDRESS THOSE IF WE COULD ACTUALLY QUANTIFY THEM.

THE DESIGN SPECIFIES A HIERARCHY IN CORE TRANSIT CORRIDORS, WHICH THIS -- THIS PIECE OF LAND IS FLANKED BY TWO CORE TRANSIT CORRIDORS. SO OBVIOUSLY ALL OF THE SITE DESIGN REGULATIONS RELATING TO CORE TRANSIT CORRIDORS APPLY, AND --

AND WE HAVE THOSE QUANTIFIED AND WE CAN ADDRESS THOSE.

IT'S NOT THAT ONEROUS BUT IT'S SIDEWALKS, STREET, TREES, AND SOME LIMITATIONS ON WHERE SURFACE PARKING IS LOCATED, NOT A LIMITATION ON THE AMOUNT, BUT IT DOES DEFINE HOW THAT WOULD RELATE, AND I DON'T

THINK IT WOULD BE A PROBLEM. I DO ACTUALLY BELIEVE THAT EVERY LOCAL SMALL BUSINESS IN THIS AREA IS GOING TO FIND THAT IT'S A GREAT BENEFIT TO HAVE THE CHURCH THERE, BECAUSE CHURCHES NEED A LOT OF PARKING, WHICH IF WE HAVE A SHARED PARKING SITUATION THAT RESULTS IN THE STATION AREA PLAN, YOU'RE GOING TO HAVE SMALL BUSINESSES IN THE AREA FINDING A TREMENDOUS BENEFIT FROM HAVING THIS ABILITY TO HAVE A SHARED PARKING ARRANGEMENT WITH THE CHURCH THAT'S COUNTER CYCLICAL TYPICALLY TO BUSINESSES.

WE NEED TO MAKE SURE THAT THIS PROPERTY DOES -- THAT THERE'S NO KIND OF GRANDFATHERED OR LOSS OF OPPORTUNITY TO HAVE THE STATION AREA PLAN RESULTS APPLIED TO THIS PROPERTY. YOU KNOW WHAT I'M SAYING?

IT'S THAT SECOND PART WHERE WE DON'T ACTUALLY HAVE THE STANDARDS WHERE WE CAN QUANTIFY AND -- YOU KNOW, NOT HAVING THOSE STANDARDS AVAILABLE TO APPLY TODAY, IT'S DIFFICULT TO -- TO SAY IN THE FUTURE THAT THEY ARE GOING TO APPLY TO THE PROPERTY.

I JUST WANT TO MAKE SURE WE HAVE A SITUATION WHERE WE -- MARTY CAN YOU HELP ME --

COUNCIL MEMBER, THAT'S JUST -- LET ME MAKE A COMMITMENT TO YOU THAT I NEED TO LOOK AT THAT. I NEED TO -- LET ME -- THE COMMITMENT I WILL MAKE YOU TO..... TO YOU IS LET ME GET WITH YOU AND FIND OUT EXACTLY WHAT IT IS YOU WANT TO DO AND LET ME PERFORM THE ANALYSIS ON THAT AND GET BACK WITH YOU AND GET BACK WITH THE REST OF COUNCIL ON THAT AS WELL, LET YOU KNOW WHAT THE LIMITS ARE THAT YOU CAN AND CANNOT DO. I TOO LIKE GREG AM UNSURE ABOUT APPLYING FUTURE REQUIREMENTS. I BELIEVE THERE IS A WAY THAT WE CAN CRAFT INTO THE LANGUAGE THE DESIGN STANDARDS THAT YOU WANT TO APPLY. WE -- I THINK WE CAN DO THAT. IT WOULD BE THE OTHER ONES THAT ARE UNKNOWN. THAT IS A LITTLE BIT MORE DIFFICULT FOR ME AND I NEED TO THINK THAT THROUGH AND GET BACK WITH YOU.

MCCRACKEN: I JUST WANT TO MAKE SURE -- I'LL GIVE YOU A

HYPOTHETICAL -- I WANT TO MAKE SURE -- THE APPLICANT HAS SAID THEY WOULD PARTICIPATE IN A STATION AREA PLANNING PROCESS. I THINK IT IS VERY LIKELY, FOR INSTANCE, THAT THERE WOULD BE A STOP LOCATED ON THE SIDEWALK ON MANOR. I DON'T WANT TO HAVE A SITUATION THAT IT'S FORECLOSED. I THINK IT WOULD ACTUALLY BE OF BENEFIT TO EVERYBODY INVOLVED BUT I WOULD WANT TO MAKE SURE THAT WE DID NOT FORECLOSE SOMETHING LIKE THAT. BECAUSE TAXPAYERS ARE GOING TO SPEND A LOT OF MONEY ON THIS TRANSPORTATION INFRASTRUCTURE. I THINK WE NEED TO MAKE SURE THAT EVERYBODY AS WE BRING THESE -- REGARDLESS OF WHO IT IS, EVERY APPLICANT IS BEING MINDFUL OF THOSE RESPONSIBILITY TO TAXPAYERS TO MAKE SURE THAT WE'RE LOOKING ON THAT VERY EXPENSIVE TAXPAYER FUNDED INFRASTRUCTURE. SO MARTY, I.. I WOULD SAY SIMPLY CRAFT IT WHERE IT IS -- THAT THERE IS NO ABILITY TO CLAIM THAT THE STATION AREA -- SOMETHING TO THE EFFECT THAT THE STATION AREA PLANNING RESULTS ARE NOT RENDERED MOOT BY THIS ZONING ACTION TONIGHT.

I NEED TO GET WITH YOU ON IT AND I WANT TO GET WITH THE APPLICANT TOO AND SEE WHAT THE APPLICANT IS WILLING TO DO.

MCCRACKEN: YEAH.

MAYOR WYNN: COUNCIL MEMBER, I NEED TO GO BACK AND HELP CRAFT YOUR MOTION A LITTLE BIT, MORE PRECISELY. SO YOU'RE MOVING -- CLOSE THE PUBLIC HEARING, APPROVE ON FIRST READING ONLY NO. 68, THE PLANNING COMMISSION RECOMMENDATION --

MCCRACKEN: NO, APPLICANT'S -- APPLICANT'S REQUEST, 60 FEET -- I THINK IT'S THE COMMISSION'S RECOMMENDATION WITH RESPECT TO THE SANCTUARY HEIGHT --

MAYOR WYNN: THE NORTH AND SOUTH --

PRIVATE RESTRICTIVE COVENANT.

MAYOR WYNN: WITHOUT THE OTHER LANGUAGE.

AND THE COMMITMENT THAT THE STAFF WILL MAKE IS THAT WE WILL EXPLORE BETWEEN NOW AND WHEN IT COMES BACK TO YOU WITH BOTH COUNCIL AND WITH -- WITH COUNCIL MEMBER AND WITH THE APPLICANT WHAT WE CAN DO ABOUT DESIGN STANDARDS AND THE FUTURE TOD --

WE'VE ALREADY PASSED DESIGN STANDARDS SO THAT SHOULD NOT EVEN BE AN ISSUE.

REQUIREMENTS INTO THE ORDINANCE.

THAT THAT ONE IS THE EASY PART. IT'S THE OTHER ONE.

YES.

SO, MAYOR, IT'S THE 60-FOOT HEIGHT REQUEST FROM THE APPLICANT FOR SANCTUARY ONLY WITH TWO ADDITIONAL ITEMS, WHICH IS COMPLY WITH DESIGN STANDARDS AND THEN TO THE MAXIMUM EXTENT POSSIBLE LEAVE OPEN THE OPPORTUNITY TO HAVE THE STATION AREA PLAN CODE APPLIED TO THE RELEVANT PORTIONS AT THIS SITE.

MAYOR WYNN: OKAY. THANK YOU. SO MOTION -- WE HAVE A MOTION ON THE TABLE.

I HAVE A QUESTION FOR THE STAFF. SO IF WE HAVE APPLIED WHAT THE TOD ORDINANCE IS, WHICH IS 25% HOUSING, 25% AFFORDABLE HOUSING, WOULD THAT BE APPLICABLE TO THIS AT ALL?

THE INTERIM STANDARDS DON'T SPEAK TO AFFORDABLE HOUSING. IT SPEAKS TO MORE DESIGN ELEMENTS UNDER THE INTERIM TOD ORDINANCE THAT WE HAVE. THE DESIGN ELEMENTS WE CAN CARRY FORWARD FROM OUR COMMERCIAL DESIGN STANDARDS, AND PROBABLY CRAFT THAT LANGUAGE AND PUT THAT IN THE ORDINANCE FOR YOUR EVENTUALLY REVIEW AND POSSIBLE APPROVAL. BUT THE TOD ORDINANCE, THAT WILL COME ACTUALLY WITH THE STATION AREA PLANS, AND I THINK WHAT COUNCIL MEMBER MCCracken WAS ACTUALLY SAYING, IN THE FUTURE IF THE TOD CORNERS COMES IN, THERE'S AFFORDABILITY

COMPONENT THAT COMES OUT OF THE STATION AREA PLANS, I THINK WHAT HE...HE IS ASKING IS THAT THAT CAN POSSIBLY BE APPLIED TO THESE PROPERTIES AND THAT'S WHAT LAW IS GOING TO LOOK AT.

WITH HOUSING, POSSIBLY?

POSSIBLY, BECAUSE WE DON'T KNOW WHAT'S GOING TO COME OUT OF THE STATION AREA PLANS AND WHAT THE AFFORDABILITY COMPONENT WOULD BE.

OKAY. THANKS.

MAYOR WYNN: COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: I'M GIVING COUNCIL MEMBER KIM A GOOD EXAMPLE. WE'VE LEARNED IN ARLINGTON, FOR EXAMPLE, SOME CURCHS OVER TIME ALONG THE RAIL SYSTEM HAVE SOLD OFF AND PUT THEIR LAND INTO PRIVATE DEVELOPMENT. YOU DON'T WANT TO HAVE A SITUATION WHERE IF THIS LAND IS SOLD OFF IN A PRIVATE DEVELOPMENT THAT THE RULES OF THE STATION AREA PLAN DON'T APPLY IN THE FUTURE. SO THAT WOULD BE AN EXAMPLE AT SUCH POINT, IF LAND WAS SOLD IN PRIVATE DEVELOPMENT, WHICH HAS HAPPENED IN OTHER RAIL SYSTEMS, THEN THOSE RULES -- WE'D WANT TO MAKE SURE THOSE RULES APPLIED, INCLUDING THINGS LIKE AFFORDABILITY.

MAYOR WYNN: WE HAVE A MOTION ON THE TABLE BY COUNCIL MEMBER MCCRACKEN. SECOND BY THE MAYOR PRO TEM. FIRST READING ONLY. I GUESS I HAVE A QUESTION, PERHAPS, FOR MR. SUTTLE, OR MR.-- IT COULD BE -- MR. SUTTLE, YOU THINK IT'S SORT OF -- IT'S OBVIOUS WHAT OUR -- WHAT -- YOU KNOW, FROM A LONG-TERM COMMUNITY PLANNING PROCESS OUR DILEMMA IS, AND THAT IS TECHNICALLY BECAUSE OF THE STRATEGIC NATURE OF THE RAIL LINE THERE, IN ADDITION TO THE NEIGHBORHOOD PLANS, BECAUSE OF.....GIVESTHE OPPORTUNITY TO CREATE MORE THERE RATHER THAN LESS, IT SEEMS TO ME THE INTENT OF THE PLANNING COMMISSION WITH THE IDEA OF TRYING TO HAVE NO CHURCH FUNCTIONS ON SOME, YOU KNOW, GEOGRAPHIC

PORTION OF THIS TRACT IS, YOU KNOW, FOR -- SOMEHOW FOR THERE TO BE, YOU KNOW, SOME MIXED USE, YOU KNOW, SORT OF NEIGHBORHOOD SERVICE, YOU KNOW, RETAIL WITH RESIDENTIAL ABOVE IT, THAT KIND OF STUFF, THAT WE ARE ALL GETTING EXCITED ABOUT IN THIS TOWN, BUT SINCE WE CAN'T -- APPARENTLY CAN'T, YOU KNOW, -- STANDPOINT RESTRICT PRECISELY WHERE THE, YOU KNOW, CHURCH FUNCTIONS MIGHT BE, IS IT -- IT SEEMS TO ME IT'S QUITE CONCEIVABLE, AT COUNCIL MEMBER MCCrackEN POINTED OUT, IS THE CHURCH DOESN'T NEED ALL OF THAT LAND AND, IN FACT, THAT THERE IS SIGNIFICANT, IN THEORY, VALUE CREATED WITH THE TRANSIT LINE ADJACENT TO IT, HAS THE CHURCH CONSIDERED AND TALKED ABOUT SOMEWHAT, EVEN INTERNALLY, DELINEATING THE SITE IN SUCH A WAY TO WHERE THEY PERHAPS SELL OFF A PORTION OF THIS PROPERTY, SPECIFICALLY FOR THE KIND OF MIXED USE DEVELOPMENT THAT SO MANY OF US WANT TO SEE?

YES, SIR, IT -- IT'S INTERESTING, THE CHURCH BOUGHT THIS. IT WASN'T COMMUTER RAIL WASN'T QUITE A REALITY, SO THEY'VE INHERITED THE SITUATION AFTER THE FACT. THEY BOUGHT IT AND THEN I BELIEVE THE ELECTION TOOK PLACE AND NOW THEY'RE CAUGHT. WHEN THEY BOUGHT IT IT WAS 11 ACRES OF CHURCH TRACT. BUT AFTER THE PLANNING COMMISSION RECOMMENDATION THE CHURCH TUMLY WENT BACK AND LOOKED TO SEE WHAT THEY COULD DO THAT WAS CLOSE TO PLANNING COMMISSION RECOMMENDATION AND ONE THING THEY DID DETERMINE IS THAT PROBABLY -- I THINK PLANNING COMMISSION WANTED 4 ACRES ON THE SOUTHERN END TO BE NON-CHURCH USE, AND THAT'S THE AREA CLOSEST TO THE PROPOSED RAIL STATION. I THINK THE CHURCH LOOKED AT IT AND SAID THEY COULD PROBABLY GO THREE ACRES THERE THAT EVENTUALLY COULD BE SOLD TO A PRIVATE DEVELOPER AND BE THE MIXED USE COMPONENT AND IT WOULD MAKE SENSE BECAUSE THEN IF YOU YOU HAD CONNECTIVITY WITH THE SIDEWALKS ON THE ENTIRE TRACT AND YOU HAD THE SOUTHERN 3 ACRES AS BEING EXCUSED AND THE CHURCH ON THE OTHER SEVEN OR EIGHT ACRES THEN THAT WOULD WORK. THE TRICK GETS BACK TO THE TAX EXEMPTION. THE MINUTE YOU SAY THAT ATTRACT IS NOT AVAILABLE TO

CHURCH EXPANSION, THEN THE TAX LIABILITY KICKS IN, AND BECAUSE THE CHURCH IS NOT A DEVELOPER, THEY'D BE FORCED TO EITHER FIRE SALE IT OR QUICKLY SELL IT OR DO SOMETHING THAT THEY'RE NOT QIPD TO DO. THAT'S A LONG WAY OF SAYING THE ANSWER IS YES. THE SOUTHERN 3 ACRES WE ACTUALLY HAD WRITTEN A LETTER TO THE NEIGHBORHOOD SAYING THAT IS SOMETHING WE COULD WORK WITH AND SAY THAT WILL NOT BE CHURCH USE. IT WILL BE A MIXED USE ON THAT END.

ALSO, JUST TO BUILD ON A POINT THAT COUNCIL MEMBER COUNCIL MEMBER MCCracken BROUGHT UP, CHURCH CAN BE RELATIVELY UNIQUE FROM THE CONCEPT OF SHARED PARKING JUST BECAUSE FOR THE MOST PART WHEN THEIR FACILITIES ARE BEING USED. SO IT SEEMS TO ME THERE'S EVEN ADDITIONAL VALUE TO THE CHURCH IF IN A CLEVER WAY, AN APPROPRIATE WAY, YOU KNOW, THREE ACRES OR SO ARE IDENTIFIED FOR PRIVATE DEVELOPMENT, WITH THE WHOLE SON SEPTEMBER OF SHARED PARKING. SO HERE'S THE OPPORTUNITY FOR THE CHURCH TO HAVE THE ABILITY TO FINANCIALLY SHARE IN THE COST OF PERHAPS STRUCTURED PARKING, KNOWING THAT, YOU KNOW, PERHAPS A COUPLE OF TIMES A WEEK THEY WOULD BE USING THIS..... IT AND THE REST OF THE WEEK, YOU KNOW, THE TENANTS OR THE USERS OR THE FOLKS IN THE PRIVATELY DEVELOPED MIXED USE PART EVERY..... OF THE TRACT GETS THE BENEFIT OF OTHERWISE CHURCH PARKING. AND SO PERHAPS MAYBE THE CHALLENGE IS SOONER RATHER THAN LATER. WHY NOT IMMEDIATELY TRY TO IDENTIFY HOW MUCH OF THIS LAND THE CHURCH COULD CONSIDER TO BE EXCESS AND THEN LET'S -- IN THEORY WE COULD TEA UP A SEPARATE CASE SOONER RATHER THAN LATER AND DEVELOP..... LIVER R DELIVER VALUE TO THE CHURCH, AND VALUE TO THE LAND SO MANY FOR EXAMPLE WOULD LIKE TO SEE IN AND AROUND THOSE STATIONS.

, IN FACT, THE ZONING IS THERE FOR THAT AND THE CHURCH HAS DETERMINED THAT THERE'S THREE ACRES ON THE SOUTHERN THAT COULD BE EXCESS AND THERE'S IMMENSE OPPORTUNITY THERE FOR SHARING NOT ONLY PARKING BUT INFRASTRUCTURE, DRAINAGE, UTILITIES AND ALL. THE TRICK AND THE COMPLICATION IS THAT THE CHUMP NEEDS TO GET THEIR CHURCH FACILITY BUILT QUICKLY

BECAUSE THEY'RE GOING TO LOSE THEIR HOME OVER CONCORDIA, AND YESTERDAY THE STATIONARY PLANNING PROT PROCESS AND SITE PLAN AND CREATING A MARKET BEFORE THE TRAIN STATION IS THERE LAGS BEHIND THEIR NEEDS TO GET THEIR CHURCH THERE. BUT THAT BEING SAID, THE ACTION TONIGHT WOULD NOT PRECLUDE ANY OF THOSE OPPORTUNITIES. THE ACTION TONIGHT JUST TELLS THE CHURCH WHETHER THEY SHOULD GO DESIGN FOR A CHOIR LOFT AND AN ORGAN OR SHOULD THEY BE FORCED TO DESIGN SOMETHING LESS THAT CHOIR GROUPS WON'T THINK IS AS NEED AND WON'T BE AS BIG AN ASSET TO OUR CITY. THAT'S THE ONLY THING THAT HAPPENS TONIGHT. NOTHING IS BEING FORECLOSED TONIGHT. IN FACT, THE ARGUMENT IS THERE IT ENHANCES THE CONVERSATIONS, LIKE YOU'RE TALKING ABOUT.

MAYOR WYNN: THANK YOU, MR. SUTTLE. OTHER QUESTIONS OF THE AGENT? COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: SO YOU'RE SAYING IF THIS IS NOT -- IF THIS IS NOT SETTLED IN ANY WAY, YOU COULD BUILD YOUR CHURCH AT 40 FEET? IS THAT WHAT YOU'RE SAYING?

THE CHURCH --

LEFFINGWELL: YOU.... YOU WOULDN'T HAVE ?I RESTRICTIONS AT ALL. YOU'D BE TOTALLY UNEVEN CONSUME BELD --

UNENCUMBERED ON THE ENTIRE 11 ACRES.

LEFFINGWELL: JUST FOR CLARIFICATION, WE DIDN'T CLOSE THE PUBLIC HEARING. YOUR MOTION DID NOT CLOSE THE PUBLIC HEARING?

MAYOR WYNN: IT DID. THE THE MOTION WAS -- WE COULD ALWAYS, YOU KNOW, WAVE RULES AT FUTURE HEARING AND DO WHATEVER.

LEFFINGWELL: OKAY, BECAUSE THERE WAS SOME REQUEST. ONE OF THE SPEAKERS REQUESTED BECAUSE OF THE UNRESOLVED NATURE OF THIS THAT WE LEAVE THE PUBLIC HEARING OPEN. BUT THAT'S FINE, AND WE CAN REOPEN IT IF

WE NEED TO.

MAYOR WYNN: YES.

LEFFINGWELL: SO I'M GOING TO SUPPORT THIS ON FIRST READING, AND -- BEFORE WE COME BACK FOR SECOND READING I WANT TO SEE SOMETHING THAT ADDRESSES WHAT THE DESIGN STANDARDS WOULD DO AND HOW THEY WOULD FURTHER THE INTERESTS OF THE EXISTING NEIGHBORHOOD PLAN.

MAYOR WYNN: COUNCIL MEMBER MARTINEZ?

MARTINEZ: MY ONLY CONCERN WITH CLOSING THE PUBLIC HEARING IS WHEN WE POST IT IN THE FUTURE, HOW IS THE NEIGHBORHOOD GOING TO KNOW THAT WE MAY POTENTIALLY WAVE.....LY WAIVE THE RULES TO ALLOW THEM TO SPEAK,.. IF WE LEAVE THE PUBLIC HEARING OPEN AND IT'S POSTED AS A PUBLIC HEARING, THEY ALL KNOW THEY HAVE THE RIGHT TO COME DOWN AND SIGN UP ON SPEAK. HOW WOULD WE WAIVE THOSE RULES WITH ENOUGH NOTIFICATION WITH THE NEIGHBORS TO BE ABLE TO COME DOWN HERE?

MAYOR, I'M TOTALLY FINE -- CHANGE MY MOTION AND LEAF..... LEAVE THE PUBLIC HEARING OPEN.

MAYOR WYNN: MAYOR PRO TEM? WE WILL LEAVE IT OPEN. FURTHER COMMENTS, QUESTIONS? COUNCIL -- MR. GUERNSEY?

GUERNSEY: IT MAY BE ALSO HELPFUL TO SET THE DAY OF THE SECOND READING ITEM, IT WILL BE ALLEVIATING OR OUR POSTING REQUIREMENT, AND THAT WAY EVERYONE WOULD KNOW TODAY WHEN THAT MEETING WOULD BE AND THEN WE WOULDN'T FORCE THE MEETING TO BE PUT OFF AND REQUIRE A SECOND NOTICE FOR THE PUBLIC HEARING. SO THE SUGGESTION THAT WE HAD FOR YOU WOULD..... WOULD BE IS IN TWO WEEKS WE WOULD BRING THIS BACK FOR SECOND READING, ACKNOWLEDGING THAT THE PUBLIC HEARING WOULD BE OPEN. NO NOTICE WOULD BE REQUIRED AND EVERYONE THAT'S HERE, IS PRESENT THIS EVENING, WOULD HAVE KNOWLEDGE OF THAT. THE

APPLICANT WOULD LIKE SECOND AND THIRD. I HEARD --
WHEN ONE OF THE COUNCIL MEMBERS MENTIONED
SECOND. SO WE COULD POST IT FOR SECOND AND THIRD.
YOU COULD HAVE THE OPTION OF DOING SECOND AND
THIRD THAT EVENING OR JUST DOING SECOND.

MAYOR.....SECOND.

MAYOR, FOR WHAT IT'S WORTH, ABOUT THE SAME PROBLEM
WITH THIS AS I DID WITH THE OTHER TWO ITEMS ON THIS. I'M
OUT OF TOWN ON A CAP METRO IN TWO WEEKS, ON THE
ZONING PORTION. BUT IF THE REST OF THE COUNCIL IS FINE
WITH THAT, IT'S NOT A VALID PETITION ISSUE.

MAYOR WYNN: COUNCIL MEMBER KIM?

KIM: I DON'T HAVE ANYTHING AGAINST CHURCHES. IT'S JUST
THAT I DON'T FEEL THIS IS AN APPROPRIATE PLACE FOR
THIS CHURCH GIVEN WHAT WE SEE IN THIS NEIGHBORHOOD.
OUR VISION IS FOR THIS NEIGHBORHOOD, AND ALSO THE
STATION. SO I WON'T BE SUPPORTING THE MOTION.

MAYOR WYNN: FURTHER COMMENTS ON THE MOTION THAT'S
ON THE TABLE? FIRST READING ONLY. HEARING NONE, ALL
THOSE -- WELL, I'M SORRY, MR. GUERNSEY, YOU'D LIKE FOR
US TO GO AHEAD AND AS SOON AS WE NOTICE WHAT WILL
BE OUR SECOND AND/OR THIRD READING, RIGHT?

GUERNSEY: WE CAN POST IT AS A PUBLIC HEARING FOR
SECOND AND THIRD READING ON NOVEMBER 2, AND THAT
WOULD GIVE COUNCIL THE OPPORTUNITY TO EITHER TAKE
SECOND OR THIRD READING THAT EVENING, PROVIDED WE
CAN GET THE ORDINANCE, AND WE'LL WORK VERY QUICKLY
WITH COUNCIL MEMBER MCCrackEN AND LAW CAN GET
TOGETHER AND TRY TO ADDRESS THE LANGUAGE MAYBE
NEXT WEEK THAT HE HAD RAIS. BUT WE CAN BRING THIS
BACK FOR SECOND AND THIRD READING ON THE 2ND AND
COUNCIL COULD EITHER DO SECOND AND THIRD READING
OR JUST DO SECOND ON THAT EVENING IF YOU DESIRED.
BASED ON THAT PROBABLY SHOULD BRING ON THE 16TH
BECAUSE SOME OF THE ISSUES RELATED TO MY MOTION
THAT YOU'LL NEED TO CONSULT.

MAYOR WYNN: MS. TERRY?

THAT WOULD BE VERY HELPFUL FOR US.

GUERNSEY: LET'S DO THE 16TH THEN.

MAYOR WYNN: SO I GET A MOTION AND A SECOND ON THE TABLE. APPROVE ON FIRST READING ONLY THE 60-FOOT HEIGHT LIMIT BEFORE THE SANCTUARY FOOTPRINT ONLY, WITH A COUPLE OF DESIGN COMMENTS, INCLUDING COMPLYING WITH THE DESIGN STANDARDS AND TO THE EXTENT POSSIBLE RECOGNIZING THE UPCOMING STATION AREA PLAN CODE DEVELOPMENT, AND POSTING FOR PUBLIC -- CONTINUATION OF THE PUBLIC HEARING, SECOND AND/OR THIRD READINGS ON THURSDAY, NOVEMBER 16, 2006. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE?

AYE.

MAYOR WYNN: OPPOSED? MOTION PASSES ON A VOTE OF 6 TO ONE WITH COUNCIL MEMBER KIM VOTING NO. THANK YOU VERY MUCH.

THAT WOULD BE SCHEDULED FOR A PUBLIC HEARING ON THE 16TH, FOR SECOND AND THIRD READING.

MAYOR WYNN: RIGHT.

THAT TAKES US TO ITEM NO. 70. AS YOU RECALL, ITEM NO. 69 WAS SENT BACK TO THE ZONING AND PLANNING COMMISSION FOR THEIR RECONSIDERATION. ITEM NO. 70 IS C 14-06-0134 OF THE LANE LINE DEVELOPMENT, LIMITED. THIS IS A PROPERTY LOCATED AT NORTH FM 620 ROAD AND RIDGELINE BOULEVARD. THIS IS A REZONING REQUEST FROM COMMERCIAL HIGHWAY OR CH DISTRICT ZONING. GENERAL COMMERCIAL SERVICES, OR CS, DISTRICT ZONING; COMMUNITY COMMERCIAL SERVICES, CONDITIONAL OVERLAY OR GRCO COMBINING DISTRICT ZONING AND LIMITED OFFICE CONDITIONAL OVERLAY OR LO COMBINING DISTRICT ZONING, TO COMMUNITY COMMERCIAL-MIXED USE OR GR-MU, COMBINING DISTRICT ZONING. THE ZONING AND PLANNING COMMISSION RECOMMENDATION WAS TO GRANT

GR-MU-CO, WHICH STANDS FOR COMMUNITY COMMERCIAL MIXED USE, COMMERCIAL OVERLAY COMBINED DISTRICT ZONING FOR TRACT 1 AND LIMITED OFF CONDITIONAL OVERLAY OR LO-CO COMBINING DISTRICT ZONING FOR TRACT 2. THIS PROPERTY AS I MENTIONED BEFORE IS NEAR A LOCATION OF 620 AND RIDGELINE BOULEVARD. IT IS LOCATED WEST OF THE EXISTING LAKE LINE MALL. ITS WESTERN BOUNDARY IS ACTUALLY BORDERING OUR CITY LIMIT LINE AND THEREFORE SEVERAL HOMES THAT BORDER THIS PROPERTY AND ARE LOCATED IN THE COUNTY OUTSIDE OF OUR ZONING JURISDICTION AND ARE EXISTING. TO THE NORTH IS SOME P PUBLIC ZONING AND SOME MORE CH ZONING AND UNDEVELOPED AND TO THE SOUTH IS SOME SINGLE-FAMILY ZONING ON THE OTHER SIDE OF 620. AGAIN, TO THE EAST IS LAKE LINE MALL. THE PROPERTY IS APPROXIMATELY 56 ACRES WITH JUST OVER TWO AND A HALF ACRES BEING COMPRISED OF TRACT 2, WHICH IS SUGGESTED FOR LO ZONING, WITH THE CONDITIONAL OVERLAY. THE ZONING AND PLANNING COMMISSION'S RECOMMENDATION ACTUALLY ADOPTED SOME OF THE REGULATIONS THAT ARE EXISTING ALREADY ON THE PROPERTY FROM A ZONING CASE THAT WAS APPROVED BY COUNCIL BACK IN JULY OF 1977. AND WOULD ADDRESS SOME OF THE FOLLOWING THINGS THAT -- THERE WOULD BE OUTDOOR SPORTS AND RECREATION AND OUTDOOR ENTERTAINMENT WOULD BE PROHIBITED ON THIS PROPERTY, THAT WITHIN 300 FEET OF THE EASTERN MOST PROPERTY LINE OF THE SUBDIVISION NEXT DOOR, WHICH IS THE WEST PROPERTY LINE OF THIS PROPERTY, THAT AUTO REPAIR SERVICES, AUTOMOBILE WASHING, RESTAURANTS, THEATER, INDOOR ENTERTAINMENT AND CLUB AND LODGE USES WOULD BE PROHIBITED, THAT NO BUILDING OF ANY KIND SHALL BE LOCATED WITHIN 100 FEET OF THE EASTERN MOST PROPERTY LINE OF THAT SAME RESIDENTIAL SUBDIVISION. THE SHENANDOAH SECTION 5 SUBDIVISION AND THAT NO STRUCTURE OF ANY KIND SHALL BE BUILT TO A HEIGHT OF GREATER THAN 30 FEET AT A POINT BEGINNING 100 FEET BEGINNING -- 100 FEET FROM THAT SUBDIVISION ON THEIR PROPERTY GOING TO A DEPTH OF 200 FEET. SO YOU WOULD HAVE THE PROPERTY LINE THAT JOINS HOMES IN THE COUNTY BETWEEN ZERO AND 100 THERE WOULD BE NO BUILDINGS. BETWEEN 100 AND 200 THEY WOULD BE

ALLOWED TO HAVE BUILDINGS UP TO 30 FEET. AND THEN THE COMMISSION'S RECOMMENDATION BEYOND THAT 200 FEET WOULD BE THAT NO STRUCTURE OF ANY KIND WOULD BE BUILT TO A HEIGHT GREATER THAN 35 FEET. SOME ADDITIONAL CONDITIONS, THERE WOULD BE NO DEVELOPMENT WITHIN THE LO-CO PORTION OF THE PROPERTY, THAT THE APPLICANT AGREED TO REVEGETATE THE CO -- LO-CO PORTION OF THE PROPERTY, WHICH IS TRACT 2. THE APPLICANT WILL PROVIDE AN 8-FOOT STONE OR MASONRY FENCE ALONG THE WESTERN PROPERTY LINE ADJACENT TO THE SHENANDOAH SECTION 5 SUBDIVISION. THERE ARE SEVERAL -- I BELIEVE SEVERAL PROPERTY OWNERS THAT HAVE CONTACTED STAFF AND THE APPLICANT HAS WORKED WITH THEM AND ADDRESSED MANY OF THEIR ISSUES REGARDING THE BUFFER, THE FENCE, THE EXCLUSION OF WINDOWS THAT WOULD FACE THEIR PROPERTY, LIGHTING RESTRICTIONS, PROHIBITING AND AGREEING TO NO FUTURE ROAD CONNECTIONS TO -- BETWEEN THIS PARTICULAR PROPERTY TO THE PROPERTY TO THE WEST, AGREEING TO LOOK AT SOME DRAINAGE ISSUES IN THE FUTURE AND SOME OTHER REQUIREMENTS DEALING WITH PARK POINT IMPROVEMENTS IMPROVEMENTS ON SOME ADJACENT CITY LAND AND TRY TO WORK WITH OUR PARKS DEPARTMENT AND MAKING SURE THOSE IMPROVEMENTS ARE PLACED NEARBY. I BELIEVE WE HAVE TWO SPEAKERS THIS EVENING, ALTHOUGH THE AGENT HERE IS PRESENT, I THINK SHAW HAMILTON. HE IS ALSO THE PROPERTY OWNER ON PSI, RALPH REED IS ALSO REPRESENTED I THINK BY A AN ATTORNEY, HENRY GILMORE, THAT MAY BE MAKING A PRESENTATION, AND I BELIEVE THERE IS A RESIDENT FROM THE SUBDIVISION NEXT DOOR IN QUESTION THAT HAS SOME CONCERNS ABOUT THE RECOMMENDATION. AT THIS POINT I'LL PAUSE AND IF YOU HAVE ANY QUESTIONS I'D BE MORE THAN HAPPY TO ANSWER THEM AT THIS TIME.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. QUESTIONS FOR MR. GUERNSEY, COUNCIL? IF NOT WE'LL HEAR OUR PRESENTATION FROM THE APPLICANT.

MAYOR, MEMBERS OF THE COUNCIL GOES I'M HENRY GILMORE REPRESENTING THE APPLICABLE, ALONG WITH SHAW HAMILTON. WE'RE IN SUBSTANTIAL AGREEMENT WITH

THE RECOMMENDATION EXCEPT FOR ONE ISSUE, AND THAT'S THE MAXIMUM HEIGHT FOR THE PORTION OF OUR TRACT, WHICH IS 200 FEET AND BEYOND FROM THE SHENANDOAH NEIGHBORHOOD, BUT. WHAT WE'RE ASKING FOR IS... IS THE ABILITY TO GO TO 45 FEET MAXIMUM HEIGHT AND HAS GREG HAS INDICATED ZAP HAS RECOMMENDED 35 FEETMENT THERE ARE A COUPLE THINGS I WANT TO REITERATE. FIRST, THAT WE ARE ACROSS THE STREET FROM LAKE LINE MALL. WE ARE SEEKING TO INTRODUCE MIXED USE DEVELOPMENT HERE INSTEAD OF DOING ALL COMMERCIAL, AS IT IS CURRENTLY ZONED TO DO. WHAT WE'RE TALKING ABOUT IS TWO TO THREE LEVELS OF MULTIFAMILY RESIDENTIAL OVER FIRST FLOOR RETAIL. WE WILL MEET AND EXCEED THE NEIGHBORHOOD COMPATIBILITY STANDARDS, EVEN THOUGH TECHNICALLY THE STANDARDS DON'T APPLY BECAUSE THE SHENANDOAH NEIGHBORHOOD IS IN THE COUNTY RATHER THAN THE CITY LIMITS. AND AS GREG HAS DESCRIBED, WE ARE OFFERING A VERY SUBSTANTIAL BUFFER BETWEEN OUR DEVELOPMENT AND THE SHENANDOAH NEIGHBORHOOD. NO DEVELOPMENT AT ALL WITHIN THE FIRST 50 FEET, NO BUILDINGS AT ALL WITHIN THE NEXT HUNDRED FEET, SO THAT THERE WILL BE AT LEAST 100 FEET BEFORE THERE'S A BUILDING ADJACENT TO THE NEIGHBORHOOD. THEN FOR THE NEXT HUNDRED FEET BUILDINGS ARE LIMITED TO NO MORE THAN 30 FEET IN HEIGHT. WHAT WE'RE ASKING FOR IS THE ABILITY TO... TO GO TO 45 FEET IN HEIGHT BEGINNING 200 FEET AWAY FROM THE NEIGHBORHOOD AND HEADING EAST TOWARD LAKE LINE MALL. IN ADDITION, WE'VE AGREED TO BUILD AN 8-FOOT HIGH STONE FENCE ALONG OUR WESTERN BOUNDARY ADJACENT TO THE SHENANDOAH NEIGHBORHOOD. WE'VE ALSO AGREED NOT TO CONNECT ANY NEW ROADS INTO THE SHENANDOAH SUBDIVISION FROM OUR TRACT SO THAT NO TRAFFIC GOING IN AND OUT OF OUR DEVELOPMENT WILL NEED TO USE NEIGHBORHOOD STREETS. WE'VE ALSO AGREED TO CONTINUE TO EXCLUDE A NUMBER OF USES WITHIN 300 FEET OF THE PROPERTY LINE ADJACENT TO THE SHENANDOAH NEIGHBORHOOD AS GREG HAS DESCRIBED, WHICH INCLUDES NO AUTOMOTIVE REPAIR WASHING, NO RESTAURANTS, NO THEATERS, NO INDOOR ENTERTAINMENT OR CLUBS AND LODGES WITHIN 300 FEET. WE'VE ALSO AGREED TO WORK WITH THE CITY PARKS DEPARTMENT TO

SEE IF THEY WOULD BE WILLING TO EARMARK THE PARKLAND DEDICATION FEES THAT WOULD BE GENERATED BY THE DEVELOPMENT OF THIS TRACT, TO IMPROVE THE PARKLAND OWNED BY THE CITY JUST TO THE NORTH OF OUR TRACT. FINALLY, I WOULD NOTE THAT NEARBY AN ADJACENT ZONING ALLOWS SUBSTANTIALLY MORE HEIGHT THAN THE 45 FEET THAT WE'RE SEEKING. IF YOU REFER TO YOUR ZONING MAP IN THE PACKET, YOU'LL NOTICE THAT THERE'S A SUBSTANTIAL AMOUNT OF CH COMMERCIAL HIGHWAY ZONING ADJACENT TO OUR TRACT AND ACROSS RIDGELINE BOULEVARD. CH ZONING, AS YOU KNOW, ALLOWS UP TO 200 FEET MAXIMUM HEIGHT. THERE'S ALSO SUBSTANTIAL AMOUNT OF UNRESTRICTED GR ZONING ACROSS RIDGELINE BOULEVARD, WHICH ALLOWS A MAXIMUM OF 60 FEET IN HEIGHT. ALLOWING A MAXIMUM OF 45 FEET FOR THOSE PORTIONS OF OUR TRACT 200 FEET AWAY FROM THE NEIGHBORHOOD WOULD STILL RESULT IN A LOGICAL TRANSITION IN HEIGHT FROM THE 200-FOOT MAXIMUMS AND THE 60-FOOT MAXIMUMS CURRENTLY ALLOWED ADJACENT AND ACROSS THE STREET DOWN TO THE 45 FEET THAT WE'RE SEEKING, DOWN TO THE 30 FEET FOR THE NEXT HUNDRED FEET AND THEN DOWN TO ZERO FEET FOR THE HUNDRED FEET ADJACENT TO THE NEIGHBORHOOD. WITH THAT, WE'D ASK YOU TO SUPPORT THE ZAP RECOMMENDATION WITH THE ONE CHANGE, NAMELY TO CONDITION NO. 5, ALLOWING US TO GO TO A 45-FOOT HEIGHT MAXIMUM FOR THOSE PORTIONS 200 FEET AWAY FROM THE NEIGHBORHOOD. WE BELIEVE WE'VE AFFORD..... OFFERED A VERY SUBSTANTIAL BUFFER BETWEEN THE NEIGHBORHOOD AND OUR DEVELOPMENT AND WE BELIEVE THIS WILL ENABLE US TO DO A VIABLE MIXED USE DEVELOPMENT, WHERE CURRENTLY ONLY COMMERCIAL DEVELOPMENT IS ALLOWED. WITH THAT I'LL ANSWER ANY QUESTIONS.

MAYOR WYNN: THANK YOU, MR. GILMORE. QUESTIONS OF THE AGENT? COUNCIL? THANK YOU, SIR,.. SO NOW WE HEAR FROM FOLKS WHO ARE IN SUPPORT OF THE ZONING CASE. BLAKE CON TIEN SIGNED UP NOT WISHING TO SPEAK BUT IN FAVOR AND ONE PERSON SIGNED UP IN OPPOSITION IS MR. DAVID DID YOU OF.....DUVAL.DAVID, WELCOME...

MAYOR WYNN: YOU HAVE THREE MINUTES. WELCOME.

MAYOR, COUNCIL, THANK YOU. MY NAME IS DAVID DUVAL. I'VE LIVED IN SHENANDOAH SINCE 1973, BEEN A HOMEOWNER SINCE 78. I'M A LITTLE CONFUSED IN THAT I THOUGHT THE REQUEST FOR POSTPONEMENT TWO WEEKS AGO WAS DONE IN ORDER TO GET BACK TO THE NEGOTIATING TABLE WITH THE NEIGHBORHOOD AND THE DEVELOPER. THAT DID NOT HAPPEN. IT'S -- THE EFFORTS HAVE BEEN LESS THAN PROFITABLE FROM THEM. WE DO SUPPORT WHAT ZAP HAS PROPOSED. WE THINK IT'S A GOOD COMPROMISE. WE FEEL LIKE THEY WERE AN ARBITRATOR IN THE SITUATION. ALL THE ITEMS WERE PUT ON THE TABLE. MOST OF THE THINGS THAT ARE THERE NOW DO EXIST IN THE PRESENT ZONING. THEY'RE REALLY NOT GIVING UP ANYTHING ELSE THAT WE DON'T HAVE RIGHT NOW. THE TEN ITEMS THAT SEEM TO BE ON THE TABLE HERE THAT THEY HAVE OFFERED UP IS NOT THE CASE. IT'S TEN ITEMS THAT THE NEIGHBORHOOD HAS BROUGHT TO THE TABLE. MOST OF THOSE ITEMS ARE NOT SOMETHING THAT THEY CAN OFFER UP. THE ROADS ARE NOT THEIR DECISION. THE SECURITY LIGHTING IS NOT THEIR DECISION. MOST OF THOSE ITEMS ARE NOT CONSIDERATION THAT THEY WOULD BE ABLE TO MAKE A CALL ON. THEY DON'T HAVE A PLAN ON THE TABLE OF WHAT THEY'RE GOING TO DO. THEY'RE ASKING FOR THIS DEVELOPMENT FOR 15 ACRES OF THE 56...56-ACRE TRACT. WE DON'T KNOW WHAT THEY WOULD DO WITH THE REMAINING ACREAGE. THE 45-FOOT MAXIMUM HEIGHT IS ACTUALLY GOING TO BE 52, TO MY UNDERSTANDING, AND WE DON'T HAVE A -- WE DON'T HAVE A PLAN ON THE TABLE. WE DON'T KNOW WHAT THEY WANT TO DO. THEY CANNOT -- THEY CANNOT ADDRESS THE ENVIRONMENTAL ISSUES UNTIL THOSE -- THOSE DECISIONS ARE MADE, AND WE FEEL LIKE IT'S A GOOD COMPROMISE. WE HAVE GONE THROUGH FOUR ZONING CHANGES IN THAT NEIGHBORHOOD OVER THE LAST 30 YEARS, AND WE HAVE COMPROMISED AND WORKED OUT EVERY TIME WITH THE DEVELOPER AND THE NEW LANDOWNER AND WE FEEL LIKE WE HAVE A GOOD COMPROMISE ON THE TABLE NOW. WE DO NOT WANT A WALL, A 45-FOOT 52-FOOT WALL IN FRONT OF OUR NEIGHBORHOOD, AND THAT'S THE POSITION OF THE NEIGHBORHOOD IN SECTION 5.

MAYOR WYNN: THANK YOU, MR. DUVAL. QUESTIONS FOR MR. DUVAL, COUNCIL COUNCIL? THANK YOU, SIR. ALSO LIKES LIKE BRIAN SMITH SIGNED UP WISHING ON SPEAK. WELCOME, MR. SMITH. I SHOW YOU AS NEUTRAL HERE.

I'M NEUTRAL BECAUSE I ONLY FOUND ABOUT IT RIGHT NOW BUT I HAVE TO SAY THAT I AM ABSOLUTELY SHOCKED AND AMAZED THAT YOU PROVIDE MORE PROTECTION FOR PEOPLE THAT DON'T LIVE EVEN IN THE CITY, THAT THIS PROPOSAL IS PROVIDING A HUGE LEVEL OF BUFFER FOR PEOPLE WHO DON'T LIVE IN THE CITY WHEN WE'VE BEEN WRESTLING WITH DESIGN STANDARDS FOR PROPERTY THAT IS WITHIN THE CITY. THAT IS AN ENORMOUS BUFFER OF THE HEIGHT LIMITS FOR THAT RESIDENTIAL DEVELOPMENT WHEREAS WE'RE NOT GETTING THE SAME TYPE OF HUNDRED FOOT, 30-FOOT IN EROC. THANK YOU.

MAYOR WYNN: YOU'RE WELCOME. COUNCIL, THAT'S ALL OF OUR SPEAKERS ON THIS CASE, SO NOW THE APPLICANT AGENT HAS A ONE-TIME THREE MINUTE REBUTTAL. WELCOME, MR. HAMILTON.

MAYOR, MY NAME IS SEAN HAMILTON, COUNCIL MEMBERS. I JUST WANT TO LET YOU KNOW THAT WE DID MEET WITH THE NEIGHBORHOOD SEVERAL TIMES. WE STARTED WITH ABOUT 50 PEOPLE THAT CAME TO THE ORIGINAL MEETING. I ASKED THEM FOR A WISH LIST OF WHAT THEY WANTED SINCE THERE WAS NO COMPATIBILITY REQUIREMENTS, THERE WERE NO LIGHTING REQUIREMENTS. THEY CAME UP WITH A LIST OF TEN ITEMS. ONE WAS THE WALL, AND THE BUFFERS THAT WE PROVIDED. THE ONLY THING THAT MY CLIENT DID NOT AGREE TO WAS THE HEIGHT. THEY WANTED A 35-FOOT HEIGHT AND WE WANTED A 45-FOOT HEIGHT. AS YOU CAN SEE, WE STARTED WITH 50. WE'RE DOWN TO ONE. WE'VE TRIED. I THINK MY -- MY OWNER HAS BENT OVER BACKWARDS FOR THEM AS FAR AS CLIG WITH WHAT THEY WANTED CONSIDERING THEY ARE OUTSIDE THE CITY. PROVIDING A LARGE BUFFER THAT THEY DID WAS PRETTY AMAZING FROM MY PERSPECTIVE. SO IF YOU'VE GOT ANY QUESTIONS I'LL BE GLAD TO ANSWER THEM.

QUESTIONS FOR MR. HAMILTON, COUNCIL? THANK YOU, SIR. WELL, COUNCIL, THAT CONCLUDES THE PUBLIC HEARING

PART OF THIS ZONING CASE. COUNCIL MEMBER,
LEFFINGWELL.

LEFFINGWELL: MR. GUERNSEY? ARE THE TEN ADDITIONAL
ITEMS THAT WERE OFFERED BY THE APPLICANT AND
SUGGESTED BY THE NEIGHBORHOOD, ARE THEY INCLUDED
IN THIS ORDINANCE AS IT'S READY FOR US NOW?

NO, THIS IS ONLY READY FOR FIRST READING. THERE ARE
CERTAIN ITEMS DEALING WITH THE BUFFER THAT MAY ALSO
DEAL WITH SOME ACCESS TO ROADWAYS, AND POSSIBLY
SOME OF THE RESTRICTIONS CERTAINLY IN THE USES AND
THE SET-BACKS. WE COULD PUT THOSE INTO AN
ORDINANCE. SOME OF THESE OTHER ITEMS, WHEN THEY
ACTUALLY SPEAK TO TYPES OF MATERIALS BEING USED,
SPEAKING TO, I GUESS, TYPES OF SHIELDING, WE CAN
CERTAINLY PLACE INTO A COVENANT -- OR INTO EITHER
COVENANT OR ORDINANCE, RESTRICTIONS THAT DEAL WITH
COMPATIBILITY. BUT IF THERE ARE SOME SPECIFIC DESIGN
OF THE LIGHTING THAT THEY'RE TALKING ABOUT AS
SHIELDING, THAT WOULD HAVE TO BE IN A PRIVATE
COVENANT. ALSO, MAKING REQUESTS OF OUR PARK
DEPARTMENT OR POSSIBLY PROVIDING THINGS IN THE
FUTURE AS FAR AS EASEMENTS FOR DRAINAGE. THOSE ARE
THINGS THAT WOULD TYPICALLY COME IN OUR SUBDIVISION
STAGE, BUT THEY COULD CERTAINLY ENTER INTO A PRIVATE
AGREEMENT WITH THE NEIGHBORHOOD AND SAY, WE WILL
ASK FOR THESE THINGS OR WE WILL OFFER THESE KIND OF
EASEMENTS IN THE FUTURE. SO WE'RE ONLY READY FOR
FIRST READING. WE CAN WORK WITH THE APPLICANT TO
ADDRESS THOSE ITEMS. ONE THING THAT THEY DID OFFER
THAT MR. GILMORE INDICATED TO ME, THE OWNER
ACTUALLY AGREED TO PROHIBIT SOME OF THE WINDOWS
FROM FACING THE NEIGHBORHOOD. THAT WAS ACTUALLY
DECLINED, AS I UNDERSTAND, TALKING TO MR. GILMORE,
AND THE ONLY OTHER THING I'D JUST POINT OUT THAT
WHEN THE OTHER CITIZENS CAME FORWARD AND WERE
SPEAKING TO SETBACK REQUIREMENTS, THIS WOULD
EXCEED OUR NORMAL COMPATIBILITY STANDARDS IN THE
CITY OF AUSTIN FOR A BUILDING OF THIS HEIGHT.
SUBSTANTIALLY, AS FAR AS THE DISTANCE IS CONCERNED.

LEFFINGWELL: YES. WELL, I GUESS I AGREE WITH THE LAST

SPEAKER, WHO WAS LISTED AS NEUTRAL. I'M HAVING A HARD TIME SEEING HOW 45-FOOT BUILDING THAT'S 200 FEET AWAY FROM THE NEIGHBORHOOD WITH A VEJ TASTE I HAVE.....VEGETATIVE BUFFER AND AN 8-FOOT MASONRY WALL IN BETWEEN IT IS GOING TO BE OVERLY INTRUSIVE I HAVE. SO I'M GOING TO MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY THE ZAP RECOMMENDATION WITH THE EXCEPTION OF AFTER 200 FEET A HEIGHT OF 45 FEET WOULD BE ALLOWED AND ALSO INCLUDE ON SECOND READING THE -- THOSE PORTIONS OF WHAT THE APPLICANT HAS OFFERED THAT CAN BE PUT INTO THE ORDINANCE.

WE'LL WORK WITH THE APPLICANT AND THEN PREPARE COVENANTS, ORDINANCES AS APPROPRIATE AND BRING THEM BACK FOR YOUR CONSIDERATION FOR SECOND AND THIRD READING.

LEFFINGWELL: THANK YOU.

MAYOR WYNN: MOTION BY COUNCIL MEMBER LEFFINGWELL, SECONDED BY COUNCIL MEMBER COLE, PROPOSE TO CLOSE THE PUBLIC HEARING AS STATED ON FIRST READING ONLY. OTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

MAYOR WYNN: OPPOSED? MOTION PASSES ON FIRST READING ONLY ON A VOTE OF 6-0. COUNCIL MEMBER MARTINEZ TEMPORARILY OFF THE THE DAIS.

OUR NEXT ITEM IS NO. 71, THIS IS CASE C 14-06-142, ED'S MOUNTAIN SHADOW FOR THE PROPERTY LOCATED AT 8800 AND 8702 SKY MOUNTAIN DRIVE. THIS PROPERTY IS LOCATED IN WILLIAMSON CREEK WATERSHED IN OUR BARTON SPRINGS ZONE. THE PROPERTY IS CURRENTLY ZONED RR OR RURAL RESIDENTIAL, AND IS REQUESTED TO BE REZONED TO LIMITED WAREHOUSE OR W/LO ZONING. THE STAFF RECOMMENDATION AND THE COMMISSION RECOMMENDATION WERE BOTH TO DENY THE EZONING REQUEST. THE PROPERTY IS CURRENTLY ATTRACT OF LAND THAT'S JUST OVER 6 ACRES AND IT'S BOUNDED BY RURAL

RESIDENTIAL AND CS ZONING TO THE NORTH. THERE IS AN EXISTING ELECTRICAL SUPPLY COMPANY THAT WAS ACTUALLY PREEXISTING OUR ANNEXATION AND ALSO OUR ZONING CASES WHEN WE ANNEXED OAK HILL ORIGINALLY IN THE MID 1980'S, THE ADJACENT PROPERTY TO THE EAST IS MULTIFAMILY AND. TO THE SOUTH IS ALSO ZONED RURAL RESIDENTIAL AND DEVELOPED WITH SOME SINGLE-FAMILY-TYPE STRUCTURES. FURTHER TO THE WEST IS ZONED MULTIFAMILY AND UNDEVELOPED, AND THEN ACROSS MOUNTAIN SHAT ON'S DRIVE WHICH IS THE INTERSECTING STREET WITH SKY MOUNTAIN DRIVE ARE SOME SINGLE-FAMILY AND DUPLEX RESIDENCES. THE PROPERTY CURRENTLY FRONTS AN UNIMPROVED ROAD THAT'S APPROXIMATELY 15 FEET IN WIDTH, AND THIS PROPERTY IS HEAVILY TREE COVERED. THE PROPERTY IS SUBDIVIDED AND I'LL JUST NOTE THAT IT WOULD APPEAR THE PROPERTY WOULD BE GRANDFATHERED FROM OUR CURRENT WATERSHED REGULATIONS. AT THIS POINT I'LL PAUSE. IF YOU HAVE ANY QUESTIONS I'LL BE MORE THAN HAPPY TO ANSWER THEM AT THIS TIME.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF, COUNCIL? IF NOT, THEN WE WILL HAVE OUR APPLICANT PRESENTATION. WELCOME, MR. BENNETT. YOU'LL HAVE FIVE MINUTES.

MAYOR, I BELIEVE MR. HUDSON IS...HAS ALSO DONATED HIS TIME, MR. ROBERT HUDSON, IF I NEED IT.

MAYOR WYNN: YEAH, THE ISSUE IS WHETHER WE ACCEPT -- WE GENERALLY TRY TO HOLD THE PRESENTATION TO FIVE AND THEN DO THE PRO AND CONNECTICUT,..... CON, BUT WITHOUT OBJECTION, COUNCIL, MR. BENNETT, YOU CAN HAVE UP TO EIGHT MINUTES.

THANK YOU, SIR. MAYOR AND COUNCIL, I'M JIM BEEN IT AND I'M HERE TONIGHT ON BEHALF OF MRS. LEGGET'S REQUEST TO ZONING CHANGE TO WLO. SHE IS THE CURRENT OWNER OF THE PROPERTY. SHE HAS IT UNDER CONTRACT SUBJECT TO THE ZONING CHANGE THAT WE'RE SEEKING. THE WLO ZONING IS PROBABLY ONE OF THE ZONINGS THAT THE COUNCIL HEARS THE LEAST OF. I THINK THAT'S SOMEWHAT DUE TO THE MORE RESTRICTIVE SITE DEVELOPMENT

REGULATIONS IN THE WLO. AS AN EXAMPLE YOU'RE REQUIRED TO HAVE A MINIMUM OF A ONE-ACRE SITE. YOUR HEIGHT IS LIMITED TO 25 FEET AND ONE STORY. YOU HAVE A .25 TO 1 FAR, AND SO FOR THAT REASON I THINK THAT'S THE REASON THAT YOU DO NOT SEE THAT MUCH OF WLO ZONING. AS MR. GUERNSEY INDICATED TO YOU THE PROPERTY IS SURROUNDED BY MFCSWLO OFFICE AND RURAL RESIDENTIAL IN THE IMMEDIATE VICINITY AROUND THE PROPERTY, AND IF YOU LOOK AT YOUR ZONING MAP, AREA MAP THAT YOU HAVE ON THE PROPERTY, THEN YOU CAN SEE HOW THAT ZONING PATTERN EXISTS. MOUNTAIN SHADOWS IS A DEDICATED STREET. IT WAS DEDICATED WHEN IT WAS IN THE COUNTY. IT IS AN UNIMPROVED STREET. STAFF INFORMS ME THAT WHEN WE GO FORWARD WITH A SITE PLAN, THAT WE WOULD HAVE TO UPGRADE THIS STREET AND BRING IT UP TO THE STANDARDS THAT..... THAT WOULD BE REQUIRED BY THE CITY AS FAR AS PAVING AND ET CETERA. THE WL-O ZONING, WHEN YOU LOOK AT THE PURPOSE STATEMENT IN YOUR ORDINANCE, WITHOUT READING THE WHOLE THING, IT SAYS IT MAY BE LOCATED ADJACENT TO RESIDENTIAL USE IF THE DENSITY OF THE RESIDENTIAL DEVELOPMENT IS HIGHER THAN A TYPICAL SINGLE-FAMILY DENSITY OR PHYSICAL CONDITIONS OF THE SITE ALLOW FOR BUFFERING AND PROJECT DESIGN TO MITIGATE POTENTIAL ADVERSE EFFECTS. WE FEEL THAT WITH THE MORE RESTRICTIVE SITE DEVELOPMENT REGULATIONS, THAT THIS WOULD AFFORD PROTECTION FROM THE ADJACENT PROPERTIES, NONE OF WHICH ARE ZONED SF-3. IT APPEARS THAT IF THE SURROUNDING PROPERTIES GETS DEVELOPED IN THE FUTURE WITH ITS CURRENT ZONING, YOU WOULD HAVE MULTIFAMILY, PERHAPS THE RR TO THE SOUTH, WHICH IS OWNED BY MRS. HAD YOU..... HUDSON, WHO IS ALSO SIGNED UP TO SPEAK TONIGHT, AS WELL AS THE MULTIFAMILY PROPERTY TO THE NORTH AND WEST. COUNCIL, I HAVE A -- AN AERIAL PHOTOGRAPH OF A PIECE OF PROPERTY THAT'S ON OLD BEE CAVES ROAD AT THIS INTERSECTION, OR VERY CLOSE TO THIS INTERSECTION, THAT WAS DEVELOPED A COUPLE OF YEARS AGO BY THE SAME PURCHASER OF THIS PROPERTY, A MR. PACKAGE PAGET AND I'D PRESENT THAT TO YOU WITH AN EXPLANATION. IF YOU LOOK AT THIS, THIS PROPERTY RIGHT HERE WAS DEVELOPED BY MR. PAGET. IT

HAS A ONE-STORY BUILDING LESS THAN 25 FEET IN HEIGHT. YOU CAN SEE WATER QUALITY AND DETENTION PONDS ON THE SITE. YOU CAN SEE THAT DUE TO THE FAR, HOW MUCH LIMITATIONS YOU HAVE IF YOU LOOK AT ALL THE GREEN AROUND THE BUILDING, AS WELL AS THIS PROPERTY AT THIS LOCATION IS A W/LO PIECE OF PROPERTY THAT WAS DEVELOPED AT THE SAME TIME WITH WATER QUALITY AND DETENTION AS WELL AS A GREEN SPACE AROUND IT. SO WOULD HAVE BEEN MORE RESTRICTIVE W/LO SITE REGULATIONS YOU ACTUALLY END UP WITH A BETTER PROJECT AS FAR AS GREEN SPACE, WATER PROJECT, DETENTION, HEIGHT OF BUILDINGS AND SOME OF THOSE THINGS AS WELL AS TRAFFIC. IF THE SITE REMAINED IN ITS CURRENT OR EITHER RESIDENTIAL OR MULTIFAMILY ZONING, I THINK YOU'RE GOING TO END UP WITH MORE CONGESTION ON THE STREET, 24-HOUR POSSIBLY TRAFFIC VERSES A W/LO LIMITED WAREHOUSE AND OFFICE. AS YOU CAN SEE FROM THOSE PHOTOGRAPHS, THE USE.... USES THERE ON THOSE TWO PIECES OF PROPERTIES PROPERTIES DO NOT NECESSARILY GENERATE A LOT OF TRAFFIC, WHICH IS THE INTENT, I THINK OF THE WLO WHEN YOU LOOK AT THAT PURPOSE STATEMENT. THERE IS ONE TRUCK THAT'S ENTERING THAT SITE BUT THAT'S A WATER TRUCK MAKING A DELIVERY ON THAT, AND IF YOU WENT WITH THE RESIDENTIAL, DIVIDED IT UP, SUBDIVIDED IT, THEN YOU'RE GOING TO HAVE 24-HOUR CONGESTION VERSES A NORMAL BUSINESS OPERATION ON A SIZE SUCH AS THIS. THERE ARE TREES ON THE SITE. WE DO NOT HAVE A TREE SURVEY ON IT, BUT IN LOOKING AT THE SITE, A LARGE NUMBER OF THOSE TREES ARE CEDAR TREES. OF COURSE WE'RE REQUIRED TO PROVIDE PROTECTION AS WELL AS SAVE PROTECTED TREES AS THE ORDINANCE REQUIRES. MAYOR, I BELIEVE, WE DO NOT HAVE A FLOOD PLAN ON THE PROPERTY, AND THE ENVIRONMENTAL REPORT FROM THE CITY STAFF INDICATES THAT THERE'S NO FLOOD PLAIN AND CONDITIONS THAT WOULD -- SUCH AS FEATURES OR THE SITES IS NOT EVENING DAINGD SPECIES AREA. SO WE.....ENDANGERED SPECIES AREA. SO WE FEEL THAT THE W. BASED ON THE CONDITIONS IT'S AT, BASED ON BEE CAVES AND 71. CAN HAS NO ACCESS TO 71 AND GIVEN ALL THE CONSIDERATIONS OF THE WO SITE DEVELOPMENT REGULATIONS WE THINK IT'S AN APPROPRIATE USE OF THE

PROPERTY AND WOULD LESSEN ANY FUTURE CONGESTION WITH SOME OTHER TYPE POTENTIAL ZONING IN THE FUTURE. I'LL AVAILABLE SHOULD YOU HAVE ANY QUESTIONS. THANK YOU.

MAYOR WYNN: THANK YOU, MR. BENNETT. QUESTIONS OF THE AGENT, COUNCIL? AS HE MENTIONED, ROBERT, ROBERTA HUDSON IS WITH US. MS. HUDSON, WELCOME.

WELCOME. YOU HAVE THREE MINUTES.

GOOD EVENING. I BECAME A RESIDENT OF MOUNTAIN SHADOWS IN 1979, AND I OWN PROPERTY ON THE WEST THAT HAS A COMMON BOUNDARY LINE WITH THIS PROPERTY IN QUESTION. I ALSO OWN PROPERTY ABOVE IT DIRECTLY ACROSS THE PROPERTY THAT WE'RE DISCUSSING AND MY PROPERTY ARE ALMOST MIRROR IMAGES OF EACH OTHER. THE PROPERTY IN QUESTION AND MY PROPERTY ARE THE ONLY PROPERTIES LEFT IN THIS SUBDIVISION THAT ARE RR, RURAL RESIDENCE. AND I'M HERE TO STATE, AND SINCE I SHOULD BE THE ONE THAT WOULD OBJECT TO ANY OF THIS, I'M HERE TO STATE THAT I HAVE NO OBJECTIONS TO THIS REZONING REQUEST. THANK YOU.

MAYOR WYNN: THANK YOU, MS. HUDSON. SO COUNCIL, WE HAVE NO SPEAKERS SIGNED UP IN OPPOSITION, AND SO WE WOULD NORMALLY HAVE A REBUTTAL FROM MR. BENNETT. I DON'T THINK IT'S NEEDED, OTHER THAN PERHAPS TO ANSWER QUESTIONS FROM COUNCIL IF WE HAVE ANY. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.]

IF THE PROPERTY OWNER DID SELECT, THEY COULD RESUBDIVIDE THE PROPERTY INTO AT LEAST ONE 6-ACRE LOT.

Leffingwell: AND THE ZONING IMPERVIOUS COVER LIMIT FOR W/LO IS WHAT?

THE ZONING IMPERVIOUS COVER LIMIT FOR W/LO, WHICH WOULD BE PROBABLY SUPERSEDED BY OUR WATERSHED REGULATIONS IF THEY WERE ACTUALLY IN EFFECT, BUT THE W/LO WOULD BE 70% IMPERVIOUS COVER.

Leffingwell: 70%. AND WHAT IS THE APPLICABLE WATERSHED IMPERVIOUS COVER LIMIT?

WELL, BEFORE IT'S NOT SUBJECT TO CURRENT REGULATIONS. WE WOULD HAVE TO GO BACK AND DO A FURTHER ANALYSIS. IF IT WERE SUBJECT TO CURRENT REGULATIONS IT WOULD BE 25.

Leffingwell: 25 BECAUSE THAT'S CONTRIBUTING. BUT IT'S NOT SUBJECT TO THAT.

IT DOES NOT APPEAR TO BE, THAT'S CORRECT, BECAUSE OF THE PRE-EXISTING SUBDIVISION PLOT.

Leffingwell: THAT'S ALL I HAVE.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER QUESTIONS? MR. GUERNSEY, REMIND ME, SO THE STAFF RECOMMENDATION --

STAFF RECOMMENDED -- BECAUSE OF THE EXISTING USES IN THE AREA, I THINK MR. BENEFIT..... BENNETT ACTUALLY SHOWED PICTURES OF PROPERTY THAT FRONT ON OLD BEE CAVES ROAD WHICH IS A MUCH LARGER ROADWAY AND THE USES ARE MORE COMPATIBLE WAREHOUSE-TYPE USES THAT COULD ALLOW 18-WHEEL TRAFFIC. THAT WOULD PROBABLY BE MORE COMPATIBLE TO USES THAT ARE UP BY THAT AIR SECTION. BUT STAFF FELT THAT GIVEN THIS IS A 15-FOOT-WIDE UNIMPROVED ROAD THAT WILL GO BY EXISTING SINGLE-FAMILY RESIDENCES, DUPLEXES, AND.... AND ITS REMOTE LOCATION, IT IS QUITE A WAYS TO ACCESS HIGHWAY 71, YOU WOULD ALMOST HAVE TO DRIVE ALL THE WAY DOWN TO 290 TO GET DOWN TO THE Y OR FURTHER TO THE WEST TO FLETCHER -- I THINK IT'S FLETCHER LANE TO GET BACK TO 71, IT'S QUITE A WAYS BEFORE YOU COULD ACCESS 71. THERE'S NO DIRECT ACCESS FROM THIS SUBDIVISION TO 71. 71 WEST. AND BECAUSE OF THOSE REASONS STAFF DID NOT FEEL THIS WAS COMPATIBLE WITH EXISTING LAND USES AND ZONING IN THE AREA. PLANNING COMMISSION AGREED AND RECOMMENDED DENIAL ON A UNANIMOUS VOTE OF 7-0.

Mayor Wynn: THE PLANNING COMMISSION DID NOT

RECOMMEND -- THEY DID NOT RECOMMEND ALTERNATIVE ZONING, THEY JUST ALSO AGREED WITH DENIAL.

THAT'S CORRECT.

Mayor Wynn: THANK YOU, MR. GUERNSEY. FURTHER QUESTIONS OF STAFF? COMMENTS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: MAYOR, BECAUSE OF THE EXISTING GRANDFATHERING RIGHTS AND THE UNCERTAINTY THAT WE HAVE WITH THAT POTENTIALLY UPWARDS OF 70% IMPERVIOUS COVER UNDER W/LO ZONING CATEGORY, I'M GOING TO MOVE TO CLOSE THE PUBLIC HEARING AND DENY THE REQUEST FOR ZONING CHANGE.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? I'M SORRY, I MISSED YOUR COMMENTS. I WAS DISTRACTED, COUNCILMEMBER. YOU MADE A MOTION.

Leffingwell: I MADE A MOTION TO CLOSE THE PUBLIC HEARING AND DENY THE REQUEST FOR ZONING CHANGE.

Mayor Wynn: I APOLOGIZE. THANK YOU. MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER COLE TO CLOSE THE PUBLIC HEARING AND DENY THE ZONING CASE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION TO DENY PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER McCRACKEN TEMPORARILY OFF THE DAIS. COUNCIL, OUR NEXT ITEM IS ITEM NUMBER 72. THIS IS A REZONING CASE, NUMBER C 14-06-0158. AT 1801 NUECES STREET AT 18th STREET. THE PROPERTY OWNER IS REQUESTING A REZONING FROM G.O. OR GENERAL OFFICE TO DOWNTOWN MIXED USE ZONING. THE PROPERTY SIZE IS APPROXIMATELY 6,534 SQUARE FEET. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE STAFF RECOMMENDATION OF DOWNTOWN MIXED USE OR D.M.U.-CO ZONING WITH A TRIP LIMITATION OF 2,000 VEHICLE TRIPS PER DAY AND ADDED AN ADDITIONAL CONDITION THAT THERE BE A MINIMUM OF ONE RESIDENTIAL UNIT ON THE PROPERTY. THERE IS A VALID PETITION THAT HAS BEEN FILED RECENTLY. I BELIEVE YOU HAVE THAT ON YOUR DAIS.

THAT STANDS AT 28.73% SO IT IS A VALID PETITION. HOWEVER, THIS ITEM IS ONLY READY FOR FIRST READING THIS EVENING. SO ONLY FOUR VOTES WOULD BE REQUIRED FOR CONSIDERATION FOR ITS APPROVAL TODAY. THE PROPERTY OWNER PLANS TO CONSTRUCT A BUILDING, A MIXED USE BUILDING THAT MAY BE AS HIGH AS 65 FEET TALL, IT MAY HAVE A FLOOR TO AREA RATIO OF APPROXIMATELY THREE TO ONE. THERE IS A PROPOSAL TO HAVE SOME PEDESTRIAN ORIENTED USES ON THE PROPERTY AND POSSIBLY UP TO 10 RESIDENTIAL UNITS. THERE ARE SPEAKERS HERE I THINK IN OPPOSITION TO THIS REZONING REQUEST AND THE APPLICANT'S AGENT IS HERE THIS EVENING TO SPEAK TO THIS. IF YOU HAVE ANY QUESTIONS, I'LL BE MORE THAN HAPPY TO ANSWER THEM AT THIS TIME.

Mayor Wynn: THANK YOU, MR. GUERNSEY. QUESTIONS FOR MR. GUERNSEY, COUNCIL? IF NOT, WE WILL OPEN UP OUR PUBLIC HEARING. AND HAVE AN APPLICANT OR AGENT PRESENTATION FOR FIVE MINUTES. WELCOME, MS. CARTER.

THANK YOU. GOOD EVENING, COUNCIL. MY NAME IS DONNA CARTER. I'M WITH CARTER DESIGN ASSOCIATES AND I AM REPRESENTING THE APPLICANT ON THIS PROJECT. THE APPLICANT ORIGINALLY CAME TO US ASKING FOR -- SAYING HE WANTED TO DO A MIXED USE PROJECT AT THIS LOCATION. AND WE WERE RATHER EXCITED ABOUT THE PROSPECT OF DOING SUCH A PROJECT, BUT NOTED THAT BECAUSE IT'S CURRENTLY ZONED G.O. WITH A HEIGHT LIMIT OF 60 FEET, THAT WE COULD NOT ACCOMMODATE THE MIX OF USES. AGAIN, THE FIRST THING THAT WAS SAID TO US IS THE RESIDENTIAL WANTED POTENTIAL OF OFFICE AND CERTAINLY WANTED RETAIL ON THE GROUND FLOOR. AS WE LOOKED AT THE SITE AND AS YOU CAN SEE IT'S A VERY LIMITED SITE IN TERMS OF SIZE. AND SO TO ACCOMMODATE ANY PARKING ON THE SITE AT ALL WE HAVE A RELATIVELY SMALL AREA THAT WE CAN HAVE FOR RETAIL. BUT EVEN WITH THOSE LIMITATIONS, THE PROJECT ITSELF WOULD LIKE TO STILL BE ABLE TO ACCOMMODATE THESE DIFFERENT USES. WE DID RECEIVE SOME INQUIRIES FROM THE NEIGHBORHOOD AND QUESTIONS CAME UP ABOUT HOW MUCH PARKING WE WOULD BE ABLE TO PROVIDE ON THE SITE. AND WE THINK IT'S GOING TO BE IN THE

NEIGHBORHOOD OF SOMEWHERE BETWEEN 8 AND 14, KIND OF DEPENDING ON HOW WE ACTUALLY STRUCTURE IT. AND THEN WE WILL ACTUALLY MELD THE USES TO THE NUMBER OF PARKING THAT WE CAN PROVIDE EITHER ON SITE OR THROUGH OTHER ARRANGEMENTS. IN THAT PROCESS, FIVE RIVERS NEIGHBORHOOD CAME TO US AND SAID THAT THEY HAD SOME CONDITIONS. I BELIEVE HAVE YOU COPIES OF THOSE AT THE DAIS. AND WE HAVE ESSENTIALLY AGREED TO CALL OF THOSE CONDITIONS WITH THE EXCEPTION OF THE RESTAURANT LIMITATION. AT THIS TIME JUST BECAUSE WE DON'T KNOW THE FULL MIX ON THE SITE, WE DO NOT WANT TO GIVE UP THE ABILITY TO HAVE ALCOHOL SERVED WITH FOOD, WHICH IS THE -- WHAT WE WOULD HAVE TO HAVE WITH THE GENERAL RESTAURANT. AT THE SAME TIME, OTHER RESIDENTS AND OTHER NEIGHBORS HAVE COME AND HAVE ALSO ASKED FOR DIFFERENT CONDITIONS. YOU DO NOT HAVE A COPY OF THIS. I DO HAVE COPIES AVAILABLE FOR YOU. THEY INCLUDED SOME OF THE SAME USE RESTRICTIONS THAT FIVE RIVERS HAD, BUT THEY ALSO ADDED A FEW OTHER USES SUCH AS TATOO PARLOR AND VERY SPECIFIC USES, AND AGAIN WE HAVE AGREED TO ALL OF THOSE. THEY ASKED FOR LIMITATION OF 800 TO 900 SQUARE FEET OF RETAIL. BECAUSE, AGAIN, WE DON'T KNOW, WE WOULD LIKE TO PUT THAT AT 1200. WE DON'T WANT 300 SQUARE FEET THERE THAT WE CAN'T USE. BUT WE COULD CERTAINLY TALK ABOUT THAT. BUT THEN SOME OF THE OTHER ISSUES WERE NO MORE THAN TWO RETAIL TENANTS. NO DELIVERY BUSINESSES. NO LIVE MUSIC. NO DRIVE-THROUGH. OBVIOUSLY WE'RE NOT GOING TO HAVE A DRIVE-THROUGH ON THAT SITE. IT'S NOT AN ISSUE WITH US. BUT IN TERMS OF TWO RETAIL TENANTS, AGAIN, NOT KNOWING WHAT'S GOING TO BE THERE, WE DON'T KNOW IF THAT'S THE ANSWER. I WOULD CONTEND THAT THIS SITE IS REALLY A TRANSITION SORT OF AREA. UNFORTUNATELY OUR ONLY ZONING CATEGORY WE COULD FIT IN WAS D.M.U. WE MAY BE LOOKING AT DIFFERENT BUSINESS MODELS. WE DON'T KNOW IF IT WILL BE ONE MASTER LEASE OR SEVERAL SMALL ONES WITH SMALL BUSINESSES THAT INDICATEER TO SMALL BUSINESSES AROUND THERE. NO DELIVERY BUSINESSES. DOES THAT MEAN I CAN'T HAVE A BICYCLE COURIER BUSINESS TO SERVICE THE SMALL LAW OFFICES AROUND THERE? WHAT WE'RE LOOKING AT ARE ARE THE

DIFFERENCES, WHAT ARE THE GAPS IN SERVICES AS WE MOVE TO A MIXED USE ECONOMY, A MIXED COMUS YOU.....A MIXEDUSE SERVICE. IT SAYS NO LIVE MUSIC, BUT IN THAT AREA WE ALREADY HAVE AN ORDINANCE, TITLE 9, CHAPTER 9-2 THAT CONTROLS SOUND. WE HAVE RESIDENCES NEXT DOOR. WE'RE NOT GOING TO BE ABLE TO DO THAT SORT. THIS WOULD SAY I COULDN'T HAVE AN AACCUSE TICK GUITAR OR FLUTE OR CELLO, ANYTHING THAT I HAVE IN THE RESIDENCE THAT I HOPE TO HAVE ABOVE. AGAIN, OUR ISSUE IS WE REALIZE THIS IS A SMALL SITE. WE REALIZE THAT TO BE SUCCESSFUL WE'RE GOING TO HAVE TO MESH HOW MANY USES, WHAT RATIO OF USES TO THE AMOUNT OF PARKING THAT WE CAN PROVIDE. UNDER ALL THE OPTIONS OF PARKING GIVEN TO US IN THE LAND DEVELOPMENT CODE INCLUDING SHARED PARKING AGREEMENT. WE'RE VERY ASSURED THAT, YOU KNOW, WE WILL SIT DOWN WITH CITY STAFF AT THE SITE -- AT THE TIME OF SITE PLAN APPROVAL AND FILING TO COME UP WITH WHAT THOSE RATIOS SHOULD BE. [BUZZER SOUNDING] BUT WE NEED THE D.M.U. ZONING IN ORDER TO EVEN GET THAT FAR.

Mayor Wynn: THANK YOU, MS. CARTER. QUESTIONS FOR MS. CARTER, COUNCIL?

AND I HAVE A COPY OF THIS IF YOU WOULD LIKE TO SEE.

Mayor Wynn: SURE, WHY DON'T YOU HAND IT TO MS. GENTRY AND SHE WILL PASS IT TO US. COUNCIL WE'LL NOW GO TO OUR FOLKS WHO SIGNED UP IN SUPPORT OF THE ZONING CASE. OUR FIRST SPEAKER IS DARE REL MOBLEY. WELCOME. SUSAN MOBLEY HERE? NO SUSAN. DARYL, YOU HAVE UP TO SIX MINUTES IF YOU NEED IT.

I'M THE OWNER OF THE PROPERTY AND I CAN TELL YOU THAT I'VE BEEN IN AUSTIN FOR A COUPLE OF YEARS NOW. I WAS REALLY EXCITED ABOUT THE PROPERTY AND THE OPPORTUNITY TO DO MIXED USE. THAT'S FOR A FEW REASONS. ONE IS THAT I ALWAYS TELL PEOPLE I'M TOO SMART TO COME UP WITH THE ANSWERS ON MY OWN, SO WE ACTUALLY DID RESEARCH AMONG THE PEOPLE WHO LIVE IN THE AREA ABOUT A YEAR AGO. AND WE WANTED TO TRY TO UNDERSTAND WHAT THE MARKET WANTED IN THE

AREA. WHICH IS WHY THE RESULTS OF THAT, WHY WE WENT TO DON AND SAID MIXED USE WOULD BE GREAT. THE TOP 10 THINGS, 413 PEOPLE IN THE AREA BECAUSE, AGAIN, I'M NOT SMART ENOUGH TO COME UP WITH THE ANSWERS MYSELF. SO THE THING THAT CAME UP -- AND THIS IS ALPHABETICAL ORDER. PEOPLE SAID THEY WANTED AT THAT SPOT AT THAT LOCATION, AT THAT ADDRESS, WAS APARTMENT FOR PROFESSIONALS. THAT WAS ONE OF THEM. APARTMENT FOR STUDENTS. A CASUAL RESTAURANT. COFFEE SHOP. CONDOS. A NICE RESTAURANT. OFFICES PLUS APARTMENT PLUS RETAIL MIX. THERE WERE SUGGESTIONS NOT ON THE LIST, THERE WERE OTHER THINGS THAT CAME UP. AND THEN SHOPPING. SO AFTER GETTING THAT RESEARCH, AGAIN, 413 PEOPLE, THAT'S WHEN I SAID WOW, HOW DO WE DO THIS. PEOPLE ARE SAYING THEY WANT SOMETHING, IT'S NOT HERE, IT'S NOT IN THIS AREA, AND I WAS FORTUNATE ENOUGH TO FIND DONNA AND SAID GREAT, LET'S DO THIS. THE WHOLE PURPOSE OF THE MOVE FORWARD WAS TO TRY TO GIVE THE MARKET WHAT IT WANTED. AS WE WERE GOING THROUGH THIS PROCESS, WE'VE HAD A LOT OF PEOPLE WITH SUGGESTIONS FOR WHAT WE SHOULD DO. OVERLAYS. AND I THINK WE'VE HAD SOME 20-SOME-ODD DIFFERENT THINGS PEOPLE HAVE WANTED. AND WE HAVE AGREED TO ALL BUT I THINK TWO OF THEM AND THAT HAS TO DO WITH -- ONE IS DIFFERENCE OF DEGREE. THE OTHER HAS TO DO WITH WE JUST DISAGREE WITH THE FACT WE SHOULD NOT HAVE THE POSSIBILITY TO HAVE A RESTAURANT THERE BECAUSE THE MARKET HAS SAID IT WANTS IT. WE UNDERSTAND THAT'S THE DIRECT THE CITY IS MOVING. I DON'T KNOW WHAT IT'S GOING TO BE. WE'VE HAD NO DRAWINGS, NO DESIGNS, NOTHING. IT DOESN'T DO ANY GOOD TO GET INTO THAT UNTIL WE FIGURE OUT THIS ZONING AND WE KNOW HOW MANY PARKING SPACES AND THE WHOLE THING. AND THAT'S IT FOR ME.

Mayor Wynn: THANK YOU, MR. MOBLEY. QUESTIONS FOR MR. MOBLEY, COUNCIL? THANK YOU, SIR. COUNCIL, NOW WE LISTEN TO FOLKS WHO WANT TO TESTIFY IN OPPOSITION TO THE ZONING CASE. OUR FIRST SPEAKER IS SUSAN HARRIS. WELCOME, SUSAN. AND LET'S SEE, IS JOHN HARRIS HERE? HELLO, JOHN. SUSAN, YOU HAVE UP TO SIX MINUTES IF YOU NEED IT AND YOU WILL BE FOLLOWED BY SCOTT SAYERS.

I'M SUSAN HARRISON, ONE OF THE OWNERS OF 509 WEST 18th STREET WHICH IS A HOUSE CONVERTED TO OFFICE USE DIRECTLY SOUTH ON 18th STREET OF THE SUBJECT PROPERTY. AS A GENERAL RULE, MY PARTNERS AND I SUPPORT THE REDEVELOPMENT OF FUNCTIONALLY OBSOLETE PROPERTIES AND SUPPORT THE DENSIFICATION OF THE URBAN CORE. WHEN DONE THOUGHTFULLY, WE BELIEVE THAT'S A VERY POSITIVE THING IN OUR COMMUNITY. WE DO BELIEVE, HOWEVER, THAT ANY DEVELOPMENT BASED ON A REZONING SHOULD BE FORTHCOMING WITH DETAILS OF THE PROPOSED USES AND SHOULD NOT NEGATIVELY IMPACT THE PROPERTY OWNERS WHO ARE CURRENTLY LIVING AND/OR OPERATING THEIR BUSINESSES ON ADJACENT AND SURROUNDING PROPERTIES. IN THE CASE BEFORE YOU, WE FIND OURSELVES IN OPPOSITION TO THE REZONING REQUEST BECAUSE THE APPLICANT HAS FAILED TO PROVIDE DEFINITIVE PLANS SHOWING THE PROPOSED USES UNDER THE NEW ZONING AND SPECIFICALLY HAS OFFERED NO DETAIL REGARDING THE FOREVER BIG ISSUE IN ALL DOWNTOWN NEIGHBORHOODS, PARKING. ALTHOUGH WE ACQUIRED THE PROPERTY IN APRIL OF THIS YEAR AND ARE CURRENTLY LISTED AS THE OWNER OF RECORD IN TCAD, WE DID NOT RECEIVE NOTIFICATION ABOUT THIS ZONING APPLICATION OF ANY SORT FROM THE CITY. IN FACT, WE ONLY BECAME AWARE OF THIS PROPOSED ZONING CASE LAST FRIDAY WHEN A NEIGHBOR DROPPED IN TO DETERMINE OUR POSITION IN THE MATTER. I BRING THIS UP ONLY TO DISPEL ANY NOTION THAT WE ARE RAISING OBJECTIONS AT THE LAST MINUTE WHEN IN FACT WE'VE BECOME IMMEDIATELY ENGAGED UPON LEARNING ABOUT THE MATTER. ONE OF MY PARTNERS DID GET THE OPPORTUNITY TO SPEAK WITH MS. CARTER, THE OWNER'S AGENT, EARLIER THIS WEEK. MS. CARTER'S RESPONSE TO QUESTIONS REGARDING THE PROPOSED DEVELOPMENT PLAN WAS THAT THERE IS NO PLAN AND THERE WOULD BE NO PLAN UNTIL AFTER THE REZONING PROCESS WAS COMPLETE. NO PLAN, THEREFORE THERE'S NOTHING FOR US AS PROPERTY OWNERS IMMEDIATELY IMPACTED BY THIS REZONING CHANGE TO EVALUATE, DISCUSS OR AGREE TO. SO LACKING INFORMATION DIRECTLY FROM THE PROPERTY OWNER, WE TURNED TO THE WRITTEN INFORMATION IN THE

CITY STAFF PREPARED COMMENTS ON THE CASE. FIRST, IT STATES THAT THE PROJECT WILL PROVIDE 11 TO 12 PARKING SPACES AND A LOADING ZONE AT GROUND LEVEL. USING THE CITY'S DESIGN CRITERIA, A ROUGH SKETCH OF THIS 46-FOOT-WIDE BY ONE 40-FOOT DEEP LOT WOULD SUGGEST LEAVING ROOM FOR AN ELEVATOR SHAFT TO ACCOMMODATE MULTIPLE STORIES, THE ENTIRE FIRST FLOOR OF ANY MULTI-STORY BUILDING WILL BE CONSUMED BY THE PARKING. THIS DESIGN REALITY DIRECTLY CONFLICTS WITH THE ADDITIONAL COMMENTS THAT THE PROJECT PLANS TO INCLUDE GROUND LEVEL PEDESTRIAN ORIENTED RETAIL SPACE ALONG NUECES. SECONDLY, STAFF COMMENTS STATE THAT THE PROPERTY INCLUDES A 6530-FOOT SQUARE FOOT OFFICE BUILDING. IN FACTS, THERE ARE THREE SMALL RESIDENTIAL STRUCTURES TOTING 2187 FEET PER TCAD WHICH ARE CURRENTLY USED RESIDENTIALLY. THE COMMENTS ALSO STATE THAT THE PROPOSED DEVELOPMENT WOULD CONTAIN A MIX OF USES INCLUDING RETAIL, OFFICE AND RESIDENTIAL COMPONENTS. AS PREVIOUSLY STATED, RETAIL SEEMS UNLIKELY SINCE THE ENTIRE GROUND LEVEL OF THE STRUCTURE WOULD ACCOMMODATE THE PARKING LOT LEAVING NO ROOM ALONG NUECES FOR ANY GROUND LEVEL RETAIL. THE COMMENTS REFER TO A RESIDENTIAL COMPONENT COMPRISED OF 10 UNITS. IF ALL THE UNITS WERE ONLY ONE-BEDROOM UNITS PER D.M.U. ZONING STANDARDS, 60% OF THE 1.5 PARKING SPACES PER UNIT, THE PROPOSED RESIDENTIAL COMPONENT WOULD REQUIRE 9 OF THE 12 PARKING SPACES. THIS LEAVES ONLY 3 PARKING SPACES TO SERVE THE OFFICE AND RETAIL USES THAT ARE PROPOSED. THEN THERE'S THE CONSIDERATION OF OFFICE ZONING. THE PROPERTY CURRENTLY HAS THE BENEFIT OF BEING WITHIN THE CURE DISTRICT ALLOWING IT TO PROVIDE ONLY 80% OF ITS OTHERWISE REQUIRED PARKING. THIS IS THE STANDARD THAT ALL OF THE SURROUNDING COMMERCIAL PROPERTIES HAVE HAD PERMIT AND CONSTRUCT TO INCLUDING OUR OWN. BY ACQUIRING D.M.U. ZONING, THE SUBJECT PROPERTY WOULD HAVE TO ONLY SUPPLY 20% OF THE REQUIRED PARKING WHICH IS ONE QUARTER OF THE STANDARD TO WHICH ALL THE OTHER SURROUNDING PROPERTIES ARE REQUIRED TO COMPLY. WITH THE PHYSICAL LIMITATION OF 12 PARKING SPACES AND HAVING

TO PROVIDE ONLY 20% OF THE REQUIRED PARKING FOR OFFICE USES AND RETAIL USES INSTEAD OF THE CURE DISTRICT STANDARD OF 80%, THIS PROJECT COULD BUILD 16,500 SQUARE FEET OF OFFICE SPACE. THAT'S MORE THAN SEVEN TIMES THE AVERAGE SIZE OF THE FIVE OFFICE BUILDINGS LOCATED ON EQUALLY SIZED LOTS IMMEDIATELY WEST AND SOUTH OF THE SUBJECT PROPERTY. BUILDINGS THAT RANGE IN SIZE FROM ABOUT 1900 TO 2500 SQUARE FEET. THE DIFFERENCE BETWEEN THE CURE DISTRICT AND THE D.M.U. PARKING STANDARDS FOR A 16,500 SQUARE FOOT OFFICE BUILDING IS 3600 PARKING SPACES. WE COUNTS, AND THERE ARE ONLY A TOTAL OF 44-METERED STREET PARKING SPACES WITHIN THE TWO-BLOCK AREA OF 17th TO 19th AND SAN ANTONIO TO RIO GRANDE. IF THE CURE DISTRICT PARKING STANDARD IS REASONABLE, ALREADY A 20% REDUCTION, AND IS THE STANDARD TO WHICH ALL THE SURROUNDING PROPERTIES HAVE BEEN PERMITTED, THEN THIS ONE PROJECT REPRESENTING LESS THAN 4% OF THE LAND AREA FRONTING THE METERED STREET PARKING SPACES COULD CREATE DEMAND THAT WILL UTILIZE OVER 80% OF THE READILY AVAILABLE PARKING SPACES, PUBLIC METERED PARKING SPACES. THIS IS SIMPLY UNREASONABLE AND UNFAIR TO THE EXISTING PROPERTY OWNERS AND BUSINESSES WHO USE THE AVAILABLE METERED PARKING FOR VISITORS, CUSTOMERS AND CLIENTS OF THE EXISTING RESIDENCES AND OFFICE AND RETAIL BUSINESSES LOCATED ALONG THESE STREETS. I BELIEVE THE REDUCED PARKING REQUIREMENT OF D.M.U. ZONING CAN WORK WHEN SEVERAL FACTORS ARE PRESENT. THEY ARE NOT THIS..... IN THIS PARTICULAR CASE. ALTERNATIVE PARKING SOURCES ARE NOT AVAILABLE. IF YOU GRANT THE D.M.U. ZONING ON THIS PROPERTY AND THE DEVELOPER MAXIMIZES HIS SQUARE FOOT INCH, IT WILL PUT A HEAVY BURDEN ON THE NEIGHBORHOOD PARKING. IF YOU DECIDE TO GRANT D.M.U. ZONING, WE REQUEST YOU DO SO WITH THE -- OR TO PROVIDE FOR -- TO PROVIDE FOR RETAIL AND RESIDENTIAL USES, PROVIDE A M.U. OVERLAY ON THE EXISTING G.O. ZONING. THANK YOU FOR YOUR CONSIDERATION.

Mayor Wynn: THANK YOU. NEXT SPEAKER IS SCOTT SAYERS. GRANT FOSTER.

I HAVE A LETTER FROM GRANT THAT WE CAN DISTRIBUTE.

HE HAD TO LEAVE.

Mayor Wynn: YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR WYNN AND COUNCILMEMBERS. MY NAME IS SCOTT SAYERS AND I'M THE PROPERTY OWNER AT 1800 NUECES, DIRECTLY ACROSS THE STREET FROM THIS PROPERTY. I'VE OWNED MY BUILDING FOR 20 YEARS WHERE WE HOUSE BEN CRENSHAW, MY CLIENT AND MY WIFE'S BUSINESS. SEVERAL NEIGHBORS THAT SIGNED THE PETITION TO DENY THE CHANGE -- EXCUSE ME -- AND INCLUDED ON THE PETITION ARE SEVERAL ADJACENT NEIGHBORS INCLUDING JOSEPH MARTINEZ, A MEMBER OF THE ZONING AND PLANNING COMMISSION. PHYLLIS WARNER AND I MET WITH THE APPLICANT LAST WEEK TO DISCUSS OUR CONCERNS ABOUT THE PROPERTY. IT'S AN EXTREMELY NARROW TRACT APPROXIMATELY 45 FEET WIDE BY 130 FEET LONG, AND GIVE TEN LOGISTICS, IT WILL IMMATERIAL IMPOSSIBLE FOR THEIR TO BE MORE THAN 10 OR 12 ON-SITE PARKING SPACES. IF CHANGE IN ZONING IS APPROVED, THERE COULD BE A FIVE-STORY, 60-FOOT OFFICE BUILDING CONSTRUCTED UP TO 15,000 SQUARE FEET OR MORE. THE OWNER AND ARCHITECT COULD GIVE US NO INFORMATION ON A PROPOSED PERCENTAGE OF USE THAT WOULD BE SET ASIDE FOR RESIDENTIAL, OFFICE OR RETAIL. WE HAD NO IDEA THE SIZE OF THE BUILDING HE WOULD BUILD OR THE INGRESS, HE AGREES HE PROPOSES. IN OTHER WORDS, WE HAVE NO INFORMATION AT ALL AND NO SITE PLAN. THE NEIGHBORS' CONCERNS IS BECAUSE OF THE PARKING REDUCTIONS ALLOWED UNDER NEW ZONING THIS PROJECT WOULD NOT HAVE SUFFICIENT PARKING FOR TENANTS AND WOULD RELY SIGNIFICANTLY ON-STREET PARKING METERS THUS USING A DISPROPORTIONATE AMOUNT OF PARKING. IT IS LOCATED BETWEEN UNIVERSITY OF TEXAS AND AUSTIN COMMUNITY COLLEGE. THE NEIGHBORHOOD IS GENERALLY A MIX OF SMALL BUSINESSES, CONDOMINIUMS AND APARTMENTS. THE BUSINESSES IN THE NEIGHBORHOOD ARE LOCATED IN SMALL BUILDINGS AND HOUSES THAT ARE ZONED G.O., JUST AS THE APPLICANT IS CURRENTLY ZONED. WHEN WE HAVE DONE RENOVATION PROJECT ON OUR BUILDINGS, WE'VE HAD TO HAVE 100% OF THE PARKING REQUIREMENT OF ONE SPACE FOR EVERY 275 SQUARE FEET. YOU DO HAVE A COPY OF THE FIVE RIVERS

NEIGHBORHOOD'S REQUESTED CONDITIONAL OVERLAYS. THE APPLICANT DID REFUSE TO INCLUDE A RESTAURANT WITH ALCOHOL SALES AND LIVE MUSIC WHICH WE ARE DEFINITELY OPPOSED TO. WHILE OUR NEIGHBORHOOD IS NEAR DOWNTOWN, IT'S JUST NOTHING LIKE DOWNTOWN. AS I SAID, THERE'S MOSTLY SMALL BUSINESSES WITH JUST A SCATTERING OF RESIDENTIAL SITES AND THERE'S VIRTUALLY NO FOOT TRAFFIC IN THE NEIGHBORHOOD. THE FIRST I'VE HEARD ABOUT THE POLLING WAS TONIGHT AND I DON'T KNOW WHO WAS POLLED BUT I KNOW THAT NONE OF THE NEIGHBORS THAT I'VE SPOKEN TO IN THE PROXIMITY TO THE PROPERTY WERE POLLED AS FAR AS NEIGHBORHOOD USES. SO WE'RE JUST CONCERNED THAT THE WRONG MIX WOULD CAUSE TRAFFIC AND PARKING PROBLEMS IN AN AREA THAT'S ALREADY STRESSED. WE ATTEMPTED TO WORK WITH THE OWNER BUT UNFORTUNATELY NOTHING WAS RESOLVED SO WE URGE YOU TO VOTE NO ON THE ZONING CHANGE AT THIS TIME. THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU. QUESTIONS, COUNCIL? WE'LL NOTE THAT JULIE SAYERS AND GRANT FOSTER ALSO SIGNED UP IN OPPOSITION.

I'LL LEAVE GRANT'S LETTER.

Mayor Wynn: OUR NEXT SPEAKER THE WILL WISE. WELCOME, MR. WISE. STEFAN RICE. HELLO, STEFAN. MR. WISE, YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT. IN FACT, WHY DON'T YOU USE THIS PODIUM AND YOU CAN SIT YOUR MODEL ON THE TABLE NEXT TO YOU.

TURN THIS AROUND SO YOU ALL CAN SEE IT. OKAY. DOES THIS MICROPHONE WORK TOO?

Mayor Wynn: YES.

OKAY. YOU WILL HAVE TO FORGIVE ME BECAUSE I'M A LITTLE NERVE YOU, BUT I'LL DO MY BEST. HOW MANY PEOPLE HERE KNOW WHERE 1801 NEW..... 1801 NUECES IS OR HAVE SEEN -- ONE, TWO, MY FRIENDS OVER THERE AND A FEW OTHER PEOPLE. IT'S LATE SO I'LL TRY TO MAKE THIS AS FAST AS I CAN. MY NAME IS WILL WISE. I LIVE AT 1801 NUECES. A LITTLE MAN IN A BIG CITY. JUST GIVING MY INPUT. I AM

NEUTRAL ON THIS ZONING CHANGE. WHAT WE'RE TALKING -- THIS REZONING IS ABOUT CHANGE AND PROGRESS. IT'S PRETTY TECHNICAL KIND OF STUFF WE'RE TALKING ABOUT, DEFINITIONS AND ZONING. WE'RE HERE TO CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CHAPTER 25-2 OF THE AUSTIN CITY CODE BY REZONING PROPERTY LOCALLY KNOWN AS 1801 NUECES FROM GENERAL OFFICE DISTRICT ZONING TO DOWNTOWN MIXED USE DISTRICT ZONING. THE MAXIMUM NUMBER OF DWELLING UNITS WILL DEPEND ON THE TOTAL SQUARE FOOTAGE FOR THE PROJECT AND THE PROPOSED HEIGHT. UNDER D.M.U., THERE IS A HEIGHT LIMIT OF 120 FEET AND A FLOOR TO AREA RATIO LIMITATION OF FIVE TO ONE. ANYWAY, THAT'S KIND OF BORING STUFF. RIGHT NOW AT 1801 NEW AASSESS, I JUST WANTED TO SAY SOMETHING AND RECOGNIZE SOMETHING THAT'S THERE NOW. MY FRIENDS AND I CALL IT THE HOUSE OF NUTS. IT'S OFFICIAL BECAUSE IT'S EVEN ON THE WINDOW. IT'S A VERY SPECIAL PLACE TO US. VERY QUICKLY, I'M GOING TO TELL YOU ABOUT THE HOUSE NEXT. I WON'T MENTION THOUGH THE DIRTY DISHES, THE LOUD MUSIC, THE HOODING, THE T.V. SMASHING, THE PUKING, THE BREAK-INS, THE DRUGS OR RUMORS OF SUSPICIOUS LONG O'HARED VANDALS PASSING THROUGH THE AREA. I WILL TALK ABOUT THE HISTORY OF THE HOUSE. I DID A LITTLE RESEARCH A WHILE BACK. IN 1924, AS FAR AS I CAN TELL, MR. E. G. BREWER BUILT THE SAME HOUSE AT THAT LOCATION. THAT HOUSE FACED A DIFFERENT DIRECTION. IT FACED 18th STREET AND NOW IT FACES NUECES. ANYWAYS, BILL MOBLEY BOUGHT THE HOUSE ABOUT A YEAR AGO FROM OUR LONG-TIME PREVIOUS SLUM LORD DORIS LOWE AND WHICH REALLY WASN'T A PROBLEM FOR US. SHE DIDN'T BOTHER US AND WE DIDN'T BOTHER HER. WHENEVER SOMETHING BROKE AT THE HOUSE, A WEEK OR TWO LATER SHE WOULD SEND A COUPLE GUYS WITH A WRENCH AND THEY WOULD BANG ON IT AND SEE IF THEY COULD GET IT TO WORK AND THEY USUALLY COULDN'T SO WE GAVE UP TRYING TO GET HER TO FIX THINGS THERE. ANYWAY, SOME MORE ABOUT THE HISTORY. IT WAS A -- SOMEWHERE IN 1998, I'M NOT SURE EXACTLY WHEN, RIGHT BEFORE I MOVED IN IN 1999, AFTER THE SALON AND BEFORE I BECAME THERE, IT WAS SOME KIND OF DRUG HOUSE, AS FAR AS I CAN TELL. BECAUSE AT

FIRST WHEN I MOVED IN, STRANGE PEOPLE WOULD KNOCK ON THE DOOR AT LATE HOURS OF THE NIGHT AND ASK ME IF I KNEW WHAT WAS UP, IF I KNEW WHERE TO GET ANYTHING. AND I DON'T. SO AND IT HAPPENED MORE THAN ONCE. I DON'T KNOW WHY THEY WOULD COME THERE AND ASK THAT. PEOPLE TOLD ME IT WAS A DRUG HOUSE. AND THE ROOMMATES WHO LIVED THERE BEFORE ME SAID THERE WAS TALK SHIT SMEARED ON THE WALLS. SO I DON'T KNOW WHAT WAS GOING ON. ANYWAYS, THIS MIGHT BE A LITTLE UNUSUAL HERE AT THIS MEETING, BUT I'LL STILL CONTINUE. IN 1954 -- OH, AND IN THE 90s THE PEOPLE LIVING THERE, THEY KIND OF SOUND LIKE A GROUP SIMILAR TO MY AND MY FRIENDS. IN 1954, IT WAS A GIRL SCOUT HEAD QUART ESHS. THAT'S ALL THE INFORMATION I COULD FIND AT THE AUSTIN HISTORY CENTER. BEFORE THE HOUSE WAS BUILT IN 1924, IT WAS A GRASS FIELD. THERE WERE INDIANS BACK IN THE PIONEER DAYS AND ALL KINDS OF STUFF. ANYWAYS, SO RIGHT NOW IT'S THE HOUSE OF NUTS. IT'S A FUN PLACE AND WARM AND FRIENDLY. WE HAVE A GOOD TIME THERE. WE'RE JUST SOME HIPPIE RED-NECKED BOYS AND IT'S A PLACE WHERE YOUNG MEN COME TO BECOME BOYS AGAIN. WE ARE GIVEN A FREE COPIER A FEW YEARS AGO AND WE STARTED A NEWSLETTER THAT WE CALLED THE NUECES LOUD MOUTH. IT'S NEWS AND COMMENTARY FOR THE GREATER WEST CAMPUS AREA, BUT IT'S REALLY JUST A HUMOR PUBLICATION THAT I PUT OUT A FEW TIMES OR ONCE A YEAR. SOMETHING VERY -- NOT VERY OFTEN, BUT IN THE NUECES LOUD MOUTH, I REALLY LOVED WRITING IT. I STILL DO. IT INSPIRED ONE READER IN PARTICULAR TO FOLLOW HIS PASSION AND THAT'S TO -- HIS PASSION IS ELECTRICAL HARDWARE AND COMPONENTS. THIS LITTLE SEAT RIGHT HERE WAS FEATURED IN THE MAJOR MOTION PICTURE "FRIDAY NIGHT LIGHTS" STARRING BILLY BOB THORNTON. BOOBY MILES SAT ON THIS COUCH FOR ABOUT .5 SECONDS IN THAT MOVIE. ONE MORNING I WOKE UP AND I WENT TO THE MAIL AND THERE WAS A NOTE IN THE MAIL SLOT THAT SAID SOME PEOPLE WOULD LIKE TO RENT THIS LITTLE SEAT RIGHT HERE. AND I THOUGHT IT WAS JUST SOME INDEPENDENT FILM MAKEERS IN TOWN SO I WAS GOING TO LET THEM HAVE IT, WHATEVER. [BUZZER SOUNDING] MY TIME IS ALMOST UP. IT WAS SOME PEOPLE FROM CALIFORNIA, FROM HOLLYWOOD AND THEY USED THE

SEAT AND BROUGHT IT BACK. THERE'S SOME POSSUMS WHO LIVE IN THE ATTIC. THERE'S A GUY NAMED MALCOLM. HE PREFERS TO BE REFERRED TO AS A TRAMP. HE'S ALSO KNOWN AS THE GENERAL OF WEST CAMPUS. NO MATTER WHAT HAPPENS WITH THIS ZONING, I CAN GUARANTEE YOU MALCOLM WILL ALWAYS BE AROUND. HE'S AN ENCYCLOPEDIA OF CLASSIC ROCK AND I'M REALLY NOT SURE WHICH ONE HE LIKES BETTER, CLASSIC ROCK OR CHEAP VODKA.

Mayor Wynn: PLEASE CONCLUDE, MR. WISE. YOUR TIME HAS EXPIRED.

THE CITY HAS MANY PRIORITIES AND A FEW OF THEM ARE SCHIZOPHRENIC. THE ENVIRONMENT, PRESERVATION OF GOOD THINGS, MUSIC, KEEP AUSTIN WEIRD, WHICH BY THE WAY IS A TRADEMARK SLOGAN AND I THINK I HAVE TO PAY ROYALTIES TO SOMEONE EVERY TIME YOU MENTION IT. BUSINESS, IN MY OPINION, IS THE BIGGEST PRIORITY OF THE CITY. ECONOMIC GROWTH AND TALL, SHINY, MILLION DOLLAR THINGS AND TAX BREAKS AND INCENTIVES TO BRING THEM HERE. SO WE'RE HERE --

Mayor Wynn: PLEASE CONCLUDE, MR. WISE. YOUR TIME HAS EXPIRED. WE HAVE LOTS OF PUBLIC HEARINGS STILL TO CONDUCT TONIGHT. YOU ARE NOT BEING RESPECTFUL OF YOUR NEIGHBORS' TIME.

SORRY ABOUT THAT.

Mayor Wynn: THANK YOU VERY MUCH.

AND I'M HERE TO [INAUDIBLE] AND TO WITNESS THIS TRANSFORMATION.

Mayor Wynn: JOHN ADIN SIGNED UP IN OPPOSITION, NOT WISHING TO SPEAK. COUNCIL THAT IS CORRECT CONCLUDES FOLKS IN OPPOSITION TO THE ZONING CASE. WE NOW, MS. CARTER, TYPICALLY THE -- MY COMPUTER DOESN'T SHOW THAT. WHY DON'T YOU COME FORWARD.

[INAUDIBLE]

Mayor Wynn: YOU BET. WHAT'S YOUR NAME?

[INAUDIBLE]

Mayor Wynn: OKAY, WELL --

[INAUDIBLE].

Mayor Wynn: NO, MA'AM. STATE YOUR NAME FOR THE RECORD.

MY NAME IS PHYLLIS WARNER AND I OWN WITH MY HUSBAND PROPERTY AT 603 WEST 18th WHICH IS WITHIN 200 FEET OF THE SITE THAT'S BEING CONSIDERED FOR REZONING, AND WE ALSO SIGNED THE VALID PETITION. WE'VE OWNED THIS PROPERTY SINCE 1983 AND WHEN WE BOUGHT IT, IT AND MOST OF THE SMALL HOUSES LIKE IT HAD ALREADY BEEN ZONED G.O. AND WE PUT A LOT OF EFFORT INTO RENOVATIONS SO THAT IT WOULD BE WHATEVER THE CODES WITH WIRING AND THINGS LIKE THAT WOULD FUNCTION AS AN OFFICE. AND THE BACK HALF OF THIS BUILDING IS MY OFFICE AND WE RENT THE FRONT HALF TO SOME PSYCHOTHERAPISTS. OUR OFFICE ACTION LIKE MOST OF THE SMALL HOUSES IN THE AREA THAT HAVE BEEN CONVERTED TO OFFICE, HAVE WHAT USED TO BE THE BACKYARD IS PARKING, BUT AS [INAUDIBLE] SAID, CLIENTS COME AND USE THE PARKING ON THE STREET. AND WHILE -- BECAUSE OF THE SMALL SQUARE FOOTAGE, WE HAVE A TOTAL OF 1800 SQUARE FEET, OUR NEED FOR PARKING IS SMALL, OUR NEED FOR PARKING IS SMALL, BUT IT IS A NEED AND WE HAVE PLENTY OF PARKING FOR OUR TENANTS AND FOR OURSELVES, FOR ALL THE PEOPLE WHO WORK IN THE BUILDING, BUT THERE ARE PEOPLE WHO NEED TO PARK ON THE STREET. AND IF WE DIDN'T HAVE PARKING, WE WOULDN'T BE ABLE TO CONDUCT OUR BUSINESSES. IN PRINCIPLE WHEN I HEARD ABOUT THIS, IT WAS INTERESTING TO HEAR THE HISTORY OF THIS USE. I THOUGHT D.M.U. SOUNDED GREAT AND I APPROVAL OF THE CHANGES GOING ON DOWNTOWN AND THAT SOUNDED LIKE A GOOD THING. AND THEN I LOOKED INTO IT SOME MORE AND GOT REALLY WORRIED ABOUT THE PARKING. SPECIFICALLY I'M CONCERNED THAT THE RANGE OF 20 TO 60% OF THE TOTAL PARKING REQUIRED IN OTHER DISTRICTS, THE REDUCTION

TO 20 TO 60% IN D.M.U. IS REALLY PROBLEMATIC FOR US. AND IN THE ABSENCE OF OTHER INFORMATION FROM THE OWNER AND ARCHITECT, I LOOKED AT THE APPLICATION AND DID SOME OF THE SAME KINDS OF CALCULATIONS THAT MS. HARRIS DID. IN THE APPLICATION, THEY SAY THAT THEY - - THAT THEY WOULD BUILD UP TO 28,800 SQUARE FEET. IN THE EXISTING G.O. ZONE, WHICH IS WHAT, YOU KNOW, THE ZONING NOW, THEY WOULD NEED TO HAVE 105 SPACES FOR A 28,500 -- OR 800 SQUARE FOOT BUILDING. IN A D.M.U. ZONE, THEY COULD REDUCE THAT TO 21. AND SO THERE'S A DIFFERENCE OF 84 SPACES THAT WOULD HAVE TO BE ACCOMMODATED SOMEWHERE. AND I UNDERSTAND THAT SUPPOSEDLY THE MIX -- THE THEORY BEHIND IT IS THAT THE MIX OF RESIDENTIAL AND COMMERCIAL USES WOULD -- [BUZZER SOUNDING] IS THAT THE END?

Mayor Wynn: YES, MA'AM, PLEASE CONCLUDE.

ANYWAY, THE -- WE SPOKE WITH -- I SUGGESTED DARYL AND DARYL AND DONNA IN THEIR PRESENTATIONS SAID THAT THEY HAD ADDRESSED ALL THE PROPOSALS. WHAT I SUGGESTED WAS THAT THEY RAISE THE LOWER LIMIT TO ABOVE 20% SO THAT THAT WOULD ACCOMMODATE PARKING AND THAT WASN'T ENTERTAINED AT ALL REALLY A AND THEY DIDN'T MENTION IT TONIGHT. I'M CONCERNED THEY CURRENTLY HAVE A 3,000 SQUARE FEET OF BUILDING AREA AND A TOTAL OF EIGHT SPACES NOW, AND THEY ARE TALKING ABOUT INCREASING THAT TO A TOTAL OF 12 AND NOW SHE SAYS 14 AT THE MOST SPACES EVEN WITH TWO LEVELS OF PARKING, IF THEY COULD GO UNDERGROUND OR ABOVE GROUND, THEY STILL THINK THEY COULD ONLY GET 12 TO 14 SPACES. AND SO THEY ARE INCREASING THE PARKING BY ONLY ABOUT FOUR SPACES FROM WHAT THEY HAVE RIGHT NOW AND HAVING THE FIVE-FOLD INCREASE IN THE AMOUNT OF BUILDING THAT THEY COULD BUILD. IN ANY CASE, I HOPE THAT YOU WILL VOTE AGAINST THIS WITHOUT SOME -- YOU KNOW, [INAUDIBLE] NEEDS OF THOSE OF US WHO ARE ALREADY HERE AND DON'T WANT THEM TO USE AN INORDINATE AMOUNT OF PARKING SO THERE ISN'T ENOUGH FOR THE REST OF US.

Mayor Wynn: THANK YOU, MA'AM. ANY OTHER SPEAKERS WHO WOULD LIKE TO ADDRESS US ON THE PUBLIC HEARING, ITEM

NUMBER 72? THANK YOU ALL VERY MUCH. MS. CARTER, WE TYPICALLY HAVE A ONE-TIME 3-MINUTE REBUTTAL FOR OWNER OR AGENT OR MILK CAN'T. WELCOME BACK.

THANK YOU. IN CASE YOU WANT TO LOOK AT WHAT THE PARKING CONDITION IS, I DO HAVE SOME PHOTOS OF CONDITIONS THAT WE HAVE SEEN WITH THE ON-STREET PARKING IN THE LAST, YOU KNOW, TAKEN OVER A PERIOD OF MAYBE SIX WEEKS. IT'S ALL WHILE U.T. AND ACC ARE IN SESSION AND IT'S BEEN IN THE MID-DAY, 10:00 TO ABOUT 3:00 IN THE AFTERNOON. BUT I WOULD LIKE TO SAY ONE THING. YOU HAVE A PIECE OF PAPER WITH A QUOTE FROM MS. WARNER. WE FAVORED THE PROPOSED CHANGE IN PRINCIPLE, BUT ARE CONCERNED ABOUT PARKING. AND WE ARE WRITING TO REQUEST THAT THE CITY REQUIRE THE DEVELOPER TO PROVIDE SUFFICIENT PARKING ON SITE TO MEET THE INCREASE IN DEMAND THAT WOULD BE GENERATED BY THE PROPOSED DEVELOPMENT. AND THE APPLICANT AGREES THAT THIS IS A VALID CONCERN AND WILL PROVIDE SUFFICIENT PARKING FOR THE PROPOSED USES. BUT THAT CAN'T BE DETERMINED UNTIL WE KNOW WHAT THOSE ARE. WE NEED THE ZONING TO REALLY TAKE THE TIME AND PUT THOSE USES TOGETHER. AT THAT TIME WE ARE ABSOLUTELY COMMITTED TO COMING IN WITH THE SITE PLAN, WITH OUR PROPOSED MIX OF USES, TALKING WITH CITY STAFF, WORKING WITH TRANSPORTATION AND PARKING CONSULTANTS AS TO HOW THAT WOULD WORK UNDER A MIXED USE SCENARIO. IT WAS MENTIONED THAT THERE WOULD BE NO ROOM FOR RETAIL. QUITE FRANKLY, WE'RE LOOKING AT SOME SLIPPED PARKING ARRANGEMENTS SO THE SIDE ALONG NUECES WOULD HAVE RETAIL. IT MAY BE AS LITTLE AS 800 SQUARE FEET, I DO ADMIT THAT, BECAUSE OF THE SIZE OF THE LOT, BUT IT COULD BE AS MUCH AS 12 OR 14. BUT AGAIN, WE'VE GOT TO BALANCE THAT WITH THE PARKING. APPLETON DOES NOT WANT TO HAVE A PROJECT THAT IS NOT ECONOMICALLY VIABLE BY NOT BEING ABLE TO PROVIDE FOR THE TENANTS OR THE PEOPLE THAT ARE IN THAT BUILDING. BUT I THINK WHAT WE'RE LOOKING AT IS THE EVOLUTION OF MIXED USE FROM NOT JUST VERTICAL -- I MEAN HORIZONTAL SLABS, BUT WE MAY WANT TO INVESTIGATE THINGS LIKE LIVE-WORK WHERE WE HAVE TO LOOK AT PARKING A LITTLE

DIFFERENTLY IF SOMEONE IS LIVING ABOVE, WORKING IN A MIDDLE FLOOR AND GETTING A NEWSPAPER ON THE BOTTOM FLOOR. WHAT IF I KNOW HAVE A BUSINESS THAT CAN TAKE FRESH FLOWERS TO A PLACE DOWNTOWN OR CAN COURIER DOCUMENTS? WE WANT THAT KIND OF FLEXIBILITY. THIS ISN'T GOING TO BE AN A MLI PROJECT. THE SITE IS TOO SMALL. BUT IT WILL BE A TRANSITION FROM WHAT'S HAPPENING AT THE UNIVERSITY. IT'S KIND OF A TRANSITION SPACE FOR PEOPLE AS THEY, YOU KNOW, COME FROM THE UNIVERSITY LIFE TO THE YOUNG PROFESSIONAL LIFE. AND THAT'S REALLY WHAT WE WANT TO DO. THEY TALKED ABOUT NO ONE HAS BEEN POLLED. THE PEOPLE WE'VE BEEN POLLING ARE THE PEOPLE WALKING ON THE STREETS. AND SURE ENOUGH, THERE ARE ABOUT 150 TO 200 PEOPLE THAT WALK BY THAT CORNER AND IT IS THOSE PEOPLE THAT WE'RE TRYING TO CAPTURE. [BUZZER SOUNDING] HOW DO WE TAKE THOSE WALKERS, HOUSE THEM THERE. THANK YOU VERY MUCH FOR YOUR CONSIDERATION. YOU HAVE THE DOCUMENTS WITH FIVE RIVERS. WE'VE AGREED TO THOSE WITH THE EXCEPTION OF RESTAURANT BEFORE YOU. YOU CAN LOOK AT THE OTHER COMMENTS I MADE TO MS. WARNER AND MR. SAYERS.

Mayor Wynn: THANK YOU. QUESTIONS FOR THE AGENT, COUNCIL? THANK YOU ALL VERY MUCH. COMMENTS, QUESTIONS, MAYOR PRO TEM?

Dunkerley: I THINK FROM TONIGHT'S DISCUSSION REALLY DOES BRING TO MIND THE ISSUES WITH THE SITE PLAN DEVELOPMENTS. IT'S VERY EXPENSIVE TO COME IN AND DEVELOP A SITE PLAN AND SO YOU REALLY DON'T DO THAT UNTIL YOU KNOW IF YOU ARE GOING TO HAVE THE ZONING. SO I THINK AT THIS STAGE WHAT THE APPLICANT HAS DONE IS AGREED TO THE USES THAT WON'T BE THERE. AND THAT'S USUALLY WHAT WE SEE AT THIS STAGE. AND THEN WHEN THEY GET A LITTLE BIT FURTHER ALONG AND THEY SEE, WELL, WE'VE GOT ABILITY THROUGH THE ZONING TO DO SOME THINGS, THEN THEY COME UP WITH THEIR PROJECT MIX AND AT THE SITE PLAN STAGE, AND I'M LOOKING TO GREG TO CORRECT ME ON THIS, THAT'S WHEN YOU DEAL WITH THE PARKING AND THE PARKING RATIOS AND WE MAKE SURE THAT ALL THE TRANSPORTATION ISSUES ARE REALLY WORKED OUT. NOW, I'M LOOKING TO YOU TO MAKE SURE

THAT'S THE RIGHT SEQUENCE, BUT I KNOW THE NEIGHBORHOODS WOULD LIKE TO HAVE A LOT OF CERTAINTY UP FRONT, BUT IT'S VERY DIFFICULT TO REQUIRE SOMEBODY TO DO THAT BECAUSE OF THE EXPENSE INVOLVED IN DEVELOPING A SITE PLAN THAT MAY OR MAY NOT BE ALLOWED UNDER WHATEVER ZONING THE COUNCIL CHOOSES TO GIVE. SO DO I HAVE THAT RIGHT OR CLOSE TO BEING RIGHT?

THE PARKING REQUIREMENTS WOULD OCCUR AT THE TIME OF THE SITE PLAN, YOU ARE CORRECT. THAT'S WHEN WE WOULD CALCULATE THEM. WE DO KNOW RIGHT AT THIS MOMENT IF THEY WERE DEVELOPING THE PROPERTY FOR RETAIL USES, THAT THE REQUIREMENT, FOR INSTANCE, FOR OFFICES USES WOULD BE 20 TO 6 POSITIVE% WHAT THEY MIGHT BE REQUIRED ELSEWHERE IN THE CITY. IF THEY WERE DOING RESIDENTIAL, THE MINIMUM REQUIREMENT IS 60% OF WHAT IS REQUIRED. THE COUNCIL COULD ALTER THOSE NUMBERS IF IT FELT INCLINED TO INCREASE THE REQUIREMENT FOR 60 TO 70 OR TO SAY THERE'S A MINIMUM OF 40% PARKING REQUIREMENT INSTEAD OF A MINIMUM 20.

Dunkerley: WHAT IS THE -- THE STAFF AND THE PLANNING COMMISSION RECOMMENDED?

THE STAFF CONDITIONAL OVERLAY WITH NUMBER OF TRIPS AND THE COMMISSION'S RECOMMENDATION SAYING THERE BE A MINIMUM OF ONE RESIDENTIAL UNIT ON THE PROPERTY.

Dunkerley: THERE'S A MINIMUM WHAT?

HAD ONE RESIDENTIAL UNIT ON THE PROPERTY. I THINK THE APPLICANT AT THE TIME OF APPEARING BEFORE THE COMMISSION SUGGESTED THERE MAY BE AS MANY AS 10, BUT SINCE THE PROJECT ISN'T DESIGNED, THEY WEREN'T SURE IF IT WAS GOING TO BE ONE OR UP TO 10.

Dunkerley: THANK YOU.

Mayor Wynn: COUNCILMEMBER McCracken.

McCracken: MR. GUERNSEY, HOW WOULD THE DEVELOP

RULES DIFFER FOR D.M.U. COMPARED TO THE VERTICAL MIXED USE STANDARDS?

WELL, RIGHT NOW IF IT WERE TO RECEIVE D.M.U. ZONING, THERE WOULD BE SOME STANDARDS THAT IT WOULD BE SUBJECT TO A GREEN BUILDER, ONE STAR, THAT IF THERE WAS A PARKING STRUCTURE THAT IT WOULD HAVE TO BE SCREENED FROM ADJACENT BUILDINGS ACROSS THE STREET. PARKING WOULD HAVE TO BE SCREENED GENERALLY FROM PUBLIC VIEW. THERE WOULD BE ALSO REQUIREMENTS TO SCREEN TRASH RECEPTACLE, AIR CONDITIONING, HEATING, LOADING EQUIPMENT. THERE ALSO WOULD BE SOME MINIMUM SETBACK REQUIREMENTS. FOR THE FIRST FOUR FLOORS OF A BUILDING THAT ARE ABOVE GRADE, THERE MIGHT BE A MAXIMUM FRONT YARD REQUIREMENT OF 10 FEET. AND A MAXIMUM SIDE STREET YARD OF 10 FEET. AND SO THAT WOULD BE THEIR MAXIMUM SETBACKS. DURING A MIXED USE BUILDING YOU HAVE REQUIREMENTS FOR THE MIXTURE OF USES BY FLOOR AND ABOVE FLOORS AND IT WOULD BRING BUILDINGS OUT CLOSER TO STREETS. UNDERSTAND IF THEY DID THE FIVE RIVERS, IF I REMEMBER RIGHT, I DON'T HAVE THE ACTUAL LETTER, I THINK DONNA WAS REFERRING TO, I THINK THERE WAS AN AGREEMENT TO DO GREAT STREETS IN FRONT OF THE BUILDING AND WE CERTAINLY COULD DRAFT THAT IN FORM OF A COVENANT AND BRING THAT BACK YOU. IT REALLY COMES DOWN TO WHAT IS SHE DESIGNING BEFORE WE COULD GO INTO A LOT OF THOSE REQUIREMENTS. AND IT LOOKS LIKE SHE HAS AGREED TO SOME OF THOSE REQUIREMENTS AND BASED ON THIS LETTER.

McCracken: WHAT REQUIREMENTS ARE YOU TALKING ABOUT?

THAT A MINIMUM 10% OF THE GROSS BUILDING WOULD BE RESTRICTED TO RESIDENTIAL USES. AND ANY NEW BUILDING CONSTRUCT ON THE PROPERTY MEASURING HEIGHT OF 60 FEET OR LESS FROM THE STREET AND MINIMUM OF 15% ON THE GROSS BUILDING WOULD RESTRICT IT TO RESIDENTIAL USES. SO THERE IS THE COMMITMENT TO DO RESIDENTIAL USE OF A CERTAIN PERCENTAGE ON THE PROPERTY.

McCracken: LET ME ASK YOU THIS, THEN. AND UNDER WHAT'S BEFORE US AND WHAT'S BEEN AGREED TO BY THE

APPLICANT, WOULD WE HAVE A GUARANTEE OF A MIX OF USES IN THE DEVELOPMENT INCLUDING RESIDENTIAL?

YES, BASED ON WHAT THE LETTER THAT SHE HAS HANDED ME AND ON THE BACK SIDE OF THIS SPEAKS TO THE GREAT STREETS PROGRAM TO EXTEND DEVELOPMENT EXCEEDS 60 FEET IN HEIGHT, THAT THEY WOULD AGREE TO DO THE GREAT STREETS DESIGN STANDARDS.

McCracken: IF IT EXCEEDS 60 FEET IN HEIGHT?

IF IT EXCEEDS 60 FEET IN HEIGHT.

McCracken: BUT THE PROPOSAL IS ONLY FOR 60 FEET; IS THAT RIGHT?

I BELIEVE --

[INAUDIBLE].

BECAUSE OF CONSTRUCTION, WE DON'T KNOW -- WE DON'T THINK WE CAN FIT THAT INTO 60 SO IT WILL PROBABLY BE HIGHER THAN 60 THOUGH NOT THE ENTIRE SITE. TO BE PERFECTLY HONEST ON GREAT STREETS, WE WOULD BE DOING THAT PROBABLY ANYWAY BECAUSE IF YOU NOTICE ON THAT STREET THERE'S SOME LARGE MATURE TREES THAT WE WOULD LIKE TO GO AHEAD AND KEEP THERE. AND THEN WORK A NEW STREET -- OR A NEW SIDEWALK AROUND THAT.

McCracken: WHAT ARE THE SIDEWALK WIDTHS?

THEY ARE SUPPOSED TO BE 12 FEET AND I BELIEVE TO THE BASK CURB TO PROPERTY LINE WE HAVE 15 FEET ON NUECES. WE DO NOT HAVE A THAT ON 18th AND WE CANNOT COMMIT TO WHAT KIND OF SIDEWALK WOULD BE DONE ON 18th BECAUSE OF THE NARROW RIGHT-OF-WAY AT THAT LOCATION.

McCracken: THE ONLY THING I WOULD SAY IS NO MATTER WHAT, THE PROPOSAL TO DO THE URBAN SIDEWALK STANDARDS UNDER SIGN DISARNDZ WHICH IS 12 FEET.

I'M SORRY?

McCracken: BECAUSE NEW CYST AND 18th ARE -- THE MINIMUM SIDEWALKS WOULD HAVE TO BE 12 FEET. I MIGHT HAVE TO GO BACK AND CHECK THAT NUMBER, BUT I BELIEVE YOU ARE CORRECT.

McCracken: OKAY.

Mayor Wynn: COUNCILMEMBER COLE.

Cole: I HAVE LISTENED TO THE TESTIMONY AND SEEN THAT THE APPLICANT HAS WORKED WELL WITH THE NEIGHBORS. AND ALSO I'M IMPRESSED WITH THE D.M.U. REQUIRING GREEN BUILDING STANDARD, AND IT SEEMS LIKE THE KEY REMAINING ISSUE IS THE PARKING SO I'M CONFIDENT THAT YOU ALL CAN WORK THAT OUT ONCE THE SITE IS DONE. SO I'M GOING TO MOVE THAT WE ACCEPT THE PLANNING COMMISSION RECOMMENDATION AND THE STAFF RECOMMENDATION OF THE DMU-CO.

COUNCILMEMBER, THERE WAS ALSO TWO ALL RIGHT DATED ONE OCTOBER 19th FROM DONNA TO CITY COUNCIL, AND ANOTHER FROM DONNA CARTER TO RICK HARDIN, FIVE RIVERS. I BELIEVE SHE HAS AGREED TO THOSE SPECIFIC ITEMS IN BOTH OF THOSE THAT PROHIBIT CERTAIN USES OR AGREE TO DOING GREAT STREETS ALONG NUECES. IS THAT ALSO PART OF THE MOTION?

Cole: YES.

Mayor Wynn: SO THE MOTION BY COMB COLE TO CLOSE THE PUBLIC HEARING AND APPROVE ON --

Cole: FIRST READING.

Mayor Wynn: -- FIRST READING.

WE STILL HAVE A VALID PETITION, BUT IT WOULD ONLY REQUIRE FOUR VOTES TO MOVE FORWARD TONIGHT. WE WOULD THEN PREPARE AN ORDINANCE TO ADDRESS THE COMMISSION AND YOU COULD RESUE THAT. SIX AFFIRMATIVE VOTES TO OVERRIDE THE PETITION AT THIRD

READING.

Mayor Wynn: CORRECT. AND SO TECHNICALLY WE WILL CRAFT THIS MOTION, IF COUNCILMEMBER COLE'S MOTION IS THE PLANNING COMMISSION RECOMMENDATION. WITH THE CHANGES --

FROM THE AUGUST -- THE OCTOBER 17th LETTER AND THE OCTOBER 19th LETTER. 17th AND 19th LETTERS THAT YOU HAVE ON THE DAIS.

Mayor Wynn: OKAY. AND SECONDED BY MAYOR PRO TEM. COUNCILMEMBER McCRACKEN.

.....

McCracken: I THINK IT WOULD BE VERY IMPORTANT THAT THIS DEVELOPMENT COMPLY WITH DESIGN STANDARDS PARTICULARLY THE SIDEWALK REQUIREMENTS. SINCE IT IS GOING TO BE A VERY MUCH A PEDESTRIAN ORIENTED DEVELOPMENT. SO I WANTED TO KNOW IF YOU WOULD ACCEPT A FRIENDLY AMENDMENT THAT THIS MOTION SPECIFY THE DEVELOPMENT WILL COMPLY WITH DESIGN STANDARDS. EFFECTIVELY WHAT THAT WOULD MEAN IS SIDEWALK REQUIREMENTS.

Cole: IS THAT DIFFERENT THAN THE GREAT STREETS YOU ASKED ABOUT? CONFERENCE COMMITTEE CRACK THE

McCracken: THE GREAT STEETS WAS IF WE'RE GOING TO 60...60 FEET. DESIGN STANDARDS SPECIFY 12 FEET, BUT IT -
- THERE'S SOME LEEWAY ON THE SUPPLEMENTAL ZONE ABOUT PARKING AND THINGS LIKE. THAT BUT IT WOULD SPECIFY AT LEAST THERE WOULD BE A PEDESTRIAN ORIENTED SIDEWALKS.

Cole: I'LL ACCEPT THAT AS FRIENDLY AMENDMENT AND PURSUANT TO THE DESIGN STANDARDS AS COUNCILMEMBER McCRACKEN RECALLED THEM.

Mayor Wynn: MAYOR PRO TEM. FURTHER COMMENTS ON THE MOTION FOR FIRST READING ONLY? COUNCILMEMBER

MARTINEZ T.

Martinez: IT'S EASY TO GET US CONFUSED. I WANTED TO ASK A QUESTION ABOUT THE PARKING STANDARDS. DO THEY KICK IN ONCE A SITE PLAN IS FILED SO WE KNOW WHAT THE OCCUPANCY LOADS IS AND/OR IS THE DEVELOPER GRANTED SOME BONUSES FOR COMPLIANCE WITH THE COMMERCIAL DESIGN STANDARDS STATED IN THE MOTION? ARE THEY GRANTED ANY TYPE OF VARIANCES AS REQUIRED FOR PARKING?

RIGHT NOW THE PARKING IS GREATLY REDUCED WHEN A PROPERTY IS ZONED DOWNTOWN MIXED USE. THEY ARE ONLY REQUIRED TO PROVIDE ONLY 20% OF WHAT THE CURRENT REQUIREMENT WOULD BE FOR A RETAIL OFFICE TYPE USE. IF IT'S A RESIDENTIAL USE, THEY ARE REQUIRED TO PROVIDE 60%. SO IF WE CAME BACK AT SECOND AND THIRD READING AND AFTER MAYBE DOING MORE REVIEW OF THE ORDINANCE AND MAYBE DISCUSSING WITH THE NEIGHBORS, THERE'S AN AGREEMENT TO PROVIDE A HIGHER AMOUNT, LET'S SAY MAYBE 40% AS A MINIMUM OR 30% AS A MINIMUM FOR RETAIL OFFICE, WE COULD ACTUALLY ADD THAT AT A LATER DATE TO THE ORDINANCE AND THAT WOULD BE CLEAR ENOUGH DIRECTION WE COULD PROBABLY DO THAT. IF THAT'S THE CONCERN. BUT TODAY, RIGHT NOW, IF THIS CASE WERE TO BE MOVED FORWARD ON ALL THREE READINGS, BUT IT WOULD ONLY BE SUBJECT TO A 20% MINIMUM REQUIREMENT FOR THE OFFICE AND -- OFFICE AND RETAIL USES AND ONLY 60% REQUIREMENT FOR THE RESIDENTIAL.

Martinez: BUT 20% OF WHAT? IS IT BASED ON THE OCCUPANCY LEVEL?

IT'S BASED ON THE TYPE OF BUSINESS. FOR INSTANCE, IF I HAD AN OFFICE REQUIREMENT AND I WAS REQUIRED 10 SPACES, WELL THEN BECAUSE I'M ZONED D.M.U., I WOULD ONLY BE REQUIRED TWO.

Martinez: WE'LL COME BACK AND SEE WHAT KIND OF PROGRESS WE CAN MAKE ON THE PARKING ISSUE.

Mayor Wynn: FURTHER COMMENTS ON THE MOTION? A

MOTION AND SECOND ON THE TABLE TO APPROVE ON FIRST READING ONLY. COUNCILMEMBER LEFFINGWELL.

Leffingwell: I JUST WANT TO CLARIFY WHAT THE FRIENDLY AMENDMENT WAS. I BELIEVE YOU SAID SIDEWALK WIDTHS PURSUANT TO DESIGN STANDARDS REQUIREMENT AND THAT WOULD NEEN..... MEAN NOTHING ELSE. IF THERE WAS SOMETHING ELSE IT WOULD APPLY ONLY TO SIDEWALK WIDTHS. IS THAT CORRECT?

I BELIEVE IT'S THE ONLY ONE THAT WOULD BE APPLICABLE ON THIS DEVELOPMENT BECAUSE DOWNTOWN MIXED USE IS ACTUALLY A PRETTY DEMANDING ZONING CODE WHEN IT COMES TO URBAN DESIGN. SO I ACTUALLY THINK IT WOULD ACTUALLY ALMOST WEAKEN IT IF WE DID THINGS BEYOND SIDEWALKS. AND STAFF WILL LOOK AT THAT ISSUE PARTICULARLY AND IF THERE IS SOMETHING IN ADDITION WE WILL HIGHLIGHT THAT ON OUR STAFF REPORT WHEN WE BRING IT BACK IF THAT'S A CONCERN.

THAT WOULD BE HELPFUL.

Mayor Wynn: FURTHER COMMENTS ON THE MOTION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF -- FIRST READING ONLY ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. THE MAIL HAS ARRIVED. THANK YOU VERY MUCH. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

SINCE OUR LAST MEETING BACK IN SEPTEMBER ON THE 28TH, THERE WERE -- THE PUBLIC HEARING WAS OPEN AND COUNCIL HEARD A LOT OF TESTIMONY THAT SPOKE TO TRUE MIXED USE, PEDESTRIAN-ORIENTED TYPE USES, THE CONCERN ABOUT THE LENGTH OF THE TIME THAT IT HAS TAKEN WITH THIS PARTICULAR PROJECT, AND LET ME NOTE FOR THE RECORD WHAT WE'RE TALKING ABOUT. NUMBER 73 IS THE COMBINED PLANNING AREA BOUNDED BY I-35 TO THE WEST, TOWN LAKE AND THE COLORADO RIVER TO THE NORTH, GROVE BOULEVARD AND MONTOPOLIS DRIVE TO THE EAST AND STATE HIGHWAY SOMEONE OTHERWISE KNOWN AS BEN WHITE BOULEVARD ON THE SOUTH. IT ALSO WHAT I'M SPEAKING TO ARE THREE ZONING CASES THAT ARE PART OF AN ASSOCIATION WITH THIS NEIGHBORHOOD

PLAN AMENDMENT TO OUR COMPREHENSIVE PLAN. THIS IS ITEM NUMBER 74, CASE C-14-05-0111, THE PARKER LANE NEIGHBORHOOD PLAN COMBINING DISTRICT. THIS IS FOR THE VOANING OF THE A PARTICULAR AREA BOUNDED BY OLTORF ON THE NORTH, MONTOPOLIS ON THE EAST, BY BEN WHITE -- STATE HIGHWAY 71 AND ALSO BY I-35 ON THE EAST. AND THE PROPOSED CHANGE COULD CREATE THE PARKER LANE NEIGHBORHOOD NEIGHBORHOOD COMBINING DISTRICT. IT WOULD AMEND 14 PARTICULAR TRACTS AND ADD CERTAIN IT TOOLS THIS AREA THAT WOULD GRANT SMALL LOT AMNESTY, PERMITTING PARKING IN THE FRONT YARD IT TO CERTAIN PORTIONS OF THE AREA, ALSO URBAN HOME TO OTHER PORTIONS OF THE AREA, MIXED USE BUILDINGS, SPECIAL USE TO CERTAIN TRACTS, AND I THINK THERE WAS ALSO A DESIRE EXPRESSED BY THE NEIGHBORS NOT ONLY IN THIS ONE, BUT THE NEXT TWO NEIGHBORHOOD AREAS THAT ARE UP FOR REZONING TO INCLUDE A DIRECTION BY COUNCIL TO STAFF REQUESTING YOU INCLUDE SOMETHING THAT WOULD INCLUDE A TOOL OF THE MOBILE FOOD ESTABLISHMENT ORDINANCE THAT WE HAVE RECENTLY PASSED.

ITEM 75 IS C-14-05-012112. THIS IS BOUNDED BY TOWN LAKE ON THE NORTH, EAST BY PLEASANT VALLEY, NORSES BY OLTORF. IT WOULD ADDRESS THE I IMPLEMENTATION OF THE RIVERSIDE DRIVE NEIGHBORHOOD PLAN COMBINING DISTRICT AND HAVE PROPOSED 28 TRACTS FOR POSSIBLE REZONING IN THIS AREA. IT WOULD ALSO INCLUDE SMALL LOT AMNESTY, GARAGE PLACEMENT, IMPERVIOUS COVER AND PARKING PLACEMENT RESTRICTIONS AND PROHIBIT FRONT YARD PARKING, MIXED USE BUILDINGS FOR CERTAIN TRACTS AND MIXED-- NEIGHBORHOOD URBAN CENTERS ON OTHER TRACTS. THE LAST ZONING CASE IS ITEM 76, CASE C-14-05-0113, PLEASANT VALLEY NEIGHBORHOOD PLAN COMBINING DISTRICT. THIS IS BOUNDED BY COLORADO RIVER ON THE NORTH, GROVE ON THE EAST, OLTORF AND PLEASANT VALLEY ROAD, SAVE AND EXCEPT 183 ACRES KNOWN AS THE AUSTIN COMMUNITY COLLEGE. THE PLEASANT VALLEY NEIGHBORHOOD PLANNING COMBINING DISTRICT THEY INCLUDE UP TO FOUR PARTICULAR ZONING CASES WITHIN THIS AREA UNDER THE PROPOSED PLEASANT VALLEY NPCD SMALL LOT AMNESTY, GARAGE PLACEMENT,

IMPERVIOUS COVER, PARKING PLACEMENT RESTRICTIONS AND PROHIBIT PARKING IN THE FRONT YARD ARE PROPOSED FOR THE ENTIRE AREA. SO THOSE ARE THE ZONING CASES RELATED TO THE PLAN. AS I SAID BEFORE ON THE 28 ITS, COUNCIL POAND THIS ITEM AT THE REQUEST OF STAFF AND SINCE THAT TIME STAFF WENT BACK AND WE WERE TASKED AT LOOKING AT THE EAST RIVERSIDE OLTORF PLANNING AREA AND DEVELOPING STRATEGIES AND RECOMMENDATIONS TO LOOK AT THE AMOUNT OF MULTI-FAMILY IN THIS AREA, TO LOOK AT WAYS THAT WE CAN INCREASE OPTIONS FOR TRUE MIXED USE AND WE WERE ALSO ASKED TO MEET WITH THE CITY COUNCIL SUBCOMMITTEE, THE LAND USE AND BE TRANSPORTATION SUBCOMMITTEE, AND TO INVITE THE CONTACT TEAMS TO TALK ABOUT THESE TOOLS. ON THE 28TH WHEN WE MADE THIS COMMITMENT TO YOU, WE THOUGHT THE LAND USE AND TRANSPORTATION SUBCOMMITTEE MEETING WAS LATER IN THE MONTH IN OCTOBER, SO WE DID NOT HAVE THE OPPORTUNITY TO BRING THAT ITEM TO YOU BECAUSE I THINK THAT MEETING ACTUALLY FELL ON THE FOLLOWING MONDAY, AND STAFF HAD NOT ENOUGH TIME TO ACTUALLY PREPARE THAT TOOL. SO LET ME CONTINUE JUST A LITTLE BIT OF HISTORY AND THEN I'LL GET TO WHAT STAFF WOULD BE PROPOSING THIS EVENING AFTER DISCUSSING WITH SOME OF THE NEIGHBORHOOD CONTACT TEAM AND OTHER STAKE IS HOLDERS. STAFF HAS REVIEWED THE PLANNING COMMISSION APPROVED FLUM AND HAS IDENTIFIED TO REMOVE AREAS POSSIBLY FROM THE FLUM FOR CONSIDERATION. THOSE ARE AREAS THAT MAY HAVE HIGHER POTENTIAL FOR DEVELOPMENT, REDEVELOPMENT. ALONG CERTAIN ROADWAYS THAT COULD HAVE THE POTENTIAL OF SOME DAY BEING FUTURE TRANSIT CORRIDORS. WE ALSO MET WITH OUR NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT STAFF ABOUT THE PLAN TO REMOVE CERTAIN AREAS FROM THE FLUM AND FROM THE NEIGHBORHOOD PLAN AND REZONINGS AND TO GET ANY -- ADDRESS ANY CONCERNS THAT THEY MAY HAVE HAD. WE PRESENTED THESE RECOMMENDATIONS TO THE INTERIM EAST RIVERSIDE, OLTORF CONTACT TEAM ON THE 12 ITS..... 12TH OF THIS MONTH AND THERE WERE SOME ADDITIONAL PEOPLE THAT ATTENDED THAT MEETING. WE ALSO HAD A SEPARATE MEETING WITH ANOTHER INDIVIDUAL

AFTER THAT MEETING AND IT WAS ABOUT THOSE SAME ITEMS. BASED ON THE INPUT FROM THESE MEETINGS AND ALSO TALKING WITH NEIGHBORHOOD HOUSING STAFF, OUR DEPARTMENT DEVELOPED A FUTURE USE MAP ON THE CONTACT TEAM'S FUTURE RECOMMENDATIONS. WHAT WE HAVE ARE FOUR PROPOSALS BEFORE YOU THIS EVENING AND WE'VE COLOR CODED THEM TO TRY TO ASSIST YOU AS WE KIND OF WALK THROUGH THESE RECOMMENDATIONS. BEFORE I GOAT THAT, MARK IF YOU COULD PUT THE EXHIBIT BACK UP, THERE'S AN EXHIBIT THAT SAYS EAST RIVERSIDE OLTORF NEIGHBORHOOD PLANNING AREA, AND LOOKS AT THE YEAR OF CONSTRUCTION FOR CERTAIN MULTI-FAMILY DEVELOPMENTS. AND THIS MAP, WHICH IS DISPLAYED ON THE MONITOR, LOOKS AT THE ENTIRE AREA WHERE WE HAVE MULTI-FAMILY DEVELOPMENT. THE DARK PLUM COLORED AREAS ON THE MAP ARE OLDER STRUCTURES THAT ARE DATED 1978 OR BEFORE FOR CONSTRUCTION. AND WITH YOUR DISCUSSIONS OF NEIGHBORHOOD PLANNING AND DEVELOPMENT STAFF, THESE WERE BUILDINGS THAT WERE MOST LIKELY HAVING ASBESTOS AS PART OF THEIR CONSTRUCTION AND LEAD-BASED PAINTS. SO THE ABILITY TO REHABILITATE SOME OF THESE STRUCTURES WOULD BE MORE COSTLY AND THEY WOULD BE MORE LIKELY TO BE DEMOLISHED RATHER THAN GO THROUGH A RESTORATION PROCESS. THERE ARE OTHER BUILDINGS COLORED IN RED THAT ARE DATED 1978 TO 1984. COUNCIL AT THE LAST MEETING HAD CONCERNS ABOUT SOME OF THESE STRUCTURES THAT MAY HAVE BEEN MORE THAN 25 YEARS OLD. WE TOOK A LOOK AT THAT. WE UNDERSTAND THAT FINANCING MAYBE 30 TO 40 YEARS FOR SOME OF THESE STRUCTURES, SO WE INCLUDED THOSE AS PART OF OUR TARGET AREA TO LOOK AT AND THEN WE STARTED LOOKING AT OTHER STRUCTURE BY DATE AND THEY COVER PERIODS OF APPROXIMATELY FIVE YEARS. THE AREA IN PINK ARE STRUCTURES THAT WERE DATED BETWEEN 1985 AND 1989. YELLOW, WHICH THERE ARE NONE, ARE DATED 1990 TO 1994 AND THIS WAS PROBABLY A RESULT OF THE DOWNTURN IN THE ECONOMY IN THE LATE '80'S. WE DIDN'T HAVE A LOT OF INVESTMENT, A LOT OF NEW MULTI-FAMILY STRUCTURES, BUT WHEN THE ECONOMY STARTED TO COME BACK IN THE '90'S, WE DID HAVE QUITE A BIT OF NEW CONSTRUCTION OCCURRING AND THE LIGHT

GREEN AREAS ARE THE MULTI-FAMILY AREAS THAT WE HAD APARTMENTS CONSTRUCTED, BETWEEN 1995 AND 1999, THE DARKER GREENS ARE FROM 2000-2003. AND WHERE HAVE YOU DARK GREEN DOTS ARE BUILT AFTER 2003. SO WITH THAT INFORMATION WE PROVIDED THIS TO THE NEIGHBORHOOD REPRESENTATIVES AND THE CONTACT TEAM REPRESENTATIVES THAT WE MET WITH AND TO NEIGHBORHOOD HOUSING. STAFF BRINGS FORWARD A RECOMMENDATION TO YOU THAT ARE OUTLINED IN BLUE. OR ON YOUR SHEETS I THINK WE MARKED THE CORNERS OF YOUR PAGES IN THE UPPER RIGHT-HAND CORNER. AND THIS WOULD BE THE STAFF'S RECOMMENDATION TO YOU. AND IT WOULD BE TO APPROVE THE EAST RIVERSIDE, OLTORF COMBINED NEIGHBORHOOD PLAN AND THE FUTURE LAND USE MAP WITH THE FOLLOWING EXCEPTIONS: THAT PROPERTY DESIGNATED AS MULTI-FAMILY ON THE PLANNING COMMISSION FLUM OR FUTURE LAND USE MAP THAT WAS INITIALLY PRESENTED TO YOU ON THE 28TH AND CONSTRUCTED PRIOR TO 1985 -- SO THESE WOULD BE THE AREAS OF WHAT WE'D CALL THE DARK PLUM COLOR AND THE RED COLOR, WOULD BE DESIGNATED AS WHITE ON THE FUTURE LAND USE MAP AND WOULD BE REMOVED FOR ADDITIONAL DISCUSSION AT A LATER DATE. THAT THE PROPERTIES ALONG OLTORF BETWEEN I-35 AND PLEASANT VALLEY WOULD ALSO BE REMOVED FOR DISCUSSION FOR POSSIBLE CONSIDERATION AS DESIGNATION AS A FUTURE CORE TRANSIT CORRIDOR OR OTHER DESIGN GUIDELINES THAT WE CAN ADDRESS POSSIBLY IN A TOOL ALONG THIS ROADWAY. PROPERTIES ALONG PLEASANT VALLEY BETWEEN OLTORF STREET AND LAKE SHORE AND THE COLORADO RIVER PARK WOULD BE REMOVED ALSO FOR DISCUSSION AS A POSSIBLE CORE TRANSIT CORRIDOR. STAFF WOULD RECOMMEND TO THE PLANNING COMMISSION IS THAT PEF ON..... THEY HAVE A POSTPONEMENT POLICY THAT WOULD APPLY FOR SIX MONTHS WHERE IF A NEW APPLICATION WAS FILED IN THESE AREAS THAT WE ARE SUGGESTING BE REB MOVED, JUST AS THEY WOULD TREAT A NEW NEWS 8 AUSTINNING AREA THAT'S BEGINNING, THAT THESE ITEMS WOULD BE BASICALLY POSTPONED . IF A PROPERTY OWNER WANTED TO DISCUSS THIS, THEY COULD BE REFERRED TO THEIR SUBCOMMITTEE AND THE SUBCOMMITTEE COULD MAKE A RECOMMENDATION TO FULL

COMMISSION TO PASS THOSE ITEMS ON FORWARD IF THERE WAS BASICALLY SUPPORT OF THAT SUBCOMMITTEE AND SUPPORT OF THE COMMISSION. THAT WE APPROVE THE UNCONTESTED AND CONTESTED TRACTS THAT ARE NOT IN THE AREAS THAT WE'RE SUGGESTING TO BE WITHDRAWN, SO THE AREAS THAT WE'RE NOT SUGGESTING TO BE REMOVED, THESE MULTI-FAMILY TRACTS, THE AREA ALONG OLTORF, THE AREA ALONG PLEASANT VALLEY, THAT THOSE ZONING CASES WOULD BE WITHDRAWN, BUT THE AREAS OUTSIDE OF THAT, THOSE WOULD MOVE FORWARD. AND THIS WOULD RESULT IN APPROXIMATELY 15 TRACTS THAT WOULD BE LEFT CONTESTED. IF YOU CHOOSE TO DO THIS OPTION, WE WOULD GO FWARTSDZ AND THEN PRESENT THIS INFORMATION TO YOU. BUT THIS ISN'T OUR ONLY OPTION. WE HAVE A COUPLE OTHER ONES. THE NEIGHBORHOOD PLANNING CONTACT TEAM AND THESE ADDITIONAL STAKEHOLDERS WE MET WITH HAD AN ALTERNATE PROPOSAL, AND IF YOU LOOK AT THE REFERENCE TO MOTION SHEET B, AND THIS IS IN THE ORANGE SQUARE AT THE TOPS OF THE PAGES THAT YOU'RE LOOKING AT, THEY HAD SOME ADDITIONAL SUGGESTIONS. I THINK THEY AGREED THAT THE MULTI-FAMILY PROPERTIES SHOULD COME OUT, BUT THEY SUGGESTED THAT WE REMOVE ALL THE MULTI-FAMILY PROPERTY, SO ALL PROPERTIES ZONED MULTI-FAMILY SHOULD BE COLORED WHITE AND REMOVED FROM THE PLAN FOR FURTHER DISCUSSION. THAT PROPERTY IS ZONED COMMERCIAL OR OFFICE WITH EXISTING USES -- AND WE DO HAVE A FEW OF THOSE. NOT THE MAJORITY OF MULTI-FAMILY LAND, BUT A FEW OF THOSE. SHOULD ALSO BE COLORED WHITE AND REMOVED FROM THE PLAN FOR FUTURE DISCUSSION. WE ALSO REQUESTED THAT ALL PENDING ZONING REQUESTS, WHETHER THEY'RE CONTESTED OR NOT -- THIS IS WHERE WE WOULD HAVE UP ZONING OR DOWN ZONING. AND ANY OTHER REQUESTS FROM DEVELOPERS OR PROPERTY OWNERS SHOULD BE COLORED WHITE AND REMOVED FROM THE PLAN. SO WHAT THEY ARE SUGGESTING IS THAT ALL PENDING ZONING CASES CONTESTED OR NOT BE REMOVED FROM DISCUSSION THIS EVENING. THAT PLEASANT VALLEY ROAD FROM LAKE SHORE DRIVE AND COLORADO RIVER FORK OLTORF BE REMOVED FOR POSSIBLE DISCUSSION AS A POSSIBLE FUTURE TRANSIT CORRIDOR OR OTHER

DESIGN TOOLS APPLIED TO THAT AREA. I'LL JUST NOTE THAT THEY DID NOT ELECT TO INCLUDE THE OLTORF CORRIDOR. THEY HAD A DESIRE TO MAINTAIN THAT AS COMMERCIAL USES AND THAT ADDRESSED MIXED USE AS A POSSIBILITY AT THIS TIME. AND THEN FINALLY, TO REMOVE ALL MIXED USE WEST OF PLEASANT VALLEY ROAD EXCEPT FOR A PARTICULAR SENIOR HOUSING TRACT THAT'S FURTHER TO THE SOUTH, JUST NORTH OF -- NEXT TO MABEL DAVIS PARK, JUST NORTH OF BEN WHITE, THAT THAT REMAIN IN AS MIXED USE, BUT TO REMOVE ALL THE REMAINING AREA FROM MIXED USE FROM THE PLAN AND SET THAT ASIDE FOR FUTURE DISCUSSION. THE SECOND PART OF THE REQUEST WAS THAT THEY WOULD ASK THE COUNCIL TO ENTERTAIN A MORATORIUM ON ALL FUTURE ZONING CASES IN THIS AREA UNTIL THE DISCUSSION IS DONE WITH THE PENDING CASES IN THE AREAS THAT ARE REMOVED. WE HAVE A THIRD PROPOSAL, AND THIS IS A COMBINATION PROPOSAL. WE WOULD CALL AN ALTERNATIVE, AND THERE'S A PINK SQUARE IN THE UPPER RIGHT-HAND CORNER OF THE MAPS AND THE MOTION SHEETS ARE MARKED AS C. THIS WOULD BE THE STAFF RECOMMENDATION WITH THE ADDITION THAT THE MULTI-FAMILY -- ALL MULTI-FAMILY WOULD BE REMOVED AND BE COLORED WHITE AND PUT IN FOR FUTURE DISCUSSION. AND SO THE BASIC DIFFERENCE IS INSTEAD OF JUST BEING THOSE THAT ARE PRE 1985 THAT WE REMOVE ALL THE MULTI-FAMILY AND PUT THAT OFF FOR FUTURE DISCUSSION. AND WHEN STAFF SPEAKS TO FUTURE DISCUSSION, WE TALKED ABOUT HAVING A TOOL THAT WE MAY APPLY TO ACHIEVE TRUE MIXED USE, A MORE WALKABLE COMMUNITY, AND THAT IS SOMETHING THAT WE'RE TALKING ABOUT. WITH THIS PROPOSAL WE WOULD STILL COME BACK AND HAVE THE SIX-MONTH POSTPONEMENT POLICY ON THE AREAS THAT ARE REMOVED, AND THAT WE WOULD APPROVE THE UNCONTESTED AND CONTESTED TRACTS OUTSIDE OF THE AREAS THAT WE'RE SUGGESTING TO BE WITHDRAWN. SO YOU WOULD REMOVE ANY SUGGESTION ON CONTESTED OR UNCONTESTED TRACTS WITHIN THESE AREAS THAT WE'RE REMOVING AND GO BACK AND APPROVE THOSE THAT ARE OUTSIDE OF THOSE MULTI-FAMILY AND TRANSIT CORRIDORS, SUGGESTED OLTORF AND PLEASANT VALLEY. THIS WOULD RESULT IN 15 CONTESTED TRACTS. SINCE WE DID NOT HAVE THE OPPORTUNITY TO BRING THIS TO THE

LAND USE AND TRANSPORTATION COMMITTEE, SUBCOMMITTEE OF THE COUNCIL, YOU DO HAVE I GUESS ANOTHER OPTION, AND STHAS THAT YOU COULD DEFER THIS TO THE SUBCOMMITTEE FOR THEIR DISCUSSION. YOU COULD STILL GO AHEAD TODAY AND ADDRESS THE FUTURE LAND USE MAP AND THE FACTS IF YOU DESIRED, BUT YOU COULD ALSO SEND THIS TO THE LAND USE AND TRANSPORTATION SUBCOMMITTEE BECAUSE THAT WAS PART OF WHAT WE SAID THAT WE WOULD DO BEFORE WE BROUGHT THIS BACK TO YOU, BUT WE WERE KIND OF IN A PICKLE. THAT WE HAD THIS DATE ALREADY SET AND BE THERE WAS NOT A MEETING OF THE LAND USE AND TRANSPORTATION COMMITTEE THAT WE COULD BRING THIS FORWARD AND SHOW THIS TO YOU. IF THIS WAS SOMETHING ELSE THAT YOU DESIRE OTHER THAN THE FIRST OPTION A, WHICH WAS WHAT STAFF IS RECOMMENDING, I GUESS YOU COULD SAY THAT'S THE BLUE OPTION, WILL THE NEIGHBORHOOD PLANNING CONTACT TEAM AND OTHER STAKEHOLDER OPTION, WHICH IS YOUR ORANGE OPTION, OR THE COMBINATION PLAN, WHICH IS THE PINK OPTION. IF YOU WERE TO TAKE KIND OF A MIX AND START PULLING THINGS FROM THAT, STAFF COULD ENTERTAIN THAT AS WELL, BUT WE WOULD SUGGEST THAT YOU ACTUALLY TELL US WHAT YOUR DESIRE IS, WE WOULD BRING THIS BACK ON THE SECOND, MAKE SURE THAT WE HAVE ARTICULATED THIS BACK TO YOU DIRECT CORRECTLY, SHARE THIS WITH THE STAKEHOLDERS AND THEN TAKE THIS TO THE LAND USE AND TRANSPORTATION COMMITTEE MEETING ON THE THE 13TH AND BRING IT BACK TO YOU FOR YOUR POSSIBLE FULL ACTION ON THE 16TH. SO I OFFER YOU FOUR ITEMS AND POSSIBLY A FIFTH OF YOUR OWN DOING IF YOU WOULD LIKE TO DO ONE OF THESE.

Mayor Wynn: MAYOR PRO TEM?

Dunkerley: YOU'VE GIVEN US TOO MANY CHOICES, GREG. [LAUGHTER] I WILL SAY I DO LIKE THE STAFF RECOMMENDATION ON ERLT THE BLUE -- ON EITHER THE BLUE OR THE PINK IN RELATION TO THE CORRIDORS, BUT I THINK WHAT I'D LIKE TO ASK YOU AND I THINK I'M CORRECT ON THIS, IF WE APPROVE THE STAFF AND PLANNING COMMISSION RECOMMENDATION, WHICH IS THE BLUE, THERE IS NOTHING TO PREVENT THE LAND USE

SUBCOMMITTEE AND OUR PLANNING TEAM, ADVISORY PLANNING TEAM. IF WE COME UP WITH SOMETHING THAT'S SUITABLE FOR THE MULTI-FAMILY INCLUDED HERE THAT COULD APPLY TO ALL MULTI-FAMILY, WE CAN MAKE THOSE CHANGES AND BRING THOSE RECOMMENDATIONS TO CHANGE THE FUTURE LAND USE MAP BACK TO COUNCIL. OUR HANDS ARE NOT TIED.

THAT'S CORRECT. IF YOU WERE TO SELECT I GUESS THE BLUE OPTION OR THE PINK OPTION, EITHER ONE OF THOSE, WHICH SIMPLY THE DIFFERENCE IS THE AMOUNT OF MULTI-FAMILY YOU'RE PULLING OUT, YOU COULD GO FORWARD TODAY --

Dunkerley: THAT'S REALLY THE POINT I WANTED TO MAKE. IF WE WENT WITH THE STAFF AND THE PLANNING COMMISSION RECOMMENDATION, WE COULD APPLY WHATEVER WE LEARNED ABOUT MULTI-FAMILY TO ALL MULTI-FAMILY IF IT'S APPLICABLE. THE ONLY OTHER COMMENT I HAVE ABOUT A MORATORIUM IS IS THAT I'M ALWAYS UNCOMFORTABLE WITH A MORATORIUM, ESPECIALLY WHEN THERE'S AN OPPORTUNITY OUT THERE TO SEE SOME OF OUR MULTI-FAMILY THAT WE'RE TRYING TO GET RID OF REDEVELOPED INTO HOME OWNERSHIP OPPORTUNITIES OR SOMETHING LIKE THAT. SO I IN NO WAY WANT TO DISCOURAGE ANY OF THOSE POTENTIAL PROJECTS FROM COMING FORWARD. BECAUSE SOMETIMES IF YOU WAIT SIX MONTHS YOU'VE MISSED THE CUSP OF A LAND DEVELOPMENT SCENARIO, IE, THE UPS AND DOWNS OF HOUSING DEVELOPMENT. SO I DON'T WANT TO PREVENT THAT FROM HAPPENING. SO THOSE ARE MY COMMENTS AT THIS TIME. AT LEAST AT THIS TIME I WOULD SUPPORT THE STAFF AND PLANNING COMMISSION RECOMMENDATION WITH THE CAVEAT THAT ANYTHING THAT WE FIND APPLICABLE TO MULTI-FAMILY THAT COULD BE APPLIED TO ALL MULTI-FAMILY, THAT WE BRING THOSE RECOMMENDATIONS BACK. AND AS WE WORK WITH THE ADVISORY TEAM, THE WHOLE MAP IS OPEN. REALLY. BECAUSE WE CAN ALWAYS COME BACK AND RECOMMEND TO THE FULL COUNCIL TO CHANGE ANY OF THIS.

THAT IS CORRECT, COUNCILMEMBER. SO I GUESS WHAT YOU'RE SUGGESTING IS THE BLUE OPTION, WHICH IS SHEET

A, AND THAT WOULD BE THE STAFF RECOMMENDATION. AND AS I SAID BEFORE, THERE ARE STAKEHOLDERS HERE AND THERE'S INDIVIDUAL PROPERTY OWNERS HERE. I KNOW THE PUBLIC HEARING IS CLOSED, BUT THEY MIGHT WANT TO SPEAK TO WHAT THEY WOULD -- WHAT THEY MAY BE MORE SUPPORTIVE OF AND WHAT THEIR CONCERNS MIGHT BE WITH ANY GIVEN PROPOSAL. I'LL JUST NOTE THAT BECAUSE I KNOW THAT I THINK IT'S A DESIRE THAT SOME OF THEM HAVE.

Mayor Wynn: UNDERSTOOD, MR. GUERNSEY.
COUNCILMEMBER KIM.

Kim: I LIKE HAVING ALL THIS HERE. IT MAKES THINGS CLEAR IN HOW THINGS HAVE MOVED ALONG AND WHAT THE NEIGHBORS' PREFERENCES ARE. I HAVE A QUESTION ABOUT MIXED USE, HOWEVER. IN -- I GUESS IN THE PINK COPY, WHICH I THINK YOU REFER TO AS A SMORGASBORD PLAN, WHICH THE PLANNING COMMISSION RECOMMENDATION IS TO -- IT DOESN'T INCLUDE THE MIXED USE DEVELOPMENTS ON RIVERSIDE, JUST SOUTH OF RIVERSIDE, AND I WAS WONDERING IF YOU COULD CLARIFY WHETHER OR NOT THOSE PROPERTIES COULD BE DEVELOPED AS FULLY AS MULTI-FAMILY WITHOUT ANY OTHER -- WITHOUT MIXED USE, BUT JUST MULTI-FAMILY.

WELL, SOME OF THOSE HAVE REQUESTED SPECIFIC ZONING CHANGES THAT WOULD ALLOW MIXED USE. AND IF THEY WERE SUCCESSFUL, THEN THAT WOULD ALLOW RESIDENTIAL UNITS TO GO ON THEM. SO TO ACHIEVE THE TRUE MIXED USE, IF THEY'RE OPTING TO DEVELOP UNDER THE MIXED USE BUILDING IS OR THE NEIGHBORHOOD OPTION FOR DEVELOPMENT, THEN YOU WOULD ACHIEVE THOSE MIXED USES BECAUSE THAT WOULD BE ACTUALLY PART OF THAT PROPOSAL. BUT SIMPLY HAVING A STRAIGHT GR-MU WOULD ALLOW A PROPERTY OWNER TO DEVELOP ALL OR ONE OF THOSE. AND SOME OF THESE THAT YOU'RE ACTUALLY SPEAKING OF ARE CONTESTED CASES WHERE YOU COULD ASK THE PROPERTY OWNERS OF WHAT THEIR INTEND IS OR MAKE CERTAIN CONDITIONS OR REQUIREMENTS ON THOSE PARTICULAR ZONING CASES THAT MAY GET TO WHAT YOU'RE ASKING.

Kim: SO THE ONES THAT ARE CONTESTED. I CAN'T TELL WHICH ONES THEY ARE RIGHT HERE. CAN YOU CLARIFY AGAIN THERE ARE SOME THAT ARE NOT CON 'TESTED THAT IF THEY ARE ZONED MIXED USE THEY COULD BE BE APARTMENTS?

WELL, THERE COULD BE. AND THEY MAY INCLUDE APARTMENTS, MAY INCLUDE CONDOMINIUM AND I KNOW THERE ARE SOME ALONG THIS STRETCH OF EAST RIVERSIDE WHICH INCLUDE RESIDENTIAL DEVELOPMENT.

Kim: AND I THINK THAT'S WHY -- I'M SORRY.

SO WHAT WE TRY TO DO IS GIVE YOU ONGSES AND IF YOU WERE TO PICK ONE OF THE OPTIONS THEN WE CAN WALK THROUGH THE MOTION SHEETS TO CREATE THAT. IF THE DESIRE IS IS TO DO THIS COMBINATION, ON MOTION SHEET C, THE PINK OPTION, THEN THOSE WHERE YOU SEE THE MULTI-FAMILY WE WOULD BE DISCUSSING THOSE AS PROBABLY ONE OF THE 15 CONTESTED CASES THIS EVENING. THEN YOU COULD HEAR, IF YOU SO DESIRED, OPENING THE HEARING AGAIN, LISTENING TO THE PROPERTY OWNERS AND THE NEIGHBORHOODS ABOUT THOSE PARTICULAR CASES AND WE COULD WALK THROUGH THOSE. IF IT WAS A DESIRE TO DO ONE OF THE OTHER MOTIONS, DEPENDING UPON WHICH ONE YOU PICKED, IF YOU PICKED THE SECOND ONE, WHICH WAS THE NEIGHBORHOOD OPTION, THE ORDINANCE ON OPTION, THERE ARE NO CONTESTED CASES BECAUSE UNDER THAT OPTION WE REMOVE ALL THIS SO IT WOULD ALL BE SET ASIDE TO ANOTHER DATE. I KNOW THAT THE INDIVIDUAL PROPERTY OWNERS AND REPRESENTATIVES HERE TONIGHT WOULD NOT AGREE WITH THAT. I THINK THEY WANT TO GO FORWARD, BUT THAT WOULD MAKE THE STAKE HOLERS THAT WE MET WITH AND THE INTERIM CONTACT TEAM WOULD BE SUPPORTIVE OF THAT. SO IT JUST DEPEND OZ WHICH ONE YOU PICK. BUT IF THIS IS THE ONE YOU'RE TALKING ABOUT, YES, WE CAN TALK ABOUT THOSE, BUT THEN YOU WOULD BE LOOKING AT ADDITIONAL PROPERTIES AND ALONG THE WATERFRONT OVERLAW THAT ARE CROSS-HATCHED AND THOSE ARE THE ONES THAT WOULD BE SUGGESTING AS BE REMOVED UNDER THIS MIXED USE OPTION AND LEAVING THE OTHER ONES ALONG THE EAST

RIVERSIDE.

Kim: THE POINT OF THIS IS IS TO ALLOW LAND USE AND TRANSPORTATION SUBCOMMITTEE IS TO TAKE A COMPREHENSIVE LOOK OF MULTI-FAMILY IN THE ENTIRE AREA. AND IN RELATION TO ALL THE OTHER VIEWS. AND I THINK THAT FOR THEM TO HAVE A RELACORE PICTURE OF WHERE MULTI-FAMILY COULD BE IN THE FUTURE WRRKS IT SHOULD BE, THEY HAVE TO LOOK AT WHERE IT IS EXISTING RIGHT NOW. SO I JUST WONDER WHAT THE NEIGHBORS, IF THE NEIGHBORHOOD BE HAS A REPRESENTATIVE THAT WANTS TO SPEAK TO I GUESS THE THREE MAPS THAT WE HAVE IT HERE BEFORE US AND WHAT THEIR PREFERENCES ARE. I KNOW THEY PREFER THE ORANGE ONE, BE BUT I WOULD LIKE TO HEAR THEIR SPECIFIC RESPONSE TO THE PINK COPY, WHICH IS THE PLANNING COMMISSION RECOMMENDATION, IF THERE'S SOMEONE HERE.

AND MA'AM, THEY REPRESENT MANY DIFFERENT NEIGHBORHOODS --

IS IS GALE IN THE AUDIENCE?

YES, SHE IS, AND SHE'S COMING FORWARD AND SHE HAS THE SAME COLOR MAP. I SEE THOSE PINK DOTS ON THE SHEETS THEY'RE BRINGING, SO THEY'LL BE ABLE TO WALK THRAWND FOLLOW ALONG ON THE SAME ITEMS.

MAYOR, COUNCILMEMBERS. YES, YOU'RE CORRECT, ONE OF THE REASONS WE WANTED TO PULL MIXED USE WAS BECAUSE IT COULD BE MULTI-FAMILY. AND SO WHEN WE LOOKED AT IT, WE LOOKED AT ALL THE POSSIBILITIES FOR MULTI-FAMILY, NOT JUST THE THINGS THAT WERE ZONED MULTI-FAMILY, BUT THAT WERE USED THAT WAY NOW, AND THAT COULD BE USED THAT WAY IN THE FUTURE. DOES IS THAT ANSWER YOUR QUESTION?

Kim: YES, IT DOES. SO THEN YOUR PREFERENCE IS FOR THE ORANGE MAP, WHICH ENCOMPASSES RIGHT NOW ALL THE MULTI-FAMILY USES THAT ARE -- EVEN THOSE THAT WOULD BE NON-COMPLYING BECAUSE IT'S IN COMMERCIAL ZONING. THE MULTI-FAMILY USES THAT ARE ZONED MULTI-FAMILY AS WELL AS MIX BED USE, WHICH COULD BE MULTI-FAMILY. IS

THAT IT?

YES. AND ONE OF THE REASONS THAT WE REMOVED THE IDEA OF THE CORRIDOR ALONG OLTORF IS IF YOU LOOK AT THE LAND USE BALANCE IN THE AREAS, YOU WILL SEE THAT THERE IS SO LITTLE COMMERCIAL THAT WE WANTED TO BE ABLE TO PROTECT THAT AS GUARANTEED 100% COMMERCIAL FOR THE FUTURE IN ORDER TO PRESERVE THAT TINY PERCENTAGE OF COMMERCIAL THAT WE HAVE.

RIGHT. AND I THINK THAT -- I AGREE WITH THAT, THERE NEEDS TO BE SOME COMMERCIAL ALONG OLTORF, WHICH IS A MAJOR CORRIDOR AND THAT'S WHAT IT IS RIGHT NOW, BUT I DON'T SEE THE ECONOMICS IN TERMS OF MAKING THAT MULTI-FAMILY VERSUS COMMERCIAL GIVEN THE ACCESS. IT WOULD JUST CAUSE A LOT OF -- IT'S JUST AN OPTIMAL USE FOR THE LAND FOR IT BEING COMMERCIAL. AND UNFORTUNATELY WE DON'T HAVE A CATEGORY THAT IS MANDATORY MIXED USE. IF THAT WERE THE CASE, THEN MAYBE --

EXACTLY. WHICH IS WHAT OUR FEAR WAS IN GOING TO MIXED USE ALONG THERE IS IS THAT THEN WE DON'T HAVE IS THAT GUARANTEE. AND IF -- PERHAPS IF WE COULD USE THE CO THAT WAS CREATED TO PROHIBIT MULTI-FAMILY IN MORE INSTANCES THAN WE DID, THAT WOULD ALSO AN HELP, BUT THAT WAS THE INSTANCES THAT WE TRIED TO USE THAT ONLY A SMALL PERCENTAGE OF THOSE THAT WAS EVEN APPLIED.

Kim: ALL RIGHT, THANK YOU VERY MUCH.

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

McCracken: I HAVE A QUESTION. IS IS THERE ANY CHANGES IN BASE ZONING HEIGHTS ALONG RIVERSIDE IN THIS PLAN? I KNOW YOU HAD ANSWERED THIS QUESTION BEFORE, BUT I CANNOT REMEMBER.

I WOULD HAVE IS TO GO BACK AND LOOK AT THE PARTICULAR MOTION SHEETS.

IT WAS FOR 41, 43 AND 44, AND THAT WOULD HAVE LIMITED THE -- LIMITED THE HEIGHT OF BUILDINGS ALONG EAST RIVERSIDE DRIVE TO THREE STORIES OR 40 FEET WITHIN 100 FEET OF THE ROADWAY. SO WITHIN 100 FEET OF EAST RIVERSIDE DRIVE, BUILDINGS COULD BE REALLY NO TALLER THAN THREE STORIES. THIS WOULD BE ON THE SOUTH SIDE OF THE ROADWAY IN THOSE AREAS DESIGNATED MIXED USE AND SPECIFICALLY THIS RELATES TO THE RIVER TOWN MALL SITE, THE FORMER SITE OF THE BACKYARD. -- BACK ROOM.

McCracken: AND THAT MAY BE WHERE WE NEED TO END UP, BUT THAT'S ONE OF THE MAJOR ISSUES TO ADDRESS IN A CORRIDOR PLAN. AND I THINK IT WOULD BE BE MORE APPROPRIATE TO LOOK AT DOWN ZONINGS OF HEIGHT ON A CORRIDOR, PARTICULARLY ONE AS WIDE AS THIS TO ADDRESS THAT IN THE CORRIDOR PLAN. IS THIS IS A VERY WIDE ROADWAY, SO DROPPING THE MIXED USE VERTICAL ROADWAY HAS A BASE ZONING HEIGHT OF 60 FEET AND THAT IS -- MY PERSONAL BELIEF IS IS WE NEED TO BE STICKING TO THIS ON A CORE TRANSIT CORRIDOR PARTICULARLY WHILE WE'RE DOING THE CORRIDOR PLAN. AND THEN IF THE CORRIDOR PLAN CONCLUDES, IT'S GOING TO BE 40 FEET, THAT'S FINE, BUT ONE OF THE THINGS WE'RE LOOKING AT IN THE CORRIDOR PLAN IS WHETHER WE WOULD DO RAIL TRAN BE SIT DOWN RIVERSIDE. WELL, THAT WOULD BE PRETTY MUCH OUT THE WINDOW IF WE GET TO 40 FEET BECAUSE YOU COULDN'T PRODUCE THE KIND OF -- 60 FEET'S NOT THAT HIGH ANYWAY, BUT YOU WOULD LOSE ALL ABILITY TO FUND A RAIL SYSTEM AND GET THE NECESSARY DENSITIES AT 40 FEET. DOES.....SO I WOULD RATHER DEFER THAT DOWN ZONING OF HEIGHT PARTICULARLY BECAUSE IT WOULD HAVE RAIL TRANSIT AS PART OF THE CONSIDERATION OF FUNDING OF RAIL AND DEVELOPMENT AND BE HEIGHTS IN THE CORRIDOR PLAN.

AND LET ME EXPLAIN. THAT WAS THE PLANNING COMMISSION'S RECOMMENDATION WRARZ TO THAT THAT MARK WAS READING, BUT THIS IS NOT A SUGGESTION TO REMOVE BY STAFF THE EAST RIVERSIDE DRIVE CORE TRANSIT CORRIDOR. THAT DISCUSSION WILL STILL OCCUR PROBABLY SOMETIME EARLY NEXT YEAR BECAUSE WE HAVE TO DO THE MAILOUT, HAVE A 90 DAY PASS AND THEN THAT 45-DAY REVIEW. IT IS ONE OF THE CASES THAT WOULD BE

DISCUSSED, SO IF YOU WERE TO CHOOSE EITHER THE -- I GUESS THE PINK OPTION, WHICH IS THE COMBINATION OPTION, OR THE STAFF RECOMMENDED OPTION, BE WHICH IS THAT BLUE ONE, YOU WOULD HAVE THE OPPORTUNITIES TONIGHT TO ACTUALLY DISCUSS THIS CASE AND MAKE A RECOMMENDATION ON APPROVAL OF FIRST READING OF SOMETHING -- OF GREATER HEIGHT OR LESSER HEIGHT ON THAT PARTICULAR PROPERTY.

McCracken: ON THAT ONE PROPERTY OR ARE WE TALKING ABOUT THE ENTIRETY OF RIVERSIDE?

THERE ARE THREE TRACTS INVOLVED --

McCracken: THOSE ARE PRETTY BIG TRACTS, AREN'T THEY?

THEY ARE. BUT WHAT STAFF WANTS TO PRESENT IS KIND OF WHICH OPTION DO YOU WANT TO DO AND THEN KNOWING THAT, IF THAT ONE INCLUDES THESE MIXED USE CORRIDORS ON EAST RIVERSIDE, THERE'S ONLY TWO OF THE OPTIONS THAT I THINK WE'RE TALKING ABOUT THAT WOULD ALLOW THESE TRACTS TO GO FORWARD TODAY FOR THE DISCUSSION ON THE ZONING. THE SECOND BE OPTION WOULD NOT. AND SO IT KIND OF DEPENDS ON WHICH ONE YOU WANT TO SELECT. IF YOU CHOOSE OPTION A OR C, THE BLUE OR THE PINK OPTION, THEN WE COULD GO FORWARD AND --

McCracken: LET ME BRING UP SOMETHING REAL QUICK. I GOT ALL THAT, BUT ONE OF THE THINGS IN THE STRUCTURE OF DESIGN STANDARDS IS THAT IF THE CORRIDOR HEIGHT IS SET IN THE NEIGHBORHOOD PLAN AT 40 FEET, THAT WOULD TRUMP THE VERTICAL MIXED USE OVERLAY. SO WE NEED TO MAKE SURE THAT IF WE'RE GOING TO MAKE A VERY MOHAMED TUS DECISION ABOUT REDUCING COMMERCIAL HEIGHTS IN AN AREA WHERE WE WANT TO HAVE RAIL TRANSIT POTENTIALLY, WE'RE ABOUT TO SPEND \$24 MILLION OF TAXPAYER MONEY, I THINK THAT KIND OF DECISION SHOULD BE HANDLED IN THE CORRIDOR PLAN WHEN WE LOOK AT INTEGRATED LAND USE AND TRANSPORTATION A SIMPLY BECAUSE IT WOULD TRUMP THE VMU OVERLAY UNDER THE DESIGN STANDARDS. THAT'S IT.

ONE WAY TO ADDRESS THAT IS IF YOU SELECT EITHER OPTION A OR OPTION C IS SIMPLY NOT PUT A HEIGHT RESTRICTION ON THOSE TRACTS AND ALLOW THAT TO HAPPEN AT A LATER DATE.

McCracken: OKAY.

THAT WOULD BE A WAY TO ADDRESS THAT PARTICULAR ISSUE.

OKAY, THANKS.

Mayor Wynn: FURTHER COMMENTS, BE QUESTIONS?

SO MAYOR AND COUNCIL, WHAT WE'RE TRYING TO DO IS FIGURE OUT WHICH OPTION YOU WANT TO DO, AND ONCE YOU SELECT THAT ONE THEN WE CAN GO THROUGH AND WALK YOU THROUGH THE MOTION SHEETS FOR THAT PARTICULAR OPTION.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: I HAVE A QUESTION FOR GALE AGAIN ABOUT THE APARTMENTS AND THE DIFFERENT AGES THAT THEY WERE BUILT. I THINK I HEARD FROM MY AIDE YOU SAID THAT SOME OF THE OLDER MULTI-FAMILY PROPERTIES ARE ACTUALLY IN BETTER CONDITION THAN SOME OF THE NEWER ONES.

THAT'S CORRECT.

Kim: SO THAT'S WHY YOU WOULD LIKE TO LOOK AT ALL THE MULTI-FAMILY.

THAT'S PART OF THE REASON, YES.

Kim: CAN YOU ELABORATE ON THAT?

I KNOW RIGHT ALONG RIVERSIDE DRIVE, THE BREAKERS WAS RECENTLY MODELED. I MEAN, AGAIN, FOR THREE YEARS WE HAVEN'T DISCUSSED MULTI-FAMILY. I MEAN, WE VICINITIES GONE BY AND LOOKED -- WE HAVEN'T GONE BY AND LOOKED AT EVERY SINGLE POSSIBILITY, BUT BECAUSE OF THE SOILS IN OUR AREA, DIFFERENT APARTMENTS HAVE

REACTED DIFFERENTLY TO THOSE, AND DEPENDING ON THE CONSTRUCTION, IT'S NOT NECESSARILY BASED ON THE YEAR. WE HAVE SOME NEUROTHINGS THAT ARE ALSO NOT DOING SO WELL BECAUSE OF OUR SOIL STRUCTURE. SEVERAL INSTANCES OF COMMERCIAL BUILDING ALONG RIVERSIDE DRIVE HAVE ACTUALLY HAD TO BE DEMOLISHED WITHIN THREE YEARS OF HAVING BEEN BUILT BECAUSE OF INCORRECT CONSTRUCTION, AND SO THERE IS A GREAT DEAL OF DIFFICULTY IN OUR AREA DEALING WITH THAT, AND SO THAT'S WHY WE WANTED TO LOOK AT ALL OF THEM. MULTI-FAMILY, IT'S EVERYTHING, IT'S MULTI-FAMILY.

Kim: SO YOU'RE SAYING THAT EVEN THOUGH THEY'RE MULTI-FAMILY COMPLEXES THAT WERE BUILT MORE RECENTLY, THERE ACTUAL MAY BE AMONG SOME OF THEM REDEVELOPMENT OPPORTUNITIES?

SURE. I THINK ALL TF IS A REDEVELOPMENT OPPORTUNITY. NO PLAN..... PLANNING WAS DONE FROM THE.... THE BEGINNING SO THIS IS AN OPPORTUNITY TO LOOK AT IT AND IF WE WANT TO TAKE THE MULTI-FAMILY --

MAY I ADD ONE THING? JAN LONG. I LIVE IN PLEASANT VALLEY AND ONE OF OUR CONCERNS IS IF WE WE MOVED ALL THE MULTI-FAMILY WHICH IS WEST OF PLEASANT VALLEY AND LEFT ALL OF THE MULTI-FAMILY AS IS EAST OF PLEASANT VALLEY THAT WE WOULD BE TURNING EAST OF PLEASANT VALLEY INTO A GET TOW. -- GHETTO WITHIN 10 OR 15 YEARS. SO WE THOUGHT WE WOULD REMOVE EVERYTHING SO EVERYTHING WAS OPEN FOR DISCUSSION.

IF WE'RE COME 'ING WITH TOOLS THEY SHOULD BE APPLICABLE AS COUNCILMEMBER DUNKERLEY SUGGESTED TO ALL OF IT. I KNOW THAT STAFF MADE A RECOMMENDATION AND I KNOW IT WAS BEFORE 1984, 1985 THAT ONLY THOSE BE CONSIDERED, BUT THAT WAS OVER 20 YEARS AGO AND THE FLUM IS SUPPOSED TO LAST FOR HOW MANY YEARS? 25 YEARS?

APPROXIMATELY 25 YEARS. AND THE LIFE OF WHAT I UNDERSTAND OF MOST OF THE APARTMENT COMPLEXES TALKING TO NEIGHBORHOOD HOUSING AND IT'S BEEN CUSSSED HERE BEFORE -- DISCUSSED HERE BEFORE

SOMEWHERE 30 TO 40 YEARS. I THINK COUNCIL TALKED ABOUT 30 YEARS ON THE DIAS THE LAST TIME THIS WAS HERE. IT BECAUSE OF THE NEIGHBORHOOD -- IT KIND OF LOOKS LIKE WE ACTUALLY SUGGESTED ALL THE DARK PLUM AND AND ALL THE RED, WHICH ARE ON BOTH SIDES OF PLEASANT VALLEY BECAUSE THAT CONCERN WAS RAISED.

..

Kim: OKAY. THANK YOU. DUNK THE WHOLE PURPOSE IS WHAT TO DO WITH MULTI-FAMILY IN THIS AREA WLRKS IT'S IN WHITE OR NOT IN WHITE DOESN'T MATTER. WE CAN APPLY IT ACROSS THE BOARD. SO I WANT TO MAKE THAT REALLY CLEAR. WITH THAT IN MIND I WOULD MOVE APPROVAL OF THE STAFF AND PLANNING COMMISSION RECOMMENDATION, WHICH WOULD BE THE BLUE MAP.

I'M NOT SURE IF IT'S AN ACTUAL MOTION, IF WE CAN GET THE DESIRE OF THE COUNCIL, THEN WE WILL WALK YOU THROUGH THE PROCESS OF A.

...

Dunkerley: OKAY.

SO WE'VE GOT MOTION SHEETS FOR ALL THREE OF THOSE OPTIONS. SO IT'S JUST A MATTER OF COUNCIL SELECTS ONE AND THEN WE CAN WALK THROUGH THAT. AND BOTH A AND C, THE PINK AND THE BLUE, ARE THE ONES THAT HAVE CONTESTED CASES WHERE I THINK YOU HAVE A LOT OF INDIVIDUALS HERE THAT WOULD LIKE TO SPEAK BOTH PROBABLY FROM THE NEIGHBORHOOD AND FROM PROPERTY OWNERS. THE B OPTION OR THE ORANGE OPTION WAS A NEIGHBORHOOD REQUEST THAT WE REMOVE ALL THE CONTESTED CASES FROM DISCUSSION AND WE JUST BRING THAT BACK AND DISCUSS THAT AT A DIFFERENT DATE.

Kim: MAYOR? THERE'S NO WAY I CAN LIVE WITH THE BLUE OPTION. IT'S EITHER THE ORANGE OR THE PINK ONE. AND THE REASON IS BECAUSE THE NEIGHBORHOOD HAS ASKED FOR US TO TAKE A COMPREHENSIVE LOOK AT MULTI-FAMILY, AND TO DO THAT WE HAVE TO CONSIDER EVERYTHING

GIVEN THE ENTIRE AREA. SO MY DESIRE WOULD BE EITHER THE ORANGE, WHICH IS THE NEIGHBORHOOD BE'S DESIRE OR THE PINK ONE, WHICH IS A BLENDING OF THE PLANNING RECOMMENDATIONS IN CONSIDERATION OF THE NEIGHBORHOOD'S REQUEST TO LOOK AT A REASONABLE RATIO AND A COMPREHENSIVE PLAN FOR INCLUDING TRANSIT AND MIXED USE AND A REASONABLE AMOUNT OF MULTI-FAMILY VERSUS WHAT THEY HAVE RIGHT NOW.

Mayor Wynn: OTHER COMMENTS SO WE CAN GIVE STAFF SOME DIRECTION? AND WITH THE THOUGHT BEING WHETHER WE WANT TO -- AT WHAT POINT DO WE WANT TO GO THROUGH THE CONTESTED CASES, THAT IS, THIS EVENING, OR AT A LATER TIME? AND WHICH ONES WOULD WE GO THROUGH?

Cole: MAYOR, AT THIS POINT I WOULD BE IN FAVOR OF WALKING THROUGH THE BLUE STAFF RECOMMENDATION WITH THE UNDERSTANDING THAT WE COULD MAKE ADJUSTMENTS IN THE PLANNING -- IN THE LAND USE COMMITTEE AND BRING IT BACK TO COUNCIL.

Mayor Wynn: SO THERE'S TWO COUNCILMEMBERS THAT PREFER THE BLUE OPTION, AGAIN, AS A STARTING POINT FOR STAFF TO WALK US THROUGH A BUNCH OF INDIVIDUAL VOTES THAT WE WOULD BE TAKING, INCLUDING LIKELY HEARING SOME CONTESTED CASES. SO I GUESS FOR LACK OF A BETTER PROCESS, COUNCIL, I GUESS I WILL HAVE TO CONSIDER MAYOR PRO TEM AS MAKING A MOTION THAT WE HAVE STAFF WALK US THROUGH THE -- THEIR RECOMMENDED SERIES OF MOTION SHEETS, MOTION SHEET A, SECONDED BY COUNCILMEMBER COLE. COMMENTS ON THAT? COUNCILMEMBER KIM.

Kim: MR. GUERNSEY, HOW WOULD THAT WORK THEN IF YOU GO INTO THE BLUE OPTION AND THESE PROPERTIES THAT ARE NOT BEING WITHDRAWN FOR CONSIDERATION, HOW COULD THE LAND USE AND TRANSPORTATION SUBCOMMITTEE THEN REZONE THOSE PROPERTIES THAT ARE NOT WITHDRAWN FOR CONSIDERATION?

COUNCIL ALWAYS HAS THE ABILITY TO INITIATE A REZONING CASE BY SIMPLY GIVING DIRECTION TO STAFF. THERE ARE

THREE ENTITIES THAT CAN INITIATE A ZONING CHANGE ON A GIVEN PROPERTY, COUNCIL BEING ONE, COMMISSION BEING THE OTHER AND THEN THE PROPERTY OWNER. SO IF AT THE END OF THE DISCUSSIONS WHATEVER RECOMMENDATIONS COME TO THE LAND USE TRANSPORTATION SUBCOMMITTEE, AND THOSE ARE PASSED ON TO CITY COUNCIL, COUNCIL COULD GIVE DIRECTION TO STAFF TO GO BACK AND REZONE A PARTICULAR PROPERTY OR A SET OF PROPERTIES IF THEY DEEM THAT'S APPROPRIATE?

BUT WOULDN'T THAT BE THEN IF WE'RE DOING THE ZONING TONIGHT FOR THOSE THAT WE'RE KEEPING IN THE PLAN, THEN IF THE SUBCOMMITTEE WANTS TO REZONE THOSE, THAT WOULD BE BE CHANGING IT TWICE OR HAVING A ZONING AND THAT IT'S MULTI-FAMILY TODAY, BUT THEN THEY COME BACK AND THEY WANT TO CHANGE IT? IS THAT WHAT WOULD HAPPEN?

THAT IS CORRECT, THERE COULD BE ACTUALLY TWO CHANGES. AND THERE'S SMOG THAT PRECLUDES COUNCIL FROM ZONING A PROPERTY AND COMING BACK AND VOANING A PROPERTY LATER WITHIN THAT SAME YEAR. TO A DIFFERENT CATEGORY.

Kim: IN SIX MONTHS?

IN SIX MONTHS OR EVEN LESS.

Kim: LESS?

IF THE CIRCUMSTANCES HAVE CHANGED, I WOULD IMAGINE THAT IF THE COUNCIL WAS GIVING DIRECTION FROM THE LAND USE AND TRANSPORTATION SUBCOMMITTEE THAT STHRFS A CHANGE TO BE MADE TO THE PLAN, IN ORDER TO ACCOMPLISH THAT CHANGE THE ZONING WOULD HAVE TO BE ALTERED, YOU COULD HAVE A CHANGE TO THE NEIGHBORHOOD PLAN AND ZONING THAT COULD IMPLEMENT THAT CHANGE, AND THAT WOULD BE CONSISTENT WITH THE CHANGE THAT'S MADE TO THE PLAN AND THE ZONING WOULD ACCOMPANY THAT. SO I DON'T SEE THERE'S NECESSARILY A PROBLEM DOING THAT. TODAY YOU'RE DEALING WITH ONE SET OF CIRCUMSTANCES. IF THE PLAN WERE TO CHANGE TOMORROW AND YOU CHANGE THE

ZONING TO MATCH THAT, I DON'T SEE THAT AS A COMPLICATION. 'KIM....'KIM, WELL, I THINK IT'S SENDING A MIXED SIGNAL IF WE'RE EXPLICITLY SAYING THIS IS THE LAND USE WE WANT IN THE FUTURE, WHICH IS MULTI-FAMILY, INSTEAD OF US FLIP-FLOPPING AND CHANGING THINGS IN THE NEXT FEW MONTHS, I WOULD RATHER US JUST KIND OF TAKE A LOOK AT THAT ONCE AND THAT THE ENTIRE AREA AND THEN MAKE A DECISION INSTEAD OF HAVING TO SAY WE'RE GOING TO MAKE A DECISION, BUT WE MAY RESERVE THE RIGHT TO CHANGE OUR MIND IN SIX MONTHS BE OR LESS. IT JUST DOESN'T MAKE SENSE TO ME AT ALL. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] PARTICULAR TRACT BECAUSE IT WOULDN'T BE BEFORE YOU THIS EVENING.

SO BACK TO WHAT I SAID, THE BLUE PROCESS SIMPLY PROVIDES MORE OPTIONS AS WE GO THROUGH IT? FOR US.

IT MAY, AND THE PINK OPTION HAS THE SAME TRACTS, THOSE SAME MIXED USE TRACTS, AND I THINK THAT WERE BEING DISCUSSED, ARE BOTH IN THE PINK, THE OPTION C AND THE BLUE. THE DIFFERENCE PRIMARILY BETWEEN THE PINK AND THE BLUE, AS I SAID BEFORE, IS IT TAKES OUT MORE THE MULTIFAMILY TRACTS.

OKAY.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS? COUNCIL MEMBER.....COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: WHEN IS -- IT WAS MY UNDERSTANDING EARLIER THAT THIS IT WOULD..... WOULD BE AN APPROPRIATE MOMENT TO SAY AS PART OF THIS MOTION LET'S DEFER CONSIDERATIONS OF HEIGHT REDUCTIONS ON RIVERSIDE UNTIL THE CORRIDOR PLAN. IS THAT APPROPRIATE?

WELL, YOU COULD DO THAT FOR THE INDIVIDUAL ZONING CASES. NOT ALL THESE INVOLVE HEIGHT --

DO IT AS A GENERAL RULE, SO I GUESS I'LL JUST ASK IT THIS WAY. WOULD YOU-ALL CONSIDER IT A FRIENDLY AMENDMENT TO REMOVE CONSIDERATIONS OF HEIGHT

REDUCTIONS ALONG RIVERSIDE UNTIL THE RIVERSIDE
CORRIDOR PLAN?

MAYOR WYNN: SO YES, IT'S BEEN ACCEPTED. SO WE HAVE
AN AMENDED MOTION, A SECOND ON THE TABLE, TO ASK
STAFF TO WALK US THROUGH MOTION SHEET A. FURTHER
COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE
SAY AYE.

AYE.

MAYOR WYNN: AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 6-2 WITH
COUNCIL MEMBER KIM VOTING KNOW.

I'LL INTRODUCE WALTERS, YOU'VE HEARD THEM HE WILL
YEAR WALK THROUGH OPTION A AND THE MOTION SHEETS
FOR THAT PARTICULAR ITEM.

THANK YOU, MR. GUERNSEY, AND WELCOME, MR. WALTERS.

MAYOR, AS I SAID BEFORE, THE PUBLIC HEARINGS WERE
CLOSED SO THAT YOU MAY HAVE THE CITIZENS FROM THE
NEIGHBORHOOD.

MAYOR WYNN: CORRECT.

AND PROPERTY OWNERS THAT WOULD LIKE TO SPEAK TO
THE INDIVIDUAL ITEMS THAT WE'LL BE PRESENTING ON EACH
ONE OF THESE MOTIONS.

MAYOR WYNN: FAIR ENOUGH.

GOOD EVENING, MAYOR, MAYOR PRO TEM COUNCIL, I'M
MARK WALTERS, NEIGHBORHOOD PLANNING AND ZONING.
TONIGHT I'M GOING TO WALK YOU THROUGH MOTION SHEET
A WITH THE BLUE SQUARE IN THE UPPER RIGHT-HAND
CORNER THE FIRST MOTION IS FOR AGENDA ITEM NO. 73
AND THAT WOULD BE TO IMPROVE THE RIVERSIDE OLTOF
PLAN, SAVE AND EXCEPT THE FOLLOWING, CONTESTED
TRACTS TO BE DISCUSSED AS SEPARATE MOTIONS AND
THESE ARE TRACTS 203, 222, 37, 39, 41, 43, 43 A, 44, 45, 45 A,

45 B, 46, 47, 49, 50, AND THE IRS SITE, WHICH IS 1800 -- 1800 1/2, 1804 1/2, 1806 1/2, 3601, 3651, 3651 1/2, IH SERVICE ROAD NORTHBOUND AND 1615 AND 1619 WOOD WARD STREET, AND TRACTS TO BE WITHDRAWN FROM THE NEIGHBORHOOD PLAN FOR FUTURE DISCUSSION AT A LATER DATE AS LISTED ON ATTACHMENT A 1 IN YOUR BACKUP. THAT CONCLUDES MY PRESENTATION FOR AGENDA ITEM 73.

MAYOR WYNN: QUESTIONS OF STAFF, COUNCIL? SO THAT WOULD BE OUR MOTION NO. ... NO. 1.

SECOND.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MCCrackEN, SECOND BY COUNCIL MEMBER COLE TO APPROVE. MOTION NO. 1 AS READ IN THE RECORD BY STAFF, FIRST READING ONLY.

FIRST READING ONLY, THAT IS CORRECT.

MAYOR WYNN: THANK YOU.

ALL THE READINGS TONIGHT WILL BE FOR FIRST READING ONLY.

MAYOR WYNN: FURTHER COMMENTS ON THE FIRST MOTION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7 TO 0 FIRST READING ONLY.

THE SECOND READING WILL BE AGENDA 74, WILL BE APPROVE THE NEIGHBORHOOD PLAN COMBINING DESCRIPTION DISTRICT FOR THE PARKER SAVE AND EXCEPT FOR THE FOLLOWING. THE CONTESTED TRACTS SHOULD BE DISCUSSED AS SEPARATE MOTIONS LATER, THAT WOULD BE TRACTS 203 AND 222 AND THOSE TRACTS WITHDRAWN FROM THE NEIGHBORHOOD PLANNING COMBINED DISTRICT FOR FUTURE DISCUSSION AT A LATER DATE AND ARE LISTED AS ATTACHMENT A 2. THAT CONCLUDES MY PRESENTATION

FOR AGENDA ITEM 74.

MOVE APPROVAL.

MAYOR WYNN: MOTION MADE BY COUNCIL MEMBER COLE, SECOND BY COUNCIL MEMBER LEFFINGWELL TO APPROVE THIS MOTION NO. 2 ON FIRST READING ONLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A FIRST READING ON A VOTE OF 7-2.

THE NEXT AGENDA ITEM FOR YOUR CONSIDERATION WILL BE NO. 75 AND THAT WOULD BE TO APPROVE THE NEIGHBORHOOD PLAN COMBINING DISTRICT FOR THE RIVERSIDE NEIGHBORHOOD PLANNING AREA, SAVE AND EXCEPT FOR THE FOLLOWING. CONTESTED TRACTS TO BE DISCUSSED LATER AS SEPARATE MOTIONS AND THESE WOULD BE 37, 39, 41, 43, 3 A, 44, 45, 45 A, 45 B, 46, 47, 49, 50 AND THOSE TRACTS WITHDRAWN FROM THE NEIGHBORHOOD PLAN COMBINING DISTRICT, THE NPCD FOR FUTURE DISCUSSION AT A LATER DATE AS LISTED ON ATTACHMENT A 3. AND THAT CONCLUDES MY PRESENTATION FOR AGENDA ITEM 75.

MAYOR WYNN: THANK YOU THANK YOU, MR. WALTERS. QUESTIONS OF STAFF, COUNCIL? IF NOT I'LL ENTERTAIN A MOTION. MOTION MADE BY MAYOR PRO TEM.

SECOND.

MAYOR WYNN: SECOND BY COUNCIL MEMBER MCCracken TO APPROVE THIS MOTION NO. 3 ON FIRST READING ONLY AS OUTLINED BY STAFF, OF COURSE NOTING THESE ARE ALL -- ALL OF THESE ARE PLANNING COMMISSION STAFF PROPERTY OWNERS AND THE ADVISORY COMMITTEE ARE IN AGREEMENT ON THIS PROPOSED ZONING RECOMMENDATIONS FOR THESE UNCONTESTED TRACTS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR

PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A FIRST READING ON A VOTE OF 7-0.

THE NEXT AGENDA ITEM IS AGENDA ITEM 76 AND THAT WOULD BE TO APPROVE THE NEIGHBORHOOD PLAN COMBINING DISTRICT FOR THE PLEASANT VALLEY NEIGHBORHOOD PLANNING AREA, SAVE AND EXCEPT FOR THOSE TRACTS WITHDRAWN FROM THE NEIGHBORHOOD PLAN COMBINING DISTRICT FOR FUTURE DISCUSSION AT LATER DATE AS LISTED ON ATTACHMENT A 4. THIS IS FIRST READING ONLY AND THAT CONCLUDES MY PRESENTATION.

MAYOR WYNN: AGAIN, COUNCIL, THESE ARE UNCONTESTED TRACTS. I'LL ENTERTAIN A MOTION. COUNCIL MEMBER.

KIM: CEM I JUST WANT TO ASK, IS THIS THE PLEASANT VALLEY NEIGHBORHOOD PLANNING AREA, CAN YOU SHOW ON THE MAP WHAT PART IS THIS? I CAN'T SEE ON THE MAP WHICH -- WHAT THE BOUNDARIES ARE, UNLESS I'M NOT FINDING IT.

THE BOUNDARIES FOR THAT PLANNING AREA ARE PLEASANT VALLEY ROAD ON THE WEST, OLTORF STREET ON THE SOUTH, MONTOPOLIS AND GROVE BOULEVARD ON THE EAST AND THE COLORADO RIVER AND TOWN LAKE ON THE NORTH.

KIM: OKAY. THANKS. MAYOR, SHOW ME AND.... ABSTAINING FROM THIS VOTE, PLEASE.

MAYOR WYNN: ALL RIGHT. MY UNDERSTANDING THE MOTION IS NO. 4. MOTION MADE BY COUNCIL MEMBER LEFFINGWELL. WE..SECOND BY COUNCIL MEMBER COUNCIL MEMBER MCCracken TO APPROVE THIS MOTION NO. 4 ON FIRST READING ONLY AS OUTLINED BY STAFF. FURTHER COMMENTS? ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE

OF 6-0 WITH COUNCIL MEMBER KIM NOT VOTING.

THE NEXT ITEM FOR YOUR CONSIDERATION WOULD BE TO APPROVE A LAND USE DESIGNATION DIFFERENT THAN THAT APPROVED BY THE PLANNING COMMISSION OR CONSIDERED CONSIDER CHANGING THAT LAND USE RELATION FOR THE IRS SITE AS I LISTED IT IN THE FIRST PART OF MY PRESENTATION. IT'S A PART OF AGENDA ITEM NO. 73. BOTH THE NEIGHBORHOOD AND STAFF ARE IN AGREEMENT THAT THE IRS SITE SHOULD BE DESIGNATED AS A CIVIC SITE EVEN THOUGH THE FEDERAL GOVERNMENT IS NOT SUBJECT TO OUR LAND USE REGULATIONS. IT'S SIMPLY TO... TO DENOTE THAT THIS IS INDEED A LOCATION FOR A GOVERNMENT FACILITY AND THAT A CIVIC LAND USE DESIGNATION IS APPROPRIATE. THE PLANNING COMMISSION RECOMMENDED THAT IT BE COMMERCIAL. IN ADDITION, THE NEIGHBORHOOD WOULD LIKE TO ALSO -- ALSO TO BE CONSIDERED AS CIVIC IN THE CASE THAT THE FEDERAL GOVERNMENT AT IS.....AT SOME TIME IN THE FUTURE WERE TO DIVEST THEMSELVES OF THE SITE THAT ANY NEW DEVELOPMENT GOING ON THERE WOULD BE SUBJECT TO A PLAN AMENDMENT AND WOULD INVOLVE THE NEIGHBORHOOD IN THEIR DISCUSSIONS OF OF ANY TYPE OF FUTURE DEVELOPMENT AT THAT SITE. AND THAT CONCLUDES MY PRESENTATION FOR THAT ITEM.

MAYOR WYNN: QUESTIONS OF MR. WALTERS, COUNCIL? IF NOT I'LL ENTERTAIN A MOTION NO. 5.

AND THAT WOULD BE FOR FIRST READING ONLY.

MAYOR WYNN: SO STAFF RECOMMENDATIONS, MAYOR PRO TEM?

CIVIC, I WANTED THE -- --

MAYOR.....

THAT IS A STAFF RECOMMENDATION.

MAYOR WYNN: YES, STAFF AND ADVISORY COMMITTEE.
MAYOR PRO TEM MOVES ON FIRST READING ONLY TO APPROVE STAFF RECOMMENDATION, MOTION NO. 5.

SECOND BY COUNCIL MEMBER LEFFINGWELL. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0 FIRST READING ONLY.

THE NEXT ITEM FOR YOUR CONSIDERATION WOULD BE TRACT 222. THAT WOULD BE 4600 AND 4604 EAST BEN WHITE BOULEVARD. MR. GUERNSEY IS DENOTING THAT. THE CURRENT ZONING OF THE SITE IS SF-2 AND THE CURRENT LAND USE IS CIVIC. IT IS A ST. PETER OF THE APOSTLE CATHOLIC CHURCH IS THERE. THE PLANNING RECOMMENDATION OF A 6/13 OF THIS WHY ARE WAS LO-CO MP WITH A BUILDING SETBACK OF 50 FEET FROM THE CREEK CENTERLINE. THE STAFF RECOMMENDATION IS THE SAME, AND THIS RECOMMENDATION FROM THE STAFF IS BASED ON INPUT FROM WATERSHED PROTECTION DEVELOPMENT REVIEW AND ENVIRONMENTAL STAFF, JEAN DRU AND MIKE LA DAY WENT OUT TO THE SITE AND REVIEW IT... HAVE YOU HAD IT AND THEY SAID THAT THE 50-FOOT SETBACK FROM THIS GENTLE SWALE, TERTIARY FEEDER CREEK TO A LARGER CREEK, 50-FOOT, WOULD ALLOW FOR SHRUBS, BUSHES AND GRASS TO SERVE AS A BUFFER BETWEEN THE EXISTING DEVELOPMENT AND THE WATER COURSE ITSELF. THE PROPERTY OWNER SUPPORTS GOMP, AND THERE WAS NO STRONG CONSENSUS DURING THE NEIGHBORHOOD PLAN PROCESS, SO THERE WAS A KIND OF A TO... TOSS-UP BETWEEN GENERAL OFFICE NP AND LIMITED OFFICE NP. THE GROUP -- THE INTERIM ADVISORY COMMITTEE RECOMMENDS THAT THE ZONING STAY SF-2 WITH THAT ADDITIONAL CONDITION THAT 150 FOOTSTEP-BACK FROM THE CREEK BE INCLUDED IN THAT CHANGE IN THE ZONING. AND THAT CONCLUDES MY PRESENTATION. IF I HAVE ANY -- IF YOU HAVE ANY QUESTIONS, I'LL BE HAPPY TO ANSWER THEM AT THIS TIME, AND THERE ARE REPRESENTATIVES FROM THE NEIGHBORHOOD IF YOU HAVE QUESTIONS OF THEM.

MAYOR WYNN: AND HOW DID, ABOUT DO WE KNOW IS THE

REPRESENTATIVE FROM THE PROPERTY HERE AT WELL?

I DO NOT BELIEVE SO.

MAYOR WYNN: AND AGAIN, THIS IS TRACT 222, 4600, 4604 EAST BEN WHITE BOULEVARD. OKAY. SO COUNCIL, WE HAVE THE NEIGHBORS HERE AND NOT THE OWNER OWNER, AND STAFF. QUESTIONS? COMMENTS? I TEND TO AGREE WITH STAFF THAT EXISTING SINGLE-FAMILY ZONING IS INAPPROPRIATE ALONG THIS MAJOR ARTERIAL. IT'S A QUESTION BETWEEN WHICH -- WHICH NEIGHBORHOOD PLAN OFFICE ZONING. COUNCIL MEMBER MCCrackEN?

MCCrackEN: CAN YOU OUTLINE FOR US QEKLY WHAT IS THE -- AND YOU MAY -- WHAT IS THE DIFFERENCE BETWEEN NEIGHBORHOOD -- GENERAL OFFICE AND NEIGHBORHOOD OFFICE OR --

THE LARGEST DIFFERENCE BETWEEN THE TWO WOULD BE THE IMPERVIOUS COVER OF LO WOULD BE 70% WITH A HEIGHT OF 40 FEET OR TWO STORIES AND GENERAL OFFICE WOULD BE A MAXIMUM PERVIOUS COVER OF 80% AND A POSSIBLE BUILDING HEIGHT OF 60 FEET.

MCCrackEN: THAT'S THE MAIN DIFFERENCE THERE?

IT'S BUILDING HEIGHT AND IMPERVIOUS COVER.

MCCrackEN: MAYOR, I'LL MOVE TO APPROVE THE GO-MP. I GUESS IT'S FIRST READING WE'RE TALKING ABOUT?

MAYOR WYNN: MOTION MADE BY COUNCIL MEMBER MCCrackEN ON TRACT 22 -- 222, FIRST READING ONLY FOR GONP. I'LL SECOND THAT. ACTUALLY, COUNCIL MEMBER MCCrackEN, TECHNICALLY THE STAFF RECOMMENDATION APPEAR THE PLANNING COMMISSION BOTH..... AND THE PLANNING COMMISSION BOTH HAD CONDITIONAL OVERLAYS. CAN YOU TELL US WHAT THOSE WERE?

THE CONDITIONAL OVERLAYS WERE RECOMMENDED BY STAFF AND THE PLANNING COMMISSION WERE NECESSITATE A 50-FOOT SETBACK FROM THE CENTERLINE

OF THIS CEDAR CREEK.

I THINK THAT WOULD BE A GOOD IDEA.

MAYOR WYNN: ACCEPT THAT AS WELL. SO MOTION ON A FIRST READING ONLY FOR TRACT 222 IS GO CO-NP. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON FIRST READING ONLY ON A VOTE OF 7-0.

THE NEXT TRACT FOR CONSIDERATION IS TRACT 203. IT'S 2600. 2600 1/2 PLEASANT VALLEY ROAD. THE CURRENT LAND USE AND ZONING. THE CURRENT LAND USE IS UNDEVELOPED TRACT. AS YOU CAN SEE ON YOUR VIEWER THAT A GOOD PORTION OF THE SITE IS WITHIN THE HUNDRED YEAR FLOOD ZONE AND IT IS ZONED FOR LR LIMITED RETAIL. THE TOTAL ACREAGE OF THE SITE IS 4.1 ACRES, BUT OUT OF THE FLOOD PLAIN THERE IS .6 ACRES OR 26,500 SQUARE FEET OF SPACE OUTSIDE OF THE FLOOD ZONE. THE PLANNING COMMISSION RECOMMENDED THAT THE ZONING BE CHANGED FROM L.. LR TO LR-MU-CO MP, WITH THE CO PROHIBITING MULTIFAMILY RESIDENTIAL DEVELOPMENT ON THE SITE. THE STAFF RECOMMENDATION WAS TO REMAIN SF-3 MP. THIS WOULD BE A DOWN ZONING, AND STAFF AT THE TIME SAID -- THOUGHT THERE WAS ENOUGH LAND OUTSIDE THE FLOOD PLAIN TO CONSTRUCT A SINGLE-FAMILY RESIDENCE ON A LITTLE LARGER THAN A HALF-ACRE SITE. ALSO, THERE WAS DISCUSSION AT ONE POINT -- OR THERE WAS A POLICY AMONGST THE ZONING STAFF TO REZONE FLOOD PLAINS TO R, WHICH IS NO LONGER POLICY, AND THE CITY LAND DEVELOPMENT CODE ALREADY HAS STRICT RULES AND GUIDELINES FOR ANY DEVELOPMENT IN THE HUNDRED YEAR FLOOD PLAIN SO ANY DEVELOPMENT THAT EVEN ENCROACHED INTO THAT WOULD BE SUBJECT TO THOSE FAIRLY STRINGENT DEVELOPMENT CONTROLS. THE PROPERTY OWNER WAS NEVER IN CONTACT SO WE DO NOT HAVE A RECOMMENDATION FROM THEM. THE INITIAL GROUP THAT CAME THROUGH THE PLANNING PROCESS RECOMMENDED SF-3 MP, AND THE --

PARDON ME, THE INTERIM CONTACT TEAM OR THE NEIGHBORHOOD PLANNING TEAM RECOMMENDED LRNP, AND THAT CONCLUDES MY PREPARATION. I'LL ANSWER ANY QUESTIONS THAT YOU HAVE THEM AT THIS TIME.

MAYOR WYNN: THANK YOU, MR. WALTERS. QUESTIONS FOR STAFF? COUNCIL? ESSENTIALLY WE HAVE SORT OF A SINGLE LOT IN EFFECT, TWO-THIRDS ACRE OF A LOT, HALF AN ACRE LOT.

IT'S A FOUR ACRE LOT WITH SLIGHTLY LARGER THAN HALF AN ACRE OUT OF.

MAYOR WYNN: CORRECT.

THAT'S MOSTLY IN THE SOUTHEAST CORNER OF THE LOT.

MAYOR.....LOT.

LEFFINGWELL: I'LL MOVE APPROVAL OF THE STAFF RECOMMENDATION.

MAYOR WYNN: MOTION MADE BY COUNCIL MEMBER LEFFINGWELL, SECOND BY COUNCIL MEMBER COUNCIL MEMBER MCCrackEN ON TRACT 203 TO APPROVE ON FIRST READING ONLY, STAFF RECOMMENDATION OF SF-3-NP. FURTHER COMMENTS? HEARING NONE ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A FIRST READING ON A VOTE OF 7-0.

THE NEXT TRACT FOR YOUR CONSIDERATION --

MAYOR WYNN: MR. WALTERS, COUNCIL, ENTERTAIN A MOTION TO WAIVE COUNCIL RULES TO GO PAST 10:00 P.M.

MCCRACKEN: I DO.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MCCrackEN, SECOND BY COUNCIL MEMBER COLE. ALL IN FAVOR PLEASE

SAY AYE.

AYE.

MAYOR WYNN: AYE.

I'LL MAKE IT FAST.

MAYOR WYNN: MOTION PASSES ON A VOTE OF 7-0.

NEXT CONSIDERATION WILL BE TRACT 37. THAT'S 2109 THROUGH 2237 EAST RIVERSIDE DRIVE. IT'S BURDEN EVEN TERRACE SUBDIVISION, AMENDED LOTS 4 AND 5 ON RIVERSIDE JOINT VENTURE LOTS 7.. 78 AND 9 EXCEPT FOR THE 10,012 SQUARE FEET TRACT OUT OF LOT 9 AS DESCRIBED IN TRACT 38, AND 1700 AND 1702 WILLOW..... WILLOW CREEK DRIVE, THE WILLOW SIDE DRIVE LOTS 10 AND 11. THE CURRENT ZONING AND LAND USE IS COMMERCIAL. THERE IS CURRENTLY A MIXED BUNCH OF ZONING CURRENTLY ON THE SITE THAT RANGES FROM LR, GR, CS AND CS-1. USING BEING RESTAURANT, PAWN SHOP, CAR WASH AND OTHER VARIOUS RETAIL. THE PLANNING COMMISSION RECOMMENDED GR, NP AND ALLOWING THE MIXED USED -- NEIGHBORHOOD MIXED USE BUILDING IN THE NEIGHBORHOOD URBAN CENTER. THE STAFF RECOMMENDED A SIMILAR -- OR THE SAME RECOMMENDATION. THE STAFF RECOMMENDATION WILL PROVIDE A ZONING PATTERN THAT LEADS TO A GREATER CONSISTENCY OF THE TYPES AND USES OF DEVELOPMENT WHICH THE SITE CAN BE DEVELOPED AS OPPOSED TO THE MIXED BAG OF ZONING THAT IT CURRENTLY HAS. THE ZONING WILL ACCOMMODATE THE CURRENT USES AS WELL AS REDUCE THE LARGE AMOUNT OF CS-1 ALONG RIVERSIDE AND REDUCE THE CS-1 ON THE TRACT. THE INITIAL GROUP OF STAKEHOLDERS HAD THE SAME RECOMMENDATION AS BOTH STAFF AND THE PLANNING COMMISSION WITH THE ADDITION OF A CONDITIONAL OVERLAY TO PROHIBIT MULTIFAMILY RESIDENTIAL USES. THE NEIGHBORHOOD CONTACT TEAM OR NEIGHBORHOOD PLANNING TEAM RECOMMENDATION WAS TO -- WOULD APPEAR TO LEAVE THE ZONING AS IS . IS. BUT WILL ALLOW THE MIXED USE AND NEIGHBORHOOD URBAN CENTER, AND IF I WILL, MAYOR, I JUST REMEMBERED THAT THE LAND USE END ZONING

NEEDS TO BE CONSIDERED ON THESE READINGS, THAT FOR THIS READING -- FOR 37, IT WOULD NEED TO BE BOTH APPROVED, THE MIXED USE, OR THE LAND USE AND THE ZONING, SO WE MIGHT HAVE TO GO BACK QUICKLY LOOK OVER THOSE CASES WE JUST WENT OVER. THAT'S AN OVERSIGHT. I JUST NOTICED AND I APOLOGIZE.

MAYOR WYNN: THAT'S FINE. WE'LL FINISH THIS UP FIRST. SO MR. WALTERS --

AND THAT CONCLUDES MY PRESENTATION.

MAYOR WYNN: THANK YOU. SO ON -- SO THE GROUP ONE RECOMMENDATION INCLUDED SPECIFICALLY PROHIBIT MULTIFAMILY RESIDENTIAL USES, BOTH THE PLANNING COMMISSION AND THE STAFF RECOMMENDATION WITH THE MUB AND THE NEIGHBORHOOD URBAN CENTER. TECHNICALLY IS THAT ALLOWED FOR MULTIFAMILY RESIDENTIAL UNITS ON THE SITE?

THEY COULD DO CONDOS INSTEAD OF DOING STRAIGHT MULTIFAMILY WHEN THE NEIGHBORHOODS DESIRE TO PROMOTE MORE HOME OWNERSHIP SO THAT IS THE REASON WHY THE PROHIBITION WAS PUT ON THE SITE. SO IT WOULD NOT PROHIBIT -- IT WOULD PROHIBIT MULTIFAMILY IN THOSE TWO SPECIAL USES, THE NEIGHBORHOOD URBAN CENTER AND MULTI USE -- AND THE MIXED USE BUILDING, BUT IT WOULD ALLOW FOR CONDOMINIUMS TO BE BUILT AND THAT WOULD AGAIN GO TOWARDS THE GOAL -- THE NEIGHBORHOOD GOAL OF PROVIDING MORE INCREASED HOME OWNERSHIP IN THE AREA.

MAYOR WYNN: COUNCIL MEMBER MCCrackEN?

MCCrackEN: I WANT TO MAKE SURE I UNDERSTAND. ON THIS, WITH THE -- BOTH THE PLANNING COMMISSION AND STAFF RECOMMENDATIONS, IF THEY WANTED TO DO MIXED USE THEY COULD THEN DO IT ONE OF THREE WAYS. THEY COULD DO IT THROUGH MIXED USE BUILDING, NEIGHBORHOOD, URBAN CENTER OR VERTICAL MIXED USE OF THE BMU OVERLAY, CORRECT?

CORRECT, IF THEY CHOSE TO OPT INTO THAT FOR THE

OVERLAY.

MCCRACKEN: SURE -- IN OTHER WORDS, THERE WOULD NOT BE LIMIT TAKES ON -- BECAUSE YOU CAN'T REALLY DO MIXED -- I MEAN, EITHER OF THESE THREE OPTIONS, EITHER OF THESE WOULD MANDATE A MIX OF USES IN THE NAKED, CORRECT?

THAT'S CORRECT.

MCCRACKEN: THEN WHAT IS THE DIFFERENCE BETWEEN THE PLANNING COMMISSION AND STAFF RECOMMENDATIONS?

THERE'S NO DIFFERENCE BETWEEN PC AND STAFF. THE DIFFERENCES BETWEEN THE PC STAFF AND THE GROUP 1 AND THE GROUP 2 ARE THE NEIGHBORHOOD PLANNED CONTACT.

MCCRACKEN: OKAY. I WILL MOVE TO APPROVE THE STAFF AND PLANNING COMMISSION RECOMMENDATION.

ALSO, YOU -- THAT WOULD GO FOR LAND USE AND FOR THE ZONING.

MCCRACKEN: SURE. AND I GUESS TO CORRECT, ALL MY MOTIONS PREVIOUSLY AS I MADE, OR SECONDED WERE WITH THE INTENTION TO INCLUDE THE LAND USE.

MAYOR WYNN: SO MOTION BY COUNCIL MEMBER MCCRACKEN ON TRACT NO. 37 TO DESIGNATE AS MIXED USE THE FLUM, AND TO APPROVE STAFF RECOMMENDATION ON FIRST READING ONLY ZONING GRNP WITH MUB AND MUC. I'LL SECOND THAT. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON FIRST READING ONLY A VOTE OF 7-0. MR. WALTERS, CAN WE WALK BACK QUICKLY AND SEE IF WE NEED TO ADDRESS THE LAND USE MAP ON THE --

PREVIOUS TWO TRACTS.

DUNKERLEY: MAYOR AND COUNCIL, I THINK THAT COUNCIL MEMBER MCCrackEN CLARIFIED HIS MOTIONS TO INCLUDE BOTH LAND USE AND ZONING SO I DON'T THINK YOU NEED TO GO BACK THROUGH THAT.

MAYOR WYNN: THERE ARE SEVERAL DIFFERENT MAKERS OF MOTIONS IN AND SECONDS INCLUDING MYSELF. ANY OBJECTIONS TO ANYBODY WHO MADE A MOTION OR A SECOND ON THE PREVIOUS POTENTIALLY CONTESTED ZONING CASES TO NOT ALSO ACCEPT THE APPROPRIATE DESIGNATION OF THE LAND USE MAP? HEARING NO OBJECTIONS, THEN WE'LL MOVE FORWARD. THANK YOU.

THANK YOU, MAYOR. THE NEXT TRACT WOULD BE FOR TRACT 39 AND THAT'S 1701, 1703, 1705, 07, 09 AND 1711, AND 1713, BURTON DRIVE, AND THAT WOULD BE TRACT 39 ON THE -- ON THE TRACT MAP. CURRENTLY THE LAND USE IS SINGLE -- IS SINGLE-FAMILY AND IT'S ZONED -- THE DUPLEXES, AND IT'S ZONED FOR LIGHT OFFICE. THE PUBLIC - - THE PLANNING COMMISSION RECOMMENDED LIMITED OFFICE MIXED USE WITH A MIXED USE OFFICE LAND USE DESIGNATION. THE STAFF RECOMMENDATION IS THE SAME. EXCUSE ME. THE ORIGINAL RECOMMENDATION FROM THE PLANNING PROCESS WAS THE SAME. THE CONTACT TEAM NEIGHBORHOOD PLAN TEAM RECOMMENDED THE SAME WITH THE ADDITION OF A CONDITIONAL OVERLAY PROHIBITING MULTIFAMILY RESIDENTIAL ON THE SITE. THAT CONCLUDES MY PRESENTATION. I CAN ANSWER ANY QUESTIONS AND THERE'S REPRESENTATIVES OF THE NEIGHBORHOOD IF YOU HAVE ANY QUESTIONS OF THEM.

MAYOR WYNN: THANK YOU VERY MUCH. COUNCIL ALWAYS RECOGNIZE THAT WE DO HAVE A HANDFUL OF PROPERTY OWNERS AND A NUMBER OF NEIGHBORHOOD PLANNING TEAM MEMBERS HERE WHO MAKE A GREAT RESOURCE FOR US AS WE MAKE THOSE VOTES. NO QUESTIONS FOR MR. WALTERS ON TRACT NO. 39? IF NOT I'LL ENTERTAIN A MOTION.

MAYOR?

MAYOR WYNN: COUNCIL MEMBER KIM? KIM CM I MOVE THAT WE GO WITH THE GROUP 2 RECOMMENDATION FOR OFFICE WHICH PROHIBITS MULTIFAMILY RESIDENTIAL ON 39.

THAT WOULD BE A MIXED USE OFFICE AND LAND USE DESIGNATION BECAUSE OF THE MIXED USE --

MAYOR WYNN: BMU.

MAYOR WYNN: SO MOTION BY COUNCIL MEMBER KIM ON FIRST READING ONLY TO DESIGNATE AS MIXED USE OFFICE THE LAND USE MAP, FUTURE LAND USE MAP AND TO APPROVE THE LO MU-CO NP ZONING, CO, THAT PROHIBITS MULTIFAMILY RESIDENTIAL. COUNCIL MEMBER LEFFINGWELL?

MAYOR.....

LEFFINGWELL: CLARIFICATION, I BELIEVE IT WAS FOR OFFICE ONLY.

KIM: THE GROUP 2 WHICH..... 2 WHICH IS LO MU-CONP.

LEFFINGWELL: BUT THE LAND USE IS OFFICE.

MAYOR WYNN: MIXED USE OFFICE. WE JUST CORRECTED THAT. SO MOTION ON THE TABLE, FIRST READING ONLY. SECOND BY COUNCIL MEMBER MARTINEZ. FIRST COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON FIRST READING ON VOTE OF 7-0.

THE NEXT ITEM FOR YOUR CONSIDERATION ARE -- I CAN GENERALLY GROUP THEM TOGETHER BECAUSE THEY ARE PART AND PARCEL OF THE SAME AND THAT WOULD BE ITEMS 41, 43 AND 44, COMMONLY KNOWN AS THE RIVER TOWN MALL AND LOCATED AT 2017 EAST RIVERSIDE DRIVE, A 12,695 SQUARE FOOT TRACT OF LAND BEING COMPRISED OF THREE TRACTS OF LAND, ONE CONTAINING 4,305 SQUARE

FEET, ANOTHER CONTAINING 2,648 SQUARE FEET AND THE LAST CONTAINING 5,742 SQUARE FEET OF THE OUT LOT -- OF THE LOT 11 D OF THE SECOND RESUBDIVISION OF THE COLORADO HILLS ESTATE SECTION. THE CURRENT ZONING AND LAND USE IS COMMERCIAL, AND IT IS CS-1. 41, AS YOU CAN SEE, IS A SMALL FOOTPRINT ZONING WITHIN THE LARGER TRACT. AND THAT GIVES THE BACK ROOM NIGHTCLUB. THE PLANNING COMMISSION RECOMMENDATION -- WAS FOR CS-1 MU-CO NP, AND IT HAD SEVERAL CONDITIONS FOR THAT. THE FIRST ONE WOULD BE A MAXIMUM FLOOR TO AREA RATIO OF 1.8 TO 1. A MAXIMUM IMPERVIOUS COVER OF 85%, LIMITED GR SITE DEVELOPMENT STANDARDS, LIMITED TO 10% OPEN SPACE, MINIMUM OF 10% OF THE DEVELOPMENT'S GROSS FLOOR AREA SHALL BE USED FOR COMMERCIAL, A MINIMUM OF 25% OF THE DEVELOPMENT'S GROSS FLOOR AREA SHALL BE USED FOR RESIDENTIAL USES, OF WHICH 30% SHALL BE TOWNHOUSES OR CONDOMINIUMS. AND SINCE COUNCIL MEMBER MCCracken IN THE INITIAL MOTION WAIVED ANY CONSIDERATION OF HEIGHT LIMITATIONS -- WELL, THIS WAS 7 -- BUT SEVEN RECOMMENDED REDUCING THE HEIGHT TO THREE STORIES WITHIN 100 FEET OF RIVERSIDE DRIVE. THE PLANNING COMMISSION ALSO RECOMMENDED PRIVATE RESTRICTIVE COVERING BETWEEN THE DEVELOPMENT AND THE NEIGHBORHOOD TO CAP THE NUMBER OF RENTAL UNITS AT 200 AND DEVELOPMENT SHOULD COMPLY WITH THE COMMERCIAL DESIGN STANDARDS TO TAKE EFFECT EARLY NEXT YEAR. THE STAFF RECOMMENDATION WAS FOR MIXED USE WITH CS-1 NP REMAINING WITH MIXED USE BUILDING IN NEIGHBORHOOD URBAN CENTER. THE PROPERTY OWNER OR THE PERSPECTIVE DEVELOPER OF THE SITE AGREES IN CONCEPT WITH MOST OF THE PLANNING COMMISSION'S RECOMMENDATIONS WITH THE EXCEPTION OF THE IMPERVIOUS COVER LIMITATION. THEY WOULD LIKE 90%, WHICH THAT IS ALLOWED BY THE GR SITE DEVELOPMENT STANDARDS, ALSO THEY WOULD AGREE TO LIMIT THE NUMBER OF RENTAL UNITS TO 300 WITH THE PRIVATE RESTRICTIVE COME COVENANT WITH THE NEIGHBORHOOD AND THEY WOULD HAVE DESIGN GUIDELINES. THE GROUP 1 RECOMMENDATION IS FOR MIXED USE WITH GR WITH MIXED USE BUILDING IN NEIGHBORHOOD URBAN CENTER AND A MIXED USE DESIGNATION. THE

NEIGHBORHOOD PLANNING TEAM WANTED COMMERCIAL LAND USE DESIGNATION WITH A SPECIAL NOTATION ON THE FLUM REPRESENTING SPECIAL USE OPTIONS AND THEY WOULD LIKE IT TO REMAIN S CS-1 WITH A NEIGHBORHOOD AND NEIGHBORHOOD URBAN CENTER OPTIONS. THAT CONCLUDES MY PRESENTATION OF THIS OR WOULD YOU LIKE ME TO GO THROUGH 43 AND 44 AND TAKE THEM ALL AT... AS A SINGLE TRACT?

MAYOR WYNN: WELL, MY RECOMMENDATION TO COUNCIL IS IF -- SO 41, 43 AND 44, PAGES 7, 8 AND 10 ON OUR MOTION SHEET ARE ALL IDENTICAL AND ALL THE SAME ESSENTIAL PROPERTY. HOWEVER, TRACT 43 A ON PAGE 9 OF OUR SHEET SEEMS TO BE THE OUT LIE.ER.

THAT IS.....THAT'S CORRECT.

MAYOR WYNN: SO COUNCIL, MY RECOMMENDATION IS WE COULD DO 41, 43 AND 44 AS ONE COMBINED MOTION, PAGES, 7, 8 AND 10.

I AGREE WITH THAT, MAYOR. I'D AGREE WITH THAT.

MAYOR WYNN: THANK YOU.

THAT CONCLUDES MY PRESENTATION AND THERE ARE REPRESENTATIVES OF THE NEIGHBORHOOD AND REPRESENTATIVES OF THE PROPERTY OWNER AS WELL AS THE PROPERTY OWNER HERE ATTEND IF YOU HAVE ANY QUESTIONS OF THEM AT THIS TIME.

MAYOR WYNN: I THINK WE MAY. COUNCIL MEMBER KIM?

KIM: I'D LIKE TO HEAR FROM THE NEIGHBORHOOD ON THEIR RECOMMENDATIONS ON THIS TRACT. I SEE THAT THERE'S -- THEY'RE REQUESTING COMMERCIAL FOR THIS PROJECT.

WHEN THIS TRACT WAS FIRST DISCUSSED, IT WAS COMMERCIAL, OF COURSE, AND SO WE DID NOT HAVE THE MIXED USE CONDITIONAL OVERLAY OPTION IN PLACE THAT ALLOWS US TO RESTRICT MULTIFAMILY. SO WE DECIDED WHAT -- SINCE WE THOUGHT THIS WOULD BE A GOOD USE FOR MIXED USE, BUT WE DID NOT WANT TO SEE A HUNDRED

PER SENT MULTIFAMILY AND THE CONDITIONAL OVERLAY WAS NOT IN PLACE, WE DECIDED THAT WHAT WE WOULD LIKE TO SEE WAS MUB AND MUC EVEN THOUGH THERE WAS A POSSIBILITY WE WOULD SEE SOME MULTIFAMILY UNITS. WHEN THE APPLICANT FIRST CAME BEFORE US SHE WORKED WITH MUC. SHE HAD CHANGED A FEW THINGS. SHE HAD ASKED THAT THE COMMUNITY OPEN SPACE BE REDUCED A LITTLE BIT, BUT BASICALLY THEY ASKED FOR AN NUC DEVELOPMENT. AS WE WORKED OUR WAY THROUGH THE PROCESS IT BECAME DENSER AND DENSER, AND SO NOW WHAT WE HAVE, IN EFFECT, WITH 300.... 300 APARTMENT UNITS IS... IS A HIGH MF 4 DEVELOPMENT IN AN AREA ALREADY SATURATED WITH APARTMENTS, AND THAT IS ONE THING WE JUST DO NOT WANT TO SEE.

ALL RIGHT. THANK YOU.

KIM: CAN I ASK THE APPLICANT, THE AGENT, TO GO OVER THE DESCRIPTION OF THE PROPERTY AGAIN OR THE PROJECT AGAIN? I KNOW WE LOOKED AT THIS LAST TIME. I'D LIKE TO GET AN ASSESSMENT. SPECIFICALLY IF YOU CAN TALK ABOUT WHAT IS MULTIFAMILY RENTAL VERSES CONDOS IN THE PROJECT.

MAYOR WYNN: WELL..... WELCOME.

MY NAME IS JEFF MUST GROVE. I REPRESENT THE PARTNERSHIP OF THE PROPERTY UNDER CONTRACT. I'VE BEEN ASKED TO EXPLAIN TO YOU, ALICE GLASGOW HAS BEEN REPRESENTING US PREVIOUSLY BUT ALICE WAS A MEMBER OF CITY STAFF AND DIRECTOR OF NEIGHBORHOOD PLANNING AND ZONING WHEN THE NEIGHBORHOOD PLAN FIRST WAS STARTED. IF WE CAN GO AHEAD AND START THAT POWERPOINT PRESENTATION.

MAYOR WYNN: OKAY. GREAT.

LET ME GO AHEAD AND JUMP TO YOUR SPECIFIC QUESTIONS ABOUT WHAT WE'RE ASKING TO DO HERE. WE HAVE GONE THROUGH THE PROCESS AND EVALUATED DIFFERENT VARIATIONS OF APARTMENTS AND CONDOMINIUMS AND WE THINK THAT WE PREPARED A MIX OF USES BOTH FOR RENT, FOR SALE AND COMMERCIAL USES THAT CREATE A TRUE

MIXED USE DEVELOPMENT. WE ARE TRYING TO BE CONSISTENT WITH THE COMMERCIAL DESIGN STANDARDS AND TRYING TO BE RESPECTFUL OF WHAT'S -- WHAT THE NEIGHBORHOOD WE THOUGHT WAS LOOKING FOR AND WHAT WE THOUGHT THE CITY WAS LOOKING FOR IN THIS LOCATION. WE CAN GO AHEAD AND START THIS PROCESS. THERE ARE THE EXISTING CONDITIONS ON YOUR SCREEN. THE BACK ROOM NIGHTCLUB, SOME OTHER OLD COMMERCIAL USES ON THE PROPERTY. EXISTING ENTITLEMENTS ARE DESCRIBED HERE, INCLUDING THE BACK ROOM, AND PLEASE UNDERSTAND THAT OUR FULL INTENT HERE IS TO TAKE THAT OLD NASTY-LOOKING COMMERCIAL DEVELOPMENT AND TEAR IT DOWN AND CREATE A NICE, NEW MIXED USE DEVELOPMENT FOR THE CITY OF AUSTIN AND FOR THE NEIGHBORHOOD. THAT'S OUR EXISTING ZONING MAP, SHOWS THE DIFFERENT PARCELS. NO. 41 IS THE OLD BACK ROOM. NO. 44 IS ANOTHER NIGHTCLUB CALLED ZOCOLO. THERE ARE THE EXISTING BUILDINGS ON THE PROPERTY RIGHT NOW. IT HAS THE SEA OF PARKING IN THE FRONT THAT EVERYBODY HATES. IT HAS THE BUILDING SET WELL BACK ON THE PROPERTY. IT'S NOT APPROACHABLE. IT'S NOT WHAT WE'RE LOOKING TO ACHIEVE. OUR THOUGHT PROCESS IS TO CREATE FIRST SOME BUILDINGS NEAR THE STREET, APPROPRIATE MIXED USE, SOME PEDESTRIAN-FRIENDLY RETAIL ON THE GROUND FLOOR, SOME CONDOMINIUMS ABOVE NEAR THE STREET TOWARD THE BACK OF THE PROPERTY. THE INTENT IS TO HAVE STRUCTURED PARKING AND APARTMENTS AND CONDOMINIUMS MIXED TOGETHER IN THIS KIND OF A LAYOUT. THIS WAS PRODUCED TO HELP -- HELP EXPLAIN HOW WE'RE ATTEMPTING TO USE THE COMMERCIAL DESIGN STANDARDS AND ACHIEVE REASONABLE DENSITY IN... AND AN ECONOMICALLY VIABLE.....LY ECONOMICALLY VIABLE PROJECT. HERE'S A CROSS SECTION SHOWING HOW THESE BUILDING WOULD WORK CROSSING THE STREET. STEPPING BACK AWAY FROM RIVERSIDE DRIVE IN A REASONABLE LAYOUT. WE'VE ASKED FOR A FEW THINGS. PLANNING COMMISSION HAS ASKED THAT WE BE LIMITED TO 200 RENTAL UNITS. THAT'S JUST NOT ECONOMICALLY VIABLE. WE NEED 300. WE'VE BEEN ASKED TO LIMIT THE HEIGHT ALONG RIVERSIDE DRIVE, AND WE WON'T BE DOING THAT. AND WE'VE BEEN ASKED TO LIMIT THE IMPERVIOUS COVER

TO 85%. WE'VE ALREADY AGREED TO BACK OFF TO GR COMMERCIAL -- GR DESIGN STANDARDS, DEVELOPMENT STANDARDS, AND THAT MEANS 90% IMPERVIOUS COVER WHERE CS WOULD ALLOW US 95%. STHOO THANK YOU, MR. MUSTGROVE. QUESTIONS OF THE OWNER TO BE? COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: I'LL MOVE TO -- THIS -- I DON'T THINK IT'S ANY SECRET. THIS IS EXACTLY WHAT I THINK THE COMMUNITY SPENT THREE YEARS TRYING TO ACHIEVE, RIGHT WHERE WE TRIED TO ACHIEVE IT. AND SO I'M GOING TO MOVE TO APPROVE THE PROPERTY OWNER'S RECOMMENDATION.

SECOND.

FOR CLARIFICATION, THAT WOULD BE FOR TRACTS 41, 43 AND 44?

MCCRACKEN: YES, AND THE ASSOCIATED LAN USES TO CONFORM WITH THAT TOO.

MAYOR WYNN: MOTION MADE BY COUNCIL MEMBER MCCRACKEN, SECOND BY COUNCIL MEMBER COLE TO APPROVE ON THE FIRST READING ONLY. THE FUTURE LAND USE MAP DESIGNATION OF MIXED USE ON -- THIS IS FOR TRACT 41, 43 AND 44, PAGES 7, 8 AND 10 IN OUR MOTION SHEET, AND APPROVE THE ZONING OF CS-1 MU-CO NP WITH THE SIX CONDITIONS OUTLINED.

COLE: MAYOR, ONE QUESTION?

MAYOR WYNN: COUNCIL MEMBER KIM?

KIM: THERE WAS -- THE PLANNING COMMISSION RECOMMENDATION FOR -- THEY RECOMMENDED A PRIVATE RESTRICTIVE COVENANT TO CAP THE UNITS AT 200 TO COMPLY WITH THE COMMERCIAL DESIGN STANDARDS. WOULD THIS -- I GUESS THE PROPERTY OWNER IS ASKING FOR A LIMIT OF 300 RENTAL UNITS?

THAT'S WHAT HE STATED.

KIM: AND PLANNING RECOMMENDATION WAS IT HUNDRED?

YEAH, THE PLANNING COMMISSION WAS TO RECOMMEND THE NEIGHBORHOOD AND THE DEVELOPER AGREED TO ENTER INTO A PRIVATE RESTRICTIVE COVENANT TO LIMIT THAT KIM.... KIM AND THE DEVELOPER AGREED?

NO, DENY. HE SAID TO 300 -- I THINK HE STATED -- HE CAN SPEAK TO THAT.

KIM: THAT'S FINE. I'VE GOT IT. THANK YOU. COUNCIL MEMBER MCCracken, I WAS WONDERING IF YOU WOULD ACCEPT A FRIENDLY AMENDMENT TO LIMIT THE NUMBER OF RENTAL UNITS TO 200 WITH THE PLANNING RECOMMENDATIONS?

MAYOR WYNN: FRIENDLY -- PROPOSED FRIENDLY AMENDMENT IS NOT ACCEPTED, COUNCIL MEMBER. YOU CAN PROPOSE AMENDMENT --

KIM: THEN I'LL JUST VOTE AGAINST THE MOTION.

MAYOR WYNN: OKAY. FURTHER COMMENTS ON THE MOTION AND SECOND ON THE TABLE? FIRST READING ONLY. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED?

KIM: NO.

MAYOR WYNN: MOTION PASSES ON A VOTE OF 6-1 WITH COUNCIL MEMBER KIM VOTING NO, FIRST READING ONLY.

THE NEXT TRACT FOR YOUR CONSIDERATION WOULD BE TRACT 43 A, KNOWN AS 2,001 EAST RIVERSIDE DRIVE. THE CURRENT ZONING AND LAND USE -- THE CURRENT LAND USE IS COMMERCIAL AND THE CURRENT ZONING IS LR AND THERE'S A GAS STATION ON THE SITE. THE PLANNING COMMISSION RECOMMENDED THE LAND USE DESIGNATION OF MIXED USE WITH A ZONING OF LRMP WITH THE MIXED USE BUILDING AND NEIGHBORHOOD URBAN CENTER. THE STAFF RECOMMENDATION WAS MIXED USE AND THE ZONING

WOULD BE LRNP WITH THE SAME SPECIAL USES ALLOWED. THE PROPERTY OWNER, PROSPECTIVE DEVELOPER HERE HAS -- BUT IT'S ANDY MARTIN, AND THEY WOULD LIKE MIXED USE WITH THE CSMP WITH THE MIXED USE IN NEIGHBORHOOD URBAN SPECIAL USES ON THAT. THE INITIAL PARTICIPANTS THROUGH THE PLANNING PROCESS RECOMMENDED GR, GENERAL RETAIL, WITH THOSE SAME TWO SPECIAL USES, AND THE ADVISORY TEAM, THE NEIGHBORHOOD PLANNING TEAM, CONTACT TEAM, RECOMMENDED LRNP WITH THOSE TWO SPECIAL USES AS WELL AS A NOTATION ON THE FUTURE LAND USE MAP REFERENCING THOSE USES. THAT'S THE END OF MY PRESENTATION. IF YOU HAVE ANY QUESTIONS OF ME I'D BE HAPPY TO ANSWER THEM AT THIS TIME. REPRESENTATIVE OF THE PROPERTY OWNER IS PRESENT AS WELL AS REPRESENTATIVES OF THE NEIGHBORHOOD.

MAYOR WYNN: THANK YOU, MR. WALTER. QUESTIONS OF COUNCIL MEMBERS? COAL?

COLE: I'VE SEEN THIS AND HEARD FROM THE PROPERTY OWNERS BEFORE. I MOVE APPROVAL BASED ON THE PROPERTY OWNER'S RECOMMENDATION OF CS-NP.

SECOND.

MAYOR WYNN: THAT WOULD BE CS-NP WITH THE MUB AND MUC?

COLE: YES, I'M SORRY WITH --

MAYOR WYNN: SO MOTION BY COUNCIL MEMBER COLE, SECONDED BY THE MAYOR PRO TEM IS APPROVED FOR TRACT 43 A, THE FUTURE LAND USE MAP DESIGNATION OF MIXED USE, AND THE ZONING OF CS-NP WITH MUB AND MUC.

I'D LIKE TO COMMENT.

MAYOR WYNN: THERE MAY BE SOME COMMENTS.

DUNKERLEY: COMMENT.

MAYOR WYNN: WE HAVE SOME NEIGHBORS THAT MIGHT

WANT TO SAY A FEW THINGS ABOUT THIS. WELCOME.

THANK YOU. THIS TRACT HAS BEEN ON OUR PLANNING AREA PROCESS FOR, WHAT, THREE AND A HALF YEARS. IT HAS NEVER VARIED FROM WHAT WAS RECOMMENDED BY PRETTY MUCH ANY OF THE GROUPS, GRNP WAS THE FIRST GROUP WHEN WE ALL TALKED ABOUT IT. WE THOUGHT IT COULD GO TO GR, EVEN. BUT TO HAVE SOMEBODY COME IN AT THE END OF THE PROCESS AND TRY TO JAM ANOTHER PROJECT THROUGH MAKES A MOCKERY, WHICH I'M NOT SURE IT'S ALREADY HAPPENED ANYWAY, OF THE WHOLE PROCESS THAT WE'VE GONE THROUGH. WHAT REASON HAVE WE DONE ALL OF THIS? IT'S VERY CLEAR HERE -- YOU CAN LOOK AT EVERY SINGLE RECOMMENDATION HERE, THERE'S JUST -- THERE'S NO REASON. THERE WILL ALWAYS BE SOMEONE COMING FORTHWITH AN IDEA FOR WHAT TO DO WITH SOMETHING, AND WE NEED TO GET THIS PROCESS OVER WITH AND A PLAN ADOPTED WITH SOME OF THE BASIC IDEAS THAT WE STARTED WITH IN THE BEGINNING. THANK YOU.

MAYOR WYNN: THANK YOU. MAYOR PRO TEM?

DUNKERLEY: AYE THAT THIS CHANGE IS COMING IN AT THE LAST MINUTE IS BECAUSE OF THE PROJECT THAT'S BEEN DEVELOPED ON THE ADJOINING TRACT, 41, 43 AND 44. BY ZONING THIS ONE THE SAME ZONING CATEGORY GIVES AN OPPORTUNITY FOR ALL FOUR OF THOSE TRACTS TO BE DEVELOPED COLLABORATIVELY SO THAT WE COME OUT WITH A BETTER PROJECT FOR THAT WHOLE AREA RATHER THAN HAVING ONE PROJECT, YOU KNOW, SORT OF STICKING OUT THERE WITH A CONVENIENCE STORE OR WHAT HAVE YOU. SO THAT'S WHY I SUPPORTED THE CHANGE.

MAYOR WYNN: COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: AND I WANT TO ADD -- ECHO MAYOR PRO TEM DUNKERLEY'S OBSERVATION. I THINK THAT WHAT THESE RIVERSIDE NEIGHBORHOOD HAVE VERY EFFECTIVELY DEMONSTRATED IS WE HAVE PROBLEMS WITH OUR CURRENT ZONING CODE, AND SO A LOT OF THE TOOLS THAT WERE -- WOULD HAVE BEEN HELPFUL TO HELP THE NEIGHBORHOOD ACHIEVE ITS VISION WERE NOT AVAILABLE.

BUT WE EVALUATED..... WE CREATED THE LEGAL TOOLS NOW AND SO THE MOTION SPEAKS TO THE TOOLS THAT ARE NOW AVAILABLE THAT WEREN'T THERE BECAUSE OF THE EFFECTIVE ADVOCACY OF THE NEIGHBORHOODS. SO I THINK THAT I RESPECT -- MY OBSERVATION IS THAT -- THAT THIS SHOULD BE CONSIDERED A VICTORY TO WHAT THE NEIGHBORHOOD HAVE BEEN ADVOCATING FOR AND A REFLECTION OF IMPROVEMENTS OF OUR CODE.

MAYOR WYNN: FURTHER COMMENTS ON THE MOTION ON THE TABLE? FIRST READING ONLY.

I'D JUST LIKE -- I'D LIKE TO MAKE A COMMENT THAT WE'RE GOING TO WORK WITH THE NEIGHBORHOOD DURING THE LAND USE COMMITTEE, AND I'M HOPEFUL THAT THEY WILL PARTICIPATE IN THAT PROJECT AND UNDERSTAND THAT THIS ONE WAS JUST SORT OF AN ANOMALY THAT WE'RE TRYING TO FIX AND MAKE CONSISTENCY IN THE RIVERSIDE AREA. THANK YOU.

MAYOR WYNN: FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON FIRST READING ONLY ON A VOTE OF 7-0, WHICH INCLUDES THE FUTURE LAND USE MAP DESIGNATION OF MIXED USE.

MAYOR, COUNCIL, THE NEXT ITEMS FOR CONSIDERATION ARE -- I'D LIKE TO GROUP THEM TOGETHER AS WELL, AND THAT WOULD BE ON PAGE 11, STARGD, AND THAT WOULD BE ITEMS 45, 45 A AND 45 B. THIS IS FOR A SHOPPING CENTER WHERE SOME CS -- BASICALLY THE SHORT -- THE BRIEF SHORT SUMMARY IS FROM CS-1 BEING RECOMMENDED TO BE MOVED AROUND AND CONSOLIDATED. BUT THEN I'LL GO THROUGH THE WHOLE MOTION AND SEE IF I CAN CLARIFY THINGS AS WE GO ALONG. TRACT 45 -- GREG, COULD YOU PUT THE TRACT MAP UP? -- IS 1801 THROUGH 1919 EAST RIVERSIDE DRIVE, LOT B OF THE RIVER HILLS ADDITION, EXCEPT FOR THE PORTION DESCRIBED IN TRACT 45 A AND 45 B. THE CURRENT ZONING AND LAND USE IS COMMERCIAL WITH A MIX OF COMMERCIAL ZONINGS RANGING FROM LR,

GR,C ORCHL, CO AND CS-1. THERE'S A NUMBER OF DIFFERENT RETAIL USES AS WELL AS I THINK THERE'S A NIGHTCLUB. THE PLANNING COMMISSION RECOMMENDATION WAS LAND USE DESIGNATION WITH MIXED USE WITH GRNP WITH THE TWO END FIELD OPTIONS OF MIXED USE AND NEIGHBORHOOD URBAN CENTER. THE STAFF RECOMMENDATION WAS THE SAME AS THAT OF THE PLANNING COMMISSION. STAFF RECOMMENDATION WOULD PROVIDE A ZONING PATTERN THAT LEADS TO GREATER CONSISTENCY OF THE TYPES OF USES ALONG THIS ROADWAY. THE PROPERTY OWNER IS PROSPECT PROSPECTIVE DEVELOPER. SUPPORTS THE REZONING OF GRNP WITH MIXED USE BUILDING AND NEIGHBORHOOD URBAN CENTER WITH THE REARRANGEMENT AND REAPPORTIONMENT OF CS-1 ON THE SITE. THE PROSPECTIVE DEVELOPER OF A PORTION OF SITE SUPPORTS GR. THE GROUP 1 OF THE INITIAL RECOMMENDATION THAT CAME FROM THE PLANNING PROCESS WAS FOR GRNP WITH THE TWO END FIELD OPTIONS. THE NEIGHBORHOOD PLANNING TEAM ADVISORY COMMITTEE RECOMMENDED THAT THE ZONING REMAIN THE SAME WITH THE COMMERCIAL LAND USE DESIGNATION WITH THE NOTATION SPECIFYING ON THE FUTURE LAND USE MAP REMPSING THE TWO ENFIELD OPTIONS OF MIXED USE BUILDING AND NEIGHBORHOOD URBAN CENTER. 45 A, 1805 WILL..... 1805 THROUGH 1909 EAST RIVERSIDE, 6,490-FOOT TRACT OF LAND OUT OF COLORADO HILLS ESTATES SECTION 5, CURRENTLY ZONED CS-1 AND DESIGNATED COMMERCIAL. IT'S LA TEEN ON. THE PLANNING COMMISSION OF THE 6/13 HEARING RECOMMENDED CS-1 WITH THE MIXED USE BUILDING AND NEIGHBORHOOD URBAN CENTER SPECIAL YOOZ WITH A MIXED USE BUILDING LAND USE DESIGNATION. EXCUSE ME. STAFF RECOMMENDATION WAS - - WAS SIMILAR TO THE PLANNING COMMISSION AND SUPPORTS EXPANDING THE USE WITH THE EXISTING USE OF 7,699 SQUARE FEET THAT WILL MAKE THE ENTIRE CLUB CONFORMING. THE PROPERTY OWNER IS IN ACCORDANCE WITH THE STAFF RECOMMENDATION. THE INITIAL RECOMMENDATION FROM THE PLANNING PROCESS WAS FOR GRNP WITH A MIXED USE BUILDING AND NEIGHBORHOOD URBAN CENTER SPECIAL USES. THE ADVISORY TEAM, NEIGHBORHOOD PLANNING TEAM WOULD

LIKE COMMERCIAL LAND USE DESIGNATION WITH A NOTATION ON THE FUTURE LAND USE MAP FOR THE TWO.... FLUM AND DOES NOT SUPPORT EXAND EXPANDING IT BEYOND THE ORIGINAL 6,490 SQUARE FEET. 45 B, 1905 EAST RIVERSIDE. 1900 AND 80 SQUARE FOOT TRACT OF LAND OUT OF LOT B OF THE RIVER HILLS ADDITION. CURRENT ZONING AND LAND USE IS COMMERCIAL LAND USE IN LR. IT'S A RETAIL USE. THE PLANNING COMMISSION WAS FOR MIXED USE WITH A CS-1 NP WITH THE TWO INFILL OPTIONS. THE STAFF RECOMMENDATION THE SAME. PROPOSAL -- AND A PROPOSAL SUBMITTED BY THE PROPERTY OWNER TO CONSOLIDATE TO... TO THE C 1 ONE FOOTPRINT AND ULTIMATE REDUCTION OF THE TOTAL C IS 1 IN THE SHOPPING CENTER. THE OWNER AGENT IS IN ACCORDANCE WITH THE STAFF RECOMMENDATION AND THE GROUP ONE ORIGINAL RECOMMENDATION, THIS WAS DISCUSSED -- IT WOULD BE THE SAME RECOMMENDATION AS TRACT 45, AND THE NEIGHBORHOOD PLAN CONTACT TEAM WOULD LIKE A COMMERCIAL WITH THE SPECIAL NOTATION NOTING THE TWO INFILL OPTIONS AND THEY WOULD LIKE IT TO BE LR WITH THE MIXED USE BUILDING AND NEIGHBORHOOD URBAN CENTER. IF YOU GO BACK TO THE PREVIOUS MAP ON HERE, THE PREVIOUS COLOR MAP, YOU CAN SEE CURRENTLY THAT THE RED -- OR THE PINK IS THE CS-1 AND IT'S DISTRIBUTED THROUGHOUT THE SHOPPING CENTER. ON THE VERY BOTTOM OF THAT ABOVE THE BLUE IS A BINGO PARLOR WHICH HAS NO USE FOR THE CS-1 ZONING, AND THEN AT THE VERY NORTH THERE ARE TWO CS-1 USES THAT ARE NOT BEING ZONED AS SUCH. THEN YOU CAN SEE THE DISTRIBUTION OF THE ZONING IN THE AREA. THE RECOMMENDATION FROM STAFF AND THE PROPERTY OWNER IS FOR -- TO CONSOLIDATE THE CS-1 TO WHAT IS SEEN THERE, AND THAT WOULD -- AND REZONE THE REMAINDER OF THE SITE TO GENERAL RETAIL. THIS PROPOSED ZONING WILL RESULT IN A NET REDUCTION OF CS-1 ON THE SITE OF 7,000 -- WELL, WOULD REDUCE IT TO 7,054 SQUARE FEET FROM A CURRENT TOTAL OF 16,000 16,700 16,740 SQUARE FEET. SO IT WOULD REDUCE 9,000 AFTER THE -- A LITTLE OVER 9,000 SQUARE FEET OF CS-1 WOULD GO AWAY, AND THAT CONCLUDES MY PRESENTATION. THERE'S REPRESENTATIVES OF THE PROPERTY OWNER AS WELL AS THE NEIGHBORHOOD HERE

IF YOU HAVE ANY QUESTIONS OF THEM.

MAYOR WYNN: LOOKS AS THOUGH THE NEIGHBORHOOD WOULD LIKE TO ADDRESS THIS SO PLEASE COME FORWARD.

GENG. I...GOOD EVENING.I HAD SENT AN EMAIL, MAYBE YOU'VE SEEN IT, THAT IT'S IMPORTANT TO POINT OUT THERE'S VERY SERIOUS PROBLEMS REGARDING TRACT 45, 45 A AND 45 B. DO NOT INCREASE THE CS-1 FOOTPRINT, AS THEY HAVE REQUESTED. THIS AREA -- IT DOES NOT ADD ANY VERTICAL MIXED USE OR ANY OTHER POSITIVE THING TO THIS AREA. THIS SITE HAS BEEN -- THE.... AN AREA OF TREMENDOUS CRIME, PUBLIC NUISANCES, EXTENSIVE VEHICLE RELATED PROBLEMS AND MORE. I LIVE VERY NEARBY. THEY HAD A CLUB THERE FOR A LONG TIME, WHICH WAS A TREMENDOUS PROBLEM IN THE NEIGHBORHOOD AND A TREMENDOUS PROBLEM FOR APD. AND IT EXTENDS OUT INTO THE NEIGHBORHOOD AND INTO NEIGHBORING BUSINESSES. THE OWNER OF THE PROPERTY DID NOT PARTICIPATE IN THE NEIGHBORHOOD PLANNING PROCESS, BUT THEY'VE BEEN ABLE TO HIRE AGENTS AND COME FORWARD WITH THIS HIGHLY QUESTIONABLE ZONING CHANGE REQUEST AND WE WERE APPALLED THAT STAFF CHANGED THEIR RECOMMENDATION AFTER THE NEIGHBORHOOD PLANNING PROCESS WAS OVER. IT'S MISLEADING TO SAY THAT THEY'RE GATHERING UP THE UNUSED CS-1 AND REDUCING THE OVERALL CS-1 FOOTPRINT. IN FACT, THEY'RE INCREASING THE CS-1 FOOTPRINT. A FLUB NOW HAS RECENTLY REOPENED ON THAT SITE AND I'VE HAD TO CALL APD SEVEN TIMES IN THE LAST TWO WEEKS. IT IS IMPOSSIBLE TO SLEEP. THERE ARE SERIOUS CODE VIOLATIONS GOING ON THERE AND APD NEEDS TO BE THERE AT ALL TIMES, EVERY SINGLE NIGHT. MONDAY AND TUESDAY MAYBE NOT, BUT WEDNESDAY, SUNDAY NIGHT, AND AFTER THE CLUB CLOSES THERE ARE EXTENSIVE VEHICLE RELATED PROBLEMS, DWI. THERE ARE - - THERE'S ACTIVE PROSTITUTION AND DRUG SALES GOING ON AND IT IS NO SECRET. I WOULD ASK YOU TO PLEASE HELP SUPPORT LAW ENFORCEMENT AND CODE ENFORCEMENT, WHICH IS VERY HARD TO GET INTO IT AFTER THE FACT, BY DENYING THIS UNNECESSARY ZONING CHANGE. THE POLICE IN THIS AREA ARE VERY MUCH OVER OCCUPIED AND UNDERSTAFFED TO DEAL WITH THE CRIME

AND OTHER PROBLEMS IN THIS AREA. THE NEIGHBORHOOD PLANNING PROCESS TALKED ABOUT THESE SITES AND WE WERE TOLD WHAT WE COULD AND COULD NOT DO. IT DOES.....IT IS NOT FAIR AT ALL, COMING IN AT THE END OF THE PROCESS AND TRYING TO MAKE A MUCH LARGER CLUB IN AN ALREADY SERIOUSLY TROUBLED AREA, AND I'M SORRY IF I SOUND A LITTLE UPSET, BUT THIS IS EVERY NIGHT AND IT EXTENDS OUT FROM THIS SITE THROUGHOUT THE ENTIRE AREA. IT'S DANGEROUS AND IT'S CRIME-RIDDEN AND THE PROPERTY OWNER HAS NOT HELP AT ALL, IN MY OPINION. I'LL BE ABLE TO ANSWER ANY QUESTIONS BECAUSE I LIVE VERY NEARBY.

MAYOR WYNN: THANK YOU. COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: SO I UNDERSTOOD FROM THE STAFF BRIEFING THAT THE CS-1 FOOTPRINT.....CS-1 FOOTPRINT WAS REDUCED FROM 16 TO 1,000. BUT EVIDENTLY IEW YOU'RE CONCERNED ABOUT THE CONTIGUOUS FOOTPRINT.

THAT IS RIGHT. BECAUSE MANY OF THESE WERE SCHEDULED TO BE REMOVED IN THE NEIGHBORHOOD PLANNING PROCESS BECAUSE THE STAFF WAS TRYING TO REMOVE THE THING THAT WERE NOT IN USE, AND WE TALKED ABOUT THESE THINGS. IT WAS DONE IN A FEW OTHER AREAS. AND SO TO ME IT SEEMS KIND OF A TRICK TO SAY THEY'RE REDUCING CS-1 WHEN, IN FACT, THEY'RE GATHERING THEM UP SO THEY CAN HAVE A REALLY LARGE CLUB AND IT'S JUST GOING TO MAKE IT EVEN A LARGER CLUB. NOW, RIGHT DOWN THE STREET YOU'RE PUTTING IN -- YOU'VE JUST APPROVED A VERY UPSCALE HIGH RISE TYPE, VERY DENSE PROJECT. IT'S NOT -- THERE'S NO -- NO SENSE IN THIS. IT'S NOT DECREASING THE CS-1. IT'S INCREASING THE CONTIGUOUS CS-1 TO MAKE A LARGER CLUB. IT COULD BE AS LARGE AS 10,000 SQUARE FEET. THAT'S A BIG CLUB.

LEFFINGWELL: SO IS THERE SOME REASON TO THINK THAT LARGE SINGLE CLUBS ENCOURAGE MORE MISBEHAVIOR THAN A GROUP OF -- EVEN THOUGH IT'S --

THERE'S OTHER IN THAT PLACE AND THE ORIGINAL

RECOMMENDATION WAS TO REMOVE THOSE.

LEFFINGWELL: BUT THEY'LL STILL BE THERE.

NO, UNDER THE PLAN THAT THE STAFF AND THE NEIGHBORS WORKED OUT, THOSE WERE GOING TO BE REMOVED, AND THAT AREA HAS A MIX OF ZONING IN IT. IT IS MIXED USE, AND WE WOULD PREFER THAT MIXED USE BE ALLOWED RATHER THAN TO INCREASE THE GR ZONING, WHICH AGAIN, DOESN'T --

LEFFINGWELL: SO YOU'RE REMOVING THEM FROM THE PLAN BUT THEY WOULD STILL PHYSICALLY REMAIN, CORRECT?

NO, WE HAD -- WE HAD -- I'M PRETTY CLEAR WE HAD DECIDED THAT THOSE SMALLER CS-1'S WERE NOT TO BE FUNCTIONING AS -- IN CS-1. THEY WERE TO... TO BE REZONED AND WHAT WE'RE SEEING NOW IS THE EFFECT OF SEVERAL ITERATIONS OF STAFF CHANGING THEIR RECOMMENDATIONS DEFINITE.....S.

LEFFINGWELL: COULD I GET AN ANSWER FROM STAFF ON THAT?

MAYOR WYNN: THANK YOU MA'AM.

I WAS DOING A -- THIS GENTLEMAN WAS NOT PART OF THE NEIGHBORHOOD PLAN AND PROBABLY COULD NOT SPEAK TO THAT.

LEFFINGWELL: THIS IS A TECHNICAL QUESTION.

MAYOR WYNN: THANK YOU, MA'AM.

I CAN SPEAK TO THAT IF YOU HAVE ANY QUESTIONS.

MAYOR.....QUESTIONS.

LEFFINGWELL: YEAH, THE QUESTION IS THE CS THAT'S THERE NOW.

CS-1.

LEFFINGWELL: CS-1, WOULD REMAIN AS A NONCONFORMING USE; IS THAT CORRECT OR NOT?

I CAN'T SPEAK TO THAT AS WELL AS MR. GUERNSEY OR ONE OF THE ATTORNEYS. SO IF WE..... IF WE WERE TO TAKE ALL THE CS-1 AWAY, THE IS WHAT YOU'RE SAYING, IT WOULD BE A NON-PERFORMING USE?

LEFFINGWELL: WHY.

ANYWHERE TO DOWN ZONE IT FROM 12 CS IT WOULD..... IT WOULD BECOME A LEGAL NONCONFORMING USE. IT WOULD BE ABLE TO CONTINUE TO OPERATE. IF THE USE IT TO CEASE, THEY WOULD ABANDON THE USE, MAYBE CHANGE IT TO A DIFFERENT USE, THEY WOULD NOT BE ABLE TO GO BACK TO THAT USE.

LEFFINGWELL: SO THEY'RE ALL IN USE NOW AT CS-1?

I'M NOT SURE THE PARTICULAR TRACT YOU'RE TALKING ABOUT BUT IF IT IS AN OPERATING CLUB NOW AND LAWFULLY OPERATING, IT COULD CONTINUE OPERATING EVEN IF ZONING WAS DOWN ZONED TO CS.

LEFFINGWELL: ALL RIGHT. THANK YOU.

DUNKERLEY: I HAVE A COMMENT.

MAYOR WYNN: PERHAPS -- WE JUST HEARD FROM THE NEIGHBORHOOD OWNER OR THE AGENT IS HERE. WHY DON'T WE GET A BRIEF TESTIMONY FROM THEM AND MIGHT DISTURB MORE QUESTIONS.

GOOD EVENING. MAY NAME IS ANDREW MARTIN HERE ON BEHALF OF THE OWNERS IN THIS CASE, AND WE DO, WE SUPPORT THE STAFF RECOMMENDATION AND THE PLANNING COMMISSION RECOMMENDATION TO CONSOLIDATE THE CS-1 ZONING TO THE FOOTPRINT OF THE EXISTING USE OF THE -- FOOTPRINT OF THE EXISTING CS-1 USE.

MAYOR WYNN: PERHAPS A QUESTION FOR YOU, MR. MARTIN. YOU MAY NOT KNOW THE HISTORY OF THIS. HOW IS IT THE

EXISTING FOOTPRINT OF AN AH CS USE DOESN'T HAVE CS-1.....CS-1 ZONING?

I BELIEVE IT DOES. YOU'LL NOTICE THE -- THE BULK OF IT DOES THERE.

MAYOR WYNN: THE BULK OF IT DOES, BUT AS I UNDERSTAND THIS, THERE ARE -- I MEAN, THERE'S 1900 SQUARE FEET.

MAYOR, I'M NOT AWARE OF THAT HISTORY OTHER THAN CLUB LA... LATINO THAT WAS IN OPERATION, THEY CEASED OPERATION. THEY REOPENED A CLUB AND THAT'S WHAT WE'RE SEEKING IS A CS-1 FOR THAT FOOTPRINT.

I CAN GIVE A LITTLE BACKGROUND IN THE NOTES I HAVE HERE. THE ORDINANCE STATES THAT ORIGINALLY WAS ORIGINALLY GRANTED CLUB LATINO THE CS-1, STATES THAT IT WAS GRANTED 6,490 SQUARE FEET, WAS REZONED TO CS-1. THE MOST RECENT SURVEY SHOWS THAT THE ACTUAL FOOTPRINT CURRENTLY OF CS-1 IN USE IS 7,699, AND THE APPLICANT IS REQUESTING THAT THE DIFFERENCE IN SQUARE..... SQUARE FOOTAGE, APPROXIMATELY 1200 SQUARE FOOT, BE REZONED TO MAKE IT ALL CONFORMING, AND I CAN'T SPEAK TO THE INITIAL SURVEY WHY THAT DISCREPANCY OF 1200.....1200 SQUARE FEET EXISTS BUT THAT IS WHAT IS TRYING TO BE RECTIFIED AT THIS TIME TO MAKE UP THAT DIFFERENCE. AND THEN TO REMOVE THE POTENTIALITY OF FUTURE CS-1 USES ON THIS SITE.

MAYOR WYNN: SO IN THEORY, SORT OF MOST -- SORT OF FROM A HARD LINE REGULATORY PERSPECTIVE THEN, IN THEORY, SORT OF THE STRONGEST CASE IS THAT FOR WHATEVER REASON THIS CLUB IS A LITTLE BIT LARGER THAN THEIR CURRENT CS -- THEIR OPERATING CS-1 AND A SLIGHTLY LARGER FOOTPRINT THAN IS CURRENTLY ZONED, SO IN THEORY WE COULD GO IN AND SOMEHOW --

CLOSE DOWN 1200 SQUARE FEET --

MAYOR WYNN: MAKE THEM BUILDING A DIVIDING WALL ARREST HAVE SOMETHING ELSE GOING ON IN 1200 SQUARE FEET AND NOT LIQUOR SALES, NOT --

YES, I WOULD ASSUME SO. I WOULD HAVE TO JUST TALK THAT OVER WITH THE -- I WOULD HAVE TO TALK THAT OVER WITH THE PEOPLE WHO DO THE CODE ENFORCEMENT TO GET AN EXACT ANSWER.

MAYOR WYNN: THANK YOU.

MAYOR, WE ARE TRYING TO RELOCATE SOME UNUSED CS-1, AS YOU CAN SEE, AND THE NET RESULT IS A REDUCTION IN THE TOTAL CS-1 ZONING ON THAT FOOTPRINT.

MAYOR WYNN: THANK YOU,.. QUESTIONS OF THE -- MAYOR PRO TEM?

DUNKERLEY: I HAVE ANOTHER ISSUE, NOT FOR PLANNING STAFF BUT FOR ASSISTANT CITY MANAGER, RUDE I GARZA. CAN YOU CONTACT APD AND SEE IF WE CAN GET BETTER ENFORCEMENT IN THAT AREA AND IN THAT CLUB SO THAT WE CAN REDUCE THE IMPACT ON THE NEIGHBORHOOD THAT WAY? AND I THINK WE CAN SPEND THE TIME BETWEEN FIRST AND SECOND READING GETTING THESE DISCREPANCIES WORKED OUT, BUT FOR FIRST READING I WOULD MAKE A MOTION TO -- I.. I WOULD MOVE TO ACCEPT THE STAFF RECOMMENDATION.

MAYOR WYNN: SO, LET'S SEE, ON THE COMBINED TRACTS 45 --

FOR ALL THREE OF THOSE TRACTS.

MAYOR WYNN: 45 A AND 45 B, MOTION BY MAYOR PRO TEM, SECONDED BY COUNCIL MEMBER MCCrackEN, IS -- SHOWED THE LAND USE DESIGNATION AS MIXED USE AND TO APPROVE ON FIRST READING ONLY STAFF RECOMMENDATION OF GRNP WITH MUB AND MUC OF -- ON TRACT 45, 45 A, THE CS-1 MP WITH MUB AND NUC, AND 45 B, CS-1 MP WITH MUB AND NUC. COUNCIL MEMBER KIM?

KIM: I'M CONCERNED ABOUT THE RECOMMENDATION BECAUSE IT WOULD PUT THE CS-1 ZONING ALTOGETHER, AND I AGREE WITH THE NEIGHBORS. GIVEN WHAT WE'RE SEEING AND WE WANT TO SEE ALONG THE EAST RIVERSIDE CORRIDOR, I THINK GROUP 2'S RECOMMENDATION WOULD

BE BETTER BECAUSE IT SPLITS IT UP AND MY UNDERSTANDING IS THAT THERE'S GOING TO BE A LARGE CLUB, AS A PROPOSED DEVELOPMENT, WITH ALL THE CS-1 ZONING GROUPED TOGETHER. SO I WILL NOT SUPPORT THE MOTION MOTION.

MAYOR WYNN: THANK YOU. COUNCIL MEMBER, FURTHER COMMENTS? COUNCIL MEMBER MARTINEZ?

MARTINEZ: IF THE -- IF THE CLUB THAT'S CURRENTLY OPERATING UNDER A SQUARE FOOTAGE, WHAT DID YOU SAY, 1200 --

WE'RE BACK TO THAT. IT'S CURRENTLY OPERATING, APPARENTLY ACCORDING TO THE SURVEY THAT WAS DONE RECENTLY, THE ACTUAL FOOTPRINT IN USE IS 6,000 -- 7,600 #- 99, BUT THE ORIGINAL FOOTPRINT THAT WAS REZONED WAS FOR 6490 SQUARE FEET. SO THERE'S 1200 SQUARE FEET MORE BEING USED THAN WHAT WAS ORIGINALLY BEING USED. I CAN'T SPEAK TO THE DISCREPANCY BETWEEN THEN AND NOW.

IN REZONING THIS ARE WE ADDING THAT 1200 SQUARE FEET INTO --

LD..THAT WOULD BE -- YES, IT WOULD CONSOLIDATE THE CS-1 AND THEN ELIMINATE THE POTENTIAL YALT FOR NEW CS-1 USES ON THAT SITE.

BUT WHAT WE'RE DOING NOW IS WE'RE INCREASING THE ABILITY FOR THE CLUB LATINO TO INCREASE BY 1200 SQUARE FEET?

1200 SQUARE FEET. ACTUALLY IT WOULDN'T BE INCREASE. THERE'S ALREADY 7,699 IN USE. IT WOULD MAKE AN ADDITIONAL 1200 FEET LEGAL USE.

BUT THE CURRENT MOTION WOULD TAKE IT TO 9600 SQUARE FEET, RIGHT?

NO, IT WOULD TAKE IT TO 6,699, UP FROM 6,490. IT WOULD ADD 1200 TO THAT 6400 AMOUNT.

MAYOR WYNN: FURTHER COMMENTS? I'LL JUST SAY THAT I'VE -- WHEN I LOOK AT BOTH OF THESE I DON'T LIKE HOW THEIR RECOMMENDATION, GROUP 2 OR STAFF -- IF I NOTE WHAT APPEARS TO BE ON GROUP 2, TRACT 45, INCLUDES THE CS-1 MP.. MP --

SORRY TO CATCH YOU OFF GUARD, MAYOR AND COUNCIL. IF THERE'S AN ADDITION THAT'S ADDED TO THIS CLUB, IN ORDER FOR IT TO LEGALLY OPERATE THEY WOULD NEED TO SEEK BEYOND THIS ZONING CHANGE A CONDITIONAL USE PERMIT THAT WOULD REQUIRE BEFORE THE PLANNING AND ADJACENT PROPERTY OWNERS 300 FEET. SO IF THIS IS INDEED AN EXPANSION OF THE CLUB, SIMPLY BY YOUR ACTION TODAY, IT WOULD NOT NECESSARILY ALLOW THEM TO LAWFULLY OCCUPY THAT SPACE UNTIL A CONDITIONAL USE PERMIT IS ACQUIRED. IT WOULD MERELY ALLOW THEM THE OPPORTUNITY TO FILE A CONDITIONAL USE PERMIT AND THEN THAT WOULD GO TO THE COMMISSION. THE COMMISSION WOULD THEN HAVE THE ABILITY TO APPROVE OR DENY AND THERE WOULD BE A RIGHT OF APPEAL TO THE CITY COUNCIL ON THAT CONDITIONAL USE PERMIT FOR THIS EXPANSION. IF WE CANNOT LOCATE A CONDITIONAL USE PERMIT, AND SOUNDS LIKE THIS AREA IS BEING ADDED SO A CONDITIONAL USE PERMIT WOULD ALSO BE REQUIRED. I JUST WANT TO MAKE SURE THE COUNCIL WAS AWARE OF THAT.

MAYOR WYNN: SOUNDS LIKE IT'S A QUESTION WE HAD EARLIER, MR. GUERNSEY, IS THERE ALREADY ARE OCCUPYING THE SPACE AND THIS SPACE -- OR THIS ADDITIONAL SPACE, BUT IT HAPPENS TO NOT BE ZONED CS-1. SO ON -- GERN'S AGAINST AND I'M PRESUME WILLING.....IF THEY WERE LAWFULLY OPERATING AND WE COULD FIND IN THAT SPACE THEY WOULDN'T NEED THE ZONING TO BEGIN WITH, IF THEY WERE LAWFULLY OPERATING THERE. BUT IF THEY WERE NOT AND THEY DO NEED THE CS-1 ZONING, THEY WOULD NOT ONLY NEED CS-1 ZONING, THEY WOULD ALSO NEED A CONDITIONAL USE PERMIT. THAT'S ALL I'M SAYING.

MAYOR WYNN: BUT IF THEY WERE -- IF THEY, IN FACT, WERE -- IF THERE'S DOCUMENTATION AND THEY WERE LAWFULLY OCCUPYING THIS EXPANDED SPACE AND WE DIDN'T ZONE IT

CS-1, THEY'D STILL BE NON-COMPLYING LEGAL IN THAT EXPANDED SPACE.

THAT'S CORRECT, AND WE CAN CERTAINLY WORK WITH THE PROPERTY OWNER AND LOOK BACK THROUGH OUR RECORDS AND SEE IF A CONDITIONAL USE PERMIT HAS BEEN A STANDING REQUIREMENT WITH THE CITY FOR AT LEAST 20 YEARS. I'M NOT SURE HOW LONG THE CLUB HAS BEEN IN THIS LOCATION OCCUPYING THE SAME SQUARE FOOTAGE BUT THAT WOULD BE EASY TO FIND.

MAYOR WYNN: WELL, I'LL JUST SAY IT SEEMS TO ME FUNDAMENTALLY THESE NEIGHBORHOOD PLANS ARE OPPORTUNITIES FOR US TO GO IN AND WHEN THERE'S A CENTER LIKE THIS THAT'S -- YOU KNOW, FRANKLY IS NOT OPTIMAL AND THERE..... THERE'S SOME CS-1 ZONING INTERSPERSED IN IT THAT HAPPENS TO NOT BE UTILIZED FOR CS-1, FRANKLY I SEE IT AS A CHANCE TO ELIMINATE SOME OF THAT. YOU KNOW, PROPERTY OWNER ALWAYS HAS A CHANCE TO COME BACK AND FILE FOR ZONING CHANGE LATER AS A NEED MYSELF ARISE, SO I DON'T SEE THIS AS A SIMPLE -- AN ADVANTAGEOUS TRADE-OFF OF GETTING TECHNICALLY LESS CS-1 SQUARE FOOTAGE OF THIS PROPERTY WHEN THERE'S -- THERE'S NOT THAT CS-1 USE BEING UTILIZED. SO -- YES, COUNCIL MEMBER?

MAKE THE MOTION AND THE SECOND, CONSIDER IT FRIENDLY TO AMEND THE MOTION TO JUST CS-1 WHERE IT'S CURRENTLY IN EXISTENCE.

COUNCIL MEMBER, FOR CLARIFICATION, WOULD THAT MEAN WHERE IT'S CURRENTLY BEING USED, NOT WHERE IT'S BEING ALLOCATED ON THE ZONING MAP?

MCCRACKEN: WHERE IT'S CURRENTLY BEING USED.

MAYOR WYNN: WHICH I THINK WOULD BE -- SO ON TRACT 45 B --

THAT IS CORRECT.

MAYOR WYNN: SIMPLY REMOVING THE CS-1..... CS-1.

AND MAKING IT PLAIN OLD CS.

MAYOR WYNN: CS SO REMOVING THE 1 DESIGNATION.
MAYOR PRO TEM --

DUNKERLEY: I THINK IT'S FINE BUT I NEED SOMEBODY TO
CLARIFY IT.

MAYOR WYNN: FIRST READING ONLY. SO THE REQUESTED
FRIENDLY AMENDMENT BY COUNCIL MEMBER MARTINEZ
THAT I PERSONALLY SUPPORT IS TO AMEND YOUR AND
COUNCIL MEMBER MCCrackEN'S MOTION ON TRACT 45 B,
REMOVING THE CS-1 DESIGNATION AND SO REMAINING JUST
CSMP WITH MUB, NU . NUC.

DUNKERLEY: TO LEAVE CS ONE WHERE IT'S CURPTLY CS-1 IN
THAT AREA?

MAYOR WYNN: CORRECT.

DUNKERLEY: THAT WILL BE FINE ON FIRST READING BUT
WILL YOU HAVE TIME TO RESEARCH IT AND SEE IF THOSE
CONDITIONAL USE PERMITS ARE REALLY THERE OR NOT?

CLARIFICATION PURPOSES. NOT -- MY AMENDMENT IS NOT
TO LEAVE IT CS-1 WHERE IT'S CURRENTLY CS-1.

DUNKERLEY: WELL, THEN I REALLY SUPPORT IT.

IT IS TO LEAVE IT WHERE IT'S CURRENTLY BEING USED.

DUNKERLEY: THAT'S WHY..... THAT'S WHERE I THOUGHT --

FOR CLARIFICATION, WOULD THAT BE FOR THE ORIGINAL
6,490 SQUARE FEET NOT THE ADDITIONAL 12.

DUNKERLEY: I THINK THAT WAS MY MOTION.

MAYOR WYNN: SO I BELIEVE THAT THE INTENT HERE -- MY
INTENT, ALTHOUGH I CAN'T OFFER A FRIENDLY AMENDMENT
IS FOR -- ON THE MOTION FOR 45 B SIMPLY REMOVING THE 1
OF THE CS-1 DESIGNATION, AND OF COURSE THE -- YOU
KNOW, THE BUSINESS -- WITH THE CHANCE TO CLARIFY AND

APPROVE DOCUMENTATION THAT IF, IN FACT, THEY ARE THERE CURRENTLY LEGALLY, THEN THEY GET TO REMAIN THERE AS A LEGAL NON-COMPLYING IN THAT SMALL PORTION AND MY INSTINCT IS I'D CERTAINLY BE OPEN TO SECOND AND/OR THIRD READING IF WE... WE CAN DOCUMENT THAT THEY DO HAVE THAT ABILITY, THEN I WOULD ACKNOWLEDGE THAT. BUT RIGHT NOW I JUST DON'T LIKE THE IDEA OF EXPANDING SQUARE FOOTAGE, YOU KNOW, AT THIS TIME.

DUNKERLEY: THAT'S FINE.

BIG.

DOES THAT ELIMINATE THE QUESTION THAT THE NEIGHBORHOOD HAS FOR BIG BOX BAR, FOR WANT OF A BETTER TERM?

I GUESS THE BIG BOX BAR WOULD STILL REMAIN EXCEPT IT WOULD BE 1200 FEET SMALLER THAN THE RECOMMENDATION.

IT WOULD BE SMALLER.

6,490 SQUARE FEET BAR.

MAYOR WYNN: SO WE HAVE AN AMENDED MOTION ON THE TABLE. THIS IS TRACTS 45, 45 A, 45 B, FIRST READING ONLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON FIRST READING ON A VOTE OF 7-0.

WE'RE ALMOST DONE, MAYOR. THE NEXT TRACT IN ADDRESS WOULD BE FOR 40 -- IT WOULD BE TRACT 46, IT WOULD BE 1605 EAST RIVERSIDE, LOCALLY KNOWN AS THE BIZARRE, BAZAAR, AND THE CURRENT ZONING AND USE IS COMMERCIAL WITH CS ZONING. THE PLANNING COMMISSION RECOMMENDED GR-MU-CO MP, AND TO PROHIBIT MULTIFAMILY. THE STAFF RECOMMENDATION WOULD BE

GRMP, AND AGAIN, THAT WOULD CREATE A CONSISTENT ZONING PATTERN ON RIVERSIDE DRIVE BY REDUCING THE AMOUNT OF CS ZONING. THE PROPERTY OWNER OWNERS ARE NOT IN ATTENDANCE BUT GROUP 1, THERE'S NO CLEAR CONSIST US,. CONSENSUS AND THE NEIGHBORHOOD PLANNING TEAM AGREES WITH STAFF.

MAYOR WYNN: QUICK, SOMEBODY MAKE A MOTION.

THAT CONCLUDES MY PRESENTATION.

MAYOR WYNN: MOTION MADE BY COUNCIL MEMBER MCCracken, SECOND SECONDED BY COUNCIL MEMBER MARTINEZ ON TRACT 46 TO SHOW THE COMMERCIAL DESIGNATION ON THE LAND USE AND APPROVE ON FIRST READING ONLY STAFF RECOMMENDATION OF GRNP. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON FIRST READING ON A VOTE OF 7-0.

THE NEXT TRACTS ARE GOING TO BE ANOTHER COMBINATION, THAT WOULD BE 49, 50. 49 IS ON PAGE 13, PAGE 50, ON THE FOLLOWING PAGE 15 -- NO, SORRY, TRACT 47, GETTING AHEAD OF MYSELF. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.]

Mayor Wynn: WOULD THE NEIGHBORHOOD LIKE TO ADDRESS US?

YES, THANK YOU. THIS IS A GATEWAY BUNGALOW TO OUR NEIGHBORHOOD. IT'S SORT OF ON RIVERSIDE DRIVE, BUT IF YOU LOOK AT IT THERE'S A CONSIDERABLE BUFFER THERE THAT USED TO BELONG TO THE CITY ACTUALLY, AND WAS SOLD TO THE SULLIVANS DURING OUR NEIGHBORHOOD PLANNING PROCESS. ON THE NORTHWEST CORNER THERE ARE FAIRLY LARGE GAS PIPELINES THAT I'M SURE NEED TO PROTECTED FROM CARS, ETCETERA. THERE IS BUFFERING ALL AROUND IT THAT MAKE IT LIKE A NEIGHBORHOOD HOME. THIS IS RIGHT ON OLD EAST RIVERSIDE DRIVE. THE HOUSE IS

BOUNDED BY RIVERSIDE DRIVE, SUMMIT AND OLD EAST RIVERSIDE DRIVE, WHICH IS A VERY NARROW, OLD EAST RIVER RIVERSIDE DRIVE. IT'S THE OLD RIVERSIDE DRIVE. AND THIS HOME IS THE GATEWAY TO THIS NEIGHBORHOOD. AND IT'S A SMALL, NON-STANDARD LOT. IT'S NOT BIG. THERE'S NOT A WHOLE LOT THAT YOU CAN DO THERE EXCEPT FOR PROBABLY PARKING LOT, WHICH WOULD BE VERY DETRIMENTAL TO THE SINGLE-FAMILY HOME THAT IS RIGHT ACROSS THE STREET FROM IT. SO WE'VE BEEN CONCERNED ABOUT PROTECTING THE SINGLE-FAMILY HOMES IN OUR NEIGHBORHOOD. IF YOU LOOK AT HOW LITTLE YELLOW THERE IS, THIS IS ONE DOT OF YELLOW. MAYBE THERE'S SOME OTHER WAY TO UTILIZE IT AS A HOME THERE WITH AN OFFICE, BUT THERE'S NO PARKING, THERE'S NO WAY TO HAVE ANY PARKING, AND SO USES ARE LIMITED THERE. SO WE'RE TRYING TO PRESERVE THE LOOK AND FEEL OF OUR NEIGHBORHOOD BY LEAVING THIS SF-3. THANK YOU.

QUESTIONS OF THE NEIGHBORHOOD REPRESENTATIVES, COUNCIL? OWNER IS NOT HERE?

APPARENTLY NOT. BUT THERE WERE HERE AT THE MEETING IN SEPTEMBER.

Mayor Wynn: QUESTIONS, COMMENTS? COUNCILMEMBER KIM?

Kim: I JUST HAVE A QUESTION ABOUT THIS AREA BECAUSE I'M LOOKING AT SOME OF THE MAPS AND IT'S GOT AN ASTERICK ON IT. AND IT SAYS MIXED USE BUILDING AND URBAN NEIGHBORHOOD CENTER. IS THAT CORRECT?

YES. THE MAP THAT YOU'RE LOOKING TO WOULD REFERENCE THE MAP THAT THE RECOMMENDATION FROM THE PLANNING COMMISSION AND STAFF WOULD RECOMMEND ALONG WITH THE ZONING CHANGE FROM SF-3 TO OFFICE MIXED USE, ALLOWING NEIGHBORHOOD MIXED USE BUILDING ON THE SITE AS WELL.

WOULD THERE BE ROOM TO ACCOMMODATE PARKING?

I'M NOT AS FAMILIAR WITH THIS SITE AS THE STAFF WHO

WORKED ON THIS ORIGINALLY. SHE HAD TO GO OUT.... OUT OF TOWN FOR FAMILY MEMBERS, SO I'M FILLING IN FOR HER THIS EVENING. BUT ANY PARKING REQUIREMENTS, THE SIGN WOULD BE LIMITED BY WHAT YOU COULD DO IN THE SITE PLAN PROCESS BY THE NUMBER OF CARS YOU COULD PUT THERE. SO THE SQUARE FOOTAGE OF ANY NEW DEVELOPMENT WOULD BE STRICTLY LIMITED BY HOW MANY CARS YOU COULD PROVIDE AND OFFICE USE.

AT THE TIME OF REDEVELOPMENT THEY WOULD HAVE TO PROVIDE ADEQUATE PARKING ON THE SITE TO SERVE WHATEVER THE USE WOULD BE. AND I UNDERSTAND WITH THE NEIGHBORHOOD, WHAT GALE IS SAYING THAT THERE WAS A PIECE OF CITY LAND THAT WAS RIGHT AT THE CORNER ADJACENT TO THIS PARCEL, AND IT SOUNDS LIKE THE PROPERTY OWNER ACTUALLY ACQUIRED THAT. SO THAT MAY HELP THEM REDEVELOP THAT PROPERTY IN THE FUTURE, PROVIDING THEM A LITTLE BIT MORE FLEXIBILITY OF GETTING PARKING ON THIS PROPERTY. THERE'S PROBABLY A RESTRICTION ON ACCESS THAT WOULD EITHER PROBABLY BE LIMITED TO OLD BEE CAVES ROAD. I KIND OF DOUBT THAT THEY WOULD BE ABLE TO TAKE ACCESS -- EXCUSE ME, OLD RIVERSIDE DRIVE. OR RIVERSIDE DRIVE AT THE INTERSECTIONS BECAUSE THEY WOULD HAVE TO SET BACK AWAY. SO WHERE YOU SEE -- I THINK ON EXHIBIT THAT'S ON THE MONITOR RIGHT NOW THERE'S A SMALL IT LOOKS LIKE A GARAGE STRUCTURE. THEY MIGHT BE ABLE TO HAVE ACCESS FROM THAT POINT, BUT THE OTHER PART, IF THEY WERE ABLE EVEN TO GET ACCESS, THEY MIGHT BE ABLE TO DO JOINT ACCESS WITH THE NEIGHBORING PROPERTY TO THE EAST OR THEY MIGHT BE ABLE TO HAVE A DRIVEWAY THAT WOULD COME IN OFF OF EAST RIVERSIDE TO GET BACK TO A PARKING LOT, DEPENDING ON WHAT THOSE GRADES ARE. BUT THEY WOULDN'T BE ABLE TO DO THE CHANGED USE WITHOUT PROVIDING THE PARKING. IF THEY WEREN'T ABLE TO PROVIDE THE PARKING THEY WOULD HAVE THE RIGHT OF SEEKING A VARIANCE FROM THE BOARD OF ADJUST NLT, BUT IT'S VERY DIFFICULT FOR ANINESS TO SURVIVE WOI HAVING PARKING -- FOR ANY BUSINESS TO SURVIVE WITHOUT PARKING AVAILABILITY. I THINK THERE ARE PROBABLY RESTRICTIONS PROHIBITING PARKING ON SUMMIT DIRECTLY AT THE INTERSECTIONS

BECAUSE IT WOULD BLOCK THE SIGHT DISTANCE UP AND DOWN THE STREET.

Kim: SO WHAT'S ADJACENT TO IT, JUST TO THE EAST OF IT THAT'S LOT 46 WHICH WE JUST DID THE ZONING ON COMMERCIAL?

THE BAZAAR.

...

Kim: AND EAST OF THAT IS EVEN MORE COMMERCIAL, CORRECT? SO THE NEIGHBORHOOD IS ASKING FOR SINGLE-FAMILY RIGHT NEXT TO COMMERCIAL. THAT DOESN'T SEEM TO ME LIKE A COMPATIBLE USE, ESPECIALLY FOR WE'RE LOOKING AT THE CORRIDOR STUDY FOR EAST RIVERSIDE.

I WAS GOING TO SAY THE PROPERTY THAT'S FURTHER TO THE LEFT IS A HOTLY CONTESTED TRACT THAT WILL BE COMING TO YOU AT SOME POINT.

Kim: OKAY. THANK YOU.

Mayor Wynn: FURTHER QUESTIONS,. COMMENTS?
COUNCILMEMBER MCCRACKEN.

McCracken: WHAT WE WERE LOOKING AT OVER HERE WAS THE GOOGLE MAP SATELLITE OF THIS. AND THIS IS -- IT'S RIGHT THERE ON RIVERSIDE. IT IS -- IT'S RIGHT NEXT TO A STRIP OF COMMERCIAL, SO FROM A PLANNING PERSPECTIVE AND TO BE CONSISTENT WITH THE PLANNING GOALS AND THE RIVERSIDE CORRIDOR PLAN OPPORTUNITIES, I'M GOING TO MOVE TO APPROVE THE STAFF RECOMMENDATION ON FIRST READING AND TO INCLUDE THE LAND USE -- FUTURE LAND USE TO COINCIDE WITH THAT MOTION.

SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER COLE TO APPROVE TRACTS 47 AND 49, CORRECT, MR. WALTERS?

THAT WAS 47. THE NEXT -- THAT WOULD BE JUST 47. I SPOKE

TOO SOON EARLIER.

JUST TRACT 47.

THAT'S CORRECT.

Mayor Wynn: STAFF RECOMMENDATION, MIXED USE OFFICE, LAND USE DESIGNATION AND LO-MU-CO-NP WITH MUB-CO PROHIBIT BEING MULTI-FAMILY RESIDENTIAL, FIRST READING ONLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASS OZ FIRST VEED READING ONLY ON A VOTE OF SEVEN TO ZERO.

THE LAST TWO TRACTS, 49 AND 50 BEING CONSIDERED TOGETHER. 49 IS THE SOUTH I-35 SERVICE ROAD NORTHBOUND, LOT 3-A, RESUBDIVISION OF LOT 3, PARK SIN CON SUBDIVISION AND LOT 12, BLOCK 10, BELLEVUE PARK, SAVE AND EXCEPT THE PORTION DESCRIBED IN TRACT 50. THE CURRENT ZONING AND USE IS OFFICE USE WITH LR ZONING. IT'S AN OFFICE BUILDING. THE PLANNING COMMISSION RECOMMENDATION WAS TO LR-MU-CO-NP WITH MIXED USE LAND USE DESIGNATION AND ANY NEW REDEVELOPMENT AT THE SITE SHALL BE NO CLOSER -- SHALL BASICALLY BE NO CLOSER TO THE SINGLE-FAMILY THAN THE CURRENT FOOTPRINT OF THE BUILDING. THE STAFF RECOMMENDATION WAS FOR LO-NP WITH A LAND USE DESIGNATION OF OFFICE. THE AGENT REPRESENTING THE PROPERTY OWNER IS ONSED TO THE DOWN ZONING AND REQUESTS LR-MU-NP. THE ORIGINAL RECOMMENDATION TO THE PLANNING PROCESS WAS THE SAME AS STAFF. OFFICE LAND USE DESIGNATION. THE NEIGHBORHOOD PLANNING TEAM, GROUP 2 COLUMN, IS THE SAME AS OFFICE WITH LO-NP. THERE IS A VALID PETITION, BUT SINCE WE'RE ONLY GOING -- VALID PETITION BY THE PROPERTY OWNER FOR A ZONING CHANGE. BUT SINCE WE'RE ONLY GOING FOR FIRST READING ONLY, IT WILL ONLY TAKE FOUR VOTES. THAT CONCLUDES MY PRESENTATION AND THERE'S A REPRESENTATIVE OF THE PROPERTY OWNER IN ATTENDANCE AS WELL AS REPRESENTATIVES FROM THE

NEIGHBORHOOD IF YOU HAVE ANY QUESTIONS OF THEM.

Mayor Wynn: THANK YOU. QUESTIONS FOR STAFF, COUNCIL?
MAYOR PRO TEM?

Dunkerley: ON THE CONDITIONAL OVERLAY THAT THE
PLANNING COMMISSION PUT ON THIS PROPERTY --

FROM MY RECOLLECTION, IT WAS VERY LATE MEETING, BUT I
DO REMEMBER THAT IT SAID BASICALLY THAT NEW
REDEVELOPMENT OF THE SITE --

Dunkerley: MAYBE THE AGENT WILL KNOW.

I THINK JEFF HOWARD COULD SPEAK TO THAT BETTER THAN
I.

GOOD EVENING, MAYOR AND COUNCILMEMBERS, MY NAME
IS JEFF HOWARD FOR APPLICANT. MAYOR PRO TEM, THE
CONDITIONAL OVERLAY RECOMMENDED BY THE PLANNING
COMMISSION ON TRACT 49 WAS REALLY OUT OF
CONSIDERATION FOR WHAT THE PLANNING COMMISSION
WAS RECOMMENDING ON TRACT 50. ON TRACT 50 THEY
WERE RECOMMENDING LO ZONING, WS RHO
THE.....WHICH IS WHAT THE STAFF RECOMMENDED AND
THE APPLICANT SUPPORTS, BUT TO MITIGATE ANY
CONCERNS ABOUT COMPATIBILITY STANDARDS, THE
PLANNING COMMISSION PUT AN ADDITIONAL CONDITIONAL
OVERLAY ON TRACT 49 TO PROHIBIT BUILDINGS GETTING
ANY CLOSER, AND I SAID THAT WAS OKAY WITH US.

Dunkerley: YOU'RE IN AGREEMENT WITH THAT
CONSIDERATION?

PROVIDING THAT TRACT 50 IS ZONED IN ACCORDANCE WITH
THE PLANNING COMMISSION RECOMMENDATION.

Dunkerley: LR.

HEARING WHAT MR. HOWARD JUST SAID, MAYBE WE COULD
GO AND HEAR 50, GO OVER TRACT 50 AND THEN HEAR THEM
TOGETHER. I MIGHT HAVE CLOSED MY PRESENTATION

PREMATURELY.

Mayor Wynn: LET'S DO THAT, PLEASE.

TRACT 50 IS 1301 SOUTH I.. I-35 SERVICE ROAD, SERVICE ROAD NORTHBOUND. IT'S A .2-ACRE TRACT MORE OR LESS OUT OF THROT A. AND LOT 12, BLOCK 10 BELLEVUE PARK SUBDIVISION COMPRISED OF THE EAST 50 FEET WEST OF AND PAIR THROAL THE WESTERN PROPERTY LINE. CURRENT ZONING AND LAND USE, THE CURRENT ZONING IS SF-3 AND THE LAND USE WOULD BE OFFICE BECAUSE IT'S THE PARKING LOT FOR THE OFFICE BUILDING LOCATED ON TRACT 49. THE PLANNING COMMISSION AGREED TO LO-CO-NP WITH AN OFFICE DESIGNATION. THE CO, THE CONDITIONAL OVERLAY, WOULD LIMIT THE HEIGHT TO 12 FEET AND PROHIBIT ACCESS TO THE NEARBY LUPINE STREET. THE STAFF RECOMMENDATION WAS FOR A LAND USE DESIGNATION OF OFFICE AND LIMITED HEIGHT OF ANY STRUCTURE ON THE SITE TO 12 FEET AND PROHIBIT ACCESS TO LUPINE. THE ZONING IS CONSISTENT WITH THE PROPOSED ZONING FOR OFFICE BUILDING ON TRACT 49. THE PROPOSED CO MINIMIZES IMPACT ON A CURRENTLY CONSTRUCTED PARKING LOT AND ADJACENT SINGLE-FAMILY RESIDENCE BES. ALSO THERE IS A SIGNIFICANT GRADE CHANGE BETWEEN THE PARKING LOT AND OFF JAY SENT NEIGHBORS. THE PARKING LOT IS NOTICEABLY LOWER THAN THE ADJACENT SINGLE-FAMILY PROPERTY. I THINK THE GRADE CHANGE IS SIX TO EIGHT FEET IF I'M NOT MISTAKEN. SO THAT IS THE SITUATION ON THE GROUND. THE PROPERTY OWNER SUPPORTS THIS LO-CO-NP STAFF RECOMMENDATION. THE INITIAL PLANNING PROCESS RECOMMENDED SINGLE-FAMILY LAND USE AND SF-3 ZONING, AND THE GROUP OF THE NEIGHBORHOOD CONTACT TEAM RECOMMENDS SINGLE-FAMILY LAND USE AND SINGLE-FAMILY 3 ZONING ON THIS SITE. AND THAT FINISHES MY PRESENTATION. THERE ARE REPRESENTATIVES HERE IF YOU HAVE ANY QUESTIONS OF THEM.

Mayor Wynn: THANK YOU. SO COUNCIL, WE HEARD FROM MR. HOWARD. PERHAPS IF THE NEIGHBORHOOD COULD GIVE US THEIR PERSPECTIVE.

THANK YOU. TONI HOUSE, GOOD EVENING. TRACT 49 IS THE

OFFICE BUILDING WAS BUILT IN THE EARLY '70'S. PROANTER IGNORED CODE AND OVERBUILT. THE TOP FLOOR OF HIS BUILDING SAT EMPTY FOR OVER A YEAR UNTIL HE WAS ABLE TO OBTAIN A SINGLE-FAMILY RESIDENTIAL LOT ON LUPINE WHICH HAS BEEN EXCAVATED DOWN TO PROVIDE HIS PARKING. AND THE RESTRICTIVE COVENANT HAS BEEN IN PLACE AS A RESULT OF THAT THAT DOES PROHIBIT THAT LIMITS THE HEIGHT -- NO STRUCTURE COULD BE BUILT ON THE PARKING LOT AND THERE WAS TO BE NO ACCESS TO LUPINE, AND THE TRACT SHOULD REMAIN SF-3 BECAUSE IT TRIGGERS COMPATIBILITY STZ FOR THE HOMES ADJACENT AND SLIGHTLY ABOVE SINCE THIS TRACT HAD TO BE EXCAVATED DOWN. OUR AREA IS DESPERATELY NEEDS TO KEEP WHAT LITTLE LIMITED OFFICE ZONING WE CURRENTLY HAVE OR USES THAT WE HAVE, THE AMERICANA BUILDING HAS ALWAYS BEEN USED AS AN OFFICE BUILDING AND THAT'S WHAT THIS PROPERTY SHOULD BE AND THE PROPERTY BEHIND IT SHOULD REMAIN SF-3 IN ORDER TO TRIGGER THE COMPATIBILITY STANDARDS THAT ARE NEEDED TO PROTECT THE SINGLE-FAMILY HOMES ABOVE IT AND BEHIND IT. AND ACTUALLY IT WAS ALL PART OF THAT RESTRICTIVE COVENANT IS JUST A PART. WE HAVE RESTRICTIVE COVENANTS RUNNING FROM SUNNY VEIL ALL THE WAY AROUND OVER TO -- CLOSE TO PARKER LANE. WE HAVE ZONING SITE PLANS THAT ARE IN EFFECT ON THE TIME INSURANCE CASES THAT LIMIT DEVELOPMENT. ALL OF THESE WERE PUT IN PLACE TO PROTECT THE NEIGHBORHOOD. AND THE SF-3 ZONING ON THIS PARKING LOT SHOULD STAY IN ORDER TO CONTINUE TO PROTECT THE NEIGHBORHOOD. THANK YOU.

Mayor Wynn: QUESTIONS, COMMENTS? MAYOR PRO TEM.

Dunkerley: I HAVE A QUESTION OF STAFF. ON 50 ON THE PARKING LOT, IF WE APPROVE LO-CO ON THAT AND RESTRICT ANY BUILDINGS FROM BEING ANY CLOSER THAN THE BUILDINGS THAT ARE CURRENTLY ON TRACT 49, DOESN'T THAT ACCOMPLISH WHAT WE'RE TRYING TO ACCOMPLISH? ALL WE'RE DOING IS MAKING THE PARKING LOT LEGAL AND WE'RE NOT PERMITTING ANY STRUCTURES ON THAT PARKING LOT. I MEAN, ANYTHING ANY CLOSER THAN WHAT'S ALREADY THERE ON 49.

AND IF YOU WERE TO LEAVE THE SINGLE-FAMILY ON THE PARKING LOT, ANY REDEVELOPMENT -- I DON'T KNOW WHERE THE BUILDING LIES ON THE LOT, BUT THAT WOULD FORCE ANY REDEVELOPMENT 25 FEET -- WITHIN 25 FEET OF THAT PARKING LOT, IT WOULD BE A COMPATIBILITY SET BACK.

Dunkerley: BUT IF WE SAY THAT ANY REDEVELOPMENT CANNOT BE ANY CLOSER TO THE NEIGHBORHOOD THAN THE CURRENT BUILDINGS, WE ARE AT LEAST PROTECTING IT IN THAT REGARD.

YES.

Dunkerley: OKAY.

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

Dunkerley: MAYOR, I COULD MAKE A MOTION. ON TRACT 49 I WOULD MOVE APPROVAL OF THE PLANNING COMMISSION RECOMMENDATION WITH THE CONDITIONAL OVERLAY, AND ON TRACT 50 THE STAFF RECOMMENDATION WITH THE CONDITIONAL OVERLAY.

WITH THE MIXED USE -- PLANNING COMMISSION MIXED USE LAND USE DESIGNATION AND THEN THE OFFICE DESIGNATION FOR 50.

Dunkerley: YOU KNOW WHAT I'M TRYING TO ACCOMPLISH. DOES THAT DO IT, THAT MOTION PREVENT ANY OF THE REDEVELOPMENT BEING ANY CLOSER? DUNK OKAY. THANK YOU. SO THAT'S ANY MOTION.

Mayor Wynn: MOTION BY MAYOR PRO TEM ON TRACT 49 DESIGNATING THE LAND USE AS MIXED USE AND ON FIRST READING ZONING PLANNING COMMISSION RECOMMENDATION LR-MU-CO-NP. AND ON TRACT 50, OFFICE LAND USE DESIGNATION AND ON FIRST READING APPROVING STAFF RECOMMENDATION ZONING LO-CO-NP WITH THE APPROPRIATE CONDITIONAL OVERLAYS. SECONDED BY COUNCILMEMBER COLE. FURTHER

COMMENTS? COUNCILMEMBER MARTINEZ?

Martinez: JUST A CLARIFICATION. THE CURRENT LOT THAT IS TRACT 50, DOES THE CO MAINTAIN THIS -- THE CURRENT CO THAT'S BEING PROPOSED AND THE MOTION TO MAINTAIN THE SETBACK AS IF IT WERE TO BE -- AS IF IT WOULD HAVE BEEN WITH SF-3?

PARDON ME, IENL NOT QUITE -- I'M NOT QUITE FOLLOWING THE SECTION.

Martinez: IF WE WOULD HAVE REZONED TRACT 50 TO SF-3, WOULD THE PROPOSED MOTION FOR TRACT 49 BE ALLOWED, WOULD THE SAME COMPATIBILITY STANDARDS EXIST?

I WOULD HAVE TO GO AND LOOK AT THE SITE. I'M NOT FAMILIAR AS I SHOULD. HERE, GREG.

COUNCILMEMBER, LET ME ADDRESS SOMETHING. WHEN YOU HAVE A SITE AND LET'S SAY HALF OF IT IS ZONED SF-3 AND HALF OF IT ZONED LR OR LO, IT'S OWNED BY THE SAME PROPERTY OWNER. IT'S ON ONE SINGLE SITE. MY OWN SF-3 WOULD NOT TRIGGER COMPATIBILITY ON MY LO, SO EVEN THOUGH MY SITE MAY ACTUALLY CONTAIN SF-3 AND I CAN'T PUT AN OFFICE BUILDING ON IT AND I CAN'T REALLY USE IT FOR ANY COMMERCIAL USE, I CAN STILL INCLUDE IT IN MY SITE AND THAT SF-3 WON'T TRIGGER COMPATIBILITY ON MYSELF. SO WHETHER OR NOT YOU ZONE IT LO OR NO OR SF-3-NP, IT WOULD NOT HAVE A NEGATIVE IMPACT ON THE REMAINDER OF THE TRACT THAT'S ALONG 35 IN THIS CASE. AS FAR AS COMPATIBILITY STANDARDS IS CONCERNED. THE ONLY WAY THAT THAT WOULD ACTUALLY HAPPEN TO HAVE A NEGATIVE IMPACT ON THE BUILDING IN 35 IS IS THAT -- IF THE CLIENT WERE TO ACTUALLY SELL THE PARKING LOT OFF AND THEN SOMEONE ELSE WOULD OWN IT AND IT WOULD REMOVE IT FROM THE SITE. THAT WOULD BE THE ONLY WAY IT WOULD TRIGGER COMPATIBILITY ON THE PIECE THAT'S FRONTING ON 35. AND I DON'T THINK THAT WOULD HAPPEN BECAUSE THAT'S ALL HIS PARKING LOT. SO THERE'S NO CHANGE IN COMPATIBILITY WHETHER YOU LEFT IT SF-3 OR LEFT IT LO AS FAR AS IT TRIGGERING UPON HIMSELF. DOES THAT HELP? THE DESIRE PROBABLY TO HAVE IT ZONED

APPROPRIATELY, ASIDE FROM FINANCIAL ISSUES, LO DOES ALLOW MORE IMPERVIOUS COVER THAN SF-3, IT WOULD BRING IT INTO CONFORMANCE WITH THE ZONING THAT'S REQUIRED, BUT IF HE EVER WANTED TO EXPAND THAT SF-3 OR THE PARKING LOT IN THAT SF-3 IF YOU ZONED IT LO, THE ADJACENT PROPERTIES WOULD STILL TRIGGER COMPATIBILITY ON THIS PROPERTY. SO HE WOULD BE LEFT TO WHATEVER HE HAS TODAY.

Martinez: WOULD HE BE ALLOWED TO PUT A SECOND STORE OF A PARKING SURFACE AT 12 FEET?

HE WOULD HAVE A COMPATIBILITY PROBLEM BECAUSE OF THE PROPERTY NEXT DOOR, AND HE WOULD HAVE TO MOVE THAT BUILDING OFF 25 FEET, NOT BECAUSE OF THE SF-3 IN HIS PARTICULAR PROPERTY, BUT THE ONE THAT'S NEXT DOOR TO THAT.

AND THE FOLKS IN THE BACK ARE SAYING IT'S ALSO DEED RESTRICTED.

Mayor Wynn: FURTHER QUESTIONS, DISMENTS MOTION AND A SECOND ON THE TABLE, FIRST READING ONLY. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

MAYOR WYNN AND COUNCIL, THAT CONCLUDES MY PRESENTATION, BUT MY DIRECTOR, GREG GUERNSEY, WOULD LIKE TO MAKE A COUPLE OF COMMENTS BEFORE WE FINISH THIS PRESENTATION.

MAYOR AND COUNCIL, Q. -- YOU CAN MOVE THAT. I'LL USE THE LASER. OVER THE PAST YEAR THE COUNCIL HAS ACTUALLY DIRECTED A CASE KNOWN AS TIME INSURANCE. IT'S ONE OF OUR LONG RUNNING ZONING CASES. IT WAS REFERRED BACK TO THE COMMISSION. I SPENT WITH MANY OF THE NEIGHBORS ACTUALLY PRESENT TONIGHT MANY MONTHS OF MEDIATION. IT REACHED AN IMPASSE. ACTUALLY, IT REACHED ON TWO SEPARATE MEDIATIONS IT

REACHED TWO DIFFERENT IMPASSES AND IT'S COMING BACK TO YOU AGAIN BECAUSE YOU'VE SENT IT BACK TO THE PLANNING COMMISSION BECAUSE OF THE OTHER HALF, WHICH IS ALONG I-35 IN THIS AREA. IT'S LIKE A V THAT WRAPS THE NEIGHBORHOOD. AND THIS PIECE OVER HERE HAS NOW BEEN FILED AND I DON'T THINK IT'S ACTUALLY GONE TO THE COMMISSION, BUT IT WILL BE COMING BACK TO YOU. AND SO DURING THIS TIME THAT YOU'VE ASKED STAFF TO WORK WITH THE MEDIATOR, TWO DIFFERENT MEDIATORS ON THIS PROPERTY, IT MAY BE PREMATURE TO HAVE THIS AS PART OF YOUR FLUM. I'VE SPOKEN TO A LOT OF THE NEIGHBORS AND I'M IN AGREEMENT WITH WHAT THEY'RE SAYING, BECAUSE OF THE ISSUES RELATED TO THIS PROPERTY AND HAVING IT PULLED OUT, IT WAS FILED SEPARATELY BY THE PROPERTY OWNER, JOHN SCHNEIDER, ON THE TIME INSURANCE, AND I THINK THE OTHER HALF IS CALLED TIME TWO, BUT IT'S ALONG 35 AND IT WAS AN OLD ZONING SITE PLAN FOR A HOTEL. THAT WE SHOULD PROBABLY LEAVE THIS AREA WHITE ON YOUR MAP AND LEAVE IT AS A DISCUSSION ITEM AND BRING IT BACK TO YOU WHEN WE BRING THE ZONING. SO JUST AS WE'VE HAD ALL THE OTHER TRACTS THIS EVENING WHERE YOU'VE HAD THE OPPORTUNITY TO HEAR THE FUTURE LAND USE MAP DISCUSSION AND THEN THE ZONING DISCUSSION, IF WE WERE TO LEAVE THIS THE WAY IT WAS APPROVED, I BELIEVE IT WAS YOUR FIRST MOTION ITEM UNDER ITEM NUMBER 73, YOU WOULD ONLY GET TO TALK ABOUT THE ZONING HALF AND NOT THE FUTURE LAND USE MAP HALF. AND SO STAFF IS SUGGESTING THAT YOU PULL THAT V SHAPED TRACT OUT KNOWN AS TIME INSURANCE FROM THE TWO ZONING CASES AND WE BRING THAT BACK TO YOU WHEN WE BRING THE ZONING CASES BACK TO YOU. THAT'S ITEM NUMBER ONE. THE OTHER ITEM -- THE OTHER ITEM YOU MAY RECALL WE HAD SOMETHING CALLED THE MOBILE FOOD ESTABLISHMENT ORDINANCE. AND ON THE 28TH --

I DON'T REALLY RECALL ANYTHING ABOUT THAT? [LAUGHTER]

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Mayor Wynn: MR. GUERNSEY, WHAT ARE YOU ABOUT TO TEE UP? IT IS 11:25. WE ARE NOT GOING TO TEE UP MOBILE

VENDING TONIGHT.

NO, NO. THE ONLY THING THAT STAFF IS ASKING IS THAT YOU HAD CERTAINLY NEIGHBORHOODS ASK YOU TO DIRECT STAFF TO BRING THIS BACK AS ONE OF THE NEIGHBORHOOD PLANNING TOOLS BECAUSE WE ACTUALLY CREATED THAT TOOL WHEN WE CREATED THE MOBILE FOOD VENDING ORDINANCE. SO THE NEIGHBORHOODS IN THIS EROC AREA HAVE SIMPLY ASKED IF YOU COULD DIRECT STAFF TO BRING THIS BACK AS A SEPARATE TOOL ITEM SO THEY CAN BE CONSIDERED BY COUNCIL AS ADDING IT TO THEIR PLAN AND ADDING IT TO THE NP ZONING CASES. THAT'S ALL STAFF IS ASKING. THIS IS SOMETHING THAT WAS ASKED BEFORE AND I WANTED TO MAKE SURE YOU WERE AWARE OF THIS BECAUSE THIS IS SOMETHING THEY DID ASK AND I THINK ALL THE NEIGHBORS THAT I AM AWARE OF ARE OKAY WITH IT AND I THINK COUNCIL WAS OKAY WITH IT AS WELL. THAT'S THE ONLY TWO ITEM I HAD.

Mayor Wynn: COUNCIL, WITHOUT OBJECTION ON BOTH POINTS? THANK YOU VERY MUCH.

THAT CONCLUDES OUR ITEMS FOR THIS EVENING, MAYOR.

Mayor Wynn: THERE BEING NO MORE BUSINESS BEFORE THE CITY COUNCIL, WE STAND ADJOURNED. IT'S 11:26.

End of Council Session Closed Caption Log